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INDEX

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Volume 17 INDEX, APRIL–JUNE 1952 Nos. 64–127

A

ACCOUNTS BUREAU. *See* Treasury Department. Page

ADVISORY COMMITTEES. *See* Committees, boards, etc.

AERONAUTICS, NATIONAL ADVISORY COMMITTEE FOR. *See* National Advisory Committee for Aeronautics.

AGRICULTURE DEPARTMENT:

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Dairy Industry Bureau.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

Agricultural adjustment:
Committees, county and community, of Production and Marketing Administration:
County committee chairmen, authority as contracting officers for Commodity Credit Corporation with respect to certain matters. *See main heading* Commodity Credit Corporation.
Regulations respecting selection and functions:
Committeemen, county and community, and alternates; term of office 5058
Restrictions on voting 5057
Who may vote for committeemen and delegates 5057, 5689

Conservation programs:
National program. *See* Conservation programs.
Special programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.

Marketing quotas, for various agricultural commodities. *See* Peanuts; Tobacco; *and* Wheat.

Agricultural Economics, Bureau of; authority of. *See* Authority, delegations of.

Alaska; domestic animals, diseases of. *See* Animal diseases.

Almonds grown in California, marketing of; changes in salable and surplus percentages for 1951–52 crop year 4523

Animal diseases, certain, in domestic animals in various States and Territories:
Brucellosis; notice regarding existence in each State of United States and in Territories of Puerto Rico, Alaska, and Hawaii 5260
Paratuberculosis; notice regarding existence in Territory of Puerto Rico and in each State of United States with the exception of Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming 5260

20000—52——1

AGRICULTURE DEPARTMENT—Continued Page

Apple sauce; set aside requirements for canned apple sauce 2932

Apples:
Set aside requirements for canned apples 2932
Standards, for frozen apples (revision) 4106

Apricots; set aside requirements for canned apricots 2932

Asparagus:
Set aside requirements for canned asparagus 2930
Standards, for frozen asparagus 3443

Authority, delegations of:
From Office of Price Stabilization, to Bureau of Agricultural Economics; authority to receive certain forms, and compile statistical data for OPS 4267
From Production and Marketing Administration, to Department officials:
Administrator, to Director, Tobacco Branch; authority with respect to marketing agreements and marketing orders governing marketing of tobacco 5170, 5353
Poultry Branch, Director; authority with respect to grading and inspection of poultry and domestic rabbits, and edible products thereof, redelegation of:
Chief, Inspection and Grading Division; approval of plants and labels involving grading and inspection 5737
National Supervisors, Poultry Inspection Section, Inspection and Grading Division; approval of plants and labels involving inspection 5737
From Secretary of Agriculture, to Chief of Soil Conservation Service; authority to determine and advise Director, Land Management Bureau, with respect to development and utilization of minerals, including oil and gas 3180

Beans:
See also Mixed vegetables.
Set aside requirements:
Canned green and wax beans 2930
Canned lima beans 2930
Standards, for frozen lima beans 3783

Beet greens. *See* Greens.

Berries. *See* Blackberries; Blueberries; *and* Raspberries.

Blackberries; set aside requirements for canned blackberries 2932

Blueberries; set aside requirements for canned blueberries 2932

Bonding, and net assets requirements under United States Warehouse Act, and under Commodity Credit Corporation authorizations; notice regarding unit prices for listed commodities 5738

Butter, standards; notice of postponement of promulgation of proposed rule making 3746

Carrots:
See also Mixed vegetables.
Set aside requirements, for canned carrots 2930

AGRICULTURE DEPARTMENT—Continued Page

Catsup, tomato. *See* Tomatoes and products.
Cherries:
Set aside requirements:
Canned red sour (tart) cherries 2932
Canned sweet cherries 2932
Standards, for canned sweet cherries (proposed revision) 3796, 5469
Citrus fruits (grapefruit, lemons, limes, and tangerines):
Export program SMX 23a (fiscal year 1952), for fresh and processed grapefruit:
Eligibility for payment; minimum size of lot 2810
Rate of payment per unit, for grapefruit sections or citrus salad 2810
Marketing of citrus fruits grown in various States:
Arizona:
Grapefruit; limitation of shipments 3479, 4736
Lemons; limitation of shipments 2960, 3228, 3478, 3703, 4108, 4287, 4288, 4524, 4736, 4920, 5184, 5185, 5339, 5387, 5498, 5608, 5808, 5809.
California:
Grapefruit (Imperial and Riverside Counties); limitation of shipments 3479, 4736
Lemons; limitation of shipments 2960, 3228, 3478, 3703, 4108, 4287, 4288, 4524, 4736, 4920, 5184, 5185, 5339, 5387, 5498, 5608, 5808, 5809.
Florida:
Grapefruit; limitation of shipments 3226, 3702, 4523, 4735, 5184, 5607
Oranges; limitation of shipments 3227, 4286, 4524, 4733, 5183, 5607
Tangerines; limitation of shipments 3228
Standards:
Limes, Persian (Tahiti); proposed rule making 5467
Orange juice, canned concentrated; proposed rule making 3064
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 5601
Collards. *See* Greens.
Committees:
Agricultural adjustment committees. *See* Agricultural adjustment.
Representation on:
Production Policy Committee, Office of Defense Mobilization 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Stabilization Policy Committee, Office of Defense Mobilization 4926
Conservation programs:
National Agricultural Conservation Program, 1952; conservation practices and maximum rates of assistance 3530
Practices to conserve and obtain efficient use of agricultural water:
Practice D–4; reorganizing farm irrigation systems to conserve water and prevent erosion, maximum assistance 3531
Practice D–9; installations of facilities for sprinkler irrigation for permanent pasture on rolling land 3531
Practices to develop cropping systems that protect soil, and restore, improve, and maintain soil productivity; practice B–8, controlling perennial weeds as a necessary step in soil or water conservation 2885
Practices to establish, restore, and maintain farm woodlands; practice F–2, improving a stand of forest trees, assistance for release of forest tree seedlings 2885
Special conservation programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.
Corn, sweet:
See also Mixed vegetables.
Set aside requirements, for canned sweet corn 2930
Standards; proposed revision:
Canned corn:
Cream style 4767
Whole kernel (or whole grain) 4769
Frozen whole kernel (or whole grain) 4770
Cotton; standards for American upland cotton, proposed rule making 5195
Cream, marketing of. *See* Milk, cream, and by-products.

AGRICULTURE DEPARTMENT—Continued Page

Currants; standards for currants for processing 3443
Dairy plants operating under Department of Agricultural supervision and inspection, instructions governing; notice of withdrawal of proposed rule making 3746
Dairy products (butter, cheese, milk, etc.):
Marketing of milk, cream, and byproducts. *See* Milk, cream, and byproducts.
Standards, for butter. *See* Butter.
Dandelion greens. *See* Greens.
Disaster areas; designation of counties in various States as disaster areas having need for agricultural credit:
Alabama 3561
Arkansas 3561
Colorado 3561
Georgia 3460
Iowa 3561
Kentucky 3561
Minnesota 4658
Mississippi 3561
Missouri 3460
Montana 3561, 4659
Nebraska 3460, 4659
Nevada 4659
New Jersey 4659
North Dakota 4659
South Dakota 3461, 4659
Tennessee 3461, 3562, 4659
Texas 3461
Utah 3562
Washington 4659
Diseases, animal. *See* Animal diseases.
Eggs and egg products:
Sampling, grading, grade labeling, etc.; instructions governing plants operating as official plants processing and packaging egg products 2805
Standards, grades, and weight classes, for shell eggs:
Consumer grades and weight classes 3606, 5303
Procurement grades and weight classes 3606, 5303
Wholesale grades and weight classes 3606, 5303
Endive. *See* Greens.
Export and diversion programs, for various agricultural commodities. *See* Citrus fruits; Honey; Prunes; Raisins; *and* Wheat and wheat-flour.
Farm Land Restoration Program, 1953 5306
Fibers, plant. *See* Plant fibers.
Figs; set aside requirements for canned Kadota figs 2932
Flour, wheat. *See* Wheat.
Food:
See also specific commodities.
Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.
Fruit cocktail; set aside requirements for canned fruit cocktail 2932
Fruits and vegetables:
Export and diversion programs, for fresh and processed fruits. *See* Citrus fruits; Prunes; *and* Raisins.
Grading, inspection, and standards; standards for various fresh and processed fruits, berries, and vegetables. *See* Apples; Asparagus; Beans; Cherries; Citrus fruits; Corn; Currants; Grapes; Greens; Mixed vegetables; Peaches; Pears; Plums; Prunes; Raisins; *and* Raspberries.
Marketing of various fruits and vegetables. *See* Citrus fruits; Grapes; Peaches; Pears; Plums; Potatoes; Prunes; *and* Watermelons.
Set aside requirements, processed fruits and vegetables:
Canned fruits 2932
Canned vegetables 2930
Grains; support prices for various grains. *See main heading* Commodity Credit Corporation.
Grapefruit. *See* Citrus fruits.
Grapes:
Marketing of Tokay grapes grown in California; decision respecting proposed amendments to amended marketing agreement and order 4855, 5042, 5575
Standards, for table grapes (European or Vinifera type) 2883, 4352, 5793
Green and wax beans. *See* Beans.

AGRICULTURE DEPARTMENT—Continued Page

Greens, leafy (other than spinach); standards for frozen greens 4315
Hawaii:
Domestic animals, diseases of. *See* Animal diseases.
Sugarcane; prices, wage rates, etc. *See* Sugar.
Honey:
Diversion program; 1952 marketing season 3401
Export program; 1952 marketing season 3397, 3624, 5385
Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, marketing of; recommended decision and opportunity to file written exceptions with respect to proposed amendments to marketing agreement and order 5153, 5435
Imports, agricultural; prohibitions and restrictions on imports:
Exceptions:
Casein and lactarene, mixtures, or cheese, imported for purposes other than consumption in continental United States, Puerto Rico, Virgin Islands, or any territory or possession 5829
Commodities for import after June 30, 1952, provision respecting 4490
Petitions for relief from hardship 5829
Records and reports; filing of certain report forms 4490
International Wheat Agreement, export programs for wheat and wheat-flour to fulfill obligations of United States under. *See* Wheat.
Kale. *See* Greens.
Kenaf fiber. *See* Plant fibers.
Lands within national forests. *See* National forests.
Lemons. *See* Citrus fruits.
Lima beans. *See* Beans.
Limes. *See* Citrus fruits.
Livestock:
Diseases of domestic animals:
Existence in various States and Territories. *See* Animal diseases, *above.*
Regulations respecting. *See main heading* Animal Industry Bureau.
Inspection:
At various stockyards. *See* Packers and Stockyards Division.
Regulations respecting. *See main heading* Animal Industry Bureau.
Manpower; implementation of defense manpower policies respecting:
Agricultural manpower 5766
Training program in connection with defense manpower shortages in various skills and occupations, responsibilities respecting 2837
Marketing orders, for various agricultural commodities. *See* Almonds; Citrus fruits; Grapes; Hops; Prunes; Tobacco; Milk; Peaches; Pears; Pecans; Plums; Potatoes; Walnuts; *and* Watermelons.
Marketing quotas, for various agricultural commodities. *See* Peanuts; Tobacco; *and* Wheat.
Meat and meat products; inspection and certification regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
Milk, cream, and byproducts:
Marketing in various marketing and sales areas; amendments to marketing agreements and orders, etc.:
Arkansas; Fort Smith 4209
Illinois:
Chicago 4579, 5526, 5807
Quad Cities 4843
Rockford-Freeport 5471, 5831
Indiana:
Ft. Wayne 3166, 3859, 4258, 4911
South Bend-La Porte 4539
Iowa:
Cedar Rapids-Iowa City 4843
Dubuque 3414, 4854, 5540
Quad Cities 4843
Kansas; Topeka 3166, 3683, 3869
Kentucky:
Louisville 3802, 4497, 4843
Tri-State marketing area 2851, 2961
Louisiana; New Orleans 4171, 5243, 5752

AGRICULTURE DEPARTMENT—Continued Page

Milk, cream, and byproducts—Continued
Marketing in various marketing and sales areas; amendments to marketing agreements and orders, etc.—Continued
Massachusetts:
Boston (Greater) 3496, 3888
Fall River 3496, 3888
Lowell-Lawrence 3496, 3888
Springfield 3496, 3888
Worcester 3496, 3888
Michigan:
Detroit 3415, 5524, 5634
Muskegon 5583
Missouri; Kansas City (Greater) 2892, 3609, 3816
New York; New York metropolitan area 3387, 3499, 4405, 5798
New York-New Jersey metropolitan marketing area 4257, 4465
Ohio:
Cleveland 5469
Columbus 2860, 2968, 5810
Lima 5195
Tri-State marketing area 2851, 2961
Oklahoma; Oklahoma City 4951, 5574, 5796
Pennsylvania; Philadelphia 3355, 3447, 4300, 4954, 5309
South Dakota; Sioux Falls-Mitchell 4493, 5578
Texas:
North Texas marketing area 3610, 3817, 4287
San Antonio 3013
Washington; Puget Sound marketing area 3385, 3845
West Virginia; Tri-State marketing area 2851, 2961
Wisconsin; Milwaukee 4353, 5521, 5796
Standards for butter. *See* Butter, *above.*
Minerals:
Authority of Chief, Soil Conservation Service to determine and advise Director, Land Management Bureau, with respect to development and utilization of minerals, including oil and gas 3180
Reserved minerals, disposition of; designation of counties in various States as areas in which mineral interests may be sold, revised area designations:
Fair market value areas; list, addition of various counties to:
Alabama:
Bullock County 5072
Pike County 3689
Arkansas:
Cross County 4958
St. Francis 4958
Georgia:
Bullock County 4825
Candler County 4825
Carroll County 4825
Chattooga County 4825
Dodge County 4825
Gwinnett County 4825
Irwin County 4825
Lowndes County 4825
Miller County 4825
Mitchell County 4825
Seminole County 4825
Taliaferro County 4825
Troup County 5437
Michigan:
Cheboygan County 3689
Mackinac County 2871
Minnesota; Wabasha County 2871
Mississippi; Webster County 4465
North Carolina:
Pender County 3689
Rutherford County 4245
Wilkes County 3689
Utah; Cache County 5617
Wisconsin; Richland County 2871
One dollar areas; list, additions and deletions of various counties:
Alabama:
Bullock County 5072
Pike County 3689
Arkansas:
Cross County 3689, 4958
St. Francis 4958

AGRICULTURE DEPARTMENT—Continued Page

Minerals—Continued
Reserved minerals, disposition of; designation of counties in various States as areas in which mineral interests may be sold, revised area designations—Continued
One dollar areas; list, additions and deletions of various counties—Continued
Georgia:
Bullock County 4825
Candler County 4825
Carroll County 4825
Chattooga County 4825
Dodge County 4825
Gwinnett County 4825
Irwin County 4825
Lowndes County 4825
Miller County 4825
Mitchell County 4825
Seminole County 4825
Taliaferro County 4825
Troup County 5437
Michigan:
Cheboygan County 3689
Mackinac County 2871
Minnesota; Wabasha County 2871
Mississippi; Webster County 4465
North Carolina:
Pender County 3689
Rutherford County 4245
Wilkes County 3689
Utah; Cache County 5617
Wisconsin; Richland County 2871
Mixed vegetables (beans, carrots, sweet corn, peas); standards for frozen mixed vegetables, proposed rule making 4576
Mustard greens. *See* Greens.
National agricultural conservation program. *See* Conservation programs.
National forests; Nantahala National Forest, inclusion of certain lands transferred from Tennessee Valley Authority (Executive Order 10357) 5079
National School Lunch Act; apportionment of food assistance funds pursuant to. *See* School lunch program.
Nuts and nut products:
Marketing of nuts grown in various States. *See* Almonds; Pecans; *and* Walnuts.
Marketing quotas for peanuts. *See* Peanuts.
Orange juice. *See* Citrus fruits.
Oranges. *See* Citrus fruits.
Packers and Stockyards Division; stockyards, commission merchants, etc., notices respecting posting, rates and charges, etc.:
Posted stockyards, etc.; designation or removal of:
Buffalo Livestock Commission Co 4714
Columbia Livestock Market 3214
Hughes County Sale Barn 4714
Hugo Sales Commission Co 5483
LeGrande Livestock Commission Co 3215
Spencer Live Stock Exchange 5701
Rates and charges; petitions for modification, etc.:
New Orleans Stock Yards, market agencies at 4854
Omaha Union Stock Yards, Omaha, Nebr., market agencies at 3886
Union Stock Yards, Denver, Colo 4352, 4541
Peaches:
Marketing of peaches grown in various States:
California; Elberta peaches:
Budget of expenses and fixing rate of assessment for 1952–53 season 4989, 5718
Shipments; regulation by grades and sizes 5413
Georgia:
Budget of expenses and fixing rate of assessment for 1952–53 fiscal period 4989, 5718
Shipments; regulation by grades and sizes 5185
Set aside requirements, for canned peaches 2932
Standards, for fresh peaches 2891, 4473
Peanuts:
Distribution of proceeds received by Commodity Credit Corporation from sale of Valencia type excess peanuts of 1951 crop for cleaning and shelling 4644

AGRICULTURE DEPARTMENT—Continued Page

Peanuts—Continued
Marketing quotas:
1951 crop, regulations; marketing, penalties, records and reports (extent to which marketings from a farm are subject to penalty) 3226
1952 crop; regulations:
Marketing, penalties, records and reports 3237, 4317, 5691
Marketing quotas:
Acreage allotments and normal yields for old farms:
Allotments and permitted acreages for farms divided or combined:
Divisions; land operated as single farm for 1951 is divided and operated for 1952 as two or more farms, etc., deletion 3144
Permitted acreage, deletion from title 3144
Reallocation of allotment released from farms removed from agricultural production; combinations 3144
Application for review 3143
Approval of determination 3143
Definitions:
Farm peanut acreage 3143
Farm permitted peanut acreage; deletion 3143
Excess peanuts produced in 1952, marketing of; provision respecting penalty 3143
Rule of fractions; farm allotments shall be rounded to nearest one-tenth acreage 3143
Pears:
Marketing of Bartlett pears grown in California:
Budget of expenses and fixing rate of assessment for 1952–53 season 4989, 5718
Shipments; regulation by grades and sizes 5806
Set aside requirements, for canned Bartlett pears 2932
Standards, for Winter pears (Flemish Beauty); proposed rule making 4352, 5633
Peas:
See also Mixed vegetables.
Set aside requirements, for canned green peas 2930
Pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina, marketing of; finding and determination respecting continuation in effect of marketing agreement and order 4541
Pineapple; set aside requirements for canned pineapple 2932
Plant fibers (kenaf and sansevieria); functions respecting under Defense Production Act (Executive Order 10359) 5269
Plums:
Marketing of plums grown in California:
Budget of expenses and fixing rate of assessment for 1952–53 season 4989, 5718
Shipments:
Regulations by grades and sizes:
Beauty plums 4372
Becky Smith plums 5805
Burbank plums 5637
Climax plums 4971
Duarte plums 5806
Eldorado plums 5636
Formosa plums 4970
Gaviota plums 5638
Miscellaneous varieties of plums 5638
Santa Rosa plums 4969
Tragedy plums 5635
Wickson plums 5636
Termination of Plum orders 1 through 4 5807
Set aside requirements, for canned purple plums 2932
Standards, for canned plums (including purple plums) 3799
Potatoes, Irish, grown in various States and production areas, marketing of:
California (Modoc and Siskiyou Counties); marketing agreement and order, correction 5718
Idaho (certain designated counties); limitation of shipments 5639, 5809
Maine; order discharging trustees for liquidation action 2809
New Jersey; order terminating market agreement and order and providing for liquidation of assets 3187

AGRICULTURE DEPARTMENT—Continued Page

Potatoes, Irish, grown in various States and production areas, marketing of—Continued
Oregon:
Crook, Deschutes, Jefferson, Klamath, and Lake Counties; marketing agreement and order, correction 5718
Malheur County; limitation of shipments 5639, 5809
Washington:
Limitation of shipments 5455
Marketing agreement and order; revision 2912
Poultry and edible products thereof:
Authority of Director, Poultry Branch; redelegation to Chief, Inspection and Grading Division, and National Supervisor, Poultry Inspection Section 5737
Grading and inspection, for classes, standards, etc.:
Deletion of term "Specifications" as used in title of part and wherever used with respect to classes, standards and grades of poultry and edible products thereof 3627
Form of official identification:
Form of grade mark 3632
Identification of certain dressed poultry 3632
Grading and inspection, rules governing:
General provisions:
Applying for grading service or inspection service 3629
Final survey and plant approval 3629
Suspension of plant approval 3629
Basis for service:
Certification of dressed poultry produced under sanitary requirements 3629
Dressed poultry to be eligible for grading or inspection service shall have been processed in official plant 3629
Examination of ready-to-cook poultry which was not processed in official plants 3629
Inspection in official plants; extent required 3629
Definitions 3627
Grading and inspections services available for various classes of poultry (live, dressed, ready-to-cook) 3629
Identifying and marking products:
Approval of official identification 3629
Products that may be individually marked; information required on grade mark 3630
Interfering with grader or inspector 3629
Supervision of marking and packaging:
Packaging 3630
Removal of official identification 3620
Grading; dressed poultry and ready-to-cook poultry 3630
Inspection; condemnation and treatment of carcasses 3630
Sanitary requirements; minimum standards for sanitation, facilities, and operating procedures, in official plants:
Buildings and plant facilities 3630
Maintenance of sanitary conditions and precaution against contamination of products:
Equipment and utensils used for preparing or handling any product:
Chilling vats and tanks 3630
Thawing 3630
Operations and procedures involving preparation, storing, etc., products:
Containers to be used for packaging dressed poultry and ready-to-cook poultry 3630
Finishing and cleaning dressed poultry 3630
Temperatures and procedures necessary for cooling and freezing poultry 3631
Ice chilling 3631
Standards, classes, and grades for poultry:
Classes; live poultry, dressed poultry, and ready-to-cook poultry:
Duckling, roaster 3631
Turkeys 3631
Grades:
Dressed and ready-to-cook poultry:
General provisions 3632
Standards for quality 3632

AGRICULTURE DEPARTMENT—Continued Page

Poultry and edible products thereof—Continued
Grading and inspection, for classes, standards, etc.—Continued
Standards, classes, and grades for poultry—Con.
Grades—Continued
Live poultry:
General provisions 3631
Grades 3631
Standards:
Dressed poultry and ready-to-cook poultry:
General provisions 3641
Standards for quality 3631
Live poultry, standards for quality 3631
Prices, support, for various agricultural commodities. *See main heading* Commodity Credit Corporation.
Prunes:
Export program SMX 95b, for dried prunes:
Application for participation 5357
Firm sales contracts 5359
Payment:
Filing claim for 5359
Rates of 5359
Period for exportation 5359
Marketing of dried prunes produced in California; disposition of surplus tonnage (sales for export, countries included in estimate of salable percentage) 5209
Puerto Rico:
Domestic animals, diseases of. *See* Animal diseases.
Special Agricultural Conservation Programs:
1950 program; conservation practice 5, applying to any land refuse from sugar mill grinding operations known as filter cake, maximum assistance 2809
1951 program; conservation practice 5, applying to farm land refuse from sugar mill grinding operations known as filter cake, maximum assistance 2809
1952 program:
Conservation practice 4; applying to coffee trees, fertilizer containing nitrogen and phosphate, maximum assistance 2885
Control of funds; allocations, amendment 2885
Pumpkin; set aside requirements for canned pumpkin 2930
Rabbits, domestic, and edible products thereof; authority of Director, Poultry Branch, redelegation to Chief, Inspection and Grading Division, and National Supervisor, Poultry Inspection Section 5737
Raisins:
Export program SMX 95b, for dried raisins:
Application for participation 5357
Firm sales contracts 5359
Payment:
Filing claim for 5359
Rates of 5359
Period for exportation 5359
Standards, for processed raisins; revision 3624, 4477
Raspberries; standards for raspberries for processing 3441
Rice; standards for milled rice 2999, 4842
Sansevieria fiber. *See* Plant fibers.
School lunch program; apportionment of food assistance funds, for various States and District of Columbia, pursuant to National School Lunch Act, fiscal year 1952 4644
Set aside requirements, for processed fruits and vegetables. *See* Apple sauce; Apples; Apricots; Asparagus; Beans; Blackberries; Blueberries; Carrots; Cherries; Corn; Figs; Fruit cocktail; Peaches; Pears; Peas; Pineapple; Plums; Pumpkin; Sweetpotatoes; *and* Tomatoes and products.
Standards, for various agricultural commodities. *See* Apples; Asparagus; Beans; Butter; Cherries; Citrus fruits; Corn; Cotton; Currants; Eggs; Grapes; Greens; Mixed vegetables; Peaches; Pears; Plums; Poultry; Prunes; Raspberries; *and* Rice.
Stockyards, orders, etc., respecting. *See* Packers and Stockyards Division.
Sugar:
Prices:
Sugar beets; 1952 crop 5751
Sugarcane; Hawaii, 1952 crop 5453

AGRICULTURE DEPARTMENT—Continued Page

Sugar—Continued
Quotas, and proration of quota deficits, for 1952:
Area deficits; determinations and proration of; Republic of Philippines 5691
Proration of quotas, for foreign countries other than Cuba and Republic of Philippines 5691
Wages rates, sugarcane:
Florida, notice of hearing 3390
Hawaii, 1952 4233
Support prices, for agricultural commodities. *See main heading* Commodity Credit Corporation.
Sweetpotatoes; set aside requirements for canned sweetpotatoes 2930
Swiss chard. *See* Greens.
Tangerines. *See* Citrus fruits.
Tobacco:
Authority of Director, Tobacco Branch 5170, 5353
Marketing of type 62 shade-grown cigar leaf tobacco grown in designated production area of Florida and Georgia:
Control committee rules and regulations 5454, 5540
Marketing agreement and order 3500, 4871, 5002, 5058
Referendum among producers, direction concerning 3512
Marketing quotas:
Air-cured, dark:
1952–53 marketing year; regulations relating to marketing of tobacco, collection of penalties, and records and reports 3495, 4786
1953–54 marketing year; regulations relating to establishment of farm acreage allotments, proposed 4896
Burley:
1952–53 marketing year; regulations relating to marketing of tobacco, collection of penalties, and records and reports 3495, 4779
1953–54 marketing year; regulations relating to establishment of farm acreage allotments, proposed 4896
Cigar-filler, 1953–54, marketing year; regulations relating to establishment of farm acreage allotments and normal yields for, proposed 4896
Cigar-filler and binder, 1953–54 marketing year; regulations relating to establishment of farm acreage allotments and normal yields for, proposed 4895
Fire-cured:
1952–53 marketing year; regulations relating to marketing of tobacco, collection of penalties, and records and reports 3495, 4786
1953–54 marketing year; regulations relating to establishment of farm acreage allotments, proposed 4896
Flue-cured:
1952–53 marketing year; regulations relating to marketing of tobacco, collection of penalties, and records and reports 3495, 4779
1953–54 marketing year; notice of determination to be made with respect to marketing quotas for 4824
Farm acreage allotments, proposed establishment of 4896
Maryland, 1953–54 marketing year; regulations relating to establishment of farm acreage allotments and normal yields for, proposed 4896
Sun-cured, Virginia:
1952–53 marketing year; regulations relating to marketing of tobacco, collection of penalties, and records and reports 3495, 4786
1953–54 marketing year; regulations relating to establishment of farm acreage allotments, proposed 4896
Tomatoes and products; set aside requirements for canned tomatoes, catsup and paste 2930
Turnip greens. *See* Greens.
Vegetables. *See* Fruits and vegetables.
Virgin Islands, Special Agricultural Conservation Program, 1952; conservation practices and rates of assistance:
Practice 7, eradicating shrubs or trees on land used for range or pasture; deletion of provision respecting limiting assistance to farms clearing not more than 20 acres under program 2885

AGRICULTURE DEPARTMENT—Continued Page

Virgin Islands, Special Agricultural Conservation Program, 1952; conservation practices and rates of assistance—Continued
Practice 10, constructing concrete or masonry watersheds and/or storage tanks to collect water for livestock or for irrigation purposes; deletion of provision respecting no payment on acreage for which payment is made by Virgin Islands Corporation 2885
Walnuts grown in California, Oregon and Washington, marketing of; order redesignating size grade in pack specifications and minimum standards 2831
Warehouse Act, United States; bonding and net assets requirements of warehousemen under. *See* Bonding.
Watermelons grown in designated production area of Florida, Georgia, and South Carolina, marketing of; decision with respect to proposed marketing agreement and order 2820
Wax and green beans. *See* Beans.
Wheat:
Marketing quotas; determination with respect to national quotas for 1953–54 marketing year, and acreage allotments for 1953 crop 4655, 5633
Wheat and wheat-flour export programs—International Wheat Agreement; Commodity Credit Corporation, terms and conditions respecting:
1951–53 program; termination 5625
1952–53 program 5625
Wool; distribution of practical forms of wool standards and wool top standards 4609
Yugoslav Emergency Relief Assistance Act, funds for administration of, revocation of order respecting (Executive Order 10338) 3009
AID TO FOREIGN COUNTRIES, under Mutual Security Act, coordination of progress in connection with (Executive Order 10338) 3009
AIR COORDINATING COMMITTEE; membership (Executive Order 10360) 5337

AIR FORCE DEPARTMENT:
Active duty:
Authority of Secretary to order members and units of Air National Guard and Air Force Reserves into active service, and to redelegate the authority respecting Air National Guard 3112
Voluntary entry on (24 months); members of enlisted reserve 4847
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Aircraft, military; transportation by, with and without reimbursement 3535
Nongovernmental travel 3536
Authority; delegations of:
From Secretary, to Chief of Engineers; to perform functions and make determinations with respect to reimbursement to owners and tenants of land (acquired by Department pursuant to Public Law 155, 82d Congress) for expenses, losses and damages 5391
To Secretary, from Secretary of Defense; authority to order members and units of Air National Guard and Air Force Reserve into active service, and to redelegate the authority respecting Air National Guard 3112
Censorship of news dispatches, still pictures, and motion pictures submitted by correspondents accompanying armed forces; joint regulations of armed forces respecting. *See main heading* Defense Department.
Civil airmen certificates; medical certification of military personnel. *See main heading* Civil Aeronautics Administration.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 5203
Claims and accounts; claims against United States, revision 3320
Air Force activities, claims arising out of 3322
Claims under Article 139, Uniform Code of Military Justice 3325
General provisions; definitions, investigations, etc 3320

AIR FORCE DEPARTMENT—Continued Page

Claims and accounts; claims against United States, revision—Continued
Reimbursement to owners and tenants of land acquired by Department 5391
Tort claims 3324
Contracts:
Awarded by Air Force, public information guidance for manufacturers 3178
Procurement procedure. *See* Procurement.
Correspondents accompanying armed forces, joint regulations of armed forces respecting. *See main heading* Defense Department.
Decorations and awards:
Certificates and lapel buttons:
Accolade 5508
Gold Star Lapel Button 5507
Individual decorations; Medal of Freedom 5506
Executive Order 10336 respecting 2957
Service medals:
Armed Forces Reserve Medal 5507
Miscellaneous; service medals and ribbons 5507
United Nations Service Medal 5506
Enlistments, extension of (Executive Order 10345) 3477
Land acquired by Department, reimbursement to owners and tenants of 5391
Lands, public, withdrawn for use of Department in Alaska. *See main heading* Land Management Bureau.
Medals. *See* Decorations and awards.
Procurement procedures, taxes; Federal, State, and local 4333
Contract clauses 4337
Federal excise taxes 4333
Collection and payment by Government 4337
Exemptions from Federal excise taxes 4334
Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926
Reserve forces:
Active service, authority of Secretary to order members and units of Air National Guard and Air Force Reserve into 3112
Enlisted reserve:
Extension of enlistments (Executive Order 10345) 3477
Voluntary entry on active duty (24 months) 4847
Security, contracts awarded by Air Force; public information guidance for manufacturers 3178
Tort claims. *See* Claims and accounts.
Transportation by military aircraft, with and without reimbursement 3535
Nongovernmental travel 3536

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, aircraft, investigation of. *See* Civil Aeronautics Board.
Aircraft; customs regulations respecting. *See* Customs Bureau.
Air-navigation sites, lands withdrawn for. *See* Land Management Bureau.
Airspace reservations or restricted areas:
Military installations, designated as danger areas. *See* Civil Aeronautics Administration.
Rose Island and Tutuila Island, discontinuance as airspace reservations (Executive Order 10341) 3143
Aviation gasoline; limitation on distribution and export of, to conserve supply for military and other essential uses. *See* Petroleum Administration for Defense.
Civil aircraft, navigation, etc., regulations respecting. *See* Civil Aeronautics Administration; Civil Aeronautics Board; *and* Immigration and Naturalization Service.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Communications, fixed aeronautical. *See* Civil Aeronautics Administration.
Construction projects under Controlled Materials Plan; appeals respecting. *See* Civil Aeronautics Administration.
Danger areas; airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Defense air transportation. *See* Defense Air Transportation Administration.
Distribution of civil aircraft, authority respecting. *See* Civil Aeronautics Board.

AIR TRANSPORTATION, FACILITIES, ETC.—Con. Page

Documents for entry and clearance of aircraft. *See* Immigration and Naturalization Service.
Landing requirements, advance notice of arrival; joint regulation of Customs Bureau, Immigration and Naturalization Service and Public Health Service. *See* Customs Bureau.
Military aircraft; transportation of civilians and others others with and without reimbursement 3535
Public airports, Federal aid for development of. *See* Civil Aeronautics Administration.
Wage Board, Airline. *See* Railroad and Airline Wage Board.
AIRLINE WAGE BOARD. *See* Railroad and Airline Wage Board.
AIRSPACE RESERVATIONS. *See* Naval defensive sea areas and airspace reservations.

ALASKA:
Animal diseases, communicable, control of. *See* Agriculture Department; *and* Animal Industry Bureau.
Comercial fisheries. *See* Fish and Wildlife Service.
Hunting and fishing in. *See* Alaska Game Commission; *and* Fish and Wildlife Service.
National parks in. *See* National Park Service.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
Public lands in. *See* Land Management Bureau.
Radio regulations. *See* Federal Communications Commission.
Roads, abandonment of. *See* Alaska Road Commission.
Whittier Defensive Sea Area, establishment (Executive Order 10361) 5357
Wildlife, regulations respecting. *See* Alaska Game Commission; Fish and Wildlife Service; *and* Land Management Bureau.

ALASKA GAME COMMISSION:
Fur management areas, establishment of 2819
Guides, employment of, and qualifications for guide licenses 2818
Licenses:
Guides. *See* Guides.
Resident trapping, hunting and fishing licenses 2819
Poisons prohibited in killing of game, fur animals, and birds; possession, sale, use, etc 2819
Special permits for hunting mountain sheep, bison, elk, and moose 2820

ALASKA ROAD COMMISSION:
Abandonment of certain roads:
Richardson Highway; portion of Highway south of Copper Center, Alaska 4183
Road traversing property of Anne B. Sheldon 2870

ALIEN PROPERTY, OFFICE OF:
Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (Executive Order 10348) 3769
Copyrights; vesting orders respecting. *See* Vesting orders: trademarks, patents, and copyrights.
Germany:
Certain German nationals, names unknown; various interests of 2954, 3135
German Government; cash held in Deposit Fund Account of Department of State 5847
Motion pictures, rights in:
Of Hauptfilmstelle des Reichsluftfahrtministeriums and others; list of motion pictures and producers 3436
Of Reichsstelle fuer den Unterrichtsfilm and others; list of motion pictures and producers 5844
Japan:
Certain Japanese nationals, names unknown, checks owned by 3396
Japanese Government; funds owned by 3763
Organization and delegations of final authority; hearing examiners, revision 5268
Patents; vesting orders respecting. *See* Vesting orders: trademarks, patents, and copyrights.
Return of vested property; orders for. *See* Vesting orders.
Trademarks; vesting orders respecting. *See* Vesting orders.

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.:
See also Germany; *and* Japan.
Copyrights. *See* Trademarks, patents, and copyrights.
Patents. *See* Trademarks, patents, and copyrights.
Return of vested property, orders respecting:
Albanese, Antonia Giuseppe (Pepino; Pappino) 4278
Albanese, Ida Viola (Esterina; Estherina) 4278
Altmann, Gustave Michel 5053
Arata, Anna 4732
Arata, Luigi, Luigi Serafino, and Maria 4732
Atzler, Erwin 5180
Banco Nacional de Mexico, S. A 5053
Basch-Noaillon, Henrietta 5053
Benard, Jacques Alfred Victor 3571
Bertoli, Terensia 5623
Bohmer, Ella M 4516
Bonnefoy-Cudraz, Emile Robert 3136
Brunner, Poldy 5623
Bureau International de l'Editions Mechanique 4252
Bureau International de l'Edition Musico-Mechanique (B. I. E. M.) 4252
Caspari, Ernst Ludwig 4516
Caspari, Paul Ernst Hugo 4516
Cerro, Maria Lavezzo 4732
Chenailler, Anna Herter 4732
Chiuchiarelli, Eda (Edda), Silvia (Sylvia), and Sebastiano (Sebastino) 4252
Chiuchiarelli, Pasquarosa Melone (Rosa) 4252
Christie, Joseph Francois 4279
Cine Central Film 5746
Compania Nacional de Inversiones, S. C. P. 5053
Cossalter, Bruno 4280
D'Anna, Mrs. Angelina 4279
Dardelet, Jacques Jean Eugene 5745
Dardelet, Paule Louise Gilberte 5745
Dardelet, Xaviere 5745
Dardelet, Xaviere Marie Antoinette Louise Eugenie 5745
Daude, Jean Emilie Francois 3186
Davidsohn, Hilde 5624
de De Lange, Herta Levin 4628
de Lassus St. Genies, Jacques 5335
Dorn, Frank 5623
Dumont, Francois P. J. Hector 5745
Farkas, Zoltan 5490
Fedor, Rosa (Gluck) 5490
Ferrari, Severino 4280
Feyen, Otto Friedrich 5745
Flocchini, Andrea 4280
Frambach, Therese 5180
Geneg, Otto 5180
Gluck, Zolton 5490
Gobin, Jean Emilie Francois (dit Daude) 3186
Gonda, Alexander (Gottlieb) 5535
Gregus, Imrich (Guttman) 3867
Grootkerk, Hedwig (nee Justus) 4279
Gruber, Anna (nee Macek) 3136
Gubbio, Anna (Manci Passeri) 5334
Gubbio, Vittori Manci 5334
Hartl, Amalia Stutz 4208
Hejduk, Josef and Wenzel 5491
Herter, Jean Robert and William Jacques 4732
Holzer, Kornelia (Guttman) 3867
Justus, Herbert (Herman) 4279
Juul, Carl August 4279
Kienlen, Emile and Jean 5624
Kienlen, Xavrie 5623
Klein, Marianna (Mariana) 3867
Klein-Blumenthal, Maria Anna Felicitas 3867
Koeln, Margarete Sonnen Bruehl Bezirk 3867
Kohler, Ida 3078
Kommer, Fanny (Stefanie) 5623
Kommer, Rudolf Kaetchen (Rudolph Kaetchen) 5623
Lacher, Agnes 3136
Lambert, Roger Emile 3136
Langheld, Heinz Hermann 3867
Lavezzo, Adriano, Argentina Lagomarsino, Giulia, and Mathilde 4732
LeGloahec, Marguerite Jeanne Herter 4731
Lehner, Leopold 5208
Les Laboratoires Francais de Chimiotherapie 5623
Lipschuetz, Hildegard, Lieselotte, and Marie 3867
Lipschuetz, Hugo 3867
Lolkema, Dr. Jan 3185
Lowenberg, Thedor 5490

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Return of vested property, orders respecting—Con.
Macek, Josef 3136
Macek, Matthacus 3136
Macek, Tobias 3136
Manci, Vittorio 5334
Marciani, Eugenio 4732
Mazzucchi, Dr. Mario 4279
Merlo, Frida (Frieda Schuettler) 4516
Michel, Max 5491
Noaillon, Monique 5053
Passeri, Anna (Manci) 5334
Piccinini, Florence Sawyer 5053
Planninger, Karl (Carl) 5623
Pomeranz, Charlotte Dorthea 4628
Pompili, Gina Chiuchiarelli (Gina) 4252
Remshardt, Ada Payne 5535
Ricci, Francesco and Clelia 5180
Rirsch, Sophie 3136
Rolland, Robert Jean Achille 3185
St. Genies, Jacques de Lassus 5335
Sandl, Anna, Anton, Franz, Leopold, Max, and Theresia 5208
Scelfo, Carmela 5053
Schatzl, Anna Stutz 5208
Schorter, Auguste and Emile 5624
Schuster, Schmuel and Yankel 5535
Schwarcz, Edith (Egri) 5490
Schwarz, Antonie (nee Macek) 3136
Seeling, Ella Mary 4516
Societe des Vernis Pyrolac 5744
Societe Francaise de Filetage Indesserrable "D. D. G." 4279
Solari, Tnna Iolanda Lavezzo 4732
Spedale, Carmela 5053
Stern, Malvina (Farkas) 5490
Stuetz, Ehrenreich 5208
Stuetz, Josef 5208
Stuetz, Roman 5208
Stutz, Mrs. Anton (Therese) 5208
Stutz, Ehrenreich 5208
Stutz, Josef (Joseph) 5208
Stutz, Roman 5208
Van Anda, Paul 4732
Von Fest, Edwin and Margaret 5745
von Luettichau, Margaret Palmer Soutter 3186
von Oppenheim, Baron Friedrich Carl and Baroness Ruth 3078
Wurzag, Barbara (nee Macek) 3136
Yuul, Carl August 4279
Zerega, Margherita 5623
Zouckermann, Armand 3571
Zuckermann, Armand 3571
Trademarks, patents, and copyrights:
Kailo, Inc 4364
Leitz, Ernst, G. m. b. H. (Ernst Leitz Optische Werke; Ernst Leitz, Optische Werke, G. m. b. H.) 3570
Various interests, in estates, litigation proceedings, etc.:
Allianz und Stuttgarter Lebensversicherungs Ges. 5687
Amsler, Agnes O. E 3765
Amsterdamasche Maatschappij voor Ongevallen-verzekéring N. V 5687
Appel, Anna 3903
Aue, Helene, and others 3904
August, Marie (nee Nissen) 3765
Banco Brasileiro Allemao 3134
Banco Germanico de la America del Sud, Chile (Deutsch-Sudamerikanische Bank) 2952
Banque Commerciale S. A 3904
Bastel, W., & Co 2952
Bauereiss, Eva Barbara 5052
Baufer, Anna Luise 3437
Beris, Albert 5711
Benz, Albert, and others 5711
Boecklen, Adolph Hermann 5445
Boecklen, Frederich W 5445
Boehmer, Hanny 5445
Bohmer, Anna 5746
Born, Albert 4277
Born, Elli 5784
Born, Wilhelm (William; William Karl) 4277
Braun, Margarethe 5052

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Brecht, Eughin (Eugene; Bert) 5445
Buereiss, Eva Barbara 5052
Buettner, Babette 5052
Burde, Henny 5846
Buscher, Anna 5688
Bussan, Daimyo, Co., Ltd 2952
Butler, Augusta 4669
Canestrelli, Hanna 5712
Canestrille, Fredk 5712
Cannenburg, J. A. Voorbeytl (Jacobus Adrianus Voorbeytl) 4629
Cantoni, Jeanne Henriette (nee Dardelet) 5745
Clasen, Anne and Clara 4366
Clasen, Marie 4366
Clauss, Otto 5622
Dah, Wing, Trading Co 3763
Dahlinger, Margaretha 3435
Danjo, Arajiro and Kimiyo 3395
Daum, Fred C 4182
Deparade, Albert 5622
Deparade, Martha 5622
Deuchler, Anna Marie 3437
Deutsche Bank und Disconto Gesellschaft 2954
Deutsche Industriebank 5687
Deutsche Landersbank Aktiengesellschaft 5847
Deutsche-Sudamerikanische Bank, Aktiengesellschaft 2952
Deutsch-Sudamerikanische Bank 2952
de Visser, Anna 5600
Diehl, Hans 4628
Dietzel, Katrina 4777
Dresling, Peter, Joseph (Josef), and Lina 3134, 3135
Dresling, Willy 3135
Dressling, William 3135
Ehrhardt, Helmut Robert (Helmut) 3435
Ehrhardt, Robert 3435
Emde, Dr. Hermann 5400
Emke, Paul 3765
Englert, Elsie, and others 4550
Essberger, John Augustus, and others 4251
Etzbach, Maria (nee Dresling) 3134, 3135
Fiedler, Hilde 3903
Foehringer, Carrier 5052
Franke, Johanne (Johanne Bohmer) 5445
Friebel, Elizabeth L. (Elizabeth Lena; Elizabeth Lura; Betty) 5384, 5848
Friedrichsen, Anna and Christian 3765
Friedrichsen, Jenny 3766
Fuji, Hiroshi (H.) 3812
Fuji Trading Co 2952
Fujimoto, George S 3842
Furukawa, Kiyozane 3570
Garretson, William V. N 5712
Gartner, Anna, Karl, and Max 3569, 3766
Germania Film G. m. b. H 5746
Geyde, Irwin 5746
Gobert, Dr. Edmund Klee 4251
Gomei Kaisha Maiybe & Suyetaka 2952
Grometer, Babette, Fritz, Georg, Johann, Johanna, and Zacharius Tobias 5052
Gutwein, Wolfgang 5052
Haban, Dr. Eugene 3763
Hagendorn, Elsa 3437
Hahn, August 4251
Hahn, Helen (Helene), and others 3155
Hamaoka, Nobuko 3843
Harada, Zenichi 3763
Haubert, Augusta 3903
Hauptfilmstelle des Reichsluftfahrtministeriums and others 3436
Heeper, William and Gesine 2951
Heidebrock, Herman 4126
Henecke, Josephine 3903
Heuer, Agnes 3765
Hiroshima, T 3764
Hohner, Ernst 5747
Hohner, Karl, Matthias, and Will 5747
Holst, Clementine and Wilhelm 4669
Hori, Riichiro 2908
Ichiyanagi, Hideo and Kiku 3395
Ishihari, Tara 3438
Ishikawa, Tomoji and Yoshiko 3134

ALIEN PROPERTY, OFFICE OF—Continued Page

Vesting orders—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Jans, Margaretha (nee Volkmer) 3435
Jarck, Wilhelmine 5600
Joost, Charles 5783
Joost, Martin (M.) 5783
Jorge, Luise 3435
Karrer, Anneliese 4278
Kawakita & Co., Ltd 2952
Kawashima, Noboru and Mrs. Toshiko 2908
Kernstock, Johann 5052
Kigyo Tao Co 3763
Kimmel, Anna, Gertie, Paula, Rose, and William 4778
Kleinjung, Hans R 5746
Knapp, Rudolf 5712
Kopp, Carl 5745
Kropp, Elizabeth 4669
Kuhn, Edna 5600
Kunimoto, Kazuzo and Suemitsu 3569
Lambert, Christopher 5712, 5847
Lang, Carl (Carl G.; Carl George) 4278
Lang, Kunegung 4278
Leichs, Marie 5052
Lieberknecht, Karl 4365
Lieberknecht, Karl, G. m. b. H 4365
Liebermann, Waelchli & Co 2952, 2953
Loeffler, Ernest 5624
Luchauer, John 5076
Ludewig, Anna Katharina Friederike (Anna) 5784
Mahn, Gustav 5712
Maiybe, Gomei Kaisha, & Suyetaka 2952
Malblanc, Erwin 5075, 5267
Mantal, Ferdinand 5446
Mantius, Otto 5712
Markerd, Josephine 3136
Markert, Elizabeth 3136
Markins & Werner 5746
Marx, Ernest Ludwig (Ernesto Lodovico) 3903
Matzat, Hellmut and Willi 5383
Messerschmeid, Martha 5746
Metzger, Rosa 3437
Meurer, Margaretha Wasserman (Margaretha W.; M. W.) 5075
Mishima, M. & Co., Ltd 2952
Mitsudzumi & Co 2952
Mitsuzo, Fred 3764
Mori, Teizo 3844
Mori, Yutaka, and others 3844
Mueller-Meyerhoff, Carmelita 5648
Muller, F. A 5746
Murase, Miyo 3570
Murayama, Tamotsu, and others 3841
Nakagawa, George S 3842
Nakamura, Minoru 3841
Niecke, Pauline 4669
Nikami, Keiji 2953
Nissen, Paul 3765
Noelp, Margaretha 5052
Noss, Mary 5711
Nozawa & Co., Ltd 2952
Ogata, Buichi and Kiyoguma 3438
Okada, Dr. Mitsuru (Mitsuro) 3570
Okubo, Johanna 3438
Oppenheim, Katharina (Kattarina; Kitty) 4312
Opperman, Marianne (nee Schmidt), and others 5447
Oshidari, Thomas S. (Thomas Shinichi) 3812
Ostertag, Albert, Fritz, and William 5746
Ottersbach, Katharine (nee Dressling) 3134, 3135
Peterman, Albert 4551
Premsing, I. & Sons 2952
Raichle, Gustav 3569, 3766
Raspe & Co 2952
Reichsstelle fuer den Unterrichtsfilm and others 5844
Reinau, Sophie 3569, 3766
Reindler, Leonhard 5052
Reinhold, Dora 4251
Reiter, Eva 5052
Richelsdorf, Kunigunde Kinkel 5624
Rickels, Rentners Bernhard 5746
Roder, Frau Georg 4777
Ruckversicherung Vereinigung A. G 5687
Saalfeldt, Margarete 4365
Sakai, Shigeru 3763
Sakanashi, Frank T. (Taikichi) 3438, 3764, 3812

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Savio, Virginia, Pallavicini) 5745
Schaefer, Anne (Anna) 5747
Schellenberg, Walter 5712
Schmielau, Sosse 3765
Schneider, Barbara 5052
Schneider, Paula 3766
Schoewing, Dorthea (nee Schmielau) 3765
Schreiner, Carl 5711
Schulte, Charles and John 5268, 5848
Schulz, Joseph 3903
Schumann, Elisabeth 3137
Schwarzarins, Hildegard 3435
Siedhoff, Alma 5688
Siefert, Dr. O., and others 4366, 5848
Sievers, Hildegard (nee Volkner) 3435
Siquet, W 5685, 5747
Sparkasse der Stadt Stade 4251
Steinke, Robert 5446
Stinnes, Clare Wagenknecht, Sr 3903
Stinnes, Ernst and Otto 3903
Stinnes, Hugo, Jr 3903
Struetzer, Marie 5052
Stuetzer, Marie 5052
Sugeno, Suyekichi and Haru 3395
Sukami, Yuri, and others 3439
Taisho Marine and Fire Insurance Co., Ltd 3767
Taiwan Bakuchiku Kaisha, Ltd 3766
Tanaka, George 3841
Tanaka, Kikuyo (Kikuzo) 3764
Tanaka, Masayuki, Kaiso, and Terue 3767
Tatsumi, K 3842
Tatsumi, Kano and Mitsutaro 3842
Tiedemann, Thedore 5712
Tietz, Bertha 5600
Tokio Marine & Fire Insurance Co., Ltd 3439
Tomita, Yukio and Masanouke 3843
Tromp, Klaas Frederik 4366
Uhlmann, Babette 5052
Uxkull, Comte Woldemar 4778
Vereinigte Stahlwerke A. G 5687
Vittum, Justina 4778
Voith, Elsa (Elsa M.) 5075, 5267
Voith, Hilar and Thea 5075, 5267
von Schnitzler, W. (W. A.; Werner) 5686
Von Valic, Eleanore 5746
Waeckerle, Maria Frieda 3437
Watanabe, Kikuyo 3842
Watjen, Alexander W 2951
Watjen, Johanna Alice 2951
Weber, Wally 5712
Weigold, Wilhelmine Friederike 5445
Weinmann, Emil Wilhelm 3435
Weinmann, Ferdinand (Georg Ferdinand) 3435
Wenzel, L 5688
Wing Dah Trading Co 3763
Yachiyo Co 2952
Yamamoto, Kamehiko and Mine 3435
Yamanouchi, H. (Hideo) 3764
Yamawaki, Masao, Masaomi, Masanori, Masashi, Masayasu, and Misao 3767
Yamawaki, Mrs. Misao, and others 3767
Yokohama Fire and Marine Insurance Co., Ltd 3570
Yokohama Specie Bank, Ltd 3844
Yonimoto, H. (Haruo) 3764
Zimmerman, John 3437
Zimmerman, Julius and Ludwig Heinrich 3437

ALIENS:
Aircraft employees, documents respecting. *See* Immigration and Naturalization Service.
Immigration and nationality regulations respecting. *See* Immigration and Naturalization Service.
Nonresident; tax regulations respecting. *See* Internal Revenue Bureau.
Property of, vesting orders, etc. *See* Alien Property, Office of.
Taxation. *See* Internal Revenue Bureau.
Trainees, foreign nationals, attached to Army or Air Force units, under Mutual Security Program; medical care at Army medical treatment facilities. *See* Army Department.

ANCHORAGE REGULATIONS. *See* Engineers, Corps of. Page

ANIMAL INDUSTRY BUREAU:
Animal breeds; recognition of breeds and books of record of purebred hogs 3064, 5339
Animal diseases:
Brucellosis and paratuberculosis, prohibition of movement of domestic animals infected with. *See* Interstate transportation of animals and poultry.
Hog cholera; marketing of anti-hog-cholera serum and hog-cholera virus. *See* Viruses, serums, etc.
Rinderpest and foot-and-mouth disease, importations prohibited and restricted because of existence of. *See* Exportation and importation of animals and animal products.
Channel Islands; designation as country where foot-and-mouth disease exists, and prohibition on importation of certain animals and products from 4610
Exportation and importation of animals and animal products:
See also Meat inspection regulations.
Importation:
Foot-and-mouth disease. *See* Rinderpest.
Rinderpest and foot-and-mouth disease; prohibited and restricted importations of cattle because of:
Designation of Channel Islands as country where foot-and-mouth disease exists, and importations from prohibited 4610
Foreign cured or cooked meats from countries where rinderpest and foot-and-mouth disease exists, provisions respecting thorough curing 3229
Sanitary control of animal products (except casings) and hay and straw, offered for entry into United States; proposed rule making:
Bone meal, for use as fertilizer or feed for domestic animals; requirements for entry 5521
Bone meal, tankage, etc., for use as fertilizer or animal feed; requirements for entry 5521
Bones, horns, and hoofs:
For trophies or museums 5521
Importations permitted subject to restrictions; handling to guard against dissemination of anthrax, foot-and-mouth disease, and rinderpest 5521
Definitions; bone meal 5521
Tankage, bone meal, etc., for use as fertilizer or as feed for domestic animals; importations permitted subject to restrictions, revocation proposed 5521
Meat, foreign cured or cooked, from countries where rinderpest and foot-and-mouth disease exists, provision respecting thorough curing 3229
Overtime services, relating to imports and exports; establishment of uniform hourly rate of payment for overtime, night, and holiday inspection and quarantine activities at border, coastal, and airports 4323
Interstate transportation of animals and poultry:
General provisions; definition of term Interstate 3420, 3459, 5211
Prohibition on movement of domestic animals infected with brucellosis and paratuberculosis 3420, 3459, 5212
Meat inspection regulations:
Ante-mortem inspection. *See* Inspection.
Certificates, export. *See* Stamps and certificates.
Identifying products:
Labeling products:
False or deceptive names, established trade names, etc 4845
Proposed rule making 5243
Labels; what to contain, when and how used 4845
Marking, branding and identifying products:
Marking of meat food products in casings 4845
Marking of shipping containers; domestic meat labels 4845
Preparation of marking devices bearing inspection legend without advance approval prohibited 4845

ANIMAL INDUSTRY BUREAU—Continued Page
Meat inspection regulations—Continued
Inspection:
Ante-mortem inspection; cripples and downers 4845
Facilities for inspection; overtime work of meat inspection employees 4845
Market inspection; revocation 4846
Reinspection and preparation of products:
Prescribed treatment of pork and products containing pork to destroy trichinae 4846
Processes to be supervised; containers, equipment, processes, substances 4845
Labeling products. *See* Identifying products.
Market inspection. *See* Inspection.
Marking products. *See* Identifying products.
Reinspection. *See* Inspection.
Sanitation:
Establishment, sanitary condition, requirement; official establishments and premises 4845
Tagging insanitary equipment, utensils, rooms or comparts 4845
Stamps and certificates, export:
Animal casings for export to certain countries, special requirements; certificates, stamps, handling, etc 4846
Export transportation without certificate prohibited; special procedure or requirements for export to Colombia, S. A 4846
Instructions concerning issuance 4846
Manner of affixing stamps and marking products for export 4846
Tanking and denaturing condemned carcasses and parts; specimens for educational, research and other purposes, permits for, required 4845
Overtime services, relating to imports and exports; establishment of uniform hourly rate of payment for overtime, night, and holiday inspection and quarantine activities at border, coastal and airports 4323
Viruses, serums, etc.:
Anti-hog-cholera serum. *See* Hog cholera.
Hog cholera; marketing of anti-hog-cholera serum and hog-cholera virus:
Budget of expenses and fixing rate of assessment for calendar year 1952, notice of proposed rule making 3559, 4610
Control Agency, manner of classifying wholesalers 3019
APPRENTICES, selective service regulations respecting. *See* Selective Service System.
ARMED FORCES:
See also Defense Department, *and specific services.*
Aviation gasoline, limitation on distribution and export of, to conserve supply for military and other essential uses. *See* Petroleum Administration for Defense.
Civil airman certificates; medical certification of military personnel. *See* Civil Aeronautics Administration.
Enlistments, extension of (Executive Order 10345) 3477
Mail; A. P. O.'s, postal regulations respecting. *See* Post Office Department.
Price control regulation respecting sales to. *See* Price Stabilization, Office of.
Selective service regulations. *See* Selective Service System.
Tax regulations respecting. *See* Internal Revenue Bureau.
Veterans. *See* Veterans.

ARMY DEPARTMENT:
See Engineers, Corps of.
Advertising, procurement by. *See* Procurement.
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Aircraft, military; transportation by, with and without reimbursement 3535
Nongovernmental travel 3536
Aluminum production, authority respecting channel extension of Port Aransas-Corpus Christi waterway, Texas, to plant site for 3893

ARMY DEPARTMENT—Continued Page
Authority, delegation of, to Secretary, from Defense Materials Procurement Agency; with respect to channel extension of Port Aransas-Corpus Christi waterway, Texas, to plant site for aluminum production 3893
Bids, for procurement of supplies. *See* Procurement.
Burial in national cemeteries. *See* Cemeteries, national.
Cemeteries, national:
Headstones and monuments, private monuments; erection of monument to span two graves 5761
National cemeteries under jurisdiction of Department of Army; Colorado:
Denver, rescinded 5761
Fort Logan (Denver), added 5761
Who may be interred:
Commissioned officers, Coast and Geodetic Survey 5761
Nonburial of persons convicted of certain crimes 4482
Certificates, military payment. *See* Claims against United States.
Chaplains section, Officers Reserve Corps, appointment in; waiver of theological requirement in certain cases 4794
Civil airman certificates; medical certification of military personnel. *See main heading* Civil Aeronautics Administration.
Claims against United States; military payment certificates:
Areas, list of; additions 4482
Limitations 4482
Use of military payment certificates; no foreign currency or coin accepted in listed facilities 4482
Community relations, participation by military personnel in community activities 3821
Contracts:
For various food products. *See* Procurement.
Procurement regulations. *See* Procurement.
Security provisions. *See* Security.
Correspondents accompanying armed forces, transfer of regulations respecting, to Chapter IV, Joint Regulations of Armed Forces, Defense Department 2991
Criminals, certain; nonburial in national cemeteries 4482
Discharge or separation from service:
Because of dependency or hardship 4483
Because of minority 4483
For convenience of Government; national health, safety, or interest 5191
Education, military; schools and colleges:
Educational institutions; each school to maintain minimum of 100 physically fit male students above age 14 under prescribed military training course 4482
Government property lost, destroyed, or damaged; report of loss, theft, and recovery 4482
Military authority; Commanding General, Second Army 4482
Enlisted reserves. *See* Reserves.
Enlistments:
Extension of enlistments (Executive Order 10345) 3477
One year enlistments; revocation 3594
Food products, procurement of. *See* Procurement.
Government property:
Sale of Government property. *See* Procurement.
Schools and colleges, military education program, Government property used in; report of loss, theft, and recovery 4482
Hawaii, restoring lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (Executive Order 10342) 3259
Hospitalization and disposition of nonmilitary patients 3847
Hospitals; persons who may be admitted for treatment. *See* Medical care.
Induction standards, minimum mental level; standard score 65 on Armed Forces Qualification Test 5554
Information, military:
Contractors engaged in classified projects to report on visits of foreign nationals, revocation 3594
Manufacturers, security guidance for 3178
Public information; responsibility for release of unclassified information, community relations, etc 3819

ARMY DEPARTMENT—Continued Page

Insurance, procurement regulations respecting. *See* Procurement.
Interdepartmental procurement. *See* Procurement.
Japan; Office of Supreme Commander for Allied Powers, termination of authority and disposition of correspondence and records 3689
Labor, procurement regulations respecting. *See* Procurement.
Lands, public, withdrawn for use by Department. *See main heading* Land Management Bureau.
Medal of Freedom, award of (Executive Order 10336) 2957
Medical care, Army hospital regulations:
  Nonmilitary patients, hospitalization and disposition of 3847
  Persons eligible to receive medical care at Army medical treatment facilities:
    Children, minor, unmarried, of deceased military personnel whose death occurred while on active duty or in retired status 3672
    Foreign nationals; Mutual Security Program trainees assigned to Army or Air Force units 3672
Military payment certificates. *See* Claims against United States.
Military reservations:
  Photographing harbor defenses, regulations affecting; revocation 3594
  Sugar Loaf Military Reservation, Oahu; restoring lands of, and right-of-way thereto, to jurisdiction of Territory of Hawaii (Executive Order 10342) 3259
Military security requirements, contract clauses respecting. *See* Procurement.
Mutual Security Assistance Program, Army procurement procedures respecting; procurement action reporting. *See* Procurement; general provisions.
Mutual Security Program trainees assigned to Army or Air Force units; eligibility to receive medical care at Army medical treatment facilities 3672
Negotiation, procurement by. *See* Procurement.
Nonmilitary patients, hospitalization and disposition of 3847
Organization and functions; Office of the Chief of Ordnance 3213
Organized reserves. *See* Reserves.
Photographing harbor defenses, revocation 3594
Port Aransas-Corpus Christi waterway, Texas; authority respecting channel extension to plant site for aluminum production 3893
Procurement, Army procurement procedure:
  Advertising, formal, procurement by:
    Opening of bids and award of contract:
      Equal bids, policy respecting "distressed employment area" 5503
      Irregularities in bids, or minor informalities 4329
    Use of formal advertising:
      Commercial supplies or services, procurement of 4329
      Lists of bidders, reference changed 5503
  Bonds and insurance; bid bonds 4331
  Contract clauses and forms; clauses for fixed-price supply contracts:
    Army Department clauses; liability for Government property furnished for repair 4330
    Ceiling prices, compliance with; rescission 4331
    Military security requirements 4330
    Required clauses:
      Default 4330
      Disputes, procedure for handling; findings of fact and decisions 5504
  General provisions:
    Administrative procedures:
      Approval of awards of contracts; architect-engineer contracts, until June 30, 1952 5503
      Audits of fixed-price contracts 4328
      Distribution of procurement contracts to Army Audit Agency; list of regional offices 5503
      Numbering system for contractual documents; United States Army Group, Turkey, added 4328
    Authority under Title II of First War Powers Act as amended, and Executive Order No. 10210:
      Correction of mutual mistakes and ambiguities; forms 4329
      Reports; amendments without consideration, correction of mistakes, and formalization of informal commitments 4329

ARMY DEPARTMENT—Continued Page

Procurement, Army procurement procedure—Con.
  General provisions—Continued
    Basic policies:
      Fraud, criminal conduct, suspension, administrative and statutory debarment 4324
      Ineligible contractors and disqualified bidders; rescission 4324
      Synopses of contract awards:
        Action by purchasing offices, addresses to be furnished with copies of synopses 4327
        Contents of synopses; statement of dollar amount and quantity of items 4327
    Procurement action reporting:
      Frequency and due dates; oversea purchasing offices 4329
      Instructions for preparing Individual Procurement Action Report (DD Form 350); action under Mutual Security Assistance Program 4329
      Instructions for preparing Procurement Action Report Monthly Summary (DA AGO Form 377) 5503
      Number of copies and routing; additional copy where action involves Mutual Security Assistance funds 4328
      Procurement actions to be reported:
        Where dollar value is over $10,000 4329
        Where Mutual Security Assistance funds are involved 4329
    Procurement responsibility and authority; standards of conduct 4327
  Government property, sale of:
    Exchange or sale of personal property, and application of proceeds to purchase of similar items 4331
    Executive agencies, exchanges and transfers between; rescission 4331
    Sales, gifts and loan of drawings and certain other property 4331
  Insurance. *See* Bonds and insurance.
  Interdepartmental procurement of printing and related supplies; envelopes authorized, addition 5504
  Labor:
    Basic policies:
      Labor relations; labor responsibility, Chief, Production Branch 4331
      Labor requirements, Federal and State 4331
    Wage stabilization 5505
  Negotiation, procurement by:
    Circumstances permitting negotiations; personal or professional services 4330
    Use of negotiation; negotiation as distinguished from formal advertising 4330
  Security requirements. *See* Security.
  Termination of contracts, forms; termination clause for research and development contracts 5504, 5610
  Veterinary inspection; award of contracts for meat and meat-food products, fish, poultry, butter, cream, etc 3672
  Wage stabilization 5505
Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926
Reserves, organized:
  Enlisted Reserve Corps:
    Enlistments:
      Extension of enlistments (Executive Order 10345) 3477
      Length of enlistment 5221
    Ineligibility; persons convicted of felony or charged with violation of State, Federal, or Territorial statute 5221
  Officers Reserve Corps, Chaplains section, appointment in; waiver of theological requirement in certain cases 4794
  Reserve Officers' Training Corps, training camps; transportation 5761
Security:
  Contracts awarded by Army Department:
    Contractors engaged in classified projects to report on visits of foreign nationals, revocation 3594
    Manufacturers, public information guidance for 3178
Photographing harbor defenses, revocation 3594
Separation from service. *See* Discharge or separation from service.

ARMY DEPARTMENT—Continued Page

Transportation by military aircraft, with and without reimbursement 3535
Nongovermental travel 3536
Wage stabilization, procurement regulations respecting. *See* Procurement.

ATOMIC ENERGY COMMISSION:
Awards in connection with patents and inventions, information respecting 5202
Committees, boards, etc.:
  Permanent committees under Atomic Energy Act 5199
  Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
  Production Policy Committee, Office of Defense Mobilization; representation on 4561
  Defense Procurement Policy Committee, designation as subcommittee 4561
Fellowship program in physical and biological sciences, information respecting 5201
Housing in critical defense areas; residential credit controls. *See main heading* Housing and Home Finance Agency.
Inventions, patents, and awards, information respecting 5202
Isotopes, distribution of, information respecting 5201
Lands, public, withdrawn for use of Commission. *See main heading* Land Management Bureau.
Organization and information on procedures:
  Information on procedures 5201
  Organization:
    Field offices 5200
    Headquarters organization 5199
    Purpose, programs, operations, etc 5198
Patents, inventions, and awards, information respecting 5202
Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926
Research assistance, information respecting 5201
Uranium program, domestic; information respecting 5202
ATTORNEY GENERAL. *See* Justice Department.
AVIATION GASOLINE; limitation on distribution and export of, to conserve supply for military and other essential uses. *See* Petroleum Administration for Defense.

B

BANKS:
  Banks for cooperatives. *See* Farm Credit Administration.
  Home loan banks. *See* Home Loan Bank Board.
  Insured deposits. *See* Federal Deposit Insurance Corporation.
  Voluntary program for credit restraint. *See* Federal Reserve System.
BLIND PERSONS:
  Contracts for blind-made products, exemption from renegotiation regulations. *See* Renegotiation Board.
  Employment in sheltered workshops. *See* Wage and Hour Division.
  Reading matter for, free matter in mails. *See* Post Office Department.
BLOCKED ASSETS, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (Executive Order 10348) 3769
BOARDS. *See* Committees, boards, etc.
BONNEVILLE POWER ADMINISTRATION:
  Lands, public, withdrawn for use as sub-station site, etc 4121
BONUSES, payment of. *See* Salary Stabilization Board.
BRIDGE REGULATIONS. *See* Engineers, Corps of.
BUDGET BUREAU:
  Air Coordinating Committee, representation on, by nonvoting member (Executive Order 10360) 5337
  Lands, public, jurisdiction in connection with disagreements between two or more executive departments or agencies as to proposed withdrawal or reservation for public purposes (Executive Order 10355) 4831

BUSINESS ECONOMICS, OFFICE OF: Page

Foreign-owned vessels or aircraft engaged in carrying goods or passengers to or from United States; reports by owners, operators, or agents on earnings from carriage of imports into United States and expenses incurred in United States on passenger and freight operations for purpose of compiling statistics on balance-of-payments for use of Government and International Monetary Fund 4922

C

CANADA:
  Aviation gasoline; limitation on movement into Canada. *See* Petroleum Administration for Defense.
  Priority order respecting petroleum and gas industries in. *See* National Production Authority.
  Radio stations. *See* Federal Communication Commission.
CANAL ZONE:
  See also Canal Zone Government.
  Certificates of registry for vessels purchased abroad by United States citizens or corporations, designation of captains of ports of Cristobal and Balboa, to issue certificates (Executive Order 10351) 4517
CANAL ZONE GOVERNMENT:
  Military reservation; revising boundary of Parcel No. 1 and creating new Parcels Nos. 1-A and 1-B, Curundu Military Reservation (Order 27) 3653
CANDIDATES FOR PUBLIC OFFICE, rules respecting television and radio broadcasts by 4066, 4711
CEMETERIES, NATIONAL, nonburial of persons convicted of certain crimes. *See* Army Department.
CERTIFICATES AND CERTIFICATION:
  Certificates of necessity, for loans and purchases under Defense Production Act; issuance by Agriculture Department in connection with plant fibers (Executive Order 10359) 5269
  Certificates of registry, for vessels purchased abroad by United States citizens or corporations; designation of captains of ports of Cristobal and Balboa, Canal Zone, to issue certificates (Executive Order 10351) 4517
  Minerals, strategic; certification to Secretary of Treasury of strategic minerals for purpose of exemptions from excess profits tax under section 450, of Internal Revenue Code, by Defense Production Administrator 5191
CHILD HEALTH DAY, 1952 (Proclamation 2971) 3139
CHILD LABOR REGULATIONS. *See* Labor Department.
CHILDREN'S WELFARE WORK, INTERNATIONAL. *See* International Children's Welfare Work.
CIVIL AERONAUTICS ADMINISTRATION:
  Administrator; approval, specifications, etc., by, with respect to airworthiness requirements, certificates and ratings, and irregular and scheduled air carriers. *See main heading* Civil Aeronautics Board.
  Aeronautical fixed communications. *See* Communications.
  Air traffic control rules; special VFR operations within control zone 4753
  Aircraft registration certificates. *See* Registration certificates.
  Air-navigation sites, public lands withdrawn for use as. *See main heading* Land Management Bureau.
  Airport and navigation facility construction; appeals. *See* Appeals procedure.
  Airports, public; Federal aid to public agencies for development of, eligible airport development 4527
  Altitudes, instrument. *See* Instrument flight rules.
  Appeals procedure, for air navigation facility and civil airport construction projects under CMP Regulation 6 (Regulation 1) 3384
    Appeals Officer, CAA 3384
    Basis and purpose 3384
    Filing appeals 3384
    Grounds for appeals 3384
    Hearings 3384
    Presentation of appeals 3384

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Aviation gasoline, limitation on distribution and export of, to conserve supply for military and other essential uses. *See main heading* Petroleum Administration for Defense.
Certificates, aircraft registration. *See* Registration certificates.
Certification procedures:
Alteration, amendment, and modification of certificates; initiation of proceedings 4846
Issuance of certificates; medical certification of military personnel 4104
Suspension and revocation of certificates:
Emergency suspensions 4846
Suspensions and revocations 4846
Civil airways, designation of 4676
Colored civil airways (amber, blue, green, red) 4676
Amber civil airways:
Montana; Great Falls to El Paso, Tex 5213
New York: New York City to Charleston, S. C 3403
South Carolina; Charleston to New York, N. Y 3403
Texas; El Paso to Great Falls, Mont 5213
Blue civil airways:
Alaska; Talkeetna to Pendleton, Oreg 5213
California:
Los Angeles to Oakland, Calif 4677
Oakland to Los Angeles, Calif 4677
Canadian Border. *See* United States-Canadian Border.
Colorado; Thurman to North Platte, Nebr 4677
Connecticut; Hartford to United States-Canadian Border 5213
Iowa:
Burlington to Madison, Wis 4677
Des Moines to St. Louis, Mo 4677
Kansas:
Garden City:
To Goodland, Kans 4677
To Hill City, Kans 4677
Goodland to Garden City, Kans 4677
Hill City to Garden City, Kans 4677
Wichita to Galveston, Tex 4677
Kentucky; Paducah to Memphis, Tenn 4677
Louisiana:
Baton Rouge to Lake Charles, La 5214
Lake Charles to Baton Rouge, La 5214
Maine; Augusta to United States-Canadian Border 2887
Michigan; Muskegon to Abilene, Tex 4677
Minnesota; Minneapolis to Houston, Tex 4677
Missouri; St. Louis to Des Moines, Iowa 4677
Nebraska; North Platte to Thurman, Colo 4677
New Mexico:
Carlsbad to Santa Fe, N. Mex 4677
Santa Fe to Carlsbad, N. Mex 4677
New York; Elmira to Bristol, Tenn 4677
Oregon; Pendleton to Talkeetna, Alaska 5213
Tennessee:
Bristol to Elmira, N. Y 4677
Memphis to Paducah, Ky 4677
Texas:
Abilene to Muskegon, Mich 4677
Galveston to Wichita, Kans 4677
Houston to Minneapolis, Minn 4677
United States-Canadian Border:
To Augusta, Maine 2887
To Hartford, Conn 5213
Wisconsin:
Janesville to Madison, Wis 4677
Madison:
To Burlington, Iowa 4677
To Janesville, Wis 4677
Green civil airways:
British Columbia; Patricia Bay to United States-Canadian Border via Millinocket, Maine 5213
Maine, Millinocket; United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket 5213
Texas; Laredo to Norfolk, Va 5213
United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket, Maine 5213
Virginia; Norfolk to Laredo, Tex 5213
Red civil airways:
Arizona; Winslow to San Diego, Calif 5213

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Colored civil airways (amber, blue, green, red)—Continued
Red civil airways—Continued
California; San Diego to Winslow, Ariz 5213
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo:
To Charleston, S. C 4676
To St. Joseph, Mo 3724
District of Columbia; Washington to Butler, Pa 3403
Illinois:
Chicago:
To Cincinnati, Ohio 4677
To Toledo, Ohio 4677
Vandalia to Evansville, Ind 4677
Indiana:
Evansville to Vandalia, Ill 4677
Indianapolis:
To Cleveland, Ohio 4677
To Louisville, Ky 4677
Iowa; Burlington to Columbus, Ohio 4676
Kansas; Goodland to Portland, Oreg 4676
Kentucky; Louisville to Indianapolis, Ind 4677
Louisiana:
Baton Rouge to Palacios, Tex 5213
Shreveport to Midland, Tex 4676
Mexican Border. *See* United States-Mexican Border.
Michigan; Cadillac to Elkins, W. Va 4677
Minnesota; Redwood Falls:
To Huron, S. Dak 4677
To Watertown, S. Dak 4677
Missouri; St. Joseph to Pueblo, Colo 3724
Montana:
Livingston to Missoula, Mont 5213
Missoula to Livingston, Mont 5213
Nebraska; Omaha to Las Vegas, Nev 4676
Nevada; Las Vegas to Omaha, Nebr 4676
New Mexico:
Albuquerque to Tucumcari, N. Mex 4676
Anton Chico to Santa Fe, N. Mex 4677
Santa Fe to Anton Chico, N. Mex 4677
Tucumcari to Albuquerque, N. Mex 4676
New York:
Buffalo to New York City, N. Y 4677
Elmira to Erie, Pa 4676, 4677
Massena to United States-Canadian Border 4677
New York City to Buffalo, N. Y 4677
Ohio:
Cincinnati to Chicago, Ill 4677
Cleveland to Indianapolis, Ind 4677
Columbus to Burlington, Iowa 4676
Mansfield to Toledo, Ohio 4677
Toledo:
To Chicago, Ill 4677
To Mansfield, Ohio 4677
Oregon; Portland to Goodland, Kans 4676
Pennsylvania:
Butler to Washington, D. C 3403
Erie to Elmira, N. Y 4676, 4677
Philipsburg to Pittsburgh, Pa 4677
Pittsburgh to Philipsburg, Pa 4677
South Carolina; Charleston to Pueblo, Colo 4676
South Dakota:
Huron to Redwood Falls, Minn 4677
Watertown to Redwood Falls, Minn 4677
Texas:
Big Spring:
To Midland, Tex 4676
To Wichita Falls, Tex 4677
El Paso:
To Lubbock, Tex 4677
To United States-Mexican Border 4676
Houston to Laredo, Tex 2887
Laredo to Houston, Tex 2887
Lubbock:
To El Paso, Tex 4677
To Midland, Tex 4676
Midland:
To Big Spring, Tex 4676
To Lubbock, Tex 4676
To Shreveport, La 4676
Palacios to Baton Rouge, La 5213

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
Colored civil airways (amber, blue, green, red)—Continued
Red civil airways—Continued
Texas—Continued
Wichita Falls to Big Spring, Tex 4677
United States-Canadian Border to Massena, N. Y 4677
United States-Mexican Border to El Paso, Tex 4676
West Virginia; Elkins to Cadillac, Mich 4677
Introduction; purpose, scope, etc 4676
VOR civil airways 4676
Alabama:
Mobile to Tallahassee, Fla 4680, 5214
Muscle Shoals:
To Graham, Tenn 4681
To Texarkana, Ark 4681
Tuscaloosa to Monroe, La 4679
Arizona:
Gila Bend to Hassayampa, Ariz 4682
Hassayampa to Gila Bend, Ariz 4682
Phoenix to Winslow, Ariz 4683
Winslow to Phoenix, Ariz 4683
Arkansas:
Pine Bluff to Kansas City, Mo 4682
Texarkana to Muscle Shoals, Ala 4681
Walnut Ridge to St. Louis, Mo 4682
California:
Bakersfield to San Francisco, Calif 4683
Blythe to Ontario, Calif 4681
Fresno to San Francisco, Calif 4683
Long Beach:
To Portland, Oreg 4680
To San Diego, Calif 4680
To United States-Canadian Border 4680, 5214
To Washington, D. C 4678, 5214
Los Angeles to Nashville, Tenn 4679
Modesto:
To Oakland, Calif 5214
To San Francisco, Calif 5214
Oakland:
To Modesto, Calif 5214
To New York, N. Y 5214
To Red Bluff, Calif 5214
To San Francisco, Calif 5214
Ontario to Blythe, Calif 4681
Palmdale to Santa Barbara, Calif 4682
Red Bluff to Oakland, Calif 5214
San Diego:
To Bellingham, Wash 5214
To Long Beach, Calif 4680
To Midland, Tex 4681, 5214
San Francisco:
To Bakersfield, Calif 4683
To Ellensburg, Wash 4680
To Fresno, Calif 4683
To Modesto, Calif 5214
To Oakland, Calif 5214
Santa Barbara to Palmdale, Calif 4682
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo to New York, N. Y 4679
Connecticut:
Hartford to Pittsburgh, Pa 4681
Wilton to Plattsburg, N. Y 4682
District of Columbia; Washington:
To Laredo, Tex 4680
To Long Beach, Calif 4678, 5214
To Portland, Oreg 5214
To The Dalles, Oreg 4678
Florida:
Jacksonville to Cleveland, Ohio 4678
Key West to Bangor, Maine 4677
Miami to Milwaukee, Wis 4678, 5214
Tallahassee:
To Florence, S. C 4681
To Mobile, Ala 4680, 5214
Idaho; Burley to Ogden, Utah 5214
Illinois:
Bradford to Evansville, Ind 4681, 5214
Chicago Heights:
To Burlington, Iowa 4681, 5214
To Columbus, Ohio 4680
Naperville to New Orleans, La 4678
Peoria to Kirksville, Mo 4681

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
Illinois—Continued
Quincy to Milwaukee, Wis 4681
Indiana:
Evansville to Bradford, Ill 4681, 5214
Fort Wayne to Toledo, Ohio 4683
Indianapolis to Louisville, Ky 4681
Iowa:
Burlington to Chicago Heights, Ill 4681, 5214
Des Moines:
To Columbia, Mo 4681
To St. Louis, Mo 4681
Mason City to Rochester, Minn 4682
Kansas:
Goodland to Austin, Tex 4679
Salina to Tulsa, Okla 4682
Wichita to San Angelo, Tex 4682
Kentucky; Louisville:
To Detroit, Mich 4681
To Indianapolis, Ind 4681
To Madison, Wis 4681
Louisiana:
Monroe to Tuscaloosa, Ala 4679
New Orleans to Naperville, Ill 4678
Maine:
Bangor:
To Key West, Fla 4677
To Princeton, Maine 4683
Princeton to Bangor, Maine 4683
Maryland; Baltimore:
To Buffalo, N. Y 4680
To Lancaster, Pa 4682
To Martinsburg, W. Va 4681
To Syracuse, N. Y 4680
Massachusetts; Boston:
To Drummond, Mont 4677
To Roswell, N. Mex 4679, 5214
Michigan:
Detroit:
To Houston, Tex 4679
To Lansing, Mich 4682
To Louisville, Ky 4681
To Pittsburgh, Pa 4681
Flint:
To Lansing, Mich 4682, 5214
To Pittsburgh, Pa 4680, 5214
Lansing:
To Columbus, Ohio 4681
To Detroit, Mich 4682
To Flint, Mich 4682, 5214
Muskegon to Dayton, Ohio 4681, 5214
Minnesota:
Duluth to Houston, Tex 4679
Minneapolis:
To Charleston, S. C 4683
To La Crosse, Wis 4682
To Rapid City, S. Dak 4680
Redwood Falls:
To Jamestown, N. Dak 4680
To Sioux Falls, S. Dak 4682
Rochester to Mason City, Iowa 4682
Missouri:
Columbia to Des Moines, Iowa 4681
Kansas City to Pine Bluff, Ark 4682
Kirksville to Peoria, Ill 4681
St. Louis:
To Des Moines, Iowa 4681
To Walnut Ridge, Ark 4682
Montana:
Butte to Whitehall, Mont 4682
Dillon to Drummond, Mont 4681
Drummond:
To Boston, Mass 4677
To Dillon, Mont 4681
Whitehall to Butte, Mont 4682
Nevada; Wells to Fort Bridger, Wyo 4680, 5214
New Mexico:
Albuquerque:
To Philadelphia, Pa 4679, 5214
To San Antonio, Tex 4682
To Tucumcari, N. Mex 4681
Anton Chico to Santa Fe, N. Mex 4681
Carlsbad to Santa Fe, N. Mex 4682
Hobbs to Salt Flat, Tex 4682

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
New Mexico—Continued
Santa Fe to Anton Chico, N. Mex 4677
Tucumcari to Albuquerque, N. Mex 4676
New York:
Albany to Utica, N. Y 4677
Buffalo to Rochester, N. Y 4677
Elmira to Bradford, Pa 4677
Elmira to Utica, N. Y 4677
Massena to Watertown, N. Y 4677
Rochester to Buffalo, N. Y 4677
Utica to Albany, N. Y 4677
Watertown to Syracuse, N. Y 4677
Ohio:
Akron to Pittsburgh, Pa 4681
Cincinnati to Columbus, Ohio 4681
Columbus to Akron, Ohio 4681
Columbus to Pittsburgh, Pa 4681
Dayton to Columbus, Ohio 4681
Oklahoma:
Oklahoma City to Tulsa, Okla 4682
Tulsa to Wichita, Kans 4682
Oregon:
Pendleton to Portland, Oreg 4680
Portland to Pendleton, Oreg 4680
Pennsylvania:
Bradford to Pittsburgh, Pa 4681
Harrisburg to Pittsburgh, Pa 4681
Philadelphia to Harrisburg, Pa 4679
Pittsburgh to Harrisburg, Pa 4681
Pittsburgh to Philadelphia, Pa 4679
Pittsburgh to Washington, D. C 4681
Washington to Pittsburgh, Pa 4681
Rhode Island; Providence to Boston, Mass 4677
South Carolina; Florence to Charleston, S. C 4681
South Dakota:
Huron to Redwood Falls, Minn 4682
Watertown to Redwood Falls, Minn 4682
Tennessee:
Bristol to Knoxville, Tenn 4681
Knoxville to Bristol, Tenn 4681
Memphis to Nashville, Tenn 4679
Nashville to Memphis, Tenn 4679
Texas:
Abilene to Wichita Falls, Tex 4677
Big Spring to Abilene, Tex 4677
Dallas to Houston, Tex 4679
Houston to Dallas, Tex 4679
Houston to Laredo, Tex 4679
Laredo to Houston, Tex 4679
Wichita Falls to Big Spring, Tex 4677
United States-Canadian Border to Massena, N. Y 4677
United States-Mexican Border to El Paso, Tex 4676
West Virginia; Elkins to Cadillac, Mich 4677
Introduction; purpose, scope, etc 4676
VOR civil airways 4676
Alabama:
Mobile to Tallahassee, Fla 4680, 5214
Muscle Shoals:
To Graham, Tenn 4681
To Texarkana, Ark 4681
Tuscaloosa to Monroe, La 4679
Arizona:
Gila Bend to Hassayampa, Ariz 4682
Hassayampa to Gila Bend, Ariz 4682
Phoenix to Winslow, Ariz 4683
Winslow to Phoenix, Ariz 4683
Arkansas:
Pine Bluff to Kansas City, Mo 4682
Texarkana to Muscle Shoals, Ala 4681
Walnut Ridge to St. Louis, Mo 4682
California:
Bakersfield to San Francisco, Calif 4683
Blythe to Ontario, Calif 4681
Fresno to San Francisco, Calif 4683
Long Beach:
To Portland, Oreg 4680
To San Diego, Calif 4680
To United States-Canadian Border 4680, 5214
To Washington, D. C 4678, 5214
Los Angeles to Nashville, Tenn 4679
Modesto:
To Oakland, Calif 5214
To San Francisco, Calif 5214
Oakland:
To Modesto, Calif 5214
To New York, N. Y 5214
To Red Bluff, Calif 5214
To San Francisco, Calif 5214
Ontario to Blythe, Calif 4681
Palmdale to Santa Barbara, Calif 4682
Red Bluff to Oakland, Calif 5214
San Diego:
To Bellingham, Wash 5214
To Long Beach, Calif 4680
To Midland, Tex 4681, 5214
San Francisco:
To Bakersfield, Calif 4683
To Ellensburg, Wash 4680
To Fresno, Calif 4683
To Modesto, Calif 5214
To Oakland, Calif 5214
Santa Barbara to Palmdale, Calif 4682
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo to New York, N. Y 4679
Connecticut:
Hartford to Pittsburgh, Pa 4681
Wilton to Plattsburg, N. Y 4682
District of Columbia; Washington:
To Laredo, Tex 4680
To Long Beach, Calif 4678, 5214
To Portland, Oreg 5214
To The Dalles, Oreg 4678
Florida:
Jacksonville to Cleveland, Ohio 4678
Key West to Bangor, Maine 4677
Miami to Milwaukee, Wis 4678, 5214
Tallahassee:
To Florence, S. C 4681
To Mobile, Ala 4680, 5214
Idaho; Burley to Ogden, Utah 5214
Illinois:
Bradford to Evansville, Ind 4681, 5214
Chicago Heights:
To Burlington, Iowa 4681, 5214
To Columbus, Ohio 4680
Naperville to New Orleans, La 4678
Peoria to Kirksville, Mo 4681

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
Illinois—Continued
Quincy to Milwaukee, Wis 4681
Indiana:
Evansville to Bradford, Ill 4681, 5214
Fort Wayne to Toledo, Ohio 4683
Indianapolis to Louisville, Ky 4681
Iowa:
Burlington to Chicago Heights, Ill 4681, 5214
Des Moines:
To Columbia, Mo 4681
To St. Louis, Mo 4681
Mason City to Rochester, Minn 4682
Kansas:
Goodland to Austin, Tex 4679
Salina to Tulsa, Okla 4682
Wichita to San Angelo, Tex 4682
Kentucky; Louisville:
To Detroit, Mich 4681
To Indianapolis, Ind 4681
To Madison, Wis 4681
Louisiana:
Monroe to Tuscaloosa, Ala 4679
New Orleans to Naperville, Ill 4678
Maine:
Bangor:
To Key West, Fla 4677
To Princeton, Maine 4683
Princeton to Bangor, Maine 4683
Maryland; Baltimore:
To Buffalo, N. Y 4680
To Lancaster, Pa 4682
To Martinsburg, W. Va 4681
To Syracuse, N. Y 4680
Massachusetts; Boston:
To Drummond, Mont 4677
To Roswell, N. Mex 4679, 5214
Michigan:
Detroit:
To Houston, Tex 4679
To Lansing, Mich 4682
To Louisville, Ky 4681
To Pittsburgh, Pa 4681
Flint:
To Lansing, Mich 4682, 5214
To Pittsburgh, Pa 4680, 5214
Lansing:
To Columbus, Ohio 4681
To Detroit, Mich 4682
To Flint, Mich 4682, 5214
Muskegon to Dayton, Ohio 4681, 5214
Minnesota:
Duluth to Houston, Tex 4679
Minneapolis:
To Charleston, S. C 4683
To La Crosse, Wis 4682
To Rapid City, S. Dak 4680
Redwood Falls:
To Jamestown, N. Dak 4680
To Sioux Falls, S. Dak 4682
Rochester to Mason City, Iowa 4682
Missouri:
Columbia to Des Moines, Iowa 4681
Kansas City to Pine Bluff, Ark 4682
Kirksville to Peoria, Ill 4681
St. Louis:
To Des Moines, Iowa 4681
To Walnut Ridge, Ark 4682
Montana:
Butte to Whitehall, Mont 4682
Dillon to Drummond, Mont 4681
Drummond:
To Boston, Mass 4677
To Dillon, Mont 4681
Whitehall to Butte, Mont 4682
Nevada; Wells to Fort Bridger, Wyo 4680, 5214
New Mexico:
Albuquerque:
To Philadelphia, Pa 4679, 5214
To San Antonio, Tex 4682
To Tucumcari, N. Mex 4681
Anton Chico to Santa Fe, N. Mex 4681
Carlsbad to Santa Fe, N. Mex 4682
Hobbs to Salt Flat, Tex 4682

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
New Mexico—Continued
Santa Fe to Anton Chico, N. Mex 4677
Tucumcari to Albuquerque, N. Mex 4676
New York:
Albany to Utica, N. Y 4677
Buffalo to Rochester, N. Y 4677
Elmira to Bradford, Pa 4677
Elmira to Utica, N. Y 4677
Massena to Watertown, N. Y 4677
Rochester to Buffalo, N. Y 4677
Utica to Albany, N. Y 4677
Watertown to Syracuse, N. Y 4677
Ohio:
Akron to Pittsburgh, Pa 4681
Cincinnati to Columbus, Ohio 4681
Columbus to Akron, Ohio 4681
Columbus to Pittsburgh, Pa 4681
Dayton to Columbus, Ohio 4681
Oklahoma:
Oklahoma City to Tulsa, Okla 4682
Tulsa to Wichita, Kans 4682
Oregon:
Pendleton to Portland, Oreg 4680
Portland to Pendleton, Oreg 4680
Pennsylvania:
Bradford to Pittsburgh, Pa 4681
Harrisburg to Pittsburgh, Pa 4681
Philadelphia to Harrisburg, Pa 4679
Pittsburgh to Harrisburg, Pa 4681
Pittsburgh to Philadelphia, Pa 4679
Pittsburgh to Washington, D. C 4681
Washington to Pittsburgh, Pa 4681
Rhode Island; Providence to Boston, Mass 4677
South Carolina; Florence to Charleston, S. C 4681
South Dakota:
Huron to Redwood Falls, Minn 4682
Watertown to Redwood Falls, Minn 4682
Tennessee:
Bristol to Knoxville, Tenn 4681
Knoxville to Bristol, Tenn 4681
Memphis to Nashville, Tenn 4679
Nashville to Memphis, Tenn 4679
Texas:
Abilene to Wichita Falls, Tex 4677
Big Spring to Abilene, Tex 4677
Dallas to Houston, Tex 4679
Houston to Dallas, Tex 4679
Houston to Laredo, Tex 4679
Laredo to Houston, Tex 4679

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
New Mexico—Continued
Roswell to Boston, Mass. 4679, 5214
Santa Fe:
To Anton Chico, N. Mex. 4681
To Carlsbad, N. Mex. 4682
Tucumcari to Albuquerque, N. Mex. 4681
New York:
Binghamton to Bradford, Pa. 4682
Buffalo:
To Baltimore, Md. 4680
To New York City, N. Y. 4680
New York City:
To Buffalo, N. Y. 4680
To Charleston, S. C. 4677
To Milwaukee, Wis. 4680
To Oakland, Calif. 5214
To Ogden, Utah. 4678
To Pueblo, Colo. 4679
To Rochester, N. Y. 4680
Plattsburg:
To United States-Canadian Border. 4683
To Wilton, Conn. 4682
Poughkeepsie to Gordonsville, Va. 4680
Rochester to New York City, N. Y. 4680
Syracuse:
To Baltimore, Md. 4680
To Pittsburgh, Pa. 4680
North Dakota:
Jamestown to Redwood Falls, Minn. 4680
Minot to Bryan, Tex. 4679
Ohio:
Cleveland:
To Jacksonville, Fla. 4678
To Pittsburgh, Pa. 4681
Columbus:
To Chicago Heights, Ill. 4680
To Erie, Pa. 4681
To Lansing, Mich. 4681
Dayton:
To Mansfield, Ohio. 4682
To Muskegon, Mich. 4681, 5214
Mansfield:
To Dayton, Ohio. 4682
To Toledo, Ohio. 4682
Toledo:
To Fort Wayne, Ind. 4683
To Mansfield, Ohio. 4682
Youngstown to Pittsburgh, Pa. 4681
Oklahoma:
Lawton to Wichita Falls, Tex. 4681
Ponca City to Tulsa, Okla. 4682
Tulsa:
To Ponca City, Okla. 4682
To Salina, Kans. 4682
Oregon:
Portland:
To Long Beach, Calif. 4680
To Washington, D. C. 5214
The Dalles to Washington, D. C. 4678
Pennsylvania:
Bradford to Binghamton, N. Y. 4682
Erie:
To Columbus, Ohio. 4681
To Elkins, W. Va. 4660
Lancaster to Baltimore, Md. 4682
Philadelphia:
To Albuquerque, N. Mex. 4679, 5214
To United States-Canadian Border. 4680
Pittsburgh:
To Cleveland, Ohio. 4681
To Detroit, Mich. 4681
To Flint, Mich. 4680, 5214
To Hartford, Conn. 4681
To Syracuse, N. Y. 4680
To Youngstown, Ohio. 4681
Scranton to Selinsgrove, Pa. 4683
Selinsgrove to Scranton, Pa. 4683
South Carolina:
Charleston:
To Minneapolis, Minn. 4683
To New York, N. Y. 4677
Florence to Tallahassee, Fla. 4681

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways—Continued
South Dakota:
Huron to Watertown, S. Dak. 4682
Rapid City:
To Cheyenne, Wyo. 4682
To Minneapolis, Minn. 4680
Sioux Falls to Redwood Falls, Minn. 4682
Watertown to Huron, S. Dak. 4682
Tennessee:
Graham to Muscle Shoals, Ala. 4681
Nashville to Los Angeles, Calif. 4679
Texas:
Amarillo to Midland, Tex. 4682
Austin to Goodland, Kans. 4679
Bryan to Minot, N. Dak. 4679
Culberson to Lubbock, Tex. 4682
El Paso to Sheridan, Wyo. 4680
Houston:
To Detroit, Mich. 4679
To Duluth, Minn. 4679
Laredo to Washington, D. C. 4680
Lubbock:
To Culberson, Tex. 4682
To San Angelo, Tex. 4682
To Wichita Falls, Tex. 4683
Midland:
To Amarillo, Tex. 4682
To San Diego, Calif. 4681, 5214
Salt Flat to Hobbs, N. Mex. 4682
San Angelo:
To Lubbock, Tex. 4682
To Wichita, Kans. 4682
San Antonio to Albuquerque, N. Mex. 4682
Wichita Falls:
To Lawton, Okla. 4681
To Lubbock, Tex. 4683
United States-Canadian Border:
To Long Beach, Calif. 4680, 5214
To Philadelphia, Pa. 4680
To Plattsburg, N. Y. 4683
Utah; Ogden:
To Burley, Idaho. 5214
To New York, N. Y. 4678
Virginia; Gordonsville to Poughkeepsie, N. Y. 4680
Washington:
Bellingham to San Diego, Calif. 5214
Ellensburg to San Francisco, Calif. 4680
West Virginia:
Elkins to Erie, Pa. 4680
Martinsburg to Baltimore, Md. 4681
Morgantown to Petersburg, W. Va. 4682
Petersburg to Morgantown, W. Va. 4682
Wisconsin:
La Crosse to Minneapolis, Minn. 4682
Madison to Louisville, Ky. 4681
Milwaukee:
To Miami, Fla. 4678, 5214
To New York City, N. Y. 4680
To Quincy, Ill. 4681
Wyoming:
Casper to Rock River, Wyo. 4682
Cheyenne to Rapid City, S. Dak. 4682
Fort Bridger to Wells, Nev. 4680, 5214
Rock River to Casper, Wyo. 4682
Sheridan to El Paso, Tex. 4680
Communications, fixed, aeronautical:
Acceptability of messages; correction. 2919
Liability, limitation of. 3317
Construction:
Structures along or near civil airways, notice of construction or alteration of; revision. 4137
Under CMP Regulation 6; appeals. *See* Appeals procedure.
Control areas, zones, and reporting points; designation of. 4683
Control areas: 4683
Colored civil airways (amber, blue, green, red) 4683
Amber civil airways:
Alaska; Nome to United States-Mexican Border. 5215
Canadian Border. *See* United States-Canadian Border.

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Colored civil airways (amber, blue, green, red)—Continued
Amber civil airways—Continued
Florida:
Jacksonville to United States-Canadian Border. 4684
Key West to United States-Canadian Border. 4684
Louisiana; Grand Isle to Milwaukee; Wis. 4684
Mexican Border. *See* United States-Mexican Border.
Montana; Great Falls to El Paso, Tex. 4683
North Dakota; Minot to Brownsville, Tex. 4683
Texas:
Brownsville to Minot, N. Dak. 4683
El Paso to Great Falls, Mont. 4683
United States-Canadian Border:
To Jacksonville, Fla. 4684
To Key West, Fla. 4684
United States-Mexican Border to Nome, Alaska. 5215
Wisconsin; Milwaukee to Grand Isle, La. 4684
Blue civil airways:
Alabama:
Birmingham to Nashville, Tenn. 3404
Montgomery to Erie, Pa. 4685
California:
Los Angeles to Oakland, Calif. 4685
Oakland to Los Angeles, Calif. 4685
Canadian Border. *See* United States-Canadian Border.
Connecticut; Hartford to United States-Canadian Border. 5215
Florida; Tallahassee to Sault Ste. Marie, Mich. 4685
Indiana; Goshen to Dayton, Ohio. 4686
Iowa:
Burlington to Madison, Wis. 4685
Des Moines to St. Louis, Mo. 4685
Kansas:
Garden City:
To Goodland, Kans. 4686
To Hill City, Kans. 4685
Goodland to Garden City, Kans. 4686
Hill City to Garden City, Kans. 4685
Wichita:
To Galveston, Tex. 4685
To Memphis, Tenn. 4685
Kentucky:
Louisville to Erie, Pa. 4685
Paducah to Memphis, Tenn. 4685
Louisiana:
Baton Rouge to Lake Charles, La. 5215
Lake Charles to Baton Rouge, La. 5215
Michigan:
Muskegon to Abilene, Tex. 4685
Sault Ste. Marie to Tallahassee, Fla. 4685
Traverse City to Ypsilanti, Mich. 4685
Ypsilanti to Traverse City, Mich. 4685
Minnesota; Minneapolis to Houston, Tex. 4685
Missouri:
Advance to United States-Canadian Border. 4685
Columbia to United States-Canadian Border. 4685
Kansas City to Springfield, Mo. 4685
St. Louis to Des Moines, Iowa. 4685
Springfield to Kansas City, Mo. 4685
New Mexico:
Carlsbad to Santa Fe, N. Mex. 4685
Hobbs:
To Midland, Tex. 4685
To Wink, Tex. 4685
Santa Fe to Carlsbad, N. Mex. 4685
New York:
Buffalo to Brookville, Pa. 4685
Dunkirk to Front Royal, Va. 4685
Elmira to Bristol, Tenn. 4685
Niagara Falls to Toledo, Ohio. 4685
Ohio:
Dayton to Goshen, Ind. 4686
Toledo to Niagara Falls, N. Y. 4685

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Colored civil airways (amber, blue, green, red)—Continued
Blue civil airways—Continued
Oklahoma:
Ardmore to Tulsa, Okla. 4685
Tulsa to Ardmore, Okla. 4685
Pennsylvania:
Brookville to Buffalo, N. Y. 4685
Erie:
To Huntington, W. Va. 4685
To Louisville, Ky. 4685
To Montgomery, Ala. 4685
South Carolina:
Charleston to Spartanburg, S. C. 4685
Spartanburg to Charleston, S. C. 4685
South Dakota; Rapid City to Casper, Wyo. 4685
Tennessee:
Bristol to Elmira, N. Y. 4685
Memphis:
To Paducah, Ky. 4685
To Wichita, Kans. 4685
Nashville to Birmingham, Ala. 3404
Texas:
Abilene to Muskegon, Mich. 4685
Amarillo to Brownsville, Tex. 4685
Brownsville to Amarillo, Tex. 4685
Galveston to Wichita, Kans. 4685
Houston to Minneapolis, Minn. 4685
Midland to Hobbs, N. Mex. 4685
Wink to Hobbs, N. Mex. 4685
United States-Canadian Border:
To Advance, Mo. 4685
To Columbia, Mo. 4685
To Hartford, Conn. 5215
Virginia; Front Royal to Dunkirk, N. Y. 4685
West Virginia; Huntington to Erie, Pa. 4685
Wisconsin:
Janesville to Madison, Wis. 4686
Madison:
To Burlington, Iowa. 4685
To Janesville, Wis. 4686
Wyoming; Casper to Rapid City, S. Dak. 4685
Green civil airways:
British Columbia; Patricia Bay to United States-Canadian Border via Millinocket, Maine. 5215
California:
Los Angeles to Philadelphia, Pa. 3724, 4683
San Francisco to New York, N. Y. 4683
Canadian Border. *See* United States-Canadian Border.
Maine, Millinocket; United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket. 5215
Massachusetts; Boston to Seattle, Wash. 4683
New York; New York City to San Francisco, Calif. 4683
Pennsylvania; Philadelphia to Los Angeles, Calif. 3724, 4683
United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket, Maine. 5215
Washington; Seattle to Boston, Mass. 4683
Red civil airways:
Alabama; Birmingham to Memphis, Tenn. 4684
Alaska:
Bethel to Fairbanks, Alaska. 5215
Fairbanks to Bethel, Alaska. 5215
Arizona:
Gila Bend to Rodeo, N. Mex. 4685
Winslow to San Diego, Calif. 4684
California; San Diego to Winslow, Ariz. 4684
Canadian Border. *See* United States-Canadian Border.
Colorado:
Denver to Minneapolis, Minn. 4684
Pueblo:
To Charleston, S. C. 4684
To St. Joseph, Mo. 4684
Connecticut; Hartford to Philipsburg, Pa. 4684
District of Columbia; Washington:
To Indianapolis, Ind. 4684

20000—52——3

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Colored civil airways (amber, blue, green, red)—Continued
Red civil airways—Continued
District of Columbia; Washington—Con.
To Lansing, Mich 4684
Florida:
Jacksonville to Shreveport, La 4684
Miami to Tallahassee, Fla 4684
Tallahassee:
To Florence, S. C 4684
To Miami, Fla 4684
Georgia; Atlanta to Detroit, Mich 4684
Illinois:
Chicago:
To Cincinnati, Ohio 4685
To Toledo, Ohio 4685
Moline to Youngstown, Ohio 4684
Peoria to St. Joseph, Mo 4685
Rockford to Detroit, Mich 4684
Vandalia to Evansville, Ind 4685
Indiana:
Evansville to Vandalia, Ill 4685
Indianapolis:
To Cleveland, Ohio 4685
To Louisville, Ky 4685
To Washington, D. C 4684
Iowa; Burlington to Columbus, Ohio 4684
Kansas:
Garden City to Oklahoma City, Okla 4684
Goodland to Portland, Oreg 4684
Kentucky:
Bowling Green to Lone Rock, Wis 4684
Louisville:
To Cincinnati, Ohio 4685
To Indianapolis, Ind 4685
Louisiana:
Baton Rouge to Palacios, Tex 5215
Shreveport:
To Jacksonville, Fla 4684
To Midland, Tex 4684
Maryland; Baltimore:
To Rochester, N. Y 4684
To St. Louis, Mo 4684
Massachusetts; Boston:
To Enid, Okla 4684
To Pittsburgh, Pa 2887
To Richmond, Va 4684
Mexican Border. *See* United States-Mexican Border.
Michigan:
Cadillac to Elkins, W. Va 4685
Detroit:
To Atlanta, Ga 4684
To Norfolk, Va 4684
To Rockford, Ill 4684
Lansing to Washington, D. C 4684
Minnesota:
Minneapolis to Denver, Colo 4684
Redwood Falls:
To Huron, S. Dak 4685
To Watertown, S. Dak 4685
Rochester:
To Jamestown, N. Dak 4684
To La Crosse, Wis 4684
St. Paul to Sioux Falls, S. Dak 4684
Missouri:
Kansas City to Williamsport, Pa 4684
St. Joseph:
To Peoria, Ill 4685
To Pueblo, Colo 4684
St. Louis to Baltimore, Md 4684
Nebraska; Omaha to Las Vegas, Nev 4684
Nevada; Las Vegas to Omaha, Nebr 4684
New Mexico:
Albuquerque:
To Hobbs, N. Mex 4685
To Tucumcari, N. Mex 4684
Anton Chico to Santa Fe, N. Mex 4685
Hobbs:
To Albuquerque, N. Mex 4685
To Salt Flat, Tex 4685
Rodeo to Gila Bend, Ariz 4685
Santa Fe to Anton Chico, N. Mex 4685

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Colored civil airways (amber, blue, green, red)—Continued
Red civil airways—Continued
New Mexico—Continued
Tucumcari to Albuquerque, N. Mex 4684
New York:
Buffalo to New York City, N. Y 4685
Elmira to Erie, Pa 4684, 4685
Massena to United States-Canadian Border 4685
New York City:
To Buffalo, N. Y 4685
To United States-Canadian Border 4684
Rochester to Baltimore, Md 4684
Syracuse to Allentown, Pa 4684
North Dakota; Jamestown to Rochester, Minn 4684
Ohio:
Cincinnati:
To Chicago, Ill 4685
To Louisville, Ky 4685
Cleveland to Indianapolis, Ind 4685
Columbus to Burlington, Iowa 4684
Dayton to Martinsburg, Pa 4685
Toledo to Chicago, Ill 4685
Youngstown to Moline, Ill 4684
Oklahoma:
Enid to Boston, Mass 4684
Oklahoma City to Garden City, Kans 4684
Oregon; Portland to Goodland, Kans 4684
Pennsylvania:
Allentown to Syracuse, N. Y 4684
Erie to Elmira, N. Y 4684, 4685
Martinsburg to Dayton, Ohio 4685
Philipsburg:
To Hartford, Conn 4684
To Pittsburgh, Pa 4685
Pittsburgh:
To Boston, Mass 2887
To Philipsburg, Pa 4685
Williamsport to Kansas City, Mo 4684
South Carolina:
Charleston to Pueblo, Colo 4684
Florence to Tallahassee, Fla 4684
South Dakota:
Huron to Redwood Falls, Minn 4685
Sioux Falls to St. Paul, Minn 4684
Watertown to Redwood Falls, Minn 4685
Tennessee; Memphis to Birmingham, Ala 4684
Texas:
Big Spring to Midland, Tex 4684
Dallas to Gordonsville, Va 4684
El Paso:
To Lubbock, Tex 4684
To United States-Mexican Border 4684
Lubbock:
To El Paso, Tex 4684
To Midland, Tex 4684
Midland:
To Big Spring, Tex 4684
To Lubbock, Tex 4684
To Shreveport, La 4684
Palacios to Baton Rouge, La 5215
Salt Flat to Hobbs, N. Mex 4685
United States-Canadian Border:
To Massena, N. Y 4685
To New York, N. Y 4684
United States-Mexican Border to El Paso, Tex 4684
Virginia:
Gordonsville to Dallas, Tex 4684
Norfolk to Detroit, Mich 4684
Richmond to Boston, Mass 4684
West Virginia; Elkins to Cadillac, Mich 4685
Wisconsin:
La Crosse to Rochester, Minn 4684
Lone Rock to Bowling Green, Ky 4684
Extension of control areas 4683
Arizona:
Prescott 3404
Winslow 3404

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
Extension of control areas—Continued
California:
Chatsworth 5215
Los Angeles 3404
San Francisco 5340
Santa Barbara 5340
Connecticut; Wilton 4686
Florida:
Key West 5215
Miami 5215
Tampa 5215
Georgia; Valdosta 3404
Idaho; Mountain Home 4686, 5215
Indiana:
Evansville 3724
Goshen 5215
Millersburg 5215
Kansas; Wichita 5215
Louisiana:
Lake Charles 3724
New Orleans 3724
Shreveport 5215
Montana; Miles City 4686
Nebraska; North Platte 4686
Nevada; Lovelock 5215
New York:
Albany 4686
Poughkeepsie 4686
Oklahoma; Lawton 4686
Rhode Island; Quonset Point 3724
Tennessee; Dyersburg 4686
Texas:
El Paso 4686, 5215
Galveston 5340
Midland 5215
Utah; Promontory Point 2887
VOR civil airways 4683
Alabama:
Mobile to Tallahassee, Fla 4687
Muscle Shoals:
To Graham, Tenn 4688
To Texarkana, Ark 4688
Tuscaloosa to Monroe, Ala 4687
Arizona:
Gila Bend to Hassayampa, Ariz 4688
Hassayampa to Gila Bend, Ariz 4688
Phoenix to Winslow, Ariz 4689
Winslow to Phoenix, Ariz 4689
Arkansas:
Pine Bluff to Kansas City, Mo 4688
Texarkana to Muscle Shoals, Ala 4688
Walnut Ridge to St. Louis, Mo 4688
California:
Bakersfield to San Francisco, Calif 4689
Blythe to Ontario, Calif 4688
Fresno to San Francisco, Calif 4689
Long Beach:
To Portland, Oreg 4687
To San Diego, Calif 4687
To United States-Canadian Border 4687
To Washington, D. C 4687
Los Angeles to Nashville, Tenn 4687
Modesto:
To Oakland, Calif 5216
To San Franscisco, Calif 5216
Oakland:
To Modesto, Calif 5216
To New York, N. Y 5216
To Red Bluff, Calif 5216
To San Francisco, Calif 5216
Ontario to Blythe, Calif 4688
Palmdale to Santa Barbara, Calif 4688
Red Bluff to Oakland, Calif 5216
San Diego:
To Bellington, Wash 5216
To Long Beach, Calif 4687
To Midland, Tex 4688
San Francisco:
To Bakersfield, Calif 4689
To Ellensburg, Wash 4687
To Fresno, Calif 4689
To Modesto, Calif 5216

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
VOR civil airways—Continued
California—Continued
San Francisco—Continued
To Oakland, Calif 5216
Santa Barbara to Palmdale, Calif 4688
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo to New York, N. Y 4687
Connecticut:
Hartford to Pittsburgh, Pa 4688
Wilton to Plattsburg, N. Y 4688
District of Columbia; Washington:
To Laredo, Tex 4687
To Long Beach, Calif 4687
To Portland, Oreg 5216
To The Dalles, Oreg 4687
Florida:
Jacksonville to Cleveland, Ohio 4687
Key West to Bangor, Maine 4687
Miami to Milwaukee, Wis 4687
Tallahassee:
To Florence, S. C 4688
To Mobile, Ala 4687
Idaho; Burley to Ogden, Utah 5216
Illinois:
Bradford to Evansville, Ind 4688
Chicago Heights:
To Burlington, Iowa 4688
To Columbus, Ohio 4687
Naperville to New Orleans, La 4687
Peoria to Kirksville, Mo 4688
Quincy to Milwaukee, Wis 4688
Indiana:
Evansville to Bradford, Ill 4688
Fort Wayne to Toledo, Ohio 4689
Indianapolis to Louisville, Ky 4688
Iowa:
Burlington to Chicago Heights, Ill 4688
Des Moines:
To Columbia, Mo 4688
To St. Louis, Mo 4688
Mason City to Rochester, Minn 4688
Kansas:
Goodland to Austin, Tex 4687
Salina to Tulsa, Okla 4688
Wichita to San Angelo, Tex 4688
Kentucky; Louisville:
To Detroit, Mich 4688
To Indianapolis, Ind 4688
To Madison, Wis 4688
Louisiana:
Monroe to Tuscaloosa, Ala 4687
New Orleans to Naperville, Ill 4687
Maine:
Bangor:
To Key West, Fla 4687
To Princeton, Maine 4689
Princeton to Bangor, Maine 4689
Maryland; Baltimore:
To Buffalo, N. Y 4687
To Lancaster, Pa 4688
To Martinsburg, W. Va 4688
To Syracuse, N. Y 4687
Massachusetts; Boston:
To Drummond, Mont 4687
To Roswell, N. Mex 4687
Michigan:
Detroit:
To Houston, Tex 4687
To Lansing, Mich 4688
To Louisville, Ky 4688
To Pittsburgh, Pa 4688
Flint:
To Lansing, Mich 4688
To Pittsburgh, Pa 4688
Lansing:
To Columbus, Ohio 4688
To Detroit, Mich 4688
To Flint, Mich 4688
Muskegon to Dayton, Ohio 4688

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
VOR civil airways—Continued
Minnesota:
Duluth to Houston, Tex 4687
Minneapolis:
To Charleston, S. C 4689
To La Crosse, Wis 4688
To Rapid City, S. Dak 4687
Redwood Falls:
To Jamestown, N. Dak 4687
To Sioux Falls, S. Dak 4688
Rochester to Mason City, Iowa 4688
Missouri:
Columbia to Des Moines, Iowa 4688
Kansas City to Pine Bluff, Ark 4688
St. Louis:
To Des Moines, Iowa 4688
To Walnut Ridge, Ark 4688
Montana:
Butte to Whitehall, Mont 4688
Dillon to Drummond, Mont 4688
Drummond:
To Boston, Mass 4687
To Dillon, Mont 4688
Whitehall to Butte, Mont 4688
Nevada; Wells to Fort Bridger, Wyo 4687, 5216
New Mexico:
Albuquerque:
To Philadelphia, Pa 4687
To San Antonio, Tex 4688
To Tucumcari, N. Mex 4688
Anton Chico to Santa Fe, N. Mex 4688
Carlsbad to Santa Fe, N. Mex 4688
Hobbs to Salt Flat, Tex 4688
Roswell to Boston, Mass 4687
Santa Fe:
To Anton Chico, N. Mex 4688
To Carlsbad, N. Mex 4688
Tucumcari to Albuquerque, N. Mex 4688
New York:
Binghamton to Bradford, Pa 4688
Buffalo:
To Baltimore, Md 4687
To New York City, N. Y 4687
Kirksville to Peoria, Ill 4688
New York City:
To Buffalo, N. Y 4687
To Charleston, S. C 4687
To Milwaukee, Wis 4687
To Oakland, Calif 5216
To Ogden, Utah 4687
To Pueblo, Colo 4687
To Rochester, N. Y 4687
Plattsburg:
To United States-Canadian Border 4689
To Wilton, Conn 4688
Poughkeepsie to Gordonsville, Va 4687
Rochester to New York City, N. Y 4687
Syracuse:
To Baltimore, Md 4687
To Pittsburgh, Pa 4687
North Dakota:
Jamestown to Redwood Falls, Minn 4687
Minot to Bryan, Tex 4687
Ohio:
Cleveland:
To Jacksonville, Fla 4687
To Pittsburgh, Pa 4688
Columbus:
To Chicago Heights, Ill 4687
To Erie, Pa 4688
To Lansing, Mich 4688
Dayton:
To Mansfield, Ohio 4688
To Muskegon, Mich 4688
Mansfield:
To Dayton, Ohio 4688
To Toledo, Ohio 4688
Toledo:
To Fort Wayne, Ind 4689
To Mansfield, Ohio 4688
Youngstown to Pittsburgh, Pa 4688

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
VOR civil airways—Continued
Oklahoma:
Lawton to Wichita Falls, Tex 4688
Ponca City to Tulsa, Okla 4688
Tulsa:
To Ponca City, Okla 4688
To Salina, Kans 4688
Oregon:
Portland:
To Long Beach, Calif 4687
To Washington, D. C 5216
The Dalles to Washington, D. C 4687
Pennsylvania:
Bradford to Binghamton, N. Y 4688
Erie:
To Columbus, Ohio 4688
To Elkins, W. Va 4687
Lancaster to Baltimore, Md 4688
Philadelphia:
To Albuquerque, N. Mex 4687
To United States-Canadian Border 4687
Pittsburgh:
To Cleveland, Ohio 4688
To Detroit, Mich 4688
To Flint, Mich 4688
To Hartford, Conn 4688
To Syracuse, N. Y 4687
To Youngstown, Ohio 4688
Scranton to Selinsgrove, Pa 4689
Selinsgrove to Scranton, Pa 4689
South Carolina:
Charleston:
To Minneapolis, Minn 4689
To New York, N. Y 4687
Florence to Tallahassee, Fla 4688
South Dakota:
Huron to Watertown, S. Dak 4688
Rapid City:
To Cheyenne, Wyo 4688
To Minneapolis, Minn 4687
Sioux Falls to Redwood Falls, Minn 4688
Watertown to Huron, S. Dak 4688
Tennessee:
Graham to Muscle Shoals, Ala 4688
Nashville to Los Angeles, Calif 4687
Texas:
Amarillo to Midland, Tex 4688
Austin to Goodland, Kans 4687
Bryan to Minot, N. Dak 4687
Culberson to Lubbock, Tex 4688
El Paso to Sheridan, Wyo 4687
Houston:
To Detroit, Mich 4687
To Duluth, Minn 4687
Laredo to Washington, D. C 4687
Lubbock:
To Culberson, Tex 4688
To San Angelo, Tex 4688
To Wichita Falls, Tex 4689
Midland:
To Amarillo, Tex 4688
To San Diego, Calif 4688
Salt Flat to Hobbs, N. Mex 4688
San Angelo:
To Lubbock, Tex 4688
To Wichita, Kans 4688
San Antonio to Albuquerque, N. Mex 4688
Wichita Falls:
To Lawton, Okla 4688
To Lubbock, Tex 4689
United States-Canadian Border:
To Long Beach, Calif 4687
To Philadelphia, Pa 4687
To Plattsburg, N. Y 4689
Utah; Ogden:
To Burley, Idaho 5216
To New York, N. Y 4687
Virginia; Gordonsville to Poughkeepsie, N. Y 4687
Washington:
Bellington to San Diego, Calif 5216
Ellensburg to San Francisco, Calif 4687

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Control areas—Continued
VOR civil airways—Continued
West Virginia:
Elkins to Erie, Pa 4687
Martinsburg to Baltimore, Md 4688
Morgantown to Petersburg, W. Va 4688
Petersburg to Morgantown, W. Va 4688
Wisconsin:
La Cross to Minneapolis, Minn 4688
Madison to Louisville, Ky 4688
Milwaukee:
To Miami, Fla 4687
To New York, N. Y 4687
To Quincy, Ill 4688
Wyoming:
Casper to Rock River, Wyo 4688
Cheyenne to Rapid City, S. Dak 4688
Fort Bridger to Wells, Nev 4687, 5216
Rock River to Casper, Wyo 4688
Sheridan to El Paso, Tex 4687
Control zones 4683
Additional control zones:
Delaware; New Castle 3404
Florida; Miami 5215
Georgia; Valdosta 3404
Louisiana; Shreveport 5215
Michigan:
Oscoda 3404
Sault Ste. Marie 3404
Tennessee; Dyersburg 4686
West Virginia; Charleston 5215
Five-mile radius, around various airports:
Alaska:
Farewell; Farewell Airport 5215
McGrath; McGrath Airport 5215
Minchumina; Minchumina Airport 5215
Idaho, Mountain Home; Mountain Home AFB 4686
Massachusetts; Nantucket Memorial Airport 5215
New York; Rome, name of airport corrected to read "Rome, N. Y.; Griffiss AFB" 5215
Texas, Midland; Municipal Airport No. 1 changed to Midland Air Terminal 3404
Three mile radius zones, around various airports:
New Mexico, Engle; Intermediate Field, deleted 3724
Washington, Everett; name of airport changed to read "Everett, Wash., Paine AFB" 5215
Introduction; purpose, scope, etc 4683
Reporting points:
Colored civil airways (amber, blue, green, red) 4683
Amber civil airways:
Alaska; Nome to United States-Canadian Border 5216
United States-Mexican Border to Nome, Alaska 5216
Blue civil airways:
California:
Los Angeles to Oakland, Calif 4687
Oakland to Los Angeles, Calif 4687
Canadian Border. *See* United States-Canadian Border.
Connecticut; Hartford to United States-Canadian Border 5216
Iowa; Burlington to Madison, Wis 4686
Kansas:
Garden City:
To Goodland, Kans 4687
To Hill City, Kans 4687
Goodland to Garden City, Kans 4687
Hill City to Garden City, Kans 4687
Wichita to Galveston, Tex 4686
Kentucky; Paducah to Memphis, Tenn 4687
Louisiana:
Baton Rouge to Lake Charles, La 5216
Lake Charles to Baton Rouge, La 5216
Michigan; Muskegon to Abilene, Tex 3404, 4686
New York; Elmira to Bristol, Tenn 4686
Tennessee:
Bristol to Elmira, N. Y 4686
Memphis to Paducah, Ky 4687
Texas:
Abilene to Muskegon, Mich 3404, 4686
Galveston to Wichita, Kans 4686

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points—Continued
Colored civil airways (amber, blue, green, red)—Continued
Blue civil airways—Continued
United States-Canadian Border to Hartford, Conn 5216
Wisconsin:
Janesville to Madison, Wis 4687
Madison:
To Burlington, Iowa 4686
To Janesville, Wis 4687
Green civil airways:
British Columbia; Patricia Bay to United States-Canadian Border via Millinocket, Maine 5216
Maine; Millinocket, United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket 5216
Texas; Laredo to Norfolk, Va 5216
United States-Canadian Border to Patricia Bay, British Columbia, via Millinocket, Maine 5216
Virginia; Norfolk to Laredo, Tex 5216
Other reporting points, certain; deletion 4687
Red civil airways:
Alaska:
Bethel to Fairbanks, Alaska 5216
Fairbanks to Bethel, Alaska 5216
Canadian Border. *See* United States-Canadian Border.
Colorado; Pueblo to Charleston, S. C 4686
Illinois:
Chicago:
To Cincinnati, Ohio 4686
To Toledo, Ohio 4686
Vandalia to Evansville, Ind 4686
Indiana:
Evansville to Vandalia, Ill 4686
Indianapolis:
To Cleveland, Ohio 4686
To Louisville, Ky 4686
Kansas; Goodland to Portland, Oreg 4686
Kentucky; Louisville to Indianapolis, Ind 4686
Louisiana:
Baton Rouge to Palacios, Tex 5216
Shreveport to Midland, Tex 4686
Mexican Border. *See* United States-Mexican Border.
Minnesota; Redwood Falls:
To Huron, S. Dak 4686
To Watertown, S. Dak 4686
Nebraska; Omaha to Las Vegas, Nev 4686
Nevada; Las Vegas to Omaha, Nebr 4686
New Mexico:
Albuquerque to Tucumcari, N. Mex 4686
Anton Chico to Santa Fe, N. Mex 4686
Santa Fe to Anton Chico, N. Mex 4686
Tucumcari to Albuquerque, N. Mex 4686
New York:
Buffalo to New York, N. Y 4686
Elmira to Erie, Pa 4686
Massena to United States-Canadian Border 4686
New York City to Buffalo, N. Y 4686
Ohio:
Cincinnati to Chicago, Ill 4686
Cleveland to Indianapolis, Ind 4686
Mansfield to Toledo, Ohio 4686
Toledo:
To Chicago, Ill 4686
To Mansfield, Ohio 4686
Oregon; Portland to Goodland, Kans 4686
Pennsylvania:
Erie to Elmira, N. Y 4686
Philipsburg to Pittsburgh, Pa 4686
Pittsburgh to Philipsburg, Pa 4686
South Carolina; Charleston to Pueblo, Colo 4686
South Dakota:
Huron to Redwood Falls, Minn 4686
Watertown to Redwood Falls, Minn 4686
Texas:
Big Spring:
To Midland, Tex 4686

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Control areas, zones, and reporting points; designation of—Continued
Reporting points—Continued
Colored civil airways (amber, blue, green, red)—Continued
Red civil airways—Continued
Texas—Continued
Big Spring—Continued
To Wichita Falls, Tex 4686
El Paso:
To Lubbock, Tex 4686
To United States-Mexican Border 4686
Lubbock:
To El Paso, Tex 4686
To Midland, Tex 4686
Midland:
To Big Spring, Tex 4686
To Lubbock, Tex 4686
To Shreveport, La 4686
Palacios to Baton Rouge, La 5216
Wichita Falls to Big Spring, Tex 4686
United States-Canadian Border to Massena, N. Y 4636
United States-Mexican Border to El Paso, Tex 4636
VOR civil airways 4683, 4689
Illinois:
Joliet; omnirange station, deletion 5216
Vandalia; omnirange station, deletion 5216
Wisconsin:
Eau Claire; omnirange station, deletion 5216
Green Bay; omnirange station, deletion 5216
Wausau; omnirange station, deletion 5216
Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas added, deleted or altered:
Arizona; Yuma 5216
California:
Petaluma 5288
Point Reyes 5388
Salton Sea 4977
Winters 4558
Colorado; Camp Carson 2888
Delaware; Milford 3724
Kansas; Osage City 4104
Michigan:
Camp Grayling 4104
Lake Margrethe 4105
Minnesota:
Camp Ripley 4105
Upper Red Lake 4105
Montana; Dillion 5388
Nevada; Fallon 4558
North Carolina:
Cherry Point 3404
Lake Waccamaw 3404
Puerto Rico; Punta Figuras 4977
Texas:
Camp Hood 5389
Waco 3724
Utah:
Carrington Island 4977
Great Salt Lake 4105
Tooele 3144
Wendover 4558
Virginia:
Great Machipongo Inlet 3144, 3724
Parramore Island 3144
Quantico 3724, 5289
Washington; Port Angeles 4558
Wyoming; Camp Guernsey 5499
Gasoline. *See* Aviation gasoline.
Hearings, respecting relief from provisions of CMP Regulation 6. *See* Appeals procedure.
Instrument flight rules; instrument altitudes, minimum en route IFR:
Altitudes, mountainous terrain; redesignation 2989
Introduction; revision and redesignation 2989
Operation procedures, mountainous terrain and particular routes; revision and redesignation 2989
Particular routes:
Footnote 5499
Redesignation 2990

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Instrument flight rules; instrument altitudes, minimum en route IFR—Continued
Particular routes—Continued
Various civil airways (amber, blue, green, red and VOR airways) 2988, 3317, 4105, 4690, 4698, 4977, 5499, 5811
Military personnel, medical certification of. *See* Certification procedures.
Organization and functions; regional offices:
Airport District Offices serving Delaware, Maryland, New Jersey, consolidation of, with offices serving Pennsylvania and District Office No. 6 serving Virginia 5777
Airport District Offices serving Kansas and Missouri, consolidation of 5777
Procedures; certification. *See* Certification procedures.
Registration certificates, aircraft; issuance of registration certificates 3746, 5315

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft:
Investigation of accidents occurring at or near certain cities:
Hugoton, Kans 3426
Jamaica, Long Island, N. Y 3691
La Habra, Calif 4267
San Juan, Puerto Rico 3691
Topeka, Kans 5173
Report of aircraft accidents; proposed rule making 4772
Accounts, inspection of. *See* Economic regulations.
Air agencies, certificates and ratings. *See* Certificates and ratings.
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Balloons. *See* Balloons.
Certificated air carriers; reporting requirements. *See* Economic regulations.
Civil aircraft; authority respecting. *See* Authority, delegation of.
Irregular. *See* Irregular air carrier and off-route rules.
Nontransport category airplanes. *See* Commercial operator certification and operation rules.
Scheduled. *See* Scheduled air carriers.
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Air taxi operators; classification and exemption. *See* Economic regulations.
Air traffic rules:
Control-tower operator certificates. *See* Certificates and ratings.
Conversion of speed and distance provisions to knots and nautical miles, proposed rule making 3357, 4583
Instrument flight rules (IFR); operation on civil airways, proposed rule making 3747
Long distance domestic flights at certain altitudes; extension of authority, special civil air regulation, proposed 4860
Airmen, certificates and ratings. *See* Certificates and ratings.
Airworthiness; requirements for various types of aircraft and equipment:
Aircraft radio equipment; approval of crystals (CAA policies) 4103
Airplane, normal, utility and acrobatic categories; power-plant installation, reciprocating engines, fuel tank sump 4742
Rotorcraft; powerplant installation:
Induction and exhaust systems; de-icing and anti-icing provisions 4743
Rotor drive system; mechanism 4743
Alaskan air carriers; classification and exemption. *See* Economic regulations.
Authority, delegation of:
From Secretary of Commerce, with respect to distribution and redistribution of civil aircraft among civil air carriers 2899
Military services; authority to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization 5699

CIVIL AERONAUTICS BOARD—Continued Page

Aviation gasoline, limitation on distribution and export of, to conserve supply for military and other essential uses. *See main heading* Petroleum Administration for Defense.
Balloons, moored, operation of; conversion of speed and distance provisions to knots and nautical miles, proposed rule making 3357, 4583
Cargo carriers, noncertificated; classification and exemption. *See* Economic regulations.
Certificates and ratings:
Air agencies:
Mechanic school certificates; revision 2985
Parachute loft certificates and ratings; speed and distance provisions, conversion of, to knots and nautical miles, proposed rule making 3357, 4583
Repair station certificates; revision 2981
CAA rules, policies and interpretations 5002
Airmen:
Air-traffic control-tower operator certificates; speed and distance provisions, conversion of, to knots and nautical miles, proposed rule making 3357, 4583
Flight navigator certificates, limited, issuance of for military contract operations; special civil air regulation, proposed 4897
Mechanic and repairman certificates; revision 2977
Pilot certificates; speed and distance provisions, conversion of, to knots and nautical miles, proposed rule making 3357, 4583
Transport pilot rating, airline:
Competency certificate:
Duration of; ratings showing horsepower ratings to expire May 1, 1953, proposed 4955
Reexamination:
5 hours flight time requirements; "solo", deleted 3480
Section reference amended 3480, 3785
Minimum requirements; aeronautical experience 3480
Commercial operator certification. *See* Commercial operator certification and operation rules.
Certificates of public convenience and necessity. *See* Economic regulations.
Charges, fares and rates; economic proceedings. *See* Procedural regulations.
Charter trips and special services. *See* Economic regulations; *and* Procedural regulations.
Civil aircraft; authority respecting distribution of. *See* Authority, delegation of.
Classification and exemption for various carriers; economic regulations. *See* Economic regulations.
Commercial operator certification and operation rules:
Emergency evacuation provisions for certain transport airplanes, special regulation, proposed 4503
Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization 5699
Nontransport category airplanes (type certificated prior to July 1, 1942), use of, for carriage of persons in scheduled or irregular service at maximum landing weight not exceeding its maximum certificated take-off weight for passenger service, under certain conditions; proposed amendment to special regulation 2896
Economic regulations:
See also Procedural regulations.
Accounts and property, inspection of 5609
Administrative Procedure Act, application of section 9 (b) to exemptions; revision of regulations relating to continuance of exemption authority, proposed 3111
Application for exemption of carriers; supersedure 3020
Certificates of public convenience and necessity; proposed rule making:
Foreign air transportation:
See also Insurance requirements.
Business name of air carrier 4505
Interstate and overseas air transportation; business name of air carrier 4505

CIVIL AERONAUTICS BOARD—Continued Page

Economic regulations—Continued
Charter trips and special services by certificated air carriers; scope of authorization, footnote, proposed rule making 4505
Classification and exemption:
Air freight forwarders; proposed rule making:
See also International air freight forwarders.
Business name of air carrier 4506
Nonapplicability; redesignation 4506
Payment of transportation charges; redesignation 4506
Separability; redesignation 4506
Air taxi operators:
Conditions on operating authority; business name 4506
Enforcement; redesignation 4506
Requests for statement of authority; redesignation 4506
Alaskan air carriers:
Alaskan pilot-owner, conditions and requirements:
Cancellation of inactive letters of registration 4506, 5759
Redesignations 5759
Business name of air carrier; proposed rule making 4506
Large irregular carriers; conditions on operating authority, business name, proposed rule making 4505
Noncertificated cargo carriers; business name of air carrier, proposed rule making 4506
Insurance requirements, for air carriers and foreign air carriers, proposed rule making 4220, 5071
International air freight forwarders; limitations and conditions, business name of air carrier, proposed rule making 4506
Property. *See* Accounts and property.
Reports, filing of, by certificated air carriers, and uniform accounting requirements; changes in reporting requirements and modifications of Forms 41 and 41 (a), proposed 5351
Enforcement. *See* Organization.
Equipment; airworthiness requirements. *See* Airworthiness.
Exemption; applications, proceedings, etc. *See* Economic regulations; *and* Procedural regulations.
Fares, rates and charges; economic proceedings. *See* Procedural regulations.
Field organization. *See* Organization.
Foreign air carriers, certificates and insurance requirements for. *See* Economic regulations.
Freight forwarders; economic proceedings. *See* Economic regulations.
Functions. *See* Organization.
Gasoline. *See* Aviation gasoline.
Hearings, investigations, etc.:
Accidents, aircraft, and missing aircraft; investigation and report of. *See* Accidents and missing aircraft.
Companies and cases, list of. *See list at end of this agency.*
Examiners. *See* Organization.
Insurance requirements for air carriers. *See* Economic regulations.
Irregular air carrier and off-route rules:
Emergency evacuation provisions for certain transport airplanes, special regulation, proposed 4503
Fire extinguisher systems on airplanes used in air carrier passenger service; proposed rule making 4956
Flight crew requirements:
See also Pilot training and check program.
Airman requirements 3579
Proficiency of crew members serving on large aircraft 3579
Recent flight experience requirements for flight crew members; pilots 3579
Flight operation rules:
Flight operations manual for large aircraft, preflight certification (CAA rules); proposed rule making 5831
Pilot responsibilities:
Preflight responsibilities (CAA interpretations) 5811

CIVIL AERONAUTICS BOARD—Continued — Page

Irregular air carrier and off-route rules—Continued
- Flight operation rules—Continued
  - Pilot responsibilities—Continued
    - Redesignations — 5810
  - General; basic required instruments and equipment for aircraft wing flap position indicators for small aircraft — 4743
- Large irregular carriers; classification and exemption. *See* Economic regulations.
- Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization — 5699
- Nontransport category airplanes (type certificated prior to July 1, 1942), use of, for carriage of persons in scheduled or irregular service at maximum landing weight not exceeding its maximum certificated take-off weight for passenger service, under certain conditions; proposed amendment to special regulation — 2896
- Operating limitations for large passenger-carrying airplanes, not certificated in transport category (CAA rules); performance data:
  - Douglas B–18A aircraft; correction — 2887
  - Operations from sod runway surfaces; proposed rule making — 3237
- Pilot training and check program; additional provisions, proposed rule making — 3614
- Speed and distance provisions, conversion of, to knots and nautical miles; proposed rule making — 3357, 4583

Mail rate proceedings; rules of practice. *See* Procedural regulations.

Maintenance, repair, and alteration of airframes, powerplants, propellers, and appliances; revision — 2975

Mechanic and mechanic school certificates. *See* Certificates and ratings.

Navigator certificates. *See* Certificates and ratings.

Operation rules, general, for aircraft:
- Conversion of speed and distance provisions to knots and nautical miles, proposed rule making — 3357, 4583
- Private and commercial privileges and limitations; ratings requirements, proposed rule making — 4956

Organization, central and field, statement of — 4861
- Central organization:
  - Administration, Office of — 4865
  - Air Operations, Bureau of — 4863
  - Enforcement, Office of — 4865
  - General Counsel, Office of — 4864
  - Hearing Examiners, Bureau of — 4862
  - Members of Board; functions of Board, Chairman, and Executive Director — 4862
  - Public Information, Office of — 4865
  - Safety Investigation, Bureau of — 4864
  - Safety Regulation, Bureau of — 4863
- Field organization — 4865
- Functions, purpose, offices, etc — 4862

Parachute loft and parachute rigger certificates. *See* Certificates and ratings.

Pilots:
- Certificates and ratings. *See* Certificates and ratings.
- Scheduled air carrier pilots; rules and limitations. *See* Scheduled air carriers.
- Training and requirements for irregular air carriers. *See* Irregular air carrier and off-route rules.

Procedural regulations:
- *See also* Economic regulations.
- Rules of practice in economic proceedings, revision — 3020
  - Charter trips or special services, proceedings for leave to conduct — 3033
  - Economic enforcement procedures — 3029
  - Exemption proceedings — 3032
  - General applicability — 3021, 3448
  - Consolidations, filing of motions for; proposed rule making — 5397
  - Mail rate proceedings — 3030, 3448
  - Procedure for fixing temporary mail rates; proposed — 4354

CIVIL AERONAUTICS BOARD—Continued — Page

Procedural regulations—Continued
- Rules of practice in economic proceedings, revision—Continued
  - Rates, fares and charges, proceedings with respect to — 3033

Property, inspection of. *See* Economic regulations.

Radio equipment; airworthiness. *See* Airworthiness.

Rates, fares and charges; economic proceedings. *See* Procedural regulations.

Ratings. *See* Certificates and ratings.

Repair of aircraft:
- Maintenance, repair, etc., of airframes, propellers, etc. *See* Maintenance, repair and alteration.
- Repair school and mechanic certificates. *See* Certificates and ratings.

Reports:
- Aircraft accidents. *See* Accidents and missing aircraft.
- Filing of reports by certificated air carriers. *See* Economic regulations.

Rotorcraft airworthiness. *See* Airworthiness.

Rules of practice. *See* Procedural regulations.

Scheduled air carriers:
- Certification, operating:
  - Air carrier operating certificate, issuance of, for local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–366), proposed extension of special authorization — 5616
  - Emergency evacuation provisions for certain transport airplanes, special regulation, proposed — 4503
  - Long distance domestic flights at certain altitudes; extension of authority, special civil air regulation (SR–382) — 4860, 5810
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization — 5699
  - Nontransport category airplanes (type certificated prior to July 1, 1942), use of, for carriage of persons in scheduled or irregular service at maximum landing weight not exceeding its maximum certificated take-off weight for passenger service, under certain conditions; proposed amendment to special regulation — 2896
  - Passenger minimum requirements, miscellaneous; weather minimums, ceiling and visibility minimums (CAA policies) — 4557
  - Speed and distance provisions; conversion of, to knots and nautical miles, proposed — 3357, 4583
- Interstate air carrier certification and operation rules, operating limitations; proposed rule making:
  - En route limitations; one engine inoperative — 2897
  - Landing distance limitations; airport of intended destination — 2897
  - Operating limitations for aircraft not certificated in transport category — 2897
  - Take-off limitations — 2897
- Operations outside continental limits of United States:
- Airman rules; pilot:
  - Flight time limitations for aircraft having crew of one or two pilots; waiver of requirements for Reeve Aleutian Airways, Inc., extension of special authorization (SR–380) — 3005
  - Flight time limitation for pilots not regularly assigned; extension of special air regulation (SR–381) — 2981
  - Proficiency requirements (CAA rules); proposed rule making — 3560
- Emergency evacuation provisions for certain transport airplanes, special regulation; proposed — 4503
- Fire extinguisher systems on airplanes used in air carrier passenger service; proposed — 4956
- Flight time limitations for pilots:
  - Pilots not regularly assigned to one type of crew; extension of special air regulation (SR–381) — 2981

CIVIL AERONAUTICS BOARD—Continued — Page

Scheduled air carriers—Continued
- Operations outside continental limits of United States—Continued
  - Flight time limitations for pilots—Continued
    - Reeve Aleutian Airways, Inc., extension of special authorization respecting flight time limitations; special air regulation (SR–380) — 3005
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization — 5699
  - Nontransport category airplanes (type certificated prior to July 1, 1942), use of, for carriage of persons in scheduled or irregular service at maximum landing weight not exceeding its maximum certificated take-off weight for passenger service, under certain conditions; proposed amendment to special regulation — 2896
  - Speed and distance provisions; conversion of, to knots and nautical miles, proposed rule making — 3357, 4583
- Operations within continental limits of United States:
  - Air carrier operating certificate, issuance of, for local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–366), proposed extension of special authorization — 5616
  - Airmen, first pilot; proficiency requirements (CAA rules), proposed rule making — 3561
  - Emergency evacuation provisions for certain transport airplanes; special regulation, proposed rule making — 4503
  - Fire extinguisher systems on airplanes used in air carrier passenger service; proposed rule making — 4956
  - Flight operations, flight preparation and take-off rules; runway utilization, deletion — 2887
  - Long distance domestic flights at certain altitudes; extension of authority, special civil air regulation (SR–382) — 4860, 5810
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–367), proposed extension of special authorization — 5699
  - Nontransport category airplanes (type certificated prior to July 1, 1942), use of, for carriage of persons in scheduled or irregular service at maximum landing weight not exceeding its maximum certificated take-off weight for passenger service, under certain conditions; proposed amendment to special regulation — 2896
  - Speed and distance provisions, conversion of, to knots and nautical miles; proposed rule making — 3357, 4583

Transport airplanes, certain, emergency evacuation procedures for; special regulation, proposed — 4503

Transport pilot ratings, airline. *See* Certificates and ratings.

Hearings, investigations, etc.:
- Air Transport Associates, Inc — 2901
- Airport Package Service, Inc — 2938
- All American Airways, Inc — 4822, 2901
- American Air Export and Import Co — 2901
- American Air Transport and Flight School, Inc.; revocation of letter of registration — 5373
- American Airlines, Inc — 3362
- Artic-Pacific, Inc — 2901
- Arnold Air Service, Inc — 2901
- Aviation Corporation of Seattle — 2901
- Battista, Mary, complaint of — 5839
- Bohrer Air Freight Co — 2938
- Braniff Airways, Inc — 3362, 3805, 5373
- Capital Airlines, Inc — 3362
- Caribbean Atlantic Airlines, Inc — 3690

CIVIL AERONAUTICS BOARD—Continued — Page

Hearings, investigations, etc.—Continued
- Chicago and Southern Air Lines, Inc — 3362
- Ciudad Trujillo-San Juan route; certificate renewal case — 3690
- Coastal Cargo Co — 2901
- Continental Air Lines, Inc — 3362
- Continental Charters, Inc — 5839
- Delta Air Lines, Inc — 3362
- Dichak, Albert, complaint of — 5839
- Eastern Air Lines, Inc — 3362
- Empire Air Lines, Inc — 4510
- Empresa de Transportes Aerovias Brazil, S. A — 5594
- Florida; service to Melbourne — 5617, 5777
- Flying Tiger Line, Inc — 2900
- General Airways, Inc — 2901
- Indiana-Ohio service case — 3690
- Lake Central Airlines, Inc — 3690
- Las Vegas-Los Angeles restriction case — 4724
- Linee Aeree Italiane, S. P. A — 4466
- Lounsbury's, Agent R. C — 2901
- Messerlos, Mary, complaint of — 5839
- Miami Airline, Inc — 2901
- Michigan-Wisconsin service case — 3690
- Mid-Continent Airlines, Inc — 3805
- Myers, Thomas E., complaint of — 5839
- National Airlines, Inc — 3362
- Nationwide Airlines, Inc — 3690
- New England Air Express, Inc — 2901
- North Atlantic certificate renewal case — 3363
- North Atlantic Tourist Commissions — 2938, 5333
- Northwest Airlines, Inc — 2900, 3362, 4559, 4959, 5333
- Ozark Airlines, Inc — 5354, 5373
- Pearson Alaska, Inc — 2901
- Pioneer Air Lines, Inc — 3362, 3689
- Resort Airlines, Inc — 2900
- Robinson Airlines Corp — 3659, 4396
- Salt Lake City-Rapid City extension case — 5373
- Sourdough Air Transport — 2901
- Southern Airways, Inc — 4308
- Standard Air Cargo — 2901
- Texas local service case — 3689
- Trans-Alaskan Airlines, Inc — 2901
- Transocean Air Lines — 2901
- Trans-Texas Airways — 3689
- Trans-World Airlines, Inc — 3066, 3362, 4724
- United Air Lines, Inc — 3362, 4724
- West Coast Airlines, Inc — 2901, 4510
- Western Air Lines, Inc — 3362, 5373
- Wien Alaska Airlines, Inc — 2901
- Wozniak, Joseph, complaint of — 5839

CIVIL AIR PATROL; radio frequencies for. *See* Federal Communications Commission.

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL DEFENSE EMERGENCY; preparation of plans by Federal agencies for (Executive Order 10346) — 3477

CIVIL SERVICE COMMISSION:
- *See Loyalty Review Board.*
- Appointment:
  - Coffelt, Cressie E., appointment of, to a competitive position in Interior Department without compliance with provisions of Civil Service Rules (Executive Order 10353) — 4631
  - Educational requirements. *See* Education (formal).
  - Noncompetitive indefinite appointment of former employees and indefinite employees of other agencies; agency authority and general requirements for — 4285
  - Employee unable to move with office to different locality, appointment within 90 days of separation — 4286
  - Postmasters of fourth class; appointment to be made on basis of investigation and report of post office inspector when compensation is not in excess of $1,700 per annum (Executive Order 10337) — 2957
  - Through competitive system:
    - Delayed filing of applications by veterans and persons serving overseas — 4557
    - Disqualifications of applicants; reasonable doubt as to loyalty to Government of United States — 4969

CIVIL SERVICE COMMISSION—Continued Page

Appointment—Continued
Through competitive system—Continued
Veterans, competition restricted to, for certain positions:
Justice Department, Bureau of Prisons; correctional officer, revocation 5537
Post Office Department; substitute railway postal clerk, revocation 5537
Veterans' Administration; certain contact officers, revocation 5537
To positions excepted from competitive service. *See* Exceptions from competitive service.
Education (formal), requirements for appointment as teacher and substitute (temporary) teacher in Indian schools:
Elementary and principal-teacher 5337
Science 5337
Vocational subjects 5337
Exceptions from competitive service:
Positions excepted from examination (Schedule A):
Agriculture Department. *See* Production and Marketing Administration.
Air Force Department:
Air Matériel Command, Directorate of Procurement and Industrial Planning, special assistants; date extended to June 30, 1953 5209
General; librarian, recreation leader and recreational supervisor 5713
Headquarters:
Civilian Director of Industrial Resources, Deputy Chief of Staff, Matériel; date extended to June 30, 1953 5209
Civilian Director of Logistics Plan, revocation 5209
Research and Development Command:
Civilian Chief, Engineering Operations; date extended to June 30, 1953 5209
Director of Component and Systems Development; date extended to June 30, 1953 5209
Director of Geophysical Research; date extended to June 30, 1953 5209
Director of Physics, Research Group; date extended to June 30, 1953 5209
Director of Research; date extended to June 30, 1953 5209
Technical Director, Electronics; date extended to June 30, 1953 5209
Defense Production Administration; labor advisers, GS–12 through GS–15 5452
Economic Stabilization Agency. *See* Wage Stabilization Board.
Federal Security Agency. *See* Public Health Service.
National Production Authority; labor advisors GS–12 through GS–15 5181, 5452
National Security Training Commission; private secretary or confidential assistant to Chairman 4369
Production and Marketing Administration, all positions on staffs of Milk Market Administrators 5601
Psychological Strategy Board:
Private secretary or confidential assistant to Director 3521
Staff members, ten, grades GS–13 to GS–15 3521
Public Health Service; physical therapy interns, occupational therapy interns, and hospital administration students 5539
State Department:
See also Psychological Strategy Board.
International Development Advisory Board; one private secretary to Chairman 4101
Technical Cooperation Administration; one private secretary to Administrator 4101
Wage Stabilization Board, chairman and members of Health and Welfare Committee 5539
Qualifications of applicants; disqualification for reasonable doubt as to loyalty to Government of United States 4969
Foreign duty of Government employees, compensation for designated posts. *See main heading* State Department.
Higher grade for permanent employees promoted, demoted, reassigned or transferred; restrictions 5539

CIVIL SERVICE COMMISSION—Continued Page

Holidays; observance by Government agencies (Executive Order 10358) 5269
Hospitals, Government:
Exclusion from provisions of Federal Employees Pay Act and Classification Act:
Residents in hospital administration, second year approved postgraduate training 4233
Student hospital administration intern, U. S. Public Health Service 4369
Stipends, maximum:
Federal hospitals, aproved internship, increased to $2,800 per year 4233
Hospital administration residents, second year approved postgraduate training, increased to $2,200 per year 4235
Physical therapy intern (student physical therapist) 4369
Student hospital administration intern, U. S. Public Health Service 4369
Indefinite employees, appointment of. *See* Appointment.
Indian schools, teachers in; educational requirements. *See* Education (formal).
International organizations, public, in which United States Government participates, transfer of personnel to; revision 5152
Appeals to Commission 5453
List of public international organizations designated by President 5452
Reemployment under Executive Order 9721 5453
Status, acquisition of 5452
Loyalty investigations. *See main heading* Loyalty Review Board.
Pay regulations:
Additional pay for Public Health Service officers and employees for duty requiring contact with leprosy patients (Executive Order 10354) 4831
Foreign duty of Government employees, compensation for designated posts. *See main heading* State Department.
Government hospitals; stipends for trainees. *See* Hospitals, Government.
Holidays, identification of (Executive Order 10358) 5269
Postmasters of fourth class; appointment to be made on basis of investigation and report of post office inspector when compensation is not in excess of $1700 per annum (Executive Order 10337) 2957
Promotion, demotion, reasignment, and transfer of permanent employees:
Permanent promotions authorized with certain restrictions 5539
Restrictions on promotion, transfer or appointment to higher grade, and reassignment to different line of work 5539
Tenure after change of position; status of permanent employee not changed by promotion, demotion, or reassignment 5539
Retirement; exemption of John J. Deviny, Public Printer, from compulsory retirement for age (Executive Order 10364) 5493
Teachers, Indian schools; educational requirements. *See* Education (formal).
Training program in connection with defense manpower shortages in various skills and occupations, responsibilities respecting 2837
Transfer of personnel:
See Promotion, demotion, reassignment, and transfer.
To International organizations. *See* International organizations.
Veterans:
Competition for certain positions restricted to. *See* Appointment, through competitive system.
Delayed filing of applications for competitive positions 4[illegible]7

COAST AND GEODETIC SURVEY:
Commissioned officers, interment in national cemeteries 5751

COAST GUARD:
Board for correction of military records. *See* Coast Guard military personnel.
Cargo and miscellaneous vessels; proposed 5668
Construction and arrangement 5668

COAST GUARD—Continued Page

Cargo and miscellaneous vessels; proposed—Con.
Fire protection equipment 5669
General provisions 5668
Inspection and certification 5668
Lifesaving equipment 5668
Operations 5669
Stability 5668
Vessel control and miscellaneous systems and equipment 5669
Civil airman certificates; medical certification of military personnel. *See main heading* Civil Aeronautics Administration.
Coast Guard military personnel; Board for correction of military records of the Coast Guard, revision 3650
Construction or material alteration of passenger vessels of United States of 100 gross tons and over propelled by machinery:
See also Electrical engineering; *and* Passenger vessels.
Construction and arrangement requirements; cancellation, proposed 5666
Electrical apparatus and equipment requirements; cancellation, proposed 5670
Inspection and certification requirements, consolidation of, proposed 5666
Electrical engineering; proposed 5670
Communications and alarm systems and equipment 5670
Electrical system; general requirements 5670
Emergency lighting and power system 5670
General provisions 5670
Employment aboard vessels. *See* Security and protection of vessels.
Engineering. *See* Electrical engineering; Marine engineering; *and* Specifications.
Enlistments, extension of (Executive Order 10345) 3477
Equipment:
Approval of miscellaneous items 2898, 3860, 5398
Termination or withdrawals of approval 3862, 4225, 5399
Engineering equipment. *See* Specifications.
Explosives, handling of, within or contiguous to waterfront facilities. *See* Security and protection of vessels, harbors, and waterfront facilities.
General provisions; disclosure of records:
See also Merchant marine officers and seamen.
Testimony by Coast Guard personnel 4492
Grain cargo, bulk; regulations governing loading and storage of grain on vessels, proposed 5672
Great Lakes; lifesaving equipment. *See* Vessels in various waters.
Guam, Territory of; waiver of navigation and vessel inspection laws and regulations respecting S. S. "Arctic." *See* Waivers of navigation and vessel inspection laws and regulations.
Inspection regulations, vessel; notice of public hearing on proposed changes 5665
Investigation regulations. *See* Merchant marine officers and seamen.
Lifesaving equipment and appliances. *See* Cargo and miscellaneous vessels; Passenger vessels; *and* Vessels in various water.
Load lines:
See also Passenger vessels, *below.*
Foreign or coastwise voyage:
Equivalents; cancellation, proposed 5666, 5668, 5670
Log book entries; cancellation, proposed 5669
Merchant vessels when engaged in voyage on Great Lakes:
Equivalents; cancellation, proposed 5666, 5668, 5670
Log book entries; cancellation, proposed 5669
Passenger vessels, subdivision load lines for:
Cancellation of requirements, proposed:
Center girder 5667
Determining subdivision load lines for passenger vessels 5667
Doors:
Location of allowed types 5667
Watertight doors:
Closing watertight doors at sea 5668
Design and installation 5667
Operation and fittings 5667
Tests 5667

COAST GUARD—Continued Page

Load lines—Continued
Passenger vessels, subdivision load lines for—Con.
Cancellation of requirements, proposed—Con.
Double bottoms, extent of 5667
Drills and inspections 5668
Equivalents 5666
Log book entries 5668
Manholes 5667
New and converted vessels, plans and inspections of 5666, 5667
Openings above bulkhead deck 5667
Openings in vessel's sides below bulkhead deck 5667
Relaxation from regulations 5667
Watertight bulkheads, openings in 5667
Watertight floors 5667
Revision; proposed 5672
Manning of vessels; proposed 5672
Marine engineering; proposed:
See also Specifications.
Arc welding, gas welding, and brazing; classes I, II, and III 5671
Construction; safety valves, deletion of specifications 5671
Independent internal combustion engine fuel tanks 5671
Installation test, inspections, markings, and official forms 5671
Installations, tests, inspections, repairs, and miscellaneous requirements:
Official forms, report of chief engineer on fusible plugs inserted in boiler; cancellation 5668
Revision and transfer 5672
Tests and inspections requirements:
Cancellation 5667
Request for increase of pressure; revision and transfer 5671
Low pressure heating boilers:
Cast-iron heating boilers; safety and relief valves, cancellation 5671
Steel plate heating boilers; safety and relief valves, cancellation 5671
Main and auxiliary machinery 5671
Piping systems, pumps, refrigeration machinery and fuel tanks:
Detail requirements; installation 5671
Independent internal combustion engine fuel tanks; revision and transfer 5672
Repairs to boilers, unfired pressure vessels, and appurtenances 5671
Revision of subchapter 5671
Merchant Marine Council; notice of public hearing on proposed changes in vessel inspection regulations 5665
Merchant marine officers and seamen:
See also General provisions.
Able seamen; manning of vessels, requirements applicable to, transfer, proposed 5672
Hours of labor on shipboard; manning of vessels, requirements applicable to, transfer, proposed 5672
Language test for seamen; manning of vessels, requirements applicable to, transfer, proposed 5672
Manning of inspected vessels; transfer, proposed 5672
Marine investigation regulations; persons in service of Coast Guard, testimony by 4493
Security check and clearance. *See under* Security.
Suspension and revocation proceedings; testimony by Coast Guard personnel 4493
Motorboats, and certain vessels propelled by machinery other than by steam more than 65 feet in length:
See also Cargo and miscellaneous vessels; Electrical engineering; *and* Passenger vessels.
Cargo and miscellaneous vessels, requirements applicable to; cancellation, proposed 5668
Electrical engineering, provisions respecting; cancellation, proposed 5670
Fire protection equipment requirements; cancellation, proposed 5669
Motor vessels except those of more than 15 gross tons carrying passengers for hire; proposed:
Construction and alteration requirements; cancellation 5668
Inspection and certification requirements, cancellation of 5668

COAST GUARD—Continued — Page

Motorboats, and certain vessels propelled by machinery other than by steam more than 65 feet in length—Continued
Motorboats and motor vessels of more than 15 gross tons carrying passengers for hire; proposed:
Construction and arrangement requirements; cancellation 5668
Fire extinguishing equipment; cancellation of requirements 5667
Fuel tanks and piping; revision and transfer 5672
Inspection and certification requirements; cancellation 5668
Life preservers; cancellation of requirements 5667
Machinery and exhaust pipe; revision and transfer 5671
Navigation lights and sound-producing devices; cancellation of requirements 5667
Ventilation requirements; cancellation 5666
Motorboats except those of over 15 gross tons carrying passengers for hire; proposed:
Fog bell; cancellation of requirements 5667
Navigation lights; cancellation of requirements 5667
Uninspected vessels:
General provisions respecting; cancellation, proposed 5669
Operations, provisions respecting; cancellation, proposed 5670
Requirements, provisions respecting; cancellation, proposed 5669
Vessel control and miscellaneous systems and equipment; cancellation of requirements, proposed 5669
Passenger vessels; proposed 5666
Construction and arrangement 5666
Fire protection equipment 5667
General provisions 5666
Inspection and certification 5666
Lifesaving equipment 5667
Operations 5667
Stability 5667
Vessel control and miscellaneous systems and equipment 5667
Watertight subdivision 5666
Personnel. *See* Coast Guard military personnel.
Records:
Disclosure of. *See* General provisions.
Military records, Board for correction of. *See* Coast Guard military personnel.
Seamen. *See* Merchant marine officers and seamen.
Security and protection of vessels, harbors, and waterfront facilities:
General provisions respecting issuance of documents and employment of persons aboard vessels (Executive Order 10352) 4607, 4624
Merchant marine personnel, security check and clearance of; requirements for documents bearing security clearance indorsement 5040
Waterfront facilities, security of; handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities, designated dangerous cargo 5396
Specifications, engineering equipment; additional provisions, proposed 5672
Suspension and revocation proceedings. *See* Merchant marine officers and seamen.
Tank vessels:
General provisions; application of regulations, proposed amendments respecting 5668, 5670
Liquefied petroleum gases:
Piping and fittings; proposed amendment respecting 5671
Safety relief valves; cancellation, proposed 5671
Special equipment, machinery, and hull requirements:
Cooking or heating equipment requirements; cancellation, proposed 5671
Main and auxiliary machinery:
Installation of internal combustion engines; revision and transfer, proposed 5671
Internal combustion engine exhaust; revision and transfer, proposed 5671
Revision; proposed 5671
Uninspected vessel regulations; proposed 5669
General provisions 5669
Operations 5669
Requirements 5669

COAST GUARD—Continued — Page

Vessels:
Cargo and miscellaneous vessels. *See* Cargo and miscellaneous vessels.
Equipment for vessels in various waters (bays, sounds, lakes, ocean and coastwise). *See* Vessels in various waters.
Load lines. *See* Load lines.
Manning of. *See* Manning of vessels.
Motorboats. *See* Motorboats.
Passenger vessels. *See* Passenger vessels.
Safeguarding of vessels against sabotage and other subversive activity. *See* Security and protection of vessels.
Uninspected vessels. *See* Uninspected vessel regulations.
Waivers of vessel inspection laws and regulations. *See* Waivers of navigation and vessel inspection laws and regulations.
Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast):
See also Cargo and miscellaneous vessels; Electrical engineering; Manning of vessels; *and* Passenger vessels.
Bays, sounds, and lakes other than Great Lakes:
Boats, rafts, bulkheads and lifesaving appliances:
Lifeboats and life rafts required on inspected motor vessels 4171
Lifesaving equipment requirements; cancellation, proposed 5667, 5668
Cargo and miscellaneous vessels, requirements applicable to; cancellation, proposed 5668
Communications and alarm systems and equipment; cancellation of requirements, proposed 5670
Construction and arrangement requirements; cancellation, proposed 5666, 5668
Electrical apparatus and equipment requirements; cancellation, proposed 5670
Electrical engineering requirements; provisions respecting, cancellation, proposed 5670
Emergency lighting and power system requirements; cancellation, proposed 5670
Fire apparatus, and fire prevention; cancellation of requirements, proposed 5667, 5669
Inspection and certification requirements; cancellation, proposed 5666, 5668
Manning of vessels, requirements applicable to; transfer, proposed 5672
Operations requirements; cancellation, proposed 5668, 5669
Passenger vessels, requirements applicable to; cancellation, proposed 5666, 5667, 5668
Stability requirements; cancellation, proposed 5667, 5668
Vessel control and miscellaneous systems and equipment; cancellation of requirements, proposed 5667, 5669
Watertight subdivision requirements; cancellation, proposed 5667
Great Lakes:
Boats, rafts, bulkheads and lifesaving appliances:
Lifeboats and life rafts required on inspected motor vessels 4170
Lifesaving equipment requirements; cancellation, proposed 5667, 5668
Cargo and miscellaneous vessels, requirements applicable to; cancellation, proposed 5668
Communications and alarm systems and equipment; cancellation of requirements, proposed 5670
Construction and arrangement requirements; cancellation, proposed 5666, 5668
Electrical apparatus and equipment requirements; cancellation, proposed 5670
Electrical engineering requirements; provisions respecting, cancellation, proposed 5670
Emergency lighting and power system requirements; cancellation, proposed 5670
Fire apparatus, and fire prevention; cancellation of requirements, proposed 5667, 5669
Inspection and certification requirements; cancellation, proposed 5666, 5668
Manning of vessels, requirements applicable to; transfer, proposed 5672

COAST GUARD—Continued — Page

Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast)—Continued
Great Lakes—Continued
Operations requirements; cancellation, proposed 5668, 5669
Passenger vessels, requirements applicable to; cancellation, proposed 5666, 5667, 5668
Stability requirements; cancellation, proposed 5667, 5668
Vessel control and miscellaneous systems and equipment; cancellation of requirements, proposed 5667, 5669
Watertight subdivision requirements; cancellation, proposed 5667
Ocean and coastwise; proposed:
Boats, rafts, bulkheads, and lifesaving appliances, for ocean and coastwise; lifesaving equipment requirements, cancellation 5667, 5668
Cargo and miscellaneous vessels, requirements applicable to; cancellation 5668
Communications and alarm systems and equipment; cancellation of requirements 5670
Construction and arrangement requirements; cancellation 5666, 5668
Electrical apparatus and equipment requirements; cancellation 5670
Electrical engineering requirements; provisions respecting, cancellation 5670
Emergency lighting and power system requirements; cancellation 5670
Fire apparatus, and fire prevention; cancellation of requirements 5667, 5669
Inspection and certification requirements; cancellation 5666
Manning of vessels, requirements applicable to; transfer 5672
Operations requirements; cancellation 5668, 5669
Passenger vessels, requirements applicable to; cancellation 5666, 5667, 5668
Stability requirements; cancellation 5667, 5668
Vessel control and miscellaneous systems and equipment; cancellation of requirements 5667, 5669
Watertight subdivision requirements; cancellation 5667
Rivers; proposed:
Boats, rafts, bulkheads, and lifesaving appliances; lifesaving equipment requirements, cancellation of 5667, 5668
Cargo and miscellaneous vessels, requirements applicable to; cancellation 5668
Communications and alarm systems and equipment; cancellation of requirements 5670
Construction and alteration requirements; cancellation 5666, 5668
Electrical apparatus and equipment requirements; cancellation 5670
Electrical engineering, provisions respecting; cancellation 5670
Emergency lighting and power system requirements; cancellation 5670
Fire apparatus, and fire prevention; cancellation of requirements 5667, 5669
Inspection and certification requirements; cancellation 5666
Manning of vessels, requirements applicable to; transfer 5672
Operations requirements; cancellation 5668, 5669
Passenger vessels, requirements applicable to; cancellation 5666, 5667, 5668
Stability requirements; cancellation 5667, 5668
Vessel control and miscellaneous systems and equipment; cancellation of requirements 5667, 5669
Watertight subdivision requirements; cancellation 5667
Waivers of navigation and vessel inspection laws and regulations, during war emergency; S. S. "Arctic" (Guam), voyages between Territory of Guam, Trust Territory of Pacific Islands and Commonwealth of Australia canceled 3384, 3385
Waterfront facilities, security of. *See* Security and protection of vessels, harbors, and waterfront facilities.

COMMERCE DEPARTMENT: — Page

See Civil Aeronautics Administration.
Civil Aeronautics Board.
Coast and Geodetic Survey.
Foreign and Domestic Commerce Bureau.
Foreign-Trade Zones Board.
Inland Waterways Corporation.
Maritime Administration.
Maritime Board, Federal.
National Bureau of Standards.
National Production Authority.
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Authority, delegation of, to Chairman, Civil Aeronautics Board with respect to distribution and redistribution of civil aircraft among civil air carriers 2899
Committees, boards, etc.:
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production Policy Committee, Office of Defense Mobilization; representation on 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926
Defense Air Transportation Administration; coordinating functions in connection with distribution and redistribution of civil aircraft by Civil Aeronautics Board 2899
Organization for steel industry operations:
Internal organization, responsibilities of various officials and Divisions:
Compliance Division 3361
Comptroller 3361
Operating Managers' Liaison Officer 3361
Production Division 3361
Solicitor 3361
Secretary, responsibilities of 3361
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production Policy Committee, Office of Defense Mobilization; representation on 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Roads, access, certification of; authority of Deputy Administrator, Defense Materials Procurement Agency respecting 2872
Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926
Steel industry; possession and operation of plants and facilities of listed companies:
Authorization and direction of Secretary of Commerce respecting (Executive Order 10340) 3139
Corrected list 3360
Functions of officers and employees, obligations of companies, etc.; Order 1 under Executive Order 10340 3242
Organization for steel industry operations 3361
Telegrams to companies respecting 3243
Termination of Government possession and operation 5332
COMMISSIONS. *See* Committees, boards, etc.
COMMITTEES, BOARDS, ETC.:
Aeronautics, National Advisory Committee for. *See* National Advisory Committee for Aeronautics.
Air Coordinating Committee; membership (Executive Order 10360) 5337
Army Ordnance Integration Committee; voluntary plans, agreements, etc. *See* Defense Production Administration.
Atomic energy, permanent committees under Atomic Energy Act. *See* Atomic Energy Commission.
Construction Industry Stabilization Commission. *See* Wage Stabilization Board.
Defense Procurement Policy Committee (formerly Procurement Policy Board), Office of Defense Mobilization; designation as subcommittee of Production Policy Committee 4561

COMMITTEES, BOARDS, ETC.—Continued — Page
- Immigration Appeals Board. *See* Immigration and Naturalization Service.
- Industry Advisory Committees, appointment and operation of. *See* Defense Transport Administration; *and* Price Stabilization, Office of.
- International Development Advisory Board; State Department; certain positions excepted from competitive service. *See* Civil Service Commission.
- Judiciary Committee, House of Representatives; inspection of tax returns in connection with inquiry with reference to administration of Justice Department and Office of Attorney General (Executive Order 10343) — 3259
- Migrants from Europe, Provisional Intergovernmental Committee for Movement of; customs exemptions accorded to, and certain aliens connected therewith. *See* Customs Bureau.
- Military records, Board for correction of. *See* Coast Guard.
- National Security Training Commission, certain positions excepted from competitive service. *See* Civil Service Commission.
- Navy Department Board of Contract Appeals, rules; revocation — 4983
- Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee — 4561
- Production Equipment, Advisory Committee on, Office of Defense Mobilization; establishment, functions, and membership — 4484
- Production Policy Committee, Office of Defense Mobilization; establishment, functions, and membership — 4561
  - Defense Procurement Policy Committee, designation as subcommittee — 4561
- Psychological Strategy Board, State Department; certain positions excepted from competitive service. *See* Civil Service Commission.
- Renegotiation Board. *See* Renegotiation Board.
- Salary stabilization; review and appeals committee. *See* Salary Stabilization Office.
- Selection of Physicians, Dentists, and allied specialists, National Advisory Committee on — 5408
- Stabilization Policy Committee, Office of Defense Mobilization; establishment, functions, and membership — 4926
- Surplus Manpower Committee, hearings before. *See* Defense Mobilization, Office of.
- Voluntary plans of various committees in connection with defense production. *See* Defense Production Administration.

COMMODITY CREDIT CORPORATION:
- Authority, delegation of, to chairmen and acting chairmen of PMA county committees as contracting officers in certain matters:
  - Agreements with private lending agencies; execution, administration, and termination on behalf of Corporation — 5331
  - Cottonseed purchase program, 1952 crop, in cotton producing States — 4825
- Barley:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 3771
  - Support rates, basic, at designated terminal markets — 5713
  - Warehouse charges — 4834
- Beans, dry edible:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program — 5715
- Bonding and net assets requirements, for warehousemen under Corporation policy authorizations or program instructions; notice regarding unit prices for listed commodities — 5738
- Butterfat. *See* Dairy products.
- Contracting officers; delegation of authority. *See* Authority, delegation of.
- Corn:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1951; support rates, for Republic County, Kansas — 4235
- Cotton; price support program, 1952 — 4837
- Cottonseed. *See* Authority, delegation of; *and* Oilseeds.

COMMODITY CREDIT CORPORATION—Continued — Page
- Cottonseed products. *See* Oilseeds.
- Dairy products; milk and butterfat price support program (April 1, 1952–March 31, 1953, period) — 3012
- Farm storage facilities. *See* Grains and related commodities.
- Flaxseed:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 4517, 4836
  - Warehouse charges — 4836
  - Purchase program; 1952, Texas flaxseed — 2959
- Food commodities acquired through price support operations, disposal of:
  - Pricing policy for commodities available for sale (including Mexican canned meats acquired under other programs); sales of certain commodities at fixed prices pursuant to. *See* Sales of certain commodities at fixed prices.
  - Sales of certain commodities at fixed prices:
    - Domestic price list:
      - March, supplement to — 3065
      - April — 3179
      - May — 4867
      - June — 5401
    - Export price list:
      - April — 3179
      - May — 4868
      - Supplement — 5402
      - June — 5402
    - Price control regulation; delegation of authority respecting. *See main heading* Price Stabilization, Office of.
- Grain sorghums:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 3573, 3783
  - Warehouse charges — 4835
- Grains and related commodities:
  - Farm storage facilities. *See* Storage facilities.
  - General provisions; 1952 crop — 3521
  - Price support programs. *See specific commodities.*
  - Storage facilities, farm; loan program, 1951–52:
    - Eligible structures — 3013
    - Terms and conditions of loan; amount of loan — 3013
- Honey; support price program, 1952 — 3698
  - PMA Commodity Offices, New Orleans 16, La — 4285
- Milk. *See* Dairy products.
- Mohair, price support program, 1952; support prices — 4313
- Oats:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 3526
  - Warehouse charges — 4835
- Oilseeds:
  - *See also* Grains and related commodities.
  - Cottonseed:
    - Loan and purchase agreement program, 1952 — 4631
    - Purchase program, 1952 — 4636
  - Cottonseed products; purchase programs:
    - 1951 program; off-quality products — 4313
    - 1952 program — 4638
  - Olive oil; price support program, 1951 crop:
    - Eligible olive oil — 4609
    - Liquidation of loans and delivery under purchase agreement — 4609
- Olive oil. *See* Oilseeds.
- Peanuts:
  - Price support programs:
    - 1951 crop; availability — 4369
    - 1952 crop — 5787
  - Valencia type peanuts of 1951 crop; distribution of proceeds received by Corporation from sale of excess peanuts for cleaning and shelling, regulations governing. *See main heading* Agriculture Department.
- Rice:
  - *See also* Grains and related commodities.
  - Loan and purchase program, 1952 crop — 5272
- Rye:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 3777
  - Warehouse charges — 4835
- Seeds:
  - *See also* Grains; *and* Oilseeds.
  - Hay and pasture and range grass; loan and purchase agreement program, 1952 crop — 5601

COMMODITY CREDIT CORPORATION—Continued — Page
- Seeds—Continued
  - Winter cover crop (vetch, crimson clover, ryegrass, etc.); loan and purchase agreement program, 1952 crop — 4553
- Soybeans:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 crop — 5493
- Storage facilities, farm. *See* Grains and related commodities.
- Tobacco; loan programs:
  - 1951 program (Connecticut Valley broadleaf, type 51, advance schedule, footnote) — 3226
  - 1952 program — 4643
- Warehouseman, bonding and net assets requirements for, under Corporation policy authorizations or program instructions; notice regarding unit prices for listed commodities — 5738
- Wheat:
  - *See also* Grains and related commodities.
  - Loan and purchase agreement program, 1952 — 3693, 4103
  - Support rates, determination of, for certain Indiana counties — 5787
  - Warehouse charges — 4834
- Wool; price support program, 1952 — 3261

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
- Special provisions applicable to various commodities:
  - Eggs; forms and amounts fixed for reporting — 4109
  - Wool tops; Form 800, information shown on daily reports by clearing members of contract markets — 5015

COMPENSATION. *See* Pay, compensation, etc.

CONSCIENTIOUS OBJECTORS, Selective Service regulations respecting. *See* Selective Service System.

CONSTRUCTION:
- Airport, civil, and air navigation facility projects, under CMP Regulation 6. *See* Civil Aeronautics Administration.
- Controlled Materials Plan. *See* National Production Authority.
- Health and welfare plans for workers. *See* Wage Stabilization Board.
- Price control regulation for construction services. *See* Price Stabilization, Office of.
- Priority orders, etc. *See* National Production Authority.
- Real estate (construction) credit:
  - Regulations respecting. *See* Federal Reserve System.
  - Relaxation in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
- School facilities in areas affected by Federal activities; application for funds, payment, etc. *See* Education, Office of.
- Structures along or near civil airways, notice of. *See* Civil Aeronautics Administration.

CONSUMER CREDIT. *See* Federal Reserve System.

CONTRACTS, GOVERNMENT:
- *See also* Procurement.
- General regulations under Walsh-Healy Public Contracts Act. *See* Public Contracts Division.
- Minimum wage determinations under Walsh-Healy Public Contracts Act. *See* Public Contracts Division.
- Renegotiation of contracts. *See* Renegotiation Board.
- Security, contracts awarded by Army, Navy, or Air Force; public information guidance for manufacturers. *See* Defense Department.

CONTROLLED MATERIALS PLAN. *See* National Production Authority.

CORRESPONDENTS ACCOMPANYING ARMED FORCES OF UNITED STATES; joint regulations of armed forces respecting. *See* Defense Department.

COST OF LIVING INCREASES. *See* Wage Stabilization Board.

COUNCIL OF ECONOMIC ADVISERS: — Page
- Committees in Office of Defense Mobilization, representation on:
  - Production Policy Committee — 5191
  - Stabilization Policy Committee — 4926

COURTS-MARTIAL MANUAL, 1951; applicability to Commissioned Corps, Public Health Service (Executive Order 10349) — 3769

CREDIT CONTROLS:
- Consumer credit; operation and suspension of program. *See* Federal Reserve System.
- Real estate (construction) credit:
  - Regulations respecting. *See* Federal Reserve System.
  - Relaxation in certain critical defense housing areas; designations, determinations, etc., in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.

CRIMES, CERTAIN, nonburial of persons convicted of, in national cemeteries. *See* Army Department.

CRITICAL DEFENSE HOUSING AREAS, functions of various agencies in connection with. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.

CROP INSURANCE CORPORATION, FEDERAL. *See* Federal Crop Insurance Corporation.

CUBA; assignment of frequencies to radio broadcast stations in. *See* Federal Communications Commission.

CUSTOMS BUREAU:
- Accounting procedure, customs. *See* Financial and accounting procedure.
- Air commerce regulations:
  - Documents for entry and clearance of aircraft:
    - Clearance, preparation and disposition of aircraft commander's general declaration for; embarkation/disembarkation card for United States citizens or nationals — 2811
    - Entry, preparation and disposition of aircraft commander's general declaration for; embarkation disembarkation card for United States citizens or nationals — 2810
  - Forms, general requirements for; embarkation disembarkation card, immigration form I-437 — 2810
  - Landing requirements, advance notice of arrival — 4233
- Aircraft, certain, supplies for. *See* Drawback of duties and taxes; *and* Foreign-trade zones.
- Articles conditionally free, subject to reduced rate, etc.:
  - Institutions, certain, free entry of textile machines or parts for; requirements, affidavit that similar articles not manufactured in United States — 4289
  - International organizations, public, entitled to free entry privileges, listed; Provisional Intergovernmental Committee for Movement of Migrants from Europe, addition — 4139
  - Passengers' baggage:
    - Crews' effects, where written declaration and entry are required; forms approved by Commissioner, provision for declaration on — 5693
    - Declaration and entry; oral declaration, provision for, when total value of articles does not exceed $100 — 2888
    - Vessels, withdrawal of supplies for; permit to transfer supplies from one vessel to another free of duty and tax, in lieu of formal withdrawal — 3145
- Bone black (animal charcoal), spent; prospective change in tariff classification — 5675
- Cargo of vessels in foreign and domestic trades; procedures respecting. *See* Vessels.
- Classes of merchandise, special. *See* Special classes of merchandise.
- Customs collection districts and ports of entry; Puerto Rico district, designation of Mayaguez and Ponce as ports of documentation — 3580
- Destroyed, injured, etc., merchandise, application for relief from duties on; decision — 3190

CUSTOMS BUREAU—Continued Page

Drawback of duties and taxes:
- Articles manufactured or produced wholly or in part from imported or substituted merchandise:
  - Completion of drawback claims, 3-year period prescribed for; no extension granted 5759
  - Extensions not permitted for completion of drawback claims; 3-year period prescribed for filing and completion of claims 5759
  - Notice of exportation:
    - Amendments, provision for, within 3-year period prescribed for completion of drawback claim 5759
    - Filing, within 3 years after exportation; requirement for 5759
  - Supplies for certain vessels and aircraft; notice of lading, provision for filing if supplies must be laden when customhouse is not open for business 3146
- Flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured from domestic tax-paid alcohol, procedure for allowance of drawback; 3-year period for completion of drawback claims not applicable 5759

Duties:
- Articles conditionally free, subject to reduced rate, etc. *See* Articles conditionally free.
- Drawback of. *See* Drawback of duties and taxes.
- Lead, duty suspension on; revocation (Proclamation 2979) 5735
- Liability for; entry of certain ores and ferro-alloys, commercial assay used as basis of duty assessment 5759
- Liquidation of. *See* Liquidation of duties.
- Relief from, on merchandise lost, stolen, etc.; decision on application by collector of customs, and petition for review thereof by Commissioner 3190

Employees and officers, reimbursement to Government for compensation and expenses of:
- Copies of records; cost of labor 3623
- Destruction of merchandise at place where employee is not regularly assigned 3624
- Foreign-trade zones, supervision of 5323
- International Trade Fair and Inter-American Cultural and Trade Center, New Orleans; supervision of 5645
- Storekeeper, customs warehouse; charge for services of 3623

Financial and accounting procedure, customs:
- Compensation of customs employees and officers:
  - Fees for services of customs employee preparing copies of records for parties in interest; hourly rates charged 3623
  - Reimbursable services; supervision of destruction of merchandise where customs employee is not regularly assigned 3624
- Procurement of car, compartment, and package seals; collector at headquarters port of customs district authorized to approve purchase orders and assign numbers and symbols 3847

Foreign-trade zones 5317
- Carriers, use of zone by 5318
- Merchandise, foreign and domestic; admission, treatment within zone, exportation, etc 5318
- Reimbursement of customs expenses 5323
- Supplies, equipment and repair material for vessels or aircraft 5322

Institutions, certain, free entry of textile machines and parts for; requirements, affidavit that similar articles not manufactured in United States 4289

Inter-American Cultural and Trade Center, New Orleans, Louisiana; importation of articles in connection with. *See* International Trade Fair.

International organizations, public, entitled to free entry privileges, listed; Provisional Intergovernmental Committee for Movement of Migrants from Europe, addition 4139

International Trade Fair and Inter-American Cultural and Trade Center, New Orleans, Louisiana; importation of articles in connection with 5644
- Abandoned articles, voluntary and involuntary 5645
- Bond 5644
- Customs officers, detail of, to protect revenue; expenses 5645

CUSTOMS BUREAU—Continued Page

International Trade Fair and Inter-American Cultural and Trade Center, New Orleans, Louisiana; importation of articles in connection with—Con.
- Entry; procedure, appraisement, etc 5644
- Federal Food, Drug, and Cosmetic Act of June 25, 1938; compliance with 5645
- Invoices 5644
- Marking; not required except where articles are withdrawn for consumption 5644
- Plant Quarantine Act of 1912; compliance with 5645
- Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under general tariff law 5645

Invoices, for entry of imported merchandise; "no consul" list, places considered too remote from American consulate to permit certification of invoices by American consular officer, redesignations:
- Anambas Islands, Indonesia; in lieu of Anabas Islands 3689
- British Malaya; in lieu of British Malaysia 3689
- Indonesia; in lieu of Netherlands East Indies 3689
- Korea, Republic of; in lieu of Korea 3689

Lead, duty suspension on; revocation (Proclamation 2979) 5785

Liability for duties, entry of certain ores and ferro-alloys; commercial assay, as basis of duty assessment 5759

Liquidation of duties; tariff classification of certain imports:
- Bone black (animal charcoal), spent; prospective change in classification 5675
- Nets and nettings, made on knitting machine; change in classification 3459, 5675
- Petroleum oil foots, certain; change in classification 5736
- Repliqued articles; prospective change in classification 3459
- Vacuum tubes, electrical, type 5311, known as multiplier photo tubes; change in classification 3241, 4625

Lost, stolen, etc., merchandise, application for relief from duties on; decision 3190

Measurement of vessels; deductions from gross tonnage, marking of certifications for 3189

Nets and nettings, made on knitting machine; change in tariff classification 3459, 5675

"No consul" list. *See* Invoices.

Officers, customs; compensation of. *See* Employees and officers.

Ores and ferro-alloys, certain, entry of; commercial assay as basis of duty assessment 5759

Petroleum oil foots, certain; change in tariff classication 5736

Repliqued articles; prospective change in tariff classification 3459

Seals, car, compartment, and package; procurement, authority of collectors of customs respecting 3847

Special classes of merchandise, importation of:
- Reproductions, colored, of demonitired foreign postage stamps 3319
- Wild mammals; vicunas, including hides and wool thereof, from Argentina, consular certificate required for 4860
- Stamps, colored reproductions of demonitized foreign postage stamps; importation of 3319

Stolen, lost, etc., merchandise, application for relief from duties on; decision 3190

Storekeeper, customs warehouse; hourly rates charged for services 3623

Tariff classification of certain imports. *See* Liquidation of duties.

Taxes, drawback of. *See* Drawback of duties and taxes.

Tubes, electrical vacuum, type 5311; change in tariff classification 3241, 4625

Vacuum tubes, electrical, type 5311; change in tariff classification 3241, 4625

Vessels:

In foreign and domestic trades:
- Arrival and entry of vessels; inward foreign manifest, contents 3144

CUSTOMS BUREAU—Continued Page

Vessels—Continued

In foreign and domestic trades—Continued
- Coastwise procedures; residue cargo:
  - For domestic ports; procedure 3145
  - For foreign ports, when vessel is proceeding to other ports in United States 3145
  - Intercoastal procedure, optional ports; traveling manifest 3145
- Landing and delivery of cargo prematurely discharged or overcarried; procedure for forwarding to destination with respect to application, traveling manifest, permit to proceed, etc 3144
- Measurement of; deductions from gross tonnage, marking of certifications for 3189
- Supplies for:
  - Drawback of duties and taxes; notice of lading, provision for filing if supplies must be laden when customhouse is not open for business 3146
  - Foreign-trade zones, vessels in; lading of other than zone-restricted merchandise as supplies, equipment or repair material, provisions respecting 5322
  - Withdrawal of; permit for transfer of supplies from one vessel to another free of duty and tax 3145

Vicunas, including hides and wool thereof, imported from Argentina; consular certificate required 4860

Warehouses, customs, and control of merchandise therein:

Foreign-trade zones:
- *See also* Foreign trade zones.
- Deletion of part respecting 5317
- Storekeeper; hourly rates charged for services 3623

D

DAIRY INDUSTRY BUREAU:

Sanitary inspection of process or renovated butter:
- Definitions; process or renovated butter factory 5212
- Sanitary requirements:
  - For factories, for process or renovated butter 5213
  - For ingredients, containers, etc., used in manufacture of process or renovated butter 5213

DANGER AREAS AND ZONES:
- Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
- Navigation danger zones. *See* Engineers, Corps of.

DAYS OF OBSERVANCE. *See* Presidential documents.

DECORATIONS, MEDALS, ETC.:
- Air Force personnel. *See* Air Force Department.
- Medal of Freedom, award of (Executive Order 10336) 2957

DEFENSE AIR TRANSPORTATION ADMINISTRATION, COMMERCE DEPARTMENT; coordinating functions in connection with distribution and redistribution of civil aircraft by Civil Aeronautics Board 2899

DEFENSE DEPARTMENT:
- *See Air Force Department.*
- *Army Department.*
- *Navy Department.*
- Active service order; authority to Secretary of Air Force to order members and units of reserve components into active service 3112
- Advertising, formal, procurement by; armed services procurement regulations respecting. *See* Joint regulations of armed forces.
- Agricultural manpower; responsibilities under defense manpower policy respecting 5765
- Aircraft, military; transportation by, with and without reimbursement 3535
  - Nongovernmental travel 3536
- Armed services procurement regulations. *See* Joint regulations of armed forces.
- Authority, delegations of:
  - From Secretary, to Secretary of Air Force; authority to order members and units of Air National Guard and United States Air Force Reserve into active service, and to redelegate the authority respecting Air National Guard 3112

DEFENSE DEPARTMENT—Continued Page

Authority, delegations of—Continued
- To Secretary:
  - From General Services Administrator, to represent Government agencies before certain public utilities commissions in connection with certain rates and charges:
    - Public Service Commission, Utah, in connection with application of Utah Power and Light Company to increase electric service rates 4963
    - Public Service Commission, Washington, in connection with minimum charges on light and bulky articles by Pacific Inland Tariff Bureau, Inc 5266
  - From National Production Authority; to make allotments of controlled materials and to apply priority (DO) ratings and allotment numbers, with respect to contracts and purchase orders to meet authorized procurement and construction programs 3065

Censorship of news dispatches, still pictures, and motion pictures submitted by correspondents accompanying armed forces 2991

Committees, boards, etc.:
- Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
- Production Policy Committee, Office of Defense Mobilization; representation on 4561
- Defense Procurement Policy Committee, designation as subcommittee 4561
- Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926

Contracts:
- Defense contract financing policy. *See* Joint regulations of armed forces.
- Procurement regulations, armed forces. *See* Joint regulations of armed forces.

Decorations. *See* Medal of Freedom.

Defense contract financing policy. *See* Joint regulations of armed forces.

Emergency, civil-defense; military requirements of Department to be taken into consideration in preparation of emergency plans by agencies (Executive Order 10346) 3477

Foreign purchases, armed services procurement regulations respecting. *See* Joint regulations of armed forces.

Induction standards:
- Minimum mental level; standard score 65 on Armed Forces Qualification Test 5554
- Modification of AR 40–115 items not applicable to Air Force and Navy; revocation 5554

Joint regulations of armed forces:

Armed services procurement regulations:
- Advertising, formal, procurement by:
  - Opening of bids and award of contract; minor irregularities in bids, failure to furnish bid bond 5646
  - Solicitation of bids; preparation of forms, schedule 5646
- Bonds; bid bonds 5648
- Contract clauses and forms; fixed-price supply contracts:
  - Ceiling prices, compliance with 5648
  - Default, correction 5648
  - Gratuities 5648
  - Records, examination of 5648
  - Subcontracting 5648
  - Termination for convenience of Government 5648
  - Vinson-Trammell Act 5648
- Contract cost principles; pension and retirement plans, allowance of:
  - Construction contracts; items of allowable costs 5650
  - Cost interpretations; pension and retirement plans 5650
  - Effective date of part 5649
  - Research contracts with nonprofit organizations; items of allowable costs 5650
  - Supply and research contracts with commercial organizations; items of allowable costs 5649

DEFENSE DEPARTMENT—Continued Page

Joint regulations of armed forces—Continued
Armed services procurement regulations—Con.
Coordinated procurement, single department procurement; preparation of purchase requests, use of DD Forms 448 and 448–1 5647
Foreign purchases:
Canadian suppliers, purchases from 5647
Duty and customs; entry certificate 5647
General provisions, basic policies, place of delivery, payment of transportation charges for domestic and foreign procurements 5646
Labor, basic policies:
Labor relations 5649
Wage and salary compensation; overtime 5649
Negotiation, procurement by:
Advance payments:
Authority to make advance payments 5647
Limitations on authority 5647
Disagreements, resolution of 5647
Interest on advance payments 5647
Reports 5647
Use of negotiation; negotiation as distinguished from formal advertising, consideration of delivery requirements 5647
Correspondents accompanying armed forces, regulations respecting 2991
Censorship of news dispatches, still pictures, and motion pictures 2993
Credentials, issuance and use of 2992
Definitions 2991
Discipline 2993
Pictorial coverage; still pictures, motion pictures, theater or television newsreel films, etc 2993
Status and privileges 2991
Transportation; government transportation 2992
Uniform, description of 2992
Defense contract financing regulations 3581
Advance payments 3586
Basic policies 3582
Guaranteed loans 3583
Labor, armed services procurement regulations respecting. *See* Joint regulations of armed forces.
Manpower; responsibilities under defense manpower policies respecting:
Agricultural manpower 5765
Surplus manpower; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Medal of Freedom, award of (Executive Order 10336) 2957
Negotiation, armed services procurement regulations respecting. *See* Joint regulations of armed forces.
Organized unit and satisfactory participation therein defined; revision 5554
Procurement:
Armed services procurement regulations. *See* Joint regulations of armed forces.
In areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926
Security, contracts awarded by Army, Navy, or Air Force; public information guidance for manufacturers 3178
Transportation by military aircraft, with and without reimbursement 3535
Nongovernmental travel 3536

DEFENSE ELECTRIC POWER ADMINISTRATION:
Electric utility power facilities, construction of, materials and equipment for; requests for procurement assistance, revocation 3853
Procurement of materials and equipment for construction of electric utility power facilities; requests for assistance for, revocation 3853

DEFENSE MATERIALS PROCUREMENT AGENCY:
Authority, delegation of:
By Administrator:
Army Department, Secretary; authority with respect to channel extension of Port Aransas-Corpus Christi waterway, Texas, to plant site for aluminum production 3893
Deputy Administrator; authority to certify access roads to Secretary of Commerce 2872

DEFENSE MATERIALS PROCUREMENT AGENCY—Continued Page

Authority, delegation of—Continued
By Administrator—Continued
Regional Director, Region 1; authority to perform various operating functions:
Development; authority to allocate authorized commodity program requirements within region, etc 4961
Execution and delivery of instruments and acceptance of security 4961
Exercise of authority during absence or incapacity, delegation of 4961
Procurement; authority to negotiate purchases and contracts 4961
Redelegation of authority 4961
Regional Director, Region 3, London, England; authority to perform certain staff and operating functions 3426
From National Production Authority; allocation and claimant responsibilities respecting certain listed metals and minerals, deletion of responsibility with respect to copper blister 4542
Columbium-tantalum purchase program. *See* Minerals and metals.
Committees, boards, etc.:
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production Policy Committee, Office of Defense Mobilization; representation on 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Minerals and metals:
Aluminum production; authority of Secretary of Army with respect to channel extension of Port Aransas-Corpus Christi waterway, Texas, to plant site for 3893
Columbian-tantalum purchase program 4947
Serialization of mines, smelters, and mineral processing plants. *See* Serialization of mines, smelters, and mineral processing plants.
Strategic minerals, certification under section 450 of Internal Revenue Code; recommendation to Defense Production Administrator respecting 5191
Tantalum purchase program. *See* Columbium-tantalum purchase program.
Mines and mineral processing plants; serialization. *See* Serialization of mines, smelters, and mineral processing plants.
Plant fibers, procurement for Government use or resale, functions respecting (Executive Order 10359) 5269
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production equipment and machine tools, idle Government-owned; reporting, disposition, etc 4926
Production Policy Committee, Office of Defense Mobilization; representation on 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Roads, access, certification of, to Secretary of Commerce pursuant to Federal-Aid Highway Act of 1950; delegation of authority to Deputy Administrator respecting 2872
Serialization of mines, smelters, and mineral processing plants, for purpose of providing priority and allocation assistance (MO–7) 4852
Smelters, serialization. *See* Serialization of mines, smelters, and mineral processing plants.
Tantalum purchase program. *See* Minerals and metals.

DEFENSE MINERALS EXPLORATION ADMINISTRATION:
Exploration project, Government aid in; field teams, establishment for various regions:
Consummation of exploration contracts, Region IV; maximum amount of Government's contribution not to exceed $25,000 3891
Continuation of field teams 3891
Delegation of authority to executive officers of field teams, with respect to exploration project contracts and facilities, with certain limitations 3891

DEFENSE MINERALS EXPLORATION ADMINISTRATION—Continued Page

Exploration project, Government aid in; field teams, establishment for various regions—Continued
Limitations; exploration project contracts 2891
Mines Bureau, Regional Director, Region IV; delegation of authority, revocation 3891
Ratification of assignment of employees 3891
Revocation of Order 2653 3891

DEFENSE MOBILIZATION, OFFICE OF:
Agricultural manpower, policy respecting 5764
Committees, boards, etc.:
Defense Procurement Policy Committee (formerly Procurement Policy Board); designation as subcommittee of Production Policy Committee 4561
Procurement Policy Board; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production Equipment, Advisory Committee on; establishment, functions, and membership 4484
Production Policy Committee; establishment, functions, and membership 4561, 5191
Defense Procurement Policy Committee, designation as subcommittee 4561
Representation of Council of Economic Advisers, Office of Director of Mutual Security Agency and Small Defense Plants Administration 5191
Stabilization Policy Committee; establishment, functions, and members 4926
Surplus Manpower Committee. *See under* Manpower surpluses.
Critical defense housing areas:
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
Georgia; Warner Robins 5681
Indiana:
Camp Atterbury 5682
Gary-Hammond-East Chicago 4627
Kansas; Parsons 3809
Louisiana; Lake Charles 5682
New Mexico:
Farmington 4627
Lea County 4469
Oregon; Condon 3367
Rhode Island; Newport 3809
South Carolina; Sumter 3838
Texas:
Port Lavaca 3864
Rockdale 2905
Washington:
Bridgeport 4469
Curlew 3838
Wenatchee 4469
Finding and determination under Defense Housing and Community Facilities and Services Act of 1951:
Arizona; Bagdad 5073
Idaho; Cascade 3366
Indiana; Camp Atterbury 5682
Iowa; Sioux City 4272
Maine; Kittery 5488
Michigan; Grosse Ile 4904
Montana; Butte 5782
Nebraska; Fremont-Wahoo 3463
Nevada; Ely 3761
New Hampshire; Portsmouth 5488
New Mexico:
Farmington 3809
Lea County 4272
New York; Poughkeepsie 4867
North Dakota; Williston 5488
Ohio; Wright-Patterson Air Force Base, Dayton 4867
Oregon:
Condon 3366
Reedsport 5488
Roseburg 5782
Puerto Rico; Ramey Air Force Base, Aguadilla 5488
Tennessee; Milan 5074
Texas; Harlingen 2905
Washington:
Bridgeport 3809
Ephrata-Moses Lake 3761
Republic-Curlew 3837

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Defense Policy Committee (formerly Procurement Policy Board); designation as subcommittee of Production Policy Committee 4561
Manpower for agricultural purposes, policy respecting 5764
Manpower shortages; training programs in connection with manpower shortages in various skills and occupations 2837
Manpower surpluses; procurement in certain areas and industries:
Designation of areas, and notification of Defense Department and General Services Administration respecting:
Connecticut:
Danielson area 3071
Norwich 5442
Illinois; Danville 4360
Indiana:
Connersville 5355
Muncie 5783
Richmond 5176
Vincennes area 3249
Maine:
Biddeford 5175
Lewiston 5441
Massachusetts; Tauton area 3808
Michigan:
Bay City 5783
Detroit 4728
Flint 4728
Grand Rapids 4728
Missouri; Joplin area 4129, 4729
New Hampshire; Nashua area 3072
New Jersey; Atlantic City 4360
New York:
Gloversville area 4129
Utica-Rome area 3072
North Carolina; Winston-Salem 5621
Ohio; Portsmouth 4359
Pennsylvania:
Altoona 5174
Reading 4361
Sunbury-Shamokin-Mount Carmel 5782
Puerto Rico:
Mayaguez 5442
Ponce 5443
San Juan 5444
West Virginia:
Martinsburg 5175
Parkersburg 4130
Ronceverte-White Sulphur Springs area 3807
Wisconsin; La Crosse 5176
Surplus Manpower Committee; hearing, findings, recommendations respecting procurement in various areas and industries:
Various areas:
Designation of. *See* Designation of areas, *above.*
Findings respecting areas amended to provide that contractors be afforded opportunity to meet prices in labor market areas classified by Labor Department as Group I, II, III 5742
Various industries:
Men's apparel industry 3897, 4400
Shoe industry 4994
Textile industry 4993
Men's apparel industry, hearing before Surplus Manpower Committee respecting 3897, 4400
Minerals, strategic; Defense Production Administrator to act as certifying agency for purpose of exemptions under section 450 of Internal Revenue Code 5191
Procurement, in areas of current or imminent labor surplus. *See* Manpower surpluses.
Procurement Policy Board; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
Production Equipment, Advisory Committee on; establishment, functions, and members 4484
Production equipment and machine tools, idle government-owned; establishment of central inventory and providing for effective utilization of 4926

DEFENSE MOBILIZATION, OFFICE OF—Continued Page
- Production Policy Committee; establishment, functions, and membership 4561, 5191
- Defense Procurement Policy Committee, designation as subcommittee 4561
- Representation of Council of Economic Advisers, Office of Director of Mutual Security Agency and Small Defense Plants Administration 5191
- Shoe industry; recommendations of Surplus Manpower Committee respecting placement of procurement with 4993
- Stabilization Policy Committee; establishment, functions, and membership 4926
- Strategic minerals, certifying agency with respect to. *See* Minerals, strategic.
- Surplus Manpower Committee; hearings, findings, recommendations respecting placement of procurement. *See* Manpower surpluses.
- Textile industry, recommendations of Surplus Manpower Committee respecting placement of procurement with 4993
- Training programs, in connection with manpower shortages in various skills and occupations 2837

DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE PRODUCTION ACT, functions under, respecting plant fibers (Executive Order 10359) 5269

DEFENSE PRODUCTION ADMINISTRATION:
- Certifying agency in connection with certain programs under Defense Production Act:
  - Plant fibers (Executive Order 10359) 5269
  - Strategic minerals 5191
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 5452
- Committees, boards, etc.:
  - Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
  - Production Policy Committee, Office of Defense Mobilization; representation on 4561
  - Defense Procurement Policy Committee, designation as subcommittee 4561
  - Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926
- Loans under section 302 of Defense Production Act; revocation 5664
- Minerals, strategic, certification of, to Secretary of Treasury by Administrator, for purpose of exemptions from excess profits tax under section 450 of Internal Revenue Code 5191
- Organizational statement; authority, organization, and general functions of various offices 4543
- Plant fibers; functions of Administrator in connection with development of sources of supply (Executive Order 10359) 5269
- Procurement Policy Board, Office of Defense Mobilization; change in name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
- Procurement Policy Committee, Office of Defense Mobilization; representation on 4561
- Defense Procurement Policy Committee, designation as subcommittee 4561
- Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926
- Voluntary plans, agreements, programs and participating companies:
  - Army Ordnance Integration Committees:
    - Artillery and mortar shell 4246
    - Boosters, M21A4 2872, 5437
    - Cartridge cases 4184
    - Fuzes:
      - Artillery mechanical time fuzes 2939
      - M48 type fuzes 3363
    - Machine guns, caliber .50 2872
    - Mortar shell, 4.2" 5354
    - Rockets, 3.5" 5354
    - Shell loading 4725
  - Production committees; engines, J–47 3216
  - Small business enterprises requested to operate as production pools:
    - Consolidated Industries Defense Production Pool, Inc 3893
    - Dade County Industries, Inc 3562
    - Engravers Production Group of New York 4544

DEFENSE PRODUCTION ADMINISTRATION—Con. Page
- Voluntary plans, agreements, programs and participating companies—Continued
  - Small business enterprises requested to operate as production pools—Continued
    - Florida Wood Cooperative 3391
    - Greater New York Manufacturing Pool 2872
    - Illinois Manufacturers Defense Pool, Inc 3364
    - Mil-Fin, Inc 3617
    - Woodworking defense production Pool of New York area 4990

DEFENSE TRAINING, defense manpower policy respecting. *See* Defense Mobilization, Office of.

DEFENSE TRANSPORT ADMINISTRATION:
- Construction of transportation, storage and port facilities, allotments and priority ratings; appeals (DTA 1 as amended) 3680
- Action on application; reconsideration 3681
- Appeals; grounds for, rules for filing, decisions 3681
- Applications and requests; forms 3681
- Intervention by interested parties 3682
- Purpose, definitions, etc 3680
- Industry advisory committees, appointment and operation of (DTA 3) 3604
- Production Policy Committee, Office of Defense Mobilization; representation on 4561
- Defense Procurement Policy Committee, designation as subcommittee 4561
- Transportation, storage and port facility construction. *See* Construction.

DISASTERS:
- Controlled materials for repair of damage. *See* National Production Authority.
- Disaster areas having need for agricultural credit; designation. *See* Agriculture Department.
- Priority orders for flood-damaged area relief. *See* National Production Authority.
- Special emergency radio service, provisions for. *See* Federal Communications Commission.
- Timber salvage, emergency access permits for timber salvage operations in western Oregon, Washington, and northwestern California where timber has been killed by wind, fire, or insects 5569

DISTRICT OF COLUMBIA:
- School lunch program; assistance funds for. *See* Agriculture Department.
- Traffic signs for, adoption and designation. *See* National Park Service.

DRUGS; certification, tests, etc. *See* Food and Drug Administration.

E

ECONOMIC ADVISERS, COUNCIL OF. *See* Council of Economic Advisers.

ECONOMIC MISSIONS, engaged in carrying out programs under Mutual Security Act of 1951; coordination of activities by Chiefs of Diplomatic Missions (Executive Order 10338) 3009

ECONOMIC STABILIZATION AGENCY:
- *See Price Stabilization, Office of.*
- *Railroad and Airline Wage Board.*
- *Rent Stabilization Office.*
- *Salary Stabilization Board.*
- *Salary Stabilization Office.*
- *Wage Stabilization Board.*
- Committees, boards, etc.:
  - Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
  - Production Policy Committee, Office of Defense Mobilization; representation on 4561
  - Defense Procurement Policy Committee, designation as subcommittee 4561
  - Stabilization Policy Committee, Office of Defense Mobilization; representation on 4926
- Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas:
  - Indiana; Gary-Hammond-East Chicago 4827
  - Kansas; Parsons 4267
  - New Mexico:
    - Farmington 4828
    - Lea County 5484

ECONOMIC STABILIZATION AGENCY—Continued Page
- Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas—Continued
  - Oregon; Condon 5373
  - Rhode Island; Newport 4131
  - South Carolina; Sumter 4267
  - Texas:
    - Port Lavaca 4267
    - Rockdale 3391
  - Washington:
    - Bridgeport 4773
    - Curlew 5373
    - Wenatchee 4773
- Violations of Title IV of Defense Production Act with respect to price and wage stabilization, disallowances for; policy and procedure with respect to 2994

EDUCATION, OFFICE OF:
- Areas affected by Federal activities; construction of school facilities:
  - Deadline for applications for payments and order of certification from funds available for fiscal year 1952 3210
  - Applications previously filed 3211
  - Deadline for applications for fiscal year 1952 3211
  - Definitions 3211
  - Insufficiency of available funds, determination made for fiscal year 1952 3211
  - Order of making certifications from available funds 3211
  - Priority and certification conditioned on readiness to proceed with construction 3212
  - Priority certifications restricted to cost of minimum school facilities 3212
  - Procedure if funds are inadequate to make all payments 3211
  - Provisions not exhaustive of jurisdiction of Commissioner of Education 3212
  - Grants to certain local educational agencies; redesignation, note 3210
- Manpower shortages in various skills and occupations; responsibilities in connection with defense training program 2837
- School construction. *See* Areas affected by Federal activities.
- Training program in connection with defense manpower shortages in various skills and occupations, responsibilities respecting 2837

EDUCATION AND EDUCATIONAL FACILITIES:
- Areas in need of school facilities; construction of facilities, application for funds, etc. *See* Education, Office of.
- Geological surveys and studies by educational institutions; authority of Interior Department to make contracts for 4993
- Grants in connection with school construction. *See* Education, Office of.
- Military education. *See* Army Department.
- School lunch program. *See* Agriculture Department.
- Vocational rehabilitation and education. *See* Veterans' Administration.

ELECTRIC POWER ADMINISTRATION. *See* Defense Electric Power Administration.

EMERGENCIES, NATIONAL:
- Civil defense; preparation of plans by Federal agencies for emergency (Executive Order 10346) 3477
- National emergencies proclaimed on September 8, 1939, and May 27, 1941, termination of (Proclamation 2974) 3813

EMPLOYMENT SECURITY BUREAU:
- United States Employment Service; policy with respect to occupational analysis activities 5216

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
- Anchorage regulations:
  - Anchorage grounds, Washington, Puget Sound area; Strait of Juan de Fuca, Freshwater Bay emergency explosives anchorage 5070
  - Special anchorage areas; Michigan:
    - Charlevoix Harbor 4206
    - Muskegon Harbor 4206

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY—Continued Page
- Authority, delegation of, to Chief of Engineers, from Secretary of Air Force; to perform functions and make determinations with respect to reimbursement to owners and tenants of land acquired (pursuant to Public Law 155, 82d Congress) for expenses, losses and damages 5391
- Bridge regulations:
  - Arkansas. *See* Mississippi River.
  - Connecticut:
    - Mystic, Mystic River:
      - New York, New Haven, and Hartford Railroad Company bridge 3062
      - State Highway Department bridge 3062
    - Thames River; New York, New Haven and Hartford Railroad Company bridge between New London and Groton 3063
  - Florida, New River Sound, State Road bridge at East Las Olas Boulevard, Fort Lauderdale 4624
  - Illinois, Chicago; Chicago River, Ogden Slip, North Branch and Canal, South Branch, etc., bridges 3236
  - Louisiana. *See* Mississippi River.
  - Maine, Kennebec River; State Highway Commission bridges:
    - Between Bath and Woolwich (Carlton Bridge) 3061
    - Between Richmond and Dresden, and between Gardiner and Randolph 3061
  - Massachusetts, Boston Harbor and adjacent waters; Fort Point Channel 3062
  - Michigan, Saginaw River, bridges; sound and visual signals, and acknowledging signals 3063
  - Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required:
    - Arkansas, Red River; St. Louis Southwestern Railway Company bridge at Garland City 3063
    - Louisiana, Red River; State highway bridges at Boyce, Grand Ecore, and Coushatta, and St. Louis Southwestern Railway Company bridge at Shreveport 3063
  - New Jersey:
    - Intracoastal Waterway and tributaries; bridges 5140
    - Woodbridge Creek, Middlesex County highway bridge and Central Railroad Company bridge at Maurer; bridges where constant attendance of draw tenders is not required 3063
  - Wisconsin, Green Bay, Fox River and Portage Canal; city-owned bridges at Main Street, Walnut Street, and Mason Street, and bridges between Berlin and Portage 5140
- Danger zone regulations:
  - California, Monterey Bay, Fort Ord; firing range 4655
  - Gulf of Mexico off Cameron, La., and Texas coast; Air Force air-to-air gunnery range 5615
  - Louisiana, Cameron, Gulf of Mexico off; Air Force air-to-air gunnery range 5615
  - Maryland, Chesapeake Beach, Chesapeake Bay in vicinity of; firing range, Naval Research Laboratory 4853
  - Texas. *See* Gulf of Mexico.
- Fishing and hunting regulations; Chesapeake Bay, Maryland and Virginia 4346
- Hunting. *See* Fishing and hunting regulations.
- Navigation regulations:
  - California:
    - Lake Tahoe, Baldwin Beach, restricted area 4766
    - Loma, Pacific Ocean off; naval restricted area 4346
    - San Francisco Bay between Treasure Island and Yerba Buena Island; naval restricted area 4766
    - San Joaquin River Deep Water Channel, use, administration, and navigation; enforcement, revocation 4766
  - Illinois, Cairo; Ohio River and Mississippi River above, authority of lock master 4766
  - Virginia, Yorktown, York River; mine service testing area 4346
  - Wisconsin:
    - Fox River, authority of canal officer; note 4766
    - Upper Fox River, closed periods; revocation 4766

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
- Exports, overtime services relating to inspection at border, airports, etc. *See* Overtime services.
- Imports, overtime services relating to inspection at border, airports, etc. *See* Overtime services.

ENTOMOLOGY AND PLANT QUARANTINE BUREAU—Continued Page

Overtime services, relating to imports and exports:
- Administrative instructions prescribing commuted travel time allowances 5055
- Establishment of uniform hourly rate of payment for overtime, night, and holiday inspection and quarantine activities at border, coastal, and airports 4317

Puerto Rico, sweetpotatoes from, to northern United States ports; proviso respecting fumigation 3446

Quarantine notices, domestic; restrictions on movement of certain plants, etc., to prevent spread of insect pests:
- Bollworm of cotton. *See* Cotton.
- Cotton:
  - Pink bollworm:
    - In various States; designation of infested areas:
      - Certificates and permits, issuance of, for movement of cottonseed, produced in heavily infested areas 2911
      - Cottonseed, produced on heavily infested area, that has been treated and protected, movement of 2909
      - Designation of specified counties in Texas, Arizona, Louisiana, New Mexico and Oklahoma as heavily or lightly infested regulated areas 2909
    - Territorial cotton, cottonseed and products from Hawaii, Puerto Rico and Virgin Islands; extension of quarantine to prevent spread of pink bollworm from Virgin Islands to United States 4371
  - Thurberia weevil; revocation of quarantine of several counties of Arizona, and regulations respecting 3447
- Japanese beetle, in various States:
  - Regulated areas, designation of 3657, 4999
  - Regulated articles, conditions governing movement of 3657, 4999
- Thurberia weevil. *See* Cotton.
- White-fringed beetle; regulated areas, proposed rule making 4388
- White-pine blister rust; regulations governing interstate movement of five-leaved pines 3669
  - Definitions 3669
  - Five-leaved pines 3671
  - Permits, control-area:
    - Cancellation of 3671
    - Conditions governing issuance and use of 3671
- Sweetpotatoes, from Puerto Rico; proviso respecting fumigation 3446
- Virgin Islands; extension of quarantine to prevent spread of Pink bollworm of cotton from, to United States 4371

EXECUTIVE OFFICE OF THE PRESIDENT:
- *See Budget Bureau.*
- *Council of Economic Advisers.*
- *Defense Mobilization, Office of.*
- *National Security Resources Board.*

EXECUTIVE ORDERS. *See* Presidential documents.

EXEQUATURS, issued to certain foreign consular officers in United States; Seal of United States to be affixed to, without special warrant (Executive Order 10347) 3521

EXPLORATION FOR MINERALS AND METALS. *See* Defense Minerals Exploration Administration.

EXPLOSIVES:
- Handling of, within or near waterfront facilities. *See* Coast Guard.
- Transportation of. *See* Interstate Commerce Commission.

EXPORT CONTROL. *See* International Trade, Office of.

EXPORT-IMPORT BANK OF WASHINGTON:
- Loans to private business enterprises in connection with development of sources of supply of plant fibers (Executive Order 10359) 5269

EXPORTS. *See* Imports and exports.

EXTRADITION WARRANTS; Seal of United States to be affixed without special warrant (Executive Order 10347) 3521

F

FARM CREDIT ADMINISTRATION: Page
- Banks for cooperatives:
  - Central Bank for Cooperatives, obligations of; acceptable as collateral security for deposit of public moneys in name of Treasurer of United States 3453
  - Interest rate on loans in continental U. S. and Puerto Rico made on security of commodities or of Commodity Credit Corporation loan documents; Louisville Bank for Cooperatives 3221

FARM SAFETY WEEK, NATIONAL, 1952 (Proclamation 2970) 2831

FARMERS HOME ADMINISTRATION:
- Account servicing; general security servicing of farm housing loans 4281
- Advances to protect security 4284
- Adversely affected security; actions responsible for 4284
- Assignment of farm housing notes and security instruments 4285
- Authority of State Director, State Field Representative, and County Supervisor; general 4281
- Compromise, adjustment, reduction or cancellation of farm housing indebtedness 4285
- Death of borrower 4284
- Inspections in connection with maintenance of security property 4284
- Partial release, subordination or consent under terms of farm housing security instruments 4283
- Refinancing 4281
- Sale of farm by farm housing borrower 4284
- Vacated farms 4284
- Farm housing loans and grants:
  - Account servicing. *See* Account servicing.
  - Processing loans and grants; county office routine 3221
  - Cancellation of loan or grant 3225
  - Closing of grant, section 504 (without loan) 3226
  - Closing of loan 3225
  - Forms, agreements, etc.; preparation and conditions respecting 3223
  - Form FHA–188B, "Option for Purchase of Farm"; when title insurance is to be used 3223
  - Form FHA–441B, "Farm Housing Supplementary Payment Agreement"; sum of payments during year not to exceed amount of regular annual installment 3224
  - Form FHA–444, "Farm Housing Fund Analysis" 3223
  - Form FHA–446, "Nondisturbance Agreement"; for section 502 and 504 loans, as well as section 503, made subject to existing lien 3224
  - Notice and subordination agreements with prior mortgage holder 3224
  - State Field Representative, action by 3225
  - Title evidence 3224
- Security servicing. *See* Account servicing.
- Farm ownership loans, basic regulations respecting; loan limitations, average values of farms and investment limits for purposes of Title I of Bankhead-Jones Farm Tenant Act:
  - California 3397
  - Colorado 4101
  - Iowa 4101
  - Minnesota 5692
  - Nevada 4101
  - New Hampshire 3397
  - New Jersey 5692
  - Ohio 4101
  - Puerto Rico 3397, 5692
  - Virginia 3397
- Production and subsistence loans; processing loans under Supplemental Appropriations Act of 1951, revocation 5416

FEDERAL CIVIL DEFENSE ADMINISTRATION:
- Contracts for remodeling of buildings and other necessary work and services in State of Virginia, delegation of authority from General Services Administrator with respect to 4664
- Emergency, preparation of plans by Federal agencies for use in event of; functions of Administration in connection with (Executive Order 10346) 3477

FEDERAL CIVIL DEFENSE ADMINISTRATION—Con. Page
- Insigne, official; prescribing and establishing requirements for reproduction, sales, possession, etc., proposed rule making 4303
- Seal, official:
  - Establishment (Executive Order 10350) 4473
  - Purpose, description, use, etc 5832

FEDERAL COMMUNICATIONS COMMISSION:
- Aeronautical services:
  - Civil Air Patrol, frequencies available to land and mobile stations in:
    - Assignment of frequency 2374 kc for use of 4539
    - Redesignation 4539
  - Fixed and mobile services, authorization of use of frequencies 21,750 kc and above, in accordance with Atlantic City radio regulations, proposed 3175
  - Flight test station license granted to manufacturers of aircraft or aircraft components and subsidiary corporations 5699
  - Frequencies, certain, between 22.075 kc and 22,215 kc, and frequency 22,245 kc, authorization of use of, by aircraft stations for communication with maritime mobile service stations 3855
  - Navigational aid radio stations:
    - Flight test stations, eligibility of licensee, manufacturers of aircraft or aircraft components and subsidiary corporations eligible for station license 5699
    - Frequencies available, proposed rule making:
      - Airway track guidance (ranges); use for, of even-tenth frequencies in band 108.2–112.0 mc 3748
      - Instrument landing localizer, certain; frequencies used for, in band 108.1–112.0 mc, reassignment of 3748
    - Omni-directional radio ranges; assignment of use for, of even-tenth megacycles frequencies within band 108.1–112.0 mc, proposed rule making 3748
    - Ranges, airway track guidance; use of even-tenth frequencies in band 108.2–112.0 mc, for, proposed 3748
- Alaska:
  - Coast stations in Alaska; equipment of radio-telephone transmitters with automatic device for controlling modulation, requirement respecting, postponed to January 1, 1953 3745
  - Radio stations in Alaska other than amateur and broadcast; proposed rule making:
    - Public coastal service, frequencies for communication with ship stations; addition of working frequency 2052.5 kc, A1 emission 5330
    - Ship service, frequencies for ship stations; communication by telegraphy with coast stations in Alaska, certain limitations respecting 5330
- Amateur radio service:
  - Operators, amateur:
    - Granting of authorized privileges, uniformly, to holders of general, extra, and advanced class licenses, with respect to use of frequencies in 3800–4000 kc and 14,200–14,300 kc bands, type A–3 emission, for radiotelephony; proposed rule making 3754
    - Licenses, classes and privileges of:
      - General and conditional classes; granting of all authorized amateur privileges to, proposed 3754
      - Novice class:
        - Frequency bands and types of emission which may be used by; further notice of proposed rule making 3753
        - Substitution of frequencies 21.15–21.30 mc for 26.960–27.230 mc used for radio-telegraphy, type A1 emission only, proposed rule making 4303, 4583
  - Radiotelephony:
    - Deletion of present limitation on operating privileges of general and conditional class license holders in regard to use of radiotelephony in 3800–4000 kc and 14,200–14,300 kc bands; proposed rule making 3754
    - Subdivision of frequency band 7000–7300 kc, using type A–3 and F–1 emission; further notice of proposed rule making 3753
    - Use of frequencies in 14,000–14,350 kc band, using type A–1 and A–3 emission 3104

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
- Amateur radio service—Continued
  - Stations, amateur:
    - Call signs, transmission of; identification, procedure, etc 3753
    - Frequencies and emissions:
      - Allocation of frequencies and types of emissions for use of stations:
        - 1800–2000 kc band, use of, on a shared basis with Loran system of radionavigation, under certain prescribed conditions; further notice of proposed rule making 3748
        - 3500–4000 kc band:
          - Use of 3800–4000 kc frequencies, with type A–3 emission, or narrow band frequency or phase modulation, for radiotelephony; deletion of restriction respecting use of only by extra or advanced class operators, proposed rule making 3754
          - Use of type F–1 emission on frequencies 3500–3800 kc, further notice of proposed rule making 3753
        - 7000–7300 kc band; use of type F–1 emission frequencies 7000–7200 kc and type A–3 emission on frequencies 7200–7300 kc, for radiotelephony, further notice of proposed rule making 3753
        - 14,000–14,350 kc band; use of 3104
          - Authorization of use of F–1 emission; further notice of proposed rule making 3753
          - Deletion of restriction respecting use of, on frequency band 14,200–14,300 kc, by extra class or advanced class operators only; proposed rule making 3754
        - 14,350–14,400 kc band, deletion of authority for operation of stations in, effective April 1, 1952 3104
        - 21,000–21,450 kc band, authorization of use of frequencies in, with type A–1 emission, by amateur stations, effective May 1, 1952 3856
        - 21.00–21.45 mc band, use of, with types A–1, A–3, and F–1 emissions and narrow band or phase modulation for telephony; proposed rule making 4303, 4583
        - 200–225 mc band, with types A0, A1–4 emissions and special emission for frequency modulation; removal of restriction, applicable to January 1, 1952, on use of, by amateurs, near United States borders 4303, 4583
        - 235–240 mc band:
          - Availability of, as alternate for 220–225 mc band, using type A0, A1–4 emissions; deletion, proposed rule making 4303, 4583
          - Deletion of provisions authorizing use of, in lieu of 220–225 mc (Table of frequency allocations footnote US9) 5397
        - Redesignations 3856, 4303, 4583
      - Frequency shift keying type F–1 emission, use of, on frequencies below 27 mc, for certain operations; further notice of proposed rule making 3753
      - Geographical areas, redesignation of, with respect to use of frequencies in 1800–2000 kc band, reallocation of frequencies to such areas, and operational limitations for various parts of United States, its Territories and possessions; further notice of proposed rule making 3748
      - Narrow-band or phase modulation, use of frequencies in 14,000–14,350 kc band for radiotelephony, proposed rule making 3104, 3753, 3754
      - Specification of emissions and other particulars of operation in frequency band 21.00–21.45 mc, available for use of amateurs about May 1, 1952; proposed rule making 4303, 4583
    - Use of stations:
      - Communication between amateur stations in Cuba and United States, on behalf of third parties 3744
      - Teleprinter transmissions, radio, special provisions regarding; further notice of proposed rule making 3753

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Amateur radio service—Continued
  - Teleprinter (radio) operation; prescribed standards for, further notice of proposed rule making 3753
- Authority, delegations of. *See* Organization and delegations of authority.
- California; proposed deletion of certain frequencies used for operation of Federal-State Market News Service 5044
- Canada, assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement 2949, 3758
- Candidates for public office, broadcasts by. *See* Radio broadcast services.
- Citizens radio service, definitions, person; civil defense organizations, state or local, clarification of eligibility requirements respecting 4713
- Civil Air Patrol; frequencies available to 4539
- Civil defense:
  - Civil Air Patrol; frequencies available to 4539
  - State or local civil defense organizations; clarification of eligibility requirements respecting 4713
- Commercial radio operators:
  - Operating authority; proposed rule making:
    - Restricted radiotelephone operator permit 5700
      - Holders of permit to be authorized to engage in operation of certain VHF coast stations 5700
    - Second-class radiotelephone operator license issued for operation of certain stations; stations excepted 5437
    - Third-class radiotelephone operator permit issued for operation of certain stations; stations excepted 5437
  - Operators, place of duty; modification of requirements respecting, exceptions regarding broadcast stations, deletion, proposed 5437
- Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
- Cuba:
  - Assignment of frequencies to broadcast stations in; notification of changes, etc., in accordance with North American Regional Broadcasting Agreement 4310, 4600, 5073
  - Radio communications between amateur stations in United States and Cuba, on behalf of third parties 3744
- Disaster relief organizations; eligibility and permissible communications in special emergency radio service 3750
- Educational broadcast stations. *See* Radio broadcast stations.
- Emergency, special, radio service. *See* Public safety radio services.
- Experimental and auxiliary broadcast services; remote pickup broadcast base and mobile stations, provision for use of band 25.85–26.1 mc by, to be proposed 5327
- Federal-State Market News Service, California; proposed deletion of availability of certain frequencies used by 5044
- FM broadcast stations. *See* Radio broadcast services.
- Foreign stations, rebroadcast of programs originated by. *See* Radio broadcast services.
- Forms for filing applications, etc. *See* Practice and procedure.
- Frequencies and channels, allocation and use of:
  - *See also* Frequency allocations and radio treaty matters.
  - Frequency bands:
    - 14–55 kc 3212
    - 375 kc 5771
    - 410 kc 5771
    - 535–1605 kc 5773
    - 540 kc 5773
    - 1600–3500 kc 4162, 4164, 4167, 4168
    - 1800–2000 kc 3748
    - 2000–2850 kc 5329
    - 2000–3000 kc 3752
    - 2000–3500 kc 4163, 5327
    - 2000–25,000 kc 5328
    - 2003 kc 4168
    - 2035–2065 kc 5328
    - 2035–2107 kc 5327, 5329
    - 2052.5 kc 5330

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Frequencies and channels, allocation and use of—Con.
  - Frequency bands—Continued
    - 2065–2107 kc 5329
    - 2067.5–2087.5 kc 5329
    - 2088.5–2093.5 kc 5329
    - 2089–2093 kc 5329
    - 2091 kc 5329
    - 2094–2106 kc 5329
    - 2107–2170 kc 5327
    - 2182 kc 4162, 4164, 4167, 4168, 5329
    - 2194–2495 kc 5327
    - 2200–25,000 kc 3856
    - 2214 kc 5328
    - 2374 kc 4539
    - 2505–2850 kc 5327
    - 2638 kc 4168
    - 2726 kc 3752
    - 2738 kc 4168, 5328
    - 2848 kc 5044
    - 3155–3400 kc 5327
    - 3190 kc 3752
    - 3500–4000 kc 3753
    - 3800–4000 kc 3754
    - 4000 kc 5329
    - 4000–23,000 kc 3855, 5330
    - 4245 kc 5044
    - 5000–25,000 kc 3855
    - 5365 kc 5044
    - 7000–7300 kc 3753
    - 7625 kc 5044
    - 7690 kc 5044
    - 14,000–14,350 kc 3104, 3753, 3754
    - 14,350–14,400 kc 3104, 3175, 3854, 4711
    - 17,000–25,000 kc 3855
    - 20,000–25,000 kc 3175, 3854, 4711
    - 21,000–21,450 kc 3856
    - 21,750–22,720 kc 3175, 3854
    - 22,000–22,070 kc 3175, 3176
    - 22,000–25,000 kc 3854
    - 22,070–22,400 kc 3176
    - 22,070–22,720 kc 3175
    - 22,080 kc 3175, 3176
    - 22,100 kc 3176
    - 22,110 kc 3176
    - 22,120 kc 3176
    - 22,140 kc 3176
    - 22,220–22,270 kc 3212
    - 22,400–22,650 kc 3176
    - 22,400–22,720 kc 3175, 3176
    - 22,509 kc (Hawaii) 3855
    - 22,650–22,720 kc 3176
    - 23,000 kc 3175, 3855
    - 25,000 kc 3855
    - 20–25 mc 3175, 3854
    - 21.00–21.45 mc 4303, 4583
    - 25 mc and above 4163
    - 25 mc and below 5044
    - 25.85–26.1 5327
    - 26.960–27.230 mc 4303, 4583
    - 27.230 mc and below 3753
    - 30 mc 4163
    - 33.02 mc and above 3752
    - 35–44 mc 4158
    - 100 mc 4164
    - 108.1–112.0 mc 3748
    - 145–147 mc 3753
    - 152 mc and above 3745
    - 152.03–158.67 mc 4158
    - 152–162 mc 2936
    - 156.3 mc 4167
    - 156.3–157.0 mc 4168
    - 156.4–156.5 mc 4165
    - 156.8 mc 4162, 4164, 4167, 4168
    - 156.25–157.45 mc 4167
    - 156.35–162.05 mc 4162, 4164
    - 157.0 mc 4165
    - 157.1 mc–157.5 mc 2936
    - 157.11 mc 2936
    - 157.29 mc 2936
    - 157.35 mc 2936
    - 161.9 mc 2935
    - 161.85 mc 2935
    - 161.91 mc 2936
    - 162 mc 2936
    - 220–225 mc 4303, 4583, 5397

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Frequencies and channels, allocation and use of—Con.
  - Frequency bands—Continued
    - 220–240 mc 5397
    - 235–240 mc 4303, 4583, 5397
    - 890 mc 5044
  - Services and stations:
    - Aeronautical services 3175, 3748, 3855, 4539
    - Alaska; radio stations other than amateur and broadcast 5330
    - Amateur radio service 3104, 3744, 3748, 3752, 3754, 3854, 3856, 4303, 4583, 5397
    - Canada; broadcast stations 2949, 3758
    - Cuba; broadcast stations 3744, 4310, 4600, 5073
    - Experimental and auxiliary broadcast services 5327
    - FM broadcast stations, Class B; revised tentative allocation plan 5044
    - Hawaii; coast stations 3855
    - Industrial radio services 3745, 4185
    - Industrial, scientific, and medical service 3754, 4584
    - Land transportation radio services 2935, 3745
    - Maritime services 2935, 3175, 3176, 3745, 3854, 4159, 4299, 4624, 5328, 5330
    - Mexico; broadcast stations 3758, 4186, 4311, 4600, 5439
    - Public radiocommunication services (other than maritime mobile) 3175, 4157, 5044
    - Public safety radio services 2935, 3750, 4300
    - Standard broadcast stations 5773
    - Television broadcast stations 3905, 4052
- Frequency allocations and radio treaty matters:
  - Allocation assignment and use of radio frequencies; table of frequency allocations:
    - Amateur use of frequencies:
      - In band 235–240 mc, in lieu of 220–225 mc: deletion of provisions authorizing such use (footnote US9) 5397
      - In band 1800–2000 kc by amateur radio service on shared basis with Loran system of radionavigation; further notice of proposed rule making 3749
    - Amendments 2936, 3749, 4161, 5327
    - Atlantic City frequency allocations table and radio regulations, allocations in accordance with:
      - Assignment of certain frequencies (22,000 kc and above) in accordance with Atlantic City table and radio regulations, effective May 1, 1952, to maritime mobile service stations (aircraft, coast, ship) using telephony or telegraphy 3176, 3854
    - Effective dates of Atlantic City table; correction 3212
    - Fixed services having station assignments, as of January 1, 1952, on frequencies 2848, 4245, 5265, 7625, and 7690 kc; proposed deletion of provisions respecting 5044
    - Frequencies 14,350–14,400 kc and 20,000–25,000 kc (20–25 mc bands):
      - Availability of, as of May 1, 1952, only in accordance with Atlantic City table 3175, 3854
      - Effective provisions, certain, respecting use of frequencies below 25,000 kc (25 mc) not applicable to these particular frequencies as of May 1, 1952 3854, 4711
    - Frequencies in band 2035–2107 kc, to be available for use only in accordance with Atlantic City table of frequency allocations, effective July 15, 1952; proposed rule making 5327
    - Frequencies in bands 21,750 kc and above, proposed authorization of use of, by aeronautical fixed and mobile services and other fixed services, in accordance with Atlantic City radio regulations and table of frequency allocations 3175
    - Frequencies listed (Cairo-Atlantic City-FIAR-FCC table of frequency allocations); corrections and changes in assignments 3212, 4624
    - Remote pickup broadcast base and mobile stations; deletion of provisions permitting operation of on frequencies in band 2000–3500, effective May 1, 1953, proposed rule making 5327
    - Authorization of use of frequencies in band 25.86–26.1 mc by remote pickup broadcast base and mobile stations, subject to non-interference restrictions; proposed rule making 5327

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Frequency allocations and radio treaty matters—Continued
  - Allocation assignment and use of radio frequencies; table of frequency allocations—Continued
    - Frequencies in band 108.1–112.0 mc, reassignment of, to permit use of even-tenth megacycles for omni-directional radio ranges; proposed rule making 3748
    - Interim use of frequencies in band 220–231 mc for distance indicator systems at certain United States terminals of international air routes; deletion of provision authorizing use of (footnote US9) 5397
    - Loran system of radionavigation, use of frequencies in band 1800–2000 kc by amateur radio service on shared basis with; further notice of proposed rule making 3749
    - Atlantic City radio regulations, assignment of frequencies with respect to. *See* Allocation assignment and use of radio frequencies, table.
    - Call signs; plan for assignments by call sign blocks of frequencies in bands between 4000 and 23,000 kc, to ship stations using telegraphy, maritime service, proposed rule making 5330
    - International Telecommunications Union radio regulations (Atlantic City, 1947), dates and method of entry into force 5323
    - International treaties, agreements, and Federal laws, etc., relating to radio in which United States participates, list of:
      - Addition of information with respect to agreement between Cuba and United States with regard to radio communications between amateur stations on behalf of third parties 3744
      - Amendments 3744, 5699
    - Hawaii; assignment of frequency 22,509 kc to coast stations in 3855
    - Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
    - Highway maintenance radio service. *See* Public safety radio services.
    - Industrial radio services:
      - *See also* Industrial, scientific, and medical service.
      - Mobile service frequencies:
        - Hearing respecting determination of use of, by fixed stations 4185
        - Sharing of, with fixed stations under certain conditions 3745
      - Policy governing assignment of frequencies; use of frequencies above 152 mc by operational fixed stations outside continental limits of United States 3745
      - Relay stations, new policy of licensing of; hearing respecting providing of extended range point-to-mobile communications and determining use of mobile service frequencies by operational fixed (control) stations 4185
    - Industrial, scientific, and medical service:
      - Operation for which license is required; existing equipment, date of applicability of provisions, with respect to medical diathermy equipment completed prior to July 1, 1947, extended to June 30, 1953, proposed rule making 4714
      - Operation without license:
        - Industrial heating equipment; proposed rule making:
          - Field intensity measurement of 4584
          - Operation outside of assigned frequency bands 4584
          - Location of industrial heating equipment; defining of 4584
        - Medical diathermy equipment; operation outside assigned frequency bands:
          - Editorial change 3754
          - Redesignations 3754
          - Requirements for equipment and operating conditions 3754
        - Miscellaneous equipment; proposed rule making 4584
    - International agreements relating to radio in which United States participates:
      - Frequencies, North America; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
      - List of international agreements, etc., relating to frequency allocations and radio treaty matters; changes, additions, etc 3744, 5699

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

International agreements relating to radio in which United States participates—Continued
Television broadcast facilities, authorizations issued for; conformance with provisions of international agreements 4059
International air routes, certain United States terminals of; deletion of authority for use of certain frequencies at 5397
International broadcast stations. *See* Radio broadcast services.
International Telecommunications Union radio regulations (Atlantic City, 1947), dates and method of entry into force 5323
International telegraph operations of Western Union Telegraph Co.; postponement of hearing with regard to divestment of Company of such operations 5047
Land transportation radio services:
Mobile service frequencies; use of:
By fixed stations operating outside continental limits of United States 3745, 3856
Hearing respecting determining use of, by fixed stations 4185
Railroad radio service, frequencies available for base and mobile stations; deletion of frequency 161.91 mc 2936
Relay stations, new policy of licensing of; hearing respecting providing of extended range point-to-mobile communications and determining use of mobile service frequencies by operational fixed (control) stations 4185
Selection of frequencies; use of frequencies above 152 mc by operational fixed stations outside continental limits of United States 3745, 3856
Lifeboat radio equipment, requirements for; inclusion of provision for reception in high frequency band, proposed rule making 3749
Loran system of radio navigation, sharing of frequencies in 1800–2000 kc band with amateur radio service; further notice of proposed rule making 3748
Lotteries and give-away programs broadcast by television stations; operating-requirements respecting 4066
Maritime radio services:
Land stations:
Applications:
Administrative classification of stations in land mobile service 4161
Applications filed concurrently; different categories 4161
Authorization required for construction and operation of station 4161
One application for plurality of stations:
Applicability of provisions 4162
Shipyard mobile stations; application for, and modification of construction permits 4162, 5041
Temporary and permanent station locations; shipyard mobile station excepted from provisions respecting 4161
Coast stations; use of telegraphy:
Frequencies assignable:
Assigned frequency 21,750 kc authorized for use by coast stations; deletion 3855
Authorization for use of frequencies in band 2035–2065 kc by coast stations granted on "day only" basis pending clearance of band 2035–2107 kc, proposed 5329
Authorization of coast stations using telegraphy, to operate, effective May 1, 1952, in specified areas, under certain power limitation, in band 22,400–22,650 kc, Class A–1 emission, in accordance with Atlantic City table of frequency allocations 3176, 3854
List of assigned frequencies:
Additions to list:
Frequencies, between 2036–2063 kc, and coast station locations, assignable for use by coast stations (public or limited) using telegraphy, proposed rule making 5328
Frequencies (between 22,407–22,635 kc) available for assignment to coast stations in seacoast area of continental United States 3855

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Coast stations; use of telegraphy—Continued
Frequencies assignable—Continued
List of assigned frequencies—Continued
Deletion of frequencies listed, from 21,750 kc to 22,650 kc 3855
Frequency 22,509 kc available for assignment to coast stations in Hawaii 3855
Operation of coast stations on currently assignable frequencies in 21,750 kc–22,720 kc bands; deletion of provisions authorizing use of, effective May 1, 1952 3175, 3854
Redesignations 3855
Temporary authorization of frequencies other than those listed 3855, 4299
Frequencies for calling; coast stations using telegraphy to operate on working frequency in band 2035–2065 kc and use certain ship station calling band for distress transmission, proposed 5329
Frequencies for working, use of:
Radio channels:
Substitution of 17,000 kc for 23,000 kc 3855
Use of frequencies 21,750 kc and above, deletion, effective May 1, 1952, (proposed) 3175
Telegraph working channels:
Substitution of 17,000 kc for 23,000 kc 3855
Use of frequencies 21,750 kc and above, deletion, effective May 1, 1952 (proposed) 3175
Coast stations in Alaska. *See* Alaska.
Definition of terms:
General:
Radio apparatus installed in vehicle 4161
Shipyard land mobile unit 4161
Maritime mobile service:
Base station 4161
Extent of regulations, footnote 4161
Land mobile service 4161, 5041
Land mobile station 4161
Shipyard base station 4161
Shipyard mobile station 4161
Land mobile service, stations operated in, for maritime purposes 4164
See also Operating requirements; *and* Operator requirements, *below.*
Communication, points of 4164
Scope 4164
Cooperative use of facilities 4165
Frequencies assignable 4165
Identification of stations 4165
Limitations on use 4164
Operating procedure, general 4165
Records and station documents 4165
Shipyard base stations:
Eligibility for 4164
Showing precedent to shipyard base station authorization 4164
Shipyard mobile stations:
Eligibility for 4164
Limitations on number of 4164
Showing precedent to shipyard mobile station authorization 4164
Technical requirements 4165
Testing procedure 4165
Limited coast stations and marine-utility stations, use of telephony, frequencies below 3000 kc for business and operational purposes; frequencies 2738 kc and 2214 kc not to be available for assignment over distances where 30 mc is suitable for use, proposed rule making 4328
Operating requirements, general:
Hours of service of stations on land:
Redesignation 4164
Stations not operating in maritime mobile service, subject to provisions; determination of hours of service 4164
Interference, prevention of 4163

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Operating requirements, general—Continued
Radiotelephone watch by coast stations; public coast stations licensed to transit by telephony on frequencies:
Within band 156.35–162.05 mc, effective on or after January 1, 1954; provisions respecting 4164
Within band 1600–3500 kc; requirements respecting maintenance of watch, etc 4164
Secrecy of communication; mobile stations added to stations listed as subject to obligation of observing and insuring secrecy of communications 4163
Transmissions, unauthorized; applicability of provisions to land mobile service 4163
Operator requirements:
Authorized operator required; provisions respecting actual operation of transmitting apparatus, exception to 4163
Posting of operator license, requirements of; not applicable to shipyard mobile stations, with certain restriction 4163
VHF shipyard mobile stations; waiver of operator license for 4163
Public coast stations; use of telephony:
Conditions imposed upon assignments in 156–162 mc band 2936
Redesignation 2936
Frequencies assignable:
Authorization of coast stations using telephony to operate, May 1, 1952, in specified areas, under certain power limitation, in frequency band 22,650–22,720 kc, in accordance with Atlantic City table of frequency allocations 3176, 3854
Authorized carrier frequencies, list of:
Addition of frequencies 22,677.5, 22,692.9, and 22,716 kc 3855
Deletion of frequencies 21,890, 22,675 and 22,700 kc 3855
Operation of coast stations on currently assignable frequencies in 21,750 kc–22,720 kc bands; deletion of provisions authorizing use of, effective May 1, 1952 3175, 3854
Temporary authorization of frequencies other than those listed 3855
Frequencies above 100 mc, availability of; changes in assignments and use of 2936
Frequencies below 30 mc, availability of:
Additional working carrier frequencies in this band; table 3855
Assignment and use of frequencies in band 22,650–22,720 kc, under certain limitations, effective May 1, 1952, in accordance with Atlantic City table of frequency allocations 3176, 3855
Carrier frequencies assignable only to coast stations in certain locations; use of frequencies above 22,650 kc 3855
Operation of coast stations on frequencies 21,750 kc and above, deletion of effective provisions, May 1, 1952 (proposed) 3175
Working frequencies between 5,000 kc and 30 mc, list of; deletion of frequencies 21,890, 22,675 and 22,700 kc 3855, 4299
Radiotelephone operating procedure, general:
Limitations on calling; deletion of certain provisions respecting communication by telephony between ship and coast stations on specified frequencies from 2514 kc to 11,090 kc 4164
Redesignations 4164
Radiotelephone watch by public coast stations. *See* Operating requirements, above.
Report on revision of rules with regard to land stations and oral arguments respecting 4159
Ship-shore service in band 2035–2107 kc to be authorized on "day only" basis for coast stations using telegraphy, pending clearance of band; proposed rule making 5328

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Station authorization:
Call signs, assignment of; station license issued, shipyard mobile stations 4162
Cancellation of license; applicability of provisions with respect to marine-utility or shipyard mobile stations 4162
Control point, authorized; designation of specific control points in station license and provisions respecting shipyard mobile stations 4162
Involuntary discontinuance, reduction or impairment of service, notice of; shipyard mobile stations 4162
Normal license period; limited coast station license, issuance of 4162
One authorization for plurality of stations 4162
Construction permit or station license, issuance of 4162
One license for plurality of marine-utility stations; redesignation 4162
Station location, authorized; shipyard mobile station excepted from provisions respecting 4162
Voluntary discontinuance, reduction or impairment of service, notice of; shipyard mobile stations 4162
Station requirements, general:
Antenna requirements; deletion of provisions with respect to requirement of providing specific field strength pattern in signaling with regard to use of telephony by coast stations on frequencies 2000–3500 kc and above 25 mc 4163
Control points, requirements; shipyard mobile station added to stations subject to provisions respecting 4163
Facilities required for public coast stations using telephony 4162
Operating controls; coast stations operating on secondary basis as shipyard base stations and shipyard mobile stations, compliance with applicable provisions 4163
Posting of station license:
One or more shipyard mobile stations authorized by one land station license 4162, 5041
Shipyard land mobile unit; requirements respecting photo-copies of authorizations and transmitter identification cards 4162, 5041
Receiving apparatus, general requirements for 4163
Telephony, modulation adjustments for; coast stations operating on secondary basis and shipyard mobile stations, compliance with provisions respecting 4163
Transmitter-power, measurement of; coast stations operating on secondary basis as shipyard base stations and shipyard mobile stations, compliance with provisions respecting 4163
VHF facilities, special provisions relative to; coast stations operating on secondary basis as shipyard base stations, compliance with provisions 4162
Technical requirements, standard:
Emission, authorized classes of; frequency band and classes of emission for coast stations using telegraphy:
Changes in use of frequencies 2200–25,000 kc 3176, 3855, 4624
Frequencies 2035 to 2065 kc added (for use for ship-shore service); proposed 5328
Radiotelephone transmitters, special requirements for:
Coast stations operating on secondary basis as shipyard base station, compliance with applicable provisions 4163
Shipyard mobile station, compliance with applicable provisions 4163
Use of automatic device to control modulation, effective date, with respect to Alaska, postponed to January 1, 1953 3745

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Technical requirements, standard—Continued
Transmitter-power, maximum authorized; frequency band in which transmission occurs:
Changes in use of, by coast stations using telephony or telegraphy (frequencies 5,000–25,000 kc), in accordance with Atlantic City radio regulations, effective May 1, 1952 3176, 3855
Frequencies 2035–2065 kc added (for ship-shore service); proposed 5328
Violations; redesignation 4164
Lifeboat radio equipment, requirements for; inclusion of provision for reception in high frequency band, proposed rule making 3749
Mobile maritime service stations (aircraft, ship, and coast stations using telephony and telegraphy):
Authorization, effective May 1, 1952, of use of certain frequencies (22,000 kc and above), under specified limitations, in accordance with Atlantic City table of frequency allocations and radio regulations 3176, 3854
To cease operating, May 1, 1952, on currently assignable frequencies in bands 21,750–22,000 kc, 22,000–22,070 kc, and 22,070–22,720 kc, and on frequency 23,000 kc 3175, 3854
Shipboard stations:
Alaska, ship station communication with coast stations in. *See* Alaska.
Applications:
Amateur stations, application for exceptional authority to communicate with; redesignation 4166
Application precedent to authorization; change in references 4166
Changes during license term; exception 4166
Emergency, application for license or modification or renewal of license in case of 4166
Renewal of license; exception to provisions respecting 4166
Temporary station authorization, special; application for 4166
Call signs; plan for assignments by call sign blocks of frequencies in bands between 4000 and 23,000 kc, to ship stations using telegraphy, proposed rule making 5330
Compulsory shipboard equipment, type approval of requirements, basic technical:
For emergency transmitter; operating carrier frequency, use of 410 kc for 375 kc frequency 5771
For main transmitter, tabulation of; operating carrier frequency, use of 410 kc frequency in lieu of 375 kc 5771
Compulsory shipboard radio installations:
Direction-finder, requirements for 4169
Main and emergency installations; antennas 4169
Direction finding frequency in main and emergency transmitters aboard compulsorily equipped ships, use of frequencies 375 kc or 410 kc for 5771
Frequencies for calling, plan for assignment of, in bands between 4000 and 23,000 kc, to ship stations using telegraphy, proposed rule making 5330
Assignments by call sign blocks 5330
Frequency 4182 kc; exception 5330
Installations, compulsory shipboard radio installations, antennas and direction-finder 4169
Radiolocation, use of; assignable frequencies for direction-finding:
Frequencies used for searching in case of distress; note respecting use of 410 kc and 375 kc frequencies 5771
Frequency 410 kc assigned as frequency for direction finding 5771
Use of 375 kc in lieu of 410 kc permitted until November 1, 1952 5771
Radiotelegraphy, use of:
Frequencies, assignable:
Authorization for use of frequencies in band 2065–2107 kc by ship stations to be on "day only" basis, pending clearance of band 2035–2107 kc, proposed 5329

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Radiotelegraphy, use of—Continued
Frequencies assignable—Continued
Authorization of ship and aircraft stations in maritime mobile service to operate on particular, listed frequencies in band 22,070–22,400 kc, using A–1 emission, effective May 1, 1952 3176, 3854
Calling frequencies; authorization of certain specific designated frequencies as assigned calling frequencies:
Frequencies, certain, between 22,225 kc and 22,265 kc, for use by ship stations using telegraphy, subject to reassignment later under Atlantic City radio regulations 3855
Frequencies listed, between 2089 and 2093 kc, for use by ship stations using telegraphy, subject to reassignment later under Atlantic City Radio Regulations and certain restrictions applicable to frequencies below 4000 kc, proposed rule making 5329
Frequency 22,245 kc for use by aircraft stations for communication with maritime mobile service stations 3855
Continued use of certain currently assignable frequencies by ship and aircraft stations 3176
Deletion of authority for operation on currently assignable frequencies in band 22,000–22,070 kc and frequency 23,000 kc, by ship and aircraft stations in mobile service, effective May 1, 1952 3175, 3854
Frequency 22,080 kc, exception respecting 3175
List of assigned frequencies; deletion of certain frequencies between 22,025 and 22,125 kc 3855, 4422
Editorial change 3855
Proposed 5329
Redesignations 3855
Proposed 5329
Working frequencies; specific designated frequencies authorized as assigned working frequencies for use by stations using telegraphy:
Frequencies, certain, between 2067.5 and 2087.5 kc, authorized for use as working frequency by ship stations using telegraphy, on passenger ships and by aircraft stations, for communication with maritime mobile stations, subject to restrictions applicable to frequencies below 4000 kc and to reassignment later under Atlantic City radio regulations, proposed rule making 5329
Frequencies, certain, between 22,075 kc and 22,215 kc, for use by ship stations on passenger ships and by aircraft stations for communication with maritime mobile service, subject to reassignment later under Atlantic City radio regulations 3855
Frequencies listed, between 2094 and 2106 kc (Group A), authorized as assigned working frequency for use of ship stations using telegraphy on board cargo ships, subject to reassignment later under Atlantic City radio regulations and to restrictions applicable to frequencies below 4000 kc, proposed rule making 5329
Frequencies, listed, between 22,272.5 and 22,332.5 kc, Group A, and between 22,335 and 22,395, Group B, for use by ship stations on cargo ships, subject to reassignment later under Atlantic City radio regulations 3855
Frequencies 22,075 and 22,125 kc for use of ship stations on cargo ships, authorized without regard to certain provisions of Atlantic City radio regulations until November 1952 3855

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Radiotelegraphy, use of—Continued
Frequencies for calling:
See also Frequencies assignable.
Assignment and use of particular, listed frequencies, May 1, 1952, in accordance with Atlantic City radio regulations 3176, 3854
Frequency 22,080 kc; exception respecting 3175
International calling frequency 2091 kc, use of, by all ship stations using telegraphy for call, reply, and other signals in communication with other ship stations or coast stations on certain bands, under prescribed conditions, proposed rule making 5329
Plan for assignment of calling frequencies in bands between 4000 and 23,000 kc, to ship stations using telegraphy, proposed rule making 5330
Assignments by call sign blocks 5330
Frequency 4182 kc to be excepted 5330
Radio-channels:
Addition of radio-channel, assigned frequency 22,080 kc 3856
Frequency 17,000 kc substituted for 23,000 kc 3856
Proposed changes in use of frequencies 21750 kc and above 3175
Working channels used for calling; substitution of frequency 17,000 kc and radio channels of assigned frequencies between 22,100–22,140 kc for frequency 23,000 kc 3856
Frequencies for working:
See also Frequencies assignable.
Assignment and use of particular, listed working frequencies in accordance with Atlantic City radio regulations 3176, 3854
Radio-channels:
Changes in use of frequencies 21,750 kc and above 3175
Substitution of 17,000 kc for 23,000 kc 3856
Use of calling channel of which 22,080 kc is assigned frequency 3856
Telegraph communication of ship stations with mobile or land stations of United States Government; use of frequencies in band 17,000–25,000 kc, Class A–1 emission 3856
Use of frequencies in band 2000–2850 kc, proposed 5330
Telegraph working channel of coast station:
Changes in use of frequencies 21,750 kc and above, proposed 3175
Substitution of 17,000 kc for 23,000 kc 3856
Licensing of designated frequencies for ship stations using telegraphy, proposed 3176
Station records, ship stations authorized to transmit on frequencies within band 356–515 kc; 410 kc frequency added to operating frequencies for which equipment adjustment record is maintained 5771
Radiotelephony, use of:
Additional frequencies for public correspondence 3856
Assignment to and use of particular, listed frequencies 22,000 kc and above, effective May 1, 1952, by ship and aircraft stations in mobile service, in accordance with Atlantic City radio regulations effective May 1, 1952 3176, 3854
Frequencies, assignable: list of authorized carrier frequencies:
Addition of certain frequencies between 22,004.2 and 22,065.8 3856
Frequency 23,000 kc deleted 3856, 4299
Frequencies above 30 mc for public correspondence; change in assignments and use of 2936
Frequencies below 3000 kc for business and operational purposes; frequencies 2738 kc and 2214 kc not to be available for assignment over distances where 30 mc is suitable for use, proposed rule making 5328

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Radiotelephony, use of—Continued
Frequencies from 5000 kc to 30 mc for public correspondence; carrier frequencies:
Additional authorized carrier frequencies; table 3856
List of available carrier frequencies; deletion of frequency 23,000 kc 3856
Identification of station 4168
Operation on frequencies in band 22,000–22,070 kc and frequency 23,000 kc, by ship and aircraft stations in mobile service; deletion of certain applicable provisions, effective May 1, 1952 3175, 3854
Radiotelephone operating procedure, general:
Calling frequency, required use of 4168
Exchange of communications by ship stations in Great Lakes area and on Mississippi River on frequencies between 2118 kc and 11,090 kc; deletion of provisions respecting 4168
Redesignations 4168
Station records; effective provisions respecting 4168
Report on revision of rules with regard to shipboard stations and oral arguments respecting 4159
Ship-shore service in band 2035–2107 kc to be authorized on "day only" basis for ship stations using telegraphy, pending clearance of band; proposed rule making 5328
Station authorizations:
License period for developmental station; redesignation 4167, 5041
License periods for temporary operation 4167, 5041
Special temporary authorizations 4167, 5041
Normal license period 4166
Permanent discontinuance of station operation 4167
Station requirements, general:
Posting of station license; Commission's notification of authorization by telegram or letter, posting of, in lieu of station license, permitted under certain conditions 4167
Telegraphy, required radio-channels for use by ship stations (Region 2), of frequencies within band 2065–2107 kc, requirements respecting, proposed rule making 5330
Telephony, required radio-channels for 4167
Frequency band 1600 kc–3500 kc; requirements for ship stations operating within 4167
Frequency band 156.25 mc–157.45 mc; requirements for stations on shipboard operating in, effective on or after January 1, 1954 4167
Technical requirements, standard:
Emission, authorized classes of:
Changes in use of, by ship and aircraft stations, effective May 1, 1952, in accordance with Atlantic City radio regulations (proposed) 3176
Frequency band and classes of emission authorized, ship stations using telegraphy:
Frequencies 2065–2107 kc added (ship-shore service), proposed 5329
17,000 kc substituted for 25,000 kc 3856, 4300
17,000 kc–25,000 kc, A1, and for brief testing, A0; added 3856
Frequency tolerance, authorized; frequency ranges for emergency transmitters used in lifeboats, etc., proposed 5329
Receiver radiation, suppression of; revision and redesignation 4167
Receiving apparatus, suppression of interference from 4167
VHF coast stations, cerain; authorization of persons holding restricted radiotelephone operator permit to engage in normal operation of, proposed 5700
Watches, general purpose; watch on 2182 kc 4168
Ship-shore service:
For public correspondence in lower Lake Michigan area, allocation of 161.9 mc frequency and substition of 157.3 mc for 157.1 mc frequency 2935

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Ship-shore service—Continued
In band 2035–2107 kc, ship–shore service to be authorized on "day only" basis for coast and ship stations using telegraphy, pending clearance of band; proposed rule making 5328
Medical diathermy equipment, operation of. *See* Industrial, scientific, and medical service.
Mexico, assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement 3758, 4186, 4311, 4600, 5439
North American Regional Broadcasting Agreement; lists of changes in assignments for stations in various countries:
Canada 2949, 3758
Cuba 4310, 4600, 5073
Mexico 3758, 4186, 4311, 4600, 5439
Operators, regulations respecting. *See* Commercial radio operators; *and* Radio broadcast services.
Organization and delegations of authority:
Authority, delegation of, to Chiefs of Operating Bureaus to dismiss certain applications in cases processed by their respective Bureaus 4187
Organization:
International Telecommunications Settlements Division 4187
Motions Commissioner, designation of, for April 1952 2951
Ship Accounts Branch, transfer of, from International Division of Common Carrier Bureau to Office of Secretary and name changed to International Telecommunications Settlements Division 4187
Practice and procedure; radio licenses, rules relating to applications and proceedings affecting:
Filing of applications and description of forms:
Applications for waiver of provisions respecting extension of term of ship radar station license; deletion 2935
Form 301, Application for authority to construct new broadcast station or make changes in existing station (revised March 21, 1952); substitution of certain superseded pages required, note respecting 4052
Street address (Question 16), interpretation of 5048
Manner in which applications are processed:
Standard broadcast applications, processing of; temporary division of applications into two categories, only one of which is to be processed at present, proposed rule making 3747
Television authorizations on channels 2 through 13, requests for; procedure for consideration of applications (Footnote 10), deletion 4051
Television broadcast applications, temporary processing procedure for 4051
Public radiocommunications services (other than maritime mobile):
Domestic public land mobile radio service, changes in zones and assignment of frequencies in 35–44 mc band for general dispatching and signaling use, etc 4157
Fixed services:
Authorization of use of frequencies 21,750 kc and above by fixed services, in accordance with Atlantic City radio regulations, proposed 3175
Domestic fixed services, certain uses of frequencies below 25 mc by, for purposes other than safety of life and property, proposed deletion 5044
Technical standards; allocation of frequencies:
One-way signaling service to mobile receivers; assignment of 35.58 mc and 43.58 mc frequencies for 4158
Public landline message telephone service; base station frequencies and zone allocation plan, 35–44 mc band 4158
Stations not in public landline message telephone service; base station frequencies for 4158

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Public safety radio services:
Emergency, special, radio service; terms and conditions of eligibility for authorizations in, permissible communications, standby facilities, proposed rule making 3750
Ambulance operators and rescue organizations 3750
Availability of service 3750
Beach patrols 3751
Disaster relief organizations; eligibility, class and number of stations, permissible communications 3750
Frequencies available to special emergency radio service; table 3752
Isolated areas, establishments in 3751
Physicians and veterinarians; eligibility, class and number, etc 3750
Points of communication 3752
Public communications facilities, emergency repair of 3751
Rescue organizations 3750
School buses 3751
Standby communication facilities 3751
Station limitations 3752
Highway maintenance radio service; frequencies available to:
Explanation of assignment limitations; note with respect to non-availability for assignment to highway service after April 28, 1952, of frequencies 157.29 and 157.35 mc 2936
Tabulation of frequencies:
Frequencies 157.29 and 157.35 added 2936
Limitations, change in 2936
Technical standards; frequencies:
Frequencies assigned to Government radio stations under President's Executive orders, authorization of use of, by stations in public safety radio services 4300
Redesignation 4300
Racing news, use of interstate and foreign leased facilities, Western Union Telegraph Co., for dissemination of; continuation of hearing 2951, 4128
Radio broadcast services:
Educational broadcast stations, noncommercial:
Equipment, rules relating to; proposed rule making:
Changes in equipment and antenna system; authorized remote control point for transmitter 5436
Frequency monitor; requirement respecting operation of at authorized remote point 5436
Modulation monitor; requirement respecting operation of at authorized remote control point 5436
License requirements of operators of certain stations and provisions for remote control operation of those stations; proposed rule making 5437
Operation, rules relating to; rebroadcast:
Candidates for public office, broadcasts by 4711
Foreign stations, rebroadcast of programs originated by 4711
Stations refusing authority for rebroadcast of programs required to file statement of refusal with Commission 4711
Technical operation, rules relating to; proposed rule making:
Operator requirements 5436
Remote control operation of noncommercial educational FM broadcast stations 5436
Television stations. *See* Television broadcast stations.
Experimental and auxiliary radio broadcast services. *See* Experimental and auxiliary broadcast services.
FM broadcast stations:
Channels, allocation of; revised tentative allocation plan for channels allocated to Class B stations, amendments 5044

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
FM broadcast stations—Continued
Educational FM broadcast stations. *See* Educational broadcast stations, *above*.
Equipment, rules relating to; proposed rule making:
Changes in equipment and antenna system; authorized transmitter remote control point 5436
Frequency monitor; requirement respecting operation of at authorized remote control points 5436
Modulation monitor; requirement respecting operation of at authorized remote control points 5436
License requirements of operators of certain FM stations and provisions for remote control operation of such stations; proposed rule making 5435
Operation, other rules relating to:
Logs; entry of time of observation of tower lights required, proposed 5436
Rebroadcast:
Foreign stations, rebroadcast of programs originated by 4712
Stations refusing authority for rebroadcast of programs required to file statement of refusal with Commission 4711
Operators of certain FM stations, license requirements of; proposed rule making 5435
Remote control operation of certain FM stations; proposed rule making 5435
Standards of Good Engineering Practice; proposed rule making:
Monitors; frequency and modulation monitors at auxiliary transmitters and approved frequency and modulation monitors, proposed modification of provisions respecting to provide for monitors at remote control points 5437
Transmitters and associated equipment, installation; provision respecting operator on duty 5437
Technical operation, rules relating to; proposed rule making:
Operator requirements 5436
Remote control operation of FM stations 5436
Tower lights and associated control equipment, inspection of; observation of tower lights 5436
International broadcast stations; operation, rules relating to, rebroadcast:
Foreign stations, rebroadcast of programs originated by; interpretation of section 325 (a) respecting 4712
Stations refusing authority for rebroadcast of programs required to file statement of refusal with Commission 4711
Operators, commercial radio. *See* Commercial radio operators.
Standard broadcast stations:
Applications for construction permits, etc., processing of; temporary division of all applications into two categories only one of which is to be processed at present, proposed rule making 3747
Definitions; proposed rule making:
Standard broadcast band; term includes band of frequencies from 535 to 1605 kc 5773
Standard broadcast channel; carrier frequencies assigned to standard stations to begin at 540 kc 5773
Standard broadcast station; term to include stations operating in band 535–1605 kc 5773
Frequency allocations by classes of stations; clear channels, for Class II stations, of certain specified power, addition of frequency 540 kc to assigned frequencies listed, proposed rule making 5773
Frequency 540 kc, provision for domestic use of, by broadcast service, in accordance with Geneva Radio Conference Agreement, 1951; proposed rule making 5773
General rules applicable to standard stations:
Logs; entry respecting time of observation of tower lights required; proposed 5436

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Standard broadcast stations—Continued
General rules applicable to standard stations—Continued
Operator requirements; proposed rule making 5436
Rebroadcast:
Foreign stations, rebroadcast of programs originated by 4712
Stations refusing authority for rebroadcast of programs required to file statement of refusal with Commission 4711
License requirements of operators of certain standard stations and provisions for remote control operation of such stations; proposed rule making 5435
Remote control operation of certain standard stations; proposed rule making 5435
Standards of Good Engineering Practice:
Construction, general operation, and safety of life requirements; installation, provision respecting operator on duty, proposed 5437
Engineering standards of allocation; change in frequencies listed for standard broadcast band, proposed 5773
Heading changed to include frequencies 525–1605 kc; proposed 5773
Monitors; proposed rule making:
Approved frequency and modulation monitors; proposed modification of provisions respecting to provide for monitors at remote control points 5437
Use of frequency and modulation monitors at auxiliary broadcast transmitters; proposed modification of provisions respecting to provide for monitors at remote control points 5437
Redesignation; proposed 5773
Vacuum tubes, requirements for approval of power ratings; applicability of power ratings cited to operation on frequencies 535–1605 kc in standard broadcast band, proposed 5773
Technical operation; proposed rule making:
Frequency monitor; requirement respecting operation of at approved remote control point 5436
Remote control of operation of broadcast stations 5436
Tower lights and associated control equipment, inspection of; observation of tower lights 5436
Television broadcast stations:
Amendment of rules, regulations, and engineering standards, table of allocation of television channels, and utilization of frequencies in band 474–890 mcs for television broadcasting; sixth report and order respecting, including review of proceedings, counterproposals, opinions, conclusions, etc 3905
Assignment decisions, index of 4084
Rules governing television broadcast stations (Part 3, E):
Applications and authorizations 4062
See also Practice and procedure *above*.
Antenna site, common; use of 4063
Antenna system, changes in 4064
Authorizations, administrative changes in 4064
Changes in equipment and antenna system 4064
Construction, period of, forfeiture of permits, extension of time 4062
Control, assignment or transfer of 4063
Equipment:
Apparatus, installation of 4062
Changes in 4064
Tests 4062
Full disclosures 4062
Installation of apparatus 4062
Licenses; renewal of license, temporary extension, simultaneous modification and renewal, normal license period 4063
Noncommercial educational stations 4062
Ownership, multiple 4064
Repetitious applications 4062
Television stations, applications for 4062
Tests, equipment and program 4062
Transmitters; alternate main 4064
Auxiliary transmitter 4064

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Radio broadcast services—Continued
  - Television broadcast stations—Continued
    - Rules governing television broadcast stations (Part 3, E)—Continued
      - Candidates for public office, broadcast by 4066
      - Channel utilization:
        - Antenna height and power requirements 4061
        - Assignments, table of 4054
        - Changes in 4059
        - Availability of channels 4059
        - Changes in table of assignments 4059
        - Distance computations and reference points 4060
        - Tables of distance computation (Appendix II) 5077
        - Interference, protection from 4061
        - International agreements 4059
        - Power and antenna height requirements 4061
        - Reference points and distance computations 4060
        - Tables of distance computation (Appendix II) 4077
        - Separations, assignment and station 4059
        - Studio, main; location 4061
      - Channels, television; table of numerical designation 4054
      - Distance computation, tables of 4077
      - Engineering charts 4079
      - Lotteries and give-away programs 4066
      - Operating requirements, general:
        - Affiliation agreements 4066
        - Candidates for public office, broadcasts by 4066
        - Contracts providing for reservation of time upon sale of station; special rules relating to 4067
        - Inspection of tower lights and associated control equipment 4067
        - License, station; posting of 4067
        - Logs, maintenance of 4067
        - Retention of 4068
        - Lotteries and give-away programs 4066
        - Mechanical reproductions 4065
        - Operation:
          - Discontinuance of 4068
          - Experimental 4068
          - Time of 4064
        - Operator requirements 4067
        - Rebroadcast 4065
        - Foreign stations, rebroadcast of programs originated by 4712
        - Stations refusing authority for rebroadcast of programs required to file statement of refusal with Commission 4711
        - Reservation of time upon sale of station; special rules relating to contracts providing for 4067
        - Sponsored programs, announcement 4065
        - Stations:
          - Identification 4065
          - Inspection 4068
          - License, posting of 4067
        - Time of operation 4064
      - Recodification of rules; tables of cross references 4053
      - Standards of Good Engineering Practice:
        - Deletion, note respecting 4048
        - Recodification; table of cross references 4053
        - Technical standards. *See* Technical standards.
      - Technical standards:
        - Coverage, prediction of 4070
        - Definitions 4068
        - Field intensity contours 4070
        - Indicating instruments 4074
        - Measurements for rule making purposes and upon request of Commission 4072
        - Operating power 4075
        - Transmission standards and changes 4069
        - Transmitter location and antenna system 4071
        - Transmitters and associated equipment 4072
      - Zones, maps of 4076
    - Theater television service. *See* Theater television service, *below.*
- Radio printer operation, standards for. *See* Amateur radio service.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

- Radiotelegraphy, use of certain frequencies for, by various stations for communication in maritime mobile service. *See* Maritime radio services.
- Radiotelephony:
  - Operator permit. *See* Commercial radio operators.
  - Use of:
    - By land and shipboard stations. *See* Maritime services.
    - On certain amateur frequencies. *See* Amateur radio services.
    - Radiotelephone transmitters, Alaska coast stations, requirements respecting. *See* Alaska.
- Railroad radio service. *See* Land transportation service.
- Relay stations, licensing of. *See* Land transportation radio services.
- Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services.
- Ship service. *See* Maritime services.
- Standard broadcast stations. *See* Radio broadcast services.
- Telephone and telegraph companies; common carrier regulations:
  - International telegraph operations of Western Union Telegraph Co.; hearing with regard to divestment of Company of such operations, postponed 5047
  - Rates, charges, tariffs, etc., investigations and hearings respecting; use of interstate and foreign leased facilities for dissemination of certain racing news, hearing with regard to new regulations of Western Union Telegraph Co. and revised tariff, continuation of 2951, 4128
  - Telephone answering devices, use of, in connection with interstate and foreign telephone service, by various companies; hearing 3335
  - United States Government telegraph communications, charges for; term, extension of, through June, 1953 (cable landing licenses) 2937, 5041
- Teleprinter transmissions, provisions for. *See* Amateur radio service.
- Television service. *See* Radio broadcast services.
- Theater television service, allocation of frequencies for, promulgation of rules, and enlargement of certain issues:
  - Hearing postponed indefinitely 3216
  - Order rescheduling hearing 5332

Hearings, etc.:

- Aeronautical Radio, Inc 5047
- Alabama-Gulf Radio 2950
- Alamance Broadcasting Co., Inc 5438
- American Broadcasting Corp (WLAP) 4599
- American Cable & Radio Corp 5047
- American Telephone Answering Service 4510
- American Telephone and Telegraph Co 3835
- Anaconda Copper Mining Co 5778
- Anderson, George Basil 4185
- Anthony, E., & Sons, Inc 3834
- Arctic Telephone and Telegraph Co 5047
- Arnold, Leroy 5047, 5778
- Atlantic City Broadcasting Co 5779
- Atlass Amusement Co 2950
- Automotive Communications Co 4510
- Azalea Broadcasting Co 2950
- B & C Radio Co 5043
- Badger Broadcasting Co 4185
- Beloit Broadcasting Co 4510
- Berger, Irwin 5778
- Birch, Fred 5778
- Black Hills Station, Heart of 4726, 5779
- Breckenridge, Minnesota, Postmaster of 5332
- Business & Professional Telephone Exchange 4510
- Buttrey Broadcast, Inc 5778
- California 2951
- Capitol Broadcasting Corp. (WCAW) 3835
- Carbondale Broadcasting Co., Inc 3834
- Carter, G. W. 5778
- Champlain Valley Broadcasting Corp. (WXKW) 3835, 5777
- Chesapeake Broadcasting Co., Inc 3835, 4509
- Clinton Broadcasting Corp 4185
- Columbia Broadcasting System 2950

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

- County Broadcasting Service 4726
- Crabb, Robert C 3834, 4510
- Daniels, J. C 5705
- Daphne Investment Trust 3835
- Desert Radio and Telecasting Co 4726
- Dick Broadcasting Co 3834
- Downen, Clyde 4510
- Electronic Secretary, Inc 3835
- Electronic Secretary Industries, Inc 3835
- Evangeline Broadcasting Co., Inc 4509
- Fairmont Corp 5778
- Farmers Broadcasting Service, Inc 5046, 5777
- Finley Broadcasting Co 5439
- Garden State Broadcasting Co 5779
- Garfield Medical Apparatus Co 4510, 4725
- Gulf Beaches Broadcasting Co., Inc 2950
- Hamilton Broadcasting Co 3833
- Harris, A. D 5778
- Hawkins, Donald Winfred 3833
- Heart of the Black Hills Station 4726, 5779
- Hillsboro Broadcasting Co. (WEBK) 2950
- Hofheinz, Roy, (KTHT) 4726
- Ionia Broadcasting Co 4509
- Israel Putnam Broadcasting Co 3833
- Jones, Roy C 3835
- Jordaphone Corp. of America 3835
- KCLW 3833
- KFBB 5778
- KHIT 5332, 5779
- KIMP 4727
- KPAT 5705
- KROS 4185
- KRRV 3833
- KSEY 5705
- KSOK Broadcasting Co., Inc 4509, 4725
- KSRO 5439
- KTFY 4727
- KTLW 3833
- KTRN 4727
- KWH2/KWC99 5047
- KWO3/KWD86 5047
- KWTX Broadcasting Co 5705
- Kanawha Valley Broadcasting Co. (WGKV) 3835
- King Cotton Broadcasting Co 5438
- K9 Patrol by Kennedy Detective Agency 3835
- Knoxville Ra-Tel, Inc 3834
- Lampasas Broadcasting Corp 5332, 5779
- Liberty Broadcasting Co 4726
- Lynett, Edward J., Jr. and Elizabeth R 4509
- Massillon Broadcasting Corp 4727
- Matheson Radio Co., Inc. (WHDH) 3835, 5777
- McLennan Broadcasting Co 3833
- Meyers, P. T 5778
- Minnesota, Governor of 5332
- Minnesota Railroad and Warehouse Commission 5332
- Mohawk Business Machines Corp 3835
- Monona Broadcasting Co. (WKOW) 2950
- Moss, William C 5705
- Mt. Pleasant Broadcasting Co 4727
- Mutual Broadcasting System 2950
- National Association of Radio and Television Broadcasters 5437
- National Broadcasting Co., Inc. (KOA) 3835, 5777
- North Shore Broadcasting Co., Inc 4185, 5048
- Northwestern Bell Telephone Co 5332
- Oakland Broadcasting Co 2950
- Orange County Radiotelephone Service 4510
- Paducah Broadcasting Co 4727
- Patterson, S. H. (KJAY) 3835, 4509
- Penn Jersey Broadcasting Co 5779
- Pomeroy, John C 2950
- Premus, Myron Henry 3758
- Press-Union Publishing Co 5779
- Physicians Exchange 4510
- RCA Communications, Inc 5047
- Radio Message Service 4510
- Radio Reading 4509
- Red River Valley Broadcasting Corp 3833
- Rice, Clifton 5778
- Richmond Newspapers, Inc 5439
- Rock River Broadcasting Co 4185, 5048
- Rodin, Dr. Eugene 3832
- Rolfe Armored Truck Service, Inc 3835

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

- Sacramento Radio Dispatch 2949
- Schuffman, Edwin J 5778
- Scott, E. L 5046, 5778
- Scranton Radio Corp 4509
- Scranton Times 4509
- Siegel, Jack 5046, 5778
- Smith, Forest H 5078
- Sussex County Broadcasters 3834
- Tadlock's Radio Dispatch (KMA259) 2950
- Tampa Broadcasting Co. (WALT) 3832
- Telanserphone, Inc 3834, 4510
- Telemaster Co 3835
- Telephone Answering Bureau 4510
- Television Answering Service 4510
- Texas City Broadcasting Service 3833
- Tri-City Radio Dispatch Co 4510
- United Radio Communications 4510
- United States Independent Telephone Association 3835
- Vermillion Broadcasting Corp 4509
- WALT 3832
- WBBB 5438
- WCDL 3834
- WCUE 4728
- WDYK 4726
- WDZ Broadcasting Co 4509
- WELS 5046, 5777
- WFAS 3834
- WIBA 4185
- WLAP 4599
- WMRO 4600, 5779
- WMRO, Inc 4600, 5779
- WNBH 3834
- WRNL 5439
- WTND, Inc 5439
- Wahpeton, North Dakota, Postmaster of 5332
- Wasdon, Robert 5046, 5778
- Westchester Broadcasting Corp 3834
- Western Maryland Broadcasting Co 4726
- Western Telephone Co 5332
- Western Union Telegraph Co 2951, 5128, 5047
- Westlund, Arthur 5439

FEDERAL CROP INSURANCE CORPORATION

- Citrus crop insurance; annual contracts for 1952 crop year:
  - Application; closing date for submitting, extended to May 31, 1952 5082
  - Premium; payment of, may be extended to August 31, 1952 5082
- Corn crop insurance, 1950 and succeeding crop years; availability in designated counties for 1952 crop year 5749
- Cotton crop insurance, for 1952 and succeeding crop years; availability in designated counties 5633
- Flax crop insurance; 1950 and succeeding crop years:
  - Application; closing date for submitting, extended to April 18 for 1952 crop only 5081
  - Availability for 1952 crop year in designated counties 5633
- Multiple crop insurance; 1950 and succeeding crop years:
  - Application for insurance (closing dates for 1952 crop year, amended) 5082
  - Policy and riders; 1952 crop year, various areas:
    - Alabama:
      - Blount County (corn, cotton, snap beans, tomatoes) 3267
      - Butler County (corn, cotton, peanuts, strawberries, sweetpotatoes, tobacco) 3265
      - Henry County (corn, cotton, peanuts) 3268
    - Florida: Jefferson County (corn, cotton, oats, peanuts, sweetpotatoes, tobacco) 3268
    - Georgia:
      - Colquit County (corn, cotton, peanuts, tobacco) 3269
      - Emanuel County (corn, cotton, peanuts, tobacco) 3271
      - Jenkins County (corn, cotton, peanuts, tobacco) 3270
      - Mitchell County (corn, cotton, peanuts, tobacco) 3272
    - Illinois; Johnson County (corn, oats, soybeans, winter wheat) 3275

20000—52——7

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1950 and succeeding crop years—Continued
Policy and riders; 1952 crop year, various areas—Continued
Iowa:
Delaware Count (corn, oats, soybeans) 3276
Emmet County (corn, flax, oats, soybeans) 3274
Howard County (corn, oats, soybeans) 3276
Humboldt County (corn, oats, soybeans) 3275
Ida County (corn, oats, soybeans) 3277
Kossuth County (corn, oats, soybeans) 3278
Tama County (corn, oats, soybeans) 3279
Union County (corn, oats, soybeans) 3280
Warren County (corn, oats, soybeans) 3280, 3671
Wayne County (corn, oats, soybeans) 3282
Winnebago County (corn, oats, soybeans) 3281
Louisiana:
Acadia Parish (corn, cotton, rice, sweetpotatoes) 3284
St. Landry Parish (corn, cotton, lespedeza, rice, sugarcane, sweetpotatoes) 3283, 3671
Minnesota:
Dakota County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3285
Dodge County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3286
Faribault County (barley, corn, flax, oats, soybeans, small grains) 3293, 3671
Goodhue County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3287
Kandiyohi County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3288
McLeod County (barley, corn, flax, oats, soybeans, spring wheat, sweet corn, small grains) 3289
Nicollet County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3292
Stearns County (barley, corn, flax, oats, spring wheat, small grains) 3290
Stevens County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3290
Swift County (barley, corn, flax, oats, soybeans, spring wheat, small grains) 3291
Mississippi:
Alcorn County (corn, cotton, lespedeza, soybeans) 3295
Panola County (corn, cotton, oats, soybeans) 3294
Missouri; Audrain County (corn, oats, soybeans, winter wheat) 3296
North Carolina; Perquimans County (corn, cotton, peanuts, soybeans) 3297, 3671
North Dakota:
Barnes County (barley, corn, flax, oats, rye, spring wheat) 3298
Dickey County (barley, corn, flax, oats, rye, spring wheat) 3300, 3671
La Moure County (barley, corn, flax, oats, rye, spring wheat) 3302
Pierce County (barley, flax, oats, rye, spring wheat) 3301
Ransom County (barley, corn, flax, oats, rye, spring wheat) 3299, 3671
Sargent County (barley, corn, flax, oats, rye, spring wheat) 3300
Steele County (barley, flax, oats, rye, spring wheat) 3303
South Dakota:
Bon Homme County (barley, corn, oats, rye, spring wheat) 3304
Day County (barley, corn, flax, oats, rye, spring wheat) 3309
Deuel County (barley, corn, flax, oats, rye, soybeans, spring wheat) 3306
Hamlin County (barley, corn, flax, oats, rye, soybeans, spring wheat) 3307
Hutchinson County (barley, corn, oats, rye, soybeans, spring wheat) 3304
Lake County (barley, corn, flax, oats, rye, soybeans, spring wheat) 3305
McCook County (barley, corn, flax, oats, rye, soybeans, spring wheat) 3309
Miner County (barley, corn, flax, oats, rye, spring wheat) 3308

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1950 and succeeding crop years—Continued
Policy and riders; 1952 crop year, various areas—Continued
Tennessee:
Dyer County (corn, cotton, soybeans) 3312
Henry County (corn, cotton, sweetpotatoes, tobacco) 3310
Lincoln County (alfalfa hay, corn, cotton, lespedeza, tobacco) 3311
Obion County (corn, cotton, oats, soybeans, strawberries, tobacco, wheat) 3313
Weakley County (corn, cotton, lespedeza, soybeans, strawberries, sweetpotatoes, tobacco) 3314
Wisconsin:
Calumet County (barley, canning peas, oats, winter wheat) 3316
Fond du Lac County (barley, canning peas, corn, flax, oats, winter wheat) 3315
Tobacco crop insurance; 1950 and succeeding crop years, availability for 1952 crop year 5057
Wheat crop insurance; 1950 and succeeding crop years, application for insurance (closing date for submitting in counties with March 31 closing date in Minnesota, Montana, North Dakota and South Dakota extended to April 18, for 1952 crop year only) 5081

FEDERAL DEPOSIT INSURANCE CORPORATION:
Deposits, payment of, and interest thereon, by insured nonmember banks; maximum rate of interest on time and savings deposits:
Grace periods in computing interest on savings deposits 5187, 5315
Savings deposits received during first 5 days of month; redesignation 5187, 5315

FEDERAL HOUSING ADMINISTRATION:
Authority, delegation of, from Housing and Home Finance Administrator to FHA Commissioner and his designees; respecting construction of multi-unit residential housing, under National Production Authority Order M–100 and CMP Regulation 6 3567
Construction of multi-unit residential housing under National Production Authority Order M–100 and CMP Regulation 6:
Authority of FHA Commissioner respecting 3567
Procedure respecting applications for construction authorization and allotments of controlled materials 3550, 3853
Cooperative housing insurance. *See* Multifamily and group housing insurance.
Loans and investments, on certain real estate insured by FHA, made by institutions insured by Federal Savings and Loan Insurance Corporation; provisions respecting 3580
Proposed rule making 5258
Multifamily and group housing insurance:
Cooperative housing; rights and obligations of mortgagee under insurance contract, respecting adjusted premium on individual mortgages 4143
Multifamily housing, eligibility requirements of mortgage; eligible mortgages, limitation upon maximum amount 5345
Mutual mortgage insurance, covering one- to four-family dwellings:
Eligibility requirements of mortgage; eligible mortgages, temporary limitation upon maximum amount 5345
Rights and obligations of mortgagee under insurance contract; prepayment premiums 4143
National defense housing insurance; rights and obligations of mortgagee under insurance contract, respecting prepayment premiums 4143
Property improvement loans, Title I mortgage insurance; rights and obligations of mortgagee under insurance contract, respecting prepayment premiums 4142
Single family project loans. *See* War housing insurance.
War housing insurance:
One- to four-family dwellings; rights and obligations of mortgagee under insurance contract, respecting prepayment premiums 4143

FEDERAL HOUSING ADMINISTRATION—Continued Page

War housing insurance—Continued
Single family project loans, rights and obligations of mortgagee; individual mortgages, adjusted premium charge for 4143
Yield insurance, rights and obligations of investor under insurance contract; debentures, date and term of 5813

FEDERAL MARITIME BOARD. *See* Maritime Board, Federal.

FEDERAL NATIONAL MORTGAGE ASSOCIATION:
Mortgage purchases, servicing and sales; mortgage purchase program:
Eligible VA-guaranteed and FHA-insured mortgages:
Location of premises 4834
Period of eligibility 4834
Eligible VA-guaranteed mortgages:
Closing costs 4833
Multiple-family dwelling units, extent of guaranty for; original principal amount of mortgage, rescission of exceptions to provisions respecting 4833
Single-family dwelling units, extent of guaranty for 4833
VA prior approval 4833

FEDERAL PERSONNEL. *See* Government employees.

FEDERAL POWER COMMISSION:
Hearings, etc.:
Aikin, Lee 3006
Alabama Power Co 3006
Alabama-Tennessee Natural Gas Co 2823, 3217, 4270, 4358, 5599
Algonquin Gas Transmission Co 4396, 4601
Aluminum Co. of America 4467
Amere Gas Utilities Co 3517, 4774
Anderson, A. V 5354
Arizona Power Co 3836
Arkansas Louisiana Gas Co 2873, 4248, 5377, 5486
Arkansas-Missouri Power Co 5780
Associated Natural Gas Co 3393
Atlantic City Electric Co 5202
Atlantic Seaboard Corp 3461, 3660, 4128, 4270, 4827, 4990, 5048, 5440
Auburn, Illinois 3366, 5680, 5780
Bailey, Emory P 3691
Blue Ridge Electric Membership Corp 3070, 4508
Bonneville Project, Columbia River, Oregon-Washington 5706, 5740
Boogard, Andrew 4358
Boshell, Edward O 4227
Busch, Herman A 5599
California Electric Power Co 4827
California, State of, Water Project Authority of 3394
California Oregon Power Co 4549
Carolina Aluminum Co 4467
Carolina Natural Gas Corp 4868
Central Arizona Light and Power Co 3836, 3837
Central Illinois Public Service Co 4227
Central Kentucky Natural Gas Company 4990
Central West Utility Co 3366, 5680, 5780
Chicago District Pipeline Co 4128, 4868
Cities Service Gas Co 3127, 3128, 3691, 4247, 4467, 4775, 5333, 5487, 5681
Citizens Gas Co 2901, 4128
Citizens Power Co 5261
Citizens Utilities Co 5202
Clark, Newell A 3006
Clarksville, Tennessee 3691
Colorado Interstate Gas Co 3661
Connecticut Gas Co 4064, 5530
Conowingo Power Co 3005
Consumers Gas Co 4358
Cutcliffe, James E 3006
Dalbeck, Harold L 3006
Dome Gas Co., Inc 3661, 4774
Douglas, Eveler M 5354
East Ohio Gas Co 4728
East Tennessee Natural Gas Co 3244, 3691, 4247, 4248, 4507
Eastern Kansas Utilities, Inc 4774
El Paso Electric Co 3069, 3836
El Paso Natural Gas Co 3217, 3244, 3393, 3462, 3567, 3806, 4663, 5333

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Electric Power, Inc 5840
Franklin Transmission Co 2902
Fraser Paper, Ltd 3216
Frederick Gas Co., Inc 4248
Gaffney Pipeline Co 4775
Gas Lateral Co 4663, 5203
Gas & Water Company, Inc 5203
Glacier Gas Co 2824, 3125
Gulf States Utilities Co 3216, 3836, 5203
Hale, Roger 3463
Haws, Murray W 3463
Hidden Falls Lumber Co., Inc 4248
Home Gas Company 4990, 5205
Hope Natural Gas Co 4227
Hope Producing Co 2873, 5486
Idaho Power Co 4992
Indiana Gas & Water Co., Inc 4728
Interior Department 3836, 4227
Interstate Natural Gas Co., Inc 2873, 3006, 5486
Iowa Power and Light Co 3618, 4774, 5073
Jersey Central Power & Light Co 4396, 4601, 5203
Jones, Chandler W 5705
Kansas City Power & Light Co 4774
Kansas Gas and Electric Co 3393, 3836, 4467, 4774, 5202, 5486
Kansas-Nebraska Natural Gas Co., Inc 3126, 5531
Knoxville Power Co 4467
Lone Star Gas Co 3006
Lopeno Gas Co 5840
Louisiana Natural Gas Corp 4601
Louisville Gas and Electric Co 4601
Maine Public Service Co 3216
Manufacturers Light and Heat Co 3005, 3461, 3691, 4270, 4827, 4990, 5205
Marysville, Michigan 3366, 5680, 5780
McMeekin, F. R 5073
Michigan Consolidated Gas Co 3366, 5680, 5780
Michigan Gas Utilities Co 3366, 5680, 5780
Michigan-Wisconsin Pipe Line Co 4775, 5440
Mississippi River Fuel Corp 2873, 3070, 3863, 5174, 5260, 5486, 5740
Missouri Central Natural Gas Co 3366, 5680, 5780
Missouri Power & Light Co 3069, 4227
Montana-Dakota Utilities Co 3661, 5377
Montana Power Co 4129, 5599
Morganfield Natural Gas Co 4962
Namekagon Hydro Co 4602
Natural Gas Co., of West Virginia 4990
Natural Gas Storage Co. of Illinois 2903, 5440
Nevada Natural Gas Pipe Line Co 3567, 3806, 4663
New England Power Co 2873
New Jersey Natural Gas Co 4396, 4601, 5203
New York State Natural Gas Corp 4728, 5488
Niagara Falls Power Co 4396
Niagara Gas Transmission Ltd 3125
Niagara Mohawk Power Corp 3244, 4396, 4508
Northeastern Gas Transmission Co 3618, 5530
Northern Arizona Light & Power Co 3836
Northern Indiana Fuel and Light Co 3366, 5680, 5780
Northern Natural Gas Co 3125, 3128, 3129, 5487
Northern Virginia Power Co 2902
Northwest Natural Gas Co 2823, 3125
Ohio Fuel Gas Co 3393, 3662, 4128, 4990, 5204
Ohio River Pipeline Corp 4601
Ohio Valley Gas Corp 4247
Orange and Rockland Electric Co 5599
Pacific Gas and Electric Co 3567, 3806, 4248, 4663, 5440, 5740
Pacific Northwest Pipeline Corp 2823, 3125
Packwood Electric Co 5488
Panhandle Eastern Pipe Line Co 3366, 3568, 3807, 4310, 5203, 5680, 5780
Patrick Creek Corp 3691
Pend Oreille Mines & Metals Co 4508
Pennsylvania Gas Co 3462, 4467
Pennsylvania Power & Light Co 4827
Peoples Natural Gas Co 4728
Permian Basin Pipeline Co 3431
Peterstown Gas Company 4990
Philadelphia Electric Co 3005
Pond, Charles 2873
Port Huron, Michigan 3366, 5680, 5780
Portland General Electric Co 5354
Potomac Gas Co 3567

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
- Potomac Light and Power Co 2902
- Potter, Don B 4228
- Public Service Co. of North Carolina, Inc 3128
- Public Service Commission of Wisconsin 2901
- Puget Sound Power & Light Co 5706
- Ready, W. J 5073
- Republic Light, Heat and Power Co., Inc 3691
- Rincliffe, Roy G 3691
- Rockland Light and Power Co 3461, 4990, 5174
- Sacramento Municipal Utility District 4508
- St. Charles Gas Corp 2873, 5486
- St. Clair, Michigan 3366, 5680, 5780
- San Diego Gas & Electric Co 3431, 3567, 3806, 4663
- Seattle, Washington 4228
- Shenandoah Gas Co 4990
- Shippensburg Gas Co 4358
- Sierra Pacific Power Co 2901
- Simpson, E. M 5705
- South Carolina Electric & Gas Co 4775
- South Carolina Natural Gas Co 5378
- South Georgia Natural Gas Co 2903
- South Jersey Gas Co 4396, 4601, 5203
- South Penn Power Co 2902
- Southeastern Michigan Gas Co 3366, 5680, 5780
- Southern California Edison Co 3836, 4868
- Southern California Gas Co 3567, 3806, 4663
- Southern Counties Gas Co. of California 3567, 3806, 4663
- Southern Natural Gas Co 3070, 4187, 5441
- Southern Utah Power Co 2874, 4774, 5202
- Southwestern Power Administration 3836, 4227
- Star Valley Power and Light Co 3179
- Summers, Eric C 4227
- Sylvania Corp 3462, 4467
- Tennessee Gas Co 4358, 4507, 5739
- Tennessee Gas Transmission Co 3125, 3517, 3691, 5441
- Texas Eastern Transmission Corp 3069, 4310, 4358, 5396, 4467, 4507, 4601, 4728, 5203, 5378
- Texas Gas Transmission Corp 3069, 3661, 4467, 4601, 4774
- Texas Illinois Natural Gas Pipeline Co 3070, 4664, 5377
- Texas Northern Gas Corp 2902, 3463, 4601
- Texas-Ohio Gas Co 3760, 3836, 4548, 5680
- Transcontinental Gas Pipeline Corp 3217, 3461, 3517, 3691, 3759, 4188, 4270, 4728, 4827, 5261, 5377
- Trans-Northwest Gas, Inc 3125
- Union Electric Co., of Missouri 4868
- Union Electric Power Co 4868
- United Fuel Gas Co 3005, 3461, 3691, 4270, 4508, 4827, 4990
- United Gas Pipe Line Co 2901, 3618, 3619, 3836, 3895, 4227, 4508, 4601, 4627, 5203
- United Natural Gas Co 3691, 3805, 4728, 4827, 5440
- Utah Power & Light Co 3217
- Valley National Bank of Phoenix 3806
- Virginia Electric and Power Co 5705
- Virginia Gas Transmission Corp 3660, 4128, 4990
- Warrior River Electric Cooperative Assn 5488
- Washington Gas Light Co 3069
- Washington Water Power Co 4467, 5354
- Water Project Authority of State of California 3394
- Westcoast Transmission Co., Inc 2823, 3125
- Western Colorado Power Co 4358
- Wilcox Trend Gathering System, Inc 5048
- Willmut Gas & Oil Co., and others 3618
- Wunderlich, Martin 3006
- Young, Scott 4467
- Zehntbauer, John A 4228

Rate schedules and tariffs; filing, hearings, approval or rejection, etc.:
- Alabama-Tennessee Natural Gas Co 2823
- Bonneville Project, Columbia River 4774
- Colorado Interstate Gas Co 4962
- Interior Department 3836, 4227
- Southwestern Power Administration 3836, 4227
- Transcontinental Gas Pipe Line Corp 3517, 4188
- United Gas Pipe Line Co 2901, 4227

Regulations under Natural Gas Act; applications for certificates of public convenience and necessity under section 7 concerning any operation, sales, service, construction, extension, or acquisition, proposed rule making 4389

Extension of time for filing comments 4898

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS: Page

Banking regulations:
- Deposits, payment of interest on; maximum rate of interest on time and savings deposits:
  - Grace periods in computing interest on savings deposits 5186
  - Savings deposits received during first 5 days of month; redesignation 5186
- National banks, trust powers of; more than one trust investment committee 5186
- Voluntary program for credit restraint, request to all financing institutions respecting; amendment of April 17, 1952 3662
- Withdrawal of request 4248

Committees and boards, representation on:
- Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
- Stabilization Policy Committee, Office of Defense Mobilization 4926

Consumer credit (Regulation W):
- Provisions issued prior to suspensions of Regulation W:
  - Interpretation; maturity of Group D credit 3550
  - Supplement, down payment and maximum loan value for listed articles; down payment and loan value requirements not applicable to articles of less than $100 cash price 3255
  - Technical provisions, calculating date of first installment and maximum maturity; installment credit for financing purchase of articles (Group D) for residential repairs, improvements, etc., interpretation respecting maturity of 3550
- Suspension of Regulation W, effective May 7, 1952 4256
- Voluntary program for credit restraint; amendment of April 17, 1952 3662
- Withdrawal of request to financing institutions respecting 4248

Real estate credit (Regulation X):
- Credit, extension of, amount, maturity, amortization; registrants, provisions respecting, interpretations:
  - New construction, sale of, by registrant acting under a will 4344
  - Purchase, discount or lend on any credit instrument evidencing real estate construction credit; nonconforming lease as additional collateral 4344

Definitions:
- "Bona fide sale price", amount vendee agrees to pay for alteration; major additions or improvements, interpretation respecting 4345
- Credit; nonconforming lease as additional collateral 4344
- Maximum loan value, residential property; major additions or improvements to property, interpretation respecting 4344
- Nonresidential structure, public utility; parking facilities, publicly sponsored, interpretation respecting 4345
- Public utility; parking facilities, publicly sponsored, interpretation respecting 4345

Exemptions and exceptions:
- Casualties, certain prohibitions respecting extension of credit in case of; not applicable to construction credit extended pursuant to disaster relief program established by Housing and Home Finance Administrator 5301
- Contracts to sell; regulation not applicable to contracts to sell real property if purchaser does not receive title or have use of property, until terms of credit are conformed to effective provisions 5301
- Leases, nonresidential; nonconforming lease as additional collateral, interpretation respecting 4344

Interpretations:
- Improvements; major additions or improvements 4344
- Lease, nonconforming, as additional collateral 4344
- Major additions or improvements 4344
- Parking facilities, publicly sponsored 4345
- Trust company registrant acting under a will 4344

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS—Continued Page

Real estate credit (Regulation X)—Continued
- Supplement; modification of previous credit restrictions:
  - Multi-unit residential property (Schedule II); maximum loan value, per family unit values table 5301
  - One-to-four-unit residential property and farm residences (Schedule I); maximum loan value, per family unit values table 5301
- Trust powers of national banks; more than one trust investment committee 5186
- Voluntary program for credit restraint, request to all financing institutions respecting; amendment of April 17, 1952 3662
- Withdrawal of request 4248

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION. *See* Home Loan Bank Board.

FEDERAL SECURITY AGENCY:
- *See Education, Office of.*
- *Food and Drug Administration.*
- *Freedmen's Hospital.*
- *Public Health Service.*
- *Social Security Administration.*

Manpower; responsibilities under defense manpower policies respecting:
- Agricultural manpower 5766
- Manpower shortages in various skills and occupations, training program in connection with 2837

Military Justice, Uniform Code of; authority formerly vested in various Navy officials under, transfer to Administrator and General Counsel (Executive Order 10349) 3769

Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926

Training program in connection with defense manpower shortages in various skills and occupations, responsibilities respecting 2837

FEDERAL TRADE COMMISSION:

Cease and desist orders and/or dismissals of complaints:
- Agee, Eugene P 4378
- Ar-Ex Cosmetics, Inc 4197
- Bennett, Lillie K 3480
- Bennett, Robert O 3480
- Bertin, Robert 4376
- Brandell, Raymond E 2833
- Brewster, E. F 5416
- Brown, Louis 4405
- Bulova Watch Co., Inc 5340
- Burch, Harry A 3877
- Bush, L. B 5083
- Camera Art Co 3318
- Cholick, Andrew G., A. Lawrence, and Joseph J 3785
- Cohen, Samuel 5082
- Cohn, Albert 3579
- Commercial Extension School of Commerce 4377
- Consolidated Manufacturing Co 2832
- Container Manufacturing Co 2990
- Covideo, Inc 4405
- Cupples Company 5416
- David's Specialty Shops, Inc 4376
- Dean Milk Company 5416
- Dillman, W. J 5083
- Discount Sales Company 5014
- Donigan, Richard 5014
- Duon, Inc 4199
- Eidlin, Berthold, Emanuel, and Ephriam 3318
- Eisenberg, Stanley 5014
- Electrical Center 3079
- Elgin National Watch Co 5341
- Ellis, Hyman 5389
- Empel, Sydel M 5082
- Eval Machine Company, Inc 5419
- Fink, Morris and Sady 4288
- Fisher, Irwin H 5082
- Fleming, Ned N 5416
- Foley & Co 2812
- Franklin MacVeagh & Company 5416
- Gelin, Lazare and Dorothy B 5082
- Gerstel, Jack 4376
- Godfrey, E. R. & Sons Company 5416

FEDERAL TRADE COMMISSION—Continued Page

Cease and desist orders and/or dismissals of complaints—Continued
- Godfrey, James D 5416
- Gold-Tone Studios, Inc 3317
- Grainger, Harry K 5416
- Grimes, J. Frank 5416
- Grocers Co 5416
- Groebe, L. G 5416
- Gruen Watch Co 5341
- Harrison, T. G 5416
- Hastings Potato Growers Association 3481
- Herbst Shoe Mfg. Co 5418
- Horwitt, Sidney I 4405
- Houghton Mifflin Co 4792
- Howard, Archer L 2833
- Independent Grocers Alliance Distributing Co 5416
- Israel, David, Harry, and Oscar 4377
- Jersey Cereal Co 5416
- Kahn, Julius B 4197
- Kurash, Irving and Louis 3580
- Little, Brown and Co., Inc 4793
- Loesberg, Nathan 4376
- Lyon, Donald A 4118
- Lyon, Rene D 4118
- Lyon, Rene D., Co., Inc 4118
- McGuire, Doris and Paul A 3318
- McLain, Robert 5416
- Marcy, Bernard L 5342
- Miller, Donald H 4199
- Monroe Sales Co 5082
- Morley, Jack 3034
- Motool Machine Co 5419
- National Service Bureau 3480
- National Training Service 3877
- Nelson, William J 5082
- Pakarow, Evelyn 5419
- Parker, Joseph 5416
- Perlitz, Robert H 5416
- Permanent Stainless Steel, Inc 5342
- Professional Reminder Service 3580
- Quaker Distributors, Inc 4376
- Random House, Inc 4793
- Reynolds, R. J., Tobacco Co 2811
- Ronell Fashions, Inc 5389
- Rowley, Jerrold A 5014
- Salomon, A. M 2812
- Salzman, Irving 3672
- Sax, Chester 2832
- Sax, M. Robert 3034
- Sax, Max 2990
- Schiff, Jack B 2090
- Schneiderwind, W. O 5083
- Schwartz, Albert A 3079
- Sharenow, Israel and Alexander 5419
- Simon and Schuster, Inc 4794
- State Sewing Machine Corporation 5082
- Stern, Irving A. and Marion 3318
- Stokely Brothers & Co., Inc 5416
- Stone, William 2990
- Sucherman, Allen J 2832, 3034
- Superior Products 3034
- Tafler, Louis 4376
- Thompson, William W 5416
- Union Mill Ends 3672
- Warner Electric Co 2833
- Warner, Michael M 2833
- Weinstock, Jack 4376
- Western Training Service 3785, 3877
- Wetterau Grocer Company, Inc 5416
- Will-Weld Manufacturing Co 5083
- Windsor Pen Corporation 4288
- Winston & Newell Co 5416
- Wolf, Abraham 5389
- Younglove, Normal 5416

Fur Products Labeling Act, proposed rules and regulations under; hearing 4121

Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561

Regulations under specific acts of Congress; Fur Products Labeling Act, proposed rules and regulations under, hearing with respect to 4121

FEDERAL TRADE COMMISSION—Continued Page

Trade practice rules:
- Athletic goods industry; regional (West Coast and Rocky Mountain States) conference, notice 3760
- Cedar chest manufacturing industry; notice of hearing 5071
- Commercial cold-storage industry; supersedure 2919
- Paper box, set-up, industry 2833
- Public refrigerated storage industry 2919
- Radio and television industry, notice of conference 4827
- Refrigerated storage, public, industry 2919
- Set-up paper box industry 2833
- Wood and wood products, proper use of word "mahogany" in designations of; notice of hearing 4993

FELLOWSHIPS, GRANTS, ETC.:
- Atomic Energy Commission fellowship program, information respecting. *See* Atomic Energy Commission.
- Exploration projects, Government aid in. *See* Defense Minerals Exploration Administration.
- States, grants to, for public health services. *See* Public Health Service.

FISH AND WILDLIFE SERVICE:

Alaska:
- Animals, birds, and game fishes, taking of. *See* Wildlife protection.
- Fisheries, commercial:
  - General provisions:
    - Personal use fishery:
      - By commercial fisherman prohibited; redesignation 4347
      - Commercial gear prohibited; exception 4347
    - Traps; to be made inoperative within 24 hours after close of season 4347
  - Salmon, shellfish, etc. fishing; various areas:
    - Alaska Peninsula; salmon fishery, weekly closed period 4347
    - Bristol Bay; salmon fishery, weekly closed period 4347
    - Cook Inlet; personal use fishery, Kenai Peninsula, exception 4347
    - Copper River; shellfish (Dungeness crabs) fishery, closed season 4347
    - Prince William Sound; shellfish (Dungeness crabs) fishery, closed season 4347
    - Resurrection Bay; salmon fishery, open season 4347
    - Southeastern Alaska:
      - Fishing other than salmon; shellfish (Dungeness crabs) fishery, closed seasons, Icy Strait District, deletion 4347
      - Salmon fisheries; in certain districts:
        - Clarence Strait District; open seasons:
          - Central, southeast, southwest, and north Behm Canal sections 4347
          - Northern section 4347
        - Eastern District:
          - Open seasons, exceptions 4347
          - Personal use fishery:
            - Closed waters 4347
            - Designation 4347
        - Icy Strait District; open seasons:
          - East of Point Carolus 4347
          - West of Point Carolus 4347
        - South Prince of Wales Island District; open seasons 4347
        - Southern District; open seasons 4347
        - Summer Strait District; open seasons:
          - Ernest Sound and Anan 4347
          - Exception 4347
        - Western District; open seasons:
          - Central, southern, and western sections 4347
          - Northern section, south of Sullivan Island 4347

Fishing:
- Commercial. *See* Fisheries, commercial.
- Game fishes, taking of. *See* Wildlife protection.

Taking of certain animals, birds and game fishes. *See* Wildlife protection.

Wildlife protection; taking of animals, birds, and game fishes:
- Birds. *See* Methods, seasons, and limits.

FISH AND WILDLIFE SERVICE—Continued Page

Alaska—Continued
- Wildlife protection; taking of animals, birds, and game fishes—Continued
  - Closed seasons, continuous:
    - On all animals (except coyotes and wolves) and birds, for other than scientific purposes; various areas:
      - Aniak River; redesignation 3859
      - Birch Lake. *See* Harding Lake and Birch Lake areas.
      - Charley Creek; redesigation 3859
      - Charley River; redesignation 3859
      - Chistochina River; redesignation 3859
      - Eklutna Lake 3858
      - Eyak Lake; deletion 3858
      - Harding Lake and Birch Lake areas 3858
      - Hoholitna River; redesignation 3859
      - National forests, posted 3858
      - Sulukna River; redesignation 3859
    - On certain game and fur animals; various areas:
      - Alaska Peninsula area 3859
      - Aniak River 3859
      - Charley Creek 3859
      - Charley River 3859
      - Chistochina River 3859
      - Clearwater 3858
      - Copper River Delta area; redesignation 3859
      - Cordova-Yakatut area 3859
      - Hoholitna River 3859
      - Sulukna River 3859
      - Tok River 3859
  - Limits. *See* Methods, seasons, and limits.
  - Methods, seasons, and limits:
    - Birds:
      - Game birds:
        - Closed areas 3858
        - Grouse and ptarmigan 3858
        - Ptarmigan. *See* Grouse.
      - Nongame birds:
        - Closed areas 3858
        - Seasons for various birds:
          - Bald eagles; no open season 3858
          - Crows, hawks, owls, golden eagles, ravens, magpies, and cormorants; no closed season, except in closed areas 3858
    - Fur animals:
      - Closed areas 3858
      - Seasons for various animals:
        - Beaver 3858
        - Coyote. *See* Wolf.
        - Fox. *See* Mink.
        - Lynx. *See* Mink.
        - Marmot. *See* Wolf.
        - Marten 3858
        - Mink, land otter, fox, lynx, and weasel (ermine) 3858
        - Muskrat 3858
        - Otter, land. *See* Mink.
        - Polar bear 3858
        - Squirrel. *See* Wolf.
        - Weasel (ermine). *See* Mink.
        - Wolf, coyote, wolverine, marmot, and squirrel 3858
        - Wolverine. *See* Wolf.
    - Game animals:
      - Closed areas 3857
      - Identification of sex 3858
      - Methods and means 3857
      - Seasons for various animals:
        - Bison (selected bulls) 3858
        - Caribou, bulls only (forked horns or larger) 3857
        - Deer (antlers of 3 inches or more) 3857
        - Elk, bulls (forked horns or larger) 3857
        - Moose, bulls (forked horns or larger) 3857
        - Mountain goat, except kids 3857
        - Mountain sheep, rams (¾ curl or larger) 3858
    - Game fishes:
      - Methods and means 3858
      - Seasons and limits 3858
    - General provisions 3856
- Permits; redesignation 3858
- Possession. *See* Transportation and possession.

FISH AND WILDLIFE SERVICE—Continued Page

Alaska—Continued
- Wildlife protection; taking of animals, birds, and game fishes—Continued
  - Sale; tagged beaver, other fur animals, black bear and deer skins, meat and skins of hares and rabbits 3857
  - Seasons. *See* Methods, seasons, and limits.
  - Transportation and possession:
    - Evidence of sex and identity 3857
    - Export by nonresident 3857
    - Game animals 3857
    - General provisions 3857

Animals:
- Game, fur, etc., taking of. *See* Alaska.
- Importation of foreign wild animals. *See* Hunting and possession of wildlife.

Birds, taking of. *See* Alaska; *and* Hunting and possession of wildlife.

Conservation areas, wildlife; management of. *See* Wildlife conservation areas.

Fishing:
- In Alaska (commercial fisheries, and taking of game fishes). *See* Alaska.
- In wildlife conservation areas. *See* Wildlife conservation areas.

Game birds, fishes, etc., taking of. *See* Alaska; *and* Wildlife conservation areas.

Hunting and possession of wildlife:
- *See also* Wildlife protection.
- Foreign wild animals and wild birds and their eggs, importation of; proposed rule making:
  - Compliance with other regulations 5327
  - Prohibited species and exceptions 5326
- Migratory birds, taking of; open seasons, bag limits and shooting hours:
  - Migratory game birds except woodcock, coot, and waterfowl, but including scoter, eider and old squaw ducks in open coastal water in north Atlantic States and fowl and coot in Alaska; proposed rule making 3355
  - Woodcock, other waterfowl and coot; proposed rule making 3355
- Nonmigratory species; eggs of game birds, repeal of provisions respecting, proposed rule making 5326

Lands within various national wildlife refuges, public land orders, etc., affecting. *See main heading* Land Management Bureau.

Migratory birds, hunting of. *See* Hunting and possession of wildlife.

National wildlife refuge. *See* Wildlife conservation areas.

Salmon fisheries, commercial, in Alaska. *See* Alaska.

Shellfish (crabs) fisheries, commercial, in Alaska. *See* Alaska.

Wildlife conservation areas, management of:
- Central region:
  - Crab Orchard National Wildlife Refuge, Illinois; hunting of squirrel, expiration of provisions respecting 2936
  - Lacreek National Wildlife Refuge, South Dakota; fishing:
    - Bait restrictions 3385
    - Fishing permitted 3385
  - Mud Lake National Wildlife Refuge, Minnesota; deer hunting, expiration of provisions respecting 2936
  - Sand Lake National Wildlife Refuge, South Dakota; deer hunting, expiration of provisions respecting 2936
  - Tamarac National Wildlife Refuge, Minnesota; deer hunting, expiration of provisions respecting 2936
  - Waubay National Wildlife Refuge, South Dakota; deer hunting, expiration of provisions respecting 2936
- Pacific Region; Ninepipe and Pablo National Wildlife Refuges, Montana, fishing 4493

Wildlife protection:
- Alaska, taking of animals, birds, and game fishes in. *See* Alaska: wildlife protection.
- Hunting of wildlife (migratory birds); seasons, bag limits and shooting hours. *See* Hunting and possession of wildlife.
- Management of wildlife conservation areas and refuges. *See* Wildlife conservation areas.

FISH AND WILDLIFE SERVICE—Continued Page

Wildlife refuges, national. *See* Wildlife conservation areas.

FISHERIES:
- Commercial, in Alaska. *See* Fish and Wildlife Service.
- Pacific halibut. *See* International Fisheries Commission.

FISHING. *See* Hunting and fishing.

FLAG DAY, 1952 (Proclamation 2977) 4967

FOOD COMMODITIES ACQUIRED BY COMMODITY CREDIT CORPORATION, through price support operations. *See* Commodity Credit Corporation.

FOOD AND DRUG ADMINISTRATION:
- Bakery products, certain; definitions and standards of identity for 4453, 4467, 4613
- Definitions and standards of identity, etc., for various foods:
  - Bakery products, certain:
    - Adoption of definitions and standards 4453, 4613
    - Memorandum denying motion to reopen record 4467
  - Oleomargarine and margarine 4613
  - Vegetables, canned; correction 4482
- Drugs:
  - *See also* Federal Food, Drug, and Cosmetic Act.
  - Certification of batches of antibiotic and antibiotic-containing drugs:
    - Aureomycin 3232
    - Bacitracin 3232, 3633, 4560, 4707
    - Penicillin 3230, 3633, 4559, 5812
    - Streptomycin 3232, 4559, 4560
  - Tests and methods of assay for antibotic and antibiotic-containing drugs:
    - Aureomycin 3230
    - Bacitracin-neomycin ointment 4560
    - Penicillin 3230, 3632, 4559, 5343, 5812
- Federal Food, Drug, and Cosmetic Act, regulations for enforcement of; labeling requirements for drugs and devices, certain ointments exempt from requirements 5456
- Oleomargarine and margarine; definitions and standards of identity 4613
- Vegetables, canned; definitions and standards of identity for, correction 4482

FOREIGN ASSETS CONTROL REGULATIONS. *See* Treasury Department.

FOREIGN COUNTRIES:
- Aid, under Mutual Security Act, coordination of programs in connection with (Executive Order 10338) 3009
- Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (Executive Order 10348) 3769

FOREIGN AND DOMESTIC COMMERCE BUREAU:
- *See Business Economics, Office of.*
- *International Trade, Office of.*
- Appeals Board; decision in Office of International Trade case respecting suspension of license privileges of A. E. Ratner Chemical Company and Continental Pharma 5738

FOREIGN DUTY OF FEDERAL EMPLOYEES; compensation for. *See* State Department.

FOREIGN MONEYS, values of. *See* Treasury Department.

FOREIGN-TRADE ZONES:
- Customs regulations respecting. *See* Customs Bureau.
- Rules of procedure, orders, etc. *See* Foreign-Trade Zones Board.
- Tax regulations respecting. *See* Internal Revenue Bureau.

FOREIGN-TRADE ZONES BOARD:
- Administration of zone:
  - Operation, maintenance, and administration 5317
  - Posting of regulations within zone. *See* Promulgation and posting of regulations within zone.
  - Promulgation and posting of regulations within zone 5317
- Records and reports, uniform system for 5317
- Uniform system of accounts, records, and reports 5317

FOREIGN-TRADE ZONES BOARD—Continued Page

Customs procedure in foreign-trade zones in United States:
- Customs Bureau regulations respecting. *See main heading* Customs Bureau.
- Deletion 4978

Definitions:
- Foreign-Trade Zones Act 5316
- Zone 4316

Los Angeles, Calif., Foreign-Trade Zone No. 4; application of Board of Harbor Commissioners to modify area 4989

Number and location of zones; zones for specialized purposes 5316

Operation of zone:
- Carriers, use of zone by 5317
- Disposition of merchandise in zone 5316
- Employees and persons entering and leaving zone; renumbering of section 5317
- Erection of buildings within zone by persons other than grantee; renumbering of section 5317
- Exclusion from zone of goods or process of treatment; renumbering of section 5316
- Exclusion of merchandise from zone; deletion 5316
- Exhibition of goods; deletion 5316
- Gold, handling of; deletion 5316
- Hours of business and service 5317
- Identification of employees within zone; renumbering of section 5317
- Importation of merchandise, produced or manufactured in zone, subsequent to exportation 5317
- Manipulation, manufacture, and exhibition of merchandise 5316
- Merchandise permitted in zone 5316
- Operations permitted in zone, and forms and procedures 5316
- Payment of customs officers and employees 5317
- Persons entering zone bound by regulations; renumbering of section 5317
- Residence within zone; renumbering of section 5317
- Retail trade within zone; renumbering of section 5316
- Status of merchandise in zone 5316
- Vessels entering and leaving zone:
  - *See also* Carriers.
  - Deletion 5317

Procedure and practice:
- Additional rules of practice; renumbering of section 5317
- Evidence, on matters before Board; renumbering of section 5317
- Hearings; renumbering of sections 5317

FOREST SERVICE:

Grazing, on national forest lands; cooperation with stockmen 3654

Lands, public, withdrawn for use of Service. *See main heading* Land Management Bureau.

Nantahala National Forest; inclusion of certain lands in Cherokee County, North Carolina (Executive Order 10357) 5079

Timber; maximum unadvertised timber sales authority (substitution of figure $2,000 for figure $500) 5368

Trespassing animals; orders for removal from certain national forests:
- Nevada National Forest; horses and mules 4127
- Tonto National Forest; burros 5372
- Uinta National Forest; horses 2899

FREEDMEN'S HOSPITAL, PUBLIC HEALTH SERVICE:

Admission and out-patient treatment; patients referred by the District of Columbia and local governmental authorities, rates 3654

G

GAS AND OIL. *See* Petroleum and petroleum products.

GASOLINE, AVIATION. *See* Petroleum and petroleum products.

GENERAL ACCOUNTING OFFICE:

Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561

GENERAL SERVICES ADMINISTRATION: Page

Authority, delegation of, by Administrator to various officials:
- Defense Department, Secretary; representation of Government agencies before certain public utility commissions in connection with rates and charges:
  - Public Service Commission, Utah, in connection with application of Utah Power and Light Company to increase electric service rates 4963
  - Public Service Commission, Washington, in connection with minimum charges on light and bulky articles by Pacific Inland Tariff Bureau, Inc. 5206
- Federal Civil Defense Administrator; authority with respect to making of contracts for remodeling of buildings and other necessary work and services in State of Virginia 4664
- Interior Department:
  - Engineering study and report on power contracts between Southwestern Power Administration and users of power, authority to negotiate contract not to exceed $5,000 in connection with 4963
  - Geological surveys and studies by colleges, universities and other educational institutions, negotiation of contracts for 4993

Contracts and purchases. *See* Procurement.

Feathers sold to GSA; price control regulation respecting. *See main heading* Price Stabilization, Office of.

Geological survey and studies by colleges, universities and other educational institutions, authority of Secretary of Interior to negotiate contracts for 4993

Machine tools. *See* Production equipment and machine tools.

Manganese procurement. *See* Minerals, metals and other raw materials.

Mica procurement. *See* Minerals, metals and other raw materials.

Minerals, metals and other raw materials; procurement for Government use or resale:
- Manganese, domestic; price schedule for ore delivered f. o. b. depot Philipsburg and Butte, Montana 4654
- Mica, domestic; requirements for purchase program A 4256
- Tungsten, domestic; deliveries 2930

Power contracts between Southwestern Power Administration and users of power; authority of Secretary of Interior to negotiate contract for engineering study and report respecting 4963

Price control regulation respecting processed feathers sold to. *See main heading* Price Stabilization, Office of.

Procurement:
- Areas of current or imminent labor surplus, procurement in; designation of areas for Government procurement, notification respecting. *See main heading* Defense Mobilization, Office of.
- Engineering study and report on power contracts between Southwestern Power Administration and users of power, authority of Secretary of Interior to negotiate contracts not to exceed $5,000 in connection with 4963
- Geological surveys and studies by colleges, universities and other educational institutions, negotiation of contracts for 4993
- Minerals, metals, and other raw materials. *See* Minerals, metals, and other raw materials.

Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561

Production equipment and machine tools, idle government-owned; reporting, disposition, etc. 4926

Rates and charges, representation of Government agencies in hearings respecting; authority of Secretary of Defense in connection with. *See* Authority.

Surplus property; disposal of structures located on leased land in Billings, Montana, authority of Secretary of Interior respecting 2934

Tungsten procurement. *See* Minerals, metals and other raw materials.

GEOLOGICAL SURVEY: Page

Power site classification; Idaho, No. 424, Salmon River 5482

Producing oil and gas fields; definitions of known geologic structures of producing oil and gas fields in New Mexico 5372

GOLD, regulations respecting. *See* Treasury Department.

GOVERNMENT EMPLOYEES:
- Civil Service regulations. *See* Civil Service Commission.
- Foreign duty compensation. *See* State Department.
- Loyalty investigations. *See* Loyalty Review Board.

GOVERNMENT PRINTING OFFICE:

Exemption of John J. Deviny, Public Printer, from compulsory retirement for age (Executive Order 10364) 5493

GRANTS, FEDERAL. *See* Fellowships, grants, etc.

GRAZING LANDS AND GRAZING:
- Exchanges, under Taylor Grazing Act, of privately owned lands; regulations respecting. *See* Land Management Bureau.
- National forests, grazing in; cooperation with stockmen. *See* Forest Service.

GREECE AND TURKEY, assistance to, functions in connection with; revocation of orders respecting (Executive Order 10338) 3009

GUAM. *See* Territories and possessions.

GULF OF MEXICO, oil and gas operations in submerged coastal lands. *See* Interior Department.

H

HANDICAPPED PERSONS, employment of. *See* Wage and Hour Division.

HAWAII:
- Animal diseases, communicable, control of. *See* Agriculture Department; *and* Animal Industry Bureau.
- Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
- Radio regulations; allocation of frequencies to coast stations in. *See* Federal Communications Commission.
- Restoring lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (Executive Order 10342) 3259
- Sugar requirements and quotas. *See* Agriculture Department.

HEALTH AND WELFARE; and wage salary stabilization regulations respecting health and welfare plans. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

HEATING OIL, for East Coast; requests for assistance and voluntary plan for supplying oil, expiration dates. *See* Petroleum Administration for Defense.

HOLIDAYS; observance by Government agencies (Executive Order 10358) 5269

HOME LOAN BANK BOARD:

Federal Savings and Loan Insurance Corporation; insurance of accounts:
- Definition, insured member 3615, 5084
- Operations:
  - Appraisal requirements respecting limitation on lending beyond 50 miles; exception, on loans insured by FHA 3580
  - Federal Insurance Reserve; bad debt reserve deemed part of 5345
  - Loans and investments on certain real estate located more than 50 miles from institution's principal office; provisions respecting 3580
  - Proposed rule making 5258

Federal Savings and Loan System:
- Bylaws for associations:
  - Amendment to bylaws, respecting bonus for long-term savings; proposed rule making 5257
  - Form, prescribed; for associations with Charter N or Charter K (revised), proposed 5257

HOME LOAN BANK BOARD—Continued Page

Federal Savings and Loan System—Continued
- Charters for associations; Charter K and Charter N:
  - Adoption, proposed rule making 5257
  - Amendment of Charter K 5345
  - Charter amendments, proposed rule making 5257
  - Issuance, proposed rule making 5255, 5372
- Conversion into Federal savings and loan associations. *See* Organization and conversion.
- Definitions, general reserves; bad debt reserve deemed part of 5344
- Operation of associations; capital:
  - Bonus on long-term savings; proposed rule making 5257
  - Bonus on savings accounts; bonus operations 5345
  - Distribution of earnings, by Federal associations with Charter K (revised), proposed rule making 5257
  - Evidence of ownership, account books and certificates; for associations with Charter K (revised), proposed rule making 5257
  - Savings accounts; respecting associations amending charter to form of Charter K (revised), proposed 5257
- Organization and conversion of Federal savings and loan associations:
  - Conversion, formal application for; issuance of charter, proposed rule making 5255
  - Organization, issuance of charter; proposed rule making 5255

HOSPITALIZATION BENEFITS; wage and salary stabilization regulations respecting health and welfare benefits. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

HOSPITALS:
- Army hospital regulations. *See* Army Department.
- Freedmen's Hospital; admission and out-patient treatment. *See* Freedmen's Hospital.
- Stipends for certain positions in Government hospitals. *See* Civil Service Commission.

HOUSING AND HOME FINANCE AGENCY:
- *See Federal Housing Administration.*
- *Home Loan Bank Board.*
- *Public Housing Administration.*

Authority, delegations of, by Administrator to HHFA officials. *See* Organization, delegations of authority, etc.

Committees, representation on; Stabilization Policy Committee, Office of Defense Mobilization 4926

Construction, certain, under National Production Authority Order M-100 and CMP Regulation 6:
- Authority, delegations of, by Administrator to designated HHFA officials 3567
- Procedure governing applications for construction authorization and allotments under Controlled Materials Plan for housing construction 3550
- Appeals; grounds for, filing, and decisions on 3552, 3853
- Applications; filing, action, reconsideration and review 3551, 3552
- Definitions, purpose, etc 3550, 3551

Credit, real estate:
- Construction credit (Regulation X), extension of; certain prohibitions with regard to exemptions of, not applicable to credit extended pursuant to disaster relief program established by Administrator 5301
- Critical defense housing areas, relaxation of controls in. *See* Residential credit controls.

Deposit of public moneys in name of Treasurer of United States, collateral security for; acceptability of obligations of local or Federal public housing agency, secured by agreement with HHFA 3453

Organization, delegations of authority, etc.:
- Administrator, Office of:
  - Appeals Board, CMP; authority respecting appeals from action taken on applications for construction authorizations and allotments under National Production Authority Order M-100 and CMP Regulation 6 3567

HOUSING AND HOME FINANCE AGENCY—Con. Page

Organization, delegations of authority, etc.—Con.
Administrator, Office of—Continued
Plans and Programs, Assistant Administrator; authority respecting construction of one-through four-family residential housing, under National Production Authority Order M–100 and CMP Regulation 6 — 8823
Regional Representatives:
Acting Regional Representatives; authority respecting designation of — 5049
Defense community facilities projects, authority respecting offers to public and non-profit agencies for — 4469
Area Representative, Savannah River Area Office — 4469
Federal Housing Commissioner and his designees; authority respecting construction of multiunit residential housing, under National Production Authority Order M–100 and CMP Regulation 6 — 3567
Public Housing Commissioner and his designees; authority respecting construction of multiunit residential housing by federal, state and local agencies, under National Production Authority Order M–100 and CMP Regulation 6 — 3567
Residential credit controls in critical defense housing areas:
Atomic Energy Commission installations in certain areas, regulation for processing and approval of exceptions and terms; geographic area affected by Savannah River installation (S. C. and Ga.), additions to — 2934
Critical defense housing areas; processing and approval of exceptions and terms for certain areas, listed:
Arizona; Bagdad — 5396
Idaho; Cascade — 3553
Iowa; Sioux City — 4654
Maine; Kittery — 5830
Michigan; Grosse Ile — 5396
Nebraska; Fremont-Wahoo — 4239
Nevada; Ely — 4239
New Hampshire; Portsmouth — 5830
New Mexico:
Farmington — 4239
Lea County — 4654
New York; Poughkeepsie — 5396
North Dakota; Williston — 5830
Ohio; Wright-Patterson Air Force Base, Dayton — 5396
Oregon:
Condon — 3553
Reedsport — 5830
Tennessee; Milan — 5396
Texas; Harlingen — 3553
Washington:
Bridgeport — 4239
Ephrata-Moses Lake — 4239
Republic-Curlew — 4239
Defense housing programs; needed housing units for use of employees in designated activities — 3244, 4397, 5840
Listed areas; amendments and additions:
Alabama; Huntsville — 5841
Arkansas; Pine Bluff — 4399
California:
Barstow — 3244, 3248, 4399
San Diego — 5843
Solano County — 4399
Victorville — 3245
Connecticut; New London — 3245
Florida; Orlando — 3246
Georgia:
Camp Stewart — 5842
Savannah River Installation, AEC — 3244, 3249
Valdosta — 3248
Idaho:
Cascade — 5841
Soda Springs — 3245
Indiana:
Gary-Hammond-East Chicago — 3247
La Porte — 5842
Iowa; Sioux City — 5841
Kansas:
Lawrence-Olathe — 3247
Parsons — 3245, 4400, 5843

HOUSING AND HOME FINANCE AGENCY—Con. Page

Residential credit controls in critical defense housing areas—Continued
Defense housing programs; needed housing units for use of employees in designated activities—Continued
Listed areas; amendments and additions—Con.
Kentucky:
Camp Breckenridge — 3248
Fort Knox — 5841
Maine; Bangor — 3248, 4398
Maryland:
Indian Head — 3247
Patuxent — 4397, 5840
Massachusetts; Bedford — 3246
Michigan; Oscoda Air Force Base — 3246
Nebraska; Fremont-Wahoo — 4398
Nevada; Ely — 5841
New Jersey:
Dover-Denville — 4399
New Brunswick-Perth Amboy — 4398
New Mexico:
Carlsbad-Artesia — 5842
Farmington — 5841
Lea County — 5842
New York:
Poughkeepsie — 5842
Sampson Air Force Base — 4397
Ohio; Wright-Patterson Air Force Base, Dayton — 3248
Oregon; Umatilla-Hermiston — 3245
Pennsylvania; Williamsport — 4397
Rhode Island; Newport — 3246
South Carolina:
Charleston — 3245
Savannah River Installation, AEC — 3244, 3249
Texas:
Big Spring — 4399
Del Rio — 3246
Harlingen — 4398
Laredo — 3247
Lone Star — 3249, 4400
Port Lavaca — 3247, 5843
Rockdale — 3245
Washington:
Arlington — 3245
Bridgeport — 4398
Ephrata-Moses Lake — 5841
Isolated critical defense housing areas; policy and procedure for suspending residential credit controls in certain areas — 4946
Listed areas:
Oregon; Condon — 4946
Washington; Curlew — 4947
Veterans' housing:
Disposition of temporary structures by sale or transfer to local public agencies, or by removal, extension of time relating to (Executive Order 10339) — 3012
Loans, made or assisted by Administrator of Veterans' Affairs, credit restrictions pursuant to Defense Production Act of 1950 on; findings by HHFA Administrator — 5326
War housing (temporary); disposition by sale or transfer to local public agencies, or by removal, extension of time relating to (Executive Order 10339) — 3012

HUNTING AND FISHING; regulations respecting. *See* Alaska Game Commission; Engineers, Corps of; Fish and Wildlife Service; International Fisheries Commission; *and* National Park Service.

I

IMMIGRATION AND NATURALIZATION SERVICE:
Board of Immigration Appeals — 3107, 4737
Attorney General, reference of cases to — 3108, 4738
Decisions; transmittal and motion to reopen or reconsider — 3107, 4738
Definitions — 3107, 4737
Jurisdiction, powers, and finality of decisions — 3107, 4737
Organization — 3107, 4737
Representation and oral argument — 3107, 4738
Savings clause — 3108, 4738
Sessions — 3107, 4738

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Field officers; powers and duties respecting arrests, warrants, etc.:
Felony cases, disposition of — 3102
Patrolling border to prevent illegal entry of aliens into United States; power to enter private lands without warrant — 3102
Persons who bring in, transport, harbor, or induce to enter, certain aliens; arrest of — 3102
Guam:
See also Immigration regulations; *and* Nationality regulations.
Authority, delegation of, to officer in charge, Agana, Guam; respecting determinations and actions pursuant to Immigration Regulations — 5400
Immigration regulations:
Aircraft; civil air navigation regulations. *See* Civil air navigation.
Boards of special inquiry:
Appeals from decisions by boards:
Appeals; functions of Board of Immigration Appeals respecting — 3109, 4739
Cases reopened by Board of Immigration Appeals; change of headnote — 3109, 4739
Definition; appeal — 3108, 4739
Forwarding appeal record; to Board of Immigration Appeals — 3109, 4739
Hearing, reopening of, with respect to Board of Immigration Appeals — 3109, 4739
Who may appeal; reference to forwarding of appeal to Board of Immigration Appeals — 3109, 4739
Organization, duties, etc.:
Excluded aliens, informed of rights; appeal — 3108, 4738
Mental condition, alien certified for; right of medical appeal — 3108, 4738
Border crossing identification cards:
Nonresident aliens:
Application, on Form I–190, and photographs — 4922
Use of card — 4922
Resident aliens:
Designation of Form I–151 as resident alien's border crossing card, and application for — 4921
Extension of revalidation of Form I–187, validity, and cancellation — 4921
Use of Form I–151 — 4921
Civil air navigation:
Aliens arriving by aircraft; safekeeping, detention, expenses and deportation — 4373
Documents for entry and clearance of aircraft:
Clearance, preparation and disposition of aircraft commander's general declaration for; embarkation/disembarkation card for United States citizens or nationals — 2811
Entry, preparation and disposition of aircraft commander's general declaration for; embarkation/disembarkation card for United States citizens or nationals — 2810
Forms, general requirements for; embarkation/disembarkation card, immigration form I–437 — 2810
Landing requirements; advance notice of arrival — 4233, 4235
Passenger manifest for aliens arriving or departing by aircraft; serial numbers of documents for entry and departure, deletion of requirement for — 3531
Cruising passengers, alien, arriving on vessels at United States ports of entry; manifesting. *See* Manifests.
Departures, recording of; cards surrendered by immigrants at time of departure, disposition of aliens' border crossing identification cards — 4921
Deportation:
Aircraft, aliens arriving by; deportation, when excluded from admission — 4373
Deportation proceedings:
Action subsequent to adjudication:
Return, unlawful, of aliens to United States; deportation — 3110, 4741
Voluntary departure, extension of time for; decision by officer in charge of district — 3110, 4741

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Immigration regulations—Continued
Deportation—Continued
Deportation proceedings—Continued
Action subsequent to adjudication—Continued
Warrants of deportation, issuance and execution of:
Custody, taking alien into — 3110, 4741
Stay of deportation; decision by officer in charge — 3110, 4741
Hearing and adjudication:
Board of Immigration Appeals, submission of record to; in lieu of Commissioner — 3110, 4741
Contents of record, respecting application for discretionary relief; for consideration by Commissioner, deletion — 3109, 4740
Decisions:
By Commissioner; revocation — 3110, 4741
By hearing officer; preparation, finality, exceptions, etc — 3109, 4740
Oral argument in Central Office; revocation — 3110, 4741
Reopening of hearing — 3110, 4741
Investigation and arrest; voluntary departure:
Hearing officer; authority to permit alien's departure under certain conditions, deletion — 3109, 4740
Special procedure; deletion from headnote — 3109, 4740
Detention of aliens arriving by aircraft or vessel:
Aircraft, aliens arriving by. *See* Civil air navigation.
Detention expenses; redesignation — 4373
Vessel, aliens arriving by; safekeeping, detention and expenses — 4373
Expenses, detention:
Bills, expense; presentation to steamship companies, revocation — 4373
Payment of — 4374
Reimbursement to transportation companies in certain cases — 4374
Place of detention — 4374
Removal and care of aliens, liability of transportation companies for; definition of terms — 4373
Safekeeping of arriving aliens pending final decision as to admissibility; responsibility for — 4373
Documentary requirements for aliens; border crossing identification cards for resident and nonresident aliens. *See* Border crossing identification cards.
Fines, imposition and collection of:
Decision, notice of; appeal, to Board of Immigration Appeals — 3111, 4742
Hearing, submission of evidence and report; appeals — 3111, 4741
Mitigation or remission of fines, time limitation; application for mitigation not regarded as appeal, deletion of statement respecting — 3111, 4741
Guam; designation of Agana, Guam, as Class A port of entry and international airport for entry of aliens — 5388
Head tax, aliens connected with certain international organizations not subject to; United Nations and specialized agencies of, addition (proposed) — 4950
Manifests, passenger:
Air passenger manifests for arriving and departing aliens; serial numbers of documents for entry and departure, deletion of requirement for — 3531
Cruising passengers; manifesting, shore leave, ineligibility for privileges, etc. (proposed rule making) — 4714
Delivery of Forms I–415 and I–416; inspection at first port of arrival, if practicable — 4477
Petitions and applications, formal, for nonquota or preference quota status:
Decision on petition; appeal, to Board of Immigration Appeals — 3111, 4742
Revocation of approval; appeal, to Board of Immigration Appeals — 3111, 4742
Visa, immigration, for certain aliens seeking preference under Chinese quota; not required to file application with Commissioner — 3111, 4742

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Immigration regulations—Continued
- Preexamination of aliens within United States:
  - Dissenting inspector, appeal by ... 3109, 4739
  - Inadmissible aliens; appeal ... 3109, 4739
- Primary inspection and detention:
  - International airports for entry of aliens; Agana, Guam, Agana Field, addition ... 5388
  - Ports of entry except by aircraft, District No. 17, Class A ports; Agana, Guam, BSI, addition ... 5388
- Readmission of aliens with seven years' domicile; exclusion cases where proof of unrelinquished domicile has been given, certified to Board of Immigration Appeals ... 3108, 4738
- Recording of departures and registrations; surrender of cards by immigrants at time of departure, disposition of aliens' border crossing identification cards ... 4921
- Registration and fingerprinting of aliens in accordance with Alien Registration Act, 1940:
  - Address of resident aliens, notification of; respecting insane or otherwise incompetent aliens ... 5608
  - Disposition of registration forms and fingerprints; filing of Forms I–94, I–94AR, and AR–4 ... 5416
  - Method of registration:
    - Duties of registration officers; respecting fingerprinting and endorsement of Form I–94 ... 5416
    - Forms for registration and fingerprinting; use of forms I–94 and I–94AR for registration of other than lawful permanent resident aliens ... 5416
    - Receipt of registration; for aliens registered on Forms I–94 and I–94AR ... 5416
  - New alien registration receipt cards issued in lieu of those damaged, lost, or destroyed, etc.; Form I–94 for other than aliens lawfully admitted for permanent residence ... 5416
  - Seamen, alien, registration and fingerprinting of; revocation ... 5416
- Temporary admission of excludable classes of aliens, advance consent for; application and decision ... 3108, 4739
- Transit aliens, held for examination by board of special inquiry; appeal, reference to ... 3108, 4738
- Transportation agencies (air carriers, steamship companies, etc.); liability for deportation of aliens, detention expenses, etc. *See* Detention of aliens.
- Vessels, aliens arriving by; safekeeping, detention, expenses, etc. *See* Detention of aliens.

Nationality regulations:
- Classes of persons who may be naturalized, special; former United States citizens:
  - Person who lost citizenship through service in one of Allied Armies during World War I or II; required to establish intention to fulfill obligations of oath of allegiance and favorable attitude toward Constitution ... 4375
  - Person who lost citizenship through voting in political election or plebiscite held in Italy ... 3531
  - Woman, citizen by birth, who lost citizenship by marriage to alien prior to Sept. 22, 1922, and whose marriage terminates on or after Jan. 13, 1941:
    - Abroad, provision for taking oath before U. S. diplomatic or consular officer ... 4374
    - Intention to fulfill obligations of oath and favorable attitude toward Constitution to be established by applicant ... 4374
  - Woman restored to citizenship by act of June 25, 1935, as amended; preliminary application to take oath of allegiance, on Form N–408 ... 3403
- Guam; retention of foreign political status:
  - Application form, preliminary; filing and examination ... 4922
  - Declaration form, for retaining foreign allegiance; execution and filing ... 4922
  - Eligible persons ... 4922
  - United States nationality, loss of ... 4922
- Oath of allegiance; requirement to establish good faith and attitude in taking oath ... 4375

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page

Immigration regulations—Continued
- Qualifications for naturalization; proof of attachment to principles of Constitution and favorable disposition toward United States:
  - Attachment to Constitution and disposition toward United States; requirement for all persons ... 4375
  - Subversive organizations, activities and beliefs, absence of affiliation with; requirement for all persons ... 4375
- Records, fees and procedure to obtain replacement of evidence of oath of renunciation and allegiance under Act of June 25, 1936, as amended; forms on record, renumbered ... 3403
- Retention of foreign political status; Guam. *See* Guam.

IMPORTS AND EXPORTS:
- Agricultural commodities. *See* Agriculture Department.
- Aviation gasoline; limitation on exports (including movement into Canada). *See* Petroleum Administration for Defense.
- Customs regulations respecting. *See* Customs Bureau.
- Export control. *See* International Trade, Office of.
- Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
- Foreign assets control regulations respecting imports of Chinese or Korean origin. *See* Treasury Department.
- Foreign-trade zones:
  - Customs regulations respecting. *See* Customs Bureau.
  - Rules of procedure. *See* Foreign-Trade Zones Board.
- Investigations respecting imports. *See* Tariff Commission.
- Liquors and articles from Puerto Rico and Virgin Islands, excise tax regulations respecting. *See* Internal Revenue Bureau.
- Meats, foreign cured or cooked, from countries where rinderpest or foot-and-mouth disease exists. *See* Animal Industry Bureau.
- Overtime services, relating to inspection and quarantine activities at border, coastal, and airports. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.
- Petroleum and petroleum products, limitation and prohibition of exports of certain products. *See* Petroleum Administration for Defense.
- Price control regulation affecting imported commodities. *See* Price Stabilization, Office of.
- Tax regulations, excise, on liquors, tobacco, etc. *See* Internal Revenue Bureau.
- Trade agreements respecting. *See* Trade agreements.
- Trade fairs, international and inter-American, imports in connection with. *See* Customs Bureau.
- Vicunas, restrictions on importation from Argentina. *See* Customs Bureau.
- Wild birds and their eggs, prohibited species and exceptions. *See* Fish and Wildlife Service.

INDIAN AFFAIRS BUREAU:
- Acting Commissioner, designation of certain officers to serve as ... 4715
- Authority, delegations of; from Commissioner to various officials:
  - Area Directors; functions respecting various matters:
    - Construction contracts ... 3516
    - Contracts:
      - For construction ... 3516
      - For supplies ... 3516
    - Credit matters:
      - Approval of mortgages and deeds of trust ... 3516
      - Assignments of loan agreements ... 3516
      - Default of individual borrowers ... 3516
      - Trust agreements ... 3516
    - Lands and minerals:
      - Archeological permits, approval of ... 3516
      - Removal of restrictions against alienation of Indian lands ... 3516
    - Law and order; special deputy officers' commissions, issuance of ... 3516

INDIAN AFFAIRS BUREAU—Continued Page

Authority, delegations of; from Commissioner to various officials—Continued
- Area Directors; functions respecting various matters—Continued
  - Medical, hospital and nursing services:
    - Commitment of insane Indians ... 3516
    - Quarantine of Indians ... 3516
    - Supply contracts ... 3516
  - Central office personnel ... 3516
  - Associate Commissioner, Assistant Commissioners, Executive Officer, and Director, Division of Program; redesignation ... 3516
  - Chief, Branch of Lands; redesignation ... 3516
- Construction contracts; authority of Area Director ... 3516
- Contracts, construction and supply; authority of Area Director ... 3516
- Credit matters; authority of Area Director ... 3516
- Heirs and wills; determination of heirs and approval of wills, except as to Five Civilized Tribes and Osage Indians, presumption of death, editorial correction ... 4109
- Hospital services; authority of Area Director ... 3516
- Insane Indians, commitment of; authority of Area Director ... 3516
- Irrigation projects; operation and maintenance charges for various projects:
  - Flathead Indian Irrigation Project, Montana; charges for various divisions and districts:
    - Flathead Irrigation District ... 3657, 5058
    - Jocko Division ... 3146
    - Jocko Valley Irrigation District ... 3657, 5058
    - Mission Irrigation District ... 3657, 5058
    - Mission Valley and Camas Divisions ... 3146
  - Fort Peck Indian Irrigation Project, Montana ... 3146
- Lands, Indian, removal of restrictions against alienation of; authority of Area Director ... 3516
- Law and order; issuance of special deputy officers commissions, authority of Area Director with respect to ... 3516
- Medical, hospital, and nursing services; authority of Area Director ... 3516
- Nursing services; authority of Area Director ... 3516
- Permits, archeological, approval of; authority of Area Director ... 3516
- Quarantine, of Indians afflicted with contagious or infectious diseases; authority of Area Director ... 3516
- Ration regulations; repeal ... 5719
- Relief of Indians; ration regulations, repeal ... 5719
- Supply contracts; authority of Area Director ... 3516
- Water charges, for operation and maintenance of irrigation projects. *See* Irrigation projects.

INDIANS:
- Regulations, etc., respecting. *See* Indian Affairs Bureau.
- Teachers, in Indian schools; educational requirements. *See* Civil Service Commission.

INFORMATION. *See* Records, information, etc.

INLAND WATERWAYS CORPORATION:
- Organization and functions ... 4901

INSURANCE, GOVERNMENT:
- Crop insurance. *See* Federal Crop Insurance Corporation.
- Deposits in insured banks. *See* Federal Deposit Insurance Corporation.
- Housing; insurance of loans, mortgages. *See* Home Loan Bank Board.
- Old age and survivors insurance. *See* Old Age and Survivors Insurance Bureau.
- Veterans' life insurance. *See* Veterans' Administration.

INTERIOR DEPARTMENT:
- *See Alaska Road Commission.*
- *Bonneville Power Administration.*
- *Defense Electric Power Administration.*
- *Defense Minerals Exploration Administration.*
- *Fish and Wildlife Service.*
- *Indian Affairs Bureau.*
- *Land Management Bureau.*
- *National Park Service.*
- *Petroleum Administration for Defense.*
- *Reclamation Bureau.*
- All-American Canal, water deliveries to Mexico through ... 4127

INTERIOR DEPARTMENT—Continued Page

Authority, delegation of:
- By Secretary, to various agencies or officials:
  - Defense Minerals Exploration Administration field teams, executive officers of; authority with respect to exploration project contracts and facilities, with certain limitations ... 3891
  - Indian Affairs Bureau; Acting Commissioner, designation of certain officers to serve as ... 4715
  - Reclamation Bureau, Commissioner:
    - Colorado River, all diversions of waters of ... 4127
    - Gila Project. *See* Yuma and Gila Projects.
    - Imperial Irrigation District (Imperial Dam), supervision and control of operation of ... 4127
    - Mexican Water Treaty, delivery of water for use by Mexico under provisions of ... 4127
    - Yuma and Gila Projects, delivery of water to ... 4127
  - Southwestern Power Administration; Acting Administrator and Acting Assistant Administrator, designation of certain officers to serve as ... 4715
  - Territories, Office of; Acting Director and Acting Assistant Director, designation of certain officers to serve as ... 4507
  - Under Secretary; authority to discharge duties and perform functions assigned to assistant Secretary for Public Land Management ... 4957
- To Secretary:
  - Authority to withdraw or reserve lands of United States for public purposes (Executive Order 10355) ... 4831
  - From General Services Administrator:
    - Disposal of certain structures located on leased land in Billings, Montana ... 2824
    - Negotiation of contracts:
      - For engineering study and report on power contracts between Southwestern Power Administration and users of power ... 4963
      - For geological surveys and studies by colleges, universities and other educational institutions ... 4993

Columbia Basin project, Washington; establishment of date for execution of recordable contracts by landowners in certain irrigation blocks ... 4716

Contracts:
- Exploration project contracts and facilities, authority of executive officers of Defense Minerals Exploration Administration field teams respecting ... 3891
- Recordable contracts by landowners in certain irrigation blocks, establishment of date for execution of ... 4716

Geological surveys and studies by colleges, universities and other educational institutions, authority of Secretary to negotiate contracts for ... 4993

Gila Project. *See* Yuma and Gila Projects.

Imperial Dam, authority of Commissioner of Reclamation Bureau respecting operation of ... 4127

Mexican Water Treaty, delivery of water for use by Mexico under provisions of ... 4127

Oil and gas operations in submerged coastal lands of Gulf of Mexico; continuance of operations ... 2821, 5833

Personnel; appointment of Cressie E. Coffelt without compliance with Civil Service Rules (Executive Order 10353) ... 4631

Petersburg National Military Park, definition of boundaries ... 4716

Practitioners, who may practice; certain individuals not admitted to bar, revocation ... 4766

Production Policy Committee, Office of Defense Mobilization; representation on ... 4561
- Defense Procurement Policy Committee, designation as subcommittee ... 4561

Surplus property; disposal of structures located on leased land in Billings, Montana, delegation of authority to Secretary by General Services Administrator respecting ... 2824

Territories, Office of; certain officers to serve as Acting Director and Acting Assistant Director ... 4507

Yuma and Gila Projects, authority of Commissioner of Reclamation Bureau respecting delivery of water to ... 4127

INTERNAL REVENUE BUREAU: Page

Abolition of certain offices. *See* Organization.
Administrative provisions common to various taxes; inspection of income, excess-profits, declared value excess-profits, capital stock, estate, or gift tax returns, for any period to and including 1951, by Committee on Judiciary, House of Representatives 3319, 3453
Executive Order 10343, respecting 3259
Alcohol and alcoholic products, tax on. *See* Excise tax regulations.
Aliens, income tax regulations applicable to. *See* Income and excess profits taxes regulations.
Armed forces:
Members of armed forces; exceptions with respect to withholding tax on compensation of 3190
Post exchanges, ship's stores, commissaries, canteens, etc. conducted under regulations of Department of Defense; sale of alcoholic liquors by, subject to special tax 5190
Authority, delegations of. *See* Organization.
Cards, playing; regulations respecting removal to foreign-trade zones. *See* Excise tax regulations.
Collection districts, certain; change of territorial extent and headquarters of each 3659
Collection of income tax at source. *See* Employment tax regulations.
Collectors, deputy collectors, etc., references respecting and abolition of existing offices of. *See* Organization.
Consolidated income and excess profits tax returns. *See* Income and excess profits tax regulations.
Employment tax regulations:
Amendments conforming employment tax regulations to Social Security Act Amendments of 1950 5018
Collection of income tax at source on wages, on or after January 1, 1945:
Definitions, exclusions from wages; compensation of members of armed forces of United States, remuneration paid for active service:
Before October 31, 1951, for service in combat zone; not subject to withholding 3190
On or after October 31, 1951, and prior to January 1, 1954, for service in combat zone or when hospitalized, under certain limitation; not subject to withholding 3190
Determination of tax:
Rights to claim withholding exemptions; increase in exemption for dependent 3194
Withholding exemption certificates; changes affecting exemptions claimed, increase in income of dependent after January 1, 1951 3194
Withholding, percentage method; payroll period tables, statutory provisions 3190
Federal Insurance Contributions Act, employee and employer tax under; definitions, Social Security Act Amendments of 1950 5019
Federal Unemployment Tax Act, excise tax on employers under:
Definitions:
Casual labor not in the course of employer's trade or business; revision and redesignation 5020
Employees; definitions respecting certain classes of employees 5020
Employment after December 31, 1939: 5020
Editorial change
References respecting Social Security Act Amendments of 1950, effective January, 1951 and relating to wages 5020
Employment prior to January 1, 1940; change in references relating to wages 5020
Exclusions from wages:
Exclusions from wages with respect to remuneration paid after December 31, 1950 5023
Applicability of section 5025
Dismissal payments 5025
Employees, stand-by, payments to 5024
Employees' tax or contributions under State law, payment by an employer 5024
Employers' plans providing for payments on account of retirement, sickness, or accident disability, medical or hospitalization expenses, or death 5024

INTERNAL REVENUE BUREAU—Continued Page

Employment tax regulations—Continued
Federal Unemployment Tax Act, excise tax on employers under—Continued
Definitions—Continued
Exclusions from wages—Continued
Exclusions from wages with respect to remuneration paid after December 31, 1950—Continued
Miscellaneous provisions 5025
Retirement payments 5024
Services not in course of employer's trade or business, payments other than in cash for 5024
Sickness or accident disability, medical or hospitalization expenses, payments on account of 5024
Stand-by employees, payments to 5024
$3,000 limitation 5023
Wages paid by predecessor attributed to successor 5023
Trusts; payments from or to certain tax-exempt trusts or under or to certain annuity plans 5024
Exclusions from wages with respect to remuneration paid prior to January 1, 1951 5023
Applicability of section 5023
Remuneration paid after 1946 and before 1947; reference with respect to application of $3,000 limitation 5023
Redesignation 5023
General definitions and use of terms; Social Security Act Amendments of 1950 5020
Organizations exempt from income tax; remuneration not in excess of specified amount for calendar quarter 5021
Redesignation 5021
Remuneration less than $50 for calendar quarter after 1950 5021
Remuneration not in excess of $45 for calendar quarter of 1951 5021
Services in general, excepted:
Editorial change 5020
Reference respecting Social Security Act Amendments of 1950, effective January 1951 5020
Services not in the course of employer's trade or business 5020
Casual labor performed prior to January 1, 1951 5020
Redesignations 5020
Services performed after December 31, 1950 5020
Students employed by schools, colleges, or universities not exempt from income tax 5022
Services performed prior to January 1, 1951 and after 1950 5022
Wages:
Applicability of section 5023
Editorial change 5023
Medium of payment of remuneration, exception respecting 5023
References:
Change in 5023
Reference respecting Social Security Act Amendments of 1950, effective January 1951 5023
Who are employees; certain classes of, definitions respecting 5020
Forms; use of prescribed forms, filing of tentative returns 5025
Measure of tax; references, change in 5025
Miscellaneous provisions:
Interest, accrual of, provision with respect to minimum addition to tax 5025
Returns, delinquent:
Additions to tax for delinquent returns; amount to be added to tax, computation of, provision respecting minimum addition 5025
Minimum addition to tax; returns filed prior to January 1, 1951 and after December 31, 1950 5025
Records of employers; references, change in 5025

INTERNAL REVENUE BUREAU—Continued Page

Employment tax regulations—Continued
Federal Unemployment Tax Act, excise tax on employers under—Continued
Returns:
Delinquent returns. *See* Miscellaneous provisions.
Place and time for filing returns; references, change in 5025
Use of prescribed forms; filing of tentative returns 5025
Tax, payment of; references, change in 5025
Railroad Retirement Tax Act, employer, employee, and employee representatives' tax under:
Forms; use of prescribed forms, filing of tentative returns 5025
Miscellaneous provisions:
Interest, accrual of, provision with respect to minimum addition to tax 5025
Returns, delinquent:
Additions to tax for delinquent returns; amount to be added to tax, computation of, provision respecting minimum addition 5026
Minimum addition to tax, returns filed prior to January 1, 1951 and after December 31, 1950 5026
Returns:
Delinquent returns. *See* Miscellaneous provisions.
Place and time for filing returns; references, change in 5025
Use of prescribed forms; filing of tentative returns 5025
Tax payment; references, change in 5025
Social Security Act Amendments of 1950, conformance of employment tax regulations to 5018
Establishment of offices. *See* Organization.
Estate and gift taxes regulations:
Estate tax; regulations relating to taxes on estates of decedents dying after February 10, 1939:
Annuities, life estates, remainders, and reversions; valuation of, for purposes of estate tax 5016
Determination of tax liability:
Deductions:
Dependents, support of, during settlement of estate, when support is deductible 4980
Property previously taxed:
Transfers for public, charitable, religious, etc., uses; trusts for both charitable and private purposes, changes in references 5018
Valuation of property interest passing to surviving spouse, remainder interests; changes in example and references 5018
Gross estate:
Insurance receivable by other beneficiaries, in case of decedent dying after December 31, 1947; reversionary interest as an incident of ownership 4980
Transfers by decedent during life:
Power relinquished in contemplation of death; relinquishment, consideration of, in case of decedent's death on, before, or after September 23, 1950 4979
Transfers in contemplation of death 4979
Estates of decedents dying after September 23, 1950 4979
Estates of decedents dying on or before September 23, 1950 4979
Redesignations 4979
Relinquishments of life estates and other interests in income 4979
Transfers, taking effect after decedent's death, made prior to October 8, 1949; changes in references 5018
Transfers with power to change enjoyment; change in reference 5018
Valuation date, optional; examples 5018
Valuation of property:
Annuities, life estates, remainders, reversions:
Estates of decedents dying after December 31, 1951 5016

INTERNAL REVENUE BUREAU—Continued Page

Estate and gift taxes regulations—Continued
Estate tax; regulations relating to taxes on estates of decedents dying after February 10, 1939—Continued
Determination of tax liability—Continued
Gross estate—Continued
Valuation of property—Continued
Annuities, life estates, remainders, reversions—Continued
Estates of decedents dying before January 1, 1952 5018
Annuities, life, remainder, and reversionary interests; revision and redesignation 5016
Gift tax under chapter 3 of Internal Revenue Code; regulations applicable to transfers of property by gift in 1940 and thereafter:
Appointment, powers of; transfers reached, change in example 4980
Deductions:
Charitable, etc., gifts; determination of value of remainder of property 4980
Gifts to spouse after April 2, 1948, remainder interests; changes in example and applicable references 4980
Future interests in property; valuation, change in reference 4980
Property:
Future interests in, valuation; change in reference 4980
Valuation of. *See* Valuation of property.
Valuation of property:
Annuities, life estates, remainders, and reversions:
Gifts made after December 31, 1951 4980
Gifts made prior to January 1, 1952 4982
Redesignations 4980
Future interests in property; valuation, change in reference 4980
Tenancies by entirety:
Computation of value of interests in property 4982
Submittal of cases to Commissioner 4982
Transfers conditioned upon survivorship (deletion) 4982
Excess profits tax. *See* Income and excess profits taxes regulations.
Excise tax regulations:
Alcohol. *See* Liquors, distilled spirits, etc.
Armed forces; post exchanges, ship's stores, commissaries, canteens, etc., certain, sale of alcoholic liquors by, subject to special tax 5190
Cards, playing; regulations respecting removal to foreign-trade zones. *See under* Liquors, distilled spirits, etc.
Distilled spirits. *See* Liquors, distilled spirits, etc.
Foreign-trade zones; removal for transportation to and deposit in, of alcoholic liquors, tobacco products, and other articles of domestic manufacture under jurisdiction of Bureau, regulations respecting, proposed rule making 5226
Gambling; wagering, special (occupational) tax on. *See* Wagering.
Liquors, distilled spirits, etc.:
Alcohol, alcoholic products and liquors:
From Puerto Rico and Virgin Islands. *See* Puerto Rico, etc.
From Virgin Islands. *See* Puerto Rico and Virgin Islands.
Post exchanges, commissaries, canteens, etc., special taxes on sale of alcoholic liquors by. *See* Wholesale and retail dealers in liquor.
Removals to foreign-trade zones. *See* Removals.
Basic permits to sell, ship, etc., distilled spirits, wines, and malt beverages, procedure. *See* Intoxicating liquors, below.
Cards, playing, removal of, to foreign-trade zones. *See* Removals.
Dealers in liquor. *See* Wholesale and retail dealers in liquor.
Denatured alcohol, removal of, to foreign-trade zones. *See* Removals.

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Liquors, distilled spirits, etc.—Continued
Importation of distilled spirits, wines, fermented liquors, and imported perfumes containing distilled spirits; tax on:
Distilled spirits; increase in rate of tax on 3642
Increase in rate of tax; regulations respecting made retroactive to November 1, 1951 3642
Liqueurs, cordials, etc., and other compounds and preparations; increase in rate of tax on 3642
Perfumes containing distilled spirits; increase in rate of tax on 3642
Wines; increase in rate of tax on:
Sparkling wines 3642
Still wines 3642
Wines containing over 24 per centum of alcohol 3642
Perfumes containing distilled spirits, importation of. *See* Importation of distilled spirits.
Post exchanges, commissaries, etc., sale of alcoholic liquors by, special taxes on. *See* Wholesale and retail dealers in liquor.
Puerto Rico and Virgin Islands, liquors and articles from; republication and revision of regulations 3079
Collection of tax on alcohol products coming into United States from Puerto Rico and Virgin Islands, regulations governing 3081
Definitions 3085
Puerto Rico:
Articles from 3091
Products coming from 3085
Formulae and processes for 3086
Records and reports of distilled spirits from Puerto Rico 3093
Stamps; red strip stamps, purchase and use of, for distilled spirits from 3091
Taxes and taxpayment:
Special (ocucpational) taxes 3086
Taxpayment on distilled spirits, liquors, wines, etc.; applications, permits, procedure at port of arrival, containers, etc 3086
Withdrawal after rectification or bottling, taxpayment upon 3095
Tourists, liquors and articles purchased by 3091
Withdrawal after rectification or bottling, taxpayment upon 3095
Virgin Islands:
Port of entry, procedure at 3100
Products coming into United States from 3096
Formulae and processes for 3097
Records and reports of distilled spirits from 3100
Stamps; red strip stamps for distilled spirits, purchase and use of 3097
Taxes and taxpayment:
Determination of tax on distilled spirits, etc., and on articles 3100
Special (occupational) taxes 3097
Taxpayment 3100
Laws of more common application pertaining to collection of tax on alcoholic products coming from Puerto Rico and Virgin Islands 3082
Rate of tax, increase in, on liquors, distilled spirits, wines, etc., regulations respecting made retroactive to November 1, 1951 3641, 3642
Rectification of spirits and wines:
Commodity taxes on rectified spirits and products; increase in rate of:
Liqueurs, cordials, etc., taxable under section 3030 (a) (2), I. R. C 3641
Vermouth 3641
Wines, blended 3641
Wines, carbonated and sparkling 3641
Equipment; receiving tanks used in production of vodka 5502
Vodka, rectification:
Receiving tanks 5502
Taxable vodka:
Production 5503
Treatment of vodka 5503

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Liquors, distilled spirits, etc.—Continued
Rectification of spirits and wines—Continued
Vodka, rectification—Continued
Tax-exempt vodka:
Definition of pure spirit 5502
Mixing with other spirits or materials prohibited 5502
Production 5502
Methods of 5502
Reduction and filtering 5502
Wines, blending of; additional wine tax, increase in rate of 3640
Removals of alcoholic liquors, tobacco products and other articles of domestic manufacture to foreign-trade zones; proposed rule making 5226
Alcohol and alcohol products:
Voluntary destruction of untax-paid distilled spirits (including alcohol) after receipt in foreign-trade zone 5237
Withdrawal of, for deposit in and subsequent exportation from foreign-trade zone:
Articles with benefit of drawback, manufactured in part from tax-paid domestic alcohol 5235
Specially denatured alcohol 5230
Undenatured ethyl alcohol 5228
Apparatus (distilling) or stills; removal of, for deposit in foreign-trade zone for exportation, destruction, or storage pending exportation 5237
Articles and liquors with benefit of drawback, withdrawal of, for deposit in and subsequent exportation from foreign-trade zone 5235
Bonds and consents of surety 5238
District supervisor's accounts with bonds 5240
Termination of transportation bonds 5240
Cards, playing; regulations respecting bond for withdrawals of, packing, marking requirements, delay in removal, receipt of shipment into foreign-trade zone, credit and return of shipment, tax liability, penalties, etc 5242
Definitions 5227
Distilled spirits:
Voluntary destruction of untax-paid distilled spirits after receipt in foreign-trade zone 5237
Withdrawal of distilled spirits for deposit in and subsequent exportation from foreign-trade zone 5232
Bottled or packaged distilled spirits with benefit of drawback 5235
Losses in transit 5223
Instruments and papers 5241
Liquors:
Fermented liquor, removal of, for deposit in and subsequent exportation from foreign-trade zone 5235
Fermented malt liquors (untax-paid), voluntary destruction of, after receipt in foreign-trade zone 5237
Withdrawal of liquors and articles with benefit of drawback for deposit in and subsequent exportation from foreign-trade zone 5235
Papers and instruments 5241
Playing cards. *See* Cards.
Rum, specially denatured; withdrawal for deposit in and subsequent exportation from foreign-trade zone 5231
Stills or distilling apparatus; removal of, for deposit in foreign-trade zone for exportation, destruction, or storage 5237
Tobacco products; packing, marking requirements, shipment, withdrawals, delay in removal, receipt of shipment into foreign-trade zone, penalties, tax liability, etc., regulations respecting 5241
Transportation bonds, termination of 5240
Wines:
Voluntary destruction of untax-paid wines after receipt in foreign-trade zone 5237

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Liquors, distilled spirits, etc.—Continued
Removals of alcoholic liquors, tobacco products and other articles of domestic manufacture to foreign-trade zones; proposed rule making—Continued
Wines—Continued
Withdrawal of, for deposit in and subsequent exportation from foreign-trade zone 5234
Bottled or packaged wines with benefit of drawback 5235
Retail dealers in liquor. *See* Wholesale and retail dealers in liquor.
Tobacco products, removals of, to foreign-trade zones. *See* Removals.
Virgin Islands, liquors and articles from. *See* Puerto Rico and Virgin Islands.
Vodka, production of. *See* Rectification of spirits and wines.
Warehousing of distilled spirits; tax-paid withdrawals in packages, issuance of rectified spirits stamps 3640
Wholesale and retail dealers in liquor:
Payment of special tax rates; increase in annual rate 3641
Special tax stamps; increase in annual rate of, on:
Stamps for dealers in wines only, or wines and malt liquors only 3641
Stamps for drug stores and pharmacies selling through licensed pharmacists 3641
Special taxes:
Sales at National Military establishments; redesignation 5190
Sales by agencies and instrumentalities of United States, including post exchanges, ship's stores, commissaries, etc 5190
Wines:
Importation of. *See* Importation of distilled spirits, wines.
Production, taxpayment, etc., of wines; taxpayment:
Champagne, sparkling wine, and artificially carbonated wine:
Computing tax on 3640
Rate of tax on, increase in 3640
Still wines; increase in rate of tax on 3640
Rectification of. *See* Rectification of spirits and wines.
Removals of, for deposit in and exportation from foreign-trade zone. *See* Removals.
Withdrawals of wines, etc. for deposit in and exportation from foreign-trade zone. *See* Removals of alcoholic liquors, *above*.
Perfumes containing distilled spirits, importation of. *See* Liquors, distilled spirits, etc.
Permits, basic, to sell, ship, etc., distilled spirits, wines, and malt beverages. *See* Intoxicating liquors.
Rum, removals of, to foreign-trade zones. *See* Removals.
Tobacco and products (cigars, cigarettes, snuff, etc.):
Annual registration by dealers, manfacturers, or peddlers of tobacco, etc., eliminated 5760
Cigars, manufacturers of; registry 5760
Dealers in leaf tobacco; registry 5760
Manufacturers of tobacco; registry 5760
Peddlers of tobacco; registry 5760
Removals of tobacco products, other articles of domestic manufacture, and alcoholic liquors to foreign-trade zones; proposed rule making 5226
Vodka, production of. *See* Liquors, distilled spirits, etc.
Wagering, excise and special tax on, registry, return, and payment of; persons liable for special (occupational) wagering tax required to file returns and pay tax before commencing taxable activity and file supplemental returns with respect to agents, employees, and persons for whom wagers are received, proposed rule making 4988
Wines. *See* Liquors, distilled spirits, etc.

INTERNAL REVENUE BUREAU—Continued — Page

Foreign-trade zones; removal for transportation to, of alcoholic liquors and other products, regulations respecting. *See* Excise tax regulations.
Functions, delegations of. *See* Organizations.
Gambling; wagering. *See* Excise tax regulations.
Gift taxes. *See* Estate and gift taxes regulations.
Income and excess profits taxes regulations:
Consolidated income and excess profits tax returns; proposed rule making 4383
Administrative provisions, making consolidated return and filing other forms; corporation treated as includible corporation for taxable year after June 30, 1950, withdrawal of consent, limitation respecting 4383
Computation of tax, recognition of gain or loss, and basis:
Bases of tax computation:
Computations; in case of affiliated corporations making consolidated return:
Adjustment:
See also Other computations on separate basis.
Capital addition adjustment. *See* Capital addition, *below*.
Consolidated computations involving changes in membership, section 435 (g) (7) adjustment; consolidated original controlled group indebtedness 4386
Consolidated section 435 (g) (9) adjustment, rules for computation of 4387
Affiliated groups subject to sections 435 (f) (6), 435 (g) (8), and 435 (g) (9) (B) 4387
Application of section 433 (a) (1) (R) and section 433 (b) (16) 4387
Banks:
Consolidated net new bank capital addition; eligibility requirements for 4387
Mutual savings banks, domestic building and loan associations and cooperative banks; computation of deposits and deductions with respect to other members of group 4386
Special rules in case of 4387
Capital addition:
Bank capital addition, consolidated net new; eligibility requirements for 4387
Base period:
Adjustment under section 459 (d) (5) (A) of allocable consolidated base period capital addition 4387
Applicable sections, additions to 4386
Net capital addition, or reduction in case section 443, 445, or 459 (d) is applicable; adjustment under 459 (d) (5) (C) 4387
Coal or timber, disposal of 4387
Intercompany stock holdings, basis of, definitions; complete liquidations, change in date cited 4386
Mine exploration expenditures; limitations 4387
Net income:
Alternative average base period net income, consolidated, computation of:
Applicable sections, addition to 4386
Excess profits net income or deficit, computation of, in cases where section 459 (c) or (d) is applicable 4386
Computations under section 435 (3); excess profits net income or consolidated weighted excess profits net income:
Exclusion of certain income of members of group which did not commence business before end of consolidated base period 4386
Of members of group which commenced business after end of consolidated base period 4386

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Consolidated income and excess profits tax returns; proposed rule making—Continued
Computation of tax, recognition of gain or loss, and basis—Continued
Bases of tax computation—Continued
Computations; in case of affiliated corporations making consolidated return—Con.
Net income—Continued
Consolidated section 435 (d) average base period net income; consolidated weighted excess profits net income, use in computation 4386
Eligibility requirements for consolidated section 435 (e) average base period net income; members of group commencing business before or after end of consolidated base period, rules applicable to 4386
Exceptions; determination of allowable deductions in cases relating to mine exploration expenditures 4386
Other computations on separate basis required of affiliated corporations:
Average base period net income computed under section 442, 443, 444, 445, 446, or 459 4386
Deductions and expenses, adjustment of, for purposes of applying section 459 4386
Gross income adjustment, in application of section 459 4386
Banks, mutual savings, domestic building and loan associations, and cooperative banks 4386
Excess profits net income under section 433 (b) and (c), determination of; two or more members of affiliated groups, selling corporations 4386
Section 448, computations under:
Average borrowed capital for taxable year 4387
Average outstanding common and preferred capital stock accounts for taxable year 4387
Gross amount, consolidated section 448 (b) 4387
Timber or coal, disposal of 4387
Definitions:
Adjustment:
Consolidated section 433 (a) adjustment:
Life insurance companies subject to tax imposed by section 201; consolidated excess profits credit, excess of product of figure determined, computation, taxable year beginning 1951 4384
Section reference added 4384
Consolidated section 435 (g) (9) adjustment 4385
Assets, operating; consolidated increase in 4386
Assets, total:
Consolidated decrease in 4385
Consolidated increase in 4385
Bank capital. *See* Capital.
Base period:
Average base period, consolidated; reference added 4384
Capital, base period. *See* Capital.
Selected base period; group which had taxable year beginning 1949 and ending after March 31, 1950, substitution of base period 4384
Capital:
Bank capital:
Consolidated yearly base period 4385
Consolidated net bank capital addition 4385
Reduction, consolidated net 4385
Base period capital, yearly, consolidated, sum of; reduction 4384
Base period capital addition, consolidated, computation of; affiliated group subject to section 435 (f) (6) 4384

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Consolidated income and excess profits tax returns; proposed rule making—Continued
Computation of tax, recognition of gain or loss, and basis—Continued
Bases of tax computation—Continued
Definitions—Continued
Capital—Continued
Capital credit. *See* Credit.
Invested capital, adjusted, consolidated, computation of; deduction provision with respect to affiliated group subject to section 438 (g) 4384
Net capital addition, consolidated; to be sum of consolidated section 435 (g) (9) adjustment 4384
New consolidated net bank capital addition 4385
Carry-overs; consolidated net operating loss carry-overs, provisions respecting exclusion of preceding taxable years 4383
Credit:
Capital credit, new, consolidated; computation of, with respect to:
Affiliated group subject to section 438 (g) 4384
Consolidated invested capital $5,000,000 or less 4384
Consolidated section 26 credit:
Section 26 (b), on dividends received 4384
Section 26 (h), relating to dividends paid by public utilities on preferred stock; determination of amount of 4384
Section 26 (i), determination of amount of; Western Hemisphere trade corporations affiliated groups 4384
Excess profits credit, consolidated, based on income 4384
Reserve interest credit, consolidated 4385
Gross amount, consolidated section 448 (b); determination of, for affiliated group when more than one prescribed percentage is applicable 4385
Life insurance companies, consolidated 1951 adjusted normal tax net income of 4385
Net income, consolidated:
Adjusted excess profits; disallowance of $25,000 deduction 4384
Alternative excess profits 4385
Of life insurance companies; consolidated 1951 adjusted normal tax net income of 4385
Section 102, computation: provision respecting excess of consolidated net long-term capital gain over short-term capital loss 4384
Undistributed subchapter A net income, consolidated; aggregate of amounts allowable under section 504 (e) not to be included 4384
Reserve interest credit, consolidated 4385
Computation of tax; affiliated groups, tax liability of:
General rule; tax liability, determination of, with respect to taxable years beginning in 1951 4383
Limitations on excess profits tax 4383
Special rules in case of mutual savings bank conducting life insurance business 4383
Mine exploration expenditures 4388
Excess profits tax:
Excess profits and consolidated income tax returns. *See* Consolidated income and excess profits tax returns.
Excess tax withheld, release of, and exemption from, or reduction in rate of withholding, in case of residents of Ireland and foreign corporations thereof; regulations respecting, as affected by reciprocal income tax convention between United States and Republic of Ireland 3633

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Excess profits tax—Continued
Taxable years ending after June 30, 1950:
Minerals, strategic; certification to Secretary of Treasury, by Defense Production Administrator, for purpose of exemptions from excess profits tax under section 450 5191
Rate and computation of tax:
Industry base period rates of return:
Average base period net income computation; redetermination of applications of Sections 442–445 not necessary under certain conditions 5189
Tentative and final industry base period rates of return; table 5189
Net income for taxable years, average base period, computation of; depressed industry subgroups, final determinations and adjusted rates of return 5189
Public utilities, regulated; proposed rule making:
Definitions:
Adjusted invested capital 5773
Byproducts and residual products 5773
Rates 5772
Redesignations 5772
Regulated public utility; corporation engaged as common carrier 5772
Excess profits credit:
Computation of, in case of certain defined corporations 5773
References, change in 5773
Of regulated public utilities entitled to benefits of section 448; references with respect to consolidated returns of affiliated corporations which include utilities 5772
Income tax, taxable years beginning after December 31, 1933 and before January 1, 1942; taxability of certain corporate distributions out of increase in value of property accrued prior to March 13, 1913 (amendment of Reg. 111 made applicable to Regs. 86, 94, 101, and 103) 4482
Income tax, taxable years beginning after December 31, 1941:
Aliens, taxation of:
Alien residents of Puerto Rico, taxation of 3148, 3149, 3152
Withholding tax 3148
Alien residents of United States 3149
Capital gains of aliens temporarily present in United States 3149
Capital gains of nonresident aliens temporarily in United States; statutory provisions 3149
Application of regulations to special classes of taxpayers (nonresident alien individuals, employees of United States working in Possessions or Canal Zone, and residents of Puerto Rico) 3147
Collection of income tax at source. *See* Employment tax regulations.
Computation of net income:
Credits:
Credit for "special refunds" of employee social security tax 4978
Federal and State employees 4978
For individuals, exemptions, personal, surtax, and for both normal tax and surtax; alien resident of Puerto Rico 3148
Deductions:
Charitable and other contributions, unlimited deduction 5188
Contributions or gifts by United States employees in Possessions or Canal Zone 3148
Losses by individuals, uncompensated; nonresident aliens and employees of United States working in Possessions or Canal Zone 3148
Stock options, employee; treatment of 5217
Meaning and use of certain terms 5217
Modification, extension, or renewal of terms of option to purchase stock 5219

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Deductions—Continued
Stock options, employee; treatment of—Con.
Operation of section 130A, with respect to taxable years ending after December 31, 1949; rules applicable to restricted stock options, holding period and disposition of stock, acquisition of other stock or securities 5219
Restricted stock option; definition, ownership, etc 5218
Exercise of; applicability of special rules of income tax treatment 5218
Distributions (dividends, etc.) by corporations:
Distribution in redemption or cancellation of stock taxable as dividend:
Redemption of stock through use of subsidiary corporation 4240
Redemption of stock to pay death taxes 4241
Redesignations 4240
Distributions from depletion or depreciation reserves; references, change in 4482
Distributions other than a dividend:
Distribution out of increase in value of property accrued before March 1, 1913, provision respecting 4482
Reference, deletion 4482
Gain or loss:
Basis for determining; stock shares acquired by employees under restricted stock option, disposition of 5221
Capital gains or losses:
Aliens, nonresident, percentage of capital gain or loss 3149
From involuntary conversions, and from sale or exchange of certain property used in trade or business, proposed rule making 4494
Application of section 4494
In general (description of gains and losses) 4494
Livestock and poultry 4494
Livestock held for draft, breeding, or dairy purposes 4494
Computation, general rule:
Distributions from increase in value of property accrued before March 1, 1913, includible in gross income as gains, etc 4482
Example, change in 4482
Losses, uncompensated; nonresident aliens and employees of United States working in Possessions or Canal Zone 3148
Sales or exchanges, determination of amount and recognition of; written elections, making and filing of, by shareholders, time of filing 3818
Gross income:
Exclusions from; exclusion of certain income from sources within Puerto Rico 3149
Inclusions; property transferred by employer to employee, special provisions respecting stock transfers 5221
Income from sources within United States:
Alien residents of Puerto Rico excepted from provisions for taxable year beginning on or after January 1, 1951 3149
United States employees in Possessions or Canal Zone 3149
Inventories, elective method; involuntary liquidation and replacement; proposed rule making:
Adjustment, computation of; change in reference for ascertainment of tax previously determined 3106
Applicability of effective provisions with respect to merchandise stock on hand under certain postwar conditions 3106
Inventory decreases, applicable provisions:
During war period 3106

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Inventories, elective method; involuntary liquidation and replacement; proposed rule making—Continued
Inventory decreases, applicable provisions—Continued
Involuntary liquidation and replacements; provisions with respect to inventory decreases, applicability of, during war years, deletion — 3106
Normal inventory, circumstances rendering maintenance of impossible; inclusion of certain evidence — 3106
Occuring in taxable years ending after June 30, 1950, and prior to January 1, 1954 — 3106
Statutory provisions authorizing replacements:
Application of provisions in post-war period time limitations respecting — 3106
Extension of time limitation to January 1, 1953, with respect to inventory replace — 3105, 3106
Treatment of involuntary liquidations of goods with respect to replacements made in taxable years ending prior to January 1, 1953 — 3106
Involuntary liquidation and replacement of inventories accounted for on last-in, first-out method, proposed rule making — 3105
Stock options, employees. *See* Deductions; *and* Gain or loss.
Stock taxable as dividend, distribution. *See* Distributions.
Terms, meaning of; certain nonresident aliens, determination of capital gains for taxable years on or after January 1, 1950 — 3149
War losses, description of; change in reference applicable to provisions respecting losses by individuals — 3147
Cooperatives, exempt, income tax treatment of; statutory provisions — 5015
Corporations:
Affiliated corporations, increase in rate of income taxes of; tax under consolidated returns and filing of returns — 5041
Distribution in redemption or cancellation of stock taxable as dividend — 4240
Foreign corporations, Ireland; taxation pursuant to Treaties. *See* Treaties, *below.*
Taxability of certain corporate distributions out of increase in value of property accrued prior to March 1, 1913 — 4482
Credits against tax:
Allowable of credit, conditions of; attestation of forms — 3149
Analysis of credit for taxes; bona fide resident of Puerto Rico — 3149
Employee stock options, treatment of; statutory provisions and regulations respecting — 5217
Employees of United States working in Possessions of United States or in Canal Zone; wages deemed to be derived from sources within United States — 3152
Estimated tax, declarations of; taxable years beginning after December 31, 1947:
Addition of Puerto Rico, for taxable years beginning on or after January 1, 1951, to listed countries affected by provisions — 3148
Filing of declaration of estimated tax, Puerto Rico:
By nonresident aliens residing in — 3148
Extension of time for filing — 3148
Form and contents of declaration; Puerto Rico considered as part of United States, after January 1, 1951, for purposes of existing regulations — 3148
Joint declarations by husband and wife; alien who is bona fide resident of Puerto Rico — 3148

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Husband and wife:
Combined normal tax and surtax, in case of joint return, computation, taxable years 1947–1950 — 5147
Estimated tax, joint declarations; aliens, bona-fide residents of Puerto Rico — 3148
Increase in normal tax and surtax on individuals and computation of tax in case of certain joint returns, statutory provisions — 5143
Individuals with adjusted gross income of less than $5,000, taxable years 1950–1954, computation tables — 5148
Surtax rates, tables — 5144
Individual income tax rates, changes in, under Revenue Acts of 1950 and 1951; proposed rule making — 5143
Individuals with gross income from certain sources of $3,000 or less; election to use Form 1040A, proposed rule making:
Application of schedule in section 400, rules for, with respect to taxable years beginning before January 1, 1946 and after December 31, 1945 — 5153
Supplement T, scope and application of, taxable years beginning after December 31, 1943:
Applicability and use of tax tables in section 400 — 5152
Determination of tax in case of death of taxpayer — 5153
References respecting treatment of taxable years 1947–1954 — 5153
Taxable years of deceased spouse covered by joint return, treatment of — 5152
Inventories, computation of, under elective method. *See* Computation of net income.
Nonresident alien individuals, taxation of — 3147, 3150
Alien residents of Puerto Rico; taxability of, on or after January 1, 1951 — 3152
Capital gains of aliens temporarily present in United States — 3149
Credits to nonresident aliens, no United States business; aggregate more than $15,400; definition of income — 3151
Deductions allowed nonresident aliens:
Aliens with no United States business; deductions subject to certain limitations — 3151
Aggregate more than $15,400; definition of income — 3151
Deductions allowed for taxable years beginning on or after January 1, 1950 — 3151
Aggregate more than $15,400; provisions respecting allocable deductions — 3151
Gross income of nonresident alien individuals; provisions respecting taxable years beginning on or after January 1, 1950 — 3151
Partnerships; definition of income — 3151
Return of income; no United States business:
Aggregate more than $15,400; certain gains from transactions in taxable year beginning on or after January 1, 1950 must be shown on return — 3151
Definition of income — 3151
Taxation of nonresident alien individuals — 3150
No United States business:
Aggregate more than $15,400 — 3151
General rule:
Capital gains or losses — 3150
Fixed or determinable annual or periodical income — 3150
Taxability of excess of capital gains over capital losses, on or after January 1, 1950 — 3150
Partnerships; nonresident aliens, definition of income — 3151
Patronage dividends, rebates, or refunds; returns of information respecting. *See* Returns and payment of tax.

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Possessions of United States, income from sources within; taxation of citizens of United States and domestic corporations:
Definition; use of term "Puerto Rico" (and citizens of) — 3152
Determination of income from sources within United States — 3152
Income received within United States; use of term "Possession" — 3152
Sources of compensation, provisions respecting, for taxable years beginning on or after January 1, 1951 — 3152
Status of citizens of United States Possessions; certain provisions not applicable to citizens of Puerto Rico for taxable years beginning after December 31, 1950 — 3152
Term "Possession of United States", use of, instead of "Puerto Rico" — 3152
Puerto Rico, residents of, income tax regulations applicable to — 3147
Aliens residing in — 3148, 3152
Withholding tax — 3149
Bonafide residents of — 3148
Estimated tax — 3148
Foreign tax credit — 3149
Income from sources within — 3148, 3152
United States citizens, residing in — 3152
Withholding tax on aliens residing in — 3149
Rates of tax:
Husband and wife, joint return, combined normal tax and surtax; proposed rule making:
Redesignations — 5147
Taxable years beginning after December 31, 1947 and before October 1, 1950 — 5147
References with respect to computation of tax under Supplement T and treatment of taxable years beginning in 1947 and ending 1948 — 5147
Taxable year of deceased spouse, covered by joint return, treatment of — 5147
Taxable years beginning after September 30, 1950; method of computation of tax of husband and wife under section 12 (d) of Revenue Act of 1948 — 5147
Individuals, income tax on, computation; proposed:
Taxable years beginning after January 31, 1943 and before October 1, 1950 — 5144
Taxable years beginning after September 30, 1950 — 5144
Limitation on amount of tax; combined normal tax and surtax for taxable years beginning after December 31, 1943, amount of, percent of income table, proposed rule making — 5147
References with respect to treatment of taxable years beginning in 1945–1953 and ending 1946–1954 — 5147
Nonresident alien individuals liable to tax, rates for — 3148
Change in reference — 3148
Surtax; proposed rule making:
Computation of surtax; provisions with respect to taxable years beginning before October 1, 1950 and calender year 1950 — 5146
Computation of surtax net income not given in tables — 5146
Imposition of surtax; treatment with respect to:
Calendar year 1951 and taxable years beginning after October 31, 1951 — 5146
Taxable years beginning after December 31, 1947 and before October 1, 1950 — 5145
Taxable years beginning after September 30, 1950 and before November 1, 1951 (other than calendar year 1951) — 5146

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Returns and payment of tax:
Corporations, affiliated, consolidated, income and excess profits tax returns; applicability of regulations in case of taxable years ending after December 31, 1949 and prior to January 1, 1950, proposed rule making — 5042
Computation of increase in rate of surtax — 5043
Consolidated returns of regulated public utilities computing excess profits credit under section 448 — 5043
Corporations to be included in consolidated returns with respect to taxable years ending prior to July 1, 1950 and after June 30, 1950 — 5042
Foreign corporations which may be treated as domestic corporations; exercise of option for such treatment — 5043
Individual returns; taxable years beginning after December 31, 1951 — 3148
Alien individuals who are bona fide residents of Puerto Rico; provisions applicable after January 1, 1951 — 3148
Time for filing returns; exception respecting bona fide resident of Puerto Rico — 3148
Information returns, by corporations:
Patronage dividends, rebates, or refunds (cooperative associations) — 5015
Definitions of terms used and preparation and filing of returns — 5015
Payment of dividends; information on payments of $10 or more to be furnished on Forms 1096 and 1099 (not applicable to 1951) — 5760
Information returns, by individuals; information respecting payments of $500 or more to any person as fixed income:
Cases where no return of information required:
Payments to employees in Puerto Rico, on or after January 1, 1951 — 3149
Provisions not applicable to returns of information as to patronage dividends, rebates, or refunds required under section 148 (f) — 5016
Foreign items, definitions; Puerto Rico classed as part of United States on or after January 1, 1951 — 3149
Withholding of tax at source; income of nonresident aliens, from sources outside United States, alien residents of Puerto Rico included in term "nonresident aliens" — 3149
Stock options, employees. *See* Computation of net income.
Stock taxable as dividend, distribution in redemption or cancellation of. *See* Computation of income.
Supplement T tax, scope and application of, with respect to taxable years after 1943. *See* Individuals, *above.*
Surtax, increase in rate of. *See* Increase in normal tax and surtax on individuals.
Treaty obligations (Revenue Act of 1950); amendments to Act not applicable where contrary to any treaty obligation — 3150
War losses, by individuals. *See* Computation of net income.
Withholding of income tax at source; alien residents of Puerto Rico, income from sources outside United States — 3149
Public utilities, regulated; excess profits credit of. *See* Excess profits tax, *above.*
Treaties, taxation pursuant to, Ireland; excess tax withheld, release of, and exemption from, or reduction in rate of withholding, in case of residents of Ireland and foreign corporations thereof, regulations respecting, as affected by reciprocal income tax convention between United States and Republic of Ireland — 3633

INTERNAL REVENUE BUREAU—Continued Page

Inspection of tax returns by Committee on Judiciary, House of Representatives 3319, 3453
Executive Order 10343, respecting 3259
Insurance Contributions Act, Federal; employment taxes under. *See* Employment tax regulations.
Intoxicating liquors:
Basic permits; issuance and proceedings to revoke, suspend, or annul; proposed rule making:
Applications for basic permits; district supervisor required to maintain, for public inspection, certain information with regard to applications filed and hearings thereon 5735
Revocation, suspension, or annulment of basic permits; hearings on applications to be open to public 5736
Collectors, deputy collectors, and district supervisors, references to, in regulations, returns, etc., conformed to nomenclature provided by Treasury Department orders 4561
Ireland; tax regulations affecting residents of Ireland and foreign corporations thereof. *See* Income and excess profits taxes.
Liquors, distilled spirits, etc.:
Basic permit procedure. *See* Intoxicating liquors.
Collectors, district supervisors, etc., references to, in regulations, interpretation respecting. *See* Intoxicating liquors.
Tax on liquors, distilled spirits, wines, perfumes, etc. *See* Excise tax regulations.
Livestock, poultry, etc., capital gains and losses from sales of; applicable income tax provisions 4494
Minerals, strategic; certification to Secretary of Treasury, by Defense Production Administrator, for purpose of exemptions from excess profits tax under section 450 5191
Organization, procedure, delegations of authority, etc.:
Collection districts, certain, territorial extent, and headquarters of each 3659
Pursuant to Reorganization Plan No. 1 of 1952:
Authority, delegations of:
By Commissioner:
To Appellate Division of District; delegation of authority to issue statutory notices of deficiency or disallowance 4586
To Chicago District Commissioner and Directors of Internal Revenue; interim delegation of authority respecting supervision over certain areas outside of Illinois 4589
To District Commissioner and each Director of Internal Revenue for District; delegation of authority to sign consents 4587
To every District Commissioner, Director of Internal Revenue, and Internal Revenue Agent; delegation of authority:
To administer oaths, take testimony, and certify 4587
To examine books and witnesses 4587
To New York City District Commissioner and Director of Internal Revenue, Upper Manhattan; interim delegation of authority respecting supervision over certain areas in New York, New Jersey, and Puerto Rico 5775
By Secretary of Treasury:
To Chief Counsel for Bureau; assignment and delegation of authority to 4589
To Commissioner; delegation of general authority over functions in Bureau 4590
Organization, functions, etc.:
Appellate Division of District; delegation of certain functions to Assistant District Commissioner, Appellate, and to Appellate Counsel 4585
Collectors, Deputy Collectors, and District Supervisors in territory under jurisdiction of District Commissioner offices established purusant to Reorganization Plan No. 1 of 1952; interpretation of references to, in regulations, returns, notices, etc 4464
With respect to intoxicating liquors 4561
General Counsel (Assistant) for Bureau; abolition of office of 4590

INTERNAL REVENUE BUREAU—Continued Page

Organization, procedure, delegations of authority, etc.—Continued
Pursuant to Reorganization Plan No. 1 of 1952—Continued
Organization, functions, etc.—Continued
Illinois:
Collectors and Deputy Collectors of certain Illinois collection districts; abolition of existing offices 4590
Director of Internal Revenue, establishment of offices of, within Chicago District 4590
District Commissioner and Directors, Chicago District; delegation of functions to 4587
District Commissioner, establishment of office of, for Chicago District and composition of District 4590
New York:
Collector and Deputy Collector for First, Second, and Third Collection Districts of New York; abolition of existing offices 5776
Directors of Internal Revenue, New York City District, establishment of offices of 5776
District Commissioner and Directors, New York City District; delegation of functions to 5774
District Commissioner, New York City District, establishment of office of, and composition of District 5776
Officers, employees, and agencies; continuation of functions 4585
Permits, basic, to sell, ship, etc., distilled spirits, wines, and malt beverages. *See* Intoxicating liquors.
Public utilities, regulated; excess profits credit of. *See* Income and excess profits taxes regulations.
Puerto Rico:
Income tax regulations applicable to. *See* Income and excess profits taxes regulations.
Liquors and articles from, tax on. *See* Excise tax regulations.
Railroad Retirement Tax Act, employment taxes under. *See* Employment tax regulations.
Reorganization of Bureau. *See* Organization.
Rum, excise tax on. *See* Excise tax regulations.
Social Security Act Amendments of 1950:
Conformance of employment tax regulations to. *See* Employment tax regulations.
Credits for "special refunds" of employee social security tax. *See* Income and excess profits taxes regulations.
Students, employment tax regulations respecting under Federal Unemployment Tax Act. *See* Employment tax regulations.
Tax returns, inspection of. *See* Inspection of tax returns.
Tobacco and tobacco products; registration of dealers, etc., and removals of tobacco products to foreign-trade zones. *See* Excise tax regulations.
Treaties, taxation pursuant to. *See* Income and excess profits taxes regulations.
Unemployment Tax Act, Federal; excise tax on employers under. *See* Employment tax regulations.
Valuation of property for purposes of estate tax. *See* Estate and gift taxes regulations.
Virgin Islands, tax on liquors and articles from. *See* Excise tax regulations.
Vodka, excise tax on. *See* Excise tax regulations.
Wagering, tax on. *See* Excise tax regulations.
Wages, withholding tax on. *See* Employment tax regulations.
Wines, excise tax on. *See* Excise tax regulations.
INTERNATIONAL AGREEMENTS:
International radio agreements. *See* Federal Communications Commission.
International wheat agreement. *See* Agriculture Department.
Trade agreements. *See* Trade agreements.
INTERNATIONAL CHILDREN'S WELFARE WORK, functions in connection with; revocation of orders respecting (Executive Order 10338) 3309

INTERNATIONAL CLAIMS COMMISSION: Page

Panama, Republic of, Claims Convention between United States and; special rules for claims under Articles I and II (c), time within which claims may be filed, extension of 4675

INTERNATIONAL FISHERIES COMMISSION:

Pacific halibut fisheries; regulations, revised, respecting permits and licenses, regulated areas, seasons, nets, gear, etc 4347

INTERNATIONAL ORGANIZATIONS, Provisional Intergovernmental Committee for the Movement of Migrants from Europe; customs exemptions accorded to personnel of. *See* Customs Bureau.

INTERNATIONAL TRADE, OFFICE OF:

Export control:
Amendments or alterations of licenses; intermediate consignee amendments 4477
Denial or suspension of export privileges:
Orders affecting various firms or persons. *See* Suspension of license privilege, *below.*
Table of compliance orders currently in effect denying export privileges 3532, 4478, 4924
General orders:
Aluminum. *See* Copper, steel, and aluminum.
Copper, steel, and aluminum, revocation of certain licenses for, deletion 3448
Orders modifying validity of certain export licenses:
Coal, deletion 3448
Exportations from Atlantic coast ports, extension of validity period; deletion 3448
Revalidation of certain revoked licenses; deletion 3448
Steel:
See also Copper, steel, and aluminum.
Order relating to certain licenses for 5315, 5370
Licenses:
General licenses:
Coal, overland exports of; general license G-Coal, deletion 4140
Foreign vessels in foreign ports, exportations to 4923
Ship and plane stores, supplies and equipment; exports to vessels located at foreign ports, deletion 4923
Individual licenses:
Application for export license, how to file; data supplementing application, footnotes 3531
Issuance and use of export licenses; validation of IT-628 3532
Ship stores, plane stores, supplies and equipment, note 4923
Project licenses:
Applications for project licenses, bases for consideration of 4671
Dollar limit (DL) licenses; restricted commodities 3448
General; exporter holding SP or DL license not to apply for individual or BLT license for same transaction 5369
List of restricted commodities, supplement 1; deletion 3443
Special project licenses (SP) 4674
Licensing policies and related special provisions:
Cattle hides, wet; special provisions for 4140
Certain commodities, special provisions for; evidence of availability 4671
Chemicals and medicinals, special provisions for; radioactive isotopes, radium salts and compounds, and radium emanation (radon) 4477
Coal and coke, special provisions for; deletion 4140
Confirmation of country of ultimate destination and verification of actual delivery 3532
Cotton duck, special provisions for; deletion 5187
Submission of import certificates 4925
Export licensing general policy, commodities subject to; footnote deletion 4140
Ferrous or nonferrous commodities; copper and copper-base alloy scrap 3448
Hong Kong, tobacco and tobacco products destined to 4923
Japan and Ryukyu Islands (including Okinawa), special provisions for exportations of certain commodities to; deletion 5369

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Licensing policies and related special provisions—Continued
Machinery and parts:
Metalworking machines 4671
Note respecting copies of NPA order, deletion 5369
Pumps, compressors, blowers, exhausters, fans and parts 4923, 5187
Okinawa. *See* Japan.
Past participation in exports for certain commodities; benzene hexachloride, deletion 4140
Petroleum products, certain:
Application requirements 3034
Time for submission of applications 3034
Rubber, synthetic, special provisions for (GR–S); deletion 4744
Ryukyu Islands. *See* Japan.
Time schedules, supplement 1, for submission of applications for export licenses 3034, 3532, 4140, 4671, 4744, 4924, 5369
Tobacco and tobacco products destined to Hong Kong, special provisions for 4923
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities 2851, 3229, 3230, 3450, 3535, 3579, 4141, 4525, 4675, 4925, 5187
Additions, deletions, or changes of commodities in listed categories:
Aluminum wood screws 4526
Benzene hexachloride 3579
Boot and shoe cut stock 2851
Brass and bronze hardware 4526
Bronze hardware. *See* Brass and bronze hardware.
Buffalo hides 3229
Coal, anthracite and bituminous 3229
Cotton cloth, duck and tire fabric 3535, 5187
Hair, raw or dressed, new 3535
Hides and skins; buffalo hides 3229
Hides and skins n. e. c 4143
Horsehair, bleached, hair-cloth, or ribbons 3535
Irrigation systems, farm type; portable and semi-portable 4526
Lamb skins, wet or dry 4142
Leather; sole, welting, belting, etc 2851, 4142
Lighter flints 4526
Naval stores; gum rosin, wood rosins, gum spirits of turpentine, wood turpentine, etc 3230
Plastics and resin materials; synthetic resins in all unfinished forms 3230
Platinum liquids and plating solutions 4525
Platinum salts and compounds 4525
Rosin. *See* Naval stores.
Sheep skins, wet or dry 4142
Skins. *See* Hides and skins; Lamb skins; *and* Sheep skins.
Sole leather. *See* Leather.
Transforming and converting apparatus and parts 4525
Turpentine. *See* Naval stores.
Wire cloth, nickel woven 4525
Wood tar and tar oil 3229
Wool semimanufactures; wastes, tops, and yarns 3535
Column entitled "Commodity List A—Import Certif."; heading amended to include lists A, B, and C 3450
Appendix B, commodity interpretation; steel springs 4527
Appendix C, Commodity Processing Codes 4527
Priority ratings and supply assistance assigned by OIT:
Export allocations and procedures (CMP) 3448
Japan and Ryukyu Islands (including Okinawa), additional requirements for shipment to; deletion 5369
Procedures governing applications to export controlled materials, exception to time schedules for certain commodities 4674
Maintenance, repair, and operating supplies for export, priority ratings for (DO–MRO) 4478
Petroleum operations, foreign; supply assistance for 4674
Instructions for Forms PAD–26A and IT–824 5369
Other than large construction operations 5369

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Priority ratings and supply assistance assigned by OIT—Continued
Petroleum operations, foreign; supply assistance for—Continued
When to apply 5369
Supplement 1; items included in Schedule II of NPA Order M-46A 5369
Hong Kong, tobacco and tobacco products destined to; special provisions 4923
Japan and Ryukyu Islands (including Okinawa), exportations of certain commodities to; deletion 5369
Okinawa. *See* Japan.
Ryukyu Islands. *See* Japan.
Suspension of license privilege:
Orders affecting various firms or persons:
Continental Pharma 5738
Corti, Dante 3361
Dunlap, Archibald S 3241
Elkan, H. & Company 4723, 4826
Hecht, Eugene 5738
Krasnow, Anna 3423
Krasnow, William S 3423
Krasnow Wool Stock Co 3423
Leviant & Co 4722
Leviant, Jacques 4722
Leviant, Kalman 4722
Leviant, Riva 4722
Nyegaard, Albert 2937
Pharma, Continental 5738
Ratner, A. E 5738
Ratner, A. E., Chemical Co 5738
Schorine, Boris 5738
Societa Industriale Commerciale Cotoni Affini 3362
Westheimer, Sidney 4826
Wiederkehr, Alphonse, Dr 2900
Table of compliance orders currently in effect denying export privileges 3532, 4478, 4924

INTERSTATE COMMERCE COMMISSION:
See Defense Transport Administration.
Airline Vans, United Van Lines, Inc., and Geitz Storage and Moving Co.; special rules of procedure 3620
Alabama intrastate express rates and charges 4513
Brokers of property. *See* Motor carriers.
Car service:
Appointment of refrigerator car agent 3886, 4493
Canned goods and foodstuffs, loading requirements 4950
Barrels or drums 5051
Carload freight 5052
Carload import freight 5051
Cartons 5051
Fish 5051
Mixed commodities 5051
Syrup 5052
Charges:
Coal, cars loaded with, at Great Lake ports 5194, 5467
Demurrage on freight cars 3166, 3886, 4169, 4823, 5193, 5467, 5771
Gondola car type and flat car type 4824, 5772
Saturdays to be included in computing 3458, 4949
Refrigerator cars 2851
Free time:
Box cars unloaded at ports 4949
Freight cars loaded at ports 4949
Ferry cars. *See* Trap and ferry cars.
Fish. *See* Canned goods.
Grain and grain products; movement to terminal elevators by permit 4950
Import ores, restriction on movement of 4208
Appointment of agent 5193, 5466
Cancellation 4299
Iron ore, restriction on movement of 4170
Appointment of agent 5193, 5466
Cancellation 4299
Lumber and lumber products, loading requirements 2904, 2905, 5266
Railroad operating regulations for freight car movement 3458, 4949
Trap and ferry cars, restrictions on 4949
Commercial zones and terminal areas. *See* Motor carriers.
Contracts between freight forwarders and motor carriers, authority of Division Two respecting 4777

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of:
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes, additions and deletions 4293, 4422
Rail express carriers; Railway Express Agency, Inc., protection of packages 4296
Rail freight carriers:
Handling of carriers 4296
Loading and storage chart; notes 4296
Loading, unloading, placarding and handling cars; loading packages into cars, restrictions 4296
Unloading from cars; removal of placards after unloading 4296
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.):
Acids and other corrosive liquids, certain; definition and preparation of 4294
Compressed gases; liquefied gases, definition and preparation 4294
Explosives; definitions and preparation:
Class C explosives, definitions 4293
Fireworks, special 4293
Lead azide 4293
Flammable liquids; definition and preparation:
Automobiles, motorcycles, tractors, or other self-propelled vehicles; fuel tanks to be drained 4294
Certain flammable liquids 4294
Exemptions for flammable liquids 4294
Flammable solids and oxidizing materials, certain; definition and preparation of 4294
Poisonous articles, certain; definition and preparation 4295
Preparation of articles for transportation by carriers by rail freight, rail express, highway, or water; cylinders, qualification, maintenance, and use of 2870, 4293
Shipping container specifications:
Cylinders 4297
Metal barrels, drums, kegs, cases, trunks and boxes 4297
Tank cars 4296
Wooden barrels, kegs, boxes, kits, and drums 4298
Fares; increased passenger fares, petitions of listed railroads:
Missouri Pacific Lines 5707
Northwestern Pacific Railroad Co 5707
Pacific Electric Railway Co 5707
St. Louis Southwestern Railway Co 5707
St. Louis Southwestern Railway Company of Texas 5707
San Diego & Arizona Eastern Railway Co 5707
Southern Pacific Co 5707
Texas and New Orleans Railroad Co 5707
Texas and Pacific Railway Co 5707
Freight forwarders:
Contracts between motor carriers and; authority of Division Two respecting 4777
Terminal areas 3414, 3682
Geitz Storage and Moving Co., United Van Lines, Inc., and Airline Vans special rules of procedure 3620
Motor carriers:
Appeals from decisions of Commissioners respecting applications for temporary authority for service, or transfer of certificates or permits; designation of Division Five as appellate division 5356
Applications for temporary authority for service, or transfer of certificates or permits; jurisdiction of Divisions. *See* Organization.
Brokers of property, practices of; effective date postponed 2818, 4209, 5226
Bureau of Motor Carriers, Section of Law and Enforcement transferred to Bureau of Law 4966
Certificates and permits, traversal states, interpretative rules 3558, 4989
Effective date postponed 5225
Commercial zones and terminal areas:
Kansas City, Mo.-Kansas City, Kans 3413
Operating authority for service at particular community or municipality 3414, 3682

INTERSTATE COMMERCE COMMISSION—Con. Page

Motor carriers—Continued
Commercial zones and terminal areas—Continued
Terminal areas of motor carriers and freight forwarders 3414, 3682
Contracts between freight forwarders and motor carriers, authority of Division Two respecting 4777
Reports:
Annual report form B (other than class I carriers of property) 4824
Annual report form C (other than class I carriers of passengers) 4299
Safety regulations; revision 4423, 4854
Accidents, reporting of 4447
Drivers:
Hours of service 4448
Qualifications 4424
Driving of motor vehicles 4426
General; definitions, applicability of regulations, list of field offices 4423
Inspection 4451
Maintenance 4451
Parts and accessories necessary for safe operation 4429
Connections 4854, 5699
Terminal areas. *See* Commercial zones and terminal areas.
Transfers of operating rights for limited periods, and consideration involved therein 3212
Traversal states, interpretative rules respecting 3558, 4989
Organization; assignment of work:
To Bureaus; Law and enforcement section, transferred from Bureau of Motor Carriers to Bureau of Law 4966
To Commissioners; designation of certain officials to act in absence or disability of individual Commissioners 5356
To Divisions:
Division Two, authority to institute, conduct, and determine investigations pertaining to contracts between freight forwarders and motor carriers 4777
Division Three, Chairman of, to substitute as member of Division Five who initially acted on application for rehearing, reargument, etc. of decision of individual Commissioner 5356
Division Five:
Designation as appellate division to consider applications for rehearing, reargument, etc. of decision of individual Commissioners respecting applications for temporary authority for service, or transfer of certificates or permits, of carriers by motor vehicle 5356
Elimination of initial jurisdiction over applications for temporary authority for service, or transfer of certificates or permits, of carriers by motor vehicle 5356
Persons furnishing protective services against heat or cold; records, destruction of:
Authority to destroy certain records 4382
Preservation by photography 4383
Protective services against heat or cold. *See* Persons furnishing protective services against heat or cold.
Railroads:
Abandonment of railroad lines:
Application, filing and notice of 5465
Questionnaire, return to:
Filing and verification 5466
Service 5466
Car service. *See* Car service.
Construction, extension, acquisition, or operation of railroad lines; execution, filing, and disposal of application 5465
Explosives and other dangerous articles, packing and transporting of. *See* Explosives.
Long-and-short haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Routing and rerouting of traffic. *See* Routing of traffic, rerouting.
Rates and charges:
Alabama intrastate express rates and charges 4513

INTERSTATE COMMERCE COMMISSION—Con. Page

Rates and charges—Continued
Demurrage charges on freight cars. *See* Car service.
Long- and short-haul charges. *See* Tariffs and schedules.
Records, destruction of, by persons furnishing protective services against heat or cold:
Authority to destroy certain records 4382
Preservation by photography 4383
Reports, motor carrier. *See* Motor carriers.
Routing of traffic, rerouting; authority to carriers to reroute or divert certain traffic:
All railroads, where work stoppage or inactivity of steel mills prevents transport of traffic routed over their lines 4250
Appointment of agent 4675
Chicago area, railroads serving 4576
Copper Range Railroad Co 3619
Graysonia, Nashville & Achdown Railroad Co 3866
Long Island Rail Road Co 5600, 5707
Mississippi River and Missouri River areas, railroads serving 3434, 3837, 4513, 4830, 4909
Missouri River and Mississippi River areas, railroads serving 3434, 3837, 4513, 4830, 4909
Safety regulations for motor carriers. *See* Motor carriers.
Securities, issuance of, assumption of obligations, and filing of certificates and reports; procedure 5466
Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Acetaldehyde:
From Tallant, Okla., Bishop, Brownsville, Houston, Texas City, and Winnie, Tex., to Harriman, N. Y 3896
From Tallant, Okla., to New Orleans, La 4996
Acid:
Acetic and anhydride:
From Charleston, Elk, Institute, Owens, South Charleston, and South Ruffner, W. Va.:
To Decatur, Ala 4135
To Marietta, S. C 4359
From Houston, Texas City, Bishop and Brownsville, Tex., and Crossett, Ark., to Rahway and Perth Amboy, N. J., Lock Haven, Pa., Niagara Falls, N. Y., Woonsocket, R. I., and Decatur, Ala 3434
From Kings Mill, Tex.:
To Celco and Pearlsburg, Va., and Amcelle, Md 4472
To Celriver, S. C 3254
From Lyle and Memphis, Tenn., to Lock Haven, Pa., Niagara Falls, N. Y., Perth Amboy, Phillipsburg, and Rahway, N. J., and Woonsocket, R. I 4270
Sulphuric:
From Baton Rouge and North Baton Rouge, La.:
To Front Royal and Pulaski, Va 5533
To Le Moyne, Ala 4230
From DeSoto, Kans., to Nashville, Tenn 4249
From points in Arkansas, Oklahoma, Louisiana, and Texas, to Bay Minette, Ala 2948
Agricultural implements:
From Bettendorf and Davenport, Iowa, to points in Iowa 5177
From Memphis, Tenn., to New Orleans, La 4965
Alcohol:
From Baton Rouge, New Orleans, and Charlotte, La., to Holston and Kingsport, Tenn 2948
From Lyle and Memphis, Tenn., to Spring Grove, Ontonagon, Munising and Saulte Ste. Marie, Mich 3432
From Velasco, Tex., to Illinois, western trunkline, and official territories 5179
Alcoholic liquors; between points in trunkline and New England territories, and points in central and Illinois territories 5235

20000—52——10

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
All and/or various commodities:
See also Merchandise in mixed carloads.
Between points in California 3667
Between points in Texas 3807
From points in southern territory to points in official and western trunk-line territories, between points in southern territory, and from Belleville and East St. Louis, Ill., and St. Louis, Mo., to points in southern territory 3433
From points in southern territory to points in southern, official, and western trunk-line territories 4997
From points in trunk-line and New England territories, to points in southern territory 4271
From points in trunk-line territory, to points in central territory 5179
Alumina, calcined or hydrated; from Baton Rouge and North Baton Rouge, La.:
To Danville, Ky., Joliet, Ill., Boston, Mass., and specified points in official territory 4665
To Monaca, Pa 5535
Aluminum, plate or sheet, and machinery; from points in Illinois and Wisconsin to points in southern territory 5844
Aluminum castings; from points in New York and New Jersey to Anderson, S. C 5843
Ammonia, anhydrous:
From El Dorado, Ark., Etter and Velasco, Tex., Lake Charles, West Lake Charles, and Sterlington, La., and Military, Kans., to Lynchburg, Norfolk, and Richmond, Va. 3518
From El Dorado, Ark., Etter and Velasco, Tex., Lake Charles, Sterlington, and West Lake Charles, La., to Cincinnati, Ohio 5409
Automobile parts, from Bowling Green, Ohio, to Charleston, S. C 3568
Automobiles:
Between points in Illinois and western trunk-line territories 3692
From St. Louis, Mo., and Kansas City, Mo.-Kans., to points in Texas, Louisiana, and New Mexico 5381
Barite; from Butterfield and Malvern, Ark., Fountain Farm and Mineral Point, Mo., to Heber, Utah 5681
Batteries, dry cell; from Freeport, Ill., to Brooklyn and New York, N. Y. 5050
Blackstrap molasses. *See* Molasses.
Boxes, from Quincy, Ill., to points in Iowa 5050
Brick:
From Endicott, Hastings, Lincoln, and Nebraska City, Nebr., to points in Minnesota, North Dakota, South Dakota, and Wisconsin 5408
From Fort Scott, Kans., and other specified points in Kansas, Deepwater, Harrisonville, and Utica, Mo., to points in Kentucky and Tennessee 2903
From points in Missouri and Kansas, to points in Minnesota and North Dakota 5409
From points in Ohio to Briston, Va-Tenn 4135
From points in Pennsylvania, Maryland, Ohio, West Virginia, and Kentucky, to Kansas City, St. Joseph, North Jefferson, Jefferson City, and Moberly, Mo., Kansas City and Atchison, Kans 4731
Burlap bags, from New Orleans, La., to West Monroe, La 4515
Carbon dioxide, liquefied; from St. Louis, Mo., to Cincinnati, Ohio 5179
Cement:
From St. Louis, Ill., St. Louis, Alpha, Prospect Hill, and Hannibal, Mo., to points in western Texas and New Mexico 4515
From Fort Scott, Fredonia, Humbolt, Independence and Iola, Kans., and Dewey, Okla., to points in Florida, Georgia, South Carolina and North Carolina 3254

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Cement—Continued
From points in western trunkline territory, to points in New Mexico 2874
Cheese:
From Carthage, Double Springs, North Alexandria and Watertown, Tenn., to points in southern territory 3432
From points in southern territory, to points in Virginia 5267
Chlorine gas, liquefied:
From Barberton, Fairport Harbor, Painesville, and Perry, Ohio, and Wyandotte, Mich., to Charlotte and Chemway, N. C 2827
From McIntosh, Ala., to Camden, Ark., and Bastrop and Spring Hill, La 5266
Chrome and maganese ore, from New Orleans, La., to Woodstock, Tenn 4271
Cigarettes, from points in North Carolina and Virginia, to points in official and western trunk-line territories 5382
Coal:
From Belleville, Ill., southern Illinois and western Kentucky mines, to southeastern territory 5533
From Bevier, Moberly, and Macon, Mo., to Black Dog, Minn 5383
From mines in Arkansas, Kansas, Missouri, and Oklahoma, to St. Paul, Minneapolis, Minnesota Transfer, Mendota, Minnehaha, Nichols, and Black Dog, Minn 3518
From mines in Clearfield, Pa., group to Shelton, Derby and New Haven, Conn., Springfield and South Springfield, Mass 3434
From mines in West Virginia to points in Alabama 3256
From points in Illinois and Indiana to Interstate Power Company Spur and Fairmont, Minn 5618
Coke:
From Birmingham, Ala., and points grouped therewith, and Chattanooga, Tenn., to points in Arkansas and Missouri 3433
From Milwaukee, Wis., to Suspension Bridge, N. Y., and Niagara Falls, N. Y.-Ont 4552
From points in Arkansas, Kansas, Oklahoma, and Texas, to Chicago, Freeport, and Rockford, Ill 4514
From Whiting, Ind., to Emco, Ala 4830
Containers, shipping; from St. Louis, Mo., to Lexington, Ky 5619
Copper tubing. *See* Tubing.
Corn and sorghum grains, from Colorado, Kansas, and Nebraska, to points in Colorao 5383
Corn steep water, from Keokuk, Iowa, to Detroit and Kalamazoo, Mich., Indianapolis, Lawrenceburg, and Terre Haute, Ind 5265
Crankcase drainings:
From Gulfport, Miss., to Oklahoma City, Okla. 4965
From Kansas City and Springfield, Mo., Little Rock and North Little Rock, Ark., Memphis, Tenn., Wichita, Kans., and points in Texas, to Oklahoma City, Okla; 5599
Cryolite, from Natrona, Pa., to New Orleans and Chalmette, La 2875
Doors, unglazed; from Louisville, Ky., to points in southwestern territory 4965
Drugs, chemicals, and toilet preparations; from Morton Grove, Ill., to points in trunk-line and New England territories 5050
Electric wire and insulators, from Carey, Ohio, to Atlanta, Ga 2904
Ethylene and polyethylene glycol, from Port Neches, Tex., to Detroit, Mich 4996
Feed:
From Rockford, Ill., to Kansas City, Mo., Atchison and Leavenworth, Kans 5383
From Savannah and Port Wentworth, Ga., to points in southern territory 4869
From Winona, Minn., to Memphis, Tenn 4966

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Felt, building, roofing or sheathing, carloads:
From Mobile, Ala., to Port Neches, Tex 5534
From New Orleans, La., to Chicago, Ill 3518
Fertilizer:
From Braithwaite, La., to points in official and Illinois territories 5740
From Jacksonville to Madison, Fla 3619
From southern territory to southwestern and western trunkline territories 4996
Fertilizer purposes. *See* Leather, scrap.
Fibreboard wrappers for packing, from points in Arkansas, Louisiana, Oklahoma, and Texas, to points in southern, official, and other territories 4311
Fish, scrap, dry; from Empire, La., to points in southwestern territory 5782
Flour, rice; between points in Texas 5208
Formaldehyde, dry, from Bishop, Tex., and Tallant, Okla., to points in official territory 3184
Furfural, from Memphis, Tenn., to specified points in official and Illinois territories 3619
Furniture; between points in Louisiana, Oklahoma, and Texas, including Mississippi River crossings 4195, 4231
Gas, liquefied. *See* Petroleum and petroleum products.
Glassware, from Wichita Falls, Tex., to Denver, Colo 4730
Grain and grain products:
Between Chicago and Peoria, Ill., and points grouped therewith, and points in Iowa 3837
Between points in Minnesota 4400, 5381
From Chicago and Peoria, Ill., to points in Iowa 5382
From Colorado, Kansas, and Nebraska, to points in Colorado 5383
From Kansas City, Mo.-Kans., to Port Arthur, Tex 2948
From points in Iowa and Missouri, to Gulf ports for export 4311
From points in southwestern territory, including Memphis, Tenn., to points in Texas and New Mexico 3434
Hose, rubber; from Wilmington, Del., and Bucyrus, Ohio, to points in southern territory 3837
Houses, prefabricated; from Dallas, Tex., to Clover, S. C., and Gastonia, N. C 5178
Humus. *See* Peat and humus.
Hydrol; between points in Texas, and between points in Texas and Louisiana 5265
Ilmenite ore, from Melbourne, Fla., to Pittsburgh and West End, Pa 3185
Insulators and electric wire, from Carey, Ohio, to Atlanta, Ga 2904
Iron and steel:
Articles:
From Haines City, Fla., to Chicago, Ill., and Richmond, Ind 3519
From points in Illinois and official territories, to points in southern Virginia 3185
From points in official territory to Rocky and Plastic, Colo 4471
From points in trunk-line and central territories, to Kevil and Maxon, Ky 2904
From St. Louis, Mo., to Atreco, Chaison, Del Mar, Griffing, Magpetco, Port Arthur, Port Neches, Smiths Bluff, Steeltown, Sun, and West Port Arthur, Tex 3569
From West Point, Miss., to St. Louis, Mo., and points grouped therewith 5381
Filings, from Muskegon, Mich., and Buffalo, N. Y., to Kingsport, Tenn 4605
Pig iron:
From Daingerfield and Lone Star, Tex., to Hale and Sand Springs, Okla 3255
From Daingerfield, Lone Star, and McCrossin, Tex.:
To Mount Vernon, Ohio 3761
To points in Indiana, Ohio, and Michigan 4908

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Iron and steel—Continued
Pipe:
From Fort Worth, Tyler, and Swan, Tex., to Arvada, Colorado Springs, Denver, Golden, La Junta, Pueblo, and Trinidad, Colo 4730
From Galveston, Houston, and Orange, Tex., to Hoyleton, Nashville, and Noltings, Ill. 5382
From Houston, Galveston, and Texas City, Tex., to points in New Mexico 3006
From Rockwood, Tenn., to points in southern territory, St. Louis, Mo., and adjacent points in Illinois, Indiana, West Virginia, and Virginia 5618
Rods; from Joliet, Ill., to Kansas City, Mo. 5179
Scrap:
From Chicago, Ill., to Hamilton, Ont. 4829
From Meridian, Miss., to Bessemer, Birmingham, Boyles, Ensley, Fairfield, Gate City, McAdory, North Birmingham, Tarrant, Thomas, Woodlawn, and Woodward, Ala. 5267
From points in southern territory:
To Chester and Marcus Hook, Pa., and Claymont, Del 5534
To Sidney, Ohio and Modena, Pa. 3254
Lard and related articles:
From Dallas, Fort Worth, and North Fort Worth, Texas, to Lawton, McAlester, and Oklahoma City, Okla 3006
From Dubuque, Iowa, to New Orleans, La. 3184
Latex (liquid crude rubber), natural or synthetic; from Midland, Mich., to Kansas City, Mo. 5534
Leather, scrap, fertilizer purposes; from Huntsville, Ala., to Carrollville, Wis. 5706
Lime:
From points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, to Norfolk, Va. 4134
From points in Virginia to points in southern territory 5843
Limestone:
From Carey, Genoa, Marblehead, Woodville, Gibsonburg, and Millersburg, Ohio, to New Market, Pine Grove, and Chilesburg, Ky. 4551
From Cavetown, Hagerstown, and Security, Md., to points in central territory and extended Zone C, Wisconsin 3517
Lumber, logs, etc.:
See also Woods, foreign.
From Covington, Va., to Johnson City, Tenn. 4730
From Jasper and Lake City, Fla., to Macon, Ga. 3185
From points in North and South Carolina, to points in western trunk-line territory 4359
From points in southern territory to Berry and Birmingham, Ala. 5618
Machinery:
Aluminum. *See* Aluminum, *above*.
From Beloit, Wis., to Roanoke Rapids, N. C. 5410
Magazines and periodicals:
From Dayton and Springfield, Ohio:
To New Orleans, La. 3184
To specified points in southern territory 2828
From Sparta, Ill., to New York, N. Y., and Philadelphia, Pa. 3184
Manganese ore. *See* Chrome and manganese ore.
Meats, fresh, and packinghouse products:
From Davenport and Dubuque, Iowa, to Baton Rouge, New Orleans, and Reserve, La. 4966
From stations in Indiana, Michigan and Ohio to points in Pacific coast territory 3433
Merchandise, in mixed carloads:
From Chicago, Ill., and vicinity:
To Augusta, Ga. 4516
To Bartow, Fla. 4016
From Cincinnati, Ohio, to Yukon, Fla., and from Macon and Warner Robbins, Ga., to St. Louis, Mo., and East St. Louis, Ill. 4194
From Gastonia, N. C., to St. Louis, Mo., and East St. Louis, Ill. 5583
From Peoria, Ill., to Charleston, S. C. 4015

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Molasses:
Beet sugar, from Lake Charles, La., and Texas gulf ports, to St. Louis, Mo., and East St. Louis, Ill 5409, 5410
Blackstrap:
From New Orleans, La., and points taking same rates, to McKenzie, Tenn 5491
From Okeelanta, Fla., to Cincinnati, Ohio, and intermediate points on Norfolk and Western Railway 3433
Moulding, mahogany or Philippine woods; from Memphis, Tenn., and Junction City, Ky., to points in central and Illinois territories 4966
Olives, from southern ports to Colorado and Wyoming 3183
Paint materials, from Toledo, Ohio, to Kenilworth, N. J. 4997
Paper and paper products:
Articles:
From East Port and East Port Junction, Fla., to East St. Louis, Ill., and St. Louis, Mo. 4605
From points in official, southern, and southwestern territories, to Rio Grande crossings (exports to Mexico) 3006
Bags:
From Camden, Crossett, and Pine Bluff, Ark., to Baton Rouge, La 5381
From Fort Worth, Tex., to Chicago, Ill 4731
Newsprint; from St. Louis, Mo., East St. Louis, Ill., Dubuque, Iowa, and other upper Mississippi River crossings, to points in Texas 5380
Printing paper:
From Kingsport and Holston, Tenn., to Denver, Colo., Lincoln, Nebr., Columbia, Mo., Des Moines, Iowa, and other points in Iowa 5410
From Kingsport, Tenn., to Chicago, Ill 3666
Resin impregnated; from Munising, Mich., to Niagara Falls, Suspension Bridge, and Bell-aircraft, N. Y., and Fullerton, Pa 2874
Scrap:
From points in southwest to Hughesville and Warren Glen, N. J., Jaite, Ohio, and Lynchburg, Va 5266
From West Monroe, La., to points in official territory 5208
Wrapping paper:
From Camden, Crossett, and Pine Bluff, Ark., to Baton Rouge, La 5381
From Fort Worth, Tex., to Chicago, Ill 4731
Papers, ground wood; from producing points in Maine, to points in Official territory 3007
Peanuts; from points in Oklahoma, to points in Texas 5781
Peat and humus, from Gulf ports, to points in Kansas, Nebraska and Wyoming 3183
Periodicals. *See* Magazines.
Petroleum and/or petroleum products:
Coke. *See* Coke, *above.*
From Brand, Tex., to points in Louisiana, Oklahoma, Arkansas, Missouri, and Kansas, including lower Mississippi River crossings 4134
From Chicago, Ill., and points grouped therewith, to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas 3807
From New Orleans, La., and points grouped therewith, to Cairo and Metropolis, Ill., Evansville, Ind., and Louisville, Ky 4605
From Panama City, Fla., to Birmingham, Ala 4515
From Phillips, La., to southwestern, southern, official, Illinois, and western trunk-line territories 5178
From points in southwestern territory and Kansas to points in southwestern territory 2828
From Sheridan, Tex., to points in southwestern, southern, official, Illinois, and western trunk-line territories 2828

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Petroleum and/or petroleum products—Con.
From specified points in Kansas and Oklahoma, to points in Pennsylvania, West Virginia, Ohio and New York 3183
From Superior, Wis.:
To points in Minnesota 3007
To points in Minnesota, North Dakota, and South Dakota 4729
From Warren, Okla., to destinations in official Illinois, southern, southwestern, and western trunk-line territories 3896
Gas, liquefied:
Between points in southwestern territory 5267
From Dragon, Miss., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia 5741
From Edwards, Miss., to points in southern territory 4514
From Hubball, W. Va., to points in central territory 4135
Sizing, emulsified petroleum; from Kalamazoo, Mich., to points in southern territory 4358
Phosphate rock:
From Florida mines:
To Bridgewater, Va 3255
To Cincinnati, Ohio, and specified points in Kentucky 3256
To Como and Lexington, Miss 3254
To Houston, Miss 3255
From Gay, Idaho, to points in Arkansas, Oklahoma, and Texas 4250
From New Orleans, La., to Memphis, Tenn 3432
From points in Florida, to St. Louis, Mo., East St. Louis, Ill., and points in southwestern territory 5491
Phosphate of soda, etc., from Trenton, Mich., Carteret, N. J., Chester and Marcus Hook, Pa., and North Claymont, Del., to Lincoln and Omaha, Nebr., Kansas City, Mo., and other Missouri River points 4250
Piece goods, nylon and cotton, from points in southern territory to points in trunk-line and New England territories 4731
Pipe, iron. *See* Iron and steel.
Potash, from Carlsbad and Loving, N. Mex., to Hugo, Westville, Idabel, Spiro, and Wagoner, Okla., Amorel, Ark., and Neosho, Mo. 3569
Potatoes, from points in Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, Nevada, Oregon, Utah, and Wyoming, to points in southern territory on Louisville and Nashville Railroad Company 3256
Pulpboard and fiberboard, from points in western trunk-line territory, to Kinston, N. C. 5265
Pulpwood, from points in Florida, to Panama City, Fla 4249, 5049
Rates:
Class rates:
Between New Orleans and Baton Rouge, La., and points grouped therewith, Natchez, Miss., Helena, Ark., and Memphis, Tenn., and points in western trunk-line territory 5534
Between points in southern and official territories and points in southwestern and western trunk-line territories 5207
Between points located generally east of Rocky Mountains 5266
Between southern territory and western trunk-line territory 3666
From specified points in southwestern territory to southern and official territories 3253
Class and commodity rates:
Between Sandow, Tex., and points in official, southern, southwestern, western trunkline, and Illinois territories, and adjacent points 4312, 4968

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Rates—Continued
Class and commodity rates—Continued
Between Sandow, Tex., and points in Texas 3896
Commodity rates:
Between Krannert, Ga., and points in United States 4730
Between points east of Rocky Mountains 4230
Between points in southern territory and official territory 4231
Between Warner, Pa., and points in United States and Canada 5410
Motor-rail-motor rates:
Between Boston, Lowell, and Worcester, Mass., Providence, R. I., and Harlem River, N. Y 3007
Between Boston, Mass.:
And Harlem River, N. Y 4271, 5599
And New Haven, Conn 4271, 5681
Between Boston, Mass., Providence, R. I., Springfield, Mass., and Harlem River, N. Y 4271
Between New Haven, Conn., Springfield, Mass., and Harlem River, N. Y 3518
Between Springfield, Mass., and Harlem River, N. Y 4730, 5051
Rice flour, between points in Texas 5208
Rubber, crude:
From Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.:
To Columbia and Houston, Miss 3897
To Hattiesburg, Miss 5781
To Hillsdale, Mich 5781
To Huntington, W. Va 4312
To Piqua, Ohio 5781
To points in official territory 5179
To Vandalia, Ill 5782
From Institute, W. Va., to Hazelwood, N. C 4359
From points in Texas and Louisiana:
To Blytheville, Ark 4514
To Little Rock 5382
From specified points in Louisiana and Texas, to Fort Smith, Ark 2875
From specified points in Texas and Louisiana, to Littleton, Denver, Derby, Ladora, and Roydale, Colo 4312
Rubber hose. *See* Hose.
Rubber tires. *See* Tires.
Salt:
From Detroit, Ecorse and Wyandotte, Mich., to Chicago, Ill 3255
From points in Texas and Louisiana, to Tyree Va 4515
From Winnfield, La., to Redstone Arsenal, Ala. 4869
Salt cake:
From Baltimore, Md., Cornwells Heights, Marcus Hook, and Philadelphia, Pa., North Claymont, Del., and points in New Jersey, to Hudson and Palatka, Fla 5050
From Baltimore, Md., North Claymont, Del., and points in Pennsylvania and New Jersey to Acme, N. C 3432
From Baton Rouge and North Baton Rouge, La., to Pensacola and North Pensacola, Fla 4777
From Baton Rouge, North Baton Rouge, Lake Charles, and Weeks, La., to Hudson and Palatka, Fla 5619
From Trona, Calif., to St. Louis, Mo 3866
Sand, gravel, and crushed stone:
Crushed stone; from Lehigh, Ill., and Terre Haute, Ind., to Oliver, Ill 5266
Sand:
From Clayton, Iowa, and Princeton, Wis., to points in official territory 3866
From Dickason Pit, Ind., to Thornton, Ill. 4194
From Kern, Ind., to Chrisman and Edgar, Ill. 4551
From Muskegon and Muskegon Heights, Mich., to Memphis, Tenn 5491

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Sewing machine cabinets and related articles; from South Bend, Ind., to Brigeport, Conn. 5049
Sizing, emulsified petroleum. *See* Petroleum and petroleum products.
Slag; from Ensley, Ala.:
To Athens, Ga 5178
To Atlanta, East Point, and Fort McPherson, Ga 4471
Soda ash and caustic soda:
From Baton Rouge, La., to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin 4231
From Charleston, Elk, Owens, South Charleston, and South Ruffner, W. Va., to Cooleemee, Kannapolis, and Raleigh, N. C. 3837
From Corpus Christi, Tex., and Lake Charles, La., to points in Missouri, Illinois, and Iowa 5409
From Houston and Corpus Christi, Tex., and Lake Charles, La., to points in Illinois and Indiana, and Madison, Wis 3896
From Lake Charles and West Lake Charles, La., Corpus Christi, Houston and Velasco, Tex., to Centralia, Ill 3256
From Westvaco, Wyo., to Bauxite, Ark 5178
Spodumene ore, from Kings Mountain, N. C., to Maywood, N. J., Bridgeville, Charleroi, and Jeanette, Pa 3807
Stoves, and related articles; from Athens, Cleveland, Knoxville and Sweetwater, Tenn., to points in western trunk-line territory 4965
Sulphur, crude:
From Brazoria, Clemens, Freeport, Galveston, Hoskins, Houston, and Sulphur Docks, Tex., to points in southern and official territories 3896
From points in Texas and Louisiana to Bentonville and Front Royal, Va 3897
Superphosphate:
From Bartlesville, Okla., Little Rock, North Little Rock, and Walport, Ark., Shreveport, La., Sulphur Springs, Tex., and Texarkana, Ark.-Tex., to New Florence, Mo 2948
From North Little Rock, Ark., and Atlas, Mo., to Welcome, Minn 5741
Syrup:
Corn; from points in central and Illinois territories, to North Atlantic ports 4471
Flavoring; from New Orleans and Port Chalmette, La., to Memphis and Jackson, Tenn., and Helena, Ark 4605
Tar, crude; from Terre Haute and Indianapolis, Ind., to Gainesville, Fla 5177
Terne plate. *See* Tin.
Tile, facing or flooring, from Chicago, Joliet, Kankakee, and Waukegan, Ill., to Omaha, Nebr., Atchison and Leavenworth, Kans 4249
Tin or terne plate, from St. Louis, Mo., East St. Louis, Ill., and points in Illinois, Maryland, Ohio, Pennsylvania, and West Virginia, to Farmersville, Tex 3256
Tires:
From Birmingham and North Birmingham, Ala., to points in central and Illinois territories 5619
From Gadsden, Robbins, Tuscaloosa, Birmingham, and North Birmingham, Ala., and Memphis, Tenn., to Fair Lawn, N. J. 3760
From Memphis, Tenn., to Boston and Somerville, Mass 5741
From Naugatuck, Conn., to points in southern territory 4731
Tobacco. *See* Cigarettes.
Toys; from Laurel, Miss., to Chicago, Ill 4830
Tubing, copper, from Decatur, Ala., to Beaumont and Houston, Tex 2949
Various commodities. *See* All and or various commodities.

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Wallboard, from Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo and Presidio, Tex., to Atlanta, Ga., Birmingham, Ala., Louisville, Ky., Nashville, Tenn., Jacksonville, South Jacksville and Tampa, Fla. 3433
Wire, electric; from Carey, Ohio, to Atlanta, Ga. 2904
Woodpulp; from points in western trunk-line, southwestern, official, and southern territories, to southwestern territory 5380
Woods, foreign:
From Baltimore and Cockeysville, Md., to points in southern territory 3866
From Landrum, S. C.:
To Central and Illinois territories 3760
To points in southern territory 4471
From points in South Carolina to southern territory 4135
From points in southern territory to McGraw, N. Y. 5741
Terminal areas. *See* Motor carriers.
Traversal states, motor-carrier operations involving. *See* Motor carriers.
United Van Lines, Inc., Airline Vans, and Geitz Storage and Moving Co.; special rules of procedure 3620

INVENTIONS, awards for, under Atomic Energy Act. *See* Atomic Energy Commission.

IRRIGATION PROJECTS. *See* Land Management Bureau; *and* Reclamation Bureau.

J

JAPAN:
Property of; vesting orders, etc. *See* Alien Property, Office of.
Supreme Commander for Allied Powers (SCAP), Japan; termination of office and disposition of correspondence and records 3689
Treaty of Peace with Japan; termination of national emergencies proclaimed September 8, 1939, and May 27, 1941, upon entry into force of Treaty (Proclamation 2974) 3813

JUSTICE DEPARTMENT:
See Alien Property, Office of.
Immigration and Naturalization Service.
Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (Executive Order 10348) 3769
Inspection of tax returns by Committee on the Judiciary, House of Representatives, in connection with inquiry with reference to administration of Department and Office of Attorney General (Executive Order 10343) 3259
Petroleum supply, establishment of committees to investigate and make recommendations respecting; letter from Acting Attorney General respecting committees 4396
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee, of Production Policy Committee 4561

L

LABOR DEPARTMENT:
See Employment Security Bureau.
Public Contracts Division.
Wage and Hour Division.
Agricultural manpower; implementation of defense manpower policy respecting 5765
Child labor regulations, occupations hazardous for employment of minors between 16 or 18 years of age or detrimental to their health or well-being:
Power-driven bakery machines 5610
Slaughtering and meat packing establishments and rendering plants, occupatitons in or about 3034
Small-arms ammunition not exceeding 60 caliber in size, occupations in or about plants or establishments manufacturing or storing 4323

LABOR DEPARTMENT—Continued Page

Committees, representation of:
Production Policy Committee, Office of Defense Mobilization; representation on 4561
Defense Procurement Policy Committee, designation as subcommittee 4561
Stabilization Policy Committee, Office of Defense Mobilization; representation on 4923
Hazardous occupations for minors. *See* Child labor regulations.
Manpower surpluses and shortages; implementation of defense manpower policies respecting:
Agricultural labor, responsibilities respecting 5765
Manpower shortages in various skills and occupations; responsibilities in connection with defense training program 2837
Manpower surpluses; areas of current or imminent labor surplus, hearings, findings, recommendations of Surplus Manpower Committee respecting. *See main heading* Defense Mobilization, Office of.
Training program in connection with defense manpower shortages in various skills and occupations, responsibilities respecting 2837

LABOR RELATIONS BOARD. *See* National Labor Relations Board.

LABOR SURPLUSES AND SHORTAGES, in various skills and occupations, policies respecting. *See* Defense Mobilization, Office of.

LAND MANAGEMENT BUREAU:
Air Force Department, lands in Alaska withdrawn for use of. *See under* Withdrawals.
Air-navigation sites, withdrawals of lands for, in Alaska, Arizona, Montana, and Wyoming. *See under* Withdrawals.
Alaska:
Aeronautics Division, lands released by revocation of air navigation site withdrawal No. 100 to be used by, for development of Circle Springs Airport 5701
Air-navigation site, withdrawal of lands for. *See under* Withdrawals.
Airport. *See* Circle Hot Springs Airport.
Alaska Railroad:
Construction and operation, certain lands within Mount McKinley National Park withdrawn for use in connection with; prior order (EO 3946) revoked as to described lands (PLO 816) 3495
Gravel, source of (PLO 844) 5830, 5833
Railroad reserve:
Lands at Anchorage Townsite; prior order (PLO 546) subject to withdrawal for Army Department for radio station housing site (PLO 828) 4709
Lands near Turnagain Arm; prior order (PLO 571) amended (PLO 835) 4948
Townsite purposes:
Lands at Anchorage Townsite; prior order (EO 2242) amended (PLO 824, 826) 4575, 4655
Lands near Turnagain Arm; prior order (EO 8480) revoked (PLO 835) 4948
Alaska Road Commission; lands at Anchorage Townsite added to administrative site reserved by prior order PLO 458 (PLO 824) 4575, 4598
Anchorage Townsite; lands at or near, withdrawn for various purposes:
Administrative sites, for listed agencies:
Alaska Road Commission: addition to site withdrawn by prior order PLO 458 (PLO 824) 4575, 4598
Forest Service; in connection with administration of Chugach National Forest (PLO 824) 4575, 4598
Right-of-way for pipeline (PLO 824) 4575, 4598
Railroad reserve; prior order (PLO 546) subject to withdrawal for Army Department for radio station housing site (PLO 828) 4709
Townsite purposes; prior order (EO 2242) amended (PLO 824, 826) 4575, 4655
Circle Hot Springs Airport, lands released by revocation of air navigation site withdrawal No. 100 to be used for development of 5701

LAND MANAGEMENT BUREAU—Continued Page

Alaska—Continued
Classification, examination, or in aid of legislation; lands withdrawn for. *See under* Withdrawals, *below.*
Coal permits and leases. *See* Mineral lands and minerals.
Eklutna Reclamation Project; withdrawal of lands for use in connection with Anchorage substation 4957
Homesites, lands available for lease or sale as, under Small Tract Act. *See* Small tracts, *below.*
Homesteads, lands opened to entry for. *See* Lands opened to homestead entry, *below.*
Kodiak Townsite, East Addition to; transfer of jurisdiction of interest in certain blocks to Office of Territories, proposed 5529
Lands opened to entry by veterans and general public. *See* Lands opened to homestead entry, *below.*
Leases. *See* Sales and leases.
Mineral lands and minerals:
Coal permits and leases; school sections:
Coal permits and leases on lands reserved for educational uses 4207
Occupation and use of surface by coal permittees or lessees; permits issued prior to March 5, 1952 4208
Disposal of minerals, surety bond increased to $20,000 5371
General mining regulations, school sections:
Mining locations, entries and patents; mining claims initiated prior to March 5, 1952 4207
Statutory authority; mining claims on lands reserved for educational purposes 4207
Oil and gas leases, school sections; lands reserved for educational uses 4208
Phosphate and oil shale leases, school sections; lands reserved for educational uses 4208
Potash and sodium permits and leases, school sections; lands reserved for educational uses 4208
Moose range. *See* Wildlife refuge, *below.*
Mount McKinley National Park; lands withdrawn for use for railroad purposes, prior order (EO 3946) revoked as to described lands (PLO 816) 3495
National forests, Chugach and Tongass. *See* National forests, *below.*
National park, Mount McKinley. *See* Mount McKinley National Park.
Oil and gas leases. *See* Mineral lands and minerals.
Phosphate and oil shale leases. *See* Mineral lands and minerals.
Potash and sodium permits and leases. *See* Mineral lands and minerals.
Railroad purposes, lands reserved for. *See* Alaska Railroad.
Recreational purposes, described lands within Kenai National Moose Range withdrawn for use for (PLO 839) 5731, 5737
Rights-of-way:
Access roads; described tract excluded from forest and reserved under jurisdiction of Secretary of Interior for (PLO 842) 5734
Pipeline; certain lands at Anchorage Townsite withdrawn for use by Forest Service subject to (PLO 824) 4575
Sales and leases:
See also Mineral lands and minerals.
Sale of land at public auction for industrial or commercial purposes; issuance of patent, disposal of minerals, amount of surety bond increased to $20,000 5371
Schools:
School sections:
Disposal of proceeds from sale of materials from school section lands 5731
Mining regulations respecting. *See* Mineral lands and minerals, *above.*
Timber on reserve school sections; no sales after March 5, 1952 on surveyed sections 4208
University, grant for:
Statutory authority 4208
Survey, report as to completion of; revocation 4208

LAND MANAGEMENT BUREAU—Continued Page

Alaska—Continued
Shore space reserves; restorations:
No. 480 3179
No. 481 3657
No. 482 3658
No. 483 3658
No. 484 4244
No. 485 5528
Small tracts. *See* Small tracts, *below.*
Survey, notice of filing of plat of; Seward Meridian 5736
Timber on reserved school sections; no sales after March 5, 1952, on surveyed sections 4208
Townsites; lands reserved for townsite purposes, at or near certain places:
Anchorage Townsite, prior order (EO 2242) amended (PLO 824, 826) 4575, 4655
Copper River Meridian (PLO 823) 4422, 4465
Turnagain Arm:
Prior order (EO 8480) revoked (PLO 835) 4948
Railroad townsite purposes, lands reserved for, subject to use of certain lots by Government agencies (PLO 835) 4948
University. *See* Schools.
Wildlife refuge. *See* Wildlife refuge, *below.*
Appeal from Director to Secretary; procedure respecting 4708, 4895
Applications and entries, proofs; payment for republication of notice, when necessary because of error of manager or publisher 5371
Army Department, lands in Alaska, California, Nevada, New Mexico, and Washington, withdrawn for use of. *See under* Withdrawals.
Atomic Energy Commission, lands in Colorado withdrawn for use of. *See under* Withdrawals.
Authority, delegations of, to various employees of Region I; functions of Regional Chief, Division of Lands and Minerals 4542
Bonneville Power Administration, lands in Oregon withdrawn for use of. *See under* Withdrawals.
Civil Aeronautics Administration, air-navigation sites withdrawn for use of, in Alaska, Montana, and Wyoming. *See under* Withdrawals.
Coal permits and leases, Alaska. *See* Alaska.
Disposal of certain materials. *See* Sale, lease or use, and acquisition of lands.
Exchanges of privately owned lands under Taylor Grazing Act; revision 3655
Flood control, Washington. *See under* Withdrawals.
Forest management purposes, lands in Arkansas reserved for. *See under* Withdrawals.
Forest Service, lands in Alaska and Arizona withdrawn for use of. *See under* Withdrawals.
Grazing lands:
Exchanges of privately owned lands under Taylor Grazing Act; revision 3655
Grazing districts:
Arizona grazing district No. 1; certain lands in, withdrawn for use of Forest Service as administrative site (PLO 832) 4822
Nevada, grazing district No. 5, certain lands in, reserved for use by Army Department for military purposes (PLO 841) 5732, 5737
New Mexico:
Grazing district No. 4, certain lands in, reserved for use by Army Department for military purposes (PLO 833) 4822
Grazing district No. 6:
Addition of described lands at New Mexico Principal Meridian 5372
Special rule for administration of certain lands in 5529
Oregon grazing district No. 5; described lands within, withdrawn for use of Bonneville Power Administration as sub-station site, etc. (PLO 821) 4121
Grazing purposes, certain lands near New Mexico Principal Meridian, north and west of United States Highway No. 70 available for use for (PLO 833) 4823
Highways, rights-of-way for, in Arizona; lands subject to application for, or as source of materials for construction of highways 4658
Homesites:
Lands available for lease or sale as, under Small Tract Act. *See* Small tracts.

LAND MANAGEMENT BUREAU—Continued Page

Homesites—Continued
Regulations respecting purchase of tracts not exceeding 5 acres without showing as to employment or business; notice of initiation of claim 4575
Homesteads, lands opened to entry for. *See* Lands opened to homestead entry.
Interior, Secretary of:
Appeals to, from Director of Bureau; procedure respecting 4708, 4895
Certain lands in Arkansas reserved under jurisdiction of. *See under* Withdrawals.
Lands opened to homestead entry by veterans and general public:
For small tracts opened to lease or purchase, see Small tracts.
Alabama 5197
Alaska 2821, 3657, 3885, 4708, 4948, 5736
Arizona 3860, 4658, 4825, 5401
California 3890
Colorado 4576
Idaho 3460, 4861
Montana 3419
Oregon 4711
Wisconsin 5258, 5331
Wyoming 3420, 3890
Leases. *See* Mineral lands and minerals; *and* Sale, lease or use, etc.
Mineral lands and minerals:
See also Sales, lease or use.
Authority of Chief of Soil Conservation Service to determine and advise Director, Land Management Bureau; with respect to development and utilization of minerals, including oil and gas 3180
In Alaska. *See* Alaska.
Mineral permits, leases, and licenses:
Lands where surface control under jurisdiction of Department of Agriculture or lands in reclamation projects; special stipulations 5566
Mineral deposits in acquired lands, leasing under Mineral Leasing Act:
Lease forms, applications, and offers 5567
Lease or permit applications, excepting noncompetitive oil and gas offers; supplemental information required 5567
Offer to lease and issuance of lease 5567
Pending applications; use of new Form 4–1196 5569
Who may hold leases and permits; legal guardians or trustees of minors added 5566
Oil and gas leases:
Assignments or transfers; requirements for filing of transfers 5567
Noncompetitive leases, offer to lease and issuance of lease 5566, 5615
Moose range, Alaska. *See* Wildlife refuges.
National forests:
Alaska:
Chugach National Forest:
Lands at Anchorage Townsite withdrawn for use by Forest Service in connection with administration of (PLO 824) 4574, 4598
Lands in, reserved for use by Forest Service as administrative sites, recreation areas, etc. (PLO 829):
Broadview Administrative Site (PLO 829) 4709
Cooper Creek Public Camp and Picnic Ground (PLO 829) 4709
Daves Creek-Mud Lake Public Recreation Area (PLO 829) 4709
Heney Creek Public Service Site (PLO 829) 4709
Kenai Lake Administrative Site (PLO 829) 4709
Prior order (EO 8192), revocation (PLO 829) 4710
Lower Trail Lake Public Recreation Area (PLO 829) 4709
Primrose Public Recreation Area (PLO 829) 4709
Ptarmigan Creek Public Recreation Area (PLO 829) 4709
Quartz Creek Public Recreation Area (PLO 829) 4709
Recreation areas, certain adjacent to Seward-Anchorage Highway (PLO 829) 4710

LAND MANAGEMENT BUREAU—Continued Page

National forests—Continued
Alaska—Continued
Tongass National Forest:
Forest Service, described lands reserved for use as administrative sites, recreation areas, etc. (PLO 829):
Auke Village Public Recreation Area (PLO 829) 4710
Edna Bay Public Booming and Rafting Grounds (PLO 829) 4710
Herbert River Public Service Site (PLO 829) 4710
Lena Cove Public Camp Ground (PLO 829) 4710
Mendenhall Lake Scenic and Winter Sports Area (PLO 829) 4710
Ward Cove Water-Supply System (PLO 829) 4710
Homesites; described tracts occupied as, excluded from forest and restored for purchase as homesites (PLO 842) 5732
Rights-of-way for access roads; described tract excluded from forest and reserved under jurisdiction of Secretary of Interior for (PLO 842) 5734
Scenic areas, preservation of; described tracts excluded from forest and reserved under jurisdiction of Secretary of Interior for (PLO 842) 5733
Arizona:
Coconino National Forest; certain lands in, along Oak Creek, withdrawn in Water Power Designation No. 5, restored to entry 4656
Kaibab National Forest; lands at Gila and Salt River Meridian reserved for use by Forest Service as Big Springs Ranger District Administrative Site (PLO 832) 4822, 4825
California:
Inyo National Forest, transfer of described lands to, from exterior boundaries of Sierra National Forest (PLO 819) 3745
Lassen National Forest, transfer of described lands to, from exterior boundaries of Plumas National Forest (PLO 819) 3744
Plumas National Forest, transfer of described lands from exterior boundaries of, to Lassen National Forest (PLO 819) 3744
Sierra National Forest, transfer of described lands from exterior boundaries of, to Inyo National Forest (PLO 819) 3743
Oregon, Siuslaw National Forest; revocation of Executive Order of November 13, 1889 reserving certain lands within for improvement of Coos Bay and harbor (PLO 830) 4711
National park, Mount McKinley National Park, Alaska. *See* Alaska.
Oil and gas leases, in Alaska. *See* Alaska.
Phosphate and oil shale leases, in Alaska. *See* Alaska.
Pipeline, right-of-way for, Alaska. *See* Alaska.
Potash and sodium permits and leases, in Alaska. *See* Alaska.
Power projects, power site reserves, etc., restoration of lands to entry:
Alaska, power site classification No. 107 and power site reserve No. 674; correction of land description 5072
Arizona:
Power designation No. 5 4658
Power projects:
No. 1363 5656
No. 1402 4658
Power site reserve No. 606 4658
Montana:
Power site classification No. 301, certain lands reserved for stock driveway withdrawal Montana No. 19 3804
Power site reserves No. 500 and No. 757, certain lands reserved for stock driveway withdrawal Montana No. 19 3804
Proceedings before Director of Bureau and Secretary of Interior; appeal from Director to Secretary:
Briefs, filing of 4708
Certiorari, application for; revocation 4708
Defective appeal, action by Director on; revocation 4703

LAND MANAGEMENT BUREAU—Continued Page

Proceedings before Director of Bureau and Secretary of Interior; appeal from Director to Secretary—Continued
Notice of appeal 4708
Correction 4895
Suspension when Director does not allow appeal; revocation 4708
Public Health Service, lands in Alaska withdrawn for use of. *See under* Withdrawals.
Public water reserves, California and New Mexico. *See under* Withdrawals.
Railroad reserve, Alaska Railroad. *See* Alaska.
Reclamation and irrigation:
First form reclamation withdrawals. *See main heading* Reclamation Bureau.
Reclamation projects:
Alaska, Eklutna Reclamation Project; withdrawal of lands for use in connection with Anchorage substation 4957
Lands restored from, opened to entry:
California; Yuma Project 3890
Idaho; Mountain Home Project 4861
Wyoming:
Kendrick Project 3889
North Platte Project 3889
Recreational purposes, described lands within Kenai National Moose Range withdrawn for use for (PLO 839) 5731
Relinquishments, subject to further appropriation; relinquishments in right-of-way, amendment and repayment cases 4708
Rights-of-way:
Highways; lands subject to application for, or as source of materials for construction of, in Arizona 4658
In Alaska. *See* Alaska.
Timber salvage, emergency access permits for certain timber lands in western Oregon, western Washington, and northwestern California where timber has been killed by wind, fire, or insects 5569
Sale, lease or use, and acquisition of lands; disposal of materials:
See also Mineral lands and minerals.
Disposals which must be made under other statutes:
Purchaser of materials to have prior right 5731
School section lands in Alaska, disposal of proceeds received from sale of materials from 5731
Free-use privilege; limitations:
Any Federal, State, or Territorial agency 5731
Any person or nonprofit organization 5731
In Alaska. *See* Alaska.
Scenic areas, preservation of; described tracts excluded from Tongass National Forest and reserved under jurisdiction of Secretary of Interior for (PLO 842) 5733
Schools, in Alaska. *See* Alaska.
Shore space reserves in Alaska. *See* Alaska.
Small tracts:
Classifications:
Alaska:
No. 7, modification 4627
No. 52; cancellation 3179
No. 55 3418
No. 56 4244
No. 57 5528
California:
No. 109, California No. 44, revocation as to described lands 3066
No. 332 4355
No. 333 4356
No. 335 4899
No. 336 5351
No. 338 5400
No. 339 5529
Nevada:
No. 84 4305
No. 86 5482
No. 88 5776
New Mexico, No. 32 2822
Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
Alabama 5197
Alaska 2821, 3418, 3657, 3658, 3885, 4244, 4708, 4948, 5528, 5732, 5734, 5736

LAND MANAGEMENT BUREAU—Continued Page

Small tracts—Continued
Lands opened for purchase or lease as homesites, etc., under Small Tract Act—Continued
Arizona 4825, 5401
California 3064, 3890, 4355, 4356, 4899, 5351, 5400, 5529
Colorado 4576
Idaho 3460, 4861
Montana 3419
Nevada 4305, 5482, 5776
New Mexico 2822
Washington 5371
Wisconsin 5258, 5331
Wyoming 3420, 3890
Sodium permits and leases. *See* Potash and sodium permits and leases.
Stock-driveways, withdrawals of lands in Montana and Wyoming for. *See under* Withdrawals.
Survey, notice of filing of plats of:
Alabama; certain islands in Coosa River 5197
Alaska; Seward Meridian 5736
Arizona; Gila and Salt River Meridian 3860
Oregon; Willamette Meridian 4657
Wisconsin; 4th Principal Meridian 5258, 5331
Taylor Grazing Act, exchanges of privately owned lands under; revision 3655
Territories, Office of; transfer of jurisdiction of interest in certain blocks of East Addition to Kodiak Townsite, proposed 5529
Timber:
In Alaska. *See* Alaska.
In Arkansas, certain lands reserved for forest management purposes. *See under* Withdrawals.
Timber salvage, emergency access permits for; certain lands in western Oregon, western Washington, and northwestern California where timber has been killed by wind, fire, or insects 5569
Townsites:
In Alaska. *See* Alaska.
Notice of sale of lots:
Idaho, Ketchum 4900
Washington, Willamette Meridian 5371
University of Alaska. *See* Alaska.
Water reserves. *See* Public water reserves.
Wildlife refuges:
Alaska, Kenai National Moose Range, established by EO 8979:
Homesite or homestead purposes, described lands opened to entry for (PLO 820, 839) 3885, 5731
Recreational purposes, described lands withdrawn for use for (PLO 839) 5731, 5737
New Mexico, San Andres National Wildlife Refuge; prior order (EO 8646) reserving lands for, subject to order withdrawing lands for use by Army Department for military purposes (PLO 833) 4822
North Dakota; addition to Lower Souris Wildlife Refuge (PLO 817) 3495, 3515
Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
Alaska:
Air Force Department, military purposes:
Fairbanks Meridian, lands near (PLO 818, 822) 3495, 3515, 3796, 4422
Prior order (PLO 794), correction of land description (PLO 840) 5732
Tatalina River valley, lands near (PLO 815) 3236, 3241
Yukon River, certain lands along (PLO 843) 5830, 5833
Air-navigation site withdrawals:
No. 100, revocation 5701
No. 105, revocation 2821
No. 171, enlargement 4393, 5437
Alaska Railroad:
Construction and operation, certain lands within Mount McKinley National Park withdrawn for use in connection with; prior order (EO 3946) revoked as to described lands (PLO 816) 3495
Gravel, source of (PLO 844) 5830, 5833
Railroad reserve:
Lands at Anchorage Townsite; prior order (PLO 546) subject to withdrawals for Army Department for radio station housing site (PLO 828) 4709

LAND MANAGEMENT BUREAU—Continued Page

Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Continued
- Alaska—Continued
  - Alaska Railroad—Continued
    - Railroad reserve—Continued
      - Lands near Turnagain Arm; prior order (PLO 571) amended (PLO 835) ---- 4948
    - Townsite purposes:
      - Lands at Anchorage Townsite; prior order (EO 2242) amended (PLO 824, 826) - 4575, 4655
      - Lands near Turnagain Arm; prior order (EO 8480) revoked (PLO 835) ---- 4948
  - Alaska Road Commission; lands at Anchorage Townsite added to administrative site reserved by prior order PLO 458 (PLO 824) - 4575, 4598
  - Army Department:
    - Antiaircraft artillery range, lands in Susitna Flats area near Anchorage; proposed ---- 5677
    - Lutak Inlet Dry Cargo Dock, lands at Copper River Meridian withdrawn for (PLO 837) - 5731, 5737
    - Military purposes:
      - Sitka, prior order (EO 9114) revoked as to tract at (PLO 842) ---- 5735
      - Unalaska Island, tract on (PLO 827) ---- 4708
      - Prior order (EO 9153–A) revoked as to described tract (PLO 827) ---- 4708
    - Radio station housing site, lands at Anchorage Townsite withdrawn for (PLO 828) ---- 4709
  - Classification, examination, or in aid of legislation; lands at or near certain places withdrawn for:
    - Copper River Meridian; prior order (PLO 46) revoked as to described lands (PLO 823) ---- 4422, 4465
    - Kenai-Kasilof Areas; prior orders (PLO 487, 585) revoked as to described lands (PLO 820) ---- 3885
    - Seward Meridian; prior order (PLO 487) revoked as to described lands (PLO 839) - 5731, 5737
    - Tongass National Forest, described tracts excluded from (PLO 842) ---- 5735
    - Turnagain Arm (PLO 835) ---- 4948
  - Eklutna Reclamation Project; withdrawal of lands for use in connection with Anchorage substation ---- 4957
  - Forest Service:
    - Lands at Anchorage Townsite, in connection with administration of Chugach National Forest (PLO 824) ---- 4575, 4598
    - Lands within or adjacent to Chugach and Tongass National Forests, for use as administrative sites, recreation areas, etc. (PLO 829) ---- 4709
    - Prior order (EO 8192) respecting Kenai Lake Administrative Site, Chugach National Forest, revocation (PLO 829) ---- 4710
  - Interior, Secretary of; described tracts excluded from Tongass National Forest reserved under jurisdiction of, for various purposes:
    - Rights-of-way for access roads (PLO 842) ---- 5734
    - Scenic areas, preservation of (PLO 842) ---- 5733
  - Land Management Bureau, described lands near Homer withdrawn for use of, as administrative site (PLO 831) ---- 4711, 4720
  - National forests, Chugach and Tongass; certain lands in, reserved for use of Forest Service as administrative sites, recreation areas, etc. *See* National forests, *above*.
  - Public Health Service, described lands withdrawn for use in connection with Arctic Health Research Center (PLO 826) ---- 4655, 4658
  - Railroad purposes, lands reserved for. *See* Alaska Railroad.
  - Recreational purposes, described lands within Kenai National Moose Range withdrawn for (PLO 839) ---- 5731, 5737
  - Townsites; lands reserved for townsite purposes, at or near certain places:
    - Anchorage Townsite, prior order (EO 2242) amended (PLO 824, 826) ---- 4575, 4655
    - Copper River Meridian (PLO 823) ---- 4422, 4465

LAND MANAGEMENT BUREAU—Continued Page

Withdrawal of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Con.
- Alaska—Continued
  - Townsites; lands reserved for townsite purposes, at or near certain places—Continued
    - Turnagain Arm:
      - Prior order (EO 8480) revoked (PLO 835) ---- 4948
      - Railroad townsite purposes, lands reserved for, subject to use of certain lots by Government agencies (PLO 835) ---- 4948
- Arizona:
  - Air navigation site withdrawal No. 56, reduced ---- 4658
  - Forest Service; described lands withdrawn for use of, as Big Springs Ranger District Administrative Site, in connection with administration of Kaibab National Forest (PLO 832) ---- 4822, 4825
- Arkansas, Interior, Secretary of; lands near Fifth Principal Meridian reserved for forest management purposes (PLO 834) ---- 4948
- California:
  - Army Department; bombing target sites, lands withdrawn as, by prior order (PLO 807), correction of land description (PLO 838) ---- 5731
  - Public Water Reserve No. 151:
    - Addition of certain lands near San Bernardino Meridian (PLO 814) ---- 3064, 3066
    - Prior order (EO 6116) revoked as to described lands near San Bernardino Meridian (PLO 814) ---- 3064
  - Colorado, Atomic Energy Commission, lands and reserved minerals in certain patented lands withdrawn for use of; prior order (PLO 779) modified as to described lands (PLO 825) ---- 4576
- Montana:
  - Air navigation site withdrawals:
    - No. 98, revocation as to described lands ---- 3419
    - No. 99, revocation as to described lands ---- 3419
  - Stock driveway withdrawal, Montana No. 19 ---- 3804
  - Nevada, Army Department, military purposes; lands near Mount Diablo Meridian withdrawn for use for (PLO 841) ---- 5732, 5737
- New Mexico:
  - Agriculture Department, Experimental Station, lands withdrawn for; prior orders (EO 1526 2368, 4266) subject to order withdrawing lands for use by Army Department for military purposes (PLO 833) ---- 4822
  - Army Department:
    - Air base, lands withdrawn for; prior order (PLO 7), revocation (PLO 833) ---- 4823
    - Military purposes; lands near New Mexico Principal Meridian withdrawn for (PLO 833) -- 4822
    - Prior orders (EO 1450, 9029, PLO 703), revocation (PLO 833) ---- 4823
    - Sewage disposal plant, lands withdrawn for; prior order (PLO 173), revocation (PLO 833) ---- 4823
  - Public water reserves, New Mexico Nos. 65 and 107; prior orders (Executive Orders of July 10, 1919 and April 17, 1926) subject to order withdrawing lands for use by Army Department for military purposes (PLO 833) ---- 4822
- North Dakota, Lower Souris National Wildlife Refuge, described lands withdrawn as addition to (PLO 817) ---- 3495, 3515
- Oregon:
  - Bonneville Power Administration, described lands at Willamette Meridian withdrawn for use as sub-station site, etc. (PLO 821) ---- 4121
  - Coos Bay and harbor, described lands withdrawn for improvement of; prior order (Executive Order of November 13, 1889) revoked (PLO 830) ---- 4711
- Washington, Army Department, flood control purposes, construction of McNary Dam and Reservoir Project; prior order (PLO 606) revoked as to described lands (PLO 836) ---- 5371
- Wyoming:
  - Air-navigation site withdrawal No. 122, reduced -- 3420
  - Stock-driveway withdrawals:
    - No. 128, Wyoming No. 13, enlarged ---- 3420
    - No. 144, Wyoming No. 18, reduced ---- 3420, 4657

LANDS, PUBLIC: Page
- Authority of Secretary of Interior to withdraw or reserve public lands, subject to approval by heads of executive departments or agencies involved or of designated officers (appointed by President) and jurisdiction of Director of Bureau of Budget in case of disagreements (Executive Order 10355) - 4831
- Regulations, orders, etc., respecting. *See* Land Management Bureau; *and* Reclamation Bureau.

LETTERS, of credence and recall and other communications from President to heads of foreign governments; Seal of United States to be affixed to, without special warrant (Executive Order 10347) ---- 3521

LOYALTY REVIEW BOARD:
- Directives to regional loyalty boards, cases of applicants and appointees in competitive service; Directive II, initial consideration of loyalty cases, determination after interrogatory ---- 3573

M

MAIL:
- Air carrier mail rates; economic regulations. *See* Civil Aeronautics Board.
- Postal regulations respecting mail matter, mail services, etc. *See* Post Office Department.
- Reading matter for blind persons; free matter in mails. *See* Post Office Department.

MANPOWER SURPLUSES AND SHORTAGES, in various skills and occupations, policies respecting. *See* Defense Mobilization, Office of.

MARINE CORPS. *See* Navy Department.

MARITIME ADMINISTRATION:
- *See National Shipping Authority.*
- Production equipment and machine tools, idle government-owned; reporting, disposition, etc ---- 4926
- Subsidized vessels:
  - Investigation of certain pooling and sailing agreements, to determine amount of operating-differential subsidy payment; notice of ruling on motions ---- 3215
  - Unsubsidized vessels, operation of, in competition with; notice of administrative action on application of American President Lines for extension of existing authorization to operate Atlantic Straits Freight Service without subsidy and for modification of certain conditions of operation ---- 3113
  - Notice of prehearing conference and inclusion of consideration of application for subsidy for Freight Service C–2 ---- 5072
  - Postponement of conference ---- 5331
- Vessel utilization and performance reports; notice to shipping industry respecting prompt filing of reports ---- 5617

MARITIME BOARD, FEDERAL:
- Agreements, transportation. *See* Transportation agreements.
- Charter of war-built vessels, applications for. *See* Merchant Ship Sales Act of 1946.
- Marine terminal companies, rates and charges for; price control regulation affecting. *See main heading* Price Stabilization, Office of.
- Merchant Marine Act of 1936, operating-differential subsidy under. *See* Subsidies.
- Merchant Marine training; pay and allowances of enrollees ---- 5142
- Merchant Ship Sales Act of 1946:
  - Applications of various companies to bareboat charter war-built dry-cargo vessels, hearings, etc.:
    - American President Lines, Ltd ---- 3804
    - Farrell Lines, Inc ---- 3065
    - Isbrandtsen Co., Inc ---- 3112
  - Rules and regulations, forms, and citizenship requirements; definitions, preoperating and operating expenses, table of vessel types, addition -- 5665
- Subsidies; operating-differential subsidy:
  - Amount of subsidy payment, investigation of certain pooling and sailing agreements between carriers for determination of; notice of ruling on motion ---- 3215

MARITIME BOARD, FEDERAL—Continued Page

Subsidies; operating-differential subsidy—Continued
- Hearings, etc., for various companies:
  - American President Lines, Ltd.; application for extension of existing authorization to operate Atlantic-Straits Freight Service C–2 modified), Trade Route No. 17, without subsidy ---- 3113
  - Notice of prehearing conference and inclusion consideration of application for subsidy for Freight Service C–2 ---- 5072
  - Postponement of conference ---- 5331
  - Bloemfield Steamship Co., application for subsidy with respect to Trade Routes Nos. 13 and 21; notice of prehearing conference ---- 4958
  - Farrell Lines, Inc.; subsidy rates applicable to combination freight and passenger vessels, "African Endeavor" and "African Enterprise", operated on Trade Route No. 15–A (U. S. Atlantic-South and East Africa) ---- 3756
  - Unsubsidized vessels, operation in competition with subsidized; notice of administrative action and of hearing on application of American President Lines, Ltd., for extension of existing authorization to operate without subsidy and for modification of certain conditions of operation - 3113
  - Notice of prehearing conference and enlargement of issues ---- 5072
  - Postponement ---- 5331
- Terminal marine companies, rates and charges for; price control regulation affecting. *See main heading* Price Stabilization, Office of.
- Training, Merchant Marine; regulations for government of United States Maritime Service, pay and allowances of enrollees on active administrative duty ---- 5142
- Transportation agreements, approval, hearings, etc.:
  - Investigation of certain pooling and sailing agreements, to determine amount of operating-differential subsidy payment; notice of ruling on motions ---- 3215
  - Listed companies affected by agreements:
    - A B Svenska Amerika Linien (agreement No. 7549) ---- 3215
    - A B Svenska Amerika Mexiko Linien (agreement No. 7549) ---- 3215
    - Aktieselskapet Dovrefjell (agreement No. 7763–2) - 2899
    - Aktieselskapet Falkefjell (agreement No. 7763–2) - 2899
    - Aktieselskapet Luksefjell (agreement No. 7763–2) - 2899
    - Aktieselskapet Rudolph (agreement No. 7763–2) ---- 2899
    - Compagnie Maritime Belge, S. A. (agreement No. 3579–A) ---- 4598
    - Compagnie Maritime Congolaise, S. C., R. L. (agreement No. 3579–A) ---- 4598
    - Compania Sud Americana de Vapores (agreement No. 7796 and amendment No. 7796–1, Chilean Pooling Agreement) ---- 3215
    - Davie Transportation Ltd. (agreement No. 7853) - 4901
    - Grace Line, Inc.:
      - Agreement No. 7792 and supporting agreement No. 7795, Columbian Coffee Pooling Agreement ---- 3215
      - Agreement No. 7793–1 ---- 5617
      - Agreement No. 7796 and amendment No. 7796–1, Chilean Pooling Agreement ---- 3215
      - Agreement No. 7813–1 ---- 5617
    - Gulf & South American Steamship Co. (agreement No. 7852) ---- 3562
    - Gulf and South Atlantic Havana Steamship Conference, member lines (agreement No. 4188–18) ---- 4901
    - Hamburg-Amerika Linie (agreement No. 7825) --- 4465
    - Harrison, Thos. & Jas. (agreement No. 7616) ---- 3215
    - Hoegh Lines joint service (agreement No. 7771–C) ---- 3562
    - Isthmian Steamship Co.:
      - Agreement No. 7707–2 ---- 3756
      - Agreement No. 7853 ---- 4901
    - Knutsen Line joint service (agreement No. 7847) - 3562
    - Java-New York Rate Agreement, Conference, member lines (agreement No. 90–7) ---- 5372
    - Lykes Bros. (agreement No. 7616) ---- 3215
    - Matson Navigation Co.:
      - Agreement No. 7707–2 ---- 3756
      - Agreement No. 7853 ---- 4901

MARITIME BOARD, FEDERAL—Continued Page
Transportation agreements, approval, hearings, etc.—Continued
Listed companies affected by agreements—Con.
Mississippi Shipping Co. Inc., (agreement No. 7813–1) 5617
Moore-McCormack Lines, Inc.:
Agreement No. 7549 3215
Agreement No. 7793–1 5617
Agreement No. 7852 3562
Naviera Dominicana C. por A. (agreement No. 7652–1) 2899
Nord-Deutscher Lloyd (agreement No. 7825) 4465
Ozean Linie G. m. b. H. (agreement No. 7839) 2899
Pacific Argentine-Brazil Line, Inc.:
Agreement No. 7652–1 2899
Agreement No. 7834 2899
Agreement No. 7846 2899
Pacific Coast European Conference, member lines (agreement No. 5200–13) 3562
Pacific Far East Line, Inc. (agreement No. 7847) 3562
Pacific Transport Lines, Inc. (agreement No. 7846) 2899
Pope & Talbot, Inc.:
Agreement No. 7652–1 2899
Agreement No. 7834 2899
Agreement No. 7846 2899
Reading Co. (agreements No. 7848 and 7848–1) 4598
Rederi A.-B. Pulp (agreement No. 7844) 3562
Rederiaktiegolaget (agreement No. 7549) 3215
Silver Line Ltd. (agreement No. 7771–C) 3562
Skibsaktieselskapet Seattle (agreement No. 7844) 3562
South African/U. S. A. Conference, member lines:
Agreement No. 3579–3 3562
Agreement No. 3579A 4598
Stinnes, Hugo, O. H/"Brenntag", Brennstoff-Chemikalien und Transport G. m. b. H. (agreement No. 7839) 2899
Trans-Pacific Passenger Conference, member lines (agreement No. 131–215) 2899
United States Atlantic Bermuda Freight Conference, member lines, (agreement No. 7900–1) 5372
Waterman Steamship Corp.:
Agreement 7652–1 2899
Agreements No. 7848 and No. 7848–1 4598
MARITIME DAY, NATIONAL, 1952 (Proclamation 2975) 3869
MEDAL OF FREEDOM, award of (Executive Order 10336) 2957
MERCHANT MARINE, enrollees, officers and seamen, regulations respecting. *See* Coast Guard; *and* Maritime Board, Federal.
METALS. *See* Minerals and metals.
MEXICAN WATER TREATY, delivery of water for use by Mexico under provisions of; authority of Commissioner of Reclamation Bureau respecting 4127
MIGRATORY BIRDS. *See* Fish and Wildlife Service.
MILITARY ASSISTANCE ADVISORY GROUPS, engaged in carrying out programs under Mutual Security Act of 1951; coordination of activities by Chiefs of Diplomatic Missions (Executive Order 10338) 3009
MILITARY JUSTICE, UNIFORM CODE OF:
Applicability to Commissioned Corps, Public Health Service (Executive Order 10349) 3769
Authority formerly vested in various officials of Navy, transferred to Surgeon General, Public Health Service, and Administrator and General Counsel, Federal Security Agency (Executive Order 10349) 3769
MILITARY RESERVATIONS:
Airspace restricted areas over military installations, etc.; designation as danger areas. *See* Civil Aeronautics Administration.
Army regulations respecting. *See* Army Department.
Canal Zone: Curundu Military Reservation, revising boundaries of 3653

MILITARY RESERVATIONS—Continued Page
Hawaii, restoring lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (Executive Order 10342) 3259
MINERALS EXPLORATION ADMINISTRATION. *See* Defense Minerals Exploration Administration.
MINERALS AND METALS:
Aluminum production; authority of Secretary of Army with respect to channel extension of Port Aransas-Corpus Christi waterway, Texas, to plant site for 3893
Certification of corporations engaged in mining strategic minerals, for purpose of exemption from excess profits tax under section 450 of Internal Revenue Code, responsibilities of Defense Production Administrator respecting 5191
Columbium-tantalum purchase program. *See* Defense Materials Procurement Agency.
Exploration projects. *See* Defense Minerals Exploration Administration.
Mineral deposits in acquired lands, permits, leases, etc. *See* Land Management Bureau.
Price control regulations for certain metals. *See* Price Stabilization, Office of.
Priority orders respecting specific minerals and metals. *See* National Production Authority.
Procurement:
Defense materials. *See* Defense Materials Procurement Agency.
Mica, manganese, tungsten; procurement for Government use or resale. *See* General Services Administration.
Reserved minerals:
Disposition of; designation of areas in which mineral interests are to be sold. *See* Agriculture Department.
In public lands; withdrawal of lands and minerals in various States for use of Atomic Energy Commission. *See* Land Management Bureau.
Scarce materials, designation of. *See* National Production Authority.
Uranium program, information respecting. *See* Atomic Energy Commission.
MONEYS:
Foreign moneys, values of. *See* Treasury Department.
Public moneys, deposit of. *See* Treasury Department.
MOTHER'S DAY, 1952 (Proclamation 2973) 3669
MOTOR CARRIERS. *See* Interstate Commerce Commission.
MUTUAL SECURITY AGENCY:
Coordination of activities and programs under Mutual Security Act of 1951, functions of Director respecting (Executive Order 10338) 3009
Production Policy Committee, Office of Defense Mobilization; representation on 5191

N

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS:
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee 4561
NATIONAL BUREAU OF STANDARDS:
Delegation to Director, of authority vested in Secretary of Commerce to accept and utilize gifts or bequests of real or personal property 3804
NATIONAL CEMETERIES, nonburial of persons convicted of certain crimes. *See* Army Department.
NATIONAL DAY OF PRAYER, 1952 (Proclamation 2978) 5537
NATIONAL EMERGENCIES:
Civil defense; preparation of plans by Federal agencies for emergency (Executive Order 10346) 3477
National emergencies proclaimed on September 8, 1939, and May 27, 1941, termination of (Proclamation 2974) 3813

NATIONAL FARM SAFETY WEEK, 1952 (Proclamation 2970) Page 2831
NATIONAL LABOR RELATIONS BOARD:
Rules and regulations, Series 6; procedures under various sections of National Labor Relations Act, respecting prevention of unfair labor practices, representation of employees, etc.:
Amendments, renumbering of sections 4983
Certification and signing of documents, renumbering of sections 4983
Construction of rules, renumbering of section 4983
Merged telegraph carriers, employees of, rights, privileges, etc., under section 222 (f) of Communications Act; renumbering of section 4983
Practice before Board of former employees, renumbering of sections 4983
Procedure in cases under section 10 (j) and (l) of act, renumbering of sections 4983
Procedure to hear and determine disputes under section 10 (k) of act, renumbering of sections 4983
Procedure under section 9 (c) of act and determination of questions concerning representation of employees:
Introduction of evidence, rights of parties at hearings; misconduct ground for exclusion from hearing 4982
Petition for decertification, contents of; number of persons in unit 4982
Procedure under section 10 (a) to (i) of act for prevention of unfair labor practices:
Hearings, filing of briefs, findings, etc 4982
Misconduct at hearings, refusal of witness to answer questions 4982
Records and information, renumbering of section 4983
Service and filing of papers:
Date of service 4983
Renumbering of sections 4983
Statement of procedures:
Jurisdictional dispute cases under section 10 (k) of act, renumbering of sections 4982
Procedure under section 10 (j) and (l) of act, renumbering of sections 4982
Representation cases under section 9 (c) of act; substitution of "petitioner" for "petition" 4982
Unfair labor practice cases under section 10 (a) to (i) of act and Telegraph Merger Act cases:
Compliance with Board decision and order 4982
Hearings; substitution of General Counsel for Board 4982
NATIONAL MARITIME DAY, 1952 (Proclamation 2975) 3869
NATIONAL PARK SERVICE:
Authority, delegations of, from Director to various officials:
Chief Counsel; authority to accept offers in settlement of timber trespass cases (Order 3, Sec. 9) 4721
Project Manager, Independence National Historical Park, authority with respect to execution of leases and certain contracts 3517
Regional Directors:
Animals, wild (destructive, dangerous, etc.), destruction or disposal of (Order 3, Sec. 12) 4721
Donations of money; acceptance on behalf of United States for purposes of areas, of donations not in excess of $10,000 (Order 3, Sec. 8) 4721
Fees prescribed by rules and regulations, waiver of in certain cases (Order 3, Sec. 20) 4721
Forest protection agreements; cooperative, with other Government departments, with States, or with owners of timber; authority to enter into (Order 3, Sec. 11) 4721
Grazing and agricultural permits, issuance of (Order 3, Sec. 16) 4721
Hire of animals, vehicles, and equipment by NPS; approval of rates 4721
Indigents; authority to provide moneys for care and burial (Order 3, Sec. 23) 4722
Matériel inspection interchange agreements (Order 3, Sec. 3) 4720
Museum materials; acceptance of gifts and loans (Order 3, Sec. 6) 4721

NATIONAL PARK SERVICE—Continued Page
Authority, delegations of; from Director to various officials—Continued
Regional Directors—Continued
Nonprofit scientific and historical societies, cooperation with, and appropriations for services of field employees of Service (Order 3, Sec. 17) 4721
Private operations within Regions; issuance of permits for (Order 3, Sec. 15) 4721
Property, personal:
Acquisition of; authority to contract for and accept bills of sale, etc. (Order 3, Sec. 7) 4721
Excess:
Acquisition of, for use in Territories or Island Possessions; authority of Regional Directors, Regions One and Four (Order 3, Sec. 2) 4720
Disposition and transfer of (Order 3, Sec. 4) 4720
Rent or purchase of personal property from employees (Order 3, Sec. 25) 4722
Public accommodations and services; approval of rates for furnishing (Order 3, Sec. 22) 4722
Purchase of personal equipment and supplies for employees and deductions for, from moneys due employees (Order 3, Sec. 21) 4721
Reimbursement of owners of animals, vehicles, or equipment lost, damaged, etc., while in custody of employees or of Department (Order 3, Sec. 24) 4722
Scientific specimens, collection of by Federal employees; authority to permit (Order 3, Sec. 13) 4721
Supplies, services, etc., emergency procurement of (Order 3, Sec. 19) 4721
Timber, sale or other disposition; authority to provide for cutting, and to approve sale when transaction does not exceed $10,000 (Order 3, Sec. 10) 4721
Wyoming, State of, payments to, for tax losses; authority of Regional Director, Region Two (Order 3, Sec. 5) 4721
Superintendents:
Animals, wild (destructive, dangerous, etc.), destruction or disposal of (Order 3, Sec. 12) 4721
District of Columbia Recreation Board, membership on, of Special Assistant to Superintendent of National Capital Parks; revocation (Order 3, Sec. 1) 4721
Fees prescribed by rules and regulations, waiver of in certain cases (Order 3, Sec. 20) 4721
Forest protection agreements, cooperative, with other Government departments, with States, or with owners of timber; authority to enter into (Order 3, Sec. 11) 4721
Motion or sound pictures; issuance of permits for filming of (Order 3, Sec. 14) 4721
Museum materials; acceptance as gifts or loans (Order 3, Sec. 6) 4721
Property, personal, excess; disposition and transfer of (Order 3, Sec. 4) 4720
Public accommodations and services, authority to contract for (Order 3, Sec. 22) 4722
Purchase of personal equipment and supplies for employees and deductions for, from moneys due employees (Order 3, Sec. 21) 4721
Scientific specimens, collection of (Order 3, Sec. 13) 4721
Timber, sale or other disposition; authority to approve when transaction does not exceed $1,000 (Order 3, Sec. 10) 4721
Contracts, certain, execution of; delegation of authority by Director to Project Manager, Independence National Historical Park, with respect to 3517
District of Columbia, official traffic signs for. *See* National Capital parks regulations.
Intoxicating liquors; reinstatement of regulations respecting 4707
Leases and certain contracts, execution of; delegation of authority by Director to Project Manager, Independence National Historical Park, with respect to 3517
Motor vehicles, in national parks, etc.:
Driving, speed, etc., in various national parks. *See* National parks, monuments, etc.

NATIONAL PARK SERVICE—Continued — Page

Motor vehicles, in national parks, etc.—Continued
Traffic signs, official, for District of Columbia. *See* National Capital parks regulations.
Mountain summit climbing; provision respecting Mount Rushmore National Memorial — 5193
National Capital parks regulations; official traffic signs, adoption and designation of, for District of Columbia — 5045
National parks, monuments, recreation areas, etc.:
Big Bend National Park; maximum speed of automobiles and other vehicles prescribed for — 5325
Colonial National Historical Park, Yorktown bathing beach and picnic area; fees for automobiles — 3161
Everglades National Park; prohibition against feeding or molesting crocodiles and alligators — 3830
Independence National Historical Park; delegation of authority by Director, to Project Manager of, with respect to execution of leases and certain contracts — 3517
Katmai National Monument; fishing — 4853
Kennesaw Mountain National Battlefield Park; speed of automobiles and other vehicles — 3831
Mammoth Cave National Park; fishing, open season — 3210
Mount McKinley National Park, Alaska:
Fishing, limit of catch — 4655
Registration form (prospectors and miners), redesignation — 4655
Mount Rainier National Park:
Load and weight limitation for vehicles, revocation — 4947
Permits, certain regulations respecting Ohanapecosh campground area and East Eide Road; revocation — 4947
Mount Rushmore National Memorial; mountain summit climbing — 5193
Petersburg National Military Park, definition of boundaries — 4716
Rocky Mountain National Park; fishing — 4539
Shenandoah National Park; fishing:
Catch, limit of — 2817
Season — 2817
Size limit — 2817
Yellowstone National Park; fishing:
Closed waters — 3394
Limited open season — 3384
Traffic signs, official, for District of Columbia. *See* National Capital parks regulations.

NATIONAL PARKS, FORESTS, ETC.:
Grazing in national forests. *See* Forest Service.
Nantahala National Forest, enlargement (Executive Order 10357) — 5079
Public lands in. *See* Land Management Bureau.
Regulations respecting. *See* Forest Service; *and* National Park Service.

NATIONAL PRODUCTION AUTHORITY:
Canada, petroleum and gas industries in. *See under* Priority orders.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) — 5181, 5452
Controlled Materials Plan. *See* Priorities system operation.
Delegations of authority:
See also Organizational statement.
To Defense Materials Procurement Administrator; allocation and claimant responsibilities respecting certain listed metals and minerals (Delegation 5), deletion of responsibility with respect to copper blister — 4542
To Defense, Secretary of; authority to make allotment of controlled materials and to apply priority (DO) ratings and allotment numbers, with respect to contracts and purchase orders to meet authorized procurement and construction programs (Delegation 1) — 8065
Disaster damage:
Construction materials for repair or reconstruction. *See under* Priorities system operation.
Flood-damaged area relief. *See under* Priority orders.
Functions. *See* Organizational statement.

NATIONAL PRODUCTION AUTHORITY—Continued — Page

Hearings, of cases involving non-compliance with orders and regulations; suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
Alsco, Inc — 4902
Charles Co — 5402
Deutschmann, Tobe, Corp — 5677
Kanawha Manufacturing Co — 4245
Meba Zipper Mfg. Co — 4958
National Steel Products Co — 5353
Pheoll Manufacturing Co — 4356
Shopneck, Henry P — 5677
Slater, N. G., Corp — 5483
Sussman, Charles, David and Morris — 5402
Victor Industries Corp — 3215
Wild, C. W — 5353
Interpretations of regulations and orders; procedure to request and obtain (Regulation 7) — 3646
Inventory control:
Limitations on materials that can be ordered, received or delivered; building materials, chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc. (Regulation 1) — 2926
Practical minimum working inventory limitation, materials subject to (Table IA); deletion of certain metals and minerals — 4538
Special inventory restrictions, materials subject to (Table II); deletion of certain materials — 4538
Specific calendar day or practical minimum working inventory limitation, whichever is less, materials subject to (Table IB), addition of slab zinc — 4538
Priority orders respecting inventory limitations for specific materials. *See* Priority orders.
Organizational statement — 4305
Business Advisory Service — 4306
General; authority, general plan of organization, functions, etc — 4306
Office of Administrator; functions — 4306
Staff and Operating Bureaus; functions — 4307
Staff and Operating Offices; functions — 4307
Priorities system operation; regulations:
See also Priority orders.
Basic rules respecting DO ratings (Regulation 2):
Electronic components—sequence of deliveries for small orders (Direction 4) — 3853
Machinery or equipment, use of DO rating for lease of (Int. 3) — 5300
Ratings for certain materials and products, restrictions upon use of (Direction 3) — 4342, 5395
Chemicals, paper or paperboard, and waterfowl feathers, certain (Appendix A) — 4342, 5395
Pigs' or hogs' bristles, and brushes and bristle products; added — 5396
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1):
Allotments and delivery orders for materials; additional provisions respecting designation and use of allotment numbers — 2847, 2926
Producers of class B products; procedure for obtaining minimum quantities of materials (Direction 1) — 3851, 5556
Restrictions on placing authorized controlled materials orders (Direction 3) — 3673
Special preference status for authorized controlled material orders placed in support of certain military, atomic energy, and machine tool programs (Direction 13) — 5225
Steel; restrictions on shipments and acceptance of deliveries:
Direction 10 — 3104
Revocation — 3235
Direction 11 — 3852
Revocation — 4255
Direction 12 — 5039
Steel; shipments by controlled materials producers (Direction 10A) — 3104
Revocation — 3235

NATIONAL PRODUCTION AUTHORITY—Continued — Page

Priorities system operation; regulations—Continued
Controlled Materials Plan—Continued
Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign and used steel (CMP Regulation 6):
Categories of construction and quantities of materials for which purchase orders may be self-authorized (Table II) — 5559
Commencement or continuance of construction; categories other than those listed in Table I, commenced prior to March 6, 1952, may be continued without authorization, in certain cases — 5559
Conservation; limitations on use of aluminum controlled material — 5559
Disaster damage, materials for reconstruction or repair of (Direction 2) — 3456
Water wells, procedure to be followed by drillers and prime contractors in applying for schedules for (Direction 4) — 4202
Delivery orders, preference status of, for controlled and other materials (CMP Regulation 3) — 2848
Special preference status of DO rated orders for Class A and B products containing steel (Direction 4) — 5432
Program identifications (Schedule I) — 5433
Maintenance, repair and operating supplies, installation, and minor capital additions under Controlled Materials Plan (CMP Regulation 5) — 5726
List of materials to which allotment symbol MRO or rating DO–MRO may not be applied or extended (Schedule I) — 5729
Maintenance, repair and operating supplies and minor capital additions (Regulation 4):
See also Controlled Materials Plan.
Replacement parts and accessories for export (Direction 2); revocation — 4149
Priority orders:
Aluminum:
Distribution to retailers. *See* Controlled materials, *below*.
Rules for placing, accepting and scheduling rated orders (M–5):
Acceptance of orders — 3830
Production schedule authorization; issue of directives to primary producers or secondary smelters — 3830
Use by electric utilities. *See* Electric utilities.
Use in consumer durable goods. *See* Metals.
Use in packaging closures. *See* Containers and closures.
Use in residential construction. *See under* Construction.
Antimony; limitations on inventories of antimony and materials (other than ores and concentrates) containing antimony (M–39), revocation — 4537
Automobile wreckers; required inventory report, limitations on acceptance of delivery of motor vehicles or car-units, and certain other requirements (M–92), temporary exemption of auto wreckers in certain areas from purchase limitations (Direction 1) — 3353
Baler and binder twine. *See* Twine.
Bismuth; deliveries, uses, inventories and limitations on acceptance of rated orders (M–48), revocation — 4537
Brass and bronze:
Brass mill products. *See* Copper and copper-base alloy.
Tin content, permissible in brass and bronze items. *See under* Tin.
Bristles, pigs' and hogs', and bristle products:
Limitations on inventories and processing of bristles, and manufacture, distribution and export of brushes (M–18); revocation — 5392
Ratings for, restrictions upon use of (Regulation 2, Direction 3) — 5396
Building materials; designation as scarce materials — 5138

NATIONAL PRODUCTION AUTHORITY—Continued — Page

Priority orders—Continued
Cadmium; deliveries from producer or distributor, inventory controls, and purposes for which listed products containing cadmium may be produced (M–19), revocation — 4537
Cans, tin plate, terneplate, and black plate; restrictions upon acceptance, delivery and uses of cans; and specifications for listed products (M–25) — 4409
Chemical wood pulp. *See* Wood pulp.
Chemicals:
Allocation of chemicals and allied products (M–45):
Appendix A materials:
Resorcinol (Schedule 6); revocation — 4623
Thiokol (Schedule 10) — 4537
Appendix B materials:
Naphthenic acid (Schedule 1); revocation — 5463
Sebacic acid (Schedule 7); revocation — 3852
Ratings for certain chemicals, restrictions upon use of (Regulation 2, Direction 3) — 4342, 5395
Scarce materials, designation as — 5138, 5139
Cobalt; alloying materials. *See* Iron and steel.
Columbium and tantalum; alloying materials. *See* Iron and steel.
Communications; rules for procurement and use of materials for MRO and operating construction by operators of systems (M–77) — 4203
Construction:
Controlled Materials Plan. *See* Priorities system operation.
Materials; copper and copper-base alloy, conservation of, and list of items in which use of is prohibited (M–74), use in inventory as of July 1, 1951 (Direction 1) — 3457
Residential construction; limitations on construction or alteration of residential structures and restrictions on use of controlled materials (M–100):
Construction, alteration, etc., commenced after March 5, 1952; types and quantities of materials which may be obtained (Schedule I) — 5558
Construction, alteration, etc., commenced prior to March 6, 1952; types and quantities of materials which may be obtained (Schedule II) — 5558
Limitations on use of controlled materials for certain purposes in residential construction; aluminum material for any ornamental or decorative purpose — 5558
Containers and closures:
Collapsible tubes. *See* Tubes.
Packaging closures; restrictions upon sale, delivery and use (M–26) — 3678
Aluminum, packaging closures and closure liners made of; deletion of provisions respecting — 3678
Inventory limitations; deleted — 3678
Schedule I; maximum tin coatings for closures for certain products — 3680
Shipping drums, steel; restrictions on sale or delivery and on uses to which containers may be put (M–75), revocation — 3830
Controlled materials (aluminum, copper, steel):
See also Aluminum; Copper; *and* Iron and steel.
Controlled Materials Plan for. *See under* Priorities system operation, *above*.
Distribution to retailers; maintenance of inventories, and limitations on orders and sales (M–89):
Flood-damaged area relief (Direction 1) — 4238
List of controlled materials and amounts that may be purchased on orders (Schedule I) — 4341
Quarterly W–5 quotas; delivery of items listed in Schedule I, additional provisions respecting — 4341
Copper and copper-base alloy:
Brass mill products; distribution to distributors (M–82) — 4889
Construction materials, use as. *See* Construction.
Distribution to retailers. *See* Controlled materials, *above*.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Copper and copper-base alloy—Continued
  - Raw materials, distribution of, limitation on toll agreements covering scrap, and prohibitions on undue scrap accumulation (M–16) 5562
  - Use by electric utilities. *See* Electric utilities.
  - Use in consumer durable goods. *See* Metals.
  - Wire mill products, distribution of (M–86) 4891
- Cotton duck; rules for placing, accepting, and scheduling rated orders for (M–53), revocation 4851
- Cotton sales yarn, carded; rules for placing, accepting and scheduling rated orders for (M–23), revocation 4563
- Cryolite; limitations on purchases and inventories (M–99):
  - Complete allocation in May 1952, contemplated amendments to subject croylite to; deletion 3383
  - Records and reports:
    - Certain persons to file Form NPAF–189 by April 30, 1952 3383
    - Submission of 3383
  - Restrictions on purchase and acceptances of deliveries; welding rods, welding fixtures and lamp filaments added to list 3383
- Diamond grinding wheels, restrictions on users and manufacturers of (M–103), restrictions on producers; measurement of wheel depth 5300
- Electric utilities; procurement and use of materials by (M–50) 3407
- Aluminum (Appendix A); third quarter quotas and advance allotments for future quarters 3410
- Copper (Appendix B); third quarter quotas and advance allotments for future quarters 3410
- Steel, carbon, alloy, and stainless (Appendix C, D, E); third quarter quotas and advance allotments for future quarters 3410
- Electronic components—sequence of deliveries for small orders (Regulation 2, Direction 4) 3853
- Feathers, waterfowl:
  - Ratings for certain waterfowl feathers, restrictions upon use of (Regulation 2, Direction 3) 4342, 5395
  - Restrictions on sale, use and processing (M–56); revocation 4342
- Flood-damaged area relief. *See* Controlled materials; *and* Iron and steel.
- Forest products; designation as scarce materials 5138, 5140
- Gas industries. *See* Petroleum and gas industries.
- Interpretations to regulations and orders; procedure. *See* Interpretations, *above.*
- Iron and steel:
  - Alloying materials and alloy products, requirements for melters and processors of, and authorization of melting or processing schedules (M–80):
    - Cobalt (Schedule 2) 4238
    - Columbium and tantalum (Schedule 5) 4118
    - Definitions of alloying materials (List I); cobalt 4238
  - Consumer durable goods; use of iron and steel in. *See* Metals.
  - Controlled Materials Plan respecting deliveries and shipments of steel. *See* Priorities system operation, *above.*
  - Distribution of steel to retailers. *See* Controlled materials, *above.*
  - Distributors; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A):
    - Flood-damaged area relief (Direction 2) 4237
    - Definitions; "disaster area" 5068
    - Purchase orders bearing certain allotment symbols, treatment of (Direction 1) 5462
  - Producers; maintenance, repair, operating supplies, capital additions and replacements for iron and steel producers (M–105) 4943
  - Requirements concerning production, authorization for production and certain reports, and provisions respecting orders and deliveries (M–1), production of light-gage plate on wide plate mills (Direction 5) 2929
  - Scarce materials, designation as 5138

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Iron and steel—Continued
  - Shipping drums, steel. *See* Containers and closures.
  - Steel distributors; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A), nickel-bearing stainless steel (Schedule 3) 3649
  - Use of steel by electric utilities. *See* Electric utilities.
- Laboratories, technical and scientific; priorities assistance in procurement of supplies and materials (M–71) 5559
- Lead:
  - Allocation of supply and limitations on required acceptance of rated orders (M–76); revocation 4537
  - Limitations on inventories (M–38); revocation 4537
- Leather and tanning materials:
  - Designation as scarce materials 5138, 5140
  - Rules for placing, accepting and scheduling rated orders for leather (M–48), revocation 4851
- Machine tools, idle government-owned; central inventory record and allocation of 4926
- Machines and machinery:
  - Lease of machinery or equipment, use of DO rating for (Regulation 2, Int. 3) 5300
  - Metalworking machines:
    - Delivery of (M–41) 3492
    - Finishes for; limitations on preparation for painting and application of paint on new machines (M–104) 3161
- Maintenance, repair, and operating supplies:
  - Priority orders for specific industries (marine maintenance, mining industries, petroleum and gas, etc.). *See specific industries.*
  - Regulations respecting. *See under* Priorities system operation, *above.*
- Marine maintenance, repair, operating supplies, and minor capital additions (M–70) 2844
- Metals and minerals, certain, designation as scarce materials 5139, 5140
- Metals (iron, steel, copper and aluminum), use of, in certain consumer durable goods; to provide for flexibility in production and to prohibit use of copper and aluminum for certain ornamental and decorative purposes (M–47B) 3382
- Furniture, fixtures, domestic appliances, lamps, fans, lawnmowers, tinware, cutlery, silverware, fabricated products, musical instruments, jewelry, smokers' articles, etc. (Schedule 1); revised 3383
- New products, exclusion of, from flexibility provision (Direction 1) 3795
- Minerals. *See* Metals and minerals.
- Mining industries; priorities for obtaining MRO material for maintenance, repair and operating supplies and capital additions (M–78) 5302
- Naphthenic acid. *See* Chemicals.
- Paper and paperboard, certain; ratings for; restrictions upon use of (Regulation 2, Direction 3) 4342, 5395
- Petroleum and gas industries:
  - Foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A) 4419
  - Schedule I; MSA countries, list of 4421
  - Schedule II; controlled materials, list of 4421
  - United States and Canada, petroleum operations in; priorities for obtaining MRO material for maintenance and repair purposes, as operating supplies, or laboratory equipment (M–46):
    - Assistance for small producers (Direction 2) 2844
    - Filing date for applications for fourth quarter 1952 requirements of line pipe (Direction 3) 4563
- Production equipment, idle government owned; central inventory record and allocation of 4926
- Rail transportation systems; priorities for obtaining MRO supplies for maintenance and repair purposes, as operating supplies and minor capital additions (M–73) 3410

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Rayon, high-tenacity, for rubber products. *See* Rubber.
- Resorcinol. *See* Chemicals.
- Rubber:
  - Restrictions applicable to cold GR–S, natural crepe rubber and high-tenacity rayon, and prohibition against private importation of natural rubber (M–2) 3548
  - Cold GR–S, limitation on purchase of 5224
  - Definitions; "pale crepe" 5224
  - Dry natural rubber, private importation of prohibited 5433
  - High-tenacity rayon for rubber products, limitation on; permitted percentage increased to 130 5225
  - Sole crepe cuttings, use of (Int. 2) 5559
- Scarce materials, designation as 5139, 5140
- Scarce materials, designation of building materials, chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc., as, and withdrawal of certain previous designations (DSM 1) 5137
- Sebacic acid. *See* Chemicals.
- Shipping drums, steel. *See* Containers and closures.
- Steel. *See* Iron and steel.
- Tanning materials. *See* Leather and tanning materials.
- Tantalum and columbium; alloying materials. *See* Iron and steel.
- Television, color; manufacture of equipment and items designed to receive color television permitted for certain uses (M–90) 5724
- Textiles:
  - *See also* Cotton duck; *and* Twine.
  - Scarce materials, designation as 5139, 5140
- Thiokol. *See* Chemicals.
- Tin:
  - *See also* Tin plate, terneplate.
  - Collapsible tubes made in part or in whole of tin. *See* Tubes.
  - Use in civilian economy (M–8) 3155
  - List of items or processes in which use of tin in any form is restricted (List A) 3158
  - Schedules of permitted uses of pig tin or permissible tin content in various items or processes:
    - Babbitt (Schedule III) 3159
    - Brass and bronze (Schedule I) 3158
    - Foil (Schedule V) 3160
    - Miscellaneous items; tin pipe, tubes, dental alloys, pipe organs, printing plates bismuth alloys, etc. (Schedule VII) 3160
    - Plating and coating (Schedule IV) 3159
    - Solders (Schedule II) 3158
    - Tin chemicals and tin oxide (Schedule VI) 3160
- Tin plate, terneplate, and black plate:
  - Use in cans. *See* Cans.
  - Use in packaging closures. *See* Containers and closures.
- Transportation systems, rail. *See* Rail transportation systems.
- Tubes, collapsible; restrictions on use of tin (M–27) 3406
- Twine, binder and baler; limitations on inventories (M–58) revocation 4563
- Waterfowl feathers. *See* Feathers.
- Wells, water; Controlled Materials Plan for obtaining materials. *See* Priorities system operations, *above.*
- Wheels, diamond grinding. *See* Diamond grinding wheels.
- Wire mill products, copper. *See* Copper and copper-base alloy.
- Wood pulp, chemical; limitations on inventories and consumption (M–72), revocation 3104
- Wreckers, automobile. *See* Automobile wreckers.
- Yarn, cotton. *See* Cotton sales yarn.
- Zinc; limitations on inventories of slab zinc, and required reports in connection with use, shipment, reception, or possession of slab zinc (M–9) 4536
  - Revocation 5829

NATIONAL PRODUCTION AUTHORITY—Continued Page

- Scarce materials, designation of building materials, chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc., as, and withdrawal of certain previous designations (DSM 1) 5137
- Suspension orders, issuance of, to various firms, after hearings on noncompliance with regulations and orders. *See* Hearings.

NATIONAL SECURITY RESOURCES BOARD:
- Air Coordinating Committee, representation on, by non-voting member (Executive Order 10360) 5337
- Civil-defense emergency, planning for continuity of essential functions in event of, establishment of standards and policies by Board in connection with (Executive Order 10346) 3477
- Committees, representation on:
  - Air Coordinating Committee, representation on, by nonvoting member (Executive Order 10360) 5337
  - Production Policy Committee, Office of Defense Mobilization 4561
  - Defense Procurement Policy Committee, designation as subcommittee 4561
  - Stabilization Policy Committee, Office of Defense Mobilization 4926
- Loans under section 302 of Defense Production Act of 1950; revocation 5664

NATIONAL SECURITY TRAINING COMMISSION, civil service rules; certain positions exempted from competitive service. *See* Civil Service Commission.

NATIONAL SHIPPING AUTHORITY:
- Agents and general agents:
  - Activities, maintenance, and business of ships assigned to agents under service agreements with NSA, applicability of regulations, orders, and instructions of former Maritime Commission and War Shipping Administration and allowability of expenses 3060
  - Decommissioning of ships to be placed in reserve fleet; authority and responsibilities of general agents with respect to 3553, 3682
  - Of local MA office 4707
  - Voyage data, of dry-cargo vessels operated for account of NSA; instructions for recording of, by general agents 3830
- Contracts for ship repairs. *See* Repairs of vessels.
- Decommissioning of ships to be placed in reserve fleet; authority and responsibilities of general agents with respect to 3553, 3682
  - Of local MA office 4707
- Dry-cargo vessels, operation of; instructions for recording voyage data by general agents 3830
- Insurance, marine protection and indemnity, instructions under general agency and berth agency agreements; revision 3883
- Repairs of vessels:
  - Contracts, LUMPSUMREP, vessel repairs under 2934
  - Vessel repairs under NSA master lump sum repair contract (NSA LUMPSUMREP), procedure for accomplishment; miscellaneous amendments 2934
  - Service agreements with NSA; applicability of regulations, orders, and instructions of former Maritime Commission and War Shipping Administration and allowability of expenses under service agreements 3060
  - Voyage data of dry-cargo vessels operated for account of NSA, instructions for recording of, by general agents; idle status period, addition with respect to "deactivation" 3830
- Withdrawal, of ships, from operation; authority and responsibilities of general agents to decommission ships to be withdrawn and placed in reserve fleet 3553, 3682

NAVAL AIRSPACE RESERVATIONS. *See* Naval defensive sea areas and airspace reservations.

NAVAL DEFENSE SEA AREAS AND AIRSPACE RESERVATIONS:
- Alaska, Whittier Defensive Sea Area; establishment (Executive Order 10361) 5357
- Discontinuance; Rose and Tutuila Islands (Executive Order 10341) 3143

20000—52——12

NAVIGATION LAWS AND REGULATIONS: Page
Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
Waterways. *See* Coast Guard; Customs Bureau; *and* Engineers, Corps of.

NAVY DEPARTMENT:
Air Coordinating Committee, representation on (Executive Order 10360) 5337
Aircraft, military; transportation by, with and without reimbursement 3535
Nongovernmental travel 3536
Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
Airspace reservations. *See* Naval defensive sea areas and airspace reservations.
Allotments. *See* Dependents' assistance; *and* Missing Persons Act.
Authority, delegation of, by Secretary:
Respecting dependents' assistance. *See* Dependents' assistance.
Respecting missing persons. *See* Missing Persons Act.
To Director, Personal Affairs Division, Bureau of Naval Personnel; authority to determine date of death, and person entitled to gratuity 5058
To Marine Corps, Head of Casualty Section, Personal Affairs Branch, Personnel Department; authority to determine date of death, and person entitled to gratuity 5058
Board of Contract Appeals, rules; revocation 4983
Censorship of news dispatches, still pictures, and motion pictures submitted by correspondents accompanying armed forces; joint regulations of armed forces respecting. *See main heading* Defense Department.
Civil activities within limits of naval station or on board Navy vessels 3723
Civil airman certificates; medical certification of military personnel. *See main heading* Civil Aeronautics Administration.
Contracts, cost inspection under; revision 3319
Accounting systems 3319
Allowable costs 3319
Appeal procedure 3319
Inspection of books and records 3320
Reimbursement procedure 3319
Correspondents accompanying armed forces, joint regulations of armed forces respecting. *See main heading* Defense Department.
Death gratuity; revision 5058
Claims; preparation, submission, and allowance 5059
Conclusiveness of determinations 5059
Delegations 5058
Personnel included 5058
Decorations. *See* Medal of Freedom.
Defensive sea areas. *See* Naval defensive sea areas and airspace reservations.
Dependents' assistance; revision 5360
Delegations 5360
Entitlement 5360
Voluntary applications and involuntary allotments 5360
Enlistments, extension of (Executive Order 10345) 3477
Family allowances to servicemen. *See* Dependents' assistance.
Marine Corps:
Authority to determine date of death and person entitled to gratuity, respecting death of member of Marine Corps in active, reserve, or retired status 5058
Naval Reserve Officers' Training Corps. *See* Reserve forces.
Officer Personnel Act of 1947, suspension of certain provisions respecting grades, promotions, etc., of officers in grades of second lieutenant and above (Executive Order 10365) 5689
Medal of Freedom, award of (Executive Order 10336) 2957
Medical treatment facilities, admission of civilian to 3723
Medicine and Surgery, Bureau of, organization and functions. *See* Organization.
Military Justice, Uniform Code of; authority conferred by, upon various officials of Navy, transfer to Surgeon General, Public Health Service, and Administrator and General Counsel, Federal Security Agency (Executive Order 10349) 3769

NAVY DEPARTMENT—Continued Page
Missing Persons Act; revision 5390
Allotments 5391
Delegations 5391
General provisions 5390
Transportation of dependents 5391
Naval defensive sea areas and airspace reservations; Rose Island and Tutuila Island, discontinuance (Executive Order 10341) 3143
Naval Petroleum Reserve No. 1 (Elk Hills), Kern County, California; notice of public sale of royalty gas 4899
Ordnance, Bureau of; organization. *See* Organization.
Organization:
Bureau of Medicine and Surgery 4626
Functions; organization and administration of infirmaries added 4542
Bureal of Ordnance, revision 5197
Procurement:
See also Contracts, cost inspection under.
Board of Contract Appeals, rules; revocation 4983
Production equipment and machine tools, idle government-owned; reporting, disposition, etc 4926
Reserve forces:
Enlistments, extension of (Executive Order 10345) 3477
Naval Reserve Officers' Training Corps; revision 3704
Administration 3710
Condition of service 3705
Facilities, supplies, and equipment 3720
Forms and reports 3722
Marine Corps 3714
Organization 3704
Pay and allowances 3717
Training 3711
Uniforms and insignia 3719
Royalty gas, notice of public sale at Naval Petroleum Reserve No. 1 (Elk Hills), Kern County, California 4899
Security, contracts awarded by Navy Department; public information guidance for manufacturers 3178
Transportation by military aircraft, with and without reimbursement 3535
Nongovernmental travel 3536

O

OFFICE OF TERRITORIES. *See* Interior Department.
OIL AND GAS. *See* Petroleum and petroleum products.
OLD-AGE AND SURVIVORS INSURANCE BUREAU:
Appeals Council, Office of; procedures. *See* Procedure, statements of.
Cooperatives, services for:
Certain items included as wages 4201
Agricultural labor, remuneration for 4201
Deductions from benefits when work is done for cooperatives, prohibitions 4201
Information, disclosure of. *See* Records and information.
Federal old age and survivors insurance; regulations effective prior to September 1950 (Reg. 3):
Basic computations of benefits and lump sums; appendix, repealed 4201
Deductions from benefits and lump sum payments because of employment; additional provisions 4201
Definitions:
Employment, wages for agricultural labor performed for cooperative, section reference added 4201
Wages, certain items included as; remuneration for service: for cooperatives 4201
Procedures; filing of applications and other forms, time of filing for lump sums 4201
Procedure, statements of:
Appeals Council, Office of:
Procedures of Council 4613
Records, official:
See also Records and information, official, *below.*
Inspection of 4613
Applications for insurance. *See* Federal old age and survivors insurance.

OLD-AGE AND SURVIVORS INSURANCE BUREAU—Continued Page
Procedure, statements of—Continued
Old-Age and Survivors Insurance, Bureau of:
Procedures of Bureau 4611
Records, official:
See also Records and information, official, *below.*
Inspection of 4613
Records and information, official, disclosure of:
Authority granted Administrator with respect to, under Social Security Act 3389, 5187
Definitions:
"Cost of disclosing information" 3390, 5188
"Date of termination of World War II"; rescinded 3390, 5188
"Person" 3390, 5188
Information which may be disclosed and to whom:
Statistical data or similar information not relating to any particular person 3390, 5188
To officer, agency, establishment or department of Federal Government charged with certain duties; disclosure authorized for inquiry relating to act of espionage or sabotage, until termination of national emergency 3390, 5188
Payment for information in general 3390, 5188
Payment for information in specific cases 3390, 5188
Prohibition against disclosure 3390, 5188
Social Security Act, disclosure of official records and information, note 3389, 5187
OLYMPIC WEEK, 1952 (Proclamation 2976) 4607
OVERTIME COMPENSATION, for inspection and quarantine of animals and plant products. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.

P

PAN AMERICAN DAY, 1952 (Proclamation 2968) 2829
PANAMA, Republic of, Claims Convention between United States and; special rules for claims under Articles I and II (c), time within which claims may be filed, extension of 4675
PANAMA CANAL ZONE. *See* Canal Zone.
PATENTS, awards for, under Atomic Energy Act. *See* Atomic Energy Commission.
PAY, COMPENSATION, ALLOWANCES, ETC.:
See also Wages and hours.
Foreign duty of Federal employees, compensation for. *See* State Department.
Hospitals, Government, stipends for certain positions in. *See* Civil Service Commission.
Overtime compensation; inspection and quarantine activities. *See* Animal Industry Bureau; *and* Entomology and Plant Quarantine Bureau.
Public Health Service; additional pay for civil service officers and employees, for duty requiring contact with leprosy patients (Executive Order 10354) 4831
Salary and wage stabilization. *See* Railroad and Airline Wage Board; Salary Stabilization Board; *and* Wage Stabilizaton Board.
Veterans; compensation, subsistence allowances, etc. *See* Veterans' Administration.
PENSIONS AND PROFIT-SHARING. *See* Salary Stabilization Board.
PETROLEUM ADMINISTRATION FOR DEFENSE:
Automotive gasoline. *See* Aviation gasoline; *and* Limitation on inventories and prohibition against exports of certain petroleum products.
Aviation gasoline, limitation on distribution and export of, to conserve supply for military and other essential uses (PAD 6) 4149
Allocation; extension of allocation period and charge in allocation quotas 4821
Exportation of; notice of certification 4507
Limitation on acceptance of deliveries by consumers and resellers (Direction 1) 4343
Agricultural and related purposes (Gen. Adj. 1) 4564, 4822
Grade 91/98 aviation gasoline, adjustment permitting delivery of, in Washington, Oregon, California, Alaska and Hawaii (Gen. Adj. 2) 4623, 4822, 4946
Revocation of Direction 1 4986
Revocation of PAD 6 4986

PETROLEUM ADMINISTRATION FOR DEFENSE—Con. Page
Committees and supply directors; establishment of organization for purpose of averting shortages in petroleum products (PAD Instruction 2) 4394
Letter from Acting Attorney General respecting committees 4396
Distillates (including Diesel fuel). *See* Limitation on inventories and prohibition against exports of certain petroleum products.
Exports of certain pertoleum products, prohibition against. *See* Aviation gasoline; *and* Limitation on inventories and prohibition against exports.
Fuel oil. *See* Heating oil; *and* Limitation on inventories and prohibition against exports of certain petroleum products.
Heating oil, requests for assistance in obtaining deliveries of, to East Coast (PAD Instruction No. 1); notice of expiration 4822, 4826
Inventories of certain petroleum products, limitation on. *See* Limitation on inventories.
Kerosenes. *See* Limitation on inventories and prohibition against exports of certain petroleum products.
Limitation on inventories and prohibition against exports of certain petroleum products (automotive gasoline, distillates, residual fuel oil, and kerosenes) (PAD 5) 3882, 4205, 4343, 4765
Aviation gasoline, exportation of. *See* Aviation gasoline.
Notice of certification to export 4507
Reservation of supply of motor fuel for use by fire, police, civil defense, etc., vehicles (Dir. 2) 4342
Revocation 4765
Revocation 4765
Special rules as to distillates and residual fuel oil in listed areas (Dir. 1) 4342
Revocation 4765
Natural gas, restriction on use of; notice of certification of authority of Public Service Commission, Kentucky, respecting 2938
Tetraethyl lead fluid, automotive, limitation on use; suspension 2888
Voluntary agreement relating to supply of heating oil for East Coast; notice of expiration 4826
PETROLEUM AND PETROLEUM PRODUCTS:
Aviation gasoline; limitation on distribution and export of, to conserve supply for military and other essential uses. *See* Petroleum Administration for Defense.
Coastal lands, submerged, oil and gas deposits in; continuance of operations. *See* Interior Department.
Export of certain petroleum products (automotive gasoline, fuel oil, kerosene, etc.; limitation and prohibition against. *See* Petroleum Administration for Defense.
Foreign petroleum operations, priority assistance for. *See* National Production Authority.
Heating oil, supplies of. *See* Petroleum Administration for Defense.
Leases, oil and gas; regulations respecting. *See* Land Management Bureau.
Naval Petroleum Reserve No. 1, California, sale of royalty gas from. *See* Navy Department.
Price control regulations respecting. *See* Price Stabilization, Office of.
Priority orders respecting. *See* National Production Authority.
Producing oil and gas fields. *See* Geological Survey.
PHILIPPINE ISLANDS; certificates of registry for vessels purchased abroad by United States citizens or corporations, revocation of Executive Order 2164, designating Collectors of Customs to issue certificates (Executive Order 10351) 4517
PHYSICALLY HANDICAPPED PERSONS. *See* Handicapped persons.
PLANT FIBERS (kenaf and sansevieria), development of sources of supply; functions respecting under Defense Production Act (Executive Order 10359) 5269
PORTS OF ENTRY:
Customs ports of entry. *See* Customs Bureau.
For persons. *See* Immigration and Naturalization Service.
POST OFFICE DEPARTMENT:
Accounts. *See* Disbursements and accounts.

POST OFFICE DEPARTMENT—Continued Page

- Air Coordinating Committee, representation on (Executive Order 10360) 5337
- Appointment and removal of postmasters. *See* Personnel.
- Armed forces; postal regulations respecting A. P. O.'s 3063
- Claims for postage refunds; foreign mails. *See* International postal service.
- Department and Postal Service:
  - Forms of Department. *See* Procedures and forms of Department.
  - Postage stamps and other stamped paper and securities:
    - Postage stamps, unlawful pledging or sale of, prohibitions:
      - Note; deletion 4206
      - Provisions respecting additional charge on single and double postal cards, deletion of 4206
    - Postal cards; additional charge for single, double, or old (1 cent variety) cards sold in quantities of fifty or more, deletion of provisions respecting 2817
  - Supply contracts, term of; leasing of quarters for vehicles, deletion 3654
- Disbursements and accounts; sale of maps, Solicitor's opinions and transcripts of hearings 5565
- Domestic mail matter:
  - Classification and rates of postage:
    - Armed forces, rates of postage; parcels addressed to listed A. P. O.'s, additions and deletions to list 3063
    - Circulation publications, controlled; publications issued regularly and circulated free or mainly free:
      - Advanced deposits 5371
      - Indicia on envelopes and wrappers 5371
      - Manner of paying and accounting for postage 5371
      - When not issued regularly; redesignation 5371
    - First class matter:
      - Description; private mailing cards ("post cards"), thickness of paper, additional requirements 3654
      - Rates of postage; postal cards and post cards, additional charge for single or double cards sold in quantities of fifty or more, deletion of provisions respecting 2817
    - Fourth-class matter:
      - Increased postage rates and other reformations; request filed with Interstate Commerce Commission for its consent to 5832
      - Sound reproduction records, Braille writers and other appliances or parts for the blind, weight and size limit of 4206
    - General provisions, domestic rates and conditions; definitions, "United States" and "Territories" 3654
    - Note; rescission 3654
  - Free matter in mails, reading matter for the blind; reproducers and sound-reproduction records, preparation for mailing 4206
  - Insured mail. *See* Registry system, insurance and collect-on-delivery services.
  - Money orders, issue of. *See* Money-order system.
  - Several classes of mail matter, provisions applicable to:
    - Mailing of matter without stamps affixed; postmasters to apply for authority to receive mailings 5371
    - Matter liable to damage mails or injure person:
      - Preparation and packing where admissible; perishable matter:
        - Candy, bakery goods, fruit and the like 2817
        - Flowers, cut 2817
        - Ice as refrigerant 2817
        - When acceptable 2817
      - Queen bees, transit time of seven days permitted 4206
    - Weight and size limit, when weight not applicable; matter relating to postal service, deletion 4156
    - Wrapping of packages to permit examination; printed inscription required for merchandise in sealed parcels:
      - Acceptable as third- or fourth-class matter; redesignation 3063

POST OFFICE DEPARTMENT—Continued Page

- Domestic mail matter—Continued
  - Several classes of mail matter, provisions applicable to—Continued
    - Wrapping of packages to permit examination; printed inscription required for merchandise in sealed parcels—Continued
      - Sender's name and address in connection with inscription may be other than printed labels 3063
  - Treatment of mail matter. *See* Treatment of mail matter in post offices.
  - Unmailable matter; pistols, revolvers, and other firearms, when mailing is permissible:
    - For officers and employees of enforcement agencies:
      - Affidavit and certificate not required for parcels addressed to Federal Bureau of Investigation; redesignation 4157
      - Parcels addressed to purchasing agent or other duly designated member of agency, requirements for 4157
      - Requirements for mailing matter to officers of United States or of a State, territory or district 4156
    - For watchmen; note 4157
    - Officer of a State 4157
    - Official shipments; note 4157
- Forms. *See* Procedures and forms of Department.
- Holidays, observance of, by Government Agencies (Executive Order 10358) 5269
- Insured mail. *See* Registry system, insurance.
- International postal service:
  - Postage rates, service available and instructions for mailing:
    - Registry service; indemnity for Postal Union registered articles, for Switzerland 2818
    - Regular (Postal Union) mails, general information and instructions regarding; special delivery (Exprès) service now in force, additions to list of countries 4157, 5193
    - Various countries, conditions applicable to service in:
      - Czechoslovakia, parcel post; importation of antibiotic medicines controlled by Czechoslovak authorities 3412
      - Germany, parcel post; observations, contents of duty-free gift parcels for Western zones 4853
      - Hungary; gift parcel service, temporary suspension of 4542
      - India:
        - Parcel post, prohibitions; bank notes and paper money, except with permission 4207
        - Regular mails, prohibitions; bank notes and paper money, except with permission 4207
      - Italy (including Republic of San Marino):
        - Gift parcels, U. S. A.:
          - Observations:
            - Endorsement by mailer; redesignation 5664
            - Section reference, added 5664
          - Parcels exceeding 22 pounds in weight or sent oftener than one per month subject to customs duty 3413, 5664
          - Undeliverable parcels, disposition of 5664
          - Table of rates 5664
        - Parcel post; gift items (other than those admitted as "U. S. A. gift parcels") for personal use not exceeding value of 10,000 lire (about $16) delivered without import permits but subject to customs duty 3413
        - Deletion 5664
      - Japan:
        - Parcel post; prohibitions:
          - Plants and plant products, certain 4675
          - Redesignations 4207
          - Walnuts in the shell 4207
          - Wrappings, mattings, and similar articles made of straw 4207
        - Regular mails; indemnity 4675
      - Leeward Islands, parcel post; table of rates, air mail service for Antigua only 5664
      - Liberia, parcel post; table of rates, air parcels 5193
      - Mexico, parcel post prohibitions; cigars and cigarettes, certain 5664

POST OFFICE DEPARTMENT—Continued Page

- International postal service—Continued
  - Postage rates, service available, and instructions for mailing—Continued
    - Various countries, conditions applicable to service in—Continued
      - Panama, parcel post; prohibitions:
        - Fatty, liquid, or easily liquefiable substances; redesignation 4854
        - Sweets and pastes; deletion 4854
      - Rumania: parcel post:
        - Observations; restrictions, gift parcels may not contain preserved food or other articles in tin cans 5193
        - Prohibitions; used military clothing 5664
      - Salvador (El), regular mails; special delivery 5193
      - Senegal, parcel post; table of rates, air mail service 5664
      - Tanganyika Territory, regular mails; special delivery fee (20¢), reference 3413
      - Turkey; regular mails:
        - Duitable articles; revenue and charity stamps and canceled or uncanceled postage stamps, Form 2976 (C1) must be affixed to letter containing 3413
        - Observations; calendars, paper and cardboard patterns used in sewing, and certain fashion publications and photographs require affixed Form 2976 (C1) 3413
      - Union of South Africa, parcel post, observations; order for return or redirection of parcel, deletion of provisions respecting 5193
      - Yugoslavia:
        - Parcel post, observations; gift parcels exempt from customs duties are subject to fixed import fee 5193
        - Regular mails; special delivery service 4157
  - Postage refunds:
    - Claims for less than $100:
      - At offices below $6,450 grade; paragraph caption and provisions changed to read "At post offices having gross receipts of less than $600,000 a year" 3654
      - At offices of $6,450 grade and above; paragraph caption and provisions changed to read "At post offices having gross receipts of $600,000 a year or more" 3654
    - Payment, when instructed; post offices having gross receipts of $600,000, more or less, substituted for post offices below or above the $6,450 grade 3654
- Loss, damage, or other mistreatment of mail matter. *See* Treatment of mail matter in post offices.
- Money-order system; issue of domestic money orders, in payment for c. o. d. parcels, purchasers' receipts:
  - First-class offices 4207
  - Second-class offices 4207
- Personnel; field service, appointments:
  - First-, second-, and third-class postmasters, appointment and removal of; age limits of candidates for postmastership 3413
  - Fourth-class postmasters:
    - Appointment to be made on basis of investigation and report of post office inspector when compensation is not in excess of $1,700 per annum (Executive Order 10337) 2957
    - Compensation of $1,300 changed to sum of $1,700 4207
  - Railway Mail Service, appointments in; postal clerks, note 3413
- Post offices, general provisions relating to; holidays, observance of (Executive Order 10358) 5269, 5326
- Postmasters. *See* Personnel.
- Procedures and forms of Department:
  - Forms used by First Assistant Postmaster General; Form 4245, rural carriers' statement envelope 3236
  - Procedures before Solicitor; procedure to obtain permits to receive diseased tissue by mail:
    - Application, requisites of 5665
    - Revocation and suspension of permits; basis 5665
- Railway postal clerks. *See* Personnel.
- Refunds, postage; foreign mails. *See* International postal service.

POST OFFICE DEPARTMENT—Continued Page

- Registry system, insurance and collect-on-delivery services:
  - Domestic; insured mail, additional fee for restricted delivery 4157
  - Foreign mails; registry service. *See* International postal service.
- Stamps. *See* Department and Postal Service.
- Supply contracts. *See* Department and Postal Service.
- Transportation of mails, star, steamship and steamboat routes, and vehicle service in cities; new contracts for service, with present contractors or subcontractors 2817
- Treatment of mail matter in post offices; loss or improper treatment:
  - Loss, rifling, damage, or other mistreatment of mail matter, complaints of; handling of complaints 5371
  - Privacy and safeguarding of mails, examination of unsealed matter, when address is illegible or obliterated 4206

PRESIDENT, THE:

- Executive orders, proclamations, etc. *See* Presidential documents.
- International Fisheries Commission; regulations pursuant to Halibut Fishery Convention approved by President 4347

PRESIDENTIAL DOCUMENTS:

- Agriculture Department:
  - *See also* Forest Service.
  - Nantahala National Forest, inclusion of certain lands in Cherokee County, North Carolina, transferred from Tennessee Valley Authority (EO 10357) 5079
  - Plant fibers (kenaf and sansevieria); functions respecting under Defense Production Act (EO 10359) 5269
  - Yugoslav Emergency Relief Assistance Act, funds for administration of, revocation of order respecting (EO 10338) 3009
- Aid to various countries and peoples:
  - Children's welfare work, international; revocation of orders respecting (EO 10338) 3009
  - Coordination of programs under Mutual Security Act of 1951 (EO 10338) 3009
  - Foreign Aid Act of 1947, administration of, revocation of order respecting (EO 10338) 3009
  - Greece and Turkey, assistance to, functions in connection with; revocation of orders respecting (EO 10338) 3009
  - Relief assistance to people of countries devasted by war; revocation of orders respecting (EO 10338) 3009
- Air Coordinating Committee: membership (EO 10360) 5337
- Air Force Department:
  - Air Coordinating Committee, representation on (EO 10360) 5337
  - Enlistments, extension of (EO 10345) 3477
  - Medal of Freedom, award of (EO 10336) 2957
- Airspace reservations, naval. *See* Naval defensive areas and airspace reservations.
- Alaska: Whittier Defensive Sea Area, establishment (EO 10361) 5357
- Alien Property, Office of, jurisdiction over blocked assets; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (EO 10348) 3769
- Army Department:
  - Air Coordinating Committee, representation on (EO 10360) 5337
  - Enlistments, extension of (EO 10345) 3477
  - Hawaii, restoring lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (EO 10342) 3259
  - Medal of Freedom, award of (EO 10336) 2957
- Attorney General. *See* Justice Department.
- Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (EO 10348) 3769

PRESIDENTIAL DOCUMENTS—Continued Page

Budget Bureau:
- Air Coordinating Committee, representation on, by non-voting member (EO 10360) 5337
- Public lands; jurisdiction of Director in connection with disagreements between two or more executive departments or agencies as to proposed withdrawal or reservation of public lands (EO 10355) 4831

Canal Zone; certificates of registry for vessels purchased abroad by United States citizens or corporations, designation of c. ptains of ports of Cristobal and Balboa, to issue certificates (EO 10351) 4517

Certificates and certification; under Defense Production Act, in connection with plant fibers:
- Certificates of necessity, for loans and purchases under Defense Production Act; issuance by Agriculture Department in connection with plant fibers (EO 10359) 5269
- Certificates of registry, for vessels purchased abroad by United States citizens or corporations; designation of captains of ports of Cristobal and Balboa, Canal Zone, to issue certificates (EO 10351) 4517
- Certification of programs respecting plant fibers, by Defense Production Administrator (EO 10359) 5269

Child Health Day, 1952 (Proc. 2971) 3139

Children's welfare work, international. *See* International children's welfare work.

Civil Aeronautics Board; Air Coordinating Committee, representation on (EO 10360) 5337

Civil Defense Administration. *See* Federal Civil Defense Administration.

Civil-defense emergency; preparation of plans by Federal agencies for (EO 10346) 3477

Civil service:

Appointment:
- Coffelt, Cressie E., appointment to competitive position in Interior Department without compliance with provisions of Civil Service Rules (EO 10353) 4631
- Postmasters of fourth class; appointment to be made on basis of investigation and report of post office inspector when compensation is not in excess of $1700 per anum (EO 10337) 2957

Holidays, observance by Government agencies (EO 10358) 5269

Public Health Service; additional pay for civil service officers or employees, for duty requiring contact with leprosy patients (EO 10354) 4831

Retirement; exemption of John J. Deviny, Public Printer, from compulsory retirement for age EO 10364) 5493

Transfer of personnel to American Missions for Aid to Greece or Turkey; immunities under International Organizations Immunities Act, revocation of order respecting (EO 10338) 3009

Coast Guard:
- Enlistments, extension of (EO 10345) 3477
- Security and protection of vessels, harbors, ports and waterfront facilities; general provisions respecting issuance of documents and employment of persons aboard vessels (EO 10352) 4607

Commerce Department:
- *See also* Civil Aeronautics Board.
- Air Coordinating Committee, representation on (EO 10360) 5337
- Steel companies, possession and operation of plants and facilities of listed companies (EO 10340) 3139

Committees, boards, etc.:
- Air Coordinating Committee, membership (EO 10360) 5337
- Committee on the Judiciary, House of Representatives, inspection of tax returns in connection with inquiry with reference to administration of Justice Department and Office of Attorney General (EO 10343) 3259

Communist areas, trade agreements with. *See* Trade agreements.

Courts-Martial Manual, 1951; applicability to Commissioned Corps, Public Health Service (EO 10349) 3769

Customs Bureau; lead, duty suspension on, revocation (Proc. 2979) 5785

PRESIDENTIAL DOCUMENTS—Continued Page

Days of observance:
- Child Health Day, 1952 (Proc. 2971) 3139
- Flag Day, 1952 (Proc. 2977) 4967
- Maritime Day, National, 1952 (Proc. 2975) 3869
- Mother's Day, 1952 (Proc. 2973) 3669
- National Day of Prayer, 1952 (Proc. 2978) 5537
- National Farm Safety Week, 1952 (Proc. 2970) 2831
- National Maritime Day, 1952 (Proc. 2975) 3869
- Olympic Week, 1952 (Proc. 2976) 4607
- Pan American Day, 1952 (Proc. 2968) 2829
- World Trade Week, 1952 (Proc. 2969) 2829

Defense Department:
- *See also* Air Force Department; Army Department; *and* Navy Department.
- Defensive sea areas. *See* Naval defensive sea areas and airspace reservations.
- Emergency, civil-defense; military requirements of Department to be taken into consideration in formulation of emergency plans by agencies (EO 10346) 3477

Medal for Freedom, award of (EO 10336) 2957

Defense Materials Procurement Administrator; plant fibers, procurement for Government use or resale, functions respecting (EO 10359) 5269

Defense Production Act, functions under, respecting plant fibers (EO 10359) 5269

Defense Production Administration; plant fibers, functions of Administrator in connection with development of sources of supply (EO 10359) 5269

Defensive sea areas. *See* Naval defensive sea areas and airspace reservations.

Economic missions engaged in carrying out programs under Mutual Security Act of 1951; coordination of activities by Chiefs of Diplomatic Missions (EO 10338) 3009

Emergencies, national:
- Civil-defense; preparation of plans by Federal agencies for emergency (EO 10346) 3477
- National emergencies proclaimed on September 8, 1939, and May 27, 1941, termination of (Proc. 2974) 3813

Enlistments in armed forces, extension of (EO 10345) 3477

Exequaturs issued to certain foreign consular officers in United States; Seal of United States to be affixed without special warrant (EO 10347) 3521

Export-Import Bank of Washington; loans to private business enterprises in connection with development of sources of supply of plant fibers (EO 10359) 5269

Extradition warrants; Seal of United States to be affixed to, without special warrant (EO 10347) 3521

Farm Safety Week, National, 1952 (Proc. 2970) 2831

Federal Civil Defense Administration:
- Preparation of plans by Federal agencies for emergency, functions of Administration in connection with (EO 10346) 3477
- Seal of office, establishment (EO 10350) 4473

Federal Security Agency; authority under Uniform Code of Military Justice formerly vested in various Navy officials, transferred to Administrator and General Counsel (EO 10349) 3769

Flag Day, 1952 (Proc. 2977) 4967

Foreign aid. *See* Aid to various countries and peoples.

Forest Service; Nantahala National Forest, inclusion of certain lands (EO 10357) 5079

Government Printing Office; exemption of John J. Deviny, Public Printer, from compulsory retirement for age (EO 10364) 5493

Greece and Turkey, assistance to, functions in connection with; revocation of orders respecting (EO 10338) 3009

Guam; certificates of registry for vessels purchased abroad by United States citizens or corporations, revocation of EO 2164, designating Governor of Guam to issue certificates (EO 10351) 4517

Hawaii; restoration of certain lands of Sugar Loaf Military Reservation, Oahu, and rights-of-way thereto, to jurisdiction of Territory of Hawaii (EO 10342) 3259

Hazardous duty (contact with leprosy); additional pay for Public Health Service officers and employees, for duty requiring contact with leprosy patients (EO 10354) 4831

PRESIDENTIAL DOCUMENTS—Continued Page

Holidays; observance by Government agencies (EO 10358) 5269

Housing and Home Finance Agency:
- *See also* Public Housing Administration.
- Veterans' housing; disposition of temporary structures by sale or transfer to local public agencies, or by removal, extension of time relating to (EO 10339) 3012
- War housing (temporary); disposition by sale or transfer to local public agencies, or by removal, extension of time relating to (EO 10339) 3012

Imports, trade agreements respecting. *See* Trade agreements.

Interior Department:
- Authority of Secretary of Interior to withdraw or reserve lands of United States for public purposes (EO 10355) 4831
- Personnel; appointment of Cressie E. Coffelt without compliance with competitive provisions of Civil Service Rules (EO 10353) 4631

Internal Revenue Bureau; inspection of income, excess-profits, declared value excess profits, capital stock, estate, and gift tax returns by Committee on the Judiciary, House of Representatives, in connection with inquiry with reference to administration of Justice Department and office of Attorney General (EO 10343) 3259

International children's welfare work, functions in connection with; revocation of orders respecting (EO 10338) 3009

Japan, Treaty of Peace with: termination of national emergencies proclaimed September 8, 1939, and May 27, 1941, upon entry into force of Treaty (Proc. 2974) 3813

Justice Department:
- Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (EO 10348) 3769
- Inspection of tax returns by Committee on the Judiciary, House of Representatives, in connection with inquiry with reference to administration of Department and Office of Attorney General (EO 10343) 3259

Lands:
- Forest lands, in national forests. *See* Forest Service.
- In Hawaii; restoration of certain lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (EO 10342) 3259
- Public lands; authority of Secretary of Interior to withdraw or reserve public lands, subject to approval by heads of executive departments or agencies involved or of designated officers (appointed by President), and jurisdiction of Director of Bureau of Budget in case of disagreements (EO 10355) 4831

Lead, duty suspension on; revocation (Proc. 2979) 5785

Leprosy, duty requiring contact with. *See* Hazardous duty.

Letters of credence and recall and other communications from President to heads of foreign governments; Seal of United States to be affixed to, without special warrant (EO 10347) 3521

Marine Corps:
- Enlistments, extension of (EO 10345) 3477
- Officer Personnel Act of 1947, suspension of certain provisions respecting grades, promotions, etc., of officers in grades of second lieutenant and above (EO 10365) 5689

Maritime Day, National, 1952 (Proc. 2975) 3869

Medal for Freedom, award of (EO 10336) 2957

Military assistance advisory groups engaged in carrying out programs under Mutual Security Act of 1951; coordination of activities by Chiefs of Diplomatic Missions (EO 10338) 3009

Military Justice, Uniform Code of:
- Applicability to Commissioned Corps, Public Health Service (EO 10349) 3769
- Authority formerly vested in various officials of Navy, transferred to Surgeon General, Public Health Service, and Administrator and General Counsel, Federal Security Agency (EO 10349) 3769

PRESIDENTIAL DOCUMENTS—Continued Page

Military reservations; Hawaii, restoring lands of Sugar Loaf Military Reservation, Oahu, and right-of-way thereto, to jurisdiction of Territory of Hawaii (EO 10342) 3259

Mother's Day, 1952 (Proc. 2973) 3669

Mutual Security Agency; coordination of activities and programs under Mutual Security Act of 1951, functions of Director respecting (EO 10338) 3009

Nantahala National Forest, inclusion of certain lands (EO 10357) 5079

National Day of Prayer, 1952 (Proc. 2978) 5537

National emergencies:
- Civil-defense; preparation of plans by Federal agencies for emergency (EO 10346) 3477
- National emergencies proclaimed on September 8, 1939, and May 27, 1941, termination of (Proc. 2974) 3813

National Farm Safety Week, 1952 (Proc. 2970) 2831

National Maritime Day, 1952 (Proc. 2975) 3869

National Security Resources Board:
- Air Coordinating Committee, representation on, by non-voting member (EO 10360) 5337
- Civil-defense emergency, planning for continuity of essential functions in event of, establishment of standards and policies by Board in connection with (EO 10346) 3477

Naval defensive sea areas and airspace reservations:
- Alaska, Whittier Defensive Sea Area; establishment (EO 10361) 5357
- Discontinuance; Rose and Tutuila Islands (EO 10341) 3143

Navy Department:
- Air Coordinating Committee, representation on (EO 10360) 5337
- Airspace reservations. *See* Naval defensive sea areas and airspace reservations.
- Defensive sea areas. *See* Naval defensive sea areas and airspace reservations.
- Enlistments, extension of (EO 10345) 3477
- Marine Corps. *See* Marine Corps.
- Medal of Freedom, award of (EO 10336) 2957
- Military Justice, Uniform Code of; authority conferred upon various officials by, transferred to Surgeon General, Public Health Service, and Administrator and General Counsel, Federal Security Agency (EO 10349) 3769

Olympic Week, 1952 (Proc. 2976) 4607

Pan American Day, 1952 (Proc. 2968) 2829

Panama Canal Zone. *See* Canal Zone.

Pay, additional, for Public Health Service officers and employees, for duty requiring contact with leprosy patients (EO 10354) 4831

Philippine Islands; certificates of registry for vessels purchased abroad by United States citizens or corporations, revocation of EO 2164, designating Collectors of Customs to issue certificates (EO 10351) 4517

Plant fibers (kenaf and sansevieria), development of sources of supply; functions respecting under Defense Production Act (EO 10359) 5269

Possession of steel plants, facilities, etc. *See* Commerce Department.

Post Office Department:
- Air Coordinating Committee, representation on (EO 10360) 5337
- Appointment of postmasters of fourth class to be made on basis of investigation and report of post office inspector when compensation is not in excess of $1700 per annum (EO 10337) 2957

Proclamations; Seal of United States to be affixed to, without special warrant (EO 10347) 3521

Public Health Service:
- Commissioned Corps declared to be military service (EO 10349) 3769
- Continuation as military service (EO 10356, 10362) 4967, 5413
- Courts-Martial Manual, 1951, and Uniform Code of Military Justice; applicability to Commissioned Corps (EO 10349) 3769
- Pay for duty requiring contact with leprosy patients; additional pay for civil service officers and employees (EO 10354) 4831
- Uniform Code of Military Justice, authority of Commander in Chief of fleet of Navy to be vested in Surgeon General (EO 10349) 3769

PRESIDENTIAL DOCUMENTS—Continued Page

Public Housing Administration; disposition of war and veterans' housing (temporary) by sale or transfer to local public agencies, or by removal, extension of time relating to (EO 10339) 3012
Reconstruction Finance Corporation; loans to private business enterprises in connection with encouragement and development of sources of supply of plant fibers (EO 10359) 5269
Registration, Selective Service. *See* Selective Service System.
Relief assistance to people of countries devastated by war, functions respecting; revocation of orders respecting (EO 10338) 3009
Seal of United States to be affixed to certain Presidential documents without special warrant (EO 10347) 3521
Seal, official; Federal Civil Defense Administration (EO 10350) 4473
Security and protection of vessels, harbors, ports and waterfront facilities; general provisions respecting issuance of documents and employment of persons abroad vessels (EO 10352) 4607
Selective Service System:
  Appeals to Appeal Board or to President:
    By citizens registered outside United States (EO 10344) 3475
    By conscientious objector (EO 10363) 5449
  Classification of citizens who register outside United States. *See* Registration and classification of citizens outside United States.
  Classification, preparation for; permit to leave United States, physical examination required before issuance of permit (EO 10344) 3475
  Classification rules and principles:
    Class I–D; reserve commissioned personnel to be placed in Class I–D when on active duty (EO 10344) 3475
    Class II; necessary employment defined, apprentices (EO 10366) 5749
    Class III–A (EO 10363) 5449
  Conscientious objectors:
    Appeal involving claim of conscientious objector (EO 10363) 5449
    Non-availability of funds for medical care, hospitalization, or burial while performing civilian work (EO 10363) 5449
  Expenditures other than for personal services (EO 10363) 5449
  Permit to leave United States. *See* Classification, preparation for.
  Physical examination (EO 10344, 10363) 3475, 5449
  Requirement before issuance of permit to leave United States (EO 10344) 3475
  Registration and classification of citizens outside United States:
    Extra registration proclaimed (Proc. 2972) 3473
    Regulations respecting (EO 10344) 3475
  Selective Service Officers; local board areas (EO 10363) 5449
  Volunteers, classification of; sole surviving son (EO 10363) 5449
State Department:
  Air Coordinating Committee, representation on (EO 10360) 5337
  Diplomatic Missions, Chiefs of; functions respecting coordination of activities and programs under Mutual Security Act of 1951 (EO 10338) 3009
  Medal of Freedom, award of (EO 10336) 2957
  Mutual Security Act of 1951, programs under; functions of Chiefs of Diplomatic Missions respecting coordination of activities and programs (EO 10338) 3009
Steel companies, plants and facilities of; possession and operation by Secretary of Commerce (EO 10340) 3139
Tariff Commission; lead, duty suspension on, revocation (Proc. 2979) 5785
Tax returns; inspection of income, excess-profits, declared value excess-profits, capital stock, estate and gift tax returns by Committee on the Judiciary, House of Representatives in connection with inquiry with reference to administration of Justice Department and office of Attorney General (EO 10343) 3259

PRESIDENTIAL DOCUMENTS—Continued Page

Tennessee Valley Authority; transfer of certain lands in Nantahala National Forest to Agriculture Department (EO 10357) 5079
Trade agreements, with communist areas; concessions to be withheld on imports from certain areas, notification of Secretary of Treasury respecting:
  Hungary (Letter of June 5, 1952) 5079
  Tibet (Letter of June 13, 1952) 5413
Treasury Department:
  See also Customs Bureau.
  Air Coordinating Committee, representation on (EO 10360) 5337
  Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (EO 10348) 3769
  Trade agreements, tariff concessions under, notification of Secretary of Treasury respecting. *See* Trade agreements.
Treaties:
  Seal of United States to be affixed, without special warrant therefor, to certain Presidential documents (instruments of ratification, and full powers to negotiate treaties and to exchange ratifications) (EO 10347) 3521
  Treaty of Peace with Japan; termination of national emergencies proclaimed September 8, 1939, and May 27, 1941, upon entry into force of Treaty (Proc. 2974) 3813
Turkey, assistance to. *See* Greece and Turkey.
Vessels:
  Certificates of registry, for vessels purchased abroad by United States citizens or corporations; designation of captains of ports of Cristobal and Balboa, Canal Zone, to issue certificates (EO 10351) 4517
  Security and protection of vessels; general provisions respecting issuance of documents and employment of persons aboard vessels (EO 10352) 4607
Veterans' housing; disposition of temporary war and veterans' housing by sale, transfer, removal, etc., extension of time relating to (EO 10339) 3012
War, state of, termination upon entry into force of Treaty of Peace with Japan; termination of national emergencies proclaimed on September 8, 1939, and May 27, 1941 (Proc. 2974) 3813
War-devastated countries, relief assistance to people of, functions in connection with; revocation of orders respecting (EO 10338) 3009
World Trade Week, 1952 (Proc. 2969) 2829
Yugoslav Emergency Relief Assistance, administration of; revocation of order respecting (EO 10338) 3009

PRICE STABILIZATION, OFFICE OF:

Adjustments:
  Adjustments under Defense Production Act of 1950 (GOR 21):
    Authority of District Directors. *See* Authority, delegations of.
    Products processed from certain agricultural commodities 3056
  Ceiling price adjustment for commodities or services governed by specific regulations, *see specific commodities.*
  Essential commodities and services, certain; adjustment of ceiling prices for manufacturers and suppliers (GOR 29) 4762
  Manufacturers' prices. *See* Manufacturers' prices.
  Procedures respecting. *See* Procedural regulations.
  Robinson-Patman Act, adjustments for sellers in violation of, and for sellers held in violation of Sherman or Clayton Anti-Trust Acts by court decree (GOR 18) 4236
  Small business concerns, ceiling price adjustments for (GOR 20):
    Authority of District Directors. *See* Authority, delegations of.
    New commodities, adjusted ceiling prices for; example, correction 5829
    Products processed from certain agricultural commodities 3055
Advertising charges for space on book matches. *See* Services.

PRICE STABILIZATION, OFFICE OF—Continued Page

Advisory Committees, Industry. *See* Procedural regulations.
Agricultural commodities:
  Liming materials, agricultural; exemption for rates and charges for services. *See* Services.
  Manufacturers' prices. *See* Manufacturers' prices.
  "Parity" adjustments, etc. *See* Adjustments; General Ceiling Price Regulation; *and* Manufacturers' prices.
  Wooden containers for. *See* Containers and closures.
Aircraft and aircraft parts, used; suspension from price control (GOR 9) 4940
Alaska. *See* Territories and possessions of United States.
Amendment; procedures respecting. *See* Procedural regulations.
Animal waste materials, fat-bearing and oil-bearing. *See* Fats and oils.
Apparel manufacturers' general ceiling price regulations (CPR 45):
  Calculation of ceiling prices; new categories, new classes of purchasers, new sellers:
    Articles in new categories, and for new sellers; deletion 5767
    New classes of purchasers 5767
    Sellers who cannot determine prices otherwise 5767
  Coverage:
    Articles covered and not covered, examples of (Appendix A); plastic dipped fabric gloves, modification of coverage of 5721
    Sales and sellers covered 5722
  Miscellaneous provisions; definitions and explanations, "manufacturer" 5768
Apple products. *See* Fruits, vegetables.
Armed forces, sales of potatoes to. *See* Potatoes.
Armored car services. *See* Services.
Artichoke products. *See* Fruits, vegetables.
Asparagus, canned. *See* Fruits, vegetables.
Authority, delegations of:
  Director's authority with respect to disallowance for violations of Title IV of Defense Production Act 2995
  To various agencies or officials:
    Agriculture Department, Bureau of Agricultural Economics; authority to receive certain forms from, and compile statistical data for OPS (Delegation of Authority 67) 4267
    Counsel, Chief, or Acting Chief Counsel; authority to act as Acting Director of Price Stabilization in absence of certain officials (Delegation of Authority 2) 4191
    Deputy Director; authority to act as Acting Director of Price Stabilization in absence of certain officials (Delegation of Authority 2) 4191
    Director of Price Operations; authority to act as Acting Director of Price Stabilization, in absence of Director (Delegation of Authority 2) 4191
    Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations):
      Region I Directors:
        Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 39) 4545
        Bakery products; under CPR 135 (Redeleg. 37) 4268
        Beef at wholesale, under CPR 24 (Redeleg. 42) 5464
        Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 40) 4659
        Consumer goods, under CPR 7 (Redeleg. 1, 5, and 9) 5701, 5702
        Eating and drinking establishments; under CPR 134 (Redeleg. 38) 4268
        Farm equipment; under CPR 100 (Redeleg. 21) 4545
        Ice, under GCPR, SR 45 (Redeleg. 4 and 12) 4268
        Imports; reports, under CPR 31 (Redeleg. 41) 5173

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
  To various agencies or officials—Continued
    Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
      Region I Directors—Continued
        Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 36) 3562
        Machinery and related goods; under CPR 67 (Redeleg. 14) 3469
      Region II Directors:
        Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 36) 4269
        Bakery products; under CPR 135 (Redeleg. 32) 3691
        Beef at wholesale, under CPR 24 (Redeleg. 38) 5484
        Cattle, live; exempt purchases, under CPR 23 (Redeleg. 35) 4269
        Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 31) 2946, 4659
        Consumer goods, under CPR 7 (Redeleg. 1) 5484
        Eating and drinking establishments; under CPR 134 (Redeleg. 33) 3692
        Farm equipment; under CPR 100 (Redeleg. 15) 4268
        Imports; reports filed, under CPR 31 (Redeleg. 37) 4659
        Machinery and related goods; under CPR 67 (Redeleg. 6) 3391
        Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 34) 3756
        Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 16) 5484
      Region III Directors:
        Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 36) 5702
        Bakery products; under CPR 135 (Redeleg. 32) 4269
        Beef at wholesale, under CPR 24 (Redeleg. 37) 5702
        Cattle, live; exempt purchases, under CPR 23 (Redeleg. 33) 4269
        Commodity Credit Corporation, support prices fixed by; under GOR (Redeleg. 29) 3115, 4959
        Consumer goods, under CPR 7 (Redeleg. 1) 5485
        Eating and drinking establishments; under CPR 134 (Redeleg. 31) 4545
        Farm equipment; under CPR 100 (Redeleg. 22) 4269
        Ice, under GCPR, SR 45 (Redeleg. 9) 4269
        Imports; reports, under CPR 31 (Redeleg. 34) 5173
        Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 30) 3470
        Machinery and related goods; under CPR 67 (Redeleg. 14) 3115
        Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 28) 2877
        Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 35) 5173
        Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 24) 5702
      Region IV Directors:
        Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 35) 4960
        Bakery products; under CPR 135 (Redeleg. 32) 4960
        Beef at wholesale, under CPR 24 (Redeleg. 37) 5485
        Cattle, live; exempt purchases, under CPR 23 (Redeleg. 34) 4960
        Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 30) 3756, 4959
        Consumer goods, under CPR 7 (Redeleg. 1) 5485

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various agencies or officials—Continued
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region IV Directors—Continued
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 3757
Farm equipment; under CPR 100 (Redeleg. 13) 4959
Ice; under GCPR, SR 45 (Redeleg. 4) 4959
Imports; reports filed, under CPR 31 (Redeleg. 36) 4960
Machinery and related goods; under CPR 67 (Redeleg. 6) 3756
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 33) 4960
Region V Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 35) 5173
Bakery products; under CPR 135 (Redeleg. 32) 4660
Beef at wholesale, under CPR 24 (Redeleg. 37) 5485
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 31) 4191
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 34) 4961
Consumer goods, under CPR 7 (Redeleg. 22) 5485
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 20) 2878
Eating and drinking establishments; under CPR 134 (Redeleg. 29) 4131, 5702
Ice, under GCPR, SR 45 (Redeleg. 4) 4191
Imports; reports filed, under CPR 31 (Redeleg. 33 and 36) 4960, 5485
Revocation of Redelegation of Authority 36 5702
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 19) 2877
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 28) 2878
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 30) 4131
Region VI Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 34) 4661
Bakery products; under CPR 135 (Redeleg. 30) 4403
Beef at wholesale, under CPR 24 (Redeleg. 36) 5703
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 33) 4660
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 29) 3067, 4660
Consumer goods, under CPR 7 (Redeleg. 2) 5702
Eating and drinking establishments, under CPR 134 (Redeleg. 31) 4403
Farm equipment; under CPR 100 (Redeleg. 14) 4660
Ice, under GCPR, SR 45 (Redeleg. 4) 4191
Imports; reports filed, under CPR 31 (Redeleg. 35) 4661
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 27) 3067, 4660
Machinery and related goods; under CPR 67 (Redeleg. 6) 3067
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 28) 3067
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 32) 4403
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 5703

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various agencies or officials—Continued
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region VII Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 35) 4270
Bakery products; under CPR 135 (Redeleg. 32) 3757
Beef at wholesale, under CPR 24, (Redeleg. 37) 5486
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 34) 4192
Consumer goods, under CPR 7 (Redeleg. 6) 5703
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 3757
Farm equipment; under CPR 100 (Redeleg. 17) 4661
Ice, under GCPR, SR 45 (Redeleg. 4) 4270
Imports; reports filed, under CPR 31 (Redeleg. 36) 4661
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 30) 2946
Machinery and related goods; under CPR 67 (Redeleg. 7) 3220
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 33) 4191
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 25) 5485
Region VIII Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 35) 4192
Bakery products; under CPR 135 (Redeleg. 31) 3757
Beef at wholesale, under CPR 24, (Redeleg. 37) 5486
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 34) 4309
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 30) 3067, 4661
Consumer goods, under CPR 7 (Redeleg. 1) 5486
Eating and drinking establishments; under CPR 134 (Redeleg. 32) 3757
Farm equipment; under CPR 100 (Redeleg. 14) 4192
Ice, under GCPR, SR 45 (Redeleg. 2) 3894
Imports; reports filed, under CPR 31 (Redeleg. 36) 4661
Machinery and related goods; under CPR 67 (Redeleg. 6) 2946
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 29) 2878
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 33) 4132
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 5486
Region IX Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 37) 5703
Bakery products; under CPR 135 (Redeleg. 33) 4546
Beef at wholesale, under CPR 24 (Redeleg. 39) 5704
Cattle live; exempt purchases, under CPR 23 (Redeleg. 36) 4546
Commodity Credit Corporation price support program; applications, under GOR 26 (Redeleg. 32) 3563, 5703
Consumer goods, under CPR 7 (Redeleg. 3) 5703
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 29) 2946
Eating and drinking establishments; under CPR 134 (Redeleg. 34) 4546
Farm equipment; under CPR 100 (Redeleg. 17) 4546
Ice; under GCPR, SR 45 (Redeleg. 5) 4546
Imports; reports, under CPR 31 (Redeleg. 38) 5704

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various agencies or officials—Continued
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region IX Directors—Continued
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 30) 2947
Machinery and related goods; under CPR 67 (Redeleg. 8) 3563
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 31) 3068
Petroleum products, final pricing method and adjustment provisions, under CPR 13 (Redeleg. 35) 4546
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 18) 2946
Region X Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 31) 4547
Bakery products; under CPR 135 (Redeleg. 34) 4865
Beef at wholesale, under CPR 24 (Redeleg. 36) 5704
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 30) 4270
Consumer goods, under CPR 7 (Redeleg. 1) 5486
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 29) 3757
Eating and drinking establishments, under CPR 134 (Redeleg. 35) 5173
Farm equipment; under CPR 100 (Redeleg. 18) 4547
Ice, under GCPR, SR 45 (Redeleg. 4) 4192
Imports; reports filed, under CPR 31 (Redeleg. 33) 4662
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 28) 3563
Machinery and related goods; under CPR 67 (Redeleg. 8) 3068
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 27) 3068
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 32) 4547
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 5704
Region XI Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 41) 4662
Bakery products; under CPR 135 (Redeleg. 37) 4132
Beef at wholesale, under CPR 24 (Redeleg. 44) 5705
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 40) 4270
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Redeleg. 36) 3068, 4662
Consumer goods, under CPR 7 (Redeleg. 27) 5704
Eating and drinking establishments; under CPR 134 (Redeleg. 38) 4132
Farm equipment; under CPR 100 (Redeleg. 17) 4662
Ice; under GCPR, SR 45 (Redeleg. 42) 4961
Imports; reports filed, under CPR 31 (Redeleg. 43) 4866
Machinery and related goods; under CPR 67 (Redeleg. 20) 3563
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 35) 2878
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 39) 4132
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 21) 5704
Region XII Directors:
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 45) 4662

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various agencies or officials—Continued
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region XII Directors—Continued
Bakery products; under CPR 135 (Redeleg. 42) 4403
Cattle; live; exempt purchases, under CPR 23 (Redeleg. 43) 4403
Departmentalized establishments; under CPR 7, SR 1 (Redeleg. 39) 3068
Eating and drinking establishments; under CPR 134 (Redeleg. 41) 3894
Farm equipment; under CPR 100 (Redeleg. 19) 4866
Ice; under GCPR, SR 45 (Redeleg. 14) 4866
Livestock and meat distribution; authority to take certain actions, under DR 1, (Redeleg. 38) 2947, 4132, 4866
Machinery and related goods; under CPR 67 (Redeleg. 40) 3069
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 37) 2878
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 44) 4404
Reno District Office, Director of; consumer goods, under CPR 7 (Redeleg. 36) 2947
Wooden agricultural containers, used; under CPR 142 (Redeleg. 46) 4663
Region XIII Directors:
Adjustments under Defense Production Act of 1950; applications, under GOR 21 (Redeleg. 20) 3392
Automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 27) 4663
Bakery products; under CPR 135 (Redeleg. 24) 4133
Cattle, live; exempt purchases, under CPR 23 (Redeleg. 26) 3894
Eating and drinking establishments; under CPR 134 (Redeleg. 23) 4132
Farm equipment; under CPR 100 (Redeleg. 9) 4663
Ice, under GCPR, SR 45 (Redeleg. 8) 3894
Lamb, yearling and mutton products at wholesale; statements filed pursuant to CPR 92 (Redeleg. 21) 3393
Livestock and meat distribution; authority to take certain actions, under DR 1 (Redeleg. 22) 4192
Machinery and related goods; under CPR 67 (Redeleg. 4) 3392
Manufacturers' prices, adjustments of; applications filed, under GOR 10 (Redeleg. 25) 3894
Parity adjustments, authority to receive and process notices of; under GCPR (Redeleg. 17) 2947
Pork sold at wholesale; authority to act under various provisions of CPR 74 (Redeleg. 18) 3392
Small business concerns; adjustments, under GOR 20 (Redeleg. 19) 3392
Region XIV. *See* Directors, Territorial.
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations):
All Directors:
Automotive parts and engines; issuance of orders establishing price factors, exchange allowances, price differentials and price determining methods, under CPR 139 (Delegation of Authority 64) 3617
Bakery products; authority to act under CPR 135 (Delegation of Authority 60) 3220
Region II, Director of; authority to act under SR 1 to CPR 135 (Delegation of Authority 60, Supp. 1) 5701
Beef, processed; adjustments, etc., under GCPR, SR 61 (Delegation of Authority 48); revocation 4545

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of—Continued
To various agencies or officials—Continued
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
All Directors—Continued
Beef sold at wholesale; under CPR 24 (Delegation of Authority 68) 4961
Cattle, live; under CPR 23 (Delegation of Authority 63) 3471, 5739
Commodity Credit Corporation, support prices fixed by; under GOR 26 (Delegation of Authority 58) 4192
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Delegation of Authority 69) 5679
Consumer goods, under CPR 7 (Delegation of Authority 5); additional authority 4961
Eating and drinking establishments; under CPR 134 (Delegation of Authority 61) 3258, 4995
Farm equipment; reports, etc., under CPR 100 (Delegation of Authority 37) 3563
Ice; applications for adjustments, under GCPR, SR 45 (Delegation of Authority 14) 3471
Imports; reports filed, under CPR 31 (Delegation of Authority 66) 4193, 5437
Malt beverages, under CPR 117 (Delegation of Authority 52) 5618
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Delegation of Authority 62) 3258
Veal; ceiling prices at wholesale, under CPR 101 (Delegation of Authority 38), additional authority 5045
Redelegations of authority. *See* Directors, District; *and* Directors, Territorial.
Region II, Director of; bakery products, under CPR 135, SR 1 (Delegation of Authority 60, Supp. 1) 5701
Region X, Director of; contract motor carrier rates, adjustments, under GCPR, SR 39 (Delegation of Authority 59) 3069
Region XII, Director of; wooden agricultural containers, used, under CPR 142 (Delegation of Authority 65) 3832
Directors, Territorial; District Region XIV (authority respecting price action or price adjustment for specific commodities under various price regulations):
All Directors:
Commodities sold in territories and possessions, under CPR 9 (Redeleg. 4) 5705
Ice, under GCPR, SR 45 (Redeleg. 1) 4133
Parity adjustments, authority to receive and process notices of, under GCPR (Redeleg. 17) 2947
Hawaii, Territorial Director for; automotive parts and engines, rebuilt and used; under CPR 139 (Redeleg. 18) 3895
Economic Advisor; authority to act as Acting Director of Price Stabilization in absence of certain officials (Delegation of Authority 2) 4191

Automobiles:
Antique automobiles (passenger automobiles more than 20 years old); exemption (GOR 9) 5367
Discontinued makes of passenger automobiles, certain; exemption (GOR 9) 5367
Hawaii, sales of automobiles at retail and wholesale in (CPR 103); revision 3673
New passenger automobiles:
Increase in manufacturers' prices (CPR 1), modification of automobiles and applications for changed ceiling prices; elimination or modification of standard equipment 4616
Sales at retail and wholesale (CPR 83):
Preparing and conditioning new automobiles for delivery, charges for (Int. 2) 5117
Special orders:
Chrysler Corp 3758, 3895, 5530
Ford Motor Co 3180, 4548
General Motors Corp 4229, 4547, 4829, 5530
Hudson Motor Co 4829

PRICE STABILIZATION, OFFICE OF—Continued Page

Automobiles—Continued
New passenger automobiles—Continued
Sales at retail and wholesale (CPR 83)—Con
Special orders—Continued
Kaiser-Frazer Corp 3471, 4996, 5354
Packard Motor Car Co 5739
Used passenger automobiles; listed prices for sales by wholesalers, retailers, or individuals (CPR 94) 5102
Appendix A, additions to, and inclusion of prices for used Chevrolet and General Motors Corporation Suburban automobiles 3454
Automotive and farm tractor repair services. *See* Services.
Automotive parts and engines, rebuilt and used (CPR 139) 3595
Authority of Regional, District, and Territorial Directors. *See* Authority, delegations of.
Bags. *See* Containers and closures.
Bakery products (bread, rolls, cakes, cookies and pastries, sweet yeast-raised goods, doughnuts and crullers, and pies), perishable and frozen; sales by bakers, and wholesale and retail distributors (CPR 135) 3195
Adjustment of weight to reflect changes in ceiling prices; example, correction 3786
Authority of Regional and District Directors. *See* Authority, delegations of.
Effective date, mandatory, extension of 4377
New York restaurant bakers 5059
Supplementary regulation; sales to eating and drinking establishments located in metropolitan New York area (SR 1) 5693
Authority of New York Regional Director. *See* Authority, delegations of.
Beef. *See* Livestock and meat.
Berries. *See* Fruits, vegetables, and berries.
Beverages sold by institutions in territories and possessions. *See* Territories and possessions of United States.
Bottles. *See* Containers.
Bowling alleys in Baltimore, Maryland. *See under* Services.
Branded articles, uniform ceiling prices for (CPR 7, SR 4) 4528
Brass and bronze ingots. *See* Copper and copper base alloy.
Briquets. *See* Coal, coke, etc.
Building materials:
Cement, adjustments for out-of-area purchases of (GCPR, SR 66); adjustment for out-of-area purchases of sand, gravel and crushed stone 5519
Concrete:
Adjusted ceiling prices for manufacturers of ready-mixed concrete (GCPR, SR 108) 5769
Blocks, concrete, ceiling prices for sale in Virgin Islands (CPR 144) 4379
Customary price differentials between heated and unheated concrete (Int. 53, to GCPR) 4118
Increased freight rates for. *See* Freight rates.
Burlap. *See* Textiles.
Butter:
See also Foods.
Butter and milk powder, rounding of fractions in sale of (GCPR, Int. 58; GCPR, SR 20, Int. 1) 5224
Cakes, cookies, pastries, etc. *See* Bakery products.
Calfskins. *See* Hides and skins.
Candy, pure maple sugar; exemption (GOR 7) 3234
Canned goods. *See* Foods.
Cardboard. *See* Paper, paperboard, etc.
Castings (CPR 60); adjustment in ceiling prices for die castings 3849
Catgut sutures, surgical. *See* Surgical catgut sutures.
Cattle. *See* Livestock and meat.
Cattlehides. *See* Hides and skins.
Cellophane. *See* Paper, paperboard, etc.
Cement. *See* Building materials.
Chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets; special pricing methods for (CPR 7, SR 1):
Authority of District Directors with respect to departmentalized establishments. *See* Authority, delegations of.
Redesignating OPS offices for filing of documents 4927
Service charges permitted by order 2920

PRICE STABILIZATION, OFFICE OF—Continued Page

Charcoal, hardwood (GCPR, SR 101) 4148
Cheese. *See* Foods.
Chemicals:
Certain, approval of prices in long term contracts for sales of (GOR 27) 2923
Manufacturers of, modifications and alternative provisions for (CPR 22, SR 7); tungstated pigments 4144
Rubber chemicals, ceiling prices for (CPR 147) 5033
Christmas items; decorative tree lighting sets:
Adjustment of ceiling prices (GCPR, SR 96) 3057
Extension of effective date for manufacturers (CPR 22, SR 12); deleted 3039
Cigarettes. *See* Tobacco and products.
Clayton Anti-Trust Act; adjustments. *See* Adjustments.
Clocks. *See* Watches and clocks.
Coal, coke, etc.:
Briquets, petroleum coke briquets, and packaged fuel, produced at certain plants; increases in ceiling prices (GCPR, SR 78), authority to further increase ceiling prices 4986
Coke, coal chemicals and coke oven gas (GCPR, SR 13) 5346
Elimination of expiration date 4937
Lake coal dock operators (CPR 27), ceiling prices and ceiling weighted average realization; increased transportation cost 5825
Retail dealers, authority to increase ceiling prices (GCPR, SR 2):
Adjusted prices in Milwaukee County, Wisconsin 3646
Increased transportation cost 4562
Cocoa beans, raw; sales other than retail (GCPR, SR 3), brokers' commissions for sales of (Int. 3) 4235
Coffee, Kona; prices for sales in Hawaii and San Francisco, California. *See under* Foods.
Coke. *See* Coal, coke, etc.
Committee, representation of. *See* Stabilization Policy Committee.
Commodity Credit Corporation. *See* Government agencies.
Community pricing (GOR 24); community price orders respecting retail prices for certain dry grocery items; notice of filing by various Regions:
Region V (Jacksonville) 3364, 3365, 3513, 3660, 3895, 4268, 4404, 4773, 4866, 5373, 5679, 5839
Region VIII (Fargo) 3364, 3514, 3660, 3895, 4773, 5374, 5680, 5839
Region XII (Fresno) 3364, 3365, 3514, 3660, 3895, 4268, 4404, 4773, 4866, 5374, 5680, 5839
Compressors, small pneumatic; manufacturers' prices (CPR 150) 5364
Concrete. *See* Building materials.
Construction services. *See* Services.
Consumer goods, certain:
Exemptions and suspensions for certain consumer soft goods of minor significance which have trifling effect on cost of living, defense costs, etc. (GOR 4); revision 3730
Exemptions:
Feathers and fiber; raw and unprocessed landfowl and waterfowl feathers, and Kenaf fiber 3730
Furs and fur products, certain 5828
Hides and skins:
See also Suspensions.
Untanned skins of sheep or lambs 3730
Indian and Eskimo handicraft objects 3730
Suspensions:
Bags; burlap, jute, cotton and paper open mesh bags and associated commodities 5656
Burlap, except sales made in territories and possessions 3731
Cotton end-use products, certain 5656
Hides and skins, certain 5657
Leather, imported and domestic 5657
Synthetic, silk, cotton and wool yarns and fabrics, certain 4648
Wool waste materials, certain 3731
Retail ceiling prices (CPR 7):
Authority of Regional and District Directors. *See* Authority, delegations of.
Computing ceiling prices:
See also Supplementary regulations.

PRICE STABILIZATION, OFFICE OF—Continued Page

Consumer goods, certain—Continued
Retail ceiling prices (CPR 7)—Continued
Computing ceiling prices—Continued
Alternative pricing methods to avoid having different prices for units of same article offered for sale at same time 2812
Chain which prices centrally and uniformly, adding a unit to; filing of chart 4927
Opening a new unit or adding a category by seller who has previous experience; filing of chart 4927
Seller with single unit who wishes to establish prices centrally and uniformly for new unit; filing of chart 4927
Pricing charts, filing of; note, places of filing for chains 4927
Special cases:
See also Supplementary regulations.
Additional and alternative methods provided in supplementary regulations for chart construction and pricing 5650
Special orders:
Expiration of orders for certain branded articles. *See* Supplementary regulations.
Orders for various firms. *See list at end of this agency.*
Supplementary regulations:
Branded articles, uniform ceiling prices for (SR 4):
Applications; information to include branded articles sold by resellers 4528
OPS approval and orders 4529
Orders under section 43 of CPR 7, expiration of 4529
Chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets, special pricing methods for (SR 1):
Authority of District Directors with respect to departmentalized establishments. *See* Authority, delegations of.
Redesignating OPS offices for filing of documents 4927
Service charges permitted by order 2920
Retailers with unrepresentative category charts, alternative pricing method of (SR 6) 5651
Authority of Regional Directors. *See* Authority, delegations of.
Transportation cost increases, inbound, special methods for determining (SR 5) 5420
Containers and closures:
Bags; burlap, jute, cotton and paper open mesh bags and associated commodities, suspension of (GOR 4) 5656
Food containers:
Caps, closures, paper and paperboard cups and containers for moist, oily and frozen foods, certain; manufacturers' prices (CPR 133), changes in manufacturers' prices, modification of prices for certain sales at retail and wholesale to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 3647, 4235
Special paperboard products. *See* Paper, paperboard, etc.
Glass containers, certain; adjusted ceiling prices for manufacturers (GCPR, SR 99) 3603
Catsup and chili sauce bottles for bottling season 4939
Reels, spools, etc., furnished in connection with copper wire mill products. *See* Copper and copper base alloy.
Wooden agricultural containers, used; sales in Southern California (CPR 142) 3822
Authority of Regional and District Directors, Region XII. *See* Authority, delegations of.
Contract motor carriers. *See* Motor vehicles.
Copper and copper base alloy:
Brass and bronze ingots, domestic, all sales except export (CPR 127), transportation charge for ingot delivered in seller's vehicle 4145
Exemption for sales of foreign primary copper and certain sales by refiners using imported raw materials (GOR 9) 5723

PRICE STABILIZATION, OFFICE OF—Continued Page

Copper and copper base alloy—Continued
Wire mill products, copper; manufacturers' prices for, and charges for reels, spools, and other containers (CPR 110), deletion of certain items appearing in Price Book C 5518
Copra slab cake, copra oil meal and copra pellets, domestic; exemption (GOR 7) 5660
Corn cobs; exemption (GOR 7) 5660
Corn milling industry; by-products. *See* Feeds.
Cotton:
American Upland (CPR 8); suspension of ceiling prices 4645
Textiles. *See* Textiles.
Dead stock or dead animals, certain; exemption (GOR 7) 5659
Decontrolled or exempted commodities. *See* Consumer goods; Foods; General Ceiling Price Regulation; *and specific commodities.*
Defense Agencies; adjustments for sellers of food products in Puerto Rico. *See under* Foods.
Defense procurement of beef; experimental cuts. *See* Livestock and meat.
Diamond grinding wheels, diamond powder, and diamond grinding compound (CPR 30, SR 7) 4339
Dinnerware, semi-vitreous, manufacturers' ceiling prices for (CPR 22, SR 29; GCPR, SR 109) 5814, 5826
Distilled spirits. *See* Liquors, distilled spirits.
Dried foods. *See* Foods.
Excelsior bolts. *See* Wood and wood products.
Fabrics. *See* Textiles.
Farm equipment. *See* Machines and machinery.
Fats and oils (CPR 6) 5508
Ceiling prices, for various oils, fats, etc 5509
See also Suspension as to certain commodities.
Animal waste materials, fat-bearing and oil-bearing 5513
Corn oil 3740, 4617, 5510
Cottonseed oil 3739, 4616, 5509
Exports of fats and oils and products in finished form 5513
Fish oils 5513
Lard 3741, 4617, 5513
Shortening and salad and cooking oils 5510
Soybean oil 3740, 4616, 5510
Tallows and greases 5513
Vegetable oil soap stocks 5513
General provisions; prohibitions, records, definitions, etc 5508
Scope 5508
Suspension as to certain commodities (listed) 3741
Feathers:
Processed feathers, new and used, waterfowl feathers and down, and processed chicken and turkey feathers (CPR 87):
General Services Administration, sales to; contracts for future delivery 3373
Scope; regulation to cover sales to General Services Administration and to certain prime contractors 4379
Raw and unprocessed landfowl and waterfowl feathers; exemption (GOR 4) 3730
Feeds:
Manufactured feeds; prices for processors (GCPR, SR 7), mixed feed manufacturers, increased costs due to toll crushing, absorption of (Int. 2) 3882
Marine feed products, certain; sales by processors, importers and distributors (CPR 39), f. o. b. ceiling prices for sales by importers, meaning of f. o. b. port of entry (Int. 1) 5084
Wet corn milling industry, by-products of; sales by producers and distributors of (GCPR, SR 86), producers' prices for sales in bulk, deletion of standard protein content for corn oil cake, flakes and meal 3234
Fertilizer and fertilizer materials:
Bulk superphosphate (domestic); ceiling prices for sales to fertilizer manufacturers or to United States or its agencies (CPR 137) 3542
Ordinary superphosphate in bulk; new ceiling prices for certain production points 4762
Mixed; sold in Puerto Rico and Hawaii by mixers and packers (CPR 72):
Compliance 5815
Coverage, geographical, extended to include Territory of Hawaii 5815

PRICE STABILIZATION, OFFICE OF—Continued Page

Fertilizer and fertilizer materials—Continued
Mixed; sold in Puerto Rico and Hawaii by mixers and packers (CPR 72)—Continued
Definitions and explanations; "mixed fertilizer" 5815
Reports 5815
Fiber insulating board; manufacturers' ceiling prices (CPR 22, SR 23) 2815
Fibers:
Kenaf; exemption (GOR 4) 3730
Wool. *See* Wool and wool products.
Fish and seafood:
Clams; exemption for canned Maine whole soft shell clams (GOR 7) 3058, 5659
Fish oils. *See* Fats and oils.
Sold in Puerto Rico. *See* Foods.
Foods:
See also specific commodities.
Baby and junior foods, canned; adjustment for processors (GCPR, SR 107) 5555
Containers and closures for foods. *See* Containers and closures; *and* Paper, paperboard, etc.
Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
Dry cereals for infants. *See* "Replacement squeeze" *below.*
Manufacturers; translation of f. o. b. into delivered ceiling prices for certain food items (GOR 30) 5065
Retail:
Community price orders, for certain Regions. *See* Community pricing.
Groups 1 and 2 stores (CPR 16):
Dry groceries, table of markups for (Table A) 4928, 4984
Increases in certain markups 4928
Miscellaneous provisions; definitions 4984
Perishables, table of markups for (Table B) 4928, 4984
Potatoes, white flesh:
Removal from price control 5191
White seed potatoes 3103
Groups 3 and 4 stores (CPR 15):
Dry groceries, table of markups for (Table A) 4932, 4983, 5515
Increases in certain markups 4932
Miscellaneous provisions; definitions 4983
Perishables, table of markups for (Table B) 4932, 4983
Potatoes, white flesh:
Removal from price control 5191
White seed potatoes 3102
Wholesale (CPR 14); republication 3041
General provisions; directions for applying rule, net cost, allowance for cost of labels in 5719
Markup figures, table of; increased markups for certain canned vegetables, fruits and juices 4621
Special pricing provisions; additions to "net cost" for packaging 4621
Exemption and suspension of certain food and restaurant commodities which have trifling effect on cost of living, defense costs, etc. (GOR 7); revision 5658
Exemptions:
Artichoke products, canned 3234, 5660, 5828
Candy, pure maple sugar 3234
Clams; canned Maine whole soft shell clams 3058, 5659
Copra slab cake, copra oil meal and copra pellets, domestic 5660
Corn cobs 5660
Dead stock or dead animals when sold for recovery of inedible products 5659
Fruit, vegetable, berry, and related products, canned and frozen 5828
Fur seal meal 5660
Glands, raw and semi-processed (pituitary, pancreas and suprarenal) 5367, 5659
Honey, when sold by packers 5660
Ice 5827
Molasses, edible sugar cane; when sold by producers 5660
Popcorn, popped or unpopped 5660

PRICE STABILIZATION, OFFICE OF—Continued Page

Foods—Continued
Exemption and suspension of certain food and restaurant commodities which have trifling effect on cost of living, defense costs, etc. (GOR 7); revision—Continued
Exemptions—Continued
Safflower oil and safflower seeds 5660
Specialty foods (various domestically produced or imported foods and beverages, luxury food items, etc.) 5659
Syrup, sorghum, when sold by producers 5660
Water, natural or distilled 5660
Whiskey, packaged domestic, bottled prior to December 5, 1933 5660
Scope 5659
Suspension of controls applicable to domestic and imported distilled spirits and wines; off-premise consumption sales 5660
Hawaii, food products sold in (CPR 69):
Kona coffee, sales in Hawaii and c. i. f. San Francisco, Calif 2996
Supplementary regulation; West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 1) 5432
Packaging and wrapping, vegetable parchment paper for. *See* Paper, paperboard, etc.
Puerto Rico, food products sold in (CPR 51) 3039
Fish 3040
General provisions; scope, records, definitions, etc 3039
Adjustment of ceiling prices for defense contracts and subcontracts 3848
Definitions:
Defense Agency 3848
Defense contract 3848
Redesignation 3848
Subcontract 3848
Livestock 3040
Meat 3040
Milk 3040
Sold in restaurants. *See* Restaurants.
Territories and possessions, exemption for food items sold by certain institutions in. *See* Territories and possessions of United States.
Freight rates:
Increased freight rates for certain building and construction materials, permissible adjustments in ceiling prices because of (CPR 22, SR 28; GCPR, SR 106) 5610, 5612
Rail; increases for grain, grain products, by-products, and articles taking same rail freight rate (GCPR, SR 73) 5554
Frozen commodities. *See specific commodities.*
Fruits, vegetables, and berries:
Artichoke products, canned; exemption (GOR 7) 3234, 5660, 5828
Canned grocery items. *See* Foods.
Canned vegetables, certain, of 1951 spring pack, canners' prices for (CPR 42); rhubarb and asparagus added to coverage 3743
Exemption of certain canned and frozen fruit, vegetable, berry and related products (GOR 7) 5827
Fresh; services in connection with. *See* Services.
Frozen fruits and berries of 1951 and later packs (CPR 82):
Ceiling prices:
For items not sold during base period 5654
Processors' ceiling prices 5654
Sellers unable to calculate prices otherwise 5655
Coverage; products and sellers 5654
Definitions; "customary allowances, discounts, and price differentials" 5655
Reports which must be filed 5653
Title of regulation changed to include packs commenced after January 1, 1952 5654
Frozen vegetables of 1951 and later packs (CPR 81):
Coverage 4758
Definitions; "frozen vegetables" 4759
Items not sold during base period, ceiling prices for 4758

PRICE STABILIZATION, OFFICE OF—Continued Page

Fruits, vegetables, and berries—Continued
Frozen vegetables of 1951 and later packs (CPR 81)—Continued
Processors' ceiling prices; permitted increases other than raw materials 4758
Products in new retail carton sizes, ceiling prices for; deletion 4758
Reports which must be filed 4759
Sellers unable to calculate prices otherwise 4759
Supplementary regulations:
Adjusted ceiling prices for certain frozen vegetables (SR 2) 4760
Optional pricing method (SR 1) 4759
Title of regulation changed to include packs commenced after January 1, 1952 4757
Processed fruits and berries of 1951 pack, certain, ceiling prices for (CPR 56); adjusted ceiling prices for certain apple products (SR 5) 3153
Fuel, packaged. *See* Coal, coke, etc.
Fur dressing services. *See under* Services.
Fur seal meal; exemption (GOR 7) 5660
Furs and fur products, certain; exemption (GOR 4) 5828
Futures trading. *See* Wool and wool products.
Galvanized products. *See* Lead and zinc.
Gas, liquefied petroleum. *See* Petroleum products.
General Ceiling Price Regulation 3482
Agricultural commodities:
See also Supplementary regulations.
Authority of District and Territorial Directors. *See* Authority, delegations of.
"Parity" adjustments 3485
Adjustment by distributor may be based only upon lawful cost increase (Int. 55) 4409
Increased costs to distributors, absorption (Int. 52) 3880
Milk; purchases of milk by process on class basis (Int. 54) 4290
Definitions and explanations 3490
Butter and milk powder, rounding of fractions in sale of (Int. 58) 5224
Determination of ceiling prices:
All sellers 3483
Apparel, wearing, and consumer durable goods, highest price line limitation for manufacturers of 3487
Differentials, customary price 3485
Price differentials between heated and unheated concrete (Int. 53) 4118
New categories, new services, new sellers 3484
New commodities:
Manufacturers' prices 3483
Wholesalers' and retailers' prices 3484
Retail sellers, group under common control 3487
Sellers who cannot price otherwise 3485
Exemptions and exceptions 3487
Exporters and importers 3485
General provisions; records, evasion, penalties, etc 3489
Evasion; toll crushing, when considered an evasive practice (Int. 51) 3879
Modification of ceiling prices 3485
Scope; applicability, effective date, etc 3483
Supersedure of GCPR as to certain commodities, *see specific commodities.*
Supplementary regulations:
Agricultural commodities. *See* Feeds; *and* Food, agricultural and related commodities.
Beef:
Hawaii, Territory of; ceiling prices for sales of locally produced beef on Island of Hawaii (SR 97) 3152
Processed beef (cured, smoked, dried, barbecued, etc.); adjustment of ceiling prices (SR 61):
Authority of Regional Directors. *See* Authority, delegations of.
Definitions; "specialty beef product" or "specialty steak product" 4762, 5432
Extension of filing date 4762
Cement; adjustments for out-of-area purchases (SR 66), adjustment for out-of-area purchases of sand, gravel and crushed stone 5519
Charcoal, hardwood (SR 101) 4148
Christmas tree lighting sets, decorative; adjustment of ceiling prices (SR 96) 3057

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Cigarettes:
"Loss-leader" prices covered by Arkansas statute, adjustment of (SR 53):
Postponement of effective date of revocation 2923, 3454
Revision, to include State statutes other than Arkansas 4649
Alabama included in coverage 4889
Ceiling prices, adjustment of 5427
Vending machines. *See* "Replacement squeeze".
Coal, coke, etc.:
Briquets, petroleum coke briquets, and packaged fuel, produced at certain plants; increases in ceiling prices (SR 78), authority to further increase ceiling prices 4986
Coke, coal chemicals and coke oven gas (SR 13) 5346
Elimination of expiration date 4937
Retail dealers, authority to increase ceiling prices (SR 2):
Adjusted prices in Milwaukee County, Wisconsin 3646
Increased transportation cost 4562
Concrete, ready-mixed; adjusted ceiling prices for manufacturers (SR 108) 5769
Containers, glass, certain; adjusted ceiling prices for manufacturers (SR 99) 3603
Catsup and chili sauce bottles for bottling season 4939
Corn milling industry (wet), sales by producers and distributors of feed by-products of (SR 86); producers' prices for sales in bulk, deletion of standard protein content for corn oil cake, flakes and meal 3234
Dinnerware, semi-vitreous, manufacturers' ceiling prices for (SR 109) 5826
Feeds, manufactured; prices for processors (SR 7), mixed feed manufacturers, increased costs due to toll crushing, absorption of Int. 2) 3882
Food, agricultural and related commodities (SR 3):
Raw cocoa beans, brokers' commissions for sales of (Int. 3) 4235
Soybean meal and other soybean products, adjustment of ceiling prices for 3647
Foods; canned baby and junior foods, adjustment for processors of (SR 107) 5555
Freight rates:
Increased freight rates for certain building and construction materials, permissible adjustments in ceiling prices because of (SR 106) 5612
Rail; increases for grain, grain products, byproducts, and articles taking same rail freight rate (SR 73) 5554
Ice; adjustment of ceiling prices (SR 45), authority of Regional, District, and Territorial Directors. *See* Authority, delegations of.
Iron and steel products; adjustments under section 402 (d) (4) of Defense Production Act (SR 100) 3786
Lead and zinc products:
See also Paints and pastes containing lead and zinc.
Adjustments in ceiling prices of certain products and the service of galvanizing (SR 76), increased prices for sales of galvanized products 3154
Logs, sawmill, produced in Alaska; suspension (SR 55), extension of effective date 2923
Milk, fluid, cream and milk products:
Area milk price adjustments (SR 63):
California:
Fresno District (AMPR 15) 2842, 4290
Los Angeles County marketing area (AMPR 10) 2843
San Francisco District (AMPR 12) 3848
Connecticut; Fairfield County milk marketing area (AMPR 25) 4937
Delaware. *See* Pennsylvania.
Illinois; Chicago milk marketing area (AMPR 5) 3059, 5062

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Milk, fluid, cream and milk products—Continued
Area milk price adjustments (SR 63)—Con.
Massachusetts:
New Bedford milk marketing area (AMPR 23) 4485
Springfield milk marketing area (AMPR 6) 5661
New Jersey:
Milk marketing areas 3, 4, and 5 (AMPR 18) 3204
Southern New Jersey. *See* Pennsylvania, Southern New Jersey.
North Dakota; Stark milk marketing area (AMPR 24) 5063
Pennsylvania, Southern New Jersey and Newcastle County, Delaware milk marketing area (AMPR 22) 3208
Texas; North Texas milk marketing area (AMPR 19) 3454
Revocation 5300
Wisconsin; Kenosha milk marketing area (AMPR 16) 3381, 3492
For fluid consumption (SR 20); rounding of fractions in sale of butter and milk powder (Int. 1) 5224
Mine materials, wooden, produced in Western Area (SR 103) 5102
Motor carriers, contract:
Certain; rate adjustments (SR 39), authority of Regional and District Directors. *See* Authority, delegations of.
Petroleum products, carriers of; rates for new services pursuant to temporary authorities (SR 104) 5347
Paints and pastes containing lead and zinc; increase in ceiling prices (SR 98) 3379
"Replacement squeeze", elimination of, and reflection of suppliers' price changes; modification of prices for certain sales at wholesale and retail (SR 29) 4235
Cigarette vending machines 3491
Exceptions; dry cereals for infants 4622
Inclusion of additional regulations 3647
Regulations need no longer be listed 4235
Resins, polyvinyl chloride; ceiling prices (SR 105) 5360
Rubber, synthetic, GR–S type; sales by Office of Rubber Reserve, Reconstruction Finance Corporation (SR 57), revised ceiling prices 3880
Services, certain, suspension for (SR 151, fruits, vegetables, berries and tree nuts, fresh, services in connection with:
Extension of expiration date for suspension of certain charges 4144
Potatoes, white flesh; restoration of suspension 5720
Steel. *See* Iron and steel products.
Tool steels, high speed, and other metal products containing tungsten (SR 42); inclusion of special alloys containing tungsten 3233
Twine, baler and binder; ceiling prices for sales by wholesalers and dealers (SR 89) 3054, 5346
Water carriers, contract; adjustment of ceiling rates (SR 91) 2924
Wood and wood products; Douglas fir, western hemlock and all species of true fir lumber, preservatively treated, ceiling prices for (SR 102) 4931
Zinc. *See* Lead and zinc products.
General Services Administration, sales of processed feathers to. *See* Feathers.
Glands, raw and semi-processed (pituitary, pancreas and suprarenal); exemption of certain food and restaurant commodities (GOR 7) 5367, 5659
Glassware (household), hand-made; adjustment of ceiling prices (CPR 22, SR 27) 5926
Government agencies:
Adjustments for sellers of food products in Puerto Rico who have entered into contracts with Defense Agencies. *See under* Foods.
Bulk superphosphate; sales to United States or agencies. *See* Fertilizer and fertilizer materials.

PRICE STABILIZATION, OFFICE OF—Continued Page

Government agencies—Continued
Commodity Credit Corporation; ceiling prices of commodities for which support prices are established by (GOR 26), authority of Regional and District Directors. *See* Authority, delegations of.
Feathers sold to General Services Administration. *See* Feathers.
Lead and zinc scrap materials; sales by United States Government. *See* Lead and zinc.
Reconstruction Finance Corporation, Office of Rubber Reserve; sales of rubber by. *See* Rubber.
Grains; rail freight rates. *See* Freight rates.
Grease, wool. *See* Wool and wool products.
Guam. *See* Territories and possessions of United States.
Hawaii. *See* Territories and possessions of United States.
Hides and skins:
Cattlehides, kips and calfskins (CPR 2); suspension of ceiling prices 3737
Imported and domestic hides and skins and cut parts suitable for making leather; suspension (GOR 4) 5657
Untanned skins of sheep or lambs; exemption (GOR 4) 3730
Honey; exemption when sold by packers (GOR 7) 5660
Horsemeat products. *See* Livestock and meat.
Ice:
Adjustment of ceiling prices (GCPR, SR 45), authority of Regional, District, and Territorial Directors. *See* Authority, delegations of.
Exemption from price control (GOR 7) 5827
Imported commodities:
See also specific commodities.
Imports (CPR 31):
Authority of Regional and District Directors. *See* Authority, delegations of.
Pricing method; calculation of base period dollar and cents import markup, report respecting 4145
Indian and Eskimo handicraft objects; exemption (GOR 4) 3730
Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9):
Exemptions:
Automobiles:
Antique automobiles (passenger automobiles more than 20 years old) 5367
Discontinued makes of passenger automobiles, certain 5367
Copper; sales of foreign primary copper and certain sales by refiners using imported raw materials 5723
Iron ore, sales of, between affiliated corporations 3648
Suspensions:
Aircraft and aircraft parts, used 4940
Experimental ferro alloys, metals and metal compounds, certain 3677
Ships, new, and repair and conversion of ships, continued suspension for sales of 4379
Industry Advisory Committees. *See* Procedural regulations.
Interpretations; procedures. *See* Procedural regulations.
Iron and steel:
Adjustments for iron and steel products, under section 402 (d) (4) of Defense Production Act (GCPR, SR 100) 3786
Castings. *See* Castings.
Iron ore, sales between affiliated corporations; exemption of certain industrial materials and manufactured goods (GOR 9) 3648
Scrap, iron and steel (CPR 5); ceiling fees for storage of scrap in special emergency circumstances (SR 1) 5222
Issuance of regulations; procedures respecting. *See* Procedural regulations.
Judicial sales, certain; exemption (GOR 28) 3677
Transfer of records in connection with transfer of business or stock in trade 4535

PRICE STABILIZATION, OFFICE OF—Continued Page

Juices, canned; grocery items. *See* Foods.
Kenaf. *See* Fibers.
Kerosene. *See* Petroleum products.
Kips. *See* Hides and skins.
Lacquers. *See* Paints, varnishes and lacquers.
Lamb. *See* Livestock and meat.
Lanolin and wool grease. *See* Wool and wool products.
Lard. *See* Fats and oils.
Laundries; services. *See under* Services.
Lawn mowers, power and hand; extension of effective date for manufacturers (CPR 22, SR 12), deletion of lawn mowers 5814
Lead and zinc:
Lead scrap materials, secondary lead and antimonial lead (CPR 53); weight determination of battery lead scrap sales by United States Government 3057
Paints and pastes containing lead and zinc. *See* Paints, varnishes and lacquers.
Products; adjustments in ceiling prices of certain products, and the service of galvanizing (GCPR, SR 76), increased prices for sales of galvanized products 3154
Zinc scrap (CPR 43); weight determination of sales by United States Government 3057
Leather, imported and domestic; suspension (GOR 4) 5657
Liming materials, agricultural; exemption for rates and charges for services. *See* Services.
Liquors, distilled spirits, malt beverages, wines, etc.:
Malt beverages (CPR 117), revision 5274
Authority of Regional Directors. *See* Authority, delegations of.
Brewers 5276
General provisions; treatment of fractions, posting ceiling prices, prohibitions, evasions, records, etc 5292
"On-premise licensees" 5292
Retailers 5287
Retailer's adjustment factors for case sales and sales of individual containers of imported and domestic malt beverages (Appendix A) 5297
Scope 5276
Sellers who price as wholesalers (brewers' branches, importers, home distributors) 5287
Wholesalers 5281
Sold in eating and drinking establishments; interpretation respecting. *See* Restaurants.
Suspension of controls applicable to domestic and imported distilled spirits and wines; off-premise consumption sales (GOR 7) 5660
Whiskey, packaged domestic, bottled prior to December 5, 1933; exemption (GOR 7) 5660
Livestock and meat:
Beef:
Hawaii; ceiling prices for sales of locally produced beef on Island of Hawaii in Territory of Hawaii (GCPR, SR 97) 3152
Processed beef (cured, smoked, dried, barbecued, etc.):
Adjustment of ceiling prices (GCPR, SR 61):
Authority of Regional Directors. *See* Authority, delegations of.
Definitions; "specialty beef product" or "specialty steak product" 4762, 5432
Extension of filing date 4762
Wholesale prices. *See* Wholesale, beef sold at.
Retail, beef sold at (CPR 25):
Definitions:
General 3195, 4756
Retail beef cuts (Appendix 5) 4756
Boneless chuck:
Size of cuts which may be sold as (Int. 1) 2816
Sold as stew meat (Int. 2) 4289
Specialty products, prefabricated, quick frozen and packaged (Appendix 9) 4757
Variety meats and beef byproducts (Appendix 8) 4756
Wholesale beef cuts (Appendix 3); beef carcass and side of beef 3195

20000—52——14

PRICE STABILIZATION, OFFICE OF—Continued Page

Livestock and meat—Continued
- Beef—Continued
  - Retail, beef sold at (CPR 25)—Continued
    - Freezers and refrigerators, sales of beef with (Int. 3) 5223
    - General provisions:
      - Ceiling prices:
        - Other products:
          - Specialty products defined in Appendix 9 4753
          - Specialty steak products 4753
        - Specific products; prefabricated packaged retail beef cuts 4753
      - Display; selling price and name of cut 4754
      - Evasion 3195, 4754
      - Limitations on certain sales; cube steaks 4754
      - Sales receipts, customary 4754
    - Price lists:
      - *See also* General provisions.
      - Beef cuts, list of prices 4754
      - Eating places and other establishments, specially authorized sales to 4755, 5815
      - Variety beef meats and beef byproducts 4755
    - Special provisions; determination of group in special cases, route truck sellers 3195
  - Wholesale, beef sold at (CPR 24):
    - Authority of Regional and District Directors. *See* Authority, delegations of.
    - Ceiling prices. *See* General provisions.
    - Charts, beef cutting (Appendix 8, renumbered Appendix 9) 4752
    - Combination distributor and hotel supply house 5457
    - Definitions:
      - General definitions 4751, 4820, 5459
      - Various "beef" explanations:
        - Beef carcass and wholesale cuts (Appendix 2) 4752
        - Cured, dried, and smoked beef products, certain (Appendix 7) 4752
        - Fabricated beef cuts (Appendix 4) 4752
        - Other beef products (Appendix 7, renumbered Appendix 8) 4752
    - Differentials. *See* Zone.
    - Distribution point 4751, 5428
    - Freezers and refrigerators, sales of beef with (Int. 1) 5222
    - General provisions:
      - Ceiling prices:
        - Adjustment of ceiling prices for sales of certain prefabricated retail cuts to retailers 4748
        - Other products 4747
        - Specific products:
          - Cured, dried, and smoked beef products, certain 4747
          - Quick frozen and packaged retail cuts, prefabricated 4747
          - Retail cuts, prefabricated 4747
          - Specialty products, prefabricated, quick frozen and packaged 4747
      - Defense procurement, exemption of experimental cuts for 4749
      - Evasion 4748
      - Interpretations 4748
      - Prohibitions 4748
      - Records 4748
      - Reports; cured beef and specialty beef products 4748
      - Scope 4747
    - Pricing schedules:
      - Beef carcasses and wholesale cuts 4749, 5458
      - Boneless beef, frozen 4749
      - Boneless beef cuts 4749, 5458
      - Cured, dried, and smoked beef products, certain 4749, 5458
      - Fabricated cuts 4749, 4820, 5428
      - Specialty beef products, prefabricated, quick frozen, and packaged 4750
      - Variety meats and by-products 4749
    - Sellers, certain, to file with District instead of Regional offices 4820

PRICE STABILIZATION, OFFICE OF—Continued Page

Livestock and meat—Continued
- Beef—Continued
  - Wholesale, beef sold at (CPR 24)—Continued
    - Zone:
      - Differentials and additions to ceiling prices:
        - Beef zone differentials (Appendix 11) 5429
        - Cattle slaughtered in Zone 4a, beef from 4751
        - Differentials 5428
        - Local delivery 4751, 5428
      - Zoning map (Appendix 9, renumbered Appendix 10) 4752
- Cattle, live (CPR 23); authority of Regional and District Directors. *See* Authority, delegations of.
- Cattlehides, kips, and calfskins. *See* Hides and skins.
- Distribution, fair, of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs, or swine is permissible (DR 1):
  - Authority of District Directors. *See* Authority, delegations of.
  - Farmers, slaughter for 5695
- Horsemeat products, fresh, frozen, cured, and canned; ceiling prices at wholesale or retail (CPR 129):
  - Ceiling prices:
    - *See also* General provisions.
    - Processors' sales at wholesale and retail; Schedule III 4408
    - Retail prices; Schedule II 4408
    - Wholesale prices; Schedule I 4408
  - Definitions:
    - General:
      - "Net invoice cost" 4409
      - "Wholesaler" 4409
    - Product definitions:
      - "Boneless horsemeat" 4409
      - "Canned horsemeat containing 97 percent horsemeat or more" 4409
      - "Horsemeat" 4409
  - General provisions:
    - Prohibitions; selling or buying certain horsemeat products; certain sales of sausage or frozen packaged meat product 4408
    - Sausage and frozen packaged meat products containing horsemeat, ceiling prices for 4408
- Lamb, yearling and mutton products sold at wholesale (CPR 92); republication 3326
  - Authority of District Directors. *See* Authority, delegations of.
  - Certain sellers to file with District instead of Regional offices 4794
  - Combination distributor and hotel supply house 5460
  - Definitions, general 5461
  - Pricing schedules; lamb, yearling and mutton carcasses and wholesale cuts 5460
- Mutton. *See* Lamb, yearling and mutton products.
- Pork; ceiling prices for sales at wholesale (CPR 74) 5084
  - Authority of District Directors. *See* Authority, delegations of.
  - Ceiling prices 5085
  - Dried pork, specialty pork products and prefabricated retail cuts 3340, 4253
  - Definitions:
    - General 3345, 5095, 5460
    - Pork products (Appendix 2) 3346, 4253, 4622, 5097
    - Processing definitions (Appendix 3) 3347, 5100
    - Zone and region. *See* Zone.
  - Distribution point 3343, 5091
  - General provisions; records, evasion, prohibitions, etc 5085
  - Evasion 3341
  - Exclusions; canned pork produced outside continental United States 3340
  - Importations at prices above ceiling 3340
  - Prohibitions:
    - Failure to designate class of buyer or seller 3341
    - Deletion 4253
    - Selling or buying other than defined cuts 3341
  - Records:
    - To be preserved 3340
    - Which must accompany deliveries 3340

PRICE STABILIZATION, OFFICE OF—Continued Page

Livestock and meat—Continued
- Pork; ceiling prices for sales at wholesale (CPR 74)—Continued
  - Pricing schedules 5087
  - Cuts packed in wood or glass containers, certain 3342
  - Dressed hogs; denominator basis 3343
  - Fresh or frozen, cured, smoked, ready-to-eat and cooked cuts 3341, 5517
  - Miscellaneous cuts 3342
  - Semi-sterile canned meats 3342
  - Sliced bacon, derind, packed in shipping containers 3341
  - Variety meats and edible by-products 3342
  - Scope 5085
  - Sellers, certain, to file with District instead of Regional offices 4821
  - Zone:
    - Definitions of zone and region (Appendix 1) 3346, 5097
    - Differentials and additions 5091
    - Combination distributor's addition 5460
    - Defense procurement agencies, sales to, or under subcontracts 3344
    - Hotel supply house addition 5459
    - Local delivery 3343
    - Local slaughter addition 3343
    - Packing in shipping containers 3345
    - Peddler truck selling addition 3344
    - Special cutting and trimming addition 3345
    - Wholesaler's addition 3343
    - Wrapping 3344
    - Map (Appendix 4) 5101
- Sold in Puerto Rico. *See under* Foods.
- Veal sold at wholesale (CPR 101):
  - Authority of Regional and District Directors. *See* Authority, delegations of.
  - Ceiling prices. *See* General provisions.
  - Combination distributor and hotel supply house 5456
  - Definitions:
    - Miscellaneous (Appendix 5) 3644
    - Veal variety meats and edible byproducts (Appendix 5) 3644
  - General provisions:
    - Ceiling prices for certain veal items; miscuts prepared prior to effective date of regulation 3643
    - Experimental cuts for defense procurement, exemption of 3644
    - Limitations on sales of hide-on carcasses to retailers 3643
  - Pricing schedules:
    - Maritime veal (semi-fabricated) 3644
    - Veal variety meats and byproducts, fresh or frozen 3644
  - Sellers certain, to file with District instead of Regional offices 4821
- Yearling. *See* Lamb, yearling and mutton products.

Logs. *See* Wood and wood products.

Lumber. *See* Wood and wood products.

Machine tools. *See* Machines and machinery.

Machines and machinery, etc.:
- Automotive parts and engines, rebuilt and used. *See* Automotive parts and engines, *above*.
- Catalog pricing for certain sellers. *See* Farm equipment; *and* Resellers' prices.
- Farm equipment; retail sales of new and used mechanical farm equipment (CPR 100):
  - Authority of Regional and District Directors. *See* Authority, delegations of.
  - Definitions:
    - Manufacturer 3456
    - Net invoice cost 3456
    - Published price list 3456
  - New complete farm equipment and repair parts; ceiling prices not otherwise covered 3455
  - Supplementary regulations; catalog pricing for certain long-term mail order sellers (SR 1) 8241
- Machine tools, used (CPR 80):
  - Ceiling prices 4886
  - Coverage, geographical, extended to include Alaska and Hawaii 4886

PRICE STABILIZATION, OFFICE OF—Continued Page

Machines and machinery, etc.—Continued
- Machine tools, used (CPR 80)—Continued
  - Definitions:
    - "Discontinued model" 4887
    - "Reconditioned" 4887
  - Guarantee to be furnished to buyers, example of form of (Appendix B) 4887
  - Invoicing; description of new machine tool or new machine tool extra 4887
- Manufacturers' prices for machinery and related manufactured goods (CPR 30):
  - Ceiling prices established, general description of pricing technique; approval of list prices and discount structures that were in process of revision on June 24, 1950 5721
  - Supersedure of CPR 30 as to certain commodities, *see specific commodities.*
  - Supplementary regulations:
    - Adjustments of manufacturers' prices; application for, under Defense Production Act of 1950 (SR 4) 5361
    - Alternative method for determining ceiling prices (SR 1); retention of GCPR prices 3878
    - Diamond grinding wheels, diamond powder, and diamond grinding compound (SR 7) 4339
    - Optional postponement of effective date for manufacturers of certain commodities (SR 3); fabricated standard line metal pressure and non-pressure, lined and unlined tanks, including automotive truck and tank cargo tanks and range boilers 2838
- Resellers' prices, for machinery and related manufactured goods (CPR 67):
  - Authority of District Directors. *See* Authority, delegations of.
  - Commodities with manufacturer's published price list; use of list prices and discounts where manufacturer has received specific approval of those list prices and discounts 5722
  - Supplementary regulations:
    - Catalog pricing for certain long-term mail order resellers (SR 1) 2840
    - Manufacturers' suggested resale prices (SR 2) 5722
- Mail order establishments. *See* Chain stores.
- Malt beverages. *See* Liquors, distilled spirits, malt beverages.
- Manufacturers' prices:
  - *See also specific commodities.*
  - Adjustments of ceiling prices for manufacturers (GOR 10):
    - Authority of District Directors. *See* Authority, delegations of.
    - Reduction in volume, in line pricing 3380
  - Adjustments of manufacturers' prices, application for, under Defense Production Act of 1950 (CPR 22, SR 17):
    - Overhead periods for manufacturers not in business on January 1, 1950 4928
    - Products processed from certain agricultural commodities 3038
  - Essential commodities, adjustments for manufacturers of. *See* Adjustment.
  - Manufacturers' general ceiling price regulation (CPR 22) 4795
    - Agricultural commodities and products:
      - *See also* Supplementary regulations.
      - List of; current date used in calculating change in net cost (Appendix C), parity adjustment for ceiling prices 3035, 4815
      - Calculation of ceiling prices 4786
      - Base period price 4796
      - Commodities dealt in between July 1, 1949, and June 24, 1950 4796
      - Labor cost adjustment 4797
      - Materials cost adjustment 4797
        - Special instructions to be followed in calculating; increases to reflect increased costs of agricultural commodities listed in Appendix C 3036
      - New commodities, new sellers, new purchases 4805
        - New commodities falling within categories dealt in during base period; information required in report 2814, 5026
        - Optional method for packaged commodities to reflect cost increases by changing size or quantity 3037

PRICE STABILIZATION, OFFICE OF—Continued Page

Manufacturers' prices—Continued
Manufacturers' general ceiling price regulation (CPR 22)—Continued
Calculation of ceiling prices—Continued
Special provisions respecting 4804
Worksheets, for calculations (Appendix E) 4819
Coverage:
Commodities not covered, list of (Appendix A) 4813
Bakery products and cookies, frozen and perishable 3194
Christmas tree lighting sets, decorative; added to list 3039
Gloves, fabric 5720
Export 4808
Sales and sellers 4796
Form, OPS Public Form 8, "Manufacture's Price Adjustment Report" (Appendix D) 4819
Manufacturing materials, listed; change in net cost calculated up to March 15, 1951 (Appendix B) 4815
Miscellaneous provisions; taxes, records, reports, definitions, prohibitions, etc 4808
Prohibition against redetermination of ceiling prices 3037
Report of price adjustment, form for. *See* Form.
Supersedure of Manufacturers' general ceiling price regulation as to certain commodities, *see specific commodities.*
Supplementary regulations:
Adjustments of manufacturers' prices, application for, under Defense Production Act of 1950 (SR 17):
Overhead periods for manufacturers not in business on January 1, 1950 4928
Products processed from certain agricultural commodities 3038
Chemicals, modifications and alternative provisions for manufacturers of (SR 7); tungstated pigments 4144
Determining ceiling prices, alternative method for, by adjusting ceiling prices established under GCPR rather than base period prices (SR 2); retention of GCPR prices 3878
Dinnerware, semi-vitreous, ceiling prices for (SR 29) 5814
Effective date, extension of, for particular commodities (SR 12):
Custom molded plastic products and custom fabricated plastic products; deleted 2837
Decorative Christmas tree lighting sets; deleted 3039
Lawn mowers, power and hand; deleted 5814
Watches with imported movements, deleted 4529
Fiber insulating board; ceiling prices (SR 23) 2815
Freight rates for certain building and construction materials, permissible adjustments in ceiling prices because of (SR 28) 5610
Glassware (household), hand-made; adjustment of ceiling prices (SR 27) 5026
Net sales for last fiscal year not exceeding $1,000,000; optional ceiling price adjustment under Defense Production Act of 1950 for certain manufacturers (SR 18); products processed from certain agricultural commodities 3038
Paints, varnishes, and lacquers (SR 6); prices for paints and pastes containing lead and zinc 3373
Plasticizers, certain dioctyl phthalate-type; ceiling prices (SR 24) 2815
Plumbing fixtures; adjusted ceiling prices for certain manufacturers (SR 26) 4488
Rubber products, certain; postponement of price calculations (SR 10) 4744
Temperature controls, automatic, domestic and commercial; establishment of ceiling prices (SR 25) 2921
Marine feed products. *See* Feeds.
Marine terminal companies; rates and charges. *See under* Services.
Mechanical precision springs, metal stampings and screw machine products (CPR 119); small order exemption 5029

PRICE STABILIZATION, OFFICE OF—Continued Page

Metal stampings. *See* Mechanical precision springs, metal stampings.
Metals:
Platinum, nickel, etc. *See specific metals.*
Suspension from price control for certain experimental ferro alloys, metals and metal compounds (GOR 9) 3677
Milk, fluid, cream and milk products:
Area milk price adjustments (GCPR, SR 63):
California:
Fresno District (AMPR 15) 2842, 4290
Los Angeles County marketing area (AMPR 10) 2843
San Francisco District (AMPR 12) 3848
Connecticut; Fairfield County milk marketing area (AMPR 25) 4937
Delaware. *See* Pennsylvania.
Illinois; Chicago milk marketing area (AMPR 5) 3059, 5062
Massachusetts:
New Bedford milk marketing area (AMPR 23) 4485
Springfield milk marketing area (AMPR 6) 5661
New Jersey:
Milk marketing areas 3, 4, and 5 (AMPR 18) 3204
Southern New Jersey. *See* Pennsylvania, Southern New Jersey.
Pennsylvania, Southern New Jersey and Newcastle County, Delaware milk marketing area (AMPR 22) 3208
North Dakota; Stark milk marketing area (AMPR 24) 5663
Texas; North Texas milk marketing area (AMPR 19) 3454
Revocation 5300
Wisconsin; Kenosha milk marketing area (AMPR 16) 3381, 3492
For fluid consumption (GCPR, SR 20); rounding of fractions in sale of butter and milk powder (Int. 1) 5224
Parity adjustment; purchases of milk by process on class basis (Int. 54, to GCPR) 4290
Powder (milk) and butter, rounding of fractions in sale of (Int. 58, to GCPR) 5224
Sold in Puerto Rico. *See under* Foods.
Mine materials, wooden. *See* Wood and wood products.
Molasses, edible sugar cane; exemption when sold by producers (GOR 7) 5660
Motor vehicles:
Automobiles. *See* Automobiles.
Contract motor carriers:
Certain, rate adjustments for (GCPR, SR 39); authority of Regional and District Directors. *See* Authority, delegations of.
Petroleum products, carriers of; rates for new services pursuant to temporary authorities (GCPR, SR 104) 5347
Trailer accommodations. *See* Services.
Mutton. *See* Livestock and meat.
Naphthas. *See* Petroleum products.
Nickel anodes (CPR 138) 3545
Nitrating wood pulp. *See* Wood and wood products.
Oils, oilseeds, etc.:
Animal and vegetable oils. *See* Fats and oils.
Edible. *See* Foods.
Petroleum products. *See* Petroleum products.
Safflower oil and safflower seeds; exemption (GOR 7) 5663
Optometrists' services. *See* Services.
Paints, varnishes and lacquers:
Manufacturers' prices for (CPR 22, SR 6); prices for paints and pastes containing lead and zinc 3373
Paints and pastes containing lead and zinc; increase in ceiling prices (GCPR, SR 98) 3379
Paper, paperboard, etc.:
Book paper, coated and uncoated; manufacturers' prices (CPR 106), changes in manufacturers' prices. *See* Changes.
Boxboard, containerboard, and certain other paperboard (CPR 108); changes in manufacturers' prices. *See* Changes.
Cellulose dry mats, suspension from price control of manufacturers' sales of (GOR 8) 4159

PRICE STABILIZATION, OFFICE OF—Continued Page

Paper, paperboard, etc.—Continued
Changes in manufacturers' prices; modification of prices for certain sales at retail and wholesale to eliminate "replacement squeeze" and to reflect manufacturers' price changes (GCPR, SR 29) 3647, 4235
Converted paperboard products, certain (CPR 84):
Changes in manufacturers' prices. *See* Changes.
Modification of raw material factor 2922
Food containers:
Cups, etc. *See* Containers and closures, *above.*
Paperboard. *See* Special paperboard.
Glassine and greaseproof papers (CPR 76); changes in manufacturers' prices. *See* Changes.
Groundwood printing and converting papers; sales by manufacturers (CPR 131), changes in manufacturers' prices. *See* Changes.
Kraft paper, unbleached; manufacturers' ceiling prices (CPR 88), changes in manufacturers' prices. *See* Changes.
Printing, printed products, allied products and certain paper products such as cellophane, paper back foil, flexible film packaging material, etc. (CPR 121); formula pricing:
By catalog 4985
Raw material factor 5419
Puerto Rico, certain paper and paperboard products sold in; ceiling prices for (CPR 143) 4145
Special paperboard (CPR 116):
Changes in manufacturers' prices. *See* Changes.
Revised to include manufacturers' sales of special industrial paper and paperboard and cardboard, as well as food container and closure paperboard 3376
Vegetable parchment paper and vegetable parchmentizing stock (CPR 148) 5059
Waxed papers (CPR 130); changes in manufacturers' prices. *See* Changes.
Writing paper, and other fine papers, ceiling prices for manufacturers of (CPR 91); changes in manufacturers' prices. *See* Changes.
Perishable goods (pies, cookies, cakes, etc.) *See* Bakery products.
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, napthas, solvents, etc.):
Briquets, coke. *See* Coal, coke, etc.
Contract motor carrier rates for new services. *See* Motor vehicles.
Crude petroleum (CPR 32); adjustment of certain ceiling prices (SR 2), special orders:
Arkansas, Nevada County; Troy Field 3515
California; prices adjusted on an in-line basis for certain fields 5374
Louisiana, Natchitoches Parish; Ashland Field 3365
Texas:
Gaines County, certain fields in 5411
Schleicher County; Baugh-Strawn Field 5411
Stonewall County; Kiowa Peak Field 2827
Wood County, certain fields in 5374
Sales at retail (CPR 13); authority of Regional and District Directors. *See* Authority, delegations of.
Sales other than at retail (CPR 17):
Coverage; exclusion of territories and possessions 4621
Increases permitted for designated areas:
Atlantic Coast ports; redesignation 4622
Export sales 4622
Puerto Rico and Virgin Islands; deletion 4622
Supplementary regulations:
Adjustment of ceiling prices of No. 2 fuel oil in Baltimore area (SR 8) 5653
Liquefied petroleum gas, resellers of (SR 7) 4338
Virgin Islands, retail sales for kerosene in (CPR 50), ceiling prices for kerosene imported in steel drums; increases for kerosene sold in St. John 4985, 5826
Plastic products, custom molded and custom fabricated; extension of effective date for manufacturers (CPR 22, SR 12), deletion 2837
Plasticizers, certain dioctyl phthalate-type; manufacturers' ceiling prices (CPR 22, SR 24) 2815
Platinum and platinum products (other than jewelry); ceiling prices (CPR 136) 3538

PRICE STABILIZATION, OFFICE OF—Continued Page

Plumbing fixtures; adjusted ceiling prices for certain manufacturers (CPR 22, SR 26) 4488
Pneumatic compressors, small. *See* Compressors.
Polyvinyl chloride resins. *See* Resins.
Popcorn, popped or unpopped; exemption (GOR 7) 5660
Pork. *See* Livestock and meat.
Potatoes, white flesh:
Ceiling prices except at retail (CPR 113):
Armed forces, sales to 4407
Ceiling prices:
Brokerage not part of "primary price" (Int. 2) 5117
Country shippers and growers, ceiling prices for 2998, 3670, 3879, 4849, 4851
Intermediate sellers and shipping point distributors, ceiling prices for 4849
Exemption of seed potatoes when sold by one intermediate seller to another (Int. 1) 5134
Compliance with regulation 4850
Coverage; inclusion of certain sales of seed potatoes 3103
Definitions 4850
Imports and exports of potatoes 4850
Revocation of regulation 5192
Sales slips and receipts 4850
Scope; month to be used in computation of ceiling prices, deletion 3879
Supplementary regulation; "prevailing costs" for grower sales of potatoes produced in certain areas of California (SR 2) 4289
Retail prices. *See under* Foods.
Services in connection with, restoration of suspension for 5720
Poultry feathers. *See* Feathers.
Price changes; modification of prices for certain sales. *See* "Replacement squeeze."
Printing and binding, etc.; certain printed paper products. *See* Paper, paperboard, etc.
Procedural regulations, price:
General price procedures (PPR 1); revision 3787
Adjustment, applications for 3789
Amendment, petitions for 3789
Interpretations 3793
Issuance of ceiling price regulations 3788
Miscellaneous provisions and definitions; witness fees, subpoenas, representation, service of papers, confidential information, etc 3793
Protests 3790
Reports relating to price controls 3789
Industry Advisory Committees appointed under Defense Production Act of 1950 (PPR 2), revision 3536
Appointments 3537
Meetings; place, attendance, agenda, records, etc. 3537
Purpose, functions, etc 3537
Violations of Title IV of Defense Production Act with respect to price stabilization, disallowances for; policy and procedure with respect to 2994
Authority of Director of Price Stabilization respecting 2995
Property, real; fees and charges for abstracts of title to. *See under* Services.
Protests; procedures. *See* Procedural regulations.
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Wood and wood products.
Railroads:
Freight rates. *See* Freight rates.
Per diem, mileage allowance and protective services. *See* Services.
Ties, Eastern. *See* Wood and wood products.
Reconstruction Finance Corporation, Office of Rubber Reserve; sales of rubber by. *See* Rubber.
"Replacement squeeze", elimination of, and reflection of suppliers' price changes; modification of prices for certain sales at wholesale and retail (GCPR, SR 29) 4235
Cigarette vending machines 3491
Exceptions; dry cereals for infants 4622
Inclusion of additional regulations 3647
Regulations need no longer be listed 4235
Reports; procedures respecting. *See* Procedural regulations.
Resins, polyvinyl chloride; ceiling prices (GCPR, SR 105) 5360

PRICE STABILIZATION, OFFICE OF—Continued Page

Restaurants:
Eating and drinking establishments; ceiling prices (CPR 134):
Alcoholic beverages; applicability of CPR 134 to establishments which sell only alcoholic beverages for on premise consumption (Int. 1) 5656
Authority of Regional and District Directors. *See* Authority, delegations of.
Ceiling prices, authorized redetermination of:
Alternative methods, use of a higher percentage on limited number of items 3482
Extension of time for redetermination, to August 1, 1952 5826
Establishments in operation during week of February 3 through 9, 1952 5518
Establishments owned or operated as a group 3482
Posting 5519
Records 5519
Service charges; entertainment:
Authorized entertainment charge valid only as long as same type of entertainment is offered 3482
Permission to institute or increase an entertainment charge 3482
Redesignations 3482
Separate prices for services when offered on holiday 3482
Type of entertainment, determination of 3482
Varied entertainment at varied charges during 1951 3482
Statements which must be filed 5518
Exemption for meals sold by certain institutions in territories and possessions. *See* Territories and possessions of United States.
Exemption of certain food and restaurant commodities. *See* Foods.
Territorial restaurants and eating and drinking establishments (CPR 120):
Definitions; "comparable meal" 3053
Sales not covered 4562
Rhubarb, canned. *See* Fruits, vegetables.
Robinson-Patman Act; adjustments. *See* Adjustments.
Rubber:
Chemicals used in compounding and processing of. *See* Chemicals.
Products, certain, manufacturers' prices; postponement of price calculations (CPR 22, SR 10) 4744
Synthetic, GR–S type; sales by Office of Rubber Reserve, Reconstruction Finance Corporation (GCPR, SR 57), revised ceiling prices 3880
Screw machine products. *See* Mechanical precision springs, metal stampings and screw machine products.
Seafood. *See* Fish and seafood.
Services:
Services in connection with specific commodities, see specific commodities.
Certain services, suspensions for (GCPR, SR 15), fresh fruits, vegetables, berries and tree nuts, services in connection with:
Extension of expiration date for suspension of certain charges 4144
Potatoes, white flesh; restoration of suspension 5720
Construction services (building, highway, heavy, railroad and miscellaneous construction), including shop fabrication, installation or erection services; ceiling prices, markups, and fees for sellers and purchasers (CPR 93):
Commission selling (Int. 8) 4935
Coverage:
Construction services covered:
Minor plumbing and electrical services (Int. 1) 4935
Public amplifying systems (Int. 2) 4927
Separate statement of charges for services (Int. 4) 4935
Transactions not covered:
Appliances as part of building contract, sale of, subject to regulation (Int. 3) 4928
Floor covering, standard (Int. 6) 4935
Separate statement of charges for services (Int. 4) 4935
Wrecking as a separate transaction (Int. 5) 4935

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
Construction services (building, highway, heavy, railroad and miscellaneous construction), including shop fabrication, installation or erection services; ceiling prices, markups, and fees for sellers and purchasers (CPR 93)—Con.
Filing under CPR 34 by seller now subject to CPR 93 (Int. 7) 4935
General provisions; reporting requirements for sales on hourly rate, time and materials or installed sales basis:
Filing requirements (Int. 11) 4936
Listing of materials in part 2 of Form 101 (Int. 10) 4936
Lump-sum contracts, "extra work" connected with (Int. 12) 4936
Profit and overhead percentage markups, separate application of, or use of combined percentage markup for overhead and profit (Int. 9) 4936
Essential services, adjustments for suppliers of. *See* Adjustments.
Excepted and suspended services; rates, fees and changes for supply of certain services, and services which fall within the scope of certain occupations (GOR 14):
Caption of regulation changed to include suspended services 3210
Excepted services:
Agricultural liming materials, rates and charges for transportation and spreading of 3405
Armored car services 5696
Book matches, resale; advertising charges 3677
Optometrists, refilling of their own prescriptions by 4292
Railroad per diem, mileage allowance and protective services 3234
Real property, abstracts of title to; fees and charges 5297
Suspended services:
Textile services, certain 5660
Trailer accommodations 3210
Suppliers of services, in trade, commerce and industry (CPR 34):
New service sellers, adjustment of ceiling prices for 3645
Special orders:
Automobile Club of Southern California; Los Angeles 5595
California State Automobile Assn.; San Francisco 5594
Louisiana State Rice Milling Co., Inc 5376
Texas Co 5375
Westinghouse Electric Corp., Sturtevant Division 5437
Weyerhaeuser Timber Co 5375
Supplementary regulations:
Automotive and farm tractor repair services; approval of certain flat rate manuals for use in establishing ceiling prices (SR 3):
Additional flat rate manuals and labor schedules 2838, 4529, 5362
Modification of filing requirements for certain sellers 3232
Bowling alleys in Baltimore, Md. (SR 18) 5192
Fur dressing services in New York City area; increase in charges (SR 17) 5028
Laundries, wholesale, in New York City area (SR 19) 5515
Marine terminal companies operating under joint agreements pursuant to provisions of Shipping Act of 1916; establishment or adjustment of uniform ceiling rates and charges (SR 14), adjustments of ceiling rates and charges, in-line adjustments 4284
Power laundries; increases in ceiling prices:
Illinois; Cook County (SR 8), computation of increase and filing requirements 5028
Missouri; St. Louis (SR 20) 5516
Wisconsin; Milwaukee County (SR 15) 3595
Computation of increase and filing requirements 5028
Wholesale labor warranty services (SR 16) 3645
Suspended services. *See* Excepted and suspended services.

PRICE STABILIZATION, OFFICE OF—Continued Page

Sherman Anti-Trust Act; adjustments. *See* Adjustments.
Ships; continued suspension for sales of certain new ships and to repair and conversion of ships (GOR 9) 4379
Shortening. *See* Fats and oils; *and* Foods.
Silk yarns and fabrics. *See* Textiles.
Skins. *See* Hides and skins.
Solvents. *See* Petroleum products.
Soybean meal and other soybean products; adjustment of ceiling prices (GCPR, SR 3) 3647
Stabilization Policy Committee, Office of Defense Mobilization; representation of 4926
Steel. *See* Iron and steel.
Subpoenas. *See* Procedural regulations.
Superphosphate, bulk. *See* Fertilizer and fertilizer materials.
Surgical catgut sutures; ceiling prices for manufacturers and resellers (CPR 124), clarification of record-keeping requirements 3337
Synthetic yarns and fabrics. *See* Textiles.
Syrup, sorghum; exemption when sold by producer (GOR 7) 5660
Tallows and greases. *See* Fats and oils.
Temperature controls, automatic, domestic and commercial; establishment of ceiling prices for manufacturers (CPR 22, SR 25) 2591
Territories and possessions of United States:
Automobiles sold in Hawaii. *See* Automobiles.
Beef sold in Hawaii. *See* Livestock and meat.
Ceiling prices for all commodities located in territories and possessions at time of sale but which are not produced or manufactured in that territory (CPR 9); revision 4617
Authority of Territorial Directors. *See* Authority delegations of.
Supplementary regulations:
Manufacturers making sales subject to CPR 9, ceiling prices for (SR 2) 5652
Uniform prices, establishment of (SR 3); special orders for various firms:
General Time Corp 3805
Hamilton Watch Co 3864
International Silver Co 4193, 4229
Interwoven Stocking Co 3865
Oneida, Ltd 4133
Vacheron & Constantin-LeCoultre Watches, Inc 4193
West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 4) 5427
Concrete blocks sold in the Virgin Islands. *See* Building materials.
Exemptions, territorial (GOR 23); exemption of meals, food items and beverages sold by specified institutions 4381
Fertilizer, mixed, sold in Puerto Rico and Hawaii. *See* Fertilizer and fertilizer materials.
Food products sold in Hawaii and Puerto Rico. *See* Foods.
Logs, sawmill, produced in Alaska. *See* Wood and wood products.
Paper and paper products sold in Puerto Rico. *See* Paper, paperboard, etc.
Petroleum products sold in Virgin Islands. *See* Petroleum products.
Restaurants and eating and drinking establishments, territorial. *See* Restaurants.
Textiles:
Burlap:
Ceiling prices for burlap (CPR 40); suspension 3742
Suspension, except sales made in territories and possessions (GOR 4) 3731
Cotton end-use products, certain; suspension (GOR 4) 5656
Cotton textiles, primary; manufacturers' prices (CPR 37), suspension of ceiling prices 4647
Services. *See* Services.
Suspension for certain synthetic, silk, cotton and wool yarns and fabrics (GOR 4) 4648
Wool yarns and fabrics, manufacturers' prices for (CPR 18), suspension of ceiling prices 4647
Revised CPR 18; suspension of ceiling prices 4648

PRICE STABILIZATION, OFFICE OF—Continued Page

Tobacco and products; cigarettes:
"Loss-leader" prices covered by Arkansas statute, adjustment of (GCPR, SR 53):
Postponement of effective date of revocation 2923, 3454
Revision, to include State statutes other than Arkansas 4649
Alabama included in coverage 4889
Ceiling prices, adjustment of 5427
Vending machines, cigarette; elimination of "replacement squeeze" and reflection of manufacturers' price changes; modification of prices for certain sales at wholesale and retail (GCPR, SR 29) 3491
Tool steels, containing tungsten. *See* Tungsten and products.
Trailer accomodations. *See* Services.
Tungstated pigments. *See* Chemicals.
Tungsten and products; high speed tool steels and other metal products containing tungsten (GCPR, SR 42), inclusion of special alloys containing tungsten 3233
Twine, baler and binder; ceiling prices for sales by wholesalers and dealers (GCPR, SR 89) 3054, 5346
Varnishes. *See* Paints, varnishes and lacquers.
Veal. *See* Livestock and meat.
Vegetables. *See* Fruits, vegetables.
Violations of Defense Production Act; policy and procedures. *See* Procedural regulations.
Virgin Islands. *See* Territories and possessions of United States.
Warranty services, wholesale labor. *See under* Services.
Watches and clocks, with imported movements:
Ceiling prices for watches and clocks cased in United States containing imported movements (CPR 145) 4531
Extension of effective date for manufacturers of certain commodities (CPR 22, SR 12); watches, deleted 4529
Water, natural or distilled; exemption (GOR 7) 5660
Water carriers, contract; adjustment of ceiling rates (GCPR, SR 91) 2924
Whiskey. *See* Liquors, distilled spirits.
Wines. *See* Liquors, distilled spirits.
Wire mill products, copper. *See* Copper and copper base alloy.
Wood and wood products:
Agricultural containers, wooden. *See* Containers and closures.
Hardwood charcoal. *See* Charcoal.
Logs:
Pacific Northwest logs, ceiling prices for designated species (CPR 97), graders and scalers, accredited (Appendix A); additions and deletions to list 3059, 4255
Sawmill logs produced in Alaska; suspension (GCPR, SR 55), extension of effective date 2923
Lumber:
Appalachian hardwood lumber; manufacturers' ceiling prices (CPR 151) 5816
Douglas fir, western hemlock and all species of true fir lumber, preservatively treated; ceiling prices (GCPR, SR 102) 4931
Northeastern white pine lumber (CPR 140) 3725
Southern yellow pine lumber; ceiling prices for manufacturers (CPR 149) 5118
Mine materials, wooden, produced in Western Area (GCPR, SR 103) 5102
Pulpwood and excelsior bolts produced in Michigan, Minnesota and Wisconsin (CPR 107):
Ceiling prices 4888
Commissions 4888
Definitions:
"Dealer" 4888
"Trader" 4888
Sales between consumers 4888
Pulpwood produced in Northeastern States (CPR 38):
Ceiling prices 2996
Prohibitions 2996
Railroad ties, Eastern, untreated; ceiling prices for producers' sales (CPR 123):
Additions for delivery beyond normal loading out point; cross tie weights 5299

PRICE STABILIZATION, OFFICE OF—Continued — Page

Wood and wood products—Continued
- Railroad ties, Eastern, untreated; ceiling prices for producers' sales (CPR 123)—Continued
  - Ceiling prices:
    - Listed ceiling prices, additions to; delivering ties to treating plant — 5299
    - Producers' ceiling prices — 5299
    - Tie contractors' markup to producers' ceiling prices — 5299
  - Definitions — 5300
  - Producers' normal loading out points; additional zones — 5299
  - Zones, explanation of — 5298
- Wood pulp (CPR 49); uniform prices for nitrating wood pulp — 3404

Wool and wool products:
- Fibres, wool, and related fibres; prices at other than growers' level (CPR 35), suspension of ceiling prices — 3742
- Futures trading on wool exchange (CPR 20); suspension of ceiling prices — 3741
- Grease, wool, and lanolin, ceiling prices for manufacturers and processors of (CPR 146) — 5030
- Raw wool waste materials:
  - Ceiling prices for mill waste, clips or clippings, and rags (CPR 141) — 3731
  - Suspension for certain sales (GOR 4) — 3731
- Yarns and fabrics. *See* Textiles.

Yarns. *See* Textiles.

Yearling. *See* Livestock and meat.

Zinc. *See* Lead and zinc.

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods):

Admiral Corp — 5834
Aetna Sportswear Co., Inc — 3115
Aladdin Industries, Inc — 2880, 3115
Argo Products Co — 2944
Arnold, Schwinn & Co — 3430
Bartlay, Ltd — 3515
Bates Fabrics, Inc — 2379
Belmont Radio Corp — 2881
Bendix Aviation Corp., Bendix Radio Division — 2940, 5833
BenHop, Paul, Inc — 2941
Berkeley Industries — 3430
Bissell Carpet Sweeper Co — 3564
Blue Bell Inc — 2941
Breier, Marcus, Sons, Inc — 3430
Bulova Watch Co — 5680
Capehart-Farnsworth Corp — 5838
Casco Products Corp — 3257
Case, W. R., & Sons Cutlery Co — 3119
Childhood Interests, Inc — 3430
Chipman Knitting Mills — 2879
Connelly, F. B., Co — 5837
Cory Corp — 2941
Crosley Division, Avco Mfg. Corp — 3470
Cushman, H. T., Mfg. Co — 3257
Dri Clad Corp. (transferee of W. Shanhouse Sons, Inc.) — 3470
Dumari Textile Co., Inc — 3515
DuMont, Allen B., Laboratories, Inc — 5836
Duofold Inc — 2941
Enger-Kress — 2825
Excelsior Accordions, Inc — 3117
Famous-Sternberg, Inc — 2939
Fieldcrest Mills Division of Marshall Field & Co — 3428
Gilbert, A. C., Co — 2826
Glendale Knitting Corp — 2941
Gruen Watch Co — 3257
Hamilton Watch Co — 3428
Hathaway, C. F., Co — 3515
Hickok Mfg. Co — 2879
Hirsch-Weis Canvas Products Co — 2826
Hollins, William & Co., Ltd., and Inc — 3515
Hough Shade Corp — 2880
International Molded Plastics, Inc — 2940
International Silver Co — 2879
Iskin, Herman, & Co., Inc — 2879
Jacoby-Bender — 2881
Jantzen Knitting Mills, Inc — 2824
Justin Leather Goods Co — 2943
Knothe Brothers Co., Inc — 3515
Kops Bros., Inc — 2882

PRICE STABILIZATION, OFFICE OF—Continued — Page

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods)—Con.

Landers, Frary & Clark — 2877
Lanz of California, Inc — 2945
Lubell Bros., Inc — 3515
MacGregor Goldsmith, Inc — 4133
McGraw Electric Co.; Toastmaster Products Division — 4133
Midhurst Importing Corp — 3120
Morris, Norman M., Corp — 3116
Motorola, Inc — 3429, 5839
National Pressure Cooker Co — 2940
New York Knitting Mills, Inc — 2.39
Oakville Co. Division, Scovill Mfg. Co — 2942
Olds, F. E., & Son, Inc — 3118
Olympic Radio and Television, Inc — 5835
Packard-Bell Co — 2940, 5836
Palm Beach Co — 3427
Philco Corp — 5838
Radio Corporation of America, RCA Victor Division — 3258, 5838
Remington Rand, Inc — 3365
Renee of Hollywood — 2942
Rival Mfg. Co — 3115
Rose-Derry Co — 2880
Salt Lake Mattress & Mfg. Co — 3257
Sealy Mattress Co — 3428
Seth Thomas Clocks Division of General Time Corp — 2825
Sparks-Withington Co — 3428, 5834
Speidel Corp — 3428
Stromberg-Carlson Co — 3429, 5835
Thomas, Ray, Co — 5834
Toastmaster Products Division, McGraw Electric Co — 2826
Union Underwear Co., Inc — 2825
Van Baalen Heilbrun & Co., Inc — 3515
Webster-Chicago Corp — 2881
Westclox Division of General Time Corp — 3430
Westinghouse Electric Corp — 5836
Wilmington Hosiery Mills, Inc — 3429
Wolfe Products Co — 2883
Zenith Radio Corp — 5837

PROCLAMATIONS:
- Specific documents. *See* Presidential documents.
- United States Seal to be affixed to, without special warrant (Executive Order 10347) — 3521

PROCUREMENT, GOVERNMENT:
- *See also* Contracts.
- Air Force procurement procedure. *See* Air Force Department.
- Army procurement. *See* Army Department.
- Government procurement. *See* General Services Administration.
- Manpower shortages in various skills and occupations; responsibilities of procurement agencies in connection with defense training program — 2837
- Manpower surplus in designated areas, utilization of. *See* Defense Mobilization, Office of.
- Minerals:
  - Defense materials. *See* Defense Materials Procurement Agency.
  - For Government use or resale. *See* General Services Administration.

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PROFIT-SHARING. *See* Salary Stabilization Board.

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR:
- Contracts, Government; general regulations:
  - Procurement of certain canned fruits and vegetables for Armed Forces; order granting exemption from provisions of Walsh-Healey Public Contracts Act, extension of effective period — 5065
  - Revision of general regulations, proposed; notice of hearing respecting — 2937, 4905
- Minimum wage determinations:
  - Aviation textile products manufacturing industry; notice of hearing — 5231
  - Metal business equipment industry; notice of hearing — 2[illegible]3

PUBLIC DEBT BUREAU. *See* Treasury Department.

PUBLIC HEALTH SERVICE: — Page

Air commerce regulations respecting foreign quarantine. *See* Quarantine.

Civil Service officers and employees; additional pay for duty requiring contact with leprosy patients (Executive Order 10354) — 4831, 4854

Commissioned Corps:
- Corps to be military service (Exectuive Order 10349, 10356, 10362) — 3769, 4967, 5413
- Courts-Martial Manual, 1951, and Uniform Code of Military Justice; applicability to (Executive Order 10349, 10356, 10362) — 3769, 4967, 5413
- Discipline, applicability of Uniform Code of Military Justice with respect to; editorial note — 3796
- Veterans' claims for commissioned officers. *See main heading* Veterans' Administration.

Grants to states for public health services; state plans, contents of, respecting procedures for allocation of total annual expenditures to designated programs beginning with fiscal year 1954 — 4894

Lands, public, withdrawn for use of Service. *See main heading* Land Management Bureau.

Leprosy patients, additional pay for duty of Civil Service officers and employees requiring contact with (Executive Order 10354) — 4831, 4854

Personnel. *See* Civil Service; *and* Commissioned Corps.

Quarantine, foreign; air commerce regulations:
- Documents for entry and clearance of aircraft:
  - Clearance, preparation and disposition of aircraft commander's general declaration for; embarkation/disembarkation card for United States citizens or nationals — 2811
  - Entry, preparation and disposition of aircraft commander's general declaration for; embarkation/disembarkation card for United States citizens or nationals — 2810
  - Forms, general requirements for; embarkation/disembarkation card, immigration form I–437 — 2810
- Landing requirements; advance notice of arrival — 4233, 4240

States, grants to, for public health services. *See* Grants.

Surgeon General; authority conferred by Uniform Code of Military Justice on a Commander in Chief of a fleet of the Navy to be vested in (Executive Order 10349, 10356, 10362) — 3769, 4967, 5413

PUBLIC HOUSING ADMINISTRATION:

Authority, delegation of, from Housing and Home Finance Administrator to Public Housing Commissioner and his designees; respecting construction of multiunit residential housing by federal, state and local agencies, under National Production Authority Order M–100 and CMP Regulation 6 — 3567

Construction of multiunit residential housing by federal, state, and local agencies, under National Production Authority Order M–100 and CMP Regulation 6:
- Authority of PHA Commissioner respecting — 3567
- Procedure respecting applications for construction authorization and allotments of controlled materials — 3550, 3853

Deposit of public moneys in name of Treasurer of United States, collateral security for; acceptability of obligations of local or Federal public housing agency, secured by agreement with PHA — 3453

Disposition of temporary war and veterans' housing, by sale or transfer to local public agencies, or by removal; extension of time relating to (Executive Order 10339) — 3012

Organization and final delegations of authority:
- Central Office:
  - Appraisal Branch; interim delegation of authority. *See* Interim delegations.
  - Development Division:
    - Assistant Commissioner; authority respecting appeals arising from certain development contracts made by or for PHA — 4993
    - Interim delegation of authority. *See* Interim delegations.

PUBLIC HOUSING ADMINISTRATION—Continued — Page

Organization and final delegations of authority—Con.
- Central Office—Continued
  - Disposition Division, Assistant and Deputy Assistant Commissioners; authority to sell credit instruments resulting from sales of war housing projects, revocation of — 3071
  - Interim delegation to Deputy Assistant Commissioner for Disposition. *See* Interim delegations.
- Interim delegations:
  - Appraisal Branch, Director and Assistant Director; authority to execute stipulations and amendments to leases (land) with respect to land rental increases in connection with certain projects — 3071
  - Development Division, Assistant and Deputy Assistant Commissioners; authority respecting construction of multiunit residential housing under National Production Authority Order M–100 and CMP Regulation 6 — 4509
  - Disposition Division, Deputy Assistant Commissioner; authority to sell credit instruments resulting from sales of war housing projects, revocation of — 3071
  - Low-Rent Housing Division, Director of Construction Branch; authority respecting appeals arising from certain development contracts, revocation of — 4993
  - Management and Disposition Division, Assistant Commissioner:
    - Bonds, Series B, and estimates of average annual rent for low-rent housing projects; authority respecting — 4993
    - Leases (land), authority to execute stipulations and amendments to; respecting land rental increases in connection with certain projects — 3071
    - Notes, mortgages, etc., held by PHA in connection with certain programs; authority respecting — 3071
  - Mortgage Servicing Branch, Director and Assistant Director; authority respecting notes, mortgages, etc., held by PHA in connection with certain programs — 3071
  - War Emergency Housing Division:
    - Assistant Commissioner; authority to sell credit instruments resulting from sales of war housing projects, revocation of — 3071
    - Deputy Assistant Commissioner; authority respecting notes, mortgages, etc., held by PHA in connection with certain programs — 3071
  - Low-Rent Housing Division; interim delegation to Director of Construction Branch. *See* Interim delegations.
  - Management and Disposition Division, Assistant Commissioner; interim delegations. *See* Interim delegations.
  - Management Division:
    - Assistant Commissioner for Management; authority respecting appeals arising from certain development contracts, revocation of — 4993
    - Claims Section (Construction Inspection and Claims Branch), Chief; authority respecting appeals arisings from certain development contracts, revocation of — 4993
  - Mortgage Servicing Branch; interim delegation of authority. *See* Interim delegations.
  - Operations Division, Assistant Commissioner:
    - Defense Housing and Community Facilities and Services Act of 1951; authority to execute and approve main construction contracts and changes respecting — 3180
    - Government property, damaged, stolen, etc.; authority respecting settlement and release from civil liability where full reimbursement is made — 3463

20000—52——15

PUBLIC HOUSING ADMINISTRATION—Continued — Page
- Organization and final delegations of authority—Con.
  - Central Office—Continued
    - War Emergency Housing Division; interim delegations of authority. *See* Interim delegations.
  - Field organization:
    - Field Office Directors:
      - Defense Housing and Community Facilities and Services Act of 1951; authority to execute and approve main construction contracts and changes respecting — 3180
      - Government property, damaged, stolen, etc.; authority respecting settlement and release from civil liability where full reimbursement is made — 3463
      - Projects initiated after March 1, 1949; authority respecting transfer of projects to PHA in case of substantial default or breach of certain terms and conditions of Annual Contributions Contracts between Local Authority and PHA — 3181
      - PWA, Farm Labor Camp and permanent war housing projects; authority respecting transfer and conveyance to Local Authorities for low-rent use — 5401
    - Housing managers and assistants and aides:
      - Defense Housing and Community Facilities and Services Act of 1951; authority respecting management of projects under — 4509
      - Government property, damaged, stolen, etc.; authority respecting settlement and release from civil liability where full reimbursement is made — 3463, 3618
- Veterans' housing, temporary, disposition by sale or transfer to local public agencies, or by removal; extension of time relating to (Executive Order 10339) — 3012
- War housing, temporary, disposition by sale or transfer to local public agencies, or by removal; extension of time relating to (Executive Order 10339) — 3012

PUERTO RICO. *See* Territories and possessions.

Q

QUARANTINE REGULATIONS:
- Animals and animal products. *See* Animal Industry Bureau.
- Plants and plant products. *See* Entomology and Plant Quarantine Bureau.
- Public health regulations. *See* Public Health Service.

R

RADIO SERVICES, regulations respecting. *See* Federal Communications Commission.

RAILROAD AND AIRLINE WAGE BOARD:
- Operating railroad employees; permitted adjustments which do not exceed those provided for in certain agreements (WAO 2) — 5349
- Procedures; petitions, rulings, reports, etc. (Procedural Regulation 1) — 4942
- Violations of Title IV of Defense Production Act with respect to wage stabilization, disallowances for; policy and procedure with respect to — 2994
- Authority of Board respecting — 2995
- Wages, salaries, and other compensation of employees subject to provisions of Railway Labor Act (GRASR 1); revision — 4941
  - Applicable regulations, listed; adoption of regulations issued previously by Economic Stabilization Administrator, and Wage and Salary Stabilization Boards — 4941

RAILROADS:
- Operation, rates, etc. *See* Interstate Commerce Commission.
- Price control regulations respecting freight rates, services, etc. *See* Price Stabilization, Office of.
- Wage stabilization for employees subject to provisions of Railway Labor Act. *See* Railroad and Airline Wage Board.

RECIPROCITY INFORMATION COMMITTEE: — Page
- Importation of fresh tomatoes during the winter season; submission of information respecting — 3832

RECLAMATION BUREAU:
- Authority, delegations of:
  - By Commissioner to various officials:
    - Alaska District, Eklutna Project; legal review — 4183
    - Regional Director, Boulder City, Nevada; authority with respect to operation of Imperial Dam and delivery of water within United States, to Mexico, and to Yuma and Gila Projects — 4183
  - From Secretary of Interior to Commissioner; functions relating to diversion of waters at Imperial dam — 4127
- Colorado River, diversions of waters of — 4127
- Imperial Dam, supervision and control of operation of — 4127
- Mexican Water Treaty, delivery of water for use by Mexico under provisions of — 4127
- Redelgation of authority to Regional Director at Boulder City, Nevada — 4127, 4183
- Yuma and Gila Projects, Arizona; delivery of water to — 4127
- Colorado River, diversion of waters of; authority of Commissioner respecting — 4127
- Columbia Basin Project, Washington; establishment of date for execution of recordable contracts by landowners in certain irrigation blocks — 4716
- Eklutna Project, Alaska:
  - Authority, delegations of; legal review — 4183
  - Withdrawal of public lands for use in connection with Anchorage substation — 4957
  - Notice for filing objections — 4957
- Entry on lands in irrigation and reclamation projects. *See* Irrigation and reclamation projects.
- Farm units for sale, with preference rights to veterans; Columbia Basin Project, Washington — 3121
- Gila Project, Arizona; delivery of water to, authority of Commissioner respecting — 4127
- Imperial Dam; authority of Commissioner respecting supervision and control of operation of — 4127
- Irrigation and reclamation projects:
  - Entry on lands; Klamath Project, Oregon and California, certain newly entered lands, extension of development period — 3125
  - Sale of full-time units with preference rights to veterans; Columbia Basin Project, Washington — 3121
  - Veterans' preference; sale of farm units, Columbia Basin Project, Washington — 3121
- Water made available and rental charges:
  - Availability of water for private lands:
    - Shoshone irrigation project, Heart Mountain division, Wyoming; extension of development period — 5617
    - Yuma Project, Arizona-California Valley and Reservation Divisions — 3125
  - Rental charges:
    - Annual water charges; Missouri Basin Project, Meeker Canal, Frenchman-Cambridge Division — 3241
    - Temporary rental charges:
      - Boise Project, Payette Division, Idaho — 3755
      - Kendrick Irrigation Project, Wyoming — 3124
- Withdrawal of land for various projects:
  - First form reclamation withdrawal; Eden Project, Wyoming — 5352
  - Yuma Project, California, certain described lands, order of revocation respecting — 5352
- Mexican Water Treaty, delivery of water for use by Mexico under provisions of; authority of Commissioner respecting — 4127
- Reclamation projects. *See* Irrigation and reclamation projects.
- Veterans' preference; sale of farm units, Columbia Basin Project, Washington — 3121
- Yuma Project, Arizona; delivery of water to, authority of Commissioner respecting — 4127

RECONSTRUCTION FINANCE CORPORATION:
- Loans to private business enterprises in connection with encouragement and development of sources of supply of plant fibers (Executive Order 10359) — 5269
- Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee — 4561

RECONSTRUCTION FINANCE CORPORATION—Con. — Page
- Rubber Reserve, Office of; price control regulation respecting sales of rubber by. *See main heading* Price Stabilization, Office of.

RECORDS, INFORMATION, ETC.:
- Agricultural commodities (eggs); reports respecting trading on commodity exchanges. *See* Commodity Exchange Authority.
- Coast Guard records, disclosure of. *See* Coast Guard.
- Contracts, Government; manufacturers holding contracts awarded by Army, Navy, or Air Force, public information security guidance. *See* Defense Department.
- Destruction of certain records. *See* Interstate Commerce Commission.
- Foreign-owned vessels, carrying goods and passengers to and from United States; reporting by owners, operators, or agents. *See* Business Economics, Office of.
- Inventory of idle Government-owned production equipment and machine tools, establishment in Office of Defense Mobilization — 4926
- Military information, safeguarding of. *See* Army Department.
- Military records, Board for correction of. *See* Coast Guard.
- Old-age and survivors' insurance records and information, disclosure of. *See* Old-Age and Survivors' Insurance Bureau.
- Price control reports, procedures respecting. *See* Price Stabilization, Office of.
- Supreme Commander for Allied Powers (SCAP), Japan; disposition of correspondence and records on termination of Office — 3689

RENEGOTIATION BOARD:
- Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee — 4561
- Renegotiation Act of 1948, Military Renegotiation Board regulations under:
  - Brokers, manufacturers' agents, and dealers; proposed rule making — 3001
  - Conduct of renegotiation; filing of information and requests by contractor — 5763
  - Procedure respecting. *See* Procedure for renegotiation.
- Exemptions from renegotiation:
  - Contracts with non-profit agency for blind, contracts where profit can be determined at time contract price is established; permissive exemptions — 3673
- Mandatory exemptions:
  - Contracts (not directly connected with national defense) for other persons or agencies — 3673
  - Contracts and subcontracts for certain agricultural commodities and raw materials; profits from increment in value of excess inventory, proposed rule making — 3000
- Permissive exemptions, contracts where profit can be determined at time contract price is established; contracts with non-profit agency for blind — 3673
- Preliminary information required of contractors; filing of financial statement — 5763
- Procedure for renegotiation:
  - Conduct of renegotiation; filing of information and requests by contractor — 5762
  - Statement to contractors; requests for statements — 5763
  - Unilateral order procedure; class B cases — 5762
- Recovery of excessive profits after determination; recovery of refund pursuant to unilateral order — 5763
- Statements to contractors; requests for statements — 5764
- Unilateral order procedure; determination by Regional Board, class B cases — 5764

RENT STABILIZATION OFFICE:
- Rent control regulations under Housing and Rent Act of 1947, as amended:
  - Hotel regulation (RR 3):
    - *See also* Rooms in rooming houses and other establishments.

RENT STABILIZATION OFFICE—Continued — Page
- Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
  - Hotel regulation (RR 3)—Continued
    - General provisions:
      - Adjustments and other determinations, decrease of maximum rent, grounds for; rent higher than rent generally prevailing, rent received subject to refund — 5464
    - Removal of tenant; notice required — 3650
    - Schedule A, Defense Rental Areas; amendments affecting listed areas:
      - Arizona; Yuma — 2999
      - California; Monterey Bay — 3353, 5521
      - Colorado; Colorado Springs — 4382
      - Georgia; Augusta — 3353
      - Indiana; Gary-Hammond — 5303
      - Kansas:
        - Labette County — 4707
        - Lawrence-Olathe — 3235
      - Kentucky; Clarksville — 3854
      - New Mexico; San Juan — 5303
      - North Carolina; New Bern — 3061
      - Oregon; Condon — 5770
      - Pennsylvania; Pittsburgh — 2850
      - Rhode Island; Newport — 4707
      - South Carolina; Sumter — 4422
      - Tennessee; Clarksville — 3854
      - Texas:
        - Calhoun County — 4623
        - Hondo — 3558
        - Kingsville — 4382
        - Laredo — 3353
        - Milam County — 3854
      - Utah; Tooele, correction — 3743
      - Virginia:
        - Fredericksburg-Stafford — 5368
        - Norfolk — 5069
        - Portsmouth — 5069
        - Quantico — 5368
      - Washington:
        - Bridgeport — 5396
        - Republic-Curlew — 5770
        - Wenatchee — 5396
    - Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
      - California:
        - Monterey Bay — 5521
        - San Diego — 3458
      - Florida; Pensacola — 4851
      - Montana; Great Falls — 3558
      - South Dakota; Rapid City-Sturgis — 4492
      - Texas:
        - Borger — 4492
        - Mineral Wells — 4492
        - San Marcos — 5731
      - Virginia:
        - Norfolk — 5069, 5730
        - Norfolk-Portsmouth — 4121, 4206, 4851
        - Portsmouth — 5730
      - Washington; Kennewick-Pasco-Richland — 4239
      - Wisconsin; Sparta — 4852
  - Housing rent regulation (RR 1):
    - General provisions:
      - Adjustments and other determinations, increase of maximum rent, grounds for; housing accommodations not yielding fair net operating income, successive petitions — 4119
      - Maximum rents, housing not under control on September 19, 1951; rents received subject to refund — 5463
    - Removal of tenant; notice required — 3650
    - Schedule A, Defense Rental Areas; amendments affecting listed areas:
      - Arizona; Yuma — 2999
      - California:
        - Monterey Bay — 3353, 5520
        - San Francisco — 4894
        - Ventura — 3558, 4894
      - Colorado; Craig — 5367
      - Georgia; Augusta — 3353
      - Illinois:
        - Chicago — 3060, 3558, 4120, 4382, 4894, 5302, 5520
        - Kankakee — 3060, 4766
        - Peoria — 4538, 5520
        - Quad Cities — 5302, 5368

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Housing rent regulation (RR 1)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
Indiana:
Anderson 3558, 4120
Gary-Hammond 3060, 4120, 5302
Kansas:
Labette County 4707
Lawrence-Olathe 3235
Michigan:
Detroit 5302
Kalamazoo-Battle Creek 5302
Wayne County 4120
Minnesota; Minneapolis-St. Paul 3061
Missouri; St. Louis 4538
New Jersey:
Bergen County 4120
Trenton 4766
New Mexico; San Juan 5302
Ohio:
Cleveland 4120
Columbus 4766
Ravenna 4766
Wooster 4120
Oregon; Condon 5770
Pennsylvania:
Indiana County 4120
Pittsburgh 2850, 3354, 4382
Sharon-Farrell 4538
Rhode Island; Newport 4707
South Carolina; Sumter 4422
Texas:
Calhoun County 4623
Hondo 3558
Kingsville 4382
Laredo 3353
Milam County 3853
Virginia:
Fredericksburg-Stafford 5368
Norfolk 5069
Portsmouth 5069
Quantico 5368
Washington:
Bellingham 4120
Bridgeport 5396
Pullman-Moscow 4382
Republic-Curlew 5770
Wenatchee 5396
West Virginia; Parkersburg 3061
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
California; San Diego 3458
Colorado; Colorado Springs 4491
Florida; Pensacola 4851
Louisiana; Shreveport 5140
South Dakota; Rapid City-Sturgis 4491
Texas; San Marcos 5730
Virginia:
Norfolk 5069
Norfolk-Portsmouth 4120, 4206, 4851, 5730
Portsmouth 5730
Washington; Kennewick-Pasco-Richland 4239
Motor courts (RR 4) 4565
General provisions:
Adjustments and other determinations 4568
Decrease of maximum rent, grounds for; rent higher than rent generally prevailing, rent received subject to refund 5464
Definitions and scope 4565
Enforcement 4572
Evasion 4572
Maximum rents 4567
Minimum services 4567
Prior orders, continuance of 4572
Procedure 4572
Prohibition against higher than maximum rents 4566
Registration and records 4565
Removal of tenant 4570

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Motor courts (RR 4)—Continued
Schedule A, Defense Rental Areas 4572
Amendments affecting listed areas:
California:
Monterey Bay 5521
Ventura 4894
Illinois; Quad Cities 5303, 5368
Indiana; Gary-Hammond 5303
Kansas; Labette County 4707
New Mexico; San Juan 5303
Oregon; Condon 5770
Rhode Island; Newport 4707
Texas; Calhoun County 4654
Virginia:
Fredericksburg-Stafford 5368
Norfolk 5069
Portsmouth 5069
Quantico 5368
Washington:
Bridgeport 5396
Republic-Curlew 5770
Wenatchee 5396
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof 4574
Amendments affecting listed areas:
Florida:
Key West 5350
Pensacola 4851
South Carolina; Allendale County 4852
Texas; San Marcos 5731
Virginia:
Norfolk 5069, 5730
Norfolk-Portsmouth 4851
Portsmouth 5730
Rooms in rooming houses and other establishments (RR 2):
General provisions:
Adjustments and other determinations:
Decrease of maximum rent, grounds for; rent higher than rent generally prevailing, rents received subject to refund 5464
Increase of maximum rent, grounds for; housing accommodations not yielding fair net operating income, successive petitions 4119
Removal of tenant; notice required 3650
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Arizona; Yuma 2999
California:
Monterey Bay 3353, 5520
San Francisco 4894
Ventura 3558, 4894
Colorado; Craig 5367
Georgia; Augusta 3353
Illinois:
Chicago 3060, 3558, 4120, 4382, 4894, 5302, 5520
Kankakee 3060, 4766
Peoria 4538, 5520
Quad Cities 5302, 5368
Indiana:
Anderson 3558, 4120
Gary-Hammond 3060, 4120, 5302
Kansas:
Labette County 4707
Lawrence-Olathe 3235
Michigan:
Detroit 5302
Kalamazoo-Battle Creek 5302
Wayne County 4120
Minnesota; Minneapolis-St. Paul 3061
Missouri; St. Louis 4538
New Jersey:
Bergen County 4120
Trenton 4766
New Mexico; San Juan 5302
Ohio:
Cleveland 4120
Columbus 4766
Ravenna 4766
Wooster 4120

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Rooms in rooming houses and other establishments (RR 2)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
Oregon; Condon 5770
Pennsylvania:
Indiana County 4120
Pittsburgh 2850, 3354, 4382
Sharon-Farrell 4538
Rhode Island; Newport 4707
South Carolina; Sumter 4422
Texas:
Calhoun County 4623
Hondo 3558
Kingsville 4382
Laredo 3353
Milam County 3853
Virginia:
Fredericksburg-Stafford 5368
Norfolk 5069
Portsmouth 5069
Quantico 5368
Washington:
Bellingham 4120
Bridgeport 5396
Pullman-Moscow 4382
Republic-Curlew 5770
Wenatchee 5396
West Virginia; Parkersburg 3061
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
California, San Diego 3458
Colorado; Colorado Springs 4491
Florida; Pensacola 4851
South Dakota; Rapid City-Sturgis 4491
Texas:
Borger 4491
San Marcos 5730
Virginia:
Norfolk 5069, 5730
Norfolk-Portsmouth 4120, 4206, 4851
Portsmouth 5730
Washington; Kennewick-Pasco-Richland 4239

REPORTS. *See* Records, information, etc.

RESERVES, of various services. *See specific services.*

ROADS:
Abandonment of certain roads in Alaska. *See* Alaska Road Commission.
Access roads, certification of. *See* Defense Materials Procurement Agency.

RUBBER RESERVE, OFFICE OF. *See* Reconstruction Finance Corporation.

RURAL ELECTRIFICATION ADMINISTRATION:
Funds for loans for projects in various States, Alaska, and Puerto Rico; announcements and allocations:
Alabama 3423, 3617
Alaska 5172
Arizona 3616, 5170
Arkansas 3421, 3422, 3423, 5172
California 3617
Delaware 3615
Florida 5171
Georgia 3423
Illinois 3616, 5171
Iowa 3421, 3423, 3615, 3616, 4183, 4184, 5170
Kansas 5172
Kentucky 5172
Louisiana 3421, 3423, 4184
Michigan 3423
Minnesota 3422, 5171
Mississippi 3422
Missouri 3421, 3615, 5172
Montana 3422
Nebraska 5171
New Mexico 3616, 5172
North Carolina 3421
North Dakota 3616
Oklahoma 3616, 4183, 5170
Oregon 3615, 3617, 5171
Pennsylvania 3421, 3422
Puerto Rico 3422
South Carolina 3423, 3616, 4183

RURAL ELECTRIFICATION ADMINISTRATION—Con. Page

Funds for loans for projects in various States, Alaska, and Puerto Rico; announcements and allocations—Continued
Tennessee 3421, 3422, 3423, 5172
Texas 3421, 3422, 3423, 3616, 5170, 5171, 5172
Virginia 4183, 5172
Washington 3422
West Virginia 4184
Wisconsin 3421, 3422, 5171
Wyoming 4183, 5171

S

SALARY STABILIZATION BOARD:
Adjustments, increases, promotions, etc., for individual employees (GSSR 3):
Interpretation 5134
Promotion or transfer to higher or lower paid positions 4889
Assumption of jurisdiction by Wage Stabilization Board over employees within jurisdiction of SSB, requests for 5039
Athletes, professional, salaries and other compensation for (GSSR 7) 3826
Bonuses:
See also Pension plans.
New profit-sharing and other bonuses (GSO 12) 3850
Business enterprises, effects of changes in legal structure of (Int. 8) 4653
Compensation relationships, maintenance of; adjustments to reestablish and maintain certain customary relationships and differentials (GSO 6):
Adjustments, authorized (Int. 5) 3247, 5348
Distribution of authorized increases 2998
Credit unions. *See* Executive, administrative, professional.
Death benefits, authorized without prior approval (GSO 13) 4490
Driver-salesmen; under jurisdiction of Wage Stabilization Board 5039
Enforcement. *See* Procedural requirements.
Executive, administrative, professional, or outside salesmen capacities not represented by labor organizations (GSSR 1), adjustments for employees of religious, charitable and educational organizations; employees of credit unions 5461
Extended workweek compensation (GSO 10), questions and answers respecting (Int. 6) 4651, 4821
Health and welfare plans:
Broad policy concerning health and welfare plans; plans which do not require prior approval, approval of additional plans, charge-off of employer contributions and benefits, etc. (GSSR 8) 4489
Plans which may be put into effect without approval, and charge-off of contributions and benefits paid under (GSO 11); supersedure 4490
Legal structure of business enterprises. *See* Business enterprises.
Pension plans, and deferred profit-sharing and stock bonus plans (GSSR 6) 3849
Procedural requirements, regarding enforcement of regulations, orders, and determinations (SPR 2) 3827
Promotions. *See* Adjustments.
Sales employees, compensation of; "outside salesmen" and employees who receive compensation in form of commissions on sales (GSSR 5), interpretation 5067
Stock option and stock purchase plans:
Interpretation respecting plans (Int. 7) 4652
Right of employee to purchase stock under stock option or stock purchase plan or agreement (GSSR 4); revision 3824
Violations of Title IV of Defense Production Act with respect to wage stabilization, disallowances for; policy and procedure with respect to 2994
Authority of Salary Stabilization Board respecting 2995

SALARY STABILIZATION OFFICE:
Investigations, inspections and inquiries, designation of competent authority to define scope and purpose of 4774
Regulations issued by Board. *See main heading* Salary Stabilization Board.
Review and appeals committee; appointment of members and alternate members 4773

SAVINGS BONDS, UNITED STATES. *See* Treasury Department. Page

SCARCE, STRATEGIC AND CRITICAL MATERIALS:
- Designation of scarce materials. *See* National Production Authority.
- Exploration and development of critical and strategic minerals and metals. *See* Defense Minerals Exploration Administration.

SCHOOL LUNCH PROGRAM. *See* Agriculture Department.

SEALS, OFFICIAL:
- Seal of Federal Civil Defense Administration:
  - Establishment (Executive Order 10350) 4473
  - Purpose, description, use, etc 5832
- Seal of United States, to be affixed to certain Presidential documents without special warrant (Executive Order 10347) 3521

SECURITIES AND EXCHANGE COMMISSION:
- Hearings, etc.:
  - Adams & Co 5049
  - Admiral Corp 3897
  - Aiken, Lee 3250
  - Alabama Gas Corp 4309, 4603
  - Alabama Power Co 3217, 3367, 3809, 4668, 5263, 5710
  - Allegheny Corp 4666
  - Amere Gas Utilities Co 4189
  - American Business Shares, Inc 3468, 5621
  - American European Securities Co 3469
  - American & Foreign Power Co., Inc 3897, 4549, 5531, 5682
  - American Gas and Electric Co 3074, 3520, 4870, 4905, 5380, 5710, 5744
  - American Power & Light Co 2876, 3464, 3465, 5403, 5682
  - American Research and Development Corp 3665
  - American Seating Co 3897
  - American Wheelabrator & Equipment Corp 3811
  - American Woolen Co 3897
  - Appalachian Electric Power Co 2949, 5744
  - Arkansas Associated Telephone Co 3394
  - Arlington Gas Light Co 3368, 3810
  - Athol Gas Co 3566, 3901
  - Atlantic City Electric Co 3368, 3840
  - Atlantic Gulf Gas Co 4777, 5264
  - Atlantic Seaboard Corp 4189
  - Atlas Processing Co 3251
  - Attleboro Steam and Electric Co 3566, 3901
  - Baker, Catherine E., George M., John F., Katherine M 4666, 5333
  - Baker, Walsh & Co 4666, 5333
  - Baldwin Securities Corp 3075, 4277
  - Bear, Stearns & Co 4666
  - Beaumont Natural Gas Co 4401, 4964
  - Beckman Instruments, Inc 3074
  - Bennett, Spanier & Co., Inc 5049
  - Beverly Gas and Electric Co 3566, 3901, 4666
  - Binghamton Gas Works 4512
  - Birmingham Electric Co 3217
  - Boeing Airplane Co 3897
  - Boston Stock Exchange 3620, 3863, 5488, 5531
  - Brewster, Edward Leroy 3131
  - Brickley, Bartholomew A 2906, 3250
  - C. I. T. Financial Corp 4666
  - Calumet & Hecla Consolidated Mining Co 3897
  - Cambridge Electric Light Co 4995, 5404
  - Cambridge Gas Light Co 4995, 5404
  - Campbell, William L 3665
  - Canadian Fund, Inc 3371
  - Canada General Fund, Inc 5685
  - Cape & Vineyard Electric Co 4995, 5404
  - Capital Airlines, Inc 3897
  - Carolina Coach Co 3467, 3468, 5489, 5532
  - Carolina Natural Gas Corp 2875
  - Carthage Hydrocol, Inc 5620
  - Central Carolina Telephone Co 3394
  - Central Kentucky Natural Gas Co 4189, 4190, 5074, 5709
  - Central Main Power Co 3253, 3664, 4905
  - Central Massachusetts Gas Co 3368, 3810, 3863
  - Central Missouri Telephone Co 3394
  - Central Operating Co 2949
  - Central Public Utility Corp 3467, 3468, 5489, 5532, 5742
  - Central and South West Corp 5596
  - Central Vermont Public Service Corp 3181, 3467, 3519, 3840, 4131, 4470, 4775
  - Champion Paper and Fibre Co 5844
  - Chance, W. R. & Co 3131

SECURITIES AND EXCHANGE COMMISSION—Con. Page
- Hearings, etc.—Continued
  - Chesapeake Utilities Corp 4309, 4668
  - Cincinnati Stock Exchange 5378
  - Cities Service Co 3463, 4228
  - Colter Corp 3665
  - Columbia Broadcasting System Inc 3897
  - Columbia Gas System, Inc 3218, 3564, 4189, 4190, 4276, 4277, 4402, 4511, 4512, 5074, 5708, 5709
  - Commonwealth Investment Co 3761
  - Commonwealth Natural Gas System 4666
  - Commonwealth Stock Fund, Inc 3065
  - Consolidated Electric and Gas Co 3467, 3468, 5489, 5532, 5742
  - Consolidated Natural Gas Co 3664, 4362, 4995, 5620
  - Coughlin, Christopher H 5742
  - County Gas Co 3130
  - Crawford, W. T 5742
  - Cristina Copper Mines, Inc 4228
  - Cumberland and Allegheny Gas Co 4276
  - Cumberland County Gas Co 3181, 3898
  - Curtis Publishing Co 3897
  - Daffron, Robert E., Jr 4309, 4668
  - Delaware Fund Distributors, Inc 3864
  - Delaware Power & Light Co 2876
  - Dempsey & Co 4666
  - Detroit Edison Co 4602
  - Detroit Stock Exchange 3897
  - Dickson, R. S., & Co 2875
  - Dominick & Dominick 3469
  - Duquesne Light Co 3762, 5264, 5334, 5532, 5619
  - East Ohio Gas Co 5620
  - Eastern Kansas Utilities, Inc 4666, 4904
  - Eastern Shore Public Service Co. of Virginia 2876
  - Ebasco Services, Inc 5682
  - Ebensburg Coal Co 5742
  - Edwards Manufacturing Co 4905, 5707
  - El Paso Electric Co 2876
  - Electric Bond and Share Co 2876, 3464, 3465, 3761, 4250, 4400, 4827, 4963, 5403, 5682
  - Electric Power & Light Corp 3761, 4963
  - Empire Gas and Fuel Co 3463
  - Engineers Public Service Co 2876
  - Equitable Gas Co 5261
  - Equitable Securities Corp 3838
  - Equity Corp 3811
  - Estabrook & Co 3073
  - First Boston Corp 3073, 3075
  - First York Corp 3811
  - Fort Bend Utilities Co 5177
  - Franklin Transmission Co 3519, 4869
  - Frost, Clyde F., Co 3132
  - Gas Industries Fund, Inc 3075
  - General Dynamics Corp 5488
  - General Public Utilities Corp 3130, 3897, 4188, 5596, 5598
  - General Steel Castings 3075
  - Georgia Power Co 4668, 5263, 5404, 5710
  - Gloucester Electric Co 3566, 3901
  - Gloucester Gas Light Co 3368, 3810, 3902
  - Goldman, Sachs & Co 4665
  - Graham-Paige Corp 3075, 3182, 4277
  - Granite State Electric Co 3565, 3900
  - Great Lakes Steamship Co., Inc 4530
  - Green Mountain Power Corp 5262
  - Gulf Power Co 3902, 4604, 5074, 5489
  - Gulf States Utilities Co 2876
  - Haas, Ray T 5049
  - Hatfield Campbell Creek Coal Co 5378
  - Haverhill Electric Co 3566, 3901
  - Harrison, Charles C., 3d 4309, 4668
  - Harrison & Co 4309, 4668
  - Hevi Duty Electric Co 5598
  - Home Gas Co 4189, 4511, 5074
  - Hope Natural Gas Co 5620
  - Illinois Power Co 5532
  - Imperial Sugar Co 5177
  - Indiana Telephone Corp 4668
  - International Harvester Co 3897
  - International Hydro-Electric System 2906, 3250
  - Interstate Power Co 3129
  - Investment Bond and Share Corp 4666, 5333
  - Investors Telephone Co 3394, 4666
  - Iowa State Telephone Co 3394
  - Iroquois Gas Corp 3839, 4511, 4828
  - Jacksonville Gas Corp 4666, 5333
  - Jemkap, Inc 4666

SECURITIES AND EXCHANGE COMMISSION—Con. Page
- Hearings, etc.—Continued
  - Jersey Central Power & Light Co 3130, 4188, 5596
  - Johnson, Barbara S., Wallace D 4666, 5333
  - Jones, Albert R 5206
  - Jones & Laughlin Steel Corp 3897
  - Kansas City Power & Light Co 4904
  - Kentucky West Virginia Gas Co 5261
  - Keystone Gas Co., Inc 4402
  - Kittery Electric Light Co 5597
  - Koppers Co., Inc 3620
  - Lawrence Gas and Electric Co 2906, 4666
  - Lawrence Investing Co., Inc 5355
  - Lehman Brothers 4666
  - Lehman Corp 4666
  - Leonard, C. A., Trust 5708
  - Lone Star Gas Co 3250
  - Lord, Abbett & Co 3468
  - Los Angeles Stock Exchange 2824
  - Lowell Electric Light Corp 2906
  - Malden Electric Co 3565, 3900
  - Malden and Melrose Gas Light Co 3368, 3810
  - Manufacturers Light and Heat Co 4189, 4512, 5074
  - Market Street Railway Co 4665
  - McEnery, William J 5596
  - Meadow River Lumber Co 4905, 5707
  - Merkin & Co 4666
  - Michigan-Wisconsin Pipe Line Co 4627, 5378
  - Middle South Utilities, Inc 4776, 5207
  - Middle West Corp 5596
  - MidSouth Gas Co 3838
  - Midvale Co 3075
  - Midwest Piping and Supply Co., Inc 5404
  - Millville Electric Light Co 3368, 3840
  - Millville Water Co 3368, 3840
  - Mission Oil Co 5206
  - Mississippi Gas Co 4364, 5490
  - Monongahela Power Co 3565, 4729
  - Mott, Charles Stewart, Foundation 4666
  - National Association of Securities Dealers, Inc 3864
  - National Fuel Gas Co 3859, 4511, 4828
  - Natural Gas Co. of West Virginia 4512
  - New Bedford Gas and Edison Light Co 4995, 5404
  - New England Electric System 3219, 3251, 3565, 3566, 3810, 3863, 3898, 3900, 3901, 3902, 4401, 4666, 4907, 5262, 5379, 5596.
  - New England Gas and Electric Assn 3073, 3077, 4995, 5404, 5507
  - New England Gas and Electric Assn. Service Corp 3073
  - New England Power Co 3251, 3810, 4907, 5379, 5596
  - New England Public Service Co 3253, 3394, 3664, 3840, 4775
  - New Jersey Natural Gas Co 4188
  - New York State Natural Gas Corp 5620
  - Newmont Mining Corp 4828
  - Niagara Mohawk Power Corp 3181, 4603, 4964
  - North American Co 4272, 4273, 4602
  - North American Securities Co 3665
  - North American Utilities Securities Corp 4272
  - Northampton Electric Lighting Co 3566, 3901
  - Northampton Gas Light Co 3368, 3810
  - Northern Berkshire Gas Co 3565, 3900, 4665, 4907, 5307
  - Northern Natural Gas Co 4775, 5707, 5708
  - Northern States Power Co 3897, 4363, 4906, 5262, 5444
  - Northern States Power Co. (Delaware) and Minnesota) 3367, 4869
  - Northern Virginia Power Co 3519, 4869
  - Norwood Gas Co 3566, 3901
  - Odell & Co 3132
  - Ohio Edison Co 4362
  - Ohio Fuel Gas Co 4189, 4277, 5074, 5709
  - Ohio Power Co 2949, 5744
  - Oil & Gas Property Management, Inc 3469
  - Oswego Canal Co 4964
  - Owens-Corning Fiberglas Corp 5531
  - Pacific Petroleums, Ltd 3853
  - Pennroad Corp 3074, 4666
  - Pennsylvania Gas Co 3839, 4511, 4828
  - Pennsylvania Industries, Inc 4550
  - Peoples Natural Gas Co 4775, 5620, 5707, 5708
  - Philadelphia-Baltimore Stock Exchange 4549, 5531
  - Philadelphia Co 3762, 3838, 4550, 5261, 5619
  - Pittsburgh Coke & Chemical Co 4550
  - Pittsburgh and West Virginia Gas Co 5261
  - Platte Valley Telephone Corp 3394

SECURITIES AND EXCHANGE COMMISSION—Con. Page
- Hearings, etc.—Continued
  - Plymouth County Electric Co 4995, 5404
  - Plymouth Gas Light Co 4995, 5404
  - Potomac Edison Co 3519, 3565, 4729, 4869
  - Potomac Light and Power Co 3519, 4869
  - Public Service Co. of New Hampshire 2907, 3394, 5334, 5597
  - Pueblo Gas and Fuel Co 4362
  - Quincy Electric Light and Power Co 3565, 3900, 4907, 5379
  - Railway and Light Securities Co 3073
  - Raney, T. J., & Sons 3838
  - Real Estate Equities, Inc 3811
  - Red Star Motor Coaches, Inc 3467, 5489
  - Republic Aviation Corp 3897
  - Resources of Canada Investment Fund, Ltd 3369
  - River Gas Co 5620
  - Ross and Co., Inc 3133
  - St. Louis Midwest Co 5404
  - St. Regis Paper Co 3897
  - Salem Gas Light Co 3368, 3810
  - Sharp, David B., Jr 4309, 4668
  - Sherritt Gordon Mines Ltd 4828
  - Signal Petroleum Co. of California, Ltd 2824
  - Sinclair Oil Corp 5026
  - Small, Anne W., Edwin Joseph, Edwin W 4666, 5333
  - South Jersey Gas Co 3181, 3898, 5264
  - South Penn Power Co 3519, 4869
  - Southern Co 3217, 3902, 4604, 4668, 4963, 5263, 5404, 5682, 5710
  - Southern Natural Gas Co 5490
  - Southwestern Colorado Interstate Gas Co 5206
  - Southwestern Development Co 5206
  - Sparks-Withington Co 3897
  - Squibb, E. R., & Sons 3897
  - Standard Gas and Electric Co 3367, 3838, 4550, 5261
  - Standard Oil Co. (New Jersey) 3897
  - Stifel, Nicolaus & Co., Inc 4668
  - Stone & Webster Securities Corp 3073
  - Suburban Gas and Electric Co 3565, 3900, 4666
  - Sussex Telephone Co 3394
  - Sylvania Corp 3839, 4511, 4828
  - Tarbet, Arthur 5708
  - Telephone Realty Co 4666
  - Tennessee Production Co 3073, 3075
  - Three Brooks, Inc 3133
  - Trailways Bus Terminal, Inc 3468 5532
  - Union Electric Co. of Missouri 3219, 3692, 4188 4273
  - Union Producing Co 3250, 5075, 5620
  - Union Trusteed Funds, Inc 3468, 5621
  - United Corp 4510, 5264, 5355
  - United Fuel Gas Co 4189, 4190, 5074, 5708
  - United Gas Corp 3250, 3251, 3838, 3839, 4401, 4777, 4964, 5075, 5264, 5620 5682
  - United Gas Pipe Line Co 3250 3839
  - United Natural Gas Co 3839, 4511 4828
  - United Public Utilities Corp 4549
  - Utah Fund, Inc 4604
  - Utah Power and Light Co 3077
  - Utilco Co 3181 3898
  - Van Alstyne Noel & Co 3864
  - Virginia Electric and Power Co 2876
  - Virginia Gas Distribution Corp 4189
  - Virginia Gas Transmission Corp 4189
  - Wachusett Gas Co 3368, 3810
  - Walsh, Janice G., John T., William F., and William J 4666, 5333
  - Warner, Rawleigh 5742
  - Washington Irrigation & Development Co 3465, 5403
  - Washington Water Power Co 3464, 3465, 5403
  - West Penn Electric Co 3076, 3565, 4729
  - West Penn Power Co 3076
  - West Texas Gulf Pipe Line Co 3463, 4228
  - Western Colorado Power Co 3077
  - Westinghouse Electric Corp 3075
  - Westpan Hydrocarbon Co 5206
  - Weymouth Light and Power Co 3566, 3901
  - Wilmington Associates 3074
  - Wisconsin Electric Power Co 3252, 3899, 4362
  - Wisconsin Power and Light Co 5489
  - Wisconsin Public Service Corp 4402, 4964, 5489
  - Wisconsin River Power Co 5489
  - Wisconsin Southern Gas Co 5533
  - Womeldorff & Lindsay 3838

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Worcester County Electric Co ... 3251, 3565, 3900, 4276, 4603, 4907, 5379
Worcester Gas Light Co ... 4995, 5404
Wunderlich, Martin ... 3250
Zenith Radio Corp ... 3897
Practice and procedure, rules of practice respecting information available to public; fees for photoduplicating and certification of copies ... 4481
Regulations under various acts:
Investment Company Act of 1940:
Forms prescribed for registration statements under; Form N–8B–1 for management investment companies, revision, proposed ... 4224
Registration statements and reports; requirements for preparation and filing, proposed rule making ... 4242
Contents ... 4243
Definitions, scope, etc ... 4242
Exhibits ... 4244
Formal requirements; number of copies, paper, printing, etc ... 4243
Special provisions respecting previously filed material ... 4244
Reports, preparation and filing of. *See* Registration statements and reports.
Public Utility Holding Company Act of 1935, forms prescribed under; Form U5S for registration and annual supplements, clarification of reporting requirements respecting investment in system securities, financial statements, and exhibits ... 3189
Securities Act of 1933:
Forms prescribed for registration statements; Form S–5 for open-end management investment companies registered under Investment Company Act of 1940 on form N–8B–1, revision, proposed ... 4224
Information, registered, on matters of public record; sale of copies, revocation ... 4481
Securities Exchange Act of 1934:
Definition of "officer"; proposed rule making ... 5675
Directors, officers and principal stockholders:
Exemptions from section 16 (b) of act; respecting acquisition and sale of equity securities by directors, officers, or principal stockholders:
Distributing transactions, certain exemption of; proposed rule making ... 5673
Exchanged securities, where certain securities are received by redeeming others; exemption for, proposed rule making ... 5673
Mergers or consolidations; exemption of certain acquisitions and dispositions pursuant to ... 3177, 5501
"Officer", definition of (proposed) ... 5675
Reports of directors, officers, and principal stockholders:
Beneficial ownership of securities held in trust; proposed rule making ... 5674
Exemption of securities held in estate of deceased persons, by representative of incompetents by receivers, or by issuers; withdrawal of exetmptions (under Rule X–16A–4) suggested ... 5675
Manner of reporting holdings and changes ownership; partnerships, respecting member required to report on securities owned by (proposed) ... 5675
Options, puts, calls, straddles, etc.; disclosure of acquisition and disposition of (proposed) ... 5675
Exemptions from section 16 (b) of act; respecting certain transactions by directors, officers, and principal stockholders. *See* Directors.
Forms prescribed; Form 25 for notification of intention to remove matured, redeemed or retired securities from listing and registration, adoption of ... 3623
Reports of directors, officers, and principal stockholders. *See* Directors.
Withdrawal, from listing and registration, of securities matured, redeemed or retired; provisions, including use of Form 25 ... 3621

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Trust Indenture Act of 1939, respecting inspection and publication of applications, statements and reports; sale of copies of information, revocation ... 4481
SECURITY:
Manufacturers holding contracts awarded by Army, Navy, or Air Force, public information guidance for. *See* Defense Department.
Military information, safeguarding. *See* Army Department.
Vessels, harbors, ports and waterfront facilities, security and protection of; general provisions respecting issuance of documents and employment of persons aboard vessels (Executive Order 10352) ... 4607
Regulations respecting. *See* Coast Guard.
SELECTIVE SERVICE SYSTEM:
Agricultural manpower; responsibilities under defense manpower policy respecting ... 5765
Appeal boards, local and national ... 5407, 5408
Apprentice training program as basis for deferment ... 5749
Authority, delegations of. *See* Organization.
Conscientious objector:
Appeal to appeal board; when claim may be referred to Justice Department ... 5449
Emergency medical care, hospitalization, or burial not to be paid from funds of Selective Service System when illness, injury or death occurs while performing civilian work as ordered by local board ... 5449
Information, list of places to secure:
Concerning functions and operations of Selective Service System ... 5408
From records in Federal record depots ... 5408
Organization, functions, and delegations of final authority:
Appeal boards ... 5407
Authority vested in President ... 5406
Establishment and functions of Selective Service System ... 5405
Information, list of places to secure:
Concerning functions and operations of Selective Service System ... 5408
From records in Federal record depots ... 5408
Local boards ... 5407
National Advisory Committee on Selection of Physicians, Dentists, and Allied Specialists ... 5408
National headquarters, organization and functions ... 5406
National Selective Service Appeal Board ... 5408
Authority delegated to ... 5408
State headquarters, organization and functions ... 5407
Physicians, Dentists, and Allied Specialists, National Advisory Committee on Selection of ... 5408
Regulations as prescribed by President and/or Director of Selective Service:
Appeal to appeal board; conscientious objector ... 5449
Classification:
Preparation for classification; permit to leave United States ... 3477
Registrants outside United States ... 3476
Rules and principles:
Apprentice training program as basis for deferment ... 5749
Class I–D ... 3477
Class III–A; certificate of physician respecting unborn child must state probable date of delivery and evidence upon which diagnosis of pregnancy is based ... 5449
Necessary employment defined ... 5749
Volunteers, classification of; sole surviving son of family not to be placed in class available for military service ... 5452
Conscientious objector. *See* Appeal to appeal board; *and* Expenditures other than for personal services ... 5449
Expenditures other than for personal services; no expenses arising from illness, injury, or death shall be paid in case of conscientious objector performing civilian work as ordered by local board ... 5449

SELECTIVE SERVICE SYSTEM—Continued Page

Regulations as prescribed by President and/or Director of Selective Service—Continued
Physical examination:
Armed forces physical examination, preparing records for a group ordered to report for ... 5451
Medical interview by local board:
Duties of local board, Record of Induction (DD Form No. 47) ... 5451
Transfer for medical interview, Record of Induction (DD Form No. 47) ... 5451
Registration and classification of citizens outside United States:
Extra registration proclaimed (Proclamation 2972) ... 3473
Regulations respecting (Executive Order 10344) ... 3475
Registration procedures:
Disposition of registration cards and tally sheets ... 3594
Registration certificate ... 3594
Selective Service officers; appeal boards, areas ... 5449
Volunteers, classification of; sole surviving son of family not to be placed in class available for military service ... 5452
SHIPPING AUTHORITY. *See* National Shipping Authority.
SHIPS. *See* Vessels.
SMALL BUSINESS ENTERPRISES, operating as production pools; voluntary plans, agreements, etc. *See* Defense Production Administration.
SMALL DEFENSE PLANTS ADMINISTRATION:
Production Policy Committee, Office of Defense Mobilization:
Defense Procurement Policy Committee, designation as subcommittee ... 4561
Representation on ... 5191
SOCIAL SECURITY ADMINISTRATION:
See Old Age and Survivors Insurance Bureau.
Organization; Office of Appeals Council, authority, functions and established offices of ... 4228
SOIL CONSERVATION SERVICE:
Authority, delegation of, from Secretary of Agriculture to Chief; authority with respect to determining and advising Director, Land Management Bureau, concerning development of minerals, including oil and gas ... 3180
SOUTHWESTERN POWER ADMINISTRATION:
Acting Administrator and Acting Assistant Administrator; designation of certain officers to serve and sign documents as ... 4715
STANDARDS, NATIONAL BUREAU OF. *See* National Bureau of Standards.
STATE DEPARTMENT:
See International Claims Commission.
Air Coordinating Committee, representation on (Executive Order 10360) ... 5337
Authority, delegation of, to Administrator, Assistant Administrators and Deputies, United States International Information Administration, with respect to signing letters of working agreement with other Agencies ... 5832
Civil Service Rules; certain positions excepted from competitive service (Schedule A) ... 3521, 4101
Compensation, additional, for Federal personnel on foreign duty. *See* Foreign duty.
Diplomatic Missions, Chiefs of; functions respecting coordination of activities and programs under Mutual Security Act (Executive Order 10338) ... 3009
Foreign aid:
See also Mutual Security Act of 1951.
Aid to war-devastated countries; editorial note respecting revocation of Executive orders cited as authority for certain regulations ... 3034
Foreign duty of Federal personnel; compensation, additional, in foreign areas, lists of differential posts:
Additions and deletions, prior to revision ... 3261
Revision (effective after May 10, 1952) ... 3813
Additions and deletions:
Bolivia; Teneral Saavedra ... 5181
Brazil:
All posts with certain exceptions ... 5181
Urucuoa ... 5183
Vicosa ... 5183

STATE DEPARTMENT—Continued Page

Foreign duty of Federal personnel; compensation, additional, in foreign areas, lists of differential posts—Continued
Revision (effective after May 10, 1952)—Continued
Additions and deletions—Continued
Canada:
Fort Churchill ... 5183
Newfoundland, Ernest Harmon Air Force Base ... 5181
Ecuador:
Ambato ... 5181
Manabi ... 5181
Greece; Patras ... 5181
Honduras:
San Alijo ... 5181
Tela ... 5181
India:
All posts with certain exceptions ... 5181
Kharagpur ... 5183
Nabha ... 5183
Poona ... 5183
Shillong ... 5183
Simla ... 5183
Iran:
All posts except Meshed, Shiraz, and Tabriz ... 4631
Babol ... 4631
Hamadan ... 4631
Isfahan ... 4631
Tehran ... 4631
Pakistan:
All posts with certain exceptions ... 5181
Lyallpur ... 5181
Philippines:
All posts with certain exceptions ... 5181
Angeles ... 5183
Baguio City ... 5181
Laoag ... 5181
Tubabao (Guluan) ... 5181
Somaliland, Italian; all posts ... 5181
Foreign Service:
Law enforcement regulations; supersedure ... 5540
Notarial and related services ... 5540
Authority and responsibility of officers of Foreign Service ... 5541
Depositions and letters rogatory ... 5546
Documents, copying, recording, translating and procuring of ... 5552
Oaths, affidavits, fees, etc ... 5543
Patents, trademarks, income tax returns, securities, etc., services in regard to ... 5541
Procedures; requests, waivers, certificates, etc ... 5540
Quasi-legal services ... 5553
Protection and welfare of individuals; supersedure of regulations respecting legal and notarial services and agreements with local attorneys ... 5540
Foreign service of Federal personnel, additional compensation for. *See* Foreign duty, *above.*
Medal of Freedom, award of (Executive Order 10336) ... 2957
Mutual Security Act of 1951, programs under, functions of Chiefs of Diplomatic Missions respecting coordination of activities and programs (Executive Order 10338) ... 3009
Notarial and related services of Foreign Service. *See* Foreign Service, *above.*
Protection and welfare of individuals; supersedure of provisions respecting:
Agreements with local attorneys ... 5540
Legal services ... 5540
Notarial services ... 5540
United States International Information Administration, delegation of certain authority to. *See* Authority, *above.*
War-devastated countries, aid to. *See* Foreign aid.
STATES; grants, loans, etc., by Federal Government for various purposes:
Exploration projects. *See* Defense Minerals Exploration Administration.
Public health services. *See* Public Health Service.
School construction. *See* Education, Office of.
School lunch program. *See* Agriculture Department.
STEEL COMPANIES, Government possession of. *See* Commerce Department.

STUDENTS:
Employment tax regulations respecting under Federal Unemployment Tax Act. *See* Internal Revenue Bureau.
Reserve Officers Training Corps, organized reserves, transportation of. *See* Army Department.
SURPLUS MANPOWER, in designated areas, utilization of. *See* Defense Mobilization, Office of.
SURPLUS PROPERTY, disposal of. *See* General Services Administration.

T

TARIFF COMMISSION, UNITED STATES:
Investigation of imports under Trade Agreements Extension Act and Tariff Act of 1930:
Figs, dried; notice of hearing — 3078
Household china tableware, kitchenware, and table and kitchen utensils, certain — 4628
Lead, duty suspension on, revocation (Proclamation 2979) — 5785
Musical instruments, wood-wind, and parts — 4364, 4550, 5207
Nuts, edible tree — 5711
Pregnant mares' urine — 3568
Whiting — 3568, 4364
Wood screws — 3183, 4131
TAX RETURNS, inspection of. *See* Internal Revenue Bureau.
TAXES:
Drawback of taxes, customs regulations respecting. *See* Customs Bureau.
Income, excise, employment, etc., regulations respecting. *See* Internal Revenue Bureau.
Inspection of tax returns by Committee on the Judiciary, House of Representatives. *See* Internal Revenue Bureau; *and* Presidential documents.
TELEPHONE AND TELEGRAPH COMPANIES, common carrier regulations. *See* Federal Communications Commission.
TELEVISION SERVICE, regulations respecting. *See* Federal Communications Commission.
TENNESSEE VALLEY AUTHORITY:
Lands; transfer of certain lands in Nantahala National Forest to Agriculture Department (Executive Order 10357) — 5079
TERRITORIES AND POSSESSIONS:
Alaska. *See* Alaska.
Animal diseases, communicable; control of, in Alaska, Hawaii, and Puerto Rico. *See* Agriculture Department; *and* Animal Industry Bureau.
Certificates of registry, for vessels purchased abroad by United States citizens or corporations; revocation of Executive Order 2164, designating Governor of Guam to issue certificates (Executive Order 10351) — 4517
Conservation program, special agricultural, for Puerto Rico and Virgin Islands. *See* Agriculture Department.
Cotton, cottonseed, and cottonseed products; quarantine with respect to movement from Virgin Islands. *See* Entomology and Plant Quarantine Bureau.
Customs ports of entry, Puerto Rico; designation of Mayaguez and Ponce as ports of documentation — 3580
Frequency allocations. *See* Federal Communications Commission.
Hawaii. *See* Hawaii.
Immigration officer at Guam, authority of. *See* Immigration and Naturalization Service.
Income tax regulations applicable to residents of Puerto Rico. *See* Internal Revenue Bureau.
Industry committee, special, for Puerto Rico. *See* Wage and Hour Division.
Liquors and articles from Puerto Rico and Virgin Islands, tax regulations respecting. *See* Internal Revenue Bureau.
Manpower surplus, Puerto Rico; procurement in areas of current or imminent labor surplus. *See* Defense Mobilization, Office of.
Minimum wage orders for various industries in Puerto Rico. *See* Wage and Hour Division.
TERRITORIES AND POSSESSIONS—Continued
Nationality regulations respecting retention of foreign political status by citizens of Guam. *See* Immigration and Naturalization Service.
Navigation and vessel inspection laws and regulations, waiver of, with respect to S. S. "Arctic" operating around Guam. *See* Coast Guard.
Office of Territories. *See* Interior Department.
Price control regulations affecting commodities sold in Alaska, Guam, Hawaii, Puerto Rico, and Virgin Islands. *See* Price Stabilization, Office of.
Wage and hour regulations respecting. *See* Wage and Hour Division.
TRADE AGREEMENTS, with communist areas; concessions to be withheld on imports from certain areas, pursuant to Proclamation 2935, notification of Secretary of Treasury respecting:
Hungary (Letter of June 5, 1952) — 5079
Tibet (Letter of June 13, 1952) — 5413
TRADE FAIRS, international and inter-American; imports in connection with. *See* Customs Bureau.
TRAINING PROGRAMS:
Defense training, defense manpower policy respecting. *See* Defense Mobilization, Office of.
Vocational training for veterans. *See* Veterans' Administration.
TRANSPORT ADMINISTRATION. *See* Defense Transport Administration.
TRANSPORTATION, of personnel on military aircraft, directive respecting. *See* Defense Department.
TREASURY DEPARTMENT:
See Coast Guard.
Customs Bureau.
Internal Revenue Bureau.
Accounts Bureau:
Deposit of public moneys and payment of Government checks; collateral security for deposits, additions to listed acceptable securities:
Obligations of Central Bank for Cooperatives — 3453
Obligations, of local and Federal public agencies — 3453
Surety companies acceptable on Federal bonds; certificate of authority issued to:
Citizens Casualty Co. of New York — 4305
General Insurance Corp. of Fort Worth, Texas — 5675
Blocked assets, jurisdiction over; continuance in force of orders and regulations respecting, during period of national emergency proclaimed December 16, 1950 (Executive Order 10348) — 3769
Bonds and Treasury bills. *See* Public Debt Bureau.
Certificates, Treasury. *See* Public Debt Bureau.
China and Korea; customs procedure for merchandise from. *See* Foreign Assets Control Division.
Committees and boards, representation on:
Air Coordinating Committee, representation on (Executive Order 10360) — 5337
Procurement Policy Board, Office of Defense Mobilization; change of name to Defense Procurement Policy Committee, and designation as subcommittee of Production Policy Committee — 4561
Stabilization Policy Committee, Office of Defense Mobilization; representation on — 4926
Fiscal Service. *See* Accounts Bureau; *and* Public Debt Bureau.
Foreign Assets Control Division:
Customs procedures; merchandise of Chinese or Korean origin — 5344
Editorial changes — 5344
Entry, withdrawal and other documents presented without Foreign Assets Control license — 5344
Definitions; national — 5343
Licenses and authorizations; transactions incident to importations from designated nationals, revocation of authorization for — 5344
Foreign moneys, values of, for quarter beginning:
April 1, 1952 — 2836
July 1, 1952 — 5645
Gold regulations. *See* Monetary offices.
International Finance, Office of, Foreign Assets Control Division. *See* Foreign Assets Control Division.
Korea and China; customs procedure for merchandise of. *See* Foreign Assets Control Division.

TREASURY DEPARTMENT—Continued
Minerals, strategic, certification of, to Secretary by Defense Production Administration, for purpose of exemptions from excess profits tax under section 450 of Internal Revenue Code — 5191
Monetary offices:
Foreign moneys, values of, for quarter beginning:
April 1, 1952 — 2836
July 1, 1952 — 5645
Gold regulations; proposed rule making respecting authority, determinations of domestic value, exclusion of persons from operation of regulations, holding of coins by collectors, records and reports required, etc — 3831
Office of Secretary:
Minerals, strategic, certification of, to Secretary by Defense Production Administration, for purpose of exemptions from excess profits tax under section 450 of Internal Revenue Code — 5191
Reorganization of Bureau of Internal Revenue and delegations of authority respecting:
See also main heading Internal Revenue Bureau.
Abolition of various offices:
General Counsel (Assistant) for Bureau of Internal Revenue; abolition of office of — 4590
Illinois, certain collection districts, Collectors and Deputy Collectors of; abolition of existing offices — 4590
New York; Collector and Deputy Collector for First, Second, and Third Collection Districts of New York, abolition of existing offices — 5776
Authority and assignments, delegations of:
Chief Counsel for Bureau of Internal Revenue; assignment and delegation of authority to — 4589
Commissioner of Internal Revenue; delegations of general authority over functions in Bureau of Internal Revenue — 4590
Establishment of offices:
Illinois:
Director of Internal Revenue, establishment of offices of, within Chicago District — 4590
District Commissioner, establishment of office of, for Chicago District and composition of District — 4590
New York:
District Commissioner, New York City District, establishment of office of, and composition of District — 5776
Directors of Internal Revenue, New York City District, establishment of offices of — 5776
Public Debt Bureau:
Bills, Treasury, issue and sale of; acceptance at maturity — 4561
Bonds:
Treasury bonds, offering of:
Series B–1975–80, investment, 2¾ percent, nontransferable; additional issue — 4625
2⅜ percent Treasury bonds of 1958 — 5676
United States Savings Bonds:
General regulations applicable to all United States Savings Bonds:
Amendments and redesignations prior to revision — 4109
Revision (seventh), and republication — 4871
Applicable to Series H bonds June 1, 1952 — 4873
Offering of United States Savings Bonds:
Series E — 4110
Description, offering, term, interest, taxation and registration of bonds — 4110
Exchange of matured bonds of Series E for bonds of Series K — 4112
Federal income tax as applied to matured Series E bonds — 4112
General provisions — 4112
Issue prices and delivery of bonds — 4111
Limitation on holdings and nontransferability — 4111
Payment or redemption — 4112
In case of disability or death — 4112
Purchase of bonds — 4111
Purchased before new stock is available — 4111

TREASURY DEPARTMENT—Continued
Public Debt Bureau—Continued
Bonds—Continued
United States Savings Bonds—Continued
Offering of United States Savings Bonds—Con.
Series E—Continued
Redemption and payment — 4112
Redemption values and investment yields; tables — 4113
Retention of Series E bonds (heretofore or hereafter issued) at further interest after maturity — 4111
Safekeeping, lost, stolen, or destroyed bonds — 4112
Series H — 4884
Description, offering, term, interest, taxation and registration of bonds — 4884
Limitation on holdings and nontransferability of bonds — 4884
Payment or redemption and general provisions — 4885
Purchase and delivery of bonds, interim receipts — 4885
Redemption or payment — 4885
Safekeeping, lost, stolen or destroyed bonds — 4885
Table of checks issued and investment yields — 4885
Series J and K — 4114
Delivery of bonds, interim receipts, safekeeping, lost, stolen, or destroyed bonds — 4116
Description, offering, term, interest, taxation, registration, limitation on holdings, nontransferability, and purchase of bonds for cash — 4115
Payment or redemption and general provisions — 4116
Redemption or payment — 4116
Redemption values and investment yields; tables — 4117
Series K bonds, issue of, in exchange for matured bonds of Series E — 4116
Certificates of indebtedness, Treasury, offering of; Series B–1953, 1⅞ percent — 5676
Public moneys, deposit of. *See* Accounts Bureau.
Reorganization, Bureau of Internal Revenue. *See* Office of Secretary; *and main heading* Internal Revenue Bureau.
Trade agreements, with communist areas; concessions to be withheld on imports from certain areas, pursuant to Proclamation 2935, notification of Secretary of Treasury respecting:
Hungary (Letter of June 5, 1952) — 5079
Tibet (Letter of June 13, 1952) — 5413
TREATIES:
Seal of United States to be affixed, without special warrant therefor, to certain Presidential documents (instruments of ratification, and full powers to negotiate treaties and to exchange ratifications) (Executive Order 10347) — 3521
Taxation pursuant to; Ireland. *See* Internal Revenue Bureau.
Treaty of Peace with Japan; termination of national emergencies proclaimed September 8, 1939, and May 27, 1941, upon entry into force of Treaty (Proclamation 2974) — 3813
TURKEY AND GREECE, assistance to, functions in connection with; revocation of orders respecting (Executive Order 10338) — 3009

U

UNITED STATES EMPLOYMENT SERVICE, policies of. *See* Employment Security Bureau.
UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION. *See* State Department.
UNITED STATES SAVINGS BONDS, regulations respecting. *See* Treasury Department.
URANIUM PROGRAM, domestic, information respecting. *See* Atomic Energy Commission.

V

VESSELS: Page
- Certificates of registry, for vessels purchased abroad by United States citizens or corporations; designation of captains of ports of Cristobal and Balboa, Canal Zone, to issue certificates (Executive Order 10351) ---- 4517
- Charter of vessels under Merchant Ship Sales Act. *See* Maritime Board, Federal.
- Coast Guard regulations respecting. *See* Coast Guard.
- Customs regulations respecting. *See* Customs Bureau.
- Foreign-owned vessels, carrying goods and passengers to and from United States; reporting by owners, operators, or agents. *See* Business Economics, Office of.
- Navigation laws and regulations. *See* Coast Guard; *and* Engineers Corps of.
- Ocean vessels, certain, under control of United States; operation, insurance, etc. *See* National Shipping Authority.
- Repair of vessels. *See* National Shipping Authority.
- Security and protection of vessels; general provisions respecting issuance of documents and employment of persons aboard vessels (Executive Order 10352) ---- 4607
- Regulations pursuant to. *See* Coast Guard; *and* Panama Canal Company.
- Ship radio service. *See* Federal Communications Commission.
- Subsidies, operating-differential. *See* Maritime Board, Federal.
- Transportation agreements. *See* Maritime Board, Federal.
- Utilization and performance, reports respecting. *See* Maritime Administration.

VETERANS:
- Benefits to. *See* Veterans' Administration.
- Civil service employment, competition for certain positions restricted to veterans. *See* Civil Service Commission.
- Farm units in reclamation projects, sale of; veterans' preference. *See* Reclamation Bureau.
- Homestead rights in public lands. *See* Land Management Bureau.
- Housing; disposition of temporary war and veterans' housing by sale, transfer, removal, etc.; extension of time relating to (Executive Order 10339) 3012

VETERANS' ADMINISTRATION:
- Boxer Rebellion, veterans of; claims respecting. *See* Claims.
- Civil War, veterans of; claims respecting. *See* Claims.
- Claims, for compensation or pension, by veterans, dependents, or beneficiaries:
  - Dependents' and beneficiaries' claims:
    - Claims and evidence, filing of; general law, application and scope ---- 4155
    - Death pension and compensation:
      - Apportionment of death pension or compensation; rates payable, Spanish-American War (including Boxer Rebellion and Philippine Insurrection) Pension, Service act, reenacted by Public No. 269, 74th Congress, and amended ---- 5434
      - Commencement of original awards; Service acts, Spanish-American War, Philippine Insurrection, and Boxer Rebellion ---- 5434
      - Effective dates of increase of death pension or compensation:
        - Public Law 108, 82d Congress ---- 5434
        - Public No. 2, and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3 Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Public Laws 242, 359, 667, 690, 77th Congress, and Public Law 242, 78th Congress ---- 5434
      - Pensionable and compensable service:
        - Act of May 1, 1926 (Public No. 166, 69th Congress) as amended by certain other Acts; additional provisions applicable after October 1, 1951 for service in Moro Province ---- 5434
        - Contested claims ---- 4155

VETERANS' ADMINISTRATION—Continued Page
- Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
  - Dependents' and beneficiaries' claims—Continued
    - Death pension and compensation—Continued
      - Pensionable and compensable service—Con.
        - Death of veteran due to service, general law; character of discharge ---- 5770
        - Death of veteran not due to service ---- 5434
        - Foreign residence:
          - March 20, 1933 to February 4, 1935 ---- 5770
          - World War II ---- 5770
        - Protected awards to widows of veterans of Spanish-American War, Boxer Rebellion, and Philippine Insurrection; awards granted prior to October 1, 1951, effect of Public Law 108, 82d Congress ---- 5434
        - Rates for death not result of service, Spanish-American War, including Boxer Rebellion and Philippine Insurrection; effect of Public Law 108, 82d Congress ---- 5434
      - Definitions of relationship; Spanish-American War, Boxer Rebellion and Philippine Insurrection:
        - Public No. 2, 73d Congress, as amended; widow ---- 5433
        - Service acts as reenacted by Public No. 269, 74th Congress, and as amended; widow ---- 5434
      - Forfeiture for treasonable acts ---- 5771
      - Guardianship:
        - Awards where more than one guardian has been appointed ---- 4156
        - Children's benefits, payment of, to fiduciary of mentally incompetent widow ---- 4156
        - Death of beneficiary ---- 4156
        - Disposition of guardianship papers ---- 4156
        - Identity in guardianship cases ---- 4156
        - Letters of guardianship, receipt of, other than from chief attorney ---- 4156
        - Limitation on payments to fiduciary for minor child ---- 4156
        - Marriage of female fiduciary ---- 4156
        - Mentally incompetent or minor dependent:
          - Payments on behalf of ---- 4156
          - Procedure respecting ---- 4156
      - Loan guaranty benefits, certification of eligibility to ---- 4152
      - Mentally incompetent persons, payments on behalf of. *See* Guardianship.
      - Minors, payments on behalf of. *See* Guardianship.
      - Void or voidable marriage ---- 4152
  - Veterans' claims:
    - Boxer Rebellion. *See* Veterans of Civil War.
    - Character of discharge under Public No. 2, 73d Congress, as amended, and Public Law 346, 78th Congress; determination by adjudicating agency binding on Veterans' Administration ---- 5433
    - Civil War. *See* Veterans of Civil War.
    - Disallowance and awards:
      - Computation of annual income:
        - Benefits excluded from computation ---- 5465
        - Income included in computation ---- 5465
      - Helplessness, blindness, deafness and anatomical losses:
        - Additional allowance not payable if condition not service-connected; cancellation ---- 4492
        - Adjustment of awards during institutionalization; reductions during hospitalization ---- 4492
      - Special monthly compensation ---- 4152
    - Indian Wars. *See* Veterans of Civil War.
    - Jurisdiction of claims division, central office ---- 4153
    - Persons included in Acts; commissioned officers, Public Health Service ---- 4894
    - Philippine Insurrection. *See* Veterans of Civil War.
    - Public Health Service, commissioned officers of; inclusion in Acts ---- 4894
    - Reimbursement for unauthorized medical services ---- 5368
    - Relationship and dependency, proof of; validity of marriage ---- 4151
    - Service-connection, presumptive, for diseases listed in second proviso, section 200, World War Veterans' Act, 1924, as amended ---- 4151

VETERANS' ADMINISTRATION—Continued Page
- Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
  - Veterans' claims—Continued
    - Spanish-American War. *See* Veterans of Civil War.
    - Veterans of Civil War, Indian Wars, Spanish-American War, Boxer Rebellion, and Philippine Insurrection:
      - Aid and attendance; pension laws in force on March 19, 1933 and as reenacted by certain laws ---- 4154
      - Awards and amendments:
        - Amended awards:
          - Effective date ---- 4155
          - Increases; cross reference ---- 4155
        - Original awards:
          - Rates of pension:
            - Civil War ---- 4155
            - Indian Wars ---- 4155
            - Spanish-American War, Philippine Insurrection, and/or Boxer Rebellion ---- 4154
          - Under Public No. 269, 74th Congress, Public No. 541, 75th Congress, and Public Law 108, 82d Congress ---- 4154
      - Basic entitlement, determination of; types of discharges for service pension, honorable discharge ---- 4153
      - Dates, beginning and ending, of wars:
        - Boxer Rebellion ---- 4153
        - Indian Wars ---- 4153
        - Philippine Insurrection ---- 4153
        - Spanish-American War ---- 4152
      - Disabilities, evaluation of, under Public No. 269, 74th Congress:
        - Definition of disability ---- 4153
        - Ratings; effective dates of increases ---- 4153
        - Reductions ---- 4153
      - Jurisdiction of claims division, central office ---- 4153
      - Medical examinations in original claims for pension or compensation ---- 4154
      - Service requirements, computation of service, Spanish-American War, Boxer Rebellion, or Philippine Insurrection; various laws respecting ---- 4153
    - Credit restrictions, housing loan guaranty. *See* Servicemen's Readjustment Act of 1944.
    - Disabled veterans, education and training for. *See* Vocational rehabilitation and education.
    - Education. *See* Vocational rehabilitation and education.
    - Foreign countries, study in, under auspices of approved institution of higher learning in United States ---- 3166
    - Housing; loan guaranty; credit restrictions. *See* Servicemen's Readjustment Act of 1944.
    - Indian Wars, veterans of; claims respecting. *See* Claims.
    - Information concerning claimants and beneficiaries, release of, from VA records:
      - Addresses of claimants, judicial actions ---- 5464
      - Disclosure prejudicial to mental or physical health of claimant; who may determine ---- 5464
      - Veterans' Administration installation from which authorized disclosure will be made ---- 5464
    - Insurance:
      - National service life insurance, incontestability ---- 3162
      - United States Government life insurance, incontestability ---- 3162
    - Loans:
      - Loan guaranty, under Servicemen's Readjustment Act of 1944. *See* Servicemen's Readjustment Act.
      - Loan guaranty benefits, certification of eligibility to, of dependents and beneficiaries ---- 4152
    - Medical treatment and hospital care, etc.:
      - Out-patient treatment:
        - Persons pursuing course of vocational training authorized under certain public laws ---- 4346
        - Retired persons receiving disability compensation from Veterans' Administration ---- 4346
      - Provisional regulations; instructions for processing applications for hospital and/or out-patient treatment of persons applying under Public Law 239, 82d Congress ---- 3162

VETERANS' ADMINISTRATION—Continued Page
- Medical treatment and hospital care, etc.—Continued
  - Reimbursement for unauthorized medical services:
    - Adjudication of claims:
      - Claims exceeding $500 ---- 5368
      - Claims not exceeding $500 ---- 5368
      - Services rendered outside United States ---- 5368
    - Classes of claims comprehended:
      - Non-service-connected disease or injury; treatment necessary to prevent interruption of vocational training ---- 5369
      - Service-connected disease or injury; unauthorized travel to hospital for treatment ---- 5369
- Mentally incompetent persons, dependents' and beneficiaries' claims. *See* Claims.
- Minors, dependents' and beneficiaries' claims. *See* Claims.
- Organization:
  - Addresses of installations and jurisdictional areas of district offices ---- 4592
  - Central office:
    - Contact and administrative services, office of assistant administrator for ---- 4590
    - Insurance, office of assistant administrator for ---- 4591
    - Legislation, office of assistant administrator for ---- 4591
    - Solicitor, office of ---- 4591
    - Special services, office of assistant administrator for ---- 4591
  - Field stations; center and other field installations ---- 4592
  - General description of organization; records service center ---- 4590
- Philippine Insurrection, veterans of; claims respecting. *See* Claims.
- Public Health Service, commissioned officers of; inclusion in Acts respecting veterans' claims ---- 4894
- Records, release of information from. *See* Information.
- Release of information concerning claimants. *See* Information.
- Retired persons receiving disability compensation, medical treatment for ---- 4346
- Servicemen's Readjustment Act of 1944, Title III, loan guaranty:
  - Direct loans:
    - Definitions; Public Law 139, 82d Congress, 1st Session, and Public Law 325, 82d Congress, 2d Session added ---- 5465
    - Loan closing expenses ---- 5326
    - Real estate loans; credit restrictions ---- 5325
    - Findings by Housing and Home Finance Administrator respecting credit restrictions pursuant to Defense Production Act of 1950 on loans made or assisted by Administrator of Veterans' Affairs ---- 5326
- Spanish-American War, veterans of; claims respecting. *See* Claims.
- Subsistence allowance, during course of vocational rehabilitation and education; apportionment not authorized ---- 4257
- Vocational rehabilitation and education:
  - Advisement and guidance; authority to provide transportation, meals, and lodging for ---- 5071
  - Disabled veterans, education and training for:
    - Additional leave under exceptional circumstances; personal hardship ---- 5142
    - Conditions for vocational rehabilitation ---- 3164
    - Severance of service-connection, or reduction of disability rating to noncompensable degree ---- 3164
    - Types of courses:
      - Independent instructor course ---- 5141
      - Specialized restorative training course ---- 4257
  - Registration and research:
    - Applications. *See* Jurisdiction and applications.
    - Eligibility for education and training:
      - Basic evidence ---- 3163
      - Conditions conferring eligibility ---- 3163
      - Disabled veterans, eligibility for education and training:
        - Conditions for vocational rehabilitation ---- 3164
        - Severance of service-connection, or reduction of disability rating to noncompensable degree ---- 3164
      - Education or training after statutory delimiting date, special considerations concerning ---- 3163
      - Continuous pursuit of education or training ---- 4256
      - Effect of active service ---- 4256

VETERANS' ADMINISTRATION—Continued Page
Vocational rehabilitation and education—Continued
Registration and research—Continued
Eligibility for education and training—Continued
Education or training after statutory delimiting date, special considerations concerning—Continued
Initiation of course prevented by administrative or adjudicatory error 3682
Initiation of course prevented by failure of Veterans' Administration to issue certificate on time 5141
Interruption of course in connection with veteran's employment situation 5141
Normal progression 4257
Entitlement to education and training:
Adjustments in entitlement through renouncement of leave or training status extensions 3165
Extension of entitlement 3164
Termination of entitlement 3165
Foreign countries, education or training in, under auspices of approved institution of higher learning in United States 3166
Jurisdiction and applications:
Certificate of eligibility and entitlement 3162
Change of course and/or change of institution, application for 3162
Course of education or training, application for 3162
Course of institutional on-farm training, application for 3162
Service requirements, discharge or release; discharge for purpose of changing status 3163
Subsistance allowance:
Apportionment not authorized 4257
Determination of, for institutional on-farm training; policy regarding remunerative employment other than in pursuit of course 5070
Payment of, to persons in military or naval service; persons on terminal leave or hospitalized pending final discharge 5071
Training facilities:
Cooperative course; payments for 4987
Disposal of returned books, supplies, and equipment furnished through educational institutions 4986
Physician veterans, amount payable to hospitals for residency training for; payments in lieu of tuition and fees 4987
Related training, payments for; tuition charges 4987
Vouchers or invoices for payment:
Certification by institution 4987
Compliance with ceiling price regulations 4988
VIRGIN ISLANDS. *See* Territories and possessions.
VOCATIONAL EDUCATION, defense manpower training programs. *See* Defense Mobilization, Office of.
VOCATIONAL REHABILITATION AND EDUCATION. *See* Veterans' Administration.
VOLUNTARY PLANS, AGREEMENTS, ETC. *See* Defense Production Administration.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops 3004, 3425, 3892, 4724
Learners; issuance of certificates, for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear, rainwear and other odd outerwear, robes and leather and sheep-lined garments divisions 2871, 3113, 3424, 3658, 3892, 4245, 4466, 4598, 4903, 5072, 5259, 5678, 5679.
Cigar 3114, 3425, 3892, 4466, 4904, 5259, 5679
Glove 2871, 3425, 3892, 5679

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Learners; issuance of certificates, for various industries—Continued
Hosiery 2871, 3114, 3425, 3659, 4246, 4466, 4598, 4904, 5259, 5678, 5679
In Puerto Rico (miscellaneous industries) 2871, 3114, 5678, 5679
Knitted wear 2871, 3114, 3425, 3659, 3892, 4246, 4466, 4599, 4904, 5073, 5678, 5679
Miscellaneous 2871, 3114, 3425, 3659, 3892, 4246, 4466, 4599, 4904, 5073, 5259
Shoe 3659, 4246, 4466, 5678
Telephone (independent) 3425, 3659, 4246, 4466, 4599, 5073
Citrus pulp and waste dehydrating industry. *See* Seasonal industries.
Delegation of authority respecting special certificates. *See* Messengers; *and* Puerto Rico.
Learners; employment of, at below minimum wages:
Certificates, special, for various industries. *See* Certificates, *above.*
Messengers. *See* Messengers, employment of.
Various industries:
Apparel, women's; increase of rates for all learner occupations 3818
Glove industry; notice of hearing 2870
Knitted wear; definition of "learner" 5503
Messengers, employment of:
Delegation of authority to authorized representatives of Administrator to grant, deny, or cancel special certificates for 3891
Subminimum wage rates in communications, utilities, and miscellaneous transportation industries in Puerto Rico 3064, 3785
Puerto Rico:
Minimum wage orders for workers in various industries:
Chemical, petroleum, and related products 4656, 5390
Communications, utilities, and miscellaneous transportation industries, messengers in 3064, 3785
Construction, business service, motion picture, and miscellaneous industries 5615
Hooked rug 4541, 5619
Leaf tobacco 4219, 4925
Lumber and wood products 5480
Special industry committee for. See Special industry committee.
Territorial Director and Acting Territorial Director for Puerto Rico and the Virgin Islands; delegation of authority with respect to special certificates for employment of apprentices and learners 5403
Seasonal industries, wages and hours of employees in:
Citrus pulp and waste dehydrating industry in Florida and Texas, application to include manufacture of citrus molasses in Florida within 3459
Stone, crushed, northern branch; Blue Stone Quarry, Inc., amendment to determination relating to 3581
Special industry committee, to investigate conditions and recommend minimum wage rates in various industries; Puerto Rico, Committee No. 12:
Appointment of members 4357, 5172
Notice of hearing on minimum wage recommendations, for certain industries:
Alcoholic beverage and industrial alcohol industry, beer division 4503
Button, buckle, and jewelry 4503
Railroad, railway express, and property motor transport 4503
Stone, glass, and related products 4503
Sugar manufacturing 4503
Stone, crushed. *See* Seasonal industries.
Virgin Islands; Territorial Director and Acting Territorial Director for Puerto Rico and the Virgin Islands, delegation of authority with respect to special certificates for employment of apprentices and learners 5403

WAGE STABILIZATION BOARD: Page
Adjustments. *See* Increases or adjustments.
Agricultural labor (GWR 11):
See also Seasonal canning.
Area ceiling determinations:
Cotton picking in certain counties of California (ACD 2); rescission 5348
Peaches, pears, apples and all fruits in Mesa and Delta Counties, Colorado; agricultural labor connected with (ACD 4) 5349
Definitions; "base rate" 3795
Permissible increases 3795
Automotive and automotive parts industries, approval of cost-of-living provisions in; authority of Detroit Regional Board (Res. 91) 5046
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 5539
Construction Industry Stabilization Commission; health and welfare plans applicable to construction workers (CISC Regulation 2) 3351
Cost-of-living increases. *See* Increases or adjustments.
Credit unions. *See* Religious, charitable and educational organizations.
Deferred compensation. *See* Pension plans and profit-sharing plans.
Delegations of authority; resolutions with respect to:
Division of Board; authority to take final process action on certain cases filed under GWR 21 (Res. 85) 5046
Executive Director:
Glassware industry, pressed and blown; authority to approve petitions (Res. 86) 5046
Pension and profit sharing plans; authority to process cases filed under GWR 21 (Res. 85) 5046
Regional Boards:
Detroit Regional Board; approval of cost-of-living provisions in automotive and automotive parts industries (Res. 91) 5046
Glassware industry, pressed and blown; authority to approve petitions (Res. 86) 5046
Oil drilling petitions (Res. 82) 5046
Petitions and applications under listed wage regulations, authorization to process and act upon (Res. 64); revision 5045
Disputes, voluntarily and jointly submitted; procedure for handling (Res. 79 and 84) 5038, 5039
Driver-salesmen; jurisdiction. *See* Jurisdiction.
Enforcement; relationship between processing petitions and enforcement actions (Res. 92) 5039
Fringe benefits, such as paid vacations, paid holidays, shift differentials, etc. (GWR 13); revision 4535
Petitions for approval of fringe benefits 4536
Relation to GWR 6 (general wage formula) 4536
Scope 4536
General wage formula (GWR 6):
Adjustment of piece and incentive rates without prior approval; interpretations respecting 5696
Incentive wage and piece rates (Res. 71); interpretations respecting 5696
Operators of over-the-road trucks and buses (Res. 81) 5035
Glassware industry, pressed and blown; authority of Executive Director and Regional Boards to approve petitions (Res. 86) 5046
Health and welfare:
Construction workers, plans applicable to. *See* Construction Industry Stabilization Commission.
Plans for certain health and welfare benefits, including temporary disability and hospital, surgical and medical expenses, etc (GWR 19):
Procedure for modification of existing plans by prepayment organizations 3795
Processing reports on health and welfare plans, review criteria to be used by staff in (Res. 78) 5036
Reporting, alternative method of (Res. 83) 5037
Revision of GWR 19 5461
Holidays, paid. *See* Fringe benefits.

WAGE STABILIZATION BOARD—Continued Page
Improvement factors:
Annual improvement factor (Res. 90) 5036
Deferred increase or improvement factor adjustments (Res. 94) 5036
Increases or adjustments:
Cost-of-living increases, provided by escalator clauses in collective bargaining agreements and provisions in wage and salary plans (GWR 8):
See also Automotive and automotive parts industries.
Incentive wage and piece rates:
Adjustment of rates without prior approval; interpretations respecting 5696
Raising rates; interpretations respecting 5698
Meat packing (Res. 80) 5036
Operators of over-the-road trucks and buses (Res. 81) 5035
Permissible increases in absence of cost-of-living provisions 4202
Deferred increase or improvement factor adjustments. *See* Improvement factors.
Individual employees; adjustments of wages without prior approval of Board, authorized (GWR 5):
Definitions; "group" 4201
Merit or length or service increases 4201
Regular part-time employees 4201
Individual employees; adjustments. *See* Increases or adjustments.
Jurisdiction:
Assumption of jurisdiction by Board over employees within jurisdiction of Salary Stabilization Board, requests for (Res. 87) 5039
Driver-salesmen; under jurisdiction of Board (Res 77) 5039
Musicians, professional; adjustments in wages, salaries and other compensation without prior approval (Res. 89) 5036
Organization. *See* Procedural regulation.
Pension plans and profit-sharing plans (GSR 21):
Authority of Executive Director and Division of Board to process cases. *See* Delegations of authority.
Profit-sharing plans of the deferred compensation type 3795
Reporting, alternative method of (Res. 93) 5037
Petitions:
Authority with respect to. *See* Delegations of authority.
Filing of. *See* Procedural regulation.
Processing of. *See* Enforcement.
Procedural regulations:
Organizational provisions; Regional Boards, Territory of Alaska 5461
Petitions and reports, filing of; new plants 5664
Religious, charitable and educational organizations; adjustments for employees of, without prior approval, GWR 7), employees of credit unions 5068
Resolutions:
Delegations of authority 5045
Policy determinations and other substantive matters 5035
Seasonal canning, packing, freezing and dehydrating perishable fruits and vegetables, wages in establishments engaged in (Res. 45); 1950 differentials 5036
Shift differentials. *See* Fringe benefits.
Stabilization Policy Committee, Office of Defense Mobilization, representation on 4926
Vacations, paid. *See* Fringe benefits.
Violations of Title IV of Defense Production Act with respect to wage stabilization, disallowances for; policy and procedure with respect to 2994
Authority of Wage Stabilization Board respecting 2995
WAGES AND HOURS:
See also Pay, compensation, etc.
Bonuses. *See* Salary Stabilization Board.
Construction industry; health and welfare plans for workers. *See* Wage Stabilization Board.
Death benefits. *See* Salary Stabilization Board.

WAGES AND HOURS—Continued
Minimum wage regulations. *See* Public Contracts Division; *and* Wage and Hour Division.
Wage and salary stabilization. *See* Railroad and Airline Wage Board; Salary Stabilization Board; *and* Wage Stabilization Board.
WAR, STATE OF, termination upon entry into force of Treaty of Peace with Japan; termination of national emergencies proclaimed on September 8, 1939, and May 27, 1941 (Proclamation 2974) 3813
WAR-DEVASTATED COUNTRIES, relief assistance to people of, functions in connection with; revocation of orders respecting (Executive Order 10338) 3009
WILDLIFE:
Hunting, protection of, etc. *See* Alaska Game Commission; *and* Fish and Wildlife Service.
Wildlife conservation areas, refuges, etc.:
Management of. *See* Fish and Wildlife Service.
Public lands in. *See* Land Management Bureau.
WORLD TRADE WEEK, 1952 (Proclamation 2969) 2829

Y

YUGOSLAV EMERGENCY RELIEF ASSISTANCE, administration of; revocation of order respecting (Executive Order 10338) 3009

CODIFICATION GUIDE, APRIL–JUNE 1952

A numerical list of the sections of the Code of Federal Regulations affected by documents published during April–June 1952. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3 Page
Chapter I (Proclamations):
2352 (see Proc. 2974) 3813
2487 (see Proc. 2974) 3813
2968 2829
2969 2829
2970 2831
2971 3139
2972 3473
2973 3669
2974 3813
2975 3869
2976 4607
2977 4967
2978 5537
2979 5785
Chapter II (Executive orders):
Nov. 13, 1889 (revoked in part by PLO 830) 4710
Nov. 30, 1908 (see EO 10337) 2957
Apr. 4, 1917 (see F. R. Doc. 52–5651) 4657
July 10, 1919 (see PLO 833) 4822
Apr. 17, 1926 (see PLO 833) 4822
978 (see EO 10342) 3259
1450 (revoked by PLO 833) 4822
1526 (see PLO 833) 4822
1624 (see EO 10337) 2957
1776 (see EO 10337) 2957
1778 (see EO 10337) 2957
2164 (revoked by EO 10351) 4517
2242; modified by:
PLO 824 4575
PLO 826 4655
2368 (see PLO 833) 4822
3946 (revoked in part by PLO 816) 3495
4179–A (see EO 10342) 3259
4266 (see PLO 833) 4822
4667 (see EO 10342) 3259
6116 (revoked in part by PLO 814) 3064
6713 (see CZO 27) 3653
7170 (see PLO 817) 3495
7799 (see PLO 817) 3495
8192 (revoked by PLO 829) 4709
8389 (continued in force by EO 10348) 3769
8480 (revoked by PLO 835) 4948
8646 (see PLO 833) 4822
8683 (see EO 10341) 3143
8729 (see EO 10341) 3143
8979; see:
PLO 820 3885
PLO 839 5731
9029 (revoked by PLO 833) 4822
9114 (revoked in part by PLO 842) 5732

TITLE 3—Continued Page
Chapter II (Executive orders)—Continued
9153–A (revoked in part by PLO 827) 4708
9337 (superseded by EO 10355) 4831
9526 (see PLO 833) 4822
9575 (superseded by EO 10349) 3769
9586 (amended by EO 10336) 2957
9636 (superseded by EO 10358) 5269
9781 (amended by EO 10360) 5337
9857 (revoked by EO 10338) 3009
9862 (revoked by EO 10338) 3009
9864 (revoked by EO 10338) 3009
9914 (revoked by EO 10338) 3009
9944 (revoked by EO 10338) 3009
9960 (revoked by EO 10338) 3009
9979 (amended by EO 10363) 5449
9988 (amended by EO 10363) 5449
9989 (continued in force by EO 10348) 3769
9990 (superseded by EO 10360) 5337
9993 (amended by EO 10354) 4831
10001 (amended by EO 10363) 5449
10008 (see EO 10363) 5449
10017 (superseded by EO 10337) 2957
10161 (amended by EO 10359) 5269
10173 (amended by EO 10352) 4607
10202 (amended by EO 10363) 5449
10208 (revoked by EO 10338) 3009
10259 (revoked by EO 10338) 3009
10266 (superseded by EO 10365) 5689
10277 (amended by EO 10352) 4607
10284 (superseded by EO 10339) 3012
10292; amended by:
EO 10344 3477
EO 10363 5449
EO 10366 5749
10336 2957
10337 2957
10338 3009
10339 3012
10340 3139
10341 3143
10342 3259
10343 3259
10344 3475

TITLE 3—Continued Page
Chapter II (Executive orders)—Continued
10345 3477
10346 3477
10347 3521
10348 3769
10349 3769
Amended by:
EO 10356 4967
EO 10362 5413
10350 4473
10351 4517
10352 4607
10353 4631
10354 4831
10355 4831
10356 4967
See also EO 10362 5413
10357 5079
10358 5269
10359 5269
10360 5337
10361 5357
10362 5413
10363 5449
10364 5493
10365 5689
10366 5749
Chapter III (Presidential documents other than proclamations and Executive orders):
Letter, June 5, 1952 5079
Letter, June 13, 1952 5413

TITLE 5 Page
Chapter I:
Part 2:
2.102 5537
2.104 4969
2.105 4557
Part 3:
3.202 ..... [3012]
3.203 ..... [3012]
Part 6:
6.102 ..... 3521, 4101
6.107 ..... 5209, 5713
6.111 5601
6.123 5539
6.155 5539
6.156 ..... 5181, 5452
6.159 5452
6.162 4369
Part 7:
7.105 4285
Part 8:
8.107 5539
8.109 5539
8.110 5539

TITLE 5—Continued Page
Chapter I—Continued
Part 21:
21.4 4969
Part 24:
24.14 5337
Part 25:
25.241 ..... [5272]
Part 26 5452
Part 27:
27.1 ..... 4233, 4369
27.2 ..... 4233, 4369
Chapter II:
Part 230:
230.2 3573
Chapter III:
Part 325:
325.11 ..... 3261, 3813, 4631, 5181

TITLE 6 Page
Chapter I:
Part 70:
70.5 3221
Chapter III:
Part 305:
305.1–305.6 3223
Part 311:
311.30 ..... 3397, 4101, 5692
Part 343:
343.7 5416
Part 373 4281
Chapter IV:
Part 517:
517.322 2810
517.323 2810
Part 518:
518.332–518.335 5357
518.342 5359
Part 524:
524.251–524.270 3397
524.252 5385
524.260 5385
524.270 3624
524.271 5387
524.275–524.291 3401
Part 571:
571.125–571.188 5625
571.225–571.288 5625
Part 601:
601.761 4235
601.1501–601.1521 3521
601.1551–601.1560 3771
601.1558 5713
601.1559 4834
601.1651–601.1662 5715
601.1701–601.1710 3693
601.1703 4103
601.1706 4103
601.1708 5787
601.1709 4834
601.1751–601.1760 3573
601.1758 3783
601.1759 4835
601.1801–601.1810 3526
601.1809 4835
601.1851–601.1860 5272
601.1901–601.1910 3777
601.1909 4835
601.1951–601.1963 4553
601.1974–601.1985 5601
601.2051–601.2060 5493
601.2101–601.2110 4517
601.2108 4836
601.2109 4836
601.2151–601.2164 2959
Part 607:
607.325–607.353 4837
Part 610:
610.135 3012

TITLE 6—Continued Page
Chapter IV—Continued
Part 624:
624.301–624.326 3698
624.326 4285
Part 643:
643.583 4313
643.658 4609
643.675 4609
643.685–643.709 4631
643.716–643.727 4636
643.740–643.759 4638
Part 646:
646.303 4369
646.401–646.428 5788
Part 664:
664.331 3226
664.401–664.409 4643
Part 668:
668.10 4313
Part 672:
672.225–672.228 3261
Part 674:
674.139 3013
674.140 3013

TITLE 7 Page
Chapter I:
Part 27:
Proposed rules 5195
Part 28:
Proposed rules 5195
Part 31:
31.51 4609
31.52 4610
31.152 4610
Part 42:
Proposed rules 3606
42.30–42.54 5303
Part 51:
Proposed rules 2888, 2891, 4352, 5467
51.232 5793
51.312 4473
51.332 5633
51.378 3441
51.433 3443
Part 52:
Proposed rules 3064, 3796, 3799, 4576, 4767, 4769, 4770, 5469
52.122 4106
52.144 3444
52.172 3783
52.388 4315
52.608 ..... 3624, 4477
Part 55:
55.102 2805
Part 58:
Proposed rules 3746
Part 68:
Proposed rules 2999
68.303 4842
Part 70:
70.1 3628
70.3 3629
70.4 3629
70.6 3629
70.8 3629
70.11 3629
70.12 3630
70.23 3630
70.33 3630
70.39 3630
70.101 3631
70.102 3631
70.103 3631
70.104 ..... 3631, 3632
70.105 3632
70.201 3632

TITLE 7—Continued Page
Chapter II:
Part 210:
Appendix 4644
Chapter III:
Part 301:
Proposed rules 3657, 4388
301.30 3446
301.47—301.47–4 4371
301.48–2 4999
301.48–4 5001
301.52–2 2909
301.52–3 2909
301.52–4 2911
301.61—301.61–15 3447
301.63–1 3669
301.63–5—301.63–7 3671
Part 354:
354.1 4317
354.2 5055
Chapter IV:
Part 415:
415.1 5633
415.4 5081
Part 416:
416.1 5749
Part 417:
417.1 5057
Part 418:
418.154 5081
Part 419:
419.1 5633
Part 420:
420.24 5082
420.51–1—420.51–3 3265
420.58–1 3268
420.59–1—420.59–3 3269
420.59–5 3272
420.61–3 3273
420.63–1—420.63–11 3274
420.63–9 3672
420.66–2 ..... 3283, 3672
420.66–3 3284
420.71–1—420.71–9 3285
420.71–10 3292
420.71–11 ..... 3293, 3672
420.72–1—420.72–2 3294
420.73–1 3296
420.81–1 ..... 3297, 3672
420.82–1—420.82–7 3298
420.82–2 3672
420.82–4 3672
420.89–1—420.89–5 3304
420.90–1—420.90–2 3310
420.90–4—420.90–6 3312
420.97–1 3315
420.97–3 3316
Part 422:
422.23 5082
422.24 5082
Chapter VII:
Part 701:
701.312 3531
701.339 2885
701.354 3531
701.359 3531
701.365 2885
Part 702:
702.15 2809
702.115 2809
702.203 2885
702.214 2885
Part 703:
703.117 2887
703.120 2887
Part 707:
707.201–707.253 5306

TITLE 7—Continued Page

Chapter VII—Continued
- Part 713:
  - 713.5 ... 5057, 5689
  - 713.6 ... 5057
  - 713.16 ... 5058
- Part 723:
  - *Proposed rules* ... 4895, 4896
- Part 725:
  - *Proposed rules* ... 3495, 4824, 4896
  - 725.330–725.360 ... 4779
- Part 726:
  - *Proposed rules* ... 3495, 4896
  - 726.330–726.360 ... 4786
- Part 727:
  - *Proposed rules* ... 4896
- Part 728:
  - *Proposed rules* ... 4655
  - 728.301–728.303 ... 5633
- Part 729:
  - *Proposed rules* ... 3237
  - 729.253 ... 3226
  - 729.280–729.292 ... 4644
  - 729.311 ... 3143
  - 729.312 ... 3143
    - 729.314–729.315 ... 3143
  - 729.325 ... 3144
  - 729.327 ... 3144
  - 729.340–729.369 ... 4317
    - 729.341 ... 5691
    - 729.354 ... 5691
    - 729.362 ... 5691

Chapter VIII:
- Part 813:
  - 813.33 ... 5692
  - 813.34 ... 5692
- Part 866:
  - 866.4 ... 4322
- Part 871:
  - 871.5 ... 5751
- Part 876:
  - 376.4 ... 5453

Chapter IX:
- Part 904:
  - *Proposed rules* ... 3496, 3838
- Part 905:
  - *Proposed rules* ... 4951, 5574
  - 905.22 ... 5796
  - 905.51 ... 5796
- Part 907:
  - *Proposed rules* ... 4353, 5521
  - 907.14 ... 5797
  - 907.41 ... 5797
  - 907.42 ... 5797
  - 907.46 ... 5797
  - 907.51 ... 5797
  - 907.60 ... 5798
  - 907.61 ... 5798
- Part 909:
  - 909.201 ... 4523
- Part 912:
  - *Proposed rules* ... 3414, 4854
  - 912.5 ... 5540
- Part 913:
  - *Proposed rules* ... 2892, 3609
  - 913.7 ... 3816
  - 913.22 ... 3816
  - 913.51 ... 3816
  - 913.71 ... 3817
- Part 924:
  - *Proposed rules* ... 3415, 5524
  - 924.52 ... 5634
- Part 925:
  - *Proposed rules* ... 3385
  - 925.51 ... 3847
- Part 927:
  - *Proposed rules* ... 3387, 3499, 4257, 4495
  - 927.100–927.275 ... 5798
- Part 931:
  - 931.50 ... 4943

TITLE 7—Continued Page

Chapter IX—Continued
- Part 932 ... 4911
  - *Proposed rules* ... 3166, 3859, 4258
- Part 933:
  - 933.573 ... 3226
  - 933.574 ... 3227
  - 933.575 ... 3228
  - 933.576 ... 3702
  - 933.577 ... 4286
  - 933.578 ... 4286
  - 933.579 ... 4524
  - 933.580 ... 4523
  - 933.581 ... 4733
  - 933.582 ... 4735
  - 933.583 ... 5183
  - 933.584 ... 5184
  - 933.585 ... 5607
  - 933.586 ... 5607
- Part 934:
  - *Proposed rules* ... 3496, 3888
- Part 936:
  - *Proposed rules* ... 4989
  - 936.206 ... 5718
  - 936.422 ... 4372, 5807
  - 936.423 ... 4969, 5807
  - 936.424 ... 4970, 5807
  - 936.425 ... 4971, 5807
  - 936.426 ... 5413
  - 936.427 ... 5635
  - 936.428 ... 5636
  - 936.429 ... 5636
  - 936.430 ... 5637
  - 936.431 ... 5638
  - 936.432 ... 5638
  - 936.433 ... 5805
  - 936.434 ... 5806
  - 936.435 ... 5806
- Part 941:
  - *Proposed rules* ... 4579, 5526
  - 941.51 ... 5808
  - 941.52 ... 5808
- Part 942 ... 5752
  - *Proposed rules* ... 4171, 5243
- Part 943:
  - *Proposed rules* ... 3610
  - 943.43 ... 3817
  - 943.44 ... 3817, 4287
  - 943.46 ... 3817
  - 943.50 ... 3818
  - 943.51 ... 3818
  - 943.73 ... 3818
- Part 944:
  - 944.50 ... 4843
- Part 946 ... [4844]
  - *Proposed rules* ... 3802, 4497
  - 946.30 ... 4844
  - 946.51 ... 4844
  - 946.53 ... 4844
  - 946.60 ... 4844
  - 946.61 ... 4844
  - 946.71 ... 4844
  - 946.80 ... 4844
  - 946.82 ... 4844
  - 946.83 ... 4844
  - 946.84 ... 4844
  - 946.85–946.89 ... 4844
- Part 947:
  - *Proposed rules* ... 3496, 3888
- Part 949 ... 3013
- Part 951:
  - *Proposed rules* ... 4855, 5043, 5575
- Part 953:
  - 953.536 ... 2960, 3228
  - 953.537 ... 3228
  - 953.538 ... 3478, 3703
  - 953.539 ... 3703, 4108
  - 953.540 ... 4108, 4288
  - 953.541 ... 4288
  - 953.542 ... 4524
  - 953.543 ... 4736

TITLE 7—Continued Page

Chapter IX—Continued
- Part 953—Continued
  - 953.544 ... 4920, 5184
  - 953.545 ... 5185
  - 953.546 ... 5339, 5387, 5499
  - 953.547 ... 5608, 5809
  - 953.548 ... 5809
- Part 955:
  - 955.345 ... 3479
  - 955.346 ... 4736
- Part 956:
  - *Proposed rules* ... 4498, 5578
- Part 957:
  - 957.309 ... 5639, 5810
- Part 959:
  - 959.130 ... 5718
- Part 961 ... 5309
  - *Proposed rules* ... 3255, 4300, 4954
  - *Prior to revision:*
    - 961.4 ... 3447
- Part 962:
  - *Proposed rules* ... 4989
  - 962.206 ... 5718
  - 962.308 ... 5185
  - 962.400 ... 5186
- Part 964:
  - *Proposed rules* ... 2820
- Part 967:
  - *Proposed rules* ... 4539
- Part 972 ... 2961
  - *Proposed rules* ... 2851
- Part 974 ... 2968
  - *Proposed rules* ... 2860
  - 974.51 ... 5810
- Part 975:
  - *Proposed rules* ... 5469
- Part 976:
  - *Proposed rules* ... 4209
- Part 980 ... 3869
  - *Proposed rules* ... 3166, 3683
- Part 983:
  - *Proposed rules* ... 3500, 3512
  - 983.1–983.72 ... 4972
  - 983.100–983.140 ... 5454
- Part 984:
  - 984.103 ... 2831
  - 984.104 ... 2831
- Part 985:
  - *Proposed rules* ... 5583
- Part 986:
  - *Proposed rules* ... 5153, 5435
- Part 990:
  - *Proposed rules* ... 4257, 4465
- Part 991:
  - *Proposed rules* ... 5471, 5831
- Part 992:
  - 992.1–992.124 ... 2912
  - 992.307 ... 5455
- Part 993:
  - 993.63 ... 5209
- Part 994:
  - *Proposed rules* ... 4541
- Part 995:
  - *Proposed rules* ... 5195
- Part 996:
  - *Proposed rules* ... 3496, 3888
- Part 998 ... 3187
- Part 999:
  - *Proposed rules* ... 3496, 3888

TITLE 8 Page

Chapter I:
- Part 60:
  - 60.28 ... 3102
  - 60.28a ... 3102
- Part 90 ... 4737
  - *Proposed rules* ... 3106
- Part 105:
  - *Proposed rules* ... 4950

TITLE 8—Continued Page

Chapter I—Continued
- Part 107:
  - *Proposed rules* ... 4713
  - 107.11 ... 4477
- Part 108:
  - 108.8 ... 4921
- Part 110:
  - 110.1 ... 5388
  - 110.3 ... 5388
- Part 116:
  - 116.3 ... 4235
  - 116.7 ... 2810
  - 116.8 ... 2810
  - 116.9 ... 2811
  - 116.55 ... 4373
  - 116.57 ... 3531
- Part 118:
  - *Proposed rules* ... 3106
  - 118.12 ... 4738
- Part 130:
  - *Proposed rules* ... 3106
  - 130.6 ... 4738
  - 130.8 ... 4738
- Part 132:
  - *Proposed rules* ... 3106
  - 132.2 ... 4738
- Part 133:
  - *Proposed rules* ... 3106
  - 133.5 ... 4739
- Part 136:
  - *Proposed rules* ... 3106
  - 136.0 ... 4739
  - 136.1 ... 4739
  - 136.4 ... 4739
  - 136.6 ... 4739
  - 136.7 ... 4739
- Part 142:
  - *Proposed rules* ... 3106
  - 142.14 ... 4739
  - 142.15 ... 4739
- Part 150:
  - *Proposed rules* ... 3106
  - 150.3 ... 4740
- Part 151:
  - *Proposed rules* ... 3106
  - 151.3 ... 4740
  - 151.5–151.7 ... 4740
  - 151.8–151.9 ... 4741
- Part 152:
  - *Proposed rules* ... 3106
  - 152.1 ... 4741
  - 152.2 ... 4741
  - 152.6 ... 4741
- Part 155:
  - 155.1 ... 4373
  - 155.3 ... 4373
  - 155.7–155.10 ... 4373
- Part 160:
  - *Proposed rules* ... 3106
  - 160.17 ... 4741
  - 160.18 ... 4741
  - 160.19 ... 4742
- Part 165:
  - *Proposed rules* ... 3106
  - 165.1 ... 4742
  - 165.2 ... 4742
  - 165.3 ... 4742
- Part 166:
  - 166.1–166.3 ... 4921
  - 166.4–166.6 ... 4922
  - 166.12 ... 4922
  - 166.14 ... 4922
- Part 170:
  - 170.4 ... 5416
  - 170.5 ... 5416
  - 170.6 ... 5603
  - 170.8 ... 5416
  - 170.9 ... 5416

TITLE 8—Continued Page

Chapter I—Continued
- Part 330:
  - 330.2 ... 3403
  - 330.3 ... 4374
  - 330.6 ... 4374
  - 330.9 ... 3531
- Part 349 ... 4922
- Part 352:
  - 352.1 ... 4375
  - 352.3 ... 4375
- Part 375:
  - 375.5 ... 4375
- Part 383:
  - 383.6 ... 3403

Chapter II:
- Part 502:
  - 502.2 ... 5211
  - 502.27 ... 5211
  - 502.28 ... 5211
- Part 511 ... 3769
- Part 512 ... 3769

TITLE 9

Chapter I:
- Part 7:
  - 7.4 ... 4845
- Part 8:
  - 8.3 ... 4845
  - 8.15 ... 4845
- Part 9:
  - 9.4 ... 4845
- Part 14:
  - 14.5 ... 4845
- Part 16:
  - 16.2 ... 4845
  - 16.13 ... 4845
  - 16.15 ... 4845
- Part 17:
  - *Proposed rules* ... 5243
  - 17.2 ... 4845
  - 17.8 ... 4845
- Part 18:
  - 18.6 ... 4845
  - 18.10 ... 4846
- Part 19 ... 4846
- Part 24:
  - 24.1 ... 4846
  - 24.2 ... 4846
  - 24.3 ... 4846
  - 24.5 ... 4846
- Part 71:
  - *Proposed rules* ... 3420
  - 71.1 ... 5212
- Part 78 ... 5212
  - *Proposed rules* ... 3420
- Part 94:
  - 94.1 ... 4610
  - 94.4 ... 3229
- Part 95:
  - *Proposed rules* ... 5521
- Part 97:
  - 97.1 ... 4323
- Part 131:
  - *Proposed rules* ... 3064, 3559
  - 131.101 ... 4610
  - 131.242 ... 3019
- Part 151:
  - 151.10 ... 5339

Chapter III:
- Part 301:
  - 301.9a ... 5213
  - 301.12 ... 5213
  - 301.25 ... 5213

TITLE 12

Chapter II:
- Part 206:
  - 206.109 ... 5186
- Part 217:
  - 217.3 ... 5186

TITLE 12—Continued Page

Chapter III:
- Part 329:
  - 329.3 ... 5187

TITLE 14

Chapter I:
- Part 3:
  - 3.444 ... 4742
- Part 6:
  - 6.410 ... 4743
  - 6.462 ... 4743
- Part 16:
  - 16.30–2 ... 4103
- Part 18 ... 2975
- Part 20:
  - *Proposed rules* ... 3357, 4583
- Part 21:
  - *Proposed rules* ... 4955
  - 21.16 ... 3480
  - 21.28 ... 3480
- Part 24 ... 2978
- Part 26:
  - *Proposed rules* ... 3357, 4583
- Part 34:
  - *Proposed rules* ... 4897
- Part 40:
  - *Proposed rules* ... 2896, 3357, 4503, 4583, 4860, 5616, 5699
  - *Uncodified special regulation* ... 5810
  - 40.101–1 ... 4557
- Part 41:
  - *Proposed rules* ... 2896, 3357, 3559, 4503, 4583, 4956, 5699
  - *Uncodified special regulation* ... 2981
  - 41.54 ... [2981]
  - 41.55 ... [2981]
  - 41.56 ... [2981]
  - 41.57 ... [2981]
- Part 42:
  - *Proposed rules* ... 2896, 3237, 3357, 3614, 4503, 4583, 4956, 5699, 5831.
  - 42.21 ... 4743
  - 42.40 ... 3579
  - 42.44 ... 3579
  - 42.45 ... 3579
  - 42.51–1—42.51–5 ... 5810
  - 42.51–1 ... 5811
  - 42.80–5 ... 2887
- Part 43:
  - *Proposed rules* ... 3357, 4583, 4955
- Part 45:
  - *Proposed rules* ... 2896, 4503, 5699
- Part 48:
  - *Proposed rules* ... 3357, 4583
- Part 52 ... 2982, 5002
- Part 53 ... 2985
- Part 54:
  - *Proposed rules* ... 3357, 4583
- Part 60:
  - *Proposed rules* ... 3357, 3747, 4583, 4860
  - *Uncodified special regulation* ... 5810
  - 60.21 ... [5810]
  - 60.43 ... [5810]
  - 60.45 ... [5810]
  - 60.47 ... [5810]
- Part 61:
  - *Proposed rules* ... 2896, 3357, 3561, 4503, 4583, 4860, 4956, 5616, 5699.
  - *Uncodified special regulation* ... 5810
  - 61.171 ... [5810]
  - 61.238 ... 2887
  - 61.252 ... [5810]

TITLE 14—Continued Page

Chapter I—Continued
Part 62:
Proposed rules 4772
Part 202:
Proposed rules 4504
Part 203:
Proposed rules 4504
Part 207:
Proposed rules 4504
Part 240 5609
Part 241:
Proposed rules 5351
Part 271:
Proposed rules 4220, 5071
Part 290 3020
Proposed rules 3111
Part 291:
Proposed rules 4504
Part 292:
Proposed rules 4504, 4506
292.8 5759
Part 295:
Proposed rules 4504
Part 296:
Proposed rules 4504
Part 297:
Proposed rules 4504
Part 298:
Proposed rules 4504
Part 302 3021
Proposed rules 4354, 5397
302.20 3448
302.314 3448
Chapter II:
Part 406:
406.12a 4104
406.41 4846
406.61–406.62 4846
Part 501:
Proposed rules 3746
501.4 5315
Part 550:
550.3 4527
Part 600:
600.1–600.3 4676
600.10 4676
600.11 5213
600.16 5213
600.103 5213
600.109 3403
600.201 4676
600.204 4676
600.206 4676
600.209 5213
600.210 4676
600.232 2887
600.235 3724
600.248 5213
600.251 4676
600.255 4676
600.261 3403
600.268 4676
600.269 4676
600.270 4676
600.271 4677
600.281 4677
600.296 4677, 5213
600.297 4677
600.300–600.311 4677
600.605 4677
600.606 4677
600.613 4677
600.631 4677
600.632 5213
600.636 4677
600.639 4677
600.641 5213
600.643 3403
600.645 5214

TITLE 14—Continued Page

Chapter II—Continued
Part 600—Continued
600.646 4677
600.650 2887
600.665 4677
600.669 4677
600.674 4677
600.680 4677
600.683 4677
600.6001–600.6108 4677
600.6004 5214
600.6006 5214
600.6007 5214
600.6008 5214
600.6012 5214
600.6014 5214
600.6021 5214
600.6022–600.6023 5214
600.6025 5214
600.6027–600.6028 5214
600.6032 5214
600.6040 5214
600.6048 5214
600.6055 5214
600.6059 5214
600.6066 5214
600.6084 5214
600.6101 5214
600.6109–600.6110 5214
Part 601:
601.1–601.2 4683
601.9–601.10 4683
601.12–601.15 4683
601.14 3724
601.101 5215
601.103–601.107 4683
601.201 4684
601.203–601.206 4684
601.209–601.212 4684
601.214 4684
601.216–601.220 4684
601.223 4684
601.225–601.231 4684
601.233 4684
601.235–601.237 4684
601.239 5215
601.246 4684
601.251–601.252 4684
601.255 4684
601.257 4684
601.259 4684
601.268–601.271 4684
601.274 4685
601.281 4685
601.283 4685
601.285 4685
601.288–601.289 4685
601.291 4685
601.296 4685, 5215
601.297 4685
601.300–601.311 4685
601.602–601.603 4685
601.605–601.606 4685
601.609 4685
601.611 4685
601.613 4685
601.615 4685
601.621–601.622 4685
601.628 4685
601.630–601.631 4685
601.637 4685
601.639 4685
601.643 3404
601.644 4685
601.645 5215
601.646 4685
601.647 4685
601.661–601.662 4685
601.664 4685
601.665 4685

TITLE 14—Continued Page

Chapter II—Continued
Part 601—Continued
601.668–601.670 4685
601.673–601.674 4685
601.680 4686
601.683 4686
601.686 4686
601.1031 4686
601.1069 5340
601.1074 3404
601.1113 5340
601.1137 5215
601.1164 3724
601.1171 4686, 5215
601.1206 5215
601.1213 3724, 5215
601.1215 5340
601.1216 3724
601.1218 3724
601.1227 5215
601.1230 5215
601.1246 3724
601.1257 5215
601.1264 4686
601.1282 5215
601.1285 5215
601.1298 2887
601.1299–601.1301 3404
601.1302–601.1306 4686
601.1305 5215
601.1982 4683
601.1983 3724, 5215
601.1984 3404, 4686, 5215
601.2038 5215
601.2196 3404
601.2223 5215
601.2234 5215
601.2237 4686
601.2291 3404
601.2308–601.2310 3404
601.4001 4683
601.4016 5216
601.4101 5216
601.4201 4686
601.4206 4686
601.4210 4686
601.4221 2887
601.4239 5216
601.4251 4686
601.4268 4686
601.4270–601.4271 4686
601.4296 4686, 5216
601.4297 4686
601.4300–601.4311 4686
601.4606 3404, 4686
601.4639 4686
601.4643 3404
601.4645 5216
601.4646 4687
601.4665 4687
601.4680 4687
601.4683 4687
601.5001 4687
601.6001–601.6108 4687
601.6023 5216
601.6025 5216
601.6027–601.6028 5216
601.6032 5216
601.6101 5216
601.6109–601.6110 5216
601.7001 4689, 5216
Part 608:
608.12 5216
608.14 4558, 4977, 5388
608.15 2888
608.17 3724
608.24 4104
608.30 4104, 4105
608.31 4105

TITLE 14—Continued Page

Chapter II—Continued
Part 608—Continued
608.34 5388
608.36 4558
608.41 3404
608.45 5389
608.51 3724, 5389
608.52 3144, 4105, 4558, 4977
608.54 3144, 3724, 5389
608.55 4558
608.58 5499
608.63 4977
Part 610:
610.1–610.5 2989
610.5 4690, 4977, 5499
610.12 4698
610.13 2988, 3317, 4698
610.14 3317, 4699, 4978, 5501
610.15 4699
610.16 4105, 4699, 5811
610.101 2988
610.102 2988
610.103 4699
610.104 4105, 4700
610.105 4700, 4978
610.106 4700
610.107 4700
610.108 2988, 4978
610.201 4105, 4700, 5501, 5811
610.203 4700
610.204 4700
610.205 4700
610.206 4700
610.208 5811
610.209 4701
610.210 4701
610.211 4701, 4978
610.212 3317, 4701, 5811
610.214 4701
610.216 4701
610.217 4701
610.218 4701
610.219 4701
610.220 4701
610.223 4702
610.225 4702
610.226 4702
610.227 2988, 4702
610.228 4702
610.229 4702
610.230 4702
610.231 4702
610.232 4105, 4702
610.233 4702
610.235 4702
610.236 4702
610.237 4703
610.246 4703
610.252 4703
610.255 4703
610.257 4703
510.259 4703
610.260 2988
610.262 4703
610.263 4105, 4978
610.268 4105, 4703
610.269 4703
610.270 4703
610.271 4703
610.274 2988, 3317, 4703
610.281 4703
610.283 4703
610.285 4704
610.288 4704
610.289 3317, 4704
610.291 4704
610.295 4704
610.296 4704, 5811
610.297 4704
610.300 4704

TITLE 14—Continued Page

Chapter II—Continued
Part 610—Continued
610.301 4704
610.302 4704
610.303 4704
610.304 4105, 4704
610.306 4704
610.307 4705
610.308 4705
610.311 4705
610.602 4705
610.603 4705
610.605 4105, 4705
610.606 4705
610.609 3317, 4705
610.611 4705
610.613 4705
610.614 2988
610.615 4705
610.618 4705
610.621 2988, 4705
610.622 4706
610.628 4706
610.630 4706
610.631 4706
610.636 4105
610.637 5501
610.639 4706
610.642 4978
610.644 4706
610.645 4106, 5811
610.647 4706
610.661 4706
610.662 4706
610.664 4706
610.666 4706
610.668 4706
610.669 4706, 5501
610.670 4706
610.673 4706
610.674 4706
610.676 5501
610.683 4706
610.686 4706
610.687 2988
610.1001 4106, 4978, 5811
610.1002 4106, 5812
610.1003 4106, 5812
610.1004 5812
610.6002–610.6019 4690
610.6003 5811
610.6004 5499
610.6006 5499
610.6007 5499
610.6008 5500
610.6012 5500
610.6014 5500
610.6015 5500
610.6019 5500
610.6021–610.6024 4693
610.6023 5500
610.6024 5500
610.6025 5500, 5811
610.6026 4694
610.6027–610.6028 5500
610.6029–610.6031 4694
610.6030 4978, 5500
610.6032 5500
610.6033–610.6069 4694
610.6038 4978, 5500
610.6040 5500
610.6042 5500
610.6047 5500
610.6048 5500
610.6051 4978
610.6052 5501
610.6055 5501
610.6058 5811
610.6059 5501
610.6066 4973

TITLE 14—Continued Page

Chapter II—Continued
Part 610—Continued
610.6071–610.6098 4696
610.6084 5501
610.6085 5501
610.6090 5501
610.6091 5811
610.6100 4698
610.6102 4698
610.6104 4698, 5811
610.6106 4698, 5811
610.6108 4698
610.6110 5501
Part 612:
612.2 2919
612.6 3317
Part 617:
617.29 4743
Part 625 4137

TITLE 15
Chapter III:
Part 302 4923
Part 371:
371.2 4923
371.13 4923
371.27 4140
Part 372:
372.3 3531
372.5 4923
372.11 3532
Part 373:
373.1 4140
373.5 4477
373.6 4140
373.7 4671, 4923, 5187, 5369
373.8 3033
373.11 3448
373.16 4671
373.24 4140
373.27 5187
373.30 4140
373.31 4744
373.33 5369
373.34 3532, 4925
373.39 4923
373.51 3034, 3532, 4140, 4671, 4744, 4924, 5369
Part 374:
374.1 4671, 4674, 5369
374.2 3448
374.3 4674
374.51 3448
Part 380:
380.2 4477
Part 382:
382.51 3532, 4478, 4924
Part 384:
384.8 3448
384.10 3448
384.11 3448
384.12 5315, 5370
Part 398:
398.3 4478, 4479
398.5 3448, 4674, 5369
398.8 4674, 4675, 5369
398.51 5369
Part 399:
399.1 2851, 3229, 3230, 3450, 3534, 3535, 3579, 4141, 4142, 4525, 4526, 4675, 4925, 5187
399.2 4527
399.3 4527
Chapter IV:
Part 400:
400.100–400.101 5316
400.304 5316
400.800 5316
400.801–400.802 5316
400.803 5316

TITLE 15—Continued Page
Chapter IV—Continued
Part 400—Continued
400.803a ---- 5316
400.804 ---- 5316
400.805 ---- 5317
400.806 ---- 5317
400.807 ---- 5316, 5317
400.808 ---- 5316, 5317
400.809–400.812 ---- 5317
400.813–400.814 ---- 5317
400.815 ---- 5317
400.1000–400.1001 ---- 5317
400.1002a ---- 5317
400.1315 ---- 5317
400.1316–400.1322 ---- 5317
Part 401 ---- 4978

TITLE 16
Chapter I:
Part 3:
3.15 ---- 3317, 3877, 4405
3.20 ---- 2811, 2833, 5342
3.25 ---- 5342, 5640
3.30 ---- 2811, 2812, 4197, 5640
3.45 ---- 3672
3.70 ---- 5082, 5640
3.75 ---- 3672
3.90 ---- 2833, 4405, 5418
3.110 ---- 2811, 4197, 5342
3.115 ---- 3785, 3877
3.125 ---- 3317
3.130 ---- 3318, 3579, 4405, 5418, 5640
3.135 ---- 3318
3.155 ---- 3318, 5640
3.170 ---- 2811, 2812, 2833, 4197, 5083, 5342, 5418
3.195 ---- 2811, 5083
3.200 ---- 3079, 5640
3.205 ---- 2812, 3672, 3785, 3877, 5342
3.240 ---- 3318, 3672
3.260 ---- 3079, 5082, 5640
3.265 ---- 2812
3.285 ---- 3318
3.290 ---- 5643
3.330 ---- 2811, 4197, 4377, 5342
3.360 ---- 4199
3.425 ---- 5643
3.430 ---- 5643
3.515 ---- 4118, 5082, 5419
3.520 ---- 5640
3.525 ---- 4376
3.560 ---- 4199
3.670 ---- 4199
3.675 ---- 5640
3.715 ---- 4792, 4793, 4794
3.770 ---- 4792, 4793, 4794
3.810 ---- 5416
3.820 ---- 3481, 5416
3.825 ---- 5340, 5341
3.895 ---- 4377
3.905 ---- 4377, 5342
3.930 ---- 4377
3.940 ---- 4377
3.950 ---- 4377, 5342
3.953 ---- 4377
3.1005 ---- 5640
3.1010 ---- 5342
3.1015 ---- 4377
3.1025 ---- 5342
3.1033 ---- 4377
3.1040 ---- 4377
3.1055 ---- 4288, 5642
3.1125 ---- 5643
3.1130 ---- 5643
3.1190 ---- 4376, 5389
3.1225 ---- 5418
3.1255 ---- 5418
3.1280 ---- 4288, 5640
3.1290 ---- 5418
3.1325 ---- 4288, 4376, 5389, 5419

TITLE 16—Continued Page
Chapter I—Continued
Part 3—Continued
3.1395 ---- 4376
3.1425 ---- 3480, 3877
3.1490 ---- 3480, 5642
3.1513 ---- 4376
3.1520 ---- 3877
3.1575 ---- 5342
3.1665 ---- 4377, 5342
3.1670 ---- 3785, 3877
3.1710 ---- 5342
3.1740 ---- 3785, 3877, 4376, 4377
3.1805 ---- 4288
3.1825 ---- 4376
3.1845 ---- 4376, 5389
3.1860 ---- 4118, 4288, 5082, 5419
3.1890 ---- 5083
3.1900 ---- 4376, 5389
3.1905 ---- 3079, 5083
3.1955 ---- 3672
3.1980 ---- 5083
3.2000 ---- 3318, 3785, 3877
3.2012 ---- 5640
3.2060 ---- 3079, 5640
3.2070 ---- 3318, 3672, 4376
3.2080 ---- 3079, 3480, 4376, 5640, 5642
3.2295 ---- 5418
3.2310 ---- 3579, 5418
3.2325 ---- 5418
3.2345 ---- 5419
3.2380 ---- 3480
3.2420 ---- 3318
3.2425 ---- 3480
3.2450 ---- 3318
3.2475 ---- 2832, 2990, 3034
3.2480 ---- 5014, 5082
3.2495 ---- 5642
Part 62 ---- 2919
Part 93:
Proposed rules ---- 5071
Part 211 ---- 2834
Part 212 ---- 2919
Part 301:
Proposed rules ---- 4121

TITLE 17
Chapter I:
Part 5:
5.16–5.19 ---- 4109
5.21 ---- 4109
Part 8:
8.01 ---- 5015
Chapter II:
Part 201:
201.13 ---- 4481
Part 230:
230.121 ---- 4481
Part 239:
Proposed rules ---- 4224
Part 240:
Proposed rules ---- 3177, 5673, 5674
240.12d2–2 ---- 3621
240.16b–7 ---- 5501
Part 249:
249.225 ---- 3623
Part 259:
259.5s ---- [3189]
Part 260:
260.7a–38 ---- 4481
Part 270:
Proposed rules ---- 4242
Part 274:
Proposed rules ---- 4224

TITLE 18
Chapter I:
Part 157:
Proposed rules ---- 4388, 4898

TITLE 19 Page
Chapter I:
Part 1:
1.1 ---- 3580
Part 2:
2.49 ---- 3189
Part 4:
4.7 ---- 3144
4.34 ---- 3144
4.85 ---- 3145
4.86 ---- 3145
4.88 ---- 3145
Part 6:
6.3 ---- 4233
6.7 ---- 2812
6.8 ---- 2812
6.9 ---- 2812
Part 8:
8.48 ---- 5759
Part 10:
10.19 ---- 2888
10.22 ---- 5693
10.30a ---- 4140
10.43 ---- 4289
10.60 ---- 3145, 3146
Part 12:
12.48 ---- 3319
Part 15:
15.1 ---- 3190
Part 19:
19.5 ---- 3623
19.29–19.39 ---- 5317
Part 22:
22.7 ---- 5759
22.11 ---- 5759
22.13 ---- 5759
22.18 ---- 3146
22.23 ---- 5759
Part 24:
24.12 ---- 3623
24.13 ---- 3847
24.17 ---- 3624
Part 30 ---- 5318
Part 68 ---- 5644

TITLE 20
Chapter III:
Part 401:
Proposed rules ---- 3389
Statutory provisions ---- 5187
401.1 ---- 5188
401.3 ---- 5188
401.4 ---- 5188
401.5–401.6 ---- 5188
Part 403:
403.301–403.304:
Appendix ---- 4201
403.503 ---- 4201
403.701 ---- 4201
403.808 ---- 4201
403.827 ---- 4201
Part 422:
422.1–422.2 ---- 4611
422.6–422.7 ---- 4613
Chapter V:
Part 604:
604.18 ---- 5216

TITLE 21
Chapter I:
Part 1:
1.102 ---- 5456
Part 17 ---- 4463
17.1 ---- 4613
Part 45 ---- 4615
Part 52:
52.990 ---- 4482
Part 141:
141.9 ---- 3632
141.43 ---- 3230
141.51 ---- 3230, 5343
141.52 ---- 3230

TITLE 21—Continued Page
Chapter I—Continued
Part 141—Continued
141.53 ---- 4559
141.54 ---- 5812
141.212 ---- 3230
141.411 ---- 4560
Part 146:
146.27 ---- 3633
146.30 ---- 4559
146.34 ---- 5812
146.47 ---- 3230, 5812
146.51 ---- 5812
146.58 ---- 4559
146.64 ---- 3231
146.71 ---- 3633
146.74–146.75 ---- 3231
146.76 ---- 4559
146.77 ---- 5812
146.104 ---- 3232
146.106 ---- 4560
146.204 ---- 3232
146.215 ---- 3232
146.401 ---- 3232
146.403 ---- 4560
146.404 ---- 3633
146.411 ---- 4560, 4707

TITLE 22
Chapter I:
Part 95:
95.1–95.3 ---- 3034
95.5 ---- 3034
95.101–95.102 ---- 3034
Part 109:
109.9–109.11 ---- 5540
Part 112 ---- 5540
Part 136 ---- 5540
Chapter III:
Part 302:
302.3 ---- 4675

TITLE 24
Chapter I:
Part 141:
141.7 ---- 5344
Part 143:
Proposed rules ---- 5255
Part 144:
Proposed rules ---- 5255, 5372
144.8 ---- 5345
Part 145:
Proposed rules ---- 5255
145.3 ---- 5345
Part 161:
Proposed rules ---- 3615
161.2 ---- 5084
Part 163:
Proposed rules ---- 5255
163.9 ---- 3580
163.10 ---- 3580
163.11 ---- 5345
Chapter II:
Part 204:
204.4 ---- 4142
Part 221:
221.30 ---- 5345
Part 222:
222.4 ---- 4143
Part 232:
232.16a ---- 5345
Part 243:
243.6 ---- 4143
Part 277:
277.3 ---- 4143
Part 289:
289.5 ---- 4143
Part 291:
291.8 ---- 5813
Part 295:
295.4 ---- 4143

TITLE 24—Continued Page
Chapter IV:
Part 400:
400.102–400.103 ---- 4833
400.104 ---- 4833
400.109 ---- 4833
400.173–400.174 ---- 4834

TITLE 25
Chapter I:
Part 81:
81.20 ---- 4109
Part 130:
Proposed rules ---- 3656
130.16–130.17 ---- 3146
130.24 ---- 5058
130.26 ---- 5058
130.28 ---- 5058
130.38–130.40 ---- 3146
Part 251 ---- 5719

TITLE 26
Chapter I ---- [4464]
Part 3:
3.111–1 ---- [4482]
3.115–4 ---- [4482]
3.115–6 ---- [4482]
Part 7:
7.1000–7.1010 ---- 3633
Part 9:
9.111–1 ---- [4482]
9.115–4 ---- [4482]
9.115–6 ---- [4482]
Part 19:
Proposed rules ---- 3105
19.111–1 ---- [4482]
19.115–4 ---- [4482]
19.115–6 ---- [4482]
19.127(a)–1 ---- 3147
Part 24:
Proposed rules ---- 4383
Part 29:
Proposed rules ---- 3105, 4240, 4494, 5041, 5143
29.4–1 ---- 3148
29.11–2 ---- 3148
29.22(a)–1 ---- 5221
29.23(e)–1 ---- 3148
29.23(o)–1 ---- 3148
29.25–3 ---- 3148
29.35–2 ---- 4978
29.51–1 ---- 3148
29.53–1 ---- 3148
I. R. C. 58 (a) ---- 3148
29.58–2 ---- 3148
29.58–3 ---- 3148
29.58–4 ---- 3148
29.58–8 ---- 3148
29.111–1 ---- 4482
29.112 (b) (7)–3 ---- 3818
29.113 (a)–1 ---- 5221
29.115–4 ---- 4482
29.115–6 ---- 4482
I. R. C. 116 ---- 3148
29.116–6 ---- 3149
29.117–1 ---- 3149
29.117–2 ---- 3149
29.119–1 ---- 3149
I. R. C. 120 ---- 5188
29.120–1 ---- 5189
29.127 (a)–1 ---- 3147
I. R. C. 130A ---- 5217
29.130a–1—29.130a–5 ---- 5217
I. R. C. 131 (a) ---- 3149
29.131–1 ---- 3149
29.131–3 ---- 3149
I. R. C. 143 (a) (1) ---- 3149
I. R. C. 143 (b) ---- 3149
29.143–1 ---- 3149
29.147–3 ---- 3149, 5016
29.147–6 ---- 3149
I. R. C. 148 ---- 5015

TITLE 26—Continued Page
Chapter I—Continued
Part 29—Continued
29.148–1 ---- 5760
29.148–4 ---- 5015
I. R. C. 211 (a) (1) (B) ---- 3149
29.211–7 ---- 3150, 3151
29.212–1 ---- 3151
29.213–1 ---- 3151
29.214–1 ---- 3151
29.215–1 ---- 3151
I. R. C. 217 (b) ---- 3151
29.217–2 ---- 3151
29.219–1 ---- 3151
I. R. C. 220 ---- 3152
29.220–1 ---- 3152
I. R. C. 251 ---- 3152
29.251–1 ---- 3152
29.251–2 ---- 3152
29.251–4 ---- 3152
I. R. C. 252 (a) ---- 3152
29.252–1 ---- 3152
I. R. C. 322 (a) ---- 4979
Part 40:
Proposed rules ---- 5772
40.446–2 ---- 5189
40.447–1 ---- 5189
40.447–2 ---- 5189
Part 81:
Statutory provisions ---- 4979, 4980
81.10 ---- 5016, 5018
81.11 ---- 5018
81.16 ---- 4979
81.17 ---- 5018
81.20 ---- 5018
81.21 ---- 4979, 4980
81.27 ---- 4980
81.40 ---- 4980
81.44 ---- 5018
81.47c ---- 5018
Part 86:
86.2 ---- 4980
86.11 ---- 4980
86.13 ---- 4980
86.16a ---- 4980
86.19 ---- 4980, 4982
Part 140:
Statutory provisions ---- 5760, 5761
140.20 ---- 5760
140.34 ---- 5760
140.63 ---- 5760
140.178 ---- 5761
140.181 ---- 5761
Part 178:
178.238–178.239 ---- 3640
178.241 ---- 3640
Part 180 ---- 3081
Part 185:
185.606 ---- 3640
Part 190:
190.122 ---- 5502
190.468a–190.468g ---- 5502
190.478 ---- 3640
190.547 ---- 3641
190.548 ---- 3641
190.550 ---- 3641
190.552 ---- 3641
Part 191:
191.40–191.46 ---- 3642
Part 194:
194.26 ---- 5190
194.37 ---- 3641
194.48 ---- 3641
194.49 ---- 3641
Part 199:
Proposed rules ---- 5226
Part 325:
Proposed rules ---- 4988
Part 402:
Statutory provisions ---- 5019
402.201 ---- 5019

TITLE 26—Continued Page
Chapter I—Continued
Part 403:
Statutory provisions 5019, 5020, 5021, 5022, 5025, 5026
403.201 5020
403.202 5020
403.203 5020
403.204 5020
403.206 5020
403.210 5020
403.217 5021
403.221 5022
403.227 5023
403.228 5023
403.228a 5023
403.302 5025
403.505 5025
403.506 5025
403.508 5025
403.511 5025
403.603 5025
403.605 5025
403.605a 5025
Part 405:
Statutory provisions 3190, 3194
405.101 3190
405.102 3190
405.205 3194
405.206 3194
Part 411:
Statutory provisions 5026
411.604 5025
411.605 5025
411.606 5025
411.903 5025
411.905 5026
411.905a 5026
Part 458:
458.312 3319, 3453

TITLE 27
Chapter I [4561]
Part 1:
Proposed rules 5735

TITLE 29
Subtitle A:
Part 4:
4.51 4324
4.61 3035
4.62 5610
Chapter I:
Part 101:
101.10 4982
101.13 4982
101.16 4982
101.26–101.36 4982
Part 102:
102.42 4982
102.44 4982
102.53 4982
102.58 4982
102.71–102.97 4983
102.79 4983
102.82 4983
Chapter V:
Part 522:
Proposed rules 2870
522.76 5503
522.161 3819
522.162 3818
522.163–522.164 3819
522.165–522.168 3819
Part 523:
Proposed rules 3064
523.100 3786
Part 526:
Proposed rules 3459
526.101 3581
Part 657 4925
Proposed rules 4219

TITLE 29—Continued Page
Chapter V—Continued
Part 670 5390
Proposed rules 4656
Part 671:
Proposed rules 3064
Part 672:
Proposed rules 5615
Part 675:
Proposed rules 5480
Part 678:
Proposed rules 4503
Part 684 5610
Proposed rules 4541
Part 689:
Proposed rules 4503
Part 692:
Proposed rules 4503
Part 697:
Proposed rules 4503
Part 706:
Proposed rules 4503

TITLE 31
Chapter I:
Part 54:
Proposed rules 3831
Part 129:
129.15 2836, 5645
Chapter II:
Part 202:
202.20 3453
Part 309:
309.5 4561
Part 315 4871
Prior to revision:
315.5 4109
315.8 4109
315.9 4110
315.10 4110
315.19 4110
315.23 4110
315.28 4110
315.45 4110
Part 316 4110
Part 332 4884
Part 333 4114
Chapter V:
Part 500:
500.302 5343
500.534 5344
500.808 5344

TITLE 32
Subtitle A:
Part 31 3581
Part 60 3535
Part 71 5554
Part 73:
73.2 5554
73.3 5554
Chapter IV:
Part 400:
400.306—400.306–3 5646
Part 401:
401.201 5646
401.404—401.404–1 5646
Part 402:
402.101 5647
402.502–402.503 5647
402.505–402.507 5647
Part 403:
403.109 5647
Part 405:
405.201 5647
405.301–1 5647
Part 406:
406.103–11 5648
406.103–21 5648
406.103–22 5648
406.104–11 5648
406.104–14—406.104–16 5648

TITLE 32—Continued Page
Chapter IV—Continued
Part 409:
409.102 5648
Part 411:
411.101–411.102 5649
Part 414:
414.001 5649
414.204 5649
414.304 5650
414.403 5650
414.600—414.601–2 5650
Part 431 3581
Part 443 2991
Chapter V:
Part 504 3819
Part 505:
505.15 3594
Part 515:
515.1–515.26 2994
Part 536:
536.79 4482
536.80 4482
Part 542:
542.1 4482
542.2 4482
542.11 4482
Part 552:
552.17 3594
Part 553:
553.5 4482, 5761
553.6 5761
553.7 5761
Part 561:
561.16 4794
Part 562:
562.66 5761
Part 564:
564.3 5221
564.6 5221
Part 571:
571.10 3594
Part 577:
577.15 3672
577.16 3847
Part 578:
578.23 [29571]
Part 582:
582.1–582.2 4483
582.3 5191
Part 590:
590.303—590.303–7 4324
590.355–3 4327
590.355–4 4327
590.455 4327
590.603–4 4328
590.604–4 5503
590.606–8 5503
590.607–2 4328
590.804 4328
590.805 4329
590.807 4329
590.808 4329
590.809 5503
590.903–3 4329
590.918–1 4329
Part 591:
591.102 4329, 5503
591.404 4329
591.406–4 2994, 5503
Part 592:
592.101 4330
592.204–2 4330
Part 594:
594.254 5504
Part 596:
596.103–11 4330
596.103–12 5504
596.104–12 4330
596.150–5 4330
596.150–6 4331

TITLE 32—Continued Page
Chapter V—Continued
Part 597 5504
Part 599:
599.102 4331
Part 601:
601.101 4331
601.103 4331
601.1001 5505
601.1050–601.1054 5505
Part 602:
602.602—602.602–7 4331
602.603 4333
Part 608:
608.1 3672
Chapter VI:
Part 711 3704
Part 715 5360
Part 716 5058
Part 718 5390
Part 740 4983
Part 741 3319
Part 760 3143
Part 765:
765.2 3723
765.5 3723
Chapter VII:
Part 836:
See 536.80 4482
836.1–836.57 3320
836.131–836.138 5391
Part 864:
864.51–864.64 4847
Part 871 (see Part 571).
Part 878:
878.24 [2957], 5506
878.54a 5506
878.55 5507
878.70 5507
878.88 5507
878.91 5508
Part 1010 4333
Chapter XIV:
Part 1422:
1422.245—1422.245–4 5762
1422.272–2 5762
1422.293 5763
Part 1453:
Proposed rules 3000
1453.5 3673
Part 1455:
1455.3 3673
Part 1461:
1461.3 5763
Part 1470:
1470.3 5763
Part 1472:
1472.5 5763
Part 1475:
1475.3 5764
Part 1477:
1477.4 5764
Part 1490:
Proposed rules 3000
Chapter XVI:
Part 1604:
1604.51 5449
Part 1609:
1609.51 5449
Part 1613:
1613.15 3594
1613.40 3594
Part 1621:
1621.16 3481
Part 1622:
1622.13 3481
1622.23 5764
1622.30 5449
Part 1626:
1626.25 5449

TITLE 32—Continued Page
Chapter XVI—Continued
Part 1628:
1628.4 5451
1628.5 5451
1628.13 5451
Part 1630:
1630.4 5451
Part 1655 3481
Chapter XVII:
Part 1708:
Proposed rules 4303
Part 1709:
Proposed rules 5832

TITLE 32A
Chapter I (ODM):
DMO 13 4561
DMO 15 4484
DMO 16 4561, 5191
DMO 17 4926
DMO 18 4926
DMO 19 5191
DMP 5 2837
DMP 6 5764
Chapter II (ESA):
GO 15 2994
Chapter III (OPS):
CPR 1:
Sec. 11 4616
CPR 2 3737
Sec. 14 3738
CPR 5, SR 1 5222
CPR 6 5508
Prior to reissuance:
Sec. 21 3739, 4616
22 3740, 4616, 4617
23 3740, 4617
31 3740, 4617
32 3741
CPR 7:
Sec. 11 4927
38b 2812
39a 4927
39c 4927
39d 4927
41 5651
CPR 7, SR 1:
Sec. 4 4927
6 2921
7 4927
8 4928
CPR 7, SR 4:
Sec. 4 4528
6 4529
10 4529
CPR 7, SR 5 5420
CPR 7, SR 6 5651
CPR 8 4645
Sec. 10 4646
CPR 8, SR 1 4646
CPR 8, SR 2 4646
CPR 9 4617
CPR 9, SR 2 5652
CPR 9, SR 4 5427
CPR 14 3041
Sec. 4 5719
13 4621
35 4621
CPR 15:
Sec. 16 4933
21 5191
35 4983
37 4933, 4934, 4983, 5191, 5515
38 3103, 4934, 4983, 5191
CPR 16:
Sec. 16 4930
21 5191
30 4984
32 4930, 4984, 5191
33 3103, 4931, 4984, 5191, 5192

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 17:
Sec. 3 4622
27 4622
CPR 17, SR 7 4338
CPR 17, SR 8 5653
CPR 18 4647
Sec. 16 4647
CPR 18, Rev. 1 4646
Sec. 26 4647
CPR 20 3741
Sec. 8 3742
CPR 22 4795
Sec. 32 5026
Appendix A 5720
Prior to reissuance:
Sec. 21a 3036
31 3037
32 2814
37 3037
Appendix A 3039, 3194
CPR 22, SR 2:
Sec. 8a 3878
CPR 22, SR 6:
Sec. 5A 3373
CPR 22, SR 7:
Sec. 7 4144
8 4144
CPR 22, SR 10 4744
CPR 22, SR 12:
Sec. 1 2838, 3039, 4529, 5814
CPR 22, SR 17:
Sec. 1 2038
11 4928
11a 4928
15 3038
21 3038
25 3038
CPR 22, SR 18:
Sec. 1 3039
2 3039
3 3039
11 3039
14 3039
CPR 22, SR 23 2815
CPR 22, SR 24 2815
CPR 22, SR 25 2921
CPR 22, SR 26 4488
CPR 22, SR 27 5026
CPR 22, SR 28 5610
CPR 22, SR 29 5814
CPR 24:
Sec. 1 4747
3 4747
4 4747
8 4748
9 4748
10 4748
11 4748
14–16 4748
20 4749, 5458
21 4749, 4820, 5428
22 4749, 5458
24 4749
26 4749
27 4749, 5458
28 4750
30 4751, 5428
40 5428
41 4751, 5428
42 4820
46 4820
48 4751
49A 4820
49B 4820
50 4751, 4820, 5459
Appendix 2 4752
Appendix 4 4752
Appendix 7 4752
Appendix 8 4752

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
CPR 24—Continued
Appendix 9 — 4752
Appendix 10 — 4752
Appendix 11 — 5429
CPR 24, Int. 1 — 5222
CPR 25:
Sec. 3 — 4753
4 — 4753
5 — 4754
6 — 4754
8 — 4754
13 — 3195, 4754
32 — 3195
40 — 4754, 4755
41 — 4755
42 — 4755, 4756, 5815
50 — 3195, 4756
Appendix 3 — 3195
Appendix 5 — 4756
Appendix 8 — 4756
Appendix 9 — 4757
CPR 25, Int. 1 — 2816
CPR 25, Int. 2 — 4289
CPR 25, Int. 3 — 5223
CPR 27:
Sec. 4 — 5825
CPR 30:
Sec. 3 — 5721
CPR 30, SR 1:
Sec. 6a — 3878
CPR 30, SR 3:
Sec. 1 — 2838
CPR 30, SR 4:
Sec. 11 — 5362
15 — 5362
17 — 5362
CPR 30, SR 7 — 4339
CPR 31:
Sec. 6 — 4145
CPR 34:
Sec. 20 — 3645
CPR 34, SR 3:
Sec. 2 — 2838, 4529, 5362
3 — 3233
Appendix A — 3233
Appendix B — 3233
Appendix C — 3233
Appendix D — 3233
Appendix E — 3233
Appendix F — 3233
Appendix G — 3233
Appendix H — 3233
Appendix I — 3233
Appendix J — 3233
Appendix K — 3233
Appendix L — 3233
Appendix M — 3233
Appendix N — 3233
Appendix O — 3233
Appendix P — 3233
Appendix Q — 3233
Appendix R — 3233
Appendix S — 3233
Appendices T–Y — 2839
Appendices Z–EE — 4530
Appendices FF–KK — 5363
CPR 34, SR 8:
Sec. 3 — 5028
CPR 34, SR 14:
Sec. 4 — 4984
CPR 34, SR 15 — 3595
Sec. 3 — 5028
CPR 34, SR 16 — 3645
CPR 34, SR 17 — 5028
CPR 34, SR 18 — 5192
CPR 34, SR 19 — 5515
CPR 34, SR 20 — 5516
CPR 35:
Sec. 15 — 3742

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
CPR 37 — 4647
Sec. 18 — 4648
CPR 38:
Sec. 2 — 2996
10 — 2996
CPR 39, Int. 1 — 5084
CPR 40 — 3742
Sec. 14 — 3743
CPR 42:
Sec. 1 — 3743
CPR 43:
Sec. 3 — 3057
CPR 45:
Sec. 1 — 5722
30 — 5767
31–32 — 5767
53 — 5768
Appendix A — 5722
CPR 49:
Sec. 3 — 3405
4 — 3405
6 — 3405
CPR 50:
Sec. 11 — 4985, 5826
CPR 51 — 3039
Sec. 1.11 — 3848
1.12 — 3848
CPR 53:
Sec. 5 — 3057
CPR 56, SR 5 — 3153
CPR 60:
Sec. 2a — 3849
CPR 67:
Sec. 3 — 5722
CPR 67, SR 1 — 2840
CPR 67, SR 2 — 5722
CPR 69:
Secs. 6.1–6.6 — 2997
CPR 69, SR 1 — 5432
CPR 72:
Sec. 2 — 5815
3 — 5815
4 — 5815
11 — 5815
CPR 74 — 5084
Sec. 20 — 5517
46 — 5459
47 — 5460
60 — 5460
Prior to reissuance:
Sec. 5 — 3340, 4253
6 — 3340
9 — 3340
11 — 3340
12 — 4821
13 — 3341
14 — 3341, 4253
20 — 3341
21 — 3341
24–26 — 3342
29 — 3342, 3343
30 — 3343
35 — 3343
41 — 3343
42 — 3343
43 — 3343, 4821
44 — 4821
45 — 4821
46 — 4821
47 — 4821
49 — 3344, 4821
50 — 3344
51 — 3344
52 — 3345
53 — 3345
60 — 3345, 3346, 4821
Appendix 1 — 3346
Appendix 2 — 3346, 3347, 4253, 4255, 4622

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
CPR 74—Continued
Prior to reissuance—Con.
Appendix 3 — 3347
CPR 80:
Sec. 1 — 4886
3 — 4886
9 — 4887
16 — 4887
Appendix B — 4887
CPR 81:
Sec. 1 — 4758
2 — 4758
5 — 4758
6 — 4759
19 — 4759
26 — 4759
CPR 81, SR 1:
Sec. 6 — 4759
CPR 81, SR 2 — 4760
CPR 82:
Sec. 1 — 5654
2 — 5654
5 — 5654
6 — 5655
19 — 5655
26 — 5655
CPR 83, Int. 2 — 5117
CPR 84:
Sec. 3 — 2922
CPR 87:
Sec. 1 — 4379
5 — 3375
CPR 92 — 3326
Sec. 6 — 4795
12 — 4795
20 — 5460
42 — 4795
46 — 4795
50 — 5461
CPR 93, Interpretations:
Int. 1 — 4935
Int. 2 — 4927
Int. 3 — 4928
Int. 4 — 4935
Int. 5 — 4935
Int. 6 — 4935
Int. 7 — 4935
Int. 8 — 4935
Int. 9 — 4936
Int. 10 — 4936
Int. 11 — 4936
Int. 12 — 4936
CPR 94 — 5102
Prior to reissuance:
Appendix A — 3454
CPR 97:
Appendix A — 3059, 4255
CPR 100:
Sec. 4 — 3455
5 — 3456
18 — 3456
CPR 100, SR 1 — 2841
CPR 101:
Sec. 4 — 3643
7 — 4821
12 — 3643, 3644
16 — 3644
20 — 5456
21 — 4821
22 — 5456
24 — 3644
25 — 3644
42 — 4821
46 — 4821
49 — 4821
50 — 5457
Appendix 5 — 3644
Appendix 6 — 3644

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
CPR 103 — 3673
CPR 107:
Sec. 2 — 4888
3 — 4888
6 — 4888
16 — 4888
CPR 113 — 5192
Prior to revocation:
Sec. 1 — 3104, 3879
2 — 2998, 3676, 3879, 4849, 4851
3 — 4849, 4850
3a — 4407
6–7 — 4850
9 — 4850
10 — 4850
CPR 113, Int. 1 — 5192
Prior to revocation — 5134
CPR 113, Int. 2 — 5192
Prior to revocation — 5117
CPR 113, SR 1 — 5192
CPR 113, SR 2 — 5192
Prior to revocation — 4289
CPR 116 — 3376
CPR 117 — 5274
CPR 119:
Sec. 2 — 5029
CPR 120:
Sec. 14 — 4562
20 — 3053, 4562
CPR 121:
Sec. 4 — 4985, 5419
CPR 123:
Sec. 3 — 5298
4 — 5299
5 — 5299
6 — 5299
10 — 5299
12 — 5299
21 — 5309
CPR 124:
Sec. 11 — 3337
CPR 127:
Sec. 2 — 4145
CPR 129:
Sec. 12 — 4408
15 — 4408
20 — 4408
21 — 4408
22 — 4408
30 — 4409
32 — 4409
CPR 134:
Sec. 6 — 5518
10 — 3482, 5826
12 — 5518, 5519
13 — 5519
14 — 3482
17 — 3482
18 — 5519
CPR 134, Int. 1 — 5656
CPR 135 — 3195, 4379, 5059
Sec. 2.5 — 3786
CPR 135, SR 1 — 5693
CPR 136 — 3538
CPR 137 — 3542
Sec. 3 — 4762
CPR 138 — 3545
CPR 139 — 3595
CPR 140 — 3725
CPR 141 — 3731
CPR 142 — 3822
CPR 143 — 4145
CPR 144 — 4379
CPR 145 — 4531
CPR 146 — 5030
CPR 147 — 5032
CPR 148 — 5059
CPR 149 — 5118

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
CPR 150 — 5364
CPR 151 — 5816
DR 1:
Sec. 15 — 5695
GCPR — 3482
GCPR, Interpretations:
Int. 51 — 3879
Int. 52 — 3880
Int. 53 — 4118
Int. 54 — 4290
Int. 55 — 4409
Int. 58 — 5224
GCPR, SR 2:
Sec. 3 — 3646, 4563
GCPR, SR 3:
Sec. 1 — 3647
GCPR, SR 3, Int. 3 — 4235
GCPR, SR 7, Int. 2 — 3882
GCPR, SR 13 — 4937
Sec. 2 — 5346
3 — 5346
GCPR, SR 15:
Sec. 2 — 4144, 5720
GCPR, SR 20, Int. 1 — 5224
GCPR, SR 29:
Sec. 1 — 3648, 4236
2 — 4623
3 — 3491
4 — 3648, 4236
GCPR, SR 42:
Sec. 1 — 3233
2 — 3233
5 — 3233
GCPR, SR 53 — 4649
Sec. 1 — 4889
2 — 4889, 5427
Prior to revision — 2923, 3454
GCPR, SR 55 — 2923
GCPR, SR 57:
Secs. 1–2 — 3881
4 — 3881
Table I — 3881
GCPR, SR 61:
Sec. 20 — 4762, 5432
24 — 4762
GCPR, SR 63, AMPR 5:
Sec. 4 — 3060
7 — 5063
GCPR, SR 63, AMPR 6 — 5661
GCPR, SR 63, AMPR 10:
Appendix I — 2843
GCPR, SR 63, AMPR 12:
Appendix IV — 3849
GCPR, SR 63, AMPR 15:
Appendix I — 4291
Appendix II — 2842, 4291
Appendix III — 2843, 4292
Appendix IV — 4292
GCPR, SR 63, AMPR 16:
Sec. 3 — 3381
3a — 3381
17 — 3381
GCPR, SR 63, AMPR 18 — 3204
GCPR, SR 63, AMPR 19 — 5300
Prior to revocation — 3454
GCPR, SR 63, AMPR 22 — 3208
GCPR, SR 63, AMPR 23 — 4485
GCPR, SR 63, AMPR 24 — 5063
GCPR, SR 63, AMPR 25 — 4937
GCPR, SR 66:
Sec. 2 — 5519
5–7 — 5520
GCPR, SR 73:
Sec. 1 — 5555
2 — 5555
3 — 5555
4 — 5555

TITLE 32A—Continued — Page
Chapter III (OPS)—Continued
GCPR, SR 76:
Sec. 2 — 3154
GCPR, SR 78:
Sec. 3 — 4986
GCPR, SR 86:
Sec. 2 — 3234
GCPR, SR 89:
Sec. 3 — 3054
4 — 3054
5 — 3054
7 — 5347
11 — 5347
12 — 3055
GCPR, SR 91 — 2924
GCPR, SR 96 — 3057
GCPR, SR 97 — 3152
GCPR, SR 98 — 3379
GCPR, SR 99 — 3603
Sec. 3 — 4940
4a — 4940
GCPR, SR 100 — 3786
GCPR, SR 101 — 4148
GCPR, SR 102 — 4931
GCPR, SR 103 — 5102
GCPR, SR 104 — 5347
GCPR, SR 105 — 5360
GCPR, SR 106 — 5612
GCPR, SR 107 — 5555
GCPR, SR 108 — 5769
GCPR, SR 109 — 5826
GOR 4 — 3730
Sec. 2 — 5829
3 — 4649, 5656, 5657, 5658
GOR 7 — 5658
Sec. 2 — 5827
Prior to revision:
Sec. 15 — 3059
16–17 — 3234
18 — 5367
GOR 8:
Sec. 1 — 4149
2 — 4149
GOR 9:
Sec. 2 — 3648, 3677, 4379, 4940, 5367, 5724
GOR 10:
Sec. 2 — 3380, 3381
3 — 3381
7 — 3381
GOR 14:
Sec. 1 — 3210
3 — 3235, 3405, 3677, 4292, 5298, 5696
4 — 3210, 5661
GOR 18 — 4236
GOR 20:
Sec. 1 — 3056
3 — 3056
11 — 5829
15 — 3056
17 — 3056
GOR 21:
Sec. 1 — 3056
5 — 3056
18 — 3056
20 — 3057
GOR 23:
Secs. 2.1–2.2 — 4381
GOR 27 — 2923
GOR 28 — 3677
Sec. 1 — 4535
3 — 4535
GOR 29 — 4762
GOR 30 — 5065
PPR 1 — 3787
PPR 2 — 3536

TITLE 32A—Continued Page

Chapter IV:
Subchapter A (SSB):
GSO 6:
Sec. 4 2999
GSO 11 4490
GSO 12 3850
GSO 13 4490
GSSR 1:
Sec. 9 5461
GSSR 3:
Sec. 5 4889
GSSR 4 3824
GSSR 6 3849
GSSR 7 3826
GSSR 8 4489
Int. 5 3347, 5348
Int. 6 4651, 4821
Int. 7 4652
Int. 8 4653
Int. 9 5067
Int. 10 5134
SPR 2 3827
Subchapter B (WSB):
GWPR:
Sec. 2.2 5461
4.4 5664
GWR 5:
Sec. 1 4201
2 4201
GWR 6, Interpretations 5696
GWR 7:
Sec. 1 5068
GWR 8:
Sec. 4 4202
GWR 8, Interpretations 5696
GWR 11:
Sec. 1 3795
2 3795
GWR 11, ACD 2 5348
GWR 11, ACD 4 5349
GWR 12, Reg. 2 3351
GWR 13 4535
Secs. 1–2 4536
GWR 19 5461
Prior to revision:
Sec. 13 3795
GWR 21:
Sec. 3 3795
Res. 45 5036
Res. 71, Interpretation 5696
Res. 77 5039
Res. 78 5462
Prior to revocation 5036
Res. 79 5038
Res. 80 5036
Res. 81 5035
Res. 83 5037
Res. 84 5039
Res. 87 5039
Res. 89 5036
Res. 90 5036
Res. 92 5039
Res. 93 5037
Res. 94 5036
Subchapter C (RAWB):
GRASR 1 4941
R & A Proc. Reg. 1 4942
WAO 2 5349
Chapter V (DPA):
Reg. 2 5664
Chapter VI (NPA):
CMP Reg. 1:
Sec. 11 2847, 2926
CMP Reg. 1, Dir. 1 5556
Prior to revision 3851
CMP Reg. 1, Dir. 3 3678
CMP Reg. 1, Dir. 10 3235
Prior to revocation 3104
CMP Reg. 1, Dir. 10A 3235
Prior to revocation 3104

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
CMP Reg. 1, Dir. 11 4255
Prior to revocation 3852
CMP Reg. 1, Dir. 12 5039
CMP Reg. 1, Dir. 13 5225
CMP Reg. 3 2848
CMP Reg. 3, Dir. 4 5432
CMP Reg. 5 5726
CMP Reg. 6:
Sec. 4 5559
24 5559
Table II 5559
CMP Reg. 6, Dir. 2 3456
CMP Reg. 6, Dir. 4 4202
DSM 1 5137
M–1, Dir. 5 2929
M–2 3548
Sec. 3 5224
4 5433
6 5224
8 5225
M–2, Int. 2 5559
M–5:
Sec. 7 3830
12 3830
M–6A, Dir. 1 5462
M–6A, Dir. 2 4237
Sec. 2 5068
M–6A, Sched. 3 3649
M–8 3155
M–9 5829
Prior to revocation 4536
M–16 5562
M–18 5292
M–19 4537
M–23 4563
M–25 4409
M–26 3878
M–27 3406
M–28 4851
M–38 4537
M–39 4537
M–41 3492
M–45, Sched. 1 5463
M–45, Sched. 6 4623
M–45, Sched. 7 3852
M–45, Sched. 10 4537
M–46, Dir. 2 2844
M–46, Dir. 3 4563
M–46A 4419
M–47B 3382
M–47B, Dir. 1 3795
M–48 4537
M–50 3407
M–53 4851
M–56 4842
M–58 4563
M–70 2844
M–71 5559
M–72 3104
M–73 3410
M–74, Dir. 1 3457
M–75 3830
M–76 4537
M–77 4203
M–78 5392
M–80:
List I 4238
M–80, Sched. 2 4238
M–80, Sched. 5 4118
M–82 4889
M–86 4891
M–89:
Sec. 4 4341
Schedule I 4341
M–89, Dir. 1 4238
M–90 5724
M–92, Dir. 1 3353

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M–99:
Sec. 1 3383
3 3383
9 3383
M–100:
Sec. 5 5558
Schedules I–II 5558
M–103:
Sec. 5 5300
M–104 3161
M–105 4943
Reg. 1 2926
Table IA 4538
Table IB 4538
Table II 4538
Reg. 2, Dir. 3 5395
Prior to revision 4342
Reg. 2, Dir. 4 3853
Reg. 2, Int. 3 5300
Reg. 4, Dir. 2 4149
Reg. 7 3648
Chapter VIII (DTA):
DTA 1 3680
DTA 3 3604
Chapter IX (PAD):
PAD 1, Dir. 1 2888
PAD 1, Instruction 1 4822
PAD 5 4765
Prior to revocation 3882
Sec. 3 4343
Schedule B 4205
PAD 5, Dir. 1 4765
Prior to revocation 4342
PAD 5, Dir. 2 4765
Prior to revocation 4042
PAD 6 4986
Prior to revocation 4149
Sec. 2 4822
3 4822
4 4822
5 4822
8 4822
10 4822
Schedule A 4822
Schedule B 4822
Schedule C 4822
Schedule D 4822
PAD 6, Dir. 1 4986
Prior to revocation 4343
PAD 6, Gen. Adj. 1 4986
Prior to revocation 4564, 4822
PAD 6, Gen. Adj. 2 4986
Prior to revocation 4822, 4949
Chapter XI (DEPA):
EO 2 3853
Chapter XIV (GSA) 2930, 4256, 4654
Chapter XV (FRS):
Reg. W 4226
Prior to suspension:
Sec. 9 3255
Reg. W, Int. 1–Int. 52 4226
Prior to suspension:
Int. 52 3250
Reg. X:
Sec. 5 5301
7 5301
Reg. X, Int. 43–Int. 46 4944
Chapter XVI (PMA):
DFO 2, SO 1 2930
DFO 2, SO 2 2932
DFO 3:
Sec. 5 4491, 5829
9 4491
13 5829
Chapter XVII (HHFA):
CR 2:
Sec. 3 2934

TITLE 32A—Continued Page

Chapter XVII (HHFA)—Con.
CR 3:
Appendix 3553, 4239, 4654, 5396, 5830
CR 4 4946
PA 1 3550
Sec. 5 3853
Chapter XVIII (NSA):
AGE–8 3060
INS–1 3883
OPR–2:
Sec. 5 3830
OPR–4 3553
Sec. 4 3682, 4707
SRM–5:
Sec. 9 2934
10 2934
12 2934
14 2934, 2935
Chapter XX (CAA):
Reg. 1 3384
Chapter XXI (ORS):
RR 1:
Sec. 13 4564
31 4564
38 4564
39 4564
96 5463
138 4119
201 3650
Schedule A 2850, 2999, 3060, 3061, 3235, 3353, 3354, 3558, 3853, 4120, 4382, 4422, 4538, 4564, 4623, 4707, 4766, 4894, 5069, 5302, 5367, 5368, 5396, 5520, 5770.
Schedule B 3458, 4120, 4206, 4239, 4491, 4851, 5069, 5140, 5301, 5730.
RR 2:
Sec. 15 4564
31 4564
44 4565
134 4119
157 5464
201 3650
Schedule A 2850, 2999, 3060, 3061, 3235, 3353, 3354, 3558, 3853, 4120, 4382, 4422, 4538, 4564, 4623, 4707, 4766, 4894, 5069, 5302, 5367, 5368, 5396, 5520, 5770.
Schedule B 3458, 4120, 4206, 4239, 4491, 4851, 5069, 5301, 5730.
RR 3:
Sec. 84 5464
101 3650
Schedule A 2850, 2999, 3061, 3236, 3354, 3558, 3743, 3853, 3854, 4382, 4422, 4623, 4707, 5070, 5303, 5368, 5396, 5521, 5770.
Schedule B 3458, 3558, 4121, 4206, 4239, 4491, 4851, 5069, 5520, 5730, 5731
RR 4 4565
Sec. 157 5464
Schedule A 4654, 4707, 4894, 5070, 5303, 5368, 5396, 5521, 5770.
Schedule B 4852, 5069, 5350, 5730, 5731
Chapter XXIII (DMPA) 4947
MO–7 4852
TITLE 33 Page
Chapter I:
Part 1:
1.20–1 4492

TITLE 33—Continued Page

Chapter I—Continued
Part 6:
6.10–1 4624
Part 19:
19.31 3384
Part 52 3650
Part 121:
121.16 5040
Part 126:
126.09 5397
Chapter II:
Part 202:
202.81 4206
202.82 4206
202.230 5070
Part 203:
203.8 3061
203.10 3061
203.55 3062
203.75 3062
203.95 3062
203.100 3063
203.220 5140
203.225 3063
203.445a 4624
203.560 3063
203.643 5140
203.663 3236
203.700 3063
Part 204:
204.32 4853
204.158 5615
204.205 4655
Part 206:
206.50 4346
Part 207:
207.128 4346
207.300 4766
207.460 4766
207.612a 4346
207.640 4766
207.642 4766
TITLE 35
Chapter I:
Part 21:
21.3 3653
Appendix (Canal Zone orders):
26 (see CZO 27) 3653
27 3653
TITLE 36
Chapter I:
Part 1:
1.14 5192
1.40 4947
1.63 4707
Part 13:
13.14 3162
Part 20:
20.5 4947
20.7 4539
20.12 3831
20.13 3384
20.15 2817
20.24 3830
20.36 3210
20.41 5325
20.44 4655
20.45 3830
20.46 4853
Chapter II:
Part 221:
221.6 5368
221.8 5368
221.9 5368
221.20 5368
221.21 5368
Part 231:
231.7 3654

TITLE 38 Page

Chapter I:
Part 1:
1.518 5464
1.522–1.523 5464
Part 3:
3.1 4894
3.49 4151
3.64 5433
3.89 4151
3.228 5465
3.236 4152
3.237 4492
3.238 4492
3.1000 4152
3.1001 4153
3.1002 4153
3.1018 4153
3.1025 4153
3.1040 4153
3.1068 4153
3.1069 4153
3.1080 4153, 4154
3.1095 4154
3.1107–3.1108 4154
3.1110 4155
3.1112 4155
3.1117–3.1127 [4155]
3.1117 4155
Part 4:
4.1 4155
4.8 5433
4.12 5434
4.20 5770
4.34 5434
4.47 5434
4.55 4155
4.57 5770
4.64 4152
4.65 4152
4.72 5434
4.82 5434
4.83 5434
4.91 5434
4.108 5771
4.118 5434
4.134 5434
4.145–4.154 4156
Part 6:
6.45 3162
Part 8:
8.62 3162
Part 17:
17.60 4346
17.140 5368
17.141 5369
17.950 3162
Part 21:
21.6 3162
21.7 3162
21.9 3162
21.11 3162
21.17 3163
21.30 3163
21.31 3163
21.36 3163, 3682, 4256, 5141
21.40–21.41 3164
21.53 3164
21.53a 3165
21.56 3165
21.91 4257
21.109 5070
21.112 5071
21.153 3166
21.201 4257, 5141
21.262 5142
21.541 4986
21.548 4987
21.549 4987
21.557 4987

TITLE 38—Continued Page
Chapter I—Continued
Part 21—Continued
21.669–21.669a 4987
21.728 5071
Part 36:
36.4356 5325
36.4501 5465
36.5404 5326
TITLE 39
Chapter I:
Part 6:
6.5 3654
Part 8:
8.8 4206
8.16 2817
Part 17:
17.13 5565
Part 25:
25.7 [5326]
Part 34:
34.2 3654
34.7 3654
34.11 2817
34.64 5370, 5371
34.73 4206
34.95 3063
Part 35:
35.3 4156
35.4 5371
35.6 3063
35.19 2817
35.22 4206
Part 36:
36.12 4156, 4157
Part 37:
37.26 4206
Part 41:
41.2 4206
Part 44:
44.1 5371
Part 64:
64.19 4157
Part 71:
71.11 4207
Part 97:
97.29 2817
Part 114:
114.11 3654
Part 127:
127.19 4157, 5193
127.105 2818
127.239 3412
127.264 4853
127.276 [4542]
127.278 4207
127.283 3413, 5664
127.286 4207, 4675
127.292 5664
127.293 5193
127.304 5664
127.324 4854
127.341 5193, 5664
127.345 5193
127.349 5664
127.362 3413
127.370 3413
127.372 5193
127.380 4157, 5193
Part 137:
137.2 3413
137.3 2999, 4207
137.14 3413
Part 151:
151.100 5665
151.102 5665
Part 155:
155.707 3236

TITLE 41 Page
Chapter II:
Part 201:
Proposed rules 2937, 4955
201.1 [5665]
Part 202:
Proposed rules 2895, 5831
TITLE 42
Chapter I:
Part 21:
21.261 [3796]
Part 22:
22.1 4854
Part 51:
51.6 4894, 4895
Part 71:
71.503 4240
71.507 2818
71.508 2818
71.509 2818
Chapter IV:
Part 401:
401.14 3655
TITLE 43
Subtitle A:
Part 1:
1.4 4766
Chapter I:
Part 64:
64.6a 4575
Part 69:
69.19–69.20 4207
Part 70:
70.28–70.29 4207
Part 71:
71.12 4208
Part 75:
75.39 5371
Part 76:
76.1 4208
76.2 4208
Part 79:
79.29 4208
Part 105:
105 1 4708
Part 106:
106.15 5371
Part 146 3655
Part 191:
191.3 5566
191.6 5566
Part 192:
192.42 5566, 5615
192.141 5567
Part 200:
200.4–200.5 5567
200.8 5567
200.11 5569
Part 221:
221.75 4708, 4895
221.76 4708
221.77–221.79 4708
Part 244:
244.70–244.92 5569
Part 259:
259.3 5731
259.21 5731
Appendix (Public land orders):
7 (revoked by PLO 833) 4822
46 (revoked in part by PLO 823) 4422
173 (revoked by PLO 833) 4822
284 (see PLO 827) 4708
458 (see PLO 824) 4575
473 (see PLO 833) 4822
487; revoked in part by:
PLO 820 3885
PLO 839 5731
546 (modified by PLO 828) 4709

TITLE 43—Continued Page
Chapter I—Continued
Appendix (Public land orders)—Continued
571 (amended by PLO 835) 4948
585 (revoked in part by PLO 820) 3885
606 (revoked in part by PLO 836) 5371
703 (revoked by PLO 833) 4822
779 (amended by PLO 825) 4576
794 (corrected by PLO 840) 5732
807 (corrected by PLO 838) 5731
814 3064
815 3236
816 3495
817 3495
818 3495, 3796
819 3743
820 3885
821 4121
822 4422
823 4422
824 4575
825 4576
826 4655
827 4708
828 4709
829 4709
830 4710
831 4711
832 4822
833 4822
834 4948
835 4948
836 5371
837 5731
838 5731
839 5731
840 5732
841 5732
842 5732
843 5830
844 5830
TITLE 45
Chapter I:
Part 104:
104.18–104.26 3210
104.51–104.56 3210
TITLE 46
Chapter I:
Parts 24–28:
Proposed rules 5665
Part 30:
Proposed rules 5665
Part 32:
Proposed rules 5665
Part 38:
Proposed rules 5665
Part 43:
Proposed rules 5665
Part 45:
Proposed rules 5665
Part 46:
Proposed rules 5665
Parts 50–65:
Proposed rules 5665
Parts 70–83:
Proposed rules 5665
Part 76:
76.10 4170
Parts 90–102:
Proposed rules 5665
Part 94:
94.10 4171
Parts 110–120:
Proposed rules 5665
Part 131:
Proposed rules 5665

TITLE 46—Continued Page
Chapter I—Continued
Part 135:
Proposed rules 5665
Part 136:
136.15–1 4493
Part 137:
137.17–25 4493
Part 140:
Proposed rules 5665
Part 141:
Proposed rules 5665
Part 144:
Proposed rules 5665
Part 154:
154.31 3385
Part 157:
Proposed rules 5665
Part 162:
Proposed rules 5665
Chapter II:
Part 299:
299.1 5665
Part 310:
310.21 5142
TITLE 47
Chapter I:
Part 1:
Proposed rules 3747
1.311 [4052]
1.319 [4052]
1.333 2935
1.371 4051
Part 2:
Proposed rules 3175, 3748, 5044, 5327
2.104 2936, 3212, 3854, 4161, 4624, 4711, 5397
Appendix A 3744, 5699
Appendix B 5323
Part 3:
Proposed rules 5435, 5773
3.191 4713
3.291 4713
3.590 4711
3.591 4713
3.601–3.692 4052
3.655 4713
3.790 4713
Part 6:
3.401 4158
Part 7:
Proposed rules 3175, 3176, 5328
7.2 4161
7.3 4161, 5041
7.21 4161
7.22 4161
7.34 4161
7.39 4161
7.40 4162, 5041
7.65 4162
7.68 4162
7.70 4162
7.71 4162
7.72 4162
7.74 4162
7.75 4162
7.76 4162
7.102 4162, 5041
7.104 4162
7.105 4162
7.106 4163
7.107 4163
7.110 4163
7.111 4163
7.112 4163
7.116 4163
7.132 3855, 4624
7.134 3855
7.137 3745, 4163

TITLE 47—Continued Page
Chapter I—Continued
Part 7—Continued
7.151 4163
7.155 4163
7.156 4163
7.173 4163
7.174 4163
7.183 4163, 4164
7.186 4164
7.189 4164
7.206 3854, 3855, 4299
7.208 3855
7.304 3855
7.306 3855, 4299
7.307 2936
7.308 2936
7.312 4164
7.352 4159
7.354–7.356 4159
7.521–7.536 4164
Part 8:
Proposed rules 3175, 3176, 3749, 5328, 5330
8.24 4166
8.33 4166
8.34 4166
8.41 4166
8.42 4166
8.50 4166
8.63 4166
8.64 4167, 5041
8.73 4167
8.102 4167
8.106 4167
8.132 3856, 4299, 4300
8.135 4167
8.223 4168
8.321 3855, 4299, 4422
8.323 3856
8.324 3856
8.330 5771
8.351 3856, 4299
8.355 3856
8.356 2936
8.357 3856
8.364 4168
8.366 4159, 4168
8.368 4168
8.401 5771
8.502 4169
8.517 4169
8.552 5771
8.553 5771
Part 9:
Proposed rules 3748
9.612 5699
9.912 4539
Part 10:
Proposed rules 3750
10.101 4300
10.405 2936
Part 11:
11.57 3745
Part 12:
Proposed rules 3748, 3752, 3754, 4303, 4583
12.111 3105, 3856
Part 13:
Proposed rules 5435, 5700
Part 14:
Proposed rules 5328
Part 16:
16.57 3745, 3856
16.352 2936
Part 18:
Proposed rules 3754, 4583, 4714
Part 19:
19.2 4713

TITLE 47—Continued Page
Chapter I—Continued
Part 64:
Proposed rules 2937
64.310 5041
TITLE 49
Chapter I:
Part 41:
41.2 5465
Part 42:
42.4–42.7 5465
Part 56:
56.3 5466
Part 72:
72.5 4293, 4422
Part 73:
Proposed rules 2870
73.34 4293
73.73 4293
73.91 4293
73.100 4293
73.118 4294
73.120 4294
73.135 4294
73.153 4294
73.158 4294
73.208 4294
73.231 4294
73.232 4294
73.257 4294
73.260 4294
73.267 4294
73.268 4294
73.306 4294
73.326 4295
73.334 4295
73.345 4295
73.358 4295
73.359 4295
73.377 4295
73.378 4295
Part 74:
74.525 4296
74.526 4296
74.529 4296
74.532 4296
74.538 4296
74.562 4296
74.582 4296
74.584 4296
74.589 4296
Part 75:
75.655 4297
Part 78:
78.50–12 4297
78.59–3 4297
78.60–3 4297
78.83–11 4297
78.85–10 4297
78.87–5 4297
78.115–2 4297
78.116–2 4297
78.117–2 4297
78.118–2 4297
78.125–5 4297
78.126–5 4297
78.127–5 4297
78.128–5 4298
78.129–5 4298
78.130–5 4298
78.169–4 4298
78.259 4298
78.271 4298
78.272 4298
78.273 4298
78.274 4298
78.286 4298
78.287 4298
78.288 4298
78.289 4298

TITLE 49—Continued Page

Chapter I—Continued
Part 95:
95.95 ---- 3886, 4493
95.856 ---- 3458, 4949
95.865 ---- 2851, 3166, 3886, 4170, 4823, 4824, 5193, 5467, 5771, 5772
95.866 ---- 3458, 4949
95.867 ---- 4949
95.870 ---- 4949
95.871 ---- 4950
95.872 ---- 4950
95.878 ---- 4950
95.882 ---- 4170, 4299
95.883 ---- 4208, 4299
95.884 ---- 5193, 5466
95.885 ---- 5194, 5466
95.886 ---- 5194, 5467
Part 97:
97.562 ---- 4675
97.877 ---- 4576
Part 110:
110.100–110.101 ---- 4382
Part 165a ---- 3559, 4988, 5225
Part 167 ---- 2818, 4209, 5226
Part 170:
170.8 ---- 3413
170.35 ---- 3414, 3682
170.37 ---- 3414, 3682
170.41 ---- 3414, 3682
170.45 ---- 3414, 3682
170.48 ---- 3414, 3682
Part 179:
179.1 ---- 3212
179.4 ---- 3212
Part 190 ---- 4423
Part 191 ---- 4424
Part 192 ---- 4426
Part 193 ---- 4429
193.17 ---- [5699]
Part 194 ---- 4447
Part 195 ---- 4448
Part 196 ---- 4451
Part 205:
205.3 ---- 4824
205.4 ---- 4299

TITLE 50 Page

Chapter I:
Part 6:
Proposed rules ---- 3355
Part 7:
Proposed rules ---- 5326
Part 9:
Proposed rules ---- 5326
Part 17:
17.3 ---- 3495
Part 31:
31.251 ---- 4493
31.253 ---- 4493
Part 33:
33.58–33.60 ---- 2936
33.91 ---- 3385
33.95 ---- 3385
33.121–33.124 ---- 2936
33.181–33.183 ---- 2936
33.246–33.249 ---- 2936
33.351–33.353 ---- 2936
Part 46:
46.61 ---- 3856
46.66 ---- 3857
46.68 ---- 3857
46.71 ---- 3857
46.82 ---- 3857
46.100–46.109 ---- 3857
46.114 ---- 3858
46.127 ---- 3858
46.129 ---- 3858
46.130–46.134 ---- 3858
46.135 ---- 3858
46.141–46.142 ---- 3858
46.151–46.153 ---- 3858
46.155–46.156 ---- 3858
46.167–46.169 ---- 3858
46.171 ---- 3858
46.172 ---- 3859
46.173–46.177 ---- 3859
46.195 ---- 3859
46.198 ---- 3859
46.209 ---- 3858, 3859
46.210–46.214 ---- 3859
46.211–26.214 ---- 3858
46.215 ---- 3858
46.216 ---- 3859

TITLE 50—Continued Page

Chapter I—Continued
Part 46—Continued
46.231–46.234 ---- 3858
Part 102:
102.29 ---- 4347
102.51 ---- 4347
Part 104:
104.5 ---- 4347
Part 105:
105.5 ---- 4347
Part 109:
109.51 ---- 4347
Part 110:
110.3 ---- 4347
Part 111:
111.20 ---- 4347
Part 112:
112.15 ---- 4347
Part 116:
116.12 ---- 4347
Part 117:
117.3 ---- 4347
117.4 ---- 4347
Part 118:
118.5 ---- 4347
118.6 ---- 4347
Part 119:
119.3 ---- 4347
119.11 ---- 4347
Part 121:
121.3 ---- 4347
121.4 ---- 4347
Part 122:
122.4 ---- 4347
122.5 ---- 4347
Part 123:
123.3 ---- 4347
Part 124:
124.3 ---- 4347
Chapter II ---- 2818
Part 161 ---- 2818
Part 162 ---- 2819
Part 163 ---- 2819
Part 164 ---- 2819
Part 165 ---- 2820
Chapter III ---- 4347
Part 301 ---- 4347

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FEDERAL REGISTER

VOLUME 17 NUMBER 108

Washington, Tuesday, June 3, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2977

FLAG DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS June 14, 1952, marks the 175th anniversary of the adoption of the flag of the United States by the Continental Congress; and

WHEREAS people of many national origins and religious beliefs have found refuge from oppression and an opportunity for a better life under this beloved standard; and

WHEREAS this flag is not only a symbol of freedom cherished by all Americans, but also an emblem of hope to millions of people dominated by ruthless dictatorships or living under oppressive economic conditions; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), has designated June 14 of each year as Flag Day, in commemoration of the adoption of the Stars and Stripes on June 14, 1777, as our national flag:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag be displayed on all Government buildings on Saturday, June 14, 1952, and I call upon the people of the Nation to observe that day by suitable ceremonies, including the display of the flag at their homes and other appropriate places.

I also urge all our citizens to give special thought on Flag Day not only to their many rights and privileges but also to their duties and responsibilities under our national ensign, to the end that we may rededicate ourselves on that day to the principles of freedom and justice for which this Nation and its flag have always stood.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of May in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-6129; Filed, May 29, 1952; 5:08 p. m.]

EXECUTIVE ORDER 10356

CONTINUING THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE AS A MILITARY SERVICE

By virtue of the authority vested in me by section 216 of the Public Health Service Act (58 Stat. 690), as continued by the Emergency Powers Interim Continuation Act (Public Law 313, 82d Congress) as amended by joint resolution approved May 28, 1952, and as President of the United States and Commander in Chief of the land and naval forces of the United States, I hereby amend Executive Order No. 10349 of April 26, 1952, entitled "Declaring the Commissioned Corps of the Public Health Service To Be a Military Service and Prescribing Regulations therefor", by striking out "June 1, 1952" appearing in the introductory paragraph of the order and inserting in lieu thereof "June 15, 1952".

HARRY S. TRUMAN

THE WHITE HOUSE,
May 29, 1952.

[F. R. Doc. 52-6133; Filed, June 2, 1952; 10:32 a. m.]

CONTENTS

THE PRESIDENT

	Page
Proclamation	
Flag Day, 1952	4967
Executive Order	
Continuing the Commissioned Corps of the Public Health Service as a military service	4967

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Civil Aeronautics Administration
Rules and regulations:
Alterations:
Danger areas (2 documents) 4977
Minimum en route instrument altitudes 4977

Civil Service Commission
Rules and regulations:
Appointment through the competitive system 4969
Appointment to positions excepted from the competitive system 4969

Commerce Department
See Civil Aeronautics Administration; Foreign-Trade Zones Board.

Defense Department
See Navy Department.
Notification to the Department and General Services Administration as to placement of procurement (2 documents) (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of
Notices:
Notification to Department of Defense and General Services Administration as to placement of procurement:
Shoe industry 4994
Textile industry 4993

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Production Administration — Page
Notices:
Request to Woodworking Defense Production Pool of New York area to operate as a small business enterprise production pool and request to certain companies to participate in the operations of such pool — 4990

Economic Stabilization Agency — Page
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Atlantic Seaboard Corp. — 4990
Idaho Power Co. — 4992

Federal Trade Commission
Notices:
Proper use of word "mahogany" in designations of wood and wood products; hearing — 4993

Foreign-Trade Zones Board
Notices:
Board of Harbor Commissioners, City of Los Angeles; application — 4989
Rules and regulations:
Customs procedure in foreign-trade zones in the U. S. — 4978

General Services Administration
Notification to the Department of Defense and the Administration as to placement of procurement (2 documents) (*see* Defense Mobilization, Office of).
Notices:
Secretary of the Interior; delegation of authority with respect to negotiation of contracts for geological surveys and studies by colleges, universities and other educational institutions — 4993

Housing and Home Finance Agency
See Public Housing Administration.

Interior Department
See Petroleum Administration for Defense.
Delegation of authority to the Secretary with respect to negotiation of contracts for geological surveys and studies by colleges, universities and other educational institutions (*see* General Services Administration).

Internal Revenue Bureau
Proposed rule making:
Require persons liable for special (occupational) wagering tax to file returns and pay tax before commencing taxable activity and to file supplemental returns advising of all agents or employees engaged to receive wagers, or with respect to all persons for whom wagers are received — 4988
Rules and regulations:
Tax, estate, regulations; miscellaneous amendments — 4979
Tax, gift; miscellaneous amendments — 4980
Tax, income, taxable years beginning after Dec. 31, 1941; miscellaneous amendments — 4978

Interstate Commerce Commission
Notices:
Applications for relief:
Acetaldehyde from Tallant, Okla., to New Orleans, La. — 4996

Interstate Commerce Commission—Continued — Page
Notices—Continued
Applications for relief—Con.
Commodities, various, from southern territory to southern, official and western trunk-line territories — 4997
Fertilizing compounds and superphosphate from southern territory and adjacent points to southwestern and western trunk-line territories — 4996
Glycol, ethylene and polyethylene, from Port Neches, Tex., to Detroit, Mich. — 4996
Paint materials from Toledo, Ohio, to Kenilworth, N. J. — 4997
Rules and regulations:
Certificates and permits; interpretative rules relating to motor-carrier operations involving traversal States — 4988

National Labor Relations Board
Rules and regulations:
Series 6, rules and regulations — 4982
Statement of procedure — 4982

Navy Department
Rules and regulations:
Procurement, property, patents, and contracts; revocation — 4983

Petroleum Administration for Defense
Rules and regulations:
Limitations on aviation gasoline and on inventories (PAD 6, Dir. 1) — 4986

Price Stabilization, Office of
Notices:
Directors of Regional Offices; delegation of authority to act under CPR 134 — 4995
Kaiser-Frazer Corp.; basic price and charges for new passenger automobiles — 4996
Rules and regulations:
Ceiling prices:
Certain foods sold at retail, miscellaneous amendments:
Group 1 and Group 2 stores (CPR 16) — 4983
Group 3 and Group 4 stores (CPR 15) — 4983
Petroleum products sold in the Virgin Islands; amendment of prices for kerosene sold in St. John (CPR 50) — 4985
Coal briquets, petroleum coke briquets and packaged fuel produced at plants which are adjuncts of or adjacent to lake coal docks; adjustment in ceiling prices (GCPR, SR 78) — 4986
Printing, printed products, allied products and certain paper products; use of pricing manuals (CPR 121) — 4985
Services; marine terminal companies operating under joint agreements; certain private services (CPR 34, SR 14) — 4984

CONTENTS—Continued

Production and Marketing Administration — Page
Proposed rule making:
Expenses and fixing rate of assessment:
Peaches, fresh, grown in Georgia; 1952–53 fiscal period — 4989
Pears, fresh Bartlett, plums and Elberta peaches grown in California; 1952–53 season — 4989
Rules and regulations:
Pears, fresh Bartlett, plums, and Elberta peaches grown in California; regulation by grades and sizes (3 documents) — 4969–4971
Tobacco; handling of Type 62 shade-grown cigar-leaf, grown in designated production area of Florida and Georgia — 4971

Public Health Service
Continuing the Commissioned Corps of the Service as a military service (*see* Executive order).

Public Housing Administration
Notices:
Central Office; description of agency and programs and final delegations of authority (2 documents) — 4993

Securities and Exchange Commission
Notices:
Hearings, etc.:
Cambridge Electric Light Co. et al. — 4995
Consolidated Natural Gas Co. — 4995

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education, training facilities; miscellaneous amendments — 4986

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter I (Proclamations):
2977 — 4967
Chapter II (Executive orders):
10349 (amended by EO 10356) — 4967
10356 — 4967

Title 5
Chapter I:
Part 2 — 4969
Part 21 — 4969

Title 7
Chapter IX:
Part 936 (3 documents) — 4969–4971
Proposed rules — 4989
Part 962 (proposed) — 4989
Part 983 — 4971

Title 14
Chapter II:
Part 608 (2 documents) — 4977
Part 610 — 4977

CODIFICATION GUIDE—Con.

Title 15 — Page
Chapter IV:
Part 401 — 4978

Title 26
Chapter I:
Part 29 — 4978
Part 81 — 4979
Part 86 — 4980
Part 325 (proposed) — 4988

Title 29
Chapter I:
Part 101 — 4982
Part 102 — 4982

Title 32
Chapter VI:
Part 740 — 4983

Title 32A
Chapter III (OPS):
CPR 15 — 4983
CPR 16 — 4983
CPR 34, SR 14 — 4984
CPR 50 — 4985
CPR 121 — 4985
GCPR, SR 78 — 4986
Chapter IX (PAD):
PAD 6 — 4986
PAD 6, Direction 1 — 4986

Title 38
Chapter I:
Part 21 — 4986

Title 49
Chapter I:
Part 165a — 4988

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

PART 21—APPOINTMENT TO POSITIONS EXCEPTED FROM THE COMPETITIVE SYSTEM

MISCELLANEOUS AMENDMENTS

1. Section 2.104 (a) (7) is amended to read as follows:

§ 2.104 *Disqualifications of applicants.*—(a) An applicant may be denied examination and an eligible may be denied appointment for any of the following reasons: • • •

(7) Reasonable doubt as to the loyalty of the person involved to the Government of the United States.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

2. Section 21.4 (b) is amended to read as follows:

§ 21.4 *Qualifications of applicants.* • • •

(b) *Disqualifications.* In the standards established by the agency or the appropriate office of the agency, it may be provided that certain factors will disqualify applicants for employment. These may include, among others, the following: (1) Dismissal from the service for delinquency or misconduct; (2) criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct; (3) intentional false statements as to any material fact, or deception or fraud in connection with an application; (4) habitual use of intoxicating beverages to excess; (5) reasonable doubt as to the loyalty of the person involved to the Government of the United States; (6) any legal disqualification for appointment; and (7) lack of United States citizenship.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6023; Filed, June 2, 1952; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 2]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.423 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 4, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 22, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 22, 1952, after consideration of all available information relative

to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 4, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 4, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of May 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6030; Filed, June 2, 1952; 8:50 a. m.]

[Plum Order 3]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.424 *Plum Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 4, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 22, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 22, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 4, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 4, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Formosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measures less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the terms "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of May 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6031; Filed, June 2, 1952; 8:50 a. m.]

[Plum Order 4]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.425 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 4, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 22, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 22, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 4, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 4, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Climax plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerance permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measures less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of May 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6032; Filed, June 2, 1952; 8:51 a. m.]

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

ORDER REGULATING HANDLING

It is hereby ordered that on and after the effective time hereof the handling of Type 62 Shade-grown Cigar-leaf tobacco grown in the designated area of Florida

and Georgia shall be in conformity to, and in compliance with, the terms and conditions of the "Order Regulating the Handling of Type 62 Shade-Grown Cigar-leaf Tobacco Grown in Designated Production Area of Florida and Georgia" which was annexed to, and made a part of, the decision of the Secretary of Agriculture issued on April 17, 1952 (F. R. Doc. 52-4485; 17 F. R. 3500). All of the findings, determinations, terms, and conditions of the aforementioned order shall be, and hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein.

Sec.

983.0 Findings and determinations.

DEFINITIONS

983.1 Secretary.
983.2 Act.
983.3 Person.
983.4 Tobacco.
983.5 Production area.
983.6 Grower; producer.
983.7 Handler; packer.
983.8 Handle; pack.
983.9 Top.
983.10 Prime.
983.11 Field.
983.12 Fiscal period.
983.13 Control Committee; Committee.

CONTROL COMMITTEE

983.20 Establishment and membership.
983.21 Term of office.
983.22 Selection of members.
983.23 Nominations.
983.24 Failure to nominate.
983.25 Qualification.
983.26 Alternate members.
983.27 Substitutes for members.
983.28 Vacancies.
983.29 Compensation.
983.30 Powers.
983.31 Duties.
983.32 Procedure.

EXPENSES AND ASSESSMENTS

983.40 Use of funds collected.
983.41 Budget and expenses.
983.42 Assessments.
983.43 Rate of assessment.
983.44 Refunds.
983.45 Accountability of Committee members for funds and property.
983.46 Legal action for collection of assessments.

REGULATION

983.50 Marketing policy and report.
983.51 Recommendation for regulation.
983.52 Issuance of regulation.
983.53 Initial regulations.
983.54 Limitations on handling.
983.55 Issuance of handling certificates.
983.56 Identification of tobacco handled.
983.57 Exemption certificates.

MISCELLANEOUS

983.60 Books and records.
983.61 Compliance.
983.62 Right of the Secretary.
983.63 Amendment.
983.64 Duration of immunities.
983.65 Agents.
983.66 Derogation.
983.67 Personal liability.
983.68 Separability.
983.69 Effective time.
983.70 Termination.
983.71 Proceedings after termination.
983.72 Effect of termination or amendment.

AUTHORITY: §§ 983.0 to 983.72, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 983.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Quincy, Florida, beginning on February 12, 1952, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia in the same manner as, and is applicable only to persons in the representative classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Type 62 shade-grown cigar-leaf tobacco covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) The handling, as defined herein, of Type 62 shade-grown cigar-leaf tobacco grown in the aforesaid States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after such publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). As soon as practicable after such effective date, it will be necessary for the Control Committee and the Secretary to initiate and complete various actions of both organizational and regulatory natures; and considerable time will be required in this regard. Further, the supervision of regulation pursuant to the provisions of this order will require early actions by the Control Committee and by the Secretary, and the time during which such actions will be concluded should be such that handlers will be able reasonably and adequately to prepare for such regulation. It is necessary that such regulation be in effect not later than the beginning of the handling season, which normally begins in June, so as to facilitate, promote, and maintain orderly marketing conditions with respect to Type 62 tobacco covered hereunder, and thereby permit the benefits of this regulatory program to be available to producers and handlers as soon as practicable. It is also desirable that such regulatory program be in effect at the time herein indicated so as to provide the maximum period of time during which growers and handlers may prepare for operations accordingly with respect to tobacco leaves primed from untopped plants or topped plants. Also, handlers would not, as a general rule, handle more than the first three primings of Type 62 tobacco prior to the latter part of June. The provisions of the order are well known to the handlers of Type 62 tobacco, since the public hearing in connection with the entire order was concluded February 13, 1952, and the recommended decision and final decision were published in the FEDERAL REGISTER on March 29, 1952 (17 F. R. 2779), and April 19, 1952 (17 F. R. 3500), respectively. All known interested parties have received copies of the regulatory provisions, and compliance with such provisions will not require advance preparation on the part of handlers which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of Type 62 tobacco grown in the designated production area of Florida and Georgia, upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Type 62 tobacco covered by this order) who during the period February 1, 1951, through January 1952, handled not less than 50 percent of the volume of Type 62 tobacco covered by this order;

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (February 1, 1951, through January 1952), were engaged, within the designated production area of Florida and Georgia, in the production for market of Type 62 tobacco; and

(3) The issuance of this order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of Type 62 tobacco represented in such referendum and produced within the designated production area of Florida and Georgia for market.

Order relative to handling. It is therefore, ordered that, on and after the effective date hereof, the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia shall be in conformity to, and in compliance with, the terms and conditions of said order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 983.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, and any other officer or employee of the United States Department of Agriculture who is, or may hereafter be, authorized to act in his stead.

§ 983.2 *Act.* "Act" means Public Act Number 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 983.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 983.4 *Tobacco.* "Tobacco" means all Type 62 shade-grown cigar-leaf tobacco, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30), that is grown in the production area and harvested after the effective date of this part.

§ 983.5 *Production area.* "Production area" means those counties bordering the Georgia-Florida State line and lying between the Suwanee River on the east and the Flint and Apalachicola Rivers on the west.

§ 983.6 *Grower; producer.* "Grower" or "producer" means any person who is engaged, in a proprietary capacity, in the commercial production of tobacco.

§ 983.7 *Handler; packer.* "Handler" or "packer" means the first person, including any grower, who handles tobacco on his own behalf or on behalf of others after harvest and farm curing (initial drying from the green state).

§ 983.8 *Handle; pack.* "Handle" or "pack" means to receive, bulk, sweat, sort, select, bale, or otherwise prepare tobacco for market, or to market tobacco.

§ 983.9 *Top.* "Top" means to remove the terminal bud and three stalk leaves from any tobacco plant by severing the stalk below the seed head prior to the time the third priming is made.

§ 983.10 *Prime.* "Prime" means to pick tobacco leaves as they ripen, beginning at the bottom of the tobacco stalk and removing a few leaves at a time.

§ 983.11 *Field.* "Field" means a field of tobacco within the confines of a single shade covering.

§ 983.12 *Fiscal period.* "Fiscal period" means the 12-month period beginning on February 1 and ending on January 31 of the following year, both dates inclusive: *Provided*, That the first fiscal period shall begin on the effective date of this part.

§ 983.13 *Control Committee; Committee.* "Control Committee" or "Committee" means the Control Committee established pursuant to § 983.20.

CONTROL COMMITTEE

§ 983.20 *Establishment and membership*—(a) *Establishment.* A Control Committee consisting of 11 members is hereby established to administer the terms and provisions of this part. For each member of the Committee there shall be an alternate member who shall have the same qualifications as the member; and, unless otherwise specified, all provisions of this part applicable to a member shall be applicable to his alternate.

(b) *Membership representation*—(1) *Growers who are not handlers.* Five members shall be growers who are not handlers; and of such members at least: One shall be a grower in, and resident of, Gadsden County, Florida; one shall be a grower in, and resident of, Madison County, Florida; one shall be a grower in, and resident of Decatur County, Georgia; and one shall be a grower in, and resident of, Grady County, Georgia. Any such member may be an officer, employee or agent of the respective grower.

(2) *Growers who are also handlers.* Four members shall be growers who are also handlers. Any such member may be an officer, employee or agent of the respective grower.

(3) *Handlers who are not growers.* Two members shall be handlers who are not growers. Any such member may be an officer, employee or agent of the respective handler.

§ 983.21 *Term of office*—(a) *Initial members.* The term of office of each initial member of the Committee shall be the first fiscal period.

(b) *Successor members.* The term of office of each successor member shall be two consecutive fiscal periods.

(c) *General.* In the event a successor to any such member has not been selected and has not qualified by the end of the term of office of the respective member, such member shall continue to serve until his successor is selected and has qualified. Each member shall commence to serve on the date on which he qualifies.

§ 983.22 *Selection of members.* The Secretary shall select the various members of the Control Committee, and their respective alternates, on the basis and in the manner prescribed in §§ 983.20 and 983.23. However, with respect to the selection of the initial members of the Committee, the Secretary may make such selection without regard to any nominations.

§ 983.23 *Nominations*—(a) *Initial members.* For the consideration of the Secretary in making the selection of initial members of the Committee, nominations for eligible members may be submitted to him not later than the effective date of this part. Nominations for the grower members who are not handlers may be submitted by growers who are not handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the grower members who are also handlers may be submitted by growers who are also handlers, or by groups, including associations, of such growers. Such nominations may be by virtue of elections conducted by groups of such growers. Nominations for the handler members who are not growers may be submitted by handlers or by groups, including associations, of such handlers. Such nominations may be by virtue of elections conducted by groups of such handlers.

(b) *Successor members.* In order to provide nominations for successor members:

(1) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are not handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are not handlers.

(2) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of growers who are also handlers for the purpose of designating nominees from among whom the Secretary may select grower members who are also handlers.

(3) The Control Committee shall hold, or cause to be held, prior to November 15 of each year, in which successor members are to be selected by the Secretary, a meeting of handlers who are not growers for the purpose of designating nominees from among whom the Secretary may select handler members who are not growers.

(4) The Control Committee shall give adequate notice of each such meeting to all growers and handlers who may be eligible to participate in the respective nominations.

(5) The Secretary may prescribe additional rules and regulations not inconsistent with the provisions of this part, relative to the election of nominees for members on the Committee. Such action may be pursuant to recommendations of the Committee.

(6) At each such meeting held to nominate members on the Control Committee, those eligible to participate therein shall elect a chairman and secretary therefor. The chairman of each such meeting shall announce the name of each person for whom a vote has been cast, and the number of votes received by each shall be recorded in the minutes. Thereafter, the minutes of such meeting, including such information, shall be transmitted to the Secretary. In obtaining nominations, all persons eligible to participate therein shall be given a reasonable opportunity to vote.

(7) Only those eligible persons who are in attendance at any such meeting may participate in the designation of, and voting for, nominees. Each such person shall be entitled to cast but one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each member position for which he is eligible to participate in the designation and voting.

(8) Nominations for members shall be supplied to the Secretary not later than December 1 of the year in which the respective meeting was held, in such manner and form as the Secretary may prescribe.

§ 983.24 *Failure to nominate.* If nominations are not supplied to the Secretary within the time and in the manner and form specified by the Secretary pursuant to § 983.23 (b), the Secretary may, without regard to nominations, select the Committee members on the basis prescribed in § 983.20.

§ 983.25 *Qualification.* Each person selected by the Secretary as a member of the Committee shall, prior to serving on the Committee, qualify by filing a written acceptance with the Secretary within 15 days after being notified of such selection.

§ 983.26 *Alternate members.* An alternate for a member of the Committee shall, in the event of the member's absence, act in the place and stead of that member; and, in the event of the member's removal, resignation, disqualification, or death, such alternate shall act in the place and stead of such member until a successor for the unexpired term of said member is selected and has qualified.

§ 983.27 *Substitutes for members.* In the event the alternate who is authorized to act in the place and stead of a member is unable, or fails, to attend a meeting of the Committee, such member may designate any other alternate for a member of the same group as that represented by the absent member to act in his place and stead, and, pending such designation, the Secretary may designate such substitute.

§ 983.28 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Committee, to file a written acceptance of appointment, or the death, removal, resignation, or disqualification of a member, a successor for his unexpired term of office shall be selected by the Secretary. Nominations may be submitted to the Secretary for his consideration in making such selection. The designation of nominees from among whom the Secretary may select a successor shall be in accordance with the provisions of this part applicable to the designation of nominees for successors to members of the Committee. In the event that such nominations are not submitted to the Secretary within 30 days after the beginning of the vacancy, the Secretary may select a successor without regard to such nomination.

§ 983.29 *Compensation.* Members of the Control Committee shall serve without compensation, but shall be reimbursed for reasonable expense necessarily incurred in the performance of their duties under this part.

§ 983.30 *Powers.* The Control Committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 983.31 *Duties.* The Control Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To select, from among its membership, a chairman and such other officers as may be necessary; to select subcommittees composed of committee members; and to adopt such rules and regulations for the conduct of its business as it deems advisable;

(c) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(d) To keep such minutes, books, and other records as will clearly reflect all of its acts and transactions and which shall be subject to examination at any time by the Secretary;

(e) To furnish to the Secretary information as to all of its activities, including a copy of the minutes of each meeting, and such other information as the Secretary may request;

(f) To cause the books and other records of the Committee to be audited by one or more competent accountants at least once each fiscal period and at such other times as the Control Committee may deem necessary or as the Secretary may request, which report shall show the receipt and expenditure of funds collected pursuant to this part and a copy of each such report shall be furnished to the Secretary;

(g) To give to the Secretary the same notice of meetings of the Control Committee as is given to the members of the Committee; and

(h) With the approval of the Secretary, to issue such regulations as may be necessary and appropriate for the carrying out of the provisions of this part.

§ 983.32 *Procedure.* (a) The Control Committee may, upon the selection and qualification of nine of its members, organize and commence to function. It may hold meetings only after due notice to its members. The Secretary may designate the time and place of the initial meeting of the Committee.

(b) A quorum shall consist of nine members, including alternate members and substitutes then serving in the place and stead of any members, in attendance at the meeting; and all decisions of the Committee shall require not less than seven concurring votes of the members who are present at such meeting.

(c) The Committee may permit voting by mail or telegraph upon due notice to all members: *Provided,* That this method of voting shall not be used at an assembled meeting to obtain votes from absent members: *Provided further,* That when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption.

EXPENSES AND ASSESSMENTS

§ 983.40 *Use of funds collected.* All funds received by the Committee, pursuant to this part shall be used only for the purposes authorized in this part.

§ 983.41 *Budget and expenses.* The Control Committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during the then current fiscal period for its maintenance and functioning. The Committee shall, not later than 30 days after the beginning of each fiscal period, prepare and submit to the Secretary a budget of its proposed expenses for such fiscal period and a proposed rate of assessment, together with a report thereon. The funds to cover such expenses shall be acquired by levying assessments upon handlers as provided in this part.

§ 983.42 *Assessments.* (a) Each handler who first handles tobacco shall, with respect to such tobacco, pay to the Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred, as aforesaid, by the Committee during the then current fiscal period. Each such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of tobacco handled by him as the first handler thereof during the applicable fiscal period and the total quantity of tobacco handled by all handlers as the first handlers thereof during the same fiscal period.

(b) In order to provide funds to carry out the functions of the Committee, handlers may make advance payments of assessments.

§ 983.43 *Rate of assessment.* (a) The Secretary shall fix the rate of assessment to be paid by such handlers; and such rate shall be fixed after consideration of the Committee's recommendations and other available information applicable thereto.

(b) The Secretary may increase the rate of assessment at any time during a fiscal period in order to secure sufficient funds to cover any later finding of the Secretary relative to the expenses of the Committee.

§ 983.44 *Refunds.* If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal period, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 983.45 *Accountability of Committee members for funds and property.* The Secretary may, at any time, require the Committee, its members, employees, agents, and all other persons to account for all receipts and disbursements for which they are responsible. Whenever any person ceases to be a member of the Control Committee, he shall account to his successor, to the Committee, or to such person as the Secretary may designate for all receipts, disbursements, funds, books and records, and other property (in his possession or under his control) pertaining to the activities of the Committee for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, the Committee, or person designated by the Secretary the right to all of such funds and property and all claims vested in such person.

§ 983.46 *Legal action for collection of assessments.* The Control Committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, legal action against any handler for the collection of such handler's pro rata share of the aforesaid expenses.

REGULATION

§ 983.50 *Marketing policy and report.* (a) At the beginning of each fiscal period the Committee shall consider, prepare, and submit to the Secretary, a proposed policy, including a report thereon, for the handling of tobacco during such period.

(b) In developing its marketing policy, the Committee shall investigate relevant supply and demand conditions for tobacco. In such investigation, the Committee shall give appropriate consideration to the following:

(1) Estimated supply of and demand for tobacco (after considering carryover, production, disappearance, and like factors);

(2) Market price of tobacco by grade and quality at the grower-level and the handler-level;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(c) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions, the Control Committee shall formulate a new or revised marketing policy in the manner heretofore indicated and shall submit such marketing policy, including a report thereon, to the Secretary.

(d) The Control Committee shall notify all growers and handlers of the contents of each such report. The Committee may also publish such report in newspapers, selected by the Committee, of general circulation in each county in which Type 62 shade-grown cigar-leaf tobacco is produced.

§ 983.51 *Recommendation for regulation.* (a) Whenever the Committee deems it advisable to limit, during any specified period or periods, the handling of tobacco pursuant to this part it shall recommend to the Secretary the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof deemed by it advisable to be handled. Such recommendation may be on the basis of the number of stalk leaves and their location on the tobacco plant, and may contain different limitations with regard to leaves that were primed from tobacco plants that had been topped and leaves that were primed from plants that had not been topped. In making such recommendation, the Committee shall give consideration to the factors referred to in § 983.50. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

(b) The Committee may recommend the modification, suspension, or termination of any regulation pursuant to this part whenever it finds that to do so will tend to effectuate the declared policy of the act. The Committee shall submit such recommendation to the Secretary, together with the information on the basis of which it made its recommendation.

(c) The Committee is not authorized to make any recommendation for any regulation that may limit or prohibit the handling of more than (1) the seven top stalk leaves immediately below the seed head of a tobacco plant that was not topped, or (2) the four top stalk leaves of a tobacco plant that was topped.

§ 983.52 *Issuance of regulation.* (a) Whenever the Secretary finds from the recommendation and information submitted by the Committee, or from other available information, that to limit the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled would tend to effectuate the declared policy of the act, he shall so limit the handling of tobacco during a specified period or periods. Each such regulation shall specify the quantity of tobacco leaves, and the grade or quality of the leaves, or either thereof, that may be handled and may be in relation to the number of stalk leaves and their location on the tobacco plant.

(b) The Secretary may modify, suspend, or terminate any regulation pursuant hereto whenever he finds, from the recommendation and information submitted by the Committee, or from other available information, that to do so will tend to effectuate the declared policy of the act.

(c) The Secretary may not issue any regulation that limits or prohibits the handling of more than (1) the seven top stalk leaves immediately below the seed-head of a tobacco plant that was not topped, or (2) the four top stalk leaves of a tobacco plant that was topped.

(d) The Secretary shall notify the Control Committee of each such regulation, modification, suspension, and termination; and the Committee shall give reasonable notice thereof to growers and handlers.

§ 983.53 *Initial regulations.* Beginning at the effective time of this part and continuing until suspended, modified, or terminated pursuant to this part, no handler shall handle (a) any of the seven top stalk leaves immediately below the seed head of any tobacco plant that was not topped or (b) any of the four top stalk leaves of a tobacco plant that was topped.

§ 983.54 *Limitations on handling.* (a) During any period or periods in which any regulation is effective pursuant to this part, no handler shall handle any leaves, of any tobacco plant, that are not stalk leaves or any tobacco the handling of which has been prohibited by the Secretary in accordance with the provisions of this part. Except to the extent otherwise permitted, no handler shall handle tobacco except in conformity with the provisions of this part.

(b) No person, whether as principal, agent, broker, legal representative, or otherwise, shall, unless specifically authorized in writing by the Control Committee, handle more than the first three primings of tobacco grown in any field of any producer unless prior to such handling the Control Committee had issued a "handling certificate" with respect to such tobacco.

§ 983.55 *Issuance of handling certificates.* (a) Each grower shall, with respect to the tobacco of each of his fields, be entitled, upon application to the Control Committee, or its representative, in such manner and form as it may with the approval of the Secretary require, to a certification of the Committee of such tobacco of the grower as may be eligible for handling. Each such certificate shall state the name of the grower and the name of the handler, and identify the field in which the certificated tobacco was grown. Notwithstanding any other provision of this part unless otherwise provided in this part, no such certificate shall be issued with respect to any tobacco the handling of which is prohibited pursuant to this part.

(b) Any grower who is dissatisfied with any determination by the Control Committee, on his application for the issuance of a handling certificate, may file a protest with the Committee: *Provided,* That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of handling certificates is unlimited and plenary; and any decision by the Secretary with respect to any handling certificate shall be final and conclusive.

§ 983.56 *Identification of tobacco handled.* The Committee may, with the approval of the Secretary, adopt requirements of identification by handlers of tobacco handled by them during such periods of time as the Committee deems necessary.

§ 983.57 *Exemption certificates.* (a) The Committee shall, subject to the approval of the Secretary, adopt the procedural rules to govern the issuance of exemption certificates.

(b) The Control Committee may issue certificates of exemption to any grower who applies for such exemption and furnishes proof, satisfactory to the Committee, that by reason of Acts of God or other conditions beyond his control and reasonable expectation he will be prevented because of any regulation pursuant to this part from handling, or having handled, as large a proportion of his production of tobacco during the then current fiscal period as the estimated average proportion of production of tobacco permitted to be handled during such fiscal period. Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production equal to the aforesaid estimated average proportion of production. The Committee shall maintain a record of all applications submitted for exemption certificates and shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of tobacco thus to be exempted, and a record of all exempted tobacco

handled. Such additional information as the Secretary may require shall be in the record of the Committee. The Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of tobacco thus exempted, and such additional information as may be requested by the Secretary.

(c) Any grower who is dissatisfied with any determination by the Control Committee on his application for the issuance of an exemption certificate may file a protest with the Committee: *Provided*, That such protest is in writing and filed promptly. The grower may submit, with the protest, such evidence and supporting data and information as he deems appropriate to substantiate his protest and enable the Committee to reconsider the matter. Any such grower who is dissatisfied with the decision of the Control Committee in regard to his protest may appeal in writing to the Secretary. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the Committee from which the appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any decision by the Secretary with respect to any exemption certificate shall be final and conclusive.

(d) The Committee shall be permitted at any time to make a thorough investigation of any grower's or handler's claim pertaining to exemptions.

MISCELLANEOUS

§ 983.60 *Books and records.* (a) Each handler and each subsidiary and affiliate thereof shall keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not being limited to, identification of the grower of the tobacco and the field in which produced, and which shall be available for examination upon request of the Secretary.

(b) Upon the request of the Committee made with the approval of the Secretary, each handler shall furnish to the Committee, in such manner and at such time as may be prescribed, such information as will enable the Committee to exercise its powers and perform its duties under this part.

§ 983.61 *Compliance.* Except as provided in this part, no handler shall handle tobacco, the handling of which is prohibited pursuant to this part and no handler shall handle tobacco except in conformity to the provisions of this part.

§ 983.62 *Right of the Secretary.* The members of the Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the Committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, determination, decision, or other act of the Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said Committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 983.63 *Amendment.* Amendments to this part may be proposed, from time to time, by the Committee or by the Secretary.

§ 983.64 *Duration of immunities.* The benefits, privileges and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under this part and during the existence of this part.

§ 983.65 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 983.66 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 983.67 *Personal liability.* No member or alternate of the Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty.

§ 983.68 *Separability.* If any provision of this part is declared invalid, or the applicability of this part to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof, to any other person, circumstance, or thing shall not be affected thereby.

§ 983.69 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached to this part and shall continue in force until terminated in any of the ways specified in this part.

§ 983.70 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part, or regulations pursuant to this part, whenever he finds that such provisions or regulations do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of growers who, during the preceding fiscal period, have been engaged in the production of tobacco for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such tobacco produced for market; but such termination shall be effective only if announced on or before January 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 983.71 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the then functioning members of the Committee shall continue as trustees (for the purpose of liquidating the affairs of the Committee) of all funds and the property then in the possession of, or under control of, the Committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the Committee or its members, pursuant to this section shall be subject to the same obligations imposed upon the members of the said Committee and upon the said trustees.

§ 983.72 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this part, or any regulation issued under this part, or (b) release or extinguish any violation of this part, or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to any such violation.

Issued at Washington, D. C., this 29th day of May 1952, to be, and become, effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 52-6092; Filed, May 29, 1952; 12:53 p. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 25]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.63, a Punta Figuras, Puerto Rico (D-409), area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
PUNTA FIGURAS (D-409) (WAC 649).	Beginning at lat. 17°58'22" N, long. 65°58'50" W; SE to lat. 17°55'55" N, long. 65°57'10" W; westerly paralleling the shoreline at a distance of 3 nautical miles to lat. 17°51'55" N, long. 66°14'10" W; clockwise along the arc of a circle with 25,000 yards radius, centered at lat. 17°57'48" N, long. 66°02'54" W to lat. 17°53'05" N, long. 66°14'50" W; ENE to lat. 17°57'23" N, long. 66°05'26" W; ENE to lat. 17°58'22" N, long. 65°58'50" W, point of beginning.	Surface to 30,000 feet.	June and July annually, daylight hours during periods of unrestricted visibility and only after issuance of NOTAMS by the Comandant, 10th Naval District, at least 48 hours prior to firing. NOTAMS also to be issued upon cessation of firing.	Commander, Antilles Area, Dept. of Army, San Juan, P. R.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6003; Filed, June 2, 1952; 8:45 a. m.]

[Amdt. 26]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Salton Sea, California, areas, published on October 6, 1951, in 16 F. R. 10204, are revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
SALTON SEA (San Diego Chart).	1. (D-300) A circular area having a radius of 3 miles, centered at lat. 33°11'00" N, long. 116°05'30" W.	Surface to 15,000 feet.	Continuous...	11th Naval District, San Diego, Calif.
	2. (D-303) Beginning at lat. 33° 20'45" N, long. 115°44'00" W; due S to lat. 33°10'40" N; due W to long. 115°49'50" W; NW to lat. 33°14'30" N, long. 115°52'30" W; NNW to lat. 33°24'15" N, long. 115°52'00" W; NE to lat. 33°27'30" N, long. 115°52'00" W; southeasterly along the shoreline to lat. 33°20'45" N, long. 115°44'00" W, point of beginning.	Surface to unlimited.	....do.....	Atomic Energy Commission, Salton Sea Test Base.

2. In § 608.52, the Carrington Island, Utah, area (D-256), published on July 16, 1949, in 14 F. R. 4296, is revised to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CARRINGTON ISLAND (D-256) (Salt Lake City Chart).	Beginning at lat. 41°03'15" N, long. 112°31'00" W; southerly to lat. 40°57'00" N, long. 112°30'00" W; due W to long. 112°50'00" W; due N to lat. 41°10'00" N; ESE to lat. 41°03'15" N, long. 112°31'00" W, point of beginning.	Surface to unlimited.	Continuous...	Headquarters, 15th Air Force.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6004; Filed, June 2, 1952; 8:45 a. m.]

[Amdt. 13]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. The footnote to § 610.5 *Minimum en route IFR altitudes along particular routes* is amended as follows:

"Bergholz intersection: The intersection of the Pittsburgh, Pa., 291° true radial and the Cleveland, Ohio, 139° true radial," is added.

"Clarksfield intersection" is substituted for "Clarksville intersection."

"Columbiana intersection: The intersection of the Youngstown, Ohio, 180° true radial and the Pittsburgh, Pa., 320° true radial," is added.

"Georgetown intersection: The intersection of the Lexington, Ky., 350° true radial and Louisville, Ky., 258° true radial," is added.

"Lake Forest intersection: The intersection of the Milwaukee, Wis., 175° true radial and the Chicago Heights, Ill., 342° true radial," is added.

"Lee intersection: The intersection of the Naperville, Ill., 278° true radial and the Janesville, Wis., 175° true radial," is added.

"Mercer intersection: The intersection of the Youngstown, Ohio, 101° true radial and the Pittsburgh, Pa., 354° true radial," is added.

"Monroeville intersection: The intersection of the Toledo, Ohio, 119° true radial and the Cleveland, Ohio, 248° true radial," is added.

"Nabb intersection: The intersection of the Louisville, Ky., 356° true radial and the Cincinnati, Ohio, 241° true radial," is added.

"Perry intersection: The intersection of the Cleveland, Ohio 065° true radial and the Youngstown, Ohio, 320° true radial," is added.

"Ravenna intersection: The intersection of the Youngstown, Ohio, 250° true radial and the Cleveland, Ohio, 116° true radial," is added.

"Richmond intersection: The intersection of the Lexington, Ky., 165° true radial and the Louisville, Ky., 112° true radial," is added.

"Sandusky intersection: The intersection of the Detroit, Mich., 141° true radial and the Toledo, Ohio, 093° true radial," is added.

"Sycamore intersection: The intersection of the Findlay, Ohio, 097° true radial and the Toledo, Ohio, 162° true radial," is added.

"Tecumseh intersection: The intersection of the Detroit, Mich., 223° true radial and the Toledo, Ohio, 322° true radial," is added.

"Tiffin Intersection: The intersection of the Findlay, Ohio, 067° true radial and the Toledo, Ohio, 162° true radial," is added.

"Union Intersection: The intersection of the South Bend, Ind., 076° true radial and the Millersburg, Ind., 343° true radial," is added.

2. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Falls (INT), Ohio.....	Youngstown, Ohio (VOR).	2,500

3. Section 610.6038 *VOR civil airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Thomaston (INT), Ind.	2,000

4. Section 610.6051 *VOR civil airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Nabb (INT), Ky.....	Int. Louisville, Ky., 356° true rad. & Indianapolis, Ind., 137° true rad.	4,800
Int. Louisville, Ky., 356° true rad. & Indianapolis, Ind., 137° true rad.	Indianapolis, Ind. (VOR).	2,300

5. Section 610.6066 *VOR civil airway No. 66* is amended to read in part:

From—	To—	Minimum altitude
San Diego, Calif. (VOR).	Seeley (INT), Calif...	9,000
Seeley (INT), Calif.*...	Yuma, Ariz. (VOR)..	4,000

*10,000'—minimum crossing altitude at Seeley (INT), west-bound.

6. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Gage, Okla. (LFR).....	Danville (INT), Kans.	3,600

7. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
New Orleans, La. (LFR).	Jackson, Miss. (LFR).	1,800

8. Section 610.108 *Amber civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Los Angeles, Calif. (VAR).	Point Dume (INT), Calif.	2,000

9. Section 610.211 *Red civil airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Angola (INT), N. Y...	Danville, N. Y. (LF/RBN).	4,000

10. Section 610.263 *Red civil airway No. 63* is amended to read in part:

From—	To—	Minimum altitude
Int. W crs. Sarnia, Ont. (LFR) & N crs. Detroit, Mich. (LFR).	Oxford (INT), Mich..	2,400
Oxford (INT), Mich....	Sarnia, Ont. (LFR)...	2,200

11. Section 610.642 *Blue civil airway No. 42* is amended to read in part:

From—	To—	Minimum altitude
Burr Oak (INT), Mich.	Battle Creek, Mich. (LFR).	2,100

12. Section 610.1001 *Direct route—Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Kansas City, Mo. (LFR).	Columbia, Mo. (LFR).	4,000

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 3, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6005; Filed, June 2, 1952; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter IV—Foreign-Trade Zones Board

PART 401—CUSTOMS PROCEDURE IN FOREIGN-TRADE ZONES IN THE UNITED STATES

Part 401—Customs Procedure in Foreign-Trade Zones in the United States has been superseded by the provisions of 19 CFR 19.29 to 19.39 inclusive. Accordingly, Part 401 is hereby deleted.

(45 Stat. 998; 64 Stat. 246; 19 U. S. C. 81a–81u)

THOMAS E. LYONS,
Executive Secretary, Foreign-Trade Zones Board.

[F. R. Doc. 52-6025; Filed, June 2, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5903; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

On February 28, 1952, notice of proposed rule making with respect to regulations under section 322 (a) (4) of the Internal Revenue Code, as added by section 206 (b) (1) and (c) of the Social Security Act Amendments of 1950, approved August 28, 1950, was published in the FEDERAL REGISTER (17 F. R. 1764). No objection to the rules proposed having been received, the amendments of Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately after § 29.35-1, as added by Treasury Decision 5325, approved January 3, 1944, the following:

§ 29.35-2 *Credit for "special refunds" of employee social security tax*—(a) *In general.* (1) In the case of an employee receiving wages from more than one employer during the calendar year, amounts may be deducted and withheld as employee social security tax under section 1400 with respect to more than $3,600 wages (for example, on $4,500 if the employee is paid $2,500 by one employer and $2,000 by another). Section 1401 (d) permits, under certain conditions, a so-called "special refund" of the amount of such employee social security tax deducted and withheld with respect to wages in excess of $3,600 by reason of the employee working for more than one employer during the calendar year.

(2) An employee who is entitled to a special refund of employee tax with respect to wages received during a calendar year commencing after December 31, 1950, and who is also required to file an income tax return for such calendar year (or for his last taxable year beginning in such calendar year) may obtain the benefits of such special refund only by claiming credit for such special refund in the same manner as if such special refund were an amount deducted and withheld as income tax at the source under subchapter D of chapter 9. The credit with respect to a special refund is not allowable unless the return, amended return, or claim for refund, on which the special refund is claimed, is filed within two years after the calendar year in which payment is made of the wages with respect to which the special refund of tax is claimed. See section 1401 (d) (3) and (4) and § 408.802 (c) of chapter (Regulations 128) pertaining to tax under the Federal Insurance Contributions Act. For special provisions for claiming special refunds in the case of employees not required to file income tax returns, see § 408.802 (c) (3) of this chapter.

(3) The amount of the special refund allowed as a credit shall be considered as an amount deducted and withheld as income tax at the source under subchapter D of chapter 9. If the amount of such special refund when added to amounts deducted and withheld as income tax under subchapter D of chapter 1 exceeds the taxes imposed by such chapter, the amount of the excess constitutes an overpayment of income tax under chapter 1, and interest on such overpayment is allowed to the extent provided under section 3771 of the Code upon an overpayment of income tax resulting from a credit for income tax withheld at source. See section 322 (a) (2) and (4).

(b) *Federal and State employees.* The provisions of this section shall apply to the amount of a special refund (under section 1401 (d) (4) (A)) allowable to an employee of a Federal agency or a wholly owned instrumentality of the United States, and to the amount of a special refund (under section 1401 (d) (4) (B)) allowable to an employee of any State or political subdivision thereof (or any instrumentality of any one or more of the foregoing).

PAR. 2. There is inserted immediately preceding § 29.322-1 the following:

SECTION 206 (B) (1) AND (C) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950 (APPROVED AUGUST 28, 1950).

* * * * *

(b) (1) Section 322 (a) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

(4) *Credit for "special refunds" of employee social security tax.* The Commissioner is authorized to prescribe, with the approval of the Secretary, regulations providing for the crediting against the tax imposed by this chapter for any taxable year of the amount determined by the taxpayer or the Commissioner to be allowable under section 1401 (d) as a special refund of tax imposed on wages received during the calendar year in which such taxable year begins. If more than one taxable year begins in such calendar year, such amount shall not be allowed under this section as a credit against the tax for any taxable year other than the last taxable year so beginning. The amount allowed as a credit under such regulations shall, for the purposes of this chapter, be considered an amount deducted and withheld at the source as tax under subchapter D of chapter 9.

* * * * *

(c) * * * the amendment made by subsection (b) (1) of this section shall be applicable only with respect to taxable years beginning after December 31, 1950, and only with respect to "special refunds" in the case of wages paid after December 31, 1950.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6036; Filed, June 2, 1952; 8:51 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5904; Regs. 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

MISCELLANEOUS AMENDMENTS

On January 31, 1952, notice of proposed rule making, regarding the estate tax provisions of the Revenue Act of 1950, approved September 23, 1950, and regarding Public Law 749 (81st Cong., 2d Sess.) was published in the FEDERAL REGISTER (17 F. R. 928). No objections to such rules having been received, the amendments set forth below, which are the amendments necessary to conform Regulations 105 to the estate tax provisions of the Revenue Act of 1950, are hereby adopted. The amendments contained herein do not include the proposed rules contained in paragraphs 8 and 9 of the notice of proposed rule making relating to section 863 (c) of the Internal Revenue Code, as added by Public Law 749 (81st Cong.), providing an exemption for certain works of art. Inasmuch as section 863 (c) was further amended by section 605 of the Revenue Act of 1951, approved October 20, 1951, it is considered that the rules regarding Public Law 749 should be incorporated in a Treasury decision to be issued to conform the Regulations to section 605.

PARAGRAPH 1. There is inserted immediately after section 8 of Pub. Law 378, 81st Cong., 1st Session (inserted by Treasury Decision 5834, approved March 8, 1951) and preceding section 302 (c) of the Revenue Act of 1926 (as originally enacted), which precedes § 81.15, the following:

SEC. 501. TRANSFERS IN CONTEMPLATION OF DEATH (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Transfers, etc., in contemplation of death.* Section 811 (relating to gross estate) is hereby amended by striking out "(1)" at the beginning of subsection (1) and inserting in lieu thereof "(m)", and by inserting after subsection (k) the following new subsection:

(l) *Contemplation of death.* If the decedent within a period of three years ending with the date of his death (except in case of a bona fide sale for an adequate and full consideration in money or money's worth) transferred an interest in property, relinquished a power, or exercised or released a power of appointment, such transfer, relinquishment, exercise, or release shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of subsections (c), (d), and (f); but no such transfer, relinquishment, exercise, or release made prior to such three-year period shall be deemed or held to have been made in contemplation of death.

(b) *Amendments of section 811 (c) and (d).* (1) Section 811 (c) (1) (A) (relating to transfers in contemplation of death) is hereby amended to read as follows:

(A) In contemplation of his death; or

(2) Section 811 (d) (relating to revocable transfers) is hereby amended by striking out paragraph (4) thereof.

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to estates of decedents dying after the date of the enactment of this Act.

PAR. 2. Section 81.16, as amended by Treasury Decision 5834 is further amended as follows:

(A) By striking the period immediately after the heading of such section and inserting in lieu thereof "—(a) *In general.*".

(B) By striking from such section the third and fourth paragraphs thereof and inserting in lieu thereof the following:

(b) *Estates of decedents dying after September 23, 1950.* In the case of a decedent dying after September 23, 1950, any transfer without an adequate and full consideration in money or money's worth made by such decedent within a period of three years ending with the date of his death is, unless shown to the contrary, deemed to have been made in contemplation of death. However, no transfer by such a decedent if made prior to such three-year period is considered to have been made in contemplation of death.

If the executor contends that the value of property transferred by the decedent within a period of three years ending with the date of his death should not be included in the gross estate because he considers that such transfer was not made in contemplation of death, he should file sworn statements with the return, in duplicate, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time, and one copy of the death certificate. However, unless requested by the Commissioner, such data need not be submitted with respect to any transfer of less than $1,000 in value.

(c) *Estates of decedents dying on or before September 23, 1950.* In the case of a decedent dying on or before September 23, 1950, any transfer without an adequate and full consideration in money or money's worth, made by the decedent within a period of two years ending with the date of his death, of a material part of his property in the nature of a final disposition or distribution thereof, is, unless shown to the contrary, deemed to have been made in contemplation of death.

If the executor contends that the value of a transfer of $5,000 or more made by the decedent should not be included in the gross estate because he considers that such transfer was not made in contemplation of death, he should file sworn statements with the return, in duplicate, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time, and one copy of the death certificate.

(C) By inserting as a heading to the last paragraph of such section (which paragraph begins: "Section 8 of Public Law 378") the following:

(d) *Relinquishments of life estates and other interests in income.* * * *

PAR. 3. Section 81.21, as amended by Treasury Decision 5834 is further amended as follows:

(A) By adding after "If" in the sentence beginning "If the relinquishment be not admitted" the following: "the

decedent died on or before September 23, 1950, and if".

(B) By adding immediately after the sentence amended by (A) the following: "If the decedent died after September 23, 1950, the relinquishment, if made within a period of three years ending with the date of his death, is, unless shown to the contrary, deemed to have been made in contemplation of death. However, no relinquishment by a decedent made prior to such three-year period is considered to have been made in contemplation of death."

PAR. 4. There is inserted immediately preceding § 81.25 the following:

SEC. 503. REVERSIONARY INTERESTS IN CASE OF LIFE INSURANCE (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 404 (c) of Revenue Act of 1942.* Effective with respect to estates of decedents dying after October 21, 1942, section 404 (c) of the Revenue Act of 1942 is hereby amended by adding at the end thereof the following: "For the purposes of the preceding sentence, the term 'incident of ownership' includes a reversionary interest only if (1) at some time after January 10, 1941, the value of such reversionary interest exceeded 5 per centum of the value of the policy, and (2) the reversionary interest arose by the express terms of the policy or other instrument and not by operation of law. As used in this subsection, the term 'reversionary interest' includes a possibility that the policy, or the proceeds of the policy, (A) may return to the decedent or his estate, or (B) may be subject to a power of disposition by him. The value of a reversionary interest at any time shall be determined (without regard to the fact of the decedent's death) by usual methods of valuation, including the use of tables of mortality and actuarial principles, pursuant to regulations prescribed by the Secretary. In determining the value of a possibility that the policy or proceeds thereof may be subject to a power of disposition by the decedent, such possibility shall be valued as if it were a possibility that such policy or proceeds may return to the decedent or his estate."

(b) *No interest on refunds.* No interest shall be allowed or paid on any overpayment resulting from the application of subsection (a) with respect to any payment made prior to the date of the enactment of this act.

PAR. 5. Section 81.27, as amended by Treasury Decision 5699, approved May 13, 1949, is further amended by striking therefrom the last sentence of the sixth paragraph of (a) (which sentence ends "incident of ownership.") and inserting in lieu thereof the following: "For the purpose of the preceding sentence, a reversionary interest constitutes an incident of ownership if (1) at some time after January 10, 1941, the reversionary interest exceeded five percent of the value of the policy, and (2) the reversionary interest arose by the express terms of the policy or other instrument and not by operation of law. The term 'reversionary interest' includes a possibility that the policy, or the proceeds of the policy, may return to the decedent or his estate and a possibility that such policy, or the proceeds of such policy, may be subject to a power of disposition by him. The determination of whether the decedent has retained a reversionary interest arising by the express terms of the policy or other instrument and the determination of whether the value of such interest exceeds five percent of the value of the policy shall be made in accordance with the principles of § 81.17 (c), as added by Treasury Decision 5834, approved March 8, 1951."

PAR. 6. There is inserted immediately preceding § 81.29 the following:

SEC. 502. REPEAL OF DEDUCTION FOR SUPPORT OF DEPENDENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950.)

Effective with respect to estates of decedents dying after the date of the enactment of this Act, section 812 (b) (relating to deductions for expenses, etc.) is hereby amended—

(a) By inserting the word "and" at the end of paragraph (3) thereof;

(b) By striking out of paragraph (4) thereof the following: "and";

(c) By striking out paragraph (5) thereof; and

(d) By striking out "(3), (4), and (5) exceed" and inserting in lieu thereof "(3), and (4) exceed".

PAR. 7. Section 81.40 is amended by changing that part of the first sentence thereof which precedes the colon to read as follows: "The support of dependents of the decedent during the settlement of the estate is deductible only in the case of estates of decedents dying on or before September 23, 1950, and only pursuant to the following rules."

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6037; Filed, June 2, 1952; 8:51 a. m.]

[T. D. 5902; Regs. 108]

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

MISCELLANEOUS AMENDMENTS

On January 3, 1952, notice of proposed rule making with respect to the valuation of certain classes of property for purposes of the gift tax was published in the FEDERAL REGISTER (17 F. R. 84). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 108 set forth below are hereby adopted.

PARAGRAPH 1. Section 86.2 (a), as amended by Treasury Decision 5698, approved May 13, 1949, is further amended by striking from the example numbered (7) the words "such property valued as provided in § 86.19 (g)." and inserting in lieu thereof the following: "the value of such property less the value of his retained interest therein, valued in accordance with the provisions of § 86.19 (f) or § 86.19 (g), whichever is applicable."

PAR. 2. Section 86.11 is amended by changing the last sentence thereof to read as follows: "For the valuation of future interests, see § 86.19 (f) or 86.19 (g), whichever is applicable.

PAR. 3. Section 86.13 is amended by changing the last sentence of the last paragraph thereof to read as follows: "To determine the value of such remainder as of the date of gift, the value of the property transferred should be multiplied by the appropriate factor from column 3 of Table I or Table II of § 86.19 (or from Table A or Table B, if applicable)."

PAR. 4. Section 86.16a (c), added by Treasury Decision 5698, is amended to read as follows:

(c) *Remainder interests.* Where the income from property is made payable to the donor or another individual for life, or for a term of years, with remainder absolutely to the donor's spouse or to her estate, the marital deduction is equal to one-half the present value of the remainder. It should be noted, however, that where such remainder is distributable to the estate of the donor's spouse (or to her executors or administrators) in the event of her death prior to the termination of a trust or of a precedent interest, the marital deduction is allowable only if under such circumstances the remainder interest would be includible in her gross estate under section 811 (a). The present value of the remainder (that is, its value as of the date of gift) is to be determined in accordance with the rules stated in § 86.19 (f) (or § 86.19 (g), if applicable). For example, in a case to which § 86.19 (f) is applicable, if the donor's spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $14,466. (See example in § 86.19 (f) (4)). If the remainder is such that its value is to be determined by a special computation (see § 86.19 (f) (5)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made, in accordance with the principles set forth in § 86.19 (f) (or § 86.19 (g), if applicable), by one skilled in actuarial computations.

PAR. 5. Section 86.19 is amended as follows:

(A) By changing paragraph (f) thereof to read as follows:

(f) *Annuities, life estates, remainders, and reversions; gifts made after December 31, 1951*—(1) *In general.* Annuities purchased from life insurance companies, or other companies regularly engaged in issuing annuity contracts, and life insurance policies are to be valued as explained in paragraph (i) of this section. Except with respect to the afore-mentioned annuity contracts and insurance policies, the values of annuities, life estates, remainders, and reversions are to be computed by the methods hereinafter prescribed in this paragraph. Where the donor transfers property in trust or otherwise and retains an interest therein, the value of the gift is the value of the property transferred less the value of the donor's retained interest. Where the donor assigns or relinquishes an annuity, life estate, remainder, or reversion which he holds by virtue of a transfer previously made by himself or another, the value of the gift is the value of the interest transferred. In either case the present worth of the interest to be valued is to be computed with the use of Table I or Table II of this paragraph if it is dependent upon the continuation of, or termination of the life of one person or upon a term-certain. If such interest is dependent upon more than one life or there is a term-certain concurrent with one or more lives, see subparagraph (5) of this paragraph. For the purpose of the computation the age of a person is to be taken as the age of that person at his nearest birthday.

(2) *Annuities*—(i) *Payable annually at end of year.* If the annuity is payable annually at the end of each year during the life of an individual, the amount payable annually should be multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity, or if payable for a definite number of years the amount payable annually should be multiplied by the figure in column 2 of Table II opposite the number of years in column 1.

Example (1). The donor assigns an annuity of $10,000 a year payable annually during his life immediately after an annual payment has been made. The age of the donor on the date of assignment is 40 years and 8 months. By reference to Table I, it is found that the figure in column 2 opposite 41 years, the number nearest to the donor's age, is 17.6853. The value of the gift is, therefore, $176,853 ($10,000 multiplied by 17.6853).

Example (2). The donor was entitled to receive an annuity of $10,000 a year payable at the end of annual periods throughout a term of 20 years; the donor, when 15 years have elapsed, makes a gift thereof to his son. By reference to Table II, it is found that the figure in column 2 opposite 5 years, the unexpired portion of the 20-year period, is 4.5151. The present worth of the annuity is, therefore, $45,151 ($10,000 multiplied by 4.5151).

(ii) *Payable at end of semiannual, quarterly, monthly, or weekly periods.* If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods, the value should be determined by multiplying the aggregate amount to be paid within a year by the figure in column 2 of Table I opposite the number of years in column 1 nearest the actual age of the person whose life measures the annuity, or the figure in column 2 of Table II opposite the number of years the annuity is payable, as the case may be, and then multiplying the product by 1.0171 for weekly payments, by 1.0159 for monthly payments, by 1.0130 for quarterly payments, or by 1.0087 for semiannual payments.

Example. If, in example (1) given above under subdivision (i) the annuity is payable semiannually, the aggregate annual amount, $10,000, should be multiplied by the factor 17.6853, and the product multiplied by 1.0087. The value of the gift is, therefore, $178,391.62 ($10,000 × 17.6853 × 1.0087).

(iii) *Payable at beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (a) If the first payment of an annuity for the life of an individual is to be paid at once, the value of the annuity is the sum of the first payment plus the present worth of a similar annuity, the first payment of which is not to be made until the end of the first period.

Example. The donee is made the beneficiary for life of an annuity of $50 a month from the income of a trust, subject to the right reserved by the donor to cause the annuity to be paid for his own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes his reserved power. The donee is then 50 years of age. The value of the gift is $50 plus the product of $50 × 12 × 14.8486 (see Table I) × 1.0159, or $9,100.82.

(b) If the first payment of an annuity for a definite number of years is to be paid at once, the applicable factor is the product of the factor shown in Table II multiplied by 1.0177 for weekly payments, by 1.0169 for monthly payments, by 1.0218 for quarterly payments, by 1.0262 for semiannual payments, or by 1.0350 for annual payments.

Example. The donee is the beneficiary of an annuity of $50 a month subject to a reserved right in the donor to cause the annuity or the cash value thereof to be paid for his own benefit or the benefit of another. On the day a payment is due, the donor relinquishes the power. There are 300 payments to be made covering a period of 25 years, including the payment due. The value of the gift is the product of $50 × 12 × 16.4815 (factor for 25 years, Table II) × 1.0189, or $10,075.80.

(3) *Life estates and terms for years.* If the interest to be valued consists of the right of a person for his life, or for the life of another person, or for a term of years, either to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property less the present worth of the remainder, computed as shown below under subparagraph (4) of this paragraph.

Example. The donor, who is entitled to receive the income from property worth $50,000 during his life, makes a gift of such interest. The donor is 31 years old on the date of gift. The value of the gift is $50,000 less $14,466 (computed as shown in the example under subparagraph (4) of this paragraph), or $35,534.

(4) *Remainders or reversionary interests.* If the interest to be valued is a remainder or reversionary interest subject to a life estate, the value of the interest should be obtained by multiplying the value of the property at the date of the gift by the figure in column 3 of Table I opposite the number of years nearest the age of the life tenant. In case the remainder or reversion is to take effect at the end of a term of years, Table II should be used.

Example. The donor transfers by gift property worth $50,000 which he is entitled to receive upon the death of his brother, to whom the income for life has been bequeathed. The brother at the date of gift is 31 years of age. By reference to Table I, it is found that the figure in column 3 opposite 31 years is 0.28932. The value of the gift is, therefore, $14,466 ($50,000 × 0.28932).

(5) *Actuarial calculations by Bureau.* If the interest to be valued is dependent upon the continuation of, or termination of more than one life, or there is a term-certain concurrent with one or more lives, or if the retained interest of the donor is conditioned upon survivorship, a special factor is necessary. Such factor is to be computed upon the basis of the Makehamized mortality table appearing as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of the Census, and interest at the rate of 3½ percent a year, compounded annually. Many such factors may be found in, or readily computed with the use of the tables contained in a pamphlet entitled "Actuarial Values for Estate and Gift Tax," which may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.; or a case requiring a special factor (provided the gift is completed and not merely proposed or hypothetical) may be stated to the Commissioner who will furnish such factor. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

TABLE I—TABLE, SINGLE LIFE, 3½ PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OR A LIFE INTEREST, AND OF A REMAINDER INTEREST

1 Age	2 Annuity	3 Remainder	1 Age	2 Annuity	3 Remainder
0	28.9585	0.16110	53	13.8221	0.51023
1	24.9035	.12858	54	13.4744	.52843
2	24.8029	.12878	55	13.1238	.54674
3	24.7046	.13114	56	12.7679	.56512
4	24.7078	.13418	57	12.4120	.58358
5	24.6992	.13763	58	12.0540	.60209
6	24.5926	.14136	59	11.6960	.62064
7	24.4185	.14534	60	11.3369	.63921
8	24.2082	.14956	61	10.9776	.65778
9	24.1713	.15400	62	10.6186	.67635
10	24.0587	.15865	63	10.2601	.69489
11	23.9908	.16347	64	9.9036	.71337
12	23.7600	.16840	65	9.5486	.73180
13	23.6161	.17344	66	9.1960	.75014
14	23.4663	.17857	67	8.8464	.76838
15	23.3194	.18382	68	8.5001	.78650
16	23.1665	.18917	69	8.1578	.80448
17	23.0103	.19464	70	7.8200	.82230
18	22.8511	.20021	71	7.4871	.83995
19	22.6870	.20596	72	7.1597	.85741
20	22.5179	.21187	73	6.8382	.87466
21	22.3438	.21797	74	6.5231	.89169
22	22.1646	.22424	75	6.2148	.90848
23	21.9801	.23070	76	5.9137	.92502
24	21.7902	.23734	77	5.6201	.94130
25	21.5950	.24418	78	5.3345	.95729
26	21.3942	.25120	79	5.0572	.97300
27	21.1878	.25843	80	4.7884	.98841
28	20.9756	.26584	81	4.5283	.84151
29	20.7581	.27347	82	4.2771	.85490
30	20.5345	.28129	83	4.0351	.86857
31	20.3042	.28932	84	3.8023	.88252
32	20.0669	.29755	85	3.5789	.87674
33	19.8288	.30599	86	3.3648	.89123
34	19.5816	.31464	87	3.1601	.90600
35	19.3285	.32350	88	2.9648	.92103
36	19.0695	.33257	89	2.7788	.93634
37	18.8044	.34185	90	2.6019	.95193
38	18.5334	.35135	91	2.4342	.91480
39	18.2566	.36102	92	2.2764	.92696
40	17.9738	.37092	93	2.1251	.93941
41	17.6853	.38101	94	1.9830	.95206
42	17.3911	.39131	95	1.8507	.96523
43	17.0913	.40180	96	1.7256	.97860
44	16.7860	.41249	97	1.6082	.99171
45	16.4754	.42336	98	1.4982	.94766
46	16.1596	.43441	99	1.3949	.96118
47	15.8388	.44564	100	1.2978	.97469
48	15.5133	.45703	101	1.2093	.98788
49	15.1831	.46859	102	1.1078	.90123
50	14.8486	.48030	103	.9673	.94099
51	14.5101	.49215	104	.8318	.97189
52	14.1678	.50413	105	.4831	.98909

TABLE II—TABLE SHOWING THE PRESENT WORTH AT 3½ PERCENT OF AN ANNUITY FOR A TERM-CERTAIN AND OF A REMAINDER INTEREST POSTPONED FOR A TERM-CERTAIN

1 Number of years	2 Annuity	3 Remainder	1 Number of years	2 Annuity	3 Remainder
1	0.9662	0.966184	16	12.0941	0.576706
2	1.8997	.935511	17	12.6513	.557204
3	2.8016	.901943	18	13.1897	.538361
4	3.6731	.871442	19	13.7098	.520156
5	4.5151	.841973	20	14.2124	.502566
6	5.3286	.813501	21	14.6980	.485571
7	6.1145	.785991	22	15.1671	.469151
8	6.8740	.759412	23	15.6204	.453286
9	7.6077	.733731	24	16.0584	.437957
10	8.3166	.708919	25	16.4815	.423147
11	9.0016	.684946	26	16.8904	.408838
12	9.6633	.661783	27	17.2854	.395012
13	10.3027	.639404	28	17.6670	.381654
14	10.9205	.617782	29	18.0358	.368748
15	11.5174	.596891	30	18.3920	.356278

(B) By amending paragraph (g) thereof to read as follows:

(g) *Annuities, life estates, remainders, and reversions; gifts made prior to January 1, 1952.* In the case of gifts made prior to January 1, 1952, the general principles and methods prescribed in paragraph (f) of this section (with one exception set forth in the next paragraph) are to be followed but the present worth of the interest to be valued is to be computed with the use of Table A or Table B (which appear at the end of this section) and if neither table is applicable the computation is to be made upon the basis of the Actuaries' or Combined Experience Table of Mortality, as extended, and interest at the rate of 4 percent a year, compounded annually. In the computation of the value of annuities the factors 1.01820 for monthly payments, 1.01488 for quarterly payments, and 1.00990 for semiannual payments are to be substituted for the factors appearing in paragraph (f) (2) (ii) of this section; and the factors 1.02154 for monthly payments, 1.02488 for quarterly payments, 1.02990 for semiannual payments, and 1.04 for annual payments are to be substituted for the factors appearing in paragraph (f) (2) (iii) of this section.

The present worth of a life estate or term for years in specific property is to be obtained by multiplying the appropriate factor from column 2 of Table A or Table B by 0.04 and multiplying the product by the value of the property. A provision for the payment of income in semiannual, quarterly, or monthly installments does not affect the value of the life interest.

(C) By striking from paragraph (h) thereof the last sentence of the first paragraph and the second paragraph and inserting in lieu thereof the following:

* * * The value of each of such interests is to be computed upon the basis prescribed in paragraph (f) or (g) of this section, whichever is applicable.

A case of this character (provided the gift is completed and not merely proposed or hypothetical) may be submitted to the Commissioner, who will advise the donor of the applicable factor.

(53 Stat. 157, 467; 26 U. S. C. 1029, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6035; Filed, June 2, 1952; 8:51 a. m.]

TITLE 29—LABOR

Chapter I—National Labor Relations Board

PART 101—STATEMENT OF PROCEDURE

PART 102—RULES AND REGULATIONS, SERIES 6

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 499, 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following amendments to its rules and regulations, Series 6, and statements of procedure, which it finds necessary to carry out the provisions of said act. National Labor Relations Board rules and regulations, Series 6, as amended, and statements of procedure as hereby amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D. C., May 29, 1952.

By direction of the Board.

LOUIS R. BECKER,
Executive Secretary.

PART 101—STATEMENT OF PROCEDURE

Statement of procedure[1] of the National Labor Relations Board, Series 6, is hereby amended, effective June 3, 1952, as follows:

1. In the fifth sentence, first paragraph of § 101.10, strike the word "Board" and insert the words "General Counsel."

2. In § 101.13 (b), strike the first two sentences and insert the following as the first sentence of this paragraph: "If the respondent effects full compliance with the terms of the order, the Regional Director submits a report to that effect to Washington, D. C., after which the case may be closed."

3. In § 101.16, following the word "the" following the comma in the seventh sentence, strike the word "petition" and insert the word "petitioner."

4. Sections 101.26, 101.27 and 101.28 of Subpart D having been deleted,[2] §§ 101.29 through 101.36 are renumbered §§ 101.26 through 101.33 by subtracting 3 from each section number. Thus, as renumbered, § 101.29 becomes § 101.26, § 101.30 becomes § 101.27, etc.

(Sec. 101, 61 Stat. 140; 29 U. S. C. Sup. 156)

PART 102—RULES AND REGULATIONS

The rules and regulations of the National Labor Relations Board, Series 6, as amended,[3] are hereby further amended. The amendments are effective June 3, 1952.

1. In the last sentence of § 102.42 *Filing of briefs and proposed findings with the trial examiner and oral argument at the hearing* strike the period, insert a comma and add the words "and copies shall be served upon each of the other parties, and proof of such service shall be furnished."

2. Section 102.44 is amended to read as follows:

§ 102.44 *Misconduct at hearing before a trial examiner or the Board; refusal of witness to answer questions.* (a) Misconduct at any hearing before a trial examiner or before the Board shall be ground for summary exclusion from the hearing.

(b) Such misconduct of an aggravated character, when engaged in by an attorney or other representative of a party, shall be ground for suspension or disbarment by the Board from further practice before it after due notice and hearing.

(c) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the trial examiner, be ground for striking all testimony previously given by such witness on related matters.

3. In paragraph (c) (7) of § 102.53 *Contents of petition for certification; contents of petition for decertification* insert a period after the word "unit" and strike the words "and the number who have designated the petitioner to act for them."

4. Section 102.58 (d), is amended to read as follows:

(d) (1) Misconduct at any hearing before a hearing officer or before the Board shall be ground for summary exclusion from the hearing.

(2) Such misconduct of an aggravated character, when engaged in by an attorney or other representative of a party, shall be ground for suspension or disbarment by the Board from further practice before it after due notice and hearing.

(3) The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matters.

5. Sections 102.71, 102.72, and 107.73 under Subpart D having been deleted,[4] §§ 102.74 through 102.97 are renumbered by subtracting 3 from each section number. As renumbered, §§ 102.74 through 102.97 become §§ 102.71 through 102.94. Thus as amended, § 102.74 becomes § 102.71; § 102.75 becomes § 102.72, etc.

6. In the first line of § 102.82, renumbered § 102.79, § 102.80 is renumbered § 102.77.

7. In § 102.85, renumbered § 102.82, in the first sentence after the comma following the word "mail" and before the word "is" strike the word "as" and insert the word "or;" also in the second sentence "§ 102.86" is renumbered "§ 102.83." In the second paragraph, first sentence "§§ 102.83" is renumbered "§§ 102.80" and "102.84" is renumbered "102.81."

(Sec. 101, 61 Stat. 140; 29 U. S. C. Sup. 156)

[F. R. Doc. 52-6091; Filed, June 2, 1952; 8:51 a. m.]

[1] This amends statement of procedure effective August 22, 1947, which appeared at 12 F. R. 5651 and amendments effective August 21, 1948, appearing in 13 F. R. 4871, amendments effective January 1, 1950, appearing in 14 F. R. 7250, and amendments effective March 1, 1951, which appeared at 16 F. R. 1934, and amendments appearing at 16 F. R. 11636. Redesignation noted at 14 F. R. 78.

[2] Effective October 23, 1951, 16 F. R. 11636.

[3] This amends rules and regulations, Series 6, effective March 1, 1951, which appeared at 16 F. R. 1934 and amendments which appeared at 16 F. R. 11636.

[4] Effective October 23, 1951, 16 F. R. 11636.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 740—NAVY DEPARTMENT BOARD OF CONTRACT APPEALS; RULES

REVOCATION

1. The following part of Subchapter D is hereby revoked:

Part 740—Navy Department Board of Contract Appeals; Rules.

(R. S. 161; 5 U. S. C. 22)

DAN A. KIMBALL,
Secretary of the Navy.

MAY 26, 1952.

[F. R. Doc. 52-6006; Filed, June 2, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amdt. 15]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects certain clerical errors and certain incorrect classifications of commodities within Table A and Table B.

In view of the nature of this amendment the Director did not consider it practicable to consult with industry representatives or trade association representatives. In his judgment the provisions of the amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950 as amended.

So far as practicable, the Director of Price Stabilization gave due consideration of the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. Section 35 is amended by adding paragraph (k) to read as follows:

(k) *Canned.* "Canned" means processed and packaged in any container, whether or not hermetically sealed.

2. Section 37, paragraph (d) (4) is revised to read as follows:

(4) "Coffee". Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packaged in bags, each containing only the amount necessary to make one ordinary cup of coffee.

3. Section 37, paragraph (b) (8) is amended by deleting the word "clams".

4. Section 37, paragraph (c) (8) is revised to read as follows:

(8) "Fish Processed". Excluded are: Canned clams (except canned Maine whole soft shell clams) and kippered, marinated, dried or smoked fish and seafood (except sardines).

5. Section 37, paragraph (d) (8) is amended by adding after the words "Excluded are" the words "Canned Maine whole soft shell clams, frozen fish and seafood."

6. Section 37, paragraph (c) (10) is amended by deleting the words "frozen fish and seafood."

7. Section 37, paragraph (d) (10) is revised to read as follows:

(10) "Frozen foods." Excluded are: Frozen hollandaise sauce and frozen fish and seafood.

8. Section 37, paragraph (b) (12) is amended by deleting the words "'Canned' means processed and packaged in any container whether or not hermetically sealed."

9. Section 37, paragraph (b) (19) is amended by adding after the word "tamales" the word "enchiladas."

10. Section 37, paragraph (b) (32) is amended by deleting the words, "'Canned' means processed and packaged in any container whether or not hermetically sealed."

11. Section 37, paragraph (d) (32) is amended by adding after the words "consumer size containers" the words "and canned artichoke products."

12. Section 37, paragraph (b) (33) is amended by deleting the words "'Canned' means processed and packaged in any container whether or not hermetically sealed."

13. Section 37, paragraph (b) (36) is amended by deleting the words "Tom and Jerry batter (bottled)" and the words "Popcorn, not popped."

14. Section 37, paragraph (b) (36) is amended by adding after the words "Date products" the words "Enchiladas (tins, jars, paper or corn wrapped)."

15. Section 37, paragraph (c) (36) is amended by adding after the word "Eggs" the words "Egg-nog (non-alcoholic) bottled," by adding after the words "Tamales, bulk" the words "Tom and Jerry batter (bottled)", by deleting the words "Popcorn, popped," and changing the words "Fruit cake" to read "Fruit cake, except holiday fruit cake."

16. Section 37, paragraph (c) (36) is amended by deleting the words "Frozen fish and seafood."

17. Section 37, paragraph (c) (36) is amended by adding after the word "Wine" the word "Yogurt".

18. Section 37, paragraph (d) (36) is revised to read as follows:

(36) "Miscellaneous foods." Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, olive oil, popcorn (popped or not), holiday fruit cake and fresh fruits and vegetables (except white flesh potatoes).

19. Section 38, paragraph (d) (3) is revised to read as follows:

(3) "Potatoes, white." Excluded are: None.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup 2154)

Effective date. This amendment shall become effective June 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6143; Filed, June 2, 1952; 10:47 a. m.]

[Ceiling Price Regulation 16, Amdt. 15]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment corrects certain clerical errors and certain incorrect classifications of commodities within Table A and Table B.

In view of the nature of this Amendment the Director did not consider it practicable to consult with industry representatives or trade association representatives. In his judgment the provisions of the amendment are generally fair and equitable and are necessary

to effectuate the purposes of the Defense Production Act of 1950 as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended in the following respects:

1. Section 30 is amended by adding paragraph (k) to read as follows:

(k) *Canned.* "Canned" means processed and packaged in any container, whether or not hermetically sealed.

2. Section 32, paragraph (d) (4) is revised to read as follows:

(4) "Coffee." Excluded are: Imported coffee if imported in consumer size containers (2 pounds or less) and coffee packed in bags, each containing only the amount necessary to make one ordinary cup of coffee.

3. Section 32, paragraph (b) (8) is amended by deleting the word "clams."

4. Section 32, paragraph (c) (8) is revised to read as follows:

(8) "Fish Processed." Excluded are: Canned clams (except canned Maine whole soft shell clams) and kippered, marinated, dried or smoked fish and seafood (except sardines).

5. Section 32, paragraph (d) (8) is amended by adding after the words "Excluded are" the words "Canned Maine whole soft shell clams, frozen fish and seafood."

6. Section 32, paragraph (c) (10) is amended by deleting the words "frozen fish and seafood."

7. Section 32, paragraph (d) (10) is revised to read as follows:

(10) "Frozen foods." Excluded are: Frozen hollandaise sauce and frozen fish and seafood.

8. Section 32, paragraph (b) (12) is amended by deleting the words: "'Canned' means processed and packaged in any container, whether or not hermetically sealed".

9. Section 32, paragraph (b) (19) is amended by adding after the word "tamales" the word "enchiladas."

10. Section 32, paragraph (b) (32) is amended by deleting the words: "'Canned' means processed and packaged in any container whether or not hermetically sealed."

11. Section 32, paragraph (d) (32) is amended by adding after the words "consumer size containers" the words "and canned artichoke products."

12. Section 32, paragraph (b) (33) is amended by deleting the words: "'Canned' means processed and packaged in any container whether or not hermetically sealed."

13. Section 32, paragraph (b) (36) is amended by adding after the words "Date products" the words "Enchiladas (tins, jars, paper or corn wrapped),"

14. Section 32, paragraph (b) (36) is amended by deleting the words "Tom and Jerry batter (bottled)" and the words "Popcorn, not popped."

15. Section 32, paragraph (c) (36) is amended by adding after the word "Eggs" the words "Egg-nog (non-alcoholic) bottled", by adding after the words "tamales, bulk" the words "Tom and Jerry batter (bottled)" by deleting the words "Popcorn, popped" and changing the words "Fruit cake" to read "Fruit cake, except holiday fruit cake."

16. Section 32, paragraph (c) (36) is amended by deleting the words "Frozen fish and seafood".

17. Section 32, paragraph (c) (36) is amended by adding after the word "Wine" the word "Yogurt".

18. Section 32, paragraph (d) (36) is revised to read as follows:

(36) "Miscellaneous foods." Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, olive oil, popcorn (popped or not), holiday fruit cake, and fresh fruits and vegetables (except white flesh potatoes).

19. Section 33, paragraph (d) (3) is revised to read as follows:

(3) "Potatoes, White." Excluded are: None.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6144; Filed, June 2, 1952; 10:47 a. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 14]

CPR 34—SERVICES

SR 14—MARINE TERMINAL COMPANIES OPERATING UNDER JOINT AGREEMENTS PURSUANT TO THE PROVISIONS OF SECTION 15 OF THE SHIPPING ACT OF 1916, AS AMENDED

CERTAIN PRIVATE MARINE TERMINAL SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 14 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 14 to Ceiling Price Regulation 34 provides a means for establishing or adjusting on a group basis the rates and charges of marine terminals operating under agreements approved by the Federal Maritime Board under section 15 of the Shipping Act of 1916, if such agreements require all of the signatories thereto to maintain uniform rates and charges.

Since the issuance of SR 14 the rates of publicly owned marine terminals, some of which are parties to such agreements, have been exempt from price control by Amendment 9 to General Overriding Regulation 14. In addition, it has come to the attention of the Director that some privately owned terminals which are parties to such agreements are appropriately to be classified as public utilities exempt from price control under section 402 (c) (v) of the Defense Production Act.

In at least one instance publicly owned terminals, privately owned terminals exempt from price control as public utilities, and privately owned terminals covered by SR 14 are all parties to a single agreement approved by the Maritime Board which requires the maintenance of uniform rates. Such circumstances were not contemplated when OPS issued SR 14, which is designed to permit, within the standards of CPR 34, the maintenance of uniformity in rates by parties to such agreements. SR 14 provides for a filing for adjustment on behalf of all of the signatories to a section 15 agreement, not for a filing by only some of them.

The rates of marine terminals which are public utilities and the rates of publicly owned marine terminals have been exempt from price control by the Congress and by OPS because they have been deemed not to be a source of serious inflationary dangers. Since all of the parties to a section 15 agreement requiring uniform rates compete in the same general area under substantially the same conditions and the agreement itself must be given legal sanction by the Maritime Board, it is the view of the Director that, consistently with the maintenance of effective price control, the ceiling rates of terminals controlled by OPS can be permitted to be adjusted to conform to the rates established by the publicly owned and privately owned but publicly regulated terminals where agreements such as that described above so require. This amendment permits terminals subject to CPR 34 and SR 14 to adjust their rates accordingly.

In the formulation of this amendment there has been extensive consultation with industry representatives, including representatives of terminal associations, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 34, Supplementary Regulation 14, is amended in the following respect: Section 4 is amended by adding at the end thereof the following:

(c) *In-line adjustments.* (1) If any marine terminal companies subject to this regulation have entered into an agreement with publicly owned marine terminals, as defined in paragraph 89 of section 3 (a) of General Overriding Regulation 14, or with marine terminals classified as public utilities under section 402 (c) (v) of the Defense Production Act, as amended, which agreement requires all of the signatories thereto to maintain uniform rates and charges and has been approved by the Federal Maritime Board under section 15 of the Shipping Act of 1916, as amended, adjustments may be made in their ceiling rates and charges to conform to their obligations under that agreement.

(2) Adjustments under this paragraph may be had by filing with the Transportation, Public Utilities and Fuels Division, OPS, Washington 25, D. C., a statement specifying the terminal companies whose rates and charges are proposed to be adjusted, the rates and charges to be adjusted, the adjustments to be made, and that such adjustments are necessary to conform to an agreement approved by the Maritime Board requiring the maintenance of uniform rates and charges, accompanied by or referring to the applicable agreement. The adjusted rates and charges shall become lawful ceiling rates and charges upon the receipt by OPS of such filing and shall continue to be such unless modified by an order of OPS. Filings may be made by one of the marine terminal companies seeking an adjustment under this paragraph on behalf of all the marine terminal companies seeking such adjustments or by any agent authorized to act for all such marine terminal companies.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 14 to Ceiling Price Regulation 34, is effective June 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6147; Filed, June 2, 1952; 10:49 a. m.]

[Ceiling Price Regulation 50, Amdt. 1]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

AMENDMENT OF CEILING PRICES FOR KEROSENE SOLD IN ST. JOHN

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to CPR 50 increases the retail ceiling prices established for kerosene sold on the island of St. John, in order to compensate sellers for increased trucking and ocean transportation costs. Retail prices for this commodity in St. Thomas and St. Croix are not affected by the amendment.

Normal docking and unloading facilities for boats plying between St. Thomas, St. John, and neighboring British and French islands have been disrupted due to improvements being made to the waterfront in St. Thomas. As a consequence, boats are obliged to dock well beyond the city limits. This shift in normal operations has resulted in increased truckage cost due to the length of the haul.

In addition, the Municipality of St. Thomas and St. John, by local ordinance, recently compelled the storage of gasoline and kerosene outside city limits as a safety measure. This action also has caused a further increase in the cost of transportation for kerosene due to fact that the distance from the source of supply to the loading pier has been greatly increased. Moreover, there has been an advance in the cost of ocean transportation to St. John due to a shift from the former use of sailboats to that of motor-propelled vessels for hauling cargo. The increase in transportation costs has seriously impaired the customary percentage margin enjoyed by St. John retailers of kerosene. This amendment, therefore, increases ceiling prices an average of 8½ percent over the previously established ceiling prices for St. John, and permits the retailers the same margin they received in the period May 24 to June 24, 1950.

In view of the nature of this action, consultation with the industry including trade association representatives was neither necessary nor practical. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 11 of Ceiling Price Regulation 50 is changed to read as follows:

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be.

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene	Gallon	$0.29	$0.30	$0.31
	Quart	.08	.08	.08
	¼ quart	.07	.07	.07
	Two ¼s quarts	.13	.13	.13

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This Amendment 1 to Ceiling Price Regulation 50 is effective June 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6145; Filed, June 2, 1952; 10:48 a. m.]

[Ceiling Price Regulation 121, Amdt. 1]

CPR 121—PRINTING, PRINTED PRODUCTS, ALLIED PRODUCTS AND CERTAIN PAPER PRODUCTS

USE OF PRICING MANUALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 121 is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of Ceiling Price Regulation 121 the Office of Price Stabilization has received many inquiries from printers who price by use of a pricing catalog. Such pricing catalogs or manuals are utilized by some 4,000 printers subject to the regulation. A high percentage of such printers who rely exclusively on such a catalog or manual as a basis for establishing their prices have no base period estimating system, method or records which would enable them to establish a ceiling price under the formula provided for in the regulation.

The pricing catalogs or manuals provide the printers with a guide or method based on average costs of materials and labor whereby the printer can price any given order or service. The cost data includes margin and the suggested estimates are normally modified a given percentage by the printer, depending upon locality, competition, practice or experience.

The publishers of these services make a continuous study of costs and the catalog or manual is supplemented periodically by inserts when cost changes so warrant. Of necessity there is a time lag of about three months between the compilation of such data and the issuance of a supplemental insert, and the catalog or manual reveals a complete change about every two years.

By permitting a printer to continue to use those price catalogs or manuals, a method of pricing is given which has been historically utilized by this segment of the industry. This meets the objective of supplying the only practical method whereby ceilings may be obtained for this class of printer. The restraint of using the catalog or manual as used during the base period and the disallowance of the use of any inserts after the effective date of this amendment provide for ceiling prices that will be in line with the level of ceiling prices established by use of the formula in the regulation.

In the formulation of this amendment there has been correspondence with industry representatives, consultation with trade association representatives and with a representative of the publisher of such a catalog or manual, to the extent practicable, and consideration was given to their recommendations. Also incorporated in the formulation of this amendment were the recommendations of persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 121 is amended in the following respect:

1. The following paragraph (f) is added to section 4 of the regulation:

(f) *Pricing by catalog.* If, during the base period, you used a pricing catalog or pricing manual and you find you cannot determine ceiling prices for your commodities under the preceding paragraphs of this section, you may use such catalog or manual to determine your ceiling prices, provided you use it in the same manner or method in which you used it during the base period, and provided further that any catalog or man-

ual inserts issued after June 7, 1952, which would increase costs beyond the limitations in paragraphs (b) or (c) of section 4 are not used in establishing your ceiling price.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 121 shall become effective June 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6146; Filed, June 2, 1952; 10:48 a. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 78]

GCPR, SR 78—COAL BRIQUETS, PETROLEUM COKE BRIQUETS AND PACKAGED FUEL PRODUCED AT PLANTS WHICH ARE ADJUNCTS OF OR ADJACENT TO LAKE COAL DOCKS

ADJUSTMENT IN CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 78 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 78 to the GCPR was issued on November 6, 1951, granting increases in ceiling prices to manufacturers of coal briquets, petroleum coke briquets and packaged fuel in that area served by the lake docks on the West Bank of Lake Michigan and the United States Bank of Lake Superior. A description of the condition of the manufacturers and their products was contained in the Statement of Considerations accompanying SR 78 and is incorporated herein by reference. It was noted that the earnings of these producers had declined as a result of reduction in volume and that, therefore, they were unable to absorb additional costs. The increases in ceiling prices then allowed were minimum interim amounts, based only upon cost increases which were clearly identifiable from the data available at that time.

It now appears that the increases in ceiling prices granted by SR 78 were not sufficient to permit earnings at the level required by the earnings standard. The producers, therefore, requested a further survey of their financial condition. The Office of Price Stabilization obtained complete financial and earnings data from all producers. It was found that aggregate earnings for the year 1951, adjusted for changes in costs and ceiling prices, were substantially below the required 85 percent level of the three best base-period earnings years. The additional increase in ceiling prices required if ceilings are to meet the earnings standard is $1.00 per net ton. This adjustment may be applied by each firm to its ceiling price now in effect.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 78 to the GCPR is amended in the following respects:

1. The present text section 3 is redesignated as paragraph (a) thereof.

2. A new paragraph (b) is added to section 3 as follows:

(b) The ceiling prices determined under the General Ceiling Price Regulation and paragraph (a) of this section for each size, grade or kind of coal briquet, petroleum coke briquet, or packaged fuel produced at plants covered by this regulation may be further increased by $1.00 per net ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 78 to the General Ceiling Price Regulation shall become effective June 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6150; Filed, June 2, 1952; 4:00 p. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order 6 and Direction 1, Revocation]

PAD 6—LIMITATION ON AVIATION GASOLINE

DIR. 1—LIMITATION ON INVENTORIES OF AVIATION GASOLINE

PAD Order No. 6, as amended and direction 1 relating thereto are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under PAD Order No. 6, as originally issued or as amended from time to time, or under direction 1 thereto, nor does this revocation deprive any person of any rights received or accrued under said order, as originally issued or as amended from time to time, or under direction 1 thereto, prior to the effective date of this revocation.

This revocation does not relieve any person of an obligation to file such reports in connection with transactions under PAD Order No. 6, as originally issued or as amended from time to time, or under direction 1 thereto, as may be required by the Petroleum Administration for Defense. Specifically, the filing of Form PAD 74 on or before June 15, 1952 is required of each carrier or foreign carrier.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

This revocation shall take effect at 3:01 a. m., e. s. t., June 3, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator.

MAY 29, 1952.

[F. R. Doc. 52-6074; Filed, June 2, 1952; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

MISCELLANEOUS AMENDMENTS

1. A new § 21.541 is added as follows:

§ 21.541 *Disposal of returned books, supplies, and equipment furnished through educational institutions to Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12) trainees*—(a) *General.* Under the provisions of section 4, Public Law 16, 78th Congress, as amended, returned books, supplies, and equipment furnished through an educational institution for veteran training under Part VII or Part VIII may be turned in to an educational institution for credit under such terms as may be approved by the Administrator or disposed of in such other manner as may be approved by the Administrator. Where it is acceptable to the educational institution, the Veterans' Administration will make arrangements with the educational institution for the recovery and disposal of such returned items as provided in paragraphs (c), (d), and (e) of this section.

(b) *Definition.* The term "supplies" mentioned in this section refers to books, tools, nonexpendable supplies, and equipment.

(c) *Recovery and reissuance by an educational institution.* (1) Where it is acceptable to the educational institution, the regional office will make arrangements for the recovery and reissuance of supplies returned by veterans which were furnished under Part VII or Part VIII. In each case where the institution agrees to assume the responsibility for the handling, storage, and reissuance of supplies, the provision concerning the recovery and reissue of books, tools, supplies, and/or equipment will be included in schedule 1 of the contract. If no contract is in effect with an institution, a contract will be made on VA Form 7-1903, Contract for Education and Training, Public Laws 16 and 346, 78th Congress, as amended, which will include under article 2 (payment) a stipulation, "This contract covers only the recovery and reissue of books, tools, supplies, and equipment,"

and the appropriate provision of schedule 1, as provided in this subparagraph.

(2) The amount to be paid to the institution for services for the handling (including necessary storage) and reissuance of supplies will be based on the estimated reasonable cost that will be incurred by the educational institution in rendering this service: *Provided*, That such cost will be stated in the contract in terms of percent of the original cost to the Veterans' Administration of the supplies which are reissued, but not in excess of 10 percent of such cost. Reimbursement by the Veterans Administration will not be based on the normal profit margin charged by a retail book store. The agreed estimated cost of handling and issuance may be billed to the Veterans' Administration in one lump sum on a public voucher, Standard Form 1034, which need show only the total cost of supplies issued, percent handling charge, total handling charge claimed, and the number of the covering contract. The vouchers for handling charges for reissued supplies will contain a certificate as follows:

I certify that the charges for handling of books, supplies, and equipment reissued to veterans are fair and reasonable, that the articles have been delivered to the trainees, and that evidence of delivery on account of each veteran is available for the inspection of the Veterans' Administration.

(d) *Recovery and sales to institutions.* (1) Where the institution does not agree to reissue recovered supplies as provided in paragraph (c) of this section, but does desire to recover and to purchase supplies turned in by veterans enrolled in the institution, the regional office is authorized to negotiate for the sale of such supplies as provided in this paragraph. Sale prices of supplies shall not be less than the current or usual market prices for used supplies of the same type and similar condition but generally not less than 50 percent of the original wholesale cost (actual or estimated). Contracts or supplements to contracts are not required, but the purchase of supplies by the institution may not be effected until the proposed schedule of prices are approved by the special assistant to director, training facilities service, for the area concerned, on one of the following bases:

(i) Supplies accumulated during a quarter, term, or semester may be held by the institution, and offers to purchase may be made by letter at the end of each such period. The offers to purchase should list the quantity, description, original or estimated cost, price per unit offered by the institution, and the total amount offered for all items. When accepted by the Veterans' Administration, at prices prescribed in this paragraph, such offers will constitute sales.

(ii) Arrangements may be made with educational institutions to accept returned supplies from veterans and the automatic sale of these returned supplies may be made at prearranged percentage of the original cost or at prearranged prices in accordance with this paragraph as agreed upon by letter between the institution and the Veterans' Administration.

(2) Where the institution desires to purchase supplies which are turned in, the institution will prepare VA Form 7-1937, Receipt for Property Turned in by Trainee. Credits arising from the purchase of supplies by the educational institution may either be shown as credits on subsequent vouchers against sums due the institution for the education and training of veterans, or, in the event there will be no subsequent vouchers, as a separate cash collection item in accordance with Veterans' Administration Regulations. Distinction is necessary between credits for supplies turned in under Part VII and those turned in under Part VIII. It will also be necessary to indicate the fiscal year and project number under which the supplies were originally furnished in order that finance may credit the proper appropriation upon receipt of such items.

(e) *Other disposition.* Wherever disposition of returned trainee supplies cannot be accomplished under the provisions of paragraphs (c) and (d) of this section, the Veterans' Administration will arrange for disposition in accordance with this paragraph upon notification by the educational institution. A contract officer of the training facilities section will visit the educational institution, generally in connection with the negotiation of a contract or the making of a review of charges, for the purpose of reviewing the supplies for disposal, preparing an itemization of the supplies, and taking appropriate action under Veterans' Administration Vocational Rehabilitation and Education procedures.

2. In § 21.548, paragraph (a) is amended to read as follows:

§ 21.548 *Payments for cooperative course.* (a) Payments to the institution will be only for that portion of training or instruction given by the institution. The basis for charge will be determined in the light of the applicable portion of §§ 21.467 through 21.478, 21.484, 21.485, 21.493 through 21.495, and 21.503 through 21.511.

* * * * *

3. In § 21.549, paragraph (b) is amended to read as follows:

§ 21.549 *Payments for related training.* * * *

(b) Tuition charges will be determined in accord with applicable portions of §§ 21.467 through 21.478, 21.484, 21.485, 21.493 through 21.495, and 21.503 through 21.511.

* * * * *

4. Section 21.557 is revised to read as follows:

§ 21.557 *Payments in lieu of tuition and fees.* Hospitals approved by the appropriate State agency for training in connection with residencies for qualified physician veterans enrolled under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), (or Part VII), may be paid as follows: For courses of more than 30 weeks (residency training usually covers 52 weeks) in accord with the bases set forth in §§ 21.467 through 21.478 or 21.484 and 21.485. When payment is requested on the basis of § 21.475, the hospital will be required to deduct the value of services rendered by the individual from the cost of teaching personnel and supplies for instruction in arriving at the compensation to be paid for training.

5. Section 21.669 is revised to read as follows:

§ 21.669 *Certification by institution*—(a) *Certificate of correctness of claims.* All vouchers or invoices submitted by educational institutions for tuition, fees, books, supplies, and equipment (except vouchers for correspondence courses and advance payment) for Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees will include the following uniform payee's certification which has been approved by the General Accounting Office:

I certify that the above bill is correct and just; that payment therefor has not been received; that charges are not in excess of those charged other students pursuing the same or similar courses or those established by the Administrator as fair and reasonable; that State and local sales taxes and Federal admission taxes imposed by section 1700 (a) of the Internal Revenue Code, as amended, are not included in the amounts billed; that no amount herein claimed represents the cost of any rebate, prize, or payment in goods or money which has been made to any veteran-trainee and that no part of the amount herein claimed will be so used. It is further certified that evidence of delivery of books, supplies, and equipment on account of each veteran is available for inspection by the United States Government; that records on hand substantiate charges herein by signed receipts of each veteran-trainee; and that all applicable statutory requirements as to American production and labor standards have been complied with.

(b) *Certificate of compliance with ceiling price regulations.* (1) Institutions receiving payment without a contract on the basis of VA Form 7-1957, Statement of Charges, and those institutions which refuse to sign a contract and therefore are receiving payment on the basis of a letter of authorization, shall include the following certificate on all vouchers for payment of the cost of tools, supplies, and equipment (books are excluded from ceiling price regulations; vouchers submitted for books only do not require a certificate of compliance) furnished to veterans:

The contractor warrants that the prices claimed herein for tools, supplies, and equipment are not in excess of applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency, and in effect upon the date hereof.

Except as provided in subparagraph (2) of this paragraph, certification on vouchers as to compliance with price ceilings is required in all cases where payment is not claimed under a contract containing a ceiling price warranty provision as required in § 21.669a.

(2) Where institutions do not have a contract containing a ceiling price warranty, and where anticipated payments to an institution for tools, supplies, and equipment will not exceed a total of $500 for all veterans enrolled, a certificate of

compliance will not be required on vouchers for payment of the cost of tools, supplies, and equipment.

6. A new § 21.669a is added as follows:

§ 21.669a *Compliance with ceiling price regulations.* All contracts negotiated with educational institutions offering resident training to veterans under Public Laws 16 and 346, 78th Congress, which provide for the furnishing to veterans of tools, supplies, and equipment (books are excluded from ceiling price regulations), will contain a provision warranting compliance with ceiling price regulations. Contracts in effect on June 3, 1952, not containing a ceiling price warranty may be modified to include such warranty, but if not so modified the institutions having such contracts in effect will be required to execute on all vouchers for payment the certificate set forth in § 21.669 (b). The contract provision warranting compliance with ceiling price regulations shall be as follows:

Ceiling prices. The contractor agrees that the prices for tools, supplies, and equipment invoiced hereunder will not exceed the lower of (1) the contract price or, (2) any applicable ceiling prices established by the Office of Price Stabilization or other authorized government agency.

Where such warranty is incorporated in the contract, vouchers submitted for payment of the cost of tools, supplies, and equipment need not contain a certificate of compliance with ceiling price regulations as provided in § 21.669 (b).

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g. ch. 12 note)

This regulation effective June 3, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6040; Filed, June 2, 1952; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 165a—CERTIFICATES AND PERMITS

INTERPRETATIVE RULES RELATING TO MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

The above entitled matter coming on for further consideration, and good cause appearing therefor:

It is ordered, That the effective date of the order entered herein April 14, 1952, be, and it is hereby, further postponed to June 12, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 29th day of May A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6121; Filed, May 29, 1952; 4:55 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 325]

[Regs. 132]

REGISTRY, RETURN, AND PAYMENT OF SPECIAL (OCCUPATIONAL) WAGERING TAX

NOTICE OF PROPOSED RULE MAKING

Amendment of Regulations 132 to require persons liable for special (occupational) wagering tax to file returns and pay tax before commencing taxable activity and to file supplemental returns advising of all agents or employees engaged to receive wagers, or with respect to all persons for whom wagers are received.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 25 U. S. C. 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Section 325.50 of Regulations 132 is amended to read as follows:

§ 325.50 *Registry, return, and payment of tax.* (a) No person shall engage in the business of accepting wagers subject to the 10 percent excise tax imposed by section 3285 of the Internal Revenue Code (see § 325.24) until he has filed a return on Form 11-C and paid the special tax imposed by section 3290. Likewise, no person shall engage in receiving wagers for or on behalf of any person engaged in such business until he has filed a return on Form 11-C and paid the special tax imposed by section 3290 of the Internal Revenue Code. Filing of successive applications and payment of tax by such persons are required on or before July 1 of each year thereafter during which taxable activity continues. The return, with remittance, shall be filed with the collector of internal revenue for the district in which is located the taxpayer's office or principal place of business. If such taxpayer resides in the United States, but has no office or principal place of business in the United States, the return shall be filed with the collector of internal revenue for the district in which he resides. If the taxpayer has no office, residence, or principal place of business in the United States, the return shall be filed with the Collector of Internal Revenue, Baltimore, Maryland. The collector, upon request, will furnish the taxpayer proper forms which shall be filled out and signed as indicated therein.

(b) Each return shall show the taxpayer's full name. A person doing business under an alias, style, or trade name shall give his true name, followed by his alias, style, or trade name. In the case of a partnership, association, firm, or company, other than a corporation, the style or trade name shall be given, also the true name of each member and his place of residence. In the case of a corporation, the true name and title of each officer and his place of residence shall be shown.

(c) Each person engaged in the business of accepting wagers on his own account shall report on Form 11-C the name and address of each place where such business will be conducted and the name, address, and number appearing on the special (occupational) stamp of each agent or employee who may accept wagers on his behalf. Thereafter, a return shall be filed on Form 11-C, marked "supplemental", each time an additional employee or agent is engaged to receive wagers. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, address, and number appearing on the special (occupational) stamp of each such agent or employee. As to a change of address, see § 325.57.

(d) Each agent or employee of a person accepting wagers shall report on Form 11-C the name and residence address of each person (i. e., individual, partnership, corporation, etc.) on whose behalf wagers are to be accepted. Thereafter, a return shall be filed on Form 11-C, marked "supplemental", each time the agent or employee is engaged or employed to receive wagers for a person or persons other than the person or persons first reported on Form 11-C. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, business address, or, if none, the residence address of the person or persons by whom he is engaged to receive wagers. As to a change of address, see § 325.57.

The amendments made by this Treasury decision shall become effective the first day of the first month which begins more than 30 days after the month in which such Treasury decision is filed with the FEDERAL REGISTER.

[F. R. Doc. 52-6038; Filed, June 2, 1952; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1952–53 SEASON

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season ending February 28, 1953, inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committees established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $20,347.20;

(2) Early varieties of plums, $21,210.00;

(3) Late varieties of plums, $22,540.00; and

(4) Elberta peaches, $15,077.30.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 7½ mills ($0.0075) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 1 cent ($0.01) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 1 cent ($0.01) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 3½ mills ($0.0035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 28th day of May 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-6028; Filed, June 2, 1952; 8:49 a. m.]

[7 CFR Part 962]

FRESH PEACHES GROWN IN THE STATE OF GEORGIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $23,220.00 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1952, under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at $0.015 per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 28th day of May 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-6029; Filed, June 2, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order 28]

BOARD OF HARBOR COMMISSIONERS, CITY OF LOS ANGELES

APPLICATION TO MODIFY AREA OF FOREIGN-TRADE ZONE NO. 4, BY REMOVING BERTH 60 AND ADJACENT FACILITIES AND TO EXPAND REMAINING ZONE AREA AND INCORPORATE THEREIN ALL OF WAREHOUSE NO. 1

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U. S. C. 81a–81u), the Foreign-Trades Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas on September 10, 1951, the Board of Harbor Commissioners, City of Los Angeles, as grantee of Foreign-Trade Zone No. 4, made application for modification of the zone area by excluding therefrom Berth 60 and adjacent transit shed and low-line railroad tracks, and for expansion of the remaining zone area and the incorporation therein of all of Warehouse No. 1; to which application an amendment was filed on December 17, 1951, providing that the exclusion of Berth 60 and adjacent transit shed and low-line railroad tracks would be on a temporary basis for the period of one year from the date of the Foreign-Trade Zones Board order, subject to extension beyond that time depending on then existing conditions; and

Whereas Berth 60 and adjacent transit shed and low-line railroad tracks, during the period they have been a part of the zone, have only been partially utilized; and there is a shortage of terminal facilities in Los Angeles Harbor due to emergency shipping conditions resulting from the Korean situation; and

Whereas, the Foreign-Trade Zones Board is desirous of completing a study, which it has just initiated, relating to facilities required by zones and their utilization, before making a final decision regarding the proposed removal of Berth 60 and adjacent shed and low-line railroad tracks;

Now, therefore, the Foreign-Trade Zones Board, after full consideration and a finding that the amended proposal is in the public interest, hereby orders:

1. That the boundaries of Foreign-Trade Zone No. 4, Port of Los Angeles, California, be and they hereby are established on a temporary basis to conform with revised Exhibits Nos. 1, 3, 6, 7, 8, 10, and 13, filed with the application of September 10, 1951, provided that the exclusion of Berth 60 and adjacent transit shed and low-line railroad tracks is authorized for a period of one year from the date of this order, subject to extension beyond that time by the Foreign-Trade Zones Board.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable, unnecessary, and contrary to the public interest in connection with the issuance of this order because it has already been the subject of widespread study and discussion by interested parties in the area of the only foreign-trade zone to which it would apply, and because the same emergency conditions which are a cause for this order necessitate that it become effective as quickly as possible. The effective date of this order is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of April 1952.

FOREIGN-TRADE ZONES BOARD,
[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F. R. Doc. 52-6034; Filed, June 2, 1952; 8:51 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 42; DPAV-37]

REQUEST TO WOODWORKING DEFENSE PRODUCTION POOL OF NEW YORK AREA TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Woodworking Defense Production Pool of New York Area to operate as a small business enterprise production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO WOODWORKING DEFENSE PRODUCTION POOL OF NEW YORK AREA

You are requested to operate as a small business enterprise production pool in accordance with the voluntary program set forth in the papers submitted to the Department of Commerce, Pooling Section, Office of Small Business, Washington, D. C.

In my opinion, the operations of your association as a small business enterprise production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance provided that such operations are within the limitations set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of Woodworking Defense Production Pool of New York Area, which will operate as a small business enterprise production pool in accordance with the voluntary program set forth in the papers submitted by it to the Office of Small Business, Pooling Section, National Production Authority, Department of Commerce, Washington, D. C.

In my opinion, your participation in the operations of this small business enterprise production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect to this matter between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You will become a participant upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

MANLY FLEISCHMANN,
Administrator.

Woodworking Defense Production Pool of New York Area accepted the request set forth above to operate as a small business enterprise production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

A. Adelhardt Construction Co., 53-5 Seventy-fourth Street, Elmhurst, N. Y.

Adelman Manufacturing Corp., 281 Butler Street, Brooklyn, N. Y.

Alliance Woodworking Co., Inc., 50 Richards Street, Brooklyn, N. Y.

American Showcase Co., Inc., 252 Lee Avenue, Brooklyn, N. Y.

Blick Woodworking Co., Inc., 413 Thatford Avenue, Brooklyn, N. Y.

H. J. Butler & Bros., Inc., Two Hundred and First and Ninth Avenue, New York, N. Y.

Frank Chase Cabinet Makers, Inc., 340 East Twenty-seventh Street, New York, N. Y.

Lutz Lumber & Moulding Corp., 359 Flushing Avenue, Brooklyn, N. Y.

M. Gerber Construction Co., Inc., 395 Marcy Avenue, Brooklyn, N. Y.

Sivakoff & Miner, Inc., 579 Broadway, New York, N. Y.

Varick Planing Mill, Inc., 140 Varick Avenue, Brooklyn, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: May 28, 1952.

MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 52-6105; Filed, May 29, 1952; 4:00 p. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1175, G-1261, G-1448, G-1658, G-1787, G-1850, G-1893, G-1901, G-1905, G-1911, G-1931, G-1936, G-1943, G-1952]

ATLANTIC SEABOARD CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

MAY 23, 1952.

In the matters of Atlantic Seaboard Corporation, Docket No. G-1175; Virginia Gas Transmission Corporation, Docket No. G-1261; Shenandoah Gas Company, Docket No. G-1448; Peterstown Gas Company, Inc., Docket No. G-1658; The Ohio Fuel Gas Company, Docket No. G-1787; Atlantic Seaboard Corporation, Docket No. G-1850; The Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and Home Gas Company, Docket No. G-1893; Rockland Light and Power Company, Docket No. G-1901; Central Kentucky Natural Gas Company, Docket No. G-1905; The Ohio Fuel Gas Company, Docket No. G-1911; The Ohio Fuel Gas Company, Docket No. G-1931; The Ohio Fuel Gas Company, Docket No. G-1936; The Ohio Fuel Gas Company, Docket No. G-1943; United Fuel Gas Company, Docket No. G-1952.

On April 8, 1952, Atlantic Seaboard Corporation (Atlantic Seaboard) a subsidiary of The Columbia Gas System, Inc. (Columbia), filed an application in Docket No. G-1175 requesting an amendment of the Commission's order dated July 26, 1949, to remove the limitation of 70,000 Mcf per day of natural gas as a maximum volume which Atlantic Seaboard was authorized to sell and deliver to Consolidated Gas, Electric Light and Power Company of Baltimore (Consolidated), and to file a new service agreement with Consolidated.

On April 8, 1952, Virginia Gas Transmission Corporation (Virginia Gas), a subsidiary of Columbia, filed an application in Docket No. G-1261 requesting an amendment of the Commission's order dated March 30, 1950, to remove the limitation of 55,000 Mcf per day of natural gas as a maximum volume which Virginia Gas was authorized to sell and deliver to Commonwealth Natural Gas Company (Commonwealth), and to file a new service agreement with Commonwealth.

On July 26, 1950, Shenandoah Gas Company (Shenandoah) filed an application in Docket No. G-1448 for (1) an order, pursuant to section 7 (a) of the Natural Gas Act, directing Virginia Gas, a subsidiary of Atlantic Seaboard, to establish a physical connection of its transmission facilities with the proposed facilities of Shenandoah, and to sell and deliver natural gas to Shenandoah, and (2) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Shenandoah to construct and operate approximately 49 miles of 8⅝-inch, 4½-inch, and 3½-inch transmission pipeline extending from the facilities of Virginia Gas to various communities proposed to be served by Shenandoah, including Front Royal, and Winchester, Virginia, and Martinsburg, West Virginia. On August 16, 1950, Virginia Gas filed an answer to said application in which it proposes, during the course of hearing upon the application, to show its facilities and the capacity thereof involved in making the delivery of gas requested by Shenandoah, and to present the estimated gas requirements and supply situation of Columbia. On March 30, 1951, Virginia Gas filed a motion for postponement of hearing in Docket No. G-1448 in which it stated that it is a member of Columbia's system of companies, and that estimates of the gas requirements and gas available prepared by Columbia in 1951 show an anticipated serious shortage in the System for the winter of 1951-52 unless growth of load is controlled and substantial additional quantities of gas are procured. By order of the Commission, dated April 13, 1951, the hearing theretofore fixed to commence on April 16, 1951, was postponed to a date to be fixed by further order of the Commission.

On April 6, 1951, Peterstown Gas Co., Inc. (Peterstown) filed an application in Docket No. G-1658 for an order directing Atlantic Seaboard to establish physical connection of its transportation facilities with the existing facilities of Peterstown and to sell and deliver to Peterstown natural gas for distribution in the Town of Peterstown, West Virginia. On May 3, 1951, Atlantic Seaboard filed an answer to said application in which it states that Atlantic Seaboard is a member of Columbia which consists of The Columbia Gas System, Inc., and subsidiaries, and that estimates prepared in 1951 show clearly that there will be a serious shortage in the gas supply of the Columbia System during the winter of 1951-52 and in subsequent winters unless growth of load is controlled and unless substantial quantities of gas are procured. Said answer also makes reference to a letter dated February 22, 1951, to all Group Presidents of The Columbia Gas System, Inc., stating the System's policy then in effect was not to take on additional new markets.

On September 6, 1951, The Ohio Fuel Gas Company (Ohio Fuel Gas), a subsidiary of Columbia, filed an application in Docket No. G-1787, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 15 miles of 20-inch natural-gas transmission pipeline replacing sections of 18-inch pipe in an existing line between the Centerville measuring station of Ohio Fuel Gas and Howell Junction in Ohio. The application recites that the construction and operation of the said facilities is proposed to permit Ohio Fuel Gas to accept and transport additional volumes of natural gas which it expects to become available from Texas Gas Transmission Corporation. In its application, Ohio Fuel Gas states that the cost of construction of the proposed facilities is to be paid for from funds to be provided by its parent company, Columbia.

On December 10, 1951, Atlantic Seaboard filed an application in Docket No. G-1850, amended March 31, 1952 and supplemented on April 8, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of three new compressor stations totaling 16,000 horsepower, and an additional 1,980 horsepower in its existing Files Creek Station, by means of which Atlantic Seaboard proposes to increase the capacity of its existing transmission system by 88,600 Mcf per day of natural gas in order to transport increased volumes of natural gas to its existing customers. Atlantic Seaboard proposes to supply, among others, the increased demands of Consolidated and Commonwealth when it and its subsidiary, Virginia Gas, estimate that they will have gas available. In its application, Atlantic Seaboard states that it proposes to provide the capital cost of the proposed facilities out of funds to be realized from the sale of securities to its parent company, Columbia.

On February 14, 1952, The Manufacturers Light and Heat Company (Manufacturers), Natural Gas Company of West Virginia (Natural Gas), and Home Gas Company (Home), subsidiaries of Columbia, filed a joint application in Docket No. G-1893 for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, and for orders pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment and retirement of certain natural-gas facilities. On April 29, 1952, a supplement to said joint application was filed which indicates that additional capacity will be provided by means of the proposed facilities. Said facilities are proposed to be financed from funds provided or caused to be provided by Columbia under an overall plan for financing the construction requirements of its subsidiaries.

On February 29, 1952, Rockland Light and Power Company (Rockland) filed an application in Docket No. G-1901 for (1) an order, pursuant to section 7 (a) of the Natural Gas Act, directing Home to establish physical connection of its transmission facilities with the proposed facilities of Rockland, and to sell and deliver to Rockland natural gas for resale in certain municipalities located in Orange County, New York, and (2) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 9½ miles of 4-inch pipeline to serve the town and village of Warwick, the village of Florida, and the town and village of Chester, all in New York, and approximately 12½ miles of 4-inch pipeline to serve the village of Greenwood Lake, village of Harriman, and the town and village of Monroe, all in New York. On March 28, 1952, Home filed an answer to said application in which it states that it is a subsidiary of Columbia and is one of the gas companies making up the Columbia System. The gas supply available to Columbia is alleged in said answer to be treated as a pooled supply with respect to the gas available to, and gas requirements of, the various companies in the system. Home states that the most recent estimates of the gas requirements of, and gas available to, Columbia, prepared in January 1952, show clearly that Columbia is faced with serious and continuing shortages in its gas supply during the period of said estimates unless substantial quantities of gas, over and above those from presently known sources, are procured. Home states further, that until such large additional supplies of gas are obtained from sources not yet known the Columbia companies do not expect to be able to meet the estimated market demands presently served by them.

On March 3, 1952, Central Kentucky filed an application in Docket No. G-1905 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8.8 miles of 20-inch natural-gas transmission pipeline paralleling Central Kentucky's existing 14-inch Line "E" extending northward from North Means, Kentucky. The said facilities are proposed in order to complete the looping of said Line "E", and are estimated to increase the capacity of the facilities of Central Kentucky for making deliveries of natural gas in the Cincinnati, Ohio, area by approximately 85,000 Mcf per day. Central Kentucky states that said facilities will be utilized as a safety measure to minimize hazards in operations and in due course to furnish such additional gas to its customers as their future increased demands, under normal business development, may require. Central Kentucky further states that it is not intended that the increased capacity will be used in the winter of 1952-53 to supply additional volumes, above those now contemplated, to its existing customers. Central Kentucky proposes to finance the costs of construction of said facilities with funds to be provided by its parent company, Columbia.

On March 6, 1952, Ohio Fuel Gas filed an application in Docket No. G-1911, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the con-

struction and operation of approximately 33 miles of 20-inch replacement natural-gas pipeline extending from its existing Line "D" to its Line "D–36", in order to provide capacity required for the winter of 1952–53 for improved service to existing markets in Ohio, including Bucyrus, Tiffin, Fostoria, Findlay, and other smaller communities. Said facilities, together with future extensions for which they form the foundation, are estimated to increase the volumes to be transported through the proposed facilities to 100,000 Mcf per day under peak load conditions. Ohio Fuel Gas proposes to finance the costs of construction of said facilities with funds to be provided by its parent company, Columbia.

On April 2, 1952, Ohio Fuel Gas filed an application in Docket No. G–1931 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 4 miles of 8⅝-inch natural-gas transmission pipeline in Richland County, Ohio, between the junction of its existing lines "D–100" and "D–232" to the town border station serving Shelby, Ohio, and subsequent removal of approximately 4.7 miles of 6⅝-inch pipeline presently serving Shelby, Ohio, from its Line "D". Ohio Fuel Gas proposes by means of said facilities, to increase capacity for gas service to Shelby. Ohio Fuel Gas proposes to finance the costs of construction of said facilities with funds to be provided by its parent company, Columbia.

On April 11, 1952, Ohio Fuel Gas filed an application in Docket No. G–1936 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 17 miles of 16-inch loop pipeline paralleling its existing Line "D–322" in order to increase the capacity of said Line "D–322" to a peak day capacity of 54,700 Mcf of natural gas to maintain adequate and continuous service to existing markets in the Lima and Kenton, Ohio, areas. Ohio Fuel Gas proposes to finance the costs of construction of said facilities with funds to be provided by its parent company, Columbia.

On April 21, 1952, Ohio Fuel Gas filed an application in Docket No. G–1943 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8.5 miles of 6⅝-inch natural-gas transmission pipeline extending from its Line "L–2121" to the New London, Ohio, town bordering and measuring station, in order to serve the town of New London from said Line "L–2121" rather than from its Lines "D–100" and "D–232", as it presently does. With pressures available on Line "L–2121" Ohio Fuel Gas estimates that the proposed facilities will be able to deliver up to 8,000 Mcf per day to New London in contrast with a delivery capacity below 2,000 Mcf per day through existing Lines "D–100" and "D–232." Ohio Fuel Gas proposes to finance the costs of construction of said facilities with funds to be provided by its parent company, Columbia.

On May 1, 1952, United Fuel Gas Company (United Fuel Gas), a subsidiary of Columbia, filed an application in Docket No. G–1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 880-horsepower compressor station, together with dehydration plant, auxiliary units, and appurtenant equipment to be located at its Storage Pool X–41, two additional 1,100-horsepower compressor units in its Lanham Compressor Station, and approximately 21.5 miles of connecting 6⅝-inch, 10¾-inch, 14-inch, and 20-inch pipeline facilities to storage pools and other installations. Said facilities are proposed to insure adequacy and continuity of service to present markets. United Fuel Gas proposes to finance the costs of construction of its proposed facilities with funds to be provided by its parent company, Columbia.

It appears that each of the proceedings hereinbefore referred to involves proposals affecting one or more of the companies making up the Columbia Gas System and that the proposals of said subsidiary companies to increase the present capacities of their systems as well as the proposals for service to new communities through the establishment of physical connections and deliveries of natural gas by such subsidiary companies involve common questions of law and fact with respect to the pooled supply of natural gas of the Columbia Gas System available to the various companies in the System to meet their gas requirements. In addition, it appears that the proceedings hereinbefore referred to upon the applications filed by various subsidiary companies of The Columbia Gas System, Inc., for certificates of public convenience and necessity authorizing the construction and operation of natural-gas transmission facilities, involve common questions of law and fact with respect to the proposed plans for financing the costs of construction with funds to be provided by their parent company.

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G–1175, G–1261, G–1448, G–1658, G–1787, G–1850, G–1893, G–1901, G–1905, G–1911, G–1931, G–1936, G–1943, and G–1952, be and the same hereby are consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on June 23, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters presented and the issues involved in the said applications.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: May 27, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6007; Filed, June 2, 1952, 8:46 a. m.]

[Project No. 1971]

IDAHO POWER CO.

ORDER FIXING HEARING

MAY 13, 1952.

On December 15, 1950, Idaho Power Company (Applicant) of Boise, Idaho, filed an application for license under the Federal Power Act for a proposed hydroelectric development, known as the Oxbow development (Project No. 1971) located in and along the Snake River in Adams and Washington Counties, Idaho, and Baker County, Oregon. The Oxbow development is proposed in the application as the first in a series of five proposed hydroelectric projects for ultimate development of a stretch of the Snake River for a distance of approximately 100 miles downstream from Weiser, Idaho.

Responses to the notice of application indicate a widespread public interest in the proposed development of the Snake River.

The Commission finds: In order to carry out the provisions of the Federal Power Act, particularly section 4 (e) thereof, it is appropriate and in the public interest that a hearing be held on the aforesaid application.

The Commission orders:

(A) A public hearing be held commencing on July 14, 1952, at 10 a. m., P. s. t., in the Central School Auditorium at Baker, Oregon; said hearing to be recessed to reconvene on July 16, 1952, at 10 a. m., m. s. t. in the House Legislative Chambers, State Capitol Building at Boise, Idaho, and said hearing to be recessed to reconvene at the earliest practicable time and date to be fixed by the Presiding Examiner in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and issues presented in this proceeding on the aforesaid application for license for proposed Project No. 1971.

(B) The hearings to be held in Baker, Oregon, and Boise, Idaho, shall be for the purpose of permitting the introduction of views and evidence of a nontechnical nature and expert and technical evidence shall be presented only at the reconvened hearing to be held in Washington, D. C.

Date of issuance: May 27, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6008; Filed, June 2, 1952, 8:46 a. m.]

FEDERAL TRADE COMMISSION

[File No. 173]

PROPER USE OF WORD MAHOGANY IN DESIGNATIONS OF WOOD AND WOOD PRODUCTS

NOTICE OF HEARING AND OF OPPORTUNITY FOR PRESENTATION OF ORAL AND WRITTEN VIEWS, DATA, AND SUGGESTIONS

Notice is hereby given and opportunity extended by the Federal Trade Commission to all persons, partnerships, corporations, associations, including consumers, manufacturers, distributors, importers, dealers, officials of State and Federal agencies, foresters, botanists, and all other persons and organizations in any way interested in the subject of the proper use of the word "mahogany," with or without qualifications, as descriptive of wood or wood products marketed in the United States, to appear and take part in public hearing on this subject and to present orally or in writing such pertinent views, data, information and suggestions as they may desire. Such hearings will be held on June 30, 1952, beginning at 10 a. m., d. s. t., in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

The written presentation of views, data, information and suggestions may be made by letter, memorandum or other written communications addressed to and filed with the Federal Trade Commission, Washington 25, D. C., not later than June 30, 1952.

Issued: May 29, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6026; Filed, June 2, 1952; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials*, is amended as follows:

Subparagraph b 1 (d), delegating authority to the Assistant Commissioner for Management to hear, consider, and decide appeals arising out of certain development contracts, is hereby revoked.

Subparagraph j 1 is amended to read as follows:

1. The authority delegated to the Assistant Commissioner for Management in paragraphs b 1 (b) and (c) is hereby delegated to the Assistant Commissioner for Management and Disposition.

Subparagraphs b 3 and j 2, delegating authority respectively to the Chief of the Claims Section and to the Director of the Construction Branch to hear, consider, and decide appeals arising out of certain development contracts, are hereby revoked.

Approved: May 23, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-6012 Filed, June 2, 1952; 8:48 a. m.]

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials*, is amended as follows:

Subparagraph 2 is added to paragraph k as follows:

2. The Assistant Commissioner for Development is hereby authorized to hear, consider, and decide, as the duly authorized representative of the Commissioner, all appeals arising out of contracts made by or for the Public Housing Administration, except those in which he is the contracting officer, in connection with the development of projects where contract provisions state substantially that: "All disputes concerning question of fact arising under this contract shall be decided by the contracting officer subject to appeal by the contractor within 30 days to the head of the department concerned or his duly authorized representative, whose decision shall be final and conclusive upon the parties thereto."

Approved: May 23, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-6013; Filed, June 2, 1952; 8:48 a. m]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACTS FOR GEOLOGICAL SURVEYS AND STUDIES BY COLLEGES, UNIVERSITIES AND OTHER EDUCATIONAL INSTITUTIONS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, hereinafter called the act, authority is hereby delegated to the Secretary of the Interior to negotiate contracts, without advertising, with colleges, universities, and other educational institutions, in accord with section 302 (c) (5) of the act, for surveys and studies of mineral resources on lands under the jurisdiction of the Bureau of Indian Affairs.

2. The authority herein delegated may be redelegated to any officer or employee of the Department of the Interior.

3. This delegation shall be effective as of the date hereof.

JESS LARSON, *Administrator.*

MAY 27, 1952.

[F. R. Doc. 52-6093; Filed, May 29, 1952; 1:01 p. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 38]

PLACEMENT OF PROCUREMENT WITH THE TEXTILE INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its recommendations in the matter of placement of procurement with the textile industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference in the placement of Government contracts to the textile industry in accordance with the attached recommendations of the Committee and the provisions of Defense Manpower Policy No. 4.

The Department of Defense and the General Services Administration are requested to submit, within 30 days, copies of the instructions they have issued implementing this Notification. They are further requested to submit monthly reports of the actions taken under this Notification.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

RECOMMENDATIONS OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE TEXTILE INDUSTRY UNDER DEFENSE MANPOWER POLICY NO. 4

In accordance with Section III, Paragraph 8 of Defense Manpower Policy No. 4 a panel of the Surplus Manpower Committee held public hearings, beginning March 20, 1952, on the textile industry. After consideration of the report of that panel, the Committee makes the following recommendations in the interest of preserving the skills and maintaining the productive facilities of the textile industry. They are conceived in terms of the possibilities of the use of government procurement, to whatever extent practicable, for purposes of maintaining the effective functioning of the textile industry as a whole.

Accordingly, it is recommended:

1. That the Department of Defense accelerate procurement and delivery of the open-to-buy quantities under appropriations available for the remainder of the fiscal year 1952, and take similar action in the first half of fiscal year 1953 as soon as the fiscal year 1953 funds become available.

2. That contracts be placed by the Department of Defense and the General Services Administration, in accordance with such procedures as will give preference to those manufacturers whose weaving operations (in the case of weaving or integrated mills) or whose spinning operations (in the case of spinning mills) during the period of performance of such contracts will not

be in excess of 80 hours per week (not including other supporting activities).

3. That no preference be given in the placement of such contracts to any areas or particular cities within areas with respect to this industry.

4. That no provision be made for payment of any price differential.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
CHAIRMAN,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6152; Filed, June 2, 1952; 11:35 a. m.]

[Defense Manpower Policy No. 4, Notification 39]

PLACEMENT OF PROCUREMENT WITH THE SHOE INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization that it has approved the attached findings and recommendations of its hearing panel in the matter of placement of procurement with the shoe industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference in the placement of Government contracts to the shoe industry in accordance with the attached recommendations of the Committee and the provisions of Defense Manpower Policy No. 4. Accordingly, Notifications 2 through 13, 15, 16, and 18 through 37, are hereby amended to include the shoe industry in such areas under the provisions of such Notifications.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS OF PANEL ON SHOE AND FOOTWEAR INDUSTRY HEARINGS UNDER DEFENSE MANPOWER POLICY NO. 4

This report is based upon a hearing authorized by the Surplus Manpower Committee and conducted pursuant to Section 8 of Defense Manpower Policy No. 4.

The matters upon which the Committee requested the Panel to receive evidence were:

1. The nature and extent of the labor surplus in the shoe and footwear industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the shoe and footwear industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the shoe and footwear industry, Defense Manpower Policy No. 4 should be applied to the shoe and footwear industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the shoe and footwear industry in the event an affirmative finding is made under paragraph three above.

In the course of the hearings (which were held April 17-22 and at which nine witnesses appeared), certain circumstances existing in the shoe industry and shoe procurement program became apparent and sharply delimited the area of the Panel's inquiry and recommendations:

1. Government procurement of women's shoes is too negligible to have any substantial effect upon the shoe industry, regardless of the procurement policies adopted. Consequently, the Panel concerned itself primarily with the men's shoe industry.

2. Government procurement of men's shoes, which reached a peak of approximately 55 million pairs of shoes annually during World War II and about 20 million pairs in fiscal year 1951, dropped off substantially in fiscal year 1952 and procurement in the near future may decline further.

3. Conversion of the men's shoe facilities to the production of rubber footwear or other military production is not feasible; neither is the conversion of other facilities to the production of men's shoes.

4. The shoe industry, including the men's shoe industry, traditionally operates at about 55 percent of capacity on an annual average. A striking example of its capacity for expanded production occurred during World War II when, during a short period, over half of the men's shoe productive capacity was devoted to Government orders and even so the industry was able, in large measure, to meet civilian needs.

With the foregoing considerations in mind, the Panel has reached the following Findings, Conclusions and Recommendations.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

A. *Findings.* 1. Under normal circumstances, the shoe industry, including the men's shoe industry, taken as a whole, does not constitute a chronically depressed or "sick" industry, although its normal annual production and sales fall substantially short of its capacity to produce.

2. The shoe industry, including the men's shoe industry, normally produces at an annual rate about 55 percent of its actual productive capacity. Thus, the entire shoe industry, with an annual capacity of almost one billion pairs of shoes, produced 512.4 million pairs in 1950 and 469.6 million in 1951. The men's shoe industry, with a capacity of approximately 200 million pairs, produced about 103 million pairs in 1950 and 106 million in 1951.

3. The shoe industry, in general, showed a sharp increase in production during the year following the outbreak of the Korean war, which in turn was followed by an even sharper decrease in production beginning about the middle of 1951. Thus, the total production in 1951 of 469.6 million pairs was substantially below the 1950 production of 512.4 million pairs and slightly below the 1949 production of 475.6 million pairs. At present, production appears to be approaching 1949 levels.

4. In contrast to the shoe industry in general, the men's shoe industry has shown a moderate, but continued, increase in production since 1949. Thus, total production in 1949, amounting to about 98 million pairs, increased to about 103 million in 1950 and to about 106 million in 1951.

5. Employment levels in the industry have varied less than production levels, but tend to follow the same pattern. Employment increased by only 0.5% in 1950 and declined 4.6% in 1951. Since then there has been some recovery.

6. Government procurement of shoes (which except for negligible amounts of women's shoes, is confined to men's shoes) amounted in fiscal year 1951 to approximately $122,000,000 covering approximately 20 million pairs of shoes (a substantial increase over preceding years), but decreased in fiscal year 1952 to less than $80,000,000 covering approximately 13 million pairs. In view of the increasing use of rubber footwear (insulated boots) it would appear that fiscal year 1953 procurement of leather footwear is more likely to decrease than to increase.

7. Since World War II, Government shoe procurement has, in general, followed advertised bid procedures, except for a period from approximately December 1950 to July 1951, during which negotiated contracts were largely used. Since the resumption of advertised bid procedures about July, 1951, the smaller firms engaged in shoe manufacture have received a smaller proportion (both in numbers and in volume) of the contracts than they received during the period in which negotiated contract procedures were mainly relied upon.

8. The men's shoe industry possesses the following characteristics of especial significance in relationship to the application of Defense Manpower Policy No. 4:

a. Productive facilities are fairly widely distributed, a substantial amount of shoe manufacture (and resultant employment) being found in 10 states.

b. Aside from occasional "one-industry" cities, the only relatively large area in which the men's shoe industry appears to be dominant is the Brockton, Massachusetts, area.

c. In a few areas, the men's shoe industry is of considerable importance, both in relation to other industries and in terms of volume of employment.

d. There appears to be little correlation between the pattern of distribution of the men's shoe industry and the pattern of current manpower surplus. Facilities for the production of men's shoes are not concentrated in any one of the four employment groups, as classified by the Department of Labor, but appear at random in areas of balanced labor supply (Group II), areas of moderate labor surplus (Group III) and areas of substantial labor surplus (Group IV).

e. There appears to be little correlation between the relative sizes of the various firms in the men's shoe industry and the pattern of current manpower surplus. Thus, some Group IV areas, contain mainly smaller firms, while others contain larger firms.

B. *Conclusions.* 1. In view of present and prospective conditions in the shoe and footwear industry and present and prospective levels of Government procurement, application of Defense Manpower Policy No. 4 to that industry would not have a major effect on the operation of the entire industry.

2. Current procurement policies, which rely mainly upon advertised bid procedures, have resulted in considerable concentration of Government contracts for shoes in the hands of a relatively small number of comparatively large concerns.

3. Adoption of certain procurement procedures, hereinafter enumerated in the Recommendations, would improve the spread, distribution and timing of Government shoe contracts and thereby contribute to the well-being of the men's shoe industry.

C. *Recommendations.* 1. The shoe and footwear industry should be subject to the general application of Defense Manpower Policy No. 4, and not be dealt with under Section 8 thereof.

2. There should be more vigorous application of those procurement procedures which contemplate and permit negotiated contracts with firms located in surplus labor areas.

3. Insofar as practicable and consistent with procurement and defense objectives, phasing of requirements should be adopted that will provide maximum opportunity to shoe producers to engage in Government production during periods of normal seasonal lulls.

4. In order to achieve more equitable distribution of Government shoe procurement, and thereby relieve unemployment and assist small business concerns, contracts should be spread as widely as possible, within the limits of procurement practicability, among the firms within the men's shoe industry.

JOHN C. STEDMAN,
Chairman.
Commander A. T. L. FOX.
H. DANIEL DARLING.

[F. R. Doc. 52-6153; Filed, June 2, 1952; 11:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2827]

CONSOLIDATED NATURAL GAS CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF ADDITIONAL CAPITAL STOCK

MAY 27, 1952.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to, among other things, the following proposed transaction:

At the annual meeting of stockholders of Consolidated held on May 20, 1952, the stockholders approved an amendment to the charter of Consolidated increasing the number of authorized shares of capital stock from 3,274,031 shares to 3,683,285 shares, an increase of 409,254 shares. Consolidated now proposes that the 409,254 additional shares be offered pro rata to holders of its outstanding capital stock on the basis of one additional share for each eight shares held. Such stock will be offered for subscription at the price of $52.00 per share, by warrants being issued to the holders of its outstanding capital stock of record at the close of business on June 3, 1952. Stockholders who subscribe for their pro rata part will also have the privilege to subscribe for additional shares, subject to allotment, out of the shares of capital stock, if any, not taken by primary subscription. No fractional shares of capital stock will be issued. Primary rights may be purchased to entitle the holder of a warrant to subscribe to one or more full shares of capital stock or primary rights may be sold. The subscription offer will expire at 3:00 p. m., New York time, June 20, 1952. Warrants not exercised on or prior to such date become void. The Hanover Bank, 70 Broadway, New York, New York, will act as Subscription Agent in connection with the subscription offer.

Fees and expenses in connection with the issuance of the additional capital stock are estimated in the aggregate amount of $238,025, including Subscription Agent's fee of $75,000, Transfer Agent's fee of $20,000, and counsel fees of $5,000.

Due notice having been given of the filing of the declaration with respect to the proposed issuance and sale of additional capital stock, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration with respect to the proposed issuance and sale of additional capital stock be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration with respect to the proposed issuance and sale of additional capital stock be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6009; Filed, June 2, 1952; 8:47 a. m.]

[File No. 70-2842]

CAMBRIDGE ELECTRIC LIGHT CO. ET AL.

NOTICE OF PROPOSED SALE TO BANK OF UNSECURED PROMISSORY NOTES BY SUBSIDIARIES OF REGISTERED HOLDING COMPANY

MAY 27, 1952.

In the matter of Cambridge Electric Light Company, Cambridge Gas Light Company, Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company, Plymouth County Electric Company, Plymouth Gas Light Company, Worcester Gas Light Company; File No. 70-2842.

Notice is hereby given that the above named companies (hereinafter individually referred to as "Cambridge Electric," "Cambridge Gas," "Cape Electric," "New Bedford," "Plymouth Electric," "Plymouth Gas" and "Worcester Gas," each a subsidiary company of New England Gas and Electric Association, a registered holding company, have filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and the rules thereunder proposing the issuance and sale to The First National Bank of Boston, from time to time during 1952, of unsecured promissory notes in an aggregate principal amount of $3,550,000, bearing interest at a rate not to exceed 3½ percent per annum, and maturing December 31, 1954.

The aggregate principal amount of notes proposed to be issued by each of the applicant companies is as follows:

Company:	*Aggregate amount of company's notes to be issued*
Cambridge Electric	$500,000
Cambridge Gas	700,000
Cape Electric	750,000
New Bedford	750,000
Plymouth Electric	250,000
Plymouth Gas	100,000
Worcester Gas	500,000

The application states that the proceeds to be derived from the proposed note issues will be applied by each applicant to reimburse its plant replacement fund, except in the case of Cambridge Gas which will use a portion of the proceeds to finance directly net property additions.

The application also states that no Federal commission other than this Commission, and no State commission, other than the Department of Public Utilities of Massachusetts, which has issued orders approving the proposed issuance and sale of the notes, has jurisdiction over the proposed transaction; and that total expenses in connection with the proposed transactions are estimated at $900, including legal fees of $500. The filing requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than June 9, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 9, 1952, at 5:30 p. m., e. d. s. t., said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6010; Filed, June 2, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 61, Correction]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

Due to a typographical error, section 4 (a) (6) in item 1 of Delegation of Authority 61 issued April 11, 1952, and effective April 12, 1952, was designated to read section 4 (a) (d). Accordingly,

section 4 (a) (d) in item 1 of Delegation of Authority 61 is corrected to read section 4 (a) (6).

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6149; Filed, June 2, 1952; 10:49 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 2]

KAISER-FRAZER CORP.

BASIC PRICE AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 16 the Kaiser-Frazer Corporation has introduced new items of factory installed extra, special or optional equipment on its Kaiser and Henry J new passenger automobiles and wholesale ceiling prices have been approved for these new items. Special Order 16 is, therefore, amended to include charges for the new items of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16 is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 16:

KAISER AUTOMOBILES

Accessory Group No. 31 (Kaiser "De-Luxe") (includes oil bath air cleaner, directional signals, chrome horn ring, and rub rail mouldings)	$38.09
Special trim number 1305 consisting of Champagne White Body Color with Indian Ceramic, Pleated Vinyl Interior Trim and Calpoint Carpeting (all Kaisers)	100.00
Special trim number 1306 consisting of Champagne White Body Color with Indian Ceramic, Pleated Leather Interior Trim and Calpoint Carpeting (all Kaisers)	200.00

HENRY J AUTOMOBILES

Accessory Group No. 35 (Henry J "Corsair") (includes front vent windows, rear deck lid and folding rear seat, vacuum booster fuel pump, front compartment cigarette lighter, and front compartment ash receiver)	69.77
Accessory Group No. 36 (Henry J "Corsair") (same as Accessory Group No. 35 above, except equipped with stationary rear seat)	69.77
Accessory Group No. 37 (Henry J "Corsair DeLuxe") (includes front vent widows, vacuum booster fuel pump, two front and rear bumper guards, cigarette lighter, stainless steel hub cap discs, chrome horn ring, second horn, and two ash receivers in rear compartment	70.12
Henry J Automobiles—Continued	
Accessory Group No. 38 (Henry J "Corsair DeLuxe") (includes front vent windows, vacuum booster fuel pump, two front and rear bumper guards, cigarette lighter, stainless steel hub cap discs, chrome horn ring, second horn, two ash receivers in rear compartment, a rear deck lid and folding seat and a right hand sun visor)	$109.73
Accessory Group No. 39 (Henry J "Corsair DeLuxe") (same as Accessory Group No. 38 above, except equipped with stationary rear seat)	109.73
Window vents, rear (all Henry J)	21.27
Special trim numbers 106 and 107 consisting of Cerulean Blue Body Color with White Bamboo Plain Vinyl Interior Trim and Black Rubber Mats (all Henry J)	50.00

Effective date. This Amendment 2 to Special Order 16 shall become effective June 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6148; Filed, June 2, 1952; 10:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27085]

ACETALDEHYDE FROM TALLANT, OKLA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

MAY 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers.

Commodities involved: Acetaldehyde, in tank-car loads.

From: Tallant, Okla.

To: New Orleans, La.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3880, Supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5968; Filed, May 29, 1952; 8:49 a. m.]

[4th Sec. Application 27090]

ETHYLENE AND POLYETHYLENE GLYCOL FROM PORT NECHES, TEX., TO DETROIT, MICH.

APPLICATION FOR RELIEF

MAY 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Ethylene glycol or polyethylene glycol, in tank-car loads.

From: Port Neches, Tex.

To: Detroit, Mich.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 218.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-5973; Filed, May 29, 1952; 8:50 a. m.]

[4th Sec. Application 27092]

FERTILIZING COMPOUNDS AND SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO SOUTHWESTERN AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

MAY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent L. E. Kipp's tariff I. C. C. No. A-3817 and Agent F. C. Kratzmeir's tariffs I. C. C. Nos. 3987 and 3988.

Commodities involved: Fertilizing compounds (manufactured fertilizer), superphosphate, and kindred articles, carloads.

From: Points in southern territory and adjacent points.

To: Points in southwestern and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6020; Filed, June 2, 1952; 8:48 a. m.]

[4th Sec. Application 27093]

PAINT MATERIALS FROM TOLEDO, OHIO, TO KENILWORTH, N. J.

APPLICATION FOR RELIEF

MAY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Paints, varnishes, lacquers, and materials, carloads.

From: Toledo, Ohio.

To: Kenilworth, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6021; Filed, June 2, 1952; 8:48 a. m.]

[4th Sec. Application 27094]

VARIOUS COMMODITIES FROM POINTS IN SOUTHERN TERRITORY TO CERTAIN POINTS

APPLICATION FOR RELIEF

MAY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to tariffs shown in exhibit "A" of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Points in southern, official, and western trunk-line territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6022; Filed, June 2, 1952; 8:49 a. m.]

Room

Room

FEDERAL REGISTER

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VOLUME 17 NUMBER 109

Washington, Wednesday, June 4, 1952

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE

On April 24, 1952, there was published in the FEDERAL REGISTER (17 F. R. 3657), a notice of proposed rule making concerning amendments of §§ 301.48–2 and 301.48–4 (a) (1) of the regulations supplemental to the Japanese Beetle Quarantine (7 CFR 301.48–2 and 301.48–4 (a) (1), as amended). After due consideration of relevant matters presented, and pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends §§ 301.48–2 and 301.48–4 (a) (1), to read, respectively, as follows:

§ 301.48–2 *Regulated areas.* The following States, District, counties, townships, cities, towns, villages, boroughs, and magisterial districts or parts thereof, are hereby designated as regulated areas:

Connecticut. The entire State.
Delaware. The entire State.
District of Columbia. The entire District.
Maine. County of York; towns of Auburn and Lewiston, in Androscoggin County; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and cities of Portland, South Portland, Westbrook, and Windham, in Cumberland County; city of Waterville, in Kennebec County; and city of Brewer, in Penobscot County.
Maryland. The entire State.
Massachusetts. The entire State.
New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in Carroll County; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in Grafton County.
New Jersey. The entire State.
New York. Counties of Albany, Bronx, Broome, Cayuga, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Monroe, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Suffolk, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, and Westchester; towns of Red House and Salamanca, and cities of Olean and Salamanca, in Cattaraugus County; towns of Amherst, Cheektowaga, and Tonawanda, and cities of Buffalo and Lackawanna, in Erie County; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and city of Little Falls, in Herkimer County; town of Watertown and city of Watertown, in Jefferson County; town of Mount Morris and village of Mount Morris in Livingston County; town of Manchester, in Ontario County; towns of Granby, Hannibal, Mexico, Minetto, New Haven, Oswego, Palermo, Schroeppel, Scriba, and Volney, and cities of Fulton and Oswego, in Oswego County; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and cities of Corning and Hornell, in Steuben County.
North Carolina. Counties of Beaufort, Bertie, Buncombe, Cabarrus, Camden, Carteret, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Edgecombe, Forsyth, Gates, Greene, Guilford, Halifax, Harnett, Henderson, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Mecklenburg, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Randolph, Rowan, Sampson, Tyrrell, Washington, Wayne, and Wilson; township of Beaver Dam and city of Canton in Haywood County.
Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; cities of Ashtabula and Conneaut, and village of Lakeville, in Ashtabula County; townships of Lafayette, Linton, Oxford, and Tuscarawas, and city of Coshocton, in Coshocton County; township of Marion, city of Columbus and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in Franklin County; township of Chester, in Geauga County; township of Prairie, in Holmes County; townships of Kirtland, Mentor, Painesville, Perry, and Willoughby, and villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, Willowick, and city of Painesville in Lake County; townships of Hanover, Madison, and Newark and city of Newark, in Licking County; city of Toledo and township of Washington, in Lucas

(Continued on p. 5001)

CONTENTS

Page

Agriculture Department
See Commodity Exchange Authority; Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Altmann, Gustave Michel ... 5053
Basch-Noaillon, Henriette, and Monique Noaillon ... 5053
Compania Nacional de Inversiones and Banco Nacional de Mexico ... 5053
Foehringer, Carrie ... 5052
Piccinini, Florence Sawyer ... 5053
Reindler, Leonhard, et al ... 5052
Spedale, Carmela ... 5053

Civil Aeronautics Administration
Rules and regulations:
Repair station certificates; rules, policies and interpretations of CAA ... 5002

Civil Aeronautics Board
See Civil Aeronautics Administration.

Coast Guard
Rules and regulations:
Security check and clearance of merchant marine personnel; requirements for documents bearing security clearance indorsement ... 5040

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Commodity Exchange Authority
Rules and regulations:
Wool tops, special provisions applicable; Form 800 ... 5015

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Entomology and Plant Quarantine Bureau
Rules and regulations:
Japanese beetle quarantine; domestic notice ... 4999

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)
Titles 35–37 ($0.35)
Title 39 ($0.65)
Titles 40–42 ($0.35)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Title 38 ($1.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission — Page
Notices:
Form for application for authority to construct a new broadcast station or make changes in an existing broadcast station; interpretation of street address — 5048

Federal Communications Commission—Continued — Page
Notices—Continued
Hearings, etc.:
Arctic Telephone and Telegraph Co. and Aeronautical Radio, Inc. — 5047
Farmers Broadcasting Service, Inc. (WELS) — 5046
North Shore Broadcasting Co. Inc. et al — 5048
Western Union Telegraph Co. — 5047
Proposed rule making:
Frequency allocations (2 documents) — 5044
Rules and regulations:
Miscellaneous rules relating to common carriers; term — 5041
Stations on land and shipboard in the maritime service; notice of errata — 5041

Federal Power Commission
Notices:
Hearings, etc.:
Atlantic Seaboard Corp. — 5048
Wilcox Trend Gathering System, Inc. — 5048

Federal Trade Commission
Rules and regulations:
Richard Donigan et al.; cease and desist order — 5014

Housing and Home Finance Agency
Notices:
Regional Representatives; delegation of authority to designate Acting Regional Representatives — 5049

Interior Department
See National Park Service.

Internal Revenue Bureau
Proposed rule making:
Tax, income; taxable years beginning Dec. 31, 1941 — 5041
Rules and regulations:
Employees' tax and employers' tax under the Federal Insurance Contributions Act — 5018
Employers' tax, employees' tax, and employee representatives' tax under the Railroad Retirement Tax Act — 5018
Excise tax on employers under the Federal Unemployment Tax Act — 5018
Regulations relating to estate tax; miscellaneous amendments — 5016
Tax, income, taxable years beginning after Dec. 31, 1941; information returns as to patronage dividends, rebates or refunds — 5015

Interstate Commerce Commission
Notices:
Applications for relief:
All commodities, motor-rail-motor rates between Springfield, Mass., and Harlem River, N. Y. — 5050
Batteries, dry cell, from Freeport, Ill., to Brooklyn and New York, N. Y. — 5050
Boxes, paper, from Quincy, Ill., to Iowa — 5050

Interstate Commerce Commission—Continued — Page
Notices—Continued
Applications for relief—Con.
Cake, salt, from Maryland, Pennsylvania, Delaware and New Jersey to Hudson and Palatka, Fla. — 5050
Drugs, chemicals, and toilet preparations from Morton Grove, Ill., to trunk-line and New England territories — 5050
Pulpwood from Florida to Panama City, Fla. — 5049
Sewing machine cabinets and related articles from South Bend, Ind., to Bridgeport, Conn. — 5049
Loading requirements:
Barrels or drums — 5051
Carload freight — 5052
Carload import freight — 5051
Cartons — 5051
Commodities, mixed — 5051
Fish — 5051
Syrup — 5052

Justice Department
See Alien Property, Office of.

National Park Service
Notices:
District of Columbia; parking signs — 5045

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan; restrictions on steel shipments and acceptance of deliveries (CMP Reg. 1, Dir. 12) — 5039

Price Stabilization, Office of
Notices:
Directors of Regional Offices; delegation of authority to act under CPR 101 — 5045
Rules and regulations:
Ceiling prices for sales of wool grease and lanolin by manufacturers and processors (CPR 146) — 5030
Chemicals, rubber (CPR 147) — 5032
Manufacturers' general ceiling price regulation:
Adjustment of ceiling prices for hand-made household glassware (CPR 22, SR 27) — 5026
Information required in report under sec. 32 (CPR 22) — 5026
Mechanical precision springs, metal stampings and screw machine products; small order exemption for new sellers (CPR 119) — 5029
Services:
Fur dressers services in New York City area (CPR 34, SR 17) — 5028
Power laundries, computation of increase and filing requirements:
Cook County, Ill. (CPR 34, SR 8) — 5028
Milwaukee County, Wis. (CPR 34, SR 15) — 5028

CONTENTS—Continued

Production and Marketing Administration — Page
Proposed rule making:
Grapes, Tokay, grown in California; correction — 5043
Rules and regulations:
Tobacco; Type 62 shade-grown cigar-leaf, grown in designated production area of Florida and Georgia; correction — 5002

Securities and Exchange Commission
Notices:
Adams & Co., and Ray T. Haas; hearing — 5049

Treasury Department
See Internal Revenue Bureau.

Wage Stabilization Board
Notices:
Resolutions regarding delegations of authority — 5045
Rules and regulations:
Resolutions regarding policy determinations and other substantive matters — 5035

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter III:	
Part 301	4999
Chapter IX:	
Part 951 (proposed)	5043
Part 983	5002
Title 14	
Chapter I:	
Part 52	5002
Title 16	
Chapter I:	
Part 3	5014
Title 17	
Chapter I:	
Part 8	5015
Title 26	
Chapter I:	
Part 29	5015
Proposed rules	5041
Part 81	5016
Part 402	5018
Part 403	5018
Part 411	5018
Title 32A	
Chapter III (OPS):	
CPR 22	5026
CPR 22, SR 27	5026
CPR 34, SR 8	5028
CPR 34, SR 15	5028
CPR 34, SR 17	5028
CPR 119	5029
CPR 146	5030
CPR 147	5032
Chapter IV:	
Subchapter B (WSB):	
Res. 45	5036
Res. 77	5039
Res. 78	5036
Res. 79	5038
Res. 80	5036
Res. 81	5035

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter IV—Continued	
Subchapter B (WSB)—Con.	
Res. 83	5037
Res. 84	5039
Res. 87	5039
Res. 89	5036
Res. 90	5036
Res. 92	5039
Res. 93	5037
Res. 94	5036
Chapter VI (NPA):	
CMP Reg. 1, Dir. 12	5039
Title 33	
Chapter I:	
Part 121	5040
Title 47	
Chapter I:	
Part 2 (proposed) (2 documents)	5044
Part 7	5041
Part 8	5041
Part 64	5041

County; townships of Benton, Jackson, Lee, Ohio, Salem, and Switzerland, in Monroe County; townships of Adams, Cass, Falls, Hopewell, Highland, Jackson, Jefferson, Licking, Madison, Monroe, Muskingum, Perry, Salem, Union, and Washington, in Muskingum County; township of Madison and city of Mansfield, in Richland County; townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, cities of Niles and Warren, and villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in Trumbull County; townships of Adams, Barlow, Belpre, Dunham, Fearing, Grandview, Independence, Lawrence, Liberty, Ludlow, Muskingum, Newport, Salem, Warren, Watertown, and city and town of Marietta, in Washington County.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Mayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, and the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in Crawford County; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, LeBoeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in Erie County.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and town of Burlington, in Chittenden County.

Virginia. Counties of Accomac, Alleghany, Amelia, Amherst, Arlington, Bedford, Brunswick, Caroline, Charles City, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Frederick, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Powhatan, Prince George, Prince William, Princess Anne, Pulaski, Rappahannock, Richmond, Roanoke, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, Wythe, and York; magisterial districts of Charlottesville, Ivy, Rivanna, and Scottsville, in Albermarle County; magisterial district of Amsterdam, in Botetourt County; magisterial districts of Brookville and Otter River, in Campbell County; village of Schoolfield, in Pittsylvania County; magisterial districts of Glade Spring and Holston, in Washington County; and cities of Alexandria, Charlottesville, Clifton Forge, Danville, Fredericksburg, Hampton, Hopewell, Lynchburg, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, Williamsburg, and Winchester.

West Virginia. Counties of Barbour, Berkeley, Braxton, Brooke, Doddridge, Hampshire, Hancock, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pleasants, Preston, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzel, and Wirt; magisterial districts of Blue Sulphur and Fort Spring, in Greenbrier County; magisterial districts of Charleston, Elk, Loudon, and Malden, city of Charleston, and town of South Charleston, in Kanawha County; city of Princeton, in Mercer County; magisterial district of Wolf Creek, in Monroe County; magisterial districts of Leadsville and New Interest, in Randolph County; magisterial district of Reedy in Roane County; city of Hinton and magisterial districts of Greenbrier and Talcott, in Summers County; magisterial district of Fort Lick in Webster County; cities of Parkersburg and Williamstown and magisterial districts of Clay, Lubeck, Parkersburg, Slate, Tyrard, Union, Walker, and Williams, in Wood County.

§ 301.48–4 *Conditions governing movement of regulated articles*—(a) *Certification.* • • •

(1) A certificate or limited permit will not be required for the movement of regulated articles when transported via mail or by a common carrier on a through bill of lading from a regulated area through a nonregulated area to another regulated area: *Provided, however,* That this exception will not apply to the movement of regulated articles to such isolated regulated areas as may be designated in administrative instructions of the Chief of the Bureau of Entomology and Plant Quarantine when he has determined that such movement presents a hazard of spread of infestation.

These amendments shall be effective June 4, 1952.

These amendments add additional territory to the regulated areas in New York, Ohio, Virginia, and West Virginia and establish a procedure for restricting the movement of regulated articles to an isolated regulated area when it has been determined that such movement presents a hazard of spreading Japanese beetle infestation.

Prompt action is necessary with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the Japanese beetle. Authorization for restricting movement of regulated articles to isolated areas when such movement may result in further spread of infestation should also be made effective at once so that it may be immediately utilized, if found necessary, when Japanese beetle adult emergence starts within a few weeks. Therefore, good

cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 28th day of May, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-6077; Filed, June 3, 1952; 8:45 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Correction

In F. R. Doc. 52-6092, appearing at page 4971 of the issue for Tuesday, June 3, 1952, the title of Claude R. Wickard should read: "Acting Secretary of Agriculture."

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 1]

PART 52—REPAIR STATION CERTIFICATES

The rules, policies, and interpretations of the Administrator contained in this supplement implement the provisions of Part 52, Repair Station Certificates, which was adopted by the Board and published April 5, 1952, in 17 F. R. 2981, to become effective June 15, 1952. They have been coordinated with interested members of the aircraft industry insofar as practicable. Inasmuch as they are an integral part of revised Part 52, they must be made effective simultaneously with that part in the interest of safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable. However, interested persons desiring to present written data, views, and/or arguments pertaining to this supplement are requested to send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., before July 1, 1952. All communications so received will be considered by the Administrator, and the rules, policies, and interpretations adopted herein will be reconsidered fully in the light of the comments submitted. Sections of Part 52 which are implemented by these rules, policies, and interpretations are repeated in this supplement for the guidance of the public. The following rules, policies, and interpretations, which supersede all those previously promulgated by the Administrator under Part 52, are hereby adopted to become effective June 15, 1952:

APPLICABILITY AND DEFINITIONS

Sec.
52.0 Applicability of this part.
52.1 Definitions.

GENERAL CERTIFICATION RULES

52.5 Application for certificate.
52.5–1 Procedure for applying for a repair station certificate (CAA rules which apply to § 52.5).
52.6 Issuance.
52.6–1 Issuance (CAA interpretations which apply to § 52.6).
52.7 Duration.
52.7–1 Duration (CAA Interpretations which apply to § 52.7).
52.8 Exchange of certificates.
52.8–1 Exchange of certificates (CAA Policies which apply to § 52.8).
52.9 Display.
52.9–1 Display (CAA interpretations which apply to § 52.9).
52.10 Change of facilities.
52.10–1 Procedure for changing the location of a certificated repair station (CAA policies which apply to § 52.10).
52.11 Advertising.
52.11–1 Scope of advertising (CAA policies which apply to § 52.11).
52.11–2 Advertising media (CAA interpretations which apply to § 52.11).
52.11–3 Advertisement of ratings (CAA interpretations which apply to § 52.11).
52.12 Inspection.
52.12–1 Formal inspections (CAA policies which apply to § 52.12).
52.12–2 Informal inspection (CAA policies which apply to § 52.12).
52.13 Nontransferability of certificate.
52.13–1 Nontransferability of certificate (CAA interpretations which apply to § 52.13).

DOMESTIC CERTIFICATE REQUIREMENTS

52.20 Requirements for issuance of certificate.
52.20–1 General (CAA policies which apply to § 52.20).
52.21 Housing and facilities.
52.21–1 Housing and facilities (CAA interpretations which apply to § 52.21).
52.21–2 Working space, storage facilities, and parts protection (CAA interpretations which apply to § 52.21).
52.21–3 Special housing and facility requirements (CAA interpretations which apply to § 52.21).
52.22 Personnel.
52.22–1 Personnel (CAA interpretations which apply to § 52.22).
52.23 Recommendation of certificated repairmen.
52.23–1 Recommendation of certificated repairmen (CAA interpretations which apply to § 52.23).
52.24 Records of supervisory and inspection personnel.
52.24–1 Records of supervisory and inspection personnel (CAA rules which apply to §§ 52.5 and 52.24).
52.25 Inspection system.
52.25–1 Inspection system (CAA interpretations which apply to § 52.25).
52.26 Ratings.
52.26–1 Ratings (CAA interpretations which apply to 52.26 (c) through (f)).
52.27 Limited ratings.
52.27–1 Limited ratings (CAA policies which apply to § 52.27).
52.30 Equipment and materials; general.
52.30–1 Equipment and materials (CAA interpretations which apply to § 52.30).
52.30–2 Equipment list (CAA policies which apply to § 52.30).
52.31 Equipment and materials; airframe rating.
52.31–1 Equipment and materials; airframe rating (CAA interpretations which apply to § 52.31).
52.32 Equipment and materials; powerplant rating.
52.32–1 Equipment and materials; powerplant rating (CAA interpretations which apply to § 52.32).
52.33 Equipment and materials; propeller rating.
52.33–1 Equipment and materials; propeller rating (CAA interpretations which apply to § 52.33).
52.34 Equipment and materials; radio rating.
52.34–1 Equipment and materials; radio rating (CAA interpretations which apply to § 52.34).
52.35 Equipment and materials; instrument rating.
52.35–1 Equipment and materials; instrument rating (CAA interpretations which apply to § 52.35).
52.36 Equipment and materials; accessory rating.
52.36–1 Equipment and materials; accessory rating (CAA interpretations which apply to § 52.36).
52.37 Equipment and materials; limited ratings.
52.37–1 Equipment and materials; limited ratings (CAA interpretations which apply to § 52.37).

DOMESTIC REPAIR STATION OPERATING RULES

52.40 Domestic repair station operating rules; general.
52.41 Privileges of certificate.
52.41–1 Scope of authorized major repairs and major alterations (CAA interpretations which apply to § 52.41 (c)).
52.41–2 Annual inspections and other flight authorizations (CAA policies which apply to § 52.41).
52.42 Limitations of certificates.
52.43 Maintenance of facilities, equipment, and material.
52.44 Standard of performance.
52.44–1 Standard of performance (CAA interpretations which apply to § 52.44).
52.45 Inspection of work performed.
52.45–1 Inspection of work performed (CAA interpretations which apply to § 52.45).
52.46 Performance records and reports.
52.47 Report of defects or unairworthy conditions.
52.47–1 Report of defects or unairworthy conditions (CAA rules which apply to § 52.47).

FOREIGN REPAIR STATION CERTIFICATE REQUIREMENTS

52.50 Requirements for issuance of foreign repair station certificate.
52.50–1 Necessity for certification (CAA interpretations which apply to § 52.50).
52.51 Scope of work authorized.
52.51–1 Scope of work authorized. (CAA policies which apply to § 52.51).
52.52 Personnel.
52.52–1 Personnel (CAA policies which apply to § 52.52).

FOREIGN REPAIR STATION OPERATING RULES

52.60 General.
52.61 Required records and reports.
52.61–1 Required records and reports (CAA rules which apply to § 52.61).

AUTHORITY: §§ 52.0 to 52.61–1 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1, 52 Stat. 977, sec. 601, 52 Stat. 1007, is amended, secs. 602, 605, 607, 610, 52 Stat. 1008, 1010, 1011, 1012; 49 U. S. C. 401, 551, 552, 555, 557, 560.

APPLICABILITY AND DEFINITIONS

§ 52.0 *Applicability of this part.* This part establishes requirements for the issuance of repair station certificates and ratings and operating rules for the holders thereof.

§ 52.1 *Definitions.* (a) As used in this part terms are defined as follows:

(1) *Accessory.* An accessory shall mean an appliance other than an instrument, electronic communication or navigational equipment, or device for the automatic control of aircraft in flight.

(2) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(3) *Aircraft engine.* An aircraft engine shall mean an engine used, or intended to be used, for propulsion of aircraft, and includes all parts, appurtenances, and accessories thereof other than propellers.

(4) *Airframe.* Airframe shall mean any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants and propellers.

(5) *All-metal construction.* All-metal construction, when that phrase is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of metal only, irrespective of the kind of covering utilized.

(6) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(7) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(8) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

(9) *Certificated mechanic.* A certificated mechanic shall mean an individual holding a valid mechanic certificate with appropriate ratings issued by the Administrator.

(10) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a valid repair station certificate with appropriate ratings issued by the Administrator.

(11) *Certificated repairman.* A certificated repairman shall mean an individual holding a valid repairman certificate issued in accordance with Subpart B of Part 24 of this subchapter.

(12) *Component.* A component shall mean a constituent part of an aircraft.

(13) *Composite construction.* Composite construction, when that term is used to describe the composition of an airframe, shall mean that the structure of the airframe is made of at least two types of substances, such as metal and wood.

(14) *Electrical.* The term electrical, as applied to appliances, instruments, and accessories, shall mean an appliance, instrument, or accessory whose operation depends upon the flow of an electric current, other than one whose operation depends upon the use of an electron tube or similar device.

(15) *Electronic.* The term electronic, as applied to appliances, instruments, and accessories, shall mean an appliance, instrument, or accessory whose operation depends upon the use of an electron tube or similar device.

(16) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include electronic instrumentation and devices for the automatic control of navigation of the aircraft in flight.

(17) *Maintenance.* Maintenance, which includes preventive maintenance, shall mean the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(18) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean:

(i) An alteration which might cause an appreciable change in its weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness, or

(ii) An alteration which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

(19) *Major repair.* A major repair to an aircraft or any component thereof shall mean:

(i) A repair which, if improperly accomplished, would adversely affect the structural strength, performance, flight characteristics, powerplant operation, or other qualities affecting airworthiness, or

(ii) A repair which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

(20) *Minor alteration.* A minor alteration of an aircraft or any component thereof shall mean an alteration other than a major alteration.

(21) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(22) *Person.* Person shall mean any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(23) *Powerplant.* Powerplant shall mean an aircraft engine and its component parts, and other parts necessary to properly install such engine in an aircraft, but not the propeller (if used).

(24) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft, and shall also include control components normally supplied by the manufacturer of the propeller. It shall also include a system of rotating airfoils which serve either to counteract the effect of the main rotor torque of a rotorcraft or to maneuver a rotorcraft about one or more of its three principal axes.

(25) *Radio.* Radio shall mean an appliance and related apparatus for the transmission and/or reception of radio signals, including electronic appliances used for intercommunication.

(26) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(27) *Type.* Type shall mean all aircraft of the same basic design, including all modifications thereto.

GENERAL CERTIFICATION RULES

§ 52.5 *Application for certificate.* Application for a repair station certificate with appropriate ratings, and any modification or amendment thereof, shall be made on a form and in a manner prescribed by the Administrator.

§ 52.5–1 *Procedure for applying for a repair station certificate (CAA rules which apply to § 52.5)*—(a) *General.* When the applicant has satisfied himself that he is thoroughly familiar with the contents of this part, he shall make application for a repair station certificate on Form ACA–394. This form may be obtained from his local Aviation Safety District Office or the Regional Administrator of the Civil Aeronautics Administration's region having jurisdiction over the civil aviation activities in his area. The addresses of all regional offices of the Civil Aeronautics Administration will be found in the Appendix.[1]

NOTE: Each repair station desiring certification contact the CAA Aviation Safety Agent or Advisor who will inspect his facility for certification. This agent or advisor is located in the Aviation Safety District Office or International Field Office having jurisdiction over the area in which the proposed repair station is to be located.

(b) *Application file.* (1) A complete application file shall consist of the following documents, in duplicate:

(i) An executed application for a Certificated Repair Station, Form ACA–394;

(ii) Roster of supervisory and inspection personnel (§ 52.24–1);

(iii) Copy of the repair station's inspection manual (§ 52.25–1);

[1] Not filed as part of the original document.

(iv) List of maintenance functions contracted to outside agencies as provided for under §§ 52.31–1 through 52.37–1.

(2) When the application is for a propeller rating (Class 2) or accessory rating (Classes 1, 2 and 3) the applicant should attach to the application Form ACA–394 a list indicating by type and/or make the propeller or accessory for which he desires approval. For example: Koppers, automatic variable.

(c) *Modifications or amendments to certificate.* The following are considered to be modifications or amendments to the certificate:

(1) Change of location;

(2) Changes in supervisory and inspection personnel;

(3) Changes in authorized signatures;

(4) Concellations and issuance of repairman certificates;

(5) Request for changing a Designated Maintenance Representative (applies to domestic repair stations only);

(6) Request for revisions or amendments to ratings.

Requests for modifications and amendments detailed in this paragraph shall be made by the execution of Form ACA–394 (Parts I and/or II) by a responsible official of the repair station.

(d) *Special requirements for foreign repair station applicants.* Prior to requesting an application for a repair station certificate, the applicant shall notify, in writing, the Chief Advisor of the International Field Office of his intent to apply for a foreign repair station certificate. The applicant should include in this notification of intent a statement outlining the reasons for desiring a U. S. repair station at the applicant's place of business. After submission of the notification of intent the applicant should hold informal discussions with the CAA Advisor, who will actually handle the certificate of the foreign repair station, and who is hereinafter referred to as the inspecting advisor. During this discussion the inspecting advisor will clarify all points in question regarding repair station requirements. An application for a foreign repair station certificate will be made on Form ACA–394, which may be obtained from the CAA International Field Office nearest the applicant.

(e) *Brochure.* Each foreign repair station shall furnish, at the time of making application, a suitably bound brochure, which shall include a description of the physical characteristics of the facilities, supplemented by photographs. The brochure shall also include a description of the inspection system, an organizational chart, the names and titles of managing and supervisory personnel, and a list of contracted services, if any, giving the names of the contractors and the type of service rendered by them. It will be necessary to furnish the brochure in duplicate.

(f) *Application for reissuance of foreign repair station certificate.* A foreign repair station certificate expires one year after date of issuance. In order to expedite the handling of reissuance of the certificate, the repair station should, within thirty days prior to the expiration date, apply for reissuance of the certificate. The application should be addressed to the Chief Advisor of the International Field Office nearest the repair station's place of business. If approved, the repair station will be notified to that effect by the Washington office of the CAA through normal channels of communication. Foreign repair stations failing to apply for reissuance prior to the expiration date shall apply for the repair station certificate in the same manner as for original certification. However, in this case it will not be necessary to furnish copies of the brochure required in paragraph (e) of this section. A certificated foreign repair station shall not exercise its privileges beyond the expiration date of the certificate.

§ 52.6 *Issuance.* A repair station certificate with appropriate ratings prescribing such operations specifications and limitations as may be reasonably required in the interest of safety will be issued to an applicant who the Administrator finds is properly and adequately equipped and competent and able to maintain, repair, or alter airframes, powerplants, propellers, radios, instruments or accessories in accordance with the applicable requirements hereinafter specified. No person shall operate as a certificated repair station without, or in violation of, the terms of a repair station certificate.

§ 52.6–1 *Issuance (CAA interpretations which apply to § 52.6)*—(a) *General.* The applicant must not operate as a certificated repair station nor advertise as such until he is in possession of a valid repair station certificate.

§ 52.7 *Duration.* (a) A domestic repair station certificate shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator.

(b) A foreign repair station certificate shall expire one year after the date of issuance, unless sooner surrendered, suspended, revoked, or otherwise terminated by order of the Board, after which it shall be returned to the Administrator: *Provided*, That upon a showing of continued compliance with § 52.50 it may be reissued for additional 12-month periods upon application to the Administrator.

§ 52.7–1 *Duration (CAA interpretations which apply to § 52.7).* (a) Any domestic repair station certificate which has been either surrendered, suspended, revoked, or otherwise terminated by order of the Board must be delivered to a CAA Aviation Safety Agent.

(b) Any foreign repair station certificate which has been either surrendered, suspended, revoked, or otherwise terminated by order of the Board must be delivered to a CAA advisor assigned to the International Field Office which has jurisdiction over the activities of the particular foreign repair station.

§ 52.8 *Exchange of certificates.* The Administrator shall, not later than one year from the effective date of this part, reinspect all repair stations certificated prior to the effective date of this part. Upon the conclusion of each reinspection the existing certificate and ratings of such repair station shall expire, and the certificate shall be returned to the Administrator. New certificates with appropriate ratings may be issued in accordance with the provisions of this part, if such reinspection indicates compliance herewith. Until such reinspection has been completed and a new certificate has been issued, a repair station shall comply with the requirements of this part in effect immediately prior to this revision.

§ 52.8–1 *Exchange of certificates (CAA policies which apply to § 52.8)*—(a) *Procedure for exchange of certificates.* (1) It is the responsibility of the CAA to inspect all repair stations holding certificates issued prior to June 15, 1952. The inspecting Aviation Safety Agent shall inform the repair station, in writing, of his intent to conduct an inspection for recertification. The repair station shall be allowed a minimum of 30 days, from the date of receipt of the Agent's letter, in which to study the revised regulation and prepare for the inspection. Prior to the commencement of the inspection, the repair station will execute an application for a Repair Station Certificate, hereinafter referred to as Form ACA–394.

(2) The Washington office of the CAA will make the final approval or disapproval of the application. If approved, the repair station will be issued a new certificate, including ratings, operating specifications, and limitations. In any case, the repair station will surrender its old certificate and rating record to the inspecting agent upon his request.

§ 52.9 *Display.* The repair station certificate shall be on display in the repair station for which the certificate was issued and available for inspection by any authorized representative of the Administrator or the Board.

§ 52.9–1 *Display (CAA interpretations which apply to § 52.9).* The repair station certificate must be displayed in a location normally accessible to the general public and must not be obscured. The certificate and all documents thereof must be made available to an authorized representative of the Administrator or the Board.

§ 52.10 *Change of facilities.* No change in location or in the housing and facilities required by § 52.21 shall be made by a certificated repair station without the prior written approval of the Administrator.[1]

§ 52.10–1 *Procedure for changing the location of a certificated repair station (CAA policies which apply to § 52.10).* (1) A repair station changing its location should notify the Aviation Safety Agent who has jurisdiction over the repair station certificate, using Form ACA–394 (Part II) for this purpose. Such notification should be made at least thirty days prior to the date the repair station plans to change its location. Since repair station certificates are based in part on the physical facilities of a repair station at a specific location, it will be necessary for the agent to conduct an inspection of the repair station at its new location. The repair station should allow ample time for this inspection and subsequent approval or disapproval when planning to notify the CAA of a change in location. If approved, an amended certificate shall be issued indicating the latest location.

(2) The CAA will prescribe conditions under which the station may operate while the move is in process.

[1] Requests for approval of a change of location, housing, or facilities should be submitted to the Regional Administrator of Civil Aeronautics for the region in which the repair station is located.

§ 52.11 *Advertising.* Any advertising conducted by a certificated repair station which indicates that it is a certificated repair station shall clearly indicate the work for which it is rated under its certificate.

§ 52.11–1 *Scope of advertising (CAA policies which apply to § 52.11).* The objective of § 52.11 is to provide the public with reasonable information setting forth the classification and capabilities of a repair station which holds itself to be certificated by the CAA. Any piece of advertising indicating directly or indirectly that the repair station is certificated by the CAA should clearly indicate the work for which it is rated under the certificate.

§ 52.11–2 *Advertising media (CAA interpretations which apply to § 52.11).* The following advertising media are considered to come within the scope of § 52.11:

(a) Business letterheads;

(b) Billheads and statements;

(c) Customer estimates and inspection forms;

(d) Hangar or shop signs;

(e) Advertisements in newspapers, periodicals or trade journals;

(f) Any form of promotional media.

§ 52.11–3 *Advertisement of ratings (CAA interpretations which apply to § 52.11).* The basic rating or ratings and the classes of rating or ratings for which the repair station has been certificated must be clearly indicated on any of the advertising media mentioned in § 52.11–2, upon which is imprinted a statement, indicating directly or indirectly, that the repair station is certificated by the CAA. Examples of methods that may be used to meet this requirement may be found in the Appendix.

§ 52.12 *Inspection.* An authorized representative of the Administrator or the Board shall be permitted at any time to make inspections or examinations to determine a repair station's compliance with the provisions of this subchapter.

§ 52.12–1 *Formal inspections (CAA policies which apply to § 52.12).* The applicant's compliance with the requirements of this part will be determined by the Aviation Safety Agent after completing an inspection of the applicant's facilities. After the original inspection for certification or recertification, formal inspections will be made by an Aviation Safety Agent every 4 months. This inspection will be made to determine if the repair station continues to meet the requirements under which it was originally certificated. The inspection will cover the adequacy of the repair station's inspection system, personnel, stock facilities, equipment, records, and a determinaton will be made as to the ability of the repair station to comply with all requirements of this part. Upon completion of each formal inspection, the inspecting representative will notify the repair station, in writing, of any discrepancies noted during his inspection.

§ 52.12–2 *Informal inspection (CAA policies which apply to § 52.12).* An Aviation Safety Agent or a representative of the Board may make spot checks from time to time between formal inspections.

§ 52.13 *Nontransferability of certificate.* A repair station certificate is not transferable.

§ 52.13–1 *Nontransferability of certificate (CAA interpretations which apply to § 52.13).* An amended repair station certificate will be required when a corporation holding a repair station certificate sells or transfers all its assets, including the repair station, to another person, or all members of a copartnership sell their interest in the repair station to other persons. In the above cases an application for an amended repair station certificate must be made by the new owners of the business, and the procedure given in § 52.5–1 must be followed.

DOMESTIC CERTIFICATE REQUIREMENTS

§ 52.20 *Requirements for issuance of certificate.* No certificate for a repair station to be located within the United States shall be issued until the requirements of §§ 52.21 through 52.25 and §§ 52.30 through 52.36, as appropriate, are met.

§ 52.20–1 *General (CAA policies which apply to § 52.20).* The CAA will not issue a repair station certificate to an applicant unless the inspecting agent finds that all the requirements of this part have been complied with in all respects. Limitations found necessary because of operating conditions peculiar to a specific repair station will be considered when such limitations are fully compensated for by other factors and the standard is not lowered. In such cases the limitations will be noted appropriately upon the repair station's certificate.

§ 52.21 *Housing and facilities.* An applicant shall provide:

(a) Sufficient housing to accommodate the necessary equipment and material, and suitable working space for the performance of the work for which the repair station rating is sought;

(b) Suitable facilities for the proper storage, segregation, and protection of materials, parts, and supplies; and

(c) Suitable facilities for the proper protection of parts and subassemblies during disassembly, cleaning, inspection, repair, alteration, and assembly.

§ 52.21–1 *Housing and facilities (CAA interpretations which apply to § 52.21)*—(a) *General.* The objectives of § 52.21 are to assure that the work being accomplished is protected at all times from the elements (rain, snow, wind, dust, and heat); that the workers are so protected that their physical efficiency will not impair the quality of work performed; and that any maintenance operation will have the proper facilities for its successful and efficient accomplishment.

§ 52.21–2 *Working space, storage facilities, and parts protection. (CAA interpretations which apply to § 52.21)*—(a) *Working space*—(1) *Shop space.* Shop space is defined as that space in a repair station to which the location of machine tools and equipment is assigned and where the largest volume of bench work is accomplished. This space does not have to be partitioned, but the machines or equipment may be required to be segregated under certain conditions. For example, machines or equipment must be segregated when:

(i) Machine or woodwork is performed so close to the assembly area that chips, etc. might inadvertently fall into assembled or partially assembled work;

(ii) Parts cleaning units, unpartitioned, are close to other operations;

(iii) Fabric work is done in an area where oils and greases are present;

(iv) Painting and spraying is done in an area so arranged that paint or paint dust can fall on assembled or partially assembled work;

(v) Dirt, paint spray, cleaning or machining operations are conducted in close proximity to testing operations involving the use of precision test equipment.

(2) *Assembly space.* Assembly space is defined as that space in a repair station in which the largest volume of final assembly work is accomplished. The assembly space must be ample to accommodate the largest item being worked on, appropriate to the class of rating for which the repair station is certificated. The assembly space must be an enclosed structure that will meet the objectives as stated in § 52.21–1.

(b) *Storage facilities.* Storage facilities include those areas of the repair station to which is allocated, exclusively, the storage of standard parts, spare parts, and raw materials. These areas must be segregated from the shop and working space. They must be so organized that only acceptable parts and supplies will be issued to the job in process. Standard good practice for the proper protection of material in storage must be followed at all times.

(c) *Parts protection.* All parts in process of disassembly, assembly, or awaiting assembly or disassembly must be properly stored and protected to eliminate the possibility of damage to the parts.

(d) *Ventilation.* Shop, assembly, and storage areas must be suitably ventilated so that the physical efficiency of the workers will not be impaired.

(e) *Lighting.* All work being accomplished must be illuminated sufficiently so as not to adversely affect the quality of the job being accomplished.

(f) *Temperature control.* The temperature of the shop and assembly space must be so controlled as to not impair the physical efficiency of the workers. Where special maintenance operations are performed, such as fabric work, painting, etc., the temperature and hu-

midity control must be adequate to assure the airworthiness of the article undergoing maintenance.

§ 52.21–3 *Special housing and facility requirements (CAA interpretations which apply to § 52.21).*—(a) *Airframe repair stations.* In addition to the requirements of §§ 52.21–1 and 52.21–2, airframe repair stations must have suitable permanent type housing sufficient to accommodate at least one of the heaviest aircraft within the weight class of the repair station rating. For example, a repair station with an airframe rating, class 1, must be able to house at least one aircraft with a gross weight of 12,500 pounds. If the repair station's location is such that climatic conditions permit work to be accomplished outdoors, permanent type work docks will be acceptable provided such work docks meet the objective as stated in § 52.21–1.

(b) *Engine repair stations.* In addition to the requirements of §§ 52.21–1 and 52.21–2, engine repair stations must provide suitable racks or stands for the purpose of segregating complete engine assemblies from each other during assembly and disassembly operations. Covers must also be provided for the protection of parts awaiting assembly or during assembly to prevent dust or other foreign particles from entering or falling upon these parts.

(c) *Propeller repair station.* In addition to the requirements of §§ 52.21–1 and 52.21–2, propeller repair stations must have suitable stands, racks, or other fixtures for the proper storage of propellers after repair or overhaul.

(d) *Instrument repair stations.* In addition to the requirements of §§ 52.21–1 and 52–21–2, instrument repair stations should, if possible, be air-conditioned. Where air-conditioning is not installed in the shop space allocated to final assembly, such space must be dust free. Shop and assembly areas must be kept clean at all times in order to reduce the possibility of the entrance of foreign particles into instrument assemblies.

(e) *Accessory repair stations.* In addition to the requirements of §§ 52.21–1 and 52.21–2, accessory repair stations must provide suitable trays, racks or stands for the purpose of segregating complete assemblies from each other during assembly and disassembly operations. Covers must also be provided for the protection of parts awaiting assembly or during assembly to prevent dust or other foreign particles from entering or falling upon these parts.

(f) *Radio repair stations.* In addition to the requirements of §§ 52.21–1 and 52.21–2, radio repair stations must provide hot lockers or other similar fixtures used for the storage of those parts which are susceptible to the accumulation of dampness or moisture.

§ 52.22 *Personnel.* (a) Each applicant shall have adequate personnel competent to perform, supervise, and inspect the work for which the repair station is rated.

(b) Any individual who is directly in charge of the inspection, maintenance, overhaul, or repair functions shall have had at least 18 months of practical experience with the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in such functions as are related to the work for which the repair station is rated.

(c) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair functions shall be either an appropriately certificated mechanic or an appropriately certificated repairman.

(d) In addition to the requirements of paragraph (b) of this section, at least one of the individuals performing such functions under a repair station certificate with an airframe rating shall also possess experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after annual inspections, and the issuance of other flight authorizations.

§ 52.22–1 *Personnel (CAA interpretations which apply to § 52.22).*—(a) *General.* An objective of this part is to place greater responsibility for the repair station's performance on the responsible managing officials. To this end it is essential that repair station officials give careful consideration to the qualifications and competency of individuals in their employ. The primary responsibility for the satisfactory performance of a worker will be the repair station's.

(b) *Required number of personnel.* The number of repair station personnel will vary according to the type of work and volume engaged in. However; a repair station must provide a sufficient number of properly qualified employees in keeping with the volume of work in process. This number must not be reduced beyond the number required for the production of airworthy work performed in an efficient manner.

(c) *Supervisory personnel.* The repair station must provide a sufficient number of competent supervisors over all phases of the repair station's activities. These supervisors need not exercise overall supervision at a management level, but must exercise direct supervision over working groups. When apprentices are utilized in working groups engaged in assembly operations, or other operations which might be critical to the safety of the aircraft, the repair station must provide at least one competent supervisor for each ten apprentices. This ratio need not apply where apprentices have been integrated into working groups composed essentially of experienced workers.

(d) *Experience requirements for supervisors.* Supervisors directly in charge of maintenance operations must have at least 18 months of experience with the procedures, practices, inspection methods, materials, tools, machine tools and equipment generally used in such functions as related to the work for which the repair station is rated. Experience obtained as an apprentice or student mechanic is not considered appropriate. It is the responsibility of the repair station to determine the competency of its supervisory personnel. However, the inspecting Aviation Safety Agent may determine such competency and ability by requesting the submission of employment and experience records of the individual or by personal examination or test.

(e) *Competency of nonsupervisory personnel.* The repair station must determine the competency of all uncertificated workers engaged in maintenance operations under the terms of a repair station certificate. Competency should be determined on the basis of practical examination or authentic employment record.

(f) *Special requirements for airframe repair stations.* Repair stations holding an airframe rating must provide appropriately rated certificated personnel who possess experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after annual inspection and the issuance of other flight authorizations such as ferry permits. The repair station must recommend such personnel at the time of making application for a repair station certificate. Because of the experience, sense of responsibility, and integrity necessary to the public trust, any individual recommended by the repair station to conduct annual inspections and issue flight authorizations will be subject to personal evaluation by the CAA. The repair station must be prepared to substantiate the above requirements to the inspecting agent.

(g) *Special requirements for limited ratings.* Since a limited rating is based on the ability of a repair station to perform a specialized service to a particular aircraft, engine or component, or perform a maintenance technique requiring special knowledge and equipment, all limited repair stations must provide personnel having detailed knowledge of the particular maintenance function or technique for which the rating is issued. The individual may obtain such knowledge by attending a factory school or by obtaining the equivalent knowledge through long experience with the product or technique involved.

§ 52.23 *Recommendation of certificated repairman.* A certificated repairman shall be recommended in accordance with the provisions of Subpart B of Part 24 of this subchapter.

§ 52.23–1 *Recommendation of certificated repairman (CAA interpretations which apply to § 52.23).* At the time of making application for a repair station certificate, the applicant must recommend and certify one or more individuals to the CAA, at or above the level of shop foreman or department head, stating that they are competent to perform and supervise the work to which they are assigned. The repair station should not certify personnel below the level of shop foreman or department head. The CAA will issue certificates to individuals so recommended by the repair station.

§ 52.24 *Records of supervisory and inspection personnel.* Each repair station shall maintain current records of personnel who are directly in charge of maintenance, repair, inspection, or alteration and shall furnish copies of any personnel changes thereof to the Administrator in a manner and form prescribed by him. These records shall contain such information concerning the qualifications of each such individual as is necessary to show compliance with the experience qualifications of this subchapter. No certificated repair station shall utilize the services of an individual directly in charge of maintenance, repair, inspection, or alteration unless current records are maintained for such individual as required in this section.

§ 52.24–1 *Records of supervisory and inspection personnel (CAA rules which apply to §§ 52.5 and 52.24).*—(a) *Employment records.* An applicant for a repair station certificate shall attach to the application, and a repair station shall maintain, a roster of all supervisory and inspection personnel. The roster of supervisory personnel shall include officials of the repair station responsible for its management, in addition to technical supervisors such as foremen, crew chiefs, etc. In regard to inspection personnel, the roster shall include the names of the chief inspector in addition to those inspectors responsible for making final determinations as to the airworthiness of an article prior to its release for service. An employment summary shall also be given for each individual on the roster. The summary shall include the following:

(1) Scope of present assignment (e. g., airframe overhaul, airframe final assembly, engine inspection department, airframe final inspection);

(2) Present title (e. g., chief inspector, metal shop foreman, engine test crew chief, etc.);

(3) Total experience in years on scope of work assigned;

(4) Past employment record, giving places and term of employment by month and date;

(5) Type and serial number of CAA certificates held (e. g., A&E 12175, Designated Aircraft Maintenance Inspector No. 4100).

(b) *Roster changes.* The repair station shall change the roster called for in paragraph (a) of this section, under the following conditions:

(1) When the employment of an individual named on the roster has been terminated;

(2) When an individual is assigned to duties which require the addition of his name to the roster;

(3) When any appreciable change takes place in the duties and scope of assignment of an individual named on the roster.

Under any of the conditions in this paragraph the repair station shall notify the inspecting agent, using Form ACA–394 (Part II) for this purpose.

§ 52.25 *Inspection system.* An applicant for a repair station certificate shall have an inspection system adequate for satisfactory quality control.

§ 52.25–1 *Inspection system (CAA interpretations which apply to § 52.25).*—(a) *Inspection personnel.* Inspection personnel must be thoroughly familiar with all inspection methods, techniques, and equipment used in their specialty to determine the quality or airworthiness of an article undergoing maintenance or alteration. Inspection personnel must also maintain proficiency in the use of various types of inspection aids. They must also have available and be familiar with current specifications, involving inspection tolerances, limits and procedures, as set forth by the manufacturer of the product undergoing inspection, or other forms of inspection information such as CAA airworthiness directives, bulletins, etc. Where magnetic, fluorescent, or other forms of mechanical inspection devices are used, the operator-inspector must be skilled in the operation of such equipment and must be competent to properly interpret defects indicated by such equipment.

(b) *Inspection of incoming material.* A repair station must provide a satisfactory method of inspecting incoming material to the extent found necessary to insure that all incoming material is in a good state of preservation and free from any apparent defects or malfunctioning prior to being placed in stock for use in any aircraft or component.

(c) *Preliminary inspection.* A repair station must provide a method whereby all items undergoing maintenance are given a preliminary inspection to determine the state of preservation or defects of the item involved. The results of this inspection must be entered on an appropriate form supplied by the repair station, which must remain with the item undergoing maintenance until it is released to service.

(d) *Inspection for hidden damage.* Prior to the commencement of any work, all airframes, powerplants, or other components that have been involved in an accident must be given a searching inspection for hidden damage, including areas adjacent to the obviously damaged members or components. The results of this inspection must be recorded on the appropriate inspection form mentioned in paragraph (c) of this section.

(e) *Inspection procedures manual.* Upon application for a repair station certificate, an applicant must prepare an inspection procedures manual, which must be maintained in a current condition at all times thereafter. This manual should not be confused with the type that contains detailed inspection standards or instructions for a particular airframe, powerplant, accessory, etc. The procedures manual must explain the internal inspection system of the repair station in a form that is readily understood by any new employee of the repair station. It must state in detail the repair station's inspection system, including the continuity of inspection responsibility, samples of inspection forms, and their method of execution. In addition, the manual must contain all items under paragraphs (a) through (d) of this section. The procedures manual should refer, when necessary, to the appropriate manufacturer's inspection standards for the overhaul or repair of the particular article involved. A repair station must provide copies of this manual for all supervisory and inspection personnel, and must assure that these individuals are thoroughly familiar with its contents. The manual must also be made available to personnel other than supervisors or inspectors, so that they may be familiar with the inspection system.

§ 52.26 *Ratings.* The following repair station ratings shall be issued:

(a) Airframe: (1) Class 1: Composite construction up to and including 12,500 lbs. maximum certificated take-off weight;

(2) Class 2: Composite construction above 12,500 lbs. maximum certificated take-off weight;

(3) Class 3: All-metal construction up to and including 12,500 lbs. maximum certificated take-off weight;

(4) Class 4: All-metal construction above 12,500 lbs. maximum certificated take-off weight.

(b) Powerplant: (1) Class 1: Reciprocating engines up to and including 400 horsepower;

(2) Class 2: Reciprocating engines above 400 horsepower;

(3) Class 3: Turbine engines.

(c) Propeller: (1) Class 1: Fixed-pitch type;

(2) Class 2: All other types, by make.

(d) Radio:[1] (1) Class 1: Communication equipment;

(2) Class 2: Navigational equipment;

(3) Class 3: Radar.

(e) Instrument: (1) Class 1: Mechanical;

(2) Class 2: Electrical;

(3) Class 3: Gyroscopic;

(4) Class 4: Electronic.

(f) Accessory: (1) Class 1: Mechanical, by type;

(2) Class 2: Electrical, by type;

(3) Class 3: Electronic, by type.

§ 52.26–1 *Ratings (CAA interpretations which apply to § 52.26 (c) through (f)).*—(a) *General.* The purpose of this section is to explain the types of propellers, radio equipment, instruments, and accessories which are set forth by classes under the appropriate ratings.

(b) *Propeller—(1) Class 1; fixed-pitch type.* Fixed-pitch type means all propellers, either of wood, metal or composite construction, including those propellers whose pitch is adjustable on the ground only and not controllable otherwise. Examples: Hartzell, McCauley, and Curtiss-Reed.

(2) *Class 2; other types by make.* This means all controllable propellers. A repair station will be rated for each specific make of controllable propeller it is equipped and able to service. Examples: Hamilton-Standard, Curtiss Electric, Aero Products, Koppers, etc.

(c) *Radio—(1) Class 1; communication equipment.* Communication equipment means any radio transmitting and/or receiving equipment used in air-

[1] The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

craft to receive or transmit communication in flight, regardless of carrier frequency and type of modulation utilized. It also includes auxiliary and related equipment such as aircraft interphone systems, voice power amplifier systems, electrical or electronic intercrew signaling devices and similar equipment. It does not include any apparatus or device used for the navigation of aircraft or as an aid to navigation. It does not include equipment used to measure altitude terrain clearance or other measuring apparatus or devices operating upon either radio or radar principles, nor does it include mechanical, electrical, gyroscopic, and electronic instruments which may form a part of communications radio equipment.

(2) *Class 2; navigational equipment.* Navigational equipment means any radio system used in aircraft to accomplish or assist in en route and approach navigation of an aircraft, except such equipment which operates on radar or pulsed radio frequency principles. It does not include equipment used to measure altitude terrain clearance or other distance measuring apparatus or devices operating either on pulsed radio frequency or radar principles.

(3) *Class 3; radar equipment.* Radar equipment means any aircraft electronic system operating from either radar or pulsed radio frequency principles.

(d) *Instruments*—(1) *Class 1; mechanical.* Mechanical instruments mean any of the following types used on aircraft or for the operation of aircraft: Diaphragm, bourdon tube, optical and power driven centrifugal, averoid type. Examples of these instruments are tachometers, air speed indicators, pressure gauges, drift sights, magnetic compasses, altimeters, etc.

(2) *Class 2; electrical.* Electrical instruments mean any instrument of the following types: Syncro-style and electrical indicating instruments and systems. Examples of these instruments are the various remote indicating instruments, cylinder head temperature gauges, etc.

(3) *Class 3; gyroscopic.* Gyroscopic instruments mean any instrument or instrument system employing the gyroscopic principle and motivated by either air pressure or electrical energy. Examples are: Automatic pilot control units, turn and bank indicators, directional gyros and their components, flux gate and gyrosyn compasses.

(4) *Class 4; electronic.* Electronic instruments mean any instrument whose operations depend upon the use of an electron tube or similar device. Examples: Capacitance type quantity gauges, system amplifiers, engine analyzers.

(e) *Accessory*—(1) *Class 1; mechanical.* Mechanical accessories mean those accessories which depend on friction, hydraulics, mechanical linkage, or pneumatic pressure for their operation. Examples: Aircraft wheel brakes, mechanically driven pumps, carburetors, aircraft wheel assemblies, shock absorber struts, hydraulic servo units.

(2) *Class 2; electrical.* Electrical accessories mean any accessories depending on electrical power for their operation, and generators. Examples: Starters, voltage regulators, electric motors, electrically driven fuel pumps, magnetos, etc.

(3) *Class 3; electronic.* Electronic accessories mean any accessories whose operations depend upon the use of an electron tube or similar device. Examples: Supercharger, temperature regulating, and air conditioning controls, etc.

§ 52.27 *Limited ratings.* Ratings may be issued with appropriate limitations, where found appropriate by the Administrator, to a repair station which engages solely in the maintenance, repair, or alteration of a particular type of airframe, powerplant, propeller, radio, instrument, accessory, or the components thereof, or engages in a specialized service with respect to the maintenance, repair, or alteration of an aircraft, or the components thereof.

§ 52.27–1 *Limited ratings (CAA policies which apply to § 52.27)*—(a) *General.* The type of work for which the Administrator considers a limited rating appropriate is listed in this section. This list may be revised from time to time as the needs of the industry dictate. If a particular activity is not included on the list, an applicant should apply in the manner stated in § 52.5–1, and the application will be submitted to the CAA's Washington office for further study. When the Administrator finds that the applicant's request for such a rating is appropriate, the Administrator may authorize a rating not covered in this section.

(b) *Scope of limited ratings.* All limited ratings are issued for the maintenance, inspection, repair and alteration of an aircraft, engine or other component. In addition, ratings may be issued for some special repair, maintenance technique or process which requires equipment and skills not normally found in regular repair stations. Limited ratings may be issued for a specific model aircraft, engine, or component, or they may be issued for a number of products produced by a particular manufacturer.

(c) *List of appropriate limited ratings.* (1) Airframes of a particular make and model;

(2) Engines of a particular make and model;

(3) Propellers of a particular make and model;

(4) Instruments of a particular make and model;

(5) Radio equipment of a particular make and model;

(6) Accessories of a particular make and model;

(7) Landing gear component overhaul and repair;

(8) Float overhaul and repair, by make;

(9) Magnetic and fluorescent inspection;

(10) Emergency equipment overhaul and repair;

(11) Rotor blade overhaul and repair, by make and model;

(12) Aircraft fabric work.

§ 52.30 *Equipment and materials; general.* An applicant for a repair station certificate shall have such equipment and materials as are necessary for the competent and efficient performance of the functions appropriate to the rating or ratings sought.

§ 52.30–1 *Equipment and materials (CAA interpretations which apply to § 52.30)*—(a) *General.* The objective of this section is to assure that a repair station has adequate equipment and materials, proportionate to the volume of work undertaken, to do any job within the scope of its ratings. The equipment and materials must be of such type that the work for which they are being used can be performed in a competent, efficient manner. All inspection and test equipment must be checked at regular intervals to insure correct calibration. Equipment and materials required for the various ratings must be located on the premises of the repair station and must also be under the full control of such station, unless the equipment and materials are used in a function which the repair station is authorized under this part to contract to outside agencies. In this event the repair station will be responsible for the airworthiness of the article unless the contractor is an appropriately rated repair station. The applicant will have the responsibility of choosing suitable tools and equipment (which may be either equipment or tools recommended by a manufacturer in the overhaul or repair of his product or the equivalent of such equipment or tools) to accomplish the specific functions that are set forth in the following sections. The inspecting CAA agent will determine if these tools, equipment, and materials are satisfactory within the intent of this regulation. (See Appendix A for equipment check list).

§ 52.30–2 *Equipment list (CAA policies which apply to § 52.30).* At the time of making application for a repair station certificate and ratings, the applicant will furnish, in duplicate, a listing of all equipment and fixtures which he considers satisfactory to comply with requirements of this and succeeding sections. The listing of hand tools usually considered a part of a mechanic's tool kit is not required; neither is a detailed inventory of the applicant's supply of spare parts, standard parts, and other materials used for the maintenance of aircraft. Since it is a requirement that the listed equipment be available at all times and since such equipment represents the minimum necessary to perform all job functions in a competent and efficient manner, it will not be necessary for a repair station to furnish amendments or revisions to this list.

§ 52.31 *Equipment and materials; airframe rating.* An applicant for an airframe rating shall be equipped to perform maintenance, repair, inspection, or alteration operations on such of the following as are appropriate to the rating sought:

(a) Steel structural components;
(b) Wood structure;
(c) Alloy skin and structural components;
(d) Fabric covering;
(e) Control systems;
(f) Landing gear systems;
(g) Electric wiring systems;
(h) Assembly operations.

§ 52.31–1 *Equipment and materials; airframe rating (CAA interpretations which apply to § 52.31)*—(a) *General.* An applicant for any class of airframe rating must provide equipment and materials for the competent and efficient performance of the following job functions within the class of rating applied for: (An asterisk (*) indicates that the applicant need not have equipment and materials on his premises for this function provided he contracts that particular type work to an outside agency having such equipment and materials).

(b) *Class 1; composite construction up to and including 12,500 pounds maximum certificated weight.* (1) Steel structural components:

Repair or replace steel tubes and fittings, using the proper welding techniques when appropriate;
Anticorrosion treatment of the interior and exterior of steel parts;
Metal plating or anodizing*,
Simple machine operations such as making bushings, bolts, etc.,
Complex machine operations involving the use of planers, shapers, milling machines, etc.*,
Fabricate steel fittings,
Abrasive air blasting and chemical cleaning operations*,
Heat treatment*,
Magnetic inspection*,
Repair or rebuild metal tanks*.

(2) Wood structure:

Splice wood spars,
Repair ribs and spars (wood),
Fabricate wood spars*,
Repair or replace metal ribs,
Interior alignment of wings,
Repair or replace plywood skin,
Treatment against wood decay.

(3) Alloy skin and structural components:

Repair and replace metal skin, using power tools and equipment,
Repair, replace, and fabricate alloy members and components such as tubes, channels, cowling, fittings, attach angles, etc.,
Alignment of components, using jigs or fixtures as in the case of joining fuselage sections or other similar operations,
Make up wooden forming blocks or dies,
Fluorescent inspection of alloy components.*

(4) Fabric covering:

Repairs to fabric surfaces,
Recovering and refinishing of components and entire aircraft.*

(5) Control systems:

Renewing control cables, using swaging and splicing techniques,
Rigging complete control system,
Renewing or repairing all control system hinge point components such as pins, bushings, etc.,
Install control system units and components.

(6) Landing gear systems:

Renew or repair all landing gear hinge point components and attachments such as bolts, bushings, fittings, etc.,
Overhaul and repair elastic shock absorber units,
Overhaul and repair hydraulic-pneumatic shock absorber units *,
Overhaul and repair brake system components *,
Conduct retraction cycle tests,
Overhaul and repair electrical circuits,
Overhaul and repair hydraulic system components *,
Repair or fabricate hydraulic lines.

(7) Electric wiring systems:

Diagnose malfunctions,
Repair or replace wiring,
Installation of electrical equipment,
Bench check electrical components (this check is not to be confused with the more complex functional test after overhaul).

(8) Assembly operations:

Assembly of airframe component parts such s landing gear, wings, controls, etc.,
Rigging and alignment of airframe components, including the complete aircraft and control system,
Installation of power plants,
Installation of instruments and accessories,
Assembly and fitting of cowling, fairings, etc.,
Repair and assembly of plastic components such as windshields, windows, etc.,
Jack or hoist complete aircraft,
Conduct aircraft weight and balance operations (this function will be conducted in draft free area),
Balance control surfaces.

(c) *Class 2; composite construction above 12,500 pounds maximum certificated weight.* The various job functions under this class for which appropriate equipment and materials are required, are the same as under Class 1.

(d) *Class 3; all metal construction up to and including 12,500 pounds maximum certificated weight.* The various job functions under this class for which appropriate equipment and materials are required, are the same as under Class 1.

(e) *Class 4; all metal construction above 12,500 pounds maximum certificated weight.* The various job functions under this class for which appropriate equipment and materials are required, are the same as under Class 1.

§ 52.32 *Equipment and materials; powerplant rating.* An applicant for a powerplant rating shall be equipped, as appropriate to the rating sought, to:

(a) Maintain, repair, and alter powerplants, including replacement of parts;

(b) Inspect all parts, using appropriate inspection aids;

(c) Accomplish routine machine work;

(d) Perform assembly operations; and

(e) Test overhauled powerplants in compliance with manufacturers' recommendations or shall have made arrangements suitable to the Administrator for the performance of this function in lieu thereof.

§ 52.32–1 *Equipment and materials; powerplant rating (CAA interpretations which apply to § 52.32)*—(a) *General.* An applicant for all classes of powerplant ratings must provide such equipment and materials as are necessary for the competent and efficient performance of the following job functions within the class of rating applied for. An asterisk (*) indicates that the applicant need not have equipment and materials for that function provided he contracts the particular function to an outside agency having such equipment and materials.

(b) *Class 1; Engines up to and including 400 horsepower.* (1) Maintain, repair and alter powerplants, including replacement of parts:

Chemical and mechanical cleaning,
Disassembly operations,
Abrasive air blasting of parts,
Replacement of valve guides and seats,
Replacement of bushings, bearings, pins, inserts, etc.,
Plating operations (copper, silver, cadmium, etc.)*,
Heating operations (involving the use of recommended techniques requiring controlled heating facilities),
Chilling or shrinking operations,
Removal and replacement of studs,
Inscribing or affixing identification information,
Painting of powerplants and components,
Anticorrosion treatment for parts,
Replacement and repair of powerplant alloy sheet metal and steel components such as baffles, fittings, etc.*.

(2) Inspect all parts, using appropriate inspection aids:

Magnetic, fluorescent and visual inspection of parts,
Precise determination of clearances and tolerances of all parts,
Inspection for alignment of connecting rods, crankshafts, impeller shafts, etc.,
Balancing of parts, including crankshafts, impellers, etc.,
Inspection of valve springs.

(3) Accomplish routine machine work:

Precision grinding, honing and lapping operations (includes crankshaft, cylinder barrels, etc.)*,
Precision drilling, tapping, boring, milling and cutting operations,
Reaming of inserts, bushings, bearings and other similar components,
Refacing of valves.

(4) Perform assembly operations:

Valve and ignition timing operations,
Fabricate and test ignition harnesses,
Fabricate and test rigid and flexible fluid lines,
Prepare engines for long- or short-term storage,
Bench check powerplant accessories (this check is not to be confused with the more complex performance test of overhaul),
Hoist engines by mechanical means,
Install engines in aircraft*,
Align and adjust engine controls*.

(5) Test overhauled powerplants in compliance with manufacturers' recommendations. The test equipment will be the same as recommended by the manufacturers of the particular engines undergoing test or equivalent equipment that will accomplish the same purpose. The function of engine testing will also include all accessories of the particular engine that will be installed in an aircraft as components of the powerplant. The testing function may be performed by the repair station itself, or may be contracted to an outside agency. In either case the repair station will be responsible for the final acceptance of the tested engine.

(c) *Class 2; engines above 400 horsepower.* The various job functions under this class, for which appropriate equipment and materials are required, are the same as under Class 1.

* These functions, when completed, must be inspected by either an appropriately rated certificated mechanic or certificated repairman. Persons supervising or inspecting these functions must be thoroughly familiar with the pertinent installation details involved.

(d) *Class 3; turbine engines.* Functional and equipment requirements for turbine engines will be governed entirely by the recommendations of the manufacturer, including techniques, inspection methods, and test.

§ 52.33 *Equipment and materials; propeller rating.* An applicant for a propeller rating shall be equipped, as appropriate to the rating sought, to:

(a) Maintain, repair, and alter, including installation and the replacement of parts;

(b) Inspect components, using appropriate inspection aids;

(c) Repair or replace components;

(d) Balance; and

(e) Test propeller pitch - changing mechanisms in compliance with manufacturers' recommendations or shall have made arrangements suitable to the Administrator for the performance of this function in lieu thereof.

§ 52.33–1 *Equipment and materials; propeller rating (CAA interpretations which apply to § 52.33)*—(a) *General.* An applicant for all classes of propeller ratings must provide equipment and materials for the competent and efficient performance of the following job functions within the class of rating applied for. An asterisk (*) indicates that the applicant need not have equipment and materials for this function provided he contracts that particular function to a competent outside agency having such equipment and materials.

(b) *Class 1; fixed-pitch propellers.* (1) Maintain, repair and alter propellers, including installation and the replacement of parts:

Replace blade tipping,
Refinish wood propellers,
Make wood inlays,
Refinish plastic blades,
Straighten bent blades within repairable tolerances,
Modify blade diameter and profile,
Polish and buff,
Painting operations,
Remove from and reinstall on powerplants.

(2) Inspect components, using appropriate inspection aids:

Inspect propellers for conformity with manufacturer's drawings and specifications.
Inspect hubs and blades for failures and defects, using magnetic or fluorescent inspection devices*.
Inspect hubs and blades for failures and defects, using all visual aids, including the etching of parts,
Inspect hubs for wear of splines or keyways or any other defect.

(3) Repair or replace components: (Not applicable to this class).

(4) Balance propellers:

Test for proper track on aircraft,
Test for horizontal and vertical unbalance (this test will be accomplished with the use of precision equipment and in a draft-free area).

(5) Test propeller pitch changing mechanisms: (Not applicable to this class.)

(c) *Class 2; all other types by make.* (1) Maintain, repair and alter propellers, including installation and the replacement of parts:

All functions listed under Class 1 of paragraph (b) (1) of this section when applicable to the make and model for which rated.
Properly lubricate moving parts,
Assemble complete propeller and sub-assemblies, using special tools when required.

(2) Inspect components, using appropriate inspection aids: All functions listed under Class 1 of paragraph (b) (2) of this section when applicable to the make and model for which rated.

(3) Repair or replace component parts:

Replace blades, hubs, or any of their components,
Replace or repair anti-icing devices,
Remove nicks or scratches from blades,
Repair or replace electrical propeller components.

(4) Balance propellers: All functions listed under Class 1 of paragraph (b) (4) of this section, when applicable to the make and model for which rated.

(5) Test propeller pitch changing mechanism:

Test hydraulically, propellers and components,
Test electrically operated propellers and components,
Test of constant speed devices*.

§ 52.34 *Equipment and materials; radio rating.* An applicant for a radio rating shall be equipped, as appropriate to the rating sought, to:

(a) Diagnose malfunctions;

(b) Maintain, repair, and alter, including installation and the replacement of parts;

(c) Inspect and test;

(d) Make frequency checks; and

(e) Perform such calibrations as are necessary for the proper operation of equipment.

§ 52.34–1 *Equipment and materials; radio rating (CAA interpretations which apply to § 52.34)*—(a) *General.* An applicant for all classes of radio ratings must provide equipment and materials for the competent and efficient performance of the following job functions within the class of rating applied for. An asterisk (*) indicates that the applicant need not have equipment and materials for this function, provided he contracts that particular function to a competent outside agency having such equipment and materials.

(b) *Class 1; communications equipment*—(1) Diagnose radio malfunctions:

Check aircraft wiring, antennas, connectors, relays and other associated radio components to detect installation faults,
Check engine ignition systems and aircraft accessories to determine sources of electrical interference,
Check aircraft power supplies for adequacy and proper functioning.

(2) Maintain, repair, and alter radios, including installation and the replacement of parts:

Overhaul, test and check dynamotors, inverters, and other radio rotary electrical apparatus.*
Paint and refinish equipment containers.*
Accomplish appropriate methods of marking calibrations, or other information on radio control panels and other components, as required.*
Make and reproduce drawings, wiring diagrams and other similar material required to record alterations and/or modifications to radios (photographs may be used in lieu of drawings when it will serve as an equivalent or better means of recording).*
Fabricate tuning shaft assemblies, brackets, cable assemblies, and other similar components used in radios or aircraft radio installations.*
Align tuned circuits (RF and IF),
Test and repair head sets, speakers, and microphones,
Install and repair aircraft antennas,
Install complete radio systems in aircraft and prepare weight and balance reports* (that phase of radio installation requiring alterations to the aircraft structure must be performed, supervised and inspected by qualified personnel),
Measure modulation values, noise and distortion in radios,
Measure audio and radio frequencies,
Measure radio transmitter power output,
Measure radio component values (inductance, capacitance, resistance, etc.),
Measure aircraft radio antenna, lead-in and transmission line direct current resistance by appropriate methods,
Determine proper aircraft radio antenna, lead-in and transmission line characteristics and locations for type of radio equipment to which connected,
Determine operational condition of radio equipment installed in aircraft by using appropriate portable test apparatus,
Determine proper location for radio antennas on aircraft.

(3) Inspect and test radios:

Perform physical inspection of radio systems and components by visual and mechanical methods,
Perform electrical inspection of radio systems and components by means of appropriate electrical and/or electronic test instruments,
Test radio instruments *,
Test all types of electronic tubes used in equipment appropriate to this rating,
Test electrical components of radios, such as resistors, condensers, transformers, chokes and other related items.

(4) Make frequency checks: Measure radio frequencies to appropriate tolerances and calibrate equipment to such tolerances when applicable.

(5) Perform such calibrations as are necessary for the proper operation of radios: This applies to all functions listed under subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) *Class 2; Navigational equipment.* (1) Diagnose radio malfunctions: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (1) of this section.

(2) Maintain, repair and alter radios, including installation and the replacement of parts:

Measure loop antenna sensitivity by appropriate methods,
Determine and compensate quadrantal error in aircraft direction finder radio equipment,
Measure radio frequency transmission line attenuation.

(3) Inspect and test radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (3) of this section.

(4) Make frequency checks: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (4) of this section.

(5) Perform such calibrations as are necessary for the proper operation of radios:

Calibrate instrument landing system equipment to approved performance standards,
Calibrate VHF navigational systems to approved performance standards,
Calibrate VHF marker beacon receiver systems to approved performance standards,
Calibrate any navigational equipment, approach aids or similar equipment, appropriate to this rating, to approved performance standards,
Determine wave forms and phase in radios when applicable.

(d) *Class 3; radar equipment.* (1) Diagnose radio (radar) malfunctions: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (1) of this section.

(2) Maintain, repair, and alter radios (radar), including installation and the replacement of parts:

Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraphs (b) (2) and (c) (2) of this section; also
Metal plate transmission lines, wave guides, and similar equipment, in accordance with appropriate specifications *,
Pressurize appropriate radar equipment with dry air, nitrogen or other specified gases.

(3) Inspect and test radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (3) of this section.

(4) Make frequency checks: Provide equipment and material which are satisfactory to perform all functions listed under Class 1, of paragraph (b) (4) of this section.

(5) Perform such calibrations as are necessary for the proper operation of radios: Provide equipment and material which are satisfactory to perform all functions listed under Class 1 of paragraph (b) (5) of this section.

§ 52.35 *Equipment and materials; instrument rating.* An applicant for an instrument rating shall be equipped, as appropriate to the rating sought, to:

(a) Diagnose malfunctions;

(b) Maintain, repair, and alter, including installation and the replacement of parts; and

(c) Inspect, test, and calibrate.

§ 52.35–1 *Equipment and materials; instrument rating (CAA interpretations which apply to § 52.35)*—(a) *General.* An applicant for all classes of instrument ratings must provide equipment and materials for the competent and efficient performance of the following job functions, in accordance with pertinent specifications and manufacturers' recommendations, within the class of rating applied for. An asterisk (*) indicates that the applicant need not have equipment and material for this function provided he contracts that particular function to a competent outside agency having such equipment and materials.

(b) *Class 1; mechanical instruments.* (1) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Rate of climb indicators,
Altimeters,
Air speed indicators,
Vacuum indicators,
Oil pressure gauges,
Fuel pressure gauges,
Hydraulic pressure gauges,
Deicing pressure gauges,
Pitot-static tube,
Direct indicating compasses,
Direct indicating tachometers,
Accelerometer,
Direct reading fuel quantity gauges,
Optical (sextants, drift sights, etc.)*.

(2) Maintain, repair and alter instruments, including installation and the replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 1 of subparagraph (1) of this paragraph. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(3) Inspect, test and calibrate instruments. Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 1 of subparagraph (1) of this paragraph.

(c) *Class 2; electrical instruments.* (1) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Tachometers,
Synchroscope,
Electric temperature indicators,
Electric resistance type indicators,
Moving magnet type indicators,
Resistance type fuel indicators,
Warning units (oil-fuel),
Selsyn systems and indicators,
Synchro style systems and indicators,
Remote indicating compasses,
Fuel quantity indicators,
Oil quantity indicators,
Radio indicators,
Ammeters,
Voltmeters.

(2) Maintain, repair and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 2 of paragraph (b) (1) of this section. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(3) Inspect, test and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 2 of paragraph (b) (1) of this section.

(d) *Class 3; gyroscopic instruments.* (1) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Turn and bank indicators,
Directional gyros,
Horizon gyros,
Auto pilot control units and components.

(2) Maintain, repair and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 3 of paragraph (b) (1) of this section. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(3) Inspect, test and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments under Class 3 of paragraph (b) (1) of this section.

(e) *Class 4; electronic instruments.* (1) Diagnose instrument malfunctions: Equipment must be satisfactory to diagnose malfunctioning of the following instruments:

Remote reading direction indicators,
Distance measuring equipment,
Other electronic instruments.

(2) Maintain, repair and alter instruments, including installation and replacement of parts: Equipment and materials must be satisfactory to perform these functions on instruments listed under Class 4 of paragraph (b) (1) of this section. The function of installation includes fabrication of instrument panels and other installation structural components. The repair station should be equipped to perform this function. However, it may be contracted to a competent outside agency equipped to perform the function.

(3) Inspect, test and calibrate instruments: Equipment and materials must be satisfactory to perform these functions on and off the aircraft, when appropriate, on all instruments listed under Class 4 of paragraph (b) (1) of this section.

§ 52.36 *Equipment and materials; accessory rating.* An applicant for an accessory rating shall be equipped, as appropriate to the rating sought, to:

(a) Diagnose malfunctions;

(b) Maintain, repair and alter, including the replacement of parts; and

(c) Inspect, test, and, where necessary, calibrate.

§ 52.36–1 *Equipment and materials; accessory rating (CAA interpretations which apply to § 52.36)*—(a) *General.* An applicant for all classes of accessory ratings must provide equipment and materials for the competent and efficient performance of the following job functions, in accordance with pertinent specifications and the manufacturers' recommendations, within the class of rating applied for:

(b) *Class 1; mechanical accessories.* (1) Diagnose accessory malfunctions;

(2) Maintain, repair and alter accessories, including installation and the replacement of parts;

(3) Inspect, test, and, where necessary, calibrate accessories.

(c) *Class 2; electrical accessories.* (1) Diagnose accessory malfunction;

(2) Maintain, repair and alter accessories, including installation and the replacement of parts;

(3) Inspect, test, and, where necessary, calibrate accessories.

(d) *Class 3; electronic accessories.* (1) Diagnose accessory malfunctions;

(2) Maintain, repair and alter accessories, including installation and the replacement of parts;

(3) Inspect, test, and, where necessary, calibrate accessories.

§ 52.37 *Equipment and materials; limited ratings.* An applicant for a limited rating under any of the ratings and classes specified in § 52.26, or for such specialized services as are not covered under these ratings, shall have such equipment and material to accomplish the functions appropriate to the ratings sought which have been found to be appropriate by the Administrator.

§ 52.37–1 *Equipment and materials; limited ratings (CAA interpretations which apply to § 52.37).*—(a) *General.* When applying for any limited rating the applicant must have equipment and materials to perform any job function under the appropriate rating and class specified in §§ 52.31–1 to 52.36–1, inclusive, or paragraph (b) of this section: *Provided,* That the applicant need not be equipped to perform any job function that is not applicable to the particular make or model article for which he desires a rating, where the applicant shows that such equipment and materials are not required under the recommendations of the manufacturer of the article involved. (See § 52.27–1 for list of appropriate limited ratings.)

EXAMPLE 1: If it were the policy of a particular manufacturer of an all metal aircraft to repair this aircraft by 100 percent replacement of parts, it would not be necessary for an applicant to have such metal forming equipment as brakes, shears, etc.

EXAMPLE 2: An applicant desires a limited rating for the overhaul and repair of landing gears. He would apply under a limited rating for landing gear overhaul. He would then be required to have equipment and materials to perform only those job functions within the class that would be applicable to the overhaul and repair of landing gears as set forth under airframe rating-landing gear systems.

(b) *Specialized services or techniques.*—(1) *Magnetic and fluorescent inspection.* Equipment and materials required to perform inspections, using the following techniques or methods:

"Wet" and "dry" magnetic inspection techniques;
Residual and continuous methods;
Inspection of welds, both on and off the aircraft (this refers to portable equipment).

(2) *Emergency equipment overhaul and repair.* Equipment and materials required to perform following functions:

(i) Class 1:

(a) Inspection, minor repair and test of inflated equipment and containers;

(b) Repacking, remarking, resealing and restocking of life rafts;

(c) Weighing CO_2 containers.

(ii) Class 2:

(a) All functions under Class 1;

(b) Major repairs to all types of inflated equipment;

(c) Weighing, refilling and testing of CO_2 fire extinguishers, oxygen containers.

(b) *Specialized services or techniques.*—(1) *Magnetic and fluorescent inspection.* Equipment and materials required to perform inspections, using the following techniques or methods:

"Wet" and "dry" magnetic inspection techniques;
Residual and continuous methods;
Inspection of welds, both on and off the aircraft (this refers to portable equipment).

(2) *Emergency equipment overhaul and repair.* Equipment and materials required to perform following functions:

(i) Class 1:

(a) Inspection, minor repair and test of inflated equipment and containers;

(b) Repacking, remarking, resealing and restocking of life rafts;

(c) Weighing CO_2 containers.

(ii) Class 2:

(a) All functions under Class 1;

(b) Major repairs to all types of inflated equipment;

(c) Weighing, refilling and testing of CO_2 fire extinguishers, oxygen containers.

(3) *Rotor blade overhaul and repair.* Equipment, materials, methods and techniques are to be determined on the basis of the manufacturers' recommendations.

(4) *Aircraft fabric work.* Equipment and materials required to perform the following job functions:

Apply protective coatings to structure,
Machine stitch fabric panels,
Perform covering sewing and rib stitching operations,
Apply dope and paint, using temperature and humidity control equipment,
Install patches, grommets, tapes, hooks, etc.,
Refinish aircraft components and entire aircraft.

DOMESTIC REPAIR STATION OPERATING RULES

§ 52.40 *Domestic repair station operating rules; general.* All certificated repair stations located in the United States shall comply with the following operating rules.

§ 52.41 *Privileges of certificate.* A certificated repair station shall be authorized:

(a) To perform maintenance, repair, and alteration work on any airframe, powerplant, propeller, instrument, radio, or accessory for which it is rated; and

(b) To approve and return to service such airframe, powerplant, propeller, instrument, radio, or accessory after it has undergone maintenance, minor repair, or minor alteration; and

(c) To approve and return to service such airframe, powerplant, propeller, instrument, radio, or accessory after it has undergone a major repair or major alteration: *Provided,* That such major repair or major alteration has been accomplished in accordance with a manual, specification, or other technical data approved by the Administrator.

(d) To return aircraft to service after annual inspection and issue other flight authorizations in a form and manner approved by the Administrator: *Provided,* That this privilege shall apply only to those certificated repair stations holding airframe ratings.

§ 52.41–1 *Scope of authorized major repairs and major alterations (CAA interpretations which apply to § 52.41 (c)).* A repair station may approve and return to service an article to which a major repair or a major alteration has been accomplished only if such repair or alteration has been done in accordance with the manual, specifications, or other technical data approved by the Administrator. Examples of such approved data are manufacturers' service or maintenance manuals, drawings, service bulletins, CAA airworthiness directives, CAA specifications, or any other repair or alteration data previously approved by the Administrator. The repair station may also request approval for repairs and alterations of its own design and, once approved by the Administrator, may continue to exercise the privilege granted in § 52.41 (c). The repair station must determine that any technical data used have been approved by the Administrator.

§ 52.41–2 *Annual inspections and other flight authorizations (CAA policies which apply to § 52.41).*—(a) *General.* A repair station holding an unlimited airframe rating in any of the classes may return an aircraft to service after annual inspection, and issue other flight authorizations. This privilege carries with it certain duties and responsibilities which are supervised by the Administrator through his appropriate Aviation Safety Agent located in the Aviation Safety District Office nearest the repair station. Upon certification, the repair station will receive a supply of official forms, and written instructions for the procedures and methods used in conducting annual inspections and issuing other flight authorization.

§ 52.42 *Limitations of certificate.* A certificated repair station shall not perform any inspection, maintenance, repair, or alteration on any airframe, powerplant, propeller, instrument, radio, or accessory for which such station is not rated, or any such work for which rated when such inspection, maintenance, repair, or alteration would require special technical data, equipment, or facilities not available to such station.

§ 52.43 *Maintenance of facilities, equipment, and material.* The holder of a repair station certificate shall maintain all facilities, equipment, and materials in conformity with the standards required for the original issuance of the certificate.

§ 52.44 *Standard of performance.* All maintenance, repair, and alteration work shall be performed in accordance with the standards prescribed in Part 18 of this subchapter.

§ 52.44–1 *Standard of performance (CAA interpretations which apply to § 52.44).*—(a) *General.* Standards referred to in § 52.44 may be found in Civil Aeronautics Manual 18. These standards apply to all aircraft, powerplants, propellers, instruments, and accessories undergoing maintenance, repair and alteration by a certificated repair station. Civil Aeronautics Manual 18 refers to manufacturers' recommendations and instructions; therefore, the repair station must maintain in a current condition all manufacturers' service manuals, instructions and service bulletins which pertain to the articles undergoing repair or alteration by the repair station.

(b) *Radio standards.* A repair station holding one or more classes under the radio rating must conform with those sections of CAM 18 applying to electric systems. Materials must conform with the approved specifications pertinent to equipment appropriate to the rating. Test apparatus, shop equipment, performance standards, test methods, alterations, and calibrations must conform to applicable manufacturers' specifications and/or instructions, approved specifications, CAA accepted specifications of the Radio Technical Commission for Aeronautics and, when not otherwise specified, must conform with accepted standards and good practices of the aircraft radio industry. The tolerances established in Part 9 of Title 47, Chapter I (47 CFR Part 9) apply in the performance of radio transmitter frequency checks.

§ 52.45 *Inspection of work performed.* Each airframe, powerplant, propeller, instrument, radio, and accessory which has undergone any maintenance, repair, or alteration shall, prior to being returned to service, be inspected by a qualified inspector. When the nature of a particular maintenance, repair, or alteration operation so warrants, the inspector shall be a person other than the one who accomplishes the operation. The repair station shall certify on the maintenance, repair, and alteration record for such airframe, powerplant, propeller, instrument, radio, or accessory that it is airworthy.

§ 52.45–1 *Inspection of work performed (CAA interpretations which apply to § 52.45).*—(a) *General.* The objective of § 52.45 is to prevent the return to service of an aircraft or component unless the repair station has satisfied itself that the maintenance on the aircraft or component is of good quality and is installed in such a manner so as not to compromise the airworthiness of the article in any manner. This objective also attempts to fix the responsibility for returning aircraft or components to service on the proper individuals, by requiring that the aircraft records be certified that the articles being returned to service are airworthy.

(b) *Qualified inspector.* For the purpose of § 52.45, a qualified inspector is an individual in the employ of the repair station who has demonstrated through past experience that he is familiar with all inspection methods, techniques, and equipment used to determine the quality of airworthiness of the article involved. He must also be proficient in the use of various types of inspection aids, both mechanical and visual, whichever is appropriate to the article undergoing inspection. Experience as an inspector must have been gained as a journeyman.

(c) *Maintenance operations requiring a double inspection.* Any maintenance operation which, if performed improperly, could be critical to the safe flight of an aircraft must be given a double inspection. The nature of the particular operation will be the governing factor in determining whether such operation shall be given a double inspection. A double inspection refers to that type of inspection wherein an article is repaired or altered by one individual and examined by a second individual in order to reduce to a minimum the possibility of error. Of the two individuals involved in a double inspection, only one need be a qualified inspector assigned for that purpose by the repair station. The mechanic accomplishing the particular maintenance operation may perform the first inspection; however, the qualified inspector must perform the second or final inspection. Operations requiring double inspections include, but are not limited to, the following:

(1) Installation of propellers or rotor blades;

(2) Assembly of wing panels and control surfaces;

(3) Rigging and adjustment of flight controls;

(4) Installation of powerplants in airframes;

(5) Final test and calibration of any article used for flight under IFR;

(6) The overhaul or repair of any accessory used in the flight control system of an aircraft.

§ 52.46 *Performance records and reports.* A certificated repair station shall maintain adequate records of all work performed. Such records shall indicate the name of the individual or individuals by whom the work was performed, the name of the individual by whom it was inspected, and the name of the certificated mechanic or certificated repairman directly in charge thereof, if other than the individual performing the work or inspecting it. Such record shall be retained for at least 2 years.

§ 52.47 *Report of defects or unairworthy conditions.* Unless otherwise prescribed by the Administrator, a certificated repair station shall submit to the Administrator an immediate report of all serious defects in, or other recurring unairworthy conditions of, an airframe, power plant, propeller, or any component thereof, on a form and in a manner prescribed by the Administrator.

§ 52.47–1 *Report of defects or unairworthy conditions (CAA rules which apply to § 52.47).*—(a) *General.* The objective of this section is to require and expedite the reporting of facts regarding malfunctions of aircraft, powerplants, propellers, instruments, radio equipment and accessories. These reports are essential in processing unairworthy items so that speedy corrective action may be taken by the manufacturer of the article or the CAA. A repair station shall not withhold any information regarding the defect or malfunctioning of an article. The repair station shall file a report required under paragraphs (b) and (c) of this section on any serious defect or malfunctioning of an article undergoing work at such repair station. In cases where the filing of such reports may result in a situation prejudicial to the interests of the repair station, each case in question shall be reported to the local responsible Aviation Safety Agent, who will rule whether or not a report shall be submitted by the repair station as required in paragraph (b) of this section.

(b) *Report form.* The official form for reporting a defect and malfunction is the Form ACA–1226 (Malfunctioning and Defects Report). In preparing this form, the repair station should completely describe the nature of the defect or malfunction. (See Appendix for examples.)

(c) *Filing of reports.* The filing of a Form ACA–1226 (Malfunctioning and Defects Report) shall be accomplished within 72 hours after a defect or malfunction has been discovered, unless otherwise provided for in § 52.47–1 (a). If the defect or malfunction could result in an imminent hazard to flight, the repair station shall use the most expeditious method at hand to so inform the local supervising Aviation Safety Agent.

FOREIGN REPAIR STATION CERTIFICATE REQUIREMENTS

§ 52.50 *Requirements for issuance of foreign repair station certificate.* A certificate with appropriate ratings for a repair station located outside of the United States may be issued only where the Administrator finds that such repair station is necessary to provide for the maintenance, repair, or alteration of United States registered aircraft outside of the United States. No person shall be issued such repair station certificate until the requirements for the issuance of a domestic repair station certificate, excepting §§ 52.22 through 52.24, are met.

§ 52.50–1 *Necessity for certification (CAA interpretations which apply to § 52.50).* The necessity for a U. S. certificated foreign repair station is based upon the need for service of U. S. registered aircraft. This need, potential or actual, will be determined by the inspecting advisor, subject to final evaluation by the Washington office of the CAA.

§ 52.51 *Scope of work authorized.* A foreign repair station certificate shall with respect to the performance of work on United States registered aircraft be limited to those aircraft which are used in operations conducted in whole or in part outside the United States, and it shall contain such operating specifications and limitations as the Administrator may prescribe to insure compliance with applicable aircraft airworthiness requirements of this subchapter.

§ 52.51–1 *Scope of work authorized (CAA policies which apply to § 52.51).*—(a) *General.* While foreign and domestic repair stations are issued the same basic ratings and classes, activities of foreign repair stations are limited to spe-

cific services and functions within the appropriate ratings and classes. When making application, a foreign repair station should state the specific services or functions for which it desires ratings. If approved, these shall be entered upon the Operating Limitations of the repair station. Requests for amendments or revisions to these limitations should be made by the foreign repair station on Form ACA–394, Parts I and/or II, and forwarded through the International Field Office nearest its place of business.

(b) *Examples of limitations.* When applying for a repair station certificate, an applicant may be guided by the following examples:

(1) Overhaul, modification and repair to Douglas Model DC–6 series, their powerplants, propellers, instruments and accessories;

(2) Overhaul, modification and repair to Pratt & Whitney Model 1830, R–2000 and R–3350 series engines, including all accessories;

(3) Sheet metal repairs only to Boeing Model 377.

The above are merely examples, and are not to be construed to mean that ratings are in any way limited to these three cases.

§ 52.52 *Personnel.* An applicant shall have adequate personnel competent to perform, supervise, and inspect the work for which the repair station is rated. An individual employed by a certificated foreign repair station, and who in such employment performs or supervises inspection, maintenance, overhaul, or repair of aircraft, aircraft engines, propellers, or appliances in connection with aircraft of United States registry, shall not be deemed an airman within the meaning of section 1 (6) of the Civil Aeronautics Act of 1938, as amended, with respect to such work performed in connection with his employment by such foreign repair station.

§ 52.52–1 *Personnel (CAA policies which apply to § 52.52)*—(a) *General.* The objective of this section is to require that repair station personnel are qualified to perform, supervise and inspect the work for which the repair station is rated, with due regard for the volume of such work undertaken by the repair station. Supervisory and inspection personnel must be thoroughly familiar with all Civil Air Regulations, Civil Aeronautics Manuals, CAA Airworthiness Directives, and the maintenance and service instructions of the manufacturer of the article involved.

(b) *Personnel qualifications.* Foreign repair station personnel engaged in the supervision or final inspection of maintenance are not required to hold U. S. certificates of competency. Where such personnel do not hold appropriate certificates issued by the U. S. or the country in which the repair station is located, the inspecting advisor will determine the qualification of the repair station's personnel with respect to their ability to meet the objective stated in paragraph (a) of this section. This determination may be made by an oral or practical examination or by any other method chosen by the CAA.

(c) *Language qualification.* It is necessary that personnel of the repair station, responsible for the supervision and final inspection of work processed through the repair station, have the ability to read, write and understand the English language.

FOREIGN REPAIR STATION OPERATING RULES

§ 52.60 *General.* A certificated foreign repair station shall comply with the operating rules prescribed for a domestic repair station, excepting §§ 52.46 and 52.47.

§ 52.61 *Required records and reports.* The holder of a foreign repair station certificate shall maintain such records and make such reports with respect to United States registered aircraft as the Administrator finds necessary for the satisfactory administration of this part.

NOTE: The reporting and record-keeping requirements of this part have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 52.61–1 *Required records and reports (CAA rules which apply to § 52.61)*—(a) *Maintenance records.* A maintenance record of all work performed on U. S. registered aircraft, including major repairs and alterations, shall be kept by a foreign repair station. The record shall be in sufficient detail to indicate the make, model, identification number, serial number, and a description of work performed. In a case of major repairs and/or alterations, the repair station shall execute Form ACA–337 (Repair and Alteration Form) in duplicate.* The original of this form is given to the aircraft owner and the duplicate is forwarded to the Washington office of the CAA through the CAA International Field Office nearest the repair station's place of business. The foreign repair station shall make all maintenance records, on U. S. registered aircraft, available to the inspecting advisor upon his request.

(b) *Malfunctioning and defects reports.* A report of any malfunction or defect of an aircraft, powerplant, propeller, or component thereof, shall be made on a Form ACA–1226 (Malfunctioning and Defects Report). This report shall be filed within 72 hours after the malfunction or defect has been discovered. A supply of these forms will be furnished the foreign repair station by the inspecting advisor. The provisions of this section apply only to U. S. registered aircraft.

[SEAL] F. B. LEE
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–6048; Filed, June 3, 1952; 8:45 a. m.]

* In the event major repairs and/or alterations are accomplished on U. S. scheduled flag carrier aircraft, they may be recorded in the logs or other records provided by the carrier for this purpose.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5726]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RICHARD DONIGAN, ET AL.

Subpart—*Using or selling lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale or distribution of merchandise in commerce, and on the part of respondent, Jerrold A. Rowley, trading as Richard Donigan, or Discount Sales Company, or under any other name or designation, and on the part of his agents, etc., (1) supplying to or placing in the hands of others push cards or other lottery devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; or, (2) selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jerrold A. Rowley t. a. Richard Donigan, etc., New York, N. Y., Docket 5726, March 10, 1952]

In the Matter of Jerrold A. Rowley and Stanley Eisenberg, Individually and as Co-partners Trading as Richard Donigan and Discount Sales Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on December 20, 1949, issued and subsequently served its complaint in this proceeding upon the respondents Jerrold A. Rowley and Stanley Eisenberg charging said respondents with violation of the provisions of that act. An answer to said complaint was filed by respondent Jerrold A. Rowley but no answer was filed by respondent Stanley Eisenberg. Testimony and other evidence in support of the complaint were then introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by the said hearing examiner upon the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, and the hearing examiner having duly considered the record, on December 28, 1950, filed his initial decision herein with the Commission.

Within the time permitted by the Commission's rules of practice, counsel for respondent Jerrold A. Rowley filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to the appeal and oral argument of counsel; and

the Commission, having issued its order granting said appeal in part and denying it in part, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Jerrold A. Rowley, trading as Richard Donigan, or Discount Sales Company, or under any other name or designation, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push cards or other lottery devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the complaint herein be, and it hereby is, dismissed as to respondent Stanley Eisenberg.

It is further ordered, That respondent Jerrold A. Rowley, an individual, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission. Commissioner Mason concurring in the findings as to the facts and conclusion, but not concurring in the form of order to cease and desist, for the reasons stated in his opinion in Docket No. 5203, Worthmore Sales Company.

Issued: March 10, 1952.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52–6104; Filed, June 3, 1952; 8:48 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 8—SPECIAL PROVISIONS APPLICABLE TO WOOL TOPS

FORM 800

By virtue of the authority vested in the Secretary of Agriculture under the Commodity Exchange Act, as amended (7 U. S. C. 1–17a), § 8.01, Part 8, Chapter I, Title 17, Code of Federal Regulations (17 CFR 8.01), is hereby amended by deleting paragraphs (c), (d), and (e) of the said section and substituting in lieu thereof the following:

§ 8.01 *Daily reports on Form 800 by clearing members; information shown.* • • •

(c) The quantity of wool tops bought and the quantity of wool tops sold on such contracts during the period covered by the report; and

(d) The quantity of wool tops delivered and the quantity of wool tops received on such contracts during the period covered by the report.

This amendment operates to eliminate paragraph (e) of § 8.01 of the said title, and the effect of the amendment will be to reduce the amount of information concerning delivery notices reportable on Form 800 by clearing members of contract markets. Since the amendment will operate to relieve or liberalize a restriction and will not adversely affect the public, it is hereby found that notice and public procedure under section 4 of the Administrative Procedure Act are unnecessary, and that the amendment should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8a, as added by sec. 10, 49 Stat. 1500; 7 U. S. C. 12a. Interprets or applies sec. 5, 42 Stat. 1000; 7 U. S. C. 7)

Issued this 28th day of May 1952.

[SEAL] K. T. HUTCHINSON.
Acting Secretary of Agriculture.

[F. R. Doc. 52–6076; Filed, June 3, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Reg. 111; T. D. 5907]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

INFORMATION RETURNS AS TO PATRONAGE DIVIDENDS, REBATES, OR REFUNDS

On February 26, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 1688), in order to conform Regulations 111 [26 CFR Part 29] to section 314 (c) and (d) of the Revenue Act of 1951 (Pub. Law 183, 82d Cong.), approved October 20, 1951. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111 [26 CFR Part 29] set forth below are hereby adopted.

PARAGRAPH (1). There is inserted immediately preceding § 29.148–1 of Regulations 111, the following:

SEC. 314. INCOME TAX TREATMENT OF EXEMPT COOPERATIVES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(c) *Information returns.* Section 148 (relating to information by corporations) is hereby amended by adding at the end thereof the following:

(f) *Patronage dividends.* Any corporation allocating amounts as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) shall render a correct return stating (1) the name and address of each patron to whom it has made such allocations amounting to $100 or more during the calendar year, and (2) the amount of such allocations to each patron. If required by the Secretary, any such corporation shall render a correct return of all patronage dividends, rebates, or refunds made during the calendar year to its patrons. This subsection shall not apply in the case of any corporation (including any cooperative or nonprofit corporation engaged in rural electrification) exempt from taxation under section 101 (10) or (11) or in the case of any corporation subject to a tax imposed by supplement G.

(d) *Effective date.* • • • The amendment made by subsection (c) shall be applicable to the calendar year 1951 and subsequent calendar years.

PAR. 2. There is inserted immediately after § 29.148–3 of Regulations 111 the following:

§ 29.148–4 *Returns of information as to patronage dividends, rebates, or refunds*—(a) *In general.* Any corporation allocating to any patron amounts aggregating $100 or more during the calendar year as patronage dividends, rebates, or refunds (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, rebate or refund) shall, for the calendar year 1951 and for each subsequent calendar year, render a return of information with respect to such allocation on Forms 1096 and 1099. The allocation shall be reported for the calendar year during which the allocation is made, regardless of whether the allocation is deemed for the purpose of section 101 (12) (B) to be made at the close of a preceding taxable year of the corporation.

(b) *Contents of returns; manner of making and filing.* A separate Form 1099 shall be prepared for each patron showing the name and address of the patron to whom such allocation is made, and the amount of the allocation. These forms, accompanied by transmittal Form 1096, showing the number of Forms 1099 filed therewith, shall be filed with the Commissioner of Internal Revenue, Processing Division, C. C. Station, Kansas City 2, Missouri, on or before February 28 of the following year, except that the returns for the calendar year 1951 shall be filed on or before July 15, 1952.

(c) *Extension of time for filing.* In any case in which it is impossible to file the return within the time prescribed in this section, the corporation may, upon a showing of such fact, obtain a reasonable extension of time for filing the return. Authority for granting extensions of time for filing the return of information is hereby delegated to the various collectors of internal revenue. Applications for such extensions shall be addressed to the collector of internal revenue for the district in which the

[1] Filed as part of the original document.

corporation is required to file its income tax return, must contain a full recital of the causes for the delay, and must be submitted on or before the date prescribed for filing the return of information. No extension may be granted for more than six months.

(d) *Definitions*—(1) *Cooperative association.* For the purpose of this section, the term "cooperative association" includes any corporation operating on a cooperative basis and allocating amounts to patrons on the basis of the business done with or for such patrons, except that the term does not include any corporation (including any cooperative or nonprofit corporation engaged in rural electrification) exempt from taxation under section 101 (10) or (11) or any corporation subject to a tax imposed by Supplement G (relating to insurance companies).

(2) *Patron.* For the purpose of this section, the term "patron" includes any person with whom or for whom the cooperative association does business on a cooperative basis, whether a member or a nonmember of the cooperative association, and whether an individual, a trust, estate, partnership, company, corporation, or cooperative association.

(3) *Patronage dividends, rebates, and refunds.* For the purpose of this section, the term "patronage dividend, rebate, or refund" includes any amount allocated (whether in cash, merchandise, capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, or in some other manner that discloses to each patron the amount of such dividend, refund, or rebate) by a cooperative association, to the account of a patron on the basis of the business done with or for such patron. The following are not patronage dividends, rebates, or refunds:

(i) Amounts distributed in redemption of capital stock, or in redemption or satisfaction of certificates of indebtedness, revolving fund certificates, retain certificates, letters of advice, or other similar documents;

(ii) In the case of a cooperative association marketing the products of members or other patrons, the amount paid in cash or merchandise by the association for such products to the extent such amount is fixed without reference to the earnings of the cooperative association. For this purpose, the term "earnings" includes the excess of amounts retained by the association to cover expenses or other items over the amount of such expenses or other items.

(4) *Allocation.* For the purpose of this section, the term "allocation" includes distributions in cash or merchandise made by a cooperative association to a patron, the issuance by such association of capital stock, revolving fund certificates, retain certificates, certificates of indebtedness, letters of advice, similar documents, or any other act by a cooperative association whereby a patron receives actual notice of the segregation on the books of such association of a portion of its assets for the account of such patron. Thus, a mere credit to the account of a patron on the books of the cooperative association, without actual notice to the patron, is not an allocation.

(e) *Examples.* The application of this section may be illustrated by the following examples:

Example 1. Cooperative A, a marketing association operating on a pooling basis, receives the products of patron W on January 5, 1952. On the same day Cooperative A advances to W 45 cents per unit for the products so delivered and allocates to him a "retain certificate" having a face value calculated at the rate of 5 cents per unit. During the operation of the pool, and before substantially all the products in the pool are disposed of, Cooperative A advances to W an additional 40 cents per unit, the amount being determined by reference to the market price of the products sold and the anticipated price of the unsold products. At the close of the pool on November 10, 1952, Cooperative A determines the excess of its receipts over the sum of its expenses and its previous advances to patrons, and allocates to W an additional 3 cents per unit and shares of the capital stock of A having an aggregate of face value calculated at the rate of 2 cents per unit.

The amount of patronage dividends, rebates, or refunds allocated to W during 1952 amount to 10 cents per unit, consisting of the aggregate of the following per-unit allocations: the face amount of the "retain certificate" (5 cents), the amount of cash distributions fixed with reference to the earnings of A (3 cents), and the face value of the capital stock of A (2 cents).

Example 2. Cooperative B, a marketing association operating on a pooling basis, receives the products of patron X on March 5, 1952. On the same day Cooperative B pays to X $1.00 per unit for such products, this amount being determined by reference to the market price of the product when received, and issues to him a "participation certificate" having no face value but which entitles X on the close of the pool to the proceeds derived from the sale of his products less the previous payment of $1.00 and the expenses and other charges attributable to such products. On March 5, 1955, Cooperative B, having sold the products in the pool, having deducted the previous payments for such products, and having determined the expenses and other charges of the pool, redeems the participation certificate of X in cash for 10 cents per unit. The allocation made to X during 1955, amounting to 10 cents per unit, is a patronage dividend, rebate, or refund. Neither the payment to X in 1952 of $1.00 nor the issuance to him of the participation certificate in that year constitutes a patronage dividend, rebate, or refund within the meaning of this section.

Example 3. Cooperative C, a purchasing association, obtains supplies for patron Y on May 1, 1952, and receives in return therefor $100. On February 1, 1953, Cooperative C, having determined the excess of its receipts over its cost and expenses, allocates to Y a cash distribution of $1.00 and a revolving fund certificate of a face amount of $1.00. The amount of patronage dividends, rebates, or refunds allocated to Y for 1953 are $2.00, the aggregate of the cash distribution of $1.00, and the face amount, $1.00, of the revolving fund certificate.

Example 4. Cooperative D, a service association, sells the products of members on a fee basis. It receives the products of patron Z under an agreement not to pool his products with those of other members, to sell his products, and to deliver to him the proceeds of the sale. Patron Z makes payments to Cooperative D during 1952 aggregating $75 for service rendered him by Cooperative D during that year. On May 15, 1953, Cooperative D, having determined the excess of its receipts over its costs and expenses, allocates to Z a cash distribution of $2.00. Such amount is a patronage dividend, rebate, or refund allocated by Cooperative D during 1953.

PAR. 3. Section 29.147–3, as amended by Treasury Decision 5687 (approved February 16, 1949), is amended by inserting immediately before the first sentence of paragraph (a) thereof the following: "The provisions of this section shall not be applicable with respect to returns of information as to patronage dividends, rebates, or refunds required under section 148 (f). See § 29.148–4."

(53 Stat. 32; 26 U. S. C. 62.)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 29, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6154; Filed, June 2, 1952; 12:22 p. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5906; Regs. 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

MISCELLANEOUS AMENDMENTS

On January 3, 1952, notice of proposed rule making, with respect to the valuation of certain classes of property for purposes of the estate tax, was published in the FEDERAL REGISTER (17 F. R. 82). After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 105 (26 CFR Part 81), set forth below are hereby adopted.

PARAGRAPH 1. Section 81.10, as amended by Treasury Decision 5351, approved March 27, 1944, is further amended as follows:

(A) By amending paragraph (i) thereof to read as follows:

(i) *Annuities, life estates, remainders, and reversions; estates of decedents dying after December 31, 1951*—(1) *In general.* The value of an annuity contract, or an insurance policy on the life of a person other than the decedent, issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts. See § 86.19 (i) of Regulations 108, relating to the gift tax. As to insurance on the life of the decedent, see § 81.28. Except with respect to the aforementioned annuity contracts and insurance policies, the values of annuities, life estates, remainders, and reversions are to be computed by the methods hereinafter prescribed in this paragraph. The present worth of such an interest which is dependent upon the continuation of, or termination of the life of one person or upon a term-certain is to be computed with the use of Table I or Table II of this section. If the interest to be valued is dependent upon more than one life or there is a term-certain concurrent with one or more lives see subparagraph (5) of this paragraph. For the purpose of the computation, the age of a person is to be taken as the age of that person at his nearest birthday. If the executor adopts the option set forth in section 811 (j) see § 81.11.

(2) *Annuities*—(i) *Payable annually at end of year.* If the annuity is payable annually at the end of each year during the life of an individual, the amount payable annually should be multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity, or if payable for a definite number of years the amount payable annually should be multiplied by the figure in column 2 of Table II opposite the number of years in column 1.

Example (1). The decedent received under the terms of his father's will an annuity of $10,000 a year payable annually for the life of his elder brother. At the time he died, an annual payment had just been made. The brother at the decedent's death was 40 years 8 months old. By reference to Table I, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 17.6853. The present worth of the annuity at the date of the decedent's death is, therefore, $176,853 ($10,000 multiplied by 17.6853).

Example (2). The decedent was entitled to receive an annuity of $10,000 a year payable at the end of annual periods throughout a term-certain. At the time he died, an annual payment had just been made and five more annual payments were still to be made. By reference to Table II, it is found that the figure in column 2 opposite 5 years is 4.5151. The present worth of the annuity is, therefore, $45,151 ($10,000 multiplied by 4.5151).

(ii) *Payable at end of semiannual, quarterly, monthly, or weekly periods.* If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods, the value should be determined by multiplying the aggregate amount to be paid within a year by the figure in column 2 of Table I opposite the number of years in column 1 nearest the actual age of the person whose life measures the duration of the annuity, or the figure in column 2 of Table II opposite the number of years the annuity is payable, as the case may be, and then multiplying the product by 1.0171 for weekly payments, by 1.0159 for monthly payments, by 1.0130 for quarterly payments, or by 1.0087 for semiannual payments.

Example. If, in example (1) given above under subdivision (1), the annuity is payable semiannually, the aggregate annual amount, $10,000, should be multiplied by the factor 17.6853, and the product multiplied by 1.0087. The present worth of the annuity at the date of death is, therefore, $178,391.62 ($10,000 × 17.6853 × 1.0087).

(iii) *Payable at beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (*a*) If the first payment of an annuity for the life of an individual is to be paid at once, the value of the annuity is the sum of the first payment plus the present worth of a similar annuity, the first payment of which is not to be made until the end of the first period.

Example. The decedent was entitled to receive an annuity of $50 a month payable during the life of another. The decedent died on the day a payment was due. At the date of the decedent's death the person whose life measures the duration of the annuity was 50 years of age. The value of the annuity at the date of decedent's death is $50 plus the product of $50 × 12 × 14.8486 (see Table I) × 1.0159, or $9,100.82.

(*b*) If the first payment of an annuity for a definite number of years is to be paid at once, the applicable factor is the product of the factor shown in Table II multiplied by 1.0177 for weekly payments, by 1.0189 for monthly payments, by 1.0218 for quarterly payments, by 1.0262 for semiannual payments, or by 1.0350 for annual payments.

Example. The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50 × 12 × 16.4815 (see Table II) × 1.0189, or $10,075.80.

(3) *Life estates and terms for years.* If the interest to be valued consists of the right of a person for his life, or for the life of another person, or for a term of years, either to receive the income of certain property or to use non-income-producing property, the value of the interest is the value of the property less the present worth of the remainder computed as shown below under subparagraph (4) of this paragraph.

Example. The decedent was entitled to receive the income from a fund of $50,000 during the life of a person 31 years old. The value of the life estate is $50,000 less $14,466 (computed as shown in the example under subparagraph (4) of this paragraph), or $35,534.

(4) *Remainders or reversionary interests.* If the decedent had a remainder or a reversionary interest in property subject to the life estate of another, the present worth of such interest should be obtained by multiplying the value of the property by the figure in column 3 of Table I opposite the number of years nearest to the actual age of the life tenant. In case the remainder or reversion is to take effect at the end of a term of years Table II should be used.

Example. The decedent was entitled to receive property worth $50,000 upon the death of his elder brother, to whom the income for life had been bequeathed. The brother at the time of the decedent's death was 31 years 5 months old. By reference to Table I, it is found that the figure in column 3, opposite 31 years, is 0.28932. The present worth of the remainder interest at the date of death is, therefore, $14,466 ($50,000 multiplied by 0.28932).

(5) *Actuarial computations by Bureau.* If the interest to be valued is dependent upon the continuation of, or termination of more than one life, or there is a term-certain concurrent with one or more lives a special factor is necessary. Such factor is to be computed upon the basis of the Makehamized mortality table appearing as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of the Census, and interest at the rate of 3½ percent a year, compounded annually. Many such factors may be found in, or readily computed with the use of the tables contained in a pamphlet entitled "Actuarial Values for Estate and Gift Tax," which may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.; or a case requiring a special factor (provided the case is that of an actual decedent and not merely proposed or hypothetical) may be stated to the Commissioner who will furnish such factor. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

TABLE I—TABLE, SINGLE LIFE, 3½ PERCENT, SHOWING THE PRESENT WORTH OF AN ANNUITY, OR A LIFE INTEREST, AND OF A REMAINDER INTEREST

1 Age	2 Annuity	3 Remainder	1 Age	2 Annuity	3 Remainder
0	23.6685	0.16110	53	13.8221	0.54023
1	24.0035	.12838	54	13.4704	.56814
2	24.0020	.12878	55	13.1278	.59604
3	24.0246	.13114	56	12.7979	.62312
4	24.0378	.13418	57	12.4720	.65058
5	24.0302	.13763	58	12.1546	.67749
6	24.0226	.14156	59	11.8460	.70364
7	24.0158	.14574	60	11.5469	.72871
8	24.0082	.14996	61	11.2574	.75278
9	24.0013	.15400	62	10.9785	.77585
10	23.9957	.15805	63	10.7093	.79789
11	23.9908	.16247	64	10.4496	.81917
12	23.9860	.16740	65	10.1987	.83974
13	23.9761	.17344	66	9.9560	.85974
14	23.9603	.17957	67	9.7214	.87908
15	23.9394	.18582	68	9.4951	.89759
16	23.9167	.19167	69	9.2778	.91448
17	23.8918	.19704	70	9.0700	.93020
18	23.8651	.20221	71	8.8721	.94476
19	23.8370	.20686	72	8.6842	.95805
20	23.8079	.21157	73	8.5062	.97040
21	23.7798	.21597	74	8.3381	.98169
22	23.7546	.21924	75	8.1748	.99248
23	23.7301	.22170	76	8.0157	.00272
24	23.7062	.22434	77	7.8620	.01230
25	23.6850	.22718	78	7.7145	.02113
26	23.6642	.23020	79	7.5730	.02922
27	23.6478	.23343	80	7.4384	.03641
28	23.6360	.23684	81	7.3103	.04151
29	23.6281	.23947	82	7.1871	.04569
30	23.6245	.24129	83	7.0691	.04877
31	23.6252	.24202	84	6.9563	.05072
32	23.6269	.24255	85	6.8480	.05171
33	23.6288	.24260	86	6.7448	.05223
34	23.6316	.24264	87	6.6461	.05241
35	23.6365	.24250	88	6.5518	.05233
36	23.6436	.24237	89	6.4618	.05221
37	23.6525	.24185	90	6.3759	.05205
38	23.6644	.24125	91	6.2939	.05178
39	23.6784	.24024	92	6.2154	.05136
40	23.6938	.23902	93	6.1404	.05077
41	23.7109	.23760	94	6.0689	.05000
42	23.7301	.23593	95	5.9997	.04923
43	23.7513	.23401	96	5.9326	.04841
44	23.7750	.23189	97	5.8682	.04751
45	23.8004	.22956	98	5.8063	.04656
46	23.8266	.22711	99	5.7469	.04558
47	23.8538	.22464	100	5.6903	.04459
48	23.8833	.22193	101	5.6363	.04358
49	23.9151	.21899	102	5.5848	.04253
50	23.9486	.21600	103	5.5353	.04150
51	24.0101	.21025	104	5.4878	.04050
52	24.0678	.20483	105	5.4421	.03950

TABLE II—TABLE SHOWING THE PRESENT WORTH AT 3½ PERCENT OF AN ANNUITY FOR A TERM-CERTAIN, AND OF A REMAINDER INTEREST POSTPONED FOR A TERM-CERTAIN

1 Number of years	2 Annuity	3 Remainder	1 Number of years	2 Annuity	3 Remainder
1	0.9662	0.9662184	16	12.0941	0.5707096
2	1.8997	.9332511	17	12.4043	.5572304
3	2.8016	.9691943	18	12.7097	.5383301
4	3.6731	.8714412	19	13.0098	.5201158
5	4.5151	.8419573	20	13.3124	.5025566
6	5.3286	.8134501	21	13.6080	.4856571
7	6.1145	.7858010	22	13.8971	.4693151
8	6.8740	.7590412	23	14.1764	.4536286
9	7.6077	.7331731	24	14.4584	.4377857
10	8.3166	.7080919	25	14.7315	.4231147
11	9.0016	.6838040	26	14.9944	.4088638
12	9.6633	.6603783	27	15.2584	.3950512
13	10.3027	.6376404	28	15.5070	.3816654
14	10.9205	.6157782	29	15.7538	.3688748
15	11.5174	.5946891	30	15.9990	.3566278

(B) By inserting after paragraph (i) but before Table A the following:

(j) *Annuities, life estates, remainders, and reversions; estates of decedents dying before January 1, 1952.* (1) In the case of decedents dying before January 1, 1952, the general principles and methods prescribed in paragraph (i) of this section (with one exception set forth in subparagraph (2) of this paragraph) are to be followed but the present worth of the interest to be valued is to be computed with the use of Table A or Table B (which appear at the end of this section) and if neither table is applicable the computation is to be made upon the basis of the Actuaries' or Combined Experience Table of Mortality, as extended, and interest at the rate of 4 percent a year, compounded annually. In the computation of the value of annuities the factors 1.01820 for monthly payments, 1.01488 for quarterly payments, and 1.00990 for semiannual payments are to be substituted for the factors appearing in paragraph (i) (2) (ii) of this section; and the factors 1.02154 for monthly payments, 1.02488 for quarterly payments, 1.02990 for semiannual payments, and 1.04 for annual payments are to be substituted for the factors appearing in paragraph (i) (2) (iii) of this section.

(2) The present worth of a life estate or term for years in specific property is to be obtained by multiplying the appropriate factor from column 2 of Table A or Table B by .04 and multiplying the product by the value of the property. A provision for the payment of income in semiannual, quarterly, or monthly installments does not affect the value of the life interest.

PAR. 2. Section 81.11, as amended by Treasury Decision 5699, approved May 13, 1949, is further amended by striking therefrom paragraphs (i) and (j) (beginning with the words "The date of valuation of any property" and ending with the parenthetical expression which follows the example in paragraph (j)) and inserting in lieu thereof the following:

(i) It is provided in paragraph (j) of this section that any interest or estate so affected shall be included at its value at the date of death with adjustment for any difference in its value as of the later date not due to mere lapse of time. The purpose of this provision is to eliminate from the value as of the optional date changes in value due to lapse of time. Accordingly, the values of annuities, life, remainder, and reversionary interests are to be obtained by applying the methods prescribed in § 81.10 (i) (or § 81.10 (j), if applicable), using the age of each person, the duration of whose life may affect the value of the interest, as of the date of death and the value of the property as of the optional date. For example, a decedent was entitled to receive property (which at the time of his death was worth $50,000) upon the death of another person who was entitled to the income therefrom for life and who was 31 years old at the time of the decedent's death. The value at decedent's death of his remainder interest would, as explained in § 81.10 (i), be $14,466 ($50,000 multiplied by 0.28932). If, due to economic conditions, the property declined in value and was worth only $40,000 one year after the date of death, the value of the remainder interest as of the optional date would be $11,572.80 ($40,000 multiplied by 0.28932).

(j) As an example of the valuation of a patent, suppose that the decedent owned a patent which on the date of his death had an unexpired term of ten years and a value of $75,000 and that the patent was sold six months after the decedent's death, at which time, because of lapse of time and other causes its value was $60,000. The adjusted value thereof would be obtained by dividing $60,000 by 0.95 (ratio of the remaining life of the patent at the optional date to the remaining life of the patent at the date of death). The quotient, $63,157.89, is the optional value.

PAR. 3. Section 81.17, as amended by Treasury Decision 5834, approved March 8, 1951, is further amended as follows:

(A) By changing the third sentence of the fifth undesignated paragraph of paragraph (c) (1) thereof to read as follows: "See § 81.10 (i) or § 81.10 (j), whichever is applicable."

(B) By striking out the second sentence of the sixth undesignated paragraph of paragraph (c) (1) thereof.

PAR. 4. Section 81.20 is amended by changing the parenthetical expression which appears at the end of paragraph (d) to read as follows: "(See § 81.10 (i) or § 81.10 (j), whichever is applicable.)"

PAR. 5. Section 81.44, as amended by Treasury Decision 5351, is further amended by striking out paragraph (d) and inserting in lieu thereof the following:

(d) If a trust is created for both a charitable and a private purpose, deduction may be taken of the value of the beneficial interest in favor of the former only insofar as such interest is presently ascertainable, and hence severable from the interest in favor of the private use. The present value of deferred payments to be made for a charitable purpose is to be determined in accordance with the rules stated in § 81.10 (i) or § 81.10 (j), whichever is applicable. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable corporation, the present value of the remainder is deductible. To determine the present value of such remainder use the appropriate factor from column 3 of Table I or II of § 81.10 (i), or of Table A or B of § 81.10 (j), whichever is applicable. If the interest involved is such that its value is to be determined by a special computation (see § 81.10 (i) (5) or § 81.10 (j)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made, in accordance with the principles set forth in the applicable paragraph of § 81.10, by one skilled in actuarial computations.

PAR. 6. Section 81.47c (d), added by Treasury Decision 5699, is amended to read as follows:

(d) *Remainder interests.* Where the income from property is made payable to another individual for life, or for a term of years, with remainder absolutely to the surviving spouse or to her estate, the marital deduction is based upon the present value of the remainder. The present value of the remainder is to be determined in accordance with the rules stated in § 81.10 (i) or § 81.10 (j), whichever is applicable. For example, if, in a case to which § 81.10 (i) applies, the surviving spouse is to receive $50,000 upon the death of a person aged 31 years, the present value of the remainder is $14,466. If the remainder is such that its value is to be determined by a special computation (see § 81.10 (i) (5) or § 81.10 (j)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who in his discretion may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made, in accordance with the principles set forth in the applicable paragraph of § 81.10, by one skilled in actuarial computations.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6118; Filed, June 3, 1952; 8:49 a. m.]

[T. D. 5905; Regs. 106, 107, 114]

Subchapter D—Employment Taxes

PART 402—EMPLOYEES' TAX AND EMPLOYERS' TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

PART 411—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE RAILROAD RETIREMENT TAX ACT

MISCELLANEOUS AMENDMENTS

On February 28, 1952, notice of proposed rule making, regarding amendments to certain employment tax regulations, made necessary by certain provisions of the Social Security Act Amendments of 1950 (Pub. Law 734, 81st Cong.; 64 Stat. 477), approved August 28, 1950, was published in the FEDERAL REGISTER (17 F. R. 1764). No objection to the rules proposed having been received, the amendments set forth below are hereby adopted. The amendments are made in order to conform Regulations 106 (26 CFR Part 402), relating to the employees' tax and the employers' tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code), to sections 203 (b), 206 (b) (2), and 209 (d) and (e) of such Social Security Act Amendments of 1950 (64 Stat. 527, 538, 547, 548); Regulations 107 (26 CFR Part 403), relating to the excise tax on employers under the Federal Unemployment Tax Act (subchapter C, chapter 9, Internal Revenue Code), to sections 207 (b) (1) and 209 (a), (b), (d), and (e) of such Social Security Act Amendments of 1950 (64 Stat. 540, 545, 546, 547, 548); and Regulations 114 (26 CFR Part 411), relating to the employers' tax, employees' tax, and employee representatives' tax under the Railroad Retirement Tax Act (subchapter B, chapter 9, Internal Revenue Code), to section 209 (d) of such Social Security Act Amendments of 1950 (64 Stat. 547). Such regulations are amended as follows:

PARAGRAPH 1. Section 402.201 is amended by inserting after paragraph (q), added by Treasury Decision 5592, approved November 20, 1947, the following new paragraph:

(r) "Social Security Act Amendments of 1950" means the act approved August 28, 1950 (Pub. Law 734, 81st Cong.; 64 Stat. 477).

PAR. 2. Immediately preceding § 402.306, the following is inserted:

SECTION 206 (b) (2) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

Section 1403 (a) of the Internal Revenue Code is amended by striking out the first sentence and inserting in lieu thereof the following: "Every employer shall furnish to each of his employees a written statement or statements, in a form suitable for retention by the employee, showing the wages paid by him to the employee before January 1, 1951. (For corresponding provisions with respect to wages paid after December 31, 1950, see section 1633.)"

PAR. 3. Immediately preceding § 402.704, the following is inserted:

SECTION 209 (e) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

If a corporation (hereinafter referred to as a predecessor) incorporated under the laws of one State is succeeded after 1945 and before 1951 by another corporation (hereinafter referred to as a successor) incorporated under the laws of another State, and if immediately upon the succession the business of the successor is identical with that of the predecessor and, except for qualifying shares, the proportionate interest of each shareholder in the successor is identical with his proportionate interest in the predecessor, and if in connection with the succession the predecessor is dissolved or merged into the successor, and if the predecessor and the successor are employers under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the calendar year in which the succession takes place, then—

(1) the predecessor and successor corporations, for purposes only of the application of the $3,000 limitation in the definition of wages under such Acts, shall be considered as one employer for such calendar year, and

(2) the successor shall, subject to the applicable statutes of limitations, be entitled to a credit or refund, without interest, of any tax under section 1410 of the Federal Insurance Contributions Act or section 1600 of the Federal Unemployment Tax Act (together with any interest or penalty thereon) paid with respect to remuneration paid by the successor during such calendar year which would not have been subject to tax under such Acts if the remuneration had been paid by the predecessor.

PAR. 4. Immediately preceding § 402.705, the following is inserted:

SECTION 203 (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

So much of section 1401 (d) (2) of the Internal Revenue Code as precedes the second sentence thereof is amended to read as follows:

(2) *Wages received during 1947, 1948, 1949, and 1950.* If by reason of an employee receiving wages from more than one employer during the calendar year 1947, 1948, 1949, or 1950, the wages received by him during such year exceed $3,000, the employee shall be entitled to a refund of any amount of tax, with respect to such wages, imposed by section 1400 and deducted from the employee's wages (whether or not paid to the collector), which exceeds the tax with respect to the first $3,000 of such wages received.

PAR. 5. Immediately after the provisions of law under the caption "Section 6 of the act of August 27, 1949 (Pub. Law 271, 81st Cong.)", added by Treasury Decision 5794, approved July 6, 1950, as set forth after § 402.804, the following is inserted:

SECTION 209 (d) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(1) Section 1631 of the Internal Revenue Code is amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN.

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5.

(2) The amendment made by paragraph (1) shall be applicable only with respect to returns filed after December 31, 1950.

PAR. 6. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 403.201, the following is inserted:

SECTION 209 (a) AND (b) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(a) (1) Section 1607 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Wages.* The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such terms shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $3,000 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $3,000 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical or hospitalization expenses in connection with sickness or accident disability, or (D) death;

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6);

(6) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400, or (B) of any payment required from an employee under a State unemployment compensation law;

(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which such payment is made;

(9) Dismissal payments which the employer is not legally required to make.

(2) The amendment made by paragraph (1) shall be applicable only with respect to remuneration paid after 1950. In the case of remuneration paid prior to 1951, the determination under section 1607 (b) (1) of the Internal Revenue Code (prior to its amendment by this act) of whether or not such remuneration constituted wages shall be made as if paragraph (1) of this subsection had not been enacted, and without inferences drawn from the fact that the amendment made by paragraph (1) is not made applicable to periods prior to 1951.

(3) Effective with respect to remuneration paid after December 31, 1951, section 1607 (b) of the Internal Revenue Code is amended by changing the semicolon at the end of paragraph (8) to a period and by striking out paragraph (9) thereof.

(b) (1) Section 1607 (c) (3) of the Internal Revenue Code is amended to read as follows:

(3) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter;.

(2) Section 1607 (c) (10) (A) (i) of the Internal Revenue Code is amended by striking out "does not exceed $45" and inserting in lieu thereof "is less than $50."

(3) Section 1607 (c) (10) (E) of the Internal Revenue Code is amended by striking out "in any calendar quarter" and by striking out ", and the remuneration for such service does not exceed $45 (exclusive of room, board, and tuition)."

(4) The amendments made by paragraphs (1), (2), and (3) shall be applicable only with respect to service performed after 1950.

PAR. 7. Section 403.201 is amended by inserting after paragraph (n), added by Treasury Decision 5566, approved June 23, 1947, the following new paragraph:

(o) "Social Security Act Amendments of 1950" means the act approved August 28, 1950 (Pub. Law 734, 81st Cong.; 64 Stat. 477).

PAR. 8. Section 403.202, as amended by Treasury Decision 5566, is further amended by striking out the parenthetical sentence at the end of the third paragraph and inserting in lieu thereof the following: "(See §§ 403.227, 403.228, and 403.228a, relating to wages.)"

PAR. 9. Section 403.203 (a), as amended by Treasury Decision 5665, approved November 1, 1948, is further amended as follows:

(A) By striking out in the first sentence "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1951, by section 209 (b) of the Social Security Act Amendments of 1950."

(C) By striking out in the second sentence "(except §§ 403.227 and 403.228, relating to wages)" and inserting in lieu thereof "(except §§ 403.227, 403.228, and 403.228a, relating to wages)".

PAR. 10. Section 403.204 is amended by striking out paragraph (g) and inserting in lieu thereof the following paragraph:

(g) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other superior employees are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

PAR. 11. Section 403.206, as amended by Treasury Decision 5665, is further amended as follows:

(A) By striking out in the first sentence "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1951, by section 209 (b) of the Social Security Act Amendments of 1950."

PAR. 12. Immediately preceding § 403.210, the following is inserted:

SECTION 209 (b) (1) AND (4) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(1) Section 1607 (c) (3) of the Internal Revenue Code is amended to read as follows:

(3) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter;

(4) The amendments made by paragraphs (1) • • • shall be applicable only with respect to service performed after 1950.

PAR. 13. Section 403.210 is amended as follows:

(A) By revising the heading thereof to read as follows:

§ 403.210 *Services not in the course of employer's trade or business*—(a) *Casual labor performed prior to January 1, 1951.*

(B) By redesignating paragraphs (a) through (e), prior to the foregoing amendment, as (a) (1) through (5) and amending (a) (1) as so redesignated to read as follows:

(1) Casual labor not in the course of the employer's trade or business performed prior to January 1, 1951, is excepted. The term "casual labor" includes labor which is occasional, incidental, or irregular.

(C) By inserting at the end of paragraph (a) of § 403.210 as so amended the following:

(b) *Services performed after December 31, 1950.* (1) Services not in the course of the employer's trade or business performed after December 31, 1950, by an employee for an employer in a calendar quarter are excepted unless—

(i) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(ii) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in both subdivisions (i) and (ii) of this subparagraph are met, the services are excepted from employment.

(2) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within the exception.

(3) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for services not in the course of the employer's trade or business, only cash remuneration for such services shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(4) For the purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(i) Such individual performs services not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(ii) Such individual was regularly employed (as determined under subdivision (i) of this subparagraph) by such employer in the performance of services not in the course of the employer's trade or business during the preceding calendar quarter (including the last calendar quarter of 1950).

(5) In determining whether an employee has performed services not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(i) Any day or portion thereof on which the employee actually performs such services; and

(ii) Any day or portion thereof on which the employee does not perform services of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such services, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform services not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such services on that day. For the purposes of this exception, a day is a period of 24 hours commencing at midnight and ending at midnight.

(6) For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 403.228a (g).

PAR. 14. Immediately preceding the caption "Section 101 of the Internal Revenue Code" as set forth preceding § 403.217, the following is inserted:

SECTION 209 (b) (2) AND (4) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(2) Section 1607 (c) (10) (A) (i) of the Internal Revenue Code is amended by striking out "does not exceed $45" and inserting in lieu thereof "is less than $50".

(4) The amendments made by paragraphs • • • (2) • • • shall be applicable only with respect to service performed after 1950.

PAR. 15. Under the caption "Section 101 of the Internal Revenue Code" as set forth preceding § 403.217, the provision of law "(1) Labor • • • organizations;" is stricken out, and there is inserted in lieu thereof "(1) Labor, agricultural, or horticultural organizations;".

PAR. 16. Immediately preceding § 403.217, the following is inserted:

SECTION 301 (b) AND (c) [OF PART I, TITLE III] OF THE REVENUE ACT OF 1950 (PUB. LAW 814, 81ST CONG., APPROVED SEPTEMBER 23, 1950)

(b) *Feeder organizations.* Section 101 [Internal Revenue Code] is hereby amended by adding at the end thereof the following paragraph:

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

(c) *Technical amendments.* (1) Section 101 is hereby amended (A) by striking out "The following organizations shall be exempt" and inserting in lieu thereof "Except as provided in supplement U, the following organizations shall be exempt", and (B) by adding at the end of such section (following the paragraph added by subsection (b) of this section) the following paragraph:

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

• • • • •

SECTION 303 OF THE REVENUE ACT OF 1950 (PUB. LAW 814, 81ST CONG., APPROVED SEPTEMBER 23, 1950)

EFFECTIVE DATE OF PART I

The amendments made by this part [part I, title III, Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950. The determination as to whether an organization is exempt under section 101 of the Internal Revenue Code from taxation for any taxable year beginning before January 1, 1951, shall be made as if section 301 (b) of this Act had not been enacted and without inferences drawn from the fact that the amendment made by such section is not expressly made applicable with respect to taxable years beginning before January 1, 1951.

SECTION 11 (b) OF THE SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 (PUB. LAW 831, 81ST CONG., ENACTED SEPTEMBER 23, 1950)

No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board [Subversive Activities Control Board] requiring such organization to register under section 7.

SECTION 313 (a), (b), AND (j) OF THE REVENUE ACT OF 1951 (PUB. LAW 183, 82D CONG., APPROVED OCTOBER 20, 1951)

(a) *Mutual savings banks.* Section 101 (2) (relating to exemption from tax of mutual savings banks) is hereby repealed.

(b) *Building and loan associations and cooperative banks.* Section 101 (4) (relating to exemption from tax of building and loan associations and cooperative banks) is hereby amended to read as follows:

(4) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) domestic building and loan associations,

(B) cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) mutual savings banks not having capital stock represented by shares;

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

SECTION 314 (a), (b), AND (d) OF THE REVENUE ACT OF 1951 (PUB. LAW 183, 82D CONG., APPROVED OCTOBER 20, 1951)

(a) *Amendment of section 101 (12).* Section 101 (12) is hereby amended as follows:

(1) By inserting after "(12)" the following: "(A)".

(2) By inserting after such paragraph the following:

(B) • • •.

(b) *Technical amendments.* (1) Section 101 is hereby amended by striking out "Except as provided in supplement U" and inserting in lieu thereof the following: "Except as provided in paragraph (12) (B) and in supplement U".

(2) The last sentence of section 101 is hereby amended by striking out "Notwithstanding supplement U" and inserting in lieu thereof "Notwithstanding paragraph (12) (B) and supplement U".

(d) *Effective date.* The amendments made by subsections (a) and (b) of this section shall be applicable only with respect to taxable years beginning after December 31, 1951. • • •

PAR. 17. Section 403.217 (b) is amended to read as follows:

(b) *Remuneration not in excess of specified amount for calendar quarter*—(1) *Remuneration not in excess of $45 for calendar quarter before 1951.* Services performed by an employee in a calendar quarter before 1951 in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code are excepted, if the remuneration for the services does not exceed $45. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. A calendar quarter is a period of three calendar months ending on March 31, June 30, September 30, or December 31. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

(2) *Remuneration less than $50 for calendar quarter after 1950.* Services performed by an employee in a calendar quarter after 1950 in the employ of an organization exempt from income tax under section 101 of the Internal Revenue Code are excepted, if the remuneration for the services is less than $50. The exception applies separately with respect to each organization for which the employee renders services in a calendar quarter. A calendar quarter is a period of three calendar months ending on March 31, June 30, September 30, or December 31. The type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the amount of the remuneration for services performed by the employee in the calendar quarter.

Example (1). X is a local lodge of a fraternal organization and is exempt from income tax under section 101 (3) of the Internal Revenue Code. X has a number of paid employees, among them being A who serves exclusively as recording secretary for the lodge, and B who performs services for the lodge as janitor of its clubhouse. For services performed during the first calendar quarter of 1951 (that is, January 1, 1951, through March 31, 1951, both dates inclusive) A earns a total of $30. For services performed during the same calendar quarter B earns $120. Since the remuneration for the services performed by A during such quarter is less than $50, all of such services are excepted. Thus, A is not counted as an employee in employment on any of the days during such quarter for purposes of determining whether the X organization is an employer (see § 403.205). Even though it is subsequently determined that X is an employer, A's remuneration of $30 for services performed during the first calendar quarter of such year is not subject to tax. B's services, however, are not excepted during such quarter since the remuneration therefor is not less than $50. Thus, B is counted as an employee in employment during all of such quarter for purposes of determining whether the X organization is an employer. If it is determined that the X organization is an employer, B's remuneration of $180 for services performed during the first calendar quarter is included in computing the tax.

Example (2). The facts are the same as in example (1), above, except that on April 1, 1951, A's salary is increased and, for services performed during the calendar quarter beginning on that date (that is, April 1, 1951, through June 30, 1951, both dates inclusive),

A earns $60. Since A's remuneration for services during such quarter is not less than $50, such services are not excepted. A, therefore, is counted as an employee in employment during all of such quarter for purposes of determining whether the X organization is an employer. If it is determined that the X organization is an employer, A's remuneration of $60 for services performed during the second calendar quarter is included in computing the tax.

Example (3). The facts are the same as in example (1), above, except that A earns $120 for services performed during the year 1951, and such amount is paid to him in a lump sum at the end of the year. The services performed by A in any calendar quarter during the year are excepted if the portion of the $120 attributable to services performed in that quarter is less than $50. In such case, A is not counted as an employee in employment on any of the days during such quarter for purposes of determining whether the X organization is an employer. If, however, the portion of the $120 attributable to services performed in any calendar quarter during the year is not less than $50, the services during that quarter are not excepted. In the latter case, A is counted as an employee in employment during all of such quarter and, if the X organization is determined to be an employer, that portion of the $120 attributable to services performed in such quarter is included in computing the tax.

PAR. 18. The provisions of law under the caption "Section 101 (1) of the Internal Revenue Code", together with the caption and heading, as set forth immediately preceding § 403.218, are stricken out.

PAR. 19. Immediately preceding § 403.221, the following is inserted:

SECTION 209 (b) (3) AND (4) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(3) Section 1607 (c) (10) (E) of the Internal Revenue Code is amended by striking out "in any calendar quarter" and by striking out ", and the remuneration for such service does not exceed $45 (exclusive of room, board, and tuition)".

(4) The amendments made by paragraphs * * * (3) shall be applicable only with respect to service performed after 1950.

PAR. 20. Section 403.221 is amended to read as follows:

§ 403.221 *Students employed by schools, colleges, or universities not exempt from income tax*—(a) *In general.* (1) This section deals with the exception of services performed by a student in the employ of a school, college, or university not exempt from income tax under section 101 of the Internal Revenue Code. Paragraph (b) of this section applies only with respect to services performed before January 1, 1951. Paragraph (c) of this section applies only with respect to services performed on or after January 1, 1951.

(2) The term "school, college, or university" within the meaning of this exception is to be taken in its commonly or generally accepted sense. (For provisions relating to services performed by a student in the employ of an organization exempt from income tax, see § 403.217 (d).)

(b) *Services performed prior to January 1, 1951.* (1) Services performed in a calendar quarter before 1951 by a student in the employ of a school, college, or university not exempt from income tax under section 101 of the Internal Revenue Code are excepted, if:

(i) The services are performed by a student who is enrolled and is regularly attending classes at such school, college, or university; and

(ii) The remuneration for such services performed in such calendar quarter does not exceed $45, exclusive of room, board, and tuition furnished by the school, college, or university.

(2) A calendar quarter is a period of three calendar months ending on March 31, June 30, September 30, or December 31.

(3) For purposes of this paragraph, the type of services performed by the employee and the place where the services are performed are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed, the amount of remuneration for services performed by the employee in the calendar quarter, and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

(c) *Services performed after 1950.* (1) Services performed after December 31, 1950, by a student in the employ of a school, college, or university not exempt from income tax under section 101 of the Internal Revenue Code are excepted, if the student is enrolled and is regularly attending classes at such school, college, or university.

(2) For purposes of this paragraph, the type of services performed by the employee, the place where the services are performed, and the amount of remuneration for services performed by the employee are immaterial; the statutory tests are the character of the organization in the employ of which the services are performed and the status of the employee as a student enrolled and regularly attending classes at the school, college, or university in the employ of which he performs the services.

PAR. 21. Immediately preceding § 403.227, the following is inserted:

SECTION 209 (a) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(1) Section 1607 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Wages.* The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

(1) That part of the remuneration which, after remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) equal to $3,000 with respect to employment has been paid to an individual by an employer during any calendar year, is paid to such individual by such employer during such calendar year. If an employer (hereinafter referred to as successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for the purpose of determining whether the successor employer has paid remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment equal to $3,000 to such individual during such calendar year, any remuneration (other than remuneration referred to in the succeeding paragraphs of this subsection) with respect to employment paid (or considered under this paragraph as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer;

(2) The amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of (A) retirement, or (B) sickness or accident disability, or (C) medical or hospitalization expenses in connection with sickness or accident disability, or (D) death;

(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;

(4) Any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(5) Any payment made to, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6);

(6) The payment by an employer (without deduction from the remuneration of the employee) (A) of the tax imposed upon an employee under section 1400, or (B) of any payment required from an employee under a State unemployment compensation law;

(7) Remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(8) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of sixty-five, if he did not work for the employer in the period for which such payment is made;

(9) Dismissal payments which the employer is not legally required to make.

(2) The amendment made by paragraph (1) shall be applicable only with respect to remuneration paid after 1950. In the case of remuneration paid prior to 1951, the determination under section 1607 (b) (1) of the Internal Revenue Code (prior to its amendment by this Act) of whether or not such remuneration constituted wages shall be made as if paragraph (1) of this subsection had not been enacted and without inferences drawn from the fact that the amendment made by paragraph (1) is not made applicable to periods prior to 1951.

(3) Effective with respect to remuneration paid after December 31, 1951, section 1607 (b) of the Internal Revenue Code is amended by changing the semicolon at the end of paragraph (8) to a period and by striking out paragraph (9) thereof.

PAR. 22. Section 403.227 (a), as amended by Treasury Decision 5805, approved August 30, 1950, is further amended as follows:

(A) By striking out in the first sentence "and as further amended" and inserting in lieu thereof "and as amended".

(B) By striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: "and as further amended, effective January 1, 1951, by section 209 (a) of the Social Security Act Amendments of 1950."

(C) By striking out the second sentence and inserting in lieu thereof the following: "This section of the regulations applies with respect only to remuneration paid on or after January 1, 1940, for employment performed after December 31, 1938. Section 403.228 (relating to exclusions from wages) applies with respect only to remuneration paid on or after January 1, 1940, and prior to January 1, 1951, for employment performed after December 31, 1938. Section 403.228a (relating to exclusions from wages) applies with respect only to remuneration paid on or after January 1, 1951, for employment performed after December 31, 1938."

(D) By striking out in the subparagraph (2) "(see § 403.228)" and inserting in lieu thereof "(see §§ 403.228 and 403.228a)".

(E) By striking out in the first sentence of the fifth paragraph the words "The medium" and inserting in lieu thereof the following: "Except in the case of remuneration paid for services not in the course of the employer's trade or business (see § 403.228a (g)), the medium".

PAR. 23. Section 403.228, as amended by Treasury Decision 5566, is further amended as follows:

(A) By striking out the section heading and inserting in lieu thereof the following: "§ 403.228 *Exclusions from wages with respect to remuneration paid prior to January 1, 1951*—".

(B) By adding at the end of the text which immediately precedes the examples in both subdivision (iv) of § 403.228 (a) (2) and subdivision (iv) of § 403.228 (a) (3) the following sentence: "(In connection with the application of the $3,000 limitation, see also section 209 (e) of the Social Security Act Amendments of 1950, set forth preceding § 403.602, relating to certain circumstances under which a predecessor employer and his successor are treated as one employer.)"

(C) By adding at the end of such section the following:

(f) *Applicability of section.* The provisions of this section do not apply with respect to remuneration paid after December 31, 1950.

§ 403.228a *Exclusions from wages with respect to remuneration paid after December 31, 1950*—(a) *$3,000 limitation*—(1) *In general.* (i) The term "wages" does not include that part of the remuneration paid within any calendar year beginning after December 31, 1950, by an employer to an employee which exceeds the first $3,000 of remuneration (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (j) of this section) paid within such calendar year by such employer to such employee for employment performed for him at any time after December 31, 1938.

(ii) The $3,000 limitation applies only if the remuneration paid during any one calendar year by an employer to the same employee for employment performed after 1938 exceeds $3,000. The limitation in such case relates to the amount of remuneration paid during any one calendar year for employment after 1938 and not to the amount of remuneration for employment performed in any one calendar year.

Example (1). Employer B, in 1951, pays employee A $2,500 on account of $3,000 due him for employment performed in 1951. In 1952 employer B pays employee A the balance of $500 due him for employment performed in the prior year (1951), and thereafter in 1952 also pays A $3,000 for employment performed in 1952. The $2,500 paid in 1951 is subject to tax in 1951. The balance of $500 paid in 1952 for employment during 1951 is subject to tax in 1952, as is also the first $2,500 paid of the $3,000 for employment during 1952 (this $500 for 1951 employment added to the first $2,500 paid for 1952 employment constitutes the maximum wages which could be paid in 1952 by B to A). The final $500 paid by B to A in 1952 is not included as wages and is not subject to the tax.

(iii) If during a calendar year an employee is paid remuneration by more than one employer, the limitation of wages to the first $3,000 of remuneration paid applies, not to the aggregate remuneration paid by all employers with respect to employment performed after 1938, but instead to the remuneration paid during such calendar year by each employer with respect to employment performed after 1938. In such case the first $3,000 paid during the calendar year by each employer constitutes wages and is subject to the tax. (In connection with the application of the $3,000 limitation, see also subparagraph (2) of this paragraph, relating to the circumstances under which wages paid by a predecessor employer are deemed to be paid by his successor.)

Example (2). During 1951 employer D pays to employee C a salary of $600 a month for employment performed for D during the first seven months of 1951, or total remuneration of $4,200. At the end of the fifth month C has been paid $3,000 by employer D, and only that part of his total remuneration from D constitutes wages subject to the tax. The $600 paid to employee C by employer D in the sixth month, and the like amount paid in the seventh month, are not included as wages and are not subject to the tax. At the end of the seventh month C leaves the employ of D and enters the employ of E. Employer E pays to C remuneration of $600 a month in each of the remaining five months of 1951, or total remuneration of $3,000. The entire $3,000 paid by E to employee C constitutes wages and is subject to the tax. Thus, the first $3,000 paid by employer D and the entire $3,000 paid by employer E constitute wages.

Example (3). During the calendar year 1951 F is simultaneously an officer (an employee) of the X Corporation, the Y Corporation, and the Z Corporation, each such corporation being an employer for such year. During such year F is paid a salary of $3,000 by each corporation. Each $3,000 paid to F by each of the corporations, X, Y, and Z (whether or not such corporations are related), constitutes wages and is subject to the tax.

(2) *Wages paid by predecessor attributed to successor.* (i) If an employer (hereinafter referred to as a successor) during any calendar year beginning after December 31, 1950, acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and if immediately after the acquisition the successor employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessor, then, for purposes of the application of the $3,000 limitation set forth in subparagraph (1) of this paragraph, any remuneration (exclusive of remuneration excepted from wages in accordance with paragraphs (b) through (j) of this section) with respect to employment paid (or considered under this provision as having been paid) to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor. Wages paid by a predecessor shall not be considered as having been paid by the successor unless both the predecessor and the successor are employers as defined in section 1607 (a) of the Act for the calendar year in which the acquisition occurs (see § 403.205, relating to who are employers).

(ii) The wages paid, or considered as having been paid, by a predecessor to an employee shall, for purposes of the $3,000 limitation, be treated as having been paid to such employee by a successor, if:

(*a*) The successor during a calendar year acquired substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of the predecessor;

(*b*) Such employee was employed in the trade or business of the predecessor immediately prior to the acquisition and is employed by the successor in his trade or business immediately after the acquisition; and

(*c*) Such wages were paid during the calendar year in which the acquisition occurred and prior to such acquisition.

(iii) The method of acquisition of the property is immaterial. The acquisition may occur as a consequence of a corporate merger or consolidation, the incorporation of a business by a sole proprietor or a partnership, the continuance of the business without interruption by a new partnership resulting from the death or retirement of a former partner or the admission of a new partner, or a purchase or any other transaction whereby substantially all the property used in a trade or business, or used in a separate unit of a trade or business, of one employer is acquired by another employer.

(iv) Substantially all the property used in a separate unit of a trade or business may consist of substantially all the property used in the performance of an essential operation of the trade or business, or it may consist of substantially

all the property used in a relatively self-sustaining entity which forms a part of the trade or business.

Example (1). The M Corporation which is engaged in the manufacture of automobiles, including the manufacture of automobile engines, discontinues the manufacture of the engines and transfers all the property used in such manufacturing operation to the N Company. The N Company is considered to have acquired a separate unit of the trade or business of the M Corporation, namely, its engine manufacturing unit.

Example (2). The R Corporation which is engaged in the operation of a chain of grocery stores transfers one of such stores to the S Company. The S Company is considered to have acquired a separate unit of the trade or business of the R Corporation.

(v) A successor may receive credit for wages paid to an employee by a predecessor only if immediately prior to the acquisition the employee was employed by the predecessor in his trade or business which was acquired by the successor and if immediately after the acquisition such employee is employed by the successor in his trade or business (whether or not in the same trade or business in which the acquired property is used). If the acquisition involves only a separate unit of a trade or business of the predecessor, the employee need not have been employed by the predecessor in that unit provided he was employed in the trade or business of which the acquired unit was a part.

(vi) The application of the foregoing provisions may be illustrated by the following example:

Example (3). The Y Corporation in 1951 acquires all the property of the X Manufacturing Company and immediately after the acquisition employs in its trade or business employee A, who, immediately prior to the acquisition, was employed by the X Company. Both the Y Corporation and the X Company are employers, as defined in the act, for the calendar year 1951. The X Company has in 1951 (the calendar year in which the acquisition occurs) and prior to the acquisition paid $2,000 of wages to A. The Y Corporation in 1951 pays to A remuneration with respect to employment of $2,000. Only $1,000 of such remuneration is considered to be wages. For the purposes of the $3,000 limitation, the Y Corporation is credited with the $2,000 paid to A by the X Company. If, in the same calendar year, the property is acquired from the Y Corporation by the Z Company, an employer for such year, and A immediately after the acquisition is employed by the Z Company in its trade or business, no part of the remuneration paid to A by the Z Company in the year of the acquisition will be considered to be wages. The Z Company will be credited with the remuneration paid to A by the Y Corporation and also with the wages paid to A by the X Company (considered for purposes of the application of the $3,000 limitation as having also been paid by the Y Corporation).

(b) *Employers' plans providing for payments on account of retirement, sickness or accident disability, medical or hospitalization expenses, or death.* (1) The term "wages" does not include the amount of any payment (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) made to, or on behalf of, an employee or any of his dependents under a plan or system established by an employer which makes provision for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

(i) An employee's retirement,

(ii) Sickness or accident disability of an employee or any of his dependents,

(iii) Medical or hospitalization expenses in connection with sickness or accident disability of an employee or any of his dependents, or

(iv) Death of an employee or any of his dependents.

(2) The plan or system established by an employer need not provide for payments on account of all of the specified items, but such plan or system may provide for any one or more of such items. Payments for any one or more of such items under a plan or system established by an employer solely for the dependents of his employees are not within this exclusion from wages.

(3) Dependents of an employee include the employee's husband or wife, children, and any other members of the employee's immediate family.

(4) It is immaterial for purposes of this exclusion whether the amount or possibility of such benefit payments is taken into consideration in fixing the amount of an employee's remuneration or whether such payments are required, expressly or impliedly, by the contract of service.

(c) *Retirement payments.* The term "wages" does not include any payment made by an employer to an employee (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of the employee's retirement. Thus, payments made to an employee on account of his retirement are excluded from wages under this exception even though not made under a plan or system.

(d) *Payments on account of sickness or accident disability, or medical or hospitalization expenses.* The term "wages" does not include any payment made by an employer to, or on behalf of, an employee on account of the employee's sickness or accident disability or the medical or hospitalization expenses in connection with the employee's sickness or accident disability, if such payment is made after the expiration of six calendar months following the last calendar month in which such employee worked for such employer. Such payments are excluded from wages under this exception even though not made under a plan or system. If the employee does not actually perform services for the employer during the requisite period, the existence of the employer-employee relationship during that period is immaterial.

(e) *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(1) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) of the Internal Revenue Code or the annuity plan meets the requirements of section 165 (a) (3), (4), (5), and (6) of the Internal Revenue Code; or

(2) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) of the Code or the annuity plan meets the requirements of section 165 (a) (3), (4), (5), and (6) of the Code.

A payment made to an employee of a trust exempt from tax under section 165 (a) of the Code for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exclusion from wages.

(f) *Payment by an employer of employees' tax or employees' contributions under a State law.* The term "wages" does not include any payment by an employer (without deduction from the remuneration of, or other reimbursement from, the employee) of either (1) the employee tax imposed by section 1400 of the Federal Insurance Contributions Act, or (2) any payment required from an employee under a State unemployment compensation law.

(g) *Payments other than in cash for services not in the course of employer's trade or business.* The term "wages" does not include remuneration paid in any medium other than cash for services not in the course of the employer's trade or business. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, or other goods or commodities, for services of the prescribed character does not constitute wages. Remuneration paid in any medium other than cash for other types of services does not come within this exclusion from wages. For provisions relating to the circumstances under which services not in the course of the employer's trade or business do not constitute employment, see § 403.210.

(h) *Payments to stand-by employees.* The term "wages" does not include any payment (other than vacation or sick pay) made by an employer to an employee after the calendar month in which the employee attains age 65, if:

(1) Such employee does no work (other than being subject to call for the performance of work) for such employer in the period for which such payment is made; and

(2) The employer-employee relationship exists between the employer and employee throughout the period for which such payment is made.

Vacation or sick pay is not within this exclusion from wages. If the employee does any work for the employer in the period for which the payment is made, no remuneration paid by such employer to such employee with respect to such period is within this exclusion from wages. For example, if employee A is employed by the X Company on a stand-by basis and, after he has attained the age of 65, is paid $200 by the X Company for being subject to call during the month of January 1951 and an additional $25 for work performed for the X Company on one day during that month, then none of the $225 is excluded from wages under this exception.

(i) *Dismissal payments.* Any payment made by an employer to an employee on account of dismissal, that is, involuntary separation from the service of the employer, is excluded from "wages", provided the employer is not legally bound by contract, statute, or otherwise, to make such payment. This exclusion does not apply with respect to remuneration paid after December 31, 1951.

(j) *Miscellaneous.* In addition to the exclusions specified in paragraphs (a) through (i) of this section, the following types of payments are excluded from wages:

(1) Remuneration for services which do not constitute employment under section 1607 (c) of the act;

(2) Remuneration for services which are deemed not to be employment under section 1607 (d) of the act; and

(3) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer.

(k) *Applicability of section.* The provisions of this section apply only with respect to remuneration paid after December 31, 1950.

PAR. 24. Section 403.302 is amended by striking out in the parenthetical cross reference "§§ 403.227 and 403.228" and by inserting in lieu thereof "§§ 403.227, 403.228, and 403.228a".

PAR. 25. Immediately preceding § 403.501, the following is inserted:

SECTION 207 (b) (1) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

Section 3312 of the Internal Revenue Code is amended by inserting immediately after the words "gift taxes" (which words immediately precede subsection (a) thereof) a comma and the following: "and except as otherwise provided in section 1635 with respect to employment taxes under subchapters A and D of chapter 9".

PAR. 26. Section 403.505 is amended by striking out the last sentence of paragraph (a) and inserting in lieu thereof the following sentence: "If filed within the prescribed time the statement so made will relieve the employer from liability for the addition to tax imposed for the delinquent filing of the return (see §§ 403.605 (a) and 403.605a, relating to the addition to tax), provided that, without unnecessary delay, such tentative return is supplemented by a return made on the proper form."

PAR. 27. Section 403.506 is amended by striking out in the fifth sentence "§ 403.605 (a)" and inserting in lieu thereof "§§ 403.605 (a) and 403.605a".

PAR. 28. Section 403.508 is amended by striking out in the last sentence "and 403.605" and inserting in lieu thereof "403.605, and 403.605a".

PAR. 29. Section 403.511 (a) (2) is amended by striking out "(see §§ 403.227 and 403.228)" and inserting in lieu thereof "(see §§ 403.227, 403.228, and 403.228a)".

PAR. 30. Immediately preceding § 403.602, the following is inserted:

SECTION 209 (e) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

If a corporation (hereinafter referred to as a predecessor) incorporated under the laws of one State is succeeded after 1945 and before 1951 by another corporation (hereinafter referred to as a successor) incorporated under the laws of another State, and if immediately upon the succession the business of the successor is identical with that of the predecessor and, except for qualifying shares, the proportionate interest of each shareholder in the successor is identical with his proportionate interest in the predecessor, and if in connection with the succession the predecessor is dissolved or merged into the successor, and if the predecessor and the successor are employers under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the calendar year in which the succession takes place, then—

(1) The predecessor and successor corporations, for purposes only of the application of the $3,000 limitation in the definition of wages under such Acts, shall be considered as one employer for such calendar year, and

(2) The successor shall, subject to the applicable statutes of limitations, be entitled to a credit or refund, without interest, of any tax under section 1410 of the Federal Insurance Contributions Act or section 1600 of the Federal Unemployment Tax Act (together with any interest or penalty thereon) paid with respect to remuneration paid by the successor during such calendar year which would not have been subject to tax under such Acts if the remuneration had been paid by the predecessor.

PAR. 31. Section 403.603, as amended by Treasury Decision 5794, approved July 6, 1950, is further amended by striking out "provided by section 1631" and inserting in lieu thereof "imposed in certain cases for the delinquent payment of the tax (see § 402.605a, relating to the minimum addition to the tax)".

PAR. 32. Section 403.605 (a), as amended by Treasury Decision 5794, is further amended by striking out in the second sentence of subparagraph (1) "provided by section 1631" and inserting in lieu thereof "imposed for the delinquent filing of the return (see § 403.605a, relating to the minimum addition to the tax)".

PAR. 33. Immediately after the provisions of law under the caption "Section 6 of the Act of August 27, 1949 (Pub. Law 271, 81st Cong.)", added by Treasury Decision 5794, as set forth after § 403.605, the following is inserted:

SECTION 209 (d) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950

(1) Section 1631 of the Internal Revenue Code is amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN.

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5.

(2) The amendment made by paragraph (1) shall be applicable only with respect to returns filed after December 31, 1950.

§ 403.605a *Minimum addition to the tax*—(a) *Returns filed prior to January 1, 1951.* (1) In the case of returns required to be filed or tax which becomes due on or after August 27, 1949, if a person fails to make and file a return required by the regulations in this part, or pay the tax, within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax required to be shown on such return shall not be less than $5. (See §§ 403.506 and 403.507, relating to the time for filing returns, and §§ 403.508 and 403.509, relating to the time for payment of tax.) This provision is to be applied in accordance with the following rules:

(i) In the case of failure to make and file a return within the prescribed time, the addition to the tax shall be computed as provided by section 3612 (d) (1) of the Internal Revenue Code (see § 403.605 (a)) and if less than $5 shall be increased to $5.

(ii) In the case of failure to pay the tax when due, the addition to the tax shall be computed as provided by section 1605 (b) of the act (see § 403.603) and if less than $5 shall be increased to $5.

(iii) In the case of concurrent failure to make and file the return and to pay the tax within the prescribed time, the ad valorem penalty provided by section 3612 (d) (1) of the Internal Revenue Code and the interest provided by section 1605 (b) of the act shall be aggregated and if less than $5 shall be increased to $5.

(2) The provisions of this paragraph apply only with respect to returns filed before January 1, 1951, and to the tax required to be shown on such returns.

(b) *Returns filed after December 31, 1950.* If a person fails to make and file a return required by the regulations in this part within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax required to be shown on such return shall not be less than $5. (See §§ 403.506 and 403.507, relating to the time for filing returns.) The addition to the tax shall be computed as provided by section 3612 (d) (1) of the Internal Revenue Code (see § 403.605 (a)) and if less than $5 shall be increased to $5. The provisions of this paragraph apply only with respect to returns filed after December 31, 1950.

PAR. 34. Section 411.604 is amended by striking out the last sentence of the first paragraph and inserting in lieu thereof the following sentence: "If filed within the prescribed time the statement so made will relieve the taxpayer from liability for the addition to tax imposed for the delinquent filing of the return (see §§ 411.905 (a) and 411.905a, relating to the addition to tax): *Provided*, That without unnecessary delay such tentative return is supplemented by a return made on the proper form."

PAR. 35. Section 411.605 is amended by striking out in the seventh sentence "§ 411.905 (a)" and inserting in lieu thereof "§§ 411.905 (a) and 411.905a".

PAR. 36. Section 411.606 is amended by striking out in the last sentence "and 411.905" and inserting in lieu thereof "411.905, and 411.905a".

PAR. 37. Section 411.903, as amended by Treasury Decision 5794, approved July 6, 1950, is further amended by striking out "provided by section 1631" and inserting in lieu thereof "imposed in certain cases for the delinquent payment of the tax (see § 411.905a, relating to the minimum addition to the tax)".

PAR. 38. Section 411.905 (a), as amended by Treasury Decision 5794, is further amended by striking out in the second sentence "provided by section 1631" and inserting in lieu thereof "imposed for the delinquent filing of the return (see § 411.905a, relating to the minimum addition to the tax)".

PAR. 39. Immediately after the provisions of law under the caption "Section 6 of the Act of August 27, 1949 (Pub. Law 271, 81st Cong.)", added by Treasury Decision 5794, as set forth after § 411.905, the following is inserted:

SECTION 209 (d) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1950 (PUBLIC LAW 734, 81ST CONGRESS)

(1) Section 1631 of the Internal Revenue Code is amended to read as follows:

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN.

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5.

(2) The amendment made by paragraph (1) shall be applicable only with respect to returns filed after December 31, 1950.

§ 411.905a *Minimum addition to the tax*—(a) *Returns filed prior to January 1, 1951.* (1) In the case of returns required to be filed or tax which becomes due on or after August 27, 1949, if a person fails to make and file a return required by the regulations in this part, or pay the tax, within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax shall not be less than $5. (See § 411.605, relating to the time for filing returns, and § 411.606, relating to the time for payment of tax.) This provision is to be applied in accordance with the following rules:

(i) In the case of failure to make and file a return within the prescribed time, the addition to the tax shall be computed as provided by section 3612 (d) (1) of the Internal Revenue Code (see § 411.905 (a)) and if less than $5 shall be increased to $5.

(ii) In the case of failure to pay the tax when due, the addition to the tax shall be computed as provided by section 1530 (c) of the act (see § 411.903) and if less than $5 shall be increased to $5.

(iii) In the case of concurrent failure to make and file the return and to pay the tax within the prescribed time, the ad valorem penalty provided by section 3612 (d) (1) of the Internal Revenue Code and the interest provided by section 1530 (c) of the act shall be aggregated and if less than $5 shall be increased to $5.

(2) The provisions of this paragraph apply only with respect to returns filed before January 1, 1951, and to the tax required to be shown on such returns.

(b) *Returns filed after December 31, 1950.* If a person fails to make and file a return required by the regulations in this part within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5. (See § 411.605, relating to the time for filing returns.) The addition to the tax shall be computed as provided by section 3612 (d) (1) of the Internal Revenue Code (see § 411.905 (a)) and if less than $5 shall be increased to $5. The provisions of this paragraph apply only with respect to returns filed after December 31, 1950.

(53 Stat. 178, 183, 188, 467; 26 U. S. C. 1429, 1535, 1609, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: May 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6117; Filed, June 3, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 47]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INFORMATION REQUIRED IN REPORT UNDER SECTION 32, CLARIFICATIONS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 47 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 43 to Ceiling Price Regulation 22 effected, among other things, a change in the reporting provisions of section 32 to eliminate for certain manufacturers the requirement of filing OPS Public Forms No. 128 in connection with the establishment of ceiling prices under that section. However, in the preparation of the amendment certain errors of transcription were made. Automatic temperature controls, though listed in the Statement of Considerations to Amendment 43, was inadvertently omitted from the list of commodities in section 32 (g) (2). Also, in that list, certain specified exceptions to the heating and refrigeration equipment were inadvertently omitted. This amendment makes the necessary corrections.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. Subparagraph (2) of paragraph (g) of section 32 is amended in the following respects:

(a) Insert as the first item in the list of commodities at the end of the subparagraph the words "Automatic temperature controls."

(b) Add after the words "heating equipment" the following: "except the following: Vented and unvented circulating space heaters, oil, gas, electric and coal fire; gas logs; portable utility room heaters; portable radiant heaters, gas or electric."

(c) Add after the words "Refrigeration equipment" the following: "except household refrigerators and home and farm freezers."

Subparagraph (2) of paragraph (g) of section 32, as amended, shall read as follows:

(2) *For certain products.* Your report for the commodities listed at the end of this subparagraph should state the name and address of your company; a description of the commodity being priced; the comparison commodity and an explanation why you have selected the comparison commodity as such; a description of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to all classes of purchasers with respect to the comparison commodity.

The commodities covered by this subparagraph are:

Automatic temperature controls.
Certain rubber products and chemicals, as defined in subparagraph (3) below.
Food products.
Heating equipment, except the following: vented and unvented circulating space heaters, oil, gas, electric and coal fire; gas logs; portable utility room heaters; portable radiant heaters, gas or electric.
Plumbing fixtures, fittings, valves and equipment.
Refrigeration equipment, except household refrigerators and home and farm freezers.
Textiles, yarns, threads, twines, cordage, nets, laces and fabrics.
Valves, except tire valves.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment will become effective on June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6184; Filed, June 3, 1952, 11:31 a. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 27]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 27—ADJUSTMENT OF CEILING PRICES FOR HAND-MADE HOUSEHOLD GLASSWARE

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 27 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation increases by 4 percent the ceiling prices established under CPR 22 for manufacturers of hand-made household glassware and hand-made blanks for household glassware. It is an interim measure, designed to give the industry the minimum relief to which it appears to be entitled pending completion of a formal industry-wide survey under the "85 percent Industry Earnings Standard". Upon completion of the survey, the percentage increase provided in this regulation will be revised in accordance with the requirements of that standard.

There are believed to be fewer than 60 manufacturers covered by this supplementary regulation. They are, for the most part, relatively small companies which manufacture luxury-type household glassware. The great bulk of household glassware, which is machine-made, is not affected.

Information received by the Office of Price Stabilization has clearly demonstrated that recent cost increases have reduced the earnings of this industry substantially below the minimum prescribed by the industry earnings standard. This reduction is particularly demonstrated by the fact that more than 10 percent of the manufacturers in the industry have filed meritorious applications under GOR 10. In each of these applications it appears the over-all operations of the manufacturer involved have been reduced below the break-even point. Although other manufacturers have not been as severely affected by these cost increases, they do appear to be entitled to at least the relief provided in this supplementary regulation.

Manufacturers who have exercised the option provided in Section 1, CPR 22 to retain their GCPR ceilings will not receive the benefit of this increase unless they elect to come under CPR 22 and comply with all the requirements of that regulation. Manufacturers who elect to establish ceiling prices pursuant to the "Capehart amendment" (SR 17 or SR 18, CPR 22) similarly may not use this supplementary regulation. However, manufacturers who have previously adjusted their ceiling prices under SR 17 or SR 18 may, if they wish, take advantage of the provisions of this supplementary regulation by filing with OPS requests that their applications under SR 17 or SR 18 be deemed withdrawn as to the products covered by this supplementary regulation.

In the formulation of this regulation there has been consultation with industry representatives, including the industry advisory committee and trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director the provisions of this ceiling price regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjusted ceiling prices for glassware dealt in between July 1, 1949 and June 24, 1950.
3. Adjustment of ceiling prices previously established under Sections 30 to 34 of CPR 22.
4. Adjusted ceiling prices for all other glassware.
5. Terms and conditions of sale.
6. Reports.
7. Relationship of this supplementary regulation to SR 17 and SR 18 of CPR 22, and GOR 10.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950; 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation adjusts upward manufacturers' ceiling prices established under CPR 22 or under SR 2 to CPR 22 for hand-made household glassware and hand-made blanks for household glassware. Household glassware and blanks for household glassware are "hand-made" if they are gathered from a furnace by hand, and mouth-blown or hand-pressed. All provisions of CPR 22 and of SR 2 to CPR 22 not inconsistent with this supplementary regulation remain applicable to sellers covered by this supplementary regulation.

SEC. 2. *Adjusted ceiling prices for glassware dealt in between July 1, 1949 and June 24, 1950.* Your ceiling prices for hand-made household glassware or for hand-made blanks for household glassware, which you sold or offered for sale between July 1, 1949 and June 24, 1950, are 104 percent of your ceiling prices established under either section 3 of CPR 22 or under SR 2 to CPR 22.

SEC. 3. *Adjustment of ceiling prices previously established under Sections 30 to 34 of CPR 22.* Your ceiling prices for handmade household glassware and hand-made blanks for household glassware for which ceiling prices were established under Sections 30, 31, 32, 33, or 34 of CPR 22 prior to the effective date of this supplementary regulation are 104 percent of the ceiling prices previously established by you under those sections of CPR 22.

SEC. 4. *Adjusted ceiling prices for all other glassware.* If you are unable to establish a ceiling price for any sale of hand-made household glassware or hand-made blanks for household glassware under the previous sections, you must establish a ceiling price for such sale in accordance with Section 30, 31, 32, 33 or 34 of CPR 22. A number of these sections require you in varying ways to determine a ceiling price by reference to the ceiling price of another commodity called here, for convenience, your "reference commodity". In applying these sections, use as the ceiling price for the reference commodity a ceiling price determined under this supplementary regulation.

SEC. 5. *Terms and conditions of sale.* A ceiling price established under this supplementary regulation must be consistent in every respect with the CPR 22 ceiling price or the SR 2 to CPR 22 ceiling price adjusted by this supplementary regulation. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 6. *Reports.* Prior to using this supplementary regulation you must have complied with the reporting requirements of Sections 46 and 48, CPR 22. If you have filed an OPS Public Form No. 8 in compliance with these sections of CPR 22, you need not amend your Form 8 to reflect the adjustment authorized by this supplementary regulation.

SEC. 7. *Relationship of this supplementary regulation to SR 17 and SR 18 of CPR 22 and GOR 10.* (a) Notwithstanding any provisions of this supplementary regulation, you may elect to use SR 17 or SR 18 to CPR 22, to establish your ceiling prices for hand-made household glassware or hand-made blanks for household glassware. If you so elect, you may not use this supplementary regulation. If you are using SR 2 to CPR 22 to help find your adjusted ceiling prices for base period commodities under Section 2 of this supplementary regulation, you must use a labor cost adjustment factor and a materials cost adjustment factor calculated under CPR 22, and you may not include an overhead adjustment factor in calculating your SR 2 ceiling prices.

(b) If prior to the effective date of this supplementary regulation you established ceiling prices under either SR 17 or SR 18 to CPR 22, you may not use this supplementary regulation until you have filed a request to withdraw your OPS Public Form 100 or 105 for the commodities covered by this supplementary regulation. Such request should be sent by registered mail, return receipt requested, to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C. You may use this supplementary regulation immediately upon return of your return receipt.

(c) If your ceiling prices have been adjusted by order of the Director of Price Stabilization under General Overriding Regulation 10, you may not use this supplementary regulation to establish your ceiling prices unless you first apply for, and receive from the Director, a revocation of that order.

Effective date. This supplementary regulation shall become effective June 3, 1952.

NOTE: The reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6190; Filed, June 3, 1952, 4:00 p. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 8, Power Laundries in Cook County, Illinois]

CPR 34—SERVICES

SR 8—POWER LAUNDRIES IN COOK COUNTY, ILLINOIS

COMPUTATION OF INCREASE AND FILING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 8 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 8 to Ceiling Price Regulation 34 clarifies the computation of ceiling price increases granted by this supplementary regulation. Under Supplementary Regulation 8 power laundries in Cook County, Illinois, are granted a 5 percent increase in ceiling prices for certain power laundry services. Affected service sellers have the choice of adding the percent increase to each invoice or of increasing the flat price of each article by the permitted 5 percent. In both cases, there will be many instances when the new ceiling price will consist of a fraction of a cent. It is necessary, therefore, to add to the regulatory provisions of the regulation a new paragraph setting forth instructions on how to determine the ceiling price in these cases.

In addition, there is some ambiguity as to the applicability of the supplementary filing requirement of section 18 (c) of Ceiling Price Regulation 34. Section 3 (a) of Supplementary Regulation 8 is amended to show clearly that a supplementary filing is not required of power laundries which add the 5 percent increase to each invoice.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 8 to Ceiling Price Regulation 34 is amended in the following respects:

1. The second sentence of the third paragraph of the Statement of Considerations is deleted.

2. Paragraph (a) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34."

3. Paragraph (b) of section 3 is amended by deleting the second sentence thereof.

4. A new paragraph (c) is added to section 3 to read as follows:

(c) If the increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 8 to Ceiling Price Regulation 34 is effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6185; Filed, June 3, 1952; 11:31 a. m.]

[Ceiling Price Regulation 34, Amdt. 1 to Supplementary Regulation 15]

CPR 34—SERVICES

SR 15—POWER LAUNDRIES IN MILWAUKEE COUNTY, WISCONSIN

COMPUTATION OF INCREASE AND FILING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 15 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 1 to Supplementary Regulation 15 to Ceiling Price Regulation 34 clarifies the computation of ceiling price increases granted by this supplementary regulation. Under Supplementary Regulation 15 power laundries in Milwaukee County, Wisconsin, are granted a 5 percent increase in ceiling prices for certain power laundry services. Affected service sellers have the choice of adding the percent increase to each invoice or of increasing the flat price of each article by the permitted 5 percent. In both cases, there will be many instances when the new ceiling price will consist of a fraction of a cent. It is necessary, therefore, to add to the regulatory provisions of the regulation a new paragraph setting forth instructions on how to determine the ceiling price in these cases.

In addition, there is some ambiguity as to the applicability of the supplementary filing requirement of section 18 (c) of Ceiling Price Regulation 34. Section 3 (a) of Supplementary Regulation 15 is amended to show clearly that a supplementary filing is not required of power laundries which add the 5 percent increase to each invoice.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 15 to Ceiling Price Regulation 34 is amended in the following respects:

1. The second sentence of the third paragraph of the Statement of Consideration is deleted.

2. Paragraph (a) of section 3 is amended by adding at the end thereof a new sentence to read as follows: "If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34."

3. Paragraph (b) of section 3 is amended by deleting the second sentence thereof.

4. A new paragraph (c) is added to section 3 to read as follows:

(c) If the increase computed in paragraph (a) or (b) of this section results in a fraction of a cent, the ceiling price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 15 to Ceiling Price Regulation 34 is effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6186; Filed, June 3, 1952, 11:31 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 17]

CPR 34—SERVICES

SR 17—FUR DRESSERS SERVICES IN NEW YORK CITY AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 17 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 17 to Ceiling Price Regulation 34, as amended, permits fur dressers in the counties of Bronx, Kings, New York and Queens in the State of New York and in the counties of Hudson and Somerset in the State of New Jersey (hereinafter referred to as the New York City area) to increase their present ceiling prices for fur dressing services by eight percent. The services supplied by fur dressers in the New York City area have been provided at uniform prices for similar services performed on similar furs for many years antedating the issuance of Ceiling Price Regulation 34. There are 18 firms providing fur dressing services in the New York City area. A study of the operating costs and profit margins of a representative number of these fur dressing firms, accounting for approximately 80 percent of total fur dressing sales in this area, reveals that they are suffering an impairment of their pre-Korean earnings as a result of recent increased labor costs which have been incurred. The uniform adjustment authorized for these sellers has been computed in accordance with the standards for individual adjustments in section 20 of Ceiling Price Regulation 34.

The existence of uniform prices, standardized service and generally comparable earnings experience facilitate the area order pricing technique. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. In the judgment of the Director of the Office of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Establishment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation permits fur dressers in the counties of Bronx, Kings, New York and Queens in the State of New York and in the countries of Hudson and Somerset in the State of New Jersey to increase their charges for fur dressing services.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation shall remain in effect.

SEC. 3. *Establishment of ceiling prices.* You may to the extent you supply fur dressing services in the counties of Bronx, Kings, New York and Queens in the State of New York and in the counties of Hudson and Somerset in the State of New Jersey, increase your ceiling prices for fur dressing services by eight percent by either one or the other of the following methods:

(a) You may apply such an increase to the total amount of each invoice rendered to the customer computed on the basis of your ceiling prices under CPR 34 prior to the increase permitted under this supplementary regulation: *Provided*, That you clearly write or stamp on each invoice the words "OPS permitted price increase", and you need not file your new ceiling prices pursuant to section 18 (c) of Ceiling Price Regulation 34; or

(b) You may increase by eight percent the ceiling price of each fur dressing service which you supply and you must file your new ceiling prices pursuant to section 18 (c) of Ceiling Price Regulation 34.

Whichever method you use, if the increase results in a fraction of a cent, the price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller subject to this supplementary regulation may, after the effective date of this supplementary regulation, apply under section 20 of Ceiling Price Regulation 34 for an adjustment of any ceiling prices established under this supplementary regulation.

SEC. 5. *Definitions.* (a) As used in this supplementary regulation to Ceiling Price Regulation 34:

(1) The term "fur dressing services" means the folowing operations performed upon raw, i. e., unprocessed, fur-bearing skins and hides, except such operations performed upon "Persian Lamb skins and hides"; soaking and drumming the whole skins to make the same soft, clean, pliable and eliminating and preventing matting of the hair side of the fur; skinning, scraping and fleshing the under or flesh side of the skin and hide to remove excess flesh and fatty substances; and plucking to remove long, stiff and unsightly hairs from the face or fur side of the skin. Fur dressing does not include dyeing or shearing of the fur or fur-bearing skins and hides.

(2) The term "You" means a person who has a fur dressing establishment in any of the counties of Bronx, Kings, New York and Queens in the State of New York or Hudson and Somerset in the State of New Jersey, and shall otherwise have the same meaning as in section 27 (a) (18) of Ceiling Price Regulation 34.

Effective date. This Supplementary Regulation 17 to Ceiling Price Regulation 34 shall become effective June 2, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JUNE 2, 1952.

[F. R. Doc. 52-6161; Filed, June 2, 1952; 4:17 p. m.]

[Ceiling Price Regulation 119, Amdt. 2]

CPR 119—MECHANICAL PRECISION SPRINGS, METAL STAMPINGS AND SCREW MACHINE PRODUCTS

SMALL ORDER EXEMPTION FOR NEW SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 2 to Ceiling Price Regulation 119 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends to sellers covered by this regulation who were not in business for three consecutive months prior to January 31, 1951, an exemption for small orders similar to that granted to other sellers by section 2. In addition, clarification of the coverage of the regulation and the small order exemption period is made.

Section 2 of Ceiling Price Regulation 119 provides a small order exemption for the manufacturers of mechanical precision springs, metal stampings and screw machine products who were in business during the period February 1, 1950, through January 31, 1951. However, no provisions were made for manufacturers who were not doing business in that period. In order to afford to the new manufacturers treatment similar to that given to established firms, the small order exemption is extended.

New manufacturers who wish to avail themselves of the small order exemptions must use their first three months of operations as a basis for determining the limit of exemptions for subsequent calendar quarters. At the expiration of one year in business, the new manufacturer may, upon written notice to the Office of Price Stabilization, select any three consecutive months during the first year of operations in lieu of the first three months as a criterion for small order exemptions.

This amendment also changes the language used in section 2 to make it clear that anyone applying for small order exemptions may choose any three consecutive months in the period February 1, 1950, through January 31, 1951, in which the highest total dollar amount of exempted sales were experienced. The exemptions in subsequent calendar quarters will be limited accordingly.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives including trade association representatives impracticable. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of CPR 119 is amended to read as follows:

SEC. 2. *Small order exemption*—(a) *Exemptions.* If you file the report required by paragraph (c) of this section and your net sales price for a particular sale is less than the amount set forth below, the sale is not subject to the provisions of this regulation or any other regulation previously issued by the Office of Price Stabilization.

Mechanical precision springs	$200.00
Metal stampings	500.00
Screw machine products	400.00

(b) *Limitations.* (1) You may select any three consecutive months during the period February 1, 1950, through January 31, 1951, as a basis for determining the limit of your exemptions under this section. If, after the effective date of this regulation, the total amount which you charge during any calendar quarter for exempted sales equals the highest total amount which you charged for such sales in the three consecutive months which you have selected, the exemptions set forth in this section shall not apply to any of your subsequent sales during the calendar quarter involved.

(2) If you are unable to select a three consecutive month period under this sec-

tion because you were not in business for three months during the period February 1, 1950, through January 31, 1951, the total amount of exempted sales during any calendar quarter may not exceed the total amount of such sales during your first three months in business. At the expiration of your first year in business, you may, for the purposes of the exemptions permitted by this paragraph, choose any other three consecutive months during your first year of operations provided you notify the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., in writing, of your selected period, and your total dollar value of sales exempted by this paragraph for that period.

(c) *Reports.* The exemptions set forth in paragraph (a) of this section shall not be applicable to you until you file with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., a report by registered mail. This report may be filed on OPS Form 129, which may be obtained from your nearest OPS Office. This report shall contain the following information:

(1) The three consecutive months in the period February 1, 1950, through January 31, 1951, in which you had the highest total dollar amount of sales exempted by paragraph (a). If you were not in business for three consecutive months during that period, your first three months in business.

(2) Your total dollar value of sales exempted by paragraph (a) for the three consecutive months which you have selected.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 shall become effective on June 9, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6191; Filed, June 3, 1952; 4:00 p. m.]

[Ceiling Price Regulation 146]

CPR 146—CEILING PRICES FOR SALES OF WOOL GREASE AND LANOLIN BY MANUFACTURERS AND PROCESSORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 146 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes uniform dollars-and-cents ceiling prices for sales of all grades of wool grease and lanolin by manufacturers and processors thereof. It is applicable in the 48 States of the United States and the District of Columbia. Imported wool grease and lanolin remain controlled by CPR 31, and sales for export and export sales continue to be governed by CPR 61.

Wool grease is a by-product of the scouring process necessary to clean wool before it can be made into yarns and textiles. Lanolin is a refined form of wool grease. Woolen textile mills are the chief producers of crude wool grease, and sell most of their production to refiners, who convert the wool grease into neutral wool grease, lanolin and other products. Crude wool grease production represents a relatively small industry, the total annual production of which amounts to not more than 12,000,000 pounds, or approximately $1,900,000 per annum. The total annual production of lanolin is estimated to be not more than 5,200,000 pounds, or approximately $1,800,000 per annum.

Wool grease and certain of its end products have specific military uses. It is important to national defense that an adequate supply be maintained, since the unique physical and chemical properties of wool grease and lanolin make substitution for them difficult or impossible.

Sales of wool grease and lanolin have been governed by the General Ceiling Price Regulation. Ceiling Price Regulation 22 was made inapplicable to them by the specific exclusion of "wool grease" from that regulation. Subsequently, the term "wool grease" was interpreted as covering both crude and refined forms of wool grease, including lanolin.

Under the General Ceiling Price Regulation, prices for the sales of wool grease and lanolin were frozen at the December 19, 1950–January 25, 1951 level. During this period, some producers delivered only pursuant to contracts negotiated during the pre-Korean period and at pre-Korean prices; others sold "spot" at the higher prices which then prevailed. Industry representatives notified the Director of Price Stabilization that as a result of this situation, certain inequities and disparities in industry ceiling prices existed which not only caused hardship for those producers frozen at pre-Korea price levels, but also created confusion within the industry as well. Therefore, the establishment of uniform dollars-and-cents ceiling prices was urgently requested.

Consequently, the Director undertook to survey the industry in order to determine the range and variation in the General Ceiling Price Regulation ceiling prices. After analyzing the information and data thus obtained, the Director found evidence that serious inequities and disparities in ceiling prices did exist, which in his opinion should be reconciled. It appeared that the most impartial and equitable method for reconciling these price disparities was to establish uniform dollars-and-cents ceiling prices based on an average of General Ceiling Price Regulation ceiling prices for each grade of wool grease and lanolin, weighted according to 1951 production figures. Accordingly, this method was followed, and the dollars-and-cents ceiling prices for wool grease and lanolin thus obtained are set forth in section 2.

The grade differentials in the regulation cover the major grades of wool grease and lanolin now in general use in the industry, and have been selected at close enough intervals to reflect an accurate price scale. For any new grade or for any grade for which a specific ceiling price has not been listed in the regulation, producers must apply for an in-line ceiling price under section 4. Customary trade practices with particular reference to containers and package size price differentials, have been considered and have been incorporated into the regulation wherever possible.

The ceiling prices specified in the regulation apply to sales in containers of 400 pounds or more. For sales in smaller size containers a processor applies the same differentials, expressed in cents, which he used during the General Ceiling Price Regulation base period. Sellers may require reasonable deposits for the return of containers but must bear the transportation costs for such containers. Where containers are not to be returned, the seller may charge the reasonable value therefor. Sellers may not convert from a returnable container basis of sales to a non-returnable basis, with respect to a particular purchaser, without permission of the Director.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to prices prevailing during the period January 25, 1951 to February 24, 1951, inclusive, and just before the issuance of this regulation; and to relevant factors of general applicability. Further, since the ceiling prices established by this regulation are based on an average of existing General Ceiling Price Regulation ceiling prices, no increase should result in the general level of prices to the consumer.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations. This consultation included several meetings with the Wool Grease Industry Advisory Committee and the Lanolin Industry Advisory Committee as well as separate conferences with several producers of wool grease and lanolin.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices.
3. Containers.

Sec.
4. Applications for establishment of ceiling prices.
5. Modification of proposed ceiling prices by Director of Price Stabilization.
6. Petitions for amendment.
7. Adjustable pricing.
8. Transfer of business.
9. Tax provisions.
10. Records.
11. Prohibitions and violations.
12. Evasions.
13. Supplementary regulations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105. 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does—*(a) *Sellers and sales covered.* This regulation establishes ceiling prices for sales of all grades of wool grease and lanolin by the manufacturer or processor thereof.

(b) *Geographical applicability.* This regulation applies in the forty-eight States of the United States and in the District of Columbia.

(c) *Relation to other regulations.* This regulation supersedes the General Ceiling Price Regulation with respect to transactions covered by this regulation. Ceiling Price Regulation 31 applies to sales of imported wool grease and lanolin. Ceiling Price Regulation 61 applies to export sales of wool grease and lanolin and sales of wool grease and lanolin for export.

SEC. 2. *Ceiling prices—*(a) *Containers of 400 pounds and over.* The ceiling prices for sales by manufacturers and processors of wool grease and lanolin sold in containers of 400 pounds and over shall be the following prices, f. o. b. processing plant:

	Ceiling price per pound f. o. b. processing plant
(1) U. S. P. lanolin, special anhydrous cosmetic grade	$0.405
(2) U. S. P. lanolin, anhydrous cosmetic grade	.355
(3) U. S. P. lanolin, anhydrous pharmaceutical type	.335
(4) U. S. P. lanolin, hydrous pharmaceutical type	.320
(5) Technical lanolin, ash maximum 1/10 of 1 percent, moisture maximum 1/10 of 1 percent, acid maximum 3/4 of 1 percent	.310
(6) Neutral wool grease, fully refined, acid maximum 2 percent, ash maximum 1/10 of 1 percent, moisture maximum 1/10 of 1 percent	.305
(7) Neutral wool grease, fully refined, over 2 percent acid, ash maximum 1/10 of 1 percent, moisture maximum 1/10 of 1 percent	.300
(8) Crude centrifugal wool grease known as dry, moisture maximum 2 1/2 percent, ash maximum 3/4 of 1 percent, maximum 1 1/2 percent F. F. A., not refined	.200
(9) Crude centrifugal wool grease known as wet, over 5 percent moisture, maximum 2 1/2 percent F. F. A., not refined, anhydrous basis	.180
(10) Common Degras, moisture maximum 2 1/2 percent, 1/4 to 1 percent ash, maximum 11 percent F. F. A.	.120
(11) Common Degras, moisture maximum 2 1/2 percent, 1/4 to 1 percent ash, over 11 percent F. F. A.	$0.110
(12) Desulfurized wool grease:	
(a) Neutral wool grease, acid maximum 3 percent	.205
(b) Neutral wool grease, acid maximum 6 percent	.180
(c) Degras, acid 6–10 percent	.155
(d) Degras, acid 10 percent and above	.145

(b) *Containers of less than 400 pounds.* For sales in containers of less than 400 pounds, you determine your ceiling prices by applying to the ceiling prices set forth in paragraph (a) of this section the differentials, expressed in cents, which you had in effect during the period December 19, 1950 to January 25, 1951, inclusive.

SEC. 3. *Containers.* (a) Charges or deposits for containers may not be added to the ceiling prices established by this regulation except as permitted by this section.

(b) Sellers may require the return of containers of 100 pound size or larger. When sales are made in containers which are to be returned, the seller may require a reasonable deposit for the return of such containers, but the deposit must be refunded to the buyer upon return of the containers in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller for which a deposit has been charged shall in all cases be borne by the seller. If the seller permits the buyer to furnish his own containers the transportation costs with respect to sending the empty containers to the seller shall in all cases be borne by the seller. Where sales are made on a non-returnable container basis, the seller may charge the reasonable value of the container if the container is of 100 pound size or larger. In no event may the seller charge a price for a container greater than the net invoice cost of the container to him or the current market value of the container.

(c) After the effective date of this regulation, a seller may not convert from a returnable container basis of sales to a non-returnable container basis with respect to a particular purchaser without permission in writing by the Director of Price Stabilization. If you are a seller and wish to convert, you must apply to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C. Your application should contain the following information: Your existing container practice with respect to the purchaser, the reasons for the proposed change in practice, and a statement that the change will not result, directly or otherwise, in a net price increase to the purchaser.

SEC 4. *Application for establishment of ceiling prices.* If for any reason you are unable otherwise to determine a ceiling price for the sale of wool grease or lanolin of a certain grade or in a certain size container under the provisions of this regulation, you must apply to the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., for the establishment of a ceiling price. Any application pursuant to this section must refer to this section, must be signed by a duly authorized person and must contain the following information: Your business name and address; the location of your plant or plants; a description of the product you propose to sell; a statement of the reasons why you are otherwise unable to determine a ceiling price under this regulation; a proposed ceiling price; and a statement setting forth the cost data and other factors you used in determining such price. The Director will establish ceiling prices in line with other ceiling prices established under this regulation.

SEC. 5. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce any ceiling price proposed or established under this regulation so as to bring it into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revision 2.

SEC. 7 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 8. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any wool grease or lanolin processing business, and carry on the business, or continue to deal in wool grease or lanolin separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligations to keep records as the person from whom you acquired the business, assets or stock. If you are the person who transferred the business, assets or stock, you must either preserve and make available, or turn over to the transferee, copies of all your records which are necessary for him to comply with the ceiling price or record provisions of this regulation.

SEC. 9. *Tax provisions.* You may collect, in addition to the ceiling prices established in this regulation, any excise, sales, or similar tax imposed upon you by reason of your sales of any products covered by this regulation if you are not prohibited by law from making such collection and if you state separately from your selling price the amount of the tax collected.

SEC. 10. *Records—*(a) *Base period records.* You shall keep for inspection

by the Office of Price Stabilization for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, those records in your possession showing the prices charged for wool grease and lanolin which you delivered or offered to deliver during the period December 19, 1950 to January 25, 1951, inclusive, and also sufficient records to establish the differentials which you had in effect during this period for sales of wool grease and lanolin in containers of less than 400 pounds.

(b) *Current records.* Every person who sells, and every person who, in the regular course of trade or business buys wool grease and lanolin covered by this regulation, shall make and keep for inspection by the Office of Price Stabilization for a period of two years, accurate records of each sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity, grade, or type. The records must indicate whether each purchase or sale is made on an f. o. b. shipping or basing point basis or on a delivered basis, and in the former case, the shipping or basing point and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts, allowances, and deposits or charges for containers. The retention by a purchaser of an invoice furnished by a seller shall be considered as compliance with the provisions of this section if the invoice contains the factual information required to be made a matter of record by this section.

SEC. 11. *Prohibition and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records and reports, required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 12. *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 13. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying this regulation as he deems appropriate.

Effective date. This Ceiling Price Regulation 146 shall become effective June 9, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6187; Filed, June 3, 1952; 11:32 a. m.]

[Ceiling Price Regulation 147]

CPR 147—RUBBER CHEMICALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 147 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sales of rubber chemicals in the United States, including sales by resellers, and supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to all such sales. Sales of imported rubber chemicals and sales for export or export sales are left under the import and export regulations.

Rubber chemicals are synthetic organic chemicals used in the compounding and processing of both synthetic and natural rubber. The value of sales of rubber chemicals during 1950 amounted to $45,000,000 and production in that year amounted to 115 million pounds, an increase of 43 per cent over 1949 production.

Most rubber chemicals are sold by manufacturers to the industrial consumers of these chemicals. In some cases, however, they are sold through a reseller who receives a discount from the manufacturer's price for sales to the consumer. All manufacturers, in computing their ceiling prices under Ceiling Price Regulation 22, availed themselves of the provisions of Supplementary Regulation 2. In doing so they arrived at price adjustment factors to be applied to their ceiling prices established under the General Ceiling Price Regulation. These factors reflected changes in General Ceiling Price Regulation ceiling prices which are permitted or required by Ceiling Price Regulation 22 on the basis of increases in raw materials and labor costs.

The application of these factors resulted in considerable disparity in the ceiling prices among producers under Ceiling Price Regulation 22, due principally to the fact that there was a variance in the computed materials cost increases between integrated producers and non-integrated producers. Representatives of the industry, through the Industry Advisory Committee, have informed the Office of Price Stabilization that the substantial variance in ceiling prices resulting from the application of Ceiling Price Regulation 22 injects an abnormal factor in a market where the prices for the major tonnage bulk items sold to industrial users were substantially uniform. They have, therefore, requested that an industry-wide average price adjustment factor be determined and that ceiling prices be established for the industry, based on this average factor. The ceiling prices established in this regulation result from a determination of a weighted average factor derived from the individual price adjustment factors reported by the individual producers under Ceiling Price Regulation 22. The application of this factor to General Ceiling Price Regulation ceiling prices for the major tonnage bulk items sold to industrial users is expressed in dollar and cents ceiling prices in this regulation. These dollar and cents ceiling prices apply to all sales to industrial users of the specified rubber chemicals, and include delivery to Denver, Colorado, and points east. For sales of the named chemicals other than the type named in the dollar-and-cents ceiling price schedule, the regulation requires the application of the weighted average uniform increase factor—103.4 percent—to the producers' General Ceiling Price Regulation ceiling prices. The same technique is used with respect to sales of rubber chemicals other than those named.

Where a seller did not have a General Ceiling Price Regulation ceiling price for any type of sale where a fixed dollar and cents ceiling price is not established, he cannot of course avail himself of the technique of applying the uniform increase factor to his General Ceiling Price Regulation ceiling price. The regulation, therefore, makes special provisions for sellers who did not have established General Ceiling Price Regulation ceiling prices, including new sellers and sellers of new types of rubber chemicals.

An exception has been made in the application of the uniform increase factor to certain unique rubber chemicals manufactured by one producer, which have customarily commanded prices different from those of other rubber chemicals. This manufacturer had placed into effect increases in his prices, authorized by Ceiling Price Regulation 22. These increases represented only a portion of the authorized increases under CPR 22. Members of the Industry Advisory Committee therefore recommended that the manufacturer's existing price structure should not be disturbed, especially in view of the unique nature of his products. The regulation, in retaining that manufacturer's present selling prices, nevertheless establishes ceiling prices for his special products below those to which that manufacturer would have been entitled under Ceiling Price Regulation 22.

The industry-wide factor used in this regulation, and the ceiling prices established by the regulation, result from a study undertaken by the Office of Price Stabilization late in 1951. The ceilings, while higher than the ceilings previously in effect under the GCPR, are lower than the ceilings under Ceiling Price Regulation 22 applicable to producers representing a large percentage of total sales.

At the time the discussions with this industry began in 1951, the agency's industry earning standard was still in the process of development, and the early discussions with the manufacturers were on the basis of an industry-wide factor under Ceiling Price Regulation 22. In general, at this time, if ceiling price levels are represented to be no longer generally fair and equitable, the Office of Price Stabilization stands ready to give necessary price relief if a study of the industry indicates that such relief is required under the industry earning standard, or under a product standard applied on an industry-wide basis.

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. To the extent that any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. Scope of this regulation.
2. Ceiling prices.
3. Establishment of ceiling prices where ceiling prices not established by section 2.
4. Modification of proposed ceiling prices by Director of Price Stabilization.
5. Petitions for amendment.
6. Adjustable pricing.
7. Transfers of business or stock in trade.
8. Records which you must keep.
9. Interpretations.
10. Prohibitions and violations.
11. Evasions.
12. Supplementary regulations.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Scope of this regulation.* This regulation establishes ceiling prices for sales of rubber chemicals in the 48 states of the United States and in the District of Columbia and supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to all such sales. This regulation does not apply to sales of imported rubber chemicals or to export sales or sales for export. Ceiling Price Regulation 31 applies to the former (*Imports*) and Ceiling Price Regulation 61 applies to the latter (*Exports*).

SEC. 2. *Ceiling prices.* Your ceiling prices for sales of rubber chemicals within the scope of this regulation are those established in paragraphs (a) and (b) of this section, or by section 3.

(a) *Sales of certain rubber chemicals to industrial users.* Your ceiling prices for sales of the following rubber chemicals to industrial users in ton lots are as follows:

[Name of commodity and ceiling price per pound in ton lots, f. o. b. sellers' works; for deliveries in Denver, Colorado, and east of Denver minimum transportation charges to destination are included]

Accelerators of vulcanization:	
Acetaldehyde aniline (A–77)	$0.47
Acetaldehyde butyraldehyde aniline (A–100)	0.47
2,2'-benzothiazyl disulfide	0.435
Butyraldehyde aniline	0.61
Carbon disulfide methylene dipiperidine (R–2 crystals)	2.20
N-cyclohexyl-2-benzothiazole sulfenamide (Santocure)	0.68
2, 2,4-dinitrophenyl mercapto benzothiazole (Ureka Base)	0.66
Diphenylguanidine	0.445
Diphenylguanidine phthalate, special grade (Guantal)	0.55
2-2'-dithio bis benzothiazole (Thiofide S)	0.465
2-mercaptobenzothiazole	0.35
2-mercaptobenzothiazole, special grade (Mertax)	0.50
Tetraethyl thiuram disulfide	1.035
Tetramethyl thiuram disulfide	1.135
Tetramethyl thiuram monosulfide	1.135
Zinc benzothiazyl sulfide	0.445
Zinc dibutyl dithiocarbamate	1.035
Zinc diethyl dithiocarbamate	1.035
Zinc dimethyl dithiocarbamate	1.035
Activators of accelerators:	
Dibutyl ammonium oleate	0.62
Antioxidants and stabilizers:	
Diphenylamine acetone (BLE–25)	0.505
6 - ethoxy - 1,2 - dihydro - 2,2,4-trimethyl quinoline (Santoflex AW)	0.75
Mono- and di-octyl phenylamine (Stalite)	0.505
N-phenyl-beta-naphthylamine	0.505
Peptizers:	
N-pentamethylene ammonium dithiocarbamate	2.07
O,O'dibenzamido diphenyl disulfide	0.745
Retarders of vulcanization:	
Oil treated phthalic anhydride	0.370
Oil treated salicylic acid	0.445
Special materials:	
N,N' diphenyl thiourea (A–1)	0.48
N,N' diorthotolyl thiourea (A–22)	0.49
2,5-ditertiary amyl hydroquinone (Santovar A)	1.50
2,5-ditertiary-butyl hydroquinone (Santovar O)	1.30
Vulcanizing agents:	
Dinitrobenzene polymer	$1.655
Dibenzoyl quinone dioxime	2.585

For sales of the above chemicals in amounts other than in ton lots, or for deliveries west of Denver, Colorado, or for shipments from points other than production points, you determine your ceiling prices by applying to the ceiling prices established above the differentials for such sales which you had in effect under the General Ceiling Price Regulation. If differentials for such sales by you were not established under the General Ceiling Price Regulation, your ceiling prices for such sales are established by section 3.

(b) *Other sales.* Your ceiling price per pound for a sale of a rubber chemical listed in paragraph (a) of this section, to a class of purchaser other than industrial users, or for a sale of a rubber chemical other than one listed in paragraph (a), where you had a ceiling price established under the General Ceiling Price Regulation for such sale, is the amount obtained by multiplying your ceiling price per pound established under the General Ceiling Price Regulation for like sale, by 103.4 per cent, and rounding the resultant figure to the nearest half-cent. Where you did not have a ceiling price established under the General Ceiling Price Regulation for such sale, your ceiling price is established under section 3.

SEC. 3. *Establishment of ceiling prices where ceiling prices not established by section 2.* If you propose to sell a rubber chemical and a ceiling price for such sale of the rubber chemical cannot be determined under section 2 of this regulation, you determine your ceiling price under the first of the following paragraphs which is applicable to you.

(a) *Where most closely competitive seller has ceiling price for like sale established under this regulation.* If your most closely competitive seller has a ceiling price established under this regulation for a like sale, that ceiling price is your ceiling price for such sale. Before making a sale for which a ceiling price is established under this paragraph, however, you must file a report by registered mail, return receipt requested, with the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., stating the following:

(1) Your name and address.

(2) Name of the rubber chemical you propose to sell, its use, the class of purchaser to whom such sale will be made, and the area in which delivery will be made.

(3) Why you are unable to determine your ceiling price under section 2. (For example, that you did not have a ceiling price established under the General Ceiling Price Regulation for deliveries of the rubber chemical west of Denver, Colorado; or that you do not have ceiling prices established under the General Ceiling Price Regulation for sales of a rubber chemical listed in section 2 (a) to classes of purchasers other than industrial users; or that you did not have a ceiling price established under the General Ceiling Price Regulation for sales of the rubber chemical which is the subject of your application).

(4) The name and address of your most closely competitive seller.

(5) His ceiling price for sale of the same rubber chemical to the same class of purchaser for delivery in the area in which you propose to sell the rubber chemical. Include all differentials, discounts, and terms of delivery.

You may sell at the ceiling price established under this paragraph upon your receipt of your return postal receipt showing that your report was received by the Office of Price Stabilization, and until the Office of Price Stabilization requests further information or disapproves your report.

(b) *Where you cannot determine ceiling price of your most closely competitive seller.* If you cannot determine the ceiling price of your most closely competitive seller for the same type of sale as the one you propose to make, the Director of Price Stabilization will, upon application by you, establish a ceiling price for such sale, which will be in line with the ceiling prices established by this regulation. You may not make the proposed sale until you receive written notice from the Director that a ceiling price for the sale has been established by him. Your application to the Director should include the information required under subparagraphs (1), (2) and (3) of paragraph (a) of this section, and, in addition, the following:

(1) Your proposed ceiling price and why you believe that ceiling price is in line with the ceiling prices established by this regulation.

(2) Name and description of a rubber chemical for which you (i) have a ceiling price established under this regulation for a sale like the one you propose to make, and (ii) is most nearly like the subject commodity in character and use.

(3) Your current unit direct cost for the comparison commodity (the commodity named in subparagraph (2) of this paragraph) and for the subject commodity. "Current unit direct cost" is defined in section 13 of this regulation.

SEC. 4. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may, at any time, disapprove or reduce ceiling prices established under section 2 (b) or section 3 of this regulation, so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 5. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revision 2.

SEC. 6. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 7. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any rubber chemical business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record-keeping provisions of this regulation.

SEC. 8. *Records which you must keep*—(a) *Base period records.* With respect to the rubber chemicals covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as have been made with respect to rubber chemicals not delivered by you or offered for delivery during the base period of the General Ceiling Price Regulation.[1]

(b) *Current records.* Every person who sells rubber chemicals shall make and keep and every person who in the regular course of trade or business buys rubber chemicals shall keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation. The records must show the date of the sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity and grade. The records must indicate whether each purchase or sale is made on a f. o. b. shipping or basing point basis or on a delivered or other basis, and in the former case, the shipping or basing point and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts and allowances.

SEC. 9. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local Office of Price Stabilization District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining interpretations is contained in Price Procedural Regulation 1.

SEC. 10. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you and buyers from you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 11. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 12. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 13. *Definitions.* The terms used in this regulation shall be construed as follows:

(a) *Rubber chemicals.* "Rubber chemicals" is limited to synthetic organic chemicals used in the compounding and processing of rubber. This term includes, for example, accelerators of vulcanization, activators of vulcanization accelerators, anti-oxidants and stabilizers, retarders of vulcanization, synthetic organic vulcanizers and peptizers, and excludes such products as plasticizers and softeners, aromatic odors, blowing agents, organic pigments, lubricants, extenders, and rubber substitutes.

(b) *Industrial user.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, including any unit or agency of a local, state or Federal Government, who purchases rubber chemicals for use in any manufacturing or commercial venture pertaining to the production of rubber commodities.

(c) *Class of purchaser or purchaser of the same class.* The term "class of purchaser" refers to your own practice of setting different prices for sales to different purchasers or groups of purchasers. It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser. An industrial user shall be deemed a separate class of purchaser.

(d) *Most closely competitive seller.* Your most closely competitive seller of the same class is the seller with whom you are in most direct competition. You are in direct competition with another seller who sells the same type of commodity to the same classes of purchaser in similar quantities on similar terms and with approximately the same amount of service.

(e) *Current unit direct cost.* "Current unit direct cost" as used in this regulation (section 3 (b) 6) means the sum of the amounts (not higher than permitted by law) which it costs you, or if you are not currently producing it, would cost you for direct labor and materials to produce the commodity at the time you apply to the Director of Price Stabilization under section 3 (b) of this regulation for the establishment of a ceiling price. Current unit direct materials cost shall be computed upon the basis of current replacement prices for materials, and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing current unit direct materials cost and current unit direct labor cost for the new commodity and for the comparison commodity shall be the same in every respect.

(f) *Records.* This term includes books of accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(g) *Sell.* This term includes sell, supply, dispose, barter, trade, lease, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(h) *You; Your.* The pronouns "you" and "your" refer to any seller of rubber chemicals whose sales are subject to this regulation.

(i) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

Effective date. This ceiling price regulation is effective June 9, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6188; Filed, June 3, 1952; 11:32 a. m.]

[1] The pertinent provisions of section 16 are as follows:

SEC. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalogue. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period. • • •

(b) *Current records.* • • • In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period • • •.

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951, inclusive.

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

RESOLUTIONS REGARDING POLICY DETERMINATIONS AND OTHER SUBSTANTIVE MATTERS

Statement of considerations. The Wage Stabilization Board has previously published (17 F. R. 20) a compilation of all current Resolutions of a regulatory or procedural nature. The purpose of the present compilation is to publish all Resolutions of this nature which have been passed by the Board since the previous compilation and which are current and of general public interest. In a few cases, the Resolutions appearing herein have already been published. This compilation continues the practice established in the preceding one of grouping the Resolutions under the regulation to which they apply, or, where not applicable to a particular regulation, by subject matter.

In addition to Resolutions of the type compiled here, the Board also passes Resolutions which constitute delegations of authority or instructions to the staff as to the procedure to be followed in processing petitions. The Resolutions embodying final delegations of authority and such of the other Resolutions as may be of general public interest are published from time to time in the Notices Section of the FEDERAL REGISTER. A compilation of such Resolutions was published in 17 F.R. 54. Another compilation of such Resolutions which the Board has passed since the previous compilation will be found under Economic Stabilization Agency, Wage Stabilization Board, in Notices Section, *infra*.

The present compilations include Resolutions through Resolution 94.

In the formulation of these Resolutions, the Board has sought those objectives which guide it generally in its work—to prevent inflation, and preserve the value of the national currency; to stabilize the cost of living and the costs of production; to prevent economic disturbances, labor disputes and interferences with the effective mobilization of our national resources; and to maintain and further a sound economy and sound working relations between its various segments. Due consideration has, in all cases, been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

Pursuant, therefore, to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), and (in the case of Resolutions 77 and 87) General Order No. 8, Economic Stabilization Administrator (16 F. R. 9828), as amended (16 F. R. 13015), the following Resolutions are hereby issued:

NOTE: Resolution 67, appearing in the previous compilation of substantive and procedural Resolutions, has been rescinded by GWR 19.

A. GWR 6. No additional Resolutions pertaining to this subject have been issued.

B. GWR 6 and GWR 8 (Revised).

RESOLUTION 81—OPERATORS OF OVER-THE-ROAD TRUCKS AND BUSES

JANUARY 23, 1952.
AMENDED FEBRUARY 18, 1952.

The Wage Stabilization Board in accordance with Resolution 61 authorizes wage adjustments under GWR 6 and 8, Revised, to be applied to hourly, trip, or mileage rates and the equivalent hourly non-driving rates, if any, of over-the-road truck and bus operators in conformance with the following standards:

(1) Employers and the union (or the employer alone where there is no certified or recognized collective bargaining agent) may apply the allowable percentage adjustments authorized under GWR 6 and 8, Revised, (1) to the compensation for each classification of over-the-road drivers and drivers' helpers hourly, mileage, or trip rate (including rates varying with size and capacity of vehicle, type of trip, etc.) in the contract or wage schedule, and (2) to other elements of the rate structure (such as, waiting time, pick up and delivery schedules) and (3) layover expenses where such appears in the contract or is a demonstrated wage practice.

Any other method of applying GWR 6 and 8, Revised, or any increase in compensation beyond those amounts allowable under GWR 6 and 8, Revised, as provided above, may not be placed into effect without prior approval of the Wage Stabilization Board. The addition of new elements to a rate structure or changes in time allowances may not be placed into effect without prior approval of the Wage Stabilization Board.

(2) Operators receiving premium trip or mileage rates above the contract or wage schedule minimum may be granted increases which will preserve the prior differential in amount or percentage. No adjustment which would increase that differential may be made without prior Board approval.

(3) When basic rates are adjusted, the employer shall keep available for inspection the records required by GWR 6 and 8, Revised, as amended.

(4) Adjustments under this Resolution may be rounded off in accordance with past practice of the employer or employer and union, as the case may be.

C. GWR 11. *Agricultural Labor.* No additional Resolutions pertaining to this subject have been issued.

D. GWR 13. *Fringe Items.* No additional Resolutions pertaining to this subject have been issued.

E. *Improvement factors.*

RESOLUTION 90—ANNUAL IMPROVEMENT FACTOR

MARCH 28, 1952.

[Resolved:] A. That the Executive Director and Regional Boards are authorized to approve petitions involving annual improvement factors of not more than 4 cents per hour or 2 percent (whichever is higher) where:

(1) Such petitions were filed on or before March 27, 1952 and the payments are to be effective before January 1, 1952, regardless of the date of agreement or announcement.

(2) A tandem relationship is shown with a unit for which an improvement factor negotiated or announced prior to January 26, 1951, has been approved under Resolutions 22 and 23; and

(3) The other criteria of Resolutions 22 and 23 are met, except as to precise contract language.

RESOLUTION 94—DEFERRED INCREASE OR IMPROVEMENT FACTOR ADJUSTMENTS

MAY 9, 1952.

1. Wage adjustments due in 1952 under the terms of deferrred-increase or improvement-factor agreements or policies may be placed in effect without further approval by the Board, provided that identical adjustments due in 1951 under the same agreements or policies have already been approved by the Board under Resolutions 43, 22, or 90.

2. Petitions for deferred-increase or improvement-factor adjustments, due for the first time in 1952, pursuant to agreements and policies entered into on or before January 25, 1951, may be processed under Resolutions 43 and 22.

3. The warranty required in Resolution 23 must be supplied or renewed before 1952 improvement-factor adjustments may be placed in effect.

F. *Deferred increases.* No additional Resolutions pertaining to this subject have been issued.

G. Incentive wage and piece rates. No additional Resolutions pertaining to this subject have been issued.

H. *Miscellaneous.*

RESOLUTION 45, AMENDMENT 1

APRIL 17, 1952.

Resolution 45, by its terms, is applicable to the 1951 canning and packing season only. The purpose of this amendment is to (1) continue the policy of permitting seasonal establishments as identified below to pay rates which maintain 1950 differentials between the wages paid by such establishments and agricultural wages in the same area, (2) to make clear that such establishments, in the alternative, may adjust the compensation of their employees in accordance with the general wage regulations and resolutions of the Board.

Resolution 45 is hereby amended by substituting in lieu thereof, the following:

1. The wages of employees of seasonal establishments engaged in the canning, packing, freezing or dehydrating of perishable fruits and vegetables may be adjusted either in accordance with the regulations and resolutions of the Board, or

2. Such seasonal establishments may, without prior approval of the Board, pay rates which maintain 1950 differentials between wages paid by such establishments and agricultural wages in the same area. Employers shall report within 30 days to the nearest office of the Wage and Hour Division of the Department of Labor, adjustments made pursuant to this paragraph.[1] The appropriate Regional Boards shall review such reports promptly, and where it appears that wage adjustments have been made which do not conform to the provisions of this paragraph, the Regional Boards shall report the facts to the National Board.

3. This Resolution shall be effective until modified or repealed.

NOTE: The reporting requirements of this resolution have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

RESOLUTION 89—MUSICIANS

MARCH 18, 1952.

(1) Adjustments in the wages, salaries, or other compensation of professional musicians, other than staff musicians as defined in paragraph (3) below, may be made without prior approval of the Wage Stabilization Board.

(2) In adjusting wages, salaries and other compensation authorized by paragraph (1), the employer, or the employer and the union as the case may be, are expected to conform to the National Wage Stabilization policies and regulations. The Wage Stabilization Board reserves the right to review all wage and salary adjustments made in pursuance to paragraph (1) and to modify or revoke this resolution at any time without prior notice.

(3) Staff musicians are defined as professional musicians who, on a permanent and continuing basis, are direct employees of establishments such as radio broadcasting stations, television studios, motion picture companies, theatres, movie houses, hotels, night clubs and other establishments, including regularly established bands and orchestras employing professional musicians.

(4) The wages and salaries of staff musicians shall be subject to the applicable regulations and policies of the Wage Stabilization Board. Moreover, no petitions for staff musicians shall be considered on the basis of any claim of inequity with the wage rates of employees as may be adjusted without Board approval in accordance with paragraph (1) above.

I. GWR 8 (Revised).

RESOLUTION 80—MEAT PACKING

JANUARY 23, 1952.
AMENDED FEBRUARY 27, 1952.

On May 18, 1951, the Wage Stabilization Board approved a general wage increase of 9 cents an hour in Case No. N-410, involving certain employees of the Big Four meat packing companies. Thereafter, many hundreds of petitions were approved by the Wage Stabilization Board authorizing similar wage adjustments to other groups of employees in the meat packing industry.

In accordance with the provisions of General Wage Regulation 8, Revised, the Wage Stabilization Board has approved the petitions for a further general wage increase of 6 cents per hour for employees of Swift and Company and Armour and Company in units represented by the Amalgamated Meatcutters and Butcher Workmen of North America, AFL, and for employees of Swift and Company in units represented by the National Brotherhood of Packinghouse Workers, CUA. The Wage Stabilization Board determined that in these cases the base date for the purpose of General Wage Regulation 8, Revised, was January 15, 1951.

In order to simplify procedures for other parties (employers and the union or the employer alone, where there is no recognized or certified collective bargaining agent) in the industry who may elect the same wage settlement and for the Wage Stabilization Board.

[Resolved:] (1) Employers, and the certified or recognized collective bargaining agent (or the employer alone where there is no such agent) in the slaughtering, meatpacking or allied processing industries, may place into effect a general wage increase of 6 cents an hour, or its equivalent for salaried workers, subject to the jurisdiction of the Wage Stabilization Board, effective not earlier than December 17, 1951, without prior approval of the Wage Stabilization Board, provided:

(a) An applicable collective bargaining agreement provides that general wage levels shall be adjusted in accordance with wage adjustments in the major meat packing companies; or

(b) The Wage Stabilization Board previously has approved, for the particular employees, a general wage increase of at least 9 cents an hour, or its equivalent for salaried workers, subject to the jurisdiction of the Wage Stabilization Board.

(2) Where general wage rates are adjusted in accordance with this resolution, employers shall keep available for inspection the records required by General Wage Regulations 6 and 8, Revised, as amended.

(3) Employers, and the certified or recognized collective bargaining agent (or the employer alone where there is no such agent) covered by paragraph 1 above, effective not earlier than February 18, 1952, may place into effect, without prior approval of the Wage Stabilization Board, an increase in female rates where such increase will not reduce the male-female rate differential below 9 cents per hour. Reductions in the male-female rate differential below 9 cents per hour are permissible only after Board approval in accordance with Resolution 69.

J. GWR 19.

RESOLUTION 78—REVIEW CRITERIA TO BE USED BY THE STAFF IN PROCESSING REPORTS ON HEALTH AND WELFARE PLANS

DECEMBER 21, 1951.

1. This Resolution establishes review criteria to be used by the staff of the Wage Stabilization Board in determining whether a report of a proposed new or modified health and welfare plan must be referred by the staff to the Health and Welfare Committee. This Resolution must be read in conjunction with GWR 19, "Health and Welfare Plans."

2. When any portion of a health and welfare plan contains one or more of the following features, hereinafter referred to as Review Criteria, such portion of such plan, or the entire plan, where necessary, shall be referred to the Health and Welfare Committee for action in accordance with Section 6 of GWR 19.

3. The Review Criteria are as follows:

(a) *Temporary disability.* (1) The existence of any provision for paid sick leave

(2) Continuation of benefits for a maximum duration in excess of 26 weeks.

(3) In the case of illness payments, a waiting period of less than 7 days.

(4) Compensation for wage loss, which, for the group of insured employees as a whole, averages more than 60 percent of the average weekly wages, salaries, and other compensation of the insured employes.

(b) *Hospital expense.* Any unusual type of benefit, e. g., special nursing; full payment for private room; blood plasma; treatment of tuberculosis, nervous or mental cases for a period in excess of thirty (30) days for each confinement; rest cures.

(c) *Surgical expense.* (1) Any fee schedule with a maximum allowance in excess of the appropriate Veterans' Administration, prepayment surgical plan, or standard $200 commercial insurance fee schedule.

(2) Any fee schedule in which there are any unusual allowances for specific procedures, e. g., a fee for tonsillectomies which exceeds by a significant amount the corresponding fee in an appropriate Veterans Administration, prepayment surgical plan, or standard $200 commercial insurance fee schedule.

(3) Any unusual type of benefit, e. g., dental; plastic surgery for cosmetic or beautifying purposes; major surgery at home or office.

(d) *In-hospital medical expense.* (1) Payments in excess of $5.00 per day, or, if benefits are graduated after the first visit or the first few visits, payments thereafter in excess of $4.00 per day.

(2) Reimbursement for more than 70 days during which there were visits.

(e) *Group life insurance.* (1) For all employees except retired employees:

(i) A death benefit provided on any basis other than a group term or equivalent basis, or which provides any cash surrender, paid-up or nonforfeitable loan value.

(ii) An average death benefit per insured employee, including benefits under an existing plan to which the employer contributes, in excess of a total of (a) 85 percent of the average annual wages, salaries, and other compensation of the insured employees, or (b) $1,500, whichever is the greater. Rounding of the face value of the policy to the next highest multiple of $250 shall, however, be permissible.

(iii) A permanent and total disability benefit in excess of the face value of the policy.

(2) For retired employees:

(i) A death benefit provided on any basis other than a group term or equivalent basis, or which provides any cash surrender, paid-up or nonforfeitable loan value.

(ii) An average death benefit in excess of (a) 40 percent of the group life insurance coverage which was provided such employees by the employer prior to retirement, or (b) $1,000, whichever is the greater. Rounding of the face value of the policy to the next highest multiple of $250 shall, however, be permissible.

(iii) A permanent and total disability benefit in any amount.

(f) *Accidental death and dismemberment benefits.* (1) For all employees except retired employees:

(i) A benefit on any other basis than a group term or equivalent basis.

(ii) An average face value per insured employee, including benefits under an existing plan to which the employer contributes, in excess of (a) 85 percent of the average annual wages, salaries and other compensation of the insured employees, or (b) $1,500, whichever is the greater. Rounding of the face value of the policy to the next highest multiple of $250 shall, however, be permissible.

(2) For retired employees: Accidental death and dismemberment benefits in any amount.

(g) *Benefits to dependents of employees.* Any benefits provided to employees' dependents except in cases where:

(1) The employee contributes at least 40 percent of the gross cost of such benefits and

(2) Dependent coverage is limited to an employee's spouse and children under 19 years of age and

(3) The benefit meets the requirements of Section 3 of GWR 19 and does not contain any feature listed among the Review Criteria set forth in this Resolution.

Any benefit not satisfying these three requirements shall be referred to the Committee.

(h) *Benefits to retired employees.* Any benefit provided to retired employees, except those permissible under subparagraph (e) (2), above.

(i) *Benefits provided under statutory plans.* Any plan under which the employer supplements, directly or indirectly, any statutory temporary disability, hospital, surgical, or in-hospital medical expense benefit in an amount which will cause the total of (1) the benefit under the statutory plan and (2) the benefit under the employer's plan to exceed the definitions in GWR 19 or to contain any feature listed among the Review Criteria set forth in this Resolution.

(j) Any other unusual provision.

4. *Plans in which employees contribute.* (a) In plans under which the employee pays at least 40% of the gross cost of any health and welfare benefit, such benefit shall not be referred to the Committee, even though the benefit may vary from the definitions in GWR 19 or contain a feature listed among the Review Criteria set forth in this Resolution. This provision, however, is limited to benefits for employees and does not include benefits for employee dependents. All cases involving benefits for employee dependents are governed by the provisions of section 3 of GWR 19 and paragraph 3 (g) of this Resolution.

(b) This provision does not preclude the Committee or the Board, as the case may be, from approving a benefit where (i) the percentage of employee contribution is less than 40 percent or (ii) the employee bears none of the cost. Approval of benefits in such cases will be granted where the plan is found to be not unstabilizing.

RESOLUTION 83—ALTERNATE METHOD OF REPORTING UNDER GWR 19 (CORRECTED)

FEBRUARY 20, 1952.

[Resolved:] Where a health and welfare plan is sponsored by an employer group on behalf of member employers in an industry or area, or by a union on behalf of itself and employers in an industry or area with whom it enters into collective bargaining agreements, the report required by GWR 19 may be filed by the sponsoring party on behalf of all employers eligible to participate in the plan, subject to the following conditions:

1. In addition to the report form required by GWR 19, the filing party shall submit the following information:

(a) A copy of the health and welfare plan.

(b) A list of all employers who, on the date of the report, have agreed to participate in the plan and the number and description (by group or job classification) of the employees of each participating employer covered by the plan.

(c) A statement indicating the conditions under which employers and groups of employees not listed in (b) above may participate in the plan. For example, describe the coverage of the plan with respect to industry and geographical area and any eligibility requirements such as membership in an employers association, etc.

(d) If, in applying the review criteria of Resolution 78, wages, salaries and other compensation are not computed separately for each group of employees covered by the plan, the filing party shall indicate the method of computation adopted and shall submit a statement justifying the use of such method.

2. The report shall be signed by each employer who has agreed to participate in the plan or by a person authorized to sign the report on his behalf and by each union which is the certified or recognized bargaining agent for any employees covered by the plan. If the report is signed on behalf of any employer by an authorized person, other than an officer if the employer is a corporation, the report shall include a statement by such person that he is authorized to sign the report on behalf of the employer.

3. No plan filed under this resolution may be put into effect until the filing party has been notified that the plan has been approved.

4. Unless the Board has limited its approval, a plan filed under this Resolution which is approved by the Board may be made applicable to any employer and group of employees who meet the requirements for participation in the plan as reported pursuant to 1 (c) of this Resolution. If the Board has limited its approval, the plan may be made applicable to any employer and any group of employees eligible to participate in the plan as approved by the Board. Further approval is not required provided that a supplemental report is filed within 30 days after the date upon which the plan was made applicable to such employer and group of employees. The supplemental report shall include:

(a) The name and address of the employer and the number and description of the employees (by group or classification).

(b) A statement describing how the requirements for participation in the plan as reported pursuant to 1 (c) of this resolution or as approved by the Board have been met.

(c) A statement that the plan as approved by the Board will be applied without modification.

(d) The signature of the employer or a person authorized to sign on his behalf and the signature of any union which is the duly certified or recognized bargaining agent of any of the employees. If the supplemental report is signed on behalf of an employer by an authorized person other than an officer if the employer is a corporation, the report shall include a statement by such person that he is authorized to sign the report on behalf of the employer.

5. No employer who adopts any plan approved under this Resolution may establish or continue in effect any additional health and welfare benefit of the same type as the benefits which have been authorized pursuant to the report unless such additional benefits are thereafter authorized by the Board.

NOTE: The reporting requirements of this Resolution have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

K. GWR 21.

RESOLUTION 93—ALTERNATE METHOD OF REPORTING UNDER GWR 21

APRIL 30, 1952.

Where a pension or a profit sharing plan of a deferred compensation type is sponsored by an employer group on behalf of member employers in an industry or area, or by a union on behalf of itself and employers in an industry or area with whom it enters into collective bargaining agreements, the report required by GWR 21 for approval of such plan may be filed by the sponsoring party on behalf of all employers eligible to

[1] A Guide List (WSB Form 503) indicating the information required in this report is available at Wage-Hour Division and Wage Stabilization Board Offices.

participate in the plan, subject to the following conditions:

1. In addition to the reporting requirements by GWR 21, the filing party shall submit the following information:

(a) A list of all employers who, on the date of the report, have agreed to participate in the plan and the number and description of the employees of each participating employer covered by the plan.

(b) A statement indicating the conditions under which employers and groups of employees not listed in (a) above may participate in the plan. For example, describe the coverage of the plan with respect to industry and geographical area and any eligibility requirements such as membership in an employers' association, etc.

2. The report shall be signed by each employer who has agreed to participate in the plan or by a person authorized to sign the report on his behalf and by each union which is the certified or recognized bargaining agent for any employees covered by the plan. If the report is signed on behalf of any employer by an authorized person, other than an officer if the employer is a corporation, the report shall include a statement by such person certifying that he is authorized to sign the report on behalf of the employer. If the plan is administered by trustees, the trustees, if specifically authorized by an employer, may sign the report on behalf of such employer.

3. No plan filed under this resolution may be put into effect until the filing party has been notified that the plan has been approved.

4. Unless the Board has limited its approval, a plan filed under this resolution which is approved by the Board may be made applicable to any employer and group of employees who meet the requirements for participation in the plan as reported pursuant to 1 (b) of this resolution. If the Board has limited its approval, the plan may be made applicable to any employer and any group of employees eligible to participate in the plan as approved by the Board. Further approval is not required provided that a supplemental report is filed within 30 days after the date upon which the plan was made applicable to such employer and group of employees. The supplemental report shall include:

(a) The name and address of the employer and the number and description of the employees.

(b) A statement describing how the requirements for participation in the plan as reported pursuant to 1 (b) of this resolution or as approved by the Board have been met.

(c) A statement that the plan as approved by the Board will be applied without modification.

(d) The signature of the employer or a person authorized to sign on his behalf and the signature of any union which is the duly certified or recognized bargaining agent of any of the employees. If the supplemental report is signed on behalf of an employer by an authorized person other than an officer if the employer is a corporation, the report shall include a statement by such person certifying that he is authorized to sign the report on behalf of the employer.

5. No employer who adopts any plan approved under this resolution may establish or continue in effect any additional pension or profit sharing plans of a deferred compensation type unless such additional plans are thereafter authorized by the Board.

NOTE: The Reporting provisions of this resolution have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

L. *Dispute procedure.*

RESOLUTION 79—PROCEDURE FOR HANDLING DISPUTES VOLUNTARILY AND JOINTLY SUBMITTED

NOVEMBER 2, 1951.

A. *Basis for acceptance of jurisdiction.* 1. Section 405 of Executive Order 10233, in part, provides:

"The Board may assume jurisdiction of any labor dispute which is not resolved by collective bargaining or by the prior full use of conciliation and mediation facilities and which threatens an interruption of work affecting the national defense where:

"(a) The parties to any such dispute jointly agree to submit such dispute to the Board for recommendation or decision, if the Board agrees to accept such dispute, • • •"

2. The above provisions supplement but do not replace other methods agreed upon by the parties or established by law, for the settlement of labor-management disputes. These provisions are designed to afford additional procedures for peaceful settlement of disputes which may hinder the defense effort.

Voluntary submission of a dispute to the Board for final and binding decision, as distinguished from recommendations, will contribute most effectively to the objectives of the Executive order. The Board will not, however, accept jurisdiction of a dispute for final and binding decision unless it is assured that work and production will be continued, or, if interrupted, will be resumed.

The Board will not accept jurisdiction of a dispute voluntarily submitted to it for recommendations, as distinguished from final and binding decision, unless it is satisfied that the making of recommendations will lead to final settlement of the dispute. In such cases the parties normally will be expected to assure the Board that work and production will be continued, or, if interrupted, will be resumed.

3. Only the Board by formal action may accept, for recommendations or final decision, disputes jointly submitted to it. An employer and a union cannot, by agreement, commit the Board to accepting jurisdiction of their dispute; neither can Board personnel, prior to official Board action, obligate it to accept a dispute.

B. *Contents of submission.* Parties to a labor-management dispute desiring the Board to issue recommendations or a final and binding decision with respect to such a dispute may apply to the Board for acceptance of the dispute by filing a document with it which shall be called a "submission." Employers and unions will contribute substantially to prompt action by the Board on the question of its acceptance of a dispute by preparing and filing submissions with the Board which contain as much information as is available to them with respect to the matters set forth below. A submission to the Board should contain the following information:

1. A statement of the issues in dispute as agreed upon by the parties or as understood by each of the parties if there is a disagreement; and

2. A brief statement of the steps taken by the parties to resolve the dispute by negotiations, and, in addition, identification of the Federal, State or other agencies which have engaged in conciliation or mediation and the dates of conferences held with them; and

3. A list prepared by the employer of the principal articles produced or the services furnished which relate to the defense effort and the nature of such relation. In cases where defense production contracts are involved, if the employer is a prime contractor, the employer should set forth the name and address of the purchasing office of the production or procurement agency which has let the contract. If the employer is a subcontractor, the submission should identify the principal end-items, components or assemblies of which the articles contracted for are to be a part, the prime contractor or the subcontractor to whom they are to be delivered and the name and address of the purchasing office of the production or procurement agency which has let the prime contract; and

4. A statement as to whether there is any representation proceeding affecting employees involved in the dispute or any unfair labor practice charge or complaint against either the company or the union pending before the N. L. R. B. or any similar State agency, and identification of any such case; and

5. A stipulation as to whether the parties are requesting the Board to issue recommendations or a final and binding decision.

A submission to the Board should be filed by the authorized representatives of the employer and union, and should designate the titles of the persons signing. Five copies of the joint submission, and of the collective bargaining agreement, if any, should be filed.

C. *Filing of submissions.* Submissions shall be filed with the Board by transmitting five copies thereof to the Disputes Director, Wage Stabilization Board, Federal Security Building, South, Washington 25, D. C.

D. *Report on submission*—1. *Agencies filing report.* (a) Before the Board decides on whether it will accept jurisdiction of a jointly submitted dispute it may request:

(1) A report from the appropriate conciliation and mediation agency or agencies; and

(2) Where it is pertinent, a report from the appropriate production or procurement agency or agencies of the Federal Government.

(b) When it appears that the Federal Mediation and Conciliation Service solely has participated in efforts to resolve a dispute with respect to which a submission has been filed with the Board, the Service will furnish the Board with both a Status of Bargaining Report and, where pertinent, a Defense Impact Report (as defined below).

(c) When it appears that a State or local agency solely has participated in efforts to resolve such a dispute, that agency will furnish the Board with a Status of Bargaining Report. In such a case the Board itself will, where pertinent, request the appropriate production or procurement agency or agencies of the Federal Government to furnish it with a Defense Impact Report.

(d) When it appears that the Federal Mediation and Conciliation Service and other mediation or conciliation agencies have participated in efforts to resolve such a dispute a jointly executed Status of Bargaining Report would greatly assist the Board. Where such joint execution cannot be obtained without delay, each of the agencies may furnish a separate Report. In cases referred to in this paragraph, the Federal Mediation and Conciliation Service will obtain and transmit to the Board a Defense Impact Report, where pertinent, together with its Status of Bargaining Report.

(e) Status of Bargaining and Defense Impact Reports shall be transmitted to the Board in an original and three copies.

(f) Status of Bargaining and Defense Impact Reports are informational in character. The Board alone has the responsibility of finally determining whether the standards for acceptance of a jointly submitted dispute set forth in section 405 of Executive Order 10233, have been met.

2. *Status of Bargaining Report.* Such a report will be prepared by a mediation or conciliation agency or agencies and shall set forth (1) the issues in dispute and the position of the parties thereon; and (2) the manner and extent to which negotiations, bargaining, mediation and conciliation have been employed to resolve the dispute.

3. *Defense Impact Report.* Such a report will be prepared by an appropriate production or procurement agency or agencies of the Federal Government and shall set forth the extent to which the dispute "threatens an interruption of work affecting the national defense."

E *Procedures following acceptance of jurisdiction.* The Board will decide the appropriate procedure with respect to each dispute which it accepts for processing.

RESOLUTION 84—DISPUTES PROCEDURES

FEBRUARY 18, 1952.

The following procedures will normally be followed in handling disputes cases under section 405 of Executive Order 10233:

1. Immediately after receipt of a certification by the President or acceptance of a voluntarily submitted dispute by the Board, a tripartite panel will be established to hold hearings on the merits of the issues in dispute and to report to the Board in accordance with the Board's instructions.

2. The time and place of hearings will be set by the Board or by the Disputes Director, after informal discussions with representatives of the parties and the panel chairman.

3. After the hearings have opened, the panel itself will rule upon such matters as requests from the parties for change of time or place, recessing hearings, time within which post-hearing briefs are to be filed, and any other questions on the conduct of the hearings.

4. Any party in a dispute proceeding who files briefs, comments, motions or other documents with the panel or with the Board shall be required to furnish copies thereof to the other parties to the proceeding at the time of filing.

5. The panel chairman shall schedule whatever executive sessions of the panel may be necessary for the panel members to prepare a written report to the Board.

6. Copies of the panel report will be sent to the parties, who will be allowed ten days to file comments on the main or majority report with the Board. Comments shall be filed in 25 copies, and at the same time, at least 3 copies shall be served on each of the other parties to the dispute. Extensions of time for good cause shown may be granted by the Board or by the Disputes Director.

7. The Board will make panel reports available to the press when the parties have received copies for comment. Panel members shall not release the text of their reports until they have been released by the Board.

8. When dissents are not filed with the Board at the same time that a majority report is filed, the Board will not delay release of the majority report to the parties and to the press. In releasing majority reports, however, the Board will notify the parties and the press that dissents are anticipated and that dissenting opinions will be released as soon as they become available. Dissenting opinion shall be released to the press in the same manner as the majority opinion.

9. The procedures described herein shall be effective upon approval by the Board, but shall not apply to cases for which panels have been established at the date of approval.

M. *Jurisdiction.*

RESOLUTION 77—DRIVER-SALESMEN

DECEMBER 17, 1951.

At present, jurisdiction over driver-salesmen is divided between the Salary Stabilization Board and the Wage Stabilization Board. Under the authority of section 6.02 of General Order No. 8 of the Economic Stabilization Administrator, the Salary Stabilization Board, subject to the concurrence of the Chairman of the Wage Stabilization Board, has determined that driver-salesmen subject to Salary Stabilization Board jurisdiction properly should be under the jurisdiction of the Wage Stabilization Board. The Chairman of the Wage Stabilization Board has concurred.

The board, therefore, resolves that:

(1) The Wage Stabilization Board shall exercise jurisdiction over all driver-salesmen as described in § 541.505 of the Regulations (29 C. F. R. Part 541), issued pursuant to section 13 (a) of the Fair Labor Standards Act as amended.

(2) Adjustments in compensation lawfully put into effect for driver-salesmen while subject to the jurisdiction of the Salary Stabilization Board may be continued in effect.

RESOLUTION 87—REQUESTS FOR ASSUMPTION OF JURISDICTION BY WSB OVER EMPLOYEES WITHIN THE JURISDICTION OF SSB

FEBRUARY 27, 1952.

Under the authority of section 6.02 of General Order No. 8 of the Economic Stabilization Administrator, the Salary Stabilization Board, subject to the concurrence of the Chairman of the Wage Stabilization Board, is authorized to determine that certain categories of employees properly should be under the jurisdiction of the Wage Stabilization Board. The Salary Stabilization Board has indicated its willingness to cede jurisdiction in cases falling within the terms of this Resolution. The Chairman of the Wage Stabilization Board has concurred.

The Board therefore resolves that:

1. The Wage Stabilization Board will entertain requests for assumption of jurisdiction by the Wage Stabilization Board over employees within the jurisdiction of the Salary Stabilization Board. Such requests shall be addressed to the Wage Stabilization Board, Washington, D. C.

2. Any such request will be submitted by the Wage Stabilization Board to the Office of Salary Stabilization for determination as to whether jurisdiction will be transferred to the Wage Stabilization Board with respect to employees covered by the request for assumption of jurisdiction.

3. In any case in which jurisdiction has been so transferred, the Wage Stabilization Board will approve the request for assumption of jurisdiction if the following criteria are met:

(a) There has been a well established and maintained practice of not less than five years duration whereby the timing, amount and nature of adjustments for employees under the jurisdiction of the SSB have been directly related to those for employees under the jurisdiction of WSB.

(b) A majority of the employees are within the jurisdiction of WSB.

(c) No top management officials or corporate officers subject to the jurisdiction of SSB are included.

(d) The company states that if the request for assumption of jurisdiction is approved, such employees shall thereafter be treated in all matters involving compensation as being within the jurisdiction of the Wage Stabilization Board and not within the jurisdiction of the Salary Stabilization Board.

4. Upon approval of the request for assumption of jurisdiction the Company shall be advised that such approval does not constitute authority to treat such employees as a single unit for the purposes of any adjustments pursuant to WSB regulations or policies unless such treatment is best adapted to preserve contractual or historical practices. In addition, the company shall be advised that even though it asserts that such practice is in accord with contractual or historical practice, employees represented by a union(s) may be combined into a single appropriate unit with employees previously under the jurisdiction of SSB only with the consent of such union(s).

N. *Enforcement.*

RESOLUTION 92—RELATIONSHIP BETWEEN PROCESSING PETITIONS AND ENFORCEMENT ACTIONS

APRIL 18, 1952.

As a matter of general policy governing enforcement and case processing procedures, the Board hereby resolves that:

1. Petitions shall be processed in the regular order and manner although the employer has already put the requested adjustment into effect or has an enforcement action pending against him. •

2. Wage adjustments unlawful when made, because made without required prior Board approval, constitute a violation which does not terminate until the date of the Board action or until approval is no longer required. No retroactive approval, heretofore or hereafter granted by the National Board, any Regional Board or any Board agency, shall excuse such violation.

3. The following statement shall be included in every decision letter:

"This decision does not excuse any violation of the Defense Production Act of 1950, as amended, or the regulations and orders issued thereunder, including the placing into effect of the adjustments approved above, prior to the date of this action."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6050; Filed, June 3, 1952; 8:50 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 12 of June 2, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 12—RESTRICTIONS ON STEEL SHIPMENTS AND ACCEPTANCE OF DELIVERIES

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Prohibition on shipments and acceptance of deliveries.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to reduce disruption to the national defense program that will result from a work stoppage in the steel producing industry. This will be accomplished by prohibiting shipments and acceptance of deliveries of steel controlled materials for certain less essential uses.

SEC. 2. *Prohibition on shipments and acceptance of deliveries.* From the effective date of this direction until a date to be specified in an amendment to or by revocation of this direction, no person shall accept delivery of steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1 (except steel which was in transit to him or for his account on the effective date of this direction) from a steel distributor as defined in NPA Order M-6A, if such steel (a) was ordered pursuant to an authorized controlled material order bearing the program identification V followed by a digit, or (b) is to be used in the manufacture of products pursuant to authorized production schedules bearing the program identification V followed by a digit. No person shall make shipment of such steel if he knows or has reason to believe that its acceptance will constitute a violation of the provisions of this section.

This direction shall take effect June 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6162; Filed, June 2, 1952; 4:20 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 52-32]

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

REQUIREMENTS FOR DOCUMENTS BEARING SECURITY CLEARENCE INDORSEMENT

The President by Executive Order 10352, dated May 19, 1952, and published in the FEDERAL REGISTER May 21, 1952 (17 F. R. 4607), amended the regulations prescribed by Executive Order 10173 of October 18, 1950, as amended by Executive Order 10277 of August 1, 1951, regarding the issuance of documents and employment of persons aboard vessels. The effect of Executive Order 10352 is to prohibit the employment of any person aboard a merchant vessel of the United States without the Commandant of the United States Coast Guard being satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the United States. The previous provisions of Executive Order 10173, as amended by Executive Order 10277, were applicable to licensed officers or certificated men and did not apply to replacements taken aboard merchant vessels while in foreign ports.

Pursuant to the authority of 33 CFR 6.10-3 in Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 (15 F. R. 7007, 3 CFR, 1950 Supp., 16 F. R. 7537, 17 F. R. 4607), the Commandant may require that all licensed officers and certificated men employed on other than exempted designated categories of merchant vessels of the United States shall be holders of specially validated documents. The provisions of 33 CFR 6.10-1 in Executive Order 10173, as amended by Executive Order 10277 and Executive Order 10352 now require that no person may be employed on other than exempted designated categories of merchant vessels unless the Commandant of the United States Coast Guard is satisfied that the character and habits of life of such person are such as to authorize the belief that the presence of the individual on board would not be inimical to the security of the United States. The purpose of the following amendment to 33 CFR 121.16 is to restate the requirements for documents bearing security clearance indorsement and to add the terms and conditions which shall apply with respect to the employment of persons as replacements in the crews of the designated categories of merchant vessels in foreign ports when persons in possession of documents bearing a special validation indorsement for emergency service are not available. Since the security interests of the United States call for the aforesaid application of the provisions of 33 CFR 6.10-1 and 6.10-3 at the earliest practicable date and because of the national emergency declared by the President, it is found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Orders 10277 and 10352, § 121.16 is amended to read as follows, which shall become effective on and after the date of publication of this document in the FEDERAL REGISTER.

§ 121.16 *Requirements for documents bearing security clearance indorsement.* (a) Every person shall be required as a condition of employment to be in possession of a document bearing a special validation indorsement for emergency service prior to acceptance of employment as a member of the crew of any vessel coming within any one of the following categories:

(1) All merchant vessels of the United States of 100 gross tons and upward engaged in the foreign trade.

(2) All merchant vessels of the United States of 100 gross tons and upward engaged in trade to the Dominion of Canada, the West Indies, or Mexico.

(3) All merchant vessels of the United States of 100 gross tons and upward engaged in the intercoastal trade.

(4) All merchant vessels of the United States of 100 gross tons and upward engaged in the coastwise trade, including those vessels engaged in trade to Alaska, or the Hawaiian Islands.

(5) All merchant vessels of the United States of 100 gross tons and upward engaged in trade on the Great Lakes.

(b) The issuance of documents bearing security clearance shall be in the form and manner prescribed by § 121.15.

(c) The categories of vessels listed in paragraph (a) of this section are considered to be engaged in trade whether at anchor or made fast to a dock, loading or unloading passengers or cargo, or merely in an idle status awaiting passengers or cargo, but are not considered to be engaged in trade if laid up or dismantled or out of commission.

(d) By employed is meant the engagement of any person to fill any licensed or certificated berth on board ship whether or not under articles and includes those engaged for standby, relief, or other capacities.

(e) The following terms and conditions shall apply with respect to the employment of any person as a replacement in the crew of any vessel coming within any one of the categories of vessels listed in paragraph (a) of this section at foreign ports when persons in possession of documents bearing a special validation indirsement for emergency service are not available as established to the satisfaction of the United States consular representative of the area:

(1) A person in possession of a United States seaman's document not bearing a special validation indorsement for emergency service may be employed only after approval of the Commandant is obtained by the United States consular representative for the area or by the master of the vessel.

(2) A person who is a United States citizen and who is not in possession of a United States seaman's document may be employed if no person specified in subparagraph (1) of this paragraph is available as established to the satisfaction of the United States consular representative for the area, and then only after approval of the Commandant is obtained by the United States consular representative for the area or by the master of the vessel.

(3) A person who is not a citizen of the United States and who is not in possession of a United States seaman's document may be employed only if no person as specified in subparagraphs (1) and (2) of this paragraph is available as established to the satisfaction of the United States consular representative for the area and then only after the following terms and conditions are met:

(i) No such person shall be employed unless he presents evidence of temporary clearance from the United States consular representative for the area;

(ii) In no case shall the number of such persons employed on any one vessel exceed ten (10) percent of the total complement of the vessel; and,

(iii) No such person shall be employed to fill the berth of a licensed officer or registered staff officer.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, E. O. 10352, May 19, 1952, 17 F. R. 4607)

Dated: June 2, 1952.

[SEAL] MERLIN O'NEILL,
Vice Adm., U. S. Coast Guard Commandant.

[F. R. Doc. 52-6159; Filed, June 2, 1952; 3:24 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9797]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

NOTICE OF ERRATA

In the matter of revision of Parts 7 and 8 of the Commission's rules governing Coastal and Marine Relay Services, and Ship Service, respectively; Docket No. 9797.

The Second Report and Order in the above-entitled proceeding, dated April 23, 1952, published in 17 F. R. 4159, dated May 6, 1952, should be corrected by making the following changes in the Appendix attached thereto:

1. In Part 7, item 2 (a) relating to § 7.3 (b) should read as follows:

a. Amend paragraph (b) by designating existing text as subparagraph (1) and adding a new subparagraph (2) to read as follows:

(2) *Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.[3a]

b. Add footnote 3a to read:

[3a] Only land mobile service carried on exclusively for maritime purposes is governed by this part.

2. Item 7 (a) relating to § 7.40 (a) the new subparagraphs added thereby should be designated as (5) and (6) instead of (6) and (7) respectively.

3. Item 16 relating to § 7.102 the text designated as paragraph (d) should be designated as (d) (1).

4. In Part 8, item 7 relating to § 8.64 should be corrected by adding an instruction as follows: "c. Designate existing text as paragraph (a)."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6097; Filed, June 3, 1952; 8:47 a. m.]

[Docket No. 10165]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

TERM

In the matter of charges for United States Government Telegraph Communications; amendment of Part 64 of the Commission's rules relating to common carriers, Docket No. 10165.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1952;

The Commission, having under consideration the matter of the amendment of § 64.310 *Term*, of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on March 26, 1952, and published in the FEDERAL REGISTER on April 4, 1952 (17 F. R. 2937) in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing, that the period in which interested persons were afforded an opportunity to submit comments expired on May 5, 1952, and that no comments were received;

It further appearing, that it is in the public interest to amend Subpart C in order to extend the term thereof;

It further appearing, that the amendments herein ordered are issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act;

It is ordered, That effective July 1, 1952, § 64.310 of Subpart C of Part 64 of the Commission's rules and regulations is amended to read as follows:

64.310 *Term.* The provisions of Subpart C shall continue in effect through June 30, 1953, unless changed by order of the Commission.

Released: May 23, 1952.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 601, 14 Stat. 221; 48 Stat. 1102; 47 U. S. C. 601)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6096; Filed, June 3, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of International Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62, 141, and 3791 of the Internal Revenue Code (53 Stat. 32, 58, and 467; 26 U. S. C. 62, 141, and 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform § 29.141-1 of Regulations 111 to the Revenue Act of 1950, approved September 23, 1950, to the Excess Profits Tax Act of 1950, approved January 3, 1951, and to the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.141-1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(f) *Tax under consolidated returns.* Section 141 (c) (relating to computation and payment of tax on consolidated returns) is hereby amended by inserting after the first sentence the following: "If the affiliated group includes one or more western hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the western hemisphere trade corporations included in such group."

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 121, 122, and 123, Revenue Act of 1950) shall be applicable only with respect to taxable years ending after December 31, 1949. * * *

SEC. 301. CONSOLIDATED RETURNS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Effective with respect to taxable years ending after June 30, 1950, section 141 of the Internal Revenue Code (relating to consolidated returns) is hereby amended to read as follows:

SEC. 141. CONSOLIDATED RETURNS.

(a) *Privilege to file consolidated returns.* An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all corpo-

rations which at any time during the taxable year have been members of the affiliated group consent to all the consolidated return regulations prescribed under subsection (b) prior to the last day prescribed by law for the filing of such return. The making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year, the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

(b) *Regulations.* The Secretary shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income- and excess-profits-tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

(c) *Computation and payment of tax.* In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; except that the tax imposed under section 15 or section 204 shall be increased by 2 per centum of the consolidated corporation surtax net income of the affiliated group of includible corporations. If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the Western Hemisphere trade corporations included in such group. For the purposes of the tax imposed by section 430, the sum of the excess profits credit and the unused excess profits credit adjustment of the affiliated group shall not be increased under the last sentence of section 431 to an amount in excess of $25,000 for the entire group.

(d) *Definition of "affiliated group".* As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(e) *Definition of "includible corporation."* As used in this section, the term "includible corporation" means any corporation except—

(1) Corporations exempt from taxation under section 101.

(2) Insurance companies subject to taxation under section 201 or 207.

(3) Foreign corporations.

(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from sources within possessions of the United States.

(5) Corporations organized under the China Trade Act, 1922.

(6) Regulated investment companies subject to tax under Supplement Q.

(7) Any corporation described in section 449, or in section 454 (d), (f), and (g) (without regard to the exception in the initial clause of section 454), but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year ending after June 30, 1950, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary.

(8) Regulated public utilities described in section 448 (d) which compute their excess profits credit under section 448 but not including any such regulated public utility which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit without regard to section 448. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

(f) *Includible insurance companies.* Despite the provisions of paragraph (2) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of this chapter shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

(g) *Subsidiary formed to comply with foreign law.* In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this chapter as a domestic corporation.

(h) *Suspension of running of statute of limitations.* If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

(i) *Allocation of income and deductions.* For allocation of income and deductions of related trades or businesses, see section 45.

(j) *Includible regulated public utilities.* Despite the provisions of paragraph (8) of subsection (e), two or more regulated public utilities each of which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit under section 448 only, shall be considered as includible corporations for the purpose of the application of subsection (d) to such regulated public utilities alone. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

SEC. 613. CONSOLIDATED RETURNS; INCLUDIBLE CORPORATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If an affiliated group making a consolidated return with respect to the first taxable year of the group ending after June 30, 1950, included a corporation described in section 454 (f) of the Internal Revenue Code pursuant to the consent provided in section 141 (e) (7) of such code, such corporation may withdraw such consent at any time within ninety days after the enactment of this act. If such consent is withdrawn under the preceding sentence, the tax liability of the affiliated group and its several members for the taxable year shall be determined, assessed, and collected as if such corporation had never joined in the making of the consolidated return.

PAR. 2. Section 29.141–1, as amended by Treasury Decision 5441, approved February 28, 1945, is hereby further amended as follows:

(A) By changing paragraph (a) thereof to read as follows:

(a) *In general.* Section 141 prescribes rules for the making of consolidated income and excess profits tax returns by affiliated groups of corporations. Regulations 104 and Regulations 110 are applicable, respectively, to the making of the consolidated income tax return and the consolidated excess profits tax return in the case of a taxable year ending prior to January 1, 1950. Regulations 129 are applicable to the making of the consolidated income and excess profits tax return in the case of a taxable year ending after December 31, 1949. The determination, computation, assessment, collection, and adjustment of income and excess profits tax liabilities of the affiliated group and each member thereof both during and after the period of affiliation shall be made under the applicable provisions of such regulations.

(B) By striking the word "and" which follows the semicolon in subparagraph (6) of paragraph (c).

(C) By striking subparagraph (7) from paragraph (c) and inserting in lieu thereof the following:

(7) With respect to taxable years beginning after December 31, 1943 and ending before July 1, 1950, a personal service corporation described in section 725 (a), or a corporation described in section 727 (e), (g), or (h) which without regard to the exception stated in the initial clause of section 727 would be exempt from the excess profits tax imposed by subchapter E of chapter 2, except as otherwise provided in section 141 (e) (7) with respect to such taxable years. As to the exception provided in section 141 (e) (7), see the provisions of this section set forth below;

(8) With respect to taxable years ending after June 30, 1950, a personal service corporation described in section 449 or a corporation described in section 454 (d), (f), or (g) which without regard to the exception stated in the initial clause of section 454 would be exempt from the excess profits tax imposed by subchapter D of chapter 1, except as otherwise provided in section 141 (e) (7). As to the exception provided in section 141 (e) (7), see the provisions of this section set forth below; and

(9) With respect to taxable years ending after June 30, 1950, a regulated public utility corporation described in section 448 (d), except as otherwise provided in section 141 (e) (8) and section 141 (j). As to the exception provided in section 141 (e) (8), see the provisions of this section set forth below. As to the exception provided in section 141 (j), see paragraph (g) of this section.

The corporations described in section 727 (e), (g), and (h), and in section 454 (d), (f), and (g), are personal holding companies as defined in section 501, certain domestic corporations which derive a specified part of their gross income from sources outside the United States (section 727 (g) and section 454 (f)), and certain corporations which receive compensation from the United States for the transportation of mail by aircraft (section 727 (h) and section 454 (g)).

Any corporation which otherwise would not be an includible corporation under subparagraphs (7) or (8) of this paragraph and section 141 (e) (7) may make and file a consent for any taxable year beginning after December 31, 1943, to be treated as an includible corporation. A corporation which has made and filed such consent for any taxable year ending prior to July 1, 1950, shall be treated as an includible corporation for the taxable year for which such consent is filed and for each subsequent taxable year ending before July 1, 1950. A corporation which has made and filed a consent for any taxable year ending after June 30, 1950, shall be treated as an includible corporation for such taxable year and for each subsequent taxable year. With respect to the subsequent taxable years in either such case, such corporation shall be deemed to be an includible corporation regardless of whether the affiliated group of which such corporation is a member during the subsequent taxable year is the same as the affiliated group of which it was a member when the consent was filed. If such corporation is a common parent corporation, the making and filing of the consolidated income tax return shall constitute the making and filing of its consent under section 141 (e) (7). If such corporation is a subsidiary, the filing for a taxable year ending before July 1, 1950, of its authorization and consent on Forms 1122 and 1122E in the manner prescribed by § 23.12 (b) of Regulations 104 and § 33.12 (b) of Regulations 110 shall constitute the making and filing of such consent; the filing for a taxable year ending after June 30, 1950, of its authorization and consent on Form 1122 in the manner prescribed by § 24.12 (b) of Regulations 129 shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (e) (7) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed, except as otherwise provided in section 613 of the Revenue Act of 1951. Section 613 of that act relates to the withdrawal within 90 days after October 20, 1951 (the date of enactment of that act), of consents for the first taxable year ending after June 30, 1950, with respect to corporations described in section 454 (f).

Under section 141 (e) (8), any regulated public utility corporation may make and file a consent for any taxable year ending after June 30, 1950, to compute its excess profits credit without regard to section 448. A corporation which has made and filed such consent shall be treated as an includible corporation under section 141 (e) (8) for the taxable year for which such consent is filed and for each consecutive subsequent taxable year for which a consolidated return is made or is required to be made by the affiliated group of which it was a member at the time such consent was filed unless it has ceased to be a member of such group. If such corporation is a common parent corporation, the making and filing of a consolidated return in which the consolidated excess profits credit is determined under provisions other than those of section 448 shall constitute the making and filing of its consent under section 141 (e) (8). If such corporation is a subsidiary, the filing of an authorization and consent on Form 1122, in the manner prescribed by § 24.12 (b) of Regulations 129, indicating thereon its consent to compute its excess profits credit without regard to section 448 shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (e) (8) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed; however, if a separate return is properly filed by such a corporation for a subsequent taxable year, it is not thereafter an includible corporation under section 141 (e) (8) unless another consent under such section is made and filed.

(D) By striking the last sentence of the last undesignated paragraph of paragraph (c) and inserting in lieu thereof the following: "In the case of taxable years ending before July 1, 1950, see sections 725 (b) and 727, and in the case of taxable years ending after June 30, 1950, see section 449 and section 454."

(E) By striking that part of paragraph (e) which follows the first sentence and inserting in lieu thereof the following: "The option to treat such foreign corporation as a domestic corporation must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. However, in the case of taxable years ending before January 1, 1950, the option must be exercised at the time of making the first consolidated return for any taxable year beginning after December 31, 1941, and ending before January 1, 1950. If the foreign corporation is included or is required to be included in the consolidated return of the affiliated group of which it is a member for any taxable year, it must be included in the consolidated return for each consecutive taxable year thereafter for which such group makes or is required to make a consolidated return. Furthermore, if the option is exercised at the time of making the first consolidated return for any taxable year beginning after December 31, 1941, and ending before January 1, 1950, the foreign corporation must be included in the consolidated return of the group for each subsequent taxable year ending before January 1, 1950, for which such group makes or is required to make a consolidated return, whether or not such taxable year is preceded by a taxable year for which separate returns are made."

(F) By striking the last sentence of paragraph (f) and inserting in lieu thereof the following: "For example, if the consolidated corporation surtax net income of an affiliated group for a taxable year is $40,000, the increase in the surtax for such taxable year is $800, that is, 2 percent of $40,000. For taxable years ending after December 31, 1949, if the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase shall be applied in the manner provided in § 24.30 (b) (1) of Regulations 129."

(G) By inserting immediately after paragraph (f) the following:

(g) *Consolidated returns of regulated public utilities computing excess profits credit under section 448.* For taxable years ending after June 30, 1950, a regulated public utility which has made and filed a consent to compute its excess profits credit under section 448 only may be included in an affiliated group (within the meaning of section 141 (a)) comprised solely of regulated public utility corporations each of which has made and filed such a consent. If such consent of a regulated public utility corporation is filed for any taxable year ending after June 30, 1950, such corporation shall be an includible corporation within the meaning of section 141 (j) for the taxable year for which such consent is filed and for all consecutive subsequent taxable years for which such affiliated group of which such corporation is a member makes or is required to make a consolidated return. If such corporation is a common parent corporation, the making and filing of a consolidated return in which the consolidated excess profits credit is determined under the provisions of section 448 shall constitute the making and filing of its consent under section 141 (j). If such corporation is a subsidiary, the filing of its authorization and consent on Form 1122, in the manner prescribed by § 24.12 (b) of Regulations 129, indicating thereon its consent to compute its excess profits credit with respect to section 448 only, shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (j) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed. However, if a separate return is properly filed by such a corporation for a subsequent taxable year, it is not thereafter an includible corporation under section 141 (j) unless another consent under such section is made and filed.

[F. R. Doc. 52-6119; Filed, June 3, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 951]

[Docket No. AO 135-A3]

TOKAY GRAPES GROWN IN CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE AMENDED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 52-5894, appearing at page 4855 of the issue for Wednesday,

May 28, 1952, the following changes should be made:

1. In the nineteenth line of the third column on page 4856, the word "of" should read "to be".

2. In the forty-first line of the first column on page 4857, the word "are" should read "is".

3. In the third line of paragraph (e) in the third column on page 4857, the word "exception" should read "exemption".

4. In the first line of the first column on page 4859, the comma preceding the word "in" should follow it.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10203]

FREQUENCY ALLOCATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 10203.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area	Channels	
	Delete	Add
1. Berlin, N. H.		279
2. Jasper, Ala.		273
Birmingham, Ala.	273	

3. The purpose of the proposed amendment is to provide Class B channels in the areas set forth in paragraph 2 above, thereby facilitating consideration of pending applications requesting Class B assignments in these areas.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 1, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 21, 1952.

Released: May 23, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6094; Filed, June 3, 1952; 8:46 a. m.]

[47 CFR Part 2]

[Docket No. 10200]

FREQUENCY ALLOCATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 2.104 (a) (1) (iv) of Part 2 of the Commission's rules and regulations to delete certain uses by the Domestic Fixed Service of frequencies below 25 Mc for purposes other than the safety of life and property; Docket No. 10200.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. By the terms of the Agreement recently concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), the United States, as a signatory, is obligated to take such steps as it may find practical and advisable to implement the agreements arrived at in Atlantic City in 1947 with respect to the use of frequencies below 25 Mc. In this connection, under Article 7 of the General Radio Regulations adopted at Atlantic City, all signatories agreed to make every possible effort to reserve frequencies between 5,000 and 30,000 kc for long distance communications and to encourage the use of wire and frequencies above 30,000 kc for short range communications wherever practicable. In keeping with this obligation, the Commission, as indicated in § 2.104 (a) (1) of its rules has, with one exception, limited use of frequencies below 25 Mc for short-range point-to-point communications to those services which are concerned with the safety of life and property or which, due to geographical and physical considerations, cannot obtain such service by means of wire lines or through the use of frequencies above 25 Mc.

3. The only exception to this policy is that contained in § 2.104 (a) (1) (iv) which recognizes certain existing operations on the frequencies 2848, 4245, 5365, 7625, and 7690 kc. These operations consist of one portable and eight fixed stations, separated by distances of approximately 60 to 100 miles from each other, licensed to the State of California for use by the Federal-State Market News Service in the dissemination of information regarding marketing conditions in purchasing areas and consuming markets. These point-to-point radiotelegraph network stations were originally authorized in 1928. Renewals have been on a year to year basis and the current authorizations expire December 1, 1952.

4. In order for the Commission to make adequate provision, on an in-band basis, for the existing long distance and international fixed services and other essential services which it now licenses, it is believed to be necessary to discontinue the use of these frequencies for services of the type now being operated by the Federal-State Market News Service. It is believed that such operations should and can use wire lines or frequencies in the microwave portion of the spectrum.

5. The Commission, therefore, proposes to delete § 2.104 (a) (1) (iv) from its rules. We wish to direct the attention of the State of California to the fact that should the amendment be adopted, no frequencies under 890 Mc will be available to them for the operation of the Federal-State Market News Service. The Commission is not unmindful of the fact that to the extent that the present network would have to be replaced by wire lines or microwave facilities, some hardship may result. However, to protect the telecommunication interests of the United States, it is necessary that its international agreements be implemented and its duties discharged. The proposed effective date of this amendment to the rules would be 6 months after the issuance of the Commission's final order in this docket or March 1, 1953, whichever is later. No application for renewal of existing license will be granted and any authority to operate on these frequencies issued after the expiration of existing licenses will expressly limit the duration of such authorization to the period remaining until the effective date of the order amending the rules and will be non-renewable after such date. Applications of the Federal-State Market News Service currently on file for authorization to add to and change certain of its facilities will be held in abeyance pending conclusion of these proceedings.

6. The proposed amendment is issued under the authority of sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended.

7. Any interested person of the opinion that the proposed amendment should not be adopted should file with the Commission on or before July 1, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs before taking final action. An original and fourteen copies of each brief or written statement should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: May 21, 1952.

Released: May 23, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6095; Filed, June 3, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

[D. C. Sign Order 9]

DISTRICT OF COLUMBIA

ADOPTION AND DESIGNATION OF OFFICIAL SIGNS

MAY 20, 1952.

Pursuant to the National Capital Parks Regulations (15 F. R. 3519, 3523) (36 CFR 3.4 (h) and 3.33), issued by the Secretary of the Interior, effective June 7, 1950, the lists of official signs adopted and designated by sign order No. 8 are hereby made a part of this order and amended and supplemented as follows:

White lot. Substitute under this heading the attached pages 1, 2, 3, and 4 in lieu of pages 1, 2, 3, and 4 attached to sign order No. 8.

The signs contained and described on the attached list[1] are hereby adopted and designated as official signs.

This order shall become effective as of June 1, 1952.

EDWARD J. KELLY,
Superintendent.

[F. R. Doc. 52-6113; Filed, June 3, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 38, Amdt. 2]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (D)

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 2 to Delegation of Authority 38 (16 F. R. 12299), is hereby issued.

Delegation of Authority 38 is amended by redesignating the present paragraph 3 as paragraph 4 and inserting a new paragraph 3 to read as follows:

3. Authority to act under section 4 (d) of CPR 101, as amended. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under section 4 (d) of CPR 101, as amended.

This Amendment 2 to Delegation of Authority No. 38 shall take effect on June 4, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 3, 1952.

[F. R. Doc. 52-6189; Filed, June 3, 1952; 11:32 a. m.]

[1] Filed as part of the original document.

Wage Stabilization Board

RESOLUTIONS REGARDING DELEGATIONS OF AUTHORITY

The Wage Stabilization Board has previously published (17 F. R. 54) a compilation of Resolutions which constitute delegations of authority or which prescribe the internal procedures used in processing petitions for adjustments in compensation of employees. The present compilation contains all Resolutions of this nature which the Board has passed since the date of the previous compilation and which are of general public interest. The Resolutions are printed in numerical order.

In the formulation of these Resolutions, the Board has sought those objectives which guide it generally in its work to prevent inflation and preserve the value of the national currency; to stabilize the cost of living and the costs of production; to prevent economic disturbances, labor disputes and interferences with the effective mobilization of our national resources; and to maintain and further a sound economy and sound working relations between its various segments. In addition, the Board has sought to establish that administrative procedure which would provide for the most expeditious processing of petitions consistent with careful analysis of petitions to determine if they are within the Board's stabilization policies. Due consideration has, in all cases, been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

Pursuant, therefore, to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), the following resolutions are hereby issued:

RESOLUTION 64—DELEGATION OF AUTHORITY TO REGIONAL BOARDS (REVISED)

APRIL 22, 1952.

[Resolved:] I. The Regional Boards, under the supervision and direction of the National Board, through its Executive Director, are authorized to process and act upon (approve, modify or deny) petitions for approval of adjustments in wages, salaries and other compensation with respect to the following:

A. Petitions filed under sections 2 (a) (2) (vi) and 2 (b) (3) of GWR 5, Revised: *Provided, however,* That the approval shall not permit the total amount of merit and length of service increases combined that may be granted in any calendar year to an appropriate group of employees to exceed 6 percent of the total of the straight-time rates of such employees.

B. Petitions filed under GWR 6, section 4 (Base Pay Period Abnormalities). In acting on such petitions, the Regional Boards should conform to Paragraphs 1, 2, 3 and 4 of Resolution 30. In appropriate cases the Regional Boards may approve substitute base pay periods different from the periods suggested in Paragraphs 1 and 2 of Resolution 30. Regional Boards may also act upon unusual cases involving firms or industries in which the rates on or about January 15, 1950, were grossly out of line with their normal relationships.

C. Petitions filed under section 4 of GWR 8, Revised (Cost-of-Living Increases).

D. Reports and petitions filed under GWR 9 (New Plants). This includes authority to act upon fringe items for new plants except pension benefits and other benefits covered by GWR 21, and health, welfare, sick leave, and insurance benefits covered by GWR 19.

E. Petitions filed under GWR 10 (Tandem Wage Increases), excluding proposed adjustments based upon deferred increases, annual improvement factor increases, cost-of-living increases, or fringe benefits of the kind covered by GWR 13, Revised.

F. Petitions filed under GWR 11 (Agricultural Wages) and area ceiling determinations authorized under Resolution 37.

G. Petitions filed under GWR 13, Revised (Fringe Benefits).

H. Petitions for approval of bonus payments which are not unstabilizing in effect, and which are within the following limitations:

(1) *GWR 14, section 2 Plans.* A Regional Board may approve bonus payments pursuant to plans which conform in all respects to section 2 (a) of GWR 14, but where the total amount of the bonus, as computed under the plan, cannot be distributed under the conditions imposed by section 2 (b).

(2) *GWR 14, sections 3 and 5, Bonuses exceeding 25 percent.* A Regional Board may approve bonus payments to individual employees of more than 25 percent of their total wages, salaries and other compensation, excluding bonuses, if such payments are in accord with the employer's past practice.

(3) *GWR 14, section 3, Payments.* As to bonus payments made in prior years but not in accordance with an established plan, a Regional Board may approve bonus payments to the employees in an appropriate employee unit, provided the petitioner demonstrates that the reason no bonus or a smaller bonus than in preceding years was paid in 1950 was a clearly depressed condition with respect to sales or profits of the establishment involved, but within the following standards:

(a) The percentage of employees in the unit who are paid bonuses in the current year shall not exceed the average percentage of employees in the unit who were paid bonuses in any three calendar or fiscal years between 1946 and 1950 inclusive but not including any period prior to January 1, 1946.

(b) The average amount or percentage of bonus paid to the employees in the current bonus year shall not exceed the average amount or percentage paid in the same three-year period referred to above, and

(c) No employee in the unit shall receive a bonus in an amount or percentage greater than the average of the largest bonus paid in each year of the same three-year period referred to above.

(4) *Extension of existing bonus plans.* A Regional Board may approve the extension of existing bonus plans or practices to newly acquired establishments of the same employer.

I. Petitions filed under GWR 17 (Inter-Plant Inequities).

J. Petitions filed under GWR 18 (Intra-Plant Inequities).

K. Petitions filed under GWR 20, excluding, however, petitions seeking adjustments in the compensation arrangements of life insurance agents.

L. (1) Petitions which can be acted upon under Board Resolution 22, as amended, subject to Resolution 23 and subject to the following limitations:

(a) The petition must be based upon a collective bargaining agreement executed, or

a formal written announcement to employees made, prior to January 26, 1951;

(b) The applicable provision of the collective bargaining agreement or the formal announcement must be similar in effect to the corresponding clause in the General Motors-UAW contract (copies of the latter clause have been furnished to the Regions);

(c) The agreement or policy must be binding for a period of at least two years from the date of execution or announcement. However, Regional Boards may act upon cases involving agreements or policies of less than 2 years' duration, taking into consideration whether approval of the increase would have an unstabilizing effect;

(d) The increase must not be greater than 4 cents per hour, or 2 percent of the average straight-time hourly earnings of the appropriate employee unit, whichever is greater.

(2) Petitions which can be acted upon under Resolution 90.

M. Petitions which can be acted upon under Resolution 43 (Deferred Increases).

N. Petitions filed under Resolution 68 (GWRs 6 and 8, Revised, Applied to Multi-Employer Bargaining Negotiations).

O. Petitions filed under Resolution 69 (Equal Pay for Equal Work).

P. Petitions filed under Resolution 70 (Wage Incentives).

Q. Petitions filed under Resolution 71 (Adjustments in Piece and Incentive Rates under GWR 6).

R. Petitions filed under Resolution 81 (Operators of Over-the-Road Trucks and Buses).

S. Petitions involving adjustments in wages for employees engaged in oil well drilling. In such cases, a Regional Board may act upon petitions to set rates for the employees of employers whose principal places of business are within the region for all operations within the geographical boundaries of the region, and also for operations in other regions, after consultation with the affected Regional Boards.

Regional Boards shall forward to the National Office in Washington all petitions which they may not process and act upon under Section I of this delegation of authority.

II. Regional Boards shall not process and act upon petitions with respect to the following:

A. Employees directly hired by the Federal Government.

B. Employees at government-owned and privately operated facilities.

C. Establishments located in more than one Board region or in which the petition alleges, as one of the bases for approval, that the proposal is related to or dependent upon pending petitions or existing collective bargaining contracts involving other establishments of the petitioner which are located in other Board regions. The Executive Director, however, after consultation with all affected Regions, may authorize a particular Regional Board to process and act upon a petition involving establishments located in more than one region in cases where all but a relatively few employees are located in that region.

D. Any of the dispute functions of the Board.

E. Petitions filed under GWR 6, Section 5 (Rare and Unusual Cases). However, the Regional Board shall forward to Washington its comments and recommendations on the possible unstabilizing effects of the proposed increases within the locality or region.

F. An industry for which a commission or other special agency is provided by the Board or in such other industries where the National Board determines that the cases shall be processed by the National Board or by a designated Regional Board.

III. Staff authorization in the Regions: Each Regional Board shall, as early as practicable and in accordance with current instructions, define the authority of the Regional Director of Case Analysis to process and act upon certain types of cases, subject to review by the Regional Board on appeal or on its own motion. It is expected that the Director of Case Analysis will be authorized to act upon cases involving the application of established Board policy, but not upon doubtful cases or cases which require tripartite consideration. Each such delegation of authority, and changes thereof, shall be reported immediately to the Executive Director. At the present time delegations to the Regional staffs are limited to approvals only.

RESOLUTION 82—OIL DRILLING PETITIONS

FEBRUARY 1, 1952.

[Resolved that:] In line with the Wage Stabilization Board's decisions in a series of petitions in oil drilling cases, the Board hereby authorizes the Regional Boards to act upon other regional petitions in this industry.

RESOLUTION 85—PROCESSING OF CASES UNDER GENERAL WAGE REGULATION 21

FEBRUARY 22, 1952.

Pending further instructions by the Board, the Executive Director shall process cases filed under General Wage Regulation 21 within the 30-day waiting period provided in section 5 thereof.

Any case which does not meet the requirements of General Wage Regulation 21 or which raises a question as to whether the plan may be unstabilizing shall be referred to a Division of the Board. The Division shall be empowered to take final action, subject to the right of any member of the Division to refer the case to the full Board.

RESOLUTION 86—PRESSED AND BLOWN GLASSWARE INDUSTRY

FEBRUARY 26, 1952.

Whereas, wages in automatic machine plants; commercial mould shops; and hand and combination plants in the pressed and blown glassware industry follow sub-industry-wide patterns:

Now therefore, be it resolved: That the Executive Director and the Regional Boards are hereby authorized to approve petitions in the pressed and blown glassware industry based upon the wage and fringe adjustments approved by the National Board in Cases N-14622 and N-14873 (involving National Association of Manufacturers of Pressed and Blown Glassware and the American Flint Glass Workers, AFL), where the petitioner establishes that the plant involved has followed the sub-industry pattern in the past as follows:

1. *For automatic machine plants and commercial mould shops; effective September 3, 1951.* a. Across-the-board increase of 6 percent, with a minimum of 8.5 cents;

b. Double time pay, in addition to holiday pay, for holidays worked.

2. *For hand and combination plants.* a. Across-the-board increase of 6 percent, with a minimum of 8.5 cents; 5 cents of which is effective September 3, 1951, and the remainder effective February 14, 1952.

b. Additional three paid holidays, for a total of six holidays;

c. Qualifying hours for paid vacation reduced from 1,500 to 1,200 per year;

d. Employees with 10 or more years continuous service with an employer, with less than 1,200 hours service during any year, to be permitted to receive prorated paid vacations.

RESOLUTION 91—COST-OF-LIVING PROVISIONS IN AUTOMOTIVE AND AUTOMOBILE PARTS INDUSTRIES

APRIL 9, 1952.

Cost-of-living provisions put into effect after January 25, 1951, in the automotive and automotive parts industries under the jurisdiction of the Detroit Regional Board.

1. The Detroit Regional Board is authorized to entertain and approve petitions for approval of new cost-of-living provisions adopted after January 25, 1951, in the automotive and automotive parts industries, which provide a 1 cent per hour adjustment for each 1.14 point change in the National Consumers' Price Index of the Bureau of Labor Statistics subsequent to January 15, 1951, or some date thereafter.

2. The proposed provision must satisfy the requirements contained in paragraph (b) of section 3 of General Wage Regulation 8 (Revised).

3. Paragraph (c) and (d) of section 3 of General Wage Regulation 8 (Revised), shall be applicable to any cost-of-living provision approved by the Board under this Resolution.

4. As used in this Resolution, the term "automotive and automotive parts industries" includes establishments engaged in the manufacture of motor vehicles, passenger-car, truck and bus bodies, truck and automobile trailers, motor vehicle parts and accessories, automobile stampings, motor vehicle hardware, storage batteries and other parts and equipment used in the manufacture of motor vehicles.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6051; Filed, June 3, 1952; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9996, 10202]

FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, for transfer of control, Docket No. 996, File No. BTC-1111, and Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, for renewal of license, Docket No. 10202, File No. BR-2524.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1952;

The Commission having under consideration the Petition of Farmers Broadcasting Service, Inc. (hereinafter referred to as Farmers) for reconsideration of the Commission's action in designating for hearing the above-entitled application of Farmers for consent to the relinquishment of positive control of Farmers by E. L. Scott, Robert Wasdon and Jack Siegel, and for a grant of this application without hearing; and

It appearing, that the Commission, on June 27, 1951, designated the above-entitled application for hearing on issues looking towards obtaining information with respect to, among other things, the legal qualifications of Farmers, its officers, directors and stockholders; a possible unauthorized transfer of control of Farmers; and the control, management and ownership of Farmers since September 21, 1950; and

It further appearing, that, on the basis of the facts presented in the aforesaid petition, the Commission is still unable, at this time, to determine that grant of the above-entitled application would be in the public interest, convenience and necessity, in that the aforesaid petition presents no facts which were not before the Commission at the time it originally considered the aforesaid application and designated same for hearing; and

It further appearing, on the basis of information contained in the above-entitled application, and information obtained from a study of the subject petition, and the ownership and other records on file with the Commission, that a serious question exists as to possible concealment from and misrepresentation to the Commission of material facts regarding the ownership, construction or control of Station WELS by Farmers, its officers, directors, stockholders and agents; and

It further appearing, that there is presently pending before the Commission the above-entitled application for renewal of license of Station WELS; that the Commission is satisfied with the proposed programming of the station, but is unable, because of the questions set out in the preceding paragraphs, to conclude that a grant thereof would be in the public interest, convenience and necessity;

It is ordered, That the petition of Farmers for reconsideration and grant without hearing is denied; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the aforesaid application for renewal of license of Station WELS is designated for hearing in a consolidated proceeding with the above-entitled application of Farmers for consent to transfer control; and that the Commission Order of June 27, 1951, designating the above-entitled application for hearing is amended by the deletion of Issues Nos. 3 and 6, and the substitution thereof of new Issues Nos. 3 and 6, and by the addition of Issues Nos. 7 and 8:

3. To obtain full information as to the method or methods of financing the construction and operation of Station WELS from August 12, 1950, to date, and the sources of such financing, and more particularly, to determine the disposition of such funds by Farmers, its officers, directors, stockholders and agents, and whether the aforesaid method or methods so employed deviated from representations made with respect thereto in the application for construction permit.

6. To obtain full information as to the extent and method of participation, if any, by the proposed transferees in the financing, construction and operation of Station WELS from August 12, 1950, to date, and to determine whether Farmers has, at any time since August 12, 1950, been controlled or operated by a stockholder group which has not been authorized to operate or control the licensee corporation, in violation of sections 301, 310 (b) and 319 (b) of the Communications Act of 1934, as amended.

7. To determine whether Farmers, its officers, directors, stockholders or agents, have concealed information from the Commission regarding the ownership, operation, construction and control of Farmers, or have misrepresented the facts concerning such operation, ownership, construction and control in applications, reports and letters which they have, from time to time, filed with the Commission, with particular reference to the following:

(a) Whether Farmers, its officers, directors, stockholders and agents concealed or misrepresented facts as to who were the officers and directors of Farmers in the Annual Ownership Report (FCC Form 323), sworn to September 29, 1950.

(b) Whether, although the aforementioned Annual Ownership Report (FCC Form 323) was sworn to by Jack Siegel, as Secretary-Treasurer of Farmers, Leroy Arnold, in fact, held this office at that time.

(c) Whether Farmers, its officers, directors, stockholders and agents concealed or misrepresented, in the aforementioned Annual Ownership Report, facts regarding the stock subscriptions by newcomers.

(d) Whether Farmers, its officers, directors, stockholders and agents, concealed or misrepresented facts in its application for license (BL-4213).

8. To determine whether, in light of evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by a grant of the above-entitled renewal application.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6101; Filed, June 3, 1952; 8:48 a. m.]

[Docket No. 10151]

WESTERN UNION TELEGRAPH CO.

ORDER GRANTING POSTPONEMENT OF HEARING

In the matter of The Western Union Telegraph Company, divestment of its international telegraph operations, Docket No. 10151.

The Commission having under consideration a motion filed May 16, 1952, by The Western Union Telegraph Company, requesting the hearing now scheduled June 3, 1952, be postponed until October 7, 1952; a response thereto filed on May 19, 1952, on behalf of the American Cable & Radio Corporation; and a statement filed May 20, 1952, by RCA Communications, Inc.; and

It appearing that the reason for the requested postponement of the hearing arises out of the fact that because of labor difficulties existing at The Western Union Telegraph Company, company officials have been unavailable for the purpose of preparing for this proceeding, that after the labor troubles are settled it will take some time to prepare for the hearing and to gather certain material which has been requested by the Commission staff; and

It appearing from the response filed by the American Cable & Radio Corporation that while that company does not object to the requested postponement of the hearing date, it wishes to note that its failure to object should not be construed as its consent to a further extension of a full year beyond September 27, 1952, for Western Union to divest itself of its international telegraph operations; and

It appearing from the statement of RCA Communications, Inc. that that company does not impose an objection to the request for the postponement of the hearing date with the understanding that its failure to object to the extension should not be construed as a consent by RCA Communications, Inc., for a further request by Western Union for a 1-year extension of time to operate its cables; and

It appearing that the reasons for the motion for postponement of hearing were discussed at the Pre-Hearing Conference held May 13, 1952, that no party to the proceeding has objected to the postponement, that the formal motion has been on file for more than 4 days, and that good cause for the requested postponement of the hearing has been shown;

It is ordered, This the 23d day of May 1952, that the motion for postponement of hearing be and it is hereby granted and the hearing in the above-entitled proceeding is continued from June 3, 1952 to October 7, 1952, beginning at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

[F. R. Doc. 52-6099; Filed, June 3, 1952; 8:47 a. m.]

[Docket Nos. 10199, 10204]

ARCTIC TELEPHONE AND TELEGRAPH CO. AND AERONAUTICAL RADIO, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Arctic Telephone and Telegraph Company, File No. 8107-A3-P-F, for construction permit for an aeronautical and aeronautical fixed station to be located at the International Airport, Spenard, Alaska, Docket No. 10199, File No. 8107-A3-P-F; and Aeronautical Radio, Inc., File No. 14572-A3-P-G, for construction permit to relocate aeronautical and aeronautical fixed stations KWH2/KWC99 from Elmendorf Field to the International Airport, Spenard, Alaska, Docket No. 10204, File No. 14572-A3-P-G.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of May 1952;

The Commission, having under consideration the above described applications for aeronautical facilities at the International Airport, Spenard (Anchorage), Alaska; and

It appearing, that § 9.431 of the Commission's rules and regulations governing aeronautical services provides that aeronautical land stations shall provide nonpublic service of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for their operation and maintenance and for shared liability in their operation; and

It further appearing, that the aeronautical and aeronautical fixed station KWO3/KWD86, licensed to Aeronautical Radio, Inc., and located at City Airport,

also known as Merrill Field, Anchorage, Alaska may be capable of serving aircraft utilizing the said International Airport in accordance with the provisions of § 9.431:

It is ordered, That pursuant to the provisions of section 309 (a) of the Communications Act of 1934, as amended, the above entitled applications are designated for hearing in a consolidated proceeding to be held at Washington, D. C., on a date to be specified in a subsequent order upon the following issues:

(1) To determine whether the existing facilities of station KWO3/KWD86 are adequate for and capable of rendering service to aircraft utilizing the International Airport.

(2) To determine the legal, technical and financial qualifications of each of the above named applicants to construct and operate the proposed stations.

(3) To determine whether the applicants will render the proposed service without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the proposed station and for shared liability in its operation, as required by § 9.431 of the Commission's rules.

(4) To determine, when considered on a comparative basis, which, if either, of the applicants would better serve the public interest, if the International Airport cannot be served by KWO3/KWD86.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6100; Filed, June 3, 1952; 8:48 a. m.]

FORM FOR APPLICATION FOR AUTHORITY TO CONSTRUCT A NEW BROADCAST STATION OR MAKE CHANGES IN AN EXISTING BROADCAST STATION

INTERPRETATION OF STREET ADDRESS

MAY 21, 1952.

In connection with a number of inquiries which have been received, the Federal Communications Commission announced today that the box entitled "Street Address" in Question 16 of Section V-C of FCC Form 301, "Application For Authority To Construct A New Broadcast Station Or Make Changes In An Existing Broadcast Station" is interpreted to mean "Street Address, if known."

Released: May 22, 1952.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6102; Filed, June 3, 1952; 8:48 a. m.]

[Docket Nos. 10062, 10063, 10084]

NORTH SHORE BROADCASTING CO., INC., ET AL.

ORDER CONTINUING MOTION TO RECONVENE HEARING

In re applications of North Shore Broadcasting Co., Inc., Evanston, Illinois, Docket No. 10062, File No. BP-8094; B & C Radio Company, Rockford, Illinois, Docket No. 10063, File No. BP-8191; Rock River Broadcasting Company, Rockford, Illinois, Docket No. 10084; File No. BP-8286; for construction permits.

The Commission having under consideration a motion, filed May 20, 1952, on behalf of the applicant B & C Radio Company, requesting that the hearing in this proceeding be reconvened on May 26, 1952; and

It appearing, from statements of various counsel made at an informal conference before the Hearing Examiner on Wednesday, May 21, 1952, at which counsel for six of the parties to this proceeding attended, and also from informal telephone statements of counsel for each of the other two parties to this proceeding who have heretofore entered their appearance and participated herein, (the other two parties named by the Commission having heretofore waived their right to participate herein by failing to appear at or participate in the hearings held on November 15, 19, 20, and 21, 1951), that there is no objection to an early consideration of the instant motion notwithstanding the time of filing and notice requirements of § 1.745, and that the parties will not be fully prepared to proceed to hearing on the requested date of May 26, and that before the setting of a date for further hearing in this proceeding it is necessary and desirable to take certain preliminary and intermediate steps including the consideration and disposition of proposed amendments to applications and the exchange of engineering exhibits and the holding of a pre-hearing conference, all for the purpose of achieving the maximum of specificity and stability in each of the applications which are to proceed to further hearing upon engineering issues; and

It further appearing, on the basis stated above, that it is impractical at this time to predetermine and definitely fix a time within which the necessary preliminary steps shall be taken and that consequently the pending motion to reconvene the hearing properly should be treated as a continuing motion for the fixing of a date for further hearing to be considered at a time certain as hereinafter ordered, and

It further appearing, on the basis stated above, that the parties to this proceeding interpose no objection to the continuance of the motion as hereinafter ordered, and that such action will conduce to the orderly dispatch of the Commission's business and serve the ends of justice; now therefore;

It is ordered, This 23d day of May 1952, that the pending motion to reconvene the hearing be, and the same is hereby continued for further hearing thereon before the undersigned Hearing Examiner in Room 1083, Temporary T Building, 14th and Constitution Avenue NW., Washington, D. C., at 10:00 a. m., on Wednesday, May 28.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6098; Filed, June 3, 1952; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1957]

ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION

MAY 28, 1952.

Take notice that Atlantic Seaboard Corporation (Applicant), a Delaware corporation, with its principal place of business in Charleston, West Virginia, filed on May 16, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission facilities hereinafter described.

Applicant proposes to supercharge four existing compressor units from 880 hp. to 1,100 hp. and install two additional 1,100 hp. compressor units in its Files Creek Station, on Applicant's West Virginia segment of the 26-inch Cobb-Rockville line for the purpose of providing sufficient capacity to meet increasing requirements of already certificated markets. The cost of the proposed facilities is estimated to be $595,000.

Applicant proposes to finance this construction from the sale of securities to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6080; Filed, June 3, 1952; 8:45 a. m.]

[Docket No. G-1959]

WILCOX TREND GATHERING SYSTEM, INC.

NOTICE OF APPLICATION

MAY 28, 1952.

Take notice that Wilcox Trend Gathering System, Inc. (Wilcox), a Delaware corporation having its principal place of business at 1403 Magnolia Building, Dallas 1, Texas, filed on May 19, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of:

(1) Approximately 157 miles of natural-gas transmission pipeline consisting of 88 miles of 14-inch pipeline commencing at a point in the Hagist Field in McMullen County, Texas, and extending in a northeasterly direction to a point approximately 8 miles southeast of Nordheim in Goliad County, Texas, and 69 miles of a 16-inch pipeline, interconnecting with the aforementioned 14-inch pipeline, which will extend in a northeasterly direction to the inlet side of the Goliad Gasoline Plant located in the Provident City Field, La Vaca County, Texas;

(2) Certain natural-gas pipelines of sizes from 3½ to 6⅝ inches totaling approximately 60 miles in length, more fully described in said application;

(3) One (1) 2,200 hp. compressor station and all appurtenant facilities to be located in De Witt County, Texas;

(4) Appurtenant metering and measuring stations and related facilities necessary for the operation of the aforementioned natural-gas facilities.

Wilcox proposes to purchase natural gas from the owners of various oil and gas wells located in certain producing fields in the State of Texas, all as fully described in said application; to collect and gather such natural gas, and transport it through the aforementioned natural-gas facilities to a point of interconnection with the existing facilities of Texas Eastern Transmission Corporation (Texas Eastern) in the Provident City Field, La Vaca County, Texas, and at said point of interconnection to sell natural gas to Texas Eastern for resale.

Wilcox estimates that the total capital cost of the proposed project is $10,583,156.00, and proposes to finance such cost by the issuance and sale of debt and equity securities. Wilcox states that the financing of its proposed project "* * * will take place at the same time as, and as a matter related to, the financing of the construction of certain additional facilities proposed to be constructed and operated by Texas Eastern."

Texas Eastern seeks certificate authorization for such additional facilities in the Matter of Texas Eastern Gas Transmission Corporation, Docket No. G-1947, filed April 24, 1952 with the Commission.

The application is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of June 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6081; Filed, June 3, 1952; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL REPRESENTATIVES

DELEGATION OF AUTHORITY TO DESIGNATE ACTING REGIONAL REPRESENTATIVES

1. Each Regional Representative of the Office of the Administrator Field Service is hereby authorized to designate the regional officer or officers next in order who shall act in his place and stead with the title of "Acting Regional Representative" in the event the Regional Representative is unable to act by reason of his absence, illness, or other cause.

2. Each officer so designated shall, while acting as "Acting Regional Representative", exercise all the powers and functions and assume the duties and responsibilities which have been delegated or assigned to the Regional Representative.

3. The authority herein delegated may not be redelegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283 (1948), as amended, 12 U. S. C., 1946 ed. Sup. IV 1701c; 63 Stat. 413, 440 (1949), 12 U. S. C., 1946 ed. Sup. IV 1701d-1)

Effective as of the 4th day of June 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-6103; Filed, June 3, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ADAMS & CO. ET AL.

ORDER REVOKING REGISTRATIONS AS BROKERS AND DEALERS

MAY 28, 1952.

In the matter of Adams & Co., 105 W. Adams St., Bennett, Spanier & Co., Inc., 105 S. LaSalle St., and Ray T. Haas, 231 S. LaSalle St., Chicago, Illinois.

Proceedings having been instituted to determine whether the registrations as brokers and dealers of Adams & Co., Bennett, Spanier & Co., Inc., and Ray T. Haas should be revoked pursuant to section 15 (b) of the Securities Exchange Act of 1934, and whether Adams & Co. and Bennett, Spanier & Co., Inc. should be suspended or expelled from the National Association of Securities Dealers, Inc. pursuant to section 15A (l) (2) of said act;

A consolidated hearing having been held after appropriate notice, the hearing officer having filed a recommended decision and exceptions thereto having been filed;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion

It is ordered, That the registrations as brokers and dealers of Adams & Co., Bennett, Spanier & Co., Inc., and Ray T. Haas be and they hereby are revoked and that Adams & Co. and Bennett, Spanier & Co., Inc., be and they hereby are expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6049; Filed, June 3, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27095]

SEWING MACHINE CABINETS AND RELATED ARTICLES FROM SOUTH BEND, IND., TO BRIDGEPORT, CONN.

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Sewing machine cabinets, stools, tables, and carrying cases, carloads.

From: South Bend, Ind.

To: Bridgeport, Conn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6084; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27096]

PULPWOOD FROM POINTS IN FLORIDA TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of Fort Myers Southern Railroad Company, Tampa Southern Railroad Company and Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpwood, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3281, Supp. 33.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6085; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27097]

PAPER BOXES FROM QUINCY, ILL., TO POINTS IN IOWA

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3432.

Commodities involved: Boxes, fibreboard, corrugated or not corrugated, carloads.

From: Quincy, Ill.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3432, Supp. 163.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6086; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27098]

SALT CAKE FROM POINTS IN THE EAST TO HUDSON AND PALATKA, FLA.

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Baltimore, Md., Cornwells Heights, Marcus Hook, and Philadelphia, Pa., North Claymont, Del., and points in New Jersey.

To: Hudson and Palatka, Fla.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6087; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27099]

BATTERIES, DRY CELL, FROM FREEPORT, ILL., TO BROOKLYN AND NEW YORK, N. Y.

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Batteries, dry cell, carloads.

From: Freeport, Ill.

To: Brooklyn and New York, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6088; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27100]

DRUGS, CHEMICALS, AND TOILET PREPARATIONS FROM MORTON GROVE, ILL., TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No 3758, pursuant to fourth-section order No. 9800.

Commodities involved: Drugs, chemicals, and toilet preparations, carloads.

From: Morton Grove, Ill.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6089; Filed, June 3, 1952; 8:46 a. m.]

[4th Sec. Application 27101]

MOTOR-RAIL-MOTOR RATES BETWEEN SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

MAY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and The Gore Freight Line, Incorporated.

Commodities involved: All commodities.

Between: Springfield, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6090; Filed, June 3, 1952; 8:46 a. m.]

[S. O. 878, Amdt. 1 to 2d Rev. Gen. Permit 1-F]

CARLOAD IMPORT FREIGHT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

Second Revised General Permit No. 1-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6122; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Rev. Gen. Permit 2-F]

BARRELS OR DRUMS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

Revised General Permit No. 2-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6123; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Corr. Gen. Permit 3-F]

MIXED COMMODITIES

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

Corrected General Permit No. 3-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6124; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Rev. Gen. Permit 4-F]

CARTONS

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

Revised General Permit No. 4-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6125; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Gen. Permit 5-F]

FISH

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

General Permit No. 5-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6126; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Gen. Permit 6-F]

CARLOAD FREIGHT

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

General Permit No. 6-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-6127; Filed, June 3, 1952; 8:49 a. m.]

[S. O. 878, Amdt. 2 to Gen. Permit 7-F]

SYRUP

LOADING REQUIREMENTS

Pursuant to the authority vested in me in paragraph (e) of Service Order No. 878 (16 F. R. 5768), good cause appearing therefor: *It is ordered*, That:

General Permit No. 7-F is hereby amended by substituting the following paragraph for the third paragraph thereof:

This permit shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or revoked.

It is further ordered, That this amendment shall become effective at 12:01 a. m., May 31, 1952; that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 28th day of May 1952.

HOWARD S. KLINE,
Permit Agent.

[F. R. Doc. 52-6128; Filed, June 3, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18882]

LEONHARD REINDLER ET AL.

In re: Cash owned by Leonhard Reindler and others. D-28-2079.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are listed below, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

Leonhard Reindler.
Margarethe Braun.
Marie Leichs.
Babette Buettner.
Eva Reiter.
Barbara Schneider.
Marie Struetzer, also known as Marie Stuetzer.
Babette Uhlmann.
Margaretha Noelp.
Zacharius Tobias Grometer.
Georg Grometer.
Fritz Grometer.
Johann Grometer.
Babette Grometer.
Johanna Grometer.
Johann Kernstock.
Eva Barbara Baereiss, also known as Eva Barbara Buereiss.

2. That the property described as follows: Cash in the sum of $5,772.62 deposited with the Treasurer of the County of Cook, State of Illinois, pursuant to certain condemnation proceedings had with respect to that certain real property situated in the City of Chicago, County of Cook, State of Illinois, particularly described in Exhibit A, attached to and by reference made a part of Vesting Order 17078, dated January 17, 1951, in the Circuit Court of Cook County, Illinois, and entitled Chicago Land Clearance Commission, a municipal corporation, Petitioner, vs. Augustus E. Bennett, et al., Defendants, Case No. 50C 1869, relative to acquiring title to the said real property under the Eminent Domain Act of the State of Illinois, said sum representing the proceeds of said condemnation award made with respect to the said real property by virtue of the ownership thereof by the said persons named in subparagraph 1 hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

subject, however, to all valid charges against said sum, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany) and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6107; Filed, June 3 1952; 8:49 a. m.]

[Vesting Order 18881]

CARRIE FOEHRINGER

In re: Estate of Carrie Foehringer, deceased. File No. 017-27457.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.), and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wolfgang Gutwein, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: The sum deposited with the Treasurer of the State of Missouri, Escheats Fund, pursuant to an order of the Probate Court of St. Louis County, Missouri, entered on October 28, 1941, in the matter of the Estate of Carrie Foehringer, deceased, and any and all additions thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wolfgang Gutwein, a national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6106; Filed, June 3, 1952; 8:49 a. m.]

GUSTAVE MICHEL ALTMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Gustave Michel Altmann, Vaduz, Liechteastein; Claim No. 42479; $11,344.50 cash in the Treasury of the United States.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6108; Filed, June 3, 1952; 8:49 a. m.]

CARMELA SPEDALE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Carmela Spedale, a/k/a Carmela Scelfo, Alimena, Palermo, Italy; Claim No. 45064; $235.00 cash in the Treasury of the United States.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6109; Filed, June 3, 1952; 8:49 a. m.]

FLORENCE SAWYER PICCININI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Florence Sawyer Piccinini, 42 Via del Prato, Florence, Italy; Claim No. 4921; $100.00 in the Treasury of the United States.

Executed at Washington, D. C. on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6110; Filed, June 3, 1952; 8:49 a. m.]

COMPANIA NACIONAL DE INVERSIONES, S. C. P. AND BANCO NACIONAL DE MEXICO, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Compania Nacional de Inversiones, S. C. P., Mexico City, Mexico; Claim No. 983; $42,693.25 in the Treasury of the United States.

Banco Nacional de Mexico, S. A., Mexico City, Mexico; Claim No. 984; $13,123.09 in the Treasury of the United States.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6111; Filed, June 3, 1952; 8:49 a. m.]

HENRIETTE BASCH-NOAILLON AND MONIQUE NOAILLON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Henriette Basch-Noaillon, and Monique Noaillon, Brussels, Belgium; Claim No. 37584; property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943), relating to United States Letters Patent Nos. 2,198,678 and 2,220,171, returnable as follows: To Henriette Basch-Noaillon 5/6 of all right, title and interest in and to the Patents and a life interest in another 1/6, and to Monique Noaillon 3/6 of all right, title and interest in the Patents, subject to the aforementioned life interest of Henriette Basch-Noaillon.

Executed at Washington, D. C., on May 28, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6112; Filed, June 3, 1952; 8:49 a. m.]

ce Room

FEDERAL REGISTER

VOLUME 17 NUMBER 110

Washington, Thursday, June 5, 1952

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 354—OVERTIME SERVICE RELATING TO IMPORTS AND EXPORTS

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective May 5, 1951, as amended effective May 13, 1952 (7 CFR Supp. 354.1; 16 F. R. 3972, 17 F. R. 4317), the following administrative instructions are hereby issued to prescribe the commuted travel time that shall be included in each period of overtime duty, as described in the said § 354.1.

§ 354.2 *Administrative instructions prescribing commuted travel time.* Each period of overtime duty, as prescribed in § 354.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service, as follows:

One hour:
- Blaine, Wash.
- Brownsville, Tex.
- Buffalo, N. Y.
- Calexico, Calif.
- Charleston, S. C.
- Charlotte Amalie, American Virgin Islands.
- Christiansted, American Virgin Islands.
- Del Rio, Tex.
- Douglas, Ariz.
- Eagle Pass, Tex.
- El Paso, Tex.
- Galveston, Tex.
- Hidalgo, Tex.
- Hilo, T. H.
- Honolulu, T. H.
- Laredo, Tex.
- Memphis, Tenn.
- Mercedes, Tex.
- Nogales, Ariz.
- Omaha, Nebr.
- Pittsburgh, Pa.
- Port Arthur, Tex.
- Presidio, Tex.
- Ramey Air Force Base, P. R.
- Reina, Tex.
- San Antonio, Tex.

One hour—Continued
- San Juan, P. R.
- San Ysidro, Calif.
- St. Albans, Vt.
- St. Paul, Minn.
- Texas City, Tex. (served from Galveston, Tex.).
- Westover Field, Mass.
- West Palm Beach, Fla.

Two hours:
- Anchorage, Alaska.
- Arlington, Va.
- Atlanta, Ga.
- Beaumont, Tex. (served from Port Arthur).
- Bellingham, Wash. (served from Blaine, Wash.).
- Dallas, Tex.
- Houston, Tex.
- Mobile, Ala.
- Moore Air Field (served from Hidalgo, Tex.).
- Niagara Falls, N. Y. (served from Buffalo, N. Y.).
- Norfolk, Va.
- Orange, Tex. (served from Port Arthur).
- Port Isabel, Tex. (served from Brownsville, Tex.).

Three hours:
- Baltimore, Md.
- Baytown, Tex. (served from Houston, Tex.).
- Boston, Mass.
- Chicago, Ill.
- Detroit, Mich.
- Freeport, Tex. (served from Galveston, Tex.).
- Gulfport, Miss. (served from Mobile, Ala.).
- Lake Charles, La. (served from Port Arthur, Tex.).
- Marfa Air Force Base (served from Presidio, Tex.).
- Mayaguez, P. R. (served from Ramey Air Force Base).
- New Orleans, La.
- New York, N. Y. (metropolitan area).
- Patuxent, Md. (served from Arlington, Va.).
- Philadelphia, Pa.
- Portland, Oreg.
- Roosevelt Roads, P. R. (served from San Juan, P. R.).
- St. Albans, Vt. (ports served from, but not including St. Albans).
- Seattle, Wash.
- Tucson, Ariz. (served from Nogales, Ariz.).
- Wilmington and other North Carolina ports served from Charleston, S. C.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of

(Continued on p. 5057)

CONTENTS

	Page
Agriculture Department	
See also Entomology and Plant Quarantine Bureau; Federal Crop Insurance Corporation; Production and Marketing Administration.	
Notices:	
Sale of mineral interests; revised area designation; Alabama	5072
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Luchauer, John	5076
Voith, Elsa M., et al	5075
Army Department	
See Engineers Corps.	
Civil Aeronautics Board	
Proposed rule making:	
Insurance requirements for air carriers and foreign air carriers; supplemental notice of proposed rule making and extension of time for filing comments	5071
Commerce Department	
See Federal Maritime Board.	
Defense Department	
See Navy Department.	
Defense Mobilization, Office of	
Notices:	
Bagdad, Arizona, area and Milan, Tennessee, area; finding and determination of critical defense housing areas	5073
Economic Stabilization Agency	
See National Production Authority; Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.	
Engineers Corps	
Rules and regulations:	
Anchorage regulations; Puget Sound area, Washington	5070
Entomology and Plant Quarantine Bureau	
Rules and regulations:	
Overtime service relating to imports and exports; administrative instructions prescribing commuted travel time allowances	5055

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)
Titles 35–37 ($0.35)
Title 39 ($0.65)
Titles 40–42 ($0.35)
Titles 44–45 ($0.50)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Title 38 ($1.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission Page
Notices:
Cuban radio stations; notification of new stations, changes, modifications and deletions of existing stations ... 5073

Federal Crop Insurance Corporation
Rules and regulations:
Tobacco crop insurance; regulations for 1950 and succeeding crop years ... 5057

Federal Maritime Board
Notices:
American President Lines, Ltd.; prehearing conference ... 5072

Federal Power Commission
Notices:
Hearings, etc.:
Aluminum Co. of America et al ... 5073
Iowa Power and Light Co ... 5073
Ready, W. J., and F. R. McMeekin ... 5073

Federal Trade Commission
Proposed rule making:
Cedar Chest Manufacturing Industry; proposed trade practice rules ... 5071

Indian Affairs Bureau
Rules and regulations:
Flathead Indian Irrigation Project, Montana; operation and maintenance charges ... 5058

Interior Department
See Indian Affairs Bureau; Land Management, Bureau of.

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska; restoration order, correction ... 5072

National Production Authority
Rules and regulations:
Steel distributors; flood damaged area relief (M–6A, Dir. 2) ... 5068

Navy Department
Rules and regulations:
Death gratuity ... 5058

Price Stabilization, Office of
Rules and regulations:
Area milk price adjustments:
Chicago milk marketing area; change in reporting requirements (GCPR, SR 63, AMPR 5) ... 5062
Stark milk marketing area (GCPR, SR 63, AMPR 24) ... 5063
Bakers, wholesale and retail distributors of frozen and perishable bakery items; extension of mandatory effective date for New York restaurant bakers (CPR 135) ... 5059
Translation of f. o. b. into delivered ceiling prices for certain food items (GOR 30) ... 5065
Vegetable parchment paper and vegetables parchmentizing stock (CPR 148) ... 5059

Production and Marketing Administration
Rules and regulations:
County and community committees; committeemen and delegates ... 5057

CONTENTS—Continued

Production and Marketing Administration—Continued Page
Rules and regulations—Continued
Tobacco; handing of type 62 shade-grown cigar-leaf grown in designated production area of Florida and Georgia; editorial note ... 5058

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas; Virginia:
Hotels and motor courts (RR 3, 4) ... 5069
Housing and rooms (RR 1, 2) ... 5068
Specific provisions; Virginia:
Hotels and motor courts (RR 3, 4) ... 5069
Housing and rooms (RR 1, 2) ... 5069

Salary Stabilization Board
Rules and regulations:
Employees subject to GSSR 5 (Int. 9) ... 5067

Securities and Exchange Commission
Notices:
Hearings, etc.:
Columbia Gas System, Inc., et al. (2 documents) ... 5074
Gulf Power Co ... 5074
United Gas Corp. and Union Producing Co ... 5075

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education:
Advisement and guidance ... 5071
Registration and research ... 5070

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries ... 5072

Wage Stabilization Board
Rules and regulations:
Adjustments for employees of religious, charitable, and educational organizations; adjustments for employees of Credit Unions (GWR 7) ... 5068

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 7
Chapter III:
Part 354 ... 5055
Chapter IV:
Part 417 ... 5057
Chapter VII:
Part 713 ... 5057
Chapter IX:
Part 983 ... 5058
Title 14
Chapter I:
Part 271 (proposed) ... 5071
Title 16
Chapter I:
Part 93 (proposed) ... 5071
Title 25
Chapter I:
Part 130 ... 5058

CODIFICATION GUIDE—Con.

Page
Title 32
Chapter VI:
Part 716 ... 5058
Title 32A
Chapter III (OPS):
CPR 135 ... 5059
CPR 148 ... 5059
GCPR, SR 63, AMPR 5 ... 5062
GCPR, SR 63, AMPR 24 ... 5063
GOR 30 ... 5065
Chapter IV:
Subchapter A (SSB):
Int. 9 ... 5067
Subchapter B (WSB):
GWR 7 ... 5068
Chapter VI (NPA):
M–6A, Dir. 2 ... 5068
Chapter XXI (ORS):
RR 1 (2 documents) ... 5068, 5069
RR 2 (2 documents) ... 5068, 5069
RR 3 (2 documents) ... 5069
RR 4 (2 documents) ... 5069
Title 33
Chapter II:
Part 202 ... 5070
Title 38
Chapter I:
Part 21 (2 documents) ... 5070, 5071

such overtime duty. Such establishment depends upon facts within the knowledge of the Bureau of Entomology and Plant Quarantine. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication.

These administrative instructions shall be effective June 8, 1952.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 23d day of May 1952.

[SEAL] AVERY S. HOYT,
Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 52–6170; Filed, June 4, 1952; 8:57 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1 to § 417.1]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 417.1 of the above-identified regulations, as amended (14 F. R. 5298, 6675; 15 F. R. 2483; 16 F. R. 4297, 4609; 17 F. R. 2109), the following counties have been designated for insurance for the 1952 crop year. The type(s) of tobacco on which insurance is offered and the plan of insurance applicable in each county is shown opposite the name of the county.

State and county	Type(s) of tobacco	Plan of insurance
Connecticut: Hartford	51, 52	Investment.
Florida:		
Alachua	14	Do.
Hamilton	14	Do.
Madison	14	Do.
Suwannee	14	Do.
Georgia:		
Appling	14	Yield-quality.
Bulloch	14	Do.
Candler	14	Investment.
Coffee	14	Yield-quality.
Cook	14	Investment.
Evans	14	Do.
Lowndes	14	Do.
Tattnall	14	Do.
Kentucky:		
Barren	31	Yield-quality.
Bourbon	31	Do.
Breckenridge	31	Do.
Calloway	23, 31, 35	Do.
Casey	31	Investment.
Daviess	31, 36	Yield-quality.
Fleming	31	Do.
Graves	23, 31, 35	Do.
Hart	31	Investment.
Larue	31	Yield-quality.
Lewis	31	Do.
Logan	22, 31, 35	Investment.
Mason	31	Yield-quality.
Morgan	31	Investment.
Pulaski	31	Yield-quality.
Russell	31	Investment.
Simpson	31, 35	Yield-quality.
Massachusetts: Hampshire	51, 52	Investment.
North Carolina:		
Alamance	11	Do.
Beaufort	12	Do.
Caswell	11	Do.
Columbus	13	Do.
Duplin	12	Do.
Forsyth	11	Do.
Greene	12	Do.
Guilford	11	Do.
Jones	12	Do.
Lenoir	12	Do.
Person	11	Do.
Pitt	12	Do.
Stokes	11	Do.
Surry	11	Yield-quality.
Vance	11	Investment.
Wake	11	Do.
Wilson	12	Yield-quality.
Yadkin	11	Investment.
Ohio: Brown	51	Do.
Pennsylvania: Lancaster	41	Yield-quality.
South Carolina:		
Darlington	13	Investment.
Florence	13	Do.
Horry	13	Yield-quality.
Marion	13	Do.
Williamsburg	13	Do.
Tennessee:		
Claiborne	31	Do.
DeKalb	31	Do.
Greene	31	Do.
Hamblen	31	Do.
Hawkins	31	Do.
Johnson	31	Do.
Loudon	31	Investment.
McMinn	31	Do.
Maury	31	Yield-quality.
Montgomery	22, 31	Investment.
Robertson	22, 31, 35	Do.
Smith	31	Yield-quality.
Williamson	31	Do.
Virginia:		
Appomattox	11, 21	Investment.
Brunswick	11, 21	Do.
Campbell	11, 21	Do.
Charlotte	11, 21	Do.
Dinwiddie	11, 21	Do.
Halifax	11	Do.
Lunenburg	11	Do.
Mecklenburg	11	Do.
Patrick	11	Do.
Pittsylvania	11	Do.
Washington	31	Do.
Wisconsin:		
Dane	54	Do.
Vernon	55	Do.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup., 1507–1509)

[SEAL] JOHN W. BRAINARD,
Manager, Federal Crop Insurance Corporation.

[F. R. Doc. 52–6151; Filed, June 4, 1952; 8:49 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amendment 3]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

COMMITTEEMEN AND DELEGATES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the Regulations Pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees (14 F. R. 5916, 15 F. R. 4262, 16 F. R. 6998) are hereby amended by revising §§ 713.5, 713.6 and 713.16 as follows:

1. The introductory paragraph of § 713.5 is amended and the section is revised to read:

§ 713.5 *Who may vote for committeemen and delegates.* Any farmer who is of legal voting age and who has an interest in a farm as owner, tenant, or sharecropper and any farmer not of legal voting age who is in charge of the supervision and conduct of the farming operations on the entire farm shall be eligible to vote for committeemen and delegates in the community in which he has such an interest if:

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current Agricultural Conservation Program, or such payment or grant has been made under the program during any one of the preceding three years and there is being carried out on the farm one or more of the current program practices approved for the State by the State Production and Marketing Administration committee, referred to in this subpart as the "State committee";

(b) Such farmer is eligible for a cooperator's loan or other price support;

(c) Such farmer is eligible for a payment under the Sugar Act program; or

(d) Such farmer has a crop insurance contract with the Federal Crop Insurance Corporation.

In any State having community property law, the spouse of a farmer who is eligible to vote under the foregoing provisions shall also be eligible to vote.

2. A new sentence is added to follow the first sentence of § 713.6 and the section is revised to read:

§ 713.6 *Restrictions on voting.* Each eligible voter shall be entitled to only one vote on any one ballot in any election held in any one community or in the county convention. If the eligible voter has an interest in a farm in more than one community in the county, such voter shall not be entitled to vote in more than one such community in the county. There shall be no voting by proxy.

3. Section 713.16 is amended by deleting "October 1" and inserting in lieu

thereof "August 1," and the section is revised to read:

§ 713.16 *County and community committeemen.* The terms of office of county and community committeemen and alternates to such offices shall begin on January 1 next after their election unless an earlier date is authorized by the State committee, but in no event shall a full term of office begin before August 1 of the year immediately preceding the calendar year for which the committeeman is elected to serve. A term of office shall continue for 12 months or until a successor has been elected and qualified.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply 49 Stat. 1149, 52 Stat. 32, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 2d day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6171; Filed, June 4, 1952; 8:55 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

ORDER REGULATING HANDLING

EDITORIAL NOTE: The first paragraph of F. R. Doc. 52-6092, appearing at page 4971 of the issue for Tuesday, June 3, 1952, should be omitted.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

MAY 26, 1952.

On April 24, 1952, there was published in the daily issue of the FEDERAL REGISTER, notice of intention to modify §§ 130.24, 130.26 and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts, as follows:

Charges applicable to all irrigable lands of the Flathead Indian Irrigation Project that are included in the Irrigation District Organization and are subject to the jurisdiction of the three irrigation districts.

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.24, 130.26 and 130.28 are modified as follows:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936 and April 5, 1950, there is hereby fixed, for the season of 1953, an assessment of $189,100 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 68,183 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936 and May 16, 1951, there is hereby fixed, for the season of 1953, an assessment of $34,500 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 12,751 acres; does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936 and April 18, 1950, there is hereby fixed, for the season of 1953, an assessment of $14,000 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,599 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

PAUL L. FICKINGER,
Area Director.

[F. R. Doc. 52-6131; Filed, June 4, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 716—DEATH GRATUITY

Part 716 is revised to read as follows:

Sec.
716.1 General provisions; personnel embraced.
716.2 Delegations.
716.3 Preparation, submission, and allowance of claims.
716.4 Conclusiveness of determinations.

AUTHORITY: §§ 716.1 to 716.4 issued under sec. 1, 41 Stat. 824, as amended; 34 U. S. C. 943. Interpret or apply sec. 4, 54 Stat. 864, as amended, sec. 1, 55 Stat. 43, as amended; 46 Stat. 268, as amended, sec. 9, 56 Stat. 145, as amended; 34 U. S. C. 855c-1, 855c-2, 50 U. S. C. App. 1009.

§ 716.1 (a) *General provisions; personnel embraced.* The act of June 4, 1920, as amended (41 Stat. 824 as amended, 34 U. S. C. 943), the act of May 12, 1930, as amended (46 Stat. 268 as amended, 34 U. S. C. 944), the act of August 27, 1940, as amended (54 Stat. 864 as amended, 34 U. S. C. 855c-1), and the act of March 17, 1941, as amended (55 Stat. 43 as amended, 34 U. S. C. 855c-2) provide for the payment upon death from wounds or disease, not the result of his or her own misconduct, of an amount equal to six months' pay at the date of death, to the legal beneficiaires of (1) any officer, nurse, or enlisted man of the Regular Navy or Regular Marine Corps on the active list; (2) any officer, nurse or enlisted man of the Regular Navy or Regular Marine Corps on the retired list when on active duty; (3) any transferred members of the Fleet Reserve or Fleet Marine Corps Reserve on active duty; and (4) any officer, nurse, warrant officer, or enlisted man of the United States Naval Reserve or United States Marine Corps Reserve on active naval or military service in excess of thirty days or if called or ordered by the Federal Government to active naval or military service or to perform active duty for training or inactive-duty training for any period of time.

(b) *General provisions; beneficiaries.* The persons to whom the gratuity is payable in order of preference are: (1) The widow; (2) if there be no widow, the child or children; (3) if there be no widow or child, any dependent relative previously designated by the decedent, and (4) if there be no widow, child or previously designated dependent relative, the grandchild, parent, brother, sister or grandparent shown to have been dependent upon the decedent prior to his or her death. It is mandatory that transferred members of the Fleet Reserve or Fleet Marine Corps Reserve file with the Department of the Navy the name of a beneficiary other than wife or child to whom payment of the gratuity shall be made in the event of their death while on active duty and not the result of their own misconduct.

(c) *General provisions; date of death.* The act of March 7, 1942, as amended (56 Stat. 143 as amended, 50 App. U. S. C. 1001) provides that the date of death is to be determined by the Secretary of the Navy or such subordinate as he may designate.

§ 716.2 *Delegations.* The Director, Personal Affairs Division, Bureau of Naval Personnel has been granted authority by the Secretary of the Navy to determine the date of death, to determine the person entitled to the gratuity and to certify to the Bureau of Supplies and Accounts the person to receive such gratuity. The Head, Casualty Section, Personal Affairs Branch, Personnel Department, United States Marine Corps has been granted authority by the Secretary of the Navy to determine the date of death, to determine the person entitled to the gratuity and to certify to the Quartermaster General of the Marine Corps, Disbursing Branch the person to receive the gratuity.

§ 716.3 *Preparation, submission, and allowance of claims.* A claim form is forwarded ordinarily by the Bureau of Naval Personnel or by the Marine Corps to the person probably entitled to receive the gratuity; however, an informal claim may be submitted by the person who believes himself entitled to receive the gratuity. Information required, before a determination of entitlement can be made, is: (a) Name and address of claimant; (b) full name and service number of decedent; (c) relationship of claimant to decedent; and (d) a statement that payment of the gratuity has not been received. In cases where the Act requires that the beneficiary be dependent upon the decedent at the time of death, proof of such dependency is compulsory. In instances where the relationship of claimant to decedent is uncertain, proof of such relationship may be demanded.

§ 716.4 *Conclusiveness of determinations.* All determinations of date of death and entitlement to the gratuity are final and conclusive.

Dated: May 28, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-6135; Filed, June 4, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 135, Amdt. 2]

CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

EXTENSION OF MANDATORY EFFECTIVE DATE FOR NEW YORK RESTAURANT BAKERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

This office is considering the issuance of a supplemental regulation to CPR 135 which would afford to sellers of bakery items to eating and drinking establishments in the New York metropolitan area an optional method of calculating ceiling prices for such sales. It cannot, however, be issued sufficiently in advance of the mandatory date for establishment of ceiling prices under CPR 135, to permit eligible bakers who desire to use the optional method under the proposed supplemental regulation to do so without first having made the calculations and filed the reports required by CPR 135. In order to avoid the needless inconvenience of making calculations and establishing ceiling prices which will not be used by bakers who elect the optional method, this amendment postpones until June 30, 1952, the mandatory effective date of CPR 135 for sales of bakery items to eating and drinking establishments in the New York metropolitan area.

In view of the emergency nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade associations, impracticable.

In the Director's judgment the provisions of this amendment are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable provisions of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 135 is amended by adding a proviso postponing the mandatory effective date of the regulation for sales of items to eating and drinking establishments in the metropolitan New York area. The "effective date", as amended, reads as follows:

Effective date. This regulation is effective for all your items on June 2, 1952. You may, however, select an earlier effective date between April 10, 1952 and June 2, 1952. If you select an earlier date with respect to any item, this regulation becomes effective as to you on that date for all your items: *Provided, however,* That for sales to eating and drinking establishments located in the counties of New York, Kings, Queens, Bronx, Richmond, Rockland, Westchester, Suffolk and Nassau in the State of New York and in the counties of Bergen, Hudson, Union and Passaic in the State of New Jersey, this regulation is effective June 30, 1952 or such earlier date as you select.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

[F. R. Doc. 52-6207; Filed, June 3, 1952; 3:46 p. m.]

[Ceiling Price Regulation 148]

CPR 148—VEGETABLE PARCHMENT PAPER AND VEGETABLE PARCHMENTIZING STOCK

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 148 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation spells out dollars-and-cents ceiling prices for manufacturers of four basic grades of vegetable parchment paper and provides methods for determining ceiling prices for related grades. This regulation applies in the 48 states of the United States and in the District of Columbia.

Description of the product and the industry covered. Vegetable parchment is a pure cellulose sheet of paper characterized by its high wet strength and grease resistance. It is prepared by passing a waterleaf sheet made from rag, cotton linters, pure chemical wood pulp, or any combination thereof, through a bath of sulphuric acid and then thoroughly washed and dried. Further processing might be carried out, such as waxing and printing. Practically the entire product of the industry is used in the wrapping and packaging of foods. It is termed vegetable parchment to distinguish it from animal skin parchment which it resembles.

Four manufacturers comprise the entire industry, producing 35 thousand tons in 1950 which had a sales value of 18 million dollars. Two companies, one in Michigan and the other in Pennsylvania, turn out 85 percent of the tonnage. The other two are located in Ohio and Oregon. The only integrated mill entirely within the United States is the smallest, producing less than 5 percent of the total; the other small producer buys its waterleaf as raw material. The remaining 2 mills manufacture their parchmentizing stock from bleached sulphate pulp purchased primarily from Canadian and European producers.

Most of the grades of vegetable parchment are well standardized and competitive factors cause the prices of the four manufacturers to approach uniformity under normal circumstances. The products customarily are sold f. o. b. the mill in quantities less than 100 pounds but for larger orders there are varying freight allowances.

Recent economic developments. Production in this industry has increased by about one quarter since World War II.

Year:	Production (tons)
1945	29,000
1947	33,000
1948	25,000
1949	28,000
1950	33,000
1951	37,000

Most of this increase in production came after the outbreak of the Korean War, but lately a reversal in trend is indicated as it is now at approximately the level existing during the six month period immediately preceding the hostilities.

Quarter:	Production (tons)
1950—1st quarter	7,500
2nd quarter	7,500
3rd quarter	8,500
4th quarter	9,500
1951—1st quarter	9,500
2nd quarter	9,500
3rd quarter	8,500
4th quarter	9,500
1952—1st quarter	7,000

Source: Annual and quarterly production data from Vegetable Parchment Manufacturers' Association.

The prices of vegetable parchment papers went up about 12 percent from the pre-Korean period to the general freeze period in January 1951. Under CPR 22, manufacturers of approximately 85 percent of the industry tonnage obtained a higher ceiling than under GCPR. The present level of prices is in between the average of ceiling prices under CPR 22 and the prices at the time of the freeze.

Summary of the main features of the regulation. This regulation spells out uniform dollar and cent ceiling prices for the major grades of vegetable parch-

ment covering about 75 percent of the industry's total tonnage, and provides an adjustment factor for most other grades of parchment whereby their ceiling prices may be calculated. The ceiling prices of cotton linter parchments, which account for less than one percent of the industry's production, are frozen by this regulation at the prices in effect during the first quarter of 1952. The ceiling price of vegetable parchmentizing stock (waterleaf) also is frozen at the prices in effect during the first quarter of 1952. All differentials, discounts, allowances, etc. are frozen at the level that prevailed during the period of January 25, 1951 through February 24, 1951.

The level of ceiling prices established in the regulation. The ceiling prices in this regulation are at the level prevailing just before the date of issuance of this regulation. For vegetable parchment paper this results in a level of prices 19 percent higher than in June 1950 and 6 percent higher than under the General Ceiling Price Regulation.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25 through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation there has been consultation with industry representatives, including two industry advisory committee meetings and with trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practice or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. Coverage of this regulation.
2. Applicability.
3. Ceiling prices for vegetable parchment papers.
4. Ceiling prices for cotton linter parchment.
5. Ceiling prices for vegetable parchmentizing stock.
6. Differentials.
7. Ceiling prices for grades not covered under other sections.
8. Rounding of ceiling prices.
9. Prices lower than ceiling prices.
10. Adjustment of ceiling prices.
11. Modification of ceiling prices by the Director of Price Stabilization.
12. Petitions for amendment.
13. Adjustable pricing.
14. Taxes separately stated.
15. Exports and imports.
16. Transfers of business or stock in trade.
17. Prohibitions and violations.
18. Evasions.
19. Records and reports.
20. Definitions.

AUTHORITY: Sections 1 through 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Coverage of this regulation.* This regulation establishes dollar-and-cent base prices for sales by manufacturers of four basic grades of vegetable parchment papers. The base prices of other grades of vegetable parchment papers, except cotton linter parchment, are determined by the application of an adjustment factor. The base prices of cotton linter parchment and vegetable parchmentizing stock are frozen at their highest market levels prevailing in the first quarter of 1952. Ceiling prices of the products covered by this regulation are determined by applying to the base prices the manufacturers' customary differentials, discounts and allowances during the base period. This regulation supersedes the General Ceiling Price Regulation and Ceiling Price Regulation 22 with respect to sales by manufacturers of vegetable parchment papers and vegetable parchmentizing stock.

SEC. 2. *Applicability.* The provisions of this regulation apply to all sales within the 48 states of the United States and the District of Columbia by manufacturers of the commodities covered by this regulation.

SEC. 3. *Ceiling prices for vegetable parchment papers.*—(a) *Base prices for certain grades.* The base prices per hundredweight in rolls, 9 inches or more in diameter, 4 inches or more in width and in quantities of 500 pounds or more, for the following grades shall be:

Basis weight (pounds)	Grade	Base price (per hundredweight)
18	Vegetable parchment untreated	$34.65
27	Standard vegetable parchment	27.00
35 and 45	do	26.30
35 and 40	Brown parchmentized kraft	20.60

(b) *How to determine base prices for other grades.* The base prices for grades of vegetable parchment paper, other than those listed in paragraph (a) of this section and those in section 5, shall be determined by you as follows: Take the highest base price at which a grade was sold or offered for sale in writing by you during the base period in the same quantity to a purchaser of the same class and multiply it by 1.0588. The resulting figure is your base price for sales of that grade in like quantities to purchasers of the same class.

(c) *Differentials.* To the base prices established in paragraphs (a) or (b) of this section, you shall apply the appropriate differentials described in section 6 which were in effect during the period January 25 through February 24, 1951. In the event no differentials are added to your base price, your base price is your ceiling price.

SEC. 4. *Ceiling prices for cotton linter parchment.*—(a) *Definition.* Cotton linter parchment is a vegetable parchment grade consisting of 50 percent or more cotton linter pulp. It may be used alone or laminated to a cotton sheeting base.

(b) *Base price.* The base price of cotton linter parchment shall be no higher than the highest base price at which it was sold or offered for sale by you in writing during the first quarter of 1952 in the same quantity to a purchaser of the same class.

(c) *Differentials.* To the base prices established in paragraph (b) of this section you shall apply the appropriate differentials described in section 6 which were in effect during the first quarter of 1952. In the event no differentials are added to your base price, your base price is your ceiling price.

SEC. 5. *Ceiling prices for vegetable parchmentizing stock.*—(a) *Definition.* Vegetable parchmentizing stock is the base paper or waterleaf used in the manufacture of vegetable parchment paper.

(b) *Base price.* The base price of vegetable parchmentizing stock shall be no higher than the highest base price at which it was sold or offered for sale by you in writing during the first quarter of 1952 in the same quantity to a purchaser of the same class.

(c) *Differentials.* To the base prices established in paragraph (b) of this section, you shall apply the appropriate differentials described in section 6 which were in effect during the first quarter of 1952. In the event no differentials are added to your base price, your base price is your ceiling price.

SEC. 6. *Differentials.* You shall maintain your customary price differentials, freight practices, discounts and allowances in effect during the base period as specified in the applicable section, for differences in classes of purchasers, location of purchasers, quantities, terms and conditions of sale or delivery, and product variations such as, but not limited to, printing, waxing, basis weight, color, finish, sheets, rolls, packing and die-cutting.

(b) *New differentials.* If you desire to establish a charge for a differential which you did not have during the base period, you may apply therefor under section 7, giving all the information required with respect to the differential only.

SEC. 7. *Ceiling prices for grades not covered under other sections.* (a) If you are unable to determine your ceiling price for a grade under any of the foregoing sections of this regulation, you shall apply in writing by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. This application shall contain: (1) Name and address of your company; (2) an explanation of why you are unable to determine your ceiling price under any other section of this regulation; (3) a description, including the method of manufacturing the grade; (4) your proposed base prices and differentials; (5) the base price under this regulation, differentials, and description of the most comparable grade made by you; (6) the detailed current unit direct cost of the comparable grade; (7) the detailed current unit direct cost of the grade for which a ceiling price is requested; and (8) the base price and differentials under this regulation of your closest competitor for the same grade, or if the same grade is not made by him, his most comparable grade. You shall also submit any clarifying information subsequently requested by the Office of Price Stabilization.

(b) Except as provided in paragraph (e), you may not sell the grade until the Director of Price Stabilization in writing establishes your ceiling price for the grade. However, if within 21 days from the filing of the application you have not received notice from the Director approving, disapproving, or modifying the proposed base price and differentials, requesting additional information, or extending for cause the time within which to do any of the foregoing, such application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director.

(c) Where the grade was manufactured and sold by you prior to the effective date of this regulation you may continue to sell such item at a price not to exceed the highest price actually charged each class of purchaser (defined in section 19) during the period from February 25, 1951 to the effective date of this regulation, until your ceiling price for the item has been established under paragraph (b) of this section.

SEC. 8. *Rounding of ceiling prices.* You shall round your prices in the same manner that you used during the base period when calculating ceiling prices under this regulation except that this section does not apply to the spelled out prices contained in section 3. For example, if you rounded to the nearest five cents, odd cents shall be dropped if less than two and one half cents and may be increased to the nearest higher five cents if two and one half cents or more, similarly in rounding to the nearest cent, fractions of less than a half cent shall be dropped but fractions of one half cent or more may be increased to the nearest higher cent.

SEC. 9. *Prices lower than ceiling prices.* Lower prices than the ceiling prices established by this regulation may be charged, demanded, paid or offered.

SEC. 10. *Adjustment of ceiling prices.* (a) Upon application or upon his own motion the Director of Price Stabilization may adjust any ceiling price established under this regulation so as to bring it into line with the general level of ceiling prices established by this regulation or by regulations specifically establishing ceiling prices for other grades of paper.

(b) Applications for adjustment shall be filed with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., and contain the following:

(1) The name and address of your company.

(2) The brand name, grade name, if any, specifications and a sample of the paper which is the subject of the application.

(3) The ceiling price for this grade established under this regulation and the computations by which this price was calculated.

(4) The ceiling price for this or a comparable grade of your closest competitor. Give the name of your competitor, the brand and grade name, if any, of the paper used in the comparison.

(5) Information as to the customary differentials, which existed prior to or during price control, between grades of paper demonstrating the necessity for adjusting the prices which are the subject of your application so as to bring them into line with the general level of ceiling prices established by this regulation or by regulations specifically establishing ceiling prices for other grades of paper.

(c) You may not make any adjustment applied for under this section unless and until you have been notified by letter order that you may do so by the Director of Price Stabilization.

SEC. 11. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 12. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 13. *Adjustable pricing.* Any person may agree to sell or may sell at a price which can be increased up to the ceiling price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Stabilization, agree to sell or sell at prices to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given when a request for a change in the applicable ceiling price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purpose of the Defense Production Act of 1950, as amended.

SEC. 14. *Taxes separately stated.* (a) In addition to your ceiling price, you may collect the amount of any excise, sale or similar federal, state or local taxes paid by you as such only if it has been your practice to state and collect such taxes separately from your selling price for the same or similar commodities.

(b) If such a tax is imposed by a law which is not effective until after the effective date of this regulation, or if any increase in such a tax is made subsequent to the effective date of this regulation, you may collect the amount of the tax actually paid as such by you, if not prohibited by the tax law. You must in all such cases state separately the amount of tax paid.

SEC. 15. *Exports and imports.* The ceiling price for export sales of vegetable parchment paper is determined under Ceiling Price Regulation 61. The ceiling price for sales of vegetable parchment paper imported into the United States is determined under Ceiling Price Regulation 31.

SEC. 16. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the issue date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities or services in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee and his practice with respect to sales of vegetable parchment paper shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records in accordance with section 19 shall be the same. The transferor shall either preserve and make available for so long as the Defense Production Act of 1950, as amended, remains in effect or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 17. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 18. *Evasions.* Any means or devices which result in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information required for record purposes is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from the records of true data and the inclusion in records of false data.

SEC. 19. *Records*—(a) *Base period records.* On or after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain and keep for examination by the Director of Price Stabilization, all your existing records relating to the prices of commodities covered by this regulation which you sold, contracted to sell, or offered to sell in writing at a definite price, together with the differentials, discounts and allowances charged or offered in writing, during the base period.

(b) *Current records.* On and after the effective date of this regulation, you shall make and keep for examination by the Director of Price Stabilization, for a period of two years after each sale, a duplicate of the invoice rendered by you to the purchaser within 10 days of shipment, stating (1) the name and address of the buyer; (2) the name and address of the seller; (3) the date of shipment; (4) the quantity sold; (5) the price charged; (6) the shipping terms, premiums if any, and other terms of sale; and (7) the grade and identification of the commodity. Any transportation charge or allowance shall be stated separately if such has been your practice.

SEC. 20. *Definitions and explanations.* (a) The terms in this Ceiling Price Regulation shall be construed in the following manner unless otherwise clearly required by the context.

(1) "Base period": The base period for vegetable parchment paper is January 25, 1951, through February 24, 1951. The base period for cotton linter parchment and vegetable parchmentizing stock is the first quarter of calendar year 1952.

(2) "Base price" is the highest price charged by you during the base period for a particular grade of paper before the application of the appropriate differentials provided for in section 6 of this regulation.

(3) "Basis weight" is the weight in pounds of a 500 sheet ream of paper, 24" x 36" per sheet.

(4) "Brown parchmentized kraft" (35 and 40 pound basis weight) is designed to have high wet strength, grease-resistance, and to be boil proof. It is a strong parchmentized cellulose sheet made from fibers which are usually unbleached or semi-bleached in order to preserve maximum strength. It is generally used as a crate liner for shipment of iced produce. It is also used where a pure white sheet is not necessary.

(5) "Class of purchaser" refers to your practice of charging different prices for sales to different purchasers or groups of purchasers. Such practice may be based on the characteristics or distributive level of the buyer (for example, distributor, manufacturer, wholesaler, retailer, or individual consumer), or on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(6) "Current unit direct cost" means the sum of the amounts (not higher than permitted by law) which it costs you for direct labor and materials to produce the grade at the time you use the pricing method. Current unit direct materials costs shall be computed upon the basis of current replacement prices for materials, and current unit direct labor cost shall be computed upon the basis of current wage rates for direct labor. The method used in computing these costs for the grade to be priced and for the most comparable grades shall be the same in every respect.

(7) "Differentials" include discounts, allowances and all types of adjustments to a base price for differences in class or location of purchasers, quantities, terms and conditions of sale or delivery, and product variations such as, but not limited to printing, waxing, basis weight, color, finish, sheets, rolls, packing and cutting.

(8) "Manufacturer" means any person who produces any of the papers covered by this regulation and includes the agents and representatives of such person.

(9) "Most comparable grade" means the commodity, the ceiling price of which is determined under a section other than section 7 and which is most closely allied to the grade to be priced by reason of its use, physical characteristics, and similarity of raw material and conversion processes employed.

(10) "Person" means an individual, corporation, partnership, association, or any other organized group of persons or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(11) "Standard vegetable parchment" (27 pound basis weight) is designed to have high wet strength and grease-resistant qualities. It is designed to be boil proof, free from surface fibers, odor or taste. It is used primarily as a protective food wrapper for moist or greasy foods such as butter, oleomargarine, fish, meats and other similar products.

(12) "Standard vegetable parchment" (35 and 45 pound basis weight) is similar to 27 pound standard vegetable parchment, but used where a heavier sheet is required. It is used primarily to wrap cheese, smoked ham and as an insert label on moist or oily foods.

(13) "Vegetable parchment" is a paper made by passing a waterleaf sheet prepared from rag, cotton linters, or pure chemical wood pulp, or a combination thereof, through a bath of sulphuric acid, after which the sheet is thoroughly washed and dried. This sheet is used primarily in the wrapping and packaging of foods.

(14) "Vegetable parchment untreated" (18 pound basis weight) is designed to have high wet strength and to be boil proof. It is a protective food wrapper used either alone or laminated to metal foil or other packaging materials. It is generally free from any odor or surface fibers.

(15) "Vegetable parchmentizing stock" (waterleaf) is the base paper used in the manufacture of vegetable parchment paper.

(16) "You." The pronoun you as used in this regulation indicates the person subject to this regulation. "You" and "Yours" are construed accordingly.

Effective date. This regulation shall become effective June 9, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 4, 1952.

[F. R. Doc. 52-6265; Filed, June 4, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 4 to Area Milk Price Regulation 5]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 5—CHICAGO MILK MARKETING AREA, STATE OF ILLINOIS

CHANGE IN REPORTING REQUIREMENTS

Pursuant to the Defense Production Act of 1950 as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679) and Redelegation of Authority No. 13 (17 F. R. 172), this Amendment 4 to Area Milk Price Regulation 5 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 7 of Area Milk Price Regulation 5 read in conjunction with section 8 (a) (1) of Supplementary Regulation 63 provides that for the purpose of computing parity adjustments, producer prices shall be governed by the monthly official price announcement of the Federal Milk Market Administrator issued pursuant to Order No. 41 (16 F. R. 6348), as amended. Processors are permitted to increase their ceiling prices by the equivalent per unit of the dollars and cents amount by which the producer price "incurred" or their most recent customary purchase exceeds the producer price specified in section 7 of Area Milk Price Regulation 5. They must "immediately" reduce their ceiling prices by the equivalent per unit of the dollar and cents amount by which the producer price specified in the regulation exceeds the producer price "incurred" for their most recent customary purchase. The producer price for the most recent customary purchase is deemed to have been "incurred" upon the date of the announcement of a change in price made by the Federal Milk Market Administrator in a situation where the change is retroactive to the first day of the month.

Under Order No. 41 the Federal Milk Market Administrator announces the official producer price on or before the 5th day of each month. This price is retroactive to the first of the month and hence the producer price is deemed to have been "incurred" on the date of the announcement. The announcement is not made on the same day of each month, however, and there has been some difference as to the meaning of the word "immediately." For this reason Area Milk Price Regulation 5 has been amended to permit an increase in ceiling prices no earlier than the 7th day of the month and to require reduction in ceiling prices to be made no later than that date.

In addition Area Milk Price Regulation 5 has been amended to clarify the information required with respect to the filing of changes of ceiling prices. Such filings were required prior to this amendment. The provisions relating thereto have been clarified and the time within which the filings must be made has been stated with more precision. Prior to this amendment, AMPR 5 did not itself contain a parity filing requirement, but merely stated that the parity pass-through provisions were subject to the filing requirements of section 8 (a) of Supplementary Regulation 63. For clarity, the filing provisions now have been incorporated into AMPR 5. Moreover, the time within which the filings must be made has been clarified.

In the judgment of the District Director, the provisions of this amendment to Area Milk Price Regulation No. 5 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. In the formulation of this amendment, the District Director has consulted industry representatives, including trade association representatives, to the fullest extent practicable and has given due consideration to its recommendation.

AMENDATORY PROVISIONS

Area Milk Price Regulation 5, issued under Supplementary Regulation 63 to the General Ceiling Price Regulation, is amended in the following respects:

1. The following sentences are added at the end of the first paragraph of section 7 of Area Milk Price Regulation 5: "In any month in which the official producer price announcement requires a decrease in your ceiling prices, you must put such decreases into effect no later than the 7th day of the month. In any month in which the official price announcement permits an increase in your ceiling prices, you may not put such increases into effect prior to the 7th day of the month."

2. The third paragraph of section 7 of Area Milk Price Regulation 5 is amended to read as follows:

Prior to charging any increased prices permitted under Section 8 (a) of Supplementary Regulation 63, you must file with the District Director of the Office of Price Stabilization, 188 West Randolph Street, Chicago, Illinois, a report including the following information:

(a) The name and description of the product being priced;

(b) The container size of the product;

(c) The butterfat content of the product;

(d) Your proposed ceiling price for the product.

If you are required to decrease your ceiling prices as a result of the operation of section 8 (a) of Supplementary Regulation 63, you must file the report specified in this paragraph within 5 days after you are required to make the decreases.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Area Milk Price Regulation 5, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, shall become effective June 4, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

B. EMMET HARTNETT,
District Director,
Office of Price Stabilization.

JUNE 4, 1952.

[F. R. Doc. 52-6263; Filed, June 4, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 24]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 24—STARK MILK MARKETING AREA, STATE OF NORTH DAKOTA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

In the area covered, Stark County, North Dakota, this regulation establishes ceiling prices for fluid milk and cream when sold by processors, distributors, or retail stores. The ceiling prices apply to all sales made within the area. The items covered are those listed in the regulation: generally speaking, fluid milk and cream when sold for fluid consumption.

SR 63 to the General Ceiling Price Regulation permits processors to apply for an adjustment of their ceiling prices, and authorizes the District Director to make an adjustment reflecting increased costs of direct labor, raw materials, and cans, cases, and containers. Other cost increases are not considered. Supplementary Regulation 63 also authorizes the District Director to establish uniform ceiling prices in the area.

The only two major processor-distributors in the area have petitioned for action leading to this area milk price regulation. (The several farm dairies also in the area have not petitioned; their financial records are not in such form as to permit determination of cost increases applying to milk.)

On careful consideration of the data submitted by the applicants, the District Director has found that the applicants are entitled to an adjustment of their ceiling prices. The cost of raw materials has not increased since January, 1950 and no adjustment is made on this basis. However, the other costs listed above have increased sufficiently to justify an increase. Fluid milk has been increased one cent per quart. Fluid cream has been increased two cents per one-half pint.

It is significant that the milk producers in the area are receiving the highest price in the state for their raw milk. They are receiving $4.80 per cwt. and have been selling at this price since January, 1950. At the same time, consumers in the area have been buying fluid milk at prices among the lowest in the state. Even after this adjustment the prices are not out of line with the rest of the state. The relatively high producer price is necessary to maintain production. There has been a decided tendency in recent years for farmers in the western part of North Dakota to switch from dairying to beef production. The large numbers of empty dairy barns in that part of the state attest to the ease with which the change-over can be made.

Milk is home delivered in only two cities in the area, Dickinson and Belfield. Therefore, it becomes important to establish ceiling prices for sales by retail stores. On most items the stores will retain the margins which they have historically received.

The marketing area set forth by this regulation is that requested by the applicants, and was determined after careful consideration of all relevant factors.

Every effort has been made to conform this regulation to existing business practices, cost practices and methods, and means and aids to distribution.

Insofar as any provision of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization, Fargo, North Dakota, to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Office of Price Stabilization, the provisions of this Area Milk Price Regulation No. 24 in Region VIII are generally fair and equitable and are necessary to effectuate the purpose of

Title IV of the Defense Production Act of 1950 as amended by the Defense Production Act amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950 as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

REGULATORY PROVISIONS

Sec.
1. What this Area Milk Price Regulation does.
2. Where this Area Milk Price Regulation applies.
3. Sales and sellers covered by this Area Milk Price Regulation.
4. Ceiling prices for sales of milk products for fluid consumption by processors, distributors and operators of retail stores.
5. Sellers who cannot price under other sections.
6. Reporting requirements.
7. Customary price differentials.
8. Rounding of fractions.
9. Specified producer prices.
10. Parity adjustments for distributors and operators of retail stores.
11. Transfers of business or stock in trade.
12. Records.
13. Sales slips and receipts.
14. Reference to the General Ceiling Price Regulation.
15. Reference to definitions in Supplementary Regulation 63.
16. Evasion.
17. Charges lower than ceiling prices.
18. Power of Director to disapprove and revise reported prices.
19. Prohibitions.
20. Penalties.

AUTHORITY: Sections 1 to 20 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this Area Milk Price Regulation does.* This Area Milk Price Regulation issued under the authority of Supplementary Regulation 63 to the General Ceiling Price Regulation provides specific dollars and cents ceiling prices for milk, sweet cream, buttermilk and chocolate milk in the Stark Milk Marketing Area.

SEC. 2. *Where this Area Milk Price Regulation applies.* The Stark Milk Marketing Area to which the provisions of this Area Milk Price Regulation are applicable, is limited to Stark County, North Dakota.

SEC. 3. *Sales and sellers covered by this Area Milk Price Regulation.* This Area Milk Price Regulation covers all sales and deliveries in the Stark Milk Marketing Area of milk products for fluid consumption by processors, distributors and operators of retail stores, excepting sales of packaged cottage, pot and baker's cheese by operators of retail stores. It also covers sales of milk products to be delivered to a purchaser located in the Stark Milk Marketing Area although the seller is located outside the area. The regulation does not, however, cover sales of milk products for fluid consumption to be delivered by the seller from a location within the Stark Milk Marketing Area to a purchaser located outside the area.

Sales of milk products delivered to a purchaser located outside of the Stark Milk Marketing Area are controlled either by the General Ceiling Price Regulation, without reference to Supplementary Regulation 63 and to this Area Milk Price Regulation, or by the Area Milk Price Regulation applicable to the particular place where delivery is made.

SEC. 4. *Ceiling prices for sales of milk products for fluid consumption by processors, distributors and operators of retail stores.* (a) *Home delivered, delivered wholesale and store carry-outs.* Your ceiling prices for the sale of any of the following listed milk products for fluid consumption in a designated container size delivered at wholesale, delivered to the ultimate consumer at his home, or sold by the operator of a retail store at his store to the ultimate consumer, are set forth in Table A below. "Delivered at wholesale" means delivered to the retail store or delivered to an institutional, commercial or industrial user.

TABLE A

	Ceiling price		
	Delivered		Retail, store carry-out
	Wholesale	Home	
Milk, 3.5 test:			
Standard pasteurized:			
Gallons	$0.53		
Quarts in glass (1 to 3)	.15	$0.17	$0.17
Quarts in glass (4 or more)	.15	.16	.17
Homogenized:			
Gallons	.63		
Quarts			
In paper (1 to 3)	.17	.19	.19
In paper (4 or more)	.17	.18	.19
In glass (1 to 3)	.16	.18	.18
In glass (4 or more)	.16	.17	.18
½ pints (paper or glass)	.04½		
Cream, sweet, 33 percent butterfat:			
Gallons	3.30		
Quarts	.85	.90	.90
½ pints	.23	.26	.26
Buttermilk:			
Quarts (1 to 3)	.15	.17	.17
Quarts (4 or more)	.15	.16	.17
Chocolate milk:			
Quarts (1 to 3)	.17	.19	.19
Quarts (4 or more)	.17	.18	.19
½ pints	.04½		

(b) *Other sales.* Your ceiling price for any item of a milk product for fluid consumption or for any type of sale (such as a sale f. o. b. processor's plant or a sale to a distributor) not covered by section 4 (a) of this regulation is your ceiling price for that sale determined under the provisions of the General Ceiling Price Regulation and in effect on the day immediately preceding the effective date of this Area Milk Price Regulation.

SEC. 5. *Sellers who cannot price under other sections.* If you are unable to establish a ceiling price for the sale of an item covered by this regulation either because you did not have a ceiling price under the General Ceiling Price Regulation or because you do not sell a product listed in section 4 in any of the container sizes therein listed, or for any other reason, you may apply in writing to this District Office of the Office of Price Stabilization for a determination of a ceiling price for the sale of that product or of the method you shall use for computing a ceiling price for the item. This application shall contain an explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the item; your proposed ceiling price and the method used by you to determine it; and the reason you believe the proposed prices are in line with the level of ceiling prices otherwise established by this regulation. You may not sell the milk product until the Director has issued a letter order establishing ceiling prices for the sale of the item.

SEC. 6. *Reporting requirements.*—(a) *Prices determined under section 4 (b).* Within ten days after the effective date of this regulation or the first sale by you, of a product priced under section 4 (b), whichever is later, you shall send by registered mail to the Fargo District Office of the Office of Price Stabilization, Fargo, North Dakota, a report showing your ceiling prices established under section 4 (b).

(b) *Parity adjustments reports.* Within five days after the date on which a producer price incurred for your most current customary purchase of milk differs from the producer price specified in section 9 of this regulation, you shall, if you are a processor, deposit in the mail a registered letter to the Fargo District Director of the Office of Price Stabilization, Fargo, North Dakota, giving the following information: (1) The producer price paid by you for your most current customary purchase of milk; (2) your ceiling price, as determined under section 4 or as established under section 5 of this regulation, for each item of a milk product for fluid consumption being sold by you; and (3) the adjusted ceiling price for each such item. The adjusted ceiling price must be made in accordance with the method prescribed in section 8 of Supplementary Regulation 63 to the General Ceiling Price Regulation.

SEC. 7. *Customary price differentials.* Your ceiling price for a milk product for fluid consumption, when determined, shall reflect your customary price differentials, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery.

SEC. 8. *Rounding of fractions.* Fractions remaining after the computation of the ceiling price for the total number of units of any milk product being sold has been determined (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half or more. If, however, you bill any purchaser for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption sold to that purchaser during the preceding month or other billing period has been determined shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 9. *Specified producer prices.* The prices set forth in this regulation for sales by processors are predicated upon a uniform producer paying price of $4.80 per hundredweight for 3.5 percent butterfat milk. As this uniform producer paying price increases or decreases, parity adjustments of ceiling prices for sales by processors must be made under section 8 (a) of Supplementary Regulation 63. In making price increases or decreases on products which contain either more or less than 3.5 percent butterfat, you must make appropriate allowance for the value of the butterfat and the skim milk in the product.

SEC. 10. *Parity adjustments for distributors and operators of retail stores.* This section applies to you if (a) you are a distributor of an item of milk product for fluid consumption or an operator of a retail store who sells an item of milk product for fluid consumption; (b) the cost to you of a current customary purchase of the milk item differs from the highest ceiling price established by section 4 (or 5) of this regulation for a purchase from a customary source of supply; and (c) the change in cost to you is due to the operation of the provisions of section 9 of this Area Milk Price Regulation relating to parity adjustments for processors.

In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices established by section 4 (or 5) of this regulation by the dollars and cents difference per item in these costs.

SEC. 11. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk products for fluid consumption, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this Area Milk Price Regulation if no such sale or transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 12. *Records.* (a) With respect to milk products covered by this Area Milk Price Regulation, the provisions of Section 16 of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to milk products covered by this Area Milk Price Regulation, prices and material and labor costs in the period January 1 to June 30, 1950, inclusive; also records showing costs, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation.

SEC. 13. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 14. *Reference to the General Ceiling Price Regulation.* Except insofar as inconsistent with the provisions of this Area Milk Price Regulation all sections of the General Ceiling Price Regulation as amended including, but not restricted to sections 15, 16, 17, and 19, are incorporated in and made a part of this Area Milk Price Regulation as though fully recited herein.

SEC. 15. *Reference to definitions in Supplementary Regulation 63.* The terms used in this Area Milk Price Regulation carry the same meaning as the definitions of those terms contained in Supplementary Regulation 63 to the General Ceiling Price Regulation.

SEC. 16. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by this area milk price regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 17. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 18. *Power of Director to disapprove and revise reported prices.* The Director of the Fargo District Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices reported pursuant to the provisions of section 12 of this regulation, so as to bring prices so reported into line with the level of ceiling prices for items of milk products otherwise prevailing in the area, pursuant to the provisions of this regulation.

SEC. 19. *Prohibitions.* After the effective date of this Area Milk Price Regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product for fluid consumption at a price exceeding the ceiling price established by this regulation.

SEC. 20. *Penalties.* Persons violating any provision of this Area Milk Price Regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

Effective date. This Area Milk Price Regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is effective June 9, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by Bureau of the Budget in accordance with the Federal Reports Act of 1942.

J. C. EATON,
District Director, Office of Price Stabilization, Fargo, N. Dak.

JUNE 4, 1952.

[F. R. Doc. 52-6262; Filed, June 4, 1952, 11:28 a. m.]

[General Overriding Regulation 30]

GOR 30—TRANSLATION OF F. O. B. INTO DELIVERED CEILING PRICES FOR CERTAIN FOOD ITEMS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this General Overriding Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation provides a method by which manufacturers of dry grocery food products (as defined in section 11) whose ceiling prices are set on an f. o. b. shipping point basis may apply to have these ceiling prices translated into ceiling prices for sales on a delivered basis.

At the time of the general freeze imposed by the General Ceiling Price Regulation, some manufacturers of certain grocery products were in the process of changing their traditional method of billing from an f. o. b. shipping point basis to a delivered basis. The ceiling prices established under both the General Ceiling Price Regulation and Ceiling Price Regulation 22 (which covers most food manufacturers) were based on the method of sale in existence in a specified base period. Thus, those manufacturers who were in the process of transition from one method of sale to the other were unable to continue this transition. In addition, manufacturers who had planned or who might wish to change their method of sale could not do so.

In order that the manufacturer's freedom of action shall be limited to the least extent compatible with price control, this regulation provides the manufacturer who was previously selling on an f. o. b. basis with a method by which he may calculate a ceiling price for an item or a combination of items sold on

a delivered basis to a particular zone or area. In making his calculation, the manufacturer will first determine what it would have cost him to ship an item or a combination of items to a particular zone or area during a previous twelve-month period. He will then divide this amount by the amount of his net sales of the item or combination of items to that zone or area during the same period. This will give him a freight adjustment factor per dollar of sales which, when multiplied with the f. o. b. price, for an item, will result in the amount which may be added to the f. o. b. price to convert it to a delivered price. Because the manufacturer often would have sold to a great number of purchasers in a given zone or area it may be difficult to determine the exact amount of net sales to that zone or area. Consequently, the regulation suggests a procedure by the use of which the manufacturer may accurately estimate his net sales, and his freight charges.

FINDINGS OF THE DIRECTOR

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director to be necessary to prevent circumvention or evasion of this regulation.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Who is covered by this regulation.
3. Where this regulation applies.
4. How you determine your delivered ceiling prices.
5. How you determine your transportation charge factor for an area or zone.
6. Procedure to be used in determining net sales and transportation costs to a zone or area.
7. Alternative methods for computing proposed delivered ceiling prices.
8. Modification of ceiling prices by the Director of Price Stabilization.
9. Reports.
10. Records.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides a method by the use of which manufacturers of certain grocery products may convert f. o. b. ceiling prices into delivered prices for commodities covered by this regulation being shipped to areas or zones (see section 11, *Definitions*).

SEC. 2. *Who is covered by this regulation.* This regulation applies to you if you manufacture dry grocery food products (see section 11, *Definitions*).

SEC. 3. *Where this regulation applies.* The provisions of this regulation apply in the 48 States of the United States and in the District of Columbia.

SEC. 4. *How you determine your delivered ceiling price.* Except as provided in section 7 you will determine your delivered ceiling price for an item for which you presently have an f. o. b. ceiling price by multiplying that f. o. b. ceiling price by the transportation charge factor (see section 5) for the item or combination of items for the area or zone to which you are shipping. You may not, however, apply the transportation charge factor obtained for a combination of items to an item not included in that combination unless the transportation charge factor for that item is the same or higher than the transportation charge factor for the combination of items.

SEC. 5. *How you determine your transportation charge factor for an area or zone.* You will determine your transportation charge factor in the following manner:

(a) Find the amount it would have cost you (calculated under section 6 (b) and figured at the minimum applicable rates in effect on the date of calculation) to transport by common carrier an item or combination of items which you sold on a f. o. b. basis to purchasers in a particular zone or area during a twelve-month period (ending not earlier than December 31, 1950) preceding this calculation if you had sold the item or combination of items on a delivered basis. In making this calculation, you will use as your f. o. b. shipping point your plant or warehouse having the lowest transportation cost to the zone or area to which you are shipping. Moreover, you will include only the common carrier rates for transportation and the Federal transportation tax thereon and you will exclude any charge for services, such as consolidation, breaking, bulk, loading, unloading, warehousing, or any other service in connection with or incidental to the transportation.

(b) Divide the amount arrived at in paragraph (a) of this section by the total amount of your net sales (calculated under section 6 (a)) of the same item or same combination of items in that zone or area during that same twelve-month period.

(c) Add 1.00 to the figures derived in paragraph (b). This resulting figure is your transportation charge factor.

SEC. 6. *Procedure to be used in determining net sales and transportation charges to a zone or area.* (a) This paragraph illustrates a sampling method which you may use to calculate your total net sales of an item or a combination of items to a zone or area.

(1) List in alphabetical order the receiving points in that zone or area to which you shipped that item or combination of items during the 12-month period mentioned in section 5 (a). Number this list in the same order.

(2) If you shipped to less than 26 receiving points in the zone or area, compute the sum of your total net dollar sales to all of them.

(3) If you shipped to from 26 to 50 (inclusive) receiving points in the zone or area, compute your total net dollar sales to each of these receiving points which (when taken in alphabetical order) are a continuation of the following series of numbers: 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 16, etc., (i. e., drop every fifth receiving point in making these calculations of your total dollar sales).

(4) If you shipped to from 51 to 100 (inclusive) receiving points in the zone or area, compute the total net dollar sales to each of these receiving points which (when taken in alphabetical order) are a continuation of the following series of numbers: 1, 3, 5, 7, 9, 11, etc., (i. e., use every other receiving point in making these calculations of your total dollar sales).

(5) If you shipped to from 101-300 (inclusive) receiving points in the zone or area, compute the total net dollar sales of each of these receiving points which (when taken in alphabetical order) are a continuation of the following series of numbers: 1, 4, 7, 10, 13, 16, etc., (i. e., use every third receiving point in making these calculations of your total dollar sales).

(6) If you shipped to from 301-500 (inclusive) receiving points in the zone or area, compute the total net dollar sales to each of those points which (when taken in alphabetical order) are a continuation of the following series of numbers: 1, 6, 11, 16, 21, 26, etc. (i. e., use every fifth receiving point in making these calculations of your total dollar sales).

(7) If you shipped to more than 500 receiving points in the zone or area, compute the total net dollar sales to each of those points which (when taken in alphabetical order) are a continuation of the following series of numbers: 1, 11, 21, 31, 41, etc., (i. e., use every tenth receiving point in making these calculations of your total dollar sales.

(b) This paragraph illustrates a sampling method which you may use to calculate your cost to transport by common carrier the same item or combination of items to the same zone or area during the same twelve-month period if you had shipped that item or combination of items on a delivered basis. If the information necessary for the use of this method is not readily available to you, you may suggest an alternative sampling method as provided by section 7.

(1) Use the list which you made under section 6 (a) (1).

(2) If you shipped to less than 26 receiving points in the zone or area, find the sum of the dollar freight charges you would have paid to ship to all of them. (You will take each receiving point and multiply the shipments of each product to it by the lowest applicable common carrier rate in effect on the date of calculation).

(3) If you have calculated your total dollar sales under paragraph (a) (2), (4), (5), (6), or (7), find the sum of the total dollar freight charges you would have paid to ship the item or combination of items represented in your total dollar sales calculated under those paragraphs to the same receiving points used in those calculations.

SEC. 7. *Alternate method for computing proposed delivered ceiling prices.* (a) If you find that you are unable to calculate proposed ceiling prices in the manner required by this regulation, you may apply for permission to use another method. This application should be sent by registered mail to the Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C. If you make such an application, identify it as filed under this regulation and this section.

(b) In your application you will describe in detail the method which you propose to use and the reason why you cannot use the method set forth in this regulation to calculate proposed delivered ceiling prices. Do not use the proposed method until you are notified in writing by the Director of Price Stabilization that you may do so. He may, before approving or disapproving your proposed method, request additional information from you.

SEC. 8. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this regulation so as to bring them in line with the level of ceiling prices otherwise established by the General Ceiling Price Regulation, Ceiling Price Regulation 22, or other applicable regulations.

SEC. 9. *Reports.* If you determine a delivered ceiling price under section 4 of this regulation, you must file with the Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., before you sell the item or combination of items on a delivered price basis, a report containing the following information:

(a) The name of the item or combination of items for which you are calculating a delivered ceiling price;

(b) A description of the geographical limits of the area or zone to which you desire a delivered ceiling price;

(c) The location of your plant or warehouse having the lowest transportation cost for that item or combination of items to the area or zone to which you desire a delivered ceiling price;

(d) Your FOB ceiling price for that item or for each of the combination of items from your plant or warehouse mentioned in paragraph (c) of this section;

(e) The total amount (calculated under section 6 (b)) it would have cost you to transport by common carrier that item or combination of items which you sold on an FOB basis to purchasers in that particular zone or area during a twelve-month period, ending not earlier than December 31, 1950, preceding the date of your calculation if you had sold the item or items on a delivered basis.

(f) The total amount of your net sales of that item or each of the combination of items (calculated under section 6 (a)) in that zone or area during the twelve-month period mentioned in paragraph (e).

(g) The ceiling prices that you have calculated for that item or combination of items in that zone or area.

SEC. 10. *Records.* In addition to records required by other applicable OPS regulations, every manufacturer who obtains a delivered ceiling price under the provisions of this regulation shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale made on a delivered basis after receiving that delivered ceiling price. The records must show the date of the sale, the shipping point, name and address of the purchaser, the price charged or received and that the sale was on a delivered basis. Customary records must also be kept showing total transportation charges paid or incurred for all sales made on a delivered basis. Records must also show all premiums, discounts and allowances.

SEC. 11. *Definitions.* For purposes of this regulation, the following terms have the indicated meaning:

(a) "Area or zone" is a single integrated geographical area. If, in the past, you have used well defined territories for shipping, calculating transportation costs, or the like, you must continue to use the same territories as your "area or zones" under this regulation.

(b) "Delivered ceiling price" means the ceiling price for a commodity delivered to the place where the buyer customarily receives that commodity within the specified zone or area.

(c) "Dry grocery food products" means those food commodities which (1) are customarily sold in grocery stores; and (2) are not subject to appreciable spoilage if kept in inventory on display for longer than one month. Fresh, frozen, or processed meats including dry sausage, and fresh or frozen poultry, fish, fruits and vegetables are not included within the term "dry grocery food products".

(d) "Net sales". This term refers to gross sales after trade discounts, less returns and allowances, exclusive of transportation charges.

(e) "Receiving point". This term refers to the city, town, or village in which a common carrier's unloading terminal is located.

(f) "Item" means the product being priced including its brand name and the number and size (or weight) of packages contained in a sales unit.

Effective date. This General Overriding Regulation shall become effective June 9, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 4, 1952.

[F. R. Doc. 52-6264; Filed, June 4, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 9]

INT. 9—EMPLOYEES SUBJECT TO GENERAL SALARY STABILIZATION REGULATION 5

1. Q. A company employs the following personnel:

(a) Fifty drivers (not members of a labor union) who distribute its product locally on prescribed routes and also solicit orders from customers on their routes;

(b) Ten outside salesmen who devote all their working time to selling its product in territories outside of the local area;

(c) Ten salesmen who solicit orders from customers in the company's display room.

All of these employees are partially compensated by commission payments on the sales which they make. Which of these employees are subject to General Salary Stabilization Regulation 5 (Compensation of Sales Employees)?

A. Only the outside salesmen [paragraph (b) above] are subject to General Salary Stabilization Regulation 5.

The drivers who distribute the company's product on routes in the local area are "driver salesmen" over whom the Wage Stabilization Board currently exercises exclusive jurisdiction. (See SSB Resolution, 16 F. R. 12916 and WSB Resolution No. 77).

The "inside" salesmen are not subject to the jurisdiction of the Salary Stabilization Board, since they are not employed in a bona fide executive, administrative or professional or outside salesman capacity within the meaning of the regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended.

2. Q. B is employed as a salesman by an automobile sales agency. The major portion of his work consists of the solicitation of orders in the showroom of the employer. However, in the course of his work he gives road demonstrations to prospective buyers and also follows up some of these prospects by personal calls at their homes or places of business. May he be regarded as an outside salesman for purposes of General Salary Stabilization Regulation 5?

A. No. The major part of his selling activities is conducted at, and only incidentally away from his employer's place of business and, therefore, he cannot qualify as an outside salesman within the meaning of the regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended.

3. Q. An employee is engaged in selling his employer's product in an assigned territory, and, as an incident to such activities, makes collections at the time of soliciting orders. Is the work activity involved in making such collections regarded as selling?

A. Yes. Work performed incidental to and in conjunction with the employee's outside sales and solicitations is regarded as part of the employee's selling activities.

4. Q. Must an employee devote all his working time to selling goods or to obtaining orders or contracts for service or for the use of facilities in order to qualify as an "outside salesman"?

A. No. However, such an employee may not devote more than 20% of his time to work activities other than outside selling.

5. Q. A company employs collectors to receive payments due from its customers on merchandise purchased on the installment plan. The collectors from time to time also bring customers to the employer's store and there either the collectors or inside sales employees close the sale with the new customer. The collectors are compensated on the basis of a percentage of their collections, and in addition, receive a commission on purchases made by the customers whom they bring into the employer's store. Are the collectors sales employees for purposes of General Salary Stabilization Regulation 5?

A. No. The collection activities of such employees do not constitute outside selling, and sales to customers made at the employer's store do not constitute sales made away from the employer's place of business. Therefore, the collectors are not "outside salesmen". Since they are not employed in any other capacity which would place them under the jurisdiction of the Salary Stabilization Board, they cannot be regarded as sales employees for purposes of General Salary Stabilization Regulation 5.

6. Q. A large retail establishment employs a head buyer who supervises all other buyers in the purchase of merchandise. He is compensated solely by commissions based on the dollar volume of sales. Which General Salary Stabilization Regulation or Order governs the payment of his compensation?

A. General Salary Stabilization Regulation 5. This regulation governs the compensation of all employees under the jurisdiction of the Salary Stabilization Board who are compensated in whole or in part on a commission basis, even though they are not outside salesmen.

7. Q. X, the vice president in charge of sales of the company, receives as his compensation an annual salary of $10,000 and a commission of 1 percent on the annual dollar volume of the company's sales. Which General Salary Stabilization Regulation or Order governs the payment of his compensation?

A. Since X receives part of his compensation in the form of commission earnings, General Salary Stabilization Regulation 5 governs. See section 6 (b) of the regulation as to the application of other General Salary Stabilization Regulations and General Salary Orders to adjustments in the fixed salary portion of X's compensation.

8. Q. Are outside salesmen who receive only a fixed salary as compensation governed by General Salary Stabilization Regulation 5?

A. Section 4 of General Salary Stabilization Regulation 5 states that the provisions of other General Salary Stabilization Regulations permitting general increases or individual adjustments in salaries and other compensation shall be applicable to sales employees compensated upon a straight salary basis.

(Sec. 704, 64 Stat. 816, as amended; 60 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on June 2, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-6267; Filed, June 4, 1952; 11:50 a. m.]

Subchapter B—Wage Stabilization Board

[General Wage Regulation No. 7, Amdt. 1]

GWR 7—ADJUSTMENTS FOR EMPLOYEES OF RELIGIOUS, CHARITABLE AND EDUCATIONAL ORGANIZATIONS

ADJUSTMENTS FOR EMPLOYEES OF CREDIT UNIONS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment 1 to General Wage Regulation No. 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

An application having been presented to the Board to permit greater flexibility in the adjustment of wages of employees of credit unions organized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and after due consideration of the application, the Board has concluded that wage adjustments for such employees should be governed by the provisions of GWR 7. In the formulation of this amendment to GWR 7, the Board has given due consideration to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

AMENDATORY PROVISION

Section 1 is amended to read as follows:

SECTION 1. *Wage adjustments by religious, charitable and educational organizations permissible without prior approval.* Religious, charitable, scientific, literary, educational organizations, and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code, and credit unions organized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and which are exempt from Federal income taxes under section 101 (4) or (15) of the Internal Revenue Code may adjust the wages, salaries or other compensation of their employees without prior approval of the Wage Stabilization Board, except as provided in sections 2 and 3.

Unanimously approved by the Wage Stabilization Board on May 13, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6266; Filed, June 4, 1952; 11:53 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Dir. 2, Amdt. 1]

M-6A—STEEL DISTRIBUTORS

DIR. 2—FLOOD-DAMAGED AREA RELIEF

This amendment to direction 2 of NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects Direction 2 of May 7, 1952, of NPA Order M-6A by amending paragraph (b) of section 2 to read as follows:

(b) "Disaster area" means any area which, as a result of a flood disaster occuring during the second calendar quarter of 1952, has, on or before May 23, 1952, been designated by the President under Public Law 875, 81st Congress, as a major disaster area.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6261; Filed, June 4, 1952; 11:22 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 50 to Schedule A]

[Rent Regulation 2, Amdt. 48 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

The effect of these amendments is to divide the former Norfolk-Portsmouth, Virginia, Defense-Rental Area into the two defense-rental areas described below.

Effective June 5, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 2d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Virginia				
(342) Norfolk	A	Independent cities of Norfolk, South Norfolk, and Virginia Beach; the county of Princess Anne; and in Norfolk County, the magisterial districts of Butts Road, Tanners Creek, and Washington.	July 1, 1951	Nov. 1, 1951
(342a) Portsmouth	A	Independent city of Portsmouth, and in Norfolk County, the magisterial districts of Deep Creek, Pleasant Grove, and Western Branch.	do	Do.

[F. R. Doc. 52-6158; Filed, June 4, 1952; 8:51 a. m.]

[Rent Regulation 1, Amdt. 11 to Schedule B]

[Rent Regulation 2, Amdt. 10 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

VIRGINIA

Effective June 5, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule B read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 2d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Items 49 and 50, respectively, of Schedule B of Rent Regulation 1 are changed to read as follows:

49. *Provisions relating to the independent City of Virginia Beach and Princess Anne County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

Effective May 1, 1952, wherever the words "June 1 to September 30" appear in section 41 of this regulation, the words "May 1 to September 30" are substituted. All provisions of this regulation insofar as they are applicable to the independent City of Virginia Beach and Princess Anne County, Virginia, are hereby amended to the extent necessary to carry this provision into effect.

50. *Provisions relating to the independent City of Norfolk, Virginia, a portion of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

(a) The application of the provisions of section 41 of this regulation, as herein modified, is reinstated.

(b) Wherever the words "June 1 to September 30" appear in section 41, the words "May 1 to September 30" are substituted.

(c) All provisions of this regulation insofar as they are applicable to the independent City of Norfolk, Virginia, are hereby amended to the extent necessary to carry these provisions of Item 50 into effect.

2. Items 53 and 54, respectively, of Schedule B of Rent Regulation 2 are changed to read as follows:

53. *Provisions relating to the independent City of Virginia Beach and Princess Anne County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

Effective May 1, 1952, wherever the words "June 1 to September 30" appear in sections 42 and 99, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 99 the words "October 1 to April 30" are substituted.

All provisions of this regulation insofar as they are applicable to the independent City of Virginia Beach and Princess Anne County, Virginia, are hereby amended to the extent necessary to carry this provision into effect.

54. *Provisions relating to the independent City of Norfolk, Virginia, a portion of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

(a) The application of the provisions of section 42 of this regulation, as herein modified, is reinstated.

(b) Wherever the words "June 1 to September 30" appear in sections 42 and 99, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 99, the words "October 1 to April 30" are substituted.

(c) All provisions of this regulation insofar as they are applicable to the independent City of Norfolk, Virginia, are hereby amended to the extent necessary to carry the provisions of this Item 54 into effect.

[F. R. Doc. 52-6156; Filed, June 4, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 9 to Schedule B]

[Rent Regulation 4, Amdt. 2 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

VIRGINIA

Effective June 5, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule B read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 2d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Items 5 and 6, respectively, of Schedule B of Rent Regulation 3 are changed to read as follows:

5. *Provisions relating to the independent City of Virginia Beach and Princess Anne County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

Effective May 1, 1952, wherever the words "June 1 to September 30" appear in sections 27 and 53 the words "May 1 to September 30" are substituted and in section 53 wherever the words "October 1 to May 31" appear the words "October 1 to April 30" are substituted.

All provisions of this regulation insofar as they are applicable to the independent City of Virginia Beach and Princess Anne County, Virginia, are hereby amended to the extent necessary to carry this provision into effect.

6. *Provisions relating to the independent City of Norfolk, Virginia, a portion of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

(a) The application of the provisions of section 27 of this regulation, as herein modified, is reinstated.

(b) Wherever the words "June 1 to September 30" appear in sections 27 and 53 the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 53 the words "October 1 to April 30" are substituted.

(c) All provisions of this regulation insofar as they are applicable to the independent City of Norfolk, Virginia, are hereby amended to the extent necessary to carry these provisions of Item 6 into effect.

2. Items 5 and 6, respectively, of Schedule B of Rent Regulation 4 are changed to read as follows:

5. *Provisions relating to the independent City of Virginia Beach and Princess Anne County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

Effective May 1, 1952, wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 55 the words "October 1 to April 30" are substituted.

All provisions of this regulation insofar as they are applicable to the independent City of Virginia Beach and Princess Anne County, Virginia, are hereby amended to the extent necessary to carry this provision into effect.

6. *Provisions relating to the independent City of Norfolk, Virginia, a portion of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A).*

(a) The provisions of section 26 of this regulation, as herein modified, are hereby made to apply.

(b) Wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 55, the words "October 1 to April 30" are substituted.

(c) All provisions of this regulation insofar as they are applicable to the independent City of Norfolk, Virginia, are hereby amended to the extent necessary to carry these provisions of Item 6 into effect.

[F. R. Doc. 52-6155; Filed, June 4, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 62 to Schedule A]

[Rent Regulation 4, Amdt. 4 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

The effect of these amendments is to divide the former Norfolk-Portsmouth,

Virginia Defense-Rental Area into the two defense-rental areas described below.

Effective June 5, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(342) Norfolk	Virginia	Independent cities of Norfolk, South Norfolk, and Virginia Beach; the county of Princess Anne; and in Norfolk County, the magisterial districts of Butts Road, Tanners Creek, and Washington.	July 1, 1951	Nov. 1, 1951
(342a) Portsmouth	do	Independent city of Portsmouth, and in Norfolk County, the magesterial districts of Deep Creek, Pleasant Grove, and Western Branch.	do	Do.

[F. R. Doc. 52-6157; Filed, June 4, 1952; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PUGET SOUND AREA, WASHINGTON

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (33 U. S. C. 471), § 202.230 is amended, establishing a general anchorage and an explosives anchorage in Bellingham Bay, Washington, and further amending the existing regulations for explosives anchorages in the Puget Sound Areas, as follows:

§ 202.230 *Puget Sound Area, Washington*—(a) *The anchorage grounds*—(1) *Freshwater Bay emergency explosives anchorage, Strait of Juan de Fuca.* • • •

(1a) *Bellingham Bay general anchorage.* The waters of Bellingham Bay within a circular area with a radius of 2,000 yards, having its center at latitude 48°44'15", longitude 122°32'25".

(1b) *Bellingham Bay explosives anchorage.* The waters of Bellingham Bay within a circular area with a radius of 1,000 yards, having its center at latitude 48°42'48", longitude 122°33'37".

(2) *Port Townsend explosives anchorages.* • • •

(b) *The regulations.* (1) No vessel shall anchor in any general anchorage described in paragraph (a) of this section without prior permission from the Captain of the Port, or his authorized representative. No vessel shall occupy any general anchorage for a period longer than 30 days unless a permit is obtained from the Captain of the Port for that purpose. No vessel in a condition such that it is likely to sink or otherwise become a menace or obstruction to the navigation or anchorage of other vessels shall occupy a general anchorage except in an emergency and then only for such period as may be permitted by the Captain of the Port. A berth in a general anchorage, if available, may be assigned to any vessel by the Captain of the Port upon application and he may grant revocable permits for the continuous use of the same berth.

(2) Explosive anchorages are reserved for vessels carrying explosives. All vessels carrying explosives shall be within these areas when anchored.

(3) Whenever any vessel not fitted with mechanical power, anchors in an explosives anchorage, the Captain of the Port may require the attendance of a tug upon such vessel, when, in his judgment, such action is necessary.

(4) Vessels carrying explosives shall comply with the general regulations in subparagraph (1) of this paragraph, when applicable.

(5) Every vessel at anchor in an explosives anchorage shall display by day a red flag at least 16 square feet in area at its mast head or at least 10 feet above the upper deck if the vessel has no mast, and by night a red light in the same position specified for the flag. These signals shall be in addition to day signals and lights required to be shown by all vessels when at anchor.

(6) Every vessel constructed of wood shall, unless there are steel bulwarks or metallic cases or cargo on board, be fitted with radar reflector screens of metal of sufficient size to permit target indication on the radar screen of commercial type radars.

(7) Fishing and navigation by pleasure and commercial craft are prohibited within the area at all times when vessels which are anchored in the area for the purpose of loading or unloading explosives display a red flag by day and a red light by night, unless special permission is granted by the Captain of the Port.

(8) No explosives handling in any explosive anchorage will be undertaken by any vessel unless personnel from the Captain of the Port are on board to supervise the handling of explosives.

(9) No vessel shall remain at anchor in any explosive anchorage unless there is on board such vessel a competent watchman or a tug in attendance.

(38 Stat. 1053; 33 U. S. C. 471) [Regs., May 9, 1952, 800.2121-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6130; Filed, June 4, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. In § 21.109, the headnote is amended and a new paragraph (d) is added as follows:

§ 21.109 *Determination of subsistence allowance and other criteria respecting institutional on-farm training.* • • •

(d) *Policy with respect to remunerative employment engaged in by the veteran other than in the pursuit of the course.* (1) Regular full-time remunerative employment, or substantially full-time remunerative employment, other than the conduct of the veteran's institutional on-farm training program, is prohibited. Employment on a substantially full-time basis is defined to mean employment in excess of 250 hours during any period of 60 consecutive days. Any employment, other than the conduct of the veteran's institutional on-farm training program, which exceeds a maximum of 180 hours during a 12-months' reporting period, or a pro rata part thereof where the reporting period encompasses less than a full calendar year, whether such employment is performed on an occasional, irregular, or part-time basis, is prohibited.

(2) Occasional, irregular, or part-time employment which does not exceed a maximum of 180 hours during a 12-months' reporting period, or which does not exceed a pro rata part thereof where the reporting period encompasses less than a full calendar year, is presumed to impede or interfere with the veteran's pursuit of his farm training program. However, this presumption may be rebutted, if the instructor finds and certifies (giving reasons for conclusion) to the Veterans Administration that the veteran's pursuit of his course has not been interfered with or impeded.

(3) Day-for-day exchange of labor for farming operations, when performed in accordance with the farm practices of the community and then only to the extent permitted by the school, is considered to be labor in connection with the conduct of the veteran's farm training program, and will not be regarded as remunerative employment.

(4) In any case where a veteran engaged in full-time or substantially full-time remunerative employment as specified in subparagraph (1) of this paragraph, the compensation from such productive labor is not for consideration in determining the rate of subsistence allowance to which the veteran was entitled during the appropriate calendar year, since subsistence allowance is discontinued effective as of the date such employment was commenced. Where the veteran engaged in other than full-time or substantially full-time remunerative employment as specified in subparagraphs (1) and (2) of this paragraph, the amount of compensation from such productive labor will be considered in determining the rate of subsistence allowance to which the veteran was entitled during the appropriate calendar year.

2. In § 21.112 (b), subparagraph (1) is amended to read as follows:

§ 21.112 *Payment of subsistence allowance to persons in the military or naval service.* • • •

(b) • • •

(1) Persons on terminal leave or hospitalized pending final discharge from the active military or naval forces may not receive subsistence allowance in any amount by reason of the specific prohibition of section 1507, Public Law 346, 78th Congress, as added by Public Law 268, 79th Congress.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation effective June 5, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6166; Filed, June 4, 1952; 8:53 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART D—ADVISEMENT AND GUIDANCE

AUTHORITY TO PROVIDE TRANSPORTATION, MEALS, AND LODGING FOR ADVISEMENT AND GUIDANCE PURPOSES

In § 21.728, paragraphs (a), (b), and (d) are amended to read as follows:

§ 21.728 *Authority to provide transportation, meals, and lodging for advisement and guidance purposes.* (a) Transportation at Government expense may be authorized and meals and lodging requests may be issued when a claimant who has been found to have basic entitlement to vocational rehabilitation under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), is requested to report to a field station or to another designated place for advisement and guidance purposes, including determination of need for vocational rehabilitation, determination of medical feasibility for training, reconsideration, revaluation, and personal adjustment counseling. The travel order will provide for return to the place from which travel was authorized. The issuance of travel authorizations for the purpose of providing personal adjustment counseling only, will be restricted to those instances where the cost of transportation (exclusive of the costs of meals and lodging) does not exceed $6 for any one trip.

(b) Regional managers are authorized to provide the services of an attendant to accompany a claimant while such claimant is in travel status for the purposes set forth in paragraph (a) of this section, when in the judgment of the chief, vocational rehabilitation and education division, such services are necessary because of the severity of the claimant's disability.

• • • • •

(d) Transportation, meals, and lodging may be authorized at Government expense for a claimant who is requested to report for advisement and guidance purposes, in accordance with paragraph (a) of this section, even though the claimant elects at the time of advisement to take training under Part VIII.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation effective June 5, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6167; Filed, June 4, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 271]

[Economic Regulations Draft Release No. 51-A]

INSURANCE REQUIREMENTS FOR AIR CARRIERS AND FOREIGN AIR CARRIERS

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING AND EXTENSION OF TIME FOR FILING COMMENTS

JUNE 3, 1952.

By notice dated April 30, 1952 (Economic Regulations Draft Release No. 51) published in the FEDERAL REGISTER on May 7, 1952 at 17 F. R. 4220, the Board gave notice that it had under consideration a proposed addition to the Economic Regulations, being a new Part 271, designated "Insurance Requirements for Air Carriers and Foreign Air Carriers".

The Board having received requests which appear to warrant it, and being particularly desirous of giving all interested persons sufficient time in which to consider the subject matter thoroughly, it is hereby extending the date by which comments may be submitted from June 4, 1952 to July 15, 1952. Additional copies of the original Draft Release No. 51 may be obtained by writing the Secretary, Civil Aeronautics Board, Washington 25, D. C., and all persons desiring to participate in the proposed rule making may do so by the submission in triplicate of written data, views, or arguments addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. Copies of all such communications will be available for examination on and after July 21, 1952 in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-6217; Filed, June 4, 1952; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 93]

[File No. 21-207]

CEDAR CHEST MANUFACTURING INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties affected by or having an interest in the proposed trade practice rules for the Cedar Chest Manufacturing Industry (which constitute a proposed revision of the trade practice rules for the industry as promulgated by the Commission on May 12, 1933), to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 20, 1952. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 20, 1952, in Room 332, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D. C., to any such persons, partnerships, corporations, organizations, or other parties who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry is that engaged in the manufacture and sale of chests, wardrobes, and similar containers which are composed, or are represented as being composed, wholly or in part, of any kind or kinds of cedar and which are primarily designed for the storage of clothing, blankets, linens, and similar products.

Issued: June 2, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6165; Filed, June 4, 1952; 8:55 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

RESTORATION ORDER NO. 1 UNDER FEDERAL POWER ACT; CORRECTION

MAY 29, 1952.

Restoration Order No. 1, Alaska, issued November 16, 1951, restoring certain lands from Power Site Reserve No. 674 and Power Site Classification No. 107 (F. R. Doc. 51-13956, filed November 21, 1951, appearing at 16 F. R. 11840).

On page 2 of the order there is described, among other land, in T. 12 N., R. 3 W., the S½S½ Sec. 27. This description is in error and has been amended to read S½SE¼ Sec. 27.

ROGER R. ROBINSON,
Acting Regional Administrator.

[F. R. Doc. 52-6132; Filed, June 4, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

ALABAMA

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Alabama, in alphabetical order, add the county "Bullock".

In Schedule B, under Alabama, delete the county "Bullock".

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 3d day of June, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6223; Filed, June 3, 1952; 5:10 p. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-17 (Sub-No. 1), No. S-33]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF PREHEARING CONFERENCE

No. S-17 (Sub-No. 1) American President Lines, Ltd.; application for extension of existing authorization to operate Atlantic-Straits Freight Service C-2 (modified), Trade Route No. 17, without operating-differential subsidy; and No. S-33—American President Lines, Ltd.; application for operating-differential subsidy (Freight Service C-2, Trade Route No. 17) under Title VI, Merchant Marine Act, 1936.

Notice is hereby given that a prehearing conference in these proceedings will be held at Washington, D. C., on June 17, 1952, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before examiner C. W. Robinson, upon an application of American President Lines, Ltd., dated January 28, 1952, for extension of existing authority to operate Atlantic-Straits Freight Service C-2 (modified), Trade Route No. 17, and for modification of the authorization made in Docket No. S-17; and upon an application of American President Lines, Ltd., dated January 29, 1952, for financial aid in the operation of freight vessels in the foreign commerce of the United States on Trade Route No. 17, Freight Service C-2. A more particular description of the proposed service for which operating-differential subsidy is herein applied is as follows:

Atlantic-Straits Service. Trade Route No. 17, Freight Service C-2 (modified): New York (other Atlantic ports as traffic offers), via the Panama Canal, California to Philippine Islands, Hongkong, Indonesia, Malaya and return to the Atlantic Coast via Philippine Islands, California and Panama Canal, with the privilege of calling French Indo-China and Siam as traffic offers, and with the further privilege of calling Guam outbound and Hongkong homebound as traffic offers.

The prehearing conference will be conducted in accordance with § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) The question of consolidation of the two proceedings for hearing on a single record;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

Also at the prehearing conference a date will be set for the hearing of these proceedings to receive evidence in Docket No. S-17 (Sub-No. 1) on the requests of American President Lines, Ltd., for (1) authority to continue to perform eastbound intercoastal service in connection with Service C-2, Trade Route No. 17, (2) modification of the itinerary to authorize calls at Guam on outbound voyages, (3) the privilege of serving one additional Philippine port, and (4) the privilege of calling eastbound at San Francisco Bay ports and/or Los Angeles, California; and in Docket No. S-33 to receive evidence relative to determinations which the Board is required, after hearing, to make pursuant to sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended. The hearing to receive such evidence will be conducted in conformity with the Board's rules of procedure (12 F. R. 6076), and the examiner will issue a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in the prehearing conference and in these proceedings should notify the Board accordingly on or before June 16, 1952, and should file petitions promptly for leave to intervene in accordance with § 201.81 of the Board's rules of procedure.

Dated: June 2, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-6172; Filed, June 4, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043).

A. C. M. Corporation, Winder, Ga., effective 5-19-52 to 5-18-53; 10 percent of the productive factory force (men's and boys' pants).

Avoca Sportswear Co., 1013 Main Street, Avoca, Pa., effective 5-22-52 to 5-21-53; six learners (dresses).

Badger Outerwear Manufacturing Co., 209-211 Franklin Street, Port Washington, Wis., effective 5-25-52 to 5-24-53; five learners (sport and utility outerwear jackets).

Brumby & Lippitt Co., Wadley, Ga., effective 5-20-52 to 5-19-53; five learners (men's dress shirts).

C. & S. Sportswear Co., Eleventh and Pine Streets, Philipsburg, Pa., effective 5-21-52 to 11-20-52; 35 learners for expansion purposes (sport shirts).

Goodenow Textiles Co., Monett, Mo., effective 5-21-52 to 11-20-52; 15 learners. Learners to be used in the manufacture of products covered under § 522.161 (2) only (men's woven pajamas).

Gordon & Ferguson, Inc., 230 East Fifth Street, St. Paul 1, Minn., effective 5-22-52 to 5-21-53; 10 percent of the productive factory force (sportswear).

Johnnye Manufacturing Co., Sesser, Ill., effective 5-21-52 to 11-20-52; 10 learners for expansion purposes (dresses).

Johnnye Manufacturing Co., Sesser, Ill., effective 5-21-52 to 5-20-53; 10 learners (dresses).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La., effective 5-26-52 to 7-25-52; 10 percent of the productive factory force (pants and shirts).

Mit's Garment Co., 1920 Sheridan Road, Zion, Ill., effective 5-28-52 to 5-27-53; five learners (cotton dresses).

Shenan Dress Corp., North Bower and Washington Streets, Shenandoah, Pa., effective 5-23-52 to 5-22-53; 10 percent of the productive factory force (dresses).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Caldwell Telephone Co., Caldwell, Kansas, effective 5-24-52 to 5-23-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Carbondale Underwear Manufacturing Co., Seven Eighth Avenue, Carbondale, Pa., effective 5-22-52 to 5-21-53; three learners (women's knitted underwear).

Goodenow Textiles Co., Monett, Mo., effective 5-21-52 to 11-20-52; 45 learners. Learners at subminimum wage rates to be used in the manufacture of men's and boys' woven underwear and knitted shirts only (knitted T-shirts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Fabriko, Inc., Green Lake, Wis., effective 5-20-52 to 11-19-52; six learners (learners are not authorized at subminimum wage rates in the manufacture of loafer sox); sewing machine operators; 240 hours at 65 cents per hour (advertising caps and aprons).

United Cotton Goods Co., Inc., Seguin, Tex., effective 5-23-52 to 5-22-53; four learners; sewing machine operators; 480 hours; 65 cents per hour for the first 320 hours and at least 70 cents per hour for the remaining 160 hours (washable service apparel).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 27th day of May 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-6134; Filed, June 4, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6424]

IOWA POWER AND LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

MAY 28, 1952.

Notice is hereby given that on May 22, 1952, the Federal Power Commission issued its order entered May 22, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6137; Filed, June 4, 1952; 8:47 a. m.]

[Docket Nos. ID-1156, ID-1171]

W. J. READY AND F. R. McMEEKIN

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MAY 28, 1952.

In the matters of W. J. Ready, Docket No. ID-1156; F. R. McMeekin, Docket No. ID-1171.

Notice is hereby given that on May 27, 1952, the Federal Power Commission issued its orders entered May 23, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6138; Filed, June 4, 1952; 8:48 a. m.]

[Docket Nos. IT-5696, IT-5697, IT-5698]

ALUMINUM CO. OF AMERICA ET AL.

NOTICE OF ADVANCEMENT OF HEARING

MAY 27, 1952.

In the matters of Aluminum Company of America and Knoxville Power Company, Docket Nos. IT-5696; Carolina Aluminum Company, IT-5697 and IT-5698.

Upon consideration of request filed May 23, 1952, by Commission Staff Counsel for rescheduling the hearing now set for August 25, 1952, in the above-designated matters;

Notice is hereby given that said hearing is hereby advanced to August 5, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6136; Filed, June 4, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 4]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

APRIL 25, 1952.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMHF.....	Santa Clara, Las Villas (P. O. Camajuani, Las Villas—change in location).	1040 kilocycles, 0.1...	ND	D	II	May 1, 1952

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6102; Filed, June 4, 1952; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 55]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JUNE 3, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Bagdad, Arizona, Area. (The area consists of that part of Supervisorial District 2 lying west of 113° longitude, in Yavapai County, Arizona.)

Milan, Tennessee, Area. (The area consists of Carroll, Gibson and Madison Counties, Tennessee.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6205; Filed, June 3, 1952; 2:29 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2777]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING SALE AND ACQUISITION OF GAS UTILITY PROPERTY BETWEEN AFFILIATES

MAY 29, 1952.

In the matter of the Columbia Gas System, Inc., United Fuel Gas Company, the Manufacturers Light and Heat Company; File No. 70-2777.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and two of its gas utility subsidiary companies, namely, United Fuel Gas Company ("United Fuel") and the Manufacturers Light and Heat Company ("Manufacturers"), having filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6, 9 and 10 of the Public Utility Holding Company Act of 1935, and Rules U-43 and U-44 promulgated thereunder with respect to the following proposed transactions:

United Fuel proposes to sell and Manufacturers proposes to acquire certain property located in Gilmer and Marshall Counties, West Virginia, consisting principally of pipe lines, and a compressor station with all appurtenant structures and facilities located in Wetzel County, West Virginia. The price to be paid by Manufacturers for all of the said property which it proposes to acquire from United Fuel will be the book value (at original cost) less the book reserves for depreciation computed to the date of transfer. It is estimated that, computed as of November 30, 1951, the purchase price would be $3,065,980.

The above mentioned compressor station is presently owned by the United States Steel Company (formerly known as Carnegie-Illinois Steel Corporation) but was originally constructed by United Fuel for said company, and has been operated by United Fuel at its own expense since the date of completion. United Fuel now proposes to purchase said compressor station, together with all appurtenant structures and facilities, pursuant to the terms of an agreement dated September 25, 1941, between United Fuel and Carnegie-Illinois Steel Corporation on the basis of original cost less accrued depreciation computed as of November 30, 1951.

Manufacturers proposes to finance the proposed purchase of the aforesaid property by assuming $3,000,000 principal amount of 3¼ percent Notes owed by United Fuel to Columbia and by paying in cash to United Fuel the balance of the purchase price.

It is represented that the above transactions are proposed because the facilities are used primarily for the transportation of gas to Manufacturers, and to effect certain economies and efficiency of operations, since Manufacturers has other operations in close proximity to the said facilities it proposes to purchase.

The Public Service Commission of West Virginia having expressly authorized the proposed sale of property by United Fuel to Manufacturers and the acquisition thereof by Manufacturers; the Public Utility Commission of Pennsylvania having expressly authorized the assumption by Manufacturers of the liability for 3¼ percent Notes of United Fuel; and the Federal Power Commission having expressly authorized the sale by United Fuel and the acquisition by Manufacturers of the utility facilities described herein; and

Due notice having been given of the filing of the joint application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6142; Filed, June 4, 1952; 8:49 a. m.]

[File No. 70-2855]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING PROPOSED ADVANCES ON OPEN ACCOUNT TO FIVE SUBSIDIARY COMPANIES BY PARENT COMPANY

MAY 29, 1952.

In the matter of the Columbia Gas System, Inc., the Ohio Fuel Gas Company, United Fuel Gas Company, the Manufacturers Light and Heat Company, Central Kentucky Natural Gas Company, Home Gas Company; File No. 70-2855.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, having filed a declaration and an amendment thereto with this Commission pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder with respect to the following proposed transactions:

Columbia proposes to advance varying amounts aggregating not in excess of $20,350,000 to five of its subsidiaries on open account during the year 1952, as follows:

The Ohio Fuel Gas Co	$8,500,000
United Fuel Gas Co	6,350,000
The Manufacturers Light & Heat Co	4,000,000
Central Kentucky Natural Gas Co	500,000
Home Gas Co	000,000

Such advances will bear an interest rate of 3⅛ percent per annum, and will be repayable in three equal installments on February 10, March 10, and April 10, 1953.

The declarant states that the proceeds will be used by the subsidiaries to finance the purchase of gas for their current inventories.

The Public Service Commission of West Virginia having expressly authorized the proposed open-account advance to United Fuel Gas Company; and

Due notice having been given of the filing of the declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6141; Filed, June 4, 1952; 8:49 a. m.]

[File No. 70-2870]

GULF POWER CO.

NOTICE OF FILING REGARDING PROPOSED SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MAY 29, 1952.

Notice is hereby given that an application, with an amendment thereto, has been filed with this Commission by Gulf Power Company ("Gulf"), a public utility subsidiary of the Southern Company, a registered holding company. The filing has designated section 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Gulf proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $7,000,000 principal amount of First Mortgage Bonds ... percent Series due 1982, to be issued under and secured by Gulf's present Indenture, dated as of September 1, 1941, as last supplemented on April 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1952. The interest rate and the price to the company for the bonds will be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102¾ percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for improvements, extensions and additions to the company's property.

The filing states that the issuance and sale of the proposed new bonds are subject to authorization by the Florida Railroad and Public Utilities Commission. Gulf requests that any order of this Commission granting the application shall become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 12, 1952, at 12:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At any time thereafter said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6139; Filed, June 4, 1952; 8:48 a. m.]

[File No. 70-2879]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE OF FILING REGARDING LOANS

MAY 29, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, Union Producing Company ("Union"), have filed a joint application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a) and 10 thereof and Rule U-43 (a), promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

United proposes to lend to Union and Union proposes to borrow from United not in excess of $2,000,000 during a period of one year following the date of the entry of the Commission's order herein, in such installments and at such time as funds may be required and requested by Union. The proposed loans will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issuance, and bearing interest at the rate of 4 percent per annum.

The application-declaration states that United will pledge the notes evidencing the proposed loans with the Corporate Trustee under its Mortgage and Deed of Trust, as supplemented, securing United's outstanding First Mortgage and Collateral Trust Bonds.

At April 30, 1952, Union's cash balance amounted to $857,519. The application-declaration states that as a result of an accelerated leasing, development and drilling program, it has become necessary to increase Union's working capital and to maintain such working capital at an adequate level.

Notice is further given that any interested person may, not later than June 12, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 12, 1952 at 5:30 p. m., e. d. s. t., said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6140; Filed, June 4, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18884]

ELSA VOITH ET AL.

In re: Securities owned by and debts owing to Elsa Voith, also known as Elsa M. Voith, and others. D-28-122, D-28-9743, F-28-4602.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elsa Voith, also known as Elsa M. Voith, Hilar Voith and Erwin Malblanc, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That Thea Voith, whose last known address is Pruggen, Steiermark, Austria, on or since December 11, 1941, and prior to January 1, 1947, acted or purported to act directly or indirectly for the benefit of or on behalf of a designated enemy country (Germany) or nationals of such country and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Margaretha Wassermann Meurer, also known as Margaretha W. and as M. W. Meurer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are and, prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. Those certain shares of stock, described in Exhibit A attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the Attorney General of the United States in Account No. 28200184, together with all declared and unpaid dividends thereon.

b. Any and all rights and interest in and under four certificates for First Mortgage Leasehold Bonds of the 32 West Randolph Corporation, 32 West Randolph Street, Chicago, Illinois, said certificates numbered D226, M1888, M1889, and M1890 of $500, $1,000, $1,000 and $1,000 face value, respectively, presently in the custody of the Attorney General of the United States in Account No. 28200184,

c. Those certain debts or obligations evidenced by two checks drawn by the Continental Illinois National Bank and Trust Company of Chicago, numbered RI 107127 and RI 186340, dated November 15, 1944 and May 15, 1945, respectively, payable to Elsa Voith, Hilar Voith, Erwin Malblanc and Thea Voith, c/o C. F. Benz, c/o American Voith Contact Co., Inc., Chrysler Building, New York, New York, representing interest payments on the 32 West Randolph Corporation bonds, described in subparagraph 4 (b) hereof, presently in the custody of the Attorney General of the United States, in Account No. 28200184, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to, and under said checks, and

d. Any and all rights, interests, and claim in and to and arising out of a voting trust certificate numbered VT 1183, dated August 21, 1936, for thirty-three (33) shares of common, no par value stock of the 32 West Randolph Corporation, 32 West Randolph Street, Chicago, Illinois, said voting trust certificate presently in the custody of the Attorney General of the United States in Account No. 28200184,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsa Voith, also known as Elsa M. Voith, Hilar Voith,

Erwin Malblanc and Thea Voith, the aforesaid nationals of a designated enemy country (Germany);

5. That the property described as follows:

a. Those certain shares of stock described in Exhibit B, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the Attorney General of the United States in Account No. 28200184, together with all declared and unpaid dividends thereon, and

b. Any and all rights, interests, and claims in and to and arising out of a voting trust certificate numbered V-3359, dated February 6, 1925, for two hundred (200) shares of common, $10.00 par value, stock of the Marquette Oil Corporation, Delaware Corporation, said voting trust certificate presently in the custody of the Attorney General of the United States in Account No. 28200184,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Margaretha Wassermann Meurer, also known as Margaretha W. and as M. W. Meurer, deceased, Elsa Voith, also known as Elsa M. Voith, Hilar Voith, Erwin Malblanc and Thea Voith, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That the person named in subparagraph 2 hereof is, and prior to January 1, 1947 was, controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

7. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2 and referred to in subparagraph 3 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Class of stock	Par value	Certificate No.	Number of shares
Shaw-Walker Co. (Michigan corporation), Muskegon, Mich.	Preferred	None	2866	30
National Money Corp. (Illinois corporation)	Participating preference	None	P-167	93
Do	Class A common	None	A-162	94
Muskegon Finance Corp. (Delaware corporation)	Preferred	$10.00	1118	1003/5
Do	Common	10.00	1118	1003/5
Occidental Hotel Co. (Delaware corporation), Muskegon, Mich.	Preferred	100.00	1086	1/5
Do	Common	100.00	128	31/5

EXHIBIT B

Name and address of issuer	Class of stock	Par value	Certificate No.	Number of shares
Atlas Corp. (Delaware corporation), 33 Pine St., New York 5, N. Y.	Common	$5.00	CO-82907	2
Jewett, Bigelow & Brooks, Coal Co. (Delaware corporation.	Preferred	10.00	725, 1799	2,000
Do	Common	None	725, 1799	1,000
Invader Oil Corp. (Delaware corporation)	Capital	$1.00	B12736-B9063	4,000
Frischkorn Real Estate Co. (Michigan corporation)	Class A	None	301	500
Do	Class B		303	500
Dunedin Isles, Inc. (Florida corporation)	Class A	None	312	500
Do	Class B	None	304	500
Lincoln Properties Corp. of Detroit (Delaware corporation).	Preferred		1600	100
Do	Common	None	1429	10
Central States Oil Co. (Wyoming corporation)	Capital	$1.00	148, 149, 150	4,000
Muskegon Citizens Loan & Investment Co., Muskegon, Mich.	Common	25.00	116	50

[F. R. Doc. 52-6164; Filed, June 4, 1952; 8:52 a. m.]

[Vesting Order 18883]

JOHN LUCHAUER

In re: Securities owned by John Luchauer.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That John Luchauer, is a citizen of Germany who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of stock of Dubilier Condenser Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered N10004, registered in the name of John Luchauer, together with all declared and unpaid dividends thereon and any and all rights to exchange said stock for shares of Cornell-Dubilier Electric Corporation,

b. Forty (40) shares of stock of General Investment Corporation, now known as Stokely Foods, Inc., a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NCO 10442, registered in the name of John Luchauer, together with all declared and unpaid dividends thereon,

c. Two hundred (200) shares of stock of Appalachian Gas Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 25244/5 for 100 shares each, registered in the name of John Luchauer, together with all declared and unpaid dividends thereon,

d. Six (6) shares of stock of United Founders Corporation, a corporation organized under the laws of the State of Maryland, evidenced by a certificate numbered CO 163479, registered in the name of John Luchauer, together with all declared and unpaid dividends thereon,

e. Any and all rights in and under a Stock Purchase Warrant for 20 shares of stock of General Investment Corporation, said warrant numbered NCW 753, and

f. Any and all rights in and under certificates issued by Wenden Copper Mining Company for 112½ shares of stock of Nellie Meda Gold Mines, said certificates numbered 2094 for 102½ shares registered in the name of John Luchauer and 2083 for 10 shares, registered in the name of R. P. Mills,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, John Luchauer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6163; Filed, June 4, 1952; 8:51 a. m.]

ice Room

FEDERAL REGISTER

VOLUME 17 NUMBER 111

Washington, Friday, June 6, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10357

INCLUDING CERTAIN LANDS IN THE NANTAHALA NATIONAL FOREST

WHEREAS on April 18, 1952, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement (designated as a supplemental agreement of transfer) providing for the transfer by the said Authority to the said Department of the right of possession and all other right, title, and interest which the Authority might have in or to certain lands therein designated and described in Cherokee County, North Carolina, so that such lands might be included in and reserved as part of the Nantahala National Forest, in accordance with the terms and conditions of the said agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that the inclusion of such lands in the Nantahala National Forest would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Nantahala National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of April 18, 1952, between the Tennessee Valley Authority and the United States Department of Agriculture:

PARCEL NO. 1

Beginning at US–TVA Monument 72–3 (Coordinates: N. 549,301; E. 447,817) at a common corner of the lands of the United States of America (US–TVA), the U. S. Forest Service, and Gay Hawkins et ux; thence with the United States of America's (US–TVA) boundary line N. 2 deg. 27' E., 2077 feet to a stone; thence N. 88 deg. 27' E., 1737 feet to a U. S. Forest Service monument; thence N. 7 deg. 42' W., 492 feet to a metal marker at the top of a ridge; thence with the top of the ridge as it meanders in a northeasterly direction approximately 1475 feet (straight line bearing and distance of N. 48 deg. 07' E., 1407 feet) to a metal marker; thence, leaving the ridge, S. 1 deg. 14' W., 1165 feet to US–TVA Monument 2–1; thence S. 54 deg. 26' W., 1659 feet to US–TVA Monument 72–7; thence N. 14 deg. 20' E., 335 feet to US–TVA Monument 72–6; thence N. 86 deg. 56' W., 1177 feet to US–TVA Monument 72–5; thence S. 6 deg. 31' W., 1808 feet to US–TVA Monument 72–4; thence S. 84 deg. 55' W., 136 feet to the point of beginning, and containing 46.9 acres, more or less.

PARCEL NO. 2

Beginning at US–TVA Monument 7–1 at a corner in the boundary between the lands of the United States of America (US–TVA) and the U. S. Forest Service from which the most northerly corner of the above-described Parcel No. 1 bears S. 1 deg. 14' W., at a distance of 1386 feet; thence from the point of beginning with the United States of America's (US–TVA) boundary line S. 1 deg. 14' W., 505 feet to a metal marker; thence N. 41 deg. 55' W., 313 feet to a metal marker; thence S. 52 deg. 09' W., 1300 feet to a metal marker; thence N. 7 deg. 42' W., 1227 feet, passing a metal marker at 1,088 feet, to a metal marker; thence S. 85 deg. 48' E., 750 feet to a metal marker; thence N. 31 deg. 23' W., 726 feet to US–TVA Monument 7–2; thence N. 71 deg. 07' E., 82 feet to US–TVA Monument 6–1; thence S. 52 deg. 32' E., 1213 feet to the point of beginning, and containing 27.5 acres, more or less.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 4, 1952.

[F. R. Doc. 52–6327; Filed, June 5, 1952; 10:23 a. m.]

TRADE AGREEMENT LETTER

[SUSPENSION OF CERTAIN IMPORTS FROM HUNGARY PURSUANT TO PROCLAMATION 2935 [1]]

THE WHITE HOUSE,
Washington, June 5, 1952.

MY DEAR MR. SECRETARY:

Pursuant to Part I of my proclamation of August 1, 1951, carrying out Sections 5 and 11 of the Trade Agreements

[1] 16 F. R. 7635

(Continued on p. 5081)

CONTENTS

THE PRESIDENT

Executive Order Page

Including certain lands in Nantahala National Forest 5079

Trade Agreement Letter

Suspension of certain imports from Hungary pursuant to Proclamation 2935 5079

EXECUTIVE AGENCIES

Agriculture Department

Inclusion of certain lands in Nantahala National Forest (*see* Executive order).

See Federal Crop Insurance Corporation; Production and Marketing Administration; Rural Electrification Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Frambach, Therese 5180

Geng, Otto 5180

Graz, Erwin Atzler 5180

Ricci, Francesco 5180

Army Department

See Engineers Corps.

Civil Aeronautics Board

Notices:

Accident involving near collision at Topeka, Kans.; hearing 5173

Commerce Department

See Federal Maritime Board; National Production Authority.

Defense Department

Procurement, placement of in certain areas; notification to Department (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of

Notices:

Procurement, placement of in certain areas; notification to Department of Defense and General Services Administration:

Altoona, Pa. 5174

Biddeford, Maine 5175

La Crosse, Wis. 5176

Martinsburg, W. Va. 5175

Richmond, Ind. 5176

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Title 14: Parts 1–399 ($2.25)
Titles 35–37 ($0.35)
Title 39 ($0.65)
Titles 40–42 ($0.35)
Titles 44–45 ($0.50)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Title 38 ($1.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Engineers Corps Page
Rules and regulations:
Bridge regulations:
Fox River and Portage Canal, Wis. 5140
New Jersey Intracoastal Waterway and tributaries 5140

Federal Crop Insurance Corporation
Rules and regulations:
Crop insurance:
1950 and succeeding crop years:
Flax 5081
Multiple crop 5082
Wheat 5081
1952 crop year; regulations for annual contracts for citrus crop 5082

Federal Maritime Board
Rules and regulations:
Merchant Marine training; pay and allowances 5142

Federal Power Commission
Notices:
Hearings, etc.:
Mississippi River Fuel Corp. 5174
Rockland Light and Power Co. 5174

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Monroe Sales Co. et al 5082
State Sewing Machine Corp. et al 5082
Will-Weld Mfg. Co. et al 5083

General Services Administration
Procurement, placement of in certain areas; notification to Administration (*see* Defense Mobilization, Office of).

Home Loan Bank Board
Rules and regulations:
Insured member; definitions 5084

Housing and Home Finance Agency
See Home Loan Bank Board.

Internal Revenue Bureau
Proposed rule making:
Tax, income, taxable years beginning after December 31, 1941; changes in individual income tax rates 5143

Interstate Commerce Commission
Notices:
Applications for relief:
Agricultural implements between points in Iowa 5177
Alcohol and related articles from Velasco, Tex., to Illinois, western trunk-line, and official territories 5179
Carbon dioxide from St. Louis, Mo., to Cincinnati, Ohio 5179
Coiled iron or steel rods from Joliet, Ill., to Kansas City, Mo. 5179
Crude rubber from points in Texas and Louisiana to points in official territory 5179
Crude tar from Terre Haute and Indianapolis, Ind., to Gainesville, Fla. 5177

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Petroleum from Phillips, La., to southwestern, southern, official, Illinois, and western trunk-line territories 5178
Prefabricated houses from Dallas, Tex., to Clover, S. C., and Gastonia, N. C. 5178
Slag from Ensley, Ala., to Athens, Ga. 5178
Soda ash from Westvaco, Wyo., to Bauxite, Ark. 5178
Various commodities from points in trunk-line territory, to points in central territory 5179

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Maritime Administration
See Federal Maritime Board.

National Production Authority
Rules and regulations:
Designation of scarce materials and withdrawal of previous designation (DSM–1) 5137

Price Stabilization, Office of
Notices:
Directors of District Offices, redelegation of authority:
Region I; act under section 6 of CPR 31 5173
Region III:
Act under section 6 of CPR 31 5173
Act on final pricing method and adjustment provisions of CPR 13 5173
Region V; issue orders establishing price factors, exchange allowances, price differentials, price determining methods, under CPR 139 5173
Region X; act under CPR 134 5173
Rules and regulations:
Ceiling prices for Southern Yellow Pine lumber (CPR 149) 5118
Certain marine feed products sold by processors, importers and distributors; meaning of F. O. B. port of entry (CPR 39, Int. 1) 5084
Pork sold at wholesale (CPR 74, Coll. 1) 5084
Retail and wholesale sale of new passenger automobiles (CPR 83, Int. 2) 5117
Sales of used passenger automobiles (CPR 94, Coll. 1) 5102
White flesh potatoes; exemption of seed potatoes sold by one intermediate seller to another (CPR 113, Int. 1) 5134
White flesh potatoes; brokerage is not part of the "primary price" (CPR 113, Int. 2) 5117

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Wooden mine materials produced in western area (GCPR, SR 103) 5102

Production and Marketing Administration
Notices:
Director, Tobacco Branch; delegation of authority with respect to marketing agreements and marketing orders governing the handling of tobacco 5170
Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho, and hop products produced therefrom in these States; handling of 5153

Rent Stabilization, Office of
Rules and regulations:
Shreveport, La., Defense Rental Area, specific provisions; housing 5140

Rural Electrification Administration
Notices:
Allocation of funds for loans (6 documents) 5171, 5172
Loan Announcements:
Alaska 5172
Arizona (2 documents) 5170
Arkansas 5172
Kansas 5172
Illinois 5171
Iowa 5170
Kentucky 5172
Missouri 5172
New Mexico (2 documents) 5172
Oklahoma 5170
Tennessee 5172
Texas (2 documents) 5170, 5171
Virginia 5172
Wyoming 5171

Salary Stabilization Board
Rules and regulations:
Salaries for new or changed positions under salary stabilization regulation 3, section 8 (Int. 10) 5134

Securities and Exchange Commission
Notices:
Imperial Sugar Co.; notice of filing of application for exemption 5177

Tennessee Valley Authority
Inclusion of certain lands in Nantahala National Forest (*see* Executive order).

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education:
Special considerations concerning pursuit of education or training after statutory delimiting date 5141
Types of courses; additional leave under exceptional circumstances 5141

Wage and Hour Division Page
Notices:
Puerto Rico; Special Industry Committee No. 12; appointment of additional members 5172

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10357	5079
Chapter III (Presidential documents other than proclamations and Executive orders):	
Letter, June 5, 1952	5079
Title 7	
Chapter IV:	
Part 415	5081
Part 418	5081
Part 420	5082
Part 422	5082
Chapter IX:	
Part 986 (proposed)	5153
Title 16	
Chapter I:	
Part 3 (3 documents)	5082, 5083
Title 24	
Chapter I:	
Part 161	5084
Title 26	
Chapter I:	
Part 29 (proposed)	5143
Title 32A	
Chapter III (OPS):	
CPR 39, Int. 1	5084
CPR 74	5084
CPR 83, Int. 2	5117
CPR 94	5102
CPR 113, Int. 1	5134
CPR 113, Int. 2	5117
CPR 149	5118
GCPR, SR 103	5102
Chapter IV:	
Subchapter A (SSB):	
Int. 10	5134
Chapter VI (NPA):	
DSM–1	5137
Chapter XXI (ORS):	
RR 1	5140
Title 33	
Chapter II:	
Part 203 (2 documents)	5140
Title 38	
Chapter I:	
Part 21 (2 documents)	5141
Title 46	
Chapter II:	
Part 310	5142

Extension Act of 1951, I hereby notify you that the suspension provided for therein shall be applicable with respect to imports from Hungary which are entered, or withdrawn from warehouse, for consumption on and after July 5, 1952.

Very sincerely yours,

HARRY S. TRUMAN

Hon. JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-6355; Filed, June 5, 1952; 12:22 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 5]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694; 17 F. R. 2109) are hereby amended as follows:

1. Section 415.4, as amended, is amended by changing paragraph (b) to read:

(b) Notwithstanding the provisions of paragraph (a) of this section, the closing date for submitting applications is extended to April 18 for the 1952 crop year only.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506–1516. Interprets or applies secs. 507–509, 52 Stat. 73–75; 7 U. S. C. and Sup., 1507–1509)

Adopted by the Board of Directors on May 27, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: June 3, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6222; Filed, June 5, 1952; 8:55 a. m.]

[Amdt. 10]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 1455, 4548, 5303, 6675, 7641, 7701; 15 F. R. 2483, 6740; 16 F. R. 4298, 9302; 17 F. R. 2351), are hereby amended as follows:

1. Paragraph (c) of § 418.154, as amended, is amended with respect to wheat crops insured for 1952 to read as follows:

(c) Nothwithstanding the provisions of paragraph (a) of this section, the closing date for submitting applications in all counties with a March 31 closing date in Minnesota, Montana, North Dakota, and South Dakota is extended to April 18 for the 1952 crop year only.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup., 1506–1516. Interprets or applies secs. 507–509, 52 Stat. 73–75; 7 U. S. C. and Sup., 1507–1509)

Adopted by the Board of Directors on May 27, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: June 3, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6221; Filed, June 5, 1952; 8:54 a. m.]

[Amdt. 8]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671) are hereby amended as follows:

1. Section 420.24, as amended, is amended by changing the closing dates for the 1952 crop year for the states and counties designated below to read:

State and county:	*Closing date*
Iowa	Apr. 18, 1952.
Minnesota	Do.
North Dakota	Do.
South Dakota	Do.
Wisconsin:	
Waupaca	Oct. 31, 1951.
All other counties	Apr. 18, 1952.

(Secs. 506, 516, 52 Stat. 73, 77, as amended: 7 U. S. C. and Sup., 1506–1516. Interprets or applies secs. 507–509, 52 Stat. 73–75; 7 U. S. C. and Sup., 1507–1509)

Adopted by the Board of Directors on May 27, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: June 3, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6220; Filed, June 5, 1952; 8:54 a. m.]

[Amdt. 1]

PART 422—CITRUS CROP INSURANCE

SUBPART—REGULATIONS FOR ANNUAL CONTRACTS FOR 1952 CROP YEAR

The above-identified regulations (16 F. R. 11566) are hereby amended as follows:

1. Section 422.23 is amended by changing paragraph (b) to read:

(b) The premium shall be paid at the time the application for insurance is filed or by April 30, 1952, whichever occurs later, except that such date may be extended to August 31, 1952, upon arrangements satisfactory to the Corporation being made to insure payment of the premium.

2. Section 422.24 is amended by changing the second sentence to read: "Applications shall be submitted to the county office on or before May 31, 1952, provided that each applicant for insurance who submits an application after May 1, 1952, shall agree that the date of his application shall be substituted for May 1, 1952, wherever May 1, 1952, appears in the policy shown in § 422.31."

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73–75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on May 27, 1952.

[SEAL] R. J. POSSON,
Secretary,
Federal Crop Insurance Corporation.

Approved: June 3, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6219; Filed, June 5, 1952; 8:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5782]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MONROE SALES CO. ET AL.

Subpart—*Using or selling lottery devices:* § 3.2480 *In merchandising.* In connection with the offering for sale, sale and distribution in commerce, of watches, novelties or any other merchandise, (1) supplying to or placing in the hands of others punchboards, push cards, or other lottery devices, either with assortments of merchandise or separately, which punchboards, push cards, or other lottery devices are to be used or may be used in the sale or distribution of respondents' merchandise to the public; or, (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Samuel Cohen t. a. Monroe Sales Company, Baltimore, Md., Docket 5782, March 10, 1952]

In the Matter of Samuel Cohen and Irwin H. Fisher, Individuals and Partners Trading as Monroe Sales Company

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the Commission's complaint, the respondents' answer, and hearings at which testimony and other evidence, which were in support of and in opposition to the allegations of the complaint, and were duly recorded and filed in the office of the Commission, were introduced before said examiner.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence, and proposed findings and conclusions submitted by counsel (oral argument not having been requested in the matter, which had already been argued at length upon a motion to dismiss the complaint by respondents' counsel), and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

[1] Filed as part of the original document.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 10, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Samuel Cohen and Irwin H. Fisher, individually and as partners trading under the name Monroe Sales Company or under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of watches, novelties or any other merchandise, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others punchboards, push cards, or other lottery devices, either with assortments of merchandise or separately, which punchboards, push cards, or other lottery devices are to be used or may be used in the sale or distribution of respondents' merchandise to the public.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

By "Decision of the Commission and order to file report of compliance", Docket 5782, March 10, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 10, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6176; Filed, June 5, 1952; 8:46 a. m.]

[Docket 5895]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

STATE SEWING MACHINE CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.260 *Terms and conditions.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.515 *Foreign source.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic;* § 3.1905 *Terms and conditions.* Subpart—*Offering unfair, improper, and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; or (2) representing, directly or by implication, that their sewing machine heads or sewing machines are sold under a lifetime guarantee, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, State Sewing Machine Corporation et al., New York, N. Y., Docket 5895, March 8, 1952]

In the Matter of State Sewing Machine Corporation, a Corporation, and Lazare Gelin, Sydel M. Empel, William J. Melson and Dorothy B. Gelin, Individually and as Officers of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, theretofore duly designated by the Commission, upon the Commission's complaint, the answer of the respondents, and a substitute answer which was read into the record, admitted all of the material allegations of fact set forth in the complaint (excepting their statement that respondent Sydel M. Empel was secretary of respondent corporation only until about May 1, 1951), and reserved the right to submit proposed findings and conclusions and to appeal from the initial decision in the instant matter.

Thereafter the proceeding regularly came on for final consideration by said examiner upon said complaint and answer thereto, and proposed findings and conclusions submitted by counsel for respondents, oral argument not having been requested and no proposed findings having been submitted by counsel for the complaint, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order, including order to cease and desist and order of dismissal as to said respondent Empel, without prejudice to further proceedings against her should future facts so warrant.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 8, 1952.

The said order is as follows:

It is ordered, That the respondents, State Sewing Machine Corporation, a corporation, Lazare Gelin, William J. Melson and Dorothy B. Gelin, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof;

2. Representing, directly or by implication, that their sewing machine heads or sewing machines are sold under a lifetime guarantee, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Sydel M. Empel, without prejudice to the right of the Commission to institute further proceedings against her, should future facts so warrant.

By "Decision of the Commission and order to file report of compliance", Docket 5895, March 7, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 7, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6175; Filed, June 5, 1952; 8:45 a. m.]

[Docket 5922]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

WILL-WELD MANUFACTURING CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety.* In connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, of unassembled electric home welding machines, (1) representing, directly or indirectly, that respondents' electric home welding machine, made by the assembling of the various parts sold by them for a complete machine, will operate consistently and safely on the electric circuit ordinarily found in a home with a 30 ampere fuse; or, (2) selling or offering for sale their electric home welding machine without, in large type appearing in all literature relating thereto, expressly informing the purchaser or purchasers that their home welding machine cannot be safely connected with the electric current ordinarily found in a home by an ampere fuse in excess of 15 amperes and that the use of a larger fuse may cause an overloading of the electric circuit and produce a dangerous fire-hazard condition; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Will-Weld Manufacturing Company et al., Omaha, Neb., Docket 5922, March 13, 1952]

In the Matter of Will-Weld Manufacturing Company, a Corporation, and W. O. Schneiderwind, W. J. Dillman, and L. B. Bush, Individually and as Officers of Said Corporation

This proceeding was heard by Webster Ballinger, hearing examiner, theretofore duly designated by the Commission, upon the Commission's complaint, answer of corporate respondent, and a hearing at which testimony and other evidence, which were duly filed in the office of the Commission, were introduced before him.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer thereto, testimony and other evidence, all intervening procedure before the examiner being waived, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 13, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents Will-Weld Manufacturing Company, a corporation, and W. O. Schneiderwind, W. J. Dillman and L. B. Bush, individually and as officers of the corporate respondent, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of unassembled electric home welding machines, by that or any other name or designation, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that their electric home welding machine, made by the assembling of the various parts sold by them for a complete machine, will operate consistently and safely on the electric circuit ordinarily found in a home with a 30 ampere fuse.

(2) Selling or offering for sale their electric home welding machine without, in large type appearing in all literature relating thereto, expressly informing the purchaser or purchasers that their home welding machine cannot be safely connected with the electric current ordinarily found in a home by an ampere fuse in excess of 15 amperes and that the use of a larger fuse may cause an overloading of the electric circuit and produce a dangerous fire-hazard condition.

By "Decision of the Commission and order to file report of compliance", Docket 5922, March 13, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 13, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6177; Filed, June 5, 1952; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 5230]

PART 161—DEFINITIONS

INSURED MEMBER

JUNE 2, 1952.

Resolved, That, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (17 F. R. 3615), effective July 6, 1952, § 161.2 of the rules and regulations for Insurance of Accounts (24 CFR 161.2) is hereby amended to read as follows:

§ 161.2 *Insured member.* An "insured member" may be an individual, a partnership, an association, or a corporation holding an insured account. An individual, a partnership, an association, or a corporation may be trustee for any number of beneficiaries: *Provided*, That the trust account is specifically designated in such a manner as to disclose the custodial nature thereof: *And provided further*, That the beneficiaries and their respective interests in such trust account are disclosed upon the records of the insured institution or upon the records of the trustee in whose name the insured account is maintained and such records have been maintained in good faith and in the regular course of business. The account of an insurable type of each such beneficiary shall be deemed an insured account. In computing the insured investment in any insured institution, the amount of the interest of such beneficiary under a trust shall be combined with other accounts of the beneficiary, and the insured investment shall be the total, less any amount in excess of $10,000.

(Sec. 402, 48 Stat. 1256, as amended, 12 U. S. C. 1725. Interprets or applies sec. 401, 48 Stat. 1255; 12 U. S. C. 1724)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 52-6206; Filed, June 5, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 39; Interpretation 1]

CPR 39—CEILING PRICES ON CERTAIN MARINE FEED PRODUCTS SOLD BY PROCESSORS, IMPORTERS AND DISTRIBUTORS

INT. 1—MEANING OF F. O. B. PORT OF ENTRY (SECTION 4 (a) AND (b))

An importer of fish meal situated at an Atlantic, Gulf or Pacific coastal point, or in the Territory of Hawaii, cannot, under sections 4 (a) or (b) of Ceiling Price Regulation 39, as amended, sell his meal at the applicable ceiling prices set forth in Table A of the regulation on an f. o. b. incoming vessel basis. The general rule of establishing ceiling prices under the regulation is that an applicable f. o. b. ceiling price applies to a shipment of fish meal when that shipment is loaded to the means of conveyance by which it is transported to the buyer's destination. Accordingly, f. o. b. port-of-entry means free on board rail cars, barges or other means of conveyance used in transporting the lot of imported fish meal from the port of entry to the buyer's destination. Any costs involved in landing and unloading the lot of imported fish meal and in loading that lot to cars or barges by which it is transported from the port of entry must be absorbed by the importer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

JUNE 5, 1952.

[F. R. Doc. 52-6328; Filed, June 5, 1952; 10:39 a. m.]

[Ceiling Price Regulation 74, Collation 1]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

COLL 1—INCLUDING AMENDMENTS 1–5

Ceiling Price Regulation 74 is republished to incorporate the texts of Amendments 1 through 5. Ceiling Price Regulation 74 was issued September 25, 1951 (16 F. R. 9759). Statements of Consideration for Ceiling Price Regulation 74, and for Amendments 1 through 5, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Ceiling prices for sales of wholesale pork cuts.
4. Ceiling prices for sales of dressed hogs.
5. Ceiling prices of dried pork, specialty pork products and prefabricated retail cuts.
6. Exclusions.
7. Adjustment for transportation to critical areas.
8. Export sales.
9. Importation at prices above ceiling.
10. Identification of product.
11. Records.
12. Election of seller's classification.
13. Evasion.
14. Prohibitions.
15. Enforcement.
16. Petitions for amendment.

ARTICLE II—PRICING SCHEDULES

20. Schedule I. Wholesale pork cuts: fresh or frozen, cured, smoked, ready-to-eat and cooked (not in molds under pressure).
21. Schedule II. Wholesale pork cuts: sliced bacon, derind, packed in shipping containers.
22. Schedule III. Wholesale pork cuts: cured and cooked, smoked and cooked and browned.
23. Schedule IV. Wholesale pork cuts: pork sausage material.
24. Schedule V. Wholesale pork cuts: miscellaneous pork cuts.
25. Schedule VI. Wholesale pork cuts: semi-sterile canned meats.
26. Schedule VII. Wholesale pork cuts: pork variety meats and edible by-products.
27. Schedule VIII. Wholesale pork cuts: fabricated loin cuts.
28. Schedule IX. Wholesale pork cuts: aged, dry cured pork cuts.
29. Wholesale pork cuts; certain cuts packed in wood or class containers.
30. Schedule X. Dressed hogs: denominator basis.
31. Schedule XI. Dressed hogs: flat price basis.

ARTICLE III—DISTRIBUTION POINT

35. Distribution point.

ARTICLE IV—ZONE DIFFERENTIALS AND ADDITIONS

40. Addition 1—Zone differentials.
41. Addition 2—Local slaughter addition.
42. Addition 3—Local delivery.
43. Addition 4—Wholesaler's addition.
44. Addition 5—Non-slaughtering processor's addition.
45. Addition 6—Intermediate distributor's addition.
46. Addition 7—Hotel supply house addition.
47. Addition 8—Combination distributor's addition.
48. Addition 9—Addition on sales to ship operators.
49. Addition 10—Peddler truck selling addition.
50. Addition 11—Sales to defense procurement agencies.
51. Addition 12—Wrapping.
52. Addition 13—Packing in shipping containers.
53. Addition 14—Special cutting and trimming addition.

ARTICLE V—GENERAL DEFINITIONS

Sec.
60. General definitions.

APPENDIXES

1. Zone and region definitions.
2. Pork product definitions.
3. Processing definitions.
4. Map of zones and regions.

AUTHORITY: Sections 1 to 60 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 60 contained in Ceiling Price Regulation 74, September 25, 1951 (16 F. R. 9759), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 74, October 1, 1951, 16 F. R. 9759; Amendment 1, November 24, 1951, 16 F. R. 11715; Amendment 2, April 16, 1952, 17 F. R. 3337; Amendment 3, May 13, 1952, 17 F. R. 4253; Amendment 4, May 26, 1952, 17 F. R. 4622; Amendment 5, May 31, 1952.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation establishes specific ceiling prices for most sales of pork, including dressed hogs, except for sales at retail and other sales of the miscellaneous items excluded by section 6. In addition, it defines and standardizes the pork products, including dressed hogs and wholesale pork cuts, which may be sold and prohibits the sale of non-standardized items, except as permitted by section 5. The ceiling prices established by this regulation supersede those determined for the same items pursuant to the General Ceiling Price Regulation and particularly by Supplement 3, and by letter orders issued pursuant to General Overriding Regulation 10 prior to the effective date of this regulation. Finally, this regulation supersedes Supplemental Regulation 47 to the General Ceiling Price Regulation.

SEC. 2. *Where this regulation applies.* This regulation shall be applicable in the 48 states and the District of Columbia.

SEC. 3. *Ceiling prices for sales of wholesale pork cuts.* Your ceiling price for each wholesale pork cut is the applicable base price specified in Article II, plus any applicable addition permitted by Article IV.

SEC. 4. *Ceiling prices for sales of dressed hogs*—(a) *Sales to certified dressed hog processors.* Your ceiling price for each dressed hog sold to a certified dressed hog processor is the applicable base price determined in section 30 or the applicable base price specified in section 31, plus any applicable addition permitted by Article IV.

(b) *Sales to others.* Your ceiling price for each dressed hog sold to a buyer who is not a certified dressed hog processor is the applicable base price specified in section 31, plus any applicable addition permitted by Article IV.

SEC. 5. *Ceiling prices of dried pork, specialty pork products and prefabricated retail cuts.* (a) If you produced and sold dried (other than aged, dry cured) pork, or specialty pork products in 1950, your ceiling prices and the ceiling prices of your distributors for these products are established by the General Ceiling Price Regulation. The producer of these items must, however, file OPS Public Form 94 with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., on or before May 17, 1952. After receipt of this form, the Director of Price Stabilization may issue an order forbidding the producer and the distributors thereof from selling this dried (other than aged, dry cured) pork or specialty pork product or may issue an order revising the ceiling prices of the producer and the distributors of this product.

[Paragraph (a) amended by Amdts. 1 and 2]

(b) If you desire to produce and sell a dried (other than aged, dry cured) pork or specialty pork product, which you did not produce and sell in 1950, you must apply in writing to the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., for a ceiling price. With your application you shall submit OPS Public Form No. 94. The Director of Price Stabilization may authorize a ceiling price for such product if your application includes sufficient facts to enable the Director of Price Stabilization to find:

(1) That you have made a substantial financial investment which cannot be utilized except in the sale of such product;

(2) That production of this item will not divert an abnormal amount of pork production from low cost to high cost items; and

(3) That approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

[Paragraph (b) amended by Amdt. 2]

(c) *Prefabricated retail cuts.* (1) If you are not prohibited, by section 14 (b) of this regulation, from selling prefabricated retail cuts to a retail selling establishment, your ceiling prices for sales of such cuts to such an establishment are your ceiling prices established by the General Ceiling Price Regulation.

(2) If you are not prohibited by section 14 (b) of this regulation from selling prefabricated retail cuts to a purveyor of meals, your ceiling prices for sales of such cuts to such an establishment, are your ceiling prices established by the General Ceiling Price Regulation.

[Paragraph (c) added by Amdt. 2]

(d) On or after May 13, 1952, if you are currently producing any dried (other than aged, dry cured) pork or specialty pork product which you produced and sold in 1950, or if you desire to produce and sell any dried (other than aged, dry cured) pork or specialty pork product at one or more plants, you need only file the information required by paragraphs (a) and (b) of Section 5, including OPS Public Form 94, for your plant which is producing that product, which is located in or nearest to Zone 1. You need not file such information or form for any of your other plants producing the same identical product. If you have filed an application under this section prior to May 13, 1952, you need not refile for the same product.

[Paragraph (d) added by Amdt. 3]

SEC. 6. *Exclusions.* This regulation does not apply to:

(a) Sales at retail;

(b) Pork items exempted by General Overriding Regulation 7, as amended;

(c) Sausage;

(d) Sterile canned meat;

(e) Sales or deliveries of pork products to a buyer, if, prior to the effective date of this regulation, these items have been received for shipment to such buyer by a carrier other than a carrier owned or controlled by the seller; or

(f) Canned pork produced outside the continental United States and sold in the original container in which it was processed.

[Paragraph (f) amended by Amdt. 2]

SEC. 7. *Adjustment for transportation to critical areas.* Upon a finding that a critical shortage of meat has occurred in a specific area because customary sources of supply are unavailable and because the established ceiling prices do not contain a sufficient allowance to cover the cost of transporting meat to that area from other sources of supply, the Director of Price Stabilization may by order designate such area as a critical area for such period as he may prescribe, and may in writing authorize you to charge and receive, for pork products sold to buyers in that area, an amount in excess of the applicable ceiling price.

SEC. 8. *Export sales*—(a) *Ceiling prices.* The ceiling prices at which you may export from the 48 states and the District of Columbia to any place outside the 48 states and the District of Columbia any pork product shall be your domestic ceiling price for this item, f. o. b. your place of business, plus any of the following costs you actually incurred incidental to exportation of the product:

(1) Cost of transportation to the dock;

(2) Export packing and freezing costs;

(3) Demurrage or warehouse charges;

(4) Ocean freight costs;

(5) Insurance costs;

(6) Consular fees; and

(7) Freight forwarders' fees.

(b) *Records.* You shall make and preserve the records required by section 11 (a) and you shall also separately list any of the actual costs incurred and charged pursuant to paragraphs (1) through (7) above. You shall furnish the buyer a written statement showing all this information.

SEC. 9. *Importation at prices above ceiling.* (a) Regardless of any contract, agreement or other obligation, you shall not, by direct or indirect methods, import into the 48 states or the District of Columbia from a foreign country any pork (except canned pork produced outside the continental United States and sold in the original container in which it was processed) purchased by you, directly or through any agent, or through a foreign or domestic corporation affiliated with you, or any foreign or domestic subsidiary thereof, if this pork has a landed cost higher than the do-

mestic ceiling price at the point of consignment.

[Paragraph (a) amended by Amdt. 2]

(1) The landed cost shall mean the amount you paid for the product, directly or indirectly, plus the following expenses actually incurred by or for you:

(i) Transportation costs to the point of consignment;

(ii) Customs duties or other import taxes;

(iii) Other commodity taxes;

(iv) Dock charges;

(v) Clearance;

(vi) Insurance;

(vii) Letter of credit expenses; and

(viii) Any customary buying commission to a purchasing agent outside continental United States.

(2) The domestic ceiling price at the point of consignment shall mean the lowest price established in Article II for this product when sold by a slaughterer plus the zone differential, where applicable, to the point to which the shipment is consigned. In computing this price, the point to which the shipment is consigned shall be the distribution point and none of the additions provided in sections 41 through 50, inclusive, may be added.

(b) *Records.* Each of you who purchases, directly or indirectly, a pork product outside the 48 states and the District of Columbia and imports the product into the United States shall make and preserve for a period of two years the records required in section 11 (a) of this regulation; and you shall also make and preserve records for a period of two years showing any of the actual costs listed in items (i) through (viii) of section 9 (a) (1) which you incurred.

SEC. 10. *Identification of product.* You shall identify each cooked wholesale pork cut and each ready-to-eat wholesale pork cut as follows:

(a) *Cooked cuts.* Each piece of a cooked wholesale pork cut stuffed in a casing shall have the word "cooked" printed or stamped on such casing in letters at least ¼-inch high. Each piece of a cooked wholesale pork cut not stuffed in a casing shall have the word "cooked" printed or stamped on the pork cut and on the wrapper within which this pork cut is enclosed, in letters at least ¼-inch high. If a cooked cut is not stuffed in a casing and is not wrapped, see section 10 (c).

(b) *Ready-to-eat cuts.* Each piece of a ready-to-eat wholesale pork cut stuffed in a casing shall have the legend "ready-to-eat" printed or stamped on such casing in letters at least ¼-inch high. Each piece of a ready-to-eat wholesale pork cut not stuffed in a casing, except boneless butts, shall have the legend "ready-to-eat" printed or stamped on the pork cut and on the wrapper within which this pork cut is enclosed, in letters at least ¼-inch high. Each wrapped piece of a ready-to-eat boneless butt shall have the legend "ready-to-eat" printed or stamped on the wrapper in letters at least ¼-inch high. If a ready-to-eat cut is not stuffed in a casing and is not wrapped, see section 10 (c).

(c) *Ready-to-eat and cooked cuts not wrapped.* If a ready-to-eat or cooked cut is not stuffed in a casing and is not wrapped, the appropriate legend, "ready-to-eat" or "cooked", shall be stamped on each such cut in letters at least ¼-inch high.

SEC. 11. *Records*—(a) *Records which must be preserved.* On and after the effective date of this regulation, each of you who sells or transfers any pork products shall make and preserve, and each of you who, in the course of trade or business, buys or receives any pork products shall preserve for inspection by the Office of Price Stabilization for a period of two years complete and accurate records of each such sale, transfer, purchase or receipt showing:

(1) The date thereof.

(2) The names and addresses of the parties taking part in the transaction.

(3) The description, quantity, and weight of each pork product sold, transferred, delivered, purchased, received, or acquired, showing specifically:

(i) The descriptive name of each wholesale pork cut, including the grade in the case of sliced bacon, and any special cutting or trimming for which an addition specified in section 53 is charged;

(ii) The descriptive name or style of each dressed hog, whether shipper or packer style;

(iii) The weight range or ranges of dressed hogs and wholesale pork cuts;

(iv) The number of pieces in each weight range of any items for which weight ranges are specified, except Boston butts, boneless butts and spareribs; and

(v) The total weight of all units of the same pork product in the same specified weight range.

(4) The price charged, received or paid therefor.

You shall also continue to preserve all records required to be preserved by section 16 of the General Ceiling Price Regulation[1] and section 10 of Supplementary Regulation 47 to the General Ceiling Price Regulation.[2]

All records required to be preserved under this section 11 may, after the expiration of 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

All sales invoices or equivalent records required by this section must be numbered consecutively. If, prior to November 8, 1951, you used for each selling establishment or group of selling establishments a systematic procedure of accounting for such records by means other than consecutive numbering, you may continue to use such system. You may not, however, change your system unless you substitute therefor a system of consecutive numbering.

[Above Paragraph added by Amdt. 2]

(b) *Records which must accompany deliveries.* (1) Except as provided in section 11 (b) (2), (3), and (4) each of you who sells, transfers or delivers any pork products shall furnish to the buyer at the time of delivery a written statement showing the information set forth in section 11 (a).

(2) You shall send with each shipment, other than a c. o. d. shipment, a copy of the written statement referred to in section 11 (a) hereof: *Provided, however*, that the portion of the statement with respect to the price charged, received or paid therefor, may be omitted but (i) such portion must be mailed to the buyer within 24 hours after the shipment left your plant, or (ii) if it has been your customary practice to send invoices weekly, such portion must be mailed to the buyer during the week of the shipment.

(3) Where the shipment made constitutes the entire content of a common carrier freight car or truck, a copy of the statement referred to in section 11 (a) shall be posted in the freight car or truck near or on the door. Where the shipment made constitutes only a part of the content of a common carrier freight car or truck, the copy shall be securely attached in a conspicuous place to one of the items included within the shipment, or in the case of shipment by truck, copies of the statements accompanying each shipment contained in the truck may be given to and carried by the driver who shall be authorized to display such copies to any enforcement officer on request. Where the shipment made is by vehicle other than a common carrier, the copy referred to shall be given to and carried by the driver and he shall be authorized to display it to any enforcement officer on request.

[Subparagraph (3) amended by Amdt. 2]

(4) If you transfer any pork which constitutes the entire content of a vehicle, to a business establishment or warehouse controlled or operated by you, you shall send with each vehicle making such transfer, a statement showing the name and address of the owner, the point of destination and that the item is not being transferred to a buyer in connection with a sale. This statement must be posted or carried in the same manner as required in section 11 (b) (3).

SEC. 12. *Election of seller's classification.* If you qualify to add more than one of the additions provided for in sections 43 through 47, inclusive, and section 49 (a) (1), you must elect which one of these additions you will add through December 31, 1951. This election must be made within 20 days after the effective date of this regulation. Once you have made this election, you may not thereafter elect to add any of the other additions provided for in those sections until after December 31, 1951. You may change your election once after December 31, 1951, and once after June 30, 1952, and once after each successive December 31 and June 30 thereafter. In each instance, after you have made your election, you may not thereafter add any of the additions provided for in those sections except the addition you elected until you have changed your election in accordance with this section. Each election must be made by notifying your Office of Price Stabilization District Office of your election by a statement in writing. Any change of election must be made between January 1 and 10 or July 1 and 10 of each year and shall become effective five days after you have mailed or delivered the written statement to your District Office.

[Section 12 amended by Amdt. 5]

SEC. 13. *Evasion.* (a) You shall not evade the provisions of this regulation by direct or indirect methods in connection with an offer, solicitation, or agreement relating to the sale, delivery, purchase, transfer or receipt of pork products alone or in conjunction with any other commodity or service, or by way of any commission, service, transportation, wrapping, packaging or other charge or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or by changing the selection or the style of dressing, cutting, trimming, cooking or otherwise processing, or the wrapping or packaging of pork products, or otherwise.

(b) Among others, the following practices are considered evasions and are prohibited:

(1) Falsely or incorrectly invoicing pork products.

(2) Offering, selling or delivering a pork product or condition that the buyer purchase another pork product or any other commodity or service.

(3) Making or receiving a charge for delivery on the basis of a route different from that actually followed and in excess of that permitted for the route by which the pork product was actually delivered.

(4) Charging, paying, billing, or receiving any consideration for or in connection with any service for which a specific allowance has not been provided in this regulation.

(5) Selling or invoicing wholesale pork cuts for which ceiling prices are provided in section 27 of this regulation to buyers other than purveyors of meals, hotel supply houses, combination distributors, ship suppliers or peddler truck sellers as defined in section 60 (1) (1).

(c) The following payments shall not be construed as evasions of this regulation if made under the following conditions:

(1) A payment by a buyer to a seller for icing services performed by the seller before delivery of any pork product to a carrier, if the carrier's freight charges are paid directly by the buyer and if the amount paid for such icing services does not exceed the actual commercial rates for such icing services.

(2) Where the distribution point is the seller's place of business and the transportation charges are paid by the seller to the carrier, a payment by a buyer to a seller of the buyer's proportion of that transportation charge, if such payment appears on the seller's invoice.

(3) A payment of not more than 17½ cents per hundredweight in excess of the ceiling prices fixed by this regulation, if paid by a buyer to a broker who had rendered services as a broker prior to the issuance date of this regulation. This payment may be made only for services rendered by the broker to the buyer if the broker is not affiliated with the seller. However, this provision does not apply to sales covered by section 30 of this regulation.

[Subparagraph (3) added by Amdt. 2]

SEC. 14. *Prohibitions.* (a) *Selling or buying at prices above ceiling.* Regardless of any contract, agreement or other obligation, (1) you shall not sell or deliver any pork product at a price higher than the ceiling price established by this regulation; (2) you shall not buy or receive in the regular course of trade or business any pork product at a price higher than the ceiling price established by this regulation; and (3) you shall not agree, offer, solicit or attempt to do any of the foregoing. You may, however, charge, demand, pay or offer lower prices for pork than are established by this regulation.

(b) *Selling or buying other than defined cuts.* (1) Regardless of any contract, agreement or other obligation, except for dried (other than aged, dry cured) pork, specialty pork products and prefabricated retail cuts, the ceiling prices of which are controlled by section 5, you shall not sell or deliver and you shall not, in the regular course of trade or business, buy or receive any pork unless such pork is defined in Appendix 2 of this regulation or unless such pork is sold to a defense procurement agency and meets the specifications of that agency. Moreover, you shall not sell any prefabricated retail cut to a retail selling establishment unless (i) you have customarily sold prefabricated retail cuts to such establishment prior to September 25, 1951, and (ii) the retailer requests you, in writing, to continue to sell him prefabricated retail cuts. Also, you shall not sell any prefabricated retail cut to a purveyor of meals unless (i) you have customarily sold prefabricated retail cuts to purveyors of meals prior to September 25, 1951, and (ii) the purveyor of meals requests you, in writing, to sell him prefabricated retail cuts. Moreover, you may not produce and sell dried (other than aged, dry cured) pork or a specialty pork product after May 17, 1952, unless you have, within that period, filed the report required by section 5 (a).

(2) This regulation establishes a ceiling price for miscuts. The purpose of the provision establishing a ceiling price for miscuts is not to sanction the sale of such miscuts or to excuse violations of this section, but simply to establish a ceiling price for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. The sale of a miscut violates this section and the sale of a miscut at a price higher than the ceiling price prescribed by this regulation also violates section 14 (a).

[Paragraph (b) amended by Amdts. 1 and 2]

[Paragraph (c) added by Amdt. 1; amended by Amdt. 2; deleted by Amdt. 3]

SEC. 15. *Enforcement.* On or after the effective date of this regulation, if you violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 16. *Petitions for amendment.* If you desire an amendment of any provision of this regulation, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised, issued by the Office of Price Stabilization.

ARTICLE II—PRICING SCHEDULES

SEC. 20. *Schedule I—Wholesale pork cuts: Fresh or frozen, cured, smoked, ready-to-eat, and cooked (not in molds under pressure).*

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[1] The portions of the General Ceiling Price Regulation here referred to applicable to you, are as follows:

SEC. 16. (a) *Base period records.* You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period. • • •

(2) In addition, on or before March 22, 1951, you must prepare and preserve a statement showing the categories of commodities in which you made deliveries and offers for delivery during the base period. • • •

(3) On or before March 22, 1951, you must also prepare and preserve a ceiling price list, showing the commodities in each category (listing each model, type, style, and kind), or the services, delivered or offered for delivery by you during the base period together with a description or identification of each such commodity or service and a statement of the ceiling price. Your ceiling price list may refer to an attached price list or catalog. • • •

(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period.

• • • • •

(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. • • •

"Base period" as used in section 16 of the General Ceiling Price Regulation means December 19, 1950 to January 25, 1951, inclusive.

[2] Section 10 of Supplementary Regulation 47 to the General Ceiling Price Regulation requires you, if you bought pork loins and resold those pork loins or pork cuts derived from those pork loins, to make and preserve complete and accurate records showing your seven-day cost per pound of pork loins for each week after July 30, 1951 until the effective date of this Ceiling Price Regulation 74 and your pork loin base week cost per pound. As used in that regulation "base week" means the period from January 19 to January 25, 1951, inclusive, or if pork loins were not delivered to you during the base week, the seven-day period beginning with the first day pork loins were delivered to you after January 25, 1951.

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average]

Item	Fresh or frozen		Cured		Smoked		Ready-to-eat		Cooked (not in molds under pressure)	
	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price
1. Hams—Regular bone-in	16 down	$45.30	16 down	$44.30	16 down	$52.30	16 down	$54.50	14 down	$57.60
	16-20	43.60	16-20	42.60	16-20	50.30	16-20	52.40	14-18	55.50
2. Hams—Long cut bone-in (may be sold only to be "aged, dry cured").	16 down	44.30								
	Over 16	42.60								
3. Hams—Skinned bone-in	14 down	51.00	14 down	50.00	14 down	58.00	14 down	60.40	14 down	63.60
	14-18	49.00	14-18	48.00	14-18	55.70	14-18	58.10	14-16	61.40
	18-25	47.00	18-25	46.00	18-24	53.70	18-24	56.00	16-22	59.20
	Over 25	43.00	Over 25	42.00	Over 24	49.70	Over 24	51.80	Over 22	54.80
4. Hams—Regular boneless	14 down	51.20	14 down	50.20	14 down	59.20	14 down	61.60	14 down	65.10
	14-18	49.20	14-18	48.20	14-18	56.90	14-18	59.20	14-16	62.70
5. Hams—Skinned boneless	12 down	58.50	12 down	57.50	12 down	66.60	12 down	69.30	12 down	73.30
	12-16	56.10	12-16	55.10	12-16	63.90	12-16	66.60	12-16	70.50
	16-22	54.00	16-22	53.00	16-22	61.80	16-22	64.40	16-20	68.00
	Over 22	49.10	Over 22	48.10	Over 22	56.90	Over 22	59.20	Over 20	62.60
6. Hams—Regular boneless and fatted	10 down	61.60	10 down	60.60	10 down	70.30	10 down	73.00	10 down	81.50
	10-14	58.90	10-14	57.90	10-14	67.30	10-12	70.70	10-12	77.40
7. Hams—Skinless, boneless, and fatted	10 down	67.40	10 down	66.50	10 down	76.30	10 down	81.60	10 down	89.60
	10-14	64.90	10-14	63.90	10-14	73.40	10-12	78.60	10-12	86.30
	14-18	62.30	14-18	61.30	14-18	70.70	12-16	75.80	12-16	83.20
	Over 18	57.00	Over 18	56.00	Over 18	65.40	Over 16	70.00	Over 16	76.90
(i) Split ham, skinless, boneless and fatted	2 lbs. up	58.50	2 lbs. up	57.50	2 lbs. up	66.90	1½ lbs. up	71.50	1½ lbs. up	78.40
8. Boston butts	8 down	43.50	8 down	43.00	8 down	51.50	8 down	52.90		
	Over 8	41.00	Over 8	40.50	Over 8	48.90	Over 8	50.30		
9. Bellies—Square cut and seedless	9 down	36.50	9 down	38.00	8 down	48.90				
	9-15	34.50	9-15	36.00	8-14	45.50				
	15-17	28.60	15-17	30.50	14-16	39.50				
	17-22	27.00	17-22	28.50	16-20	36.70				
10. Bellies—Square cut and seedless with spareribs in.	22 down	31.20								
11. Bellies—Square cut seedless and derined					8 down	52.40				
					8-14	49.30				
					14-16	42.10				
					16-20	38.90				
12. Loins—Regular	12 down	51.00	12 down	52.00	12 down	63.70				
	12-16	50.00	12-16	51.00	12-16	62.70				
	16-20	47.00	16-20	48.00	16-18	58.50				
	Over 20	42.00	Over 20	43.00	Over 18	52.50				
(i) Loins—Regular (skin on)	12 down	46.00	12 down	47.00	12 down	57.50				
	12-16	45.00	12-16	46.00	12-16	56.40				
(ii) Loins—Center cut	7½ down	61.40	7½ down	62.40	7½ down	74.20				
	7½-10½	59.50	7½-10½	60.50	7½-10½	72.00				
	10½-13	55.00	10½-13	56.00	10½-13	66.90				
(iii) Shoulder end of loin	All weights	33.00	All weights	34.00	All weights	43.80				
(iv) Ham end of loin	All weights	37.20	All weights	38.20	All weights	46.00				
13. Picnics—Regular bone in	8 down	34.50	8 down	34.00	8 down	42.10	8 down	43.80	6 down	45.70
	Over 8	32.00	Over 8	31.50	Over 8	39.60	Over 8	41.20	Over 6	43.00
14. Picnics—Boneless	6 down	41.00	6 down	40.50	6 down	48.70	6 down	50.80	6 down	53.00
	Over 6	38.00	Over 6	37.50	Over 6	45.70	Over 6	47.60	Over 6	49.60
15. Picnics—Boneless, skinless, and fatted	6 down	49.20	6 down	48.70	6 down	57.60	6 down	60.60	6 down	65.30
	Over 6	45.40	Over 6	44.90	Over 6	53.70	Over 6	56.50	Over 6	60.90
16. Shoulder—Skinned, neckbone out	16 down	38.00	16 down	37.50	16 down	45.90			14 down	49.60
	Over 16	35.50	Over 16	35.00	Over 16	43.30			Over 14	46.80
(i) Shoulder—Skinned, neckbone in	16 down	35.60	16 down	35.10	16 down	43.50				
	Over 16	33.40	Over 16	32.90	Over 16	41.20				
17. Shoulders—Skinned boneless	14 down	42.90	14 down	42.40	14 down	51.50			12 down	57.50
	Over 14	40.10	Over 14	39.60	Over 14	48.60			Over 12	54.60
18. Shoulders—Boneless, skinless, and fatted	12 down	47.10	12 down	46.60	12 down	57.00			12 down	62.50
	41.00	Over 12	43.50	Over 12	53.70			Over 12	59.20	
19. Shoulders—Regular neckbone out	16 down	34.90	16 down	34.40	16 down	42.70				
	Over 16	32.60	Over 16	32.10	Over 16	40.30				
20. Shoulders—Rough neckbone in	16 down	32.50	16 down	31.80	16 down	40.00				
	Over 16	30.30	Over 16	29.80	Over 16	38.00				
21. Shoulders—Rough, neckbone out	16 down	33.30	16 down	32.90	16 down	41.20				
	Over 16	31.10	Over 16	30.60	Over 16	38.80				
22. Shoulders—Long cut (may be sold only to be aged, dry cured).	All weights	32.40								
23. Butts—Boneless	3 down	54.00	3 down	54.50	3 down	69.40	3 down	71.70		
	Over 3	48.20	Over 3	48.70	Over 3	63.00	Over 3	65.10		
24. Loins—Boneless (Canadian style) (may not be sold to retailers in fresh or frozen form).	All	76.50	All	78.00	All	98.00			All	100.60
25. Loins—Boneless—Regular cap or tail on	All	72.80	All	74.30						
26. Briskets	All	21.10	All	22.10	All	27.70				
27. Fat backs	Under 12	13.70	Under 13	14.50	Under 12	17.50				
	12-16	14.70	12-16	15.50	12-16	18.50				
	Over 16	15.70	Over 16	16.50	Over 16	19.70				
28. Fat back ends or squares	All weights	13.70	All weights	14.50	All weights	17.50				
29. Bellies or belly squares, dry salt trim (clear or rib).	All weights	24.00	All weights	25.00	All weights	29.10				
30. Plates and jowls:										
Clear plates										
Regular plates		13.70		14.50		17.50				
Jowl butts		18.00		18.80		22.90				
Jowl butts, skinless		14.50		15.30		19.70				
Square jowl butts	All weights	16.00	All weights	16.00	All weights					
Hog jaws (also known as rough jowls) (May be sold only to be "aged, dry cured").		16.50		17.50		24.10				
		14.00								
31. Spareribs	3 and down	40.00	3 and down	40.50	3 and down	48.00				
	Over 3	37.00	Over 3	37.50	Over 3	44.70				
32. Barbecue ribs	3 and down	46.30	3 and down	46.80	3 and down	54.90				
33. Loin ribs	All weights	56.70	All weights	57.20	All weights	66.20				
34. Spareribs brisket bones	All weights	14.00	All weights	14.50	All weights	19.70				

SPECIAL ADJUSTMENT

If any wholesale pork cut listed above is not cut or trimmed in accordance with the specifications prescribed in Appendix 2, you must deduct $2.00 per cwt. from the prices listed above for any such improperly cut or trimmed fresh or frozen cut and $2.50 per cwt. from the prices listed above for any such improperly cut or trimmed cured or processed cut.

SEC. 21. *Schedule II—Wholesale pork cuts: Sliced bacon, derind, packed in shipping containers.*

[All prices are on a dollars per cwt. packed basis; the price for a fraction of a cwt. shall be reduced proportionately]

	Packed in containers 30 pounds or less	
	½-pound package	1-pound package
1. Parchment wrapped:		
(i) Grade A	$57.40	$56.70
(ii) Grade B	49.60	48.90
(iii) Grade C	45.10	44.40
2. Rolls in cellophane or other transparent material:		
(i) Grade A	57.90	56.90
(ii) Grade B	50.10	49.10
(iii) Grade C	45.60	44.60
3. Closed carton; or cardboard wrapped in cellophane or other transparent material:		
(i) Grade A	59.40	58.20
(ii) Grade B	51.60	50.40
(iii) Grade C	47.10	45.90
4. Any package listed above:		
(i) Hotel	61.50	60.90
(ii) Grade D	35.90	34.70
(iii) Canadian style:		
Smoked	111.20	110.00
Cooked	114.00	112.80
(iv) Jowl butts	30.60	29.50
(v) Boneless regular plates	34.50	33.40
	Packed in containers 30 pounds or less	
5. Platter or bulk layers:		
(i) Hotel	$60.00	
(ii) Grade A	55.90	
(iii) Grade B	48.10	
(iv) Grade C	43.60	
(v) Grade D	33.70	
6. Bacon ends:		
(i) Packages 2 pounds or less	22.70	
(ii) Loose in carton or packages over 2 pounds	21.40	

SPECIAL ADJUSTMENTS

Each of the above prices includes wrapping and packaging allowances and you may not add to the prices listed above any addition specified in section 51 or 52.

If any of the above items is packaged in a shipping container containing more than 30 pounds, the price listed above for each such item shall be reduced $0.50 per cwt.

[Section 21 amended by Amdt. 2]

SEC. 22. *Schedule III—Wholesale pork cuts: Cured and cooked, smoked and cooked, and browned.*

All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average. Cooked items in this schedule must be cooked in molds under pressure]

	Weight Range (pounds)	Price		
		Cured and cooked	Smoked and cooked	Browned
1. Hams—Regular, boneless, and fatted	10 down	$83.40	$85.40	$87.50
	Over 10	79.80	81.80	83.80
2. Hams—Skinless, boneless, and fatted	10 down	91.50	93.70	95.70
	Over 10	88.20	90.30	92.30
3. Picnics—Skinless, boneless, and fatted	5 down	67.90	69.60	72.00
	Over 5	63.30	64.90	67.00
4. Shoulders—Skinless, boneless, and fatted	10 down	66.70	68.40	70.30
	Over 10	62.60	64.20	66.20

SPECIAL ADJUSTMENT

If any wholesale pork cut listed above is not trimmed in accordance with the specifications prescribed in Appendix 2, you must deduct $2.50 per cwt. from the prices listed above for any such improperly trimmed cut.

SEC. 23. *Schedule IV—Wholesale pork cuts: Pork sausage material.*

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately]

	Price—Fresh, frozen, or cured
1. Regular trimmings 40 percent lean	$22.00
2. Regular trimmings 50 percent lean	23.50
3. Special lean trimmings 80 percent lean	43.50
4. Extra lean trimmings 95 percent lean	51.50
5. Neck bone trimmings	40.50
6. Blade meat	53.50
7. Skinned neck fat	16.00
8. Skin-on neck fat	14.50
9. Skinned back fat	15.00
10. Skinned ham fat	15.50
11. Skinned shoulder fat	15.50

SEC. 24. *Schedule V—Wholesale pork cuts: Miscellaneous pork cuts.*

[All prices are on a dollars per cwt. loose basis except that gelatin skins are priced on a dollars per cwt. packed basis. The price for any fraction of a cwt. shall be reduced proportionately]

	Price		
	Fresh or frozen	Smoked	Cooked
1. Hocks, ¼ pound up	$30.00	$39.00	
2. Knuckles under ¼ pound	22.00	30.00	
3. Feet, regular	8.00		
4. Feet, short cut	6.00		
5. Tidbits from hind feet	15.00		
6. Tails	17.00	22.00	
7. Neck bones	13.00	17.00	
8. No. 1 skins-strips	12.00		
9. Bacon skins		11.00	
10. Gelatin skins (price includes the container; you may not add the additions provided in sec. 51 or 52)	9.25		
11. Blade butts (blade bones)	36.00	41.00	
12. Back bones	5.00	10.00	
13. Country backbones (Southern style)	45.00		
14. Pork tenderloin	81.00		
15. Pork tenderloin tips	79.00		
16. Cappicola butts (cured and cooked) (natural casings):			
2½ pounds down			$86.30
Over 2½ pounds			77.40
17. Cappicola butts (cured and cooked) (artificial casings)			
2½ pounds down			86.70
Over 2½ pounds			78.00
18. Cappicola butts (cured and cooked) (wrapped in cellophane or other transparent material or vegetable parchment):			
2½ pounds down			86.70
Over 2½ pounds			78.00

NOTE. If you sell hocks, knuckles, feet, tidbits from hind feet, No. 1 skins-strips, tails, or neckbones, cured, you may add $1.00 per cwt. to the prices for these items as listed for fresh or frozen.

[Section 24 amended by Amdt. 4]

SEC. 25. *Schedule VI—Wholesale pork cuts: Semi-sterile canned meats.*

[All prices are on a dollars per cwt. packed basis. The price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average except for exact weight hams under 7 pounds. Weights refer to the weight of the product immediately before canning. You may not add to the prices listed below the additions provided in section 51 or 52]

	Weight range (pounds)	Price	
		Unsmoked	Smoked
1. Canned whole ham:			
(a) Skinless (exact net weight each) (limited to quarters, halves and full pounds only)	Under 7	$88.50	$92.30
(b) Skinless—(all shapes other than Pullman style)	7 to 9	$81.50	$84.40
	9 to 11	80.30	83.30
	11 to 13	76.90	79.80
	13 to 15	73.80	76.50
(c) Pear-shaped (Polish style with shank collar)	7 to 9	78.30	81.40
	9 to 11	77.30	80.30
	11 to 13	73.90	76.80
(d) Pullman, skinless	7 to 10	82.00	84.60
	10 to 13	78.80	81.30
2. Canned whole picnics	4 to 8	68.90	
3. Canned spiced luncheon meat	3	84.70	
	6 or 8	83.20	
4. Canned spiced ham	3	71.00	
	6 or 8	69.50	
5. Canned pressed ham, boneless, chopped	5	75.20	
	6 or 8	73.70	
	10	73.00	
6. Canned chopped pork, boneless	3	57.80	
	6 or 8	56.00	
	10	55.30	

SPECIAL ADJUSTMENTS

Your ceiling price for canned whole hams—skinless, which are opened and removed from the can for inspection and testing, shall be $5.00 per cwt. below the prices listed in section 22, Schedule III, item 2, for cured and cooked hams of the applicable weight range.

Your ceiling price for canned whole hams—(Polish style), which are opened and removed from the can for inspection and testing, shall be $8.00 per cwt. below the prices listed in section 22, Schedule III, item 2 for cured and cooked hams of the applicable weight range.

[Section 25 amended by Amdt. 2]

SEC. 26. *Schedule VII—Wholesale pork cuts: Pork variety meats and edible by-products.*

[All prices are on a dollars per cwt. loose basis, the price for any fraction of a cwt. shall be reduced proportionately]

Item	Price
1. Brains	$13.50
2. Caul fat	15.50
3. Cheek meat	39.00
4. Chitterlings	13.00
5. Crown meat	18.50
6. Cutlets	44.60
7. Diaphragm meat	18.50
8. Ears	13.50
9. Gullet weasand meat	18.50
10. Head (tongue out)	12.00
11. Head (tongue in, jowls on) (market head)	14.00
12. Head meat	39.00
13. Head skins	10.00
14. Hearts	34.00
15. Kidneys	14.50
16. Leaf lard (raw)	17.00
17. Lips	12.00
18. Livers	24.50
19. Melts (trimmed)	10.00
20. Snouts (lean meat out)	9.00
21. Snouts (lean meat in)	11.00
22. Tongues (bone in)	29.00
23. Tongues (boneless)	32.50
24. Tongues, cured (bone in)	30.50
25. Tongues, cured (boneless)	34.10
26. Tongues, smoked (bone in)	42.20
27. Tongue trimmings	20.00
28. Stomachs	11.00
29. Stomachs, cooked	12.00

SPECIAL ADJUSTMENT

If any wholesale pork cut, listed above, is not trimmed in accordance with the specification prescribed in Appendix 2, you must deduct $2.00 per hundredweight from prices listed above for any such improperly trimmed cut.

[Section 26 amended by Amdt. 2]

SEC. 27. *Schedule VIII — Wholesale pork cuts: Fabricated loin cuts.*

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately.]

Bladeless loin chops (cut end to end):	
Sales by—	
Hotel supply houses to purveyors of meals and by anyone to purveyors of meals as defined in section 60 (p) (4)	*Price* $62.30
Combination distributors or peddler truck sellers as defined in section 60 (1) (1) to purveyors of meals	59.80
All other sales	54.80

NOTE.—The above cut may be sold only to purveyors of meals, hotel supply houses, combination distributors, ship suppliers and peddler truck sellers as defined in section 60 (1) (1).

SEC. 28. *Schedule IX—Wholesale pork cuts: Aged, dry-cured pork cuts.*

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately.]

Item	Price—Aged, dry cured
1. Hams	$88.90
2. Shoulders	59.70
3. Bacon sides (boneless)	51.80
4. Bacon sides (spareribs in)	55.00
5. Hog jaws (also known as rough jowls)	28.20

SEC. 29. *Wholesale pork cuts: certain cuts packed in wood or glass containers—*

(a) *Ceiling prices.* Your ceiling price for barrel pork made from any pork product, for which a specific ceiling price is provided in this regulation, packed in 50-pound, 100-pound, 200-pound or 300-pound water-tight barrels according to good commercial practice; and vinegar pickled products (cooked) made from any pork product, for which a specific ceiling price is provided in this regulation, packed in water-tight wooden containers weighing at least 13 pounds net each or glass containers weighing at least 5 pounds net each, shall be determined as follows:

(1) *Packers.* If you pack one of these items in these containers, you shall determine your ceiling price for that item as follows:

(i) Determine the base price specified in this Article II, on a loose basis, for the wholesale pork cut to be used.

(ii) Determine the total value of the pork cut packed in each container immediately before it is placed in the container as follows: You shall add to the price determined under (i) an amount equal to any gain in ceiling price value of the wholesale pork cut used, attributable to any curing or cooking you have done, or you shall subtract from the price determined under (i) an amount equal to any loss in ceiling price value of the wholesale pork cut used, attributable to any curing or cooking you have done. In addition, you shall deduct from or add to the price determined under (i) an amount equal to any net loss or net gain in ceiling price value attributable to trimming you have done, after having allowed the full ceiling price value of any by-product resulting from the trimming. The result of your computations is your total value of the pork cut packed,

[Above portion of paragraph (a) amended by Amdt. 2]

(iii) Determine your actual cost of the ingredients (other than pork) packed in each container.

(iv) Determine your direct labor cost applicable to the product in each packed container.

(v) Determine your actual cost of each container and of any outer package used.

(vi) Add the following amounts:

(*a*) Items (ii), (iii), (iv) and (v);

(*b*) 100 percent of item (iv);

(*c*) 75 cents per hundredweight of net weight of finished product; and

(*d*) 1.3 times the applicable zone differential, if any, to the distribution point.

The resulting sum rounded to the nearest 10 cents per hundredweight is your ceiling price at the distribution point. You may not add any of the additions provided in Article IV except the addition provided in section 42, if applicable. You shall file the report required in section 29 (b). You shall give a written statement of your ceiling price to each of your customers on the initial sale of this item to each customer after a change in your ceiling price after the effective date of Amendment 2 to this regulation.

[Subdivision (vi) amended by Amdt. 2]

(2) *Others.* If you buy one of these items in these containers, you shall determine your ceiling price for that item by adding to the ceiling price of the packer of the item the applicable additions provided for in sections 42 through 50, inclusive, and section 52.

[Subparagraph (2) amended by Amdt. 2]

(b) *Reports.* If you pack any of the items permitted under section 29 (a) in one of the containers enumerated therein, you shall file, on or before May 17, 1952, with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., an itemized statement showing each of the calculations made under items (i) through (vi), inclusive, of section 29 (a) (1), and explaining how the figures used in these calculations were arrived at. After receipt of your report, the Director of Price Stabilization may issue an order forbidding you to sell this item or may issue an order revising the ceiling prices of you and your customers for this item. If you do not file this statement within the time required, the Director of Price Stabilization may, nevertheless, fix a ceiling price for this item, dating back to the time when this statement was due.

[Paragraph (b) amended by Amdt. 2]

SEC. 30. *Schedule X—Dressed hogs: Denominator basis.* This section may *not* be used to determine the ceiling price of a dressed hog you sell to a person other than a certified dressed hog processor.

Your base price for each dressed hog sold to a certified dressed hog processor may be determined under section 31 or may be determined as follows:

Find the dressed weight range applicable to the hog being priced by consulting the table below. Dressed weight ranges are in the first column for shipper and in the third column for packer style. Then find the related live weight range of this dressed hog on the same line in the table but in the fifth column. Then ascertain the current Chicago live hog price for hogs of that live weight range and multiply that price by the appropriate denominator given in the table for such live weight range. Denominators are in the second column for shipper and in the fourth column for packer style on the same line in the table. The resulting product is the base price. Your ceiling for the dressed hog sold to a certified dressed hog processor is the base price plus any of the applicable additions listed in Article IV, if you determine your ceiling price under this section.

The base price for dressed hogs, as determined under Schedule X, section 30, shall include all charges for brokerage and no additions may be made for brokerage fees. If the seller pays no brokerage fees, the ceiling price shall be reduced by 17½ cents per hundredweight.

[Above Paragraph added by Amdt. 2]

TABLE OF WEIGHT RANGES AND DENOMINATORS

[Prices determined under this Schedule will be on a dollars per hundredweight basis; the price for any fraction of a hundredweight shall be reduced proportionately. Weights are by range and not by average]

Shipper style		Packer style		Related live weight ranges (pounds)
Dressed weight ranges (pounds)	Denominators	Dressed weight ranges (pounds)	Denominators	
Pigs:				
81–99	1.45	73–89	1.54	120–140.
100–119	1.41	90–107	1.50	140–160.
120–136	1.39	108–123	1.47	160–180.
Butchers:				
137–153	1.36	124–138	1.44	180–200.
154–171	1.34	139–154	1.42	200–220.
172–188	1.33	155–169	1.41	220–240.
189–213	1.32	170–192	1.39	240–270.
214–235	1.31	193–213	1.38	270–300.
236–265	1.30	214–239	1.37	300–330.
Over 265	1.28	Over 239	1.35	330 up.
Sows:				
Under 312	1.32	Under 280	1.39	Under 400.
312 and over	1.30	280 and over	1.37	400 and over.

NOTE.—Dressed hogs weighing less than 81 pounds, shipper style, or less than 73 pounds, packer style, shall be governed by section 31.

[Above Table corrected by Amdt. 2]

SEC. 31. *Schedule XI—Dressed hogs: Flat price basis.* This section or section 30 may be used to determine the ceiling price of a dressed hog sold to a certified dressed hog processor. This section shall be used to determine the ceiling price of a dressed hog sold to a person other than a certified dressed hog processor.

[All prices are on a dollars per cwt. basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average]

Shipper style		Packer style	
Dressed weight ranges (pounds)	Price	Dressed weight ranges (pounds)	Price
Pigs:			
60–80	$34.80	55–72	$35.80
81–99	32.60	73–89	33.60
100–119	32.20	90–107	33.10
120–136	31.70	108–123	33.00
Butchers:			
137–153	31.30	124–138	33.10
154–171	31.10	139–154	32.80
172–188	30.60	155–169	32.70
189–213	29.80	170–192	31.50
214–235	29.40	193–213	31.20
236–265	28.70	214–239	30.20
Over 265	27.10	Over 239	28.60
Sows:			
Under 312	28.90	Under 280	30.50
312 and over	26.70	280 and over	28.10

NOTE—Dressed hogs weighing less than 60 pounds, shipper style, or less than 55 pounds, packer style, shall remain under the General Ceiling Price Regulation, as amended and as supplemented.

ARTICLE III—DISTRIBUTION POINT

SEC. 35. *Distribution point.* The distribution point applicable to each of your sales determines the zone differential (section 40) and the local delivery addition (section 42), if applicable. In determining the distribution point applicable to each sale, you shall be governed as follows:

(a) *Sales to purveyors of meals.* On sales of pork products to purveyors of meals the distribution point may be, at the option of the seller:

(1) The point at which the meat consigned to the purveyor of meals is delivered to a carrier for shipment to the purveyor, who pays the shipping charges directly to the carrier; or

(2) Any of the points designated in paragraphs (b) or (c) of this section.

(b) *Less than carload shipments.* On sales of less than carload shipments of pork products, the distribution point may be, at the option of the seller:

(1) The seller's place of business, if the buyer comes to the seller's plant to pick up the meat; or

(2) The seller's place of business if the seller makes a local delivery beginning at his place of business and continuing to the buyer's place of business; or

(3) The unloading station nearest the buyer's place of business; or

(4) The seller's place of business on railway express and parcel post deliveries if:

(i) At least 25 percent, by weight, of the seller's 1950 deliveries of pork were by railway express or parcel post;

(ii) The buyer agrees, in writing, to accept the seller's place of business as the distribution point;

(iii) The seller has not during any quarterly accounting period beginning after March 22, 1952 made a greater percentage by weight of his deliveries of pork by railway express or parcel post than he made during the corresponding quarterly accounting period of 1950;

(iv) The seller files with his OPS District Office, on or before May 17, 1952, a statement showing by quarterly accounting periods, the total volume, by weight, of his 1950 deliveries of pork and the total volume, by weight, of his 1950 deliveries of pork by railway express or parcel post.

(v) The seller files with his OPS District Office on or before the 15th day following the end of each quarterly accounting period commencing after March 22, 1952, a statement showing for the preceding quarterly accounting period his total deliveries by weight of pork and his deliveries by weight of pork by railway express or parcel post.

[Subparagraph (4) added by Amdt. 2]

(c) *Carload shipments.* On sales of carload shipments of pork products the distribution point may be, at the option of the seller:

(1) The point at which the buyer takes actual physical possession of the meat; or

(2) The seller's place of business if the seller makes a local delivery beginning at his place of business and continuing to the buyer's place of business; or

(3) The point from which the meat consigned to the buyer is delivered to a carrier for shipment at the carload rate to the buyer who pays the shipping charges directly to the carrier; or

(4) The unloading station nearest the buyer's place of business.

(d) *Sales to defense procurement agencies.* On sales to a defense procurement agency, your place of business shall be the distribution point.

(e) *Substituted distribution points.* If no carload freight rates are established to the applicable point listed in paragraphs (a), (b), (c) or (d) of this section, the nearest point to which such freight rates are established shall become the applicable distribution point.

ARTICLE IV—ZONE DIFFERENTIALS AND ADDITIONS

SEC. 40. *Addition 1—Zone differentials.* The zones listed below are defined in Appendix 1.

(a) *Zone 1.* No amount may be added as a zone differential where the distribution point is located in Zone 1.

(b) *Zone 2.* The amount to be added as a zone differential where the distribution point is located in Zone 2 shall be 50 cents per cwt.

(c) *Zone 3.* The amount to be added as a zone differential where the distribution point is located in Zone 3 shall be 70 cents per cwt.

(d) *Zone 4.* The amount to be added as a zone differential where the distribution point is located in Zone 4 shall be $1.00 per cwt.

(e) *Zone 5.* (1) *Green wholesale pork cuts.* For green wholesale pork cuts the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 125 percent the lowest fresh meat carload freight rate from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 50 cents per cwt.

(2) *Cured or processed wholesale pork cuts.* For cured or processed wholesale pork cuts, the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 125 percent the lowest classified carload freight rate for packing house products or semi-sterile canned meat products, whichever is applicable, from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 50 cents per cwt.

(3) *Dressed hogs.* For dressed hogs, the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 115 percent the lowest dressed hog carload freight rate from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 50 cents per cwt.

(f) *Zone 6.* (1) *Green wholesale pork cuts.* The amount to be added as a zone differential where the distribution point is located in Zone 6 shall be determined by multiplying by 125 percent the lowest fresh meat carload freight rate from Omaha, Nebraska, South St. Paul, Minnesota, or Kansas City, Kansas, to the distribution point, whichever is lowest, adjusted to the nearest 10 cents per cwt.

(2) *Cured or processed wholesale pork cuts.* For cured or processed wholesale pork cuts, the amount to be added as a zone differential where the distribution point is located in Zone 6 shall be determined by multiplying by 125 percent the lowest classified carload freight rate for packing house products or semi-sterile canned meat products, whichever is applicable, from Omaha, Nebraska, South St. Paul, Minnesota, or Kansas City, Kansas, to the distribution point, whichever is lowest, adjusted to the nearest 10 cents per cwt.

(3) *Dressed hogs.* For dressed hogs, the amount to be added as a zone differential where the distribution point is located in Zone 6 shall be determined by multiplying by 115 percent the lowest dressed hog carload freight rate from Omaha, Nebraska, South St. Paul, Minnesota, or Kansas City, Kansas, to the distribution point, whichever is lowest, adjusted to the nearest 10 cents per cwt.

SEC. 41. *Addition 2—Local slaughter addition.* (a) *Wholesale pork cuts.* On the sale of loins, shoulders, picnics, boston butts, blade butts, boneless butts, spareribs, feet, tails, neckbones, hearts, livers, kidneys, brains, and tongues (1) which are derived from hogs slaughtered in any of the regions listed below as defined in Appendix 1, and (2) which are delivered fresh to a buyer (other than a defense procurement agency) whose place of business is located within a region with the same or a higher local slaughter addition, you may add to the prices specified in Article II for these items the amount specified below, opposite the applicable region in which the hog is slaughtered. If the place of business of a buyer (other than a defense procurement agency) is located in a region with a lower local slaughter addition than the region where the hog is slaughtered, the local slaughter addition is limited to the amount specified below for the region in which the buyer's place of business is located. On the sale of loins, shoulders, picnics, boston butts, blade butts, boneless butts, spareribs, feet, tails, neckbones, hearts, livers, kidneys, brains and tongues (fresh or frozen) to a defense procurement agency, the local slaughter addition, if any, is the amount specified below for the region in which the hog is slaughtered.

Region	*Permitted addition per cwt.*
Region A	$2.00
Region B	1.50
Region C	1.00
Region D	1.00
Region E	1.50

[Paragraph (a) amended by Amdt. 2]

(b) *Dressed hogs.* On the sale of a dressed hog (1) which is derived from a hog slaughtered in one of the regions listed below, as defined in Appendix 1, and (2) which is delivered fresh (not frozen except to a defense procurement

agency) to a buyer whose place of business is located within a region with the same or a higher local slaughter addition, you may add to the prices determined under Schedules X and XI the amount specified below, opposite the applicable region in which the hog is slaughtered. If the place of business of a buyer, other than a defense procurement agency, is located in a different region with a lower local slaughter addition, if any, than the region where the hog is slaughtered, the local slaughter addition, if any, is limited to that specified below for the region in which the buyer's place of business is located.

Region	Permitted addition per cwt.
Region A	$0.60
Region B	.45
Region C	.30
Region D	.30
Region E	.45

[Paragraph (b) amended by Amdt. 2]

SEC. 42. *Addition 3—Local delivery.* (a) Where you make (or pay a contract carrier to make) a local delivery of not in excess of 3,000 pounds in any one day to the delivery point designated by the buyer, you may add, to the prices specified in Article II, the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a cwt. shall be reduced proportionately]

Amount:	Distance of delivery[1]
$0.40	Up to 35 miles.
$0.60	35 to 75 miles.
$1.00	75 to 150 miles.
$1.30	Over 150 miles.

[1] In terms of shortest railroad and/or truck route.

[Paragraph (a) amended by Amdt. 2]

(b) Where you make a local delivery in excess of 3,000 pounds in any one day to the delivery point designated by the buyer, you may add to the prices specified in Article II, for local delivery, the lower of the following two amounts:

(1) The regular commercial rate.

(2) The amount specified in (a) above for local delivery for a corresponding distance.

[Paragraph (b) amended by Amdt. 2]

(c) You may not add to your ceiling prices the amounts specified in subsections (a) or (b) of this section if you add a peddler truck selling addition pursuant to section 49.

SEC. 43. *Addition 4—Wholesaler's addition.* (a) On the sale of any pork product (not obtained through custom slaughtering):

(1) To retailers, you may add $2.50 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2), or

(2) To purveyors of meals you may add $2.50 per cwt. to the prices specified in Schedules I through IX and XI and to your ceiling price determined under section 29 (a) (2), or

(3) To another wholesaler, you may add $0.75 per cwt. to the prices specified in Schedules I through VII and IX and XI and to your ceiling price determined under section 29 (a) (2), or

(4) To other buyers, including defense procurement agencies, you may add $1.25 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2).

(b) You may not add the wholesaler's selling addition provided for above unless you are a wholesaler as defined in section 60 (z) and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement, in duplicate, containing the following:

(1) Your name.

(2) The address of your selling establishment.

(3) The date you began doing business as a wholesaler.

(4) The type or types of customers to whom you regularly and customarily sell your product.

Any statement filed in accordance with the similar provisions of Ceiling Price Regulation 24 shall also satisfy the requirements of filing under this section 43.

[Paragraph (b) amended by Amdt. 5]

(c) *Addition for certain sales by affiliated wholesalers.* If you do not qualify as a wholesaler, only by reason of the fact that you do not meet the requirements of section 60 (z) (2) of this regulation, you may add the appropriate wholesaler's addition on sales of those pork products you buy for resale from unaffiliated sources, *Provided:*

(1) The product is readily distinguishable as having been purchased for resale (i. e., it bears the appropriate registration number required by Distribution Regulation 1 or any wrapping or packaging bearing the name or identification of the nonaffiliated slaughterer from whom you bought);

(2) The name of the person from whom you bought for resale is stated on your invoice or, if the item is a wrapped or packaged item, the name of the person whose identification appears on the package or wrapper must be shown on your invoice;

(3) After April 16, 1952, you, or any person affiliated with you, do not sell any pork products to any slaughterer, packer, packer's branch house, or any person affiliated therewith;

[Subparagraph (3) amended by Amdt. 2]

(4) You do not, during the month of September 1951, take the addition on a greater volume by weight, of pork than you obtained from unaffiliated sources and resold during the month of September 1950;

(5) You do not during each calendar quarter beginning on or after October 1, 1951, take the addition on a greater volume, by weight, of pork than you obtained from unaffiliated sources and resold during the last calendar quarter of 1950;

(6) You file with your OPS District Office, on or before October 1, 1951, a statement showing the volume by weight of pork you obtained from unaffiliated sources and resold during (a) the month of September 1950, and (b) the last calendar quarter of 1950;

[Subparagraph (6) amended by Amdt. 5]

(7) You file with your OPS District Office, on or before October 15, 1951, a statement showing for the month of September 1951:

(i) The total volume by weight of pork obtained for resale from unaffiliated sources; and

(ii) The total volume by weight of pork sold on which the wholesaler's addition was charged;

[Subparagraph (7) amended by Amdt. 5]

(8) You file with your OPS District Office on or before January 15, 1952, and on or before the 15th day following the end of each calendar quarter ending on or after March 31, 1952, a statement showing, for the calendar quarter ended prior to the reporting date:

(i) The total volume by weight of pork obtained for resale from unaffiliated sources; and

(ii) The total volume by weight of pork sold on which the wholesaler's addition was charged.

[Subparagraph (8) amended by Amdt. 5]

SEC. 44. *Addition 5—Non-slaughtering processor's addition.* (a) On the sale of any pork product (not obtained through custom slaughtering):

(1) To retailers, you may add $1.50 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2), or

(2) To purveyors of meals, you may add $1.50 per cwt. to the prices specified in Schedules I through IX and XI and to your ceiling price determined under section 29 (a) (2), or

(3) To other buyers, including defense procurement agencies, you may add $0.75 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2).

(b) You may not add the non-slaughtering processor's addition provided for above unless you are a non-slaughtering processor as defined in section 60 (k) and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement, in duplicate, containing the following:

(1) Your name.

(2) The address of your selling establishment.

(3) The date you began doing business as a non-slaughtering processor.

(4) The type or types of customers to whom you regularly and customarily sell your product.

[Paragraph (b) amended by Amdt. 5]

(c) *Addition for certain sales by affiliated non-slaughtering processors.* If you do no qualify as a non-slaughtering processor, only by reason of the fact that you do not meet the requirements of section 60 (k) (2) of this regulation, you may add the appropriate non-slaughtering processor's addition on sales of those pork products you buy for resale from unaffiliated sources, *Provided:*

(1) You comply with all of the requirements of subdivisions (1) through (6), inclusive, of section 43 (c);

(2) You file with your OPS District Office, on or before October 15, 1951, a statement showing for the month of September 1951:

(i) The total volume by weight of pork obtained for resale from unaffiliated sources; and

(ii) The total volume by weight of pork sold on which the non-slaughtering processor's addition was charged.

[Subparagraph (2) amended by Amdt. 5]

(3) You file with your OPS District Office on or before January 15, 1952, and on or before the 15th day following the end of each calendar quarter ending on or after March 31, 1952, a statement showing, for the calendar quarter ended prior to the reporting date:

(i) The total volume by weight of pork obtained for resale from unaffiliated sources; and

(ii) The total volume by weight of pork sold on which the non-slaughtering processor's addition was charged.

[Subparagraph (3) amended by Amdt. 5]

SEC. 45. *Addition 6—Intermediate distributor's addition.* (a) On the sale of any pork product (not obtained through custom slaughtering):

(1) To retailers, you may add $1.00 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2), or

(2) To purveyors of meals, you may add $1.00 per cwt. to the prices specified in Schedules I through IX and XI and to your ceiling price determined under section 29 (a) (2), or

(3) To other buyers, including defense procurement agencies, you may add $0.50 per cwt. to the prices specified in Schedules I through VII, IX and XI and to your ceiling price determined under section 29 (a) (2).

(b) You may not add the intermediate distributor's addition provided for above unless you are an intermediate distributor as defined in section 60 (h), and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement, in duplicate, containing the following:

(1) Your name

(2) The address of your business

(3) The date you began doing business as an intermediate distributor

(4) The type or types of customers to whom you regularly and customarily sell your product.

[Paragraph (b) amended by Amdt. 5]

(c) You may not, during the month of September 1951, take the addition on a greater volume, by weight, of pork than you bought and resold for your own account during the month of September 1950. Moreover, you may not, during each calendar quarter beginning on or after October 1, 1951, take the addition on a greater volume, by weight, of pork than you bought and resold for your own account during the last quarter of the calendar year 1950.

(d) You shall file with your OPS District Office, on or before October 1, 1951, a statement showing the volume, by weight, of pork you bought and resold for your account during (1) the month of September 1950; and (2) the last calendar quarter of 1950.

[Paragraph (d) amended by Amdt. 5]

(e) If you add the intermediate distributor's addition you shall file with your OPS District Office:

(1) On or before October 15, 1951, a statement showing, for the month of September 1951, the total volume, by weight, of pork on which you charged the intermediate distributor's addition; and

(2) On or before January 15, 1952, and on or before the 15th day following the end of each calendar quarter ending on or after March 31, 1952, a statement showing, for the calendar quarter ended prior to the reporting date, the total volume, by weight, of pork on which you charged the intermediate distributor's addition.

[Paragraph (e) amended by Amdt. 5]

SEC. 46. *Addition 7—Hotel supply house addition.* (a) On the sale of the following wholesale pork cuts to purveyors of meals you may add to the prices specified in Article II the amount specified below opposite the type of cut sold:

Item	Amount per cwt.
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (sections 20 and 22)	$8.00
(2) Semi-sterile canned meat (section 25)	8.00
(3) Miscellaneous pork cuts (section 24), except pork tenderloins, pork tenderloin tips and cappicola butts	4.00
(4) Cappicola butts and Canadian bacon	10.00
(5) Pork variety meats and edible byproducts (section 26)	8.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in section 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	10.00
(8) Boneless ham, ready-to-eat, cooked or browned (sections 20 and 22) sliced	12.50
(9) Loins, regular or bladeless	10.00
(10) Other wholesale pork cuts, other than those listed in section 27	6.00

(b) On the sale of wholesale pork cuts to buyers other than purveyors of meals, you may add the additions provided in subdivisions (1), (3) or (4) of section 43 (a), as if you were a wholesaler.

(c) You may not add the additions specified in this section unless you are a hotel supply house as defined in section 60 (g) and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement, in duplicate, containing the following:

(1) The total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by you during 1950, excluding sales to defense procurement agencies;

(2) The total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by you during 1950 to purveyors of meals;

(3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1).

Any statement filed in accordance with the similar provisions of Ceiling Price Regulation 24 shall also satisfy the requirements of filing under this section 46.

[Paragraph (c) amended by Amdt. 5]

SEC. 47. *Addition 8—Combination distributor's addition.* (a) On the sale of the following wholesale pork cuts to purveyors of meals you may add to the prices specified in Article II the amount specified below opposite the type of cut sold:

Item	Amount per cwt.
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (sections 20 and 22)	$8.00
(2) Semi-sterile canned meat (section 25)	6.00
(3) Miscellaneous pork cuts (section 24), except pork tenderloins, pork tenderloin tips and cappicola butts	3.00
(4) Cappicola butts and Canadian bacon	7.50
(5) Pork variety meats and edible byproducts (section 26)	6.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in section 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	7.50
(8) Boneless ham, ready-to-eat, cooked or browned (sections 20 and 22) sliced	10.00
(9) Loins, regular or bladeless	7.50
(10) Other wholesale pork cuts, other than those listed in section 27	4.50

(b) If you are a combination distributor not affiliated with a slaughterer of hogs or pigs, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions provided in subdivisions (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

(c) You may not add the additions specified in this section unless you are a combination distributor as defined in section 60 (d) and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement, in duplicate, containing the following:

(1) The total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by you during 1950, excluding sales to defense procurement agencies;

(2) The total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by you during 1950 to purveyors of meals;

(3) The percentage obtained by dividing the figure derived in (2) by the figure derived in (1).

Any statement filed in accordance with the similar provisions of Ceiling Price Regulation 24 shall also satisfy the requirements of filing under this section 47.

[Paragraph (c) amended by Amdt. 5]

SEC. 48. *Addition 9—Addition on sales to ship operators.* (a) On the sale of the following wholesale pork cuts to purveyors of meals as defined in section 60 (p) (4) you may add to the prices specified in Article II the amount specified below opposite the type of cut sold:

Item	Amount per cwt.
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (sections 20 and 22)	$8.00
(2) Semi-sterile canned meat (section 25)	8.00
(3) Miscellaneous pork cuts (section 24), except pork tenderloins, pork tenderloin tips and cappicola butts	4.00
(4) Cappicola butts and Canadian bacon	10.00
(5) Pork variety meats and edible by-products (section 26)	8.00

Item	Amount per cwt.
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in section 23	$3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	10.00
(8) Boneless ham ready-to-eat, cooked or browned (sections 20 and 22), sliced	12.50
(9) Loins, regular or bladeless	10.00
(10) Other wholesale pork cuts, other than those listed in section 27	6.00

(b) On the sale of any wholesale pork cut on which you add the addition provided by this section, you may not add the additions provided by sections 43 through 47, inclusive, or the addition provided by section 49.

SEC. 49. *Addition 10—Peddler truck selling addition.* (a) On a peddler truck sale to any buyer in any one day, if you deliver no more than 100 pounds of processed wholesale pork cuts and a total of no more than 250 pounds of all meat, including pork, in that day to that buyer's store door or to the place designated by that buyer for delivery, you may add one of the following:

(1) If the sale is a peddler truck sale, as defined in sub-paragraph (1) of section 60 (l);

(i) $4.00 per hundredweight for any fresh or frozen item listed in Schedules I, IV, V or XI, or

(ii) $8.00 per hundredweight for any boneless cooked item listed in Schedules I and III and for smoked or cooked Canadian style bacon, or

(iii) $6.00 per hundredweight for any other wholesale pork cut; or

(2) If the sale is a peddler truck sale, as defined in sub-paragraph (2) of section 60 (l):

(i) $2.00 per hundredweight for any fresh or frozen item listed in Schedules I, IV, V or XI, or

(ii) $4.00 per hundredweight for any boneless cooked item listed in Schedules I and III and for smoked or cooked Canadian style bacon, or

(iii) $3.00 per hundredweight for any other wholesale pork cut.

[Paragraph (a) amended by Amdt. 2]

(b) On a peddler truck sale by an independent peddler truck, (as defined in subparagraph (1) of section 60 (l), not eligible for the additions provided in section 49 (a) (1), you may add the applicable amount provided under section 42 for the distance of delivery and you may also add the appropriate amount listed in section 45 (a).

[Paragraph (b) added by Amdt. 2]

(c) You may not add the peddler truck selling addition provided for above unless you make a peddler truck sale as defined in section 60 (l) and unless you have filed with the appropriate District Office of the Office of Price Stabilization a signed statement containing the following:

(1) Your name.

(2) Your business address.

(3) The date you began business as peddler truck seller.

(4) The type or types of customers to whom you regularly and customarily sell your products by peddler truck.

(5) The maximum number of trucks you owned or operated to make peddler truck sales in any calendar week between January 1, 1950, and September 25, 1951, inclusive.

[Subparagraph (5) amended by Amdt. 2]

(6) If you rented trucks, used to make peddler truck sales between January 1, 1950, and September 25, 1951, inclusive, the name and address of each person from whom you rented each truck.

[Subparagraph (6) amended by Amdt. 2]

[Paragraph (b) redesignated (c) by Amdt. 2; amended by Amdt. 5]

(d) On any peddler truck sale, as defined in subparagraph (2) of section 60 (l), not eligible for the additions provided in section 49 (a) (2), you may add the applicable amount provided under section 42 for the distance of the delivery.

[Paragraph (c) redesignated (d) and amended by Amdt. 2]

SEC. 50. *Addition 11—Sales to defense procurement agencies or under defense procurement agency subcontracts.* (a) On sales to a defense procurement agency, or under a defense procurement agency subcontract, you may add to your ceiling price determined under Schedules I through VII and IX through XI and to your ceiling price determined under section 29 (a) (2) any of the following costs actually incurred incidental to processing and packaging required to meet government contract specifications:

(1) Net cost of additional trim, if any;

(2) Cost of additional labor;

(3) Cost of wrapping and packing;

(4) Net cost of changed yield;

(5) Actual costs of freezing (including cost of transportation to commercial freezer, if incurred) but not in excess of the commercial rate at the commercial freezer nearest your plant plus the cost of transportation to that freezer; and

(6) Actual cost of transportation if sold on a delivered basis.

You may not, however, add any of the additions specified in sections 42, 51, or 52.

(b) If you make this selling addition, you must not only make and preserve the records required by section 11 (a), but within 10 days after you make a sale of a pork item to a defense procurement agency or after you make a sale under a defense procurement agency subcontract you must also file with your OPS District Office a signed statement in duplicate itemizing the costs listed in section 50 (a) paragraphs (1) through (5) inclusive, which you have added to your ceiling price determined under the appropriate Schedule in Article II. This statement must also include an explanation showing how you determined these costs and the information listed in section 11 (a) of the regulation. If you make more than one identical sale of the same pork item, you need only file the statement for the first such sale.

[Section 50 amended by Amdt. 2]

SEC. 51. *Addition 12—Wrapping.* (a) If any wholesale pork cut, listed below, is completely enclosed and sealed or tied in a covering consisting of (1) a combination of vegetable parchment paper with rag paper or glassine, or (2) cellophane or comparable plastic wrapping, or (3) if any wholesale pork cut, listed below, is stuffed in a synthetic casing, you may add to the price, specified in Article II, the amount specified below, opposite the type of cut wrapped:

Item	Amount per cwt.
(1) Hams, regular or skinned, boned-in, cured, smoked, ready-to-eat or cooked	$0.50
(2) Hams, regular or skinless, boneless, cured, smoked, ready-to-eat or cooked	.70
(3) Hams, regular or skinless, boneless and fatted, cured, smoked, ready-to-eat, cooked or browned	1.00
(4) Boston butts, cured, smoked, or ready-to-eat	.50
(5) Boneless butts, cured, smoked, or ready-to-eat	1.50
(6) Bellies (square cut and seedless) cured or smoked	.50
(7) Bellies (square cut and seedless) cured or smoked and derind	.50
(8) Picnics, bone-in, cured, smoked, ready-to-eat or cooked	.80
(9) Picnics, boneless, cured, smoked, ready-to-eat or cooked	1.00
(10) Picnics, boneless, fatted and skinless, cured, smoked, ready-to-eat, cooked or browned	1.00
(11) Shoulders, cured, smoked, ready-to-eat, cooked or browned	.50
(12) Jowl butts, cured or smoked	.70
(13) Jowl butts, squared, cured or smoked	1.50
(14) Briskets, cured or smoked	.70
(15) Canadian style bacon cured or smoked	1.50

[Paragraph (a) amended by Amdt. 2]

(b) If Canadian style bacon, either cured or smoked, is completely enclosed in a parchment wrapper, you may add to the price of Canadian style bacon, specified in Article II, $1.00 per hundredweight provided you do not add the addition provided for in item 15 of section 51 (a).

[Paragraph (b) amended by Amdt. 2]

(c) If wholesale pork cuts, listed in sections 20, 23, 24, and 26, are completely enclosed in two coverings, one of butcher manila and the other of waxed freezer paper, vegetable parchment or heavy kraft, or are wrapped in paper meeting good commercial practice and completely enclosed in stockinette bags, you may add to the price of those cuts, specified in Article II, $0.40 per hundredweight if these cuts are not packed in shipping containers and if you do not add the addition provided in section 51 (a).

[Paragraph (c) amended by Amdt. 2]

(d) If any wholesale pork cut, listed below, is completely wrapped in a plastic packaging material, vacuum sealed, in such a manner that little, if any, air is transmitted, and immersed in hot water, causing at least a 20 percent shrink in the plastic material in such a manner that the material adheres to the meat, you may add to the price, specified in Article II, in lieu of any other addition provided in section 51, the amount specified below, opposite the type of cut wrapped.

Item	Amount per cwt.
(1) Hams, regular, or skinned, boned-in, smoked, ready-to-eat or cooked	$1.50
(2) Hams, regular, or skinless, boneless, smoked, ready-to-eat or cooked	1.70

Item	Amount per cwt.
(3) Hams, regular or skinless, boneless and fatted, smoked, ready-to-eat, cooked or browned	$2.00
(4) Boston butts, smoked or ready-to-eat	1.50
(5) Boneless butts, smoked or ready-to-eat	2.50
(6) Picnics, bone-in, smoked, ready-to-eat or cooked	1.80
(7) Picnics, boneless, smoked, ready-to-eat or cooked	2.00
(8) Picnics, boneless, fatted and skinless, smoked, ready-to-eat, cooked or browned	2.00
(9) Shoulders, smoked, ready-to-eat, cooked or browned	1.50
(10) Canadian style bacon	2.00

[Paragraph (d) added by Amdt. 2]

SEC. 52. *Addition 13—Packing in shipping containers.* (a) For packing pork products in the following containers, you may add to the prices specified in Schedules I through IX, the amount specified below, opposite the type of container used:

Item	Amount per cwt.
All returnable containers (as defined in section 60 (q))	$0.40
Less than 5-pound metal, fibre or watertight containers (applicable only to brains, chitlings, cutlets, hearts, kidneys, livers and tongues)	2.50
5 15-pound wood, metal, or solid fibre containers	1.80
16 35-pound wood, metal, or solid fibre containers	1.50
36 65-pound wood, wire-bound crates, or solid fibre boxes	1.00
66-pound-up wood, wire-bound crates, or solid fibre boxes	.80
Barrels	.70
Closed sacks (muslin or burlap) (applicable only to dry salt meats)	.50
Closed plastic tubes or plastic bags (not applicable if you take the addition provided in section 51)	.50
Corrugated boxes (all)	.70

No more than one container addition may be made on the sale of any one product.

[Paragraph (a) amended by Amdt. 2]

(b) For breaking a box, barrel or other shipping container of wholesale pork cuts and delivering less than 30 pounds of the cuts contained therein loose to a single buyer in a single delivery, you may add to the prices specified in Schedule I through IX, in lieu of the addition permitted by section 52 (a), an amount per cwt. equal to the amount per cwt. of the shipping container addition you paid when you purchased those cuts. This provision does not apply to a slaughterer or to a branch house physically attached to a slaughterer's plant.

SEC. 53. *Addition 14—Special cutting and trimming addition.* For the designated special cutting and trimming of the following cuts, you may add, to the applicable base price specified in Article II, the amount indicated below, opposite the listed wholesale pork cuts:

Cuts	Amount per cwt.
1. Hams (applies only to items listed in section 20):	
Short shank	$1.00
Shankless	1.50
2. Shoulders (applies only to items listed in section 20):	
Short shank	1.00
Shankless	1.50
3. Picnics (applies only to items listed in section 20):	
Short shank	$1.00
Shankless	1.50
Half skinned	1.50
4. Loins, regular (made bladeless)	1.25
5. Bellies, clear, dry salt, square cut trim	.75
6. Bacon bellies, short cut, brisket off, square cut and seedless	2.00

[Section 53 amended by Amdt. 2]

ARTICLE V—GENERAL DEFINITIONS

SEC. 60 *General definitions.* When used in this regulation, the term:

(a) "Affiliated" means the relationship existing between two persons when one is owned or controlled by the other, or both are owned or controlled by the same person, or when one is an employee or agent of the other. Own or control means to own or control directly or indirectly a partnership equity or in excess of 10 percent of any class of outstanding stock, or to have made loans or advances in excess of 5 percent of the other person's monthly sales.

(b) "Carload" means (1) A shipment by rail of fresh or frozen wholesale meat cuts, and/or cured meat cuts, meat or processed products and or carcasses or any combination of the foregoing to a single delivery point, of at least the minimum weight upon which the railroad carload rate from the point of shipment to the delivery point, as evidenced by the tariff of railroad carriers, is based: *Provided*, That where the transportation charge for shipment of a lesser weight at the railroad carload rate would be less than the transportation charge for that shipment at the railroad less-than-carload rate, that shipment shall be considered a carload; or

(2) A shipment by motor truck or trucks to a single delivery point of 15,000 pounds or more of fresh or frozen wholesale meat cuts and/or cured meat cuts, meat or processed products and/or carcasses or any combination of the foregoing, as a single bulk sale transaction; or

(3) Any single bulk sale transaction wherein the buyer takes delivery at the seller's place of business of 15,000 pounds or more of fresh or frozen wholesale meat cuts and or cured meat cuts, meat or processed products and or carcasses or any combination of the foregoing.

(c) "Certified dressed hog processor" means a slaughterer, a nonslaughtering processor or any person who, during the last quarter of the calendar year 1950, obtained more than half of his pork supply by cutting up dressed hogs or hog carcasses. However, no person may qualify as a certified dressed hog processor until he has sent to the appropriate District Office of the Office of Price Stabilization, in duplicate, by registered mail, return receipt requested, a certified statement that he is a slaughterer or a non-slaughtering processor or that, during the last quarter of the calendar year 1950, he obtained more than half his supply of pork by cutting up dressed hogs or hog carcasses.

[Paragraph (c) amended by Amdt. 5]

(d) "Combination distributor" means any establishment which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail meat selling establishment to which it is physically attached; and which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

[Paragraph (d) amended by Amdt. 2]

(e) "Current Chicago live hog price" is the highest price quoted, for live hogs of the applicable weight range, in the current Chicago Daily Livestock Market Report of the Agricultural Marketing Administration of the U. S. Department of Agriculture. The current report shall be the report of the market price two days preceding the date of shipment of the hogs being priced. For the purpose of the preceding sentence, Saturdays, Sundays, and any other days for which the above-mentioned daily market report is not published, shall not be considered and the "date of shipment" shall be the date appearing on the bill of lading.

(f) "Defense procurement agency" means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the Marine Corps, the United States Coast Guard, the Department of Agriculture, the Veterans Administration or any agency of the foregoing.

(g) "Hotel Supply house" means any establishment—

(1) Which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies; and

(2) Which is not affiliated with a packing or slaughtering plant, packer's branch house, wholesaler's or other non-retail selling establishment.

(h) "Intermediate distributers" is a person who meets all of the requirements of the definition of "wholesaler" set forth in section 60 (z), except that he does not operate or maintain a separate selling establishment equipped with the storage facilities required by that definition in the conduct of his business.

(i) "Local delivery" means delivery commencing at the distribution point and continuing to the buyer's place of business or to the delivery point designated by the buyer.

(j) "Lowest carload freight rate" means the lowest classified rail tariff charge solely for transportation of a carload of the class of meat designated, namely, fresh meat, and semi-sterile canned meat, packing house products, or dressed hogs (exclusive of any charge for services, e. g., icing) including the federal transportation tax thereon.

(k) "Non-slaughtering processor" means a person who—

(1) Is not a wholesaler, intermediate distributor, combination distributor, hotel supply house, or ship supplier;

(2) Who is not affiliated with any slaughtering plant or facilities, engaged in the slaughtering of hogs or pigs;

(3) Whose business consists of the purchase of meat and its resale in the form of wholesale meat cuts more than 25 percent of which is processed by him during each calendar month;

(4) Who maintains and operates a separate selling establishment, equipped with reasonable and adequate storage facilities, in such a manner that the monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him; and

(5) Who operated in this manner during the last quarter of the calendar year 1950. If, however, you have not operated in this manner during the last quarter of the calendar year 1950 but you have made a substantial investment in plant or equipment prior to September 25, 1951, you may file an application with the Director of Price Stabilization, Washington 25, D. C., requesting that you be classified as a "non-slaughtering processor". Your application shall state the nature and extent of your investment in plant or equipment and when such investment was made. If the Director finds that you have made such an investment prior to September 25, 1951, and are otherwise qualified, he may, by order, classify you as a "non-slaughtering processor".

[Subparagraph (5) amended by Amdt. 2]

(i) "Peddler-truck sale" means a sale of wholesale pork cuts from stock carried in a truck where the seller's first record of the transaction is made concurrently with the delivery of the product sold, except that prior orders may be taken by the driver of a truck who conducts his meat selling operation in accordance with the provisions of subdivision (1) of this paragraph. Peddler-truck sales may be made:

(1) *Independent trucks.* By a person who purchases pork products from a seller with whom he has no other financial affiliation or relationship; who takes delivery at his supplier's place of business, at a railroad unloading station or at a truck unloading station; who does not sell or deal in meat in any manner other than to make sales out of stock carried in a truck which he either owns or rents, and which, whether owned or rented, has been used or replaces one which has been used by him for making such sales of meat at any time between January 1, 1950, and September 25, 1951 and who operated in this manner at any time between January 1, 1950, and September 25, 1951; or

[Subparagraph (1) amended by Amdt. 2]

(2) *Company-owned trucks.* By a driver-salesman who makes all his sales of meat out of stock carried in a truck driven by him but owned by a person who used such truck (or the truck which it replaces), exclusively, insofar as meat was transported therein or sold therefrom, for making this type of sale, at any time between January 1, 1950, and September 25, 1951.

[Subparagraph (2) amended by Amdt. 2]

(3) If you did not operate in the above manner prior to September 25, 1951, but you have made a substantial financial investment in peddler trucks prior to September 25, 1951, you may file an application with the Director of Price Stabilization, Washington 25, D. C., requesting that you be classified as an independent peddler truck seller or a company-owned peddler truck seller, whichever is applicable. Your application shall state the nature and extent of your investment in trucks and when such investment was made. If the Director of Price Stabilization finds that you have made such an investment prior to September 25, 1951, and are otherwise qualified, he may, by order, classify you as an "independent peddler truck seller" or a "company-owned peddler truck seller."

[Subparagraph (3) added by Amdt. 2]

(m) "Pork" means meat derived from swine. It includes but is not limited to pork products.

[Paragraph (m) amended by Amdt. 2]

(n) "Pork product" means the dressed hogs and wholesale pork cuts listed and defined in Appendix 2 of this regulation.

(o) "Process" means to can, cure, or smoke any wholesale pork cut or to prepare any wholesale pork cut as "cooked," "browned," or "ready-to-eat."

(p) "Purveyor of meals" means—

(1) Any restaurant, hotel, cafe, cafeteria or establishment which purchases meats and serves meals, food portions or refreshments for a consideration; or

(2) Any hospital, asylum, orphanage, prison or other similar institution; or

(3) Any person who is feeding, pursuant to a written contract with any agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or non-commissioned officer or other authorized representative of the armed services of the United States; or

(4) Any person operating a vessel engaged in the transportation of cargo or passengers in foreign, coastwise, intercoastal trade, or trade upon interior waterways or the Great Lakes, if meat is delivered for consumption aboard such vessel.

(5) The term purveyor of meals does not include a defense procurement agency.

(q) "Returnable container" means a container of solid wood, solid fibre composition, or metal which must be of a type and size which the seller has customarily used in making delivery of wholesale pork cuts, which must be packed at the seller's place of business and taken into the buyer's place of business in making delivery of the products packed therein, which must be returned to the seller's place of business, which must be thoroughly cleaned before reuse, and which remains the property of the seller.

[Paragraph (q) amended by Amdt. 2]

(r) "Sales at retail" means a sale to an individual for consumption by himself or his family off the seller's premises. A retailer means a person who sells at retail.

(s) "Sausage" means chopped, ground or comminuted meat seasoned with spice and/or condiments to which salt, sodium nitrate, sodium nitrite and extender may be added.

(t) "Semi-sterile canned meat" means canned meat which has been placed in a container hermetically sealed but which needs refrigeration while remaining in the sealed container.

(u) "Slaughterer" means a person who owns or is affiliated with a slaughtering plant or slaughtering facilities engaged in the slaughter of hogs or who has hogs slaughtered for him by another person.

[Paragraph (u) amended by Amdt. 2]

(v) "Slaughtering facilities" means any equipment designed or used for the commercial killing of hogs.

[Paragraph (v) amended by Amdt. 2]

(w) "Slaughtering plant" means any place equipped or used for the commercial killing of hogs.

[Paragraph (w) amended by Amdt. 2]

(x) "Specialty pork product" means—

(1) A pork item which—

(i) Differs substantially from a pork product for which a ceiling price is provided by this regulation;

(ii) Was sold in 1950 as a specialty item at a substantially higher price per pound than the most similar pork product for which a ceiling price is provided in this regulation;

(iii) Is contained in a distinctive wrapping or packing bearing the name of the product, the weight of the cut, a list of the ingredients, and the name of the processor; and

[Subdivision (iii) amended by Amdt. 2]

(iv) Requires a substantial investment for the equipment used to process and wrap or package the item, or

(2) A pork item which—

(i) Differs substantially from a pork product for which a ceiling price is provided by this regulation;

(ii) Was produced in 1950 in the 48 states or the District of Columbia and sold in 1950 in whole or in part outside the 48 states and the District of Columbia; and

(iii) Is, after the effective date of this regulation, produced in the 48 states or the District of Columbia and not sold for consumption therein, or

(3) Semi-sterile canned pork, other than those items listed in section 25.

(y) "Sterile canned meat" means canned meat which has been sterilized in a container hermetically sealed, and needs no refrigeration while remaining in the sealed container.

(z) "Wholesaler" means a person—

(1) Who buys pork products for resale; and

(2) Who is not affiliated with any slaughtering plant or facilities, engaged in the slaughtering of hogs or pigs; and

(3) Who processes no more than 25 percent of the total meat resold by him during each calendar month; and

(4) Who maintains and operates a separate selling establishment, equipped with reasonable and adequate storage facilities, in such a manner that the total monthly poundage of meats and meat by-products sold out of stock carried in his separate selling establishment constitutes not less than 90 percent of the total monthly poundage of all meats and meat by-products resold by him; and

(5) Who operated in this manner at any time between January 1, 1950 and April 30, 1951. If, however, you have not operated in this manner at any time between January 1, 1950, and April 30, 1951, but you have made a substantial investment in plant or equipment prior to September 25, 1951, you may file an application with the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., requesting that you be classified as a wholesaler. Your application shall state the nature and extent of your investment in plant or equipment and when such investment was made. If the Director finds that you have made such an investment prior to September 25, 1951, and are otherwise qualified, he may, by order, classify you as a wholesaler.

[Subparagraph (5) amended by Amdt. 2]

(aa) "You" or "person" indicates the person subject to this regulation, including any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing. However, no punishment provided by this regulation shall apply to the United States or to any such government, political subdivision, or agency. For the purpose of this regulation, each separate plant or selling establishment shall be treated as a separate person.

[Paragraph (aa) amended by Amdt. 2]

(bb) "Prefabricated retail cuts" means meat derived from wholesale pork cuts defined in this regulation; prepared, before delivery, by cutting or slicing or binding into consumer portions in such a manner that no further cutting, slicing or grinding is necessary to prepare the pork for sale in the form in which consumers customarily purchase the pork; and excluding any item specifically defined in Appendix 2 of this regulation. Cuts of different types may not be placed in the same package or wrapping.

[Paragraph (bb) added by Amdt. 2]

(cc) "Quarterly accounting period" means a period of 3 consecutive accounting periods commencing with the 1st, 4th, 7th, or 10th accounting period in your fiscal year.

[Paragraph (cc) added by Amdt. 2]

(dd) "Accounting period" means the customary accounting period of a calendar month or a period of at least 4 weeks and not more than 5 weeks used in keeping your books and records.

[Paragraph (dd) added by Amdt. 2]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

BY: JOSEPH L. DWYER,
Recording Secretary.

APPENDIX 1—ZONE AND REGION DEFINITIONS

(a) *Zones.* (1) *Zone 1* means the area described as follows: The entire State of Iowa, except the counties of Dubuque, Jackson, Clinton and Scott; that portion of Minnesota south of and including the counties of Lac Qui Parle, Chippewa, Renville, McLeod, Carver, Hennepin, Ramsey and Washington; that portion of Wisconsin included in the counties of St. Croix, Dunn, Pierce, Pepin, Buffalo, Chippewa, Eau Claire, Trempealeau, La Crosse, Taylor, Clark, Jackson, Monroe, Vernon and Crawford; that portion of South Dakota south and east of and including the counties of Grant, Codington, Clark, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme; that portion of Nebraska east of and including the counties of Knox, Antelope, Wheeler, Greeley, Howard, Hall, Adams and Webster; that portion of Kansas included in the counties of Jewell, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Jefferson, Leavenworth, Wyandotte, Atchison, Doniphan, Brown, Nemaha, Marshall, Washington and Republic; and that portion of Missouri north of and including the counties of Jackson, Lafayette, Saline, Howard, Boone, Callaway, Montgomery, Warren, and St. Charles.

(2) *Zone 2* means the area described as follows: That portion of Wisconsin east of and including the counties of Vilas, Oneida, Lincoln, Marathon, Wood, Juneau, Sauk, Richland, and Grant; that portion of Illinois north of and including the counties of Monroe, St. Clair, Clinton, Marion, Clay, Richland and Lawrence; that portion of Missouri included in the city and county of St. Louis; that portion of Iowa included in the counties of Dubuque, Jackson, Clinton and Scott; and that portion of Indiana included in the counties of Benton, Newton, Lake, and Porter.

(3) *Zone 3* means that portion of Indiana north of and including the counties of Sullivan, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin, except the counties of Benton, Newton, Lake, and Porter.

(4) *Zone 4* means that portion of Ohio west of and including the counties of Ottawa, Erie, Huron, Richland, Knox, Lacking, Fairfield, and north of and including the counties of Pickaway, Fayette, Greene, Montgomery and Preble.

(5) *Zone 5* means that area described as follows: That portion of the United States east of and including the states of New York, Pennsylvania, West Virginia, Kentucky, Tennessee and Mississippi; that portion of Louisiana which lies east of and including the parishes of West Feliciana, East Feliciana, East Baton Rouge, Ascension, St. James, St. John the Baptist, St. Charles and Jefferson; that portion of Missouri included in the counties of Jefferson, Ste Genevieve, Perry, Bollinger, Cape Girardeau, Scott, Stoddard, Mississippi, New Madrid, Dunklin, and Pemiscot; that portion of Illinois not in Zone 2; that portion of Indiana not in Zone 2 or 3; that portion of Ohio not in Zone 4, and the Lower peninsula of Michigan.

[Subparagraph (5) amended by Amdt. 2]

(6) *Zone 6* means the area of the United States not included in Zones 1, 2, 3, 4, and 5.

(b) *Regions.* (1) *Region A* means the area described as follows: The entire States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey and Delaware; the District of Columbia; the State of Maryland except Allegany and Garrett Counties; the portion of New York east of and including the counties of St. Lawrence, Jefferson, Lewis, Herkimer, Otsego and east and southeast of and including the county of Delaware; that portion of Pennsylvania east of and including the counties of Tioga, Lycoming, Union, Mifflin, Juniata, Perry, and Franklin; and that portion of Virginia including the counties of Loudoun, Fairfax, and Arlington.

(2) *Region B* means the area described as follows: That portion of New York not in Region A; that portion of Pennsylvania not in Region A; that portion of Maryland including the counties of Garrett and Allegany; and that portion of West Virginia including the counties of Mineral, Hampshire, Morgan, Berkeley and Jefferson.

(3) *Region C* means the area described as follows: The lower peninsula of Michigan, that portion of Ohio east, southeast, and south of, and including the counties of Lorain, Ashland, Holmes, Coshocton, Muskingum, Perry, Hocking, Ross, Highland, Clinton, Warren, and Butler; that portion of Virginia not included in Region A; that portion of West Virginia not included in Region B, and that portion of Kentucky east of and including the counties of Boone, Gallatin, Owen, Franklin, Woodford, Mercer, Boyle, Casey, Russell and Cumberland.

[Subparagraph (3) amended by Amdt. 2]

(4) *Region D* means the area described as follows: The entire States of Arizona, Idaho, New Mexico, Nevada, and Utah; that portion of Texas included in the counties of El Paso, Hudspeth, Culbertson, Jeff Davis, Reeves, Pecos, Terrell, Brewster, and Presidio; and that portion of Montana west of and including the counties of Blaine, Fergus, Golden Valley, Stillwater, and Carbon.

(5) *Region E* means the States of Washington, Oregon, and California.

APPENDIX 2—PORK PRODUCT DEFINITIONS

(a) *Pork products.* When used in this regulation the term *pork product* means and is limited to the dressed hogs and wholesale pork cuts listed in and defined in this Appendix.

(b) *Dressed hogs.* When used in this regulation the term *dressed hogs* means packer style hogs and shipper style hogs.

(1) *Packer style hog* means a dressed hog or pig, scalded or skinned, with the head off, kidneys and leaf fat cut out, and ham facings off.

(2) *Shipper style hog* means a dressed hog or pig, scalded or skinned, with the head on, kidneys and leaf fat in, and ham facings on.

(c) *Wholesale pork cuts.* When used in this regulation, the term *wholesale pork cut* means any of the following for which a ceiling price is provided in Sections 20 through 20, inclusive, of this regulation:

(1) *Ham, regular, bone in,* means a ham cut off from the hog carcass not less than 2¾ nor more than 2¾ inches from the exposed end of the aitch bone, properly faced, with the shank cut off at or above the hock joint, with loose and excessive gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank and from which none of the bone has been removed.

(2) *Ham, long cut, bone in,* means hams cut off from the hog carcass at a point not to exceed 3 inches beyond the end of the saucer bone (slip bone) with the shank cut off not to exceed 1 inch below the hock joint, with loose gut fat removed from the face and pelvic cavity, with the cushion side well rounded and no excessive flank.

(3) *Ham, skinned, bone in,* means a ham cut as regular ham but with the skin removed to leave a collar covering not more than 40 percent of the length of the ham, with the fat beveled back at least 3 inches from the lean meat at the butt, loosely rounded and beveled on flank and cushion with not more than 1¼ inches of fat depth left on any portion of the ham from which the skin has been removed and from which none of the bone has been removed.

(4) *Ham, regular, boneless,* means a ham cut as described in Appendix 2 (c) (1) except that all of the bone has been removed therefrom.

(5) *Ham, skinned, boneless and fatted,* means a ham cut as described in Appendix 2 (c) (3) except that all of the bone has been removed therefrom.

(6) *Ham, regular, boneless and fatted,* means a ham cut as described in Appendix 2 (c) (4) except that the trimmable fat has been removed therefrom to within ½ inch of the lean. After removal of the excess fat, the skin is replaced.

(7) *Ham, skinless, boneless and fatted,* means a ham cut as described in Appendix 2 (c) (5) except that the trimmable fat has been removed therefrom to within ½ inch of the lean.

(i) *Split ham, skinless, boneless and fatted,* means a ham cut as described in Appendix 2 (c) (1) except that all of the bone and skin has been removed and that the trimmable fat has been removed to within ½ inch of the lean, and that the ham has been fabricated according to good commercial practice into two or more parts, weighing 2 pounds or more each in fresh or frozen, cured or smoked state and weighing 1½ pounds or more each in ready to eat or cooked state.

[Subdivision (i) added by Amdt. 2]

(8) *Boston butt* means a shoulder butt the surplus fat of which has been removed to within ½ inch of the lean meat on all portions of the butt and which is neatly beveled on the edges.

(9) *Bellies, square cut and seedless,* means bellies from which the spare rib has been removed and which are trimmed square on all edges except that the flank end may be cut on a bias not to exceed 1 inch, and if derived from gilts or sows, cut down until seed is removed, except for slight traces of firm white or pink seed. This term does not include bellies of 12 pounds, and under, which are less than ⅝ of an inch in thickness, bellies of 12 pounds, and up, which are less than ¾ inch in thickness, nor bellies damaged by scribing, or cut extremely long and narrow, or extremely wide and short, or 1½ inches beyond the scribe mark, which bellies shall be deemed substandard. The bellies must be reasonably free from hair roots and must have no skin cuts, bristles, rough skin or bruises, and must have the cartilage removed from the brisket and so that they are practically free of buttons.

(10) *Bellies, square cut, and seedless with spare rib in,* means bellies as defined in Appendix 2 (c) (9) except that the spare rib is not removed therefrom.

(11) *Bellies, square cut, seedless and derind,* means bellies as defined in Appendix 2 (c) (9) except that the entire skin has been removed.

(12) *Loins, regular,* means loins scribed and trimmed in accordance with good commercial practice and from which excess fat over the tenderloin has been removed and the fat on the back of which has been removed to within ½ inch of the lean.

(i) *Loin, regular (skin on)* means a pork loin meeting the requirements of a regular pork loin, as defined in Appendix 2 (c) (12), except the skin may be left on if the total depth of the fat, plus the skin, does not exceed ½ inch at any point.

(ii) *Loin, center cut* means a pork loin from which the shoulder end of the loin has been removed by cutting crosswise to the length of the loin at a point which completely removes the shoulder blade gristle tip and from which the ham end of the loin has been removed by cutting crosswise to the length of the loin at a point which completely removes the hip bone (slip bone).

(iii) *Shoulder end of loin* means that portion of the shoulder end of a pork loin removed when producing a center cut loin (may be blade-in or bladeless).

(iv) *Ham end of loin* means that portion of the ham end of a pork loin removed when producing a center cut loin.

[Subdivisions (i), (ii), (iii) and (iv) added by Amdt. 2]

(13) *Picnics, regular,* means picnics cut from shoulders not less than one rib wide in such a manner as to leave not less than 1 inch or more than 2½ inches of blade bone in the picnic, closely trimmed, properly faced, with the lip and breast flap removed, well rounded and with fat properly beveled on the butt end, with the foot cut off at or above the upper knee joint (toward the body of the hog). *Picnics, boneless,* means regular picnics from which all of the bone has been removed. *Picnics, boneless, fatted and skinless,* means regular picnics, boneless, from which the fat has been removed to within ¼ inch of the lean and from which all skin has been removed.

(14) *Shoulders, skinned, neckbone out,* means shoulders cut not less than one rib wide, with the breast flap taken off, the jowl removed close to the body of the shoulder and the neckbone removed, and with foot cut off at or above the upper knee joint (toward the body of the hog), with the skin taken off to within 4 inches of the base of the shank, neatly beveled on the edges. The fat shall be removed to within ¾ inch of the lean on any portion of the shoulder from which the skin has been removed.

(i) *Shoulder-skinned, neckbone in,* means shoulders, as defined in Appendix 2 (c) (14), with the neckbone left in.

[Subdivision (i) added by Amdt. 2]

(15) *Shoulders, skinned, boneless,* means shoulders as defined in Appendix 2 (c) (14), except that all bone shall be removed therefrom.

[Subparagraph (15) amended by Amdt. 3]

(16) *Shoulders, boneless, fatted and skinless,* means shoulders from which all skin and bone have been removed and from which trimmable fat has been removed to within ½ inch of the lean.

(17) *Shoulders, regular, neckbone out,* means shoulders cut not less than one rib wide, with the breast flap taken off, the jowl removed close to the body of the shoulder and the neckbone removed, and with the foot cut off at or above the upper knee joint (toward the body of the hog).

(18) *Shoulders, rough,* means an untrimmed shoulder with foot and jowl cut off and neck bone left in or out.

(19) *Shoulders, long-cut,* means shoulders as defined in Appendix 2 (c) (17) except that the foot shall be cut off ½ inch below the lower knee joint and the shoulder shall be cut from the side so that it is not less than three ribs wide and all of the brisket is removed from the belly.

(20) *Butts, boneless,* means butts from which all bone has been removed and from which the lip has been removed and which are trimmed smooth on all edges.

(21) *Loins, boneless, Canadian-style,* means the boneless eye muscle only, which has been separated from the other parts of the pork loin at the natural muscle seam. The fat shall not exceed ¼ inch in thickness.

(22) *Loins, boneless (Reg. cap or tail on),* means the boneless eye muscle and boneless muscle (cap) from the staff bone and connected by the natural muscle seam. The external fat shall not exceed ¼ inch in thickness.

(23) *Brisket* means that part of a square cut seedless belly forward from the shoulder crease.

(24) *Fat back* means the fat and skin covering the back of a hog lying over the pork loin. The ends must be trimmed reasonably square and the fat must be free of ragged edges.

[Subparagraph (24) amended by Amdt. 3]

(25) *Fat back ends or squares* means parts of fat back which meet commercial requirements for thickness.

(26) *Bellies, dry salt trim (clear or rib),* means bellies trimmed in accordance with good commercial practice with no ragged edges, reasonably square cut, and showing no bruises. *Belly squares* means squares or strips made by cutting dry salt trim bellies at right angles to the length of the bellies. The strips must be at least 4 inches wide.

(27) *Clear plates* means regular plates from which the lean meat and blade bone have been removed and the neck side squared.

(28) *Regular plate* means the fat end of a regular shoulder, with the blade bone and lean meat left attached, remaining after the boneless butt is removed.

[Subparagraph (28) amended by Amdt. 2]

(29) *Jowl butts* means whole jowls trimmed free of blood clots and ragged pieces.

(i) *Jowl butts, skinless,* means jowl butts with all the skin removed.

[Subdivision (i) added by Amdt. 2]

(30) *Square jowl butts* means whole jowls which have been pressed or flattened, trimmed square on all edges, and smoothly faced.

(31) *Hog jaws* means the lower jawbone with the teeth removed but with the head meat, tongue and lips attached.

(32) *Square ribs* means that part of the rib structure remaining after the loin and shoulder are removed and includes the breast bone.

(33) *Barbecue ribs* means spare ribs from which the breast bone has been removed.

(34) *Loin ribs* means the strip of ribs, with the backbone removed, remaining after pork loins are boned for boneless loins or Canadian bacon.

(35) *Sparerib brisket bones* means the breast bones which are removed from the spareribs when making barbecue ribs.

(36) *Hotel sliced bacon* means bacon sliced from cured and smoked square cut seedless whole bellies, from which the rind has been removed, in whole slices not over 8½ inches in length and not over 1½ inches or less than ¾ inch in width, containing no more than 2 part slices to the pound.

[Subparagraph (36) amended by Amdt. 2]

(37) *Grade A sliced bacon* means bacon sliced from cured and smoked square cut seedless whole bellies, from which the rind has been removed, in whole slices not over 9½ inches in length and not over 2 inches or less than ¾ inch in width, containing no more than two part slices to the pound.

(38) *Grade B sliced bacon* means bacon sliced from cured and smoked square cut seedless whole bellies, from which the rind has been removed, in whole slices not over 11 inches in length and not over 2½ inches or less than ¾ inch in width, containing no more than two part slices to the pound.

(39) *Grade C sliced bacon* means bacon sliced from cured and smoked whole bellies, from which the rind has been removed, in whole slices not over 3½ inches or less than ¾ inch in width, containing no more than two part slices to the pound.

[Subparagraph (39) amended by Amdt. 3]

(40) *Grade D sliced bacon* means all other bacon sliced from cured and smoked bellies from which the rind has been removed which will not qualify as Grade A, B, or C sliced bacon, exclusive of bacon ends.

(41) *Sliced Canadian style bacon, smoked,* means the same cut as defined in Appendix 2 (c) (21), cured, smoked and sliced according to good commercial practice.

[Subparagraph (41) amended by Amdt. 2]

(42) *Sliced Canadian style bacon, cooked,* means the same cut as defined in Appendix 2 (c) (21), cured, smoked, cooked and sliced according to good commercial practice.

[Subparagraph (42) amended by Amdt. 2]

(43) *Sliced jowl butts* means sliced square jowl butts which have been cured and smoked.

(44) *Sliced boneless regular plates* means slices from cured and smoked regular plates from which the blade bone has been removed leaving all possible lean meat attached to the fat.

(45) *Bacon ends* means the small pieces remaining after bacon is sliced and including part slices which are less than a third of the size of the original full slice.

(46) *Regular trimmings 40 percent lean* means pork trimmings having not in excess of 60-percent trimmable fat.

(47) *Regular trimmings 50 percent lean* means pork trimmings having not in excess of 50-percent trimmable fat.

(48) *Special lean trimmings* means pork trimmings having not in excess of 20-percent trimmable fat.

(49) *Extra lean trimmings* means pork trimmings having not in excess of 5-percent trimmable fat.

(50) *Neck bone trimmings* means the trimmings removed from the neck bone reasonably free of bone particles and blood clots.

(51) *Blade meat* means the lean meat which is removed from the blade bone after the boneless butt has been removed from the Boston butt, and which does not have in excess of 5-percent trimmable fat.

[Subparagraph (51) amended by Amdts. 2, 3 and 4]

(52) *Skinned neck fat* means skin-on neck fat with all skin removed.

(53) *Skin-on neck fat* means neck fat trimmed free of blood clots.

(54) *Skinned back fat* means back fat from which all skin has been removed.

(55) *Skinned ham fat* means ham fat from which all skin has been removed.

(56) *Skinned shoulder fat* means shoulder fat from which all skin has been removed.

(57) *Hocks* means sections cut from the shank of a ham, shoulder or picnic, in making them short shank or shankless and weighing ½ pound or more each.

(58) *Knuckles* means sections cut from the shank of a ham, shoulder or picnic, in making them short shank and weighing less than ½ pound each.

(59) *Feet, regular,* means front or hind pigs feet. Front feet are cut from the shoulder at or above the upper knee joint (toward the body of the hog). Hind feet are cut from the ham at or above the hock joint (toward the body of the hog), with the exposed part of the gambrel cord (tendon) entirely removed.

(60) *Feet, short cut* means feet that have been cut ½ inch below the knee joint (towards the foot of the hog).

(61) *Tidbits from hind feet* means the lean meat removed from the hind feet.

(62) *Tails* means tails of hogs trimmed reasonably free of fat.

(63) *Neck bones* means neck bones trimmed reasonably free of lean meat.

(64) *No. 1 Skins—strips* means strips of skin at least 5 inches wide and 18 inches long removed from the fat back. Such skins must be reasonably free of fat and have no blemishes or cuts.

(65) *Bacon skins* means the edible skin removed from a smoked belly when derind.

(66) *Gelatin skins* means small pieces of fresh uncured skins from which practically all fat has been removed.

(67) *Blade butts (blade bones)* means blade bones and lean meat taken from a regular plate in converting it to a clear plate.

(68) *Back bones* means the section of the spinal column which is cut from the loin ribs after the boneless pork loin or Canadian bacon is removed from the pork loin. The backbone may be trimmed reasonably free of lean meat.

(i) *Country back bone (southern style)* means the back bone cut from the entire length of the hog carcass, in a reasonably straight line, starting the cuts on each side of the tail bone and continuing on lines at least 2 inches on each side of the center of the back bone through the ribs on each side of the chine bone, maintaining a 4-inch minimum width from the last vertebrae to the first shoulder rib. All of the eye muscle meat and all of the lean meat adhering to the back bone, in making this cut, shall be left attached. The fat attached to the back bone shall not exceed ½ inch in thickness at any point. All loose fat shall be removed. All skin shall be removed, except that where the natural fat, plus the skin, does not exceed ½ inch thickness at any point, the skin may be left on.

[Subdivision (i) amended by Amdt. 2]

(69) *Pork tenderloin* means the long rounded muscle lying beneath the back bone, extending from the butt end of the loin forward almost to the ribs.

[Subparagraph (69) amended by Amdt. 2]

(70) *Pork tenderloin tips* means that portion of the tenderloin muscle contained in the ham end (hip end) of the loin.

(71) *Cappicola butts* means a pork product made from whole cured boneless shoulder butts, cellar trimmed, spiced and stuffed in natural or artificial casings; or wrapped in cellophane, other transparent material or vegetable parchment; (i) which has been heated for sufficient time to assume the characteristics of a cooked product; (ii) which is ready to serve without further heating; (iii) and which has a finished weight not in excess of 35 percent of the green weight of the boneless butts used and the moisture content of which does not exceed 3.2 times the weight of the protein minus the weight of the sodium chloride as chemically tested.

[Subparagraph (71) amended by Amdt. 2]

(72) *Canned whole ham, skinless* means a cured whole ham packed in a hermetically sealed tin container. The ham shall be completely skinned, boned, and the external fat shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

[Subparagraph (72) amended by Amdt. 3]

(73) *Canned whole ham, pear-shaped (Polish style with shank collar),* means a cured, whole ham packed in a hermetically sealed, pear-shaped tin container. The ham shall be completely skinned except that such ham may have a shank collar not exceeding 7 percent of the weight of the ham. The ham shall be completely boned, and the external fat not covered by the skin shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

[Subparagraph (73) amended by Amdt. 3]

(74) *Canned whole ham, Pullman, skinless,* is the same as Appendix 2 (c) (72) except that it shall be packed in a square-shaped tin.

(75) *Canned whole picnics* means a cured whole picnic packed in a hermetically sealed tin container. The picnics shall be short-shanked, completely skinned, boned, and the external fat shall be trimmed to within ½ inch of the lean. The ham shall be cooked according to good commercial practice. Gelatin may be added to each can to solidify the juices.

[Subparagraph (75) amended by Amdt. 3]

(76) *Canned spiced luncheon meat* means a canned meat product made entirely of pork including cheek meat, but not including other pork variety meats and edible by-products listed in Schedule VII of this regulation; which product has a final yield not in excess of 107 percent of the original meat contents; and which final product does not contain in excess of 25 percent fat by chemical analysis (as determined by the method used by the Meat Inspection Division of the United States Department of Agriculture); and which is packed in either 3-, 6-, or 8-pound tin containers.

[Subparagraph (76) amended by Amdt. 2]

(77) *Canned spiced ham* means a canned meat product made entirely of ham; which has a final yield not in excess of 107 percent of the original meat content; which final product does not contain in excess of 25 percent fat by chemical analysis (as determined by the method used by the Meat Inspection Division of the United States Department of Agriculture); and which is packed in either a 3-, 6-, or 8-pound tin container.

[Subparagraph (77) amended by Amdt. 2]

(78) *Canned pressed ham, boneless, chopped,* means a canned pork product made of ham trimmings, which product has a final yield not in excess of 107 percent of the original meat content; and which final product does not contain in excess of 20 percent fat by chemical analysis (as determined by the method used by the Meat Inspection Division of the United States Department of Agriculture); and which is packed in a 3-, 6-, 8-, or 10-pound tin container.

[Subparagraph (78) amended by Amdt. 2]

(79) *Canned chopped pork, boneless,* means a canned pork product, made entirely of pork and excluding all items listed in Schedule VII, which has a final yield not in excess of 107 percent of the original meat content; and which final product does not contain in excess of 20 percent fat by chemical analysis (as determined by the method used by the Meat Inspection Division of the United States Department of Agriculture); and which is packed in 3-, 6-, 8-, or 10-pound tin containers.

[Subparagraph (79) amended by Amdt. 2]

(80) *Brains* means both brain lobes, the small knob at the base of the brain and a small piece of spinal cord approximately ¾ of an inch in length.

(81) *Caul fat* means the fat surrounding the stomach. When taken from a hog, it should have light, lacy veins of fat or fat streaking.

(82) *Cheek and head meat* means the lean muscle on the inside and outside of the lower jaw, trimmed free of the salivary glands, together with other miscellaneous small pieces of meat from the head, with no more than 20-percent trimmable fat.

(83) *Chitterlings* means the middle of the hog casing set, including the blind end, thoroughly cleaned and practically free from fat, split or unsplit.

(84) *Crown meat* means the lean meat trimmed from the crown of hog bungs.

(85) *Cutlets* means pork steaks made from the lean muscle trimmed from the tip of the jaw bone (temple meat), or from the inside lean muscle cheek meat, free of fat and either frenched by hand-pounding or processed through a steaking machine.

(86) *Diaphragm meat* means the lean meat trimmed from the diaphragm muscle after the latter has been cut from the carcass in dressing.

(87) *Ears* means the ear, after removal of the eardrum.

(88) *Gullet weasand* meat means the lean meat surrounding the esophagus and trachae (gullet and windpipe).

(89) *Head (tongue out)* means the entire head, excluding the tongue, cut from the carcass in a circular cut, exposing the lean cheek meat in the head, leaving the greater part of the fat which covers the cheek on the carcass. The eardrums, eyelashes, and all hair and scurf are removed and the head is thoroughly flushed and cleaned.

(i) *Head (tongue in, jowls on) (market head)* means the entire head, including the tongue, cut from the carcass in a circular cut, leaving the greater part of the fat and skin covering the cheek on the head. The eardrums, eyelashes, all hair and scurf shall be removed and the head thoroughly cleaned and flushed.

[Subdivision (i) added by Amdt. 2]

(90) *Head skin* means the skin from a hog head, excluding the ears, lips and snout.

(91) *Heart* means heart with heart valve attached, free of blood clots, and with the aorta not over one inch in length.

(92) *Kidneys* means kidneys free from spots and reasonably free from fat.

(93) *Leaf lard, raw,* means the large piece of fat attached to each side of the back in the abdominal cavity.

(94) *Lips* means the entire underlip when removed from hogs.

(95) *Livers* means livers from which the gall bladder and connecting tissue have been removed and which are free of white spots.

(96) *Melts, trimmed,* means the spleen with caul fat removed.

(97) *Snouts (lean meat out)* means the snout from the hog head. It is to be long cut so as to include the part extending between and above the eyes. The lean meat is trimmed out and the nasal cartilage removed.

(98) *Snouts (lean meat in)* means the snout from the hog head. It is to be long cut so as to include the part extending between and above the eyes. The lean meat is left in and the nasal cartilage removed.

(99) *Tongues (bone in)* means pork tongues with glands removed and trimmed reasonably free of fat. Tongues trimmed to remove tooth marks are included.

(100) *Tongues (boneless)* means pork tongues with the hinge bones removed.

(101) *Tongue trimmings* means the muscle meat trimmed from the tongue with not more than 50-percent trimmable fat. It does not include glands.

(102) *Stomachs* means paunches thoroughly cleaned by washing and scalding, according to B. A. I. instructions or similar good commercial methods.

(103) *Stomachs, cooked,* means cleansed stomachs which have been thoroughly cooked by boiling in water and cooled.

(104) *Bladeless loin chops (cut end to end)* means bladeless loins which have been cut into chops. All fat exceeding ½ inch in thickness shall be removed from the outside of the chops.

(105) *Aged, dry-cured hams* means hams meeting the specifications of Appendix 2 (c) (2) which have been cured and hung for smoking and drying in accordance with the requirements of Appendix 3 (a).

(106) *Aged, dry-cured shoulders,* means shoulders meeting the specifications of Appendix 2 (c) (19) which have been cured and hung for smoking and drying in accordance with the requirements of Appendix 3 (a).

(107) *Aged, dry-cured bacon sides (boneless)* means bellies meeting the specifications of Appendix 2 (c) (9) which have been cured and hung for smoking and drying in accordance with the requirements of Appendix 3 (a).

(108) *Aged, dry-cured bacon sides (spare rib in)* means bellies meeting the specifications of Appendix 2 (c) (10) which have been cured and hung for smoking and drying in accordance with the requirements of Appendix 3 (a).

(109) *Aged, dry-cured hog jaws,* means hog jaws meeting the specifications of Appendix 2 (c) (31) which have been cured and hung for smoking and drying in accordance with the requirements of Appendix 3 (a).

(110) *Fat back pork* means pieces of cured back fat which meet commercial requirements for thickness and which are about 6 inches square.

(111) *Plate pork* means cured clear plates as defined in Appendix 2 (c) (27) which meet commercial requirements and which are packed in 200-pound barrels containing between 25 and 44, inclusive, pieces.

(112) *Brisket pork* means that part of a cured square cut seedless belly forward from the shoulder crease.

(113) *Vinegar pickled product* means a pork product which has been properly cured and cooked by the application of water or steam for sufficient time to assume the characteristics of a cooked product so that the edible portion is ready to be eaten without further heating and is completely done as prescribed by the Meat Inspection Division of the United States Department of Agriculture. The product shall be packed in at least 50-degree vinegar, with salt and spices added.

[Subparagraph (113) amended by Amdt. 2]

(114) *Boneless ham, ready-to-eat, cooked or browned, sliced,* means a ready-to-eat, cooked or browned boneless ham for which a ceiling price has been provided in sections 20 or 22 of this regulation and which has been sliced in accordance with commercial practice.

(115) *Hams, short shank,* means regular or skinned hams from which the shank has been cut off not more than 3 inches from the wrinkle located at the base of the shank of the ham.

(116) *Hams, shankless,* means regular or skinned hams from which the shank (hock) has been cut off not more than 3 inches below the stifle joint (toward the foot).

[Subparagraph (116) amended by Amdt. 3]

(117) *Shoulders, short shank,* means regular or skinned shoulders from which the shank has been cut off not more than 2 inches from the arm pit and parallel to the knee joint.

(118) *Shoulders, shankless,* means regular or skinned shoulders from which the shank has been cut off close to the breast and parallel to the knee joint.

(119) *Picnics, short shank,* means regular picnics from which the shank has been cut off not more than 2 inches from the arm pit and parallel to the knee joint.

(120) *Picnics, shankless,* means regular picnics from which the shank has been cut off close to the breast and parallel to the knee joint.

(121) *Picnics, half-skinned,* means regular picnics from which the skin has been removed from at least 2½ inches of the butt end on weights 8 pounds or less and from at least 3 inches of the butt end on weights over 8 pounds and beveled from the beginning of the skinned portion to the lean meat at the butt end.

(122) *Loins, bladeless,* means regular pork loins from which the whole shoulder blade bone and gristle tip have been removed.

(123) *Bellies, clear, dry salt, square cut trim,* means bellies with the boot-jack removed and squarely trimmed on all sides.

(124) *Bacon bellies, short cut, brisket off, square cut and seedless,* means square cut and seedless bellies from which the brisket has been cut off behind the shoulder crease.

APPENDIX 3—PROCESSING DEFINITIONS

When used in this Appendix in defining pork products, the phrase "ready to serve without further heating" refers to pork products which have been heated so that all parts of the pork muscle contained therein have reached a temperature of at least 140° F. by a method of heating and under conditions known to insure such result. The expression "chemically tested" means tested by the methods described in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fifth Edition, 1940. When used in this regulation, the term:

(a) *Aged, dry-cured,* means pork products which have been dry-cured and then hung for smoking and drying. The combined period for such curing and hanging for each type of aged, dry-cured product listed herein shall constitute not less than the time indicated below, and the total of the cured weights of all pieces of each type of aged, dry-cured product obtained after completion of the combined curing and hanging process shall not exceed the yield specified below:

Item	Length of combined curing and hanging period (months)	Yield (percent)
(1) Aged, dry cured hams	5	73
(2) Aged, dry cured shoulders	4	78
(3) Aged, dry cured bacon sides (boneless)	3	80
(4) Aged, dry cured bacon sides (spare rib in)	3	80
(5) Aged dry cured jowls	2	85

(b) *Browned* means a pork product which—

(1) has been heated for sufficient time to cause the formation of a brown crust on the surface, the rendering-out of the surface fat, the caramelization of sugar, if applied, and the formation of all other characteristics of a baked product;

(2) is ready to serve without further heating; and

(3) the lean meat of which weighs not in excess of 80 percent of its weight in the green state, or the moisture content of which is not in excess of 3 times the weight of protein minus the weight of sodium chloride as chemically tested.

(c) *Cooked in molds under pressure* means a pork product which—

(1) Has been placed in a mold, with pressure applied and maintained while being cooked by steam or water.

[Subparagraph (1) amended by Amdt. 2]

(2) is ready to serve without further heating; and

(3) the lean meat of which weighs not in excess of 83 percent of its weight in the green state.

(d) *Cooked (not in molds under pressure)* means a pork product which—

(1) has been heated by the application of water or steam or dry heat, for sufficient time to assume the characteristics of a cooked product;

(2) is ready to serve without further heating; and

(3) the lean meat of which weighs not in excess of 85 percent of its weight in the green state, or the moisture content of which is not in excess of 3.2 times the weight of protein, minus the weight of sodium chloride as chemically tested, except that cooked hams, shoulders and picnics, bone-in or boneless, but not fatted, listed in Schedule 1 may have a lean meat weight not in excess of 90 percent of the weight in the green state, or a moisture content in the lean meat not in excess of 3.4 times the weight of protein, minus the weight of sodium chloride as chemically tested.

(e) *Cured* means prepared for preservation by the application of salt, nitrate, nitrite or similar ingredients.

(f) *Dried* means pork from which moisture has been evaporated so as to produce a yield from fresh weight not in excess of the yield indicated below for the respective items:

Item	Yield (percent)
Hams	62
Shoulders	62
Bacon	63
Dressed hog sides	63
Jowl butts	65

The above yields shall be determined by dividing the final weight of the product by the fresh weight of the meat used and expressing the quotient as a percentage.

[Paragraph (f) amended by Amdt. 1]

(g) *Ready-to-eat* means a pork product which—

(1) Has been heated in the smokehouse for sufficient time to assume the characteristics of a cooked product;

(2) Is ready to serve without further heating; and

(3) The lean meat of which weighs not in excess of 95% of its weight in the green state, or the moisture content of which is not in excess of 3.7 times the weight of protein minus the weight of sodium chloride as chemically tested.

(h) *Smoked* means a pork product which has been smoked by the actual burning of hardwood or hardwood sawdust in such manner as—

(1) To impart a smoked flavor to the meat, and

(2) To cause the finished weight to be no more than the original green weight.

APPENDIX 4—MAP OF ZONES AND REGIONS

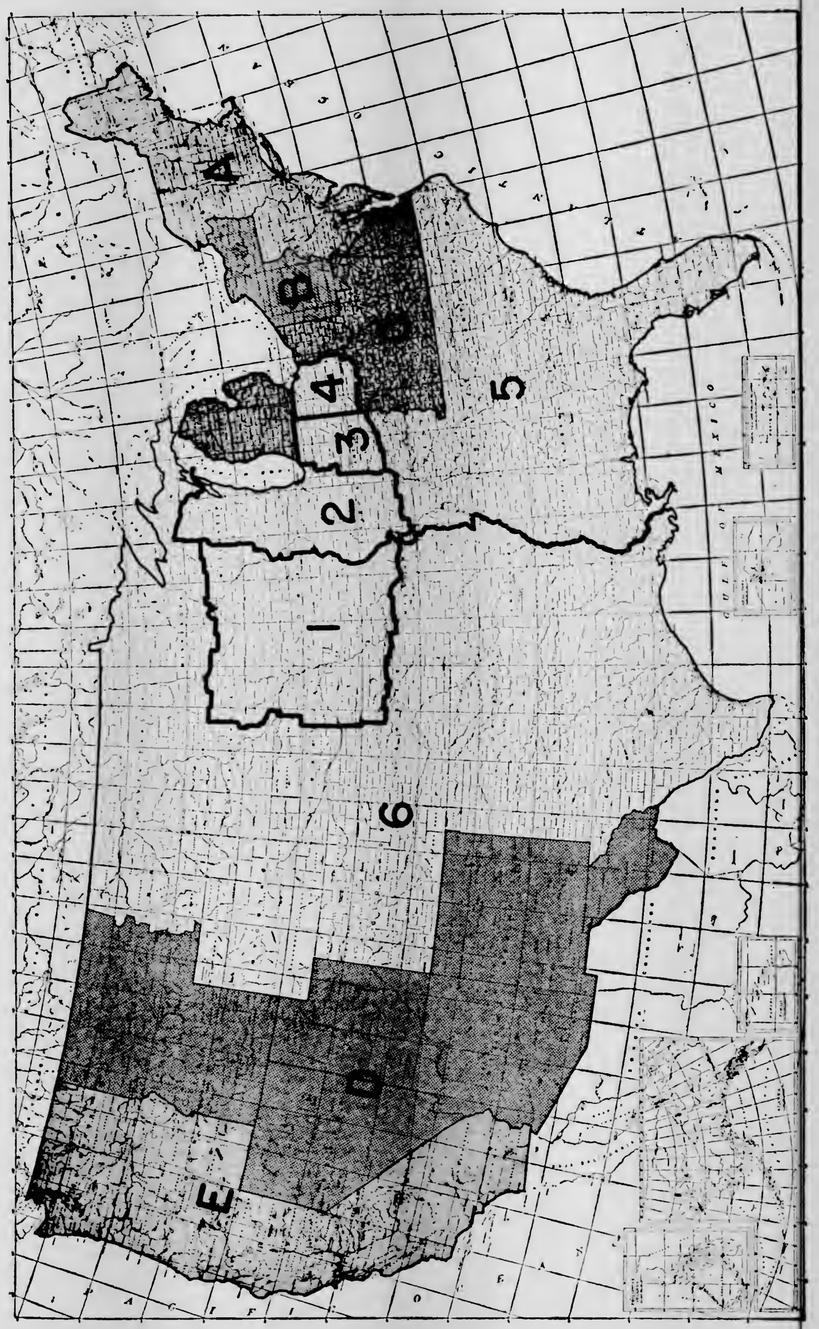

[F. R. Doc. 52-6329; Filed, June 5, 1952; 10:40 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 103]

GCPR, SR 103—CEILING PRICES FOR WOODEN MINE MATERIALS PRODUCED IN THE WESTERN AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 103 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for sellers of wooden mine materials produced and sold for use in mines in the area of the United States west of the 100th Meridian.

Each seller covered must recalculate his ceiling prices on such materials by adding 35 percent to the highest price he received for the same item during the period from May 24, 1950 to June 24, 1950, inclusive. This action is taken in order to restore normal price relationships between prices of wooden mine materials and prices of other lumber items and thereby to alleviate the critical shortage of wooden mine materials in the area mentioned. The shortage threatens to adversely affect the mining of copper and other ores, and coking coal vitally needed for the defense effort. The need for action is urgent because, under the seasonal logging pattern, contracts are now being let for the season's cut and only speedy relief can avert a curtailment in ore and coal mining caused by the mine timber shortage.

Although mine timbers are indispensable to the operation of coal, copper and other mines, the cost of these materials constitutes an insignificant part of the total cost of operating the mines. Consequently this action will have no effect on the market price of coal or ores. Moreover this action will affect only a very small proportion of the total amount of timber cut in the Western Area.

Although the price problem which this supplementary regulation is designed to correct exists at the primary producing level, the mine timbers affected often move through the hands of middlemen before they reach the using mines. This supplementary regulation, therefore, affords relief to all sellers of wooden mine materials in this area. If this were not done, a price squeeze upon the middlemen would interrupt the flow of the materials to the mines.

In view of the nature of this supplementary regulation, and because the action is taken in response to industry representations, formal consultation with industry representatives has been deemed to be neither practical nor necessary. However, in the preparation of this supplementary regulation, consultation was held with individual industry representatives and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization, this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for wooden mine materials.
3. Definitions.
4. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 4 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950, Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation supersedes sections 3 through 5 of the General Ceiling Price Regulation with respect to all sales and purchases of wooden mine materials produced in the Western Area when sold for delivery and use in that area, and establishes new ceiling prices for such materials.

SEC. 2. *Ceiling prices for wooden mine materials.* The ceiling prices for sales and purchases of wooden mine materials produced in the Western Area when sold for delivery and use in mines within that area shall be 35 percent above the highest price the seller obtained on such materials during the period May 24, 1950 to June 24, 1950, inclusive.

SEC. 3. *Definitions.* When used in this supplementary regulation, the term:

(a) "Western Area" consists of the geographical area of the United States west of the 100th Meridian.

(b) "Wooden mine materials" means wooden props from which one or more of the following enumerated items are made to be used in mines: mine ties, switch ties, cross bars, cribbing, lagging, posts, caps, wedges, stull timber, pit posts and pit blocks.

SEC. 4. *Incorporation of GCPR provisions.* Except as herein specifically modified, all of the provisions of the General Ceiling Price Regulation remain in effect.

Effective date. This supplementary regulation shall become effective June 10, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 5, 1952.

[F. R. Doc. 52-6334; Filed, June 5, 1952; 10:42 a. m.]

[Ceiling Price Regulation 94, Collation 1]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

COLL. 1—INCLUDING AMENDMENTS 1–3

Ceiling Price Regulation 94 is republished to incorporate the texts of Amendments 1 through 3, inclusive. Ceiling Price Regulation 94 was issued November 15, 1951 (16 F. R. 11639). Statements of Consideration for Ceiling Price Regulation 94, and for Amendments 1–3, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

Sec.
1. Sellers and sales covered by this regulation.
2. Ceiling prices established by this regulation.
3. Invoices and price tagging of used automobiles.
4. Adjustable pricing.
5. Petition for amendment.
6. Records.
7. Interpretations.
8. Prohibitions.
9. Less than ceiling price.
10. Evasions.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 11 contained in Ceiling Price Regulation 94, November 15, 1951 (16 F. R. 11639), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 94, November 20, 1951, 16 F. R. 11639; Amendment 1, December 17, 1951, 16 F. R. 12549; Amendment 2, January 30, 1952, 17 F. R. 807; Amendment 3, April 22, 1952, 17 F. R. 3454.

SECTION 1. *Sellers and sales covered by this regulation.* (a) This regulation applies to you if you sell a used passenger automobile in the United States or the District of Columbia, whether as a retail dealer, wholesaler, or as an individual. The provisions of this regulation supersede in their entirety, those provisions of Supplementary Regulation 5 to the General Ceiling Price Regulation covering the sale of used passenger automobiles.

(b) Definitions of terms used in this section and certain terms used frequently in this regulation, particularly, "used passenger automobile", "dealer", "model", "extra, special or optional equipment", will be found in section 11.

SEC. 2. *Ceiling prices established by this regulation.*—(a) Ceiling prices for the sale of used automobiles established by this regulation are set forth in Appendix A for the geographic regions specified. This appendix also specifies the amount that may be added to the price of the automobile for automatic transmissions or drives. Your ceiling price for any used automobile in the region in which you are selling the automobile is the price specified in Appendix A for that region for that make, model, line, or series and body style. It includes all standard equipment on the automobile, radio, heater, and other items of equipment except automatic transmissions or drives, or the air-conditioning unit specified in paragraph (f) of this section, when such equipment is installed on the automobile at the time the seller has received title to the automobile.

(b) You use the ceiling price established in Appendix "A" of this regulation for any used automobile through December 31, 1951. Beginning on January 1, 1952, you will find your ceiling price of any automobile listed in Appendix "A" in the following manner: (1) On January 1, 1952, you reduce the price listed by 2 percent, rounding the result to the nearest dollar, (2) on April 1, 1952, and on the first day of each calendar quarter thereafter, you reduce the ceiling price prevailing during the previous quarter by 2 percent, and round the result to the nearest dollar. However, if after the application of the depreciation factor the cents total is fifty cents, you round to the nearest even dollar, i. e., the nearest dollar, the last digit of which ends in an even rather than an odd number.

Example. (1) A 1950 Chevrolet Styline Special 4-door sedan in Region A is listed at $1,555.00. On January 1, 1952, the ceiling price will be 2 percent less than that price, or $1,523.90 which when rounded to the nearest dollar establishes a ceiling price of $1,524.00. On April 1, 1952 the ceiling price will be 2 percent less than $1,524.00 or the sum of $1,493.52 which when rounded to the nearest dollar establishes a ceiling price of $1,494.00. (2) A 1950 Studebaker Deluxe, CPE 3, in Region B is listed at $1,575.00. On January 1, 1952, the ceiling price will be 2 percent less than that price, or $1,543.50 which when rounded to the nearest even dollar establishes a ceiling price of $1,544.00.

[Paragraph (b) amended by Amdt. 1]

(c) Beginning on January 1, 1952, you find your ceiling price for the items of extra, special or optional equipment that may be added to the price of the used automobile by reducing the sum specified in Appendix A for those items at the same rate as that established for the used automobile, as set forth in paragraph (b) of this section. The net sum as determined under this section will be rounded to the nearest dollar. However, if after the application of the depreciation factor the cents total is fifty cents, you round to the nearest even dollar, i. e., the nearest dollar, the last digit of which ends in an even rather than an odd number.

[Paragraph (c) amended by Amdt. 1]

(d) Appendix A lists models for the years 1940 to 1951 inclusive. If the used automobile is older than the oldest model of that make shown in the Appendix, the ceiling price of the automobile is the ceiling price of the oldest model of that make listed in the Appendix.

(e) The ceiling price for any model automobile subsequent to the 1951 model, when sold as a used car, is the ceiling delivered price of the automobile when new in the region where it is sold including the price of any item of extra, special or optional equipment that is on the car, until a ceiling price therefor is established by amendment to Appendix A of this regulation.

(f) You may add to the ceiling price of the used automobile the ceiling price of any compressor type, refrigerated air-conditioning unit installed in a used automobile. You determine the ceiling price of such unit by depreciating the retail list price of such unit by 15 percent, and for each calendar year after the year during which it was installed, by 10 percent of the depreciated price of the preceding year. On January 1, 1952, and on each January 1 thereafter you reduce the price of the preceding year by 10 percent. The year in which the unit was installed will be presumed to be the year during which the automobile was first sold, unless the dealer can show by invoice the actual date of installation.

(g) You may disregard the ceiling prices established in Appendix A to this regulation on an automobile traded in for a new or used automobile, except that you may not allow a sum greater than the ceiling price of the new or used automobile for which it is being traded in.

(h) If the Appendix to this regulation does not list any make of used automobile, or if the used automobile has been substantially modified from its original design by the addition of a special body or engine, the seller may apply in writing to the appropriate District Office of the Office of Price Stabilization, for the establishment of a ceiling price. The application for a ceiling price of a modified automobile should describe the special body or engine, and contain the date of manufacture and installation, a statement showing the purchase price or cost of manufacture of the special body or engine, the installation cost and the proposed ceiling price.

(i) The ceiling prices set forth in Appendix A shall become effective on December 31, 1951. Until that time your ceiling price for any used automobile (including extra, special, or optional equipment) shall be the price that was your ceiling price on the date of the issuance of this regulation.

[Subdivision (i) amended by Amdt. 1]

SEC. 3. *Invoices and price tagging of used automobiles:* (a) If you are a dealer, you must on and after January 1, 1952, attach a tag or label to each used automobile displayed or offered for retail sale, stating thereon the make, model, line or series and the ceiling price of the automobile, including any extra, special or optional equipment thereon. This ceiling price shall be the one prevailing on the date the automobile is offered for sale. The tag or label may also bear the price at which the automobile is being offered for sale.

[Paragraph (a) amended by Amdt. 1]

(b) Whenever you sell a used automobile at wholesale or retail, on and after January 1, 1952 you must prepare an invoice in duplicate, one copy of which shall be given to the purchaser within 7 days and the other copy you must retain in your records. This invoice shall set forth the following information, unless any item of the following information is contained in any other document delivered to the customer within 7 days from the date of sale.

(1) Date of sale.

(2) Make of automobile, model, body style, line or series and the extra equipment thereon for which a charge is made.

(3) Motor number and serial number.

(4) The ceiling price of the automobile.

(5) Price for which the automobile is being sold.

(6) Finance charges, name of finance company.

(7) If a used automobile is traded in as part payment for a used automobile the invoice shall show the following information with respect to the car traded in:

(i) Make of automobile traded in, model and body style and optional equipment thereon.

(ii) Allowance made on the trade in.

(iii) Motor number and serial number.

[Paragraph (b) amended by Amdt. 1]

SEC. 4. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell an automobile at the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a commodity at a price to be adjusted upward in accordance with any increase in the ceiling price after delivery.

SEC. 5. *Petition for amendment.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 6. *Records.* (a) The provisions of the General Ceiling Price Regulation are hereby continued in effect insofar as they apply to the preparation and preservation of such "current records" as you were required to make as a result of sales between January 26, 1951, and the effective date of this regulation.

(b) You shall preserve and keep for inspection by the Director of Price Stabilization for two years the invoices required to be retained in section 3 of this regulation and copies of any other documents delivered to the purchaser containing the information listed in section 3, and all other records showing the prices at which purchases and sales of commodities subject to the regulation have been made.

SEC. 7. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 8. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make, and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 9. *Less than ceiling price.* Nothing in this regulation prevents the charging, offering or paying prices less than ceiling.

SEC. 10. *Evasions.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or

falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) Requiring the purchaser as a condition of sale to make payment over a period of time, or to finance the purchase through any particular lending agency.

(2) Requiring the purchaser to purchase extra, special or optional equipment, accessories, parts or services or any other commodity in order to receive delivery of a used automobile.

(3) Requiring the purchaser or any other person to trade in or otherwise transfer to the seller or his designee an automobile in order to obtain delivery on a used automobile whether as part of the same transaction or as a separate transaction.

(4) Granting less than a reasonable allowance for automobiles received in trade.

(5) Renting or leasing a used automobile under a rental contract with an option to buy at an agreed valuation which, together with the amount paid for the rental, is higher than the applicable ceiling price of the used automobile plus any services rendered during the period of rental at the time the rental contract is entered into.

SEC. 11. *Definitions*—(a) *Automobile.* (1) A "passenger automobile" is an automobile designed primarily for the carriage of passengers, whether intended for private, commercial or other use, including its standard equipment, having a seating capacity of less than 11 persons, and propelled by an internal combustion engine.

(2) "Used automobile." A used automobile is an automobile which has been sold at retail. Used automobile and used passenger automobile are interchangeable in this regulation. A demonstrator or dealer owned executive car is a used automobile if the model is not currently being sold by the manufacturer or was not sold by the manufacturer within the preceding 4 months. The term "used automobile" includes an automobile sold to a dealer in used automobiles or used automobile parts for rebuilding or recovery of parts, but does not include an automobile sold to a dealer in iron or steel scrap, primarily for demolition for scrap, or to a consumer of iron or steel scrap.

(3) "Make" of an automobile indicates the manufacturer thereof, and bears the manufacturer's trade or brand name. A manufacturer may produce more than one "make", in which case different trade names are used to differentiate the several makes.

(4) "Line or series" refers to a subgroup of a make bearing a title, trade name, or other classificatory designation.

(5) "Body Style" means one of the various body types used in any line or series of each make of automobile.

(6) "Model" refers to the year in which the automobile was produced or its year designation.

(b) *Dealer.* A "dealer" is any person who is generally engaged in the business of selling used automobiles at wholesale or retail. The term includes a salesman or a person financially interested in the dealer's business.

(c) *Director of Price Stabilization or Director.* These terms also apply to any official (including officials of regional or district offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(d) *Displayed or offered for retail sale.* An automobile is "displayed or offered for retail sale" if it is exhibited to the public in the display area or showroom of a dealer or if it is shown or offered to one or more prospective purchasers in a part of the premises other than the normal display area or showroom or in any other location.

(e) *Extra, special or optional equipment.* This term refers to any equipment which the manufacturer did not class as standard on the date of the issuance of this regulation, and which is sold by the manufacturer of the automobile.

(f) *Reasonable allowance.* This term means an allowance for a used automobile which is traded in on a new or used automobile. The allowance must be fairly related to the current market value of the used automobile.

(g) *Sales.* (1) A "sale at retail" means any sale to an ultimate user.

(2) A "sale at wholesale" means any sale to a reseller.

(3) "Sale" or "sell." This term includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(h) *Standard equipment.* This term refers to any equipment which the manufacturer classes as standard on the date of the issuance of this regulation.

(i) *You.* "You", means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective November 20, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization,

By: JOSEPH L. DWYER,
Recording Secretary.

APPENDIX A—CEILING PRICES ESTABLISHED BY CPR 94

(1) List of Abbreviations:

Auto Trans	Automatic Transmission.
Auto Ovdr	Automatic Overdrive.
Brom	Brougham.
Bus	Business.
Cabr	Cabriolet.
Cata	Catalina.
Clb	Club.
Ctry Sq S W	Country Squire Station Wagon.
Conv	Convertible.
Cpe	Coupe.
DeV	DeVille.
D	Door.
Dix	De Luxe.
Dri-Mas	Drive Master.
Dynaflow Tr.	Dynaflow Transmission.
Electro Cl	Electromatic Clutch.
Est Car	Estate Car.
Est Wgn	Estate Wagon.
Fluid Dr	Fluid Drive.
Format	Fordomatic.
Fml	Formal.
Flumat Trans	Fluid Matic Transmission.
Flu Tor	Fluid Torque.
Holi	Holiday.
Hyd Top	Hydraulic Top.
Hydr Trans	Hydraulic Transmission.
Hydra Trans	Hydramatic Transmission.
Limo	Limousine.
Liqua Dr	Liqua Drive.
Man Top	Manual Top.
Met	Metal.
O D	Overdrive.
Ovdr Tr	Overdrive Transmission.
Powerglide Trans	Powerglide Transmission.
Prestomat	Prestomatic Transmission.
Phae	Phaeton.
Rdstr	Roadster.
Riv	Riviera.
Std Equip	Standard Equipment.
Sta Wgn	Station Wagon.
Stl	Steel.
Sed	Sedan.
Sierra Sta Wgn	Sierra Station Wagon.
Simpl	Simplamatic Transmission.
Spt	Sport.
Sub	Suburban.
Su Mat	Super Matic.
Synchro Trans	Synchromesh Transmission.
Tiptoe Tr	Tiptoe Hydraulic Shift Transmission.
Tn	Town.
Twn and Country	Town and Country Wagon.
Tr	Touring.
Trav	Traveler.
Tk	Trunk.
Ultra Dr	Ultramatic Drive.
Vacamat	Vacamatic Transmission
Vacu Dr	Vacumatic Drive.
Vacu Trans	Vacumatic Transmission.
Vic	Victoria.
Wd	Wood.

(2) Regions for which base prices are listed:

Region A: Connecticut, Delaware, District of Columbia, Illinois (except Madison, St. Clair and Rock Island Counties—Region B), Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee (Sullivan County only), Vermont, Virginia, West Virginia, Wisconsin (except Douglas County—Region B).

Region B: Alabama, Arkansas, Colorado, Florida, Georgia, Illinois (Madison, St. Clair, and Rock Island Counties), Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee (except Sullivan County—Region A), Texas, Wisconsin (Douglas County), Wyoming.

Region C: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

APPENDIX A—CEILING PRICES ESTABLISHED BY CPR 94—Continued

	Ceiling price in Region—		
	A	B	C
AMERICAN BANTAM			
1940—4 Super (all body styles)	$60	$60	$60
1941—4 65 (all body styles)	105	125	125
AUSTIN (ENGLISH)			
1948—4 A-40:			
Dev Sed 4D	660	715	780
Dor Sed 2D	650	680	750
1949—4 A-40:			
Dev Sed 4D	830	865	950
Dor Sed 2D	810	825	900
Citymn Sta Wgn	845	900	985
1949—4 A-90 Atlantic:			
Con (Man Top)	1,245	1,275	1,735
Con (Hyd Top)	1,410	1,450	1,735
1949—6 A-125 Sheerline, Sed 4D	2,380	2,405	2,820
1950—4 A-40:			
Sed 4D Mk 2	925	960	1,120
Sed 4D DeLuxe	975	1,040	1,135
Sta Wgn	1,030	1,095	1,235
1950—4 A-90 Atlantic:			
Con (Man Top)	1,485	1,550	1,885
Con (Hyd Top)	1,540	1,610	1,995
1951—4 A-40:			
Sed 4D DeLuxe	1,410	1,470	1,630
Sta Wgn	1,460	1,595	2,030
Spt Con	1,710	1,770	1,930
1951—4 A-90 Atlantic:			
Con (Man Top)	1,860	1,925	2,145
Con (Hyd Top)	1,910	1,970	2,195
BUICK			
1940—40 Special (all body styles)	350	400	405
1940—50 Super (all body styles)	370	420	430
1940—60 Century (all body styles)	360	415	395
1940—70 Roadmaster (all body styles)	375	420	405
1940—80 Limited (all body styles)	320	375	390
1940—90 Limited (all body styles)	300	350	375
1941—40A Special:			
Sed Tr 4D 6	460	505	540
Cpe Spt 6	445	490	540
Cpe Bus 3	400	445	500
Est Wgn 6	470	520	555
1941—40B Special:			
Sed Tr 4D 6	470	520	550
Cpe Spt 6	460	510	560
Sedet 6	455	500	545
Sedet 6 SE	450	490	550
Cpe Bus 3	410	455	500
Est Wgn 6	490	535	595
1941—50 Super:			
Sed Tr 4D 6	470	510	570
Cpe Spt 6	455	495	570
Cpe Bus 3	405	445	515
Cpe Con 6	465	525	600
Phae Con 4D 6	465	525	590
1941—60 Century:			
Sed Tr 4D 6	445	485	540
Sedet 6	430	475	540
Cpe Bus 3	385	430	510
1941—70 Roadmaster:			
Sed Tr 4D 6	450	485	545
Cpe Spt 6	435	480	545
Cpe Con 6	470	510	580
Phae Con 6	465	510	575
1941—80 Limited:			
Sed Tr 4D 6	400	440	530
Sed Tr As 4D 8	390	430	530
Sed Fml 4D 6	380	420	500
Limo As 8	380	420	500
1942—40A Special:			
Sed Tr 4D 6	510	555	590
Sedet Fam 6	480	530	585
Sedet Bus 3	440	510	560
Cpe Utility 3	440	490	530
Cpe Con 6	525	575	605
1942—40B Special:			
Sed Tr 4D 6	510	570	600
Sed Tr 4D 6 SE	505	555	600
Sedet Fam 6	485	535	600
Sedet Fam 6 SE	480	535	605
Sedet Bus 3	440	520	560
Est Wgn 6	525	580	620
1942—50 Super:			
Sed Tr 4D 6	510	565	620
Sedet 6	500	555	620
Cpe Con 6	530	585	660
1942—60 Century:			
Sed Tr 4D 6	500	545	590
Sedet 6	480	535	590
1942—70 Roadmaster:			
Sed Tr 4D 6	500	545	595
Sedet 6	480	535	595
Cpe Con 6	515	560	620
1942—80 Limited:			
Sed Tr 4D 6	450	500	575
Sed Tr As 4D 8	440	490	575
Sed Fml 4D 6	420	470	540
Limo As 8	420	470	540
1946—40 Special:			
Sed 4D 6	990	1,040	1,030
Sedet 6	980	1,000	1,030

	Ceiling price in Region—		
	A	B	C
BUICK—continued			
1946—50 Super:			
Sed 4D 6	$1,030	$1,080	$1,100
Sedet 2D 6	1,020	1,070	1,100
Cpe Con 6	1,090	1,135	1,220
Est Wgn 6	1,090	1,135	1,215
1946—70 Roadmaster:			
Sed 4D 6	1,045	1,100	1,070
Sedet 2D 6	1,030	1,085	1,070
Cpe Con 6	1,100	1,155	1,200
1947—40 Special:			
Sed 4D 6	1,130	1,190	1,170
Sedet 6	1,120	1,180	1,170
1947—50 Super:			
Sed 4D 6	1,190	1,250	1,300
Sedet 6	1,175	1,235	1,300
Cpe Con 6	1,240	1,305	1,435
Est Wgn 6	1,240	1,305	1,410
1947—70 Roadmaster:			
Sed 4D 6	1,220	1,290	1,275
Sedet 6	1,210	1,275	1,275
Cpe Con 6	1,275	1,345	1,415
Est Wgn 6	1,275	1,345	1,390
1948—40 Special:			
Sed 4D 6	1,320	1,380	1,345
Sedet 6	1,310	1,365	1,345
1948—50 Super:			
Sed 4D 6	1,420	1,480	1,465
Sedet 6	1,410	1,470	1,465
Cpe Con 6	1,510	1,540	1,615
Est Wgn 6	1,510	1,540	1,605
1948—70 Roadmaster:			
Sed 4D 6	1,475	1,540	1,455
Sedet 6	1,460	1,530	1,455
Cpe Con 6	1,560	1,625	1,615
Est Wgn 6	1,560	1,625	1,595
Add for Dyn Dr	110	110	110
1949—40 Special:			
Sed 4D 6	1,535	1,595	1,585
Sedet 6	1,515	1,575	1,585
1949—50 Super:			
Sed 4D 6	1,795	1,860	1,845
Sedet 6	1,780	1,840	1,845
Cpe Con 6	1,910	1,980	2,035
Est Wgn 6	1,910	1,980	2,025
Add for Dyn Dr	115	115	135
1949—70 Roadmaster:			
Sed 4D 6	1,950	2,015	1,990
Sedet 6	1,935	2,000	1,990
Cpe Riv 6	2,060	2,125	2,135
Cpe Con 6	2,060	2,125	2,175
Est Wgn 6	2,060	2,120	2,180
Dyn Dr Std			
1950—40 Special:			
Sed 4D 6	1,775	1,850	1,835
Sed Tr 4D 6	1,745	1,875	1,885
Sedet 6	1,760	1,825	1,835
Cpe Bus 3	1,710	1,800	1,775
Deluxe:			
Sed 4D 6	1,810	1,885	1,850
Sed Tr 4D 6	1,845	1,905	1,960
Sedet 6	1,790	1,870	1,885
Add for Dyn Dr	140	140	150
1950—Super:			
Sed Tr 4D 6	1,975	2,050	2,140
Sedet 6	1,940	2,025	2,125
Cpe Riv 2D 6	2,125	2,195	2,260
Cpe Con 6	2,145	2,210	2,305
Est Wgn 6	2,230	2,285	2,405
Sed Riv 4D 6	2,065	2,150	2,335
Add for Dyn Dr	140	140	150
1950—70 Roadmaster:			
Sed Tr 4D 6	2,205	2,285	2,405
Sedet 6	2,170	2,270	2,305
Cpe Riv 2D 6	2,335	2,420	2,500
Cpe Con 6	2,395	2,450	2,605
Est Wgn	2,395	2,470	2,595
Sed Riv 4D 6	2,280	2,375	2,580
Deluxe:			
Cpe Riv 2D 6	2,405	2,485	2,675
Est Wgn	2,395	2,470	2,820
Sed Riv 4D 6	2,430	2,355	2,820
Dyn Dr Std			
1951—40 Special:			
Sed 4D 6	2,200	2,270	2,260
Sed 2D 6	2,170	2,240	2,260
Sed Riv 6	2,335	2,405	2,410
Cpe Spt 6	2,170	2,235	2,260
Cpe Bus 3	2,105	2,170	2,175
Cpe Con 6	2,415	2,475	2,590
Deluxe			
Sed 4D 6	2,230	2,305	2,285
Sed 2D 6	2,200	2,275	2,275
Add for Dyn Dr	155	155	170
1951—50 Super:			
Sed 4D 6	2,390	2,465	2,530
Sedet 6	2,360	2,430	2,500
Sed Riv 2D 6	2,535	2,610	2,615
Cpe Con 6	2,585	2,665	2,775
Est Wgn 6	2,680	2,745	2,850
Sed Riv 4D 6	2,490	2,560	2,640
Add for Dyn Dr	155	155	170
1951—70 Roadmaster:			
Sed Riv 4D 6	2,750	2,815	2,910
Cpe Riv (76 Mfr) 6	2,875	2,750	2,500

	Ceiling price in Region—		
	A	B	C
BUICK—continued			
1951—70 Roadmaster—Continued			
Cpe Riv 6	$2,850	$2,930	$2,940
Cpe Con 6	2,920	3,000	3,130
Est Wgn 6	3,020	3,095	3,180
Dyn Dr Std			
CADILLAC			
1940—60 Special—V8 (all body styles)	480	535	535
1940—62—V8 (all body styles)	425	485	465
1940—72 Fleetwood—V8 (all body styles)	370	430	420
1940—75 Fleetwood—V8 (all body styles)	355	405	420
1940—90 Fleetwood—V16 (all body styles)	290	340	340
1941—V8—61:			
Sed Tr 4D 5	615	680	730
Cpe 5	600	670	680
Deluxe:			
Sed Tr 4D 5	640	705	705
Cpe 5	625	690	705
Add Hydra Trans	40	40	40
1941—V8—62:			
Sed Tr 4D 5	640	710	760
Cpe 2—4	625	695	760
De luxe:			
Sed Tr 4D 5	665	735	785
Cpe 2—4	645	725	785
Sed Con 5	690	760	865
Cpe Con 2—4	690	760	865
Add Hydra Trans	40	40	40
1941—V8—63:			
Sed Tr 4D 5	640	710	755
Add Hydra Trans	40	40	40
1941—V8—60 Special:			
Sed Tr 4D 5	740	810	840
Sed Tr Div 5	740	810	840
Add Hydra Trans	40	40	40
1941—V8—67:			
Sed Tr 4D 5	620	685	705
Sed Tr Div 5	620	685	705
Sed Tr 7	620	680	680
Sed Tr Imp 7	620	680	725
Add Hydra Trans	40	40	40
1942—V8—61:			
Sed Tr 4D 5	710	775	815
Cpe Clb 5	695	760	815
Add Hydra Trans	40	40	40
1942—V8—62:			
Sed Tr 4D 5	740	805	885
Cpe Clb 5	715	785	905
De Luxe:			
Sed Tr 4D 5	765	835	945
Cpe Clb 5	745	815	945
Cpe Con 5	790	870	985
Add Hydra Trans	40	40	40
1942—V8—63:			
Sed Tr 4D 5	740	810	875
Add Hydra Trans	40	40	45
1942—V8—60 Special:			
Sed Tr 4D 5	825	905	975
Sed Div 4D 5	825	905	975
Add Hydra Trans	40	40	45
1942—V8—67:			
Sed Tr 4D 5	715	780	830
Sed Tr Div 5	715	780	825
Sed Tr 7	715	780	890
Sed Imp 7	715	785	890
Add Hydra Trans	40	40	45
1942—V8—75 Fleetwood:			
Sed Tr 4D 5	790	865	920
Sed Div 4D 5	695	765	815
Sed Fml 5	705	770	810
Sed Tr 7	700	760	810
Sed Imp 7	695	760	800
Sed Fml 7	700	760	815
Sed Bus 9	695	755	805
Sed Bus Imp 9	695	770	815
Add Hydra Trans	30	40	45
1946—V8—61:			
Sed 4D 5	1,395	1,480	1,495
Cpe Clb 5	1,395	1,480	1,475
Add Hydra Trans	60	60	80
1946—V8—62:			
Sed 4D 5	1,455	1,450	1,550
Cpe Clb 5	1,455	1,450	1,550
Cpe Con 5	1,560	1,445	1,690
Add Hydra Trans	60	60	80
1946—V8—60 Special:			
Sed 4D 5	1,580	1,675	1,665
Add Hydra Trans	60	60	80

	Ceiling price in Region—		
	A	B	C
CADILLAC—continued			
1946—V8-75 Fleetwood:			
Sed 4D5	$1,400	$1,485	$1,410
Sed 4D7	1,420	1,510	1,480
Sed Imp 7	1,400	1,485	1,410
Sed Bus 9	1,460	1,545	1,500
Sed Bus Imp 9	1,415	1,505	1,470
Add Hydra Trans	60	60	80
1947—V8-61:			
Sed 4D5	1,530	1,630	1,605
Cpe Clb 5	1,530	1,630	1,605
Add Hydra Trans	65	65	100
1947—V8-62:			
Sed 4D5	1,630	1,740	1,725
Cpe Clb 5	1,630	1,740	1,725
Cpe Con 5	1,735	1,835	1,885
Add Hydra Trans	65	65	100
1947—V8-60 Special:			
Sed 4D5	1,760	1,855	1,860
Add Hydra Trans	65	65	100
1947—V8-75 Fleetwood:			
Sed 4D5	1,575	1,675	1,580
Sed 4D7	1,600	1,695	1,620
Sed Imp 7	1,575	1,675	1,585
Sed Bus 9	1,630	1,750	1,705
Sed Bus Imp 9	1,605	1,715	1,665
Add Hydra Trans	65	65	100
1948—V8—61:			
Sed 4D 5	2,135	2,220	2,175
Cpe Clb 5	2,135	2,220	2,175
Add Hydra Trans	100	100	120
1948—V8—62:			
Sed 4D 5	2,240	2,325	2,275
Cpe Clb 5	2,240	2,325	2,275
Cpe Con 5	2,375	2,460	2,465
Add Hydra Trans	100	100	120
1948—V8—60 Special:			
Sed 4D 5	2,390	2,475	2,470
Add Hydra Trans	100	100	120
1948—V8—75 Fleetwood:			
Sed 4D 5	2,235	2,315	2,090
Sed 4D 7	2,265	2,340	2,175
Sed Imp 7	2,255	2,330	2,245
Sed Bus 9	2,340	2,390	2,115
Sed Bus Imp 9	2,270	2,355	2,200
Add Hydra Trans	100	100	120
1949—V8—61:			
Sed 4D 5	2,575	2,690	2,770
Cpe Clb 5	2,575	2,690	2,770
Add Hydra Trans	125	125	140
1949—V8—62:			
Sed 4D 5	2,700	2,820	2,910
Cpe Clb 5	2,700	2,820	2,910
Cpe DeV	2,895	3,000	3,205
Cpe Con 5	2,895	3,000	3,205
Add Hydra Trans	125	125	140
1949—V8—60 Special:			
Sed 4D 5	2,910	3,015	3,100
Add Hydra Trans	125	125	140
1949—V8—75 Fleetwood:			
Sed 4D 5	2,740	2,845	2,675
Sed 4D 7	2,780	2,890	2,790
Sed Imp 7	2,740	2,905	2,855
Sed Bus 9	2,810	2,865	2,710
Sed Bus Imp 9	2,780	2,880	2,750
Add Hydra Trans	125	125	140
1950—V8—61:			
Sed 4D 5	2,875	3,045	3,560
Cpe Clb 5	2,875	3,045	3,560
Add Hydra Trans	155	155	165
1950—V8—62:			
Sed 4D 5	3,205	3,350	3,815
Cpe Clb 5	3,205	3,350	3,815
Cpe DeV	3,445	3,590	4,215
Cpe Con 5	3,500	3,650	4,300
Hydra Trans Std	-----	-----	-----
1950—V8—60 Special Fleetwood:			
Sed 4D 6	3,480	3,650	4,375
Hydra Trans Std	-----	-----	-----
1950—V8—75 Fleetwood:			
Sed 4D 7	3,555	3,705	4,425
Sed Imp 7	3,640	3,800	4,590
Add Hydra Trans	155	155	165
1951—V8—61:			
Sed 4D 5	3,475	3,655	3,810
Cpe 5	3,430	3,655	3,705
Add Hydra Trans	170	170	170
1951—V8—62:			
Sed 4D 5	3,770	3,980	4,090
Cpe 5	3,680	3,915	4,000
Cpe DeV 5	4,050	4,220	4,400
Cpe Con 5	4,130	4,300	4,555
Hydra Trans Std	-----	-----	-----
1951—V8—60 Special Fleetwood:			
Sed 4D 5	4,080	4,255	4,590
Hydra Trans Std	-----	-----	-----
1951—V8—75 Fleetwood:			
Sed 4D 8	4,430	4,590	4,635
Sed Imp 8	4,550	4,705	4,735
Add Hydra Trans	170	170	170

	Ceiling price in Region—		
	A	B	C
CHEVROLET			
1940—KH Master DeLuxe (all body styles)	$350	$395	$415
1940—KB Master (all body styles)	340	380	425
1940—KA Special DeLuxe (all body styles)	365	400	440
1941—6 AG Master DeLuxe:			
Sed Spt 4D 5	420	465	545
Sed Tn 2D 5	405	450	510
Cpe Spt 5	405	450	545
Cpe Bus	355	410	495
1941—6 AH Special DeLuxe:			
Sed Spt 4D 5	435	485	560
Sed Tn 2D 5	420	460	530
Cpe Spt 5	425	465	555
Cpe Bus 2	380	420	505
Cabr 5	455	495	600
Sta Wgn 8	455	495	590
Fleetline: Sed 4D	455	500	605
1942—6 BG Master DeLuxe Stylemaster:			
Sed Spt 4D 5	475	500	580
Sed Tn 2D 5	450	475	545
Cpe Spt 5	455	485	570
Cpe Bus 2	405	435	525
1942—6 BH Special Deluxe:			
Fleetmaster:			
Sed Spt 4D 5	490	525	605
Sed Tn 2D 5	470	505	570
Cpe Spt 5	480	510	595
Cpe Bus 2	430	460	550
Cabr 5	500	530	640
Sta Wgn 8	500	530	640
Fleetline:			
Sed Spt 4D 5	520	550	640
Sed Aero 2D 5	525	555	670
1946—6DJ Stylemaster:			
Sed Spt 4D 5	815	860	955
Sed Tn 2D 5	790	840	940
Cpe Spt 5	800	850	955
Cpe Bus 2	750	795	910
1946—6 DK Fleetmaster:			
Sed Spt 4D 6	845	895	965
Sed Tn 2D 6	825	875	975
Cpe Spt 5	835	880	985
Cabr 5	890	940	1,065
Sta Wgn 8	890	940	1,060
Fleetline:			
Sed Spt 4D 6	880	935	1,045
Sed Aero 2D 6	890	945	1,090
1947—6 EJ Stylemaster:			
Sed Spt 4D 5	950	1,010	1,080
Sed Tn 2D 5	935	985	1,075
Cpe Spt 5	940	995	1,080
Cpe Bus 2	895	950	1,025
1947—6 EK Fleetmaster:			
Sed Spt 4D 6	990	1,055	1,125
Sed Tn 2D 6	970	1,040	1,110
Cpe Spt 5	980	1,045	1,125
Cabr 5	1,040	1,110	1,210
Sta Wgn 8	1,040	1,110	1,200
Fleetline:			
Sed Spt 4D 6	1,030	1,090	1,175
Sed Aero 2D 6	1,035	1,100	1,190
1948—6 FJ Stylemaster:			
Sed Spt 4D 5	1,060	1,120	1,185
Sed Tn 2D 5	1,045	1,105	1,175
Cpe Spt 5	1,050	1,110	1,185
Cpe Bus 2	1,000	1,060	1,130
1948—6 FK Fleetmaster:			
Sed Spt 4D 6	1,110	1,170	1,245
Sed Tn 2D 6	1,090	1,150	1,220
Cpe Spt 5	1,100	1,160	1,245
Cabr 5	1,180	1,245	1,365
Sta Wgn 8	1,180	1,245	1,355
Fleetline:			
Sed Spt 4D 6	1,165	1,225	1,290
Sed Aero 2D 6	1,170	1,235	1,320
1949—6 GJ Special:			
Styleline Special:			
Sed Spt 4D 6	1,335	1,400	1,455
Sed Tn 2D 6	1,320	1,380	1,450
Cpe Spt 6	1,325	1,385	1,455
Cpe Bus 3	1,265	1,325	1,390
Fleetline Special:			
Sed 4D 5	1,365	1,435	1,455
Sed 2D 5	1,350	1,415	1,455
1949—6 GK Deluxe:			
Styleline Deluxe:			
Sed Spt 4D 6	1,380	1,440	1,525
Sed Tn 2D 6	1,360	1,425	1,525
Cpe Spt 6	1,360	1,430	1,525
Cpe Con 5	1,490	1,555	1,680
Sta Wgn Wd 8	1,490	1,555	1,675
Sta Wgn Stl 8	1,490	1,555	1,675
Fleetline Deluxe:			
Sed 4D 5	1,415	1,475	1,525
Sed 2D 5	1,400	1,455	1,520

	Ceiling price in Region—		
	A	B	C
CHEVROLET—continued			
1950—6 HJ Special:			
Styleline Special:			
Sed Spt 4D 6	$1,555	$1,625	$1,675
Sed Tn 2D 6	1,535	1,605	1,670
Cpe Spt 6	1,540	1,610	1,675
Cpe Bus 3	1,485	1,555	1,600
Fleetline Special:			
Sed 4D 5	1,585	1,655	1,675
Sed 2D 5	1,565	1,635	1,675
1950—6 HK Deluxe:			
Styleline Deluxe:			
Sed Spt 4D 6	1,595	1,665	1,725
Sed Tn 2D 6	1,575	1,650	1,730
Cpe Spt 6	1,580	1,655	1,725
Cpe Bel Air 6	1,765	1,835	1,960
Cpe Con 5	1,765	1,835	1,970
Sta Wgn 8	1,785	1,850	1,965
Fleeting deluxe:			
Sed 4D 5	1,625	1,700	1,725
Sed 2D 5	1,605	1,680	1,725
Add Prgld Trans	135	140	140
1951—6 JJ special:			
Styleline Special:			
Sed 4D 6	1,815	1,855	1,900
Sed 2D 6	1,760	1,835	1,890
Cpe Spt 6	1,770	1,850	1,900
Cpe Bus 3	1,685	1,790	1,800
Fleetline Special:			
Sed 4D 6	1,860	1,935	1,940
Sed 2D 6	1,830	1,905	1,910
1951—6 JK Deluxe:			
Styleline Deluxe:			
Sed 4D 6	1,900	1,980	1,975
Sed 2D 6	1,850	1,960	1,965
Cpe Spt 6	1,865	1,950	1,975
Cpe Bel Air 6	2,125	2,205	2,300
Cpe Con 5	2,160	2,220	2,300
Sta Wgn 8	2,170	2,240	2,305
Fleetline Deluxe:			
Sed 4D 6	1,900	1,940	1,975
Sed 2D 6	1,850	1,930	1,965
Add Prgld Trans	150	150	155
CHRYSLER			
1940—6C—25 Royal (all body styles)	335	385	425
1940—6C—25 Royal Windsor (all body styles)	355	405	435
1940—8C—26 Traveler (all body styles)	335	380	400
1940—8C—26 New Yorker (all body styles)	355	400	415
1940—8C—26 Saratoga (all body styles)	370	420	415
1940—8C—27 Crown Imperial (all body styles)	320	375	410
1941—6C—28 Royal:			
Sed 4D 6	415	470	525
Sed Tn 4D 6	420	475	525
Brom 6	405	455	500
Cpe Clb 6	405	460	525
Cpe 3	355	405	470
Tn & Ctry Wgn 6	455	515	525
Tn & Ctry Wgn 9	460	520	520
Sed 8	415	475	490
Sed Limo 8	415	475	490
Add for Vacu Trans & Fl Dr	25	25	25
1941—6C—28 Windsor:			
Sed 4D 6	450	500	535
Sed Tn 4D 6	455	505	535
Brom 6	430	470	505
Cpe Clb 6	435	485	535
Cpe 3	385	435	480
Cpe Clb Con 6	485	530	570
Sed 8	450	500	550
Sed Limo 8	470	505	535
Add for Vacu Trans & Fl Dr	25	25	25
1941—8C—30 Saratoga:			
Sed 4D 6	450	500	530
Sed Tn 4D 6	455	510	530
Brom 6	430	490	485
Cpe Clb 6	435	495	530
Cpe 3	385	445	480
Add for Vacu Trans & Fl Dr	25	25	25
1941—8C—30 New Yorker:			
Sed 4D 6	475	535	535
Sed Tn 4D 6	480	540	535
Brom 6	455	505	510
Cpe Clb 6	460	510	535
Cpe 3	420	470	485
Cpe Con 6	470	530	580
Add for Vacu Trans & Fl Dr	25	25	25
1941—8C—33 Crown Imperial:			
Sed Tn Spec 6	440	500	530
Sed 4D 6	450	510	530
Sed 4D 8	450	510	510
Sed Limo 8	450	510	510

	Ceiling price in Region—		
	A	B	C
CHRYSLER—continued			
1942—6C—34 Royal:			
Sed 4D 6	$450	$535	$585
Sed Tn 4D 6	480	535	595
Brom 6	450	500	550
Cpe Clb 6	460	510	585
Cpe 3	415	465	530
Sed 8	475	535	565
Sed Limo 8	475	535	550
Add for Vacu Trans & Fl Dr	25	25	25
1942—6C—34 Windsor:			
Sed 4D 6	500	555	605
Sed Tn 4D 6	510	560	610
Brom 6	475	535	575
Cpe Clb 6	480	535	605
Cpe 3	430	490	550
Cpe Con 6	540	590	635
Sed 8	510	560	580
Sed Limo 8	510	560	580
Tn & Ctry Wgn 6	495	545	635
Tn & Ctry Wgn 9	500	550	635
Add for Vacu Trans & Fl Dr	25	25	25
1942—8C—36 Saratoga:			
Sed 4D 6	505	560	585
Sed Tn 4D 6	510	565	590
Brom 6	485	535	550
Cpe Clb 6	485	540	585
Cpe 3	450	495	535
Add for Vacu Trans & Fl Dr	25	25	25
1942—8C—36 New Yorker:			
Sed 4D 6	535	590	600
Sed Tn 4D 6	540	590	605
Brom 6	510	565	570
Cpe Clb 6	510	570	600
Cpe 3	470	525	545
Cpe Con 6	525	575	630
Add for Vacu Trans & Fl Dr	25	25	25
1942—8C—37 Crown Imperial:			
Sed 4D 6	525	580	585
Sed 4D 8	525	580	555
Limo 8	525	580	570
Add for Vacu Trans & Fl Dr	30	30	30
1946—6C—38 Royal:			
Sed 4D 6	1,015	1,075	1,080
Sed 2D 6	990	1,045	1,035
Cpe Clb 6	995	1,055	1,080
Cpe 3	940	1,000	990
Sed 4D 8	1,010	1,070	1,075
Sed Limo 8	1,010	1,070	1,075
Add for Hydr Trans	30	30	35
Add for Fl Dr	15	15	20
1946—6C—38 Windsor:			
Sed 4D 6	1,045	1,100	1,125
Sed 2D 6	1,020	1,075	1,060
Cpe Clb 6	1,025	1,085	1,125
Cpe 3	975	1,030	1,040
Cpe Con 6	1,085	1,150	1,245
Sed 4D 8	1,040	1,100	1,110
Sed Limo 8	1,040	1,100	1,110
Add for Hydr Trans	30	30	35
Add for Fl Dr	15	15	20
1946—6C—38 Town and Country:			
Sed 4D 6	1,070	1,130	1,145
Add for Hydr Trans	30	30	35
Add for Fl Dr	15	15	20
1946—8C—39 Saratoga:			
Sed 4D 6	1,070	1,125	1,115
Sed 2D 6	1,045	1,100	1,060
Cpe Clb 6	1,050	1,110	1,115
Cpe 3	1,000	1,060	1,040
Add for Hydr Trans	30	30	35
1946—8C—39 New Yorker:			
Sed 4D 6	1,100	1,160	1,160
Sed 2D 6	1,070	1,140	1,100
Cpe Clb 6	1,075	1,145	1,160
Cpe 3	1,025	1,095	1,085
Cpe Con 6	1,140	1,200	1,250
Add for Hydr Trans	30	30	35
1946—8C—39 Town and Country:			
Sed 4D 6	1,140	1,195	1,180
Cpe Con 6	1,165	1,230	1,265
Add for Hydr Trans	30	30	35
1946—8C—40 Crown Imperial: Sed Limo 8	1,165	1,230	1,230
1947—6C—38 Royal:			
Sed 4D 6	1,195	1,250	1,245
Sed 2D 6	1,175	1,230	1,200
Cpe Clb 6	1,175	1,230	1,245
Cpe 3	1,120	1,185	1,165
Sed 4D 8	1,215	1,270	1,220
Sed Limo 8	1,215	1,270	1,220
Add for Hydr Trans	30	30	50
Add for Fl Dr	15	15	35
1947—6C—38 Windsor:			
Sed 4D 6	1,230	1,290	1,280
Sed Trav 6	1,245	1,305	1,320
Sed 2D 6	1,205	1,260	1,240
Cpe Clb 6	1,215	1,270	1,280
Cpe 3	1,165	1,225	1,205
Cpe Con 6	1,280	1,330	1,405
Sed 4D 8	1,245	1,300	1,250
Sed Limo 8	1,245	1,300	1,250
Add for Hydr Trans	30	30	50
Add for Fl Dr	15	15	35

	Ceiling price in Region—		
	A	B	C
CHRYSLER—continued			
1947—6C—38 Town and Country:			
Sed 4D 6	$1,250	$1,320	$1,315
Add for Hydr Trans	30	30	50
Add for Fl Dr	15	15	35
1947—8C—39 Saratoga:			
Sed 4D 6	1,275	1,320	1,295
Sed 2D 6	1,245	1,300	1,240
Cpe Clb 6	1,255	1,305	1,295
Cpe 3	1,215	1,260	1,220
Add for Hydr Trans	30	30	40
1947—8C—39 New Yorker:			
Sed 4D 6	1,300	1,350	1,330
Sed 2D 6	1,275	1,330	1,285
Cpe Clb 6	1,285	1,335	1,330
Cpe 3	1,240	1,290	1,255
Cpe Con 6	1,345	1,400	1,475
Add for Hydr Trans	30	30	40
1947—8C—39 Town and Country:			
Cpe Con 6	1,335	1,390	1,465
Add for Hydr Trans	30	30	40
1947—8C—40 Crown Imperial:			
Sed 4D 8	1,345	1,400	1,380
Sed Limo 8	1,345	1,400	1,380
1948—6C—38 Royal:			
Sed 4D 6	1,380	1,450	1,415
Brom 6	1,345	1,430	1,370
Cpe Clb 6	1,355	1,435	1,415
Cpe 3	1,300	1,380	1,330
Sed 4D 8	1,415	1,485	1,395
Sed Limo 8	1,415	1,485	1,395
Add for Hydr Trans	40	40	60
Add for Fl Dr	30	30	40
1948—6C—38 Windsor:			
Sed 4D 6	1,420	1,490	1,470
Sed Trav 6	1,410	1,500	1,495
Brom 6	1,400	1,465	1,410
Cpe Clb 6	1,400	1,465	1,470
Cpe 3	1,350	1,425	1,380
Cpe Con 6	1,490	1,555	1,615
Sed 4D 8	1,445	1,515	1,440
Sed Limo 8	1,450	1,515	1,440
Add for Hydr Trans	40	40	60
Add for Fl Dr	30	30	40
1948—6C—38 Town and Country:			
Sed 4D 6	1,480	1,555	1,510
Add for Hydr Trans	40	40	60
Add for Fl Dr	30	30	40
1948—8C—39 Saratoga:			
Sed 4D 6	1,460	1,535	1,505
Brom 6	1,440	1,505	1,450
Cpe Clb 6	1,450	1,515	1,505
Cpe 3	1,400	1,465	1,420
Add for Hydr Trans	40	40	60
1948—8C—39 New Yorker:			
Sed 4D 6	1,495	1,575	1,545
Brom 6	1,470	1,545	1,490
Cpe Clb 6	1,475	1,555	1,545
Cpe 3	1,435	1,505	1,460
Cpe Con 6	1,580	1,655	1,700
Add for Hydr Trans	40	40	60
1948—8C—39 Town and Country:			
Cpe Con 6	1,470	1,645	1,710
Add for Hydr Trans	40	40	60
1948—8C—40 Crown Imperial:			
Sed 4D 8	1,620	1,685	1,610
Sed Limo 8	1,620	1,685	1,610
First Series—1949—			
1949—6C—38 Royal:			
Sed 4D 6	1,475	1,545	1,575
Brom 6	1,450	1,520	1,545
Cpe Clb 6	1,450	1,520	1,575
Cpe 3	1,410	1,485	1,470
Sed 4D 8	1,515	1,590	1,575
Sed Limo 8	1,515	1,590	1,575
Add for Hydr Trans	40	40	40
Add for Fl Dr	20	20	20
1949—6C—38 Windsor:			
Sed 4D 6	1,515	1,590	1,635
Sed Trav 6	1,515	1,590	1,650
Brom 6	1,495	1,555	1,575
Cpe Clb 6	1,495	1,555	1,635
Cpe 3	1,450	1,520	1,530
Cpe Con 6	1,570	1,640	1,745
Sed 4D 8	1,540	1,595	1,615
Sed Limo 8	1,540	1,595	1,615
Add for Hydr Trans	40	40	40
Add for Fl Dr	20	20	20
1949—8C—39 Saratoga:			
Sed 4D 6	1,550	1,620	1,665
Brom 6	1,525	1,595	1,620
Cpe Clb 6	1,525	1,595	1,665
Cpe 3	1,495	1,510	1,575
Add for Hydr Trans	40	40	40
1949—8C—39 New Yorker:			
Sed 4D	1,590	1,655	1,710
Brom 6	1,560	1,635	1,665
Cpe Clb 6	1,560	1,635	1,710
Cpe 3	1,525	1,595	1,620
Cpe Con 6	1,645	1,700	1,845
Add for Hydr Trans	40	40	50
1949—8C—39 Twn and Country:			
Cpe Con 6	1,650	1,735	1,800
Add for Hydr Trans	40	40	50

	Ceiling price in Region—		
	A	B	C
CHRYSLER—continued			
1949—8C—40 Crown Imperial:			
Sed 4D 8	$1,700	$1,770	$1,785
Sed Limo 8	1,700	1,770	1,785
Add for Hydr Trans	40	40	50
Second Series—1949—			
1949—6C—45 Royal:			
Sed 4D 6	1,595	1,660	1,735
Cpe Clb 6	1,580	1,640	1,735
Sta Wgn 9	1,720	1,800	2,005
Sed 4D 8	1,630	1,695	1,760
Add for Presto Trans	65	70	} 80
Add for Fl Dr	20	20	
1949—6C—45 Windsor:			
Sed 4D 6	1,725	1,790	1,830
Cpe 6	1,710	1,775	1,830
Cpe Con 6	1,860	1,885	2,045
Sed 4D 8	1,755	1,830	1,855
Sed Limo 8	1,755	1,830	1,855
1949—8C—46 Saratoga:			
Sed 4D 6	1,820	1,860	1,990
Cpe Clb 6	1,820	1,860	1,990
1949—8C—46 New Yorker:			
Sed 4D 6	1,875	1,910	2,035
Cpe Clb 6	1,875	1,910	2,035
Cpe Con 6	1,995	2,000	2,295
1949—8C—46 Twn and Country:			
Cpe Con 6	2,005	2,085	2,250
1949—8C—46: Imperial: Sed 4D 6	2,030	2,115	2,205
1949—8C—47 Crown Imperial:			
Sed 4D 8	2,035	2,125	2,290
Limo 8	2,045	2,125	2,300
1950—6C—48 Royal:			
Sed 4D 6	1,900	1,980	2,085
Cpe Clb 6	1,900	1,980	2,145
Sta Wgn 6	2,205	2,280	2,420
Twn and Country	2,115	2,195	2,545
Sed 4D 8	2,005	2,090	2,195
Add for Presto Trans	75	} 95	95
Add for Fl Dr	20		
1950—6C—48 Windsor:			
Sed 4D 6	2,040	2,120	2,170
Sed Trav 4D 6	2,095	2,170	2,265
Cpe Clb 6	2,040	2,120	2,170
Newport 6	2,205	2,285	2,475
Cpe Con 6	2,230	2,315	2,440
Sed 4D 8	2,145	2,230	2,300
Limo 8	2,155	2,230	2,300
1950—8C—49 Saratoga:			
Sed 4D 6	2,170	2,250	2,355
Cpe Clb 6	2,170	2,250	2,355
1950—8C—49 New Yorker:			
Sed 4D 6	2,225	2,315	2,440
Cpe Clb 6	2,225	2,315	2,440
Newport 6	2,395	2,470	2,765
Cpe Con 6	2,415	2,515	2,710
1950—8C—49 Town and Country: Newport	2,405	2,500	2,925
1950—8C—49 Imperial: Sed 4D 6	2,350	2,440	2,925
DeLuxe—			
Sed 4D 6	2,405	2,495	2,970
1950—8C—50 Crown Imperial:			
Sed 4D 8	2,580	2,670	2,855
Limo 8	2,580	2,670	2,875
1951—6 Windsor:			
Sed 4D 6	2,400	2,490	2,440
Cpe Clb 6	2,390	2,490	2,440
Tn & Ctry 6	2,760	2,815	2,880
Sed 4D 8	2,830	2,905	2,745
Add for Fluid-Matic Trans	105	105	130
1951—6 Windsor Deluxe:			
Sed 4D 6	2,550	2,650	2,675
Sed Trav 4D 6	2,635	2,710	2,800
Cpe Clb 6	2,545	2,640	2,675
Newport 6	2,735	2,830	2,900
Cpe Con 6	2,785	2,875	3,025
Sed 4D 8	2,860	2,950	2,925
Limo 8	2,930	3,010	3,040
Fluid-Matic Tr Std	-----	-----	-----
1951—V8 Saratoga:			
Sed 4D 6	2,710	2,790	3,080
Cpe Clb 6	2,645	2,770	3,065
Tn & Ctry 6	3,065	3,150	3,435
Sed 4D 8	3,225	3,305	3,600
Limo 8	3,365	3,430	3,750
Fluid-Matic Tr Std	-----	-----	-----
Add for Fluid Torque Dr	135	135	160
Add for Hydraguide	165	165	185
1951—V8 New Yorker:			
Sed 4D 6	2,920	3,015	3,275
Cpe Clb 6	2,910	3,015	3,275
Newport 6	3,135	3,235	3,710
Cpe Con 6	3,180	3,285	3,775
Tn & Ctry Wgn	3,230	3,340	3,965
Add Fl Torque Dr	145	145	145
Add Hyda-Guide	170	170	195
Fluid-Matic Tr Std	-----	-----	-----
1951—V8 Imperial:			
Sed 4D 6	3,060	3,160	3,525
Cpe Clb 6	3,060	3,160	3,340
Newport 6	3,250	3,355	3,965
Cpe Con 6	3,345	3,430	3,790
Add Fl Torque Dr	145	145	145
Add Hydra-Guide	170	170	195

	Ceiling price in Region— A	B	C
CHRYSLER—continued			
1951—V8 Imperial—Continued			
Fluid-Matic Tr Std	----	----	----
1951—V8 Crown Imperial:			
Sed 4D 8	$4,580	$4,655	$5,090
Limo 8	4,675	4,750	5,235
Fluid-Torque Dr Std	----	----	----
Hydra-Guide Std	----	----	----
CROSLEY			
1940—2 A (all body styles)	65	80	80
1941—2 CB:			
Sed Con 4	70	95	115
Sed Con Dlx 4	80	105	125
Cpe Con 2	75	95	110
Sta Wgn 4	90	110	125
Sta Wgn 2	90	110	120
1942—2 CB:			
Sed Dlx 4	110	130	155
Sed Con Vic 4	105	130	160
Cpe Con 2	105	125	155
Sta Wgn 4	115	145	165
Add for Cast Iron Block	50	50	50
1946—4 CC:			
Sed 2D 4	240	285	300
Add for Cast Iron Block	60	60	60
1947—4 CC:			
Sed 2D 4	275	325	325
Sed Con 2D 4	290	345	340
Add for Cast Iron Block	60	60	60
1948—4 CC:			
Sed 2D 4	340	390	350
Sed Con 2D 4	360	415	400
Sta Wgn 4	385	440	420
Spt Util 2	320	375	385
Add for Cast Iron Block	65	65	65
1949—4 CD:			
Sed Dlx 2D 4	505	560	590
Sed Con 2D 4	535	590	625
Sta Wgn 4	550	605	640
Add for Cast Iron Block	100	100	100
1949—4 VC:			
Roadster 2	505	555	630
Add for Cast Iron Block	100	100	100
1950—4 CD:			
Sed 2D 4	710	750	750
Sed Con 2D 4	780	770	815
Sta Wgn 4	740	785	830
Super:			
Sed 2D 4	755	800	840
Sed Con 2D 4	760	800	865
Sta Wgn 4	770	810	855
1950—4 VC: Roadster 2	700	750	830
Super: Roadster Spt 2	725	775	835
1951—4 CD:			
Cpe Bus 2	980	1,015	985
Sta Wgn 4	1,010	1,070	1,035
Super:			
Sed 4	1,025	1,085	1,075
Sed Con 4	1,025	1,085	1,120
Sta Wgn 4	1,030	1,110	1,145
1951—4 VC: Roadster 2	970	1,035	1,045
Super: Roadster Spt 2	1,025	1,085	1,115
DE SOTO			
1940—6 S7 (all body styles)	340	380	380
1941—6 S8:			
Deluxe:			
Sed 4D 5	385	430	495
Sed 2D 5	365	415	465
Cpe 5	375	420	495
Cpe Bus 2	325	370	450
Sed 7	385	430	460
Custom:			
Sed 4D 5	415	460	510
Sed Tn 5	415	460	510
Brom 5	410	445	475
Cpe Clb 5	400	450	510
Cpe 2	360	400	465
Cpe Con 5	430	480	550
Sed 7	415	460	510
Limo 7	415	460	510
Add for Fl Dr with Simpli Trans	30	30	30
1942—6 S10:			
Deluxe:			
Sed 4D 5	440	500	550
Sed Tn 5	445	505	550
Sed 2D 5	425	485	515
Cpe 6	430	485	550
Cpe Bus 2	380	435	500
Sed 7	450	510	575
Custom:			
Sed 4D 5	460	525	575
Sed Tn 5	465	530	585
Brom 5	440	510	555
Cpe Clb 5	445	515	580
Cpe 2	400	465	535
Cpe Con 5	475	560	630
Sed 7	455	530	550
Limo 7	485	530	550
Add for Fl Dr with Simpli Trans	35	35	35

	Ceiling price in Region— A	B	C
DE SOTO—continued			
1946—6 S11:			
Deluxe:			
Sed 4D 6	$995	$1,030	$1,050
Sed 2D 6	945	1,005	1,005
Cpe Clb 6	955	1,015	1,050
Cpe 3	900	960	955
Custom:			
Sed 4D 6	995	1,090	1,085
Sed 2D 6	985	1,035	1,050
Cpe Clb 6	995	1,045	1,085
Cpe Con 5	1,050	1,115	1,215
Sed 4D 7	1,030	1,095	1,090
Sed Limo 7	1,030	1,095	1,080
Sub 9	1,055	1,125	1,160
Add for Fl Dr with Tiptoe Trans	40	40	55
1947—6 S11:			
Deluxe:			
Sed 4D 6	1,115	1,170	1,180
Sed 2D 6	1,090	1,150	1,135
Cpe Clb 6	1,090	1,160	1,180
Cpe 3	1,040	1,105	1,100
Custom:			
Sed 4D 6	1,145	1,200	1,235
Sed 2D 6	1,125	1,185	1,205
Cpe Clb 6	1,135	1,190	1,235
Cpe Con 5	1,200	1,260	1,275
Sed 4D 7	1,165	1,220	1,235
Sed Limo 7	1,165	1,220	1,235
Sub 9	1,205	1,255	1,345
Add for Fl Dr with Tiptoe Trans	55	55	75
1948—6 S11:			
Deluxe:			
Sed 4D 6	1,305	1,370	1,365
Sed 2D 6	1,260	1,350	1,325
Cpe Clb 6	1,300	1,355	1,365
Cpe 3	1,240	1,300	1,280
Custom:			
Sed 4D 6	1,325	1,405	1,410
Brom 6	1,320	1,390	1,365
Cpe Clb 6	1,330	1,395	1,410
Cpe Con 5	1,420	1,480	1,560
Sed 4D 7	1,370	1,430	1,410
Sed Limo 7	1,370	1,430	1,410
Sub 9	1,410	1,470	1,395
Add for Fl Dr with Tiptoe Trans	60	60	80
1st Series—1949—6 S11:			
Deluxe:			
Sed 4D 6	1,395	1,460	1,475
Sed 2D 6	1,375	1,445	1,435
Cpe Clb 6	1,390	1,445	1,475
Cpe 3	1,325	1,395	1,390
Custom:			
Sed 4D 6	1,450	1,505	1,520
Brom 6	1,420	1,480	1,475
Cpe Clb 6	1,420	1,485	1,520
Cpe Con 5	1,495	1,555	1,670
Sed 4D 7	1,465	1,525	1,520
Sed Limo 7	1,465	1,525	1,520
Sub 9	1,495	1,550	1,615
Add for Fl Dr with Tiptoe Trans	65	65	65
2d Series—1949—6 S13:			
Deluxe:			
Sed 4D 6	1,555	1,620	1,685
Cpe Clb 6	1,545	1,605	1,685
Sed Car-All 6	1,620	1,680	1,850
Sta Wgn 9	1,780	1,835	1,945
Add for Tiptoe Trans	85	85	85
Custom:			
Sed 4D 6	1,675	1,740	1,760
Cpe Clb 6	1,665	1,730	1,760
Cpe Con 6	1,815	1,885	1,980
Sed 4D 8	1,725	1,790	1,775
Sub 9	1,915	1,940	2,030
Tiptoe Trans Std	----	----	----
1950—6 S14:			
Deluxe:			
Sed 4D 6	1,810	1,885	1,980
Cpe Clb 6	1,810	1,885	1,980
Sed Car-All 6	1,875	1,955	2,120
Sed 4D 8	1,960	2,020	2,065
Add for Tiptoe Trans	100	100	100
Custom:			
Sed 4D 6	1,940	2,025	2,095
Cpe Clb 6	1,940	2,025	2,095
Sportsman 6	2,120	2,195	2,325
Cpe Con 6	2,135	2,205	2,370
Sta Wgn 6	2,180	2,250	2,370
Sta Wgn (St)	2,135	2,225	2,370
Sed 8	2,095	2,160	2,160
Sub 9	2,165	2,240	2,345
Tiptoe Trans Std	----	----	----
1951—6 S15:			
Deluxe:			
Sed 4D 6	2,220	2,310	2,220
Cpe Clb 6	2,220	2,310	2,225
Sed Car-All 6	2,310	2,380	2,430
Sed 4D 8	2,680	2,735	2,700
Add for Tiptoe Trans	110	110	120
Custom:			
Sed 4D 6	2,385	2,470	2,405
Cpe Clb 6	2,385	2,470	2,405

	Ceiling price in Region— A	B	C
DE SOTO—continued			
1951—6 S15—Continued			
Custom—Continued			
Sportsman 6	$2,580	$2,640	$2,620
Cpe Con 6	2,610	2,710	2,695
Sta Wgn 6	2,675	2,740	2,760
Sub 9	2,930	2,995	3,075
Sed 4D 8	2,780	2,845	2,840
Tiptoe Trans Std	----	----	----
DODGE			
1940—6 D17, D14 (all body styles)	350	400	390
1941—6 D19:			
Deluxe:			
Sed 4D 6	395	450	490
Sed 2D 6	385	430	450
Cpe 2	365	385	430
Custom:			
Sed 4D 6	415	470	515
Sed Tn 4D 6	425	480	520
Brom 2D 6	400	450	475
Cpe Clb 6	405	450	510
Cpe Con 5	435	500	550
Sed 7	420	475	480
Sed Limo 7	420	480	480
Add for Fl Dr	20	20	20
1942—6 D22:			
Deluxe:			
Sed 4D 6	440	495	540
Sed 2D 6	425	475	510
Cpe Clb 6	430	480	540
Cpe 2	385	435	495
Custom:			
Sed 4D 6	470	520	570
Sed Tn 6	475	525	570
Brom 6	450	510	505
Cpe Clb 6	455	510	560
Cpe Con 5	470	530	595
Sed 7	470	520	525
Sed Limo 7	470	520	525
Add for Fl Dr	20	20	25
1946—6 D24:			
Deluxe:			
Sed 4D 6	875	935	950
Sed 2D 6	855	910	900
Cpe 3	805	865	870
Custom:			
Sed 4D 6	900	960	960
Sed Tn 6	910	965	1,000
Cpe Clb 6	950	990	990
Cpe Con 5	955	1,010	1,060
Sed 4D 7	900	985	1,000
Add for Fl Dr	20	20	25
1947—6 D24:			
Deluxe:			
Sed 4D 6	1,030	1,100	1,060
Sed 2D 6	1,010	1,080	1,045
Cpe 3	960	1,030	1,010
Custom:			
Sed 4D 6	1,060	1,125	1,130
Sed Tn 6	1,070	1,135	1,140
Cpe Clb 6	1,050	1,110	1,130
Cpe Con 5	1,125	1,180	1,290
Sed 4D 7	1,090	1,150	1,140
Fl Dr Std	----	----	----
1948—6 D24:			
Deluxe:			
Sed 4D 6	1,165	1,225	1,265
Sed 2D 6	1,150	1,195	1,215
Cpe 3	1,100	1,155	1,180
Custom:			
Sed 4D 6	1,255	1,260	1,315
Sed Tn 6	1,270	1,275	1,330
Cpe Clb 6	1,195	1,260	1,315
Cpe Con 6	1,325	1,330	1,425
Sed 4D 7	1,280	1,290	1,325
Fl Dr Std	----	----	----
1949—6 D24:			
Deluxe:			
Sed 4D 6	1,250	1,317	1,330
Sed 2D 6	1,220	1,290	1,305
Cpe 3	1,185	1,250	1,215
Custom:			
Sed 4D 6	1,290	1,360	1,370
Sed Tn 6	1,350	1,360	1,370
Cpe Clb 6	1,290	1,360	1,410
Cpe Con 6	1,315	1,410	1,445
Sed 4D 7	1,315	1,385	1,360
Fl Dr Std	----	----	----
2d Series—1949—			
1949—6 D 29 Wayfarer:			
Sed 2D 6	1,365	1,445	1,565
Cpe Bus 3	1,320	1,400	1,490
Rdst 3	1,365	1,445	1,535
1949—6 D 30:			
Meadowbrook: Sed 4D 6	1,450	1,525	1,630
Coronet:			
Sed 4D 6	1,505	1,585	1,705
Sed Tn 6	1,515	1,595	1,715
Cpe Clb 6	1,500	1,570	1,715
Cpe Con 6	1,640	1,720	1,910
Sta Wgn 9	1,655	1,740	1,915
Sed 4D 8	1,595	1,675	1,750
Add for Gyro Trans	70	70	70

	Ceiling price in Region— A	B	C
DODGE—continued			
1950—6 D33 Wayfarer:			
Sed 2D 6	$1,615	$1,700	$1,770
Cpe 3	1,560	1,645	1,695
Rdst Spt 3	1,620	1,700	1,745
1950—6 D31 Meadowbrook: Sed 4D 6	1,710	1,785	1,880
Coronet:			
Sed 4D 6	1,750	1,835	1,950
Sed Tn 6	1,745	1,830	1,995
Cpe Clb 6	1,739	1,820	1,950
Diplm 6	1,910	1,995	2,115
Cpe Con 6	1,945	2,035	2,185
Sta Wgn 6	2,005	2,095	2,170
Sorra 6	1,950	2,040	2,525
Sed 8	1,830	1,995	2,035
Add for Gyro Trans	80	80	80
1951—6 D41 Wayfarer:			
Sed 2D 6	2,025	2,120	2,010
Cpe 3	1,960	2,050	1,945
Rdst Spt 3	2,025	2,120	2,010
Add for Gyro Trans	90	90	105
1951—6 D42 Meadowbrook:			
Sed 4D 6	2,110	2,200	2,150
Add for Gyro Trans	90	90	105
Coronet:			
Sed 4D 6	2,180	2,275	2,260
Cpe Clb 6	2,180	2,275	2,260
Diplm 6	2,410	2,450	2,485
Cpe Con 6	2,415	2,510	2,535
Sorra 6	2,500	2,610	2,595
Sed 8	2,390	2,495	2,715
Add for Gyro Trans	90	90	105
FORD			
1940—V8 Series 022A (all body styles)	340	360	350
1940—V8 Series 01A (all body styles)	335	390	375
1941—6 10A:			
Special:			
Fordor 5	340	390	410
Tudor 5	330	375	400
Cpe 2	285	330	380
Deluxe:			
Fordor 5	355	405	460
Tudor 5	340	390	430
Cpe AS 2-4	310	365	445
Cpe 2	295	345	390
Sta Wgn 8	380	430	495
Super Deluxe:			
Fordor 5	385	435	470
Tudor 5	365	415	445
Cpe AS 2-4	345	400	470
Cpe 2	335	380	420
Sta Wgn 8	410	465	495
Super Deluxe:			
Fordor 5	430	480	488
Tudor 5	405	460	460
Cpe Sed 6	415	465	495
Cpe AS 2-4	390	440	480
Cpe 2	365	415	435
Cpe Clb Con	455	495	530
Sta Wgn 8	455	495	520
1942—6 26A			
Special:			
Fordor 5	385	420	485
Tudor 5	380	415	455
Cpe 3	330	365	435
Deluxe:			
Fordor 5	410	440	500
Tudor 5	395	415	480
Cpe Sed 6	400	420	510
Cpe 3	350	380	450
Super Deluxe:			
Fordor 5	435	465	515
Tudor 5	415	455	490
Cpe Sed 6	420	455	525
Cpe 3	370	405	465
Cpe Clb Con 5	455	490	560
Sta Wgn 8	455	490	555
1942—V8 21A:			
Deluxe:			
Fordor 5	440	485	540
Tudor 5	430	470	495
Cpe Sed 6	430	475	550
Cpe 3	380	425	490
Super Deluxe:			
Fordor 5	475	515	570
Tudor 5	455	490	525
Cpe Sed 6	460	500	580
Cpe 3	405	445	520

	Ceiling price in Region— A	B	C
FORD—continued			
1942—V8 21A—Continued			
Super Deluxe—Continued			
Cpe Clb Con 5	$490	$530	$605
Sta Wgn 8	490	530	605
1946—6 66A:			
Deluxe:			
Sed 4 D 6	735	795	820
Sed 2D 6	710	770	755
Cpe 3	665	725	750
Super Deluxe:			
Sed 4D 6	755	820	860
Sed 2D 6	740	800	820
Cpe Sed 6	750	810	885
Cpe 3	695	755	795
Sta Wgn 8	810	870	935
1946—V8 69A:			
Deluxe:			
Sed 4D 6	790	845	845
Sed 2D 6	770	820	845
Cpe 3	720	775	820
Super Deluxe:			
Sed 4D 6	820	870	925
Sed 2D 6	795	850	905
Cpe Sed 6	845	855	960
Cpe 3	750	845	870
Cpe Clb Con 6	865	920	1,020
Cpe Con Spt 6	865	925	1,020
Sta Wgn 8	865	925	1,020
1947—6 7GA-7HA:			
Deluxe:			
Sed 4D 6	850	905	910
Sed 2D 6	825	880	870
Cpe 3	785	845	840
Super Deluxe:			
Sed 4D 6	880	940	955
Sed 2D 6	860	920	915
Cpe Sed 6	870	930	980
Cpe 3	815	880	885
Sta Wgn 8	925	985	1,040
1947—V-8 79A:			
Deluxe:			
Sed 4D 6	900	960	995
Sed 2D 6	875	945	940
Cpe 3	830	900	905
Super Deluxe:			
Sed 4D 6	950	995	1,020
Sed 2D 6	930	975	955
Cpe Sed 6	920	985	1,045
Cpe 3	865	920	940
Cpe Clb Con 6	980	1,045	1,130
Cpe Con Spt 6	980	1,050	1,120
Sta Wgn 8	980	1,045	1,120
1948—6 81HA:			
Deluxe:			
Sed 4D 6	935	990	1,010
Sed 2D 6	915	975	965
Cpe 3	875	930	930
Super deluxe:			
Sed 4D 6	975	1,030	1,055
Sed 2D 6	955	1,015	1,010
Cpe Sed 6	960	1,020	1,091
Cpe 3	910	970	980
Sta Wgn 8	1,030	1,095	1,170
1948—V8 89A:			
Deluxe:			
Sed 4D 6	990	1,050	1,065
Sed 2D 6	975	1,035	1,020
Cpe 3	930	985	1,000
Super Deluxe:			
Sed 4D 6	1,030	1,095	1,115
Sed 2D 6	1,015	1,080	1,080
Cpe Sed 6	1,020	1,085	1,135
Cpe 3	965	1,030	1,045
Cpe Clb Con 6	1,095	1,155	1,245
Cpe Con Spt 6	1,100	1,160	1,230
Sta Wgn 8	1,105	1,160	1,240
1949—6 98HA:			
Deluxe:			
Sed 4D 6	1,210	1,280	1,330
Sed 2D 6	1,190	1,265	1,325
Cpe Clb 5	1,200	1,270	1,340
Cpe Bus 3	1,155	1,225	1,245
Custom:			
Sed 4D 6	1,260	1,320	1,375
Sed 2D 6	1,240	1,305	1,370
Cpe Clb 5	1,240	1,350	1,385
Cpe Con 5	1,340	1,410	1,585
Sta Wgn 8	1,380	1,410	1,585
Add for O. D	60	65	65
1949—V8 98 BA:			
Deluxe:			
Sed 4D 6	1,285	1,345	1,400
Sed 2D 6	1,260	1,325	1,385
Cpe Clb 5	1,270	1,335	1,410
Cpe Bus 3	1,210	1,275	1,310
Custom:			
Sed 4D 6	1,335	1,395	1,445
Sed 2D 6	1,310	1,375	1,430
Cpe Clb 5	1,325	1,385	1,450
Cpe Con 6	1,415	1,485	1,650
Sta Wgn 8	1,425	1,485	1,640
Add for O. D	60	65	65
1950—6 OHA:			
Deluxe:			
Sed 4D 6	1,475	1,545	1,570

	Ceiling price in Region— A	B	C
FORD—continued			
1950—6 OHA—Continued			
Deluxe—Continued			
Sed 2D 6	$1,455	$1,520	$1,565
Cpe Bus 3	1,405	1,485	1,485
Custom:			
Sed 4D 6	1,510	1,585	1,625
Sed 2D 6	1,495	1,565	1,620
Cpe Clb 6	1,500	1,570	1,635
Ctry Sq 8	1,675	1,735	1,810
Add for O. D	75	75	75
1950—V8 OHA:			
Deluxe:			
Sed 4D 6	1,545	1,615	1,655
Sed 2D 6	1,530	1,600	1,650
Cpe Bus 3	1,475	1,550	1,570
Custom:			
Sed 4D 6	1,595	1,665	1,700
Sed Crest 6	1,635	1,700	1,800
Sed 2D 6	1,580	1,645	1,675
Cpe Clb 6	1,585	1,650	1,710
Cpe Con 6	1,760	1,825	1,945
Ctry Sq 8	1,770	1,840	2,030
Sta Wgn 8	1,770	1,840	1,875
Add for O. D	75	75	75
1951—6 1HA:			
Deluxe:			
Sed 4D 6	1,830	1,900	1,765
Sed 2D 6	1,805	1,880	1,755
Cpe Bus 3	1,725	1,810	1,670
Custom:			
Sed 4D 6	1,875	1,945	1,820
Sed 2D 6	1,855	1,930	1,810
Cpe Clb 6	1,865	1,930	1,815
Ctry Sq 8	2,150	2,210	2,165
Add for O. D	85	85	95
1951—V-8 1BA			
Deluxe:			
Sed 4D 6	1,900	1,970	1,840
Sed 2D 6	1,880	1,950	1,830
Cpe Bus 3	1,805	1,885	1,755
Custom:			
Sed 4D 6	1,945	2,025	1,910
Sed 2D 6	1,930	2,005	1,900
Cpe Clb 6	1,930	2,005	1,905
Crestline 6	2,015	2,090	1,985
Cpe Victoria 6	2,180	2,245	2,225
Cpe Con 6	2,185	2,255	2,260
Ctry Sq 8	2,225	2,280	2,275
Add for O. D	85	95	95
Add for Ford O-Matic Trans	155	155	170
FORD (ENGLISH)			
1948—4 E-03AF/A, E-03AF/A:			
Anglia: Sed 2D	500	560	545
Prefect: Sed 4D	550	610	605
1949—4:			
Anglia: Sed 2D	670	720	650
Prefect: Sed 4D	720	770	730
1950—4:			
Anglia: Sed 2D	700	750	775
Prefect: Sed 4D	845	905	835
1951—4:			
Anglia: Sed 2D	940	940	860
Prefect: Sed 4D	1,020	1,020	930
FRAZER			
1947—6 F47:			
Sed 4D 6	940	1,005	960
Add for O. D	40	40	45
1947—6 F47 Manhattan:			
Sed 4D 6	1,045	1,105	1,040
Add for O. D	40	40	45
1948—6 F48S:			
Sed 4D 6	1,165	1,215	1,145
Add for O. D	55	55	55
1948—6 F48S Manhattan:			
Sed 4D 6	1,260	1,325	1,240
Add for O. D	55	55	55
1949—6 F49S:			
Sed 4D 6	1,515	1,575	1,510
Add for O. D	70	70	70
1949—6 F49S Manhattan:			
Sed 4D 6	1,630	1,700	1,640
Sed Con 4D 6	1,700	1,920	1,705
Add for O. D	70	70	70
1950—6 F50S:			
Sed 4D 6	1,720	1,800	1,760
Add for O. D	75	75	75
1950—6 F50S Manhattan:			
Sed 4D 6	1,840	1,925	1,900
Sed Con 4D 6	1,975	2,070	1,920
Add for O. D	75	75	75
1951—6 F51S:			
Sed 4D 6	2,040	2,125	2,125
Sed Vag 6	2,095	2,175	2,260
Add for O. D	85	85	85
Add for Hydra Trans	155	155	155
1951—6 F51S Manhattan:			
Sed 4D 6	2,335	2,425	2,375
Sed Con 4D 6	2,420	2,515	2,440
Hydra Trans Std	----	----	----

	Ceiling price in Region— A	B	C
GRAHAM			
1940—6 108 Special (all body styles)	$155	$200	$245
1940—6 105T Supercharger (all body styles)	175	220	270
1940—6 109 Hollywood Supercharger (all body styles)	190	235	280
1941—6 113 Hollywood Custom Sedan 4D 5	195	235	295
1941—6 109 Hollywood Supercharger Sedan 4D 5	220	255	310
HENRY J			
1951—4 513:			
Sedan 2D 5	1,430	1,495	1,535
Add for O. D	85	85	95
1951—6 514 Deluxe:			
Sedan 2D 5	1,505	1,575	1,655
Add for O. D	85	85	95
HILLMAN MINX (ENGLISH)			
1948—4:			
Sed 4D	720	765	745
Con	795	840	835
Est Wgn	785	835	830
1949—4:			
Sed 4D	970	1,025	925
Con	1,075	1,130	1,055
Est Wgn	1,065	1,145	950
1950—4:			
Sed 4D	1,165	1,220	1,350
Con	1,310	1,380	1,535
Est Wgn	1,260	1,330	1,500
1951—4 Mark IV:			
Sed 4D	1,295	1,355	1,455
Con	1,495	1,555	1,580
Est Wgn	1,495	1,555	1,590
HUDSON			
1940—6 Cyl, Series 40T, 41, 43, 48 (all body styles)	280	300	275
1940—8 Cyl, Series 44, 45, 47 (all body styles)	260	295	305
1941—6 10T Traveler:			
Sed Tr 4D 6	300	345	330
Sed Tr 2D 6	280	325	310
Cpe Clb 4	285	330	330
Cpe 3	260	305	300
1941—6 10C Utility:			
Coach 6	275	320	315
Cpe 3	225	300	315
1941—6 10F Deluxe:			
Sed Tr 4D 6	310	360	350
Sed Tr 2D 6	300	340	330
Cpe Clb 4	300	345	350
Cpe 3	270	310	320
Sed Con 6	300	370	365
1941—6 11 Super Six:			
Sed Tr 4D 6	325	370	365
Sed Tr 2D 6	305	350	340
Cpe Clb 6	315	355	365
Cpe 3	270	315	330
Sed Con 6	345	385	385
Sta Wgn 6	345	385	395
1941—6 12 Commodore:			
Sed Tr 4D 6	375	400	390
Sed Tr 2D 6	350	380	370
Cpe Clb 4	355	390	400
Cpe 3	340	340	350
Sed Con 6	395	415	405
1941—6 18 Big Boy:			
Sed 7	300	345	350
Car-All	340	370	370
1941—8 14 Commodore:			
Sed Tr 4D 6	380	425	390
Sed Tr 2D 6	365	405	370
Cpe Clb 4	360	415	390
Cpe 3	315	365	345
Sed Con 6	400	445	410
Sta Wgn	400	445	425
1941—8 15 Commodore Custom:			
Cpe Clb 4	365	445	405
Cpe 3	345	390	365
1941—8 17 Commodore Custom:			
Sed 4D 7	375	420	410
Sed Tr 4D 6	385	425	410
On all 1941 Hudsons:			
Add for Vacu Dr	15	15	15
Add for O. D	20	20	25
1942—6 20T Traveler:			
Sed 4D 6	355	395	400
Sed 2D 6	340	370	375
Cpe Clb 4	345	380	400
Cpe 3	310	350	350
1942—6 20F Deluxe:			
Sed 4D 6	365	410	415
Sed 2D 6	345	385	390
Cpe Clb 4	350	395	415
Cpe 3	320	360	385
Sed Con 6	380	430	430

	Ceiling price in Region— A	B	C
HUDSON—continued			
1942—6 21 Super:			
Sed 4D 6	$360	$425	$405
Sed 2D 6	360	400	405
Cpe Clb 4	370	410	405
Cpe 3	325	365	395
Sed Con 6	395	440	460
Sta Wgn	395	435	465
1942—6 22 Commodore:			
Sed 4D 6	410	450	460
Sed 2D 6	375	430	440
Cpe Clb 4	400	435	460
Cpe 3	350	400	425
Sed Con 6	430	465	475
1942—8 24 Commodore:			
Sed 4D 6	430	470	455
Sed 2D 6	410	455	440
Cpe Clb 4	415	460	455
Cpe 3	395	410	415
Sed Con 6	447	480	470
1942—8 25 Commodore Custom:			
Cpe Clb 4	435	473	470
1942—8 27 Commodore Custom:			
Sed 4D 6	445	485	485
On all 1942 Hudsons:			
Add for Vacu Dr	15	15	15
Add for Dri-mas	20	20	20
Add for O. D	25	25	25
1946—6 51 Super Six:			
Sed 4D 6	770	820	835
Brom 6	740	800	785
Cpe Clb 6	755	810	835
Cpe 3	700	760	770
Brom Con 6	810	860	895
1946—6 52 Commodore Six:			
Sed 4D 6	800	855	870
Cpe Clb 6	790	840	870
1946—8 53 Super Eight:			
Sed 4D 6	825	875	850
Cpe Clb 6	815	860	850
1946—8 54 Commodore Custom Eight:			
Sed 4D 6	850	895	890
Cpe Clb 6	835	895	890
Brom Con 6	890	965	960
On all 1946 Hudsons:			
Add for Vacu Dr	20	20	20
Add for Dri-mas	35	35	35
Add for O. D	35	35	35
1947—6 171 Super Six:			
Sed 4D 6	880	940	930
Brom 6	850	920	890
Cpe Clb 6	865	925	930
Cpe 3	815	880	870
Brom Con 6	925	985	1,000
1947—6 172 Commodore Six:			
Sed 4D 6	910	970	980
Cpe Clb 6	900	965	970
1947—8 173 Super Eight:			
Sed 4D 6	925	990	945
Cpe Clb 6	915	975	940
1947—8 174 Commodore Eight:			
Sed 4D 6	930	1,025	960
Cpe Clb 6	945	1,010	960
Sed Con 2D 6	1,010	1,080	1,075
On all 1947 Hudsons:			
Add for Vacu Dr	25	25	25
Add for Dri-mas	35	35	35
Add for O. D	40	40	40
1948—6 481 Super Six:			
Sed Tr 4D 6	1,370	1,440	1,460
Brom 2D 5	1,305	1,415	1,440
Cpe Clb 6	1,360	1,425	1,460
Cpe 3	1,300	1,360	1,370
Brom Con 6	1,445	1,510	1,595
1948—6 482 Commodore Six:			
Sed Tr 4D 6	1,410	1,475	1,515
Cpe Clb 6	1,395	1,470	1,520
Brom Con 6	1,480	1,550	1,645
1948—8 483 Super Eight:			
Sed Tr 4D 6	1,435	1,495	1,525
Cpe Clb 6	1,415	1,485	1,565
1948—8 484 Commodore Eight:			
Sed Tr 4D 6	1,460	1,525	1,645
Cpe Clb 6	1,450	1,520	1,640
Brom Con 6	1,530	1,605	1,775
On all 1948 Hudsons:			
Add for Vacu Dr	25	25	25
Add for Dri-mas	40	40	40
Add for O. D	45	45	45
1949—6 491 Super Six:			
Sed Tr 4D 6	1,560	1,660	1,635
Brom 2D 6	1,555	1,615	1,605
Cpe Clb 6	1,545	1,645	1,635
Cpe 3	1,480	1,565	1,570
Brom Con 6	1,690	1,790	1,805
1949—6 492 Commodore Six:			
Sed Tr 4D 6	1,605	1,680	1,705
Cpe Clb 6	1,590	1,665	1,705
Brom Con 6	1,730	1,810	1,875
1949—8 493 Super Eight:			
Sed Tr 4D 6	1,620	1,695	1,725
Brom 2D 6	1,610	1,685	1,660
Cpe Clb 6	1,610	1,685	1,725

	Ceiling price in Region— A	B	C
HUDSON—continued			
1949—8 494 Commodore Eight:			
Sed Tr 4D 6	$1,660	$1,745	$1,795
Cpe Clb 6	1,650	1,735	1,795
Brom Con 6	1,800	1,870	1,945
On all 1949 Hudsons:			
Add for Vacu Dr	27	27	27
Add for Dri-mas	50	50	50
Add for O. D	60	60	60
1950—6 500 Pacemaker:			
Sed 4D 6	1,720	1,810	1,820
Brom 2D 6	1,700	1,795	1,790
Cpe Clb 6	1,710	1,805	1,820
Cpe Bus 3	1,660	1,750	1,755
Brom Con 6	1,850	1,960	1,995
1950—6 50A Pacemaker Deluxe:			
Sed 4D 6	1,750	1,840	1,867
Brom 2D 6	1,750	1,840	1,840
Cpe Clb 6	1,735	1,827	1,865
Brom Con 6	1,890	2,000	2,020
1950—6 501 Super Six:			
Sed 4D 6	1,835	1,930	1,950
Brom 2D 6	1,840	1,935	1,920
Cpe Clb 6	1,850	1,945	1,950
Brom Con 6	2,010	2,105	2,075
1950—6 502 Commodore Six:			
Sed 4D 6	1,880	1,980	2,067
Cpe Clb 6	1,880	1,975	2,067
Brom Con 6	2,050	2,155	2,250
1950—8 503 Super Eight:			
Sed 4D 6	1,910	2,000	2,067
Brom 6	1,880	1,985	1,967
Cpe Clb 6	1,900	1,960	2,067
1950—8 504 Commodore Eight:			
Sed Tr 4D 6	1,975	2,060	2,115
Cpe Clb 6	1,970	2,055	2,115
Brom Con 6	2,140	2,265	2,360
On all 1950 Hudsons:			
Add for O. D	70	70	70
Add for Dri-Mas	60	60	60
Add Supermat Dr	145	145	150
1951—6 4A Pacemaker Custom:			
Sed 4D 6	2,175	2,275	2,270
Brom 6	2,150	2,250	2,175
Cpe Clb 6	2,160	2,260	2,270
Cpe 3	2,060	2,155	2,260
Brom Con 6	2,305	2,405	2,420
1951—6 5A Super Six Custom:			
Sed 4D 6	2,300	2,395	2,290
Brom 6	2,275	2,365	2,265
Cpe Clb 6	2,285	2,375	2,290
Hollywood 6	2,425	2,505	2,500
Brom Con 6	2,505	2,580	2,610
1951—6 6A Commodore SA Custom:			
Sed 4D 6	2,360	2,445	2,440
Cpe Clb 6	2,340	2,440	2,360
Hollywood 6	2,495	2,575	2,450
Brom Con 6	2,560	2,650	2,660
1951—6 7A Hornet:			
Sed 4D 6	2,447	2,547	2,575
Cpe Clb 6	2,430	2,505	2,575
Hollywood 6	2,575	2,665	2,725
Brom Con 6	2,650	2,740	2,820
1951—8 8A Commodore Eight: Custom:			
Sed 4D 6	2,455	2,560	2,480
Cpe Clb 6	2,445	2,545	2,480
Hollywood	2,570	2,670	2,725
Brom Con 6	2,675	2,775	2,760
On all 1951 Hudsons:			
Add for O. D	85	85	85
Add Supermat Dr	155	155	155
Add for Hydra Trans	70	70	70
JAGUAR (ENGLISH)			
1948—6 Salon 4D 5	1,535	1,610	1,565
1948—6 Cpe Con 5	1,540	1,620	2,025
1949—6 Mark V:			
Salon 4D 5	1,575	1,660	2,34
Cpe Con 5	2,155	2,240	2,410
1950 Mark V:			
Salon 4D 5	2,470	2,555	2,02
Cpe Con 5	2,665	2,750	2,865
1950 XK, Spt Rdst 2	2,745	2,830	3,095
1951 Mark V:			
Salon 4D 5	3,235	3,330	3,295
Cpe Con 5	3,445	3,540	3,540
1951 XK, Spt Rdst 2	3,540	3,640	3,640
KAISER			
1947—6 K100:			
Sed 4D 6	845	905	891
Add for O. D	40	40	45
1947—6 K101 Custom:			
Sed 4D 6	900	965	941
Add for O. D	40	40	45
1948—6 K481:			
Sed 4D 6	1,04	1,090	1,073
Add for O. D	35	35	35

	Ceiling price in Region— A	B	C
KAISER—continued			
1948—6 K482 Custom:			
Sed 4D 6	$1,115	$1,165	$1,145
Add for O. D	55	55	55
1949—6 K491 Special:			
Sed 4D 6	1,370	1,435	1,405
Sed 4D 6 Trav	1,420	1,470	1,440
Add for O. D	75	75	75
1949—6 K492 Deluxe:			
Sed 4D 6	1,460	1,520	1,500
Sed Cm 4D 6	1,555	1,615	1,610
Sed 4D 6 Vag	1,515	1,580	1,565
Sed 4D 6 Virg	1,600	1,650	1,685
Add for O. D	75	75	75
1950—6 K501 special:			
Sed 4D 6	1,505	1,635	1,620
Sed 4D 6 Trav	1,620	1,690	1,675
Add for O. D	75	75	75
1950—6 K502 Deluxe:			
Sed 4D 6	1,665	1,740	1,755
Sed 4D 6 Vag	1,720	1,795	1,800
Sed 4D 6 Virg	1,825	1,880	1,945
Sed Con 4D 6	1,865	1,940	2,050
Add for O. D	75	75	75
1951—6 K511 Special:			
Sed 4D 6	2,045	2,135	2,140
Sed Trav 4D 6	2,105	2,190	2,250
Sed 2D 6	2,015	2,105	2,080
Sed Trav 2D 6	2,070	2,160	2,225
Cpe Bus 3	1,945	2,035	2,005
Add for O. D	85	85	85
Add for Hydra Trans	150	150	150
1951—6 K512 Deluxe:			
Sed 4D 6	2,110	2,210	2,225
Sed Trav 4D 6	2,165	2,260	2,305
Sed 2D 6	2,080	2,180	2,180
Sed Trav 2D 6	2,135	2,225	2,295
Cpe Clb 6	2,085	2,185	2,265
Add for O. D	85	85	85
Add for Hydra Trans	155	155	155
LA SALLE			
1940—Vs 40-50 (all body styles)	340	345	380
1940—Vs 40-52 (all body styles)	380	395	410
LINCOLN			
1946—V12 66-H Zephyr (all body styles)	295	355	325
1946—Continental (all body styles)	515	565	605
1947—V12 161H Zephyr:			
Sed 4D 6	395	415	435
Cpe Clb 5	395	415	435
Cpe 8S 5	355	405	410
Cpe 3	330	350	365
Cpe Con 6	395	445	450
Custom Interior:			
Sed 4D 6	395	445	450
Cpe Clb 5	395	415	450
Cpe 3	315	370	415
Add for O. D	20	25	30
1947—V12 161H Continental:			
Cabr	610	655	730
Cpe	595	660	745
Add for Liqua Dr	20	25	30
1948—V12 161H Custom:			
Sed 4D 8	380	440	405
Limo 8	380	440	415
Add for Liqua Dr	20	25	30
1942—V12 261H Zephyr:			
Sed 4D 6	420	480	510
Cpe Clb 6	420	480	510
Cpe 3	355	420	465
Cpe Con 6	455	515	580
Custom Interior:			
Sed 4D 6	450	515	535
Cpe Clb 6	450	515	535
Cpe 3	385	450	505
Add for Liqua Dr	30	30	30
Add for O. D	30	30	35
1942—V12 261H Continental:			
Cabr 4-7 6	685	745	860
Cpe 6	670	735	845
Add for Liqua Dr	30	30	30
Add for O. D	30	30	35
1942—V12 261H Custom:			
Sed 8	450	510	485
Limo 8	450	510	495
Add for Liqua Dr	30	30	30
Add for O. D	30	30	35
1946—V12 66H:			
Sed 4D 6	925	970	1,000
Cpe Clb 6	925	970	1,020
Cpe Con 6	985	1,035	1,135
Custom Interior:			
Sed 4D 6	970	1,015	1,045
Cpe Clb 6	970	1,015	1,055
Add for O. D	40	40	50
1946—V12 661H Continental:			
Cabr 6	1,390	1,450	1,585
Cpe 3	1,355	1,420	1,550
Add for O. D	40	40	50

	Ceiling price in Region— A	B	C
LINCOLN—continued			
1947—V12 76H:			
Sed 4D 6	$1,055	$1,115	$1,135
Cpe Clb 6	1,055	1,115	1,185
Cpe Con 6	1,160	1,215	1,270
Custom Interior:			
Sed 4D 6	1,110	1,170	1,175
Cpe Clb 6	1,110	1,170	1,815
Add for O. D	40	40	55
1947—V12 76H Continental:			
Cabr 6	1,555	1,610	1,790
Cpe 3	1,520	1,585	1,725
Add for O. D	40	40	55
1948—V12 876H:			
Sed 4D 6	1,280	1,340	1,310
Cpe Clb 6	1,310	1,370	1,320
Cpe Con 6	1,425	1,475	1,465
Custom Interior:			
Sed 4D 6	1,325	1,385	1,350
Cpe Clb 6	1,325	1,385	1,360
Add for O. D	60	60	65
1948—V12 876H Continental:			
Cabr 6	1,870	1,925	2,035
Cpe 3	1,875	1,930	2,005
Add for O. D	60	60	65
1949—Vs 9EH:			
Sed Spt 4D 6	1,810	1,900	1,875
Cpe Clb 6	1,810	1,900	1,875
Cpe Clb Con 6	1,950	2,025	2,095
Add for O. D	75	80	80
Add for Hydra Trans	100	100	115
1949—Vs 9EH Cosmopolitan:			
Sed Tn 4D 6	2,010	2,090	2,095
Sed Spt 4D 6	2,010	2,090	2,109
Cpe Clb 6	2,010	2,090	2,095
Cpe Clb Con 6	2,145	2,215	2,275
Add for O. D	75	80	80
Add for Hydra Trans	100	100	115
1950—Vs 9EH Cosmopolitan:			
Sed Spt 4D 6	2,110	2,520	2,790
Cpe Capri 6	2,445	2,540	2,975
Cpe Con 6	2,145	2,520	2,740
Cpe Con 6	2,610	2,695	3,040
Add for O. D	80	80	90
Add for Hydra Trans	120	120	140
1951—Vs 10EL Lincoln:			
Sed Spt 4D 6	2,730	2,810	2,855
Cpe Lido 6	2,745	2,830	3,000
Cpe 6	2,695	2,790	2,830
Add for O. D	85	85	110
Add for Hydra Trans	150	150	175
1951—Vs 10EH Cosmopolitan:			
Sed Spt 4D 6	3,080	3,170	3,105
Cpe Capri 6	3,160	3,265	3,275
Cpe 6	3,050	3,145	3,085
Cpe Con 6	3,345	3,435	3,425
Add for O. D	85	85	110
Add for Hydra Trans	150	150	175
M. G. (ENGLISH)			
1948—4:			
Series TC: Roadster	1,085	1,145	1,170
Series Y: Sed 4D	1,180	1,245	1,170
1949—4:			
Sed 4D Y	1,280	1,325	1,265
Tourer 2D YTC	1,325	1,385	1,450
Roadster TC	1,205	1,265	1,335
1950—4 TD:			
Sed 4D	1,485	1,530	1,720
Roadster	1,390	1,495	1,595
1951—4 TD: Roadster	1,660	1,730	1,775
1951—4 Mark II: Roadster	1,850	1,920	1,970
MERCURY			
1940—Vs 09A (all body styles)	370	415	430
1941—Vs 19A:			
Sed Tn 4D 6	445	495	540
Sed 2D 6	430	475	510
Cpe Sed 6	435	480	540
Cpe AS 5	410	450	520
Cpe 3	385	420	480
Cpe Con 6	475	520	580
Sta Wgn 8	475	530	575
Add for O. D	20	20	20
1942—Vs 29A:			
Sed Tn 4D 6	495	545	595
Sed 2D 6	480	530	590
Cpe Sed 6	485	535	585
Cpe 3	435	485	545
Cpe Clb Con 5	515	570	630
Sta Wgn 8	515	570	630
Add for Liqua Dr	30	30	35
1946—Vs 69M:			
Sed Tn 4D 6	900	950	970
Sed 2D 6	885	935	930
Cpe Sed 6	895	945	960

	Ceiling price in Region— A	B	C
MERCURY—continued			
1946—Vs 69M—Continued			
Cpe Clb Con 6	$935	$995	$1,045
Cpe Con Spt 6	945	995	1,045
Sta Wgn 8	935	995	1,040
1947—Vs 79M:			
Sed Tn 4D 6	1,005	1,050	1,070
Sed 2D 6	985	1,030	1,025
Cpe Sed 6	995	1,040	1,095
Cpe Clb Con 6	1,060	1,110	1,175
Sta Wgn 8	1,060	1,110	1,160
1948—Vs 89M:			
Sed Tn 4D 6	1,130	1,190	1,210
Sed 2D 6	1,105	1,165	1,165
Cpe Sed 6	1,115	1,190	1,235
Cpe Clb Con 6	1,200	1,260	1,330
Sta Wgn 8	1,200	1,260	1,315
1949—Vs 9CM:			
Sed Spt 4D 6	1,580	1,650	1,685
Cpe Clb 6	1,565	1,625	1,685
Cpe Clb Con 6	1,710	1,790	1,900
Sta Wgn 8	1,720	1,790	1,895
Add for O. D	70	70	70
1950—Vs 9CM:			
Sed Spt 4D 6	1,990	2,065	2,060
Sed Mont 6	2,010	2,120	2,155
Cpe Clb 6	1,945	2,060	2,040
Cpe 6	1,905	1,980	1,995
Cpe Clb Con 6	2,140	2,250	2,305
Sta Wgn 8	2,160	2,240	2,310
Add for O. D	80	80	80
1951—Vs 9DM:			
Sed Spt 4D	2,380	2,465	2,345
Mont 6	2,450	2,565	2,485
Cpe Spt 6	2,345	2,445	2,355
Cpe 6	2,295	2,365	2,395
Con 6	2,625	2,725	2,695
Sta Wgn	2,620	2,720	2,685
Add for O. D	90	90	95
Add for Merco-Matic	150	150	165
MORRIS (ENGLISH)			
1949—4 Minor:			
Sed 2D 4	765	825	760
Con 2D 4	820	875	780
1949—4 Oxford: Sed 4D 4	875	940	790
1950—4 Minor:			
Sed 2D 4	1,035	1,090	935
1951—4 Minor:			
Sed 2D 4	1,165	1,245	1,130
Con 2D 4	1,255	1,275	1,240
1951—4 Oxford: Sed 2D 4	1,410	1,510	1,395
NASH			
1940—6 4010-4020 (all body styles)	300	345	350
1940—8 4080 (all body styles)	275	325	330
1941—6 4140 "600" Special:			
Sed SS 4D 6	335	380	400
Sed SS 2D 6	315	365	380
Cpe Bus 3	270	315	360
Deluxe:			
Sed SS 4D 6	360	405	430
Sed Tk 4D 6	365	410	430
Sed SS 2D 6	345	390	395
Cpe Brom 6	345	390	415
Cpe Bus 3	305	345	380
Add for O. D	20	20	25
1941—6 4160 Ambassador—Special:			
Sed SS 4D 6	390	430	450
Sed SS 2D 6	370	415	425
Cpe Bus 3	325	370	410
Deluxe:			
Sed SS 4D 6	415	455	465
Sed Tr 4D 6	420	465	475
Cpe Brom 6	400	440	460
Cpe Bus 3	365	405	430
Cpe Con AT 5	430	480	505
Add for O. D	20	20	25
1941—8 4180 Ambassador:			
Sed SS Spec 4D 6	405	450	430
Sed SS Div 4D 6	410	450	440
Sed Tr 4D 6	415	460	450
Brom 2D 6	385	425	415
Cpe Con AT 5	425	460	465
Add for O. D	20	20	25
1942—6 4260 "600":			
Sed SS 4D 6	425	465	475
Sed Tk 4D 6	430	470	485
Sed SS 2D 6	410	455	455
Cpe Bus 3	410	455	420
Cpe Bus 3	360	405	425
Add for O. D	20	20	30
1942—6 4290 Ambassador:			
Sed SS 4D 6	475	520	535
Sed Tk 4D 6	480	525	545
Sed SS 2D 6	455	505	510
Brom 2D 6	450	495	520
Cpe Bus 3	410	455	480
Add for O. D	20	20	30

	Ceiling price in Region—		
	A	B	C
NASH—continued			
1942—8 4280 Ambassador:			
Sed SS 4D 6	$470	$515	$565
Sed Tk 4D 6	475	520	510
Sed SS 2D 6	450	500	475
Brom 2D 6	440	490	490
Cpe Bus 3	405	450	450
Add for O. D	20	20	30
1946—6 4640 "600" Deluxe:			
Sed 4D 6	780	830	845
Sed Tk 4D 6	785	835	865
Brom 2D 6	755	805	835
Add for O. D	40	40	45
1946—6 4690 Ambassador:			
Sed 4D 6	855	900	930
Sed Tk 4D 6	860	905	940
Brom 2D 6	835	880	915
Sub 6	915	965	1,000
Add for O. D	40	40	45
1947—6 4740 "600":			
Sed 4D 6	895	955	940
Sed Tk 4D 6	900	965	955
Brom 6	870	930	935
Add for O. D	40	40	50
1947—6 4760 Ambassador:			
Sed 4D 6	980	1,060	1,045
Sed Tk 4D 6	995	1,065	1,065
Brom 6	960	1,030	1,030
Sub 6	1,060	1,130	1,155
Add for O. D	40	40	50
1948—6 4840 "600":			
Deluxe: Cpe Bus 3	985	1,055	1,050
Super:			
Sed SS 4D 6	1,045	1,115	1,125
Sed Tk 4D 6	1,045	1,120	1,135
Brom 2D 6	1,025	1,090	1,120
Custom:			
Sed SS 4D 6	1,085	1,150	1,170
Sed Tk 4D 6	1,085	1,160	1,185
Brom 2D 6	1,060	1,130	1,165
Add for O. D	60	60	60
1948—6 4860 Ambassador:			
Super:			
Sed SS 4D 6	1,155	1,230	1,260
Sed Tk 4D 6	1,160	1,235	1,275
Brom 2D 6	1,135	1,205	1,255
Sub 4D 6	1,200	1,270	1,365
Custom:			
Sed SS 4D 6	1,200	1,270	1,310
Sed Tk 4D 6	1,205	1,275	1,330
Brom 2D 6	1,185	1,240	1,350
Cabr 6	1,210	1,280	1,405
Add for O. D	60	60	60
1949—6 "600":			
Super:			
Sed 4D 6	1,315	1,385	1,420
Sed 2D 6	1,290	1,360	1,410
Brom 2D 5	1,285	1,355	1,420
1949—6 "600":			
Super Special:			
Sed 4D 6	1,345	1,420	1,465
Sed 2D 6	1,320	1,390	1,470
Brom 2D 5	1,325	1,400	1,468
Custom:			
Sed 4D 6	1,385	1,465	1,490
Sed 2D 6	1,360	1,440	1,440
Brom 2D 5	1,365	1,445	1,505
Add for O. D	75	75	75
1949—6 Ambassador:			
Super:			
Sed 4D 6	1,445	1,520	1,570
Sed 2D 6	1,420	1,495	1,555
Brom 2D 5	1,420	1,495	1,565
Super Special:			
Sed 4D 6	1,475	1,555	1,615
Sed 2D 6	1,455	1,525	1,600
Brom 2D 5	1,455	1,530	1,605
Custom:			
Sed 4D 6	1,520	1,590	1,680
Sed 2D 6	1,495	1,555	1,665
Brom 2D 5	1,500	1,575	1,680
Add for O. D	75	75	75
1950—6 Rambler:			
Custom:			
Con Lan 5	1,625	1,695	1,780
Sta Wgn 5	1,625	1,695	1,780
Add for O. D	75	75	80
1950—6 Statesman:			
Deluxe: Cpe Bus 3	1,545	1,625	1,650
Super:			
Sed 4D 6	1,620	1,700	1,740
Sed 2D 6	1,605	1,680	1,725
Cpe Clb 5	1,610	1,680	1,740
Custom:			
Sed 4D 6	1,675	1,745	1,760
Sed 2D 6	1,660	1,730	1,780
Cpe Clb 5	1,665	1,735	1,790
Add for O. D	75	75	80
1950—6 Ambassador:			
Super:			
Sed 4D 6	1,785	1,855	1,985
Sed 2D 6	1,775	1,845	1,975
Cpe Clb 5	1,780	1,845	1,985
Custom:			
Sed 4D 6	1,845	1,915	2,045
Sed 2D 6	1,840	1,900	2,035

	Ceiling price in Region—		
	A	B	C
NASH—continued			
1950—6 Ambassador—Continued			
Custom—Continued			
Cpe Clb 5	$1,840	$1,905	$2,045
Add for O. D	80	85	85
Add for Hydra Trans	120	130	160
1951—Rambler:			
Super: Sub 2D 5	1,805	1,900	1,870
Custom:			
Sed City Clb	1,860	1,945	1,960
Sed Con Lan 5	1,860	1,945	1,960
Sta Wgn 5	1,860	1,945	1,975
Add for O. D	85	85	95
1951—6 Statesman:			
DeLuxe: Cpe Bus 3	1,815	1,910	1,885
Super:			
Sed 4D 6	1,895	1,980	1,980
Sed 2D 6	1,875	1,965	1,960
Cpe Clb 5	1,880	1,970	1,980
Custom:			
Sed 4D 6	1,950	2,040	2,065
Sed 2D 6	1,930	2,020	2,045
Cpe Clb 5	1,935	2,025	2,070
Add for O. D	85	85	95
Add for Hydra Trans	150	150	160
1951—6 Ambassador:			
Super:			
Sed 4D 6	2,100	2,185	2,225
Sed 2D 6	2,085	2,170	2,230
Cpe Clb 5	2,090	2,175	2,250
Custom:			
Sed 4D 6	2,150	2,240	2,305
Sed 2D 6	2,130	2,220	2,330
Cpe Clb 5	2,135	2,225	2,340
Add for O. D	85	85	95
Add for Hydra Trans	150	150	160
OLDSMOBILE			
1940—6 60 (all body styles)	335	390	360
1940—6 70 (all body styles)	355	410	400
1940—8 90 (all body styles)	335	385	405
1941—6 66:			
Sed 4D 5	430	475	490
Sed Tn 4D 5	430	475	490
Sed 2D 5	415	460	460
Cpe Clb 2	415	455	480
Cpe Bus 2	365	405	435
Cpe Con 2	450	485	520
Sta Wgn 8	450	485	520
Add for Hydra Trans	40	40	40
1941—6 76:			
Sed 4D 5	440	485	505
Sed Clb 2D 5	440	480	505
Cpe Bus 2	385	430	460
Deluxe:			
Sed 4D 5	460	500	520
Sed Clb 2D 5	445	490	520
Cpe Bus 3	395	440	470
Add for Hydra Trans	40	40	40
1941—6 96:			
Sed 4D 5	450	490	525
Cpe Clb 2	440	490	525
Cpe Con 2	480	530	570
Add for Hydra Trans	40	40	40
1941—8 68:			
Sed 4D 5	445	485	480
Sed Tn 5	445	485	485
Sed 2D 5	430	475	460
Cpe Clb 2	430	470	480
Cpe Bus 2	375	420	435
Cpe Con 2	455	500	525
Sta Wgn 8	455	500	520
Add for Hydra Trans	40	40	40
1941—8 78:			
Sed 4D 5	460	510	510
Sed Clb 2D 5	470	500	500
Cpe Bus 2	405	445	490
Deluxe:			
Sed Tn 4D 5	485	530	525
Sed Clb 2D 5	465	520	525
Cpe Bus 3	425	475	475
Add for Hydra Trans	40	40	40
1941—8 98:			
Sed 4D 5	505	545	550
Cpe Clb 2	490	530	550
Cpe Con 2	530	570	585
Phae Con 5	530	570	580
Add for Hydra Trans	40	40	40
1942—6 66:			
Sed Tn 4D 5	460	505	535
Sed 4D 5	460	505	540
Sed Clb 2D 5	445	505	515
Sed 2D 5	450	505	535
Cpe Clb 2	440	505	535
Cpe Bus 2	395	440	485
Cpe Con 2	485	550	575
Sta Wgn 8	485	550	570
Add for Hydra Trans	40	40	40
1942—6 76:			
Sed 4D 5	475	540	565
Sed Clb 2D 5	460	525	565
De Luxe:			
Sed 4D 5	500	560	580
Sed Clb 2D 5	485	540	580
Add for Hydra Trans	40	40	40

	Ceiling price in Region—		
	A	B	C
OLDSMOBILE—continued			
1942—8 68:			
Sed Tn 4D 5	$480	$540	$550
Sed 4D 5	480	540	550
Sed Clb 2D 5	460	525	545
Sed 2D 5	460	520	530
Cpe Clb 2	450	515	545
Cpe Bus 2	420	480	500
Cpe Con 2	505	570	585
Sta Wgn 8	505	570	585
Add for Hydra Trans	40	40	40
1942—8 78:			
Sed 4D 5	505	570	585
Sed Clb 2D 5	490	555	585
Deluxe:			
Sed 4D 5	505	570	585
Sed Clb 2D 5	510	575	570
Add for Hydra Trans	40	40	40
1942—8 98:			
Custom:			
Sed 4D 5	530	595	595
Sed Clb 2D 5	515	585	590
Cpe Con 2	555	625	640
Add for Hydra Trans	40	40	40
1946—6 66:			
Sed 4D 5	870	1,000	995
Sed Clb 5	925	980	990
Cpe Clb 5	925	980	990
Cpe Con 5	985	1,045	1,110
Sta Wgn 8	965	1,025	1,095
Add for Hydra Trans	65	65	80
1946—6 76:			
Sed 4D 5	960	1,025	1,090
Sed Clb 5	945	1,010	1,080
Deluxe:			
Sed 4D 5	960	1,025	1,045
Sed Clb 5	965	1,030	1,045
Add for Hydra Trans	60	65	80
1946—8 78:			
Sed 4D 5	955	1,010	1,025
Sed Clb 5	970	1,040	1,055
1946—8 98:			
Sed 4D 5	990	1,055	1,095
Sed Clb 5	1,000	1,055	1,090
Add for Hydra Trans	60	65	80
1947—6 66:			
Sed 4D 5	1,040	1,110	1,160
Sed Clb 5	1,060	1,105	1,160
Add for Hydra Trans	60	65	80
1947—6 76:			
Sed 4D 5	1,085	1,155	1,115
Sed Clb 5	1,070	1,145	1,115
Cpe Clb 5	1,070	1,145	1,115
Cpe Con 5	1,145	1,217	1,205
Sta Wgn 8	1,145	1,217	1,205
Add for Hydra Trans	70	72	95
1947—8 68:			
Sed 4D 5	1,135	1,205	1,150
Sed Clb 5	1,120	1,190	1,150
Cpe Clb 5	1,120	1,190	1,150
Cpe Con 5	1,205	1,285	1,270
Sta Wgn 8	1,205	1,285	1,240
Add for Hydra Trans	70	72	95
1947—8 78:			
Sed 4D 5	1,147	1,210	1,185
Sed Clb 5	1,130	1,195	1,185
Deluxe:			
Sed 4D 5	1,197	1,270	1,210
Sed Clb 5	1,157	1,215	1,210
Add for Hydra Trans	70	72	95
1947—8 98:			
Sed 4D 5	1,217	1,240	1,271
Sed Clb 5	1,210	1,277	1,260
Cpe Con 5	1,295	1,360	1,400
Add for Hydra Trans	70	72	95
1948—6 66:			
Sed 4D 5	1,207	1,277	1,260
Sed Clb 5	1,295	1,357	1,220
Cpe Clb 5	1,270	1,337	1,280
Cpe Con 5	1,360	1,430	1,435
Sta Wgn 8	1,360	1,430	1,425
Deluxe:			
Sed 4D 5	1,340	1,400	1,315
Sed Clb 5	1,325	1,390	1,315
Cpe Clb 5	1,297	1,360	1,300
Sta Wgn 8	1,450	1,485	1,410
Add for Hydra Trans	100	100	120
1948—6 76:			
Sed 4D 5	1,345	1,410	1,330
Sed Clb 5	1,335	1,390	1,330
Deluxe:			
Sed 4D 5	1,387	1,440	1,350
Sed Clb 5	1,362	1,430	1,360
Add for Hydra Trans	100	100	120
1948—8 68:			
Sed 4D 5	1,385	1,440	1,425
Sed Clb 5	1,370	1,425	1,425
Cpe Clb 5	1,370	1,425	1,350

	Ceiling price in Region—		
	A	B	C
OLDSMOBILE—continued			
1951—V8 88:			
Sed 4D 6	$2,355	$2,445	$2,350
Sed 2D 5	2,330	2,420	2,350
Deluxe:			
Sed 4D 6	2,405	2,495	2,405
Sed 2D 6	2,380	2,470	2,405
Add for Hydra Trans	155	155	170
1951—V8 Super 88:			
Sed 4D 6	2,490	2,590	2,490
Sed 2D 6	2,465	2,560	2,490
Cpe Clb 5	2,490	2,560	2,455
Cpe Holi 5	2,580	2,670	2,655
Cpe Con 5	2,695	2,790	2,735
Add for Hydra Trans	155	155	170
1951—V8 98: Cpe Holi 5	2,685	2,755	2,745
Deluxe:			
Sed Holi 4D 6	2,695	2,690	2,880
Cpe Holi 5	2,785	2,855	3,080
Cpe Con 5	2,845	2,920	3,130
Add for Hydra Trans	155	155	170
PACKARD			
1940—6 1800 One Ten (all body styles)	360	405	340
1940—8 1801 One Twenty (all body styles)	365	415	350
1940—8 1803, 1804, 1805 One Sixty (all body styles)	390	425	390
1940—8 1806, 1807, 1808 One Eighty (all body styles)	345	400	335
1941—6 1900 One Ten:			
Sed Tr 4D 5	425	480	465
Sed Tr 2D 5	400	460	445
Cpe Clb 2-4	400	460	455
Cpe Bus 2	355	410	405
Cpe Con 2-4	455	510	510
Sta Wgn 8	455	510	505
Deluxe:			
Sed Tr 4D 5	440	495	500
Sed Tr 2D 5	425	475	475
Cpe Clb 2-4	420	480	495
Cpe Con 2-4	475	530	555
Sta Wgn 8	475	530	535
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1941—8 1901 One Twenty:			
Sed Tr 4D 5	465	515	480
Sed Tr 2D 5	440	495	440
Cpe Clb 2-4	445	495	465
Cpe Bus 2	400	450	420
Sed Con 5	485	540	520
Cpe Con 2-4	485	540	525
Sta Wgn 8	485	545	525
Sta Wgn DlX 8	500	555	545
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1941—8 One Sixty:			
Series 1903			
Sed Tr 4D 5	490	550	490
Cpe Clb 2-4	480	530	480
Cpe Bus 2	430	500	440
Sed Con 5	520	570	545
Cpe Con 2-4	520	570	550
Deluxe:			
Sed Con 5	530	580	545
Cpe Con 2-4	530	580	550
Series 1904: Sed Tr 4D 5	480	545	500
Series 1905:			
Sed Tr 4D 7	490	545	485
Limo Tr 7	490	545	485
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1941—8 One Eighty:			
Series 1906: Vic Con Dar 5	570	620	625
Series 1907:			
Sed Tr 4D 5	515	565	505
Sed Fml 5	520	570	515
Brom Spt 5	565	625	550
Sed Spt Dar 5	570	625	645
Cabr AW 7	545	600	595
Series 1908:			
Sed Tr 7	510	565	495
Limo Tr 7	510	565	490
Sed Tr LoB 7	545	605	540
Limo Tr LoB 7	545	605	550
Tn Car AW 7	545	605	550
Add for Electro Cl	15	15	20
Add for O D	15	15	30
1941—8 1951 Clipper:			
Sed Tr 4D 5	540	600	575
Add for Electro Cl	15	15	20
Add for O D	15	15	30
1942—6 Clipper:			
Series 2000 Special:			
Sed Tr 6	495	560	550
Sed Clb 6	485	540	530
Cpe Bus 3	430	490	500
Series 2010 Custom:			
Sed Tr 6	505	560	575
Sed Clb 6	515	575	565
Series 2020:			
Cpe Con 5	545	610	590

	Ceiling price in Region—		
	A	B	C
PACKARD—continued			
1942—6 Clipper—Continued			
Series 2021—Continued			
Add for Electro Cl	$15	$15	$20
Add for O. D	15	15	30
1942—8 Clipper:			
Series 2001 Special:			
Sed Tr 6	515	580	585
Sed Clb 6	495	560	570
Cpe Bus 3	450	515	530
Series 2011 Custom:			
Sed Tr 6	540	610	620
Sed Clb 6	525	590	610
Series 2021:			
Cpe Con 5	555	625	625
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1942—8 Super One Sixty:			
Series 2081 Clipper:			
Sed Tr 6	565	630	595
Sed Clb 6	545	605	585
Series 2021: Cpe Con 5	560	625	620
Series 2041: Sed Tr 6	560	625	600
Series 2055:			
Sed Tr 7	555	615	570
Limo Tr 7	555	620	585
Series 2055:			
Sed Bus 7	555	620	585
Limo Bus 7	560	620	590
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1942—8 Super One Eighty:			
Series 2006 Clipper:			
Sed Tr 6	575	635	605
Sed Clb 6	540	610	600
Series 2006—Special Vic Con Dar 5	635	690	710
Series 2007:			
Sed Tr 6	575	635	625
Sed Fml 6	580	640	630
Cabr AW Rol	625	690	675
Series 2008:			
Sed Tr 7	570	630	610
Limo Tr 7	570	630	595
Sed Tr LoB 7	600	670	620
Limo Tr LoB 7	600	670	655
Tn Car 7	600	670	650
Add for Electro Cl	15	15	20
Add for O. D	15	15	30
1946—6 2100 Clipper:			
Sed Tr 6	1,000	1,040	1,035
Sed Clb 6	1,005	1,075	1,020
Add for Electro Cl	15	15	30
Add for O. D	35	35	45
1946—8 Clipper:			
Series 2101: Sed Tr 6	1,030	1,090	1,055
Series 2111 Deluxe:			
Sed Tr 6	1,070	1,135	1,085
Sed Clb 6	1,040	1,100	1,080
Add for Electro Cl	15	15	30
Add for O. D	35	35	45
1946—8 Super Clipper:			
Series 2103:			
Sed Tr 4D 6	1,085	1,170	1,145
Sed Clb 6	1,065	1,135	1,135
Series 2106 Custom:			
Sed Tr 6	1,105	1,170	1,165
Sed Clb 6	1,086	1,155	1,150
Series 2126 Custom:			
Sed 8	1,120	1,180	1,170
Limo 8	1,100	1,170	1,240
Add for Electro Cl	15	15	40
Add for O. D	35	35	45
1947—6 2100 Clipper:			
Sed Tr 6	1,120	1,170	1,145
Sed Clb 6	1,125	1,180	1,180
Add for Electro Cl	20	20	40
Add for O. D	40	40	45
1947—8 2111 Clipper Deluxe:			
Sed Tr 6	1,160	1,205	1,180
Sed Clb 6	1,180	1,165	1,175
Add for Electro Cl	20	20	40
Add for O. D	40	40	55
1947—8 Super Clipper:			
Series 2103:			
Sed Tr 6	1,210	1,290	1,235
Sed Clb 6	1,189	1,255	1,195
Series 2106 Custom:			
Sed Tr 6	1,235	1,290	1,280
Sed Clb 6	1,210	1,265	1,265
Series 2126 Custom:			
Sed 7	1,240	1,290	1,300
Limo 7	1,220	1,270	1,355
Add for Electro Cl	20	20	40
Add for O. D	40	40	55
1948—8 2201, 2211:			
Series 2201:			
Sed Tr 6	1,485	1,540	1,410
Sed Clb 6	1,495	1,535	1,395
Sta Wgn 6	1,605	1,660	1,645
Series 2211 Deluxe:			
Sed Tr 6	1,520	1,590	1,490
Sed Clb 6	1,510	1,550	1,445

	Ceiling price in Region— A	B	C
PACKARD—continued			
1948—8 2201, 2211—Continued			
Series 2211 Deluxe—Continued			
Add for Electro Cl	$30	$ 30	$45
Add for O. D	50	50	70
1948—8 Super:			
Series 2202:			
Sed Tr 6	1,595	1,660	1,575
Sed Clb 6	1,580	1,645	1,545
Series 2232: Cpe Vic Con 6	1,690	1,765	1,685
Series 2222:			
Sed Tr 6	1,760	1,820	1,635
Limo 7	1,775	1,840	1,730
Deluxe:			
Sed Tr 7	1,810	1,870	1,710
Limo 7	1,815	1,885	1,760
Add for Electro Cl	20	20	20
Add for O. D	50	50	70
1948—8 Custom:			
Series 2206:			
Sed Tr 6	1,710	1,765	1,580
Sed Clb 6	1,690	1,740	1,835
Series 2233: Cpe Vic Con 6	1,785	1,855	2,020
Series 2226:			
Sed Tr 7	1,865	1,935	1,960
Limo 7	1,865	1,935	2,000
Add for Electro Cl	20	20	20
Add for O. D	50	50	70
1st Series—1949—			
1949—8 2201, 2211:			
Series 2201:			
Sed Tr 6	1,590	1,645	1,500
Sed Clb 6	1,540	1,635	1,485
Sta Wgn 6	1,655	1,730	1,725
Series 2211 Deluxe:			
Sed Tr 6	1,590	1,655	1,580
Sed Clb 6	1,570	1,635	1,535
Add for Electro Cl	20	20	20
Add for O. D	50	50	70
1949—8 Super:			
Series 2202:			
Sed Tr 6	1,645	1,710	1,665
Sed Clb 6	1,625	1,690	1,635
Series 2232: Cpe Vic Con 6	1,740	1,805	1,775
Series 2222:			
Sed Tr 7	1,775	1,840	1,725
Limo 7	1,775	1,840	1,810
Deluxe:			
Sed Tr 7	1,825	1,890	1,800
Limo 7	1,825	1,890	1,850
Add for Electro Cl	20	20	20
Add for O. D	50	50	70
1949—8 Custom:			
Series 2206:			
Sed Tr 6	1,730	1,795	1,950
Sed Clb 6	1,700	1,775	1,925
Series 2233: Cpe Vic Con 6	1,775	1,840	2,110
Series 2226:			
Sed Tr 7	1,870	1,935	2,050
Limo 7	1,870	1,935	2,090
Add for Electro Cl	30	30	45
Add for O. D	50	50	70
2d Series —1949:			
1949—8 2201:			
Sed Tr 6	1,660	1,740	1,700
Sed Clb 6	1,645	1,730	1,665
Sed Sta 6	1,880	1,960	1,985
Deluxe:			
Sed Tr 6	1,720	1,805	1,790
Sed Clb 6	1,710	1,785	1,755
Add for Electro Cl	40	40	75
Add for O. D	65	65	75
1949—8 Super:			
Series 2202:			
Sed Tr 6	1,815	1,890	1,935
Sed Clb 6	1,790	1,870	1,920
Deluxe:			
Sed Tr 6	1,900	1,990	2,040
Sed Clb 6	1,875	1,945	2,010
Series 2232 Super Deluxe Cpe Vic Con 6	2,040	2,115	2,510
Series 2222:			
Sed Tr 7	2,075	2,150	2,325
Limo 7	2,095	2,165	2,405
Add for Electro Cl	40	40	75
Add for Ultra Dr	110	110	140
Add for O. D	65	65	75
1949—8 Custom:			
Series 2206: Sed Tr 6	2,150	2,225	2,350
Series 2233:			
Cpe Vic Con 6	2,260	2,335	2,475
Add for Electro Cl	40	40	75
Add for O. D	60	60	75
Add for Ultra Dr	110	110	140
1950—8 2301-5:			
Sed Tr 6	1,950	2,020	1,960
Sed Clb 6	1,935	2,005	1,945
Sed Sta 6	2,215	2,290	2,350
Deluxe:			
Sed Tr	2,015	2,095	2,060
Sed Clb 6	2,005	2,085	2,035
Add for Electro Cl	25	25	30
Add for O. D	80	80	80
Add for Ultra Dr	130	130	170

	Ceiling price in Region— A	B	C
PACKARD—continued			
1950—8 Super:			
Series 2302-5:			
Sed Tr 6	$2,180	$2,255	$2,280
Sed Clb 6	2,165	2,235	2,270
Deluxe:			
Sed Tr 6	2,245	2,315	2,370
Sed Clb 6	2,230	2,305	2,345
Series 2332-5: Cpe Vic Con 6	2,420	2,520	2,555
Series 2322-5:			
Sed Tr 7	2,435	2,510	2,615
Limo 7	2,435	2,530	2,710
Add for Electro Cl	25	25	25
Add for O. D	80	80	80
Add for Ultra Dr	130	130	170
1950—8 Custom:			
Series 2306-5: Sed Tr 6	2,560	2,660	2,735
Series 2333-5:			
Cpe Vic Con 6	2,700	2,795	2,890
Ultra Dr Std.			
1951—8 200:			
Series 2301:			
Sed Tr 4D 6	2,610	2,700	2,780
Sed Clb 4D 6	2,585	2,700	2,740
Cpe Bus 3	2,510	2,610	2,560
Deluxe:			
Sed Tr 4D 6	2,700	2,790	2,875
Sed Clb 4D 6	2,675	2,765	2,835
Add for O. D	85	85	95
Add for Ultra Dr	155	155	185
1951—8 250:			
Series 2401:			
Cpe Mayfair 6	3,060	3,175	3,350
Cpe Con 6	3,200	3,260	3,775
Add for O. D	80	80	95
Add for Ultra Dr	150	150	185
1951—8 300:			
Series 2402:			
Sed Tr 4D 6	3,000	3,060	3,180
Add for O. D	85	85	95
Add for Ultra Dr	155	155	185
1951—8 400:			
Series 2403:			
Sed 4D 6	3,455	3,540	3,875
Ultra Dr Std.			
PLYMOUTH			
1940—6 P9 Road King (all body styles)	320	345	375
1940—6 P10 Deluxe (all body styles)	340	370	400
1941—6 P11:			
Standard:			
Sed 4D 5	355	395	415
Sed 2D 5	340	380	425
Cpe 2	300	345	410
Deluxe:			
Sed 4D 5	380	415	470
Sed 2D 5	365	400	450
Cpe 2	320	355	425
1941—6 P12 Special Deluxe:			
Sed 4D 5	405	445	485
Sed 2D 5	390	425	465
Cpe 2-4	380	415	480
Cpe 2	340	380	440
Cpe Con 2-4	425	455	520
Sta Wgn 8	425	475	515
Sed 7	405	430	480
1942—6 P14-S Deluxe:			
Sed 4D 6	420	460	530
Sed 2D 6	405	445	510
Cpe Clb 6	410	450	540
Cpe 3	360	400	480
Util 2D 2	450	495	560
1942—6 P14-C Special Deluxe:			
Sed Tr 6	475	495	565
Sed 4D 6	450	490	535
Sed 2D 6	435	475	545
Cpe Clb 6	440	480	575
Cpe 3	390	430	510
Cpe Con 6	465	510	600
Sta Wgn 8	465	510	585
1946—6 P15 Deluxe:			
Sed 4D 6	805	855	850
Sed 2D 6	785	835	860
Cpe Clb 6	790	840	860
Cpe 3	735	785	810
1946—6 P15 Special Deluxe:			
Sed 4D 6	835	885	930
Sed 2D 6	820	870	900
Cpe Clb 6	820	875	940
Cpe 3	765	820	885
Cpe Con 5	885	930	1,020
Sta Wgn 8	888	930	1,015
1947—6 P15 Deluxe:			
Sed 4D 6	920	985	1,005
Sed 2D 6	895	965	965
Cpe Clb 6	900	970	1,010
Cpe 3	855	915	935
1947—6 P15 Special Deluxe:			
Sed 4D 6	950	1,020	1,040
Sed 2D 6	940	1,005	1,005
Cpe Clb 6	945	1,010	1,050

	Ceiling price in Region— A	B	C
PLYMOUTH—continued			
1947—6 P15 Special Deluxe—Con.			
Cpe 3	$885	$955	$980
Cpe Con 5	1,005	1,070	1,125
Sta Wgn 8	1,005	1,070	1,125
1948—6 P15 Deluxe:			
Sed 4D 6	1,045	1,110	1,130
Sed 2D 6	1,025	1,085	1,085
Cpe Clb 6	1,035	1,090	1,140
Cpe 3	980	1,045	1,055
1948—6 P15 Special Deluxe:			
Sed 4D 6	1,085	1,150	1,140
Sed 2D 6	1,065	1,130	1,145
Cpe Clb 6	1,075	1,140	1,190
Cpe 3	1,020	1,085	1,110
Cpe Con 5	1,150	1,215	1,270
Sta Wgn 8	1,150	1,215	1,295
1st Series—1949—			
1949—6 P15 Deluxe:			
Sed 4D 6	1,120	1,175	1,220
Sed 2D 6	1,105	1,155	1,175
Cpe Clb 6	1,105	1,155	1,230
Cpe 3	1,060	1,120	1,145
1949—6 P16 Special Deluxe:			
Sed 4D 6	1,155	1,215	1,270
Sed 2D 6	1,135	1,200	1,225
Cpe Clb 6	1,135	1,200	1,285
Cpe 3	1,080	1,150	1,200
Cpe Con 5	1,215	1,270	1,360
Sta Wgn 8	1,215	1,270	1,355
2d Series—1949—			
1949—6 P17 Deluxe:			
Sed 2D 6	1,230	1,305	1,360
Cpe 3	1,165	1,240	1,310
Sub	1,320	1,405	1,450
1949—6 P18 Deluxe:			
Sed 4D 6	1,285	1,365	1,400
Cpe Clb 6	1,270	1,350	1,400
1949—6 P18 Special Deluxe:			
Sed 4D 6	1,325	1,405	1,455
Cpe Clb 6	1,320	1,395	1,460
Cpe Clb Con 6	1,440	1,530	1,625
Sta Wgn 8	1,445	1,535	1,630
1950—6 P19 Deluxe:			
Sed 2D 6	1,470	1,550	1,560
Cpe 3	1,400	1,540	1,515
Sub 5	1,595	1,690	1,685
Sub Spec 5	1,595	1,685	1,705
1950—6 P20 Deluxe:			
Sed 4D 6	1,595	1,615	1,650
Cpe Clb 6	1,515	1,600	1,650
1950—6 P20 Special Deluxe:			
Sed 4D 6	1,570	1,630	1,690
Cpe Clb 6	1,555	1,635	1,685
Cpe Clb Con 6	1,720	1,805	1,860
Sta Wgn 8	1,795	1,875	1,935
1951—6 P23 Concord:			
Sed 2D 6	1,780	1,860	1,805
Cpe 3	1,690	1,765	1,755
Sub 5	2,040	2,135	2,075
Savoy 5	2,105	2,185	2,060
1951—6 P23 Cambridge:			
Sed 4D 6	1,830	1,920	1,855
Cpe Clb 6	1,815	1,900	1,855
1951—6 P23 Cranbrook:			
Sed 4D 6	1,885	1,965	1,905
Cpe Clb 6	1,860	1,945	1,905
Belvedere 6	2,045	2,135	2,150
Cpe Clb Con 6	2,095	2,185	2,140
PONTIAC			
1940—6 25HA Special (all body styles)	340	380	370
1940—6 26HB Deluxe (all body styles)	355	400	400
1940—8 29HB Torpedo (all body styles)	340	370	395
1941—6 25JA Deluxe Torpedo:			
Sed 4D 5	410	460	495
Sed Metro 4D 5	410	460	495
Sed 2D 5	395	445	475
Cpe Sed 5	395	445	495
Cpe Bus 3	355	400	450
Cpe Sed Con 5	445	495	535
1941—6 29JB Streamliner:			
Torpedo:			
Sed 4D 5	425	475	520
Cpe Sed 5	420	475	520
Super:			
Sed 4D 5	445	495	535
Cpe Sed 5	420	475	535
1941—6 24JC Custom Torpedo:			
Sed 4D 5	460	505	550
Sed 2D 5	445	490	530
Cpe Sed 5	420	475	565
Sta Wgn 8	488	530	575
1941—8 25JA Deluxe Torpedo:			
Sed 4D 5	410	460	495
Sed Metro 4D 5	410	460	495
Sed 2D 5	395	445	475
Cpe Sed 5	395	445	495
Cpe Bus 3	355	400	450
Cpe Sed Con 5	445	495	535
1941—8 29JB Streamliner:			
Torpedo:			
Sed 4D 5	425	475	520
Cpe Sed 5	420	475	520
Super:			
Sed 4D 5	445	495	535
Cpe Sed 5	420	475	535
1941—8 24JC Custom Torpedo:			
Sed 4D 5	460	505	550
Sed 2D 5	445	490	530
Cpe Sed 5	420	475	565
Sta Wgn 8	488	530	575
1941—8 27JA Deluxe Torpedo:			
Sed 4D 5	470	480	490
Sed 2D 5	455	465	470
Cpe Sed 5	430	440	470

	Ceiling price in Region— A	B	C
PONTIAC—continued			
1941—8 27JA Deluxe Torpedo—Continued			
Cpe 3	$380	$425	$445
Cpe Sed Con 5	465	510	535
1941—8 29JB Streamliner:			
Torpedo:			
Sed 4D 5	450	495	515
Cpe Sed 5	435	480	505
Super			
Sed 4D 5	470	515	530
Cpe Sed 5	450	495	530
1941—8 24JC Custom Torpedo:			
Sed 4D 5	485	525	525
Cpe Sed 5	470	510	520
Sta Wgn 8	499	545	555
Sta Wgn DlX 8	509	550	570
1942—6 25SA Torpedo:			
Sed 4D 5	450	510	555
Sed Metro 4D 5	450	510	570
Sed 2D 5	430	495	530
Cpe Sed 5	430	490	550
Cpe Spt 5	430	490	545
Cpe Bus 3	380	440	510
Cpe Sed Con 5	475	535	605
1942—6 26KB Streamliner:			
Sed 4D 5	465	530	595
Cpe Sed 5	450	510	565
Sta Wgn 8	485	540	605
Streamliner Chieftain:			
Sed 4D 5	495	560	580
Cpe Sed 5	475	535	575
Sta Wgn 8	515	575	615
1942—8 27KA Torpedo:			
Sed 4D 5	470	525	550
Sed Metro 4D 5	470	525	545
Sed 2D 5	450	505	535
Cpe Sed 5	450	505	545
Cpe Spt 5	450	505	570
Cpe Bus 3	345	450	495
Cpe Sed Con 5	490	550	585
1942—8 28KB Streamliner:			
Sed 4D 5	490	545	595
Cpe Sed 5	475	535	565
Sta Wgn 8	510	570	600
Streamliner Chieftain:			
Sed 4D 5	505	565	580
Cpe Sed 5	490	550	580
Sta Wgn 8	530	590	605
1946—6 25LA Torpedo:			
Sed 4D 5	920	970	1,010
Sed 2D 5	900	955	995
Cpe Sed 5	865	960	1,005
Cpe Spt 5	900	955	1,005
Cpe Bus 3	850	900	950
Cpe Sed Con 5	965	1,025	1,115
1946—6 26LB Streamliner:			
Sed 4D 5	955	1,000	1,035
Cpe Sed 5	940	985	1,030
Sta Wgn Std 8	955	1,050	1,115
Sta Wgn Dlx 8	995	1,050	1,145
1946—8 27LA Torpedo:			
Sed 4D 5	915	995	1,015
Sed 2D 5	930	980	1,005
Cpe Sed 5	905	985	1,025
Cpe Spt 5	930	980	1,055
Cpe Bus 3	875	925	945
Cpe Sed Con 5	1,000	1,050	1,115
1946—8 28LB Streamliner:			
Sed 4D 5	985	1,025	1,035
Cpe Sed 5	970	1,000	1,025
Sta Wgn Std 8	1,010	1,080	1,125
Sta Wgn Dlx 8	1,030	1,080	1,150
1947—6 25MA Torpedo:			
Sed 4D 5	1,055	1,115	1,140
Sed 2D 5	1,020	1,095	1,135
Cpe Sed 5	1,045	1,100	1,135
Cpe Spt 5	1,040	1,095	1,135
Cpe Bus 3	985	1,040	1,080
Cpe Sed Con 5	1,125	1,180	1,255
Cpe Sed Con—Dlx 5	1,140	1,195	1,275
1947—6 26MB Streamliner:			
Sed 4D 5	1,090	1,145	1,155
Cpe Sed 5	1,075	1,130	1,150
Sta Wgn Std 8	1,145	1,205	1,275
Sta Wgn Dlx 8	1,150	1,205	1,290
1947—8 27MA Torpedo:			
Sed 4D 5	1,080	1,140	1,135
Sed 2D 5	1,065	1,120	1,130
Cpe Sed 5	1,065	1,125	1,130
Cpe Spt 5	1,060	1,120	1,125
Cpe Bus 3	1,015	1,070	1,075
Cpe Sed Con 5	1,190	1,200	1,275
Cpe Sed Con—Dlx 5	1,165	1,220	1,295
1947—8 28MB Streamliner:			
Sed 4D 5	1,110	1,170	1,175
Cpe Sed 5	1,095	1,155	1,170
Sta Wgn Std 8	1,160	1,235	1,270
Sta Wgn Dlx 8	1,135	1,205	1,290
1948—6 25PA Torpedo:			
Sed 4D 5	1,270	1,325	1,300
Sed 2D 5	1,250	1,305	1,280
Cpe Sed 5	1,255	1,310	1,295
Cpe Spt 5	1,250	1,305	1,295
Cpe Bus 3	1,205	1,260	1,240

	Ceiling price in Region— A	B	C
PONTIAC—continued			
1948—6 25PA Torpedo—Continued			
Deluxe:			
Sed 4D 5	$1,300	$1,355	$1,345
Cpe Sed 5	1,285	1,340	1,340
Cpe Spt 5	1,290	1,335	1,340
Cpe Sed Con 5	1,380	1,430	1,405
Add for Hydra Trans	90	90	115
1948—6 26PB Streamliner:			
Sed 4D 5	1,290	1,355	1,355
Cpe Sed 5	1,285	1,340	1,340
Sta Wgn 8	1,385	1,445	1,475
Deluxe:			
Sed 4D 5	1,335	1,390	1,400
Cpe Sed 5	1,315	1,370	1,385
Sta Wgn 8	1,415	1,470	1,525
Add for Hydra Trans	90	90	115
1948—8 27PA Torpedo:			
Sed 4D 5	1,435	1,385	1,315
Cpe Sed 5	1,315	1,365	1,295
Cpe Spt 5	1,325	1,370	1,310
Cpe Bus 3	1,325	1,365	1,310
Cpe Sed Con 5	1,370	1,320	1,355
Deluxe:			
Sed 4D 5	1,370	1,420	1,350
Cpe Sed 5	1,345	1,400	1,335
Cpe Spt 5	1,345	1,395	1,335
Cpe Sed Con 5	1,455	1,500	1,405
Add for Hydra Trans	90	90	115
1948—8 28PB:			
Streamliner:			
Sed 4D 5	1,375	1,425	1,360
Cpe Sed 5	1,350	1,405	1,345
Sta Wgn 8	1,450	1,505	1,500
Deluxe:			
Sed 4D 5	1,400	1,455	1,400
Cpe Sed 5	1,390	1,445	1,385
Sta Wgn 8	1,495	1,545	1,525
Add for Hydra Trans	90	90	115
1949—6 25:			
Streamliner:			
Sed 4D 5	1,630	1,715	1,670
Cpe Sed 5	1,615	1,685	1,660
Sta Wgn Wd 8	1,770	1,850	1,870
Sta Wgn Met 8	1,770	1,850	1,870
Deluxe:			
Sed 4D 5	1,655	1,730	1,705
Cpe Sed 5	1,670	1,710	1,685
Cpe Sed 6	1,650	1,710	1,695
Cpe Bus 3	1,580	1,650	1,615
Deluxe:			
Sed 4D 6	1,690	1,765	1,805
Sed 2D 6	1,670	1,745	1,740
Cpe Sed 6	1,670	1,745	1,745
Cpe Con 7	1,800	1,870	1,915
Add for Hydra Trans	110	125	140
1949—8 27:			
Streamliner:			
Sed 4D 5	1,685	1,760	1,690
Cpe Sed 6	1,695	1,735	1,680
Sta Wgn Wd 8	1,895	1,960	1,905
Sta Wgn Met 8	1,895	1,960	1,905
Deluxe:			
Sed 4D 5	1,725	1,805	1,755
Cpe Sed 5	1,710	1,780	1,735
Sta Wgn Wd 8	1,870	1,945	1,960
Sta Wgn Met 8	1,875	1,945	1,960
Add for Hydra Trans	110	125	140
Chieftain:			
Sed 4D 6	1,710	1,775	1,730
Sed 2D 6	1,685	1,755	1,715
Cpe Sed 6	1,685	1,755	1,720
Cpe Bus 3	1,630	1,700	1,650
Deluxe:			
Sed 4D 6	1,790	1,815	1,770
Sed 2D 6	1,725	1,805	1,760
Cpe Sed 6	1,725	1,805	1,760
Cpe Con 6	1,860	1,925	1,945
Add for Hydra Trans	110	125	140
1950—6 25:			
Streamliner:			
Sed 4D 5	1,810	1,895	1,925
Cpe Sed 5	1,795	1,880	1,920
Deluxe:			
Sed 4D 5	1,860	1,950	2,000
Cpe Sed 5	1,860	1,955	1,985
Add for Hydra Trans	120	135	145
Chieftain:			
Sed 4D 5	1,835	1,930	1,970
Sed 2D 5	1,815	1,910	1,960
Cpe Sed 5	1,815	1,910	1,970
Cpe Bus 3	1,750	1,840	1,885
Sta Wgn 8	2,010	2,085	2,150
Deluxe:			
Sed 4D 5	1,880	1,975	2,040
Sed 2D 5	1,860	1,955	2,030
Cpe Sed 5	1,860	1,955	2,040
Cpe Cata 5	2,005	2,130	2,245
Cpe Con 5	2,050	2,145	2,280
Sta Wgn 6	2,095	2,195	2,235

	Ceiling price in Region— A	B	C
PONTIAC—continued			
1950—6 25—Continued			
Chieftain—Continued			
Super Deluxe:			
Cpe Cata 5	$2,065	$2,145	$2,290
Add for Hydra Trans	120	135	145
1950—8 27:			
Streamliner:			
Sed 4D 5	1,870	1,955	1,955
Cpe Sed 5	1,855	1,945	1,935
Deluxe:			
Sed 4D 5	1,960	2,015	2,040
Cpe Sed 5	1,960	1,960	2,005
Add for Hydra Trans	120	135	145
Chieftain:			
Sed 4D 5	1,900	1,960	2,010
Sed 2D 5	1,875	1,920	1,965
Cpe Sed 5	1,875	1,920	2,005
Cpe Bus 3	1,815	1,910	1,910
Sta Wgn 8	2,075	2,155	2,190
Deluxe:			
Sed 4D 5	1,950	2,040	2,065
Sed 2D 5	1,940	2,020	2,050
Cpe Sed 5	1,935	2,025	2,060
Cpe Cata 5	2,095	2,185	2,275
Cpe Con 5	2,110	2,185	2,300
Sta Wgn 6	2,115	2,170	2,295
Super Deluxe:			
Cpe Cata 5	2,120	2,215	2,270
Add for Hydra Trans	120	135	145
1951—6 23:			
Streamliner: Cpe Sed 5	2,180	2,275	2,190
Deluxe:			
Cpe Sed 5	2,235	2,330	2,240
Add for Hydra Trans	155	155	170
Chieftain:			
Sed 4D 5	2,210	2,305	2,250
Sed 2D 5	2,190	2,280	2,240
Cpe Sed 5	2,190	2,280	2,235
Cpe Bus 3	2,110	2,190	2,140
Sta Wgn 8	2,480	2,575	2,360
Deluxe:			
Sed 4D 5	2,270	2,365	2,310
Sed 2D 5	2,255	2,350	2,270
Cpe Sed 5	2,245	2,340	2,300
Cpe Cata 5	2,450	2,540	2,545
Sta Wgn 6	2,540	2,625	2,570
Cpe Con 5	2,485	2,585	2,375
Super Deluxe:			
Cpe Cata 5	2,560	2,590	2,695
Add for Hydra Trans	155	155	170
1951—8 27:			
Streamliner: Cpe Sed 5	2,245	2,345	2,220
Deluxe:			
Cpe Sed 5	2,305	2,395	2,295
Add for Hydra Trans	155	155	170
Chieftain:			
Sed 4D 5	2,280	2,370	2,285
Sed 2D 5	2,255	2,350	2,270
Cpe Sed 5	2,255	2,350	2,275
Cpe Bus 3	2,175	2,265	2,210
Sta Wgn 8	2,545	2,640	2,540
Deluxe:			
Sed 4D 5	2,325	2,430	2,340
Sed 2D 5	2,305	2,405	2,320
Cpe Sed 5	2,305	2,405	2,340
Cpe Cata 5	2,515	2,610	2,570
Sta Wgn 6	2,580	2,690	2,610
Cpe Con 5	2,565	2,655	2,605
Super Deluxe:			
Cpe Cata 5	2,565	2,660	2,625
Add for Hydra Trans	155	155	170
RENAULT (FRENCH)			
1949—4 4-CV:			
Standard: Sed 4D	490	450	515
Deluxe: Sed 4D	435	480	575
1950—4 Grand Luxe: Sed 4D	575	625	720
RILEY (ENGLISH)			
1950—2½ Litre:			
Sed 4D 5	1,995	2,085	2,050
Cpe Con 2D 5	2,135	2,230	2,205
SIMCA (FRENCH FIAT)			
1949—4 "S": Con 5	275	300	345
SINGER (ENGLISH)			
1948-1949—4 Series 9: Roadster	870	920	990
1950—4 Series 4A: Roadster	1,015	1,075	1,115
1950—4 SM 1500 S-4 4D	1,205	1,265	1,305
SUNBEAM-TALBOT (ENGLISH)			
1949—4-90:			
Sed 4D	1,845	1,845	1,740
Convertible	2,045	2,045	1,900
1950—4-90:			
Sed 4D	2,110	2,110	2,005
Convertible	2,310	2,310	2,205
1951—4-90:			
Sed 4D	2,415	2,415	2,360
Convertible	2,665	2,665	2,610

	Ceiling price in Region—		
	A	B	C
TRIUMPH (BRITISH)			
1949—Four: Salon—Sed 4D	$1,950	$2,015	$2,090
1949—Four: Roadster	1,950	2,015	2,090
1950—Four: Salon—Sed 4D	2,325	2,325	2,375
STANDARD VANGUARD (BRITISH)			
1949—4-V: Sed 4D 5	1,105	1,170	1,245
1950—4-V: Sed 4D 5	1,325	1,380	1,455
VOLKSWAGEN (GERMAN)			
1950—4: Sed 2D	825	875	895
Deluxe:			
Sed 2D	875	920	935
Sed S S Top	895	940	965
Cpe Con 2D	1,015	1,060	1,085
STUDEBAKER			
1940—6 2G Champion (all body styles)	270	315	315
1940—6 10A Commander (all body styles)	315	335	325
1940—8 6C President (all body styles)	270	310	315
1941—6 3G Champion:			
Custom:			
Sed Cruis 5	330	375	425
Sed Clb 5	340	380	400
Cpe D D 5	340	380	425
Cpe Opera 5	335	380	405
Cpe 3	270	320	395
Custom Deluxe:			
Sed Cruis 5	345	390	435
Sed Clb 5	325	365	405
Cpe D D 5	305	355	425
Cpe Opera 5	305	355	420
Cpe 3	280	325	405
Deluxe Tone:			
Sed Cruis 5	360	410	455
Sed Clb 5	345	395	430
Cpe D D 5	330	380	455
Cpe Opera 5	330	380	440
Cpe 3	300	350	425
Add for O. D	20	20	20
1941—6 11A Commander:			
Custom:			
Land Cruis 6	380	430	475
Cruis Sed 6	355	405	460
Cpe Sed 6	355	405	450
Deluxe Tone:			
Land Cruis 6	395	455	495
Cruis Sed 6	380	430	480
Skyway:			
Land Cruis 6	410	470	515
Cruis Sed 6	390	445	490
Cpe Sed 6	390	445	485
Add for O. D	20	20	20
1941—8 7C President:			
Custom:			
Land Cruis 6	380	405	465
Cruis Sed 6	330	380	450
Deluxe Tone:			
Land Cruis 6	370	425	480
Cruis Sed 6	355	405	465
Skyway:			
Land Cruis 6	395	455	510
Cruis Sed 6	375	430	490
Cpe Sed 6	355	420	485
Add for O. D	20	20	20
1942—6 4G Champion:			
Custom:			
Cruis Sed 5	410	450	490
Clb Sed 5	395	430	470
Cpe DD 5	390	430	490
Cpe 3	355	395	455
Deluxstyle:			
Cruis Sed 5	435	485	505
Clb Sed 5	420	460	480
Cpe DD 5	410	455	505
Cpe 3	380	425	465
Add for O. D	20	20	25
1942—6 12A Commander:			
Custom:			
Land Cruis 6	480	495	525
Cruis Sed 6	430	480	510
Sed Cpe 6	415	465	505
Deluxstyle:			
Land Cruis 6	475	525	550
Cruis Sed 6	480	480	535
Sed Cpe 6	440	495	525
Skyway:			
Land Cruis 6	495	545	570
Cruis Sed 6	475	530	550
Sed Cpe 6	465	515	545
Add for O. D	20	20	25

	Ceiling price in Region—		
	A	B	C
STUDEBAKER—continued			
1942—8 8C President:			
Custom:			
Land Cruis 6	$435	$480	$510
Cruis Sed 6	415	465	510
Sed Cpe 6	405	455	500
Deluxstyle:			
Land Cruis 6	450	505	545
Cruis Sed 6	435	490	530
Sed Cpe 6	430	475	520
Skyway:			
Land Cruis 6	480	530	565
Cruis Sed 6	460	510	550
Sed Cpe 6	445	495	545
Add for O. D	20	20	25
1946—6 5G Skyway Champion:			
Cruis Sed 5	730	780	770
Clb Sed 5	710	755	740
Cpe DD 5	705	755	770
Cpe 3	670	720	730
Add for O. D	40	40	40
1947—6 6G Champion:			
Deluxe:			
Sed 4D 6	1,000	1,065	1,090
Sed 2D 6	985	1,045	1,065
Cpe 5	990	1,040	1,110
Cpe 3	935	1,000	1,025
Regal Deluxe:			
Sed 4D 6	1,040	1,105	1,125
Sed 2D 6	1,025	1,090	1,095
Cpe Clb 5	1,030	1,095	1,150
Cpe Bus 3	980	1,040	1,060
Cpe Clb Con 5	1,110	1,175	1,225
Add for O. D	55	55	55
1947—6 14A Commander:			
Deluxe:			
Sed 4D 6	1,135	1,190	1,180
Sed 2D 6	1,110	1,175	1,155
Cpe Clb 5	1,130	1,190	1,205
Cpe Bus 3	1,060	1,115	1,150
Regal Deluxe:			
Sed 4D 6	1,170	1,235	1,225
Sed 2D 6	1,150	1,215	1,190
Cpe Clb 5	1,160	1,225	1,240
Cpe Bus 3	1,105	1,165	1,195
Cpe Clb Con 5	1,235	1,300	1,350
Land Cruiser:			
Sed 4D 6	1,185	1,250	1,275
Add for O. D	55	55	55
1948—6 7G Champion:			
Deluxe:			
Sed 4D 6	1,205	1,250	1,240
Sed 2D 6	1,180	1,250	1,210
Cpe 5	1,195	1,240	1,265
Cpe 3	1,125	1,175	1,205
Regal Deluxe:			
Sed 4D 6	1,240	1,290	1,280
Sed 2D 6	1,225	1,275	1,255
Cpe 5	1,235	1,290	1,305
Cpe 3	1,180	1,245	1,210
Con 5	1,310	1,360	1,410
Add for O. D	55	55	55
1948—6 15A Commander:			
Deluxe:			
Sed 4D 6	1,325	1,375	1,350
Sed 2D 6	1,305	1,355	1,330
Cpe 5	1,320	1,365	1,375
Cpe 3	1,265	1,310	1,290
Regal deluxe:			
Sed 4D 6	1,370	1,415	1,390
Sed 2D 6	1,350	1,395	1,360
Cpe 5	1,360	1,410	1,415
Cpe 3	1,305	1,350	1,330
Con 5	1,455	1,500	1,500
Land Cruiser:			
Sed 4D 6	1,400	1,450	1,470
Add for O. D	55	55	55
1949—6 8G Champion:			
Deluxe:			
Sed 4D 6	1,335	1,420	1,420
Sed 2D 6	1,345	1,410	1,385
Cpe 5	1,355	1,415	1,450
Cpe 3	1,290	1,350	1,340
Regal Deluxe:			
Sed 4D 6	1,405	1,470	1,465
Sed 2D 6	1,395	1,455	1,435
Cpe 5	1,405	1,465	1,495
Cpe 3	1,335	1,395	1,385
Con 5	1,510	1,600	1,635
Add for O. D	70	70	70
1949—6 16A Commander:			
Deluxe:			
Sed 4D 6	1,520	1,555	1,575
Sed 2D 6	1,505	1,570	1,545
Cpe 5	1,520	1,580	1,610
Cpe 3	1,450	1,510	1,495

	Ceiling price in Region—		
	A	B	C
STUDEBAKER—continued			
1949—6 16A Commander—con.			
Regal Deluxe:			
Sed 4D 6	$1,565	$1,625	$1,620
Sed 2D 6	1,555	1,615	1,590
Cpe 5	1,565	1,625	1,650
Cpe 3	1,500	1,560	1,545
Con 5	1,670	1,725	1,770
Land Cruiser:			
Sed 4D 6	1,605	1,675	1,720
Add for O. D	75	75	75
1950—6 9G Champion:			
Custom:			
Sed 4D 6	1,555	1,630	1,640
Sed 2D 6	1,525	1,610	1,615
Cpe 5	1,555	1,630	1,675
Cpe 3	1,480	1,555	1,560
Deluxe:			
Sed 4D 6	1,590	1,655	1,680
Sed 2D 6	1,565	1,630	1,645
Cpe 5	1,590	1,655	1,715
Cpe 3	1,495	1,575	1,565
Regal Deluxe:			
Sed 4D 6	1,625	1,705	1,720
Sed 2D 6	1,610	1,685	1,690
Cpe 5	1,625	1,705	1,755
Cpe 3	1,550	1,630	1,640
Con 5	1,790	1,865	1,925
Add for O. D	75	75	75
Add for Auto Trans	130	145	165
1950—6 17A Commander:			
Deluxe:			
Sed 4D 6	1,755	1,830	1,845
Sed 2D 6	1,735	1,850	1,825
Cpe 5	1,755	1,830	1,870
Regal Deluxe:			
Sed 4D 6	1,805	1,880	1,905
Sed 2D 6	1,785	1,905	1,870
Cpe 5	1,805	1,880	1,925
Con 5	1,970	2,045	2,115
Land Cruiser:			
Sed 4D 6	1,885	1,955	1,990
Add for O. D	75	75	75
Add for Auto Trans	130	145	165
1951—6 10G Champion:			
Custom:			
Sed 4D 6	1,805	1,947	1,870
Sed 2D 6	1,845	1,930	1,845
Cpe 5	1,805	1,945	1,915
Cpe 3	1,775	1,855	1,790
Deluxe:			
Sed 4D 6	1,895	1,970	1,900
Sed 2D 6	1,875	1,955	1,905
Cpe 5	1,905	1,965	1,955
Cpe 3	1,810	1,905	1,830
Regal:			
Sed 4D 6	1,940	2,020	1,945
Sed 2D 6	1,925	2,045	1,945
Cpe 5	1,940	2,020	2,005
Cpe 3	1,850	1,950	1,875
Cpe Con 5	2,180	2,265	2,290
Add for O. D	85	85	85
Add for Auto. Trans	165	165	195
1951—V-8 H Commander:			
Regal:			
Sed 4D 6	2,050	2,145	2,055
Sed 2D 6	2,050	2,120	2,025
Cpe 5	2,070	2,145	2,090
State:			
Sed 4D 6	2,120	2,200	2,120
Sed 2D 6	2,105	2,175	2,085
Cpe 5	2,120	2,200	2,155
Con 5	2,335	2,420	2,340
Land Cruiser:			
Sed 4D 6	2,185	2,270	2,210
Add for O. D	85	85	95
Add for Auto. Trans	165	165	195
WILLY -OVERLAND			
1940—4 440 Willys (all body styles)	160	202	235
1941—4 441 American:			
Speedway:			
Sed 4D 5	185	220	275
Cpe 2	145	180	230
Deluxe:			
Sed 4D 5	215	250	295
Cpe 2	170	205	255
Sta Wgn 5	225	255	315
Plainsman:			
Sed 4D 5	230	265	295
Cpe 2	185	225	270
Add for O. D	20	20	20
1942—4 442 American:			
Speedway:			
Sed 4D 5	245	280	310
Cpe 2	205	245	285

	Ceiling price in Region—		
	A	B	C
WILLYS-OVERLAND—continued			
1942—4 442 American—Continued			
Deluxe:			
Sed 4D 5	$275	$300	$305
Cpe 2	225	260	285
Sta Wgn	280	310	330
Plainsman:			
Sed 4D 5	290	315	320
Cpe 2	255	280	300
Add for O. D	20	20	25
1946—4 63:			
Sta Wgn	695	670	840
O. D. Std			
1947—4 63:			
Sta Wgn	780	845	930
O. D. Std			
1948—4 63:			
Sta Wgn	870	945	995
O. D. Std			
1948—4 VJ-2:			
Jeepster	875	950	1,010
O. D. Std			
1948—6 63:			
Sta Wgn	950	1,025	1,025
O. D. Std			
1949—4 63:			
Sta Wgn 6	1,105	1,215	1,180
O. D. Std			
1949—4 VJ-2:			
Jeepster 6	1,105	1,170	1,190
Add for O. D	65	65	65
1949—4 4 x 4 63: Sta Wgn 6	1,210	1,215	1,430
1949—6 63:			
Sta Wgn	1,200	1,200	1,300
Sta Wgn 6	1,180	1,230	1,300
O. D. Std			
1949—6 VJ-3-6:			
Jeepster 5	1,170	1,220	1,250
Add for O. D	55	55	55
1st Series—1950—			
1950—4 463: Sta Wgn 6	1,325	1,390	1,580
1950—4 4 x 463-SW:			
Sta Wgn 6	1,425	1,485	1,590
O D Std			
1950—4 VJ-3:			
Jeepster 5	1,320	1,410	1,545
Add for O. D	60	60	60
1950—6 663:			
Sta Wgn 6	1,405	1,470	1,575
O. D. Std			
1950—6 VJ-3-6:			
Jeepster 5	1,395	1,440	1,520
Add for O. D	60	60	60
2d Series 1950—			
1950—4 473-SW:			
Sta Wgn 6	1,375	1,440	1,610
Add for O. D	60	60	60
1950—4 4 x 473-SW: Sta Wgn 6	1,475	1,535	1,630
1950—4 473-VJ:			
Jeepster 5	1,375	1,425	1,560
Add for O. D	60	60	60
1950—6 673-SW:			
Sta Wgn 6	1,395	1,460	1,600
Add for O. D	60	60	60
1950—6 673-VJ:			
Jeepster 5	1,440	1,480	1,565
Add for O. D	60	60	60
1951—4 473-SW:			
Sta Wgn 6	1,800	1,905	1,915
Add for O. D	75	75	80
1951—4 4 x 473-SW: Sta Wgn 6	1,970	2,055	2,270
1951—4 473-VJ:			
Jeepster 5	1,750	1,845	1,705
Add for O. D	75	75	80
1951—6 673-SW:			
Sta Wgn 6	1,885	1,970	1,975
Add for O. D	75	75	80
1951—6 673-VJ:			
Jeepster 5	1,840	1,930	1,840
Add for O. D	75	75	80
CHEVROLET SUBURBAN			
1941 Suburban	340	365	375
1942 Suburban	395	420	415
1946 Suburban (end gate) DP Series	665	710	735
1946 Suburban (panel door) DP Series	665	710	735
1946 Suburban (end gate) Interim	695	650	695
1946 Suburban (panel door) Interim	695	650	695
1947 Suburban	805	845	905
1948 Suburban	1,000	1,045	1,090
1949 Suburban	1,145	1,190	1,225
1950 Suburban (end gate)	1,305	1,360	1,425
1950 Suburban (panel door)	1,305	1,360	1,425
1951 Suburban (end gate)	1,625	1,675	1,775
1951 Suburban (panel door)	1,625	1,675	1,775

[Above section added by Amdt. 3]

	Ceiling price in Region—		
	A	B	C
GMC SUBURBAN			
1942 CC 100 Suburban	$425	$455	$495
1947 EC 101 Suburban	755	775	815
1947 FC 101 Suburban	810	825	915
1948 FC 101 Suburban	940	985	1,050
1949 FC 101 Suburban	1,095	1,135	1,185
1950 FC 101 Suburban	1,305	1,355	1,395
1951 101 22 Suburban	1,590	1,640	1,745

[Above section added by Amdt. 3]

[Appendix A amended by Amdts. 2 and 3]

[F. R. Doc. 52-6331; Filed, June 5, 1952; 10:41 a. m.]

[Ceiling Price Regulation 83, Interpretation 2]

CPR 83—Retail and Wholesale Sale of New Passenger Automobiles

INT. 2—CHARGE FOR PREPARING AND CONDITIONING NEW CARS FOR DELIVERY

Inquiries received from various automobile dealers indicate there is some question as to whether those dealers who did not show on their sales invoices or other records their charge for preparing and conditioning a new car for delivery during the period January 26 to February 24, 1951, but whose selling price during the period included such a charge, may make a charge for preparing and conditioning under the provisions of section 7 of Ceiling Price Regulation 83.

Section 7 of Ceiling Price Regulation 83 reads in part as follows:

(a) The charge for preparing and conditioning a new automobile for delivery shall be your charge for preparing and conditioning prevailing during the period January 26 to February 24, 1951, but not in excess of 5 percent of the basic price of the automobile, until specific preparation and conditioning charge is established by the Director in a Special Order. The preparing and condition charge must be directly related to services actually rendered in preparing the new automobile for delivery. If no services are rendered, you can make no charge for preparing and conditioning. The preparing and conditioning charge does not include advertising charges or any other charge which represents an item not directly a part of the preparation for delivery.

A dealer who made no charge for preparing and conditioning during the period January 26 to February 24, 1951, is not now permitted to make a charge for such services under the provisions of section 7.

If a dealer can establish that he made a charge for preparing and conditioning as established by his books of account or other records covering the period January 26 to February 24, 1951, he uses the first of the following methods to establish the amount of that charge:

(1) If on his invoices he separately stated the charge during that period, the amount of the charge is to be determined from his invoices;

(2) If the charge does not appear in his invoices but it appears separately stated anywhere in his books of account or other records, that is the charge he will use under section 7.

(3) If a dealer failed to state separately the amount of his charge either on his invoices or other records but, by subtracting definitely ascertainable amounts from any lump charge contained in his price, he can compute from his records covering that period the charge he was making for preparing and conditioning, he will use that amount under section 7. For example, if his records show that he was combining his charge for preparing and conditioning with his charge for transportation under the heading "Freight and Handling", he will subtract from that total amount his ascertainable freight charge. From the remainder representing his "Handling" charge, the dealer will exclude in accordance with the provisions of section 7, his charge for any service not "actually rendered in preparing the new automobile for delivery".

(4) Lastly, in the event the dealer cannot separate his charge for preparing and conditioning from his total selling price during the period January 26 to February 24, 1951 (or from any lump charge included therein), in the manner suggested in the preceding three methods, he may use his cost of preparing and conditioning the automobile for delivery as shown by his books of account for that period as a measure of his charge under section 7. In looking to his costs for preparing and conditioning the automobile for delivery, he must look only to the costs of those services that are directly related to preparing the automobile for delivery (as stated in section 7). For example, he may not include the cost of advertising, warehousing, periodical checkups, floor planning, or "any other charge which represents an item not directly a part of the preparation for delivery" as a part of the cost he uses for measuring his charge.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 5, 1952.

[F. R. Doc. 52-6330; Filed, June 5, 1952; 10:40 a. m.]

[Ceiling Price Regulation 113, Revision 1, Interpretation 2]

CPR 113—White Flesh Potatoes

INT. 2—BROKERAGE IS NOT A PART OF THE "PRIMARY PRICE"

A potato dealer who is an "intermediate seller" as defined in Ceiling Price Regulation 113, Revision 1, has asked whether, in selling white flesh potatoes, he may include in his ceiling price the brokerage fee which his supplier, a country shipper selling through a broker, has added to the sales price.

Section 2 (g) of CPR 113, Revision 1, permits country shippers who are making delivered sales of white flesh potatoes, and in so doing employ the services of a broker or agent other than a commission merchant, to add to their de-

livered ceiling prices a brokerage charge not in excess of that allowed under the provisions of CPR 34.

Section 3 of CPR 113, Revision 1, establishes the method by which intermediate sellers determine their ceiling prices. This determination is based upon a "primary price," as defined in section 3 (a) of CPR 113, Revision 1, to which the intermediate seller adds a specified markup, the amount of which depends upon the type of intermediate seller.

This primary price is not based upon the country shipper's delivered price, which may include broker's fees, but upon the f. o. b. country shipping point price, which does not include broker's fees.

Since the definition of "primary price" does not include broker's fees, no intermediate seller may add such fees to his legally prescribed markup even if paid by him as part of his purchase price.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
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JUNE 5, 1952.

[F. R. Doc. 52-6333; Filed, June 5, 1952; 10:42 a. m.]

[Ceiling Price Regulation 149]

CPR 149—CEILING PRICES FOR SOUTHERN YELLOW PINE LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 149 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices for manufacturers' sales of Southern Yellow Pine lumber. The basic ceiling prices established are industry-wide f. o .b. mill ceiling prices; they supplant individual ceiling prices determined under the General Ceiling Price Regulation, as amended. These basic ceiling prices reflect appropriate differentials among the various species, grades, and sizes of most standard Southern Yellow Pine lumber items. Additions and deductions to and from the basic ceiling prices of standard items are provided in the regulation for a number of specifications and services.

The annual production of Southern Yellow Pine lumber totals approximately 8.5 billion board feet, which is about 26 percent of the total domestic lumber production. The growing, harvesting, and manufacturing of Southern Yellow Pine lumber constitute a leading industry of the South, with the f. o. b. mill value of its production totaling approximately one billion dollars per annum. The industry is made up of more than 24,000 sawmills. In 1947, it employed about 200,000 workers who received annual wages totaling about $300,000,000.

Of the total output of the industry, 29 percent is produced by 2 percent of the mills, each of which cuts 5 million or more board feet per year, and 56 percent is manufactured by 28 percent of the mills, each of which cuts 500 thousand to 5 million board feet per year. The remaining 15 percent of the total production is cut by 70 percent of the mills, each of which cuts less than 500 thousand board feet per year.

Southern Yellow Pine is sawed from nine different species of trees. Two of these are Longleaf Pine (Pinus palustris) and Slash Pine (Pinus caribaea), which are marketed under the common name of Longleaf. The seven remaining species are Shortleaf Pine (Pinus echinata), Loblolly Pine (Pinus taeda), Virginia Pine (Pinus virginiana), Spruce Pine (Pinus glabra), Pitch Pine (Pinus rigida), Pond Pine (Pinus rigida serotina), and Table Mountain Pine (Pinus pungens. The latter seven species are marketed under the common name of Shortleaf.

Southern Yellow Pine lumber is widely used in construction and in manufactured products such as containers and millwork. The process of converting Southern Yellow Pine standing timber into finished lumber products requires four separate operations—logging, sawing, seasoning, and finishing. The larger mills generally perform all four of these operations, while thousands of small mills perform only two of the operations, logging and sawing, and thereby produce only rough green lumber. The latter mills operate sporadically, in accordance with weather conditions, available alternative employments in the area at various times, market conditions, and stumpage costs. It is estimated that about 93 percent of the approximately 181 billion board feet of commercially usable Yellow Pine stumpage is privately owned. The small operators buy almost all their stumpage or saw logs for their current consumption, whereas the large operators own enough stumpage to satisfy most of their normal consumption requirements.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary, they will be made simultaneously with respect to all lumber regulations.

Ceiling prices established by this regulation are approximately at the level prevailing during the period January 25, 1951, through February 24, 1951. This level is not inflationary, and yet should be high enough to insure production adequate for the needs of the defense mobilization program.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 through June 24, 1950; to those prevailing during the period from January 25, 1951 through February 24, 1951; and to those prevailing just before the issuance of this regulation; and to all other relevant factors.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. The consultation included four meetings with the Industry Advisory Committee for Southern Yellow Pine Lumber, and several meetings with the subcommittees thereof.

Every effort has been made to conform this regulation to existing business practices in the industry affected with respect to the production, sale, and distribution of Southern Yellow Pine lumber. Insofar as any provisions of this regulation may operate to compel changes in those practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—COVERAGE

Sec.
1.1 What this regulation does.
1.2 Which regulation is superseded.
1.3 Items, species, and area of production covered.
1.4 Sellers and transactions covered.
1.5 Geographical applicability.

ARTICLE II—F. O. B. AND DELIVERED SALES
2.1 General explanation of ceiling prices.
2.2 Delivered sales; general.
2.3 Delivered ceiling prices.

ARTICLE III—GRADE TERMS AND GRADING, OPTIONAL METHODS OF SELLING ROUGH LUMBER, AND PRICING RULES
3.1 Grade terms and grading.
3.2 Option to sell rough lumber partially graded or on grade.
3.3 Pricing rules.

ARTICLE IV—ROUGH PARTIALLY GRADED LUMBER; BASIC F. O. B. CEILING PRICES
4.1 Basic f. o. b. ceiling prices for rough partially graded lumber.

ARTICLE V—GRADED ROUGH OR DRESSED LUMBER BASIC F. O. B. CEILING PRICES; AND ESTABLISHED WEIGHTS
5.1 Basic f. o. b. ceiling prices for Shortleaf Yellow Pine lumber.
5.2 Basic f. o. b. ceiling prices for Longleaf Yellow Pine lumber.
5.3 Established weights for Longleaf and Shortleaf Yellow Pine lumber.

ARTICLE VI—CEILING ADDITIONS FOR MIXED CAR OR MIXED TRUCK SHIPMENTS AND FOR CERTAIN SERVICES
6.1 Mixed car or mixed truck shipments.
6.2 Ceiling additions for certain services.

ARTICLE VII—SPECIAL CEILING PRICES
7.1 Special ceiling prices.

ARTICLE VIII—COMMISSION-TYPE SALES AND RETAIL-TYPE SALES
8.1 Addition allowed for commission-type sales.
8.2 Retail-type sales.

ARTICLE IX—RECORDS AND INVOICES
9.1 Records.
9.2 Invoices.

ARTICLE X—MISCELLANEOUS PROVISIONS
10.1 Modification of proposed ceiling prices by the Director of Price Stabilization.
10.2 Petitions for amendment.
10.3 Adjustable pricing.
10.4 Excise, sales and similar taxes.
10.5 Interpretations.
10.6 Prohibitions and violations.
10.7 Evasions.

ARTICLE XI—DEFINITIONS
11.1 Definitions.

AUTHORITY: Sections 1.1 through 11.1 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes dollar-and-cents ceiling prices for manufacturers' sales of Southern Yellow Pine lumber which are effected directly by manufacturers or through commission men.

SEC. 1.2 *Which regulation is superseded.* Except as otherwise provided in section 9.1, this regulation supersedes the General Ceiling Price Regulation in respect to the transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* This regulation covers all items of Southern Yellow Pine lumber, with the exception of switch ties, cross ties, millwork, and all mouldings except O G Batts, produced anywhere in the United States, rough or dressed, green or dry, and whether or not specifically listed in the ceiling price tables. Southern Yellow Pine lumber includes both Shortleaf and Longleaf Yellow Pine lumber, terms which are separately defined in section 11.1 of this regulation.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to all sales by manufacturers of the lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer of lumber, whether or not the sale is effected directly or through a commission man. (Section 8.1 of this regulation provides an addition to cover the services of a lumber commission man. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices. The ceiling prices for export sales or sales for export are governed by Ceiling Price Regulation 61, except as section 6.2 of this regulation authorizes a specific addition for bunding for export.)

(b) The term "manufacturer" includes sawmills, planing mills and concentration yards. Sawmills and planing mills are establishments engaged in the production of lumber from logs or rough lumber by sawing or planing or both. Concentration yards are establishments which obtain lumber, chiefly in rough green form, from several producers; these establishments prepare lumber for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and they sell their lumber chiefly to large industrial users, resellers, or building contractors.

(c) The term "commission man" refers to a person who customarily initiates the sale of, and sells, lumber in carload or truckload quantities for two or more manufacturers; he does not purchase for his own account or assume any credit risks; he receives his compensation from manufacturers in the form of commissions based on the amount of lumber sold; and he is independent of both buyers and sellers.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. or on a delivered basis) in the 48 States of the United States or in the District of Columbia is subject to this regulation, whether or not the sale of the lumber is made in the United States.

ARTICLE II—F. O. B. AND DELIVERED SALES

SEC. 2.1 *General explanation of ceiling prices.* (a) The basic ceiling prices established by this regulation are f. o. b. mill ceiling prices. They are set forth in Articles IV and V. The ceiling prices in Articles IV and V are for sales of partially graded and graded lumber, respectively.

(b) The basic f. o. b. mill ceiling prices are modified under certain circumstances as set forth in the various sections of this regulation, as for example, when you sell your lumber on a delivered basis (see sections 2.2 and 2.3), when you sell your lumber through a commission man (see section 8.1), or when you make a retail-type sale (see section 8.2).

SEC. 2.2. *Delivered sales; general.* This regulation permits you to sell your lumber on a delivered basis as well as on an f. o. b. mill basis. On sales on a delivered basis, you may add to the f. o. b. mill ceiling prices a transportation addition as described in section 2.3.

SEC. 2.3. *Delivered ceiling prices—*(a) *Common carrier.* When you sell on a delivered basis and you ship your lumber by common carrier rail, water, or truck transport, the delivered ceiling prices are the f. o. b. mill ceiling prices plus additions for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in section 5.3 by the applicable common carrier rail, water, or truck freight rate in effect at the time of shipment. When a shipment by rail or water is followed by a truck haul, the actual cost of truck delivery may be added. No addition may be made for a truck haul preceding rail shipment, as for example, when a mill located away from a railhead hauls lumber by truck to the railhead, except that when a manufacturer's rail connection is abandoned after the effective date of this regulation and his mill has no comparable rail shipping point, an addition may be made for the actual costs of the truck haul to the nearest railhead which can be used. When a truck haul precedes shipment by water, the actual costs of such truck haul may be added. The transportation addition must be rounded out to the nearest quarter dollar per thousand feet. The delivered ceiling price need not be revised or adjusted if the amount actually charged by the rail carrier is different from the addition for transportation included in your delivered ceiling price.

(b) *Contract carrier truck.* When you sell on a delivered basis, and the shipment moves entirely by contract carrier truck, the actual cost of the transportation may be added to your f. o. b. mill ceiling prices.

(c) *Truck owned or controlled by the seller.* When you sell on a delivered basis, and the shipment moves entirely by truck owned or controlled by you, the delivered ceiling prices are the f. o. b. mill ceiling prices plus an addition determined as follows:

(1) For a distance up to and including 30 miles, $5.00 per thousand feet.

(2) For a distance greater than 30 miles, an amount equal either to the applicable or most nearly applicable carload rail freight rate in effect at the time of shipment for the equivalent distance multiplied by the appropriate established weight shown in section 5.3; or $5.00 per thousand feet.

As used in this paragraph the term "distance" refers to the actual mileage from your customary loading out point to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your customary loading out point. The term "point of destination" includes a yard or job site.

ARTICLE III—GRADE TERMS AND GRADING, OPTIONAL METHODS OF SELLING ROUGH LUMBER, AND PRICING RULES

SEC. 3.1 *Grade terms and grading.* (a) Grade terms (including abbreviations and symbols) used in this regulation have the meanings set forth in, and lumber bought or sold under this regulation must be graded in accordance with, either:

(1) The "1948 Standard Grading Rules for Southern Pine Lumber", effective September 1, 1948, as amended by Supplement No. 1, effective January 2, 1950, and by Supplement No. 2, effective September 25, 1950; issued by the Southern Pine Inspection Bureau of the Southern Pine Association; or

(2) The "1923 Gulf Coast Classification", issued by the Southern Pine Inspection Bureau of the Southern Pine Association; or

(3) For car material, the Rules of the Association of American Railroads as set forth in Pamphlet M-907-33, issued in 1910, revised in 1933, and modified by Supplement M-907-41, issued in 1941.

SEC. 3.2 *Option to sell rough lumber partially graded or on grade.* You may sell any rough lumber either partially graded if it meets the minimum specifications set forth in Table A of Article IV (at not more than the ceiling prices established in that Table) or on grade (at not more than the ceiling prices es-

tablished in Article V). Note that you may sell any part of your lumber out on grade and any of the residue as partially graded if the residue sold meets the minimum specifications set forth in Table A of Article IV.

SEC. 3.3 *Pricing rules.* You must apply the following rules in determining ceiling prices for lumber subject to this regulation:

(a) *Combination grades.* Lumber sold in a combination of grades for which no ceiling price is specifically set forth in this regulation, or for which no special ceiling prices are proposed or established under the provisions of section 7.1, may not be sold above the ceiling price for the lowest priced grade included in the combination. However, it is permissible to sell a combination of grades at not more than the appropriate ceiling price for the quantity of each grade shipped if the exact quantity of the grade is separately tallied and separately shown on the invoice.

(b) *Averaging-out freight.* On a delivered sale, when shipment is made to a single destination from two or more mills owned or controlled by a seller, the ceiling delivered price for the entire shipment is the total of the ceiling delivered prices for each shipment as determined under section 2.3. However, you may quote, and collect on account, a tentative delivered price based on the averaging-out of the freight rates from the several mills involved. The tentative delivered price is computed by adding to the basic f. o. b. mill ceiling prices specified in this regulation an amount for transportation determined by multiplying the appropriate established weight set forth in section 5.3 by an average of the freight rates (in effect at time of shipment) from the several mills involved. Upon completion of the shipments, the seller must render a final invoice that shows the ceiling delivered prices for each shipment and for the entire shipment, and the tentative delivered price collected (if any). Any tentative amount collected in excess of the ceiling delivered price for the entire shipment must be refunded with the final invoice.

(c) *Orders which do not specify Longleaf Southern Pine lumber.* Where an order does not specify that Longleaf Southern Pine lumber may be shipped, the seller may not charge in excess of the Shortleaf Southern Pine lumber ceiling prices.

(d) Where an item of lumber for which a dollars-and-cents ceiling price is established in this regulation is obtained from a larger size item by ripping, resawing, or cross-cutting, the ceiling price for such item is the lower of the following amounts:

(1) The ceiling price of the larger size item plus charges authorized in this regulation for the ripping, resawing or cross-cutting performed; or

(2) The ceiling price (excluding all charges for ripping, resawing and cross-cutting) for the particular item as specified in the regulation.

ARTICLE IV—ROUGH PARTIALLY GRADED LUMBER; BASIC F. O. B. CEILING PRICES

SEC. 4.1 *Basic F. O. B. ceiling prices for rough partially graded lumber.* The basic ceiling prices f. o. b. mill for rough partially graded Southern Yellow Pine lumber (Shortleaf or Longleaf) which meets the specifications set forth below are as follows:

TABLE A—ROUGH LUMBER, GREEN OR DRY, PARTIALLY GRADED TO EXCLUDE ALL GRADES LOWER THAN NO. 3 AND TO LIMIT NO. 3 GRADE TO 10 PERCENT AND 4" WIDTHS TO 15 PERCENT OF TOTAL FOOTAGE OF LUMBER INVOLVED IN A SALE

4/4" and 5/4" x 4" and wider, 8' to 20' lengths	$58
6/4" and 7/4" x 4" and wider, 8' to 20' lengths	61
8/4" and thicker x 4" and wider, 8' to 16' lengths	51
8/4" and thicker x 4" and wider, 18' and 20' lengths	56

For 4/4", 5/4", 6/4" and 7/4" x 4" and wider, 4' and 6' lengths, deduct $15 per thousand feet.

For medium and dense grain 8/4" and thicker, add $5 per thousand feet.

ARTICLE V—GRADED ROUGH OR DRESSED LUMBER-BASIC F. O. B. CEILING PRICES; AND ESTABLISHED WEIGHTS

SEC. 5.1 *Basic f. o. b. ceiling prices for Shortleaf Yellow Pine lumber.* The basic f. o. b. mill ceiling prices per 1,000 feet of Shortleaf Yellow Pine lumber, in straight carloads, or in straight truckloads, in random widths and random lengths, except as otherwise specified, are as follows:

SHORTLEAF YELLOW PINE LUMBER

TABLE 1—NO. 2, NO. 3, NO. 4 STRIPS AND BOARDS

STANDARD S4S, S1S, S2S, S4E, S1S2E, S2S1E, S2E, S1E, S2S&CM OR SHIPLAP

Air Dried

Grade	Random lengths	4' and 6'	8', 10' and 12'	14' and 16'	18' and 20'
No. 1 strips and boards—Refer to table 6 and 6A.					
No. 2:					
1 x 2 and 3"	$80	$61	$80	$82	$85
1 x 4"	72	57	72	74	77
1 x 5"	78	59	78	80	81
1 x 6 and 7"	82	59	82	84	87
1 x 8 and 9"	84	59	84	86	89
1 x 10 and 11"	85	70	85	87	91
1 x 12"	90	75	90	92	95
No. 3:					
1 x 2 and 3"	70	56	70	72	78
1 x 4"	60	52	60	62	65
1 x 5"	60	52	60	62	68
1 x 6 and 7"	72	54	72	74	78
1 x 8 and 9"	74	54	74	76	80
1 x 10 and 11"	74	66	74	76	83
1 x 12"	74	66	74	76	80

No. 4: 4/4, 5/4 and 6/4 R/W and R/L, A/D or K/D $42.00.
For No. 4, specified lengths and widths, add $5.00.
For 5/4" and 6/4" add to above 1" prices in grade No. 2 and Grade No. 3, $10.00.

ADDITIONS AND DEDUCTIONS

1. For any working not otherwise provided for add $5.00.
2. For patterns requiring moulder work add $15.00.
3. For ripping add $5.00 for each cut. For resawing add $5.00 for each cut.
4. For kiln-drying add $8.00.
5. For grade-marking add $1.00.
6. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed add $5.00.
7. No addition is permitted for customary double end trimming.
8. For any length shorter than 4' cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case add $4.00 per M BM for each necessary cross cut but the addition for precision cutting permitted in footnote 6 may not also be added, and no total charge for such service may be greater than $12.00 per M. If length breaks on even ½ foot, compute footage on actual length, otherwise compute on 6 inch breaks on next break above.
9. For 85 percent heart facial area add $20.00 to No. 2.
10. For 85 percent heart cubical content add $15.00 to No. 2.
11. For omitting 4' length from No. 2 and No. 3 grades add $2.00. For omitting 4' and 6' lengths from No. 2 and No. 3 grades add $3.00. For omitting 4' to 8' lengths inclusive from No. 2 and No. 3 grades add $4.00. For omitting 6' lengths from No. 1 grade add $4.00. For omitting 6' and 8' lengths from No. 1 grade add $5.00.
12. For 13" and wider, add $5.00 per inch or fraction thereof to 12" price and compute footage on nominal size.
13. For rough, all grades, deduct $5.00.
14. For green, all grades, deduct $15.00.

TABLE 2—NO. 2 BOX DIMENSION—(PAR. 231 (A) AND (B) SUPPLEMENT NO. 2 TO 1948 STANDARD GRADING RULES) DIMENSION PARS. 256, 257, 258, 259, 260 AND 261

STANDARD S4S, S1S, S2S, S4E, S1S2E, S2E AND S1E

Air dried

Size	Random lengths	4'	6'	8'	10', 12' and 14'	16'	9', 18' and 20'	22 and 24'
2 x 3"	$76	$41	$46	$76	$76	$78	$85	[illegible]
2 x 4"	73	38	43	74	73	75	82	[illegible]
2 x 5"	78	43	48	78	78	80	87	[illegible]
2 x 6"	74	39	44	74	74	76	83	[illegible]
2 x 8"	76	41	46	76	76	78	85	[illegible]
2 x 10"	81	46	51	81	81	83	90	[illegible]
2 x 12"	85	50	55	85	85	87	94	[illegible]

For par. 256 No. 1 dimension, 2 x 3" to 2 x 8" add to No. 2 Box $13.00; 2 x 10" and 2 x 12" add to No. 2 Box $1[illegible].
For par. 257 add to par. 256 prices $5.00.
For par. 258 No. 2 dimension 2 x 3" to 2 x 12" add to No. 2 Box $8.00.
For par. 259 add to par. 258 prices $5.00.
For par. 260 No. 3 dimension 2 x 3" to 2 x 12" random lengths, $61.00; specified lengths $5.00 more.
For par. 261 No. 4 dimension air dried and kiln dried 2 x 3" and wider, random lengths $43.00.

ADDITIONS AND DEDUCTIONS PER 1,000 FEET BOARD MEASURE

For Working

1. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing, not otherwise provided for, add $5.00. Patterns requiring moulder work, add $15.00.
2. Ripping or resawing, add $5.00 for each cut, both applicable only when machine run product is shipped.
3. End-matched and center-matched, add $15.00.

For Grades

4. For grade marking, add $1.00 per M'BM.
5. For combination Grade No. 2 and better, use No. 2 prices.
6. For 85 percent heart facial area, pars. 256, 257 and 259 3 to 8" widths, add $20.00; for 10" widths, add $24.00; for 12" widths, add $30.00.
7. For 85 percent heart cubical content, pars. 256, 257, 258, and 259 add $16.00 3 to 8", $20.00 for 10", and $21.00 for 12".

For Condition

8. Kiln dried, add $8.00.
9. For rough, all grades, deduct $5.00; for green all grades, deduct $15.00 except 22' and longer.

For Length

11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $5.00. No addition is permitted for customary double end trimming.
12. For any length shorter than 4' cut to a specified exact length, charge the price for the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $4.00 per M'BM for each necessary cross cut, but addition permitted in footnote 9 for precision cutting may not also be charged, and no total charge for each service may be greater than $12.00 per M'BM. If length breaks on even ½ foot, compute footage on actual length, otherwise compute on 6 inch breaks on next break above.
13. For lengths over 24' add $5.00 per M'BM for each 2 to 24' price.
14. For 8' and longer average 12' add $2.00 to R/L price.

TABLE 3—TIMBERS

ROUGH GREEN

[8 to 16-Foot Lengths]

Size	No. 2	No. 2 Dense	No. 1	SE and S	No. 1 Dense	Dense SE and S	Dense No. 1 Structural	Dense Structural SE and S	Dense Structural	Dense Select Structural
3 x 3" to 8 x 8"	$83.00	$90.00	$95.00	$97.00	$101.00	$105.00	$110.00	$115.00	$120.00	$125.00
3 x 9" to 5 x 10"	91.00	98.00	103.00	105.00	111.00	113.00	118.00	123.00	128.00	133.00
6 x 9" to 10 x 10"	90.00	97.00	102.00	104.00	110.00	112.00	117.00	122.00	127.00	132.00
3 x 11" to 5 x 12"	104.00	111.00	116.00	118.00	124.00	126.00	131.00	136.00	141.00	146.00
6 x 11" to 12 x 12"	102.00	109.00	114.00	116.00	122.00	124.00	129.00	134.00	139.00	144.00
3 x 13" to 7 x 14"	116.00	123.00	128.00	130.00	136.00	138.00	143.00	148.00	153.00	158.00
8 x 13" to 14 x 14"	114.00	121.00	126.00	128.00	134.00	136.00	141.00	146.00	151.00	156.00
3 x 15" to 7 x 16"	126.00	133.00	138.00	140.00	146.00	148.00	153.00	158.00	163.00	168.00
8 x 15" to 16 x 16"	124.00	131.00	136.00	138.00	144.00	146.00	151.00	156.00	161.00	166.00
3 x 17" to 7 x 18"	140.00	147.00	152.00	154.00	160.00	162.00	167.00	172.00	177.00	182.00
8 x 17" to 18 x 18"	138.00	145.00	150.00	152.00	158.00	160.00	165.00	170.00	175.00	190.00
3 x 19" to 7 x 20"			170.00	172.00	178.00	180.00	185.00	190.00	195.00	200.00
8 x 19" to 20 x 20"			168.00	170.00	176.00	178.00	183.00	188.00	193.00	198.00

ADDITIONS AND DEDUCTIONS

For Working

1. S1S, S2S, S3S, or S4S, add $6.00. Shiplap or T and G, add $10.00.
2. Grooved 2 edges, add $8.00 (to dressed prices).
3. Beveling and outganging, for 2 edges on 1 face, add $8.00, for 4 edges, or 1 face and 1 edge, add $16.00 (to dressed prices in each case).

For Grade

4. 85 percent heart facial area (add to grade specified) 3" x 3" to 8" x 8", $20.00; 3" x 9" to 10" x 10", $24.00; 3" x 11" and larger, $30.00.
5. 85 percent heart cubical content (add to grade specified) 3" x 3" to 8" x 8", $16.00; 3" x 9" to 10" x 10", $20.00; 3" x 11" and larger, $21.00.
6. For grade marking, $1.00 per M'BM.
7. For longer lengths add to above prices:

Length	3" x 3" to 8" x 8"	3" x 9" and larger	Length	3" x 3" to 8" x 8"	3" x 9" and larger
18 and 20'	$5.00	$4.00	34'	$27.00	$25.00
22 and 24'	[illegible]	[illegible]	36'	30.00	28.00
26'	[illegible]	[illegible]	38'	33.00	31.00
28'	18.00	[illegible]	40'	36.00	34.00
30'	21.00	19.00	42'	39.00	37.00
32'	24.00	22.00			

8. For lengths over 40', add $3.00 per lineal foot to 40' price.
9. Odd or fractional lengths over 8' shall be counted as next longer even length.
10. For lengths shorter than 8' the nearest multiple length price plus a total of $4.00 per M'BM for cross cutting.
11. For precision cutting to a specified exact length, with a tolerance of not more than ½" allowed, add $5.00. No addition is permitted for customary double end trimming.

For Condition

12. Air dried, 23 percent moisture content, add $10.00.
13. Kiln dried, 20 percent moisture content, 40 square inches of end area and less, add $10.00, on area greater than 40 square inches, add $15.00.

For Size

14. In No. 2 common grades and above, for each 1" in width above 20" x 20", add $10.00 to the 20" x 20" prices.
15. Fractional thicknesses over 3", add $6.00 to nearest listed greater thickness and compute footage on nominal size.
16. Fractional widths, add $6.00 to nearest listed wider width, and compute footage on nominal size.
17. For any average size, charge the price for the average size required and shipped.
18. For a specified cubic average, the price shall be that of the length in 12" x 12" required to equal the specified cubic average.
19. For fractional thicknesses under 3", add $6.00 and count as nominal thickness.
20. 2" x 14" and 2" x 16", add $6.00 to comparable 3" x 14" and 3" x 16" prices.

TABLE 3-A—SOUTHERN PINE STRUCTURAL LUMBER

ROUGH GREEN

Size	1,600 F Dense No. 1 Structural		1,800 F Dense Structural SE and S		2,000 F Dense Structural		2,100 F Dense select Structural	
	8 to 16'	18 and 20'	8 to 16'	18 and 20'	8 to 16'	18 and 20'	8 to 16'	18 and 20'
2 x 4" to 2 x 8"	$92	$99	$94	$101	$97	$104	$100	$107
2 x 10"	100	107	102	109	105	112	108	115
2 x 12"	108	115	110	117	113	120	116	123

ADDITIONS AND DEDUCTIONS PER 1,000 FEET BOARD MEASURE

For Working

1. S1S, S2S, S3S, or S4S add $5.00, shiplap, T and G, or grooved 2 edges, add $5.00.
2. Beveling and/or outganging, add $8.00.

For Grading

3. 85 percent heart facial area (add to grade specified) 2 x 4 to 2 x 8, $20.00, 2 x 10, $24.00, 2 x 12, $30.00.
4. For grade marking, add $1.00.

For Length

5. For longer lengths, all grades: For 22' to 24' add $12.50 to 20' price. For lengths over 24' add $5.00 per M'BM for each 2' to the 24' price.
6. Odd or fractional lengths over 8' shall be counted and priced as next longer even length.
7. For precision cutting to a specified exact length with tolerance of not more than ½" allowed, add $5.00. No addition is permitted for customary double end trimming.

For Condition

8. Kiln dried, add $8.00.
9. Air dried, add $5.00.

For Size

10. Odd or fractional widths not listed add $6.00 to the nearest greater listed width and compute footage on actual size.
11. For dressing, S2S, S3S, S4S, shiplap or T and G to [illegible] standard thickness 1¾" or thicker, add $[illegible] when stock is dressed clean (or with slight skips as defined for the grade shipped in paragraph 15 of the 1948 Standard Specifications for Southern Pine Lumber when specifically permitted by such rules).

TABLE 4—FLOORING, PLAIN END—SIDING, CEILING, PARTITION AND O. G. BATTS

KILN DRIED

Size	Grade	Random lengths	4, 5 and 6'	7, 8, 9, 10 and 12'	14 and 16'	18 and 20'
Flooring edge grain						
1 x 3 and 4"	B&Btr	[illegible]	$176	[illegible]	$210	$2[illegible]
1 x 3 and 4"	C	[illegible]	[illegible]	[illegible]	200	204
1 x 3 and 4"	D	[illegible]	[illegible]	[illegible]	1[illegible]	171
1 x 3 and 4"	No. 2	128	113	128	130	131
Flooring near edge grain						
1 x 3 and 4"	B&Btr	[illegible]	163	193	197	199
1 x 3 and 4"	C	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1 x 3 and 4"	D	[illegible]	124	[illegible]	[illegible]	[illegible]
1 x 3 and 4"	No. 2	113	98	113	115	119

TABLE 4—FLOORING, PLAIN END—SIDING, CEILING, PARTITION, AND O. G. BATTS—Continued

KILN DRIED—continued

Size	Grade	Random lengths	4, 5 and 6'	7, 8, 9, 10 and 12'	14 and 16'	18 and 20'
Flooring flat grain						
1 x 3 and 4"	B&Btr	$173	$143	$173	$175	$179
1 x 3 and 4"	C	163	133	163	165	169
1 x 3 and 4"	D	133	103	133	135	139
1 x 3 and 4"	No. 2	86	71	86	88	92
1 x 3 and 4"	No. 3	76	61	76	78	82
5/4 x 3 and 4"	B&Btr	185	155	185	187	191
5/4 x 3 and 4"	C	175	145	175	177	181
5/4 x 3 and 4"	D	145	115	145	147	151
5/4 x 3 and 4"	No. 2	96	81	96	98	102
5/4 x 3 and 4"	No. 3	86	71	86	88	92
Drop siding—All standard patterns						
1 x 5 and 6"	B&Btr	173	143	173	175	179
1 x 5 and 6"	C	163	133	163	165	169
1 x 5 and 6"	D	133	103	133	135	139
1 x 5 and 6"	No. 2	96	81	96	98	102
1 x 5 and 6"	No. 3	86	71	86	88	92
1 x 8"	B&Btr	175	145	175	177	181
1 x 8"	C	165	135	165	167	171
1 x 8"	D	135	105	135	137	141
1 x 8"	No. 2	98	83	98	100	104
1 x 8"	No. 3	88	73	88	90	94
1 x 10"	B&Btr	187	157	187	189	193
1 x 10"	C	177	147	177	179	183
1 x 10"	D	147	117	147	149	153
1 x 10"	No. 2	99	84	99	101	105
1 x 10"	No. 3	89	74	89	91	95
Bevel siding						
1/2 x 4, 5, 6 and 8"	B&Btr	144	114	144	146	150
1/2 x 4, 5, 6 and 8"	C	134	104	134	136	140
1/2 x 4, 5, 6 and 8"	D	100	70	100	102	106
1/2 x 4, 5, 6 and 8"	No. 2	74	59	74	76	80
1/2 x 4, 5, 6 and 8"	No. 3	64	49	64	66	70
5/8 x 4, 5, 6 and 8"	B&Btr	109	79	109	111	115
5/8 x 4, 5, 6 and 8"	C	99	69	99	101	105
5/8 x 4, 5, 6 and 8"	D	84	59	84	86	90
5/8 x 4, 5, 6 and 8"	No. 2	64	49	64	66	70
5/8 x 4, 5, 6 and 8"	No. 3	54	39	54	56	60
Partition, standard bead or V						
11/16 and 3/4 x 4, 5 and 6"	B&Btr	169	139	169	171	175
11/16 and 3/4 x 4, 5 and 6"	C	159	129	159	161	165
11/16 and 3/4 x 4, 5 and 6"	D	129	99	129	131	135
11/16 and 3/4 x 4, 5 and 6"	No. 2	94	79	94	96	100
11/16 and 3/4 x 4, 5 and 6"	No. 3	84	69	84	86	90
Ceiling, standard bead, or V, SIS or S2S						
5/16 and 3/8 x 3, 4, 5 and 6"	B&Btr	139	109	139	141	145
5/16 and 3/8 x 3, 4, 5 and 6"	C	129	99	129	131	135
5/16 and 3/8 x 3, 4, 5 and 6"	D	99	69	99	101	105
5/16 and 3/8 x 3, 4, 5 and 6"	No. 2	74	59	74	76	81
5/16 and 3/8 x 3, 4, 5 and 6"	No. 3	64	49	64	66	70
5/16 and 3/8 x 3 and 4"	B&Btr	154	124	154	156	160
5/16 and 3/8 x 3 and 4"	C	144	114	144	146	150
5/16 and 3/8 x 3 and 4"	D	114	84	114	116	120
5/16 and 3/8 x 3 and 4"	No. 2	79	64	79	81	85
5/16 and 3/8 x 3 and 4"	No. 3	69	54	69	71	75
5/16 and 3/8 x 5 and 6"	B&Btr	159	129	159	161	165
5/16 and 3/8 x 5 and 6"	C	149	119	149	151	155
5/16 and 3/8 x 5 and 6"	D	119	89	119	121	125
5/16 and 3/8 x 5 and 6"	No. 2	79	64	79	81	85
5/16 and 3/8 x 5 and 6"	No. 3	69	54	69	71	75
11/16 to 25/32 x 3, 4, 5 and 6"	B&Btr	169	139	169	171	175
11/16 to 25/32 x 3, 4, 5 and 6"	C	159	129	159	161	165
11/16 to 25/32 x 3, 4, 5 and 6"	D	129	99	129	131	135
11/16 to 25/32 x 3, 4, 5 and 6"	No. 2	84	69	84	86	90
11/16 to 25/32 x 3, 4, 5 and 6"	No. 3	74	59	74	76	80

TABLE 4—FLOORING, PLAIN END—SIDING, CEILING, PARTITION, AND O. G. BATTS—Continued

KILN DRIED—continued

Size	Grade	Random lengths	4, 5 and 6'	7, 8, 9, 10 and 12'	14 and 16'	18 and 20'
O. G. batts						
9/16 and 3/4 x 3 and 4"	B&Btr	$154	$124	$154	$156	$160
9/16 and 3/4 x 3 and 4"	C	144	114	144	146	150
9/16 and 3/4 x 3 and 4"	D	114	84	114	116	120
9/16 and 3/4 x 3 and 4"	No. 2	79	64	79	81	85
9/16 and 3/4 x 3 and 4"	No. 3	69	54	69	71	75

ADDITIONS AND DEDUCTIONS

For Working

1. End-matching, add $10.00 applicable to all items except bevel siding and O. G. batts.
2. Bark back, C and B&Btr, deduct $5.00.

For Grade

3. For grade marking, add $1.00.

For Condition

4. Air dried: C and B&Btr, deduct $35.00; D, deduct $25.00; No. 2 and No. 3, deduct $30.00.

For Length

5. For omitting: 8' from B&Btr, add $2.00; 4' from No. 3 to D add $2.00; 6' from C, add $2.00; 4' and 6' from No. 3 to D, add $3.00; 6' and 8' from C, add $4.00; 4' to 8' from No. 3 to D, add $4.00.

TABLE 5—FLOORING—END-MATCHED

KILN DRIED

No heart specification. 15" to 96" nested and bundled for Grades B&Btr and C; 12" to 96" nested and bundled for Grades D and No. 2

Size	Grade B&Btr	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain					
1 x 3"	$181	$166	$146	$126	
1 x 4"	176	161	141	121	
Near edge grain					
1 x 3"	171	161	136	116	
1 x 4"	166	156	131	111	
Flat grain					
1 x 3"	146	136	116	82	$65
1 x 4"	141	131	111	77	65
5/16 or 3/8 x 3"	126	116	111	77	65
5/16 or 3/8 x 4"	126	116	111	77	65

Flooring, end-matched 15" to 18" lineal average, nested and bundled

Edge grain					
1 x 3"	$141	$126	$111	$91	
1 x 4"	136	121	106	86	
Near edge grain					
1 x 3"	131	116	101	81	
1 x 4"	126	121	96	76	
Flat grain					
1 x 3"	90	85	71	62	$60
1 x 4"	90	85	71	62	60

ADDITIONS AND DEDUCTIONS

For Condition

1. Air dried, deduct $10.00.

For Grade

2. For grade marking, add $1.00.
3. At his option a shipper may elect to ship 9/16" or 5/8" flooring in combination grade of C&Btr at $5.00 less than B&Btr and No. 2 and D at $10.00 less than D. In such case he shall not sell specified grades of B&Btr or D separately.

TABLE 6—KILN DRIED FINISH AND NO. 1 STRIPS AND BOARDS

S4S, S1S, S2S, S2S1E, S4E, S2E, S1E, OR S2S4CM

Size and grade	RL[1]	4 and 6'	8'	5, 10, and 12'	14 and 16'	7, 9, 18, and 20'
B&Btr, par. 109						
1 x 2 and 3"	$183	$150	$180	$183	$185	$189
1 x 4, 6 and 7"	173	140	170	173	175	179
1 x 8"	175	142	172	175	177	181
1 x 5, 9 and 10"	187	154	184	187	189	193
1 x 11 and 12"	212	179	209	212	214	218
C, par. 110						
1 x 2 and 3"	173	140	170	173	175	179
1 x 4, 6 and 7"	163	130	160	163	165	169
1 x 8"	165	132	162	165	167	171
1 x 5, 9 and 10"	177	144	174	177	179	183
1 x 11 and 12"	202	169	199	202	204	208
D, par. 111						
1 x 2 and 3"	143	110	140	143	145	149
1 x 4, 6 and 7"	133	100	130	133	135	139
1 x 8"	135	102	132	135	137	141
1 x 5, 9 and 10"	147	114	144	147	149	153
1 x 11 and 12"	172	139	169	172	174	178
No. 1 strips and boards, par. 224						
1 x 2 and 3"	133	98	130	133	135	139
1 x 4, 6 and 7"	127	92	124	127	129	133
1 x 8"	129	94	126	129	131	135
1 x 5, 9 and 10"	137	102	134	137	139	143
1 x 11 and 12"	162	127	159	162	164	168

[1] Random lengths as defined in paragraph 71, S. P. I. B. rules 1948.

Add to 1" prices:
For 3/4 add $12.00 to No. 1, D, C, and B&Btr.
For 5/4 add $15.00 to No. 1, D, C, and B&Btr.
For 6/4 add $18.00 to D, C, and B&Btr.
For 10/4 and thicker, add $40.00 to D, C, and B&Btr.
For 5/4 and thicker pole stock add $50.00 to appropriate B&Btr price.

ADDITIONS AND DEDUCTIONS

For Grade

1. For B and Btr, two sides add $20.00.
2. For grade marking, add $1.00.

For Working

3. Ripping or resawing add $5.00 for each cut, applicable only when machine-run stock is shipped.
4. Moulder work (not including standard mouldings), add $15.00 for 1" stock, and $20.00 for 5/4" and thicker.
5. Sanding one face, add $10.00.
6. Wrapping add $20.00.
7. For any matcher dressing not otherwise provided for, add $5.00.

Bark Strips

8. 1 x 3" and 1 x 4" deduct $15.00 from 1 x 4".

For Condition

9. Rough, deduct $5.00.

For Heart Requirement

10. For 85 percent heart facial area, add $30.00 to No. 1.
11. For 85 percent heart cubical content, add $15.00 to No. 1.

For Size

12. 13" and wider add $10.00 per inch or fraction thereof to 12" prices and compute footage on nominal size.
13. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $5.00 where stock is dressed clean or will permit slight skips as defined in par. 18 of 1948 Standard Specifications for Southern Pine Lumber.

For Length

14. For precision cutting to a specified exact length with tolerance of not more than 1/4" allowed add $5.00. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted as next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case add $4.00 per M'BM for each necessary cross-cut, but the addition for precision cutting permitted in footnote 14 may not also be charged and no total charge for such service may be greater than $12.00 per M'BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on 6-inch breaks on the next break above.

TABLE 6A—AIR DRIED FINISH AND NO. 1 STRIPS AND BOARDS

S4S, S1S, S2S, S2S1E, S4E, S2E, S1E, OR S2S4CM

Size and grade	RL[1]	4 and 6'	8'	5, 10, and 12'	14 and 16'	7, 9, 18, and 20'
B&Btr, par. 109						
1 x 2 and 3"	$148	$115	$145	$148	$150	$154
1 x 4, 6, and 7"	138	105	135	138	140	144
1 x 8"	140	107	137	140	142	146
1 x 5, 9, and 10"	152	119	149	152	154	158
1 x 11 and 12"	177	144	174	177	179	183
C, par. 110						
1 x 2 and 3"	138	105	135	138	140	144
1 x 4, 6, and 7"	128	95	125	128	130	134
1 x 8"	130	97	127	130	132	136
1 x 5, 9, and 10"	142	109	139	142	144	148
1 x 11 and 12"	167	134	164	167	169	173
D, par. 111						
1 x 2 and 3"	118	85	115	118	120	124
1 x 4, 6, and 7"	108	75	105	108	110	114
1 x 8"	110	77	107	110	112	116
1 x 5, 9, and 10"	122	89	119	122	124	128
1 x 11 and 12"	137	114	134	137	139	143
No. 1 strips and boards, par. 224						
1 x 2 and 3"	103	75	100	103	105	109
1 x 4"	93	65	90	93	95	99
1 x 6, 7, and 8"	103	66	100	103	105	109
1 x 5, 9, and 10"	114	79	110	113	115	119
1 x 11 and 12"	128	104	125	128	130	134

[1] Random lengths as defined in Paragraph 71, S. P. I. B. Rules 1948.

Add to 1" prices:
For 3/4, add $12.00 to No. 1, D, C, and B&Btr.
For 5/4, add $15.00 to No. 1, D, C, and B&Btr.
For 6/4, add $18.00 to D, C, and B&Btr.
For 10/4 and thicker, add $40.00 to D, C, and B&Btr.
For 5/4 and thicker pole stock, add $50.00 to D, C, and B&Btr.

ADDITIONS AND DEDUCTIONS FOR 1,000 FEET BOARD MEASURE

For Grade

1. For B and Btr two sides add $20.00.
2. For grade marking, add $1.00.

For Working

3. Ripping or resawing add $5.00 for each cut, applicable only when machine run stock is shipped.
4. Moulder work (not including standard mouldings) add $15.00 for 1" stock, $20.00 for 5/4" and thicker.
5. For any matcher dressing not otherwise provided for, add $5.00.

Bark Strips

6. 1 x 3" and 1 x 4" deduct $15.00 from 1 x 4".

For Condition

7. Green, deduct $30.00 from D, C, and B&Btr, deduct $25.00 from No. 1 boards and strips.
8. Rough, deduct $5.00.
9. Air dried, stain no defect, deduct $5.00.

For Heart Requirement

10. For 85 percent heart facial area, add $30.00 to No. 1.
11. For 85 percent heart cubical content, add $15.00 to No. 1.

For Size

12. 13" and wider add $ 10.00 per inch or fraction thereof to 12" prices and compute footage on nominal size.
13. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $5.00 where stock is dressed clean or will permit slight skips as defined in par. 18 of 1948 Standard Specifications for Southern Pine Lumber.

For Length

14. For precision cutting to a specified exact length with tolerance of not more than 1/4" allowed add $5.00. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted as next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case add $4.00 per M'BM for each necessary cross-cut, but the addition for precision cutting permitted in footnote 14 may not also be charged and no total charge for such service may be greater than $12.00 per M'BM. If length breaks on even 1/2 foot, compute footage on actual length, otherwise compute on 6-inch breaks on the next break above.

TABLE 7—END-MATCHED AND CENTER-MATCHED BOARDS AND STRIPS

KILN DRIED

Size	15 to 96" B&Btr	15 to 96" C	15 to 96" No. 1	12 to 96" No. 2	12 to 96" No. 3	12 to 96" No. 4
1 x 4"	$140	$130	$110	$76	$64	$34
1 x 5"	150	140	120	82	69	39
1 x 6"	140	130	110	86	76	46
1 x 8"	140	130	112	88	78	48

15" TO 18" AVERAGE, NESTED, OR BUNDLED

	B&Btr	C	No. 1	No. 2	No. 3	No. 4
1 x 4"	$100	$95	$85	$61	$49	$24
1 x 5"	110	105	95	67	54	29
1 x 6"	100	95	85	71	61	36
1 x 8"	100	95	85	73	63	38

ADDITIONS AND DEDUCTIONS

For Working

1. For end-matched siding—nested bundles as above, add $10.00 to C and B&Btr, and $5.00 to No. 1 and lower.

For Condition

2. Air dried, deduct $10.00.

For Grade

3. For grade marking, add $1.00.

TABLE 8—STANDARD PLASTERING LATH AND FENCE LATH, KILN DRIED OR AIR DRIED

Size	No. 1	No. 2	No. 3
3/8" x 1½"—42" and 48" plastering lath	$18.00	$16.00	$13.00
3/8" x 1½"—32" and 36" plastering lath	15.00	13.00	10.00
1/2" x 1½"—32" fence lath	16.00	14.00	11.00
1/2" x 1½"—36" fence lath	18.00	16.00	12.00
1/2" x 1½"—42" fence lath	19.50	17.50	13.00
1/2" x 1½"—48" fence lath	21.00	19.00	14.00
1/2" x 1½"—60" fence lath	24.00	22.00	17.00
1/2" x 1½"—72" fence lath	27.00	25.00	21.00

ADDITIONS AND DEDUCTIONS PER 1,000 PIECES

For Condition

1. Green, deduct $6.00.

NOTE.—Grade No. 1 fence lath may contain up to 20 percent of grade No. 2.

TABLE 9—BED SLATS, S4S, AIR-DRIED OR KILN-DRIED (BUNDLED)

	Per set (8 pieces)	Per set (8 pieces)	Per set (8 pieces)	Per set (8 pieces)
Grade and size	36 inches	39 inches	42 inches	54 to 56 inches.
No. 1, 1 x 3"	84 cents	90 cents	96 cents	$1.40.
No. 2, 1 x 3"	64 cents	70 cents	75 cents	$1.00.
Weight	13 pounds	14½ pounds	16 pounds	20 pounds.

TABLE 10—CAR MATERIAL, OTHER THAN DECKING AND FRAMING, ROUGH

KILN DRIED

Size and grade	8'	5', 10' and 12'	14' and 16'	9', 18' and 20'	22' and 24'
Select (par. 51, A. A. R. rules): [1]					
1 x 4 and 1 x 6"	$171	$179	$182	$190	$211
Common (par. 52, A. A. R. rules): [1]					
1 x 4 and 1 x 6"	161	169	172	180	201
Select (pars. 55–59–62, A. A. R. rules): [1]					
1 x 4, 1 x 6"	171	179	182	190	211
1 x 8"	173	181	184	192	213
1 x 10"	186	194	196	204	215
1 x 12"	211	219	221	229	240
Common (par. 56, A. A. R. rules): [1]					
1 x 4, 1 x 6"	161	169	172	180	201
1 x 8"	163	171	174	182	203
1 x 10"	176	184	186	194	215
1 x 12"	211	209	211	219	240
Common (par. 60, A. A. R. rules): [1]					
1 x 4, 1 x 6"	112	115	115	127	152
1 x 8"	114	117	117	129	154
1 x 10"	147	152	152	164	189
1 x 12"	170	175	175	187	212
Select (pars. 53–55–59–62, A. A. R. rules): [1]					
2 x 4"	187	195	198	206	231
2 x 6"	187	195	198	206	231
2 x 8"	189	197	200	208	233
2 x 10"	197	205	208	216	241
2 x 12"	230	238	241	249	274
Common (pars. 54–56, A. A. R. rules): [1]					
2 x 4"	166	174	177	185	210
2 x 6"	166	174	177	185	210
2 x 8"	168	176	179	187	212
2 x 10"	178	186	189	197	222
2 x 12"	210	218	221	229	254

[1] Specifications for car material designated above (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33 adopted 1910; revised 1933.

ADDITIONS AND DEDUCTIONS PER 1,000 FEET BOARD MEASURE

For Working

1. Where material is required S1S, S2S or S3S, add $4.00.

For Grade

2. Edge grain add $25.00 to Selects only.
3. For dense, add $5.00.
4. Grades and specifications other than those contained in A. A. R. rules; the ceiling price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For Condition

5. Air dried, deduct $10.00.
6. Green, deduct $25.00.

For Size

7. 5/4 and 6/4" add $15.00 to 4/4" prices.
8. 2¼" and 2½" (par. 53, 55, 59 and 62), add $20.00 to 8/4" prices; 2¼ and 2½" (par. 54, 56), add $10.00 to 8/4" prices.
9. Extra standard thickness other than those covered by A. A. R., add $5.00, where stock is dressed clean.
10. Odd or fractional widths count as the next greater even width.

For Length

11. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No additions permitted for customary double end trimming.
12. Odd or fractional lengths except 5' and 9' shall be counted as next longer even length.

For Inspection

13. Final inspection at destination rather than shipping point add $5.00.

TABLE 10A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS

DRESSED TO STANDARD PATTERNS

Kiln Dried or Air Dried

Size and grade	8'	9'	10'	12'	14'	16'
Select (par. 57, A. A. R. rules): [1]						
2 x 6 and 2 x 8", 2¼ and 2½"	$145	$155	$145	$145	$145	$145
2¼ and 3 x 6" and 8"	155	165	155	155	155	155
Common (par. 58, A. A. R. rules): [1]						
2 x 6" and 2 x 8"	125	135	125	125	125	125
2¼, 2½, 2¾ and 3 x 6" and 8"	135	145	135	135	135	135

[1] Specifications for car material designated above (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33, adopted 1910, revised 1933.

ADDITIONS AND DEDUCTIONS

For Working

1. Rough, deduct $4.00.
2. Where material is required S2S only, add $2.00.
3. Stock dressed, 1 13/16" net thickness, count as 2¼". Stock dressed 2⅜" net thickness, count as 2¼".

For Grade

4. Dense, add $5.00.
5. Grades and specifications other than those contained in A. A. R. rules, the ceiling price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the material item involved in the sale governed by the schedule.
6. Heart face, common (par. 58) add $20.00, for all heart add $40.00.

For Condition

7. Drying to moisture content of less than 15 percent, add $10.00.
8. Green, deduct $25.00.

For Size

9. Extra standard thicknesses other than those covered by A. A. R., add $5.00 when dressed clean.
10. Odd or fractional widths use above prices and count for width as of next higher even width.

For Length

11. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No addition is permitted for customary double end trimming.
12. Odd or fractional lengths except 9' shall be counted as next longer even length.

For Inspection

13. Final inspection at destination rather than shipping point, add $5.00.

TABLE 10B—CAR MATERIAL, FRAMING, ROUGH GREEN

SPECIFIED OR STANDARD LENGTHS, 20' AND SHORTER

Size	Group 7		Group 8		Group 9				Group 10			
	Par. 64				Par. 65			Par. 69	Par. 72			
	Dense common	Nonlivese common	Par. 65—Dense select structural	Par. 66—Close grain select structural	Par. 67—Dense select structural	Par. 68—Close grain select structural	Dense common structural	Nonlivese common structural	Par. 70—Dense select structural	Par. 71—Close grain select structural	Dense common structural	Nonlivese common structural
2, 3 and 4 x 2 to 8"	$113	$108	$129	$123	$129	$123	$117	$112	$129	$123	$115	$110
2, 3 and 4 x 10"	119	114	139	133	139	133	127	122	139	133	125	120
2, 3 and 4 x 12"	123	118	147	140	147	140	135	130	147	140	133	128
2, 3 and 4 x 14"	158	133	172	168	172	168	160	155	172	168	158	153

ADDITIONS AND DEDUCTIONS

For Working

1. Dressing to standard patterns, add $1.00.

For Grade

2. 85 percent Heart facial area, add $24.00.
3. 75 percent Heart girth measurement, add $16.00.
4. 85 percent Heart girth measurement, add $30.00.
5. All Heart, add $50.00.
6. For grades and specifications other than those contained in A. A. R. rules, the ceiling price shall be the price for A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For Condition

7. Dry moisture content between 15 percent and 22 percent for 2" and up to 12" widths, add $10.00, and for all other thicknesses over 2" and for widths over 12", add $20.00.

For Size

8. 4/4", 5/4", 6/4" 2 1/4" add $8.00 (for kiln drying these thicknesses only, add $10.00).
9. Over 4" in thickness, add $2.00.
9a. For fractional thicknesses over 2" and fractional or odd widths up to 8", add $3.00; and for fractional thicknesses over 2" and for fractional or odd widths over 8", add $10.00 and count as of nominal fractional size.
10. Measurement for rough sizes must allow not less than 3/8" for thickness and 1/2" for width for dressing on each dimension.

For Inspection

11. Final inspection at destination rather than at shipping point, add $5.00.

For Length

12. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No addition is permitted for double end trimming.
13. Odd or fractional lengths except 5', 7' and 9' shall be counted as next longer even length.
14. Lengths longer than 20', add to 20' prices as follows (for all grades):

Length	10" and under	Over 10"	Length	10" and under	Over 10"
22' and 24'	$15.00	$10.00	34'	$30.00	$25.00
26'	18.00	13.00	36'	33.00	28.00
28'	21.00	16.00	38'	36.00	31.00
30'	24.00	19.00	40'	39.00	34.00
32'	27.00	22.00			

15. For lengths over 40', add $5.00 per lineal foot.

SEC. 5.2 *Basic f. o. b. ceiling prices for Longleaf Yellow Pine lumber.* The basic f. o. b. mill ceiling prices per 1,000 feet of Longleaf Yellow Pine lumber, in straight carloads or in straight truckloads, in random widths and random lengths except as otherwise specified, are as follows:

LONGLEAF YELLOW PINE LUMBER

TABLE 11—No. 2, No. 3, No. 4, STRIPS AND BOARDS

STANDARD S4S, S1S, S2S, S4E, S1S2E, S2S1E, S2E, S1E, S2S4CM OR SHIPLAP

Air Dried

For No. 1 boards and strips refer to table 16 and 16A

Grade	Random lengths	4' and 6'	8', 10', and 12'	14' and 16'	18' and 20'
No. 2:					
1 x 2 and 3"	$85	$66	$85	$87	$91
1 x 4"	77	62	77	79	83
1 x 5"	83	64	83	85	89
1 x 6 and 7"	87	64	87	89	93
1 x 8 and 9"	87	64	87	89	93
1 x 10 and 11"	90	73	90	92	95
1 x 12"	95	80	95	97	101
No. 3:					
1 x 2 and 3"	73	61	73	75	79
1 x 4"	67	57	67	68	72
1 x 5"	73	59	73	75	78
1 x 6 and 7"	75	59	75	77	81
1 x 8 and 9"	77	59	77	79	83
1 x 10 and 11"	77	70	77	79	83
1 x 12"	77	70	77	79	83
No. 4:					

4/4, 5/4, and 6/4 RW and RL, AD or KD—$42.00.
For No. 1, Specified lengths and widths, add $5.00.
For 5/4" and 6/4", and to above 4" prices in grade No. 2 and grade No. 3, $10.00.

ADDITIONS AND DEDUCTIONS

1. For any working not otherwise provided for, add $5.00.
2. For patterns requiring moulder work, add $15.00.
3. For ripping, add $5.00 for each cut. For re-sawing add $5.00 for each cut.
4. For kiln-drying, add $8.00.
5. For grade marking, add $1.00.
6. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00.
7. No addition is permitted for customary double end trimming.
8. For any length shorter than 4' cut to a specified exact length, charge the price of the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case add $4.00 per M'BM for each necessary cross cut but the addition for precision cutting permitted in footnote 6 may not also be added, and no total charge for such service may be greater than $12.00 per M.
9. For 85 percent heart facial area, add $20.00 to No. 2.
10. For 85 percent heart cubical content, add $15.00 to No. 2.
11. For omitting 4' length from No. 2 and No. 3 grades, add $2.00. For omitting 4' and 6' lengths from No. 2 and No. 3 grades, add $3.00. For omitting 4' to 8' lengths inclusive from No. 2 and No. 3 grades, add $4.00. For omitting 6' lengths from No. 1 grade, add $4.00. For omitting 6' and 8' lengths from No. 1 grade, add $5.00.
12. For 13" and wider, add $5.00 per inch or fraction thereof to 12" price and compute footage on nominal size.
13. For rough, all grades, deduct $5.00.
14. For green, all grades, deduct $15.00.

TABLE 12—No. 2 LONG LEAF DIMENSION—PAR. 332

STANDARD S4S, S1S, S2S, S4E, S1S2E, S2S1E, S2E, AND S1E

Air Dried

Size	Random lengths	4'	6'	8'	10', 12', and 14'	16'	9', 18', and 20'	22' and 24'
2 x 3"	$89	$54	$59	$89	$89	$91	$98	$111
2 x 4"	86	51	56	87	86	88	95	108
2 x 5"	91	56	61	91	91	93	100	113
2 x 6"	87	52	57	87	87	89	96	109
2 x 8"	89	54	59	89	89	91	98	111
2 x 10"	94	58	64	94	94	96	103	116
2 x 12"	98	63	68	98	98	100	107	120

For par. 331 No. 1 long leaf dimension—2" x 3" to 2" x 8", add $5.00; 2" x 10" and 2" x 12", add $10.00.
~~For par. 333 No. 3 long leaf dimension—2" x 4" to 2" x 12", random lengths $4 off; specified lengths, add $5.00.~~
For par. 334 No. 4 long leaf dimension, air dried and kiln dried, 2" x 3" and wider—random lengths, $43.00.

ADDITIONS AND DEDUCTIONS

1. Shiplap, center matched, dressed and matched, grooved, or any other matcher dressing, not otherwise provided for, add $5.00. Patterns requiring moulder work, add $15.00.
2. Ripping or resawing, add $5.00 for each cut, both applicable only when machine run product is shipped.
3. End-matched and center-matched, add $15.00.
4. For grade marking, add $1.00.
5. For combination grade No. 2 and better, use No. 2 prices.
6. For 85 percent heart facial area, pars. 331 and 332, up to 8" widths, add $20.00; for 10" width, add $24.00; for 12" width, add $30.00.
7. For 85 percent heart cubical content, pars. 331 and 332, up to 8", add $16.00, for 10" width, add $20.00; for 12" width, add $24.00.

For Condition

8. Kiln dried, add $8.00.
9. For rough, all grades, deduct $5.00.
10. For green, all grades, deduct $15.00 except 22' and longer.

For Length

11. For precision cutting to a specified exact length, with tolerance of not more than ¼" allowed, add $5.00. No addition is permitted for customary double end trimming.
12. For any length shorter than 4' cut to a specified exact length, charge the price for the nearest even multiple length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $4.00 per M'BM for each necessary cross cut, but addition permitted in footnote 11 for precision cutting may not also be charged, and no total charge for each service may be greater than $12.00 per M'BM. If length breaks on even ½ foot, compute ~~footage on actual length, allow no extra on 6-inch breaks on next break above.~~
13. For lengths over 24' add $5.00 per M'BM for each 2' to 24' price.
14. For 8' and longer average 12' add $2.00 to RL price.

TABLE 13—TIMBERS

Rough—Green

Size	No. 2 Common	No. 1 Common	SE&S	No. 1 Structural	Structural SE&S	Merchantable Structural	Prime Structural	Select Structural
3" x 3" to 8" x 8"	$98	$108	$110	$115	$120	$124	$130	$150
3" x 9" to 5" x 10"	106	116	118	123	128	132	138	158
6" x 6" to 10" x 10"	105	115	117	122	127	131	137	157
3" x 11" to 5" x 12"	119	129	131	136	141	145	151	171
6" x 11" to 12" x 12"	117	127	129	134	139	143	149	169
3" x 13" to 7" x 14"	131	141	143	148	153	157	163	183
8" x 13" to 14" x 14"	129	139	141	146	151	155	161	181
3" x 15" to 7" x 16"	141	151	153	158	163	167	173	193
8" x 15" to 16" x 16"	139	149	151	156	161	165	171	191
3" x 17" to 7" x 18"	155	165	167	172	177	181	187	207
8" x 17" to 18" x 18"	153	163	165	170	175	179	185	205
3" x 19" to 7" x 20"	----------	183	185	190	195	199	205	225
8" x 19" to 20" x 20"	----------	181	183	188	193	197	203	223

ADDITIONS AND DEDUCTIONS

For Working

1. S1S, S2S, S3S, or S4S, add $6.00. Shiplap or T and G, add $10.00.
2. Grooved 2 edges add $8.00 (to dressed prices).
3. Beveling and outgaging, for 2 edges on 1 face, add $8.00; for 4 edges, or 1 face and 1 edge, add $16.00 (to dressed prices in each case).

For Grade

4. 85 percent heart facial area (add to grade specified except select structural) 3 x 3" to 8 x 8", $20.00; 3 x 9" to 10 x 10", $24.00; 3 x 11" and larger, $30.00.
5. 85 percent heart cubical content (add to grade specified except select structural) 3 x 3" to 8 x 8", $16.00; 3 x 9" to 10 x 10", $20.00; 3 x 11" and larger, $24.00.
6. For grade marking, add $1.00.
7. For longer lengths, add to above prices:

Length	3 x 3" to 8 x 8"	3 x 9" and larger	Length	3 x 3" to 8 x 8"	3 x 9" and larger
18' and 20'	$3.00	$4.00	34'	$27.00	$25.00
22' and 24'	12.00	10.00	36'	30.00	28.00
26'	15.00	13.00	38'	33.00	31.00
28'	18.00	16.00	40'	36.00	34.00
30'	21.00	19.00	42'	39.00	37.00
32'	24.00	22.00			

8. For lengths over 40' add $5.00 per lineal foot to 40' price.
9. Odd or fractional lengths over 8' shall be counted and priced as next longer even length.
10. For lengths shorter than 8', use nearest multiple length price plus $4.00 per M'BM for cross cutting.
11. For precision cutting to a specified exact length, with a tolerance of not more than ½" allowed, add $8.00. No addition is permitted for customary double end trimming.

For Conditions

12. Air dried, 23 percent moisture content, add $10.00.
13. Kiln dried, 20 percent moisture content, 40 square inches of end area and less, add $10.00; an area greater than 40 square inches, add $15.00.

For Size

14. In No. 2 common grades and above, for each 1" in width above 20" x 20" add $10.00 to the 20" x 20" prices.
15. Fractional thickness over 3", add $6.00 to nearest listed greater thickness and compute footage on nominal size.
16. Fractional widths, add $6.00 to nearest listed wider width, and compute footage on nominal size.
17. For any average size charge the price for the average size required and shipped.
18. For a specified cubic average, the price shall be that of the length in 12 x 12 required to equal the specified cubic average.
19. For fractional thickness under 3" add $6.00 and count as of nominal thickness.
20. 2 x 14" and 2 x 16", add $6.00 to comparable 3 x 14" and 3 x 16" price.

TABLE 13A—LONGLEAF STRUCTURAL LUMBER

Rough Green

8' to 16' lengths	1,600 F—No. 1 Structural		1,800 F—Structural SE&S		1,800 F—Merchantable Structural		2,000 F—Prime Structural		2,400 F—Select Structural	
	8' to 16'	18' and 20'	8' to 16'	18' and 20'	8' to 16'	18' and 20'	8' to 16'	18' and 20'	8' to 16'	18' and 20'
2" x 4" to 2" x 8"	$97	$104	$99	$106	$105	$112	$112	$119	$125	$132
2" x 10"	105	112	107	114	108	115	116	123	132	139
2" x 12"	114	120	115	122	121	128	131	138	151	158

ADDITIONS AND DEDUCTIONS

For Working

1. S1S, S2S, S3S, or S4S add $5.00; shiplap, T and G, or grooved 2 edges, add $5.00.
2. Beveling and/or outganging, add $8.00.

For Grading

3. 85 percent Heart facial area, add to grade specified (except Select Structural) 2 x 4" to 2 x 8" $20.00, 2 x 10, $24.00; 2 x 12 $30.00.
4. For grade marking, add $1.00.

For Length

5. For longer lengths, all grades: for 22' to 24', add $12.50 to 20' price; for lengths over 24', add $5.00 per M'BM for each 2' to the 24' price.
6. Odd or fractional lengths over 8' shall be counted as next longer even length.
7. For precision cutting to a specified exact length with tolerance to not more than ¾" allowed, add $5.00. No addition is permitted for customary double-end trimming.

For Condition

8. Kiln dried, add $8.00.
9. Air dried, add $5.00.

For Size

10. Odd or fractional widths not listed, add $6.00 to the nearest greater listed width and compute footage on actual size.
11. For dressing S2S, S3S, S4S, Shiplap or T & G to (Industrial Standard) thickness 13/16" or thicker, add $5.00 per M'BM when stock is dressed clean (or with slight skip as defined in par. 18 of the 1948 Standard Specifications for Southern Pine Lumber when specifically permitted by such rules for the grade shipped).

TABLE 14—FLOORING, PLAIN END—SIDING, CEILING, PARTITION, AND O. G. BATTS

Kiln Dried

Size	Grade	Random lengths	4', 5', and 6'	7', 8', 9', 10' and 12'	14' and 16'	18' and 20'
Flooring edge grain						
1 x 3 and 4"	B&Btr	$208	$173	$208	$210	$214
1 x 3 and 4"	C	198	168	198	200	204
1 x 3 and 4"	D	168	138	168	170	174
1 x 3 and 4"	No. 2	128	113	128	130	134
Flooring vee edge grain						
1 x 3 and 4"	B&Btr	193	163	193	195	199
1 x 3 and 4"	C	183	153	183	185	189
1 x 3 and 4"	D	153	123	153	155	159
1 x 3 and 4"	No. 2	113	98	113	115	119
Flooring flat grain						
1 x 3 and 4"	B&Btr	173	143	173	175	179
1 x 3 and 4"	C	163	133	163	165	169
1 x 3 and 4"	D	133	103	133	135	139
1 x 3 and 4"	No. 2	86	71	86	88	92
1 x 3 and 4"	No. 3	76	61	76	78	82
¾ x 3 and 4"	B&Btr	185	155	185	187	191
¾ x 3 and 4"	C	175	145	175	177	181
¾ x 3 and 4"	D	145	115	145	147	151
¾ x 3 and 4"	No. 2	96	81	96	98	102
¾ x 3 and 4"	No. 3	86	71	86	88	92

TABLE 14—FLOORING, PLAIN END—SIDING, CEILING, PARTITION, AND O. G. BATTS—Continued

Kiln Dried—continued

Size	Grade	Random lengths	4', 5', and 6'	7', 8', 9', 10' and 12'	14' and 16'	18' and 20'
Drop-siding—all standard patterns						
1 x 5 and 6"	B&Btr	$173	$143	$173	$175	$179
1 x 5 and 6"	C	163	133	163	165	169
1 x 5 and 6"	D	133	103	133	135	139
1 x 5 and 6"	No. 2	96	81	96	98	102
1 x 5"	No. 3	86	71	86	88	92
1 x 8"	B&Btr	175	145	175	177	181
1 x 8"	C	165	135	165	167	171
1 x 8"	D	135	105	135	137	141
1 x 8"	No. 2	98	84	98	100	104
1 x 8"	No. 3	88	74	88	90	94
1 x 10"	B&Btr	187	157	187	189	193
1 x 10"	C	177	147	177	179	183
1 x 10"	D	147	117	147	149	153
1 x 10"	No. 2	99	84	99	101	105
1 x 10"	No. 3	89	74	89	91	95
Bevel siding						
5/8 x 4, 5, 6 and 8"	B&Btr	144	114	144	146	150
5/8 x 4, 5, 6 and 8"	C	134	104	134	136	140
5/8 x 4, 5, 6 and 8"	D	100	70	100	102	106
5/8 x 4, 5, 6 and 8"	No. 2	74	59	74	76	80
5/8 x 4, 5, 6 and 8"	No. 3	64	49	64	66	70
½ x 4, 5, 6 and 8"	B&Btr	109	79	109	111	115
½ x 4, 5, 6 and 8"	C	99	69	99	101	105
½ x 4, 5, 6 and 8"	D	84	59	84	86	90
½ x 4, 5, 6 and 8"	No. 2	64	49	64	66	70
½ x 4, 5, 6 and 8"	No. 3	54	39	54	56	60
Partition, standard bead or V						
13/16 and ¾ x 4, 5 and 6"	B&Btr	169	139	169	171	175
13/16 and ¾ x 4, 5 and 6"	C	159	129	159	161	165
13/16 and ¾ x 4, 5 and 6"	D	129	99	129	131	135
13/16 and ¾ x 4, 5 and 6"	No. 2	94	79	94	96	100
13/16 and ¾ x 4, 5 and 6"	No. 3	84	69	84	86	90
Ceiling, standard bead, or V, S1S or S2S						
5/16 and 7/16 x 3, 4, 5 and 6"	B&Btr	139	109	139	141	145
5/16 and 7/16 x 3, 4, 5 and 6"	C	129	99	129	131	135
5/16 and 7/16 x 3, 4, 5 and 6"	D	99	69	99	101	105
5/16 and 7/16 x 3, 4, 5 and 6"	No. 2	74	59	74	76	81
5/16 and 7/16 x 3, 4, 5 and 6"	No. 3	64	49	64	66	70
9/16 and ⅝ x 3 and 4"	B&Btr	154	124	154	156	160
9/16 and ⅝ x 3 and 4"	C	144	114	144	146	150
9/16 and ⅝ x 3 and 4"	D	114	84	114	116	120
9/16 and ⅝ x 3 and 4"	No. 2	79	64	79	81	85
9/16 and ⅝ x 3 and 4"	No. 3	69	54	69	71	75
9/16 and ⅝ x 5 and 6"	B&Btr	159	129	159	161	165
9/16 and ⅝ x 5 and 6"	C	149	119	149	151	155
9/16 and ⅝ x 5 and 6"	D	119	89	119	121	125
9/16 and ⅝ x 5 and 6"	No. 2	79	64	79	81	85
9/16 and ⅝ x 5 and 6"	No. 3	69	54	69	71	75
13/16 to 2 3/32 x 3, 4, 5 and 6"	B&Btr	169	139	169	171	175
13/16 to 2 3/32 x 3, 4, 5 and 6"	C	159	129	159	161	165
13/16 to 2 3/32 x 3, 4, 5 and 6"	D	129	99	129	131	135
13/16 to 2 3/32 x 3, 4, 5 and 6"	No. 2	94	79	94	96	100
13/16 to 2 3/32 x 3, 4, 5 and 6"	No. 3	84	69	84	86	90
O. G. Batts						
9/16 and ⅝ x 3 and 4"	B&Btr	154	124	154	156	160
9/16 and ⅝ x 3 and 4"	C	144	114	144	146	150
9/16 and ⅝ x 3 and 4"	D	114	84	114	116	120
9/16 and ⅝ x 3 and 4"	No. 2	79	64	79	81	85
9/16 and ⅝ x 3 and 4"	No. 3	69	54	69	71	75

ADDITIONS AND DEDUCTIONS

For working

1. End-matching, add $10.00 to all items except bevel siding and O. G. Batts.
2. Bark Back, C and B&Btr, deduct $5.00.

For Grade

3. For grade marking, add $1.00.

For Condition

4. Air dried, C and B&Btr, deduct $35.00; D, deduct $25.00; No. 2 and No. 3, deduct $10.00.

For Length

5. For omitting 8' from B&Btr, add $2.00; 4' from No. 3 to D, add $2.00; 6' from C, add $2.00; 4' and 6' from No 3 to D, add $3.00, 6' and 8' from C, add $4.00; 4' to 8' from No. 3 to D, add $4.00.

TABLE 15—FLOORING

Kiln Dried, End Matched

No Heart Specification. 15" to 96" Nested and Bundled for grades B&Btr and C; 12" to 96" Nested and Bundled for grades D and No. 2

Size	Grade B&Btr	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3"	$181	$166	$146	$126	
1 x 4"	176	161	141	121	
Near edge grain:					
1 x 3"	171	161	136	116	
1 x 4"	166	156	131	111	
Flat grain:					
1 x 3"	146	136	116	82	$65
1 x 4"	141	131	111	77	65
Flat grain:					
25/16 or 5/8 x 3"	126	116	111	77	65
25/16 or 5/8 x 4"	126	116	111	77	65

Flooring, End Matched 15" to 18" lineal average, Nested and Bundled

Edge grain:					
1 x 3"	$141	$126	$111	$91	
1 x 4"	136	121	106	86	
Near Edge grain:					
1 x 3"	131	116	101	81	
1 x 4"	126	121	96	76	
Flat grain:					
1 x 3"	90	85	71	62	$50
1 x 4"	90	85	71	62	50

ADDITIONS AND DEDUCTIONS

For Condition

1. Air Dried, deduct $10.00.

For Grade

2. For grade marking, add $1.00.
3. At his option a shipper may elect to ship 3/16" or 5/8" flooring in combination grade of C and better at $5.00 less than B and better; and No. 2 and D at $10.00 less than D. In such case he shall not sell specified grades of B&Btr and D, separately.

TABLE 16

Kiln Dried Finish and No. 1 Strips and Boards

S4S, S1S, S2S, S2S1E, S4E, S2E, S1E OR S2S4CM

Grade B&Btr	Random lengths [1]	4' and 6'	8'	5', 10' and 12'	14' and 16'	7', 9', 18', and 20'
B&Btr, par. 109						
1 x 2 and 3"	$183	$150	$180	$183	$185	$189
1 x 4, 6 and 7"	173	140	170	173	175	179
1 x 8"	175	142	172	175	177	181
1 x 5, 9 and 10"	187	154	184	187	189	193
1 x 11 and 12"	212	179	209	212	214	218
C, par. 110						
1 x 2 and 3"	173	140	170	173	175	179
1 x 4, 6 and 7"	163	130	160	163	165	169
1 x 8"	165	132	162	165	167	171
1 x 5, 9 and 10"	177	144	174	177	179	183
1 x 11 and 12"	202	169	199	202	204	208
D, par. 111						
1 x 2 and 3"	143	110	140	143	145	149
1 x 4, 6 and 7"	133	100	130	133	135	139
1 x 8"	135	102	132	135	137	141
1 x 5, 9 and 10"	147	114	144	147	149	153
1 x 11 and 12"	172	139	169	172	174	178
No. 1 strips and boards, par. 224						
1 x 2 and 3"	138	103	135	138	140	144
1 x 4, 6 and 7"	132	97	129	132	134	138
1 x 8"	134	99	131	134	136	140
1 x 5, 9 and 10"	142	107	139	142	144	148
1 x 11 and 12"	167	132	164	167	169	173

[1] Random lengths as defined in par. 71 S. P. I. B. rules 1948.

Add to 1" prices:
For 5/4, add $12.00 to No. 1, D, C, and B&Btr.
For 6/4, add $15.00 to No. 1, D, C, and B&Btr.
For 8/4, add $18.00 to D, C, and B&Btr.
For 10/4 and thicker, add $40.00 to D, C, and B&Btr.
For 8/4 and thicker pole stock, add $50.00 per M'BM to appropriate B&Btr price.

ADDITIONS AND DEDUCTIONS

For Grade

1. For B&Btr two sides, add $20.00.
2. For grade marking, add $1.00.

For Working

3. Ripping or resawing, add $5.00 for each cut, applicable only when machine run stock is shipped.
4. Moulder work (not including standard moulding), add $15.00 for 1" stock, $20.00 for 5/4" and thicker.
5. Sanding one face, add $10.00.
6. Wrapping, add $2.00.
7. For any matcher dressing not otherwise provided for, add $5.00.

Bark Strips

8. 1 x 3" and 1 x 4", deduct $15.00 from 1 x 4".

For Condition

9. Rough, deduct $5.00.

For Heart Requirement

10. For 85 percent heart facial area, add $30.00 to No. 1.
11. For 85 percent heart cubical content, add $15.00 to No. 1.

For Size

12. 13" and wider add $10.00 per inch or fraction thereof to 12" prices and compute footage on nominal size.
13. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $5.00 where stock is dressed clear or will permit slight skips as defined in par. 18 of 1948 Standard Specifications for Southern Pine Lumber.

For Length

14. For precision cutting to a specified exact length with tolerance of not more than 1/4" allowed, add $5.00. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted as next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiples length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $4.00 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 14 may not also be charged and no total charge for such service may be greater than $12.00 per M'BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on length breaks on the next break above.

[1] Random lengths as defined in par. 71 S. P. I. B. rules 1948.

Add to 1" prices:
For 5/4, add $12.00 to No. 1, D, C, and B&Btr.
For 6/4, add $15.00 to No. 1, D, C, and B&Btr.
For 8/4, add $18.00 to D, C, and B&Btr.
For 10/4 and thicker, add $40.00 to D, C, and B&Btr.
For 8/4 and thicker pole stock, add $50.00 per M'BM to appropriate B&Btr price.

ADDITIONS AND DEDUCTIONS

For Grade

1. For B&Btr two sides, add $20.00.
2. For grade marking, add $1.00.

For Working

3. Ripping or resawing, add $5.00 for each cut, applicable only when machine run stock is shipped.
4. Moulder work (not including standard moulding), add $15.00 for 1" stock, $20.00 for 5/4" and thicker.
5. Sanding one face, add $10.00.
6. Wrapping, add $2.00.
7. For any matcher dressing not otherwise provided for, add $5.00.

Bark Strips

8. 1 x 3" and 1 x 4", deduct $15.00 from 1 x 4".

For Condition

9. Rough, deduct $5.00.

For Heart Requirement

10. For 85 percent heart facial area, add $30.00 to No. 1.
11. For 85 percent heart cubical content, add $15.00 to No. 1.

For Size

12. 13" and wider add $10.00 per inch or fraction thereof to 12" prices and compute footage on nominal size.
13. Extra standard thickness, thicker than American Lumber Standards (for yard stock), add $5.00 where stock is dressed clear or will permit slight skips as defined in par. 18 of 1948 Standard Specifications for Southern Pine Lumber.

For Length

14. For precision cutting to a specified exact length with tolerance of not more than 1/4" allowed, add $5.00. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted as next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiples length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $4.00 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 14 may not also be charged and no total charge for such service may be greater than $12.00 per M'BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on length breaks on the next break above.

TABLE 17A—AIR DRIED FINISH AND NO. 1 STRIPS AND BOARDS

S4S, S1S, S2S, S2S1E, S4E, S2E, S1E OR S2S4CM

Grade B&Btr	Random lengths [1]	4' and 6'	8'	5', 10' and 12'	14' and 16'	7', 9', 18' and 20'
B&Btr, par. 109						
1 x 2 and 3"	$148	$115	$145	$148	$150	$154
1 x 4, 6 and 7"	138	105	135	138	140	144
1 x 8"	140	107	137	140	142	146
1 x 5, 9 and 10"	152	119	149	152	154	158
1 x 11 and 12"	177	144	174	177	179	183
C, par. 110						
1 x 2 and 3"	138	105	135	138	140	144
1 x 4, 6 and 7"	128	95	125	128	130	134
1 x 8"	130	97	127	130	132	136
1 x 5, 9 and 10"	142	109	139	142	144	148
1 x 11 and 12"	167	134	164	167	169	173
D, par. 111						
1 x 2 and 3"	118	85	115	118	120	124
1 x 4, 6 and 7"	108	75	105	108	110	114
1 x 8"	110	77	107	110	112	116
1 x 5, 9 and 10"	122	89	119	122	124	128
1 x 11 and 12"	147	114	144	147	149	153
No. 1 strips and boards						
1 x 2 and 3"	108	80	105	108	110	114
1 x 4"	98	70	95	98	100	104
1 x 6, 7 and 8"	108	71	105	108	110	114
1 x 5, 9 and 10"	118	84	115	118	120	124
1 x 11 and 12"	133	106	130	133	135	139

[1] Random lengths as defined in par. 71, S. P. I. B. rules 1948.

Add to 1" Prices:
For 5/4, add $12.00 to No. 1 D, C, and B&Btr.
For 6/4, add $15.00 to No. 1, D, C and B&Btr.
For 8/4, add $18.00 to D, C and B&Btr.
For 10/4 and thicker, add $40.00 to D, C and B&Btr.
For 8/4 and thicker pole stock, add $50.00 to B&btr prices.

ADDITIONS AND DEDUCTIONS

For Grade

1. For B&Btr 2 sides, add $20.00.
2. For grade marking, add $1.00.

For Working

3. Ripping or resawing, add $5.00 for each cut, applicable only when machine run stock is shipped.
4. Moulder work (not including standard moulding), add $15.00 for 1" stock, $20.00 for 5/4" and thicker.
5. For any matcher dressing not otherwise provided for, add $5.00.

Bark Strips

6. 1 x 3" and 1 x 4", deduct $15.00 from 1 x 4".

For Condition

7. Green, deduct $30.00 from D, C, and B&Btr, deduct $25.00 from No. 1 strips and boards.
8. Rough, deduct $5.00.
9. Air dried, stain no defect, deduct $5.00.

For Heart Requirement

10. For 85 percent heart facial area, add $30.00 to No. 1.
11. For 85 percent heart cubical content, add $15.00 to No. 1.
12. 13" and wider, add $10.00 per inch or fraction thereof to 12" prices and compute footage on nominal size.
13. Extra standard thickness, thicker than American Lumber Standards, (for yard stock), add $5.00 where stock is dressed clean or will permit slight skips as defined in paragraph 18 of 1948 Standard specifications for southern Pine Lumber.

For Length

14. For precision cutting to a specified exact length with tolerance of not more than 1/4" allowed, add $5.00. No addition is permitted for customary double end trimming.
15. Odd or fractional lengths over 4', not listed, shall be counted as next longer even length.
16. For any length shorter than 4', cut to a specified exact length, charge the price of the nearest even multiples length up to 12'. If there is no even multiple length 12' or shorter, charge the 12' price. In either case, add $4.00 per M'BM for each necessary cross cut, but the addition for precision cutting permitted in footnote 14 may not also be charge [illegible] no total charge for such service may be greater than $12.00 per M'BM. If length breaks on even one-half foot, compute footage on actual length, otherwise compute on length breaks on the next break above.

TABLE 17—[illegible] AND NO. 1 BOARDS AND DIMENSION

(Kiln Dried)

Size	15 to 96" B&Btr.	15 to 96" C	15 to 96" No. 1	12 to 96" No. 2	12 to 96" No. 3	12 to 96" No. 4
1 x 4"	$140	$130	$110	$76	$64	$51
1 x 5"	150	140	120	82	69	39
1 x 6"	140	130	110	86	76	46
1 x 8"	140	130	112	88	78	48

15" to 18" Average, Nested or Bundled

	B&Btr.	C	No. 1	No. 2	No. 3	No. 4
1 x 4"	$100	$95	$85	$61	$49	$24
1 x 5"	110	105	95	67	54	29
1 x 6"	100	95	85	71	61	36
1 x 8"	100	95	85	73	63	38

ADDITIONS AND DEDUCTIONS

For Working

1. For end matched siding—nested bundles as above, add $10.00 to C and B&Btr.; add $5.00 to No. 1 and lower.

For Condition

2. Air dried, deduct $10.00.

For Grade

3. For grade marking, add $1.00.

TABLE 18—STANDARD PLASTERING LATH AND FENCE LATH

Air dried or kiln dried

Size	No. 1	No. 2	No. 3
3/8 x 1 1/2", 42" and 48" plastering lath	$18.00	$16.00	$12.00
3/8 x 1 1/2", 32" and 36" plastering lath	17.00	15.00	10.00
1/2 x 1 1/2", 32" fence lath	16.00	14.00	11.00
1/2 x 1 1/2", 36" fence lath	18.00	16.00	12.00
1/2 x 1 1/2", 42" fence lath	19.50	17.50	13.00
1/2 x 1 1/2", 48" fence lath	21.00	19.00	14.00
1/2 x 1 1/2", 60" fence lath	24.00	22.00	17.00
1/2 x 1 1/2", 72" fence lath	27.00	25.00	21.00

ADDITIONS AND DEDUCTIONS PER 1,000 PIECES

For Conditions

1. Green, deduct $6.00.

NOTE.—Grade No. 1 fence lath may contain up to 20 percent of grade No. 2.

TABLE 19—BED SLATS, S4S

Air dried or kiln dried (bundled)

Grade and size	Per set (8 pieces) 30"	Per set (8 pieces) 39"	Per set (8 pieces) 42"	Per set (8 pieces) 48" to 60"
No. 1, 1 x 3"	81 cents	90 cents	96 cents	$1.40.
No. 2, 1 x 3"	64 cents	70 cents	75 cents	1.00.
Weight	12 pounds	14½ pounds	16 pounds	21 pounds.

For Condition

7. Dry moisture content between 15 and 25 percent for 2" and up to 12" widths, add $3.00; and for all other thicknesses over 2" and for widths over 12", add $5.00.

For Size

8. 5/4, 6/4, 7/4, add $5.00 (for kiln drying these thicknesses only, add $3.00).
9. Over 4" in thickness, add $20.00 for each inch or fraction thereof in excess of 4" (for fractional thicknesses over 4" and fractional or odd widths up to 8", each 8" or odd or fractional thickness over 8", add $5.00 for each piece as described for rough sizes under par. 56 but not less than 8" for thickness and 12" for width for dressing on each side).

For Inspection

11. Final inspection at destination rather than at shipping point, add $5.00.

For Length

12. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No additions permitted for customary double end trimming.
13. Odd or fractional lengths except 8', 9' and 9' shall be counted as next longer even length.
14. Lengths longer 20', add to 20' prices as follows (for all grades):

Length	10" and under	Over 10"
22' and 24'	$10.00	$20.00
26'	20.00	40.00
28'	30.00	60.00
30'	40.00	80.00

TABLE 20—CAR MATERIAL, OTHER THAN DECKING AND FRAMING ROUGH

Kiln Dried

Size and grade	8'	5', 10' and 12'	14' and 16'	9', 18' and 20'	22' and 24'
Select (par. 51, A. A. R. rules):[1] 1 x 4" and 1 x 6"	$176	$184	$187	$195	$216
Common (par. 52, A. A. R. rules):[1] 1 x 4" and 1 x 6"	166	174	177	185	206
Select (pars. 55–59–62, A. A. R. rules):[1]					
1 x 4", 1 x 6"	176	184	187	195	216
1 x 8"	178	186	189	197	218
1 x 10"	191	199	201	209	220
1 x 12"	216	224	226	234	245
Common (par. 56, A. A. R. rules):[1]					
1 x 4", 1 x 6"	166	174	177	185	206
1 x 8"	168	176	179	187	208
1 x 10"	181	189	191	199	220
1 x 12"	216	214	216	224	245
Common (par. 60, A. A. R. rules):[1]					
1 x 4", 1 x 6"	117	120	120	132	157
1 x 8"	119	122	122	134	159
1 x 10"	132	137	137	149	194
1 x 12"	175	180	180	192	217
Select (pars. 53–55–59–62, A. A. R. rules):[1]					
2 x 4"	192	200	203	211	236
2 x 6"	192	200	203	211	236
2 x 8"	194	202	205	213	238
2 x 10"	202	210	213	221	246
2 x 12"	235	243	246	254	279
Common (pars. 54–56, A. A. R. rules):[1]					
2 x 4"	171	179	182	190	215
2 x 6"	171	179	182	190	215
2 x 8"	173	181	184	192	217
2 x 10"	183	191	194	202	227
2 x 12"	215	223	226	234	259

[1] Specifications for car material designated above (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33 adopted 1910; revised 1933.

ADDITIONS AND DEDUCTIONS PER 1,000 FEET BOARD MEASURE

For Working

1. Where material is required S1S, S2S, or S3S, add $4.00.

For Grade

2. Edge Grain, add $25.00 to Select price only.
3. Grades and specifications other than those contained in A. A. R. rules, the ceiling price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

For Condition

4. Air dried, deduct $10.00.
5. Green, deduct $25.00.

For Size

6. 5/4 and 6/4 add $15.00 to 4/4 prices.
7. 2½" and 2½" (Par. 53, 55, 59 and 62), add $20.00 to 8/4 prices; 2¾ and 2½" (par. 56) add $10.00 to 8/4 prices.
8. Extra standard thickness other than those covered by A. A. R., add $5.00, where stock is dressed clean.
9. Odd or fractional widths, price and count as the next greater even width.

For Length

10. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No additions permitted for customary double end trimming.
11. Odd or fractional lengths except 5' and 9' shall be counted at next longer even length.

For Inspection

12. Final inspection at destination rather than shipping point add $5.00.

TABLE 20A—CAR MATERIAL, FLOORING (DECKING), FLOOR BOARDS AND DOOR SILLS

DRESSED TO STANDARD PATTERNS

Kiln Dried or Air Dried

Size and grade	8'	9'	10'	12'	14'	16'
Select (par. 57, A. A. R. rules):[1]						
2, 2¼, and 2½ x 6 and 8"	$150	$160	$150	$150	$150	$150
2¼ and 3 x 6" and 8"	160	170	160	160	160	160
Common (par. 58, A. A. R. rules):[1]						
2 x 6" and 2 x 8"	130	140	130	130	130	130
2¼, 2½, 2¾ and 3 x 6 and 8"	140	150	140	140	140	140

[1] Specifications for car material designated above (A. A. R. rules) correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M-907-33 adopted 1910; revised 1933.

ADDITIONS AND DEDUCTIONS

For working

1. Rough, deduct $4.00.
2. Where material is required S2S only, add $2.00.
3. Stock dressed 1 1/16" net thickness, count as 2¼". Stock dressed 2⅛" net thickness, count as 2½".

For Grade

4. Grades and specifications other than those contained in A. A. R. rules, the ceiling price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the material item involved in the sale governed by the schedule.
5. Heart face, common (par. 58), add $20.00; for all heart, add $30.00.

For Condition

6. Drying to moisture content of less than 15 percent, add $10.00.
7. Green, deduct $25.00.

For Size

8. Extra standard thickness other than those covered by A. A. R., add $5.00 when dressed clean.
9. Odd or fractional widths, use above prices and count for width as of next higher even width.

For Length

10. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No addition is permitted for customary double end trimming.
11. Odd or fractional lengths except 9' shall be counted at next longer even length.

For Inspection

12. Final inspection at destination rather than shipping point add $5.00.

TABLE 20B—CAR MATERIAL, FRAMING, ROUGH GREEN

Specified or Standard Lengths, 20' and Shorter

Size	Group 7	Group 8	Group 9		Group 10	
	Par. 64, common	Par. 65, select structural, no heart required	Par. 67, select structural no heart required	Par. 69, common structural	Par. 70, select structural, no heart required	Par. 72, common structural
2", 3" and 4" x 2" to 8"	$113	$129	$129	$117	$129	$115
2", 3" and 4" x 10"	119	139	139	127	139	125
2", 3" and 4" x 12"	123	147	147	135	147	133
2", 3" and 4" x 14"	138	172	172	160	152	158

ADDITIONS AND DEDUCTIONS

For Working

1. Dressing to standard patterns, add $4.00.

For Grade

2. 85 percent heart facial area, add $24.00.
3. 75 percent heart girth measurement, add $16.00.
4. 85 percent heart girth measurement, add $30.00.
5. All heart, add $30.00.
6. Grades and specifications other than those contained in A. A. R. rules, the ceiling price shall be the price for the A. A. R. grades and specifications which most closely correspond to the grades and specifications for the car material item involved in the sale governed by the schedule.

RULES AND REGULATIONS

7. Dry moisture content between 15 and 25 percent for 2" and up to 12" widths, add $3.00; and for all other thicknesses over 2" and for widths over 12", add $5.00.

For Size

8. 5/4, 6/4, 7/4, add $5.00 (for kiln drying these thicknesses only, add $3.00).
9. Over 4" in thickness, add $20.00 for each inch or fraction thereof in excess of 4" (for fractional thicknesses over 4" and fractional or odd widths up to 8", each 8" or odd or fractional thickness over 8", add $5.00 for each piece as described for rough sizes under par. 56 but not less than 8" for thickness and 12" for width for dressing on each side).

For Inspection

11. Final inspection at destination rather than at shipping point, add $5.00.

For Length

12. For precision cutting to a specified exact length with tolerance of not more than ¼" allowed, add $5.00. No additions permitted for double end trimming.
13. Odd or fractional lengths except 8', 9' and 9' shall be counted as next longer even length.
14. Lengths longer 20', add to 20' prices as follows (for all grades):

Length	10" and under	Over 10"
22' and 24'	$10.00	$20.00
26'	20.00	40.00
28'	30.00	60.00
30'	40.00	80.00

12. For lengths over 30', add $5.00 per thousand feet.

SEC. 5.3 *Established weights for Longleaf and Shortleaf Yellow Pine lumber.* The established weights for Longleaf and Shortleaf Yellow Pine lumber for use in computing ceiling delivered prices under section 2.3 are set forth below:

THE PRICES GIVEN REFER TO DRY WEIGHT, EXCEPT WHERE OTHERWISE SPECIFIED

Item	Longleaf (pounds)	Shortleaf (pounds)
Flooring		
1 x 3" (tier below tank deduct 100 pounds)	2,000	1,800
1 x 4" (tier below tank deduct 100 pounds)	2,000	1,800
1¼ x 4" (tier below tank deduct 100 pounds)	2,000	1,800
Ceiling and partition		
⅜" ceiling	1,000	900
½" ceiling	1,200	1,080
⅝" ceiling (and Boston Partition)	1,500	1,350
¾" partition and ceiling, use same weights as flooring.	1,800	1,620
Drop siding		
1 x 6" (pattern 116)	2,000	1,800
1 x 6" and 10" (pattern 116)	2,000	1,800
1 x 6" and 10" (pattern 117)	1,700	1,530
1 x 6" and 10" (pattern 118)	1,700	1,530
1 x 6" and 10" (other patterns)	1,700	1,530
1 x 8" and 10" (other patterns)	1,700	1,530
Bevel and SE siding from 1/2"	1,500	1,350
Bevel and SE siding from 1¼"	1,400	1,260
Finish		
1 x 6" to 1 x 10" S1S or S2S 7/16"	2,000	1,800
1 x 12" S1S or S2S 7/16"	2,000	1,800
1 x 6" to 1 x 10" S1S or S2S	2,000	1,800
1 x 12" S1S or S2S	2,000	1,800
1¼" finish dressed to 1" S4S	2,500	2,250
1¼" finish dressed to 1" edge	2,500	2,250
1 x 6" to 1 x 10" rough	3,400	3,060
1 x 12" to 1 x 12" rough	3,400	3,060
Casing—Base—Cased		
Assembled casing, all widths	2,100	1,890
Jambs—1 x 4" to 1 x 6"	2,100	1,890
Jambs—1¼ to 6"	2,500	2,250
Stops and boards (1 inch)		
1 x 2" to 1 x 10" S1S or S4S 7/16"	2,700	2,430
1 x 12" S1S or S4S 7/16"	2,700	2,430
1 x 2" to 1 x 10" S2S or S4S 7/8"	2,700	2,430
1 x 12" S2S or S4S 7/8"	2,700	2,430
1 x 6" to 1 x 10" D and M	2,700	2,430
1 x 12" D and M	2,700	2,430
1 x 6" to 1 x 10" Tank and Ship	2,400	2,160
1 x 12" Tank and Ship	2,400	2,160
1¼" D and M or Shiplap	2,500	2,250
1¼" Tank or Shiplap	2,500	2,250

Item	Longleaf (pounds)	Shortleaf (pounds)
Strips and boards 1 inch—Con.		
1 x 2" to 1 x 10", rough	3,400	3,060
1 x 12", rough	3,400	3,060
For 5/4" boards, deduct	100	100
For 6/4" boards, all workings, deduct	200	200
For 8/4" boards, all workings, deduct	300	300
For resawing, deduct for each cut	100	100
For 1¼" and 1½", add	300	300
8" dimension, factory flooring and roof decking		
2 x 6" to 2 x 8" rough	3,400	3,060
2 x 10" and 2 x 12" dressed to 1⅝"	3,500	3,150
2 x 10" and 2 x 12" rough	4,200	3,780
For 1¼", add	400	360
2 x 6" to 2 x 8" dressed to 1⅝"	4,200	3,780
2 x 10" and 2 x 12" dressed to 1⅝"	4,300	3,870
2 x 10" and 2 x 12" rough	5,000	4,500
For 1¼", add	400	360
8" plank and joists		
2" x 6" to 2 x 12" (minimum 8" dimension weights as shown above)	4,200	3,780
3" x 6" and wider use lumber weights as shown below.	4,200	3,780
Heavy cars (refrig. etc. over 8" thick)		
Rough green	4,500	4,050
S1S ½" scant green	4,200	3,780
S1S ⅝" scant green	4,200	3,780
Tongued and grooved, add	300	270
Deduct S1S 3" to 4 x 6", deduct from corresponding green weight	800	720
Deduct 1" rough laths, deduct from corresponding green weight	500	450
Car siding, lining and roofing		
1 x 4" and 1 x 6" T and G 13/16"	2,200	1,980
1 x 4" and 1 x 6" S2S ⅝"	2,200	1,980
For ⅝" S4S, deduct	100	90
Longitudinal sheathing and stock for skids		
2 x 4" T and G 1⅝"	3,400	3,060
2 x 4" T and G 1¾"	3,500	3,150
2 x 4" T and G 2"	3,600	3,240
2 x 4" S2S to 1¾"	3,500	3,150
2 x 4" S2S to 2"	3,600	3,240
2 x 4" S4S to 1¾"	3,500	3,150
2 x 4" S4S to 2"	3,600	3,240

THE PRICES GIVEN REFER TO DRY WEIGHT, EXCEPT WHERE OTHERWISE SPECIFIED—Con.

Item	Longleaf (pounds)	Shortleaf (pounds)
Miscellaneous		
Tongue and groove 4" to 6"	3,400	3,060
Tongue and groove 8"	4,200	3,780
Tongue and groove 10"	5,000	4,500
Tongue and groove 12"	6,000	5,400
Bevel and SE 4" to 6"	3,400	3,060
Bevel and SE 8"	4,200	3,780
Bevel and SE 10"	5,000	4,500
Bevel and SE 12"	6,000	5,400
Timbers 8" x 8"	6,000	5,400
Timbers 10" x 10"	7,500	6,750
Timbers 12" x 12"	9,000	8,100
Timbers 14" x 14"	10,500	9,450
Timbers 16" x 16"	12,000	10,800
Timbers 18" x 18"	13,500	12,150
Timbers 20" x 20"	15,000	13,500
Timbers 22" x 22"	16,500	14,850
Timbers 24" x 24"	18,000	16,200
Timbers 26" x 26"	19,500	17,550
Timbers 28" x 28"	21,000	18,900
Timbers 30" x 30"	22,500	20,250
Timbers 32" x 32"	24,000	21,600
Timbers 34" x 34"	25,500	22,950
Timbers 36" x 36"	27,000	24,300
Timbers 38" x 38"	28,500	25,650
Timbers 40" x 40"	30,000	27,000

ARTICLE VI—CEILING ADDITIONS FOR MIXED CAR OR MIXED TRUCK SHIPMENTS, AND FOR CERTAIN SERVICES

SECTION 6.1 *Mixed car or mixed truck shipments—(a) Addition to ceiling prices.* When you make a mixed car or mixed truck shipment as defined in paragraph (b) of this section, the otherwise applicable ceiling prices are increased by $2.00 per 1000 feet.

(b) *Meaning of terms—(1) Mixed car shipment.* A mixed car shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least one thousand feet of lumber.

(2) *Mixed truck shipment.* A mixed truck shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least 350 feet of lumber.

NOTE: You may make no addition to the in this regulation if you make a mixed cargo shipment by vessel. However, in the latter case, you may apply in the manner provided in Section 7.1 for a special addition to your ceiling prices for a special vessel shipment if you believe that circumstances warrant the authorization of such an addition.

(3) *Item.* Each of the following numbered groups of lumber products constitutes a separate item for the purposes of a mixed car or a mixed truck shipment under this section. In this connection, there are no requirements that from a single species covered by this regulation, or that all the lumber products listed within a numbered group be involved in a particular shipment:

(i) 1" strips or boards—S1S or rough.

(ii) Shiplap or center matched—1" P. E.

(iii) Plain end or end matched flooring—one width and thickness.

(iv) Drop siding, bevel siding—any single pattern and width.

(v) Ceiling, O G Bats.

(vi) Partition, panel stock.
(vii) End matched, center matched—one width.
(viii) Hardwood flooring.
(ix) Finish—rough or worked.
(x) Stepping.
(xi) 2" lumber—S4S or rough.
(xii) 2" lumber worked other than S4S.
(xiii) Plank—rough or dressed.
(xiv) Timbers—worked or rough.
(xv) Moulding.
(xvi) Bed slats.
(xvii) Lath.
(xviii) Casing.
(xix) Base.
(xx) Any special items or special grades as provided for in section 7.1.
(xxi) Any item of hardwood lumber other than hardwood flooring.

SEC. 6.2. *Ceiling additions for certain services.* (a) For each of the following indicated services, you may add not more than the applicable amount set forth below to the appropriate basic f. o. b. mill ceiling prices set forth in this regulation:

(1) All lumber covered by this regulation except plaster lath, fence lath and bed slats which bears the grade-mark of an inspection agency qualified in accordance with "Federal Specification for Lumber and Timber; Softwood", M-M-L-751c (September 1, 1948): $1.00 per thousand feet.

(2) Anti-stain treatment, by vat dipping (not by spraying) with an effective chemical solution: $1.00 per thousand feet.

(3) Stenciling on the face of each piece or bundle in a manner which will permit identification and segregation: $1.00 per thousand feet. (This addition cannot be made for stenciling a trademark.)

(4) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(5) Erecting, on open or closed cars, bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(6) Bundling for export: $3.00 per thousand feet.

(7) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(8) Loading on customer's truck at shipping point: $2.00 per thousand feet.

(b) Except for anti-stain treatment and grade marking, the additions provided in paragraph (a) of this section may be made only when the indicated services are specifically requested by the buyer.

ARTICLE VII—SPECIAL CEILING PRICES

SEC. 7.1 *Special ceiling prices*—(a) *Application.* This section permits you to apply for special ceiling prices for premium quality items and for items with unusual specifications.

(1) Premium quality items: If you produce items listed in Tables 4 or 6 of this regulation of a premium quality of "D" and Better grades that you ordinarily sell at premium prices before June 30, 1950, you may apply to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested, for special ceiling prices for such premium quality items. Your application, which you must sign, must contain the following:

(i) As complete a description as possible of the lumber items involved, including the species, grades, sizes, seasoning, and working (if any) of each item, and the unusual features that pertain to their premium quality, such as texture of finish items or siding items, or density and heart content of flooring.

(ii) The County or Parish, and the State, in which your premium quality items are produced.

(iii) Your proposed ceiling price for each item, which may not be in excess of your weighted average selling price for the item during whichever consecutive three-month period subsequent to December 19, 1950, you sold the greatest volume of footage of such item. For the three-month period selected, list for each item as many of your various selling prices and the corresponding footage of sales as are necessary to account for at least 75 percent of the total footage of the item sold during that period. The term "weighted average selling price" means the total dollar amount of sales of lumber items involved divided by the total footage thereof.

(iv) A copy of either your published price list or a list of your prices in effect on June 24, 1950, and a copy of either your published price list or a list of your prices in effect during the period December 19, 1950, to January 25, 1951, inclusive, for the items for which you are applying for a special ceiling price; this information need not be submitted in your application if you have already submitted it to OPS in response to a letter dated August 10, 1951, from the Chief of the Lumber and Wood Products Branch, Forest Products Division, Office of Price Stabilization. In addition, if there has been published during the year 1950 any public advertisement which refers to the premium quality of your lumber items, you must submit at least one copy thereof.

(v) The names and addresses of one or more customers who have purchased your premium quality items.

(You may also furnish a signed statement from any of your customers, or any other matter you care to submit, which relates to the premium quality of your items.)

(2) *Items with special specifications.* If you wish to sell a lumber item of any species, grade, size, seasoning, working, or other specification or extra, or if you wish to make an addition for a special service, for which a specific ceiling price is not listed in, or cannot be determined from, this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., by registered mail, return receipt requested, to establish a ceiling price for the item or special service. Your application, which you must sign, must contain the following:

(i) As complete a description as possible of the lumber item or special service for which the application is filed. For the lumber item, you must include the species, grade, size, seasoning, and working (if any), and any other special specification, or extra, together with the quantity to be sold (if known).

(ii) Your proposed ceiling price, which you must base upon the most closely comparable item, or service, for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of a differential which you believe will result in a ceiling price for the item, or service, that is in line with the level of other ceiling prices established by or under this regulation. You must state why you believe the differential you propose will result in a ceiling price for the item, or service, which is in line with the level of other ceiling prices established by this regulation.

(b) *Quotation of proposed ceiling prices.* You may quote a ceiling price proposed under the provisions of paragraph (a) of this section and you may sell at that proposed ceiling price, provided that you file an application for approval of that special ceiling price within five days after quoting the proposed ceiling price or selling at that price, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item, or service, that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or adjustment at a later date.

(3) No application will be approved under this section unless it is found that a proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all transactions involving the same item or service unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE VIII—COMMISSION-TYPE SALES AND RETAIL-TYPE SALES

SEC. 8.1 *Addition allowed for commission-type sales.* When a sale of your lumber is brought about by the efforts of one or more commission men, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the applicable f. o. b. mill ceiling price, rounded to the nearest quarter dollar per thousand feet. However, the amount you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission (rounded to the nearest quarter dollar per thousand feet) which you pay the commission man or commission men. (The term commission man is defined in section 1.4.)

SEC. 8.2 *Retail-type sales*—(a) *Increased ceiling prices.* Except as indicated in paragraph (b) of this section, your ceiling prices for retail-type sales are 15 percent higher than the otherwise applicable f. o. b. mill ceiling prices established by this regulation.

(b) *Charges which you may not include.* On a retail-type sale under this section, you may not include an additional charge for any of the following:

(1) A commission paid to a commission man as authorized in section 8.1;

(2) Any of the charges for special services, except grade marking and anti-stain treatment, as authorized in section 6.2;

(3) A mixed truck shipment as authorized in section 6.1; and

(4) A delivery which you may make.

(c) *Definition and limitations.* As used in this section, a retail-type sale is a sale of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 50 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodelling, repair, or maintenance; it is not a sale for use in manufacturing, or for resale in substantially the same form.

ARTICLE IX—RECORDS AND INVOICES

SEC. 9.1 *Records*—(a) *Current records.* On and after the effective date of this regulation, every person who sells and every person who in the regular course of business buys lumber covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase of lumber subject to this regulation. The records or invoices must show:

(1) The date of the purchase or sale.

(2) The name and address of the buyer and seller.

(3) The quantity, grade, size, seasoning, and working (if any), of every item of lumber covered by this regulation which is bought or sold.

(4) Prices charged or paid and terms of sale.

(5) All pertinent information which affects the ceiling prices, such as any specification or extra, and whether each purchase or sale is made on an f. o. b. mill or on a delivered basis; in the case of a sale on a delivered basis, your records must show all the transportation charges, together with the rates applied, and the origin and destination of shipment. Records must also show all premiums, discounts, and allowances.

The retention by a buyer of an invoice furnished by a seller or the retention by a seller of an invoice furnished by a buyer, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

(c) *Other records.* If you apply for approval of a proposed ceiling price under the provisions of sections 6.1 (b) (2) or 7.1 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtain the data you submit in connection with your application for such ceiling price.

SEC. 9.2 *Invoices.* On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which shows the quantity, and a description, of the lumber sold. Any working, seasoning, specification, extra, or service which bears upon the price charged for your lumber must be set forth in the invoice, but the invoice need not show separately the charge for such particulars.

(a) On f. o. b. mill sales, your invoice must also show the f. o. b. mill price.

(b) On delivered sales, involving a rail or truck shipment, your invoice must also show:

(1) The price, indicating whether it is an f. o. b. or delivered price;

(2) The point of origin and destination of shipment; and

(3) The applicable rail or truck rate; otherwise, the amount added for transportation.

ARTICLE X—MISCELLANEOUS PROVISIONS

SEC. 10.1 *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 10.2 *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 10.3 *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 10.4 *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of tax collected.

SEC. 10.5 *Interpretations.* If you wish an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 10.6 *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt or agree to do or omit to do any such acts. Specifically (but not in limitation of the above) you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 10.7 *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, trade understandings, and breaking up an order or apportioning deliveries in order to get the retail-type sale addition, as well as the omission from records of true data and the inclusion in records of false data.

ARTICLE XI—DEFINITIONS

SEC. 11.1 *Definitions.* (a) As used in this regulation, the terms below have the following meanings:

(1) *Air-dried lumber.* This term refers to lumber seasoned in accordance with the specifications for the applicable grade under the grading rules referred to in section 3.1.

(2) *Commission man.* This term is defined in section 1.4.

(3) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power or authority referred to in the regulation.

(4) *Established weights.* This term means the weight per thousand feet of various items of Southern Yellow Pine lumber, green or dry, rough or dressed, and partially graded or graded, as set forth in section 5.3 of this regulation.

(5) *Feet.* This term means board feet for all lumber 4/4" and thicker, and means surface feet for all lumber thinner than 4/4".

(6) *F. O. B. mill.* This term means loaded on cars at mill railhead or siding; loaded on scow or barge alongside a mill dock; or, where the only means of transportation used is a truck, other motor vehicle, or wagon, loaded on such vehicle at the mill site.

(7) *Kiln-dried lumber.* This term refers to green or air-dried lumber that is dried in a kiln to a moisture content specified in this regulation or in the applicable grading rules referred to in section 3.1.

(8) *Longleaf Yellow Pine lumber.* This term means lumber conforming to the specifications contained in section IV, Paragraph 323 a, b, and c, of the "1948 Standard Grading Rules for Southern Pine Lumber", effective September 1, 1948.

(9) *Manufacturer, sawmill, planing mill, concentration yard.* These terms are defined in section 1.4.

(10) *M'BM.* This abbreviation refers to 1000 feet board measure, or, where applicable, 1000 feet of surface measure.

(11) *Most closely comparable item.* This term means the item of Southern Yellow Pine lumber for which a dollars-and-cents ceiling price is established in this regulation which is most nearly like the item which is the subject of your application under section 7.1.

(12) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(13) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, settlement sheets, and other papers or documents.

(14) *Retail-type sales.* This term is defined in section 8.2.

(15) *Sell.* This term includes sell, supply, barter, dispose, trade, lease, exchange, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" are to be construed acordingly.

(16) *Shortleaf Yellow Pine lumber.* This term means lumber produced from any species of pine (Pinus species), such as Shortleaf Pine (Pinus echinata) or Loblolly Pine (Pinus taeda), with the exception of Longleaf Yellow Pine lumber as defined in subparagraph (8) of this paragraph.

(17) *Southern Yellow Pine lumber.* This term includes both Longleaf and Shortleaf Yellow Pine lumber.

(18) *Surfaced, dressed, or worked lumber.* These terms refer to lumber planed to a smooth finish and generally surfaced to specified thickness. The process of producing surfaced, dressed, or worked lumber is known as "surfacing", "dressing", "working", or "planing".

(19) *You.* The pronoun "you" refers to any manufacturer who sells lumber subject to this regulation.

Effective date. This regulation is effective June 9, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 4, 1952.

[F. R. Doc. 52-6302; Filed, June 4, 1952; 4:00 p. m.]

[Ceiling Price Regulation 113, Revision 1, Interpretation 1]

CPR 113—WHITE FLESH POTATOES

INT. 1—EXEMPTION OF SEED POTATOES SOLD BY ONE INTERMEDIATE SELLER TO ANOTHER

Inquiry has been made as to whether or not the exemption of sales of seed potatoes from the provisions of Ceiling Price Regulation 113, Revision 1, extends to the sale of such potatoes by one intermediate seller to another. Such sales are not subject to CPR 113, Revision 1, when made under circumstances which justify the conclusion that the ultimate user of the potatoes will plant them and not use them as table stock. Since the purpose of Amendment 6 to CPR 113, Revision 1, was to conserve the supply of seed potatoes necessary for planting and to stop the practice of selling these potatoes at uncontrolled prices when the ultimate purchaser intended to use them for table consumption, it is not material that, where one intermediate seller sells seed potatoes to another, the second intermediate seller intends to use them for resale and not for planting. Where, however, the first seller has reason to believe that the seed potatoes will be resold to an ultimate consumer for use as table stock, it would frustrate the purposes of the amendment to hold that CPR 113, Revision 1, does not apply to such a sale.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 5, 1952.

[F. R. Doc. 52-6332; Filed, June 5, 1952; 10:42 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 10]

INT. 10—SALARIES FOR NEW OR CHANGED POSITIONS UNDER SALARY STABILIZATION REGULATION 3, SECTION 8

This interpretation applies to the identification of new or changed positions and the methods or principles by which salaries for such positions may be fixed. It is the purpose of this interpretation to describe cases in which employers may consider salary changes on the basis of the establishment of a new position or substantial changes in an existing position. Examples are included to provide guide lines to employers in differentiating between the changes in positions which justify adjustments in salary and those which do not.

Employers who have adopted plans for evaluating positions either before January 25, 1951, or after that date with the approval of the Office of Salary Stabilization, may continue to administer such plans in accordance with the methods and principles defined in such plans. Normally, these plans are designed to achieve an objective method whereby positions in the organization may be placed in relative order of difficulty and responsibility and such order related to the salary plan. The policy defined in General Salary Stabilization Regulation 3, section 8, has been promulgated in a manner designed to permit the normal operation of such plans. Employers who have customarily used personal or random methods are also required to maintain a balanced relationship between the salaries of positions in the company when establishing salaries for new or changed positions. Since informal methods of evaluating positions in such situations do not include specific criteria, new or changed positions must be related to existing positions in fixing salaries. Case examples are furnished to illustrate the appropriate methods by which this may be done and the types of situations where salary adjustments are not warranted.

Several examples have been devoted to the problem of determining when a position has changed sufficiently to merit consideration of a salary adjustment. Minor changes or modifications of duties, as well as the establishment of "new positions" identical with other positions which already exist in the organization, are excluded from the provisions of section 8. These and similar situations are covered in the case examples.

SECTION 1—DEFINITIONS

1.1 Q. A laboratory employs several research metallurgists and, to deal with increasing work load, decides to add more metallurgists to the staff to perform similar duties. Should these additional metallurgists be regarded as being in "new positions" for purposes of salary stabilization determination?

A. No. Salaries for new employees who will occupy positions identical with those held by present employees may be established at a level comparable to that of the employee having the most nearly comparable duties and responsibilities. See section 6, GSSR 3.

1.2 Q. As a result of a change in company policy, billing is changed from a monthly to a shipping date basis and the head of the Accounts Receivable Division is instructed to change his procedure accordingly. Should his position be reviewed to determine the need for a salary change?

A. No. Such a modification of accounting procedure represents a change in method having no significant effect on the difficulty or responsibility of the position of the head of the Accounts Receivable Division. This type of change is typical of the slight or inconsequential changes which tend to occur regularly in most companies and is not a basis for changes in grade or salary.

1.3 Q. The phrases "material change" and "substantial change" have been used frequently in connection with re-appraisal of positions for salary determination purposes. When does a position change so materially as to warrant assignment to a different salary range or rate?

A. Positions are constantly undergoing change. In some instances, the nature and scope of the work may increase in considerable measure as a result of a major change of organization or functions. Such clear and obvious situations frequently result in a direct and material change in the difficulty and responsibility of affected positions. These changes may result in either an increase or a decrease of the over-all importance and value of the position. On the other hand, many positions change by almost imperceptible degrees over a long period of time. A position may not be upgraded until the duties and responsibilities have undergone substantial and measurable increases. Where the changes are slight or relate to minor and secondary duties, they cannot provide the basis for a change in grade or salary. Among other criteria to justify upgrading, the tests of a substantial change include:

1. That the new or additional duties require a substantial amount of time;

2. That the duties recur at regular intervals; and

3. That the additional assignments result in a change of qualification requirements of the position.

1.4 Q. A large wholesale drug company has no formalized method of evaluating its positions. The president has been considering the installation of a formal evaluation plan. Do the stabilization regulations favor the installation of formal evaluation plans?

A. The regulations apply equally to random methods and to formal plans and do not favor or discourage installation of such plans. A company which has no evaluation system is permitted to establish the salary for new or changed positions in direct relation to the salaries paid for the most nearly comparable positions. This requires that the company make proper allowances for differences, if any, in the requirements of knowledge, skills, duties, responsibilities or other factors normally taken into account. Whether an evaluation plan will simplify this process for the employer is the employer's decision.

SECTION 2.—NEW OR CHANGED POSITIONS UNDER SALARY OR POSITION EVALUATION PLANS

2.1 Q. What are the principal methods used by industry to evaluate positions?

A. Position evaluation methods are used to place positions in proper relationship within existing salary structure. When a position is evaluated it is usually assigned a grade or title which identifies it with an appropriate salary or salary range. Whatever evaluation method is used, the judgments may be made by specially trained technicians, by a committee of supervisors and/or executives, or by a combination of these. There are numerous methods and combinations of methods used within industry to evaluate positions. Among those commonly used are: (1) Position ranking, (2) position classification, (3) factor comparison and (4) point rating.

2.2 Q. What are the types of factors which are used in evaluating positions?

A. Among the factors used to evaluate salaried positions are: (1) Supervisory control exercised over the position, (2) availability and nature of guidelines, (3) originality and thinking required, (4) variety, (5) purpose and nature of personal work relationships, (6) nature and scope of commitment authority, and (7) supervisory authority. They relate to the duties, responsibilities and requirements of the position rather than to the qualifications of a particular employee. The examples are not all-inclusive; however, they represent general terms and factors frequently used.

2.3 Q. An aircraft corporation uses a point rating system for evaluating its executive positions. This system was in effect prior to stabilization. Can the company continue to use this system?

A. Yes, the company may continue to use its point rating system. Salary stabilization regulations do not require the use of any particular type of evaluation plan. The variety of systems in use throughout industry, such as the ranking method, point rating, factor comparison, classification, and combinations of such systems are all acceptable.

2.4 Q. A company manufacturing drugs and chemicals had an evaluation plan in effect prior to January 25, 1951, which used five (5) evaluation factors in determining the relative level of positions in its organization. These factors include policy responsibility, executive contacts, participation in planning, outside contacts, and responsibility for profits. May the company continue to use this set of evaluation factors?

A. Yes. The Salary Stabilization Board does not require that a company use any particular set of evaluation factors. Both the over-all evaluation plan and the specific factors for measurement within the context of the plan are a matter for each company to determine for itself. Where the company had a plan and specific evaluation factors prior to stabilization, it may continue its normal practices in applying the plan to the evaluation of new or changed positions.

2.5 Q. A large insurance company has had an established salary plan for executives since 1938. Within the past year its business has expanded greatly and the company has launched a new program of real estate investments. These changes require a number of new organizational units and occupations as well as several new types of executive positions. The company desires to revise the salary plan, to subdivide several levels and add three new salary grades at the top. Can these changes be made on the basis of "the method and principles in effect January 25, 1951"?

A. This proposal represents a general modification of the salary plan and requires prior approval of the Office of Salary Stabilization.

2.6 Q. A large manufacturing company has a factor comparison system for evaluating its managerial positions. This system has been in effect since January 1, 1947, and relates to all positions up to the $15,000 salary level. In establishing several new positions required as a result of a reorganization, may this company use its factor evaluation plan and arrive at the grade and salary of the positions on the same basis as it would have done prior to stabilization?

A. Yes. New positions may be established by an employer in accordance with the methods and principles in effect on January 25, 1951.

The salary plan shown below provides six salary grades with salary ranges which have four steps for each grade. This plan is used by the XYZ Company for all management positions including technical and professional personnel, foremen and supervisors and executives. It is used in conjunction with a point rating evaluation plan. Positions are assigned to one of the six grades on the basis of their total point values. These points are derived in accordance with a specific scheme and are determined after a careful analysis of seven factors: Knowledge, judgment, planning, line control, policy formulation, initiative and personal contacts. Questions 2.7 through 2.14 are based upon the XYZ Company salary plan.

XYZ COMPANY SALARY PLAN FOR MANAGEMENT POSITIONS

Grade	Minimum, per month	Step 2, per month	Step 3, per month	Maximum, per month
1	$270	$290	$310	$340
2	340	375	410	445
3	445	495	545	595
4	595	660	725	790
5	790	875	960	1,050
6	1,050	1,135	1,200	1,300

2.7 Q. The XYZ Company has evaluated its professional engineers in grade 3 with a salary range of $445 to $595 per month. Due to the current shortage of engineers, the company is considering a plan to change the grade level of engineering positions from grade 3 to grade 4. This change is to be accomplished without any change in the qualification requirements or duties of the positions, but by a re-interpretation of the standards for grade 4 level. Can this be accomplished, without prior approval, as a means of solving a genuine recruiting problem?

A. No. The upgrading of positions to higher grades without a substantial change in duties and responsibilities is a departure from the method provided in the XYZ Company plan. In addition, it represents a violation of salary stabilization since it is merely a means of using the evaluation plan to justify salary increases. If a legitimate hardship exists,

an application for prior approval may be submitted to the Office of Salary Stabilization.

2.8 Q. The XYZ Company has increased its volume of business as a result of an unusually heavy seasonal trade. It is anticipated that this seasonal impact will continue for approximately 90 days. The warehouse department has increased its work force from 75 to 120 employees in order to keep shipments current. Can the company consider this as a basis for increasing the warehouse superintendent from grade 2, $410 per month, to grade 3, $445 per month?

A. No. Since this increase in supervisory responsibility is only temporary, it has not resulted in a permanent and substantial change in the duties of the warehouse superintendent's position.

2.9 Q. Evaluation of executive positions under the XYZ plan has placed most of those positions in grade 6 with the salary range from $1,050 to $1,300 per month. During the past few months, two of these executives were approached by competitor firms and offered higher salaried positions. The company wants to meet the outside offers and keep these key executives in the organization by establishing a new grade 7 at $1,500–$2,000 per month. After establishing this level, the company plans to create several new positions for these executives at grade 7. In addition, the re-evaluation of these positions from grade 6 to grade 7 is intended to provide a basis for the up-grading of certain positions now in grade 5. Is this plan to establish new and changed positions by a modification of the salary schedule and grade structure permissible?

A. Not without prior approval. Outside offers are not in themselves justification for modified schedules. New or modified salary schedules or salary plans must be submitted to the Office of Salary Stabilization for prior approval. Such application must include adequate data to justify such changes in the plan.

2.10 Q. The XYZ Company has reorganized its comptroller's office. This has resulted in the creation of a third division with responsibility for all cost accounting functions. At the present time, the chiefs of the two other accounting divisions are in grade 3. Is the position of the chief of the cost accounting division a new one and, if so, must it be placed in grade 3?

A. This is a new position. The grade, however, is not automatically determined by identifying the position with other division chiefs in the comptroller's office. The company must evaluate the new position in accordance with its point rating plan, considering each of the factors it has customarily considered, and assign the proper grade and salary on that basis. If that is done and the necessary certificate prepared and attached to personnel records, the new position may be filled by transfer, promotion or recruitment without prior approval.

2.11 Q. As part of its general reorganization, the XYZ Company split the purchasing department into two separate departments. One department was created to procure all raw materials and the other to buy all manufactured goods. At the time of this organizational split, the purchasing department was headed by a director at grade 5, $875 per month, who has been transferred. What are the proper grades and salaries for the two new positions?

A. The salaries for these new positions will depend upon comparison of each of them with the most nearly comparable positions covered by the salary plan. Since each position represents only a part of a previous position in grade 5, each will have only partial responsibility for the total purchasing program. Therefore each position will probably fall at a level below grade 5. The exact grade to which these new positions will be assigned must be determined specifically in each case, and depends upon the importance of their duties and responsibilities as normally evaluated under the XYZ Company plan.

2.12 Q. The Director of Industrial Relations, whose position has been placed in grade 4, is currently receiving a salary of $660 per month. As a result of the recent retirement of the Director of Customer Service (who was receiving $495 per month), the Board of Directors voted to abolish that vacant grade 3 position. It was decided that the duties of that position could be combined with the position of the Director of Industrial Relations. Is this a new position and if so, can the company add to the salary of Director of Industrial Relations all of the salary previously paid to the Director of Customer Service (i. e., $660 plus $495 or total $1,145 per month)?

A. The combination of the two positions has probably changed the duties of the Director of Industrial Relations sufficiently to result in a new position. The salary for such position, however, is not determined by totalling the sum of the salaries of both previous positions. The new position of Director of Industrial Relations must be evaluated in order to determine the effect of the added responsibility for customer service functions. The net effect of the combination of duties must be carefully evaluated at the time the determination is made as to what, if any, change in grade and salary is proper.

2.13 Q. The position of the manager of Factory No. 10 of the XYZ Company is in grade 2 and the manager has reached the maximum salary for that grade. He has been an efficient and loyal employee. The director of production would like to promote him to grade 3, but he has no existing vacancies at that grade for which the factory manager is qualified. In order to make the factory manager eligible for further salary increases, the director submits a recommendation to change the title of the factory manager's position to superintendent in charge of manufacturing and to place the position in grade 3. May the company approve an increase in grade and salary on this basis?

A. No. This is not a new or changed position. There has actually been no change in duties or responsibilities. The assignment of a high sounding title is not equivalent to the creation of a new or changed position. While title changes are outside the concern of the salary stabilization program, salary increases justified solely by title changes are not authorized.

2.14 Q. The performance of the XYZ Company's chief accountant has improved markedly. There has been no material change in the nature of his responsibilities or function, however. Is this improved performance justification for assigning his position to a higher salary grade?

A. No. The company's salary plan provides for merit increases and this increase in efficiency may be recognized by such increase in salary on the basis of an amount normally granted under the provisions of the plan. Since he is at grade 5, $790 per month, he may be considered for advancement to step 2, $875 per month, subject to the provisions of the plan and to the over-all limitations of section 2 (f) of GSSR 3.

SECTION 3—NEW OR CHANGED POSITIONS UNDER PERSONAL OR RANDOM METHODS

3.1 Q. Due to a change in product, a company finds it necessary to establish a new purchasing department in the Office of the Comptroller. It is planned to assign a staff of 25 technical employees to the department and to provide a purchasing budget of $500,000 annually. The Comptroller will be assigned the final responsibility for all purchases, with no limit on the size of the contracts or the dollar amount of procurement. May a salary adjustment be warranted under these circumstances?

A. Yes. These changes in organization have resulted in a direct and substantial increase in the variety and responsibility of the Comptroller's work, and a salary adjustment may be warranted.

3.2 Q. A large petroleum company proposes to introduce a new exploration program to develop new sources of supply. As an initial step in this program, the company desires to establish a staff of geologists. At the present time, the salary plan provides a range of $7,500 to $9,000 for geologists having similar duties and responsibilities. The chief of executive recruitment has been unsuccessful in his attempts to hire the new staff. Although several offers were initially made at $7,500, and subsequently several exceptionally well qualified geologists were offered the $9,000 salary, they all declined. In view of the present inability of the petroleum firm to obtain qualified geologists, and since this staffing problem is directly related to a large expansion program which is being retarded, may the company increase the range of salaries to a maximum of $10,000 a year without prior approval?

A. No. The regulation relating to this problem is defined in section 6 of General Salary Stabilization Regulation 3, relative to salaries for new employees. Since this regulation does not offer a direct solution to this problem, the company may petition the Office of Salary Stabilization for an increase in the salary range if it can clearly establish the inadequacy of the existing salary range.

3.3 Q. A merchandising organization pays its buyers on the basis of straight salary. Recently the board of directors decided to add an entirely new line of merchandise and to secure the services of an individual with highly specialized experience related to these products. Since the company has no formal plan and has had no directly comparable position in its organization in the past, how should the salary for the new position be determined?

A. The proposed new position should be compared with other buyer positions in the company. This comparison should recognize and measure the difference between the new position and the existing buyer positions in such elements as the type of items, the volume and diversity of business involved, responsibility for inventories, the direction of merchandising staffs, and similar significant elements. The new position should then be established at a salary level which is in balance with the salaries paid to the other buyers in the company.

3.4 Q. A large insurance company has a salary range for its senior underwriters of $8,000 to $11,000 a year. The head of the Underwriting Department desires to add several additional positions of Senior Underwriter which are identical with the existing positions. Can he bring in new men having more than the minimum qualifications at the salary of $9,000 a year?

A. Yes. The regulation which defines the method of setting these salaries is section 6 of General Salary Stabilization Regulation 3. Such salary is consistent in amount with the salaries paid employees having the most nearly comparable duties and responsibilities.

3.5 Q. A medium sized manufacturing company has increased its production schedules as a result of several large defense orders. This increase in production is to be accomplished with the existing plant facilities. The new products will not require any major change in the production system, the program will be met by an increase in the number of units produced with only minor changes in basic materials and manufacturing methods. Does this increase in the production schedule, in itself, justify a review of the plant manager's position for the purpose of assigning a higher salary?

A. No. If the defense orders have only resulted in increased quantitative requirements with no direct increase in the inherent duties and responsibilities of the Plant Manager, a change in the grade and salary of his position is not warranted.

3.6 Q. The head of the Maintenance Department has a staff of 175 employees and is responsible for the repair, overhaul and maintenance of all plant equipment. This includes all machinery, fixed and mobile equipment and automotive equipment. One of the small outlying repair shops with five mechanics is transferred to the central maintenance department and placed under the control of the head of maintenance. Has the transfer of this shop resulted in an increase in the responsibility of the position of head of the maintenance department sufficient to result in an increase in salary?

A. No. This represents a relatively minor increase of staff within the same over-all functional program. This increase is not sufficient to increase the complexity or responsibility of the position of the head of the maintenance department.

3.7 Q. The public relations officer of a large processed food company has traditionally reported to the advertising manager. The president announces an organizational transfer of the public relations staff to the office of the vice president in charge of operations. This move involves no change in the functions, program, staff or authority of the public relations officer. Does the fact that the public relations officer now reports to a higher executive of the company justify consideration of his position for an increase in salary?

A. No. This is only a shift of organizational location with no change in the duties and responsibilities of the position.

3.8 Q. A small banking institution has no salary or evaluation plan. The president receives $11,500 per year, the executive vice president $9,000 per year, and the cashier $7,600 per year. The board of directors decides to expand the bank's loan business and to establish a new position of vice president in charge of the loan department, in order to give the program impetus and direction. The new position will report to the president and rank in authority and responsibility between the executive vice president and the cashier. How should the salary for the new position be established?

A. The salary for the new position must have a balanced relationship to the salaries for the various existing positions in the bank. Since this new position falls between positions at $9,000 and $7,600 in responsibility and authority, its salary should be established between those of the executive vice president and the cashier. The fact that the new position will have the title of vice president, as does one of the established positions, will not, in itself, warrant placing it at the same salary. The bank may determine the exact salary amount based upon all considerations within these limits.

3.9 Q. A company manufacturing specialty products has had a vice-president who served on a half time basis at a salary of $300 per month. The company now desires to establish this position as a full time vice presidency, add other duties, and set the salary at $500 per month. The other vice president now in the company has a somewhat more responsible position, and receives $600 per month. May the salary proposed be fixed without prior approval?

A. Yes. The proposed $500 salary for the new and less responsible vice presidential position is in a balanced relationship with the salary of $600 paid for the more responsible vice presidential position already existing in the company.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on June 2, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-6335; Filed, June 5, 1952; 10:56 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Designation of Scarce Materials 1, June 5, 1952]

DSM–1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

NPA Notice 1, as amended November 7, 1951 (the bracket heading of which is changed to "NPA Designation of Scarce Materials 1"), is hereby further amended to read as follows:

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

The amendments herein contained affect NPA Notice 1, as amended November 7, 1951, by changing the bracket heading to "NPA Designation of Scarce Materials 1"; by changing the word "notice", wherever it appears therein, to read "designation"; by adding a new section 7 for the purpose of making it clear that nothing in this designation relieves any person from the duty of complying with any other applicable provision of law, regulation, or order; and by redesignating the former section 7 as section 8.

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan 3, 1951, 16 F. R. 61; 3 CFR, 1951, Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person"

includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, all of which were designated as scarce materials in List A of NPA Notice 1, as amended November 7, 1951, are hereby withdrawn from such designation on June 5, 1952.

This Designation of Scarce Materials 1, as amended, shall take effect June 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

[Items preceded by asterisk have been added or are changes in their description since issuance of NPA Notice 1, as amended November 7, 1951.]

BUILDING MATERIALS

Cast iron pressure pipe and fittings.
*Cast iron soil pipe and fittings.

CHEMICALS

*Acetylene.
Allethrin.
Alkyl phenol.
*Alkyl phenol resins.
*Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
*Amylphenol.
*Argon.
*Benzene (benzol).
*Butadiene.
*Butyl phenol.
*Calcium carbide.
Carbon disulfide.
Chlorine, gaseous and liquid.
Chloroform.
Chlorophenol-para.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
*Cyclohexylamine.
*Dichlorodiphenyltrichloroethane.
Dichlorobenzene, ortho, meta, and para.
*2-4 Dichlorophenoxy acetic acid.
Dihydroxydichlorodiphenyl methane.
Diphenylamine.
Ethylene oxide.
Freon.
Hexylresorcinol.
*Hydrofluoric acid and compounds derived therefrom.
Iron oxide yellow.
*Lead naphthenate.
*Lithium chemicals.
*Melamine resins and molding powders.
Methylene chloride.
*Monochlorotrifluorethylene.
Naphthalene.
Naphthenic acid.
*Nickel chemicals.
Orthophosforic acid.
Oxygen.
Parachlorophenol.
Paranitrophenol.
*Phenothiazine.
Phosphorus.
Phthalic anhydride.
*Pine oil.
Polyethylene.
Polyethylene resins.
Polytetrafluorethylene.
*Polyvinylidene chloride and copolymer resins.
Pyrethrum.
Pyridine.
Resorcinol.
Resorcinol resins.
Sebacic acid.
*Selenium compounds.
*Sodium chlorate.
Sulfur.
Sulfuric acid.
*Sulfonated oils.
*Toluene.
*Zinc chloride.
*Zinc ammonium chloride.

FOREST PRODUCTS

Lumber (except railway crossties, mine ties, and hardwood flooring).
Plywood (softwood and hardwood).
Wood poles and piles.
Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
Converted paper and board products, all types and grades.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

Iron:
Pig iron.
*Gray iron castings (including soil and pressure pipe and fittings) rough and semifinished; malleable iron castings, rough and semifinished.
Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished, structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.

Forgings, rough.
*Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet, and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake, and paste.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
*Asbestos, amosite.
*Asbestos, chrysotile, spinning fibers.
*Asbestos, crocidolite.
*Beryllium: Metal oxides, alloys, and compounds.
Boron: Ferro-boron, boron metal, and all other alloys used as sources of boron.
Calcium: Calcium-silicon, calcium manganese-silicon, and metallic calcium.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
*Chromium: All forms of ferro-chromium and all other compositions containing more than 25 percent chromium, which are used as sources of chromium in commercial manufacture or processing.
Cobalt:
The element in any form and combination with other elements in which cobalt is an essential constituent (except cobalt concentrates, cemented carbide-tipped tools, cast cobalt-chrome-tungsten-molybdenum tools, and alloy hard-facing welding rods and materials; and except paints, varnishes, lacquers, inks, and similar products containing cobalt driers).
All scrap or secondary materials containing commercially recoverable cobalt.
*Columbium:
Ferro-columbium, potassium columbium fluoride, columbium oxide, and columbium carbide.
All scrap or secondary material containing commercially recoverable columbium of the above listed types.
*Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
Secondary copper and copper-base alloys.
Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Corundum, grain, and superfines.
*Cryolite.
Diamonds, industrial.
Electrodes, carbon.
*Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
*Graphite, natural:
Crucible flake.
Ceylon lump, 95 percent and higher carbon.
Iridium.
*Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
Manganese:
Manganese metal, ferro-manganese, spiegeleisen, and all other compounds and alloys which are used as sources of manganese in the manufacture of any alloy products.
All scrap and material containing sufficient manganese to be of commercial value as an alloying agent.
*Mica, muscovite block and film, good stained and better.
*Mica, splittings, muscovite, and phlogopite.
*Molybdenum: Pure molybdenum and ferro-molybdenum, all grades of molybdenum oxide, and all primary molybdates and other molybdenum compounds used as sources of molybdenum in commercial manufacture and processing.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Osmium.
Platinum.
*Rutile.
Scrap, nonferrous, all types.
Selenium.
Silicon: All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.
Talc, block (steatite).
*Tantalum metal and alloys, and all scrap and waste material containing commercially recoverable tantalum.
*Tin:
Tin, primary and secondary.
Tin, chemicals, including tin oxide.
Tin products such as tin pipe and sheet.
All alloys containing tin.
All tin and tin-base alloy scrap containing commercially recoverable tin.
Titanium:
Ingot.
Semifabricated shapes.
Sheets, tubes, extrusions.
All grades of ferro-titanium, titanium metal and other alloys used to add titanium in the manufacture of any alloy products.
All titanium-base alloy scrap.
Tungsten:
Tungsten in any form or shape into which it may be fabricated; except such finished forms as are fabricated for installation (without further processing) into electrical communication systems, incandescent lamps, and electronic equipment such as radio, radar, and similar products.
Tungsten, ferro, metal powder, and any other ferrous combination of the element tungsten in semimanufactured or manufactured form, excluding alloy steel, high speed steel, and tool steel.
Tungsten, all nonferrous mixtures or alloys containing tungsten, prepared for any purpose requiring further processing, whether the same or manufactured by means of melting, pressing, sintering, brazing, soldering, or welding, including but not limited to mixtures or alloys to be used in the production of tools and tool blanks or as hard-facing materials; but not including any finished tools.
Tungsten, all chemical compounds having tungsten as a recognizable and essential component.
Tungsten, all scrap or secondary material containing commercially recoverable tungsten.
*Vanadium: All forms of ferro-vanadium, vanadium pentoxide, and all other alloys and compositions used as sources of vanadium in commercial manufacture and processing.
Zinc, slab (all grades).
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

*Natural rubber, dry.
Synthetic rubbers, including latices, GR-S, butyl, neoprene, and N-types.

TEXTILE MATERIALS

Bristle, nylon tapered.
Burlap, Hessian (in the piece).
Cotton duck, army (in the piece).
Cotton duck, numbered (in the piece).
Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Silk, noils and waste.
Twine, binder and baler.
Webbing (heavy military types).

MISCELLANEOUS

Aluminum foil, converted.
Bristles.
Cans.
*Cellophane.
Collapsible tubes.
Components and parts for electric light bulbs and tubes.
Containers and fabricated products made wholly or partly from aluminum foil.
Containers, metal delivery and fluid milk shipping containers.
*Containers, other shipping containers, packages and packaging material, except glass containers.
Cylinders, gas.
Drums, steel, shipping.
*Packaging closures made in whole or in part of controlled materials.
Reels and spools, shipping and package (wholly or in part of metal).
*Strapping, metal (but not less than 1,000 pounds).
Textile bags.
Unit packages, wrappers, and shipping containers of all types made wholly or partly from any of the following films and plastics: Cellophane, cellulose acetate, cellulose acetate butyrate, ethyl cellulose, melamine resins and molding powders, methyl cellulose, phenolic resins and molding powders, pliofilm, polyethylene, polystyrene and copolymers, polyvinyl alcohol, polyvinyl chloride and copolymers, polyvinylidene chloride and copolymers, urea resins and molding powders.

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA NOTICE 1, AS AMENDED NOVEMBER 7, 1951

CHEMICALS

Carbon tetrachloride.
Copper-8-hydroxyquinolate.
Methanol.
Methyl chloride.
Nicotinimide.
Nicontinic acid.
Nylon, plastic type.
Phenol.
Quinoline.
Styrene.

Thiokol polymers (name change only to alkyl polysulfide polymers).
Trichloroethylene.

METALS AND MINERALS

Antimony, all forms.
Bismuth.
Cadmium.
Lead, all forms.
Zinc-base alloy in crude form.
Zinc, dust and oxide.
All zinc products such as rolled and extruded shapes, wire, and castings.
Zinc and zinc-base alloy scrap containing commercially recoverable zinc.
Zircon.

FOREST PRODUCTS

Wood pulp.

LEATHER AND TANNING MATERIALS

Hides and skins (domestic).
Quebracho.

RUBBER MATERIALS

Natural rubber, latex.

TEXTILE MATERIALS

Cotton pulp.
Feathers and down (waterfowl).

MISCELLANEOUS

Hog bristles, all types (presently listed in all-inclusive item "Bristles").

[F. R. Doc. 52-6336; Filed, June 5, 1952; 11:08 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 12 to Schedule B]

RR 1—Housing

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

LOUISIANA

Effective June 6, 1952, Rent Regulation 1 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Items 55 is added to Schedule B of Rent Regulation 1—Housing, reading as follows:

55. *Provisions relating to the Shreveport, Louisiana, Defense-Rental Area (Item 134a of Schedule A).*

The application of this regulation is terminated with respect to housing accommodations which on June 1, 1952 were, (a) unfurnished housing accommodations and had a maximum rent of $65.00 or more per month or (b) furnished housing accommodations and had a maximum rent of $85.00 or more per month.

All provisions of this regulation insofar as they are applicable to the Shreveport, Louisiana, Defense-Rental Area are hereby amended to the extent necessary to carry these provisions of item 55 into effect.

[F. R. Doc. 52-6183; Filed, June 5, 1952; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

FOX RIVER AND PORTAGE CANAL, WIS.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.643 is amended as follows:

§ 203.643 *Fox River and Portage Canal, Wis.*—(a) *City-owned bridges at Main Street, Walnut Street, and Mason Street, Green Bay, Wis.* (1) Except on Sundays and legal holidays, the owner of or agency controlling these bridges will not be required to open the draws from 7:45 a. m. to 8 a. m., from 12 noon to 12:15 p. m., from 12:50 p. m. to 1:10 p. m., and from 4:55 p. m. to 5:25 p. m.: *Provided*, That the draws shall be opened promptly at all times for the passage of vessels carrying United States mails, vessels belonging to the United States, vessels of 300 short tons or over cargo capacity engaging in commercial transportation and their attendant towing tugs, and tugs or fireboats when responding to emergency calls.

(2) Except as provided in subparagraph (1) of this paragraph, the draws shall be opened promptly upon signals, given by blasts of a horn, steam whistle, or other approved signalling device, as follows: For Main Street bridge, two short blasts followed by one long blast; for Walnut Street bridge, one long blast followed by two short blasts; for Mason Street bridge, one long blast followed by one short blast and one long blast.

(3) In case the draw cannot be opened immediately when the signals are given, a red flag or ball by day, or a red light by night, shall be conspicuously displayed.

(b) *Bridges at or between Berlin and Portage, Wis.* (1) The owners of or agencies controlling the bridges will not be required to open the draw span for the passage of vessels.

(2) The owners of or agencies controlling the bridges shall keep a legible copy of this section posted conspicuously on both the upstream and downstream sides of the bridges.

(28 Stat. 362; 33 U. S. C. 499) [Regs., May 16, 1952, 823.01-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6173; Filed, June 5, 1952; 8:45 a. m.]

PART 203—BRIDGE REGULATIONS

NEW JERSEY INTRACOASTAL WATERWAY AND TRIBUTARIES

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.220 governing the operation of bridges over the New Jersey Intracoastal Waterway and tributaries is hereby amended as follows:

§ 203.220 *New Jersey Intracoastal Waterway and tributaries; bridges.* (a) The New Jersey Intracoastal Waterway referred to in this section is defined as that waterway extending through the bays and thoroughfares on the eastern coast of New Jersey from Manasquan Inlet on the north to Cape May on the south, including Cape May Canal to Delaware Bay.

(b) When drawbridges are less than 1,000 feet apart they shall, for the purposes of this section, be considered and operated as a unit. The owners thereof shall provide and install, for uninterrupted service, systems of electric signals on their respective bridges, so connected that the operator of any bridge of the group may thereby simultaneously notify, by signal, the operators of all the other drawbridges of that group of the desire of the master of any vessel or other watercraft to pass through the draws. The operator of the bridge first in any group of bridges to be passed by an approaching vessel or other watercraft shall be responsible for observing the approach of such vessel or other watercraft toward that bridge, also for receiving the signal or notice for passing and for communicating, by means of the electric signals prescribed above, to the operators of the other bridges composing such group the purpose of such vessel or other watercraft to pass.

(c) Whenever any vessel or watercraft approaches a bridge affected by this section, and under which it cannot pass, the lawful signal of the desire of the master of the vessel or craft to pass through the draw opening shall be three blasts of a whistle or horn blown on the vessel or craft. These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(d) The draws in each and every bridge or group of bridges shall, upon the signal prescribed in paragraph (c) of this section, be promptly opened at any and all hours of the day or night, except as provided in paragraph (m) of this section for the passage of any vessel, vessels, or other watercraft unable to pass safely underneath the draw when closed. For bridges crossing the New Jersey Intracoastal Waterway, failure of the draws to be fully opened within 4 minutes from the signal to open shall be considered a violation of the requirement for prompt opening.

(e) If a car, train of cars, or other vehicle is, at the time of receiving the signal prescribed in paragraph (c) of this section, approaching any draw so closely that it cannot be safely stopped before reaching such draw, two blasts of a whistle or horn shall be blown on the bridge. As soon thereafter as such draw shall be cleared, such draw or all draws comprised in any group of bridges concerned shall be promptly opened, and three blasts of a whistle or horn blown on the bridge to indicate such clearance.

(f) After the draw or draws of any bridge or group of bridges shall have remained open for a period of 10 minutes or for such shorter period as may be necessary for the passage of vessels or other watercraft waiting to pass, the draw or draws may be closed for the crossing of cars, trains, vehicles, or individuals, if any be waiting to cross. After being so closed for a period of 10 minutes or for for such shorter times as may be necessary, the draw or draws shall be again promptly opened for the passage of vessels or other watercraft, if there be any desiring to pass.

(g) No vehicle, car, locomotive, or train shall be stopped on the drawspan of any bridge subject to this section; nor shall any such bridges carrying railway or tramway tracks be used for switching purposes, except those bridges for which special regulations are prescribed in paragraph (m) of this section; nor shall locomotives or trains be stopped in bridge blocks of railroad bridges in such manner as to hinder or delay the operation of any draw, except in cases of urgent necessity. Vessels shall not be so moored nor maneuvered as to delay or hinder unnecessarily closing the draw of any bridge. All passages of vessels and other watercraft through or under the drawbridges and all passage of cars, locomotives, trains, and other vehicles over drawbridges shall be prompt and as rapid as practicable in order to avoid unnecessary delay to either land or water traffic.

(h) The owner or owners of each and every drawbridge covered by this section shall maintain in good and serviceable order the drawspan, together with the machinery and appliances required for operating the same, and the electric signal system prescribed in paragraph (b) of this section; shall provide such number of draw operators or tenders as may be found necessary to open and close the draws promptly; and shall also provide and maintain in good order on the bridge piers or fenders such fixtures as may be necessary for vessels to moor or make fast while waiting for the drawspan to be opened.

(i) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(j) At each opening of a draw full horizontal and vertical clearances shall be provided, regardless of the size or requirements of the passing vessel or other watercraft.

(k) The owner or owners of each and every bridge covered by this section shall provide and maintain in good legible condition two board gauges, with figures not less than 6 inches high, the figures painted black on a white background, or vice versa, to indicate the vertical clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on the ends of the drawspan fender that they shall be plainly visible to the master of a vessel or other watercraft approaching such bridge either upstream or down-stream.

(l) The owner or owners of each and every bridge covered by this section shall cause to be kept a complete record of all openings of the draw and shall promptly report to the district engineer of the United States in charge of the river and harbor improvements in that vicinity all cases in which the drawspan has been required to remain open for an unreasonable length of time or to remain closed for more than 10 minutes after the prescribed signal to open the draw has been given.

(m) The provisions of paragraph (d) of this section shall be applicable to the bridges of the Pennsylvania-Reading Seashore Lines, over Beach Thorofare at Atlantic City, N. J., only between the hours of 11 p. m. and 6 a. m. daily. Between the hours of 6 a. m. and 11 p. m. these bridges shall be opened upon signal from any vessel or craft desiring to pass at any time during the periods from 20 to 30 minutes past each hour, but may remain closed during such periods if no vessel or craft give such signal: *Provided*, That when once opened for the passage of any vessel or craft said bridges shall remain opened sufficiently long to permit the passage of all vessels or craft which may be engaged in passing or which may be presenting itself for passage. Between such hours (6 a. m. and 11 p. m.) these bridges shall not be opened except as provided for in this paragraph.

(28 Stat. 362; 33 U. S. C. 499) [Regs., May 16, 1952, 823.01-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6174; Filed, June 5, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

SPECIAL CONSIDERATIONS CONCERNING PERSUIT OF EDUCATION OR TRAINING AFTER STATUTORY DELIMITING DATE

In § 21.36, paragraphs (b) (2) and (d) (4) are added as follows:

§ 21.36 *Special considerations concerning the pursuit of education or training after the statutory delimiting date.* • • •

(b) *Initiation of course.* • • •

(2) The provisions of § 21.35 (b) requiring initiation of the course of education or training on or prior to the delimiting date and the pursuit thereof on that date will be deemed to have been constructively met in any case where, his application having been received in the Veterans' Administration no later than the 10th work day immediately preceding the applicable delimiting date, the veteran is prevented from commencing the course on or prior to the delimiting date by reason of the failure of the Veterans' Administration to issue the proper certificate of eligibility and entitlement on or prior to the 3d work day immediately preceding the delimiting date.

• • • • • • •

(d) *Continuous pursuit of education or training;* § 21.35 (c). • • •

(4) Interruption of the course of education or training by the veteran for any reason in connection with his employment situation, where such employment is not a part of his course, will not ordinarily be deemed to be an interruption for a valid reason for the purposes of § 21.35 (b) and (c).

(i) However, where the conditions or requirements of the veteran's employment situation are such that normally and ordinarily he could reasonably expect his employment to be compatible with continuous pursuit of the course but because of the development of some unusual, emergent, or unexpected situation, which could not reasonably be anticipated as a condition or requirement of his employment, the veteran is required by his employer to be away from the locality of the place of training temporarily in connection with his employment, a resulting temporary interruption will be deemed to have been caused by a valid reason: *Provided*, That such period of interruption does not exceed 4 months in duration: *And provided further*, That after the reason for interrupting the course ceases to obtain, the veteran resumes his course within 30 days or at the first time enrollment of students in the course is permitted, whichever is later.

• • • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697g, ch. 12 note)

This regulation effective June 6, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6168; Filed, June 5, 1952; 8:54 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

TYPES OF COURSES; ADDITIONAL LEAVE UNDER EXCEPTIONAL CIRCUMSTANCES

1. In § 21.201, paragraph (h) is amended to read as follows:

§ 21.201 *Types of courses.* • • •

(h) *Independent instructor course.* A course which is pursued with an individual instructor who, independently of jurisdiction or direction of a training institution or a training on-the-job estab-

lishment, furnishes and conducts the course at a suitable place of training.

(i) Except as provided for in subparagraph (2) of this paragraph, an independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop within a reasonable commuting distance from the veteran's home, and the handicap caused by the veteran's disability precludes requiring his going elsewhere for training.

(j) The individual training program for a veteran for whom an independent instructor course is prescribed under the conditions of this subparagraph will be planned carefully by the Veterans' Administration in collaboration with the instructor and, in addition to meeting the requirements of other applicable Veterans' Administration regulations and procedures, will show for each of the several major units of work, which together constitute the occupation in which the veteran is to be made employable, the hours allotted to instruction and separately the hours allotted to work assignments (including preparation and/or practice), thus accounting for all the time the trainee will devote to his training. The training program will also include a time schedule showing the daily hours of instruction and/or work assignments separately.

(ii) Since the customary channels opening into employment may not be available to a veteran pursuing an independent instructor course under the conditions of this subparagraph, arrangements for satisfactory remunerative employment upon completion of the training shall be thoroughly considered and found favorable in a realistic sense before the veteran is approved for such training. Supervision of the veteran's training shall be thorough in all respects, and shall be made with such frequency as to insure knowledge whether the veteran is devoting the proper amount of time to instruction and work assignments, his progress is satisfactory, and that continuance of the course is warranted. The training officer in administering the veteran's training will encourage the trainee to develop gradually a market for his products and/or services and to supply that market so that in effect by the completion of the training program the veteran will have been trained into employment.

(2) Subject to obtaining authorization in advance from central office, an independent instructor course in agriculture may be furnished on a veteran's farm when a satisfactory course of institutional on-farm training is not available through an established school: *Provided*, That where such a course is prescribed, it will be conducted and otherwise administered strictly in accord with all of the applicable provisions of paragraph (c) (3) of this section pertaining to institutional on-farm training, with special care to provide for full observance of each of the essential requirements of that paragraph, except that the 100 hours of on-farm instruction prescribed in paragraph (c) (3) (iv) (*a*) (*1*) of this section will be increased by at least the 200 hours prescribed for classroom instruction in paragraph (c) (3) (i) of this section, giving a total of at least 300 hours of on-farm instruction. To receive central office consideration, a request for authorization to furnish an independent instructor course in agriculture under this subparagraph shall be accompanied by the veteran's records, and shall include a detailed statement of the facts and circumstances in the particular case and a clear showing of compliance with each requirement of paragraph (c) (3) of this section except as provided in the preceding sentence.

2. In § 21.262 (b), subparagraph (2) is amended to read as follows:

§ 21.262 *Additional leave under exceptional circumstances.* • • •

(b) *Personal hardship.* • • •

(2) After all accrued ordinary leave has been exhausted, leave, in addition to the sick leave permitted by paragraph (a) of this section, not to exceed 30 days in each 12 successive months of training status may be granted when it is clear that it could not have been foreseen that the illness would require more than the amount of leave which was approvable under paragraph (a) of this section and when there is clear indication that training will be resumed within the additional period. The basic 30 days' sick leave provided for in paragraph (a) of this section, together with ordinary leave, generally should be a sufficient allowance for personal illness. A greater period of absence from training ordinarily would interfere with the course.

• • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective June 6, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6169; Filed, June 5, 1952; 8:54 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 23 Rev., Supp. 3, Admt. 1, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART B—REGULATIONS FOR THE GOVERNMENT OF THE UNITED STATES MARITIME SERVICE

PAY AND ALLOWANCES

Effective May 1, 1952, paragraph (a) of § 310.21, *Pay and allowances*, contained in Revised General Order 23, Supp. 3, WSA Function Series published in the FEDERAL REGISTER issue of December 24, 1949 (14 F. R. 7707), is amended as follows:

1. In paragraph (a) of § 310.21 strike out the words "including the rank of Commodore as authorized by 55 Stat. 604 as amended," and insert in lieu thereof the following: "as amended by sections 1 (a), (b) and (d), 3 and 5, Public Law 346, 82d Congress, approved May 19, 1952; 66 Stat. 79, including the rank of Commodore as authorized by 55 Stat. 604 as amended: *Provided, however*, That enrollees below officer rank who are entitled to receive basic allowances for quarters shall be entitled to an increase of such allowances in an amount equivalent to fourteen (14) per cent of the monthly rates according to the pay grade to which assigned or in which distributed for basic pay purposes as provided in section 302 (f), 63 Stat. 812; 37 U. S. C. 252.", so that that portion of § 310.21 (a) amended as aforesaid, affecting enrollees of the Maritime Service while on active administrative duty, shall read:

§ 310.21 *Pay and allowances.* (a) (1) Enrollees of the Maritime Service while on active administrative duty shall receive the same pay and allowances according to cumulative years of service of their respective ranks, grades and ratings as are now or shall hereafter be prescribed for personnel of the Coast Guard with similar ranks, grades and ratings in Titles II and III of the "Career-Compensation Act of 1949" (Pub. Law 351, 81st Cong.), as amended by sections 1 (a), (b) and (d), 3 and 5, Public Law 346, 82d Congress, approved May 19, 1952; 66 Stat. 79, including the rank of Commodore as authorized by 55 Stat. 604 as amended: *Provided, however*, That enrollees below officer rank who are entitled to receive basic allowances for quarters shall be entitled to an increase of such allowances in an amount equivalent to fourteen (14) per cent of the pay grade to which assigned or in which distributed for basic pay purposes as provided in section 302 (f), 63 Stat. 812; 37 U. S. C. 252.

(2) Service creditable in the computation of basic pay as prescribed in Public Law 351, 81st Congress, shall include, but not be restricted to, enrollment in the Maritime Service on administrative duty, active or reserve.

• • • • •

(Sec. 216, 52 Stat. 965 as amended; 46 U. S. C. 1126. Interprets or applies sec. 6, 55 Stat. 604, as amended, 63 Stat. 805, as amended; 84 U. S. C. 350e, 37 U. S. C. 232)

Dated May 29, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-6204; Filed, June 5, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

[Regs. 111]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CHANGES IN INDIVIDUAL INCOME TAX RATES UNDER THE REVENUE ACTS OF 1950 AND 1951

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791) and pursuant to sections 101, 102, 103, and 104 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.), approved September 23, 1950, and sections 101, 102, 104, and 105 of the Revenue Act of 1951 (Pub. Law 183, 82d Cong.), approved October 20, 1951.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 101, 102, 103, and 104 of the Revenue Act of 1950 (Public Law 814, 81st Cong.), approved September 23, 1950, and to sections 101, 102, 104, and 105 of the Revenue Act of 1951 (Public Law 183, 82d Cong.), approved October 20, 1951, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.11–1 the following:

SEC. 101. INCREASE IN NORMAL TAX AND SURTAX ON INDIVIDUALS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Normal tax.* Section 11 (relating to the normal tax on individuals) is hereby amended to read as follows:

SEC. 11. NORMAL TAX ON INDIVIDUALS.

(a) *Taxable years beginning after September 30, 1950.* In the case of taxable years beginning after September 30, 1950, there shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax of 3 per centum of the amount of the net income in excess of the credits against net income provided in section 25. For alternative tax which may be elected if adjusted gross income is less than $5,000, see supplement T. For computation of tax in case the taxable year (other than the calendar year 1950) ends after September 30, 1950, see section 108 (e).

(b) • • •

• • • • • •

(3) Section 12 (c) (relating to reduction of tentative normal tax and tentative surtax) is hereby amended to read as follows:

(c) *Reduction of tentative normal tax and tentative surtax.*

(1) *Calendar year 1950.* In the case of a taxable year beginning on January 1, 1950, and ending on December 31, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	13% of the aggregate.
Over $400 but not over $100,000	$52 plus 9% of excess over $400.
Over $100,000	$9,016 plus 7.3% of excess over $100,000.

In no event shall the combined normal tax and surtax for such taxable year exceed 80 per centum of the net income.

(2) *Other taxable years beginning before October 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before October 1, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

If combined normal tax and surtax so computed exceeds 77 per centum of the net income for the taxable year, the combined tax shall be reduced to 77 per centum of the net income. For computation of tax in case the taxable year ends after September 30, 1950, see section 108 (e).

(4) Effective with respect to taxable years beginning after September 30, 1950, section 12 (f) is hereby amended to read as follows:

(f) *Limitation on tax.* In the case of a taxable year beginning after September 30, 1950, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part [inc. secs. 101 and 102] shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part [inc. secs. 101 and 103] shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 101. INCREASE IN SURTAX FOR 1951, 1952, AND 1953 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Limitation on tax.* Section 12 (f) (relating to limitation on tax) is hereby amended to read as follows:

(f) *Limitation on tax.*

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending December 31, 1951, the combined normal tax and surtax shall in no event exceed 87.2 per centum of the net income for the taxable year.

(2) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, the combined normal tax and surtax shall in no event exceed 88 per centum of the net income of the taxable year.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part [inc. secs. 101, 102, and 103] and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105 EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 101 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December

31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 2. Section 29.11-1, as amended by Treasury Decision 5687, approved February 16, 1949 is further amended as follows:

(A) By inserting in the heading of paragraph (b) thereof after "*Taxable years beginning after December 31, 1943*" the following: "*, and before October 1, 1950*".

(B) By inserting in the first sentence of paragraph (b) thereof after "For taxable years beginning after December 31, 1943," the following: "and before October 1, 1950,".

(C) By striking out all of paragraph (b) after the fourth sentence thereof and inserting in lieu thereof the following:

• • • For taxable years beginning after December 31, 1947, and before October 1, 1950, the normal tax on individuals is determined by computing a tentative normal tax of 3 percent of the amount of the net income in excess of the credits against net income provided in section 25 for such years and by reducing such tentative normal tax as follows:

(i) For taxable years beginning after December 31, 1947, and ending before January 1, 1950, the reduction shall be made under the provisions of section 12 (c) prior to its amendment by the Revenue Act of 1950;

(ii) For taxable years beginning before October 1, 1950, and ending after December 31, 1949 (other than the calendar year 1950), the reduction shall be made under the provisions of section 12 (c) (2), as amended by the Revenue Act of 1950;

(iii) For a taxable year which is the calendar year 1950, the reduction shall be made under the provisions of section 12 (c) (1), as amended by the Revenue Act of 1950.

See § 29.12-2. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, and before October 1, 1950, see § 29.12-4.

(2) For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108-2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108-3.

(c) *Taxable years beginning after September 30, 1950.* For taxable years beginning after September 30, 1950, chapter 1 of the Internal Revenue Code imposes an income tax on individuals consisting of a normal tax (section 11) and a surtax (section 12). For optional tax in the case of taxpayers with adjusted gross income of less than $5,000, see section 400 and § 29.400-1 (b). The normal tax on individuals for taxable years beginning after September 30, 1950, is at the rate of 3 percent and is upon net income reduced by the amount of the credits against net income provided in section 25 for such years. For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after September 30, 1950, see § 29.12-4. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108-5. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108-7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108-8.

PAR. 3. There is inserted immediately preceding § 29.12-1 the following:

SEC. 101. INCREASE IN NORMAL TAX AND SURTAX ON INDIVIDUALS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(b) *Surtax.*

(1) So much of section 12 (b) as precedes "Not over $2,000" is hereby amended to read as follows:

(b) *Rates of surtax.*

(1) *Taxable years beginning after September 30, 1950.* In the case of taxable years beginning after September 30, 1950, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is: The surtax shall be:

If the surtax net income is:	The surtax shall be:
Not over $2,000	13% of the surtax net income.
Over $2,000 but not over $4,000	$260 plus 16% of excess over $2,000.
Over $4,000 but not over $6,000	$580 plus 19% of excess over $4,000.
Over $6,000 but not over $8,000	$960 plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,400 plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$1,900 plus 28% of excess over $10,000.
Over $12,000 but not over $14,000	$2,460 plus 31% of excess over $12,000.
Over $14,000 but not over $16,000	$3,080 plus 34% of excess over $14,000.
Over $16,000 but not over $18,000	$3,760 plus 37% of excess over $16,000.
Over $18,000 but not over $20,000	$4,500 plus 40% of excess over $18,000.
Over $20,000 but not over $22,000	$5,300 plus 43% of excess over $20,000.
Over $22,000 but not over $26,000	$6,160 plus 46% of excess over $22,000.
Over $26,000 but not over $32,000	$8,000 plus 50% of excess over $26,000.
Over $32,000 but not over $38,000	$11,000 plus 53% of excess over $32,000.
Over $38,000 but not over $44,000	$14,180 plus 56% of excess over $38,000.
Over $44,000 but not over $50,000	$17,540 plus 59% of excess over $44,000.
Over $50,000 but not over $60,000	$21,080 plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$27,280 plus 65% of excess over $60,000.
Over $70,000 but not over $80,000	$33,780 plus 68% of excess over $70,000.
Over $80,000 but not over $90,000	$40,580 plus 71% of excess over $80,000.
Over $90,000 but not over $100,000	$47,680 plus 74% of excess over $90,000.
Over $100,000 but not over $150,000	$55,080 plus 77% of excess over $100,000.
Over $150,000 but not over $200,000	$93,580 plus 80% of excess over $150,000.
Over $200,000	$133,580 plus 83% of excess over $200,000.

In no event shall the combined normal tax and surtax for such taxable year exceed 90 per centum of the net income.

(2) *Other taxable years beginning before October 1, 1950.* In the case of taxable years (other than the calendar year 1950, to which paragraph (1) applies) beginning before October 1, 1950, the combined normal tax and surtax under section 11 and subsection (b) of this section shall be the aggregate of the tentative normal tax and tentative surtax, reduced as follows:

If the aggregate is:	The reduction shall be:
Not over $400	17% of the aggregate.
Over $400 but not over $100,000	$68 plus 12% of excess over $400.
Over $100,000	$12,020 plus 9.75% of excess over $100,000.

If combined normal tax and surtax so computed exceeds 77 per centum of the net income for the taxable year, the combined tax shall be reduced to 77 per centum of the net income. For computation of tax in case the taxable year ends after September 30, 1950, see section 108 (e).

(4) Effective with respect to taxable years beginning after September 30, 1950, section 12 (f) is hereby amended to read as follows:

(f) *Limitation on tax.* In the case of a taxable year beginning after September 30, 1950, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part [inc. secs. 101 and 102] shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part [inc. secs. 101 and 103] shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 101. INCREASE IN SURTAX FOR 1951, 1952, AND 1953 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Rates of surtax.* Section 12 (b) (relating to rates of surtax) is hereby amended to read as follows:

(b) *Rates of surtax.*

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending on December 31, 1951, there shall be levied, collected, and paid for such taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	17.4% of the surtax net income.
Over $2,000 but not over $4,000	$348, plus 19.4% of excess over $2,000.
Over $4,000 but not over $6,000	$736, plus 24% of excess over $4,000.
Over $6,000 but not over $8,000	$1,216, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000	$1,756, plus 32% of excess over $8,000.
Over $10,000 but not over $12,000	$2,396, plus 36% of excess over $10,000.
Over $12,000 but not over $14,000	$3,116, plus 40% of excess over $12,000.
Over $14,000 but not over $16,000	$3,916, plus 45% of excess over $14,000.
Over $16,000 but not over $18,000	$4,816, plus 48% of excess over $16,000.
Over $18,000 but not over $20,000	$5,776, plus 51% of excess over $18,000.

If the surtax net income is:	The surtax shall be:
Over $20,000 but not over $22,000	$6,796, plus 54% of excess over $20,000.
Over $22,000 but not over $26,000	$7,876, plus 57% of excess over $22,000.
Over $26,000 but not over $32,000	$10,156, plus 60% of excess over $26,000.
Over $32,000 but not over $38,000	$13,756, plus 63% of excess over $32,000.
Over $38,000 but not over $44,000	$17,536, plus 66% of excess over $38,000.
Over $44,000 but not over $50,000	$21,496, plus 70% of excess over $44,000.
Over $50,000 but not over $60,000	$25,696, plus 72% of excess over $50,000.
Over $60,000 but not over $70,000	$32,896, plus 75% of excess over $60,000.
Over $70,000 but not over $80,000	$40,396, plus 79% of excess over $70,000.
Over $80,000 but not over $90,000	$48,296, plus 81% of excess over $80,000.
Over $90,000 but not over $100,000	$56,396, plus 84% of excess over $90,000.
Over $100,000 but not over $150,000	$64,796, plus 86% of excess over $100,000.
Over $150,000 but not over $200,000	$107,796, plus 87% of excess over $150,000.
Over $200,000	$151,296, plus 88% of excess over $200,000.

(2) *Taxable years beginning after October 31, 1951, and before January 1, 1954.* In the case of taxable years beginning after October 31, 1951, and before January 1, 1954, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual (other than a head of a household to whom subsection (c) applies) the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	19.2% of the surtax net income.
Over $2,000 but not over $4,000	$384, plus 21.6% of excess over $2,000.
Over $4,000 but not over $6,000	$816, plus 26% of excess over $4,000.
Over $6,000 but not over $8,000	$1,336, plus 31% of excess over $6,000.
Over $8,000 but not over $10,000	$1,956, plus 35% of excess over $8,000.
Over $10,000 but not over $12,000	$2,656, plus 39% of excess over $10,000.
Over $12,000 but not over $14,000	$3,436, plus 45% of excess over $12,000.
Over $14,000 but not over $16,000	$4,336, plus 50% of excess over $14,000.
Over $16,000 but not over $18,000	$5,336, plus 53% of excess over $16,000.
Over $18,000 but not over $20,000	$6,396, plus 56% of excess over $18,000.
Over $20,000 but not over $22,000	$7,516, plus 59% of excess over $20,000.
Over $22,000 but not over $26,000	$8,696, plus 63% of excess over $22,000.
Over $26,000 but not over $32,000	$11,216, plus 64% of excess over $26,000.
Over $32,000 but not over $38,000	$15,056, plus 65% of excess over $32,000.
Over $38,000 but not over $44,000	$18,956, plus 69% of excess over $38,000.
Over $44,000 but not over $50,000	$23,096, plus 72% of excess over $44,000.
Over $50,000 but not over $60,000	$27,416, plus 74% of excess over $50,000.
Over $60,000 but not over $70,000	$34,816, plus 77% of excess over $60,000.
Over $70,000 but not over $80,000	$42,516, plus 80% of excess over $70,000.
Over $80,000 but not over $90,000	$50,516, plus 82% of excess over $80,000.
Over $90,000 but not over $100,000	$58,716, plus 85% of excess over $80,000.
Over $100,000 but not over $150,000	$67,216, plus 87% of excess over $100,000.
Over $150,000 but not over $200,000	$110,716, plus 88% of excess over $150,000.
Over $200,000	$154,716, plus 89% of excess over $200,000.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, there shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual (other than a head of a household to whom subsection (c) applies) the surtax shown in the following table:

If the surtax net income is:	The surtax shall be:
Not over $2,000	17% of the surtax net income.
Over $2,000 but not over $4,000	$340, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$720, plus 23% of excess over $4,000.
Over $6,000 but not over $8,000	$1,180, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000	$1,720, plus 31% of excess over $8,000.
Over $10,000 but not over $12,000	$2,340, plus 35% of excess over $10,000.
Over $12,000 but not over $14,000	$3,040, plus 40% of excess over $12,000.
Over $14,000 but not over $16,000	$3,840, plus 44% of excess over $14,000.
Over $16,000 but not over $18,000	$4,720, plus 47% of excess over $16,000.
Over $18,000 but not over $20,000	$5,660, plus 50% of excess over $18,000.
Over $20,000 but not over $22,000	$6,660, plus 53% of excess over $20,000.
Over $22,000 but not over $26,000	$7,720, plus 56% of excess over $22,000.
Over $26,000 but not over $32,000	$9,960, plus 59% of excess over $26,000.
Over $32,000 but not over $38,000	$13,500, plus 62% of excess over $32,000.
Over $38,000 but not over $44,000	$17,220, plus 66% of excess over $38,000.
Over $44,000 but not over $50,000	$21,180, plus 69% of excess over $44,000.
Over $50,000 but not over $60,000	$25,320, plus 72% of excess over $50,000.
Over $60,000 but not over $70,000	$32,520, plus 75% of excess over $60,000.
Over $70,000 but not over $80,000	$40,020, plus 78% of excess over $70,000.
Over $80,000 but not over $90,000	$47,820, plus 81% of excess over $80,000.
Over $90,000 but not over $100,000	$55,920, plus 84% of excess over $90,000.
Over $100,000 but not over $150,000	$64,320, plus 86% of excess over $100,000.
Over $150,000 but not over $200,000	$107,320, plus 87% of excess over $150,000.
Over $200,000	$150,820, plus 88% of excess over $200,000.

(b) *Limitation on tax.* Section 12 (f) (relating to limitation on tax) is hereby amended to read as follows:

(f) *Limitation on tax.*

(1) *Calendar year 1951.* In the case of a taxable year beginning on January 1, 1951, and ending December 31, 1951, the combined normal tax and surtax shall in no event exceed 88 per centum of the net income of the taxable year.

(3) *Taxable years beginning after December 31, 1953.* In the case of taxable years beginning after December 31, 1953, the combined normal tax and surtax shall in no event exceed 87 per centum of the net income for the taxable year.

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part [inc. secs. 101, 102, and 103] and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 101 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 4. Section 29.12-1, as amended by Treasury Decision 5687, is further amended by striking out paragraph (d) and inserting in lieu thereof the following:

(d) *Taxable years beginning after December 31, 1947, and before October 1, 1950.* For taxable years beginning after December 31, 1947, and before October 1, 1950, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 for such years upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1951. For such taxable years, section 12 provides that the surtax shall be determined by computing a tentative surtax in accordance with the table contained in section 12 (b) for such taxable years and by reducing such tentative surtax as follows:

(1) For taxable years beginning after December 31, 1947, and ending before January 1, 1950, the reduction shall be made under the provisions of section 12 (c) prior to its amendment by the Revenue Act of 1950;

(2) For taxable years beginning before October 1, 1950, and ending after December 31, 1949 (other than the calendar year 1950), the reduction shall be made under the provisions of section 12 (c) (2), as amended by the Revenue Act of 1950;

(3) For a taxable year which is the calendar year 1950, the reduction shall be made under the provisions of section 12 (c) (1), as amended by the Revenue Act of 1950.

For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

(e) *Taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951).* For taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951), there is imposed, in addition to the normal tax, a surtax determined as specified in section 12 for such years upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). For taxable years beginning prior to January 1, 1951, the surtax net income for such years is the net income minus the credits provided in section 25 (b) prior to its amendment by the Revenue Act of 1951. For taxable years beginning after December 31, 1950, the surtax net income for such years is the net income minus the credits provided in section 25 (b), as amended by the Revenue Act of 1951. For taxable years beginning after September 30, 1950, and before November 1, 1951 (other than the calendar year 1951), the surtax shall be determined in accordance with the surtax table contained in section 12 (b) (1) prior to its amendment by the Revenue Act of 1951. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–5.

(f) *Calendar year 1951 and taxable years beginning after October 31, 1951.* For a taxable year which is the calendar year 1951 and for taxable years beginning after October 31, 1951, there is imposed, in addition to the normal tax, a surtax determined as specified in section 12, as amended by the Revenue Act of 1951, upon the surtax net income of every individual, resident or nonresident, except nonresident alien individuals subject to the tax imposed by section 211 (a). The surtax net income is the net income minus the credits provided in section 25 (b), as amended by the Revenue Act of 1951. Section 12 specifies that the surtax shall be determined in accordance with the applicable surtax table contained therein. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 5. Section 29.12–2, as amended by Treasury Decision 5687, is further amended as follows:

(A) By inserting in the first sentence after "taxable years beginning after December 31, 1945," the following: "and before October 1, 1950,".

(B) By inserting in the heading of the tentative surtax table after "Taxable Years Beginning After December 31, 1945" the following: ", and Before October 1, 1950".

(C) By inserting after "For taxable years beginning after December 31, 1947," in the first sentence of paragraph (d), the following: "and before October 1, 1950 (other than the calendar year 1950),".

(D) By striking out paragraphs (f) and (g) of the section and inserting in lieu thereof the following:

(f) For a taxable year which is the calendar year 1950, section 12 provides that the combined normal tax and surtax shall be determined by reducing the aggregate of the tentative normal tax and tentative surtax as provided in the following table:

If the aggregate of the tentative normal tax and the tentative surtax is:	The reduction shall be:
Not over $400	13% of the aggregate.
Over $400 but not over $100,000	$52 plus 9% of the excess over $400.
Over $100,000	$9,016 plus 7.3% of the excess over $100,000.

Accordingly if the normal tax net income and the surtax net income for the calendar year 1950 each amounts to $150,000 the combined normal tax and surtax will be $101,941.14, computed as follows:

Tentative normal tax: 3 percent of $150,000	$4,500.00
Tentative surtax on $150,000 from table	107,320.00
Aggregate of tentative normal tax and tentative surtax	111,820.00
Reduction of tentative tax: $9,016 plus 7.3 percent of $11,820 (excess of the aggregate tentative tax over $100,000)	9,878.86
Combined normal tax and surtax	101,941.14

(g) Section 12 (f) prior to its amendment by the Revenue Act of 1950 provides that whenever it is necessary to ascertain the normal tax and the surtax separately for a taxable year beginning after December 31, 1947, and before October 1, 1950, the surtax shall be an amount which is the same proportion of the combined normal tax and surtax as the tentative surtax is of the aggregate of the tentative normal tax and tentative surtax, and the normal tax shall be the remainder of such combined normal tax and surtax. Such computation, for example, is necessary for the purpose of section 105, relating to tax on the gain from the sale of oil or gas properties, and for the purpose of section 106, relating to tax on amounts received with respect to claims against the United States involving acquisition of property. The surtax on the net income of $150,000 involved in the above example with respect to the tax for the calendar year 1950 would under section 12 (f) be $101,941.14 (combined normal tax and surtax) multiplied by

$$\frac{107,320 \text{ (tentative surtax)}}{111,820 \text{ (tentative total tax)}}$$

or $97,838.70, and the normal tax would be $101,941.14 minus $97,838.70, or $4,102.44.

SURTAX TABLE—TAXABLE YEARS BEGINNING AFTER SEPT. 30, 1950, AND BEFORE NOV. 1, 1951 (OTHER THAN CALENDAR YEAR 1951)

Surtax net income	Percent	Total surtax
$0 to $2,000	17	$340
$2,000 to $4,000	19	720
$4,000 to $6,000	23	1,180
$6,000 to $8,000	27	1,720
$8,000 to $10,000	31	2,340
$10,000 to $12,000	35	3,040
$12,000 to $14,000	40	3,840
$14,000 to $16,000	44	4,720
$16,000 to $18,000	47	5,660
$18,000 to $20,000	50	6,660
$20,000 to $22,000	53	7,720
$22,000 to $26,000	56	9,960
$26,000 to $32,000	59	13,500
$32,000 to $38,000	62	17,220
$38,000 to $44,000	66	21,180
$44,000 to $50,000	69	25,320
$50,000 to $60,000	72	32,520
$60,000 to $70,000	75	40,020
$70,000 to $80,000	78	47,820
$80,000 to $90,000	81	55,920
$90,000 to $100,000	84	64,320
$100,000 to $150,000	87	107,820
$150,000 to $200,000	87	151,320
$200,000 up	88	

(h) The surtax for any amount of surtax net income not stated in round figures in the surtax table is computed by adding to the surtax for the largest amount stated which is less than the surtax net income, the surtax upon the excess over that amount at the rate indicated in the table. Accordingly, the surtax upon a surtax net income of $63,128 would be $34,866, computed as follows:

Surtax on $60,000 from table	$32,520
Surtax on $3,128 at 75 percent	2,346
Total	34,866

SURTAX TABLE—TAXABLE YEAR WHICH IS CALENDAR YEAR 1951

Surtax net income	Percent	Total surtax
$0 to $2,000	17.4	$348
$2,000 to $4,000	19.4	736
$4,000 to $6,000	24	1,220
$6,000 to $8,000	27	1,760
$8,000 to $10,000	32	2,400
$10,000 to $12,000	36	3,120
$12,000 to $14,000	40	3,920
$14,000 to $16,000	45	4,820
$16,000 to $18,000	48	5,780
$18,000 to $20,000	51	6,800
$20,000 to $22,000	54	7,880
$22,000 to $26,000	57	10,160
$26,000 to $32,000	60	13,760
$32,000 to $38,000	63	17,540
$38,000 to $44,000	66	21,500
$44,000 to $50,000	69	25,640
$50,000 to $60,000	72	32,840
$60,000 to $70,000	75	40,340
$70,000 to $80,000	78	48,140
$80,000 to $90,000	81	56,240
$90,000 to $100,000	84	64,640
$100,000 to $150,000	87	108,140
$150,000 to $200,000	87	151,640
$200,000 up	88	

SURTAX TABLE (FOR OTHERS THAN HEAD OF HOUSEHOLD) TAXABLE YEARS BEGINNING AFTER OCT. 31, 1951, AND BEFORE JAN. 1, 1954

Surtax net income	Percent	Total surtax
$0 to $2,000	19.2	$384
$2,000 to $4,000	21.6	816
$4,000 to $6,000	26	1,336
$6,000 to $8,000	31	1,976
$8,000 to $10,000	35	2,676
$10,000 to $12,000	39	3,456
$12,000 to $14,000	43	4,316
$14,000 to $16,000	50	5,316
$16,000 to $18,000	53	6,396
$18,000 to $20,000	56	7,516
$20,000 to $22,000	59	8,696
$22,000 to $26,000	62	11,176
$26,000 to $32,000	64	15,016
$32,000 to $38,000	65	18,916
$38,000 to $44,000	69	22,896
$44,000 to $50,000	72	27,216
$50,000 to $60,000	74	34,616
$60,000 to $70,000	77	42,316
$70,000 to $80,000	80	50,316
$80,000 to $90,000	82	58,516
$90,000 to $100,000	85	67,016
$100,000 to $150,000	87	110,516
$150,000 to $200,000	88	154,516
$200,000 up	89	

SURTAX TABLE (FOR OTHERS THAN HEAD OF HOUSEHOLD) TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

Surtax net income	Percent	Total surtax
$0 to $2,000	17	$340
$2,000 to $4,000	19	720
$4,000 to $6,000	23	1,180
$6,000 to $8,000	27	1,720
$8,000 to $10,000	31	2,340
$10,000 to $12,000	35	3,040
$12,000 to $14,000	40	3,840
$14,000 to $16,000	44	4,720
$16,000 to $18,000	47	5,660
$18,000 to $20,000	50	6,660
$20,000 to $22,000	53	7,720
$22,000 to $26,000	56	9,960
$26,000 to $32,000	59	13,500
$32,000 to $38,000	62	17,220
$38,000 to $44,000	66	21,180
$44,000 to $50,000	69	25,320
$50,000 to $60,000	72	32,520
$60,000 to $70,000	75	40,020
$70,000 to $80,000	78	47,820
$80,000 to $90,000	81	55,920
$90,000 to $100,000	84	64,320
$100,000 to $150,000	86	107,320
$150,000 to $200,000	87	150,820
$200,000 up	88	

(1) For computation of tax in the case of a joint return of husband and wife for a taxable year beginning after December 31, 1947, see § 29.12–4.

PAR. 6. Section 29.12–3, as amended by Treasury Decision 5687, is further amended to read as follows:

§ 29.12–3 *Limitation on amount of tax.* The combined normal tax and surtax for taxable years beginning after December 31, 1943, computed before the application thereto of the credit provided in section 31 (relating to the credit for foreign income tax), section 32 (relating to the credit for tax withheld at the source under section 143 or 144), and section 35 (relating to the credit for tax withheld on wages), shall not exceed an amount equal to the following percent of the taxpayer's net income for the taxable year:

	Percent
For taxable years beginning after Dec. 31, 1943, and before Jan. 1, 1946	90
For taxable years beginning after Dec. 31, 1945, and before Jan. 1, 1948	85½
For taxable years beginning after Dec. 31, 1947, and before Oct. 1, 1950 (other than the calendar year 1950)	77
For a taxable year which is the calendar year 1950	80
For taxable years beginning after Sept. 30, 1950, and before Nov. 1, 1951 (other than the calendar year 1951)	87
For a taxable year which is the calendar year 1951	87.2
For taxable years beginning after Oct. 31, 1951, and before Jan. 1, 1954	88
For taxable years beginning after Dec. 31, 1953	87

For treatment of taxable years beginning in 1945 and ending in 1946, see § 29.108–2. For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–5. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 7. Section 29.12–4, as added by Treasury Decision 5687, is amended as follows:

(A) By striking out the period in the heading and inserting in lieu thereof the following: "—(a) *In general.*".

(B) By striking out the paragraph (b) (1) and (2) and inserting in lieu thereof the following:

(b) *Taxable years beginning after December 31, 1947, and before October 1, 1950.* For a taxable year beginning after December 31, 1947, and before October 1, 1950, the method of computing, under section 12 (d), as added by the Revenue Act of 1948, the tax of husband and wife in the case of a joint return is as follows:

(1) First, the net income and applicable credits against net income are reduced by one-half. Second, the tentative normal tax and tentative surtax are determined as provided in sections 11 and 12 (b) for such year, by using the net income and applicable credits so reduced. Third, the tentative normal tax and tentative surtax so determined are aggregated and this aggregate tentative tax is then reduced as provided in section 12 (c) for such year. See § 29.12–2. Fourth, this reduced aggregate, which is the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 for such year were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

(2) The limitation under section 12 (c) of the combined normal tax and surtax to an amount not in excess of a specified percent (80 percent for the calendar year 1950 and 77 percent for other taxable years beginning after December 31, 1947, and before October 1, 1950) of the net income for the taxable year is to be applied before the fourth step above, that is, the limitation is to be applied upon the combined normal tax and surtax determined under section 12 (c) as the specified percent (80 percent or 77 percent, as the case may be) of one-half of the net income for the taxable year (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

(C) By redesignating paragraph (c) as subparagraph (4) and by striking out paragraphs (d) and (e) and inserting in lieu thereof the following:

(5) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation under section 12 (d) and this section of the combined normal tax and surtax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(6) For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

(7) For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3.

(c) *Taxable years beginning after September 30, 1950.* For a taxable year beginning after September 30, 1950, the method of computing, under section 12 (d), as added by the Revenue Act of 1948, the tax of husband and wife in the case of a joint return is as follows:

(1) First, the net income and applicable credits against net income are reduced by one-half. Second, the normal tax and surtax are determined as provided in sections 11 and 12 (b) for such year, by using the net income and applicable credits so reduced. Third, the normal tax and surtax so determined are aggregated. Fourth, this aggregate, which is the combined normal tax and surtax that would be determined if the net income and the applicable credits against net income provided by section 25 for such year were reduced by one-half, is then multiplied by two, to produce the tax imposed in the case of the joint return.

(2) The limitation under section 12 (f) of the combined normal tax and surtax to an amount not in excess of a specified percent of the net income for the taxable year is to be applied before the fourth step above, that is, the limitation to be applied upon the combined normal tax and surtax is determined under section 12 (f) as the applicable specified percent of one-half of the net income for the taxable year (such one-half of the net income being the actual aggregate net income of the spouses reduced by one-half). For the percent applicable in determining the limitation under section 12 (f) of the combined normal tax and surtax, see section 29.12–3. After such limitation is applied, then the combined normal tax and surtax so limited are multiplied by two as provided in section 12 (d).

(3) The following computation illustrates the method of application of section 12 (d) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1951. If the joint net income is $8,200 and the only allowable credits under section 25 are the two exemptions of the taxpayers under

section 25 (b) (1) (A), as amended by the Revenue Act of 1948, the tax on the joint return for 1951 is $1,488, determined as follows:

1. Net income	$8,200
2. Net income reduced by one-half	4,100
3. Credits against net income under sec. 25 (2 exemptions under sec. 25 (b) (1) (A))	1,200
4. Credits in item 3 reduced by one-half	600
5. Net income reduced by one-half (item 2) minus credits reduced by one-half (item 4)	3,500
6. Normal tax computed under sec. 11 on amount in item 5 (3 percent of $3,500)	105
7. Surtax computed under sec. 12 (b) on amount in item 5 ($248 plus 19.4 percent of excess of $3,500 over $2,000)	639
8. Combined normal tax and surtax computed on net income and credits reduced by one-half	744
9. Twice the combined normal tax and surtax determined in item 8	1,488

(4) If the alternative tax for a taxable year beginning before October 20, 1951, is computed under section 117 (c) (2) prior to its amendment by the Revenue Act of 1951, relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of such excess in net income, and the total tax shall be such partial tax plus 50 percent of such excess as provided in such section 117 (c) (2). If the alternative tax for a taxable year beginning after October 19, 1951, is computed under section 117 (c) (2), as amended by the Revenue Act of 1951, relating to the alternative tax where a taxpayer (other than a corporation) has a net long-term capital gain in excess of a net short-term capital loss, the partial tax shall be computed under sections 11 and 12 as stated above but without inclusion of 50 percent of such excess in net income, and the total tax shall be such partial tax plus a specified percent of such excess (26 percent for taxable years beginning after October 31, 1951, and before November 1, 1953, and 25 percent for all other taxable years) as provided in such section 117 (c) (2).

(5) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation under section 12 (d) and this section of the combined normal tax and surtax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(6) For computation of tax under Supplement T in the case of a joint return, see §§ 29.400–1 and 29.401–1.

(7) For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–5. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 8. There is inserted immediately preceding § 29.400–1 the following:

SEC. 102. INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

So much of section 400 (relating to additional tax on individuals with adjusted gross incomes of less than $5,000) as precedes the tax table therein is hereby amended to read as follows:

SEC. 400. IMPOSITION OF TAX.

In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected and paid for each taxable year upon the net income of each individual whose adjusted gross income for such year is less than $5,000 and who has elected to pay the tax imposed by this supplement for such year, a tax as follows:

TABLE I—TAXABLE YEARS BEGINNING AFTER SEPT. 30, 1950

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
								2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$301	$181	$181	$61	$61	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	305	187	185	65	65	0	0	0	0	0
700	725	8	0	0	0	2,375	2,400	310	190	190	70	70	0	0	0	0	0
725	750	13	0	0	0	2,400	2,425	314	194	194	74	74	0	0	0	0	0
750	775	17	0	0	0	2,425	2,450	319	199	199	79	79	0	0	0	0	0
775	800	22	0	0	0	2,450	2,475	323	203	203	83	83	0	0	0	0	0
800	825	26	0	0	0	2,475	2,500	328	208	208	88	88	0	0	0	0	0
825	850	31	0	0	0	2,500	2,525	332	212	212	92	92	0	0	0	0	0
850	875	35	0	0	0	2,525	2,550	337	217	217	97	97	0	0	0	0	0
875	900	40	0	0	0	2,550	2,575	341	221	221	101	101	0	0	0	0	0
900	925	44	0	0	0	2,575	2,600	346	226	226	106	106	0	0	0	0	0
925	950	49	0	0	0	2,600	2,625	350	230	230	110	110	0	0	0	0	0
950	975	53	0	0	0	2,625	2,650	355	235	235	115	115	0	0	0	0	0
975	1,000	58	0	0	0	2,650	2,675	359	239	239	119	119	0	0	0	0	0
1,000	1,025	62	0	0	0	2,675	2,700	364	244	244	124	124	0	0	0	0	0
1,025	1,050	67	0	0	0	2,700	2,725	368	248	248	128	128	0	0	0	0	0
1,050	1,075	71	0	0	0	2,725	2,750	373	253	253	133	133	0	0	0	0	0
1,075	1,100	76	0	0	0	2,750	2,775	377	257	257	137	137	0	0	0	0	0
1,100	1,125	80	0	0	0	2,775	2,800	382	262	262	142	142	0	0	0	0	0
1,125	1,150	85	0	0	0	2,800	2,825	386	266	266	146	146	0	0	0	0	0
1,150	1,175	89	0	0	0	2,825	2,850	391	271	271	151	151	0	0	0	0	0
1,175	1,200	94	0	0	0	2,850	2,875	395	275	275	155	155	0	0	0	0	0
1,200	1,225	98	0	0	0	2,875	2,900	400	280	280	160	160	0	0	0	0	0
1,225	1,250	103	0	0	0	2,900	2,925	404	284	284	164	164	0	0	0	0	0
1,250	1,275	107	0	0	0	2,925	2,950	409	289	289	169	169	0	0	0	0	0
1,275	1,300	112	0	0	0	2,950	2,975	413	293	293	173	173	0	0	0	0	0
1,300	1,325	116	0	0	0	2,975	3,000	418	298	298	178	178	0	0	0	0	0
1,325	1,350	121	0	0	0	3,000	3,025	427	305	305	185	185	0	0	0	0	0
1,350	1,375	125	0	0	0	3,025	3,050	437	314	314	194	194	0	0	0	0	0
1,375	1,400	130	0	0	0	3,050	3,075	447	323	323	203	203	0	0	0	0	0
1,400	1,425	134	0	0	0	3,075	3,100	457	332	332	212	212	0	0	0	0	0
1,425	1,450	139	0	0	0	3,100	3,125	467	341	341	221	221	0	0	0	0	0
1,450	1,475	143	0	0	0	3,125	3,150	477	350	350	230	230	0	0	0	0	0
1,475	1,500	148	0	0	0	3,150	3,175	486	359	359	239	239	0	0	0	0	0
1,500	1,525	152	0	0	0	3,175	3,200	496	368	368	248	248	0	0	0	0	0
1,525	1,550	157	0	0	0	3,200	3,225	506	377	377	257	257	8	0	0	0	0
1,550	1,575	161	4	0	0	3,225	3,250	516	386	386	266	266	17	0	0	0	0
1,575	1,600	166	9	0	0	3,250	3,275	525	395	395	275	275	26	0	0	0	0
1,600	1,625	170	13	0	0	3,275	3,300	535	404	404	284	284	35	0	0	0	0
1,625	1,650	175	18	0	0	3,300	3,325	545	414	413	293	293	44	0	0	0	0
1,650	1,675	179	22	0	0	3,325	3,350	556	423	422	302	302	53	0	0	0	0
1,675	1,700	184	27	0	0	3,350	3,375	566	434	431	311	311	62	0	0	0	0
1,700	1,725	188	31	0	0	3,375	3,400	576	443	440	320	320	71	0	0	0	0
1,725	1,750	193	36	0	0	3,400	3,425	585	453	449	329	329	80	0	0	0	0
1,750	1,775	197	40	0	0	3,425	3,450	595	463	458	338	338	89	0	0	0	0
1,775	1,800	202	45	0	0	3,450	3,475	605	473	467	347	347	98	0	0	0	0
1,800	1,825	206	49	0	0	3,475	3,500	615	483	476	356	356	107	0	0	0	0
1,825	1,850	211	54	0	0	3,500	3,525	625	493	485	365	365	116	0	0	0	0
1,850	1,875	215	58	0	0	3,525	3,550	635	503	494	374	374	125	0	0	0	0
1,875	1,900	220	63	0	0	3,550	3,575	645	513	503	383	383	134	0	0	0	0
1,900	1,925	224	67	0	0	3,575	3,600	655	523	512	392	392	143	0	0	0	0
1,925	1,950	229	72	0	0	3,600	3,625	665	533	521	401	401	152	0	0	0	0
1,950	1,975	233	76	0	0	3,625	3,650	674	542	530	410	410	161	0	0	0	0
1,975	2,000	238	81	0	0	3,650	3,675	684	552	539	420	419	170	0	0	0	0
2,000	2,025	242	122	2	0	3,675	3,700	694	562	548	430	428	179	0	0	0	0
2,025	2,050	247	127	7	0	3,700	3,725	704	572	557	440	437	188	0	0	0	0
2,050	2,075	251	131	11	0	3,725	3,750	714	582	567	450	446	197	0	0	0	0
2,075	2,100	256	136	16	0	3,750	3,775	724	592	576	460	455	206	0	0	0	0
2,100	2,125	260	140	20	0	3,775	3,800	734	602	584	470	464	215	0	0	0	0
2,125	2,150	265	145	25	0	3,800	3,825	744	612	593	480	473	224	0	0	0	0
2,150	2,175	269	149	29	0	3,825	3,850	754	622	602	490	482	233	0	0	0	0
2,175	2,200	274	154	34	0	3,850	3,875	764	632	611	500	491	242	0	0	0	0
2,200	2,225	278	158	38	0	3,875	3,900	774	642	620	510	500	251	0	0	0	0
2,225	2,250	283	163	43	0	3,900	3,925	783	651	629	519	509	260	0	0	0	0
2,250	2,275	287	167	47	0	3,925	3,950	793	661	638	529	518	269	0	0	0	0
2,275	2,300	292	172	52	0	3,950	4,000	803	671	647	539	527	278	0	0	0	0
2,300	2,325	296	176	56	0	4,000	4,050	816	681	656	549	536	291	0	0	0	0

TABLE II—TAXABLE YEARS BEGINNING JAN. 1, 1950, AND ENDING DEC. 31, 1950

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
								2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And if other than a joint return is filed	And if a joint return is filed	And if other than a joint return is filed	And if a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$302	$157	$157	$53	$53	$0	$0	$0	$0	$0
675	700	3	0	0	0	2,350	2,375	305	161	161	57	57	0	0	0	0	0
700	725	7	0	0	0	2,375	2,400	309	165	165	61	61	0	0	0	0	0
725	750	11	0	0	0	2,400	2,425	313	169	169	65	65	0	0	0	0	0
750	775	15	0	0	0	2,425	2,450	317	173	173	69	69	0	0	0	0	0
775	800	19	0	0	0	2,450	2,475	321	177	177	73	73	0	0	0	0	0
800	825	23	0	0	0	2,475	2,500	325	181	181	76	76	0	0	0	0	0
825	850	27	0	0	0	2,500	2,525	329	185	185	80	80	0	0	0	0	0
850	875	31	0	0	0	2,525	2,550	333	189	189	84	84	0	0	0	0	0
875	900	35	0	0	0	2,550	2,575	337	192	192	88	88	0	0	0	0	0
900	925	38	0	0	0	2,575	2,600	341	196	196	92	92	0	0	0	0	0
925	950	42	0	0	0	2,600	2,625	345	200	200	96	96	0	0	0	0	0
950	975	46	0	0	0	2,625	2,650	349	204	204	100	100	0	0	0	0	0
975	1,000	50	0	0	0	2,650	2,675	353	208	208	104	104	0	0	0	0	0
1,000	1,025	54	0	0	0	2,675	2,700	357	212	212	108	108	3	0	0	0	0
1,025	1,050	58	0	0	0	2,700	2,725	320	216	216	112	112	7	0	0	0	0
1,050	1,075	62	0	0	0	2,725	2,750	324	220	220	115	115	11	0	0	0	0
1,075	1,100	66	0	0	0	2,750	2,775	328	224	224	119	119	15	0	0	0	0
1,100	1,125	70	0	0	0	2,775	2,800	332	228	228	123	123	19	0	0	0	0
1,125	1,150	74	0	0	0	2,800	2,825	336	232	232	127	127	23	0	0	0	0
1,150	1,175	78	0	0	0	2,825	2,850	340	236	236	131	131	27	0	0	0	0
1,175	1,200	82	0	0	0	2,850	2,875	344	240	239	135	135	31	0	0	0	0
1,200	1,225	85	0	0	0	2,875	2,900	348	243	243	139	139	35	0	0	0	0
1,225	1,250	89	0	0	0	2,900	2,925	352	247	247	143	143	38	0	0	0	0
1,250	1,275	93	0	0	0	2,925	2,950	357	251	251	147	147	42	0	0	0	0
1,275	1,300	97	0	0	0	2,950	2,975	361	255	255	151	151	46	0	0	0	0
1,300	1,325	101	0	0	0	2,975	3,000	365	259	259	155	155	50	0	0	0	0
1,325	1,350	105	1	0	0	3,000	3,025	373	265	265	161	161	56	0	0	0	0
1,350	1,375	109	5	0	0	3,025	3,050	382	273	273	168	168	64	0	0	0	0
1,375	1,400	113	8	0	0	3,050	3,075	391	281	281	176	176	72	0	0	0	0
1,400	1,425	117	12	0	0	3,075	3,100	400	288	288	184	184	80	0	0	0	0
1,425	1,450	121	16	0	0	3,100	3,125	409	296	296	192	192	87	0	0	0	0
1,450	1,475	125	20	0	0	3,125	3,150	418	304	304	200	200	95	0	0	0	0
1,475	1,500	129	24	0	0	3,150	3,175	427	312	312	207	207	103	0	0	0	0
1,500	1,525	132	29	0	0	3,175	3,200	436	320	320	215	215	111	7	0	0	0
1,525	1,550	136	32	0	0	3,200	3,225	445	328	328	223	223	119	14	0	0	0
1,550	1,575	140	36	0	0	3,225	3,250	454	335	335	231	231	127	22	0	0	0
1,575	1,600	144	40	0	0	3,250	3,275	463	343	343	239	239	134	30	0	0	0
1,600	1,625	148	44	0	0	3,275	3,300	472	352	351	247	247	142	38	0	0	0
1,625	1,650	152	48	0	0	3,300	3,325	481	361	359	254	254	150	46	0	0	0
1,650	1,675	156	52	0	0	3,325	3,350	490	370	367	262	262	158	54	0	0	0
1,675	1,700	160	56	0	0	3,350	3,375	499	379	375	270	270	166	61	0	0	0
1,700	1,725	164	59	0	0	3,375	3,400	508	388	382	278	278	174	69	0	0	0
1,725	1,750	168	63	0	0	3,400	3,425	517	397	390	286	286	181	77	0	0	0
1,750	1,775	172	67	0	0	3,425	3,450	526	406	398	294	294	189	85	0	0	0
1,775	1,800	176	71	0	0	3,450	3,475	535	415	406	301	301	197	93	0	0	0
1,800	1,825	179	75	0	0	3,475	3,500	544	424	414	309	309	205	100	0	0	0
1,825	1,850	183	79	0	0	3,500	3,525	553	433	422	317	317	213	108	4	0	0
1,850	1,875	187	83	0	0	3,525	3,550	562	442	429	325	325	221	116	12	0	0
1,875	1,900	191	87	0	0	3,550	3,575	571	451	437	333	333	228	124	20	0	0
1,900	1,925	195	91	0	0	3,575	3,600	580	460	445	341	341	236	132	27	0	0
1,925	1,950	199	95	0	0	3,600	3,625	589	469	453	349	348	244	140	35	0	0
1,950	1,975	203	98	0	0	3,625	3,650	598	478	461	358	356	252	147	43	0	0
1,975	2,000	207	102	0	0	3,650	3,675	607	487	469	367	364	260	155	51	0	0
2,000	2,025	211	106	2	0	3,675	3,700	616	496	476	376	372	268	163	59	0	0
2,025	2,050	215	110	6	0	3,700	3,725	625	505	484	385	380	275	171	67	0	0
2,050	2,075	219	114	10	0	3,725	3,750	634	514	492	394	388	283	179	74	0	0
2,075	2,100	223	118	14	0	3,750	3,775	643	523	500	403	395	291	187	82	0	0
2,100	2,125	226	122	18	0	3,775	3,800	652	532	508	412	403	299	194	90	0	0
2,125	2,150	230	126	22	0	3,800	3,825	661	541	515	421	411	307	202	98	0	0
2,150	2,175	234	130	25	0	3,825	3,850	670	550	523	430	419	315	210	106	1	0
2,175	2,200	238	134	29	0	3,850	3,875	679	559	531	439	427	322	218	114	9	0
2,200	2,225	242	138	33	0	3,875	3,900	688	568	539	448	435	330	226	121	17	0
2,225	2,250	246	142	37	0	3,900	3,925	697	577	547	457	443	338	234	129	25	0
2,250	2,275	250	146	41	0	3,925	3,950	706	586	555	466	450	346	241	137	33	0
2,275	2,300	254	149	45	0	3,950	4,000	715	595	562	475	458	354	249	145	40	0
2,300	2,325	258	153	49	0	4,000	4,050	724	604	570	484	466	361	257	153	48	0

TABLE III—TAXABLE YEARS (OTHER THAN THE CALENDAR YEAR 1950) BEGINNING BEFORE OCT. 1, 1950

SEC. 103. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before October 1, 1950, and ended after September 30, 1950, the amendments made by this part [inc. secs. 101 and 102] shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the

date of the closing of the surviving spouse's taxable year.

SEC. 104. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Except as provided in section 103, the amendments made by this part [inc. secs. 102 and 103] shall be applicable only with respect to taxable years ending after December 31, 1949. For treatment of taxable years (other than the calendar year 1950) beginning before October 1, 1950, and ending after September 30, 1950, see section 131.

SEC. 102. INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 400 (relating to optional tax on individuals with adjusted gross incomes of less than $5,000) is hereby amended by striking out the tables contained therein and inserting in lieu thereof the following:

TABLE I—TAXABLE YEAR BEGINNING JAN. 1, 1953, AND ENDING DEC. 31, 1953

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—							
								2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	1	And taxpayer is single or married filing separately	And a joint return is filed	And taxpayer is single or married filing separately	And a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$307	$181	$181	$92	$92	$0	$0	$0	$0	$0
675	700	4	0	0	0	2,350	2,375	311	189	189	97	97	0	0	0	0	0
700	725	8	0	0	0	2,375	2,400	316	194	194	71	71	0	0	0	0	0
725	750	13	0	0	0	2,400	2,425	321	198	198	76	76	0	0	0	0	0
750	775	18	0	0	0	2,425	2,450	325	203	203	80	80	0	0	0	0	0
775	800	22	0	0	0	2,450	2,475	330	202	207	85	85	0	0	0	0	0
800	825	27	0	0	0	2,475	2,500	334	212	212	90	90	0	0	0	0	0
825	850	31	0	0	0	2,500	2,525	339	216	216	94	94	0	0	0	0	0
850	875	36	0	0	0	2,525	2,550	343	221	221	99	99	0	0	0	0	0
875	900	41	0	0	0	2,550	2,575	348	226	226	103	103	0	0	0	0	0
900	925	45	0	0	0	2,575	2,600	353	230	230	108	108	0	0	0	0	0
925	950	50	0	0	0	2,600	2,625	357	235	235	112	112	0	0	0	0	0
950	975	54	0	0	0	2,625	2,650	362	239	239	117	117	0	0	0	0	0
975	1,000	59	0	0	0	2,650	2,675	366	244	244	122	122	0	0	0	0	0
1,000	1,025	63	0	0	0	2,675	2,700	371	249	249	126	126	4	0	0	0	0
1,025	1,050	68	0	0	0	2,700	2,725	376	253	253	131	131	8	0	0	0	0
1,050	1,075	73	0	0	0	2,725	2,750	380	258	258	135	135	13	0	0	0	0
1,075	1,100	77	0	0	0	2,750	2,775	385	262	262	140	140	17	0	0	0	0
1,100	1,125	82	0	0	0	2,775	2,800	389	267	267	145	145	22	0	0	0	0
1,125	1,150	86	0	0	0	2,800	2,825	394	272	272	149	149	27	0	0	0	0
1,150	1,175	91	0	0	0	2,825	2,850	399	276	276	154	154	31	0	0	0	0
1,175	1,200	96	0	0	0	2,850	2,875	403	281	281	158	158	36	0	0	0	0
1,200	1,225	100	0	0	0	2,875	2,900	408	285	285	163	163	41	0	0	0	0
1,225	1,250	105	0	0	0	2,900	2,925	413	290	290	168	168	45	0	0	0	0
1,250	1,275	109	0	0	0	2,925	2,950	418	295	295	172	172	50	0	0	0	0
1,275	1,300	114	0	0	0	2,950	2,975	423	299	299	177	177	54	0	0	0	0
1,300	1,325	119	0	0	0	2,975	3,000	428	304	304	181	181	59	0	0	0	0
1,325	1,350	123	0	0	0	3,000	3,050	435	311	311	188	188	66	0	0	0	0
1,350	1,375	128	5	0	0	3,050	3,100	446	320	320	197	197	75	0	0	0	0
1,375	1,400	132	10	0	0	3,100	3,150	456	329	329	207	207	84	0	0	0	0
1,400	1,425	137	15	0	0	3,150	3,200	465	338	338	216	216	93	0	0	0	0
1,425	1,450	142	19	0	0	3,200	3,250	475	347	347	225	225	103	0	0	0	0
1,450	1,475	146	24	0	0	3,250	3,300	485	356	356	235	235	112	0	0	0	0
1,475	1,500	151	28	0	0	3,300	3,350	496	366	366	245	245	121	0	0	0	0
1,500	1,525	155	33	0	0	3,350	3,400	506	375	375	254	254	130	5	0	0	0
1,525	1,550	160	37	0	0	3,400	3,450	516	384	384	263	263	139	17	0	0	0
1,550	1,575	164	42	0	0	3,450	3,500	526	393	393	273	273	148	29	0	0	0
1,575	1,600	169	47	0	0	3,500	3,550	536	402	402	282	282	158	40	0	0	0
1,600	1,625	174	51	0	0	3,550	3,600	546	412	412	292	292	167	52	0	0	0
1,625	1,650	178	56	0	0	3,600	3,650	556	422	421	302	302	176	64	0	0	0
1,650	1,675	183	60	0	0	3,650	3,700	566	432	430	312	312	186	76	0	0	0
1,675	1,700	187	65	0	0	3,700	3,750	577	442	439	322	322	196	87	0	0	0
1,700	1,725	192	70	0	0	3,750	3,800	587	452	448	332	332	206	97	0	0	0
1,725	1,750	197	74	0	0	3,800	3,850	597	462	457	342	342	216	107	0	0	0
1,750	1,775	201	79	0	0	3,850	3,900	607	472	467	352	344	225	99	0	0	0
1,775	1,800	206	83	0	0	3,900	3,950	617	482	476	362	353	235	104	0	0	0
1,800	1,825	210	88	0	0	3,950	4,000	627	492	485	372	363	245	111	0	0	0
1,825	1,850	215	93	0	0	4,000	4,050	637	503	494	372	372	255	127	5	0	0
1,850	1,875	220	97	0	0	4,050	4,100	647	513	503	381	381	266	136	14	0	0
1,875	1,900	224	102	0	0	4,100	4,150	657	523	513	390	390	276	145	23	0	0
1,900	1,925	229	106	0	0	4,150	4,200	667	533	522	399	399	286	155	32	0	0
1,925	1,950	233	111	0	0	4,200	4,250	677	543	532	409	409	296	164	41	0	0
1,950	1,975	238	116	0	0	4,250	4,300	687	553	540	419	418	305	173	50	0	0
1,975	2,000	243	120	0	0	4,300	4,350	698	563	549	429	427	314	182	60	0	0
2,000	2,025	247	125	2	0	4,350	4,400	708	573	558	439	436	324	191	69	0	0
2,025	2,050	252	129	7	0	4,400	4,450	718	583	568	449	445	333	200	78	0	0
2,050	2,075	256	134	11	0	4,450	4,500	728	593	577	459	454	343	210	87	0	0
2,075	2,100	261	138	16	0	4,500	4,550	738	603	586	469	464	353	219	96	0	0
2,100	2,125	265	143	21	0	4,550	4,600	748	614	595	479	473	363	229	105	0	0
2,125	2,150	270	148	25	0	4,600	4,650	758	624	604	489	482	373	238	115	0	0
2,150	2,175	275	152	30	0	4,650	4,700	768	634	614	499	491	383	248	124	2	0
2,175	2,200	279	157	34	0	4,700	4,750	778	644	623	509	500	393	257	133	11	0
2,200	2,225	284	161	39	0	4,750	4,800	788	654	632	519	509	403	267	142	20	0
2,225	2,250	288	166	44	0	4,800	4,850	798	664	641	530	519	413	276	151	29	0
2,250	2,275	293	171	48	0	4,850	4,900	808	674	650	540	528	423	286	161	38	0
2,275	2,300	298	175	53	0	4,900	4,950	818	686	659	550	537	433	295	170	47	0
2,300	2,325	302	180	57	0	4,950	5,000	829	694	669	560	546	444	305	179	57	0

TABLE II—TAXABLE YEARS BEGINNING AFTER OCT. 31, 1951, AND BEFORE JAN. 1, 1954

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—									
								1		2		3					
At least	But less than	1	2	3	4 or more	At least	But less than	And taxpayer is single or married filing separately	And taxpayer is head of household	And taxpayer is single or married filing separately	And taxpayer is head of household	And a joint return is filed	4	5	6	7	8 or more
		The tax shall be—						The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$334	$334	$281	$281	$281	$87	$87	$87	$0	$0
675	700	4	0	0	0	2,350	2,375	339	339	286	286	286	72	72	72	0	0
700	725	9	0	0	0	2,375	2,400	344	344	211	211	211	77	77	77	0	0
725	750	14	0	0	0	2,400	2,425	349	349	216	216	216	82	82	82	0	0
750	775	19	0	0	0	2,425	2,450	354	354	221	221	221	87	87	87	0	0
775	800	24	0	0	0	2,450	2,475	359	359	226	226	226	92	92	92	0	0
800	825	29	0	0	0	2,475	2,500	364	364	231	231	231	97	97	97	0	0
825	850	34	0	0	0	2,500	2,525	369	369	236	236	236	102	102	102	0	0
850	875	39	0	0	0	2,525	2,550	374	374	241	241	241	107	107	107	0	0
875	900	44	0	0	0	2,550	2,575	379	379	246	246	246	112	112	112	0	0
900	925	49	0	0	0	2,575	2,600	384	384	251	251	251	117	117	117	0	0
925	950	54	0	0	0	2,600	2,625	389	389	256	256	256	122	122	122	0	0
950	975	59	0	0	0	2,625	2,650	394	394	261	261	261	127	127	127	0	0
975	1,000	64	0	0	0	2,650	2,675	399	399	266	266	266	132	132	132	0	0
1,000	1,025	69	0	0	0	2,675	2,700	404	404	271	271	271	137	137	137	4	0
1,025	1,050	74	0	0	0	2,700	2,725	409	409	276	276	276	142	142	142	9	0
1,050	1,075	79	0	0	0	2,725	2,750	414	414	281	281	281	147	147	147	14	0
1,075	1,100	84	0	0	0	2,750	2,775	419	419	286	286	286	152	152	152	19	0
1,100	1,125	89	0	0	0	2,775	2,800	424	424	291	291	291	157	157	157	24	0
1,125	1,150	94	0	0	0	2,800	2,825	429	429	296	296	296	162	162	162	29	0
1,150	1,175	99	0	0	0	2,825	2,850	434	434	301	301	301	167	167	167	34	0
1,175	1,200	104	0	0	0	2,850	2,875	439	439	306	306	306	172	172	172	39	0
1,200	1,225	109	0	0	0	2,875	2,900	444	444	311	311	311	177	177	177	44	0
1,225	1,250	114	0	0	0	2,900	2,925	449	449	316	316	316	182	182	182	49	0
1,250	1,275	119	0	0	0	2,925	2,950	454	454	321	321	321	187	187	187	54	0
1,275	1,300	124	0	0	0	2,950	2,975	459	459	326	326	326	192	192	192	59	0
1,300	1,325	129	0	0	0	2,975	3,000	464	465	331	331	331	197	197	197	64	0
1,325	1,350	134	1	0	0	3,000	3,050	474	473	338	338	338	205	205	205	72	0
1,350	1,375	139	6	0	0	3,050	3,100	485	483	348	348	348	215	215	215	82	0
1,375	1,400	144	11	0	0	3,100	3,150	496	494	358	358	358	225	225	225	92	0
1,400	1,425	149	16	0	0	3,150	3,200	507	504	368	368	368	235	235	235	102	0
1,425	1,450	154	21	0	0	3,200	3,250	518	515	378	378	378	245	245	245	112	0
1,450	1,475	159	26	0	0	3,250	3,300	529	525	388	388	388	255	255	255	122	0
1,475	1,500	164	31	0	0	3,300	3,350	541	536	398	398	398	265	265	265	132	0
1,500	1,525	169	36	0	0	3,350	3,400	552	546	408	408	408	275	275	275	142	0
1,525	1,550	174	41	0	0	3,400	3,450	563	557	418	418	418	285	285	285	152	18
1,550	1,575	179	46	0	0	3,450	3,500	574	567	428	428	428	295	295	295	162	28
1,575	1,600	184	51	0	0	3,500	3,550	585	578	438	438	438	305	305	305	171	38
1,600	1,625	189	56	0	0	3,550	3,600	596	588	448	448	448	315	315	315	181	48
1,625	1,650	194	61	0	0	3,600	3,650	607	599	459	458	458	325	325	325	191	58
1,650	1,675	199	66	0	0	3,650	3,700	618	610	470	469	469	335	335	335	201	68
1,675	1,700	204	71	0	0	3,700	3,750	629	620	482	480	479	345	345	345	211	78
1,700	1,725	209	76	0	0	3,750	3,800	640	631	493	490	488	355	355	355	221	88
1,725	1,750	214	81	0	0	3,800	3,850	651	641	504	501	498	365	365	365	231	98
1,750	1,775	219	86	0	0	3,850	3,900	662	652	515	511	508	375	375	375	241	108
1,775	1,800	224	91	0	0	3,900	3,950	673	662	526	522	518	385	385	385	251	118
1,800	1,825	229	96	0	0	3,950	4,000	684	673	537	532	528	395	395	395	261	128
1,825	1,850	234	101	0	0	4,000	4,050	696	683	548	543	538	405	405	405	271	138
1,850	1,875	239	106	0	0	4,050	4,100	707	694	559	553	548	415	415	415	281	148
1,875	1,900	244	111	0	0	4,100	4,150	718	704	570	564	558	425	425	425	291	158
1,900	1,925	249	116	0	0	4,150	4,200	729	715	581	574	568	435	435	435	301	168
1,925	1,950	254	121	0	0	4,200	4,250	740	725	592	585	578	445	445	445	311	178
1,950	1,975	259	126	0	0	4,250	4,300	751	736	603	596	588	456	455	455	321	188
1,975	2,000	264	131	0	0	4,300	4,350	762	746	614	606	598	467	466	465	331	198
2,000	2,025	269	136	2	0	4,350	4,400	773	757	625	617	608	478	477	475	341	208
2,025	2,050	274	141	7	0	4,400	4,450	784	768	636	627	618	489	487	485	351	218
2,050	2,075	279	146	12	0	4,450	4,500	795	778	648	638	628	500	497	495	361	228
2,075	2,100	284	151	17	0	4,500	4,550	806	789	659	648	638	511	508	504	371	238
2,100	2,125	289	156	22	0	4,550	4,600	817	799	670	659	648	522	518	514	382	248
2,125	2,150	294	161	27	0	4,600	4,650	828	810	681	669	658	533	529	524	393	258
2,150	2,175	299	166	32	0	4,650	4,700	839	820	692	680	668	544	539	534	403	268
2,175	2,200	304	171	37	0	4,700	4,750	851	831	703	690	678	555	550	544	413	278
2,200	2,225	309	176	42	0	4,750	4,800	862	841	714	701	688	566	560	554	423	288
2,225	2,250	314	181	47	0	4,800	4,850	873	852	725	711	698	577	571	564	433	298
2,250	2,275	319	186	52	0	4,850	4,900	884	862	736	722	708	589	581	574	443	308
2,275	2,300	324	191	57	0	4,900	4,950	895	873	747	732	718	600	592	584	453	318
2,300	2,325	329	196	62	0	4,950	5,000	906	883	758	743	728	611	603	594	463	328

TABLE III—TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—									
								1		2		3					
								And taxpayer is single or married filing separately	And taxpayer is head of household	And taxpayer is single or married filing separately	And taxpayer is head of household	And taxpayer is single or married filing separately	And taxpayer is head of household	And a joint return is filed	5	6	7 or more
At least	But less than	1	2	3	4 or more	At least	But less than	The tax shall be—									
$0	$675	$0	$0	$0	$0	$2,325	$2,350	$301	$301	$181	$181	$181	$61	$61	$61	$0	$0
675	700	1	0	0	0	2,350	2,375	305	305	185	185	185	65	65	65	0	0
700	725	3	0	0	0	2,375	2,400	310	310	190	190	190	70	70	70	0	0
725	750	13	0	0	0	2,400	2,425	314	314	194	194	194	74	74	74	0	0
750	775	17	0	0	0	2,425	2,450	319	319	199	199	199	79	79	79	0	0
775	800	22	0	0	0	2,450	2,475	323	323	203	203	203	83	83	83	0	0
800	825	26	0	0	0	2,475	2,500	328	328	208	208	208	88	88	88	0	0
825	850	31	0	0	0	2,500	2,525	332	332	212	212	212	92	92	92	0	0
850	875	35	0	0	0	2,525	2,550	337	337	217	217	217	97	97	97	0	0
875	900	40	0	0	0	2,550	2,575	341	341	221	221	221	101	101	101	0	0
900	925	44	0	0	0	2,575	2,600	346	346	226	226	226	106	106	106	0	0
925	950	49	0	0	0	2,600	2,625	350	350	230	230	230	110	110	110	0	0
950	975	53	0	0	0	2,625	2,650	355	355	235	235	235	115	115	115	0	0
975	1,000	58	0	0	0	2,650	2,675	359	359	239	239	239	119	119	119	0	0
1,000	1,025	62	0	0	0	2,675	2,700	364	364	244	244	244	124	124	124	4	0
1,025	1,050	67	0	0	0	2,700	2,725	368	368	248	248	248	128	128	128	8	0
1,050	1,075	74	0	0	0	2,725	2,750	373	373	253	253	253	133	133	133	13	0
1,075	1,100	76	0	0	0	2,750	2,775	377	377	257	257	257	137	137	137	17	0
1,100	1,125	80	0	0	0	2,775	2,800	382	382	262	262	262	142	142	142	22	0
1,125	1,150	85	0	0	0	2,800	2,825	386	386	266	266	266	146	146	146	26	0
1,150	1,175	89	0	0	0	2,825	2,850	391	391	271	271	271	151	151	151	31	0
1,175	1,200	94	0	0	0	2,850	2,875	395	395	275	275	275	155	155	155	35	0
1,200	1,225	98	0	0	0	2,875	2,900	400	400	280	280	280	160	160	160	40	0
1,225	1,250	103	0	0	0	2,900	2,925	405	404	284	284	284	164	163	164	44	0
1,250	1,275	107	0	0	0	2,925	2,950	410	409	289	289	289	169	169	169	49	0
1,275	1,300	112	0	0	0	2,950	2,975	415	414	293	293	293	173	173	173	53	0
1,300	1,325	116	0	0	0	2,975	3,000	420	419	298	298	298	178	178	178	58	0
1,325	1,350	121	1	0	0	3,000	3,050	427	426	305	305	305	185	185	185	65	0
1,350	1,375	125	5	0	0	3,050	3,100	437	435	314	314	314	194	194	194	74	0
1,375	1,400	130	10	0	0	3,100	3,150	447	445	323	323	323	203	203	203	83	0
1,400	1,425	134	14	0	0	3,150	3,200	457	454	332	332	332	212	212	212	92	0
1,425	1,450	139	19	0	0	3,200	3,250	467	464	341	341	341	221	221	221	101	0
1,450	1,475	143	23	0	0	3,250	3,300	476	473	350	350	350	230	230	230	110	0
1,475	1,500	148	28	0	0	3,300	3,350	486	482	359	359	359	239	239	239	119	0
1,500	1,525	152	32	0	0	3,350	3,400	496	492	368	368	368	248	248	248	128	8
1,525	1,550	157	37	0	0	3,400	3,450	506	501	377	377	377	257	257	257	137	17
1,550	1,575	161	41	0	0	3,450	3,500	516	511	386	386	386	266	266	266	146	26
1,575	1,600	166	46	0	0	3,500	3,550	526	520	395	395	395	275	275	275	155	35
1,600	1,625	170	50	0	0	3,550	3,600	536	530	404	404	404	284	284	284	164	44
1,625	1,650	175	55	0	0	3,600	3,650	546	539	414	413	413	293	293	293	173	53
1,650	1,675	179	59	0	0	3,650	3,700	556	549	424	423	422	302	302	302	182	62
1,675	1,700	184	64	0	0	3,700	3,750	566	558	434	432	431	311	311	311	191	71
1,700	1,725	188	68	0	0	3,750	3,800	575	567	443	441	440	320	320	320	200	80
1,725	1,750	193	73	0	0	3,800	3,850	585	577	453	451	449	329	329	329	209	89
1,750	1,775	197	77	0	0	3,850	3,900	595	586	463	460	458	338	338	338	218	98
1,775	1,800	202	82	0	0	3,900	3,950	605	596	473	470	467	347	347	347	227	107
1,800	1,825	206	86	0	0	3,950	4,000	615	605	483	479	476	356	356	356	236	116
1,825	1,850	211	91	0	0	4,000	4,050	625	615	493	489	485	365	365	365	245	125
1,850	1,875	215	95	0	0	4,050	4,100	635	624	503	498	494	374	374	374	254	134
1,875	1,900	220	100	0	0	4,100	4,150	645	634	513	508	503	383	383	383	263	143
1,900	1,925	224	104	0	0	4,150	4,200	655	643	523	517	512	392	392	392	272	152
1,925	1,950	229	109	0	0	4,200	4,250	665	653	533	527	521	401	401	401	281	161
1,950	1,975	233	113	0	0	4,250	4,300	674	662	542	536	530	410	410	410	290	170
1,975	2,000	238	118	0	0	4,300	4,350	684	671	552	545	539	420	419	419	299	179
2,000	2,025	242	122	2	0	4,350	4,400	694	681	562	555	548	430	429	428	308	188
2,025	2,050	247	127	7	0	4,400	4,450	704	690	572	564	557	440	438	437	317	197
2,050	2,075	251	131	11	0	4,450	4,500	714	700	582	574	566	450	448	446	326	206
2,075	2,100	256	136	16	0	4,500	4,550	724	709	592	583	575	460	457	455	335	215
2,100	2,125	260	140	20	0	4,550	4,600	734	719	602	593	584	470	467	464	344	224
2,125	2,150	265	145	25	0	4,600	4,650	744	728	612	602	593	480	476	473	353	233
2,150	2,175	269	149	29	0	4,650	4,700	754	738	622	612	602	490	486	482	362	242
2,175	2,200	274	154	34	0	4,700	4,750	764	747	632	621	611	500	495	491	371	251
2,200	2,225	278	158	38	0	4,750	4,800	773	756	641	630	620	509	504	500	380	260
2,225	2,250	283	163	43	0	4,800	4,850	783	766	651	640	629	519	514	509	389	269
2,250	2,275	287	167	47	0	4,850	4,900	793	775	661	649	638	529	523	518	398	278
2,275	2,300	292	172	52	0	4,900	4,950	803	785	671	659	647	539	533	527	407	287
2,300	2,325	296	176	56	0	4,950	5,000	813	794	681	668	656	549	542	536	416	296

SEC. 104. COMPUTATION OF TAX IN CASE OF CERTAIN JOINT RETURNS (PART I, TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3) of the Internal Revenue Code in a case where the husband and wife have different taxable years because of the death of either spouse, and the taxable year of the surviving spouse covered by such joint return began before November 1, 1951, and ended after October 31, 1951, the amendments made by this part [inc. secs. 101, 102, and 103] and section 131 shall be applicable in respect of such joint return as if the taxable years of both spouses covered by the joint return ended on the date of the closing of the surviving spouse's taxable year.

SEC. 105. EFFECTIVE DATE OF PART I (TITLE I, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as provided in section 104, the amendments made by this part [inc. secs. 102 and 104] shall be applicable only with respect to taxable years beginning after October 31, 1951, and to taxable years beginning on January 1, 1951, and ending on December 31, 1951. For treatment of taxable years (other than the calendar year 1951) beginning before November 1, 1951, and ending after October 31, 1951, see section 131.

PAR. 9. Section 29.400–1 (b), as amended by Treasury Decision 5687, is further amended by striking out the undesignated paragraph preceding subparagraph (7) and subparagraph (7) and inserting in lieu thereof the following:

(7) The tax tables in section 400 applicable with respect to taxable years beginning after December 31, 1947, and before November 1, 1951, contain, in certain instances, double columns, in one of which is shown the tax if a separate return is filed, and in the other of which is shown the tax if a joint return is filed. The tax tables in section 400 applicable with respect to taxable years beginning after October 31, 1951, contain, in certain instances, double columns, in one of which is shown the tax if the taxpayer is single (and not the head of a household) or married and files a separate return, and in the other of which is shown the tax if the taxpayer is the head of a household, and, in other instances, triple columns, in the first of which is shown the tax if the taxpayer is single (and not the head of a household) or married and files a separate return, in the second of which is shown the tax if the taxpayer is the head of a household, and in the third of which is shown the tax if a joint return is filed. In the case of double or triple columns, the tax shall be determined by reference to the applicable column. Since the computations of tax shown in the case of a joint return reflect the income-splitting method provided in section 12 (d), as added by the Revenue Act of 1948, the tax shown in the joint return column may be lower than that shown in the separate return column even though the amounts of adjusted gross income and the exemptions are the same. Thus, if H, a married man, has adjusted gross income of $4,925 for the calendar year 1951 and his wife has no gross income for such year and his only exemptions under section 25 (b) are the exemptions for himself and spouse under section 25 (b) (1) (A), the tax on a joint return under Supplement T, as shown in the second column applicable to a person with two exemptions, is $659. If H should file a separate return, his tax, as shown in the first column applicable to an individual with two exemptions, would be $684.

(8) If a joint return of a husband and wife is filed under the provisions of section 51 (b) (3), as added by the Revenue Act of 1948, if the husband and wife have different taxable years solely because of the death of either spouse, and if the taxable year of the surviving spouse covered by such joint return either began before October 1, 1950, and ended after September 30, 1950, or began before November 1, 1951, and ended after October 31, 1951, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of determining the tax under section 400 and this section in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(9) For taxable years beginning after December 31, 1943, the fact that the taxable year is a period of less than 12 months resulting by reason of the death of the taxpayer does not prevent the application of Supplement T in the determination of the tax for such period.

(10) For treatment of taxable years beginning in 1947 and ending in 1948, see § 29.108–3. For treatment of taxable years beginning before October 1, 1950, and ending after September 30, 1950 (other than the calendar year 1950), see § 29.108–5. For treatment of taxable years beginning before November 1, 1951, and ending after October 31, 1951 (other than the calendar year 1951), see § 29.108–7. For treatment of taxable years beginning in 1953 and ending in 1954, see § 29.108–8.

PAR. 10. Section 29.401–1, as amended by Treasury Decision 5687, is further amended as follows:

(A) By inserting in the heading of paragraph (b) thereof after *"Taxable years beginning after December 31, 1943"* the following: *", and before January 1, 1946"*.

(B) By inserting in the first sentence of paragraph (b) thereof after "The term 'number of surtax exemptions'" the following: ", which term is used under Supplement T for taxable years beginning after December 31, 1943, and before January 1, 1946,".

(C) By striking out all of paragraph (b) (1) after the third sentence thereof.

(D) By striking out Example (3) at the end of such section and inserting in lieu thereof the following:

(c) *Taxable years beginning after December 31, 1945.* The term "number of exemptions", which, for taxable years beginning after December 31, 1945, is used instead of the term "number of surtax exemptions", means the number of exemptions allowed under section 25 (b) for such years as credits against net income for the purpose of the normal tax and the surtax imposed by sections 11 and 12. One exemption is allowed for the taxpayer; one exemption for his spouse if a joint return is made, or if a separate return is made by the taxpayer and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer for such calendar year; and one exemption for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500 in the case of a taxable year beginning before January 1, 1951, or is less than $600 in the case of a taxable year beginning after December 31, 1950. For taxable years beginning after December 31, 1947, additional exemptions are allowed under section 25 (b) (1) (B) and (C) for a taxpayer or spouse who has attained the age of 65 years and for a blind taxpayer or blind spouse. See § 29.25–3. After the number of exemptions is ascertained, the tax under Supplement T for the taxable year is determined by reference to the table contained in section 400 applicable to such taxable year and by reference to the column of such table appropriate to such number of exemptions and, in certain cases, appropriate to either the status of the taxpayer (whether single, head of household, or married) or kind of return (whether separate or joint), or both. The tax is the amount in such column shown on the line appropriate to the taxpayer's adjusted gross income.

Example. D, a married man with no dependents, attains the age of 65 years on September 1, 1951. The aggregate adjusted gross income of D and his wife for 1951 is $4,850. D and his wife file a joint return for 1951 and are entitled to three exemptions, one for each taxpayer and one additional exemption for D because of his age. Since the adjusted gross income of D and his wife falls within the tax bracket $4,800–$4,850, the tax on a joint return is $519.

[F. R. Doc. 52–6120; Filed, June 5, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 986]

[Docket AO–196–A–2]

HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and order (14 F. R. 3660–7, CFR 1950 Supp., Part 986) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (hereinafter called the "order"). Such order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter called the "act"), and any amendments which may be adopted as a result of this proceeding will also be effective pursuant to the said act. Interested persons may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the 12th day after publication of this recommended decision in the FEDERAL REGISTER, except that, if such 12th day should fall on a Saturday, Sunday, or a holiday, they must be filed not later than the next succeeding workday. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which this recommended decision is based, was held in Portland, Oregon, on March 25 and 26, 1952. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (17 F. R. 2195) on March 13, 1952. Said notice contained amendments to the order which had been proposed to the Secretary of Agriculture (hereinafter called the "Secretary") and the hearing was held pursuant to the request of the United States Hop Growers Association, a non-marketing association of hop growers. The notice also contained two comparatively routine amendments which were proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

The material issues, presented on the record of the hearing, are as follows:

(1) The amendment of § 986.1 (f) to clarify the definition of "grower."

(2) The amendment of § 986.6 (c) (1) (i) to require, in connection with the production determination of each grower, a segregation as between harvested and unharvested production, to establish specifically the basis for the production determination relating to unharvested hops, and to allow, in addition to the presently enumerated factors, the consideration of any other information which may be available in determining the productions of growers who refuse committee representatives access to their hop yards.

(3) The amendment of § 986.6 (c) (1) (ii) to delete the requirement that preliminary estimates of hop production be made for each grower.

(4) The further amendment of § 986.6 (c) (1) to make desirable changes in terminology and conforming changes.

(5) The amendment of § 986.6 (c) (2) (i) to:

(a) Provide for the establishment for each grower of a maximum salable allotment, the same as the salable allotment which is presently being computed, but with a further provision that, in the event a grower fails to harvest a quantity of hops equal to such maximum allotment, his salable allotment shall be the quantity he actually harvested;

(b) Authorize increases in the salable percentage to compensate for any deficits in the quantity of hops available for market by reason of the failure of individual growers to harvest their entire salable allotments; and

(c) Provide for increasing the salable percentage to 100 when the total quantity harvested is less than the salable quantity.

(6) The amendment of § 986.6 (c) (2) (ii) (*a*) and (*b*) to:

(a) Require the issuance of preliminary salable allotments (not to exceed 50 percent of their probable final salable allotments) only to those growers who apply therefor, and in such cases, to make estimates of the productions of the particular growers;

(b) Provide for the issuance to growers, who apply therefor, of supplementary salable allotments not in excess of 80 percent of their probable final salable allotments on the basis of adequate, but not complete, crop production information, including, but not limited to, bale count data or other reasonably accurate information as to such grower's hop production; and

(c) Provide for the issuance to growers, who apply therefor, of supplementary allotments not in excess of 90 percent of their probable final salable allotments on the basis of complete crop production information.

(7) The amendment of § 986.6 (f) to eliminate the exercise of the diversion privilege with respect to unharvested hops, and to make desirable changes in terminology.

(8) The amendment of § 986.9 to require:

(a) The reporting by each grower of the quantities, by years of production, and the locations, of all uncertificated hops owned or controlled by him; and

(b) That all dispositions by growers of uncertificated hops be under the supervision of the board through the Growers Allocation Committee.

(9) The making of such other changes in the order as may be necessary to make the entire order conform with any amendments thereto which may result from the hearing.

(10) The amendment of § 986.1 to add a definition of "part" and "subpart."

(11) The renumbering of the sections, paragraphs, subparagraphs, and subdivisions throughout the order in accordance with the revised Federal Register regulations, and to make corresponding changes in the companion marketing agreement.

Findings and conclusions. The following findings and conclusions on the aforementioned material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) The order should be amended with respect to the definition of "grower" (§ 986.1 (f) of the present order) so as to clarify the meaning of this term. The present definition is that such term "is synonymous with 'producer' and means any person who is engaged, in a proprietary capacity, in the commercial production of hops." It is stated in broad, general language, and has given rise to questions as to whether or not certain persons are to be classified as growers, particularly in connection with leasing arrangements. The situation is now such that the present definition should be changed and reworded so as to establish such additional criteria as may be necessary to provide adequate bases for the making of such determinations.

It is concluded that one means of accomplishing this objective would be to add to the present definition a statement as to the specific kinds of farming arrangements whereunder persons should be considered as being growers of hops. Such kinds of arrangements should be as follows: (1) A person who owns and farms land, resulting in his or its ownership of the hops produced thereon; (2) a person who rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (3) a person who owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the hops produced thereon.

A person falling within category numbered (1) obviously should be regarded as a grower. The category numbered (2) should include all persons who produce hops on land which they rent. Such renters would fall in two general classes namely: (a) Those who pay a specified amount of money for the use of the property in question, and have the ownership of all of the hops which are produced thereon; and (b) those who operate under a crop-share rental arrangement, whereunder the ownership of the crop produced thereon is divided between the tenant and the landlord on an agreed basis. Under situation (a), the tenant would be the sole grower of the hops produced on the land which he or it rented. However, under situation (b), the tenant would be one of two growers with respect to such hops, the other grower being the landlord. The category numbered (3) is needed primarily for the purpose of making it clear that the landlord under situation (b) also would be a grower, i. e., with respect to his share of the crop. This would conform with general legal concepts as applied to such situations. As set forth in the notice of hearing, category (3) reads as follows: "Owns land which he or it does not farm, and, as rental for such land, obtains the ownership of all or a portion of the hops produced thereon." The words "all or" appearing therein in the phrase "obtains the ownership of all or a portion of the hops produced thereon" should be deleted since, as previously indicated, such category numbered (3) is needed primarily to clarify that the landlord of the tenant under category (2) who receives from such tenant as rental for the land a share of the hop crop, is also a grower with respect to his share of the crop. In other words, it appears that the situation envisaged is one under which the landlord will receive a share, but not all, of the hop crop grown on the land being farmed under such arrangement as rental for such land. The proposed deletion also is necessary in order that the wording of category (3) as proposed herein will be the same as that contained in the required referenda procedure referred to in the next sentence below. In addition, the aforesaid categories are the same as those set forth in the definition of "producer" which is contained in the required procedure for the conduct of referenda among producers in connection with marketing orders, except those applicable to milk and its products (15 F. R. 5176). Those procedural rules govern the basis on which producers (growers) are entitled to vote in connection with the determination as to whether orders of this nature, or amendments to such orders, are approved.

It is reasonable and proper that persons who are eligible to vote in a referendum regarding the adoption or amendment of a hop marketing order should be the same persons as those whose hops are to be regulated. The aforementioned categories include all who should be considered as growers. Therefore, ownership of, or lease-hold interest in land, and the acquisition in any manner other than that hereinbefore set forth of legal title to hops grown thereon, obviously should not be deemed to result in such owners or leasees becoming growers.

It should be understood, of course, that a share-crop landlord (as covered under the category numbered (3)) must be required, as a condition precedent to his being regarded as a grower, to assume the normal and usual obligations in connection with the arrangement which are recognized as being inherent in such a situation. It is usual and customary for such landlords to participate, to a greater or lesser extent, and either directly or through agents, in the growing operations from a supervisory standpoint, and they often furnish at least a part of the cash, materials, or equipment needed for the production of the crop. Such arrangements are normally incorporated in a written contract, and provisions are generally set forth therein which delineate the respective duties, obligations, and rights of each party. These contracts should, except in unusual circumstances, be entered into either prior to, or shortly after the beginning of, the particular growing season. While it is impracticable, as well as inadvisable, to list all criteria which should govern the making of a determination in this connection, it should appear from all of the attendant facts and circumstances that such a person has actually assumed sufficient risk and responsibility in connection with the growing operations to justify the consideration of him by a reasonably prudent person as a producer in connection with his portion of the production. If the facts and circumstances should demonstrate to a reasonably prudent person that such a landlord has not acted in good faith in the matter, he should not be considered as a producer in that regard. Likewise, a share-crop tenant (as covered under the category numbered (2)) should, as a condition precedent to his being regarded as a grower, assume duties and obligations similar to those set forth above insofar as they may reasonably be regarded as applicable to his status.

The definition of "grower" also should be clarified with respect to one aspect of the meaning which should be assigned to the term "person" as used in such definition. The term "person" is defined (see § 986.1 (c) of the present order) as meaning any "individual, partnership, corporation, association, or any other business unit." The same definition of this term is set forth in the act. Experience has shown that the term "partnership" has caused difficulty with respect to the business arrangements which it covers. It is concluded that the term "partnership" should be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leaseheld interest in which, is vested in them as tenants in common, joint tentants, tenants by the entirety, or, under community property laws, as community property. These cover situations which are generally found to exist under operation of orders of this nature, and they are commonly considered to be partnership arrangements.

The above discussion under category (2) as applied to renters should not be considered as being limited to persons who are the initial renters of the property in question. It is possible that an initial renter may, in turn, rent the same land to another person, and the latter may conduct the actual hop growing operations. In such a situation, the renter who actually conducts the hop growing operations should be considered to be the grower. There are other situations involving leasing arrangements where it is not practicable to determine who is to be considered the grower by application of a general rule covering all such situations. A renter, for example, may perform the growing operations on a hop yard up to the time of harvest, and at such time he may, in turn, lease the yard to another person. Such transfer of leasehold interest by an initial lessee may occur at any other stage in the growing of the crop on the land leased by him, as a result of which both the initial lessee and the subsequent lessee may perform, in varying proportions, the growing operations with respect to the hops grown on such land. In view of the potential varied ramifications which such arrangements might entail, and in view of the fact that past experience in that regard has indicated that some of the arrangements were not entered into in good faith, it is, therefore, not practicable to make a general ruling which will apply to all such situations. Each such situation and arrangement must be considered on the basis of its attendant facts and circumstances.

In viewing each such situation it would be proper to consider the production risks and responsibilities assumed and borne, respectively, by the initial lessee and the succeeding lessee. After most of the risks and responsibilities of production of a crop have been carried out by one grower, and practically no such risks and responsibilities of production remain to be carried out, the leasing of such acreage at that time would, under most conditions, constitute merely a purchase of such crop on the vines, instead of in the bales. It is sufficient to say that, if such attendant facts and circumstances indicate that the arrangements were entered into in good faith that the aforementioned rules and guides should apply thereto.

There is also a problem with respect to who should be considered to be the grower in the event that the person who has qualified as the grower dies. In such a situation, the successors in interest of the deceased person should be regarded as the growers. In other words, if the ownership is acquired by specified persons, such persons, including trustees under a trust arrangement, should be regarded as occupying the same position as the deceased person would have occupied if he had lived.

It is not intended that the proposed new definition of grower, if adopted, will change or alter in any way the present procedures for crop production determinations pursuant to § 986.6 (c) (1), the issuance of salable allotments pursuant to § 986.6 (c) (2), or the issuance of joint salable allotments pursuant to § 986.6 (c) (3) of the present order. For example, in the case of joint ownership of a hop crop arising as a result of a crop-share arrangement between a landlord and his tenant, such operation should be considered as a unit in making crop production determinations and in the issuance of salable allotments. As is provided in said § 986.6 (c) (3), in the event that thereafter the interests of the joint growers are segregated, they are entitled, upon making written application therefor, to have the salable allotment for the crop (unit) segregated and distributed "in accordance with their respective segregated interests in the crop," and these provisions are not proposed to be changed.

(2) The provisions of § 986.6 (c) (1) (i), which relate to the determinations of productions of growers, both individually and in the aggregate, should be amended in the following respects: (a) In addition to the present requirement that such determinations be on the basis of the total production, it should also be required that, in each instance, the harvested and unharvested portion of the particular production be determined and shown separately; (b) the present provisions requiring the inclusion in such computation of unharvested hops which have been grown to maturity and remain unharvested on living vines which remain strung or trained and from which hops have not been picked should be implemented by specific provisions requiring the estimations in that regard to be made on the basis of the amount of hops (net dry weight) which would have been yielded if such unharvested hops had been picked, dried, and baled or otherwise processed and packaged for market; and (c) it should be provided, in connection with cases where a grower does not permit a representative of the Growers Allocation Committee access to his hop yard, that, in making the estimation of the production of that grower, the committee should consider, in addition to the presently specified criteria, such other information as may be available to it.

With respect to (a) above, experience under order operations up to this time has demonstrated that the maintenance of records of the respective quantities of harvested and unharvested hops of each grower, as well as of the aggregate quantities of harvested and unharvested hops, separately, for all growers, has been desirable and necessary for the efficient operation of this program. In fact, the need for such records has been such that they have been developed and maintained despite the absence of any specific requirement to that effect. This need will obviously be accentuated by other proposed amendments of this regulation which are recommended herein for adoption, such as the contemplated new provisions for the calculations of the salable allotments of individual growers, the requiring of growers to submit periodic reports of their respective holdings of uncertificated (or surplus) hops, and in connection with the determination whether the total harvested production for a marketing season is less than the salable quantity for that season as a preliminary to the increasing of the salable percentage to 100. The adoption of these additional requirements should not cause the committee to incur any appreciable extra labor and expense. That is to say, it is necessary under the existing provisions for it to make its determinations as to total and aggregate productions by determining the respective harvested and unharvested portions and then adding them together. The change will merely require that the determinations in connection with the quantities of harvested and unharvested hops be made matters of official record, and will thus insure that they are kept available for future use in the operation of this program.

With reference to (b) above, the existing provisions do not prescribe the computation methods which should be used in estimating the respective quantities of unharvested hops. Some growers have insisted that such estimations should be made on the basis of all mature hops which are on the vines. It has been the practice of the Growers Allocation Committee to make such estimations on the basis of what the unharvested hops would produce if they were picked, dried, and baled or otherwise processed and packaged for market. It is concluded that this basis is the proper and logical one for use in that connection. The giving of production credit is a necessary preliminary to the establishment of the salable allotment of a particular grower. Such allotments are made, pursuant to the statute, on the basis of the respective quantities of hops which are available for market, and, as will be demonstrated more fully hereinafter, hops are not available for market unless and until they have been prepared in suitable form for market, i. e., picked, dried, and baled or otherwise processed and packaged for market. Hence, equity among producers requires that estimations of unharvested hops be made on that basis. In other words, estimations on such a basis are necessary in order to give similar credit on unharvested productions as on harvested productions. It is well known that losses occur in the taking of the actions enumerated above in the preparing of hops for market, and such losses should be considered, by way of deductions, in the making of estimations on unharvested hops. The incorporation of specific provisions on the matter in the order should prevent the arising of future disputes in that regard between the committee and individual growers.

With regard to (c) above, the present order provisions require that the crop determination made, in the case of a grower who refuses a representative of the Growers Allocation Committee access to his hop yard, be on the basis of an estimate of such grower's acreage, the average crop conditions in the area, and the probable yield per acre on the acreage in question. It is conceivable that there may be available (with respect to the case of a grower in this category) to the committee other information which is pertinent in this connection, and which should be considered by the committee if the most accurate determination practicable is to be made. The proposed addition would enable such consideration to be given to the other pertinent information, and this action would obviously be desirable and appropriate.

(3) Section 986.6 (c) (1) (ii) should be amended to delete therefrom the

present requirement that preliminary estimates of all growers' productions be made prior to the start of harvest, or as soon thereafter as practicable. Experience under the orders has shown that, by the time growers have a need for preliminary salable allotments, adequate information is generally available to the board, or may be obtained without undue expense and effort, upon which such preliminary allotments can be based. Moreover, under the recommended amendment of § 986.6 (c) (2) (ii) (*a*), preliminary allotments will be issued only to growers who make requests therefor. The board, therefore, should not be required to incur the unnecessary expense which would be involved in making preliminary production estimates for any growers other than in those cases where such estimates are needed in order to issue preliminary salable allotments upon request. The need for such preliminary estimates in the latter connection is discussed more fully hereinafter under the issue numbered 6 (a), and it is concluded that the necessary provisions in that regard should be incorporated in the section (§ 986.6 (c) (2) (ii) (*a*)) of the order dealing with that aspect.

The requirement for the preliminary estimate of total production should remain unchanged, so that an indication of the salable percentage of that crop will be available as early as is practicable. However, this estimate should be based on the then current Federal or Federal-State crop estimates, as the case may be, and such other relevant data as are available, and the present requirement for the making of such estimations by physical examinations of each yard and other historical productions should be deleted. The Federal-State preliminary estimate of hop production as of August 1 is available about August 10 of each year, and it should provide the board with the information needed for it to advise each grower, at an appropriate time, the estimated or prospective salable percentage for that crop.

Evidence presented shows that, for the years 1945 through 1951, inclusive, the Federal-State estimates of hop production as of August 1 have ranged between 95.4 percent and 110.2 percent of the corresponding final estimates. However, in 5 of these years the August 1 estimates were within 3 percent of the final estimates, and in 4 of such years were within 2 percent of the final estimates. The August 1 estimates would have provided a satisfactory basis for use in computing the estimated salable percentage, and it is reasonable to expect that they will continue to be at least as satisfactory for this purpose in the future. Also, the use of the August 1 estimates should not result in any complications in connection with the computation of any preliminary salable allotment or of the supplementary salable allotments. It is obvious that the probability of the issuance of salable allotments based on preliminary crop estimates exceeding the final salable allotments would be greater in the case of the proposed "90 percent supplementary salable allotments." (See discussion under the issue numbered 6 (c)). In no instance during the years 1945 through 1951, inclusive, would the use of the August 1 preliminary crop estimates as the basis for establishing the aforesaid proposed 90 percent supplementary salable allotments have resulted in the issuance to growers of such allotments in excess of their final allotments. This same conclusion is reached with respect to the use of the September 1 preliminary crop estimates, with the exception of the year 1947, when the September 1 estimate was 89.5 percent of the final crop estimate. A recurrence of a deviation between the September 1 estimate and the final estimate as great as that which occurred in 1947 appears highly remote. It should be noted in this connection that complications from the use of preliminary crop estimates in computing grower's preliminary or supplementary salable allotments could arise only in instances where such preliminary crop estimates are below the final estimates.

(4) Other language in § 986.6 (c) (1) should also be amended so as to make comparatively minor, but desirable, changes in terminology, as well as to make changes which are necessary to make such provisions conform with the changes in said section recommended to be adopted under (2) and (3) above. The first such change relates to the title of § 936.6 (c) (1). It is concluded that such title, which now reads "Determination of quantity available for market," should be changed to read "Determination of total production." This change will not make any substantive difference in the effect of the order provisions involved, but it will recognize that the real intent of those provisions is from the standpoint of determining the total production of the several producers, and the aggregate production of all producers. In other words the change will result in a more realistic statement of intent. Another change which should be made is in the rewording of the phrase "the total quantity of hops (net dry weight), meeting the requirements of § 986.5, available for market for each grower from his production of hops during that year," appearing at the end of the first sentence of § 986.6 (c) (1). This phrase should be changed to read as follows: "the total quantity of hops (net dry weight) produced by growers during that year which meet the requirements of § 986.5." The reasons why such change is appropriate are similar to the reasons why the aforementioned change should be made in the title of this section. Likewise conforming changes in this regard should be made, at the appropriate places, in the second and third sentences of subdivision (vi) of § 986.6 (c) (1). Also, the phrase at the end of § 986.6 (c) (1) (ii), which section relates to preliminary estimates, and reads "a preliminary estimate of said total quantity of hops which will become available for market by each such grower and by all growers, during that year" should be changed to read: "a preliminary estimate of said total quantity of hops which will be produced by all growers from that year's crop." As is set forth in the discussion under the issue numbered (3) above, it is proposed to eliminate the existing requirement for the making of preliminary estimations of the productions of each of the individual growers, with the indicated exceptions. In addition, as is set forth under the discussion of this issue in connection with the above changes, such amendment will recognize that what is actually involved in this connection is the quantity of production, rather than the quantity which is available for market. Further, the words "and (ii)" should be deleted from subdivision (iii), (iv), and (v) of said § 986.6 (c) (1). These subdivisions relate, respectively, to the following matters in connection with the determinations of productions: determination for and protests by members of committee; notice to growers; and protests by growers. All such actions, by their nature, relate to individual growers. In view of the recommendation as to the elimination of the present general requirement, in (ii), for the making of preliminary estimates of the productions of every grower, it is obvious that reference to said subdivision (ii) in subdivisions (iii), (iv), and (v) should be deleted.

(5) It is concluded that three major changes should be made in the provisions of § 986.6 (c) (2) (i) of the existing order, which relate to computations of growers' salable allotments. These three changes are set forth and discussed in order below.

(a) It is now provided that the salable allotment of each grower shall be computed by multiplying his credited production by the salable percentage. This method of computation in that regard should be retained as the basis for computing the maximum salable allotment for each grower, but there should be added provisions to the effect that, if any such grower fails to harvest a quantity from his crop equal to the maximum salable allotment as so computed for him, his salable allotment shall be the quantity which he actually harvested.

As has been indicated heretofore, the credited production for an individual grower is arrived at from a consideration of what he has harvested plus the quantity which any mature hops which he has left on the living vines would have produced, in terms of dried hops, if he had picked, dried, baled or otherwise processed or packaged them for market. This presently authorized way of handling has resulted in numerous instances of individual growers being granted salable allotments in amounts in excess of the respective quantities which they actually picked, dried and baled or otherwise processed and packaged for market from their productions. As is now provided for in § 986.6 (f), such growers can obtain uncertificated hops of that year's production from other growers in an amount equal to such excess quantity and have the hops so acquired certificated for handling. However, for the reasons which are discussed at length in connection with the issue numbered (7) hereto, it is being concluded that the existing authorization in said § 986.6 (f) for the exercise of the diversion privilege with respect to unharvested hops in salable allotments should be deleted. On the assumption that the change last referred to will be made, the presently proposed amendment will be necessary and desirable as an appropriate conforming change. In other words, in the absence of such a conforming change, the growers in the situation mentioned would have salable allotments in excess of the respective quantities of hops and hop products which they would have available for sale. Stated conversely, this conforming change would make it impossible for such an undesirable situation to arise.

However, the presently proposed change is also justifiable on its own merits, and without regard to the fact that it is desirable as a conforming change from the standpoint mentioned in the preceding paragraph. The act (in § 8c (6) (G)) authorizes the salable quantity of hops to be apportioned equitably among growers on the basis of "the total quantity of hops available or estimated will become available for market by each producer from his production during such period." Undisputed testimony was presented at the hearing to the effect that hops should not be considered as being "available for market" unless and until they have been harvested. In other words, hops must be harvested within a very short time after their cones mature, as otherwise, such cones shatter and are lost. Since, under the proposed change, each grower would still have the option of picking his full salable allotment, and thereby obtaining credit therefor, it is not believed that any valid claim of inequity among growers could be raised by reason of the adoption of such change. That is to say, any failure of a grower to obtain his maximum salable allotment would be attributable to him, rather than to the regulation. In this regard, the evidence shows that all growers are advised prior to, or near the beginning of, each harvesting season of the probable salable percentage for that year's crop, and they are kept informed of subsequent changes and other developments in that respect. Thus, each and every grower is provided with the same basic facts for use in estimating his probable maximum allotment, and these facts are reasonably adequate for that purpose.

In further connection with the above matter, the computation of the maximum salable allotment would still have to be made, as at present, on the basis of the particular grower's total production (regardless of whether harvested or unharvested) in order that he may be left in a position to obtain credit for his full (or maximum) allotment, in case he chooses to take the necessary steps. However, whether he does or not, his maximum salable allotment would, up to his maximum salable quantity, be determined by the quantity which he actually harvested. Thus, the existing and the added provisions in this regard would be in harmony, and consistent, with each other from the standpoint that the only hops which would be regarded as being "available for market" would be those which are actually harvested.

Viewing this matter from the standpoint of a justification of this proposed change on its merits, it would follow, as a matter of course, from the making of such a change in the regulation that all reference to unharvested hops in the diversion privilege provisions should be deleted. In other words, assuming that the presently proposed change should be adopted, no grower would have unharvested hops in his salable allotment, and hence there would remain nothing on which the diversion privilege provisions could operate in that regard.

The adoption of the presently proposed change will necessitate the making of conforming changes in subsequent sentences of § 986.6 (c) (2) (i) by inserting the word "maximum" where applicable.

(b) It is also concluded that this section should be amended to provide for increasing the salable percentage in any situation where the harvested quantity exceeds the salable quantity, but the salable percentage, as calculated pursuant to this section, will not result in the availability in marketing channels of the salable quantity fixed for that year's crop to the point necessary to make such salable quantity available. It appears that, under the proposed amended order, there would be a tendency for growers to harvest sufficient hops to be reasonably sure that they could utilize their maximum salable allotments. That is to say, under normal conditions there would not be a need for exercising this proposed provision, since the possibilities are that there would be sufficient hops harvested and available within growers' salable allotments to equal the salable quantity. However, if the situation did develop that substantial quantities of hops were left unharvested by growers within their maximum salable allotments, or if substantial quantities of harvested hops should be destroyed by fire, or otherwise, while in the hands of growers thereof, there should be authority provided to increase the salable percentage to compensate for such deficits and to make available in market channels the full salable quantity. Such authority should be permissive rather than mandatory, since, under some conditions, the amount of the deficit might be so insignificant that an increase in the salable percentage would not be justified. The exercise of this provision should not result in any inequities as between growers. Normally, the Growers Allocation Committee would make its recommendation to the Secretary for increasing the salable percentage about the middle of November, which is long past the harvesting period. Thus, all hops which are to be harvested would be harvested by that time, and all growers would have had an equal opportunity to harvest their full (maximum) salable quantities. It is desirable that the Growers Allocation Committee make the finding with respect to the need for increasing the salable percentage, because it makes the initial finding with respect to the total production, and it will have possession of all of the facts which have a bearing on the need for the increase. This should not, however, preclude the right of the Secretary to act independently of the Growers Allocation Committee in the absence of a recommendation from such committee.

(c) It is further concluded that this section should be amended so as to provide that, in the event the harvested quantity should be less than the salable quantity, the salable percentage for that year's crop shall be increased to 100. It is obvious that, under such a situation, the total harvested quantity should be released in market channels, so that as much as possible of the quantity needed in such channels can be sold. Such action should not result in any inequities between growers for reasons which are stated under (b) above.

(6) It is concluded that a major change should be made with respect to the provisions of § 986.6 (c) (2) (ii) (*a*) of the present order, relating to the issuance of preliminary allotments, which change is discussed under (a) below. It is also concluded that two major changes should be made with respect to the provisions of § 986.6 (c) (2) (ii) (*b*) of the present order, relating to the issuance of supplementary allotments, which changes are discussed under (b) and (c) below.

(a) With respect to the issuance of preliminary allotments, the present order provisions (§ 986.6 (c) (2) (ii) (*a*)) require that such allotments be issued to each and every grower in an amount up to 50 percent of his then estimated salable allotment, which estimated salable allotment is computed by multiplying such grower's estimated production by the estimated salable percentage. The existing order provisions contemplate that such estimated production for that grower will have been established by the preliminary determination in that regard which is now provided for in § 986.6 (c) (1) (ii).

Testimony at the hearing disclosed that experience under order operations has shown that preliminary allotments are not needed by many growers. The lack of such a need seems to exist primarily in the cases of small growers, in that they are usually in a position to qualify for supplementary allotments by the time that they could qualify for preliminary allotments, and the issuance of supplementary allotments originally would apparently serve their needs more satisfactorily. Small growers generally require a shorter period in which to harvest their hops than do large growers, and they normally would have difficulty in making up individual shipments that would be sufficiently large to be practicable for handling under preliminary allotments. On the other hand, there seems to be a general need for the issuance of preliminary allotments in the cases of large growers. Such growers would normally be in positions to make shipments within such allotments, and, by reason of the size of their operations, they are inclined to extend the sales of their productions over longer periods than is customary for small growers.

It is inevitable, of course, that the issuance of preliminary allotments requires the expenditure of labor and expense on the part of the control board, and it is clear that the amount of such labor and expense will vary in accordance with the number of preliminary allotments which must be issued. In these circumstances, it seems obvious that the issuance of preliminary allotments should be made a permissive, rather than a mandatory matter, and,

in order that each grower who has need of such an allotment will have it issued to him, the issuance should be predicated on the making by such grower of a specific request to the control board therefor. The circumstances are such that a formal, or written, request in that connection by the grower should not be necessary. In other words such a request may properly be made informally, such as in person by either the grower or his prospective handler, or by a telephone request by either party.

As is indicated under the discussion of the issue numbered (3) herein, it is being concluded that the requirements for preliminary estimations of the productions of individual growers should be deleted. It is, of course, necessary for the issuance of preliminary allotments that the productions of the particular individual growers be estimated. Therefore, there should be incorporated in this change a specific requirement that, in connection with the issuance of such a preliminary allotment upon request, said estimation shall be made and shall be based upon an examination of the hop yard or yards, the historical record of the production thereof, official crop estimates, and such other production data as are available. These criteria are generally the same as are now prescribed for use in making preliminary estimations of individual productions under § 986.6 (c) (1) (ii).

(b) and (c) Under the present provisions (§ 986.6 (c) (2) (ii) (b)) of the order, supplementary salable allotments not to exceed 80 percent of the probable final allotment may be issued to growers without action by the Secretary. In other words, any such issuance in excess of 80 percent must have the approval of the Secretary. During each of the past three years, the board has requested and received the approval of the Secretary for this issuance of supplementary salable allotments up to 90 percent of any grower's probable final salable allotment when complete information was available as to that grower's production for that year. It has been found that the issuance of a 90 percent supplementary salable allotment to a grower can be issued without danger that such supplementary allotment will exceed his final allotment. Since the estimated salable percentage at the time of the issuance of supplementary allotments is based upon the latest crop estimates, in most cases the September 1 estimates, and such estimate are fairly close to the final estimates of crop production, any subsequent change in the salable percentage probably would be small. The remaining margin of 10 percent of each grower's probable final allotment has been found to be ample to assure adequate protection against abnormal conditions which may cause a change in the salable percentage and corresponding changes in final allotments. The bases for calculating both the 80 percent and the 90 percent supplementary salable allotments are set forth in the proposed amendments. The issuance of an 80 percent supplementary allotment to a grower should be based on adequate, but not necessarily complete, crop production information available to the board, including, but not limited to, bale count data or other reasonably accurate information as to such grower's hop production. The issuance of a 90 percent supplementary allotment to a grower should be based on complete crop information available to the board, including, but not limited to, complete weight data on such grower's harvested production and the recommended determination as to any of his unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of the applicable minimum standard requirements for quality, by the harvested hops of such grower which are included in his production determination. It appears that the aforesaid requirements would provide adequate assurance against the issuance of supplementary allotments in excess of the respective final allotments, and the board, therefore, should be authorized to issue such supplementary allotments up to 90 percent without approval by the Secretary.

While the matter was not discussed specifically at the hearing, it is obvious, of course, that, in issuing the aforementioned preliminary and 80 percent supplementary salable allotments, consideration should be given to the then prospective salable allotment which would reasonably be expected to be granted the particular grower. In other words, if it should appear probable at any such time that such grower's actual salable allotment will be less than his apparent maximum salable allotment, which would be due to his failure to harvest his maximum salable allotment, the aforementioned percentages should be applied against his then apparent actual salable allotment.

(7) Section 986.6 (f) of the present order should be amended so as to limit the exercise of the diversion privilege to harvested hops. Under present order provisions, if hops, whether harvested or unharvested, in the control of the respective grower thereof, are destroyed, or are so damaged or deteriorated as in the judgment of the grower to be unmarketable, or if because of quality or type such hops are unsatisfactory to the grower, he may replace such hops, within the limits of his salable allotment for that respective year, by acquiring uncertificated hops of that year's crop from the growers thereof. The original intent of the diversion privilege was to provide a means whereby damaged hops or hops of inferior quality or type within a grower's salable allotment could be replaced by him with hops of better quality or type from uncertificated hops of other growers and thus improve the average quality or type of hops available to the brewing industry from that year's crop. Unharvested hops were included so as to permit growers, in cases where they knew before harvest that the particular hops of their own productions would not be satisfactory, to avoid the labor and expense of harvesting them. Thus, in principle, it was conceived that the exercise of the diversion privilege would be in the best interests of the hop industry. In practice, however, the use of the privilege with respect to unharvested hops has degenerated primarily into a market for the purchase and sale of allotment rights, or certificates, under which the desirable objectives of the privilege have been lost sight of, or have been disregarded. Testimony at the hearing indicated that the diversion of unharvested hops had led to the growing of hops in bad faith, i. e., the growing of hops for certificates, rather than for market as hops. A grower who grows hops with the intent to divert them under the diversion privilege is able to escape in considerable degree the responsibilities and risks normal to the production of hops for market. His main interest is in maximizing the production of hops on the vine so as to obtain the greatest possible production credit and allotment rights for his unharvested hops. Evidence shows that a grower can obtain, by overfertilization and excess irrigation, an extremely profuse and bushy growth of vines and what appears to be, and may be, a relatively large production of hop cones. Hops grown under these conditions, however, would be extremely difficult, or impossible, to harvest and, in any event, could not be harvested without extreme harvesting losses and without a high leaf and stem content. It appears that the use of the aforesaid cultural practices to produce maximum vegetative growth are quite prevalent among growers who exercise the diversion privilege on unharvested hops. Indications are that by these practices such growers receive a production credit on unharvested acreage of from 2 to 3 bales per acre in excess of that which they would have received if they had followed the normal practices in producing hops for market. This results in inequities as between growers. In producing hops which are to be harvested and made available for market, the grower thereof must exercise care and diligence with respect to proper training of the vines, vine growth, spraying or dusting, and the condition of the trellises. Proper training of the vines and the amount of growth permitted are important for efficient harvesting. Spraying or dusting at the proper time are necessary for effective control of diseases and insects which would impair market quality. Attention to the condition of the trellises is a necessary precaution to reduce the hazard from wind damage which may level all or a portion of the yard. The grower who produces for "certificates" can escape, in large measure, such responsibilities and risks under present order operations. It seems clear that this is contrary to the intent of the diversion privilege provisions, as well as that it is contrary to both the spirit and intent of the act.

Evidence presented at the hearing reveals that there has been a sharp increase in the use of the diversion privilege since the present order became effective. There were 185 growers who used the privilege in the 1949, or first, crop year. Of this number, there were 77 who diverted as unharvested production 100 percent of their salable allotments for that crop year. The number using the privilege increased to 246 growers in the 1950 crop year, of which 85 growers diverted 100 percent of their salable allotments. In the 1951 crop year, there were 324 growers who used the privilege, or an increase of 75 percent over the number who used the privilege in the 1949 crop year. A total of 168 growers in the 1951 crop year diverted as unharvested production 100 percent of their salable allotments. This represents a gain of 118 percent in the number of such growers since the 1949 crop year. If the diversion privilege with respect to unharvested hops was used as originally intended, it is reasonable to expect a decrease in the number of "diverters" in the 1951 crop year, since, in that year, hops were of unusually high quality in all States. These data tend to support the view expressed at the hearing that, under present order provisions with respect to the diversion of unharvested hops, an increasing number of growers are producing hops with no intent of harvesting them and making them available for market. This view also is supported by other evidence introduced at the hearing. Testimony was given, for example, which indicated that it was a common practice for growers using the diversion privilege to enter into arrangements with dealers for the sale of their certificate rights prior to the harvest season (in some cases as early as February), and before such growers could have knowledge of the quality of hops to be produced or of hops which might be available for replacement.

The foregoing facts and circumstances indicate that the diversion privilege is being used in ways which were not contemplated or intended at the time it was adopted. Although, in principle, the exercise of diversion in connection with unharvested hops has merit as a means whereby growers of poor quality hops can avoid the expense of harvesting such hops and providing the brewing industry with a higher average quality product, it is concluded that, on the basis of the weight of evidence, the use of the privilege in this respect is being abused, that it has resulted in the growing of hops in bad faith, and that it has created inequities among growers. These abuses outweigh the potential advantages to a considerable degree. Therefore, the proposed amendment to eliminate the diversion privilege with respect to unharvested hops should be adopted. Aside from these reasons, the adoption of the presently proposed amendment would be a conforming change in line with the proposed amendment to provide for the issuance of salable allotments to growers on the basis of the quantity actually harvested by each grower within his maximum allotment, as discussed herein under the issue numbered (5) (a).

(8) (a) and (b) The order should be amended in two new aspects in connection with uncertificated, or surplus, hops, and hop products, namely: (a) Each grower should be required to report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and the locations of all such hops and hop products which were owned or controlled by him as of the preceding June 1, and each grower shall further be required to furnish similar reports to that committee as of such other date or dates as it may specify; and (b) each grower who desires to dispose of any uncertificated, or surplus hops or hop products (other than for use for replacement purposes in connection with diversions pursuant to the provisions of (§ 986.6 (f)) in his possession or control should be required, prior to making such disposition, to make arrangements with the Growers Allocation Committee or its authorized representatives, for supervision by the latter of such disposition, such supervision to be provided at the mutual convenience of the particular grower and the committee.

In the case of most commodities which are regulated under orders pursuant to the act, it is practicable to defer regulation of the particular commodity until it has been received by recognized handlers. With respect to such other commodities, it is feasible and practicable to set aside the surplus portion and hold it for disposition by the particular administrative agency in channels which are not competitive with the normal market outlets for such commodity. In every such instance, the regulation imposes strict accountability on the individual handlers with respect to the reporting, safekeeping, and accounting for the respective portions of the surplus which is attributable to them with a view to insuring insofar as is practicable, that no part of such surplus will find its way into normal market channels.

In the case of hops and hop products, however, the situation is such that all surplus hops must be left in the hands of the several individual growers. Testimony which was presented at the promulgation hearing which preceded the issuance of the present order disclosed that the available market outlets for hops are confined to those which are regarded as normal market outlets. More specifically, such testimony showed that approximately 98 percent of the hops sold are used in the manufacture of malt beverages, and the remainder are apparently used in the manufacture of other, and miscellaneous, preparations. Such testimony also showed that, while hops have possible uses for such things as mulch, fertilizer (humus), and animal bedding, there were no appreciable market outlets in that regard. In other words, such non-competitive uses are, for all practical purposes, confined to such uses by the growers on their respective farms. Accordingly, the present order was drafted from the standpoint that uncertificated, or surplus, hops would not be sold in commercial channels. Testimony generally similar to the above was presented at the amendment hearing.

The consequence of the aforementioned situation with respect to hops and hop products is that the surplus portions must be, and are, left in the hands of the growers. This consequence has even been recognized by Congress, in that, in section 8c (6) (G) of the act, it has set forth special provisions which may be used, in lieu of the general and usual provisions, for the regulation of hops and hop products. These special provisions contemplate, first, the fixing of a salable quantity of hop crop, and second, the equitable apportionment of such salable quantity among hop growers the amounts of their respective productions which they may sell. The inevitable result of the following of this procedure is, of course, that the surplus portions are left in the hands of the respective producers.

As is indicated above, most other regulatory programs in connection with fruits and vegetables have entailed the operation, by the appropriate administrative agencies, of pools of the surpluses involved, whereunder such surpluses are sold in non-competitive outlets and the net proceeds are distributed to the parties who hold interests therein. But more important in the present connection is the fact that detailed provision is made, in each such instance, for the holding of the handlers (the persons who occupy the positions growers occupy under the program from the standpoint of surplus) responsible for the reporting, safekeeping, and accounting for such surplus. However, the existing order contains no comparable provisions in connection with hops and hop products.

It is clearly apparent that the effective operation of this program requires that the board be in a position to guard effectively against the disposition of surplus hops in commercial channels. In other words, the disposition of surplus hops in commercial channels results in the handling of a quantity of hops in excess of market needs, with a consequent depressing effect on the prices which are received by the growers. In addition, it violates the principle of the equitable apportionment among growers of the quantity which is sold in commercial channels. Stated differently, such action runs counter to the basic principle on which the regulation is based, and tends to nullify the good effects which should reasonably be expected to accrue from operation of the program. The absence of appropriate provisions in the order to enable the board to perform its duties in this connection has hampered its performance of such duties, and, as set forth below, its efforts to obtain the submission of such reports and submission to its supervision of destruction on a voluntary basis have not met with the necessary degree of success.

Testimony disclosed that a number of instances of unlawful dispositions or uses of surpluses have been discovered in the past. Such actions seem to have fallen into two main patterns, namely, the unlawful sales of surplus hops into commercial channels and the misrepresentation that surplus hops produced in one year constitute a part of the particular grower's production for a succeeding year, resulting in his receiving a salable allotment for such succeeding year in excess of the salable allotment to which he was rightfully entitled. The latter type of violation, of course, has the same general adverse effect as the first type. These violations have been discovered "by chance," and there are strong indications that, had the presently proposed provisions been in effect, a considerable number of other such violations would have been discovered. In fact, it was testified by a representative of the Compliance and Investigation Branch, Production and

Marketing Administration, United States Department of Agriculture, the agency which is charged with the duty of making investigations in this connection, that the lack of such reports and supervision of disposition has made it difficult for it to develop evidence of such violations. For instance, it might develop that a grower had a smaller quantity of surplus hops than the records indicated he should have, and, while the surrounding circumstances might indicate that he had disposed of them unlawfully, the investigator might be unable to disprove such grower's contention that he had burned the deficient quantity, or that he had used it for cattle bedding, or for mulch, or for humus. It is reasonable to expect that the growers most likely to commit such violations are the ones who would be the least inclined to submit such reports and to have supervisions of their dispositions on a voluntary basis. Therefore, the necessary preventive measures should be made mandatory so as to insure such reports and supervision of disposition in connection with all growers. These two requirements, operated in conjunction with each other, should be of great value in determining compliance with the order provisions and the discovering of violations in the future. Further, they should tend to discourage the commission of such violations.

An additional reason why the requirement as to the submission of reports would be of value is that complete records of such holdings are essential to the board for its maintenance of accurate records of hops and hop products which are available to meet the market needs in the event any shortage in certificated supplies should develop. Such reports should set forth the quantities of uncertificated hops or hop products held by years of production, since hop supplies are developed on an annual basis and calculations as to any surpluses or shortages are computed on that basis. The fact that such reports are to be made to the Growers Allocation Committee, rather than directly to the board, should not result in any complication with respect to the responsibility of the board to exercise general supervision over the program operations. The members of the committee are also members of the board and constitute a majority of the membership of the board. It is expected that actions taken under such provisions will be in accordance with the will of the board and in accordance with such provisions.

Reports of this kind should be submitted as of June 1 of each year, since, by that time, certification of hops of the then current crop will have been completed. Also, such date is near the beginning of the next marketing season, and it is relatively close to the date on which the board holds its annual meeting to make recommendations as to the salable quantity. By requiring such reports as of June 1, the board will have access to reasonably current information for consideration in developing its recommendations. It is concluded that the allowance of 15 days, or until June 15 for the filing of such reports should give growers ample time for the taking of such actions. There was considerable discussion at the hearing as to whether June 1 would be the most appropriate reporting date from the standpoint of discovering violations, and the evidence is not clear as to whether this would be the case. However, the proposal envisages that similar reports may be required as of other dates which the committee might specify. If operational experience should disclose that the latter aspect should make the furnishing of such reports as of another date desirable, such further reports could be required. But as indicated above, the requirement for the filing of such reports as of June 1 is desirable.

With further respect to the proposal to require the supervision of dispositions, requests for such action need not, as in the case of reports, be made in writing. The efficiency of operations thereunder should be promoted by leaving the particular grower and the committee free to arrange for such supervision informally and in a way and at a time which is the most convenient practicable to each. Of course, the dispositions which are had in mind are those which are legally permissible under the order to be made of surplus hops, including such things as the deliberate destruction of the hops by the grower by fire, or the use of them as cattle bedding, humus, or mulch. On the other hand, the provisions as to supervision of disposition are not intended to cover situations where the disposition should be made accidentally and through no intent of the particular owner, such as by an unintentional fire. In this connection, the proposal in this regard, as published in the notice of hearing, set forth that those provisions as to disposition are intended to cover dispositions of surplus hops which are sold for replacement purposes in connection with the exercise of the diversion privilege pursuant to § 986.6 (f). However, it was testified at the amendment hearing that dispositions of the type last referred to should not be so covered inasmuch as an adequate method of supervision has already been developed for use in connection with that aspect in operating under said § 986.6 (f). It is concluded that such a type of disposition should not be covered under the present proposal by reason of that situation, as well as by reason of the fact that the procedure contemplated hereunder is not designed to provide the most desirable procedure for such a situation.

It was originally proposed that these two changes should be incorporated in the regulation at the end of § 986.9, relating to reports, books, and records. Such action would obviously be proper with respect to the proposed provision with respect to requiring of reports from growers, but not with respect to the proposal as to supervision of dispositions by growers. As to the latter, it is concluded that it should be incorporated in the end of § 986.6, relating to the control of surplus. This separation of the two provisions would promote a logical arrangement of the subject matters, and it would not affect the operation of the two proposals in conjuction with each other. In other words, the situation in the latter regard would be the same as if they had been incorporated together in the same section of the regulation.

(9) The notice of hearing contained a proposal to "make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing." No testimony in regard to this general proposal for minor conforming amendments was presented at the hearing. Instead the attorney for the United States Hop Growers Association made a statement to the effect that, in conformity with usual practice, if any such minor conforming amendments should be found to be necessary, it was the desire of the proponent that they be made. However, other than to the extent indicated previously in this discussion, no such conforming changes appear to be necessary.

(10) The provisions of § 986.1, *Definitions*, of the present order should be amended by adding thereto a definition of "part" and "subpart." The term "part" should mean the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order should be a subpart of such part. The use of such terms having those meanings should be in conformity with requirements of the Federal Register Division for orders of this nature.

(11) The order, as it may be amended, should be rewritten in its entirety so that its sections, paragraphs, subparagraphs, and subdivisions are renumbered in accordance with the requirements of the revised Federal Register regulations, which require a system of numbering different from that used in the present order. The Federal Register Division has requested that, in case of the amendment of an order of this nature numbered in accordance with the previous system of numbering, the entire order should be reissued in connection with the amendment action so that it will be renumbered in accordance with the present system of numbering. This change will not affect the meaning and intent of the provisions of the order. Inasmuch as it is the established policy to number the provisions of the marketing agreement in the same manner as the order, similar changes in numbering should be made in the marketing agreement. In the latter connection the following sections appear in the marketing agreement but not in the marketing order: § 986.19 *Counterparts;* § 986.20 *Additional parties;* § 986.21 *Request for order;* § 986.22 *Record of hops and hop products (expressed in terms of whole hops) handled;* § 986.23 *Effective date;* and § 986.24 *Authorization to correct typographical errors.* These sections appear at the end of said marketing agreement, and they should be renumbered respectively, as follows: §§ 986.114, 986.115, 986.116, 986.117, 986.118, and 986.119. The above mentioned rewriting of the marketing agreement and order necessitates the making of appropriate changes in references in the several sections to the provisions of other sections so as to make such reference conform with the new numbering, and also to make other minor changes in terminology which do not affect the existing substantive meaning.

SUBPART—ORDER RELATIVE TO HANDLING

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (14 F. R. 3660); and said previous findings and determinations are hereby ratified and confirmed except the finding with respect to the base period for the parity determination, and except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(d) There are no differences in the production and marketing of hops in the production area covered by this order, as herein proposed to be amended, which make necessary different terms applicable to different parts of such area.

Order, as amended, relative to handling. It is, therefore, ordered that the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, shall, from the effective time hereof, be in conformity to, and in compliance with, the terms and conditions of the following order:

DEFINITIONS

§ 986.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

§ 986.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

§ 986.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 986.4 *Hops.* "Hops" means, except as otherwise specifically indicated in this subpart, the pistillate cones, either in the green or the dried state, of the vine Humulus lupulus or Humulus americanus grown in the States of Oregon, California, Washington, or Idaho.

§ 986.5 *Hop product.* "Hop product" means any substance which is (a) derived, either in whole or in part, from hops, including, but not limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extracts or concentrates, and (b) capable of being used for a purpose for which hops are used.

§ 986.6 *Grower.* "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (a) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as set forth in this section, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

§ 986.7 *Dealer.* "Dealer" means any person, other than a grower or brewer, who is a handler of hops or hop products for his or its own account.

§ 986.8 *Grower-dealer.* "Grower-dealer" means any grower, other than a brewer, who is a handler for his or its own account of any hops or hop products other than those of his or its own production: *Provided*, That handling transactions pursuant to § 986.81 shall not be within this definition.

§ 986.9 *Brewer.* "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage for commercial purposes.

§ 986.10 *Handler.* "Handler" means any person who, either personally or through another person, handles hops or any hop product: *Provided*, That a person who handles hops which have been previously certificated and handled by another person shall not thereby be deemed to be a handler with respect to such hops.

§ 986.11 *Handle.* "Handle" means, except as provided in § 986.81, (a) to market, ship, or transport (except as a common or contract carrier for others) to or for market, or to use, any hops or hop product, or (b) to purchase, take consignment of, accept delivery of (except as a common or contract carrier) in connection with a purchase or sale or otherwise acquire, within the States of Oregon, California, Washington, or Idaho, hops or any hop product from a grower or any other person.

§ 986.12 *Consumptive demand.* "Consumptive demand" means that quantity of hops and hop products (expressed in terms of dried hops) which it is anticipated will be required in all trade outlets, both domestic and foreign, during the period September 1 of the respective year through the following August 31.

§ 986.13 *Marketing season.* "Marketing season" means the 12 months from August 1 to the following July 31, both dates inclusive.

§ 986.14 *Federal-State inspection service.* "Federal-State inspection service" means that inspection service on hops or hop products which is performed within the States of Oregon, California, Washington, or Idaho by the United States Department of Agriculture or by said Department under a cooperative arrangement with any of such States pursuant to authority contained in any act of Congress.

§ 986.15 *Part and subpart.* "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

HOP CONTROL BOARD

§ 986.20 *Establishment.* A Control Board consisting of eighteen members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this subpart, of whom, with their respective alternates, nine shall represent growers of hops, two shall represent grower-dealers, three shall represent dealers, and four shall represent brewers. The grower members of the Control Board shall be growers of hops who are not grower-dealers, of whom three shall be growers of hops in and residents of the States of Oregon or Idaho, three shall be growers of hops in and residents of the State of California, and three shall be growers of hops in and residents of the State of Washington. One of the grower-dealer members of the Control Board shall be a grower-dealer having his or its principal office in that regard in the States of Oregon, California, Washington, or Idaho, and the other grower-dealer member shall be a grower-dealer having his or its principal office in that regard outside of such States. Each of the four brewer members of the Control Board shall be a brewer. Each of the three dealer members of the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit other than an individual person shall be eligible for membership or alternate membership on the Control Board in the category in which such business unit belongs pursuant to the provisions of this section. No person shall be selected as a member or alternate member of the Control Board who is not actively engaged, as his principal business occupation, in the business of the group which he represents, and may be an officer, agent, or employee of a business unit engaged in such business.

§ 986.21 *Designation of original members and alternates.* The original members of the Control Board, and their respective alternates, shall be selected by the Secretary, subject to the requirements as to district representation, occupation, and residence which are set forth in § 986.20, and shall serve for a term ending on March 31, 1950, except that, if the respective successor to such original member or alternate member has not been selected and qualified by March 31, 1950, such original member or alternate member shall serve until his respective successor has been selected and has qualified. For the consideration of the Secretary in making such selection, nominations for original members and alternate members of the Control Board may be submitted to him not later than the date on which this subpart is issued by the Secretary, but may be submitted prior thereto. Nominations for the original nine grower members and their alternates may be made by any grower, or by any association or other group of growers. Nominations for the original two grower-dealer members and their alternates may be made by any grower-dealer, or by any group of grower-dealers. Nominations for the original four brewer members and their alternates may be made by any brewer, or by any organization of brewers. Nominations for the original three dealer members and their alternates may be made by any dealer, or by any group of dealers. However, the Secretary, in making his selection of the original members and their alternates shall not be bound to make such selections from nominations thus received, but he shall make such selections in his discretion.

§ 986.22 *Nomination and selection of successor members and alternates*—(a) *General.* Members and alternates of the Control Board selected for terms commencing April 1, 1950, and thereafter, shall serve for terms of two years ending March 31 or until such time thereafter as their successors have been selected and have qualified. Selection of successor members of the Control Board and their alternates shall be made by the Secretary for each of the aforementioned groups from the nominations submitted for that purpose by the respective groups and/or from among other qualified persons. Such nominations for each respective group shall be made to the Secretary on or before March 1 of each election year in the manner described in this section.

(b) *Grower members.* Each of the growers Advisory Committees, established pursuant to § 986.40, shall nominate to the Secretary the names of three qualified persons as grower members, and three qualified persons as their alternates, from the State or States represented by the respective committee. The persons receiving in consecutive order the highest number of votes for members shall be the nominees for members of the respective committees, and a corresponding provision shall apply to nominees for alternate members.

(c) *Grower-dealer member, Western.* The grower-dealers whose principal offices are within the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as the grower-dealer member, and one qualified person as his alternate.

(d) *Grower-dealer member, Eastern.* The grower-dealers whose principal offices are outside the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as grower-dealer member, and one qualified person as his alternate.

(e) *Dealer members.* The dealers shall nominate to the Secretary by means of elections in which all (and only) dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular dealer, as the first handler thereof, other than a grower, and for that dealer's own account, during the next preceding marketing season, three qualified persons as dealer members and three qualified persons as their alternates. Nominations for one of such members and his alternate shall be made by each of the following categories of dealers: (1) Those handling less than 10,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; (2) those handling between 10,000 and 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; and (3) those handling over 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season.

(f) *Brewer members.* Of the four qualified persons to be nominated by the brewers for selection as brewer members of the Control Board, and their respective alternates, two of such nominations for members and their respective alternates may be made to the Secretary by the United States Brewers Foundation, Inc., whose present office address is 21 East Fortieth Street, New York, N. Y., and two such nominations for members, and their respective alternates, may be made by the Small Brewers' Association, whose present office address is 188 West Randolph Street, Chicago, Ill. However, nominations may also be made by any individual brewer or by any other associations or groups of brewers.

(g) *Elections of nominees for membership.* Each election for the purpose of nominating grower, grower-dealer and dealer members or alternates of the Control Board to succeed those whose terms of office expire on March 31 of any year, shall be held on or before the preceding March 1, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing the election of nominees as provided for in this section, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before November 1, 1949; and such regulations as shall be approved by the Secretary shall govern each such election. Reports of the results of elections of nominees shall be submitted to the Secretary by the Control Board.

(h) *Time limitation on nominations.* In the event any of the group nominations are not submitted to the Secretary within twenty days after the time specified in paragraph (a) of this section, the Secretary may select each such member or alternate without waiting for the nomination or nominations to be made. If no qualified person is available from any category in any such group, the Secretary may appoint such member or alternate from another category within such group.

(i) *Qualification of members and alternates.* Each person selected as a member or alternate of the Control Board, including original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(j) *Qualifications requirements for alternates.* Each alternate shall meet the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is an alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(k) *Substitutes for members or alternates.* In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member of the same group as that represented by the absent member may be designated by the absent member to serve in the stead of the absent member, or pending such designation the Secretary may designate such temporary substitute.

§ 986.23 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected (insofar as is appropriate) in the manner specified in this subpart, for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for vacancy is not made within thirty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

§ 986.24 *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties under this part.

§ 986.25 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments of this subpart.

§ 986.26 *Duties.* The duties of the Control Board shall be, among others, as follows:

(a) *Intermediary.* To act as intermediary between the Secretary and any grower, handler, dealer, grower-dealer, or brewer;

(b) *Minutes, books and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(c) *Scientific studies and research.* To provide, subject to prior approval by the Secretary, for the making of scientific and other studies and for the conducting of research appropriate in connection with the performance of its official duties;

(d) *Assembling data.* To gather and assemble data on the growing, handling, shipping and marketing conditions relative to hops and hop products, appropriate or desirable in connection with the performance of its official duties;

(e) *Information.* To furnish to the Secretary such available information with respect to hops as the Board may deem appropriate or as the Secretary may request;

(f) *Audit.* To cause the books and other records of the Control Board to be audited by one or more competent accountants at least once each marketing season and at such other times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(g) *Managing agent.* To employ a managing agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof or financially interested in the production of, dealing in, or use of hops and hop products, and who shall serve as the Secretary of the Control Board and the secretary of the Growers Allocation Committee and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such managing agent, employees, agents and representatives;

(h) *Notice to Secretary of meetings.* To give to the Secretary the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(i) *Issuance of necessary regulations.* To issue, with the approval of the Secretary, any regulations which are necessary and appropriate for the carrying out of the provisions of this subpart in accordance with their terms.

§ 986.27 *Procedure*—(a) *Rules and officers.* The Control Board shall adopt rules governing the performance of its powers and duties under this part, and shall select a chairman and such other officers as it may deem advisable.

(b) *Quorum.* A quorum shall consist of twelve members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than ten affirmative votes.

(c) *Permissive methods of voting.* The Control Board may vote by mail or telegraph upon due notice to all members and when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

§ 986.28 *Funds and other property*—(a) *Uses.* All funds received by the Control Board pursuant to this subpart shall be used solely for the purposes specified in this subpart; and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(b) *Accountability of members.* Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements under this subpart and deliver all property, funds, books, and other records (in his possession or control) of the Control Board, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such manner.

(c) *Legal action for collection of assessments.* The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, a suit against any handler subject to the provisions of this subpart for the collection of such handler's pro rata share of expenses.

GROWERS ALLOCATION COMMITTEE

§ 986.35 *Members.* The grower members and the grower-dealer members of the Control Board shall constitute the Growers Allocation Committee. Said committee shall have such duties and powers as are expressly specified in this subpart for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

§ 986.36 *Procedure.* The Growers Allocation Committee shall select one of its members as its chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or telegraph upon due notice to all members and when any such proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Growers Allocation Committee.

§ 986.37 *Alternates.* The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

GROWERS ADVISORY COMMITTEE

§ 986.40 *Establishment and membership.* A Growers Advisory Committee of 12 members is hereby established for each of the States of Washington and California, and of 13 members for the combined States of Oregon and Idaho. Each of the said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Oregon and Idaho shall be a grower or an officer or employee thereof, engaged in growing hops in and a resident of the State of Idaho.

§ 986.41 *Original members.* The original members of the Growers Advisory Committees shall be the members of the existing advisory committees organized by the United States Hop Growers Association, an association of hop growers whose present address is Mills Building, San Francisco, California. Each of the original members shall serve for a term ending on January 31, 1950, and in the event that the respective person's successor has not been selected by February 1, 1950, such person shall serve until his successor has been selected.

§ 986.42 *Election of successor members.* Successor members of Growers Advisory Committees, beginning with those elected for terms beginning on and after February 1, 1950, shall serve a two year term ending January 31. Election shall be at meetings held under the supervision of the Managing Agent or his designated representative by the growers and grower-dealers in each of the designated districts in this subpart. In such election each grower and each grower-dealer residing or producing hops in the district shall have an opportunity

to participate, and at such election shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote to fill the vacancy or vacancies occurring in his district. No grower or grower-dealer shall vote in more than one district in any one State. Voting shall be by ballot; there shall be no voting by proxy. The nominee having the highest number of votes shall be the member for the district or, in the districts electing more than one member, the nominees receiving in consecutive order the highest number of votes shall be the members for that district. In the case of a tie vote, where vacancies are insufficient to give membership to each, a runoff election shall be held on the vacancy in question.

§ 986.43 *Washington Advisory Committee.* The State of Washington is hereby delimited into four election districts, as follows:

District No. 1. That portion of Yakima County lying east of the Yakima River and north of Parker Ridge, and all counties of the State of Washington not delineated in other districts.

District No. 2. Benton County, Klickitat County, and that portion of Yakima County lying south of Parker and Ahtanum Ridges.

District No. 3. That portion of Yakima County lying north of Ahtanum Ridge and west of the Yakima River.

District No. 4. All counties of the State of Washington lying west of Districts 2 and 3, or lying west of the Cascade Mountains.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district three members of the Advisory Committee.

§ 986.44 *California Advisory Committee.* The State of California is hereby delimited into three election districts, as follows:

District No. 1. Sacramento County and all other counties of the State of California not delineated in other districts.

District No. 2. Sonoma, Napa and Marin Counties.

District No. 3. Mendocino and Lake Counties.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

§ 986.45 *Oregon-Idaho Advisory Committee.* The States of Oregon and Idaho are hereby delimited into twelve election districts, as follows:

District No. 1 (*Grants Pass*). Douglas, Jackson, Josephine, Coos, and Currie Counties.

District No. 2 (*Eugene, etc.*). Lane County and that portion of Linn County not delineated in District 3.

District No. 3 (*Albany, Corvallis, etc.*). Benton County and those areas of Marion and Linn Counties described as follows: Beginning at Jefferson, Oregon, thence north along U. S. Highway 99 East to a point east of Tice Island in the Willamette River, thence due west along a straight line to Tice Island, thence south along the meanderings of the Willamette River to the confluence of the Luckiamute and Willamette Rivers, thence due southwest to the northeast corner of Benton County, thence south along the boundary of Benton and Linn Counties to a point due west of Brownsville, Oregon, thence in an easterly direction to Brownsville to include all growers operating hop yards in the Brownsville area, thence continuing to the eastern boundary of Linn County to include all growers operating yards in Linn County north of the line as described.

District No. 4 (*Independence, Dallas, etc.*). All of Polk County not delineated in District 6, all of that portion of Marion County adjacent to Independence and not delineated in Districts 3, 5 and 6, and that portion of Yamhill County not delineated in Districts 10 and 11.

District No. 5 (*Silverton, etc.*). Beginning at the North Howell Grange building in Marion County, Oregon, thence due south along a straight line to Stayton, Oregon, thence due east along a straight line to the headwaters of the Abiqua River, thence following the meanderings of the Abiqua River in a northwesterly direction to a point due east of the North Howell Grange, thence due west along an imaginary line to point of beginning.

District No. 6 (*Salem, etc.*). Beginning at Rickreall, Oregon, thence north along west side of U. S. Highway 99W, to a point due west of Wheatland, thence due east along a straight line to Wheatland to include all growers in the area in the vicinity of Wheatland, Oregon, thence northeast along a straight line to Fairfield, thence east following the Fairfield road to Aral Corners, thence due north from Aral Corners to the St. Louis Road to the corner of the "Old Miller Place," thence east to the Southern Pacific Railway and continuing east to U. S. Highway 99 East, thence south following U. S. Highway 99 East, to the intersection of U. S. Highway 99 East and the Parkersville Road, known as the "Manning Corner," thence east to Parkersville, thence south to the Central Howell School, thence due south following a straight line to the Santiam River, thence north and west following the meanderings of the Santiam River to Jefferson, thence due north following U. S. Highway 99 to Sunnyside, thence due west following a straight line to the Willamette River to a point south of Roberts' Station, thence north following the meanderings of the Willamette River to Salem, thence west following the Dallas-Salem Highway to Rickreall, point of beginning.

District No. 7 (*Wilder, Ontario, etc.*) The State of Idaho and Malheur County in the State of Oregon.

District No. 8 (*Mount Angel, etc.*). Beginning at the North Howell Grange, thence south and east following the meanderings of the Abiqua River to the foothills of the Cascade Mountains to a point due south of Molalla, thence due north following a straight line to Molalla, thence west following the Woodburn-Molalla highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence south from Gervais to the Manning Corner, thence east to Parkersville, thence south to the North Howell Grange, the place of beginning.

District No. 9 (*Donald, Woodburn, Aurora, etc.*). Beginning at Oregon City, thence south along the Oregon City-Molalla highway to Molalla to include all growers operating hop yards within a one-mile radius of Mulino, thence west following the Woodburn-Molalla Highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence west following the direct highway to St. Louis, thence north following the meanderings of Champoeg Creek to its confluence with the Willamette River, thence in a northerly direction following the meanderings of the Willamette River to Wilsonville, thence continuing in a north and easterly direction along the meanderings of the Willamette River to the place of beginning.

District No. 10 (*St. Paul, etc.*). Beginning at Wilsonville, thence north following U. S. Highway 99 West to Jurgens Park on the Tualatin River, thence northwesterly following a straight line to the southwest corner of Multnomah County, thence southwesterly following a straight line to Laurel, thence southwest following a straight line to McMinnville, thence south following the west side of U. S. Highway 99 West to a point due west of Wheatland, thence due east following a straight line to Wheatland, thence northeast to Fairfield, thence continuing east to Aral Corners, thence north to Champoeg Creek, thence continuing in a northerly direction and following the meanderings of Champoeg Creek to the Willamette River, thence continuing in a northeasterly direction following the meanderings of the Willamette River to Wilsonville, the point of beginning.

District No. 11 (*Millsboro, Forest Grove, etc.*). Beginning at the southwest corner of Multnomah County, thence in a southwesterly direction following a straight line to Laurel, thence southwesterly following a straight line to McMinnville, thence west following a straight line to the western boundary of Yamhill County. Close any short gap by a straight line and follow County line to the point of beginning.

District No. 12 (*Portland, Hermiston, etc.*). Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River and Multnomah Counties, and that portion of Clackamas County described as follows: Beginning at Sellwood, Oregon, thence south following the meanderings of the Willamette River to Oregon City, thence south following the Oregon City-Molalla Highway to Lewis Station due east of Canby, thence due east along a straight line to the Cascade Mountains, thence north along the eastern boundary of Clackamas County to the northern boundary of Clackamas County, thence due west to place of beginning and all other Counties or portion of Counties of Oregon not delineated in other districts.

Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district two members of the Advisory Committee, one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district one member of the Advisory Committee.

§ 986.46 *Changes in districts.* The number of districts or the area covered by each in any State or States may be changed by the Secretary in an equitable manner giving consideration to quantity of hops produced, number of growers, geographical characteristics or other factors and upon recommendation of the Control Board or of the Advisory Committee for such State or States.

§ 986.47 *Alternates.* Each member of an Advisory Committee may designate, in writing, addressed to the managing agent, an alternate having the same membership qualifications as are applicable to the member. Such alternate may act at any meeting of the Advisory Committee at which the member is not present.

§ 986.48 *Vacancies.* A vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a person of the membership qualifications of the former member, selected by majority vote of the remaining members of that committee.

§ 986.49 *Expenses.* The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

§ 986.50 *Functions*—(a) *Nomination of successor Control Board members.* Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(b) *Officers and other functions.* Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings after notice to its members, upon the call of four members, or upon the call of its chairman, or the Control Board, or the Managing Agent. Each Advisory Committee shall serve the Control Board in an advisory capacity concerning the administration hereof in the State or States for which such committee is established, and in general shall perform such ministerial functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

CONTROL OF QUALITY

§ 986.60 *Minimum standards of quality and grading and inspection requirements*—(a) *Establishment.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of the Control Board's recommendations, prescribe minimum standards of quality for hops with respect to their leaf and stem content or other factors of quality and maturity for which grading and inspection procedure has been developed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, and is in general use; and shall prescribe grading and inspection requirements therefor. The term "leaves and stems," as used in this subpart, shall include all leaves and stems of the hop plant, except the stems (petioles) which bear the individual cones, and all extraneous matter. Hop seeds which are naturally within the hops under inspection shall not be considered as extraneous matter. To aid the Secretary in prescribing minimum standards and requirements, the Control Board shall furnish to the Secretary the information upon which it acted in recommending such standards and requirements, and shall furnish such other available data pertaining thereto as the Secretary shall request.

(b) *Initial standards and requirements.* Until such time as other standards and requirements for leaf and stem content are prescribed under this section, no hops shall be deemed merchantable or entitled to certification which contain over fifteen percent, by weight, of leaves and stems as defined in this section and as determined by the Federal-State inspection service.[1]

(c) *Operation irrespective of price.* The provisions of this section relating to minimum standards of quality and maturity, and to grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for hops is in excess of the parity level specified in section 2 (1) of the act.

§ 986.61 *Inspection and certification.* Each grower shall be entitled, upon application to the Control Board or its representative, and subject to the meeting by him of any applicable provisions of § 986.60 and §§ 986.70 through 986.81, to the certification of hops harvested after the effective date of this subpart: *Provided*, That such hops have been inspected by the Federal-State Inspection Service within the States of Oregon, California, Washington, or Idaho, and their official certificate presented by such grower showing such hops to meet said standards and requirements. No person shall handle any hops harvested after the effective date of this subpart unless such hops have been so certificated by the Control Board.

§ 986.62 *Regulations.* Such certification as to minimum quality shall be based on information on a Federal-State Inspection Certificate and shall include substantially the following wording: "Hops covered by this certificate are of the ---------- crop and are covered (year)

by Federal-State Inspection Certificate No. -------- as meeting minimum standards of quality prescribed pursuant to applicable Federal-Marketing Agreement and Order." Such certification shall be executed by authorized representatives of the Control Board, the grower and the handler. The bale or other container shall also be marked or tagged to furnish proper identification as to producer and lot. Such marking or tagging shall comply with the requirements for marking included in § 986.79. This method of marking may be changed by the Control Board, subject to the approval of the Secretary.

CONTROL OF SURPLUS

§ 986.70 *Application.* The provisions of §§ 986.70 through 986.81 shall apply only during marketing seasons in which the estimated season average price of hops to growers is at or below the parity level specified in section 2 (1) of the act.

§ 986.71 *Determination of salable quantity*—(a) *Total carryover.* As early in the respective year as it shall find it to be feasible, but not later than August 1, the Control Board shall ascertain or estimate the total carryover, within the United States, of hops and hop products, expressed in terms of dry hops, produced in or outside the area covered hereby prior to that year and which, if produced within such area, are eligible for handling pursuant to the terms of this section.

(b) *Consumptive demand.* At the same time, the Control Board shall estimate the total consumptive demand for hops produced during the respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity estimated to be used in the form of hop products.

(c) *Recommendation by Control Board.* Immediately thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (net dry weight), produced during that respective year which, should, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(d) *Determination by Secretary of salable quantity.* On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to this section, and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which may be handled in the form of hops and in the form of any hop product. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the salable quantity of that respective year's crop of hops.

§ 986.72 *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for the crop of any year in which the continued withholding of surplus would result in a season average price to growers in excess of the parity level specified in section 2 (1) of the act, or upon due consideration of either the needs of brewers or a recommendation of the Control Board that the salable quantity be increased. The Secretary may not decrease said salable quantity.

§ 986.73 *Conversion ratios.* In computing the hops equivalent of hop products, and unless changed as provided in this section, one pound of lupulin shall be considered equivalent to 20 pounds of dry hops and one pound of hop oil to 400 pounds of dry hops. In the case of hop extracts or concentrates for which conversion ratios are not established in this section, the Control Board, or its authorized representative may temporarily establish such conversion ratios for a period not exceeding 90 days. Conversion factors referred to in this section may be changed by regulation of the Control Board, subject to approval of the Secretary.

§ 986.74 *Determination of total production*—(a) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers

[1] In a supplemental order (16 F. R. 6715) issued by the Secretary of Agriculture on July 6, 1951, and made effective August 1, 1951, such maximum leaf and stem content was fixed at 10 percent.

the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight) produced by growers during that year which meet the requirements of § 986.60. Such determination shall include, for each grower, his harvested, unharvested, and total production. Such determination shall also include the quantity, if any, of such hops found to have been converted into hop products, except that lupulin sweepings shall be included in the computation only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained, and from which hops have not been removed from the wires or poles. Such unharvested hops shall be determined by the Growers Allocation Committee on the basis of the amount of hops (net dry weight) which would have been yielded if such unharvested hops had been picked, dried, and baled or otherwise processed and packaged for market. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to ~~any~~ hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions of this section, the Growers Allocation Committee shall determine, or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, as aforesaid, the Growers Allocation Committee shall, by means of addition, compute the harvested, unharvested, and total production by all growers.

(b) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will be produced by all growers from that year's crop. Said preliminary estimate shall be based upon the then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

(c) *Determinations for and protests by members of committee.* The determinations pursuant to paragraph (a) of this section for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representatives shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(d) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to paragraph (a) of this section of the respective grower's production for the respective year, and also, the computation of the total quantity determined, pursuant to paragraphs (a) and (b) of this section, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(e) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to § 986.75, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(f) *Determination by Secretary.* Upon expiration of the time for protest specified in paragraph (e) of this section, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to paragraph (a) of this section, together with the data on which the same were based. On the basis of such findings, determinations, computations, data and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the harvested, unharvested, and total quantity of hops (net dry weight) meeting the requirements of § 986.60 which were produced by each grower during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maturity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is referred to in this subpart as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

§ 986.75 *Computation of growers' allotments*—(a) *Salable percentage.* (1) The "salable percentage" of the aggregate production, determined pursuant to § 936.74, shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.71, by the aforesaid aggregate production, and multiplying the quotient by 100. After computing such salable percentage on this basis, it shall be adjusted to the nearest tenth of a percent. Each grower's maximum allotment of the salable quantity of that year's crop shall be that same salable percentage applied to his production as determined pursuant to § 986.74, except that if any such grower fails to harvest a quantity from that crop equal to such maximum salable allotment so computed for him, his salable allotment shall be the quantity which he actually harvested: *Provided*, That, if prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the harvested quantity exceeds the salable quantity, but, nevertheless, the aforementioned salable percentage will not result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be established by the Secretary at an amount necessary to result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop: *And provided also*, That, if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the aggregate quantity of hops harvested from that year's crop, and meeting the minimum standards of quality prescribed in this section, will be less than the salable quantity fixed for such year's crop, such salable percentage shall, with the approval of the Secretary, be increased to 100 for that year's crop: *And provided further*, That, in lieu of the aforementioned method of computing growers' maximum allotments, the Secretary may make effective, at the beginning of any marketing season, the following procedure pursuant to a recommendation of the Control Board to that effect (such recommendation of the Board to be pursuant to and in accordance with a prior recommendation to it by the Growers Allocation Committee): Each grower's allotment of the maximum salable quantity of that year's crop shall be computed by first subtracting from said grower's poundage of credited production, the leaf and stem content thereof and applying the salable percentage to the remainder, then dividing the resulting quantity by the average percentage of clean hops (hops exclusive of leaf and stem content) in the aggregate production of hops for the preceding marketing season. The quotient will be the grower's maximum allotment of the salable quantity, in pounds of hops as prepared for market by him. The Board shall include in any recommendation pursuant to this proviso full information and data on which such recommendation is based. Said recommendation shall specify in regard to the "percentage of clean hops" to be used in the computation, whether such percentage shall be computed and applied for the production area as a whole or separately by States, and the Secretary if he approves the Board's recommendation shall state in his approval which procedure in regard thereto, shall be followed: *And provided further*, That, if this substitute method of computing growers maximum allotments is made effective, the Board may recommend (following a recommendation to it by the Growers Allocation Committee) to the Secretary the readoption of the original method at the beginning of any subsequent marketing season, supplying full information and data upon which such recommendation is based, and the Secretary may make such original method again effective.

(2) In any year in which the salable percentage, determined pursuant to this section, exceeds 98 percent, each grower's allotment shall be the total quantity harvested by such grower, determined pursuant to § 986.74. Each allotment determined under this subpart shall be expressed in pounds, net dry weight of hops, and shall be known as the respective grower's "maximum salable allotment" of that respective year's crop.

§ 986.76 *Preliminary and supplementary allotments*—(a) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Grower Allocation Committee, or its authorized representatives, including, but not limited to complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for therein, by all harvested hops of such grower for that year.

(b) *Supplementary, 80 percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportions of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(c) *Supplementary, 90 percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Grower Allocation Committee, or its authorized representatives, including, but not limited to complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for therein, by all harvested hops of such grower for that year.

(d) *Eligibility for certification.* After issuance to a grower of such preliminary or supplemental allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and handling as though the final allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(e) *Notice to growers.* The Growers Allocation Committee shall mail to each grower who has requested a preliminary or supplementary allotment (either or both) notice thereof, and to each grower notice of his final salable allotment computed by that Committee as provided in this subpart. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at each of its offices, where the same shall be available during all reasonable hours for inspection by any interested person.

§ 986.77 *Joint allotment*—(a) *Joint ownership.* In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Growers Allocation Committee, then a single salable allotment shall cover such joint production. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Growers Allocation Committee, or its authorized representative, upon written application signed by all of said interested growers shall segregate and distribute said salable allotment among said growers in accordance with their respective segregated interests in the crop.

(b) *Associations.* Upon application of any bona fide incorporated cooperative association of growers which is authorized to market hops or hop products included within the salable allotments of those of its members who have authorized the association to sell and pool their hops for them, the individual salable allotments of such members shall be pooled and hops produced by those members during that season, and hop products derived from such hops, may be certificated and handled by that association without regard to the limits of the individual allotments of the members: *Provided*, That, (1) any such application is made in writing by the association to the Growers Allocation Committee prior to determination of the salable allotments to which it is to apply, (2) such application is signed by the duly authorized officers of the association, (3) such application is accompanied by satisfactory evidence that the submission of it has been approved by the membership of the association, by official action at a meeting or otherwise during the particular calendar year, and (4) such application is also accompanied by satisfactory evidence that each of the individual members who will be affected by the pooling arrangement has authorized the association to handle his hops under such a pooling arrangement.

§ 986.78 *Revision of allotments*—(a) *Revisions and new allotments.* In the event that at the normal time, no determination, pursuant to § 986.74, has been made as to a particular grower entitled thereto pursuant to the provisions of this section, or a previous determination as to a particular grower is substantially in error, the Growers Allocation Committee shall make the determination or correct the erroneous determination, or shall cause such determination or correction to be made. The same requirements of determination and approval by the Secretary, notice to the grower and rights of protest and appeal, shall be effective with respect to such determination, as in the case of a timely or original determination.

(b) *Correction of clerical errors.* In the event that the Growers Allocation Committee or the Managing Agent shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Managing Agent shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

§ 986.79 *Certification*—(a) *Hops harvested during effective period of order.* Each grower for whom a salable quantity is determined may, upon application to the Control Board or its representative and subject to the limitations of §§ 986.60 through 936.62, have the eligible quantity of hops or hop products certificated for handling. Such certification shall consist of the indelible marking of each bale or other container of such hops or hop products by an authorized representative of the Control Board and the issuance and delivery of a "handling certificate." Such marking shall be placed on the bale cover or other container or on a tag securely attached to such other container, and shall show the year of production, the handling certificate number, and the words "Certificated, Hop Control Board." This method of marking may be changed by the Control Board, subject

to the approval of the Secretary. Such handling certificate shall certify that pursuant to the provisions of this section a specified quantity of hops or hop products has been duly certificated, for the grower and handler named in said certificate, as being eligible for handling pursuant to the terms of this subpart, and shall be executed by authorized representatives of the Control Board, the grower, and the handler. Such certification may exceed any grower's salable quantity by not over 100 pounds, provided such excess quantity is included entirely within the weight of the last bale or container certificated for said quantity.

(b) *Hops harvested prior to effective date of this subpart.* Any person who owns or is in the possession of hops harvested or hop products from hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, is entitled upon application, within 30 days after such date, to the Control Board or its representatives, to have such hops or hop products certificated free of charge without regard to any salable quantity, or minimum standard of quality. The Control Board may extend such time for good cause.

§ 986.80 *Limitation of handling to certificated hops or hop products.* No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops harvested or hop products from hops harvested subsequent to 12:01 a. m., P. s. t., July 2, 1949, unless: (a) Prior to such handling, the Control Board shall have issued a "handling certificate" pursuant to § 986.79 applicable to such hops or hop products; and (b) each bale or other container of said hops or hop products shall have been duly marked or tagged as prescribed in this subpart, for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated. However, hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, and hop products produced from such hops may be certificated for handling without regard to the salable allotment or the quality restriction

§ 986.81 *Diversion privilege.* In the event harvested hops in the control of the respective grower thereof, are destroyed or are so damaged or so deteriorated as, in the judgment of the grower to be unmarketable, or, if, because of quality or type, such hops are unsatisfactory to the grower, such grower may replace such hops (if the lupulin has not been removed therefrom) within the limits of his salable allotment for that year's crop, by acquiring uncertificated harvested hops of that year's crop from the growers thereof: *Provided*, That such purchasing grower shall first submit a written statement to the Growers Allocation Committee, setting forth the year of production, the location, and the quantity of hops he desires so to replace, (and, if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, or its authorized representatives), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee, or its authorized representatives, whereby the unmarketable, or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further*, That, any hops so diverted shall not be diverted or disposed of as hop products as defined in § 986.5. The selling grower shall not be regarded as handling such hops within the meaning of this subpart, nor shall the hops sold be considered a part of such selling grower's salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers who report to the Growers Allocation Committee that they have uncertificated hops for sale pursuant to this section; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this section. The Growers Allocation Committee shall make such lists available to any grower or handler of hops at each office of the Control Board.

§ 986.82 *Supervision of disposition of uncertificated hops.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession or control shall first arrange with the Growers Allocation Committee, or its authorized representatives, for supervision of such disposition. The Growers Allocation Committee, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the Committee, or its authorized representatives. The requirements set forth in this section shall apply to all such dispositions of uncertificated hops and hop products except (a) cases where such dispositions are accidental and due to causes beyond the control of the particular growers, or (b) cases where such dispositions are made pursuant to the provisions of § 986.81.

EXPENSES AND ASSESSMENTS

§ 986.90 *Expenses.* The Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing season for the maintenance and functioning by it and for such purposes as the Secretary may, pursuant to the provisions of this subpart determine to be appropriate. Such expenses shall be paid from the funds acquired pursuant to § 986.91. The recommendation of the Control Board as to its expenses for each such marketing season, or a portion thereof, together with all data supporting such recommendation, shall be submitted to the Secretary on or before September 15 of the marketing season for which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 986.91.

§ 986.91 *Assessments.*—(a) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided in paragraph (b) of this section with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (1) such hops or hop products as are duly certificated pursuant to § 986.79 and (2) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided, however*, That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops produced by that grower, or hops acquired pursuant to § 986.81 or hop products produced from such hops, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph may be concerned. The person who handles such hops or hop products next following such handling by said grower shall be considered the first handler thereof within the provisions of this section. Said assessment shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

(b) *Rate of assessment.* The aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73.

§ 986.92 *Refunds.* Any money collected as assessments during any marketing season and not expended in connection with that season's operations, may be used by the Control Board during a period of five months subsequent to such marketing season in paying the expenses of the Control Board incurred in connection with the new marketing season. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing season, credit or upon request make available, within six months after the beginning of the new marketing season, the aforesaid excess carried into the new season, to each handler from whom an assessment was collected in the preceding marketing season, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said preceding marketing season.

COMPLIANCE WITH PROVISIONS

§ 986.95 *Compliance.* Each handler shall comply strictly with all provisions of this subpart and all regulations duly effective under this subpart. No handler shall handle any hops or any hop product in violation of any of the provisions of this subpart or in violation of any

regulation effective pursuant to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 986.101 *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep books and other records which will clearly show the details of its handling of hops and hop products.

§ 986.102 *Reports by handlers.* To enable the Control Board, the Growers Allocation Committee, and each Advisory Committee to perform its functions under this subpart, each handler shall furnish to the Managing Agent, (a) on June 1, or as of that date and within 15 days thereafter or on any other date or dates which the Control Board may specify, complete information as requested by the Control Board relating to the total quantity of hops and hop products owned by the respective handler; and (b) on or before December 1, or on any other date or dates which the Control Board may specify, complete information relating to (1) the volume of hops and hop products handled during the next preceding marketing season; (2) the names and addresses of the growers and other persons from whom such hops or hop products were acquired; and (3) the quantity of hops grown by that handler during such period. Such information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided*, That the Managing Agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The Managing Agent shall not disclose any information acquired under this section, except as expressly authorized in this section.

§ 986.103 *Reports by growers.* Each grower shall report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned or controlled by him as of the preceding June 1, and each grower shall also furnish to the Growers Allocation Committee reports containing such information as of such other date or dates as the Growers Allocation Committee may specify.

MISCELLANEOUS PROVISIONS

§ 986.105 *Amendments.* Amendment of this subpart may from time to time be proposed by the Control Board or by the Secretary.

§ 986.106 *Agents.* The Secretary may, by a designation in writing, name any person, including but not being limited to, any officer or employee of the United States Department of Agriculture, or any Division thereof, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.107 *Effective time, suspension, and termination.*—(a) *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated or suspended in one of the ways specified in this section, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination or suspension.* (1) The Secretary may, at any time, terminate or suspend the provisions of this subpart whenever he finds that the provisions hereof obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

(2) The Secretary shall terminate the provisions of this subpart whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within said States for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

(3) The provisions of this subpart shall terminate in any event whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* Upon the termination of the provisions of this subpart the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination; but the procedural rules governing the activities of said trustees; including, but not limited to, the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant to this section. Any funds collected for expenses pursuant to §§ 986.90 through 986.92 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this section. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as provided in this section shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 986.108 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination of this subpart, except with respect to acts done under and during the existence of this subpart; and the benefits, privileges, and immunities conferred hereby upon any party signatory hereto shall cease upon the termination of this subpart as to such party except with respect to acts done under and during the existence of this subpart.

§ 986.109 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.110 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.111 *Right of the Secretary.* Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.112 *Liability of Control Board members.* No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, or employee, shall be held liable individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member, employee, representative, except for acts of dishonesty. The liability of the parties hereunder is several and

not joint, and no party shall be liable for the default of any other party.

§ 986.113 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Filed at Washington, D. C., this 2d day of June 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 52-6179; Filed, June 5, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, TOBACCO BRANCH

DELEGATION OF AUTHORITY WITH RESPECT TO MARKETING AGREEMENTS AND MARKETING ORDERS GOVERNING THE HANDLING OF TOBACCO

There is hereby delegated to the Director of the Tobacco Branch, Production and Marketing Administration, final authority to take all action necessary or appropriate in the administration of marketing agreements and marketing orders regulating the handling of tobacco effective in accordance with the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), subject to the limitations contained in the marketing agreements and orders themselves, and in the rules and regulations applicable thereto. Such action includes, but is not limited to, the following:

(a) To issue, amend, modify, suspend, or terminate any volume, grade, size, or quality regulation and make any finding or determination requisite to the issuance, amendment, modification, suspension, or termination of any such regulation, as may be deemed necessary or proper by the Director under and pursuant to the provisions of any marketing agreement or marketing order effective in accordance with the provisions of the aforesaid act, but the Director is not authorized to amend, suspend, or terminate any marketing agreement or marketing order or any provision thereof;

(b) To supervise the operations and activities of any market administrator, committee member, or other agent or employee of any agency established under a marketing agreement or marketing order, and to require such agents or agencies to submit, from time to time, such reports or other data as the Director determines to be necessary or appropriate;

(c) To direct such agents or agencies to take any action, not inconsistent with the provisions of such marketing agreements or marketing orders, as the Director determines to be necessary or appropriate to effectuate the purposes and to secure the lawful and successful administration of any such marketing agreement or marketing order; and

(d) To issue, amend, and modify any general notice of proposed rule-making with respect to which a hearing is not required to be conducted pursuant to section 7 of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), and to prescribe and extend the time within which interested parties may participate in such rule-making.

(R. S. 161; 5 U. S. C. 22; 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 11 F. R. 7713)

Done at Washington, D. C., this 3d day of June 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator, Production and Marketing Administration.*

Approved: June 5, 1952.

CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-6178; Filed, June 5, 1952; 8:47 a. m.]

Rural Electrification Administration

[Administrative Order 3643]

ARIZONA

LOAN ANNOUNCEMENT

APRIL 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 14R Cochise	$630,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6224; Filed, June 5, 1952; 8:55 a. m.]

[Administrative Order 3642]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 23U Okmulgee	$650,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6225; Filed, June 5, 1952; 8:55 a. m.]

[Administrative Order 3644]

ARIZONA

LOAN ANNOUNCEMENT

APRIL 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 14T Cochise	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6226; Filed, June 5, 1952; 8:55 a. m.]

[Administrative Order 3645]

TEXAS

LOAN ANNOUNCEMENT

APRIL 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 95W Medina	$3,700,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6227; Filed, June 5, 1952; 8:55 a. m.]

[Administrative Order 3646]

IOWA

LOAN ANNOUNCEMENT

APRIL 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 39H Benton	$285,000

[SEAL] CLAUDE R. WICKARD *Administrator.*

[F. R. Doc. 52-6228; Filed, June 5, 1952; 8:56 a. m.]

[Administrative order 3647]

WYOMING

LOAN ANNOUNCEMENT

APRIL 11, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 25D Crook	$380,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6229; Filed, June 5, 1952; 8:56 a. m.]

[Administrative Order 3648]

ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1952.

Inasmuch as Oakdale Co-operative Electrical Association has transferred certain of its properties and assets to Delta Electric Power Association, and Delta Electric Power Association has assumed in part the indebtedness to United States of America, of Oakdale Co-operative Electrical Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 678, dated March 2, 1942, by changing the project designation appearing therein as "Wisconsin 2025F1 Monroe" in the amount of $17,000 to read "Wisconsin 2025F1 Monroe" in the amount of $9,000 and "Mississippi 34 Leflore (Wisconsin 2025F1 Monroe)" in the amount of $8,000.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6230; Filed, June 5, 1952; 8:56 a. m.]

[Administrative Order 3649]

ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1952.

Inasmuch as (1) K-B-R Electric Membership Corporation has transferred all of its properties and assets to K. B. R. Rural Public Power District, and K. B. R. Rural Public Power District has assumed all of the indebtedness of K-B-R Electric Membership Corporation to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) K-B-R Electric Membership Corporation with the consent of United States of America, has assigned to K. B. R. Rural Public Power District, and K. B. R. Rural Public Power District has accepted the assignment of certain rights and obligations of K-B-R Electric Membership Corporation arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1259, dated April 21, 1947, by changing the project designation appearing therein as "Nebraska 90A Brown" in the amount of $697,000 to read "Nebraska 97 Brown District Public (Nebraska 90A Brown)" in the amount of $697,000; and

(b) Administrative Order No. 1751, dated January 4, 1949, by changing the loan designation appearing therein as "Nebraska 90B Brown" in the amount of $605,000 to read "Nebraska 97 Brown District Public (Nebraska 90B Brown)" in the amount of $450,442.65 and "Nebraska 97A Brown District Public" in the amount of $154,557.35.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6231; Filed, June 5, 1952; 8:56 a. m.]

[Administrative Order 3650]

ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1952.

Inasmuch as Coos-Curry Electric Cooperative, Inc. has transferred certain of its properties and assets to Lacreek Electric Association, and Lacreek Electric Association has assumed in part the indebtedness to United States of America, of Coos-Curry Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 800, dated January 1, 1944, by changing the project designation appearing therein as "Oregon 4-2021G1 Coos" in the amount of $114,500 to read "Oregon 4-2021G1 Coos" in the amount of $83,103.75 and "South Dakota 35 Bennett (Oregon 4-2021G1 Coos)" in the amount of $31,396.25.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6232; Filed, June 5, 1952; 8:56 a. m.]

[Administrative Order 3651]

ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1952.

Inasmuch as Freeborn-Mower Cooperative Light and Power Association has transferred certain of its properties and assets to Steele Waseca Cooperative Electric, and Steele Waseca Cooperative Electric has assumed in part the indebtedness to United States of America, of Freeborn-Mower Cooperative Light and Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 974, dated October 16, 1945, by changing the project designation appearing therein as "Minnesota 61G Freeborn" in the amount of $160,000 to read "Minnesota 61G Freeborn" in the amount of $146,181.47 and "Minnesota 53 Waseca (Minnesota 61G Freeborn)" in the amount of $13,818.53.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6233; Filed, June 5, 1952; 8:56 a. m.]

[Administrative Order 3652]

ALLOCATION OF FUNDS FOR LOANS

APRIL 16, 1952.

Inasmuch as West Florida Electric Cooperative Association, Inc., has transferred certain of its properties and assets to Gulf Coast Electric Cooperative, Inc., and Gulf Coast Electric Cooperative, Inc., has assumed in part the indebtedness to United States of America, of West Florida Electric Cooperative Association, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1056, dated May 7, 1946, by changing the project designation appearing therein as "Florida 17M Jackson" in the amount of $135,000 to read "Florida 17M Jackson" in the amount of $84,207.74 and "Florida 34 Bay (Florida 17M Jackson)" in the amount of $50,792.26.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6234; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3653]

ILLINOIS

LOAN ANNOUNCEMENT

APRIL 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 23R Sangamon	$340,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6235; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3654]

TEXAS

LOAN ANNOUNCEMENT

APRIL 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 89S Houston	$150,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6236; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3655]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 59C Fayette	$15,717,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6237; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3656]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 15V Woodruff	$825,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6238; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3657]

NEW MEXICO

LOAN ANNOUNCEMENT

APRIL 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 22E McKinley	$585,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6239; Filed, June 5, 1952; 8:57 a. m.]

[Administrative Order 3658]

ALASKA

LOAN ANNOUNCEMENT

APRIL 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alaska 11A Annette	$1,303,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6240; Filed, June 5, 1952; 8:58 a. m.]

[Administrative Order 3659]

NEW MEXICO

LOAN ANNOUNCEMENT

APRIL 18, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 12P Otero	$480,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6241; Filed, June 5, 1952; 8:58 a. m.]

[Administrative Order 3660]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 24, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 38V Reynolds	$1,825,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6242; Filed, June 5, 1952; 8:58 a. m.]

[Administrative Order T-127]

KANSAS

LOAN ANNOUNCEMENT

APRIL 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The American Communications Co., Inc., Kansas 512-A	$198,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6243; Filed, June 5, 1952; 8:58 a. m.]

[Administrative Order T-128]

VIRGINIA

LOAN ANNOUNCEMENT

APRIL 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Fredericksburg & Wilderness Telephone Co., Virginia 501-B	$76,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6244; Filed, June 5, 1952; 8:58 a. m.]

[Administrative Order T-129]

TENNESSEE

LOAN ANNOUNCEMENT

APRIL 11, 1952

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Millington Telephone Co., Inc., Tennessee 530-A	[1] $705,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6245; Filed, June 5 1952; 8:58 a. m.]

[Administrative Order T-130]

ALLOCATION OF FUNDS FOR LOANS

APRIL 15, 1952

I hereby amend:

(a) Administrative Order No. T-3, dated September 22, 1950, by reducing the loan of $25,000 therein made for "Texas 514-A" by $9,782.24 so that the reduced loan shall be $15,217.76.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-6246; Filed, June 5, 1952; 8:59 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 422]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 12

APPOINTMENT OF ADDITIONAL MEMBERS

By Administrative Order No. 421 dated May 8, 1952 (17 F. R. 4357), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, appointed Special Industry Committee No. 12 for Puerto Rico, and named certain members to serve thereon.

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201), I hereby appoint W. Willard Wirtz of Evanston, Illinois, as public member, and Walter J. Mason and Nathaniel Goldfinger, both of Washington, D. C., as employee members of Special Industry Committee No. 12 for Puerto Rico. W. Willard Wirtz, Walter J. Mason, and Nathaniel Goldfinger shall serve in addition to the members named in Administrative Order No. 421, and in accordance with the provisions of said order.

Walter J. Mason and Nathaniel Goldfinger shall serve for such period and in such order as the Administrator shall direct, but they shall not serve concurrently.

Signed at Washington, D. C., this 3d day of June 1952.

WM. R. MCCOMB, *Administrator, Wage and Hour Division.*

[F. R. Doc. 52-6192; Filed, June 5, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-260]

INVESTIGATION OF ACCIDENT OCCURRING AT TOPEKA, KANS.

NOTICE OF HEARING

In the matter of investigation of accident involving near collision between aircraft of United States Registry N72505 and N93201 at Topeka, Kansas, May 12, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, June 10, at 9:00 a. m., e. d. t., in Room AA-2 Post Office Building, Fifth and Kansas Avenue, Topeka, Kansas.

Dated at Washington, D. C., May 29, 1952.

[SEAL] EVERETT S. BOSWORTH, *Presiding Officer.*

[F. R. Doc. 52-6218; Filed, June 5, 1952; 8:54 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 41]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to Delegation of Authority No. 66 (17 F. R. 4193), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to receive and examine reports filed under the provisions of section 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect as of May 19, 1952.

JOSEPH M. MCDONOUGH, *Director of Regional Office No. I.*

JUNE 3, 1952.

[F. R. Doc. 52-6208; Filed, June 3, 1952; 3:46 p. m.]

[Region III, Redelegation of Authority 34]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 66 (17 F. R. 4193), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to receive and examine reports filed under the provisions of section 6 of CPR 31; to ascertain whether such reports conform to requirements of CPR 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of CPR 31.

This redelegation of authority shall take effect as of May 16, 1952.

JOSEPH J. MCBRYAN, *Director of Regional Office No. III.*

JUNE 3, 1952.

[F. R. Doc. 52-6209; Filed, June 3, 1952; 3:47 p. m.]

[Region III, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS OF CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 62 (17 F. R. 3258), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To request of any seller of petroleum products who is covered by CPR 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of CPR 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of CPR 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of CPR 13;

(c) To approve, disapprove or revise ceiling prices determined under the provisions of sections 13 and 18 of CPR 13.

This redelegation of authority shall take effect as of May 28, 1952.

JOSEPH J. MCBRYAN, *Director of Regional Office No. III.*

JUNE 3, 1952.

[F. R. Doc. 52-6210; Filed, June 3, 1952; 3:47 p. m.]

[Region V, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 64 (17 F. R. 3617), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region V, as follows:

To issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 46 of Ceiling Price Regulation 139.

This redelegation of authority shall take effect as of May 19, 1952.

GEORGE D. PATTERSON, Jr., *Director of Regional Office V.*

JUNE 3, 1952.

[F. R. Doc. 52-6211; Filed, June 8, 1952; 3:47 p. m.]

[Region X, Redelegation of Authority 35]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134; CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 61 (17 F. R. 3258) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 4 (a) (6), 6 (c), 6 (d),

7(c), 9(b)(3), 10, 14(e), and 16(b) of CPR 134.

This redelegation of authority shall take effect as of May 26, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

JUNE 3, 1952.

[F. R. Doc. 52-6212; Filed, June 3, 1952; 3:47 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1581]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF CONTINUANCE OF HEARING

MAY 28, 1952.

Upon consideration of the Motion filed May 27, 1952, by Counsel for Mississippi River Fuel Corporation for continuance of the hearing now scheduled for June 2, 1952, in the above-designated matter.

Notice is hereby given that said hearing is hereby postponed to commence on October 15, 1952, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-6180; Filed, June 5, 1952; 8:48 a. m.]

[Docket No. G-1958]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

JUNE 2, 1952.

Take notice that Rockland Light and Power Company (Applicant), a New York corporation, address, Nyack, New York, filed on May 19, 1952, an application pursuant to section 7 of the Natural Gas Act, seeking authorization to acquire and operate all of the properties, assets, and franchises owned or enjoyed by Rockland Gas Company, Inc. (Rockland Gas), a New York corporation, address, Spring Valley, New York.

Applicant is a gas and electric corporation engaged in generating, manufacturing, purchasing, transmitting, distributing and selling electric energy in New York State, and also in serving natural gas purchased from Home Gas Company in approximately 15 communities in New York State. Rockland Gas is engaged in the distribution and sale of natural gas purchased from Home Gas Company in 21 communities in the State of New York. The existing gas systems of Applicant and Rockland Gas are presently interconnected to insure greater continuity of service. Applicant has entered into a contract dated March 27, 1952, which provides for the purchase by Applicant of the properties of Rockland Gas for a consideration of an amount of common stock of Applicant equal to four shares for each share of the outstanding common stock of Rockland Gas, and for the assumption by Applicant of all liabilities of Rockland Gas. The acquisition is proposed by Applicant in order to effect savings in operations and to obtain more satisfactory financing through combining the properties.

The monetary equivalent of the stock of Applicant being paid as consideration for the proposed acquisition is $1,220,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-6181; Filed, June 5, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 40]

PLACEMENT OF PROCUREMENT IN THE ALTOONA, PENNSYLVANIA AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Altoona area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Altoona area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE ALTOONA, PENNSYLVANIA, AREA, UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of February 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Altoona area as a surplus labor area under standards established by the Secretary of Labor. The Altoona area is composed of Blair County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Altoona area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Altoona area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Altoona area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Altoona area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Altoona area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Altoona area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

That no price differential for the Altoona area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Altoona area;

5. That the apparel industry, to the extent that it exists in the Altoona area should not be included in the application of Defense Manpower Policy No. 4 in the Altoona area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Altoona area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6292; Filed, June 4, 1952; 2:57 p. m.]

[Defense Manpower Policy No. 4, Notification 41]

PLACEMENT OF PROCUREMENT IN THE MARTINSBURG, WEST VIRGINIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Martinsburg area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Martinsburg area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE MARTINSBURG, WEST VIRGINIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of March 4, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Martinsburg area as a surplus labor area under standards established by the Secretary of Labor. The Martinsburg area is composed of Berkeley and Jefferson Counties.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Martinsburg area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Martinsburg area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Martinsburg area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Martinsburg area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Martinsburg area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Martinsburg area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Martinsburg area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Martinsburg area;

5. That the apparel industry, to the extent that it exists in the Martinsburg area should not be included in the application of Defense Manpower Policy No. 4 in the Martinsburg area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Martinsburg area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6293; Filed, June 4, 1952; 2:58 p. m.]

[Defense Manpower Policy No. 4, Notification 42]

PLACEMENT OF PROCUREMENT IN THE BIDDEFORD, MAINE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Biddeford area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Biddeford area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE BIDDEFORD, MAINE, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Biddeford area as a surplus labor area under standards established by the Secretary of Labor. The Biddeford area is composed of the cities of Biddeford and Saco and the towns of Buxton, Dayton, Hollis, Kennebunk, Kennebunkport, Lyman, North Kennebunkport, Old Orchard Beach, and Wells in York County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Biddeford area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Biddeford area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Biddeford area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Biddeford area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Biddeford area, provided that a substantial portion of

the work involved in the execution of the contracts will be performed in the Biddeford area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Biddeford area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Biddeford area;

5. That the apparel industry, to the extent that it exists in the Biddeford area should not be included in the application of Defense Manpower Policy No. 4 in the Biddeford area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Biddeford area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6294; Filed, June 4, 1952; 2:58 p. m.]

[Defense Manpower Policy No. 4, Notification 43]

PLACEMENT OF PROCUREMENT IN THE RICHMOND, INDIANA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Richmond area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Richmond area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE RICHMOND, INDIANA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Richmond area as a surplus labor area under standards established by the Secretary of Labor. The Richmond area is composed of Wayne County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Richmond area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Richmond area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Richmond area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Richmond area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Richmond area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Richmond area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Richmond area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Richmond area;

5. That the apparel industry, to the extent that it exists in the Richmond area should not be included in the application of Defense Manpower Policy No. 4 in the Richmond area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Richmond area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6295; Filed, June 4, 1952; 2:58 p. m.]

[Defense Manpower Policy No. 4, Notification 44]

PLACEMENT OF PROCUREMENT IN THE LA CROSSE, WISCONSIN, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the La Crosse area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the La Crosse area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the La Crosse area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6295; Filed, June 4, 1952; 2:58 p. m.]

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE LA CROSSE, WISCONSIN AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the La Crosse area as a surplus labor area under standards established by the Secretary of Labor. The La Crosse area is composed of La Crosse County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the La Crosse area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the La Crosse area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the La Crosse area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the La Crosse area suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the La Crosse area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the La Crosse area and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the La Crosse area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the La Crosse area;

5. That the apparel industry, to the extent that it exists in the La Crosse area should not be included in the application of Defense Manpower Policy No. 4 in the La Crosse area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the La Crosse area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6296; Filed, June 4, 1952; 2:58 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-592]

IMPERIAL SUGAR CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 2, 1952.

Notice is hereby given that the Imperial Sugar Company ("Imperial"), has filed an application with this Commission requesting exemption on behalf of itself and its public-utility subsidiary, Fort Bend Utilities Company ("Fort Bend"), from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (1) thereof.

Notice is further given that any interested person may, not later than June 25, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after June 25, 1952.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the facts contained therein, which are summarized as follows:

Imperial, which is engaged in the refining of raw sugar and the sale of the refined sugar, is organized and carries on its business wholly within the State of Texas. Imperial owns all of the outstanding securities of Fort Bend, its only subsidiary. Fort Bend, which is organized and carries on its business wholly within the State of Texas, is engaged in the generation and sale of electric energy, the purchase, transportation and sale of natural gas at retail, and the generation and sale of steam.

The outstanding capital of Imperial consists of $1,040,500 aggregate principal amount of Income Debentures and 100,000 shares of no par value common stock with a stated value of $2,500,000. At December 31, 1951, Imperial had net current assets of $3,200,845.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6182; Filed, June 5, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27102]

CRUDE TAR FROM TERRE HAUTE AND INDIANAPOLIS, IND., TO GAINESVILLE, FLA.

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4300 and Agent R. G. Raasch's tariff I. C. C. No. 741.

Commodities involved: Crude coal, petroleum, or water gas tar, in tank-car loads.

From: Terre Haute and Indianapolis, Ind.

To: Gainesville, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4300, Supp. 47; R. G. Raasch, Agent, I. C. C. No. 741, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6193; Filed, June 5, 1952; 8:48 a. m.]

[4th Sec. Application 27103]

AGRICULTURAL IMPLEMENTS BETWEEN POINTS IN IOWA

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Chicago, Burlington & Quincy Railroad Company.

Commodities involved: Agricultural implements and related articles, carloads.

From: Bettendorf and Davenport, Iowa.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3790, Supp. 45; L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such

application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6194; Filed, June 5, 1952; 8:49 a. m.]

[4th Sec. Application 27104]

SLAG FROM ENSLEY, ALA., TO ATHENS, GA.

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Birmingham Southern Railroad Company and the Central of Georgia Railway Company.

Commodities involved: Slag, basic, ground open-hearth, carloads.

From: Ensley, Ala.

To: Athens, Ga.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. N. 1221, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6195; Filed, June 5, 1952; 8:50 a. m.]

[4th Sec. Application 27105]

PETROLEUM FROM PHILLIPS, LA., TO SOUTHWESTERN, SOUTHERN, OFFICIAL, ILLINOIS, AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3585 and other schedules listed below.

Commodities involved: Petroleum products, carloads.

From: Phillips, La.

To: Southwestern, southern, official, Illinois, and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariffs I. C. C. No. 3585—Supp. 505, No. 3821—Supp. 99, No. 3802—Supp. 116, No. 3825—Supp. 137, No. 3651—Supp. 289, No. 3724—Supp. 154, No. 3494—Supp. 245.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6196; Filed, June 5, 1952; 8:50 a. m.]

[4th Sec. Application 27106]

PREFABRICATED HOUSES FROM DALLAS, TEX., TO CLOVER, S. C., AND GASTONIA, N. C.

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Prefabricated or portable wooden houses, carloads.

From: Dallas, Tex.

To: Clover, S. C., and Gastonia, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 116.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6197; Filed, June 5, 1952; 8:50 a. m.]

[4th Sec. Application 27107]

SODA ASH FROM WESTVACO, WYO., TO BAUXITE, ARK.

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Soda ash (other than modified), carloads.

From: Westvaco, Wyo.

To: Bauxite, Ark.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3904, Supp. 77.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6198; Filed, June 5, 1952; 8:50 a. m.]

[4th Sec. Application 27108]

CARBON DIOXIDE FROM ST. LOUIS, MO., TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4430, pursuant to fourth-section order No. 9800.

Commodities involved: Carbon dioxide, liquefied, in tank-carloads.

From: St. Louis, Mo.

To: Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6199; Filed, June 5, 1952; 8:50 a. m.]

[4th Sec. Application 27109]

VARIOUS COMMODITIES FROM TRUNK LINE TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to tariffs listed in exhibit A of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line territory.

To: Points in central territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6200; Filed, June 5, 1952; 8:51 a. m.]

[4th Sec. Application 27110]

COILED IRON OR STEEL RODS FROM JOLIET, ILL., TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Coiled iron or steel rods, carloads.

From: Joliet, Ill.

To: Kansas City, Mo.

Grounds for relief: Competition with rail and water carriers.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6201; Filed, June 5, 1952; 8:51 a. m.]

[4th Sec. Application 27111]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 118; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 120.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6202; Filed, June 5, 1952; 8:51 a. m.]

[4th Sec. Application 27112]

ALCOHOL AND RELATED ARTICLES FROM VELASCO, TEX., TO ILLINOIS, WESTERN TRUNK-LINE, AND OFFICIAL TERRITORIES

APPLICATION FOR RELIEF

JUNE 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Alcohol and related articles, carloads.

From: Velasco, Tex.

To: Illinois, western trunk-line, and official territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3721, Supp. 219.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6203; Filed, June 5, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ERWIN ATZLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erwin Atzler, Graz, Austria; Claim No. 80079; $350.90 in the Treasury of the United States.

Executed at Washington, D. C., on May 29, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6213; Filed, June 5, 1952; 8:53 a. m.]

OTTO GENG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Geng, 13 Rue Ruest Colmar, Haut-Rhin, France; Claim No. 29231; $2,170.94 in the Treasury of the United States.

Executed at Washington, D. C., on June 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6214; Filed, June 5, 1952; 8:53 a. m.]

THERESE FRAMBACH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Therese Frambach, Vienna, Austria; Claim No. 40945; $881.16 in the Treasury of the United States.

Executed at Washington, D. C., on June 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6215; Filed June 5, 1952; 8:53 a. m.]

FRANCESCO AND CLELIA RICCI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francesco Ricci, Milano, Italy, and Clelia Ricci, Castellaneta, Taranto, Italy; Claim No. 42275; $1,318.27 in the Treasury of the United States to Francesco Ricci, and $2,636.52 in the Treasury of the United States to Clelia Ricci.

Executed at Washington, D. C., on June 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6216; Filed, June 5, 1952; 8:54 a. m.]

rence Room

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 — 1934 — NUMBER 112

Washington, Saturday, June 7, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL PRODUCTION AUTHORITY

Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.156 as follows:

§ 6.156 *National Production Authority.* • • •

(b) Until December 31, 1952 employment of not to exceed 16 Labor Advisors, grades GS-12 through GS-15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-6303; Filed, June 6, 1952; 8:53 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.153]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

MAY 26, 1952.

Section 325.11 *Designation of differential posts*, is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (a) is amended by the deletion of the following posts:

Italian Somaliland, all posts;
Pakistan, all posts except Lahore;
San Alijo, Tela, Honduras;
General Saavedra, Bolivia;
Tubabao (Guiuan), Philippines.

2. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Campinas, Fazenda Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, and Vitoria;
Fort Churchill, Canada;
India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Izatnagar, Madras, and New Delhi;
Philippines, all posts except Baguio City, Davao, Legaspi, Manila, Subic Bay, Tubabao (Guiuan), and Tuguegarao.

3. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (d) is amended by the deletion of the following posts:

Baguio City, Philippines;
Ernest Harmon Air Force Base, Newfoundland, Canada;
Patras, Greece.

4. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (a) is amended by the addition of the following posts:

Teneral Saavedra, Bolivia;
Laoag, Philippines;
Pakistan, all posts except Lahore and Lyallpur.

5. Effective as of the beginning of the first pay period following June 7, 1952, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Uruguca, Vicosa, and Vitoria;
India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Izatnagar, Kharagpur, Madras, Nabha, New Delhi, Poona, Shillong, and Simla;
Lyallpur, Pakistan;
Manabi, Ecuador;
Philippines, all posts except Angeles, Baguio City, Davao, Laoag, Legaspi, Manila, Subic Bay, and Tuguegarao.

6. Effective as of the beginning of the first pay period following April 26, 1952, paragraph (c) is amended by the addition of the following post:

Ambato, Ecuador.

7. Effective as of the beginning of the first pay period following June 7, 1952,

(Continued on p. 5183)

CONTENTS

Page

Alien Property, Office of
Notices:
Stutz, Josef, et al.; vesting order ---- 5208

Agriculture Department
See Production and Marketing Administration.

Army Department
Rules and regulations:
Discharge or separation from service; discharge for reasons of national health, safety, or interest ---- 5191

Atomic Energy Commission
Notices:
Organization and information on procedures ---- 5198

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; National Production Authority ---- 5181

Commerce Department
See International Trade, Office of.

Defense Department
See Army Department; Navy Department.
Delegation of authority to the Secretary with respect to Pacific Inland Tariff Bureau, Inc.; minimum charges on light and bulky articles (*see* General Services Administration).

Defense Mobilization, Office of
Rules and regulations:
Committee on Production Policy; addition to membership ---- 5191
Direction of Defense Production Administrator to act as the certifying agency for the purposes and within the meaning of section 450 of the Internal Revenue Code ---- 5191

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Deposit Insurance Corporation
Rules and regulations:
Payment of deposits and interest thereon by insured nonmember banks; grace periods in computing interest on savings deposits ---- 5187

FEDERAL REGISTER

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(For use during 1952)

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Title 14: Parts 1–399 ($2.25)
Titles 35–37 ($0.35)
Title 39 ($0.65)
Titles 40–42 ($0.35)
Titles 44–45 ($0.50)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Title 38 ($1.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission — Page
Notices:
Hearings:
Atlantic City Electric Co — 5202
Citizens Utilities Co. (2 documents) — 5202
Federal Power Commission—Continued — Page
Notices—Continued
Hearings—continued
Home Gas Co — 5205
Gulf States Utilities Co — 5203
Indiana Gas & Water Co., Inc., and Panhandle Eastern Pipe Line Co — 5203
Gas Lateral Co — 5203
Kansas Gas and Electric Co — 5202
Manufacturers Light and Heat Co — 5205
Ohio Fuel Gas Co — 5204
Panhandle Eastern Pipe Line Co — 5203
Southern Utah Power Co — 5202
Texas Eastern Transmission Corp — 5203
Texas Eastern Transmission Corp. et al — 5203
United Gas Pipe Line Co — 5203
Federal Reserve System
Rules and regulations:
Payment of interest on deposits; grace periods in computing on savings deposits — 5186
Trust powers of national banks; more than one trust investment committee — 5186
Federal Security Agency
See Old-Age and Survivors Insurance Bureau.
Foreign and Domestic Commerce Bureau
See International Trade, Office of.
General Services Administration
Notices:
Secretary of Defense; delegation of authority with respect to Pacific Inland Tariff Bureau, Inc.; minimum charges on light and bulky articles — 5206
Interior Department
See also Land Management, Bureau of; National Park Service.
Notices:
Bonneville Power Administration; disposition of power from certain projects, and related matters — 5197
Internal Revenue Bureau
Rules and regulations:
Income tax; taxable years beginning after Dec. 31, 1941 — 5188
Taxes, excess profits; taxable years ending after June 30, 1950 — 5189
Wholesale and retail dealers in liquors — 5190
International Trade, Office of
Rules and regulations:
Licensing policies and related special provisions:
Cotton ducks — 5187
License applications to export parts for pumps — 5187
Positive list of commodities and related matters:
Deletions from positive list — 5187
Parts for pumps — 5187
Interstate Commerce Commission — Page
Notices:
Applications for relief:
Class rates between territories east and west of Mississippi River — 5207
Flour, rice, between points in Texas — 5208
Paper, scrap or waste from West Monroe, La., to official territory — 5208
Rules and regulations:
Car service:
Demurrage on cars held under load at Great Lakes ports — 5194
Demurrage on freight cars — 5193
Movement of import ores restricted; appointment of agent — 5194
Movement of iron ore restricted; appointment of agent — 5193
Justice Department
See Alien Property, Office of.
Land Management, Bureau of
Notices:
Alabama; filing of plat of survey — 5197
National Park Service
Rules and regulations:
Mountain summit climbing; general rules and regulations — 5192
Navy Department
Notices:
Organization statement; Bureau of Ordnance — 5197
Old Age and Survivors Insurance Bureau
Rules and regulations:
Disclosure of official records and information; payment for disclosure of official records and information — 5187
Post Office Department
Rules and regulations:
Postal service, international:
Liberia and Union of South Africa — 5193
Miscellaneous amendments — 5193
Price Stabilization, Office of
Rules and regulations:
Ceiling prices for white flesh potatoes sold at retail:
Group 1 and 2 stores (CPR 16) — 5191
Group 3 and 4 stores (CPR 15) — 5191
Services; bowling alleys in Baltimore, Md. (CPR 34, SR 18) — 5192
White flesh potatoes; revocation (CPR 113) — 5192
Production and Marketing Administration
Proposed rule making:
Cotton, American upland; revision of official standards and amendment of regulations relating to cotton standards — 5185

CONTENTS—Continued

Production and Marketing Administration—Continued — Page
Proposed rule making—Continued
Milk handling in Lima, Ohio, marketing area — 5195
Rules and regulations:
Limitation of shipments:
Lemons grown in California and Arizona (2 documents) — 5184, 5185
Oranges, grapefruit, and tangerines grown in Florida (2 documents) — 5183, 5184
Peaches grown in Georgia; regulation by grade and size — 5185
Securities and Exchange Commission
Notices:
Hearings, etc.:
Middle South Utilities, Inc. — 5207
Mission Oil Co. et al — 5206
Social Security Administration
See Old-Age and Survivors Insurance Bureau.
State Department
Rules and regulations:
Additional compensation in foreign areas; designation of differential posts — 5181
Tariff Commission
Notices:
Wood-wind musical instruments and parts; investigation — 5207
Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 — 5181
Chapter III:
Part 325 — 5181
Title 7
Chapter I:
Part 27 (proposed) — 5195
Part 28 (proposed) — 5195
Chapter IX:
Part 933 — 5183
Part 953 (3 documents) — 5184, 5185
Part 982 — 5185
Part 995 (proposed) — 5195
Title 12
Chapter II:
Part 206 — 5186
Part 217 — 5186
Chapter III:
Part 329 — 5187
Title 15
Chapter III:
Part 373 (2 documents) — 5187
Part 399 (2 documents) — 5187

CODIFICATION GUIDE—Con.

Title 20 — Page
Chapter III:
Part 401 — 5187
Title 26
Chapter I:
Part 29 — 5188
Part 40 — 5189
Part 194 — 5190
Title 32
Chapter V:
Part 582 — 5191
Title 32A
Chapter I (ODM):
DMO 16 — 5191
DMO 19 — 5191
Chapter III (OPS):
CPR 15 — 5191
CPR 16 — 5191
CPR 34, SR 18 — 5192
CPR 113 — 5192
Title 36
Chapter I:
Part 1 — 5192
Title 39
Chapter I:
Part 127 (2 documents) — 5193
Title 49
Chapter I:
Part 95 (4 documents) — 5193, 5194

paragraph (c) is amended by the addition of the following posts:

Angeles, Philippines;
Fort Churchill, Canada;
Kharagpur, India;
Nabha, India;
Poona, India;
Shillong, India;
Simla, India;
Uruguaiana, Brazil;
Vicosa, Brazil.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5483; 3 CFR, 1948 Supp.)

For the Secretary of State.

[SEAL] W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 52-6297; Filed, June 6, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 219]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.563 *Orange Regulation 219*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 9, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until June 9, 1952; the recommendation and supporting information for continued regulation subsequent to June 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 3, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 9, 1952, and ending at 12:01 a. m., e. s. t., June 23, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet, (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or in

Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 215 (7 CFR 933.574; 17 F. R. 3227).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6366; Filed, June 6, 1952; 9:00 a. m.]

[Grapefruit Reg. 164]

PART 953—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.584 *Grapefruit Regulation 164*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 9, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until June 9, 1952; the recommendation and supporting information for continued regulation subsequent to June 8 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 3; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 9, 1952, and ending at 12:01 a. m., e. s. t., June 23, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in Regulation Area I, which grade U. S. No. 2 Bright, U. S. No. 2, or U. S. No. 2 Russet, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright, U. S. No. 2, or U. S. No. 2 Russet, which are of a size larger than a size that will pack 46 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section "handler," "variety," "ship" and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack" and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6369; Filed, June 6, 1952; 9:00 a. m.]

[Lemon Reg. 437, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.544 (Lemon Regulation 437, 17 F. R. 4920) are hereby amended to read as follows:

(ii) District 2: 550 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6368; Filed, June 6, 1952; 9:00 a. m.]

[Lemon Reg. 438]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.545 *Lemon Regulation 438*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 4, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 8, 1952, and ending at 12:01 a. m., P. s. t., June 15, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 437 (17 F. R. 4920) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6367; Filed, June 6, 1952; 9:00 a. m.]

[Peach Order 1]

PART 962—FRESH PEACHES GROWN IN GEORGIA

REGULATION BY GRADE AND SIZE

§ 962.308 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 10, 1952. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Industry Committee until June 3, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on June 3, 1952, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department and information concerning such recommendation was disseminated among growers and handlers of such peaches; shipments of such peaches are now being made; in order to effectuate the declared policy of the act, this section should, insofar as practicable, be applicable to all shipments of such peaches during the current fiscal period; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof of this section.

(b) *Order.* During the period beginning at 12:01 a. m., e. s. t., June 10, 1952, and ending at 12:01 a. m., e. s. t., September 1, 1952, no handler shall ship to destinations other than in the adjacent markets:

(1) Any peaches which do not meet the requirements of the U. S. No. 1 grade: *Provided*, That (i) not to exceed fifteen (15) percent, by count, of the peaches contained in any bulk lot or any lot of packages may consist of peaches which do not meet the requirements of such grade, but not more than ten (10) percent, by count, of the peaches in any such lot shall consist of peaches with defects causing serious damage, and not more than one (1) percent, by count, of the peaches in any such lot shall consist of peaches which are not free from decay, and (ii) not to exceed twenty-two (22) percent, by count, of the peaches contained in any individual package in any lot may consist of peaches which do not meet the requirements of such grade, but not more than fifteen (15) percent, by count, of the peaches contained in any such individual package shall consist of peaches with defects causing serious damage and not more than two (2) percent of the peaches contained in any such individual package shall consist of peaches which are not free from decay: *Provided, further*, That peaches with split pits or well healed hail marks not causing serious damage may be shipped if such peaches otherwise meet the requirements prescribed in this paragraph.

(2) Any peaches of the Cardinal, Dixired, Golden Jubilee, Mayflower, Mountain Rose, Red Haven or Uneeda varieties of a size smaller than $1^5/_8$ inches in diameter, except that not more than ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than $1^5/_8$ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than $1^5/_8$ inches in diameter;

(3) Any peaches of the Carman, Dixigem, Dixie Gold, Early Hiley, Erly-Red-Fre, Early Rose, Fair Beauty, Georgia Belle, Hansford's Beauty, Jones' Early, Jerseyland, Marigold, Pearson Hiley, Red Bird, Regular Hiley, Vedette or Red Elberta varieties of a size smaller than $1^3/_4$ inches in diameter, except that not more than ten (10) percent, by count, of such

peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1¾ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1¾ inches in diameter; or

(4) Any peaches of the Burnett Elberta, Early Elberta, Erlyberta, Flaming Gold, Golden Elberta, Golden East, Hale Haven, Harden's Pride, J. H. Hale, Late Elberta, No. 90, Orr's Pride, Regular Elberta, Rio Oso Gem, Rosalind, Southland, Sullivan Elberta, Super Elberta or White Hale varieties of a size smaller than 1⅞ inches in diameter, except that ten (10) percent, by count, of such peaches contained in any bulk lot or any lot of packages may be of a size smaller than 1⅞ inches in diameter, but not more than fifteen (15) percent, by count, of such peaches in any individual package in any lot may be of a size smaller than 1⅞ inches in diameter.

(c) The maturity regulations contained in § 962.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) of this section.

(d) When used in this section, the terms "handler," "adjacent markets," "ship," and "peaches" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; and the terms "diameter" and "U. S. No. 1" shall have the same meaning as when used in the United States Standards for peaches (7 CFR 51.312; 17 F. R. 4473).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6390; Filed, June 6, 1952; 11:19 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

PART 206—TRUST POWERS OF NATIONAL BANKS

MORE THAN ONE TRUST INVESTMENT COMMITTEE

§ 206.109 *More than one trust investment committee.* (a) The Board recently considered an inquiry from a national bank exercising trust powers relative to the propriety, under the provisions of § 206.6, of a proposal to create two or more trust investment committees to share the work involved in discharging the investment administrative functions required by § 206.6 (c). The inquiring bank stated that the volume of its trust business is so great that those administrative functions required to be based upon collective judgment cannot be efficiently or effectively discharged by one committee, and that committee activities relating to distinct types of trust business, such as pension and profit-sharing trusts, might be separated with increased administrative effectiveness.

(b) The Board expressed the opinion that an allocation of administrative functions among two or more trust investment committees is not inconsistent with the requirements, the intent or the spirit of the applicable provisions of this part provided (1) the scope of responsibilities and functions of such trust investment committees does not extend beyond that outlined in paragraph (c) of § 206.6 and does not impinge upon the primary, directive responsibilities of the board of directors; (2) all such trust investment committees operate under clear policy directives from the board of directors; (3) effective measures are adopted to promote coordination of activities of such committees through liaison membership or otherwise; and (4) the actions of such trust investment committees are subject to review and control by the board of directors.

(c) In commenting on the considerations underlying its views on this question, the Board noted that paragraph (b) of § 206.6 centers in the board of directors responsibility for the investment of trust funds, the disposition of trust investments, the supervision of the trust department and the determination of the policies of such department. Paragraph (c) of § 206.6 sets forth the administrative functions of the trust investment committee, and also provides that this committee may have such additional duties relating to the trust department as may be prescribed by the board of directors. The practices of national banks have not been uniform with respect to the creation of committees for discharge of the responsibilities and functions outlined in paragraphs (b) and (c) of § 206.6. Such committees vary considerably in name, in composition and in the scope and nature of their assigned functions. For example, it is not unusual for the board of directors of a national bank to delegate to the trust investment committee, subject to review by the board, authority for general supervision of fiduciary activities (§ 206.6 (b) provisions) in addition to the administrative functions described in § 206.6 (c). Under arrangements of this kind, of course, the creation of two or more trust investment committees would run counter both to the purposes underlying the provisions of this part and to accepted organization practice which are directed toward a centralization and continuity of authority for policy determination and general supervision of administrative activities.

(d) On the other hand, considerations relating to the volume or character of the trust business of a national bank, or the widely separated location of the banking offices at which such business is conducted, frequently provide reason for creating more than one trust investment committee, each of which would be limited in the scope of its activities to those administrative functions outlined in paragraph (c) of § 206.6. It is in such cases, and where a distinct separation is maintained between directive and administrative responsibilities, that this ruling is applicable.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2-4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended; 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-6299; Filed, June 6, 1952; 8:45 a. m.]

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

GRACE PERIODS IN COMPUTING INTEREST ON SAVINGS DEPOSITS

1. Effective July 1, 1952, Part 217 is amended by changing paragraph (d) of § 217.3 to read as follows:

§ 217.3 *Maximum rate of interest on time and savings deposits.* • • •

(d) *Grace periods in computing interest on savings deposits.* A member bank may pay interest on a savings deposit received during its first 10 business days of any calendar month commencing a regular quarterly or semiannual interest period and during its first 5 business days of any other calendar month at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit under the provisions of this part, whichever shall first occur; and a member bank may pay interest on a savings deposit withdrawn during its last 3 business days of any calendar month ending a regular quarterly or semiannual interest period at the applicable maximum rate prescribed pursuant to paragraph (a) of this section calculated to the end of such calendar month.

2. (a) The purpose of this amendment is to accommodate provisions of this part regarding allowance of grace periods in the computation by member banks of interest on savings deposits to banking practices and State laws and regulations.

(b) The notice, public participation, and deferred effective date described in section 4 of the Administrative Procedure Act are not followed in connection with this amendment for the reasons and good cause found as stated in paragraph (c) of § 262.2 of the Board's Rules of Procedure (Part 262 of this chapter), and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-6300; Filed, June 6, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 109]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

COTTON DUCK

Part 373, Licensing Policies and Related Special Provisions is amended in the following particulars:

Section 373.27 *Special provisions for cotton duck* is hereby deleted.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of June 6, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6305; Filed, June 6, 1952; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 110]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

LICENSE APPLICATIONS TO EXPORT PARTS FOR PUMPS

The effective date of Part 4 of Amendment No. 108 (17 F. R. 4923) concerning license applications to export parts for pumps (§ 373.7 (c) (1) (iii)) is hereby extended from May 29, 1952, to June 30, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6306; Filed, June 6, 1952; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 89]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

DELETIONS FROM POSITIVE LIST

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
24700	Cotton cloth, duck and tire fabric (including mixed fabrics, cotton chief weight): Unbleached (gray) cloth: Ounce duck, Army type (having a plied yarn in both the warp and filling). (See Special Provisions, § 373.27.)
24800	Numbered duck.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of June 6, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6307; Filed, June 6, 1952; 8:54 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 90]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

PARTS FOR PUMPS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The effective date of Amendment P. L. 88 (17 F. R. 4925) concerning parts for pumps is hereby extended from May 29, 1952 to June 30, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6308; Filed, June 6, 1952; 8:54 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Federal Security Agency

[Reg. 1, Amdt.]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

PAYMENT FOR DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION

Regulation No. 1, as amended (20 CFR 401.1 et seq.), is further amended as follows:

1. Section 1106 of the Social Security Act, preceding § 401.1, is amended to read:

(a) No disclosure of any return or portion of a return (including information returns and other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act or under subchapter E of chapter 1 or subchapter A of chapter 9 of the Internal Revenue Code, or under regulations made under authority thereof, which has been transmitted to the Administrator by the Commissioner of Internal Revenue, or of any file, record, report, or other paper, or any information, obtained at any time by the Administrator or by any officer or employee of the Federal Security Agency in the course of discharging the duties of the Administrator under this act, and no disclosure of any such file, record, report, or other paper, or information, obtained at any time by any person from the Administrator or from any officer or employee of the Federal Security Agency, shall be made except as the Administrator may by regulations prescribe. Any person who shall violate any

provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both.

(b) Requests for information, disclosure of which is authorized by regulation prescribed pursuant to subsection (a) of this section, may be complied with if the agency, person, or organization making the request agrees to pay for the information requested in such amount, if any (not exceeding the cost of furnishing the information), as may be determined by the Administrator. Payments for information furnished pursuant to this section shall be made in advance or by way of reimbursement, as may be requested by the Administrator, and shall be deposited in the Treasury as a special deposit to be used to reimburse the appropriations (including authorizations to make expenditures from the Federal Old-Age and Survivors Insurance Trust Fund) for the unit or units of the Federal Security Agency which prepared or furnished the information.

2. Section 401.1 is amended to read as follows:

§ 401.1 *Prohibition against disclosure.* No disclosure of any return or portion of a return (including information returns or other written statements) filed with the Commissioner of Internal Revenue under title VIII of the Social Security Act, the Federal Insurance Contributions Act, or the Self-Employment Contributions Act, or under regulations made under authority thereof, which has been transmitted to the Federal Security Agency by the Commissioner of Internal Revenue, or of any file, record, report, or other paper or any information, obtained at any time by the Agency or by any officer or employee of the Agency, or from the Agency or any officer or employee thereof by any other person or by any other agency or officer or employee thereof, which in any way relates to, or is necessary to, or is used in or in connection with, the administration of the old-age and survivors insurance program conducted pursuant to title II of the Social Security Act, shall be made directly or indirectly except as hereinafter authorized by this part or as otherwise expressly authorized by the Commissioner for Social Security.

3. Section 401.3 (i) (4) is amended to read:

§ 401.3 *Information which may be disclosed and to whom.* * * *

(i) To any officer, agency, establishment, or department of the Federal Government, charged with the duty of conducting an investigation or prosecution, for the purpose of such an investigation or prosecution involving:

* * * * *

(4) Until the termination of the national emergency proclaimed by the President of the United States on December 16, 1950, an inquiry relating to the commission of an act of espionage or sabotage inimical to the national security: *Provided*, That such information shall be disclosed only to the Federal Bureau of Investigation of the Department of Justice and only upon written certification by a central official thereof that the information requested is required in an investigation of major importance.

4. Section 401.3 (k) is amended to read as follows:

§ 401.3 *Information which may be disclosed and to whom.* * * *

(k) Statistical data or other similar information not relating to any particular person which may be compiled from records regularly maintained by the Agency may be disclosed when efficient administration permits. Information contained in or compiled from reports submitted by employers only (other than information relating to any identified or identifiable person except such employers, and other than information relating to any identified or identifiable self-employed individual) may be disclosed, when efficient administration permits, to any other agency of the Federal Government for use in its statistical and planning work only.

5. Section 401.4 (e) is hereby rescinded.

6. Section 401.4 is amended by adding at the end thereof new paragraphs (e) and (f) reading as follows:

§ 401.4 *Definitions.* * * *

(e) "Cost of disclosing information" means the actual cost of preparing for disclosure and disclosing such information to a person or agency requesting a disclosure thereof authorized by §§ 401.1 and 401.3.

(f) "Person" includes an individual, a firm, an association, or a corporation.

7. New §§ 401.5 and 401.6 are added following § 401.4 and reading as follows:

§ 401.5 *Payment for information in general.* Except as provided in § 401.6, no information, authorized to be disclosed by § 401.1 or § 401.3, shall be prepared for disclosure or disclosed to the person or agency requesting such disclosure until the cost of disclosing such information shall have been paid in full to the Agency.

§ 401.6 *Payment for information in specific cases.* In any case falling within any of the paragraphs of this section the payment required as a prerequisite to preparation for disclosure or disclosure of information shall be as specified in such paragraph in lieu of the cost of disclosing such information. In any case in which the receipt of payment in advance, pursuant to this section or § 401.5, would interfere with efficient administration, the Agency may permit such payment to be made at such time or times as it deems consistent with efficient administration.

(a) When the request is for information as to the wages and self-employment income of an individual and the periods during which such wages were paid and such income was derived, and the request is made by the individual, his survivor, or the legal representative of the individual or of his estate, the information shall be furnished without charge.

(b) When the request is made by the Treasury Department, or Department of Justice, of the United States, for a purpose specified in § 401.3 (d) or (i), the information shall be furnished without charge.

(c) When the request is made by an agency of a State Government lawfully charged with the administration of a State unemployment compensation law or contribution or tax levied in connection therewith, information relating to individual employees or employers which is necessary for the purpose of such administration may be furnished without charge, except where the request for any such information involves a special statistical study or a special compilation of data (except a comparison study made cooperatively with the State) in which case payment shall be required.

(d) In any case in which determination of the actual cost of disclosing information would interfere with efficient administration, such cost may be fixed at an amount estimated not to exceed actual cost, and the information may be prepared for disclosure and disclosed after payment of such amount. In any case in which the expense of obtaining reimbursement of such cost would be out of proportion to the amount thereof, or in which collection of such amount would interfere with efficient administration, payment thereof may be waived.

(Secs. 205, 1102, 49 Stat. 624, 647, as amended; 42 U. S. C. 405, 1302. Interpret or apply sec. 1106, 53 Stat. 1398, 64 Stat. 559; 42 U. S. C. 1306)

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: June 3, 1952.

JOHN L. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-6260; Filed, June 6, 1952; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5909; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

UNLIMITED DEDUCTION FOR CHARITABLE AND OTHER CONTRIBUTIONS

On March 4, 1952, notice of proposed rule making, regarding amendments to the income tax regulations made necessary by Public Law 918 (81st Cong.), approved January 11, 1951, was published in the FEDERAL REGISTER (17 F. R. 1899). No objection to the rules proposed having been received, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.120-1 the following:

PUBLIC LAW 918, 81ST CONGRESS, APPROVED JANUARY 11, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 120 of the Internal Revenue Code (relating to unlimited deduction for charitable and other contributions) is hereby amended by striking out "in respect of preceding taxable years" and inserting in lieu thereof "in respect of such year or preceding taxable years".

SEC. 2. The amendment made by this act shall be applicable to taxable years beginning after December 31, 1942.

PAR. 2. Section 29.120-1, as amended by Treasury Decision 5855, approved September 13, 1951, is further amended to read as follows:

§ 29.120-1 *Unlimited deduction for charitable and other contributions.* (a) Under the circumstances specified in section 120, the 15 percent limitation imposed by section 23 (o) on the deduction for charitable and other contributions is not applicable.

(b) The following rules shall apply with respect to the taxes included in determining for any taxable year whether the amount of the gifts, contributions, and taxes referred to in section 120 exceeds 90 percent of the net income computed without the benefit of any deduction for gifts or contributions:

(1) In the case of a taxable year beginning before January 1, 1943, there shall be included income, war-profits, and excess-profits taxes paid during such taxable year in respect of preceding taxable years.

(2) In the case of a taxable year beginning after December 31, 1942, there shall be included, in addition to the income, war-profits, and excess-profits taxes paid during such taxable year in respect of preceding taxable years, the amount of income tax paid during such taxable year in respect of such taxable year. For example, there shall be included the amount paid as estimated tax during the taxable year, to the extent such amount does not exceed the tax for such taxable year.

(3) In the case of a taxable year beginning after December 31, 1950, the amount of income tax paid during the taxable year shall be determined without regard to any payment of tax imposed under subchapter E of chapter 1 of the Internal Revenue Code, which subchapter relates to the tax on self-employment income.

(c) In the case of a husband and wife making a joint return for any taxable year, the 15 percent limitation imposed by section 23 (o) on the deduction for charitable and other contributions shall not be applicable if in the taxable year and in each of the ten preceding taxable years the amount of the contributions or gifts described in section 23 (o) (or corresponding provisions of prior revenue acts) made by the husband and wife together during each such year plus the amount of the income, war-profits, or excess-profits taxes paid by the husband and wife together during each such year (determined under the rules of paragraph (b) of this section), exceeds 90 percent of the net income of the husband and wife together for each such year, as computed without the benefit of any deduction for contributions or gifts.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 3, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6311; Filed, June 6, 1952; 8:55 a. m.]

[T. D. 5908; Regs. 130]

PART 40—EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

FINAL DETERMINATIONS OF DEPRESSED INDUSTRY SUBGROUPS AND ADJUSTED RATES OF RETURN THEREFOR; INDUSTRY BASE PERIOD YEARLY RATES OF RETURN AND INDUSTRY BASE PERIOD RATES OF RETURN

PARAGRAPH 1. By virtue of the authority of section 446 (c) and (e) and section 447 (a) and (b) of the Internal Revenue Code, added by section 101 of the Excess Profits Tax Act of 1950, approved January 3, 1951, the final determination of industry subgroups and the adjusted rates of return therefor (computed to the nearest thousandth), and the final determination of industry base period yearly rates of return and industry base period rates of return (computed to the nearest thousandth), as shown in the amendments to Regulations 130 (26 CFR Part 40) made by paragraphs 2 and 4 of this Treasury decision, are hereby proclaimed.

PAR. 2. Section 40.446-2 of Regulations 130 is amended by adding at the end thereof the following:

(d) The final determinations of depressed industry subgroups and the adjusted rates of return therefor are the same as the tentative determinations and tentative adjusted rates of return set forth under paragraph (c) of this section. Accordingly, no redetermination is necessary of any application of section 446 properly made in accordance with a tentative determination and tentative adjusted rate and, therefore, the periods of limitation prescribed under section 322 and sections 275 and 276 are not extended as provided by section 446 (h) and by (b) of this section, since no overpayment or deficiency in tax results from the final determinations of depressed industry subgroups and the adjusted rates of return therefor.

PAR. 3. Section 40.447-1 of Regulations 130 is hereby amended by inserting at the end thereof the following:

(e) No redetermination is necessary of any application of section 442 which is properly made in accordance with a tentative base period yearly rate of return for 1946, 1947, or 1948. As to any application of section 442 which is properly made in accordance with a tentative base period yearly rate of return for 1949, and as to any application of sections 442 through 445 which is properly made in accordance with a tentative base period rate of return, no redetermination is necessary in any case where the final rate of return is the same as the tentative rate which was previously effective. The periods of limitation prescribed under section 322 and sections 275 and 276 are not extended, as provided by section 447 (d) and by paragraph (d) of this section, except in a case where a redetermination is necessary because the applicable final rate is not the same as the tentative rate which was previously effective.

PAR. 4. Section 40.447-2 of Regulations 130 is hereby amended to read as follows:

§ 40.447-2 *Tentative and final industry base period rates of return.* The industry classifications set forth in section 447 (c), and the base period yearly rates of return and the base period rate of return (both the tentative rates described in section 447 (d) and the final rates described in section 447 (a) and (b)) for each industry classification are as follows:

Major group No.	Industry classification	Base period yearly rates of return (percent)					Base period rate of return (percent)	
		1946	1947	1948	1949			
		Tentative and final rate	Tentative and final rate	Tentative and final rate	Tentative rate	Final rate	Tentative rate	Final rate
	Agriculture, forestry, and fisheries							
01 and 07	Farms and agricultural services, hunting, trapping	12.5	12.8	12.7	11.9	9.9	12.5	11.9
08	Forestry	6.1	8.2	9.2	10.7	6.2	8.5	7.4
09	Fisheries	6.1	2.1	4.5	4.5	2.2	4.8	4.2
	Mining							
10	Metal mining	5.2	11.8	13.8	8.7	7.7	10.1	9.8
11	Anthracite mining	6.4	5.8	8.0	4.5	4.0	6.2	7.1
12	Bituminous coal and lignite mining	6.3	14.6	15.4	7.7	5.8	11.3	10.9
13	Crude petroleum and natural gas extraction	8.1	9.7	11.8	11.2	8.8	10.0	9.3
14	Nonmetallic minerals except fuels	11.9	14.2	15.0	14.9	13.2	14.2	13.7
	Contract Construction							
15 and 16	General contractors	8.6	10.5	13.7	14.5	12.3	12.2	11.6
17	Special trade contractors	12.6	15.2	15.1	9.7	9.9	13.1	13.1
	Manufacturing							
19	Ordnance and accessories	4.5	11.0	14.8	7.1	6.7	9.4	9.4
20	Food and kindred products	18.4	19.2	19.4	13.2	11.7	14.6	14.2
21	Tobacco manufactures	9.7	6.8	11.1	11.8	11.7	10.7	10.6
22	Textile mill products	24.0	23.2	20.6	10.3	9.5	19.2	19.0
23	Apparel and other finished products made from fabrics	21.8	16.7	16.4	8.0	6.2	18.5	16.3
24	Lumber and wood products	16.0	23.0	19.6	11.5	10.2	17.5	17.1
25	Furniture and fixtures	16.4	16.4	14.6	13.7	10.5	15.3	14.5
26	Paper and allied products	17.8	20.2	18.1	13.7	12.7	18.1	17.8
27	Printing, publishing, and allied industries	18.6	16.7	13.8	13.2	11.8	15.1	14.8
28	Chemicals and allied products	17.3	17.6	16.2	15.8	15.0	16.7	16.5
29	Products of petroleum and coal	6.1	8.7	11.3	7.6	6.4	8.3	8.2
30	Rubber products	18.6	12.4	13.4	9.0	8.7	13.2	13.1
31	Leather and leather products	10.3	15.9	10.2	8.3	7.3	13.3	13.0

Major group No.	Industry classification	Base period yearly rates of return (percent)					Base period rate of return (percent)	
		1946	1947	1948	1949			
		Tentative and final rate	Tentative and final rate	Tentative and final rate	Tentative rate	Final rate	Tentative rate	Final rate
	Manufacturing—Continued							
32	Stone, clay, and glass products	15.4	16.3	17.2	16.8	16.0	16.5	16.3
33 and 34	Primary metal industries and fabricated metal products (except ordnance, machinery, and transportation equipment).	9.8	15.4	16.4	12.9	12.1	13.8	13.6
35	Machinery (except electrical)	9.4	16.0	17.2	14.7	13.4	14.6	14.3
36	Electrical machinery, equipment, and supplies.	4.2	14.5	15.6	13.6	12.4	12.4	12.0
37	Transportation equipment	1.4	13.5	18.6	21.4	20.9	14.5	14.4
38 and 39	Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks; including miscellaneous manufacturing industries.	11.9	13.8	13.5	12.8	10.4	13.0	12.4
	Transportation, Communication, and other Public Utilities							
40	Railroads	2.1	3.9	5.3	4.0	3.7	3.9	3.8
41	Local and interurban railways and bus lines.	4.1	(2.9)	2.2	1.7	1.0	1.4	1.5
42	Trucking and warehousing	11.4	12.2	14.0	12.7	11.7	12.7	12.4
43	Highway transportation not elsewhere classified.	24.1	15.1	12.1	10.1	9.2	15.2	14.9
44	Water transportation	9.1	9.9	8.1	8.4	7.8	8.9	8.7
45	Transportation by air	(2.6)	(3.7)	1.3	4.3	3.9	.2	(.1)
46	Pipe line transportation	11.1	10.5	10.5	9.1	8.9	10.1	10.0
47	Services incidental to transportation.	8.1	10.0	7.1	7.2	6.5	8.1	7.9
48	Telecommunications	6.1	4.1	4.9	5.0	5.0	5.0	5.0
49	Utilities and sanitary services	7.0	6.3	6.1	6.5	6.2	6.4	6.4
	Wholesale Trade							
50 and 51	Wholesale trade	16.5	15.3	12.6	9.7	8.2	13.3	12.8
	Retail Trade							
52	Building materials and farm equipment.	15.3	16.3	15.3	10.0	9.2	14.3	13.8
53	General merchandise	20.9	17.1	16.7	13.2	12.4	16.9	16.6
54	Food	15.8	13.9	12.9	15.8	13.6	14.6	14.0
55	Automotive dealers and gasoline service stations.	27.5	33.9	27.3	15.7	15.8	25.0	24.9
56	Apparel and accessories	19.4	14.4	11.6	7.8	6.3	13.0	12.6
57	Furniture, home furnishings, and equipment.	16.9	12.1	9.1	6.5	5.6	10.7	10.3
58	Eating and drinking places	12.6	6.6	5.7	6.2	4.9	7.5	7.2
59	Miscellaneous retail stores	11.3	10.7	9.1	6.8	6.2	9.8	9.7
	Finance, Insurance, and Real Estate							
60	Banking	.9	.7	.8	.8	.9	.8	.8
61	Credit agencies other than banks	3.3	3.7	4.8	5.1	5.0	4.3	4.4
62	Security and commodity brokers, dealers, exchanges, and services.	2.8	1.5	1.5	2.1	2.5	2.1	2.1
63	Insurance carriers	2.4	2.1	2.8	3.2	3.2	2.7	2.7
64	Insurance agents, brokers, and service.	8.3	9.5	10.0	10.3	7.7	9.6	8.9
65	Real estate	5.1	5.2	5.3	5.8	5.1	5.3	5.2
67	Holding and other investment companies.	5.9	5.6	6.0	5.8	6.7	5.8	5.8
	Services							
70	Hotels, rooming houses, camps, and other lodging places.	9.6	8.6	8.1	7.8	6.9	8.5	8.2
72	Personal services	11.7	11.1	9.1	11.5	8.1	10.8	9.9
73	Miscellaneous business services	12.8	13.1	13.0	14.2	11.2	13.3	12.5
75	Automobile repair services and garages.	14.8	13.7	12.5	10.6	9.2	12.7	12.2
76	Miscellaneous repair services	10.4	13.4	12.3	11.6	9.6	13.2	11.5
77	Radio broadcasting, including facsimile broadcasting, and television.	24.9	18.8	12.5	10.1	9.2	15.8	15.4
78	Motion pictures	19.4	11.6	9.2	8.4	8.1	12.7	12.6
79	Amusement and recreation services except motion pictures.	21.3	13.6	11.9	12.0	8.5	14.9	14.4
80, 81, 82, 84, 86, and 89.	Other services	8.8	9.7	10.3	8.3	8.6	9.3	9.4

(1) Parentheses indicate negative rate of return.

Because the determinations announced in this Treasury decision are computed by specific formulae expressly prescribed in sections 446 and 447 of the Internal Revenue Code, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 3, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6310; Filed, June 6, 1952; 8:55 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5910; Regs. 20]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

1. Section 604 of the Revenue Act of 1950 (Pub. Law 814, 81st Cong.) provides as follows:

SEC. 604. FEDERAL AGENCIES OR INSTRUMENTALITIES.

Subchapter B of chapter 27 (relating to occupational taxes) is hereby amended by adding at the end thereof the following new section:

SEC. 3283. FEDERAL AGENCIES OR INSTRUMENTALITIES.

Any tax imposed by this chapter shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax.

2. Pursuant to the foregoing provision of law § 194.26 of Regulations 20, "Wholesale and Retail Dealers in Liquors" (5 F. R. 2170), as amended, is amended to read as follows:

SPECIAL TAXES

§ 194.26 *Sales by agencies and instrumentalities of the United States.* Section 3283 of the Internal Revenue Code, effective September 23, 1950, provides that any tax imposed by Chapter 27 of the Internal Revenue Code shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax. Accordingly, any agency or instrumentality of the United States, including post exchanges, ship's stores, ship's service stores, and commissaries established and conducted under the regulations of the Department of Defense, engaging in the business of selling, or offering for sale, alcoholic liquors, must pay special tax for the carrying on of such business on and after September 23, 1950. Any canteen, club, mess or similar organization operated under regulations of the Department of Defense, whether or not located on the premises of the Department of Defense, selling, or offering for sale, liquors, is liable to special tax for any period during which the organization carries on the business.

3. Since the provisions of section 604 of the Revenue Act of 1950 were effective on September 23, 1950, this amendment to regulations, pursuant to section 3791, Internal Revenue Code, is being made retroactively effective to that date. It is, therefore, found impracticable to comply with the notice, public rule-making, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001, et seq.).

4. This Treasury decision shall be effective on September 23, 1950.

(53 Stat. 391, 467, 64 Stat. 964; 26 U. S. C. 3254, 3791, 3283)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 3, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6312; Filed, June 6, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

DISCHARGE FOR REASONS OF NATIONAL HEALTH, SAFETY, OR INTEREST

Section 582.3 (c) is amended to read as follows:

§ 582.3 *Discharge for the convenience of the Government.* • • •

(c) *National health, safety, or interest.* Enlisted personnel may apply for separation from the service on the basis of importance to national health, safety, or interest. Applications for separation under this provision, together with supporting evidence submitted by the enlisted person, will be forwarded for final determination direct to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPO-X, by the commander having discharge authority. Each application submitted by an individual having an unsatisfied service obligation imposed by the Universal Military Training and Service Act will include a statement substantially as follows signed by the enlisted person concerned: "I understand that, if this application is approved and I do not carry out the commitments made herein, I will be subject to immediate reentry into active military service."

(R. S. 161; 5 U. S. C. 22) [C4. AR 615-365, May 22, 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6291; Filed, June 6, 1952; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 16, Amdt. 1]

DMO 16—CREATING A COMMITTEE ON PRODUCTION POLICY

ADDITION TO MEMBERSHIP OF COMMITTEE

1. Paragraph 1 of Defense Mobilization Order No. 16, issued by this Office under date of May 20, 1952, creating a Committee on Production Policy, is hereby amended to provide for representation on the Committee from each of the following agencies:

a. Small Defense Plants Administration.

b. Council of Economic Advisers.

c. Office of the Director for Mutual Security.

2. This amendment shall take effect on June 7, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

JUNE 5, 1952.

[F. R. Doc. 52-6370; Filed, June 6, 1952; 9:46 a. m.]

[Defense Mobilization Order No. 19]

DMO 19—DIRECTING THE DEFENSE PRODUCTION ADMINISTRATOR TO ACT AS THE CERTIFYING AGENCY FOR THE PURPOSES AND WITHIN THE MEANING OF SECTION 450 OF THE INTERNAL REVENUE CODE

Pursuant to the authority vested in me by Executive Order No. 10161, as amended, and Executive Order No. 10193, it is hereby ordered as follows:

1. The Defense Production Administrator is hereby directed to act as the certifying agency for the purposes and within the meaning of section 450 of the Internal Revenue Code, and shall certify to the Secretary of the Treasury, pursuant to section 450 (b) (1), any strategic mineral which he determines should be afforded the benefits of section 450 and which is essential to the defense effort of the United States and has not been normally produced in appreciable quantities within the United States.

2. The Defense Materials Procurement Administrator who has been assigned functions under section 303 (a) of the Defense Production Act of 1950, as amended, and which functions, pursuant to Executive Order No. 10161, as amended, are carried out in accordance with programs certified by the Defense Production Administrator, shall make recommendations to the Defense Production Administrator for certification in accordance with section 450 of the Internal Revenue Code.

3. Any certifications made to the Secretary of the Treasury prior to the effective date of this order shall not be affected by this order.

4. This order shall take effect on June 7, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-6356; Filed, June 5, 1952; 2:32 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amdt. 16]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

WHITE FLESH POTATOES

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendment 16 to CPR 15 and Amendment 16 to CPR 16. These amendments remove white flesh potatoes from price control at retail. The reasons which are set forth in the statement of considerations accompanying the revocation of CPR 113, Revision 1, issued simultaneously with these amendments, are equally applicable to this action.

Due to the nature of these amendments the Director of Price Stabilization has found it impracticable to consult with industry representatives or with trade association representatives.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. Paragraphs (c) and (d) of section 21 are deleted.

2. Section 37 (d) (36) is revised by deleting the parenthetical clause "(except white flesh potatoes)".

3. Section 38 (a) is revised by deleting from Table B the following:

(3) Fresh vegetables:			
Potatoes, white	35	30	5 pounds.
Potatoes, white [1]	21	20	1 package.

[1] Purchased and sold in consumer size containers; purchased ungraded and unsacked but sold graded in consumer size containers.

4. Section 38 (b) is revised by deleting subparagraph (3).

5. Section 38 (c) is revised by deleting subparagraph (3).

6. Section 38 (d) is revised by deleting subparagraph (3).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 16 to Ceiling Price Regulation 15 is effective June 6, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 6, 1952.

[F. R. Doc. 52-6382; Filed, June 6, 1952; 11:15 a. m.]

[Ceiling Price Regulation 16, Amdt. 16]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND GROUP 2 STORES

WHITE FLESH POTATOES

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendment 16 to CPR 15 and Amendment 16 to CPR 16. These amendments remove white flesh potatoes from price control at retail. The reasons which are set forth in the statement of considerations accompanying the revocation of CPR 113, Revision 1, issued simultaneously with these amendments, are equally applicable to this action.

Due to the nature of these amendments the Director of Price Stabilization has found it impracticable to consult with industry representatives or with trade association representatives.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended in the following respects:

1. Section 21 (a) is revised by putting a period after the word "sale" and deleting the words "if you purchase white potatoes ungraded and unsacked; and if you purchase white potatoes in carlot or trucklot quantities."

2. Section 32 (d) (36) is revised by putting a period after the word "vegetables" and deleting the parenthetical clause "(except white flesh potatoes)".

3. Section 33 (a) is revised by deleting from Table B the following:

(3) Fresh vegetables:			
Potatoes, white	35	32	5 pounds
Potatoes, white [1]	23	21	1 package.

[1] Purchased and sold in consumer size containers; purchased ungraded and unsacked but sold graded in consumer size containers.

4. Section 33 (b) is revised by deleting subparagraph (3).

5. Section 33 (c) is revised by deleting subparagraph (3).

6. Section 33 (d) is revised by deleting subparagraph (3).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 6, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 6, 1952.

[F. R. Doc. 52-6393; Filed, June 6, 1952; 11:15 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 18]

CPR 34—SERVICES

SR 18 BOWLING ALLEYS IN BALTIMORE, MARYLAND

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 18 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 18 to Ceiling Price Regulation 34 establishes dollars and cents ceiling prices for open and league bowling services supplied by bowling alleys situated in the City of Baltimore, Maryland. Bowling services have been rendered in Baltimore at substantially uniform prices for many years antedating the issuance of Ceiling Price Regulation 34. The piece rates paid pin boys by all establishments are identical; and wage rates paid other employees, and unit costs of bowling supplies are substantially the same. The existence of uniform prices and standardized services facilitate the establishment of dollars and cents ceiling prices.

A study of the operating costs and profit margins of a representative number of bowling alleys situated in the City of Baltimore, accounting for 90 percent of total sales, discloses that despite a stable volume of sales they are suffering an impairment of their normal pre-Korean earnings as a result of steadily increasing operating costs, particularly in the piece rate of pin boys and the cost of bowling pins. In addition, a wage increase recently granted to pin boys, which has been approved by the Wage Stabilization Board, has imposed further financial hardship. Failure to make an adjustment in the ceiling prices of these establishments would threaten an interruption in the supply of their services. The dollars and cents ceiling prices established by this supplementary regulation are deemed the minimum necessary to restore these businesses to a financial position which will assure the continued supply of these services. The adjusted ceiling prices have been determined in accordance with the adjustment standard of Section 20 of CPR 34.

This supplementary regulation does not apply to any seller of bowling services who has established under Ceiling Price Regulation 34 higher prices for such services than the dollars and cents ceiling prices established by this supplementary regulation. In the future, bowling establishments subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for services under section 20 of Ceiling Price Regulation 34.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including the Monumental City Bowling Proprietors' Association of Baltimore, Maryland, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation fixes dollars and cents ceiling prices for sellers who supply open and league bowling services within the limits of the City of Baltimore, State of Maryland.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* Sections 18 (c) and 20 of Ceiling Price Regulation 34 do not apply to services covered by this supplementary regulation. All other provisions of Ceiling Price Regulation 34, except as changed by the provisions of this supplementary regulation shall remain in effect.

SEC. 3. *Ceiling prices.* The ceiling prices which sellers may charge within the limits of the City of Baltimore, State of Maryland, for the services listed below shall be as follows:

Open duckpin bowling, weekdays, until 6 p. m.	23¢ a game.
Open duckpin bowling, after 6 p. m. and on Saturdays, Sundays, and Holidays	28¢ a game.
League duckpin bowling	90¢ 3 games.
League duckpin bowling, guaranteed attendance basis	28¢ a game.
Open and league tenpin bowling	33¢ a game.

SEC. 4. *Definitions.* (a) When used in this supplementary regulation to Ceiling Price Regulation 34:

(1) "League bowling" means bowling done under contract between groups of bowlers and the bowling alley proprietors, by the terms of which the rates and conditions of bowling are set for the season.

(2) "Open bowling" means all non-league bowling.

(3) "Seller" means a supplier of bowling services within the limits of the City of Baltimore, State of Maryland, who has not, prior to the issuance of this supplementary regulation, established higher ceiling prices for those services under the provisions of Ceiling Price Regulation 34 than those established by this supplementary regulation.

Effective date. This Supplementary Regulation 18 to Ceiling Price Regulation 34 shall become effective June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 6, 1952.

[F. R. Doc. 52-6395; Filed, June 6, 1952; 4:00 p. m.]

[Ceiling Price Regulation 113, Revision 1, Revocation]

CPR 113—WHITE FLESH POTATOES

REVOCATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order 2, this revocation of Ceiling Price Regulation 113, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The Senate of the United States has voted to exempt fresh fruits and vegetables, including potatoes, from price control. The announcement of the Senate vote has rendered effective enforcement of this regulation impossible. As a consequence, therefore, CPR 113, Revision 1, including all amendments and supplements, is herewith revoked. Special circumstances have made it impractical to consult with industry representatives, including trade association representatives, before the issuance of this revocation.

REVOCATION

Ceiling Price Regulation 113, Revision 1, and all amendments and supplementary regulations thereto are hereby revoked, effective June 6, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 6, 1952.

[F. R. Doc. 52-6394; Filed, June 6, 1952; 11:15 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

MOUNTAIN SUMMIT CLIMBING

Section 1.14, entitled *Mountain summit climbing*, is amended to read as follows:

§ 1.14 *Mountain summit climbing.* (a) In Mount McKinley, Mount Rainier and Grand Teton National Parks, mountain climbing shall be undertaken only with the permission of the superintendent.

(b) In Devils Tower National Monument, the climbing of Devils Tower beyond the talus slope or above the shelf or bench at the base of the definite columns, where such shelf or bench is present, shall be undertaken only with the permission of the superintendent.

(c) In Mount Rushmore National Memorial, climbing beyond the toe of the talus slope shall be undertaken only with the permission of the superintendent.

(d) To insure reasonable chances of success, the superintendent shall not grant permission under paragraph (a) or (b) or (c) of this section until he is satisfied that all members of the party are properly clothed, equipped, and shod, are qualified physically and through previous experience to make the climb, and that the necessary supplies are carried.

(e) No individual will be permitted to start alone for the summit of Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park, or Devils Tower or beyond the toe of the talus slope in Mount Rushmore National Memorial.

(f) While the Government assumes no responsibility in connection with any kind of accident to mountain-climbing parties, all persons starting to ascend Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Monument shall fill out an information blank furnished by the superintendent and shall report to him upon return.

(g) When the superintendent deems such action necessary he may prohibit all mountain climbing in the areas referred to in this section.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

JUNE 3, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-6249; Filed, June 6, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.19 *Special delivery (Express) service* amend paragraph (a) by inserting "Salvador (El)" between "St. Pierre and Miquelon" and "Somalia" in the list of countries therein.

b. In § 127.345 *Salvador (El)* amend paragraph (a) (4) to read as follows:

(4) *Special delivery.* Fee 20 cents. (See § 127.19 of this chapter.)

c. In § 127.341 *Rumania* amend subdivision (i) (b) of paragraph (b) (5) (16 F. R. 9569) to read as follows:

(b) No gift parcel may contain preserved food or other articles in tin cans.

d. In § 127.380 *Yugoslavia* amend subdivision (i) of paragraph (b) (5) (17 F. R. 2282) to read as follows:

(i) Gift parcels not exceeding 11 pounds in weight and containing only food, clothing and reasonable quantities of medicine are duty free in Yugoslavia, but are subject to a fixed import fee of 200 dinars (about 66 cents).

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372.)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6257; Filed, June 6, 1952; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

LIBERIA; UNION OF SOUTH AFRICA

a. In § 127.293 *Liberia*, amend paragraph (b) (1) by the addition of a new subdivision (ii) following the table of information in subdivision (i) to read as follows:

(ii) Air Parcels. Air parcels for Liberia will be $0.86 for the first four ounces or fraction, and $0.56 for each additional four ounces or fraction, subject to the general conditions stated in paragraph (b) of § 127.55 of this chapter, effective June 1, 1952.

b. In § 127.372 *Union of South Africa*, delete subdivision (vii) in paragraph (b) (4).

(R. S. 161, 396, 398; secs 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6256; Filed, June 6, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865-B]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865, be, and it is hereby suspended until 7:00 a. m., June 16, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., June 3, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6282; Filed, June 6, 1952; 8:51 a. m.]

[S. O. 884]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of June A. D. 1952.

It appearing, that the Defense Transport Administration has made representations to this Commission regarding an emergency existing with respect to ore transportation, and has recommended that this Commission take such action as is necessary under the circumstances; the Commission is of the opinion that an emergency requiring immediate action exists at certain Great Lakes ports where vessels discharge ore into railroad freight cars. It is ordered, that:

§ 95.884 *Movement of iron ore restricted; appointment of agent.* (a) Any railroad subject to the Interstate Commerce Act serving Great Lakes ports where ore is dumped from vessels into railroad cars may load and hold cars with iron ore, free from demurrage or storage, but only after a permit shall have been issued by the Permit Agent appointed in this section authorizing the loading and holding of such cars.

(b) *Application.* The provisions of this section shall apply at any Great Lakes port where iron ore is dumped from vessels into such cars. Such cars, whether billed or unbilled, may be held at any point designated by the road-haul carrier for its convenience.

(c) *Demurrage or storage charges waived.* No railroad subject to the provisions of this section shall assess or collect any demurrage or storage for the detention of cars loaded with iron ore and held in accordance with the provisions of this section.

(d) *Appointment of Permit Agent.* Charles W. Taylor, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., is hereby designated and appointed Permit Agent of the Interstate Commerce Commission. The Permit Agent may issue or revoke permits, either special or general, as authorized in paragraph (a) of this section upon recommendation and certification of the Car Service Division, Association of American Railroads.

(e) *Intrastate and interstate traffic.* The provisions of this section shall apply to intrastate, as well as interstate traffic.

(f) *Rules, regulations, and practices suspended.* The operation of all rules, regulations, and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(g) *Announcement of suspension.* Each such railroad or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(h) *Effective date.* This section shall become effective at 7:00 a. m., June 3, 1952.

(i) *Expiration date.* This section shall expire at 6:59 a. m., June 16, 1952.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6281; Filed, June 6, 1952; 8:51 a. m.]

[S. O. 885]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of June A. D., 1952.

It appearing, that the Defense Transport Administration has made representations to this Commission regarding an emergency existing with respect to ore transportation, and has recommended that this Commission take such action as is necessary under the circumstances; the Commission is of the opinion that an emergency requiring immediate action exists at ports where vessels discharge import ores. It is ordered, that:

§ 95.885 *Movement of import ores restricted; appointment of agent.* (a) Any railroad subject to the Interstate Commerce Act serving ports, where import ore is dumped from vessels, may load and hold cars with import ore free from demurrage or storage, only after a permit shall have been issued by the Permit Agent appointed in this section authorizing the loading and holding of such cars.

(b) *Application.* The provisions of this section shall apply at all ports where import ore, consigned to steel plants now affected by work stoppage, is dumped from vessels. Only cars owned by those railroads serving the ports may be utilized, and such cars whether billed or unbilled, may be held at any point designated by the road-haul carrier for its convenience.

(c) *Demurrage or storage charges waived.* No railroad subject to the provisions of this section shall assess or collect any demurrage or storage for the detention to cars loaded with import ores and held in accordance with the provisions of this section.

(d) *Appointment of Permit Agent.* Charles W. Taylor, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., is hereby designated and appointed Permit Agent of the Interstate Commerce Commission. The Permit Agent may issue or revoke permits, either special or general, as authorized in paragraph (a) of this section upon recommendation and certification of the Car Service Division, Association of American Railroads.

(e) *Intrastate and interstate traffic.* The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(f) *Rules, regulations and practices suspended.* The operation of all rules, regulations, and practices, insofar as they conflict with the provisions of this section, is hereby suspended.

(g) *Announcement of suspension.* Each such railroad or its agent shall publish, file, and post a supplement to each of its tariffs affected hereby in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing the suspension of any of the provisions therein.

(h) *Effective date.* This section shall become effective at 7:00 a. m., June 3, 1952.

(i) *Expiration date.* This section shall expire at 6:59 a. m., June 16, 1952.

It is further ordered, That this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6280; Filed, June 6, 1952; 8:50 a. m.]

[S. O. 886]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3rd day of June A. D., 1952.

It appearing, that the Defense Transport Administration has made representations to the Interstate Commerce Commission regarding an emergency existing with respect to the movement of lake coal in the normal manner, brought about by work stoppage in the steel industry; in the opinion of the Commission an emergency exists requiring immediate action at Great Lakes Ports. It is ordered, that:

§ 95.886 *Demurrage on cars held under load at Great Lakes ports.* (a) Agent L. C. Schuldt's Tariff I. C. C. No. 4447, supplements thereto or reissues thereof, providing car demurrage rules and charges on coal as described therein, applying at ports, sidings or storage yards named therein, held for lake shipment or delivery to vessels, be and it is hereby suspended to the extent provided in paragraph (b) of this section.

(b) On all cars loaded with coal for lake shipment or delivery to vessels and held at ports, sidings and storage yards listed in the tariff mentioned in paragraph (a) of this section because of work stoppage in the steel industry.

(c) *Application.* The provisions of this section shall apply to all cars of coal held for lake shipment or delivery to vessels at ports, sidings and storage yards listed in the tariff mentioned in paragraph (a) of this section and includes all cars billed within twenty-four (24) hours after the effective date and hour of this section.

(d) *Intrastate and interstate traffic.* The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(e) *Regulations suspended; announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its Agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(f) *Effective date.* This section shall become effective at 7:00 a. m., June 3, 1952.

(g) *Expiration date.* This section shall expire at 6:59 a. m., June 16, 1952.

It is further ordered, that this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6279; Filed, June 6, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 27, 28]

U. S. STANDARDS FOR GRADES OF AMERICAN UPLAND COTTON

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering a revision of the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR 27.151 through 27.183), also referred to as the "Universal Standards for American Cotton," and an amendment of the provisions in paragraph (a) of § 28.115 *Practical forms of official cotton standards* of the regulations relating to Cotton Standards (7 CFR Part 28), pursuant to the authority contained in sections 9 and 19 of the United States Cotton Futures Act (39 Stat. 476, as amended, codified at 53 Stat. 213; 26 U. S. C. 1920 et seq.) and in the United States Cotton Standards Act (42 Stat. 1518, as amended; 7 U. S. C. 51 et seq.). It is proposed to make the revised standards and the amendment of the regulations effective August 1, 1953.

The present standards for the various grades of American upland cotton were promulgated by the Acting Secretary of Agriculture on April 30, 1946, and have been in effect since August 1, 1947. These standards (set forth in §§ 27.151 through 27.183) for the grade of American upland cotton consist either (a) of actual sets of samples (boxes), known as physical standards, that are in the custody of the Department or (b) of descriptive standards that are based upon such physical standards.

The proposed revision would: (a) Abolish the Middling Fair and Strict Good Middling standards (§ 27.151 and § 27.152) for White cotton and all standards (§§ 27.160 through 27.166) for Extra White cotton; and (b) change the remaining standards so as to reflect the characteristics of the recent cotton crops, insofar as color, leaf, and preparation are concerned. In such revision, the numerical designations for the grades of American upland cotton would be deleted; the present physical standards (§§ 27.153 and 27.167) for Good Middling and Good Middling Tinged would be changed to descriptive standards; and the present descriptive standards (§§ 27.173 through 27.176) for Strict Middling Spotted, Middling Spotted, Strict Low Middling Spotted, and Low Middling Spotted would be changed to physical standards. The size of the practical forms (boxes) would be reduced to make them more convenient to handle without affecting their usefulness.

The proposed standards are listed below:

White cotton:
- Good middling.[1]
- Strict middling.
- Middling.
- Strict low middling.
- Low middling.
- Strict good ordinary.
- Good ordinary.

Spotted cotton:
- Good middling.[1]
- Strict middling.
- Middling.
- Strict low middling.
- Low middling.

Tinged cotton:
- Good middling.[1]
- Strict middling.
- Middling.
- Strict low middling.
- Low middling.

Yellow stained cotton:
- Good middling.[1]
- Strict middling.[1]
- Middling.[1]

Gray cotton:
- Good middling.[1]
- Strict middling.[1]
- Middling.[1]
- Strict low middling.[1]

The proposed amendment would list, in the amended § 28.115, the standards for grades of American upland cotton for which practical forms will be available as a result of the above revision.

A public meeting will be held on June 19, 1952, with respect to the proposed revision and amendment. The meeting will be in the Classing Laboratory, 6th Floor of the Agricultural Annex, Twelfth and C Streets SW., Washington, D. C. Sets of samples (boxes) demonstrating the proposed physical standards for grades of American upland cotton have been prepared by the Department of Agriculture and will be on display at this meeting.

Any interested person may inspect these sets of samples (boxes) and present data, views, or arguments concerning the proposed revision and amendment orally or in writing at the meeting. Written data, views, or arguments may also be submitted by interested persons by filing them in duplicate with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than July 3, 1952. Before these proposed revised standards are finally adopted they must be presented to the signatories to the Universal Cotton Standards Agreements for their approval.

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-6339; Filed, June 6, 1952; 8:56 a. m.]

[1] Descriptive standards.

[7 CFR Part 995]

[Docket No. AO-197-A1]

HANDLING OF MILK IN LIMA, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Barr Hotel, 210 North Union Street, Lima, Ohio, beginning at 10:00 a. m., e. s. t., June 23, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Lima, Ohio, marketing area (7 CFR 995.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

The following amendments have been proposed by the Northwestern Cooperative Sales Association, Inc.:

Proposal No. 1. Delete § 995.5 (b) (1) and substitute therefor the following:

(1) The Class I price shall be the same as that prevailing for the corresponding month under Federal Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

Proposal No. 2. Add to § 995.5 (b), subparagraph (5):

(5) The Class IA price for each month shall be the Class I milk price for such month, less 30 cents.

Proposal No. 3. Delete § 995.4 (b) (1) and substitute therefor the following:

(b) (1) Class I milk shall be all skim milk and butterfat disposed of:

(i) In fluid form as milk, skim milk, buttermilk (except for livestock feed) flavored milk, flavored milk drinks;

(ii) As any other milk product defined by the Lima, Ohio, Board of Health; and

(iii) As all skim milk and butterfat not accounted for as Class IA or Class II milk.

(2) Class IA milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream or eggnog.

Proposal No. 4. Delete paragraph (f) of § 995.7 and substitute therefor the following:

(f) Producer butterfat differential. In making payments pursuant to paragraph (a) of this section the uniform price shall be adjusted for each one-tenth of one per cent butterfat content in the milk of each producer above or below 3.5 per cent, as the case may be, by a butterfat differential (computed to the nearest multiple of one-half cent) calculated as follows: Multiply by .13 the average daily wholesale price per pound of 92-score butter in the Chicago market as reported by U. S. D. A. for the month.

Proposal No. 5. In § 995.9 (a) delete the following words from the first sentence: "4 cents per hundredweight of milk, or" and "not to exceed 4 cents".

This phrase would then read "shall deduct such amount as the Secretary may from time to time prescribe".

Proposal No. 6. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

The following amendments have been proposed by Beatrice Foods Co.:

Proposal No. 7. Delete paragraph (e) of § 995.1, "Lima, Ohio, marketing area," and substitute therefor the following:

(e) "Lima, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the City of Lima and all of the area within the boundaries of the County of Allen in the State of Ohio.

Proposal No. 8. Delete § 995.4 (b) entitled "Classes of utilization," and substitute therefor the following:

(b) Classes of utilization. Subject to the conditions set forth in paragraphs (c), (d), (e) and (f) of this section, the classes of utilization of milk shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of (except for animal feed) in fluid form as (i) milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk (on a milk equivalent basis), and (ii) skim milk and butterfat not accounted for as Class IA milk or Class II milk.

(2) Class IA milk shall be all skim milk and butterfat disposed of in fluid form as cream (sweet or sour), eggnog, any mixtures of skim milk and butterfat containing 8 percent or more of butterfat not specifically classified in Class I milk or Class II milk.

(3) Class II milk shall be all skim milk and butterfat accounted for as (i) having been dumped or disposed of for livestock feeding; (ii) used to produce bulk condensed milk (either sweetened, skim or whole), evaporated milk, powdered milk, cheese (including cottage cheese), and butter; (iii) all skim milk and butterfat used to produce ice cream mixes, ice cream or frozen desserts, and aerated cream products; (iv) or to produce any product other than those specified in subparagraphs (1) and (2) of this paragraph; and (v) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided*, That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

Proposal No. 9. Delete § 995.4 (f) and substitute therefor the following:

(f) Allocation of skim milk and butterfat classified. The Market Administrator shall determine the classification of skim milk and butterfat received from producers as follows:

(1) Butterfat shall be allocated in the following manner:

(i) Substract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to paragraph (b) (2) (iii) and (iv) of this section.

(ii) Substract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(iii) Determine the pounds of butterfat in other source milk to be prorated pursuant to subdivision (v) of this subparagraph as the smallest of the following amounts:

(*a*) The pounds of butterfat received in bottled form and disposed of in the same form as received without further processing or packaging as Class I products.

(*b*) The pounds of butterfat contained in the handler's out-of-area Class I sales.

(*c*) 16 percent of the handler's total Class I usage.

(iv) Subtract from the pounds of butterfat remaining in each class, in series beginning with Class II, the pounds of butterfat in other source milk remaining after excluding the amount of butterfat determined pursuant to subdivision (iii) of this subparagraph.

(v) Subtract pro rata from the pounds of butterfat remaining in each class the pounds of butter fat in other source milk determined pursuant to subdivision (iii) of this subparagraph.

(vi) Add to the pounds of butterfat remaining in Class II the pounds of butterfat shrinkage in producer milk subtracted pursuant to subdivision (i) of this subparagraph; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in series beginning with the Class II utilization. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

(2) Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in subparagraph (1) of this paragraph.

Proposal No. 10. Delete paragraph (b) of § 995.5 and substitute therefor the following: (b) Class I and Class IA milk prices. The minimum prices per hundredweight to be paid by each handler for Class I skim milk and butterfat in producer milk received at his fluid milk plant during the month which is classified as Class I milk, shall be determined by the market administrator as follows:

(1) To the basic formula price add the following amounts for the months indicated:

April, May, June	$0.85
July, August, February, March	1.10
All others	1.30

(2) Add together the amounts determined in paragraph (a) (3) (i) and (ii) of this section and divide the sum into the amount determined in paragraph (a) (3) (i) of this section.

(3) Multiply the price determined in subparagraph (1) of this paragraph by the per cent determined in subparagraph (2) of this paragraph and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(4) From the price determined in subparagraph (1) of this paragraph subtract the amount computed in subparagraph (3) of this paragraph times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

(5) The minimum price per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class IA milk, shall be determined by the market administrator in accordance with the same procedure as outlined in subparagraphs (1), (2), (3) and (4) of this paragraph. Except in subparagraph (1) of this paragraph, the amount to be added to the basic formula price shall be $0.45 less than the amount indicated for the various months.

Copies of this notice of hearing and of the tentatively approved marketing agreement, and the order, now in effect may be procured from the Market Administrator, 420 Dominion Bldg. Lima, Ohio, or from the Hearing Clerk, United States Department of Agriculture in Room 1353, South Building, Washington 25, D. C., or may be there inspected.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

JUNE 5, 1952.

[F. R. Doc. 52-6350; Filed, June 6, 1952; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[60725]

ALABAMA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 2, 1952.

Notice is given that the plat of original survey of the following described lands, accepted December 4, 1951, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

ST. STEPHENS MERIDIAN, ALABAMA

T. 22 N., R. 16 E.,
Sec. 5; lots 1, 2, 3, 4, 5
Sec. 8; lot 1.

The area described aggregates a total of 19.37 acres.

This plat represents the survey of islands in the Coosa River which were not included in the prior official surveys in the township as shown on an undated plat signed by John Coffee, and plats approved February 4, 1834, December 19, 1843, and May 16, 1896.

Available information indicates that lot 4, known locally as Big Rock Island stands sheer of the water to an elevation of about 150 feet; that the other lots known locally as the Foshee Islands, have an elevation of approximately 12 to 14 feet above the level of the river and may have some limited agricultural use or for orchards; that all of the lots are composed of a heavy rock formation with a thin covering of a heavy gravel-clay soil and that they have a vegetative stand of pine, oak, hickory, elm and sweet gum trees ranging up to 24 inches in diameter.

No applications for these lots may be allowed under the homestead, small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

For the Director.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52-6248; Filed, June 6, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2663]

BONNEVILLE POWER ADMINISTRATOR

DISPOSITION OF POWER FROM CERTAIN PROJECTS AND RELATED MATTERS

SEPTEMBER 15, 1951.

Order No. 2115 (10 F. R. 14211), as amended by Order No. 2237 (11 F. R. 8830), is hereby amended as follows:

1. The following is substituted for the first and second sentences of paragraph 1 of Order No. 2115, as amended: "The Bonneville Power Administrator (hereinafter called the Administrator) is hereby designated the marketing agent for the surplus electric energy of all projects, now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in such other river basins as drain into the Pacific Ocean in the States of Washington and Oregon, for which the Secretary of the Interior is authorized to market power pursuant to the act of December 22, 1944, ch. 665, sec. 5, 58 Stat. 887, and the act of March 2, 1945, ch. 19, sec. 2, 59 Stat. 10."

2. The following is substituted for the second sentence of paragraph 2 of said order, as amended: "The Administrator may exercise such of the powers and functions vested in the Secretary by any act governing the marketing of the power and energy available to the Administrator under this order as may be necessary or appropriate for the effective marketing of such power and energy under said acts and this order."

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-6250; Filed, June 6, 1952; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

BUREAU OF ORDNANCE

In Organization Statement of the Department of the Navy, published at 16 F. R. 12573–12590, delete subsection D, *Bureau of Ordnance*, of Section VII, *Naval Technical Assistants*, appearing at 16 F. R. 12582, and insert the following subsection in lieu thereof:

D. *Bureau of Ordnance.* (a) The duties of the Bureau of Ordnance are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him, and have full force and effect as such (5 Stat. 580; 5 U. S. C. 430). The Bureau is directed by the Chief of the Bureau of Ordnance who is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief per-

forms the duties of the Chief in the latter's absence (20 Stat. 373; 5 U. S. C. 447).

(b) The Bureau performs the following functions:

(1) It is charged with and responsible for, with respect to vessels and aircraft, the design, development, research, operating standards, manufacture, procurement, maintenance, distribution, issue, repairs, alterations, efficiency, material effectiveness and disposition of all offensive and defensive arms and armament (including armor, torpedoes, mines, depth charges, pyrotechnics, bombs, rockets and certain guided missiles, ammunition, war explosives, war chemicals, defensive nets, booms and buoys, plus anchors, moorings, propellants, and appliances therefor except fixtures on shore used to secure the ends of nets and booms) and, except as specifically assigned to other cognizance, optical and other devices and material for the control of guns, torpedoes, and bombs.

(2) It is charged with the upkeep and operation of the following naval ordnance establishments and with their repairs within the capacity of the force employed: Naval gun factories, naval ordnance plants, naval torpedo stations, naval proving grounds, naval powder factories, naval ammunition depots, naval magazines on shore, naval mine depots, naval net depots, naval ordnance test stations, naval mine warfare test stations, naval ordnance laboratories, naval degaussing and naval deperming stations.

(c) To perform the functions for which the Chief of the Bureau is responsible the Bureau is organized as follows:

Chief of the Bureau of Ordnance:
- Deputy and Assistant Chief of the Bureau of Ordnance:
  - Inspector of Naval Ordnance Establishments.
  - Counsel.
  - Administrative Division.
  - Financial Division.
  - Planning and Progress Division.
  - Quality Control Division.
  - Contract Division.
  - Naval Ordnance Establishments Division.
  - Material Division.
  - Research and Development Division.

(d) The Bureau of Ordnance maintains in the field Naval Inspectors of Ordnance who are under the coordination control of the Office of Naval Material, Office of the Assistant Secretary of the Navy, and under the management and technical control of the Chief of the Bureau of Ordnance. This force is maintained for the inspection of arms and armament and of the materials entering into and the methods and procedures employed in their manufacture. It interprets and enforces strict compliance with the specifications and other contractual obligations for the manufacture, production, assembly and testing of ordnance and ordnance equipment.

Dated: May 29, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-6251; Filed, June 6, 1952; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

ORGANIZATION AND INFORMATION ON PROCEDURES

PART I—ORGANIZATION

GENERAL

Sec.
1. Creation and authority.
2. Purpose.
3. Programs.
4. Operations.
11. General outline of organization.
12. Committees.

COMMISSION HEADQUARTERS

21. The Commission.
22. Office of the General Manager.
23. Office of the Assistant General Manager for Manufacturing.
24. Office of the General Counsel.
25. Office of the Director of Intelligence.
26. Office of Classification.
27. Office of Industrial Development.
28. Office of Special Projects.
29. Operations Analysis Staff.
30. Division of Research.
31. Division of Reactor Development.
32. Division of Engineering.
33. Division of Production.
34. Division of Construction and Supply.
35. Division of Raw Materials.
36. Division of Military Application.
37. Division of Biology and Medicine.
38. Division of Security.
39. Division of Organization and Personnel.
40. Division of Finance.
41. Division of Information Services.
42. Secretary to the Commission.

MAJOR FIELD OFFICES

45. Chicago Operations Office.
46. Hanford Operations Office.
47. Idaho Operations Office.
48. New York Operations Office.
49. Oak Ridge Operations Office.
50. Santa Fe Operations Office.
51. Savannah River Operations Office.
52. Schenectady Operations Office.
53. San Francisco Area Office.

PART II—INFORMATION ON PROCEDURES

1. Research assistance.
2. Information services.
3. Material and equipment control.
4. Patents, inventions, and awards.
5. Domestic uranium program.

PART I—ORGANIZATION

GENERAL

SECTION 1. *Creation and authority.* The Atomic Energy Commission was established by the Atomic Energy Act of 1946 (60 Stat. 755; 42 U. S. C. 1801 et seq.), approved August 1, 1946. Pursuant to section 9 (a) of the act, certain interests, property, and facilities of the Government, including interests, property, and facilities of the Manhattan Engineer District, were transferred to the Commission December 31, 1946, by Executive Order 9816 of the same date.

SEC. 2. *Purpose.* It is the purpose of the Atomic Energy Commission under the Act to effectuate the declared policy of the people of the United States that, subject at all times to the paramount objective of assuring the common defense and security to carry out the development and utilization of atomic energy so that as far as practicable it will be directed toward improving the public welfare, increasing the standard of living, strengthening free competition in private enterprise, and promoting world peace.

SEC. 3. *Programs.* The act provides for the following major programs relating to atomic energy:

(a) A program of assisting and fostering private research and development to encourage maximum scientific progress;

(b) A program for the control of scientific and technical information which will permit the dissemination of such information to encourage scientific progress, and for the sharing on a reciprocal basis of information concerning the practical industrial application of atomic energy as soon as effective and enforcible safeguards against its use for destructive purposes can be devised;

(c) A program of federally conducted research and development to assure the Government of adequate scientific and technical accomplishment;

(d) A program for Government control of the production, ownership, and use of fissionable material to assure the common defense and security and to insure the broadest possible exploitation of the fields; and

(e) A program of administration which will be consistent with the foregoing policies and with international arrangements made by the United States, and which will enable the Congress to be currently informed so as to take further legislative action as may hereafter be appropriate.

SEC. 4. *Operations.* The operations of the Commission are carried out largely by industrial concerns and by private and public institutions under contract with the Commission, in accordance with the requirements and policies established by the Commission pursuant to the Atomic Energy Act. Some of the principal production and research and development activities are conducted by contractors in facilities owned by the Commission. Major production facilities owned by the Commission are located at Oak Ridge, Tennessee, and Hanford, Washington. Production facilities at sites near Paducah, Kentucky, and Aiken, South Carolina, are under construction. Major research and development facilities owned by the Commission are the Ames Atomic Energy Laboratory at Ames, Iowa; the Argonne National Laboratory at Chicago, Illinois; the Brookhaven National Laboratory at Upton, Long Island, New York; the Knolls Atomic Power Laboratory at Schenectady, New York; the Los Alamos Scientific Laboratory at Los Alamos, New Mexico; the Mound Laboratory at Miamisburg, Ohio; the Oak Ridge Institute of Nuclear Studies at Oak Ridge, Tennessee; the Oak Ridge National Laboratory at Oak Ridge, Tennessee; the Radiation Laboratory at Berkeley, California; the Reactor Testing Station at Idaho Falls, Idaho; the Rochester Atomic Energy Project at Rochester, New York; the Sandia Laboratory at Albuquerque New Mexico; the University of California, Los Angeles, Atomic Energy Project at Los Angeles, California; and the Westinghouse Electric Corporation, Atomic Power Division, at Pittsburgh, Pennsylvania.

SEC. 11. *General outline of organization.* This section outlines the principal elements of the Commission's organization, which is described in greater detail in sections 21 to 53, inclusive.

(a) The Commission is composed of five members, one designated as Chairman, all appointed by the President by and with the advice and consent of the Senate. The Commissioners confer and act as a body on important matters of policy, programs, and administration.

(b) The General Manager, appointed by the Commission, is the principal executive and administrative officer of the Commission.

(1) The General Manager is responsible to the Commission for the formulation of policies and programs by the Commission's divisions. Three of the six program divisions, the Divisions of Research, Production, and Military Application, were established by the Atomic Energy Act of 1946. The Divisions of Reactor Development, Biology and Medicine, and Raw Materials have since been established by the Commission to meet changing requirements of the work.

(2) The General Manager is assisted in his executive and administrative duties by the Deputy General Manager, the Assistant General Manager for Manufacturing, the Office of Special Projects, the Operations Analysis Staff, the Office of Industrial Development, the Office of the General Counsel, the Director of Intelligence, the Office of Classification, and by the Divisions of Finance, Construction and Supply, Organization and Personnel, Information Services, and Security.

(c) Certain executive and administrative functions have been delegated by the General Manager to the division directors, particularly to the Directors of Production, Military Application, Raw Materials, and Reactor Development. The Director of Production is responsible for the Operations Offices at New York, New York; Oak Ridge, Tennessee; Hanford, Washington; Aiken, South Carolina; and the San Francisco Area Office at San Francisco, California. The Director of Military Application is responsible for the Operations Office at Albuquerque, New Mexico. The Director of Reactor Development is responsible for the Operations Offices at Chicago, Illinois; Schenectady, New York; and Idaho Falls, Idaho. The Director of Raw Materials is responsible for the Raw Materials Offices at Grand Junction, Colorado, and New York, New York. These division directors have in turn delegated a large measure of executive and administrative authority to the managers of the field offices. The managers of the field offices are authorized, within stated limits, to enter into contracts on behalf of the Commission, to act as representatives of the Commission for the administration of contracts executed under their authority or assigned to their offices, and to perform other special functions.

SEC. 12. *Committees.* The Atomic Energy Act provides for three permanent committees:

(a) The Joint Committee on Atomic Energy, composed of nine members of the Senate and nine members of the House of Representatives, makes continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy. The Commission keeps the Joint Committee fully and currently informed on the activities of the Commission.

(b) The General Advisory Committee, composed of nine members appointed from civilian life by the President, advises the Commission on scientific and technical matters relating to materials, production, and research and development.

(c) The Military Liaison Committee consists of representatives of the Department of Defense, and at the present time has seven members. The Commission advises and consults with the Military Liaison Committee on all atomic energy matters which the Committee deems to relate to military applications, including the development, manufacture, use, and storage of weapons, the allocation of fissionable material for military research, and the control of information relating to the manufacture or utilization of atomic weapons. The Commission keeps the Committee fully informed of all such matters before it, and the Committee keeps the Commission fully informed of all atomic energy activities of the Armed Forces.

COMMISSION HEADQUARTERS

SEC. 21. *The Commission.* The five Commissioners are appointed to varied terms of from one to five years by the President, by and with the advice and consent of the Senate. One member is designated by the President as Chairman. The Commissioners establish policies and programs pursuant to the provisions of the Atomic Energy Act, direct the administrative and executive functions of the Commission to be discharged by the General Manager, appoint the principal officers of the Commission's organization, and take such other action as may be required to effectuate the purposes and policies of the Atomic Energy Act.

SEC. 22. *Office of the General Manager.* The General Manager is appointed by the Commission. The Commission has authorized and directed the General Manager to discharge those executive and administrative functions of the Commission which may be necessary to carry out the provisions of the Atomic Energy Act of 1946. The General Manager is authorized to redelegate such authority in writing, with or without authority to make successive redelegations, and under such terms, conditions, and limitations as he may deem appropriate. He is assisted in discharging his responsibilities by a Deputy General Manager, who is authorized to take action for the General Manager on all matters falling within the authority of the General Manager.

SEC. 23. *Office of the Assistant General Manager for Manufacturing.* The Assistant General Manager for Manufacturing develops, directs, and coordinates all manufacturing programs of the Commission, specifically those of the Divisions of Production, Raw Materials, and Construction and Supply.

SEC. 24. *Office of the General Counsel.* The General Counsel advises the Commission directly regarding the interpretation of the Atomic Energy Act of 1946 and other sources of legal powers, and the authority for and legal implications of all activities of the Commission. The Office of the General Counsel advises and assists the General Manager, the division directors, and the Managers of Operations in all matters of law and legal policy. The Office of the General Counsel has supervision of the Patent Branch, which administers matters relating to patents and inventions.

SEC. 25. *Office of the Director of Intelligence.* The Director of Intelligence advises the General Manager and the Commission on intelligence matters, including evaluation of reports, estimates of atomic energy developments, liaison with other agencies, and related assignments.

SEC. 26. *Office of Classification.* The Director of Classification administers and effectuates the Commission's programs for the classification and declassification of information.

SEC. 27. *Office of Industrial Development.* The Office of Industrial Development aids in promoting and expanding industrial participation in the national atomic energy program by making available to those interested, developments in the program which may have application in industry.

SEC. 28. *Office of Special Projects.* The Office of Special Projects provides the General Manager and the Commission with staff services related to matters in which the Commission has negotiations with the Department of State.

SEC. 29. *Operations Analysis Staff.* The Operations Analysis Staff prepares for the General Manager technical and economic evaluations of engineering problems which concern more than one AEC division.

SEC. 30. *Division of Research.* The Division of Research develops and supervises programs of research in or involving the physical sciences, including the isotopes program, the transfer of peculiar materials and equipment among research installations, the dissemination and use of technical information in the atomic energy program, and research projects requested by other divisions. The Division also administers the program of cooperation with the Office of Naval Research, the contracts with the National Research Council and the Oak Ridge Institute of Nuclear Studies, Inc. for a fellowship program, and the exchange of technical information with the British and Canadian atomic energy projects under specially approved governmental procedures.

SEC. 31. *Division of Reactor Development.* The Division of Reactor Development develops and directs the program for the development of reactors, including the equipment and processes which

will make possible their effective and safe use; and integrates into this program the special needs of other divisions. The Director of the Reactor Development Division is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 32. *Division of Engineering.* The Division of Engineering handles special engineering and related problems for the Division of Reactor Development.

SEC. 33. *Division of Production.* The Division of Production develops and directs programs of production of fissionable materials; manages related AEC installations and community activities; maintains accountability records of source and fissionable materials; and administers programs for source materials licensing. The Director of Production is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the Assistant General Manager for Manufacturing.

SEC. 34. *Division of Construction and Supply.* The Division of Construction and Supply develops and maintains policies, procedures, and standards for and provides staff supervision of construction and related engineering matters; priorities, allocations, and expediting; mobilization plans; production facilities; licensing and equipment export control; transportation; communications; procurement and contracts; storage, utilization, and disposal of materials (other than source and fissionable materials and weapons components); equipment; supplies; real estate; records management; and provides office services for the Washington Office.

SEC. 35. *Division of Raw Materials.* The Division of Raw Materials develops and directs programs of exploration for and acquisition and production of raw source materials, including process development and production operations; the procurement of certain special materials; and advises the Assistant General Manager for Manufacturing on foreign ore procurement. The Director of Raw Materials is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the Assistant General Manager for Manufacturing.

SEC. 36. *Division of Military Application.* The Division of Military Application directs the research, development, production and testing of atomic weapons; manages related AEC installations and communities; and assists in maintaining liaison between the Atomic Energy Commission and the Department of Defense. The Director of Military Application is authorized to make and administer contracts, and to redelegate this authority, except that new or unusual types of transactions are subject to prior consideration of the General Manager.

SEC. 37. *Division of Biology and Medicine.* The Division of Biology and Medicine develops and supervises programs of research in biology, medicine, and biophysics at AEC facilities and through direct contracts with private institutions; supervises measures to guard the health of atomic energy employees and the public; maintains liaison with Federal Civil Defense Administration and other Federal agencies on civil defense matters; coordinates the procurement of radiation detection instruments; and supervises fellowship and special training programs in the life sciences.

SEC. 38. *Division of Security.* The Division of Security develops and maintains policies, standards, and procedures to assure the safekeeping of restricted data and other classified matter and to assure the protection of installations and materials of AEC; maintains liaison with the Federal Bureau of Investigation, the Department of Defense, and other agencies as required for the protection of restricted data and for the clearance of personnel; and operates the security program for the Washington Area.

SEC. 39. *Division of Organization and Personnel.* The Division of Organization and Personnel develops and maintains the independent AEC merit system through the administration of the personnel policy and related procedures; provides staff assistance in all matters of organization, management methods, contractor personnel administration, and safety and fire protection; and provides personnel services for the Washington Office.

SEC. 40. *Division of Finance.* The Controller has direct responsibility to the Commission to report the financial status of the agency and the results of its operations in conformity with generally accepted accounting principles; to detect fraud and improper diversion of assets and to prevent such occurrences to the extent possible by the maintenance of reasonable accounting and business-management controls; and to advise on financial implications of proposed courses of action. As Division Director, he is responsible to the General Manager for the performance of the Division of Finance. The Division of Finance plans, develops, and maintains over-all policies and standards for accounting, auditing, budgeting and insurance; plans, develops, and maintains procedures for program authorization and progress reporting; performs financial and business management services for the Washington Office.

SEC. 41. *Division of Information Services.* The Division of Information Services advises and assists the Commission, General Manager, and Washington principal staff in disseminating scientific, technical and general information arising from policy determinations and program developments in accordance with provisions of the Atomic Energy Act of 1946 and other statutes. The Division assists Managers of Operations in complying with the requirements of the Commission, General Manager, and Directors of Program Divisions for coordination of public and technical information programs through advice to their public and technical information staffs.

SEC. 42. *Secretary to the Commission.* The Secretary to the Commission maintains official minutes and records of the Commission; reviews and processes documents to be presented to the Commission; advises the staff, on behalf of the General Manager, of Commission decisions and requests; and provides related services.

MAJOR FIELD OFFICES

SEC. 45. *Chicago Operations Office.* The Chicago Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, administers contracts for research and development programs, including those at the Argonne National Laboratory; provides management for the execution of programs at the University of California at Berkeley, Ames Laboratory at Iowa State College at Ames, Iowa, the Westinghouse Company at Pittsburgh, Pennsylvania, and the General Electric Company at Lockland, Ohio; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Reactor Development.

SEC. 46. *Hanford Operations Office.* The Hanford Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the production of fissionable materials and other special materials and fabricated items; the management of Richland Village; related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 47. *Idaho Operations Office.* The Idaho Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, provides for the design, construction and operation of nuclear reactors and facilities and services as necessary; manages the National Reactor Testing Station and performs other special assigned functions; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Reactor Development.

SEC. 48. *New York Operations Office.* The New York Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, provides for receiving and warehousing source and other raw materials, processing source materials and other raw materials; administers the contract for a research and development program at the Brookhaven National Laboratory; is responsible for source material licensing; supervises the St. Louis and Cleveland Area Offices; administers contracts for research programs in the field of biology and medicine at Rochester, Western Reserve, and Columbia Universities; administers direct and contract operations for the construction and operations of the Fernald Area Feed Materials Production Center at Ross, Ohio; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Production.

SEC. 49. *Oak Ridge Operations Office.* The Oak Ridge Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, is responsible for the production of fissionable materials and certain special materials and fabricated items; administers contracts for research programs at Oak Ridge National Laboratory and other AEC installations administered by the Oak Ridge Operations Office; manages the community of Oak Ridge; administers the AEC isotope-production and distribution program in accordance with policies of the Division of Research; supervises the Dayton and Paducah Area Offices; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 50. *Santa Fe Operations Office.* The Santa Fe Operations Office, under the direction of a Manager of Operations responsible to the Director of Military Application, is responsible for research, development, production, and testing in the field of atomic weapons; supervises facilities at Sandia, New Mexico; manages the community at Los Alamos, New Mexico; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $3 million is subject to the approval of the Director of Military Application.

SEC. 51. *Savannah River Operations Office.* The Savannah River Operations Office, under the direction of a Manager of Operations responsible to the Director of Production, administers assigned programs for the production of fissionable materials, special materials, and fabricated items; supervises the Dana and Wilmington Area Offices; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $5 million is subject to the approval of the Director of Production.

SEC. 52. *Schenectady Operations Office.* The Schenectady Operations Office, under the direction of a Manager of Operations responsible to the Director of Reactor Development, carries out the policies of the Commission for development of nuclear reactors in the Schenectady area, including the Knolls Atomic Power Laboratory; administers related research and development contracts; supervises work in the Schenectady area performed as assistance to the Hanford Operations Office; administers related engineering and construction programs; and makes or approves contracts and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $1 million is subject to the approval of the Director of Reactor Development.

SEC. 53. *San Francisco Area Office.* The San Francisco Area Office, under the direction of an Area Manager responsible to the Director of Production, is responsible for administration of contracts for research and other programs at Livermore, California, and such other installations as may be designated; administers related engineering and construction programs; and makes or approves purchases, contracts, and subcontracts, except that each purchase, contract, subcontract, extension, or modification in excess of $2 million is subject to the approval of the Director of Production.

PART II—INFORMATION ON PROCEDURES

SECTION 1. *Research assistance*—(a) *Research and development contracts.* The Commission has entered into many contracts with public and private institutions for the prosecution of research and development work in various branches of physical, biological, and medical science and technology. These contracts are negotiated and supervised on behalf of the Commission by the General Manager, the Managers of Operations and their authorized representatives, and the scientific staff of the divisions concerned. The Division of Research is responsible for the development and supervision of the research program involving the physical sciences in AEC installations and outside organizations, including the isotope program, and inquiries regarding participation in this program may be addressed to the Director of the Division of Research in Washington. The Division of Biology and Medicine is responsible for administration of the program for the support of basic research relating to atomic energy in the fields of biology and medicine, and inquiries regarding participation in this program may be addressed to the Director of the Division of Biology and Medicine in Washington.

(b) *Distribution of isotopes.* The Commission assists and fosters research and development by a program for the sale and distribution of various radioactive and stable isotopes and for the irradiation of materials in an operating nuclear reactor. Because radioisotopes may present a distinct health hazard unless used with proper care, the Commission desires to insure that they are distributed in a manner that will assure safe handling. Any scientist working in a recognized academic, medical, or industrial research institution in the United States may address his specific request for isotopes or irradiation service to the U. S. Atomic Energy Commission, Isotopes Division, P. O. Box E, Oak Ridge, Tennessee. The Isotopes Division processes and approves applications. The approved application is returned to the applicant for transmittal to any of several distributors. The distributor, on receipt of the approved application, fills the order and bills the applicant according to a price schedule approved by the Commission. Specific regulations governing the distribution and use of radioisotopes are contained in Title 10, Part 30, Code of Federal Regulations, published in 16 F. R. 3251, April 13, 1951.

(c) *Fellowship program.* The Division of Research is responsible for the administration of the AEC fellowship program in the physical and biological sciences. The fellowship program for the 1952–1953 academic year provides only for renewals of previously awarded fellowships and will be administered for the Commission by the Oak Ridge Institute of Nuclear Studies. In addition, the Division of Biology and Medicine is responsible for the administration of fellowship programs in Radiological Physics, Industrial Medicine, and Industrial Hygiene for the purpose of providing specialized training to fill the need for personnel in these fields. Applications for fellowships in Radiological Physics and Industrial Hygiene may be submitted to the Oak Ridge Institute of Nuclear Studies, Inc., University Relations Division, P. O. Box 117, Oak Ridge, Tennessee. Applications for fellowships in Industrial Medicine may be submitted to the School of Medicine and Dentistry, Atomic Energy Commission Project, University of Rochester, Rochester, New York.

SEC. 2. *Information services.* Writers or speakers may submit material to the AEC for security review and for assistance in determining if the material is free of restricted data (as defined in the Atomic Energy Act). Review and assistance will be given insofar as national security permits. Such submission of material, as well as any requests for publicly releasable information concerning the Commission's organization and activities, should be directed to the Division of Information Services, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 3. *Material and equipment control.* (a) Pursuant to section 5 (b) of the Atomic Energy Act of 1946, a regulation which sets forth necessary procedures for licensing the transfer of source materials (materials containing uranium and thorium) has been published as Code of Federal Regulations, Title 10, Part 40 (14 F. R. 1156), March 9, 1949. Correspondence and other inquiries concerning possession, transfer, and use of source materials should be addressed to the U. S. Atomic Energy Commission, New York Operations Office, P. O. Box 30, Ansonia Station, New York 23, New York.

(b) Pursuant to section 4 (c) of the Atomic Energy Act of 1946, a regulation

which sets forth necessary procedures for licensing the manufacture and transfer of facilities for the production of fissionable material has been published as Code of Federal Regulations, Title 10, Part 50 (14 F. R. 3492, as amended in 15 F. R. 7137, October 19, 1950), July 1, 1949. Correspondence and other inquiries in this connection should be addressed to the Division of Construction and Supply, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 4. *Patents, inventions, and awards.* (a) Rules and regulations with respect to applications for awards, just compensation or the fixing of reasonable royalty fees in connection with patents and inventions under the provisions of section 11 of the Atomic Energy Act of 1946 have been published as Code of Federal Regulations, Title 10, Part 80 (13 F. R. 3457), January 18, 1948. Inquiries with respect to such matters should be addressed to the Clerk, Patent Compensation Board, U. S. Atomic Energy Commission, Washington 25, D. C.

(b) In regard to patents and patent applications owned by the Commission and available for licensing, the Commission grants non-exclusive, royalty-free licenses as part of its program to make non-secret technological information available for use by industry. Periodic listings of such patents and patent applications are released in press releases and published in various journals, including the U. S. Patent Office, Official Gazette, and the Atomic Energy Commission Nuclear Science Abstracts. Applicants for licenses should apply to the Chief, Patent Branch, Office of the General Counsel, U. S. Atomic Energy Commission, Washington 25, D. C.

SEC. 5. *Domestic uranium program.* The domestic uranium program of the Commission, under the direction of the Division of Raw Materials, was put into effect in April 1948. The details of the domestic ore purchase schedules have been explained in Domestic Uranium Circulars Nos. 1, 2, 5, and 6, which were published as Code of Federal Regulations, Title 10, Part 60 (13 F. R. 2089; 13 F. R. 2090; 16 F. R. 2333). On February 28, 1951, the Commission announced a new bonus for initial production from new and certain existing domestic mining properties. Details of this bonus offer appear in Domestic Uranium Circular No. 6, which was published as Code of Federal Regulations, Title 10, Part 60 (16 F. R. 6426), June 27, 1951. The Division of Raw Materials has developed a booklet entitled "Prospecting for Uranium" which provides valuable information and assistance to those interested in prospecting for radioactive materials. This booklet was revised in 1951 and may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., for 45 cents a copy.

Dated: June 2, 1952.

WALTER J. WILLIAMS,
Deputy General Manager.

[F. R. Doc. 52-6247; Filed, June 6, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6425]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 3, 1952.

Notice is hereby given that on May 28, 1952, the Federal Power Commission issued its order entered May 27, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6273; Filed, June 6, 1952; 8:49 a. m.]

[Docket No. E-6426]

ATLANTIC CITY ELECTRIC CO.

NOTICE OF ORDER GRANTING PERMISSION TO AMORTIZE CHARGES

JUNE 3, 1952.

Notice is hereby given that on June 3, 1952, the Federal Power Commission issued its order entered May 27, 1952, granting permission under balance sheet accounts instruction 6-E to amortize charges associated with refunded bonds in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6274; Filed, June 6, 1952; 8:49 a. m.]

[Docket No. E-6431]

CITIZENS UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JUNE 4, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, U. S. C. 824a, Citizens Utilities Company (Applicant) on May 26, 1952, filed with the Federal Power Commission an application for authorization by the Commission to export energy, over the facilities to be constructed by Applicant extending from its Grand Avenue Plant in Nogales, Santa Cruz County, Arizona, to the point of proposed interconnection at the international boundary between the United States and Mexico, with the facilities of Cia de Servicious Publicos de Nogales, S. A., in quantities approximating 1,000,000 kilowatt hours annually at a rate of 50 kilowatts.

Any person desiring to be heard or to make any protest with reference to the application should on or before June 23, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6268; Filed, June 6, 1952; 8:48 a. m.]

[Docket No. E-6433]

CITIZENS UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JUNE 4, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, U. S. C. 824a, Citizens Utilities Company (Applicant) on May 26, 1952, filed with the Federal Power Commission an application, for authorization by the Commission to export backfeed energy, over the facilities of the Applicant, from a point of proposed interconnection with the facilities of Southern Canada Power Company, Ltd., at the international boundary between the United States and Canada, proximate to Derby Line, Vermont and Rock Island, Quebec, in quantities approximating 5,000,000 kilowatt hours annually.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 23, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6269; Filed, June 6, 1952; 8:48 a. m.]

[Docket No. E-6435]

SOUTHERN UTAH POWER CO.

NOTICE OF APPLICATION

JUNE 4, 1952.

Take notice that on May 29, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Southern Utah Power Company, a corporation organized under the laws of the State of Utah and doing business in said State with its principal business office at Cedar City, Utah, seeking an order authorizing the issuance of a promissory note payable not more than one year from the date of the note or renewal thereof, to a bank or banks, in an amount not exceeding $250,000 bearing interest at a rate not in excess of 3½ percent per annum and having maturity dates not later than July 1, 1954; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 23d day of June 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6270; Filed, June 6, 1952; 8:48 a. m.]

[Docket No. E-6436]

GULF STATES UTILITIES CO.

NOTICE OF APPLICATION

JUNE 4, 1952.

Take notice that on May 29, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by Gulf States Utilities Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, with its principal business office at Beaumont, Texas, seeking an order authorizing the issuance, at competitive bidding, of 50,000 shares of $------ Dividend Preferred Stock, par value $100 per share, to be issued in July 1952, bearing dividends at a rate to be determined later; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 23d day of June 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6271; Filed, June 6, 1952; 8:48 a. m.]

[Docket Nos. G-1003, G-1012, G-1289, G-1896, G-1897]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 3, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G-1003, G-1012; South Jersey Gas Company, Docket No. G-1289; Jersey Central Power & Light Company, Docket No. G-1896; New Jersey Natural Gas Company (formerly County Gas Company), Docket No. G-1897.

Notice is hereby given that on May 28, 1952, the Federal Power Commission issued its order entered May 27, 1952, in the above-entitled matters, issuing a certificate of public convenience and necessity to New Jersey Natural Gas Company, Docket No. G-1897; permitting Jersey Central Power & Light Company, Docket No. G-1896, to abandon its facilities by sale to New Jersey Natural Gas Company; and modifying orders issuing certificates to Texas Eastern Transmission Corporation, Docket Nos. G-1003 and G-1012, and South Jersey Gas Company, Docket No. G-1289, by substituting the name of "New Jersey Natural Gas Company" in lieu of "Jersey Central Power & Light Company" in said orders (14 F. R. 910-911; 16 F. R. 2131; and 15 F. R. 2695, respectively).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6275; Filed, June 6, 1952; 8:49 a. m.]

[Docket No. G-1724]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

JUNE 3, 1952.

Notice is hereby given that on June 3, 1952, the Federal Power Commission issued its order entered May 27, 1952, permitting withdrawal of application (16 F. R. 6480), seeking (a) a disclaimer by the Commission of its jurisdiction or (b) a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6277; Filed, June 6, 1952; 8:50 a. m.]

[Docket Nos. G-1750, G-1860, G-1873]

UNITED GAS PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER

JUNE 3, 1952.

Notice is hereby given that on June 3, 1952, the Federal Power Commission issued its order entered May 27, 1952, issuing certificate of public convenience and necessity, permitting abandonment and dismissing rate proceedings in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6276; Filed, June 6, 1952; 8:50 a. m.]

[Docket No. G-1809]

GAS LATERAL CO.

NOTICE OF FINDINGS AND ORDER

JUNE 3, 1952.

Notice is hereby given that on May 29, 1952, the Federal Power Commission issued its order entered May 27, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6278; Filed, June 6, 1952; 8:50 a. m.]

[Docket Nos. G-1813, G-1937]

INDIANA GAS & WATER CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 3, 1952.

In the matters of Indiana Gas & Water Company, Inc., Docket No. G-1813, and Panhandle Eastern Pipe Line Company, Docket No. G-1937.

On October 12, 1951, Indiana Gas & Water Company, Inc. (Indiana Gas), an Indiana corporation with its principal place of business at Indianapolis, Indiana, filed an application at Docket No. G-1813 for a disclaimer of jurisdiction, or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction of 8-inch and 6-inch pipe lines paralleling existing lateral pipe lines owned and operated by Panhandle Eastern Pipe Line Company (Panhandle), and extending from the latter's main pipe lines to Crawfordsville and Lebanon, Indiana, respectively, all as more fully described in the application and in the notice thereof published in the FEDERAL REGISTER on October 31, 1951 (16 F. R. 11091).

On April 14, 1952, Panhandle, a Delaware corporation with its principal place of business at Kansas City, Missouri, filed an application at Docket No. G-1937 for a certificate authorizing the operation of the lateral pipe lines included in the application of Indiana Gas at Docket No. G-1813, and the sale to the latter at cost of certain facilities subject to the jurisdiction of the Commission, all as more fully described in the application and in the notice thereof published in the FEDERAL REGISTER on May 10, 1952 (17 F. R. 4310).

The applications, which are on file with the Commission and open to public inspection, involve kindred questions and may appropriately be heard together.

The Commission finds: Good cause exists to consolidate the above applications for the purposes of hearing and disposition.

The Commission orders:

(A) The proceedings upon the applications of Indiana Gas & Water Company, Inc., at Docket No. G-1813 and of Panhandle Eastern Pipe Line Company at Docket No. G-1937 be and the same hereby are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held commencing August 11, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6272; Filed, June 6, 1952; 8:49 a. m.]

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

MAY 29, 1952.

On May 1, 1952, Texas Eastern Transmission Corporation (Texas Eastern) filed its proposed FPC Gas Tariff, First Revised Volume No. 1, and proposed First

Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2, which, unless suspended, will become effective June 1, 1952, and will result in an increase of approximately $41,800,000, based on estimated sales for the calendar year 1953, to its resale customers.

By such tariff and rate schedules, Texas Eastern proposes to increase the rate level of each of its present firm services provided by the DCQ, CS and SGS Rate Schedules, as well as of its E Rate Schedules for emergency service, and of the X–12 Rate Schedule under which it sells storage gas to New York State Natural Gas Corporation.

If allowed to become effective, the proposed changes in rates would increase the average charges to each of Texas Eastern's resale customers, commencing June 1, 1952, by approximately 10 cents to 14 cents per Mcf. The distribution of such increase among Texas Eastern's customers for the calendar year 1953 is shown in Appendix A to this order.

Texas Eastern proposes other changes in some of its existing rate schedules as well as in other provisions of the tariff, including the General Terms and Conditions and Form of Service Agreement. Additionally, Texas Eastern proposes to eliminate its I–1 Rate Schedule, which provides an interruptible service.

It does not appear that the proposed increase in rates and charges and changes in tariff provisions have been supported as required by section 4 (e) of the Natural Gas Act, and such increase and changes in tariff provisions may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

All of Texas Eastern's 42 resale customers, as well as twelve interested regulatory agencies, were invited to submit comments with respect to the application for the proposed changes in rates. Responses were received from 20 customers and 4 regulatory agencies. Generally, these object to the rate increase, to certain tariff provisions, or request the Commission to suspend the proposed rate schedules.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act and to aid in the enforcement thereof in the public interest, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services and, pending such hearing and decision thereon, that the operation of Texas Eastern's FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets 77 and 78 to FPC Gas Tariff, Original Volume No. 2, be suspended and the use thereof deferred as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in Texas Eastern's proposed FPC Gas Tariff, First Revised Volume No. 1, and proposed First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2.

(B) Pending such hearing and decision thereon, Texas Eastern's FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2, be and the same are hereby suspended and their use deferred until November 1, 1952, and until such further time as such tariff and revised sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 29, 1952.

By the Commission. Commissioner Doty dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A—TEXAS EASTERN TRANSMISSION CORP.

Comparison of Revenues Under Present and Proposed Rates Estimated for Year 1953

	Revenues		Increase	Per-cent
	Present Rates	Proposed Rates		
Algonquin Gas Transmission Co.	$10,955,531	$14,809,280	$3,853,749	35.2
Arkansas-Missouri Power Corp.	589,051	651,439	61,388	10.4
Associated Natural Gas Co.	324,092	412,193	87,101	26.9
Belmont, town of	1,740	1,982	242	13.9
Carnegie Natural Gas Co.	958,470	1,305,065	346,594	36.2
Chambersburg, city of	11,110	15,331	4,221	38.0
City Gas Co.	42,880	62,797	19,917	46.4
County Gas Co.	434,364	614,168	179,804	41.5
Consumers Gas Co.	104,199	122,571	18,371	17.6
East Ohio Gas Co.	14,250,274	19,404,253	5,153,979	36.2
Equitable Gas Co.	3,879,379	5,283,763	1,404,384	36.2
Fulton Gas Co.	2,279	3,255	976	42.9
Illinois Electric & Gas Co.	155,974	178,263	22,289	14.3
Indiana Gas & Water Co., Inc.	117,789	162,405	42,616	36.2
Jersey Central Power & Light Co.	1,448,906	1,939,965	491,059	33.9
Lafayette, city of	3,347	3,951	604	18.0
Lawrenceburg, city of	10,118	11,526	1,408	13.9
Lebanon, city of	11,912	13,969	2,057	17.3
Manufacturers Light & Heat Co.	11,197,360	15,115,249	3,917,889	35.0
Mid-South Gas Co.	19,329	21,969	2,640	13.7
Missouri Utilities Co.	476,778	526,487	49,709	10.4
National Gas & Oil Corp.	1,121,416	1,335,591	214,175	19.1
New York & Richmond Gas Co.	331,423	497,665	166,242	50.2
New York State Natural Gas Corp.	11,319,032	15,260,791	3,941,759	34.9
Norris City, village of	1,642	1,870	228	14.0
Ohio Fuel Gas Co.	19,389,532	26,407,645	7,017,113	36.2
Ohio Valley Gas Corp.	26,258	37,944	11,686	44.5
Oran, city of	2,625	2,661	36	1.4
Patoka Development Corp.	2,625	3,729	1,104	42.0
Peoples Natural Gas Co.	7,724,181	10,021,788	2,297,607	29.7
Permian Oil & Gas Co.	2,625	3,729	1,104	42.0
Philadelphia Electric Co.	2,033,160	2,729,477	696,297	34.2
Philadelphia Gas Works Co.	7,488,371	10,501,660	3,013,289	40.3
Public Service Electric & Gas Co.	4,312,289	5,836,295	1,524,006	35.3
Red Bay, town of	3,011	3,430	419	13.9
Shippensburg Gas Co.	2,222	3,065	843	38.0
Somerset, city of	21,761	30,957	10,196	47.1
Southeastern Illinois Gas Co.	37,907	45,217	7,310	20.6
Tennessee Gas Co.	9,703	11,154	1,451	14.9
Texas Gas Transmission Corp.	8,279,700	12,081,240	3,801,540	45.9
United Natural Gas Co.	4,415,686	6,014,243	1,598,557	36.2
Waynesburg Home Gas Co.	127,784	174,719	46,935	36.7
Total	112,083,598	153,765,072	41,781,494	37.3

[F. R. Doc. 52–6252; Filed, June 6, 1952; 8:46 a. m.]

[Docket No. G–1965]

OHIO FUEL GAS CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULE

MAY 29, 1952.

On May 1, 1952, The Ohio Fuel Gas Company (Ohio Company) filed First Revised Sheet No. 7 to its FPC Gas Tariff, First Revised Volume No. 1, which is proposed to become effective June 1, 1952, and would increase the charges for the sale of natural gas for resale by $2,166,435 annually, or 11.5 percent, based on estimated sales for the twelve months ended May 31, 1953.

Under the presently existing rate schedule, which is in effect under bond in Docket No. G–1786,[1] the monthly demand charge is $1.75 and the commodity charge is 25.5 cents per Mcf. The proposed rate schedule would leave the demand charge at $1.75 but would increase the commodity charge to 30.0 cents per Mcf.

In support of the proposed increase in rates, Ohio Company states:

• • • the difference between the rates herein proposed and those now being collected under bond by reason of proceedings at Docket No. G–1786 is attributable to the increase in cost of gas purchased from Texas Eastern Transmission Corporation. • • • Accordingly, it is requested that • • • (the) Company be permitted to make effective the rates • • • and to collect the same • • • at the same time as the increased rates of Texas Eastern • • • become payable • • • (by the) Company. [Parentheses supplied.]

[1] The proposed increase is in addition to an estimated $1,270,000 annual increase which is being collected under bond in Docket No. G–1783.

The Commission has this day suspended until November 1, 1952, and until such further time as the proposal may be made effective in the manner prescribed by the Natural Gas Act, the application of Texas Eastern Transmission Corporation for an increase in rates to which Ohio Company refers and upon which its justification for its proposed increase depends. In view of the foregoing, it does not appear that the proposed increase in rates and charges and tariff provisions have been supported as required by section 4 (e) of the Natural Gas Act, and such increase and changes in tariff provisions may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

The Dayton Power and Light Company, The Cincinnati Gas & Electric Company, and West Ohio Gas Company, sharing 92.5 percent of the proposed increase, the City of Lancaster, Ohio, and The Lake Gas Company have filed objections to the proposed increase.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act to enter upon a hearing, pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services and, pending such hearing and the decision thereon, that the operation of FPC Gas Tariff, First Revised Volume No 1, be suspended and the use thereof deferred as provided by the Natural Gas Act

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission, concerning the lawfulness of The Ohio Fuel Gas Company's First Revised Sheet No. 7 to its FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, The Ohio Fuel Gas Company's First Revised Sheet No. 7 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same is hereby suspended and its use deferred to November 1, 1952, and until such further time as the First Revised Sheet No. 7 may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 29, 1952.

By the Commission. Commissioner Doty dissenting.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6253; Filed, June 6, 1952; 8:46 a. m.]

[Docket No. G–1966]

HOME GAS CO.

ORDER SUSPENDING PROPOSED TARIFF

MAY 29, 1952.

On May 1, 1952, Home Gas Company filed its proposed FPC Gas Tariff, First Revised Volume No. 1, to become effective June 1, 1952, which, if permitted to become effective, would increase the charges for the sale of natural gas for resale to seven customers[1] by 21 percent annually, or $1,241,999, based on a twelve-month period ending May, 1953.

Home Gas Company's present tariff contains a single rate schedule which is available for firm general service. The rate, in demand and commodity form, is $2.50 per Mcf per month for billing demand and 32.2 cents per Mcf for all gas delivered. Billing demand is defined as the greatest daily volume delivered during the twelve months ended with the current billing month. The minimum charge is the demand charge.

Under the proposed tariff there would continue to be one rate schedule, available for firm service, which is designated "Contract Demand Service." The monthly demand charge would be increased from $2.50 to $3.00 per Mcf and the commodity charge from 32.2 cents to 39 cents per Mcf. The billing demand would be defined as the largest day's volume taken on any day during the twelve months ending with the billing month but not greater than the contract demand but not less than 90 percent thereof. The minimum charge would continue to be the demand charge, but at the increased rate.

Approximately 50 percent of the proposed increase in rates and charges represents an expected increase in the cost of gas purchased from an affiliate, The Manufacturers Light and Heat Company, on June 1, 1952; Manufacturers having applied for an increase in rates partly on its expectation that its cost of gas purchased would increase on June 1, 1952, because its supplier, Texas Eastern Transmission Corporation, had filed for an increase in rates to become effective June 1, 1952. The Commission has today suspended Manufacturers' application for an increase in rates and has suspended Texas Eastern's application for a rate increase until November 1, 1952, and until such further time as the proposal may be made effective in the manner prescribed by the Natural Gas Act.

In addition to the increase in the rates and charges, Home Gas Company's proposed tariff involves other changes in the provisions of its present tariff. Generally, under its present tariff, the service agreements provide for entire requirements service with specific ceilings on volumetric obligations. Home Gas Company now proposes to place all of its customers on a contract demand basis with the contract demand becoming one of the factors determining the billing demand. Also, the tariff proposes to restrict to 500 Mcf per day the resale of gas for boiler fuel.

It does not presently appear that the proposed increase in rates and charges and changes in tariff provisions have been supported as required by section 4 (e) of the Natural Gas Act and such increase in rates and changes in tariff provisions may be unjust, unreasonable, unduly discriminatory or preferential.

The New York Public Service Commission and five of Home Gas Company's seven customers oppose the proposed increase in rates and charges, and three of the five customers also oppose other changes in the tariff provisions.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act to enter upon a hearing, pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services and, pending such hearing and the decision thereon, that the operation of FPC Gas Tariff, First Revised Volume No. 1, be suspended and the use thereof deferred as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission, concerning the lawfulness of Home Gas Company's proposed FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Home Gas Company's FPC Gas Tariff, First Revised Volume No. 1, be and the same is hereby suspended and its use deferred until November 1, 1952, and until such further time as such tariff may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 29, 1952.

By the Commission. Commissioner Doty dissenting.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–6254; Filed, June 6, 1952; 8:46 a. m.]

[1] Binghamton Gas Works (affiliate), The Keystone Gas Company, Inc. (affiliate), Central Hudson Gas & Electric Corporation, Empire Gas and Fuel Company, Ltd., The New York State Electric and Gas Corporation, Rockland Gas Co., Inc., Rockland Light and Power Co.

[Docket No. G–1967]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER SUSPENDING PROPOSED TARIFF

MAY 29, 1952.

On May 1, 1952, The Manufacturers Light and Heat Company (Manufacturers) filed its proposed FPC Gas Tariff, First Revised Volume No. 1, to become effective June 1, 1952, providing for an increase in the charges for sales of natural gas for resale of $2,169,344, or 14.2 percent per year based on sales for the twelve-month period ending May 31, 1953.

Manufacturers' present rates consist of a monthly demand rate of $2.00 per Mcf and a commodity rate of 24.5 cents per Mcf. The billing demand is the largest day's delivery during the twelve months ended with the current billing month.

Under the proposed tariff the demand charge would remain at $2.00 per Mcf per month. The commodity charge, however, would be increased from 24.5 cents to 29.3 cents per Mcf and the billing demand would be the higher of 90 percent of the contract demand or the largest day's volume taken on any day during the twelve months ending with the billing month, but not in excess of the contract demand.

In addition to the increase in the rates and charges, Manufacturers' proposed tariff involves other changes in the provisions of its present tariff. Under Manufacturers' present tariff the service agreements provide for entire requirements service with specific ceilings on Manufacturers' volumetric obligations. Manufacturers now proposes to place all of its customers on a contract-demand basis, with the contract demand becoming one of the factors determining the billing demand. Also, the tariff proposes to restrict to 500 Mcf per day the resale of gas for boiler fuel.

The proposed increase in rates and charges is based almost entirely on anticipated increases in the cost of gas purchased. Approximately 45 percent thereof represents Manufacturers' expectation that its cost of purchased gas would increase on June 1, 1952, because one of its suppliers of gas, Texas Eastern Transmission Corporation, filed for an increase in rates to be effective that date. We have, however, today suspended Texas Eastern's application until November 1, 1952, and until such further time as the proposal may be made effective in the manner prescribed by the Natural Gas Act.

It does not presently appear that the proposed increase in rates and charges and changes in tariff provisions have been supported as required by section 4 (e) of the Natural Gas Act, and such increase in rates and charges and changes in tariff provisions may be unjust, unreasonable, unduly discriminatory or preferential.

The Public Service Commission of New York has advised the Commission of its opposition to the proposed increase and of its intention to intervene in any proceedings relating thereto. Acme Natural Gas Company objects to the proposed change in the determination of the billing demand. Five other customers[1] have advised of their intention to intervene.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act to enter upon a hearing, pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services and, pending such hearing and the decision thereon, that the operation of FPC Gas Tariff, First Revised Volume No. 1, be suspended and the use thereof deferred as provided by the Natural Gas Act.

The Commission Orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission, concerning the lawfulness of Manufacturers' proposed FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Manufacturers' FPC Gas Tariff, First Revised Volume No. 1, be and the same is hereby suspended and its use deferred until November 1, 1952, and until such further time as such tariff may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.38 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: May 29, 1952.

By the Commission. Commissioner Doty dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6255; Filed, June 6, 1952; 8:46 a. m.]

[1] Consumers Gas Company, Harrisburg Gas Company, Lancaster County Gas Company, Allentown-Bethlehem Gas Company and Citizens Gas and Fuel Company.

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO PACIFIC INLAND TARIFF BUREAU, INC., MINIMUM CHARGES ON LIGHT AND BULKY ARTICLES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Pacific Inland Tariff Bureau, Inc., Minimum Charges on Light and Bulky Articles, before the Public Service Commission of the State of Washington, or before any other regulatory commission relating to the same subject matter, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of May 20, 1952.

Dated: June 3, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52-6304; Filed, June 6, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-196, 59-97, 70-2681]

MISSION OIL CO. ET AL.

SUPPLEMENTAL ORDER WITH RESPECT TO DESIGNATION OF DISTRIBUTION DEPOSITARY AND FIXING OF DISTRIBUTION CUT-OFF DATE

JUNE 3, 1952.

In the matter of the Mission Oil Company, Southwestern Development Company, and subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681.

The Commission, by order issued December 21, 1951, having approved a plan, as amended, filed by The Mission Oil Company ("Mission") and Southwestern Development Company ("Southwestern"), both registered holding companies, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), and joined in by Sinclair Oil Corporation ("Sinclair"), a registered holding company, which plan provides, among other things, for the liquidation and dissolution of Mission including the distribution to its stockholders of the common stocks of Southwestern, Colorado Interstate Gas Company, and Westpan Hydrocarbon Company to be received under the plan, such distribution to be made by a depositary selected by Mission, after notice to the Commission of the method used in selecting such depositary and the fees to be paid; and that the rights of Mission stockholders to receive such distributions are to expire on a date to be fixed by Mission with the approval of the Commission, after which date the unclaimed shares of stock are to be sold by the depositary and the proceeds, together with dividends received by the depositary upon the shares sold, are to be paid to the stockholders entitled thereto or held for their benefit until December 31, 1956, after which all claims against such funds shall terminate and such funds shall become the property of Southwestern; and Mission having advised the Commission that it requested bids from banks in the Kansas City, Missouri area, of the charges to be made for their services for acting as such depositary, that bids were received from Commerce Trust Company, Kansas City, Missouri, The Union National Bank, Kansas City, Missouri, and the Johnson County National Bank of Olathe, Kansas, that the bid of the Commerce Trust Company, the Mission Transfer Agent, will provide the necessary depositary services at the lowest cost, and that Mission proposes, subject to the approval of the Commission, to select it as such depositary and to pay it for such services at the rate of three dollars per transaction plus out-of-pocket expense estimated at ten per cent of the transaction charge and postage estimated at thirty cents for each insured first class mail shipment; and

Mission having advised the Commission that it proposes to fix July 5, 1952, as the distribution date, July 2, 1952, as the record date and January 5, 1953, as the date on which the rights of Mission stockholders to receive the securities to be distributed shall expire, and having requested that an order be issued herein to become effective upon its issuance approving the method of selecting the depositary and the fees proposed to be paid and January 5, 1953 as the date on which the rights of Mission stockholders to receive the securities to be distributed shall expire; and

It appearing that competitive conditions have been maintained in the selection of a depositary, that the fees and expenses proposed to be paid such depositary are not unreasonable and, the Commission finding that the selection of the depositary and the fixing of January 5, 1953 as the date on which the rights of the stockholders to receive the securities to be distributed shall expire are in accordance with the plan, and that the applicable provisions of the act and the rules and regulations promulgated thereunder have been satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors to grant said requests to approve the selection of the depositary, the designation of the date on which rights of stockholders to receive the securities to be distributed shall expire, and for the acceleration of the effective date of this order:

It is ordered, That the request of Mission for approval of the method of selection of the depositary for the distribution of the securities to be distributed by it under the plan and the fees to be paid such depositary, and the designation of January 5, 1953, as the date on which the rights of such stockholders to receive such securities shall expire be, and they hereby are, granted, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6259; Filed, June 6, 1952; 8:48 a. m.]

[File No. 70-2869]

MIDDLE SOUTH UTILITIES, INC.

ORDER CONCERNING CREDIT AGREEMENT

JUNE 3, 1952.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, having filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a) and 7 thereof with respect to the following proposed transactions:

Middle South proposes to enter into a credit agreement with certain banks whereby Middle South may borrow from time to time sums not to exceed in the aggregate amount outstanding at any one time $15,000,000. The credit agreement covers two periods, the first one terminating two years after the initial borrowing or December 31, 1954, whichever date is earlier, and the second period beginning on the day following the expiration of the first period and terminating three years thereafter.

The borrowings will be evidenced by promissory notes payable on the last day of the first period and bearing interest at the rate of 3 percent per annum. During the second period, Middle South may renew loans which are outstanding at the close of the first period or which may be outstanding at the date of any renewal during the second period. Notes given for such renewals will be payable not later than the last day of the second period and will bear interest at the rate of 3¼ percent per annum. The declaration provides that no renewals may be made during the second period without further application to the Commission.

The agreement provides that during the first period Middle South will pay a commitment fee of ¼ of 1 per cent per annum on the daily average unused balance of the aggregate commitments from June 1, 1952, which commitments may be reduced or terminated by the Company at any time.

The declaration states that the proceeds from the borrowings will be used by Middle South to make investments in its subsidiaries to assist them in carrying out their construction program and for other corporate purposes. This construction program is estimated to require the expenditure of approximately $65,000,000 in 1952 and approximately $72,000,000 in 1953, and will require new financing by the subsidiaries in the estimated amounts of approximately $48,500,000 in 1952 and $46,500,000 in 1953.

The declaration states that the credit agreement has been entered into in order to provide the subsidiaries with capital in such manner as may minimize the cost of financing the construction program during the period prior to the time when the newly constructed properties are put into operation. It is further stated that thereafter permanent financing of the borrowings will be in such form as may be advisable and appropriate under the circumstances then existing.

Said declaration having been filed on May 12, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and that it is unnecessary to impose terms and conditions in connection herewith, and the Commission deeming it appropriate to permit said declaration to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said declaration, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6258; Filed, June 6, 1952; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 16]

WOOD-WIND MUSICAL INSTRUMENTS AND PARTS

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m. on August 5, 1952, in the investigation with respect to wood-wind musical instruments and parts thereof instituted on May 6, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 4364).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 2d day of June 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-6298; Filed, June 6, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27113]

CLASS RATES BETWEEN TERRITORIES EAST AND WEST OF MISSISSIPPI RIVER

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers respondents in Class Rate Investigation, 1939, 281 I. C. C. 213, and parties to Uniform Freight Classification, George H. Dumas' I. C. C. A-1.

Commodities involved: Various commodities, carloads and less-than-carloads, subject to class rates governed by the Uniform Freight Classification.

Between: Points in southern and official territories, on the one hand, and points in southwestern and western trunk-line territories, on the other.

Grounds for relief: Circuity, grouping, rail competition, and to maintain higher rates at intermediate points within the territories west of the Mississippi River subject to ratings in exceptions to the classification.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

eference Room

proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6283; Filed, June 6, 1952; 8:51 a. m.]

[4th Sec. Application 27114]

RICE FLOUR BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Rice flour, carloads.

Between: Points in Texas.

Grounds for relief: Competition with rail carriers, to meet intrastate rates, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6284; Filed, June 6, 1952; 8:51 a. m.]

[4th Sec. Application 27115]

SCRAP OR WASTE PAPER FROM WEST MONROE, LA., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3992.

Commodities involved: Scrap or waste paper, carloads.

From: West Monroe, La.

To: Points in official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3992, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6285; Filed, June 6, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEF STUTZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Stutz, a/k/a Joseph Stutz and as Josef Stuetz, Rohrbach, Upper-Austria; Claim Nos. 42067, 44616, $2,911.36 in the Treasury of the United States; Claim No. 43013, $136.47 in the Treasury of the United States.

Roman Stutz, a/k/a Roman Stuetz, Schladming, Steiermark, Austria; Claim Nos. 42066, 44616, $1,091.76 in the Treasury of the United States; Claim No. 43013; $136.47 in the Treasury of the United States.

Ehrenreich Stutz, a/k/a Ehrenreich Stuetz, Enns, Steyrerstrasse, Upper-Austria; Claim Nos. 42068, 44616, $1,091.76 in the Treasury of the United States; Claim No. 43013, $136.47 in the Treasury of the United States.

Anna (Stutz) Schatzl, Sandl, Upper-Austria; Claim Nos. 42064, 44616, $1,091.76 in the Treasury of the United States; Claim No. 43013, $136.47 in the Treasury of the United States.

Amalia (Stutz) Hartl, Sandl, Upper-Austria; Claim Nos. 42065, 44616, $1,091.76 in the Treasury of the United States; Claim No. 43013, $136.47 in the Treasury of the United States.

Mrs. Anton (Therese) Stutz, Sandl, Upper-Austria; Claim No. 42062, $1,091.76 in the Treasury of the United States.

Anna Stutz, Sandl, Upper-Austria; Claim No. 43013, $22.74 in the Treasury of the United States.

Franz Stutz Linz, Upper-Austria; Claim No. 43013, $22.74 in the Treasury of the United States.

Anton Stutz Linz, Upper-Austria; Claim No. 43013, $22.74 in the Treasury of the United States.

Leopold Stutz Sandl, Upper-Austria; Claim No. 43013, $22.75 in the Treasury of the United States.

Max Stutz Sandl, Upper-Austria; Claim No. 43013, $22.75 in the Treasury of the United States.

Leopold Lehner, as guardian for the minor, Theresia Stutz Sandl, Upper-Austria; Claim No. 43013, $22.75 in the Treasury of the United States.

Executed at Washington, D. C., on June 2, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6309; Filed, June 6, 1952; 8:55 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 113

Washington, Tuesday, June 10, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, the exception of Civilian Director of Logistics Plan in § 6.107 (f) (2) is revoked; the expiration date of June 30, 1952, of paragraphs (a) (4), (f) (1), (f) (2), (g) (2), (h) (1), (h) (2), and (j) (1) of § 6.107 is extended to June 30, 1953.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER, *Executive Director.*

[F. R. Doc. 52-6313; Filed, June 9, 1952; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

DISPOSITION OF SURPLUS TONNAGE

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of the marketing Agreement, as amended, and the order, as amended (16 F. R. 8437), regulating the handling of dried prunes produced in California, hereinafter referred to as the "order," it is hereby found and determined, that the words "to handlers" appearing in the first sentence of § 993.63 (b) (1) of the order, and the last two sentences of § 993.63 (b) (1) of the said order no longer tend to effectuate the declared policy of the act, and that they should be suspended. As so suspended, said § 993.63 (b) (1) will read as follows:

§ 993.63 *Disposition of surplus tonnage.* * * *

(b) *Sales for export*—(1) *Countries included in estimate of salable percentage.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand.

The above-mentioned determination is predicated on the fact that the Prune Administrative Committee, the administrative agency for operations under this program, still has in its possession for disposition a relatively large quantity of surplus standard prunes which it is unable to sell readily in authorized domestic surplus outlets at prices which will be the most advantageous to the persons beneficially interested therein. While some of such prunes might be sold in domestic surplus outlets for such a low-priced usage as animal feed, such sales could not be made at desirable prices. However, it now appears that all, or a large part, of these surplus standard prunes can be sold into export channels at higher prices, if certain restrictions which are now prescribed in § 993.63 (b) (1) of the order are made inoperative. These restrictions which now preclude the making of such sales are as follows: (1) Such sales must be made only to prune handlers for resale in foreign countries; (2) they may not be made at a price below that which reflects the average price received by producers for salable tonnage during the current crop year, plus accrued charges for receiving and storing such surplus; and (3) each such offer to sell must be made to all exporting handlers on a pro rata basis. The permitting of the Prune Administrative Committee to make these sales to any and all persons in its discretion at negotiated prices, and without having to offer to sell pro rata to all exporting handlers the quantities involved should permit the Committee to make such sales in export channels ex-

(Continued on p. 5211)

CONTENTS

Agriculture Department — Page
See also Animal Industry Bureau; Dairy Industry Bureau; Production and Marketing Administration.
Notices:
Brucellosis and paratuberculosis; notice regarding contagion of communicable disease ... 5260

Alien Property, Office of
Notices:
Organization and delegations of final authority ... 5268
Vesting orders, etc.:
Schulte, Charles and John ... 5268
Voith, Elsa, et al ... 5267
Rules and regulations:
Rules of procedure for claims; motion to dismiss ... 5211

Animal Industry Bureau
Proposed rule making:
Meat inspection regulations; labeling ... 5243
Rules and regulations:
Brucellosis and paratuberculosis in domestic animals; interstate movement of domestic animals affected ... 5211

Army Department
Rules and regulations:
Organized Reserves, Enlisted Reserve Corps; miscellaneous amendments ... 5221

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alteration ... 5216
Designation of civil airways; alterations ... 5213
Designation of control areas, control zones, and reporting points; alterations ... 5215

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; Department of the Air Force ... 5209

Commerce Department
See National Production Authority.

Dairy Industry Bureau
Rules and regulations:
Sanitary inspection of process or renovated butter; miscellaneous amendments ... 5212

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department Page
See Army Department.

Economic Stabilization Agency
See Price Stabilization, Office of.

Employment Security Bureau
Rules and regulations:
Policies of the United States Employment Service; occupational analysis activities 5216

Federal Power Commission
Notices:
Hearings, etc.:
Citizens Power Co 5261
Mississippi River Fuel Corp 5260
Transcontinental Gas Pipe Line Corp 5261

Home Loan Bank Board
Proposed rule making:
Charter and bylaws; operations 5255

Internal Revenue Bureau
Proposed rule making:
Removals of alcoholic liquors, tobacco products and other articles of domestic manufacture to foreign-trade zones 5226
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941; miscellaneous amendments 5217

Interstate Commerce Commission
Notices:
Applications for relief:
Boards from points in western trunk-line territory to Kinston, N. C 5265
Cheese from points in southern territory to Virginia 5267
Class rates between points east of Rocky Mountains 5266
Corn steep water from Keokuk, Iowa, to points in Michigan and Indiana 5265
Crushed stone and sand from Lehigh, Ill., and Terre Haute, Ind., to Oliver, Ill 5265
Hydrol between points in Texas and Louisiana 5265
Liquefied chlorine gas from McIntosh, Ala., to Camden, Ark., and Bastrop and Spring Hill, La 5266
Liquefied petroleum gas between points in Southwest 5267
Scrap iron from Meridian, Miss., to Birmingham, Ala., district 5267
Scrap paper from the Southwest to points in New Jersey, Ohio, and Virginia 5266
Common carriers by railroad; permission regarding certain shipments of lumber and lumber products 5266
Rules and regulations:
Brokers of property; practices 5226
Certificates and permits; interpretative rules relating to motor-carrier operations involving traversal states; effective date 5225

Justice Department
See Alien Property, Office of.

Labor Department
See Employment Security Bureau; Wage and Hour Division.

Land Management, Bureau of
Notices:
Wisconsin; notice of filing of plat survey 5228

National Production Authority
Rules and regulations:
Basic rules of the Controlled Materials Plan; special preference status of certain authorized controlled materials orders (CMP Reg. 1, Dir. 13) 5225
Rubber; miscellaneous amendments (M–2) 5224

Price Stabilization, Office of
Rules and regulations:
Iron and steel scrap; ceiling fees for storage in special emergency circumstances (CPR 5, SR 1) 5222
Beef sold at wholesale; sales with freezers or refrigerators (CPR 24, Int. 1) 5222
Beef items sold at retail; revised ceiling prices; sales of beef with freezers or refrigerators (CPR 25, Int. 3) 5223
Sale of butter and milk powder; rounding of fractions (GCPR, Int. 58) 5224
Milk, cream, and milk products for fluid consumption; rounding of fractions in sale of butter and milk powder (GCPR, SR 20, Int. 1) 5224

Production and Marketing Administration
Proposed rule making:
Milk in New Orleans, La., marketing area 5243
Rules and regulations:
Prunes produced in California; order suspending certain provisions 5209

Securities and Exchange Commission
Notices:
Hearings, etc.:
Duquesne Light Co 5264
Green Mountain Power Corp 5262
Northern States Power Co 5262
Philadelphia Co. et al 5261
Southern Co. et al 5263
United Corp 5264
United Gas Corp. and Atlantic Gulf Gas Co 5264

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 5259

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page
Chapter I:
Part 6 5209

CODIFICATION GUIDE—Con.

Title 7 Page
Chapter IX:
Part 942 (proposed) 5243
Part 993 5209

Title 8
Chapter II:
Part 502 5211

Title 9
Chapter I:
Part 17 (proposed) 5243
Part 71 5211
Part 78 5211
Chapter III:
Part 301 5212

Title 14
Chapter II:
Part 600 5213
Part 601 5215
Part 608 5216

Title 20
Chapter V:
Part 604 5216

Title 24
Chapter I:
Part 143 (proposed) 5255
Part 144 (proposed) 5255
Part 145 (proposed) 5255
Part 163 (proposed) 5255

Title 25
Chapter I:
Part 29 5217
Part 199 (proposed) 5226

Title 32
Chapter V:
Part 564 5221

Title 32A
Chapter III (OPS):
CPR 5, SR 1 5222
CPR 24, Int. 1 5222
CPR 25, Int. 3 5223
GCPR, Int. 58 5224
GCPR, SR 20, Int. 1 5224
Chapter VI (NPA):
CMP Reg. 1, Dir. 13 5225
M–2 5224

Title 49
Chapter I:
Part 165a 5225
Part 167 5226

peditiously, in large volume, and at the highest prices obtainable. These desirable objectives would be accomplished by the presently proposed suspension action. It is vitally necessary, if the contemplated sales in export channels are to be made, that such sales be completed within a short time, as otherwise it seems that such sales may not be made. The Prune Administrative Committee is now negotiating for the making of such sales on the presently contemplated basis, and it is reasonable to expect that such sales will be consummated in considerable volume if the necessary action can be taken promptly. In this connection, it is required, in § 993.63 (b) of the order, that any surplus tonnage not disposed of by the Prune Administrative Committee by July 31 of the particular crop year (i. e., July 31, 1952, in this instance) must be disposed of thereafter for low-priced uses. The sale of these prunes into export channels would result in higher prices being received for them, with a consequent benefit to prune producers.

Notice of proposed rule making, public procedure thereon, and the delaying of the making of this order effective any later than the time of its execution (see Section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.), are impracticable, unnecessary, and contrary to the public interest. For the reasons which are set forth above, it is imperative that this order become effective as soon as it is issued. Such action is necessary to enable advantage be taken of the opportunity to make dispositions of these surplus standard prunes in the most advantageous outlets available, and will be for the best interest of the prune producers. The changes effected by this action will not require any preparation by handlers prior to its effective date, but the circumstances are such that it may be made operative immediately upon its execution. The taking of this action has been requested by the unanimous vote of the Prune Administrative Committee, which represents all segments of the prune industry.

It is therefore ordered, That the words "to handlers" in the first sentence of § 993.63 (b) (1) of the order and the provisions of the last two sentences of said § 993.63 (b) (1) be, and they hereby are, suspended, effective on and after the time of the execution of this document.

(Sec. 5, 49 Stat., as amended, 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6240; Filed, June 9, 1952; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

MISCELLANEOUS AMENDMENTS

Part 502—Rules of Procedure for Claims, Subpart A, General Rules, is hereby amended as follows:

1. Section 502.2 (m) is hereby amended to read as follows:

§ 502.2 *Definitions.* • • •

(m) The term "Chief Hearing Examiner" refers to the hearing examiner designated as such by the Director.

2. Section 502.27 is hereby amended to read as follows:

§ 502.27 *Motion to dismiss.* (a) Motion to dismiss any claim may be made by the Chief of the Claims Branch, which motion shall be in writing and shall state the reasons in support thereof. The Chief of the Claims Branch shall obtain from the Chief Hearing Examiner a date and place of hearing. Thereupon the Chief of the Claims Branch shall serve a copy of the motion, together with a notice of the date and place of hearing, upon all parties, and shall docket the motion and statement of service with the Chief Hearing Examiner.

(b) Hearing on the motion shall be held at the time and place specified in the notice, or at such other time and place as may be fixed by the Hearing Examiner.

(c) Briefs may be submitted before the hearing, at the hearing, or if the Hearing Examiner has reserved ruling on the motion, within a time fixed by the Hearing Examiner after the close of hearing.

(d) Hearing before a Hearing Examiner may be waived by the parties and the matter submitted to the Director on briefs.

(e) Motion to dismiss a claim proceeding shall be granted by the Hearing Examiner, when the claim on its face is not allowable or when it appears that the claim has been abandoned.

(f) Unless review is undertaken by the Director, the decision of the Hearing Examiner upon the motion shall be final and shall be the decision of this Office. The review and appeal provisions of § 502.23 shall apply to decisions of the Hearing Examiner upon such motions.

3. Section 502.28 (a) is amended by addition of the following sentence: "Service by the Chief of the Claims Branch of a notice of the date and place of hearing of a motion shall be in the manner set forth in this paragraph.

(Sec. 301, 55 Stat. 839, 50 U. S. C. App. 616; E. O. 9193, April 21, 1942, 7 F. R. 2985; 3 CFR 1943 Cum. Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381; 3 CFR 1946 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981, 12123, 3 CFR 1946 Supp.)

Executed at Washington, D. C., this 4th day of June 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6265; Filed, June 9, 1952; 8:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 6]

PART 71—GENERAL PROVISIONS

PART 78—BRUCELLOSIS AND PARATUBERCULOSIS IN DOMESTIC ANIMALS

DEFINITION OF TERM INTERSTATE; INTERSTATE MOVEMENT OF DOMESTIC ANIMALS AFFECTED WITH BRUCELLOSIS OR PARATUBERCULOSIS

On March 26, 1952, there was published in the FEDERAL REGISTER (17 F. R. 2626) a notice of proposed rule-making concerning amendments of the regulations, appearing in Title 9, Chapter I, Subchapter C, Code of Federal Regula-

tions, which govern the interstate transportation of animals and poultry (9 CFR and Supp. 71.1 et seq). The purpose of the proposed amendments was to define the word "interstate" as used in said Subchapter C and to add to the said subchapter a new Part 78 regulating the interstate movement of domestic animals affected with brucellosis or paratuberculosis. After due consideration of relevant matters presented, and pursuant to the authority vested in him by the acts of Congress approved May 29, 1884, as amended (21 U. S. C. 112–119, 130, and Public Law 238, 82d Cong.), February 2, 1903, as amended (21 U. S. C. 111, 120–122), and March 3, 1905, as amended (21 U. S. C. 123–128), the Secretary of Agriculture hereby amends the said Subchapter C in the following respects:

1. By adding to the definitions appearing in § 71.1 a new paragraph (l) to read as follows:

(l) *Interstate.* From one State, Territary, or the District of Columbia to any other State, Territory, or the District of Columbia.

(Sec. 2, 32 Stat. 792, ch. 30, 45 Stat. 59, Pub. Law 238, 82d Cong.; 21 U. S. C. 111)

2. By adding, at the end of said Subchapter C, a new part 78, to read as follows:

PART 78—BRUCELLOSIS AND PARATUBERCULOSIS IN DOMESTIC ANIMALS

Sec.
78.1 Interstate movements of paratuberculous and brucellosis-affected domestic animals for immediate slaughter; when permitted.
78.2 Reshipments of purebred reactors.

AUTHORITY: §§ 78.1 and 78.2 issued under sec. 2, 32 Stat. 792, ch. 30, 45 Stat. 59, Pub. Law 238, 82d Cong.; 21 U. S. C. 111. Interpret or apply secs. 6, 7, 23 Stat. 32, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 115, 117, 125.

§ 78.1 *Interstate movements of paratuberculous and brucellosis-affected domestic animals for immediate slaughter; when permitted.* Domestic animals which have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have reacted to a test recognized by the Secretary of Agriculture for brucellosis may be shipped, transported, received for transportation, or otherwise moved interstate for immediate slaughter to a slaughtering establishment operating under the provisions of the Meat Inspection Act of March 4, 1907 (34 Stat. 1260; 21 U. S. C. 71 et seq.), or to a public stockyard where Federal inspection is maintained, for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) Cattle which have reacted to either of such tests shall be marked for identification by branding on the left jaw, in letters not less than 2 nor more than 3 inches high, the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(b) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regularly employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be moved interstate; and (3) the purpose for which they are to be moved.

(c) The transportation agency shall plainly write or stamp upon the face of each of the waybills, conductors' manifests, or memoranda pertaining to shipments of such reactors the words "Brucellosis Reactors" or "Paratuberculosis Reactors," as the case may be, and a statement to the effect that the vehicle or compartment of the boat in which the animals are to be transported is to be cleaned and disinfected.

(d) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination, in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

(e) Any vehicle from which reactors moving interstate are transferred en route to destination shall be cleaned and disinfected in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter, by the carrier having possession of the vehicle at the time of transfer.

(f) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless all of the animals are for immediate slaughter or unless the reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

§ 78.2 *Reshipments of purebred reactors.* Purebred animals which have been moved interstate for breeding purposes, and which, subsequent to such movement, have reacted to a test recognized by the Secretary of Agriculture for paratuberculosis or which, never having been vaccinated for brucellosis, have, subsequent to such movement, reacted to a test recognized by the Secretary of Agriculture for brucellosis, may be reshipped interstate for purposes other than immediate slaughter in accordance with the following requirements:

(a) The reactors shall be returned to the point of origin, consigned to the original owner.

(b) The reactors shall not be shipped or transported in vehicles or in compartments of boats containing healthy animals susceptible to brucellosis or paratuberculosis unless such reactors are kept separate from the other animals by a partition securely affixed to the sides of the vehicle or compartment.

(c) The reactors shall be accompanied to destination by a certificate issued by a Bureau inspector or a regularly employed State inspector engaged in cooperative brucellosis or paratuberculosis-eradication work, showing (1) that the animals have reacted to a test recognized by the Secretary of Agriculture for brucellosis or paratuberculosis, as the case may be; (2) that they may be shipped interstate; and (3) the purpose for which they are to be shipped.

(d) Test charts for the original test and any subsequent retest, showing that such tests were properly conducted, shall be submitted for examination to the Bureau or State inspector who issues the certificate.

(e) Reactor cattle shall be marked for identification by branding on the left jaw, in letters not less than 2 nor more than 3 inches high, the letter "B" for brucellosis or the letter "T" for paratuberculosis, as the case may be, and attaching to the left ear a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reacted", or a similar State reactor tag. The metal tag only, affixed to the left ear, shall be sufficient identification for reactors other than cattle.

(f) The reactors shall not be shipped to any State or Territory or the District of Columbia without specific provision by the appropriate livestock sanitary official thereof for the segregation or quarantine of such reactors until their death by slaughter or from natural causes.

(g) The reactor shall not again be moved interstate except for immediate slaughter in accordance with the provisions of § 78.1.

(h) The vehicle or the compartment of the boat in which the reactors are transported interstate shall be cleaned and disinfected under the supervision of a Bureau inspector or a regularly employed cooperating State livestock inspector, by the final carrier, at destination in accordance with the provisions of §§ 71.9 to 71.11, inclusive, of this subchapter.

The foregoing amendments shall become effective on the 10th day of July 1952.

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-6349; Filed, June 9, 1952, 8:53 a. m.]

Chapter III—Bureau of Dairy Industry, Department of Agriculture

PART 301—SANITARY INSPECTION OF PROCESS OR RENOVATED BUTTER

MISCELLANEOUS AMENDMENTS

Pursuant to the applicable provisions of an act of Congress approved June 24, 1946, entitled "An Act to authorize the condemnation of materials which are intended for use in process or renovated butter and which are unfit for human consumption, and for other purposes" (60 Stat. 300; 26 U. S. C. 2325, 2326, and 2327) the amended regulations (16 F. R. 10149) relating to the sanitary inspection of process or renovated butter, heretofore issued in connection with the above-mentioned act, are hereby further amended, effective as of the time of the execution of this document, in the following respects:

1. Add, immediately after § 301.9, a new § 301.9a reading as follows:

§ 301.9a *Process or renovated butter factory.* One or more plants, storehouses, and other premises where process or renovated butter is manufactured (either in whole or in part), packaged, stored, or otherwise handled, and all premises where ingredients intended for use therein are stored, which are operated under the same management and so long as they are considered to be on the same bonded premises by, and are covered under the same bond in that connection to, the Bureau of Internal Revenue, United States Treasury Department: *Provided,* That, if any such manufacturing operation is conducted as aforesaid in part at a plant at one location and in part at a plant at another location, all ingredients handled, including (but not limited to) butter oil, shall be used exclusively by that bonded manufacturer at his factory in the manufacture of process or renovated butter.

2. Amend the proviso at the end of § 301.12 to read as follows: ": *Provided, however,* That butter oil may be stored under seal in commercial cold storage warehouses."

3. Amend § 301.25 by changing the period at the end thereof to a colon and adding, immediately thereafter, the following: ": *And provided further,* That butter oil which is produced at one plant of a process or renovated butter factory may be transported to and used in the manufacture of process or renovated butter at another plant of the same factory if (a) said butter oil is transported between the two plants under seal, and (b) prior to the production of such butter oil all ingredients used in such production were inspected and passed pursuant to the requirements of this part."

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and delay the effective date of this amendatory action later than the time of the execution of this document (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.). The renovated or process butter manufacturers who were covered under this act and these regulations were recently reorganized as one company, and such company is now the only person covered thereunder. These further amendments are necessary to adapt the amended regulations to cover this new situation satisfactorily. It is imperative that such further amendments be put into effect immediately in order to allow the new company to operate its business efficiently. Such further amendments have previously been discussed by officials of the Bureau of Dairy Industry of the Agricultural Research Administration of this Department with appropriate officials of the new company, as well as with appropriate officials of the Bureau of Internal Revenue of the United States Treasury Department, which latter Bureau also exercises governmental supervision over plants of this nature from a tax standpoint, and it is mutually agreed by all such officials that these further changes are appropriate and necessary, and that they should be made effective as soon as practicable. No advance preparation for the putting of these further amendments into effect will be needed.

(Sec. 1, 60 Stat. 300; 26 U. S. C. 2325)

Issued at Washington, D. C., and to become effective on, this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-6338; Filed, June 9, 1952; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 69]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.11 is amended to read:

§ 600.11 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).* That airspace over United States territory lying within 2 miles either side of the southwest course of the Vancouver, British Columbia, radio range between the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southwest course of the Vancouver, British Columbia, radio range and the Vancouver, British Columbia, radio range station. That airspace over United States territory lying within 5 miles either side of direct lines from the Megantic, Quebec, Canada, radio range station via the Millinocket, Maine, radio range station to the Fredericton, New Brunswick, radio range station.

2. Section 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended between the Palacios, Tex., radio range station and the Lake Charles, La., radio range station by deleting the following portion: "Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station;" and by adding the following portion to read: "the intersection of the southeast course of the Palacios, Tex., radio range and the southwest course of the Galveston, Tex., radio range; Galveston, Texas, radio range station; Lake Charles, La., radio range station;

3. Section 600.103 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.)* is amended by deleting the portion which reads: "the intersection of the north course of the Cheyenne, Wyo., radio range and the southeast course of the Douglas, Wyo., radio range; Douglas, Wyo., radio range station; the intersection of the northwest course of the Douglas, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station;" and by adding the following portion in lieu thereof: "the intersection of the north course of the Cheyenne, Wyo., radio range and the east course of the Casper, Wyo., radio range; Casper, Wyo., radio range station;"

4. Section 600.209 *Red civil airway No. 9 (San Diego, Calif., to Winslow, Ariz.)* is amended between the Yuma, Ariz., radio range station and the Gila Bend, Ariz., radio range station by adding the following portion to read: "the intersection of the east course of the Yuma, Ariz., radio range and the west course of the Gila Bend, Ariz., radio range;"

5. Section 600.248 *Red civil airway No. 48 (Missoula, Mont., to Livingston, Mont.)* is amended by correcting name of facility at Livingston, Mont., from "radio marker station." to "radio range station."

6. Section 600.296 is added to read:

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station to the Lake Charles, La., radio range station. From the intersection of the east course of the Lake Charles, La., radio range and the southwest course of the Baton Rouge, La., radio range via the Baton Rouge, La., radio range station to the Madisonville, La., fan marker.

7. Section 600.632 *Blue civil airway No. 32 (Pendleton, Oreg., to Talkeetna, Alaska)* is amended between the Seattle Wash., radio range station and the United States-Canadian Border to read: "From the Seattle, Wash., radio range station via the intersection of the northwest course of the Seattle, Wash., radio range and the south course of the Patricia Bay, British Columbia, radio range; the Patricia Bay, British Columbia, radio range station to the intersection of the north course of the Patricia Bay, British Columbia, radio range and the southeast course of the Comox, British Columbia, radio range, excluding the portion which lies outside the continental United States."

8. Section 600.641 is amended to read:

§ 600.641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).* From the Hartford, Conn., radio range station via the intersection of the northwest course of the Hartford, Conn., radio range and the south course of the Westfield, Mass., radio range; Westfield, Mass., radio range station; the intersection of the north course of the Westfield, Mass., radio range and the southwest course

of the Concord, N. H., radio range; Concord, N. H., radio range to the Portland, Maine, radio range station. From the Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian border.

9. Section 600.645 *Blue civil airway No. 45 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

10. Section 600.6004 is amended by changing the caption to read: "*VOR civil airway No. 4 (Portland, Oreg., to Washington, D. C.)*", by changing the first portion to read: "From the Portland (Manor), Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 96° True and the Pendleton omnirange 254° True radials;", and by changing the portion between St. Louis, Mo., omnirange station and Louisville, Ky., omnirange station to read: "St. Louis, Mo., omnirange station, including a north alternate; Evansville, Ind., omnirange station, including a south alternate; the intersection of the Evansville omnirange 80° True and the Louisville omnirange 269° True radials; Louisville, Ky., omnirange station."

11. Section 600.6006 is amended by changing caption to read: "*VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)*", by adding the following first portion to read: "From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station; intersection of Sacramento omnirange 40° True and the Reno omnirange 268° True radials; Reno, Nev., omnirange station; Lovelock, Nev., omnirange station; Battle Mt., Nev., omnirange station to the Wells, Nev., omnirange station.", and by deleting "Millersburg, Ind., omnirange station, including a south alternate;" and adding in lieu thereof: "Goshen, Ind., omnirange station, including a south alternate;"

12. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Milwaukee, Wis.)* is amended by changing the last portion to read: "From the Evansville, Ind., omnirange station via the Terre Haute, Ind., omnirange station, including a west alternate; La Fayette, Ind., omnirange station, including a west alternate; Chicago Heights, Ill., omnirange station, including an east and a west alternate; the intersection of the Chicago Heights omnirange 342° True and the Milwaukee omnirange 179° True radials to the Milwaukee, Wis., omnirange station."

13. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by deleting "Millersburg, Ind., omnirange station;" and by adding in lieu thereof: "Goshen, Ind., omnirange station;"

14. Section 600.6012 *VOR civil airway No. 12 (Albuquerque, N. Mex., to Philadelphia, Pa.)* is amended by deleting "Loogootee, Ill., omnirange station, including a north alternate;" and by adding in lieu thereof: "Vandalia, Ill., omnirange station, including a north alternate;"

15. Section 600.6014 *VOR civil airway No. 14 (Roswell N. Mex., to Boston, Mass.)* is amended by deleting "Loogootee, Ill., Calif., omnirange station; Sacramento, Calif., omnirange station to the Red Bluff, Calif., omnirange station. From the Medford, Oreg., omnirange station via the Eugene, Oreg., omnirange station; Portland (Manor), Oreg., omnirange station, including a west alternate via the intersection of the Eugene omnirange 341° True and the Newburg omnirange 204° True radials, the Newburg, Oreg., omnirange station, and the intersection of the Newburg omnirange 020° True and the Portland (Manor) omnirange 234° True radials; intersection of the Portland (Manor) omnirange 353° True and the Seattle omnirange 197° True radials, excluding that portion which overlaps the Fort Lewis danger area; Seattle, Wash., omnirange station; intersection of the Seattle omnirange 359° True and the Bellingham omnirange 169° True radials to the Bellingham, Wash., omnirange station.

19. Section 600.6025 is amended to read:

§ 600.6025 *VOR civil airway No. 25 (Oakland, Calif., to Red Bluff, Calif.).* From the Oakland, Calif., omnirange station via the Sacramento, Calif., omnirange station to the Red Bluff, Calif., omnirange station.

20. Section 600.6027 is amended to read:

§ 600.6027 *VOR civil airway No. 27 (San Francisco, Calif., to Oakland, Calif.).* From the San Francisco, Calif., omnirange station to the Oakland, Calif., omnirange station.

21. Section 600.6028 is amended to read:

§ 600.6028 *VOR civil airway No. 28 (Oakland, Calif., to Modesto, Calif.).* From the Oakland, Calif., omnirange station to the Modesto, Calif., omnirange station.

22. Section 600.6032 is amended to read:

§ 600.6032 *VOR civil airway No. 32 (Wells, Nev., to Fort Bridger, Wyo.).* From the Wells, Nev., omnirange station via to the Wendover, Utah., omnirange station; Salt Lake City, Utah, omnirange station to the Fort Bridger, Wyo., omnirange station.

23. Section 600.6040 *VOR civil airway No. 40 (Flint, Mich., to Pittsburgh, Pa.)* is amended by deleting "Lansing, Mich., omnirange 74° True" and by adding in lieu thereof: "Lansing, Mich., omnirange 71° True"

24. Section 600.6048 *VOR civil airway No. 48 (Burlington, Iowa, to Chicago Heights, Ill.)* is amended by deleting "Burlington omnirange 94° True" and by adding in lieu thereof: "Burlington omnirange 93° True"

25. Section 600.6055 *VOR civil airway No. 55 (Dayton, Ohio, to Muskegon, Mich.)* is amended by deleting "Millersburg, Ind., omnirange station;" and by adding in lieu thereof: "Goshen, Ind., omnirange station;"

26. Section 600.6059 *VOR civil airway No. 59 (Evansville, Ind., to Bradford, Ill.)* is amended by changing first portion to read: "From the Evansville, Ind., omnirange station to the Vandalia, Ill., omnirange station, including an east alternate."

27. Section 600.6066 *VOR civil airway No. 66 (San Diego, Calif., to Midland, Tex.)* is amended between Yuma, Ariz., omnirange station and Gila Bend, Ariz., omnirange station to read: "Yuma, Ariz., omnirange station; intersection of the Yuma omnirange 87° True and the Gila Bend omnirange 361° True radials; Gila Bend, Ariz., omnirange station;"

28. Section 600.6084 *VOR civil airway No. 84 (Lansing, Mich., to Flint, Mich.)* is amended by deleting "Lansing omnirange 74° True" and by adding in lieu thereof: "Lansing omnirange 71° True"

29. Section 600.6101 is amended to read:

§ 600.6101 *VOR civil airway No. 101 (Ogden, Utah, to Burley, Idaho).* From the Ogden, Utah, omnirange station to the Burley, Idaho, omnirange station.

30. Section 600.6109 is added to read:

§ 600.6109 *VOR civil airway No. 109* [Unassigned.]

31. Section 600.6110 is added to read:

§ 600.6110. *VOR civil airway No. 110 (San Francisco, Calif., to Modesto, Calif.).* From the point of intersection of the San Francisco omnirange 218° True radial and a line bearing 319° True from the Salinas, Calif., VHF VAR station via the San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 038° True and the Modesto omnirange 273° True radials to the Modesto, Calif., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., June 10, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6315; Filed, June 9, 1952; 8:46 a. m.]

[Amdt. 74]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.11 is amended by changing caption to read:

§ 601.11 *Green civil airway No. 1 control areas (Patricia Bay, British Columbia, to United States-Canadian Border via Millinocket, Maine).*

2. Section 601.101 is amended to read:

§ 601.101 *Amber civil airway No. 1 control areas (United States-Mexican Border to Nome, Alaska).* Those portions of Amber civil airway No. 1 within the limits of the continental United States. From the intersection of the southeast course of the Sitka, Alaska, radio range and the United States-Canadian Border to a line extended at right angles across such airway through a point 25 miles northwest of the McGrath, Alaska, radio range station. From a line extended at right angles across such airway through a point 59 miles southeast of the Nome, Alaska, radio range station to the Nome, Alaska, radio range station.

3. Section 601.239 is amended to read:

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska).* From a line extended at right angles across such airway through a point 25 miles southwest of the McGrath, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

4. Section 601.296 is added to read:

§ 601.296 *Red civil airway No. 96 control areas (Palacios, Tex., to Baton Rouge, La.).* All of Red civil airway No. 96.

5. Section 601.641 is amended by changing caption to read:

§ 601.641 *Blue civil airway No. 41 control areas (Hartford, Conn., to United States-Canadian Border).*

6. Section 601.645 *Blue civil airway No. 45 control areas (Lake Charles, La., to Baton Rouge, La.)* is revoked.

7. Section 601.1137 *Control area extension (Key West, Fla.)* is amended by changing name "Miami West Oceanic control area" to read: "New Orleans Oceanic Control Area."

8. Section 601.1171 is amended to read:

§ 601.1171 *Control area extension (El Paso, Tex.).* Within 5 miles either side of the north course of the El Paso radio range extending from the radio range station to a point 10 miles north of the Newman non-directional radio beacon, excluding the portion which overlaps danger areas, and all that area south of El Paso bounded on the northeast by VOR civil airway No. 66, on the south by a line 5 miles south of and parallel to a direct line between the Clint, Tex., non-directional radio beacon and the Hudspeth, Tex., omnirange station, and on the west by a line 5 miles west of and parallel to the centerline of the south course of the El Paso, Tex., radio range, excluding the portion which lies outside the continental limits of the United States.

9. Section 601.1206 is amended to read:

§ 601.1206. *Control area extension (Midland, Tex.).* From the Midland, Tex., radio range station extending 5 miles on the northeast side of the southeast course of the radio range to a point 25 miles southeast of the radio range station, and all that area between the Midland, Tex., radio range station and the El Paso, Tex., radio range station bounded on the north by Green civil airway No. 5 and on the south by VOR civil airway No. 66.

10. Section 601.1213 is added to read:

§ 601.1213 *Control area extension (Chatsworth, Calif.).* All that area bounded on the northwest by Green civil airway No. 4, on the east by Amber civil airway No. 1, and on the south by Red civil airway No. 90.

11. Section 601.1227 *Control area extension (Tampa, Fla.)* is revoked.

12. Section 601.1227 is added to read:

§ 601.1227 *Control area extension (Lovelock, Nev.).* From the Lovelock, Nev., omnirange station extending 5 miles either side of the 18° True radial of the omnirange to a point 15 miles north, and extending 5 miles either side of the 198° True radial of the omnirange to Green civil airway No. 3.

13. Section 601.1230 *Control area extension (Miami, Fla.)* is amended by changing name "Miami Oceanic Control Area" to read: "New Orleans Oceanic Control Area."

14. Section 601.1257 *Control area extension (Millersburg, Ind.)* is revoked.

15. Section 601.1257 is added to read:

§ 601.1257 *Control area extension (Goshen, Ind.).* All that area within a 15 mile radius of the Goshen, Ind., omnirange station.

16. Section 601.1282 *Control area extension (Wichita, Kans.)* is amended by adding the following portion of present control area extension: "and all that area south of the Wichita, Kans., radio range station bounded on the southwest by Blue civil airway No. 22, on the west by Blue civil airway No. 5 and on the northeast by VOR civil airway No. 73, and the area bounded on the northeast by Blue civil airway No. 22, on the southwest by VOR civil airway No. 74 and on the west by Blue civil airway No. 5."

17. Section 601.1285 is amended to read:

§ 601.1285 *Control area extension (Shreveport, La.).* All that area within a 40 nautical mile radius of Barksdale Air Force Base.

18. Section 601.1305 *Control area extension (Mountain Home, Idaho)* is amended by adding the following to present control area extension: "excluding the portion which overlaps danger areas."

19. Section 601.1983 *3-mile control zone* is amended by correcting name of airport at Everett, Wash., to read: "Everett, Wash.: Paine AFB."

20. Section 601.1984 *5-mile control zone* is amended by adding the following airports to read:

Farewell, Alaska: Farewell Airport.
McGrath, Alaska: McGrath Airport.
Minchumina, Alaska: Minchumina, Airport.
Nantucket, Mass.: Nantucket Memorial Airport.

and by correcting name of airport at Rome, N. Y., from "Rome, N. Y.: Rome AAF" to read: "Rome, N. Y.: Griffiss AFB."

21. Section 601.2038 is amended to read:

§ 601.2038 *Shreveport, La., control zone.* Within a 5 mile radius of the Shreveport Municipal Airport extending 5 miles either side of the northwest course of the Shreveport radio range from the Airport to the Dixie Fan Marker, and within a 7 mile radius of Barksdale AFB extending 5 miles either side of the southeast course of the Barksdale AFB radio range from the Air Force Base to the Elm Grove Fan Marker.

22. Section 601.2223 is amended to read:

§ 601.2223 *Charleston, W. Va., control zone.* Within a 5 mile radius of the Kanawha County Airport, extending 2 miles either side of the ILS localizer course to a point 10 miles northeast of the outer marker, and within 2 miles either side of the east and west courses of the Charleston, W. Va., radio range extending from the localizer course to a point 10 miles west of the radio range station.

23. Section 601.2234 *Miami, Fla., control zone* is amended by changing name "Navel Air Station" to read: "MCAS, Miami, Fla."

24. Section 601.4011 is amended by changing caption to read:

§ 601.4011 *Green civil airway No. 1 (Patricia Bay, British Columbia to United States-Canadian Border via Millinocket, Maine).*

25. Section 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended by deleting the following reporting points: "the intersection of the southwest course of the Houston, Tex., radio range and the southeast course of the Richmond, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station;"

26. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)* is amended by adding the following reporting points between the Skwentna, Alaska, radio range station and the Nome, Alaska, radio range station: "Farewell, Alaska, radio range station; McGrath, Alaska, radio range station;"

27. Section 601.4239 is amended to read:

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska).* Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

28. Section 601.4296 is added to read:

§ 601.4296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* The intersection of the southwest course of the Houston, Tex., radio range and the southeast course of the Richmond, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station.

29. Section 601.4641 is amended by changing caption to read:

§ 601.4641 *Blue civil airway No. 41 (Hartford, Conn., to United States-Canadian Border).*

30. Section 601.4645 *Blue civil airway No. 45 (Lake Charles, La., to Baton Rouge, La.)* is revoked.

31. Section 601.6004 is amended by changing the caption to read:

§ 601.6004 *VOR civil airway No. 4 control areas (Portland, Oreg., to Washington, D. C.).*

32. Section 601.6006 is amended by changing the caption to read:

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.).*

33. Section 601.6023 is amended to read:

§ 601.6023 *VOR civil airway No. 23 control areas (San Diego, Calif., to Bellington, Wash.).* All of VOR civil airway No. 23 including a west alternate.

34. Section 601.6025 is amended to read:

§ 601.6025 *VOR civil airway No. 25 control areas (Oakland, Calif., to Red Bluff, Calif.).* All of VOR civil airway No. 25.

35. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (San Francisco, Calif., to Oakland, Calif.).* All of VOR civil airway No. 27.

36. Section 601.6028 is amended to read:

§ 601.6028 *VOR civil airway No. 28 control areas (Oakland, Calif., to Modesto, Calif.).* All of VOR civil airway No. 28.

37. Section 601.6032 is amended to read:

§ 601.6032 *VOR civil airway No. 32 control areas (Wells, Nev., to Fort Bridger, Wyo.).* All of VOR civil airway No. 32.

38. Section 601.6101 is amended to read:

§ 601.6101 *VOR civil airway No. 101 control areas (Ogden, Utah, to Burley, Idaho).* All of VOR civil airway No. 101.

39. Section 601.6109 is added to read:

§ 601.6109 *VOR civil airway No. 109 control areas.* [Unassigned.]

40. Section 601.6110 is added to read:

§ 601.6110 *VOR civil airway No. 110 control areas (San Francisco, Calif., to Modesto, Calif.).* All of VOR civil airway No. 110.

41. Section 601.7001 is amended by deleting the following reporting points:

Eau Claire, Wis., omnirange station.
Green Bay, Wis., omnirange station.
Joliet, Ill., omnirange station.
Vandalia, Ill., omnirange station.
Wausau, Wis., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., June 10, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6316; Filed, June 9, 1952; 8:46 a. m.]

[Amdt. 27]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.12, the Yuma, Arizona area (D-382), published on October 6, 1951, in 16 F. R. 10204, is amended by changing the "Description by Geographical Coordinates" column to read:

Beginning at lat. 33°00'00" N, long. 113°52'00" W; due S to lat. 32°55'45" N; WSW to lat. 32°54'45" N, long. 114°00'00" W; due S to lat. 32°52'15" N; westerly to lat. 32°51'15" N, long. 114°21'00" W; due N to lat. 32°52'30" N; WSW to lat. 32°51'15" N, long. 114°31'00" W; due N to lat. 33°00'00" N; due E to lat. 33°00'00" N, long. 113°52'00" W, point of beginning.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 10, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6314; Filed, June 9, 1952; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

OCCUPATIONAL ANALYSIS ACTIVITIES

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, Reorganization Plan No 2 of 1949 and by delegation from the Secretary of Labor, this part is amended in the manner set forth below:

A new section designated as § 604.18 is added as follows:

§ 604.18 *Occupational analysis activities.* It is the policy of the United States Employment Service:

(a) To use the Dictionary of Occupational Titles, job descriptions, and other occupational tools to promote sound interviewing, placement, and counseling.

(b) To use the classification structure of the Dictionary of Occupational Titles as the basic system for identifying and classifying applications and employer orders, and for statistical reporting.

(c) To promote the development of new or improved occupational analysis products or techniques that will contribute to better employment service operations.

(d) To engage in job analysis and related activities as a means of keeping United States Employment Service occupational source material and publications abreast of the technological changes that occur in occupations.

(e) To supply information about occupational analysis materials, techniques, and their use to employers, to labor organizations, and to government and private agencies, and to encourage the collaboration of such organizations in the development of occupational analysis materials.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 49 k. Interprets or applies 48 Stat. 113, as amended, 58 Stat. 293; 29 U. S. C. 49–491, 38 U. S. C. 695–695f)

Signed at Washington, D. C., this 3d day of June 1952.

ROBERT C. GOODWIN,
Director of the Bureau of Employment Security.

[F. R. Doc. 52-6318; Filed, June 9, 1952; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5911]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

On October 18, 1951, notice of proposed rule making, regarding section 218 of the Revenue Act of 1950, approved September 23, 1950, was published in the FEDERAL REGISTER (16 F. R. 10640). Such notice stated that the regulations therein set forth in tentative form were subject to any changes which might be necessitated by the Revenue Bill of 1951 (H. R. 4473) then pending before the Congress. Legislation relating to the subject matter of the notice was enacted as section 331 of the Revenue Act of 1951, approved October 20, 1951. After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 (26 CFR Part 29) set forth below are hereby adopted. Such amendments are necessary in order to conform Regulations 111 to section 218 of the Revenue Act of 1950, and to section 331 of the Revenue Act of 1951.

PARAGRAPH 1. There is inserted immediately following § 29.130–1 the following:

SEC. 218. STOCK OPTIONS [REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950].

(a) *Treatment of certain employee stock options.* Supplement B of chapter 1 is hereby amended by adding at the end thereof the following new section:

SEC. 130A. EMPLOYEE STOCK OPTIONS.

(a) *Treatment of restricted stock options.* If a share of stock is transferred to an individual pursuant to his exercise after 1949 of a restricted stock option, and no disposition of such share is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him—

(1) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(2) No deduction under section 23 (a) shall be allowable at any time to the employer corporation of such individual or its parent or subsidiary corporation with respect to the share so transferred; and

(3) No amount other than the option price shall be considered as received by either of such corporations for the share so transferred.

This subsection and subsection (b) shall not apply unless (A) the individual, at the time he exercises the restricted stock option, is an employee of the corporation granting such option or of a parent or subsidiary corporation of such corporation, or (B) the option is exercised by him within three months after the date he ceases to be an employee of any of such corporations.

(b) *Special rule where option price is between 85 percent and 95 percent of value of stock.* If no disposition of a share of stock acquired by an individual upon his exercise after 1949 of a restricted stock option is made by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, but, at the time the restricted stock option was granted, the option price was less than 95 per centum of the fair market value at such time of such share, then, in the event of any disposition of such share by him, or in the event of his death (whenever occurring) while owning such share, there shall be included as compensation (and not as gain upon the sale or exchange of a capital asset) in his gross income, for the taxable year in which falls the date of such disposition or for the taxable year closing with his death, whichever is applicable, an amount equal to the amount (if any) by which the option price is exceeded by the lesser of—

(1) The fair market value of the share at the time of such disposition or death, or

(2) The fair market value of the share at the time the option was granted.

In the case of the disposition of such share by the individual, the basis of the share in his hands at the time of such disposition shall be increased by an amount equal to the amount so includible in his gross income.

(c) *Acquisition of new stock.* If stock transferred to an individual upon his exercise of the option is exchanged by him for stock or securities in an exchange within the provisions of section 112 (b) (2) or (3), or if new stock, as described in section 113 (a) (19), is acquired upon a distribution with respect to such stock, the stock or securities acquired in such exchange and such new stock shall be considered as having been transferred to him upon his exercise of such option. A similar rule shall be applied in the case of a series of such exchanges or acquisitions.

(d) *Definitions.* As used in this section—(1) *Restricted stock option.* The term "restricted stock option" means an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any of such corporations, but only if—

(A) At the time such option is granted the option price is at least 85 per centum of the fair market value at such time of the stock subject to the option; and

(B) Such option by its terms is not transferable by such individual otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and

(C) Such individual, at the time the option is granted, does not own stock possessing more than 10 per centum of the total combined voting power of all classes of stock of the employer corporation or of its parent or subsidiary corporation. For the purposes of this subparagraph—

(i) Such individual shall be considered as owning the stock owned, directly or indirectly, by or for his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants; and

(ii) Stock owned, directly or indirectly, by or for a corporation, partnership, estate, or trust, shall be considered as being owned proportionately by or for its shareholders, partners, or beneficiaries.

(2) *Parent corporation.* The term "parent corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations ending with the employer corporation if, at the time of granting of the option, each of the corporations other than the employer corporation owns stock possessing more than 50 per centum of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(3) *Subsidiary corporation.* The term "subsidiary corporation" means any corporation (other than the employer corporation) in an unbroken chain of corporations beginning with the employer corporation if, at the time of the granting of the option, each of the corporations other than the last corporation in the unbroken chain owns stock possessing more than 50 per centum of the total combined voting power of all classes of stock in one of the other corporations in such chain.

(4) *Disposition.* The term "disposition" includes a sale, exchange, gift, or any transfer of legal title, but does not include—

(A) A transfer from a decedent to his estate or a transfer by bequest or inheritance;

(B) An exchange which is within the provisions of section 112 (b) (2) or (3); or

(C) A mere pledge or hypothecation.

(e) *Modification, extension, or renewal of option.* For the purposes of subsection (d), if the terms of any option to purchase stock are modified, extended, or renewed, the following rules shall be applied with respect to transfers of stock made upon an exercise of the option after the making of such modification, extension, or renewal:

(1) Such modification, extension, or renewal shall be considered as the granting of a new option;

(2) The fair market value of such stock at the time of the granting of such option shall be considered as (A) the fair market value of such stock on the date of the original granting of the option, (B) the fair market value of such stock on the date of the making of such modification, extension, or renewal, or (C) the fair market value of such stock at the time of the making of any intervening modification, extension, or renewal, whichever is the highest.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years ending after December 31, 1949.

SEC. 331. STOCK OPTIONS [REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951].

(a) *Option subject to stockholder approval.* Section 130A (d) (relating to definition of restricted stock option) is hereby amended by striking out "As used in" and inserting "For the purposes of" and by adding at the end thereof the following:

(5) *Stockholder approval.* If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval.

(b) *Effective date.* The amendment made by subsection (a) shall be effective as if it had been enacted as part of section 218 of the Revenue Act of 1950.

§ 29.130a–1 *Meaning and use of certain terms.* For the purpose of section 130A—

(a) *Option.* (1) The term "option" includes the right or privilege of an individual to purchase stock from a corporation by virtue of an offer of the corporation continuing for a stated period of time, whether or not irrevocable, to sell such stock at a stated price, such individual being under no obligation to purchase. Such right or privilege, when granted, must be evidenced in writing. The individual who has such right or privilege is referred to as the optionee and the corporation offering to sell stock under such an arrangement is referred to as the optionor. While no particular form of words is necessary, the written option should express, among other things, an offer to sell at a stated option price and the period of time during which the offer shall remain open.

(2) An option may be granted as part of or in conjunction with an employee stock purchase plan or subscription contract.

(3) An arrangement between a corporation and an employee may involve more than one option. For example, if a corporation on June 1, 1951, grants to

an employee the right to purchase 1,000 shares of its stock on or after June 1, 1952, another 1,000 shares on or after June 1, 1953, and a further 1,000 shares on or after June 1, 1954, all shares to be purchased before June 1, 1955, provided the employee at the time of exercise of any of the purchase rights is employed by the corporation, such an arrangement will be construed as the grant to the employee on June 1, 1951, of three options, each for the purchase of 1,000 shares. Similarly, if a corporation grants to an employee on January 1, 1952, the right to purchase 1,000 shares of its stock at $35 per share during 1952, at $75 per share during 1953, and at $65 per share during 1954, such an arrangement will be construed as the grant to the employee on January 1, 1952, of three alternative options, one option for the purchase of 1,000 shares at $85 per share during 1952, an alternative option for the purchase of 1,000 shares at $75 per share during 1953, and a third alternative option for the purchase of 1,000 shares at $65 per share during 1954.

(b) *Time and date of granting of option.* (1) The words "the date of the granting of the option" and "the time such option is granted", and similar phrases, refer to the date or time when the corporation completes the corporate action constituting an offer of stock for sale to an individual under the terms and conditions of a restricted stock option. Ordinarily, if the corporate action contemplates an immediate offer of stock for sale to an individual or to a class including such individual, or contemplates a particular date on which such offer is to be made, the time or date of the granting of the option is the time or date of such corporate action if the offer is to be made immediately, or the date contemplated as the date of the offer, as the case may be. However, an unreasonable delay in the giving of notice of such offer to the individual or to the class will be taken into account as indicating that the corporation contemplated that the offer was to be made at the subsequent date on which such notice is given. If the terms of the offer do not specify the amount of the option price, the option will not be considered granted prior to the date on which the amount of the option price becomes fixed or determinable.

(2) If the corporation imposes conditions on the granting of an option (as distinguished from conditions governing the exercise of the option), such conditions shall be given effect in accordance with the intent of the corporation. A special rule is provided by section 130A (d)(5), as added by the Revenue Act of 1951, for options subject to stockholder approval. If the grant of an option is subject to approval by stockholders, the date of grant of the option shall be determined as if the option had not been subject to such approval. A condition which does not require corporate action, such as the approval of some regulatory or governmental agency, for example, a stock exchange or the Securities and Exchange Commission, is ordinarily considered a condition upon the exercise of the option unless the corporate action clearly indicates that the option is not to be granted until such condition is satisfied. If an option is granted to an individual upon the condition that such individual will become an employee of the corporation granting the option or of its parent or subsidiary corporation, such option is not granted prior to the date the individual becomes such an employee.

(3) In general, conditions imposed upon the exercise of an option will not operate to make ineffective the granting of the option. For example, on June 1, 1951, the A Corporation grants to X, an employee, an option to purchase 5,000 shares of the corporation stock, exercisable by X on or after June 1, 1952, provided he is employed by the corporation on June 1, 1952. Such an option is granted to X on June 1, 1951.

(c) *Stock.* The term "stock" means capital stock of any class, including voting or nonvoting common or preferred stock. The term includes both treasury stock and stock of original issue. Special classes of stock authorized to be issued to and held by employees are within the scope of the term "stock" as used in section 130A, provided such stock otherwise possesses the rights and characteristics of capital stock.

(d) *Option price.* The term "option price" means the consideration in money or property which, pursuant to the terms of the option, is the price at which the stock subject to the option is purchased.

(e) *Exercise.* The term "exercise", when used in reference to an option, means the act of acceptance by the optionee of the offer to sell contained in the option. In general, the time of exercise is the time when there is a sale or a contract to sell between the corporation and the individual. An agreement or undertaking by the employee to make payments under a stock purchase plan does not constitute the exercise of an option so long as the payments made remain subject to withdrawal by the employee. If the terms of the offer do not specify the amount of the option price, the option will not be considered exercised prior to the date on which the amount of the option price becomes fixed or determinable.

(f) *Transfer.* The term "transfer", when used in reference to the transfer to an individual of a share of stock pursuant to his exercise of a restricted stock option means the transfer of ownership of such share, or the transfer of substantially all the rights of ownership. Such transfer must, within a reasonable time, be evidenced on the books of the corporation.

§ 29.130a-2 *Restricted stock option*—(a) *In general.* (1) A "restricted stock option" is an option granted after February 26, 1945, to an individual, for any reason connected with his employment by a corporation, if granted by the employer corporation or its parent or subsidiary corporation, to purchase stock of any such corporations, but only if (i) at the time such option is granted the option price is at least 85 percent of the fair market value at such time of the stock subject to the option; and (ii) such option by its terms is not transferable by such individual otherwise than by will or by the laws of descent and distribution, and is exercisable, during his lifetime, only by him; and (iii) such individual, at the time the option is granted, does not own stock possessing more than 10 percent of the total combined voting power of all classes of stock either of the employer corporation or of its parent or subsidiary corporation.

(2) At the time the option is granted, the relationship between the individual to whom an option is granted and the corporation granting the option (or a corporation which is a parent or subsidiary thereof) must be the legal and bona fide relationship of employer and employee. For rules applicable to the determination whether the employer-employee relationship exists, see §405.104 of Subchapter D (Regulations 116), relating to collection of income tax at source on wages. An option granted prior to employment or after termination of employment is not a restricted stock option. As to the granting of an option conditioned upon employment, see § 29.130a-1 (b). The option must be granted for a reason connected with the individual's employment by the corporation or by its parent or subsidiary corporation. An option may qualify as a restricted stock option only if, under the terms of the option, it is not transferable (other than by will or by the laws of descent and distribution) by the individual, to whom it is granted, and is exercisable, during the lifetime of such individual, only by him. Accordingly, an option which is transferable by the individual to whom it is granted during his lifetime, or is exercisable during such individual's lifetime by another person, is not a restricted stock option.

(b) *Ownership of 10 percent of stock.* In determining the amount of stock owned by an individual, for the purpose of applying the 10 percent test of section 130A (d) (1) (C), stock of the employer corporation or of its parent or subsidiary owned (directly or indirectly) by or for such individual's brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants shall be considered as owned by such individual. For the purpose of section 130A, if a corporation, partnership, estate, or trust owns (directly or indirectly) stock of the employer corporation or of its parent or subsidiary, such stock shall be considered as being owned proportionately by or for the shareholders, partners, or beneficiaries of the corporation, partnership, estate, or trust.

§ 29.130a-3 *Exercise of restricted stock option.* (a) The special rules of income tax treatment provided in subsections (a) and (b) of section 130A are applicable only if the following conditions exist with respect to the transfer of a share of stock to an individual:

(1) The share of stock is transferred to the individual pursuant to his exercise after 1949 of a restricted stock option; and

(2) At the time the option is exercised by him, the individual is an employee of the corporation granting such option (or of a parent or subsidiary thereof) or was an employee of any such corporations within three months prior to the date the option is exercised.

(b) The special treatment provided in subsections (a) and (b) of section 130A shall apply only if the restricted stock option is exercised by the individual to whom it was granted. Such special treatment shall not be applicable with respect to stock transferred pursuant to the exercise of the option by the individual's executor, administrator, heir, or legatee. Under the provisions of section 130A (d) (1) (B), an option may qualify as a restricted stock option although it is transferable at death to the individual's executor, administrator, heir, or legatee. Thus, the fact that a restricted stock option may be exercised by an executor, administrator, heir, or legatee does not deprive the individual who exercises such option during his lifetime of the special treatment provided in section 130A.

(c) At the time of exercise of a restricted stock option, the status of the individual exercising such option must be that of a bona fide employee of the corporation granting the option or that of a bona fide employee of a parent or subsidiary of such corporation, or such individual must have been a bona fide employee of any such corporation within three months previous to the date of exercise.

(d) The determination whether an option ultimately exercised is a restricted stock option is made as of the date such option is granted. An option which is a restricted stock option when granted does not lose its character as such an option by reason of subsequent events, and an option which is not a restricted stock option when granted does not become such an option by reason of subsequent events. See, however, § 29.130a-4, relating to modification, extension, or renewal of an option. This rule is illustrated as follows:

Example 1. S-1 Corporation is a subsidiary of S Corporation which, in turn, is a subsidiary of P Corporation. On June 1, 1951 P grants to an employee of P a restricted stock option to purchase a share of stock of S-1. On January 1, 1952, S sells a portion of the S-1 stock which it owns to an unrelated corporation and, as of that date, S-1 ceases to be a subsidiary of S. On May 1, 1952, while still employed by P, the employee exercises his option to purchase a share of S-1 stock. The employee has exercised a restricted stock option.

Example 2. Assume P grants an option to an employee under the same facts as in example 1 above, except that on June 1, 1951, S-1 is not a subsidiary of either S or P. Such option is not a restricted stock option on June 1, 1951. On January 1, 1952, S purchases from an unrelated corporation a sufficient number of shares of S-1 stock to make S-1, as of that date, a subsidiary of S. On May 1, 1952, while still employed by P, the employee exercises his option to purchase a share of S-1 stock. The employee has not exercised a restricted stock option.

§ 29.130a-4 *Modification, extension, or renewal.* (a) Subsection (e) of section 130A provides rules for determining whether a share of stock transferred to an individual upon his exercise of an option, after the terms thereof have been modified, extended, or renewed, is transferred pursuant to the exercise of a restricted stock option. For the purpose of such determination, the statute provides that:

(1) Any modification, extension, or renewal of the terms of an option to purchase stock shall be considered as the granting of a new option; and

(2) The fair market value of the stock subject to the option at the time of the granting of such option shall be considered as the fair market value of such stock (i) on the date of the original granting of the option, (ii) on the date of the making of such modification, extension, or renewal, or (iii) at the time of the making of any intervening modification, extension, or renewal, whichever is the highest.

(b) The time or date when an option is modified, extended, or renewed shall be determined, insofar as applicable, in accordance with the rules governing determination of the time or date of granting an option provided in § 29.130a-1(b). A modification of an option includes any material change in the terms or conditions of the option. For example, a material change in the terms of the option with respect to the kind or price of the shares of stock subject to the option is a modification of the option. Likewise, a material change in the time of issuance of stock subject to the option, the terms of payment for such stock, or an acceleration or postponement of the exercise date is a modification of the option. However, a mere change in the terms of the option, with respect to the number or price of the shares of stock subject to the option, to reflect a stock dividend or stock split-up is not a modification of the option. Where an option is amended solely to increase the number of shares subject to the option, such increase shall not be considered as a modification of the option, but shall be treated as the grant of a new option for the additional shares. An extension of an option refers to the granting by the corporation to the optionee of an additional period of time within which to exercise the option beyond the time originally prescribed. A renewal of an option is the granting by the corporation of the same rights or privileges contained in the original option on the same terms and conditions. The foregoing rules apply as well to successive modifications, extensions, and renewals.

(c) A restricted stock option may, as a result of a modification, extension, or renewal, thereafter cease to be a restricted stock option, or an option may, by modification, extension, or renewal, thereafter become a restricted stock option. The rule stated in subsection (e) of section 130A is illustrated as follows:

Example 1. On June 1, 1950, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $90 per share, such option to be exercised on or before June 1, 1952. At the time the option is granted, the fair market value of the X Corporation stock is $100 per share. On February 1, 1951, before the employee exercises the option, X Corporation modifies the option to provide that the price at which the employee may purchase the stock shall be $80 per share. On February 1, 1951, the fair market value of the X Corporation stock is $90 per share. Under section 130A (e), the X Corporation is deemed to have granted an option to the employee on February 1, 1951, to purchase at $80 per share 100 shares of stock having a fair market value of $100 per share, that is, the higher of the fair market value of the stock on June 1, 1950, and on February 1, 1951. The exercise of such option by the employee after February 1, 1951, is not the exercise of a restricted stock option.

Example 2. On June 1, 1950, the X Corporation grants to an employee a restricted stock option to purchase 100 shares of X Corporation stock at $90 per share, exercisable after December 31, 1951, and on or before June 1, 1952. On June 1, 1950, the fair market value of X Corporation's stock is $100 per share. On February 1, 1951, X Corporation modifies the option to provide that the option shall be exercisable on or after February 1, 1951, and on or before June 1, 1952. On February 1, 1951, the fair market value of X Corporation stock is $110 per share. Under section 130A (e), X Corporation is deemed to have granted an option to the employee on February 1, 1951, to purchase at $90 per share 100 shares of stock having a fair market value of $110 per share, that is, the higher of the fair market value of the stock on June 1, 1950, and on February 1, 1951. The exercise of such option by the employee is not the exercise of a restricted stock option.

Example 3. The facts are the same as in example 1, except that the employee exercised the option to the extent of 50 shares on January 15, 1951, prior to the date of the modification of the option. Any exercise of the option after February 1, 1951, the date of the modification, is not the exercise of a restricted stock option. See example 1, above. The exercise of the option on January 15, 1951, pursuant to which 50 shares were acquired, is the exercise of a restricted option.

Example 4. On June 1, 1950, the X Corporation grants to an employee an option to purchase 100 shares of the stock of X Corporation at $80 per share, such option to be exercised on or before June 1, 1952. At the time the option is granted the fair market value of the X Corporation stock is $100 per share. On February 1, 1951, before the employee exercises the option, the X Corporation modifies the option to provide that the number of shares of stock which the employee may purchase at $80 per share will be 250. On February 1, 1951, the fair market value of the X Corporation stock is $90 per share. Under these facts, the X Corporation has granted two options, one option (not a restricted stock option) with respect to 100 shares having been granted on June 1, 1950, and the other option (a restricted stock option) with respect to the additional 150 shares having been granted on February 1, 1951. In the absence of facts identifying which option is exercised first, the employee will be deemed to have exercised the options in the order in which they were granted.

§ 29.130a-5 *Operation of section 130A.* With respect to taxable years ending after December 31, 1949—

(a) *Rules applicable to all restricted stock options*—(1) *In general.* If a share of stock is transferred to an individual pursuant to his timely exercise of a restricted stock option and is not disposed of by him within two years from the date of the granting of the option nor within six months after the transfer of such share to him, then subsection (a) of section 130A provides that—

(i) No income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(ii) No deduction under section 23 (a) shall be allowable at any time to the employer corporation of such individual or its parent or subsidiary corporation with respect to the share so transferred; and

(iii) No amount other than the option price shall be considered as received by either of such corporations for the share so transferred.

For the purpose of subparagraph (1) (i), (ii) and (iii), each share of stock transferred pursuant to a restricted stock option is treated separately. For example, if an individual, while employed by a corporation granting him a restricted stock option, exercises the option with respect to part of the stock covered by the option, and if such individual exercises the balance of the option more than three months after leaving such employment, the application of section 130A to the stock obtained upon the earlier exercise of the option is not affected by the fact that the income taxes of the employer and the individual with respect to the stock obtained upon the later exercise of the option are not determined under section 130A.

(2) *Holding period.* The special rules provided in section 130A (a) are not applicable if the individual disposes of the share of stock within two years from the date the option is granted or within six months after the transfer of such share to him. Section 130A is not made inapplicable by a transfer with the 2-year or 6-month period if such transfer is not a disposition of the stock as defined in subparagraph (3) of this paragraph, for example, a transfer from the decedent to his estate or a transfer by bequest or inheritance. Similarly, a disposition by the executor, administrator, heir, or legatee is not a disposition by the decedent.

(3) *Disposition of stock.* The term "disposition," for the purpose of section 130A, includes a sale, exchange, gift, or any transfer of legal title, but does not include a transfer from a decedent to his estate or a transfer by bequest or inheritance, an exchange which is within the provisions of section 112 (b) (2) or (3), or a mere pledge or hypothecation. However, a disposition of the stock pursuant to a pledge or hypothecation is a disposition by the individual, even though the making of the pledge or hypothecation is not such a disposition.

If an individual exercises a restricted stock option, a share of stock acquired pursuant to such exercise is not considered disposed of by the individual if such share is taken in the name of the individual and another person jointly with right of survivorship, or is subsequently transferred into such joint ownership, or is retransferred from such joint ownership to the sole ownership of the individual. However, if such individual and his joint owner transfer such share to another person, the individual has made a disposition of such share. Likewise, if a share of stock held in the joint names of such individual and another person is transferred to the name of such other person, there is a disposition of such share by the individual. If an individual exercises a restricted stock option and a share of stock is transferred to another or is transferred to such individual in his name as trustee for another, the individual has made a disposition of such share.

(4) *Examples.* The rules of subsection (a) of section 130A are illustrated as follows:

Example 1. On June 1, 1951, the X Corporation grants to E, an employee, a restricted stock option to purchase 100 shares of X Corporation stock at $95 per share. On that date, the fair market value of X Corporation stock is $100 per share. On June 1, 1952, while employed by X Corporation, E exercises the option in full and pays X Corporation $9,500, and on that day X Corporation transfers to E 100 shares of its stock having a fair market value of $12,000. Prior to June 1, 1953, E makes no disposition of the 100 shares so purchased. E realizes no income on June 1, 1952, with respect to the transfer to him of the 100 shares of X Corporation stock. X Corporation is not entitled to any deduction at any time with respect to its transfer to E of the stock. In computing its gain or loss, if any, upon such transfer, X Corporation is considered to have received no more than $9,500 for the stock so transferred. E's basis for such 100 shares is $9,500.

Example 2. Assume, in example 1, that on August 1, 1953, two years and one month after the granting of the option and one year and one month after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000, which is the fair market value of the stock on that date. For the taxable year in which the sale occurs, E realizes a gain of $3,500 ($13,000 minus E's basis of $9,500), which is treated as long-term capital gain.

Example 3. Assume, in example 2, that on August 1, 1953, E makes a gift of the 100 shares of X Corporation stock to his son. Such disposition results in no realization of gain to E either for the taxable year in which the option is exercised or the taxable year in which the gift is made. E's basis of $9,500 becomes the donee's basis for determining gain or loss.

Example 4. Assume, in example 1, that on May 1, 1953, one year and eleven months after the granting of the option and eleven months after the transfer of the shares to him, E sells the 100 shares of X Corporation stock for $13,000. The special rules of section 130A (a) are not applicable to the transfer of the stock by X Corporation to E, because disposition of the stock was made by E within two years from the date the option was granted.

Example 5. Assume, in example 1, that E dies on September 1, 1952, owning the 100 shares of X Corporation stock acquired by him pursuant to his exercise on June 1, 1952, of the restricted stock option. On the date of death, the fair market value of the stock is $12,500. No income is realized by E by reason of the transfer of the 100 shares to his estate. If E's executor elects to value the stock as of the date of death, the basis of the 100 shares in the hands of the executor is $12,500.

(b) *Additional rules applicable where the option price is between 85 percent and 95 percent of the value of the stock—*(1) *In general.* (i) If all the conditions necessary for the application of subsection (a) of section 130A exist, subsection (b) of section 130A provides additional rules which are applicable in cases where, at the time the restricted stock option is granted, the option price per share is less than 95 percent (but not less than 85 percent) of the fair market value of such share. In such case, upon the disposition of such share by the individual after the expiration of the 2-year and the 6-month periods, or upon his death while owning such share (whether occurring before or after the expiration of such periods), there shall be included in the individual's gross income as compensation (and not as gain upon the sale or exchange of a capital asset) the amount, if any, by which the option price is exceeded by the lesser of the fair market value of the share at the time the option was granted or the fair market value of the share at the time of such disposition or death. The amount of such compensation shall be included in the individual's gross income for the taxable year in which the disposition occurs or for the taxable year closing with his death, whichever event results in the application of section 130A (b).

(ii) The application of the special rules provided in section 130A (b) shall not affect the rules provided in section 130A (a) with respect to the individual exercising the option, the employer corporation, or its parent or subsidiary corporation. Thus, notwithstanding the inclusion of an amount as compensation in the gross income of an individual, as provided in section 130A (b), no income results to the individual at the time the stock is transferred to him, and no deduction under section 23 (a) is allowable at any time to the employer corporation or its parent or subsidiary with respect to such amount. Likewise, for the purpose of determining gain or loss, if any, realized by any of such corporations by reason of the transfer of a share of stock with respect to which the rules of section 130A (b) apply, no amount other than the option price shall be considered as received by any of such corporations for the stock so transferred.

(iii) If the individual exercises a restricted stock option during his lifetime and dies before the stock is transferred to him purusant to his exercise of the option, the transfer of such stock to the individual's executor, administrator, heir, or legatee is deemed, for the purpose of section 130A, to be a transfer of the stock to the individual exercising the option and a further transfer by reason of death from such individual to his executor, administrator, heir, or legatee.

(2) *Basis.* If the special rules provided in subsection (b) of section 130A are applicable to the disposition of a share of stock by an individual, the basis of such share in the individual's hands at the time of such disposition, determined under section 113, shall be increased by an amount equal to the amount includible as compensation in his gross income under section 130A (b). If the special rules provided in section 130A (b) are applicable to a share of stock upon the death of an individual, the basis of such share in the hands of the estate or the person receiving the stock by bequest or inheritance shall be determined under section 113, and shall not be increased by reason of the inclusion upon the decedent's death of any amount in his gross income under section 130A (b). See example 8, below, with respect to the determination of basis of the share in the hands of a surviving joint owner.

(3) *Examples.* The operation of section 130A (b) may be illustrated as follows:

Example 1. On June 1, 1951, the X Corporation grants to E, an employee, a restricted stock option to purchase a share of X Corporation's stock for $85. The fair market value of the X Corporation stock on such date is $100 per share. On June 1, 1952, E exercises the restricted stock option and on that date the X Corporation transfers the share of stock to E. On January 1, 1954, E sells the share for $150, its fair market value on that date. E makes his income tax return on the basis of the calendar year. The income tax consequences to E and to X Corporation are as follows:

Compensation in the amount of $15 is includible in E's gross income for 1954, the year of the disposition of the share. The $15 represents the difference between the option price ($85) and the fair market value of the share on the date the option was granted ($100), since such value is less than the fair market value of the share on the date of disposition ($150). For the purpose of computing E's gain or loss on the sale of the share, E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100. Since the share was sold for $150, E realizes a gain of $50, which is treated as long-term capital gain.

The X Corporation is entitled to no deduction under section 23 (a) at any time with respect to the share transferred to E. For the purpose of computing gain or loss, if any, to the X Corporation on account of the transfer of the share to E, the X Corporation shall not be considered to have received any amount other than $85 for the share.

Example 2. Assume, in example 1 above, E sells the share of X Corporation stock on January 1, 1955, for $75, its fair market value on that date. Since $75 is less than the option price ($85), no amount in respect of the sale is includible as compensation in E's gross income for 1955. E's basis for determining gain or loss on the sale is $85. Since E sold the share for $75, E realized a loss of $10 on the sale, which loss is treated long-term capital loss.

Example 3. Assume, in example 1 above, that instead of selling the share on January 1, 1954, E makes a gift of the share on that day. In such case, $15 is includible as compensation in E's gross income for 1954. E's cost basis of $85 is increased by $15, the amount includible in E's gross income as compensation. Thus, E's basis for the share is $100, which becomes the donee's basis, as of the time of the gift, for determining gain or loss.

Example 4. Assume, in example 2 above, that instead of selling the share on January 1, 1955, E makes a gift of the share on that date. Since the fair market value of the share on that day ($75) is less than the option price ($85), no amount in respect of the disposition by way of gift is includible as compensation in E's gross income for 1955. E's basis for the share is $85, which becomes the donee's basis, as of the time of the gift, for the purpose of determining gain. The donee's basis for the purpose of determining loss, determined under section 113 (a) (2), is $75 (fair market value of the share at the date of gift).

Example 5. Assume, in example 1 above, that after acquiring the share of stock on June 1, 1952, E dies on August 1, 1953, at which time the share has a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death, such $15 being the difference between the option price ($85) and the fair market value of the share when the option was granted ($100), since such value is less than the fair market value at date of death ($150). The basis of the share in the hands of E's estate is determined under section 113 (a) (5) without regard to the $15 includible in the decedent's gross income.

Example 6. Assume, in example 5 above, that E dies on August 1, 1952, at which time the share has a fair market value of $150. Although E's death occurred within two years from the date of the granting of the option and within six months after the transfer of the share to him, the income tax consequences are the same as in example 5.

Example 7. Assume the same facts as in example 1 above, except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E and his wife sold the share on June 15, 1953, for $150, its fair market value on that date. Compensation in the amount of $15 is includible in E's gross income for 1953, the year of the disposition of the share. The basis of the share in the hands of E and his wife for the purpose of determining gain or loss on the sale is $100, that is, the cost of $85 increased by the amount of $15 includible as compensation in E's gross income. The gain of $50 on the sale is treated as long-term capital gain, and is divided equally between E and his wife.

Example 8. Assume the same facts as in example 1 above, except that the share of stock was issued in the names of E and his wife jointly with right of survivorship, and except that E predeceased his wife on August 1, 1953, at which time the share had a fair market value of $150. Compensation in the amount of $15 is includible in E's gross income for the taxable year closing with his death. See example 5, above. The basis of the share in the hands of E's wife as survivor is, under sections 113 (a) and 130A (b), the cost of $85 increased by the $15 includible in the decedent's gross income, or $100.

Example 9. Assume in example 8 above that E's wife predeceased him on July 1, 1953. Section 130A (b) does not apply in respect of her death. Upon the subsequent death of E on August 1, 1953, the income tax consequences in respect of E's taxable year closing with the date of his death, and in respect of the basis of the share in the hands of his estate, are the same as in example 5 above. If E had sold the share on July 15, 1953 (after the death of his wife), for $150, its fair market value at that time, the income tax consequences would be the same as in example 1 above.

(c) *Acquisition of other stock or securities.* Section 130A (c) provides that the special rules stated in subsections (a) and (b) of section 130A, if applicable with respect to stock transferred to an individual upon his exercise of an option, shall likewise be applicable with respect to (1) stock or securities acquired by such individual in exchange for such stock, if the exchange is within the provisions of section 112 (b) (2) or (3), and (2) new stock, as described in section 113 (a) (19), acquired upon a distribution with respect to such stock. Such new stock and such stock or securities so acquired shall, for the purpose of section 130A, be considered as having been transferred to the individual upon his exercise of the option. A similar rule shall be applied in the case of a series of such exchanges or acquisitions.

For example, if new stock, as described in section 113 (a) (19), is acquired upon a distribution with respect to stock transferred to the individual upon the timely exercise of a restricted stock option, and if such new stock is disposed of within two years from the date the option was granted or within six months after the original stock was transferred to such individual, section 130A is not applicable with respect to such new stock. If the disposition occurs after the 2-year and 6-month periods, section 130A is applicable.

PAR. 2. Section 29.22 (a)–1, as amended by Treasury Decision 5500, approved February 2, 1948, is further amended as follows:

(A) By striking the first word of the third paragraph, and by inserting in lieu thereof the following: "Except as otherwise provided in section 130A, if"; and

(B) By adding at the end of paragraph (c) thereof the following sentence: "See section 130A and the regulations prescribed thereunder for special rules with respect to stock transferred from an employer to an employee pursuant to the timely exercise of a restricted stock option."

PAR. 3. Section 29.113 (a)–1, as amended by Treasury Decision 5402, approved September 5, 1944, is further amended by adding at the end thereof the following sentence: "For special rules for determining the basis for gain or loss in the case of the disposition of a share of stock acquired pursuant to the timely exercise of a restricted stock option where the option price was between 85 percent and 95 percent of the fair market value of the stock at the time the option was granted, see section 130A (b)."

(53 Stat. 32, 467; 26 U. S. C. 22, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 5, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6357; Filed, June 9, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 564—ENLISTED RESERVE CORPS

INELIGIBILITY; LENGTH OF ENLISTMENT

Sections 564.3 (g) and 564.6 are amended to read as follows:

§ 564.3 *Ineligibility.* • • •

(g) Persons who have been convicted of a felony or who have criminal charges filed and pending against them alleging a violation of a State, Federal or Territorial statute. (For prior service personnel, only felonies committed subsequent to date of separation from last period of service are considered disqualifying.) Waivers in the case of any individual who has been convicted of a crime involving moral turpitude will be granted only by the Department of the Army.

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§ 564.6 *Length of enlistment.* Enlistments and reenlistments in the Enlisted Reserve Corps will be for 3 years. However, a male enlistee who upon enlistment has not attained the twenty-sixth anniversary of the date of his birth and who has not completed a period of service entered upon under the provisions of section 4 (d) (1), (2) or (3), Universal Military Training and Service Act, as amended (Pub. Law 51, 82d

Cong.), incurs the 8-year service obligation imposed by section 4 (d) (3) of that act.

(39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U. S. C. 421, 423-427) [C4, SR 140-107-1, May 6, 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6348; Filed, June 9, 1952; 8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5, Supplementary Regulation 1]

CPR 5—IRON AND STEEL SCRAP

SR 1—CEILING FEES FOR STORAGE OF IRON AND STEEL SCRAP IN SPECIAL EMERGENCY CIRCUMSTANCES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes a ceiling charge to be made for the service of unloading, storing and reloading iron or steel scrap when, because of a strike at a consumer's mill or in anticipation of such a strike, the consumer authorizes a person to perform such service. This regulation is an emergency measure only and permits such charges to be made only on shipments received after June 1, 1952 and not later than 24 hours after the termination of the strike at the mill for which the service is being performed.

It is customary in the iron and steel scrap industry for consumers in anticipation of and during a strike to have scrap which is in transit to them unloaded and stored at certain authorized locations because of their inability to handle the scrap at their mill. This action enables the consumers to stockpile vitally needed scrap and to minimize the demurrage charges which would otherwise accumulate.

In the opinion of the Director, the $1.50 per gross ton charge is reasonable for such services and is in line with charges otherwise authorized under CPR 5. While it may be noted that a $1.50 charge is allowed for merely loading scrap which is purchased "as is, where is," such loading is normally done without the aid of the efficient scrap handling equipment available in the average dealer or broker's yard where the material will be stored.

The charge for this service may be made only where the scrap originates at some point other than the yard at which the material is being stored.

Since the dealer preparing iron or steel scrap on an intransit preparation fee basis is already compensated for unloading and reloading the material, no additional charge for such services may be made by such person under this supplementary regulation.

In view of the nature of this supplementary regulation special circumstances have rendered consultation with industry representatives including trade association representatives impracticable.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling price.
3. Record-keeping requirements.
4. Incorporation of CPR 5 provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes a flat ceiling fee of $1.50 per gross ton for the service of unloading, storing, weighing and reloading rail or vessel shipments of iron or steel scrap in anticipation of and for the duration of the steel strike within certain limitations set forth in section 2.

SEC. 2. *Ceiling price.* Any person may charge and any consumer may pay a fee not in excess of $1.50 per gross ton for the service of receiving, unloading, storing and reloading, inclusive, iron and steel scrap, provided that all of the following conditions are met:

(1) The person making such a charge has been requested in writing by the consumer to receive and unload rail or vessel shipments of iron and steel scrap at his yard or at some other location designated by the consumer for the duration of a strike affecting the consumer's mill;

(2) The rail or vessel shipment is unloaded for storing after June 1, 1952 and not later than 24 hours after the official termination of the strike at the mill for which the service is being performed;

(3) The iron and steel scrap for which the charge is being made originated neither in such person's yard nor at the location designated by the consumer for storing.

(b) In no case may a dealer charge a fee under this section for material for which he is also charging an intransit preparation fee under CPR 5.

(c) No additional charge may be made by such person for weighing the material so handled.

SEC. 3. *Record-keeping requirements.* Every person making a charge to a consumer under this supplementary regulation shall keep and maintain for inspection by the Office of Price Stabilization for a period of two years accurate records showing the charge made, the name and address of the consumer, the authorization from the consumer to store the scrap; the names and addresses of the shippers; the shipping points; the tonnage involved in each scrap shipment; the numbers of the railroad cars in which the scrap was received for unloading; the date when the scrap shipments were received for unloading and the date on which the scrap was reloaded and shipped to the consumer.

SEC. 4. *Incorporation of CPR 5 provisions.* Any person subject to this supplementary regulation is also subject to all provisions of Ceiling Price Regulation 5 not inconsistent with the provision of this regulation including but not limited to the enforcement and evasion provisions thereof. All terms used in this regulation shall have the same meaning as those used in Ceiling Price Regulation 5.

Effective date. This supplementary regulation to Ceiling Price Regulation 5 shall become effective June 6, 1952.

NOTE: All record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 6, 1952.

[F. R. Doc. 52-6410; Filed, June 6, 1952; 4:38 p. m.]

[Ceiling Price Regulation 24, Interpretation 1]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

INT. 1—SALES OF BEEF WITH FREEZERS OR REFRIGERATORS

Several inquiries have been received about the regulations covering beef sales in conjunction with sales of freezers or refrigerators. Numerous plans have been developed recently whereby purchasers of such appliances are offered a supply of beef at the time of, and as an inducement for, such purchases. While the plans vary in detail, they have raised several common questions regarding the application of various sections of Ceiling Price Regulation (CPR) 24 and CPR 25, Revised. This interpretation answers basic or common questions in this regard which have come to the attention of the Office of Price Stabilization.

1. *Sales must be separate.* Any arrangement, agreement, contract, understanding, or other device between any persons, which requires a buyer to purchase a freezer or other appliance in order to purchase any beef item at retail, is a violation of sections 13 (a) and 13 (b) (6) of CPR 25, Revised. Purchases of freezers or other appliances and purchases of beef at retail must be separate and clearly distinguishable transactions. There must be an independent offer and acceptance for each transaction, and purchasers of either commodity must have a free choice as to whether or not they will buy the other commodity.

2. *Offers may not be restrictive.* Not only the sale but also the offer to sell a beef item at retail upon condition of the purchase of any other commodity or service is a violation of sections 13 (a) and 13 (b) (6) of CPR 25, Revised. The offer to sell a beef item exclusively to buyers of appliances is equivalent to forcing would-be purchasers of beef items to buy the appliances. This practice is a restriction of the sale of beef items to the buyers of the appliances only, and is therefore prohibited. Anyone wishing to sell beef items to appliance buyers must offer such items to the general retail trade.

3. *Separate billing.* Section 8 (b) of CPR 25, Revised, provides that on every sale of 25 pounds, or more, of beef at retail made in connection with the sale of refrigeration equipment, or any other appliance, a document must be given to the purchaser, listing the names of all beef cuts sold, together with the cost per pound and all charges for each cut. These facts must be shown on that document in such a manner that the costs and charges for the beef cuts can be clearly distinguished from the costs and charges for other commodities, and can be identified as relating only to the sale of beef cuts.

4. *Overcharges to cover financing not permitted.* Section 13 (b) (10) of CPR 25, Revised, prohibits charging or receiving any consideration for any service (in connection with the sale of beef at retail) for which a ceiling price has not been provided in the regulation. Financing the purchase of beef at retail is a "service" in connection with a sale within the meaning of this section, and no ceiling price has been provided in the regulation for financing service. Therefore, the seller may not make any charge for any financing service in connection with the purchase of a beef item at retail, in the form of interest or otherwise, if the addition of this charge to the price charged for the beef item will cause the total charges to exceed the regulation's ceiling price for the beef item.

Such an excess charge is also a violation of the regulation if made by an affiliate, subsidiary, principal or agent of the seller of beef.

This interpretation does not prohibit the retail sale or purchase of beef items on credit. It prohibits only the taking of any consideration for providing such credit in excess of CPR 25, Revised, ceilings.

5. *Limitation on sale of wholesale cuts.* Many of the combination plans apparently include the sale to consumers of sides or quarters of beef. Attention is called to section 13 (b) (3) of CPR 25, Revised, which prohibits the sale of wholesale beef cuts for which retail prices have not been set in section 40 of the regulation, except as provided in section 13 (c). While this interpretation does not purport to summarize section 13 (b) (3), it is appropriate to state here that only the following wholesale beef cuts may be sold to consumers by retailers not covered by section 13 (c): Round, sirloin, short loin, trimmed loin, rib, flank, regular chuck, short plate, brisket and fore shank. All such cuts must conform to the cutting definitions of CPR 25, Revised. Carcasses, sides, hindquarters and forequarters may be sold at retail only by sellers qualifying under section 13 (c). It is also noted that any charge in connection with the permitted sale of wholesale cuts, which results in an overceiling price, is a violation of sections 13 (a) and 13 (b) (10) thereof, except as provided in section 13 (c). Among the charges prohibited thereby are wrapping, cutting, packaging, processing and similar charges.

6. *Sales of beef by appliance vendors.* Any vendor of appliances who sells beef items to a consumer, who bills a consumer for beef items on his own account, or who receives a consideration for a sale of beef items to a consumer, is a seller of beef at retail and is subject to the provisions of CPR 25, Revised. As such he must keep the records and make the reports required of such sellers by sections 11 and 12 of the regulation. For the purposes of this regulation he must determine his store group according to Article III. A store which sells only appliances and food is not a store selling general merchandise under this regulation, and its group may not be determined under section 32 (a).

7. *Sales of beef to appliance vendors.* A sale of a beef item to an appliance vendor by a retailer for resale is not a sale to a consumer, but a sale to another retailer for resale. Therefore in such a transaction both the seller and the buyer must comply with the provisions of section 23 of CPR 25, Revised. This section, among other things, prohibits the sale of wholesale cuts by one retailer to another.

Under section 3 (h) of CPR 24, prefabricated retail cuts may be sold to a retailer at wholesale only if the conditions stated in section 11 (b) of that regulation are complied with. The sale of fabricated cuts (cuts usually sold to eating places) to domestic retailers is prohibited by section 8 (b) (3) of that regulation.

Any transaction in which a retailer of beef (a) transfers title to a beef item to an appliance vendor, or (b) receives a consideration from an appliance vendor for the sale, transfer, or delivery of a beef item to any person, is a sale of a beef item by the retailer to the appliance vendor. However, where an appliance vendor acts as an agent for collection or payment only, in connection with a sale of beef at retail, the transaction between the retailer and the appliance vendor is not a sale of beef and is not subject to the provisions of CPR 25, Revised.

(Secs. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6435; Filed, June 9, 1952; 11:31 a. m.]

[Ceiling Price Regulation 25, Interpretation 3, Revised]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

INT. 3—SALES OF BEEF WITH FREEZERS OR REFRIGERATORS

Several inquiries have been received about the regulations covering beef sales in conjunction with sales of freezers or refrigerators. Numerous plans have been developed recently whereby purchasers of such appliances are offered a supply of beef at the time of, and as an inducement for, such purchases. While the plans vary in detail, they have raised several common questions regarding the application of various sections of Ceiling Price Regulation (CPR) 24 and CPR 25, Revised. This interpretation answers basic or common questions in this regard which have come to the attention of the Office of Price Stabilization.

1. *Sales must be separate.* Any arrangement, agreement, contract, understanding, or other device between any persons, which requires a buyer to purchase a freezer or other appliance in order to purchase any beef item at retail, is a violation of sections 13 (a) and 13 (b) (6) of CPR 25, Revised. Purchases of freezers or other appliances and purchases of beef at retail must be separate and clearly distinguishable transactions. There must be an independent offer and acceptance for each transaction, and purchasers of either commodity must have a free choice as to whether or not they will buy the other commodity.

2. *Offers may not be restrictive.* Not only the sale but also the offer to sell a beef item at retail upon condition of the purchase of any other commodity or service is a violation of sections 13 (a) and 13 (b) (6) of CPR 25, Revised. The offer to sell a beef item exclusively to buyers of appliances is equivalent to forcing would-be purchasers of beef items to buy the appliances. This practice is a restriction of the sale of beef items to the buyers of the appliances only, and is therefore prohibited. Anyone wishing to sell beef items to appliance buyers must offer such items to the general retail trade.

3. *Separate billing.* Section 8 (b) of CPR 25, Revised, provides that on every sale of 25 pounds, or more, of beef at retail made in connection with the sale of refrigeration equipment, or any other appliance, a document must be given to the purchaser, listing the names of all beef cuts sold, together with the cost per pound and all charges for each cut. These facts must be shown on that document in such a manner that the costs and charges for the beef cuts can be clearly distinguished from the costs and charges for other commodities, and can be identified as relating only to the sale of beef cuts.

4. *Overcharges to cover financing not permitted.* Section 13 (b) (10) of CPR 25, Revised, prohibits charging or receiving any consideration for any service (in connection with the sale of beef at retail) for which a ceiling price has not been provided in the regulation. Financing the purchase of beef at retail is a "service" in connection with a sale within the meaning of this section, and no ceiling price has been provided in the regulation for financing service. Therefore, the seller may not make any charge for any financing service in connection with the purchase of a beef item at retail, in the form of interest or otherwise, if the addition of this charge to the price charged for the beef item will cause the total charges to exceed the regulation's ceiling price for the beef item.

Such an excess charge is also a violation of the regulation if made by an affiliate, subsidiary, principal or agent of the seller of beef.

This interpretation does not prohibit the retail sale or purchase of beef items

on credit. It prohibits only the taking of any consideration for providing such credit in excess of CPR 25, Revised, ceilings.

5. *Limitation on sale of wholesale cuts.* Many of the combination plans apparently include the sale to consumers of sides or quarters of beef. Attention is called to section 13 (b) (3) of CPR 25, Revised, which prohibits the sale of wholesale beef cuts for which retail prices have not been set in section 40 of the regulation, except as provided in section 13 (c). While this interpretation does not purport to summarize section 13 (b) (3), it is appropriate to state here that only the following wholesale beef cuts may be sold to consumers by retailers not covered by section 13 (c): Round, sirloin, short loin, trimmed loin, rib, flank, regular chuck, short plate, brisket and fore shank. All such cuts must conform to the cutting definitions of CPR 25, Revised. Carcasses, sides, hindquarters and forequarters may be sold at retail only by sellers qualifying under section 13 (c). It is also noted that any charge in connection with the permitted sale of wholesale cuts, which results in an overceiling price, is a violation of sections 13 (a) and 13 (b) (10) thereof, except as provided in section 13 (c). Among the charges prohibited thereby are wrapping, cutting, packaging, processing and similar charges.

6. *Sales of beef by appliance vendors.* Any vendor of appliances who sells beef items to a consumer, who bills a consumer for beef items on his own account, or who receives a consideration for a sale of beef items to a consumer, is a seller of beef at retail and is subject to the provisions of CPR 25, Revised. As such he must keep the records and make the reports required of such sellers by Sections 11 and 12 of the regulation. For the purposes of this regulation he must determine his store group according to Article III. A store which sells only appliances and food is not a store selling general merchandise under this regulation, and its group may not be determined under section 32 (a).

7. *Sales of beef to appliance vendors.* A sale of a beef item to an appliance vendor by a retailer for resale is not a sale to a consumer, but a sale to another retailer for resale. Therefore in such a transaction both the seller and the buyer must comply with the provisions of section 23 of CPR 25, Revised. This section, among other things, prohibits the sale of wholesale cuts by one retailer to another.

Under section 3 (h) of CPR 24, prefabricated retail cuts may be sold to a retailer at wholesale only if the conditions stated in section 11 (b) of that regulation are complied with. The sale of fabricated cuts (cuts usually sold to eating places) to domestic retailers is prohibited by section 8 (b) (3) of that regulation.

Any transaction in which a retailer of beef (a) transfers title to a beef item to an appliance vendor, or (b) receives a consideration from an appliance vendor for the sale, transfer, or delivery of a beef item to any person, is a sale of a beef item by the retailer to the appliance vendor. However, where an appliance vendor acts as an agent for collection or payment only, in connection with a sale of beef at retail, the transaction between the retailer and the appliance vendor is not a sale of beef and is not subject to the provisions of CPR 25, Revised.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6436; Filed, June 9, 1952; 11:31 a. m.]

[General Ceiling Price Regulation, Interpretation 58]

GENERAL CEILING PRICE REGULATION

INT. 58—ROUNDING OF FRACTIONS IN THE SALE OF BUTTER AND MILK POWDER (SECTION 22)

Under section 22 of the General Ceiling Price Regulation, in the case of a sale of a single unit of a commodity, a fraction of a cent in the price is dropped if it is less than one-half cent, and increased to the next highest cent if it is one-half cent or more; while in the case of a sale of more than one unit, the unrounded fraction in the unit ceiling price is multiplied by the number of units being sold and any resulting fraction in the total quantity price is dropped if it is less than one-half cent and increased to the next highest cent if it is one-half cent or more.

The different treatment of fractions set forth in Supplementary Regulation 20 to the General Ceiling Price Regulation is adopted in recognition of the customary practice of the fluid milk industry to establish unit prices expressed in fractions of cents. This is limited to sales of milk, cream, and milk products for fluid consumption, the sales of which are covered by Supplementary Regulation 20, and has no application to sales of butter and milk powder, which are covered by the General Ceiling Price Regulation alone.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6438; Filed, June 9, 1952; 11:32 a. m.]

[GCPR, Supplementary Regulation 20, Interpretation 1]

GCPR, SR 20—MILK, CREAM AND MILK PRODUCTS FOR FLUID CONSUMPTION

INT. 1—ROUNDING OF FRACTIONS IN THE SALE OF BUTTER AND MILK POWDER (SECTION 22)

Under section 22 of the General Ceiling Price Regulation, in the case of a sale of a single unit of a commodity, a fraction of a cent in the price is dropped if it is less than one-half cent, and increased to the next highest cent if it is one-half cent or more; while in the case of a sale of more than one unit, the unrounded fraction in the unit ceiling price is multiplied by the number of units being sold and any resulting fraction in the total quantity price is dropped if it is less than one-half cent and increased to the next highest cent if it is one-half cent or more.

The different treatment of fractions set forth in Supplementary Regulation 20 to the General Ceiling Price Regulation is adopted in recognition of the customary practice of the fluid milk industry to establish unit prices expressed in fractions of cents. This is limited to sales of milk, cream, and milk products for fluid consumption, the sales of which are covered by Supplementary Regulation 20, and has no application to sales of butter and milk powder, which are covered by the General Ceiling Price Regulation alone.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6439; Filed, June 9, 1952; 11:32 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2, Amendment 1 of June 6, 1952]

M-2—RUBBER

MISCELLANEOUS AMENDMENTS

This amendment is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948, as amended. In the formulation of this amendment, consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-2, as last amended April 21, 1952, is further amended as follows:

1. Section 3 (j) is amended to eliminate number 3 pale latex crepe from the definition of "pale crepe". As so amended, section 3 (j) reads as follows:

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, numbers IX, 1, or 2.

2. Section 6 is amended by increasing the percentage of GR–S which may be purchased in the form of cold rubber during the third calendar quarter. As amended section 6 reads as follows:

SEC. 6. *Limitation on purchase of cold GR-S.* No person may purchase for delivery during the second calendar quarter of 1952 a quantity of dry cold rubber in excess of 50 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during that calendar quarter. No person may purchase for delivery during the third calendar quarter of 1952, or any subsequent calendar quarter, a quantity of dry cold rubber in excess of 70 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during that calendar quarter.

3. Section 8 (a) is amended by increasing from 120 to 130 the permitted percentage of base-period usage of high-tenacity rayon. As so amended, section 8 (a) reads as follows:

SEC. 8. *Limitation on high-tenacity rayon for rubber products.* (a) Commencing with the second calendar quarter of 1952, no person shall, in any calendar quarter, use a greater quantity by weight of high-tenacity rayon in the manufacture of rubber products (including those products required to fill any contracts of the Department of Defense, or any division thereof, or of the Atomic Energy Commission) than 130 percent of his use of high-tenacity rayon in such manufacture during the 3 months ending June 30, 1951.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6396; Filed, June 6, 1952; 1:56 p. m.]

[CMP Regulation No. 1, Direction 13 of June 6, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 13—SPECIAL PREFERENCE STATUS OF CERTAIN AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Status of certain ACM orders.
3. Relationship of inventory to special preference status.
4. Limitation on placement of orders.
5. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161; Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to channel into defense programs, so far as practicable, the steel production of mills in which there are no work stoppages. This will be accomplished by temporarily according special preference status, at the mill level, to authorized controlled material orders placed in support of certain military, atomic energy, and machine tool programs. Such orders may be placed only by persons who are authorized to use designated program identifications, and whose inventory on the date of placement of the order does not exceed a 45-day supply.

SEC. 2. *Status of certain ACM orders.* (a) Within the limitation of the production directive which he has received from NPA, a steel controlled materials producer shall accept all authorized controlled material orders bearing a program identification listed in Schedule I of this direction, calling for delivery of an item of steel controlled material (other than castings) on or before September 15, 1952, even if such orders are tendered after the expiration of the lead time for that item specified in Schedule III to CMP Regulation No. 1. All such orders (including those previously placed which bear a program identification listed in Schedule I of this direction) shall have equal preferential status and must be accepted and filled by the producer in preference to all other orders previously or subsequently received, with the exception of orders placed pursuant to NPA directives.

(b) A steel controlled materials producer shall divert material in process to fill orders bearing a program identification listed in Schedule I of this direction, calling for delivery of steel controlled material (other than castings) on or before September 15, 1952, whenever it is possible to do so without interrupting his operations in a way which would cause a substantial loss of total production or a substantial delay in operations.

SEC. 3. *Relationship of inventory to special preference status.* Any person who is authorized to use a program identification listed in Schedule I of this direction may place an authorized controlled material order bearing such an identification with a steel controlled materials producer, calling for delivery of an item of steel controlled material (other than castings) on or before September 15, 1952, only if on the date of placement of such order, his inventory of that item of controlled material (as defined in CMP Regulation No. 2) is not in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45 calendar day period.

SEC. 4. *Limitation on placement of orders.* No person who is authorized to use a program identification listed in Schedule I of this direction shall place an authorized controlled material order for steel controlled material unless the amount ordered is within the related allotment received by him, after deducting all allotments made by him and all orders for steel controlled material placed by him pursuant to the same allotment: *Provided, however,* That he may in addition place authorized controlled material orders for steel controlled material (other than castings), in a quantity equal to the quantity of orders previously placed by him pursuant to the same allotment with steel controlled materials producers whose operations have been interrupted by the current work stoppage.

SEC. 5. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, NPA Order M–1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction shall take effect June 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF DIRECTION 13 TO CMP REGULATION NO. 1

Program identifications

A–1 Aircraft, Department of Defense.
A–2 Guided missiles, Department of Defense.
A–3 Ships, Department of Defense.
A–4 Tank-automotive, Department of Defense.
A–5 Weapons, Department of Defense.
A–6 Ammunition, Department of Defense.
A–7 Electronic and communications equipment, Department of Defense.
C–3 MRO, Department of Defense.
E–1 Construction, Atomic Energy Commission.
E–2 Operations (including MRO), Atomic Energy Commission.
E–3 Privately-owned facilities, Atomic Energy Commission.
Z–2 Metalworking machinery and equipment, National Production Authority.

[F. R. Doc. 52-6414; Filed, June 6, 1952; 5:55 p. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 165A—CERTIFICATES AND PERMITS

INTERPRETATIVE RULES RELATING TO MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES; EFFECTIVE DATE

The above entitled matter coming on for further consideration, and good cause appearing therefor:

It is ordered, That the effective date of the order entered herein April 14, 1952 (17 F. R. 3558), be, and it is hereby, further postponed to July 1, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 5th day of June A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6369; Filed, June 9, 1952; 8:56 a. m.]

[Ex Parte No. MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES OF PROPERTY BROKERS

In the matter of postponement of effective date of the order of December 27, 1951, as subsequently modified.

Upon further consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the effective date of the order of December 27, 1951, in this proceeding, as subsequently modified, be and it is hereby, further postponed from June 4, 1952, to June 30, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 2d day of June A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6361, Filed, June 9, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 199]

REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS AND OTHER ARTICLES OF DOMESTIC MANUFACTURE TO FOREIGN-TRADE ZONES

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of thirty days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of section 3 of the Act of June 18, 1934 (48 Stat. 998; 19 U. S. C. 81c), as amended by the Act of June 17, 1950 (Public Law 566, 81st Congress), and section 3176 of the Internal Revenue Code (53 Stat. 375; 26 U. S. C. 3176). Other statutory provisions interpreted or applied are cited to the text in parentheses.

These regulations are confined to the removal for transportation to and deposit in a foreign-trade zone of alcoholic liquors and other articles of domestic manufacture which are subject to the jurisdiction of the Bureau of Internal Revenue. Private interests concerned with the establishment and maintenance of foreign-trade zones and the administration and supervision exercised by Customs officials over merchandise deposited and stored in foreign-trade zones should also acquaint themselves with the regulations of the Foreign-Trade Zones Board (15 CFR Part 400) and the notice of proposed rule-making of the Bureau of Customs (19 CFR Parts 19, 30; 16 F. R. 10699).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

1. Public Law 566, 81st Congress which amended section 3 of the Act of June 18, 1934 (48 Stat. 998; 19 U. S. C. 81c), relating to foreign-trade zones, provides that articles which have been taken into a foreign-trade zone from customs (domestic) territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of (a) the draw-back, warehousing and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and (b) the statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder.

2. Pursuant to the foregoing provisions of law, the following regulations are hereby prescribed:

PART 199—REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS AND OTHER ARTICLES OF DOMESTIC MANUFACTURE TO FOREIGN-TRADE ZONES

SUBPART A—SCOPE OF REGULATIONS

Sec.
199.1 Removal of alcoholic liquors and other articles to foreign-trade zones.
199.2 Export status.

SUBPART B—DEFINITIONS

199.5 Meaning of terms.
199.6 Alcohol.
199.7 Articles.
199.8 Collector of Customs.
199.9 Collector of Internal Revenue.
199.10 Commissioner.
199.11 Distilled spirits or spirits.
199.12 District supervisor or supervisor.
199.13 Fermented liquor or beer.
199.14 Foreign-trade zone or zone.
199.15 Gallon.
199.16 Including.
199.17 Inclusive language.
199.18 I. R. C.
199.19 Liquor
199.20 Person, proprietor, or warehouseman.
199.21 Proof.
199.22 Proof gallon.
199.23 Regulations.
199.24 Specially denatured alcohol.
199.25 Specially denatured rum.
199.26 U. S. C.
199.27 Wine.
199.28 Zone Operator.

SUBPART C—WITHDRAWAL OF ALCOHOL, SPECIALLY DENATURED ALCOHOL AND SPECIALLY DENATURED RUM FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

UNDENATURED ETHYL ALCOHOL

Sec.
199.35 General.
199.36 Application and entry.
199.37 Transportation bonds.
199.38 Gauging of alcohol.
199.39 Approval of application and issuance of permit.
199.40 Export stamps.
199.41 Marking and stamping containers.
199.42 Release of alcohol.
199.43 Delivery to zone.
199.44 Disposition of forms.
199.45 Deposit in foreign-trade zone.
199.46 Loss of alcohol in transit.
199.47 Notice to exporter.
199.48 Filing of claims.
199.49 Action by district supervisor.
199.50 Action by Commissioner.
199.51 Release of detained alcohol.

SPECIALLY DENATURED ALCOHOL

199.52 General.
199.53 Application and entry.
199.54 Consent of surety.
199.55 Approval of application and issuance of permit.
199.56 Marking of containers.
199.57 Shipment from a denaturing plant.
199.58 Shipment from a bonded dealer's premises.
199.59 Delivery to zone.
199.60 Disposition of forms.
199.61 Deposit in foreign-trade zone.
199.62 Loss of specially denatured alcohol in transit.

SPECIALLY DENATURED RUM

199.63 General.
199.64 Application and entry.
199.65 Consent of surety.
199.66 Approval of application and issuance of permit.
199.67 Marking of containers.
199.68 Release of specially denatured rum.
199.69 Delivery to zone.
199.70 Disposition of forms.
199.71 Deposit in foreign-trade zone.
199.72 Loss of specially denatured rum in transit.

SUBPART D—WITHDRAWAL OF DISTILLED SPIRITS FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.100 General.
199.101 Application and entry.
199.102 Transportation bonds.
199.103 Tank cars of distilled spirits of not less than 180 degrees proof.
199.104 Distiller's original packages and packages filled from distiller's original packages.
199.105 Wooden packages containing metallic cans.
199.106 Bottled spirits.
199.107 Approval of application and issuance of permit.
199.108 Export stamps.
199.109 Marking and stamping containers.
199.110 Release of spirits.
199.111 Delivery to zone.
199.112 Disposition of forms.
199.113 Deposit in foreign-trade zone.

LOSSES OF DISTILLED SPIRITS IN TRANSIT

199.114 Taxable losses.
199.115 Insurance coverage.
199.116 Notice to exporter.
199.117 Filing of claims.
199.118 Action by district supervisor.
199.119 Action by Commissioner.
199.120 Release of detained spirits.

SUBPART E—WITHDRAWAL OF WINES FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.150 General.
199.151 Application and entry.
199.152 Transportation bonds.
199.153 Approval of application and issuance of permit.

Sec.
199.154 Marking containers.
199.155 Delivery to zone.
199.156 Deposit in foreign-trade zone.
199.157 Action by district supervisor.
199.158 Release of detained wines.

SUBPART F—REMOVAL OF FERMENTED LIQUOR FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

199.175 General.
199.176 Application and entry.
199.177 Transportation bonds.
199.178 Approval of application and issuance of permit.
199.179 Marking containers.
199.180 Delivery to zone.
199.181 Deposit in foreign-trade zone.
199.182 Losses in transit.
199.183 Release of detained fermented liquor.

SUBPART G—WITHDRAWAL OF LIQUORS AND ARTICLES WITH BENEFIT OF DRAWBACK FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

ARTICLES MANUFACTURED IN PART FROM TAX-PAID DOMESTIC ALCOHOL

199.200 General.
199.201 Regulations made applicable.

BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES

199.202 General.
199.203 Claim and entry.
199.204 Marking of containers.
199.205 Approval of application and release of liquors.
199.206 Deposit in zone.
199.207 Action on claim.

DISTILLERS' ORIGINAL PACKAGES

199.208 General.
199.209 Application and entry.
199.210 Deposit in zone.
199.211 Action on claim.

SUBPART H—VOLUNTARY DESTRUCTION OF DISTILLED SPIRITS, WINES OR FERMENTED MALT LIQUORS AFTER RECEIPT IN A FOREIGN-TRADE ZONE

199.225 General.
199.226 Application.
199.227 Procurement of samples.
199.228 Analysis of samples.
199.229 Action by district supervisor.
199.230 Action by Commissioner.
199.231 Action by collector of customs.

SUBPART I—REMOVAL OF STILLS OR DISTILLING APPARATUS FOR DEPOSIT IN A FOREIGN-TRADE ZONE FOR EXPORTATION, DESTRUCTION, OR STORAGE PENDING EXPORTATION

REMOVALS FREE OF TAX

199.250 General.
199.251 "Distilling" defined.
199.252 Application and entry.
199.253 Marking of stills, worms or condensers.
199.254 Delivery to and deposit in zone.
199.255 Disposition of Form 1690.

REMOVALS WITH BENEFIT OF DRAWBACK

199.256 General.
199.257 Regulations made applicable.

SUBPART J—BONDS AND CONSENTS OF SURETY

199.300 General.
199.301 Corporate surety.
199.302 Powers of attorney.
199.303 Individual sureties.
199.304 Ownership of real property.
199.305 Execution of Form 33.
199.306 Certificate of title.
199.307 Appraisal.
199.308 Investigation.
199.309 Requalification.
199.310 Deposit of collateral.
199.311 Consents of surety.
199.312 Approval required.
199.313 Additional or strengthening bonds.
199.314 New or superseding bonds.

DISTRICT SUPERVISOR'S ACCOUNTS WITH BONDS

199.315 Alcohol and specially denatured rum.
199.316 Specially denatured alcohol.
199.317 Distilled spirits.
199.318 Wines.
199.319 Fermented liquors.

TERMINATION OF TRANSPORTATION BONDS

199.320 General.
199.321 Application of surety for release from bond.
199.322 Extent of release of surety from liability under bond.
199.323 Action by district supervisor.
199.324 Notice of termination.
199.325 Release of collateral.

SUBPART K—INSTRUMENTS AND PAPERS

199.350 Part of regulations.

SUBPART L—TOBACCO PRODUCTS

199.375 General.
199.376 Withdrawals of tobacco products to be covered by bond
199.377 Requirements as to packing, marking or branding.
199.378 Shipping containers.
199.379 Application for withdrawal.
199.380 Disposition of copies of Form 550-F.
199.381 Receipt of shipment into foreign-trade zone.
199.382 Delay in removal; cancellation of shipment
199.383 Return of shipment to factory or warehouse.
199.384 Tax liability.
199.385 Credit for shipment.
199.386 Penalties.

SUBPART M—PLAYING CARDS

199.425 General.
199.426 Bond for withdrawals of playing cards.
199.427 Requirements as to packing, marking or branding.
199.428 Shipping containers.
199.429 Application for withdrawal.
199.430 Disposition of copies of Form 550-F.
199.431 Receipt of shipment into foreign-trade zone.
199.432 Delay in removal; cancellation of shipment.
199.433 Return of shipment to factory.
199.434 Tax liability.
199.435 Credit for shipment.
199.436 Penalties.

AUTHORITY: §§ 199.1 to 199.436 issued under sec. 3, 48 Stat. 998, as amended, 53 Stat. 375; 19 U. S. C. 81c, 26 U. S. C. 3176. Statutory provisions interpreted or applied are cited to the text in parentheses.

SUBPART A—SCOPE OF REGULATIONS

§ 199.1 *Removal of alcoholic liquors and other articles to foreign-trade zones.* Pursuant to the provisions of an act to amend section 3 of the Act of June 18, 1934, relating to the establishment of foreign-trade zones (Public Law 566—81st Congress), liquors and other articles of domestic manufacture may be removed to foreign-trade zones for exportation or storage pending exportation as provided in this part. In addition to the permit required by this part for the transportation of an article to a zone, Customs Regulations (19 CFR Part 30) requires the exporter to obtain from the proper collector of customs authorization on Zone Form D for the entry of articles so transferred into a zone.

§ 199.2 *Export status.* Liquors and other articles of domestic manufacture deposited in a foreign-trade zone under this part shall be considered to be exported for the purpose of the statutes and bonds exacted for the payment of drawback, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder. Export status is not acquired until application on Zone Form D and admission of the liquors or other articles into the zone has been approved by the collector of customs and he has certified on Form 550-F, 1532, 1582-A, 1610, 1629, 1690 or 1701, as the case may be, to the deposit of the articles in the zone.

SUBPART B—DEFINITIONS

§ 199.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 199.6 *Alcohol.* "Alcohol" shall mean spirits produced at industrial alcohol plants established and operated under sections 3100 to 3124 of the Internal Revenue Code (26 U. S. C.).

§ 199.7 *Articles.* "Articles" shall include liquors as defined in this subpart, flavoring extracts, medicinal or toilet preparations, made with alcohol, and stills, worms and condensers.

§ 199.8 *Collector of Customs.* "Collector of Customs" shall mean the Collector of Customs of the district in which the foreign-trade zone is located.

§ 199.9 *Collector of Internal Revenue.* "Collector of Internal Revenue" shall mean the collector of internal revenue of the collection district from which articles are shipped to a zone.

§ 199.10 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 199.11 *Distilled spirits or spirits.* "Distilled spirits" or "spirits" shall mean that substance produced by the distillation of fermented grain, molasses, fruit, or other materials, commonly known as spirits, whisky, brandy, rum, gin, etc., but shall not include alcohol.

§ 199.12 *District supervisor or supervisor.* "District supervisor" or "supervisor" shall mean the person having charge of a supervisory district of the Alcohol and Tobacco Tax Division of the Bureau of Internal Revenue.

§ 199.13 *Fermented liquor or beer.* "Fermented liquor" or "beer" shall mean all kinds and types of liquors produced by the fermentation of malt, wholly or in part, or from any substitute therefor.

§ 199.14 *Foreign-trade zone or zone.* "Foreign-trade zone" or "zone" shall mean a foreign-trade zone established and operated pursuant to the Act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

§ 199.15 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 199.16 *Including.* The word "including" shall not be deemed to exclude

things other than those enumerated which are in the same general class.

§ 199.17 *Inclusive language.* Words in the plural shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships and corporations.

§ 199.18 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 199.19 *Liquor.* "Liquor" shall mean alcohol, specially denatured alcohol or specially denatured rum, distilled spirits, fermented liquor, and wine: *Provided*, That for the purposes of bonds, Forms 1702 and 1703, "Liquor" shall mean alcohol, distilled spirits, fermented liquors and wines.

§ 199.20 *Persons, proprietor, or warehouseman.* "Person, "proprietor," or "warehouseman" shall include natural persons, associations, copartnerships, and corporations.

§ 199.21 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60° Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 199.22 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60° Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 199.23 *Regulations.* "Regulations" shall mean the regulations issued by U. S. Treasury Department, Bureau of Internal Revenue, except as otherwise specified in this part.

§ 199.24 *Specially denatured alcohol.* "Specially denatured alcohol" is alcohol denatured in accordance with the formulas prescribed in the Appendix to Regulations 3 (26 CFR Part 182).

§ 199.25 *Specially denatured rum.* "Specially denatured rum" is rum denatured in accordance with the provisions of Regulations 16 (26 CFR Part 187).

§ 199.26 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 199.27 *Wine.* "Wine" when used without qualification, includes all still wines, champagne and other sparkling wines, artifically carbonated wine, retsina wine, and vermouth or other aperitif wines produced on bonded winery premises.

§ 199.28 *Zone Operator.* "Zone Operator" shall mean the person to which the privilege of establishing, operating and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the Act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

SUBPART C—WITHDRAWAL OF ALCOHOL, SPECIALLY DENATURED ALCOHOL AND SPECIALLY DENATURED RUM FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

UNDENATURED ETHYL ALCOHOL

NOTE: Sections 199.35 to 199.51 interpret or apply 53 Stat. 358; 26 U. S. C. 3105. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.35 *General.*—Alcohol may be withdrawn, without payment of tax, from an industrial alcohol plant or bonded warehouse established and operated under the provisions of Regulations 3 (26 CFR Part 182), for transportation to and deposit in a foreign-trade zone for exportation or for storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Such withdrawals may be made from industrial alcohol plants or bonded warehouses in drums or barrels of any desired capacity; in tin, glass, or similar containers, completely encased in wood, fiber board, or other approved material; in metal containers of not less than 24 gauge, or of similar strength, having a capacity of not more than 10 gallons; in railroad tank cars; and in tank trucks. Alcohol may also be withdrawn from bonded warehouses in bottles or cases of any desired size. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, stamping, and reporting of alcohol prior to withdrawal shall be in accordance with the applicable provisions of Regulations 3, governing the exportation of alcohol.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.36 *Application and entry.* Whenever an exporter desires to remove alcohol from an industrial alcohol plant or bonded warehouse for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701, in quintuplicate. Where the exporter is a person other than the proprietor of the premises from which the withdrawal is to be made, Form 1701 shall be delivered to such proprietor. Each application on Form 1701 will be given a serial number by the applicant, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. The method of conveyance and the name of the carrier or carriers shall be shown whenever possible. If the alcohol is shipped on a through bill of lading and all the carriers handling the alcohol while in transit are not known, the name of the carrier to whom the alcohol is to be delivered at the shipping plant or warehouse must be shown. Where Form 1701 is signed by an agent, proper power of attorney on Form 1534, authorizing the agent to execute the form for the exporter, must be filed in triplicate with the district supervisor.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.37 *Transportation bonds.* The exporter shall file a bond with the district supervisor to cover the transportation of the alcohol from the industrial alcohol plant or bonded warehouse to the foreign-trade zone. If a bond is given only for a specific lot of alcohol to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of alcohol to be withdrawn: *Provided*, That the maximum penal sum of such bond shall not exceed $200,000. If alcohol is to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 may be executed, in triplicate: *Provided*, That if the exporter has on file a bond on Form 1495 or Form 1496, as the case may be, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all alcohol withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703 or on the bond Form 1495 or 1496, as the case may be, on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol to be withdrawn and that may remain unaccounted for at any time: *Provided*, That the penal sum of such bonds shall not exceed $200,000 but in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 336, 359; 26 U. S. C. 2885, 3108)

§ 199.38 *Gauging of alcohol.* The proprietor, after determining the exact quantity in each container to be transferred and deposited in the foreign-trade zone, shall prepare Form 1440, in quintuplicate. One copy of Form 1440 will be attached to each copy of Form 1701.

(53 Stat. 307; 26 U. S. C. 2808)

§ 199.39 *Approval of application and issuance of permit.* The proprietor of the industrial alcohol plant or bonded warehouse shall forward to the district supervisor all copies of Form 1701, with Form 1440 attached. If the bond Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond in sufficient penal sum on Form 1495 or Form 1496 has been approved, and if the exporter has complied with the law and the regulations in this part in all respects, the district supervisor will issue permit on all copies of Form 1701 for removal and transportation of the alcohol to the zone and return Form 1701, with Form 1440 attached, to the proprietor: *Provided*, That if the exporter is not the proprietor, the district supervisor finds that he is entitled to a permit under section 3114, I. R. C., and the provisions of Regulations 3 (26 CFR Part 182).

(53 Stat. 336, 359, 373, as amended; 26 U. S. C. 2885, 3103, 3170)

§ 199.40 *Export stamps.* Every package of alcohol, including tank cars, tank trucks, and cases of bottled alcohol, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the industrial alcohol plant or bonded warehouse. Upon receipt of the district supervisor's permit for removal and transportation executed on Form 1701 with attached Form 1440, the proprietor will forward all copies together with remittance for the necessary number of export stamps to the collector of internal revenue. The collector will issue the export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1440, retain one copy of each form and return the remaining four copies of each form with the export stamps to the proprietor. The proprietor will deliver the export stamps and Forms 1701, with the attached Forms 1440, to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter the serial numbers of the stamps on Forms 1701, and return the stamps to the proprietor.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.41 *Marking and stamping containers.* The containers will be marked and stamped in accordance with the provisions of Regulations 3 (26 CFR Part 182) for containers of alcohol withdrawn for exportation, except that the words, "For Export" will be followed by "via F. T. Z. No. ____", in lieu of the names of the ports and the export permit number.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.42 *Release of alcohol.* After the containers have been properly marked and stamped and, in the case of tank cars or tank trucks, sealed with Government cap seals, the storekeeper-gauger will, after the proprietor has noted the serial numbers of the cap seals, if any, on Form 1440, approve the proprietor's application on such form to withdraw the containers and will release the alcohol for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the alcohol the storekeeper-gauger will execute the report of removal on Form 1701.

§ 199.43 *Delivery to zone.* Alcohol may be delivered directly to a zone by the exporter in vehicles owned or controlled by him, or to a carrier holding permit under Regulations 3 (26 CFR Part 182) to transport tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(53 Stat. 336; 360; 26 U. S. C. 2885, 3114)

§ 199.44 *Disposition of forms.* When the alcohol has been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1440 attached, and a copy of the bill of lading, if any, to the supervisor of the district where the plant or warehouse is located, two copies of the forms to the collector of customs of the district in which the foreign-trade zone is located, and deliver the remaining copies of the forms to the proprietor for filing.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.45 *Deposit in foreign-trade zone.* Upon receipt at the foreign-trade zone, the containers of alcohol shall be inspected by a customs officer for evidence of loss or tampering. Packages of alcohol, including metal cans enclosed in wooden packages, must be gauged and a report of the gauge made on Form 696, in duplicate. If seals on tank cars or tank trucks are intact and bear the serial numbers shown on Form 1440 to have been affixed at the time of removal, and if there is no evidence of loss or tampering, no gauge of the tank car or tank truck need be made. However, if the seals are not intact or if the original seals (listed on Form 1440) have been replaced, the officer will open the car or truck, gauge the spirits, and make report of his gauge on Form 696, in duplicate. Containers bearing evidence of loss may be deposited in the zone, unless the circumstances indicate fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, in which event the collector of customs will detain the alcohol and report the facts immediately to the supervisor of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D until the detained alcohol will have been released in accordance with § 199.51. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages or cases or the tank car or tank truck number, as the case may be, the original contents in proof gallons, and the nature and extent of any losses or discrepancies. The officer shall cut out that portion of each of the export stamps extending from the top to the bottom and embracing the entire width between the borders thereof and attach them, together with a copy of Form 696, if any, to one copy of the form 1701. The collector of customs will execute his certificate of deposit on Form 1701 and forward one copy of the form with Forms 1440 and 696, if any, and the cut-out portions of the stamps to the district supervisor who approved the permit. The remaining copy of the Form 1701, with attachments, if any, will be retained by the collector of customs.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.46 *Loss of alcohol in transit.* The tax on alcohol lost by leakage, casualty, or unavoidable cause during shipment or transfer from an industrial alcohol plant or bonded warehouse to a foreign-trade zone may be remitted if satisfactory evidence establishes that such alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them: *Provided*, That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance.

(53 Stat. 336, 360; 26 U. S. C. 2885, 3113)

§ 199.47 *Notice to exporter.* If, upon examination of Form 1701, and Form 696, if any, received from the collector of customs, the district supervisor is of the opinion that alcohol reported lost had been diverted to any illegal use, he will advise the exporter by letter (a) of the identity of the containers; (b) of the amount of the loss; (c) of the circumstances indicating diversion; and (d) that filing of proof of loss and claim for remission of tax is required.

(53 Stat. 336, 360; 26 U. S. C. 2885, 3113)

§ 199.48 *Filing of claims.* When the exporter has received a notice of loss from the district supervisor and that the filing of a claim is required, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the alcohol lost. Such claim shall be made on letter-size paper, in duplicate, showing the name, address, and capacity of the claimant and setting forth, under oath, the following information:

(a) The serial numbers of the containers involved;

(b) The quantity of alcohol lost from each container and the total quantity of alcohol covered by the claim;

(c) The total amount of tax for which the claim is filed;

(d) The date, penal sum, and form number of the bond under which withdrawal and shipment were made;

(e) The name, registry number and location of the industrial alcohol plant or warehouse from which the alcohol was withdrawn;

(f) The date of the loss, if known, and the cause and nature thereof, together with all of the known facts related thereto;

(g) Whether the alleged loss occurred without any fraud or negligence on the part of the exporter, owner, carrier, or their agents or employees, and whether claim has been made or is contemplated

[1] • • • *Provided further*, That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue taxes and for the purposes of the internal-revenue laws generally and the regulations thereunder.

Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of the Tariff Act of 1930, as amended: • • •. (Sec. 1, Pub. Law No. 566, 81st Cong.)

against such persons on account of such loss; and

(h) Whether the alcohol lost is covered by valid claim of insurance in excess of the market value thereof, exclusive of the tax.

If the alcohol is insured, the statement will show the market value of the alcohol per proof gallon, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the alcohol and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the payment of the tax sought to be remitted. The district supervisor or the Commissioner may require such further evidence as is deemed necessary.

(53 Stat. 336, 360; 26 U. S. C. 2685, 3113)

§ 199.49 *Action by district supervisor.* Where large losses in transit are reported, the district supervisor will cause immediate investigation to be made. When a claim for remission of tax is received, the district supervisor will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the district supervisor will forward one copy of the claim and related papers, to the Commissioner with his recommendation as to the merits of the claim. In the event the exporter does not file proof of loss and claim for remission of tax, as provided in this subpart, the district supervisor will report the tax for assessment in accordance with the prescribed procedure. District supervisors will keep an account with each bond in accordance with Subpart J.

(53 Stat. 336, 360, 360; 26 U. S. C. 2685, 3112, 3113)

§ 199.50 *Action by Commissioner.* If the Commissioner finds that there has been a diversion of alcohol to any illegal use by the exporter, the tax on the alcohol diverted will be assessed, and the remainder will be subject to seizure and forfeiture under section 3116, I. R. C. If he finds that there has been a diversion by the carrier, he shall instruct the district supervisor to collect the tax in accordance with the terms and conditions of the carrier's permit and bond.

(53 Stat. 336, 360, 360; 26 U. S. C. 2885, 3112, 3113)

§ 199.51 *Release of detained alcohol.* When alcohol has been detained at a foreign-trade zone pending investigation and determination of fraud in accordance with § 199.45, the collector of customs shall not release such alcohol for deposit until he is advised so to do by the district supervisor.

(53 Stat. 336; 26 U. S. C. 2885)

SPECIALLY DENATURED ALCOHOL

NOTE: Sections 199.52 to 199.62 interpret or apply 53 Stat. 359; 26 U. S. C. 3109. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.52 *General.* Specially denatured alcohol may be withdrawn, free of tax, from denaturing plants and premises of bonded dealers established and operated under the provisions of Regulations 3 (26 CFR Part 182) for transportation to and deposit in a foreign-trade zone for exportation or for storage therein pending exportation, in accordance with the fourth proviso to section 3 of the act of June 18, 1934, as amended.[1] Such withdrawals may be made in the containers specified in § 199.35. The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, marking and reporting of specially denatured alcohol prior to withdrawal, shall be in accordance with the applicable provisions of Regulations 3 governing the exportation of specially denatured alcohol.

§ 199.53 *Application and entry.* Whenever a denaturer or bonded dealer desires to withdraw specially denatured alcohol for transportation to and deposit in a foreign-trade zone for exportation, application will be filed on Form 1701 in accordance with the applicable provisions of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

§ 199.54 *Consent of surety.* The denaturer or bonded dealer must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 1432–A or Form 1475, as the case may be, which consent shall contain the undertaking that—

The obligors agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all specially denatured alcohol withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the district supervisor.

Consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

§ 199.55 *Approval of application and issuance of permit.* The denaturer or bonded dealer shall forward all copies of Form 1701 to the district supervisor. If the consent of surety, Form 1533, extending the terms of the bond, Form 1432–A or Form 1473, has been approved and the bond is in a sufficient penal sum, the district supervisor shall issue permit on Form 1701 for removal and transportation of the specially denatured alcohol to the zone, and shall return all copies of Form 1701 to the applicant.

§ 199.56 *Marking of containers.* The containers will be marked in accordance with the provisions of Regulations 3 (26 CFR Part 182) for containers of specially denatured alcohol withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. ____" in lieu of the names of the ports and the export permit number.

(53 Stat. 307; 26 U. S. C. 2808)

[1] See footnote on p. 5228.

§ 199.57 *Shipment from a denaturing plant.* After the containers have been properly marked and, in the case of tank cars or tank trucks, sealed with Government cap seals, the storekeeper-gauger will, after the proprietor has noted the serial numbers of the cap seals, if any, on Form 1701, release the specially denatured alcohol for shipment to the foreign-trade zone named in the application. Upon removal of the specially denatured alcohol, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 307; 26 U. S. C. 2808)

§ 199.58 *Shipment from a bonded dealer's premises.* Upon removal of specially denatured alcohol, the dealer, after marking the containers thereof and sealing openings in the case of tank cars or tank trucks, shall execute the report of removal on all copies of Form 1701. Railroad or other appropriate seals, dissimilar in marking from cap seals used by the Bureau of Internal Revenue, for securing openings in tank cars or tank trucks, shall be furnished and affixed by the carrier or the dealer. The serial numbers of seals so used shall be noted on Form 1701.

(53 Stat. 307; 26 U. S. C. 2808)

§ 199.59 *Delivery to zone.* Specially denatured alcohol may be delivered directly to a zone by the denaturer or bonded dealer in vehicles owned or controlled by him, or to a carrier, holding permit under Regulations 3 (26 CFR Part 182) to transport specially denatured alcohol, for transportation to a zone. When delivery is made to a carrier for transportation to a zone, a copy of the bill of lading, if any, covering such transportation shall be procured by the shipper for attachment to the copy of Form 1701 to be transmitted to the district supervisor.

(53 Stat. 360; 26 U. S. C. 3114)

§ 199.60 *Disposition of forms.* When the specially denatured alcohol has been withdrawn and a copy of the bill of lading, if any, has been furnished the storekeeper-gauger at the denaturing plant, or procured by the bonded dealer, as the case may be, the storekeeper-gauger or the bonded dealer will forward immediately one copy of the Form 1701, and the bill of lading, if any, to the supervisor of the district in which the denaturing plant or bonded dealer is located, and two copies of Form 1701 to the collector of customs of the district in which the foreign-trade zone is located. The denaturer or bonded dealer, as the case may be, will retain the remaining copy of Form 1701.

§ 199.61 *Deposit in foreign-trade zone.* Upon receipt at the zone, the specially denatured alcohol shall be inspected by a customs officer, who will determine if it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by

leakage, minor pilferage or theft in transit, the collector of customs will detain the specially denatured alcohol and report the facts immediately to the supervisor of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where specially denatured alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such specially denatured alcohol, until the detained specialty denatured alcohol will have been released in accordance with the provisions of § 199.62. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the district supervisor who approved the permit.

§ 199.62 *Loss of specially denatured alcohol in transit.* Losses of specially denatured alcohol by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing plant or premises of a bonded dealer to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such specially denatured alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by the district supervisor, action by the Commissioner, and release of detained specially denatured alcohol shall be in accordance with the procedure prescribed in § 199.47 to 199.51, insofar as applicable, governing losses of alcohol.

(53 Stat. 358, 360; 26 U. S. C. 3111, 3113)

SPECIALLY DENATURED RUM

NOTE: Sections 199.63 to 199.72 interpret or apply 53 Stat. 355; 26 U. S. C. 3070. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.63 *General.* Specially denatured rum may be withdrawn, without payment of tax, from distillery denaturing bonded warehouses established and operated under the provisions of Regulations 16 (26 CFR Part 187) for deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Such withdrawals may be made in packages of any desired size, including tank cars. The withdrawal, transportation to and deposit in a foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, marking, and reporting of specially denatured rum prior to withdrawal, shall be in accordance with the applicable provisions of Regulations 16 governing the exportation of specially denatured rum.

§ 199.64 *Application and entry.* Where the proprietor of a denaturing bonded warehouse desires to withdraw specially denatured rum for transportation to and deposit in a foreign-trade zone for exportation, application will be filed on Form 1701 in accordance with the applicable provisions of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

§ 199.65 *Consent of surety.* The proprietor of the denaturing bonded warehouse must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 572, which consent shall contain the undertaking that—

The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all specially denatured rum withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the district supervisor.

Consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

§ 199.66 *Approval of application and issuance of permit.* The proprietor shall forward all copies of Form 1701 to the district supervisor. If the consent of surety, Form 1533, extending the terms of the bond, Form 572, has been approved and the bond is in a sufficient penal sum, the district supervisor shall issue permit on Form 1701 for removal and transportation of the specially denatured rum to the zone, and shall return all copies of Form 1701 to the applicant.

§ 199.67 *Marking of containers.* The containers will be marked in accordance with the provisions of Regulations 16 (26 CFR Part 187) for containers of specially denatured rum withdrawn for exportation, except that the words, "For Export" will be followed by "via F. T. Z. No. ____."

(53 Stat. 307; 26 U. S. C. 2808)

§ 199.68 *Release of specially denatured rum.* The openings of tank cars used for the transportation of specially denatured rum shall be sealed by the storekeeper-gauger with Government cap seals as soon as such cars are filled. The storekeeper-gauger also shall note the serial numbers of the seals so used on Form 1701. After the containers have been properly marked, and sealed in the case of tank cars, the storekeeper-gauger will release the specially denatured rum for shipment to the foreign-trade zone named in the application. Upon removal of the specially denatured rum, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 307; 26 U. S. C. 2808)

§ 199.69 *Delivery to zone.* Specially denatured rum may be delivered directly to a zone by the proprietor in vehicles owned or controlled by him, or to a carrier holding permit under Regulations 3 (26 CFR Part 182) to transport specially denatured or tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, he shall procure a copy of the bill of lading, if any, covering such transportation.

§ 199.70 *Disposition of forms.* When the specially denatured rum has been withdrawn and a copy of the bill of lading, if any, has been furnished to the storekeeper-gauger at the denaturing bonded warehouse, the storekeeper-gauger will forward immediately one copy of the Form 1701 and bill of lading, if any, to the supervisor of the district in which the premises are located, and two copies of Form 1701 to the collector of customs of the district in which the foreign-trade zone is located. The proprietor will retain the remaining copy of Form 1701 for filing.

§ 199.71 *Deposit in foreign-trade zone.* Upon receipt at the zone, the specially denatured rum shall be inspected by a customs officer who will determine whether it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the specially denatured rum and report the facts immediately to the supervisor of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where specially denatured rum is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such specially denatured rum, until the detained denatured rum will have been released in accordance with the provisions of § 199.72. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the district supervisor who approved the permit.

§ 199.72 *Loss of specially denatured rum in transit.* Losses of specially denatured rum by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing bonded warehouse to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such specially denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by district supervisor, action by Commissioner, and release of detained specially denatured rum shall be in accordance with

[1] See footnote on p. 5228.

the procedure prescribed in §§ 199.47 to 199.51, insofar as applicable, governing losses of alcohol.

(53 Stat. 359, 369; 26 U. S. C. 3111, 3113)

SUBPART D—WITHDRAWAL OF DISTILLED SPIRITS FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 199.100 *General.* Distilled spirits may be withdrawn, without payment of tax, from an internal revenue bonded warehouse, registered distillery or fruit distillery established and operated under the provisions of Regulations 10 (26 CFR Part 185), Regulations 4 (26 CFR Part 183) or Regulations 5 (26 CFR Part 184), respectively, for transportation to and deposit in a foreign-trade zone for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Distilled spirits may be removed in:

(a) Distiller's original packages including those the contents of which have been reduced in proof to not less than 50°;

(b) New packages filled from distiller's original packages;

(c) Cases containing spirits bottled in bond for export;

(d) Wooden packages each containing two or more metallic cans of a capacity of not less than five gallons each;

(e) Tank cars in the case of spirits of not less than 180° of proof; and

(f) Packages containing brandies blended under the provisions of Regulations 10.

The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the gauging, packaging, bottling, casing, marking, stamping, and reporting of distilled spirits prior to withdrawal shall be in accordance with the applicable provisions of Regulations 4, 5, and 10 governing the exportation of distilled spirits.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2678, 2885, 2888, 2905)

§ 199.101 *Application and entry.* Whenever an exporter desires to remove distilled spirits from an internal revenue bonded warehouse, registered distillery, or fruit distillery for transportation to and deposit in a foreign-trade zone for exportation, application will be filed on Form 1701 in accordance with the requirements of § 159.36 covering withdrawal of alcohol, except that an original and five copies will be prepared instead of an original and four copies.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2678, 2885, 2888, 2905)

§ 199.102 *Transportation bonds.* The exporter shall file a bond with the district supervisor to cover the transportation of the distilled spirits from the registered distillery, fruit distillery, or internal revenue bonded warehouse, as the case may be, to the foreign-trade zone. If a bond is given only for a specific lot of distilled spirits to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of spirits to be withdrawn, and in no case shall be less than $1,000. If distilled spirits are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed, in triplicate: *Provided*, That if the exporter has on file a bond on Form 657 or Form 658, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all distilled spirits withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 657 or Form 658 on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of spirits to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J and the instructions printed on the form.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.103 *Tank cars of distilled spirits of not less than 180 degrees proof.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits of not less than 180 degrees proof in tank cars for deposit in a foreign-trade zone, the filling, sealing, marking, and stamping of such tank cars shall be in accordance with the provisions of Regulations 4 (26 CFR Part 183), 5 (26 CFR Part 184), or 10 (26 CFR Part 185) governing the removal of spirits in tank cars for exportation. The storekeeper-gauger shall prepare an original and five copies of the Form 1520 covering the gauge and removal of the spirits. After the tank cars have been filled, the storekeeper-gauger shall execute his report of gauge on all copies of the Form 1701, attach a copy of the Form 1520 to each copy of the Form 1701, deliver the original and four copies to the proprietor, and retain the remaining copy of each form.

(53 Stat. 339; 26 U. S. C. 2888)

§ 199.104 *Distiller's original packages and packages filled from distiller's original packages.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in distiller's original packages and packages filled from distiller's original packages, the gauging, reduction in proof, recasking, and the marking of packages shall be in accordance with the provisions of Regulations 10 (26 CFR Part 185) governing the exportation of distilled spirits. The proprietor shall prepare an original and five copies of Form 1520, in the manner provided in Regulations 10, covering the packages listed in the application, execute his request for gauge on Form 1701, and deliver all copies of the Forms 1520 and 1701 to the storekeeper-gauger at the warehouse. If the spirits are to be reduced to not less than 90 degrees proof, or if the spirits are to be transferred from distiller's original packages to new packages, the proprietor shall make request so to do at the time he executes his request for gauge. If spirits in original packages are reduced in proof or are transferred to new packages, the storekeeper-gauger will prepare an original and five copies of Form 1520, covering the gauge after reduction or the gauge of the new packages, as the case may be. The storekeeper-gauger shall then execute his report of gauge on Form 1701 and attach to each copy of the form a copy of the Form 1520 covering the first gauge of the spirits, and a copy of the Form 1520 covering the reduction in proof or the transfer to new packages, retain one copy of Form 1701 with Forms 1520 attached, and deliver the remaining five copies of each form to the proprietor of the warehouse.

(53 Stat. 336; 26 U. S. C. 2885)

§ 199.105 *Wooden packages containing metallic cans.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in wooden packages containing metallic cans, the marking, stamping, and removal of such wooden packages shall be in accordance with the provisions of Regulations 10 (26 CFR Part 185) governing the exportation of wooden packages containing metallic cans. The procedure prescribed in this subpart for the withdrawal of distiller's original packages shall be followed, insofar as applicable, except that the request for gauge shall not be executed.

(53 Stat. 333; 26 U. S. C. 2678)

§ 199.106 *Bottled spirits.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits bottled in bond for export for transportation to and deposit in a foreign-trade zone, the bottling, casing, marking and removal of such distilled spirits shall be in accordance with the provisions of Regulations 10 (26 CFR Part 185) governing the exportation of distilled spirits bottled in bond.

(53 Stat. 344; 26 U. S. C. 2905)

§ 199.107 *Approval of application and issuance of permit.* The proprietor of the distillery or bonded warehouse shall forward to the district supervisor all copies of the Form 1701, with Forms 1520, if any, attached. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 657 or Form 658, has been approved and the bond is in a sufficient penal sum, the district supervisor shall issue permit on Form 1701 for transportation and deposit of spirits in the zone, and shall return all copies of the Form 1701, with Forms 1520, if any, attached, to the proprietor.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.108 *Export stamps.* Every container of distilled spirits, except cases of bottled spirits, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the distillery or warehouse. Upon receipt of the district supervisor's permit for removal and transportation executed on Form 1701 with attached Form 1520, the proprietor will forward all copies together with the remittance for the necessary number of export stamps to the collector of internal revenue. The collector will issue the export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1520, retain one copy of each form, and return the remaining four copies of each form, with the export stamps, to the proprietor. The proprietor will deliver the export stamps and Form 1701 with the attached Forms 1520 to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter the serial numbers of the stamps on Form 1701 and his retained copy of Form 1520, and return the stamps to the proprietor.

(53 Stat. 333, 336, 339; 26 U. S. C. 2678, 2885, 2888)

§ 199.109 *Marking and stamping containers.* The containers, except cases of bottled spirits, will be marked and stamped in accordance with the provisions of Regulations 10 (26 CFR Part 185) for containers of distilled spirits withdrawn for exportation, except that the words "For Export via F. T. Z. No. ____" will be shown in lieu of the names of ports. Cases of bottled spirits will be marked in accordance with the provisions of Regulations 10 for cases of bottled spirits withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. ____," in lieu of the words "From U. S. A." and the names of the ports.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2678, 2885, 2888, 2905)

§ 199.110 *Release of spirits.* After the containers have been properly marked, and except in the case of bottled spirits, stamped, the storekeeper-gauger will release the spirits for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the spirits from the premises, the storekeeper-gauger will execute the report of removal on Form 1701.

(53 Stat. 333, 336, 339, 344; 26 U. S. C. 2678, 2885, 2888, 2905)

§ 199.111 *Delivery to zone.* Distilled spirits may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

§ 199.112 *Disposition of forms.* When the distilled spirits have been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1520, if any, attached, and a copy of the bill of lading, if any, to the supervisor of the district in which the distillery or warehouse is located, two copies of the forms to the collector of customs of the district in which the foreign-trade zone is located, deliver one copy of the forms to the proprietor, and retain the remaining copy of the forms.

(53 Stat. 336, 339, 344; 26 U. S. C. 2885, 2888, 2905)

LOSSES OF DISTILLED SPIRITS IN TRANSIT

§ 199.114 *Taxable losses.* The law provides that no tax shall be collected in respect of distilled spirits lost or destroyed while in bond, except that such tax shall be collected:

(a) *Theft.* In the case of loss by theft unless the Commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them; and

(b) *Voluntary destruction.* In the case of voluntary destruction unless the distilled spirits were unfit for use for beverage purposes and the warehouseman, or other person responsible for the tax, obtained the written permission of the district supervisor for such destruction in each case.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.115 *Insurance coverage.* The remission of the tax on distilled spirits lost by theft while in bond may be allowed only to the extent that the claimant is not indemnified against or recompensed for such tax.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.116 *Notice to exporter.* If, upon examination of Form 1701, and Form 696, if any, received from the collector of customs, the district supervisor is of the opinion that a reported loss resulted from theft, or unauthorized voluntary destruction, he will advise the principal on the bond by letter (a) of the identity of the containers; (b) of the amount of the loss; (c) of the circumstances indicating loss by theft or unauthorized voluntary destruction; and (d) that filing of proof of loss and claim for remission of tax is required.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.117 *Filing of claims.* When the exporter has received a notice of loss and a request from the district supervisor, for the filing of a claim, he shall, within 30 days from the date of notification, submit a claim for remission of the tax on the spirits lost. Such claims shall be made on letter-size paper, in duplicate, showing the name, address, and capacity of the claimant and setting forth, under oath, the following information:

(a) The name of the distiller who produced the spirits, and the registry number and location of the distillery;

(b) The serial numbers of the packages or cases from which the spirits were lost. In the case of tank cars, the car numbers will be stated;

(c) The quantity of spirits lost from each package or other container, and the total quantity of spirits covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, owner, warehouseman, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) If lost by theft, whether the claimant is indemnified or recompensed

[1] See footnote on p. 5228.

for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly and, where required, certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.118 *Action by district supervisor.* Where large losses in transit are reported, the district supervisor will cause immediate investigation to be made. When a claim for remission of tax is received, the district supervisor will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the district supervisor will forward one copy of the claim and related papers, to the Commissioner with his recommendation as to the merits of the claim. In the event the exporter does not file proof of loss and claim for remission of tax as provided in this subpart, the district supervisor will report the tax for assessment in accordance with the prescribed procedure. The district supervisor will keep an account with each bond in accordance with Subpart J.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.119 *Action by Commissioner.* If the Commissioner finds that a loss of distilled spirits from a container resulted (a) from unauthorized voluntary destruction, or (b) from theft and the proprietor or other person responsible for the tax fails to establish that the theft did not occur as a result of connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, the tax will be assessed.

(53 Stat. 340, as amended; 26 U. S. C. 2901)

§ 199.120 *Release of detained spirits.* When spirits have been detained at a foreign-trade zone pending the district supervisor's investigation and determination of fraud in accordance with § 199.113, the collector of customs shall not release the spirits for deposit until he is advised so to do by the district supervisor.

SUBPART E—WITHDRAWAL OF WINES FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

NOTE: Sections 199.150 to 199.158 interpret or apply 53 Stat. 353; 26 U. S. C. 3037. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.150 *General.* Wines may be withdrawn, free of tax, from bonded wineries and bonded storerooms established and operated under the provisions of Regulations 7 (26 CFR Part 178), for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Such withdrawals may be made in casks, barrels, kegs, tanks, tank cars, tank trucks and in bottles encased in wood, fiberboard or other suitable material. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of wines prior to withdrawal shall be in accordance with the applicable provisions of Regulations 7 governing the exportation of wine.

§ 199.151 *Application and entry.* Whenever an exporter desires to remove wines from a bonded winery or storeroom for transportation to and deposit in a foreign-trade zone, application will be filed on Form 1701 in accordance with the requirements of § 199.36 covering withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

§ 199.152 *Transportation bonds.* The exporter shall file a bond with the district supervisor to cover the transportation of the wine from the bonded winery or storeroom to the foreign-trade zone. If a bond is given only for a specific lot of wine to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax on the quantity to be withdrawn, and in no case shall be less than $500. If wines are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed in triplicate: *Provided*, That if the exporter has on file a bond on Form 186, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all wines withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 186 on which the consent has been filed, shall be sufficient to cover the tax on the maximum quantity of any wines to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $500. Bonds and consents of surety shall be executed and approved in accordance with subpart J and the instructions printed on the form.

§ 199.153 *Approval of application and issuance of permit.* The proprietor of the bonded winery or storeroom shall forward to the district supervisor all copies of the Form 1701. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 186, has been approved and such bond is in a sufficient penal sum, the district supervisor shall issue permit on Form 1701 for removal and transportation of the wines to the zone, and shall return all copies of the Form 1701 to the proprietor.

§ 199.154 *Marking containers.* The containers will be marked in accordance with the provisions of Regulations 7 (26 CFR Part 178) for containers of wine withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No. ----".

(53 Stat. 354; 26 U. S. C. 3040)

§ 199.155 *Delivery to zone.* Wine may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation. When the wine is withdrawn from the bonded winery or storeroom, the proprietor shall execute his report of removal on Form 1701, forward the original and one copy to the collector of customs of the district in which the zone is located, one copy, to which shall be attached the copy of the bill of lading, if any, to the supervisor, and retain the remaining copy.

§ 199.156 *Deposit in foreign-trade zone.* Upon receipt at the zone, the wine shall be inspected by a customs officer, who will determine whether it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are found broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the wines and report the facts immediately to the supervisor of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where wines are so detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such wines, until the detained wines will have been released in accordance with the provisions of § 199.158. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the district supervisor who approved the permit.

§ 199.157 *Action by district supervisor.* No provision is made in the law for remission of tax on wines lost in transit to foreign-trade zones. Where large losses in transit are reported, the district supervisor will cause immediate investigation to be made. If the investigation does not disclose evidence of fraud, the district supervisor will notify the exporter in writing of his liability under his bond for the tax upon such losses of wine and request that the tax thereon be tendered in the proper form immediately. In the case of fraud the tax on the wine diverted will be assessed, and the remainder will be subject to seizure and forfeiture under section 3116, I. R. C.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

§ 199.158 *Release of detained wines.* When wine has been detained at a foreign-trade zone pending the district supervisor's investigation and determination of fraud in accordance with § 199.156, the collector of customs shall not release the wine for deposit until he is advised so to do by the district supervisor.

(53 Stat. 347, as amended; 26 U. S. C. 3030)

SUBPART F—REMOVAL OF FERMENTED LIQUOR FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

NOTE: Sections 199.175 to 199.183 interpret or apply 53 Stat. 367, as amended; 26 U. S. C. 3153. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.175 *General.* Fermented liquor may be removed, without payment of tax, from the place of manufacture or storage established and operated under the provisions of Regulations 18 (26 CFR Part 192), for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Such removals may be made in kegs, barrels, bottles or cans. The removal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of fermented liquor prior to removal shall be in accordance with the applicable provisions of Regulations 18.

§ 199.176 *Application and entry.* Whenever an exporter desires to remove fermented liquor for transportation to and deposit in a foreign-trade zone, application will be filed on Form 1701 in accordance with the requirements of § 199.36 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four.

§ 199.177 *Transportation bonds.* The exporter shall file a bond with the district supervisor to cover the transportation of the fermented liquor from the place of manufacture or storage, as the case may be, to the foreign-trade zone. If the bond is given only for a specific lot of fermented liquor to be removed, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax on the quantity to be removed, but shall not exceed $25,000 nor be less than $1,000. If fermented liquor is to be removed from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed in triplicate: *Provided*, That if the brewer has on file a bond on Form 263, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all fermented liquor removed for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 263 on which consent has been filed, shall be sufficient to cover the tax on the maximum quantity of any fermented liquor to be withdrawn and that may remain unaccounted for at any time. *Provided*, That the penal sum of any such bond shall not exceed $25,000 nor be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with subpart J and the instructions printed on the form.

[1] See footnote p. 5228.

§ 199.178 *Approval of application and issuance of permit.* The brewer shall forward to the district supervisor all copies of Form 1701. If the bond, Form 1702 or 1703, has been approved and is in a sufficient penal sum, or if the consent of surety, Form 1533, extending the terms of the bond on Form 263 has been approved and such bond is in a sufficient penal sum, the district supervisor shall issue a permit on Form 1701 for removal and transportation of the fermented liquor to the zone, and shall return all copies of Form 1701 to the brewer.

§ 199.179 *Marking containers.* The containers will be marked in accordance with the provisions of Regulations 18 (26 CFR Part 192) for containers removed for exportation, except that the words "Fermented Liquor for Export via F. T. Z. No. ----, Lot No. ----" will be shown in lieu of "Fermented Liquor for Export, Lot No. ----".

§ 199.180 *Delivery to zone.* Fermented liquor may be delivered directly to a zone by the brewer or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the brewer shall procure a copy of the bill of lading, if any, covering such transportation. When the fermented liquor is removed, the brewer shall execute his report of removal on Form 1701, forward the original and one copy to the collector of customs of the district in which the zone is located, one copy, to which shall be attached one copy of the bill of lading, if any, to the supervisor of the district in which the brewery or place of storage is located, and retain the remaining copy.

§ 199.181 *Deposit in foreign-trade zone.* Upon receipt at the zone, the fermented liquor shall be inspected by a customs officer who will determine whether the fermented liquor agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses the shipment not to be as described on Form 1701 and there is evidence indicative of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the fermented liquor and report the facts to the supervisor of the district in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where fermented liquor is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such fermented liquor until the detained liquor will have been released in accordance with the provisions of § 199.183. Where the inspection discloses no shortage, or where shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the district supervisor who approved the permit.

§ 199.182 *Losses in transit.* Where large losses in transit are reported, the district supervisor will cause immediate investigation to be made. If it is found that losses in transit have occurred by casualty, leakage, or spillage, the losses will be allowed as provided in § 199.510. Unless immediate detention or seizure of the fermented liquor is deemed necessary in the event the investigation discloses evidence indicating that the losses resulted from fraud, the district supervisor will afford the exporter opportunity to submit written explanation with respect to the causes of such losses before the matter is reported to the Commissioner.

(53 Stat. 365, as amended; 26 U. S. C. 3150)

§ 199.183 *Release of detained fermented liquor.* When fermented liquor has been detained at a foreign-trade zone pending the district supervisor's investigation and determination of fraud in accordance with § 199.181, the collector of customs shall not release the liquor for deposit until he is advised so to do by the district supervisor.

SUBPART G—WITHDRAWAL OF LIQUORS AND ARTICLES WITH BENEFIT OF DRAWBACK FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

ARTICLES MANUFACTURED IN PART FROM TAX-PAID DOMESTIC ALCOHOL

§ 199.200 *General.* The deposit for exportation in a foreign-trade zone of flavoring extracts and medicinal or toilet preparations (including perfumery), manufactured or produced in the United States in part from domestic tax-paid alcohol, shall be considered an exportation of such articles for the purpose of drawback of the internal revenue tax on the alcohol contained in such articles.

(46 Stat. 691, as amended; 19 U. S. C. 1311)

§ 199.201 *Regulations made applicable.* The provisions of Regulations 23 (26 CFR Part 176) relating to drawback on the alcohol contained in such articles, when exported, shall apply to the same extent to such articles when deposited for exportation in a foreign-trade zone. In lieu of stating the port of destination and the date of clearance of such articles on customs Form 4539, as specified in Regulations 23, the collector of customs shall, prior to transmittal of the form to the Commissioner of Internal Revenue, state on such form the number and location of the foreign-trade zone.

BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES

NOTE: Sections 199.202 to 199.207 interpret or apply 46 Stat. 690, as amended, 53 Stat. 377, as amended; 19 U. S. C. 1309, 26 U. S. C. 3179. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.202 *General.* Tax-paid distilled spirits and wines, bottled or packaged especially for export with benefit of drawback, may be removed from ex-

port storage rooms established under the provisions of Regulations 10, 11, or 15 (26 CFR Parts 185, 189, 190), and deposited with benefit of drawback of the internal revenue tax paid thereon, in foreign-trade zones for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Such removals may be made in packages (casks, barrels, drums or other approved containers) containing 5 gallons or more, or in bottles containing less than 5 gallons. The removal and the deposit in the foreign-trade zone shall be in accordance with this subpart. Except as otherwise provided in this subpart, the provisions of Regulations 28 (26 CFR Part 176), relating to the drawback on distilled spirits and wines bottled or packaged especially for export, shall apply, to the extent applicable, to the rectification, if any, bottling and packaging, casing of bottles, marking of cases and packages, the transfer and storage pending transfer of such liquors to a zone, and transfer to a zone: *Provided*, That no bond will be required respecting such removals.

§ 199.203 *Claim and entry.* Whenever an exporter desires to remove distilled spirits or wines, bottled or packaged especially for export with benefit of drawback, for transportation to and deposit in a foreign-trade zone for exportation, he shall file with the district supervisor an application, in quadruplicate, on Form 1582 for distilled spirits, or on Form 1582–A for wines, to remove such spirits or wines and to obtain drawback thereon. All of the information called for by the headings of the various columns and lines on the forms and the instructions printed thereon, or issued in respect thereto, and as required by this subpart shall be furnished: *Provided*, That the exporter shall modify the claim and entry on Form 1582 or Form 1582–A to the extent necessary to indicate that the distilled spirits or wines are to be deposited in a foreign-trade zone for exportation or storage therein pending exportation. The number and location of the foreign-trade zone shall be stated in lieu of the foreign port. Form 1582 and Form 1582–A must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribed for such use contain therein a provision for verification by a written declaration that such claims are made under penalties of perjury, such claims shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1582 or Form 1582–A is signed by an agent, proper power of attorney on Form 1534 authorizing the agent to execute the form for the exporter must be filed in triplicate with the district supervisor.

(63 Stat. 667; 26 U. S. C. 3809)

§ 199.204 *Marking of containers.* Each case or package shall be marked in accordance with the provisions of Regulations 28 (26 CFR Part 176) for containers withdrawn for export, except that the words "via F. T. Z. No. ----" will be shown in addition to and immediately following the words "For Export from U. S. A."

§ 199.205 *Approval of application and release of liquors.* The exporter shall forward all copies of Form 1582 or Form 1582–A to the supervisor of the district in which the export storage room (in which the distilled spirits or wines are stored) is located. If the district supervisor finds that the claim and entry are properly executed and that the spirits or wines described in the entry have, according to the records of his office, been bottled or packaged especially for export with benefit of drawback, he shall execute his order on Form 1582 or Form 1582–A, as the case may be, to the storekeeper-gauger to release the liquors for shipment and return all copies of the form to such storekeeper-gauger. After the containers have been marked by the exporter, the storekeeper-gauger will inspect the containers and release the spirits for delivery to the zone. After the spirits have been released, the storekeeper-gauger shall execute his report on Form 1582 or Form 1582–A, as the case may be, and will forward one copy of the form to the district supervisor and deliver the original and two copies to the exporter, who will transmit such copies to the collector of customs at the foreign-trade zone.

§ 199.206 *Deposit in zone.* Upon receipt at the zone, the customs officer shall follow the procedure prescribed in Regulations 28 (26 CFR Part 176) governing the inspection and gauge, and the detention in the case of evidence of fraud, of the spirits and wines. Where the distilled spirits or wines are detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such liquors, until the district supervisor has advised the collector of customs that the liquors may be released and deposited in the zone. The customs officer shall modify his certificate on Form 1582 or Form 1582–A to indicate that it is a certificate of inspection and receipt and to show that the liquors were received under his supervision in the zone named by the exporter. Upon execution of his certificate, the customs officer will forward all copies of Form 1582 or Form 1582–A with attachments, if any, to the collector of customs. The collector of customs will execute his certificate on Form 1582 or Form 1582–A, which shall be properly modified to show deposit of the liquors in the zone specified in the entry, forward the original and one copy, together with attachments, if any, to the district supervisor who authorized the shipment, and retain the remaining copy.

§ 199.207 *Action on claim.* The district supervisor and the Commissioner of Internal Revenue will complete and dispose of the claim in the manner prescribed by Regulations 28 (26 CFR Part 176). If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

DISTILLERS' ORIGINAL PACKAGES

NOTE: Sections 199.208 to 199.211 interpret or apply 53 Stat. 338, as amended; 26 U. S. C. 2887. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 199.208 *General.* Tax-paid distilled spirits in distillers' original packages to which tax-paid stamps are affixed, containing not less than 20 wine gallons each, may be deposited, with the privilege of drawback of the internal revenue tax, in a foreign-trade zone for exportation or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Except as otherwise provided in this subpart, the provisions of Regulations 28 (26 CFR Part 178) relating to drawback on distilled spirits contained in distillers' original packages, upon exportation thereof, shall apply, to the extent applicable, to such distilled spirits when deposited for exportation in a foreign-trade zone: *Provided*, That bond, Form 1628, will not be required respecting such deposits.

§ 199.209 *Application and entry.* Whenever an exporter desires to deposit distilled spirits in distillers' original packages in a foreign-trade zone for exportation or for storage therein pending exportation, with privilege of drawback, he shall execute his application on Form 1629, in triplicate, and deliver it to the collector of customs. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon, or issued in respect thereto, and as required by this subpart, shall be furnished: *Provided*, That the application shall be modified to the extent necessary to indicate that the spirits are to be deposited in a foreign-trade zone for exportation or storage therein pending exportation. The number and location of the foreign-trade zone shall be shown in lieu of the foreign port. Upon certification by the customs officer that the spirits have been received in the zone, the collector of customs shall return Form 1629 to the exporter for execution of his entry for internal revenue drawback on spirits in distillers' original packages, which entry shall be modified to the extent necessary to show that the spirits have been deposited in the foreign-trade zone named in the application. The exporter shall return all copies of Form 1629 to the collector of customs. The entry on Form 1629 must be verified under oath by the exporter or his authorized agent: *Provided*, That if the forms officially prescribed for such use contain therein a provision for verification by a written declaration that such entry is made under penalties of perjury, such entry shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification. Where Form 1629 is signed by an agent, proper power of attorney on Form 1534 authorizing the agent to execute the form for the exporter must be filed in triplicate with the Commissioner of Internal Revenue.

(63 Stat. 667; 26 U. S. C. 3809)

§ 199.210 *Deposit in zone.* Upon receipt at the zone, the spirits will be inspected, gauged, and marked by a customs officer in accordance with the provisions of Regulations 28 (26 CFR Part 176), except that the words "via F. T. Z. No. ----" will be shown in addition to and immediately following the words "For Export from U. S. A." on the packages of such spirits. The officer performing the inspection and gauge shall modify his certificate on Form 1629 to the extent necessary to show that the spirits have been received in the foreign-trade zone named in the application. Upon execution of his certificate, the customs officer shall deliver all copies of Form 1629 to the collector of customs. The order and certificate of inspection and shipment on Form 1629 need not be executed by customs officers. After the exporter's execution of the entry for internal revenue drawback on spirits in distillers' original packages, as provided in § 199.209, the collector of customs shall execute his certificate on all copies of Form 1629, which shall be modified to the extent necessary to show that the spirits have been deposited in the foreign-trade zone specified in the application. Form 1629 shall be disposed of in accordance with the provisions of Regulations 28 and the instructions printed on the form.

§ 199.211 *Action on claim.* The Commissioner of Internal Revenue will, upon receipt of the claim and entry, Form 1629, complete and dispose of the claim in accordance with the provisions of Regulations 28 (26 CFR Part 176). If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

SUBPART H—VOLUNTARY DESTRUCTION OF UNTAX-PAID DISTILLED SPIRITS, WINES OR FERMENTED MALT LIQUORS AFTER RECEIPT IN A FOREIGN-TRADE ZONE

§ 199.225 *General.* Domestic distilled spirits (including alcohol), wines, and fermented malt liquors may not be taken into a foreign-trade zone for destruction. However, untax-paid liquors, which have become spoiled or unfit for beverage purposes subsequent to withdrawal for transportation to and deposit in a foreign-trade zone for exportation or for storage pending exportation, may be destroyed under the supervision of the collector of customs, where it is shown to the satisfaction of the Commissioner that the liquors became spoiled or unfit due to natural causes and in the absence of any intent, act, fault, or negligence upon the part of the exporter, carrier, zone operator, or any of their agents or employees.

§ 199.226 *Application.* Application, addressed to the Commissioner and filed as hereinafter provided, for authority to destroy domestic distilled spirits (including alcohol), wines, or fermented malt liquors on storage in a foreign-trade zone shall be made by the exporter on letter-size paper, in triplicate, showing the name, address and capacity of the claimant and setting forth, under oath the following information:

(a) The kind and quantity of the liquor, the serial numbers, if any, of the containers thereof, and identification of the trade zone in which the liquor is stored;

(b) The name and address of the producer of the liquor, and the name, registry number, if any, and location of the plant, warehouse or other establishment from which such liquors was withdrawn for transportation to and deposit in the foreign-trade zone;

(c) The date of spoilage or unfitness of the liquor, if known, and the cause and nature thereof, together with all of the known facts relating thereto;

(d) Whether the alleged spoilage or unfitness of the liquor occurred without intent, act, fault, or negligence on the part of the exporter, carrier, zone operator or their agents or employees and whether claim has been made or is contemplated against such persons on account of such spoilage or unfitness;

(e) Whether the spoiled or unfit liquor is covered by valid insurance in excess of the market value thereof, exclusive of tax. If the liquor is insured, the application will show its market value, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the liquor and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the loss of the liquor by reason of its spoilage or destruction. The district supervisor or the Commissioner may require any further evidence as is deemed necessary. The operator of the foreign-trade zone shall countersign the application or otherwise indicate thereon his knowledge of and concurrence in the application to destroy the liquor. The exporter shall file the application with the collector of customs in whose district the foreign-trade zone is located; at the same time the exporter shall likewise file Zone Form E in accordance with Customs Regulations (19 CFR Part 30).

§ 199.227 *Procurement of samples.* Upon receipt of the application, the collector of customs will determine the correctness thereof and procure a representative sample, or samples, of the liquor for analysis to determine whether it is spoiled or unfit for beverage purposes. Each sample will consist of not less than one pint, or of not less than one quart in the case of barrels and tanks. The samples will be labeled in such a manner as will readily identify the liquor and will be forwarded at the applicant's expense to the district supervisor for the district in which the foreign-trade zone is located. The collector of customs will endorse upon the application, or append thereto, a statement that he has procured and forwarded representative samples of the liquor described in the application to the district supervisor, and shall report any facts relating to the condition of the liquor, or the cause thereof, of which he may have knowledge. The original and one copy of the application will be forwarded to the district supervisor for the district in which the foreign-trade zone is located and the collector shall retain the remaining copy for his files. The collector will retain all copies of Zone Form E pending notification by the Commissioner as to his decision with respect to the alleged spoiled or unfit liquor.

§ 199.228 *Analysis of samples.* The district chemist will analyze the samples of the liquor and furnish a report of such analysis to the district supervisor. The analysis will be for the purpose of determining whether the product is spoiled or otherwise unfit for beverage purposes, and the cause therefor if spoilage or unfitness is determined.

§ 199.229 *Action by district supervisor.* The district supervisor will carefully examine the application to see that all of the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon the completion of his examination and investigation, if any, the district supervisor will forward the original copy of the application and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to the merits of the application. The district supervisor will retain a copy of the application for his files.

§ 199.230 *Action by Commissioner.* If the Commissioner finds that the domestic distilled spirits (including alcohol), wines, or fermented malt liquors were withdrawn for transportation to and deposit in a foreign-trade zone in good faith for the purpose of exportation or storage pending exportation, and that such liquors subsequently spoiled or became unfit for beverage use through no act, intent, fault, or negligence on the part of the exporter, carrier, or zone operator, or the agents or employees of any of them, he may approve the application and authorize the destruction of the liquor described therein under the supervision of the collector of customs. Upon his approval or disapproval of the application, the Commissioner will advise the collector of customs of his action. The Commissioner will furnish a copy of his letter to the district supervisor for the completion of his files.

§ 199.231 *Action by collector of customs.* Upon receipt of the Commissioner's authorization for destruction, of the liquor, or his disapproval of the application for destruction, the collector of customs will act upon the exporter's application on Zone Form E and dispose of it in accordance with the applicable provisions of Customs Regulations (19 CFR Part 30). Where the Commissioner has authorized the destruction of the liquor, such destruction shall be accomplished under the immediate supervision of an officer assigned for the purpose at the collector's convenience.

SUBPART I—REMOVAL OF STILLS OR DISTILLING APPARATUS FOR DEPOSIT IN A FOREIGN-TRADE ZONE FOR EXPORTATION, DESTRUCTION, OR STORAGE PENDING EXPORTATION

REMOVALS FREE OF TAX

§ 199.250 *General.* Stills and worms or condensers, to be used for purposes other than distilling as defined by § 199.251, may be withdrawn from the premises of the manufacturer or vendor, free of tax, for deposit in a foreign-trade zone for exportation, destruction, or

[1] See footnote on p. 5238

storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1]

§ 199.251 *"Distilling" defined.* The term "distilling" used in § 199.250 shall mean the distillation of spirits or alcohol as defined by sections 2809 [2] and 3124,[3] I. R. C. Such distillation shall include: (a) The original manufacture of distilled spirits from mash, wort, or wash, or any material suitable for the production of spirits; (b) the redistillation of spirits in the course of original manufacture; (c) the redistillation of spirits, or products containing spirits within the provisions of section 3254 (g), I. R. C.;[4] (d) the distillation, redistillation, or recovery of ethyl alcohol or of completely or specially denatured alcohol, or of articles containing ethyl alcohol or completely or specially denatured alcohol; and (e) the redistillation or recovery of tax-free alcohol.

§ 199.252. *Application and entry.* When it is desired to remove stills, worms or condensers, free of tax, for deposit in a foreign-trade zone, for exportation, destruction, or storage therein pending exportation, the exporter will file with the collector of internal revenue an application and entry on Form 1690, in quadruplicate, properly modified to show deposit in a foreign-trade zone pending exportation. Each application, Form 1690, must be numbered serially commencing with number "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. A statement by the person who intends to use the distilling apparatus must be filed by the exporter in support of the application when the still is to be exported or stored pending exportation. The statement must show the purchaser's name and address, the purpose for which the distilling apparatus will be used, the manufacturer's name and address and serial number of the apparatus. The serial number and the manufacturer's name and address may be entered on the statement by the exporter. If all required information has been furnished by the exporter and the collector of internal revenue finds the purpose for which the distilling apparatus will be used is other than distilling spirits or alcohol, as defined in § 199.251, or if the still is to be deposited in the zone for destruction, the collector will approve each copy of the application and entry, retain the original and return the remaining three copies to the exporter. The purchaser's statement will be retained by the collector. Upon receipt of the approved copies of the application and entry, the exporter may remove the distilling apparatus described therein for deposit in the zone. If evidence of deposit of the distilling apparatus in a zone is not received by the collector of internal revenue in due course, an appropriate inquiry will be made.

§ 199.253 *Marking of stills, worms or condensers.* Stills, worms or condensers intended for deposit in a foreign-trade zone pending exportation shall have branded or stamped thereon, in a conspicuous place, the words "For Export," followed by the serial number of the article and the manufacturer's name. Where such articles are manufactured from metal plates, the words "For Export," with the serial number of the article and the manufacturer's name directly thereunder, will be stamped (in letters and figures which must, in no case, be less than one-half inch in height) thereon with a suitable die, or otherwise permanently affixed to each article. Where the article is constructed of wood, the words "For Export," the serial number of the article and the manufacturer's name will be branded thereon. If the article is to be exported in a shipping container, the foregoing marks must also be shown on such container in a manner which will enable ready identification by customs officers.

§ 199.254 *Delivery to and deposit in zone.* The exporter, upon receipt of the approved copies of the application and entry, will execute his request for customs inspection on such form. The exporter will then deliver the still, worm or condenser either to the carrier or directly for customs inspection. Two copies of the Form 1690 will be transmitted to the collector of customs. Upon receipt at the zone, the distilling apparatus will be inspected by a customs officer, and he will, if he finds it to be otherwise than described, make a special report on the Form 1690. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the collector of customs in accordance with the provisions of Customs Regulations (19 CFR Part 30). After the distilling apparatus has been inspected, and destroyed if deposited in the zone for that purpose, the customs officer will modify and sign his certificate on Form 1690 indicating receipt, and, where applicable, the destruction under his supervision, of the apparatus.

§ 199.255 *Disposition of Form 1690.* After executing his certificate, the customs officer will forward the forms to the collector of customs who will modify and sign his certificate, showing deposit, and where applicable the destruction, of the distilling apparatus in the foreign-trade zone, on each copy of the entry, Form 1690. The collector of customs will retain one copy for his entry record and transmit the remaining copy of the Form 1690 to the collector of internal revenue who approved the form.

REMOVALS WITH BENEFIT OF DRAWBACK

§ 199.256 *General.* Stills manufactured especially for export, upon which the excise (commodity) tax has been paid, may be removed with benefit of drawback from the premises of the manufacturer for deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation, in accordance with the fourth proviso to section 3 of the Act of June 18, 1934, as amended.[1] Under the law, the allowance of drawback is restricted to the tax paid on stills manufactured for export. No drawback can be allowed on worms or condensers.

(53 Stat. 388, as amended; 26 U. S. C. 3250)

§ 199.257 *Regulations made applicable.* The provisions of Regulations 23 (26 CFR Part 181) relating to exportation of stills with benefit of drawback shall apply, to the extent applicable, to the removal of such stills for deposit, with benefit of drawback, in foreign-trade zones for exportation, destruction, or storage therein pending exportation. Form 1610 prescribed by Regulations 23 shall be modified to the extent necessary to indicate that the stills are to be removed for deposit in a foreign-trade zone and that they have been so deposited. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the collector of customs in accordance with the provisions of Customs Regulations (19 CFR Part 30). After the distilling apparatus has been inspected, and destroyed if deposited in the zone for that purpose, the customs officer will modify and sign his certificate on Form 1610 indicating receipt, and where applicable the destruction under his supervision, of the apparatus. In lieu of showing the port of exportation and the date of clearance there shall be shown the number and location of the foreign-trade zone and the date of deposit, and where applicable the destruction, of the still.

SUBPART J—BOND AND CONSENTS OF SURETY

§ 199.300 *General.* Every person required by Subparts C through I of this part to file a bond or consent of surety shall prepare and execute it on the prescribed form, in triplicate. Bonds shall be given with surety or collateral security. Surety may be individual or corporate. A surety may not have any interest, either direct or indirect, in the business of the principal on the bond. District supervisors are authorized to approve or disapprove all bonds and consents of surety required by Subparts C through I of this part.

§ 199.301 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 199.302 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts and Deposits, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal, must be filed on Form 1534, in triplicate, with the district supervisor.

§ 199.303 *Individual sureties.* Bonds may be given with individual sureties of which there must be not less than two, each of whom must qualify by executing Form 33 (ATU), in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 199.304 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted. The real property must be described in the surety's affidavit, Form 33 (ATU), with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 199.305 *Execution of Form 33.* The surety's affidavit on Form 33 (ATU) shall contain all of the information required by this subpart and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 199.306 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33 (ATU), a certificate of title, in triplicate, showing that the surety has a fee simple title free of encumbrances to the realty described in the form: *Provided*, That where recognized by the laws of the State in which the realty is located, there may be submitted, in lieu of a certificate of title, a document of comparable validity, such as a certified copy of a title insurance policy or a certificate of search and finding executed by an authorized attorney.

§ 199.307 *Appraisal.* There will also be submitted with Form 33 (ATU) an appraisal, in triplicate, by two or more competent persons, designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 199.308 *Investigation.* The district supervisor must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 (ATU) and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33.

§ 199.309 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33 (ATU).

§ 199.310 *Deposit of collateral.* Except as provided in this section, bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (31 CFR Part 225), United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledge and deposited as security in lieu of corporate or individual sureties.

(Sec. 1126, 44 Stat. 122, as amended, sec. 7, 49 Stat. 22; 6 U. S. C. 15)

§ 199.311 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

§ 199.312 *Approval required.* No person intending to withdraw liquors or other articles under the provisions of Subparts C through I of this part for transportation to and deposit in a foreign-trade zone shall make any such withdrawal until all bonds required by law and Subparts C through I of this part have been approved by the district supervisor.

§ 199.313 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by law and Subparts C through I of this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the district supervisor will refuse to approve any additional or strengthening bond where any notation is made thereon which may be construed as a release of any former bond or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 199.314 *New or superseding bonds.* The principal on any bond filed pursuant to Subparts C through I of this part may, at any time, substitute a new bond therefor. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or district supervisor, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. A new bond shall be required immediately in case of death, removal from the State, or insolvency of an individual surety, or the insolvency of a corporate surety. Where a bond is found to be not acceptable or for any reason becomes invalid or of no effect, the principal shall be re-

[1] See footnote on p. 5228.

[2] Distilled spirits. spirits, alcohol, and alcoholic spirits, within the true intent and meaning of this chapter, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance. • • •. (53 Stat. 307; 26 U. S. C. 2809.)

[3] The term "alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, from whatever source or whatever processes produced. • • •. (53 Stat 364; 26 U. S. C. 3124.)

[4] Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor dealer who has in his possession any still or leach tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any material, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: • • •. (53 Stat. 391; 26 U. S. C. 3254.)

quired to file immediately a new and satisfactory bond, or discontinue operations thereunder forthwith. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond." Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond may be issued as provided in § 199.324.

DISTRICT SUPERVISOR'S ACCOUNTS WITH BONDS

§ 199.315 *Alcohol and specially denatured rum.* The district supervisor will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 1495), or continuing transportation for export bond (Form 1496), or the distiller's denaturing warehouse bond (Form 572), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax, or an amount equal thereto, on each lot of alcohol or specially denatured rum withdrawn under a bond for transfer to a foreign-trade zone. Alcohol or specially denatured rum so withdrawn shall remain unaccounted for until proof of deposit in a foreign-trade zone is filed with the district supervisor, or, where a loss is reported (a) until satisfactory evidence establishes that the alcohol or specially denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof, and that such loss occurred without connivance, collusion, fraud, or negligence on the part of the exporter or carrier or other such person, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(53 Stat. 336, 355, 358; 26 U. S. C. 2885, 3105, 3070)

§ 199.316 *Specially denatured alcohol.* The district supervisor will keep an account with each bond covering transportation to foreign-trade zones of specially denatured alcohol in accordance with the procedure prescribed in § 199.315 for keeping accounts with bonds covering transportation of alcohol and specially denatured rum: *Provided*, That the principal will be charged with an amount equal to the internal revenue tax at double the distilled spirits rate of tax on each wine gallon of specially denatured alcohol withdrawn under an outstanding bond for transportation to a zone.

(53 Stat. 358, 359, 359, 360, 364; 26 U. S. C. 3105, 3109, 3111, 3112, 3124)

§ 199.317 *Distilled spirits.* The district supervisor will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 657), or continuing transportation for export bond (Form 658), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax on each lot of distilled spirits withdrawn under a bond for transfer to a foreign-trade zone. Spirits so withdrawn shall remain unaccounted for until proof of deposit in a foreign-trade zone is filed with the district supervisor, or, where a loss is reported (a) until satisfactory evidence establishes that the loss did not result from unauthorized voluntary destruction or, if from theft, that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(53 Stat. 336, 339, 344; 26 U. S. 2885, 2888, 2905)

§ 199.318 *Wines.* The district supervisor will keep an account with each bond covering transportation of wines to foreign-trade zones. Where an approved consent of surety, Form 1533, which specifically extends the terms of the exporter's continuing export bond (Form 186) to cover withdrawals for deposit in a foreign-trade zone is on file, only one account covering all transactions under such bond need be kept. The principal will be charged with the internal revenue tax on each lot of wine removed under an outstanding bond for deposit in a foreign-trade zone and will be given credit for the tax on each lot concerning which satisfactory proof of deposit in the zone is received. In case a shortage is reported from any shipment, credit will be entered for the actual quantity deposited in the zone. Credit will not be entered for the loss until the tax has been paid thereon. Wine withdrawn for deposit in a zone will be carried as unaccounted for until the certificate of the collector of customs showing the deposit of the wine in the zone has been received, and until the tax has been paid on any wine lost in transit to the zone.

(53 Stat. 347 as amended, 353; 26 U. S. C. 3030, 3037)

§ 199.319 *Fermented liquors.* The district supervisor will keep an account with each bond governing transportation of fermented liquors to foreign-trade zones. Where an approved consent of surety, Form 1533, which specifically extends the terms of the brewer's continuing export bond (Form 263) to cover withdrawals for deposit in a foreign-trade zone is on file, only one account covering all transactions under such bond need be kept. The principal will be charged with the internal revenue tax at the rate imposed on fermented malt liquors on each lot of fermented liquors removed under an outstanding bond for transportation to a zone. Credit will be given on fermented liquors for which proof of deposit in a foreign-trade zone is filed with the district supervisor and for losses of fermented liquors in transit where there is no evidence that such losses resulted from theft or pilferage or from fraud by the exporter.

(53 Stat. 365 as amended, 367; 26 U. S. C. 3150, 3153)

TERMINATION OF TRANSPORTATION BONDS

§ 199.320 *General.* Bonds on Form 1702, covering a specific lot of liquors withdrawn for deposit in a zone, will be terminated by the district supervisor immediately upon receipt from the collector of customs of a certification that the liquors had been deposited in the zone to which consigned: *Provided*, That where there is a deficiency reported by the collector of customs, the bond will not be terminated by the district supervisor until liability for the deficiency has been cleared. Upon termination, the district supervisor will mark the bond "Cancelled" followed by the date of cancellation, and will issue a notice of release, Form 1491, as provided in § 199.324. Continuing bonds on Form 1703 will be terminated by the district supervisor as to liability for liquors consigned to a foreign-trade zone after a specified future date (a) pursuant to a notice by the surety, as provided in § 199.321, (b) following approval of a superseding bond, as provided in § 199.314, or (c) following notification by the principal of the discontinuance of the business covered by the bond. Upon termination, the district supervisor will mark the bond "Cancelled" followed by the date of cancellation, and will issue a notice of termination, Form 1490, or a notice of release, Form 1491, as provided in § 199.324.

§ 199.321 *Application of surety for release from bond.* A surety on any bond required by Subparts C through I of this part may at any time, in writing, notify the district supervisor in whose office the bond is on file, and the principal, that he desires to be relieved of liability under the bond at a date not less than 60 days after the date of the notification. One copy of the notice must be delivered to the principal and two copies shall be delivered to the district supervisor. If the notice is given by an agent of the surety it must be accompanied by a power of attorney authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the district supervisor an acknowledgment or other proof of service of such notice on the principal.

§ 199.322 *Extent of release of surety from liability under bond.* If the notice required by § 199.321 is not withdrawn thereafter in writing, the rights of the principal as supported by the said bond shall be terminated on the date named in the notice, and the surety will be relieved from liability for liquors withdrawn wholly subsequent to the date named. Liability under a bond on Form 1703 for liquors removed prior to the date named in the surety's notice will continue until such liquors are properly accounted for according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for liquors withdrawn wholly subsequent to the effective date of the superseding bond.

§ 199.323 *Action by district supervisor.* When an application by the surety for release as to future liability from a transportation bond required by Subparts C through I of this part is filed with the district supervisor, or when a superseding bond has been approved, or when the principal has discontinued business, the district supervisor will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He shall also ascertain from the collector of internal revenue whether there are any outstanding unpaid assessments against the principal on liquors removed under the bond. If it is found that violations of law and regulations occurred during the period covered by the bond or that liabilities chargeable against the bond have not been paid or otherwise settled, no further action will be taken until all such liabilities have been settled. If the district supervisor finds that the bond may be properly terminated, he will issue notice of termination in accordance with the provisions of § 199.324.

§ 199.324 *Notice of termination.* Upon determining that a transportation bond filed pursuant to Subparts C through I of this part may be terminated, the district supervisor will execute a notice of termination, Form 1490, where a superseding bond has been approved, or a notice of release, Form 1491, where the principal has discontinued the business covered by the bond, or where the surety has made application for release from bond as provided in § 199.321. The notice of termination or the notice of release shall be prepared in quadruplicate where there is but one surety, and in quintuplicate where there are two sureties. The district supervisor will forward the original of the notice to the Commissioner, together with a copy of the surety's application, if any, furnish one copy to each obligor, and retain one copy of the notice and the surety's application, if any, on file with the bond to which it relates.

§ 199.325 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by Subparts C through I of this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the district supervisor determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(44 Stat. 122 as amended; 6 U. S. C. 15)

SUBPART K—INSTRUMENTS AND PAPERS

§ 199.350 *Part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or this part are hereby made a part of these regulations as fully and to the same extent as if incorporated herein.

SUBPART L—TOBACCO PRODUCTS

§ 199.375 *General.* The following regulations in this subpart shall govern the withdrawal of tobacco products, including chewing and smoking tobacco, snuff, cigars and cigarettes, without payment of tax, from bonded domestic internal revenue factories and from bonded internal revenue tobacco export and sea stores warehouses for delivery to foreign-trade zones.

§ 199.376 *Withdrawals of tobacco products to be covered by bond.* No additional or special bonds will be required to cover withdrawals of nontaxpaid tobacco products from domestic internal revenue factories where produced, or withdrawals of such articles from internal revenue tobacco export and sea stores warehouses, for delivery to foreign-trade zones under these regulations. Liability to tax on such withdrawals shall be charged against the bonds under which the factories and tobacco export or sea stores warehouses are operated. However, a tobacco products manufacturer, or proprietor of a bonded internal revenue tobacco export or sea stores warehouse, who desires to make withdrawals of nontaxpaid tobacco products from his factory or warehouse for delivery to foreign-trade zones must furnish to the District Supervisor, Alcohol and Tobacco Tax Division, of the district in which his factory or warehouse is located, consent of the surety on his factory or warehouse bond to cover such withdrawals.

§ 199.377 *Requirements as to packing, marking or branding.* Tobacco, snuff, cigars and cigarettes may be put up in packages of any desired size or description for delivery to a foreign-trade zone. Any label, seal or closure appearing on a package of tobacco products which is shipped to a foreign-trade zone must be readily distinguishable from an internal revenue stamp.

§ 199.378 *Shipping containers.* Each shipping case, crate, or other package, containing nontaxpaid tobacco products, to be delivered to a foreign-trade zone under these regulations must be numbered.

§ 199.379 *Application for withdrawal.* For each intended withdrawal of nontaxpaid tobacco products from his factory, or withdrawal of nontaxpaid tobacco products from his bonded internal revenue tobacco export warehouse under these regulations, the manufacturer or warehouse proprietor shall file with the district supervisor of the district in which the factory or warehouse is located an application for withdrawal, Form 550–F, in triplicate, while for each intended withdrawal of such articles from a bonded internal revenue sea stores warehouse under the regulations in this part, the proprietor shall file with his district supervisor an application, Form 550–F, in quadruplicate. The front or face of each copy of the application, Form 550–F, shall be completely and legibly filled in and be given a serial number by the manufacturer or warehouse proprietor. All of the copies of the application shall show the same information, including the serial number. Upon receipt of the properly executed application, the district supervisor will sign each copy indicating his approval of the withdrawal of the shipment described on the application. If the shipment is to be withdrawn from a domestic factory, or from a bonded internal revenue tobacco export warehouse, inspection by an internal revenue officer prior to withdrawal will not be necessary or required. However, if the shipment is to be withdrawn from a bonded internal revenue sea stores warehouse, inspection by the officer in charge of the warehouse prior to withdrawal is required.

§ 199.380 *Disposition of copies of Form 550–F.* After the district supervisor has signed each copy of the application, Form 550–F, indicating his approval of the withdrawal of the shipment described on the form, he shall retain one copy for immediate transmittal to the Commissioner. If the shipment is to be withdrawn from a domestic factory or bonded internal revenue tobacco export warehouse, the district supervisor must return the other two approved copies of the Form 550–F to the manufacturer or warehouse proprietor concerned. If the shipment is to be withdrawn from a bonded internal revenue tobacco sea stores warehouse, the district supervisor must forward the other three approved copies of the Form 550–F to the officer in charge of the warehouse who shall permit withdrawal of the shipment described on the form. When the shipment has been removed from the factory or tobacco export warehouse, the manufacturer or warehouse proprietor shall execute the appropriate certificate on the back of both copies of the Form 550–F and forward these two copies to the customs officer in charge of the foreign-trade zone to which the shipment described on the form will be delivered. When the shipment from the tobacco sea stores warehouse has been withdrawn under the supervision of the officer in charge, that officer should execute the proper certificate on the back of each of the copies of the Form 550–F, retain one copy to be submitted with his report at the close of the month on Form 550–D to the district supervisor for the district in which the sea stores warehouse is located, and forward the other two copies of the Form 550–F to the customs officer in charge of the foreign-trade zone involved.

§ 199.381 *Receipt of shipment into foreign-trade zone.* When a shipment of nontaxpaid tobacco products is received at the foreign-trade zone, the customs officers at the zone shall inspect the shipment to satisfy themselves that it agrees with that described on the copies of the related Form 550–F received from the manufacturer, proprietor of the tobacco export warehouse, or officer in charge of the tobacco sea stores warehouse from which the shipment originated. The customs officers at the foreign-trade zone should not permit receipt into the zone of tobacco products other than those described on the related Form 550–F. After

permitting receipt of the shipment into the zone, the officer in charge shall properly execute the certificate of receipt on the back of each of the two copies of the related Form 550–F, retain one copy for the records of his office, and transmit the other completed copy of the form to the Commissioner of Internal Revenue.

§ 199.382 *Delay in removal; cancellation of shipment.* In case the shipment of tobacco products is not removed from the factory, or internal revenue tobacco export or sea stores warehouse, within ten days after the date of approval of the related Form 550–F by the district supervisor, the manufacturer or warehouse proprietor must advise the supervisor as to the probable date of removal. If the order for the shipment has been canceled, the manufacturer or warehouse proprietor should so state request permission to cancel his application and retain the merchandise in stock in his factory or warehouse.

§ 199.383 *Return of shipment to factory or warehouse.* If, after removal from his factory, or internal revenue warehouse, and prior to delivery to and receipt in a foreign-trade zone, the manufactuer, or the proprietor of the internal revenue tobacco export or sea stores warehouse, desires to return a shipment of tobacco products to the premises of his factory, or into his warehouse, he must make application to the Commissioner of Internal Revenue for permission so to do. The manufacturer or warehouse proprietor must identify the shipment set forth in such application, where it has been since it left his factory or warehouse, where it is held and in whose custody it is at the time of making application, and the reason for its return. Permission and appropriate instructions must be received by the manufacturer or warehouse proprietor from the Commissioner before the merchandise is returned to the premises of the factory or warehouse.

§ 199.384 *Tax liability.* Responsibility for the proper delivery of nontaxpaid tobacco products withdrawn from the factory, or tobacco export or sea stores warehouse, under the regulations in this part shall rest upon the manufacturer or warehouse proprietor making the withdrawal and he will be liable for the internal revenue tax on such articles shipped or delivered otherwise than in accordance with the regulations in this part, or for such articles shipped for this purpose where satisfactory evidence of delivery is not received by the Commissioner.

§ 199.385 *Credit for shipment.* Upon receipt by the Commissioner of Internal Revenue of a copy of the application, Form 550–F, on which the officer in charge of the foreign-trade zone has executed the certificate of receipt, or other satisfactory evidence, credit will be allowed the shipper for the merchandise actually received into the foreign-trade zone as indicated by the officer in charge of the zone. In case a shortage is reported, the shipper will be required to pay the amount of tax due on the shortage.

§ 199.386 *Penalties.* Sections 2160 and 2173 of the Internal Revenue Code impose severe penalties for the illegal possession, use or dealing in, within the United States (including the Territories of Alaska and Hawaii), of manufactured tobacco, snuff, cigars and cigarettes upon which the tax has not been paid. These provisions of law apply to tobacco products removed without payment of tax under these regulations from a factory or internal revenue tobacco export or sea stores warehouse and, accordingly, any person possessing, using or dealing in such products otherwise than as authorized by these regulations may be subject to the penalties prescribed in such provisions of law.

SUBPART M—PLAYING CARDS

§ 199.425 *General.* The regulations in this subpart shall govern the withdrawal of playing cards, without payment of tax, from factories, for delivery to foreign-trade zones.

§ 199.426 *Bond for withdrawals of playing cards.* A manufacturer intending to withdraw playing cards, without the payment of tax, for transportation to and deposit in a foreign-trade zone shall, either before, or at the time of, filing his first application for withdrawal for delivery to foreign-trade zone on Form 550–F, furnish to the collector of internal revenue of the district in which the place of manufacture is located, an export bond, in duplicate, on Form 549, with surety satisfactory to the collector. If an export bond on Form 549 has already been furnished by the manufacturer, it will not be necessary that a new bond be filed, since liability to tax on such a withdrawal will be charged against the existing export bond, Form 549; however, in such case if a playing card manufacturer makes a withdrawal of tax-free playing cards from his factory for delivery to a foreign-trade zone he must furnish to the collector of the district in which the factory is located consent of the surety on the export bond to cover such withdrawal.

§ 199.427 *Requirements as to packing, marking or branding.* Playing cards must be put up in packs the same as for domestic use. Any label used to seal a package of playing cards which is shipped to a foreign-trade zone must be readily distinguishable from an internal revenue stamp.

§ 199.428 *Shipping containers.* Each shipping case, crate, or other package, containing nontaxpaid playing cards, to be delivered to a foreign-trade zone under the regulations in this part must be numbered.

§ 199.429 *Application for withdrawal.* For each intended withdrawal of nontaxpaid playing cards from his factory under the regulations in this part, the manufacturer shall file with the collector of internal revenue of the district in which the factory is located an application for withdrawal, Form 550–F, in triplicate. The front or face of each copy of the application, for 550–F, shall be completely and legibly filled in and be given a serial number by the manufacture. All of the copies of the application shall show the same information, including the serial number. Upon receipt of the properly executed application, the collector will sign his permit on each copy indicating his approval of the withdrawal of the shipment described on the application. Inspection of the shipment by an internal revenue officer prior to withdrawal from the factory will not be necessary or required.

§ 199.430 *Disposition of copies of Form 550–F.* After the collector has signed his permit on each copy of the application, Form 550–F, indicating his approval of the withdrawal of the shipment described on the form, he should retain one copy for transmittal to the Commissioner in accordance with the provisions of A&C Mimeograph Coll. No. 6280, dated June 29, 1948. The collector should return the other two approved copies of the Form 550–F to the manufacturer concerned. When the shipment has been removed from the factory the manufacturer shall execute the appropriate certificate on the back of each copy of the Form 550–F and forward both copies to the customs officer in charge of the foreign-trade zone to which the shipment described on the form will be delivered.

§ 199.431 *Receipt of shipment into foreign-trade zone.* When a shipment of playing cards is received at the foreign-trade zone, the customs officers at the zone shall inspect the shipment to satisfy themselves that it agrees with that described on the copies of the related Form 550–F received from the manufacturer. The customs officers at the foreign-trade zone should not permit receipt into the zone of playing cards other than those described on the related Form 550–F. After permitting receipt of the shipment into the zone, the officer in charge shall properly execute the certificate of receipt on the back of each of the two copies of the related Form 550–F, retain one copy for the records of his office, and transmit the other completed copy of the form to the Commissioner of Internal Revenue.

§ 199.432 *Delay in removal; cancellation of shipment.* In case a shipment is not removed from the factory within ten days after the date of approval of the related Form 550–F by the collector of internal revenue, the manufacturer must advise the collector as to the probable date of removal. If the order for the shipment has been canceled, the manufacturer must so state and request permission to cancel his application and retain the merchandise in stock in his factory.

§ 199.433 *Return of shipment to factory.* If, after removal from his factory, and prior to delivery to and receipt in a foreign-trade zone, the manufacturer desires to return a shipment of playing cards to the premises of his factory, he must make application to the Commissioner of Internal Revenue for permission so to do. The manufacturer must identify the shipment set forth in such application, where it has been since it left his factory, where it is held and in whose custody it is at the time of making application, and the reason for its return. Permission and appropriate instructions must be received by the manufacturer from the Commissioner before the merchandise is returned to the premises of the factory.

§ 199.434 *Tax liability.* Responsibility for the proper delivery of nontaxpaid playing cards withdrawn from his factory under the regulations in this part shall rest upon the manufacturer making the withdrawal and he will be liable for the internal revenue tax on such articles shipped or delivered otherwise than in accordance with the regulations in this part, or for such articles shipped for this purpose where satisfactory evidence of delivery is not received by the Commissioner.

§ 199.435 *Credit for shipment.* Upon receipt by the Commissioner of Internal Revenue of a copy of the application, Form 550–F, on which the officer in charge of the foreign-trade zone has executed the certificate of receipt, or other satisfactory evidence, credit will be allowed the shipper for the playing cards actually received into the foreign-trade zone as indicated by the officer in charge of the zone. In case a shortage is reported, the shipper will be required to pay the amount of tax due on the shortage.

§ 199.436 *Penalties.* Sections 1820 (b) and 3320(a) of the Internal Revenue Code impose severe penalties for dealing in, within the United States, playing cards upon which the tax properly due has not been paid, or for possessing playing cards with design to avoid payment of the tax thereon. These sections apply to playing cards removed without payment of tax under the regulations in this part, and accordingly, any person possessing, using, or dealing in, such playing cards otherwise than as authorized by these regulations may be subject to penalities prescribed therein.

3. These regulations will be effective on the 31st day after the date of their publication in the FEDERAL REGISTER.

[F. R. Doc. 52-6358; Filed, June 9, 1952; 8:55 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 17]

MEAT INSPECTION REGULATIONS; LABELING

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by the Meat Inspection Act, as amended (21 U. S. C. 71–91) is considering amending Part 17 of the meat inspection regulations (9 CFR, Chapter I, and Subchapter A, Part 17) relating to labeling by adding to paragraph 17.8 (c) the following subparagraph:

(52) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

The purpose of the foregoing proposed amendment is to control the composition of certain meat food products along lines which have been thoroughly investigated by the Meat Inspection Division of the Department of Agriculture and to bring into the regulations, orders and instructions that have been given to the field operating force of the Meat Inspection Division and inspected establishments during the past year.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6337; Filed, June 9, 1952; 8:49 a. m.]

Production and Marketing Administration

[7 CFR Part 942]

[Docket No. AO 103-A12]

HANDLING OF MILK IN NEW ORLEANS, LA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGEEMENT AND PROPOSED ORDER AMENDING ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at New Orleans, Louisiana, on March 11–13, 1952, pursuant to notice thereof which was issued February 21, 1952 (17 F. R. 1625).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 1, 1952 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 6, 1952 (17 F. R. 4171; F. R. Doc. 52–5071).

Within the period reserved, several interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon are at variance with the exceptions, such exceptions are overruled.

The material issues of record are concerned with the following:

1. Revision of the terms "producer," "country plant," "city plant," "handler," "delivery period" and "other source milk" and the addition of definitions for "fluid milk plant" and "producer milk";

2. Incorporation of revised indexes of wholesale prices and New Orleans department store sales in the Class I pricing formula;

3. Revision of the Class I supply-demand arrangement and other Class I pricing provisions;

4. An increase of the Class III price;

5. Revision of the classification and transfer provisions;

6. A change in the method of determining monthly bases for individual producers and a change in the months included in the base forming and base operating periods;

7. Reissuance of Order 42 in accordance with regulations of the Division of Federal Register issued October 12, 1948.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

1. The terms "producer," "country plant," "city plant," "handler," "delivery period," and "other source milk" should be redefined and a definition of "producer milk" should be added.

At present, the designation of a dairy farmer as a producer under the order is dependent upon the receipt of such farmer's milk at a country or city plant. The definition of a country plant likewise is dependent upon receipt of milk from a producer. The difficulty caused by the interdependence of these definitions can be eliminated by redefining several terms. The wording in other order provisions also may be simplified by combining the definitions for country plant and city plant into a new definition "fluid milk plant."

Under the prevailing health ordinances, the New Orleans Health Department issues permits to milk plants located in the city of New Orleans. The approval of farms and the issuance of permits to suppliers of milk for New Orleans are handled by the state health departments of Louisiana and Mississippi. Producers and plants supplying milk for Louisiana areas outside of the city of New Orleans are issued permits by the health departments of the respective parishes in which the plants and farms are located. These health departments are local agencies of the Louisiana State Health Department. It is not possible, therefore, to readily distinguish between New Orleans marketing area milk plants and producers and other

plants and dairy farmers on the basis of health department approval.

It is quite possible that under the present definitions of terms, dairy farmers who deliver milk to a milk plant located in either state would come within the scope of the current definition of a producer. If such plant transferred milk of any quantity to a plant distributing milk in the New Orleans marketing area, such plant would now be classified as a country plant and the operator of that plant would be a handler subject to the order. It is intended, however, that the order apply to milk supplied by dairy farmers and to operators of milk plants primarily engaged in serving the New Orleans marketing area. The order should not apply to so-called emergency shipments nor to reserve milk which might be transferred from a nearby market to a regulated handler during the flush production season. In order to preclude such possibilities, a basis is needed to distinguish between plants and producers who are considered as regular sources of supply for the marketing area and those who are not regularly associated with this area. This may be accomplished by defining a fluid milk plant as a milk plant (1) where milk is processed and packaged and from which Class I milk is disposed of on retail or wholesale outlets in the marketing area, or (2) from which milk or cream is transferred to a plant described in (1); and providing for the exclusion from this definition, plants transferring Class I–A, Class II or Class III milk only, or plants which may furnish emergency supplies during the short production season or infrequent shipments during other seasons. This may be accomplished by specifically excluding these plants which furnish milk for less than 20 days during each of the months of September through December or less than 5 days during other months. These qualifications have been changed on the basis of exceptions filed to the recommended decision. These qualifications are more appropriate than those set forth in the recommended decision for meeting the previously mentioned problem of distinguishing between regular and emergency or nonregular suppliers of milk under the individual handler pooling arrangement for the New Orleans marketing area. Fluid milk plant status will be determined on the basis of performance during the current delivery period rather than during the immediately preceding period of September through November. Milk received from dairy farmers delivering to plants qualifying as fluid milk plants in any given delivery period, therefore, will be subject to the minimum pricing provisions of the order in such month. The definition decided upon also will tend to preclude the possibility of certain handlers gaining a short run price advantage in procuring milk for Class I uses. Under the previously proposed definitions, this might have been achieved during the flush production season by dropping regular producers and procuring seasonal reserve milk from plants not previously qualified as fluid milk plants. The dropping of producers and procurement of other source milk would nullify the ends sought through the pricing and pooling provisions of the order. Such a loss of regular producers would tend to disrupt the orderly marketing of milk in this area. The revised definition, however, provides for importation of milk from outside sources to meet specified seasonal and emergency shortages without bringing the suppliers of such milk under the order. The intent of the present definition and the status of existing plants will remain unchanged.

A producer may then be defined as a person, other than a producer-handler, who produces milk for consumption as milk in the marketing area and which is received at a fluid milk plant. The testimony showed that milk received by a handler from a producer-handler should not be subject to the pricing and payment provisions of the order. As discussed below, transfers of milk from producer-handlers to handlers under the order will be considered as other-source milk. At the time the current definition of a producer was formulated, producer-handlers supplied a substantial amount of milk to the market but the number has declined from more than 400 to less than 10 at the present time.

The term "handler" should be defined to mean any person operating a fluid milk plant. In case a handler operates other milk plants, this definition is not intended to include such person in his capacity as an operator of such nonfluid milk plants.

The term "delivery period" should be defined as a calendar month, or the portion thereof during which the marketing order is in effect. The term is thus defined for facility in developing the other provisions of the order and in the event the order is suspended, it clarifies the fact that the various order provisions would be applicable only to that portion of the month during which the order was effective.

The term "other source milk" should be defined to include all skim milk and butterfat received in any form from a source other than producers or other handlers, except any non-fluid product received and disposed of in the same form. Milk produced by producer-handlers is not available for regular purchases by handlers, particularly during the short production season. Producer-handlers normally distribute nearly all of their production in the form of Class I products during most of the year. During the flush months, they may dispose of seasonal reserve milk to handlers in the market but such milk is not needed in addition to regular producer receipts at this time of year. This milk should not be pooled and thereby credited with Class I utilization normally supplied by regular producers. The pooling of this reserve milk would result in producer-handlers realizing higher average returns for milk than regular producers. It is concluded, therefore, that such receipts from producer-handlers should be handled as other source milk and thus allocated to the lowest priced available utilization in the receiving handler's plant. Nonfluid milk products received and disposed of in the same form such as butter and other packaged manufactured products should be excluded as other source milk. Reporting by handlers of such products as other source milk is not necessary to carry out the classification, allocation and pricing functions of the order.

The term "producer milk" should be defined to mean any skim milk or butterfat contained in milk received directly from producers by a handler or from other handlers. Transfers of milk between handlers will be considered as producer milk in applying the transfer and allocation provisions of the order thus providing for the allocation of milk received from producers to the highest priced class utilization available in both handlers' plants. The use of this term will facilitate the construction of order language in various other provisions.

2. The Class I pricing provisions should be amended to incorporate revised indexes of wholesale prices and New Orleans department store sales.

Under the present order, the Class I price is determined from a base price by applying a composite index (1925–29 = 100) consisting of the index of wholesale prices in the United States, the index of department store sales in New Orleans, and an index of local feed-labor prices. In accordance with a general governmental policy, the indexes of wholesale prices and department store sales recently have been revised and are now published on a post-war base with 1947–49 equaling 100. It is therefore necessary to change the Class I pricing formula to incorporate these revised indexes.

The testimony indicates that the relative influence of the indexes comprising the component index, may be improved and a desired degree of stability may be achieved by applying a more recent base in computing the composite index rather than the 1925–29 base now used. For these reasons and also to permit the direct use of the two revised indexes as published without adjustment, it is concluded that the 1947–49 base period should be adopted for the composite index. The factors used in converting wage rates and feed prices to an index must be changed to reflect their respective 1947–49 averages as follows: Prices paid by Louisiana farmers for mixed feed, $4.34 per hundredweight; daily farm wages without room or board—Louisiana, $3.18 and Mississippi, $3.21. The testimony supports the incorporation of the new indexes so as to provide approximately the same relative level of Class I prices as have resulted from the present formula, during 1951 and the early months of 1952 for which prices were available at the time of the hearing. During this 15-month period, the average price resulting from the present Class I formula was $6.32 per hundredweight. The revised composite index for this same period averaged 110.8. Thus, in order for the revised formula to yield an average price of $6.32 during this period, a base price of $5.70 must be used in place of the present formula base price of $2.59. It is concluded, therefore, that a base price of $5.70 should be incorporated in the revised Class I pricing formula.

3. The supply-demand provisions of the Class I pricing arrangement should be changed.

The supply-demand adjustment is a device which accomplishes adjustments in the Class I price when supplies of milk get out of line with sales. With this type of adjustment prices are automatically raised when the indicated level of supplies are short, relative to sales, and are lowered when supplies are excessive. The Class I price along with other provisions of the order is intended to assure the market of an adequate supply of milk. The economic type formula has been adopted to assist in achieving this goal by keeping milk prices adjusted to general economic conditions. A supply-demand adjustment adds a further self-adjusting element in the pricing formula to reflect local and other influences on production and sales that may not be fully expressed by the economic formula.

At the time this formula was adopted in 1949, a supply-demand provision was incorporated in the order. That provision calls for an increase in the Class I price of 22 cents per hundredweight if the total volume of producer milk received by handlers during the preceding 5-month period of October through February is less than 110 percent of Class I sales; conversely, the Class I price is decreased by the same amount if producer receipts exceed 115 percent of total Class I sales. This type of a supply-demand arrangement for adjusting prices during the following 12 months has not been satisfactory for the New Orleans market. Suspension action was necessary, effective March 1, 1951. This experience indicates that there is a need to change the supply-demand arrangement to provide a method for adjustment of prices as soon as possible after an oversupply or shortage of milk is indicated. This may be accomplished, as proposed by producers, by adjustments in the Class I price each month. To apply a monthly adjustment in price, in view of the seasonal variation in receipts of milk from producers and in Class I sales, it is necessary to establish a representative or desired monthly relationship of receipts and sales to which the current relationship may be compared. An analysis of changes in receipts and sales shows that the relationship prevailing during the two most recent months for which data are available to the market administrator preceding the announcement of the Class I price, offers the most reliable basis for predicting conditions and making the necessary adjustment in such price.

A consideration of the market data for the past several years, indicates that the average relationship of receipts to Class I utilization during the two-year period, October 1949 through September 1951, will provide the most reasonable benchmark for developing a seasonal supply-demand index. During this period, producer receipts in relation to Class I utilization were lowest for the two months October and November and averaged 109 percent (Table 1). During the "short" production months of this 1949–1951 period, between one and two percent of the total Class I utilization in the market was derived from other source milk. In order to compensate for this imported milk and allow for some further improvement in the seasonal pattern of production, it is concluded that the supply-demand index derived from data for the months of September, October, and November should be increased 2 points and the index derived from data for the months of March, April, and May should be decreased 2 points. Although the effect of this adjustment is incidental to the principal objective, a minute degree of seasonal variation in the Class I price may result. Substantial changes in the seasonal pattern of production or in Class I sales over a period of time, of course, may necessitate a revision of the representative seasonal index. A change of approximately 2 cents per point deviation between the current index and the representative index offers a reasonable basis for adjusting the Class I price.

TABLE 1—SUPPLY-DEMAND INDEX BASED ON TWO MONTH MOVING AVERAGE RATIOS OF PRODUCER MILK RECEIPTS TO GROSS CLASS I SALES, OCTOBER 1949 THROUGH SEPTEMBER 1951

Period used for determination	Actual average relationship (1950–51)	Adjusted "supply-demand" or representative index	Month applicable
Months	*Percent*	*Percent*	
October–November	109	111	January.
November–December	112	114	February.
December–January	110	110	March.
January–February	126	126	April.
February–March	114	112	May.
March–April	144	142	June.
April–May	149	147	July.
May–June	140	141	August.
June–July	140	140	September.
July–August	112	109	October.
August–September	116	114	November.
September–October	112	114	December.

An adjustment based on the supply-utilization ratio for as short a period as 2 months may reflect minor random changes in this ratio which are not indicative of actual trends. It is necessary, therefore, to provide for some method of stabilizing this adjustment and of limiting it as to total magnitude. This has been accomplished by grouping the percentage deviations and setting limits on the amount of the adjustment (see § 942.50 (e) (1) (iii) of the order set forth below). The percentage groups are in such intervals that no adjustment occurs until the current ratio is 3 or 4 percentage points above or below the representative index. The next percentage group applies to deviations of 6 or 7 percentage points. In case a deviation falls between groups, the adjustment amount is determined by the adjacent group which is the same as or nearest to the percentage group used in the previous month. For example, a deviation of 5 percentage points would require the use of the group which includes 3 or 4 percent if the adjustment during the previous month had been determined by that group or a lower one. On the other hand, a 5 point difference would provide for an adjustment based on the 6 or 7 percent group if the adjustment during the previous month had been determined by the latter or a higher group. In the first month in which the amending order providing this adjustment is effective, if the applicable deviation percentage falls between groups, the adjustment amount shall be determined by the group nearest to a deviation percentage calculated without rounding to the nearest whole number.

The application of 1950 and 1951 data in this proposed supply-demand arrangement and the revised Class I price formula proposed above, results in an average Class I price for 1950 of $5.79 as compared with $5.87 under the present order. In 1951 the Class I price would have been $6.29 as compared with $6.21 actually received by producers. Because receipts of milk from producers decreased relative to Class I sales during the latter part of 1951 and the first few months of 1952, the Class I price for the first 3 months of 1952 would have been increased an average of 17 cents per hundredweight. Handlers paid premiums averaging approximately 6 cents per hundredweight during this period and thus, the actual difference is 11 cents per hundredweight. As long as receipts of producer milk in relation to Class I utilization are less than the corresponding indexes proposed herein, the Class I price differential should be increased in order to assure this market of an adequate supply of milk. A corresponding reduction in the Class I price will result if receipts of milk from producers in relation to Class I utilization exceeds the representative schedule figure. Under such circumstances, this supply-demand adjustment coupled with the formula method of establishing Class I prices will assure Class I prices which will reflect, in a large measure, local supply and demand conditions.

Other provisions of the Class I pricing section discussed at the hearing relate to: the determination of equivalent prices or index numbers, the basis for determining the mileage (zone price adjustments) applicable to Class I milk received at plants located outside the marketing area, and the bracketing of Class I price changes.

In case a price or prices for milk or any milk products specified by the present pricing provisions of the order are not reported or published in the manner described therein, the Secretary is required to determine a price, equivalent or comparable to the price specified. In view of the fact that prices of other commodities and index numbers are now used in the Class I price formula, § 942.5 (e) should be broadened to include such other prices and indexes.

Handlers proposed that the language of the order be modified to specifically state that the market administrator use the "practical" highway mileage in determining the zone location of country plants. This proposal was supported on the basis that one of the leading highways now used is a military highway which might be closed to commercial traffic in case of an emergency. Under the present order, the zone is determined by the market administrator on the basis of rail or "highway mileage distance." The present language would not preclude the application of the distance based on the shortest highway distance available to commercial traffic. There is no need for a revision of the present language.

Handlers operating more than one country plant raised some objection to the application of the Class I location adjustment first to milk received nearest to the marketing area. Handlers argue that this does not always conform to practical operations and that the quantity of milk to which location adjustments are applicable should be prorated among all country plants operated by the handler. The present provision should not be changed because it conforms to good marketing practice and tends to encourage the most economical use of marketing facilities and development of the milkshed in that, it encourages the use of nearby milk for fluid purposes and the milk located at greater distances for manufacture.

It was also requested that the pricing provisions provide Class I price changes in intervals of 20 to 22 cents per hundredweight. Under the proposed formula, the Class I price will change in intervals of 5.7 cents for each point change in the composite index and the supply-demand arrangement provides for adjustments in 6 or 7 cent intervals. Handlers favored a 22 cent bracket system in order to provide Class I price changes equivalent to one-half cent per quart. They argued that this would facilitate retail price changes and conform with the general price ceiling regulations which permit minimum ceiling price changes of one-half cent per quart. The testimony indicates that over a period of time, there will be little, if any, difference in the returns to producers (or handlers' costs of Class I milk) under the present or the bracket system of pricing. Experience has shown a 22 cent supply-demand arrangement to be unsatisfactory in this market because of its application in bracketed amounts of this size and consequence. It is concluded that it would be generally unsatisfactory to refrain from applying appropriate adjustments in the Class I price until the adjustment had reached the 22 cent level.

4. The Class III milk pricing formula should not be changed.

Producers proposed that the Class III price (applicable to milk for manufacturing uses, except cheese other than cheddar and ice cream) be increased approximately 25 cents per hundredweight by changing the formula for determining the butterfat value. The price for skim milk utilized in Class III milk would not be changed. The present method for determining the hundredweight butterfat price for Class III usage is to multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market during the delivery period. Under producers' proposal, 7 cents would be deducted from such butter price and the result multiplied by 120.

In support of their proposal, producers showed that the Class III price for 4 percent milk during the past several years has been less than the average price paid by certain Mississippi milk manufacturing plants. They contended that Class III prices should be increased more nearly in accordance with the prices paid by these plants.

It is generally recognized that reserve milk from a fluid market used in manufactured products should return to producers at least the competitive price for manufacturing milk in the area. This basis of pricing is difficult to apply in the New Orleans market because of the small amount of milk produced for manufacturing purposes in or near the milkshed. There are exceptionally limited manufacturing facilities located in the marketing area for processing reserve milk. There is but one milk manufacturing plant located in the entire milkshed. This plant, partially owned by a handler, has facilities for the conversion of limited quantities of whole milk to cream chiefly for use in ice cream (Class II milk), and nonfat dry milk solids. Since butterfat used for ice cream is classified and priced in Class II milk, the proposal would not affect the returns to producers for reserve milk utilized at this plant.

The next closest manufacturing outlet for reserve milk is located in Mississippi, approximately 150 miles from New Orleans and 35 miles outside the periphery of the supply area. This plant, a subsidiary of a handler, utilizes transferred producer milk primarily in butter-powder operations. Facilities also are available for the production of condensed milk and ice cream mix.

The two aforementioned plants do not have sufficient facilities to handle all of the seasonal reserve milk from the New Orleans market. Aside from very limited manufacturing facilities at Baton Rouge, the only other outlet for reserve milk is 180 miles beyond the northern limit of the milkshed and 300 miles from New Orleans. This plant engages in the production of evaporated milk. A substantial portion of the seasonal reserve from the New Orleans market has been transferred to this outlet. Because of the distance involved, reserve milk cannot be diverted directly from the farm to this manufacturing outlet. Such milk must be received at handlers' plants, refrigerated and accumulated in sufficient quantities to warrant tank truck deliveries.

It is generally accepted that competition in the open market has established lower paying prices for milk used in butter-powder operations than for milk used in the production of evaporated milk. Inasmuch as the former type operation is the only nearby manufacturing outlet available, and because of the long distance involved in transferring milk to Mississippi evaporating plants, it appears that a Class III price of somewhat less than prices paid by these plants is appropriate for this market. The prices resulting from the present Class III formula in conjunction with the individual-handler pooling arrangement have not encouraged handlers to expand Class III manufacturing operations.

For these reasons, it is concluded that no change should be made in the Class III pricing formula at this time.

5. The classification provisions of the order should be revised.

Producers proposed that the definition of Class I milk be revised to include concentrated milk and yogurt. Concentrated milk is fluid milk from which a portion of the water is removed by the means of heat in the presence of a vacuum. It may be distributed in either liquid or frozen form. To date, concentrated milk has not been sold in the New Orleans market; however, it is now being distributed in a number of fluid milk markets throughout the country. Yogurt and concentrated milk for disposition in the marketing area are required by the applicable health ordinances to be made from Grade A milk. They are disposed of in fluid form to the same retail and wholesale outlets as bottled fluid milk and other products now classified as Class I milk. Although the present class definitions have been construed to include these products as Class I milk, it appears desirable to clarify these definitions. The order language would be improved by specifically listing these products along with fluid milk and other fluid milk products in the Class I definition. Under the present classification scheme, Class I milk is defined as all skim milk and butterfat, the utilization of which is not established as Class II milk and Class III milk. Class II milk includes skim milk and butterfat used in ice cream and cheese, other than cheddar. Class III milk is defined as all skim milk and butterfat disposed of other than in certain specific products including those listed in Class II milk. These definitions would be clarified by direct and more specific definitions for each class. Class I milk should be defined, therefore, to include all skim milk and butterfat (a) disposed of as milk, skim milk, cream, or any mixture (except ice cream and frozen mixes) of milk or skim milk and cream, buttermilk, yogurt, flavored milk drinks (including eggnog), (b) used to produce concentrated milk, and (c) not specifically accounted for as Class I-A, Class II and Class III milk. Conforming changes should be made in the Class III definition.

A handler proposed that skim milk and butterfat disposed of as sterilized milk for export be classified as Class II milk. Sterilized milk is fluid milk that is hermetically sealed in cans and sterilized. It differs from evaporated, condensed, and other canned milk products in that it is not concentrated. This product is relatively stable and may be stored for a considerable period of time without refrigeration. It may be manufactured, therefore, during the flush production season from market reserves and stored for delivery during the short production season. At the present time, this product is being produced on an experimental basis in conjunction with a handler's regular fluid milk operations. In the immediate future, this handler expects to dispose of sterilized milk solely in export channels for military and foreign consumption. The testimony indicates that he desires to use local producer milk at times when reserve milk is available in the market. At the present time, ungraded milk may be used to produce sterilized milk for military and other export outlets.

Under the present order, skim milk and butterfat used for sterilized milk is classified and priced as Class I milk. The proponent testified that, in order to use producer milk for this product and

be able to compete in the export market, such milk must be priced lower than the Class I price. No specific pricing plan was proposed at the hearing but the handler testified that milk used in this product should return to local producers something more than the Class II price. The testimony indicated that the price should bear an appropriate relationship to the competitive price for good quality manufacturing milk. According to the record, this would be the manufacturing price in the more dense midwestern manufacturing milk production area plus transportation to New Orleans.

In view of the fact that sterilized milk may be made from ungraded milk and it may offer an outlet for some seasonal reserve milk from the New Orleans market, it appears appropriate to price milk used for this purpose, during the months when seasonal reserves are available, below the Class I price but somewhat higher than the Class II price. The utilization of such reserve milk at prices slightly higher than the Class II price would increase the return to local producers for milk.

The so-called 18 condensery price is considered as representative of the previously mentioned midwestern manufacturing prices for 3.5 percent butterfat content milk. Proponents indicated that a 3.5 percent sterilized milk would be produced. Using the prices prevailing during the months of March through August 1950 and 1951, and adding a transportation allowance from midwestern areas to New Orleans of $1.25 per hundredweight, the resulting average price was approximately 80 percent of the Class I price under Order 42 for 3.5 percent milk.

As shown above, the proposal submitted for hearing and the testimony of proponents was concerned primarily with the pricing of milk used for sterilized milk during the flush production season and for disposition in export channels. It was concluded in the recommended decision, therefore, that a special pricing arrangement applicable only during the flush production season and to milk intended for export would meet the immediate future needs of the market. Proponents in their brief had argued for a special price applicable to all milk used for sterilized milk for export regardless of the season of the year produced.

Further consideration of this classification and pricing problem indicates that it would be more logical to apply the same pricing scheme to such milk used for either domestic or export disposition. It is concluded that a new class, Class I-A milk, should be established for sterilized milk. Milk used in this product, therefore, would not enter into the calculation of the Class I supply-demand index. Skim milk and butterfat used in sterilized milk during the months of March through August should be priced at 80 percent of the Class I prices as provided in § 942.50 of the order for the 60-71 mile zone. These are the months when reserves of milk in the market are more than adequate to meet variations in Class I milk requirements. Producer milk utilized in sterilized milk in other months of the year should be priced at the regular Class I price. The record shows no reason why local Grade A producer milk should be utlized for sterilized milk during the same period of the year that the market is relatively short of milk in relation to its fluid requirements and particularly at prices lower than are now needed to attract a sufficient supply to meet these requirements.

A proposal was made to amend the transfer provisions of the order to provide for the classification of fluid cream transferred during September through February to a person, other than a handler who distributes fluid milk or cream, in the same manner that transfers of both fluid milk and cream are now classified during March through August. Under this proposal, any skim milk or butterfat in cream transferred to a nonhandler at any time would be allocated to the highest price classification remaining in such non-handler's plant after first subtracting receipts of milk directly from dairy farmers at such plant from the highest price classification available. Under the present order, such transfers of milk or cream during October through February are classified as Class I milk. The order also provides for the classification of milk transferred to unregulated plants, not engaged in fluid distribution, according to the class in which the market administrator determines it was used. Obviously, the market administrator must apply some method of allocation to carry out this provision. The order should specifically set forth the method to be followed. The entire transfer section of the order should be redrafted to provide a uniform method of classifying all milk transferred to nonfluid milk plants and to simplify and eliminate obsolete order language.

Under the classification provisions, if a handler receives milk from outside sources, local producer milk is allocated to the highest price class available in such handler's plants. In case New Orleans producer milk is transferred to a nonregulated plant, it is reasonable that credit for Class I and Class II utilization in such plant likewise should be allocated first to local dairy farmers customarily supplying such plant. Milk transferred from the New Orleans market would then take any remaining Class I and Class II utilization. This method of classification is appropriate for both transfers of milk to non-regulated plants engaged in fluid disposition and to those not so engaged. If the transferee plant has no Class I or Class II utilization and the requirements for reports, records and verification are complied with, such transfers would then be classified as Class III milk. The recommended change not only eliminates the necessity for different methods of classification during certain months or a separate provision, as proposed, applicable to cream only, but it also greatly simplifies the transfer provisions. The provisions of the current order should be retained which provide that such transfers of milk shall be Class I milk unless the transferee plant maintains and makes available for verification, if requested, books and records showing the utilization of receipts at such plant.

Handlers also suggested that the allocation provisions be modified to provide for the proration of other source milk during specified "short-season" periods instead of allocating such milk first to the lowest priced available utilization. The testimony fails to show that the present method of allocation is unreasonable in providing a necessary safeguard to the classification plan. The proration of other source milk would tend to reduce returns to producers under supply conditions that would indicate a need for increased rather than decreased returns. No change should be made in the allocation provisions. Other provisions of the classification section have been rewritten to incorporate revised terms and eliminate unnecessary and obsolete language. No change is intended in the context of those provisions not otherwise discussed herein.

6. The base and excess plan should be changed by substituting March for September in the base operating period.

Producers proposed that the present base plan be amended to provide for the adjustment of all bases to equal Class I sales during the period producers are paid base and excess prices. Another proposal by handlers would substitute September for March in the period for establishing bases and March for September in the period the base and excess method of producer payments is applied.

Under the present plan (and under producers' proposal), the base for each producer is equal to his average daily deliveries of milk during the base forming period (October through March). The monthly base applied for each producer during the base operating period (April through September) is equal to his average daily base multiplied by the number of days he delivers milk in each month. For deliveries of milk up to his monthly base quantity, the producer receives a base blend price and for deliveries over base, the excess price. When Class I sales are less than base milk deliveries, the excess price is the Class III price. The base blend price for each handler is his total obligations to producers less the total value of excess milk divided by his total receipts of base milk. Because base milk delivered monthly by all producers usually exceeds total Class I utilization, the total value of base milk includes the value derived from some milk utilized and priced in a lower classification. Handlers' base blend prices, therefore, are less than the Class I price.

Under producers' proposal, the base established by each producer would be adjusted (reduced) in each month of the base operating period by applying the percentage that the Class I utilization of the handler, receiving the producers' milk, is of his total receipts of base milk. In case Class I utilization were equal to or greater than receipts of base milk, no adjustment would be made. The proposed plan would result in a base price equal to the Class I price (paid by handlers for Class I utilization) and an excess price equal to the Class III price. The application of adjusted bases would not change the total value of milk delivered to a particular handler or the amount due all producers; however, it

would change the total amount of money paid out by a handler to individual producers in any given month as well as the relative returns received by different producers.

It would not be administratively feasible to determine adjusted bases and announce base and excess prices which will provide an exact balance between each handler's obligations and the total of payments due individual producers in the current month. This is because some producers may deliver less than their adjusted base quantity and because a quantity of milk in excess of total adjusted bases is utilized and priced to handlers in Class II milk, while the Class III price would be used for determining the amount paid producers for such excess for the current delivery period. Producers proposed that this problem be met by carrying over such difference to the next month and including such sum in the handlers' obligation on a "base-equivalent" basis.

Those producers delivering no more than their adjusted base quantity would receive a higher average price for milk than under the present plan. Under 1951 conditions, approximately one-fourth of the producers would have realized increased gross money returns and three-fourths of the producers lower returns. During April through September 1951, the base blend price averaged 28 cents per hundredweight less than the Class I price.

Although proponents claimed that producers prefer to know the base price in advance of delivery, their proposal appears to give producers in general no greater certainty of a given income in advance of delivery than the present plan. The plan would provide a known base price in advance of each delivery period but the producers' base quantity would not be known until after the end of the delivery period. Adjusted bases would vary in accordance with changes in the handler's Class I utilization and the amount of the "carry-over." Some producers may object to handlers holding over money due them from one month to the next. The proposed change also would complicate the base plan. In addition to the monthly "carry-over" for each handler and the necessity of computing its "base-equivalent," individual producer adjusted bases would have to be calculated each month. These difficulties argue against the plan from the standpoint of administrative feasibility.

One objection to the present plan was made on the grounds that a base blend price is confusing to producers, particularly in view of the fact that in several other Louisiana markets, the base price is equal to the Class I price. A base blend price is no different in principle than the blend price applied in paying producers during other months of the year. Furthermore, the class prices are provided in the order primarily to determine the amount of each handler's obligation to his producers on the basis of the class utilization of his milk. The base plan, on the other hand, is a method of distributing among individual producers the total obligations of the handler. Under the proposed plan and under the present plan, the excess price as well as the base price, enters into the determination of the amount of money payable to most producers during the base operating period.

The principal argument against the present plan was that producers who deliver less or no more than their "adjusted" bases (considered by proponents as the individual producers' share of the Class I sales) receive a blend base price which is lower than the Class I price. The base blend price reflects the lower utilization value of an amount of reserve milk equal to the difference between total delivered base milk and total Class I utilization of the handler. The testimony indicates that a monthly operating reserve of 10 to 15 percent of Class I sales is necessary to compensate for daily and weekly fluctuations in receipts and sales. The maintenance of this reserve is a desirable phenomenon and, in fact, its maintenance is one of the chief reasons for instituting a Federal order to stabilize marketing and price conditions. All producers should contribute to the maintenance of this reserve. The proposed plan, however, would tend to work against the maintenance of a necessary reserve. Under the proposed plan those producers who deliver only enough milk to cover Class I requirements during the period when bases apply (and who therefore do not contribute to the necessary reserve) would receive the highest prices. Those producers who produce enough milk for Class I use plus an amount for the necessary reserve would be penalized under the plan. At the present time, during the period of flush production, there appears to be no immediate danger that the necessary reserve would be eliminated by the application of the plan. The tendency, however, would be in that direction because those producers who produce during the period when bases apply in a manner consistent with the needs of the market would be penalized while those producers who are not so producing would be placed at an advantage. Actually the plan appears to be based on a misunderstanding of the ends to be gained by the base plan. The purpose of the base plan is not primarily one of allocating Class I sales among producers; rather, the purpose is to allocate the proceeds from the sale of milk among all producers in such a way as to obtain a reasonably even production of milk throughout the year.

The proposed change, as contended by producers, undoubtedly would offer greater incentive for lower receipts of milk during the summer months. In fact, the plan offers the greatest possible gross returns to those producers who establish a production pattern inverse to the present seasonal pattern of the market. It is quite possible, however, that many producers, who produce relatively more milk in the summer months but who contribute to the market supply during the fall months when additional milk is needed, may be forced to discontinue production as a result of decreased returns or of increased costs involved in achieving a more uniform or even an inverse pattern of production. Thus, a more stringent application of the base plan as proposed could very well result in a loss of producers and a serious shortage of milk under the same relative Class I price level as now prevails or the consequent necessity for a higher Class I price level than under the present plan. Even though all of these basic considerations cannot be fully appraised by the record evidence, they nevertheless raise further doubts as to justification of the proposed plan.

The testimony indicates that the chief difficulty with the present plan, as far as proponent producers are concerned, results from the fact that the total base quantity established by producers is higher in relation to Class I sales than they believe it should be. This may result in part from a high general level of production in relation to Class I sales during the base forming period (an indication that Class I prices may be higher than necessary) or the failure to apply the most appropriate base forming period. For the period of October 1951 through February 1952, receipts of milk from producers were 103 percent of Class I utilization and in November only 99 percent. These relationships indicate that the market has not been over supplied with producer milk. The corresponding relationship during this five month period of 1950–51 was 115 percent. This indicates that producers may find the present plan more satisfactory during the present base operating season than a year ago. March data are not included in these comparisons (March 1952 data were not available at the time of the hearing). In March 1951, producer receipts were 139 percent of the Class I utilization, an increase of 16 percentage points over the February relationship and 24 points greater than the average for the previous five months (October through February). In view of this substantial increase in this relationship from February to March, a closer relationship of Class I utilization and established bases would obtain by omitting March as a base forming month.

A handler proposed that March be excluded from the base forming period and included in the base operating period and September be excluded as a base operating month and included as a base forming month. Producers objected to the inclusion of September as a base forming month because of the difficulty of bringing cows into production during the usually hot weather preceding September and for the 1952–1953 season, particularly, because producers should have more advance notice of such a change. Market-wide data indicate that since the adoption of the base plan, production in March has increased substantially and September production has decreased in relation to other months. It is concluded, therefore, that the present plan could be improved and the objectives of all parties concerned could be attained in part by substituting March for September in the base operating period. The present plan may be improved also by omitting September from both the base operating and base forming periods. September, therefore, will be neither a base forming nor a base operating month. Producers will receive the blend price in September determined in the same manner as at present for October through February.

The exclusion of September from the base operating period will provide a transitional period for producers to make adjustments in production immediately prior to establishing bases. This will remove the conflicting tendencies of the present plan to encourage a producer to curtail production through September to no higher than his previously established base and on October 1 to increase production in order to establish a desirable new base. New producers will be able to enter the market prior to the base forming period, the season more milk is needed, without being required to receive the excess price during the first month. The testimony does not show a need for further changes in the plan at this time. The recommended change will achieve in part the objectives sought by producers' and handlers' proposals and will provide a method for equitably apportioning the total value of milk purchased by handlers among individual producers.

In view of the fact that producers established present bases on the expectation that September 1952 would be included as a base operating month, it is concluded that the present plan should continue through September 1952 and the recommended changes be made effective thereafter.

7. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948. In so doing, several changes should be made in the organization of the order provisions. In accordance with the testimoney presented at the hearing and as discussed above, several of the definitions have been revised. The sections setting forth the powers and duties of the market administrator and those relating to reports and their verification have been rewritten and reorganized to conform more closely with the language and organization in other orders. The provisions relating to pricing, classification, allocation, and transfers of milk have been rewritten to incorporate changes recommended above. Other sections of the order have been rewritten to incorporate revised terms and make necessary conforming changes.

8. General: (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner and is applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

ORDER DIRECTING THE CONDUCT OF A REFERENDUM, DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area) who during the month of April, 1952, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, to determine whether such producers favor the issuance of this order amending the order, as amended, which is a part of this decision.

M. M. Truxillo is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

Marketing agreement and order. Annexed hereto and made a part heerof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," and "Order Amending the Order, as amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of June 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

DEFINITIONS

§ 942.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 942.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 942.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 942.4 *New Orleans, Louisiana, marketing area.* "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area" means the cities, towns, and villages of New Orleans in Orleans Parish: Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

§ 942.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 942.6 *Producer.* "Producer" means a person other than a producer-handler, who produces milk for consumption as milk in the marketing area and which is received at a fluid milk plant.

§ 942.7 *Handler.* "Handler" means a person who operates a fluid milk plant.

§ 942.8 *Producer handler.* "Producer handler" means a person who produces milk and who processes milk from his own production and distributes all or a portion of such milk in the marketing area as Class I milk but who receives no milk from dairy farmers or other producer handlers in bulk.

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk as defined in § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area or (b) from which milk or cream is transferred to a plant described in paragraph (a) of this section: *Provided*, That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class I–A, Class II or Class III milk as defined in § 942.41 (b), (c) and (d) respectively, or during any of the months of September, October, November, and December in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days.

§ 942.10 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received by a handler either directly from producers or from other handlers.

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a source other than producers or other handlers, except any non-fluid product

received and disposed of in the same form.

§ 942.12 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this order is in effect.

§ 942.13 *Market administrator.* "Market administrator" means the agency which is described in § 942.20 for the administration of this part.

§ 942.14 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in sale of milk of its members.

MARKET ADMINISTRATOR

§ 942.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 942.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 942.84, (1) the cost of his bond and of the bonds of his employees; (2) his own compensation; and (3) all other expenses, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 5 days after the day upon which he is required to perform such acts has not made (1) reports pursuant to § 942.30 or (2) payments pursuant to §§ 942.80 and 942.84.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Weigh, sample and test for butterfat content milk and milk products;

(k) From time to time, as conditions in the market warrant, publicly announce the name of each handler whose receipts of skim milk and/or butterfat in milk received from producers are more than 105 percent and less than 95 percent, respectively, of his total utilization of skim milk and butterfat, respectively, in Class I milk.

(l) Publicly announce and notify each handler in writing the prices and butterfat differentials for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the Class II and Class III prices of skim milk and butterfat for such delivery period;

(2) On or before the 1st day of each delivery period the Class I price of skim milk and butterfat for such delivery period.

(3) On or before the 10th day after the end of each of the delivery periods of September through February such handler's uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat for such delivery period, and the butterfat differential applicable to such milk; and

(4) On or before the 10th day after the end of each of the delivery periods of March through August and September, 1952, such handler's uniform price per hundredweight for base milk and excess milk for such delivery period, and the butterfat differentials applicable to such base and excess milk.

REPORTS, RECORDS, AND FACILITIES

§ 942.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at his fluid milk plant(s) within such delivery period of (1) producer milk and for the months of March through August and September, 1952, the aggregate quantities of base and excess milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk; and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 942.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer payroll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of March through August and September 1952, the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association together with the prices paid, deductions and charges involved.

§ 942.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payments to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 942.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 *Basis of classification.* All skim milk and butterfat contained in receipts at a fluid milk plant(s), within the delivery period, of (a) producer milk, (b) skim milk and butterfat in any form from other handlers, and (c) other source milk, shall be classified by the market administrator in the classes set forth in § 942.41.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in § 942.42 through § 942.45, the classes of utilization shall be as set forth in this section: *Provided,* That no skim milk or butterfat, as the case may be, contained in producer milk shall be classified as Class II milk or Class III milk, during any of the delivery periods of October through February if the total receipts of skim milk and butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I milk.

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (for consumption as cream including any mixture of cream and milk or skim milk other than ice cream and ice cream mix), (2) used to produce concentrated (including frozen) milk, and (3) not specifically accounted for as Class I–A milk, Class II milk, or Class III milk.

(b) Class I–A milk shall be all skim milk and butterfat disposed of as sterilized milk.

(c) Class II milk shall be all skim milk and butterfat used to produce cheese other than cheddar, ice cream and ice cream mix; and

(d) Class III milk shall be (1) all skim milk and butterfat disposed of as any item other than those classified in paragraphs (a), (b), and (c) of this section; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped, and (4) skim milk and butterfat accounted for as actual plant shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

§ 942.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II or Class III milk.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk, or cream, either by transfer or diversion shall be classified:

(a) As Class I milk if moved to a fluid milk plant of another handler (except a producer-handler), unless (1) utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period, in which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided,* That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the highest available class utilization to producer milk.

(b) As Class I milk if moved in the form of any items specified in § 942.41 (a) to a producer-handler.

(c) As Class I milk if moved to any plant other than a fluid milk plant, unless:

(1) The handler claims utilization in another class;

(2) The operator of such non-fluid milk plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat, at such plant, in Class I milk, as defined in § 942.41 is less than the total pounds of skim milk and butterfat, respectively, received from the transferor handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period in series starting with Class I milk after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

§ 942.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 942.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 942.41 (c) (4) from the total pounds of skim milk in Class III milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest available price class, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers and assigned to such class pursuant to § 942.43 (a);

(4) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class III.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 942.50 *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received at his fluid milk plant from such producers during each delivery period and classified as Class I skim milk and Class I butterfat, not less than the prices per hundredweight computed pursuant to this section. In determining the Class I price for skim milk and butterfat for each delivery period the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used:

(a) The monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Divide by 3 the sum of the 3 latest monthly indexes of department store sales in New Orleans adjusted for seasonal variations, as reported by the Federal Reserve Bank of Atlanta, with the years 1947–49 as the base period.

(c) Compute an index of grain-labor prices in the New Orleans milkshed in the following manner:

(1) Divide by 0.0434 the average price paid per hundredweight by Louisiana farmers for all mixed dairy feed, as reported by the United States Department of Agriculture, and multiply by 0.6;

(2) Divide by 0.0321 and 0.0318, respectively, the daily farm wage rates without board or room for the latest available month for Mississippi and Louisiana, as reported by the United States Department of Agriculture. Multiply by 0.4 the weighted average of the resulting totals. In computing the weighted average, weight Mississippi 0.25 and Louisiana 0.75;

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to paragraphs (a), (b) and (c) of this section. The result rounded to the nearest whole number shall be known as the formula index.

(e) Subject to the conditions set forth in paragraphs (f) and (i) of this section, the minimum price for skim milk and butterfat received at a handler's plant located in the 61–70 mile zone shall be as follows:

(1) Multiply $5.70 by the formula index computed pursuant to paragraph (d) of this section and add to or subtract from such result a supply-demand adjustment computed as follows:

(i) Divide the total receipts of producer milk in the two immediately preceding delivery periods by the total gross volume of Class I milk (less interhandler transfers) for such period, multi-

ply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(ii) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subdivision (i) of this subparagraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
		Percent
January	October-November	111
February	November-December	114
March	December-January	119
April	January-February	126
May	February-March	132
June	March-April	142
July	April-May	147
August	May-June	141
September	June-July	140
October	July-August	132
November	August-September	118
December	September-October	114

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	*Adjustment amount (cents)*
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same as or nearest to the bracket used in the previous month.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(f) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to paragraph (e) of this section adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles):	*Cents per hundredweight*
Not more than 20	+8.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0
Freight zone (miles):	*Cents per hundredweight*
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(g) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(h) For the purpose of this section, the skim milk and butterfat which was classified as Class I skim milk and Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(i) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I prices for any of the delivery periods of April through June shall not be higher than the Class I prices for the immediately preceding delivery period, and the Class I prices for any of the delivery periods of October through December shall not be lower than the Class I prices for the immediately preceding delivery period.

§ 942.51 *Class I–A prices.* Each handler shall pay producers, in the manner set forth in § 942.80 for skim milk and butterfat received at his fluid milk plant from such producers during each delivery period and classified as Class I–A skim milk and Class I–A butterfat not less than the Class I prices for skim milk and butterfat, respectively, pursuant to § 942.50, except during the months of March through August when the price shall be 80 percent of such Class I prices pursuant to § 942.50 for the 60–71 mile zone.

§ 942.52 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The prices per hundredweight of skim milk shall be computed as follows: Deduct 4 cents from the average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof and multiply by 100.

§ 942.53 *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class III skim milk and Class III butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

§ 942.54 *Use of equivalent factors.* If for any reason a price, index, or wage rate specified by this order, for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

BASE RATING

§ 942.60 *Base operating period.* The base operating period shall be the months of March through August; except for the year 1952, September shall be included.

§ 942.61 *Base forming period.* The base forming period for each year shall be the months of October through February, immediately preceding the base operating period; except for the year 1952, March shall be included in the base forming period.

§ 942.62 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base forming period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base forming period by the number of days in such period.

§ 942.63 *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days for which such producer's milk was delivered to such handler during the delivery period.

§ 942.64 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) Base may be transferred only under the following conditions:

(1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations; and

(2) In the case of retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operation.

(d) The entire daily base of a producer with a handler may be moved from such handler to another handler.

§ 942.65 *Announcement of established bases.* On or before the 25th day after the end of the base forming period, each handler shall notify each producer from whom he received milk during the base forming period of his established base and post publicly the base of such producers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 942.70 *Computation of the value of skim milk and butterfat for each handler.* (a) For each delivery period the market administrator shall compute for each handler the value of skim milk received by such handler from producers during such delivery period as follows:

(1) Multiply the pounds of skim milk in each class by the price of skim milk for such class and combine the resulting sums into one total;

(2) Add to the value obtained in subparagraph (1) of this paragraph an amount determined by multiplying the pounds of skim milk subtracted pursuant to § 942.45 (a) (4) by the appropriate class price; and

(3) Add to or subtract from, as the case may be, the value obtained in subparagraph (2) of this paragraph an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk for previous delivery periods, including in such amount the value of any skim milk reclassified pursuant to § 942.42 (b).

(b) For each delivery period the market administrator shall compute for each handler the value of butterfat received by such handler from producers during such delivery period by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

§ 942.71 *Computation of uniform price for each handler.* (a) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk received by such handler from producers as follows:

(1) Add to the value of skim milk computed pursuant to § 942.70 (a) an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(2) Subtract from the value of skim milk computed pursuant to subparagraph (1) of this paragraph an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f); and

(3) Divide the value obtained pursuant to subparagraph (2) of this paragraph by the hundredweight of skim milk. This result shall be known as the uniform price per hundredweight for such handler of skim milk received from producers at plants located in the 61–70 mile zone.

(b) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of butterfat received by such handler from producers at plants located in the 61–70 mile zone by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

(c) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone by combining the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

§ 942.72 *Computation of the uniform price for base milk and excess milk for each handler.* For each of the delivery periods of March through August and September 1952, the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of "base milk" and "excess milk" as follows:

(a) Combine into one total the values of skim milk and butterfat computed pursuant to § 942.70.

(b) Subtract from the value obtained pursuant to paragraph (a) of this section, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add to such value, if such average butterfat content is less than 4.0 percent, an amount computed as follows:

(1) Multiply the amount by which the average butterfat content of base milk received from producers varies from 4.0 percent by the butterfat differential to producers for base milk, and multiply the result by the total hundredweight of base milk delivered by producers;

(2) Multiply the amount by which the average butterfat content of excess milk received from producers varies from 4.0 percent by the butterfat differential to producers for excess milk, and multiply the result by the total hundredweight of excess milk delivered by producers; and

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph;

(c) Add to the value obtained pursuant to paragraph (b) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(d) Subtract from the value obtained pursuant to paragraph (c) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(e) Subject to the conditions set forth in paragraph (f) of this section, compute the total value of excess milk delivered by producers for such handler by multiplying the quantity of such milk by the Class III price for 4.0 percent milk;

(f) Compute the total value of base milk delivered by producers for such handler by subtracting the value computed pursuant to paragraph (e) of this section from the value computed pursuant to paragraph (d) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 942.50 (e) (1) such value in excess thereof shall be added to the value computed pursuant to paragraph (e) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk;

(g) Divide the result obtained in paragraph (f) of this section by the quantity of base milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "base milk" received from producers at plants located in the 61–70 mile zone; and

(h) Divide the result obtained in paragraph (e) of this section by the quantity of excess milk received by such

handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "excess milk" received from producers.

PAYMENTS

§ 942.80 *Payments to producers.* (a) On or before the last day of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the first 15 days of the delivery period at not less than the price per hundredweight for Class III milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of September (except September 1952) through February, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 942.71, subject to the location and butterfat differentials computed pursuant to §§ 942.81 and 942.82, less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through August and September 1952, each handler shall make payment, after deducting the amount of payment made pursuant to paragraph (a) of this section, to each producer for milk received from such producer by such handler during the delivery period as follows: (1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 942.72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (c) and the location differential set forth in § 942.82; and (2) at not less than the uniform price per hundredweight for excess milk computed pursuant to § 942.72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (b)

§ 942.81 *Butterfat differentials.* If any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to § 942.80 shall add to the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or shall deduct from the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, the following amount computed to the nearest $\frac{1}{10}$ cent;

(a) For each of the delivery periods of September (except September 1952) through February, the butterfat differentials applicable with respect to such handler's payments for milk shall be computed by subtracting his uniform price per hundredweight of skim milk from his uniform price per hundredweight of butterfat and dividing the result by 1,000.

(b) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for excess milk shall be computed by subtracting the price per hundredweight of Class III skim milk from the price per hundredweight of Class III butterfat and dividing the result by 1,000.

(c) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for base milk shall be computed in a manner similar to paragraph (a) of this section.

§ 942.82 *Location differentials.* Each handler, in making payments prescribed in § 942.80, shall adjust the uniform price of base milk during the delivery periods of March through August and September 1952 and of all milk during the delivery periods of September (except September 1952) through February for each producer with respect to all such milk received from such producer at a plant of the handler not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.50 (f).

§ 942.83 *Adjustment of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.84 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to Section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 942.90 *Producer-handlers.* Sections 942.40 through 942.45, 942.50 through 942.53, 942.60 through 942.65, 942.70 through 942.72, and 942.80 through 942.85 shall not apply to a producer-handler.

§ 942.91 *Milk subject to another Federal order.* Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 942.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 942.101.

§ 942.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 942.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided:* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 942.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 *Liability of handlers.* The liability of the handlers under this part is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 942.112 *Separability of provisions.* If any provision of this part, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 52-6341; Filed, June 9, 1952; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Parts 143, 144, 145, 163]

[No. 5235]

CHARTER AND BYLAWS; OPERATION

JUNE 4, 1952.

Amendments liberalizing bonus provisions; authorizing bonus on large long-term accounts; clarifying reserve requirements; providing for a revised form of charter K and lifting limitations on lending by insured institutions.

Resolved, That pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), amendments to Parts 144 and 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Parts 144, 145), and § 163.9 of the rules and regulations for Insurance of Accounts (24 CFR 163.9), as hereinafter set forth, are hereby proposed.

Resolved further, That a hearing will be held on July 10, 1952, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a hearing officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the Rules and Regulations for the Federal Savings and Loan System and for Insurance of Accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before July 10, 1952, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

a. Amend § 143.5 by striking the phrase "in the form of Charter N" from the last sentence thereof.

b. Amend the last sentence of paragraph (c) of § 143.11 to read as follows: "Upon approval by the Board of a formal application for conversion into a Federal association, the Board will issue a Charter, as provided in § 144.1 of this subchapter; conversion into a Federal association is completed upon the issuance of such charter and upon compliance with all relevant requirements of law, if any, which expressly provide for such conversion."

c. Amend the provisions preceding the first colon in § 144.1 to read as follows:

§ 144.1 *Issuance of charter—(a) Charter N.* Except as provided in paragraph (b) of this section and in § 144.2, the following form of charter, which shall be known as Charter N, will be issued on and after the effective date of the rules and regulations in this part, upon approval by the Board of any petition for a charter for a Federal association pursuant to the provisions of subsections (a) or (i) of section 5 of Home Owners' Loan Act of 1933, as amended.

d. Amend § 144.1 by adding a new paragraph (b) at the end thereof, as follows:

(b) *Charter K (rev.).* If expressly requested in the Petition for Charter, or in the Application for Conversion into a Federal Association, the Board, in lieu of Charter N, will issue a Charter K (rev.), reading as follows:

CHARTER K (Rev.)

1. *Corporate title.* The full corporate title of the Federal association hereby chartered is _____

2. *Office.* The home office shall be located at _____

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes; and, in the accomplishment of such objects, it shall have perpetual succession and power: (1) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the United States as he may require and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (2) To sue and be sued, complain and defend in any court of law or equity; (3) To have a corporate seal, affixed by imprint, facsimile or otherwise; (4) To appoint officers and agents as its business shall require, and allow them suitable compensation; (5) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and this charter; (6) To raise its capital, which shall be unlimited, by accepting payments on savings accounts representing share interests in the association; (7) To borrow money; (8) To lend and otherwise invest its funds; (9) To wind up and dissolve, merge, consolidate, convert, or reorganize; (10) To purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; (11) To mortgage or lease any real and personal estate and take such property by gift, devise, or bequest; and (12) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. It shall exercise its powers in conformity with all laws of the United States as they now are, or as they may hereafter be amended, and with all rules and regulations which are not in conflict with this charter now or hereafter made thereunder.

4. *Members.* All holders of the association's savings accounts and all borrowers therefrom are members. In the considera-

tion of all questions requiring action by the members of the association, each holder of a savings account shall be permitted to cast one vote for each $100, or fraction thereof, of the withdrawal value of his account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a savings account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote thereat. All savings accounts shall be nonassessable.

5. *Directors.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as fixed in the association's bylaws or, in the absence, of any such bylaw provision, as from time to time expressly determined by resolution of the association's members. Each director of the association shall be a member of the association, and a director shall cease to be a director when he ceases to be a member. Directors of the association shall be elected by its members by ballot: *Provided*, That in the event of a vacancy in the directorate, including vacancies created by an increase in the number of directors, the board of directors may fill such vacancy, if the members of the association fail so to do, by electing a director to serve until the next annual meeting of the members. Directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year.

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its savings accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a savings account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested: *Provided*, That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then number and file all withdrawal requests in the order received and shall proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file; *Provided*, That when any such request is reached for payment, the association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled; *Provided further*, That the board of directors shall have an absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of a savings account or accounts in any calendar month without regard to any other provision of this section.

When unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor, the association shall allot to the payment of such requests the remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers. The holder of a savings account for which application for withdrawal has been made shall remain a holder of a savings account until paid and shall not become a creditor. *Provided, however*, That the holder of such an account shall not be entitled to any distribution of earnings upon such account to the extent of the amount of the withdrawal request thereon as long as such withdrawal request remains upon the withdrawal list.

7. *Redemption.* At any time sufficient funds are on hand, the association shall have the right to redeem, by lot or otherwise as the board of directors may determine, all or any part of any of its savings accounts on June 30 or December 31, by giving 30 days' notice of such redemption by registered mail addressed to the holder of each such savings account at his last address as recorded on the books of the association. The association may not redeem any of its savings accounts when there is an impairment of its capital or when it has any request for withdrawal which has been on file and unpaid for more than 30 days. The redemption price of each savings account redeemed shall be the full value thereof, as determined by the board of directors, but in no event shall the redemption price be less than the withdrawal amount of such savings account. If a savings account which is redeemed is entitled to participate in any reserve for bonus, the amount in such reserve for bonus which is properly allocable to such savings account shall be paid as part of the redemption price thereof. If any notice of redemption shall have been duly given, and if the funds necessary for such redemption shall have been set aside so as to be and to continue to be available for that purpose, earnings upon such account shall cease to accrue from and after the date specified as the redemption date and all rights with respect to such such account shall forthwith, after such redemption date, terminate, except only the right of the holder of record of such savings account to receive the redemption price thereof without earnings.

8. *Loans and investments.* The association may make any loan or investment authorized by statute and the rules and regulations made by the Home Loan Bank Board and in effect on August 15, 1949; it may make such additional loans and investments as may thereafter be authorized by amendments of the said rules and regulations.

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal home loan bank shall not exceed one-tenth of such capital. Notwithstanding the foregoing limitations, the association may, with prior approval by the Federal Home Loan Bank Board borrow from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

10. *Reserves, surplus, and distribution of earnings.* The association shall maintain general reserves for the sole purpose of meeting losses; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or the amount necessary for the reserve required for insurance of accounts, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital. As of June 30 and December 31 of each year, after payment or provision for payment of all expenses, credits to general reserves and such credits to surplus as the board of directors may determine, and provision for bonus on savings accounts as authorized by regulations made by the Home Loan Bank Board, the board of directors of the association shall cause the remainder of the net earnings of the association for the 6 months' period to be distributed promptly on its savings accounts, ratably, as declared by the board of directors, to the withdrawal value thereof; in lieu of or in addition to such net earnings, any of the association's surplus funds may be likewise distributed. Such net earnings shall be credited to savings accounts or paid, as directed by the owner. All holders of savings accounts shall participate at the same rate and on the same basis in the distribution of earnings: *Provided*, That the association is not required to distribute earnings on short-term savings accounts or on accounts of $10 or less. Except as provided above, earnings shall be declared on all savings accounts of record at the close of each such 6 months' period, on the withdrawal value of each such account at the beginning of the said 6 months' period, plus the payments made thereon during such period (less amounts withdrawn, and, for purposes of participation in earnings, deducted from the latest previous payments), computed at the declared rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such payments by the association, unless the board of directors fixes a date, not later than the tenth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date, shall receive earnings as if invested on the first of such month. Payments, affected by such determination date, received subsequent to such determination date shall receive earnings as if invested on the first of the next succeeding month. Notwithstanding any other provision of its charter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

11. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Home Loan Bank Board, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Home Loan Bank Board, as of the date of the final approval of, or as fixed by, the members.

HOME LOAN BANK BOARD,
By ----------
(Chairman)

Attest:

(Secretary)

e. Amend § 144.3 to read as follows:

§ 144.3 *Adoption of Charter N.* A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of Charter N or Charter K (rev.), by majority vote of such association's members present at any duly called regular or special meeting of members: *Provided*, That, in the case of a Federal association that has a Charter K, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal. Upon receipt of the following petition from a Federal association that has amended its charter as provided in this section, the Board will issue to such Federal association, as requested by it a Charter N or a Charter K (rev.) in the same name and showing the same location of home office as is prescribed in such association's present charter, unless the Board when petitioned approves a change in such name or location.

f. Amend the language preceding the first colon in § 144.5 to read as follows:

§ 144.5 *Prescribed form.* A Federal association that has a Charter N or Charter K (rev.) shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth.

g. Amend § 144.6, preceding paragraph (a) thereof, to read as follows:

§ 144.6 *Amendment to bylaws.* This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal association, upon the valid adoption of any such amendment by such association's directors or members as provided in its bylaws, effective when so adopted; *Provided, however*, That the bylaw amendment set forth in paragraph (e) of this section may be adopted only by a Federal association which has a Charter not inconsistent with the provisions of § 145.3 of this subchapter.

h. Amend paragraph (e) of § 144.6 to read as follows:

(e) *Bonus for long-term savings.* As a bonus for long-term savings, the association may, as from time to time determined by its board of directors, distribute to holders of savings accounts reward earnings, in addition to earnings distributed to the holders of all savings accounts, in accordance with rules and regulations made by the Home Loan Bank Board.

i. Amend Part 144 by adding a new § 144.8 at the end thereof, reading as follows:

§ 144.8 *Charter amendments*—(a) *Charter K.* The provisions of this section shall constitute the approval by the Home Loan Bank Board of the proposal by the board of directors of any Federal association that has a Charter K of the following amendments to said Federal association's charter: *Provided*, That such Federal association follows the requirements of section 16 of its charter in adopting such amendments: Amendment of the tenth sentence of section 9 by striking the period at the end thereof and adding: ": *Provided further*, That the association may provide for bonus payments in accordance with section 10 hereof," together with the amendment of section 10 to read as follows: "10. Payment of bonus on share accounts: The association may pay a bonus upon its share accounts as authorized by regulations made by the Home Loan Bank Board."

(b) *Charter N.* The provisions of this section shall constitute the approval by the Home Loan Bank Board of the proposal by the board of directors of any Federal association that has a Charter N of the following amendment to said Federal association's Charter; *Provided*, That such Federal association follows the requirements of section 11 of its Charter in adopting such amendment: Amendment of the second sentence of section 10 to read as follows: "If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or the amount necessary for the reserve required for insurance of accounts, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital".

j. Amend the second sentence of § 145.1 to read as follows: "The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.)."

k. Amend § 145.1–1 by inserting, immediately after the phrase "Charter N", the following additional language: "or Charter K (rev.)."

l. Amend the first and second sentences of paragraph (b) of § 145.2 by inserting in each such sentence after the phrase "Charter N", the following additional language: "or Charter K (rev.)."

m. Amend § 145.3 to read as follows:

§ 145.3 *Bonus for long-term savings*—(a) *Periodic savings accounts.* As a bonus for regular payments on savings accounts, a Federal association which has a charter not inconsistent with the provisions of this section may distribute reward earnings to the holders of savings accounts who have made regular payments of an amount agreed upon between the association and the account holder without delay of more than 90 days in any payment, without any prepayment of more than 12 months and without the withdrawal of any part of such savings account. If such plan is adopted by a Federal association, it shall make such plan available to all its members qualifying therefor, without discrimination. Such reward earnings, as declared by the Board of Directors, shall be in addition to earnings distributed to the holders of all savings accounts but shall be declared and credited promptly, as of the same dates and computed in the same manner as other earnings for distribution and at the following maximum rates:

Beginning with the third year in which the account has qualified for reward earnings	¼ of 1 percent per annum;
Beginning with the fifth year	½ of 1 percent per annum;
Beginning with the seventh year	¾ of 1 percent per annum;
Beginning with the ninth year	1 percent per annum.

Provided, That the agreement shall lapse and the account shall lose any further claims to reward dividends if at any time a withdrawal is made from the account, a prepayment of more than 12 months is made, or there is a delay of more than 90 days in any payment.

(b) *Lump-sum savings accounts.* As a bonus for long-term savings other than periodic savings accounts, a Federal association which has a charter not inconsistent with the provisions of this section may pay reward earnings on balances of $500 or more that have remained continuously in such a bonus account for a period of two years or more in accordance with an agreement between the association and the account holder. If such plan is adopted by a Federal association, it shall make such plan available to all its members qualifying therefor, without discrimination. Such reward earnings shall be in addition to the regular earnings distributed to the holders of all savings accounts but shall be declared and credited or paid promptly, as of the same dates and computed in the same manner as other earnings for distribution and at the following maximum rates:

Beginning with the third year in which the account has qualified for reward earnings	¼ of 1 percent per annum;
Beginning with the fifth year	½ of 1 percent per annum;
Beginning with the seventh year	¾ of 1 percent per annum;
Beginning with the ninth year	1 percent per annum.

Provided, That the agreement shall lapse and the account shall lose any further claims to, and shall not receive any further reward earnings if a withdrawal is made from the account, except, however, that withdrawals from, and additions to, the account may be made in units of $500.

(c) *Bonus operations.* A Federal association that has a charter not inconsistent with the provisions of this section may credit to the accounts of all members holding bonus accounts in good standing, that amount in the bonus reserve to which they would be entitled if their bonus accounts were withdrawn at the time of such credit, and may transfer to surplus or to other reserves any other amounts in any Reserve for Bonus and further bonus earnings shall be credited to the accounts of the members thereto entitled; but shall not, after (insert effective date of regulation), enter into any bonus agreement or adopt any bonus plan inconsistent with the provisions of this section. Bonus rights existing on (insert effective date of regulation) are preserved and approval is given to the carrying out of any bonus agreements in existence on such date to their maturity in accordance with the terms thereof: *Provided*, That the holder of any such bonus account in good standing may surrender such account and receive in exchange a bonus account as provided herein; upon the surrender of such bonus account, the holder shall receive his participation in the bonus reserve heretofore required and shall participate in the installment bonus authorized by this section if continued as herein provided from the time of such exchange: *Provided*, That the time such account has been invested and qualified for participation in any such previous bonus plan shall be counted in computing future reward earnings on such account under this section.

(d) *Bonus may be terminated.* The members of a Federal association may at any time, by bylaw amendment, terminate any bonus plan under which the association is operating and the payment of a bonus on existing accounts issued under the provisions of this section as amended (insert effective date of amendment)."

n. Amend paragraph (b) of § 163.9 to read as follows:

(b) Any insured institution may, to an aggregate amount not in excess of fifteen per centum of its assets and without approval of the Corporation, to the extent it has legal power to do so.

(i) Make, or invest its funds in, loans secured by real estate located in other territory more than fifty, but not more than 100 miles from its principal office, which are insured or as to which such institution is insured, or as to which a commitment for any such insurance has been made under the provisions of the National Housing Act, as now or hereafter amended, and

(ii) Purchase from any member of the Federal Home Loan Bank System any loan secured by a first lien on a home, or a combination home and business property which is used in part for business purposes and in part for residential purposes for not more than four families where the use as a residence is of a bona fide character, located in other territory more than 50 miles from its principal office: *Provided*, That each such loan is serviced under a servicing agreement by an insured institution of the locality in which the security is situated.

(Sec. 5 (a), 48 Stat. 132, as amended, sec. 402, 48 Stat. 1256, as amended, 12 U. S. C. 1464 (a), 1725)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 52-6359; Filed, June 9, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2112859]

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 4, 1952.

Notice is given that the plat accepted October 31, 1950, of (1) dependent resurvey delineating the retracement and reestablishment of a portion of the original township boundary and subdivisional lines designed to restore all corners on the boundaries of sections 5 and 8 in their true original locations according to the best available evidence and (2) an extension survey to include lands erroneously omitted from the original survey and not shown upon the plat approved February 4, 1860, will be officially filed in the Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m. on the 35th day after the date of the notice as to the following described lands:

4TH PRINCIPAL MERIDIAN, WISCONSIN

T. 40 N., R. 11 E.,
Section 5, lots 4, 5, 6
Section 8, lots 4, 5, 6

The area described aggregates 129.77 acres.

Available information indicates that the greater portion of the lands are spruce and tamarack swamp. However, there is a considerable area of rolling upland having a sandy loam soil and having a fair stand of mixed pines, spruce and birch timber ranging up to 16 inches in diameter.

According to the field notes and as shown by the plat, lot 4 sec. 5; lots 4 and 6 sec. 8 are principally upland and that lots 5 and 6 sec. 5, and lot 5 sec. 8 are principally swamp in character and appear to be swamp and overflowed within the meaning of the act of September 28, 1850 (9 Stat. 519). Should the land finally be determined to be swamp and overflowed in character it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claims will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

No applications for the described lands may be allowed under the homestead or small tract laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 256 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to Regional Administrator, Region VI, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

For the Director.

H. S. PRICE, *Regional Administrator, Region VI.*

[F. R. Doc. 52-6317; Filed, June 9, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

A. C. M. Corp., Winder, Ga., effective 5-29-52 to 12-28-52; 30 learners for expansion purposes (dress pants and cotton khaki trousers).

Apparel Inc., 421 Eighth Avenue North, Seattle, Wash., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (sport jackets).

Bee & Gee Pants Co., 104-106 River Street, Olyphant, Pa., effective 6-2-52 to 12-1-52; 20 learners for expansion purposes (men's and boys' trousers).

Cata Garment Co., 712 Linden Street, Allentown, Pa., effective 6-2-52 to 6-1-53; five learners (ladies' wearing apparel).

Eckbro Manufacturing Co., 217 North Desplaines Street, Chicago, Ill., effective 6-2-52 to 6-1-53; ten learners (dungarees).

Elder Manufacturing Co., Ste. Genevieve, Mo., effective 5-29-52 to 5-28-53; 10 percent of the productive factory force (boys' shirts and pajamas).

Fayetteville Shirt Corp., Bragg Boulevard, Fayetteville, N. C., effective 5-29-52 to 11-28-52; 25 learners for expansion purposes (men's shirts and pajamas).

M. Fine & Sons Manufacturing Co., Inc., Paducah, Ky., effective 5-27-52 to 5-26-53; 10 percent of the productive factory force (work shirts).

J. Freezer & Son, Inc., Floyd, Va., effective 6-2-52 to 12-1-52; 60 learners for expansion purposes (sport shirts).

Gem Frock Co., 445 North Darien Street, Philadelphia 23, Pa., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (infants' and children's wear).

H. R. Halprin Manufacturing Corp., Monsey and Ash Streets, Scranton, Pa., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force or 10 learners, whichever is greater (snow suits and jackets).

Jaco Pants, Inc., Ashburn, Ga., effective 5-29-52 to 11-28-52; 24 learners for expansion purposes (dress pants).

Kahala Sportswear, Ltd., 1329 Kamaile Street, Honolulu, T. H., effective 6-2-52 to 6-1-53; six learners. All hours spent by learners employed under this certificate in previous training on scrap materials must be deducted from the learning period authorized; sewing machine operators only: 480 hours; 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (sport shirts, swim suits and trunks, playsuits, sun dresses, boxer shorts).

Ann Lee Frocks, 631 Fellows Avenue, Hanover Township, Lyndwood, Pa., effective 6-2-52 to 6-1-53; 10 learners (dresses).

Liberty Sport Togs, 176 West Louden Street, Philadelphia, Pa., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (boys' sportswear).

Mysie Sportswear, Inc., 314 North Thirteenth Street, Philadelphia 7, Pa., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (cotton trousers).

Opp Textile Corp., Opp, Ala., effective 6-2-52 to 6-1-53; 10 learners (jackets).

The George W. Prior Co., 1735 Lawrence Street, Denver, Colo., effective 5-26-52 to 5-25-53; 10 percent of the productive factory force or 10 learners, whichever is greater (western shirts, western jeans).

Summit Hill Manufacturing Corp., 101 West White Street, Summit Hill, Pa., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (ladies' sportswear).

Tackett Manufacturing Co., Stephenville, Tex., effective 6-2-52 to 6-1-53; five learners; learners not to be engaged in the manufacture of skirts at subminimum wage rates (women's sportswear).

Umholtz Manufacturing Co., Inc., 24 Salem Avenue, Carbondale, Pa., effective 6-2-52 to 6-1-53; 10 learners; learners not to be engaged at subminimum wage rates in the manufacture of skirts (blouses).

J. M. Wood Manufacturing Co., Inc., 224-26 South Sixth Street, Waco, Tex., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Petri Cigar Co., 40-52 High Street, Clarksville, Tenn., effective 5-30-52 to 11-13-52; 30 learners for expansion purposes; hand rolling, 960 hours; 60 cents per hour for the first 480 hours and 65 cents per hour for the remaining 480 hours (supplemental certificate).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Nu-Vogue Hosiery Mills, Inc., 252 West Harden Street, Graham, N. C., effective 5-31-52 to 5-30-53; five learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Fashion Embroidery Co., 1307 Washington, St. Louis 3, Mo., effective 5-29-52 to 5-28-53; two learners; embroidery machine operators; 320 hours at 65 cents per hour (embroidery and nailhead trim, belts and buttons).

France Neckwear Manufacturing Co., Wilmington, N. C., effective 5-27-52 to 11-26-52; 10 learners for expansion purposes; machine operators (except cutting), pressers, handsewers; each 320 hours at 65 cents per hour (men's neckwear) (supplemental certificate).

France Neckwear Manufacturing Co., Wilmington, N. C., effective 5-27-52 to 11-26-52; 5 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; each 320 hours at 65 cents per hour (men's neckwear).

Paramount Cap Manufacturing Co., Gerald, Mo., effective 6-5-52 to 6-4-53; six learners; sewing machine operators; 240 hours at 65 cents per hour (cloth caps).

The Pfaltzgraff Pottery Co., York, Pa., effective 6-4-52 to 12-3-52; 10 percent of the productive factory force, finishers, glaze workers; each 320 hours at 65 cents per hour (pottery).

Wooderoftery Shops, Inc., 308 Second Avenue, Wayland, N. Y., effective 6-2-52 to 12-1-52; one learner; hand decorator; 320 hours at 65 cents per hour (wood products).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 2d day of June 1952.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 52-6319; Filed, June 9, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BRUCELLOSIS AND PARATUBERCULOSIS

NOTICE REGARDING CONTAGION OF COMMUNICABLE DISEASE

Notice is hereby given that the contagion of the communicable disease known as brucellosis exists in domestic animals in each State of the United States and in the Territories of Puerto Rico, Alaska, and Hawaii; and that the contagion of the communicable disease known as paratuberculosis exists in domestic animals in the Territory of Puerto Rico and in each State of the United States except Arizona, Maine, New Hampshire, Rhode Island, Utah, and Wyoming.

Done at Washington, D. C., this 5th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6351; Filed, June 9, 1952; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1641]

MISSISSIPPI RIVER FUEL CORP.

FINDINGS AND ORDER OMITTING INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

JUNE 3, 1952.

On April 23, 1952 Laclede Gas Company (Laclede), on April 29, 1952, Union Electric Power Company (Union Electric), and on April 30, 1952, MidSouth Gas Company (MidSouth), interveners in the above-entitled rate suspension proceeding under the National Gas Act, filed motions requesting that the Commission order that the intermediate decision procedure be omitted in the above-entitled proceeding in accordance with section 8 of the Administrative Procedure Act and § 1.30 of the Commission's rules of practice and procedure (18 CFR 1.30) and that the Commission set this proceeding for oral argument. An answer opposing these motions was filed on May 8, 1952 by Mississippi River Fuel Corporation (Mississippi).

The increased rates at issue in this proceeding are those contained in the First Revised Sheet No. 4 and First Revised Sheet No. 6 to Mississippi's FPC Gas Tariff, Original Volume No. 1. The said sheets were filed on February 28, 1951, and this proceeding was instituted by the Commission's order issued March 28, 1951. Pursuant to that order the said First Revised Sheet No. 4 was suspended until September 1, 1951, at which time on motion of Mississippi the increased rates therein contained were put into effect under bond, upon the terms and conditions of the order entered herein by the Commission on August 31, 1951.

The Commission's order issued March 28, 1951, provided that public hearings be held concerning the lawfulness of the rates, charges and classifications, subject to the jurisdiction of the Commission, as set forth in the said First Revised Sheets Nos. 4 and 6 to Mississippi's FPC Gas Tariff, Original Volume No. 1. It was indicated in that order that the changes in rates proposed, upon the basis of the sales then estimated by Mississippi for the 12 months next following April 1, 1951, would result in increased charges by Mississippi to its utility or resale customers [1] of approximately $3,100,000 per year.

After due notice and pursuant to the Commission's order issued March 28, 1951, hearings were held on May 14–16, September 5–7, and 10–13, and on October 10–12, 15–19, and 24–26, 1951. The recess between the initial hearings beginning on May 14, 1951 and the resumed hearings beginning September 5, 1951 was necessitated primarily by the need for investigation of Mississippi by the Commission Staff concerning the increased rates and the need of the Commission Staff for preparation to present the results of such investigation at the resumed hearings in order that a more complete record might be made available for consideration in reaching a decision upon the merits of the increased rates in question.

At the conclusion of the hearings a motion was made by Commission Staff Counsel for the omission of the intermediate decision procedure. That motion was denied by the Commission on October 30, 1951. At that time it was the view of the Commission that this case had proceeded as expeditiously as was reasonably possible in view of the character of the proceeding.

At the time of the Commission's action upon Staff Counsel's motion, the main brief of Mississippi was scheduled to be filed on November 27, 1951, the briefs of other parties, including Staff Counsel, were scheduled for December 17, 1951, and the reply brief of Mississippi was scheduled for December 28, 1951. However, through no fault of any party and largely because of illness, the filing of briefs was not completed until April 10, 1952.[2] The submission of briefs was thus delayed substantially beyond the time anticipated when the Commission on October 30, 1951 denied Staff Counsel's motion. This unexpected and extended delay in submission of briefs necessarily postponed the time that the Presiding Examiner could undertake to render an initial decision in this proceeding.

The Commission's docket and other public records disclose the increasing number and magnitude of formal proceedings that have been initiated in recent months and are now pending before the Commission, particularly rate suspension and other proceedings under the Natural Gas Act. These proceedings under that act, as well as proceedings under other statutes administered by the Commission, have placed a growing burden upon the Commission and its limited staff that is available to participate in, and its few examiners that are available to preside at, hearings in formal proceedings. The state of the Commission's docket, as its public records reveal, has necessitated that the Examiner who presided at the hearings in this case, preside in hearings in other proceedings during times not only before but also since the submission of the briefs in this proceeding. The result of this situation has been and is that such Presiding Examiner, as a practical matter, has not been afforded the opportunity needed to timely prepare and render an initial decision in this case. Consequently, though desirable, no initial decision has been rendered, and in the circumstances existing, the likelihood of the Examiner rendering such a decision in the reasonably near future seems remote due to no fault of the Examiner but rather due to the Commission's heavy hearing schedule. As a matter of fact, delay is now being occasioned unavoidably in a number of formal proceedings due primarily to the fact that the Commission does not have sufficient staff and examiners available to permit the scheduling of such matters for timely hearing and disposition.

Laclede, Union Electric and MidSouth in their motions herein point to the extended period of time that has elapsed since the initiation of this proceeding early in 1951. In fact, more than seven months have elapsed since the Commission's denial in October 1951 of the first motion herein for omission of the intermediate decision procedure. They call attention to that part of subsection 4 (e) of the Natural Gas Act providing that the Commission in proceedings of this kind not only "shall give to the hearing and decision of such questions preference over other questions pending before it" but also shall "decide the same as speedily as possible." They also point to the magnitude of the rate increase sought by Mississippi and call attention to the position as disclosed by the briefs of interveners and of Staff Counsel that Mississippi is not entitled to any rate increases in this case, and to the need in the public interest that the uncertainty as to what rates Mississippi may lawfully charge its customers be removed as soon as possible by an early Commission decision in this proceeding.[3]

The motions in question are objected to by Mississippi in its answer filed on May 8, 1952, on grounds that a decision by the Presiding Examiner is, in the view of Mississippi, required in this case and that the denial of such a decision would deprive Mississippi of a hearing to which it is entitled under the Natural Gas Act and by the Constitutional requirement of due process of law. Mississippi cites subsection 8 (a) of the Administrative Procedure Act and Universal Camera Corporation v. National Labor Relations Board, 340 U. S. 474 (1951), as authority prohibiting the omission of the intermediate procedure in this proceeding.

The case cited by Mississippi, however, does not hold that an examiner's decision is mandatory in a rule making proceeding such as the instant rate suspension proceeding under the Natural Gas Act. Moreover, the statutory provisions cited expressly authorize in rule making proceedings that, in lieu of a decision by the examiner or other officer who presided at the reception of the evidence, alternative intermediate decision procedures may be utilized, and also, that any such intermediate decision procedure may be omitted in any such rule making case in which the Commission finds upon the record that "due and timely execution of its functions imperatively and unavoidably so requires."

In the light of the circumstances that have developed and occurred since the Commission's denial on October 30, 1951, of Staff Counsel's motion, the Commission is clearly warranted in finding that the due and timely execution of the Commission's functions imperatively and unavoidably requires the omission of the intermediate decision procedure as prayed for in the pending motions of Laclede, Union Electric and MidSouth. The public interest manifestly requires such finding and action in this case.

Laclede, Union Electric and MidSouth in their pending motions ask, in addition to omission of the intermediate decision procedure, that this proceeding be set for oral argument before the Commission as soon as possible and that the case be decided by the Commission on the record made, the briefs filed and such oral argument. In the circumstances the Commission deems that good cause exists for affording oral argument and, accordingly, concludes that the requests therefor should be granted.

The Commission further finds:

(1) It is necessary and appropriate for carrying out the provisions of the Natural Gas Act that the aforesaid motions of Laclede, Union Electric and MidSouth be granted as hereinafter ordered and provided.

(2) Due and timely execution of its functions imperatively and unavoidably requires that the intermediate decision procedure be omitted in this proceeding as hereinafter ordered and provided and that the Commission forthwith render a decision in this proceeding.

The Commission orders:

(A) The intermediate decision procedure be and it is hereby omitted herein in accordance with provisions of § 1.30 (18 CFR 1.30) of the Commission's rules of practice and procedure.

(B) Oral argument be had before the Commission on June 19, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. All parties to this proceeding shall notify the Secretary of the Commission on or before June 12, 1952, with respect to the time they deem necessary for argument.

Date of issuance: June 4, 1952.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6352; Filed June 9, 1952; 8:54 a. m.]

[1] Arkansas Louisiana Gas Company, Fort Smith Gas Corporation, Illinois Power Company, Laclede Gas Company, MidSouth Gas Company, Missouri Natural Gas Company, Public Utilities Company, Gressett, Ark., and Union Electric Power Company. Mississippi has added the City of Altheimer, Ark., as a resale customer.

[2] Briefs were not actually filed until the following dates: Mississippi's main brief on December 7, 1951; briefs of Laclede on January 15, 1952, of Director of Price Stabilization on February 4, 1952 of MidSouth and of Union Electric Power Company on February 5, 1952, and of Commission Staff Counsel on March 12, 1952; and Mississippi's reply brief on April 10, 1952.

[3] Mississippi has reported herein, pursuant to the provisions of the Commission's order dated August 31, 1951, that during the eight months between September 1, 1951 and April 30, 1952 the difference between the former and the proposed rates being collected under bond has amounted to more than $2,250,000.

[Docket No. G-1842]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF OPINION AND ORDER

JUNE 4, 1952.

Notice is hereby given that on May 29, 1952, the Federal Power Commission issued its opinion and order entered May 28, 1952, disallowing proposed increased rates and charges and dismissing proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6353; Filed, June 9, 1952; 8:54 a. m.]

[Project No. 2002]

CITIZENS POWER CO.

NOTICE OF ORDER DISMISSING APPLICATION

JUNE 4, 1952.

Notice is hereby given that on June 3, 1952, the Federal Power Commission issued its order entered June 3, 1952, dismissing application for extension of preliminary permit and incomplete application for license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6354; Filed, June 9, 1952; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 50-34, 70-2340, 70-2341, 70-2342, 70-2343]

PHILADELPHIA CO. ET AL.

ORDER EXTENDING TIME FOR TERMINATION OF INTERLOCKING RELATIONSHIPS

JUNE 4, 1952.

In the matter of Philadelphia Company, Equitable Gas Company, Pittsburgh and West Virginia Gas Company, Kentucky West Virginia Gas Company, File No. 70-2343; Philadelphia Company, File No. 70-2342; Philadelphia Company, File No. 50-34; Standard Gas and Electric Company, File No. 70-2341; Standard Gas and Electric Company, Philadelphia Company, File No. 70-2340.

Standard Gas and Electric Company ("Standard") and its subsidiary, Philadelphia Company ("Philadelphia"), both registered holding companies and subsidiaries of Standard Power and Light Corporation, also a registered holding company, and certain of Philadelphia's former subsidiaries, Equitable Gas Company ("Equitable"), Pittsburgh and West Virginia Gas Company ("Pittsburgh"), and Kentucky West Virginia Gas Company ("Kentucky"), having filed applications-declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, proposing, among other things, the reorganization of the natural gas and oil properties in the Philadelphia system, the recapitalization and issuance of securities by Equitable, the amendment of Equitable's charter, and the sale by Philadelphia to the public of all the common stock of Equitable, as reorganized; and

The Commission, by order dated March 14, 1950, having granted and permitted to become effective said applications-declarations, as amended, subject, among other things, to the following condition:

1. That within six months (or such additional time as may be allowed for good cause shown) after consummation of the sale by Philadelphia of the Equitable common stock, Standard and Philadelphia shall, in an appropriate manner not in contravention of the provisions of the act or the rules, regulations or orders thereunder, terminate or cause to be terminated all interlocking relationships through any person or persons by way of contract, retainer or other arrangement with any person or persons, or through the holding of an officership or directorship by any person or persons, or by the joint operation of departments and activities and the joint use of personnel, property or facilities as between Equitable, Pittsburgh, and Kentucky, on the one hand, and other companies now or formerly in the Philadelphia system, on the other; and

The aforementioned sale by Philadelphia of the Equitable common stock having been consummated on March 31, 1950; and

Standard and Philadelphia, by letter dated October 23, 1950, having requested the Commission to extend for an additional six months the time for compliance with the said condition; and

The Commission, by order dated November 10, 1950, having granted such request and extended the time for compliance with the above-recited condition to March 31, 1951; and

Standard and Philadelphia, by letter dated May 17, 1951, having requested the Commission to extend for an additional six months the time for compliance with said conditions; and

The Commission, by order dated June 4, 1951, having granted such request and extended the time for compliance with the said condition to October 1, 1951; and

Standard and Philadelphia, by letter dated October 27, 1951, having requested the Commission to extend for an additional six months the time for compliance with said condition; and

The Commission, by order dated October 29, 1951, having granted such request and extended the time for compliance with the said condition to March 31, 1952; and

Standard and Philadelphia, by letter dated May 23, 1952, having stated that while substantial progress has been made in the program of segregating the operating organizations of Philadelphia's

former gas company subsidiaries and the Philadelphia system, additional time is required to complete the program; and Standard and Philadelphia having requested the Commission to extend for an additional six months the time for compliance with the said condition; and

The Commission having considered such request and the reasons advanced in support thereof and the Commission deeming that the public interest and the interest of investors and consumers will not be affected adversely by granting such request:

It is ordered, That the time prescribed for compliance by Standard and Philadelphia with the above-recited condition be, and hereby is, extended to September 30, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6326; Filed, June 9, 1952; 8:49 a. m.]

[File Nos. 54-180, 59-94]

GREEN MOUNTAIN POWER CORP.

NOTICE OF AND ORDER FOR HEARING ON APPLICATIONS FOR FEES AND EXPENSES

JUNE 4, 1952.

The Commission having by its orders of May 3 and May 31, 1951, approved an amended plan of reorganization, filed by Green Mountain Power Corporation ("Green Mountain"), a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company, pursuant to the provisions of section 11 (e) of the Public Utility Holding Company Act of 1935, which plan provided, among other things, that the funded debt of Green Mountain remain unchanged, that the outstanding common stock of Green Mountain held by NEES be cancelled without participation in the reorganization, that three shares of new $10 par value common stock be exchanged for each share of preferred stock and that additional shares of new common stock be issued and sold for cash. Said orders reserved jurisdiction over all fees and expenses in connection with the proceedings. The Commission, by order dated June 18, 1951, released jurisdiction with respect to fees and expenses of Messrs. Choate, Hall & Stewart of Boston, Massachusetts, counsel for the underwriters in connection with the sale of the new common stock, and continued the reservation of jurisdiction with respect to all other fees and expenses in connection with Green Mountain's amended plan of reorganization.

Notice is hereby given that certain persons have now filed applications for the approval of fees or other compensation and for reimbursement of expenditures to be paid by Green Mountain in connection with said amended plan, the transactions incident thereto and the consummation thereof.

All interested persons are referred to said applications, which are on file in the offices of the Commission, for a full statement of the claims for fees or other compensation and for reimbursement of expenditures, which may be summarized as follows:

	Fees	Expenses
Fees and expenses directly incurred by Green Mountain		
Haussermann, Davison, Shattuck & Field, counsel	$70,000	$4,682.03
Stone & Webster Service Corp., consultant	5,380	
Lybrand, Ross Bros. & Montgomery, accountants	2,400	41.75
Fees and expenses of other parties and participants in proceeding		
Carl K. Ross, holder of preferred stock	300	127.95
Ingerman of preferred stockholders; Baker, Obermeier & Rosner, counsel	10,000	206.69
Wishart committee for preferred stockholders; Finn, Monfl & Dalvis, counsel	12,000	1,543.77
Scott committee for preferred stockholders; Hays, St. John, Abramson & Schulman, counsel	57,500	565.28
Members of committee:		
Lewis Murrell Feist, chairman	5,000	
Norman Johnson, secretary	4,000	25.00
Edward Leff	5,000	
Total	160,580	7,192.42

It appearing to the Commission that it is appropriate in the public interest that a hearing be held with respect to the matters set forth in said applications:

It is ordered, Pursuant to sections 11 (e) and 18 of the act, that the hearings herein be reconvened for the purpose of inquiring into and taking evidence with respect to said applications and with respect to all payments of fees and expenses made or proposed to be made by Green Mountain in connection with its amended plan of reorganization. Such reconvened hearing shall commence on June 19, 1952, at 2 p. m., e. d. s. t. at the offices of the Commission, 425 Second Street NW., Washington 25, D. C.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby empowered to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of said applications and that, upon the basis thereof, the following matters and questions are presented for consideration by the Commission, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the services and disbursements for which remuneration has been paid, or is sought, are compensable, and whether it is appropriate and lawful to grant any allowances for fees and expenses to the persons making such claims;

2. Whether the amounts, including expenses, paid or sought for such services, are fair and reasonable, and if not, what amounts should be fixed by the Commission;

3. To what extent Green Mountain has paid or incurred expenses in connection with its amended plan of reorganization or the consummation thereof other than those covered in said applications and whether such expenses are necessary, fair and reasonable;

4. Whether there are any other factors, apart from the nature and value of the services rendered and the capacity in which rendered, which would make any of the requests for compensation or reimbursement improper.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any persons, other than the applicants named herein, desiring to be heard in connection with these proceedings, or proposing to intervene herein, shall file with the Secretary of the Commission on or before June 17, 1952, his request or application therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail upon the aforementioned applicants, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6321; Filed, June 9, 1952; 8:48 a. m.]

[File No. 70-2860]

NORTHERN STATES POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO TERMS OF SALE OF COMMON STOCK

JUNE 4, 1952.

Northern States Power Company ("the Company"), a Minnesota corporation which is both a registered holding company and an operating utility company, having filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-50 thereunder proposing to issue and sell, inter alia, 1,108,966 shares of its Common Stock at a price to be fixed by the Company, offering said shares under warrants expiring June 23, 1952 to the present holders of its common stock on the basis of 1 share for each 10 shares of common stock held on the record date, with the privilege of subscribing for additional shares not exceeding the number of shares subscribed for under the primary subscription, subject to allotment, and selling at competitive bidding (as to compensation only) all unsubscribed shares plus such shares (not exceeding 55,448) as the Company might purchase for stabilization purposes during the period immediately preceding the receipt of bids ("Unsubscribed Stock"); each bid to specify the aggregate amount to be paid by the Company to the bidders as compensation for underwriting the issue; and

The Commission by order dated May 23, 1952 having permitted said declaration as amended to become effective as respects the proposed issue and sale of said Common Stock, subject to the conditions that such sale should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and a further order entered by the Commission in the light of the record so completed; subject also to the reservation of jurisdiction with respect to all fees and expenses incurred or to be incurred herein; and

The Company having filed a further amendment to its declaration stating that it had fixed the price of said stock at $10.50 per share; that it had purchased no shares of its common stock under the authority heretofore granted to stabilize the market price; that it had requested bids for the purchase of the Unsubscribed Stock at the price fixed as aforesaid, the underwriters to bid only on the compensation to be received by them for underwriting the issue, and the successful bidder to pay to the Company, in addition to $10.50 per share for the Unsubscribed Stock, one-half of the excess above $11.25 per share received upon the resale of any such shares within 30 days after the expiration date (June 23, 1952) of the subscription period; and

The Company further stating that, in response to its invitation, the following bids for the Unsubscribed Stock were received:

Underwriting group headed by—	Underwriters' Compensation	
	Aggregate	Per share
Lehman Bros. and Riter & Co.	$108,678.67	$0.098
The First Boston Corp.	115,695.15	.104
Smith, Barney & Co.	182,979.39	.165
White, Weld & Co. and Glore, Forgan & Co.	187,924.00	.169

The Company further stating that it has accepted the bid of the underwriting group headed by Lehman Brothers and Riter & Co. as above set out, whereunder the Company will pay the lowest aggregate amount of compensation for the underwriting of the issue; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for adverse findings or the imposition of terms and conditions with respect to the matters set forth in said amendment:

It is ordered, That jurisdiction heretofore reserved over the issue and sale of said Common Stock until the results of competitive bidding should be made a matter of record in this proceeding be, and the same hereby is, released; and that said declaration as amended, in so far as it relates to the issue and sale of said Common Stock, be, and the same hereby is, permitted to become effective forthwith, subject to the provisions of Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the terms and conditions of the sale at competitive bidding of $21,500,000 principal amount of First Mortgage Bonds (also covered by the Company's original declaration herein and by the Commission's order of May 23, 1952 aforesaid) and with respect to all fees and expenses be, and the same hereby is, continued pending the further orders of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6323; Filed, June 9, 1952; 8:48 a. m.]

[File No. 70-2863]

SOUTHERN CO. ET AL.

ORDER PERMITTING SUBMISSION OF COMMON STOCK RIGHTS OFFERING TO COMPETITIVE BIDDING FOR UNDERWRITING, AND PERMITTING PURCHASE OF COMMON STOCK OF TWO SUBSIDIARY COMPANIES

JUNE 4, 1952.

In the matter of the Southern Company, Alabama Power Company, Georgia Power Company, File No. 70-2863.

The Southern Company ("Southern"), a registered holding company, and two of its public utility subsidiary companies, Alabama Power Company ("Alabama") and Georgia Power Company ("Georgia"), have filed a joint application-declaration, with amendments thereto, pursuant to sections 6, 7, 9 (a), 10, 12 (c) and 12 (f) of the act and Rules U-42, U-43, and U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Southern proposes to issue 1,004,510 shares of its common stock $5 par value. The shares of common stock are to be offered during a period of approximately three weeks to the holders of the presently outstanding common stock of the company for subscription in the ratio of 1 share of common stock for each 16 shares of common stock now held. The rights to subscribe are to be evidenced by transferable subscription warrants. No fractional shares are to be issued. The warrants provide that persons subscribing for stock may direct the subscription agent to purchase additional rights required to complete a full share subscription or to sell rights in excess of full share subscriptions. In each case, the purchase or sale may not exceed 15 rights for any stockholder.

The above described offering is to be underwritten and the company proposes to select the purchasers of any unsubscribed stock and any stock acquired by the company through stabilizing operations, as described below, at competitive bidding pursuant to Rule U-50. At least 42 hours prior to the time for the submission and opening of bids, Southern will advise the prospective bidders of the subscription price per share, which will also be the price per share at which unsubscribed shares and any shares acquired by the company through stabilization operations will be sold to the successful bidder. The bidders will be required to specify an aggregate amount of compensation to be paid by the company for their commitments. Under the terms of the bidding the purchasers must agree that in the event any shares purchased by them from the company shall be sold by them prior to 30 days following the expiration of the subscription period, for a price in excess of the subscription price plus 65 cents per share, the purchasers shall pay to the company 50 percent of such excess.

Southern proposes, if considered necessary or desirable, to stabilize the price of the common stock of the company for the purpose of facilitating the offering and distribution of the additional shares of common stock. In connection therewith the company may, during the period commencing with the close of business on the third full business day prior to the time for the submission of bids and continuing until such time, purchase shares of its common stock, but not in excess of 100,451 shares, on the New York Stock Exchange or otherwise. Such purchases are to be made through brokers with the payment of regular Stock Exchange commissions.

Southern, which owns all of the common stock of Alabama and Georgia, proposes to use the net proceeds derived from the sale of its common stock, plus other funds to the extent necessary, to invest in common stock of Alabama and Georgia and to repay outstanding short term bank loans. Under the present filing, Alabama proposes to issue and sell 40,000 shares of its common stock to Southern, and Georgia proposes to issue and sell 400,600 shares of its common stock to Southern. Southern will purchase these shares for $4,000,000 and $7,000,000, respectively, and the proceeds will be used by Alabama and Georgia for construction purposes.

Southern states that if for any reason delay should be encountered in its proposed common stock rights offering so that it will not have available prior to July 15, 1952, funds sufficient to invest in the common stock of Georgia, it proposes to borrow for such purposes up to $7,000,000 from banks on short term notes. In such event, Southern will file an amendment herein setting forth the names of such banks and the terms of such notes.

The filing indicates that the issuance and sale of common stock by Alabama and Georgia has been approved, respectively, by the Alabama Public Service Commission and the Georgia Public Service Commission.

It is requested that the Commission's order herein become effective upon issuance.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers

that the said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the proposed issuance and sale of the 1,004,510 shares of common stock by Southern shall not be consummated until the subscription price per share and the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record in this proceeding and a further order shall have been entered, with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6324; Filed, June 9, 1952; 8:48 a. m.]

[File No. 70-2875]

UNITED GAS CORP. AND ATLANTIC GULF GAS CO.

ORDER CONCERNING MERGER OF INACTIVE SUBSIDIARY INTO PARENT

JUNE 4, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's subsidiary, Atlantic Gulf Gas Company ("Atlantic"), having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

United, as the owner of all the outstanding capital stock of Atlantic, proposes to merge it into United.

Atlantic, a Delaware corporation, was organized in 1947 by United for the purpose of constructing and operating natural gas pipeline properties in the southeastern portion of the United States. Subsequently, the application of Atlantic for a certificate of public convenience and necessity for this purpose was denied by the Federal Power Commission.

On organization, Atlantic issued to United 100,000 shares of its common stock for a cash consideration of $1,000,000. Atlantic's assets consist of cash in the amount of $1,000,000 and its liabilities consist solely of the capital stock held by United. The declaration states that United has expended $285,977.23 for the account of Atlantic which amount will be repaid by Atlantic to United prior to the merger.

The declaration states that since there is no longer any need for the continued corporate existence of Atlantic, the proposed merger will result in simplification of the United Gas system by the elimination of one subsidiary.

Said declaration having been filed on May 13, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no adverse findings are necessary thereunder, and that it is unnecessary to impose terms and conditions in connection herewith, and the Commission deeming it appropriate to permit said declaration to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said declaration, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6322; Filed, June 9, 1952; 8:48 a. m.]

[File No. 70-2876]

DUQUESNE LIGHT CO.

NOTICE OF FILING WITH RESPECT TO PROPOSED INCREASE IN AUTHORIZED PREFERRED STOCK

JUNE 4, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company ("Philadelphia"), a registered holding company. Declarant has designated section 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Duquesne proposes, by appropriate corporate action, to increase its authorized preferred stock from 800,000 to 1,000,000 shares. It is stated that the proposed increase will facilitate the issuance and sale by Duquesne of preferred stock during 1952 and 1953 and thereby enable Duquesne to raise a portion of the funds required to meet the cost of its construction program. Appropriate applications will be filed with this Commission prior to the time when such issuance and sales are to be undertaken.

In order to effect the proposed increase of the authorized preferred stock, the consent of the holders of a majority of the outstanding shares of common stock of Duquesne, as well as the consent of the holders of a majority of the outstanding preferred stock of Duquesne, with all series thereof voting as a class, is required. Philadelphia, which owns all of the 5,920,000 shares of common stock and all of the 550,000 shares of 4 percent Preferred Stock, which constitutes well over a majority of that class, has indicated that it will consent to the proposed increase. Duquesne proposes, however, as a matter of management policy, to solicit proxies from the holders of the 150,000 shares of its 3.75 percent Preferred Stock, which series is publicly held, but it states that it intends to increase its authorized preferred stock without reference to the number of consents it obtains from such holders. The proposed solicitation material has been submitted as an exhibit to the instant filing.

It is estimated that the fees and expenses to be incurred in connection with the proposed transactions will amount to $1,860, of which $750 represents counsel fees. Duquesne requests that any order of this Commission granting the application shall become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 17, 1952, at 1:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6320; Filed, June 9, 1952; 8:47 a. m.]

[File No. 70-2885]

UNITED CORP.

NOTICE REGARDING PROPOSED SALE OF COMMON STOCK OF SUBSIDIARY COMPANY

JUNE 4, 1952.

Notice is hereby given that a declaration has been filed with the Commission, pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, by The United Corporation ("United"), a registered holding company.

Notice is further given that any interested person may, not later than June 17, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6321; Filed, June 9, 1952; 8:47 a. m.]

sion should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 17, 1952 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

By order dated June 26, 1951 (File No. 54-184) the Commission approved United's Comprehensive Plan under section 11 (e) of the act and exempted from the competitive bidding requirements of Rule U-50, the proposed sale by United of all of its holdings of the common stock of South Jersey Gas Company ("South Jersey"), consisting of 154,231 8 shares representing 28.25 per cent of the voting securities of that company. The declaration states that United has not been able to dispose of the South Jersey common stock by private sale and, therefore, United now proposes to make a public offering of 154,230 shares of such stock in accordance with the competitive bidding requirements of Rule U-50, the remaining 1 8 shares to be sold promptly thereafter in the open market. United proposes to reinvest the proceeds from the sale of its holdings of South Jersey common stock in other securities in accordance with the investment program approved by the Commission by order dated May 2, 1952 (Holding Company Act Release No. 11209).

The declaration states that the representatives of United will resign from the Board of Directors of South Jersey as soon as United has disposed of the South Jersey stock.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6325; Filed, June 9, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27121]

CORN STEEP WATER FROM KEOKUK, IOWA TO POINTS IN MICHIGAN AND INDIANA

APPLICATION FOR RELIEF

JUNE 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3723, pursuant to fourth-section order No. 9800.

Commodities involved: Water, corn steep, liquid, carloads.

From: Keokuk, Iowa.

To: Detroit, and Kalamazoo, Mich., Indianapolis, Lawrenceburg, and Terre Haute, Ind.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6342; Filed, June 9, 1952; 8:52 a. m.]

[4th Sec. Application 27122]

BOARDS, FROM POINTS IN WESTERN TRUNK-LINE TERRITORY TO KINSTON, N. C.

APPLICATION FOR RELIEF

JUNE 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3740, pursuant to fourth-section order No. 9800.

Commodities involved: Boards, building, wall or insulating, viz: fibreboard, pulpboard, or strawboard, carloads.

From: Points in western trunk-line territory.

To: Kinston, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6343; Filed, June 9, 1952; 8:52 a. m.]

[4th Sec. Application 27123]

HYDROL BETWEEN POINTS IN TEXAS AND LOUISIANA

APPLICATION FOR RELIEF

JUNE 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 802.

Commodities involved: Hydrol (corn sugar final molasses or sorghum grain sugar final molasses), carloads.

Between: Points in Texas, and between points in Texas and Louisiana.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 802, Supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6344; Filed, June 9, 1952; 8:52 a. m.]

[4th Sec. Application 27124]

CRUSHED STONE AND SAND FROM LEHIGH, ILL., AND TERRE HAUTE, IND., TO OLIVER, ILL.

APPLICATION FOR RELIEF

JUNE 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for The New York Central Railroad Company.

Commodities involved: Crushed stone and sand, carloads.

From: Lehigh, Ill., and Terre Haute, Ind.

To: Oliver, Ill.

Grounds for relief: Competition with rail carriers and wayside pit competition.

Schedules filed containing proposed rates: NYC RR. tariff I. C. C. No. 176, Supp. 349; NYC RR. tariff I. C. C. No. 1198, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6345; Filed, June 9, 1952; 8:52 a. m.]

[4th Sec. Application 27125]

SCRAP PAPER FROM POINTS IN THE SOUTHWEST TO POINTS IN NEW JERSEY, OHIO, AND VIRGINIA

APPLICATION FOR RELIEF

JUNE 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Scrap or waste paper, carloads.

From: Points in the Southwest.

To: Hughesville and Warren Glen, N. J., Jaite, Ohio, and Lynchburg, Va.

Grounds for relief: Circuity, rail competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 3919, Supp. 107; F. C. Kratzmeir's tariff I. C. C. No. 3967, Supp. 119; F. C. Kratzmeir's tariff I. C. C. No. 3908, Supp. 106; F. C. Kratzmeir's tariff I. C. C. No. 3906, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6346; Filed, June 9, 1952; 8:53 a. m.]

[Rev. S. O. 876, General Permit 6-L]

COMMON CARRIERS BY RAILROAD

PERMISSION REGARDING CERTAIN SHIPMENTS OF LUMBER AND LUMBER PRODUCTS

Pursuant to the authority vested in me in paragraph (d) (2) of Revised Service Order No. 876 (16 F. R. 3620, 4276), permission is granted for any common carrier by railroad, serving points in the states of Washington and Oregon, subject to the Interstate Commerce Act, to disregard the provisions of Revised Service Order No. 876 insofar as they apply to shipments of lumber and lumber products when loaded into Southern Pacific Company Evans equipped automobile cars, numerical series 64,100 through 70,029 inclusive, and/or 190,000 through 190,499, inclusive, which cars are A. A. R. mechanical designation XMR, equipped with automobile and or truck loading devices; originating at points in Washington and Oregon to California destinations, when such cars are loaded to tariff minimum.

This general permit shall become effective at 12:01 a. m., June 5, 1952, and shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended, or revoked.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of June, 1952.

HOWARD S. KLINE, *Permit Agent.*

[F. R. Doc. 52-6347; Filed, June 9, 1952; 8:53 a. m.]

[4th Sec. Application 27116]

CLASS RATES BETWEEN POINTS EAST OF ROCKY MOUNTAINS

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers respondents in Class Rate Investigation, 1939, 281 I. C. C. 213, and parties to Uniform Freight Classification, Geo. H. Dumas' I. C. C. A-1.

Involving: Class rates.

Between: Points in the United States located generally east of the Rocky Mountains.

Grounds for relief: Rail competition, circuity, and to maintain commodity rates at higher-rated intermediate points.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6286; Filed, June 6, 1952; 8:52 a. m.]

[4th Sec. Application 27117]

LIQUEFIED CHLORINE GAS FROM MCINTOSH, ALA., TO CAMDEN, ARK., AND BASTROP AND SPRING HILL, LA.

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3927 and 3883.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: McIntosh, Ala.

To: Camden, Ark., Bastrop and Spring Hill, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3927, Supp. 43, F. C. Kratzmeir, Agent, I. C. C. No. 3883, Supp. 69.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6287; Filed, June 6, 1952; 8:52 a. m.]

[4th Sec. Application 27118]

SCRAP IRON FROM MERIDIAN, MISS., TO BIRMINGHAM, ALA., DISTRICT

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Scrap iron and steel, carloads.

From: Meridian, Miss.

To: Bessemer, Birmingham, Boyles, Ensley, Fairfield, Gate City, McAdory, North Birmingham, Tarrant, Thomas, Woodlawn, and Woodward, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 175.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6288; Filed, June 6, 1952; 8:52 a. m.]

[4th Sec. Application 27119]

LIQUEFIED PETROLEUM GAS BETWEEN POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3585.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

Between: Points in southwestern territory, including adjacent points.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3585, Supp. 507.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6289; Filed, June 6, 1952; 8:52 a. m.]

[4th Sec. Application 27120]

CHEESE FROM POINTS IN SOUTHERN TERRITORY TO VIRGINIA

APPLICATION FOR RELIEF

JUNE 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1310.

Commodities involved: Cheese, carloads.

From: Points in southern territory.

To: Points in Virginia.

Grounds for relief: Rail competition, circuity, grouping, and to maintain rates constructed on the basis of the short line distance formula over short tariff routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1310, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6290; Filed, June 6, 1952; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18085]

ELSA VOITH ET AL.

In re: Debts owing to Elsa Voith, also known as Elsa M. Voith, and others. D-28-122, D-28-9743, F-28-4602.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elsa Voith, also known as Elsa M. Voith, Hilar Voith and Erwin Malblanc, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That Thea Voith, whose last known address is Pruggen, Steermark, Austria, on or since December 11, 1941 and prior to January 1, 1947 acted or purported to act directly or indirectly for the benefit of or on behalf of a designated enemy country (Germany) or nationals of such country and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

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3. That the property described as follows: That certain debt or obligation of The National City Bank of New York, New York 15, New York, arising out of income and accretions on 39 shares of no par value preferred stock of the Shaw-Walker Company, evidenced by certificate No. 2596, presently in the custody of the Attorney General of the United States and representing a portion of funds on deposit in a checking account entitled American Volth Contact Co., Inc., maintained with the aforesaid Bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same.

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elsa Voith, also known as Elsa M. Voith, Hilar Voith, Erwin Malblanc and Thea Voith, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the person named in subparagraph 2 hereof is, and prior to January 1, 1947 was, controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons named in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General;
Director, Office of Alien Property.

[F. R. Doc. 52-6362; Filed, June 9, 1952; 8:57 a. m.]

[Vesting Order 18886]

CHARLES AND JOHN SCHULTE

In re: Interests in real property and property insurance policies owned by Charles Schulte and John Schulte.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charles Schulte, whose last known address is Oldenberg, Oldenberg Rosenstrasse 30, Germany, and John Schulte, whose last known address is Hanennow-Mechlenberg Langenstrasse 26, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain contingent remainder interest of the persons named in subparagraph 1 hereof, in and to an undivided one-sixth (1/6th) interest as provided in the Last Will and Testament of Thekla Tellman, deceased, probated on April 3, 1928, in the County Court for Jefferson County, Missouri, in and to the real property described in Exhibit A, attached to and by reference made a part of Vesting Order 17538, dated March 19, 1951, as amended, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Charles Schulte and John Schulte, the aforesaid nationals of a designated enemy country (Germany);

is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 (a) hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 (b) hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 4, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6363; Filed, June 9, 1952; 8:57 a. m.]

ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

Paragraph 4 (a) (4) of the Statement of Organization and Delegations of Final Authority of the Office of Alien Property as amended (16 F. R. 7879), is hereby amended to read as follows:

(4) The Hearing Examiners, consisting of a Chief Hearing Examiner and such other hearing examiners as may from time to time be designated, hear and determine, subject to review by the Director, contested claims under sections 29, 32, and 34 of the Trading With the Enemy Act, as amended, and handle such other matters not inconsistent with their duties as hearing examiners as may be assigned by the Director. The Hearing Examiners are hereby severally delegated authority to exercise the powers conferred upon hearing examiners by Part 502 of the regulations of the Office of Alient Property.

Executed at Washington, D. C. this 4th day of June 1952.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6364; Filed, June 9, 1952; 8:58 a. m.]

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THE NATIONAL ARCHIVES
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OF THE UNITED STATES 1934

VOLUME 17 NUMBER 114

Washington, Wednesday, June 11, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10358

OBSERVANCE OF HOLIDAYS BY GOVERNMENT AGENCIES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. This order shall apply to all executive departments, independent agencies, and Government-owned or Government-controlled corporations, including their field services.

SEC. 2. As used in this order:

(a) "Holiday" means the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday of September, the eleventh day of November, the fourth Thursday of November, the twenty-fifth day of December, or any other calendar day designated as a holiday by Federal statute or Executive order.

(b) "Workday" means those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not.

SEC. 3. Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday.

SEC. 4. (a) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(b) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on a day that has been administratively scheduled as his "regular" weekly non-workday in lieu of Sunday.

SEC. 5. Any employee who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever the first Monday of September or the fourth Thursday of November, or any other holiday which always occurs on a specific day of the calendar week (other than Sunday), falls on a day outside the employee's regular basic workweek.

SEC. 6. Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day.

SEC. 7. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 4, 5, and 6 shall be treated as holidays in lieu of the corresponding calendar holidays.

SEC. 8. This order shall become effective sixty days after the date hereof, and shall supersede Executive Order No. 9636[1] of October 3, 1945, entitled "Observance by Government Agencies of Holidays Falling on Sundays".

HARRY S. TRUMAN

THE WHITE HOUSE,
June 9, 1952.

[F. R. Doc. 52-6445; Filed, June 9, 1952; 3:39 p. m.]

EXECUTIVE ORDER 10359

AMENDING EXECUTIVE ORDER NO. 10161, AS AMENDED, WITH RESPECT TO CERTAIN PLANT FIBERS

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 et seq.), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

SECTION 1. Sections 303, 307, 310 (b), and 311 (b) of Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), as amended, are hereby amended to read, respectively, as follows:

"SEC. 303. The Defense Materials Procurement Administrator is hereby au-

[1] 10 F. R. 12543.

(Continued on p. 5271)

CONTENTS

THE PRESIDENT

Executive Orders Page
Amending Executive Order 10161, as amended, with respect to certain plant fibers 5269
Observance of holidays by Government agencies 5269

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Hearings, etc.:
Manci, Vittorio, and Mrs. Anna (Manci) Passeri 5334
St. Genies, Jacques de Lassus 5335

Civil Aeronautics Administration
Rules and regulations:
Aircraft registration certificates; issuance 5315

Civil Aeronautics Board
Notices:
Hearings, etc.:
North Atlantic tourist commissions 5333
Northwest Airlines, Inc.; temporary mail rate, trans-Pacific operations 5333

Civil Service Commission
Rules and regulations:
Federal employees' pay regulations; identification of holidays 5272

Commerce Department
See also Civil Aeronautics Administration; Federal Maritime Board; Foreign-Trade Zones Board; International Trade, Office of; National Production Authority.
Notices:
Termination of Government possession and operation of plants and facilities of certain steel companies 5332

Commodity Credit Corporation
Notices:
Chairmen and acting chairman of PMA County Committees; delegation of authority as contracting officers 5331

FEDERAL REGISTER

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Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

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Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation—Continued Page
Rules and regulations:
Rice; 1952-crop loan and purchase agreement program 5272

Customs Bureau
Rules and regulations:
Customs warehouses and control of merchandise therein 5317
Foreign-trade zones 5317

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Communications Commission
Notices:
Hearings, etc.:
Lampasas Broadcasting Corp. (KHIT) 5332
Northwestern Bell Telephone Co 5332
Theater television service 5332
Proposed rule making:
Frequency allocations and radio treaty matters; general rules and regulations (2 documents) 5327
Ship-shore services using telegraphy 5328
Stations on land and shipboard in the maritime services 5328
Stations on shipboard in the maritime services 5330
Rules and regulations:
Frequency allocations and radio treaty matters; date and method of entry into force of ITU Radio Regulations (Atlantic City, 1947) 5323

Federal Deposit Insurance Corporation
Rules and regulations:
Payment of deposits and interest thereon by insured nonmember banks; grace periods in computing interest on savings deposits; correction 5315

Federal Maritime Board
Notices:
American President Lines, Ltd.; postponement of prehearing conference 5331

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co. 5333
El Paso Natural Gas Co. (2 documents) 5333

Federal Reserve System
Rules and regulations:
Real estate credit (Reg. X) 5301

Fish and Wildlife Service
Proposed rule making:
Importation of foreign wild animals and wild birds and their eggs; prohibited species and exceptions, compliance with other regulations 5326

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Foreign-Trade Zones Board
Rules and regulations:
Foreign-trade zones in the U. S., general regulations with rules of procedure; miscellaneous amendments 5316

Housing and Home Finance Agency Page
Servicemen's Readjustment Act of 1944; credit restrictions (*see* Veterans' Administration).

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of; National Park Service.

International Trade, Office of
Rules and regulations:
General orders; order relating to certain licenses for steel 5315

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Wisconsin; filing of plat of survey 5331

National Park Service
Rules and regulations:
Big Bend National Park; speed 5325

National Production Authority
Rules and regulations:
Basic rules of the priorities system; use of DO rating for the lease of machinery or equipment (Reg. 2, Int. 3) 5300
Diamond grinding wheels; restrictions on producers (M-103) 5200

Post Office Department
Rules and regulations:
General provisions relating to Post Office; holidays 5326

Price Stabilization, Office of
Rules and regulations:
Area milk price adjustments; North Texas milk marketing area, State of Texas; revocation (GCPR, SR 63, AMPR 19) 5300
Ceiling prices for untreated eastern railroad ties; miscellaneous amendments (CPR 128) 5298
Excepted and suspended services; making and supplying abstracts of title to real property (GOR 14) 5297
Malt beverages (CPR 117) 5274

Production and Marketing Administration
Rules and regulations:
Eggs, shell, U. S. Standards, grades and weight classes; consumer, procurement and wholesale grades and weight classes 5303
Farm Land Restoration Program; 1953 5306
Milk in Philadelphia, Pa., marketing area 5309

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
Hotels and motor courts:
Indiana 5303
New Mexico 5303
Housing and rooms:
Illinois, Michigan and Washington 5302
Indiana 5302
New Mexico 5301
Motor courts; Illinois 5303

CONTENTS—Continued

Rent Stabilization, Office of—Continued Page
Rules and regulations—Continued
Specific provisions relating to individual defense-rental area or portions thereof; housing and rooms, Indiana 5301

Securities and Exchange Commission
Notices:
Hearings, etc.:
Duquesne Light Co. 5334
Investment Bond and Share Corp. et al 5333
Public Service Co. of New Hampshire 5334

Treasury Department
See Customs Bureau.

Veterans' Administration
Rules and regulations:
Servicemen's Readjustment Act of 1944; real estate loan credit restrictions, direct loan closing expenses 5325

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
9636 (superseded by EO 10358)	5269
10161 (amended by EO 10359)	5269
10358	5269
10359	5269
Title 5	
Chapter I:	
Part 25	5272
Title 6	
Chapter IV:	
Part 601	5272
Title 7	
Chapter I:	
Part 42	5303
Chapter VII:	
Part 797	5306
Chapter IX:	
Part 861	5309
Title 12	
Chapter III:	
Part 329	5315
Title 14	
Chapter II:	
Part 501	5315
Title 15	
Chapter III:	
Part 384	5315
Chapter IV:	
Part 400	5316
Title 19	
Chapter I:	
Part 19	5317
Part 30	5318
Title 32A	
Chapter III (OPS):	
CPR 117	5274
CPR 123	5298
GCPR, SR 63, AMPR 19	5300
GOR 14	5297
Chapter VI (NPA):	
M-103	5300
NPA Reg. 2, Int. 3	5300
Chapter XV (FRS):	
Reg. X	5301
Chapter XXI (ORS):	
RR 1 (4 documents)	5301, 5302
RR 2 (4 documents)	5301, 5302
RR 3 (2 documents)	5303
RR 4 (3 documents)	5303
Title 36	
Chapter I:	
Part 20	5325
Title 38	
Chapter I:	
Part 36	5325
Title 39	
Chapter I:	
Part 25	5326
Title 47	
Chapter I:	
Part 2	5323
Proposed rules (2 documents)	5327
Part 7 (proposed) (2 documents)	5328
Part 8 (proposed) (3 documents)	5328, 5330
Part 14 (proposed)	5328
Title 50	
Chapter I:	
Part 7 (proposed)	5326
Part 9 (proposed)	5326

CODIFICATION GUIDE—Con.

thorized and directed to purchase and make commitments to purchase metals, minerals, and other materials, for Government use or resale, as authorized by and subject to the provisions of section 303 of the Defense Production Act of 1950, as amended: *Provided*, That the Secretary of Agriculture may also exercise the said functions under section 303 of the said Act, as amended, with respect to food, and with respect to plant fibers (except abaca) not included in the definition of food to the extent that the procurement of such fibers involves the encouragement and development of sources of supply within the United States and its Territories and possessions."

"SEC. 307. The functions conferred upon the Defense Materials Procurement Administrator by sections 303 to 306, inclusive, of this Executive order shall be carried out in accordance with programs certified to the said Administrator by the Defense Production Administrator: *Provided*, That any exercise by the Defense Materials Procurement Administrator of the functions provided for in section 303 hereof with respect to food shall be carried out in accordance with programs certified to him by the Secretary of Agriculture: *And provided further*, That the functions conferred upon the Secretary of Agriculture by section 303 hereof with respect to plant fibers (except abaca) not included in the definition of food shall be carried out in accordance with programs certified to the Secretary by the Defense Production Administrator."

"SEC. 310. * * *

"(b) Loans under section 310 (a) hereof (1) shall be made upon such terms and conditions as the Corporation shall determine, (2) shall be made only after the Corporation has determined in each instance that financial assistance is not available on reasonable terms from private sources or from other governmental sources, and (3) except in the case of working capital loans involving no more than minor expansion of capacity which is incidental to a loan for working capital) shall be made only upon certificate of essentiality of the loan, which certificate shall be made (a) by the Secretary of Agriculture with respect to food and food facilities, and with respect to plant fibers (except abaca) not included in the definition of food, and facilities therefor, in instances involving the encouragement and development of sources of supply of such fibers within the United States and its Territories and possessions and to the extent that such loans are a part of and in accordance with the terms of a program certified by the Defense Production Administrator pursuant to section 307 hereof, and (b) by the Defense Production Administrator with respect to all other materials and facilities."

"SEC. 311. * * *

"(b) Loans under section 311 (a) hereof (1) shall be made upon such terms and conditions as the said Bank shall determine, (2) shall be made only after the Bank has determined in each instance that financial assistance is not available on reasonable terms from private sources and that the loan involved cannot be made under the provisions of and from funds available to the Bank under the Export-Import Bank Act of 1945, as amended, and (3) shall be made only upon certificate of essentiality of the loan, which certificate shall be made (a) by the Secretary of Agriculture with respect to food and food facilities, and with respect to plant fibers (except abaca) not included in the definition of food, and facilities therefor, in instances involving the encouragement and development of sources of supply of such fibers within the United States and its Territories and possessions and to the extent that such loans are a part of and in accordance with the terms of a program certified by the Defense Production Administrator pursuant to section 307 hereof, and (b) by the Defense Production Administrator with respect to all other materials and facilities."

SEC. 2. To the extent that provisions of any prior Executive order are inconsistent with the provisions of this order, this order shall prevail, and any such prior provisions are amended accordingly. All orders, regulations, rulings, certificates, directives, and other actions relating to any function affected by this order shall remain in effect except as they are inconsistent herewith or are hereafter amended, modified, or revoked under proper authority.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 9, 1952.

[F. R. Doc. 52-6446; Filed, June 9, 1952; 3:39 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

IDENTIFICATION OF HOLIDAYS

EDITORIAL NOTE: For order superseding Executive Order 9636, cited in § 25.241 with respect to identification of holidays, see Executive Order 10358, *supra*.

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952 crop of rice. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

SEC.

601.1851 Purpose.
601.1852 Availability of price support.
601.1853 Eligible rice.
601.1854 Warehouse receipts.
601.1855 Determination of quantity.
601.1856 Determination of quality.
601.1857 Maturity of loans.
601.1858 Support rates.
601.1859 Warehouse charges.
601.1860 Settlement.

AUTHORITY: §§ 601.1851 to 601.1860 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1851 *Purpose.* Sections 601.1851 to 601.1860 state additional specific requirements which, together with the general requirements contained in the 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521, apply to loans and purchase agreements under the 1952-Crop Rice Price Support Program.

§ 601.1852 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, and Texas.

(c) *Where to apply.* Application for rice price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1953, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing rice in 1952 or having an interest in a 1952 rice crop as landlord, tenant, or sharecropper, and includes a person owning and operating his own farm, a tenant operating a farm rented for cash, a tenant operating a farm under a crop-share lease, contract, or agreement, a landlord leasing to share tenants, and an irrigation company furnishing water for a share of the crop.

(2) Cooperative marketing associations of producers shall be deemed to be eligible producers for warehouse-storage loans and purchase agreements on eligible rice produced by eligible producer members: *Provided*, That:

(i) The terms and conditions under which producer members' rice is marketed through the association are set out in a Uniform Marketing Agreement and are applicable to all rice delivered to the association by producer members.

(ii) The major part of the rice marketed by the association is produced by members who are eligible producers.

(iii) The members share proportionately in the proceeds from marketings according to the quantity and quality of rice each delivers to the association.

(iv) The association has authority to obtain a loan on the security of the rice and to give a lien thereon as well as authority to sell such rice.

(3) The following special conditions of price support shall apply to cooperative marketing associations of producers:

(i) The association must maintain a record of the total quantity of rough rice acquired by or delivered to the association from all sources, and a separate record of the quantity of eligible rice delivered to the association by eligible producer members. The books of the association shall be made available to CCC for inspection at all reasonable times through May 1, 1953.

(ii) Rice placed under loan by the association must be stored separately from all other rice and kept separately stored until redeemed from the loan or delivered to CCC.

(iii) Rice delivered by the association to CCC under purchase agreements must have been physically segregated at all times from any rice under loan, any rice obtained from other than producer members, and from any ineligible rice. Where a member and a nonmember have a joint interest in the growing crop, this requirement shall apply from the time of physical division of the harvested crop.

§ 601.1853 *Eligible rice.* At the time the rice is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The rice must have been produced in 1952 in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, or Texas.

(b) Except in the case of eligible cooperative marketing associations, the beneficial interest in the rice must be in the person tendering the rice for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rice was harvested. In the case of cooperative marketing associations, the beneficial interest in the rice must have been in the producer members who delivered the rice to the association and must always have been in them or in them and former producers whom they succeeded before the rice was harvested.

(c) In accordance with the Official Standards of the United States for Rough Rice, the rice may be of any class other than "mixed rough rice."

(d) The rice must (1) grade U. S. No. 5 or better (rice of special grades shall not be eligible rice); and (2) contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the rice must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and scaling, unless otherwise approved by the PMA State committee.

§ 601.1854 *Warehouse receipts.* Warehouse receipts, representing rice in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved under the Uniform Rice Storage Agreement (CCC Form 26). The receipts must be negotiable and must cover eligible rice actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate, must contain a statement that the rice is insured in accordance with CCC Form 26, "Uniform Rice Storage Agreement," and if such insurance was not effective as of the date of deposit of the rice in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the rice is in the warehouse and undamaged. The insurance on rice with respect to which the warehouseman guarantees quality and quantity (hereinafter called commingled rice) must be obtained by the warehouseman. Insurance on rice with respect to which the warehouseman does not guarantee quality and quantity (hereinafter called identity-preserved rice) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer, it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt must be accompanied by a supplemental certificate (CCC Rice Form B, Supplement) executed in duplicate and properly identified with the warehouse receipt. In addition to other information required on the supplemental certificate, the warehouse receipt or the supplemental certificate must show weight, class, grade, milling yield, moisture, and any of the following grade factors which determined the assigned grade: Total seeds and heat damaged kernels, heat damaged kernels and objectionable seeds, red rice and damaged kernels, chalky kernels, rice of contrasting classes. If the rice grades U. S. No. 1, no grade factors need be shown, and for rice grading below U. S. No. 1, only the factor(s) which caused the rice to receive the assigned grade need be shown. When the warehouse receipt represents rice stored on a commingled basis, the supplemental certificate must be executed by the warehouseman. When the warehouse receipt represents rice stored on an identity-preserved basis, the producer must execute the supplemental certificate and his responsibility will be as stated in § 601.1515 of the 1952 C. C. C. Grain Price Support Bulletin 1.

(d) A separate warehouse receipt must be submitted for each class, grade, and milling yield of rice.

(e) Warehouse receipts must carry an endorsement by the warehouseman in substantially the following form:

> Warehouse charges, except receiving and loading out charges, on the rice represented by this warehouse receipt have been paid or otherwise provided for through April 30, 1953, and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of this warehouse receipt.

§ 601.1855 *Determination of quantity.* (a) Loans and purchase agreements shall be made on the basis of rough rice expressed in units of 100 pounds, and fractional units of less than 100 pounds shall be disregarded. The quantity of rice placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rice placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) In determining the quantity of sacked rice by weight, a deduction of $\frac{3}{4}$ of a pound for each 100 pounds of gross weight will be made.

(c) When the quantity of rice is determined by measurement, a cubic foot of rice testing 45 pounds per bushel, shall be 36 pounds. The quantity determined will be the following percentages of the quantity determined for 45 pounds rice:

For rice testing	*Percent*
45 pounds or over	100
44 pounds or over, but less than 45 pounds	98
43 pounds or over, but less than 44 pounds	96
42 pounds or over, but less than 43 pounds	93
41 pounds or over, but less than 42 pounds	91
40 pounds or over, but less than 41 pounds	89

Proportionately lower for rice testing below 40 pounds.

(d) In cases where the warehouseman guarantees the quantity and quality of rice shown on the warehouse receipt or the supplemental certificate, loans will be made on 100 percent of the quantity of rice determined in accordance with this section. In all other cases, loans will be made on 95 percent of the quantity of rice so determined, and at the time of delivery, settlement will be made on the basis of the actual quantity and quality of rice delivered.

§ 601.1856 *Determination of quality.* The class, grade, grade factors, milling yield and all quality factors shall be determined in accordance with the methods set forth in the official United States Standards for Rough Rice.

(a) At the time of making a loan on farm-stored rice or identity-preserved warehouse-stored rice, the county committee will draw a representative sample of each lot of rice and obtain an official (Federal or Federal-State) sample inspection certificate for each such lot. Sample inspection fees incurred by the county committee in connection with the making of loans will be for the account of CCC.

(b) Where quality and quantity are guaranteed by the warehouseman under a warehouse-storage loan, the quality and quantity shown on the warehouse receipt or supplemental certificate shall be the basis for settlement with the producer. In all other cases, the producer shall, prior to delivery of the rice to CCC, submit an official Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1953. Lot inspection fees incurred in connection with the delivery of rice to CCC will be for the account of the producer.

§ 601.1857 *Maturity of loans.* Loans mature on demand but not later than April 30, 1953.

§ 601.1858 *Support rates.* Loans will be made and rice delivered under purchase agreements will be purchased at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in approved storage and with all accrued charges, except receiving and loading out charges, paid through April 30, 1953, shall be computed as follows:

Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class). Similarly, multiply the difference between the total yield and head rice yield in pounds per hundredweight) by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE[1]

Rough rice class	Head rice	Broken rice
Pecaro (including Remark), Pelion, Blue Bonnet, and Nira	.....	.....
Fortuna, R. N., and Edith	.....	.....
Blue Rose (including Improved Blue Rose, Greater Blue Rose, Esperanza, and Arkrose), Magnolia, Zenith, Prelude, and Lady Wright	.....	.....
Early Prolific, Pearl, Calady, Carina, and other classes	.....	.....

[1] The value factors will be published in an amendment to this section shortly after Aug. 1, 1952.

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.

Grade U. S. No. 2: Premium of 10 cents per 100 pounds.

Grade U. S. No. 3: Discount of 5 cents per 100 pounds.

Grade U. S. No. 4: Discount of 20 cents per 100 pounds.

Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

§ 601.1859 *Warehouse charges.* There shall be no storage allowance on rice placed under loan or delivered to CCC under a purchase agreement. CCC will not assume any warehouse charges accruing prior to May 1, 1953 except receiving and loading out charges on rice delivered to CCC, and warehouse receipts representing rice under loan or delivered to CCC under a purchase agreement must be endorsed by the warehouseman as provided in § 601.1854 (e).

§ 601.1860 *Settlement*—(a) *Farm-storage and identity-preserved warehouse-storage loans.* (1) In the case of rice delivered to CCC from farm-storage or identity-preserved warehouse storage under the loan program, settlement will be made at the applicable support rate for the grade and quality of the total quantity of rice delivered. The producer shall, at his expense, furnish to the county committee at the time of delivery official weight certificates and Federal or Federal-State lot inspection certificates dated subsequent to April 15, 1953. If the producer fails to furnish such weight and inspection certificates and does not pay off his loan, the county committee shall order the rice weighed up and inspected, pay the costs of such weighing and inspection, and charge such costs to the producer when making settlement.

(2) If the rice under farm-storage or identity-preserved warehouse-storage

loan is, upon delivery, of a grade for which no support rate has been established, the settlement value shall be the support rate established for the grade and milling yield of the rice placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and milling yield placed under loan and the market price of the rice delivered, as determined by CCC.

(b) *Purchase agreements.* Eligible rice will be purchased at the support rate applicable to the grade and yield of the rice determined on the basis of an official Federal or Federal-State lot inspection certificate dated subsequent to April 15, 1953.

Issued this 6th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6412; Filed, June 10, 1952; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 117, Revision 1]

CPR 117—MALT BEVERAGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Ceiling Price Regulation 117 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Ceiling Price Regulation 117 makes a number of changes in that regulation. For the most part, these changes are technical in nature and intended to make the regulation conform more closely with trade practices. Generally, those changes which have to do with methods of determining prices for items not sold during the base period will have no effect upon the level of prices. Provision for a pass-through of the recent freight increase and a revised method of determining retailers ceilings may result in a price increase of roughly one cent per container in some localities. The changes applicable to brewers, wholesalers and retailers will be discussed separately.

BREWERS

A revised section 22 and a new section 23 provide methods for computing ceilings for new case and container sizes and types of items. In general section 22 provides that if a brewer merely changes the case size (or the barrel size) of an item for which he has a ceiling price, his ceiling price for the new item is to bear the same proportion to his ceiling price for the old item as the case sizes (or barrel sizes) of the two items bear to each other. If the brewer sells an item whose container size or container type differs from those of his other items of the same brand and type, other alternative methods of determining ceilings for that new item are provided. These methods reflect the industry's customary pricing techniques.

To avoid the necessity of applying for ceiling prices in those cases where brewers change the labels without otherwise changing the items, this revision provides that a brewer who produces a malt beverage under a new label may regard that malt beverage as the same item as the malt beverage for which he has a ceiling price, so long as the newly labeled item's quality is not inferior to that of the old. If the brewer chooses to use the ceiling price of a "comparable item" he must notify his wholesalers and retailers (and each wholesaler must, in turn, notify his retailers) that their ceiling prices for the newly labeled item are identical with their ceiling prices for the "comparable item."

This revision also provides that a brewer may determine his ceiling prices to wholly owned distributing outlets or to independent sole distributors, pursuant to the method customarily used by him to determine his selling prices to this class of purchaser. Because brewers' prices to such purchasers have no effect on resale prices to retailers and consumers, there is no reason to change the customary method by which brewers' prices to those purchasers have been determined.

Section 28 (formerly numbered 24) now requires brewers to send to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., a copy of the ceiling price notice applicable to each class of purchaser to whom they sell and, if not already included in the notice, certain other related information. The notices and information submitted will aid the OPS in processing brewers' applications for ceiling prices for new items, and in solving other administrative problems which arise under CPR 117, Revision 1.

WHOLESALERS

The methods of determining ceiling prices for wholesalers who did not sell an item of a particular case and container size and container type during the base period have also been revised to conform more closely to customary industry pricing practices.

In general these new methods contained in sections 32 and 33 relate the ceiling price of a new item to ceiling prices already established by the seller or by a competitive wholesaler rather than by applying a markup to his acquisition cost.

RETAILERS

The provisions of CPR 117 which apply to retailers are also being extensively modified by this revision. Previously, retailers determined their ceiling prices for malt beverages by adding to the highest prices at which they sold an item during December 1951, the actual increase in his supplier's selling price between December 1951 and March 24, 1952, plus a markup on that increase. Two defects in this method have since become evident.

First, because the November 1, 1951 increase in Federal excise tax amounted to only 7.2 cents per case of 24 12-ounce containers (by far the largest volume item in the industry), which is less than ½ cent per container, retailers were, as a practical matter, unable to reflect that increase in their December 1951 GCPR prices for a single container.

Second, it had been assumed that brewers and wholesalers would, before March 24, 1952, increase their selling prices to retailers to their full CPR 117 ceilings. Were this done retailers' ceilings would then reflect the total increase in their suppliers' ceilings. Provision for the recalculation of retail ceiling prices was, therefore, not included in the regulation. However, in some cases, brewers and wholesalers did not increase their selling prices to the level of their ceiling prices prior to the end of March. In such cases, retailers' previous ceilings were based upon their suppliers' selling prices which were subject to later adjustment. Consequently, unless a recalculation of retailers' ceiling prices is provided for, these retailers would absorb subsequent increases in their suppliers' selling prices to them. This absorption is prohibited by section 402 (k) of the Defense Production Act of 1950, as amended.

This revision, therefore, provides that retailers are to adjust their highest October 1951 (rather than December 1951) ceiling prices to reflect cost increases incurred following that month. It also provides that a retailer may recalculate his ceiling price whenever his supplier increases the price of an item to him, and must recalculate his ceiling price whenever his supplier decreases the price of an item to him. Recalculation is also provided for items which were not sold before November 1, 1951, and which are, therefore, initially priced under other sections of the regulation.

In addition, the methods by which retailers are to establish ceiling prices for new items not sold during the base period have been revised. Changes in technique are similar to those previously mentioned with respect to wholesalers. They are intended to maintain the customary uniformity of prices among competitive retailers who operate the same kinds of businesses.

The requirement that retailers mail to the OPS reports of the competitors' ceiling prices they adopt has been found unnecessary and, therefore, is discontinued.

SALES TO HOME DISTRIBUTORS AND DELIVERED SALES TO CONSUMERS BY ALL SELLERS

The type of distributor found primarily in New York State and called a "wagon vendor" in CPR 117, is more commonly known in the trade as a "home distributor." All references to those sellers have been changed accordingly. "Home distributors" may engage in two types of operations. First, they may buy from breweries at prices applicable to wholesalers and sell to both retailers and consumers. Second, they may buy from certain breweries at prices slightly lower than their prices to retailers (but not as low as the breweries' prices to ordinary wholesalers) and resell only to consumers (except for occasional and incidental sales to retailers, private clubs, etc.). In this latter case, they have customarily been considered by the brewer as a different class of purchaser from the wholesaler who buys at an f. o. b. wholesale price and sells primarily to retailers. In fact, in the past, these brewers almost invariably increased their prices to retailers and to "home distributors" by the same dollar-and-cent amount, thus maintaining a constant dollar-and-cent differential between their prices to retailers and their prices to "home distributors."

Since, in the first situation described above, the "home distributor" has historically been treated by the brewer as an ordinary wholesaler, the method established in CPR 117 for the determination of such a brewer's ceiling prices for sales to him is left undisturbed. However, to deal effectively with the second situation, section 24 (a) now provides that where a brewer, during the base period, treated "home distributors" as a class of purchaser different from ordinary wholesalers the brewer is to determine his ceiling prices to such distributors just as he would determine his ceiling prices to retailers. Section 24 (a), therefore, assures that that brewer's customary dollar-and-cent differentials between his prices to retailers and his prices to "home distributors" will be maintained.

To the extent that the "home distributor" sells to purchasers other than consumers, or to consumers on an f. o. b. basis, his operations are similar to those of an ordinary wholesaler. Therefore, he is to determine his ceiling prices for those sales under the provisions of this regulation which apply to wholesalers. However, when "home distributors" or any other sellers (brewers, brewer's branches, wholesalers, etc.) sell to consumers on a delivered basis they are performing a retailer's function and incurring additional expenses similar to those incurred by retailers. Consequently, sections 24 (b) and 35 provide for the calculation of ceiling prices for sales to consumers on a delivered basis under the provisions which apply to retailers.

MISCELLANEOUS

Minor changes have been made in sections 36 (formerly 33) and 53, relating to reporting of cost information, and in sections 71 and 73.

Section 71 permits the addition of deposit charges for cases and containers provided they do not exceed the particular seller's own cost for the cases and containers. In some areas, however, sellers have customarily used uniform deposit charges of standard amounts irrespective of their own costs. To permit this practice to be continued in those cases where it is not in conflict with the principles of price control, section 71 now authorizes OPS to prescribe uniform deposit charges for any group of sellers.

A general increase in interstate railroad freight rates has recently been authorized by the Interstate Commerce Commission. It is likely that motor carrier freight rates (as well as interstate railroad freight rates) may also be increased. Data presently available indicate that the effect of these freight rate increases would be to reduce malt beverage wholesalers' earnings below the minimum level required by the industry earnings standard. Failure to authorize price adjustments to reflect these freight increases would also be likely to disrupt marketing practices. Therefore, section 78 now provides that wholesalers may increase their ceiling prices by the dollar-and-cent amount of any increases in freight costs actually incurred by them after January 1, 1952, but must also decrease their ceiling prices by the amount of any decreases, after January 1, 1952, in freight costs included in their ceiling prices. Furthermore, to prevent market disruptions, the provisions of that section are made applicable to those few brewers who sell on a delivered basis. Retailers are not affected by this section since retailers are permitted to recalculate their ceiling prices on the basis of changes in "cost of acquisition" (which includes freight costs).

Other minor changes include provisions relating to (a) the rounding of fractional cents (section 70); (b) transfers of businesses (section 86); (c) on-premise licensees selling for off-premise consumption (section 60); (d) the definitions of "cost of acquisition" (section 90 (c) (1)) and of "case size" (section 90 (b) (3)). The last of these refers especially to "special pack" cases which are considered as different items from standard cases with the same number of containers.

FINDINGS OF THE DIRECTOR

In the formulation of this revised regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In the Director's judgment the ceiling prices established by this revised regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this revised regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this revised regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this revised regulation.

As far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in the furtherance of the objectives of the Defense Production Act of 1950, as amended; to parity prices and the other minimum requirements of the law, including prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to the standards set forth in sections 402 (d) (4) and 402 (k) of the act; and to relevant factors of general applicability.

REGULATORY PROVISIONS

ARTICLE I—INTRODUCTORY PROVISIONS

Sec
1. What this regulation does.
2. Where this regulation applies.

ARTICLE II—BREWERS

20. Brewers' "base period."
21. How a brewer is to determine his ceiling prices for items dealt in during the "base period."
22. How a brewer is to determine his ceiling prices for items of a different container size, container type or case size than those dealt in during the "base period."
23. How a brewer is to determine his ceiling prices for certain items by reference to a competitive brewer.
24. How a brewer is to determine his ceiling prices for sales to home distributors and for delivered sales to consumers.
25. How a brewer is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.
26. Optional method for determination of brewers' ceiling prices to sole distributors and wholly owned distributors.
27. Optional method for determination of brewers' ceiling prices for newly labeled malt beverages.
28. Brewers' notification of ceiling prices.

ARTICLE III—WHOLESALERS

30. Wholesalers' "base period."
31. How a wholesaler is to determine his ceiling prices for items dealt in during the "base period."
32. How a wholesaler is to determine his ceiling prices for items of a different container size, container type or case size than those dealt in during the "base period."
33. How a wholesaler is to determine his ceiling prices for certain items by reference to a competitive wholesaler.
34. How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under either section 31, 32 or 33.
35. How a wholesaler is to determine his ceiling price for delivered sales to consumers.
36. How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.
37. How a wholesaler is to determine his ceiling prices for sales of certain newly labeled items.
38. Wholesalers' notification of ceiling prices.

ARTICLE IV—SELLERS WHO PRICE AS WHOLESALERS

40. How brewers' branches are to determine their ceiling prices.
41. How an importer is to determine his ceiling prices for certain items.
42. How home distributors are to determine their ceiling prices.

ARTICLE V—RETAILERS

50. How retailers are to calculate and recalculate their ceiling prices for items sold between December 19, 1950 and October 31, 1951, inclusive.
51. How a retailer is to determine his initial ceiling prices for items not sold between December 19, 1950 and October 31, 1951, inclusive.

Sec.
52. How a retailer is to determine his initial ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under either section 50 or 51.
53. How a retailer is to determine his initial ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.
54. Recalculation of ceiling prices initially determined under section 51, 52 or 53.
55. How a retailer is to determine his ceiling prices for sales of certain newly labeled items.

ARTICLE VI—"ON-PREMISE LICENSEES"

60. How "on-premise licensees" are to determine their ceiling prices.

ARTICLE VII—GENERAL PROVISIONS

70. Treatment of fractional parts of a cent in figuring ceiling prices.
71. Addition of case and container charges to ceiling prices.
72. When ceiling prices go into effect for sellers in price-posting states.
73. How you must post your ceiling prices to consumers.
74. Payment of brokerage.
75. Establishing minimum resale prices under State Fair Trade laws.
76. Reduction of ceiling prices for tax exempt sales to the United States or any of its agencies.
77. Customary price differentials and terms and conditions of sale and delivery.
78. Freight cost and sales, excise and other similar taxes.
79. Prohibitions.
80. Evasions.
81. Petitions for amendment.
82. Modification of ceiling prices by the Director of Price Stabilization.
83. Interest on advance payments.
84. Adjustable pricing.
85. Export sales.
86. Transfer of business or stock in trade.
87. Sales slips and receipts.
88. Records.
89. Interpretations.
90. Definitions.
100. When this revised regulation becomes effective.

APPENDIX A

Table V. Retailer's adjustment factors for case sales and for sales of individual containers of imported and domestic malt beverages.

AUTHORITY: Sections 1 to 100 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 806, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept 9, 1950. 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—INTRODUCTORY PROVISIONS

SECTION 1. *What this regulation does.* This regulation provides methods by which all sellers of imported and domestic malt beverages for off-premise consumption (except importers who sell other than to retailers) are to determine their ceiling prices. If you are one of those sellers, you are to determine your ceiling prices under whichever of the following sections apply to you: Brewers, sections 20 through 28; wholesalers, sections 30 through 38; brewers' branches, section 40; importers selling to retailers, section 41; home distributors, section 42; retailers, sections 50 through 55; and "on-premise licensees" selling for off-premise consumption, section 60. You should also, of course, read those general provisions contained in Article VII of this regulation which apply to you. As a result of this regulation (and after its effective date) the ceiling prices for brewers' and distributors' sales of domestic malt beverages for off-premise consumption are no longer to be established under the General Ceiling Price Regulation (GCPR), as amended, and the ceiling prices for those distributors' sales of imported malt beverages for off-premise consumption which are covered by this regulation are no longer governed by Ceiling Price Regulation (CPR) 31.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 States of the United States and in the District of Columbia.

ARTICLE II—BREWERS

SEC. 20. *Brewers' "base period."* If you are a brewer of domestic malt beverages, your "base period" is the period May 24, 1950, through June 24, 1950. Therefore, any reference to a "base period" in those provisions of this regulation which apply to you, means May 24, 1950, through June 24, 1950.

SEC. 21. *How a brewer is to determine his ceiling prices for items dealt in during the "base period."* This section applies to you if you are a brewer who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) which you sold or offered for sale to that same class of purchaser during the "base period." In that case, you must figure your ceiling price for those sales (except for delivered sales to consumers, to which section 24 (b) applies) as follows:

(a) Determine the highest price at which you made a customary sale of the item to the particular class of purchaser during the "base period." If no such sale was made, you must use the highest price at which you offered the item for sale to that class of purchaser during the "base period," if the offer, or its acceptance, is proven by some written or printed evidence such as a price list, price posting, printed advertisement, etc. (If, however, your offering price was intended to withhold the item from the market, or if it was merely a bargaining price, your usual practice being to sell at a price lower than that asked, you may not use that offering price as your offering price under this paragraph.) The "base period" price you determine under this paragraph must not include any deposit charge for case or containers or any amount that the purchaser may (pursuant to a repurchase agreement) recover for return of the case and containers purchased. In addition, if your "base period" price includes any excise or similar tax which has been reduced or eliminated since the beginning of the "base period," you must lower that price to reflect the amount of such reduction or elimination. If you cannot determine your "base period" sales price or offering price for the item under this paragraph, then you must determine your ceiling price for the item under section 22, 23, or 25, whichever is applicable.

(b) If you are calculating your ceiling price for sales of the particular item to wholesalers, home distributors, retailers or "on-premise licensees": (1) consult Column 2 of Table 1 for the dollar-and-cent "permitted increase" figure applicable to that item, if your "base period" price (determined in paragraph (a)) to the particular class of purchaser was an f. o. b. price; (2) consult either Column 3 or 4 (whichever applies) of Table I for the dollar-and-cent "permitted increase" figure applicable to that item, if your "base period" price (determined in paragraph (a)) to the particular class of purchaser was a delivered price (and note section 24 (a) which tells you whether to use Column 3 or 4 for your "permitted increase" figure to home distributors). If you are calculating your ceiling price for f. o. b. sales of the particular item to consumers, consult Column 5 of Table I for the dollar-and-cent "permitted increase" figure applicable to that item. (The "permitted increase" figures in Table I include adjustments for the increase in United States excise tax on malt beverages, which became effective November 1, 1951.) If a "permitted increase" figure for the particular item you are pricing is not listed in Table I, you must determine your ceiling price for the item under section 22, 23, or 25, whichever is applicable.

(c) Add together your "base period" price (determined in paragraph (a)) and the applicable dollar-and-cent "permitted increase" figure (determined in paragraph (b)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (1) an f. o. b. price, if your "base period" price was an f. o. b. price; (2) a delivered price, if your "base period" price was a delivered price. That price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

EXAMPLE 1: You wish to calculate your ceiling price for sales to wholesalers of a case of 24 12-ounce returnable bottles of X Brand beer. Your "base period" price for sales of that item to wholesalers was $2.50, and was an f. o. b. price. In Column 1 of Table I you find the line on which is listed the item you are pricing (24 12-ounce returnable bottles). Following that line across to Column 2, you find 25 cents, the "permitted increase" figure for f. o. b. sales to wholesalers of a case of 24 12-ounce returnable bottles of beer. Your f. o. b. ceiling price for sales to wholesalers of a case of 24 12-ounce returnable bottles of X Brand beer is, therefore, $2.75 ($2.50+25¢=$2.75).

EXAMPLE 2: You wish to calculate your ceiling price for sales to "on-premise licensees" of a half-barrel of A Brand ale. Your "base period" price for sales of that item to "on-premise licensees" was $9.50 and was a delivered price. In Column 1 of Table I you find the line on which is listed the item you are pricing (a half-barrel). Following that line across to Column 4, you find $1.73, the "permitted increase" figure for delivered sales to "on-premise licensees" of a half-barrel of ale. Your delivered ceiling price for sales to "on-premise licensees" of a half-barrel of A Brand Ale is, therefore, $11.23 ($9.50+$1.73=$11.23).

TABLE I—"PERMITTED INCREASE" IN BREWER'S "BASE PERIOD" PRICES FOR DOMESTIC MALT BEVERAGES

[In cents]

(1) Item (only the case size, container size and container type are listed)	(2) "Permitted increase" in "base period" f. o. b. prices for sales to wholesalers, home distributors, retailers and "on-premise licensees"	(3) "Permitted increase" in "base period" delivered prices for sales to wholesalers and those home distributors that must be priced as wholesalers (see sec. 24 (a))	(4) "Permitted increase" in "base period" delivered prices for sales to retailers, "on-premise licensees" and those home distributors that must be priced as retailers (see sec. 24 (a))	(5) "Permitted increase" in "base period" f. o. b. prices for sales to consumers
Bottles:				
1	222.0	237.0	346.0	346.0
1	111.0	118.0	173.0	173.0
1	74.0	79.0	115.0	115.0
1	55.5	59.0	86.5	86.5
1	37.0	39.5	58.0	58.0
1	28.0	30.0	43.0	43.0
Bottles (returnable and nonreturnable):				
1	33.0	35.0	46.0	51.0
1	22.0	23.0	31.0	34.0
1	33.0	35.0	46.0	51.0
1	27.0	29.0	38.0	42.0
24 16	33.0	35.0	46.0	51.0
12 16	17.0	18.0	23.0	25.5
48 12	50.0	52.0	70.0	76.0
48 12 "special pack"	50.0	52.0	70.0	76.0
24 12	25.0	26.0	35.0	38.0
24 12 "special pack"	27.0	28.0	37.0	38.0
12 12	13.5	13.0	17.5	19.0
6 12	6.5	6.5	8.5	10.0
24 11	24.0	25.0	33.0	36.0
24 11	24.0	25.0	33.0	36.0
20 11	23.0	24.0	32.0	35.0
20 11 "special pack"	23.0	24.0	32.0	35.0
12 11	11.5	12.0	16.0	17.5
48 8	33.5	35.0	46.5	51.0
24 8	23.0	24.0	32.0	35.0
12 8	12.0	13.0	16.5	18.0
6 8	6.0	6.5	8.5	9.5
12 7	10.5	11.0	14.5	16.0
48 5	39.5	39.5	41.5	44.0
24 5	29.0	29.5	31.0	33.0
12 5	14.5	15.0	20.5	22.0
6 5	7.5	8.0	10.5	11.0
48 5	26.5	26.5	28.0	28.0
24 5	19.0	20.0	26.0	28.0
12 5	12.5	14.5	17.5	19.0
6 5	6.5	7.0	8.5	10.0
Cans:				
12 12	52.0	36.0	46.0	48.0
48 12	48.0	56.0	66.0	72.0
48 12 "special pack"	48.0	56.0	66.0	72.0
24 12	24.0	28.0	33.0	36.0
24 12 "special pack"	24.0	28.0	33.0	36.0
12 12	12.0	14.0	17.0	18.0
6 12	6.0	6.5	8.5	9.0
48 8	32.0	36.0	46.0	48.0
24 8	24.0	26.0	34.0	36.0
12 8	16.0	17.0	22.5	24.0

NOTE: The "permitted increase" figures in Table I include adjustments for the increase in the United States excise tax on malt beverages, which became effective November 1, 1951.

SEC. 22. *How a brewer is to determine his ceiling prices for items of a different container size, container type or case size from those dealt in during the "base period"—(a) How to use this section.* This section applies to you if you are a brewer who wishes to sell to a particular class of purchaser except to consumers on a delivered basis an item (defined in section 90 (b) (8)) for which you cannot determine your ceiling price under section 21, to that class of purchaser, but which differs only in case size or container size or container type (or any combination of those three characteristics) from an item for which you have already determined a ceiling price to that class of purchaser under this regulation. In that case, you must determine your ceiling price for sale of the particular item you wish to sell to that class of purchaser under the provisions of paragraph (b), (c), (d), or (e) of this section, whichever is applicable (except that your ceiling price for delivered sales to consumers must be determined as directed in section 24 (b)). However, in determining your ceiling prices under this section you must always regard a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. Of course, all "special pack" cases that have containers which are actually of the same container size and container type, are regarded as being items of the same container size and container type. (For example: A standard case of 24 12-ounce returnable bottles is considered as an item of a different case size, container size and container type from a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each. But, a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each, is an item of the same case size, container size and container type as a "special pack" case of 24 12-ounce returnable bottles packed in eight units of three containers each; and a "special pack" case of 48 12-ounce returnable bottles packed in eight units of six containers each is an item of the same container size and container type, though not of the same case size as a "special pack" case of 36 12-ounce returnable bottles packed in nine units of four containers each.) If you cannot calculate your ceiling prices for a particular item under paragraph (b), (c) or (d) of this section and cannot or do not wish to determine your ceiling price for the item under paragraph (e), you must determine that ceiling price under section 23 or 25, whichever is applicable.

(b) *Ceiling prices for items of different case size only.* This paragraph (b) applies to you if you are a brewer who wishes to sell to a class of purchaser, except to consumers on a delivered basis, an item (in bottles or cans) that differs only in case size from an item of the same brand and type for which you have determined a ceiling price to that class of purchaser under this regulation. (The item for which you have determined a ceiling price under this regulation is hereafter called your "key item".) In that case your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser, as the proportion of the case size of the item you are pricing to the case size of your "key item." The ceiling price you determine is (1) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (2) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

(c) *Ceiling prices for barrels of different size only.* (1) This paragraph (c) applies to you if you are a brewer who wishes to sell to a class of purchaser, except to consumers on a delivered basis, a barrel (or fraction of a barrel) of malt beverages that differs only in size from a barrel (or fraction of a barrel) of the same brand and type for which you have determined a ceiling price to that particular class of purchaser under this regulation. (The barrel, or fraction thereof, for which you have determined a ceiling price under this regulation is hereafter called your "key item.") In that case, your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser, as the proportion of the size of the item you are pricing to the size of your "key item." In addition, if the container size of the item you are pricing is ⅛ barrel you may increase that

ceiling price 25 cents. However, if your "key item" is ⅛ barrel your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser *less* 25 cents, as the proportion of the size of the item you are pricing to the size of your "key item."

(2) The ceiling price determined in subparagraph (1) is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

EXAMPLE: The ceiling price you have previously determined under this regulation for f. o. b. sales to wholesalers of a half-barrel of Z beer is $8. Therefore, you select a half-barrel of Z beer as your "key item." You now wish to determine your ceiling price for sales to wholesalers of ¼ barrel of Z beer. Since ¼ barrel of beer is ½ the size of your "key item", your ceiling price for f. o. b. sales to wholesalers of ¼ barrel of Z beer is $4, which is ½ of your ceiling price of $8 for f. o. b. sales to wholesalers of your "key item."

(d) *Ceiling prices for items by reference to another brand produced by the same brewer.* (1) This paragraph (d) applies to you under the following circumstances:

(i) You are a brewer who wishes to sell to a class of purchaser, except to consumers on a delivered basis, an item whose ceiling price you cannot determine under paragraph (b) or (c) of this section, and that item differs only in container size or container type or both container size and container type (or any combination of those two characteristics along with case size) from an item or items of the same brand and type for which you have determined your ceiling price to that class of purchaser under this regulation; and

(ii) You have determined a ceiling price under this regulation for sale to that class of purchaser of an item of the same container size, container type and (if the item you are pricing is sold in bottles or cans) case size as the item you are pricing but of a different brand (which will be called the "comparable brand") from that of the item you are pricing; and

(iii) You have determined a ceiling price under this regulation for sale to that class of purchaser of your largest selling item of the same brand as that of the item you are pricing, and that ceiling price is identical with the ceiling price (to the same class of purchaser) of the "comparable brand" item of the same container size, container type and (if your largest selling item is sold in bottles or cans) case size as that largest selling item.

If this paragraph applies to you, your ceiling price for sales to the particular class of purchaser of the item you are pricing is the same as the ceiling price for sales to that class of purchaser of the "comparable brand" item of the same container size, container type and (if the item you are pricing is sold in bottles or cans) case size as the item you are pricing.

(2) The ceiling price determined in subparagraph (1) is (i) an f. o. b. price, if the ceiling price for sale to the same class of purchaser of your largest selling item of the same brand as the item you are pricing is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale to the same class of purchaser of your largest selling item of the same brand as the item you are pricing is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76 and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales to the same class of purchaser of your largest selling item of the same brand as the item you are pricing. Finally, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

EXAMPLE: You wish to determine your ceiling price for sales to wholesalers of a case of 36 7-ounce non-returnable bottles of Y Brand ale. You sell cases of 36 7-ounce non-returnable bottles of X Brand beer to wholesalers and your ceiling price for such sales (previously determined under this regulation) is $3.25. Your largest selling item of Y Brand ale is the 24 12-ounce returnable bottle size for which your ceiling price for sales to wholesalers is $3. Three dollars is also your ceiling price for sales to wholesalers of cases of 24 12-ounce returnable bottles of X Brand beer. Therefore, your ceiling price for sales to wholesalers of cases of 36 7-ounce non-returnable bottles of Y Brand ale is $3.25, the same as your ceiling price of 36 7-ounce non-returnable bottles of X Brand beer.

(e) *Ceiling prices for items by reference to conversion table.* This paragraph (e) applies to you if you are a brewer who wishes to sell to a class of purchaser, except to consumers on a delivered basis, an item whose ceiling price you cannot determine under paragraph (b), (c), or (d) of this section, and that item differs only in container size or container type or both container size and container type (or any combination of those two characteristics along with case size), from an item (or items) of the same brand and type for which you have determined your ceiling price to that class of purchaser under this regulation. In that case you may, if you wish, calculate your ceiling price for sale of that item to the particular class of purchaser under the provisions of this paragraph (e). If you do not choose to calculate that ceiling price under this paragraph or if, for any reason, you cannot calculate that ceiling price under this paragraph, you must determine that ceiling price under section 23, 24, or 25, whichever is applicable. However, if you cannot determine your ceiling price for an item under this paragraph because a "dollar-and-cent adjustment" for the item is not contained in Table II, but Table II does contain a "dollar-and-cent adjustment" for an item of the same container size and container type as the item you wish to price, you may first determine a ceiling price under this paragraph for that item (of the same container size and container type) for which a "dollar-and-cent adjustment" is contained in Table II, then calculate your ceiling price for the item you wish to price under the provisions of section 22 (b).

The method for determining your ceiling price under this paragraph for sales of an item to a particular class of purchaser is as follows:

(1) There are five case and container sizes and types listed, in the table labeled Specifications for "Key Items," at the end of this subparagraph. If (i) you can determine your ceiling price under this regulation for sale of an item to the same class of purchaser as the class to which you wish to sell the item you are pricing, and (ii) that item is of the same brand, type, and container material (glass or metal) as the item you are pricing, and (iii) that item is of the same case size, container size, and container type as one of the five items listed in the table labeled Specification for "Key Items," then that item is your "key item." However, if there is more than one item that would qualify as a "key item" (under the standards set up in the last sentence) then your "key item" is that item which, of the items that qualify, accounted for the largest amount of sales, by dollar volume, in either the calendar year 1950, or your last fiscal year ending before January 1, 1952.

(2) Consult Table II for the column headed with the case and container designations of your "key item," then select the figure in that column which applies to the case and container designations of the item for which you are determining a ceiling price. That figure is the "dollar-and-cent adjustment" for the item you are pricing.

(3) To the ceiling price (determined under this regulation) for sales of your "key item" to the particular class of purchaser, add, or subtract from it (as the case may be) the "dollar-and-cent adjustment" arrived at under subparagraph (2) for the item you are pricing. The resulting figure is your ceiling price for sale of the item you are pricing to the particular class of purchaser and is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. The ceiling price arrived at under this subparagraph (3) may, however, be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. In addition, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) You wish to determine your ceiling price for sales to wholesalers of a case of 36 8-ounce returnable bottles of X Brand beer. You can determine your ceiling price under this regulation for sales of X Brand beer in cases of 24 12-ounce returnable bottles, 24 12-ounce non-returnable bottles, and 24 12-ounce cans. However, X Brand beer in cases of 24 12-ounce cans cannot be your "key item" because it is packed in metal, which is not the same container material as the container material (glass) of the item you are pricing. As between the other two items, your total sales by dollar volume in your fiscal year ending June 30, 1951 (your last fiscal year ending before January 1, 1952), of X Brand beer in cases of 24 12-ounce returnable bottles was greater than your total sales of that item in cases of 24 12-ounce non-returnable bottles. Your "key item," therefore, is a case of 24 12-ounce returnable bottles of X Brand beer.

(2) The case and container designations of your "key item" (24 12-ounce returnable bottles) are listed in Column 1 of Table II, but there is no "dollar-and-cent adjustment" in Column 1 for the item you are pricing (36 8-ounce returnable bottles). There is, however, a "dollar-and-cent adjustment" in Column 1 for 24 8-ounce returnable bottles, which is the same container size and container type as the item you are pricing. That "dollar-and-cent adjustment" is "−44" cents.

(3) Your ceiling price (determined under this regulation) for sale of your "key item" (a case of 24 12-ounce returnable bottles of X Brand beer) to wholesalers is $2.65, and is your ceiling price for f. o. b. sales. Subtracting 44 cents (your Table II "dollar-and-cent adjustment" for 24 8-ounce returnable bottles) from $2.65, gives you $2.21, which is what your ceiling price would be for f. o. b. sales to wholesalers of a case of 24 8-ounce returnable bottles of X Brand beer. Applying the provisions of section 22 (b) you multiply that $2.21 ceiling price by 1½, since the case size of the item you are pricing (36 8-ounce returnable bottles) is 1½ times the case size of 24 8-ounce returnable bottles. Your ceiling price for f. o. b. sales to wholesalers of a case of 36 8-ounce returnable bottles of X Brand beer is, therefore, $3.31½ ($2.21 × 1½ = $3.31½) which, under section (70) (b) (1), you may round to $3.32.

SPECIFICATIONS FOR "KEY ITEMS"

Brand	Type	Case size (number of containers)	Container size (ounces)	Container type
Same as item being priced under this section.	Same as item being priced under this section.	24	12	Returnable bottles.
		24	11	Returnable bottles.
		24	12	Non-returnable bottles.
		24	11	Non-returnable bottles.
		24	12	Cans.

TABLE II—BREWER'S "DOLLAR-AND-CENT ADJUSTMENT" PER CASE FOR ITEMS PRICED UNDER SECTION 22 (e)

NOTE: If the "dollar-and-cent adjustment" figure listed below has a + sign in front of it, it is to be added to the ceiling price of the "key item." If it has a minus sign in front of it, it is to be subtracted from the ceiling price of the "key item."

[In cents]

Case and container designations of item being priced	Case and container designations of "key items" (1) 24 12-ounce returnable bottles	(2) 24 11-ounce returnable bottles	(3) 24 12-ounce nonreturnable bottles	(4) 24 11-ounce nonreturnable bottles	(5) 24 12-ounce cans
Returnable bottles:					
6/64	+34	+44	−12	−2	
12/32	+46	+56	0	+10	
24/12	−5	+5	−51	+41	
24/16	+50	+60	+4	+14	
24/12	0	+10	−46	−56	
24/12 "special pack"	+8	+18	−38	−28	
24/11½	+5	+5	−51	−41	
24/11½ "special pack"	+3	+13	−43	−33	
24/11	−10	0	−56	−46	
24/11 "special pack"	−2	+8	−48	−38	
24/8	−44	−34	−90	−80	
24/7	−55	−45	−101	−91	
24/6	−85	−75	−111	−101	
Non-returnable bottles:					
12/32	+92	+102	+46	+56	
24/12	+46	+56	0	+10	
24/12 "special pack"	+34	+64	+8	+18	
24/11½	+41	+51	−5	+5	
24/11½ "special pack"	+39	+49	−7	+3	
24/11	+36	+46	−10	0	
24/11 "special pack"	+14	+24	−32	−22	
24/8	+2	+12	−44	−34	
24/7	−9	+1	−55	−45	
24/6	−19	−9	−65	−55	
Cans:					
12/32					+46
24/12 "special pack"					+5
24/8					−44

NOTE: The "dollar-and-cent adjustment" figures listed in Table II take into account the increase in the United States excise tax on malt beverages, which became effective Nov. 1, 1951.

SEC. 23. *How a brewer is to determine his ceiling prices for certain items by reference to a competitive brewer.* This section applies to you if you are a brewer who wishes to sell to a class of purchaser (1) an item whose ceiling price you cannot determine under either section 21 or 22 and cannot, or do not wish to, determine under section 22 (e), and (2) that item differs only in container size or container type or both container size and container type (or any combination of those two characteristics along with case size) from an item (or items) of the same brand and type for which you have determined your ceiling price to that class of purchaser under this regulation. However, in determining your ceiling prices under this section you must always regard a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. Of course, all "special pack" cases that have containers which actually are of the same container size and container type, are regarded as being items of the same container size and container type. (For example: A standard case of 24 12-ounce returnable bottles is considered as an item of a different case size, container size and container type from a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each. But, a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each, is an item of the same case size, container size and container type as a "special pack" case of 24 12-ounce returnable bottles packed in eight units of three containers each; and a "special pack" case of 48 12-ounce returnable bottles packed in eight units of six containers each is an item of the same container size and container type, though not of the same case size, as a "special pack" case of 36 12-ounce returnable bottles packed in nine units of four containers each.) If this section applies to you, you must determine your ceiling price for sale of that item to the particular class of purchaser (except for delivered sales to consumers, to which section 24 (b) applies) as follows:

(a) Of the items for which you have already determined ceiling prices under this regulation (for sales to the same class of purchaser as the class to which you wish to sell the item you are pricing) determine your largest selling item of the same brand and type as the item you are pricing. That largest selling item is your "key item."

(b) Select, as your "competitive brewer," a brewer who sells to the particular class of purchaser both: (1) an item of the same container size, container type and (if your "key item" is sold in bottles or cans) case size as your "key item" and whose ceiling price per case for such sales is equal to, or no more than 10 cents higher or lower than, your "key item's" ceiling price per case for sales to that class of purchaser, and (2) an item of the same container size and container type (but not necessarily of the same case size) as the item you are pricing (and of the same brand and type as that one of his items referred to in (b) (1)).

(c) Determine your "base figure" as follows: (1) if the item you are pricing is packed in cases, then

(i) If the case size of the "competitive brewer's" item of the same container size and container type as the item you are pricing is the *same* as the case size of the item you are pricing, the "competitive brewer's" ceiling price for sale to the particular class of purchaser of that case size, container size, and container type of item is your "base figure."

(ii) If the case size of the "competitive brewer's" item of the same container size and container type as the item you are pricing is *different* from the case size of the item you are pricing, your "base figure" is the price which is in the same proportion to your "competitive brewer's" ceiling price for sale to the particular class of purchaser of his item of the same container size and container type as the item you are pricing, as the proportion of the case size of the item you are pricing to the case size of your "competitive brewer's" item of the same container size and container type.

(2) If the item you are pricing is a barrel (or fraction of a barrel), then the "competitive brewer's" ceiling price for sale to the particular class of purchaser of that container size and container type of item is your "base figure."

EXAMPLE: You wish to determine your ceiling price for sales to wholesalers of cases of 24 7-ounce returnable bottles. Your "competitive brewer's" ceiling price to wholesalers for 36 7-ounce returnable bottles is $3.30 per case. Since the case size of the item you are pricing is $\frac{2}{3}$ the case size of your "competitive brewer's" item, your "base figure" is $2.20, which is $\frac{2}{3}$ of your "competitive brewer's" ceiling price for sale of 36 7-ounce returnable bottles.

(d) Divide your ceiling price for sales of your "key item" to the particular class of purchaser, by your "competitive brewer's" ceiling price for sales to that class of purchaser of his item of the same container size, container type, and (if your "key item" is sold in bottles or cans) case size as your "key item." The resulting figure is your "comparison factor." Your ceiling price for sales to the particular class of purchaser of the item you are pricing is determined by multiplying your "base figure" (arrived at in (c)) by that "comparison factor." The ceiling price you determine is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 27 (b) of this regulation, if that section applies to you, and of section 28.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(a) You wish to determine your ceiling price for sales to wholesalers of cases of 36 7-ounce non-returnable bottles of X Brand beer. The largest selling case and container size and type of X Brand beer for which you have already calculated a ceiling price to wholesalers under this regulation is 24 12-ounce returnable bottles, and that ceiling price was $2.50 per case. Therefore, your "key item" is 24 12-ounce returnable bottles of X brand beer.

(b) Brewer Y:

(1) sells Y Brand beer to wholesalers in 24 12-ounce returnable bottles (the same container size, container type, and case size as your "key item"), for which his ceiling price is $2.54 per case, and

(2) though he does not sell Y Brand beer to wholesalers in 36 7-ounce non-returnable bottles (the case size of the item you are pricing), he does sell it in 24 7-ounce non-returnable bottles, for which his ceiling price is $2.44 per case.

Since Y sells items of the same container size, container type and case size as your "key item" and of the same container size and container type as the item you are pricing, and since Y's ceiling price of $2.54 for sale of the same case and container size and type as your "key item" is less than 10 cents higher than your "key item's" ceiling price of $2.50, you may select Y as your "competitive brewer."

(c) The case size of the item you are pricing (36 7-ounce non-returnable bottles) is $1\frac{1}{2}$ times larger than the case size of the "competitive brewer's" item of the same container size and container type (24 7-ounce non-returnable bottles). Therefore, your "base figure" is $3.66, which is $1\frac{1}{2}$ times greater than your "competitive brewer's" ceiling price of $2.44 for sales of 24 7-ounce non-returnable bottles to wholesalers.

(d) Dividing $2.50 (your ceiling price for sales to wholesalers of your "key item") by $2.54 (your "competitive brewer's" ceiling price for sales to wholesalers of 24 12-ounce returnable bottles, the same case and container size and type as your "key item"), you arrive at 0.9842, which is your "comparison factor" ($2.50 ÷ $2.54 = .9842). Multiplying $3.66 (your "base figure") by 0.9842 (your "comparison factor") gives you your ceiling price, for sales to wholesalers of cases of 36 7-ounce non-returnable bottles of X Brand beer, of $3.60.

SEC. 24. *How a brewer is to determine his ceiling prices for sales to home distributors and for delivered sales to consumers*—(a) *Sales to home distributors.* This paragraph (a) applies to you if you are a brewer who wishes to sell an item or items to home distributors (defined in section 90 (a) (13)) in a particular State. In that case if, during the "base period," you treated those home distributors as a different class of purchaser from wholesalers in that State who were not home distributors, you must determine your ceiling prices for sales to those home distributors as you would determine your ceiling prices under the provisions of this regulation for sales to retailers. However if, during the "base period," you did not treat those home distributors as a different class of purchaser from wholesalers in that State who were not home distributors, you must determine your ceiling prices for sales to those home distributors as you would determine your ceiling prices under the provisions of this regulation for sales to wholesalers.

(b) *Delivered sales to consumers.* This paragraph (b) applies to you if you are a brewer who wishes to sell an item or items to consumers on a delivered basis. In that case you must determine your ceiling prices for such delivered sales to consumers under the provisions of this regulation which apply to retailers. If however, in determining your ceiling prices under the provisions of this regulation which apply to retailers, it is necessary for you to determine your "cost of acquisition" for a particular customary purchase of an item, you must regard your "cost of acquisition" for that particular customary purchase as the "cost of acquisition" you would have incurred if you purchased that item for the same price and under the same conditions as a retailer.

SEC. 25. *How a brewer is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are a brewer who wishes to sell to a class of purchaser an item (defined in section 90 (b) (8)) for which you cannot determine a ceiling price for that class of purchaser under sections 21, 22, 23, or 24 of this regulation, and for which you cannot or do not wish to determine your ceiling price to that class of purchaser as permitted under section 22 (e), 24 or 26. In that case, you may apply to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., for the establishment of a ceiling price for sale of the item to the particular class of purchaser. Your application must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section, and shall contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) The class of purchaser to whom you wish to sell the item.

(c) An explanation of why you are unable to determine your ceiling price under sections 21, 22 (b), (c) or (d), 23 or 24 for sales of the item to the particular class of purchaser.

(d) The names and addresses (if available) of the two brewers who you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those items (that is, the brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, the case size of each of those items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to which you wish to sell the item for which you are making application under this section.

After your application is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not, however, sell the item to the particular class of purchaser until after such amendment or order is issued and

becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR) or CPR 117 for sale of the item to that class of purchaser, you may continue to make such sales at or below your GCPR or CPR 117 ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event you may not sell the item to the particular class of purchaser either at or below your GCPR or CPR 117 ceiling price after July 21, 1952, unless you have by that date placed in the mail, properly addressed and completed, your application for a ceiling price under this section.

SEC. 26. *Optional method of determination of brewers' ceiling prices to sole distributors and wholly owned distributors.* This section applies to you if you are a brewer who sells or delivers malt beverages to a sole distributor (as defined in section 90 (a) (16)) of your malt beverages or to a corporation or other outlet engaged in the distribution of your malt beverages and wholly owned by you. In that case you may determine our ceiling prices for the items you sell to any one of those types of purchasers either (a) under the other provisions of this regulation which apply to you, or (b) pursuant to a contract, formula or other method customarily used by you to determine selling prices to that type of purchaser before the issuance of this regulation.

SEC. 27. *Optional method for determination of brewers' ceiling prices for newly labeled malt beverages*—(a) *Optional method of determination of ceiling prices.* This section applies to you if you are a brewer who, after June 24, 1950, sells or intends to sell a malt beverage under a different label than your other malt beverages, but the quality of that newly labeled malt beverage is equal to, or better than, the quality of a malt beverage (the "comparable malt beverage") you are or were selling. In that case, you may regard the malt beverage with the new label as being the same brand and type as the "comparable malt beverage," and you may determine your ceiling price for a particular container size, container type and (if sold in bottles or cans) case size of that newly labeled malt beverage under sections 21, 22, 23, 24 or 26 (whichever applies), just as if it were the same "item" as the identical container size, container type and (if sold in bottles or cans) case size of the "comparable malt beverage." (For example: If (i) you sold cases of 24 12-ounce returnable bottles of X Brand beer during the "base period" and now wish to produce and to determine your ceiling prices for cases of 24 12-ounce returnable bottles of Y Brand ale, and (ii) the quality of Y brand ale is not inferior to that of X Brand beer, then (iii) you may adopt as your ceiling prices for sales of 24 12-ounce returnable bottles of Y Brand ale, your ceiling prices for sales to the same classes of purchasers of 24 12-ounce returnable bottles of X Brand beer. As a further example, if (i) you wish to produce Z Brand beer in 36 7-ounce non-returnable bottles, and (ii) you sold X Brand beer during the "base period" but not in that container type (non-returnable bottles), and (iii) the quality of Z Brand beer is not inferior to that of X Brand beer, then (iv) you may determine your ceiling prices for sales of Z Brand beer under section 22 (e) assuming, for purposes of that calculation only, that you are merely pricing a different container type of X Brand beer.

(b) *Required notification to purchasers.* If you choose to determine your ceiling prices for a newly labeled malt beverage in the manner stated in paragraph (a) you must give (in writing) the notice set forth below to: (1) all wholesalers who purchased the "comparable malt beverage" from you during the "base period" and now purchase the newly labeled malt beverage from you; (2) all retailers and "on-premise licensees" who (i) purchased the "comparable malt beverage" from you between December 19, 1950 and October 31, 1951, inclusive; (ii) did not purchase the newly labeled malt beverage from you between December 19, 1950 and October 31, 1951, inclusive, and (iii) purchase (or purchased) the newly labeled malt beverage from you within 2 months after you first offer (or offered) it for sale. That notice must be given to each such wholesaler or retailer or "on-premise licensee" either on or before the day you first deliver the newly labeled malt beverage to him after July 21, 1952. In addition, you must mail a copy of the notice to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., on or before the day you make your first delivery of the newly labeled malt beverage after July 21, 1952.

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard (list brand and type of the newly labeled malt beverage) and (list brand and type of the "comparable malt beverage") as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of (list brand and type of the newly labeled malt beverage) under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of (list brand and type of the "comparable malt beverage").

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

SEC. 28. *Brewers' notification of ceiling prices.* (a) If you are a brewer who determines your ceiling prices under this regulation you must give to each of your purchasers (other than consumers), either at the time of, or before, your first delivery of any of your items to that purchaser after January 28, 1952, a written notice as follows:

NOTICE OF CEILING PRICES

The Office of Price Stabilization has authorized us to establish the following ceiling prices for sales to you of our malt beverages:

Item	*Ceiling price*
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(List each item, defined in section 90 (b) (8), for which you have established a ceiling price for sale to the class of purchaser to whom the notice is given.)

Our ceiling prices include all Federal taxes and (specify State and local taxes, if any, included). The Office of Price Stabilization requires you to keep a copy of this notice for examination.

In addition, you may not sell an item to a class of purchaser after July 21, 1952 until you first send to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., a copy of the above notice applicable to that class of purchaser, and (if the information is not already included in the notice) a statement indicating: (1) the class of purchaser to whom the notice applies, and (2) whether the ceiling prices listed in the notice are f. o. b. or delivered prices.

(b) You need only give the above notice to a purchaser once and, of course, you need not give a second notice to a purchaser to whom you gave a notice under section 24 of the original CPR 117. However, (1) if you establish a ceiling price for sale to a purchaser of an item not listed in any previous notice you gave to him (under this section or section 24 of the original CPR 117), or (2) if, for any reason, there is a change in the ceiling price which was listed for sale of an item to a purchaser in that last notice you gave him (under this section or section 24 of the original CPR 117) which covered that item, then you must give that purchaser an additional notice (listing the new ceiling prices for the particular item) at or before the time you make your first delivery of the item to him at that new ceiling price. You must also, before the time you make your first delivery of the particular item to any purchaser at that new ceiling price, send to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., a copy of the notice listing the new ceiling price applicable to purchasers in that particular class, and (if the information is not already included in that notice), a statement indicating: (i) The class of purchaser to whom the notice applies, and (ii) whether the ceiling prices listed in the notice are f. o. b. or delivered prices.

ARTICLE III—WHOLESALERS

SEC. 30. *Wholesalers' "base period."* If you are a wholesaler of imported or domestic malt beverages your "base period" is the period May 24, 1950 through June 24, 1950. Therefore, any reference to a "base period" in those provisions of this regulation which apply to you, means May 24, 1950 through June 24, 1950.

SEC. 31. *How a wholesaler is to determine his ceiling prices for items dealt in during the "base period."* This section applies to you if you are a wholesaler who sells to a particular class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you sold or offered for sale to that same class of purchaser during the "base period." In that case, you must figure your ceiling price for those sales (except

for delivered sales to consumers, to which section 35 applies) as follows:

(a) (1) Determine the highest price at which you made a customary sale of the item to the particular class of purchaser during the "base period." If no such sale was made, you must use the highest price at which you offered the item for sale to that class of purchaser during the "base period" if the offer, or its acceptance, is proven by some written or printed evidence such as a price list, price posting, printed advertisement, etc. (If, however, your offering price was intended to withhold the item from the market, or if it was merely a bargaining price, your usual practice being to sell at a price lower than that asked, you may not use that offering price as your offering price under this paragraph.) In addition, if during the entire "base period," you were selling the item to the particular class of purchaser under the terms of a "special deal" (as defined in section 90 (c) (8)), you may use as your "base period" price the price last in effect for the item to that class of purchaser before the day the "special deal" started.

(2) The "base period" price you determine under subparagraph (1) must not include any charge for case or containers or any amount that the purchaser could (pursuant to a repurchase agreement) have recovered for return of the case and containers purchased. Furthermore, if your "base period" price includes any excise or similar tax which has been reduced or eliminated since the beginning of the "base period," you must lower that price to reflect the amount of such reduction or elimination. If you cannot determine your "base period" sales price or offering price of the item under this paragraph (a), then you must determine your ceiling price for the item under sections 32, 33, 34 or 36, whichever is applicable.

(b) Consult either Column 2 or Column 3 (whichever applies) of Table III for the dollar-and-cent "permitted increase" figure applicable for sales of the particular item to the particular class of purchaser. (The "permitted increase" figures in Table III include adjustments for the increase in the United States excise tax on malt beverages, which became effective November 1, 1951.) If a "permitted increase" figure for the particular item you are pricing is not listed in Table III, you must determine your ceiling price for the item under sections 32, 33, 34, or 36 whichever is applicable.

(c) Consult Column 2 of Table IV for the amount of the "compensated freight increase" applicable to the particular item you are pricing. If your "freight cost" has (between the end of the "base period" and December 31, 1951) increased more than the amount of that "compensated freight increase," you may add an "additional freight cost adjustment" equal in amount to the excess of your "freight cost" increase over that "compensated freight increase." For purposes of this paragraph "freight cost" means:

(1) All transportation charges (as defined in section 90 (c) (9)) applicable to the particular item and actually incurred by you to transport the item from the supplier's customary shipping point to your customary receiving point, to the extent that those charges were not already included in the gross invoice price for the item; plus

(2) All transportation charges (as defined in section 90 (c) (9)) that (under the arrangement you have with your supplier) must be incurred by you (in addition to the gross invoice price for the item) to return to that supplier the empty case and containers in which the item is packed.

(d) Add together your "base period" price (determined in paragraph (a)), the applicable dollar-and-cent "permitted increase" figure (determined in paragraph (b)), and your "additional freight cost adjustment" if any (determined in (c)). The resulting figure is your ceiling price for sales of the item to the particular class of purchaser and is (1) an f. o. b. price, if your "base period" price was an f. o. b. price; (2) a delivered price, if your "base period" price was a delivered price. That ceiling price however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you must comply with the notification provisions of section 37 (b) of the regulation, if that section applies to you, and of section 38.

EXAMPLE 1: You wish to calculate your ceiling price for sales to retailers (one of your classes of purchasers) of a case of 24 12-ounce returnable bottles of X Brand beer. Your "base period" price for sales of that item to retailers was $3.50, and was a delivered price. In Column 1 of Table III you find the line on which is listed the item you are pricing (24 12-ounce returnable bottles). Following that line across to Column 2 you find 35 cents, the "permitted increase" figure for delivered sales to retailers of a case of 24 12-ounce returnable bottles of beer. In addition, since your "freight cost" for the item increased 4½ cents between the "base period" and December 31, 1951, which is 1½ cents higher than the amount of the "compensated freight increase" shown in Table IV for that item, your "additional freight cost adjustment" is 1½ cents. Your delivered ceiling price for sales to retailers of a case of 24 12-ounce returnable bottles of X Brand beer is, therefore, $3.86½ ($3.50+35 cents+1½ cents=$3.86½) which, under section 70 (b) (1), you may round up to $3.87.

EXAMPLE 2: You wish to calculate your ceiling price for *f. o. b.* sales to consumers of a case of 12 32-ounce returnable bottles of X Brand beer. (Your ceiling price for *delivered* sales to consumers must be calculated as directed in section 35.) Your "base period" price for f. o. b. sales of that item to consumers was $4.10. In Column 1 of Table III you find the line on which is listed the item you are pricing (12 32-ounce returnable bottles). Following that line across to Column 3, you find 51 cents, the "permitted increase" figure for f. o. b. sales to consumers of a case of 12 32-ounce returnable bottles of beer. (Since your "freight cost" for the item increased by only 2 cents between the "base period" and December 31, 1951, which is not in excess of the "compensated freight increase" for that item listed in Table IV, you are not entitled to any "additional freight cost adjustment.") Your f. o. b. ceiling price for sales to consumers of a case of 12 32-ounce returnable bottles of X Brand beer is, therefore, $4.61 (4.10+51 cents=$4.61).

TABLE III—"PERMITTED INCREASE" IN WHOLESALER'S "BASE PERIOD" PRICES FOR IMPORTED OR DOMESTIC MALT BEVERAGES

[In cents]

(1) Item (only the case size, container type, and container size are listed)	(2) "Permitted increase" in "base period" prices for sales to all classes of purchasers other than consumers	(3) "Permitted increase" in "base period" prices for sales to consumers
Barrels:		
1	740	
½	370	1
⅓	315	1
¼	85	
⅙	85	
⅛	40	4
Bottles (returnable and non-returnable):		
6/64	46	1
4/64	31	
12/32	46	
12/24	35	
24/16	46	
12/16	23	
48/12 "special pack"	70	
48/12	70	
24/12	35	
24/12 "special pack"	35	
12/12	17	
6/12	8	
24/11½	33	
24/11½ "special pack"	33	
24/11	22	
24/11 "special pack"	22	
12/11	16	
48/11	46	
30/8	33	
24/8	24	
12/8	11	
48/7	41	
30/7	31	
24/7	29	
12/7	10	
48/6	35	
30/6	26	
24/6	17	
12/6	8	
Cans:		
12/32	46	
48/12	68	
48/12 "special pack"	68	
24/12	34	
24/12 "special pack"	34	
12/12	17	
6/12	8	
48/8	46	
30/8	34	
24/8	22	

NOTE: The "permitted increase" figures in Table III include adjustments for the increase in the United States excise tax on malt beverages, which became effective November 1, 1951.

TABLE IV—WHOLESALER'S "COMPENSATED FREIGHT INCREASES"

(1) Item (only the case size and container type and size are listed):	(2) "Compensated freight increases" (in cents)
Barrels:	
1	40
½	21
⅓	14
¼	10
⅙	7
⅛	5
Bottles (returnable and non-returnable):	
6/64	4
4/64	3
12/32	4
12/24	3
24/16	2
12/16	1
48/12	6
48/12 "special pack"	6
24/12	3
24/12 "special pack"	3
12/12	1
6/12	1
24/11½	4
24/11½ "special pack"	4
24/11	3
24/11 "special pack"	3
12/11	1
48/11	4
30/8	3
24/8	2
12/8	1
48/7	3
30/7	3
24/7	2
12/7	1
48/6	3
30/6	2
24/6	1
12/6	1
Cans:	
12/32	4
48/12	6
48/12 "special pack"	6
24/12	3
24/12 "special pack"	3
12/12	1
6/12	1
48/8	4
30/8	3
24/8	2

SEC. 32. *How a wholesaler is to determine his ceiling price for items of a different container size, container type or case size than those dealt in during the "base period"*—(a) *How to use this section.* This section applies to you if you are a wholesaler who wishes to sell to a particular class of purchaser an item (defined in section 90 (b) (8)) for which you cannot determine your ceiling price to that class of purchaser under section 31 but which differs only in case size or container size or container type (or any combination of those three characteristics) from an item for which you have already determined a ceiling price to that class of purchaser under this regulation. In that case, you must determine your ceiling price for sale of the particular item you wish to sell to that class of purchaser under the provisions of this section (except that your ceiling price for delivered sales to consumers must be determined as directed in section 35). However, in determining your ceiling prices under this section you must always regard a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. Of course, all "special pack" cases that have containers which actually are of the same container size and container type, are regarded as being items of the same container size and container type. (For example: A standard case of 24 12-ounce returnable bottles is considered as an item of a different case size, container size and container type from a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each. But, a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each, is an item of the same case size, container size and container type as a "special pack" case of 24 12-ounce returnable bottles packed in eight units of three containers each; and a "special pack" case of 48 12-ounce returnable bottles packed in eight units of six containers each is an item of the same container size and container type, though not of the same case size, as a "special pack" case of 36 12-ounce returnable bottles packed in nine units of four containers each.) If you cannot calculate your ceiling prices for a particular item under the provisions of this section, you must determine that ceiling price under section 33, 34, or 36, whichever is applicable.

(b) *Ceiling prices for items of different case size only.* This paragraph (b) applies to you if you are a wholesaler who wishes to sell to a class of purchaser, except to consumers on a delivered basis, an item (in bottles or cans) that differs only in case size from an item of the same brand and type for which you have determined a ceiling price to that class of purchaser under this regulation. (The item for which you have determined a ceiling price under this regulation is hereafter called your "key item".) In that case your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser, as the proportion of the case size of the item you are pricing to the case size of your "key item". The ceiling price you determine is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 37 (b) of this regulation, if that section applies to you, and of section 38.

(c) *Ceiling prices for barrels of different size only.* (1) This paragraph (c) applies to you if you are a wholesaler who wishes to sell to a class of purchaser, except to consumers on a delivered basis, a barrel (or fraction of a barrel) of malt beverages that differs only in size from a barrel (or fraction of a barrel) of the same brand and type for which you have determined a ceiling price to that class of purchaser under this regulation. (The barrel, or fraction thereof, for which you have determined a ceiling price under this regulation is hereafter called your "key item.") In that case, your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser, as the proportion of the size of the item you are pricing is to the size of your "key item." In addition, if the container size of the item you are pricing is ⅛ barrel you may increase that ceiling price 30 cents. However, if your "key item" is ⅛ barrel your ceiling price for sales to the particular class of purchaser of the item you are pricing is the price which is in the same proportion to the ceiling price for sales of your "key item" to that class of purchaser *less* 30 cents, as the proportion of the size of the item you are pricing to the size of your "key item."

(2) The ceiling price determined in subparagraph (1) is (i) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 37 (b) of this regulation, if that section applies to you, and of section 38.

EXAMPLE: The ceiling price you have previously determined under this regulation for delivered sales to retailers of a half-barrel of Z Beer is $10. Therefore, you select a half-barrel of Z Beer as your "key item". You now wish to determine your ceiling price for sales to retailers of ¼ barrel of Z Beer. Since ¼ barrel of beer is ½ the size of your "key item", your ceiling price for delivered sales to retailers of ¼ barrel of Z Beer is $5, which is ½ of your ceiling price of $10 for delivered sales to retailers of your "key item".

(d) *Ceiling prices for items by reference to another brand sold by you.* (1) This paragraph (d) applies to you under the following circumstances:

(i) You are a wholesaler who wishes to sell to a class of purchaser, except to consumers on a delivered basis, an item whose ceiling price you cannot determine under paragraph (b) or (c) of this section, and that item differs only in container size or container type or both container size and container type (or any combination of those two characteristics along with case size) from an item or items of the same brand and type for which you have determined your ceiling price to that class of purchaser under this regulation; and

(ii) You have determined a ceiling price under this regulation for sale to that class of purchaser of an item of the same container size, container type and (if the item you are pricing is sold in bottles or cans) case size as the item you are pricing but of a different brand (which will be called the "comparable brand") from that of the item you are pricing; and

(iii) You have determined a ceiling price under this regulation for sale to that class of purchaser of your largest selling item of the same brand as that of the item you are pricing, and that ceiling price is identical with the ceiling price (to the same class of purchaser) of the "comparable brand" item of the same container size, container type and (if your largest selling item is sold in bottles or cans) case size as that largest selling item.

If this paragraph applies to you, your ceiling price for sales to the particular class of purchaser of the item you are

pricing is the same as the ceiling price for sales to that class of purchaser of the "comparable brand" item of the same container size, container type and (if the item you are pricing is sold in bottles or cans) case size as the item you are pricing.

(2) The ceiling price determined in subparagraph (1) is (i) an f. o. b. price, if the ceiling price for sale to the same class of purchaser of your largest selling item of the same brand as the item you are pricing is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale to the same class of purchaser of your largest selling item of the same brand as the item you are pricing is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of section 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales to the same class of purchaser of your largest selling item of the same brand as the item you are pricing. Finally, you must comply with the notification provisions of section 37 (b) of this regulation, if that section applies to you, and of section 38.

EXAMPLE: You wish to determine your ceiling price for sales to retailers of a case of 36 7-ounce non-returnable bottles of Y Brand ale. You sell cases of 36 7-ounce non-returnable bottle of X Brand beer to retailers and your ceiling price for such sales (previously determined under this regulation) is $3.90. Your largest selling item of Y Brand ale is the 24 12-ounce returnable bottle size for which your ceiling price for sales to retailers is $3.60. $3.60 is also your ceiling price for sale to retailers of cases of 24 12-ounce returnable bottles of X Brand beer. Therefore, your ceiling price for sales to retailers of cases of 36 7-ounce non-returnable bottles of Y Brand ale is $3.90, the same as your ceiling price for 36 7-ounce non-returnable bottles of X Brand beer.

SEC. 33. *How a wholesaler is to determine his ceiling prices for certain items by reference to a competitive wholesaler.* This section applies to you if you are a wholesaler who wishes to sell to a class of purchaser an item whose ceiling price you cannot determine under either section 31 or 32, and that item differs only in container size or container type or both container size and container type (or any combination of those two characteristics along with case size) from an item (or items) of the same brand and type for which you have determined your ceiling price to that class of purchaser under this regulation. However, in determining your ceiling prices under this section you must always regard a "special pack" case (defined in section 90 (b) (3)) of 11, 11½ or 12-ounce containers as an item of a different container size and container type (as well as case size) from a case which is not a "special pack" case. Of course, all "special pack" cases that have containers which actually are of the same container size and container type, are regarded as being items of the same container size and container type. (For example: A standard case of 24 12-ounce returnable bottles is considered as an item of a different case size, container size and container type from a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each. But, a "special pack" case of 24 12-ounce returnable bottles packed in four units of six containers each, is an item of the same case size, container size and container type as a "special pack" case of 24 12-ounce returnable bottles packed in eight units of three containers each; and a "special pack" case of 48 12-ounce returnable bottles packed in eight units of six containers each is an item of the same container size and container type, though not of the same case size, as a "special pack" case of 36 12-ounce returnable bottles packed in nine units of four containers each.) If this section applies to you, you must determine your ceiling price for sale of that item to the particular class of purchaser (except for delivered sales to consumers, to which section 35 applies) as follows:

(a) Of the items for which you have already determined ceiling prices under this regulation (for sales to the same class of purchaser as the class to which you wish to sell the item you are pricing) determine your largest selling item of the same brand and type as the item you are pricing. That largest selling item is your "key item."

(b) Select, as your "competitive wholesaler," a wholesaler who sells to the particular class of purchaser both: (1) An item of the same container size, container type and (if your "key item" is sold in bottles or cans) case size as your "key item" and whose ceiling price per case for such sales is equal to, or no more than 10 cents higher or lower than, your "key item's" ceiling price per case for sales to that class of purchaser, and (2) an item of the same container size and container type (but not necessarily of the same case size) as the item you are pricing (and of the same brand and type as that one of his items referred to in paragraph (b) (1)).

(c) Determine your "base figure" as follows: (1) If the item you are pricing is packed in cases, then

(i) If the case size of the "competitive wholesaler's" item of the same container size and container type as the item you are pricing is the *same* as the case size of the item you are pricing, the "competitive wholesaler's" ceiling price for sale to the particular class of purchaser of that case size, container size and container type of item is your "base figure."

(ii) If the case size of the "competitive wholesaler's" item of the same container size and container type as the item you are pricing is *different* from the case size of the item you are pricing, your "base figure" is the price which is in the same proportion to your "competitive wholesaler's" ceiling price for sale to the particular class of purchaser of his item of the same container size and container type as the item you are pricing, as the proportion of the case size of the item you are pricing to the case size of your "competitive wholesaler's" item of the same container size and container type.

(2) If the item you are pricing is a barrel (or fraction of a barrel), then the "competitive wholesaler's" ceiling price for sale to the particular class of purchaser of that container size and container type of item is your "base figure."

(For example: You wish to determine your ceiling price for sales to retailers of cases of 24 7-ounce returnable bottles. Your "competitive wholesaler's" ceiling price to retailers for 36 7-ounce returnable bottles is $3.90 per case. Since the case size of the item you are pricing is ⅔ the case size of your "competitive wholesaler's" item, your "base figure" is $2.60, which is ⅔ of your "competitive wholesaler's" ceiling price for sale of 36 7-ounce returnable bottles.)

(d) Divide your ceiling price for sales of your "key item" to the particular class of purchaser, by your "competitive wholesaler's" ceiling price for sales to that class of purchaser of his item of the same container size, container type, and (if your "key item" is sold in bottles or cans) case size as your "key item." The resulting figure is your "comparison factor." Your ceiling price for sales to the particular class of purchaser of the item you are pricing is determined by multiplying your "base figure" (arrived at in (c)) by that "comparison factor." The ceiling price you determine is (1) an f. o. b. price, if the ceiling price for sale of your "key item" to the same class of purchaser is an f. o. b. price; (2) a delivered price, if the ceiling price for sale of your "key item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "key item" to the same class of purchaser. Finally, you must comply with the notification provisions of section 37 (b) of this regulation if that section applies to you, and of section 38.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(a) You wish to determine your ceiling price for sales to retailers of cases of 36 7-ounce non-returnable bottles of X Brand beer. The largest selling case and container size and type of X Brand beer for which you have already calculated a ceiling price to retailers under this regulation is 24 12-ounce returnable bottles, and that ceiling price was $3 per case. Therefore, your "key item" is 24 12-ounce returnable bottles of X Brand beer.

(b) Wholesaler W:

(1) sells Y Brand beer to retailers in 24 12-ounce returnable bottles (the same container size, container type, and case size as your "key item"), for which his ceiling price is $3.08 per case, and

(2) though he does not sell Y Brand beer to retailers in 36 7-ounce non-returnable bottles (the case size of the item you are pricing), he does sell it in 24 7-ounce non-returnable bottles, for which his ceiling price is $2.90 per case.

Since W sells items of the same container size, container type and case size as your "key item" and of the same container size and container type as the item you are pricing, and since W's ceiling price of $3.08 for sale of the same case and container size and type as your "key item" is less than 10 cents higher than your "key item's" ceiling price of $3, you may select W as your "competitive wholesaler."

(c) The case size of the item you are pricing (36 7-ounce non-returnable bottles) is 1½ times larger than the case size of the

"competitive wholesaler's" item of the same container size and container type (24 7-ounce non-returnable bottles). Therefore, your "base figure" is $4.35, which is 1½ times greater than your "competitive wholesaler's" ceiling price of $2.90 for sales of 24 7-ounce non-returnable bottles to retailers.

(d) Dividing $3 (your ceiling price for sales to retailers of your "key item") by $3.08 (your "competitive wholesaler's" ceiling price for sales to retailers of 24 12-ounce returnable bottles, the same case and container size and type as your "key item"), you arrive at .974, which is your "comparison factor" ($3÷$3.08=.974). Multiplying $4.35 (your "base figure") by .974 (your "comparison factor") gives you your ceiling price, for sales to retailers of cases of 36 7-ounce non-returnable bottles of X Brand beer, of $4.23+9 which, under section 70 (b) (1), you may round up to $4.24.

SEC. 34. *How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under either section 31, 32 or 33*—(a) *How to use this section.* This section applies to you if you are a wholesaler who wishes to sell to a class of purchaser an item (defined in section 90 (b) (8)) of imported or domestic malt beverages for which you cannot determine your ceiling price to that class of purchaser under either section 31, 32, or 33. In that case, you must determine your ceiling price for such sales (except for delivered sales to consumers, to which section 35 applies) under paragraph (c) of this section and, in determining that ceiling price, you must use the definition of "cost of acquisition" contained in paragraph (b) of this section (rather than the definition in section 90 (c) (1)).

(b) *Definition of "cost of acquisition."* For purposes of this section only, "cost of acquisition" means the total of:

(1) Your supplier's ceiling price per item for sale of the item to you less (i) all United States, State, and local taxes (other than excise taxes), fees and charges included in that ceiling price, and (ii) all charges, included in that ceiling price, which may be recovered upon return to your supplier of the containers and case in which the item is shipped.

(2) All transportation charges (as defined in section 90 (c) (9)) applicable to the particular item and actually incurred by you to transport the item from the supplier's customary shipping point to your customary receiving point, to the extent that those charges are not already included in the supplier's ceiling price.

(3) All transportation charges (as defined in section 90 (c) (9)), at rates currently in effect, that (under the arrangement you have with your supplier) must be incurred by you (in addition to the price you pay your supplier) to return to that supplier the empty case and containers in which the item is packed.

(4) All United States, State and local excise taxes, and United States customs duties applicable to the particular item and actually incurred by you, to the extent that those taxes and duties are not already included in your supplier's ceiling price.

(5) In the case of an imported item, the costs actually incurred by you to withdraw that item from customs custody, to the extent that those costs are not already included in your supplier's ceiling price.

(c) *Determination of ceiling prices.* If you are a wholesaler to whom this section applies, you must determine your ceiling price for sales of the item you are pricing to the particular class of purchaser (except for delivered sales of that item to consumers) as follows:

(1) Determine (i) the domestic items (if you are pricing a domestic item) of the same "container type" as the item you are pricing, or (ii) the imported items (if you are pricing an imported item) of the same "container type" as the item you are pricing, for which you have figured ceiling prices under this regulation for sales to that particular class of purchaser. (For purposes of this subparagraph (1) "container type" means "container type" as defined in section 90 (b) (5), except that returnable bottles and non-returnable bottles are considered the same "container type".) Of the items determined select the one whose "cost of acquisition" (defined in paragraph (b)) for a current customary purchase by you would be nearest to your "cost of acquisition" for a current customary purchase of the item for which you are calculating a ceiling price. That item is your "comparison item".

(2) Divide your ceiling price for sales of your "comparison item" to the particular class of purchaser by the "cost of acquisition" which you would incur if you made a customary purchase of that "comparison item" just before you calculate your ceiling price under this section. The resulting figure is your "markup factor" for sales of the item you are pricing to the particular class of purchaser.

(3) Multiply the "cost of acquisition" you would incur for a customary purchase of the item you are pricing just before you calculate your ceiling price under this section, by your "markup factor" (arrived at under subparagraph (2)). The resulting figure is your ceiling price for all subsequent sales of that item to the particular class of purchaser and is (i) an f. o. b. price, if the ceiling price for sale of your "comparison item" to the same class of purchaser is an f. o. b. price; (ii) a delivered price, if the ceiling price for sale of your "comparison item" to the same class of purchaser is a delivered price. In addition, that ceiling price may be adjusted or modified under the provisions of sections 70, 71, 76, and 78 of this regulation, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "comparison item" to the same class of purchaser. You must also comply with the notification provisions of section 37 (b) of this regulation, if that section applies to you, and of section 38.

EXAMPLES: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) You wish to determine your ceiling price for sales to retailers of cases of 24 12-ounce non-returnable bottles of Uncle Sam beer, a domestic item. Of the domestic items of the same container type (returnable and non-returnable bottles) for which you have already figured ceiling prices under this regulation, 24 12-ounce returnable bottles of Stars and Stripes ale is the item whose "cost of acquisition" for a current customary purchase by you would be nearest to your "cost of acquisition" for a current customary purchase of 24 12-ounce non-returnable bottles of Uncle Sam beer. Therefore, your "comparison item" is a case of 24 12-ounce returnable bottles of Stars and Stripes ale.

(2) Your ceiling price for sales of your "comparison item" to retailers is $3.42 and is a delivered price. The "cost of acquisition" you would incur for a current customary purchase of that "comparison item" is $2.80. (Note that "cost of acquisition", as defined in paragraph (b), is based on your supplier's ceiling price to you, whether or not your supplier is actually selling the item at his ceiling price.) Dividing $3.42 by $2.80 gives you 1.22, which is your "markup factor" for sales to retailers of a case of 24 12-ounce non-returnable bottles of Uncle Sam beer ($3.42÷$2.80=1.22).

(3) The "cost of acquisition" you would incur for a current customary purchase of a case of 24 12-ounce non-returnable bottles of Uncle Sam beer is $3.00. Multiplying $3.00 by 1.22 (your "markup factor" arrived at in (2)) gives you $3.66 ($3 x 1.22=$3.66) which is your ceiling price for delivered sales of that item to retailers.

SEC. 35. *How a wholesaler is to determine his ceiling prices for delivered sales to consumers.* This section applies to you if you are a wholesaler who wishes to sell an item or items to consumers on a delivered basis. In that case you must determine your ceiling prices for such delivered sales to consumers under the provisions of this regulation which apply to retailers. If, however, in determining your ceiling prices under the provisions of this regulation which apply to retailers, it is necessary for you to determine your "cost of acquisition" for a particular customary purchase of an item, you must regard your "cost of acquisition" for that particular customary purchase as the "cost of acquisition" you would have incurred if you purchased that item for the same price and under the same conditions as a retailer.

SEC. 36. *How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are, or intend to start in business as, a wholesaler of imported or domestic malt beverages and, for any reason, cannot determine your ceiling price for sales of an item to a particular class of purchaser under either section 31, 32, 33, 34 or 35. In that case, you may apply to your OPS District Office for the establishment of a ceiling price for sales of that item to the particular class of purchaser. Your application must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type, and, if sold in returnable bottles, non-returnable bottles or cans, its case size), and what your "cost of acquisition" (defined in section 34 (b))

for a current customary purchase of that item would be.

(b) The class of purchaser to whom you wish to sell the item.

(c) An explanation of why you are unable to determine your ceiling price under sections 31, 32, 33, 34 or 35 for sales of the item to the particular class of purchaser.

(d) The names and addresses (if available) of the two wholesalers who you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those items (that is, the brand, type, container size, container type, and, if sold in returnable bottles, non-returnable bottles or cans, the case size of each of the items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to whom you wish to sell the item for which you are making application under this section.

(NOTE: If, before June 9, 1952, you filed an application for ceiling prices under section 33 of the original CPR 117, but did not supply information as to what your "cost of acquisition" for a current customary purchase would be for each item covered by that application, you need not file a second application for those items under this section 38 and need only supply information as to your "costs of acquisition" for current customary purchases of those items if OPS sends you a letter requesting you to do so.)

After your application is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to the particular class of purchaser until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR), CPR 31, or CPR 117 for sale of the item to that class of purchaser, you may continue to make such sales at or below your GCPR, CPR 31, or CPR 117 ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event you may not sell the item to the particular class of purchaser either at or below your GCPR, CPR 31, or CPR 117 ceiling price after August 4, 1952, unless you have by that date placed in the mail, properly addressed and completed, your application for a ceiling price under this section. Finally, you must comply with the notification provisions of section 37 (b) of the regulation, if that section applies to you, and of section 38.

SEC. 37. *How a wholesaler is to determine his ceiling prices for sales of certain newly labeled items*—(a) *How you must compute your ceiling prices.* This section applies to you if you are a wholesaler of imported or domestic malt beverages who receives the following notice from your supplier:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard (brand and type of newly labeled malt beverage) and (brand and type of the "comparable malt beverage") as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of (brand and type of newly labeled malt beverage) under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of (brand and type of the "comparable malt beverage").

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

In that case you must determine your ceiling prices for the newly labeled malt beverage under section 31, 32, 33, 34, 35 or 36 (whichever applies) just as if it were the "comparable malt beverage", and for purposes of pricing under those sections, you must regard the newly labeled item as if it were an item of the same brand and type as the "comparable malt beverage". In other words, the ceiling prices determined for the newly labeled malt beverage must be identical with the ceiling prices you have (or could have) determined for the "comparable malt beverage". Finally, you must comply with the notification provisions of paragraph (b) of this section.

EXAMPLE: You are a wholesaler who has received the following notice from your supplier:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard Y Brand beer and X Brand beer as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of Y Brand beer under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of X Brand beer.

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

The last time you sold X Brand beer was September 1950 and you now want to start selling Y Brand beer. However, if you were calculating your ceiling price for sales to retailers of 24 12-ounce returnable bottles of X Brand beer you would do so under section 31. Your "base period" (May 24–June 24, 1950) price for sales to retailers of a case of 24 12-ounce returnable bottles of X Brand beer was $3.50, delivered. That is now considered your "base period" price for sales of 24 12-ounce returnable bottles of Y Brand beer to retailers.

In Column 1 of Table III you find the line on which is listed the item you are pricing (24 12-ounce returnable bottles). Following that line across to Column 2, you find 35 cents, the "permitted increase" figure for delivered sales to retailers of a case of 24 12-ounce returnable bottles of beer. In addition, since (as of December 31, 1951) it cost you 4½ cents more to transport a case of 24 12-ounce returnable bottles of Y Brand beer from your supplier to you, and return the empty case and container to him, than it cost you to transport and return a similar case of X Brand beer during the "base period", your "freight cost" for Y Brand beer is 4½ cents. This is 1½ cents higher than the amount of the "compensated freight increase" shown in Table IV for that item and, therefore, your "additional freight cost adjustment" is 1½ cents. Your delivered ceiling price for sales to retailers of a case of 24 12-ounce returnable bottles of Y Brand beer is, therefore, $3.86½ ($3.50+35 cents +1½ cents = $3.86½) which, under section 70 (b) (1) you may round up to $3.87. In addition, you must give to your purchasers the written notice required under paragraph (b).

(b) *Notification to purchasers.* If you are a wholesaler to whom this section applies and who has determined his ceiling prices (as directed in paragraph (a)) for sales of a newly labeled malt beverage, you must, in turn, give copies of the written notice you have received to: (1) all wholesalers who purchased the "comparable malt beverage" from you during the "base period" and now purchase the newly labeled malt beverage from you; (2) all retailers and "on-premise licensees" who (i) purchased the "comparable malt beverage" from you between December 19, 1950 and October 31, 1951, inclusive, (ii) did not purchase the newly labeled malt beverage from you between December 19, 1950 and October 31, 1951, inclusive, and (iii) purchase (or purchased) the newly labeled malt beverage from you within 2 months after you first offer (or offered) it for sale. That notice must be given to each such wholesaler, retailer, or "on-premise licensee" either on or before the day you first deliver the newly labeled malt beverage to him after August 4, 1952. In addition, you must mail a copy of the notice to your OPS District Office on or before the day you make your first delivery of the newly labeled malt beverage after August 4, 1952.

SEC. 38. *Wholesalers' notification of ceiling prices.* (a) If you are a wholesaler and you determine your ceiling prices under this regulation for sales of imported or domestic malt beverages, you must give to each of your purchasers (other than consumers) either at the time of, or before, your first delivery of any of your items to that purchaser after January 28, 1952, a written notice as follows:

NOTICE OF CEILING PRICES

The Office of Price Stabilization has authorized us to establish the following prices for sales to you of our malt beverages.

Item	*Ceiling price*

(List each item, defined in section 90 (a) (8), for which you have established a ceiling price for sale to the class of purchaser to whom your notice is given.)

Our ceiling prices include all Federal taxes and (specify State or local taxes, if any included). The Office of Price Stabilization requires you to keep a copy of this notice for examination.

(b) You need only give the above notice to a purchaser once and, of course, you need not give a second notice to a purchaser to whom you gave a notice under section 24 of the original CPR 117. However, (1) if you establish a ceiling price for sale to a purchaser of an item not listed in any previous notice you gave to him (under this section or section 24 of the original CPR 117) or (2) if, for any reason, there is a change in the ceiling price which was listed for sale of an item to a purchaser in the last notice you gave to him (under this section or section 24 of the original CPR 117) which covered that item, then you must give that purchaser an additional notice (listing the new ceiling prices for the particular item) at or before the time you make your first delivery of the item to him at that new ceiling price.

ARTICLE IV—SELLERS WHO PRICE AS WHOLESALERS

SEC. 40. *How brewers' branches are to determine their ceiling prices.* This section applies to you if you are a brewer's branch (defined in section 90 (a) (2)). In that case, you are to determine your ceiling prices for sales of malt beverages, as a wholesaler under the provisions of this regulation which apply to wholesalers. Therefore, for purposes of those provisions of this regulation which apply to wholesalers, a brewer's branch is considered a wholesaler.

SEC. 41. *How an importer is to determine his ceiling prices for certain items.* This section applies to you if you are an importer who sells the same item of imported malt beverages to both wholesalers and retailers (or "on-premise licensees"). In that case, you are to determine your ceiling price for sales of that item to retailers and "on-premise licensees" under the provisions of this regulation which apply to wholesalers. Therefore, for purposes of those provisions of this regulation which apply to wholesalers, you are considered a wholesaler of that item to the extent that you sell it to retailers and "on-premise licensees." (Your ceiling prices for sales of that item to any class of purchaser other than retailers and "on-premise licensees" continue, of course, to be covered by CPR 31, or whichever other regulation may become applicable to you.)

SEC. 42. *How home distributors are to determine their ceiling prices.* This section applies to you if you are a home distributor (defined in section 90 (a) (13)). In that case you are to determine your ceiling prices, for sales of malt beverages, as a wholesaler under the provisions of this regulation which apply to wholesalers. For purposes of those provisions of this regulation which apply to wholesalers, therefore, a home distributor is considered a wholesaler.

ARTICLE V—RETAILERS

SEC. 50. *How retailers are to calculate and recalculate their ceiling prices for items sold between December 19, 1950 and October 31, 1951, inclusive*—(a) *How to use this section.* This section applies to you if you are a retailer of imported or domestic malt beverages. It tells you how to calculate and recalculate your ceiling prices both for case sales and individual container sales to consumers of items you sold between December 19, 1950 and October 31, 1951, inclusive. It also refers you to other provisions of this regulation which relate to those ceiling prices. In general, it is provided that your ceiling price for sales of an item to consumers is figured by adjusting your October, 1951 ceiling price to reflect changes in your "cost of acquisition" for that item. It is important for you to remember that, after you have first calculated your ceiling price for an item under this section, you may recalculate the item's ceiling price whenever the "cost of acquisition" incurred for it increases, but you must recalculate the item's ceiling price whenever the "cost of acquisition" incurred for it decreases. Before reading this section you should first read section 90 (b) (8), which tells you what is meant by an "item" and section 90 (c) (1), which tells you what "cost of acquisition" is. If you did not sell a particular item to consumers between December 19, 1950 and October 31, 1951, inclusive, you must determine your ceiling price for that item under section 51, 52 or 53 of this regulation, whichever is applicable.

(b) *Determination of your ceiling prices for case sales.* If you are a retailer of an item of imported or domestic malt beverages to whom this section applies your ceiling price for sale of a case of that item to consumers is figured as follows:

(1) Determine the highest price at which you made a customary sale of a case of that item to consumers during the month of October, 1951. If you did not sell a case of that item to consumers during October, 1951, determine the price at which you made your last customary sale of a case of that item to consumers before October 1, 1951 (but you must not use the price charged for a sale made before December 19, 1950). In no event may the price you determine under this subparagraph (1) exceed your ceiling price for the item which was established under the GCPR, as amended, or CPR 31, as amended (whichever was applicable to you), nor may that price include any deposit charge for case or containers.

(2) Determine the difference between: (i) Your base "cost of acquisition", that is, your highest "cost of acquisition" for a customary purchase of the item during October 1951 (or, if you made no customary purchase of the item during October, 1951, the "cost of acquisition" for your last customary purchase before October 1, 1951), and

(ii) Your current "cost of acquisition", that is, the "cost of acquisition" for your most recent customary purchase of the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the fraction is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(3) Consult the first column of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to cases in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per case" for the item you are pricing.

(4) (i) Add your "adjustment factor per case" to the price determined in subparagraph (1), if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per case" from the price determined in subparagraph (1), if your current "cost of acquisition" is less than your base "cost of acquisition." The resulting figure is your ceiling price for sales of a case of the particular item to consumers. That ceiling price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you may recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it increases above that upon which the last calculation (or recalculation) of your ceiling price was based, but must recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it decreases below that upon which the last calculation (or recalculation) of your ceiling price was based. Finally, you must comply with the provisions of section 78 of this regulation, which require you to post your ceiling prices to consumers.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

Part I

(1) The highest price at which you made a customary sale to consumers of a case of 24 12-ounce returnable bottles of X Brand beer during October, 1951, was $4.

(2) Your base "cost of acquisition" for that item was $3. (Base "cost of acquisition" is your highest "cost of acquisition" for a customary purchase of the item during October, 1951.) Your "cost of acquisition" for your most recent customary purchase of that item before the effective date of this regulation was $3.20. That $3.20 is your current "cost of acquisition." The difference between your base "cost of acquisition" and current "cost of acquisition" therefore, is 20 cents ($3.20−$3=20 cents) which is your "cost change per case" for the item.

(3) Following the line, in the first column of Table V (appearing in Appendix A), on which is listed "20" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that 26 cents is your "adjustment factor per case" for the item.

(4) Since your current "cost of acquisition" is greater than your base "cost of acquisition" you add your 26 cents "adjustment factor per case" to $4 (the price determined in (1)), to arrive at $4.26, your ceiling price for a case of 24 12-ounce returnable bottles of X Brand beer.

Part II

After the date you calculated your ceiling price of $4.26 for a case of 24 12-ounce returnable bottles of X Brand beer, you made a customary purchase of that item for $3.15. Since, therefore, your "cost of acquisition" for that item has changed from the $3.20 "cost of acquisition" upon which your $4.26 ceiling price was based, you must recalculate your ceiling price as follows:

(1) As stated in Part I of this Example, the highest price at which you made a customary sale to consumers of a case of 24

12-ounce returnable bottles of X Brand beer during October, 1951, was $4.

(2) Your base "cost of acquisition" for that item was (as shown in Part I of this Example) $3. Your "cost of acquisition" for your most recent customary purchase of that item was $3.15. That $3.15 is your current "cost of acquisition." The difference between your base "cost of acquisition" and current "cost of acquisition" therefore, is 15 cents ($3.15−$3=15 cents) which is your "cost change per case" for the item.

(3) Following the line in the first column of Table V (appearing in Appendix A), on which is listed "15" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that 20 cents is your "adjustment factor per case" for the item.

(4) Since your current "cost of acquisition" is greater than your base "cost of acquisition" you add your 20 cents "adjustment factor per case" to $4 (the price determined in (1)), to arrive at $4.20, your recalculated ceiling price for a case of 24 12-ounce returnable bottles of X Brand beer. (Note that although your $4.20 recalculated ceiling price is higher than the $4 price you were charging in October, 1951, because your cost increased since that time, it is lower than your previous ceiling price of $4.26 because your cost decreased after you calculated that $4.26 ceiling price.)

(c) *Determination of your ceiling prices for sales of individual containers.* If you are a retailer of an item of imported or domestic malt beverages to whom this section applies your ceiling price for sales of individual containers of that item to consumers is figured as follows:

(1) Determine the highest price at which you made a customary sale of an individual container of that item to consumers during the month of October, 1951. If you did not sell individual containers of that item to consumers during October, 1951, determine the price at which you made your last customary sale of an individual container of that item to consumers before October 1, 1951 (but you must not use the price charged for a sale made before December 19, 1950). In no event may the price you determine under this subparagraph (1) exceed your ceiling price for the item which was established under the GCPR, as amended, or CPR 31, as amended (whichever was applicable to you) nor may that price include any deposit charge for case or containers.

(2) Determine the difference between: (i) Your base "cost of acquisition", this is, your highest "cost of acquisition" for a customary purchase of the item during October, 1951 (or, if you made no customary purchase of the item during October, 1951, the "cost of acquisition" for your last customary purchase before October 1, 1951), and

(ii) Your current "cost of acquisition", that is, the "cost of acquisition" for your most recent customary purchase of the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the fraction is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(3) Consult the first column of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to individual containers in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per individual container" for the item you are pricing.

(4) (i) Add your "adjustment factor per individual container" to the price determined in subparagraph (1), if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per individual container" from the price determined in subparagraph (1) if your current "cost of acquisition" is less than your base "cost of acquisition."

(5) Your ceiling price for sale of one individual container of the particular item is the figure arrived at in subparagraph (4), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the figure arrived at in subparagraph (4) by the number of containers being sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The ceiling price you determine (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you may recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it increases above that upon which the last calculation (or recalculation) of your ceiling price was based, but must recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it decreases below that upon which the last calculation (or recalculation) of your ceiling price was based. Finally, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

Part I

(1) The highest price at which you made a customary sale of an individual container of 24 12-ounce returnable bottles of X Brand beer during October, 1951, was 18 cents.

(2) Your base "cost of acquisition" for that item was $3. (Base "cost of acquisition" is your highest "cost of acquisition" for a customary purchase of the item during October, 1951.) Your "cost of acquisition" for your most recent customary purchase of that item before the effective date of this regulation was $3.05. That $3.05 is your current "cost of acquisition". The difference between your base "cost of acquisition" and current "cost of acquisition" is 5 cents ($3.05−$3=5 cents) which is your "cost change per case" for the item.

(3) Following the line, in the first column of Table V (appearing in Appendix A), on which is listed "5" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that ½ cent is your "adjustment factor per individual container" for the item.

(4) Your current "cost of acquisition" is greater than your base "cost of acquisition". Therefore, you add your ½ cent "adjustment factor per individual container" to 18 cents (the price determined in (1)) and arrive at 18½ cents.

(5) Your ceiling price for sales to consumers of one 12-ounce returnable bottle of X Brand beer is determined by rounding the 18½ cent figure, arrived at in subparagraph (4), to the next higher full cent, and is 19 cents. But the ceiling price for sale of two 12-ounce returnable bottles of X Brand beer is determined by multiplying 18½ cents (the figure arrived at in subparagraph (4)) by 2 and is 37 cents (18½ cents×2=37 cents). Moreover, your ceiling price for sale of three 12-ounce returnable bottles of X Brand beer is determined by multiplying 18½ cents by 3, which gives you 55½ cents (18½ cents ×3=55½ cents), and rounding that price up to 56 cents.

Part II

After the date you calculated your ceiling price, for sale of one 12-ounce returnable bottle of X Brand beer, of 19 cents (2 for 37 cents), you made a customary purchase of a case of that item for $3.25. Since, therefore, your "cost of acquisition" for that item has changed from the $3.05 "cost of acquisition" upon which your 19 cents (2 for 37 cents) ceiling price was based, you may recalculate your ceiling price as follows:

(1) As stated in Part I of this Example, the highest price at which you made a customary sale to consumers of an individual container of 24 12-ounce returnable bottles of X Brand beer during October, 1951, was 18 cents.

(2) Your base "cost of acquisition" for that item was (as shown in Part I of this Example) $3. Your "cost of acquisition" for your most recent customary purchase of that item was $3.25. That $3.25 is your current "cost of acquisition." The difference between your base "cost of acquisition" and current "cost of acquisition" therefore, is 25 cents ($3.25−$3=25 cents) which is your "cost change per case" for the item.

(3) Following the line in the first column of Table V (appearing in Appendix A), on which is listed "25" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that 1½ cents is your "adjustment factor per individual container" for the item.

(4) Your current "cost of acquisition" is greater than your base "cost of acquisition". Therefore, you add your 1½ cent "adjustment factor per individual container" to 18 cents (the price determined in (1)) and arrive at 19½ cents.

(5) Your recalculated ceiling price for sales to consumers of one 12-ounce returnable bottle of X Brand beer is determined by rounding the 19½ cent figure, arrived at in subparagraph (4), to the next higher full cent, and is 20 cents. But the recalculated ceiling price for sale of two 12-ounce returnable bottles of X Brand beer is determined by multiplying 19½ cents (the figure arrived at in subparagraph (4)) by 2 and is 39 cents (19½ cents x 2=39 cents). Moreover, your recalculated ceiling price for sale of three 12-ounce returnable bottles of X Brand beer is determined by multiplying 19½ cents by 3, which gives you 58½ cents (19½ cents × 3=58½ cents), and rounding that price up to 59 cents. (Note that your 20 cents (2 for 39 cents) recalculated ceiling price is higher than both the 18 cent price you were charging in October, 1951 and your previous ceiling price of 19 cents (2 for 37 cents) because your cost increased after October, 1951 and increased again after you calculated your previous ceiling price.)

SEC. 51. *How a retailer is to determine his initial ceiling prices for items not sold between December 19, 1950 and October 31, 1951, inclusive.* This section applies to you if you are (or intend to be) a retailer who wishes to sell to consumers an item (defined in section 90 (b) (8)) of imported or domestic malt beverages which you did not sell to consumers between December 19, 1950 and October 31, 1951, inclusive, or for which you cannot determine your ceiling price under section 50. In that case, your initial ceiling prices to consumers, for case sales and individual container sales of the item you wish to sell, must be the same as the ceiling prices for sales to consumers (in cases and individual containers, respectively) of the identical item by your most closely competitive seller. Those initial ceiling prices may be adjusted or modified under the provisions of sections 54, 70, 71, 76 and 78 of this regulation, if applicable, but you must maintain the same terms and conditions of sale and delivery as your most closely competitive seller is required by section 77 to maintain for sales of that item to consumers. In addition, you must comply with the provisions of section 73 of this regulation (which require you to post your ceiling prices to consumers). If you cannot find out the ceiling price of your most closely competitive seller for sales of the item you wish to sell, or if, for any other reason, you cannot determine your ceiling price under this section, you must determine your initial ceiling price under section 52 or 53 (whichever applies).

SEC. 52. *How a retailer is to determine his initial ceiling prices for sales of items when the ceiling prices for those sales can not be determined under either section 50 or 51*—(a) *How to use this section.* This section applies to you if you are a retailer who wishes to sell to consumers an item (defined in section 90 (b) (8)) of imported or domestic malt beverages for which you cannot determine your initial ceiling price to consumers under either section 50 or 51. (For example: You may not be able to determine your initial ceiling price for the item under section 50 because you did not sell that particular item between December 19, 1950 and October 31, 1951, inclusive, and you may not be able to determine your initial ceiling price for the item under section 51 because you cannot find a competitor who sells that particular item.) In that case, paragraph (b) of this section tells you how to determine your initial ceiling price for case sales of the item, and paragraph (c) tells you how to convert that per case ceiling price into ceiling prices for sales of individual containers. Before reading this section, however, you should first read the definition of "cost of acquisition" in section 90 (c) (1). If, for any reason, you cannot determine your initial ceiling price for the item under this section you must apply for your initial ceiling price under section 53.

(b) *Determination of initial ceiling prices for case sales.* If you are a retailer to whom this section applies you must calculate your initial ceiling price for case sales of a particular item to consumers as follows:

(1) Determine (i) the domestic items (if you are pricing a domestic item) of the same "container type" as the item you are pricing, or (ii) the imported items (if you are pricing an imported item) of the same "container type" as the item you are pricing, for which you have figured ceiling prices under this regulation for case sales to consumers. (For purposes of this subparagraph (1) "container type" means "container type" as defined in section 90 (b) (5), except that returnable bottles and nonreturnable bottles are considered the same "container type.") Of the items determined, select the one whose supplier's ceiling price to you is nearest to the supplier's ceiling price to you of the item you are pricing. That item is your "comparison item."

(2) Divide your current ceiling price per case for sales of your "comparison item" to consumers, by the "cost of acquisition" which you would incur if you made a customary purchase of that "comparison item" just before you calculate your ceiling price under this section. The resulting figure is your "markup factor" for case sales of the item you are pricing to consumers.

(3) Multiply the "cost of acquisition" for your last customary purchase of the item you are pricing before you make your calculations under this section, by your "markup factor" (arrived at under subparagraph (2)). The resulting figure is your initial ceiling price for case sales of that item to consumers. That initial ceiling price may be adjusted or modified under the provisions of Sections 54, 70, 71, 76 and 78, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for case sales of your "comparison item" to consumers. In addition, you must comply with the provisions of section 73 of this regulation, which requires you to post your ceiling prices to consumers.

EXAMPLE: The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.

(1) You wish to determine your ceiling price for sales to consumers of cases of 24 12-ounce non-returnable bottles of Uncle Sam beer, a domestic item. Of the domestic items of the same container type (returnable and non-returnable bottles) for which you have already figured ceiling prices under this regulation, 24 12-ounce returnable bottles of Stars and Stripes ale is the item whose supplier's ceiling price to you is nearest to the supplier's ceiling price to you for 24 12-ounce non-returnable bottles of Uncle Sam beer. Therefore, your "comparison item" is a case of 24 12-ounce returnable bottles of Stars and Stripes ale.

(2) Your ceiling price for sales of your "comparison item" to consumers is $4.45 and is a delivered price. The "cost of acquisition" (defined in section 90 (c) (1)) you would incur for a current customary purchase of that "comparison item" is $3.42. Dividing $4.45 by $3.42 gives you 1.30, which is your "markup factor" for sales to consumers of a case of 24 12-ounce non-returnable bottles of Uncle Sam beer ($4.45÷$3.42=1.30).

(3) The "cost of acquisition" you would incur for a current customary purchase of a case of 24 12-ounce non-returnable bottles of Uncle Sam beer is $3.66. Multiplying $3.66 by 1.30 (your "markup factor" arrived at in (2)) gives you $4.76 ($3.66×1.30=$4.76) which is your ceiling price for sales of that item to consumers.

(c) *Determination of initial ceiling prices for sales of individual containers.* If you are a retailer and have calculated your ceiling price under paragraph (b) for case sales of a particular item to consumers, your initial ceiling price for sales to consumers of individual containers of that item is figured as follows:

(1) Divide your current ceiling price for case sales of the "comparison item" to consumers, by the number of containers of that "comparison item" customarily packed in a case by your supplier.

(2) Determine the dollar-and-cent difference between the figure arrived at in subparagraph (1) and your current ceiling price for sales to consumers of an individual container of that "comparison item". The resulting figure is your "customary differential" for sales of individual containers of the item you are pricing.

(3) Divide your initial ceiling price (determined under paragraph (b)), for case sales to consumers of the item you are pricing, by the number of containers of that item customarily packed in a case by your supplier.

(4) (i) Add your "customary differential" to the figure arrived at in subparagraph (3), if your current ceiling price for sale to consumers of an individual container of your "comparison item" is greater than the figure determined under subparagraph (1); but (ii) subtract your "customary differential" from the figure arrived at in subparagraph (3), if your current ceiling price for sale to consumers of an individual container of your "comparison item" is less than the figure determined under subparagraph (1). If the resulting figure ends in a fraction of a cent you are to adjust it as follows:

(a) If the fraction is less than ¼ cent, you must reduce that figure to the next lower full cent;

(b) If the fraction is ¼ cent or more, but less than ½ cent, you may increase that figure to the next higher half cent;

(c) If the fraction is ½ cent or more, but less than ¾ cent, you must reduce that figure to the next lower half cent;

(d) If the fraction is ¾ cent or more, you may increase that figure to the next higher full cent.

(5) Your initial ceiling price for sale of one individual container of the particular item is the final figure arrived at in subparagraph (4), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your initial ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the final figure arrived at in subparagraph (4) by the number of containers being

sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The initial ceiling price you determine (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of sections 54, 70, 71, 76 and 78 of this regulation, if applicable, but you must maintain the same terms and conditions of sale and delivery as you are required by section 77 to maintain for sales of your "comparison item" to consumers. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

(1) The item for which you are determining your initial ceiling price is a case of 24 12-ounce returnable bottles of Y Brand beer. The "comparison item", by reference to which you determined your initial ceiling price (under paragraph (b)) for case sales of the item you are pricing, is a case of 24 12-ounce returnable bottles of X Brand beer. The section 50 (b) current ceiling price for case sales of X Brand beer is $3.60. Dividing that by 24 (the number of containers packed in a case of that "comparison item") gives you 15 cents ($3.60÷24=15 cents).

(2) Your current ceiling price (which you determined under section 50 (c)) for sales to consumers of an individual container of X Brand beer is 16 cents. The difference between that 16 cents and 15 cents (the figure arrived at in subparagraph (1)) is 1 cent, which is your "customary differential".

(3) Your initial ceiling price (determined under paragraph (b)) for sales to consumers of a case of 24 12-ounce returnable bottles of Y Brand beer is $3.68. Dividing that by 24 (the number of containers packed in a case of that item) gives you 15.3 cents ($3.68÷24=15.3 cents).

(4) Since your current ceiling price of 16 cents for sale of an individual container of your "comparison item" (X Brand beer) is greater than 15 cents, the figure determined under subparagraph (1), you add your "customary differential" of 1 cent to 15.3 cents (the figure arrived at in subparagraph (3)), which gives you 16.3 cents. 16.3 cents ends in a fraction which is more than ¼ cent (but less than ½ cent), therefore you may increase it to 16½ cents, the next higher ½ cent.

(5) Your initial ceiling price for sales to consumers of one 12-ounce returnable bottle of Y Brand beer is determined by rounding the 16½ cent figure, arrived at in subparagraph (4), to the next higher full cent, and is 17 cents. But the initial ceiling price for sale of two 12-ounce returnable bottles of Y Brand beer is determined by multiplying 16½ cents (the final figure arrived at in subparagraph (4)) by 2 and is 33 cents (16½ cents × 2=33 cents). Moreover, your initial ceiling price for sale of three 12-ounce returnable bottles of Y Brand beer is determined by multiplying 16½ cents by 3, which gives you 49½ cents (16½ cents × 3=49½ cents), and rounding that price up to 50 cents.

SEC. 53. *How a retailer is to determine his initial ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are (or intend to be) a retailer of imported or domestic malt beverages and, for any reason, cannot determine your ceiling price for sales to consumers of an item under either section 50, 51 or 52. In that case, you may apply to your OPS District Office for the establishment of an initial ceiling price for sales of that item to consumers. Your application must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish an initial ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size), and what your "cost of acquisition" (defined in section 90 (c) (1)) for a current customary purchase of that item would be.

(b) An explanation of why you are unable to determine your initial ceiling price under either section 50, 51 or 52 for sales of the item to consumers.

NOTE: If, before June 9, 1952, you filed an application for ceiling prices under section 53 of the original CPR 117, but did not supply information as to what your "cost of acquisition" for a current customary purchase would be for each item covered by that application, you need not file a second application for those items under this section 53 and need only supply information as to your "costs of acquisition" for current customary purchases of those items if OPS sends you a letter requesting you to do so.

After your application is filed, the OPS may, by amendment or order, establish initial ceiling prices for case sales and individual container sales of the item to consumers which are in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to consumers until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the GCPR, CPR 31 or CPR 117 for sales of the item to consumers, you may continue to make such sales at or below your GCPR, CPR 31 or CPR 117 ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event, you may not sell the item to consumers either at or below your GCPR, CPR 31 or CPR 117 ceiling prices after August 18, 1952, unless and until you first place in the mail, properly addressed and completed, your application for a ceiling price under this section. Finally, the initial ceiling prices established for you under this section may subsequently be recalculated under the provisions of section 54.

SEC. 54. *Recalculation of ceiling prices initially determined under section 51, 52 or 53.*—(a) *How to use this section.*—(1) *When a retailer must recalculate his ceiling prices.* This section applies to you if you are a retailer of imported or domestic malt beverages who initially determined the ceiling price for a particular item either under section 51, 52 or 53. In that case you may recalculate your ceiling price for that item under this section whenever the "cost of acquisition" (defined in section 90 (c) (1)) incurred for it increases either (i) above your base "cost of acquisition," or (ii) if you have previously recalculated your ceiling price under this section, above the "cost of acquisition" upon which the last recalculation of your ceiling price was based. However, you must recalculate your ceiling price for that item under this section whenever the "cost of acquisition" incurred for it decreases either (i) below your base "cost of acquisition" or (ii) if you have previously recalculated your ceiling price under this section, below the "cost of acquisition" upon which the last recalculation of your ceiling price was based.

(2) *Definition of base "cost of acquisition."* Before reading this section it is important for you to know what your base "cost of acquisition" is. If you determined your initial ceiling price for an item under either section 51 or 52 your base "cost of acquisition" is the "cost of acquisition" (defined in section 90 (c) (1)) incurred for your most recent customary purchase prior to the date you first offered the item for sale. If you determined your initial ceiling price under section 53 your base "cost of acquisition" is (i) the "cost of acquisition" (defined in section 90 (c) (1)) incurred for your most recent customary purchase prior to the date upon which you mailed the report or application required under those sections, or (ii) if you made no customary purchase prior to the date you mailed the required report or application, the "cost of acquisition" (defined in section 90 (c) (1)) incurred for your first customary purchase between that mailing date and the date you first offered the item for sale.

(b) *Recalculation of your ceiling prices for case sales.* If you are a retailer of an item of imported or domestic malt beverages (priced under section 51, 52 or 53) who, because of a change in your "cost of acquisition," must recalculate your ceiling price for sale of a case of that item to consumers under this section, that per case ceiling price is recalculated as follows:

(1) Determine the difference between:

(i) Your base "cost of acquisition" for the item (defined in paragraph (a) (2)), and

(ii) Your current "cost of acquisition," that is, the "cost of acquisition" for your most recent customary purchase of the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the fraction is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(2) Consult the first column of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to cases in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per case" for the item you are pricing.

(3) (i) Add your "adjustment factor per case" to your initial ceiling price per case (established under section 51, 52 or 53) if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per case" from your initial ceiling price per case (established under section 51, 52 or 53) if your current "cost of acquisition" is less than your base "cost of acquisition." The resulting figure is your recalculated ceiling price for sales of a case of the particular item to consumers. That price, however, may be adjusted or modified under the provisions of this section and sections 70, 71, 76, 77 and 78 of this regulation, if applicable, and must be put into effect on the day set out in paragraph (d) of this section. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

Your initial ceiling price of $3.90 for sales to consumers of a case of 24 12-ounce returnable bottles of JRG beer was established under section 51. The "cost of acquisition" (defined in section 90 (c) (1)) per case incurred for your last customary purchase of that item before the date you first offered it for sale was $2.92. That $2.92 is your base "cost of acquisition." Because the "cost of acquisition" you incurred for that item later increased to $3.10 per case, you previously recalculated your ceiling price under this section and that recalculated ceiling price is $4.13. However, the "cost of acquisition" for your most recent customary purchase of the item was $3. Since $3 is lower than the $3.10 "cost of acquisition" upon which you based the last recalculation of your ceiling price for the item under this section, you must again recalculate your ceiling price for sales to consumers of a case of 24 12-ounce returnable bottles of JRG, as follows:

(1) Your base "cost of acquisition" for a case of 24 12-ounce returnable bottles of JRG beer was $2.92. Your current "cost of acquisition" for a case of that item (the "cost of acquisition" for your most recent customary purchase) was $3. The difference between your base "cost of acquisition" and current "cost of acquisition" therefore is 8 cents ($3−$2.92=8 cents) which is your "cost change per case" for the item.

(2) Following the line, in the first column of Table V (appearing in Appendix A), on which is listed "8" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that 10 cents is your "adjustment factor per case" for the item.

(3) Since your current "cost of acquisition" is greater than your base "cost of acquisition" you add your 10 cents "adjustment factor per case" to $3.90 (your initial ceiling price established under section 51), to arrive at $4, your recalculated ceiling price for a case of 24 12-ounce returnable bottles of JRG beer. (Note that although your $4 recalculated ceiling price is higher than your initial ceiling price of $3.90, because your cost increased since you determined that initial ceiling price, it is lower than your previously recalculated ceiling price of $4.13 because your cost decreased since that previous recalculation.)

(c) *Recalculation of your ceiling prices for sales of individual containers.* If you are a retailer of an item of imported or domestic malt beverages (priced under section 51, 52 or 53) who, because of a change in your "cost of acquisition," must recalculate your ceiling price for sales of individual containers of that item to consumers under this section, that ceiling price per individual container is recalculated as follows:

(1) Determine the difference between:

(i) Your base "cost of acquisition" for the item (defined in paragraph (a) (2)), and

(ii) Your current "cost of acquisition", that is, the "cost of acquisition" for your most recent customary purchase of the item.

If that difference ends in a fraction of a cent you may increase it to the next higher full cent if the fraction is one-half cent or more, but you must reduce it to the next lower full cent if the fraction is less than one-half cent. The resulting figure is your "cost change per case" for the item.

(2) Consult the first column of Table V (in Appendix A) for the line on which is listed the amount of your "cost change per case" for the item. Then follow that line across to the figure applicable to individual containers in the column which is headed with the same case size as the case size of the item you are pricing. That figure is your "adjustment factor per individual container" for the item you are pricing.

(3) (i) Add your "adjustment factor per individual container" to your initial ceiling price per individual container (established under section 51, 52, or 53) if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per individual container" from your initial ceiling price per individual container (established under section 51, 52 or 53) if your current "cost of acquisition" is less than your base "cost of acquisition."

(4) Your recalculated ceiling price for sale of one individual container of the particular item is the figure arrived at in subparagraph (3), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your recalculated ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the figure arrived at in subparagraph (3) by the number of containers being sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The ceiling price you recalculate (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of this section and sections 70, 71, 76, 77 and 78 of this regulation, if applicable, and must be put into effect on the day set out in paragraph (d) of this section. In addition, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

EXAMPLE: (The steps in this example are marked with the same numbers as the above subparagraphs, which outline the method of calculation.)

Your last customary purchase of a case of 24 12-ounce returnable bottles of Liebeskind Lager before the day you first offered it for sale (after calculating its initial ceiling price of 18 cents per bottle under section 52) cost you $3. That $3 is your base "cost of acquisition." The "cost of acquisition" incurred for your most recent customary purchase of that item increased to $3.05. You may, therefore, recalculate your ceiling price as follows:

(1) Your base "cost of acquisition" for a case of 24 12-ounce returnable bottles of Liebeskind Lager was $3. Your current "cost of acquisition" for a case of that item (the "cost of acquisition" for your most recent customary purchase) was $3.05. The difference between your base "cost of acquisition" and current "cost of acquisition" therefore, is 5 cents ($3.05−$3=5 cents) which is your "cost change per case" for the item.

(2) Following the line, in the first column of Table V (appearing in Appendix A), on which is listed "5" across to the column headed "24 containers" (the same case size as that of the item you are pricing) you find that ½ cent is your "adjustment factor per individual container" for the item.

(3) Your current "cost of acquisition" is greater than your base "cost of acquisition." Therefore, you add your ½ cent "adjustment factor per individual container" to 18 cents (your initial ceiling price established under section 52) to arrive at 18½ cents.

(4) Your recalculated ceiling price for sales to consumers of one 12-ounce returnable bottle of Liebeskind Lager is determined by rounding the 18½-cent figure, arrived at in subparagraph (3), to the next higher full cent, and is 19 cents. But the recalculated ceiling price for sale of two 12-ounce returnable bottles of Liebeskind Lager is determined by multiplying 18½ cents (the figure arrived at in subparagraph (3)) by 2 and is 37 cents (18½ cents × 2=37 cents). Moreover, your recalculated ceiling price for sale of three 12-ounce returnable bottles of Liebeskind Lager is determined by multiplying 18½ cents by 3, which gives you 55½ cents (18½ cents × 3=55½ cents), and rounding that price up to 56 cents.

SEC. 55. *How a retailer is to determine his ceiling prices for sales of certain newly labeled items.* This section applies to you if you are a retailer of imported or domestic malt beverages who receives the following notice from your supplier:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard (brand and type of newly labeled malt beverage) and (brand and type of the "comparable malt beverage") as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of (brand and type of newly labeled malt beverage) under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of (brand and type of the "comparable malt beverage").

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

In that case you must determine your ceiling prices for sales to consumers of the newly labeled malt beverage under section 50, 51, 52, 53 or 54 (whichever applies) just as if it were the "comparable malt beverage" and, for purposes of pricing under those sections, you must regard the newly labeled item as if it were an item of the same brand and type as the "comparable malt beverage." In other words, the ceiling prices determined for sales to consumers of the newly labeled malt beverage must be identical with the ceiling prices you have (or could have) determined for the "comparable malt beverage."

EXAMPLE: You are a retailer who received the following notice from your supplier:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard Y Brand beer and X Brand beer as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of Y Brand beer under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of X Brand beer.

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

You calculated your ceiling price, under section 50, of $4.26 for sales to consumers of a case of 24 12-ounce returnable bottles of X Brand beer. That ceiling price was determined on the basis of a base "cost of acquisition" of $3 and a current "cost of acquisition" of $3.20, which gave you a 26 cent "adjustment factor per case" to add to $4 (your highest selling price for sales of the item to consumers during October, 1951). The "cost of acquisition" for your first customary purchase of a case of 24 12-ounce returnable bottles of Y Brand beer was also $3.20. Therefore, your ceiling price for sale of that item to consumers is $4.26 (the same as your ceiling price for X Brand beer). (Note that in computing your ceiling prices for Y Brand beer you assume that you were selling Y Brand beer during October, 1951 for $4, the price at which you were selling X, and that your base "cost of acquisition" for Y is $3, which is your base "cost of acquisition" for X.)

Subsequently, you purchase a case of 24 12-ounce returnable bottles of Y Brand beer for $3.25. That $3.25, which is your current "cost of acquisition", is higher than the $3.20 "cost of acquisition" upon which the last calculation of your ceiling price for Y was based. Therefore, you may recalculate your ceiling price for Y Brand beer. Since your base "cost of acquisition" for Y Brand beer is $3 (the same as for X Brand beer) and your current "cost of acquisition" is $3.25, your "cost change per case" is 25 cents ($3.25 − $3 = 25 cents). Consulting Table V, you find that your "adjustment factor per case" for the item is 33 cents. Your current "cost of acquisition" ($3.25) for Y Brand beer is greater than your base "cost of acquisition" ($3), therefore, you add your 33 cents "adjustment factor per case" to $4 (your highest selling price during October, 1951, for sales to consumers of X Brand beer) to arrive at $4.33, your ceiling price for a case of 24 12-ounce returnable bottles of Y Brand beer.

ARTICLE VI—"ON-PREMISE LICENSEES"

SEC. 60. *How "on-premise licensees" are to determine their ceiling prices.* This section applies to you if you are an "on-premise licensee" selling an item of imported or domestic malt beverages in its original container for off-premise consumption. In that case you are to determine your ceiling prices for sales of that item for off-premise consumption (except when the item is sold as part of a meal for off-premise consumption or is not sold in its original container) as a retailer under the provisions of this regulation which apply to retailers. For purposes of those provisions of this regulation which apply to retailers, therefore, an "on-premise licensee," to the extent that he sells an item for off-premise consumption (other than as part of a meal for off-premise consumption or not in its original container), is considered a retailer. The term "meal," as used in this section, means a combination of food and beverage items sold at a single price.

ARTICLE VII—GENERAL PROVISIONS

SEC. 70. *Treatment of fractional parts of a cent in figuring ceiling prices.* Unless otherwise provided in this regulation, you shall treat fractional parts of a cent as follows in determining your ceiling price:

(a) Amounts computed in the process of, or as a step in figuring a ceiling price (other than the ceiling price itself) may only be carried to four decimal places (hundredths of a cent). Any further fraction is to be disregarded and in no case, even if your computations are carried to less than four decimal places, may you round up any fraction. (Example: If you choose to carry your computations to four decimal places (the maximum permitted) and come out with the fraction .45689, you must drop the final 9 and use only .4568; you could not round up to .4569. If you wish to carry your computations to only two decimal places, you could only use .45; you could not round up to .46.)

(b) (1) If you are a brewer or a wholesaler, or if you are a seller who determines your ceiling prices under the provisions of this regulation which apply to brewers or wholesalers, and the ceiling price you calculate for an item and adjust under sections 76, 77, and 78 includes a fractional part of a cent, you may increase that ceiling price to the next higher full cent if the fraction is one-half cent or more, but must reduce that ceiling price to the next lower full cent if the fraction is one-half cent or less. However, the ceiling price for sale of an item to the United States or any of its agencies must in all cases be carried to four decimal places, and any further fraction is to be disregarded.

(2) If you are a retailer, or if you are a seller who determines your ceiling prices under the provisions of this regulation which apply to retailers, and the ceiling price calculated for the total sale of a unit or units of an item includes a fractional part of a cent, you may increase that total price to the next higher full cent if the fraction is one-half cent or more, but must reduce that total price to the next lower full cent if the fraction is less than one-half cent.

SEC. 71. *Addition of case and container charges to ceiling prices*—(a) *How you may add case and container charges to your ceiling prices.* If you are a seller who has established a ceiling price under this regulation for sales of an item to a particular class of purchaser, you may (regardless of your prior practice) do one of the following things:

(1) Require the purchaser to pay (in addition to your ceiling price) a deposit to assure return of the cases or containers in which the item is delivered, or

(2) Add to your ceiling price an amount to cover the sale of those cases or containers to the purchaser (but only if you have an agreement with the purchaser to repurchase those cases or containers for the identical amount, if offered to you in usable condition within 6 months, or within any longer period you wish to specify, after the sale of them to that purchaser).

The amount charged or the deposit required of the purchaser for cases or containers under subparagraph (1) or (2) must not exceed (i) the amount you must pay your supplier for such cases or containers, or (ii) if you own the cases or containers, your lawful replacement costs for those materials. However a duly authorized Regional or District Director of the Office of Price Stabilization may, upon application (filed pursuant to paragraph (b) of this section) or his own motion and in accordance with the practice existing before January 14, 1952 for any seller or group of sellers within his jurisdiction, establish for that seller or group of sellers uniform maximum charges for cases and containers of an item. If such a uniform maximum charge is established and applies to you, it, rather than the amount specified in subdivisions (i) or (ii) above, must be regarded as your maximum deposit charge or the maximum amount you may charge pursuant to a repurchase agreement. You may not, in addition to the case or container charge imposed by you (as permitted above) require the purchaser to pay separately for reasonable wear and tear of cases or containers, or for loss or damage to them in transit. In addition, you may not in any event refuse to accept from the purchaser any cases or containers for which he was charged and which he offers to return to you in usable condition within the particular time specified (if any), nor, in such event, may you refuse to repay him the full amount of the deposit or the purchase price (paid pursuant to a repurchase agreement) that you charged him for those cases or containers under this section.

(b) *Application for uniform maximum case and container charges.* If you are a seller who wishes uniform maximum case and container charges to be established you must send a written application, signed by you or a duly authorized officer, to your local OPS District Office. That application must state that it is filed under section 71 of CPR 117, Revision 1, and must contain the following information:

(1) The amount you must pay your supplier for the case and containers of each of the items for which you wish a uniform maximum case and container charge to be established, or, if you own the case or containers, your lawful replacement costs for those materials.

(2) The uniform maximum case and container charge you wish to charge your purchasers for each of the items mentioned in (1).

(3) The amount of the deposit charge or purchase price (pursuant to a repurchase agreement) you were charging your purchasers just before January 14, 1952, for the case and containers of each of the items mentioned in (1).

SEC. 72. *When ceiling prices go into effect for sellers in price-posting states.* If you are a seller of imported or domestic malt beverages who is required by State or local statute, ordinance, regulation, order or other official action of a State or local authority, to file, post or give notice of your price for any item, and such a requirement prevents you from placing a ceiling price determined under this regulation into effect on the date otherwise specified in this regulation, you are to place that ceiling price into effect on the next earliest date (after that specified date) permitted under the State or local law. You must, of course, file, post, or give notice of the ceiling price for the item at the first opportunity provided under the State or local law after determination of that ceiling price under this regulation.

SEC. 73. *How you must post your ceiling prices to consumers.* This section applies to you if you sell imported or domestic malt beverages to consumers, and tells you how you must post your ceiling prices for sales to those consumers.

(a) *Who must post ceiling prices.* (1) If you are a retailer who sells imported or domestic malt beverages to consumers you must, before you sell an item, post your ceiling price both for case sales and for sales of individual containers of that item, in accordance with the method set out in paragraph (b). If, however, your ceiling price for sales of two individual containers of an item is one cent less than twice your ceiling price for sale of one individual container of that item, the ceiling price you post, as your individual container ceiling price, must be your ceiling price for sales of two individual containers of that item. (For example: You are a retailer who, under section 50 (c), determined a 16½¢ price for sale of one 12-ounce returnable bottle of X Brand beer. In accordance with that section, the 16½¢ price was rounded to a ceiling price of 17¢ for sale of one such bottle. However, your ceiling price (under section 50 (c)) for sales of two 12-ounce returnable bottles of X Brand beer is 33¢ (16½¢ × 2 = 33¢). Therefore, the ceiling price you must post for individual containers of 12-ounce returnable bottles of X Brand beer is "2 for 33¢.").

(2) If you are a seller (other than a retailer) who sells imported or domestic malt beverages to consumers, you must, before you sell an item, post your ceiling price, for sale of a case of that item to consumers, in accordance with the method set out in paragraph (b).

(b) *Method of posting your ceiling prices.* You must list your ceiling prices to consumers on white paper, white cardboard, or something similar. The price list must be posted in clear view of purchasing consumers, either where the malt beverages are displayed or where the consumers make payment for the malt beverages. In all cases the list must be posted in such a manner that it can easily be read and so that the purchasing consumers can approach it within a distance of two feet. The list must contain the following information, legibly printed:

(1) The heading "OPS Ceiling Prices for Beer, Ale, Etc." in letters at least one-half inch high.

(2) The brand and type of each item of malt beverages sold by you and your ceiling price for each of those items, in letters and numbers at least as large as those produced by use of a typewriter. (Paragraph (a) of this section tells you exactly what ceiling prices you must post.) Each item of malt beverages means each brand, type, container size, container type and case size of malt beverage.

A suggested layout for a retailer's price list is as follows:

OPS CEILING PRICES FOR BEER, ALE, ETC.

Brand (list here the brand and type of each of your items)	Case and container sizes and types (list here the case and container sizes and types of each of your items) — Example—					
	12-ounce returnable bottle	Case of 24	32-ounce nonreturnable bottle	Case of 12	7-ounce returnable bottle	Case of 36
Henry's beer	$0.13	$2.90	2 for $0.59	$3.48		
Bruce beer	2 for $0.27	3.00	$0.31	3.60		
Bruce ale	$0.14	3.24	$0.33	3.88	$0.11	$3.80

A suggested layout for the price list of a seller other than a retailer is as follows:

OPS CEILING PRICES FOR BEER, ALE, ETC.

Brand (list here the brand and type of each of your items)	Ceiling prices per case to consumers (list here the case and container sizes and types of each of your items) — Example—		
	24 12-ounce returnable bottles	24 12-ounce cans	12 32-ounce returnable bottles
Heather ale	$3.10	$3.65	$3.60
Blodgett beer	2.90	3.40	3.35

SEC. 74. *Payment of brokerage.* Every broker shall be considered the agent of the seller and not the agent of the buyer. In every case, therefore, the amount paid for an item by a buyer to any seller covered by this regulation, plus any amount paid by that buyer to a broker, must not exceed the ceiling price established under this regulation for sale by the seller of the item to that buyer (plus any additional charges allowed under sections 71 and 78 of this regulation). In other words, the seller may not collect from the buyer any more than his ceiling price established under this regulation for the item (plus any additional charges allowed under sections 71 and 78 of this regulation), less any amount the buyer pays the broker.

SEC. 75. *Establishing minimum resale prices under State Fair Trade laws.* You may, if otherwise permitted by law, establish by contract or otherwise, a minimum price for resale of an item by another person, and such minimum price may be posted or listed with a State or other public authority. In no event, however, is such minimum price to exceed the lowest ceiling price established under this regulation for resale of the item by or for any person to whom the minimum price applies.

SEC. 76. *Reduction of ceiling prices for tax exempt sales to the United States or any of its agencies.* Your ceiling price established under this regulation for sale of an item shall, if the item is being sold to the United States or any of its agencies, be reduced by the amount of any reduction, elimination or possible refund of any United States, State or local taxes included in figuring that ceiling price.

SEC. 77. *Customary price differentials and terms and conditions of sale and delivery.* Your ceiling price for an item, when determined, shall reflect your customary price differentials in effect during the base period, or other period, used to calculate a ceiling price or markup for the item under this regulation, including discounts, allowances, premiums and extras, based upon differences in classes or location of purchasers, or in terms and conditions of sale or delivery. For example: If the selling or offering price used by you as a base period price was a delivered price, then the ceiling price you calculate for that item is also a delivered price. (You may, however, sell the item to a purchaser on an f. o. b. basis if you reduce that delivered ceiling price by the actual amount of the transportation charges, defined in section 90 (c) (9), which would be incurred to transport the item to that particular purchaser.) If your ceiling price is an f. o. b. price you may, of course, sell to a purchaser on a delivered basis provided that the amount added to the f. o. b. price does not exceed the transportation charges actually incurred by you to transport the item to the particular purchaser.

SEC. 78. *Freight cost and sales, excise, and other similar taxes*—(a) *Taxes.* In addition to your ceiling price determined under this regulation, you may collect the amount of any sales tax, excise tax or other similar tax actually paid (or payable) by you if that tax is not already included in your ceiling price. If such a tax is imposed by a law which is not effective until after January 14, 1952, or if there is any increase in such a tax after January 14, 1952, you may collect the amount of the tax actually paid (or payable) by you (1) if not prohibited by law, and (2) if that tax is not already included in your ceiling price. However, if the amount of any such tax which is included in your ceiling price has been or is reduced or eliminated, you must lower your ceiling price to reflect the amount of such reduction or elimination.

(b) *Freight cost.* (1) This paragraph applies to you if you are a brewer or wholesaler or if you are a seller who determines your ceiling prices under the provisions of this regulation which apply to brewers or wholesalers. In that case, if, after January 1, 1952, there is any increase in your "freight cost" (defined in subparagraph (2)), or (if you

price as a wholesaler and buy on a delivered basis) there is any increase in your supplier's ceiling price to you as a result of an increase in his "freight cost", you may collect the amount of that increase actually paid (or payable) by you if that increase is not already included in your ceiling price. However, if, after January 1, 1952, the amount of any "freight cost" which is included in your ceiling price is reduced or eliminated, or (if you price as a wholesaler and buy on a delivered basis) your supplier's ceiling price to you is reduced as a result of a reduction or elimination in his "freight cost", you must lower your ceiling price to reflect the amount of such reduction or elimination.

(2) For purposes of this paragraph (b) "freight cost" means:

(i) All transportation charges (as defined in section 90 (c) (9)) applicable to the particular item that must be incurred to transport the item from the seller's customary shipping point to the purchaser's customary receiving point; plus

(ii) All transportation charges (as defined in section 90 (c) (9)) that must be incurred to return to the supplier the empty case and containers in which the item is packed.

SEC. 79. *Prohibitions.* After the effective date of this regulation, you shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above) you shall not, regardless of any contract or other obligation, sell or supply, and no person in the regular course of trade or business shall buy or receive any malt beverage at a price higher than the ceiling price established for its sale, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Of course, prices lower than the ceiling prices established under this regulation may be charged or paid for malt beverages. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 80. *Evasion.* (a) Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively, among the means and devices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) Changes in kinds, grades and proportions of ingredients resulting in depreciation of the quality of a malt beverage other than as the result of a normal variation;

(2) The reduction or elimination of customary discounts, allowances or price differentials;

(3) Making a separate charge to a purchaser for local hauling or handling, loading or unloading, for breakage of barrels, containers or cases, for reconditioning barrels, containers or cases, or for hauling or handling empty barrels, containers or cases.

SEC. 81. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2 (17 F. R. 3787).

SEC. 82. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed to be used or being used under this regulation so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 83. *Interest on advance payments.* If you directly or indirectly require a buyer to make any payment (either to you or to another person) in advance of delivery you must pay the buyer an amount equal to interest at the rate of six percent per annum on the amount of the advance payment from the date such advance payment is made to the date on which the item is delivered or the advance payment is refunded to the buyer. The interest shall be payable on the date of delivery of the item or the date on which the advance payment is refunded. You may in no case increase your ceiling price by reason of the interest payment and the buyer shall not be required to reduce either, as the case may be, his ceiling price or his supplier's price (as an element in the calculation of his cost) by the amount of the interest on the advance payment.

SEC. 84. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell a commodity at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, unless authorized by the Office of Price Stabilization, deliver or offer to deliver a commodity at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery. Such authorization may be given only when a request to establish a ceiling price or for a change in an applicable ceiling price is pending and only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Defense Production Act of 1950, as amended. Permission may be given by letter addressed to you, signed by the Director of Price Stabilization or by any official of the Office of Price Stabilization having authority to act on the pending request for establishment of or change in your ceiling price.

SEC. 85. *Export sales.* Your ceiling prices for export sales of the commodities covered by this regulation are to be determined under the provisions of the general or specific regulations (other than this regulation) of the Office of Price Stabilization, now or hereafter issued, which deal with such export sales.

SEC. 86. *Transfer of business or stock in trade.* If the business, assets, or stock in trade of any business are sold or otherwise transferred to you after the base period specified for you in this regulation (or, if you are a retailer, after October 31, 1951) and you carry on the business, or continue to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by you, your ceiling prices shall be the same as those to which your transferor would have been subject if no such transfer had taken place, and your obligation to keep records sufficient to verify such prices shall be the same. The transferor is hereby required by this section to either preserve and make available, or turn over to you all records of transactions prior to the transfer which are necessary to enable you to comply with the record provisions of this regulation. However, (a) if the transfer was made between June 25, 1950 and January 14, 1952, inclusive, you may (instead of using the ceiling prices of your transferor) apply for ceiling prices under section 25, 36 or 53, whichever is applicable, or (b) if you are a brewer who, in an establishment you purchased, intends to produce an item (defined in section 90 (b) (8)) which you are already producing in another establishment, you may (instead of using the ceiling prices of your transferor) apply, under section 25 of this regulation, for ceiling prices for sales of those units of the item you intend to produce in the establishment you purchased.

SEC. 87. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase you shall continue to do so. Upon request from a purchaser you shall, regardless of previous custom, give the purchaser a receipt showing the date, your name and address, the name of each commodity sold, and the price received for it.

SEC. 88. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

(a) *Base period records.* (1) If you are required, under this regulation, to adopt as your ceiling prices the prices you had in effect in a prescribed prior period (base period) or to use those base period prices in the calculation of your ceiling prices, you must preserve and keep available for examination by the Director of Price Stabilization, for as long as the Defense Production Act of 1950, as amended, is in effect and for two years thereafter, those records in your possession showing the prices in effect for the commodities which you delivered or offered to deliver during the base period.

(2) Within 30 days after the effective date of this regulation, you must also prepare and preserve a price list showing each commodity delivered or offered for delivery by you during the base period referred to in subparagraph (1) of this paragraph and the prices in effect for those commodities in the base period. Such list may refer to an attached price list or catalog.

(3) You must also prepare and preserve a statement of your customary price differentials for different terms and conditions of sale and classes of purchasers which you had in effect during the base period.

(b) *Current records.* (1) Every person who sells malt beverages other than to consumers, and every person who in the regular course of trade or business buys malt beverages, shall make and keep for inspection by the Director of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation. The records must show the date of sale or purchase, the name and address of the seller and purchaser, and the prices charged or paid, itemized by brand, type, container size, container type and (if the type of container is a returnable bottle, non-returnable bottle or can) case size. Records must also show all premiums, discounts and allowances. Every person who sells malt beverages to consumers shall keep records of the same kind as those customarily kept by him, relating to the prices which he charged for such of those commodities he sold or offered for sale after the date on which ceiling prices under this regulation became effective.

(2) Every seller shall keep for inspection by the Director of Price Stabilization for a period of two years:

(i) All bills, invoices, receipts and records employed to determine any cost which is used for the purpose of calculating or applying a markup factor under this regulation.

(ii) His computations, showing as precisely as possible the methods and figures used to determine his ceiling prices under this regulation.

(c) All records required to be preserved under this regulation may, 90 days after the date of the transaction to which they relate, be transferred to and preserved thereafter on microfilm.

SEC. 89. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the District Counsel of the proper OPS District Office for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2 (17 F. R. 3787).

SEC. 90. *Definitions*—(a) *Definitions of persons to whom this regulation refers*—(1) *Brewer.* "Brewer" means the person who is the manufacturer of a domestic malt beverage being priced. For purposes of this regulation, however, each separately established and operated brewery is regarded as a different "brewer."

(2) *Brewer's branch.* "Brewer's branch" means a separately established and operated branch of a brewer which is not physically attached to the brewery, but which is controlled and managed by the brewer and engaged in the distribution of the item being priced.

(3) *Broker.* "Broker" means a person acting as an intermediary between a seller and a purchaser. It includes, but is not restricted to, a "finder," "buyer's agent," and "seller's agent."

(4) *Class of purchaser or purchaser of same class.* "Class of purchaser" or "purchaser of same class" refers to a seller's practice in setting different prices for sales to different purchasers or kinds of purchasers, or for purchasers located in different areas, or for different quantities or container sizes or under different conditions of sale.

(5) *Consumer.* "Consumer" means any person purchasing malt beverages for consumption and not for resale.

(6) *Importer.* An "importer" of an item is the person who (i) orders the imported item from a foreign shipper, (ii) is responsible for payment to the foreign shipper, (iii) actually pays the foreign shipper (or on behalf of whom payment is made to the foreign shipper) and (iv) holds an importer's permit issued under the provisions of the Federal Alcohol Administration Act. For purposes of this definition, one who ships an item from Puerto Rico and the Virgin Islands (belonging to the United States) is a foreign shipper of that item.

(7) *Most closely competitive seller.* Your "most closely competitive seller" is the seller with whom you are in most direct competition even though he may perform a different function with respect to the item. (For example: if you are a retailer, your most closely competitive seller may be a wholesaler; or, if you are a wholesaler, your most closely competitive seller may be a brewer or a brewer's branch.) You are in direct competition with another seller who sells the same item to the same class of purchaser in similar quantities, on similar terms and who supplies approximately the same amount of service.

(8) *OPS.* "OPS" means the Office of Price Stabilization.

(9) *Your OPS District Office.* This means the OPS District Office for the district in which your principal place of business is located.

(10) *On-premise licensee.* "On-premise licensee" means a person licensed by statute, ordinance or regulation, or otherwise legally authorized to sell malt beverages for consumption on the licensed premises. For the sales subject to this regulation made by an "on-premise licensee," he shall be deemed a retailer.

(11) *Person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(12) *Retailer.* "Retailer" means a person licensed as a retailer under applicable laws, statutes, or regulations and engaged in the business of buying and selling malt beverages, without changing the form thereof, primarily to consumers. Each separately established and maintained selling outlet of a retailer is to determine its ceiling price as a separate retailer under this regulation. However, a home distributor who is engaged primarily in selling malt beverages directly to consumers, is not to be considered a retailer even though he may hold a retailer's license, and an importer of an item is not also to be considered a retailer of that item. A sale to an "on-premise licensee" shall be deemed a sale to a retailer.

(13) *Home distributor.* A "home distributor" means a person who obtains his entire supply of one or more items of domestic malt beverages from brewers and wholesalers and sells those items in case lots primarily to consumers from a vehicle owner or operated by him or his employees.

(14) *Wholesaler.* "Wholesaler" means a person licensed as a wholesaler under applicable laws, statutes, or regulations and engaged in the business of buying and selling malt beverages, without changing the form thereof, primarily to persons other than consumers, but who when licensed and permitted by applicable State or local statute or ordinance to do so, may also sell such malt beverages to consumers. Each separately established and maintained selling outlet of a wholesaler is to determine its ceiling prices as a separate wholesaler under this regulation. Finally, an importer of an item is not also to be considered a wholesaler of that item.

(15) *You.* "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

(16) *Sole distributor.* A "sole distributor" means a person to whom the particular brewer sells all or substantially all of his production of the malt beverages being priced and who is engaged in the distribution of those malt beverages.

(b) *Definitions of commodities and terms describing and identifying commodities*—(1) *Barrel.* "Barrel" means a container for malt beverages having a capacity of 31 U. S. standard gallons of 123 fluid ounces. Fractions of a barrel, referred to in this regulation, are fractions of a barrel as so defined.

(2) *Brand.* "Brand" means the distinctive name of a malt beverage as shown on its label. It also includes other words, lettering, or figures used on that label in association with the name for the primary purpose of giving the malt beverage a distinctive identity in the mind of a consumer.

(3) *Case and case size.* "Case" means a carton or box used for shipping or delivery of malt beverages in bottles or cans. "Case size" means the particular number of containers (that is, returnable bottles, non-returnable bottles, or cans) in a case. However, if a case of 11, 11½ or 12-ounce containers is spe-

cially packed in groups of smaller units (of at least two containers) within the case, and customarily sold to consumers in those smaller units (rather than sold an individual container or a full case at a time) it is an item of a different "case size" from a case of the same number of containers which is not specially packed in such smaller units. For purposes of this regulation such specially packed cases are called "special packs" (e. g., a case of 24 12-ounce containers packed in units of six containers, four units to a case, is a "special pack"; similarly, a case of 36 11-ounce containers packed in units of four containers, nine units to a case, is a "special pack"). All "special pack" cases containing the same total number of containers are items of the same "case size", even though the number of containers in the smaller units may differ (e. g., a case of 24 12-ounce containers packed in units of six containers, four units per case; and a case of 24 12-ounce containers packed in units of three containers, eight units per case, are items of the same "case size").

(4) *Container size.* "Container size" means the particular weight or unit capacity of the individual container in which the malt beverage is sold.

(5) *Container type.* "Container type" means any one of the following types of containers in which the malt beverage is sold: returnable bottles, non-returnable bottles, cans, barrels (or fractions of barrels).

(6) *Domestic.* A "domestic" item is one that is produced in the 48 states of the United States or the District of Columbia.

(7) *Imported.* An "imported" item is one that is produced outside of (and introduced into) the 48 states of the United States or the District of Columbia.

(8) *Item.* An "item" is a particular brand, type, container size, container type and (if the type of container is a returnable bottle, non-returnable bottle or can) case size of imported or domestic malt beverage. (The terms "brand," "type," "container size," "container type" and "case size" are all defined in this section.)

(9) *Malt beverages.* "Malt beverages" means any beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human consumption.

(10) *Type.* "Type", with reference to a malt beverage, means the class of malt beverage as recognized under the provisions of Regulations No. 7, as amended, issued under the Federal Alcohol Administration Act, as amended. However, in determining "type" under this regulation, class subdivisions under Regulations No. 7 must be disregarded.

(c) *General definitions*—(1) *Cost of acquisition.* "Cost of acquisition" means the total of:

(i) The gross invoice price charged per item by your supplier (so long as that gross invoice price does not exceed the supplier's ceiling price) less (*a*) all discounts or allowances you took or could have taken (except discounts for prompt payment), (*b*) all United States, State and local taxes (other than excise taxes), fees and charges included in that invoice price, and (*c*) all charges, included in that invoice price, which may be recovered upon return to the supplier of the containers and case in which the item was shipped.

(ii) All transportation charges (as defined in subparagraph (9) of this paragraph) applicable to the particular item and actually incurred by you to transport the item from the supplier's customary shipping point to your customary receiving point, to the extent that those charges are not already included in the invoice price.

(iii) All transportation charges (as defined in subparagraph (9) of this paragraph), at rates in effect at the time of the particular purchase, that (under the arrangement you have with your supplier) must be incurred by you (in addition to the invoice price) to return to that supplier the empty case and containers in which the item is packed.

(iv) All United States, State and local excise taxes and United States customs duties applicable to the particular item and actually incurred by you, to the extent that those taxes and duties are not already included in the invoice price.

(v) In the case of an imported item, the costs actually incurred by you to withdraw that item from customs custody, to the extent that those costs are not already included in the invoice price.

(2) *Customary purchase.* A "customary purchase" means a purchase of the same type as was customary for you in quantity, type of supplier, receiving point and means of transportation during the "relevant period." For purposes of this definition, the "relevant period" is the base period (or a reasonable length of time surrounding any other period or day) specified in this regulation either (i) for your selection of a dollar-and-cent price to be used (either as is, or after adjustment) as your ceiling price for the particular item, or (ii) as the basis for some other means of figuring your ceiling price for the particular item.

(3) *Customary receiving point.* "Customary receiving point" means the place where the purchaser normally receives delivery of the item from the particular type of supplier. With respect to deliveries made by motor vehicle, "customary receiving point" means the purchaser's premises; with respect to delivery made by rail, "customary receiving point" means the railroad siding nearest to the purchaser's premises.

(4) *Customary shipping point.* "Customary shipping point" means the place from which the seller normally makes shipment of the item to purchasers in a particular area. With respect to shipment made by motor vehicle, "customary shipping point" means the seller's premises; with respect to shipment made by rail, "customary shipping point" means the railroad siding nearest to the seller's premises.

(5) *Price.* "Price" means the consideration requested or received in connection with the sale of a malt beverage.

(6) *Records.* The term "records" means written evidence of transactions, including books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, a copy of any application or report to the OPS, and other papers and documents necessary to determine prices charged, offered or paid and the method used to determine them.

(7) *Sale.* "Sale" includes transfer of title, disposition, exchange, barter, delivery, lease and other transfers, and contracts or offers to do any of these things. The terms "sell," "seller," "buy," "buyer," "purchase," and "purchaser" shall be construed accordingly.

(8) *"Special deal."* A "special deal" means a reduction in the price of an item (as a sales promotion or similar device) from the price last in effect prior to the day the "special deal" started. The reduction must not have been in effect for a period of time exceeding 123 days. (It, of course, makes no difference if the reduction continued in effect after the "base period" so long as it was not in effect for more than 123 days.) Offers of free goods, combination sales, increased quantities and additional discounts may (but need not necessarily) be considered "special deals."

(9) *Transportation charges.* "Transportation charges", except as otherwise expressly provided, means the lawful charges for the movement of the article by the most direct route from the seller's customary shipping point (as defined in subparagraph (4) of this paragraph) to the purchaser's customary receiving point (as defined in subparagraph (3) of this paragraph), or between any other specified points, at the rate charged by the cheapest available common or contract carrier customarily used. The term includes any applicable Federal tax on transportation now or hereafter imposed. If a seller uses his own vehicle, however, such charges shall be figured at the rate for transportation over the same distance by the cheapest available common or contract carrier customarily used, exclusive of Federal tax on transportation. No amounts may be added for refrigerating or heating of cars or vehicles used in the transportation of the article. No amount may be added for local hauling, drayage and handling.

SEC. 100. *When this revised regulation becomes effective.* The effective date of this revised regulation, insofar as it changes any of the provisions of the original CPR 117 is July 21, 1952, or any earlier effective date between June 9, 1952 and July 21, 1952, that you may select for any or all of your items. However, to the extent that the original CPR 117 is not changed by this revised regulation the effective dates in the original CPR 117 continue to apply, that is, as to retailers and "on-premise licensees" the effective date is March 24, 1952, and for all other sellers January 28, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 9, 1952.

APPENDIX A

TABLE V—RETAILER'S ADJUSTMENT FACTORS FOR CASE SALES AND FOR SALES OF INDIVIDUAL CONTAINERS OF IMPORTED AND DOMESTIC MALT BEVERAGES

[In cents]

Cost change per case	Case sizes											
	6 containers		12 containers		24 containers		36 containers		48 containers			
	Individual container	Case	Individual container	Case	Individual container	Case	Individual container	Case	Individual container	Case		
1	13	79	6½	79	3½	79	2	79	2	79		
2	13½	81	7	81	3½	81	2	81	2	81		
3	14	82	7	82	3½	82	2½	82	2	82		
4	14	84	7	84	3½	84	2½	84	2	84		
5	14½	85	7	85	3½	85	2½	85	2	85		
6	14½	87	7½	87	4	87	2½	87	2½	87		
7	15	88	7½	88	4	88	2½	88	2½	88		
8	15½	90	8	90	4	90	2½	90	2½	90		
9	15½	91	8	91	4½	91	3	91	2½	91		
10	16	93	8	93	4½	93	3	93	2½	93		
11	16½	94	8½	94	4½	94	3	94	2½	94		
12	16½	96	8½	96	4½	96	3	96	2½	96		
13	17	97	8½	97	4½	97	3	97	2½	97		
14	17½	98	9	98	5	98	3½	98	3	98		
15	17½	100	9	100	5	100	3½	100	3	100		
16	18	101	9	101	5	101	3½	101	3	101		
17	18½	103	9½	103	5	103	3½	103	3	103		
18	18½	104	9½	104	5	104	3½	104	3	104		
19	19	105	9½	105	5½	105	4	105	3	105		
20	19	107	10	107	5½	107	4	107	3	107		
21	19½	108	10	108	5½	108	4	108	3½	108		
22	20	109	10	109	5½	109	4	109	3½	109		
23	20½	111	10½	111	5½	111	4	111	3½	111		
24	20½	112	10½	112	6	112	4½	112	3½	112		
25	21	113	10½	113	6	113	4½	113	3½	113		
26	21½	114	11	114	6	114	4½	114	3½	114		
27	21½	116	11	116	6	116	4½	116	3½	116		
28	22	117	11	117	6	117	4½	117	3½	117		
29	22½	118	11½	118	6½	118	5	118	4	118		
30	22½	120	11½	120	6½	120	5	120	4	120		
31	23	121	11½	121	6½	121	5	121	4	121		
32	23½	122	12	122	6½	122	5	122	4	122		
33	23½	124	12	124	6½	124	5	124	4	124		

[F. R. Doc. 52-6437; Filed, June 9, 1952; 4:00 p. m.]

[General Overriding Regulation 14, Amdt. 15]

PART 1499—GENERAL OVERRIDING REGULATIONS

SUBPART—GOR 14—EXCEPTED AND SUSPENDED SERVICES

MAKING AND SUPPLYING ABSTRACTS OF TITLE TO REAL PROPERTY

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes from price control fees and charges for making and supplying abstracts of title to real property.

By a prior amendment to General Overriding Regulation 14, other services in connection with real property transfers rendered by real estate brokers, agents, appraisers and mortgage brokers have been exempted from price control. The nature of the service of making and supplying abstracts of title to real property is closely allied to those services already exempted.

It is estimated that the average person requires a title abstract once during his lifetime. Furthermore, the Director has been advised that on the average there are one to five persons in each county engaged in the business of supplying abstracts of title to real property. Fur-

ther, their charges, in many instances, are subject to state control. In view of the non-recurrent need for this service by purchasers and the comparatively small number of sellers, it is expected that this exemption will have little, if any, effect upon the cost of living. The administrative burden of retaining control over such fees and charges is out of proportion to the benefits gained.

This amendment was prepared after the Director of Price Stabilization had consulted with industry representatives, trade associations and individual title abstract companies and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(102) Fees and charges for making and supplying abstracts of title to real property.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 15 to General Overriding Regulation 14 shall become effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6456; Filed, June 9, 1952; 4:31 p. m.]

[Ceiling Price Regulation 123, Amdt. 1]

CPR 123—CEILING PRICES FOR UNTREATED EASTERN RAILROAD TIES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 123 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides for a number of clarifications and changes in Ceiling Price Regulation 123. Specifically, the following changes are made:

(1) The boundaries of Zones D, G, E and F, are relocated and two new Zones, M and N, are established. This change recognizes the historical differential in prices within the areas covered. The ceiling prices established for the new zones are lower than the ceiling prices already established for Zones D, G and E.

(2) The ceiling prices in Zone A for Group TB cross ties are increased by 10 cents per cross tie. The ceiling prices in the regulation as issued for Group TB ties in Zone A were inadvertently based upon prices prevailing before the issuance date of the regulation for such ties when sold unpeeled. As the basic ceiling prices set forth in section 5 of the regulation are prices for peeled ties, and as section 8 requires that such ceiling prices be reduced 10 cents per tie when ties are sold unpeeled, this change brings the ceiling prices for Group TB cross ties in Zone A into line with the other basic ceiling prices set forth in the regulation.

(3) Producers' dollar-and-cents ceiling prices are established for "Heart" Cypress (Group UC) cross ties in Zone F. When the regulation was issued, it was believed that "Heart" Cypress cross ties were not being produced; and, for that reason, no dollar-and-cents ceiling prices were established for such ties. Since the issuance of the regulation, however, it has been found that "Heart" Cypress cross ties are presently being produced in Zone F. The addition will therefore eliminate the necessity to issue individual orders to producers of "Heart" Cypress ties in Zone F. Because "Heart" Cypress cross ties (Group UC) are used untreated, the ceiling prices established by this amendment are 30 cents higher per cross tie than the ceiling prices for "Sap" Cypress ties (Group TB) which require preservative treatment before they are ultimately used.

(4) Producers' ceiling prices in Zone H are increased by approximately 12 cents per cross tie. In the original regulation producers' ceiling prices were established generally by deducting from railroad purchase prices the tie contractor's markup that was thought to be applicable throughout all zones. However, after the issuance of CPR 123, it was found that most of the tie contractors in Zone H do not perform all the services in the procurement of ties that are normally performed by tie contractors, and they therefore receive a smaller markup than is generally received by tie contractors in other zones. Consequently, Zone H producers' ceiling prices, as established in the regulation, do not reflect the differential that actually existed in that zone between the producers' selling prices and tie contractors' markups. Therefore, the present adjustment in Zone H producers' ceiling prices remedies that situation, and thereby restores the normal relationship between the prices of ties and comparable lumber grades.

(5) The definition of a "tie contractor" in CPR 123 is changed. After the issuance of the regulation it was found that the definition of a tie contractor was too limited in scope and thereby excluded certain persons who historically have been considered by the industry as tie contractors. Therefore, the definition of a "tie contractor" is changed to include persons who produce ties for direct sale to railroads, and to include persons who produce at least 33⅓ percent of the ties they sell; provided they satisfy the other criteria.

(6) The other revisions made by this amendment accomplish minor changes in form.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting with the subcommittee of the Untreated Eastern Railroad Tie Industry Advisory Committee.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 123 is hereby amended in the following respects:

1. Section 3 (a) (4) is amended to read as follows:

(4) Zone D which includes the portion of Indiana lying south of the south boundaries of the following counties: Adams, Wells, Huntington, Wabash, Fulton, Pulaski, Jasper, and Newton; the portion of Kentucky lying east of the east boundary of Wayne county and north of the south boundaries of the following counties: Henderson, Daviess, Hancock, Breckenridge, Hardin, LaRue, Taylor, Casey, Pulaski; and the counties of Wayne and Mingo in West Virginia.

2. Section 3 (a) (5) is amended to read as follows:

(5) Zone E which includes Virginia, except the portion lying north of the south boundaries of the following counties: Bath, Augusta, Rockingham, Page, Warren, Clarke and Loudoun; and North Carolina, except the portion lying south of the north boundaries of the following counties: Avery, Caldwell, Alexander, Iredell, Davie, Davidson, Randolph, Chatham, Harnett, Cumberland, Sampson, Duplin, Caslow and Carteret.

3. Section 3 (a) (6) is amended to read as follows:

(6) Zone F which includes Georgia; the portion of South Carolina south of the south boundaries of the following counties: Oconee, Pickens, Greenville, Spartanburg, Union, Fairfield, Kershaw, Chesterfield, Marlboro, and Dillon; and Florida, except the portion lying west of the east boundaries of the following counties: Jackson, Calhoun, and Gulf.

4. Section 3 (a) (7) is amended to read as follows:

(7) Zone G which includes Nebraska; the portion of Missouri lying north of the Missouri River; the portion of Illinois lying south of the south boundaries of the following counties: Iroquois, Ford, Livingston, Woodford, Peoria, Knox, Warren and Henderson; and the portion of Illinois lying north of the south boundaries of the following counties: St. Clair, Washington, Jefferson, Hamilton and White.

5. Section 3 (a) is further amended by adding at the end thereof two new subparagraphs, (13) and (14), to read as follows:

(13) Zone M which includes Massac, Pope, Hardin, Gallatin and Saline counties in Illinois; and Union, Webster, McLean, Ohio and Grayson counties in Kentucky.

(14) Zone N which includes the portion of North Carolina east of the west boundaries of the following counties: Cherokee, Graham, Swain, Haywood, Madison, Yancey and Mitchell; and the portion of North Carolina south of the north boundaries of the following counties: Avery, Caldwell, Alexander, Iredell, Davie, Davidson, Randolph, Chatham, Harnett, Cumberland, Sampson, Duplin, Onslow, and Carteret; and the portion of South Carolina north of the south boundaries of the following counties:

Oconee, Pickens, Greenville, Spartanburg, Union, Fairfield, Kershaw, Chesterfield, Marlboro, and Dillon.

6. Section 4 (a) (2) is amended by deleting the word "and" following the letter "K", and by adding the letters "M and N" following the letter "L", so that section 4 (a) (2) now reads as follows:

(2) For ties produced in Zones C, D, E, F, G, I, J, K, L, M, and N, the normal loading out point is the tie yard at a railroad shipping point or at a barge landing nearest the place of production where untreated ties are normally sold.

7. Section 5 (a) is amended by inserting the words and figures "in effect January 31, 1952," between the word "Association" and the word "and," so that section 5 (a) now reads as follows:

SEC. 5. *Producers' ceiling prices.*—(a) *Ties covered.* The ceiling prices set forth in this section apply to unseasoned and untreated Eastern railroad cross ties and switch ties conforming to the specifications of the American Railway Engineering Association in effect January 31, 1952, and delivered at a normal loading out point.

8. Section 5 (b) is amended by inserting the new symbol "UC" between symbol "TD" and the word "used," so that paragraph (b) now reads as follows:

(b) *Price tables.* (The symbols TA, TB, TC, TD, UC, used in the tables below are explained in section 21).

9. Section 5 (b) (1) is amended to read as follows:

(1) Zone A.

TABLE 1—CEILING PRICE PER CROSS TIE, F. O. B. CARS

Size	Group and length				
	TA, TC, 8'6"	TB, 8'6"	TA, TC, 8'	TD, 8'	TB, 8'
6	$2.70	$2.55	$2.60	$2.45	
4	2.55	2.40	2.45	2.30	
3A	2.30	2.15	2.20	2.05	
3	2.10	1.95	2.00	1.85	$2.30
2	1.85	1.70	1.75	1.60	1.95
1	1.50	1.35	1.40	1.25	1.65
SR	.75	.60	.70	.50	1.10

TABLE 1A—CEILING PRICES PER MFBM FOR SWITCH TIES 7" X 9", F. O. B. CARS

Length	TA	TB	TC
9' to 12'6", inclusive	$70	$85	$65
13' to 14'6", inclusive	75	90	70
15' to 16', inclusive	75	90	70

10. Section 5 (b) (6) is amended to read as follows:

(6) *Zone F.*

TABLE 6—CEILING PRICE PER CROSS TIE DELIVERED TO TIE YARD

Size	Group and length				
	UC, 8'6"	TA, TB, TC, 8'6"	TD, 8'6"	TA, TB, TC, 8'	TD, 8'
5	$2.20	$1.90	$1.65	$1.80	$1.55
4	2.05	1.75	1.50	1.65	1.40
3A	1.80	1.50	1.25	1.40	1.15
3	1.80	1.50	1.25	1.40	1.15
2	1.50	1.20	.95	1.10	.85
1	1.25	.95	.70	.85	.60
SR	.75	.45	.35	.40	.30

TABLE 6A—CEILING PRICE PER MFBM FOR SWITCH TIES, 7" X 9", DELIVERED TO TIE YARD

Length	TA	TB	TC
9' to 12'6", inclusive	$45	$60	$45
13' to 14'6", inclusive	55	70	55
15' to 16', inclusive	65	75	65

11. Section 5 (b) (8) is amended to read as follows:

(8) *Zone H.*

TABLE 8—CEILING PRICE PER CROSS TIE F. O. B. CARS

Size	Group and length				
	TA, TC, 8'6"	TD, 8'6"	TA, TC, 8'	TD, 8'	TB, 8'
5	$2.75	$2.60	$2.65	$2.50	$1.85
4	2.45	2.30	2.35	2.20	1.75
3A	2.10	1.95	2.00	1.85	1.55
3	2.10	1.95	2.00	1.85	1.55
2	1.80	1.65	1.70	1.55	1.40
1	1.55	1.40	1.45	1.30	1.20
SR	.80	.70	.70	.60	.70

TABLE 8A—CEILING PRICE PER MFBM FOR SWITCH TIES 7" X 9", F. O. B. CARS

Length	TA	TB	TC
9' to 12'6", inclusive	$65	$75	$65
13' to 14'6", inclusive	75	85	75
15' to 16', inclusive	80	90	80

12. Section 5 (b) is further amended by adding at the end thereof two new subparagraphs, (13) and (14), to read as follows:

(13) *Zone M.*

TABLE 13—CEILING PRICE PER CROSS TIE DELIVERED TO TIE YARD

Size	Group and length					
	TA, 8'6"	TB, TC, 8'6"	TD, 8'6"	TA, 8'	TB, TC, 8'	TD, 8'
5	$2.10	$1.95	$1.85	$2.00	$1.85	$1.75
4	1.95	1.80	1.70	1.85	1.70	1.60
3A	1.65	1.50	1.40	1.55	1.40	1.30
3	1.65	1.50	1.40	1.55	1.40	1.30
2	1.45	1.30	1.20	1.35	1.20	1.10
1	1.05	.90	.80	.95	.80	.70
SR	.50	.50	.40	.50	.40	.40

TABLE 13A—CEILING PRICE PER MFBM FOR SWITCH TIES, 7" X 9", DELIVERED TO TIE YARD

Length	TA	TB	TC
9' to 12'6", inclusive	$55	$70	$55
13' to 14'6", inclusive	60	75	60
15' to 16', inclusive	65	80	65

(14) *Zone N.*

TABLE 14—CEILING PRICE PER CROSS TIE DELIVERED TO TIE YARD

Size	Group and length					
	TA, 8'6"	TB, TC, 8'6"	TD, 8'6"	TA, 8'	TB, TC, 8'	TD, 8'
5	$2.10	$2.10	$1.95	$2.00	$2.00	$1.85
4	1.95	1.95	1.80	1.85	1.85	1.70
3A	1.60	1.60	1.45	1.50	1.50	1.35
3	1.60	1.60	1.45	1.50	1.50	1.35
2	1.30	1.30	1.15	1.20	1.20	1.05
1	1.00	1.00	.85	.90	.90	.75
SR	.50	.50	.35	.45	.45	.30

TABLE 14A—CEILING PRICE PER MFBM FOR SWITCH TIES 7" X 9", DELIVERED TO TIE YARD

Length	TA	TB	TC
9' to 12'6", inclusive	$50	$65	$45
13' to 14'6", inclusive	60	75	55
15' to 16', inclusive	65	80	65

13. Section 6 (i) is amended by deleting therefrom the words "within the zone of production," so that Section 6 (i) now reads as follows:

(i) For delivering ties by truck to a treating plant or to a tie yard located within a radius of five miles of such treating plant, you may add as much as $0.10 per cross tie, and as much as $3.00 per MFBM for switch ties.

NOTE: The addition permitted by this subparagraph includes transportation cost to such treating plant or tie yard.

14. The Table of Cross Tie Weights in Section 10 (b) (2) is amended to read as follows:

CROSS TIE WEIGHTS

[Pounds per tie]

Size	Group and length					
	TA		TB, 8'	TB and TC, 8'6"	TC and TD	
	8'	8'6"			8'	8'6"
5	240	265	195	205	220	245
4	220	205	175	185	205	205
3A	200	215	160	170	185	200
3	180	195	145	155	170	180
2	175	190	140	150	160	175
1	170	180	135	145	155	170
SR-7"	200	215	160	170	185	200
SR-6"	175	190	140	150	160	175

15. Paragraphs (a) and (b) of section 12 are amended to read as follows:

(a) *Markup.* If you are a tie contractor, you determine your ceiling prices for sales of ties subject to this regulation in the following manner: Add to your current cost (not to exceed the producers' ceiling price) of ties you purchase or produce, not more than the highest dollar and cents markup, or percentage markup, or a combination of both, as computed in your customary manner, which you made on a representative sale of that item during the base period January 1, 1950 to October 2, 1951, inclusive. The current cost to which a markup is applied in determining your ceiling prices may not include cost elements other than those included in the base period cost on the basis of which you computed the markup. Only one tie contractor's markup may be made under this section.

(b) *Tie contractor defined.* The term "tie contractor" means a person who:

(1) Maintains a concentration yard with supervisory and other employees, who purchase from producers all the ties that he sells, and who sells those ties either to persons purchasing for resale, or to ultimate users, such as railroads, street railways, industrial plants maintaining track facilities, switching and terminal companies, or to persons engaged in building or maintaining tracks for defense projects; or

(2) Produces all the railroad ties that he sells from timber owned by him, and who sells all the ties that he produces, except those rejected by railroads, directly to railroads; or

(3) Produces railroad ties, and who must, in addition, do the following:

(i) Maintains a concentration yard, with supervisory and other employees, where he purchases ties either for sale to persons for resale, or for sale to ultimate users, such as railroads, street railways, industrial plants maintaining track facilities, switching and terminal companies, or for sale to persons engaged in building or maintaining tracks for defense projects; and

(ii) Purchased from producers, during the three calendar months next preceding any calendar month in which he does business as a tie contractor, at least 33⅓ percent of the total amount of ties he sold.

16. Section 21 (a) is amended to read as follows:

(a) *Class T cross ties and switch ties:* This term includes the following species:

(1) *Group TA:* Ashes, Hickories, "Sap" black locust, Honey locust, Red oaks, "Sap" white oaks, and "Sap" black walnut.

(2) *Group TB:* "Sap" cedars, "Sap" cypresses, "Sap" douglas fir, and Firs (True), Hemlocks, "Sap" larches, "Sap" pines, "Sap" redwood, and Spruces.

(3) *Group TC:* Beech, Birches, Cherries, Gums, and Hard maples.

(4) *Group TD:* "Sap" catalpas, "Sap" chestnut, Elms, Hackberries, Soft maples, "Sap" mulberries, Poplars, "Sap" sassafras, Sycamores, and White walnut.

17. Section 21 is further amended by adding at the end thereof a new paragraph, (M), to read as follows:

(M) *Group UC.* This term includes "Heart" cedars, "Heart" cypresses and "Heart" redwood.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 123 is effective June 16, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 10, 1952.

[F. R. Doc. 52-6494; Filed, June 10, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 19, Revocation]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 19—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

REVOCATION

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 (16 F. R. 12679), Supplementary Regulation 63, as amended, to the General Ceiling Price Regulation (16 F. R. 9559), Area Milk Price Regulation 19 (17 F. R. 2721) is hereby revoked.

STATEMENT OF CONSIDERATIONS

Area Milk Price Regulation 19 was issued effective April 14, 1952. Amendment 1 extended the effective date of the regulation until June 9, 1952, to allow the Regional Director of the Office of Price Stabilization sufficient time to study historical discount practices peculiar to the North Texas Milk Marketing Area. This information was not submitted by the petitioners prior to the original issuance of the regulation.

In addition to the inclusion of discount data, the petitioners suggested a minor change in the method employed for allocation of raw material costs. The new study was completed and showed only slightly different results than were obtained from the original study.

During the time in which the study was being completed, certain events occurred in this milk marketing area which caused the petitioners to request the Regional Director to consider the advisability of revoking AMPR 19 prior to its effective date. Among these events was an amendment to Federal Milk Marketing Order No. 43 for the North Texas Milk Marketing Area which, among other provisions, established a minimum producer price of $6.68 per cwt. for Class I milk. This was done during the flush production period. Normal seasonal declines in producer prices have occurred in several other milk sheds adjacent to this area.

Another factor bearing on the question of revocation of AMPR 19 is a possible change in the customary practice of having no differential between home delivered and store sales of fluid milk. This change, if put into effect by the processor-distributors, will of necessity result in a lower retail store sale price.

A third factor considered in this revocation is that, based on the study of the Regional Director which took into consideration customary discounts and used the minor change in allocation as suggested by the petitioners, the processor-distributors would obtain approximately the same revenue by remaining under the GCPR. Also, no saving to the consumers would result from AMPR 19 becoming effective.

The Regional Director has consulted with industry representatives and has given due consideration to their recommendations in issuing this revocation of AMPR 19.

REVOCATORY PROVISION

Area Milk Price Regulation 19, as amended, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is revoked as of June 9, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ALFRED L. SALYE,
Regional Director of Price Stabilization, Region X.

JUNE 9, 1952.

[F. R. Doc. 52-6455; Filed, June 9, 1952; 4:30 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-103, Amdt. 1 of June 10, 1952]

M-103—DIAMOND GRINDING WHEELS

RESTRICTIONS ON PRODUCERS

This amendment to NPA Order M-103 is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects NPA Order M-103 by changing the provisions of section 5 (a).

AMENDATORY PROVISIONS

1. NPA Order M-103 is hereby amended by changing section 5 (a) to read as follows:

(a) On and after May 12, 1952, no producer shall make a diamond grinding wheel having a depth of the diamond section of such wheel in excess of one-eighth inch. Depth shall be considered as the smallest dimension of the diamond section. This limitation on the depth of the diamond section shall not apply to lens-generating tools, cut-off wheels, saws, pencil-edging wheels, wheels 1- by ¾-inch and smaller, or mounted wheels and points.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
BY JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6493; Filed, June 10, 1952, 11:44 a. m.]

[NPA Reg. 2, Interpretation 3 of June 10, 1952]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

INT. 3—USE OF DO RATING FOR THE LEASE OF MACHINERY OR EQUIPMENT

1. This is an interpretation of paragraph (d) of section 2 of NPA Reg. 2 which paragraph defines what is meant by a "rated order." Generally, where a DO rating may properly be used pursuant to NPA Reg. 2 to obtain delivery of materials or products, it may be used only for the purpose of acquiring them by purchase. However, where a DO rating may properly be used to obtain delivery of an item of machinery or equipment, the DO rating may be used (unless otherwise expressly provided in any other regulation or order of NPA) to lease the item, but only if all the following conditions are fulfilled:

(a) The item is leased from the manufacturer thereof, either directly or through a wholly-owned subsidiary corporation.

(b) It is the established custom of such manufacturer not to sell but only to rent, in said manner, the machine or equipment.

(c) The lease is a long-term arrangement in which both parties contemplate a comparatively permanent installation of the machine or equipment. For instance, a rating could be used to obtain a machine under lease where the lease is for 1 year with provision for renewal by the lessee at the end of each year, and both parties expect that the lease will be renewed from time to time. However, the rating cannot be used to obtain a machine for use only during a short period of time, such as a year or a month.

2. If an authorization issued by the National Production Authority grants the right to use a rating and specifically authorizes the use of the rating to lease a machine or item of equipment, compliance with the above conditions is not necessary.

[Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154]

Issued June 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6492; Filed, June 10, 1952; 11:44 a. m.]

Chapter XV—Federal Reserve System

[Regulation X, Amdt. 10]

REG. X—REAL ESTATE CREDIT

1. Effective June 11, 1952, Regulation X is amended in the following respects:

a. In paragraph (e) of section 5 strike out the words "real estate construction credit as to which" and insert therefor the following: "real estate construction credit (1) which is extended pursuant to a program established by the Housing and Home Finance Administrator to relieve distress caused by flood, fire, or other similar disaster, or (2) as to which".

b. Add the following sentence at the end of paragraph (f) of section 5: "None of the provisions of this regulation shall apply to any contract to sell real property under which the purchaser is not to receive title, and not to have any occupancy or other use of the property, until the terms of the credit conform to the applicable provisions of this regulation in effect on the date the contract was entered into."

c. In subparagraph (1) of paragraph (a) of section 7 (the supplement to the regulation) delete the table and insert therefor the following:

If the "value per family unit" is—	The "maximum loan value per family unit" is—
Not more than $7,000	95% of "value per family unit."
More than $7,000 but not more than $10,000.	$6,300 (i. e., 90% of $7,000) plus 75% of excess of "value per family unit" over $7,000.
More than $10,000 but not more than $15,000.	$8,550 plus 55% of excess of "value per family unit" over $10,000.
More than $15,000 but not more than $21,000.	$11,300 plus 45% of excess of "value per family unit" over $15,000.
More than $21,000 but not more than $25,000.	$14,000 plus 25% of excess of "value per family unit" over $21,000.
Over $25,000	60% of "value per family unit."

d. In subparagraph (1) of paragraph (b) of section 7 delete the table and insert therefor the following:

If the "value per family unit" is—	The "maximum loan value per family unit" is—
Not more than $7,000	90% of "value per family unit."
More than $7,000 but not more than $10,000.	$6,300 plus 55% of "value per family unit" in excess of $7,000.
More than $10,000 but not more than $15,000.	$7,950 plus 54% of "value per family unit" in excess of $10,000.
More than $15,000 but not more than $20,000.	$10,650 plus 50% of "value per family unit" in excess of $15,000.
More than $20,000 but not more than $25,000.	$13,150 plus 37% of "value per family unit" in excess of $20,000.
Over $25,000	60% of "value per family unit."

2. a. The above amendment is issued by the Board of Governors of the Federal Reserve System, with the concurrence of the Housing and Home Finance Administrator with respect to provisions relating to real estate construction credit involving residential property and multi-unit residential property, under authority of the Defense Production Act of 1950, approved September 8, 1950, as amended, and Executive Order No. 10161, dated September 9, 1950.

The amendment is designed primarily to modify and relax previous credit restrictions as to one- to four-unit residential and multi-unit residential property. It also contains provisions of a technical nature intended to clarify those provisions of the regulation which exempt (1) extensions of credit which are necessary for restoring property damaged or destroyed by flood, fire, or other casualty, and (2) certain contracts to sell real property.

b. Section 709 of the Defense Production Act of 1950 provides that the functions exercised under such act shall be excluded from the operations of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof.

The change in section 7 was adopted by the Board after consideration of all relevant matter, including the recommendations received from time to time in consultations with industry and trade association representatives. Special circumstances prevented or rendered impracticable consultation with industry representatives, including trade association representatives, in the formulation of certain provisions of the amendment which are of a technical nature, and, therefore, as authorized by the aforesaid section 709, these provisions have been included in the amendment without such consultation.

(Sec. 704, 64 Stat. 798, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp. Interprets or applies sec. 602, 64 Stat. 798)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 52-6440; Filed, June 9, 1952; 5:00 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 13 to Schedule B]

[Rent Regulation 2, Amdt. 11 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

INDIANA

Effective June 12, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule B read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 56 is added to Schedule B of Rent Regulation 1 and a new item 60 is added to Schedule B of Rent Regulation 2, reading as follows:

Provisions relating to the Towns of Highland and Munster and the City of Whiting in Lake County, Indiana, portions of the Gary-Hammond Defense-Rental Area (Item 102 of Schedule A).

Section 91 et seq. relating to the establishment of maximum rents shall be applicable to housing accommodations in the Towns of Highland and Munster and the City of Whiting, in Lake County, Indiana, instead of section 81 et seq. relating to the establishment of maximum rents.

All provisions of this regulation insofar as they are applicable to the Towns of Highland and Munster and the City of Whiting in Lake County, Indiana are hereby amended to the extent necessary to carry the provisions of these items of Schedule B into effect.

[F. R. Doc. 52-6402; Filed June 10, 1952; 8:53 a. m.]

[Rent Regulation 1, Amdt. 51 to Schedule A]

[Rent Regulation 2, Amdt. 49 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW MEXICO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of

Holly, Lake Orion, Leonard, Milford, Orion-ville, Oxford, Rochester and that portion of Northville located in Oakland County, and Northville Cities of Berkley, Birmingham, (iii) the Cities of Clawson, Farmington, Bloomfield Hills, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake, Wayne County, except (i) the Cities of Belleville, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Livonia, Melvindale, Plymouth and River Rouge, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shore, Inkster, Rockwood, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Grosse Ile, Huron, Nankin, Northfield, Plymouth, Romulus, Sumpter, Taylor, Van Buren; and Macomb County, except the Cities of East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the Cities of Garden City, Livonia and River Rouge all in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 152, is amended to describe the counties in the defense-rental area as follows:

Calhoun County, except the City of Battle Creek and the Townships of Battle Creek, Bedford and Emmett.

This decontrols the Township of Emmett in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan Defense-Rental Area.

5. Schedule A, Item 348, is amended to describe the counties in the defense-rental area as follows:

Snohomish County, except the Cities of Edmonds Granite Falls and Snohomish, and the Towns of East Stanwood, Marysville, Stanwood and Sultan.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Indiana				
(102) Gary-Hammond	B	Lake County, except the cities of Crown Point, East Chicago, Hammond, Whiting, Gary, the townships of Hobart and Ross, Eagle Creek, Hanover, West Creek.	Mar. 1, 1942	Oct. 1, 1942
	do	In Lake County, the cities of Crown Point, East Chicago, Hammond, Whiting, Gary, the townships of Hobart and Ross, Eagle Creek, Hanover, West Creek.	Jan. 1, 1951	June 12, 1952
	C	do	do	Do.
	A	In Lake County, the cities of Crown Point, East Chicago, Hammond, Whiting, Gary, the townships of Hobart and Ross, Eagle Creek, Hanover and Winfield.	do	Do.

[F. R. Doc. 52-6400; Filed, June 10, 1952; 8:53 a. m.]

Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective June 12, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Mexico				
(105a) San Juan	A	San Juan County	July 1, 1951	June 12, 1952

[F. R. Doc. 52-6406; Filed, June 10, 1952; 8:55 a. m.]

[Rent Regulation 1, Amdt. 53 to Schedule A]
[Rent Regulation 2, Amdt. 51 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS, MICHIGAN, AND WASHINGTON

Effective June 11, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; in Du Page County, the Villages of Downers Grove and Westmont, Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols the Village of Lombard in Du Page County, Illinois, a portion of the Chicago, Illinois Defense-Rental Area.

2. Schedule A, Item 89, is amended to describe the counties in the defense-rental area as follows:

Rock Island County, except the Cities of Moline and Rock Island and all unincorporated localities in Scott County, Iowa, except the Cities of Bettendorf and Davenport, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Wolcott, and all unincorporated localities

ditto

In Rock Island County, Illinois, the City of Moline and all unincorporated localities in Scott County, Iowa, the Cities of Bettendorf and Davenport, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Wolcott, and all unincorporated localities.

This decontrols the City of Rock Island in Rock Island County, Illinois, a portion of the Quad Cities Defense-Rental Area.

3. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Farmington, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Orion-ville, Oxford, Rochester and that portion of Northville located in Oakland County, and Northville Cities of Berkley, Birmingham, (iii) the Cities of Clawson, Farmington, Bloomfield Hills, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake, Wayne County, except (i) the Cities of Belleville, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Livonia, Melvindale, Plymouth and River Rouge, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shore, Inkster, Rockwood, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Grosse Ile, Huron, Nankin, Northfield, Plymouth, Romulus, Sumpter, Taylor, Van Buren; and Macomb County, except the Cities of East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the Cities of Garden City, Livonia and River Rouge all in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

4. Schedule A, Item 152, is amended to describe the counties in the defense-rental area as follows:

Calhoun County, except the City of Battle Creek and the Townships of Battle Creek, Bedford and Emmett.

This decontrols the Township of Emmett in Calhoun County, Michigan, a portion of the Kalamazoo-Battle Creek, Michigan Defense-Rental Area.

5. Schedule A, Item 348, is amended to describe the counties in the defense-rental area as follows:

Snohomish County, except the Cities of Edmonds Granite Falls and Snohomish, and the Towns of East Stanwood, Marysville, Stanwood and Sultan.

This decontrols the Cities of Granite Falls in Snohomish County, Washington, a portion of the Everett, Washington Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-6403; Filed, June 10, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 63 to Schedule A]
[Rent Regulation 4, Amdt. 5 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW MEXICO

This amendment is issued as a result of joint certifications pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective June 12, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(102a) San Juan	New Mexico	San Juan County	July 1, 1951	June 12, 1952

[F. R. Doc. 52-6405; Filed, June 10, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 64 to Schedule A]
[Rent Regulation 4, Amdt. 7 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective June 12, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(102) Gary-Hammond	Indiana	Lake County, except the townships of Cedar Creek, Eagle Creek, and West Creek.	Jan. 1, 1951	June 12, 1952

[F. R. Doc. 52-6401; Filed, June 10, 1952; 8:53 a. m.]

[Rent Regulation 4, Amdt. 6 to Schedule A]

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS

Effective June 11, 1952, Rent Regulation 4 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Schedule A, Item 89, is amended to describe the counties in the defense-rental area as follows:

Rock Island County, except the City of Rock Island.
Scott County.

This decontrols the City of Rock Island in Rock Island County, Illinois, a portion of the Quad Cities Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-6404; Filed, June 10, 1952; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 42—UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

CONSUMER, PROCUREMENT AND WHOLESALE GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

A notice of proposed rule making was published in the FEDERAL REGISTER on April 23, 1952 (17 F. R. 3606) regarding a proposed revision of Subpart B, United States Consumer Grades and Weight Classes for Shell Eggs; Subpart D, United States Wholesale Grades and Weight Classes for Shell Eggs; and the addition of a new Subpart C, United States Procurement Grades and Weight Classes for Shell Eggs.

After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice, the grades and weight classes hereinafter set forth are promulgated pursuant to authority contained in the Department of Agriculture Appropriation Act of 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951) to become effective on July 1, 1952.

It is hereby found that it is impractical, unnecessary, and contrary to public interest to postpone the effective date of these grades for thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) the consumer and wholesale grades are essentially the same as those currently in effect, (2) the revisions are to effect greater coordination between the United States standards and grades and the Federal Specifications used in the Armed Forces procurement program, and delay in the effective date would not be in the best interests of the defense food procurement program, and (3) additional time is not required in order for the industry to make preparation for compliance with the grades and weight classes hereinafter promulgated.

The grades and weight classes for shell eggs are as follows:

SUBPART B—UNITED STATES CONSUMER GRADES AND WEIGHT CLASSES FOR SHELL EGGS

Sec.
42.30 General.
42.31 Grades.
42.32 Summary of grades.
42.33 Weight classes.
42.34 Weight tolerances.

SUBPART C—UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

42.40 General.
42.41 Grades.
42.42 Summary of grades.
42.43 Weight classes.
42.44 Weight tolerances.

SUBPART D—UNITED STATES WHOLESALE GRADES AND WEIGHT CLASSES FOR SHELL EGGS

42.50 General.
42.51 Grades.
42.52 Summary of grades.
42.53 Weight classes.
42.54 Weight tolerances.

AUTHORITY: §§ 42.30 to 42.54 issued under sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624.

SUBPART B—UNITED STATES CONSUMER GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 42.30 *General.* (a) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. Reference in these standards to the term "case" means 30 dozen egg cases as used in commercial practice in the United States.

(b) Terms used in this part that are defined in the United States standards for quality of individual shell eggs (§ 42.1 et seq.) have the same meaning in this part as in those standards.

(c) An aggregate tolerance of 20 percent is permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection, and reasonable variation of inspector's interpretation.

(d) Substitution of higher qualities for the lower qualities specified is permitted.

§ 42.31 *Grades.* (a) "U. S. Consumer Grade AA" shall consist of eggs of which at least 80 percent are AA Quality. Within the maximum tolerance of 20 percent, which may be below AA Quality, not more than 5 percent may be of the qualities below A, in any combination, but not including Dirties and Leakers.

(b) "U. S. Consumer Grade A" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum tolerance of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B, in any combination but not including Dirties and Leakers.

(c) "U. S. Consumer Grade B" shall consist of eggs of which at least 80 percent are B Quality or better. Within the maximum tolerance of 20 percent which may be below B Quality, 10 percent may be C Quality or Stained, in any combination, and not over 10 percent may be Dirties or Checks in any combination.

(d) "U. S. Consumer Grade C" shall consist of eggs of which at least 80 percent are C Quality or Stained, in any combination, or better, and the balance may be Dirties or Checks in any combination.

(e) Eggs with stained shells but otherwise conforming to U. S. Consumer Grade A or U. S. Consumer Grade B may be classified as "U. S. Consumer Grade A, Stained", or "U. S. Consumer Grade B, Stained", respectively.

(f) *Additional tolerances.* (1) Within the maximum tolerance permitted an allowance will be made at receiving points or shipping destination for ½ percent Leakers in U. S. Consumer Grades AA, A, and B, and one percent in Grade C.

(2) In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.

(g) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material which has seriously affected the character, appearance, or flavor of the eggs.

§ 42.32 *Summary of grades.* The summary of the U. S. Consumer Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U. S. CONSUMER GRADES FOR SHELL EGGS

U. S. consumer grade	At least 80 percent (lot average)[1] must be—	Tolerance permitted[2]	
		Percent	Quality
Grade AA	AA Quality	15 to 20	A.
		Not over 5[3]	B, C, Stained, or Check.
Grade A	A Quality or better	15 to 20	B.
		Not over 5[3]	C, Stained, or Check.
Grade B	B Quality or better	10 to 20	C or Stained.
		Not over 10[4]	Dirty or Check.
Grade C	C Quality or better	Not over 20	Dirty or Check.

[1] In lots of more than 30 cases no individual case may fall below 70 percent of the specified quality and in lots of 30 cases or less the 80 percent minimum requirement shall apply to each individual case.
[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grades AA, A, and B, and 1 percent in Grade C.
[3] Substitution of higher qualities for the lower qualities specified is permitted.

§ 42.33 *Weight classes.* The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table II of this section and apply to all consumer grades

TABLE II—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	*Pounds*	*Ounces*
Jumbo	30	56	2½
Extra Large	27	50½	2¼
Large	24	45	2
Medium	21	39½	1¾
Small	18	34	1½
Peewee	15	28	1¼

§ 42.34 *Weight tolerances.* Minimum weights listed for individual eggs at the rate per dozen are permitted in various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

SUBPART C—UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 42.40 *General.* (a) These procurement grades are applicable only to shell eggs in lot quantities. They are designed primarily for Government and institutional procurement. A lot may contain any quantity of one or more cases. Reference to the term "case" means a 30-dozen egg case as used in commercial practice in the United States.

(b) All terms in the United States standards for quality of individual shell eggs (7 CFR 42.1 et seq.) shall, when used in this part, have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

§ 42.41 *Grades.* (a) "U. S. Procurement Grade I" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C Quality, Stained, and not more than 3 percent Checks, and not more than $^3/_{10}$ percent Dirties, Leakers, and Loss combined.

(b) "U. S. Procurement Grade II" shall consist of eggs of which at least 60 percent are A Quality or better. Within the maximum of 40 percent which may be below A Quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C Quality, Stained, and not more than 3 percent Checks, and not more than $^3/_{10}$ percent Dirties, Leakers, and Loss combined.

(c) "U. S. Procurement Grade III" shall consist of eggs of which at least 40 percent are A Quality or better. Within the maximum of 60 percent, which may be below A Quality, not more than 11.7 percent may be of the qualities below B Said maximum tolerance of 11.7 percent may consist of C Quality, Stained, and not more than 3 percent Checks and not more than $^3/_{10}$ percent Dirties, Leakers, and Loss combined.

(d) "U. S. Procurement Grade IV" shall consist of eggs of which at least 20 percent are A Quality or better. Within the maximum of 80 percent, which may be below A Quality, not more than 11.7 percent may be of the qualities below B

Said maximum tolerance of 11.7 percent may consist of C Quality, Stained, and not more than 3 percent Checks and not more than $^3/_{10}$ percent Dirties, Leakers, and Loss combined.

(e) *Individual case tolerances within a lot applying to each of the procurement grades.* (1) Individual cases may contain not over 10 percent less A Quality eggs than specified for any procurement grade provided the average percentage of A Quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more one case in each 10 examined may contain not over 20 percent less A Quality eggs than the minimum percentage specified for the grade.

(2) Individual cases may contain not over 18 percent eggs below B Quality provided the average percentage for the lot is not more than is specified for the grade.

§ 42.42 *Summary of grades.* The summary of the U. S. Procurement Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES PROCUREMENT GRADES FOR SHELL EGGS

U. S. Procurement Grade	A quality or better (lot average at least)	Maximum tolerance permitted[1] [2] (lot average)	
	Percent	Percent	Quality
I	80	15 to 20	B.
		Not over 5	C, Stained, Check, Dirty, Leaker, and Loss.
II	60	30 to 40	B.
		Not over 10	C, Stained, Check, Dirty, Leaker, and Loss.
III	40	28.3 to 40	B.
		Not over 11.7	C, Stained, Check, Dirty, Leaker, and Loss.
IV	20	15.3 to 80	B.
		Not over 11.7	C, Stained, Check, Dirty, Leaker, and Loss.

[1] Individual cases may contain not over 10 percent less A Quality eggs than permitted for the lot, provided the average for the lot is not less than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A Quality eggs than is permitted in any grade.
[2] Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over 3/10 percent Dirties, Leakers, and Loss. Individual cases may contain not over 18 percent of qualities below B, provided the average for the lot does not exceed the tolerances permitted in any grade.

§ 42.43 *Weight classes.* The weight classes for United States Procurement Grades for Shell Eggs shall be as indicated in Table II of this section and apply to all procurement grades.

TABLE II—WEIGHT CLASSES FOR UNITED STATES PROCUREMENT GRADES

Weight classes	Average net weight on lot basis 30-dozen case	Minimum net weight individual 30-dozen case	Minimum weight for individual eggs, at the rate per dozen	Minimum average percent of individual eggs below minimum weight for average[1]
	Pounds	*Pounds*	*Ounces*	*Percent*
Extra Large	50.5	50	25	3.33
Large	45	44.5	23	3.33
Medium	39.5	39	20	3.33
Small	34	33.5	17	3.33

[1] Individual cases may contain not over 10 percent of individual eggs below minimum weights.

§ 42.44 *Weight tolerances.* Minimum weights listed for individual eggs at the rate per dozen are permitted in various size classes only to the extent that they will not reduce the net weight per 30-dozen case below the required minimum.

SUBPART D—UNITED STATES WHOLESALE GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 42.50 *General.* (a) These wholesale grades are applicable only to shell eggs.

(b) All terms in the United States standards for quality of individual shell eggs (7 CFR 42.1 et seq.) shall, when used in this part, have the same meaning as is given to them in such standards.

(c) Substitution of higher qualities for the lower qualities specified is permitted.

(d) The term "refrigerator eggs" means eggs which have been held under refrigeration for a period of not less than 30 days.

§ 42.51 *Grades.* (a) "U. S. Specials ____% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. The balance may be A Quality except for permitted tolerances, per 30 dozen of eggs, of which 27 eggs (7.5 percent) may be B Quality, C Quality, Stained, Dirties, or Checks in any combination, and 6 eggs (1.7 percent) may be Loss.

(b) "U. S. Extras ____% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name. The balance may be B Quality except for permitted tolerances, per 30 dozen of eggs, of which 42 eggs (11.7 percent) may be C Quality, Stained, Dirties, or Checks in any combination, and 8 eggs (2.2 percent) may be Loss. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for Loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent).

(c) "U. S. Stained Extras ____% A Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (b) of this section for "U. S. Extras ____% A Quality"; and the actual total percentage of A Quality and better quality eggs shall be stated in the grade name.

(d) "U. S. Standards ____% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. The balance may be C Quality and Stained except for permitted tolerances, per 30 dozen of eggs, of which 42 eggs (11.7 percent) may be Dirties or Checks in any combination, and 10 eggs (2.8 percent) may be Loss. In the aforesaid balance the number of Stained eggs shall not exceed 40 percent, by count, of the total number of eggs in the lot. For the period beginning on August 15 of any year and extending through January 31 of the next year, the permitted tolerance for Loss with respect to "refrigerator eggs" is 15 eggs (4.2 percent).

(e) "U. S. Stained Standards ____% B Quality" shall consist of eggs that are Stained but otherwise meet the requirements specified in paragraph (d) of this section for "U. S. Standards ____% B Quality"; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name.

(f) "U. S. Grades ____% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality eggs which may be Stained; and the actual total percentage of C Quality, Stained, and better quality eggs shall be stated in the grade name. The permitted tolerances, per 30 dozen of eggs, are 42 eggs (11.7 percent) which may be Dirties or Checks in any combination, and 18 eggs (5 percent) which may be Loss.

(g) "U. S. Dirties" shall consist of eggs that are Dirty and contain, per 30 dozen of eggs, not more than 42 eggs (11.7 percent) which are Checks, and 18 eggs (5 percent) which may be Loss.

(h) "U. S. Checks" shall consist of eggs that are Checks and contain, per 30 dozen of eggs, not more than 18 eggs (5 percent) that are Loss.

(i) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs.

§ 42.52 *Summary of grades.* A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]				Tolerances in terms of maximum number and percentage of eggs, for each 30 dozen of eggs									
	AA Quality	A Quality or better	B Quality or better	C Quality, Stained, or better	B Quality, C Quality, Stained, Dirties, and Checks		C Quality, Stained, Dirties, and Checks		Dirties and Checks		Checks		Loss	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U. S. Specials ____% AA Quality [2]	20	Balance	None permitted except for tolerances.		27	7.5							6	1.7
U. S. Extras ____% A Quality [2]		20	Balance	None permitted except for tolerances.			42	11.7					8	[3] 2.2
U. S. Stained Extras ____% A Quality [1]	Eggs that are Stained but otherwise meet the requirements for U. S. Extras ____% A Quality, as stated above.													
U. S. Standards ____% B Quality [2]			20	Balance [4]					42	11.7			10	[3] 2.8
U. S. Stained Standards ____% B Quality [1]	Eggs that are Stained but otherwise meet the requirements for U. S. Standards ____% B Quality, as stated above.													
U. S. Trades ____% C Quality [2]				83.3					42	11.7	42	11.7	18	5
U. S. Dirties													18	5
U. S. Checks													18	5

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.

[2] The actual total percentage must be stated in the grade name.

[3] For the period beginning on Aug. 15 of one year and extending through Jan. 31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent) and 15 eggs (4.2 percent) for U. S. Extras ____% A Quality and U. S. Standards ____% B Quality, respectively.

[4] Of this balance the number of Stained eggs shall not exceed 40 percent of the total number of eggs in the lot.

§ 42.53 *Weight classes.* **The weight classes for the United States Wholesale Grades for Shell Eggs shall be as indicated in Table II of this section and, subject to the stated tolerance of 10 percent, shall apply to all wholesale grades except U. S. Dirties and U. S. Checks. There are no weight classes for U. S. Dirties or U. S. Checks.**

TABLE II—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Per 30 dozen eggs		Weights for individual eggs at rate per dozen	
	Average net weight on a lot [1] basis	Minimum net weight individual case [2] basis	Minimum weight	Weight variation tolerance for not more than 10 percent, by count, of individual eggs
	At least—			
Extra Large	50½ pounds	50 pounds	26 ounces	Under 26 but not under 24 ounces.
Large	45 pounds	44 pounds	23 ounces	Under 23 but not under 21 ounces.
Medium	39½ pounds	39 pounds	20 ounces	Under 20 but not under 18 ounces.
Small	34 pounds	None	None	None.

[1] Lot means any quantity of 30 dozen or more eggs.

[2] Case means standard 30-dozen egg case as used in commercial practice in the United States.

§ 42.54 *Weight tolerances.* **The minimum weights, listed in Table II of § 42.53, for individual eggs are at the rate per dozen and are subject to a weight variation tolerance of 10 percent, by count, for individual eggs as stated in Table II.**

Done at Washington, D. C., this 6th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6396; Filed, June 10, 1952; 8:45 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 707—FARM LAND RESTORATION PROGRAM

SUBPART—1953

The purpose of the 1953 Farm Land Restoration Program is to extend to farmers assistance for conservation and land restoration measures needed in rehabilitating and restoring to productive use farm lands which have been damaged by excessive rains, runoff, and floodwaters in areas designated by the Secretary of Agriculture as disaster areas under Public Law 38, approved April 6, 1949.

Assistance will be given to producers in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

DISTRIBUTION AND CONTROL OF FUNDS

SEC.
707.201 State funds.
707.202 Control of funds.
707.203 Basis for approval of restoration practices.

RESTORATION PRACTICES AND RATES OF ASSISTANCE

707.204 Eligible restoration practices.
707.205 Rates of assistance.
707.206 Prior approval.
707.207 Practices carried out with State or Federal aid.
707.208 Pooling agreements.
707.209 Compliance with regulatory measures.

PAYMENTS

707.215 Division of restoration payments.
707.216 Death, incompetency, or disappearance of producer.
707.217 Payments limited to $2,500.

RESTORATION MATERIALS AND SERVICES

707.220 Availability.
707.221 Cost to producer in cash.
707.222 Deduction.

GENERAL PROVISIONS RELATING TO PAYMENTS

707.230 Payments.
707.231 Practices defeating purposes of program.
707.232 Depriving others of payments.
707.233 Filing of false claims.
707.234 Misuse of purchase orders.
707.235 Payment computed and made without regard to claims.
707.236 Assignments.

APPLICATION FOR ASSISTANCE

707.240 Persons eligible to file application.
707.241 Time and manner of filing application and information required.

APPEALS

707.245 Appeals.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

707.246 State handbooks, bulletins, instructions, and forms.

DEFINITIONS

707.250 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS AND APPLICABILITY

707.251 Authority.
707.252 Availability of funds.
707.253 Applicability.

AUTHORITY: §§ 707.201 to 707.253 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; Pub. Law 371, 82d Cong., 16 U. S. C. 590g–590q.

DISTRIBUTION AND CONTROL OF FUNDS

§ 707.201 *State funds.* Funds available for restoration practices will be distributed among States on the basis of the estimated conservation needs resulting from excessive rains, runoff, and floodwaters.

§ 707.202 *Control of funds.* The State committee will allocate the funds available for restoration practices among the counties in the designated disaster areas within the State on the basis of the restoration needs of each in relation to the restoration needs of other counties in the disaster areas in the State. The county committee, in accordance with the method approved by the State committee, will determine the amount of assistance to be made available to each farm, taking into consideration the county allocation and the restoration needs of the county and of the individual farms.

§ 707.203 *Basis for approval of restoration practices.* Practices to be approved will include only those needed to rehabilitate and restore land to productive use as farm land.

RESTORATION PRACTICES AND RATES OF ASSISTANCE

§ 707.204 *Eligible restoration practices.* Assistance will be given to producers in carrying out the following restoration practices on farm land. Only those practices recommended by the county committee and approved by the State committee will be eligible for assistance within a county. Only those practices which are approved for a farm by the county committee on or before December 31, 1953, and which are carried out during the period May 15, 1952, through December 31, 1953, will be eligible for assistance on the farm. The practices must be carried out in accordance with good conservation farming. The Soil Conservation Service will be responsible for determining the need for and practicability of practices of paragraphs (b), (c), (d), (e), (i), (j), (k), and (l) of this section, as well as reporting on performance. For practices of paragraphs (b, (i), (j), and (l) of this section, construction designs, on-site layout and field supervision will be arranged for by Soil Conservation Service.

(a) Clearing debris.

(b) Emergency ditchings.

(c) Cleaning out, repairing, or replacing drainage systems.

(d) Leveling land by filling holes or gullies caused by floodwaters.

(e) Turning under sand deposits by deep plowing.

(f) Repairing or replacing fences necessary for proper land use.

(g) Planting or replanting pastures and hay crops.

(h) Planting cover crops or emergency forage crops.

(i) Replacing or repairing erosion control structures.

(j) Rehabilitation of stock water ponds and other stock water facilities.

(k) Special tillage of silted and waterlogged land.

(l) Rehabilitation of farm irrigation systems, including land leveling, dams, and reservoirs, but excluding motors and pumps.

§ 707.205 *Rates of assistance.* The rate of assistance for each restoration practice will be that recommended by the county committee and approved by the State committee, but not in excess of 80 percent of the average cost of performing the practice. The average cost of performing the practice may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

§ 707.206 *Prior approval.* Prior approval of the county committee is required for all restoration practices for which assistance is obtained under this program, except that retroactive approval may be given for practices started by August 1, 1952.

§ 707.207 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the Agricultural Conservation Programs Branch (referred to in this subpart as the ACP Branch) under this program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the county committee. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 707.208 *Pooling agreements.* Producers in any local area may agree in writing, with the approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to restore the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

§ 707.209 *Compliance with regulatory measures.* Producers who carry out restoration practices for assistance under this program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practices shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others, or fails to comply with applicable laws.

PAYMENTS

§ 707.215 *Division of restoration payments.* The payment earned in carrying out practices with restoration materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with restoration materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

§ 707.216 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP-122).

§ 707.217 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 Farm Land Restoration Program to any person shall not exceed the sum of $2,500, except that with the written prior approval of the State committee, assistance may be authorized in a total amount not to exceed $10,000 in individual cases where the State committee finds that the approval of such amount of assistance is equitable considering the damage to the farm land involved and the approvals made for comparable damage on other farms.

(b) All or any part of any payment which has been or otherwise would be made to any person under this program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

RESTORATION MATERIALS AND SERVICES

§ 707.220 *Availability.* (a) Liming materials, phosphates, seeds, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights to set-off in order to permit the furnishing of materials and services.

(b) Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the materials are satisfied.

§ 707.221 *Cost to producer in cash.* The producer shall pay that part of the cost of the material or service, as established by the ACP Branch, which is in excess of the credit for the use of the material or service in carrying out approved practices.

§ 707.222 *Deduction.* (a) A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom materials or services are furnished. The deduction shall be the credit value of the materials and services furnished,

except that where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction for the material or service misused shall be made.

(b) Materials or services will be considered as misused, for the purpose of this section, in the following instances:

(1) Where the county committee determines that any restoration material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that, with respect to seed furnished in connection with a crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(5) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(6) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(c) If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(d) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material.

(e) Notwithstanding other provisions of this section and § 707.220 (b), in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control, the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved restoration measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the material may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 707.230 *Payments.* Payment will not be made under this program for any practice, or part thereof, for which payment is made under the 1952 Agricultural Conservation Program, the 1952 Farm Land Restoration Program, or the 1953 Agricultural Conservation Program with respect to the same acreage or location. However, payment may be made under this program for the restoration of a practice for which payment was made under the 1952 Agricultural Conservation Program or under a previous Agricultural Conservation Program or the 1951 or 1952 Farm Land Restoration Program and which has been damaged or destroyed by excessive rains, runoff, and floodwaters.

§ 707.231 *Practices defeating purposes of program.* If the State committee finds that any person has adopted or participated in any practice which tends to defeat the purpose of this program, it may withhold, or require to be refunded, all or any part of any payment which has been or would be computed for such person.

§ 707.232 *Depriving others of payments.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the program.

§ 707.233 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 707.234 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for restoration materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 707.235 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 707.236, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 707.236 *Assignments.* Any person who may be entitled to any payment in connection with the program may assign his payment, in whole or in part, as security cash loaned or advances made for the purpose of financing the making of a crop in 1952 or 1953. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

APPLICATION FOR ASSISTANCE

§ 707.240 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 707.241 *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director, ACP Branch, which time shall be not later than June 30, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

APPEALS

§ 707.245 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

§ 707.246 *State handbooks, bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue State handbooks, bulletins, instructions, and forms required in administering this program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to this program as it applies to specific States, counties, areas, and farms will be available in the office of the State committee (11 F. R. 177A-285) and the office of the county committee. Producers wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

DEFINITIONS

§ 707.250 *Definitions.* For the purposes of this program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "State" means any one of the continental United States.

(d) "State committee" means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Program in that State.

(e) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in that county.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(g) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(i) "Cropland" means farm land which in 1951 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind-erosion hazard to the community.

(j) "Program year" means the period May 15, 1952, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 707.251 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g-590q).

§ 707.252 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation as the Congress of the United States may hereafter enact and the amounts of payments will necessarily be within the limits of the funds appropriated.

(b) The funds provided for this program will not be available for the payment of applications filed in the county office after June 30, 1954.

§ 707.253 *Applicability.* (a) The provisions of this program are applicable in counties designated by the Director.

(b) The provisions of this program are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including but not limited to grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(c) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the ACP Branch; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 6th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6391; Filed, June 10, 1952; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-160-A-13]

PART 961—MILK IN THE PHILADELPHIA, PA., MARKETING AREA

ORDER AMENDING THE ORDER

Sec.
961.0 Findings and determinations.

DEFINITIONS

961.1 Act.
961.2 Secretary.
961.3 Philadelphia, Pennsylvania marketing area.
961.4 Person.
961.5 Producer.
961.6 Producer milk plant.
961.7 Nonproducer milk plant.
961.8 Handler.
961.9 Market administrator.

MARKET ADMINISTRATOR

961.20 Designation.
961.21 Powers.
961.22 Duties.

CLASSIFICATION OF MILK

961.30 Basis of classification.
961.31 Classes of utilization.
961.32 Transfers of milk.
961.33 Transfers of cream.
961.34 Allocation of milk or skim milk received at producer milk plants from nonproducer milk plants.
961.35 Allocation of milk or skim milk received by a handler from a producer-handler.

MINIMUM PRICES

961.40 Class prices.
961.41 Butterfat differential.
961.42 Differentials for place of receipt of milk.
961.43 Class I milk disposed of outside the marketing area.

REPORTS OF HANDLERS

961.50 Periodic reports.
961.51 Reports of handlers who receive no milk from producers.

Sec.
961.52 Reports as to producers.
961.53 Reports of payments to producers.
961.54 Outside cream purchases.
961.55 Verification of reports.
961.56 Retention of records.

APPLICATION OF PROVISIONS

961.60 Handlers who receive no milk from producers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

961.70 Computation of the value of milk for each handler.
961.71 Computation and announcement of uniform price for each handler.

PAYMENTS FOR MILK

961.80 Time and method of payment.
961.81 Errors in payment.
961.82 Butterfat differential.
961.83 Location differentials.
961.84 Additional deductions.
961.85 Premium for Grade A milk.

EXPENSE OF ADMINISTRATION

961.90 Payments by handlers.

MISCELLANEOUS PROVISIONS

961.100 Termination of obligations.
961.101 Equivalent prices or indexes.
961.102 Agents.

AUTHORITY: §§ 961.1 to 961.102 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, February 25–28, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than June 11, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions. Accordingly, any further delay in the effective date of this order, amending the said order, as amended, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing have been held February 25–28, 1952, the recommended decision having been issued by the Acting Assistant Administrator on May 7, 1952, and the final decision by the Secretary on May 27, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 961.1 *Act.* The term "act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 961.2 *Secretary.* The term "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States who is, or who may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 961.3 *Philadelphia, Pennsylvania, milk marketing area.* The term "Philadelphia, Pennsylvania, milk marketing area," hereinafter called "the marketing area," means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line opposite the confluence of Pennypack Creek with the Delaware River, thence along Pennypack Creek to the boundary of Montgomery County; thence northerly along the boundary of Montgomery County to the Bucks County line; thence westerly along the Bucks County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin Township line; thence first easterly, and then southerly along the Upper Dublin Township line, thence northeasterly to the Whitemarsh Township; thence southerly along the Whitemarsh Township line to the Schuylkill River; thence westerly along the Schuylkill River to West Conshohocken Borough; thence westerly along the southern border of West Conshohocken Borough, to the Upper Merion Township line; thence along the Upper Merion Township line as it runs to the Delaware County line; thence southeasterly along the Delaware County line as it runs to and along Brandywine Creek and the Delaware State line to the Delaware River; thence northeasterly along the Pennsylvania State line to the Delaware River to the point of beginning.

§ 961.4 *Person.* The term "person" includes any individual, partnership, corporation, association, or any other busines unit.

§ 961.5 *Producer.* The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at a producer milk plant.

§ 961.6 *Producer milk plant.* The term "producer milk plant" means:

(a) A plant listed below:

Operator and Location
Abbotts Dairies, Inc., Belleville, Pa.
Abbotts Dairies, Inc., Curryville, Pa.
Abbotts Dairies, Inc., Easton, Md.
Abbotts Dairies, Inc., Oxford, Pa.
Abbotts Dairies, Inc., Port Allegany, Pa.
Cooklyn Milk Co., Goldsboro, Md.
Dairymen's League Cooperative Association, Spring Creek, Pa.
Delta Farms Products Co., Delta, Pa
Harbisons Dairies, Inc., Brandtsville, Pa.
Harbisons Dairies, Inc., Byers, Pa.
Harbisons Dairies, Inc., Carlisle, Pa.
Harbisons Dairies, Inc., Hurlock, Md.
Harbisons Dairies, Inc., Massey, Md.
Harbisons Dairies, Inc., Millville, Pa.
Harbisons Dairies, Inc., Sudlersville, Pa.
Hernig, Peter, Sons, Inc., Boiling Springs, Pa.
Philadelphia Dairy Products Co., Inc., Benton, Pa.
Philadelphia Dairy Products Co., Inc., Clayton, Del.
Philadelphia Dairy Products Co., Inc., Pottstown, Pa.
Philadelphia Dairy Products Co., Inc., Snow Hill, Md.
Philadelphia Dairy Products Co., Inc., York Springs, Pa.
Shearer, Paul B., & Co., Centerport, Pa.
Supplee-Wills-Jones Milk Co., Bedford, Pa.
Supplee-Wills-Jones Milk Co., Chambersburg, Pa.
Supplee-Wills-Jones Milk Co., Hagerstown, Md.
Supplee-Wills-Jones Milk Co., Harrington, Del.
Supplee-Wills-Jones Milk Co., Huntingdon, Pa.
Supplee-Wills-Jones Milk Co., Leaman Place, Pa.
Supplee-Wills-Jones Milk Co., Lewistown, Pa.
Supplee-Wills-Jones Milk Co., Mercersburg, Pa.
Supplee-Wills-Jones-Milk Co., Princess Anne, Md.
Supplee-Wills-Jones Milk Co., Townsend, Del.
Supplee-Wills-Jones Milk Co., Worton, Md.
Turner & Wescott, Glenroy, Pa.

which is operated by a handler except (1) during such period of time as any such plant has been stopped by the Pennsylvania Department of Health from shipping milk or cream for consumption as fluid milk or fluid cream, or (2) during any month when no milk or cream is disposed of in the marketing area from such plant either directly or by movement through another plant or plants, if the handler has notified the market administrator 5 days or more prior to such month that it is no longer a part of his supply for the marketing area and if no milk or cream has been shipped from it to the marketing area for the 3 months next preceding such month; or

(b) A pasteurizing or bottling plant from which milk is disposed of as Class I milk in the marketing area to persons other than handlers; or

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January, in which shipments are made from the plant on less than 20 days, or during any other month in which shipments are made from the plant on less than 5 days, to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plant.

This definition shall not include a plant at which a uniform price is required to be paid producers under the provisions of another marketing order of the Secretary.

§ 961.7 Nonproducer milk plant. The term "nonproducer milk plant" means any plant other than those described under § 961.6.

§ 961.8 *Handler.* The term "handler" means any person, irrespective of whether such person is also a producer or an association of producers, wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

§ 961.9 *Market administrator.* The term "market administrator" means the person designated pursuant to § 961.20 as the agency for the administration of this subpart.

MARKET ADMINISTRATOR

§ 961.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 961.21 *Powers.* The market administrator shall have power:

(a) To administer the terms and provisions of this subpart; and

(b) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions of this subpart.

§ 961.22 *Duties.* The market administrator shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart and shall surrender the same to his successor or to such other person as the Secretary may designate;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and verified reports as the Secretary may request;

(d) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(e) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to § 961.51, or (2) made payments pursuant to §§ 961.80 through 961.85;

(f) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(g) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(h) Pay, out of the funds provided by § 961.90, (1) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(i) Promptly verify the information contained in the reports submitted by handlers.

CLASSIFICATION OF MILK

§ 961.30 *Basis of classification.* Milk received by each handler, including milk produced by him, if any, shall be classified, in the classes set forth in § 961.31, in accordance with its utilization by such handler, subject to §§ 961.32 through 961.35.

§ 961.31 *Classes of utilization.* The classes of utilization of milk shall be as follows:

(a) Class I milk shall be all milk (1) sold, distributed, or disposed of as or in milk, skim milk and flavored milk drinks for fluid consumption containing less than 18 percent butterfat, including concentrated milk not sterilized and not in hermetically sealed cans, and including all milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses, and (2) all other milk not accounted for as Class II; and

(b) Class II milk shall be (1) all milk disposed of in products other than those included in paragraph (a) of this section, (2) milk dumped or disposed of for animal feed, and (3) all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the total pounds of milk, skim milk, and cream received by a handler at all of his producer milk plants.

§ 961.32 *Transfers of milk.* Milk and skim milk containing less than 18 percent butterfat, transferred from a producer milk plant to another handler's producer milk plant or to a nonproducer milk plant, shall be allocated to Class I unless such milk or skim milk was disposed of under a written agreement submitted to the market administrator or by proof of use if the transfer is from a handler's producer plant to the same handler's nonproducer milk plant that such milk or skim milk be allocated to Class II and the receiving handler or nonproducer milk plant has used in Class II products a quantity of milk or skim milk equivalent to the milk or skim milk received during the month from producer milk plants under an agreement for classification in Class II.

§ 961.33 *Transfers of cream.* Cream containing 18 percent or more butterfat, received by a handler from a nonproducer plant, shall be considered Class II up to the amount of Class II disposed of by the handler and cream containing 18 percent or more butterfat disposed of by a handler to a nonproducer milk plant shall be considered Class II.

§ 961.34 *Allocation of milk or skim milk received at producer milk plants from nonproducer milk plants.* (a) During the months of October to January, inclusive, milk or skim milk received at a producer milk plant from a nonproducer milk plant shall be allocated by the receiving handler to each of the classes and price subdivisions of each class in the same proportion as milk received from producers at all of the producer milk plants of the receiving handler during the month, except that a greater proportion of such milk from

nonproducer plants may be allocated by the receiving handler to Class II and in the absence of an allocation by the handler reported to the market administrator such milk shall be allocated by the market administrator to Class II up to the amount of Class II utilized by the handler during the month.

(b) During the months February to September inclusive, milk or skim milk received at a producer milk plant from a nonproducer milk plant shall be allocated to Class I only if the receiving handler has allocated all of the milk received from producers at all of his producer milk plants to Class I during the month.

(c) The equivalent in milk or skim milk of dry milk, nonfat dry milk, condensed milk, and condensed skim milk utilized at a producer milk plant shall be allocated by the handler to Class II up to the amount of Class II utilized by him.

§ 961.35 *Allocation of milk or skim milk received by a handler from a producer-handler.* Milk or skim milk received in bulk by a handler from another handler who is also a producer and receives no milk from producers may be classified in Class I up to the same proportionate amount as such handler classifies in Class I milk received from producers who are not handlers.

MINIMUM PRICES

§ 961.40 *Class prices.* Except as set forth in § 961.43, each handler shall pay, at the time and in the manner set forth in §§ 961.80 through 961.85, for milk received during each month from producers or an association of producers not less than the following prices, subject to the differentials set forth in §§ 961.41 and 961.42:

(a) *Class I milk.* The market administrator shall compute and announce on the 15th day of each month (or on the next business day if the 15th is a holiday) from the latest available data the index values computed pursuant to subparagraphs (1) through (6) of this paragraph, the Class I price, and the utilization percentages computed pursuant to subparagraphs (7) and (8) of this paragraph.

(1) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by .5108.

(2) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by .01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(3) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, in a 1936–1940 base period, by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January, February, March			96
April, May, June			1.00
July, August, September			1.04
October, November, December			1.00

(4) Compute an index of prices paid for milk by 18 Midwest condenseries, using a 1936–40 base period, by dividing by 0.013945 the monthly average price paid by 18 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	1.02	July	0.97
February	1.02	August	1.00
March	1.01	September	1.00
April	.99	October	1.00
May	.98	November	1.02
June	.96	December	1.03

(5) Compute an index of average daily pounds of Class I milk sold by all handlers during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the marketing area, using a 1936–40 base period, by dividing the monthly figure by 16,640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

January	0.98	July	0.99
February	.99	August	.99
March	1.00	September	1.04
April	.99	October	1.05
May	.98	November	1.02
June	.98	December	.99

(6) Divide the sum of the indexes calculated in subparagraphs (1) through (5) of this paragraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calender quarter in accordance with the following table, subject to the provisions of subparagraphs (7) and (8) of this paragraph. The price for each calendar quarter shall be determined by the index value calculated and announced in the month preceding the calendar quarter, in accordance with the bracket shown in the following table in which such index value is included, or if such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the price in the previous quarter.

CLASS I PRICE SCHEDULE—CLASS I PRICE PER HUNDREDWEIGHT

Formula index	Jan., Feb., Mar., July, Aug., Sept.	April, May, June	Oct., Nov., Dec.
116.3–120.3	$3.49	$3.01	$3.84
124.1–128.1	3.64	3.24	4.01
131.9–135.9	3.81	3.44	4.24
139.6–143.6	4.04	3.64	4.44
147.4–151.4	4.24	3.84	4.64
155.2–159.2	4.44	4.01	4.81
163.0–167.0	4.64	4.24	5.01
170.8–174.8	4.84	4.44	5.24
178.5–182.5	5.04	4.64	5.44
186.3–190.3	5.24	4.84	5.64
194.1–198.1	5.44	5.01	5.81
201.9–205.9	5.64	5.21	6.04
209.7–213.7	5.84	5.44	6.24
217.5–221.5	6.04	5.64	6.44
225.2–229.2	6.24	5.84	6.64
233.0–237.0	6.44	6.04	6.84
240.8–244.8	6.64	6.24	7.04
248.6–252.6	6.81	6.44	7.21
256.4–260.4	7.04	6.64	7.44

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(7) For any calendar quarter the Class I price shall be 40 cents more than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are less than 115 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year plus 80 cents.

(8) For any calendar quarter the Class I price shall be 40 cents less than the price prescribed in subparagraph (6) of this paragraph, if receipts of milk from producers during the 12-month period ending with the second preceding month, excluding receipts at plants which were not producer milk plants during 3 consecutive months, are more than 137 percent of total Class I sales by handlers in the same period; except that a price adjustment pursuant to this subdivision shall not exceed an amount which will result in a Class I price equal to the Class I price for the same quarter of the preceding year minus 80 cents.

(b) *Class II milk.* The price per hundredweight during each month shall be the sum of the values calculated as follows by the market administrator:

(1) *Butterfat.* Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of fresh sweet cream of bottling quality in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function), divide by the number of quotations, divide by 33.48, multiply by 4 and subtract 26½ cents: *Provided*, That for butterfat established as used in butter, the price shall be 4 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19 cents, but in no event shall this butter value be greater than the butterfat value established otherwise by this subparagraph.

(2) *Skim milk.* Multiply by 7.5 the average of all the prices per pound quoted for nonfat dry milk solids under the designation "roller, other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), as published for such month in the "Producers Price Current", and subtract 54 cents in the computation of prices for the months of April, May and June, and 44 cents in other months.

(3) During the months of April, May and June, 1952, in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, subtract from the sum of the values computed in subparagraph (1) and (2) of this paragraph any excess over the sum of the butterfat and skim milk values computed as follows:

Compute a butterfat value by adding to the average butter price per pound computed pursuant to subparagraph (1) of this paragraph 2 cents, multiply the sum by 1.22 and by 4, and deduct 19 cents; and compute a skim milk value by multiplying by 7.8 the weighted average (using the weight of 70 for roller process prices and a weight of 30 for spray process prices) of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption, in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and subtract 54 cents.

§ 961.41 *Butterfat differential.* (a) The Class I price shall be subject to a butterfat differential of 5 cents for each one-tenth of 1 percent variation above or below 4.0 percent: *Provided*, That in case of Class I items containing less than 3.0 percent butterfat or more than 6.0 percent butterfat, the rate of differential prescribed in paragraph (b) of this section based on cream quotations shall apply.

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as follows: divide the average of the cream quotations used calculating the Class II price by 334.8, and subtract 0.67 cents; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the butter value by 40; and in the case of milk used in the manufacture of evaporated milk, milk chocolate, cheese other than cottage cheese, and nonfat dry milk, during April, May and June 1952, divide the butterfat value computed pursuant to § 961.40 (b) (3) by 40.

§ 961.42 *Differentials for place of receipt of milk.* In the case of milk received from producers by any handler at plants 31 miles or more from the City Hall in Philadelphia, there shall be deducted from the prices set forth in § 961.40 the following amounts:

(a) *Class I milk.* At plants 31 to 40 miles from the City Hall in Philadelphia, 31 cents per hundredweight, and for plants within each additional 10 miles in excess of 40 miles, an additional 1 cent, provided the total amount does not exceed 64 cents per hundredweight.

(b) *Class II milk.* At plants 31 to 70 miles from the City Hall in Philadelphia, 5 cents per hundredweight, and for plants within each additional 70 miles an additional cent.

The distance of any plant from the City Hall in Philadelphia shall be that recognized by the Interstate Commerce Commission for rate-making purposes on highways over which the Highway Departments of the several States permit milk tank trucks to move, or if no such distance is recognized, the distance shall be that ascertained and announced by the market administrator.

§ 961.43 *Class I milk disposed of outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip, in lieu of the price otherwise applicable pursuant to this section, shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, less the applicable transportation allowance in such outside market, but in no case more than 64 cents: *Provided*, That Class I milk disposed of in markets where the market administrator is unable to determine such a price the Class I price plus or minus the applicable differentials specified in this order shall apply: *And provided further*, That in the case of Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that when disposed of in the New York metropolitan milk marketing area during the months of April through August 1952, the price for such milk shall be the Class II price pursuant to subparagraphs (1) (exclusive of the proviso) and (2) of § 961.40 (b).

REPORTS OF HANDLERS

§ 961.50 *Periodic reports.* On or before the 8th day after the end of each month each handler, with respect to milk, milk products or cream which was, during such month, (a) received from producers, handlers, or other sources; and (b) produced by such handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler;

(4) The receipts at each plant from any other source;

(5) The respective quantities of milk and milk products disposed of or on hand at each plant, with the butterfat content thereof; and

(6) The shipments of milk to the marketing area from each plant.

§ 961.51 *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

§ 961.52 *Reports as to producers.* Each handler shall report to the market administrator:

(a) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (1) the name and address, (2) the total pounds of milk received, (3) the average butterfat test of milk received, and (4) the number of days upon which milk was received; and

(b) As soon as possible after first receiving milk from any producer, (1) the name and address of such producer, (2) the date upon which such milk was first received, and (3) the plant at which such milk was received.

§ 961.53 *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 25th day after the end of each month his producer pay roll for such month which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, and (b) the total delivery of milk with the average butterfat test thereof.

§ 961.54 *Outside cream purchases.* Each handler shall report as requested by the market administrator his purchases, if any, of sweet cream, showing the quantity and source of each such purchase and the cost thereof at Philadelphia.

§ 961.55 *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section and (b) weigh milk received from each producer and sample and test milk for butterfat.

§ 961.56 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

APPLICATION OF PROVISIONS

§ 961.60 *Handlers who receive no milk from producers.* The provisions hereof, except those set forth in §§ 961.50 through 961.56 and § 961.90, shall not apply to a producer-handler who receives no milk from producers nor to a handler whose sole source of milk supply consists of receipts from other handlers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 961.70 *Computation of the value of milk for each handler.* For each month the market administrator shall compute, subject to the provisions of § 961.60, the value of milk of producers disposed of by

each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to §§ 961.30 through 961.35 by the prices applicable pursuant to § 961.40, plus or minus the applicable differentials in §§ 961.41 through 961.43, and (b) adding together the resulting values.

§ 961.71 *Computation and announcement of uniform price for each handler.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him at each plant from producers during each month as follows:

(a) Add to the value computed pursuant to § 961.70 the amount of the adjustment to be made pursuant to § 961.83, and add or subtract the amount to be subtracted or added, respectively, by the handler pursuant to § 961.82.

(b) Divide the amount computed in paragraph (a) of this section by the total quantity of milk received from producers, including milk of his own production; and

(c) On or before the 15th day after the end of each month, notify each handler and publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to §§ 961.82 through 961.84.

PAYMENTS FOR MILK

§ 961.80 *Time and method of payment*—(a) *Semimonthly payments.* On or before the last day of each month each handler shall make a payment to producers for milk delivered during the first 15 days of such month at not less than a rate per hundredweight which he estimates will be his uniform price for such month.

(b) *Final payment.* On or before the 20th day after the end of each month, each handler shall make full payment, subject to §§ 961.82 through 961.85, to each producer, for the total value of milk received from such producer during such month, at not less than the uniform price per hundredweight computed for such handler pursuant to §§ 961.70 and 961.71 after taking credit for payment made pursuant to paragraph (a) of this section.

§ 961.81 *Errors in payment.* Errors in making payments for milk shall be corrected not later than the date for making payments next following the determination of such errors.

§ 961.82 *Butterfat differential.* If any handler has received from any producer, during the month, milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to § 961.80, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than 5 cents per hundredweight.

§ 961.83 *Location differentials.* In making payments pursuant to § 961.80, each handler shall deduct from payments to producers delivering milk to a plant located in a mileage zone set forth in § 961.42 a differential equal to the percentage of the pounds of all milk received from producers at all of the producer milk plants of the handler which was used in Class I times the Class I differential rate pursuant to § 961.42 at such plant plus the percentage of Class II at the Class II rate pursuant to § 961.42.

§ 961.84 *Additional deductions.* In the case of milk received from producers at plants more than 11 miles from City Hall in Philadelphia, the handler may deduct from the payments otherwise specified in §§ 961.80 through 961.83 to be paid 7 cents per hundredweight at plants 11 to 16 miles from the City Hall in Philadelphia, and an additional 2 cents per hundredweight for plants within each additional 5 miles in excess of 16 miles but less than 31 miles.

§ 961.85 *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to §§ 961.80 through 961.84, each handler shall pay for milk, which he has designated as qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c.c. and 25 cents per hundredweight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of such milk sold as Grade A either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers, plus 2 cents for each one-tenth of 1 percent that the butterfat content is above 3.7 percent. In addition to the above payments each handler shall add to the value of his milk computed pursuant to § 961.70, 40 cents per hundredweight of milk sold by a handler as Grade A in excess of the milk received from designated Grade A producers for whom the handler has maintained adequate laboratory records which qualify such producers for the 40-cent or 25-cent premiums described in this section.

EXPENSE OF ADMINISTRATION

§ 961.90 *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by such handler directly from producers, and all milk received from nonproducer milk plants which is allocated to Class I under § 961.34, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator subject to review by the Secretary.

MISCELLANEOUS PROVISIONS

§ 961.100 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him, under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 961.101 *Equivalent prices or indexes.* If for any reason a price or index specified by this order for use in computing class prices or other purposes is not reported or published in the manner described in this order, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

§ 961.102 *Agents.* The Secretary may, by designation in writing, name any officer or employe of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

Issued at Washington, D. C., this 6th day of June 1952, to be effective on and after the 11th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6413; Filed, June 10, 1952, 8:57 a. m.]

TITLE 12—BANKS AND BANKING

Chapter III—Federal Deposit Insurance Corporation

Subchapter B—Regulations and Statements of General Policy

PART 329—PAYMENT OF DEPOSITS AND INTEREST THEREON BY INSURED NONMEMBER BANKS

GRACE PERIODS IN COMPUTING INTEREST ON SAVINGS DEPOSITS

Correction

In F. R. Doc. 52-6301, appearing at page 5187 of the issue for Saturday, June 7, 1952, the chapter heading, as set forth above, was inadvertently omitted.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

ISSUANCE OF REGISTRATION CERTIFICATES

This amendment revises § 501.4 which concerns the issuance of registration certificates for aircraft owned by citizens of the United States. In order to eliminate some of the difficulties now experienced in the registration of imported aircraft and to implement Article IX of the Convention on the International Recognition of Rights in Aircraft, a new paragraph (c) has been added. A proposal to revise § 501.4 was published on April 26, 1952, in 17 F. R. 3746. Interested persons were afforded an opportunity to submit data, views, and arguments. Consideration has been given to all relevant matter presented. The following revision of § 501.4 is hereby adopted:

§ 501.4 *Issuance of registration certificate*—(a) *New or previously unregistered aircraft.* A registration certificate will be issued by the Administrator for aircraft not previously registered under the provisions of the Civil Aeronautics Act of 1938, as amended, or the laws of any foreign country, if the applicant:

(1) Mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) Certifies that applicant is a citizen of the United States;[1] and that the aircraft is not validly registered under the laws of any foreign country; and

(3) Submits with the application proof satisfactory to the Administrator that the applicant is the owner of such aircraft.

(b) *Aircraft previously registered in the United States.* A registration certificate will be issued by the Administrator for aircraft which have been last registered under the provisions of the Civil Aeronautics Act of 1938, as amended, if:

(1) The applicant mails or delivers a duly executed application for registration to the Administrator accompanied by the required registration fee (see § 406.14 (c) of this chapter); and

(2) The applicant certifies that he is a citizen of the United States; and

(3) The applicant submits with the application for registration a conveyance which meets the requirements prescribed in Part 503 of this chapter, evidencing applicant's ownership of the aircraft; and

(4) The conveyance submitted with the above application establishes in the recordation system of the Administrator, title to the aircraft in the applicant: *Provided*, That this requirement shall not be applicable to contracts of conditional sale in which the seller is the recorded owner of the aircraft: *And provided further*, That if for good reason an applicant for registration cannot comply with the provisions of subparagraph (3) of this paragraph and this subparagraph, other proof of ownership satisfactory to the Administrator must be submitted.

(c) *Aircraft previously registered in foreign countries.* A registration certificate will be issued by the Administrator for aircraft which have been last registered under the laws of a foreign country if the applicant:

(1) Complies with the requirements of paragraph (a) of this section; and

(2) Submits a statement signed by a proper official of the country of foreign registry to the effect that all holders of recorded rights against the aircraft have been satisfied or have consented to the transfer of registry; or

(3) Submits evidence satisfactory to the Administrator that the foreign registry has terminated or is invalid,[2] or that the country of foreign registry does not supply information with respect to recorded rights in aircraft.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521)

This amendment shall become effective thirty (30) days after publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6371; Filed, June 10, 1952; 8:45 a. m.]

[1] As defined by section 1 (13) of the Civil Aeronautics Act of 1938, as amended, "'Citizen of the United States' means (a) an individual who is a citizen of the United States or of one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, Territory or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 per centum of the voting interest is owned or controlled by persons who are citizens of the United States or of one of its possessions."

[2] The United States is a party to and has ratified the Convention on International Recognition of Rights in Aircraft, signed at Geneva on June 19, 1948. Ratification of this Convention by other signatory countries may result in limiting the application of this clause to cases in which ownership in the country of export has been terminated by a sale in execution carried out in conformity with the provisions of the Convention.

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Reg., Amdt. 112]

PART 384—GENERAL ORDERS

ORDER RELATING TO CERTAIN LICENSES FOR STEEL

Part 384, General Orders, is amended by adding § 384.12 to read as follows:

§ 384.12 *Order relating to certain licenses for steel.* Effective 12:01 a. m., e. d. t., June 11, 1952, exportations under validated licenses of all steel commodities in the forms and shapes indicated in Schedule 1 of CMP Regulation No. 1 (those steel items on the Positive List identified by the Processing Code STEE and the letter C) may not be made where the steel to be exported was acquired on or after the effective date of this order by the exporter from a steel distributor, as defined in NPA Order M-6A (or is being exported by such a steel distributor) pursuant to an authorized export allotment symbol W-2 or W-4, and, where it is to be used in the manufacture abroad of products identified by the DPA allotment symbol V followed by a digit, as set forth in the NPA "Official CMP Class B Product List and Product Assignment Directory", issued May 1, 1952, by the National Production Authority of the Department of Commerce (section III, CMP Class B Product Class Codes—by NPA Divisions, pages 32A through 36A). For export shipments not prohibited by the terms of this order, exporters shall make the following certification on the shipper's export declaration covering the proposed exportation of all commodities identified on the Positive List by the Processing Code STEE and the letter C:

I certify to the Office of International Trade that, to the best of my knowledge and belief, this exportation is in accordance with the terms of OIT Order, § 384.12.

This order shall not apply to steel acquired by or from a steel distributor which was on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this order.

This order shall not apply to licenses bearing an OIT waiver of its requirements validated on the face of the license or on an amendment thereto after the effective date.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6472; Filed, June 10, 1952; 10:57 a. m.]

Chapter IV—Foreign-Trade Zones Board

[Order 29]

PART 400—GENERAL REGULATIONS GOVERNING FOREIGN-TRADE ZONES IN THE UNITED STATES, WITH RULES OF PROCEDURE

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making having been given, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), published in the FEDERAL REGISTER on October 19, 1951 (16 F. R. 10706–10708), consideration having been given to all suggested revisions, views and arguments submitted in writing by interested persons, and required notice having been given of the disposition thereof, the General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure of the Foreign-Trade Zones Board (15 CFR Part 400), are hereby amended, and become effective 30 days after publication in the FEDERAL REGISTER, as follows:

1. Amend § 400.100 to read as follows:

§ 400.100 *Act.* The term "Act" means the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998–1003; 19 U. S. C. 81a–81u), as amended by Pub. Law 566, 81st Cong., approved June 17, 1950.

2. Amend § 400.101 to read as follows:

§ 400.101 *Zone.* The term "zone" means a "foreign-trade zone." It is an isolated, enclosed, and policed area, operated as a public utility, in or adjacent to a port of entry, furnished with facilities for lading, unlading, handling, storing, manipulating, manufacturing, and exhibiting goods, and for reshipping them by land, water, or air. Any foreign and domestic merchandise, except such as is prohibited by law or such as the Board may order to be excluded as detrimental to the public interest, health, or safety, may be brought into a zone without being subject to the customs laws of the United States governing the entry of goods or the payment of duty thereon; and such merchandise permitted in a zone may be stored, exhibited, manufactured, mixed or manipulated in any manner, except as provided in the act and other applicable laws or regulations. The merchandise may be exported, destroyed, or sent into customs territory from the zone, in the original package or otherwise. It is subject to customs duties if sent into customs territory, but not if reshipped to foreign points.

3. Add new § 400.304.

§ 400.304 *Zones for specialized purposes.* The establishment of a zone, or a sub-zone in an area separate from an existing zone, for one or more of the specialized purposes of storing, manipulating, manufacturing, or exhibiting goods, may be authorized if the Board finds that existing or authorized zones will not serve adequately the convenience of commerce with respect to the proposed purposes.

4. Delete § 400.800 and substitute the following:

§ 400.800 *Operations in zone, and forms and procedures.* The merchandise and operations permitted in a zone, the disposition of merchandise in a zone, the zone status of the merchandise and special provisions applicable to each status, the subsequent importation of merchandise exported from a zone, and other operations in a zone authorized by the act, are hereinafter in this part generally described. The zone forms[1] required are appended to these regulations and made a part thereof, and the procedures required are set forth in Customs regulations relating to foreign-trade zones (19 CFR Part 30), and the regulations and schedules of rates and charges made and fixed by the zone grantee and approved by the Board.

5. Delete §§ 400.801 and 400.802 and substitute the following:

§ 400.801 *Merchandise permitted in a zone.* Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in the act and the regulations made thereunder, be brought into a zone.

(a) Merchandise which is specifically and absolutely prohibited by law shall not be admitted into a zone. Any merchandise so prohibited by law which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise. A distinction is made between (1) merchandise which is specifically and absolutely prohibited by law on the grounds of policy or morals, such as immoral or subversive literature, obscene articles, or lottery matter, and (2) merchandise which is subject to conditional prohibition only, for example, articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. Collectors of customs are required to exclude the first class of articles and may not permit them to be transferred to a zone if they are aware of their prohibited status, except that the collector may permit the temporary deposit of any such merchandise in the zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. There is no prohibition against placing over-quota merchandise in a zone pending its right to transfer to customs territory pursuant to the applicable quota provisions.

(b) The application for the admission of merchandise into a zone shall be approved or disapproved by the collector, as the representative of the Board, where the merchandise is not excluded by any other Federal agency having jurisdiction over the merchandise.

6. Add new § 400.802.

§ 400.802 *Disposition of merchandise in a zone.* In general, merchandise lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the act be exported, destroyed, or sent into customs territory of the United States therefrom, in the original package or otherwise; but when foreign merchandise, and domestic merchandise whose identity has been lost, is so sent from a zone into customs territory of the United States it shall be subject to the laws and regulations of the United States affecting imported merchandise.

7. Change the number of § 400.803, *Exclusion from zone of goods or process of treatment,* to § 400.807.

8. Add new § 400.803.

§ 400.803 *Manipulation, manufacture, and exhibition of merchandise.* In general, merchandise, lawfully brought into a zone may, in accordance with these and other regulations made under the provisions of the act, be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign and domestic merchandise, or otherwise manipulated, or be manufactured, except as otherwise provided by the act.

(a) Permission for any manipulation, manufacture, or exhibition in a zone shall be obtained from the collector, as the representative of the Board, subject to such application and procedure prescribed by the Secretary of the Treasury for the protection of the revenue.

(b) In the event of the denial of any application by the collector for any reason, the applicant, the grantee, or the operator of the zone may appeal the adverse ruling to the Board. If any revenue-protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

9. Delete § 400.803a *Handling of gold.*

10. Change the number of § 400.804 *Retail trade within zone,* to § 400.808.

11. Add new § 400.804.

§ 400.804 *Status of merchandise in a zone.* (a) For the purposes of the act and the regulations of this part, all merchandise within a zone, except merchandise in transit through a zone as provided in § 30.5 of Customs regulations,[1] and except merchandise temporarily transferred to a zone for manipulation as provided in paragraph (b) of this section, shall be given a zone status as:

(1) Privileged foreign merchandise,
(2) Privileged domestic merchandise,
(3) Non-privileged foreign merchandise,
(4) Non-privileged domestic merchandise, or
(5) Zone-restricted merchandise,

in accordance with §§ 30.6, 30.7, 30.8, 30.9, and 30.10 of Customs regulations.

(b) Imported merchandise which has been entered and which has remained in continuous customs custody may be temporarily transferred to a zone for manipulation under customs supervision pursuant to section 562, Tariff Act of 1930, as amended, and for return to customs territory. Any such merchandise shall not be considered within the purview of the Foreign-Trade Zones Act, but shall be treated in all respects as though remaining in customs territory. Therefore no zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of section 562 and other pertinent customs laws.

12. Delete § 400.805 and substitute the following:

§ 400.805 *Use of zone by carriers.* The water area, docking facilities, and loading or unloading stations of a zone are intended primarily for the use of vessels, vehicles, or aircraft unlading merchandise into the zone or lading merchandise from the zone, and their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue, or by the Board if found to interfere with the primary uses of the zone.

13. Add new § 400.806.

§ 400.806 *Subsequent importation of zone merchandise.* Articles produced or manufactured in a zone and exported therefrom shall, on subsequent importation into the customs territory of the United States, be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the Second Proviso of section 3 of the Act, as amended, may, on such importation, be entered as American goods returned.

14. Change the numbers of sections as follows:

a. Section 400.806 *Residence within zone,* to § 400.809.

b. Section 400.807 *Employees and persons entering and leaving zone,* to § 400.810.

c. Section 400.808 *All persons entering zone bound by regulations,* to § 400.811.

d. Section 400.809 *Identification of employees within zone,* to § 400.812.

[1] Zone Forms B, C, D, E, F filed, as part of original document.

[1] 19 CFR, Part 30.

15. Change the number of § 400.810 to 400.813, and amend to read as follows:

§ 400.813 *Hours of business and service.* Hours of business and service, for customs purposes, shall be the same as those prescribed in Customs regulations.

16. Change the number of § 400.811 to § 400.814, and amend to read as follows:

§ 400.814 *Payment of customs officers and employees.* (a) The cost of maintaining the customs service in a zone shall be paid monthly by the grantee of such zone to the collector of customs.

(b) Customs officers and employees performing services in a zone at night, or on Sundays and holidays, shall receive extra compensation, to be computed as and under the conditions prescribed by Customs regulations.

(c) For the purpose of computing extra compensation the word "night" shall be construed to mean the time from 5:00 p. m. to 8:00 a. m. and the word "holiday" shall include only national holidays, viz., January 1, February 22, May 30, July 4, the first Monday in September, November 11, the fourth Thursday in November, and December 25, and such other days as may be made national holidays.

(d) In a zone at a port where customary working hours are other than those herein mentioned, the collector of customs is authorized to regulate the hours of customs officers and employees assigned to the zone so as to agree with prevailing working hours in said port, but nothing herein shall be construed in any manner to affect or alter the length of a working day for customs officers or employees, or the overtime pay.

17. Change the number of § 400.812 *Erection of buildings within zone by persons other than grantee,* to § 400.815.

18. Delete § 400.1000 and substitute the following:

§ 400.1000 *Operation, maintenance, and administration.* The zone shall be operated, maintained, and administered by the grantee under (a) the supervision, direction, and control of the Board in accordance with the provisions of the act and the regulations of the Board in this part, (b) the regulations relating to foreign-trade zones of the Bureau of Customs for the protection of the revenue (19 CFR Part 30) and any other law, regulation, or instruction the Customs Service is required or authorized to enforce, (c) such other applicable laws and regulations thereunder of other Federal agencies, and (d) the regulations and schedules of rates and charges made and fixed by the grantee and approved by the Board. The collector in whose district the zone is located shall, in addition to his duties as Collector of Customs, be in local charge of the zone as the resident representative of the Board. He may call upon the district engineer and local representatives of other governmental departments and agencies for advice in matters of operation, maintenance, and administration.

19. Amend § 400.1001 to read as follows:

§ 400.1001 *Regulations promulgated by grantee, and posting of regulations within zone.* The grantee shall, before beginning operation of a zone submit to the Board its own rules, regulations, and practices for the operation of the zone, subject to disapproval of the Board. There shall be posted in a conspicuous place within the zone copies of the regulations issued by the Board and the approved regulations of the grantee, or of such extracts from either or both of such regulations as the Board may designate.

20. Amend § 400.1002a to read as follows:

§ 400.1002a *Uniform system of accounts, records, and reports.* Every grantee of a zone shall keep its books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records, and Reports", approved February 6, 1939.

21. Delete § 400.1315 *Operation, maintenance, and administration.*

22. Change the numbers of sections as follows:

a. Section 400.1316 *Evidence,* to § 400.1315.

b. Section 400.1317 *Object of hearing,* to § 400.1316.

c. Section 400.1318 *Notice of hearing,* to § 400.1317.

d. Section 400.1319 *Procedure at hearing,* to § 400.1318.

e. Section 400.1320 *Adjournment of hearing,* to § 400.1319.

f. Section 400.1321 *Record of proceedings,* to § 400.1320.

g. Section 400.1322 *Additional rules of practice,* to § 400.1321.

(Sec. 8, 48 Stat. 1000; 19 U. S. C. 81h)

Signed at Washington, D. C., this 5th day of June 1952.

FOREIGN-TRADE ZONES BOARD,
[SEAL] CHARLES SAWYER,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

[F. R. Doc. 52-6415; Filed, June 10, 1952, 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53010]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

PART 30—FOREIGN-TRADE ZONES

In view of the amendment of section 3 of the Act of June 18, 1934 (19 U. S. C. 81c), relating to foreign-trade zones, by section 1 of the Act of June 17, 1950 (Public Law No. 566), the Customs Regulations are hereby amended as follows:

1. Sections 19.29 to 19.39, inclusive, of the Customs Regulations of 1943, as amended, are deleted.

2. A new "Part 30—Foreign-Trade Zones," consisting of §§ 30.1 to 30.18, inclusive, is added to the Customs Regulations of 1943, as amended, as follows:

PART 30—FOREIGN-TRADE ZONES

Sec.
30.1 Merchandise permitted in a zone.
30.2 Use of zone by carriers.
30.3 Transportation of merchandise to a zone.
30.4 Who may file a zone application.
30.5 Admission of merchandise into a zone.
30.6 Privileged foreign merchandise.
30.7 Privileged domestic merchandise.
30.8 Non-privileged foreign merchandise.
30.9 Non-privileged domestic merchandise.
30.10 Zone-restricted merchandise.
30.11 Customs control of merchandise in a zone.
30.12 Manipulation, manufacture, or exhibition in a zone.
30.13 Destruction of merchandise in a zone.
30.14 Sending merchandise from a zone into customs territory.
30.15 Direct exportation from a zone.
30.16 Supplies, equipment, and repair material for vessels or aircraft.
30.17 Transfer of merchandise from one zone to another.
30.18 Reimbursement of customs expenses.

AUTHORITY: §§ 30.1 to 30.18 issued under R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interpret or apply R. S. 251, sec. 3, 44 Stat. 1382, secs. 1–24, 48 Stat. 998; 5 U. S. C. 281b, 19 U. S. C. 66, 81a–81u.

§ 30.1 *Merchandise permitted in a zone.* Foreign and domestic merchandise of every description, except such as is prohibited by law, may be brought into a foreign-trade zone (hereinafter in this part referred to as a "zone") established pursuant to the act of June 18, 1934, as amended by section 1 of the act of June 17, 1950 (19 U. S. C. 81a–81u, and Pub. Law 566, 81st Cong., hereinafter in this part referred to as "the act"). Merchandise which is specifically and absolutely prohibited by law shall not be admitted into a zone.[1] Any merchandise so prohibited by law which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise. A distinction is made between (a) merchandise which is specifically and absolutely prohibited by law on the grounds of policy or morals, such as immoral or subversive literature, obscene articles or lottery matter, and (b) merchandise which is subject to conditional prohibition only, for example, articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal Agencies. Collectors of customs are required to exclude the first class of articles and may not permit them to be transferred to a zone if they are aware of their prohibited status, except that the collector may permit the temporary deposit of any such merchandise in the zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. There is no prohibition against placing over-quota merchandise in a zone pending its right to transfer to customs territory pursuant to the applicable quota provisions. The application for the admission of merchandise into a zone shall be approved or disapproved by the collector, as the representative of the Foreign-Trade Zones Board (hereinafter in this part referred to as "the Board"), where the merchandise is not excluded by any other Federal agency having jurisdiction over it.

§ 30.2 *Use of zone by carriers.* (a) The water area, docking facilities, or any loading or unloading stations of a zone are intended primarily for the use of vessels, vehicles, or aircraft unlading merchandise[2] into the zone or lading merchandise from the zone, and their use for other purposes may be terminated by the Secretary of the Treasury if found to endanger the revenue, or by the Board if found to impede the primary uses of the zone.

(b) Nothing in the act or the regulations in this part shall be construed as excepting any carrier entering, remaining in, or leaving a zone from the application of any other pertinent law or regulation.

§ 30.3 *Transportation of merchandise to a zone.*[3] (a) Merchandise may be brought directly to a zone from any place outside customs territory[4] by vessel, vehicle, or aircraft.

(b) Domestic merchandise[5] may be brought to a zone from customs territory by any means of transportation which will not interfere with the orderly conduct of business in the zone.

(c) Foreign merchandise[6] destined to a zone and moving through customs territory outside a port shall be subject to the laws and regulations pertaining to the movement of like merchandise between two ports in customs territory.

(d) Foreign merchandise being transferred within a port to a zone shall be subject to the laws and regulations pertaining to the movement of like merchandise within the customs territory of the port before delivery to the importer.

§ 30.4 *Who may file a zone application.* (a) This section tells who is authorized to apply for permission to transfer merchandise into a zone, to do anything with respect to the merchandise within the zone, or remove the merchandise from the zone. In general, the zone grantee shall have the sole responsibility for determining the legal right of the applicant to make the application. Accordingly, such applications shall show a written concurrence of the zone grantee, except where the regulations in this part provide for the filing of applications by the zone grantee itself, or permit the filing of blanket concurrences by the zone grantee. Government officers acting in their official capacities may question the zone grantee's concurrence if in their opinion it is improperly given. In the case of foreign merchandise brought into a zone through customs territory, the appropriate application as prescribed in § 30.5 must be filed by the person having a right to apply for release.

(b) The forms of application provided for in this part shall be filed in the number of copies required for the purposes of local administration.

§ 30.5 *Admission of merchandise into a zone.* (a) This section tells how to obtain the right to unlade or bring merchandise into a foreign-trade zone.

(b) If the merchandise is to be unladen from any carrier in the zone for immediate transfer to customs territory, or if it is to be transferred from customs territory through the zone for immediate lading on any carrier therein, an application for permission to unlade or lade shall be filed on customs Form 3171 and the collector shall permit the unlading or lading unless he has reason to believe that the merchandise will not be moved promptly from the zone or made the subject of an application for zone status in accordance with paragraph (d) of this section. Any such merchandise shall not be considered within the purview of the act, but shall be treated in all respects as though the unlading or lading were in customs territory. Merchandise brought into a zone for lading on a carrier which is not laden without delay which will endanger the revenue must be made the subject of an application for zone status in accordance with paragraph (d) of this section or be removed from the zone.

(c) Imported merchandise which has been entered and which has remained in continuous customs custody may be temporarily transferred to a zone for manipulation under customs supervision pursuant to section 562, Tariff Act of 1930, as amended, and for return to customs territory. Any such merchandise shall not be considered within the purview of the Foreign-Trade Zones Act, but shall be treated in all respects as though remaining in customs territory. Therefore, no zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of section 562 and other pertinent customs laws.

(d) If the merchandise is to be unladen or brought into the zone for purposes other than as provided for in paragraph (b) of this section an application to transfer into the zone shall be filed on zone Form D. The approval of the grantee shall be noted on this application unless the grantee furnishes a specific or blanket approval separately in writing. In the case of merchandise to be unladen within a zone directly from an importing vessel or aircraft and intended to have zone status, an application for permission to unlade shall also be filed on customs Form 3171. Before foreign merchandise being transported through customs territory may be brought into a foreign trade zone, a release order authorizing the transfer of the merchandise to the zone must be obtained from the carrier bringing the merchandise to the port at which the zone is located. The release order shall be noted on the application Form D unless the carrier has given the release order as a separate document. Whether the release order is noted on application Form D or is given as a separate document, application Form D shall be supported by evidence of the right of the applicant to transfer the merchandise to the zone. This evidence shall be the same as would be required to establish the right of the applicant to apply for release of the merchandise from customs custody at the end of its transit through customs territory. Such evidence usually consists of an original bill of lading in the name of the applicant, an original bill of lading endorsed to him, or a carrier's certificate.

Every application made under this paragraph shall indicate the zone status desired as follows:[7]

(1) Privileged foreign merchandise,
(2) Privileged domestic merchandise,
(3) Non-privileged foreign merchandise,
(4) Non-privileged domestic merchandise, or
(5) Zone-restricted merchandise.

(e) No merchandise shall be transferred into a zone until an application has been filed and a permit issued for the transfer, as set forth in paragraph (b) or (d) of this section.

(f) The collector may cause any merchandise in a zone to be examined at the time of admission, or at any time thereafter, if the examination is deemed necessary to facilitate the proper administration of any law, regulation, or instruction which the Customs Service is authorized to enforce.

(g) Whenever a certificate as to the arrival of any merchandise in a zone is required by a Federal agency the collector shall issue the certificate, properly describing and identifying the merchandise involved.

§ 30.6 *Privileged foreign merchandise.* (a) This section tells how to obtain a privileged status for foreign merchandise, and what are the legal incidents of such status.

(b) Merchandise within the purview of the first proviso to section 3 of the act, as amended,[8] shall be given status as privileged foreign merchandise on proper application. Each application for this status shall be filed on zone Form B, with the application for admission of the merchandise into the zone, or at any time thereafter and before the merchandise has been manipulated or manufactured in the zone in a manner which has effected a change in its tariff classification. Each applicant for such status shall file with his application a zone customs entry on customs Form 7502. Upon acceptance of the entry, the collector shall cause the merchandise to be appraised and taxes determined and duties liquidated thereon promptly. The taxes to be determined are those of the same nature as are indicated in the liquidation of entries of imported merchandise in customs territory.

(c) A status as privileged foreign merchandise and the consequent determination of taxes and liquidation of duties cannot be bandoned, but remain applicable to the merchandise even if changed in form by manipulation or manufacture, except in the case of recoverable waste, as long as the merchandise remains within the purview of the act.

(d) The procedure in connection with the preparation, filing, and acceptance of the entry, the making of notations on invoices, the preparation of customs Form 6417, the designation of examination packages or quantities, and the examination and appraisement of the merchandise shall be the same as that prescribed in the case of an entry for warehouse made in customs territory, except that no bond shall be required.

(e) Application may be made for permission to manipulate, manufacture, or exhibit any privileged foreign merchandise before taxes have been determined and duties liquidated thereon, but in such case the examination for purposes of appraisement must be completed, or the packages or samples required for such examination must be segregated, before the collector approves the application.

(f) Privileged foreign merchandise shall be subject to appraisement and tariff classification according to its condition and quantity, and to the rates of duty and tax in force, on the date of the filing with the collector, in complete and proper form for approval, of the request on zone Form B for privileged foreign status and the zone customs entry which is required to accompany it. The value of such merchandise shall be determined in accordance with sections 402 and 503 of the Tariff Act of 1930 and the related provisions of law.

(g) For all customs purposes, the date of exportation of privileged foreign merchandise from the country whence it was exported to the United States is the date of its final departure from that country, in accordance with § 14.3 (b) of this chapter.

(h) The value declared in any zone customs entry for privileged merchandise may be amended in accordance with the provisions of section 487, Tariff Act of 1930, and the regulations thereunder.[9]

(i) With respect to privileged foreign merchandise, the requirements, privileges, and procedures of notices of appraisement, appeals for reappraisement, posting of liquidations, and protests against decisions of the collector are the same as those prescribed in the case of merchandise covered by an entry for warehouse in customs territory.

§ 30.7 *Privileged domestic merchandise.* Merchandise within the purview of the second proviso to section 3 of the act, as amended,[10] shall be given status as privileged domestic merchandise on proper application. Application for this status shall be included in the application to transfer the merchandise into the zone on zone Form D, as provided for in § 30.5 (d). In such cases the evidence of the right of the applicant to transfer the merchandise to the zone provided for in that section and the release order of the carrier are not required. If the collector is satisfied that the revenue will be protected, and the rights of importers will not be prejudiced, he may permit the transfer to a zone of domestic packing and repair materials and other adjunctive articles without re-

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[1] "Foreign and domestic merchandise of every description, except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in this Act, be brought into a zone * * *." (Sec. 1, Pub. Law No. 566, 81st Cong.)

[2] As used in this part the term "merchandise" means goods, wares and chattels of every description, except prohibited articles, and except the usual wearing apparel and accouterments of persons entitled to enter a zone.

[3] For transfer of merchandise from one zone to another zone, see § 30.17.

[4] As used in this part the term "customs territory" means territory of the United States in which the general tariff law of the United States applies but which is not included in any zone.

[5] As used in the act and in this part, the term "domestic merchandise" means merchandise of every description (not including prohibited articles) which has been (1) produced in the United States and not exported therefrom or (2) previously imported into customs territory and properly released from customs custody.

[6] As used in the act and in this part the term "foreign merchandise" means imported merchandise of every description (not including prohibited articles) which has not been properly released from customs custody in customs territory.

[7] See § 8.6, Customs Regulations of 1943 (19 CFR 8.6).

[8] * * * *Provided*, That whenever the privilege shall be requested and there has been no manipulation or manufacture effecting a change in tariff classification, the collector of customs shall take under supervision any lot or part of a lot of foreign merchandise in a zone, cause it to be appraised and taxes determined and duties liquidated thereon. Merchandise so taken under supervision may be stored, manipulated, or manufactured under the supervision and regulations prescribed by the Secretary of the Treasury, be exported or destroyed, or may be sent into customs territory upon the payment of such liquidated duties and determined taxes thereon. If merchandise so taken under supervision has been manipulated or manufactured, such duties and taxes shall be payable on the quantity of such foreign merchandise used in the manipulation or manufacture of the entered article. Allowance shall be made for recoverable and irrecoverable waste; and if recoverable waste is sent into customs territory, it shall be dutiable and taxable in its condition and quantity and at its weight at the time of entry. Where two or more products result from the manipulation or manufacture of merchandise in a zone the liquidated duties and determined taxes shall be distributed to the several products in accordance with their relative value at the time of separation with due allowance for waste as provided for above: * * * (Sec. 1, Pub. Law No. 566, 81st Cong.).

[9] See § 8.16, Customs Regulations of 1943 (19 CFR 8.16).

[10] * * * *Provided further*, That subject to such regulations respecting identity and the safeguarding of the revenue as the Secretary of the Treasury may deem necessary, articles, the growth, product, or manufacture of the United States, on which all internal-revenue taxes have been paid, if subject thereto, and articles previously imported on which duty and/or tax has been paid, or which have been admitted free of duty and tax, may be taken into a zone from the customs territory of the United States, placed under the supervision of the collector, and whether or not they have been combined with or made a part, while in such zone, of other articles, may be brought back thereto free of quotas, duty or tax: * * *. (Sec. 1, Pub. Law No. 566, 81st Cong.).

quiring an application on zone Form D. If the requirements of the second proviso are complied with, any of the foregoing may subsequently be brought back to customs territory free of quotas, duty, or tax

§ 30.8 *Non-privileged foreign merchandise.* (a) All the following shall have the status of non-privileged foreign merchandise:

(1) Foreign merchandise properly in a zone which does not have the status of privileged foreign merchandise or of zone-restricted merchandise;

(2) Waste recovered from any manipulation or manufacture of privileged foreign merchandise; and

(3) Domestic merchandise which will be subject to treatment as foreign merchandise as provided for in the third proviso to section 3 of the act as amended,[11] if removed to customs territory

(b) Any domestic merchandise shall be deemed to have lost its identity as such for the purposes of paragraph (a) (3) of this section if the collector shall determine that it cannot be identified positively by customs officers as domestic merchandise on the basis of their examination of the articles and their consideration of any proof that may be submitted promptly by a party in interest.

§ 30.9 *Non-privileged domestic merchandise.* All merchandise which could have obtained the status of privileged domestic merchandise but for which no application for such status has been approved (not including any merchandise within the purview of § 30.8 (a) (3)) shall have the status of non-privileged domestic merchandise.

§ 30.10 *Zone-restricted merchandise.* (a) Merchandise within the purview of the fourth proviso to section 3 of the act, as amended,[12] shall be given status as zone-restricted merchandise on proper application. Application for this status shall be included in the application to transfer the merchandise into the zone on zone Form D, as provided for in § 30.5 (d).

(b) If the merchandise is to be considered exported for the purpose of any Federal law other than the customs laws, the collector shall be satisfied that all pertinent laws, regulations, and rules administered by the Federal agency concerned have been complied with before he approves the application provided for in § 30.5 (d).

(c) If the applicant desires a zone-restricted status in order that the merchandise may be considered exported for the purpose of any customs laws, all pertinent customs requirements relating to actual exportations shall be complied with as though the admission of the merchandise into the zone constituted a lading on an exporting carrier at a port of final exit from the United States. Any declaration or form required for a case of actual exportation shall be modified to show that the merchandise has been deposited in a zone in lieu of actual exportation, and a copy of the approved application provided for in § 30.5 (d) may be accepted in lieu of any proof of shipment required in cases of actual exportation.

(d) If merchandise is transferred from a customs bonded warehouse into a zone, it shall have the status of zone-restricted merchandise when admitted into the zone in view of the provisions of the fourth proviso to section 3 of the act, and in all such cases the application provided for in § 30.5 (d) shall state that a zone-restricted status is desired for the merchandise. Merchandise taken into a zone for manipulation elsewhere than in a bonded warehouse under the provisions of section 562, Tariff Act of 1930, as amended, is not considered within the purview of the fourth proviso of section 3 of the act.

§ 30.11 *Customs control of merchandise in a zone.* (a) No merchandise in a zone shall be removed therefrom in any manner or for any purpose except as provided for in the regulations in this part.

(b) If the collector deems it necessary for the protection of the revenue, he may require segregation of privileged foreign, privileged domestic, zone-restricted, and such other merchandise as he determines to be subject to special risks to the revenue.

(c) The operator of the zone shall keep the collector's office currently informed as to the location of any merchandise in the zone which is not within the purview of paragraph (b) of this section, and shall notify the collector promptly of any loss or damage that may occur to any merchandise in the zone.

§ 30.12 *Manipulation, manufacture, or exhibition in a zone.* (a) Permission for manipulation, manufacture, or exhibition of merchandise in a zone may be obtained by filing with the collector an application on zone Form E. No such operation shall be carried on until the collector has approved the application.

(b) The application shall include a full description of the proposed operation; a designation of the exact place in the zone where the operation is to be performed; the identification of the involved merchandise by lot number, marks and numbers of the packages, description, quantity, and zone status; and in the case of manipulation or manufacture a statement as to whether articles with one zone status are to be packed, commingled, or combined with articles having a different zone status.

(c) The collector shall approve the application unless the proposed operation would be in violation of the fourth or fifth proviso to section 3 of the act, as amended,[11] or the place designated for its performance is not suitable for preventing confusion as to the identity or status of the merchandise and for safeguarding the revenue.

(d) In the event of the denial of any application by the collector for any reason, the applicant, the grantee of the zone, or the operator of the zone, may appeal the adverse ruling to the Board. If any revenue protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

(e) When any privileged merchandise is to be manipulated in any way or manufactured, the person performing the operation shall maintain records containing the following information:

(1) A full identification, as specified in paragraph (b) of this section, of each lot of privileged merchandise used in the operation,

(2) The unit and total values of each such lot, the values in the case of privileged foreign merchandise to be those declared in the zone customs entry, including any amendment thereof,

(3) The commercial name or description of the product resulting from the operation, or of each such product if there are more than one,

(4) The quantity of such product or of each such product, as the case may be,

(5) The commercial name or description and quantity of each kind of waste recovered from the operation, and

(6) The description (i. e., evaporation, leakage, spillage, dust, etc.) and quantity of each kind of total physical loss resulting from the operation.

If any non-privileged merchandise is to be used in the operation, records shall be maintained containing a full identification, as specified in paragraph (b) of this section, and the unit and total values of each lot of the merchandise used in the operation.

§ 30.13 *Destruction of merchandise in a zone.* (a) Each application to destroy merchandise in a zone shall be filed with the collector on zone Form E.

(b) The application shall include a description of the proposed method of destruction, a designation of the place where the destruction is to be accomplished, and an identification of the merchandise as in the case of an application for permission to manipulate (§ 30.12 (b)).

(c) The destruction of distilled spirits, wines, and fermented malt liquors having a zone-restricted status may not be authorized in view of the exception in the fourth proviso to section 3 of the act, as amended. In any other case, if the collector is satisfied that the destruction will be effective and that the revenue will be adequately protected, he shall approve the application. If proper destruction can not be effectively accomplished within the zone, the collector may permit it to be done elsewhere, in whole or in part, under such conditions as he shall specify for protecting the revenue. Any residue of destruction which is entirely worthless may be removed to customs territory for disposal.

§ 30.14 *Sending merchandise from a zone into customs territory.* (a) When privileged domestic merchandise which has not been mixed, combined, or repacked in the zone with merchandise having a different zone status is to be transferred from the zone to customs territory, the zone grantee shall submit to the collector a description of the proposed transaction, in triplicate, and signed by him which shall include:

(1) The proposed date of transfer;

(2) The identification of the carrier;

(3) The destination of the shipment;

(4) Identification of the merchandise by zone storage location, lot number, marks and numbers of the packages, description, quantity, and zone status; and

(5) A notation as to any shortage or damage.

If the transfer is aproved by the collector the original of the description shall be so stamped to serve as a permit of delivery, the original and one copy shall be returned to the grantee, and the triplicate shall be retained by the collector. If a form of tally prepared by the zone grantee for its purposes contains the necessary information, it may be accepted by the collector as the description required by this paragraph. No document other than the permit of delivery shall be required to release the merchandise to the grantee and authorize is transfer into customs territory.

(b) When privileged foreign merchandise which has not been mixed, combined, or repacked in the zone is to be transferred to customs territory otherwise than for exportation, a zone withdrawal on customs Form 7505 shall be filed as an application for the transfer (see § 30.4). Such withdrawal shall be supported by a bond on customs Forms 7551, 7553, or other appropriate form, and the applicant shall pay the liquidated duties and determined taxes, as assessed in the liquidation of the pertinent zone customs entry, for the quantity of merchandise to be transferred. Such bond shall not be required when all the merchandise to be transferred to customs territory has been inspected, examined, and appraised, and has been found to comply with all laws and regulations governing its admission into the commerce of the United States, and there have been produced all documents for the production of which a bond is required by law or regulations if not filed at the time of entry. If the pertinent zone customs entry has not been liquidated estimated duties and taxes shall be deposited. Upon acceptance of the withdrawal, the collector shall release the merchandise to the grantee for delivery.

(c) When a product of a manipulation or manufacture in a zone composed of or derived from privileged merchandise only, whether all foreign, or partly foreign and partly domestic, is to be transferred to customs territory otherwise than for exportation, a zone withdrawal shall be filed as prescribed in paragraph (b) of this section. There shall be filed with the withdrawal a statement in the form of an invoice containing the information specified in § 30.12 (e), and when necessary to support the withdrawal, application may be made for a certificate on zone Form F covering identification as shown by the customs records of any privileged domestic or privileged foreign merchandise used in the manipulation or manufacture.

(d) When merchandise described in paragraph (b) or (c) of this section is to be transferred to customs territory otherwise than for exportation and it is desired to pay the duties and taxes at a port other than the port in which the zone is located, the merchandise shall be withdrawn for transportation to the other port on customs Form 7512 which shall clearly indicate the status of the merchandise, and the withdrawal for consumption at the other port shall be made in the manner prescribed in paragraph (b) or (c) of this section except that customs Form 7519 shall be used. The collector at the zone port shall issue a certificate in triplicate, describing the merchandise in its present condition and certifying the amount of duties and taxes and applicable to the shipment, and the duplicate copy of such certificate shall be given to the importer to be filed with the withdrawal for consumption.

(e) When merchandise described in paragraph (b) or (c) of this section is to be transferred to customs territory for exportation, a withdrawal for exportation, or for transportation and exportation, shall be filed on customs Form 7512. Upon acceptance of the withdrawal the collector shall make a notation as to the status of the merchandise on the document, and release the merchandise to the grantee for delivery to the bonded cartman, lighterman, or carrier.

(f) When merchandise not covered by paragraph (a), (b), (c), (d), or (e) of this section, or either of the last two sentences of § 30.13 (c), is to be transferred from a zone to customs territory, the grantee shall make an application to the collector on zone Form C. The applicant shall state the name and address of the person who will be deemed the consignee of the merchandise when it is transferred to customs territory. The collector shall not accept a term application on Form C. The applicant shall also include a complete identification of the merchandise as it entered the zone, including the lot numbers, marks and numbers of the packages, status of each lot, description, and quantities. If any change in respect of any of the foregoing items of identification occurred while the merchandise was in the zone, the current information with respect to each such item which has been changed shall also be stated.

(g) Upon the approval by the collector of an application on zone Form C, the merchandise is transferred to constructive customs territory, without physical removal from the zone. The collector shall note on the application the date of such constructive transfer and the zone status of the merchandise. Merchandise so constructively transferred shall be marked or labeled with the initials "C. T.". For all customs and internal revenue purposes the merchandise shall be considered to have been imported into customs territory at the time of the constructive transfer.

(h) (1) If a customs entry for disposition in customs territory of the constructively transferred merchandise has not been filed in proper form before 5 p. m. of the second working day after the constructive transfer of the merchandise, or within such longer time as may be specified in a lay-order issued by the collector upon a written application of the grantee or designated consignee filed with the collector on customs Form 3189, and approved by the grantee if made by the consignee, the merchandise shall be deposited by the collector in general order storage. However, if it is desired to restore the merchandise to a zone status after it has been constructively transferred and before the expiration of the lay-order period specified above, a new zone Form D may be filed and the same procedure followed as though the merchandise had then first arrived in the zone from or through customs territory (§ 30.5 (d)). In such a case, the zone grantee shall be deemed the carrier which brought the merchandise to the port.

(2) As an alternative to the filing of a new zone Form D the applicant may, if he so desires, arrange for the redelivery to the collector, prior to the filing of a customs entry and prior to the expiration of the lay-order period specified above, of the grantee's original copy of the zone Form C with a request that it be cancelled.

(i) The original of zone Form C, when approved by the collector and endorsed as provided for in paragraph (g) of this

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[11] "*Provided further*, That if in the opinion of the Secretary of the Treasury their identit yhas been lost, such articles not entitled to free entry by reason of non-compliance with the requirements made hereunder by the Secretary of the Treasury shall be treated when they reenter customs territory of the United States as foreign merchandise under the provisions of the tariff and internal-revenue laws in force at that time: • • • (Sec. 1, Pub. Law No. 566, 81st Cong.).

[12] • • • *Provided further*, That under the rules and regulations of the controlling Federal agencies, articles which have been taken into a zone from customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage shall be considered to be exported for the purpose of—

(a) The draw-back, warehousing, and bonding, or any other provisions of the Tariff Act of 1930, as amended, and the regulations thereunder; and

(b) The statutes and bonds exacted for the payment of draw-back, refund, or exemption from liability for internal-revenue laws generally and the regulations thereunder.

Such a transfer may also be considered an exportation for the purposes of other Federal laws insofar as Federal agencies charged with the enforcement of those laws deem it advisable. Such articles may not be returned to customs territory for domestic consumption except where the Foreign-Trade Zones Board deems such return to be in the public interest, in which event the articles shall be subject to the provisions of paragraph 1615 (f) of the Tariff Act of 1930, as amended: • • •." (Sec. 1, Pub. Law No. 566, 81st Cong.)

[11] The fourth proviso is quoted in footnote 12.

[12] • • • *Provided further*, That no operation involving any foreign or domestic merchandise brought into a zone which operation would be subject to any provision or provisions of section 1807, chapter 15, chapter 16, chapter 17, chapter 21, chapter 23, chapter 24, chapter 25, chapter 26, or chapter 32 of the Internal Revenue Code if performed in customs territory, or involving the manufacture of any article provided for in paragraph 367 or paragraph 368 of the Tariff Act of 1930, shall be permitted in a zone except those operations (other than rectification of distilled spirits and wines, or the manufacture or production of alcoholic products unfit for beverage purposes) which were permissible under this Act prior to July 1, 1949: • • •." (Sec. 1, Pub. Law No. 566, 81st Cong.)

section, shall be accepted by the collector as the equivalent of a bill of lading or carrier's certificate to identify the person designated in such Form C as the consignee of the merchandise and its owner for customs purposes.

(j) When a consumption entry is accepted for zone merchandise which is in constructive customs territory, the collector shall release the merchandise to the grantee for delivery to the consignee. When any other entry is accepted for such merchandise, the release of the merchandise by the collector for physical removal to the designated destination in customs territory shall be in accordance with the customs regulations as to merchandise imported into customs territory, the zone grantee to be considered as the importing carrier.

(k) The products described in subparagraphs (1), (2), or (3) of this paragraph, upon transfer from a zone and entry for consumption, either immediately or after transportation in bond, shall be subject to appraisement and tariff classification in accordance with their character, condition, and quantity at the time of their constructive transfer to customs territory in accordance with paragraph (g) of this section, and at the rate or rates of duty and tax in force at the time a permit of delivery is issued to the designated consignee or his agent. The value of such products shall be determined in accordance with sections 402 and 503 of the Tariff Act of 1930 and the related provisions of law.

(1) Articles composed entirely of, or derived entirely from, non-privileged merchandise, foreign or domestic.

(2) Articles composed in part of, or derived in part from, non-privileged merchandise, domestic or foreign, and in part of or from privileged merchandise, domestic or foreign.

(3) Recoverable waste resulting from the manipulation or manufacture in a zone of privileged foreign merchandise. Any of the articles described in subparagraphs (1), (2), or (3) of this paragraph, except articles composed in part of, or derived in part from, privileged foreign merchandise, may be transferred from a zone for entry for warehousing, either immediately or after transportation in bond, subject to the treatment specified in the first two sentences of this paragraph. There shall be filed with each entry covering articles described in subparagraph (2) of this paragraph a statement in the form of an invoice containing the information specified in § 30.12 (e). When necessary to support the entry, application may be made for a certificate on zone Form F covering identification as shown by the customs records of any privileged domestic or privileged foreign merchandise in the articles.

(l) The consumption or warehouse entry covering a product provided for in paragraph (k) of this section shall be liquidated in accordance with Part 16 of this chapter, except that in the case of articles described in subparagraph (2) of paragraph (k) of this section adjustment shall be made for that part of the product which consists of or has been derived from privileged merchandise.

(m) Unless the Foreign-Trade Zones Board has ruled that the return of the merchandise to customs territory for domestic consumption is in the public interest, zone-restricted merchandise shall not be transferred to customs territory except under an entry for exportation or for transportation and exportation, or for destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or for transfer from one zone to another. Each such entry shall be subject to the pertinent provisions of paragraphs (f) to (j), inclusive, of this section, except that if the entry has not been filed in proper form before the expiration of the period mentioned in the first sentence of paragraph (h) of this section, the merchandise shall not be deposited by the collector in general-order storage but shall be considered as having been returned from constructive customs territory to the zone. Upon acceptance of the entry, it shall be endorsed by a customs officer to show that actual exportation of the merchandise is required by the fourth proviso to section 3 of the act, as amended. If the Board has ruled that the return of the merchandise to customs territory is in the public interest, after the merchandise has been constructively transferred to customs territory it may be entered for consumption, warehousing, or immediate transportation without appraisement, unless the Board in its ruling has specified which of these forms of entry shall be made. The entry shall be endorsed by the collector to show the authority under which the entry was made and that the merchandise is subject to the provisions of paragraph 1615 (f) of the Tariff Act of 1930, as amended. '

(n) Articles produced or manufactured in a zone and returned to customs territory of the United States after having been exported without first having been transferred to customs territory otherwise than for exportation or for transportation and exportation shall be subject to the duties and taxes applicable to like articles of wholly foreign origin, unless it is conclusively established that they were produced or manufactured exclusively with the use of privileged domestic merchandise, the identity of which was maintained in accordance with the pertinent provisions of these foreign-trade zone regulations, in which case they shall be subject to the pertinent provisions of paragraph 1615, Tariff Act of 1930."

§ 30.15 *Direct exportation from a zone.* Regardless of its zone status, any merchandise in a zone may be exported directly therefrom upon compliance with the procedure prescribed in § 30.14 (a) for the transfer of privileged domestic merchandise to customs territory.

§ 30.16 *Supplies, equipment, and repair material for vessels or aircraft.* (a) This section tells what merchandise may be laden on a vessel or aircraft in a zone as supplies, equipment, or repair material, and the legal incidents of such lading.

(b) Inasmuch as the fourth proviso to section 3 of the act, as amended, provides that zone-restricted merchandise may be taken into a zone for the sole purpose of exportation, destruction, or storage, zone-restricted merchandise may not be laden on a vessel or aircraft for use thereon as supplies, equipment, or repair material.

(c) Although the act does not specifically authorize the lading of other merchandise as supplies, equipment, or repair material on a vessel or aircraft in a zone, such lading is considered not in conflict with the provisions of the act, provided such merchandise is subject to the same duty or tax, or exemption from duty or tax, and the same requirements which would be applicable if the merchandise were physically transferred to customs territory before the lading. Therefore merchandise other than zone-restricted merchandise may be laden on a vessel or aircraft in a zone for use thereon as supplies, equipment, or repair material as follows:

(1) Privileged domestic merchandise which has not been mixed, combined, or repacked in a zone with merchandise having a different zone status may be laden without liability for duty or tax. In order to accomplish such lading, the procedure prescribed in § 30.14 (f) and (g) shall be followed and the merchandise shall then be transferred from constructive customs territory to the vessel or aircraft in the manner prescribed in § 30.14 (a).

(2) Merchandise having a zone status, other than zone-restricted and privileged domestic merchandise covered by paragraphs (b) and (c) (1) of this section, may be so laden. In order to accomplish the lading, the procedure prescribed in § 30.14 (f) and (g) shall be followed, and the provisions of § 30.14 (h) and (i) shall be applicable. When the constructive transfer to customs territory has been accomplished, the merchandise shall thereafter be liable to or exempt from duty or tax and be subject to any other applicable provisions of sections 309 and 317, Tariff Act of 1930, as amended, I. R. C. section 3451, and §§ 10.59 to 10.65, inclusive, of this chapter as though it were imported merchandise which had remained in continuous customs custody in customs territory elsewhere than in a bonded warehouse.

§ 30.17 *Transfer of merchandise from one zone to another.* (a) The transfer of merchandise, other than privileged domestic, from a zone in one port of entry to a zone in another port shall be by bonded carrier under an entry for immediate transportation on customs Form 7512. The sending of the merchandise from the first zone into customs territory and its admission into the zone of destination shall be in accordance with § 30.14 (f) through (i) and § 30.5 (d), respectively. All copies of the entry for immediate transportation shall bear a notation that the merchandise is being taken from the first zone for the purpose of transfer to the second zone.

(b) Upon removal of merchandise as specified in paragraph (a) of this section from the first zone, the collector in charge of the port in which such zone is located shall immediately forward to the collector in charge of the port in which the zone of destination is located a history of the merchandise as shown by the records of the first zone.

(c) The transfer of privileged domestic merchandise from one zone to another is not subject to customs control except that the removal of the merchandise from the first zone and its admission into the zone of destination shall be in accordance with §§ 30.14 (a) and 30.5 (d), respectively.

§ 30.18 *Reimbursement of customs expenses.* (a) The Commissioner of Customs will assign to each zone the necessary customs officers and guards to maintain appropriate customs control over merchandise in a zone and to protect the revenue.

(b) All necessary cost of maintaining the additional customs services required under the act and these foreign-trade zone regulations shall be reimbursed to the Government by the grantee of the zone," payment to be made monthly to the collector of customs.

Notice of the proposed issuance of the above amendments to the customs regulations was published in the FEDERAL REGISTER on October 19, 1951 (16 F. R. 10699–10708), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). After consideration of all relevant data, views or arguments submitted in writing by interested persons the amendments set forth above have been adopted and shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: May 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6409; Filed, June 10, 1952; 8:56 a. m.]

" " " " *Provided further*, That articles produced or manufactured in a zone and exported therefrom shall on subsequent importation into the customs territory of the United States be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the second proviso of this section, may, on such importation, be entered as American goods, returned." (Sec. 1, Pub. Law No. 586, 81st Cong.)

" " " " the cost of maintaining the additional customs service required under this act shall be paid by the operator of the zone" (Sec. 14, act of June 18, 1934; 19 U. S. C. 81n.)

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

DATE AND METHOD OF ENTRY INTO FORCE OF ITU RADIO REGULATIONS (ATLANTIC CITY, 1947)

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 28th day of May 1952;

The Commission, having under consideration the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, and the provisions contained in that agreement with respect to the dates and method of entry into force of the International Telecommunications Union Radio Regulations (Atlantic City, 1947);

It appearing, that it would be in the public interest that the provisions of the Geneva Agreement relating to the dates and method of entry into force of the ITU Radio Regulations be set forth in the Commission's rules and regulations for the information of the Commission's licensees and the general public; and

It further appearing, that the proposed amendment is informational in character and that therefore the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable, and that the amendment may be made effective immediately; and

It further appearing, that the amendment is issued pursuant to the authority contained in section 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Part 2 of the Commission's rules and regulations is amended as set forth in Appendix B below.

(Sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

Released: June 4, 1952.

APPENDIX B—DATE AND METHOD OF ENTRY INTO FORCE OF THE ITU RADIO REGULATIONS (ATLANTIC CITY, 1947) LISTED IN ARTICLE 47 THEREOF AS NOT ENTERING INTO FORCE ON JANUARY 1, 1949, BASED ON PROVISIONS OF THE GENEVA AGREEMENT (AGREEMENT OF THE EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE, GENEVA, 1951)

EXPLANATION

Admin. —Administrative.
Aero. Mbl. —Aeronautical Mobile.
At. Cty. Band —frequency band in Table of Frequency Allocations in Radio Regulations (Atlantic City, 1947)
Eff. —Effective.
exc. —except.
G. A. —Agreement signed at the ITU Extraordinary Administrative Radio Conference, Geneva, 1951.
Geneva Agreement—Agreement signed at the ITU Extraordinary Administrative Radio Conference, Geneva, 1951.
ITU —International Telecommunication Union.
KC or kc —Kilocycles per second.
MC or Mc —Megacycles per second.
MM —maritime mobile.
Region —one of the three Regions of the world designated by the ITU for purposes of frequency allocations (see 1947 I.R.R.; Region 2 includes the Western Hemisphere.
RR —ITU Radio Regulations of Atlantic City, 1947.

NOTE: Below, items in lower case letters refer only to ITU Regions 1 or 3.

Description of the provisions of the radio regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject		
Article 2	Designation of emissions	1 March 52	240
109	Table of frequency allocations:		
	10-14 kc	Article 47 RR applies	
	14-25 kc world-wide	15 Aug. 52	171
	25-150 kc world-wide	15 Aug. 53	171, 174
	150-285 kc Region 1 African area	1 July 52	175
	150-255 kc Region 1 (exc. Afr. area)	15 Mar. 50, in accordance Copenhagen Plans, 1948	175 1
	150-200 kc Region 2	1 Dec. 52	183
	150-200 kc Region 3	1 Feb. 53	189
	200-325 kc Region 2	1 Nov. 52	183
	200-415 kc Region 3	4 Jan. 53	189
	255-285 kc Region 1 (exc. Afr. area)	1 July 52	175
	285-315 kc Region 1 African area	1 Jan. 53	177
	285-320 kc Region 1 (exc. Afr. area)	1 Aug. 53	178
	315-405 kc Region 1 African area	1 July 52	177
	320-415 kc Region 1 (exc. Afr. area)	1 July 52	178
	405-525 kc Region 1 African area	1 May 52	177
	415-1605 kc Region 1 (exc. Afr. area)	15 Mar. 50, in accordance Copenhagen Plans, 1948	178 1
	415-1605 kc Region 3	1 Feb. 53	189
	525-1605 kc Region 1 African area	1 Aug. 52	177
	525-1605 kc Region 2	1 Dec. 52	183
	1605-2850 kc (exc. ship freqs. other than 2182 kc) Region 1	1 May 53	179
	1605-2850 kc ship frequencies (exc. 2182 kc) Region 1	1 Nov. 53	179
	1605-2850 kc Region 2	1 Jan. 52	183
	1605-2850 kc (exc. ship stns.) Region 3	1 Feb. 53	189
	1605-2850 kc ship stations (exc. 2182 kc) Region 3	30 Apr. 53	189
	2000-2850 kc Region 2	Eff. date to be determined per 1076.1 RR	185
	2182 kc world-wide	Pe. 116 RR, shall be brought into effect 2400 GMT 1 May 53	192
	2850-3060 kc Region 1	Eff. date to be determined by Admin. Radio Conference.	180
	2850-4000 kc Region 2	Eff. date to be determined by Admin. Radio Conference.	186
	2850-3950 kc Region 3	Eff. date to be determined by Admin. Radio Conference.	190
	3950-27,500 kc Region 1	Eff. date to be fixed by Admin. Radio Conference.	170
	3950-27,500 kc Region 3	Eff. date to be fixed by Admin. Radio Conference.	170
	4000-27,500 kc Region 2	Eff. date to be fixed by Admin. Radio Conference.	170

Description of the provisions of the radio regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject		
	New international frequency list:		
	10–14 kc	Article 47 RR applies	
	14–55 kc World-Wide	15 Aug. 52	171
	55–150 kc Region 1	15 Aug. 53; navigation aid assignments per 111 and 113 RR may be prior, by special arrangements.	173
	55–150 kc Region 2	15 Aug. 52; see 175 G. A. relating to interference to Region 1 between 15 Aug. 52 and 15 Aug. 53.	174, 175
	55–150 kc Region 3	15 Aug. 52; see 175 G. A. relating to interference to Region 1 between 15 Aug. 52 and 15 Aug. 53.	174, 175
	150–255 kc Region 1 African area	1 July 52; start movement to assignments 1 May 52.	177
	150–255 kc Region 1 (exc. Afr. area).	15 Mar. 50, in accordance Copenhagen Plans, 1948.	178.1
	150–200 kc Region 2	1 Dec. 52	183
	150–200 kc Region 3	1 Feb. 53; start movement to assignments 1 Dec. 52.	189
	200–335 kc Region 2	1 Nov. 52	183
	200–415 kc Region 3	4 Jan. 53; move to assignments 1400 GMT 4 Jan. 53.	189
	255–285 kc Region 1 African Area	1 July 52	177
	255–285 kc Region 1 (exc. Afr. area).	1 July 52; some assignments eff. 15 Mar. 50	178, 178.1
	285–315 kc Region 1 African area	1 Jan. 53	177
	285–320 kc Region 1 (exc. Afr. area).	1 Aug. 53; move to assignments 1 Aug. 53; some assignments eff. 15 Mar. 50 (Copenhagen Plans, 1948).	178, 178.1
	315–405 kc Region 1 African area	1 July 52	177
	320–415 kc Region 1 (exc. Afr. area).	1 July 52; some assignments effective 15 Mar. 50 (Copenhagen Plans, 1948).	178, 178.1
	405–525 kc Region 1 African area	1 May 52; move to assignments at 0200 GMT May 1, 1952.	177
	415–1605 kc Region 1 (exc. Afr. area).	15 Mar. 50; in accordance Copenhagen Plans, 1948.	178, 178.1
	415–535 kc Region 3	1 Feb. 53; move to assignments 1400 GMT 1 Feb. 53.	189
	525–1605 kc Region 1 African area.	1 Aug. 52; start movement to assignment 1 May 52.	177
	535–1605 kc Region 2	1 Dec. 52	183
	535–1605 kc Region 3	1 Feb. 53; start move to assignments 1 Dec. 52.	189
	1605–2850 kc (exc. ship freqs. other than 2182 kc) Region 1	1 May 53; move to assignments 0200 GMT 1 May 53; 2182 kc effective per Article 24 G. A.	179, 192
	1605–2850 kc ship frequencies (exc. 2182 kc) Region 1.	1 Nov. 53; start movement to assignments 1 May 53.	179
	1605–2000 kc Region 2	1 Jan. 52	183
	1605–2850 kc (exc. ship stations) Region 3	1 Feb. 53; coast stations move to assignments 1400 GMT 1 Feb. 53; others start move 1 Dec. 52.	189
	1605–2850 kc ship stations (exc. 2182 kc) Region 3.	30 Apr. 53; start movement to assignments (exc. 2182 kc) 1 Dec. 52.	189
	2000–2850 kc Region 2	Eff. date tobe determined per 1076.1 RR; move to assignments per coordinated program, G. A.	184, 185
	2182 kc Region 3	Brought into use in accordance Art. 24 G. A. at 0200 GMT 1 May 53.	189
	2850–3950 kc Region 1	Eff. date to be determined by Admin. Radio Conference; start move to assignments 1 May 52.	180, 181
	2850–4,000 kc Region 2	Eff. date to be determined by Admin. Radio Conference, move to assignments per program, G. A.	186, 187
	2850–3,950 kc Region 3	Eff. date to be determined by Admin. Radio Conference; start movement to assignments 1 Feb. 53.	190, 191
	3950–27,500 kc Region 1	Eff. date to be fixed by Admin. Radio Conference.	170
	3950–27,500 kc Region 3	Eff. date to be fixed by Admin. Radio Conference.	170
	4000–27,500 kc Region 2	Eff. date to be fixed by Admin. Radio Conference.	170
Article 10	Notification and registration of frequencies, IFRB—General.	1 Mar. 52	294
309–351	Procedure in connection with IFRB—Notification and registration:		
	10–14 kc	This band not mentioned in Geneva agreement.	
	14–55 kc World-wide	15 Aug. 52	205
	55–150 kc World-wide	15 Aug. 53	205
	150–285 kc Region 1 African area	1 July 52	206
	150–255 kc Region 1 (exc. Afr. area).	No date in Geneva Agreement; see 207 G. A. re Interim Procedures.	
	150–200 kc Region 2	1 Dec. 52	205
	150–200 kc Region 3	2 Feb. 53	206
	200–525 kc Region 2	1 Nov. 52	206
	200–415 kc Region 3	4 Jan. 53	205
	255–285 kc Region 1 (exc. Afr. area).	1 July 52	206
	285–315 kc Region 1 African area	1 Jan. 53	205
	285 320 kc (exc. Afr. area)	1 Aug. 53	206
	315–405 kc Region 1 African area	1 July 52	205
	320–415 kc Region 1 (exc. Afr. area).	1 July 52	206
	405–525 kc Region 1 African area	1 May 52	205
	415–1606 kc Region 1 (exc. Afr. area).	No date in Geneva Agreement; see 207 G. A. re Interim Procedures.	
	415–1605 kc Region 3	1 Feb. 53	206
	525–1605 kc Region 1 African area.	1 Aug. 52	206
	535–1605 kc Region 2	No date in Geneva Agreement; Interim Procedures 210–279 G. A. apply.	207
	1605–2850 kc Region 1	1 Nov. 53	206
	1605–2000 kc Region 2	1 Jan. 52	206
	1605–2850 kc Region 3	30 Apr. 53	206
	2000–27,500 kc Region 2	No date in Geneva Agreement; Interim Procedures 210–279 G. A. apply.	207
	2850–27,500 kc Region 1	No date in Geneva Agreement; Interim Procedures 210–279 G. A. apply.	207
	2850–27,500 kc Region 3	No date in Geneva Agreement; Interim Procedures 210–279 G. A. apply.	207
	27,500 kc and up, World-wide	Interim procedures for this band contained in 210–279 G. A.	210–279
352–361	Procedure in connection with the IFRB—Studies and Records.	1 Mar. 52	294
Article 12	Internal regulations of the IFRB	1 Mar. 52	294
Article 17	Quality of emissions	1 Mar. 52 (with modifications to Appendix 3 described below)	294
Article 20 (exc. 447, 448, 470).	Service documents	1 Mar. 52	294
447, 448, 470	Service documents	Superseded by 280–285 G. A	280–285
573	Conditions to be observed by mobile stations—General.	As from date when each station commences operation in the appropriate Atlantic City band.	294
574–580	Conditions to be observed by mobile stations—General.	1 Mar. 52	294
581	Conditions to be observed by mobile stations—Ships.	As from date when each station commences operations in the appropriate Atlantic City band, except for ships stations between 1605 and 4000 kc in Region 1, for which 581 shall not come into force	294
582	Conditions to be observed by mobile stations—Ships	As from date of entry into force of appropriate Atlantic City bands.	294
583–588	Conditions to be observed by mobile stations—Ships.	1 Mar. 52	294
589	Conditions to be observed by mobile stations—Ships.	1 May 53	294
590–594	Conditions to be observed by mobile stations—Ships.	As from date when each station commences operation in appropriate Atlantic City bands.	294
595–599	Conditions to be observed by mobile stations—Ships and Aircraft.	1 Mar. 52	294
600 (1st sentence).	Conditions to be observed by mobile stations—Survival Craft.	1 Mar. 52	294
600 (2d sentence).	Conditions to be observed by mobile stations—Survival Craft.	Same dates as calling bands App. 10; dates to be agreed per procedure 130, 134 and 138 Gen. Agr.	294, 301
601	Conditions to be observed by mobile stations—Survival Craft.	1 Mar. 52	294
621	General radiotelegraph procedure in MM and AERO MBL services	As from date when each station commences operation in appropriate Atlantic City band	294

Description of the provisions of the radio regulations, Atlantic City, 1947		Date (day, month, year) and method of entry into force and remarks	Reference, G. A.
Number	Subject		
711–724	Use of frequencies for radiotelegraphy in MM and AERO MBL Services.	1 Mar. 52	294
725 (1st sentence).	Use of frequencies for radiotelegraphy in MM and AERO MBL Services.	1 Mar. 52	294
725 (2d sentence).	Use of frequencies for radiotelegraphy in MM and AERO MBL Services.	Dates specified in 176–191 G. A. for entry into force of appropriate band (see 109 RR above).	294
726–729	Use of frequencies for radiotelegraphy in MM and AERO MBL Services.	1 Mar 52	294
730–732	Use of frequencies for radiotelegraphy in MM and AERO MBL Services.	Dates specified in 176–191 G. A. for entry into force of appropriate band (see 109 RR above).	294
733–754	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	1 Mar. 52	294
755–763	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	Same date as appropriate band App. 10; date to be agreed per procedure 130, 134 and 138 G. A.	294, 301
764–767	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	1 Mar. 52	294
768	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	Same date as appropriate band App. 10; date to be agreed per procedure 130, 134 and 138 G. A.	294, 301
769, 770	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	1 Mar. 52	294
771, 772	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	Same date as appropriate band App. 10; date to be agreed per procedure 130, 134 and 138 G. A.	294, 301
773	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	1 Mar. 52	294
774	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	As from date when each coast station commences operations in appropriate Atlantic City bands.	294
775–800	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	Same dates as calling bands App. 10, dates to be agreed per procedure 130, 134 and 138 G. A.	294, 301
801–803	Use of frequencies for radiotelegraphy in MM and Aero MBL Services.	1 Mar. 52	294
804–812	MM Radiotelephone Service	1 Mar. 52	294
813–827	MM Radiotelephone Service	1 May 53	294
828, 829	MM Radiotelephone Service	As from date when each station commences operations appropriate Atlantic City bands.	294
830–834	MM Radiotelephone Service	1 Mar. 52	294
869	Distress traffic	1 May 53	294
1025	Radio direction finding stations	Dates specified in 176–191 G. A. for entry into force of appropriate band (see 109 RR above).	294
1032	Radiobeacon stations	Dates specified in 176–191 G. A. for entry into force of appropriate band (see 109 RR above).	294
APPENDIX 1	Form of notice for notifying to IFRB	No date in G. A.: This appendix mentioned 309–351 RR which are listed above.	
APPENDIX 3	Table of frequency tolerances (as modified by 296–299 Gen. Agr.).	1 Mar. 52	296–299
APPENDIX 4	Table of tolerances for intensity of Harmonics and Parasitics	1 Mar. 52	300
APPENDIX 5	Band of frequencies required for radiocommunication.	1 Mar. 52	300
APPENDIX 6	Service documents	No date in G. A.: This appendix mentioned in 205, 224, 269, 280 G. A.	
APPENDIX 7	Service documents symbols	1 Mar. 52	300
APPENDIX 8	Documents with which ship and aircraft stations must be provided.	1 Mar. 52	300
APPENDIX 10	Frequencies assignable to ship radiotelegraph stations 4–24 Mc.	Appropriate parts App. 10 RR to be in force on dates agreed per 130, 134 and 138 G. A.	301
APPENDIX 12	Channeling of MM Radiotelephone bands 4–24 MC (as modified by 302 G. A.).	Date to be agreed per procedure in 142–145 G. A.	302, 303

[F. R. Doc. 52-6386; Filed, June 10, 1952; 8:50 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

BIG BEND NATIONAL PARK

Section 20.41, entitled *Big Bend National Park*, is amended by the addition of a new paragraph (d), reading as follows:

(d) *Speed.* The maximum speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed the following prescribed limits:

(1) In residential areas, as posted.

(2) On the Basin road from Santa Elena Junction to the Basin, as posted.

(3) On all curves and grades where so posted, 15 miles per hour.

(4) Trucks of two and one-half tons capacity or over, 35 miles per hour.

(5) Cars towing trailers or other cars or vehicles of any kind, 35 miles per hour.

(6) Passenger cars and trucks of less than two and one-half tons capacity, 45 miles per hour on straight and open stretches.

(39 Stat. 535; 16 U. S. C. 3)

Issued this 5th day of June 1952.

ROBERT R. ROSE, Jr.,
Assistant Secretary of the Interior.

[F. R. Doc. 52-6373; Filed, June 10, 1952; 8:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

REAL ESTATE LOAN CREDIT RESTRICTIONS; DIRECT LOAN CLOSING EXPENSES

1. In § 36.4356, paragraphs (a) and (h) are amended to read as follows:

§ 36.4356 *Credit restrictions.* (a) No loan for the purchase, construction, repair, alteration, or improvement of residential property will be eligible for guaranty or insurance unless the veteran makes a down payment in cash or its equivalent (e. g., equity in land) of an amount which when related to the sales price or transaction price will not be less than that specified in the following schedules:

	Minimum down payment
Sales price (applicable if sales price is $12,000 or less):	
Not more than $2,500	None.
More than $2,500 but not more than $7,000.	Closing costs, but not to exceed 4 percent of sales price.
More than $7,000 but not more than $10,000.	$280 plus 10 percent of sales price in excess of $7,000.
More than $10,000 but not more than $12,000.	$580 plus 16 percent of sales price in excess of $10,000.
Transaction price (applicable if sales price exceeds $12,000):	
More than $12,000 but not more than $16,000.	$900 plus 55 percent of transaction price in excess of $12,000.
More than $16,000 but not more than $21,000.	$3,100 plus 57 percent of transaction price in excess of $16,000.
More than $21,000 but not more than $25,000.	$5,950 plus 70 percent of transaction price in excess of $21,000.
Over $25,000	35 percent of transaction price.

For the purpose of determining transaction price, the costs of closing the loan or financing the transaction shall be added to the sales price, i. e., the purchase price or to the cost of construction, repairs, alterations, or improvements. The minimum down payment prescribed in this paragraph may in all instances be used to pay such closing costs: *Provided*, That the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items required to be paid by the borrower incidental to closing the transaction will not be treated as closing costs but must be paid in cash by the borrower in addi-

tion to the down payment. With respect to construction loans in cases where the land is owned by the veteran, the sales price or transaction price will include the reasonable value of the land, which in the case of farm housing shall be deemed, for the purpose of this paragraph, to be 5 percent of the cost of construction, and the value of the veteran's interest in the land will pro tanto satisfy the down payment requirement.

• • • • • •

(h) If the loan is related to the purchase of residential property and the repair, alteration or improvement thereof, the down payment will be determinable in the same manner as though separate loans were being made, one to cover the purchase of the property and the other the repairs, alterations or improvements, and the maximum maturity shall not exceed that which would be permissible if the larger component were being financed separately.

2. In § 36.4504, paragraph (e) is amended and a new paragraph (h) is added as follows:

§ 36.4504 *Loan closing expenses.*

• • •

(e) The veteran will be required to make a down payment in cash or its equivalent (e. g., equity in land) of an amount which when related to the sales price or transaction price will not be less than that specified in the following schedules:

	Minimum down payment
Sales price (applicable if sales price is $12,000 or less):	
Not more than $2,500	None.
More than $2,500 but not more than $7,000.	Closing costs, but not to exceed 4 percent of sales price.
More than $7,000 but not more than $10,000.	$280 plus 10 percent of sales price in excess of $7,000.
More than $10,000 but not more than $12,000.	$580 plus 16 percent of sales price in excess of $10,000.
Transaction price (applicable if sales price exceeds $12,000):	
More than $12,000 but not more than $16,000.	$900 plus 55 percent of transaction price in excess of $12,000.
More than $16,000 but not more than $21,000.	$3,100 plus 57 percent of transaction price in excess of $16,000.
More than $21,000 but not more than $25,000.	$5,950 plus 70 percent of transaction price in excess of $21,000.
Over $25,000	35 percent of transaction price.

For the purpose of determining transaction price, the costs of closing the loan or financing the transaction shall be added to the sales price, i. e., the purchase price or to the cost of the construction, repairs, alterations, or improvements. The minimum down payment prescribed in this paragraph may in all instances be used to pay such closing costs: *Provided*, That the pro rata portion of the ground rents, hazard insurance premiums, current year's taxes, and other prepaid items required to be paid by the borrower incident to closing the transaction will not be treated as closing costs but must be paid in cash by the borrower in addition to the down payment. The above down payment requirements of this paragraph shall not be applicable with respect to loans which if made on a guaranteed or insured basis would be relieved of the credit restrictions under the provisions of § 36.4356 (e). With respect to construction loans in cases where the land is owned by the veteran, the transaction price will include the reasonable value of the land, which in the case of farm housing shall be deemed, for the purposes of this paragraph, to be 5 percent of the cost of construction, and the value of the veteran's interest in the land will pro tanto satisfy the down payment requirement: *And provided further*, That in connection with such loans the veteran, in addition to the required down payment, will deposit with Veterans' Administration or in an escrow satisfactory to Veterans Administration 10 percent of the estimated cost of construction or such alternative sum, in cash or its equivalent, as Veterans Administration may determine to be necessary, in order to afford adequate assurance that sufficient funds will be available, from the proceeds of the loan or from other sources, to assure completion to the construction in accordance with the plans and specifications upon which Veterans Administration based its loan commitment.

• • • • •

(h) If the loan in related to the purchase of residential property and the repair, alteration or improvement thereof, the down payment will be determinable in the same manner as though separate loans were being made, one to cover the purchase of the property and the other the repairs, alterations, or improvements, and the maximum maturity shall not exceed that which would be permissible if the larger component were being financed separately.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation effective June 11, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

Credit Restrictions Pursuant to the Defense Production Act of 1950, as Amended. Loans Made or Assisted by the Administrator of Veterans' Affairs

I hereby find that the regulations contained in Title 38, Chapter I, §§ 36.4356 (a) and (h), and 36.4504 (e) and (h), regulations of the Administrator of Veterans' Affairs, *supra*, effective concurrently herewith, are issued in accordance with Title VI of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, and Part V of Executive Order 10161 (15 F. R. 6105). In the formulation of the aforegoing there has been consultation with industry representatives, and consideration has been given to the recommendations of such representatives.

(Title VI, 64 Stat. 812, as amended; 50 U. S. C. App. Sup. 2131-2135. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.)

Effective as of the 11th day of June, 1952.

[SEAL] B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 52-6473; Filed, June 10, 1952; 11:14 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 25—GENERAL PROVISIONS RELATING TO POST OFFICES

HOLIDAYS

EDITORIAL NOTE: For order superseding Executive Order 9636, cited in § 25.7 relating to holidays, see Executive Order 10358, *supra*.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 7, 9]

IMPORTATION OF FOREIGN WILD ANIMALS, AND WILD BIRDS AND THEIR EGGS

PROHIBITED SPECIES AND EXCEPTIONS; COMPLIANCE WITH OTHER REGULATIONS

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and the authority contained in the provisions of 18 U. S. C. Supp. IV, 42 and 19 U. S. C. 1201, notice is hereby given that the Secretary of the Interior proposes to take the following action:

To repeal the provisions of § 7.11, 50 CFR, relating to the importation of certain game-bird eggs and to adopt the following regulations as §§ 9.1 and 9.2 of 50 CFR:

§ 9.1 *Prohibited species and exceptions.* In accordance with the provisions of 18 U. S. C. Supp. IV, 42 which prohibit the importation into the United States, or any Territory or district thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, "and such other birds and animals as the Secretary of the Interior may declare to be injurious to the interests of agriculture or horticulture," and the provisions of 19 U. S. C. 1201, paragraph 1671, which prohibit the importation of the eggs of wild birds except those of game birds for propagating purposes, I have determined and hereby declare that in addition to those named in the statutes the following also are subject to the prohibitions against importation:

(a) Mynahs and all other members of the starling family, Sturnidae, except those for exhibition in zoological parks.

(b) All other wild birds and their eggs except:

(1) Game birds and their eggs for propagation and stocking purposes, and for exhibition in zoological parks.

(2) Non-game birds which are to be confined in cages or otherwise, and for exhibition in zoological parks.

(c) European rabbit, Lepus cuniculus, and European hare Lepus europaeus, except that such animals may be permitted entry for fur farming and other agricultural purposes, if such animals are to be kept in confinement.

(d) With respect to any importations permitted under the exceptions in paragraphs (a), (b), and (c) of this section the importer thereof must file with the Collector of Customs an affidavit to the effect that the birds or their eggs, or the European rabbits and hares are to be used for propagation purposes, confined to cages, exhibited in zoological parks, or used for fur farming and other agricultural purposes, as the case may be.

(e) None of the provisions of paragraphs (a), (b), and (c) of this section shall apply to migratory birds or their eggs the importation of which is governed by regulations in Part 6 of this subchapter or to the importations of natural history specimens, dead or alive, for museums or scientific collections in accordance with the provisions of 18 U. S. C. Supp. IV, 42.

§ 9.2 *Compliance with other regulations.* Any importation permitted by § 9.1, is also subject to any applicable health, quarantine, agriculture, customs, or other requirements imposed by law or by regulations of duly authorized Federal or State agencies and municipalities.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above, by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before June 26, 1952.

Date: June 5, 1952.

ROBERT R. ROSE, Jr.,
Assistant Secretary of the Interior.

[F. R. Doc. 52-6374; Filed, June 10, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10211]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning frequencies in the bands 2000–3500 kc and 25,850–26,100 kc; Docket No. 10211.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On March 19, 1952, the Commission amended Part 2 of its rules and regulations by the adoption of a table of frequency allocations for the band between 10 and 25,000 kc.

3. In the table of frequency allocations between 2000 and 3500 kc, frequencies within the following bands are shown as being available for frequency assignments to remote pickup base and remote pickup mobile stations:

2107–2170 kc.
2194–2495 kc.
2505–2850 kc.
3155–3400 kc.

4. In the Atlantic City table of frequency allocations, the band 25.6–26.1 mc is allocated to the Broadcasting Service. The United States allocation of this band is:

25.6–25.85 mc, Government.
25.85–26.1 mc, Non-Government: International Broadcasting.

5. The Commission proposes to amend § 2.104 (a) of Part 2 of its rules and regulations by deleting the provisions permitting remote pickup stations to operate on frequencies in the band 2000–3500 kc. It is proposed to make this amendment effective May 1, 1953, in order to allow a reasonable time for modification or amortization of equipment.

6. It is further proposed to amend the Table of Frequency Allocations, § 2.104 (a) in Part 2 of the Commission's rules by appending to the frequency band 25.85–26.1 mc in column 7, footnotes NG22 and NG32, the new footnote NG32 to read as follows:

NG32 The use of frequencies in the band 25.85–26.1 mc may be authorized in any area to Remote Pickup Broadcast base and mobile stations on the condition that harmful interference is not caused to the broadcasting service.

7. At an early date the Commission proposes to amend Part 4 of its rules relating to remote pickup stations to make provision for the use of band 25.85–26.1 mc by such stations.

8. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before July 15, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Replies to the original briefs and comments may be filed by July 30, 1952. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

10. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: May 28, 1952.

Released: May 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6383; Filed, June 10, 1952; 8:49 a. m.]

[47 CFR Part 2]

[Docket No. 10212]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the Band 2035–2107 kc; Docket No. 10212.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. In accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) the Commission is instituting proceedings to modify the authorizations of certain stations operating in the 2035–2107 kc band of frequencies so as to bring all authorizations in these bands into conformity with the Atlantic City (1947) Table of Frequency Allocations and the Region 2 List. It is therefore proposed to amend the Commission's Table of Frequency Allocations in § 2.104 (a) of the Commission's rules to provide that, as of July 15, 1952, frequencies in this band will be available for use only in accordance with the Atlantic City Table of Frequency Allocations.

3. The proposed amendment is issued under authority of sections 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before June 20, 1952, a written statement or brief setting forth his comments. Replies to the original comments may be filed by June 30, 1952. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 28, 1952.

Released: June 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6384; Filed, June 10, 1952; 8:49 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10207]

STATIONS ON LAND IN THE MARITIME SERVICES, STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 7.365 and 8.362 of the Commission's rules; Docket No. 10207.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Sections 7.365 and 8.362 presently make available for assignment to limited coast stations and ship stations for communication with limited coast stations the frequencies 2738 kc and 2214 kc provided certain conditions are met. One of these conditions is that a showing must be made of necessity of use of these frequencies in lieu of a frequency above 30 Mc. Applications for limited coast stations have been received which purport to make such a showing on the basis of the fact that despite the short range nature of the communications desired, assignment of a 2 Mc frequency is necessary because the ships involved are not under the control of the applicant and are not equipped to operate on frequencies above 30 Mc. Accordingly, it is proposed to amend §§ 7.365 and 8.362 to make clear that these frequencies will not be assigned in any instance where they are proposed to be used for communications which are primarily short distance in nature.

3. This proposed amendment is issued under authority contained in sections 303 (a) (b) (c) (f) and (r) or the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted, or not adopted in the form set forth, may file with the Commission on or before June 30, 1952, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs, and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and six copies of statements, briefs or comments filed shall be furnished to the Commission.

Adopted: May 28, 1952.

Released: May 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 7.365 by adding a new paragraph (c) to read as follows:

§ 7.365 *Frequencies below 3000 KC for business and operational purposes.* * * *

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the communications desired are over distances for which frequencies above 30 Mc may be suitable.

2. Amend § 8.362 by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

§ 8.362 *Frequencies below 3000 kc for business and operational purposes.* * * *

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the communications desired are over distances for which frequencies above 30 Mc may be suitable.

[F. R. Doc. 52-6381; Filed, June 10, 1952; 8:48 a. m.]

[47 CFR Parts 7, 8, 14]

[Docket No. 10213]

SHIP-SHORE SERVICE USING TELEGRAPHY IN BAND 2035–2107 KC.

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7, 8 and 14 of the Commission's rules to provide for the establishment of ship-shore service using telegraphy in the band 2035–2107 kc.; Docket No. 10213.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) new frequencies in the band 2035–2107 kc. become available for assignment to coast and ship stations using telegraphy in Region 2. In order to expedite the inauguration of this service, it is proposed to make these new frequencies available under the rules (Parts 7, 8, 14) governing coast and ship stations even though clearance of this frequency band by current users, government and non-government, has not been completed. Pending such clearance, assignment of the new frequencies is proposed to be made on a "day only" basis on condition that no harmful interference is caused to existing users.

3. The substance of the proposed amendments is contained in the appendix attached hereto and they are issued under authority of sections 303(c), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the forms set forth may file with the Commission on or before June 20, 1952, a written statement setting forth his comments. Comments and replies to the original comments may be filed within 10 days thereafter. The Commission will consider all comments filed before taking action in this matter.

5. It is requested that persons who plan to make application for assignment of the new frequencies for use at coast stations if and when these proposals are finalized so indicate within the comment period designated above by voluntarily filing for the information of the Commission an informal statement of such intention. Failure to file such statement, however, will in no way prejudice the right of any person formally to file such application at a later date.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of statements or comments shall be furnished the Commission.

Adopted: May 28, 1952.

Released: June 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 7.132 (a) (1) is amended as follows:

Insert in numerical order under item (1) in the table of paragraph (a) the frequency band and class of emission as follows:

2035 to 2065 kc	A1 and for brief testing A0

2. Section 7.134 (b) is amended by inserting in numerical order in the table expressing transmitter power the following frequency band and associated power:

2035 kc to 2065 kc	0.6

3. Section 7.206 (a) is amended by adding the following frequencies in kilocycles and respective coast station locations to the list of assignable frequencies for use by coast stations (public or limited) employing telegraphy:

Frequency (kc):	*For assignment to coast stations located primarily in or in the vicinity of:*
2036	[1] Barnstable County, Mass.
2037.5	[2] San Francisco, Calif.
2039	[1] Florida (between latitudes 25 and 29°).
2040.5	[2] Boston, Mass.
2042	[1] Texas (last of longitude 96° south of latitude 31°).
2043.5	[2] Savannah, Ga.
2045	[2] San Francisco, Calif.
2046.5	[2] New York, N. Y.
2048	[2] New Orleans, La.
2049.5	[1] Florida (between latitudes 25 and 29°). [2] Los Angeles, Calif.
2051	[2] Jacksonville, Fla. [2] New York, N. Y.
2052.5	[1] Hawaiian Islands. [1] Puerto Rico. [1] Texas and Louisiana (between longitudes 92° and 95°, south of latitude 31°).
2054	[1] New Jersey (south of latitude 40°; east of longitude 74°, 30').
2055.5	[2] Mobile, Ala. [2] Los Angeles, Calif.
2057	[1] Florida (between latitudes 25 and 29°).
2058.5	[1] Grays Harbor and Pacific Counties, State of Washington.
2060	[1] State of New York (east of longitude 73°).
2061.5	[2] San Francisco, Calif.
2063	[2] Baltimore, Md. [2] Seattle, Wash.

4. Section 7.206 (b) is amended by adding a new subparagraph (10) to read as follows:

(10) Pending clearance of the band 2035–2107 kc in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) each of the assignable frequencies designated in paragraph (a) of this section within the band 2035 to 2065 kc inclusive may be authorized for use by coast stations on a "day only" basis upon the express condition that harmful interference will not be caused to stations either Government or non-Government authorized as of (effective date of this rule amendment to be inserted) to operate on any frequency or frequencies within the band 2035–2107 kc.

5. Section 7.207 is amended by adding a new paragraph (e) to read as follows:

(e) The normal calling frequency to be used by each coast station employing telegraphy when operating in the band 2035–2065 kc is its normal working frequency in this band. In addition to the transmission on the authorized working frequency in this band, coast stations may transmit on any frequency within the ship station calling band 2088.5 to 2093.5 kc for transmission of distress traffic exclusively.

6. Section 8.131 (b) is amended as follows:

Change the text of item (5) under table entitled "Frequency ranges" to read as follows:

(5) For emergency transmitters intended for use solely in lifeboats or other survival craft to be used on the telephone distress frequency 2182 kc or on the telegraph calling frequency 2091 kc.

7. Section 8.132 (a) is amended as follows:

Insert in item (1) under table entitled "Frequency band and classes of emission authorized" a new entry, in numerical order, to read:

2065–2107 kc.	A1 and for brief testing A0; except for stations on board survival craft which may use, in addition, class A2 emission.

8. Section 8.321 (a) is amended as follows:

a. Designate as subparagraph (1) all of the text preceding that portion which reads as follows: "Except as may be otherwise specified herein * * *" for communication with coast stations."

b. Designate the latter portion as subparagraph (6).

c. In the designated subparagraph (1), change that portion of the text which reads "hereinafter designated in this paragraph" to read "designated in this subparagraph."

d. Add subparagraph (2) to read:

(2) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board passenger ships and by aircraft stations for communication with stations of the Maritime Mobile Service (except that frequencies below 4000 kc are not assignable to aircraft stations), when such ship and aircraft stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided*, That subsequent to a specific date designated by the Commission, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Article 33 of the Radio Regulations of Atlantic City, 1947: *Provided further*, That the use of such of these frequencies as are below 4000 kc in Regions 1 and 3 is subject to the condition that interference shall not be caused to the service of any station(s) which, in the discretion of the Commission, may have priority on the frequency or frequencies used by the station(s) to which interference is caused:

2067.5	2073.75	2080
2068.75	2075	2081.25
2070	2076.25	2082.5
2071.25	2077.5	2085
2072.5	2078.75	2087.5

e. Add subparagraph (3) to read:

(3) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board cargo ships, when such stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided*, That, subsequent to a specific date designated by the Commission, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Article 33 of the Radio Regulations of Atlantic City, 1947: *Provided, further*, That the use of such of these frequencies as are below 4000 kc in Regions 1 and 3 is subject to the condition that interference shall not be caused to the service of any station(s) which, in the discretion of the Commission, may have priority on the frequency or frequencies used by the station(s) to which interference is caused:

GROUP A

2094	2098.25	2102.5
2094.25	2098.5	2102.75
2094.5	2098.75	2103
2094.75	2099	2103.25
2095	2099.25	2103.5
2095.25	2099.5	2103.75
2095.5	2099.75	2104
2095.75	2100	2104.25
2096	2100.25	2104.5
2096.25	2100.5	2104.75
2096.5	2100.75	2105
2096.75	2101	2105.25
2097	2101.25	2105.5
2097.25	2101.5	2105.75
2097.5	2101.75	2106
2097.75	2102	
2098	2102.25	

In respect to paragraph 794 of the Atlantic City Radio Regulations, only the frequencies of Group A are sub-harmonically related to the cargo ship station working frequencies below 4000 kc designated herein; hence it is proposed to assign only one working frequency below 4000 kc to each cargo ship station.

f. Add subparagraph (4) to read:

(4) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned calling frequency exclusively for use by ship stations (public or limited) when such stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided*, That, subsequent to a specific date designated by the Commission, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Article 33 of the Radio Regulations of Atlantic City, 1947: *Provided further*, That the use of such of these frequencies as are below 4000 kc in Regions 1 and 3 is subject to the condition that interference shall not be caused to the service of any station(s) which, in the discretion of the Commission, may have priority in the frequency or frequencies used by the station(s) to which interference is caused.

2089	2090.5	2092
2089.5	2091	2092.5
2090	2091.5	2093

g. Subparagraph (5) is proposed to be inserted in other rule making proceedings pending before the Commission.

9. Section 8.321 (b) is amended by adding a new subparagraph (7) to read as follows:

(7) Pending clearance of the band 2035–2107 kc in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), each of the assignable frequencies designated in paragraph (a), subparagraphs (2), (3) and (4) of this section within band 2065 to 2107 kc inclusive may be authorized for use by ship stations on a day only basis upon the express condition that harmful interference will not be caused to stations, either government or non-government, authorized as of (effective date of this rule amendment to be inserted) to operate on any frequency or frequencies within the band 2035–2107 kc.

10. Section 8.323 is amended by adding the following paragraph (e):

(e) In Region 2, the frequency 2091 kc is the international calling frequency for ship stations using telegraphy within the band 2065–2107 kc. It shall be used for call, reply and signals preparatory to traffic by all ship stations using telegraphy to establish communication with other ship stations operating in the band 2065–2107 kc or with coast stations using telegraphy and operating in the band 2000–2850 kc: *Provided*, That transmission by ship stations for this purpose on any calling frequency designated in § 8.321 (a) (4) within the band 2088.5–2093.5 kc is permissible as a practical operating procedure to minimize interference, in lieu of transmission on the frequency 2091 kc. The use of the frequency 2091 kc or any other calling frequency within the band 2088.5–2093.5 kc by ship stations for purposes other than those stipulated in this paragraph (except for transmitting distress traffic) is not authorized. A ship station, after establishing communication on a calling frequency within this band, shall change to an authorized working frequency for the transmission of traffic.

11. Section 8.324 (g) is amended as follows:

After the proviso in the last portion of the text, between "_____ below 160 kc _____" and "_____ the emission", insert the following: "and within the

bands 2000 to 2850 kc and 17000 to 25000 kc".

12. Section 8.105 is amended by adding a new paragraph (c) to read:

(c) Each ship station using, when in Region 2, telegraphy on frequencies within the band 2065 kc to 2107 kc shall be capable of transmitting and receiving class A1 emission on the radio channel of which 2091 kc is the assigned frequency and on at least one additional radio-channel within this band which is authorized for working: *Provided*, That an assignable calling frequency within the calling band 2088.5 kc to 2093.5 kc, designated in § 8.321 (a) (4), may be substituted for this purpose in lieu of the frequency 2091 kc.

13. Section 14.33 is amended by adding a new paragraph (c) to read:

(c) Working: 2052.5 kilocycles; A1 emission only, maximum authorized transmitter power 150 watts.[11a 11b]

14. Section 14.54 is amended by adding a new paragraph (c) to read:

(c) For communication by means of telegraphy with coast stations in Alaska, when the coast station transmits on the frequency 2052.5 kilocycles, each ship station shall transmit by means of Class A1 emission only on one of its assigned frequencies within the band 2065–2107 kc exclusively, in accordance with the applicable provisions of Part 8 of the Rules of the Commission.[11b] When the ship station is within the territorial waters of Alaska, the maximum plate (anode) input power shall not exceed 150 watts when transmitting on a frequency within this band; this limitation shall apply without regard to the maximum power authorized to be used on such frequencies by the station license."

[F. R. Doc. 52-6385; Filed, June 10, 1952; 8:50 a. m.]

[11a] The term "authorized transmitter power" is defined to mean, when class A1 emission is employed, "the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna."

[11b] Pending clearance of the band 2035–2107 kc in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951) the frequency 2052.5 kc and each of the assignable frequencies within the band 2065–2107 kc may be authorized for use on a day only basis upon the express condition that harmful interference will not be caused to stations, either government or non-government, authorized as of _____ to operate on any frequency or frequencies within the band 2035–2107 kc.

[47 CFR Part 8]

[Docket No. 10209]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23000 kc; Docket No. 10209.

1. Article 33 of the Atlantic City Radio Regulations provides that each ship station using telegraphy in bands between 4000 and 23000 kc shall be assigned a series of calling frequencies including one frequency in each of the bands in which the station is equipped to transmit. In the bands between 4000 and 18000 kc the frequencies assigned to each ship station must be in harmonious relationship. Certain spacing between calling frequencies is recommended. Appendix 10 to the regulations sets forth nine series of calling frequencies which are in accord with the foregoing. Article 33 further requires assignment of these calling frequency series in accordance with a "system of rotation so as to distribute these (calling) frequencies uniformly throughout the calling frequency bands." The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) with respect to the ship radiotelegraph calling bands between 4000 and 23000 kc looks toward inauguration of use of these bands by the target date of June 3, 1953.

2. In order to use these calling frequencies, licensees will have to obtain special crystals. In the absence of any known plan by licensees to create a pool of such crystals, each licensee should be made aware by ample advance notice of the calling frequency series which may be assigned to his ship station so that he may have reasonable opportunity to procure crystals. A plan of assignment of the calling frequency series should, therefore, be finalized at the earliest opportunity.

3. Accordingly, notice is hereby given of rule making proceedings on the subject of a plan of assignment of calling frequencies to ship stations using telegraphy in the bands between 4000 and 23,000 kc. From the administrative standpoint, it appears that the most feasible plan of assignment is one which would assign each series of calling frequencies by call sign blocks as shown in the appendix attached hereto. The center calling frequencies represented by the series beginning with 4182 kc is not proposed to be made available for assignment at this time in view of paragraph 779 of the Atlantic City Radio Regulations which requires that this series "be reserved as far as possible for the use of aircraft desiring to communicate with stations of the maritime mobile service".

4. Interested persons may file with the Commission not later than June 30, 1952, written comments relating to the above-described subject. Comments in reply to original comments may be filed within 10 days from the last day for filing said original comments. The Commission will consider all such comments before taking action in this matter.

5. The Commission's authority to issue rules in this matter is contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 28, 1952.

Released: June 2, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX

Series	*Calling frequencies (kc)*
1	4178, 6267, 8356, 12534, 16712, 22225.
2	4179, 6268.5, 8358, 12537, 16716, 22230.
3	4180, 6270, 8360, 12540, 16720, 22235.
4	4181, 6271.5, 8362, 12543, 16724, 22240.
5	4183, 6274.5, 8366, 12549, 16732, 22250.
6	4184, 6276, 8368, 12552, 16736, 22255.
7	4185, 6277.5, 8370, 12555, 16740, 22260.
8	4186, 6279, 8372, 12558, 16744, 22265.

Call sign block:	*Calling Frequency series*
KAAA through KAZZ	1
KBAA through KBZZ	2
KCAA through KCZZ	3
KDAA through KDZZ	4
KE	5
KF	6
KG	7
KG	8
KI	1
KJ	2
KKAA through KKPZ	3
KKQA–KKZZ	4
KLAA–KLZZ	5
KMAA–KMLZ	6
KMMA–KMZZ	7
KNAA–KNZZ	8
KO	1
KP, etc	2, etc. in rotation
WAAA through WAZZ	1
WBAA through WBZZ, etc	2, etc. in rotation

[F. R. Doc. 52-6382; Filed, June 10, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN AND ACTING CHAIRMEN OF PMA COUNTY COMMITTEES

DELEGATION OF AUTHORITY AS CONTRACTING OFFICERS

Pursuant to the authority conferred upon me by the bylaws of Commodity Credit Corporation (14 F. R. 7689), I hereby appoint the chairman, or in his absence the acting chairman, of each Production and Marketing Administration County Committee a contracting officer, within the county of his jurisdiction, for the purpose of executing, administering, and terminating, on behalf of Commodity Credit Corporation, lending agency agreements with private lending agencies.

The foregoing authority as a contracting officer shall be exercised in accordance with instructions which shall be issued by the appropriate Vice President of Commodity Credit Corporation and which shall be available for public inspection in the files of the Production and Marketing Administration county offices.

This authority may not be redelegated.

Issued this 4th day of June 1952.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-6411; Filed, June 10, 1952; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WISCONSIN

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 5, 1952.

Notice is given that the plat of dependent resurvey and extension survey of the following described lands, accepted April 16, 1951, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

4TH PRINCIPAL MERIDIAN, WISCONSIN

T. 39 N., R. 9 E.
Sec. 29, lots 7, 8, 9, 10.

The area described aggregates 101.16 acres.

This plat represents (1) retracement and reestablishment of the boundaries of sec. 29, T. 39 N., R. 9 E., 4th P. M., Wisconsin, as shown upon the plat approved June 9, 1864, and (2) extension survey including lands erroneously omitted from the original survey of the township and not shown upon the plat approved June 9, 1864.

Available information indicates that all of the above described lands are over 50 percent upland, with an elevation up to 25 feet above the lake level with some swamp on the east and west ends and that the soil is a sandy loam.

No applications for the described lands may be allowed under the homestead or small tract laws unless the lands have already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in §181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to Regional Adminstrator, Bureau of Land Management, Region VI, Department of the Interior, Washington 25, D. C.

H. S. PRICE,
Regional Administrator, Region VI.

[F. R. Doc. 52-6372; Filed, June 10, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. S-17 (Sub-No. 1), No. S-33]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

No. S-17 (Sub-No. 1), American President Lines, Ltd.; application for extension of existing authorization to operate Atlantic-Straits Freight Service C-2 (modified), Trade Route No. 17, without operating-differential subsidy; and No. S-33, American President Lines, Ltd.; application for operating-differential subsidy (Freight Service C-2, Trade Route No. 17) under Title VI, Merchant Marine Act, 1936.

By notice appearing in the FEDERAL REGISTER of June 5, 1952, the Board announced that a prehearing conference in these proceedings would be held at Washington, D. C., on June 17, 1952, at 10 o'clock a. m., e. d. s. t., in Room 4823, Department of Commerce Building, before Examiner C. W. Robinson, upon an application of American President Lines, Ltd., dated January 28, 1952, for extension of existing authority to operate Atlantic-Straits Freight Service C-2 (modified), Trade Route No. 17, and for modification of the authorization made in Docket No. S-17; and upon an application of American President Lines, Ltd., dated January 29, 1952, for financial aid in the operation of freight vessels in the foreign commerce of the United States on Trade Route No. 17, Freight Service C-2.

Notice is hereby given that the prehearing conference scheduled in these proceedings for June 17, 1952, is hereby postponed to June 25, 1952, at the same hour and place.

Dated: June 5, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-6397; Filed, June 10, 1952; 8:52 a. m.]

Office of the Secretary

[Order 2 Under E. O. 10340]

TERMINATION OF GOVERNMENT POSSESSION AND OPERATION OF PLANTS AND FACILITIES OF CERTAIN STEEL COMPANIES

In accordance with instructions from the President of the United States, I hereby terminate my possession and operation of the plants, facilities and other properties of which I took possession by Order No. 1 of April 8, 1952 (17 F. R. 3242) and which I have not heretofore released by separate letter.

All instructions heretofore issued and appointments heretofore made by me are withdrawn.

This order shall be effective as of 3:30 p. m., June 2, 1952.

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

JUNE 6, 1952.

[F. R. Doc. 52-6448; Filed, June 9, 1952; 4:13 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9552]

THEATRE TELEVISION SERVICE

ORDER RESCHEDULING HEARING

In the matter of allocation of frequencies and promulgation of rules and regulations for a Theater Television Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of May 1952;

The Commission having under consideration its order herein of April 4, 1952, released April 7, 1952, which indefinitely postponed the hearing in the above-entitled proceeding; and

It appearing, that the Commission is now able to re-schedule this hearing and that, in view of the postponements herein, parties may wish to amend their statements setting forth their lists of witnesses and subjects of testimony and that additional persons may wish to file appearances in this proceeding;

It is ordered, That persons who have not previously filed appearances may do so on or before November 14, 1952, and that persons so filing appearances shall, on or before December 1, 1952, file with the Commission a statement setting forth a list of their witnesses who will testify at the hearing together with the subjects with respect to which testimony will be adduced and evidence offered and that parties who have heretofore filed such statements may file additional statements on or before the latter date; and

It is further ordered, That the hearing herein will be held before the Commission en banc commencing on January 12, 1952, at 10:00 a. m. in Washington, D. C. (at a place to be designated by a subsequent notice.)

Released: June 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-6389; Filed, June 10, 1952; 8:52 a. m.]

[Docket No. 10205]

LAMPASAS BROADCASTING CORP. (KHIT)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lampasas Broadcasting Corp. (KHIT), Lampasas, Texas, for renewal of license of station KHIT, Docket No. 10205, File No. BR-2057.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1952:

The Commission having under consideration the above-entitled application for renewal of license of broadcast station KHIT, Lampasas, Texas; and

It appearing, that Lampasas Broadcasting Corporation has failed to submit a required amendment to the said application despite repeated requests of the Commission; and

It further appearing, that Lampasas Broadcasting Corporation has failed to submit the reports required under §§ 1.341 and 1.342 of the Commission's rules for the year ending December 31, 1951; and

It further appearing, that the Commission is unable to determine in view of the above considerations, that a grant of the subject application would be in the public interest;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at a time and place to be specified by subsequent order of the Commission upon the following issues:

1. To determine whether, as of May 27, 1952, the licensee of station KHIT, Lampasas Broadcasting Corporation, had failed to file any documents, reports, records, contracts, or other matter required under the Commission's rules and standards or had failed to respond to Commission correspondence, and if so, whether such documents, reports, records, contracts or other matter was subsequently filed.

2. To determine whether, in view of the facts adduced under the foregoing issue, public interest, convenience or necessity would be served by a grant of the above-entitled application for renewal of license of station KHIT.

It is further ordered, That a temporary extension of license for operation of station KHIT until conclusion of this proceeding or until August 1, 1953, whichever is the earlier, is granted.

Released: June 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-6387; Filed, June 10, 1952; 8:51 a. m.]

[Docket No. 10208]

NORTHWESTERN BELL TELEPHONE CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of Northwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of the Western Telephone Company; Docket No. 10208, File No. P-C-2871.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 28th day of May 1952;

The Commission having under consideration an application filed by Northwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Northwestern Bell Telephone Company of certain telephone plant and property of the Western Telephone Company, located in Breckenridge, Wilkin County, Minnesota, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 12th day of June, 1952, and that a copy of this order shall be served on Northwestern Bell Telephone Company, the Western Telephone Company, the Governor of Minnesota, the Minnesota Railroad and Warehouse Commission, and the Postmasters of Breckenridge, Minnesota and Wahpeton, North Dakota;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Breckenridge, Wilkin County, Minnesota and Wahpeton, North Dakota, and shall furnish proof of such publication at the hearing herein.

Released: May 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-6388; Filed, June 10, 1952; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2539 et al.]

NORTHWEST AIRLINES, INC., TEMPORARY MAIL RATE IN TRANS-PACIFIC OPERATIONS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation from the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc., in its Trans-Pacific operations, for the period beginning January 1, 1952.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E-6077, in the above-entitled proceeding is hereby postponed from June 9, to June 18, 1952, at 10:00 a. m., e. d. t. in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., June 6, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-6417; Filed, June 9, 1952; 5:12 p. m.]

[Docket No. 5422]

NORTH ATLANTIC TOURIST COMMISSIONS

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 24, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 6, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-6399; Filed, June 10, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-934]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 5, 1952.

Take notice that on May 16, 1952, Cities Service Gas Company (Applicant), a Delaware corporation with its principal office in Oklahoma City, Oklahoma, filed pursuant to section 7 of the Natural Gas Act, an application for modification of a certificate of public convenience and necessity issued November 10, 1947, authorizing facilities for the sale and delivery of natural gas to Commercial Gas Pipeline Company (Commercial) at a point near the Southwest corner of Southwest Quarter of Section 12, Township 26 South, Range 24 East, Bourbon County, Kansas.

Applicant states it has entered into (1) a new contract with Commercial, dated February 29, 1952, and (2) a contract with Southeastern Kansas Gas Company, Inc. (Southeastern), dated March 3, 1952, for the purpose of continuing service to Commercial as to those facilities retained by it, and to provide service to Southeastern as to those facilities to be acquired by it from Commercial.

The application recites Applicant has been informed Commercial has sold certain of its facilities to Southeastern subject to approval of regulatory authorities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6375; Filed, June 10, 1952; 8:46 a. m.]

[Docket No. G-1962]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 5, 1952.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed on May 27, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to transport natural gas for sale to I. M. Clausen, dba Magma Natural Gas Company and for such purpose to construct and operate a positive meter station to be located on Applicant's existing six inch superior pipeline in Pinal County, Arizona. Through said facilities approximately 400 Mcf of natural gas will be delivered on a peak day and 61,800 Mcf of natural gas will be delivered annually to I. M. Clausen, this gas to be used for irrigation purposes in the general farming area presently served by him.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6376; Filed, June 10, 1952; 8:47 a. m.]

[Docket No. G-1963]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 5, 1952.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address 1010 Bassett Tower, El Paso, Texas, filed on May 27, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for sale to Arizona Public Service Company and for such purpose to install and operate a mainline tap to be located on Applicant's existing 26-inch California pipeline in Yuma County, Arizona. Through said facilities approximately 3 Mcf of natural gas will be delivered on a peak day and 420 Mcf of natural gas will be delivered annually to Arizona Public Service Company for service to the Arizona Highway Department Inspection Station at Ehrenberg, Arizona.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6377; Filed, June 10, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-98, 54-198]

INVESTMENT BOND AND SHARE CORP. ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROXY SOLICITATION

JUNE 5, 1952.

In the matter of Investment Bond and Share Corporation, and its subsidiaries, and William J. Walsh, Edwin Joseph Small, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Small, Edwin W. Small, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., Respondents, File No. 59-98, and Investment Bond and Share Corporation, and its subsidiaries, File No. 54-198.

Jacksonville Gas Corporation ("Jacksonville"), a public utility subsidiary of Investment Bond and Share Corporation ("Investment Bond and Share"), a reg-

istered holding company, having filed a declaration under the Public Utility Holding Company Act of 1935 ("act") regarding a proxy solicitation of the company's common stockholders and having designated section 12 (c) of the act and Rule U-62 promulgated thereunder as being applicable thereto;

Said solicitation being proposed to be made in connection with the liquidation plan of Investment Bond and Share now pending before the Commission filed under section 11(e) of the act and for the purpose of obtaining proxies relating to the sale by Investment Bond and Share of certain shares of the common stock of Jacksonville to Jacksonville and to the election of a Board of Directors for Jacksonville; and

The Commission having examined said declaration, and the Notice of Meeting and the Proxy Statement proposed to be mailed to the Jacksonville stockholders and it appearing that the standards of the applicable provisions of the act and rules thereunder are satisfied, and it appearing that said declaration should be permitted to become effective, forthwith:

It is ordered, That such declaration be permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6379; Filed, June 10, 1952; 8:47 a. m.]

[File No. 70-2882]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

NOTICE OF PROPOSED SALE AT COMPETITIVE BIDDING OF SHARES OF ADDITIONAL PREFERRED STOCK

JUNE 5, 1952.

Notice is hereby given that Public Service Company of New Hampshire ("Public Service"), a subsidiary company of New England Public Service Company, a registered holding company, which in turn is a subsidiary company of Northern New England Company, also a registered holding company, has filed an application pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 and Rules U-20 U-22, U-23, U-24, and U-50 thereunder with respect to the following proposed transaction:

Public Service proposes to issue and sell, 50,000 shares of its cumulative ____ percent preferred stock, $100 par value, pursuant to the competitive bidding requirements of Rule U-50. The dividend rate and the price per share to be paid to the company (to be not less than $100 per share nor more than $102.75 per share) are to be determined by the competitive bidding. The filing requests that the ten-day period for inviting bids, as provided in Rule U-50, be shortened to a period of not less than six days.

It is stated in the filing that during the year 1952 the company contemplates the expenditure for its construction program of about $12,124,000 and that the net proceeds from the sale of the preferred stock will be used to provide a portion of the funds required for the company's construction program.

The filing states that applications for approval of the proposed sale of preferred stock have been filed with the New Hampshire Public Utilities Commission and the Vermont Public Service Commission.

Public Service requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 16, 1952, at 12:30 p. m. e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6378; Filed, June 10, 1952; 8:47 a. m.]

[File No. 70-2883]

DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE OF FOUR-MONTH BANK LOAN NOTE

JUNE 5, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Duquesne presently has outstanding a $9,725,000 3 percent promissory bank loan note due January 2, 1953 and intends in the immediate future to make an additional short-term bank borrowing of $85,000 under the exemption asserted to be available to it, pursuant to section 6 (b) of the act, whereupon its short-term bank loan indebtedness will aggregate $9,810,000. Duquesne proposes in the instant declaration to issue a $5,000,000 four-month note bearing interest at 3 percent per annum, such note to be issued to Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania. Duquesne will have the right to prepay such note at any time prior to maturity, without premium. The company proposes to use the proceeds from such note to defray part of the cost of its current construction program involving an estimated total cost of about $30,000,000 for the year 1952. The company has expressed its intention to pay off all outstanding short-term notes with the proceeds expected to be derived from a permanent financing program now being formulated. It is stated that no fees or expenses will be incurred in connection with the proposed $5,000,000 borrowing, other than estimated miscellaneous expenses not exceeding $100.

Declarant states that no State Commission has jurisdiction over the proposed transaction and has requested that the transaction be authorized pursuant to the procedure of Rule U-23, without a hearing, and that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than June 13, 1952, at 1:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6380; Filed, June 10, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

VITTORIO MANCI GUBBIO AND MRS. ANNA (MANCI) PASSERI GUBBIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Vittorio Manci Gubbio, Province of Perugia, Italy; Claim No. 36218, $745.86 in the Treasury of the United States.

Mrs. Anna (Manci) Passeri Gubbio, Province of Perugia, Italy; Claim No. 36218, $745.86 in the Treasury of the United States.

Executed at Washington, D. C., on June 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6407; Filed, June 10, 1952; 8:55 a. m.]

JACQUES DE LASSUS ST. GENIES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property

Jacques de Lassus St. Genies, Versailles, France; Claim No. 41471, property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,105,797; 2,106,933; 2,131,974; 2,135,396; 2,136,327; 2,139,855; 2,154,868; 2,188,019; 2,202,854; 2,202,355; 2,235,206; 2,258,164 and 2,258,558; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial Nos. 318,344 (now United States Letters Patent No. 2,352,864) and 339,812 (now United States Letters Patent No. 2,351,019) and 527,936 filed by the Alien Property Custodian as a division of Serial No. 339,812.

Executed at Washington, D. C., on June 5, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6408; Filed, June 10, 1952; 8:55 a. m.]

ference Room

FEDERAL REGISTER

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Washington, Thursday, June 12, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10360

AMENDMENT OF EXECUTIVE ORDER NO. 9781, ESTABLISHING THE AIR COORDINATING COMMITTEE

By virtue of the authority vested in me as President of the United States, it is ordered that paragraph 1 (a) of Executive Order No. 9781 of September 19, 1946, be, and it is hereby, amended to read as follows:

"1. (a) There is hereby established the Air Coordinating Committee (hereinafter referred to as the Committee), which shall have as members one representative from each of the following-named agencies (hereinafter referred to as the participating agencies): the State, Army, Navy, Air Force, Treasury, Post Office, and Commerce Departments and the Civil Aeronautics Board. The members shall be designated by the respective heads of the participating agencies. The President shall name one of the members as the Chairman of the Committee. The Director of the Bureau of the Budget and the Chairman of the National Security Resources Board shall each designate one representative of his agency as a non-voting member of the Committee."

This order supersedes (1) Executive Order No. 9990 of August 21, 1948, which enlarged the membership of the Air Coordinating Committee by including a representative of the Treasury Department, and (2) the letter of the President to the Chairman of the National Security Resources Board dated September 27, 1950, which requested that a representative of such Board be designated as a non-voting member of the Air Coordinating Committee.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 11, 1952.

[F. R. Doc. 52-6545; Filed, June 11, 1952; 12:18 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

TEACHER AND SUBSTITUTE (TEMPORARY) TEACHER IN INDIAN SCHOOLS

Subparagraphs (1), (4), and (5) of § 24.14 (a) are amended to read as follows:

§ 24.14 *Teacher and substitute (temporary) teacher, GS-1710, in Indian schools*—(a) *Educational requirement*—(1) *Elementary and principal-teacher.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours in education, 12 of which must be in elementary education.

NOTE: For temporary appointment of substitute elementary teacher, this educational requirement may be modified to require only two full years of study in the education department of an accredited college or university.

* * * * *

(4) *Vocational subjects.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and 24 semester hours in skilled trades.

(5) *Science.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 18 semester hours in education and either 24 semester hours in physical science or 18 semester hours in physical sciences and 6 semester hours in mathematics.

(Sec. 11, 58 Stat. 399; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6434; Filed, June 11, 1952; 8:50 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page

Amendment of Executive Order 9781, establishing the Air Coordinating Committee 5337

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Production and Marketing Administration.

Animal Industry Bureau

Rules and regulations:
Hogs: recognition of breeds and books of record of purebred animals 5339

Civil Aeronautics Administration

Rules and regulations:
Designation of control areas, control zones and reporting points; control area extensions, California and Texas .. 5340

Civil Aeronautics Board

Notices:
Ozark Airlines, Inc.; service to Alton-Wood River, Ill 5354

Proposed rule making:
Filing of reports by certificated air carriers 5351

Civil Service Commission

Rules and regulations:
Formal education requirements for appointment to certain scientific, technical and professional positions; teacher and substitute (temporary) teacher in Indian schools 5337

Commerce Department

See Civil Aeronautics Administration; National Production Authority.

Defense Department

Notification to the Department and General Services Administration of placement of procurement in Connersville, Ind., area (*see* Defense Mobilization, Office of).

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

	Page
Defense Mobilization, Office of	
Notices:	
Notification to Department of Defense and General Services Administration of placement of procurement in Connersville, Ind., area	5355
Defense Production Administration	
Notices:	
Additional company accepting request to participate in the activities of an Army Ordnance Integration Committee:	
3.5" rockets	5354
4.2" mortar shell	5354
Economic Stabilization Agency	
See Price Stabilization, Office of; Railroad and Airline Wage Board; Rent Stabilization, Office of; Salary Stabilization Board; Wage Stabilization Board.	
Federal Housing Administration	
Rules and regulations:	
Multifamily housing insurance, eligibility requirements of mortgage covering multifamily housing; limitation upon maximum amount of mortgage	5345
Mutual mortgage insurance, eligibility requirements of mortgage covering one- to four-family dwellings	5345
Federal Power Commission	
Notices:	
Hearings, etc.:	
Anderson, A. V., and Eveler M. Douglas	5354
Portland General Electric Co.	5354
Washington Water Power Co.	5354
Federal Security Agency	
See Food and Drug Administration.	
Federal Trade Commission	
Rules and regulations:	
Cease and desist orders:	
Bulova Watch Co., Inc	5340
Elgin National Watch Co	5341
Gruen Watch Co	5341
Permanent Stainless Steel, Inc., and Bernard L. Marcy	5342
Food and Drug Administration	
Rules and regulations:	
Tests and methods of assay for antibiotic and antibiotic-containing drugs; miscellaneous amendments	5343
General Services Administration	
Notification to the Department of Defense and the Administration of placement of procurement in Connersville, Ind., area (*see* Defense Mobilization, Office of).	
Home Loan Bank Board	
Rules and regulations:	
Authorizing immediate credits on bonus accounts and abolition of bonus reserve:	
Charter and bylaws	5345
Operations	5345
Home Loan Bank Board—Continued	
Rules and regulations—Continued	
Definitions; bad debt reserve recognized as part of general reserves	5344
Operations; bad debt reserve recognized as part of Federal Insurance Reserve	5345
Housing and Home Finance Agency	
See Federal Housing Administration.	
Interior Department	
See Land Management, Bureau of; Reclamation Bureau.	
Interstate Commerce Commission	
Notices:	
Organization of divisions and assignment of work; amending and supplementing order of June 8, 1942	5356
Land Management, Bureau of	
Notices:	
California; classification order	5351
National Production Authority	
Notices:	
National Steel Products Co., and C. W. Wild; suspension order	5353
Price Stabilization, Office of	
Notices:	
Kaiser-Frazer Corp.; basic prices and charges for new passenger automobiles	5354
Rules and regulations:	
Ceiling prices for sales by wholesalers and dealers of baler and binder twine; alternative ceiling prices for dealers (GCPR, SR 89)	5346
Coke, coal chemicals and coke oven gas; refining and upgrading plants, distributor's ceiling prices (GCPR, SR 13)	5346
Establishing of rates for new services rendered by contract carriers of petroleum products pursuant to temporary authorities (GCPR, SR 104)	5347
Production and Marketing Administration	
Notices:	
Directors, Tobacco Branch, delegation of authority with respect to marketing agreements and marketing orders governing the handling of tobacco; correction	5353
Rules and regulations:	
Lemons grown in California and Arizona; limitation of shipments	5339
Railroad and Airline Wage Board	
Rules and regulations:	
Wage adjustments for operating railroad employees (WAO 2)	5349

CONTENTS—Continued

	Page
Reclamation Bureau	
Notices:	
Eden Project, Wyoming; first form reclamation withdrawal	5352
Yuma Project, Calif.; revocation order	5352
Rent Stabilization, Office of	
Rules and regulations:	
Motor courts; specific provisions relating to individual defense-rental area or portions thereof	5350
Salary Stabilization Board	
Rules and regulations:	
Authorized adjustments in salaries and other compensation; correction (GSO 6, Int. 5)	5348
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Lawrence Investing Co. Inc	5355
United Corp	5355
Treasury Department	
Rules and regulations:	
Foreign assets control regulations:	
General definitions; amendment of definition of term "national"	5343
Licenses and authorizations; revocation of authorization for certain transactions incident to importations from designated nationals	5344
Procedures, customs; merchandise of Chinese or Korean origin	5344
Wage Stabilization Board	
Rules and regulations:	
Agricultural labor:	
Cotton picking in designated counties in California; rescission (GWR 11, ACD 2)	5348
Peaches, pears, apples, and all fruits in Mesa and Delta Counties in Colorado (GWR 11, ACD 4)	5349

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
9781 (amended by EO 10360)	5337
9990 (superseded by EO 10360)	5337
10360	5337
Title 5	
Chapter I:	
Part 24	5337
Title 7	
Chapter IX:	
Part 953	5339
Title 9	
Chapter I:	
Part 151	5339

CODIFICATION GUIDE—Con.

Title 14	Page
Chapter I:	
Part 241 (proposed)	5351
Chapter II:	
Part 601	5340
Title 16	
Chapter I:	
Part 3 (4 documents)	5340, 5341, 5342
Title 21	
Chapter I:	
Part 141	5343
Title 24	
Chapter I:	
Part 141	5344
Part 144	5345
Part 145	5345
Part 163	5345
Chapter II:	
Part 221	5345
Part 232	5345
Title 31	
Chapter V:	
Part 500 (3 documents)	5343, 5344
Title 32A	
Chapter III (OPS):	
GCPR, SR 13	5346
GCPR, SR 89	5346
GCPR, SR 104	5347
Chapter IV:	
Subchapter A (SSB):	
Int. 5	5348
Subchapter B (WSB):	
GWR 11, ACD 2	5348
GWR 11, ACD 4	5349
Subchapter C (RAWB):	
WAO 2	5349
Chapter XXI (ORS):	
RR 4	5350

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 438, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

b. *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.546 (Lemon Regulation 438, 17 F. R. 5185) are hereby amended to read as follows:

(ii) District 2: 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6514; Filed, June 11, 1952; 9:00 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 379, Amdt. 18]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

HOGS

On April 8, 1952, a notice of rule making was published in the FEDERAL REGISTER (17 F. R. 3064) regarding the proposed recognition by the Secretary of Agriculture of the Gloucestershire Old Spots Section of the book of record of purebred hogs entitled "Herd Book of the National Pig Breeders' Association."

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp. IV, Sec. 1201, Par. 1606) hereby recognizes the Gloucestershire Old Spots Section of the said book of record, and hereby amends the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR Part 151, as amended) by adding under the subheading "Hogs" (9 CFR 151.10 (a), as amended) the name "Gloucestershire Old Spots" to the list of breeds in the said herd book which are currently so recognized.

(Par. 1606, 46 Stat. 673, as amended; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 14th day of July 1952.

Done at Washington, D. C., this 9th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6428; Filed, June 11, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 75]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA EXTENSIONS; CALIFORNIA AND TEXAS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1069 is amended to read:

§ 601.1069 *Control area extension (Santa Barbara, Calif.).* Within 5 miles either side of the north, south and west courses of the Santa Barbara radio range extending from the radio range station to points 25 miles north, 20 miles south and 25 miles west of the radio range station.

2. Section 601.1113 *Control area extension (San Francisco, Calif.)* is amended by adding the following portion to present control area extension: "and all that area beginning at a point on the western boundary of Blue civil airway No. 10 at the point of intersection with lat. 38°-15'00", thence along the western boundaries of Blue civil airway No. 10, Blue civil airway No. 54 and Amber civil airway No. 8 to a point at which the western boundary of Amber civil airway No. 8 intersects the coastline, thence along the coastline in a northwesterly direction to Point Reyes, Calif., thence in a northeasterly direction to lat. 38°15'00", long. 122°45'00", thence to the point of beginning."

3. Section 601.1215 is amended to read:

§ 601.1215 *Control area extension (Galveston, Tex.).* All that area extending from the Houston, Tex., control area to the New Orleans Oceanic Control Area, bounded on the west by a line from lat. 29°04'40", long. 95°00'00", to lat. 28°02'20", long. 94°20'00", and bounded on the east by a line from lat. 29°16'00", long. 94°43'15" to lat. 28 15'00", long. 92°42'00".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., June 20, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6416; Filed, June 11, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5830]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BULOVA WATCH CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* In connection with the sale or offering for sale of men's and women's watches in commerce, (1) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising services or facilities furnished by or through such customer unless such payment or consideration is available on proportionally equal terms to all other customers of respondent who, in fact, compete with the favored customer in the resale of respondent's products; (2) paying or allowing, or contracting to pay or allow, anything of value to or for the benefit or any customer for advertising services or facilities furnished by or through said customer, as a percentage or proportion of dollar volume of purchases by such customer different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of such products and where such payments are based on the amount of purchases made; or, (3) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, as compensation, or in consideration for, any services or facilities furnished by, or through, such customer in connection with the processing, handling, sale or offering for sale, of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 46) [Cease and desist order, Bulova Watch Company, Inc., New York, N. Y., Docket 5830, March 17, 1952]

Pursuant to the provisions of the Clayton Act, as amended by the Robinson-Patman Act (15 U. S. C. 13), the Federal Trade Commission on December 1, 1950, issued and subsequently served its complaint in this proceeding upon Bulova Watch Company, Inc., a corporation, charging said respondent with violation of subsection (d) of section 2 of said act, as amended. After the filing by respondent of its answer to the complaint, pursuant to leave to withdraw such original answer and to file amended answer as subsequently granted to respondent by the hearing examiner of the Commission designated in the complaint, respondent's amended answer was filed in which amended answer the respondent, for the purposes of this proceeding, admitted all the material allegations of fact set forth in the complaint, waived hearings as to the facts and consented to the entry of findings as to the facts based upon the complaint and the answer and the issuance against it of an order to cease and desist, upon the condition, however, that no order to cease and desist be issued or served upon it until orders are entered disposing of the complaints against the Gruen Watch Company, Federal Trade Commission Docket No. 5836, and Elgin National Watch Company, Federal Trade Commission Docket No. 5837; and on May 25, 1951, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, respondent appealed from the initial decision of the hearing examiner and this proceeding regularly came on for final consideration by the Commission upon the record herein, including the respondent's brief in support of its appeal and the brief in opposition thereto filed by counsel supporting the complaint (oral argument not having been requested); and the Commission, having duly considered the record and having ruled upon said appeal and being now fully advised in the premises, makes the following findings as to the facts[1] conclusion drawn therefrom[1] and order the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent Bulova Watch Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or offering for sale of men's and women's watches, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer for advertising services or facilities furnished by or through such customer unless such payment or consideration is available on proportionally equal terms to all other customers of respondent who, in fact, compete with the favored customer in the resale of respondent's products.

(2) Paying or allowing, or contracting to pay or allow, anything of value to or for the benefit of any customer for advertising services or facilities furnished by or through said customer, as a percentage or proportion of dollar volume of purchases by such customer different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of such products and where such payments are based on the amount of purchases made.

(3) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, as compensation, or in consideration for, any services or facilities furnished by, or through, such customer in connection with the processing, handling, sale or offering for sale, of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products.

[1] Filed as part of the original document.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6443; Filed, June 11, 1952; 8:53 a. m.]

[Docket 5836]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRUEN WATCH CO.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* In connection with the sale or offering for sale of men's and women's watches in commerce, (1) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, as a percentage or proportion of the dollar volume of purchases by such customer, different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of said products and where such payments are based on the amount of purchases made; or, (2) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 46) [Cease and desist order, the Gruen Watch Company, Cincinnati, Ohio, Docket 5836, March 17, 1952]

Pursuant to the provisions of the Clayton Act, as amended by the Robinson-Patman Act (15 U. S. C. 13), the Federal Trade Commission on January 4, 1951, issued and subsequently served its complaint in this proceeding upon the Gruen Watch Company, a corporation, charging said respondent with violation of subsection (d) of section 2 of said act, as amended. After the filing by respondent of its answer to the complaint, respondent filed motion to withdraw such answer and to file substitute answer annexed thereto admitting, solely for the purposes of this proceeding and the enforcement or review thereof, various allegations of material fact set forth in the complaint including reasonable inferences which may be drawn therefrom, waiving hearing on the complaint and consenting that the Commission may make and enter its findings as to the facts based on the complaint and such substitute answer and thereupon issue its order, which substitute answer was proffered on the condition, however, that no order to cease and desist be issued and served herein until orders are entered by the Commission disposing of the proceedings pending in Docket No. 5830, Bulova Watch Company, and in Docket No. 5837, Elgin National Watch Company. Respondent's motion, as aforesaid, was duly granted by a hearing examiner of the Commission theretofore designated by it to act in this proceeding, this proceeding was closed for the taking of evidence and on May 25, 1951, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, respondent appealed from the initial decision of the hearing examiner and this matter came on for final hearing before the Commission upon the complaint, the substitute answer, the initial decision of the hearing examiner and respondent's appeal therefrom, briefs in support of and in opposition to such appeal and oral argument; and the Commission, having duly considered the record and ruled upon said appeal and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent the Gruen Watch Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or offering for sale of men's and women's watches in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, as a percentage or proportion of the dollar volume of purchases by such customer, different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of said products and where such payments are based on the amount of purchases made.

(2) Paying or allowing, or contracting to pay or allow, anything value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products.

[1] Filed as part of the original document.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6442; Filed, June 11, 1952; 8:51 a. m.]

[Docket 5837]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ELGIN NATIONAL WATCH CO.

Subpart — *Discriminating in price under section 2, Clayton Act as amended—Payment for services or facilities for processing or sale under 2 (d):* § 3.825 *Allowances for services or facilities.* In connection with the sale or offering for sale of men's and women's watches in commerce, (1) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers competing in fact in the resale of said products and where such payments are based on the amount of purchases made; or, (2) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, as a percentage or proportion of the dollar volume of purchases by such customer different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of said products and where such payments are based on the amount of purchases made; or, (3) paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 46) [Cease and desist order, Elgin National Watch Company, Elgin, Illinois, Docket 5837, March 17, 1952]

Pursuant to the provisions of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act), the Federal Trade Commission, on January 4, 1951,

issued and subsequently served its complaint in this proceeding upon the respondent, Elgin National Watch Company, a corporation, charging said respondent with having violated the provisions of subsection (d) of section 2 of said Clayton Act, as amended. After the issuance of said complaint and the filing of the respondent's answer thereto, the respondent, pursuant to leave granted by the hearing examiner of the Commission designated in the complaint, withdrew its original answer and filed an amended answer to the complaint, in which answer the respondent, for the purposes of this proceeding, admitted all of the material allegations of fact set forth in the complaint, waived all hearings as to said facts, and consented to the entry of findings as to the facts and the issuance against it of an order to cease and desist based upon the complaint and said amended answer, upon the condition, however, that no order to cease and desist should be issued or served upon it until the entry of orders disposing of pending complaints against Bulova Watch Company, Inc., Federal Trade Commission Docket No. 5830, and the Gruen Watch Company, Federal Trade Commission Docket No. 5836; and, on May 25, 1951, the hearing examiner filed his initial decision.

Within the time permitted by the Commission's rules of practice, the respondent filed with the Commission an appeal from said initial decision; and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including the respondent's brief in support of its appeal and the brief in opposition thereto, filed by counsel in support of the complaint (oral argument not having been requested); and the Commission, having issued its order sustaining in part and denying in part the respondent's appeal, and being now fully advised in the premises, makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the findings as to the facts, conclusion and order included in the initial decision of the hearing examiner.

It is ordered, That the respondent, Elgin National Watch Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale or offering for sale of men's and women's watches in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, unless such payment or consideration is available on proportionally equal terms to all other customers of respondent who in fact compete with the favored customer in the resale of respondent's said products.

(2) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer, for advertising services or facilities furnished by or through such customer, as a percentage or proportion of the dollar volume of purchases by such customer different from the percentage or proportion offered or granted any other customer where such customers compete in fact in the resale of said products and where such payments are based on the amount of purchases made.

(3) Paying or allowing, or contracting to pay or allow, anything of value to, or for the benefit of, any customer as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products manufactured or sold by respondent, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 17, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6441; Filed, June 11, 1952; 8:50 a. m.]

[Docket 5936]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PERMANENT STAINLESS STEEL, INC., AND BERNARD L. MARCY

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products — Competitors — Competitors' products:* § 3.110 *Indorsements, approval and testimonials:* § 3.170 *Qualities or properties of product or service:* § 3.205 *Scientific or other relevant facts.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 3.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Disparaging competitors and their products—Competitors:* § 3.905 *Discontinuance of operation;* § 3.950 *Reliability, history and financial condition—Competitors' products;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety.* Subpart—*Misrepresenting oneself and goods—Goods:* § 3.1575 *Comparative data or merits:* § 3.1665 *Indorsements;* § 3.1710 *Qualities or properties;* § 3.1740 *Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution in commerce of cooking utensils made of stainless steel, or any other product of substantially similar composition, design, construction or purpose, representing, directly or by implication, (1) that the consumption of food cooked or kept in aluminum utensils will cause cancer, or is in any way detrimental or hazardous to the health of the users; (2) that the preparation of food in aluminum utensils causes the formation of poisons, or that any unfavorable chemical reaction occurs therefrom; (3) that any competitor of respondents is no longer in business, or is of doubtful solvency or financial responsibility, if such statements are untrue; (4) that respondents' cooking utensils have been endorsed by any competent health authorities, if such statements are untrue; (5) that the use of respondents' utensils will effect a saving in medicine, or will result in decreasing the quantity of needed medicine, or in less illness, or will effect any greater monetary saving on food than other similar recognized modern methods of cooking; (6) that the use of respondents' cooking utensils constitutes a cooking method especially conducive to good health, or any more conducive to health than the use of other similar recognized modern methods or utensils; (7) that the preparation of food in respondents' utensils will aid digestion any more than the preparation of food in other utensils; (8) that ordinary cooking methods in utensils other than respondents' will result in destruction or loss of vitamins and minerals so as to prevent the consumer from receiving his minimum requirements; (9) that the use of respondents' cooking utensils will retain the minerals and vitamins of food cooked therein to a greater extent than will utensils sold by respondents' competitors which embrace the use of similar recognized modern methods of cooking; or (10) that (a) calcium gives vitality; (b) magnesium will prevent or relieve constipation; (c) iodine will keep cells active; (d) sulphur purifies or tones the human system; (e) sodium aids digestion or purifies the blood; (f) chlorine will cleanse, disinfect, or expel waste from the human body; (g) fluorine strengthens the body or builds resistance; (h) potassium is a liver activator and creates grace and beauty; (i) silicon nourishes the nails, skin or hair; (j) manganese increases resistance; or (k) phosphorus nourishes the brain cells; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Permanent Stainless Steel, Inc., et al., Docket 5936, March 6, 1952]

In the Matter of Permanent Stainless Steel, Inc., a Corporation, and Bernard L. Marcy, an Individual

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on November 20, 1951, issued and subsequently served its complaint on the respondents named in the caption hereof, charging them with the use of unfair methods of competition and unfair and deceptive acts and practices in violation of the provisions of said act.

The respondents, desiring that this proceeding be disposed of by the consent settlement procedure provided in Rule V of the Commission's rules of practice, solely for the purposes of this proceeding, and review thereof, and the enforcement of the order consented to, and conditioned upon the Commission's acceptance of the consent settlement hereinafter set forth, and in lieu of answer to said complaint, hereby:

1. Admit all the jurisdictional allegations set forth in the complaint.

2. Consent that the Commission may enter the matters hereinafter set forth as its findings as to the facts, conclusion, and order to cease and desist. It is understood that the respondents, in consenting to the Commission's entry of said findings as to the facts, conclusion, and order to cease and desist, specifically refrain from admitting or denying that they have engaged in any of the acts or practices stated therein to be in violation of law, and other than the jurisdictional findings, specifically refrain from admitting or denying any of the other said findings of fact.

3. Agree that this consent settlement may be set aside in whole or in part under the conditions and in the manner provided in paragraph (f) of Rule V of the Commission's rules of practice.

The admitted jurisdictional facts, the statement of the acts and practices which the Commission had reason to believe were unlawful, the conclusion based thereon, and the order to cease and desist, all of which the respondents consent may be entered herein in final disposition of this proceeding.

This proceeding was instituted by complaint, which charged respondents with the use of unfair methods of competition and unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced, by the Commission's "notice" of acceptance of consent settlement through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on March 6, 1952, and ordered entered of record as the Commission's findings as to the fact,[1] conclusion[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That the respondent, Permanent Stainless Steel, Inc., a corporation, and its officers, agents, representatives and employees, and the respondent Bernard L. Marcy, as president thereof, or in any other capacity therefor, and individually, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cooking utensils made of stainless steel, or any other product of substantially similar composition design, construction or purpose, do forthwith cease and desist from representing, directly or by implication:

1. That the consumption of food cooked or kept in aluminum utensils will cause cancer, or is in any way detrimental or hazardous to the health of the users.

2. That the preparation of food in aluminum utensils causes the formation of poisons, or that any unfavorable chemical reaction occurs therefrom.

3. That any competitor of respondents is no longer in business, or is of doubtful solvency or financial responsibility, if such statements are untrue.

4. That respondents' cooking utensils have been endorsed by any competent health authorities, if such statements are untrue.

5. That the use of respondents' utensils will effect a saving in medicine, or will result in decreasing the quantity of needed medicine, or in less illness, or will effect any greater monetary saving on food than other similar recognized modern methods of cooking.

6. That the use of respondents' cooking utensils constitutes a cooking method especially conducive to good health, or any more conducive to health than the use of other similar recognized modern methods or utensils.

7. That the preparation of food in respondents' utensils will aid digestion any more than the preparation of food in other utensils.

8. That ordinary cooking methods in utensils other than respondents' will result in destruction or loss of vitamins and minerals so as to prevent the consumer from receiving his minimum requirements.

9. That the use of respondents' cooking utensils will retain the minerals and vitamins of food cooked therein to a greater extent than will utensils sold by respondents' competitors which embrace the use of similar recognized modern methods of cooking.

10. (a) That calcium gives vitality.

(b) That magnesium will prevent or relieve constipation.

(c) That iodine will keep cells active.

(d) That sulphur purifies or tones the human system.

(e) That sodium aids digestion or purifies the blood.

(f) That chlorine will cleanse, disinfect, or expel waste from the human body.

(g) That fluorine strengthens the body or builds resistance.

(h) That potassium is a liver activator and creates grace and beauty.

(i) That silicon nourishes the nails, skin or hair.

(j) That manganese increases resistance.

(k) That phosphorus nourishes the brain cells.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 14, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6444; Filed, June 11, 1952; 8:53 a. m.]

[1] Filed as part of the original document.

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

EDITORIAL NOTE: In the second sentence of § 141.51 (a) of F. R. Doc. 52-4148 appearing at page 4230 of the issue of Saturday, April 12, 1952, "20 milliliters" has been changed to read "2.0 milliliters".

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter V—Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

SUBPART C—GENERAL DEFINITIONS

DEFINITION OF TERM "NATIONAL"

JUNE 11, 1952.

Section 500.302 is hereby amended to read as follows:

§ 500.302 *National.* (a) The term "national" shall include:

(1) A subject or citizen of, or any person who has been within, a foreign country, whether domiciled or resident therein or otherwise, at any time on or since the "effective date".

(2) Any partnership, association, corporation, or other organization, organized under the laws of, or which on or since the "effective date" had or has had its principal place of business in a foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, a foreign country and/or one or more nationals thereof as defined in this section.

(3) Any person to the extent that such person is, or has been, since the "effective date" acting or purporting to act directly or indirectly for the benefit or on behalf of any national of a foreign country.

(4) Any other person who there is reasonable cause to believe is a "national" as defined in this section.

(b) The Secretary of the Treasury retains full power to determine that any person is or shall be deemed to be a "national" within the meaning of this section, and to specify the foreign country of which such person is or shall be deemed to be a national.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp.; E. O. 9567, Aug. 20, 1945, 13 F. R. 4891, 3 CFR 1948 Supp.)

[SEAL] A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-6116; Filed, June 11, 1952; 12:01 p. m.]

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

SUBPART E—LICENSES AND AUTHORIZATIONS

REVOCATION OF AUTHORIZATION FOR CERTAIN TRANSACTIONS INCIDENT TO IMPORTATIONS FROM DESIGNATED NATIONALS

JUNE 11, 1952.

Section 500.534 is hereby revoked.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6115; Filed, June 11, 1952; 12:01 p. m.]

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

SUBPART H—PROCEDURES

CUSTOMS PROCEDURES; MERCHANDISE OF CHINESE OR KOREAN ORIGIN

JUNE 11, 1952.

Section 500.808 is hereby amended by the adoption of certain editorial changes in paragraph (a) and by the deletion of paragraph (e) to read as follows:

§ 500.808 *Customs procedures; merchandise of Chinese or Korean origin.* (a) With respect to merchandise which arrives in the United States from any country after March 7, 1951, and of which merchandise the country of origin is China (except Formosa) or North Korea, collectors of customs after March 7, 1951, shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry or entry of goods imported in the mails, regardless of value, but excluding other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone

until either

(i) A specific license pursuant to this chapter is presented, or

(ii) Instructions from the Foreign Assets Control either directly or through the Federal Reserve Bank of New York authorizing the transaction are received.

(b) Whenever a specific license is presented to a collector of customs in accordance with this section, two additional legible copies of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document including the two additional copies shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the two additional copies of the entry, withdrawal or other appropriate document shall be forwarded by the collector to the Federal Reserve Bank of New York.

(c) (1) The collector of customs at any port at which merchandise is to be entered or withdrawn pursuant to the terms of a specific license may waive the requirement of presentation of the original copy of such license: *Provided*, That:

(i) The person presenting the entry or withdrawal presents to the collector an affidavit stating:

(*a*) Facts indicating that it would be a hardship for him to present the original copy of the license, and

(*b*) That the entry or withdrawal is one of a large number which are to be made pursuant to the same license, and

(*c*) That all the entries or withdrawals are to be made at the same port; and

(ii) The collector receiving such an affidavit is satisfied that the circumstances in fact warrant the waiver; and

(iii) There is presented to the collector either a photostatic copy of the original license or a copy of the license signed by the officer who issued and signed the original.

(2) If such waiver is granted, the collector shall retain the copy of the license presented to him and shall note on it, or cause to be noted on it, the description, quantity, and value of all merchandise entered or withdrawn from time to time pursuant to the authority therein contained.

(3) When such waiver is granted and all the merchandise authorized to be entered or withdrawn under a specific license has been entered or withdrawn, the copy of the license on file with the collector shall be endorsed to indicate this fact and shall be forwarded to the Federal Reserve Bank of New York. When a license expires, unless it is renewed and the collector is advised of its renewal, any copy thereof which is on file with the collector shall be endorsed to show the expiration and shall be forwarded to the Federal Reserve Bank of New York.

(d) The requirement that two additional copies of each entry or withdrawal be filed in connection with every transaction under a specific license shall remain in effect notwithstanding any waiver of the requirement of presenting the original copy of the license.

(e) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no Foreign Assets Control license is required in connection therewith, the collector of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the collector to authorize him to take action with regard thereto.

(f) Articles which are the growth, produce or manufacture of China (except Formosa) or North Korea shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea notwithstanding that they may have been subjected to one or any combination of the following in another country:

1, Grading; 2, testing; 3, checking; 4, shredding; 5, slicing; 6, peeling or splitting; 7, scraping; 8, cleaning; 9, washing; 10, soaking; 11, drying; 12, cooling, chilling, or refrigerating; 13, roasting; 14, steaming; 15, cooking; 16, curing; 17, combining of fur skins into plates; 18, blending; 19, flavoring; 20, preserving; 21, pickling; 22, smoking; 23, dressing; 24, salting; 25, dyeing; 26, bleaching; 27, tanning; 28, packing; 29, canning; 30, labeling; 31, any process similar to any of the foregoing.

(g) Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa) or North Korea, if there shall have been added to such article any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa) or North Korea notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa) or North Korea.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR 1943 Cum. Supp., E. O. 9989, Aug. 20, 1948, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6114; Filed, June 11, 1952, 12:01 p. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 5250]

PART 141—DEFINITIONS

BAD DEBT RESERVE RECOGNIZED AS PART OF GENERAL RESERVES

JUNE 9, 1952.

Resolved, That, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), § 141.7 of the rules and regulations for the Federal Savings and Loan System (24 CFR 141.7) is hereby amended, effective June 12, 1952, by adding the following sentence at the end thereof: "Any amount in a reserve for bad debts, which is exclusively for bad debt losses, shall be deemed to be a part of the General Reserves and to be a part of the reserve for losses provided in the Charters of Federal associations which have a Charter E or a Charter K."

Resolved further, That, the purpose of this amendment being to recognize that any amount in a reserve for bad debts is a part of the general reserves of a Federal savings and loan association, it is determined that it is of no particular interest to the public and, accordingly, notice and public procedure thereon are unnecessary and, as the amendment does not affect a matter of substance, deferment of the effective date is not required under the provisions of section 4 of the Administrative Procedure Act, and it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-6450; Filed, June 11, 1952; 8:55 a. m.]

[No. 5251]

PART 144—CHARTER AND BYLAWS

PART 145—OPERATIONS

AUTHORIZATION OF IMMEDIATE CREDITS ON BONUS ACCOUNTS AND THE ABOLITION OF THE BONUS RESERVE

JUNE 9, 1952.

1. *Resolved*, That, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), effective June 12, 1952, a new § 144.8 is added at the end of Part 144 of the rules and regulations for the Federal Savings and Loan System (24 CFR 144.8), reading as follows:

§ 144.8 *Amendment of Charter K.* The provisions of this section shall constitute the approval by the Home Loan Bank Board of the proposal by the board of directors of any Federal association that has a Charter K of the following amendments to said Federal association's charter: *Provided*, That such Federal association follows the requirements of section 16 of its charter in adopting such amendments: Amendment of the tenth sentence of section 9 by striking the period at the end thereof and adding ": *Provided further*, That the association may provide for bonus payments in accordance with section 10 hereof," together with the amendment of section 10 to read as follows: "10. *Payment of bonus on share accounts.* The association may pay a bonus upon its share accounts as authorized by regulations made by the Home Loan Bank Board."

2. Paragraph (c) of § 145.3 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.3) is amended to read as follows:

§ 145.3 *Bonus on savings accounts.*

(c) *Bonus operations.* A Federal association that has a Charter not inconsistent with the provisions of this section may credit to the accounts of all members holding bonus accounts in good standing, that amount in the bonus reserve to which they would be entitled if their bonus accounts were withdrawn at the time of such credit, and may transfer to surplus or to other reserves any other amounts in any Reserve for Bonus, and further bonus earnings shall be credited to the accounts of the members thereto entitled.

Resolved further, That, the effect of these amendments being only to permit Federal associations to arrange for the immediate, rather than deferred, credit of certain earned and fully available income to holders of bonus accounts and to permit such Federal associations to discontinue the Bonus Reserve Account and transfer amounts therein to surplus or general reserves, but without altering any existing liability upon outstanding bonus accounts, notice and public procedure under section 4 (a) of the Administrative Procedures Act are unnecessary and, as the amendments affect no substantive change, deferment of the effective date is not required under section 4 (c) of said act, and such amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-6451; Filed, June 11, 1952; 8:55 a. m.]

Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 5252]

PART 163—OPERATIONS

BAD DEBT RESERVE RECOGNIZED AS PART OF FEDERAL INSURANCE RESERVE

JUNE 9, 1952.

Resolved, That, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and §167.2 of the rules and regulations for Insurance of Accounts (24 CFR 167.2), §163.11 of the rules and regulations for Insurance of Accounts (24 CFR 163.11) is hereby amended, effective June 12, 1952, by adding the following sentence at the end thereof: "Any amount in a reserve for bad debts, which is exclusively for bad debt losses, shall be deemed to be a part of the Federal Insurance Reserve."

Resolved further, That, the purpose of this amendment being to recognize that any amount in a reserve for bad debts is a part of an insured institution's Federal Insurance Reserve, it is determined that it is of no particular interest to the public and, accordingly, notice and public procedure thereon are unnecessary and, as the amendment does not affect a matter of substance, deferment of the effective date is not required under the provisions of section 4 of the Administrative Procedure Act, and it shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets and applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-6449; Filed, June 11, 1952; 8:54 a. m.]

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter C—Mutual Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

TEMPORARY LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 221.30 is hereby amended to read as follows:

§ 221.30 *Temporary limitation upon maximum amount of mortgage.* For the period this section remains in effect, and notwithstanding the provisions of § 221.16, a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to October 12, 1950, shall not exceed 75 percent of the appraised value of the property, except that with respect to mortgages eligible for insurance under § 221.16(a) the principal amount may exceed 75 percent but shall not exceed 90 percent of $7,000 of such value, plus 65 percent of such value in excess of $7,000, and mortgages eligible for insurance under § 221.16(b) may exceed 75 percent but shall not exceed 90 percent of the appraised value of the property if the mortgagor is the owner and occupant and 80 percent of such value if the mortgagor is the builder: *Provided*, That this section shall not be applicable as to mortgages covering properties in the Territory of Alaska, or any territory or possession outside the continental United States.

(Sec. 211, as added by sec. 8, 52 Stat. 23, 12 U. S. C. 1715b)

Issued at Washington, D. C., June 6, 1952.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-6424; Filed, June 11, 1952; 8:47 a. m.]

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

LIMITATION UPON MAXIMUM AMOUNT OF MORTGAGE

Section 232.16a (a) is hereby amended to read as follows:

§ 232.16a *Limitation upon maximum amount of mortgage.* (a) For the period this section remains in effect, and not-

withstanding the provisions of paragraphs (a) and (b) of § 232.4 a mortgage insured pursuant to an application received by the Commissioner on or after July 19, 1950, and prior to January 12, 1951, shall not involve a principal amount in excess of the sum of 85 percent of that portion of the estimated value of the project which does not exceed $7,000 per family unit and 55 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit; and a mortgage insured pursuant to an application received by the Commissioner on or after January 12, 1951 shall not involve a principal amount in excess of the sum of 90 percent of that portion of the estimated value of the project attributable to dwelling use which does not exceed $7,000 per family unit and 55 percent of that portion of the estimated value of the project which is in excess of $7,000 per family unit and 90 percent of the estimated value of such part of such property or project as may be attributable to non-dwelling use.

* * * * *

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 48 Stat. 1252, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., June 6, 1952.

[SEAL] WALTER L. GREENE,
Acting Federal Housing Commissioner.

[F. R. Doc. 52-6425; Filed, June 11, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 9 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

REFINING AND UPGRADING PLANTS; DISTRIBUTORS' CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 9 to Supplementary Regulation No. 13 to the General Ceiling Price Regulation (16 F. R. 809) is hereby issued.

STATEMENT OF CONSIDERATIONS

Under SR 13 to the GCPR, any material generally produced in and sold from plants refining or upgrading materials from coke oven or tar distillation plants are included in the products covered by the supplementary regulation. In the normal course of business these refining or upgrading plants purchase raw materials from coke oven or tar distillation plants and refine or upgrade them to required specifications. In drafting SR 13 it was thought proper to include such plants (which are comparatively few in number) as a segment of the coal chemical industry. It was not intended, however, to cover materials or end-products which result from reacting mixing or compounding the materials obtained from the coke oven or tar distillation plants with other chemicals. Such compounded materials or end-products properly belong to the chemical field and should be covered under regulations applicable to chemicals. In view of the difficulty of ascertaining just when such material should be regarded as a coal chemical, and in order to eliminate any confusion or uncertainty in the industry as to the applicable regulation, it seems advisable to remove entirely from the coverage of SR 13 refining and upgrading plants which obtain raw materials from coke oven or tar distillation plants.

In order to clarify the status under the regulation of materials produced at these upgrading and refining plants, therefore, and to remove from SR 13 materials which more properly belong in the chemical field, this amendment specifically removes those products produced in plants refining or upgrading raw materials from coke oven or tar distillation plants from the definition of "coal chemicals", section 2 (c) (3). These plants are also taken out of the "distributor" definition in section 2 (i).

Section 3 (d) of SR 13 to the GCPR, as amended, prohibits distributors from charging prices f. o. b. oven or plant which are in excess of the ceiling prices established for such plants unless they purchased the coke or coal chemicals during the base period, in which event they may charge the highest price received during the base period plus any adjustments in the f. o. b. plant price. The effect of this provision has been to give to those distributors who handled the materials during the base period an advantage over those who did not. It appears that this provision has prevented certain distributors from obtaining business which they would normally possess. This amendment, therefore, revised section 3 (d) by eliminating the requirement that distributors, who did not handle the products during the base period, charge prices no higher than the f. o. b. plant ceiling price. Under this amendment, therefore, new distributors may determine their ceiling prices under the provisions of the GCPR without the previous limitation. This amendment will affect only a small group of individuals (the total number of distributors in the industry is relatively small) and will not substantially increase the ceiling price level, but will merely spread the sales, in some cases, among a few additional distributors.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization, the provisions of this amendment to Supplementary Regulation 13 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the GCPR, as amended, is further amended in the following respects:

1. Section 2 is amended by deleting subparagraph (3) of paragraph (c), so that section 2 (c) will read as follows:

(c) "Coal Chemicals" means any material generally produced in and sold from (1) coke oven plants, except coke and gas, (2) coal tar distillation plants; and, in addition, materials produced from water gas or residuum tar.

2. Section 2 (i) is amended by deleting the words "or plants refining or upgrading materials obtained from coke oven tar distillation plants", so that paragraph (i) will read as follows:

(i) "Distributor" means any person who purchases for resale, coke and or coal chemicals at or for delivery from coke oven or tar distillation plants, and resells the same without physical handling; it includes any person acting as the agent of a distributor in the sale of such materials.

3. Section 3 (d) is revised to read as follows:

(d) If a distributor purchased coke or coal chemicals from coke oven or tar distillation plants during the producer's base period, and resold such coke or coal chemicals he may charge the highest price, or prices, he received for such coke or coal chemicals during that base period plus any adjustments in the producer's price authorized by this regulation or other action of the Office of Price Stabilization. If, however, a distributor did not purchase and resell a particular item of coke or coal chemicals during the producer's base period, he shall determine his ceiling prices for that item under the provisions of the GCPR.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective June 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 11, 1952.

[F. R. Doc. 52-6517; Filed, June 11, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 89]

GCPR, SR 89—CEILING PRICES FOR SALES BY WHOLESALERS AND DEALERS OF BALER AND BINDER TWINE

ALTERNATIVE CEILING PRICES FOR DEALERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to to Supplementary Regulation 89 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides dollars-and-cents ceiling prices for dealers in domestically manufactured baler and binder twine who are unable to recalculate their ceiling prices under Supplementary Regulation 89 to the General Ceiling Price Regulation. In addition, dealers who are able to recalculate their ceiling prices according to the method originally provided in SR 89 may elect to use these dollars-and-cents ceiling prices instead of making recalculations.

Prior to this amendment, dealers in baler and binder twine were permitted to recalculate their ceiling prices under section 7 of SR 89 by applying to their supplier's list price their "permitted percentage mark-up", using their last representative sale made during the period April 1, 1950 through June 24, 1950. This method of recalculation has proved difficult for dealers whose records are incomplete or otherwise inadequate. For many dealers it has been necessary to apply to the Director for the establishment of revised ceiling prices under section 11 and await the establishment of these prices before they sell. A situation has resulted in which, with the selling season at hand, many dealers are uncertain about their ceiling prices, whereas others do not have ceiling prices, and the flow of twine to the farmer is threatened. This amendment is issued to meet this situation.

A new section 7 (b), is added which permits a dealer to use the dollars-and-cents prices set out in Table I instead of recalculating according to the method formerly provided in section 7. The dealer may, however, still avail himself of the method formerly provided, that method having been retained in the present section 7 (a). Dealers who are unable to recalculate their ceiling prices according to the method originally provided were formerly required to apply to the Director under section 11. These dealers may no longer use section 11, but must, if they do not wish to use their GCPR ceiling prices, use the prices set out in section 7 (b).

The prices set out in Table I reflect a markup of approximately 16 percent over manufacturers' current list prices for baler and binder twine. On the basis of information presently available to the Agency, it is the judgment of the Director that these prices represent an average pre-Korean dealer markup and are generally fair and equitable.

Inasmuch as the dealers' selling season is at hand, it is not practical to delay the issuance of this amendment pending the issuance of a tailored regulation. The Director will, prior to November 1, 1952, the end of the selling season, reexamine the prices herein provided and take whatever action is deemed necessary at that time.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 89 to the General Ceiling Price Regulation, as amended, is further amended in the following respects:

1. Section 7 is amended to read as follows:

SEC. 7. *Ceiling prices for dealers.*—(a) *How dealers recalculate their ceiling prices.* If you are a dealer in domestically manufactured baler or binder twine and your manufacturer-supplier changes his price pursuant to CPR 22 or your wholesaler-supplier changes his price pursuant to SR 29 to the GCPR or to this supplementary regulation, whichever regulation is applicable, you recalculate your ceiling price by applying to your supplier's current list price your "permitted percentage markup." "Permitted percentage markup" means the percentage markup which your selling price, f. o. b. your place of business, for the last representative sale made during the period April 1, 1950 through June 24, 1950, yielded over the list price which your supplier had in effect at the time you made the sale. A representative sale is one made at the price at which you sold a customary quantity of twine to your largest number of purchaser, during that period. In recalculating your ceiling price you must apply your "permitted percentage markup" to your supplier's current list price expressed f. o. b. the same point as the list price you used in computing your "permitted percentage markup." You shall apply to your ceiling price the provisions of section 12 with regard to discounts, terms, and conditions of sale.

(b) *Alternative ceiling prices for dealers.* If you are a dealer in domestically manufactured baler or binder twine and do not wish to use paragraph (a) of this section or if you are unable to use paragraph (a) to recalculate your ceiling price, your ceiling price per bale is the applicable price listed in Table I. The prices set out in Table I are f. o. b. your place of business and are exclusive of discounts.

TABLE I

Baler twine (per 40 lb. bale)		Binder twine (per 50 lb. bale)		
Standard	New Holland Black	500 ft. lb.	550 ft. lb.	600 ft. lb.
$18.30	$18.60	$18.00	$19.10	$21.40

2. Section 11 is amended to read as follows:

SEC. 11. *Wholesalers who cannot recalculate under other sections.* (a) If you are a wholesaler of domestically manufactured baler or binder twine and claim that you are unable to recalculate your ceiling price under any other section of this supplementary regulation, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for a revision of your ceiling price. This application shall contain to the extent available the following information: An explanation of why you are unable to recalculate your ceiling price under any other section of this supplementary regulation; a description of the twine, including the type of twine, brand name, if any, and feet per pound; the nature of your business, such as retailer of farm implements and equipment, wholesaler of hardware and farm equipment, etc., and classes of purchasers to whom the commodity is to be sold; the list prices applicable to each f. o. b. point which you, and each f. o. b. point which your suppliers, had in effect during the period April 1, 1950 through June 24, 1950, together with all the discounts, terms and conditions of sale offered by you and your suppliers; your supplier's current list price and all applicable discounts; your proposed ceiling price and the method used by you to determine it; the discounts, terms and conditions of sale you will offer to each class of purchaser; a copy of the price list for twine, if any, you will issue; the f. o. b. point at which you wish to have your ceiling price established and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this supplementary regulation.

(b) You may not sell the twine at a price higher than your existing ceiling price until the Director of Price Stabilization, in writing, notifies you of your revised ceiling price.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Supplementary Regulation 89 to the General Ceiling Price Regulation is effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 10, 1952.

[F. R. Doc. 52-6509; Filed, June 10, 1952; 5:05 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 104]

GCPR, SR 104—ESTABLISHING OF RATES FOR NEW SERVICES RENDERED BY CONTRACT CARRIERS OF PETROLEUM PRODUCTS PURSUANT TO TEMPORARY AUTHORITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 104 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation enables contract carriers of bulk petroleum products to establish ceiling rates for operations conducted pursuant to temporary operating authority issued by the Interstate Commerce Commission or by an appropriate State regulatory body, to engage in contract carriage of a type

or over routes or in areas which their permanent authority does not permit.

The Interstate Commerce Commission and several of the State regulatory commissions issue to contract motor carriers temporary authority permitting such carriers to perform contract carrier operations for a temporary period only. The issuance of such authority is based upon a showing that other transportation services are not available. The various commissions issuing temporary authorities usually require the carrier to institute the service covered by the temporary authority within four or five days after the issuance of the Order granting the authority. Under the General Ceiling Price Regulation, there is no provision pursuant to which a carrier receiving temporary authority may establish ceiling rates without first obtaining the approval of OPS. The delay incurred by proceeding in this manner when there is an urgent need for the transportation which is the subject of a temporary authority imposes a hardship on both the carrier and the public.

As a result of the recent oil strike, an unprecedented demand for the transportation of petroleum products, in bulk, in tank vehicles, was created. The Interstate Commerce Commission and State regulatory bodies, as a consequence of the strike, have been requested to issue an ever increasing number of temporary authorities in order to assure the continued flow of petroleum products to areas where such products are in short supply. Unless existing procedures for the establishing of rates for new services are modified so as to allow contract carriers of petroleum products in bulk to perform service pursuant to temporary authorities without awaiting specific approval of ceiling rates by OPS, wasteful delays will be incurred before such carriers will be enabled to supply the much needed service. If the service is provided without the approval of OPS, both the carriers and shippers utilizing such service will be in violation of the provisions of the General Ceiling Price Regulation. Accordingly, this supplementary regulation provides that contract carriers engaged in the transportation of petroleum products, in bulk, in tank vehicles, under temporary operating authority, may establish their ceiling rates for operations under that authority by filing with OPS copies of the schedules of minimum rates and charges which have been filed with another appropriate regulatory body. After making such filing, the rates so filed become the lawful ceiling rates for those operations for a period of 60 days from the date of issuance of the temporary operating authority or until the termination of that authority, whichever is earlier. If the temporary authority is issued for a period in excess of 60 days, ceiling rates established under this supplementary regulation shall apply only to service performed during the first 60 days of such authority. Ceiling rates for service performed after such 60-day period must be established in accordance with the provisions of the General Ceiling Price Regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Establishing ceiling rates for temporary authority operations.
3. Relation to the General Ceiling Price Regulation.
4. Expiration date.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation enables motor contract carriers of petroleum products, in bulk, in tank vehicles, to establish ceiling rates for operations conducted pursuant to temporary operating authority issued by the Interstate Commerce Commission or by an appropriate State regulatory body.

SEC. 2. *Establishing ceiling rates for temporary authority operations.* A contract carrier who obtains temporary operating authority from the Interstate Commerce Commission or from an appropriate State regulatory body to transport petroleum or petroleum products, in bulk, in tank vehicles, for a limited period of time, may establish ceiling rates for the operation covered by such temporary authority by filing with the District Office of the OPS for the district in which the home office of the carrier is located, simultaneously with the filing made with the appropriate regulatory body, a copy of the schedule of minimum rates and charges filed with such regulatory body. The rates so filed shall be the ceiling rates for the service covered by the temporary authority for a period of 60 days from the date of issuance of the temporary operating authority or until the termination of that authority, whichever is earlier.

SEC. 3. *Relation to the General Ceiling Price Regulation.* Contract motor carriers subject to this supplementary regulation shall be subject to all provisions of the General Ceiling Price Regulation not inconsistent with the provisions of this supplementary regulation.

SEC. 4. *Expiration date.* The authority granted by this supplementary regulation shall terminate on July 1, 1952.

Effective date. This Supplementary Regulation 104 to the General Ceiling Price Regulation shall become effective as of April 15, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 10, 1952.

[F. R. Doc. 52-6510; Filed, June 10, 1952; 5:05 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 5]

INT. 5—AUTHORIZED ADJUSTMENTS IN SALARIES AND OTHER COMPENSATION UNDER GENERAL SALARY ORDER 6, AS AMENDED

Correction

In the first line of question 2.3 of F. R Doc. 52–4338, appearing at page 3347 of the issue for Tuesday, April 15, 1952, "shall be" should read "shall not be".

Subchapter B—Wage Stabilization Board

[General Wage Regulation 11, Area Ceiling Determination 2]

GWR 11—AGRICULTURAL LABOR

ACD 2—COTTON PICKING IN DESIGNATED COUNTIES IN CALIFORNIA

RESCISSION

Pursuant to the Defense Production Act of 1950, as amended (64 Stat. 816, Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503) and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), General Wage Regulation No. 11 (16 F. R. 4938), and Wage Stabilization Board Resolutions 37 and 41 (16 F. R. 8954), Area Ceiling Determination No. 2 is hereby rescinded.

STATEMENT OF CONSIDERATIONS

Area Ceiling Determination No. 2, as amended, issued by the 12th Regional Wage Stabilization Board, San Francisco, California, on November 30, 1951, established ceiling rates for picking upland cotton in Kern, Kings, Tulare, Fresno, Madera, and Merced Counties, State of California, and by its terms was to continue until such time as modified by the Wage Stabilization Board. The Wage Stabilization Board has determined to modify said Area Ceiling Determination No. 2, as amended, to provide for its termination because the season for cotton picking in the area has come to an end until the fall of 1952.

REVOCATORY PROVISION

Authorization to pay area ceiling rates as provided herein for picking upland cotton in Kern, Kings, Tulare, Fresno, Madera, and Merced Counties, State of California is hereby terminated, effective this date.

(Sec. 704, 64 Stat. 816, 65 Stat. 132)

Issued: May 8, 1952.

IRVING BERNSTEIN,
Regional Chairman, 12th Regional Board, San Francisco, Calif.

[F. R. Doc. 52-6531; Filed, June 11, 1952; 11:32 a. m.]

[General Wage Regulation 11, Area Ceiling Determination 4]

GWR 11—AGRICULTURAL LABOR

ACD 4—PEACHES, PEARS, APPLES AND ALL FRUITS IN MESA AND DELTA COUNTIES IN COLORADO

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), E. O. 10161 (15 F. R. 6105), E. O. 10233 (16 F. R. 3503), General Order No. 3, Economic Stabilization Administrator (16 F. R. 739) General Wage Regulation No. 11 (16 F. R. 4938), and Wage Stabilization Board Resolution 37 (16 F. R. 8954) this Area Ceiling Determination No. 4 to GWR–11, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Wage Regulation 11 authorizes employers of agricultural labor to increase their base wage rates without Board approval up to certain specified levels, and by Amendment No. 1 (17 F. R. 3794) authorizes permissible increases without Board approval to the 1950 base rate, plus 15 percent, or the 1951 base rate, plus 5 percent. By Resolution 37, as amended, the National Wage Stabilization Board has authorized the Regional Board for the Eleventh Region to establish maximum wage ceilings for specific agricultural operations in defined areas. Upon the basis of requests from interested parties for the establishment of area ceiling wage rates for agricultural labor engaged in cultivating, growing, harvesting, packing, handling, and shipping peaches, pears, apples and all fruits in Mesa and Delta Counties, Colorado, public hearings were held at Palisade, Mesa County, Colorado on May 8, 1952, before a tri-partite panel of the Eleventh Regional Board to assist the Regional Board in determining whether area ceiling wage rates for agricultural labor for the fruit crops in the counties specified should be established. Agricultural employers, employees and other interested persons in the area were given an opportunity to appear and testify at such hearing and to submit written information to the panel. Based upon information and data obtained in this hearing, the recommendation of the tripartite panel to the Regional Board and from information and data available to it from other sources, the Regional Board has determined that an area ceiling establishing maximum permissible wage rates for agricultural labor which would be applicable to all employers, labor contractors and employees engaged in these agricultural operations in the Counties of Mesa and Delta, State of Colorado, will serve to stabilize agricultural wages.

In the judgment of the Regional Board the following determination is generally fair and equitable and is necessary to meet the unusual and emergency conditions for the handling of these perishable crops and will effectuate the purposes of Title IV and Title VII of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Areas, operations and classes of employees covered.
2. Area ceiling wage rates.
3. Administration.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, 65 Stat. 132. Interpret or apply Title IV, 64 Stat. 803, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp., E. O. 10233, Apr. 21, 1951, 16 F. R. 3503, 3 CFR 1951 Supp.

SECTION 1. *Areas, operations and classes of employees covered.* This area ceiling determination shall be applicable to all employers and labor contractors of agricultural labor and to agricultural employees hired for the cultivating, growing, harvesting, packing, handling and shipping peaches, pears, apples and all fruits during the crop year of 1952 in the counties of Mesa and Delta, State of Colorado.

SEC. 2. *Area ceiling wage rates.* An employer covered by this area ceiling determination may, without further approval, pay agricultural labor at any rate up to but not exceeding the following:

(a) $1.00 per hour for thinning, cultivating and general fruit farm work and packing shed work.

(b) Pruning fruit trees $1.25 an hour.

(c) Piece rates at 12 cents per bushel for picking full bushels of all fruits.

(d) Rates for orchard foremen and other supervisors to be paid from $1.25 per hour to $2.35 per hour scaled according to the ability, past experience and responsibility delegated to the foreman or supervisor.

(e) A bonus for harvesting labor only of 10 cents per hour, if paid on an hourly basis, or 2 cents per bushel for fruit picking, if paid on a piece rate basis, to be paid only to workers who remain with the employer through the harvest season.

(f) Actual transportation costs and subsistence, if paid on a grower cooperative basis, to bring agricultural workers for these fruit crops into the two-county area from points outside of the area, either in Colorado or adjoining states. This does not include any daily transportation to or from work within the area.

(g) No employer covered by this area ceiling determination shall pay any employee engaged in any of the operations listed in Sec. 1 at a rate in excess of the applicable maximum wage rate designated in paragraphs (a), (b), (c), (d), (e) and (f) of this section, except:

(1) That he may not be required to pay less than the rate he paid for the operations covered herein during the most recent crop season occurring before June 25, 1950; and

(2) That he may not be required to pay less than the rate permissible under the self-administering provisions of GWR 11, as amended; and

(3) That he may pay more than the rate specified in paragraphs (a), (b), (c), (d), (e) and (f) of this section if he has been granted an adjustment pursuant to section 3 (b) of this determination.

SEC. 3. *Administration.* (a) This area ceiling determination will be administered by the Wage Stabilization Board, Region 11, New Customhouse Building, Denver, Colorado.

(b) An employer whose agricultural operations are covered by this area ceiling determination may request the Regional Board for individual adjustments in the area ceiling rates designated in section 2 of this determination. The employer must establish that the proposed adjustment is needed because of special conditions which may prevent his employees from earning amounts which are fairly comparable to their earning capacity under normal circumstances in the area. The Regional Board may grant such adjustments as it feels warranted from the information submitted by the applicant and from any investigation it may make. The employer may be required to post a notice of any individual adjustment in the area ceiling rate which may be granted him.

(c) Any violation of this area ceiling determination constitutes a violation of the Defense Production Act of 1950, as amended, and may subject the violator to the penalties prescribed therein, and to the Board's Enforcement Resolution, adopted September 20, 1951 (16 F. R. 10018).

SEC. 4. *Effective date.* This determination shall become effective on May 24, 1952, and shall continue throughout the entire period of the 1952 fruit harvest in Mesa and Delta Counties, Colorado, or until such time as modified by the Wage Stabilization Board.

Issued: May 17, 1952.

Reworded: May 27, 1952.

EDWARD J. ALLEN,
Chairman, 11th Regional Board, Denver, Colo.

[F. R. Doc. 52-6530; Filed, June 11, 1952; 12:16 p. m.]

Subchapter C—Railroad and Airline Wage Board

[Wage Adjustment Order 2]

WAO2—WAGE ADJUSTMENTS FOR OPERATING RAILROAD EMPLOYEES

STATEMENT OF CONSIDERATIONS

The settlements reached between the railroad carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees and their employees represented by the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, and the Order of Railway Conductors in their agreements of May 23, 1952 are the last of a series of agreements negotiated by representatives of railroad operating employees and the Nation's Class I carriers during the period since the Report to the President by Emergency Board No. 81, June 15, 1950. These basic agreements include:

Switchmen's Union of North America and carriers represented by the Western Carriers' Conference Committee dated September 21, 1950.
Railroad Yardmasters of America and carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated November 2, 1950.
Brotherhood of Railroad Trainmen and carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated May 25, 1951.
Agreements of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen and the Order of Railway Conductors with carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated May 23, 1952.

The agreements involving the Switchmen's Union of North America and the Railroad Yardmasters of America became effective prior to the institution of wage and salary controls pursuant to the Defense Production Act of 1950. The agreement of May 25, 1951 between the Brotherhood of Railroad Trainmen and the three Carriers' Conference Committees was approved by the Wage Stabilization Board on June 12, 1951. The agreements of May 23, 1952 involving respectively, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen and the Order of Railway Conductors with the three Carriers' Conference Committees were approved by the Railroad and Airline Wage Board and the Economic Stabilization Administrator on May 28, 1952.

It is recognized, as pointed out in the report of the Temporary Emergency Railroad Wage Panel and in Wage Adjustment Order No. 1 issued April 24, 1951 by the Economic Stabilization Administrator approving the agreement of March 1, 1951 between the carriers and the nonoperating employees represented by the Fifteen Cooperating Railway Labor Organizations, that the pattern of bargaining in the railroad industry is such that a number of the smaller carriers and the representatives of their employees do not customarily participate in the national handling of railroad wage cases. These carriers either through the execution of "standby agreements" or by practice and custom await the outcome of the national negotiations before making adjustments in wages or working conditions on their individual properties.

It is further recognized that existing stabilization regulations require the prior approval of adjustments in wages, salaries and other compensation and that the submission of separate petitions to effectuate adjustments similar to those provided in the agreements enumerated above would, at this juncture, be onerous and time consuming to all parties involved. Accordingly, to facilitate the prompt and orderly disposition of wage adjustments for operating railroad employees and to avoid intra-carrier and inter-carrier wage and salary inequities this order is hereby issued.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Adjustments permitted by this order.
3. Permissive character of the adjustments.
4. Coverage.
5. Maintenance of records.
6. Finding and certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat., 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* The words "wages, salaries and other compensation" as used in this order mean "wages, salaries and other compensation" as defined in section 702 (c) of the Defense Production Act of 1950, as amended.

SEC. 2. *Adjustments permitted by this order.* Adjustments in wages, salaries and other compensation of employees in the crafts or classes of railroad operating or transportation employees included in Interstate Commerce Commission Reporting Divisions 105 through 128 inclusive which do not exceed as to the timing, amount, and nature of payment the adjustments provided in the following agreements are permitted by this order:

Switchmens' Union of North America and carriers represented by the Western Carriers' Conference Committee dated September 21, 1950.
Railroad Yardmasters of America and carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated November 2, 1950.
Brotherhood of Railroad Trainmen and carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated May 25, 1951.
Agreements of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen and the Order of Railway Conductors with carriers represented by the Eastern, Western and Southeastern Carriers' Conference Committees dated May 23, 1952.

Such adjustments may be put into effect without prior notice or application to the Chairman of the Railroad and Airline Wage Board and without his specific approval: *Provided*, (a) That it has been the custom and practice to make adjustments generally similar to those received by railroad operating employees as the result of national agreements and (b) that any general wage adjustments made since the general wage increase of 10 cents per hour obtained by railroad operating employees in their national agreements effective October 16, 1948 shall be offset against the adjustments authorized by this order.

SEC. 3. *Permissive character of adjustments.* Nothing in this order shall be construed as directing or ordering any carrier to grant any adjustments in wages, salaries and other compensation; but adjustments within the limits declared permissible by this order may be made without further approval.

SEC. 4. *Coverage.* This order applies only to employees and carriers subject to the jurisdiction of the Railroad and Airline Wage Board.

SEC. 5. *Maintenance of records.* Where adjustments in wages, salaries and other compensation are made in accordance with this order carriers shall keep available for inspection by appropriate government agencies records of such adjustments sufficient to demonstrate compliance with this order.

SEC. 6. *Finding and certification.* The Board finds that all adjustments in wages, salaries and other compensation permitted by this order to be made without prior specific approval of the Board are consistent with standards now in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies, and so certifies.

NOTE: The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Signed: June 3, 1952.

NELSON M. BOFTZ,
Chairman,
Railroad and Airline Wage Board.

Approved: June 5, 1952.

ROGER L. PUTNAM,
Administrator,
Economic Stabilization Agency.

[F. R. Doc. 52-6529; Filed, June 11, 1952; 11:30 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 4, Amdt. 3 to Schedule B]

PART 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

FLORIDA

Effective June 12, 1952, Rent Regulation 4 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 13 is added to Schedule B of Rent Regulation 4—Motor Courts, reading as follows:

13. *Provisions relating to the Key West, Florida, Defense-Rental Area (Item 28 of Schedule A).* (a) The provisions of section 55 and all references to said section where they appear in this regulation are inapplicable.

(b) For any housing accommodation which had a maximum rent established under section 55, the maximum rent shall be established under the other applicable provision or provisions of this regulation.

(c) All provisions of this regulation insofar as they are applicable to the Key West, Florida, Defense-Rental Area are hereby amended to the extent necessary to carry into effect the provisions of this item 13 of Schedule B.

[F. R. Doc. 52-6547; Filed, June 11, 1952; 8:54 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

Bureau of Air Operations

[14 CFR Part 241]

[Economic Regs. Draft Release 54]

FILING OF REPORTS BY CERTIFICATED AIR CARRIERS

NOTICE OF PROPOSED RULE-MAKING

JUNE 10, 1952.

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Air Operations, notice is hereby given that the Bureau has under consideration amendment of Part 241 of the Economic Regulations (14 CFR 241) for the purpose of condensing and otherwise modifying the present reporting requirements for certificated air carriers. The objective is to reduce the burden of both preparing and administering the Form 41 reports. It is proposed to make these changes effective July 1, 1952.

The Bureau proposes changes in the reporting requirements for certificated carriers and modifications of CAB Forms 41 and 41 (a) along the following lines:

1. The following modifications will be made in each schedule:

a. Schedule C—Quarterly Flight and Traffic Statistics. The reporting frequency for this schedule would be changed from a month to a calendar quarter period.

The same requirements would apply to the quarterly report as now apply to the monthly Schedule C. However, data with respect to operating performance factor and number of employees would be deleted from the quarterly report. In addition, the requirement for filing IBM cards would be amended to exclude cards except for items 8 through 28 and 40. The later cards would continue to be submitted for each page of quarterly Schedule C.

b. Present Schedule C–1—Revenue Passenger Miles. The present schedule C–1 would be discontinued. Family plan data presently reported on this schedule would be reported as a footnote on the revised Schedule C–1 discussed below.

c. Revised Schedule C–1—Monthly Flight and Traffic Statistics. A separate report would be filed each month covering all scheduled services, all non-scheduled services and all services for each operation, in the form prescribed in the attached sample of a proposed report, entitled "Monthly Flight and Traffic Statistics". Except as provided on the proposed schedule for revenue aircraft miles and aircraft utilization data, no breakdown would be required by type of aircraft or secondary classes of services.

IBM cards would be filed for items 8 through 28 and for each class of service and aircraft type composing item 8. The line numbers on the present Schedule C and the proposed quarterly Schedule C are utilized as IBM codes. To preserve consistency of codes between monthly and quarterly reports for like items, the same codes are used on the two schedules. Similarly, in order to preserve the usefulness of the forms in pegboard operations, like items on the monthly and quarterly reports have been placed in identical physical positions on the proposed forms. The designations for classes of service and aircraft types as provided for on pages 21–37 of the CAB Form 41 Manual would be used for identifying data to the extent required in the proposed monthly report.

d. Schedule B–1—Incidental Revenues; Non-operating Income and Expense. The instructions for this schedule would be modified to require a breakdown of total income taxes shown on Schedule B as between excess profits taxes and other taxes based on income.

2. The present Form 41 (a) interim financial report for the first two months of each quarter would be modified to include: (1) Interim Balance Sheet, Schedule I; and (2) Interim Statement of Profit and Loss, Schedule II. The present operating statement would be revised to exclude the miscellaneous data by type of aircraft appearing at the bottom of the schedule and to include a summary of non-operating items and a breakdown of income taxes as between excess profits and other income taxes. Samples of the two proposed forms are attached.[1] In order to facilitate pegboard operations, like items on the interim Form 41 (a) profit and loss statement and quarterly Schedule B of Form 41 have been placed in identical physical locations. The proposed revisions in the interim financial statements would in no way alter the requirement in paragraph 2 on page 1–2 of the Manual that air carriers shall keep their accounting books and records on a quarterly basis

3. The following filing schedule would be established with the requirement that all schedules be mailed (i. e., postmarked) within the specified period following the close of each month and quarter to which the reports are applicable:

Form No.	Schedules	Postmarked within following number of days
41	A, B, B–1, C and C–1	25
41 (a)	I and II	25
41	A–1 through A–6, B–1 through B–9	45
41	A–7 through A–10, B–10, D, E and F	90

This amendment is proposed under the authority of sections 205 (a) and 407 (a) of the Civil Aeronautics Act, as amended (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before June 19, 1952 will be considered by the Bureau before taking final action on the proposed rule.

By the Bureau of Air Operations.

[SEAL] GORDON M. BAIN,
Director.

[F. R. Doc. 52-6501; Filed, June 11, 1952; 9:00 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 336

MAY 23, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 160 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 336

For lease and sale for homesites only:

T. 5 N., R. 2 W., S. B. M.
Sec. 24, NW¼.

The lands are situated in San Bernardino County, California, about six miles from the Village of Lucerne Valley and about twenty miles from the Town of Victorville. They can be reached over a paved road running from Victorville to Lucerne Valley and thence over dirt roads. The general area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., May 14, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of

[1] Filed as part of the original document.

such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Los Angeles Land Office, Los Angeles, California.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 52-6418; Filed, June 11, 1952; 8:45 a. m.]

Bureau of Reclamation

EDEN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

MAY 8, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 105 W.,
Sec. 7, $SE\frac{1}{4}NE\frac{1}{4}$;
Sec. 32, $NE\frac{1}{4}SE\frac{1}{4}$ and $S\frac{1}{2}SE\frac{1}{4}$.
T. 24 N., R. 106 W.,
Sec. 32, all.
T. 25 N., R. 106 W.,
Sec. 2, $SW\frac{1}{4}SW\frac{1}{4}$.
T. 26 N., R. 106 W.,
Sec. 24, $E\frac{1}{2}NW\frac{1}{4}$;
Sec. 36, all.

The above areas aggregate 1,560 acres.

G. W. LINEWEAVER,
Acting Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director.

JUNE 2, 1952.

Notice for Filing Objections to Order Withdrawing Public Lands for the Eden Project, Wyoming

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the proposed Eden Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objections be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
Acting Commissioner

[F. R. Doc. 52-6419; Filed, June 11, 1952; 8:46 a. m.]

YUMA PROJECT, CALIFORNIA

ORDER OF REVOCATION

APRIL 14, 1952

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of October 19, 1920, insofar as said order affects the following described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order, or affect any other orders withdrawing or reserving the land hereinafter described:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 13 S., R. 12 E.,
Sec. 26, $E\frac{1}{2}$.

The above area aggregates 320 acres

G. W. LINEWEAVER,
Acting Commissioner.

APRIL 14, 1952.

I concur. The records of the Bureau of Land Management will be noted accordingly.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, 48 Stat. 1272 as amended by section 3 of the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), by which the offered land will benefit a Federal land program. The restoration, therefore, is not subject to the provisions contained in the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

WILLIAM PINCUS,
Assistant Director.

MAY 20, 1952.

[F. R. Doc. 52-6420; Filed, June 11, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, TOBACCO BRANCH

DELEGATION OF AUTHORITY WITH RESPECT TO MARKETING AGREEMENTS AND MARKETING ORDERS GOVERNING THE HANDLING OF TOBACCO

Correction

In F. R. Doc. 52-6178, appearing on page 5179 of the issue for Friday, June 6, 1952, the approval date over the Secretary's signature should read: "Approved: June 3, 1952."

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 13, Docket No. 16]

NATIONAL STEEL PRODUCTS CO. AND C. W. WILD

SUSPENSION ORDER

In the matter of National Steel Products Company and C. W. Wild, respondents, a public hearing was held at Charleston, West Virginia, on May 20, 1952, before the undersigned Hearing Commissioner of the National Production Authority upon a statement of charges made by the General Counsel of the National Production Authority against said respondents, pursuant to the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to General Administrative Order 16-06 (16 F. R. 8799), redesignated as R. P. 1—Rules of Practice before Hearing Commissioners (16 F. R. 8894); and

The respondents, National Steel Products Company and C. W. Wild, being duly apprised of the specific violations charged and the administrative action which may be taken, they being fully informed of the rules and regulations which govern these proceedings, appeared herein pursuant to timely notice.

The National Production Authority was represented by Joseph J. Saunders, Esquire, of the office of its General Counsel.

Respondents were represented by Robert K. Emerson, Esquire, of Huntington, West Virginia.

The respondent C. W. Wild, Vice President and Treasurer of the corporate respondent, having testified in behalf of the respondents, documentary evidence having been produced, together with certain stipulations of fact;

Verbal arguments of counsel were heard and the case taken under advisement; and

The Hearing Commissioner having considered the record and arguments of counsel, being fully advised in the premises, makes the following

Findings of fact. 1. During the calendar quarters commencing October 1, 1951, and January 1, 1952, the respondent, National Steel Products Company, on ten (10) separate occasions, accepted deliveries of $13\frac{1}{2}$-gage carbon steel spring wire, an item of steel listed in Schedule I of CMP Regulation 1. Upon each such receipt, its inventory of $13\frac{1}{2}$-gage carbon steel spring wire became in excess of the quantity of the said item necessary to meet its deliveries, supply its services, or perform its operations during the succeeding 45-day period on the basis of its then currently scheduled method and rate of operation. The acceptance of these deliveries resulted in an average inventory of this item which, when related to production requirements for succeeding 45-day periods, was excessive by 146,000 pounds, or 73 tons.

2. During the calendar quarters commencing October 1, 1951, and January 1, 1952, National Steel Products Company, on nine (9) separate occasions, accepted deliveries of 14-gage carbon steel spring wire, an item of steel listed in Schedule I of CMP Regulation No. 1. Upon each such receipt, its inventory of 14-gage carbon steel spring wire became in excess of the quantity of the said item necessary to meet its deliveries, supply its services, or perform its operations during the succeeding 45-day period on the basis of its then currently scheduled method and rate of operation. The acceptance of these deliveries resulted in an average inventory of this item which, when related to production requirements for succeeding 45-day periods, was excessive by 305,000 pounds, or 152.5 tons.

3. During the calendar quarters commencing October 1, 1951, and January 1, 1952, National Steel Products Company, on four (4) separate occasions, accepted deliveries of 17-gage carbon steel spring wire, an item of steel listed in Schedule I of CMP Regulation No. 1. Upon each such receipt, its inventory of 17-gage carbon steel spring wire became in excess of the quantity of the said item necessary to meet its deliveries, supply its services, or perform its operations during the succeeding 45-day period on the basis of its then currently scheduled method and rate of operation. The acceptance of these deliveries resulted in an average inventory of this item which, when related to production requirements for succeeding 45-day periods, was excessive by 101,000 pounds, or 50.5 tons.

4. That certain written stipulations made and entered into May 20, 1952, between Attorneys Saunders and Emerson, received in evidence as Exhibit 2, fully support each of the preceding findings.

5. C. W. Wild, managing and directing the affairs of National Steel Products Company as Vice President and Treasurer, during the time receipts of carbon steel spring wire pertinent herein were accepted, had knowledge of, supervised, directed, and participated in the acts which resulted in the accummulation of excessive inventories of $13\frac{1}{2}$-, 14-, and 17-gage carbon steel spring wire by National Steel Products Company.

6. The entire record is devoid of evidence that during the period here in question the respondents have not acted openly and in good faith, nor is there evidence that their failures to comply with CMP Regulation No. 2 resulted from any willful or fraudulent conduct nor from any misrepresentation.

Conclusions of law. From the foregoing findings of facts the Commissioner concludes that:

During the calendar quarters commencing October 1, 1951, and January 1, 1952, the National Steel Products Company and C. W. Wild committed acts prohibited by section 3 (a) of CMP Regulation No. 2, dated May 10, 1951 (16 F. R. 4370), as amended October 12, 1951 (16 F. R. 10489), in that National Steel Products Company accepted deliveries of $13\frac{1}{2}$-, 14-, and 17-gage spring wire items of carbon steel controlled material, on twenty-three (23) separate occasions upon receipt of which its inventories of such items became in excess of the quantities necessary to meet its deliveries, supply its services, and perform its operations during succeeding 45-day periods on the basis of its then currently scheduled method and rate of operation. C. W. Wild committed, directed, supervised, and participated in the commission of such acts. The receipts of these items thus accepted were in violation of the said provisions of CMP Regulation No. 2 and resulted in excessive inventories amounting to 532,000 pounds, or 276 tons, of carbon steel controlled material.

In order to correct excess inventories of carbon steel controlled material occasioned by the unauthorized receipt of such items,

It is accordingly ordered:

1. That all allocations and allotments of carbon steel which have been or may be granted to the National Steel Products Company, its successors and assigns, or which have been or may be sought on its behalf by C. W. Wild for use during the calendar quarter commencing April 1, 1952, be reduced by 420,000 pounds, or 210 tons.

2. That all allocations and allotments of carbon steel which have been or may be granted to the National Steel Products Company, its successors and assigns, or which have been or may be sought on its behalf by C. W. Wild for use during the calendar quarter commencing July 1, 1952, be further reduced by 66,000 pounds, or 33 tons.

3. That all allocations and allotments of carbon steel which have been or may be granted to the National Steel Products Company, its successors and assigns, or which have been or may be sought on its behalf by C. W. Wild for use during the calendar quarter commencing October 1, 1952, be further reduced by 66,000 pounds, or 33 tons.

4. That the National Steel Products Company, and C. W. Wild, their successors and assigns, be and are hereby prohibited, during each of such periods, from acquiring any items of carbon steel in excess of their carbon steel allocations and allotments as so reduced.

5. That the National Steel Products Company and C. W. Wild, their successors and assigns, be and are hereby prohibited, so long as the Defense Production Act of 1950, as amended, or as it may hereafter be amended or extended, remains in effect, from accepting delivery of any item of controlled material if the inventory of National Steel Products Company of such materials is, or by such

receipt would then be, in violation of the provisions of CMP Regulation No. 2, as amended October 12, 1951, or as it may be hereafter amended.

Issued this 28th day of May 1952 at Washington, D. C.

NATIONAL PRODUCTION AUTHORITY,
By SAMUEL H. CROSBY,
Hearing Commissioner.

[F. R. Doc. 52-6544; Filed, June 11, 1952; 12:11 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3451]

OZARK AIRLINES, INC.; SERVICE TO ALTON-WOOD RIVER, ILLINOIS

NOTICE OF ORAL ARGUMENT

In the matter of the application by Civic Memorial Airport Authority for amendment of the certificate of public convenience and necessity of Ozark Airlines, Inc. pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 26, 1952 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 3, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6457; Filed, June 11, 1952; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 3]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 16 the manufacturer's wholesale prices to dealers have been reduced on new Henry J and Allstate passenger automobiles. Special Order 16 is, therefore, amended to establish seller's prices and charges which will reflect the decreased wholesale prices on 1952 models of new Henry J and Allstate passenger automobiles manufactured by Kaiser-Frazer Corporation.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16 is hereby issued.

1. The list of basic prices for Henry J and Allstate passenger automobiles in paragraph one is amended to read as follows:

HENRY J PASSENGER AUTOMOBILES

Henry J Vagabond	$1,238.63
Henry J Vagabond-DeLuxe	1,373.44
Henry J Corsair	1,331.57
Henry J Corsair-DeLuxe	1,466.38

ALLSTATE PASSENGER AUTOMOBILES

Allstate—4-Cylinder (with circular tail lamps)	$1,238.63
Allstate—6-Cylinder (with circular tail lamps)	1,373.44
Allstate—4-cylinder (with tail lamps in rear fender fins)	1,331.57
Allstate—6-cylinder (with tail lamps in rear fender fins)	1,466.38

Effective date. This amendment to Special Order 16 shall become effective June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 11, 1952.

[F. R. Doc. 52-6516; Filed, June 11, 1952; 4:00 p. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 17—DPAV-17 (b)]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 3.5" ROCKETS

Pusuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company is herewith published which has accepted the request to participate in the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on 3.5" Rocket," dated July 25, 1951, which request and original list of companies accepting such request were published February 19, 1952, on 17 F. R. 1527. An additional list of companies accepting such request was published March 29, 1952, on 17 F. R. 2793.

Aywon Wire & Metal Co.,
22-36 Caton Place,
Brooklyn, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: June 10, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-6542; Filed, June 11, 1952; 12:11 p. m.]

[D. P. A. Request No. 20—DPAV-24 (a)]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 4.2" MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company is herewith published which has accepted the request to participate in the voluntary plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, which request and original list of companies accepting such request were published March 26, 1952, on 17 F. R. 2632.

Rodorn Manufacturing Corp.,
743 Fifth Avenue,
New York, N. Y.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: June 10, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-6543; Filed, June 11, 1952; 12:11 p. m.]

FEDERAL POWER COMMISSION

[Project No. 605]

A. V. ANDERSON AND EVELER M. DOUGLAS

NOTICE OF ORDER DISMISSING APPLICATION

JUNE 6, 1952.

Notice is hereby given that on October 5, 1951, the Federal Power Commission issued its order entered October 2, 1951, dismissing application for approval of transfer of license (Minor) and issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6421; Filed, June 11, 1952; 8:46 a. m.]

[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 6, 1952

Notice is hereby given that on March 28, 1952, the Federal Power Commission issued its order entered March 25, 1952, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6422; Filed, June 11, 1952; 8:47 a. m.]

[Project No. 2092]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF ORDER ISSUING PRELIMINARY PERMIT

JUNE 6, 1952.

Notice is hereby given that on April 24, 1952, the Federal Power Commission issued its order entered April 22, 1952, issuing preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6423; Filed, June 11, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 45]

PLACEMENT OF PROCUREMENT IN THE CONNERSVILLE, INDIANA AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Connersville area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Connersville area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE CONNERSVILLE, INDIANA AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Connersville area as a surplus labor area under standards established by the Secretary of Labor. The Connersville area is composed of Fayette, Franklin, Rush and Union Counties.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Connersville area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Connersville area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Connersville area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Connersville area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Connersville area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Connersville area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Connersville area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Connersville area;

5. That the apparel industry, to the extent that it exists in the Connersville area, should not be included in the application of Defense Manpower Policy No. 4 in the Connersville area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Connersville area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6518; Filed, June 11, 1952; 10:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-503]

LAWRENCE INVESTING CO., INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 6, 1952.

Notice is hereby given that the Lawrence Investing Company, Inc. ("Lawrence"), has filed an application with this Commission requesting exemption on behalf of itself and all of its subsidiaries from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (3) thereof.

Notice is further given that any interested person may, not later than June 30, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after June 30, 1952.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the facts contained therein, which are summarized as follows:

Lawrence and nine wholly-owned subsidiaries, all of which are New York corporations, are engaged in the ownership, management and sale of real property in the State of New York. The Lawrence Park Heat, Light and Power Company ("Power Company"), also a New York corporation and a wholly-owned subsidiary of Lawrence, is engaged in the distribution of electric energy, steam and water. Its electric operations are confined to a limited area in the Village of Bronxville, New York, where it serves properties owned almost exclusively by Lawrence and its wholly-owned subsidiaries.

During the calendar year 1951, the consolidated gross revenues of Lawrence and its subsidiaries amounted to $2,077,929 and net income amounted to $195,075. During the same period, gross electric utility revenues of the Power Company amounted to $62,884, and its net income from electric utility operations amounted to $1,112.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6427; Filed, June 11, 1952; 8:48 a. m.]

[File No. 54-156]

UNITED CORP.

ORDER DIRECTING PAYMENT OF FEES AND EXPENSES

JUNE 4, 1952.

The Commission having on August 10, 1948, approved an amended plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 by The United Corporation; and

The amended plan having provided that the payment of fees and expenses in connection with the plan would be subject to approval by this Commission, and the Commission, in its order of August 10, 1948, having reserved jurisdiction over the payment of such fees and expenses; and

Applications for allowance of fees and reimbursement of expenses having been filed, a public hearing having been held, a statement of views having been filed by the Division of Public Utilities, briefs and reply briefs having been filed by the applicants, and the Commission having heard oral argument; and

The Commission having considered the record and having this day made and filed its Memorandum Findings and Opinion, on the basis of said Memorandum Findings and Opinion:

It is ordered, That the payment by The United Corporation of the following fees and disbursements be and hereby is approved, and said company be and hereby is authorized and directed to make payment of such amounts thereof as have not already been paid:

	Fees	Disbursements
Whitman, Ransom, Coulson & Goetz	$55,000	$927.53
Southerland, Berl & Potter	2,000	472.39
John J. Burns	3,400	
Drexel & Co	10,000	
Townsend, Elliott & Munson	5,000	765.35
Duff & Phelps	2,500	310.00
Preference stockholders committee: Boehm & Fischman; Hays, St. John, Abramson & Schulman; Kirkland & Wolfson, counsel	2,000	1,660.58
Carl Sherman, member	250	
Stephen B. Gibbons, member	250	
John M. Chapman, member	250	
Joseph Rogers, secretary	250	4.50
Randolph Phillips	2,000	370.84
John Davis	2,000	

It is further ordered, That the applications of O'Brien, Driscoll, Raftery & Lawler and Irving Rapaport and John H. Jackson and Norman Johnson be and the same hereby are denied.

It is further ordered, That the payment by The United Corporation of the following expenses be and hereby is authorized:

J. P. Morgan & Co., Inc., exchange and transfer agent	$29,740.41
Cost of other fiscal services	2,189.75
Arthur Young & Co	1,000.00
Reis & Chandler, Inc	1,193.36
Transcripts of hearings	1,535.85
Printing and related services	17,788.36
Advertising	3,265.05
Miscellaneous expenses	1,405.94

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6426; Filed, June 11, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND ASSIGNMENT OF WORK

ORDER AMENDING AND SUPPLEMENTING ORDER OF JUNE 8, 1942

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of June A. D. 1952.

Section 17 of the Interstate Commerce Act, as amended (49 U. S. C. 17), and other provisions of the law being under consideration, and with a view to providing for the elimination from the assignment of work to Division Five of initial jurisdiction over applications for temporary authority for service by common or contract carriers by motor vehicle under section 210a (a) of the act and applications for transfer of certificates or permits of carriers by motor vehicle under section 212 (b), now concurrent with the assignment of such applications to individual members of the Commission; and to provide further for the designation of Division Five as an appellate division to consider applications for rehearing, reargument, or reconsideration of any decision, order, or requirement of Individual Commissioners in sections 210a (a) and 212 (b) applications, the decisions of said appellate division to be administratively final and not subject to review by the Commission, the following order, amending and supplementing the order of June 8, 1942 (7 F. R. 4516), as amended, Organization of Divisions and Assignment of Work, Business, and Functions, was duly adopted:

It is ordered, That the order of June 8, 1942, as amended, be further amended by:

(1) Deleting from the assignment of work to Division Five, the paragraph reading as follows:

Section 210a (a), relating to grant of temporary operating authority,

(2) Deleting from the assignment of work to Division Five, the paragraph reading as follows:

Section 212, relating to suspension, change, revocation, and transfer of certificates, permits, and licenses,

and substituting in lieu thereof the following:

Section 212 (a), relating to suspension, change, and revocation of certificates, permits, and licenses.

(3) In the section *Assignment of duties to individual Commissioners*, deleting the paragraph relating to procedure in the event of the absence or disability of the Commissioner to whom the work is assigned and substituting the following:

In each of the foregoing delegations and assignments to an individual Commissioner, in event of the absence or disability of such individual Commissioner, the senior member of the division which has jurisdiction of the subject matter or proceeding who is present shall act instead of the Commissioner above designated. In the event of the absence or disability of the individual Commissioner to whom applications under section 210a (a) or section 212 (b) are assigned, the senior member of Division Five who is present shall act instead of the individual Commissioner to whom the matter is assigned. In the event of the absence or disability of a Commissioner to whom a proceeding not referred to a division has been assigned for administrative handling or preparation of report, procedural matters in connection with such proceeding, except applications under section 210a (a) or section 212 (b), may be acted upon by the Chairman of the Commission.

(4) In the first line of the paragraph immediately following that described in item (3) hereof, following the word "matters," insert the following: "except applications under sections 210a (a) and 212 (b),"

(5) In the section *Rehearings and further Proceedings*, deleting the period at the end of the first paragraph and adding: "or an individual Commissioner."

(6) In the section *Rehearings and further proceedings*, inserting at the beginning of the second paragraph: "Except in applications under sections 210a (a) and 212 (b) which are especially provided for in the two succeeding paragraphs,"

(7) To the section *Rehearings and further proceedings*, adding a third and a fourth paragraph to read as follows:

Division Five is hereby designated an appellate division to which applications for rehearing, reargument, or reconsideration of any decision, order, or requirement of an individual Commissioner in section 210a (a) or section 212 (b) applications shall be assigned or referred for action thereon; the Chairman of Division Three shall be substituted as a member of the said appellate division in lieu of the individual member of Division Five who initially acted in the matter.

Any application for rehearing, reargument, or reconsideration of any decision, order, or requirement of an individual Commissioner in section 210a (a) or section 212 (b) matters (and any supporting or opposing documents) when submitted shall be considered by the Commissioner who initially acted upon the matter; if the Commissioner grants the same, the application will stand as granted by the Commissioner and denied by the appellate division, and further proceedings will be before the Commissioner and under his direction. Any further decision, order, or requirement of the Commissioner shall be subject to application for rehearing, reargument, or reconsideration as provided herein. If the Commissioner does not grant the application, the application (and supporting or opposing documents) will be considered by the appellate division. The decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

It is further ordered, That the foregoing amendments shall become effective September 1, 1952.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6432; Filed, June 11, 1952; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 116

Washington, Friday, June 13, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10361

ESTABLISHING THE WHITTIER DEFENSIVE SEA AREA, ALASKA

By virtue of the authority vested in me by section 2152 of Title 18 of the United States Code, and as President of the United States, the following-described area is established and reserved for purposes of national defense as a defensive sea area to be known as "Whittier Defensive Sea Area":

All territorial waters of Passage Canal, Alaska, lying westward of a line extending from Decision Point true north to the north shore of Passage Canal east of Poe Bay.

1. No persons, other than persons on public vessels of the United States, shall enter the Whittier Defensive Sea Area, and no vessels or other craft, other than public vessels of the United States, shall be navigated into that area, unless authorized by the Secretary of Defense, or such officer as he may designate.

2. While in this defensive sea area vessels or other craft shall obey such instructions as may be issued by the Secretary of Defense, or such officer as he may designate. Movement of vessels or other craft within this area shall be at their own risk and shall be subject to supervision by controlling surface craft or aircraft. Controlling surface craft or aircraft shall be identified by a prominent display of the Union Jack.

3. The Secretary of Defense, or such officer as he may designate, with the cooperation of the local law-enforcement officers of the United States, including the Territory of Alaska, shall enforce the foregoing provisions of this order.

4. The Secretary of Defense, or such officer as he may designate, is hereby authorized to prescribe such regulations as he may consider necessary to carry out the provisions of this order.

5. Any person violating any of the provisions of this order shall be subject to the penalties provided by section 2152 of Title 18 of the United States Code.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 11, 1952.

[F. R. Doc. 52-6569; Filed, June 12, 1952; 10:37 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED PRUNE AND RAISIN EXPORT PROGRAM SMX 95b

1. Section 518.332 is hereby amended to read as follows:

§ 518.332 *Application for participation.* An application to participate in this program must be filed by the exporter with, and be approved by, E. M. Graham or James Poole, Representatives of the Secretary, Fruit and Vegetable Branch, U. S. Department of Agriculture, Washington 25, D. C., or W. Allmendinger or Anthony J. Tarlock, Representatives of the Secretary, Fruit and Vegetable Branch, U. S. Department of Agriculture, P. O. Box 3638, 333 Fell Street, San Francisco 2, California, whichever is nearer the billing office of the exporter. Such application shall be made in quadruplicate on Form FV-466, "Application for Participation in Dried Prune and Raisin Export Program SMX 95b," with respect to a then existing firm sales contract. An exporter may file one or more applications, but each application shall relate to only one firm sales contract. The application must be received by the appropriate Representative of the Secretary named above in this section not later than the fourteenth calendar day following the date of sale, the second day (exclusive of Saturdays, Sundays, and holidays) prior to the date of export, or 2:00 p. m., d. s. t., July 23, 1952, whichever deadline is the earliest: *Provided*, That, upon the written request of the exporter stating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such receipt. All applications will be considered for approval in the order in which they are received, or on such other basis as is determined by the Secretary to be equitable, and as long as funds allocated to this program are available. The Secretary will give

(Continued on p. 5359)

CONTENTS

THE PRESIDENT

Executive Order — Page
Establishing the Whittier Defensive Sea Area, Alaska — 5357

EXECUTIVE AGENCIES

Agriculture Department
See Forest Service; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Friebel, Elizabeth L. — 5384
Matzat, Hellmut and Willi — 5383

Civil Aeronautics Board
Notices:
Hearings, etc.:
American Air Transport and Flight School, Inc.; revocation of letter of registration — 5373
Braniff Airways, Inc., and Ozark Airlines, Inc.; service to Clinton, Iowa — 5373
Western Air Lines, Inc.; Salt Lake City, rapid city extension — 5373

Commerce Department
See Federal Maritime Board; International Trade, Office of.

Defense Department
See Navy Department.

Economic Stabilization Agency
See also Price Stabilization, Office of; Rent Stabilization, Office of.
Notices:
Critical defense housing area, approval of extent of relaxation of credit controls:
Condon, Oreg — 5373
Curlew, Wash — 5373

Federal Maritime Board
Notices:
Member lines of Java-New York and U. S. Atlantic-Bermuda conferences; agreements filed for approval — 5372

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas Louisiana Gas Co — 5377
Montana-Dakota Utilities Co — 5377
South Carolina Natural Gas Co — 5378

FEDERAL REGISTER

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(For use during 1952)

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Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Texas Eastern Transmission Corp — 5378
Texas Illinois Natural Gas Pipeline Co — 5377
Transcontinental Gas Pipe Line Corp — 5377

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Forest Service
Notices:
Tonto National Forest; removal of trespassing burros — 5372
Rules and regulations:
Timber; maximum unadvertised sales authority — 5368

Geological Survey
Notices:
New Mexico; definitions of known geologic structures of producing oil and gas fields — 5372

Home Loan Bank Board
Proposed rule making:
Charter and bylaws, operation; correction — 5372

Housing and Home Finance Agency
See Home Loan Bank Board.

Interior Department
See Geological Survey; Land Management, Bureau of.

International Trade, Office of
Rules and regulations:
General orders; relating to certain licenses for steel — 5370
Licensing policies and related special provisions — 5369
Priority ratings and supply assistance assigned by OIT — 5369
Project licenses — 5369

Interstate Commerce Commission
Notices:
Applications for relief:
Animal feed from Rockford, Ill., to Missouri and Kansas — 5383
Automobiles from St. Louis, Mo., and Kansas City, Mo.-Kans., to the southwest — 5381
Cigarettes and manufactured tobacco from North Carolina and Virginia to official and western trunk-line territories — 5382
Coal, bituminous fine, from Missouri to Black Dog, Minn — 5383
Fillers, partitions or wrappers for packing, from certain points to the southwest — 5380
Grain between points in Minnesota — 5381
Grain from Chicago and Peoria, Ill., to Iowa — 5382
Grains, corn and sorghum, from Colorado, Kansas and Nebraska to Colorado — 5383
Iron and steel articles from West Point, Miss., to St. Louis, Mo., and points grouped therewith — 5381
Interstate Commerce Commission—Continued
Notices—Continued
Applications for relief—Con.
Merchandise in mixed carloads from Gastonia, N. C., to St. Louis, Mo., and East St. Louis, Ill — 5383
Pipe, iron or steel, from Texas to Illinois — 5382
Rates, proportional, on newsprint paper, from certain Mississippi River crossings to Texas — 5380
Rubber, crude, from Texas and Louisiana to Little Rock, Ark — 5382
Wrapping paper and paper bags from Arkansas to Baton Rouge, La — 5381

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
New Mexico; modification of grazing district — 5372
Rules and regulations:
Alaska; sale of land at public auction for industrial or commercial purposes, including housing — 5371
Proofs; payment for republication of notice, when necessary because of error of manager or publisher — 5371
Washington; partial revocation of public land order — 5371

Navy Department
Rules and regulations:
Dependents' assistance — 5360

Post Office Department
Rules and regulations:
Classification and rates of postage — 5370
Complaints of loss, rifling, damage or other mistreatment of mail — 5370
Provisions applicable to the several classes of mail matter — 5370

Price Stabilization, Office of
Notices:
Ceiling prices:
Logging services rendered to Weyerhaeuser Timber Co. — 5375
Rental of small water craft to Texas Co — 5375
Rice brokerage services rendered to Louisiana State Rice Milling Co. Inc — 5376
Crude petroleum ceiling prices adjusted on an in-line basis for certain fields:
California — 5374
Wood County, Texas — 5374
List of community ceiling price orders; Regions V, VIII and XII — 5373
Rules and regulations:
Ceiling prices for certain polyvinyl chloride resins (GCPR, SR 105) — 5360
Exemption of certain food and restaurant commodities; raw and semi-processed glands (GOR 7) — 5367

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page
Rules and regulations—Continued
Exemptions of certain industrial materials and manufactured goods; sales of discontinued makes of passenger automobiles (GOR 9) — 5367
Machinery and related manufactured goods; classification of provision relating to increased subcontracting (CPR 30, SR 4) — 5361
Manufacturers of small pneumatic compressors (CPR 150) — 5364
Services; approval of certain automotive and farm tractor repair service flat rate manuals, additional flat rate manuals and labor schedules (CPR 34, SR 3) — 5362

Production and Marketing Administration
Rules and regulations:
Prune, dried, and raisin export program; miscellaneous amendments — 5357

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
Hotels and motor courts; Virginia — 5368
Housing and rooms:
Colorado and Illinois — 5367
Virginia — 5368
Motor courts; Illinois — 5368

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Gas and Electric Co — 5380
Hatfield Campbell Creek Coal Co — 5378
Michigan-Wisconsin Pipe Line Co — 5378
New England Power Co. and New England Electric System — 5379
Northern Berkshire Gas Co. et al — 5379

Veterans' Administration
Rules and regulations:
Medical; adjudication of claims and classes of claims comprehended — 5368

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
10361 — 5357

Title 6
Chapter IV:
Part 518 — 5357

Title 15
Chapter III:
Part 373 — 5369
Part 374 — 5369
Part 384 — 5370
Part 398 — 5369

CODIFICATION GUIDE—Con.

Title 24 — Page
Chapter I:
Part 144 (proposed) — 5372

Title 32
Chapter VI:
Part 715 — 5360

Title 32A
Chapter III (OPS):
CPR 30, SR 4 — 5361
CPR 34, SR 3 — 5362
CPR 150 — 5364
GCPR, SR 105 — 5360
GOR 7 — 5367
GOR 9 — 5367
Chapter XXI (ORS):
RR 1 (2 documents) — 5367, 5368
RR 2 (2 documents) — 5367, 5368
RR 3 — 5368
RR 4 (2 documents) — 5368

Title 36
Chapter II:
Part 221 — 5368

Title 38
Chapter I:
Part 17 — 5368

Title 39
Chapter I:
Part 34 — 5370
Part 35 — 5370
Part 44 — 5370

Title 43
Chapter I:
Part 75 — 5371
Part 106 — 5371
Appendix (Public land orders):
606 (revoked in part by PLO 836) — 5371
836 — 5371

prompt notice to the exporter of the approval or nonapproval of his application, and will notify the exporter as promptly as possible after receipt of any executed Form FV–466 if any information shown in such form does not conform with the terms and conditions of this program. No payment will be made in excess of the sum indicated in the approved Form FV–466, unless the Secretary, upon written request by the exporter stating substantial reasons therefor, approves a larger amount. If a firm sales contract for which the Secretary has approved an application is modified in any respect, the exporter shall notify the Representative of the Secretary promptly of such modification. The Secretary will give prompt notice to the exporter of the approval or nonapproval of such modification.

2. Section 518.333 is hereby amended to read as follows:

§ 518.333 *Firm sales contracts.* The exporter must, on or after the effective date of this program and prior to 12 o'clock midnight, d. s. t., July 16, 1952, have entered into a firm sales contract (see § 518.331 (g) covering the sale of dried fruit, as defined in § 518.331 (b), for exportation to an approved country as described in § 518.337.

3. Section 518.334 is hereby amended to read as follows:

§ 518.334 *Period for exportation.* Exportation from continental United States in fulfillment of the firm sales contract shall be accomplished on or after the date of sale and prior to 12 o'clock midnight, d. s. t., July 31, 1952: *Provided*, That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such exportation.

4. Section 518.335 is hereby amended to read as follows:

§ 518.335 *Rates of payment.* The rates of payment on dried fruit sold for export and exported in conformity with the terms and conditions of this program shall be the lower of: (a) The applicable rate shown in the following tables, or (b) 35 percent of the gross sales price (computed before deduction of such payment) as determined by the Secretary, basis free alongside ship, United States ports of exportation: *Provided, however*, That if shipment from the packer's plant or warehouse in the state in which the dried fruit was produced to the nearest United States port from which dried fruit is customarily exported would result in a lower rate payable under this program, the dried fruit shall be deemed to have been exported from such nearest port.

PROCESSED PACKED DRIED PRUNES OR PROCESSED DRIED PRUNES IN ANY PACK OF MIXED DRIED FRUIT

Size	Packed point or number of prunes per pound	Rate per pound net processed packed weight
		Cents
30–40 or larger	40 or less	3.25
40–50	41 to 50, inclusive	3.10
50–60	51 to 60, inclusive	2.95
60–70	61 to 70, inclusive	2.80
70–80	71 to 80, inclusive	2.65
80–90	81 to 90, inclusive	2.50
90–100	91 to 100, inclusive	2.35
100–120	101 to 120, inclusive	1.45

For odd sizes not shown under the heading "Size" above, the packed point or number of prunes per pound, as determined by inspection pursuant to § 518.340, shall determine the rate of payment in accordance with the above schedule.

	Rate per pound net processed packed weight (cents)
Processed packed raisins:	
Natural sun-dried Thompson seedless	2.75
Golden bleached Thompson seedless	2.75
Natural sun-dried Sultanas	2.90

5. Section 518.342 is hereby amended to read as follows:

§ 518.342 *Filing claim for payment.* If the exporter's billing office is located in California, Nevada, Utah, or Arizona, he shall file claim for payment hereunder with the Director, San Francisco PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 3638, 333 Fell Street, San Francisco 2, California. If the exporter's billing office is located in Idaho, Oregon, or Washington, he shall file claim for payment hereunder with the Director, Portland PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, Eastern Building, 515 Southwest Tenth Ave-

nue, Portland 5, Oregon. If the exporter's billing office is located in any other state, he shall file claim for payment hereunder with the Director, New York PMA Commodity Office, Production and Marketing Administration, United States Department of Agriculture, 139 Centre Street, New York 13, New York. Such claim shall be filed so that it will be received by the Director of the PMA Commodity Office concerned not later than 2:00 p. m., d. s. t., September 15, 1952: *Provided*, That, upon request of the exporter indicating substantial reasons therefor, the Secretary may, if he deems it desirable, grant an extension of time for such receipt. Each claim for payment shall be filed in an original and three copies on voucher Form FDA–564, "Public Voucher—Diversion Programs."

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated this 10th day of June 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–6515; Filed, June 12, 1952; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

PART 715—DEPENDENTS' ASSISTANCE

Part 715 is revised to read as follows:

Sec.
715.1 General provisions; entitlement.
715.2 Delegations.
715.3 Voluntary applications.
715.4 Involuntary allotments.

AUTHORITY: §§ 715.1 to 715.4 issued under sec. 10, 64 Stat. 796; 50 U. S. C. App. 2210. Interpret or apply sec. 102, 63 Stat. 804, as amended; 37 U. S. C. 231.

§ 715.1 (a) *General provisions; entitlement.* The act of September 8, 1950 (64 Stat. 794–797, 50 App. U. S. C. 2201–2216) provides that any service member entitled to receive basic pay is entitled to receive a credit of basic allowance for quarters for his dependents, unless, (1) he and his dependents are furnished public quarters or such quarters are available for him and his dependents; (2) he is receiving saved pay under the provisions of section 515 of the act of October 12, 1949 (63 Stat. 804, 37 U. S. C. 231); or (3) he is an enlisted member on training duty. Enlisted service members are required to maintain a minimum required allotment to their dependents in order to be eligible for a credit of basic allowance for quarters. This minimum required allotment is composed of the applicable rate of credit of basic allowance for quarters plus the member's required contribution from his pay. However, no allotment is required for the month (1) the enlisted member enters on active duty, if the allotment is effective from the following month, (2) the enlisted member is discharged, if not immediately reenlisted, (3) the enlisted member is released from active duty, (4) dependency ceases, (5) dependency commences, if the allotment is effective from the following month, (6) the enlisted member and his dependents are assigned to public quarters or such assignment ends, (7) of August or of September or of October 1950, if the allotment was started not later than November 1950, and (8) prior to establishment, if the exigencies of the service were such that the enlisted member could not sooner register the allotment. Commissioned officers and warrant officers may draw a credit of basic allowance for quarters for dependents without maintaining a minimum required allotment to dependents. An officer member on training duty, who is otherwise qualified, is entitled to receive a credit of basic allowance for quarters. If a service member's dependents are maintained at government expense, he is not entitled to receive a credit of basic allowance for quarters. Enlisted members who are on training duty as well as enlisted personnel who are members of the Philippine Scouts, the Insular Force of the Navy, the Samoan Native Guard and Band of the Navy, or the Samoan Reserve Force of the Marine Corps are not entitled to receive a credit of basic allowance for quarters under the act.

(b) *General provisions, dependents.* The term "dependent" is as defined in the Career Compensation Act of 1949 (37 U. S. C. 231 (g)) and shall include at all times and in all places (1) the lawful wife, (2) unmarried legitimate children under 21 years of age, (3) unmarried legitimate children over 21 years of age who are incapable of self-support because of being mentally defective or physically incapacitated, and who are in fact dependent on the service member for over half of his or her support, (4) stepchildren and adopted children who are in fact dependent upon the service member, (5) the father or mother who is in fact dependent upon the service member for over half of his or her support, and (6) any person, including a step-parent or parent by adoption, who has stood in loco parentis to the service member at any time for a continuous period of not less than 5 years during the minority of such member, who is in fact dependent upon the service member for over half of his or her support. In the cases of parents or persons who have stood in loco parentis to the service member, a determination of dependency must be based upon an affidavit submitted by such father, mother or person in loco parentis and other such information as may be required.

§ 715.2 *Delegations.* The Director, Personal Affairs Division, Bureau of Naval Personnel, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Personnel Department, United States Marine Corps, with respect to personnel of the United States Marine Corps, have been granted the authority by the Secretary of the Navy to make determinations including determinations of dependency and relationship, and on the basis of new evidence or for other good cause to reconsider or modify any such determination. The Chief, Field Branch, Bureau of Supplies and Accounts, Cleveland 14, Ohio, with respect to personnel of the Navy, and the Head, Personal Affairs Branch, Personnel Department, United States Marine Corps, with respect to personnel of the United States Marine Corps, have been granted the authority by the Secretary of the Navy to waive the recovery of any money erroneously paid under the provisions of the act, whenever it is determined that such recovery would be against equity and good conscience.

§ 715.3 *Voluntary applications.* Only service members who are entitled to receive basic pay may file application for credit of basic allowance for quarters. Each such application must be executed by the service member and endorsed by the service member's Commanding Officer and Disbursing Officer. The application must also contain (a) the date that basic allowance for quarters is to commence to be credited to the service member's pay, (b) the names, relationships, and addresses of dependents because of whom credit of basic allowance for quarters is claimed, (c) in cases involving unmarried children over twenty-one years of age who are incapable of self-support because of being mentally defective or physically incapacitated, stepchildren, adopted children, parents, or persons who have stood in loco parentis during at least five years of the service member's minority, the amount the service member has contributed to the dependent's support prior to the filing of the application, (d) authority to check the service member's pay for any credit of basic allowance for quarters received because of the alleged dependency of any person subsequently determined not to be dependent within the contemplation of the act, and (e) a statement as to whether or not the service member and his dependents are in occupancy of public quarters.

§ 715.4 *Involuntary allotments.* If an enlisted member with dependents does not claim credit of basic allowance for quarters, the Secretary of the Navy may, at his discretion, under the authority contained in section 6 of the act, authorize and direct the payment of the basic allowance for quarters and the establishment and payment of such allotment or allotments as he shall determine to be in conformity with the provisions of the act.

Dated: June 5, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52–6463; Filed, June 12, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 105]

GCPR, SR 105—CEILING PRICES FOR CERTAIN POLYVINYL CHLORIDE RESINS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 105 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits producers of polyvinyl chloride resins containing 99 per cent or more of polyvinyl chloride to increase their ceiling prices to the levels established in the regulation, if their existing ceiling prices are below such levels.

Polyvinyl chloride resins containing 99 per cent or more of polyvinyl chloride have for a long period prior to price control been selling at uniform prices throughout the industry. Amendment 30 to Ceiling Price Regulation 22 removed these resins from the scope of Ceiling Price Regulation 22 and left them under the General Ceiling Price Regulation, in order to avoid, among other reasons, the nonuniform prices that would have resulted from the application of Ceiling Price Regulation 22 to an industry where uniformity of price was customary. Since the issuance of Amendment 30, the Director has been informed by a single producer of these resins that it alone has ceiling prices under the General Ceiling Price Regulation lower than the ceiling prices which all other producers have established. It states that immediately prior to the base period of the General Ceiling Price Regulation it had begun the production of these polyvinyl chloride resins on an experimental basis, and that its total production was only a small fraction of the total production of the industry. Since its production was small and on an experimental basis, it delayed following the industry in an upward adjustment of prices which occurred immediately prior to the base period. As a result the higher prices established by all other producers in the industry immediately prior to the base period became the ceiling prices for these producers, while the one producer was frozen at the price prevailing in the industry immediately prior to the general upward adjustment of prices. This producer is now commencing regular production of the polyvinyl chloride resins and requests that it be permitted to pursue the practice which it followed immediately prior to price control, and would have followed but for price control, of establishing its selling prices at the level prevailing throughout the industry. In the opinion of the Director the lower ceiling prices which this producer now has result from abnormal circumstances and these ceiling prices should be established in line with the ceiling prices prevailing in the industry. This supplementary regulation establishes dollars and cents ceiling prices for polyvinyl chloride resins containing 99 per cent or more polyvinyl chloride at the same level as those prevailing for all other producers of these resins.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices on sales of polyvinyl chloride resins contining 99 per cent or more polyvinyl chloride.
3. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950; 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *What this supplementary regulation does.* This supplementary regulation increases the ceiling prices in certain instances for sales of polyvinyl chloride resins containing 99 per cent or more polyvinyl chloride when such sales are made by the producers of these resins, and when these producers have established ceiling prices for such sales under the General Ceiling Price Regulation.

SEC. 2. *Ceiling prices on sales of polyvinyl chloride resins containing 99 per cent or more polyvinyl chloride.* (a) If you produce and sell polyvinyl chloride resins containing 99 per cent or more polyvinyl chloride and your ceiling price for the sale of these resins established under the General Ceiling Price Regulation is less than the ceiling price specified in paragraph (b) of this section, you may increase your ceiling price for carload or truckload sales as specified in paragraph (b) of this section, and for your other sales as specified in paragraph (c) of this section. If your ceiling price established under the General Ceiling Price Regulation is the same or higher than the ceiling price specified in paragraph (b) of this section, this supplementary regulation is not applicable to you. If you do not have a ceiling price established under the General Ceiling Price Regulation, you must establish a ceiling price in accordance with the provisions of the General Ceiling Price Regulation, and this supplementary regulation is not applicable to you.

(b) If you are a manufacturer as described in the first sentence of paragraph (a), your ceiling price for sales of polyvinyl chloride resins containing 99 percent or more polyvinyl chloride, in carload or truckload lots, is thirty-eight cents per pound, f. o. b. your plant.

(c) If your ceiling price for sales in carload and truckload lots is increased by paragraph (b) of this section, your ceiling prices for any other type of sale of polyvinyl chloride resins containing 99 percent or more polyvinyl chloride is established in an amount determined as follows:

(1) Find the difference in dollars and cents between your General Ceiling Price Regulation ceiling price for sales in carload or truckload lots and your General Ceiling Price Regulation ceiling price for the other type of sale whose adjusted ceiling price you are determining under this supplementary regulation.

(2) Add that dollar and cents amount to the ceiling price established in paragraph (b) of this section.

SEC. 3. *Applicability of the General Ceiling Price Regulation.* Except to the extent modified by this supplementary regulation, all of the provisions of the General Ceiling Price Regulation remain unchanged in their applicability to sales of polyvinyl chloride resins.

Effective date. This Supplementary Regulation 105 to the General Ceiling Price Regulation is effective June 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 12, 1952.

[F. R. Doc. 52–6574; Filed, June 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Supplementary Regulation 4, Amdt. 2]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

SR 4—ADJUSTMENT UNDER SECTION 402(d)(4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

CLARIFICATION OF PROVISION RELATING TO INCREASED SUBCONTRACTING; USE OF SR 4 ONLY FOR COMMODITIES HAVING BASE PERIOD PRICE UNDER SECTION 7 OF CPR 30; AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment 2 to Supplementary Regulation 4 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATION

This amendment permits the use of section 17 of Supplementary Regulation 4 which deals with additions for increased subcontracting, so long as the manufacturer continues to subcontract to at least 90 percent of the amount that he did during his last fiscal half year ended prior to July 26, 1951. Further, if subcontracting falls below this 90 percent figure during subsequent fiscal half years the manufacturer will be required to redetermine his increased subcontracting costs within 30 days after the close of that fiscal half year. This change is being made because the regulation presently provides that the section on increased subcontracting may be used only as long as the manufacturer continues to subcontract to at least as large an extent as he did during his fiscal half year ended prior to July 26, 1951. It was intended that this section be available as long as a manufacturer permanently subcontracted to a larger extent than he did prior to his base date. The figure 90 percent was selected because it was felt that a change of less than 10 percent would generally have a relatively small effect upon total costs or price; therefore, a manufacturer using the section should not be required to recompute the amount of subcontracting.

This amendment also permits a manufacturer to utilize the provisions of SR 4 to adjust ceiling prices only of items for which he can determine a base period price under section 7 of CPR 30, and at his option, to omit adjustment of items which are referred to as "modified" or "formula priced", for which base period prices are determined under sections 8 and 9 of CPR 30. SR 4 presently provides that a manufacturer must adjust all of his CPR 30 prices simultaneously; however, it is now recognized that in many situations the supplementary regulation cannot be used to adjust CPR 30 ceiling prices of items for which base

period prices are determined under sections 8 and 9 of CPR 30.

In addition, this amendment permits manufacturers who do not keep their records on a calendar month basis to use in computing the overhead cost adjustment an accounting period which ends between June 1 and July 31. The reason for this change is that some manufacturers have found it difficult to determine an overhead adjustment because they did not keep their records on a calendar month basis, and because their accounting periods did not end between June 16 and July 31, the dates presently used in the regulation. These dates were selected so that the accounting period used would approximate the first six calendar months of the year; however, that purpose could be accomplished if the accounting period ended between June 1 and July 31.

In the opinion of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to Ceiling Price Regulation 30 is amended in the following respects:

1. Section 11 (b) is amended by substituting the date June 1 for the date June 16, so that this paragraph will read as follows:

(b) The term "1951 overhead period" means January 1, 1951 through June 30, 1951.

If your accounting records are not kept on a calendar month basis, you may substitute for the first six months of the year as your "1950 overhead period" and your "1951 overhead period", any accounting period of 24 or 26 weeks or six months ended not earlier than June 1 and not later than July 31. You must use the same accounting period in 1950 as you do in 1951.

2. Section 15 is amended to read as follows:

SEC. 15. *How to apply for new ceiling prices.* Before adjusting your ceiling prices in accordance with the preceding sections of this supplementary regulation, you must file an application by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., on OPS Public Form No. 100, in accordance with the instructions which are a part of this form. Copies of this form are available at any Regional or District Office of the Office of Price Stabilization. You must file a separate form for each product line or category. All your forms must be filed simultaneously. Immediately upon receipt of your application by the Office of Price Stabilization, as shown by your postal return receipt, you may adjust your CPR 30 ceiling prices in accordance with the provisions of this supplementary regulation. However, you must adjust all your CPR 30 ceiling prices simultaneously, except ceiling prices previously determined under section 43a of CPR 30 which can be adjusted only by letter order of the Director of Price Stabilization and except, at your option, ceiling prices of commodities for which you are required to determine base period prices under sections 8 or 9 of CPR 30. If you elect to use this option, you may adjust ceiling prices of items for which you are required to determine base period prices under section 7 of CPR 30 and omit the adjustment of ceiling prices of items for which you determine base period prices under sections 8 or 9 of CPR 30. Thereafter, any sale which you are then permitted to make at a ceiling price established under CPR 30 may be made at your adjusted ceiling price.

3. The introductory paragraph of section 17 is amended to read as follows:

SEC. 17. *Addition for increase in subcontracting.* This section is applicable to you if your costs have increased because prior to July 26, 1951, you subcontracted to a larger extent than you did prior to your base date and this increase in subcontracting is not temporary. If you use this section you must redetermine the allowable addition for increased subcontracting within thirty days after the close of any fiscal half year subsequent to July 26, 1951, in which the amount of increased subcontracting drops below 90 percent of the amount of subcontracting you did during your last fiscal half year prior to July 26, 1951. You need not submit a report of such redetermination. Paragraph (a) permits you to charge a contract purchaser a lump sum on his entire contract for the increased cost of subcontracting. This method must be used, if, prior to July 26, 1951, you normally charged your customers a lump sum for increased costs due to subcontracting. Paragraph (b) permits you to add this increased cost to the ceiling prices of commodities produced in your entire business or a unit of your business for which you regularly maintain separate accounts. Under both methods, the cost of tools and patterns included in your computation of the increased cost of subcontracting must be allocated over the entire production in which they will be used.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This amendment shall become effective June 17, 1952.

NOTE: The record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 12, 1952.

[F. R. Doc. 52-6571; Filed, June 12, 1952, 4:00 p. m.]

[Ceiling Price Regulation 34, Amdt. 6 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 6 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (ee), paragraphs (ff) to (kk) inclusive as follows:

(ff) 1952 Pontiac Flat Rate Manual Supplement.

(gg) Lincoln-Mercury Suggested Labor Time Schedule, 1952.

(hh) Willys-Overland Flat Rate Manual, 1952 Supplement.

(ii) Studebaker Service Operation Step and Time Guide, 1952.

(jj) Cadillac Suggested Flat Rate Schedule for 1949-52 Cadillac Cars.

(kk) Chrysler Service Operation Time Schedule Manual, 1950-51-52.

2. Appendices FF to KK are added after Appendices EE.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on June 16, 1952.

NOTE. The recording-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 12, 1952.

APPENDIX FF

This is the "Notice" for the 1952 Pontiac Flat Rate Manual Supplement.

NOTICE

You are permitted by OPS to use this Manual, and you must use the Supplement, to arrive at your ceiling price for a given job:

If—

(1) You use the computation table printed on pages 135 to 137 of the Pontiac Flat Rate Manual 1949-50-51 to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX HH

This is the "Notice" for Willys-Overland Flat Rate Manual, 1952 Supplement.

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the conversion table on pages 55 and 56 of the Willys-Overland Flat Rate Manual, 1949 to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive, and;

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX GG

This is the "Notice" for Lincoln-Mercury Suggested Labor Time Schedule, 1952.

NOTICE

You are permitted by OPS to use this schedule to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the front of the schedule to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you

charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX II

This is the "Notice" for the Studebaker Service Operation Step and Time Guide, 1952.

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the computation table on the pink sheet near the front of the manual preceding "Group A, page 1" of the Studebaker Operation Step and Time Guide, 1951 Champion, Commander, to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive, and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX JJ

This is the "Notice" for the Cadillac Suggested Flat Rate Schedule for 1949-52 Cadillac Cars:

NOTICE

You are permitted by OPS to use this manual to arrive at your ceiling price for a given job:

If—

(1) You use the Computation Table given on pages XIX to XXI (Preceding Group Section 1) of the Cadillac Flat Rate Schedule for 1949-52 Cadillac Cars to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by

the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX KK

This is the "Notice" for the Chrysler Service Operation Time Schedule Manual, 1950–51–52.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table, pages in the back part of the Manual to compute the ceiling price of each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

[F. R. Doc. 52-6572; Filed, June 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 150]

CPR 150—MANUFACTURERS OF SMALL PNEUMATIC COMPRESSORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes the ceiling prices of small pneumatic compressors (not for use with condensing units), and their parts or accessories, when sold by the manufacturers of the compressor units. It supersedes Ceiling Price Regulation 30 and the General Ceiling Price Regulation. Supplementary Regulation 3 to Ceiling Price Regulation 30 had given these manufacturers the option to remain under the General Ceiling Price Regulation, and almost all exercised that option.

This regulation establishes ceiling prices for small pneumatic compressors at 25 percent above prices in effect on June 24, 1950. This level of ceiling prices is in general the same as the level of ceiling prices for these products under the General Ceiling Price Regulation. However, individual inequities have been created by the varying price movements which occurred after June 1950. This tailored regulation is therefore issued in order to remove individual price inequities and to permit continuation of customary market and trade practices, at the same time retaining the present general level of ceiling prices.

The industry requested an increase in ceiling prices for this group of commodities and the Office of Price Stabilization conducted a survey to determine whether any increase is required. On the basis of information developed by this survey, it appears that, for small pneumatic compressors, no general increase in ceiling prices can be justified under either the Industry Earning Standard or the Product Standard, and that the ceiling prices established by this regulation are clearly fair and equitable.

In the opinion of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

The Office of Price Stabilization, on September 6, 1951, and again on January 16, 1952, consulted with the Small Pneumatic Compressor Industry Advisory Committee, and this regulation incorporates a number of the recommendations of the Committee.

Every effort has been made to conform this regulation to existing business practices, cost practices and methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Base period.
3. Base period price.
4. Ceiling prices for commodities you sold during the base period.
5. Ceiling prices for modified commodities.
6. Ceiling prices for commodities not covered under section 4 or 5.
7. Transfers of business or stock in trade.
8. Petitions for amendment.
9. Modification of proposed ceiling prices by Director of Price Stabilization.
10. Adjustable pricing.
11. Records.
12. Interpretations.
13. Prohibitions and violations.
14. Evasions.
15. Definitions and explanations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Commodities covered.* This regulation establishes ceiling prices for new and unused pneumatic compressors, and the parts and accessories for such compressors. For the purposes of this regulation, a small pneumatic compressor is one which ranges in size from ½ horsepower to and including 15 horsepower capacity, designed to produce compressed air in a pressure range from 40 p. s. i. to 300 p. s. i., but does not include compressors made for use with condensing units.

(b) *Persons covered.* This regulation applies to you only if you are the manufacturer of a small pneumatic compressor as described in paragraph (a) of this section, and you are located in the United States, its territories or possessions, or the District of Columbia. This regulation supersedes all ceiling price regulations, as well as regulations supplementary thereto, previously issued by the Office of Price Stabilization insofar as transactions covered by this regulation are concerned.

SEC. 2. *Base period.* "Base period" refers to the period April 1, 1950 through June 24, 1950.

SEC. 3. *Base period price.* The base period price for a commodity is the first available of the prices set forth in paragraphs (a) through (d) of this section, adjusted, where necessary, for your customary price differentials with respect to the sale of the commodity to your various classes of purchasers, including also the discounts, allowances, premiums, extras, deductions, guarantees, servicing terms or other terms and allowances which you last had in effect during the base period.

(a) The published list price which you had in effect for the commodity on June 24, 1950.

(b) The published list price for the commodity which you last had in effect before June 24, 1950, but not earlier than April 1, 1950.

(c) The last price at which you either contracted to sell, or made a written offer to sell, the commodity during the base period. However, such a written offer may be used only if it was accepted in writing prior to October 1, 1950.

(d) The last price at which you delivered the commodity during the base period.

SEC. 4. *Ceiling prices of commodities you sold during the base period.* This section applies to a commodity for which you can find a base period price under section 3 of this regulation. Your ceiling price for the sale of such a commodity to any class of your purchasers

is 125 percent of your base period price for the sale of that commodity to the same class of purchaser.

SEC. 5. *Ceiling prices for modified commodities*—(a) *Applicability.* This section applies to a commodity for which you are able to find a base period price, or for which you have established a ceiling price under section 6 of this regulation, but which you have modified subsequent to the end of the base period, or subsequent to the establishment of a ceiling price under section 6 of this regulation. A modified commodity is one which has been substantially modified as to design, construction, or materials used, so as to increase or decrease unit manufacturing costs by 2 percent or more; if the unit manufacturing costs have not been affected by 2 percent or more, the ceiling price for the modified commodity shall be the same as its ceiling price before modification.

(b) *Formula for determining ceiling price.* The ceiling price for a modified commodity shall be the price determined by computing the increases and decreases in current manufacturing costs due to the modification, on the basis of these costs to you at the time of the modification, in accordance with the following formula:

(1) Using the same date in each calculation, figure the increases or decreases, attributable to the modification, of the following costs:

(i) Direct (factory) labor costs before and after modification of those portions which are modified, in each case using straight time labor rates in effect at your plant at the time of the modification.

(ii) In the same manner, the costs as of the same date of materials, parts, subassemblies and components, not exceeding the applicable ceiling prices of your customary suppliers for your purchases in like quantities.

(iii) In the same manner, the costs as of the same date of subcontracted services, not exceeding the applicable ceiling prices of your customary suppliers of subcontracted services, including the cost of transportation paid by you for shipment to you from your subcontractors, on the basis of rates in effect on the same date for your purchases in like quantities.

(iv) Royalty payments, if any, determined at the rates you pay on that date.

(2) You shall then add or subtract the net increase or decrease in cost calculated under the provisions of subparagraph (1) of this paragraph to or from your ceiling price for the sale of the commodity before modification to your largest buying class of purchasers, then adjust the resulting price by applying your customary class of purchaser differentials to determine your ceiling prices to your other classes of purchasers.

SEC. 6. *Ceiling prices for commodities not covered under section 4 or 5*—(a) *General.* This section applies to a commodity for which you cannot determine a ceiling price under section 4 or 5 of this regulation because you started in business after June 24, 1950 (unless you are subject to section 7, Transfers of business or stock in trade), or you did not manufacture, in the base period, the commodities covered by this regulation. In such cases, you must apply under this section for the establishment of a ceiling price for the sale of a commodity covered by this regulation. If your ceiling price must be determined under this section, your ceiling price shall be a price in line with ceiling prices otherwise established by this regulation. In order to secure approval of ceiling prices under this section, you must apply by filing the report required in paragraph (b) of this section. Your application shall be filed by mailing it, by registered mail, return receipt requested, to the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. The date of its receipt by OPS, as evidenced by the return receipt requested, shall constitute the date upon which your application was filed. After receipt of this report, the Office of Price Stabilization may approve your proposed ceiling price, disapprove your proposed ceiling price, establish a different ceiling price, or request further information. If, thirty days after the receipt of the required report, or of further information when requested, by the Office of Price Stabilization, none of the actions just listed has been taken, your proposed ceiling price shall be deemed to be approved.

The ceiling price established in the manner just set forth shall be applicable to all subsequent sales and deliveries. However, if the Office of Price Stabilization determines that this price is not in line with other ceiling prices established by this regulation, it may disapprove that price at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

(b) *Report.* Where you are proposing a ceiling price under this section, your report must contain the following information: (This information may be filed on a copy of OPS Public Form No. 90 which may be obtained from your nearest OPS office. If you use OPS Public Form No. 90, you should indicate that the report is being filed under section 6 of Ceiling Price Regulation 150. In addition to items (1) through (7), you may be required by OPS to submit a detailed profit and loss statement for your entire business, or the unit of your business producing the commodity covered by this application, for the fiscal year 1950 and each fiscal quarter since 1950.)

(1) The business name and address of your company.

(2) A description of the commodity for which you seek a ceiling price. This description shall include the type of commodity, model and serial number, if any, and any other specifications commonly shown on price sheets for similar commodities.

(3) A statement of the reasons why you cannot determine a ceiling price for the commodity under any other provisions of this regulation.

(4) A statement of the current unit cost of the commodity, stating separately direct labor costs, direct materials cost, factory overhead, selling expenses, administrative expenses, any other cost factors, and profit markup.

(5) A statement of your proposed ceiling prices to all classes of purchasers and your proposed list prices, if any, together with applicable discounts and allowances to all classes of purchasers.

(6) The names and addresses of your two most closely competitive sellers; descriptions of their most comparable commodities; their ceiling prices for those commodities together with their differentials to each of their classes of customers; and your reasons for selecting them as your most closely competitive sellers.

(7) If you are starting a new business, you should include a statement as to whether you or the principal owner of your business are now, or during the past twelve months have been, engaged in any capacity in the same or similar business at any other establishment. If so, you should state the trade name and address of each such establishment.

(c) *Interim pricing.* Prior to receipt of approval by the Office of Price Stabilization of your proposed ceiling price, or prior to the expiration of the thirty day period, after receipt by the Office of Price Stabilization of your application, you may quote or charge the price proposed by you. However, except as provided in paragraph (d) of this section, until a ceiling price has been established under this section, not more than 75 percent of your proposed ceiling price may be paid or received.

(d) *GCPR ceiling prices.* If you have established a ceiling price under the General Ceiling Price Regulation for a commodity covered by this section, you may, after making the report prescribed in paragraph (b) of this section, continue to use the ceiling price so established until a ceiling price has been established in accordance with the provisions of this section.

SEC. 7. *Transfers of business or stock in trade.* If the business, or the assets or stock in trade of any business, are sold or otherwise transferred after January 26, 1951, and the transferee carries on the business, or continues to deal in the same type of commodities, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 8. *Petitions for amendment.* Any person seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with provisions of Price Procedural Regulation 1.

SEC. 9. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them

into line with the level of ceiling prices otherwise established by this regulation.

SEC. 10. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 11. *Records—(a) Bases upon which ceiling prices are determined.* You must preserve and keep available for examination by the Director of Price Stabilization, for as long as the Defense Production Act of 1950, as amended, is in effect, and for two years thereafter, those records in your possession showing your base period prices for commodities covered by this regulation, your customary differentials for your various classes of purchasers, and the various terms and conditions of sale, you had in effect during this period and on the basis of which you established your ceiling prices under this regulation.

(b) *Current records.* Every person who sells any commodity covered by this regulation shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale made after the effective date of this regulation. The records must show the date of the sale, the name and address of the seller and purchaser, and the price charged, itemized by quantity, grade, model or type. The records must indicate whether each purchase or sale is made on a f. o. b. shipping or basing point basis or on a delivered basis, and in the former case the shipping or basing point and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts, and allowances.

SEC. 12. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 13. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records and reports, required by this regulation. Prices lower than the ceiling prices may, of course, be charged and paid.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 14. *Evasions.* (a) Any means or device which results in obtaining, directly or indirectly, a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

(b) The following are specifically, but not exclusively among the means and devices prohibited by paragraph (a) of this section, and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be made in this industry under the general evasion provisions:

(1) Paying, or requiring the payment of, a purchase commission, if the sum of the commission and the purchase price exceeds the ceiling price.

(2) Entering into a joint venture with any other person subject to this regulation for cross-selling, cross-purchasing or cross-servicing.

(3) Requiring a purchaser to buy any commodity or service as the condition of the sale of a commodity covered by this regulation.

(4) Reducing the period of any guaranty or warranty of performance in effect during the base period.

(5) Eliminating or reducing any delivery, maintenance, repair, replacement or installation service in effect during the base period of this regulation.

(6) Granting less than a reasonable allowance for commodities received in trade.

(7) Eliminating or reducing rental or trade-in credits on purchases.

SEC. 15. *Definitions and explanations.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

(a) *Class of purchaser or purchaser of the same class.* Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(b) *Delivered.* A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(c) *Director of Price Stabilization.* This term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(d) *Largest buying class of purchaser.* This term refers to the "class of purchaser" of a commodity which bought from you the largest dollar amount of that commodity during your base period. It does not, however, include the United States or any agency thereof, any foreign purchaser, or any person to whom the only sales made during your base period were made under a written contract of at least 6 months duration entered into prior to the base period, unless the United States or any agency thereof, any foreign purchaser or such contract purchaser was your only class of purchaser.

(e) *Manufacturer.* (1) Any person who fabricates, entirely or in part, and assembles, and sells pneumatic compressor units as defined in section 1 (a) of this regulation.

(2) Any person who sells a commodity under his own brand or trade name who elects to determine ceiling prices for such a commodity under this regulation. Any person making such an election must notify by registered mail the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., of his election, which shall become effective upon receipt of notice thereof by the Office of Price Stabilization. Such an election shall cover all small pneumatic compressors sold under the brand or trade name of the person making such an election, and may not be changed without notification to, and written approval of, the Director of Price Stabilization.

(f) *OPS.* This means the Office of Price Stabilization.

(g) *Person.* This term includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other Government or their political subdivisions or agencies.

(h) *Records.* This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(i) *Sell.* This term includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(j) *Written offer or written offer for sale.* Each of these terms refers to an offer for sale made by means of the seller's price list or, if he has no price list, a written offer otherwise made in the seller's customary manner. The term does not include an offer at a price intended to withhold a commodity or service from the market or used as a bargaining price by a seller who usually sells at a price lower than his asking price.

(k) *You.* "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective June 17, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 12, 1952.

[F. R. Doc. 52-6573; Filed, June 12, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Amdt. 16]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

RAW AND SEMI-PROCESSED GLANDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment 16 to General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation (GOR) 7 exempts from price control pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal) in the raw or semi-processed state. These commodities are now under the General Ceiling Price Regulation (GCPR).

The exemption of the commodities covered by this amendment will have little effect upon the cost of living, the cost of the defense effort, or the general current of industrial costs. Furthermore, any ceiling price restriction imposed or maintained on sales of these commodities would involve an administrative burden out of all proportion to the importance of keeping such commodities under price control.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director, the exemptions provided for by this amendment will not defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7 is amended by adding a new section as follows:

SEC. 18. *Pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal)—(a) Exemption.* No ceiling price regulation issued by the Office of Price Stabilization shall apply to sales of pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal), in the raw or semi-processed state.

(b) *Definitions.* (1) "Pituitary glands, pancreas glands, and suprarenal glands" (also known as "adrenal") mean those glands which are obtained as by-products in the slaughter of bovine (cattle and calves), ovine (sheep and lambs) and porcine (swine) species.

(2) "Raw or semi-processed state" means the ordinary state of preservation common to the slaughtering industry in which these commodities are sold by the slaughterer if he sells directly or through any intermediate seller.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 11, 1952.

[F. R. Doc. 52-6554; Filed, June 11, 1952; 4:56 p. m.]

[General Overriding Regulation 9, Amdt. 20]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SALES OF DISCONTINUED MAKES OF PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control passenger automobiles which were made by manufacturers who have not been engaged in the passenger automobile manufacturing business since June 24, 1950, and which are not listed in Appendix "A" to CPR 94, the regulation governing the sale of used passenger automobiles. Examples of such cars are the Cord, Hupmobile, Dusenberg, and Reo. The sale of these cars is comparatively rare. Their exemption will relieve the field offices of the administrative burden of establishing individual ceiling prices for these vehicles.

Automobiles over twenty-five years old are now exempted from price control by subparagraph 19 of section 2 (a) to General Overriding Regulation 9. This amendment lowers to twenty years the age at which "antique" automobiles will be exempted. The sale of such automobiles has little or no effect on the stabilization program.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. A new subparagraph (25) is added to section 2 (a) to read as follows:

(25) Sales of passenger automobiles which were made by manufacturers who have not been engaged in the passenger automobile business since June 24, 1950, and which are not listed in Appendix A of CPR 94.

2. Subparagraph 19 of section 2 (a) is amended to read as follows:

(19) Sales of antique automobiles. "Antique automobiles" means any passenger automobiles more than twenty years old.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 11, 1952.

[F. R. Doc. 52-6555; Filed, June 11, 1952; 4:56 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 65 to Schedule A]

[Rent Regulation 2, Amdt. 68 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND ILLINOIS

Effective June 13, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 42a, is amended to read as follows:

(42a) [Revoked and decontrolled]

This decontrols the Craig, Colorado, Defense-Rental Area.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Virginia				
(340) Fredericksburg-Stafford County.	A	Stafford County and the independent city of Fredericksburg.	Jan. 1, 1951	Jan. 17, 1952
(348) Quantico	A	Prince William County	do	Do.

[F. R. Doc. 52-6497; Filed, June 12, 1952; 8:55 a. m.]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(340) Fredericksburg-Stafford County.	Virginia	Stafford County and the independent city of Fredericksburg.	Jan. 1, 1951	Jan. 17, 1952
(348) Quantico	Virginia	Prince William County	do	Do.

[F. R. Doc. 52-6498; Filed, June 12, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 65 to Schedule A]

[Rent Regulation 4, Amdt. 8 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

The effect of these amendments is to divide the Quantico, Virginia, Defense-Rental Area as it existed prior to these amendments into two defense-rental areas.

Effective June 13, 1952, Rent Regulation 3, as amended, and Rent Regulation 4 are amended so that the items of Schedule A listed below read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-6499; Filed, June 12, 1952; 8:56 a. m.]

[Rent Regulation 1, Amdt. 54 to Schedule A]

[Rent Regulation 2, Amdt. 52 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

The effect of these amendments is to divide the Quantico, Virginia, Defense-Rental Area as it existed prior to these amendments into two defense-rental areas.

Effective June 13, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items of Schedule A listed below read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 10th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-6500; Filed, June 12, 1952; 8:56 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

MAXIMUM UNADVERTISED TIMBER SALES

AUTHORITY

Sections 221.6 (a), 221.8 (a), 221.9 (a), 221.20 and 221.21 are amended by striking out the figure $500 where it appears therein and substituting in lieu thereof the figure $2,000.

(Sec. 1, 30 Stat. 35, as amended, Pub. Law 806, 82d Cong.; 16 U. S. C. 551. Interpret or apply sec. 1, 43 Stat. 1132; 16 U. S. C. 572)

Done at Washington, D. C., this 10th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6474; Filed, June 12, 1952; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—MEDICAL

ADJUDICATION OF CLAIMS AND CLASSES OF CLAIMS COMPREHENDED

1. In § 17.140, paragraphs (b) and (c) are amended to read as follows:

§ 17.140 *Adjudication of claims.* • • •

(b) Claims for services rendered in territory under the jurisdiction of a regional office or center with regional office activities outside the United States or claims for services rendered veterans whose claims folders are under the jurisdiction of a regional office or center with regional office activities outside the United States will be adjudicated as follows: Those under the Honolulu regional office; those under the Juneau regional office in the Seattle regional office; and those under the Manila regional office and the San Juan center in the office of the chief medical director, central office. Claims for services rendered in foreign countries, including the Philippines as above provided, will be developed and adjudicated in the outpatient service, office of the chief medical director, central office.

(c) (1) Claims not exceeding $500 in amount will be reviewed and approved or disapproved by the chief medical officer or his physician designate in regional offices, by the physician in charge of regional office medical activities or his physician designate in centers, or by the assistant chief medical director, outpatient service, office of the chief medical director, central office.

(2) If the claim exceeds $500 in amount, favorable recommendation by the chief medical officer or his physician designate in regional offices or the physician in charge of regional office medical activities or his physician designate in centers or the assistant chief medical director for outpatient service, central office, will require approval by the manager, or the chief medical director or his designate. Disallowance of such claims will not require approval by the manager, or the chief medical director or his designate.

• • • • • •

2. In § 17.141, the introduction of paragraph (a) and paragraph (b) are amended to read as follows:

§ 17.141 *Classes of claims comprehended.* (a) Claims for reimbursement or payment of expenses for medical services (including the necessary travel incidental thereto) obtained without prior authorization from the Veterans' Administration and unauthorized travel of a veteran to a Veterans' Administration hospital or a non-Veterans' Administration hospital when admitted for treatment; except as provided in paragraphs (b) and (c) of this section, will be considered under the following conditions (all of these four elements must have existed, and, if any one was lacking, reimbursement or payment will not be authorized):

• • • • • •

(b) As to claims for reimbursement of expenses or payment for medical services for a non-service-connected disease or injury rendered a beneficiary receiving vocational training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, the eligibility criteria defined in paragraph (a) (2), (3), and (4) of this section, will apply; and, in addition, it must be shown that the treatment was necessary to prevent interruption of training.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation effective June 13, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6505; Filed, June 12, 1952; 8:58 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 111[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.33 *Special provisions for exportation of certain commodities to Japan and Ryukyu Islands (including Okinawa)* is hereby deleted.

2. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following submission dates:

Dept. of Commerce Schedule B No.	Commodity	Submission dates, third quarter 1952
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 PSI W. O. G. ratings), and specially fabricated parts, n. e. s. (specify by name).	June 6-June 25, 1952.

Footnote 2 is amended to read as follows:

[2] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) and 374.3 (d) of this subchapter) and to petroleum project licenses, as provided in § 398.8 (e) of this subchapter.

3. Section 374.1 *Project licenses*, paragraph (a) *General* is amended by adding at the end thereof the following unnumbered subparagraph:

An exporter holding a project license (SP or DL License) shall not apply for, nor will the Office of International Trade issue, an individual or blanket (BLT) license for a transaction involving a project whose requirements are covered by an outstanding SP or DL license, except where the shipment is to be made by mail under the provisions of § 374.6.

4. The note following § 373.7 *Special provisions for machinery and parts* is amended by deleting the last sentence of the note.

5. Section 398.5 *CMP: Export allocations and procedures* is amended in the following particulars:

Paragraph (g) *Additional requirements for shipment to Japan and the Ryukyu Islands (including Okinawa)* is hereby deleted.

6. Section 398.8 *Supply assistance for foreign petroleum operations* is amended in the following particulars:

a. Paragraph (e) *When to apply* is amended to read as follows:

(e) *When to apply.* Form PAD–26A (revised March 1952) should be filed as far as possible in advance of the time an allotment of controlled materials and priority assistance is required by an operator; this applies also to any amendments filed on Form PAD–26A. No specific dates are fixed for filing in either case.

The following filing dates for Form IT–824 are hereby established:

(1) For controlled materials only: 180 days prior to the first day of the quarter in which the materials are required as indicated in item 10 of the form;

(2) For all other materials: In accordance with the time schedules set forth in §373.51 of this subchapter (Supplement 1: Time schedules);

(3) For emergency or interim assistance as defined in section 7 of Order M–46A, or for any other special purpose, no submission date is stipulated.

b. Paragraph (f) *Instructions for Forms PAD–26A and IT–824* is amended to read as follows:

(f) *Instructions for Forms PAD–26A and IT–824.* All of the terms, conditions, provisions and instructions contained in Forms PAD–26A and IT–824 are hereby incorporated as a part of the regulations in Parts 370 to 399 of this subchapter, inclusive, as though set forth in this section.

In filling out Sections III–B and III–C of Form PAD–26A covering controlled materials and Class A products respectively, applicants should omit the OIT Reference Code. However, with regard to Class A products, Section III–C of the form must identify the controlled material components by furnishing the appropriate Schedule B numbers (instead of OIT Reference Code) for the component material. Thus, both the Class A product and each CMP component required to manufacture the Class A product must be identified by Schedule B numbers.

Similarly, in item 11 (a) of Form IT–824, exporters should omit the OIT Reference Code in filing for controlled materials and Class A products. Items 11 (d), (e), and (f) are to be filled in only with respect to controlled materials (identified on the Positive List by the letter "C" in the column headed "Commodity Lists"). The inventory information required under item 11 (d) of Form IT–824 is to be as of 30 days prior to the deadline date for the submission of Forms IT–824 covering controlled materials. (See paragraph (e) of this section for filing dates.)

Item 11 (e) calling for the quantity of the materials used is to be filled in to show the quantity used by the project or program during the three-month period beginning 10 months prior to the beginning of the calendar quarter specified in item 10 of Form IT–824.

Items 18 and 19 on Form IT–824 calling for license number and amendment number, respectively, are to be filled in by the applicant when Form IT–824 is filed against an outstanding SP or other validated license.

c. Paragraph (h) *Other than large construction operations (materials for use in production, small construction operations, maintenance, repair, operating supplies, and laboratory equipment)*, subparagraph (1) *General* is amended by inserting the following after the third sentence of the third unnumbered paragraph (i. e., beginning, "However, any applicant • • •"): A listing of all items included in Schedule II of Order M–46A is shown in § 398.51 (Supplement 1).

7. Part 398, Priority Ratings and Supply Assistance, is amended by adding thereto a new § 398.51 to read as follows:

§ 398.51 *Supplement 1: Items included in Schedule II of NPA Order M–46A.*

Controlled materials as defined in section 2 (c) of CMP Regulation No. 1 as such regulation may be amended or supplemented from time to time (for specific listing, refer

[1] This amendment was published in Current Export Bulletin No. 669, dated May 29, 1952.

to items coded "C" in the column of the Positive List headed "Commodity Lists"; and Class A products.

Any item the procurement of which by the use of rating symbols is limited by NPA Regulation 2, as the same may be amended from time to time. List A of NPA Regulation 2 is reprinted below:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, sub-bituminous, and lignitic coals, and coke and its by-products.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definition).
Transportation services (domestic) storage and port facilities.

Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:

(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.

Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952).

Items on Schedule I to CMP Regulation No. 5, as such Schedule may be amended from time to time:

(1) All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end products not customarily sold as chemicals.

(2) Products appearing in List A of NPA Order M-47A, as that order may be amended from time to time (except in item 28 of section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M-18, as that order may be amended from time to time).

(3) Nylon fibers and yarns.

(4) Packaging materials and containers, except steel nails, steel wire, and steel strapping used for packaging purposes.

(5) Paint, lacquer, and varnish.
(6) Paper and paper products.
(7) Paperboard and paperboard products.
(8) Printed matter.
(9) Photographic film.
(10) Pneumatic tires and tubes.
(11) Waterfowl feathers.

Items listed in Exhibit A of NPA Order M-41 (metal-working machines) as such exhibit may be amended from time to time:

Ammunition machinery.
Balancing machines.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sewing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

Items on List A of NPA Order M-43 (construction machinery), as such list may be amended from time to time:

Bituminous equipment:
  Asphalt plants.
  Bituminous mixing plants.
  Dryers.
  Patching plants.
  Pavers.
  Distributors.
  Spreaders and finishers.
Compressors: Portable air compressors.
Crushing equipment:
  Crushers.
  Conveyors.
  Screens.
Concrete equipment:
  Batching plants.
  Mixers.
  Truck mixers.
  Pavers.
  Spreading and finishing machines.
Cranes, shovels, and excavators (commercial sizes, from three-eighths cubic yard to two and one-half cubic yards):
  Large shovels.
  Dredges.
  Hoists and derricks.
  Buckets.
  Trenchers.
Drills:
  Air.
  Portable well.
  Earth-boring machines.
  Deep well drills.
Loaders:
  Bucket.
  Front end.
Motor graders: Any and all.
Pumps: Pumps, contractors.
Rollers and compactors: Any and all.
Scrapers: Scrapers, hauling.
Tractors: All tractors for construction.
Tractor allied equipment:
  Dozers.
  Front-end attachments.
  Power control units.
  Snow plows.
Trucks and Trailers: Trucks and trailers, off-highway hauling equipment.

Items on Schedule A of NPA Order M-44 (power and electric equipment), as such Schedule may be amended from time to time (see Schedule A for precise definition):

Coal pulverizers.
Electric generators.
Oil circuit breakers.
Air circuit breakers.
Power switchgear.
Metal-clad switchgear.
Transformers.
Reactors.
Rectifiers.
Steam turbines.
Hydraulic turbines.
Synchronous condensers.
Internal combustion engines.
Steam turbine generator sets.
Steam condensers.
Gas turbines.
Gas turbine generator sets.
Gears, turbine.
Hydraulic turbine generator.
Steam generators.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

This amendment shall become effective as of May 29, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6458; Filed, June 12, 1952, 8:45 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. 113]

PART 384—GENERAL ORDERS

ORDER RELATING TO CERTAIN LICENSES FOR STEEL

Section 384.12 (17 F. R. 5315) *Order relating to certain licenses for steel* is amended by deleting the phrase "pursuant to an authorized export allotment symbol W-2 or W-4" appearing in the first sentence of the order.

This amendment shall become effective as of June 11, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-6575; Filed, June 12, 1952; 10:50 a.m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 44—LOSS, RIFLING, DAMAGE, OR OTHER MISTREATMENT OF MAIL MATTER; INQUIRIES, COMPLAINTS, AND INVESTIGATIONS; REQUESTS FOR AND FAILURE TO RECEIVE RETURN RECEIPTS; AND COLLECTIONS FROM POSTAL EMPLOYEES AND MAIL CONTRACTORS

MISCELLANEOUS AMENDMENTS

a. In § 34.64 *Publications issued regularly and circulated free or mainly free* make the following changes:

1. Amend paragraph (f) to read as follows:

(f) *Manner of paying and accounting for postage.* The postage on a publication mailed under this section shall be collected in money before the matter is dispatched. When the publication is presented for mailing, the postmaster, after weighing the copies and collecting the correct amount of postage thereon, shall give the publisher a receipt on Form 3539 showing the weight of the matter mailed and the amount collected. The postage shall be accounted for in A/C 016 of the quarterly postal account and on page 1 and in the certificate of the postmaster's quarterly statement of mailings Form 3551-A. (See § 34.51.)

2. Redesignate present paragraph (g) as paragraph (i) and insert new paragraphs (g) and (h) to read as follows:

(g) *Advanced deposits.* Postmasters may receive advanced deposits under the conditions provided by § 34.45 (e) for second-class publications.

(h) *Indicia on envelopes and wrappers.* A notice reading "Acceptance under § 34.64, P. L. and R., authorized," shall be printed or handstamped on the envelopes or wrappers in which copies are mailed.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

b. In § 35.4 *Mailing of matter without stamps affixed* amend paragraph (f) to read as follows:

(f) *Postmasters to apply for authority to receive mailings.* Postmasters at whose offices patrons desire to avail themselves of the privilege of this section shall apply to the Bureau of Finance for authority to receive such mailings and instructions as to procedure. Until such authority and instructions are received no postmaster shall receive matter of any class for mailing under this section without stamps affixed. Only such second-class matter may be accepted under the provisions of this section as is chargeable with the transient second-class rate of postage prescribed by § 34.42 of this chapter or the local and headquarters per copy rates required by § 34.41 (a), (b), (i), and (j), of this chapter.

(R. S. 161, 396; sec. 2, 33 Stat. 440, as amended, sec. 5, 41 Stat. 583, as amended, secs 304, 309, 42 Stat. 24, 25, 43 Stat. 1067, 47 Stat. 647, sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a, 291, 291a, 291b, 295)

c. In § 44.1 *Complaints of loss, rifling, damage or other mistreatment of mail* amend paragraph (a) to read as follows:

(a) *Handling of.* Postmasters and other postal officers shall report in the manner outlined in this chapter (domestic) and in Part 118 (foreign) every complaint made to them, and they shall encourage the filing of and accept complaints of the loss, rifling, damage, or other mistreatment of mail matter, regardless of class, kind or contents. Complaints of delay and damage to, wrong delivery of, and tampering with domestic mail shall be disposed of by correspondence, but complaints of the loss or rifling of domestic mail matter shall be reported on Form 1510, which except in case of firm mailers to whom the forms have been supplied in quantities, shall be executed by postal employees. Instances not mentioned herein or in Part 118 shall be reported by letter to the bureau or the department having jurisdiction of the subject involved.

(R. S. 161, 396, sec. 8, 37 Stat. 558, as amended, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369, 39 U. S. C. 244)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6466; Filed, June 12, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1820]

PART 75—SALES AND LEASES

SALE OF LAND AT PUBLIC AUCTION FOR INDUSTRIAL OR COMMERCIAL PURPOSES, INCLUDING HOUSING

Section 75.39 is amended so as to increase the maximum amount of the bond which may be required by paragraph (f) of that section for the protection of the surface owner of land sold under 43 CFR 75.23 to 75.40 from $5,000 to $20,000.

Paragraph (f) of § 75.39 is amended to read as follows:

§ 75.39 *Issuance of patent; reservations; disposal of minerals.* • • •

(f) Any party who obtains the right, whether by license, permit, lease, or location, to prospect for, mine, or remove the minerals after the land shall have been segregated or disposed of under the act, will be required to compensate the holder of the surface rights for any damages that may be caused to the value of the land and to the tangible improvements thereon by such mining operations or prospecting, and may be required by the regional administrator as to mining claims, or by the terms of the mineral license, permit or lease, to post a surety bond not to exceed $20,000 in amount to protect the surface owner against such damage, prior to the commencement of mining operations.

(Sec. 5, 63 Stat. 679; 48 U. S. C. Sup. 364e)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 6, 1952.

[F. R. Doc. 52-6462; Filed, June 12, 1952; 8:47 a. m.]

Subchapter B—Applications and Entries

[Circular 1819]

PART 106—PROOFS

PAYMENT FOR REPUBLICATION OF NOTICE, WHEN NECESSARY BECAUSE OF ERROR OF MANAGER OR PUBLISHER

Section 106.15(c) is amended to read:

§ 106.15 *Payment for republication of notice, when necessary because of error of manager or publisher.* • • •

(c) Neglect of the duty defined in paragraphs (a) and (b) of this section, resulting in a requirement of republication, should not visit its penalty upon the claimant. In all such cases, therefore, the entire cost of such republication shall be borne by the Government. If an error is committed by the printer of the paper in which the notice appears, the manager may require such printer to correct his error by publishing the notice anew for the necessary length of time at his own expense, and for his refusal to do so may decline to designate his said paper as an agency of notice in cases thereafter arising.

(20 Stat. 472; 43 U. S. C. 251)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 6, 1952.

[F. R. Doc. 52-6461; Filed, June 12, 1952; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 836]

WASHINGTON

PARTIAL REVOCATION OF PUBLIC LAND ORDER NO. 606 OF SEPTEMBER 13, 1949

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 606 of September 13, 1949, reserving lands for use in the construction of the McNary Dam and Reservoir Project in the Columbia River, is hereby revoked so far as it affects the following-described land in Washington.

WILLAMETTE MERIDIAN

T. 7 N., R. 31 E.,
Sec. 14, W½, except that portion described as follows: Beginning at the southwest corner of sec. 14, thence north along the west section line a distance of 2634.3 feet to a point on the easterly right-of-way of proposed relocation of State Highway No. 3, thence southeasterly on a straight line along the easterly right-of-way of said proposed relocation to a point on the south line of sec. 14, said point being a distance of 467.4 feet east of the southwest corner of sec. 14, thence west to the point of beginning, containing 14.1 acres more or less.

The area described, exclusive of the excepted portion, contains 305.9 acres.

The lands shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, with a ninety-day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, or to settlement under the town-site laws by qualified persons, as provided by sections 2382 to 2386 inclusive of the Revised Statutes (43 U. S. C. 713-717).

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 6, 1952.

[F. R. Doc. 52-6496; Filed, June 12, 1952; 8:55 a. m.]

PROPOSED RULE MAKING

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[24 CFR Part 144]

[No. 5235]

CHARTER AND BYLAWS; OPERATION

Correction

In paragraph (b) of § 144.1 in F. R. Doc. 52-6359 appearing at page 5255 of the issue for Tuesday, June 10, 1952, the following changes should be made:

1. The heading "Chapter K (Rev.)" should read "Charter K (Rev.)".

2. The second sentence of section 9 of Charter K (Rev.) should read: "Notwithstanding the foregoing limitations, the association may, with prior approval by the Home Loan Bank Board, borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency."

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Dist. 6, Amdt. 1]

NEW MEXICO

MODIFICATION OF GRAZING DISTRICT

JUNE 9, 1952.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, sec. 2.22, 15 F. R. 5643, it is ordered as follows:

The following-described lands are added to New Mexico Grazing District No. 6, as heretofore established and modified (Misc. No. 1597976):

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 25 E.,
Sec. 11, E½NE¼, NE¼SE¼, and S½SE¼;
Sec. 14, E½NE¼, S½NW¼, N½SW¼, and E½SE¼;
Sec. 15, E½NE¼, SW¼, and N½SE¼;
Sec. 21, E½SE¼;
Sec. 22, SW¼NE¼, W½, and NW¼SE¼;
Sec. 23, NE¼, S½NW¼, and SW¼;
Sec. 26, N½NW¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52-6460; Filed, June 12, 1952; 8:46 a. m.]

Geological Survey

NEW MEXICO

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

(5) NEW MEXICO

Name of Field, Effective Date, and Acreage	
Blanco Field (revision), Mar. 1, 1952	360,647
Fulcher-Kutz Field (revision), Mar. 1, 1952	149,417
Grayburg-Maljamar Field (consolidation and revision), Feb. 15, 1952	59,730
Monument-Jal Field (consolidation and revision), May 1, 1952	273,031
Pettigrew Field, Mar. 15, 1952	9,401

THOMAS B. NOLAN,
Acting Director.

[F. R. Doc. 52-6459; Filed, June 12, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

TONTO NATIONAL FOREST

REMOVAL OF TRESPASSING BURROS

Whereas a number of burros are trespassing and grazing on the Sunflower Grazing Allotment in the Verde Ranger District of the Tonto National Forest, State of Arizona; and

Whereas these burros are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Verde Ranger District of the Tonto National Forest:

Temporary closure from livestock grazing. (a) The South Half of Sunflower Allotment in the Verde Ranger District of the Tonto National Forest, consisting of T. 5 N., Ranges 8 and 9 E.; T. 4 N., Ranges 7, 8, 9, and 10 E.; and T. 3 N., Ranges 8, 9, and 10 E., is hereby closed for the period September 1, 1952, to November 30, 1952, to the grazing of burros, excepting those that are lawfully grazing on or crossing land in such allotment pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Tonto National Forest is located.

Done at Washington, D. C., this 10th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6475; Filed, June 12, 1952; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF JAVA-NEW YORK AND UNITED STATES ATLANTIC - BERMUDA CONFERENCES

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Java-New York Rate Agreement (Conference). Agreement No. 90-7, between the member lines of the above named conference, modifies the basic agreement of said conference (No. 90) by providing that the parties are to furnish a banker's guarantee for faithful performance of the terms of the agreement in the sum of 25,000 Florins (Netherland Currency), 2,400 pounds sterling or 6,500 U. S. dollars. The agreement presently provides that the parties furnish a banker's guarantee of 25,000 Florins or an equivalent sum in Government bonds. The modification also provides that the damages to be paid for breach of the agreement shall not be less than 2,500 Florins, 240 pounds sterling or 650 U. S. dollars. The agreement presently provides that the damage to be paid for breach of the agreement shall not be less than 2,500 Florins.

United States Atlantic - Bermuda Freight Conference. Agreement No. 7900-1, between the member lines of the above named conference, modifies the basic agreement of said conference (No. 7900) to include United States Gulf ports within the scope of the conference and by changing the name of the conference to "United States Atlantic & Gulf-Bermuda Freight Conference". Agreement No. 7900 as presently in effect covers the trade between United States Atlantic ports and ports in Bermuda.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 10, 1952.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-6495; Filed, June 12, 1952; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 4758, 4896]

BRANIFF AIRWAYS, INC., AND OZARK AIRLINES, INC.; SERVICE TO CLINTON, IOWA

NOTICE OF ORAL ARGUMENT

In the matter of applications of the City of Clinton, Iowa and Clinton Airport Commission for amendment of the certificates of public convenience and necessity of Braniff Airways, Inc. and Ozark Airlines, Inc., pursuant to section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 8, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 10, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6502; Filed, June 12, 1952; 8:57 a. m.]

[Docket No. 4542 et al.]

WESTERN AIR LINES, INC.; SALT LAKE CITY-RAPID CITY EXTENSION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 1, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 10, 1952

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6503; Filed, June 12, 1952; 8:57 a. m.]

[Docket No. 5209]

AMERICAN AIR TRANSPORT AND FLIGHT SCHOOL, INC.; REVOCATION OF LETTER OF REGISTRATION

NOTICE OF ORAL ARGUMENT

In the matter of the Revocation of Letter of Registration No. 4, issued to American Air Transport and Flight School, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on July 3, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 9, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6504; Filed, June 12, 1952; 8:57 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 109]

CONDON, OREGON, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Cong., as amended by Public Laws 422 and 464, 80th Cong., Public Laws 31, 574, and 880, 81st Cong.; and Public Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Cong.; as amended by Public Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950, and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated April 14, 1952, that the Condon, Oregon, area (this area consists of the Election Precincts of East Condon and West Condon, including the town of Condon, in Gilliam County, Oregon) is a critical defense housing area, and in view of the defense housing program announced for the said area on June 3, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Condon, Oregon, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

Washington, D. C., June 9, 1952.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-6465; Filed, June 12, 1952; 8:47 a. m.]

[Determination No. 110]

CURLEW, WASHINGTON, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Cong., as amended by Public Laws 422 and 464, 80th Cong., Public Laws 31, 574, and 880, 81st Cong.; and Public Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Public Law 774, 81st Cong.; as amended by Public Law 96, 82d Cong.); and Executive Order 10161 of September 9th 1950 and Executive Order 10276 of July 31st, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated April 29, 1952, that the Curlew, Washington, area (this area consists of Census County Divisions 2 and 3, including the unincorporated village of Curlew and the town of Republic, in Ferry County, Washington), is a critical defense housing area, and in view of the defense housing program announced for the said area on June 3, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Curlew, Washington, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

Washington, D. C., June 9, 1952.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-6464; Filed, June 12, 1952; 8:47 a. m.]

Office of Price Stabilization

LIST OF COMMUNITY CEILING PRICE ORDERS

REGIONS V, VIII, AND XII

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 5, 1952.

REGION V

Jacksonville Order G1-9, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G1-10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:05 p. m.

Jacksonville Order G2-9, Amendment, 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G2–10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:05 p. m.

Jacksonville Order G3–9, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:08 p. m.

Jacksonville Order G3–10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:06 p. m.

Jacksonville Order G3A–9, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:09 p. m.

Jacksonville Order G3A–10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:06 p. m.

Jacksonville Order G4–9, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:09 p. m.

Jacksonville Order G4–10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:07 p. m.

Jacksonville Order G4A–9, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 4:09 p. m.

Jacksonville Order G4A–10, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 4:07 p. m.

REGION VIII

Fargo Order G1–9, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 4:04 p. m.

Fargo Order G2–9, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 4:04 p. m.

Fargo Order G4–9, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 4:04 p. m.

REGION XII

Fresno Order G1–9, Amendment 1, changing certain prices for certain food items sold in the Fresno Area, filed 3:58 p. m.

Fresno Order G1–10, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:00 p. m.

Fresno Order G2–9, Amendment 1, changing certain prices for certain food items sold in the Fresno Area, filed 3:58 p. m.

Fresno Order G2–10, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:00 p. m.

Fresno Order G4–9, Amendment 1, changing certain prices for certain food items sold in the Fresno Area, filed 3:59 p. m.

Fresno Order G4–10, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:03 p. m.

Fresno Order G4A–9, Amendment 1, changing certain prices for certain food items sold in the Fresno Area, filed 3:59 p. m.

Fresno Order G4A–10, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 4:03 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52–6513; Filed, June 10, 1952; 5:06 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 14]

CALIFORNIA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS

Statement of considerations. This special order adjusts the ceiling price for the sale of 33°–33.9° gravity crude petroleum produced from the Ventura Avenue, Rincon, and Padre Canyon Fields, Ventura County, California, and the San Miguelito Field, San Luis Obispo County, California.

The General Petroleum Corporation of Los Angeles, California, desires to eliminate the differential it has heretofore imposed upon the crude petroleum produced from the Ventura Avenue, Rincon, and Padre Canyon Fields, Ventura County, California, and the San Miguelito Field, San Luis Obispo County, California. During the base period there was a lack of competitive factors which delayed the restoration of the historical and traditional differential between these fields and the Long Beach (Signal Hill) Field, Los Angeles County, California, and as a result the 33°–33.9° gravity crude petroleum produced from the Ventura Avenue, Rincon, and Padre Canyon Fields, Ventura County, California, and the San Miguelito Field, San Luis Obispo County, California, was sold at a lower price than that which is being and has been paid for crude petroleum of comparable quality in the same general area. It appears that this condition has now been eliminated and this differential should no longer be imposed.

From the information available to this Office, it appears that the requested adjusted ceiling price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.67 per barrel for 33°–33.9° gravity.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Ventura Avenue, Rincon, and Padre Canyon Fields, Ventura County, California and the San Miguelito Field, San Luis Obispo County, California shall be: $2.67 per barrel for 33°–33.9° gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked at any time by the Director of Price Stabilization.

Effective date. This special order shall become effective on June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 10, 1952.

[F. R. Doc. 52–6511; Filed, June 10, 1952; 5:05 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 15]

TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS IN WOOD COUNTY

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Pine Mills (Orr) Field; Pine Mills (Woodbine) Field; Pine Mills (Sub-Clarksville) Field; Deu Pree (Woodbine) Field; Deu Pree (Sub-Clarksville) Field; Earl Lee Field; and Forest Hill Field, all located in Wood County, Texas.

The Pan American Production Company of Houston, Texas, desires to eliminate the differentials it has heretofore imposed upon crude petroleum produced from the Pine Mills (Orr) Field; Pine Mills (Woodbine) Field; Pine Mills (Sub-Clarksville) Field; Deu Pree (Woodbine) Field; Deu Pree (Sub-Clarksville) Field; Earl Lee Field; and Forest Hill Field, all located in Wood County, Texas. During the base period full production had not been attained; low cost pipe line transportation was not available; and there were excessive supplies of low gravity crude petroleum in the area. As a result, the crude petroleum produced from these fields was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that these conditions have been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is: $2.21 per barrel for 32° API gravity and above, with a 2 cent differential less for each degree of gravity below 32°, down to $1.97 per barrel for 20° to 20.9° API gravity; $1.93 per barrel for 19.9° API gravity with a 4 cent differential less for each degree of gravity lower than 19.9°, down to $1.61 per barrel for below 12° API gravity.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Pine Mills (Orr) Field; Pine Mills (Woodbine) Field; Pine Mills (Sub-Clarksville) Field; Deu Pree (Woodbine) Field; Deu Pree (Sub-Clarksville) Field; Earl Lee Field; and Forest Hill Field, all located in Wood County, Texas, shall be: $2.21 per barrel for 32° API gravity and above, with a 2 cent differential less for each degree of gravity below 32°, down to $1.97 per barrel for 20° to 20.9° API gravity; $1.93 per barrel for 19.9° API gravity with a 4 cent differential less for each degree of gravity lower than 19.9°, down to $1.61 per barrel for below 12° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on June 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 10, 1952.

[F. R. Doc. 52–6512; Filed, June 10, 1952; 5:06 p. m.]

[Ceiling Price Regulation 34, Section 20 (c) Amdt. 1 to Special Order 1]

CEILING PRICES FOR RENTAL OF SMALL WATER CRAFT TO THE TEXAS CO.

Statement of considerations. This amendment makes effective as of May 1, 1951, Special Order 1, under section 20 (c) of Ceiling Price Regulation 34.

Special Order 1 set up a schedule of maximum ceiling prices for rental of over 100 small water craft of various types to The Texas Company of New Orleans, Louisiana, to be employed by them in their oil drilling operations in the waters of South Louisiana.

After the issuance of Special Order 1, the applicant, The Texas Company, requested that Special Order 1 be made effective as of May 1, 1951 in order to carry out arrangements which it made with its small boat operators and the Terrebonne-LaFourche Boatmen's Association of Houma, Louisiana. Because of the limited nature of the adjustment which may be granted under section 20 (c), and the unusual circumstances of this case, it has been determined to grant this request and make Special Order 1 effective as of May 1, 1951.

Section 20 (c) of Ceiling Price Regulation 34 permits a purchaser of non-retail services from a large number of sellers to obtain an upward adjustment in the ceiling prices he pays for those services, if sellers are threatening to discontinue their supply and the purchaser agrees to absorb any increase in the ceiling price. The adjusted ceiling price may not exceed the price which the purchaser would be required to pay other suppliers for the same service.

The applicant, The Texas Company, is engaged in prospecting, exploring, drilling for, and producing petroleum in the southern part of Louisiana. This area is largley covered by swamps, marshland, lakes and open water. These areas are accessible only by water or air and can be worked by The Texas Company only by the extensive use of small water craft such as tugs, luggers, speed boats, Joboats and other types of small, shallow draft water craft. For some twenty-four years The Texas Company has rented such craft and the services of their owners and crews under individual contracts at uniform rates.

In the present case it appears that in the spring of 1951 the small boat operators engaged in rendering the above services were generally threatening to discontinue their services because of alleged inadequacies of the payment they were receiving. Efforts of the applicant to obtain such services at the ceiling price to replace the services of the small boat operators who discontinued or threatened discontinuance of their services were not successful. The applicant made it known to the small boat operators that it was prepared to pay such increased ceiling prices as would be approved by the Office of Price Stabilization, and that it planned to make such increased payment effective as of May 1, 1951, the approximate date when the renegotiation began; and that it would hold said retroactive payments in escrow until the Office of Price Stabilization order was issued. On the strength of these assurances to the small boat operators, many of them agreed to continue rendering their services. It appears that they would not have done so but for their expectation and understanding that the increased ceiling price, if authorized by the Office of Price Stabilization, would be paid to them commencing as of May 1, 1951.

On September 28, 1951 the applicant applied for an adjustment pursuant to section 20 (c) of Ceiling Price Regulation 34. Although it was evident from the application that some adjustment of applicant's ceiling prices would ultimately be granted, the exact amount of the adjustment required careful study and was not determined until several months later. Accordingly, if the applicant had requested permission to enter into adjustable pricing contracts with the small boat operators pursuant to section 21 of Ceiling Price Regulation 34, this request would have been granted because such an authorization was necessary to promote distribution and would not have interfered with the purposes of the Defense Production Act of 1950, as amended. However, the applicant did not make this request because it was under the impression that if its application for adjustment were granted, it would be permitted to make the increased ceiling prices effective as of May 1, 1951, the approximate date when the renegotiations began.

The applicant's mistaken impression is not an adequate basis for making the adjustment effective as of May 1, 1951. However, if the adjustment is not made effective as of May 1, 1951, a considerable hardship will be imposed upon the applicant's suppliers who continued to supply services to the applicant only because of the applicant's representations to them. The applicant has agreed to absorb its increased costs resulting from the increased price it is permitted to pay small boat operators under Special Order 1. Also, it appears that the applicant has not made any payments to its small boat operators in excess of ceiling prices so that such an order would not have the effect of legalizing past violations.

The services performed by these suppliers for the applicant are substantially the same as those performed by employees. If these services were performed by employees employed by the applicant, the compensation paid these employees would be subject to the regulations of Wage Stabilization Board. In many cases of this kind the Wage Stabilization Board has granted approval of wage increases on a retroactive basis. In view of this fact and the special circumstances recited above, Special Order 1 is being made effective as of May 1, 1951.

Amendatory provisions. For the reasons set forth in the Statement of Considerations, and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, the introductory sentence of paragraph 1 is amended to read as follows:

1. The ceiling prices which may be paid by The Texas Company as of May 1, 1951, for the rental of small water craft operating in the waters of South Louisiana shall be:

Effective date. This amendment to Special Order 1 shall become effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52–6452; Filed, June 9, 1952; 4:30 p. m.]

[Ceiling Price Regulation 34, Section 20 (c), Amdt. 1 to Special Order 4]

CEILING PRICES FOR LOGGING SERVICES RENDERED TO WEYERHAEUSER TIMBER CO.

Statement of considerations. This amendment makes effective as of April 1, 1951 Special Order 4 under section 20 (c) of Ceiling Price Regulation 34. Special Order 4 authorized an increase in the ceiling prices for logging services supplied by more than 50 logging contractors to Weyerhaeuser Timber Company, Tacoma, Washington. The ceiling price established in that order for such logging services was increased by $1.05 per thousand feet, log scale. Because of the limited nature of the adjustment which may be granted under section 20 (c), and the unusual circumstances of this case, it has been determined to make Special Order 4 effective as of April 1, 1951.

Section 20 (c) of Ceiling Price Regulation 34 permits a purchaser of non-retail services from a large number of sellers to obtain an upward adjustment in the ceiling prices he pays for those services, if sellers are threatening to discontinue their supply and the purchaser agrees to

absorb any increase in the ceiling price. The adjusted ceiling price may not exceed the price which the purchaser would be required to pay other suppliers for the same service.

In the present case it appears that in the spring of 1951 logging contractors engaged in the sale of logging services to the applicant were generally threatening to discontinue their services because of alleged inadequacies of the payment they were receiving. Efforts of the applicant to obtain logging services at the ceiling price to replace the services of logging contractors who discontinued or threatened discontinuance of their services were not successful. The applicant made it known to logging contractors that it was prepared to pay such increased ceiling price as would be approved by the Office of Price Stabilization and that it planned to make such increased payment effective as of April 1, 1951, the approximate date their negotiations began. On the strength of the assurances which applicant gave to the logging contractors, many of them agreed to continue rendering their services to the applicant. It appears that they would not have done so but for their expectation and understanding that the increased ceiling price, if authorized by the Office of Price Stabilization, would be paid to them commencing as of April 1, 1951.

On October 1, 1951 the applicant applied for an adjustment pursuant to section 20 (c) of Ceiling Price Regulation 34. Although it was evident from the application that some adjustment of the applicant's ceiling prices would ultimately be granted, the exact amount of the adjustment required careful study and was not determined until several months later. Accordingly, if the applicant had requested permission to enter into adjustable pricing contracts with its contractors pursuant to section 21 of Ceiling Price Regulation 34, this request would have been granted because such an authorization was necessary to promote distribution and would not have interfered with the purposes of the **Defense Production Act of 1950**, as amended. However, the applicant did not make this request because it was under the impression that if its application for adjustment were granted, it would be permitted to make the increased ceiling prices effective as of April 1, 1951, the approximate date the negotiations began.

The applicant's mistaken impression is not an adequate basis for making the adjustment effective as of April 1, 1951. However, if the adjustment is not made effective as of April 1, 1951, a considerable hardship will be imposed upon the applicant's supplier who continued to supply services to the applicant only because of the applicant's representations to them. The applicant has agreed to absorb its increased costs resulting from the increased price it is permitted to pay for logging services under Special Order 4. Also, it appears that the applicant has not made any payments to its logging contractors in excess of ceiling prices so that this order would not have the effect of legalizing past violations.

The services performed by these logging contractors are substantially the same as those performed by lumberjacks. If these services were performed by lumberjacks employed by the applicant, the compensation paid these lumberjacks would be subject to the regulations of the Wage Stabilization Board. In many cases of this kind the Wage Stabilization Board has granted approval of wage increases on a retroactive basis. In view of this fact and the special circumstances recited above, Special Order 4 is being made effective as of April 1, 1951. Likewise, the applicant's request that this order be made applicable to two logging contractors not included in the original list is adopted; and the following two logging contractors' names are added:

Henry J. Wiles, Route 4, Box 202, Chehalis, Washington.

Stanton Brothers, Lebam, Washington.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to Section 20 (c) of Ceiling Price Regulation 34, as amended, this amendment to Special Order 4 is hereby issued.

1. The text of paragraph 1 of Special Order 4 is amended to read as follows:

1. On and after April 1, 1951, the ceiling price for logging services supplied to Weyerhaeuser Timber Company, Tacoma, Washington, by the following logging contractors shall be increased by $1.05 per thousand feet, log scale:

2. In paragraph 1 of Special Order 4 the following names are added to the list of logging contractors who are subject to the order:

Henry J. Wiles, Route 4, Box 202, Chehalis, Washington.

Stanton Brothers, Lebam, Washington.

Effective date. This amendment to Special Order 4 shall become effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6453; Filed, June 9, 1952; 4:30 p. m.]

[Ceiling Price Regulation 34, Section 20 (c) Amdt. 1 to Special Order 5]

CEILING PRICES FOR RICE BROKERAGE SERVICES RENDERED TO LOUISIANA STATE RICE MILLING CO., INC.

Statement of considerations. This amendment makes effective as of August 1, 1951, Special Order 5 under section 20 (c) of Ceiling Price Regulation 34. Special Order 5 authorized an increase in the ceiling prices for rice brokerage services supplied by more than 100 brokers to the Louisiana State Rice Milling Company, Inc., Abbeville, Louisiana. The ceiling price established in that order for such brokerage service was 15c per whole case of 60 pounds for consumer packages in sizes from 12 ounces to 10 pounds.

After the issuance of Special Order 5, the applicant, Louisiana State Rice Milling Company, Inc., requested that Special Order 5 be made effective as of August 1, 1951 in order to carry out arrangements which it made with its brokers prior to August 1, 1951. Because of the limited nature of the adjustment which may be granted under section 20 (c), and the unusual circumstances of this case, it has been determined to grant this request and make Special Order 5 effective as of August 1, 1951.

Section 20 (c) of Ceiling Price Regulation 34 permits a purchaser of nonretail services from a large number of sellers to obtain an upward adjustment in the ceiling prices he pays for those services, if sellers are threatening to discontinue their supply and the purchaser agrees to absorb any increase in the ceiling price. The adjusted ceiling price may not exceed the price which the purchaser would be required to pay other suppliers for the same service.

In the present case it appears that in the late spring of 1951 brokers engaged in the sale of rice for the applicant were generally threatening to discontinue their services because of alleged inadequacies of the payment they were receiving. Efforts of the applicant to obtain brokerage services at the ceiling price to replace the services of brokers who discontinued or threatened discontinuance of their services were not successful. Applicant made it known to the brokers that it was prepared to pay such increased ceiling price as would be approved by the Office of Price Stabilization and that it planned to make such increased payment effective as of August 1, 1951, the beginning of its fiscal year. On the strength of the assurances which applicant gave to the brokers, many of them agreed to continue rendering their services to the applicant. It appears that they would not have done so but for their expectation and understanding that the increased ceiling price, if authorized by the Office of Price Stabilization, would be paid to them commencing as of August 1, 1951.

On September 4, 1951 the applicant applied for an adjustment pursuant to section 20 (c) of Ceiling Price Regulation 34. Although it was evident from the application that some adjustment of applicant's ceiling prices would ultimately be granted, the exact amount of the adjustment required careful study and was not determined until several months later. Accordingly, if the applicant had requested permission to enter into adjustable pricing contracts with its brokers pursuant to section 21 of Ceiling Price Regulation 34, this request would have been granted because such an authorization was necessary to promote distribution and would not have interfered with the purposes of the Defense Production Act of 1950, as amended. However, the applicant did not make this request because it was under the impression that if its application for adjustment were granted, it would be free to make the increased ceiling prices effective for its entire fiscal season beginning August 1, 1951.

The applicant's mistaken impression is not an adequate basis for making the adjustment effective as of August 1, 1951. However, if the adjustment is not made effective as of August 1, 1951, a considerable hardship will be imposed upon the applicant's suppliers who continued to supply services to the applicant only because of the applicant's representations to them. The applicant has agreed to absorb its increased costs resulting from the increased price it is permitted to pay for brokerage services under Special Order 5. Also, it appears that the applicant has not made any payments to its brokers in excess of ceiling prices so that a retroactive order would not have the effect of legalizing past violations.

The services performed by these brokers for the applicant are substantially the same as those performed by salesmen. If these services were performed by salesmen employed by the applicant, the compensation paid these salesmen would be subject to the regulations of the Wage Stabilization Board or the Office of Salary Stabilization, depending upon whether the salesmen were represented by a labor organization in their negotiations with the company. In many cases of this kind the Wage Stabilization Board and the Office of Salary Stabilization have granted approval of wage increases on a retroactive basis. In view of this fact and the special circumstances recited above, Special Order 5 is being made effective as of August 1, 1951.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, paragraph 1 of Special Order 5 is amended to read as follows:

1. On and after August 1, 1951, the ceiling prices for rice brokerage services supplied to Louisiana State Rice Milling Company, Inc., Abbeville, Louisiana, by the following brokers shall be: 15 cents per whole case of 60 pounds for consumer packages in sizes from 12 ounces to 10 pounds:

Effective date. This amendment to Special Order 5 shall become effective June 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 9, 1952.

[F. R. Doc. 52-6454; Filed, June 9, 1952; 4:30 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1411]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 9, 1952.

Notice is hereby given that on June 6, 1952, the Federal Power Commission issued its order entered June 5, 1952, amending order (16 F. R. 5627) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6480; Filed, June 12, 1952; 8:52 a. m.]

[Docket No. G-1875]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF FINDINGS AND ORDER

JUNE 9, 1952.

Notice is hereby given that on June 6, 1952, the Federal Power Commission issued its order entered June 5, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6481; Filed, June 12, 1952; 8:52 a. m.]

[Docket No. G-1933]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

JUNE 6, 1952.

On April 7, 1952, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation, having its principal place of business in Minneapolis, Minnesota, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 2,640 hp. Compressor Station in Butte County, South Dakota, on Applicant's 12-inch gas transmission pipe line serving the Black Hills area of South Dakota.

The application is on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 24, 1952 (17 F. R. 3661).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, a hearing be held on June 26, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 9, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6478; Filed, June 12, 1952; 8:51 a. m.]

[Docket No. G-1949]

ARKANSAS LOUISIANA GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 6, 1952.

April 24, 1952, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipeline facilities and the sale of natural gas, all as more fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1952 (17 F. R. 4248).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, a hearing be held on June 20, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved, and the issues presented by such application, as amended: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: June 9, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6479; Filed, June 12, 1952; 8:51 a. m.]

[Docket No. G-1960]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JUNE 9, 1952.

Take notice that on May 22, 1952 Texas Eastern Transmission Corporation (Applicant), a Delaware Corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 24-inch pipeline crossing of the Arkansas River at a point near Little Rock, Arkansas.

Applicant states that the proposed facilities will include approximately 2,750 feet of pipe line connecting its existing interstate transmission system on each side of the Arkansas River and that said river-crossing facilities, which are in addition to its existing crossings over the Arkansas River, are necessary in order that it can continue to maintain adequate service to its customers. Estimated cost of the proposed facilities is $656,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., on or before the 27th day of June 1952. The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6476; Filed, June 12, 1952; 8:50 a. m.]

[Docket No. G-1961]

SOUTH CAROLINA NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 9, 1952.

Take notice that on May 23, 1952, South Carolina Natural Gas Company, (Applicant), a South Carolina corporation having its principal place of business at Columbia, South Carolina, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of 30.8 miles of 16-inch pipeline, 93.4 miles of 12¾-inch pipeline, and 35.8 miles of 10¾-inch pipeline extending from a point of connection with the transmission pipeline of Southern Natural Gas Company near Aiken, South Carolina, eastwardly to the city gates of the cities of Columbia, Summerville, and Charleston, all in South Carolina.

Applicant would transport gas purchased from Southern Natural Gas Company for resale to South Carolina Electric and Gas Company which would provide natural gas service to the three above-named cities. Applicant states that said line would have a capacity of 30,000 Mcf per day, and that it has entered into a precedent agreement with Southern Natural Gas Company to purchase gas in an amount up to 30,000 Mcf per day.

Applicant states that the estimated construction cost of the proposed facilities is $5,630,000. It asks that its application herein be consolidated with the application of Southern Natural Gas Company in Docket No. G-1907 for purpose of hearing. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., on or before the 27th day of June 1952. The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6477; Filed, June 12, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1579]

HATFIELD CAMPBELL CREEK COAL CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 6, 1952.

The Cincinnati Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the 5 percent Non-cumulative Participating Preferred Stock, $100 Par Value, and the Common Stock, No Par Value, of The Hatfield Campbell Creek Coal Company.

The application alleges that the reasons for striking these securities from listing and registration on this exchange are as follows:

(1) The Hatfield family and other large stockholders, holding an aggregate of about 3,600 shares of the above preferred stock and about 37,000 shares of the above common stock, sold their holdings to the Amherst Coal Company and Logan County Coal Corporation at a price of $60.00 per share for the preferred stock and $11.00 per share for the common stock.

(2) As a condition of sale, the companies purchasing these securities agreed to accept tenders from all other shareholders at the same rate.

(3) As a result of the acceptance by shareholders of this offer, approximately 15,000 shares of the above preferred stock and approximately 52,000 shares of the above common stock are now held by one shareholder, namely, Logan County Coal Corporation.

(4) As a result of the foregoing transactions, the remainder of approximately 180 preferred shares are now outstanding in the hands of eight preferred shareholders, and approximately 130 common shares are now outstanding in the hands of eight common shareholders.

(5) No transactions have been effected on the applicant exchange in either of these securities during the entire year of 1951 or in the first four months of the year 1952.

(6) The issuer and the applicant exchange are both of the opinion that the continuance of the listing and registration of these securities on said exchange would serve no useful purpose.

(7) Pursuant to the provisions of the by-laws of the applicant exchange, its board of trustees on April 18, 1952 directed its president to apply to the Commission to strike the foregoing securities from listing and registration on applicant exchange.

Upon receipt of a request, prior to June 24, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of these securities, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6470; Filed, June 12, 1952; 8:49 a. m.]

[File No. 70-2871]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER AUTHORIZING ISSUANCE AND EXCHANGE OF ONE YEAR NOTES

JUNE 9, 1952

Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin"), a non-utility subsidiary of American Natural Gas Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 (a) (2) promulgated thereunder, with respect to the following transactions:

Michigan-Wisconsin proposes to issue $20,000,000 principal amount of 3 percent notes maturing July 1, 1953, and to exchange them with the banks hereinafter named in the principal amounts shown for a like principal amount of its outstanding 2½ percent notes due July 1, 1952 held by such banks:

The National City Bank of New York	$6,666,667
The Hanover National Bank, New York	6,666,667
Mellon National Bank & Trust Co., Pittsburgh	6,666,666
	20,000,000

The application having been filed May 12, 1952 and notice of the filing thereof having been issued in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission

not having received a request for or ordered a hearing with respect to said application within the time specified in said notice, or otherwise; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, that no basis appears for imposing any terms and conditions in connection with our order other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and to grant applicant's request for acceleration of the effectiveness of this order; and

It appearing that the estimated fees and expenses, including counsel fees of $1,000, payable to Sidley, Austin, Burgess & Smith, service company fees of $1,000, payable to American Natural Gas Service Company, and accountants' fee of $750, payable to Arthur Andersen & Co., are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6471; Filed, June 12, 1952; 8:50 a. m.]

[File No. 70-2872]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE BY SUBSIDIARY TO PARENT COMPANY OF COMMON STOCK

JUNE 9, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, New England Power Company ("NEPCO"), having filed with this Commission an application, pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

NEPCO proposes to issue and sell to NEES, for cash, 300,000 additional shares of common stock, $20 par value, at the price of $25 per share, aggregating $7,500,000. NEES, which owns all of the presently outstanding common stock of NEPCO, proposes to acquire such shares and will use available cash in its treasury for such purpose.

The proceeds from the proposed issuance and sale of common stock will be applied by NEPCO to the reduction of its note indebtedness outstanding at the time of issuance. The application indicates that, pursuant to a bank loan agreement, NEPCO has outstanding $17,000,000 principal amount of notes, due April 1, 1953, and that, prior to June 30, 1952, it expects to issue to said banks $3,000,000 of additional promissory notes, such borrowings having been authorized by this Commission on April 23, 1952 (Holding Company Act Release No. 11190).

The application states that the total expenses of NEPCO and NEES, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $11,100 and $300, respectively.

The Department of Public Utilities of the Commonwealth of Massachusetts, the Vermont Public Service Commission and the New Hampshire Public Utilities Commission have authorized the proposed issue and sale of common stock and, according to the application, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants having requested that the Commission's order herein become effective forthwith upon issuance; and

Notice of the filing of the application having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; the Commission finding that said application, as amended, satisfies the applicable provisions of the act and the rules thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted and deeming it appropriate in the public interest and in the interest of investors and consumers that its order herein become effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and the same hereby is, granted, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6469; Filed, June 12, 1952; 8:49 a. m.]

[File No. 70-2874]

NORTHERN BERKSHIRE GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE TO AND ACQUISITION BY PARENT COMPANY OF PROMISSORY NOTES

JUNE 9, 1952.

In the matter of Northern Berkshire Gas Company, Quincy Electric Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70-2874.

New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies (hereinafter referred to as "Northern Berkshire," "Quincy," and "Worcester County" and collectively referred to as "the borrowing companies"), having filed separate declarations with this Commission, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-43 (a) and U-45 (b) (1) promulgated thereunder, with respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time but not later than June 30, 1952, unsecured promissory notes in an aggregate principal amount up to but not exceeding $2,330,000. Said notes will mature December 1, 1952, and will bear interest at the prime interest rate charged by banks for such notes at the time said notes are issued to NEES. It is stated in the declarations that said prime interest rate at the present time is 3 percent. If said prime interest rate is in excess of 3¼ percent at the time any of such notes is issued, NEES and the borrowing company will file an amendment to this filing stating therein the principal amount of the note to be issued and the rate of interest thereon at least 5 days prior to the execution and delivery thereof. NEES and the borrowing companies request that, unless the Commission notifies NEES and the applicable borrowing company or companies to the contrary within said 5-day period, such amendment will become effective at the end of such period. The declarations further state that the proposed notes may be prepaid, in whole or in part, prior to maturity, without payment of a premium.

The following table shows with respect to Northern Berkshire, Quincy, and Worcester County the principal amount of presently outstanding unsecured promissory notes to banks, the aggregate amount of such notes which may be issued prior to June 30, 1952, under Commission authorization and the aggregate amount of notes proposed to be issued to NEES:

	Notes outstanding to banks, May 9, 1952	Amount of notes authorized to be outstanding	Amount of notes proposed to be issued to NEES
Northern Berkshire	$1,000,000	$1,075,000	$1,150,000
Quincy	680,000	680,000	680,000
Worcester County	3,600,000	4,500,000	500,000

The declarations indicate that, as to Worcester County, the amount of notes authorized will be reduced by the proceeds from the recent sale of $4,000,000 principal amount of bonds. The declarations further indicate that substantially all of the proceeds to be derived from the notes proposed to be issued to NEES will be used to pay off then outstanding notes to banks. The borrowing companies state that the proceeds of any permanent financing will be applied in reduction of, or in total payment of, notes then outstanding and the amount of authorized, but unissued, notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of notes then outstanding. In addition, the borowing companies waive their right to issue any presently

authorized promissory notes which are unissued as at the date of the Commission's order herein.

The declarations further state that incidental services in connection with the proposed note issues will be performed by the New England Power Service Company, an affiliated service company, at the actual cost thereof, such cost being estimated not to exceed $100 for each of the borrowing companies and for NEES, an aggregate of $400.

The declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies having requested that the Commission's order herein become effective forthwith upon issuance; and

Notice of the filing of the declarations having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied; and deeming it appropriate in the public interest and in the interest of investors and consumers that said declarations be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declarations be, and hereby are, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective forthwith upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6468; Filed, June 12, 1952; 8:49 a. m.]

[File No. 70-2878]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING SUBMISSION OF DEBENTURES AND SHARES OF COMMON STOCK TO COMPETITIVE BIDDING

JUNE 5, 1952.

American Gas and Electric Company ("American"), a registered holding company, having filed a declaration, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, with respect to the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $20,000,000 principal amount of -- percent Sinking Fund Debentures due 1977, and 170,000 shares of $10 par value common stock; and

Such declaration having been duly filed on May 21, 1952, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act that any interested person may not later than June 6, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, and American having advised the Commission that it proposes to file an amendment to said declaration on June 6, 1952, containing, among other things, a modification of the terms of the instrument pursuant to which said Sinking Fund Debentures due 1977 are proposed to be issued, such modification being made as a result of conferences between the staff of the Division of Public Utilities of the Commission and American; and

The Commission finding, for reasons to be set forth in our findings and opinion to be issued, that the requirements of the applicable provisions of the act are satisfied and deemed it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective, and that the request of the declarant be granted that the bidding period provided by Rule U-50 (b) be modified so as to permit American to receive bids on June 18, 1952:

It is hereby ordered, Pursuant to the applicable provisions of the act and Rules U-20, U-23, and U-100 that the said declaration be, and the same hereby is, permitted to become effective at 5:31 p. m., e. d. s. t., on June 6, 1952, unless prior to such time the Commission shall have ordered a hearing thereon, subject to the terms and conditions prescribed in Rule U-24, and subject to the further condition that the proposed issue and sale by American of its $20,000,000 principal amount of -- percent Sinking Fund Debentures due 1977, and 170,000 shares of $10 par value common stock shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such terms and conditions as may then be deemed appropriate.

It is further ordered, That the bidding period provided by Rule U-50 (b) be modified so as to permit American to receive bids on June 18, 1952.

It is further ordered, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6467; Filed, June 12, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27126]

PROPORTIONAL RATES ON NEWSPRINT PAPER FROM CERTAIN MISSISSIPPI RIVER CROSSINGS TO TEXAS

APPLICATION FOR RELIEF

JUNE 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3899 and 3912.

Commodities involved: Paper, newsprint, fibre content consisting of not less than 60 percent ground wood, carloads.

From: St. Louis, Mo., East St. Louis, Ill., Dubuque, Iowa, and other upper Mississippi River crossings (applicable on traffic from eastern Canada).

To: Points in Texas.

Grounds for relief: Competition with rail carriers and equalization of combination rates over competing routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 99; F. C. Kratzmeir, Agent, I. C. C. No. 3912, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6429; Filed, June 11, 1952; 8:48 a. m.]

[4th Sec. Application 27127]

FILLERS, PARTITIONS OR WRAPPERS FOR PACKING, FROM CERTAIN POINTS TO THE SOUTHWEST

APPLICATION FOR RELIEF

JUNE 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Fillers, partitions or wrappers for packing, woodpulp, carloads.

From: Points in western trunk-line, southwestern, official, and southern territories.

To: Southwestern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3905, Supp. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6430; Filed, June 11, 1952; 8:49 a. m.]

[4th Sec. Application 27128]

GRAIN BETWEEN POINTS IN MINNESOTA

APPLICATION FOR RELIEF

JUNE 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3921.

Commodities involved: Grain, grain products, and related articles, carloads.

Between: Points in Minnesota.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3921, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6431; Filed, June 11, 1952; 8:49 a. m.]

[4th Sec. Application 27129]

IRON AND STEEL ARTICLES FROM WEST POINT, MISS., TO ST. LOUIS, MO., AND POINTS GROUPED THEREWITH

APPLICATION FOR RELIEF

JUNE 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920, pursuant to fourth-section order No. 16101.

Commodities involved: Iron and steel articles, carloads.

From: West Point, Miss.

To: St. Louis, Mo., and points grouped therewith:

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6432, Filed, June 11, 1952; 8:49 a. m.]

[4th Sec. Application 27130]

AUTOMOBILES FROM ST. LOUIS AND KANSAS CITY, MO., TO SOUTHWEST

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3765.

Commodities involved: Automobiles, set up, freight or passenger chassis, set up, with or without seat cabs, trailers, in straight or mixed carloads or in mixed carloads with automobile parts.

From: St. Louis, Mo., and Kansas City, Mo.-Kans.

To: Points in Texas, Louisiana, and New Mexico.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3765, Supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6482; Filed, June 12, 1952; 8:52 a. m.]

[4th Sec. Application 27131]

WRAPPING PAPER AND PAPER BAGS FROM CAMDEN, CROSSETT, AND PINE BLUFF, ARK., TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3895.

Commodities involved: Wrapping paper and paper bags, carloads.

From: Camden, Crossett, and Pine Bluff, Ark.

To: Baton Rouge, La.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3895, Supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6483; Filed, June 12, 1952; 8:52 a. m.]

[4th Sec. Application 27132]

IRON OR STEEL PIPE FROM POINTS IN TEXAS TO POINTS IN ILLINOIS

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston, and Orange, Tex.

To: Hoyleton, Nashville, and Noltings, Ill.

Grounds for relief: Circuitous routes, rail and motor-water competition, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 122.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6484; Filed, June 12, 1952; 8:52 a. m.]

[4th Sec. Application 27133]

GRAIN FROM CHICAGO AND PEORIA, ILL., TO POINTS IN IOWA

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed on attached sheet.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Chicago and Peoria, Ill., and stations taking same rates.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
CANW RY	11201	13
CB&Q RR	20159	28
CGW Ry	5591	15
CMStP&P RR	B-7687	16
CRIAP RR	C-13311	20
IC RR	A-10239	17
M&StL Ry	29	33
Wab. RR	7571	35
L. E. Kipp, Agent	A-5809	29

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6485; Filed, June 12, 1952; 8:53 a. m.]

[4th Sec. Application 27134]

CIGARETTES AND MANUFACTURED TOBACCO FROM NORTH CAROLINA AND VIRGINIA TO POINTS IN OFFICIAL AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Cigarettes and manufactured tobacco, carloads.

From: Points in North Carolina and Virginia.

To: Points in official and western trunk-line territories.

Grounds for relief: Competition with rail and motor carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, Tariff I. C. C. No. A-941, Supp. 18; C. A. Spaninger, Agent, Tariff I. C. C. No. 1122, Supp. 21; C. A. Spaninger, Agent, Tariff I. C. C. No. 1156, Supp. 17; R. B. LeGrande, Agent, Tariff I. C. C. No. 253, Supp. 11; N & W Ry., Tariff, I. C. C. No. 9443, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6486; Filed, June 12, 1952; 8:53 a. m.]

[4th Sec. Application 27135]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO LITTLE ROCK, ARK.

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, crude, artificial, synthetic or neoprene, carloads.

From: Points in Texas and Louisiana.

To: Little Rock, Ark.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 122; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 123.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6487; Filed, June 12, 1952; 8:53 a. m.]

[4th Sec. Application 27136]

MERCHANDISE IN MIXED CARLOADS FROM GASTONIA, N. C., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1305.

Commodities involved: Merchandise, in mixed carloads.

From: Gastonia, N. C.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes and competition with rail and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, Supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6488; Filed, June 12, 1952; 8:54 a. m.]

[4th Sec. Application 27137]

BITUMINOUS FINE COAL FROM BEVIER, MOBERLY, AND MACON, MO., TO BLACK DOG, MINN.

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3456.

Commodities involved: Bituminous fine coal, carloads.

From: Bevier, Moberly, and Macon, Mo., districts.

To: Black Dog, Minn.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3456, Supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6489; Filed, June 12, 1952; 8:54 a. m.]

[4th Sec. Application 27138]

ANIMAL FEED FROM ROCKFORD, ILL., TO KANSAS CITY, MO., AND ATCHISON AND LEAVENWORTH, KANS.

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Animal feed, carloads.

From: Rockford, Ill.

To: Kansas City, Mo., Atchison and Leavenworth, Kans.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 64.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6490; Filed, June 12, 1952; 8:54 a. m.]

[4th Sec. Application 27139]

CORN AND SORGHUM GRAINS FROM COLORADO, KANSAS AND NEBRASKA TO POINTS IN COLORADO

APPLICATION FOR RELIEF

JUNE 10, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Corn and products thereof, and sorghum grains, carloads.

From: Colorado, Kansas, and Nebraska.

To: Points in Colorado.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C B & Q RR., Tariff I. C. C. No. 20259, Supp. 31; D & R G W RR., Tariff I. C. C. No. 918, Supp. 11; MoPac RR., Tariff I. C. C. No. A-10238, Supp. 9; UP RR., Tariff I. C. C. No. 5166, Supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6491; Filed, June 12, 1952; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18838]

HELLMUT AND WILLI MATZAT

In re: Bonds owned by and debt owing to Hellmut Matzat and Willi Matzat. F-28-31882.

Under the authority of the Trading with the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

Reference Room

1. That Hellmut Matzat and Willi Matzat, who are citizens of Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) City of Cumberland Water Improvement 4½ Percent Bond of 1931, due April 1, 1971, of $1,000 face value, bearing the number 144, and presently in the custody of the Board of Foreign Missions of the United Lutheran Church in America, 231 Madison Avenue, New York 16, New York, in an account for the Estate of Dorothea Matzat, and any and all rights thereunder and thereto,

b. One (1) Baltimore & Ohio Railroad Company 4 Percent First Mortgage Bond, Series A, due April 1, 1975 of $1,000 face value, bearing the number 40325, and presently in the custody of the Board of Foreign Missions of the United Lutheran Church in America, 231 Madison Avenue, New York 16, New York, in an account for the Estate of Dorothea Matzat, and any and all rights thereunder and thereto, and

c. That certain debt or other obligation of the Board of Foreign Missions of the United Lutheran Church in America, 231 Madison Avenue, New York 16, New York, representing a credit balance on the books of the aforesaid board in the name of the Estate of Dorothea Matzat, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hellmut Matzat and Willi Matzat, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 9, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6507; Filed, June 12, 1952; 8:59 a. m.]

[Vesting Order 15889, Amdt.]

ELIZABETH L. FRIEBEL

In re: Safe deposit lease and contents owned by Elizabeth L. Friebel, also known as Elizabeth Lena Friebel, Elizabeth Lura Friebel and as Betty Friebel.

Vesting Order 15889, dated November 21, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (b) from the aforesaid Vesting Order 15889 and substituting therefor the following subparagraph:

2 (b). All property of any nature whatsoever owned by Elizabeth L. Friebel, also known as Elizabeth Lena Friebel, Elizabeth Lura Friebel and as Betty Friebel in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights evidenced or represented thereby, including particularly but not limited to the following:

a. Those certain shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, together with all declared and unpaid dividends thereon,

b. One (1) Uncle Sam Oil Company Twenty Year 2 Percent Gold Bond, due May 20, 1941, of $200.00 face value, bearing the Number 47154, and any and all rights thereunder and thereto.

c. Three (3) German Certificates of Indebtedness of the Deutsche Kommunal Sammel Ablosungsanleihe, Berlin, Germany, said certificates issued October 1, 1927, as listed below:

No. 634635 Buchstabe C for 50 Reichmarks.
No. 622220 Buchstabe B for 25 Reichmarks.
No. 609379 Buchstabe A for 12 Reichmarks 50 Fennig.

together with any and all rights thereunder and thereto,

d. Two (2) Stock Certificates dated September 1, 1926, issued by I. G. Farbenindustrie A. G., evidenced by certificates numbered 562800,801, each of RM 1,000 face value, together with any and all rights thereunder and thereto,

e. Ten (10) Dividend Coupons, Nos. 6 to 10 inclusive, from stock certificates issued by I. G. Farbenindustrie A. G., numbered 564562 and 564779, together with any and all rights thereunder and thereto,

f. One (1) Validation Certificate issued by The Texas American Syndicate of $3,000.00 face value, bearing the number 11210, registered in the name of Wm. A. Sachs, and any and all rights thereunder and thereto,

g. United States currency in the amount of fifty (50) cents,

h. Dominion of Canada currency in the amount of one ($1.00) dollar.

i. Twenty-nine (29) miscellaneous silver and copper coins, and

j. Jewelry as follows:

1 yellow metal ring set with 6 blue stones and 1 white stone.
1 yellow metal signet ring.
1 white metal ring set with one white stone.
1 white metal ring (wedding ring style) set with 10 white stones.
1 yellow metal necklace chain.
1 yellow metal watch chain (man's).
1 white metal bar pin set with 4 blue stones and 1 white stone.
1 black and white cameo stick pin.
1 yellow metal bracelet with 5 small green stones.
1 piece of yellow metal chain about four inches long.

All other provisions of said Vesting Order 15889, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 9, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name of issuer	Class of stock	Par value	Certificate No.	Number of shares	Owner
Graves Timing Device Co	Capital	$10.00	21	25	William A. Sachs
Rand Consolidated Mines, Ltd	do	1.00	246	200	W. A. Sachs
Texas American Syndicate		1.00	15753	1	Wm. A. Sachs
The Uncle Sam Oil Co		1.00	32978	21.666	William A. Sachs.
			38144	4.666	

[F. R. Doc. 52-6508; Filed, June 12, 1952; 8:59 a. m.]

Reference Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

1934
OF THE UNITED STATES

VOLUME 17 NUMBER 117

Washington, Saturday, June 14, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 1]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (1952 MARKETING SEASON)

The "Honey Export Program (1952 Marketing Season)" 17 F. R. 3397, is hereby amended in the manner provided below:

1. Section 524.252 is amended by changing the requirement that the exporter certify that the producer of the honey exported has received the applicable support price to a requirement that the exporter certify, with respect to honey sold by the producer during the 1952 marketing season, that the producer has received specified prices therefor, so that the amended section reads as follows:

§ 524.252 *Eligibility for payment.* Payments will be made to any individual, partnership, corporation or association located in the continental United States (except as provided in § 524.267), (a) who executes an application in quadruplicate, on the form attached hereto;[1] (b) whose application has been approved by the Director; (c) who enters into a sales contract covering the sale and exportation of honey produced within the continental United States to an eligible destination (see § 524.255), who delivers honey pursuant to such contract, and who furnishes evidence of exportation of such honey as required by § 524.260; (d) who certifies, with respect to honey exported hereunder which is eligible under the 1952 Honey Price Support Program and which is sold by the producer during the period April 1, 1952 to March 31, 1953, inclusive, that the producer of such honey has received from the purchaser or exporter not less than the applicable price as specified in § 524.271; and (e) who otherwise complies with all the terms and conditions of this program. Applications must be based on sales contracts and must be approved before exportation of the honey. Approval of applications will be in the order in which they are submitted (see § 524.253), and as long as funds are available. Applicants may make their sales contracts under this program subject to the condition that the Department of Agriculture will make an export payment on such sales.

2. Paragraph (a) of § 524.260 is amended to conform with the amended § 524.252, so that the amended paragraph (a) reads as follows:

§ 524.260 *Filing of claim.* (a) Exporter shall file claim with the PMA Commodity Office serving the exporter's billing office. The PMA Commodity Offices are listed under § 524.270. Each claim for payment shall be filed in an original and three copies on voucher form FDA-564. Each claim shall be supported by (1) two signed or certified true copies of the sales contract, (2) two copies of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier (except that where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, two copies of a loading tally sheet or similar document may be submitted in lieu of such bill of lading), (3) two copies of the inspection certificate required in § 524.258, one of which must be signed by the inspector who issued it, (4) a certification in duplicate that honey produced in the continental United States has been exported to an eligible country of destination and that, with respect to honey exported under this subpart which is eligible under the 1952 Honey Price Support Program and which is sold by the producer during the period April 1, 1952 to March 31, 1953, inclusive, the producer of such honey has received from the purchaser or exporter not less than the applicable price as specified in § 524.271, (5) such other documents as may be required as evidence of sale and exportation of the honey on which payment is claimed.

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(Continued on p. 5387)

[1] Filed as part of F. R. Doc. 52-4315, appearing at 17 F. R. 3397.

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Production and Marketing Administration.

Air Force Department
Rules and regulations:
Claims against the U. S.; reimbursement to owners and tenants of land acquired by the Department ---------- 5391

Alien Property, Office of
Notices:
Emde, Dr. Hermann; vesting order ---------- 5400

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alterations (2 documents) ---------- 5388, 5389

Civil Aeronautics Board
Proposed rule making:
Rules of practice in economic proceedings; consolidation of hearings ---------- 5397

Coast Guard
Notices:
Equipment approval:
Correction to prior document ---------- 5398
Termination of approval ---------- 5399
Rules and regulations:
Handling of explosives or other dangerous cargoes within or contiguous to waterfront facilities; designated dangerous cargo ---------- 5396

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Commodity Credit Corporation
Notices:
Sales of certain commodities at fixed prices:
June domestic and export price list ---------- 5401
May export price list, supplement ---------- 5402

Defense Department
See Air Force Department; Navy Department.

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

FEDERAL REGISTER

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(For use during 1952)

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Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission — Page
Rules and regulations:
Frequency allocations and radio treaty matters; table of frequency allocations, deletion of footnote — 5397

Federal Trade Commission — Page
Rules and regulations:
Ronell Fashions, Inc., et al.; cease and desist order — 5389

Housing and Home Finance Agency
See also Public Housing Administration.
Rules and regulations:
Relaxation of residential controls, regulations governing process and approval of exceptions and terms for critical defense housing areas; critical defense housing areas — 5396

Immigration and Naturalization Service
Notices:
Officer in charge at Agana, Guam; delegation of authority with respect to certain actions — 5400
Rules and regulations:
Primary inspection and detention; designation of Agana, Guam, as a Class A port of entry and as an international airport of entry — 5388

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Ammonia, anhydrous, from Arkansas, Texas and Louisiana to Cincinnati, Ohio — 5409
Ash, soda, and caustic soda from Corpus Christi, Tex., and Lake Charles, La., to Missouri, Illinois and Iowa — 5409
Beet sugar final molasses from Lake Charles, La., and Texas gulf ports to St. Louis, Mo., and East St. Louis, Ill. (2 documents) — 5409, 5410
Brick:
Missouri and Kansas to Minnesota and North Dakota — 5409
Nebraska to Minnesota and North Dakota — 5408
Nebraska to Minnesota, North and South Dakota and Wisconsin — 5408
Commodity rates between Warner, Pa., and the U. S. and Canada — 5410
Machinery from Beloit, Wis., to Roanoke Rapids, N. C. — 5410
Paper, printing, from Kingsport and Holston, Tenn., to Colorado, Nebraska, Missouri and Iowa — 5410

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Arizona; opening of public lands — 5401
California; clasification order — 5400

National Production Authority — Page
Notices:
Charles Co. et al.; supension order — 5402
Rules and regulations:
Basic rules of the priorities system; restrictions upon use of ratings (Reg. 2, Dir. 3) — 5395
Maintenance, repair, operating supplies, and capital additions for mining industry (M–78) — 5392
Pigs' and hogs' bristles and bristle products; revocation (M–18) — 5392

Navy Department
Rules and regulations:
Missing Persons Act — 5390

Price Stabilization, Office of
Notices:
Crude petroleum ceiling prices adjusted on an in-line basis:
Baugh-Strawn Field, Schleicher County, Texas — 5411
Gaines County, Texas — 5411

Production and Marketing Administration
Rules and regulations:
Honey; export program (1952 marketing season) — 5385
Lemons grown in California and Arizona; limitation of shipments — 5387

Public Housing Administration
Notices:
Field organization and final delegations of authority — 5401

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas, Washington:
Hotels and motor courts — 5396
Housing and rooms — 5396

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Power & Light Co. et al — 5403
Cambridge Electric Light Co. et al — 5404
Georgia Power Co — 5404
St. Louis Midwest Co — 5404

Selective Service System
Notices:
Statement of organization, delegations of final authority, and places at which information may be secured; miscellaneous amendments — 5405

Treasury Department
See Coast Guard.

Wage and Hour Division
Notices:
Territorial Director and Acting Territorial Director for Puerto Rico and the Virgin Islands; delegation of authority with respect to special certificates for employment of apprentices and learners — 5403
Rules and regulations:
Chemical, petroleum and related products industries; minimum wage order — 5390

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter IV:	
Part 524	5385
Title 7	
Chapter IX:	
Part 953	5387
Title 8	
Chapter I:	
Part 110	5388
Title 14	
Chapter I:	
Part 302 (proposed)	5397
Chapter II:	
Part 608 (2 documents)	5388, 5389
Title 16	
Chapter I:	
Part 3	5389
Title 29	
Chapter V:	
Part 670	5390
Title 32	
Chapter VI:	
Part 718	5390
Chapter VII:	
Part 836	5391
Title 32A	
Chapter VI (NPA):	
M–18	5392
M–78	5392
NPA Reg. 2, Dir. 3	5395
Chapter XVII (HHFA):	
CR 3	5396
Chapter XXI (ORS):	
RR 1	5396
RR 2	5396
RR 3	5396
RR 4	5396
Title 33	
Chapter I:	
Part 126	5396
Title 47	
Chapter I:	
Part 2	5397

3. Section 524.271 is added to specify the prices which producers must receive for honey sold by them during the 1952 marketing season and reads as follows:

§ 524.271 *Prices to be paid to the producer.* For honey eligible for price support under the 1952 Honey Price Support Program, which is exported under this program and which is sold by the producer during the period April 1, 1952, to March 31, 1953, inclusive, the producer shall be paid, for honey in naked containers f. o. b. producer's honey house, not less than the applicable 1952 support price less a deduction of one-half cent per pound for service and handling charges. In States in which handlers are authorized or directed to collect assessments levied upon producers under State marketing orders, such assessments may also be deducted from the applicable support price. Any transportation cost incurred by a producer in delivering honey for sale at any point other than his honey house shall be for the account of the buyer. The 1952 support prices to which the deduction of one-half cent per pound may be applied are as follows:

For States of Montana, Wyoming, Colorado, New Mexico and States west thereof:

	Rate (cents per pound)
1. White or lighter table honey	11.5
2. Darker than white table honey	11.0
3. Nontable honey	9.5

For all States east of Montana, Wyoming, Colorado and New Mexico:

	Rate (cents per pound)
1. White or lighter table honey	12.25
2. Darker than white table honey	11.75
3. Nontable honey	10.25

(a) "Table honey" means honey of a flavor which can be readily marketed for table use in all parts of the country. Such honey includes: Alfalfa, Basswood, Brazil Brush, Catsclaw, Clethra, Clover, Cotton, Fireweed, Gallberry, Huajillo, Huckleberry, Lima Bean, Locust, Mesquite, Milkweed, Orange, Raspberry, Sage, Sourwood, Sweetclover, Thistle, Tupelo, Vetch, Western Wild Buckwheat, and similar mild-flavored honeys or mild-flavored blends of honey. The color of the honey shall be determined in accordance with the U. S. Standards for Grades of Extracted Honey, effective April 16, 1951.

(b) "Non-table honey" means honey of a flavor having limited national acceptability for table use but considered to be of table honey in most areas in which it is produced. Such honey includes: Aster, Boneset, Buckwheat (except Western Wild Buckwheat), Cascara, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Holly, Horsemint, Mangrove, Manzanita, Palmetto, Partridge Pee, Sumac, Spanish Needle, Tamarisk, Thyme, Ti-ti, Tulip Tree, Yellow Top, and similar honeys or blends of honey.

(c) The determination by the Director, Fruit and Vegetable Branch, Production and Marketing Administration, shall be final as to whether honey of a specific floral source or honey in a specific blend, is classified as either "table honey" or "non-table honey." If in doubt as to the category in which honey of a specific floral source or blend falls, exporter can submit a small representative sample of such honey for determination to E. M. Graham, United States Department of Agriculture, Fruit and Vegetable Branch, PMA, Washington 25, D. C.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., June 11, 1952.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated this 11th day of June 1952.

[SEAL] M. W. BAKER,
Representative of the Secretary of Agriculture.

[F. R. Doc. 52–6556; Filed, June 13, 1952; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 439]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.546 *Lemon Regulation 439*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 11, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 15, 1952, and ending at 12:01 a. m., P. s. t., June 22, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 750 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C. this 12th day of June 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: June 8, 1952]

DISTRICT NO. 2

[12:01 a. m. June 15, 1952, to 12:01 a. m. June 29, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.490
American Fruit Growers, Inc., Fullerton	.686
American Fruit Growers, Inc., Upland	.448
Badington Fruit Co	.352
Ventura Coastal Lemon Co	1.871
Ventura Pacific Co	2.472
Glendora Lemon Growers Association	1.392
La Verne Lemon Association	.619
La Habra Citrus Association	1.518
Yorba Linda Citrus Association, The	.754
Escondido Lemon Association	8.351
Alta Loma Heights Citrus Association	.924
Etiwanda Citrus Fruit Association	.385
Mountain View Fruit Association	.301
Old Baldy Citrus Association	.849
San Dimas Lemon Association	1.161
Upland Lemon Growers Association	5.904
Central Lemon Association	1.213
Irvine Citrus Association	1.062
Placentia Mutual Orange Association	.874
Corona Citrus Association	.537
Corona Foothill Lemon Co	3.056
Jameson Co	.934
Arlington Heights Citrus Co	1.397
College Heights Orange & Lemon Association	2.771
Chula Vista Citrus Association, The	1.231
Escondido Cooperative Citrus Association	.234
Fallbrook Citrus Association	2.316
Lemon Grove Citrus Association	.361
Carpinteria Lemon Association	2.885
Carpinteria Mutual Citrus Association	2.545
Goleta Lemon Association	3.556

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Johnston Fruit Co	4.827
Hazeltine Packing Company	.576
North Whittier Heights Citrus Association	.837
San Fernando Heights Lemon Association	.831
Sierra Madre-Lamanda Citrus Association	.602
Briggs Lemon Association	2.449
Culbertson Lemon Association	1.517
Fillmore Lemon Association	1.013
Oxnard Citrus Association	5.236
Rancho Sespe	1.013
Santa Clara Lemon Association	3.279
Santa Paula Citrus Fruit Association	2.742
Saticoy Lemon Association	3.397
Seaboard Lemon Association	4.188
Somis Lemon Association	3.520
Ventura Citrus Association	1.009
Ventura County Citrus Association	.231
Limoneira Co	3.277
Teague-McKevett Association	.757
East Whittier Citrus Association	.792
Leffingwell Rancho Lemon Association	.661
Murphy Ranch Co	2.266
Chula Vista Mutual Lemon Association	.673
Index Mutual Association	.435
La Verne Cooperative Citrus Association	2.515
Orange Belt Fruit Distributors	.665
Ventura County Orange & Lemon Association	1.847
Whittier Mutual Orange & Lemon Association	.154
Allen, Floyd L	.000
Evans Bros. Packing Co	.000
Huarte, Joseph D	.000
Latimer, Harold	.037
MacDonald Fruit Co	.000
Paramount Citrus Association, Inc	.214
Torn Ranch	.001
Valdora, Albert	.000

[F. R. Doc. 52-6600; Filed, June 13, 1952; 9:07 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF AGANA, GUAM, AS A CLASS A PORT OF ENTRY AND AS AN INTERNATIONAL AIRPORT OF ENTRY

JUNE 11, 1952.

Effective as of June 16, 1952, the following amendments to Part 110, Primary Inspection and Detention, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. Section 110.1, *Designated ports of entry except by aircraft*, is amended by inserting in the list of Class A ports of entry under District No. 17—Honolulu, T. H., "Agana, Guam, BSI" preceding "Honolulu, T. H., BSI".

(Sec. 19, 39 Stat. 889, sec. 20, 54 Stat. 671; 8 U. S. C. 155)

2. Section 110.3, *International airports for the entry of aliens*, is amended by inserting in the list of international airports for the entry of aliens, "Agana, Guam, Agana Field" preceding "Akron, Ohio, Municipal Airport".

(Sec. 7, 44 Stat. 572; 49 U. S. C. 177d)

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

JAMES P. MCGRANERY,
Attorney General.

Recommended: June 10, 1952.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 52-6606; Filed, June 13, 1952; 10:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 29]

PART 608—DANGER AREAS

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Petaluma, California, area, published on July 16, 1949, in 14 F. R. 4288, and amended on October 14, 1950, in 15 F. R. 6908, is deleted.

2. In § 608.14, the Point Reyes, California, area, published on July 16, 1949, in 14 F. R. 4288, and amended on October 14, 1950, in 15 F. R. 6908, is deleted.

3. In § 608.34, a Dillion, Montana, temporary area (D-411), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
DILLON (D-411) (Yellowstone Park chart).	N boundary: lat. 45°08'00" N; S boundary: lat. 45°00'00" N; E boundary: long. 112°55'00" W; W boundary: long. 113°10'00" W.	Surface to 20,000 feet.	Continuous, June 15, 1952, through June 29, 1952.	Montana National Guard, Helena, Mont.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6561; Filed, June 13, 1952; 9:06 a. m.]

[Amdt. 28]

PART 608—DANGER AREAS

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.45, a Warrenton, Oregon, temporary area (D-403), is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
WARRENTON (D-403) (Seattle and Portland Charts).	Beginning at lat. 46°10'04" N, long. 123°55'45" W; due S to lat. 45°59'00" N; due W to a point 3 nautical miles from the shoreline at long. 124°02'45" W; northerly paralleling the shore line at a distance of 3 nautical miles to lat. 46°10'04" N, long. 124°02'45" W; due E to lat. 46°10'04" N, long. 123°55'45" W, point of beginning.	Surface to 20,000 feet.	Daylight hours only, June 14, 1952, through June 28, 1952.	Military Department, State of Oregon (Oregon National Guard).

2. In § 608.51, the Camp Hood, Texas, area, published on August 7, 1951 in 16 F. R. 7696, is amended by changing the "Name and Location (Chart)" column to read: "Fort Hood (Austin Chart)", and by changing the "Using Agency" column to read: "Fort Hood, Texas".

3. In § 608.54, the Quantico, Virginia, area, published on July 16, 1949 in 14 F. R. 4297, and amended on April 26, 1952 in 17 F. R. 3724, is further amended by changing the "Time of Designation" column to read: "Continuous".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 14, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6560; Filed, June 13, 1952; 9:06 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5916]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RONELL FASHIONS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin—Wool Products Labeling Act.* Subpart—*Neglecting unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution into Commerce, of women's topper coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding said women's coats or other wool products, (1) by falsely and deceptively representing on any stamp, tag, label or other means of identification appearing on a wool product the character or amount of the constituent fibers appearing therein; (2) by failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter; and, (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or of the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Ronell Fashions, Inc., et al., New York, N. Y., Docket 5916, March 17, 1952]

In the Matter of Ronell Fashions, Inc., a Corporation, and Abraham Wolf and Hyman Ellis, Individually, and as Officers of Ronell Fashions, Inc.

This proceeding was heard by J. Earl Cox, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer, and hearing at which testimony and other evidence (which were duly recorded and filed in the office of the Commission) in support of and in opposition to the complaint were introduced before said examiner.

Thereafter the proceeding regularly came on for final consideration by said examiner, on the complaint, the answer thereto, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel, oral argument not having been requested, and said examiner, having duly considered the record and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 17, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent Ronell Fashions, Inc., a corporation, and its officers, and Abraham Wolf and Hyman Ellis, individually, and as officers of said corporation, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of women's topper coats or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding said women's coats or other wool products:

1. By falsely and deceptively representing on any stamp, tag, label or other means of identification appearing on a wool product the character or amount of the constituent fibers appearing therein;

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any

[1] Filed as part of the original document.

non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or of the rules and regulations promulgated thereunder.

By "Decision of the Commission and order to file report of compliance," Docket 5916, March 17, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 17, 1952.

By the Commission:

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6553; Filed, June 13, 1952; 8:51 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 670—CHEMICAL, PETROLEUM, AND RELATED PRODUCTS INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C., Supp. 1001) notice was published in the FEDERAL REGISTER on May 22, 1952, (17 F. R. 4656) of my decision to approve the minimum wage recommendations of Special Industry Committee No. 11 for Puerto Rico for the Chemical, Petroleum, and Related Products Industries in Puerto Rico, and the wage order which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice.

No exceptions have been received within the 15 day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, the recommendations of the Committee for the Chemical, Petroleum, and Related Products Industries are hereby approved, and the said wage order is hereby issued, to become effective July 14, 1952.

Sec.
670.1 Wage rates.
670.2 Notices of order.
670.3 Definitions of the chemical, petroleum, and related products industries in Puerto Rico and its divisions.

AUTHORITY: §§ 670.1 to 670.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 670.1 *Wage rates.* (a) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fertilizer division of the chemical, petroleum, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hormones, antibiotics, and related products division of the chemical, petroleum, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 51 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the chemical, petroleum, and related products industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 670.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the chemical, petroleum, and related products industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 670.3 *Definitions of the chemical, petroleum, and related products industries in Puerto Rico and its divisions.* (a) The chemical, petroleum, and related products industries in Puerto Rico to which this part shall apply, is hereby defined as follows:

(1) The manufacture or packaging of chemicals, drugs, medicines (other than food), toilet preparations, cosmetics and related products; the mining (or other extraction) or processing of any minerals used in the production of the foregoing; and the mining or other extraction of petroleum, coal or natural gases and the manufacture of products therefrom.

(2) It includes, but without limitation, heavy, industrial and fine chemicals; basic plastic materials; salt; paints, varnishes, colors, dyes, and inks; vegetable and animal oils (except the refining into edible oils); drugs, medicines and toilet preparations; insecticides and fungicides; soap and glycerin; rayon and other synthetic filaments; wood distillation and naval stores; fertilizers; cleaning and polishing preparations; glue and gelatin; grease and tallow; fireworks and pyrotechnics; candles; gasoline, fuel and lubricating oils, and other petroleum products; coke-oven products; and fuel briquettes of any materials:

Provided, however, That the definition shall not include any product or activity included in the alcoholic beverage and industrial alcohol industry (as defined in the wage order for that industry in Puerto Rico, Part 705 of this chapter), or any activity performed by a company in its capacity as a public utility distributing gas or water.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Fertilizer division.* This division shall include the manufacture or mixing of commercial fertilizers, but shall not include the manufacture of fertilizer components or materials.

(2) *Hormones, antibiotics, and related products division.* This division shall include the manufacture of hormones, antibiotics, and related products.

(3) *General division.* This division shall include all products and activities covered by the definition of the chemical, petroleum, and related products industries contained in paragraph (a) of this section, except those included in the fertilizer division or the hormones, antibiotics, and related products division, as defined in this section.

Signed at Washington, D. C., this 10th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6521; Filed, June 13, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 718—MISSING PERSONS ACT

Part 718 is revised to read as follows:

Sec.
718.1 General Provisions.
718.2 Allotments.
718.3 Transportation of dependents.
718.4 Delegations.

AUTHORITY: §§ 718.1 to 718.4 issued under 56 Stat. 143, as amended; 50 U. S. C. App. 1001-1012, 1014-1015.

§ 718.1 *General provisions.* (a) Under the provisions of the Missing Persons Act, as amended, a finding of presumptive death is made by the Secretary of the Navy when a survey of all available sources of information indicates beyond doubt that the presumption of continuance of life has been overcome. When a finding of presumptive death is made, a man's pay accounts are closed as of the day following the expiration of the 12 months' absence or a longer period when justified, and the various benefits, such as the six months' gratuity, become payable. A finding of presumptive death concerning an officer or enlisted man of the Navy means simply that as of the date thereof he is for the purposes of Naval administration no longer alive. It does not mean that death occurred on that or on any other certain date.

(b) Findings of presumptive death are never made when the "missing" status has not continued for at least 12 months. Whenever, subsequent to the expiration of the 12th month, cumulative or other evidence establishes by its preponderance that a "missing" person is no longer alive, a prompt finding of presumptive death will be made. Also, such a finding will be made whenever justified by the lapse of time beyond the 12 months' absence without specific information being received.

(c) The Secretary of the Navy, or such subordinate as he may designate, has authority to make all determinations necessary in the administration of the act, and for the purposes of the act determinations so made shall be conclusive as to death or finding or death, as to any other status dealt with by the act, and as to any essential date including that upon which evidence or information is received in the department. The determination of the Secretary of the Navy, or of such subordinate as he may designate, is conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. When any information deemed to establish conclusively the death of any person is received in the department, action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. Under the foregoing provisions a determination of death is made prior to the expiration of 12 months when the evidence received is considered to establish conclusively the fact of death and settlement of accounts is made to the date established as the date of receipt of evidence on which the fact of death is established.

§ 718.2 *Allotments.* During such period as a person is in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, allotments from his pay and allowances may be initiated, continued, discontinued, increased, decreased, suspended or resumed in behalf of his dependents and for such other purposes as are justified by the circumstances and are in the interests of the person or of the Government.

§ 718.3 *Transportation of dependents.* Whenever a person is officially reported as dead, injured, missing for a period of 30 days or more, interned in a neutral country, or captured by an enemy, upon receipt of such official report by his dependents, and upon application by them, such dependents, household and personal effects including one privately owned motor vehicle, where the vehicle is located outside the continental limits of the United States or in Alaska, may be moved to such location as may have been determined in advance or as may be subsequently approved, except that a reasonable relationship must exist between the condition and circumstances of the dependents and the destination to which transportation is requested. In the case of a person in an injured status, transportation of his dependents or household and personal effects may be authorized only when the hospitalization or treatment of the injured person will be of prolonged duration. Payment in money of amounts equal to such commercial transportation costs for the whole or such part of the travel for which transportation in kind is not furnished, may be authorized, when such travel has been completed.

§ 718.4 *Delegations.* The Secretary of the Navy has delegated to the Director, Personal Affairs Division, Bureau of Naval Personnel with respect to personnel of the Navy, and to the Head, Casualty Section, Personal Affairs Branch, Personnel Department, United States Marine Corps, with respect to personnel of the Marine Corps, authority to make all determinations necessary to administer the act.

Dated: June 9, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-6546; Filed, June 13, 1952; 8:49 a. m.]

Chapter VII—Department of the Air Force

Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE AIR FORCE

Sections 836.131 to 836.138 are added to Part 836 as follows:

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE AIR FORCE

Sec.
836.131 Statutory provisions.
836.132 Definitions of terms as used in §§ 836.131 to 836.138.
836.133 Scope.
836.134 Delegation.
836.135 Filing of application.
836.136 Limitation of amount of payment.
836.137 Conditions of reimbursement.
836.138 Payment.

AUTHORITY: §§ 836.131 to 836.138 issued under Pub. Law 155, 82d Cong.

§ 836.131 *Statutory provisions.* The Secretary of the Air Force is authorized, to the extent he determines to be fair and reasonable, to reimburse owners and tenants of land acquired by the Air Force pursuant to the provisions of Public Law 155, 82d Congress, for expenses and other losses and damages incurred by such owners and tenants, respectively, in the process and as a direct result of the moving of themselves and their families and possessions because of such acquisition of land, which reimbursement shall be in addition to, but not in duplication of, any payments in respect of such acquisition as may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of the fair value of such parcel of land as determined by the Secretary of the Air Force. No payment or reimbursement shall be made unless application therefor, supported by an itemized statement of the expenses, losses and damages so incurred shall have been submitted to the Secretary of the Air Force within one year following the date of such vacating (sec. 501 (b), Pub. Law 155, 82d Cong.).

§ 836.132 *Definitions of terms as used in §§ 836.131 to 836.138.*—(a) *The act.* Public Law 155, 82d Congress, approved September 28, 1951.

(b) *Owner.* Any owner of land, who moves himself, his family, or his possessions because of acquisition of his land pursuant to the act.

(c) *Tenant.* One who under proper authority uses or occupies land and who moves himself, his family, or his possessions because of acquisition of such land pursuant to the act.

(d) *Acquisition pursuant to the act.* Acquisition by the Air Force of any interest in land for any project authorized by the act.

(e) *Date of vacating.* The date the owner or tenant moves himself, his family and his possessions.

(f) *Fair value.* The value of the land as determined in accordance with Air Force appraisal procedure.

§ 836.133 *Scope.* Pursuant to the provisions of the act, reimbursement may only be made to the extent determined fair and reasonable for items of expenses and other losses and damages incurred by owners or tenants in the process and as a direct result of the moving of themselves and their families and possessions. The types of reimbursable items and non-reimbursable items described in paragraphs (a) and (b) of this section are not intended to be exclusive.

(a) *Types of reimbursable items.* (1) Moving expenses, such as costs of transportation, insurance, crating and uncrating.

(2) Temporary storage expenses.

(3) Expenditures for obtaining new site or land such as cost of appraisals, surveys, and title searches, where such expenses are normally borne by the purchaser. This does not include any part of the purchase price for the new site or any expenditures for the purpose of adding to the value or utility of the new site.

(b) *Types of non-reimbursable items.* (1) Costs of conveying property to the Government.

(2) Consequential damages or losses, such as loss of good will, loss of profits, loss of trained employees, or expenses of sales and losses because of such sales.

§ 836.134 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such of his officers or employees in the Office, Chief of Engineers, as he may designate and are approved by the Secretary of the Air Force to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 501 (b) of the act.

§ 836.135 *Filing of application.* All applications for reimbursement will be

filed with the appropriate Division or District Engineer, Corps of Engineers, Department of the Army, for forwarding to the Chief of Engineers for final action. Such applications must be delivered to or mailed to such Division or District Engineer within one year from the date of vacating and must be supported by an itemized statement of the expenses, and the losses and damages incurred and for which reimbursement is requested.

§ 836.136 *Limitation of amount of payment.* The act provides that the total amount of reimbursement to all owners and tenants of any parcel of land shall not exceed 25 per centum of the fair value of such parcel of land. In the event that the approved amount of reimbursement for all owners and tenants exceeds 25 per centum of the fair value of the land, each applicant will receive the same proportion of the 25 per centum of the fair value as the approved amount for each application is of the total amount approved for all applications.

§ 836.137 *Conditions of reimbursement.* In determining whether reimbursement will be made and the extent and amount thereof, consideration will be given to the following:

(a) Reimbursement shall not be made unless and until reasonable proof of the expenses or other losses and damages incurred, in the form of receipts therefor or the next best evidence thereof when receipts are not available, have been submitted.

(b) Reimbursement shall not be made to the extent the applicant's negligence, or wrongful act has contributed to the amount of the expenses, losses or damages.

(c) Reimbursement shall not be made for any expenses, losses or damages which were allowed in establishing the compensation paid or to be paid for the interest acquired in the land.

§ 836.138 *Payment.* Appropriate action will be taken to accomplish payment in accordance with prescribed procedure and regulations. Reimbursement will be made from funds appropriated to the Department of the Air Force pursuant to the act, to the extent available.

NOTE: The regulations contained in §§ 836.131 to 836.138 were approved by the Acting Secretary of Defense on February 19, 1952.

[SEAL] K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-6519; Filed, June 13, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-18, Revocation]

M-18—PIGS' AND HOGS' BRISTLES AND BRISTLE PRODUCTS

REVOCATION

NPA Order M-18 (16 F. R. 10261) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-18 as originally issued or as thereafter amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

Pigs' and hogs' bristles are subject to the provisions of NPA Reg. 1.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective June 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6622; Filed, June 13, 1952; 11:35 a. m.]

[NPA Order M-78, as Amended June 13, 1952]

M-78—MAINTENANCE, REPAIR, OPERATING SUPPLIES, AND CAPITAL ADDITIONS FOR MINING INDUSTRY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-78, as amended by Amendment 1 of September 21, 1951, and as further amended by Amendment 2 of January 30, 1952, is still further amended by raising from $2,000 to $5,000 the limit on minor capital additions as defined in section 2 (e) and by making a corresponding change in the definition of "major capital additions" in section 2 (f). Producers are permitted to use 20 percent of their quota base, or $5,000, whichever is greater, for minor capital additions There is added a new section 16 which makes provision for emergency repairs. The provisions relating to foreign producers are clarified, and various provisions of the order are changed to bring them into line with the latest amendments to CMP Regulation No. 5 on which regulation this order is based.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Allotment numbers and ratings.
4. How a person obtains controlled materials.
5. How a person obtains products and materials other than controlled materials.
6. Limitations on types of use of allotment numbers and ratings.
7. Quarterly MRO quotas.
8. Charges against quota.
9. Obligation to supply MRO under lease or other agreement.
10. Use of materials for another purpose.
11. Restrictions on receipts and inventories.
12. Supplier receiving improperly rated orders.
13. Adjustments of quotas.
14. Certification.
15. Major capital additions.
16. Emergency assistance.
17. Request for adjustment or exception.
18. Records and reports.
19. Communications.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order as amended provides a procedure for priorities assistance to certain producers in the mining industry (other than producers of solid fuel, petroleum, uranium, or natural gas) for whom the Defense Materials Procurement Agency is claimant under NPA Delegation 5, as from time to time amended. The procedure permits use of the allotment numbers and ratings set forth in section 3 of this order to obtain limited quantities of controlled material and products and materials other than controlled material for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO") and minor capital additions, and provides for application for major capital additions.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this order, or to treat his entire operation as a single person. In the absence of a contrary election, each such unit shall be treated for such purposes as if it were a separate person. An election so made may not thereafter be changed without prior written approval of the Defense Materials Procurement Agency.

(b) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, and where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(c) "Operating supplies" means any kind of material carried by a producer as operating supplies according to his established accounting practices in effect on December 31, 1950. Materials incorporated in a product are operating supplies of a producer if, but only if, they were carried as operating supplies according to established accounting practice in effect on December 31, 1950. It also includes expendable tools and equipment used in production regardless of the accounting practice of the producer.

(d) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions.

(e) "Minor capital addition" means any replacement, improvement, or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $5,000 for any one complete capital addition. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such replacement, improvement, or addition, for the purpose of this order, the cost of all materials obtained for such replacement, improvement, or addition shall be included whether or not acquired by use of an allotment number or rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition, replacement, or improvement involves construction as defined in Revised CMP Regulation No. 6, the procedure provided for herein may not be used to obtain materials therefor.

(f) "Major capital addition" means any improvement, replacement, or addition of a kind carried by a producer as capital according to his established accounting practice, the total cost of the materials or equipment for which, acquired by such producer, exceeds $5,000. This definition does not include machinery or equipment for use in connection with a construction project authorized pursuant to Revised CMP Regulation No. 6.

(g) "Materials" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(h) "DMPA" means the Defense Materials Procurement Agency.

(i) "Producer" means any person actually engaged in operations for which claimant responsibility has been delegated to DMPA by NPA Delegation 5, as amended. Those operations include: (1) The extraction, by surface, open-pit, quarry, dredging, or underground methods, or in the beneficiation, concentration, or preparation for shipment, of the products of mining activities; (2) the production of nonferrous metals by smelting and refining; or (3) the operation of any prospecting enterprise for the discovery, exploration, or development of new or additional mining projects (including the construction of access roads). This definition does not include operations relating to solid fuels, petroleum, uranium, or natural gas.

(j) "Domestic producer" means any person operating as a "producer" within the United States, its territories and possessions.

(k) "Foreign producer" means any person operating as a "producer" outside the United States, its territories and possessions, and Canada, who: (1) Has a valid serial number issued by the Defense Minerals Administration or DMPA, and (2) has a duly authorized agent within the United States, its territories or possessions, responsible for the producer's compliance with the provisions of this order.

(l) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(m) "Delivery order" means any purchase order, contract, or shipping or other instruction calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(n) "MSA" means the Mutual Security Agency.

(o) "OIT" means the Office of International Trade of the Department of Commerce.

(p) "NPA" means the National Production Authority.

SEC. 3. *Allotment numbers and ratings.* Allotment numbers are used to obtain controlled materials. The allotment number, preceded by "DO", is known as a rating and is used to obtain materials or products other than controlled materials. Subject to the limitations of this order, producers are hereby assigned the right to use the following allotment numbers and ratings for maintenance, repairs, operating supplies, and minor capital additions:

As defined in NPA Order M-78	Allotment No.	Rating
Domestic producers	H-6	DO-H-6
Foreign producers in countries having MSA programs	W-4	DO-W-4
Foreign producers in other countries	W-2	DO-W-2

SEC. 4. *How a person obtains controlled materials.* (a) Subject to the limitations and restrictions specified in subsequent sections of this order, every producer shall have the right to use the allotment number assigned him in section 3 of this order on his delivery orders for controlled materials for MRO and minor capital additions. The assignment of the right to use an allotment number does not constitute the making of an allotment. The allotment number may be used to acquire only that amount of controlled materials actually needed for MRO and minor capital additions.

(b) A delivery order bearing an allotment number assigned in section 3 of this order, and certified as provided in section 14 of this order shall constitute an authorized controlled material order for the purposes of all CMP regulations. A producer who manufactures a Class A or Class B product, not for sale, but solely for his own use as MRO, or as a minor capital addition, may obtain the controlled material required for such production by using the allotment number assigned in section 3 of this order. A producer who manufactures such a Class A or Class B product may not apply to an industry division or claimant agency on Form CMP-4A or on Form CMP-4B for an allotment of controlled materials, or for a DO rating for such production, nor may he use the self-authorization procedure provided in Direction 1 to CMP Regulation No. 1.

SEC. 5. *How a person obtains products and materials other than controlled materials.* (a) Subject to the limitations and restrictions specified in subsequent sections of this order, every producer shall have the right to use the appropriate "DO" rating assigned him in section 3 of this order on his delivery orders for products and materials other than controlled materials for MRO and minor capital additions. The rating may be used to acquire only that amount of such products and materials actually needed for MRO and minor capital additions.

(b) A delivery order bearing a rating assigned in section 3 of this order, together with the certification provided for in section 14 of this order, shall constitute a rated order with an allotment number for the purpose of all regulations and orders of NPA. A producer who manufactures a Class A, Class B, or any other product, not for sale but for his own use as MRO, or as a minor capital addition, may obtain the products and materials other than controlled material required for such production by using the rating assigned in section 3 of this order.

SEC. 6. *Limitations on types of use of allotment numbers and ratings.* (a) The allotment numbers H-6, W-2, and W-4, and the ratings DO-H-6, DO-W-2, and DO-W-4 may not be applied or extended by a producer to obtain any of the materials listed in Schedule I or II of CMP Regulation No. 5, as from time to time amended, or to obtain any equipment pursuant to any lease.

(b) The allotment numbers and ratings assigned in section 3 of this order shall not be applied by a producer to obtain in any quarter (calendar or fiscal) materials for minor capital additions exceeding in the aggregate 20 percent of his quarterly MRO quota or $5,000, whichever is greater. This paragraph shall be construed to place no limitation on the acquisition of additional products or materials other than controlled materials for minor capital additions without the use of an allotment number or rating.

SEC. 7. *Quarterly MRO quotas.*—(a) *Computing the quota base.* A producer who applies an allotment number or rating pursuant to this order must establish his quarterly MRO quota if he has not already done so. In calculating the MRO quota base a producer shall include all expenditures made by him in the base period for MRO except materials included in List A of NPA Reg. 2. Expenditures during the base period for capital additions shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a producer operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal

year ending prior to that date. After such an election has been made, it may not thereafter be changed without the prior written approval of DMPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A producer may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of DMPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the producer for MRO during the corresponding quarter in 1950, or during the corresponding quarter in the last fiscal year ending prior to March 1, 1951.

(f) *Producers not in operation throughout the base period.* A producer not in operation throughout his entire base period shall establish his quarterly MRO quota as follows:

(1) *Producers operating during part of the base period.* A producer who was in operation during a part but not all of the calendar year 1950 (or a part but not all of his last fiscal year ending prior to March 1, 1951), shall determine his quota base by computing the amount he would have spent for MRO (except materials listed in List A of NPA Reg. 2) in his base period had he continued to spend therefor through the year at the same rate as during the part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. Such producer's standard quarterly MRO quota shall be 30 percent of his quota base. If such producer elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Producers not in operation during the base period.* If a producer was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount he determines to be necessary for his operation. The quota of such producer may not, however, exceed $10,000 for any quarter without prior written approval of DMPA.

(3) *Notice to DMPA.* A domestic producer who, on or after the effective date of this order, establishes a quarterly MRO quota in excess of $10,000 pursuant to paragraph (f) of this section shall, within 30 days after he first applies an allotment number or rating pursuant to this order, notify DMPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) *Quota applications by foreign producers.* Each foreign producer who has received a serial number under DMPA Mineral Order 7, shall file with DMPA on Form DMPA-28 (formerly MF-400) an application to establish an MRO quota if he has not already applied for such a quota. Such application shall be made within 60 days of the receipt of such serial number.

(h) *Small quotas.* Any domestic producer whose quarterly MRO quota is less than $10,000 as calculated pursuant to the provisions of this section, may nevertheless order (or receive) in any quarter MRO aggregating not more than $10,000 through the use of the appropriate allotment number or rating.

SEC. 8. *Charges against quota.*—(a) *When to charge against quota.* A producer may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis) or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of DMPA.

(b) *What to charge against quota.* A producer shall charge against his MRO quota in each quarter all expenditures for materials for MRO (except materials in List A of NPA Reg. 2) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not the materials are obtained by the use of an allotment number or rating.

(c) *Exception.* Any producer who uses an allotment number or rating pursuant to this order to order for delivery (or, if on the receipts basis, to receive) during any quarter materials for MRO which aggregate not more than 20 percent of his MRO quota for such quarter may, in addition, order for delivery (or receive) other material for MRO without use of an allotment number or rating and without regard to quota limitations.

SEC. 9. *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment under the terms of any lease or other agreement for the use of such property by another producer may apply the allotment number or rating pursuant to this order to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person who is applying the allotment number or rating, except that if his purchase is made on a reimbursable basis for the account of the producer using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a producer has obtained materials for MRO or minor capital additions by applying an allotment number or rating pursuant to this order, he may use the materials for a different purpose if, under an authorized production schedule or authorized construction schedule, he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purposes he may not use an allotment number or rating pursuant to this order to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying an allotment number or rating pursuant to this order for such other purpose, his records must be adequate to show that his purchases of materials are substantially proportionate to his authorized uses.

SEC. 11. *Restrictions on receipts and inventories.* In accordance with the provisions of NPA Reg. 1 and notwithstanding the provisions of CMP Regulation No. 2, no producer shall receive any delivery of MRO material under the provisions of this order which would increase his inventory of such MRO material to an amount greater than the minimum necessary to sustain his current level of operations; and the ratio of such inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1948, 1949, and 1950.

SEC. 12. *Supplier receiving improperly rated orders.* When a supplier has received a purchase order bearing an allotment number or rating mentioned in section 3 of this order, which number or rating he knows or has reason to believe has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal and shall also advise DMPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Adjustments of quotas.* (a) Any application for an adjustment in quota must be filed on Form DMPA-28 (formerly MF-400) prior to the expiration of the quarter for which adjustment is requested, and the established base quota must not be exceeded unless and until the DMPA-28 application is approved.

(b) If a producer's quarterly MRO quota is increased by specific authorization of DMPA, he may continue to operate with the increased quota as his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization, but any increase granted shall not be retroactive.

SEC. 14. *Certification.* Each producer who, pursuant to this order, places a delivery order for controlled materials or a rated order for other products or materials for MRO or minor capital additions shall set forth on such order, or on a separate paper attached thereto, the appropriate allotment number or rating and the certification:

Certified under NPA Order M-78

and shall sign the certification as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA and DMPA that the producer is authorized to use the allotment number or rating under the provisions of this order to obtain the materials covered by the delivery order.

SEC. 15. *Major capital additions.* (a) Any domestic producer who has a serial number under Mineral Order 7 may apply to DMPA for priorities assistance to obtain machinery, equipment, or materials for major capital additions. Such application shall be made by letter in duplicate giving all of the following information: (1) Name and adress of applicant; (2) mine serial number; (3) description and price of machinery, equipment, or materials required; (4) name and address of prospective supplier; (5) date and number of purchase order; (6) delivery dates promised by supplier with and without rating assistance; and (7) need for machinery, equipment, or materials, and expected results.

(b) Any domestic producer who does not have a serial number under Mineral Order 7 may apply to DMPA for priorities assistance giving all the information required in paragraph (a) of this section, except the serial number, and shall give in addition a description of the property (location and pertinent facts regarding ore body), production in 1950 and 1951, and current rate of production.

(c) Foreign producers shall apply for priorities assistance in obtaining major capital additions by filing Form IT-835 with OIT or MSA, as appropriate. Any items of machinery or equipment costing more than $5,000 which are required for foreign operations must be applied for on Form IT-835 regardless of whether they are for replacement, addition, or improvement, unless they form part of an expansion which is handled on a project basis in accordance with instructions available from OIT or MSA.

(d) Such applications, when approved by DMPA and NPA, will authorize the producer to use an allotment number or rating specified in this order.

SEC. 16. *Emergency assistance.* In the event of any major breakdown caused by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, a domestic producer may use the allotment number H-6 and the rating DO-H-6 to obtain materials and equipment in excess of his established quota to the extent necessary to reestablish operation by the use of no greater amount of materials than those rendered unfit for service. In so doing he shall place the word "emergency" after the allotment number or rating on his order and, within 10 calendar days after the placing of such order, he shall report the placing of such order to DMPA by letter in duplicate, listing the kinds, quantities, and value of materials and equipment so ordered, explaining the nature of the emergency, and giving full justification for the use of this emergency procedure.

SEC. 17. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each such request, except as otherwise provided in section 13 of this order, shall be in writing, by letter in duplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 18. *Records and reports.*—(a) *Records to be kept.* Each domestic producer who makes any use of an allotment number or rating pursuant to this order, and the United States agent of each foreign producer who makes any use of an allotment number or rating pursuant to this order, shall make and preserve at his regular place of business for at least 3 years, accurate and complete records showing as to such producer, what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections and revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, production, and use of all materials for MRO, minor capital additions, or major capital additions obtained pursuant to this order, whether or not such materials were obtained by use of an allotment number or rating, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) *Inspection and audit.* All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA or of DMPA at the usual place of business where maintained.

(c) *Other records and reports.* Persons subject to this order shall make such records and submit such reports to NPA or DMPA as either shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 19. *Communications.* All communications concerning this order shall be addressed to DMPA, Mining Requirements Division, Washington 25, D. C., Ref: NPA Order M-78.

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect June 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6623; Filed, June 13, 1952; 11:36 a. m.]

[NPA Reg. 2, Direction 3 as Amended June 13, 1952]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 3—RESTRICTIONS UPON USE OF RATINGS

This amended direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives, including trade association representatives, has been rendered impracticable by the fact that this direction applies to all trades and industries.

As amended, NPA Reg. 2, Direction 3 reads as follows:

SECTION 1. (a) No rating shall be applied or extended to obtain any of the materials or products listed in any numbered item of Appendix A of this direction on or after the date set forth opposite such numbered item, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-1 or Z-2.

(b) These restrictions shall not affect the status of ratings applied or extended to obtain any item listed in Appendix A of this direction prior to the date set forth opposite each such numbered item.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction as amended, shall, except as otherwise provided herein, take effect June 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF DIRECTION 3 TO NPA REG. 2

Material or Product and Effective Date
1. Any basic, organic, or inorganic chemicals, their intermediates and derivatives, other than compounded end products not customarily sold as chemicals. Sept. 25, 1951.
2. Any primary paper or paperboard (this does not include paper or paperboard processed beyond the primary or base stock stage). Jan. 15, 1952.
3. Waterfowl feathers (goose or duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length; except flight feathers having no natural curl). May 12, 1952.

4. Pigs' or hogs' bristles, and brushes and bristle products containing pigs' or hogs' bristles. June 13, 1952.

[F. R. Doc. 52-6624; Filed, June 13, 1952; 11:36 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 12 to Appendix]

CR-3 — RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATIONS GOVERNING PROCESS AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP.—CRITICAL DEFENSE HOUSING AREAS

1. This Amendment 12 amends the Appendix to CR 3 initially published in the FEDERAL REGISTER November 20, 1951 (16 F. R. 11731), which Appendix was revised and published in the FEDERAL REGISTER January 30, 1952 (17 F. R. 893) and last amended by Amendment 11 published May 22, 1952 (17 F. R. 4654), by adding the following additional critical defense housing areas to the areas already designated under CR 3:

Area, Including Geographical Description and Date Designated

174. Poughkeepsie, New York, Area. (The City of Poughkeepsie and the Towns of Poughkeepsie, Hyde Park, Pleasant Valley, Lagrange, Wappinger, and East Fishkill, all in Dutchess County), June 14, 1952.

175. Grosse Ile, Michigan, Area. (The Island of Grosse Ile in the Detroit River, Wayne County), June 14, 1952.

176. Bagdad, Arizona, Area. (That part of Supervisorial District 2 lying west of 113° longitude, in Yavapai County), June 14, 1952.

177. Milan, Tennessee, Area. (Carroll, Gibson, and Madison Counties), June 14, 1952.

2. The Appendix to CR 3 is further amended by changing the description of critical defense housing area numbered 5 and designated as Wright-Patterson Air Force Base, Dayton, Ohio, to read as follows:

5. Wright-Patterson Air Force Base, Dayton, Ohio. (All of Greene and Montgomery Counties; the Townships of Pike, German, Moorefield, Springfield, Greene, Mad River, Bethel, and the City of Springfield, in Clark County.)

[SEAL] B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F R Doc. 52-6528; Filed, June 13, 1952; 8:47 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 56 to Schedule A]

[Rent Regulation 2, Amdt. 54 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WASHINGTON

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective June 14, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Washington				
(353a) Wenatchee	A	In Chelan County, the election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millerdale, Monitor, Sunnyslope, Suburban, and all Wenatchee City election precincts; in Douglas County, the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge, and Valley.	Jan. 1, 1952	June 16, 1952
Washington				
(353b) Bridgeport	A	In Douglas County, Census Division 2; in Okanagon County, Census Division 8.	Apr. 1, 1952	Do.

[F. R. Doc. 52-6551; Filed, June 13, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 66 to Schedule A]

[Rent Regulation 4, Amdt. 10 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WASHINGTON

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective June 14, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(353a) Wenatchee	Washington	In Chelan County, the election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millerdale, Monitor, Sunnyslope, Suburban, and all Wenatchee City election precincts; in Douglas County, the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge, and Valley.	Jan. 1, 1952	June 16, 1952
(353b) Bridgeport	do	In Douglas County, Census Division 2; in Okanagon County, Census Division 8.	Apr. 1, 1952	Do.

[F. R. Doc. 52-6552; Filed, June 13, 1952; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter L—Security of Waterfront Facilities

[CGFR 52-30]

PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

DESIGNATED DANGEROUS CARGO

The purpose for amending 33 CFR 126.09 is to redefine "designated dangerous cargo" in order to remove an inequality between shipments of Classes B and C military explosives and shipments of Classes B and C commercial explosives. At present 33 CFR 126.29 requires that a Captain of the Port will issue a designated waterfront facility permit for each transaction of handling, storing, stowing, loading, or discharging or transporting designated dangerous cargo in amounts exceeding 500 pounds, provided, among other conditions, the facility offers isolation and remoteness from populous areas which compare favorably with the distances required by the American Table of Distances for inhabited buildings, unbarricaded. The amendment to 33 CFR 126.09 will eliminate

isolation requirements for the handling of Classes B and C military explosives at designated waterfront facilities and will thereby remove the inequality existing between shipments of Classes B and C military explosives and shipments of Classes B and C commercial explosives. It is hereby found that compliance with the notice of public rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is impracticable because it is necessary to expedite the handling of Classes B and C military explosives shipped by, for, or to the United States Armed Forces, or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended by Executive Order 10277, and Executive Order 10352, the following regulation is prescribed which shall become effective on and after the date of publication of this document in the FEDERAL REGISTER:

Section 126.09 is amended to read as follows:

§ 126.09 *Designated dangerous cargo.* The term "designated dangerous cargo" shall mean explosives (commercial or military), Class A, as classified in 46 CFR Part 146.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005, 3 CFR, 1950 Supp., as amended by E. O. 10277, Aug. 1, 1951, 16 F. R. 7537, 3 CFR, 1951 Supp., as amended by E. O. 10352, May 19, 1952, 17 F. R. 4607)

Dated: June 9, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-6549; Filed, June 13, 1952; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; DELETION OF FOOTNOTE

In the matter of amendment of § 2.104 (a) of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1952;

The Commission, having under consideration footnote US9 to the Table of Frequency Allocations, which footnote permitted use of the frequency band 225–231 Mc for distance indicator systems at certain United States terminals of International air routes, and, where Amateur use of 220–225 Mc would interfere with the distance indicator system, permitted Amateur use of the frequency band 235–240 Mc in lieu thereof for a period not to extend beyond January 1, 1952; and

It appearing, that there is no longer a requirement for the allocation exceptions contained in footnote US9 to the Table of Frequency Allocations; and

It further appearing, that the termination of authority contained in footnote US9 to the Table of Frequency Allocations ordered herein, is only carrying out the provisions of the Atlantic City Table of Frequency Allocations, paragraph 207, which also permitted the use of 220–231 Mc for distance measuring equipment for a period not to extend beyond January 1, 1952; and

It further appearing, that notice of proposed rule-making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary; and

It further appearing, that authority for the amendment ordered herein is contained in sections 4 (i), 301, 303 (e) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately, footnote US9 of § 2.104 (a) of the Commission's rules and regulations is deleted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: June 6, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6580; Filed, June 13, 1952; 9:06 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Procedural Regulations Draft Release No. 8]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

CONSOLIDATION OF HEARINGS

JUNE 9, 1952.

Notice is hereby given that the Civil Aeronautics Board has under consideration a revision of § 302.12 of the Procedural Regulations (14 CFR 302.12). This revision relates to the filing of motions for consolidation of two or more proceedings or for contemporaneous consideration thereof.

The present § 302.12 of the procedural regulations (rules of practice) contemplates that consolidation motions shall be filed not later than the prehearing conference, but does not make this an express requirement.

The Board believes that this practice should be made a procedural requirement and that consolidation motions or motions for contemporaneous consideration of applications filed after such date should be dismissed in the absence of a clear showing of good cause for failure to file the motion on time. The Board further believes that the regulations should be clarified to make clear that the burden of seeking consolidation or contemporaneous consideration of applications rests on the parties thereto and not on the Board. Although the Board may from time to time consolidate proceedings or give contemporaneous consideration thereto upon its own initiative, the Board does not believe that it should assume the burden of searching out of its docket every application which could be consolidated or heard contemporaneously.

The Board believes that this clarification of consolidation procedures will insure a more orderly handling of proceedings and eliminate the possibilities of delay and burden upon other parties inherent in a less definite procedure. Board prehearing conferences are designed to establish the outlines of proceedings and future procedural dates. These clearly must depend upon the scope of applications included. If later filed motions to consolidate or hear applications contemporaneously are permitted except under unusual circumstances, the other parties are faced with the need for new preparation, in many cases new exhibits, and are encouraged as a matter of the protection of their interest to seek procedural postponements. The further advanced the case has become in its various procedural stages, the more pronounced becomes this problem.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received by July 15, 1952, will be considered by the Board before taking further action upon the proposed rule. Copies of such communications will be available after July 15, 1952, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

This rule is proposed under the authority of sections 205 (a), 52 Stat. 984, 49 U. S. C. 425; Interpret or apply section 1001, 52 Stat. 1017, 49 U. S. C. 641.

Dated June 9, 1952, at Washington, D. C.

[SEAL] M. C. MULLIGAN,
Secretary.

§ 302.12 *Consolidations.* (a) The Board, upon its own initiative or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same

parties, or issues which are the same or closely related, if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. Although the Board may, in any particular case, consolidate or contemporaneously consider two or more proceedings on its own motion, the burden of seeking consolidation or contemporaneous consideration of a particular application shall rest upon the applicant and the Board will not undertake to search its docket for all applications which might be consolidated or contemporaneously considered.

(b) *Time for filing.* A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application. If made at such conference the motion may be oral. All motions for consolidations or for consideration of issues which enlarge, expand, and change the nature of a proceeding shall be addressed to the Board. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time. A motion which does not relate to an application pending at the time of or before the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested shall likewise be dismissed unless the movant shall clearly show good cause for his failure to file the application within the prescribed period.

(c) *Answer.* If a motion to consolidate two or more proceedings is filed with the Board, any party to any of such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within such period as the Board may permit. The Examiner may require that answers to such motions be stated orally at the prehearing conference in the proceeding with which the consolidation is proposed.

[F. R. Doc. 52-6559; Filed, June 13, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52-28]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority, and the following corrections in Coast Guard Document CGFR 52-22, Federal Register Document 52-4871, published in the FEDERAL REGISTER dated May 1, 1952, shall be made:

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTES: When buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/21/0, Overall cleaning process for kapok life preservers, as outlined in letter of April 1, 1952, from Overall Cleaning and Supply Co., 220 Yale Avenue, North, Seattle 9, Wash.

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Cushions are approved for use on motorboats of classes A, 1, or 2, not carrying passengers for hire.

Approval No. 160.008/511/0, 14½" x 24" x 2" rectangular buoyant cushion, 31 oz. kapok, American Pad and Textile Co., dwg. Nos. A-43 and C-78, dated April 24, 1952, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Thompson Bros. Boat Mfg. Co., Inc., Peshtigo, Wis.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.008)

BUOYANT APPARATUS

Approval No. 160.010/17/1, 5.0' x 2.5' (7½" x 9" body section) elliptical, solid balsa wood buoyant apparatus, 5-person capacity, dwg. No. 31052 and specifications, dated March 10, 1952, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y. (Supersedes Approval No. 160.010/17/0 published in the FEDERAL REGISTER dated June 23, 1949.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.54a, 60.47a, 76.51a, 160.010)

WINCHES, LIFEBOAT

Approval No. 160.015/23/1, Type B135 lifeboat winch, approval is limited to mechanical components and for a maximum working load of 12,500 lbs. pull at the drums (6,750 lbs. per fall), identified by general arrangement dwg. No 2105-7 dated May 15, 1951, and revised July 19, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.015/23/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 160.015/37/0, Type H21G lifeboat winch, approved for a maximum working load of 2,100 lbs. pull at the drums (1,050 lbs. per fall), identified by general arrangement dwg. No. 3337 dated July 6, 1950, and revised Apr. 11, 1952, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10-5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/10/0, Model 241-A/GR, embarkation-debarkation ladder, chain suspension, steel ears, steel rungs, dwg. No. 241-A/GR, dated January 10, 1952, manufactured by Great Bend Mfg. Corp., 151 East Fiftieth Street, New York 22, N. Y.

Approval No. 160.017/11/0, Model CTL-6, embarkation-debarkation ladder, chain suspension, steel ears, steel rungs, dwg. No. CTL-6, dated January 14, 1952, approved for use where the height of the boat deck above the lightest seagoing draft exceeds 55 feet and stowage facilities require special consideration of the ladders used, manufactured by Great Bend Mfg. Corp., 151 East Fiftieth Street, New York 22, N. Y.

Approval No. 160.017/12/0, Model CTL-6/WR, embarkation-debarkation ladder, wire rope suspension, steel ears, steel rungs, dwg. No. CTL-6/WR, dated January 28, 1952, approved for use where the height of the boat deck above the lightest seagoing draft exceeds 55 feet and stowage facilities require special consideration of the ladders used, manufactured by Great Bend Mfg. Corp., 151 East Fiftieth Street, New York 22, N. Y.

(R. S. 4405, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 59.63, 76.56a, 94.55a, 113.47a, 160.017)

DAVITS, LIFEBOAT

Approval No. 160.032/127/0, mechanical davit, straight boom sheath screw, size A-5-6, approved for maximum working load of 5,000 lbs. per set (2,500 lbs. per arm) using 2-part falls, identified by general arrangement dwg. No. G-458, revised March 27, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Approval No. 160.035/277/0, 20.0' x 6.5' x 2.6' aluminum oar-propelled lifeboat, 20-person capacity, identified by general arrangement and construction dwg. No. 51-2020 dated January 9, 1951, and revised April 23, 1952, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

Approval No. 160.035/278/0, 30.0' x 10.0' x 4.13' aluminum, hand propelled lifeboat, 70-person capacity, identified by construction and arrangement dwg. No. 3367 dated June 15, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Ambody, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01-5, 59.13, 76.16, 94.15, 113.10, 160.035)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/9/0, Model F-91X, watertight and explosion-proof flashlight, Types I and II, size No. 3 (3-cell), identified by assembly dwg. No. C-1108 dated April 11, 1952, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

Approval No. 161.008/10/0, Model F-81X, water-tight and explosion-proof flashlight, Types I and II, size No. 2 (2-cell), identified by assembly dwg. No. G-1108 dated April 11, 1952, manufactured by Stewart R. Browne Mfg. Co., Inc., 258 Broadway, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 346, and sec 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15-1, 33.15-5, 59.11, 76.14, 161.008)

VALVES, SAFETY

Approval No. 162.001/181/0, Series 100 cast-steel body safety valve, 600 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. D-100 dated July 27, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731-35 Filbert Street, Philadelphia 4, Pa.

Approval No. 162.001/182/0, Series 110 cast-steel body safety valve, 600 p. s. i. maximum pressure, 450° F. maximum temperature, dwg. No. D-110 dated July 27, 1951, approved for sizes 1½", 2", 2½", 3" and 4", manufactured by Marine & Industrial Products Co., 3731-35 Filbert Street, Philadelphia 4, Pa.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 52.65)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/5/0, Kidde Model 20 dry-chemical type, hand portable, fire extinguisher, assembly dwg. No. 890047, Rev. C dated March 9, 1951, name plate dwg. No. 270127, Rev. E dated February 3, 1949, manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J.

Approval No. 162.010/6/0, Kidde Model 30 dry-chemical type, hand portable, fire extinguished, assembly dwg. No. 890048, Rev. C dated March 9, 1951, name plate dwg. No. 270141, Rev. C dated February 4, 1949, manufactured by Walter Kidde & Co., Inc., Belleville 9, N. J.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.5-1, 25.3-1, 27.3-1, 28.3-5, 34.25-1, 61.13, 77.13, 95.13, 114.15)

DECK COVERINGS

Approval No. 164.006/28/0 "LORALITE," Magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210-1826:FP3121 dated April 1, 1952, approved for use without other insulating material to meet Class A-60 requirements in a 1½-inch thickness, manufactured by Lorentzen Co., 2207 Market Street, Oakland, Calif.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.006)

STRUCTURAL INSULATION

Approval No. 164.007/6/1, "BX Spuntex," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36; FR-1404 dated May 17, 1939, bats and blankets approved for use without other insulating material to meet Class A-60 requirements in a 3-inch thickness and 8 lbs. per cubic foot density, and a 4-inch thickness and 6 lbs. per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y. (Supersedes Approval No. 164.007/6/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 164.007/7/1, "=450 Cement," mineral wool cement type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619B; FR-1466B dated July 7, 1939, approved for use without other insulating material to meet Class A-60 requirements in a 3½-inch thickness and 30 lbs. per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y. (Supersedes Approval No. 164.007/7/0 published in the FEDERAL REGISTER dated July 31, 1947.)

Approval No. 164.007/9/1, "Banroc 202AA," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Report No. TG-3619-36; FR-1404 dated May 17, 1939, blankets with asbestos paper facings approved for use without other insulating materials to meet Class A-60 requirements in a 3-inch thickness and 16 lbs. per cubic foot density, manufactured by Johns-Manville Sales Corp., 22 East Fortieth Street, New York 16, N. Y. (Supersedes Approval No. 164.007/9/0 published in the FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR Part 144)

CORRECTIONS TO PRIOR DOCUMENT

In Coast Guard Document CGFR 52-22, Federal Register Document 52-4871, filed April 30, 1952, and published in the FEDERAL REGISTER May 1, 1952 (17 F. R. 3860-3862), the following corrections shall be made:

1. Under the heading "Life Preservers, Fibrous Glass, Adult and Child (Jacket Type)," the "Approval No. 160.005/3/C" shall be changed to "Approval No. 160.005/3/0" for Model No. 51 adult fibrous glass life preserver (17 F. R. 3860).

2. Under the heading "Lifeboats" Approval No. 160.035/280/0 shall be corrected by changing the date of revision of drawing No. 26-8 from "February 21, 1952" to "April 23, 1952" (17 F. R. 3861).

Dated: June 9, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52-6548; Filed, June 13, 1952; 8:50 a. m.]

[CGFR 52-29]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured for marine service or the company has gone out of business:

CLEANING PROCESS FOR LIFE PRESERVERS

Termination of Approval No. 160.006/5/0, Moreland's cleaning process for kapok life preservers, Moreland's Industrial Laundry, 225 Roy Street, Seattle 9, Wash. (Approved FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/79/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Greenwood Cowan and Platt, 949 Asbury Avenue, Ocean City, N. J. (Approved FEDERAL REGISTER dated April 13, 1949.)

Termination of Approval No. 160.007/83/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by O'Keefe's Auto Top Shop, 6217 Baltimore Avenue, Yeadon, Pa. (Approved FEDERAL REGISTER dated July 27, 1949.)

Termination of Approval No. 160.007/98/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Crawford Cushion Mfg. Co., 1081 West View Drive SW., Atlanta, Ga. (Approved FEDERAL REGISTER dated January 19, 1951.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4-1, 160.007)

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of ap-

proval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: June 5, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 52-6547; Filed, June 13, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

OFFICER IN CHARGE AT AGANA, GUAM

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN ACTIONS

JUNE 10, 1952.

Effective as of June 16, 1952, the following section is added to those provisions which were formerly designated as Part 1 of Chapter I, Title 8 of the Code of Federal Regulations, but the codification of which has been discontinued (13 F. R. 6760):

SEC. 1.48b *Delegation of authority to officer in charge at Agana, Guam.* In addition to the authority conferred by law upon officers in charge, the officer in charge at Agana, Guam, shall have authority, concurrent and coextensive with that exercised by the district director at Honolulu, T. H., to make any determination or to take any action within the purview of Subchapter B of Title 8 of the Code of Federal Regulations.

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 11, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-6607; Filed, June 13, 1952; 10:56 a. m.]

Office of Alien Property

[Vesting Order 18887]

DR. HERMANN EMDE

In re: Stock owned by Dr. Hermann Emde.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Dr. Hermann Emde, who there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947 was a resident of Germany is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of capital stock of Hugo Stinnes Corporation, 541 Lexington Avenue, New York 22, New York, evidenced by a certificate numbered NYO 9685, registered in the name of Professor Dr. Hermann Emde, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Dr. Hermann Emde, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 9, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52-6506; Filed, June 12, 1952; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER NO. 338

MAY 29, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 160 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 338

For lease and sale for homesites only:

T. 4 N., R. 1 E., S. B. M.:
Sec. 17, SE¼.

The lands are situated in San Bernardino County, California, in an area known as Lucerne Valley. They can be reached over a paved highway from Victorville to Lucerne Valley post office and thence over a desert road. The general area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 9:00 a. m., March 1, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 per acre. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Los Angeles Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-6520; Filed, June 13, 1952; 8:45 a. m.]

[63146]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

EDITORIAL NOTE: In F. R. Doc. 52-5805, appearing at page 4825 of the issue for Tuesday, May 27, 1952, the third township listed has been corrected to read:

T. 4 N., R. 16 W.,
Sec. 2, lot 4.

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III, *Field Organization and Final Delegations of Authority*, is amended as follows:

Subparagraph 15 is added to paragraph b as follows:

15. Pursuant to the provisions of Section 12 of the United States Housing Act, as amended, and section 606 of the Lanham Act, as amended, to transfer and convey PWA, Farm Labor Camp, and permanent war housing projects to Local Authorities for low-rent use and to execute all deeds, bills of sale, administration contracts, and/or any other documents necessary therefor.

Date approved: June 9, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-6523; Filed, June 13, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

JUNE DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JUNE 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Dried whole eggs, 1950 pack (packed in barrels and drums) in carload lots only, 1,000,000 pounds.	$1.03 per pound "in store" at location of stock in Illinois, Indiana, Iowa, Michigan, Ohio, Kansas, Missouri, and Minnesota ("in store" means in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer.)
Nonfat dry milk solids, in carload lots only, 1951 production, 7,000,000 pounds, 1952 production, 7,000,000 pounds.	Spray process, U. S. extra grade—1951 production, 17 cents per pound; 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any state. ("In store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and out-handling charges for the benefit of the buyer.)
Cottonseed oil, bleachable prime summer yellow, 75,000,000 pounds.	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage locations.
Linseed oil, raw, 198,000,000 pounds.	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans:	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of prepaid in freight to be added, as applicable.
Pinto, bagged, 650,000 hundredweight.	No. 1 grade, 1949 crop: $8.16 per 100 pounds, basis f. o. b. Denver rate area; $7.76 per 100 pounds, basis f. o. b. Idaho area.
Great Northern, bagged, 744,000 hundredweight.	No. 1 grade 1948, 1949, 1950, and 1951 crops, $8.16 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area, $8.53 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Baby lima, bagged, 460,000 hundredweight.	No. 1 Grade 1949 crop: $7.34 per 100 pounds, basis f. o. b. California area.
Cranberry beans, bagged, 21,000 hundredweight.	No. 1 grade 1949 crop: $9.60 per 100 pounds, basis f. o. b. Michigan area.
Small red, bagged 30,000 hundredweight.	No. 1 grade 1951 crop: $9.06 per 100 pounds, basis f. o. b. Portland, Oreg., area.
Small white, bagged, 190,000 hundredweight.	No. 1 grade 1951 crop: $8.90 per 100 pounds, basis f. o. b. California area.
Pink, bagged, 171,300 hundredweight.	No. 1 grade 1950 and 1951 crop: $9.01 per 100 pounds, basis f. o. b. Portland, Oreg., and California areas.
Pea, bagged, 1,000,000 hundredweight.	No. 1 grade 1950 and 1951 crop: $8.85 per 100 pounds, f. o. b. Michigan area.
Austrian winter pea, seed, bagged, 2,263,000 hundredweight.	$4.50 per 100 pounds, basis f. o. b. point of production plus paid-in freight, as applicable.
Austrian winter peas, bagged, not certified for purity or germination, 1,718,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $1.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Blue Lupine seed, bagged, 1,142,000 hundredweight.	$5 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Common and Willamette Vetch seed, bagged, 130,000 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red clover seed (uncertified), bagged, 52,270 hundredweight.	$38.65 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Ladino clover seed, bagged, certified, 38,500 hundredweight.	$135.85 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels.[1]	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality, and location, plus: (1) 35 cents per bushel if received by truck, or (2) 30 cents per bushel if received by rail or barge.
	Examples of minimum prices, per bushel: Kansas City, No. 1 HW, Ex rail or barge, $2.75; Minneapolis, No. 1 DNS, ex rail or barge, $2.77, Chicago, No. 1 RW, ex rail or barge, $2.80.
	NOTE: No wheat will be for sale in the Portland, Oreg., area until further notice.
Oats, bulk, 4,500,000 bushels.[1]	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate plus: (1) 17 cents per bushel if received by truck, or (2) 16 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight.
Barley, bulk 8,000,000 bushels.[1]	Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, $1; Minneapolis, No. 3 or better, ex rail or barge, 96 cents.
	Basis in store, the market price but in no event less than the applicable 1951 loan rate for the class, grade, quality, and location, plus: (1) 24 cents per bushel if received by truck or (2) 21 cents per bushel if received by rail or barge.
Corn, bulk, 50,000,000 bushels.	Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.53, San Francisco, No. 1 Western barley, ex rail or barge, $1.58.
	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow plus: (1) 25 cents per bushel if received by truck, or (2) 23 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight.
	Examples of minimum prices per bushel, Chicago, No. 3 yellow, $1.98; St. Louis, No. 3 yellow, $2.00, Minneapolis, No. 3 yellow, $1.89, Omaha, No. 3 yellow, $1.91, Kansas City, No. 3 yellow, $1.86.
	For other classes, grades, and quality, market differentials will apply.
Rice, rough, bagged, 195,000 hundredweight.	Per 100 pounds $3.40 plus 105 percent of 1951 support price for class, grade and yield plus paid-in freight and/or bags, if applicable.

[1] These same lots also are available at export sales prices announced today.

Ceiling Price Certification. Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

JUNE 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale).	Export price list
Cottonseed oil, bleachable prime summer yellow 75,000,000 lbs.[1]	Market price f. o. b. tank cars at points of storage locations.
Dry edible beans	
Pea, bagged, 1950 crop, 13,000 hundredweight.[1 2]	No. 1 grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below. For export to Western Hemisphere countries—$6.50 per 100 pounds, East Coast ports. For export to other than Western Hemisphere countries—$7.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 1948 crop 252,000 hundredweight.[1 2]	$6.40 per 100 pounds, U. S. Gulf ports. (See note below.)
Baby lima, bagged, 1949 crop, 400,000 hundredweight.[1]	$4 per 100 pounds, San Francisco Bay area.
Pinto, bagged, 1949 crop, 650,000 hundredweight.[1 2]	$8.00 per 100 pounds Portland, Oreg., and Gulf ports, $7 per 100 pounds Mexico border points. NOTE: Available at PMA commodity offices at Portland, Oreg., for West Coast shipments and Mexico border points, Nogales and point west. Dallas, Tex., for Mexico border-Nogales to El Paso, inclusive. Kansas City, Mo., for Texas-Mexico border points and Gulf ports. "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. Appropriate discounts will also be given for "off-color" beans. At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans of the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination, 1,718,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,500,000 bushels[1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Barley, bulk, 8,000,000 bushels[1]	Market price on date of sale at place of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.

[1] These same lots are available at domestic sales prices announced today.
[2] *Ceiling Price Certification.* Any purchaser from CCC of Pinto or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season this delivery is made.

(Pub. Law 439. 81st Cong.)

Issued June 11, 1952.

[SEAL] HAROLD K. HILL,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 52-6558; Filed, June 13, 1952; 8:53 a. m.]

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

SUPPLEMENT TO MAY EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

SUPPLEMENT 1 TO MAY 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export sales price
Dry edible beans	
Pinto, bagged[1] (K. C.), 1949 crop, 135,860 hundredweight.[2]	No. 1 grade delivered on basis shown below. $6.90 per 100 pounds, with freight and costs paid to Gulf ports,[1] $7 per 100 pounds, with freight and costs paid to Texas-Mexico border. NOTE: The above offering is limited to 15,400 bags stored in Kansas City; 60,458 bags stored in Joplin, Mo.; 9,457 bags stored in Denver, Colo.; 15,601 bags stored in Hackney, Kans.; and 32,565 bags stored in Woodlawn, Nebr. At the market price f. o. b. point of storage on the date of sale. NOTE: The above quantity is available at the Portland, Dallas, and Kansas City offices. Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1.
Pinto, bagged, 1949 crop, 644,000 hundredweight.	

[1] "Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight to other ports will be for account of the buyer.
[2] CCC reserves the right to limit the quantity sold to any buyer and also reserves the right to limit the quantity sold for delivery at any one destination.

(Pub Law 439. 81st Cong.)

Issued: June 11, 1952.

[SEAL] HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6557; Filed, June 13, 1952; 8:52 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 14, Docket No. 20]

CHARLES CO., ET AL.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 29th day of May 1952, before Joseph Sloane, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Admistrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951; and

The respondents Charles Sussman, David Sussman, and Morris Sussman, individually and doing business as The Charles Company (hereinafter referred to as the respondents), having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and each of them being represented by Arthur E. Dennis, an attorney at law, 1204 Land Title Building, Philadelphia, Pennsylvania; and

The respondents having stipulated to a statement of facts to be filed in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, the following findings of fact as stipulated between the parties hereto are found:

Findings of fact. 1. The respondents herein committed acts prohibited by sections 17 (a), 19 (c), and 19 (f) of CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951, in that they placed orders with suppliers during the calendar quarter commencing July 1, 1951, and requested delivery of 113,900 pounds of aluminum when they were lawfully entitled to place orders and request delivery of no more than 56,700 pounds during said period.

2. The respondents herein committed acts prohibited by sections 17 (a), 19 (c), and 19 (f) of CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951, in that they placed orders with suppliers during the calendar quarter commencing October 1, 1951, and requested delivery of 70,496 pounds of aluminum when they were lawfully entitled to place orders and request delivery of no more than 43,439 pounds during said period.

3. The respondents herein committed acts prohibited by section 13 of CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951, in that they failed to cancel or reduce authorized controlled material orders which they had placed with suppliers upon receipt of a reduction in their authorized allotment of aluminum for the quarter commencing October 1, 1951, to the extent that said orders exceeded their allotment as reduced.

4. The respondents herein committed acts prohibited by section 17 (b) of CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951, in that they used an allotment to obtain 62,457 pounds of aluminum in the fourth quarter of 1951 and used the said material for unauthorized purposes.

5. The respondents herein committed acts prohibited by section 23 (a) of CMP Regulation No. 1, dated May 3, 1951, as amended November 23, 1951; section 10 of CMP Regulation No. 2, as amended October 12, 1951; and section 16 (a) of NPA Reg. 1, as amended October 22, 1951, in that they failed to maintain accurate records of allotments received, and procurement pursuant to such allotments; and failed to maintain adequate records of receipts, deliveries, inventories, production, and use of aluminum.

Conclusions. During the calendar quarters commencing July 1, 1951, and October 1, 1951, the respondents herein violated the provisions of National Production Authority regulations and orders as hereinabove cited by placing orders with suppliers and requesting delivery from said suppliers of more aluminum than they were entitled to order or to request delivery of during said period, by using at least 62,457 pounds of aluminum for unauthorized purposes, by failing to maintain accurate records of allotments received and procurement pursuant to allotments, and by failing to maintain adequate records of receipts, deliveries, inventories, production, and use of aluminum.

In order to correct the unauthorized use of aluminum occasioned by the violations found herein and in order to prevent future violations of National Production Authority regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from the respondents for a period of four (4) months commencing from the date of issuance of this order;

2. That all allocations and allotments of material be withheld from the respondents for a period of four (4) months commencing from the date of issuance of this order;

3. That the respondents be prohibited from producing or acquiring Class "A" products and from producing Class "B" products (as defined in National Production Authority CMP Regulation No. 1, as amended November 23, 1951, and as may be amended hereafter), and from acquiring, using, or disposing of any materials under control of the National Production Authority, except as may be directed by the Administrator of the National Production Authority for a period of four (4) months commencing from the date of issuance of this order; and

4. In the event that the allocations and allotments of aluminum which would have been made to the respondents during the period of four (4) months commencing from the date of issuance of this order do not equal 62,457 pounds of aluminum, then all allocations and allotments of aluminum which may be made in accordance with established procedures to the respondents herein during the quarter commencing October 1, 1952, and succeeding quarters, shall be reduced by one-third (33⅓%) until such time as 62,457 pounds of aluminum shall have been withheld from the respondents herein.

Issued this 29th day of May 1952.

THE NATIONAL PRODUCTION AUTHORITY,
By JOSEPH SLOANE,
Hearing Commissioner.

[F. R. Doc. 52-6625; Filed, June 13, 1952; 11:36 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 419]

TERRITORIAL DIRECTOR AND ACTING TERRITORIAL DIRECTOR FOR PUERTO RICO AND THE VIRGIN ISLANDS

DELEGATION OF AUTHORITY WITH RESPECT TO SPECIAL CERTIFICATES FOR EMPLOYMENT OF APPRENTICES AND LEARNERS

In order to consolidate previous administrative orders relating to the issuance of certificates for learners and apprentices in Puerto Rico and the Virgin Islands, and to provide authority for the Acting Territorial Director for Puerto Rico and the Virgin Islands to issue apprentice certificates, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby designate and appoint the Territorial Director and Acting Territorial Director for Puerto Rico and the Virgin Islands as my authorized representatives, with full power and authority, pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938, as amended, and Parts 521 and 522 (Title 29, Chapter V, Code of Federal Regulations, Parts 521, 522), to grant or deny applications for, and to sign, issue and cancel special certificates for the employment of apprentices and learners in Puerto Rico and the Virgin Islands, and to take such other action as may be necessary or appropriate in connection therewith.

This order supersedes Administrative Order No. 86, and supplements Administrative Order No. 415.

This order shall become effective June 9, 1952.

Signed at Washington, D. C., this 9th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6522; Filed, June 13, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-168, 54-203, 59-12]

AMERICAN POWER & LIGHT CO. ET AL.

ORDER APPROVING PLAN

JUNE 6, 1952.

In the matter of American Power & Light Company, File No. 54-203; Electric Bond and Share Company, American Power & Light Company, et al.; File Nos. 54-168 and 59-12.

American Power & Light Company ("American"), a registered holding company, having filed an application and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), and other applicable provisions of the act, for approval of a plan ("Plan") providing, among other things, for the distribution of the common stock of The Washington Water Power Company ("Washington Company") by American to its stockholders;

A public hearing having been duly held after appropriate notice, at which hearing all interested persons were afforded an opportunity to be heard;

American having requested the Commission to enter an order reciting that the transactions proposed in the Plan are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

American having further requested that the Commission, pursuant to section 11 (e) of the act, apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the Plan;

The Commission having considered the record in the matter and having filed its findings and opinion herein, finding that the Plan, as amended, is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby;

It is ordered, on the basis of the record herein and the said findings and opinion, pursuant to section 11 (e) of the act and other applicable provisions of the act, That the said Plan, as modified, be, and it hereby is, approved, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in the Plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Plan;

2. That jurisdiction be, and it hereby is, specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the Plan and the transactions incident thereto;

3. That jurisdiction be, and it hereby is, specifically reserved with respect to the selection or election and the composition of the initial board of directors of the Washington Company, and pursuant to Rule U-62, with respect to any solicitation of authorizations from stockholders of American or the Washington Company in connection with the selection or election of the initial board of directors;

4. That American, at the time of making the proposed distribution, send to each of its stockholders recent financial statements of the Washington Company;

5. That jurisdiction be, and it hereby is, specifically reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the Plan, the transactions incident thereto, and the consummation thereof;

It is further ordered, That American's request to withdraw its Rule U-44 (c) Notice and Declaration filed on December 26, 1951, is hereby granted.

It is further ordered and recited, That the transfer by American to the Washington Company of $186,000 in cash, of all of the capital stock of the Washington Irrigation & Development Company and of $43,200 in principal amount of promissory notes together with any and all claims of American against Washington Irrigation & Development Company, all as a capital contribution to the Washington Company; the changing of the 2,541,800 shares of common stock without par value of the Washington Company into 2,342,411 shares of the same stock, and the distribution by American of said 2,342,411 shares of the Washington Company common stock to the stockholders of American in partial liquidation of American as provided in the Plan are necessary or appropriate to the integration or simplification of the holding company system of which American is a member and necessary or appropriate to effectuate the provisions of subsection (b) of section 11 of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6526; Filed, June 13, 1952; 8:46 a. m.]

[File No. 70-2842]

CAMBRIDGE ELECTRIC LIGHT CO. ET AL.

ORDER AUTHORIZING SALE TO BANK OF UNSECURED PROMISSORY NOTES BY SUBSIDIARIES OF REGISTERED HOLDING COMPANY

JUNE 10, 1952.

In the matter of Cambridge Electric Light Company, Cambridge Gas Light Company, Cape & Vineyard Electric Company, New Bedford Gas and Edison Light Company, Plymouth County Electric Company, Plymouth Gas Light Company, Worcester Gas Light Company, File No. 70-2842.

The above named companies (hereinafter individually referred to as "Cambridge Electric," "Cambridge Gas," "Cape Electric," "New Bedford," "Plymouth Electric," "Plymouth Gas" and "Worcester Gas"), each a subsidiary company of New England Gas and Electric Association, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and the rules thereunder with respect to the following proposed transactions:

The companies named above propose to issue and sell to The First National Bank of Boston, from time to time during 1952, $3,550,000 aggregate principal amount of unsecured promissory notes, bearing interest at a rate not to exceed 3½ percent per annum, and maturing December 31, 1954.

The aggregate principal amount of notes proposed to be issued by each of the applicant companies is as follows:

Company:	*Aggregate amount of company's notes to be issued*
Cambridge Electric	$500,000
Cambridge Gas	700,000
Cape Electric	750,000
New Bedford	750,000
Plymouth Electric	250,000
Plymouth Gas	100,000
Worcester Gas	500,000

The application states that the proceeds to be derived from the proposed note issues will be applied by each applicant to reimburse its plant replacement fund, except in the case of Cambridge Gas which will use a portion of the proceeds to finance directly net property additions.

The application also states that no Federal commission other than this Commission, and no State commission, other than the Department of Public Utilities of Massachusetts, which has issued orders approving the proposed issuance and sale of the notes, has jurisdiction over the proposed transaction; and that total expenses in connection with the proposed transactions are estimated at $900, including legal fees of $500. The filing requests that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the proposed note sales are solely for the purpose of financing the businesses of the respective companies and have been expressly authorized by the State Commission of the State in which each of said companies is organized and doing business, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application, as amended, be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6525; Filed, June 13, 1952; 8:46 a. m.]

[File No. 70-2881]

GEORGIA POWER CO.

NOTICE OF FILING REGARDING SALE OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

JUNE 10, 1952.

Notice is hereby given that an application has been filed with this Commission by Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company. The filing has designated section 6 (b) of the act and Rule U-50, promulgated thereunder, as applicable to the proposed transactions, which are summarized as follows:

Georgia proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1982, to be issued under and secured by Georgia's present Indenture, dated as of March 1, 1941, as last supplemented on June 1, 1951, and to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1952. The interest rate and the price to the company for the bonds will be determined through the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for extensions and additions to the company's property, to reimburse its treasury in part for expenditures made for such purposes and to provide for the payment of temporary bank loans incurred for such purposes.

The filing states that the issuance and sale of the proposed new bonds are subject to authorization by the Georgia Public Service Commission, the State Commission of the state in which Georgia is organized and doing business. Georgia requests that any order of this Commission granting the application shall become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than June 25, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 25, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6527; Filed, June 13, 1952; 8:47 a. m.]

[File No. 812-786]

ST. LOUIS MIDWEST CO.

NOTICE OF APPLICATION

JUNE 10, 1952.

Notice is hereby given that St. Louis Midwest Company (Applicant) has filed an application pursuant to section 6 (c)

of the Investment Company Act of 1940 for an order granting exemption from the provisions of section 17, 18 (a) and 30 of said act so as to permit certain sales and purchases between Applicant and persons who may be promoters or affiliated persons of Applicant; to permit Applicant to issue and sell senior securities not meeting the requirements of section 18(a); and to relieve Applicant of certain requirements of the act concerning the filing of reports.

Applicant is incorporated under the laws of Missouri and is a closed end, non-diversified, investment company and has filed a registration statement under the Investment Company Act of 1940.

The application alleges that Applicant was created as a means by which employees, officers and directors of Midwest Piping and Supply Company, Inc. (Midwest Piping) will be permitted to acquire part of Midwest Piping's common stock for a small cash payment in order to assure for the future, so far as possible, the continuance of the present personnel and management of Midwest Piping. It is further alleged that the plan under which Applicant was created contemplates the sale by Boatman's National Bank, and A. G. Stoughton, E. A. Kerbey, F. J. Blum and N. B. Champ (Trustees), individual trustees under the wills of Hugo F. Urbauer and Ina C., his wife, both deceased, of 155,938 shares of Midwest Piping stock; 100,938 shares in a distribution to the public and 55,000 shares to Applicant. The sale to Applicant provides for a cash payment of $12.50 per share and delivery of two purchase money 8 year notes at 4 percent interest per annum. Applicant's shares are to be sold to G. H. Walker & Co. (Walker), a principal underwriter of the above mentioned public distribution of Midwest Piping's stock, and Walker is to offer the shares to the employees, officers and directors of Midwest Piping. A ten year voting trust for the 55,000 shares is to be created, the original trustees of which will be the aforementioned Trustees. The voting trust certificates will be deposited as collateral for the repayment of the above described notes. At the expiration of five years from the date of purchase of the 55,000 shares, holders of Applicant's stock, upon surrender of same and upon payment of a pro rata portion of any indebtedness remaining unpaid on account of the purchase of such shares, will be entitled to receive, free from pledge and from the terms of the voting trust, a pro rata portion of the shares of Midwest Piping.

Re exemption from section 17 of the Investment Company Act. Under the Urbauer wills, the Trustees may direct disposition of the Midwest Piping shares. The Trustees have approved the plan for the sale of the shares, in cooperation with Walker, and may be deemed to be promoters of Applicant within the meaning of section 2 (a) (29) or an affiliated person within the meaning of section 2 (a) (3) of the act. Trustees may also be among the purchasers of Applicant's shares. Consequently, such sales and purchases may be prohibited by section 17 (a) (1) or (2) of the act and exemption from the section is requested.

Re exemption from section 18 (a) of the Investment Company Act. As part of the plan, Applicant desires to issue two eight year notes at 4 percent interest in addition to its common stock. Section 18 (a) of the act prohibits the issuance of senior securities by closed end investment companies except under certain conditions. Since the proposed issuance of the notes does not come within the excepted conditions of the section, exemption therefrom is requested.

Re exemption from section 30 of the Investment Company Act. Section 30 of the act requires every registered investment company to file annually with the Commission such information, documents and reports as investment companies having securities registered on a national securities exchange are required to file annually pursuant to section 13 (a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, as well as other reports either semi-annually or quarterly and certain periodic or interim reports. The Applicant alleges that, in view of the limited purposes of Applicant and its limited functions, which will be limited to receipt of dividends in respect of shares of Midwest Piping to be purchased by it, payments on account of its purchase money notes and administrative expenses and possibly the disbursement of limited dividends to its shareholders, the reports required by the section will contain little information of value and will involve considerable administrative expenses, and requests exemption from the reporting requirements of the section and to be permitted in lieu thereof to file with the Securities and Exchange Commission annually, within 90 days after the close of its fiscal year, an annual report which will fairly reflect the financial condition of Applicant at the close of such fiscal year.

Applicant states that the price to be paid by it for the stock of Midwest Piping is fair and reasonable and that no commissions, expenses or fees are to be paid by it in connection with the purchase, and that the transaction as a whole represents a special price available only to Applicant by reason of the fact that all, or substantially all, of Applicant's common stock is expected to be owned by persons active in the business of Midwest Piping in order to afford the stabilization and continuity of employment management and control which will permit the public offering of the remaining shares of Midwest Piping owned by the Urbauer Trusts. It further states that the terms of the plan and the transactions thereunder are fair and do not involve overreaching on the part of anyone concerned and that the exemptions sought are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is hereby given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after 12:00 o'clock noon, e. d. s. t., on June 23, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than June 23, 1952, at 10:00 a. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6524; Filed, June 13, 1952; 8:46 a. m.]

SELECTIVE SERVICE SYSTEM

STATEMENT OF ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 3 of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U. S. C. 1002), and the regulations of the Administrative Committee of the Federal Register approved by the President effective October 12, 1948 (13 F. R. 5929), the statement of Organization, Delegations of Final Authority, and Places at which Information may be Secured made by the Selective Service System (14 F. R. 2676), is amended as follows:

1. Section 1 is amended to read as follows:

SECTION 1. *Establishment and functions of the Selective Service System.* (a) The Selective Service System was established by Title I of the Universal Military Training and Service Act (62 Stat. 604; 50 U. S. C. App. 451-471), as amended. The Selective Service System includes a National Headquarters, State Headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, created and established by the President as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, delivery for induction into the armed forces, ordering to perform civilian work in lieu of induction, and maintenance of records of the male persons who are required to register under that title.

(b) The functions of the Office of Selective Service Records, which was established by the act of March 31, 1947 (61 Stat. 31; 50 U. S. C. App. 321-329), and the functions of the Director of the Office of Selective Service Records, were transferred by section 10 (a) (4) of Title

I of the Universal Military Training and Service Act, as amended, to the Selective Service System and the Director of Selective Service, respectively.

(1) The function of the Office of Selective Service Records so transferred to the Selective Service System are the preservation and servicing of the records of Selective Service obtained under the Selective Training and Service Act of 1940, as amended, and the performance of such other duties relating to the preservation of the records, knowledge, and methods of Selective Service, not inconsistent with law.

(2) Functions so transferred to the Director of Selective Service include the authority to prescribe the rules and regulations necessary to carry out the provisions of the act of March 31, 1947 and to establish Federal record depots in the several States, the District of Columbia, and the Territories and possessions of the United States.

2. Section 2 is amended to read as follows:

SEC. 2. *Authority vested in the President.* Under Title I of the Universal Military Training and Service Act, as amended, the President is authorized—

(a) To select and induct into the armed forces of the United States such number of men as may be required to provide and maintain the strength of such forces;

(b) To require the special registration of and, on the basis of requisitions submitted by the Department of Defense and approved by him, to make special calls for the induction into the armed forces of male persons qualified in needed medical, dental, and allied specialist categories who have not attained the age of fifty at the time of registration;

(c) To determine the time, place, and manner of registration of those male persons required to register;

(d) To exempt from registration and liability for training and service aliens in categories specified by him who have not been admitted to the United States for permanent residence;

(e) To provide, under such rules and regulations as he may prescribe, for the deferment of men from training and service by reason of their occupations being essential to the national health, safety, or interest; of their having persons dependent on them for support, other than wives alone, except in cases of extreme hardship; of their physical, mental, or moral disability; and of their having children or wives and children with whom they maintain a bona fide family relationship in their homes;

(f) To finally determine, upon appeal or upon his own motion, all claims or questions with respect to inclusion for, or exemption or deferment from training and service;

(g) To delegate, and to provide for the subdelegation of, any authority vested in him under that title; and

(h) To prescribe the necessary rules and regulations to carry out the provisions of that title.

3. Section 5 is amended to read as follows:

SEC. 5. *Organization and functions of National Headquarters.* The operations of the Selective Service System are largely decentralized. National Headquarters functions under the supervision of the Director of Selective Service as a coordinating agency for the State Headquarters in the several States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Within National Headquarters are the following organizational elements with functions as indicated:

(a) *Office of the Director*—(1) *Deputy Director.* The Deputy Director assumes the duties of the Director in his absence; represents the Director in activities with other agencies, as designated by him; obligates funds; and performs such other functions as the Director may delegate.

(2) *Assistants to the Director.* The Assistants to the Director carry out special assignments for the Director and perform related work as delegated.

(3) *Office of the General Counsel.* The Office of the General Counsel acts as legal counsel to the Director; advises and assists in connection with legal matters referred or assigned; perfects regulations, amendments, orders, memoranda, and such other documents as required; maintains liaison with the Department of Justice on matters regarding law enforcement, and also maintains liaison with the Division of the Federal Register and legal departments of other Government agencies; maintains the law library in National Headquarters; maintains a digest of court decisions affecting selective service operations; maintains a digest of related laws which affect selective service operations; furnishes legal opinions and advice on pending legislation affecting the Selective Service System; prepares a digest of significant correspondence for National Headquarters; and handles special assignments for the Director as delegated.

(4) *Office of Legislation, Liaison, and Public Information.* The Office of Legislation, Liaison, and Public Information serves as liaison to the Congress, to the Executive Office of the President, and to other agencies on matters not otherwise delegated; keeps the Director currently informed on all matters pertaining to legislation in which the Selective Service System might be concerned; prepares proposed legislation; studies pending legislation and related matters and prepares reports thereon as required; handles correspondence, telegrams, and telephone calls dealing with proposed or pending legislation; conducts a public relations program; clears all articles, speeches, or other information and material for publication, delivery, or dissemination; and handles special assignments for the Director as delegated.

(5) *Office of the Chief Medical Officer.* The Office of the Chief Medical Officer advises the Director on all medical, dental, and other matters coming within the purview of the healing arts; advises the Director relative to the appointment of area and State medical officers and medical advisors to the local boards; maintains liaison concerning medical functions with the Department of Defense, the medical services of the armed forces, and other departments and agencies of the government; maintains liaison with professional health associations on a national level; maintains supervision over area medical officers; maintains liaison with the Medical Advisors to the State Directors through the State Directors; establishes and maintains an appropriate health service for the personnel of National Headquarters; consults with the Department of Defense regarding the application of current physical, mental, and intellectual standards; advises the Director concerning examinations of registrants in accordance with current prescribed standards within the Selective Service System; and handles special assignments for the Director as delegated.

(6) *Office of the Chief Planning Officer.* The Office of the Chief Planning Officer develops plans and recommends regarding the availability of the manpower supply of the nation for national defense and related purposes; prepares plans anticipating the manpower procurement demands which may be made upon the Selective Service System under different Department of Defense policies and under varying degrees of emergency; develops plans and recommends policies and procedures regarding the procurement of manpower for service in the armed forces, or for any other type of service for which the Selective Service System might be given procurement responsibility; maintains planning contacts with other agencies engaged in manpower planning at the national level; prepares plans for the emergency functioning of the Selective Service System under conditions which might be caused by the direct impact of war or other catastrophe on the National Headquarters or other elements of the System; and handles special assignments for the Director as delegated.

(b) *Administrative Division.* The Administrative Division performs all personnel functions required in the operation of National Headquarters and the several State Headquarters and maintains liaison with the Civil Service Commission; prepares and maintains leave, retirement, and pay roll records for National Headquarters; issues travel orders, prepares and processes travel vouchers, bills of lading, and vouchers for National Headquarters; maintains the administrative fiscal accounts for National Headquarters; allocates and maintains office space, maintains liaison with the Public Buildings Service, General Services Administration; secures supplies and property for National Headquarters, and maintains a stockroom for the issue thereof; maintains a property record for National Headquarters; maintains a motor pool; processes and distributes printed material and maintains liaison with the Public Printer; maintains reproduction facilities for National Headquarters; maintains a clerical pool of employees; maintains a warehouse and provides for bulk shipments of forms, supplies, and equipment; and performs such other functions as the Director may delegate.

(c) *Communications and Records Division.* The Communications and Records Division establishes, maintains, and

operates the records management program; has charge and custody of all archives and permanent records of the Selective Service System other than those required for current use by other elements of the System; supervises and coordinates the activities of the Records Depots of National and State Headquarters; recommends procedures with regard to the keeping, arranging, storing, transporting, physical custody, use and withdrawing of archives and permanent records; recommends procedures for the protection, preservation, or destruction of archives and permanent records; recommends procedures and provisions for locating, identifying, describing, and analyzing permanent records; with the approval of the Director, requisitions such archives and permanent records as may be considered advisable for deposit with this division or with the Archivist of the United States for deposit with the National Archives; studies the use of and evaluates all records of the Selective Service System and provides the Director with recommendations relating to their disposal; maintains liaison with the Archivist of the United States and the General Services Administration in complying with the provisions of the Federal Property and Administrative Services Act of 1949, as amended, relating to records; maintains liaison with the Bureau of the Budget in complying with the Federal Reports Act of 1942 in clearing plans and forms; furnishes technical advice on the development of forms and forms procedures; maintains a Selective Service Form Manual; maintains mail and communications systems and messenger service; establishes filing systems and has custody of and maintains the current files of National Headquarters; provides a correspondence unit charged with the responsibility for answering all correspondence not requiring specific handling by another Division or Staff Office; receives visitors and telephone inquiries and answers inquiries presented by the general public; and performs such other functions as the Director may delegate.

(d) *Field Division.* The Field Division furnishes personal representation for the Director in the field; advises the Director and the Division Chiefs and Staff concerning State operations and other matters in the field relative to selective service operations; establishes and maintains liaison in the field with the State Directors of Selective Service, the State Governors, appropriate offices and commands of the armed forces, agencies of the Federal Government, and such other agencies as may be deemed necessary, including industry, labor, and agriculture; prepares and conducts training programs for officer replacements; represents the Director in coordinating the activities of scientific advisory committees; and performs such other functions as the Director may delegate.

(e) *Fiscal and Procurement Division.* The Fiscal and Procurement Division procures supplies and equipment and exercises supervision over field procurement; studies cost requirements; devises and supervises fiscal accounting procedures and prepares regulations governing fiscal, property, and pay roll procedures for the Selective Service System; supervises and coordinates civilian pay roll procedures for the System; supervises the execution of and reviews contracts and leases; audits and certifies carriers bills for payment covering the cost of bills of lading and transportation requests for the entire System; maintains liaison with the Department of the Treasury, the Chief of Finance, United States Army, and other Federal agencies with respect to fiscal and procurement matters; conducts field audits and inspections of the records and accounts of State Procurement Officers and Authorized Certifying Officers; maintains, edits, and prepares the Fiscal and Procurement Manual; prepares budget estimates for obtaining appropriations of funds for selective service operations; makes allocations of funds; maintains liaison with the Bureau of the Budget on fiscal matters; and performs such other functions as the Director may delegate.

(f) *Manpower Division.* The Manpower Division applies plans and programs for the registration, classification, selection for, or deferment from military service, and delivery for induction of persons liable for training and service in the armed forces; initiates, prepares, and coordinates regulations, procedures, and forms required in the manpower procurement process; determines quotas and credits for the States, Territories, and possessions; recommends allocation of calls to States, Territories, and possessions; maintains national records of availability, and maintains national records of deliveries to the armed forces; evaluates the effectiveness of policies and procedures in manpower procurement, and plans for the improvement of the operation or its enlargement to meet more urgent or emergency situations; evaluates religious organizations and theological schools in order to recommend their placement on the list of recognized religious organizations or of recognized divinity and theological schools; and performs such other functions as the Director may delegate.

(g) *Research and Statistics Division.* The Research and Statistics Division maintains and operates the reference library in National Headquarters; maintains and operates the statistical and research activities of the Selective Service System; collects, evaluates and disseminates statistical information; conducts statistical analyses of program nature; applies plans and programs for research in manpower mobilization and related subjects; performs statistical computations for Divisions and Staff Offices as required; compiles, edits, and prepares reports designated by the Director; makes special studies and carries out other assignments as required; and handles special assignments for the Director as delegated.

4. So much of section 6 as precedes paragraph (a) is amended to read as follows:

SEC. 6. *Organization and functions of State Headquarters.* A State Headquarters for Selective Service has been established in each of the States, except that two State Headquarters have been established in the State of New York, one for the City of New York and one for the remainder of the State. State Headquarters have also been established in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Each State Headquarters is responsible for the coordination and general supervision of the activities of the local boards, appeal boards, Federal record depot, and other selective service agencies under its jurisdiction, and for the procurement of supplies, equipment, office and storage space, and personnel therefor. Members of local boards and appeal boards, medical advisors to the State Directors, medical advisors to the local boards, government appeal agents, and advisors to registrants serve without compensation. Within each State Headquarters are the following officers and, except in Guam and the Canal Zone, a Federal record depot with functions as indicated:

5. So much of section 7 as precedes paragraph (c) is amended to read as follows:

SEC. 7. *Local boards.* At least one local board has been established in each county or political subdivision corresponding thereto of each State and Territory, of Puerto Rico, of the Virgin Islands, of Guam, and of the Canal Zone, and in the District of Columbia, except where upon recommendation of the governors or comparable executive officials intercounty local boards have been established for areas not exceeding five counties or comparable subdivisions. Each local board consists of three or more members who are appointed by the President upon recommendation of the Governor except in the case of an intercounty local board which has at least one member from each county or comparable subdivision included within its area. Each local board member is a civilian and a citizen of the United States residing in a county in which his local board has jurisdiction. In the District of Columbia an additional local board has been established which has jurisdiction over all persons registered who have no place of residence in the United States.

(a) *Jurisdiction.* Each local board has the power to determine, subject to the right of appeal to the appeal board, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service in the armed forces of all men registered in, or subject to registration in, the area for which it was appointed. The decision of a local board is final except where an appeal is authorized and is taken to the appeal board.

(b) *Functions.* The local board is responsible for the registration, examination, classification, selection, delivery to the armed forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required by law to register and who are within the jurisdiction of the local board.

6. Section 8 is amended to read as follows:

SEC. 8. *Appeal boards.* At least one appeal board has been established for each Federal judicial district in each of

the States. Appeal boards have also been established in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Each appeal board consists normally, of five civilian members, residents of the appeal board area, appointed by the President upon recommendation of the Governor and includes one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. The functions of an appeal board are to review the cases of registrants appealed to it and to affirm or change any decision of the local board.

7. Section 9 is amended to read as follows:

SEC. 9. *National Selective Service Appeal Board.* The National Selective Service Appeal Board is located at National Headquarters of the Selective Service System and consists of three members appointed by the President from citizens of the United States who are not members of the armed forces, one of whom is designated by the President as the chairman. The President has authorized the National Board to finally determine, upon appeal or upon its own motion, all claims or questions with respect to the inclusion of registrants for, or their exemption or deferment from, training and service in the armed forces. In carrying out its functions the National Board is independent of the Director of Selective Service.

8. Immediately following section 9 the following new section is inserted to read as follows:

SEC. 10. *National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.* The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters of the Selective Service System. The members of this committee are appointed by the President from among individuals who are outstanding in medicine, dentistry, and sciences allied thereto. The functions of the National Committee, as prescribed by section 4 (j) of the Universal Military Training and Service Act, as amended, are to advise the Selective Service System and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the selection of needed medical, dental, and allied specialist categories of persons for service in the armed forces. The National Committee is independent of the Selective Service System but in performing its functions it consults with the Director of Selective Service and the Selective Service System defrays its expenses.

9. Section 21 is amended to read as follows:

SEC. 21. *Authority delegated to National Selective Service Appeal Board.* The President has delegated to the National Selective Service Appeal Board the authority vested in him by Title I of the Universal Military Training and Service Act, as amended, to finally determine upon appeal or upon his own motion all claims or questions with respect to inclusion for, or exemption or deferment from, training and service under that title.

10. Section 30 is amended to read as follows:

SEC. 30. *Places to secure information concerning functions and operations of Selective Service System.* Information concerning any of the functions for which the Selective Service System is responsible and its operations may be obtained in person or by letter at the office of the local board having jurisdiction over the area in which any person desiring such information is located. Information as to the location of the local board office for a particular area may be obtained from the respective State Headquarters for Selective Service. In the State of New York there are two State Headquarters, one in the City of New York with jurisdiction over that city and one in the City of Albany with jurisdiction over the remainder of that State. State Headquarters are located in the capital of each of the other States with the exception of the following:

State and Location of State Headquarters

Delaware: Wilmington.
Florida: St. Augustine.
Illinois: Chicago.
Iowa: Fort Des Moines.
Kentucky: Louisville.
Louisiana: New Orleans.
Maryland: Baltimore.
Massachusetts: Hingham.
New Jersey: Newark.
Oregon: Portland.
South Dakota: Rapid City.
Utah: Fort Douglas.
Washington: Tacoma.

State Headquarters in the Territories, possessions, and District of Columbia are located as follows:

Alaska: Juneau.
Canal Zone: Balboa Heights.
District of Columbia: Washington.
Guam: Agana.
Hawaii: Honolulu.
Puerto Rico: San Juan.
Virgin Islands: St. Thomas.

11. Section 31 is amended to read as follows:

SEC. 31. *Places to secure information from records in Federal record depots.* Information contained in the records obtained in each State under the Selective Training and Service Act of 1940, as amended, and other records relating thereto which are in the Federal record depots located at each State Headquarters, except in Guam and the Canal Zone, may be obtained by persons entitled thereto either by letter or in person at the respective State Headquarters having jurisdiction over the records. All records which are in the Federal record depots are confidential and information from these records may be supplied only to those persons or agencies entitled thereto under the provisions of Part 1670 of the Selective Service Regulations (32 CFR Part 1670).

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 11, 1952.

[F. R. Doc. 52-6550; Filed, June 13, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27140]

BRICK FROM POINTS IN NEBRASKA TO POINTS IN MINNESOTA, NORTH DAKOTA, SOUTH DAKOTA, AND WISCONSIN

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3686.

Commodities involved: Brick and related articles, carloads.

From: Endicott, Hastings, Lincoln, and Nebraska City, Nebr.

To: Points in Minnesota, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3686, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6532; Filed, June 13, 1952; 8:47 a. m.]

[4th Sec. Application 27141]

BRICK FROM POINTS IN NEBRASKA TO POINTS IN MINNESOTA AND NORTH DAKOTA

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3686.

Commodities involved: Brick and related articles, carloads.

From: Endicott, Hastings, Lincoln, and Nebraska City, Nebr.

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Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3686, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6533; Filed, June 13, 1952; 8:47 a. m.]

[4th Sec. Application 27142]

BRICK AND RELATED ARTICLES FROM MISSOURI AND KANSAS TO MINNESOTA AND NORTH DAKOTA

APPLICATION FOR RELIEF

JUNE 11, 1952

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3686.

Commodities involved: Brick and related articles, carloads.

From: Points in Missouri and Kansas.

To: Points in Minnesota and North Dakota.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3686, Supp. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6534; Filed, June 13, 1952; 8:48 a. m.]

[4th Sec. Application 27143]

ANHYDROUS AMMONIA FROM POINTS IN ARKANSAS, TEXAS, AND LOUISIANA TO CINCINNATI, OHIO

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Lake Charles, Sterlington, and West Lake Charles, La.

To: Cincinnati, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6535; Filed, June 13, 1952; 8:48 a. m.]

[4th Sec. Application 27144]

BEET SUGAR FINAL MOLASSES FROM LAKE CHARLES, LA., AND TEXAS GULF PORTS TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 70.

Commodities involved: Beet sugar final molasses, in tank-car loads.

From: Lake Charles, La., and Texas gulf ports.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, I. C. C. No. 70, Supp. 180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6536; Filed, June 13, 1952; 8:48 a. m.]

[4th Sec. Application 27145]

SODA ASH AND CAUSTIC SODA FROM CORPUS CHRISTI TEX., AND LAKE CHARLES LA., TO POINTS IN MISSOURI, ILLINOIS, AND IOWA

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Soda ash and caustic soda, carloads.

From: Corpus Christi, Tex., and Lake Charles, La.

To: Points in Missouri, Illinois, and Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 123; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 124.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days

from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6537; Filed, June 13, 1952; 8:48 a. m.]

[4th Sec. Application 27146]

PRINTING PAPER FROM KINGSPORT AND HOLSTON, TENN., TO POINTS IN THE WEST AND MIDWEST

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1201.

Commodities involved: Paper, printing, other than newsprint or carbonized print, carloads.

From: Kingsport and Holston, Tenn.

To: Denver, Colo., Lincoln, Nebr., Columbia, Mo., Des Moines, Iowa, and other points in Iowa.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1201, Supp: 66.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6538; Filed, June 13, 1952; 8:48 a. m.]

[4th Sec. Application 27147]

BEET SUGAR FINAL MOLASSES FROM LAKE CHARLES, LA., AND TEXAS GULF PORTS TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. M. Engdahl, Agent, for carriers parties to his tariff I. C. C. No. 70.

Commodities involved: Beet sugar final molasses, in tank-car loads.

From: Lake Charles, La., and Texas gulf ports.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain port rate relations.

Schedules filed containing proposed rates: H. M. Engdahl, Agent, I. C. C. No. 70, Supp. 180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6539; Filed, June 13, 1952; 8:49 a. m.]

[4th Sec. Application 27148]

MACHINERY FROM BELOIT, WIS., TO ROANOKE RAPIDS, N. C.

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. S. Mercer, Alternate Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 741.

Commodities involved: Paper making or pulp making machinery or machines, or parts thereof, carloads.

From: Beloit, Wis.

To: Roanoke Rapids, N. C.

Grounds for relief: Competition with rail and motor carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6540; Filed, June 13, 1952; 8:49 a. m.]

[4th Sec. Application 27149]

COMMODITY RATES BETWEEN WARNER, PA., AND POINTS IN THE U. S. AND CANADA

APPLICATION FOR RELIEF

JUNE 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Consolidated Freight Classification, Agent W. S. Flint's I. C. C. No. 64.

Commodities involved: Commodity rates.

Between: Warner, Pa., and points in the United States and Canada.

Grounds for relief: New station, rail competition, circuity, grouping and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6541; Filed, June 13, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 16]

BAUGH-STRAWN FIELD, SCHLEICHER COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of sweet crude petroleum produced from the Baugh-Strawn Field, Schleicher County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon sweet crude petroleum produced from the Baugh-Strawn Field, Schleicher County, Texas. During the base period full production had not been attained and there was a lack of low cost pipe line transportation and as a result the crude petroleum produced from the Baugh-Strawn Field, Schleicher County, Texas, was sold at a lower price than that which is being and has been paid for crude petroleum of comparable quality in the same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the ceiling prices as posted during the base period for sweet crude petroleum produced in this same general area are: $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity lower than 40°, down to $2.23 per barrel for below 20° API gravity; and $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity lower than 40° down to $2.23 per barrel for below 20° API gravity. A ceiling price of $2.58 per barrel is requested for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.16 per barrel for below 20° API gravity. This ceiling price does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for sweet crude petroleum produced from the Baugh-Strawn Field, Schleicher County, Texas, shall be: $2.58 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.16 per barrel for below 20° API gravities.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on June 13, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

JUNE 12, 1952.

[F. R. Doc. 52-6593; Filed, June 12, 1952; 4:18 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 17]

CERTAIN FIELDS IN GAINES COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of consideration. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Doss Canyon, Robertson Canyon, Robertson Lower Clear Fork, Robertson Devonian and Robertson Ellenburger Fields, all located in Gaines County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon the crude petroleum produced from the Doss Canyon, Robertson Canyon, Robertson Lower Clear Fork, Robertson Devonian, and Robertson Ellenburger Fields, all in Gaines County, Texas. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from these fields was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It now appears that this condition has been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the price as posted during the base period for sweet crude petroleum produced in this same general area was: $2.65 per barrel for 40° API gravity and above with a 2-cent differential for each degree of gravity lower than 40°, down to $2.23 per barrel for below 20° API gravity. This price is now requested as the ceiling price for sweet crude petroleum produced in the above-named fields. This price does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 34, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Doss Canyon, Robertson Canyon, Robertson Lower Clear Fork, Robertson Devonian and Robertson Ellenburger Fields in Gaines County, Texas shall be: $2.65 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.23 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on June 13, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

JUNE 12, 1952.

[F. R. Doc. 52-6594; Filed, June 12, 1952; 4:18 p. m.]

rence Room

FEDERAL REGISTER

VOLUME 17 NUMBER 118

Washington, Tuesday, June 17, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10362

CONTINUING THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE AS A MILITARY SERVICE

By virtue of the authority vested in me by section 216 of the Public Health Service Act (58 Stat. 690), as continued by the Emergency Powers Interim Continuation Act (Public Law 313, 82d Congress) as amended by joint resolutions approved May 28, 1952 and June 14, 1952, and as President of the United States and Commander in Chief of the land and naval forces of the United States, I hereby amend Executive Order No. 10349 of April 26, 1952, entitled "Declaring the Commissioned Corps of the Public Health Service To Be a Military Service and Prescribing Regulations therefor", as amended by Executive Order No. 10356 of May 29, 1952, by striking out "June 15, 1952" appearing in the introductory paragraph of the order and inserting in lieu thereof "June 30, 1952".

HARRY S. TRUMAN

THE WHITE HOUSE,
June 14, 1952.

[F. R. Doc. 52-6692; Filed, June 16, 1952; 10:00 a. m.]

TRADE AGREEMENT LETTER

[SUSPENSION OF CERTAIN IMPORTS FROM TIBET PURSUANT TO PROCLAMATION 2935 [1]]

THE WHITE HOUSE,
Washington, June 13, 1952.

MY DEAR MR. SECRETARY:

Pursuant to Part I of my proclamation of August 1, 1951, carrying out sections 5 and 11 of the Trade Agreements Extension Act of 1951, I hereby notify you that the suspension provided for therein shall be applicable with respect to imports from Tibet which are entered, or withdrawn from warehouse, for consumption after the close of business July 13, 1952.

Very sincerely yours,

HARRY S. TRUMAN

HON. JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-6651; Filed, June 13, 1952; 4:39 p. m.]

[1] 16 F. R. 7635.

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.426 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section

(Continued on p. 5415)

CONTENTS

THE PRESIDENT

Executive Order — Page

Continuing the Commissioned Corps of the Public Health Service as a military service 5413

Trade Agreement Letter

Suspension of certain imports from Tibet pursuant to Proclamation 2935 5413

EXECUTIVE AGENCIES

Agriculture Department

See also Farmers Home Administration; Production and Marketing Administration.

Notices:

Sale of mineral interests, revised area designations; Georgia 5437

Alien Property, Office of

Notices:

Vesting orders, etc.:

Boecklen, Frederich W 5445

Brecht, Eughin 5445

Franke, Johanne 5445

Mantai, Ferdinand 5446

Opperman, Marianne, et al 5447

Steinke, Robert 5446

Commerce Department

See National Production Authority.

Defense Department

Notification to the Department and General Services Administration as to placement of procurement (*see* Defense Mobilization, Office of) (4 documents).

Defense Mobilization, Office of

Notices:

Notification to Department of Defense and General Services Administration as to placement of procurement:

Lewiston, Maine 5441

Mayaguez, Puerto Rico 5442

Norwich, Conn 5442

Ponce, Puerto Rico 5443

San Juan, Puerto Rico 5444

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Production Administration — Page

Notices:
Additional company accepting request to participate in the activities of an Army Ordnance Integration Committee on M21A4 boosters ... 5437

Economic Stabilization Agency — Page
See Price Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Processing; revocation of regulations governing loan making ... 5416

Federal Communications Commission
Notices:
Hearings, etc.:
Alamance Broadcasting Co., Inc., and King Cotton Broadcasting Co ... 5438
Westlund, Arthur ... 5439
Mexican broadcast stations; list of changes, proposed changes and corrections in assignments ... 5439
Proposed rule making:
License requirements of operators of certain Standard and FM Broadcasting Stations and for the remote control operation of such stations ... 5435

Federal Power Commission
Notices:
Hearings, etc.:
Atlantic Seaboard Corp ... 5440
Michigan-Wisconsin Pipe Line Co ... 5440
Natural Gas Storage Co. of Illinois ... 5440
Pacific Gas and Electric Co ... 5440
Southern Natural Gas Co ... 5441
Tennessee Gas Transmission Co ... 5441
United Natural Gas Co ... 5440

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Herbst Shoe Mfg. Co ... 5418
Independent Grocers Alliance Distributing Co. et al ... 5416
Motool Machine Co., Inc., et al ... 5419

Immigration and Naturalization Service
Rules and regulations:
Registration and fingerprinting of aliens in accordance with Alien Registration Act, 1940; forms and evidence of registration ... 5416

Interior Department
See Land Management, Bureau of.

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Land Management, Bureau of
Notices:
Alaska; correction of air navigation site withdrawal enlargement ... 5437

National Production Authority
Rules and regulations:
Preference status of delivery orders under the controlled materials plan; special preference status of certain DO rated orders (CMP Reg. 3, Dir. 4) ... 5432
Rubber; private importation of dry natural rubber prohibited (M-2) ... 5433

Price Stabilization, Office of — Page
Notices:
Directors of Regional Offices; authority to act under CPR 31 ... 5437
Westinghouse Electric Corp., Sturtevant Division; ceiling prices for sales of optional five year warranty plan, air conditioner compressor units ... 5437
Rules and regulations:
Adjustment of cigarette "loss-leader" prices covered by State statute; extension of SR 53 to Alabama (GCPR, SR 53) ... 5427
Adjustment of processed beef ceiling prices; extension of filing date and clarification of definition of "specialty beef product" (GCPR, SR 61) ... 5432
Ceiling prices of beef sold at wholesale; zone differentials, distribution point, and local delivery (CPR 24) ... 5428
Food products sold in the Territory of Hawaii; special provisions for increasing ceiling prices of sellers whose costs are increased by west coast strike (CPR 69, SR 1) ... 5432
Printing, printed products, allied products and certain paper products; broadening the language in the raw material factor (CPR 121) ... 5419
Retail ceiling prices for certain consumer goods; special methods for determining inbound transportation cost increases (CPR 7, SR 5) ... 5420
Territories and possessions; special provisions for increasing ceiling prices of sellers whose costs are increased by west coast strike (CPR 9, SR 4) ... 5427

Production and Marketing Administration
Proposed rule making:
Hops grown in Oregon, California, Washington and Idaho, and products produced therefrom in these States; correction ... 5435
Rules and regulations:
Pears, fresh Bartlett, plums, and Elberta peaches grown in California; regulation by grades and sizes ... 5413

Public Health Service
Continuing the Commissioned Corps of the Service as a military service (*see* Executive order).

Securities and Exchange Commission
Notices:
Northern States Power Co.; hearing ... 5441

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; miscellaneous amendments ... 5433

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such

Title 3	Page
Chapter II (Executive orders):	
10349 (amended by EO 10362)	5413
10356 (see EO 10362)	5413
10362	5413
Chapter III (Presidential documents other than proclamations and Executive orders):	
Letter, June 13, 1952	5413
Title 6	
Chapter III:	
Part 343	5416
Title 7	
Chapter IX:	
Part 936	5413
Part 986 (proposed)	5435
Title 8	
Chapter I:	
Part 170	5416
Title 16	
Chapter I:	
Part 3 (3 documents)	5416, 5418, 5419
Title 32A	
Chapter III (OPS):	
CPR 7, SR 5	5420
CPR 9, SR 4	5427
CPR 24	5428
CPR 69, SR 1	5432
CPR 121	5419
GCPR, SR 53	5427
GCPR, SR 61	5432
Chapter VI (NPA):	
CMP Reg. 3, Dir. 4	5432
M-2	5433
Title 38	
Chapter I:	
Part 3	5433
Part 4	5433
Title 47	
Chapter I:	
Part 3 (proposed)	5435
Part 13 (proposed)	5435

must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 20, 1952. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 23, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 23, 1952, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 9, 1952; shipments of the current crop of such peaches are expected to begin on or about June 20, 1952, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. S. t., June 20, 1952, and ending at 12:01 a. m., P. S. t., November 1, 1952, no shipper shall ship:

(i) Any package or container of Elberta peaches containing peaches which are not well matured (as such term is defined in subparagraph (2) of this paragraph), with a tolerance of twenty (20) percent, by count, for peaches which are mature but not well matured in addition to any tolerance for immature peaches allowed by the U. S. No. 1 grade;

(ii) Any package or container of Elberta peaches containing peaches which are smaller than a size that will pack 72 peaches of the size known commercially as size 70 in a No. 12B California peach box in accordance with the requirements prescribed for a standard pack: *Provided*, That, for the purpose of determining whether ripe Elberta peaches meet the aforesaid minimum size requirement, such peaches shall be fairly tightly packed rather than tightly packed, as prescribed for a standard pack; and the aforesaid size known commercially as size 70 is defined more specifically in subparagraph (3) of this paragraph; or

(iii) Any package or container of Elberta peaches containing peaches which do not meet the requirements of the U. S. No. 1 grade: *Provided*, That (*a*) with respect to ripe Elberta peaches which are not smaller than size 70, as aforesaid, the requirements of such grade shall not include freedom from damage, other than serious damage, caused by bruises; and (*b*) with respect to Elberta peaches which are not smaller than the size known commercially as size 55, a tolerance of 5 percent for defects not causing serious damage shall be allowed in addition to the tolerances provided for such grade; and the aforesaid size known commercially as size 55 is defined more specifically in subparagraph (4) of this paragraph.

(2) "Peaches which are well matured" means peaches which, at the time of picking: (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) As used in this section, the size of Elberta peaches known commercially as size 70 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers having six rows of six peaches each with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of 2⅜ inches.

(4) As used in this section, the size of Elberta peaches known commercially as size 55 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers, one tier having two rows of five peaches each and three rows of six peaches each and the other tier having two rows of six peaches each and three rows of five peaches each with no peach small enough to pass through, without using pressure, a rigid ring of inside diameter of $2\frac{3}{4}$ inches.

(5) Each shipper, prior to making each shipment of Elberta peaches, shall, during the period set forth in subparagraph (1) of this paragraph, have the peaches included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Elberta Peach Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Elberta Peach Commodity Committee, Federal-State shipping point inspection certificates stating the grades and sizes of the Elberta peaches contained in each such lot or shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Elberta Peach Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(6) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as given to the respective term in said amended marketing agreement and order; the terms "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," "fairly tightly packed" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312); the term "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of June 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6601; Filed, June 16, 1952; 8:55 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

PART 343—PROCESSING

REVOCATION OF REGULATIONS GOVERNING LOAN MAKING UNDER SUPPLEMENTAL APPROPRIATION ACT, 1951

Section 343.7, Title 6, Code of Federal Regulations (15 F. R. 7418), is hereby revoked, since authority under the Supplemental Appropriation Act, 1951 (64 Stat. 1052), for making loans to farmers and stockmen who suffered production disasters, has expired by operation of law and all funds made available under said act for such loans have been expended.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 12, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6599; Filed, June 16, 1952; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

FORMS FOR REGISTRATION AND FINGERPRINTING; EVIDENCE OF REGISTRATION

MAY 14, 1952.

The following amendments to Part 170, Chapter I, Title 8 of the Code of Regulations, are hereby prescribed:

1. Paragraph (f), *Forms for fingerprinting,* of § 170.4 is revoked, and paragraphs (c) and (e) and Subparagraph (1) of paragraph (p) of that section are amended to read as follows:

§ 170.4 *Method of registration.* • • •

(c) *Forms for registration and fingerprinting.* The registration and fingerprinting of visa applicants abroad shall be accomplished in the manner prescribed by regulations of the Secretary of State. Any alien who is a lawful permanent resident and who is required to be registered in the United States shall be registered on Form AR–2 and, in appropriate cases, on Form AR–2a (for supplemental information, to be made a part of Form AR–2). Any other alien who is required to be registered in the United States, unless such alien's registration is otherwise provided for in this chapter, shall be registered on Forms I–94 and I–94AR. In either instance the alien, if fourteen years of age or older, shall be fingerprinted on Form AR–4.

• • • • •

(e) *Duties of registration officers.* The registration officer shall fill in the registration forms with information furnished him by the alien (or his parent or guardian). In the case of each alien who is required to be fingerprinted, the registration officer shall take the complete fingerprints of the alien in the space provided for that purpose on Form AR–4 and, when the alien is registered on Form AR–2, shall take an imprint of the alien's right index finger in the space provided therefor on Form AR–2. A parent or guardian registering on behalf of an alien need not be fingerprinted. When an alien is registered on Forms I–94 and I–94AR the registration officer shall endorse the Form I–94 to show that the alien has registered under the Alien Registration Act, 1940.

• • • • •

(p) *Receipt of registration; necessity for compliance.* (1) Each immigrant lawfully admitted to the United States for permanent residence shall receive Form I–151 as an alien registration receipt card under the procedure provided for in § 108.6 of this chapter. Form I–94 issued to a nonquota immigrant student and Form 257a issued to a nonimmigrant shall constitute evidence of such alien's compliance with the Alien Registration Act, 1940. The registration form of a legally resident alien who is registered and fingerprinted in the United States on or after March 1, 1950, shall be forwarded to the Central Office, where a docket card shall be drawn up, an alien number assigned, and Form I–151 prepared and transmitted to the field office for delivery to the alien. An alien registered on Forms I–94 and I–94AR shall be given the original of Form I–94, endorsed to show his registration, which form shall constitute evidence of his compliance with the Alien Registration Act, 1940.

• • • • •

2. Paragraph (a) of § 170.5 is amended to read as follows:

§ 170.5 *Disposition of registration forms and fingerprints*—(a) *Filing.* The duplicate copy of Form I–94 and Form I–94AR in the case of each alien registered thereon shall be forwarded by the district director to the Commissioner, and the related Form AR–4 shall be forwarded by the district director direct to the Federal Bureau of Investigation, Washington, D. C. The registration forms and fingerprints of permanent resident aliens shall be forwarded by the district director to the Commissioner. Form AR–2 shall be retained in the alien's consolidated file, and Form AR–4 shall be transmitted by the Commissioner to the Federal Bureau of Investigation, Washington, D. C.

• • • • •

3. Section 170.8, *Registration and fingerprinting of alien seamen,* is revoked.

4. Paragraph (e) of § 170.9 is amended to read as follows:

§ 170.9 *Issuance of new alien registration receipt card in changed name, or in lieu of one lost, mutilated, destroyed, or on Form AR–3 or AR–103.* • • •

(e) Any alien other than an alien lawfully admitted to the United States for permanent residence who has been registered and fingerprinted and whose evidence of registration has been lost, mutilated, or destroyed may be issued a Form I–94 properly endorsed to show that it has been issued to replace evidence of compliance with the Alien Registration Act, 1940. Any mutilated evidence of registration must be surrendered before such Form I–94 is issued.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 673; 8 U. S. C. 102, 222, 458)

ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: June 6, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-6576; Filed, June 16, 1952, 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5433]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INDEPENDENT GROCERS ALLIANCE DISTRIBUTING CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act as amended—Payment or acceptance of commission, brokerage or other compensation under 2 (c);* § 3.810 *Buyers' corporate or other agent;* § 3.820 *Direct buyers.* I. In or in connection with the sale of grocery products or other commodities in commerce, and on the part of respondents Jersey Cereal Company, Stokely-Van Camp, Inc., Dean Milk Company, and Cupples Company, and their respective officers, etc., paying or granting, directly or indirectly, to any buyer, or to respondent Independent Grocers Alliance Distributing Company, or any other agent, representative or intermediary acting for or in behalf or subject to the direct or indirect control of the buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any sale for such buyer's own account; and, II, in or in connection with the purchase of grocery products or other commodities in commerce, and on the part of respondent Independent Grocers Alliance Distributors, and on the part of its directors, and its officers, etc., receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase for the account of respondent Independent Grocers Alliance Distributing Company or for the account of any stockholder of respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or for the account of any wholesale grocery concern affiliated or under contract with respondent Independent Grocers Alliance Distributing Company, or in connection with any purchase wherein said respondents act in fact for or in behalf or subject to the direct or indirect control of any party to the transaction other than the seller; and, III, in or in said connection, and on the part of respondent, the Grocers Company, and its directors, and its officers, etc., receiving or accepting, directly or indirectly, from any seller, or from respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or for the account of any stockholder of respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or for the account of any wholesale grocery concern affiliated or under contract with respondent Independent Grocers Alliance Distributing Company, or in connection with any purchase wherein said respondents act in fact for or in behalf or subject to the direct or indirect control of any party to the transaction other than the seller; and, IV, in or in said connection, and on the part of respondents Franklin MacVeagh & Company, E. R. Godfrey & Sons Company, and Wetterau Grocer Company, Inc., and on the part of twenty-eight other respondent wholesale grocery companies (of which the three respondents first named were named in the complaint as representative of the others as a class), and on the part of all other wholesale grocery concerns which now are or in the future may be affiliated or under contract with respondent Independent Grocers Alliance Distributing Company, or stockholders in respondent the Grocers Company, and on the part of their respective officers, etc., receiving or accepting, directly or indirectly, from any seller, or from respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or from any other agent, representative or intermediary acting for or in behalf or subject to the direct or indirect control of the aforesaid respondents, in the form of money or credits or in the form of services or benefits provided or furnished, or otherwise, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon purchases made for said respondents' own accounts; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended, 15 U. S. C. 13) [Cease and desist order, Independent Grocers Alliance Distributing Company et al., Docket 5433, March 7, 1952]

In the Matter of Independent Grocers Alliance Distributing Company, a Corporation, and Its Directors; J. Frank Grimes, L. G. Groebe, William W. Thompson, James D. Godfrey, Ned N. Fleming, and Robert H. Perlitz; Jersey Cereal Company, a Corporation, and Its Directors; James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, T. G. Harrison, Robert McLain, E. F. Brewster, Joseph Parker, Normal Youngblove, and Harry K. Grainger; Jersey Cereal Company, a Corporation; Stokely Brothers & Company, Inc., a Corporation; Dean Milk Company, a Corporation; Cupples Company, a Corporation; Franklin MacVeagh & Company, a Corporation; E. R. Godfrey & Sons Company, a Corporation; Wilston & Newell Company, a Corporation; and Wetterau Grocer Company, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of certain respondents, substitute answers of certain other respondents, stipulations, including statements of fact and exhibits therein set forth, entered into by and between counsel in support of the complaint and counsel for certain other respondents (the details of all of which are more fully set forth in the findings as to the facts herein), testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner and the exceptions thereto, briefs, oral argument and rearrangement of opposing counsel, one of said answers and the aforesaid substitute answers admitting certain material allegations of the complaint and, together with said stipulations, providing in part that the Commission may, without the holding of hearings, the taking of testimony, the introduction of other evidence, and without intervening procedure, hear this matter upon the complaint, said answers, substitute answers, stipulations of fact, and briefs and oral argument of opposing counsel, and proceed to make and enter its findings as to the facts, including inferences and conclusions based thereon, and enter its order disposing of this proceeding; and the Commission having entered its order disposing of the exceptions to the recommended decision of the trial examiner and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act (15 U. S. C. 13):

I. *It is ordered,* That respondents Jersey Cereal Company, Stokely-Van Camp, Inc., Dean Milk Company, and Cupples Company, and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the sale of grocery products or other commodities in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Paying or granting, directly or indirectly, to any buyer, or to respondent Independent Grocers Alliance Distributing Company, or any other agent, representative or intermediary acting for or in behalf or subject to the direct or indirect control of the buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any sale for such buyer's own account."

II. *It is further ordered,* That respondent Independent Grocers Alliance Distributing Company, its directors, J. Frank Grimes, L. G. Groebe, William W. Thompson, James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the purchase of grocery products or other commodities in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase for the account of respondent Independent Grocers Alliance Distributing Company or for the account of any stockholder of respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or for the account of any wholesale grocery concern affiliated or under contract with respondent Independent Grocers Alliance Distributing Company, or in connection with any purchase wherein said respondents act in fact for or in behalf or subject to the direct or indirect control of any party to the transaction other than the seller."

III. *It is further ordered,* That respondent the Grocers Company, its directors, James D. Godfrey, Ned N. Fleming, Robert H. Perlitz, T. G. Harrison, Robert McLain, E. F. Brewster, Joseph Parker, Normal Youngblove, and Harry K. Grainger, and its officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase of grocery products or other commodities in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: "Receiving or accepting, directly or indirectly, from any seller, or from respondent Independent Grocers Alliance Distributing Company or respondent Independent Grocers Alliance Distributors, and on the part of its directors, and its officers, etc., receiving or accepting, directly or indirectly from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase for the account of respondent Independent Grocers Alliance Distributing Company or for the account of any stockholder of respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or for the account of any wholesale grocery concern affiliated or under contract with respondent Independent Grocers Alliance Distributing Company, or in connection with any purchase wherein said respondents act in fact for or in behalf or subject to the direct or indirect control of any party to the transaction other than the seller."

IV. *It is further ordered,* That respondents Franklin Mac Veagh & Company, E. R. Godfrey & Sons Company, Wetterau Grocer Company, Inc., Gannon Grocery Company, DeVoe Grocery Co., the Fleming Company, Inc., Holmstrom-Pilcher Co., A. H. Perfect & Co., Lewis, Hubbard & Co., Grainger Bros. Co., the F. N. Johnson Co., Zarnitz Brothers Grocery Company, the Schumacher Company, Gary Wholesale Grocery Co., Standard Grocery & Milling Co., Inc., the Inter-State Grocer Co., Milliken Tomlinson Co., Burlington Grocery Co., the Holbrook Grocery Co., the McLain Grocery Co., Blake Curtiss Co., Nowell Wholesale Grocery Co., W. T. Sistrunk & Co., the F. H. Cobb Company, Progressive Wholesale Grocery Co., Thomas G. McMahon & Co., Brownell & Field Co., Haas Brothers, Utah Wholesale Grocery Co., Roundup Grocery Co., and Lee Grocery Co. (the first three of which are named in the complaint as representative of the others

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[1] Filed as part of the original document.

as a class), and all other wholesale grocery concerns which now are or in the future may be affiliated or under contract with respondent Independent Grocers Alliance Distributing Company or stockholders in respondent the Grocers Company, and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in or in connection with the purchase of grocery products or other commodities in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: "Receiving or accepting, directly or indirectly, from any seller, or from respondent Independent Grocers Alliance Distributing Company or respondent the Grocers Company, or from any other agent, representatives or intermediary acting for or in behalf or subject to the direct or indirect control of said respondents named in this paragraph, in the form of money or credits or in the form of services or benefits provided or furnished, or otherwise, any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon purchases made for said respondents' own accounts."

V. *It is further ordered,* For the reasons stated in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to respondent Winston & Newell Company.

VI. *It is further ordered,* That the respondents, except Winston & Newell Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it.

Issued: March 7, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6592; Filed, June 16, 1952; 8:54 a. m.]

[Docket 5843]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HERBST SHOE MFG. CO.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* Subpart—*Misbranding or mislabeling:* § 3.1225 *History;* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name—Goods:* § 3.2295 *History;* § 3.2310 *Manufacture or preparation;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution in commerce, of respondent's shoes designated "Child Life," "College Chums" and "Official P. H. D. Physical Health Director," or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, (1) using the word "Orthopedic" with respect to "Child Life" and "College Chum" shoes, alone or in combination with any other word or words in any manner to represent, directly or by implication, that respondent's shoes will prevent or correct deformities or disorders of the feet; (2) using the words "Official P. H. D. Physical Health Director" with respect to shoes designated "Official P. H. D.," alone or in combination with any other word or words, to describe or designate said shoes, or using any other words in any manner to represent, directly or by implication, that respondent's shoes so designated are affirmatively conducive to the health of the feet; (3) representing, directly or by implication, that the use of respondent's shoes with respect to "Child Life" will make young feet grow strong and healthy or will keep growing feet strong and healthy or insure freedom from future foot ills or will maintain normal foot health or prevent the development of abnormalities, deformities and disorders in growing feet or correct any abnormality, deformity or disorder which may manifest itself in growing feet; (4) representing, directly or by implication, that the use of "Child Life" shoes will promote or maintain a proper and balanced posture or prevent or correct poor posture or promote or insure foot growth; (5) representing, directly or by implication that the use of "Child Life" shoes will hold the bones of the feet in proper alignment or promote sound physical development; (6) representing, directly or by implication, that the use of "Child Life" shoes will correct muscle strain or inrolling ankles, make crooked ankles straight or restore the arch to normal; or, (7) representing, directly or by implication, that the use of shoes designated "Child Life", "College Chum" or "Official P. H. D. Physical Health Director" will control the longitudinal arch of the foot or restore it to normal or prevent or correct pronation or eversion of the feet and ankles or insure normal foot function; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Herbst Shoe Manufacturing Company, Milwaukee, Wisc., Docket 5843, March 18, 1952]

This proceeding was heard by Webster Ballinger, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondent's answer, and hearings at which no representative of the respondent appeared, but at which testimony and other evidence (duly filed in the office of the Commission) were submitted and received in support of the allegation of the complaint, before said examiner.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, requested findings, and conclusion and form of order submitted by counsel for the complaint, oral argument being waived, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

[1] Filed as part of the original document.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 18, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Herbst Shoe Manufacturing Company, a corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's shoes designated "Child Life," "College Chums" and "Official P. H. D. Physical Health Director," or any other shoe of similar construction or performing similar functions irrespective of the designation applied thereto, do forthwith cease and desist from:

(1) Using the word "Orthopedic" with respect to "Child Life" and "College Chum" shoes, alone or in combination with any other word or words, to describe or designate said shoes, or using any other word or words in any manner to represent, directly or by implication, that respondent's shoes will prevent or correct deformities or disorders of the feet.

(2) Using the words "Official P. H. D. Physical Health Director" with respect to shoes designated "Official P. H. D." alone or in combination with any other word or words, to describe or designate said shoes, or using any other words in any manner to represent, directly or by implication, that respondent's shoes so designated are affirmatively conducive to the health of the feet.

(3) Representing, directly or by implication, that the use of respondent's shoes with respect to "Child Life" will make young feet grow strong and healthy or will keep growing feet strong and healthy or insure freedom from future foot ills or will maintain normal foot health or prevent the development of abnormalities, deformities and disorders in growing feet or correct any abnormality, deformity or disorder which may manifest itself in growing feet.

(4) Representing, directly or by implication, that the use of "Child Life" shoes will promote or maintain a proper and balanced posture or prevent or correct poor posture or promote or insure proper foot growth.

(5) Representing, directly or by implication, that the use of "Child Life" shoes will hold the bones of the feet in proper alignment or promote sound physical development.

(6) Representing, directly or by implication, that the use of "Child Life" shoes will correct muscle strain or inrolling ankles, make crooked ankles straight or restore the arch to normal.

(7) Representing, directly or by implication, that the use of shoes designated "Child Life," "College Chums" or "Official P. H. D. Physical Health Director" will control the longitudinal arch of the foot or restore it to normal or prevent or correct pronation or eversion of the feet and ankles or insure normal foot function.

WEBSTER BALLINGER, *Hearing Examiner.*

FEBRUARY 5, 1952.

By "Decision of the Commission and order to file report of compliance", Docket 5843, March 18, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6591; Filed, June 16, 1952; 8:53 a. m.]

[Docket 5896]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MOTOOL MACHINE COMPANY, INC., ET AL.

Subpart—*Concealing or obliterating law required and informative marking:* § 3.515 *Foreign source.* Subpart—*Misbranding or mislabeling:* § 3.1325 *Source or origin—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* Subpart—*Using misleading name—Goods:* § 3.2345 *Source or origin—Foreign product or parts as domestic.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; or, (2) using the word "American", or any simulation thereof, as a brand or trade name to designate, describe or refer to their sewing machines or sewing machine heads; or representing through the use of any other word or in any other manner that sewing machines or sewing machine heads manufactured in a foreign country are manufactured in the United States; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45). [Cease and desist order, Motool Machine Company, Inc., et al., New York, N. Y., Docket 5896, March 20, 1952]

In the Matter of Motool Machine Company, Inc., a Corporation, Eval Machine Company, Inc., a Corporation, and Israel Sharenow, Alexander Sharenow, and Evelyn Pakarow, Individually and as Officers of Said Corporations

This proceeding was heard by Abner E. Lipscomb, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer and a hearing at which counsel for the respondents and counsel in support of the complaint entered into an oral stipulation on the record.

In said stipulation counsel for the respondents admitted certain allegations of the complaint to be true, made further admissions regarding the potential testimony of witnesses who could be produced in support of certain other allegations of the complaint and made qualifying statements in regard to other allegations. Such stipulation was supplemented by a letter from counsel for respondents, dated October 30, 1951, which was duly incorporated into the record.

Thereafter the proceeding regularly came on for final consideration by said examiner, upon said complaint and answer thereto, stipulation on the record and written supplement thereto, no proposed findings or conclusions having been submitted, and said examiner having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 20, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Motool Machine Company, Inc., and Eval Machine Company, Inc., corporations, and their officers, and Alexander Sharenow and Evelyn Pakarow, individually and as officers, and Israel Sharenow, individually and as an employee, of said corporations, and as an employee, of said corporations, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof;

2. Using the word "American," or any simulation thereof, as a brand or trade name to designate, describe or refer to their sewing machines or sewing machine heads; or representing through the use of any other word or in any other manner that sewing machines or sewing machine heads manufactured in a foreign country are manufactured in the United States.

[1] Filed as part of the original document.

ABNER E. LIPSCOMB, *Hearing Examiner.*

JANUARY 30, 1952.

By "Decision of the Commission and order to file report of compliance", Docket 5896, March 20, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 20, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6590; Filed, June 16, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 121, Amdt. 2]

CPR 121—PRINTING, PRINTED PRODUCTS, ALLIED PRODUCTS AND CERTAIN PAPER PRODUCTS

BROADENING THE LANGUAGE IN THE RAW MATERIAL FACTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 121 is hereby issued.

STATEMENT OF CONSIDERATIONS

All tailored regulations do not establish "dollars and cents ceiling prices" within the strict meaning of these words. Through inadvertence this language was used in section 4 (b) of Ceiling Price Regulation 121. As a result, a printer buying his raw material from a seller who priced under a tailored regulation which did not spell out dollars and cents prices would be limited in his raw material factor to the ceiling price of the raw material on July 31, 1951. This result was not intended.

AMENDATORY PROVISIONS

1. Section 4 (b) is amended to read as follows:

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(b) *Raw material factor.* Your raw material factor for any material may not exceed the ceiling price for that material in effect on July 31, 1951, until such time as a tailored regulation is issued which establishes ceiling prices for any of your raw materials. Thereafter for such raw materials, the raw material factor shall not exceed the ceiling price as originally established by such tailored regulation. Subject to the above limitation, if you had adopted or employed the practice of averaging or otherwise computing your raw material costs during the base period, you shall continue such practice in the same manner.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 121 is effective June 16, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 16, 1952.

[F. R. Doc. 52-6714; Filed, June 16, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 5—SPECIAL METHODS FOR DETERMINING INBOUND TRANSPORTATION COST INCREASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this supplementary regulation to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation permits retailers operating under CPR 7 to adjust their ceiling prices so as to reflect certain increases in transportation costs for merchandise shipped to them from their sources of supply. These increases have resulted from the rate increases which were granted since the issuance date of CPR 7.

Since May 1951, transportation rates (including parcel post rates) have gone up from 6 percent to 25 percent and in some cases much more; for some furniture articles, less-than-carload-lot rail rates in certain regions have gone up from 35 percent to 130 percent, depending on the particular article. The impact on retail operations of these substantial rate increases varies considerably and is difficult to measure on an over-all basis because of a number of complex factors. Nevertheless, it is evident that they represent a major burden to retailers.

For some retailers these increased transportation costs may amount to as much as three-quarters of one percent of their sales volume. While such an increase may not appear to be large, it may often account for a major fraction of the retailer's current net profits—as much as one-third or one-half. Moreover, they must be considered in conjunction with increases in retailers' operating expense ratios and in markdown ratios which have resulted in a significant decline in net profit ratios. For example, the 1951 net profit ratio (before Federal Income Taxes) of department stores, an important segment of retail trade, was 3.0 percent of sales—compared with 4.8 percent for the previous year.

Published data as to retailers' earnings before taxes, as related to net worth, for the years 1946 to 1949 and currently, are far from adequate to permit general application of the industry earnings standard. Moreover, these data do not indicate the extent to which any deficiency in current earnings may be due to sales below ceiling rather than to the level of ceiling prices. On the other hand, these data do lead the Director to the conclusion that the adjustment of retailers' ceiling prices so as to reflect certain increases in inbound transportation costs, is required by the industry earnings standard and that such an adjustment as is provided by this action is consistent with the spirit and intent of the standard.

Because of the innumerable complexities in transportation rate structures, it has not proven possible to reflect in all instances, either by commodity, by destination, or by transportation medium (rail, water, truck, express, parcel post, etc.) the actual percentages of rate increases. Any regulation tailored to all the varied and numberless rate situation encountered in daily trade would have been so complex as to be impossible of application by the retailer. Instead, the OPS, after careful analysis and extended consultations, has determined the approximate over-all rate increases by grouping, wherever feasible, the transportation media, territories and classes of commodities involved in these rate increases.

Two general methods for reflecting the increases in freight rates since CPR 7 went into effect are provided by this Supplementary Regulation. The seller must elect to use either one or the other, but not both of these general methods in any 6-month period. The first of these general methods permits calculation of the increase either on the basis of actual dollar differences in freight or through application of a specific factor to current transportation costs. These alternatives of the first method of calculation may be used interchangeably. The second method which is presented in several variations involves calculation by the retailer of his pre-CPR 7 ratio of total transportation costs to total purchases.

The base period and current actual freight calculation which is permitted in the first general method, allows the retailer who can determine (1) the actual "pre-CPR 7" transportation cost for an article of merchandise, and (2) the current transportation cost for the same article shipped from the same source of supply via the same transportation method, to subtract (1) from (2) in order to determine the amount of the increased transportation cost which can be added directly to the ceiling price. It should be noted that this method allows the retailer to pass through actual rather than average or approximate increases in transportation costs.

The specific factor calculation also permitted in the first general method requires that the applicable freight rate increase factor which is set forth in the regulation be applied to each current transportation bill. The result is the total increase for a freight bill which could then be apportioned to the individual items of merchandise in the shipment covered by the freight bill.

A retailer using the second general method multiplies his pre-CPR 7 percentage ratio of total transportation costs to total purchases by an applicable increase factor set forth in the regulation. The result is a new percentage which, applied to a current merchandise invoice cost, yields the increase which may be added to the retailer's ceiling price to reflect increases in transportation costs. A variation of this method permits retailers to use ratios for certain groups of their suppliers, grouped according to specified distances from the retailer's place of business.

In the preparation of his CPR 7 chart the retailer was required to list his "no costs"; no freight could be added to the net invoice costs. Since the net invoice costs were subtracted from the offering prices, the effect, in essence, is that the percentage markups on the chart include transportation costs based on rates effective prior to the issuance of this regulation; that is, the amount of the transportation cost before the current rate increases is part of the present margin under CPR 7. Therefore it is necessary to separate the retailers' total current transportation cost for any article of merchandise into (1) the previous amount of transportation cost already contained in the existing CPR 7 margin and (2) the increased amount of transportation cost resulting from current rate increases, in order to allow a pass-through of the increase. The two methods outlined above, as was seen, make this separation possible.

It is apparent that the increases allowed by this regulation will only approximate the actual dollar-and-cent increases in transportation costs for specific articles of merchandise shipped to particular retailers. However, the increases allowed by this regulation will generally reflect the approximate over-all increase in inbound transportation costs on the major portion of the retailer's total volume of business. Furthermore, special increase factors allowed by this regulation make it possible to reflect the exceptionally high increases in transportation costs of certain articles effected by the cancellation of exception ratings for less-than-carload-lot rail shipments of those articles.

The transportation cost increase factors and the ratio increase factors set forth in this regulation reflect changes in transportation rates from the list date of CPR 7 to the issuance date of this regulation and also reflect changes in the level of prices from the list date to the issuance date. The Director of Price Stabilization may, where warranted, revise these increase factors if there should

be further significant changes in transportation rates, the level of prices, or other factors.

In the preparation of this supplementary regulation, frequent and extensive conferences were held with the Retail Industry Advisory Committee and with other representative groups of retail sellers, including representatives of trade associations; and their views and recommendations have been given careful consideration in the promulgation of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2 When this regulation may be used.
3 Choice of methods.
4 Method I, determination of transportation increases by use of transportation bills.
5 Method II, freight to purchases ratio method.
6. Records.
7. Definitions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup 2101–2110, E. O. 10161, Sept. 9, 1950, 16 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies the ceiling prices determined under Ceiling Price Regulation 7 (except those ceiling prices determined (a) by use of a chart for categories 701–752 prepared pursuant to section 5 of Supplementary Regulation 2 to Ceiling Price Regulation 7, or (b) pursuant to section 43 of CPR 7 or (c) pursuant to Supplementary Regulation 4 to Ceiling Price Regulation 7) to permit those prices to reflect increases in freight rates since Ceiling Price Regulation 7 went into effect.

SEC. 2. *When this regulation may be used.* This regulation may be used by you to reflect increases in transportation costs incurred by you after June 16, 1952 for articles covered by Ceiling Price Regulation 7. (See definition of "transportation costs" in section 7.)

SEC. 3. *Choice of methods.* Two general methods are set forth in this regulation for determining the amount you may add to the ceiling price of an article otherwise determined under CPR 7 for transportation cost increases. You may elect to use either method and must use that method for a period of at least six months. Before determining the increase which may be added to your ceiling price for any article pursuant to this regulation you must make a record indicating which method you elect to use and the date you begin to use that method; if after six months you change to the other method, you must indicate such change on your record and record the date on which you begin to use the other method.

SEC. 4. *Method I, determination of transportation increases by use of transportation bills.* This method permits you to reflect the changes in transportation costs incurred by you by reference to transportation bills. Two alternative ways of using this method are available and may be used interchangeably. The first (paragraph (a)) permits determination of actual increases by subtracting a base period transportation cost from a "current" transportation cost. The second (paragraph (b)) provides for determination of increases by application of factors set forth in the regulation to the "current" transportation bill.

You must record the calculations made under this section and must keep them and the supporting data available for inspection by the OPS.

Only one method of apportioning transportation costs may be applied to a single freight bill under this section.

(a) *Subtracting base period transportation cost from actual current transportation cost for a specific article.* This alternative method (identifiable as "Method IA") may be used only for an article which is the same as one which you had received at any time in the base period and which is shipped from the same place via the same transportation method, and in the same size of shipment, as was the article in the base period. The term "base period" for purposes of this paragraph is the period July 1, 1950 to June 30, 1951, inclusive. (As used in this paragraph the terms "same article," "same place," "same transportation method," and "same size of shipment," have specialized meanings. "Same article" means an article which actually is the same model, style or lot number as the base period article, or any article of the same weight as the base period article and subject to the identical current transportation rate as the base period article. "Same place" means the same city or rail terminal as that from which the base period article was shipped. "Same transportation method" means the identical carrier as transported the base period shipment or a carrier whose charges for the current shipment are the same as or less than the current charges of the base period carrier. "Same size of shipment" means that the number of units in the shipment being compared must be roughly equal.) If the two articles, that is, the base period article and the article for which a ceiling price is being determined, meet the foregoing tests, you determine the increase in transportation costs by subtracting the transportation cost for the base period article (determined from any base period transportation bill) from the current transportation cost. The result is the increase in transportation cost, which may be added to the ceiling price otherwise determined under Ceiling Price Regulation 7.

(1) Base period transportation cost of an article may be determined by apportioning the total transportation bill among the articles covered by the bill in any generally accepted manner, that is, by weight, value, or number of units.

(2) Current transportation cost is determined by apportioning the total transportation bill among the articles covered by the bill in the same manner as the apportionment of the base period bill.

(3) If the current transportation bill for a rail shipment covers some articles which were subject to cancelled L. C. L. exception ratings (see Appendix Y) and some articles which were not subject to such exception ratings in the base period, the increases attributable to articles subject to such cancelled L. C. L. exception ratings can be most precisely ascertained by apportioning the current transportation bill among the articles on the basis of the weight of the respective articles multiplied by the appropriate freight rate for those articles as shown on the freight bill.

EXAMPLE 1: Chest No. 66 purchased from ABC Company, Grand Rapids, Mich., shipped by rail in carload lots in December 1950 and again on January 2, 1952.

Current transportation cost per chest	$6.86
Base period transportation cost per chest	6.36
Increase	.50
Ceiling price of Chest No. 66 (determined under CPR 7)	79.95
Increase in freight	.50
Adjusted ceiling price	$80.45

(b) *Use of transportation rate increase factors applied to current transportation costs.* This alternative method (identifiable as "Method IB") may be used for any article for which you have paid inbound transportation costs by applying an appropriate factor to the "current transportation" bill.[1] Appendix X sets forth a table of rate increase factors for rail, motor and water common-carrier, railway express and parcel post shipments. Appendix Y, accompanied by a map to permit identification of the applicable freight increase factor, sets forth a list of articles whose rail transportation rates have been increased more substantially by cancellation of certain exception ratings, definitions of various kinds of shipments, and a table of increase factors.

(1) *Determining increases for "unmixed" shipments.* An "unmixed" shipment is one composed wholly of articles not covered by Appendix Y or composed wholly of articles covered by Appendix Y if all the articles are subject to the same factor. If the article was included in an unmixed shipment, you may determine the amount of the increase in freight pursuant to this subparagraph.

(i) Apply the appropriate factor found in Appendix X or Appendix Y to the total freight bill.

(ii) Allocate the result among the articles covered by the transporation bill in any reasonable manner (by weight, value or number of units).

(iii) An amount allocated under (ii) to an article may be added to the ceiling price of the article otherwise determined under CPR 7.

(See Example 2)

(2) *Determining increases for mixed shipments.* A "mixed shipment" is a rail shipment composed both of articles covered by Appendix Y and of articles not covered by Appendix Y or composed of articles covered by Appendix Y sub-

[1] This method of adjustment for increases in freight is the only one available to sellers who were not in business prior to the list dates of CPR 7.

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ject to more than one factor listed in Appendix Y. If the article was included in a mixed shipment, you determine your increase under this subparagraph.

(i) Allocate the amount of the current transportation bill among the articles covered by it in any reasonable manner (by weight, value or number of units). If, however, some of the articles were covered by Appendix Y and some of the articles were not covered by Appendix Y, the increases attributable to articles subject to cancelled L. C. L. exception ratings (articles covered by Appendix Y) can be most precisely ascertained by apportioning the current transportation bill among the articles on the basis of the weight of the respective articles multiplied by the appropriate freight rate for those articles as shown on the freight bill.

(ii) Multiply the amounts allocated to the articles not covered by Appendix Y by the appropriate factor in Appendix X. The result is the increase in freight for each article which may be added to the ceiling price for the article otherwise determined under CPR 7.

(iii) For the articles in the shipment covered by Appendix Y select from column 3 or 4 in Appendix Y the appropriate increase factor. (If the articles constitute a set, purchased at a unit price and to be sold at a unit price, one or more of the articles of which set are covered by Appendix Y, you may use either the factor shown in Appendix Y for the article in the set having the greatest weight or you may use the average of the factors for all of the articles in the set covered by Appendix Y.) Multiply the amount of freight allocated to each article covered by Appendix Y by the appropriate factor. The result is the increase in freight which may be added to the ceiling price otherwise determined under CPR 7.

(See Example 3)

EXAMPLE 2: Determining total freight increase and allocating thereafter:

Assume 2 articles in shipment: Couch No. 142 ceiling price under CPR 7, $89.50; dresser No. 16A, ceiling price under CPR 7, $39.40. Total freight bill for rail shipment from Zone I to Zone II for:

1 upholstered couch No. 142 (shipped SU in package 3F) weight (pounds)	100
1 dresser No. 16A (shipped SU in package 5F) weight (pounds)	85
Total weight (pounds)	185
Total freight bill (including tax)	$16.48
Flat increase factor (from Appendix X) (percent)	12.5
Increase in freight ($16.48×0.125=$2.06)	$2.06

Freight increase allocated by weight:

To couch $\left(\frac{100}{185} \times \$2.06\right)$ $1.11

To dresser $\left(\frac{85}{185} \times \$2.60\right)$ $0.95

Adjusted ceiling price of couch No. 142: $89.50+$1.11=$90.61.

Adjusted ceiling price of dresser No. 16A: $39.40+$0.95=$40.35.

EXAMPLE 3: Allocating freight bill among articles and then determining increase for each:

Assume 3 articles were covered by freight bill. Two of the articles, the couch and dresser as in preceding example, were not subject to cancelled L. C. L. exception ratings which affected their rates. The third article was a group of chairs No. 72 (wooden chairs, in the white, SU, loose (item number 42 in Appendix Y)), ceiling price under CPR 7, $15.21 each. Allocation of the freight bill determined by weight and rates shown on the current bill should be used if the seller wishes to be reimbursed for the greater increase affecting the item the rate of which was affected by such a cancelled L. C. L. exception rating.

Allocation technique: Two methods of allocation are shown:

(a) Allocation as percentage of bill by weight:

Item	Weight (pounds)	Allocated amounts
8 chairs, No. 72 (Y)	100	$12.04
1 couch, No. 142	160	12.04
1 dresser, No. 16A	85	10.22
Total freight bill (including tax)		34.30

Adjustment for couch and dresser, the articles not covered by Appendix Y (Appendix X increase factor 12.5 percent):

Couch, $12.04×.125=1.51+89.50=$91.01 adjusted ceiling price.

Dresser, $10.22×.125=1.28+39.40=$40.68 adjusted ceiling price.

Adjustment for the chairs No. 72, the articles covered by Appendix Y, using .52, the factor shown in column 4 of that appendix, is $12.04×.52=$6.26÷8=$0.78 per chair.

Adjusted ceiling price, $15.21+$0.78=$15.99.

(b) Allocation by weight and rate shown on current bill:

Item	Weight and rate per 100 lbs.	Tax	Allocated current freight
8 chairs No. 72 (Y)	100 lbs at $17.30=$17.30	+$0.52	=$17.82
1 couch No. 142.	100 lbs. at $8.65=$8.65	+0.26	=8.91
1 dresser No. 16A.	85 lbs. at $8.65=$7.35	+0.22	=7.57
			34.30

Adjustment for couch and dresser, the articles not covered by Appendix Y:

Couch, $8.91×.125=1.11+89.50=$90.61 adjusted ceiling price.

Dresser, $7.57×.125=.95+39.40=$40.35 adjusted ceiling price.

Adjustment for chairs number 72, the articles covered by Appendix Y, using the factor shown in column 4 of that appendix ($17.82×.52=$9.27÷8=$1.16).

Adjusted ceiling price of chair $15.21+$1.16=$16.37.

SEC. 5. *Method II, freight to purchases ratio method.* This method permits you to determine the percentage ratio of your total dollar merchandise transportation costs in a base period to your total dollar merchandise purchases in that period and to apply an appropriate percentage increase factor to that percentage ratio as set forth in paragraph (c) below. The result is the percentage of the articles' net costs which may be added to reflect increases in transportation costs. In order to use this method a seller must find his freight to purchases ratio in a base period. The freight to purchases ratio must be determined for each seller. However, a departmentalized establishment instead of determining the freight to purchases ratio for each of its departments may use the storewide freight to purchases ratio for all departments. An alternative method is provided in paragraph (b) by which freight to purchases ratios may be determined by certain groups of suppliers rather than by all suppliers. (If the article is covered by Appendix Y, a special adjustment involving the use of an appropriate multiplier is provided in paragraph (e).)

You must record the calculations made under this section and must keep them and the supporting data available for inspection by the OPS.

Merchandise purchases and inbound merchandise transportation costs shall be determined according to any generally accepted accounting method. Only such transportation costs may be included as are included in the definition of that term in section 7.

The base period for the purposes of this section is the calendar year 1950, or the fiscal year ending closest to December 31, 1950.

(a) *Freight to purchases ratio for shipments from all suppliers.* A seller (or an entire establishment) determines his freight to purchases ratio based on purchases from *all* his suppliers as follows:

(1) Determines from his records the total inbound merchandise transportation costs for his base period.

(2) Determine from his records the total of his merchandise purchases in his base period.

(3) Determine the percentage ratio of freight to purchases by dividing the total transportation costs by the total cost of purchases.

(b) *Freight to purchases ratios by groups of suppliers.* This alternative method permits you to group certain of your suppliers and to determine your increases in transportation costs on your purchases from them by use of a separate freight to purchases ratio for each group.

(1) *Suppliers to be included within a group.* You may determine separate freight to purchases ratios (or if you are a departmentalized establishment for your entire establishment) for each of the following three groups of suppliers if during the base period you had received at least 10 shipments from the group. In order properly to group these base period suppliers you must list their shipping points, showing the distance from their shipping points to your place of business. The three groups of base period suppliers are:

(i) The nearby group, that is all those whose shipping points are located less than 250 miles from your place of business;

(ii) The intermediate group, that is, all those whose shipping points are located 250 to 1000 miles from your place of business;

(iii) The distant group, that is all those whose shipping points are located 1000 or more miles from your place of business.

(2) *Method of determining freight to purchases ratio for each group.* You compute the freight to purchases ratio for each group from which you had at least 10 shipments as follows:

(i) Determine from your records for each group of suppliers the total inbound merchandise transportation costs on shipments from those suppliers in your base period.

(ii) Determine from your records the total of your merchandise purchases from each group of suppliers in your base period.

(iii) Divide the transportation cost total found under (i) by the total of purchases found under (ii). The result is your freight to purchases ratio for the group.

(3) *Use of group factors.* The percentage determined for a group under paragraph (2) may be used only in determining increases in transportation costs on shipments from base period suppliers included in the group. For determining increases in transportation costs on shipments from suppliers not included in a group or from suppliers for which you are unable to determine a group ratio because you had fewer than 10 shipments from suppliers in the group, you must determine a freight to purchases ratio under paragraph (a)[1] of this section and use that to determine the increases in transportation costs from such suppliers.

(c) *Determination of percentage increases in freight to purchases ratios.* Multiply the percentages determined under paragraph (a) (3) or (b) (2) (iii) by the appropriate increase factor from subparagraph (1) or (2) of this paragraph to determine the percentage of increase. Subparagraph (1) sets forth a factor applicable to sellers generally; subparagraph (2) permits sellers whose parcel post payments are 19 percent or more of total dollar inbound transportation costs to reflect their higher rate increases. The percentages determined under this paragraph indicate the increases in the seller's cost attributable to increases in inbound transportation costs. The freight to purchases ratio increase factors are as follows:

(1) *Sellers generally.* Your increase factor is 16 percent unless you qualify for and elect to use a higher increase factor under subparagraph (2).

(2) *Sellers whose parcel post payments were 19 percent or more of total inbound transportation costs in the base period.* Determine what percentage of your total dollar transportation costs in the base period were parcel post payments. You must compute from your records the dollar amount of the parcel post charges paid by you for incoming shipments and the dollar amount of the other transportation costs incurred during the base period. Divide the dollar amount of inbound parcel post charges by the total dollar amount of all inbound merchandise transportation costs, and if your parcel post payments constituted 19 percent or more of your total dollar transportation costs you may use the appropriate freight to purchases ratio increase factor shown in the table below:

If your percentage of inbound parcel post cost to total inbound transportation cost is:	Your ratio increase factor is:
19% to 29%	17 percent
29% to 38%	18 percent
38% to 48%	19 percent
48% to 57%	20 percent
57% to 67%	21 percent
67% to 76%	22 percent
76% to 86%	23 percent
86% to 95%	24 percent
95% through 100%	25 percent

(d) *Determination of amounts of increases.* You determine the amount of transportation increase permitted to be added to your ceiling price otherwise determined under CPR 7 by multiplying the net invoice cost of the article for which a ceiling price is being determined by the appropriate increase in freight to purchases ratio as determined under paragraph (c). The result is the permissible adjustment for increases in transportation costs which may be added to the ceiling price otherwise determined under CPR 7, except that for articles covered by Appendix Y, if the increase is determined by use of the factor for sellers generally (see (c) (1) above), the result may be multiplied by an appropriate multiplier as described in paragraph (e).

EXAMPLE 4: Seller (who is covered by paragraph (c) (1)—sellers generally) located in Chicago has base-period freight to purchases ratio of (percent) 4

Freight to purchases increase factor (under paragraph (c) (1)) (percent) 16

Increase in freight to purchases ratio (0.04×0.16=0.0064) (percent) 0.64

Net invoice cost of blouse No. 77 $4.00

Ceiling price of blouses determined under CPR 7 $7.95

Increase in freight ($4.00×0.0064=$0.026) $0.03

Adjusted ceiling price ($7.95+$0.03) $7.98

(e) *Determination of adjustment for articles covered by Appendix Y.* If the article for which a ceiling price is being determined is covered by Appendix Y:

(1) Determine an adjustment under paragraph (d) by using the factor for sellers generally; then

(2) Select from column 5 or 6 in Appendix Y the appropriate multiplier for the article, and multiply that result by that multiplier. The result is the total freight adjustment for the article covered by Appendix Y and this amount may be added to the ceiling price otherwise determined under CPR 7.

EXAMPLE 5: Seller located in Erie, Pennsylvania received two cartons of chairs from manufacturer in High Point, North Carolina. In one carton were chairs (No. 702), finished and not upholstered beyond the seat pad and inside of the back and were shipped set up (SU) in package type "5F" (this number was found on both the freight bill and on the front panel of the carton). Chairs No. 42, in the second carton, were "in the white," were knocked down other than flat, and were shipped in package type "9F." These two items are determined to be covered by Appendix Y by reference to column 2 of that appendix. The net cost of chair No. 702 was $36.00; of chair No. 42 was $14.00.

Seller's base period freight to purchases ratio percentage was 10 percent. Seller determined his transportation increase percentage under paragraph (c) to be 10 percent×0.16=1.6 percent. Applying 1.6 percent to current net invoice cost of each chair he finds his first adjustment (under paragraph (d)) for each chair to be:

Chair No. 702—$36.00×0.016=$0.576 or $0.58.

Chair No. 42—$14.00×0.016=$0.224 or $0.22.

The final adjustment for articles covered by Appendix Y may then be determined. Column 6 in Appendix Y indicates that for shipments between points in Zone 1 and Zone 2 the specific factor for chair No. 702 (item number 31 in Appendix Y), "chairs or stools, wooden or with wooden frames, finished, not upholstered beyond seat and inside of back, SU in package 5F," is 5.3; for chair No. 42 (item number 41 in Appendix Y), "chairs or stools, wooden or with wooden frame, in the white (unfinished), KD other than flat in package 9F," is 1.8.

Final adjustment for chair No. 702 is $0.58×5.3=$3.07.

Final adjustment for chair No. 42 is $0.22×1.8=$0.40.

These adjustments may be added to the respective ceiling prices of the articles as determined under CPR 7.

SEC. 6. *Records.* The records required by this section must be kept for as long as the Defense Production Act of 1950, as amended, remains in effect and for two years thereafter. A seller electing to determine ceiling prices under any provision of this supplementary regulation must:

(a) Preserve for inspection by the OPS all freight bills, receipts, or other documents showing freight or transportation charges, used in establishing adjustments under this regulation.

(b) Attach the freight bills or other documents to the invoice covering the articles, or put a reference number or other identification of the freight bills or other documents on the invoice and keep the freight bills or other documents in any accepted manner, so long as ready reference to the original can be had.

(c) In addition to the information required by section 52 (b) (2) of CPR 7 (Retailing invoices), and the reference, if any, required by paragraph (b) of this section, you must note on the invoice which of Methods IA, IB, or II and which item number of Appendix Y, if any, you used in making the adjustment.

(d) Keep a record indicating the basis you used under Method I for allocating freight as between articles of different kinds or groups of articles of the same kind on a given invoice. Only one method of allocation may be applied to a single freight bill or for a single invoice.

(e) Preserve for inspection by the OPS the record required by section 3 indicating which method of freight adjustments you are using for your articles; and make a record of the fiscal year, if any, used under section 5 and preserve it for inspection with the records required by sections 4 and 5.

SEC. 7. *Definitions.* (a) "Transportation Costs." The term "transportation costs" means actual transportation charges paid to independent transportation companies either by you or on your behalf for bringing merchandise from

[1] You must not exclude any base period supplier even though you have included him in determining a group freight to purchases ratio.

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your supplier's place of business to your place of business. Included are such items as payments to railroads, steamships, or trucking companies, and parcel post payments. Excluded are separately stated charges for transportation made by your supplier if the amount stated is not the actual transportation charge or if he makes the deliveries in his own trucks; transportation expenses incurred by you if you employ your own trucks to pick up your merchandise from your supplier; separately stated warehouse charges, cartage, handling, unloading, sorting, checking and other similar charges or expenses.

(b) "Current" transportation bill. A current transportation bill is any bill or other document received after June 16, 1952, which represents an amount paid by you or on your behalf for transportation costs.

Effective date. This regulation shall become effective on the 23d day of June 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.
JUNE 16, 1952.

APPENDIX X—Table of Freight Rate Increase Factors

1. Rail, motor and water common carriers	12.5 percent.
2. Railway express:	
(a) Shipments weighing less than 100 pounds	36 cents per shipment.
(b) Shipments weighing 100 pounds or more	33 cents per 100 pounds.
3. Parcel post (all shipments)	20 percent.

APPENDIX Y—FREIGHT RATE INCREASE FACTORS FOR CERTAIN RAIL SHIPMENTS OF SPECIFIED ARTICLES

NOTES

1. SU ("set up") means that the portion of the article described as SU is all assembled and ready for use except for accessories, for example, knobs, casters, etc.

2. KD ("knocked down"), means that the portion of the article described as KD has been disassembled and the component parts have been shipped; items described as "flat," "collapsed," "knocked-down-flat," "fully collapsed," "folded," or "compressed," are not equivalent to KD.

3. An item which is described on the invoice or freight bill as "flat," "collapsed," "knocked-down-flat," "fully collapsed," "folded," "compressed," or other similar description is not covered by the term KD, in appendix Y, unless Column 2 mentions "flat" or "collapsed," or some similar description in addition to KD.

4. "Loose" indicates that the articles are not packaged; "in bundles" indicates that the articles are not packaged, but are tied together in groups.

5. The terms, "SU," "KD," "Loose," "In Bundles," etc., are generally shown on the freight bill.

6. Package numbers referred to in Column 2 (for example, 1F, 2F, 3F, etc.) are usually shown on the front panel of packages; they are also generally shown on freight bill and on shipping orders.

7. NOIBN means "not otherwise indexed by name"; when used in this appendix it means that the factors apply to the article if no other item number in the appendix more precisely describes the article.

Item No.	Article	Factors used by sellers pricing under method I (B)		Factors used by sellers pricing under method II	
		Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2	Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6
1	Furniture, bamboo, cane, fibre, grass, rattan, reed or willow, with or without steel or wood reinforcement: SU, chairs or settees in packages 4F, 23F or 27F; also chairs in package 8F	0.55	0.52	7.6	6.7
2	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.49	.46	5.9	5.3
3	KD, in packages 1F, 2F, 3F, 5F or 19F	.29	.27	2.6	2.3
4	Bassinettes or baskenettes, bamboo, cane, fibre, grass, rattan, reed or willow: SU or with legs folded, in packages 1F, 2F, 3F, 5F, 19F, 21F, 25F or 28F	.55	.52	7.6	6.7
5	Boxes, cabinets, chests, chest- or wardrobes, radio, or household utility stores, fitted and or fibreboard and wood combined: SU, in packages 1F	.55	.52	7.6	6.7
6	Flat, folded flat or KD, including tops, bottoms or doors thereof, in package 2F	.23	.23	2.1	1.8
7	Mattresses, or upholstered box springs, in bales, wrapped in paper and burlap; mattresses in packages 5F, 10F, 11F or 12F; upholstered box springs in packages 5F, 10F or 12F. NOTE: Crib mattresses may also be in package 36F. Ratings also apply on headboards, legs and brackets when such articles are completely wrapped, and inserted between mattress and upholstered box spring in package 10F.	0.41	0.38	4.3	3.8
8	Baby jumpers, tenders or walkers, without wheels, metallic or wooden: SU, in packages 1F, 3F, 5F or 28F	.49	.46	5.9	5.3
9	KD flat or folded flat, in packages 1F, 3F, 5F, or 23F	.25	.23	2.1	1.8
10	Bed Springs: Not compressed or compressed to thickness exceeding 3½ normal thickness of each bed spring, loose or in packages. NOTE: Not eligible if compressed to thicknesses 3½ or less of normal thickness.	.41	.38	4.3	3.8
11	Beds, folding, upright, door, recess or wall, disappearing types, with or without rollers, steel, in one package: In package 19F	.41	.38	4.3	3.8
12	In packages 1F, 3F, 5F, 21F or 28F	.29	.27	2.6	2.3
13	In more than one package: In package 19F	.41	.38	4.3	3.8
14	In packages 1F, 3F, 5F, 21F or 28F	.29	.27	2.6	2.3
15	Beds, KD (ends and rails) or bed ends, NOIBN (see NOTE): Metal, finished, in packages 1F, 2F, 3F, 5F, 18F, 19F or 24F	.25	.23	2.1	1.8
16	Wooden, in packages 1F, 2F, 3F, 5F, 19F, 24F or 35F. NOTE: Ratings will also apply on necessary equipment of ladders and guard rails.	.25	.23	2.1	1.8
17	Benches, dressing table, steel, in packages 1F, 3F, 5F or 25F	.41	.38	4.3	3.8
18	Benches, or stools, organ or piano: SU, in packages 18F or 19F	.29	.27	2.6	2.3
19	KD or folded flat, in packages 18F or 19F. NOTE: Not eligible if SU, in packages 1F, 3F, 5F, or 28F	.25	.23	2.1	1.8
20	Buffets or buffet servers, KD, in packages 1F, 2F, 3F, 5F, 21F or 28F	.25	.23	2.1	1.8
21	Buffets, SU, buffet servers, SU, cellarettes, china cabinets, (closets), other than kitchen cabinets, or sideboards: In package 35F, also china cabinets, KD, in the white, in package 19F. NOTE: Not eligible if SU in packages 1F, 2F, 3F, 5F, 21F or 28F.	.29	.27	2.6	2.3
22	Bureaus, chest of drawers, chiffos, dressers, highboys, lowboys, night stands, sanitary commodes, sonnoce, washstands or washstand commodes, wooden: SU, in package 35F. NOTE: Not eligible if SU, in packages 1F, 2F, 3F, 5F, 21F or 28F; night stands or sanitary commodes, in package 26F; also KD Flat (drawers may be SU), in packages 1F, 2F, 3F, 5F or 19F.	.29	.27	2.6	2.3
23	Radio receiving set, talking machine or television set, separate or combined, without mechanism: Console type, in packages 1F, 2F, 3F, 5F, 22F or 28F. NOTE: Not eligible: box type sets, SU or KD.	.29	.27	2.6	2.3
24	Cabinets or lockers, storage, wardrobe or kitchen, NOIBN: Steel with glass: SU, in packages 1F, 3F, 5F, 28F, 30F or 50F	.29	.27	2.6	2.3
25	KD, in packages 1F, 3F, 5F or 30F. NOTE: Not eligible if wooden, steel without glass, etc.	.25	.23	2.1	1.8
26	Chairs or stools, NOIBN: Steel or wire, or with steel or wire frames: SU, in package 31F	.49	.46	5.9	5.3
27	SU, in packages 1F, 3F, 5F, 28F or 30F	.41	.38	4.3	3.8
28	Backs removed and bases nested, in packages 1F, 3F, 30F or 31F. NOTE: Not eligible if backs and seats separated and removed from frames or backs and seats flat or folded flat, removed from frames, frames interlaced in packages 1F, 3F, 5F, 28F, 30F or 31F.	.29	.27	2.6	2.3
29	KD, other than backs removed and bases nested, in packages 1F, 3F, 5F, 28F, 30F or 31F	.25	.23	2.1	1.8
	Wooden, or with wooden frames: Unshod, or upholstered beyond seat and inside of back:				

Item No.	Article	Factors used by sellers pricing under method I (B)		Factors used by sellers pricing under method II	
		Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2	Shipments originating and terminating in Zone 1	Shipments between points in Zone 1 and points in Zone 2
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6
30	Chairs or stools NOIBN—Continued SU, in package 8F	0.55	0.52	7.6	6.7
31	SU, in packages 1F, 2F, 3F, 5F or 28F	.49	.46	5.9	5.3
32	KD other than flat, in package 8F	.39	.36	4.1	3.6
33	KD, other than flat, in packages 1F, 2F, 3F or 5F. NOTE: Not eligible if KD, flat, in package 9F.	.25	.23	2.1	1.8
	Finished, NOIBN, not overstuffed, upholstered beyond seat or inside of back: Having legs with stretchers or platform bases or having each pair of legs made of 1 piece of bent plywood.				
34	In packages 7F or 27F	.55	.52	7.6	6.7
35	In packages 1F, 3F, 5F, or 28F	.49	.46	5.9	5.3
	Having legs without stretchers:				
36	In package 7F	.55	.52	7.6	6.7
37	In packages 1F, 3F, 5F or 28F	.49	.46	5.9	5.5
38	KD, in package 39F	.25	.23	2.1	1.8
39	Finished, overstuffed, in packages 1F, 2F, 3F, 4F, 5F, 23F or 28F	.49	.46	5.9	5.3
40	In the white (unfinished): SU, packages 1F, 2F, 3F, 5F, 8F or 28F	.41	.38	4.3	3.8
41	KD other than flat, in package 9F. NOTE: Not eligible if KD, flat, in bundles.	.25	.23	2.1	1.8
	Outdoor: varnished or painted, with not more than 1 coat of varnish or green paint:				
42	SU, loose	.55	.52	7.6	6.7
43	SU, in package 9F	.49	.46	5.9	5.3
44	KD other than flat, in bundles. NOTE: Not eligible if KD flat, in bundles.	.29	.27	2.6	2.3
	Revolving chairs and stools:				
45	SU, in packages 7F, 8F or 31F	.41	.38	4.3	3.8
46	SU, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3
47	KD, in packages 1F, 2F, 3F, 5F, 7F, 8F or 31F	.25	.23	2.1	1.8
48	Chairs, settees, tables or tabourettes, rustic, wooden: SU, loose. NOTE: Not eligible if KD, in bundles.	.55	.52	7.6	6.7
	Chaise lounges, couches, davenports- day-beds, divans, lounges, sofas or tête-à-têtes:				
49	Upholstered in package 23F, or in packages 41F or 57F; overstuffed in packages 4F, 23F or 57F. NOTE: Not eligible if in packages 3F, 5F or 28F. Dual purpose sleeping equipment such as sofa beds without ends or with ends detached or enclosed in bedding compartment or in separate boxes may be shipped in packages 10F or 46F.	.41	.38	4.3	3.8
	Metal, without ends or metal with metal or wooden ends, not upholstered (see NOTE).				
50	SU, with standing backs or with backs or leaves folded and tied to sides in packages 2F, 3F, 5F, 19F, 28F or 30F	.41	.38	4.3	3.8
51	KD, in packages 2F, 3F, 5F, 19F or 30F. NOTE: May include one pad or mattress when enclosed in same package with article.	.25	.23	2.1	1.8
52	Cots, steel frame, thickness folded exceeding 12 inches	.29	.27	2.6	2.3
53	Cots, steel frame, with coiled wire springs, folded, thickness exceeding 12 inches. NOTE: Not eligible if thickness is less than 12 inches.	.29	.27	2.6	2.3
	Couch hammocks or gliders (including 1 pad or mattress when enclosed in same package as article).				
	Without frames or standards:				
54	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.29	.27	2.6	2.3
55	KD, or flat, in package 19F	.39	.36	4.1	3.6
56	KD, or flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8
	With frames or standards:				
57	Taken apart with frames SU, in packages 1F, 2F, 3F, 5F, 21F, 28F or 31F	.41	.38	4.3	3.8
58	KD other than flat, in packages 1F, 3F, 5F, 23F, 12F, or, if not upholstered, in package 31F. NOTE: Not eligible if KD flat, in packages 1F, 3F, 5F, 19F or 31F.	.29	.27	2.6	2.3
59	Couches or day-beds, without arms, wood in the white, and iron or steel combined, not upholstered, loose or in packages	0.41	0.38	4.3	3.8
	Cradles, cribs, play pens or play yards, wooden:				
60	SU, in packages 1F, 3F, 5F or 28F. NOTE: Not eligible if metal, KD or wooden, KD or collapsed in packages 1F, 3F, 5F or 19F.	.55	.52	7.6	6.7
	Desk sets, wooden (child's desk and chair in same package):				
61	SU, in packages 1F, 2F, 3F, 5F, 21F, 28F or 40F	.41	.38	4.3	3.8
62	KD other than flat, finished, in packages 1F, 3F, 5F or 19F	.25	.23	2.1	1.8
	Desk sets, cypress, other than rustic, or redwood, not painted or varnished:				
63	SU, in package 9F	.55	.52	7.6	6.7
64	KD, other than flat, in package 9F	.39	.36	4.1	3.6
	Desks, with one or more enclosed pedestals on either side or both sides of an open knee space, which contain cupboards or drawers, and to be not more than 15 inches from the floor:				
	Wooden:				
65	SU, finished in packages 1F, 2F, 3F, 5F, 21F, 28F, 35F or 43F	.41	.38	4.3	3.8
66	KD other than flat, finished, in packages 1F, 2F, 3F, 5F or 19F. NOTE: Steel desks of this description not eligible for any factor in this appendix.	.25	.23	2.1	1.8
67	Desks, NOIBN, steel: SU, in boxes or crates, or in package 54F. NOTE: Not eligible if KD.	.29	.27	2.6	2.3
	Desks, NOIBN, wooden:				
68	SU, in package 35F	.49	.46	5.9	5.3
69	SU, in packages 1F, 2F, 3F, 5F, 21F or 28F	.41	.38	4.3	3.8
70	KD, in packages 1F, 3F, 5F or 19F	.25	.23	2.1	1.8
71	Fireplaces, imitation, portable, in packages 1F, 3F, 5F, 21F or 28F	.41	.38	4.3	3.8
72	Footstool or leg rests: SU, in package 8F. NOTE: Not eligible if KD or SU in packages 1F, 2F, 3F or 5F.	.29	.27	2.6	2.3
	Porch seats, swinging, NOIBN:				
73	SU, in package 19F	.41	.38	4.3	3.8
74	SU, in packages 1F, 3F, 5F or 28F. NOTE: Not eligible if KD flat or folded flat in package 9F.	.29	.27	2.6	2.3
	Racks, hall (hall trees):				
75	SU, in packages 1F, 3F, 5F or 28F	.41	.38	4.3	3.8
76	KD, in packages 1F, 3F or 5F	.25	.23	2.1	1.8
	Serving trays, wheeled, or serving wagons, with or without cooling or heating devices:				
77	SU, in packages 1F, 3F, 5F or 28F	.29	.27	2.6	2.3
78	KD, flat or folded, in packages 1F, 3F or 5F	.25	.23	2.1	1.8
	Settees (seats with backs and legs, with or without arms, not upholstered, designed to accommodate two or more persons):				
	Iron, or iron with wooden slats:				
79	SU, in package 9F. NOTE: Not eligible if KD in package 9F.	.41	.38	4.3	3.8
	Wooden, other than rustic:				
80	SU, in package 8F	.55	.52	7.6	6.7
81	SU, in packages 1F, 2F, 3F, 5F, 21F, or 28F	.49	.46	5.9	5.3
82	Folded, in packages 1F, 2F, 3F, 5F or 8F. NOTE: Not eligible if KD, in packages 1F, 3F, 5F or 8F.	.25	.23	2.1	1.8
	Swings with platforms or suspending frames:				
83	SU, in packages 1F, 2F, 3F, 5F or 28F. NOTE: Not eligible if seats, SU, suspending frames collapsed in package 1F, 3F, 5F or 28F, or if folded, KD flat or nested or entirely taken apart in package 9F.	.55	.52	7.6	6.7
	Swings, NOIBN:				
84	SU, in packages 1F, 3F, 5F or 28F	.55	.52	7.6	6.7
85	KD, flat or folded flat, in packages 1F, 3F or 5F	.25	.23	2.1	1.8
	Tables, steel:				
86	SU, in package 9F. NOTE: Not eligible if SU, in boxes or crates or if KD or folded flat. Not eligible if steel and wood combined or if wooden.	.29	.27	2.6	2.3
	Tables, without tops:				
87	SU, in packages 1F, 2F, 3F, 5F or 28F	.55	.52	7.6	6.7

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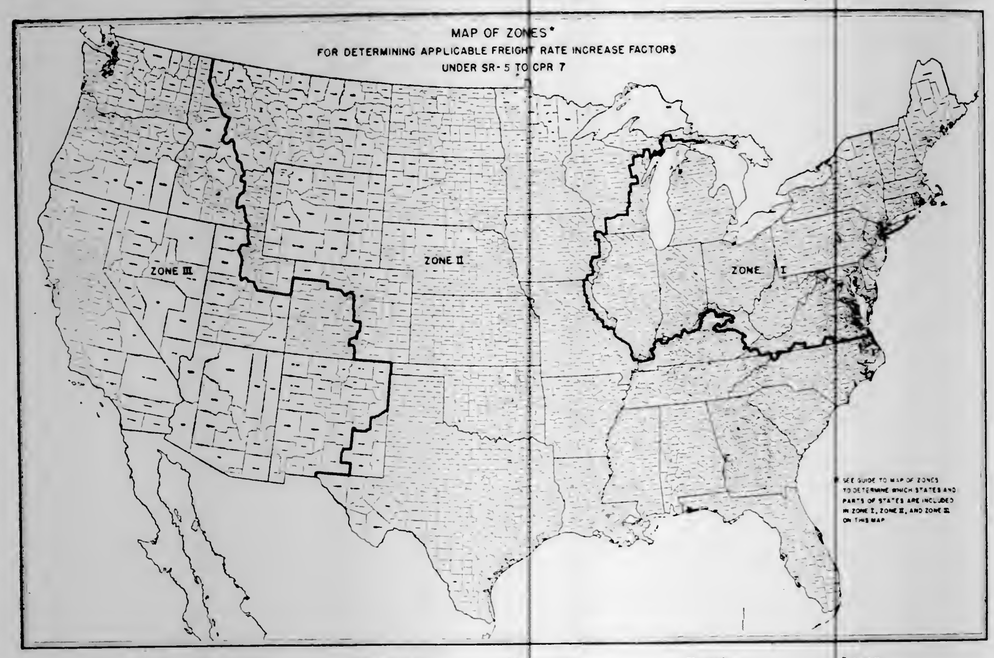

GUIDE TO MAP OF ZONES

GUIDE FOR DETERMINING WHICH STATES AND PARTS OF STATES ARE INCLUDED IN ZONE I, ZONE II, AND ZONE III ON THE MAP OF ZONES

Zone I

Zone I is comprised of the following states and parts of states:

Connecticut.
Delaware.
District of Columbia.
Illinois.
Indiana.
Iowa: Only the following counties:

Clinton.	Lee.
Des Moines.	Louisa.
Dubuque.	Muscatine.
Jackson.	Scott.

Kentucky: Only the following counties:

Ballard.	Lawrence.
Bath.	Letcher.
Boone.	Lewis.
Boyd.	Livingston.
Bracken.	McCracken.
Campbell.	Magoffin.
Carter.	Martin.
Clark.	Mason.
Elliott.	Menifee.
Fayette.	Montgomery.
Floyd.	Morgan.
Greenup.	Oldham.
Henderson.	Pendleton.
Jefferson.	Pike.
Johnson.	Rowan.
Kenton.	Trimble.
Knott.	

Maine.
Maryland.
Massachusetts.
Michigan: Except the following counties:

Alger.	Dickinson.
Baraga.	Gogebic.
Chippewa.	Houghton.
Delta.	Iron.
Kewecnaw.	Marquette.
Luce.	Ontonagon.

Missouri: Only the following counties:

Clark.	Pike.
Lewis.	Ralls.
Lincoln.	St. Charles.
Marion.	St. Louis.

New Hampshire.
New Jersey.
New York.
North Carolina: Only the following county: Ashe.
Ohio.
Pennsylvania.
Rhode Island.
Vermont.
Virginia: Except the following counties:

Henry.	Lee.
Mecklenburg.	Patrick.
Scott.	

West Virginia.
Wisconsin: Only the following counties:

Brown.	Marinette.
Calumet.	Milwaukee.
Dane.	Oconto.
Dodge.	Outagamie.
Door.	Ozaukee.
Fond du Lac.	Racine.
Green.	Rock.
Iowa.	Sheboygan.
Jefferson.	Walworth.
Kenosha.	Washington.
Kewaunee.	Waukesha.
Lafayette.	Winnebago.
Manitowoc.	

Zone II

Zone II is comprised of the following States and parts of States:

Alabama.
Arkansas.
Colorado: Only the following counties:

Adams.	Boulder.
Arapahoe.	Cheyenne.
Baca.	Crowley.
Bent.	Denver.
Douglas.	Logan.
Elbert.	Moffat.
El Paso.	Morgan.
Gilpin.	Otero.
Grand.	Phillips.
Huerfano.	Prowers.
Jackson.	Pueblo.
Jefferson.	Routt.
Kiowa.	Sedgwick.
Kit Carson.	Teller.
Larimer.	Washington.
Las Animas.	Weld.
Lincoln.	Yuma.

Florida.
Georgia.
Idaho: Only the following counties:

Bannock.	Franklin.
Bear Lake.	Fremont.
Bingham.	Jefferson.
Bonneville.	Madison.
Caribou.	Teton.
Clark.	

Iowa: Except the following counties

Clinton.	Lee.
Des Moines.	Louisa.
Dubuque.	Muscatine.
Jackson.	Scott.

Kansas.
Kentucky: Except the following counties:

Ballard.	Johnson.
Bath.	Kenton.
Boone.	Knott.
Boyd.	Lawrence.
Bracken.	Letcher.
Campbell.	Lewis.
Carter.	Livingston.
Clark.	McCracken.
Elliott.	Magoffin.
Fayette.	Martin.
Floyd.	Mason.
Greenup.	Menifee.
Henderson.	Montgomery.
Jefferson.	Morgan.

Oldham.	Rowan.
Pendleton.	Trimble.
Pike.	

Louisiana.
Michigan: Only the following counties:

Alger.	Houghton.
Baraga.	Iron.
Chippewa.	Keweennaw.
Delta.	Luce.
Dickinson.	Marquette.
Gogebic.	Ontonagon.

Minnesota.
Mississippi.
Missouri: Except the following counties:

Clark.	Pike.
Lewis.	Ralls.
Lincoln.	St. Charles.
Marion.	St. Louis.

Montana.
Nebraska.
New Mexico: Only the following counties:
Chaves, Curry, Eddy, Lea, Roosevelt.
North Carolina: Except the following county: Ashe.
North Dakota.
Oklahoma.
South Carolina.
South Dakota.
Tennessee.
Texas.
Utah: Only the following counties:

Cache.	Salt Lake.
Carbon.	Summit.
Daggett.	Uintah.
Davis.	Utah.
Duchesne.	Wasatch.
Morgan.	Weber.
Rich.	

Virginia: Only the following counties:
Henry. Lee. Mecklenburg. Patrick. Scott.
Wisconsin: Except the following counties:

Brown.	Marinette.
Calumet.	Milwaukee.
Dane.	Oconto.
Dodge.	Outagamie.
Door.	Ozaukee.
Fond du Lac.	Racine.
Green.	Rock.
Iowa.	Sheboygan.
Jefferson.	Walworth.
Kenosha.	Washington.
Kewaunee.	Waukesha.
Lafayette.	Winnebago.
Manitowoc.	

Wyoming.

Zone III

Zone III is comprised of the following States and parts of States:
Arizona.
California.
Colorado: Except the following counties:

Adams.	Kit Carson.
Arapahoe.	Larimer.
Baca.	Las Animas.
Bent.	Lincoln.
Boulder.	Logan.
Cheyenne.	Moffat.
Crowley.	Morgan.
Denver.	Otero.
Douglas.	Phillips.
Elbert.	Prowers.
El Paso.	Pueblo.
Gilpin.	Routt.
Grand	Sedgwick.
Huerfano.	Teller.
Jackson.	Washington.
Jefferson.	Weld.
Kiowa.	Yuma.

Idaho: Except the following counties:

Bannock.	Franklin.
Bear Lake.	Fremont.
Bingham.	Jefferson.
Bonneville.	Madison.
Caribou.	Teton.
Clark.	

New Mexico: Except the following counties: Chaves, Curry, Eddy, Lea, Roosevelt.
Nevada.
Oregon.
Utah: Except the following counties:

Cache.	Salt Lake.
Carbon.	Summit.
Daggett.	Uintah.
Davis.	Utah.
Duchesne.	Wasatch.
Morgan.	Weber.
Rich.	

Washington.

[F. R. Doc. 52-6713; Filed, June 16, 1952; 4:00 p. m.]

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 4]

CPR 9—TERRITORIES AND POSSESSIONS

SR 4—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 4 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

The maritime strike on the west coast of the United States makes it imperative that the Office of Price Stabilization take action to provide some relief for sellers of food products in the Territory of Hawaii who, because of the strike, necessarily incur increased shipping costs. Some food products covered by CPR 9, Revision 1, will have to be shipped from ports in the continental United States other than west coast ports. This supplementary regulation will permit the seller of food products in the Territory of Hawaii to pass through any increase in overland or ocean freight charges incurred by him by reason of such shipments.

CPR 9, Revision 1, provides for a markup over "direct cost." Direct cost includes only such freight charges as were customarily included in base period cost. Since shipments of most food products are made from west coast ports the direct cost usually does not include the cost of shipment from Gulf or Atlantic Coast ports.

Upon settlement of the strike the Office of Price Stabilization anticipates the revocation of this supplementary regulation as to all food products not actually delivered or in transit at that time.

Because of the nature of this supplementary regulation consultation with industries affected has not be practicable.

REGULATORY PROVISIONS

Sec.
1. Ceiling prices.
2. Applicability of Ceiling Price Regulation 9, Revision 1.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Ceiling prices.* If you sell a food product for which a ceiling price is established by Ceiling Price Regulation 9, Revision 1, and if the food product sold is, at the time of sale, located in the Territory of Hawaii, and if the food product was shipped from a port in the continental United States other than the port from which your supplier customarily ships to you, your ceiling price is that price which would otherwise be your ceiling price under CPR 9, Revision 1, plus the difference between the following amounts:

(a) Shipping charges actually incurred by you on the last shipment of the commodity shipped from the continental United States prior to May 26, 1952, which was included in your direct cost for the purpose of computing your ceiling price.

(b) Shipping charges incurred by you on the shipment of the food products covered by this supplementary regulation.

The term "shipping charges" as it is used in this supplementary regulation means and is limited to charges for rail or truck transportation in the continental United States and the charges for ocean freight and marine and war risk insurance.

The term "food products" as it is used in this supplementary regulation means food for human consumption and food for consumption by domestic animals.

SEC. 2. *Applicability of Ceiling Price Regulation 9, Revision 1.* All of the provisions of CPR 9, Revision 1, except as modified by this supplementary regulation, continue in full force and effect.

Effective date. This Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6652; Filed, June 13, 1952; 4:46 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 53, Amdt. 1 to Revision 1, Correction]

GCPR, SR 53—ADJUSTMENT OF CIGARETTE "LOSS-LEADER" PRICES COVERED BY STATE STATUTE

EXTENSION OF SR 53 TO ALABAMA

Amendment 1 to Supplementary Regulation (SR) 53, Revision 1, to the General Ceiling Price Regulation (GCPR) extended the coverage of SR 53 to sellers in the State of Alabama. In amending SR 53, section 2 of that regulation was amended to change the word "statute" to "statutes". Due to an oversight, however, the last part of the section was not included in the amendment. Accordingly, this correction includes the omission and section 2 will read as follows:

SEC. 2. *Adjustment of ceiling prices.* If you are covered by this regulation you may increase your ceiling prices for cigarettes up to the minimum required to be charged under the statutes referred to in section 1 of this regulation, except that, if the price paid by you for cigarettes on or after November 1, 1951, ex-

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ceeds the price paid by you for cigarettes before November 1, 1951, because of an increase in Federal cigarette taxes on or after November 1, 1951, you may reflect that increase in your cigarette ceiling prices only pursuant to the provisions of section 20 of the General Ceiling Price Regulation, as amended.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 16, 1952.

[F. R. Doc. 52-6711; Filed, June 16, 1952; 11:41 a. m.]

[Ceiling Price Regulation 24, Amdt. 11]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

ZONE DIFFERENTIALS, DISTRIBUTION POINT, AND LOCAL DELIVERY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 11 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATION

This amendment makes several changes in the provisions of this regulation, applicable to distribution point, local delivery, and zone differentials. Specifically, the following changes are made:

1. Section 30, Distribution Point, is amended, so as to delete the provisions relating to the method for determining a substituted distribution point where no freight rates are available. In view of the fact that the new Appendix 11, more fully described below, provides dollars-and-cents zone differentials for each county and municipality in the United States, the provisions for determination of a substituted distribution point are no longer required. Moreover, the provisions of Section 30 relating to distribution point in connection with local delivery are amended in conformity with the changes made in the local delivery section, which are referred to below.

2. Section 40, Zone Differential, is amended so as to provide that on sales of any item for which a specific ceiling price is established by Sections 20 or 26 of this regulation, the zone differential applicable to the distribution point is determined directly by reference to the dollars-and-cents amount listed in a new Appendix 11 to this regulation. Moreover, on sales of any item for which a specific ceiling price is established by Sections 21 through 25, inclusive, and Sections 27 and 28, the allowable zone differential may now be calculated by applying the formula contained in each of these sections to the dollars-and-cents zone differentials listed in the new Appendix 11.

3. Section 41, Local Delivery, is amended so as to make it clear that this addition is allowed in all cases of local delivery on both carload and less than carload sales, whether such local delivery is made by the seller or the seller pays a carrier to make it. Corresponding changes have been made in the section defining the distribution point concept, so as to eliminate any distinction which may have resulted heretofore from the language of this regulation, as between local delivery made by the seller or local delivery made by a carrier and paid for by the seller.

4. Finally, a new Appendix 11 has been added to this regulation, which contains the allowable dollars-and-cents zone differentials for each county and municipality in the United States. Separate columns have been provided for different grades, where the grade of the beef results in a different zone differential. In the case of some states or portions of states, where the actual freight rates from the basing point to the various counties are the same or nearly the same, a uniform zone differential has been provided in the appendix for such state or portion of a state. Moreover, provision is made for the case of municipalities outside of the political limits of any county where no specific zone differential for such municipality is listed in the appendix. In those cases, the highest rate applicable to any adjacent county shall apply.

The purpose of adding this new appendix and substituting specific dollars-and-cents zone differentials for the method heretofore provided by this regulation, is to eliminate the difficulties encountered by many sellers in attempting to obtain reliable freight rate quotations for the various distribution points all over the country. In response to urgent requests by the industry, this appendix has been compiled as a result of a careful survey of actual freight rates applicable all over the continental United States. In some instances extreme inequities or inconsistencies of freight rates have been corrected by eliminating differentials now existing and replacing them by uniform or nearly uniform amounts of applicable zone differentials.

Every effort has been made to conform this amendment to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 21 is amended by adding an asterisk (*) immediately following the title of the section, as follows:

SEC. 21. Schedule II—Fabricated cuts.*

and by adding a footnote to read as follows:

*Compute the zone differential allowance for any grade of fabricated cut by multiplying the applicable addition for the corresponding grade, listed in Apendix 11 to this regulation, times 1.3, and adjust to the nearest 10 cents per cwt.

2. Section 30 (c) (2) is amended to read as follows:

(2) The seller's place of business if the seller makes (or pays a carrier to make) a local delivery beginning at his place of business and continuing to the buyer's place of business; or

3. Section 30 (d) (2) is amended to read as follows:

(2) The seller's place of business if the seller makes (or pays a carrier to make) a local delivery beginning at his place of business and continuing to the buyer's place of business; or

4. Section 30 (e) is deleted in its entirety.

5. Section 40 is amended to read as follows:

SEC. 40. *Addition 1—Zone differentials.* (a) On sales of any item for which a specific ceiling price is established by Sections 20 or 26 of this regulation you may add the zone differential applicable to the distribution point for such sale. The applicable zone differentials are listed in Appendix 11 to this regulation.

(b) On sales of any item for which a specific ceiling price is established by sections 21, 22, 23, 24, 25, 27, or 28, you may add a zone differential calculated by applying the formula contained in each of these sections to the zone differentials listed in Appendix 11 to this regulation

6. Section 41 is amended to read as follows:

SEC. 41. *Addition 2—Local delivery—*(a) *3,000 pounds or less.* Where you make (or pay a carrier to make) a local delivery of not more than 3,000 pounds in any one day to the delivery point designated by the buyer, you may add to the ceiling prices specified in Schedules I through IX, inclusive, the amount indicated for the distances set forth below:

[The charge for local delivery for any fraction of a hundredweight shall be reduced proportionately]

Amount (per hundredweight).	*Distance of delivery*[1]
$0.40	Up to 35 miles.
0.50	35 to 75 miles.
1.00	75 to 150 miles.
1.30	Over 150 miles.

[1] In terms of shortest railroad and/or truck route.

(b) *Over 3,000 pounds.* Where you make (or pay a carrier to make) a local delivery of more than 3,000 pounds in any one day to the delivery point designated by the buyer, you may add for local delivery to the ceiling prices specified in Schedules I through IX, inclusive, the lower of the following amounts:

(1) The regular commercial rate; or

(2) The amount specified in section 41 (a) above for local delivery for a corresponding distance.

(c) *Peddler truck sales.* You may not add a local delivery addition under this section on any peddler truck sale.

7. A new Appendix 11—*Beef Zone Differentials*, is added to read as follows:

BEEF ZONE DIFFERENTIALS—Continued
[Per hundredweight]

	All grades
CALIFORNIA	
All counties	$2.70
COLORADO	Prime, Choice	Other grades
Counties of: Abarnos, Archuleta, Conejos, Delta, Dolores, Eagle, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Mineral, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Summit	$1.00	(1)
Counties of: Baca, Boulder, Chaffee, Clear Creek, Costilla, Custer, Fremont, Gilpin, Grand, Huerfano, Jackson, Jefferson, Lake, Larimer, Las Animas, Park, Summit, Teller	.50	(1)
All other counties	(1) .50	(1)
[1] No zone differential.		
CONNECTICUT	All grades
All counties	$2.80
DELAWARE	
All counties	2.80
FLORIDA	Prime, Choice, and Good	Commercial, Utility, Canner and Cutter
Counties of: Alachua, Baker, Bradford, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Jefferson, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Sumpter, Suwannee, Taylor, Union	$3.10	$2.40
Counties of: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Wallon, Washington	2.90	2.10
All other counties	3.70	2.70
GEORGIA		
Counties of: Appling, Atkinson, Bacon, Berrien, Brantley, Brooks, Bryan, Bulloch, Burke, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Cook, Echols, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Jefferson, Liberty, Lanier, Laurens, Long, Lowndes, McIntosh, Montgomery, Pierce, Richmond, Screven, Tattnall, Telfair, Toombs, Treutlen, Ware, Wayne, Wheeler	2.80	2.10
Counties of: Burke, Carlton, Chatooga, Dade, Fannin, Floyd, Gilmer, Gordon, Habersham, Murray, Polk, Walker, Whitfield	2.90	1.90
All other counties	2.70	2.80
IDAHO	All grades
Counties of: Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone	$2.70
All other counties	2.20
ILLINOIS	
Counties of: Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, Wabash, Washington, Wayne, White, Williamson	1.50
Counties of: Adams, Brown, Calhoun, Cass, Greene, Hancock, Henderson, Jersey, Macoupin, Madison, Marion, Mercer, Montroe, Morgan, Pike, Rock Island, St. Clair, Schuyler, Scott, Warren	.70
All other counties	.90
INDIANA	
Counties of: Benton, Lake, Newton, Porter	1.50
All other counties	1.50
IOWA	
Counties of: Clinton, Dubuque, Jackson, Scott	.50
All other counties	(1)
[1] No zone differential.	
KANSAS	
All counties	(1)
[1] No zone differential.	

BEEF ZONE DIFFERENTIALS PER HUNDREDWEIGHT

[Per hundredweight]

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
ALABAMA		
Counties of: Autauga, Baldwin, Barbour, Bibb, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Clay, Cleburne, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, Washington, Wilcox	$2.90	$2.10
All other counties	2.30	1.50
ARIZONA	All grades
All counties	$2.30
ARKANSAS	Prime, Choice	Other grades
Counties of: Baxter, Benton, Boone, Carroll, Cleburne, Conway, Crawford, Fulton, Izard, Johnson, Madison, Marion, Newton, Pope, Searcy, Sebastian, Scott, Stone, Van Buren, Washington	$1.10	(1)
All other counties except Mississippi	1.70	(1)
[1] No zone differential.		
Mississippi County	1.80	$1.30

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BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
KENTUCKY		
Counties of: Bell, Boyd, Breathitt, Floyd, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry, Pike.	$2.30	$2.10
All other counties	1.60	1.50

	Prime, Choice	Other grades
LOUISIANA		
Parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Calcasieu, Cameron, Concordia, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, West Feliciana	$2.00	(1)
All other counties	1.80	(1)

[1] No zone differential.

	All grades
MAINE	
County of: Aroostook	$3.70
All other counties	2.80
MARYLAND	
Counties of: Allegany and Garrett	2.20
All other counties	2.80
MASSACHUSETTS	
All counties	2.80
MICHIGAN	
Counties of: Alcona, Alleran, Alpena, Antrim, Arenac, Barry, Bay, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Clinton, Crawford, Eaton, Emmet, Genesee, Gladwin, Grand Traverse, Gratiot, Hillsdale, Huron, Ingham, Ionia, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Kent, Lake, Lapeer, Leelanau, Lenawee, Livingston, Macomb, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newaygo, Oakland, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, Saginaw, St. Clair, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, Washtenaw, Wayne, Wexford	1.80	1.50
All other counties		

	Prime, Choice	Other grades
MINNESOTA		
Counties of: Aitkin, Beltrami, Becker, Carlton, Cass, Clay, Clearwater, Cook, Crow Wing, Hubbard, Itasca, Kittson, Koochiching, Lake, Lake of the Wood, Mahnomen, Marshall, Norman, Ottertail, Pennington, Polk, Red Lake, Roseau, St. Louis, Wadena, Wilkin	$1.30	(1)
All other counties	(1)	(1)

[1] No zone differential.

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
MISSISSIPPI		
Counties of: Adams, Amite, Clarke, Copaih, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Jackson, Jasper, Jefferson-Davis, Jefferson, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Simpson, Smith, Stone, Wahathall, Wayne, Wilkinson	$2.20	$2.00
Counties of: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphries, Issaquena, Itawamba, Lafayette, Lee, Leflore, Lowndes, Madison, Marshall, Monroe, Montgomery, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Yalobusha, Yazoo	1.90	1.80
All other counties	2.10	1.90

MISSOURI	
St. Louis and St. Louis County	0.70
All other counties	(1) (1)

[1] No zone differential.

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice	Other grades
MONTANA		
Counties of: Big Horn, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Treasure, Valley, Wibaux, Yellowstone	$1.60	(1)
All other counties	2.20	$2.20

[1] No zone differential.

	All grades
NEBRASKA	
All counties	(1)

[1] No zone differential.

NEVADA	
All counties	$2.30
NEW HAMPSHIRE	
All counties	2.80
NEW JERSEY	
All counties	2.80

	Prime, Choice	Other grades
NEW MEXICO		
Counties of: Catron, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, Socorro	$1.70	$1.00
All other counties	1.40	.80

	All grades
NEW YORK	
Counties of: Albany, Bront, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Jefferson, Kings, Lewis, Montgomery, Nassau, New York, Orange, Ostego, Putnam, Queens, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectaly, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester	$2.80
Counties of: Allegany, Livingston, Monroe, Ontario, Steuben, Wayne, Yates	2.30
Counties of: Broome, Cayuga, Chemung, Chenango, Cortland, Madison, Oneida, Onondago, Oswego, Schuyler, Seneca, Tioga, Tompkins	2.40
Counties of: Cattaraugus, Erie, Genesee, Niagara, Orleans, Wyoming	2.20
All other counties	2.10

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
NORTH CAROLINA		
Counties of: Ahmance, Anson, Beaufort, Bertie, Bladen, Brunswick, Cabarrus, Camden, Carteret, Caswell, Catawba, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Granville, Greene, Guilforin, Halifax, Harnett, Hertford, Hoke, Hyde, Iredell, Johnson, Jones, Lee, Lenoir, Lincoln, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, North Hampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Tyrell, Union, Vance, Wake, Warren, Washington, Wayne, Wilson, Yadkin	$2.70	$2.40
All other counties	2.60	2.10

	Prime, Choice	Other grades
NORTH DAKOTA		
All counties	$1.50	(1)

[1] No zone differential.

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	All grades
OHIO	
Counties of: Adams, Brown, Butler, Clermont, Clinton, Hamilton, Highland, Warren	$1.60
Counties of: Allen, Auglaize, Champaign, Clark, Crawford, Darke, Defiance, Delaware, Fayette, Fulton, Greene, Hancock, Hardin, Henry, Logan, Lucas, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, Wyandot	1.70
All other counties	1.90

	Prime, Choice	Other grades
OKLAHOMA		
Counties of: Adair, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Latimer, Le Flore, McIntosh, Mayes, Muskogee, Okfuskee, Okmulgee, Osage, Ottowa, Pittsburg, Pawnee, Rogers, Sequoyah, Tulsa, Wagoner, Washington	$1.30	(1)
Counties of: Comanche, Cotton, Greer, Harmon, Jackson, Kiowa, Tillman	1.70	(1)
All other counties	1.50	(1)

[1] No zone differential.

	All grades
OREGON	
All counties	$2.70
PENNSYLVANIA	
Counties of: Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, York	2.80
Counties of: Allegheny, Armstrong, Beaver, Butler, Clarion, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, Washington, Westmoreland	2.10
All other counties	2.30
RHODE ISLAND	
All counties	2.80

	Prime, Choice, and Good	Commercial, Utility, Canner, and Cutter
SOUTH CAROLINA		
Counties of: Abbeville, Anderson, Cherokee, Edgefield, Greenville, Greenwood, Laurens, McCormick, Newberry, Oconee, Pickens, Saluda, Spartanburg, Union	$2.70	$2.30
All other counties	2.80	2.40
SOUTH DAKOTA		
All counties	(1)	(1)

[1] No zone differential.

TENNESSEE	
Counties of: Anderson, Blount, Bradley, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sevier, Union	2.30
Counties of: Bedford, Benton, Bledsoe, Campbell, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, De Kalb, Dickson, Dyer, Fayette, Fentress, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, McNairy, Macon, Madison, Marion, Marshall, Maury, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Scott, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, Wilson	1.80
All other counties	2.50

	Prime, Choice	Other grades
TEXAS		
Counties of: Anderson, Angelina, Archer, Armstrong, Bailey, Baylor, Bell, Bosque, Bowie, Brazos, Briscoe, Brown, Burleson, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Comanche, Cooke, Coryell, Cottle, Crosby, Dallam, Dallas, Deafsmith, Delta, Denton, Dickens, Donely, Eastland, Ellis, Erath, Falls, Fannin, Floyd, Foard, Franklin, Freestone, Garma, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Hunt, Hutchinson, Jack, Jasper, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Limestone, Lipscomb, Lubbock, Lynn, McLennan, Madison, Marion, Milam, Mills, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Vanzant, Walker, Washington, Wheeler, Wichita, Wilbarger, Williamson, Wise, Wood, Yoakum, Young	$1.70	(1)
Counties of: Andrews, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Borden, Brazoria, Burnet, Caldwell, Calhoun, Chambers, Coke, Coleman, Colorado, Comal, Concho, Crane, Crockett, Dawson, DeWitt, Dimmitt, Duval, Ector, Edwards, Fayette, Fisher, Fort Bend, Frio, Gaines, Galveston, Gillespie, Glasscock, Goliad, Gonzales, Guadeloupe, Harris, Hays, Howard, Iron, Jackson, Jefferson, Jim Wells, Karnes, Kendall, Kerr, Kimble, Kinney, Kleberg, La Salle, Lavaca, Liberty, Live Oak, Llano, Loving, McCulloch, McMullen, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Mitchell, Nolan, Nueces, Orange, Reagan, Real, Refugio, Runnels, San Patricio, San Saba, Schleicher, Scurry, Sterling, Sutton, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Waller, Ward, Webb, Wharton, Wilson, Winkler, Zavala	2.00	(1)
Counties of: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, Terrell	1.80	$1.10
All other counties	2.30	(1)

[1] No zone differential.

	All grades
UTAH	
All counties	$1.60
VERMONT	
All counties	2.80
VIRGINIA	
Counties of: Accomack, Albemarle, Amelia, Amherst, Appomattox, Arlington, Augusta, Bedford, Botetourt, Brunswick, Buckingham, Campbell, Caroline, Charles City, Charlotte, Chesterfield, Clarke, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Fluvanna, Franklin, Frederick, Gloucester, Goochland, Greene, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, Nelson, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Page, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Princess Anne, Prince William, Rappahannock, Richmond, Roanoke, Rockbridge, Rockingham, Shenandoah, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warren, Warwick, Westmoreland, York	2.70
All other counties	2.50
WASHINGTON	
All counties	2.70
WEST VIRGINIA	
All counties	2.20

UNIVERSITY OF MICHIGAN LIBRARIES

BEEF ZONE DIFFERENTIALS—Continued

[Per hundredweight]

	Prime, Choice	Other grades
WISCONSIN		
Counties of: Adams, Brown, Calomet, Columbia, Dane, Dodge, Door, Florence, Fond-Du-Lac, Forrest, Grant, Greene, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, Lafayette, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Marquette, Milwaukee, Oconoto, Oneida, Outagamie, Ozauree, Portage, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Vilas, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, Wood	$0.90	$0.50
All other counties	(1)	(1)
WYOMING	Prime, Choice	Other grades
Counties of: Albany, Carbon, Lincoln, Sweetwater, Uinta	$1.30	(1)
Counties of: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Sublette, Teton, Washakie, Weston, Yellowstone Nat'l Park	1.60	(1)
All other counties	(1)	(1)
DISTRICT OF COLUMBIA	All grades	
Washington	$2.80	

[1] No zone differentials.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 12, 1952.

[F. R. Doc. 52-6570; Filed, June 12, 1952; 4:00 p. m.]

[Ceiling Price Regulation 69, Revision 1, Supplementary Regulation 1]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

SR 1—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The maritime strike on the west coast of the United States makes it imperative that the Office of Price Stabilization take action to provide some relief for sellers of food products in the Territory of Hawaii who, because of the strike, necessarily incur increased shipping costs. Some food products covered by Ceiling Price Regulations 69, Revision 1, will have to be shipped from ports in the continental United States other than west coast ports. This supplementary regulation will permit the seller of food products in the Territory of Hawaii to pass through any increase in overland or ocean freight charges incurred by him by reason of such shipments.

The articles of Ceiling Price Regulation 69, Revision 1, which deal with the sale of retail and wholesale groceries, provide for a fixed markup over direct cost. Direct cost includes freight charges for deliveries by a customary means of delivery. Since shipments of most food products are made from west coast ports, the customary means of delivery does not include shipment from Gulf or Atlantic Coast ports.

Upon settlement of the strike the Office of Price Stabilization anticipates the revocation of this supplementary regulation as to all food products not actually delivered or in transit at that time.

Because of the nature of this supplementary regulation consulation with industries affected has not been practicable.

REGULATORY PROVISIONS

Sec.
1. Ceiling prices.
2. Applicability of Ceiling Price Regulation 69, Revision 1.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Ceiling prices.* If you sell a commodity for which a ceiling price is established by Article II or Article V of Ceiling Price Regulation 69, Revision 1, and if the commodity was shipped from a port in the continental United States other than the port from which your supplier customarily ships to you, your ceiling price is that price which would otherwise by your ceiling price under CPR 69, Revision 1, plus the difference between the following amounts:

(a) Shipping charges actually incurred by you on the last shipment of the commodity shipped from the continental United States prior to May 26, 1952, which was included in your direct cost for the purpose of computing your ceiling price.

(b) Shipping charges incurred by you on the shipment of the food products covered by this supplementary regulation.

The term "shipping charges" as it is used in this supplementary regulation means and is limited to charges for rail or truck transportation in the continental United States and the charges for ocean freight and marine and war risk insurance.

SEC. 2. *Applicability of Ceiling Price Regulation 69, Revison 1.* All of the provisions of CPR 69, Revision 1, except as modified by this supplementary regulation, continue in full force and effect.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6656; Filed, June 13, 1952; 4:48 p. m.]

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 61, Correction]

GCPR, SR 61—ADJUSTMENT OF PROCESSED BEEF CEILING PRICES EXTENSION OF FILING DATE AND CLARIFICATION OF DEFINITION OF "SPECIALTY BEEF PRODUCT"

Due to a clerical error the intended substitution of the term "District Office of Price Stabilization" for "Regional Office of Price Stabilization" in Item 1 of Amendment 2 to SR 61, was inadvertently omitted.

Accordingly, the amendatory provisions of Amendment 2 to SR 61 to the GCPR are corrected so as to substitute the word "District" for the word "Regional" where it appears in Item 1. As thus corrected, Item 1 of the amendatory provisions of Amendment 2 to SR 61 now reads as follows:

1. Section 20 (a) is amended by changing the first sentence thereof to read as follows:

(a) If you are a processor of a commodity covered by this regulation, you must file by registered mail, return receipt requested, with your District Office of Price Stabilization, on or before June 30, 1952, a separate OPS Public Form No. 89 for each such commodity you process.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 16, 1952.

[F. R. Doc. 52-6712; Filed, June 16, 1952; 11:41 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 3, Direction 4 of June 16, 1952]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 4—SPECIAL PREFERENCE STATUS OF CERTAIN DO RATED ORDERS

This direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is

issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Status of certain DO rated orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs., 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to channel into defense programs, so far as practicable, Class A and B products containing steel. This will be accomplished by temporarily according special preference status to DO rated orders for such products placed in support of certain military, atomic energy, and machine tool programs.

SEC. 2. *Status of certain DO rated orders.* Any DO rated order for a Class A product containing steel or a Class B product containing steel, bearing a program identification listed in Schedule I of this direction, calling for delivery on or before September 15, 1952, must be accepted and filled in preference to all other DO rated orders for Class A products containing steel or Class B products containing steel, previously or subsequently received, but which do not bear a program identification listed in Schedule I of this direction: *Provided, however,* That such a DO rated order need not be accepted if filling it would stop or interrupt the supplier's operations during the next 15 days in a way which would cause a substantial loss of total production or a substantial delay in operations. All DO rated orders (including those previously placed) for Class A products containing steel or Class B products containing steel, which bear a program identification listed in Schedule I of this direction, shall have equal preferential status.

SEC. 3. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 3, NPA Reg. 2, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction shall take effect June 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF DIRECTION 4 TO CMP REGULATION NO. 3

PROGRAM IDENTIFICATIONS

A-1 Aircraft, Department of Defense.
A-2 Guided missiles, Department of Defense.
A-3 Ships, Department of Defense.
A-4 Tank-automotive, Department of Defense.
A-5 Weapons, Department of Defense.
A-6 Ammunition, Department of Defense.
A-7 Electronic and communications equipment, Department of Defense.
C-3 MRO, Department of Defense.
E-1 Construction, Atomic Energy Commission.
E-2 Operations (including MRO), Atomic Energy Commission.
E-3 Privately owned facilities, Atomic Energy Commission.
Z-2 Metalworking machinery and equipment, National Production Authority.

[F. R. Doc. 52-6705; Filed, June 16, 1952; 11:20 a. m.]

[NPA Order M-2, Amendment 2 of June 16, 1952]

M-2—RUBBER

PRIVATE IMPORTATION OF DRY NATURAL RUBBER PROHIBITED

This amendment is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950, as amended, and the Rubber Act of 1948, as amended. In the formulation of this amendment, consultation with industry representatives has been impossible because of the need for immediate action.

NPA Order M-2, as last amended June 6, 1952, is further amended to eliminate from section 4 the prohibition previously imposed upon private importation of natural rubber latex, but to continue the prohibition upon private importation of dry natural rubber until July 1, 1952.

As so amended section 4 reads as follows:

SEC. 4. *Private importation of dry natural rubber prohibited.* No person other than the Administrator of General Services, shall, prior to July 1, 1952, import into the United States, including its territories and possessions, any dry natural rubber as defined in section 3 (b) of this order, except as specifically authorized in writing by the Administrator of General Services: *Provided, however,* That this prohibition shall not apply to any private importation required by a contract which was made prior to December 29, 1950, and which is registered with the General Services Administration on or before January 5, 1951, except as any such private importation may be disapproved by the Administrator of General Services. For purposes of this section, the term "import" includes any physical movement of rubber into the United States, its territories or possessions, whether placed in general order or in a foreign-trade zone, or whether entered for consumption, bonded customs custody, or otherwise, except where the rubber moves through the United States, its territories or possessions, in transit, under bond, from a consignor in one foreign country to a consignee in another foreign country.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6704; Filed, June 16, 1952; 11:20 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.64 of Part 3, a new paragraph (e) is added as follows:

§ 3.64 *Character of discharge under Public No. 2, 73d Congress, as amended, and under Public Law 346, 78th Congress.* • • •

(e) A determination as to character of discharge by an adjudicating agency will be binding upon the Veterans' Administration in all subsequent adjudications and may be reversed only in accord with the rules enunciated in § 3.9 (a), (b), (c), and (d). Contemplated reversal of a prior determination which would result in reduced or discontinued compensation or pension payments will require the same notice to the claimant provided by § 3.9 (d) in severance of service-connection, subject to the same exceptions outlined therein.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

2. In Part 4, § 4.8 (a) is amended to read as follows:

§ 4.8 *Spanish-American War, Boxer Rebellion, and Philippine Insurrection; Public No. 2, 73d Congress, as amended.* For the purposes of Public No. 2, 73d Congress (act of March 20, 1933), as amended, the following definitions of relationship shall govern in the adjudication of claims for death compensation or pension:

(a) *Widow.* The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection shall mean a person who was married to the veteran prior to September 1, 1922: *Provided,* That as to awards and increases in compensation and pension approved on or after March 1, 1944, continuous cohabitation as described in § 4.16 must be established (paragraph 1, Veterans Regulation 10 (b), and Public Law 242, 78th Congress, act of March 1, 1944).

• • • • •

3. In § 4.12, the introduction and paragraph (a) (1) are amended to read as follows:

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§ 4.12 *Spanish-American War, Boxer Rebellion, and Philippine Insurrection; service acts as reenacted by Public No. 269, 74th Congress, and as amended.* For the purposes of Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress (act of August 13, 1935), and amended by Public Law 144, 78th Congress (act of July 13, 1943), Public Law 242, 78th Congress (act of March 1, 1944), Public Law 762, 80th Congress (act of June 24, 1948), and Public Law 108, 82d Congress (act of August 4, 1951), the following definitions of relationship shall govern in the adjudication of claims for death pension:

(a) *Widow.* (1) The term "widow" of a veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection shall mean a person who was married to the veteran prior to January 1, 1938. As to awards and increases in pension approved on or after March 1, 1944, continuous cohabitation as described is § 4.16 must be established (section 4, Public Law 242, 78th Congress): *Provided*, That where the widow is entitled solely by virtue of the provisions of section 2, Public Law 242, 78th Congress, pension shall not be paid for any period prior to April 1, 1944. However, the $60 rate is payable only when the widow was the wife of the veteran during his war service. (Public Law 242, 78th Congress, act of March 1, 1944.) (See § 4.117.)

• • • • •

(Sec. 2, 44 Stat. 382, as amended, sec. 4, 48 Stat. 9, secs. 1, 2, 49 Stat. 614, sec. 4, 58 Stat. 107, secs. 1, 2, 62 Stat. 645, Pub. Law 108, 82d Cong.; 38 U. S. C. 364a, 364b, 364l, 368, 369)

4. In § 4.34, the headnote is amended and a new paragraph (c) is added as follows:

§ 4.34 *Death of veteran not due to service; Public No. 2, 73d Congress, paragraph III, Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* • • •

(c) Paragraph III, Part III, Veterans Regulation 1 (a), was repealed, effective October 1, 1951, by section 5, Public Law 108, 82d Congress, (act of August 4, 1951). See § 4.118.

(Sec. 1, 48 Stat. 8, pars. I, II (a), III, Part III, Vet. Reg. 1 (a), as amended, sec. 5, Pub. Law 108, 82d Cong.; 38 U. S. C. 701, ch. 12 note)

5. In § 4.47, the headnote is amended, the present section is numbered paragraph (a), and a new paragraph (b) is added as follows:

§ 4.47 *Act of May 1, 1926 (Public No. 166, 69th Congress), as amended by the act of June 11, 1940 (Public No. 594, 76th Congress); act of March 1, 1944 (Public Law 242, 78th Congress); act of June 24 1948 (Public Law 762, 80th Congress); act of August 4, 1951 (Public Law 108, 82d Congress).* • • •

(b) On and after October 1, 1951, the following additional provisions are applicable:

(1) If the serviceman was serving with the United States military forces engaged in hostilities in the Moro Province, the ending date of the war period stated in paragraph (a) of this section is extended to July 15, 1903.

(2) Active service includes periods of continuous active service which commenced prior to and extended into the period beginning April 21, 1898.

(3) Active service includes periods of continuous active service which commenced prior to or on July 4, 1902 (or prior to or on July 15, 1903, if service was in the Moro Province), and extended thereafter.

(4) In computing the 90 days' service, fragmentary periods of service rendered under other than dishonorable conditions will be included.

(5) A discharge under conditions other than dishonorable from one period of service is required.

(Sec. 2, 44 Stat. 382, as amended, sec. 1, 62 Stat. 645, Pub. Law 108, 82d Cong.; 38 U. S. C. 364a, 364l)

6. In § 4.72, a new paragraph (h) is added as follows:

§ 4.72 *Service acts, Spanish-American War, Philippine Insurrection, and Boxer Rebellion.* • • •

(h) *Public Law 108, 82d Congress.* The date of commencement of original awards of death pension payable solely as a result of the provisions of this act shall be the day following the date of death of the veteran or October 1, 1951, whichever is the later, if application is filed within 1 year from date of death; otherwise, from the date of filing application, but in no event prior to October 1, 1951. A claim pending on October 1, 1951, shall be considered a claim under this act.

(54 Stat. 301, 53 Stat. 1209, sec. 2, 44 Stat. 382, as amended, sec. 1, 62 Stat. 645, sec. 30, 48 Stat. 525, 49 Stat. 614, Pub. Law 108, 82d Cong.; 38 U. S. C. 351a, 357a, 364a, 364l, 366–369)

7. In § 4.82, paragraph (g) (2) is amended to read as follows:

§ 4.82 *Public No. 2, and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress section 5, Public No. 198, 76th Congress, or Public Laws 242, 359, 667, 690, 77th Congress, and Public Law 242, 78th Congress.* • • •

(g) • • •

(2) During the period beginning December 19, 1941, and ending July 31, 1942, the rates payable under section 5, Public No. 198, 76th Congress, as amended, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, or automatic insurance, or National Service Life Insurance payable, equal or exceed the rates prescribed in section 5.

• • • • •

8. A new § 4.83 is added as follows:

§ 4.83 *Public Law 108, 82d Congress.* As to persons who were receiving pension under the provisions of Public No. 2, 73d Congress, paragraph III, Part III, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), on September 30, 1951, and persons who, subsequent to August 4, 1951 (date of act) are awarded pension under Public No. 2, 73d Congress, paragraph III, Part III, Veterans Regulation 1 (a), as amended, from a date prior to and including September 30, 1951, increased pension which is authorized solely by virtue of this act shall be payable effective October 1, 1951, without the necessity of filing a claim therefor.

(Pub. Law 108, 82d Cong.)

9. In § 4.91, paragraph (c) (1) (v) is amended to read as follows:

§ 4.91 *Apportionment.* • • •

(c) *Rates payable.* • • •

(1) *General.* • • •

(v) *Spanish-American War (Including Boxer Rebellion and Philippine Insurrection) Pension, Service act, reenacted by Public No. 269, 74th Congress, and amended.* When pension is payable under Public No. 166, 69th Congress (act of May 1, 1926), as reenacted by Public No. 269, 74th Congress, and as amended, including Public Law 270, 80th Congress (act of July 30, 1947), and Public Law 108, 82d Congress (act of August 4, 1951), the apportioned monthly rates shall be as follows:

	On and after		
	Oct. 17, 1940	Sept. 1, 1946	Sept. 1, 1947
Widow	$21.00	$28.00	$33.00
Child	15.00	18.00	21.00
Each additional child	6.00	6.00	7.20

Total amount for children equally divided.

The additional monthly payment of $10 provided by the act of March 1, 1944, (Public Law 242, 78th Cong.), because of attained age of a widow which applies only for the period from April 1, 1944, through August 31, 1946, shall be added to the widow's share.

• • • • •

10. A new § 4.118 is added as follows:

§ 4.118 *Protection of awards to widows of veterans of the Spanish-American War, Boxer Rebellion, and Philippine Insurrection under paragraph III, Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12) granted prior to October 1, 1951.* Any person properly receiving pension under paragraph III, Part III, Veterans Regulation 1 (a), on September 30, 1951 (day prior to effective date of repeal thereof by Public Law 108, 82d Congress) not entitled to a higher rate of pension by reason of the enactment of Public Law 108, shall continue to be paid pension under paragraph III, Part III, Veterans Regulation 1 (a).

(Sec. 5, Pub. Law 108, 82d Cong.)

11. In § 4.134, the headnote of paragraph (a) is amended and a note is added following paragraph (b) as follows:

§ 4.134 *Spanish-American War, including the Boxer Rebellion and Philippine Insurrection.*—(a) *Rates under the act of May 1, 1926, as reenacted by Public, No. 269, 74th Congress; sections 1 and 7, Public Law 144, 78th Congress; Public Law 242, 78th Congress; Public Law 611, 79th Congress; Public Law 270, 80th Congress; Public Law 762, 80th Congress; Public Law 108, 82d Congress.* • • •

(b) *Rates under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* • • •

NOTE: Paragraph III, Part III, Veterans Regulation 1 (a), was expressly repealed by section 5, Public Law 108, 82d Congress (act of August 4, 1951), effective October 1, 1951, but awards to those on rolls on September 30, 1951, not entitled to a higher rate under Public Law 108, were protected. (See §§ 4.34 (c) and 4.118.)

(Sec. 2, 44 Stat. 382, as amended, sec. 1, 49 Stat. 614, sec. 1, 57 Stat. 554, sec. 3, 58 Stat. 107, sec. 4, 60 Stat. 864, sec. 1, 61 Stat. 610, sec. 1, 62 Stat. 645; Pub. Law 108, 82d Cong.; 38 U. S. C. 364g, 364g–1, 364l, 368, 370f, 727)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective June 17, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52–6595; Filed, June 16, 1952; 8:54 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 986]

[Docket AO–196–A–2]

HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 52–6179, appearing at page 5153 of the issue for Friday, June 6, 1952, the following changes should be made:

1. In the first column of page 5155, the last sentence of the paragraph beginning "In viewing each • • •" should read: "It is sufficient to say that, if such attendant facts and circumstances indicate that the arrangements were entered into in good faith, the aforementioned rules and guides should apply thereto."

2. In the 39th and 40th lines of the third column on page 5166, the words "in this section" should read "herein."

3. In the first sentence of § 986.78 (a), the words "of this section" should read "hereof."

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 3, 13]

[Docket No. 10214]

LICENSE REQUIREMENTS OF OPERATORS OF CERTAIN STANDARD AND FM BROADCASTING STATIONS AND FOR THE REMOTE CONTROL OPERATION OF SUCH STATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it a petition filed February 1, 1952, and amended May 13, 1952 by the National Association of Radio and Television Broadcasters, Washington, D. C., requesting rule making proceedings to amend the Commission's rules and engineering standards with respect to the license requirements of operators of transmitters for certain Standard and FM Broadcasting Stations and to provide for the operation of such stations by remote control.

3. Except for certain non-commercial educational FM stations, the present rules provide that one or more radiotelephone first class operators shall be on duty at the place where the transmitting apparatus of each station is located and in actual charge thereof whenever it is being operated. There is no provision in the rules at the present time for remote control of commercial broadcasting transmitters. The amendments requested would permit: (1) Persons holding a restricted radiotelephone operator permit, a radiotelephone third class operator permit, a radiotelephone second class operator license, or a radiotelephone first class operator license to stand the required regular transmitter watches for standard and FM broadcasting stations employing nondirectional antennas and operating with powers of 10 kw or less; and (2) remote control of such stations. For the information of interested parties, there is set forth below, that portion of the petition filed by the National Association of Radio and Television Broadcasters containing proposed amendments to the Commission rules and standards.

4. The Commission believes that the information contained in the petition filed by the National Association of Radio and Television Broadcasters raises questions of sufficient importance as to warrant the institution at this time of rule making proceedings looking toward the possible adoption of amendments to the Commission's rules of the nature discussed in the petition. Any interested party who is of the opinion that an amendment to the Commission rules of the nature herein discussed, should be adopted or should be adopted in some particular manner, or who is of the opinion that no such amendment should be adopted, may file with the Commission, on or before August 4, 1952 a written statement or brief with respect thereto. Replies to any comments may be filed within 20 days thereafter. The Commission will consider all comments that are received before taking final action in the matter, and if any comments are received which, considered with the petition, appear to warrant further proceedings, notice of the time and place will be given such interested parties. The Commission especially requests data and other pertinent information in response to the following questions:

(a) What duties should an operator perform during a transmitter watch and what duties must he perform during a transmitter watch which require significant technical training when operating either standard or FM broadcasting transmitters of each power value provided for in the Commission's rules, with non-directional antennas.

(b) If a transmitter failure occurs during a watch, what steps, if any, should be taken by the operator on duty to restore transmitter operation when operating either standard or FM broadcasting transmitters of each power value provided for in the Commission's rules with non-directional antennas?

(c) If a transmitter failure occurs during a watch, what steps, if any, could be taken to restore service by station personnel holding radiotelephone third class operator permits or restricted radiotelephone operator permits?

(d) To what extent may the amendments requested be expected to affect the percentage of technical transmission difficulties?

(e) To what extent would personnel holding radiotelephone third class operator permits or restricted radiotelephone operator permits be subjected to physical danger when operating either standard or FM broadcasting transmitters of each power value provided for in the Commission's rules with non-directional antennas?

(f) What are the advantages or disadvantages of permitting remote control of standard or FM broadcasting transmitters of each power value provided for in the Commission's rules with non-directional antennas?

(g) What degree of control of the transmitting apparatus is necessary at the broadcast operating position in order to provide satisfactory operation by remote control?

(h) To what extent would it be feasible to permit holders of restricted radiotelephone operator permits to change a standard broadcasting transmitter from one frequency to another and from one power to another in times of emergency in order to comply with plans for emergency operation such as the Conelrad Program?

(i) To what extent would it be feasible to permit remote control of standard broadcasting transmitters and still provide for compliance with Conelrad operating objectives?

(j) What contingencies, if any, with respect to conditions of improper operation, interference to other stations, loss of service, damage to equipment, and injury to persons or property would possibly and probably arise from the adoption of the amendments requested and

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to what extent should the Commission attempt to prevent these conditions by prescribing operator requirements and qualifications?

5. In accordance with the provisions of § 1.764 of Part 1 of the Commission rules and regulations, an original and fourteen copies of all statements, briefs, or comments filed, shall be furnished the Commission.

6. This notice is issued pursuant to section 303 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

Adopted: June 4, 1952.

Released: June 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

(1) AM Broadcast Stations:

a. In § 3.60 *Frequency monitor*, change first sentence to read: "The licensee of each standard broadcast station shall have in operation at the transmitter or at the approved remote control point a frequency monitor independent of the frequency control of the transmitter."

b. In § 3.65 *Inspection of tower lights and associated control equipment*, change paragraph (a) to read: "Make a visual or other authorized observation of the tower lights at least once every 25 hours to insure that all lights are functioning properly as required."

c. Add a new § 3.66 to read as follows:

§ 3.66 *Remote control of operation.* The transmitter of each broadcast station to the extent that such station is authorized for omnidirectional operation with power of 10 kw or less may, upon prior authorization from the Commission, be operated by remote control. An application for authorization to operate by remote control may be made as a part of an application for construction permit or license, or modification thereof. For the purpose of this section, remote control is defined as the operation of a transmitter by a licensed operator from an operating position from which the transmitter is not directly accessible to but is under the control of the operator. Authority for operation by remote control shall be subject to the following conditions and applications for such authority shall clearly indicate the means whereby the conditions will be met:

(a) The equipment at the operating and transmitting position shall be on premises under the control and supervision of the licensee at all times and shall not be accessible to persons other than the licensee or his agents.

(b) The control circuits from the operating position to the transmitter shall provide positive on and off control and shall be such that open circuits, short circuits, grounds or other line faults will not actuate the transmitter and any fault causing loss of such control will automatically place the transmitter in an inoperative condition.

(c) Control and monitoring equipment shall be installed so as to allow the operator either at the remote control point or at the transmitter to perform all of the functions required by the Commission's rules and standards to be performed by operators on duty at the transmitter in the absence of remote control.

d. In § 3.165 *Operator requirements*, change paragraph (a) to read:

(a) The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located, or at the authorized remote control point.

e. Add a new paragraph (c) to § 3.165 to read:

(c) The transmitter of each broadcast station to the extent that such station is authorized for omnidirectional operation with power of 10 kw or less may be operated by an operator with a restricted or other radiotelephone authorization: *Provided, however,* That any operator other than a first class radiotelephone operator may not undertake any internal tuning adjustments, major repairs or overhauls, except under the immediate supervision of such first class operator, the duties of operators other than first class radiotelephone operators being limited to such operations as placing the station on or off the air, keeping the transmitter log, making external tuning adjustments, making such other minor adjustments as may be required as a result of primary power supply variations and failures, and replacement only of such defective parts as tubes, fuses and other items designed for simple plug-in replacement.

f. Add a new paragragh (d) to § 3.165 to read:

(d) Each broadcast station shall employ a holder of a radiotelephone first class license as its chief engineer or other technical supervisor who shall be responsible for and make, or directly supervise the making of, all internal tuning adjustments, major repairs and overhauls, and all other technical installations or corrections not authorized to be undertaken by an operator of another class under paragraph (c) of this section. Such radiotelephone first class operator shall not be required to be in the full-time employ of the broadcast station but shall be on call and reasonably available to fulfill his specified duties.

g. In § 3.181 *Logs*, change paragraph (c) (2) to read: "The time the daily visual or other authorized observation of the tower lights was made."

(2) FM Broadcast Stations:

a. In § 3.252 *Frequency monitor*, change the first sentence to read: "The licensee of each FM broadcast station shall have in operation at the transmitter or at the authorized remote control point an approved frequency monitor independent of the frequency control of the transmitter."

b. In § 3.253 *Modulation monitor*, change the first sentence to read: "The licensee of each FM broadcast station shall have in operation at the transmitter or at the authorized remote control point an approved modulation monitor."

c. In § 3.257 *Changes in equipment and antenna system*, add the following subparagraph to paragraph (b):

(8) Change in the authorized transmitter remote control point.

d. In § 3.265 *Operator requirements*, change first sentence to read: "One or more licensed radiotelephone first-class operators shall be on duty at the place where the transmitter apparatus of each station with a transmitter power output in excess of 10 kw is located and in actual charge thereof whenever it is being so operated."

e. Add a new paragraph (b) to § 3.265 to coincide with the proposed new paragraph (c) to § 3.165.

f. Add a new paragraph (c) to § 3.265 to coincide with the proposed new paragraph (d) to § 3.165.

g. In § 3.270 *Inspection of tower lights and associated control equipment*, change paragraph (a) to read: "Make a visual or other authorized observation of the tower lights at least once every 24 hours to insure that all lights are functioning properly as required."

h. In § 3.274 *Remote control operation*, add a new § 3.274 to coincide with the new § 3.66 as proposed with regard to remote control of AM stations.

i. In § 3.281 *Logs*, change paragraph (c) (2) to read: "The time the daily visual or other authorized observation of the tower lights was made."

(3) Non-commercial Educational FM Broadcast Stations:

a. In § 3.552 *Frequency monitor*, change first sentence of paragraph (a) to read: "The licensee of each non-commercial educational broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter or at the authorized remote control point a frequency monitor independent of the frequency control of the transmitter."

b. In § 3.553 *Modulation monitor*, change first sentence of paragraph (a) to read: "The licensee of each non-commercial educational FM broadcast station licensed for transmitter power output above 10 watts shall have in operation at the transmitter or at the authorized remote control point a modulation monitor approved by the Commission."

c. In § 3.557 *Changes in equipment and antenna system*, add the following subparagraph to paragraph (b):

(8) Change in the authorized remote control point for the transmitter.

d. In § 3.565 *Operator requirements*, delete paragraphs (a), (b) and (c) and substitute in lieu thereof new paragraphs (a), (b) and (c) to coincide with the new paragraphs (a) (b) and (c) of § 3.265 respectively proposed for FM broadcast stations, leaving in continued effect the existing § 3.565 (d) with respect to noncommercial educational FM broadcast stations operating with powers of 10 watts or less.

e. Add a new § 3.572 *Remote control operation*, to coincide with the new § 3.66 proposed with respect to remote control for AM broadcast stations.

(4) Commercial Radio Operators:

a. In § 13.7 *Operators, place of duty*, delete from paragraph (a) the phrases "other than broadcast" and "and broadcast."

b. § 13.61 *Operating authority*, change subparagraph (2), (4) and (5) in paragraph (f) as follows:

(2) Standard broadcast stations operating with directional antenna or with power in excess of 10 kw; or

(4) FM broadcast stations with transmitter power rating in excess of 10 kw; or

(5) Non-commercial educational FM broadcast stations with transmitter power rating in excess of 10 kw; or

c. Change subparagraph (3) of paragraphs (f) and (g) as follows: "Any of the various classes of broadcast stations operating with directional antennas or with power output in excess of 10 kw, remote pickup broadcast stations and ST broadcast stations, or

(5) Concerning AM Broadcast Stations (Standards of Good Engineering Practice, Subpart A):

a. In Section 12, Construction, General Operation, and Safety of Life Requirements, change paragraph d (2) to read:

(2) Where an operator must be on duty during operation, suitable facilities for his welfare and comfort shall be provided.

b. In Sections 20, 21 and 22 these sections relate to the location of frequency and modulation monitors, and rather than modify their complete texts here, it is proposed that these texts be modified to provide for installation of frequency and modulation monitors at the remote point when transmitters are controlled remotely.

(6) Concerning FM Broadcast Stations (Standards of Good Engineering Practice, Subpart B).

a. In Section 8 Transmitters and associated equipment, change paragraph D (2) to read:

(2) Where an operator must be on duty during operation, suitable facilities for his welfare and comfort shall be provided.

b. In Sections 12, 17 and 18 these sections relate to the location of frequency and modulation monitors, and rather than modify their complete texts here, it is proposed that these texts be modified to provide for installation of frequency and modulation monitors at the remote point when transmitters are controlled remotely.

[F. R. Doc. 52-6581; Filed, June 16, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 171, ENLARGEMENT; CORRECTION

JUNE 9, 1952.

Notice of the enlargement of Air Navigation Site Withdrawal No. 171, issued May 14, 1952 (17 F. R. 4393).

The township and range numbers in the land description are given in the order as being "T. 6 S., R. 3 W". The range number given is erroneous and it is hereby corrected to read "R. 13 W.".

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-6562; Filed, June 16, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

GEORGIA

Pursuant to the authority contained in sec. 3, 64 Stat. 769, Troup County, Georgia, is hereby designated as an area in which reserved mineral interests are to be sold for their fair market value.

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are therefore amended as follows:

In Schedule A, under Georgia, in alphabetical order add the county "Troup."

In Schedule B, under Georgia, delete the county "Troup."

Done at Washington, D. C., this 12th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6602; Filed, June 16, 1952; 8:55 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 22—DPAV-25(a)]

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON M21A4 BOOSTERS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Comittee on M21A4 Boosters," dated August 20, 1951, which request and original list of companies accepting such request were published April 2, 1952, on 17 F. R. 2872.

John R. Wald Co., Inc.,
301 Penn Street,
Huntingdon, Pa.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: June 13, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-6706, Filed, June 16, 1952; 11:20 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 66, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CEILING PRICE REGULATION 31

By virtue of the authority vested in me as the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this revised delegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

2. *Redelegation of authority.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This revised delegation of authority is effective June 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 16, 1952.

[F. R. Doc. 52-6710; Filed, June 16, 1952; 11:41 a. m.]

[Ceiling Price Regulation 34, Section 7, Special Order 8]

WESTINGHOUSE ELECTRIC CORPORATION, STURTEVANT DIVISION

CEILING PRICES FOR SALES OF OPTIONAL FIVE YEAR WARRANTY PLAN; AIR CONDITIONER COMPRESSOR UNITS

Statements of considerations. In accordance with section 7 of Ceiling Price Regulation 34, as amended, applicant in the accompanying special order has applied for approval of its proposed ceiling prices for sales of its Optional Five Year Warranty Plans on hermetically sealed motor compressor units of self-contained air-conditioning equipment. Ceiling

Price Regulation 34 requires that a seller of a service who is unable to price under any other provision of that regulation file an application with the Director of Price Stabilization for approval of his proposed ceiling prices.

It appears that applicant, during the base period, sold several models of air-conditioning units, including in the sale price of each as a usual term and condition of sale, a standard one year warranty covering repair or replacement of defective parts due to manufacture. A principal component of each of these units is the hermetically sealed motor compressor unit. It further appears that applicant wishes to offer for the greater protection of the consumer a new warranty covering these compressor units which would extend to the removal, repair or replacement, and reinstallation, freight free, for a five year period from the date of original installation. The prohibitions found in CPR 22, under which applicant established its ceiling prices for the sales of the air conditioner units, against altering the terms or conditions of sale, tie-in sales and unauthorized increases in ceiling prices made it necessary for applicant to offer the new warranties as additional services rather than in lieu of the standard one year warranty. In addition, applicant was required to apply for ceiling prices for these new services under CPR 34.

This special order makes it mandatory that applicant's purchasers have full option to purchase or reject the five year warranty and requires that the standard one year warranty be continued as a term and condition of sale of the air conditioner units irrespective of whether or not the purchaser elects to buy the five year warranty.

It appears that the ceiling prices granted in this order are in line with the level of ceiling prices otherwise established by the regulation and are consistent with the level of ceiling prices established by CPR 22, under which applicant's ceiling prices for the sale of the air conditioner units are established.

The warranties covered by this special order are, in actuality, the manufacturer's warranties. Ultimately, all responsibility to the consumer for the services covered by these warranties will come to rest with the applicant. For that reason, this order establishes ceiling prices to the actual consumer and prohibits dealers or other resellers from offering the applicable services to their customers at additional cost. Applicant is also required to send to each of its distributors, dealers or other classes of reseller of the covered services and related commodities, a copy of this special order.

Special provisions. For the reasons set forth in the Statement of Considerations hereto, and pursuant to section 7 of CPR 34, as amended, this Special Order is hereby issued.

1. (a) The ceiling prices for the sale of Optional Five Year Warranty Plans on hermetically sealed motor compressor units of self-contained air-conditioning equipment as defined in paragraph (b) of this section, by the Westinghouse Electric Corporation, Sturtevant Division, Hyde Park, Boston, Massachusetts, referred to hereafter as "the seller", are as follows:

Self-contained air conditioning unit covered:	Ceiling price
2 hp. self-contained air conditioning unit	$30
3 hp. self-contained air conditioning unit	30
5 hp. self-contained air conditioning unit	35
7½ hp. self-contained air conditioning unit	50
10 hp. self-contained air conditioning unit	60
15 hp. self-contained air conditioning unit	72

In addition to sales after the effective date of this order, the above Optional Five Year Warranty Plans may be sold to original purchasers in cases where installation of the related air conditioner units took place on or after February 12, 1952, but prior to the effective date of this order. In each such case the ceiling price of the applicable Optional Five Year Warranty Plan otherwise established by this order shall be reduced by 1/60th for each calendar month or fraction thereof between the date of such installation and the date of sale of the Optional Five Year Warranty Plan.

(b) The Optional Five Year Warranty Plan on hermetically sealed motor compressor units of self-contained air-conditioning equipment, in each case for which a ceiling price has been established in paragraph (a) of this section, shall be as follows:

WESTINGHOUSE ELECTRIC CORPORATION

Air Conditioning Division

FIVE YEAR WARRANTY PLAN ON HERMETICALLY SEALED MOTOR COMPRESSOR UNIT

Issued to: _____
(Original Purchaser)

Westinghouse Electric Corporation will supply and cause to be installed for the original Purchaser named above of the Westinghouse Air Conditioner described below, any time during the five years following date of the original installation, without additional cost, a replacement hermetically sealed motor compressor unit or part thereof, freight prepaid, when the unit fails to operate due to inherent defects and Westinghouse factory examination shall disclose to its satisfaction that the unit has not been subjected to abuse, accident, misuse or unauthorized alteration and that Westinghouse installation and service requirements have been met. This Warranty Plan applies only to the motor compressor unit, and does not provide for adjustments or alterations to the Air Conditioner other than the supply and installation of a replacement motor compressor unit or part thereof when the unit fails to operate under the conditions described above. The foregoing shall constitute the complete obligation of Westinghouse and the Seller and no person is authorized to assume for either any other liability in connection with the sale of the Westinghouse Air Conditioner (except One-Year Warranty). In no event shall Westinghouse or the Seller be liable for consequential damages. This Warranty Plan shall apply only within the boundaries of Continental United States of America.

Air Conditioner Serial No. _____ Model _____
Motor Compressor Unit Serial No. _____
Date of Installation _____ Price _____

_____
Name of seller

_____
Signature of seller

2. Sales of the Optional Five Year Warranty Plans covered by this special order shall be conditional on the full right and option of the purchaser to purchase or refuse to purchase these warranties.

3. Sales of the Optional Five Year Warranty Plans covered by this special order, or their offer for sale, shall not in any way impair, limit or curtail the availability to the purchaser of the air conditioner units listed in paragraph 1 (a) hereof without said Optional Five Year Warranty Plans and each of said units shall be made fully available to the purchaser without said warranty if the purchaser shall so elect.

4. Sales of the Optional Five Year Warranty Plans covered by this special order are subject to all of the provisions of CPR 34, as amended, not inconsistent with this order.

5. The ceiling prices for the sales of the Optional Five Year Warranty Plans by the seller's dealers or other resellers shall be identical with those established for the seller in paragraph 1 of this special order, and all the provisions of this special order which relate to sales by the seller shall be equally applicable to seller's dealers or resellers.

6. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

7. As a condition of making any sales of the Optional Five Year Warranty Plans covered by this order, the seller shall deliver a copy of this special order to each dealer or reseller to whom it sells any of said Warranty Plans, delivery of this special order to be made in each case at the time of or prior to the first sale of any of said warranties to the dealer or reseller after the effective date of this special order.

8. The provisions of this special order are applicable to sales of the above services in the 48 States of the United States and in the District of Columbia.

Effective date. This special order shall become effective June 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6553; Filed, June 13, 1952, 4:47 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9328, 10216]

ALAMANCE BROADCASTING CO., INC. (WBBB) AND KING COTTON BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Alamance Broadcasting Company, Inc. (WBBB), Burlington, North Carolina, for modification of construction permit, Docket No. 9328, File No. BMP-4492; R. L. Cooper, trading as King Cotton Broadcasting Company, Clayton, North Carolina, for construction permit, Docket No. 10216, File No. BP-8209.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1952;

The Commission having under consideration the above-entitled application of Alamance Broadcasting Company, Inc. for modification of construction permit to increase power from 1 kw to 5 kw on 920 kc at Station WBBB, Burlington, North Carolina; the application of King Cotton Broadcasting Company for a construction permit for a new standard broadcast station to operate on 910 kc with 1 kw power, daytime only, at Clayton, North Carolina; and a petition filed by Richmond Newspapers, Inc. (WRNL) requesting that the application of King Cotton Broadcasting Company be designated for hearing.

It is ordered, That the petition of Richmond Newspapers, Inc., is granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the individual applicant and the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station WBBB as proposed, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station WBBB as proposed would involve objectionable interference with Station WRNL, Richmond, Virginia; WTND, Orangeburg, South Carolina, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed station and Station WBBB as proposed would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station WBBB as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Prictice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, Richmond Newspapers, Inc., licensee of Station WRNL, Richmond, Virginia; and WTND, Incorporated, licensee of Station WTND, Orangeburg, South Carolina, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6578; Filed, June 16, 1952; 8:49 a. m.]

[Docket No. 10215]

ARTHUR WESTLUND

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Arthur Westlund, Walnut Creek, California, for construction permit, Docket No. 10215, File No. BP-8321.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of June 1952;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Walnut Creek, California.

It appearing, that the applicant is legally, technically, financially, and otherwise qualified to operate the proposed station, except as to matter covered by Issue No. 5, below, and that the application may involve interference with one or more existing stations.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station KSRO, Santa Rosa, California, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine the overlap, if any, which would exist between the service areas of the proposed station and of Station KRE, Berkeley, California, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.25 of the Commission's rules.

It is further ordered, That Finley Broadcasting Company, licensee of Station KSRO, Santa Rosa, California, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6577; Filed, June 16, 1952; 8:48 a. m.]

[Change List No. 149]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MAY 10, 1952.

Notification under the provisions of Part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Sched.	Class	Probable date to commence operation
XELA	Mexico, D. F. (delete assignment)	820 kilocycles, 5 kw-DA-N/10 kw-D.	U	II	May 15, 1952
XELA	Mexico, D. F.	830 kilocycles, 5 kw-DA-N/10 kw-D.	U	II	Do.
XEAW	Monterrey, Nuevo Leon (increase in daytime power).	1280 kilocycles, 500 w-N/5 kw-D.	U	III-B	June 30, 1952
XEGD	Hidalgo del Parral, Chihuahua (delete assignment).	1520 kilocycles, 250 w-N/1 kw-D.	D	II	
XEGD	Hidalgo del Parral, Chihuahua (new)	1 kw-D.	D	III	May 15, 1952

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6579; Filed, June 16, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1678]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER RECONVENING HEARING

JUNE 10, 1052.

On November 29, 1951, after Michigan-Wisconsin Pipe Line Company had presented its testimony and evidence in this proceeding in support of increased rates and charges suspended by order of the Commission issued April 25, 1951, the proceeding herein was recessed to be reconvened at a date to be fixed by further order of the Commission.

The Commission orders: The hearing in the above-entitled proceeding shall be reconvened on July 21, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6582; Filed, June 16, 1952; 8:50 a. m.]

[Docket No. G-1757]

NATURAL GAS STORAGE CO., OF ILLINOIS

ORDER FIXING DATE OF HEARING

JUNE 10, 1952.

On August 7, 1951, Natural Gas Storage Company of Illinois (Applicant), an Illinois corporation, successor by merger to Natural Gas Storage Company of Illinois, a Delaware corporation, with its principal place of business at Chicago, Illinois, filed an application, as amended on March 12, 1952, and supplemented on May 7 and 27, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction, acquisition and operation of facilities in Kankakee and Iroquois Counties, Illinois, for underground storage of natural gas for the account of its affiliates, Texas Illinois Natural Gas Pipeline Company and Natural Gas Pipeline Company of America, all as more fully described in said application, as amended and supplemented, on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on August 24, 1951 (16 F. R. 8562). Notice of the amended application was published in the FEDERAL REGISTER on April 3, 1952 (17 F. R. 2903).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on June 30, 1952, commencing at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended and supplemented.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6563; Filed, June 16, 1952; 8:45 a. m.]

[Docket No. G-1854]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 10, 1952.

On December 17, 1951, United Natural Gas Company (Applicant), a Pennsylvania corporation, of Oil City, Pennsylvania, filed an application, as supplemented on February 25, 1952, and amended on March 14, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of certain natural-gas transmission pipeline facilities subject to the jurisdiction of the Commission, all as more fully described in the application as supplemented and amended on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on January 11, 1952 (17 F. R. 366).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on June 26, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6564; Filed, June 16, 1952; 8:45 a. m.]

[Docket No. G-1892]

PACIFIC GAS AND ELECTRIC CO.

ORDER FIXING DATE OF HEARING

JUNE 10, 1952.

On February 11, 1952, Pacific Gas and Electric Company (Applicant), a California corporation having its principal place of business at San Francisco, California, filed an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 1, 1952 (17 F. R. 1862).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 2, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6565; Filed, June 16 1952; 8:46 a. m.]

[Docket No. G-1957]

ATLANTIC SEABOARD CORP.

ORDER FIXING DATE OF HEARING

JUNE 10, 1952.

On May 16, 1952, Atlantic Seaboard Corporation (Applicant), a Delaware corporation having its principal place of business at Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in said application on file with the Commission and open to public inspection.

The Commission finds: Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest, or petition raising an issue of substance is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 4, 1952 (17 F. R. 5048).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on June 24, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R Doc. 52-6566; Filed, June 16, 1952; 8:46 a. m.]

[Docket No. G-1969]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

JUNE 10, 1952.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address, Houston, Texas, filed on June 2, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas from the Gulf Coast area of the United States to northern New York State for Niagara Gas Transmission Limited, a Canadian corporation controlled by the Consumers' Gas Company of Toronto, and to deliver gas at the United States-Canadian international boundary near Niagara Falls, New York, for resale in the City of Toronto and other markets in eastern Ontario. For such purpose, Applicant proposes to construct and operate approximately 44 miles of 30-inch loop line and 63 miles of 26-inch loop line paralleling its existing main line, approximately 45 miles of new line between its main line near Buffalo, New York, and the international boundary near Niagara Falls, approximately 50 miles of miscellaneous lateral lines to connect additional sources of gas supply to its system, and an aerial suspension pipeline bridge across the Niagara River, as well as new compressor units aggregating approximately 51,500 horsepower to be installed in existing compressor stations and approximately 80,500 horsepower to be installed in six new compressor stations to be located along Applicant's existing transmission system.

Applicant estimates that the proposed facilities will increase the daily design transmission capacity of its system from a presently applied for and authorized total of 1,515,000 Mcf to approximately 1,581,000 Mcf.

The estimated cost of the proposed facilities is approximately $44,740,000. The proposed financing includes issuance and sale of securities, bank loans, and funds resulting from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 52-6567; Filed, June 16, 1952; 8:46 a. m.]

[Docket No. G-1971]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JUNE 11, 1952.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation, address P. O. Box 2563, Birmingham 2, Alabama, filed on June 4, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for sale to King's Gin Company, Inc., and for such purpose to construct and operate a line tap, a meter, and other equipment for the measurement and delivery of gas at a point near Milepost 23.5 on Applicant's Vicksburg branch line in Warren County, Mississippi. Through said facilities Applicant will deliver on an interruptible basis a maximum of 192 Mcf per day for 2 months and of 64 Mcf per day for 4 months of the year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of June 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F R. Doc. 52-6568; Filed, June 16, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 46]

PLACEMENT OF PROCEDURE IN THE LEWISTON, MAINE, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Lewiston, Maine, area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Lewiston area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952 and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE LEWISTON, MAINE, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Depart-

ment of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Lewiston area as a surplus labor area under standards established by the Secretary of Labor. The Lewiston area is composed of the cities of Auburn and Lewiston and the towns of Durham, Greene, Lisbon, Mechanic Falls, Minot, Poland, Turner and Webster in Androscoggin County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Lewiston area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Lewiston area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Lewiston area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Lewiston area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Lewiston area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Lewiston area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Lewiston area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Lewiston area;

5. That the apparel industry, to the extent that it exists in the Lewiston area, should not be included in the application of Defense Manpower Policy No. 4 in the Lewiston area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Lewiston area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6673; Filed, June 13, 1952; 4:54 p. m.]

[Defense Manpower Policy No. 4, Notification 47]

PLACEMENT OF PROCUREMENT IN THE NORWICH, CONNECTICUT, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Norwich area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Norwich area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE NORWICH, CONNECTICUT, AREA, UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952 the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Norwich area as a surplus labor area under standards established by the Secretary of Labor. The Norwich area is composed of the towns of Bozrah, Colchester, Franklin, Griswold, Lisbon, Norwich, Preston, Sprague and Voluntown in the New London County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Norwich area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Norwich area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Norwich area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Norwich area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Norwich area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Norwich area and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Norwich area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Norwich area;

5. That the apparel industry, to the extent that it exists in the Norwich area should not be included in the application of Defense Manpower Policy No. 4 in the Norwich area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Norwich area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6674; Filed, June 13, 1952; 4:54 p. m.]

[Defense Manpower Policy No. 4 Notification 48]

PLACEMENT OF PROCUREMENT IN THE MAYAGUEZ, PUERTO RICO, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Mayaguez area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Mayaguez area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE MAYAGUEZ, PUERTO RICO, AREA, UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Mayaguez area as a surplus labor area under standards established by the Secretary of Labor. The Mayaguez area is composed of the Municipality of Mayaguez.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Mayaguez area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Mayaguez area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Mayaguez area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Mayaguez area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Mayaguez area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Mayaguez area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Mayaguez area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Mayaguez area;

5. That the apparel industry, to the extent that it exists in the Mayaguez area, should not be included in the application of Defense Manpower Policy No. 4 in the Mayaguez area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Mayaguez area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMING,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6675; Filed, June 13, 1952; 4:54 p. m.]

[Defense Manpower Policy No. 4, Notification 49]

PLACEMENT OF PROCUREMENT IN THE PONCE, PUERTO RICO, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Ponce area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Ponce area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE PONCE, PUERTO RICO, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Ponce area as a surplus labor area under standards established by the Secretary of Labor. The Ponce area is composed of the Municipality of Ponce.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Ponce area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Ponce area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Ponce area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Ponce area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Ponce area, provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Ponce area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the Ponce area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Ponce area;

5. That the apparel industry, to the extent that it exists in the Ponce area, should not be included in the application of Defense Manpower Policy No. 4 in the Ponce area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Ponce area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6676; Filed, June 13, 1952; 4:54 p. m.]

[Defense Manpower Policy No. 4, Notification 50]

PLACEMENT OF PROCUREMENT IN THE SAN JUAN, PUERTO RICO, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the San Juan area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the San Juan area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on July 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE SAN JUAN, PUERTO RICO, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the San Juan area as a surplus labor area under standards established by the Secretary of Labor. The San Juan area is composed of the Municipalities of Bayamon, Catano, Guaynabo, Rio Piedras, and San Juan.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the San Juan area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the San Juan area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the San Juan area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the San Juan area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the San Juan area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the San Juan area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable elsewhere;

4. That no price differential for the San Juan area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the San Juan area.

5. That the apparel industry, to the extent that it exists in the San Juan area, should not be included in the application of Defense Manpower Policy No. 4 in the San Juan area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Directors of Defense Mobilization conclude that it is in the public interest to give preference to the San Juan area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6677; Filed, June 13, 1952; 4:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2860]

NORTHERN STATES POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO TERMS OF SALE OF BONDS, AND WITH RESPECT TO CERTAIN FEES AND EXPENSES

JUNE 11, 1952.

Northern States Power Company ("the Company"), a Minnesota corporation which is both a registered holding company and an operating utility company, having filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-50 thereunder proposing to issue and sell at competitive bidding 1,108,906 additional shares of its common stock (with subscription warrants) and $21,500,000 principal amount of its First Mortgage Bonds, Series due June 1, 1982; and

The Commission by order dated May 23, 1952, having permitted said declaration as amended to become effective, subject to the condition that such sales should not be consummated until the results of competitive bidding pursuant to Rule U-50 should have been made a matter of record in this proceeding and further orders entered by the Commission in the light of the record so completed, and subject also to the reservation of jurisdiction with respect to all fees and expenses; and

The Company on June 4, 1952, having filed a further amendment to its declaration setting forth the action taken by it to comply with the requirements of Rule U-50 as regards the sale of said common stock, and the Commission having thereupon entered its supplemental order releasing jurisdiction with respect thereto but continuing its reservation of jurisdiction with respect to the sale of said bonds and with respect to all fees and expenses; and

The Company on June 11, 1952 having filed a further amendment to its declaration setting forth the action taken by it to comply with the requirements of Rule U-50 as regards the sale of said bonds, stating that, pursuant to the invitation for competitive bids, the following bids for said bonds were received:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Lehman Bros. and Riter & Co.	3¼	100.5096	$ 3.2295
Smith Barney & Co.	3¼	100.5259	$ 3.2347
Glore, Forgan & Co.	3¼	100.37666	$ 3.2903
Halsey, Stuart & Co. Inc.	3¼	100.530	$ 3.2731
Merrill, Lynch, Pierce, Fenner & Beane, Kidder, Peabody & Co., and White, Weld & Co.	3¼	100.27	$ 3.2910
Equitable Securities Corp. and Union Securities Corp.	3¼	100.22	$ 3.2894
Kuhn, Loeb & Co.	3½	102.197	$ 3.2967

[1] Exclusive of accrued interest from June 1, 1952.

The amendment further stating that the Company has accepted the bid of Lehman Brothers and Riter & Co. for said bonds, as set forth above, and that the bonds will be offered to the public at a price of 101.153 percent of their principal amount, plus accrued interest from June 1, 1952, resulting in an underwriter's spread of 0.5931 percent of the principal amount of the bonds, or an aggregate amount of $127,516.50; and

The record having been further amended with respect to fees and expenses, estimated at $124,000 in connection with the bonds and $189,000 in connection with the common stock, and including the following fees for legal and accounting services:

Flynn & Clerkin, counsel to the Company, $27,500, which is allocated $12,500 to the bonds and $15,000 to the common stock;

Haskins & Sells, accountants, $3,500, which is allocated $2,000 to the bonds and $1,500 to the common stock; and

The record being also amended with respect to the fees of Gardner, Carton & Douglas, independent counsel to the underwriters, in the amount of $13,000, divided equally between the bonds and the common stock; and

It appearing that the fees and expenses of the subscription agents and the non-affiliated service company in connection with the issuing and processing of the subscription warrants, depending primarily upon the extent to which the Company's 58,000 common stockholders shall exercise their subscription rights, will not be ascertainable until the expiration of the subscription period on June 23, 1952; and

The Commission having examined said amendments and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the bonds, the interest rate thereon, the redemption prices thereof, or the underwriters' spread; and the Commission also finding that the fees and expenses in said transactions, in so far as now determined, are not unreasonable; and it appearing to the Commission that the jurisdiction heretofore reserved over the transactions until the results of competitive bidding should be made a matter of record in this proceeding, and over all fees and expenses except those of the subscription agents and the service company, should be released:

It is ordered, That the jurisdiction heretofore reserved over the issue and sale of said bonds until the results of competitive bidding should be made a matter of record in this proceeding be, and the same hereby is, released; and that said declaration as amended, in so far as it relates to the issue and sale of said bonds be, and the same hereby is, permitted to become effective forthwith, subject to the provisions of Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to fees and expenses incurred or to be incurred in connection with the issue and sale of said bonds and also in connection with the issue and sale of the additional common stock be, and the same hereby is, released except as respects the fees and expenses of the subscription agents and service company, and that jurisdiction with respect to the latter charges is continued pending the further order of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6583; Filed, June 16, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18890]

FREDERICH W. BOECKLEN

In re: Estate of Frederich W. Boecklen, deceased. File No. D-28-13100.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wilhelmine Friederike Weigold and Adolph Hermann Boecklen, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Frederich W. Boecklen, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by James F. Kelley, Executor, acting under the judicial supervision of the Probate Court, New Castle County, Wilmington, Delaware; and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947 were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6584; Filed, June 16, 1952; 8:51 a. m.]

[Vesting Order 18891]

EUGHIN BRECHT

In re: Cash owned by Eughin Brecht, also known as Eugene Brecht and as Bert Brecht. D-28-8529.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Eughin Brecht, also known as Eugene Brecht and as Bert Brecht, whose last known address is Berlin N. W. 7, Luisenstrasse 18, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Cash in the amount of $228.30, presently in the custody of the Attorney General of the United States in Safekeeping Account No. 66-200402 in the name of Eugene Brecht,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eughin Brecht, also known as Eugene Brecht and as Bert Brecht, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6585; Filed, June 16, 1952; 8:51 a. m.]

[Vesting Order 18892]

JOHANNE FRANKE

In re: Bank account owned by Johanne Franke, also known as Johanne Bohmer Franke and as Hanny Boehmer. F-28-31866-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pur-

suant to law, after investigation, it is hereby found:

1. That Johanne Franke, also known as Johanne Bohmer Franke and as Hanny Boehmer, whose last known address is Dusseldorf-Eller, 156 Gumbertstrasse 1, Rhineland, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Johanne Bohmer Franke and as Hanny Boehmer, by Citizens Northern Valley National Bank of Englewood, Engle Street, Englewood, New Jersey, arising out of a Savings Account, account number 16372, entitled Johanne Franke, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Johanne Franke, also known as Johanne Bohmer Franke and as Hanny Boehmer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6586; Filed, June 16, 1952; 8:51 a. m.]

[Vesting Order 18893]

FERDINAND MANTAI

In re: Debts owing to Ferdinand Mantai. F-28-23237-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.), and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Mantai who is a citizen of Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, arising out of funds allocable to Ferdinand Mantai, presently on deposit in an accumulated cash dividends account, entitled Dividend Account Western Light and Telephone Co. Preferred Stock, maintained at the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

b. Those certain debts or other obligations evidenced by ten (10) dividend checks of the Western Light and Telephone Company, Inc., 905 North 7th Street, Kansas City, Kansas, said checks dated, numbered and in the amounts listed below:

Date	Number	Amount
Dec. 21, 1939	59570	$3.94
Jan. 10, 1940	A5150	10.00
Mar. 20, 1940	55198	3.94
Dec. 20, 1940	62957	3.38
Mar. 18, 1941	B4751	4.18
Mar. 25, 1941	65047	3.66
Nov. 1, 1947	35969	2.19
Jan. 5, 1949	56285	17.50
Oct. 15, 1949	67034	7.00
Nov. 1, 1951	125783	8.69

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ferdinand Mantai, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property

[F. R. Doc. 52-6587; Filed, June 16, 1952; 8:51 a. m.]

[Vesting Order 18894]

ROBERT STEINKE

In re: Stock owned by Robert Steinke.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Robert Steinke, whose last known address is Germany on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Three and nine-tenths (3.9) shares of prefered capital stock of General Refrigeration Company, (now Yates-American Machine Company) Beloit, Wisconsin, evidenced by a certificate numbered 304 presently in the custody of said Yates-American Machine Company, together with all declared and upaid dividends thereon, and any and all rights under a merger plan effective December 13, 1940 of the aforesaid Companies,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Robert Steinke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6588; Filed, June 16, 1952; 8:52 a. m.]

[Vesting Order 15415, Amdt.]

MARIANNE OPPERMAN ET AL.

In re: Interest in real property, a property insurance policy and a claim owned by Marianne Opperman, nee Schmidt, and others.

Vesting Order 15415, dated October 30, 1950, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of Vesting Order 15415, all of the second paragraph thereof entitled "Parcel 2" and substituting therefor the following:

Parcel 2. That part of the East One-Half (E½) of the Southwest Quarter (SW¼) of Section 18, Township 41 North, Range 9 East of the Third Principal Meridian, situate in the County of Cook, State of Illinois, more particularly described as commencing on the North line of Chicago Street at a point 434 feet along said line Southeasterly from a point on said line 33 feet Easterly and at right angles from the East line of Ettner's tract; thence N. 11° 26' E parallel with said East line 264 feet; thence S. 67° 14' E. parallel with said street 96 feet; thence S. 11° 26' W. 264 feet to the North line of said Street; thence No. 67° 14' W. on said line 96 feet to the place of beginning. Also commencing at the above described place of beginning; thence N. 67° 14' W. along said North line of Chicago Street 10 feet; thence Northerly on a line which will intersect the Westerly line of above described tract 132 feet Northerly from the place of beginning; thence Southerly to the place of beginning. All of said land being in Lot 10, County Clerk's Subdivision of the Southwest ¼ of said Section 18, containing 0.585 acres.

All other provisions of said Vesting Order 15415 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6589; Filed, June 16, 1952, 8:52 a. m.]

rance Room

FEDERAL REGISTER

VOLUME 17 NUMBER 119

Washington, Wednesday, June 18, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10363

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 9979 [1] of July 20, 1948, No. 9988 [2] of August 20, 1948, No. 10008 [3] of October 18, 1948, No. 10202 [4] of January 12, 1951, and No. 10292 [5] of September 25, 1951, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1604.51 of Part 1604, *Selective Service Officers*, is amended to read as follows:

§ 1604.51 *Areas.* The State Director of Selective Service for each State shall divide his State into local board areas. Normally, no such area should have a population exceeding 100,000. There shall be at least one separate local board area in each county; provided, that an intercounty local board may be established for an area not exceeding five counties within a State when the Director of Selective Service determines, after considering the public interest involved and the recommendation of the Governor, that the establishment of such local board area will result in a more efficient and economical operation.

2. Paragraph (a) of § 1609.51 of Part 1609, *Expenditures Other Than for Personal Services*, is amended to read as follows:

(a) Funds appropriated for the operation and maintenance of the Selective Service System shall be available for payment of actual and reasonable expenses of (1) emergency medical care, including hospitalization of registrants who suffer illness or injury, and (2) the transportation and burial of the remains of registrants who suffer death, while acting under orders issued by or under the authority of the Director of Selective Service, but the expenses of burial, including preparation of the body, shall not exceed $150 in any one case and no expenses arising from the illness, injury, or death of a registrant shall be payable under the provisions of this section when such illness, injury, or death occurs while the registrant is performing civilian work contributing to the maintenance of the national health, safety, or interest which he has been ordered to perform by the local board.

3. Subparagraph (2) of paragraph (b) of § 1622.30 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

(2) No registrant shall be placed in Class III-A because he has a child which is not yet born unless, prior to the time the local board mails him an order to report for induction, there is filed with the local board the certificate of a licensed physician stating that the child has been conceived, the probable date of its delivery, and the evidence upon which his positive diagnosis of pregnancy is based.

4. Section 1626.25 of Part 1626, *Appeal to Appeal Board*, is amended to read as follows:

§ 1626.25 *Special provisions when appeal involves claim that registrant is a conscientious objector.* (a) If an appeal involves the question whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the appeal board shall take the following action:

(1) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in combatant training and service in the armed forces, but not conscientiously opposed to participation in noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I-A-O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I-A-O, the appeal board shall transmit the entire file to the United States Attorney for the Fed-

(Continued on p. 5451)

[1] 13 F. R. 4177.
[2] 13 F. R. 4851.
[3] 13 F. R. 6099.
[4] 16 F. R. 381.
[5] 16 F. R. 9843.

CONTENTS

THE PRESIDENT

Executive Order — Page
Amending the Selective Service regulations — 5449

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Farkas, Zoltan, and Mrs. Malvina (Farkas) Stern — 5490
Gluck, Zolton, et al — 5490
Hejduk, Josef, and Wenzel — 5491
Michel, Max — 5491
Lowenberg, Theodor — 5490

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service — 5452
Transfer of personnel to public international organizations in which the U. S. Government participates or to American Missions — 5452

Commerce Department
See National Production Authority.

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951 — 5488

Economic Stabilization Agency
See also Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board; Wage Stabilization Board.
Notices:
Lea County, N. Mex., critical defense housing area; approval of extent of credit controls — 5484

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co. (2 documents) — 5487
Kansas Gas and Electric Co. — 5486
Mississippi River Fuel Corp. et al — 5486

FEDERAL REGISTER

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CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
New York State Natural Gas Corp. — 5488

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Northern Natural Gas Co. — 5487
Packwood Electric Co. — 5488
Warrior River Electric Cooperative Assn. — 5488

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
Regulations for enforcement of Federal Food, Drug, and Cosmetic Act; drugs and devices, labeling requirements — 5456

Geological Survey
Notices:
Salmon River, Idaho; power site classification — 5482

Interior Department
See Geological Survey; Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Molasses, blackstrap, from New Orleans, La., to McKenzie, Tenn. — 5491
Rock, phosphate, from Florida to St. Louis, Mo., and East St. Louis, Ill., and southwestern territory — 5491
Sand from Michigan to Memphis, Tenn. — 5491
Rules and regulations:
Abandonment of railroad lines; miscellaneous amendments — 5465
Construction, extension, acquisition or operation of railroad lines; execution, filing, and disposal of application — 5465
Demurrage on cars held under load at Great Lakes ports — 5467
Demurrage on freight cars — 5467
Issuance of securities, assumption of obligations, and filing of certificates and reports; procedure — 5466
Movement of import ores restricted; appointment of agent — 5466
Movement of iron ore restricted; appointment of agent — 5466

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Nevada; classification order — 5482

National Production Authority
Notices:
N. G. Slater Corp. et al.; suspension order — 5483
Rules and regulations:
Steel distributors; treatment of purchase orders bearing certain allotment symbols (M-6A, Dir. 1) — 5462
Naphthenic acid; allocation of chemicals and allied products; revocation (M-45, Sched. 1) — 5463

CONTENTS—Continued

Price Stabilization, Office of — Page
Notices:
Redelegation of authority, Directors of District Offices:
Region I; act under CPR 24 — 5484
Region II:
Act under CPR 7 — 5484
Act under CPR 24 — 5484
Act under CPR 101 — 5484
Region III; act under CPR 7 — 5485
Region IV:
Act under CPR 7 — 5485
Act under CPR 24 — 5485
Region V:
CPR 7 — 5485
CPR 24 — 5485
CPR 31 — 5485
Region VII:
CPR 24 — 5486
CPR 101 — 5485
Region VIII:
CPR 7 — 5486
CPR 24 — 5486
CPR 101 — 5486
Region X; CPR 7 — 5485
Rules and regulations:
Combination distributor and hotel supply house; meats sold at wholesale:
Beef (CPR 24) — 5457
Pork (CPR 74) — 5459
Lamb, yearling and mutton (CPR 92) — 5460
Veal (CPR 101) — 5456

Production and Marketing Administration
Notices:
Hugo Sales Commission Co.; deposting of stockyard — 5483
Proposed rule making:
Milk handling, marketing areas:
Cleveland, Ohio — 5469
Rockford-Freeport, Ill. — 5471
U. S. Standards:
Cherries, canned sweet; extension of time — 5469
Persian (Tahiti) limes — 5467
Rules and regulations:
Hawaii; 1952 crop — 5453
Potatoes, Irish, grown in Washington; limitation of shipments — 5455
Tobacco; Type 62 shade-grown cigar-leaf grown in designated production area of Florida and Georgia; control committee rules and regulations — 5454

Rent Stabilization, Office of
Rules and regulations:
Rents received subject to refund:
Hotels and motor courts — 5464
Housing and rooms — 5463

Salary Stabilization Board
Rules and regulations:
Stabilization of salaries and other compensation of persons employed in bona fide executive, administrative, professional or outside salesman capacities, not represented by labor organizations; adjustments for employees of credit unions (GSSR-1) — 5481

CONTENTS—Continued

Securities and Exchange Commission — Page
Notices:
Hearings, etc.:
Central Public Utility Corp. and Consolidated Electric and Gas Co. — 5489
General Dynamics Corp. — 5488
Gulf Power Co. — 5489
Southern Natural Gas Co. and Mississippi Gas Co. — 5490
Wisconsin River Power Co. et al. — 5489

Selective Service System
Rules and regulations:
Selective Service regulations; amendments — 5456

Veterans' Administration
Rules and regulations:
General provisions; miscellaneous amendments — 5464
Servicemen's Readjustment Act of 1944; definitions — 5465
Veterans claims; computation of annual income — 5465

Wage and Hour Division
Proposed rule making:
Puerto Rico; minimum wage rates in lumber and wood products industry — 5480

Wage Stabilization Board
Rules and regulations:
General wage procedural regulation; organization of regional boards, Territory of Alaska — 5461
Health and welfare plans (GWR 19) — 5461

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
9979 (amended by EO 10363) — 5449
9988 (amended by EO 10363) — 5449
10008 (amended by EO 10363) — 5449
10202 (amended by EO 10363) — 5449
10292 (amended by EO 10363) — 5449
10363 — 5449
Title 5
Chapter I:
Part 6 — 5452
Part 26 — 5452
Title 7
Chapter I:
Part 51 (proposed) — 5467
Part 52 (proposed) — 5469
Chapter VIII:
Part 876 — 5453
Chapter IX:
Part 975 (proposed) — 5469
Part 983 — 5454
Part 991 (proposed) — 5471
Part 992 — 5455
Title 21
Chapter I:
Part 1 — 5456
Title 29
Chapter V:
Part 675 (proposed) — 5480

CODIFICATION GUIDE—Con.

Title 32 — Page
Chapter XVI:
Part 1604 — 5456
Part 1609 — 5456
Part 1622 — 5456
Part 1626 — 5456
Part 1628 — 5456
Part 1630 — 5456
Title 32A
Chapter III (OPS):
CPR 24 — 5457
CPR 74 — 5459
CPR 92 — 5460
CPR 101 — 5456
Chapter IV:
Subchapter A (SSB):
GSSR 1 — 5461
Subchapter B (WSB):
GWPR — 5461
GWR 19 — 5461
Res. 78 (see GWR 19) — 5461
Chapter VI (NPA):
M-6A, Dir. 1 — 5462
M-45, Sched. 1 — 5463
Chapter XXI (ORS):
RR 1 — 5463
RR 2 — 5463
RR 3 — 5464
RR 4 — 5464
Title 38
Chapter I:
Part 1 — 5464
Part 3 — 5465
Part 36 — 5465
Title 49
Chapter I:
Part 41 — 5465
Part 42 — 5465
Part 56 — 5466
Part 95 (4 documents) — 5466, 5467

eral judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

(2) If the registrant has claimed, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and by virtue thereof to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces, and the local board has classified the registrant in Class I–O, the appeal board shall proceed with the classification of the registrant. If, in such a case, the local board has classified the registrant in any class other than Class I–O, the appeal board shall transmit the entire file to the United States Attorney for the Federal judicial district in which the appeal board has jurisdiction for the purpose of securing an advisory recommendation from the Department of Justice.

(b) Whenever a registrant's file is forwarded to the United States Attorney in accordance with paragraph (a) of this section, the Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the appeal board (1) that if the registrant is inducted into the armed forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall in lieu of induction be ordered by his local board to perform for a period of twenty-four consecutive months civilian work contributing to the maintenance of the national health, safety, or interest. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the appeal board that such objections be not sustained.

(c) Upon receipt of the report of the Department of Justice, the appeal board shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice. The appeal board shall place in the Cover Sheet (SSS Form No. 101) of the registrant the letter containing the recommendation of the Department of Justice.

5. (a) Subparagraph (1) of paragraph (b) of § 1628.4 of Part 1628, *Physical Examination*, is amended to read as follows:

(1) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, and send the original to the medical advisor to the local board for completion of item 19 of Section II after the medical interview.

(b) Paragraph (b) of § 1628.5 of Part 1628 is amended to read as follows:

(b) Upon receiving such request for transfer for medical interview the registrant's own local board shall forward the original and three copies of the Record of Induction (DD Form No. 47), after completing all of Section I except item 2, and item 18 of Section II thereof, to the local board of transfer and shall enter under "Minutes of Actions by Local Board and Appeal Board" on the Classification Questionnaire (SSS Form No. 100) the date such forms were forwarded and the designation of the local board of transfer.

(c) Subparagraph (2) of paragraph (a) of § 1628.13 of Part 1628 is amended to read as follows:

(2) Prepare an original and three copies of the Record of Induction (DD Form No. 47), by completing all of Section I except item 2, and item 18 of Section II thereof, for each such registrant for whom such form has not previously been completed.

6. Section 1630.4 of Part 1630, *Volunteers*, is amended to read as follows:

§ 1630.4 *Classification of volunteers.* When a man files an Application for Voluntary Induction (SSS Form No. 254) under the provisions of § 1630.1, he shall be classified as soon as possible and

placed in a class available for military service unless:

(a) Disregarding all other grounds for deferment, he would be classified in Class II–A, Class II–C, or Class III–A;

(b) He is the Vice President of the United States, a Governor of a State, any State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, or a judge of a court of record of the United States or of a State, required to be deferred by law;

(c) He is the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service, whose induction is prohibited by law; or

(d) Under the provisions of § 1622.44 of this chapter he is found to be physically, mentally, or morally unfit.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 17, 1952.

[F. R. Doc. 52-6748; Filed, June 17, 1952, 11:48 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER § 6.156 (b) is amended to read as follows:

§ 6.156 *National Production Authority.* * * *

(b) Until December 31, 1952 not to exceed 15 positions of Labor Advisors, GS–12 through GS–15.

2. Effective upon publication in the FEDERAL REGISTER, paragraph (b) is added to § 6.159 as follows:

(b) Until December 31, 1952 not to exceed 5 positions of Labor Advisors, GS–12 through GS–15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

3. Part 26 is revised and amended to read as set out below. In the main the changes consist of deletion of references to transfer to American Missions and to Executive Order 9862. This Executive order was revoked by Executive Order 10338, 17 F. R. 3009.

Sec.
26.1 Persons who may be transferred.
26.2 Definitions.
26.3 Submission of request.
26.4 Approval of transfer.
26.5 Separation from service.
26.6 Filling vacancy.
26.7 Acquisition of status.
26.8 Reemployment.
26.9 Report to the Commission.
26.10 Appeals to the Commission.
26.11 Effective date.

AUTHORITY: §§ 26.1 to 26.11, issued under sec. 5, E. O. 9721, May 10, 1946, 11 F. R. 5209; 3 CFR, 1946 Supp., E. O. 10103, Feb. 1, 1950, 15 F. R. 597; 3 CFR, 1950 Supp.

§ 26.1 *Persons who may be transferred.* The following persons may be given consideration for transfer under Executive Order 9721:

(a) Employees of any agency or department in the executive branch of the Federal Government who are serving under (1) probational or permanent civil service appointments, or (2) war service indefinite appointments regardless of whether a trial period has been completed.

(b) Former employees of such an agency or department who (1) are serving in a public international organization, (2) have served continuously in such organization since May 10, 1946, and (3) left war service indefinite or probational or permanent civil service appointments to take their present employment.

§ 26.2 *Definitions.* (a) "Public international organization" is one designated by the President pursuant to the Act of December 29, 1945 (59 Stat. 669).[1]

(b) "Terminated without prejudice" means separation from the public international organization to which transferred under Executive Order 9721, either voluntarily or involuntarily under circumstances which do not reflect on the transferee's suitability for further Federal employment.

(c) "Consent of the head of the department or agency concerned" means the specific consent of the head of the department or agency or his designated representative for the employee's or former employee's transfer under Executive Order 9721. A general release for employment elsewhere or a release granted other than for the specific purpose of transfer under Executive Order 9721 shall not be construed as "consent" under Executive Order 9721.

§ 26.3 *Submission of request.* A request for the transfer of an employee or former employee under Executive Order 9721 shall be submitted by the public international organization in writing directly to the agency or department in which such employee is serving or last served.

§ 26.4 *Approval of transfer.* The head of the department or agency concerned or his designated representative shall, if he determines to consent to transfer under Executive Order 9721, give such consent in writing and address it to the requesting organization. The letter of consent shall specifically mention that consent is given under Executive Order 9721. A copy of the letter of consent shall be placed in the agency personnel files, and a copy shall be delivered to the transferee. The agency or department concerned may set the date on which the consent becomes valid.

§ 26.5 *Separation from service.* Upon transfer under Executive Order 9721 the employee shall be separated and his "separation by transfer under Executive Order 9721" shall be reported to the Commission on the regular notification of personnel changes.

§ 26.6 *Filling vacancy.* This appointment, reassignment, promotion, or transfer of an employee to fill a vacancy created by the transfer of an employee under Executive Order 9721 shall be limited to the return of the specific employee transferred under the order; except that this section shall not apply in any case where the provisions of section 4 of Executive Order 9721 are made applicable to a former employee of a Federal agency serving with a public international organization at the time of issuance of Executive Order 9721, and where the position he left in the agency had already been filled prior to the time the provisions of section 4 of Executive Order 9721 were made applicable to him.

§ 26.7 *Acquisition of status.* Any employee who is transferred from a war service indefinite appointment under Executive Order 9721 and who meets the conditions for acquisition of competitive status under section 2 of Executive Order 9721 shall be deemed to have acquired such status provided those conditions are met on or before 3 years from the date of his transfer. Determination of status will be made by the Commission on request of a Federal agency or the transferee. Unless all conditions precedent to acquisition of competitive status under section 2 of Executive Order 9721 have been met on or before the end of the 3-year period, no rights accrue under that section. Determination that such conditions were so met may be made after that date.

§ 26.8 *Reemployment.* (a) An employee transferred under Executive Order 9721 must meet the following conditions in order to have a right to reemployment under Executive Order 9721:

(1) He must have been serving under a probational or permanent civil service appointment prior to such transfer or he must have met the conditions for acquisition of a competitive status under section 2 of Executive Order 9721. When reemployment rights depend on acquisition of status under section 2 of Executive Order 9721, request for such determination shall be presented to the Commission by the agency concerned promptly after receipt of application for reemployment, unless such determination was made theretofore.

(2) He must have been terminated without prejudice by the public international organization to which transferred within three years of the date of his separation for transfer to such organization.

(3) He must apply for reemployment to his former agency or department (or its successor) within 90 days of his termination by such organization.

(4) He must be qualified physically to perform the duties of his former position or one of like seniority, status and pay.

(b) An employee transferred under Executive Order 9721 shall not lose his reemployment rights upon (1) transfer or reassignment within an agency; (2) transfer by Presidential order or act of Congress; (3) entry into military service (*Provided*, That at the time of such entry he would have acquired restoration rights had he entered military service from his original agency); or (4) transfer from one public international organization to another with the function in which engaged when such function is transferred by an international agreement in which the United States participates.

(c) Upon meeting the conditions for reemployment under Executive Order 9721, the transferee's former agency or department (or its successor) shall reemploy him within 30 days of his application for reemployment. Such reemployment shall be in the employee's former position or in a position of like seniority, status and pay.

(d) Upon reemployment under Executive Order 9721, an employee shall be considered as having been on leave of absence for a period not to exceed 3 years from the date of transfer and while employed by the said international organization. He shall be given the seniority and, to the extent consistent with law the pay to which he would have been entitled had he remained continuously with the agency in his former position. He shall be considered as having competitive status and tenure and shall be given full credit for completion of probation for service in the international organization since acquisition of status. Any sick leave to his credit at the time of his separation for transfer shall be recredited to him.

NOTE: Executive Order 9862, providing for transfer of personnel to American Missions aiding Greece and Turkey, has been revoked by Executive Order 10338 (17 F. R. 3009). However, the rights of employees already transferred under Executive Order 9862 are not affected.

§ 26.9 *Report to the Commission.* (a) A transfer under Executive Order 9721 shall be reported to the Commission on the regular notification of personnel changes. In any case where the provisions of Executive Order 9721 are, with the consent of the Federal agency in which he was formerly employed, made applicable to a former employee of the agency, the action shall be reported as a transfer effective as of the date the employee left the Federal agency to take employment with the public international organization.

(b) A reemployment under Executive Order 9721 shall be reported to the Commission on the regular notification of personnel changes.

§ 26.10 *Appeals to the Commission.* There shall be no appeal to the Commission from a denial by the head of the agency or department or his designated representative of transfer under Executive Order 9721. The Commission shall make final decision as to the acquisition of status of an employee under section 2 of Executive Order 9721. An employee transferred under Executive Order 9721 who has been denied reemployment may appeal to the Commission, and the Commission shall make final determination of his right to reemployment.

§ 26.11 *Effective date.* This part shall be effective as of May 10, 1946.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6686; Filed, June 17, 1952; 8:59 a. m.]

[1] Public international organizations so designated by the President pursuant to the act of December 29, 1945 are:
Caribbean Commission.
Food and Agriculture Organization.
Inter-American Defense Board.
Inter-American Institute of Agricultural Sciences.
Inter-American Statistical Institute.
International Bank for Reconstruction and Development.
International Civil Aviation Organization.
International Cotton Advisory Committee.
International Joint Commission, United States and Canada.
International Labor Organization.
International Monetary Fund.
International Refugee Organization (successor to Preparatory Commission for the International Refugee Organization).
International Telecommunication Union.
International Wheat Advisory Committee (International Wheat Council).
Organization for European Economic Cooperation.
Pan-American Sanitary Bureau.
Pan-American Union.
Provisional Intergovernmental Committee for the Movement of Migrants from Europe.
South Pacific Commission.
United Nations.
United Nations Educational, Scientific, and Cultural Organization.
World Health Organization.

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 876.4]

PART 876—HAWAII

FAIR AND REASONABLE PRICES FOR 1952 CROP OF HAWAIIAN SUGARCANE

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Honolulu and in Hilo, Territory of Hawaii, on January 23 and 25–26, 1952, respectively, the following determination is hereby issued.

§ 876.4 *Fair and reasonable prices for the 1952 crop of Hawaiian Sugarcane.* Fair and reasonable prices for the 1952 crop of Hawaiian sugarcane to be paid by a processor who, as a producer, applies for payment under the act shall be not less than the prices provided in adherent planter or independent grower sugarcane purchase contracts, or toll agreements, heretofore entered into between such processor-producer and other producers of sugarcane or in independent grower sugarcane purchase contracts hereafter entered into between a processor-producer listed in paragraph (b) of this section and adherent planters otherwise eligible to become independent growers: *Provided,*

(a) That under adherent planter agreements, the price per ton for 1952 crop sugarcane shall be not less than the price as calculated under such agreements for the 1950 crop;

(b) That under independent grower agreements entered into by the processor-producers listed in this paragraph, the price per ton for 1952 crop sugarcane shall be not less than the price calculated as follows:

	Rate of payment [1]	Standard quality ratio [2]
(1) Kohala Sugar Co., the net proceeds from 72 percent of the sugar manufactured from the sugarcane delivered to the processor-producer by the producer	1.22	(3)
(2) Olaa Sugar Co.		
(3) Hilo Sugar Plantation Co., Onomea Sugar Co., Pepeekeo Sugar Co., Hakalau Plantation Co.	1.09	9.5
(4) Hawaiian Agricultural Co.	1.36	8.5

[1] Rate of payment for each 1 cent of the average net proceeds from sales of sugar and molasses expressed in cents per pound of sugar, raw value (referred to in the prior determination as 96° D. A. raw sugar).

[2] Tons of sugarcane required to produce one ton of sugar, raw value. The price per ton of sugarcane shall be increased or decreased proportionately as the actual quality ratio of sugarcane is lower or higher, respectively, than the standard quality ratio.

[3] Average quality ratio of sugarcane purchased from producers during the 3 years, 1947–49.

(c) That in instances where payment for sugarcane is based on net returns, the processor-producer shall submit for approval to the Hawaiian Area Office, PMA, Honolulu, Hawaii, the average gross proceeds realized from sales of sugar and molasses, and those deductible selling and delivery expenses actually incurred, limited to those items specifically enumerated by the processor-producer and approved by the Hawaiian Area Office for the 1951 crop;

(d) That elements of expense properly chargeable and added to the direct cost of labor, material and services to develop the rates of charge for such labor, material and services furnished by a processor-producer to other producers shall be the same in 1952 as in 1951;

(e) That nothing in paragraphs (c) and (d) of this section shall be construed as prohibiting modifications which may be necessary because of unusual circumstances which may arise in the future, any such modifications to be subject to approval by the Hawaiian Area Office, PMA, Honolulu, Hawaii; and

(f) That the processor-producer shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the level of prices to be paid by a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugarcane—hereinafter referred to as "processor") for sugarcane of the 1952 crop purchased from other producers. It prescribes the minimum requirements with respect to prices which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, on January 23 and January 25–26, 1952, public hearings were held in Honolulu and Hilo, Territory of Hawaii, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1952 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Hawaii. In determining fair and reasonable prices, consideration has been given to testimony presented at the hearings and to information resulting from investigations.

(c) *1952 price determination.* The price determination for 1952 crop sugarcane continues the requirements of the 1951 crop fair price determination and further provides: (1) In instances where payments to producers are based on net returns from sugar or sugar and molasses, the requirement that processors submit for approval by the Hawaiian Area Office of the Production and marketing Administration the average gross proceeds realized from sales of sugar and molasses; (2) the requirement that items of selling and delivery expense used in the computation of payments for 1952 crop sugarcane be the same as those specifically enumerated by the processor and approved by the Hawaiian Area Office for the 1951 crop; and, (3) the requirement that elements of expense properly chargeable and added to the direct cost of labor, material and services to develop a rate of charge for such items furnished by a processor to producers be the same in 1952 as in 1951. The requirements indicated in (2) and (3) above may be modified in the event of unusual circumstances after approval by the PMA Hawaiian Area Office. Changes made in the 1952 price determination are based upon information obtained at the public hearings and in supplemental briefs and are designed to conform practices in the 1952 crop year to those obtaining during the 1951 crop year.

At the public hearing, representatives of processors recommended that prices payable under negotiated agreements with adherent planters and independent growers be approved as fair and reasonable for the 1952 crop. One spokesman further recommended that processors be permitted to charge producers for certain services for which no charge was made in prior years, in the event higher rates of payment were required. Representatives of two producers' associations recommended that the prices specified in the 1951 price determination, which for independent growers are higher than those provided in most agreements, be continued as fair and reasonable prices for the 1952 crop. A representative of another producers' association recommended a minimum price per ton for sugarcane, such minimum to be increased whenever the price of sugar exceeds a base level. Another producer representative expressed dissatisfaction with the adherent planter agreement currently in effect at one plantation and recommended that adherent planters receive the entire Sugar Act payment on sugarcane which they produce and that they share in the processor's proceeds from molasses.

Each of these recommendations has been examined in the light of returns, costs and profits to producers and processors which are expected to prevail in 1952. Consideration has also been given to other testimony at the public hearing, to the contracts negotiated between the parties, to historical sharing relationships and to data obtained as the result of investigating conditions affecting the sugar industry. This analysis did not justify the adoption of certain of the recommendations. On the basis of the examination made, the prices provided in this determination for 1952 crop sugarcane are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6683; Filed, June 17, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

SUBPART—CONTROL COMMITTEE RULES AND REGULATIONS

In accordance with Marketing Agreement 112 and Order No. 83 (17 F. R. 4971, 5002, and 5058; 7 CFR Part 983), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the information and recommendation submitted by the Control Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that the rules and regulations hereinafter set forth are in accordance with said marketing agreement and order and will tend to effectuate the declared policy of the act and should become effective at the time hereinafter specified.

It is hereby further found that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date of this order until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, in addition to the findings heretofore made with respect to the issuance of said Order No. 83 (effective June 3, 1952), (1) the Control Committee needs to begin consideration of applications for handling certificates and the issuance of such certificates in eligible cases; (2) harvesting or priming of tobacco leaves and farm curing thereof is well under way in the production area; (3) the handling of tobacco will begin very soon; (4) it is desirable that the rules and regulations be effective at the earliest possible date so as to provide the maximum time for growers and handlers to prepare for the certification, or exemption, for handling of tobacco leaves primed from untopped plants or topped plants; and (5) compliance with this order will not require any advance preparation on the part of the handlers which cannot be completed prior to the approval hereof.

DEFINITION

Sec.
983.100 Definitions.

GENERAL

983.110 Communications.

ISSUANCE OF HANDLING CERTIFICATES

983.115 Handling Certificates.

ISSUANCE OF EXEMPTION CERTIFICATES

983.120 Exemption Certificates.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

983.130 Books, records of tobacco and reports.
983.140 Identification of tobacco handled.

AUTHORITY: §§ 983.100 to 983.140, issued under sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 983.100 *Definitions.* (a) "Order" means Order No. 83 (17 F. R. 4971, 5002, and 5058; 7 CFR Part 983) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(b) "Marketing Agreement" means Marketing Agreement No. 112 regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia.

(c) All other terms used in this subpart shall have the same meaning as when used in the marketing agreement and order.

GENERAL

§ 983.110 *Communications.* Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Control Committee, all reports, applications, submittals, requests, and communications in connection with the marketing agreement and order shall be addressed as follows:

Control Committee,
Florida Crops and Livestock Pavillion,
Quincy, Florida.

ISSUANCE OF HANDLING CERTIFICATES

§ 983.115 *Handling certificates.* (a) Upon written application by a grower to the Control Committee for a handling certificate, the Committee shall issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler.

(b) Before issuing any handling certificate, the Control Committee shall have its representative inspect the tobacco and the field in which grown and shall have on record a report of that inspection.

(c) Each handling certificate issued by the Control Committee shall be made on T–62, Form 1, Handling Certificate.

ISSUANCE OF EXEMPTION CERTIFICATES

§ 983.120 *Exemption Certificates.* (a) Upon written application by a grower to the Control Committee for an exemption certificate, the Committee may issue such certificate to the grower with respect to the tobacco eligible for handling thereunder. Each such application and certificate shall relate to the tobacco of a single field and shall identify such field, the grower, and the handler. The application shall also set forth the reasons for the request for the exemption.

(b) As early as practicable, the Committee shall estimate the average proportion of the total production of tobacco permitted to be handled by all handlers. Before issuing any exemption certificate, the Control Committee shall cause an inspection to be made of the applicable tobacco and the fields in which grown and shall have on record a report of that inspection. The Control Committee shall promptly verify all statements contained in the application and determine whether it shall be approved or disapproved. Such decision shall, in the case of approval, be evidenced by the issuance of an exemption certificate, and, in the case of disapproval, by a written notice to the applicant of such disapproval.

(c) Each exemption certificate issued by the Control Committee shall be on Form T–62, Form 2, Exemption Certificate.

(d) Each such exemption certificate shall permit the grower to handle, or have handled, a proportion of his production of tobacco during the then current fiscal period equal to, but not to exceed, the estimated average proportion of tobacco permitted to be handled during such fiscal period.

BOOKS, RECORDS, REPORTS AND IDENTIFICATION OF TOBACCO

§ 983.130 *Books, records and reports—*(a) *Books and records.* Each handler, and each subsidiary and affiliate thereof, shall, with respect to each quantity of tobacco handled by the respective person, keep such books and records as will clearly show the details of such person's handling of the tobacco, including:

(1) Name and address of grower;
(2) Handling certificate;
(3) Exemption certificate, if any;
(4) Priming number;
(5) Field identification;
(6) Receiving weight; and
(7) Date of receipt.

(b) *Reports.* Each handler, and each subsidiary and affiliate thereof, shall furnish the Committee upon request, in such manner and at such time as may be prescribed, such of the information required pursuant to this section as will enable the Committee to exercise its powers and perform its duties.

§ 983.140 *Identification of tobacco handled.* Except as otherwise provided in this subpart, each handler, and each subsidiary and affiliate thereof, shall maintain the identity of each quantity of tobacco handled by the respective person throughout the entire time such person handles the tobacco. However, after the tobacco is sorted, the continued identification of those leaves or portion of leaves—commonly known as "pull-outs"—that are removed from the main part of the tobacco is not required. Such identification shall include, but not be limited to, the information listed in § 983.130 (a).

Issued at Washington, D. C., this 13th day of June 1952, to be, and become, effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6615; Filed, June 17, 1952; 8:47 a. m.]

PART 992—HANDLING OF IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.307 *Limitation of shipments—*(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92, (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601, et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established under said marketing agreement and order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1952 crop of Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting in the manner set forth below shipments of potatoes on and after the effective date hereinafter provided, (iii) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (iv) compliance with this section will not require any preparation on the part of handlers which cannot be completed by such effective date, and (v) a reasonable time is permitted under the circumstances, for such preparation.

(b) *Order.* (1) During the period from June 23, 1952 to May 31, 1953, both dates inclusive, no handler shall ship potatoes of any variety which do not meet the following grade and size requirements: (i) U. S. No. 2 or better grade, $1\frac{7}{8}$ inches minimum or larger diameter, or (ii) U. S. No. 1 size B, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) Pursuant to § 992.49, each handler may make one shipment of not in excess of five hundredweight of potatoes per week without regard to the limitations set forth in subparagraph (1) of this paragraph, and §§ 992.41 and 992.53.

(3) During the period from June 23, 1952 to September 30, 1952, both dates inclusive, no handler shall ship a lot of potatoes if more than 50 percent of the potatoes in such lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes; *Provided*, That one lot of not to exceed 100 hundredweight of each variety of potatoes of each producer may be handled every four days without regard to the aforesaid maturity requirements: *Provided further*, That the provisos set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(4) Pursuant to § 992.50 (a) and (b), the limitations set forth in subparagraph (1) of this paragraph shall not be applicable to: (i) Shipments of potatoes for export; (ii) shipments of potatoes for distribution by the Federal government, for distribution by relief agencies, or for consumption by charitable institutions; (iii) shipments of potatoes for manufacturing or conversion into starch, flour, alcohol, dehydrated products, canned products, frozen products, and potato chips; (iv) shipments of potatoes for livestock feed; and (v) shipments of seed potatoes.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (i) file an application with the committee pursuant to § 992.104 for permission to make such shipments (except as to shipments for distribution by the Federal Government), (ii) pay assessments on such shipments pursuant to § 992.41 (except shipments for livestock feed), and (iii) have such shipments (except shipments

of seed potatoes and shipments for livestock feed) inspected pursuant to § 992.53.

(6) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR 992.1 et seq.) and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Done at Washington, D. C., this 13th day of June, 1952, to become effective June 23, 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6616; Filed, June 17, 1952; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DRUGS AND DEVICES; LABELING REQUIREMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502 (b), 701 (a), 52 Stat. 1050, 1055; 21 U. S. C. 352 (b), 371 (a)), the regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act (21 CFR 1) are amended in the following respects:

In § 1.102 *Drugs and devices; labeling requirements*, paragraph (m) is amended by changing the period at the end of subparagraph (2) to ", or" and by adding the following subparagraph:

(3) It is an ointment, is labeled "Sample" or "Physician's Sample," or with a substantially similar statement, and the contents of the package do not weigh more than 8 grams.

This order shall become effective upon its publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the exemption from certain labeling requirements of the Federal Food, Drug, and Cosmetic Act which is established by this order for small packages of ointment intended as samples imposes no burden upon the affected industry, but rather relieves such a burden and is in the public interest since it will remove a presently existing deterrent to the distribution of samples of such drugs.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050; 21 U. S. C. 352)

Dated: June 12, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-6639; Filed, June 17, 1952; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1604—SELECTIVE SERVICE OFFICERS

PART 1609—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1626—APPEAL TO APPEAL BOARD

PART 1628—PHYSICAL EXAMINATION

PART 1630—VOLUNTEERS

CROSS REFERENCE: For amendment of §§ 1604.51, 1609.51, 1622.30, 1626.25, 1628.4, and 1630.4, *see* Executive Order 10363, *supra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 101, Amdt. 4]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization General Order 5, Revision, this Amendment 4 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 20, Schedule I, Special Adjustment 5 is amended to read as follows:

(5) If you are a hotel supply house, and you do not obtain any veal from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above in Schedule I (b) except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above in Schedule I (b). If you are a hotel supply house, and you obtain some of your veal from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above in Schedule I (b), on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above in Schedule I (b) regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier you may add $5.00 per hundredweight to the ceiling prices listed above in Schedule I (b) on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment 6 is amended to read as follows:

(6) If you are a combination distributor, and you do not obtain any veal from any source affiliated with you, you may add to the prices listed above in Schedule I (b) $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. If you are a combination distributor and you obtain some of your veal from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above in Schedule I (b) on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above in Schedule I (b) regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier you may add $5.00 per hundredweight to the ceiling prices listed above in Schedule I (b) on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition 1 is amended to read as follows:

(1) If you are a hotel supply house, and you do not obtain any veal from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals in which case you may add $5.00 per hundredweight to the prices listed above. If you are a hotel supply house and you obtain some of your veal from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold, other than item 3, 6 and 7, bears the appropriate registration number of the nonaffiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier, you may add $5.00 per hundredweight to the prices listed above on sales to ship operators. In all cases, you may not charge the additions permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition 2 is amended to read as follows:

(2) If you are a combination distributor and you do not obtain any veal from any source affiliated with you, you may add to the prices listed above $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. If you are a combination distributor, and you obtain some of your veal from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above on sales of any of these items which are derived from veal which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold, other than items 3, 6 and 7, bears the appropriate registration number of the nonaffiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the nonaffiliated source from whom you bought. In all cases, you may not charge the addition permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

5. Section 50 (d) is amended to read as follows:

(d) *Combination distributor* means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible byproducts, sold or delivered by it, excluding sales to defense procurement agencies.

6. Section 50 (g) is amended to read as follows:

(g) *Hotel supply house* means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6634; Filed, June 13, 1952; 12:46 p. m.]

[Ceiling Price Regulation 24, Amdt. 12]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 12 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Statement of Considerations applies to Amendment 12 to Ceiling Price Regulation (CPR) 24, Amendment 6 to CPR 74, Amendment 6 to CPR 92 and Amendment 4 to CPR 101.

This amendment changes CPR 24 to comply with the decision of the Emergency Court of Appeals in Davidson Meat Co., Inc., et al. v. Arnall, F. 2d (E. C. A. May 14, 1952) and also makes several minor changes in CPR 24.

This amendment and the companion amendments to the other meat regulations carry out the mandate of the Court by redefining the terms "hotel supply house" and "combination distributor" so as to eliminate the concept of affiliation from these definitions. These new definitions thus treat all hotel supply houses and combination distributors alike, irrespective of affiliation.

Different ceiling prices have heretofore been provided in sections 20, 21 and 22 for sales of primal, fabricated, and boneless cuts by packers (including packer branch houses), combination distributors, and hotel supply houses, the lowest prices being provided for packer (and packer branch house) sales, with higher prices being established for sales of the same items by combination distributors and hotel supply houses. Slaughterers frequently maintain combination distributor and hotel supply house establishments in the same city in which they have their slaughterhouses or branch houses. Under the new definitions of combination distributor and hotel supply house, it would be simple for these packers to route their primal, fabricated and boneless cuts through their affiliated combination distributor or hotel supply house establishments, rather than to sell them through the slaughterhouse or branch house, and thereby obtain the higher ceiling prices provided for sales by the more specialized units even though those units performed no special services on these sales. This would, of course, result in substantially higher prices.

It does not appear that it was the intention of the Court, in the Davidson case, to prohibit the Office of Price Stabilization from preventing this type of price pyramiding. Accordingly, this amendment prevents this possible price pyramiding by providing that the additions allowed for sales by affiliated hotel supply houses and combination distributors to retailers of primal cuts and boneless cuts in sections 20 and 22 are limited to those cuts which bear the registration number, or wrapping or packaging bearing the name of, a source unaffiliated with the particular hotel supply house or combination distributor. Thus, there will be no incentive for slaughterers to divert these sales to their affiliated combination distributors and hotel supply houses, since they would not be able to sell to retailers the beef they slaughter at higher prices from these establishments than from their slaughterhouse or branch house. At the same time, this provision will permit an affiliated hotel supply house to get the full hotel supply house addition on all beef it procures from unaffiliated slaughterers. As an additional safeguard to prevent evasion, it is provided that the additions may not be charged if the meat was not physically in the cooler of the selling establishment prior to delivery.

The additions provided for hotel supply houses and combination distributors on sales to purveyors of meals are the same irrespective of the source of beef in order to assure continuance of the supply of primal and boneless cuts from these customary suppliers to these purchasers. These sellers are given substantially higher ceiling prices for fabricated cuts, irrespective of source, than for boneless and primal cuts for the reasons stated in the following paragraph. Therefore, they would sell to purveyors of meals only in the form of fabricated cuts the beef they obtain from affiliated sources if they were not permitted the addition on boneless and primal cuts sold to purveyors of meals irrespective of source. While this will result in a substantial addition on sales to purveyors of meals, these buyers will realize off-setting economies by being able to buy a larger volume of primal and boneless cuts which are, despite the addition, less expensive than fabricated cuts. It is unnecessary to make a similar provision for sales to retailers, since the prohibition against sales of fabricated cuts to retailers eliminates the opportunity to discontinue the sale of primal cuts and boneless cuts to these customers.

No differentiation based on the source of beef is made at this time in the additions for hotel supply houses and combination distributors on sales of cuts which do not normally bear a registration number of, or wrapping or packaging bearing the name of, an unaffiliated source, since such a provision would not be feasible for these cuts because of enforcement difficulties. The Director is concerned, however, that slaughterers may stop preparing and selling such cuts, for example, fabricated cuts, at their branch houses and prepare and sell them through their affiliated hotel supply houses and combination distributors in order to obtain the benefit of the latter's higher ceiling prices. Therefore, consideration is being given to alternative feasible provisions which would prevent this abuse. However, in order to issue this amendment promptly so that it can become effective in accordance with the Court's mandate, this amendment is being issued at this time before these alternative plans have been fully explored.

Corresponding changes have also been made in Section 27, Schedule VIII. The ceiling price differential between sales of processed beef products by affiliated and unaffiliated distributors has been eliminated.

In the formulation of Amendment 12 to CPR 24, Amendment 6 to CPR 74, Amendment 6 to CPR 92 and Amendment 4 to CPR 101, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, the provisions of each of

these four amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

All standards prescribed in these four amendments were, prior to the issuance of the regulations to which they apply, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of the meats to which these regulations apply since no practicable alternative exists for securing effective price control of these meats.

It is not believed that any of these four amendments will cause any substantial changes in business practice, cost practices or methods, or means or aids to distribution; however, to the extent that such changes are compelled, they are necessary to prevent circumvention or evasion of the regulations to which these amendments apply.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 20, Special Adjustment (3) is amended to read as follows:

(3) If you are a hotel supply house and you do not obtain any beef from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above.

If you are a hotel supply house, and you obtain some of your beef from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

If you are a ship supplier you may add $5.00 per hundredweight to the prices listed above, on sales to ship operators.

In all cases, you may not charge the additions permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment (4), is amended to read as follows:

(4) If you are a combination distributor and you do not obtain any beef from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above.

If you are a combination distributor, and you obtain some of your beef from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition (except on sales to purveyors of meals), unless the item sold bears the appropriate registration number of the unaffiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the amounts permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition (1) is amended to read as follows:

(1) If you are a hotel supply house and you do not obtain any beef from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above.

If you are a hotel supply house, and you obtain some of your beef from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $1.50 per hundredweight to the prices listed above, regardless of source; however, you may not take this addition, except on sales to purveyors of meals and except on all other sales of items 6, 7, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, or 25, above, unless the item sold bears the appropriate registration number of the non-affiliated source, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the amounts permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition (2) is amended to read as follows:

(2) If you are a combination distributor, and you do not obtain any beef from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above.

If you are a combination distributor, and you obtain some of your beef from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above on sales of any of these items which are derived from beef which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $2.00 per hundredweight, regardless of source; however, you may not take this addition, except on sales to purveyors of meals and except on all other sales of items 6, 7, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, or 25, above, unless the item sold bears the appropriate registration number of the non-affiliated sources, required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the unaffiliated source from whom you bought this item.

In all cases, you may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

5. Section 27 is amended to read as follows:

SEC. 27. *Schedule VIII—Certain cured, dried, and smoked beef products*—(a) *For sales by all sellers, except those listed in Section 27 (b).*

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41, 45, and 49A of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (a) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers you may not charge more than the prices listed in this Schedule VIII (a), plus any applicable addition.]

SCHEDULE VIII (a)

Item	Ceiling prices in Zone 1	Prices in all other zones. [As used herein the term "zone differential" means the zone differential allowance for the particular grade of beef used. The zone differentials are listed in Appendix B. Round the price to the nearest 10 cents per hundredweight.]
(1)	(2)	(3)
1. Corned boneless brisket (deckle-on):		
Prime, choice, good	$57.30	Zone 1 price plus 1.6 times zone differential.
Commercial and utility	45.60	Do.
2. Corned boneless brisket (deckle-off):		
Prime, choice, good	70.10	Zone 1 price plus 1.9 times zone differential.
Commercial and utility	55.40	Do.
3. Corned boneless insides, outsides, knuckles gooseneck rounds, rumps, or cheks:		
Prime, choice, good	76.40	Zone 1 price plus 1.2 times zone differential.
Commercial and utility	69.90	Do.
4. Corned boneless sirloin butts:		
Prime, choice, good	85.70	Zone 1 price plus 1.4 times zone differential.
Commercial and utility	71.20	Do.
5. Tongues, short cut:		
Corned	42.20	Zone 1 price plus 1.8 times zone differential.
Smoked	53.50	Do.
6. Dried beef:		
Bulk	117.20	Zone 1 price plus 2.3 times zone differential.
Sliced, 4½-pound package	142.70	Do.
Sliced, other than 4½-pound package	137.20	Do.
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good	80.50	Zone 1 price plus 1.2 times zone differential except Zone 4a. Zone 4a, 1 times zone differential.
8. Kosher pickled tongues: Short cut	71.30	Zone 1 price plus 1.4 times zone differential.

SPECIAL ADDITIONS

1. If you ship any of the above listed beef products (other than smoked or dried products), in a hardwood, watertight, metal-band bound keg, you may add the actual cost of this container to the ceiling prices listed above. However, this addition may not exceed $2.50 per hundredweight and must appear as a separate charge in your sales invoice to the purchaser. If you charge this keg addition, you may not use the addition set forth in section 45.

2. On sales to retailers, you may add $1.00 per hundredweight to the prices listed in column 2.

3. On sales to purveyors of meals you may add $2.00 per hundredweight to the prices listed in column 2.

(b) *For sales by nonslaughtering processors, hotel supply houses, combination distributors, and wholesalers,*[1] *and for peddler truck sales.*

[All prices are on a dollars per hundredweight basis. The prices for any fraction of a hundredweight shall be reduced proportionately. All prices are f. o. b. your selling establishment. You may add any applicable additions permitted in sections 41 and 45 of this regulation to the ceiling prices listed below. The ceiling prices established by this section 27 (b) supersede the method for determining your ceiling prices set forth in section 4 (b) of this regulation. However, if you have heretofore established a ceiling price for any item listed below, under the provisions of Supplementary Regulation 61, as amended, to the General Ceiling Price Regulation, you may elect to continue to use such ceiling price instead of the ceiling price listed below, except on sales to retailers. On sales to retailers, see footnote 1 below.]

SCHEDULE VIII (b)

	Prices in Zone 1					Prices in all other zones
	Sales by nonslaughtering processors	Sales by hotel supply houses		Sales by combination distributors and peddler truck sales		
	To all buyers, except retailers[1]	To purveyors of meals	To other buyers, except retailers[1]	To purveyors of meals	To other buyers except retailers[1]	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Corned boneless brisket (deckle-on):						The zone differential allowance for each item listed in this Schedule VIII (b) except kosher corned boneless brisket shall be the same as the zone differential allowance prescribed in Schedule VIII (a) column 3, and prices shall be rounded to the nearest 10 cents per hundredweight in the same manner. No zone differential allowance is permitted for kosher corned boneless briskets.
Prime, choice, good	$90.80	$87.30	$92.30	$95.60	$92.30	
Commercial and utility	48.10	53.90	50.60	52.50	50.60	
2. Corned boneless briskets (deckle-off):						
Prime, choice, good	72.60	82.00	75.10	79.00	75.10	
Commercial and utility	57.80	65.10	60.40	63.40	60.40	
3. Corned boneless insides, outsides, knuckles, gooseneck rounds, or cheks:						
Prime, choice, good	82.10	91.10	81.40	88.80	81.40	
Commercial and utility	75.30	80.50	77.50	84.20	77.50	
4. Corned boneless sirloin butts:						
Prime, choice, good	92.50	102.50	94.80	99.80	94.80	
Commercial and utility	77.20	85.30	79.50	83.10	79.50	
5. Tongues, short cut:						
Cured	44.20	49.70	47.20	48.40	47.20	
Smoked	56.10	63.00	58.50	61.40	58.50	
6. Dried beef:						
Bulk	120.30	136.60	122.50	133.00	122.50	
Sliced, 4½-lb. pkg	146.00	167.00	148.50	163.50	147.50	
Sliced, other than 4½-lb. pkg	140.70	159.80	143.20	155.00	145.20	
7. Kosher corned boneless brisket (deckle-off): Prime, choice, good	94.50	104.60	95.90	101.80	95.90	
8. Kosher pickled tongues, short cut	73.60	84.30	78.80	82.10	78.80	

[1] On sales to retailers you must not charge more for any item listed above than the ceiling price shown for the same item in Schedule VIII (a), plus $2.50 per hundredweight, plus the applicable additions, if any, authorized in sections 41 and 45 (or the amount provided in item 1 under "Special Additions" to Schedule VIII (a) above). As used in this section the term "retailer" means a seller who purchases any of the items listed in this schedule for resale to ultimate consumers, without cooking or further processing.

SPECIAL ADDITIONS

1. If you ship any of the above listed beef products (other than smoked or dried products) in a hardwood, watertight, metal-band bound keg, you may add the actual cost of this container to the ceiling prices listed above. However, this addition may not exceed $2.50 per hundredweight and must appear as a separate charge on your sales invoice to the purchaser. If you charge this keg addition, you may not use the addition set forth in section 45.

6. Section 50 (g) is amended to read as follows:

(g) *Combination distributor* means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

[1] If you are a wholesaler you may add $2.25 per hundredweight to the prices listed in column (2) above on sales to all buyers, except retailers. On sales to retailers, see footnote 1 to table below.

7. Section 50 (k) is amended to read as follows:

(k) *Hotel supply house* means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6631; Filed, June 13, 1952; 12:45 p. m.]

[Ceiling Price Regulation 74, Amdt. 6]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 6 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Sections 46 (a) and (b) are amended to read as follows:

(a) *Sales to purveyors of meals.*

Item	Amount per hundredweight
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (secs. 20 and 22)	$8.00
(2) Semi-sterile canned meat (sec. 25)	8.00
(3) Miscellaneous pork cuts (sec. 24), except pork tenderloins, pork tenderloin tips and cappicola butts	4.00
(4) Cappicola butts and Canadian bacon	10.00
(5) Pork variety meats and edible by-products (sec. 26)	8.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in sec. 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	10.00
(8) Boneless ham, ready-to-eat, cooked or browned (secs. 20 and 22) sliced	12.50
(9) Loins, regular or bladeless	10.00
(10) Other wholesale pork cuts, other than those listed in sec. 27	6.00

You may not charge the additions permitted in this paragraph (a) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a hotel supply house, you may, on sales to purveyors of meals of any wholesale pork cut listed above, add to the prices specified in Article II the amount specified above opposite the type of wholesale pork cut sold.

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph (b) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a hotel supply house and do not obtain any pork from any source affiliated with you, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subdivisions (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

If you are a hotel supply house and obtain some of your pork from a source

affiliated with you, you may, on the sale of any wholesale pork cut to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) or section 43 (a) as if you were a wholesaler if that wholesale pork cut was derived from pork which you obtained from an unaffiliated source. You may not add this addition unless the wholesale pork cut sold (except such wholesale pork cuts as are listed in the following sentence of this paragraph) bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from which you bought. On sales to buyers other than purveyors of meals of the cuts listed in items 8, 23, 24, and 34 of section 20, all cuts listed in section 22 (except item 1 of that section), all cuts listed in section 24 (except items 8, 9, and 13 of that section), and all cuts listed in section 26 (except items 10, 11, and 16 of that section), you may, although the cut does not bear the appropriate registration number, or any wrapping or packaging bearing the name or identification, of the non-affiliated source, add this addition if that cut was derived from pork obtained from an unaffiliated source.

2. Sections 47 (a) and (b) are amended to read as follows:

(a) *Sales to purveyors of meals.*

Item	Amount per hundredweight
(1) Boneless hams, boneless shoulders, boneless picnics and boneless butts (secs. 20 and 22)	$6.00
(2) Semi-sterile canned meat (sec. 25)	6.00
(3) Miscellaneous pork cuts (sec. 24) except pork tenderloins, pork tenderloin tips and cappicola butts	3.00
(4) Cappicola butts and Canadian bacon	7.50
(5) Pork variety meats and edible by-products (sec. 26)	6.00
(6) Briskets, fat backs, bellies (except square cut and seedless), plates, jowls and all items specified in sec. 23	3.00
(7) Boneless loins, pork tenderloins and pork tenderloin tips	7.50
(8) Boneless ham, ready-to-eat, cooked or browned (secs. 20 and 22) sliced	10.00
(9) Loins, regular or bladeless	7.50
(10) Other wholesale pork cuts, other than those listed in sec. 27	4.50

You may not charge the additions permitted in this paragraph (a) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a combination distributor you may, on sales to purveyors of meals of any wholesale pork cut listed above, add to the prices specified in Article II the amount specified above opposite the type of wholesale pork cut sold.

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph (b) unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a combination distributor and do not obtain any pork from any source affiliated with you, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

If you are a combination distributor and obtain some of your pork from a source affiliated with you, you may, on the sale of any wholesale pork cut to buyers other than purveyors of meals, add the additions specified in subdivision (1), (3), or (4) of section 43 (a) as if you were a wholesaler, if that wholesale pork cut was derived from pork which you obtained from an unaffiliated source. You may not add this addition unless the wholesale pork cut sold (except such wholesale pork cuts as are listed in the following sentence of this paragraph) bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from which you bought. On sales to buyers other than purveyors of meals of the cuts listed in items 8, 23, 24, and 34 of section 20, all cuts listed in section 22 (except item 1 of that section), all cuts listed in section 24 (except items 8, 9, and 13 of that section), and all cuts listed in section 26 (except items 10, 11, and 16 of that section), you may, although the cut does not bear the appropriate registration number, or any wrapping or packaging bearing the name or identification, of the non-affiliated source, add this addition if that cut was derived from pork obtained from an unaffiliated source.

3. Section 60 (d) is amended to read as follows:

(d) "Combination distributor" means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

4. Section 60 (g) is amended to read as follows:

(g) "Hotel supply house" means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154).

Effective date: This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6632; Filed, June 13, 1952; 12:46 p. m.]

[Ceiling Price Regulation 92, Amdt. 6]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 6 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "hotel supply house" and "combination distributor" and revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 12 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 20, Schedule 1, Special Adjustment 4 is amended to read as follows:

(4) If you are a hotel supply house, and you do not obtain any lamb, yearling or mutton product from any source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $6.00 per hundredweight to the prices listed above. If you are a hotel supply house, and you obtain some of your lamb, yearling or mutton products from a source affiliated with you, you may add $1.50 per hundredweight to the prices listed above, on sales of any of these items which are derived from lamb, yearling or mutton products which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $6.00 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. If you are a ship supplier you may add to the prices listed above $6.00 per hundredweight on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule 1, Special Adjustment 5 is amended to read as follows:

(5) If you are a combination distributor and you do not obtain any lamb, yearling or mutton product from any source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.50 per hundredweight to the prices listed above. If you are a combination distributor and you obtain some of your lamb, yearling or mutton products from a source affiliated with you, you may add $2.00 per hundredweight to the prices listed above, on sales of any of these items which are derived from lamb, yearling or mutton products which you obtained from an unaffiliated source, except on sales to purveyors of meals, in which case you may add $4.50 per hundredweight to the prices listed above regardless of source; however, you may not take this addition (except on sales to purveyors of meals) unless the item sold bears the appropriate registration number of the non-affiliated source required by Distribution Regulation 1, Revision 1, or any wrapping or packaging bearing the name or identification of the non-affiliated source from whom you bought. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. The definition of combination distributor in section 50 is amended to read as follows:

Combination distributor means any establishment which does not sell to ultimate consumers more than 50 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it; and which sold or delivered to purveyors of meals during 1950 not less than 25 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

4. The definition of hotel supply house in section 50 is amended to read as follows:

Hotel supply house means any establishment which sold or delivered to purveyors of meals during 1950 not less than 70 percent of the total volume by weight of all meats, including sausage, variety meats and edible by-products, sold or delivered by it, excluding sales to defense procurement agencies.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6633; Filed, June 13, 1952; 12:46 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amdt. 2]

GSSR 1—STABILIZATION OF SALARIES AND OTHER COMPENSATION OF PERSONS EMPLOYED IN BONA FIDE EXECUTIVE ADMINISTRATIVE, PROFESSIONAL OR OUTSIDE SALESMEN CAPACITIES, NOT REPRESENTED BY LABOR ORGANIZATIONS

ADJUSTMENTS FOR EMPLOYEES OF CREDIT UNIONS

STATEMENT OF CONSIDERATIONS

The Wage Stabilization Board by Amendment 1 to General Regulation 7 has placed adjustments for employees of credit unions organized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States on the same basis as adjustments in salaries and other compensation of religious, charitable and educational organizations. The Salary Stabilization Board has determined to grant the same latitude in the adjustments of the salaries and other compensation of such employees as is granted by the Wage Stabilization Board.

In the formulation of this regulation, due consideration has been given to standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended.

AMENDATORY PROVISION

Paragraph (a) of section 9 of General Salary Stabilization Regulation 1, as amended, is amended to read as follows:

SEC. 9. *Adjustments for employees of religious, charitable and educational organizations.* (a) Religious, charitable, scientific, literary, educational organizations and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code, and credit unions authorized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and which are exempt from Federal income taxes under section 101 of the Internal Revenue Code, may adjust the salaries or other compensation of their employees without prior approval of the Office of Salary Stabilization except as provided in paragraphs (b) and (c) of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board on June 3, 1952.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52-6753; Filed, June 17, 1952; 12:03 p. m.]

Subchapter B—Wage Stabilization Board

[General Wage Procedural Regulation, Amdt. 3]

GENERAL WAGE PROCEDURAL REGULATION

ORGANIZATION OF REGIONAL BOARDS; TERRITORY OF ALASKA

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this Amendment 3 to the General Wage Procedural Regulation (16 F. R. 10018) is hereby issued.

AMENDATORY PROVISION

Section 2.2 (a) is amended by substituting for Paragraph XIII the following:

XIII. (Seattle): Idaho, Oregon, Washington, Territory of Alaska.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board on June 3, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6626; Filed, June 17, 1952; 8:49 a. m.]

[General Wage Regulation No. 19, Revised]

GWR 19—HEALTH AND WELFARE PLANS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this General Wage Regulation No. 19, Revised is hereby issued.

STATEMENT OF CONSIDERATIONS

On December 23, 1951, the Board issued GWR 19 and Board Resolution 78, governing the establishment of new plans and the amendment of existing plans providing for certain health and welfare benefits. Based upon its experience in administering this policy, the tripartite Health and Welfare Committee, established by the Wage Stabilization Board pursuant to GWR 19, unanimously recommended to the Board on May 29, 1952 the adoption of the basic policy set forth in this revision of GWR 19.

Health and Welfare plans are so varied that detailed requirements in terms of benefits, costs, or a combination of these and other factors unduly limit the parties in their choice of a plan which is best adapted to their particular needs. This amended regulation, like GWR 21 dealing with pension plans, sets up a limited number of basic requirements which health and welfare plans must meet to qualify for approval. Otherwise, it permits a wide area within which employers, or employers and unions, may determine for themselves the provisions of new or amended plans. The regulation provides, however that the Board shall disapprove any plan which it deems to be unstabilizing. The report and review procedure will prevent institution of health and welfare plans which are unstabilizing.

Parties desiring to establish or amend plans covered by this regulation are required to file a report on a prescribed form with the Board. The report will be acknowledged and, unless the parties are notified to the contrary within 30 days after the date of the letter of acknowledgement, they may thereupon put the plan into effect as of the effective date provided for in the plan. Reports of plans providing health and welfare benefits not specifically listed in this regulation, or providing benefits which may appear, on preliminary review, to be unstabilizing are treated as petitions for specific Board approval and the parties will be notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

Section 6 provides continuing review of this regulation by a tripartite committee. Should that experience indicate

the need for further changes in Board policy, such changes will be made in sufficient time to prevent impairment of the wage stabilization program.

In the formulation of this regulation, the Board has given due consideration to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended. This amended regulation has received the approval of the Economic Stabilization Administrator.

REGULATORY PROVISIONS

Sec.
1. New or amended health and welfare plans.
2. Extension of existing plans.
3. Procedure for modification of existing prepayment plans by an organization.
4. Plans required under Federal or state law.
5. Reporting and waiting period provisions.
6. Tripartite Health and Welfare Committee.
7. Relationship to other regulations and resolutions.
8. Definitions.
9. Plan in effect on or before January 25, 1951 or thereafter approved by the Board.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong. Interpret or apply Title IV, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.; E. O. 10233, Apr. 21, 1951, 16 F. R. 3503, 3 CFR, 1951 Supp.

SECTION 1. *New or amended health and welfare plans.* An employer, or an employer and union, as the case may be, may put into effect a new health and welfare plan or modify an existing plan to provide one or more of the health and welfare benefits defined below, subject to the reporting and review provisions of section 5.

(a) *Temporary disability and paid sick leave.* Cash payments which indemnify an employee for wage loss while disabled by any injury or illness, including paid sick leave.

(b) *Hospital expense.* Partial or complete payment of expenses incurred by an employee or his dependents for (1) hospital room and board charges, other than private accommodations, and (2) other hospital costs, typically called "extras" or "miscellaneous charges".

(c) *Surgical expense.* Partial or complete payment of surgical expenses incurred by an employee or his dependents, including surgical care in obstetrical cases.

(d) *Medical expense.* Partial or complete payment of medical expenses incurred by an employee or his dependents, other than those expenses covered by surgical or hospital expense benefits.

(e) *Group life insurance.* A benefit, payable upon the death or permanent and total disability of an employee, provided on a group term or equivalent basis.

(f) *Accidental death and dismemberment.* A benefit payable upon the accidental death or dismemberment of an employee.

SEC. 2. *Extension of existing plans.* An employer, or an employer and union, as the case may be, may, subject to the reporting and review provisions of section 5, extend an existing health and welfare plan, without modification.

(a) To smaller employment units within the same plant or establishment, or,

(b) From a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer.

Such extension may be made even though the plan does not conform to the definitions contained in section 1.

SEC. 3. *Procedure for modification of existing prepayment plans.* An organization offering a standard prepayment hospital expense, surgical expense or medical expense plan, which modifies any such plan, may file a petition for approval of the modified plan with the Wage Stabilization Board, Washington 25, D. C. Such petition shall be considered by the Health and Welfare Committee, established in section 6.

Upon approval of the modified plan, employers, or employers and unions, are authorized to put such approved plan into effect for employees covered by the existing plan without filing the report required under section 5,

(a) If employee contributions have been previously established on a percentage basis, such percentage is not decreased, or

(b) If employee contributions have been previously established on a fixed basis, such amount is not decreased.

SEC. 4. *Plans required under Federal or State law.* An employer, or an employer and union, as the case may be, may put into effect without prior Board approval, and without regard to the reporting and review provisions of section 5, a new health and welfare plan or an amendment to a health and welfare plan required by Federal or State law.

SEC. 5. *Reporting and waiting period provisions.* (a) Parties wishing to put a health and welfare plan into effect shall file details of the plan, on a prescribed form, directly with the Wage Stabilization Board, Washington 25, D. C., and they will be notified by letter that the report has been received.

(b) Unless the parties receive a further communication pertaining to such plan from the Board within 30 days from the date of the acknowledgement letter, they may put such plan into effect as of the effective date of the plan.

(c) Reports of plans which do not satisfy the requirements of sections 1 or 2, or which may appear, on preliminary review, to be unstabilizing, shall be treated as petitions for Board approval, and the parties notified accordingly. Such plans may not be put into effect unless and until the parties receive notification of Board approval.

SEC. 6. *Tripartite Health and Welfare Committee.* There is hereby established a tripartite committee, to be called the Health and Welfare Committee. This Committee shall review cases which do not meet the definitions in section 1 or which may appear to be unstabilizing. The Committee shall perform such other functions as the Board may determine. The Committee shall review this Regulation in the light of experience hereunder and shall report to the Wage Stabilization Board its actions and recommendations from time to time.

SEC. 7. *Relationship to other regulations and resolutions.* (a) Health and Welfare benefits, as defined in this regulation, may be established or modified only in accordance with the procedure set forth herein. Such benefits may not be put into effect through an unexpended balance, available under the self-administering provisions of GWR 6 or under any other Board regulation or resolution.

(b) Benefits hereafter approved by the Board under this regulation will not be charged against increases permissible under any other Board Regulation or resolution.

(c) Employers who have established or modified any benefit covered by this regulation, under the provisions of GWR 6, subsequent to January 25, 1951, and before the date of this regulation, may petition the Board for the elimination of the cost of such benefit from the amount chargeable against the permissible general wage increase under GWR 6, to the extent that such benefit was so charged.

SEC. 8. *Definitions*—(a) *Plan.* The word "plan", as used in this regulation, shall include, but shall not be limited to, health and welfare benefits provided by means of any of the following: Insurance through a stock, mutual, or cooperative organization; a prepayment organization; a self-insured plan administered by the employer, the employees, their representatives, or a third party; or any combination thereof.

(b) *Employee.* For the purposes of this regulation, the term "employee" includes retired employees.

SEC. 9. *Plan in effect on or before January 25, 1951, or thereafter approved by the Board.* Nothing in this regulation shall be construed to prevent the continuance or renewal of a health and welfare plan which was in effect on or before January 25, 1951, or thereafter approved by the Wage Stabilization Board.

Board Resolution 78 "Review Criteria to be used by the Staff for Processing Health and Welfare Plans", is hereby rescinded.

NOTE: The reporting requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board on June 4 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6637; Filed, June 17, 1952; 8:49 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 1 as Amended June 16, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 1—TREATMENT OF PURCHASE ORDERS BEARING CERTAIN ALLOTMENT SYMBOLS

This amended direction to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended direction consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. Treatment of authorized controlled material orders bearing certain allotment symbols.
3. Additional tonnage for authorized controlled material orders bearing certain allotment symbols.
4. Certification and identification.
5. Expiration.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction requires steel distributors to accept authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z-2, in preference to other authorized controlled material orders, whenever the particular product ordered may be filled from the inventory of a steel distributor. It provides that the minimum tonnage required to be shipped by producers to steel distributors under NPA Order M-6A must be increased upon certification by a steel distributor that he is entitled to additional tonnage because of deliveries by him from inventory on authorized controlled material orders bearing allotment symbols N-8 or Z-2.

SEC. 2. *Treatment of authorized controlled material orders bearing certain allotment symbols.* Each steel distributor is hereby required to accept authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z-2, in preference to other authorized controlled material or other purchase orders, whenever the particular product ordered may then be filled from the inventory of such steel distributor. This requirement is subject to the right of a steel distributor to reject any such order if the person seeking to place such order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment, and is also subject to the provisions of section 4 of CMP Regulation No. 4.

SEC. 3. *Additional tonnage for authorized controlled material orders bearing certain allotment symbols.* (a) Commencing January 21, 1952, a steel distributor who, during the months of November and December 1951, has delivered any one or more steel products from his inventory to fill authorized controlled material orders bearing the allotment symbol N-8 or Z-2 may place a purchase order or orders in accordance with the provisions of paragraph (c) of this section requiring shipment to him of a tonnage of each such steel product equivalent to $12\frac{1}{2}$ percent of the total tonnage of such product so delivered on such N-8 or Z-2 orders during the months of November and December 1951. The tonnage of any product determined by the percentage specified in the preceding sentence is hereinafter called "additional tonnage."

(b) In any month commencing with February 1952, a steel distributor who, during the calendar month immediately preceding such month, has delivered any one or more steel products from his inventory to fill authorized controlled material orders bearing the allotment symbol Z-2 may place a purchase order or orders in accordance with the provisions of paragraph (c) of this section requiring shipment to him of a tonnage of each such steel product equivalent to 25 percent of the total tonnage of such product so delivered on Z-2 orders during such preceding calendar month. The tonnage of any product determined by the percentage specified in the preceding sentence shall be hereinafter called "additional tonnage."

(c) Each producer is hereby required to accept any purchase order or orders from a steel distributor customer for additional tonnage under and pursuant to the provisions of this section, and identified and certified as required by section 4 of this direction; and any such additional tonnage shall be in addition to the tonnage required to be shipped by such producer to such steel distributor customer pursuant to section 4 of NPA Order M-6A. Orders placed pursuant to this section with producers must be placed in accordance with the lead times for the various steel products set forth in Schedule III of CMP Regulation No. 1, as amended from time to time, and in conformance with NPA Order M-6A and any other applicable NPA orders and regulations. If more than one producer supplied a steel distributor with any steel product, an additional tonnage of which steel product he is entitled to receive hereunder, such steel distributor shall order from each such producer a proportion of the total additional tonnage of such steel product which such distributor is entitled to order under paragraphs (a) and (b) of this section based on the proportion that the base tonnage of such steel product supplied to him by each producer bears to the total base tonnage of such steel product supplied by all producers.

SEC. 4. *Certification and identification.* (a) In ordering additional tonnage of steel products from producers pursuant to section 3 of this direction, each steel distributor is hereby required to identify each purchase order as a Direction 1, M-6A order. Such identification shall be placed or stamped on each purchase order in a prominent place so that the order may readily be identified as a Direction 1, M-6A purchase order.

(b) In ordering additional tonnage of steel products from producers pursuant to section 3 of this direction, each steel distributor is hereby required to certify said purchase order in the following form:

Certified under Direction 1 to NPA Order M-6A

Such certification shall be signed as provided in NPA Reg. 2, and shall constitute a representation that, subject to the criminal penalties provided for in applicable statutes of the United States, the steel distributor is authorized by the provisions of section 3 of this direction to place such purchase order and that the amount ordered is within the total additional tonnage authorized by that section.

SEC. 5. *Expiration.* This direction shall expire on December 31, 1952. The expiration of this direction on December 31, 1952, shall not relieve any person of any obligation or liability incurred hereunder, nor deprive any person of any rights received or accrued prior to said date, it being the intent hereof that steel distributors may place orders with producers for additional tonnage pursuant to section 3 of this direction until December 31, 1952.

This direction shall take effect June 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6726; Filed, June 16, 1952; 4:28 p. m.]

[NPA Order M-45, Schedule 1, Revocation]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 1—NAPHTHENIC ACID

REVOCATION

Schedule 1 (16 F. R. 2880) to NPA Order M-45 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Schedule 1 to NPA Order M-45, nor deprive any person of any rights received or accrued under that schedule prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect June 17, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6740; Filed, June 17, 1952; 11:17 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 8]

[Rent Regulation 2, Amdt. 7]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

RENTS RECEIVED SUBJECT TO REFUND

Effective June 18, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 96 of Rent Regulation 1 is amended to read as follows:

SEC. 96. *Rents received subject to refund.* If the Director finds, in cases where the maximum rent is established under section 91, 93, 94, 95 or 101, that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under section 157 or 162 may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under section 157 or 162 is issued in a proceeding commenced by the director within 3 months after the date of filing of such registration statement. If a refund is required by the order under section 157 or 162, such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

[F. R. Doc. 52-6679; Filed, June 17, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 7]

[Rent Regulation 4, Amdt. 1]

RR 3—HOTELS

RR 4—MOTOR COURTS

RENTS RECEIVED SUBJECT TO REFUND

Effective June 18, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 84 (b) of Rent Regulation 3 is amended to read as follows:

(b) Where the maximum rent is established under section 47, 48, 49 or 53, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or successor landlord of the duty to refund the excess rent for any rental period during which the landlord or successor landlord neither negligently failed nor deliberately refused to register. The landlord or successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

* * * * *

2. Section 157 (b) of Rent Regulation 4 is amended to read as follows:

(b) Where the maximum rent is established under section 51, 53 or 55, and the Director finds that the landlord or any successor landlord knew of his obligation to register and negligently failed or deliberately refused to do so, the rent received for any rental period commencing on or after the date the maximum rent was established under any such section, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under this section: *Provided, however,* That the order under this section may relieve the landlord or any successor landlord of the duty to refund the excess rent for any rental period during which the landlord or any successor landlord neither negligently failed nor deliberately refused to register. The landlord or any successor landlord shall have the duty to refund only if the order under this section is issued in a proceeding commenced by the Director within 3 months after the date of the filing of such registration statement. If a refund is required by the order under this section such amount shall be refunded to the tenant within 30 days after the date of the issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 2.

* * * * *

[F. R. Doc. 52-6680; Filed, June 17, 1952; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In § 1.518, paragraph (c) is amended to read as follows:

§ 1.518 *Addresses of claimants.* * * *

(c) When an address is requested that may not be furnished under §§ 1.500 to 1.526, the person making the request will be informed that a letter, or in those cases involving judicial actions, the process or notice in judicial proceedings, enclosed in an unsealed envelope showing no return address, with the name of the addressee thereon, and bearing sufficient postage to cover mailing costs will be forwarded by the Veterans' Administration. If a request indicates that judicial action is involved in which a process or notice in judicial proceedings is required to be forwarded, the Veterans' Administration will inform the person who requests the forwarding of such a document that the envelope must bear sufficient postage to cover mailing and registry costs, including cost of obtaining receipt for the registered mail when transmission by this type special mail is desired. At the time the letter, process, or notice in judicial proceedings is forwarded, the station return address will be placed on the envelope. When the receipt for registered mail or the undelivered envelope is returned to the Veterans' Administration, the original sender will be notified thereof; however, the receipt or the envelope will be retained by the Veterans' Administration. This provision will be applicable only when it does not interfere unduly with the functions of the service or division concerned. In no event will letters be forwarded to aid in the collection of debts.

2. Sections 1.522 and 1.523 are revised to read as follows:

§ 1.522 *Determination of the question as to whether disclosure will be prejudicial to the mental or physical health of claimant.* Determination of the question when disclosure of information from the files, records, and reports, will be prejudicial to the mental or physical health of a claimant, beneficiary, or other person in whose behalf information is sought will be made by the chief medical director, central office; chief medical officer in the regional office or center; or the chief, professional service of a hospital, or their physician designates.

§ 1.523 *Veterans' Administration installation from which authorized disclosure will be made.* Where disclosure of information from the files, records, reports, and other papers and documents pertaining to claims filed with the Veterans' Administration is not restricted, such disclosure shall be made by the service, division, or activity in central office, district office, regional or Veterans' Administration office, hospital, or center having possession of the individual record or file from which the information is to be disclosed.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016; 38 U. S. C. 11a, 426. Interpret or apply sec. 30, 43 Stat. 615, as amended, 38 U. S. C. 456)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6696; Filed, June 17, 1952; 8:45 a. m.]

PART 3—VETERANS CLAIMS

COMPUTATION OF ANNUAL INCOME

In § 3.228, paragraph (b) (5) is added and paragraph (c) (10) is amended to read as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress.* * * *

(b) *Benefits excluded from computation.* In determining annual income, benefits received from the following sources will not be considered: * * *

(5) Where the claimant is being maintained in a rest home (including a convalescent or nursing home, a home for the aged, or other establishment of similar character), money paid to the home or to the claimant to cover the cost of maintenance, which is not in remuneration for services, is not to be considered income, regardless of whether it is furnished by a charitable organization (civic or governmental) or by a friend or relative.

(c) *Income included in computation.* In determining annual income, payments and benefits received from the following sources will be considered: * * *

(10) Charitable donations from any source (except see paragraph (b) (5) of this section).

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6597; Filed, June 17, 1952; 8:45 a. m.]

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

DEFINITIONS

In § 36.4501, paragraph (a) is amended to read as follows:

§ 36.4501 *Definitions.* * * *

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864 80th Congress, 2d Session (62 Stat. 1206), Public Law 475, 81st Congress, 2d Session (64 Stat. 48), Public Law 133, 82d Congress, 1st Session (65 Stat. 293), and Public Law 325, 82d Congress, 2d Session (66 Stat. 64). (38 U. S. C., Supp. 694, et seq.)

* * * * *

(Sec. 564, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective June 18, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-6598; Filed, June 17, 1952; 8:45 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 41—CONSTRUCTION, EXTENSION, ACQUISITION, OR OPERATION OF RAILROAD LINES

EXECUTION, FILING, AND DISPOSAL OF APPLICATION

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 26th day of May A. D. 1952.

There being under consideration Special Instructions Governing Applications under section 1 (18)–(20) of the Interstate Commerce Act, as amended, 49 U. S. C. 1 (18)–(20) for certificates authorizing the construction, extension, acquisition, or operation of lines of railroad (49 CFR Part 41):

It is ordered, That the section hereinafter indicated is hereby amended to read as follows:

§ 41.2 *Execution, filing, and disposal of application.* * * *

(b) The original application and nine copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted. Additional copies shall be furnished as directed by the Commission.

(c) Upon receipt of the application the Commission will transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three consecutive weeks in some newspaper of general circulation in each county in which any part of the line proposed to be constructed, acquired, or operated is located. Upon receipt of notice from the Commission that the application has been received and assigned a stated docket number, the applicant shall serve, by first class mail, a conformed copy of the application on the governor and public service commission of each State in which any part of the proposed construction, acquisition, or operation would be located, accompanied by a notice that if they desire to be heard in the matter they should advise the Commission within 20 days of their interest in the proceeding. A certificate of such service shall be filed with this Commission.

(d) The return to the questionnaire, as set forth in this part, (§ 41.5 et seq.), shall be filed with the Commission as soon practicable, but not later than six weeks after receipt of notice of the filing of the application. Action will not be taken on the application, and a hearing thereon, if considered necessary by the Commission, will not be ordered until after the return to the questionnaire shall have been received. The applicant shall serve a copy of the return to the questionnaire on each governor and public service commission to whom a copy of the application was sent. A certificate of such service shall be filed promptly with the Commission.

It is further ordered, That this order shall be effective July 1, 1952, and shall continue in effect until the further order of this Commission.

And it is further ordered, That, except as herein amended, the order of February 7, 1941 (6 F. R. 1304), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment will be given to the general public by posting copies in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (Sec. 1 (18) to (20) 43 Stat. 459; 49 U. S. C. (18)–(20))

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies 41 Stat. 476, as amended; 49 U. S. C. 1)

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6646; Filed, June 17, 1952; 8:55 a. m.]

PART 42—ABANDONMENT OF RAILROAD LINES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 26th day of May A. D. 1952.

There being under consideration Special Instructions Governing Applications under section 1 (18)–(20) of the Interstate Commerce Act, as amended, 49 U. S. C. 1 (18)–(20), for permission to abandon lines of railroad or operation thereof (49 CFR Part 42):

It is ordered, That the sections hereinafter indicated are hereby amended to read as follows:

§ 42.4 *Filing of application.* The original application and 10 copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted.

§ 42.5 *Notice of application.* Upon receipt of the application, the Commission will:

(a) Transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three (3) consecutive weeks in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. Copy of notice shall also be posted in a conspicuous place at each station on the line sought to be abandoned. If there is no station on the line sought to be abandoned, the notice shall be posted at the nearest agency station on the applicant's line. Proof of publication and posting of the notice shall be filed promptly by the applicant;

(b) Upon receipt of notice from the Commission that the application has been received and assigned a stated docket number, the applicant shall serve,

by first class mail, a conformed copy of the application on the governor and public service commission of each State in which any part of the line of railroad sought to be abandoned is situated, accompanied by a notice that if they desire to be heard in the matter they should advise the Commission within 20 days of their interest in the proceeding. A certificate of such service shall be filed promptly with this Commission.

RETURN TO QUESTIONNAIRE

§ 42.6 *Filing and verification.* The questionnaire to be answered by the applicant is set forth in § 42.9. The return to such questionnaire shall be prepared as provided in § 42.2, and shall be duly verified under oath by an officer or agent of the applicant thereunto properly authorized. The return to the questionnaire may accompany the application, but in any event shall be filed not later than six weeks after receipt of the notice referred to in § 42.5 (b) for publication. The original return, duly verified, accompanied by ten copies for the use of the Commission shall be filed with the Secretary of the Commission, Washington, D. C.

§ 42.7 *Service.* The applicant shall serve a copy of the return to the questionnaire on each governor and public service commission to whom a copy of the application was sent. A certificate of such service shall be filed promptly with the Commission.

It is further ordered, That this order shall become effective July 1, 1952, and shall continue in effect until the further order of this Commission.

And it is further ordered, That, except as hereby amended, the order of November 27, 1941 (6 F. R. 6211), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment will be given to the general public by posting copies in the Office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (Sec. 1 (18) to (20), 49 Stat. 543, as amended; 49 U. S. C. 1 (18)-(20))

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply 41 Stat. 476, as amended; 49 U. S. C. 1)

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6647; Filed, June 17, 1952; 8:55 a. m.]

PART 56—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

PROCEDURE

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23d day of May A. D. 1952.

There being under consideration rules and regulations governing applications under sections 20a and 214 of the Interstate Commerce Act, 49 U. S. C. 20a and 314, for authority to issue securities and assume obligation or liability in respect of the securities of others and the filing of certificates of notification and reports relating to such issue and assumption (49 CFR 1949 Ed., Part 56);

It is ordered, That paragraphs (b) and (c) of § 56.3 *Procedure* are hereby amended to read respectively as follows:

§ 56.3 *Procedure.* • • •

(b) The original application and supporting papers, six copies thereof for use of the commission, shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D. C., sufficiently in advance of the date of the proposed issue or assumption to give the commission reasonable time, not less than 30 days, for the notices and investigation required by law. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed, and the notarial seal may be omitted: *Provided*, That if unusual difficulties arise in the furnishing of any of the exhibits specified in paragraphs (a) to (f), inclusive, of § 56.2, the applicant may, with the consent of the commission, file not less than an original and two copies of such exhibit.

(c) Upon receipt of notice from the commission that the application has been received and assigned a stated docket number, the applicant shall by regular mail serve notice of the filing of such application upon, and file a copy of such application with, the governor of each state in which it operates or is authorized to do business, or in the case of holding companies, the governor of each state in which the applicant is incorporated or authorized to do business. A copy of such notice of filing shall also be served upon the public service commission or other appropriate authority of each such state. Such notice shall include a request that the governor, or other appropriate authority of the state, notify the commission within 15 days after the date upon which the application was filed with the commission if it is desired to make any representations or to be heard in the matter. A certificate of such notice and filing shall be filed promptly with the commission.

• • • • •

It is further ordered, That, except as hereby amended, the order of August 9, 1946 (11 F. R. 10120), by the Commission, Division 4, shall remain in full force and effect, and that notice of this amendment be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C. (41 Stat. 494, as amended, 49 Stat. 557, as amended; 49 U. S. C. 20a, 314).

And it is further ordered, That this order shall be effective July 1, 1952, and shall continue in effect until the further order of the commission.

(Sec. 12, 24 Stat. 383, as amended; 49 Stat. 546, as amended; 49 U. S. C. 546, as amended; 49 U. S. C. 12, 304. Interprets or applies sec. 439, 41 Stat. 494, as amended, 49 Stat. 557, as amended; 49 U. S. C. 20a, 314)

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6645; Filed, June 17, 1952; 8:54 a. m.]

[S. O. 884, Amdt. 1]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193), and good cause appearing therefor; It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent* of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary*

[F. R. Doc. 52-6648; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 885, Amdt. 1]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent* of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6649; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 886, Amdt. 1]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June, A. D. 1952.

Upon further consideration of Service Order No. 886 (17 F. R. 5194), and good cause appearing therefor: It is ordered, That:

Section 95.886 *Demurrage on cars held under load at Great Lakes ports* of Service Order No. 886 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a. m., June 16, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6650; Filed, June 17, 1952; 8:55 a. m.]

[S. O. 865-C]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102, 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby suspended until 7:00 a. m., July 1, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., June 16, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6678; Filed, June 17, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR PERSIAN (TAHITI) LIMES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Persian (Tahiti) Limes under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951) to supersede United States Standards for Persian (Tahiti) Limes effective May 1, 1939.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.272 *Standards for Persian (Tahiti) limes*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of Persian Limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have a good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 1 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 1 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 1 or U. S. No. 1 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(2) *U. S. No. 2.* U. S. No. 2 consists of Persian Limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 2 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 2 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 2 or U. S. No. 2 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(iii) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination Grade, but individual containers may have not less than 65 percent of the higher grade.

(b) *Unclassified.* Unclassified consists of Persian Limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(d) *Definitions.* (1) "Firm" means that the fruit is not soft or flabby.

(2) "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

(3) "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

(4) "Stylar end breakdown" is a physiological breakdown starting as a sunken area at the base of the nipple. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes light drab to drab but the area remains firm unless infected with secondary organisms that cause soft decay.

(5) "Damage" means any defect that materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(iii) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked), or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(iv) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(vi) Scale, when more than ten medium to large California red or purple scale adjacent to button at stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent;

(vii) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 5 percent of the fruit surface;

(viii) Scab which materially affects the shape or texture;

(ix) Blanching, when more than 10 percent of the surface of the fruit shows a whitish area owing to shading, resting on the surface of the ground, or contact with other fruits on the tree. These whitest areas are not to be confused with fruit that is turning, the color of which is more of a greenish yellow;

(x) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(xi) Buckskin, when more unsightly than the maximum of discoloration allowed, or the fruit texture is materially affected.

(6) "Good green color" means that the skin of that part of the lime free from permissible injury shall be of a good green color characteristic of the Persian variety.

(7) "Fairly firm" means that the fruit is not soft or excessively flabby.

(8) "Badly deformed" means that the fruit is seriously misshapen from any cause.

(9) "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(iii) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked), or depressions which aggregate more than 10 percent of the fruit surface;

(iv) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(vi) Scale, California red or purple scale concentrated as a ring or blotch when the average outside diameter exceeds one-half inch, or more than the equivalent of this amount when scattered over the fruit surface;

(vii) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(viii) Scab which seriously affects shape or texture;

(ix) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(x) Buckskin, when more unsightly than the maximum of discoloration allowed or the fruit texture is seriously affected.

Done at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6682; Filed, June 17, 1952; 8:57 a. m.]

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CANNED SWEET CHERRIES

EXTENSION OF TIME

Proposed revised United States Standards for Grades of Canned Sweet Cherries were set forth in the notice which was published in the FEDERAL REGISTER on April 29, 1952 (17 F. R. 3796).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until November 1, 1952, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revision of the United States Standards for Grades of Canned Sweet Cherries.

Done at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6681; Filed, June 17, 1952; 8:57 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A9]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Allerton Hotel, 1802 East Thirteenth Street, Cleveland, Ohio, beginning at 10:00 a. m., e. s. t., June 25, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area (7 CFR 975.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic conditions which relate to the proposed amendments hereinafter set forth:

The following amendment has been proposed by the Milk Producers Federation of Cleveland:

Proposal No. 1. Delete § 975.61 and substitute the following:

§ 975.61 *Class I milk prices.* The price to be paid by each handler f. o. b. his plant for the portion of skim milk and butterfat in milk received from producers and from an association of producers which is classified as Class I milk shall be computed by the Market Administrator as follows:

(a) Add to the basic formula price $1.10 during the months of May and June, $1.45 during the months of March, April, July and August and $1.90 during the months of January, February, September, October, November and December, and add or subtract a "supply-demand adjustment," computed as follows:

(1) Divide the total receipts of producer milk in the immediately preceding delivery period by the total gross volume of Class I milk for such period, multiply the result by 100, and round to the nearest whole number. The result will be known as the "current supply-demand relationship."

(2) Compute a net deviation of percentage by determining the difference between the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, and the "representative supply-demand index" shown below.

Delivery period for which Class I price is computed	Delivery period used to compute relationship	Representative supply-demand (index)
January	December	122
February	January	129
March	February	133
April	March	142
May	April	156
June	May	180
July	June	175
August	July	153
September	August	140
October	September	133
November	October	129
December	November	120

(3) Determine the amount of supply-demand adjustment from the following schedule:

Deviation points:	*Adjustment amounts (cents)*
+14 or more	−28
+13	−26
+12	−24
+11	−22
+10	−20
+9	−18
+8	−16
+7	−14
+6	−12
+5	−10
+4	−8
+3	−6
+2	−4
−1 or +1	0
−2	+4
−3	+6
−4	+8
−5	+10
−6	+12
−7	+14
−8	+16
−9	+18
−10	+20
−11	+22
−12	+24
−13	+26
−14 or more	+28

Provided, That with respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price shall be the amount set forth in this paragraph less 45 cents.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section multiplied by 120.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to (b) of this section by 0.035; (2) subtracting such amount from the amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

The following amendments have been proposed by the Cleveland Milk Market Survey Committee:

Proposal No. 2. Amend § 975.14 to read as follows:

§ 975.14 *Other source milk.* "Other source milk" means all skim milk and butterfat received at any pool plant other than from producers or other pool plants and all skim milk and butterfat received at a pool plant from any other pool plants in excess of the total amount received at the latter pool plant from producers; except skim milk and butterfat classified and priced as Class I under another Federal Order.

Proposal No. 3. Amend § 975.32 (b) to read as follows:

(b) If such plant furnished to a pool plant described in § 975.30 (a) or to a pool plant described in § 975.30 (b) for delivery to a pool plant described in § 975.30 (a) less than 10 percent of its dairy farm supply of milk and or butterfat in any month except April, May, June, or July and less than 50 percent of such supply during more than one of the months of October, November, December, and January: *Provided*, That upon receipt by the market administrator prior to the delivery period of a written request made by the handler, all pool plants operated by such handler shall be considered, for such delivery period, as one plant for the purpose of meeting the minimum percentage requirements of this paragraph: *And provided further*, That this paragraph shall not apply to the plant of the Milk Producers Federation of Cleveland.

Proposal No. 4. Amend § 975.51 (c) (1) to read as follows:

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce butter; butteroil, cheese (except cottage cheese); bulk condensed skim milk or whole milk (sweetened or unsweetened); evaporated or condensed milk (or skim milk) in hermetically sealed cans; casein; nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; and all skim milk and butterfat dumped or disposed of for livestock feeding.

Proposal No. 5. Amend § 975.56 (b) to read as follows:

(b) For the delivery periods of September, October, November, December, January and February, if the total pounds of butterfat received from producers and pool plants is less than 120 per cent of the total pounds of butterfat classified as Class I milk, not including reconstituted skim milk or Class I milk transferred to pool plants or nonpool plants subtract pro rata from the pounds of butterfat remaining in each class the pounds of butterfat received in other source milk.

Proposal No. 6. a. Amend § 975.61 to read as follows:

§ 975.61 *Class I milk prices.* The respective minimum prices per cwt. to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during a delivery period, which is classified as Class I milk, shall be as follows, as computed by the market administrator:

(a) Add to the basic formula price $1.85 for each monthly delivery period, subject to the following adjustment:

(1) When the producers' production is less than 120 percent of handlers' Class I utilization of producer milk, subtract the production percentage from 120 percent, multiply the difference by 3 cents, and add the result to the basic formula price plus $1.85 per hundredweight.

(2) When the producers' production is more than 120 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by percentage of producers' utilization in Class I, and subtract this amount from the basic formula price plus $1.85 per hundredweight.

(b) The price of butterfat shall be the amount obtained in paragraph (a) of this section, after making the adjustments in subparagraphs (1) and (2) of paragraph (a), multiplied by 20.

(c) The price of skim milk shall be computed by (1) multiplying the price of butterfat pursuant to paragraph (b) of this section by 0.035; (2) subtracting such amount from the adjusted amount obtained in paragraph (a) of this section; (3) dividing such net amount by 0.965; and (4) rounding off to the nearest full cent.

(d) With respect to Class I milk in sweet or sour cream for fluid consumption, the amount added to the basic formula price for each monthly delivery period shall be $1.40 per hundredweight subject to the same adjustment as is outlined in paragraphs (a) (1) and (2) of this section.

b. Amend § 975.62 to read as follows:

§ 975.62 *Class II milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association, during a delivery period, which is classified as Class II milk, shall be as follows, as computed by the market administrator:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60, multiplied by 120.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot prices per pound of spray process, non-fat dry milk solids, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That when the producers' production is more than 140 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by the percentage of handler's utilization of producer milk in Class II and then subtract this amount from the skim value in Class II.

c. Amend § 975.63 to read as follows:

§ 975.63 *Class III milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant, for skim milk and butterfat in milk received from producers or from a pool plant of a cooperative association during a delivery period, which is classified as Class III milk, shall be as follows, as computed by the market administrator:

(a) The price per hundredweight of butterfat shall be the average price of butterfat as computed pursuant to paragraph (b) (1), of § 975.60, multiplied by 110.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process, non-fat dry milk solids, in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture less 5.5 cents, multiplied by 8.5: *Provided*, That when the producers' production is more than 140 percent of handlers' Class I utilization of producer milk, subtract 120 percent from the producers' production percentage, multiply the difference by 2 cents, multiply the result by the percentage of handlers' utilization of producer milk in Class III and then subtract this amount from the skim value in Class III

Proposal No. 7. Delete paragraphs (j) (1) and (2) of § 975.22 and substitute the following in lieu thereof:

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he may deem appropriate the prices determined for each delivery period as follows:

(1) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 975.73, the butterfat differential computed pursuant to § 975.82 and the minimum class prices for Class I, Class II, and Class III milk computed pursuant to §§ 975.61, 975.62 and 975.63, respectively.

Proposal No. 8. In § 975.80 *Time and method of payment*, delete the word "15th day" in paragraph (c) and substitute in lieu thereof "18th day."

Proposal No. 9. In § 975.84 *Payments to the producer-settlement fund* delete the word "16th" in the first line and substitute in lieu thereof "18th".

Proposal No. 10. In § 975.85 *Payments out of the producer-settlement fund* delete the word "18th day" and substitute in lieu thereof "22d day."

Proposal No. 11. Amend § 975.62 (a) and (b) to read as follows:

(a) The price of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60 multiplied by 120.

(b) The price of skim milk shall be the simple average (using the midpoint of any price range as one price) of the carlot price per pound of spray process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area, for the weeks ending within the delivery period as reported by the Department of Agriculture, less 5.5 cents, multiplied by 8.5.

Proposal No. 12. Amend § 975.63 (a) and (b) to read as follows:

(a) The price per hundredweight of butterfat shall be the average price of butter as computed pursuant to paragraph (b) (1) of § 975.60, multiplied by 110.

(b) The price per hundredweight of skim milk shall be the weighted average of the carlot prices per pound of roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the delivery period by the Department of Agriculture, less 5.5 cents, multiplied by 8.5: *Provided*, That during the months of April, May, June and July the price shall be the amount set forth above in this paragraph, less 20 cents.

Proposal No. 13. Amend § 975.70 by deleting therefrom the last proviso, which reads as follows: "*And provided also*, That such handler shall be credited the difference between the applicable class prices for skim milk and butterfat and the highest of the Class III prices for skim milk and butterfat, respectively, with respect to milk or cream disposed of in fluid form during April, May, June or July, to a manufacturer of soup, candy or bakery products for use in such manufacturing operations."

Proposal No. 14. a. Amend § 975.71 *Location adjustments to handlers* so as to increase the adjustment for each zone provided therein the amount of 10 cents.

b. Amend § 975.81 *Location adjustments to producers* so as to increase the adjustment for each zone provided therein, except the 30 to 69 mile zone, in the amount of 10 cents; except that the amount of such adjustment shall be limited on a percentage basis to the actual amount of the adjustment allowed to handlers under § 975.71 on a market-wide basis; and amend § 975.73 and such other sections of the order which must be amended to effectuate the foregoing changes.

Proposal No. 15. Amend § 975.72 (a) to read as follows:

(a) For each delivery period the obligation to the producer-settlement fund for each handler (except a producer-handler) who operates a nonpool plant out of which a route is operated which extends into the marketing area, shall be computed by the market administrator by multiplying by the respective prices for skim milk and butterfat in Class I milk the total pounds of skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk, flavored milk drink, sweet or sour cream or any mixture of milk and cream within such delivery period on each such route, and subtracting therefrom an amount computed by multiplying such volume of skim milk and butterfat by the higher of the prices for skim milk and butterfat, respectively, in Class III milk.

Proposal No. 16. Amend § 975.90 (a) to read as follows:

(a) *Exempt milk.* Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal Milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this part, except that for any month for which the Class I milk price determined pursuant to § 975.61 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 18th day after the end of each month, with respect to all skim-milk and butterfat disposed during such delivery period as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 975.61 (b) and (c) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in paragraphs (b) and (c) of § 975.61, inclusive, to the highest Class I price provided by such other order.

Proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 17. Amend § 975.51 (c) (1) by adding after the word "lactose", the phrase, "flavored milk and milk drinks".

Proposal No. 18. Amend § 975.53 (a), (b) and (c) by deleting the words, "and as Class II milk if transferred as cream".

Proposal No. 19. Amend § 975.56 (a) by deleting the parenthetical phrase, "(other than butterfat in butter)".

Proposal No. 20. Make such other changes as may be required to make the marketing agreements and order in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 2163 East Second St., Cleveland 15, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-6665; Filed, June 17, 1952; 8:58 a. m.]

[7 CFR Part 991]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on proposed amendments to the order was held by the Production and Marketing Administration, United States Department of Agriculture, on December 4, 5 and 6, 1951, and on March 17 and 18, 1952. Proposals to amend the order were submitted by the Stephenson County Pure Milk Association, the Midwest Dairymen's Company, the Central Dairy Company, Inc., et al., the Union Dairy Farms and Volken Bros. Dairy, Inc., the Townview Dairy (Dakota, Ill.), and the Dairy Branch, Production and Marketing Administration.

The major issues presented on the record of the hearing and covered by this decision were whether the order should be amended to provide for:

(1) Revision of the price differentials (over the basic formula price) for Class I milk and Class II milk, as currently defined, and the establishment of a method of computing separate prices for skim milk and butterfat in each class (including present Class III milk);

(2) Reclassification of the products covered by the present Class II milk definition to Class I milk;

(3) Revision of the method of computing uniform prices to producers;

(4) Introduction of individual-handler pools in lieu of the present market-wide pool for the distribution of moneys due producers for milk produced;

(5) Elimination of the shrinkage allowance included in the lowest-priced class;

(6) Reduction in the size of the marketing area by removing the city of Freeport and its suburbs;

(7) Modification of the rules governing the transfer or diversion of milk, skim milk or cream by a handler to an unapproved plant;

(8) Revision of the definitions of "producer-handler" and "handler";

(9) The substitution of the average wholesale price of cheese at Wisconsin primary markets for the price of cheese presently used in computing the basic formula and Class III milk prices; and

(10) Certain changes of an administrative character.

The application for hearing submitted by the cooperative associations referred to above included a request that "emergency action" be taken with respect to their proposals. The notice of hearing contained a statement that "Consideration will be given also to the question of whether such (economic marketing) conditions require emergency action with respect to any or all amendments deemed necessary as the result of the hearing." No testimony was introduced to support emergency action with respect to any of the proposed amendments considered and no request for emergency procedure and findings in connection with the issuance of a decision was made. It is concluded that the evidence does not warrant the omission of a recommended decision concerning any of the amendments proposed, as set forth herein.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The price differential (over the basic formula price) for Class I milk should be modified; the butterfat differential applicable to the Class I milk price should be revised; and separate prices for skim milk and butterfat in each class should be computed and announced each month.

At the hearing convened in December 1951 producer associations proposed an increase of 12 cents per hundredweight in the Class I price differential, alleging such increase to be necessary to provide producers with a return for milk equivalent to that received by Chicago producers in the same production area, including the "premiums" which are being paid currently by Chicago handlers over and above the minimum uniform price for the 55–70 mile zone computed under the Chicago order. In this connection, it was testified that (a) proponents are incurring losses in the handling of the market's reserve supply which reduces the possible "pay-out" price to members below the price to nonmember producers and below the price (including premiums) received by neighboring Chicago producers, (b) the class price for fluid milk and cream should be restored to the level of the 55–70 mile zone under the Chicago order since principal competition from Chicago handlers originates at plants in such zone, (c) increasing production costs warrant a higher level of producer prices, and (d) the difference in accounting systems employed in the Chicago and Rockford-Freeport orders for computing the quantities of milk in Class I and Class II uses results, at the same class price levels, in a lower net return for Rockford-Freeport producers.

Producer associations in the market have assumed responsibility for diverting market supplies of milk in excess of those required by proprietary handlers to plants not regulated under the order. Such market reserves of milk are substantial in the season of flush milk production. In connection with the disposal of market milk reserves, the associations have incurred losses resulting in part from extra costs in transporting milk to manufacturing plants outside the marketing area and partly from prices received for such diverted milk which generally are lower than the Class III price level under the order at which such milk is accountable to producers. Such losses are estimated at 2 cents per hundredweight of milk produced annually by member producers. Handlers whom the associations regularly supply with milk customarily take from association members only the quantities which can be disposed of readily (mostly for fluid milk and cream trade) and do not incur any appreciable expense in connection with the handling of the market's reserve supply. There has been no direct charge to handlers as an addition to the class prices as reimbursement to the associations for such handling of reserve milk. Handlers, however, have paid premiums from time to time above the uniform price to bring the actual price to producers closer to (sometimes equivalent to) the prices realized by Chicago producers at plants in the 55–70 mile zone.

The Rockford-Freeport market is encompassed by the production area for the larger Chicago market. The city of Rockford is located approximately 85 miles from Chicago near the perimeter of zone 2 in the Chicago order zoning structure. Freeport is located about 30 miles further to the west of Chicago in zone 4 of the Chicago milkshed. Rockford draws its milk supply largely from an area included within the confines of Chicago zone 2 while Freeport's supplies are produced mainly in an area included within zones 3, 4 and 5 of the Chicago milkshed. The record shows also that these communities are closely competitive production-wise and from the standpoint of marketing within the Chicago milkshed although there is little interchange by handlers of either milk supplies or Class I sales between the cities of Rockford and Freeport. More than 50 percent of the fluid milk distributed in the city of Rockford originates at plants regulated by the Chicago order and located in the 55–70 and 70–85 mile price zones under the latter order. Milk and cream from Chicago-regulated plants are readily available to Rockford and Freeport handlers under Order No. 91 for distribution in fluid form. Such plants provide alternative sources of milk supply acceptable under the health requirements in effect in the marketing area and are used as such when local supplies are insufficient. Also, a Chicago-regulated plant was used for several months as a substitute outlet for Rockford-approved milk, which milk has been returned recently to a Rockford plant as part of the local handler's regular supply. In view of these circumstances, it has been concluded previously that, with the exception of the price adjustment described below, the Rockford and Freeport Class I prices should be similar to the zone prices for Class I milk under the Chicago order for similar locations. The losses incurred on handling market reserves as an expense to the cooperative associations do not provide a sufficient basis for adjustment of the Class I price level.

At the December session of the hearing some producer testimony also was directed to the matter of increasing production costs on the farm and their relation to the present level of producer prices. This testimony was offered in support of the proposed price increase but was not stressed to the same extent as that concerning the price relationship of the marketing area to Chicago.

It has been found in connection with the Chicago order that the minimum prices established therein are such prices as will reflect the price of feeds, supplies of feed, and other economic conditions which affect market supply and demand for milk, insure a sufficient quantity of pure and wholesome milk, and be in the public interest. As a part of the pricing mechanism of the Chicago market an "adjustment for trend" provision was provided to adjust prices automatically as the recent supply-sales relationship varies from the relationship which prevailed in a base period. The Rockford-Freeport order was amended July 1, 1951, to incorporate a similar provision therein. The decision issued by the Secretary on June 21, 1951, (official notice of which is taken), supported such provision with the finding that a proper price relationship between the two markets would require the same type of adjustment in price to be made to Rockford-Freeport producers because of the "high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas." It may be noted further from the present record that the weighted average uniform prices for Rockford-Freeport have been higher than the Chicago uniform prices for the 55–70 mile zone during 21 out of the 26 months Order No. 91 has been in effect. Over the same period, such Rockford-Freeport prices have exceeded Chicago uniform prices by an average amount of 5 cents per hundredweight. The number of producers, the average daily delivery of milk per producer, and the total producer supply in recent months have been maintained at a level comparable with the corresponding months a year ago and have kept pace with Class I sales during the past year.

At the reopened hearing on March 17–18, 1952, producer associations proposed Class I differentials of $0.60 for May and June; $1.40 for July through December; and $1.00 for all other months. This would amount to an average increase of approximately 40 cents per hundredweight. Such differentials were proposed in view of the Class I differentials proposed for Order 41 at a hearing held in Chicago March 11–14, 1952 just prior to the reopening of the hearing at Rockford. In this connection it was again testified at Rockford that Chicago order prices and Rockford-Freeport order prices should be closely aligned. A decision recommending an annual average increase in the Chicago Class I price differential of about 14 cents per hundredweight and a revised type of automatic price adjustment was issued May 15, 1952, by the Assistant Administrator, Production and Marketing Administration. Official notice of this decision is taken. For the reasons presented similar changes are appropriate in the Rockford-Freeport market as the basis of pricing Class I milk.

As stated previously, producers also pointed to the difference between the Chicago and Rockford-Freeport accounting systems for classifying fluid milk and cream and compared the effects of the two systems on net returns to producers. It was disclosed that the method of determining the volumes of milk and cream for classification and pricing purposes employed in the Chicago market results, based on utilization data for the Rockford-Freeport market for the most recent 12-month period, in an annual average uniform price approximately 3.3 cents per hundredweight higher than the system now in use in the Rockford-Freeport order. This occurs primarily because under the Chicago accounting system butterfat in cream is converted to its milk equivalent at a 3.5 percent butterfat test while under the Rockford-Freeport order, the amount of milk utilized in cream is computed on the basis of the actual weight of butterfat and skim milk contained in the product.

It is concluded from the record that to offset this difference in accounting systems, 4 cents should be added to the Class I price at "Rockford plants" (new definition in § 991.9). Thus, the minimum Class I price at such plants will be 4 cents per hundred weight higher than the Class I price for the price zone (70–85 miles from Chicago) under the Chicago order in which the city of Rockford lies. Similarly, the Class I price at "Freeport plants" (new definition in §991.10) should be 4 cents per hundredweight higher than the Class I price under the Chicago order for the price zone in which the city of Freeport lies. It is concluded further that class prices for Rockford-Freeport higher than those provided herein are not necessary to insure a sufficient market supply.

The amount of 4 cents per hundredweight discussed in the preceding paragraph which is applicable for both the Rockford and Freeport districts should be allocated to the price of butterfat in Class I milk since, as stated elsewhere, it is concluded that fluid cream should be added to Class I milk. This is accomplished through the Class I butterfat differential which is raised from 1.30 to 1.31 times the price per pound of Chicago wholesale butter, divided by 10. By this means the per hundredweight cost of handlers of Class I milk items other than cream will be left virtually unchanged. The cost of cream, although increased, will continue to be somewhat less than the cost of cream to Chicago handlers under the minimum price provisions of the Chicago order.

At the present time class prices are computed per hundredweight of milk. If the test of the particular class of milk is different from 3.5 percent, a butterfat differential is applied to the class price to ascertain the value of the milk in such class at its actual butterfat test. The testimony indicates that order application will be clarified if separate class prices for the skim milk and butterfat components in milk are computed and announced. Such separate prices are essential in making audit adjustments concerning classification where the adjustment may be related to skim milk or butterfat individually rather than to whole milk. At present it is necessary to derive separate skim milk and butterfat prices by adding an appropriate butterfat differential to the price per hundredweight of milk for use in billings related to audit adjustments, but such prices are not published. The proposal to compute and announce separate class prices for butterfat and skim milk relates to an administrative problem only and no objection or counter evidence was offered. Such a change would not of itself affect the cost to handlers for either class of milk. It is concluded that the proposed change should be adopted.

(2) Class II milk, as currently defined, should be combined with Class I milk; Class III milk should be redesignated as Class II milk to be priced in accordance with the present Class III price formula.

Producers proposed a merger of Class II milk and Class I milk at the Class I price level. It is the practice in this market to ship in as whole milk in fluid form all milk of producers needed in the marketing area for milk, cream and other products for which approved milk is required under local health regulations. Cream for use in the marketing area is not separated at country points but is made at plants in the marketing area. Some cream, however, is shipped into the market during times of shortage from the nearby market of Chicago and Chicago handlers distribute some cream, as well as milk, within the marketing area which is derived from milk covered by Order No. 41. The costs to Rockford-Freeport producers of producing milk for use as cream and other products now in Class II milk, insofar as the sanitary standards have any effect, are comparable to those of producing milk for Class I uses. From the standpoint of bulk and perishability there also is a high degree of comparability between the products now covered by each of such classes. Under present conditions, there is no significant difference in economic value between the skim milk and butterfat in Class I milk as compared with such Class II milk.

The reclassification adopted would increase the price of skim milk in products covered by the present definition of Class II milk by approximately 38 cents per hundredweight. The butterfat component of cream and other Class II products would not be increased in price to any appreciable extent by the proposed change since the butterfat differential for Class II milk has been the same as for Class I and the change in the butterfat differential adopted elsewhere in this decision for the newly defined Class I milk will have only slight effect upon the price of butterfat in such class. It may be noted also that the cost per hundredweight of cream as computed in accordance with the price provisions of the Chicago order is slightly in excess of the cost computed at the Class I prices for skim milk and butterfat under the Rockford-Freeport order. The reclassification does not place on Rockford-Freeport handlers a higher cost for skim milk and butterfat in cream than is paid by Chicago handlers. It is concluded that the proposed change in classification should be made.

This change makes appropriate the redesignation of Class III milk as Class II milk. However, no evidence was offered to change the price formula applicable to milk utilized in the products affected. Such milk will continue to be priced on the basis of the formula currently applied to Class III milk.

(3) The provisions for governing the computation of the uniform prices to producers should be revised.

The principal objective of "pooling" in an order is to distribute returns from the sale of milk equitably among producers. This is also one of the functions of the cooperative associations which represent producers. The record indicates that over a long period the cooperative associations in the Rockford-Freeport market not only have assumed major responsibility for the importation of supplementary supplies of milk for fluid use when necessary but also have assumed the burden of disposing of the daily and seasonal reserves of milk. Prior to the introduction of the market-wide pool in July 1951 the effect of the latter action by the associations, i. e., removing or diverting reserve milk to manufacturing plants, had been to raise the uniform price to the non-member producers whose milk remained in the plants of proprietary handler. This, in turn, reduced relatively the returns available for member producers and placed such producers at a price disadvantage with non-member producers. This was particularly significant to the Freeport association. Had the handlers who purchase milk from such association themselves diverted all the surplus to manufacturing channels, the returns from the sale of milk would have been distributed equitably among all their producers, including association members. The Rockford association was not affected to an important degree in this connection because virtually all producers delivering to Rockford plants are members of the association. Provisions for the payment to all producers (and associations of producers) delivering milk to all handlers of uniform prices for all milk so delivered irrespective of the uses made of such milk by the individual handler to whom it is delivered were introduced into the order in July 1951. These provisions were intended primarily to ameliorate the problem outlined. However, this pooling arrangement provided as well for equalization of returns between producers at Freeport plants and those at Rockford plants.

Freeport's milk supply is sufficient to cover the needs of Freeport handlers in the season of lowest production while at Rockford plants it has been customary to import supplementary supplies. The present record indicates that volume and cost considerations make it impractical for Rockford handlers to utilize reserve milk originating in the Freeport segment of the marketing area when supplementary supplies are needed. Thus, Rockford producers are sharing the higher value of their milk as utilized by Rockford handlers with Freeport producers without the practical possibility of using supplies received by Freeport handlers when shortages develop at Rockford. Without any adjustment in prices between the Rockford and Freeport plants the pool arrangement in operation has not been satisfactory and has resulted in the voluntary re-payment by the Freeport association to the Rockford association of amounts which assure the latter of approximately the total value of their milk as utilized by Rockford handlers. Also, the Rockford plants are affected to a greater extent in the procurement of milk supplies by the somewhat higher prices of Chicago handlers in the inner zones of the Chicago market. In view of these circumstances and customary price differences between Rockford and Freeport plants it is reasonable to provide an adjustment in the uniform price to producers which will result in distribution to Rockford producers of the higher utilization value of their milk as disposed of by Rockford handlers. It is concluded that an adjustment should be made in the uniform price computation which will accomplish such objective.

(4) A separate pool arrangement for each handler should not be adopted.

Rockford handlers proposed the adoption of individual-handler pools to replace the method of distributing among producers the returns due from the sale of their milk. This proposal has been considered in relation to the entire pooling problem and it is concluded that the plan discussed under (3) above will provide a more satisfactory method of distributing producer returns under present circumstances relating to the production and marketing of producer milk. In view of the adoption of the plan discussed under (3) above, the request for individual-handler pools is denied.

(5) The shrinkage allowance in Class III milk (to be redesignated Class II milk) should not be eliminated at this time.

Producer associations proposed elimination of the shrinkage allowance (2 percent maximum) on producer milk at the lowest class price. Under the proposal all losses of skim milk or butterfat would be priced as Class I milk.

This proposal was supported on the grounds that (a) the bulk of shrinkage experienced by Rockford-Freeport handlers results from fluid milk and cream operations since only small volumes of milk are received by such handlers for Class III purposes, (b) the manufacturing price formula applicable to Class III milk allows for the inevitable shrinkage, or loss, which occurs in the processing of milk products, and (c) the classification of milk according to use would be simplified. Handlers opposed the reclassification of the shrinkage allowance mainly on the basis that the distributor of milk in the Rockford market with the greatest volume of sales is regulated under the Chicago order and is permitted a shrinkage allowance at the lowest class price provided by the latter order.

Considered independently of other issues there is some merit to the basis on which the shrinkage proposal was submitted. However, a substantial amount of evidence was introduced into the record by producers in support of the proposition that the Class I cost (per hundredweight) of milk to handlers under the Rockford-Freeport order should be made as comparable as possible to that of the competing Chicago handler referred to above who distributes approximately 50 percent of the bottled milk sold in the city of Rockford. The price proposals presented by producers appear to have this as a main objective and the price and classification changes adopted elsewhere in this decision have been designed with such an aim in mind. It does not appear that the proposed change would assist in improving such cost relationship between handlers under different orders. It is concluded that the shrinkage allowance in question should not be changed at this time.

(6) The size of the marketing area should not be changed.

Rockford and Freeport handlers proposed elimination of the city of Freeport and its environs from the marketing area covered by the order. Producers supplying Freeport, however, urged the continuance of regulation covering the Freeport market and testified as to the benefits received from the order.

In support of their position handlers testified that there is little interchange of milk between Rockford and Freeport and that conditions affecting the production and marketing of producer milk are not comparable for the two areas. The record shows, however, that both communities are within the milkshed of Chicago and have highly similar problems in relation to the latter market. In view of the expansion of the latter market salewise in recent years, a high degree of integration exists among the three markets. It may not be concluded from the record that the three markets are completely separate and distinct in their marketing problems. The amendments adopted should remove the principal objections of the Rockford handlers to a single order covering both communities. Interruption of the benefits which Freeport producers gain from the regulation was not justified on the record. The request for the elimination of Freeport and its suburbs from the marketing area therefore is denied.

(7) The provisions governing the classification of milk, skim milk and cream transferred or diverted by a handler to an unapproved plant should be modified and clarified.

The current provisions governing transfers and diversions of milk, skim milk and cream to unapproved plants located within 100 miles of the marketing area provide that milk or skim milk so moved shall be Class I milk and cream moved shall be Class II unless certain prescribed conditions are met. One of these conditions is the filing of a claim in writing by the handler on or before the 8th day after the end of the delivery period in which the transaction occurred of other utilization of the transferred or diverted item based on written statements by both buyer and seller as to actual use. Experience with this type of provision has shown that it is not always practicable for the receiver to file a statement of utilization in time for use in connection with the monthly pool computation. Since the provision adopted prescribes a definite basis for an audit and ultimate classification at the unapproved plant, it does not appear necessary to involve the buyer with the necessity of making a written statement of utilization to the market administrator within a prescribed period of time. If the handler makes a report of utilization with respect to such milk, skim milk or cream in connection with his regular report of receipts and utilization, the information necessary to the pool computation will be available. It is concluded, therefore, that in dealing with such movements within this market where the ramifications of such movements are not extensive, written statements of utilization concerning such transferred items other than the handler's regular monthly report pursuant to § 991.30 need not be required.

The transfer provisions under consideration should be revised further to insure consistency with the change in classification terminology adopted elsewhere in this decision and to clarify such provisions in certain details.

(8) The definitions of "producer-handler" and "handler" should not be revised so as to provide for certain requested exemptions.

One distributor proposed a revision of the definition of "producer-handler" to include (a) any person who receives milk other than his own production or milk purchased from a blood relative or a relative by marriage, and (b) any operator of an approved plant who processes less than 2500 pounds of milk per day. It was proposed also that the definition of a "handler" be revised to specifically exclude any plant operator who processes less than 2500 pounds of milk per day.

If orderly marketing is to be accomplished and equitable treatment given to those regulated, it is necessary that the order be administered fairly and impartially as to all handlers regardless of size or family relationship. The producer-handler who handles only milk of his own production maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed by another person (handler). For this reason and because the administrative burden would be increased without assisting in a substantial measure to the stability of the market for other producers, those persons who are producer-handlers in fact have been made exempt from regulation other than for certain reporting requirements. The expansion of activity by a producer-handler through the purchase of milk from another person places him in direct competition purchase-wise with other handlers for milk supplies and the person from whom milk is purchased is placed in the same category as other producers. To exempt a producer-handler who receives milk from other producers might well place such producer-handler in a position to purchase supplies of milk at a price advantage in relation to his competitors in the distribution of milk. Moreover, uniform pricing treatment, as provided by the statute, is required for all producers regardless of any family relationships which may be involved between buyer and seller. Similarly, an exemption based upon the handling of less than 2500 pounds of milk per day (or 75,000 pounds per month) would be a disturbing element in a market of the size of Freeport and might well result in creating a difficult competitive situation for other handlers under the regulation.

Petitioner contended further that he could not comply with the order because the cost of record-keeping involved is prohibited to his operations. This contention may not be considered an appropriate reason for exemption since the order places no obligation on the petitioner different from those applicable to handlers generally. In view of the foregoing considerations, it is concluded that the definitions of "producer-handler" and "handler" should not be changed.

(9) The average wholesale price of cheese ("Cheddars") at Wisconsin primary markets as computed and reported by the United States Department of Agriculture should be substituted for the average wholesale price of cheese ("Cheddars") on the Wisconsin Cheese Exchange in the computation of the basic formula price.

The quotation for cheese at Wisconsin primary markets is reported 4 days a week and is based on actual sales of cheese. The Wisconsin Cheese Exchange meets only once a week so that the price determination based on sales or bids and offers for cheese on such Exchange is reported only once a week. The volume of cheese sold on the Wisconsin Cheese Exchange generally is small in relation to the total volume of cheese sold at Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made on the Wisconsin Cheese Exchange. Frequently, it has been necessary to use either bids or offers rather than prices from actual sales for order purposes. Since the Wisconsin primary markets quotation has been available there have been only few instances when sufficient sales have not been made on which to base a report. In view of these facts it is concluded that the price of cheese at Wisconsin primary markets is the more representative report to use for price formula purposes.

The types of transaction on which the two cheese prices discussed above are based are similar—both are for the same type of cheese and are for cheese loaded for shipping at assembling points. The quotations differ, however, in that the price at primary markets includes a charge for certain services such as packaging and assembling while these charges are not included in the Exchange price but are made as a separate charge to the purchaser. The primary markets price customarily is higher than the Exchange price. In the last year or two the difference has averaged about 1.3 cents per pound. Since no evidence was submitted to show that the basic formula price should be increased, 1.3 cents should be deducted from the primary markets price to result in a level comparable with the Exchange price.

(10) Certain changes of an administrative character should be made.

The amendments adopted require revision of certain other provisions in order to provide consistency of language and effect. It is concluded that these and other minor revisions should be made for the purpose of clarification. Among these is the elimination of the definition of "delivery period." All accounting, reports, price computations and payments are made on a monthly basis. The terms "month" and "monthly" used throughout the order in their ordinary and usual meaning as referring to one of the twelve divisions of the year (such as February, June, August, etc.) remove the need of such definition. However, the use of the terms "month" and "monthly" within the text of the order shall not be construed to prevent the issuance by the Secretary of any amendment to the order to be effective on any day of a month.

A suggestion was made at the hearing to allow two days' additional time for the payment of moneys due to or due from the producer-settlement fund and due to producers and associations under the market-wide pool because of unavoidable mail delays. This suggestion has been adopted. This action necessarily requires changes in the dates by which payments must be made by handlers to producers and cooperative associations.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of the Central Dairy Co., et al., Townview Dairy (Rockford and Freeport handlers), the Midwest Dairymen's Company, and the Stephenson County Pure Milk Association. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

DEFINITIONS

§ 991.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 991.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 991.3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 991.50, 991.54 and 991.81.

§ 991.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 991.5 *Cooperative Association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 991.6 *Rockford-Freeport marketing area.* "Rockford-Freeport marketing area" hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Rockford, Loves Park and Freeport, together with the territory lying within the Townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, and Florence, Harlem, Lancaster and Silver Creek, in Stephenson County, all in the

State of Illinois. "Rockford district" of the marketing area shall include the territory lying within the corporate limits of the cities of Rockford and Loves Park, and within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, Illinois. "Freeport district" of the marketing area shall include that portion of the marketing area not included in the Rockford district.

§ 991.7 *Route.* "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail shop(s) other than to a milk processing or distributing plant(s).

§ 991.8 *Approved plant.* "Approved plant" means a milk processing or distributing plant approved by the appropriate authorities for the distribution of Grade "A" milk under the milk ordinance of any municipality in the marketing area or under the Grade "A" milk and Grade "A" milk products law of the State of Illinois, and from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or milk products to be labeled Grade "A".

§ 991.9 *Rockford plant.* "Rockford plant" means an approved plant (a) located within the Rockford district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Rockford district.

§ 991.10 *Freeport plant.* "Freeport plant" means an approved plant (a) located within the Freeport district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Freeport district.

§ 991.11 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 991.12 *Handler.* "Handler" means any of the following:

(a) The operator of an approved plant in his capacity as such;

(b) The operator of an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(c) Any cooperative association with respect to milk of producers caused to be diverted for its account from an approved plant to an unapproved plant from which no route is operated wholly or partially within the marketing area, which milk of producers shall be deemed as having been received by such cooperative association.

§ 991.13 *Producer.* "Producer" means either of the following:

(a) "Grade A producer" means any person, except a producer-handler, who under inspection of the appropriate health authorities of any of the municipalities of the marketing area, or of the State of Illinois, produces milk approved by such authority for distribution as Grade "A" milk within the marketing area, which milk is received at an approved plant, or is diverted by a cooperative association for its account from an approved plant to an unapproved plant; or

(b) "Non-Grade A producer" means any person, except a producer-handler, who produces milk which is received at an unapproved plant from which a route is operated wholly or partially within the marketing area.

§ 991.14 *Producer milk.* "Producer milk" means either of the following:

(a) "Grade A producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in § 991.13 (a); or

(b) "Non-Grade A producer milk" means milk of one or more producers produced and received under the conditions set forth in § 991.13 (b).

§ 991.15 *Other source milk.* "Other source milk" means skim milk or butterfat received at an approved plant, or at an unapproved plant from which a route is operated wholly or partially within the marketing area, except that contained in (a) producer milk, (b) receipts from other handlers, (c) receipts from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area of items listed herein as Class I milk in packaged or bottled form ready for delivery to consumers, which are disposed of in the original package in which received, and (d) any non-fluid milk product received from a non-handler and disposed of in the form in which received.

§ 991.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a route wholly or partially within the marketing area, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 991.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 991.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 991.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 991.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 991.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not (1) made reports pursuant to §§ 991.30, 991.31 or 991.32, (2) maintained adequate records and facilities pursuant to § 991.33, or (3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in such class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices pursuant to §§ 991.50, 991.51 and 991.53 and the butterfat differentials for each class pursuant to § 991.52, and

(2) On or before the 11th day after the end of such month, the uniform prices computed pursuant to § 991.71 and the butterfat differential computed pursuant to § 991.81 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 991.30 *Monthly reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such month of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk, and the sources thereof;

(b) The product pounds of Class I and Class II milk received in packaged or bottled form ready for delivery to consumers from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, and disposed of in the form in which received;

(c) The product pounds of non-fluid milk products received from any nonhandler and disposed of in the same form;

(d) The utilization of all receipts required to be reported under paragraphs (a) and (b) and (c) of this section; and

(e) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 991.31 *Producer payroll reports.* On or before the 25th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association and (c) the nature and amount of all deductions and charges involved in the payments referred to in paragraph (b) of this section.

§ 991.32 *Reports by producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 991.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 991.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 991.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk, or from another handler shall be classified by the market administrator pursuant to the provisions of §§ 991.41 through 991.46.

§ 991.41 *Classes of utilization.* Subject to the conditions set forth in § 991.43 and § 991.44 the skim milk and butterfat described in § 991.40 shall be classified separately by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(1) Disposed of (except as provided in paragraph (b) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture which contains cream and milk or skim milk (not including ice cream mix) and not less than 6 percent butterfat, and eggnog, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; and

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

(2) In actual plant shrinkage of producer milk computed pursuant to § 991.42, but not in excess of 2 percent thereof;

(3) In inventory variation of milk, skim milk, cream or of any Class I milk product;

(4) In skim milk, flavored milk, flavored milk drink or buttermilk dumped or disposed of for livestock feed; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 991.42.

§ 991.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk after deducting receipts from other handlers.

§ 991.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 991.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the regulated plant of another handler (except a producer-handler) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 991.46 (a) (2), and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk: *And provided further*, That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk (other than allowable shrinkage) is assigned in the plant of the transferee-handler, after application of the allocation provisions of § 991.46.

(b) As Class I milk if moved in the form of milk, skim milk, or cream to (1) a producer-handler, or (2) any unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(c) According to his reported utilization, if moved in the form of milk, skim milk or cream to any unapproved plant

from which no route is operated wholly or partially within the marketing area and which is not a plant covered by paragraph (b) of this section: *Provided*, That (1) the receiver (operator of the unapproved plant) maintains books and records showing the utilization of all skim milk and butterfat received at such plant from all sources, (2) if the reported utilization is Class II milk, the quantity of skim milk or butterfat transferred or diverted which may be allowed in such class shall not exceed the total amount of skim milk or butterfat, respectively, which the market administrator can establish definitely on the basis of such books and records as having been used by the receiver in Class II milk (as defined in § 991.41) in the month in which the milk, skim milk or cream so moved was received in the unapproved plant, and (3) any quantity in excess of such established Class II use shall be Class I milk: *And provided further*, That if such books and records are not made available to the market administrator at his request, the total quantity of skim milk and butterfat contained in the milk, skim milk or cream transferred or diverted by the handler shall be Class I milk.

§ 991.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 991.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(1) Subtract plant shrinkage of skim milk in producer milk pursuant to § 991.41 (b) (2) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk, skim milk or cream, in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 991.44; and

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 991.50 *Class I milk prices.* (a) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk, shall be the price as determined for the month for the 55–70 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(b) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the price determined for the month for the 85–100 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(c) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (a) of this section, less 10 cents.

(d) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (b) of this section, less 10 cents.

§ 991.51 *Class II milk price.* The minimum price per hundredweight, on a 3.5 percent butterfat basis, for producer milk classified as Class II milk shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator for the month pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for such month to farmers for milk containing 3.5 percent butterfat content delivered during such month at each of the following listed manufacturing plants or places for which prices are reported to the Department or to the market administrator:

Companies and Location
Borden Co., Black Creek, Wis.
Borden, Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during such month, by 6;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the month, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide such sum by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during such month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of such month by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

§ 991.52 *Class butterfat differentials.*—(a) *Class I milk.* Multiply by 1.31 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter in the Chicago market as reported by the Department for the month preceding that in which the producer milk to be priced was received and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, and divide the result by 10.

§ 991.53 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 991.50 and 991.51) less the result of multiplying the applicable class butterfat differential for the month (§ 991.52) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

APPLICATION OF PROVISIONS

§ 991.60 *Producer-handlers.* Sections 991.40 through 991.46, 991.50 through 991.55, 991.70 through 991.72, and 991.80 through 991.84, shall not apply to a producer-handler.

§ 991.61 *Milk subject to pricing under other Federal orders.* Except as follows, milk priced under any other Federal milk marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall not be subject to the provisions of this subpart:

(a) If such milk is disposed of on a route wholly or partially in the marketing area operated by or for a person subject to regulation as a handler under another order, such person shall report as requested by the market administrator, but shall not otherwise be considered a handler under this subpart;

(b) If such milk is received at the regulated plant of a handler subject to the provisions of this subpart in any form other than those stated in § 991.15 (c) and (d), it shall be considered as other source milk; or

(c) If the provisions of the order for the other milk marketing area provide for determination as to the order under which milk shall be priced, the Secretary shall so determine.

§ 991.62 *Uniform price and producer payment provisions.* Sections 991.70, 991.71, 991.72, and 991.80 through 991.84 shall be applied separately to (a) producer milk received at, or diverted by a cooperative association from, Rockford plants, and (b) producer milk received at, or diverted by a cooperative association from, Freeport plants: *Provided*, That under both (a) and (b) of this section, further separation shall be made for the purposes of §§ 991.40 through 991.46, 991.70 through 991.72, and 991.80 through 991.84 with respect to non-Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each month by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and the pounds of butterfat in each class for such handler pursuant to § 991.46, by the applicable skim milk and butterfat prices computed pursuant to § 991.53, adding together the resulting amounts, and adding to this sum the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to §§ 991.46 (a) (5) and 991.46 (b) by the applicable skim milk and butterfat prices.

§ 991.71 *Computation of uniform Price.* For each month the market administrator shall compute separate "uniform prices" per hundredweight for producer milk (3.5 percent butterfat content) for Rockford plants and for Freeport plants, as follows:

(a) Combine into one total the values computed pursuant to § 991.70 (and subject to the provisions of § 991.62) for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding month;

(b) Subtract, if the weighted average butterfat test of producer milk represented is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by multiplying the difference from 3.5 percent of such weighted average butterfat test, by the producer butterfat differential computed pursuant to § 991.81 and multiplying the resulting figure by the total hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the applicable producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87: *Provided*, That for the first month for which § 991.62 is effective the amount which was deducted pursuant to § 991.71 (e) for the preceding month shall be added under this paragraph on a pro rata basis according to the quantities of producer milk represented by paragraphs (a) and (b) of § 991.62;

(d) Divide by the hundredweight of producer milk; and

(e) Subtract not less than 4 cents but less than 5 cents (adjusting to the nearest full cent) from the amount per hundredweight computed under paragraph (d) of this section.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

PAYMENTS

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the applicable uniform price for such month pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month not less than the value of such milk computed at the applicable uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of producer milk (§ 991.70) received by such handler during such month is greater than the total of amounts to be paid pursuant of § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk (§ 991.70) received by such handler during each month is less than the sum of amounts due pursuant to §§ 991.80, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary from time to time may prescribe, with respect to producer milk

(including such handler's own production) and other source milk (excluding that subject to administrative expense assessment under another Federal milk marketing agreement or order issued pursuant to the act) received during such month.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each month shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records or accounts disclose errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 991.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the market involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 991.90 *Effective time.* The provisions of this subpart or any amendments to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 991.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 991.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 991.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 991.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 991.95 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 13th day of June 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-6684; Filed, June 17, 1952, 8:58 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 675]

MINIMUM WAGE RATES IN LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On December 12, 1951, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 417, apointed Special Industry Committee No. 11 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the lumber and wood products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates, (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on March 15, 1952 (17 F. R. 2285-2288) and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on April 24, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding, and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for a minimum wage rate of 42 cents per hour in the lumber and millwork division, and 38 cents per hour in the furniture, woodenware and miscellaneous wood products division, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled, "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 11 for Puerto Rico for Minimum Wage Rates in the Lumber and Wood Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to approve the recommendations of the Committee for this industry and revise this part to read as set forth below to carry such recommendations into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

Sec.
675.1 Wage rates.
675.2 Notices of order.
675.3 Definitions of the lumber and wood products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 675.1 *Wage rates.* (a) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the lumber and millwork division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the furniture, woodenware, and miscellaneous wood products division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 675.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the lumber and wood products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 675.3 *Definitions of the lumber and wood products industry in Puerto Rico and its divisions.* (a) The lumber and wood products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill and planning and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other wooden ware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity included in the rubber, straw, hair and related products industry (as defined in Administrative Order No. 417 (16 F. R. 12912) appointing Special Industry Committee No. 11 for Puerto Rico), or in the metal, plastics, machinery, instrument, transportation equipment, and allied industries; the handicraft products industry; the paper, paper products, printing, publishing, and related products industry; the construction, business service, motion picture, and miscellaneous industries; or the button, buckle, and jewelry industry (as defined in the wage orders for these industries in Puerto Rico).

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Lumber and millwork division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(2) *Furniture, woodenware and miscellaneous wood products division.* This division shall consist of the manufacture of all products in the lumber and wood products industry as defined in paragraph (a) of this section, except those products coming within the lumber and millwork division as defined in subparagraph (1) of this paragraph.

Signed at Washington, D. C., this 11th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6609; Filed, June 17, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

SALMON RIVER, IDAHO

POWER SITE CLASSIFICATION NO. 424

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

BOISE MERIDIAN

T. 25 N., R. 1 E.,
Sec. 11, lot 9, NW¼SE¼;
Sec. 14, SE¼SE¼;
Sec. 22, NE¼NE¼;
Sec. 26, SE¼NW¼.
T. 26 N., R. 1 E.,
Sec. 12, SW¼SW¼;
Sec. 23, SE¼SW¼.
T. 27 N., R. 1 E.,
Sec. 14, SW¼SE¼;
Sec. 22, SW¼NW¼;
Sec. 23, SE¼SW¼.
T. 28 N., R. 1 E.,
Sec. 15, NE¼SW¼;
Sec. 26, NE¼SW¼.
T. 29 N., R. 1 E.,
Sec. 10, lot 1.
T. 24 N., R. 2 E.,
Sec. 12, lot 1, SW¼SE¼;
Sec. 13, lots 2, 3, and 6, NE¼NW¼, and SW¼NW¼ (less 12½ acres);
Sec. 14, lots 1 (less 2½ acres), and 2, NW¼SW¼;
Sec. 18, SW¼NE¼, and NE¼SE¼;
Sec. 20, lots 4, and 5, NW¼NE¼, and SE¼NE¼;
Sec. 21, lots 2, 5, and 7, NE¼SW¼, and N½SE¼;
Sec. 22, lots 1, 6, 7, and 8, NW¼SW¼.
T. 24 N., R. 3 E.,
Sec. 11, SE¼SE¼;
Sec. 12, SW¼SW¼; NE¼SE¼, and S½SE¼;
Sec. 13, SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 14, N½NW¼, and N½SE¼;
Sec. 15, lots 1, and 2 (unpatented portions), SE¼NE¼;
Sec. 21, NE¼NE¼, NW¼, and SE¼SE¼;
Sec. 22, NW¼NE¼, NE¼SW¼, and SW¼SW¼;
Sec. 24, NE¼NW¼, and NW¼SE¼;
Sec. 28, NW¼NE¼;
Sec. 29, N½N½.
T. 24 N., R. 4 E.,
Sec. 3, SE¼SE¼;
Sec. 16, W½SW¼;
Sec. 17, SE¼SE¼.
T. 24 N., R. 5 E.,
Sec. 1, lot 1;
Sec. 5, lots 1, and 4;
Sec. 6, lot 1, SE¼NE¼.
T. 24 N., R. 6 E.,
Sec. 1, lots 5, 6, and 7, NW¼SE¼;
Sec. 2, NW¼SW¼;
Sec. 3, SE¼NW¼, and N½SE¼;
Sec. 12, lots 1, and 2;
Sec. 13, SE¼NE¼.
T. 7 N., R. 13 E.,
Sec. 25, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, S½SE¼;
Sec. 35, NE¼;
Sec. 36, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 7 N., R. 14 E.,
Sec. 8, lots 1, and 2, SE¼SW¼, and N½SE¼;
Sec. 9, W½NW¼, and SW¼;
Sec. 16, NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, lots 1, 2, 3, 5, 6, 7, 8, and 9;
Sec. 18, S½SE¼;
Sec. 19, lots 1, 4, 5, 6, and 8, NW¼NE¼;
Sec. 20, lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, and NW¼SE¼;
Sec. 29, lot 1, SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, and 5, SE¼SW¼.
T. 14 N., R. 18 E.,
Sec. 2, lots 3, and 4, SW¼NE¼, SE¼NW¼, and N½SW¼;
Sec. 3, NE¼SE¼.
T. 14 N., R. 26 E.,
Sec. 1, lot 4, SW¼NW¼, and SW¼;
Sec. 3, SW¼NW¼, and W½SW¼;
Sec. 10, W½NE¼, and NE¼NW¼;
Sec. 12, W½NW¼.
T. 31 N., R. 1 W.,
Sec. 31, lot 6;
Sec. 32, lots 1, and 2, SW¼SE¼.
T. 31 N., R. 2 W.,
Sec. 6, NW¼SE¼;
Sec. 20, SW¼NW¼.
T. 21 N., R. 3 W.,
Sec. 29, SW¼NE¼, N½NE¼NE¼NW¼, SE¼NE¼NE¼NW¼, NW¼NE¼NW¼, S½NE¼NW¼, E½SW¼NW¼, N½SE¼NW¼, W½SW¼SE¼NW¼, and SE¼SE¼NW¼.
T. 31 N., R. 3 W.,
Sec. 12, lots 3, and 4;
Sec. 24, NE¼NW¼;
Sec. 25, SE¼NW¼, and SE¼SE¼;
Sec. 27, NW¼NW¼;
Sec. 32, NE¼NE¼;
Sec. 33, SW¼NE¼, and SE¼NW¼.

The area described aggregates 7,236.56 acres.

THOMAS B. NOLAN,
Acting Director.

JUNE 3, 1952.

[F. R. Doc. 52-6604; Filed, June 17, 1952; 8:45 a. m.]

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JUNE 6, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Nevada land district, embracing approximately 40 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 66

For lease and sale for homesites only:

T. 21 S., R. 61 E., M. D. M.
Sec. 32, SE¼NW¼.

The lands are situated in Clark County, Nevada, 12 miles south of the City of Las Vegas, Nevada. Las Vegas is one of the largest towns in the State of Nevada and has all of the usual facilities, such as schools, churches, hospitals, business establishments, etc. They are in an area famous for recreational activities, and the climate is considered ideal from a winter resort standpoint. Summer temperatures are quite high.

2. As to applications regularly filed prior to 11:00 a. m., May 26, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $150.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-6605; Filed, June 17, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

HUGO SALES COMMISSION COMPANY, HUGO, OKLA.

DEPOSTING OF STOCKYARD

It has been ascertained that the Hugo Sales Commission Company, Hugo, Oklahoma, originally posted on November 30, 1949, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 12th day of June 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-6617; Filed, June 17, 1952; 8:47 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 15, Docket No. 17]

N. G. SLATER CORP. ET AL.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 2d day of June 1952, before Philip E. Hoffman, Esquire, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951; and

The respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and the National Production Authority being represented by William E. Kennedy, Assistant Regional Counsel, and the respondents being represented by their attorney, Sidney N. Gitelman; and

The respondents, by their attorney, having entered into a stipulation, dated May 22, 1952, wherein they admitted that they did commit each of the acts charged by the statement of charges filed herein by the General Counsel, dated April 25, 1952; and

The respondents having fully stipulated that the said stipulation be filed in lieu of the presentation of other evidence in support of, and in opposition to, the statement of charges, the following findings of fact as stipulated by the parties hereto are found:

Findings of fact. 1. On October 26, 1950, December 6, 1950, December 26, 1950, January 9, 1951, February 26, 1951, April 17, 1951, and May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, committed acts prohibited by National Production Authority Regulation 2, section 11.4 (b) dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), November 16, 1950 (15 F. R. 7875), and January 11, 1951 (16 F. R. 352), to wit: Respondents applied DO ratings to the purchase of 200,000 pounds of primary polyethylene which was 159,000 pounds more of said material than said respondents were authorized to rate.

2. Respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, committed acts prohibited by National Production Authority Regulation 2, section 11.17 (a) dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), November 16, 1950 (15 F. R. 7875), January 11, 1951 (16 F. R. 352), and February 27, 1951 (16 F. R. 1951), to wit:

(a) On or about June 1, 1951, respondents used and disposed of 10,000 pounds of prime polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

(b) Between December 5, 1950, and July 31, 1951, respondents used and disposed of 100,000 pounds of prime polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

Conclusions. 1. During the period October 26, 1950, to May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, violated the provisions of National Production Authority regulations, orders, and directives as hereinbefore cited, as follows:

The application of DO ratings to the purchase of 200,000 pounds of primary polyethylene which was 159,000 pounds more of said material than said respondents were authorized to rate.

2. On or about June 1, 1951, and during the period December 5, 1950, and May 15, 1951, the respondents, N. G. Slater Corporation, and Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater as officers and individually, violated the provisions of National Production Authority regulations, orders, and directives as hereinbefore cited as follows:

The use and disposal of 110,000 pounds of primary polyethylene obtained by the application of DO ratings for a purpose other than that for which the rating assistance was given.

In order to correct the unauthorized use of primary polyethylene occasioned by the violations found herein, and in order to prevent future violations of the National Production Authority's regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That all priority assistance be withdrawn and withheld from N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater, for a period of six (6) months commencing June 6, 1952.

2. That all allocations and allotments of material be withdrawn and withheld from N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater, for a period of six (6) months commencing June 6, 1952.

3. That the acquisition and use of primary polyethylene be prohibited to N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater for the duration of the Defense Production Act of 1950, its amendment or extension.

4. That the acquisition, use, and disposal of controlled materials and materials under control be prohibited to N. G. Slater Corporation, its successors and assigns, Nathaniel G. Slater, Sidney Slater, Hyman Slater, and Benjamin Slater for a period of three (3) months commencing June 6, 1952.

Issued this 6th day of June 1952.

THE NATIONAL PRODUCTION AUTHORITY,
By PHILIP E. HOFFMAN,
Hearing Commissioner.

[F. R. Doc. 52-6741; Filed, June 17, 1952; 11:17 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 111]

LEA COUNTY, NEW MEXICO; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong.; Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Pub. Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated May 14, 1952, that the Lea County, New Mexico, area (this area consists of Lea County, New Mexico) is a critical defense housing area, and in view of the defense housing program announced for the said area on June 6, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lea County, New Mexico, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS S. SHEARER,
Acting Administrator.

JUNE 11, 1952.

[F. R. Doc. 52-6608; Filed, June 17, 1952; 8:46 a. m.]

Office of Price Stabilization

[Region I, Redelegation of Authority 42]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of May 31, 1952.

JOSEPH M. MCDONOUGH,
Director of Regional Office No. I.

JUNE 13, 1952.

[F. R. Doc. 52-6657; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7 AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961), this Amendment 1 to Redelegation of Authority 1, Revision 1, is hereby issued.

Paragraph 1 of Redelegation of Authority 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, District Offices of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall take effect on June 14, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 13, 1952.

[F. R. Doc. 52-6658; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 16, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 16 is hereby issued.

Redelegation of Authority No. 16 is amended to include a new paragraph 3 to read as follows:

3. Authority to act under section 4 (d) of CPR 101, as amended. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey District Offices of Price Stabilization to act under section 4 (d) of CPR 101 as amended.

This redelegation of authority shall take effect on June 14, 1952.

JAMES G. LYONS,
Director of Regional Office No. II

JUNE 13, 1952.

[F. R. Doc. 52-6659; Filed, June 13, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority 38]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and the Newark and Trenton, New Jersey, District Offices of Price Stabilization to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b) and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect on June 14, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 13, 1952.

[F. R. Doc. 52-6660; Filed, June 13, 1952; 4:48 p. m.]

[Region III, Redelegation of Authority 1, Amdt. 1 to Revision 2]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority 5, Revision 1, Amendment 1 (17 F. R. 4961), this amendment to Redelegation of Authority No. 1, Revision 2, is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 2, is amended to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 10, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

JUNE 13, 1952.

[F. R. Doc. 52-6661; Filed, June 13, 1952; 4:48 p. m.]

[Region IV, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 5, Revision 1, as amended (17 F. R. 98, 4961), this Amendment 1 to Region IV Redelegation of Authority No. 1, Revision 1 (17 F. R. 1197) is hereby issued.

Paragraph 1 of Region IV Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This Amendment 1 to Redelegation of Authority No. 1, Revision 1, shall take effect on June 30, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

JUNE 13, 1952.

[F. R. Doc. 52-6662; Filed, June 13, 1952; 4:48 p. m.]

[Region IV, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 30, 1952.

W. F. BAILEY,
Director of Regional Office No. IV.

JUNE 13, 1952.

[F. R. Doc. 52-6663; Filed, June 13, 1952; 4:48 p. m.]

[Region V, Redelegation of Authority 22, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 5, Revision 1, Amendment 1 (17 F. R. 4961), this amendment to Redelegation of Authority No. 22 is hereby issued.

Paragraph 1 of Redelegation of Authority No. 22 is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the district offices of the Office of Price Stabilization, Region V, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office, No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6664; Filed, June 13, 1952; 4:49 p. m.]

[Region V, Redelegation of Authority 36]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 66 (17 F. R. 4193), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, to receive and examine reports filed under the provisions of section 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6665; Filed, June 13, 1952; 4:49 p. m.]

[Region V, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Acting Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 9, 1952.

CHARLES B. CLEMENT,
Acting Director of Regional Office No. V.

JUNE 13, 1952.

[F. R. Doc. 52-6666; Filed, June 13, 1952; 4:49 p. m.]

[Region VII, Redelegation of Authority 25, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 1 to Redelegation of Authority No. 25 (17 F. R. 1241), is hereby issued.

Redelegation of Authority 25 is amended by inserting a new paragraph 3 to read as follows:

3. *Authority to act under section 4 (d) of CPR 101, as amended.* Authority is hereby redelegated to the Directors of the Chicago, Indianapolis, Green Bay, Milwaukee, Peoria, and Springfield District offices of Price Stabilization to act under section 4 (d) of CPR 101, as amended.

This Amendment 1 to Redelegation of Authority No. 25 shall take effect on June 14, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JUNE 13, 1952.

[F. R. Doc. 52-6667; Filed, June 13, 1952; 4:49 p. m.]

[Region VII, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Chicago, Indianapolis, Green Bay, Milwaukee, Peoria, and Springfield District Offices of Price Stabilization to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect on June 14, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JUNE 13, 1952.

[F. R. Doc. 52-6668; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 1, Amdt. 1 to Revision]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 5, Amendment 1 to Revision 1, dated May 29, 1952 (17 F. R. 4961), this Amendment 1 to Region VIII, Redelegation of Authority No. 1, Revised (17 F. R. 457) is hereby issued.

Paragraph 1 of Region VIII Redelegation of Authority No. 1, Revised, is amended to read as follows:

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 3, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6669; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 15, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 2 to Delegation of Authority 38, dated June 3, 1952 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 15 (17 F. R. 262) is hereby issued.

Redelegation of Authority No. 15 is amended by adding a new paragraph 3 to read as follows:

3. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under section 4 (d) of CPR 101, as amended.

This Amendment 2 to Redelegation of Authority No. 15 shall take effect as of June 4, 1952.

LOUIS G. DENAYER,
Acting Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6670; Filed, June 13, 1952; 4:49 p. m.]

[Region VIII, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 68, dated May 29, 1952 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 2, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JUNE 13, 1952.

[F. R. Doc. 52-6671; Filed, June 13, 1952; 4:50 p. m.]

[Region X, Redelegation of Authority 1, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961), this Amendment 1 to Region X Redelegation of Authority No. 1, Revision 1, is hereby issued.

Region X Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall take effect on June 13, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

JUNE 13, 1952.

[F. R. Doc. 52-6672; Filed, June 13, 1952; 4:50 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6425]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER SUPPLEMENTING ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its order entered June 10, 1952, supplementing order (17 F. R. 5202) authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary

[F. R. Doc. 52-6635; Filed, June 17, 1952; 8:50 a. m.]

[Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1739, G-1755, G-1797, G-1822, G-1932]

MISSISSIPPI RIVER FUEL CORP. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 10, 1952.

In the matter of Mississippi River Fuel Corporation, Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1755, and G-1932; St. Charles Gas Corp., Docket No. G-1739; Arkansas Louisiana Gas Company, Docket No. G-1797; Interstate Natural Gas Company, Inc., and Hope Producing Company, Docket No. G-1822.

On March 25, 1952, the Commission entered an order in the above-entitled proceedings, exclusive of the proceeding involving the application filed on April 4, 1952, by Mississippi River Fuel Corporation (Mississippi) in Docket No. G-1932, that consolidated the proceedings for purpose of hearing, and that provided that a public hearing be held commencing on May 12, 1952, concerning the matters involved and the issues presented by the applications and other pleadings filed in the proceedings, including but not limited to, as specified in subparagraphs (B) (i), (ii), and (iii) of the order, the matters of: "(i) Mississippi's actual and prospective capacities for the delivery and sale of natural gas, (ii) the need for, if any, change in Mississippi's service rules and regulations, now in effect upon an interim basis, to govern Mississippi's future deliveries and sale of natural gas, and (iii) the character, scope and provisions of any such changes to such service rules and regulations."

In the proceedings consolidated by the aforesaid order dated March 25, 1952, the Commission on May 15, 1952, entered an order denying the motion filed therein by Mississippi on May 5, 1952, requesting that the matters of St. Charles Gas Corp., Docket No. G-1739, and Arkansas Louisiana Gas Company, Docket No. G-1797, and the matters set forth in subparagraphs (B) (i), (ii) and (iii) of the said March 25, 1952, order, be severed and considered separately. Paragraph (B) of the aforesaid May 15, 1952, order provided as follows:

(B) The public hearing provided by the Commission's aforesaid order dated March 25, 1952, herein:

(i) Shall proceed forthwith to conclusion upon all matters involved in the above-entitled consolidated proceedings with the exception of the matters involving the applications of St. Charles Gas Corp. in Docket No. G-1739 and Arkansas Louisiana Gas Company in Docket No. G-1797, and with the exception of those matters specified in paragraph (B) (i), (ii), and (iii) of the aforesaid order dated March 25, 1952; and

(ii) Shall thereupon be postponed, subject to further order of the Commission, with respect to the excepted matters specified in the next preceding subparagraph hereof.

Pursuant to the said May 15, 1952, order, the hearing upon the excepted matters specified in paragraph (B) (i) of the order has been postponed; the hearing upon the other matters was concluded on May 15, 1952.

On April 4, 1952, in Docket No. G-1932, Mississippi filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the abandonment, relocation, construction and operation of certain natural gas transmission pipeline facilities, as described in said application now on file with the Commission and open for public inspection. Public notice of the filing of this application has been given, including publication in the FEDERAL REGISTER on May 1, 1952 (17 F. R. 3863). The proposed abandonment, relocation, construction and operation of the facilities applied for, according to the application, will have the effect of increasing Mississippi's "rated daily sales capacity" to 450,000 Mcf per day. Mississippi has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Petitions to intervene have been filed in the proceeding in Docket No. G-1932. Additionally, the applicants in Docket Nos. G-1739 and G-1797 have requested that hearings upon their applications be held with or at the same time that a hearing is held upon Mississippi's application in Docket No. G-1932. In the circumstances the proceeding in Docket No. G-1932 does not appear to be a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists to consolidate for purpose of hearing the proceedings heretofore consolidated for purpose of hearing in Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1739, G-1755, G-1797, and G-1822, as hereinafter provided and ordered.

The Commission orders:

(A) The proceeding in Docket No. G-1932 be and the same is hereby consolidated for purpose of hearing with the proceedings heretofore consolidated for such purpose in Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1739, G-1755, G-1797 and G-1822.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 5, 7, 15 and 16 of the Natural Gas Act, as amended, and pursuant to the Commission's rules of practice and procedure (18 CFR Part 1), a public hearing be held commencing on July 14, 1952, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning:

(i) The matters involved and the issues presented by the application and other pleadings filed In the Matter of Mississippi River Fuel Corporation, Docket No. G-1932;

(ii) The matters involved and the issues presented by the application and other pleadings filed In the Matter of St. Charles Gas Corp., Docket No. G-1739;

(iii) The matters involved and issues presented by the application and other pleadings filed In the Matter of Arkansas Louisiana Gas Company, Docket No. G-1797; and

(iv) The matters involved and issues related to Mississippi's actual and prospective capacities for delivery and sales of natural gas; the need, if any, for change in Mississippi's service rules and regulations, currently in effect upon an interim basis, to govern Mississippi's future deliveries and sales of natural gas; and the character, scope and provisions of any such changes to such service rules and regulations.

(C) The transcript of record in the proceedings held in Docket Nos. G-1281, G-1454, G-1490, G-1505, G-1510, G-1524, G-1653, G-1739, G-1755, G-1797, and G-1822, be and the same is hereby made a part of the record in the proceedings hereby consolidated for purposes of hearing: *Provided, however*, That this action shall be without prejudice to the issuance by the Commission of such order or orders in the proceedings as may from time to time appear to be appropriate and justified by the facts appearing of record.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6621; Filed, June 17, 1952; 8:49 a. m.]

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION AND ORDER

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its opinion and order entered June 10, 1952, prescribing rates in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6636; Filed, June 17, 1952; 8:51 a. m.]

[Docket No. G-1845]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 12, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its order entered June 10, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6637; Filed, June 17, 1952; 8:51 a. m.]

[Docket No. G-1968]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 12, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed on June 2, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 340 hp. compressor station near Atchison, Atchison County, Kansas.

Applicant proposes to utilize said facilities to provide sufficient gas at sufficient pressures to meet firm demands on its Atchison-Falls City system.

The estimated total over-all capital cost of the proposed facilities is $100,000 which Applicant proposes to pay for out of treasury funds or if necessary from available bank credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6618; Filed, June 17, 1952; 8:48 a. m.]

[Docket No. G-1972]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JUNE 12, 1952.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York City, New York, filed on June 4, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a metering and regulating station for the sale of natural gas to New York State Electric and Gas Corporation (New York State) at a point of connection on Applicant's transmission pipeline in the Village of DeRuyter, Madison County, New York.

Applicant proposes to sell and deliver natural gas to New York State for resale to domestic consumers in Oneonta and Norwich Districts in volumes not exceeding 400,000 Mcf annually and 4,000 Mcf on peak days in the fifth year of operation. New York State proposes to construct and operate approximately 48 miles of 10-inch and 8-inch pipeline extending from Oneonta and Norwich to Applicant's proposed metering and regulating station at DeRuyter, New York.

The estimated over-all capital cost of the proposed facilities is $35,920, which Applicant proposes to pay out of its general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6619; Filed, June 17, 1952; 8:48 a. m.]

[Project No. 1751]

PACKWOOD ELECTRIC CO.

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

JUNE 12, 1952.

Notice is hereby given that on March 25, 1952, the Federal Power Commission issued its order entered March 20, 1952, issuing new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6638; Filed, June 17, 1952; 8:51 a. m.]

[Project No. 2102]

WARRIOR RIVER ELECTRIC CO-OPERATIVE ASSOCIATION

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 12, 1952.

Public notice is hereby given that Warrior River Electric Co-operative Association, of Oneonta, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2102 to be located on Locust Fork of Black Warrior River in Blount County, Alabama, and consisting of two developments: One would include a concrete dam about 170 feet high above stream bed and 2500 feet long over-all including earth embankments located at approximately mile 475 above the mouth of the Black Warrior River, with adequate spillways and control gates, penstocks, and a powerhouse containing two generating units each having a capacity of 17,800 kilowatts; the other would include an earth dam about 2,400 feet long and about 140 feet high above the stream bed located at approximately mile 502 above the mouth of the Black Warrior River, with adequate concrete spillways and control gates, penstocks, and a powerhouse containing two generating units each having a capacity of 5,700 kilowatts. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before July 17, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6620; Filed, June 17, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA No. 56]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JUNE 17, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139 (82d) Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Portsmouth, New Hampshire-Kittery, Maine Area. (The area consists of Strafford County; the Towns of Brookfield and Wakefield in Carroll County; the Town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham, in Rockingham County all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine.)

Williston, North Dakota, Area. (The area consists of Williams County and that part of McKenzie County North of the South line of Township 150, all in North Dakota.)

Reedsport, Oregon, Area. (The area consists of the Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport and West Reedsport, including the City of Reedsport, all in Douglas County, Oregon.)

Ramey Air Force Base, Aguadilla, Puerto Rico, Area. (The area consists of the Municipalities of Aguadilla and Isabela in the northwest corner of the Island of Puerto Rico.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-6738; Filed, June 17, 1952; 10:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1429]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of June A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $3 Par Value, of General Dynamics Corporation, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 26, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6611; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-1656]

WISCONSIN RIVER POWER CO. ET AL.

SUPPLEMENTAL ORDER AUTHORIZING MODIFICATION OF STOCK PURCHASE AGREEMENT

JUNE 12, 1952.

In the matter of Wisconsin River Power Company, Wisconsin Public Service Corporation, Wisconsin Power and Light Company; File No. 70-1656.

The Commission by order dated January 29, 1948, having granted and permitted to become effective a joint application-declaration filed by Wisconsin River Power Company ("River"), then a newly organized corporation; Wisconsin Public Service Corporation, a public utility subsidiary of Standard Power and Light Corporation and Standard Gas and Electric Company, both registered holding companies; and Wisconsin Power and Light Company, then a public utility subsidiary of The Middle West Corporation and North West Utilities Company, also registered holding companies, pursuant to the applicable provisions of the act, regarding, inter alia, the issuance and sale by River of its common stock and the acquisition thereof by Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and an unaffiliated non-utility company in accordance with the terms of a stock purchase agreement; said stock purchase agreement having provided in substance that the acquiring companies would purchase in approximately equal shares sufficient stock of River to provide all the completed cost of certain hydroelectric plants to be constructed by River which was not provided by the proceeds of the issuance by River of its First Mortgage Bonds; and

Applicants-declarants having filed, pursuant to Rule U-24, a post-effective amendment proposing certain modifications of the stock purchase agreement which will, in effect, permit the use of River's retained earnings in lieu of the sale of additional stock in the event that the completed cost of the project may exceed the proceeds of River's presently outstanding securities, namely $10,000,000 of First Mortgage Bonds and $9,360,000 par value common stock; and

The Commission having examined said post-effective amendment and finding with respect to said application-declaration, as further amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the act, that said joint application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6612; Filed, June 17, 1952; 8:46 a. m.]

No. 119——6

[File No. 70-2804]

CENTRAL PUBLIC UTILITY CORP. AND CONSOLIDATED ELECTRIC AND GAS CO.

ORDER GRANTING JOINT APPLICATION CONCERNED WITH INDIRECT ACQUISITION BY PARENT HOLDING COMPANIES OF SECURITIES OF NON-AFFILIATED BUS CO.

JUNE 12, 1952.

Central Public Utility Corporation ("Central Public"), a registered holding company, and its direct and wholly owned subsidiary, Consolidated Electric and Gas Company ("Consolidated"), also a registered holding company, having filed with this Commission a joint application and amendments thereto, with respect to certain transactions which are summarized below:

Consolidated owns, among other things, all the capital stock of Carolina Coach Company ("Carolina"), a Virginia corporation engaged in motor bus transportation in the States of North Carolina and Virginia. Carolina proposes to purchase 8,215 shares, the entire issue, of common stock, $10 per share per value, of Red Star Motor Coaches, Inc. ("Red Star"), a motor bus transportation company serving Philadelphia, Pennsylvania; Wilmington, Delaware; Baltimore and Annapolis, Maryland; and Norfolk, Virginia. Red Star has a wholly owned subsidiary, Eastern Shore Transit Company, Incorporated ("Eastern Shore"), a bus transportation company serving the eastern shore of Maryland and Virginia.

The total purchase price for the common stock of Red Star, which is the only capital stock of the company, is to be $325,000. To assist it in financing this purchase, Carolina proposes to incur a bank loan of $250,000. This indebtedness is to be evidenced by an unsecured note or notes, payable in semi-annual installments over a period of five years, and bearing interest at a rate not to exceed 4 percent a year on the unpaid balance. Subsequent to the acquisition by Carolina of the capital stock of Red Star, it is proposed that Red Star and Eastern Shore be merged into Carolina.

It is represented that the above described transactions are subject, in whole or in part, to the jurisdiction of the State Corporation Commission of Virginia, the Public Service Commission of Maryland, the Public Service Commission of Delaware, the Pennsylvania Public Utility Commission, and the Interstate Commerce Commission. Applicants urge that because of Rule U-8, promulgated under the act, the only transactions subject to the jurisdiction of this Commission are the indirect acquisitions of the securities of Red Star and Eastern Shore by Central Public and Consolidated. The amended filing contains an order of the Interstate Commerce Commission, authorizing and directing Carolina to acquire the securities of Red Star, to effectuate the merger of Red Star and Eastern Shore into Carolina, and to borrow not to exceed $250,000 for the purpose of financing these transactions.

The Commission having issued a notice of filing pursuant to Rule U-23 and not having received a request for a hearing thereon within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions meet the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder, and that it is appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint application, as amended, be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6613; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-2670]

GULF POWER CO.

ORDER PERMITTING SUBMISSION OF BONDS TO COMPETITIVE BIDDING

JUNE 12, 1952.

Gulf Power Co. ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company, has filed an application-declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Gulf proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $7,000,000 principal amount of Firt Mortgage Bonds __ Percent Series due 1982, to be issued under and secured by Gulf's present Indenture, dated as of September 1, 1941, as last supplemented on April 1, 1949, and to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1952. The interest rate and the price to the company for the bonds will be determined by the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102¾ percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for improvements, extensions and additions to the company's property.

The filing states that the issuance and sale of the proposed new bonds have been approved by The Florida Railroad and Public Utilities Commission. Gulf requests that any order of this Commission granting the application-declaration, as amended, shall become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of

investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the sme hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-6614; Filed, June 17, 1952; 8:46 a. m.]

[File No. 70-2864]

SOUTHERN NATURAL GAS CO. AND MISSISSIPPI GAS CO.

NOTICE OF FILING BY A PUBLIC UTILITY COMPANY REGARDING THE SALE OF ITS UTILITY AND OTHER ASSETS

JUNE 12, 1952.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, and its public-utility company subsidiary, Mississippi Gas Company ("Mississippi"), have filed, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint declaration in respect of a proposal by Mississippi to sell its utility and other assets, and to liquidate and dissolve. Declarants designate Subdivisions (d), (c) and (f) of section 12 of the act and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than June 26, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held in respect of the matters proposed in said declaration, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing in respect of such matters. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 26, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt the proposed transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the declaration on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a contract dated May 26, 1952, Mississippi proposes, subject to approval by the Commission, to sell all of its property and assets, including certain leasehold interests, gas supply and other contract rights, but excluding cash, to Mississippi Valley Gas Company ("Valley"), a non-affiliate, for the sum of $3,320,981, plus or minus the amount of certain adjustments as at the closing date, and the assumption by Valley of certain tax liabilities, customer deposits, advances and contributions, and lease and contract obligations, of Mississippi relating to the property being sold.

Upon consummation of the proposed sale of assets, Mississippi proposes to pay its indebtedness, including outstanding bank debt, to distribute the remaining cash to its parent, Southern, in exchange for the surrender by Southern for cancellation of all of Mississippi's outstanding common stock, and to dissolve. It is stated that the sale price was determined by arm's length bargaining and is the only offer obtained after extended effort to procure a purchaser for the property. It is also stated that no fees, commissions, or other remuneration is to be paid by Southern or Mississippi in connection with the sale of said property, except legal fees and incidental expenses estimated at $2,000.

The declaration states that no state commission has jurisdiction over the proposed transactions, but that the Federal Power Commission has jurisdiction over the sale by Mississippi and the acquisition and operation by Valley of certain gas transmission facilities owned and operated by Mississippi, and that the requisite approval of that Commission will be obtained prior to the closing date.

Declarants request that the Commission enter an order, to become effective upon its issuance, permitting the declaration to become effective.

It is ordered, That a copy of this notice be mailed, by registered mail with return receipt requested, to applicants, Federal Power Commission, North Central Natural Gas District, Calhoun City, Mississippi, and to the mayors of the following cities: Amory, Aberdeen, Brookville, Columbus, Louisville, Macon, Meridian, Nettleton, Okolona, Starkville, Tupelo, and West Point, Mississippi.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6610; Filed, June 17, 1952; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ZOLTON GLUCK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zoltan Gluck, Herzlia, State of Israel; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Rosa (Gluck) Fedor, Abu Kabir "B" 383 3, State of Israel; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Edith (Egri) Schwarcz, Caracas, Venezuela; Claim No. 37563; $4,673.78 in the Treasury of the United States.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6640; Filed, June 17, 1952; 8:52 a. m.]

ZOLTAN FARKAS AND MRS. MALVINA (FARKAS) STERN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Zoltan Farkas, No. 1 Bank Street, New York 14, N. Y.; Claim No. 37564; $2,804.27 in the Treasury of the United States.

Mrs. Malvina (Farkas) Stern, Herzliya, (Bet Olim), State of Israel; Claim No. 37564; $2,804.27 in the Treasury of the United States.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6641; Filed, June 17, 1952; 8:52 a. m.]

THEODOR LOWENBERG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Theodor Lowenberg, London N. W. 8, England; Claim No. 34120; property described in Vesting Order No. 8333 (12 F. R. 2097, March 29, 1947) relating to an undivided one-half interest in and to United States Letters Patent Nos. 2,143,230 and 2,213,720.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6642; Filed, June 17, 1952; 8:52 a. m.]

JOSEF AND WENZEL HEJDUK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Hejduk, Vienna, Austria; Claim No. 41133; $709.80 in the Treasury of the United States.

Wenzel Hejduk, Vienna, Austria; Claim No. 41134; $1,419.91 in the Treasury of the United States.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6643; Filed, June 17, 1952; 8:53 a. m.]

MAX MICHEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Max Michel, Brisbane, Queensland, Australia; Claim No. 11869; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to the United States Letters Patent No. 1,953,249.

Executed at Washington, D. C., on June 12, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6644; Filed, June 17, 1952; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27150]

BLACKSTRAP MOLASSES AND RELATED ARTICLES FROM NEW ORLEANS, LA., AND POINTS TAKING SAME RATES TO MCKENZIE, TENN.

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses, distillery molasses residuum, and citrus pomace final syrup, carloads.

From: New Orleans, La., and points taking same rates.

To: McKenzie, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, Supp. 77.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6628; Filed, June 17, 1952; 8:50 a. m.]

[4th Sec. Application 27151]

SAND FROM MUSKEGON AND MUSKEGON HEIGHTS, MICH., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Sand, carloads.

From: Muskegon and Muskegon Heights, Mich.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6629; Filed, June 17, 1952; 8:50 a. m.]

[4th Sec. Application 27152]

PHOSPHATE ROCK FROM FLORIDA TO THE SOUTHWEST

APPLICATION FOR RELIEF

JUNE 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to the schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Points in Florida.

To: St. Louis, Mo., East St. Louis, Ill., and points in southwestern territory.

Grounds for relief: Circuity, rail competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3232, Supp. 61; SAL RR. tariff I. C. C. No. A-8153, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6630; Filed, June 17, 1952; 8:50 a. m.]

...erence Room

Reference Room

FEDERAL REGISTER

VOLUME 17 — 1934 — NUMBER 120

Washington, Thursday, June 19, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10364

EXEMPTION OF JOHN J. DEVINY FROM COMPULSORY RETIREMENT FOR AGE

WHEREAS John J. Deviny, the Public Printer, will, during the month of June, 1952, become subject to compulsory retirement for age under the provisions of the Civil Service Retirement Act of May 29, 1930, as amended, unless exempted therefrom by Executive order; and

WHEREAS, in my judgment, the public interest requires that the said person be exempted from such compulsory retirement as provided below:

NOW, THEREFORE, by virtue of the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 404 (5 U. S. C. 715a), I hereby exempt the said John J. Deviny from compulsory retirement for age for an indefinite period of time.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 17, 1952.

[F. R. Doc. 52-6798; Filed, June 18, 1952; 11:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP SOYBEANS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952 crop of soybeans. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.
601.2051 Purpose.
601.2052 Availability of price support.
601.2053 Eligible soybeans.
601.2054 Warehouse receipts.
601.2055 Determination of quantity.
601.2056 Determination of quality.
601.2057 Maturity of loans.
601.2058 Support rates.
601.2059 Warehouse charges.
601.2060 Settlement.

AUTHORITY: §§ 601.2051 to 601.2060 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.

§ 601.2051 *Purpose.* Sections 601.2051 to 601.2060 state additional specific requirements which, together with the general requirements contained in the 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521) apply to loans and purchase agreements under the 1952-Crop Soybean Price Support Program.

§601.2052 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever soybeans are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that soybeans cannot be safely stored on the farms.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1953, and the applicable documents must be signed by the producer and delivered to the county committee not later than such final date.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing soybeans in 1952 as landowner, landlord, tenant or sharecropper.

(Continued on p. 5495)

CONTENTS

THE PRESIDENT

Executive Order — Page
Exemption of John J. Deviny from compulsory retirement for age — 5493

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation; Production and Marketing Administration.

Air Force Department
Rules and regulations:
Decorations and awards; service awards, medals, ribbons, and devices; certificates and lapel buttons — 5506

Alien Property, Office of
Notices:
Vesting orders, etc.:
Gonda, Alexander (Gottlieb) — 5535
Remshardt, Ada Payne — 5535
Schuster, Schmuel and Yankel — 5535

Animal Industry Bureau
Proposed rule making:
Sanitary control of animal by-products (except casings), and hay and straw, offered for entry into the United States — 5521

Army Department
Rules and regulations:
Army procurement procedure; miscellaneous amendments — 5503

Civil Aeronautics Administration
Rules and regulations:
Danger areas; Camp Guernsey, Wyo — 5499
Minimum en route IFR altitudes; miscellaneous amendments — 5499

Commerce Department
See Civil Aeronautics Administration.

Commodity Credit Corporation
Rules and regulations:
Soybeans; 1952-crop loan and purchase agreement program — 5493

Defense Department
See Air Force Department; Army Department.

FEDERAL REGISTER

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Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Power Commission Page
Notices:
Hearings, etc.:
Kansas-Nebraska Natural Gas Co. 5531
Northeastern Gas Transmission Co. 5530

Interior Department
See also Land Management, Bureau of.
Notices:
Colorado; special rule for the administration of certain lands in Grazing District No. 6 5529

Internal Revenue Bureau
Rules and regulations:
Rectification of spirits and wines; production of vodka 5502

Interstate Commerce Commission
Notices:
Applications for relief:
Alcoholic liquors between points in official territory 5535
Alumina from Baton Rouge and North Baton Rouge, La., to Monaca, Pa. 5535
Coal from points in Illinois and Kentucky, to southeastern territory 5533
Exceptions to classification rates between lower Mississippi river crossings and western trunk line territory 5534
Felt from Mobile, Ala., to Port Neches, Tex. 5534
Latex from Midland, Mich., to Kansas City, Mo. 5534
Scrap iron from southern territory, to Chester and Marcus Hook, Pa., and Claymont, Del. 5534
Sulphuric acid from Baton Rouge and North Baton Rouge, La., to Front Royal and Pulaski, Va. 5533

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska:
Proposed transfer of jurisdiction 5529
Shorespace restoration No. 485 5528
Small tract classification order No. 57 5528
California; classification order 5529

Price Stabilization, Office of
Notices:
Basic prices and charges for new passenger automobiles:
Chrysler Corp. 5530
General Motors Corp. 5530
Rules and regulations:
Cement; adjustment for out-of-area purchases of sand, gravel and crushed stone (GCPR, SR 66) 5519

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Certain foods sold at retail in Group 3 and Group 4 stores (CPR 15) 5515
Copper wire mill products; deletion of certain items appearing in Book C (CPR 110) 5518
Eating and drinking establishments, ceiling prices for; reporting, record-keeping, posting and pricing of new items (CPR 134) 5518
Fats and oils; collation 2 (CPR 6) 5503
Pork sold at wholesale, ceiling prices of; hams—regular, bone-in, over 20 pounds (CPR 74) 5517
Services (CPR 34):
Wholesale laundries in the New York City Area (SR 19) 5515
Power laundries in the city of St. Louis, Mo. (SR 20) 5516

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Chicago, Ill. 5526
Detroit, Mich. 5524
Milwaukee, Wis. 5521
Rules and regulations:
Lemons grown in California and Arizona; limitation of shipments 5498

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
California:
Hotels; specific provisions 5520
Hotels and motor courts 5521
California and Illinois; housing and rooms 5520

Securities and Exchange Commission
Notices:
Hearings, etc.:
American and Foreign Power Co., Inc. 5531
Central Public Utility Corp. et al. 5532
Duquesne Light Co. 5532
Illinois Power Co. 5532
Owens-Corning Fibreglass Corp. 5531
Wisconsin Southern Gas Co. 5533
Rules and regulations:
General rules and regulations, Securities Exchange Act of 1934; exemption of certain transactions from section 16 (b) 5501

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
Rules and regulations:
Employment of learners, Knitted Wear Industry; definition of learner 5503

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10364	5493
Title 6	
Chapter IV:	
Part 601	5493
Title 7	
Chapter IX:	
Part 907 (proposed)	5521
Part 924 (proposed)	5524
Part 941 (proposed)	5526
Part 953	5498
Title 9	
Chapter I:	
Part 95 (proposed)	5521
Title 14	
Chapter II:	
Part 608	5499
Part 610	5499
Title 17	
Chapter II:	
Part 240	5501
Title 26	
Chapter I:	
Part 190	5502
Title 29	
Chapter V:	
Part 522	5503
Title 32	
Chapter V:	
Part 590	5503
Part 591	5503
Part 594	5504
Part 595	5504
Part 597	5504
Part 601	5505
Chapter VII:	
Part 878	5506
Title 32A	
Chapter III (OPS):	
CPR 6	5508
CPR 15	5515
OPR 24, SR 19	5515
CPR 34, SR 20	5516
CPR 74	5517
CPR 110	5518
CPR 134	5518
GCPR, SR 66	5519
Chapter XXI (ORS):	
RR 1	5520
RR 2	5520
RR 3 (2 documents)	5520, 5521
RR 4	5521

§ 601.2053 *Eligible soybeans.* At the time the soybeans are placed under loan or delivered under a purchase agreement, they must meet the following requirements:

(a) The soybeans must have been produced in the continental United States in 1952 by an eligible producer.

(b) The beneficial interest in the soybeans must be in the producer tendering the soybeans for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the soybeans were harvested.

(c) The soybeans must be soybeans of any class, grading No. 4 or better and containing not in excess of 14 percent moisture.

(d) The soybeans must not grade Garlicky or Weevily.

(e) If offered as security for a farm-storage loan, the soybeans must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing unless otherwise approved by the PMA State committee.

§ 601.2054 *Warehouse receipts.* Warehouse receipts representing soybeans in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the soybeans are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture determine the grade. For soybeans grading No. 3 or 4, the percentage of splits, damage, and foreign material, if any, must also be shown. In the case of warehouse receipts issued for soybeans delivered by rail or barge, the grading factors on the warehouse receipt or the warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge, when such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade and class of soybeans.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.2059.

§ 601.2055 *Determination of quantity.* (a) The quantity of soybeans placed under farm-storage loan may be determined either by weight or by measurement. The quantity of soybeans placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of soybeans free of foreign material in excess of 3 percent. In determining the quantity of sacked soybeans by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of soybeans is determined by measurement, a bushel shall be 1.25 cubic feet of soybeans testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound soybeans.

For soybeans testing	*Percent*
60 pounds or over	100
59 pounds or over, but less than 60	98
58 pounds or over, but less than 59	97
57 pounds or over, but less than 58	95
56 pounds or over, but less than 57	93
55 pounds or over, but less than 56	92
54 pounds or over, but less than 55	90
53 pounds or over, but less than 54	88
52 pounds or over, but less than 53	87
51 pounds or over, but less than 52	85
50 pounds or over, but less than 51	83
49 pounds or over, but less than 50	82

§ 601.2056 *Determination of quality.* The class, grade, grading factors, percentage of foreign material, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Soybeans, whether or not such determinations are made on the basis of an official inspection. Foreign material which totals 3 percent or less shall not be deducted from the gross weight of the soybeans. If the total weight of foreign material is in excess of 3 percent, the excess shall be deducted from the total weight of soybeans in the determination of the net number of bushels of soybeans. For the purposes of this determination, foreign material shall be computed in tenths of 1 percent.

§ 601.2057 *Maturity of loans.* Loans mature on demand but not later than May 31, 1953.

§ 601.2058 *Support rates—(a) County rates.* (1) Loans will be made, and soybeans delivered under purchase agreements will be purchased, at the support rates set forth in this section. Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the soybeans are stored. County support rates per bushel for soybeans of the classes Green Soybeans and Yellow Soybeans grading No. 2, or better, and containing from 13.8 to 14.0 percent moisture, are set forth below:

	Rate per bushel
ALABAMA	
All counties	$2.50
ARKANSAS	
All counties	$2.54
DELAWARE	
All counties	$2.50
FLORIDA	
All counties	$2.50
GEORGIA	
All counties	$2.50
ILLINOIS	
Adams	$2.59
Alexander	2.55
Bond	2.58
Boone	2.60
Brown	2.59
Bureau	2.59
Calhoun	2.58
Carroll	2.59
Cass	2.59
Champaign	2.60
Christian	2.60
Clark	2.58
Clay	2.58
Clinton	2.58
Coles	2.59
Cook	2.62
Crawford	2.58
Cumberland	2.59
De Kalb	2.61
De Witt	$2.60
Douglas	2.60
Du Page	2.62
Edgar	2.59
Edwards	2.57
Effingham	2.59
Fayette	2.59
Ford	2.60
Franklin	2.56
Fulton	2.59
Gallatin	2.56
Greene	2.59
Grundy	2.61
Hamilton	2.57
Hancock	2.59
Hardin	2.56
Henderson	2.59
Henry	2.59
Iroquois	2.60

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Jackson	$2.56	Ogle	$2.59
Jasper	2.59	Peoria	2.59
Jefferson	2.57	Perry	2.56
Jersey	2.58	Piatt	2.60
Jo Daviess	2.59	Pike	2.59
Johnson	2.55	Pope	2.56
Kane	2.61	Pulaski	2.55
Kankakee	2.61	Putnam	2.59
Kendall	2.62	Randolph	2.56
Knox	2.59	Richland	2.58
Lake	2.62	Rock Island	2.59
La Salle	2.61	St. Clair	2.57
Lawrence	2.57	Saline	2.56
Lee	2.59	Sangamon	2.60
Livingston	2.60	Schuyler	2.59
Logan	2.60	Scott	2.59
McDonough	2.59	Shelby	2.60
McHenry	2.61	Stark	2.59
McLean	2.60	Stephenson	2.59
Macon	2.60	Tazewell	2.59
Macoupin	2.59	Union	2.55
Madison	2.58	Vermilion	2.60
Marion	2.58	Wabash	2.57
Marshall	2.59	Warren	2.59
Mason	2.59	Washington	2.57
Massac	2.56	Wayne	2.57
Menard	2.59	White	2.56
Mercer	2.59	Whiteside	2.59
Monroe	2.56	Will	2.62
Montgomery	2.59	Williamson	2.56
Morgan	2.59	Winnebago	2.59
Moultrie	2.60	Woodford	2.59

INDIANA

Adams	$2.55	Lawrence	$2.55
Allen	2.56	Madison	2.54
Bartholomew	2.54	Marion	2.55
Benton	2.59	Marshall	2.56
Blackford	2.54	Martin	2.55
Boone	2.56	Miami	2.54
Brown	2.54	Monroe	2.55
Carroll	2.56	Montgomery	2.57
Cass	2.55	Morgan	2.55
Clark	2.53	Newton	2.59
Clay	2.56	Noble	2.56
Clinton	2.56	Ohio	2.53
Crawford	2.53	Orange	2.54
Daviess	2.55	Owen	2.55
Dearborn	2.53	Parke	2.57
Decatur	2.54	Perry	2.53
De Kalb	2.56	Pike	2.55
Delaware	2.54	Porter	2.59
Dubois	2.54	Posey	2.55
Elkhart	2.55	Pulaski	2.57
Fayette	2.54	Putnam	2.56
Floyd	2.53	Randolph	2.54
Fountain	2.58	Ripley	2.53
Franklin	2.54	Rush	2.54
Fulton	2.55	St. Joseph	2.56
Gibson	2.56	Scott	2.53
Grant	2.54	Shelby	2.54
Greene	2.56	Spencer	2.53
Hamilton	2.55	Starke	2.57
Hancock	2.54	Steuben	2.56
Harrison	2.53	Sullivan	2.57
Hendricks	2.55	Switzerland	2.53
Henry	2.54	Tippecanoe	2.57
Howard	2.55	Tipton	2.55
Huntington	2.55	Union	2.54
Jackson	2.54	Vanderburgh	2.55
Jasper	2.58	Vermillion	2.58
Jay	2.54	Vigo	2.57
Jefferson	2.53	Wabash	2.54
Jennings	2.53	Warren	2.58
Johnson	2.54	Warrick	2.54
Knox	2.56	Washington	2.53
Kosciusko	2.55	Wayne	2.54
Lagrange	2.56	Wells	2.55
Lake	2.60	White	2.57
La Porte	2.57	Whitley	2.56

IOWA

Adair	$2.57	Black Hawk	$2.59
Adams	2.57	Boone	2.58
Allamakee	2.58	Bremer	2.58
Appanoose	2.57	Buchanan	2.59
Audubon	2.57	Buena Vista	2.57
Benton	2.59	Butler	2.58

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Calhoun	$2.57	Linn	$2.59
Carroll	2.57	Louisa	2.58
Cass	2.57	Lucas	2.57
Cedar	2.59	Lyon	2.56
Cerro Gordo	2.57	Madison	2.57
Cherokee	2.56	Mahaska	2.58
Chicasaw	2.57	Marion	2.58
Clarke	2.57	Marshall	2.59
Clay	2.57	Mills	2.56
Clayton	2.58	Mitchell	2.57
Clinton	2.59	Monona	2.56
Crawford	2.57	Monroe	2.57
Dallas	2.58	Montgomery	2.57
Davis	2.58	Muscatine	2.59
Decatur	2.57	O'Brien	2.56
Delaware	2.59	Osceola	2.56
Des Moines	2.58	Page	2.56
Dickinson	2.56	Palo Alto	2.57
Dubuque	2.59	Plymouth	2.56
Emmet	2.56	Pocahontas	2.57
Fayette	2.58	Polk	2.58
Floyd	2.57	Pottawattamie	2.56
Franklin	2.58	Poweshiek	2.59
Fremont	2.56	Ringgold	2.57
Greene	2.57	Sac	2.57
Grundy	2.59	Scott	2.59
Guthrie	2.57	Shelby	2.57
Hamilton	2.58	Sioux	2.56
Hancock	2.57	Story	2.59
Hardin	2.59	Tama	2.59
Harrison	2.56	Taylor	2.56
Henry	2.58	Union	2.57
Howard	2.57	Van Buren	2.58
Humboldt	2.57	Wapello	2.58
Ida	2.56	Warren	2.58
Iowa	2.59	Washington	2.58
Jackson	2.59	Wayne	2.57
Jasper	2.59	Webster	2.58
Jefferson	2.58	Winnebago	2.57
Johnson	2.59	Winneshiek	2.57
Jones	2.59	Woodbury	2.56
Keokuk	2.58	Worth	2.57
Kossuth	2.57	Wright	2.58
Lee	2.58		

KANSAS

Allen	$2.55	Lyon	$2.54
Anderson	2.56	McPherson	2.52
Atchison	2.56	Marion	2.53
Bourbon	2.55	Marshall	2.54
Brown	2.56	Miami	2.56
Butler	2.53	Mitchell	2.52
Chase	2.53	Montgomery	2.52
Chautauqua	2.52	Morris	2.54
Cherokee	2.54	Nemaha	2.55
Clay	2.54	Neosho	2.54
Cloud	2.53	Osage	2.55
Coffey	2.55	Osborne	2.51
Cowley	2.52	Ottawa	2.53
Crawford	2.54	Pottawatomie	2.54
Dickinson	2.53	Pratt	2.50
Doniphan	2.56	Reno	2.53
Douglas	2.56	Republic	2.53
Elk	2.53	Rice	2.51
Ellsworth	2.51	Riley	2.54
Franklin	2.56	Russell	2.51
Geary	2.54	Saline	2.52
Greenwood	2.54	Sedgwick	2.52
Harper	2.51	Shawnee	2.56
Harvey	2.52	Smith	2.51
Jackson	2.55	Sumner	2.51
Jefferson	2.56	Wabaunsee	2.55
Jewell	2.52	Washington	2.54
Johnson	2.56	Wilson	2.53
Kingman	2.51	Woodson	2.54
Labette	2.53	Wyandotte	2.56
Leavenworth	2.56	All other counties	2.50
Lincoln	2.52		
Linn	2.56		

KENTUCKY

All counties $2.54

LOUISIANA

All counties $2.54

MARYLAND

All counties $2.50

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Allegan	$2.52	Lapeer	$2.52
Arenac	2.50	Lenawee	2.56
Barry	2.52	Livingston	2.54
Bay	2.50	Macomb	2.54
Berrien	2.55	Mecosta	2.50
Branch	2.55	Midland	2.50
Calhoun	2.54	Monroe	2.56
Cass	2.54	Montcalm	2.51
Clare	2.50	Muskegon	2.50
Clinton	2.52	Newaygo	2.50
Eaton	2.53	Oakland	2.54
Genesee	2.52	Oceana	2.50
Gladwin	2.50	Ottawa	2.51
Gratiot	2.51	Saginaw	2.51
Hillsdale	2.56	St. Clair	2.53
Huron	2.50	St. Joseph	2.54
Ingham	2.54	Sanilac	2.51
Ionia	2.52	Shiawassee	2.52
Isabella	2.50	Tuscola	2.51
Jackson	2.55	Van Buren	2.53
Kalamazoo	2.53	Washtenaw	2.55
Kent	2.51	Wayne	2.55

MINNESOTA

Anoka	$2.54	Mower	$2.57
Becker	2.49	Murray	2.55
Benton	2.53	Nicollet	2.55
Big Stone	2.52	Nobles	2.55
Blue Earth	2.56	Norman	2.49
Brown	2.55	Olmstead	2.56
Carver	2.55	Otter Tail	2.50
Chippewa	2.54	Pine	2.52
Chisago	2.54	Pipestone	2.54
Clay	2.49	Polk	2.49
Cottonwood	2.55	Pope	2.52
Crow Wing	2.50	Ramsey	2.55
Dakota	2.56	Redwood	2.54
Dodge	2.56	Renville	2.54
Douglas	2.51	Rice	2.50
Faribault	2.57	Rock	2.55
Fillmore	2.57	Scott	2.56
Freeborn	2.57	Sherburne	2.53
Goodhue	2.55	Sibley	2.55
Grant	2.51	Stearns	2.52
Hennepin	2.56	Steele	2.56
Houston	2.57	Stevens	2.52
Isanti	2.53	Swift	2.53
Jackson	2.55	Todd	2.50
Kanabec	2.52	Traverse	2.51
Kandiyohi	2.53	Wabasha	2.56
Lac qui Parle	2.53	Wadena	2.50
Le Sueur	2.56	Waseca	2.56
Lincoln	2.54	Washington	2.55
Lyon	2.54	Watonwan	2.56
McLeod	2.55	Wilkin	2.50
Mahnomen	2.49	Winona	2.56
Martin	2.56	Wright	2.54
Meeker	2.53	Yellow Medicine	2.53
Mille Lacs	2.51		
Morrison	2.51		

MISSISSIPPI

All counties $2.54

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.57	Chariton	$2.57
Andrew	2.57	Christian	2.54
Atchison	2.56	Clark	2.58
Audrain	2.58	Clay	2.57
Barry	2.54	Clinton	2.57
Barton	2.54	Cole	2.56
Bates	2.56	Cooper	2.57
Benton	2.56	Crawford	2.55
Bollinger	2.54	Dade	2.54
Boone	2.57	Dallas	2.55
Buchanan	2.57	Daviess	2.56
Butler	2.55	DeKalb	2.57
Caldwell	2.57	Dent	2.54
Callaway	2.57	Douglas	2.54
Camden	2.55	Dunklin	2.55
Cape Girardeau	2.56	Franklin	2.53
Carroll	2.57	Gasconade	2.56
Carter	2.54	Gentry	2.56
Cass	2.56	Greene	2.54
Cedar	2.54	Grundy	2.56
		Harrison	2.56

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Henry	$2.56	Perry	$2.55
Hickory	2.55	Pettis	2.57
Holt	2.57	Phelps	2.55
Howard	2.57	Pike	2.58
Howell	2.54	Platte	2.57
Iron	2.54	Polk	2.55
Jackson	2.57	Pulaski	2.55
Jasper	2.54	Putnam	2.56
Jefferson	2.56	Ralls	2.58
Johnson	2.57	Randolph	2.57
Knox	2.58	Ray	2.57
Laclede	2.55	Reynolds	2.54
Lafayette	2.57	Ripley	2.54
Lawrence	2.54	St. Charles	2.57
Lewis	2.58	St. Clair	2.55
Lincoln	2.57	St. Francois	2.55
Linn	2.56	St. Louis	2.57
Livingston	2.57	Ste. Genevieve	2.55
McDonald	2.54	Saline	2.57
Macon	2.57	Schuyler	2.57
Madison	2.54	Scotland	2.58
Maries	2.55	Scott	2.55
Marion	2.58	Shannon	2.54
Mercer	2.56	Shelby	2.58
Miller	2.55	Stoddard	2.55
Mississippi	2.55	Stone	2.54
Moniteau	2.56	Sullivan	2.56
Monroe	2.58	Taney	2.54
Montgomery	2.57	Texas	2.54
Morgan	2.56	Vernon	2.55
New Madrid	2.55	Warren	2.57
Newton	2.54	Washington	2.55
Nodaway	2.56	Wayne	2.54
Oregon	2.54	Webster	2.54
Osage	2.56	Worth	2.56
Ozark	2.54	Wright	2.54
Pemiscot	2.55		

NEBRASKA

Adams	$2.51	Lancaster	$2.55
Antelope	2.52	Madison	2.52
Boone	2.52	Merrick	2.52
Buffalo	2.50	Nance	2.52
Burt	2.55	Nemaha	2.55
Butler	2.54	Nuckolls	2.52
Cass	2.55	Otoe	2.55
Cedar	2.53	Pawnee	2.55
Clay	2.52	Pierce	2.52
Colfax	2.54	Platte	2.53
Cuming	2.54	Polk	2.53
Dakota	2.54	Richardson	2.55
Dixon	2.54	Saline	2.54
Dodge	2.55	Sarpy	2.55
Douglas	2.55	Saunders	2.55
Fillmore	2.53	Seward	2.54
Franklin	2.50	Stanton	2.53
Gage	2.54	Thayer	2.53
Hall	2.51	Thurston	2.54
Hamilton	2.52	Washington	2.55
Jefferson	2.54	Wayne	2.53
Johnson	2.55	Webster	2.51
Kearney	2.50	York	2.53
Knox	2.52		

NEW JERSEY

All counties $2.52

NEW YORK

All counties $2.51

NORTH CAROLINA

All counties $2.50

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Barnes	$2.47	Ransom	$2.48
Cass	2.49	Richland	2.49
Grand Forks	2.48	Sargent	2.48
Griggs	2.47	Steele	2.48
Nelson	2.47	Traill	2.49

OHIO

Adams	$2.53	Ashland	$2.55
Allen	2.56	Ashtabula	2.56

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Athens	$2.54	Lorain	$2.56
Auglaize	2.55	Lucas	2.57
Belmont	2.54	Madison	2.54
Brown	2.53	Mahoning	2.55
Butler	2.53	Marion	2.56
Carroll	2.55	Medina	2.56
Champaign	2.54	Meigs	2.53
Clark	2.53	Mercer	2.55
Clermont	2.53	Miami	2.54
Clinton	2.53	Monroe	2.53
Columbiana	2.55	Montgomery	2.53
Coshocton	2.55	Morgan	2.54
Crawford	2.56	Morrow	2.56
Cuyahoga	2.56	Muskingum	2.55
Darke	2.54	Noble	2.54
Defiance	2.57	Ottawa	2.57
Delaware	2.55	Paulding	2.57
Erie	2.57	Perry	2.55
Fairfield	2.55	Pickaway	2.54
Fayette	2.53	Pike	2.53
Franklin	2.55	Portage	2.56
Fulton	2.57	Preble	2.53
Gallia	2.53	Putnam	2.57
Geauga	2.56	Richland	2.56
Greene	2.53	Ross	2.53
Guernsey	2.55	Sandusky	2.57
Hamilton	2.53	Scioto	2.53
Hancock	2.56	Seneca	2.57
Hardin	2.55	Shelby	2.55
Harrison	2.55	Stark	2.55
Henry	2.57	Summit	2.56
Highland	2.53	Trumbull	2.56
Hocking	2.54	Tuscarawas	2.55
Holmes	2.55	Union	2.55
Huron	2.56	Van Wert	2.56
Jackson	2.53	Vinton	2.54
Jefferson	2.55	Warren	2.53
Knox	2.55	Washington	2.53
Lake	2.56	Wayne	2.55
Lawrence	2.53	Williams	2.57
Licking	2.55	Wood	2.57
Logan	2.55	Wyandot	2.56

OKLAHOMA

All counties $2.50

PENNSYLVANIA

All counties $2.51

SOUTH CAROLINA

All counties $2.50

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Bon Homme	$2.52	Lake	$2.52
Brookings	2.52	Lincoln	2.54
Clark	2.49	McCook	2.52
Clay	2.53	Marshall	2.49
Codington	2.50	Miner	2.51
Day	2.49	Minnehaha	2.53
Deuel	2.51	Moody	2.52
Grant	2.51	Roberts	2.50
Hamlin	2.50	Turner	2.53
Hanson	2.51	Union	2.54
Hutchinson	2.52	Yankton	2.53
Kingsbury	2.51		

TENNESSEE

All counties $2.54

TEXAS

All counties $2.50

VIRGINIA

All counties $2.50

WEST VIRGINIA

All counties $2.50

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$2.56	Milwaukee	$2.59
Barron	2.54	Monroe	2.56
Brown	2.55	Oconto	2.54
Buffalo	2.56	Outagamie	2.55
Burnett	2.53	Ozaukee	2.58
Calumet	2.56	Pepin	2.56
Chippewa	2.54	Pierce	2.56
Clark	2.54	Polk	2.54
Columbia	2.57	Portage	2.55
Crawford	2.58	Price	2.52
Dane	2.58	Racine	2.60
Dodge	2.58	Richland	2.57
Dunn	2.55	Rock	2.59
Eau Claire	2.55	Rusk	2.53
Fond du Lac	2.57	St. Croix	2.55
Grant	2.58	Sauk	2.57
Green	2.58	Shawano	2.54
Green Lake	2.56	Sheboygan	2.57
Iowa	2.58	Taylor	2.53
Jackson	2.55	Trempealeau	2.56
Jefferson	2.59	Vernon	2.57
Juneau	2.56	Walworth	2.60
Kenosha	2.60	Washburn	2.53
LaCrosse	2.56	Washington	2.58
Lafayette	2.58	Waukesha	2.59
Lincoln	2.53	Waupaca	2.55
Manitowoc	2.56	Waushara	2.56
Marathon	2.54	Winnebago	2.56
Marquette	2.56	Wood	2.55

(2) Where the State Committee determines that State or district weed control laws affect the soybean crop, the support rate will be 10 cents below the applicable county support rate as set forth in the schedule in subparagraph (1) of this paragraph. If upon delivery of the soybeans to CCC, the producer supplies a certificate indicating that the soybeans comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(b) *Discounts and premiums.* The county support rates set forth in paragraph (a) of this section shall be adjusted by the following cumulative discounts and premiums to determine the support rates for soybeans of other classes and other eligible qualities:

(1) *Classification discount.* The support rates for soybeans of the classes Black Soybeans, Brown Soybeans, and Mixed Soybeans shall be 25 cents per bushel less than the support rates for the classes Green Soybeans and Yellow Soybeans.

(2) *Discounts for test weight per bushel, splits, and damaged kernels.* The following discounts are applicable to all classes of soybeans:

Test weight per bushel (pounds) [1]	Discount	Splits (percent) [1]	Discount	Damaged kernels (percent) [1]	Discount
	Cents per bushel		Cents per bushel		Cents per bushel
53.0–53.9	1/2	20.1–25.0	1/2	3.1–4.0	1/2
52.0–52.9	1	25.1–30.0	1	4.1–5.0	1
51.0–51.9	1 1/2	30.1–35.0	1 1/2	5.1–6.0	1 1/2
50.0–50.9	2	35.1–40.0	2	6.1–7.0	2
49.0–49.9	2 1/2			7.1–8.0	2 1/2

[1] The figures in these columns are inclusive.

(3) *Premiums for low moisture content.* The following premiums are applicable to all classes of soybeans.

Moisture (percent):	Premium (cents per bushel)
11.2 or less	6
11.3–11.7, inclusive	5
11.8–12.2, inclusive	4
12.3–12.7, inclusive	3
12.8–13.2, inclusive	2
13.3–13.7, inclusive	1
13.8–14.0, inclusive	0

§ 601.2059 *Warehouse charges.* (a) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the soybeans are deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing soybeans stored in warehouses operating under the Uniform Grain Storage Agreement is on or before May 31, 1953, the storage charges per bushel specified in the following table shall be deducted in computing the amount of the loan or the purchase price.

Amount of deduction (cents per bushel)	Area I[1] Date of deposit (all dates inclusive)	Area II[2] Date of deposit (all dates inclusive)	Area III[3] Date of deposit (all dates inclusive)	Area IV[4] Date of deposit (all dates inclusive)
15				Prior to June 11, 1952.
14	Prior to May 22, 1952	Prior to June 11, 1952	Prior to June 26, 1952	June 11–July 10.
13	May 22–June 20	June 11–July 10	June 26–July 25	July 11–Aug. 9.
12	June 21–July 20	July 11–Aug. 9	July 25–Aug. 24	Aug. 10–Sept. 8.
11	July 21–Aug. 19	Aug. 10–Sept. 8	Aug. 25–Sept. 23	Sept. 9–Oct. 8.
10	Aug. 20–Sept. 18	Sept. 9–Oct. 8	Sept. 24–Oct. 23	Oct. 9–Nov. 7.
9	Sept. 19–Oct. 18	Oct. 9–Nov. 7	Oct. 24–Nov. 22	Nov. 8–Dec. 2.
8	Oct. 19–Nov. 17	Nov. 8–Dec. 7	Nov. 23–Dec. 22	Dec. 3–Dec. 22.
7	Nov. 18–Dec. 17	Dec. 8, 1952–Jan. 6, 1953	Dec. 23, 1952–Jan. 11, 1953.	Dec. 23, 1952–Jan. 11, 1953.
6	Dec. 18, 1952–Jan. 16, 1953.	Jan. 7–Jan. 31	Jan. 12–Jan. 31	Jan. 12–Jan. 31.
5	Jan. 17–Feb. 15	Feb. 1–Feb. 20	Feb. 1–Feb. 20	Feb. 1–Feb. 20.
4	Feb. 16–Mar. 12	Feb. 21–Mar. 12	Feb. 21–Mar. 12	Feb. 21–Mar. 12.
3	Mar. 13–Apr. 1	Mar. 13–Apr. 1	Mar. 13–Apr. 1	Mar. 13–Apr. 1.
2	Apr. 2–Apr. 21	Apr. 2–Apr. 21	Apr. 2–Apr. 21	Apr. 2–Apr. 21.
1	Apr. 22–May 11	Apr. 22–May 11	Apr. 22–May 11	Apr. 22–May 11.
0	May 12–May 31	May 12–May 31	May 12–May 31	May 12–May 31.

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin.
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin except Superior.
[4] Area IV includes all states not listed in Areas I, II, and III above.

(b) Warehouse receipts and the soybeans represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(c) For soybeans stored in approved warehouses operated by Eastern common carriers, there shall be deducted in computing the loan or purchase price, except as provided in paragraph (c) (2) of § 601.2060, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through May 31, 1953. The county committee shall request the PMA commodity office to determine the amount of such charges. Where the producer presents evidence showing that the elevation has been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charge prepaid by the producer.

§ 601.2060 *Settlement.* (a) *Farm-storage loans.* (1) In the case of soybeans delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate for the approved point of delivery. The support rate shall be applied to the grade and quality of the total quantity of soybeans delivered.

(2) If the soybeans under farm-storage loan are, upon delivery, of a grade and/or quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and/or quality of the soybeans placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and/or quality placed under loan and the market price of the soybeans delivered, as determined by CCC.

(3) If farm-stored soybeans are delivered to CCC prior to May 31, 1953, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced by the applicable rate of storage charges per bushel as set forth in § 601.2059.

(b) *Warehouse-storage loans.* (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form "Full storage charges, not including receiving charges, paid through May 31, 1953, $------," a refund in the amount of the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(2) For soybeans stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form "Full storage charges paid through May 31, 1953, $------," a refund will be made to the producer by the PMA county office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer.

(c) *Purchase agreement.* (1) Soybeans delivered to CCC under a purchase agreement must meet the requirements of soybeans eligible for loan. The purchase rate per bushel of eligible soybeans shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.2059, except as provided in subparagraph (2) of this paragraph.

In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges, not including receiving charges, paid through May 31, 1953, $------," the producer shall be given credit for the smaller of (i) the storage charges prepaid by the producer, or (ii) the amount of the warehouse storage charges determined according to the time of deposit as provided in § 601.2059 at the time the settlement value of the commodity delivered is determined.

(2) For soybeans stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges paid through May 31, 1953, $------," no deduction for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the amount of any elevation charge prepaid at the time the settlement value of the commodity delivered is determined, if he presents evidence showing such prepayment.

(d) *Track-loading.* A track-loading payment of 2 cents per bushel will be made to the producer on soybeans delivered to CCC on track at a country point.

Issued this 16th day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6730; Filed, June 18, 1952; 8:54 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 430, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.546 (Lemon Regulation 439, 17 F. R. 5387) are hereby amended to read as follows:

(ii) District 2, 850 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of June 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6737; Filed, June 18, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 30]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.58, a Camp Guernsey, Wyoming, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP GUERNSEY (Casper Chart).	N boundary: lat. 42°30'00" N; S boundary: lat. 42°25'00" N; E boundary: long. 104°28'00" W; W boundary: long. 104°43'00" W.	Surface to 12,500 feet m. s. l.	0700 to 1700 daily, m. s. t., June 19, 1952, through June 27, 1952.	Commanding Officer, 115th Armored Cavalry Regiment (L), Wyoming National Guard, Camp Guernsey, Wyo.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 19, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6779; Filed, June 19, 1952; 8:57 a. m.]

[Amdt. 14]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. The footnote to § 610.5 *Minimum en route IFR altitudes along particular routes* is amended as follows:

a. The Brems intersection is eliminated.

b. The Georgetown intersection is altered to read:

Georgetown intersection: The intersection of the Lexington, Kentucky, 350° true radial and the Louisville, Kentucky, 078° true radial.

c. The Mentone intersection is altered to read:

Mentone intersection: The intersection of the Fort Wayne, Indiana, 286° true radial and the Goshen, Indiana, 180° true radial.

d. The Thomaston intersection is altered to read:

Thomaston intersection: The intersection of the Goshen, Indiana, 255° true radial and the Chicago Heights, Illinois, 104° true radial.

2. Section 610.6004 *VOR civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Rock River, Wyo. (VOR).	Laramie, Wyo. (VOR)[1]	11,000

[1] 13,000'—minimum crossing altitude at Laramie (VOR), east-bound.

3. Section 610.6004 *VOR civil airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Portland (Manor), Oreg. (VOR).	The Dalles, Oreg. (VOR).	8,000
St. Louis, Mo. (VOR), S. alternate.	Evansville, Ind. (VOR), S. alternate.	4,000

4. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Goshen, Ind. (VOR).	2,100
Chicago Heights, Ill. (VOR), S. alternate.	Thomaston (INT), Ind. S. alternate.	2,000
Thomaston (INT), Ind. S. alternate.	Goshen, Ind. (VOR), S. alternate.	2,100
Goshen, Ind. (VOR), Dir. or N. alternate.	Toledo, Ohio (VOR), Dir. or N. alternate.	3,000
Youngstown, Ohio (VOR).	Mentor (INT), Pa.	2,600

5. Section 610.6006 *VOR civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Oakland, Calif. (VOR).	Sacramento, Calif. (VOR).	4,000
Bay Point, Calif. (FM)	Sacramento, Calif. (VOR) (eastbound only).	2,000
Sacramento, Calif. (VOR).[1]	Int. Sacramento, Calif. 40° true rad. and Reno, Nev. 288° true rad.	11,000
Int. Sacramento, Calif. 40° true rad. and Reno, Nev., 288° true rad.	Reno, Nev. (VOR).....	12,000
Blue Canyon, Calif. (FM).	Sacramento, Calif. (VOR) (southwest-bound only).	7,000
Auburn, Calif. (FM)...	Sacramento, Calif. (VOR) (southwest-bound only).	3,500
Reno, Nev. (VOR).....	Lovelock, Nev. (VOR).	11,000
Lovelock, Nev. (VOR).	Battle Mountain, Nev. (VOR).	12,000
Battle Mountain, Nev. (VOR).	Wells, Nev. (VOR)...	12,000

[1] 13,000'—minimum crossing altitude at Sacramento (VOR), northeast-bound.

6. Section 610.6007 *VOR civil airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Lafayette, Ind. (VOR) Dir. & E. or W. alternate.	Chicago Heights, Ill. (VOR), Dir. & E. or W. alternate.	2,600

7. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
South Bend, Ind. (VOR).	Goshen, Ind. (VOR).	2,300
Goshen, Ind. (VOR)...	Findlay, Ohio (VOR).	2,300
Imperial, Nebr. (VOR) Dir. of N. alternate.	Lexington, Nebr. (VOR), Dir. or N. alternate.	4,500

8. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Columbus, Ohio (VOR), Newark (INT), Ohio..	Newark (INT), Ohio.	2,300
Newark (INT), Ohio..	Pittsburgh, Pa. (VOR).	3,400
Columbus, Ohio (VOR), S. alternate.	Pittsburgh, Pa. (VOR), S. alternate.	3,400
St. Louis, Mo. (VOR), Dir. or N. alternate.	Vandalia, Ill. (VOR), Dir. or N. alternate.	2,000
Vandalia, Ill. (VOR), Dir. or N. alternate.	Terre Haute, Ind. (VOR), Dir. or N. alternate.	2,000

9. Section 610.6014 *VOR civil airway No. 14* is amended to read in part:

From—	To—	Minimum altitude
Perry (INT), Ohio.....	Kingsville (INT), Pa.	2,300
Kingsville (INT), Pa....	Erie, Pa. (VOR).....	2,000
St. Louis, Mo. (VOR), Dir. or N. alternate.	Vandalia, Ill. (VOR), Dir. or N. alternate.	2,000
Vandalia, Ill. (VOR), Dir. or N. alternate.	Terre Haute, Ind. (VOR, Dir. or N. alternate.	2,000

10. Section 610.6015 *VOR civil airway No. 15* is amended to read in part:

From—	To—	Minimum altitude
Huron, S. Dak. (VOR), Dir. or W. alternate.	Aberdeen, S. Dak. (VOR), Dir. or W. alternate.	2,500

11. Section 610.6019 *VOR civil airway No. 19* is amended to read in part:

From—	To—	Minimum altitude
Crazy Woman, Wyo. (VOR):	Sheridan, Wyo. (VOR): [1]	
Direct.....	Direct [1].....	9,500
E. alternate.....	E. alternate.....	7,500

[1] 8,500'—minimum crossing altitude at Sheridan (VOR), southeast-bound on direct radial.

12. Section 610.6023 *VOR civil airway No. 23* is amended by adding:

From—	To—	Minimum altitude
Fresno, Calif. (VOR)..	Modesto, Calif. (VOR).	2,000
Modesto, Calif. (VOR)..	Sacramento, Calif. (VOR).	2,000
Sacramento, Calif. (VOR).	Red Bluff, Calif. (VOR).	4,000
Medford, Oreg. (VOR)..	Eugene, Oreg. (VOR)..	8,000
Eugene, Oreg. (VOR)..	Portland (Manor), Oreg. (VOR).	4,000
Eugene, Oreg. (VOR), W. alternate.	Newberg, Oreg. (VOR), W. alternate.	6,100
Newberg, Oreg. (VOR)..	Portland (Manor), Oreg. (VOR).	4,000
Portland (Manor), Oreg. (VOR).	Seattle, Wash. (VOR)..	6,000
Seattle, Wash. (VOR)..	Bellingham, Wash. (VOR).	5,000

13. Section 610.6024 *VOR civil airway No. 24* is amended to read in part:

From—	To—	Minimum altitude
Aberdeen, S. Dak. (VOR). Dir. or N. alternate.	Watertown, S. Dak. (VOR), Dir or N. alternate.	3,600

14. Section 610.6025 *VOR civil airway No. 25* is added to read:

From—	To—	Minimum altitude
Oakland, Calif. (VOR).	Sacramento, Calif. (VOR).	4,000
Sacramento, Calif. (VOR).	Red Bluff, Calif. (VOR).	4,000

15. Section 610.6027 *VOR civil airway No. 27* is added to read:

From—	To—	Minimum altitude
San Francisco, Calif. (VOR).	Oakland, Calif. (VOR).	3,000

16. Section 610.3028 *VOR civil airway No. 28* is added to read:

From—	To—	Minimum altitude
Oakland, Calif. (VOR)..	Modesto, Calif. (VOR)..	5,000

17. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

From—	To—	Minimum altitude
Monroeville (INT), Ohio.	Wellington, Ohio (VAR), Via W. ers.	2,000
Youngstown, Ohio (VOR).	Mercer (INT), Pa....	2,000

18. Section 610.6032 *VOR civil airway No. 32* is added to read:

From—	To—	Minimum altitude
Wells, Nev. (VOR)....	Wendover, Utah (VOR).	12,000
Wendover, Utah (VOR).	Salt Lake City, Utah (VOR).	11,000
Salt Lake City, Utah (VOR).[1]	Fort Bridger, Wyo. (VOR).	17,000

[1] 12,000'—minimum crossing altitude at Salt Lake City (VOR), east-bound.

19. Section 610.6038 *VOR civil airway No. 38* is amended to read in part:

From—	To—	Minimum altitude
Chicago Heights, Ill. (VOR).	Thomaston (INT), Ind.	2,000
Thomaston (INT), Ind	Mentone (INT), Ind..	3,000

20. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

From—	To—	Minimum altitude
Int. Lansing, Mich. (VOR), rad. 71° true and Detroit, Mich. (VOR), rad. 345° true.	Detroit, Mich. (VOR	2,300
Clarksfield (INT), Ohio.	Wellington, Ohio (VAR).	2,000

21. Section 610.6042 *VOR civil airway No. 42* is amended to read in part:

From—	To—	Minimum altitude
Detroit, Mich. (VOR).	Int. Detroit, Mich., rad. 95° true and Cleveland, Ohio, rad. 321° true.	2,300
Int. Detroit, Mich., rad. 95° true and Cleveland, Ohio, rad. 321° true.	Cleveland, Ohio (VOR).	1,900

22. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

From—	To—	Minimum altitude
Louisville, Ky. (VOR).	Nabb (INT), Ind....	2,000
Nabb (INT), Ind.....	Cincinnati, Ohio (VOR).	2,000

23. Section 610.6048 *VOR civil airway No. 48* is amended to read in part:

From—	To—	Minimum altitude
Burlington, Iowa (VOR).	Pontiac, Ill. (VOR)....	2,000
Pontiac Ill. (VOR), Dir. or S. alternate.	Chicago Heights, Ill. (VOR), Dir. or S. alternate.	2,000

24. Section 610.6052 *VOR civil airway No. 52* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (VOR):	Ottumwa, Iowa (VOR):	
Direct.....	Direct.....	2,200
S. alternate.....	S. alternate.....	2,500

25. Section 610.6055 *VOR civil airway No. 55* is amended to read in part:

From—	To—	Minimum altitude
Fort Wayne, Ind. (VOR).	Goshen, Ind. (VOR)...	2,300
Goshen, Ind. (VOR)...	South Bend, Ind. (VOR).	2,300

26. Section 610.6059 *VOR civil airway No. 59* is amended to read in part:

From—	To—	Minimum altitude
Evansville, Ind, (VOR), Dir. or E. alternate.	Vandalia, Ill. (VOR), Dir. or E. alternate.	1,700

27. Section 610.6084 *VOR civil airway No. 84* amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (VOR).	Int. Lansing, Mich., rad. 071° true and Detroit, Mich., rad. 345° true.	2,300

28. Section 610.6085 *VOR civil airway No. 85* is amended to read in part:

From—	To—	Minimum altitude
Rock River, Wyo. (VOR), Dir. or E. alternate.	Casper, Wyo. (VOR),[1] Dir. or E. alternate.	11,000

[1] 10,500'—minimum crossing altitude at Casper (VOR), south-bound.

29. Section 610.6090 *VOR civil airway No. 90* is amended to read in part:

From—	To—	Minimum altitude
Lansing, Mich. (VOR).	Milford (INT), Mich.	4,000
Milford (INT), Mich..	Detroit, Mich. (VOR).	2,300

30. Section 610.6110 *VOR civil airway No. 110* is added to read:

From—	To—	Minimum altitude
Int. San Francisco, Calif. (VOR), rad. 218° true and a line bearing 319° true from Salinas, Calif. (VHF/VAR).	San Francisco, Calif. (VOR).	5,000
San Francisco, Calif. (VOR).	Modesto, Calif. (VOR)	5,000

31. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Columbia, Mo. (LFR)..	St. Peters (INT), Mo.	2,300

32. Section 610.201 *Red civil airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Denver, Colo. (LFR)...	Int. S. crs. Akron, Colo. (LFR), and 262° mag. bearing from Goodland, Kans. (LF RBN).	6,900
Int. S crs Akron, Colo. (LFR), and 287° mag. bearing from Goodland, Kans. (LF RBN).	Goodland, Kans. (LF RBN).	6,000

33. Section 610.637 *Blue civil airway No. 37* is amended to read in part:

From—	To—	Minimum altitude
Medicine Bow (INT), Wyo.	Casper, Wyo. (L.)	11,000

[1] 10,000'—minimum crossing altitude at Casper (LFR), south-bound.

34. Section 610.675 *Blue civil airway No. 76* is amended to read in part:

From—	To—	Minimum altitude
Casper, Wyo. (LFR)[1]..	Sinclair, Wyo. (LFR).	11,000

[1] 10,000'—minimum crossing altitude at Casper (LFR), southwest-bound.

35. Section 610.669 *Blue civil airway No. 69* is amended to read in part:

From—	To—	Minimum altitude
Ottumwa, Iowa (LF/RBN).	Des Moines, Iowa (LFR).	2,200

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 17, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-6603; Filed, June 17, 1952; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

The Securities and Exchange Commission today announced that it had adopted a new rule exempting from the operation of section 16 (b) of the Securities Exchange Act certain acquisitions and dispositions of securities pursuant to mergers or consolidations. Section 16 (b) provides, in general, that where any director, officer or principal holder of a registered equity security has realized a profit from any purchase and sale (or sale and purchase) of any equity security of the company of which he is an officer, director, or stockholder within any period of less than six months, such profit inures to the issuer. The section authorizes the Commission to exempt therefrom any transactions not comprehended within it.

The new rule is designed to exempt from the operation of section 16 (b) certain purchases and sale which take place in the course of mergers and consolidations. The rule applies to both technical mergers and consolidations and sales of assets in return for securities which result in a company that, in practical effect, is a combination of two or more other companies. The exemption is granted whenever a merger or consolidation does not result in any significant change in the character or structure of the company. The text of the Commission action is as follows:

The Securities and Exchange Commission, acting pursuant to authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (b) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the act, hereby adopts the following rule:

§ 240.16b–7 *Exemption from section 16 (b) of certain acquisitions and dispositions of securities pursuant to mergers or consolidations.* (a) The following transactions shall be exempt from the

provisions of section 16 (b) as not comprehended within the purpose of said subsection:

(1) The acquisition of a security of a company, pursuant to a merger or consolidation, in exchange for a security of a company which, prior to said merger or consolidation, owned 95 percent or more of the equity securities of all other companies involved in the merger or consolidation except, in the case of consolidation, the resulting company;

(2) The disposition of a security, pursuant to a merger or consolidation of a company which, prior to said merger or consolidation, owned 95 percent or more of the equity securities of all other companies involved in the merger or consolidation except, in the case of consolidations, the resulting company;

(3) The acquisition of a security of a company, pursuant to a merger or consolidation, in exchange for a security of a company which, prior to said merger or consolidation, held over 95 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values prior to the merger or consolidation as determined by reference to their most recent available financial statements for a twelve month period prior to the merger or consolidation.

(4) The disposition of a security, pursuant to a merger or consolidation, of a company which, prior to said merger or consolidation, held over 95 percent of the combined assets of all the companies undergoing merger or consolidation, computed according to their book values prior to the merger or consolidation, as determined by reference to their most recent available financial statements for a twelve month period prior to the merger or consolidation.

(b) A merger within the meaning of this rule shall include the sale or purchase of substantially all the assets of one company by another in exchange for stock which is then distributed to the security holders of the company which sold its assets.

(c) Notwithstanding the foregoing, if an officer, director or stockholder shall make any purchase (other than a purchase exempted by this rule) of a security in any company involved in the merger or consolidation and any sale (other than a sale exempted by this rule) of a security in any other company involved in the merger or consolidation within any period of less than six months during which the merger or consolidation took place the exemption provided by this rule shall be unavailable to such officer, director or stockholder.

Accordingly, the foregoing action shall be effective June 9, 1952.

(Sec. 23, 48 Stat. 901, as amended; 15 U. S. C. 78w. Interprets or applies sec. 16, 48 Stat. 896; 15 U. S. C. 78p)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 9, 1952.

[F. R. Doc. 52-6700; Filed, June 18, 1952; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5912; Reg. 15]

PART 190—RECTIFICATION OF SPIRITS AND WINES

PRODUCTION OF VODKA

1. Section 2800 (a) (5) of the Internal Revenue Code was amended by Public Law 355 (82d Cong.), effective July 1, 1952, by deleting the period at the end thereof and adding the following: "or to vodka produced from pure spirits in the manner authorized at registered distilleries." The section now reads:

SEC. 2800. TAX.
(a) *Rate*—
(1) • • •

• • • • • •

(5) *Rectified spirits and wines.* In addition to the tax imposed by this chapter on distilled spirits and wines, there shall be levied, assessed, collected, and paid, a tax of 30 cents on each proof gallon and a proportionate tax at a like rate on all fractional parts of such proof gallon on all distilled spirits or wines rectified, purified, or refined in such manner, and on all mixtures produced in such manner, that the person so rectifying, purifying, refining, or mixing the same is a rectifier within the meaning of section 3254 (g): *Provided*, That this tax shall not apply to gin produced by the redistillation of a pure spirit over juniper berries and other aromatics or to vodka produced from pure spirits in the manner authorized at registered distilleries.

• • • • •

2. In order to conform Regulations 15 (26 CFR Part 190) to such amendment, the regulations are hereby amended as follows:

(a) Section 190.122 is amended; and

(b) Sections 190.468a, 190.468b, 190.468c, 190.468d, 190.468e, 190.468f and 190.468g are added.

SUBPART I—EQUIPMENT

§ 190.122 *Receiving tanks.* Where rectified products are produced by redistillation, such as gin or cordials, or where spirits are redistilled, or where vodka is produced, the rectifier must provide a requisite number of receiving tanks. Each tank shall be constructed of metal or other suitable material and equipped with a suitable device whereby the contents can be accurately determined. Manheads, inlets, and outlets of such tanks must be provided with facilities for locking with Government locks. Each tank shall have plainly and legibly painted thereon words indicating its use, as "Gin receiving tank," "Cordial receiving tank," "Heads and tails receiving tank," "Vodka receiving tank," etc., followed by its serial number and capacity in gallons. Receiving tanks must be located in the rectifying room.

(53 Stat. 300 as amended, 318, 375; 26 U. S. C. 2801, 2829, 3176)

SUBPART Y—RECTIFICATION

TAX-EXEMPT VODKA

§ 190.468a *Production.* Vodka may be produced exempt from the rectification tax in accordance with the procedure prescribed by § 190.468b. Vodka so produced must be run into a receiving tank from which it must be promptly (a) drawn into metal, porcelain or glass containers, gauged, stamped, and removed to the finished products room or (b) transferred to a bottling tank, gauged, and bottled and removed to the finished products room or conveyed by pipeline to a contiguous tax-paid bottling house or rectifying plant for bottling. (See §§ 190.615 to 190.672.)

(53 Stat. 298 as amended, 300 as amended, 375; 26 U. S. C. 2800, 2801, 3176)

§ 190.468b *Methods of production.* Vodka may be produced, exempt from the rectification tax, from pure spirits which are reduced to not more than 110 degrees of proof and not less than 80 degrees of proof and which, after such reduction in proof, are so treated by one of the following methods as to be without distinctive character, aroma, or taste:

(a) By causing the spirits to flow continuously through a tank or a series of tanks containing at least 1½ pounds of charcoal for each gallon of spirits contained therein at any one time so that the spirits are in intimate contact with the charcoal for a period of not less than 8 hours, not less than 10 percent of the charcoal being replaced by new charcoal at the expiration of each 40 hours of operation, at a rate which will replace at least 6 pounds of charcoal for every 100 gallons of spirits treated;

(b) By keeping the spirits in constant movement by mechanical means in contact for not less than 8 hours with at least 6 pounds of new charcoal for every 100 gallons of spirits;

(c) By purifying or refining the spirits by any other method which the Deputy Commissioner finds will result in a product equally without distinctive character, aroma, or taste, and which method has been approved by him.

(53 Stat. 298 as amended, 300 as amended, 375; 26 U. S. C. 2800, 2801, 3176)

§ 190.468c *Definition of pure spirit.* The term "pure spirit" as used in § 190.468b is held to mean alcohol or neutral spirits, distilled at or above 190 degrees of proof (whether or not such proof is subsequently reduced), and free from impurities.

(53 Stat. 300 as amended, 375; 26 U. S. C 2801, 3176)

§ 190.468d *Mixing with other spirits or materials prohibited.* Vodka produced in accordance with § 190.468b, under exemption from the rectification tax cannot be mixed with other spirits or treated by the addition or abstraction of any substance or material other than pure water after production, nor can any substance or material other than pure water and that specified in § 190.468b be added to the spirits prior to or during production.

(53 Stat. 298 as amended, 300 as amended, 375, 391; 26 U. S. C. 2800, 2801, 3176, 3254)

§ 190.468e *Reduction and filtering.* Vodka exempt from the rectification tax may be reduced with water in the receiving or bottling tanks and may be filtered when necessary to remove materials held in suspension. The subsequent use of filters or filter-aids which change the composition and character of the vodka will subject the product to the rectification tax. Whether such subsequent filtering changes the composition of the vodka is a question of fact determinable by chemical analysis of samples of the vodka before and after filtration.

(53 Stat. 298 as amended, 300 as amended, 377, 391; 26 U. S. C. 2800, 2801, 3176, 3254)

TAXABLE VODKA

§ 190.468f *Production.* Vodka produced at a rectifying plant in any manner or by any means, other than that specified in § 190.468b, is subject to the rectification tax.

(53 Stat. 298 as amended, 300 as amended, 375, 391; 26 U. S. C. 2800, 2801, 3176, 3254)

§ 190.468g *Treatment of vodka.* The treatment of vodka, after its production in accordance with § 190.468b, with any materials or process which changes its composition, subjects the product to the rectification tax. Such treatment includes the flavoring of vodka in any manner, and the manipulation of vodka by a physical or chemical process, such as redistillation, filtration, or treatment with activated carbon or other materials, which changes its composition or character.

(53 Stat. 298 as amended, 300 as amended, 375 391; 26 U. S. C. 2800, 2801, 3176, 3254)

3. The purpose of these amendments is to give effect to the Public Law 355, 82d Congress, which amends section 2800 (a) (5) of the Internal Revenue Code, to relieve from the rectification tax of 30 cents a proof gallon imposed by that section vodka produced by rectifiers by treating pure spirits in the same manner as such spirits are authorized to be treated in producing vodka at registered distilleries.

4. Because the amendments made by this Treasury decision merely conform Regulations 15 to the amendment of the Internal Revenue Code, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (5 U. S. C. 1001, et seq.), or subject to the effective date limitation of section 4 (c) of that act.

5. This Treasury decision shall be effective July 1, 1952, and shall apply only to vodka produced on or after such date.

(53 Stat. 298 as amended, 300 as amended, 318, 375, 391; 26 U. S. C. 2800, 2801, 2829, 3176, 3254)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 17, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6754; Filed, June 18, 1952; 8:56 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

KNITTED WEAR INDUSTRY; DEFINITION OF "LEARNER"

The definition of the term "experienced worker" contained in § 522.77 has previously been amended (16 F. R. 5895) so as to include among others, "any person employed in the manufacture of men's and boys' underwear from any woven fabric who has been employed within the previous two years in the Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes, and Leather and Sheep-lined Garments Divisions of the Apparel Industry, as defined in § 522.161, for 320 hours or more in the occupations of machine stitcher or presser." For purposes of clarification, it is desirable to add a corresponding provision to the definition of the term "learner" contained in § 522.76.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938, as amended, § 522.76 is hereby amended to read as follows:

§ 522.76 *Definition of "learner."* Only learners may be employed at a subminimum wage under certificates issued. In §§ 522.68 to 522.79 the term learner means a person who has been employed within the previous 2 years in the knitted wear industry for less than 480 hours in the occupation of machine knitter, or 320 hours in the occupations of machine stitcher or presser, or 240 hours in the occupations of winder, dyeing machine operator, brush machine operator, or dryer operator. In the men's and boys' woven underwear division of the knitted wear industry a learner also means a person who has been employed within the previous 2 years for less than 320 hours in the occupations of machine stitcher or presser in the single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes, and leather and sheeplined garments divisions of the apparel industry.

(Sec. 14, 52 Stat. 1068; 29 U. S. C. 214)

In view of the fact that this amendment is merely made for purposes of clarification and makes no substantive change in the regulations contained in this part, it is unnecessary to comply with the provisions of section 4 of the Administrative Procedure Act. This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 12th day of June, 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6691; Filed, June 18, 1952; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to subchapter G are issued:

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Section 590.604–4 is amended by striking out the words "until June 30, 1951", wherever they appear therein, and inserting in lieu thereof the words "until June 30, 1952".

2. Section 590.606–8 (c) is amended to read as follows:

§ 590.606–8 *Distribution of procurement contracts to the Army Audit Agency.* • • •

(c) Distribution of the above indicated contractual documents and supplemental information will be made by the procuring office to the audit regional office of the area in which the performance will be accomplished. Special arrangements may be made by agreement between a procuring office and the audit agency. The addresses and jurisdictional areas of the regional offices are as follows:

Name and Address of Regional Office and Regional Jurisdiction

New York Regional Office, Army Audit Agency, 180 Varick Street, New York 14, N. Y.: First Army Area, Second Army Area, State of Michigan and Military District of Washington.

Atlanta Regional Office, Army Audit Agency, 830–836 West Peachtree Street NW., Atlanta, Ga.: Third Army Area.

Chicago Regional Office, Army Audit Agency, 608 South Dearborn Street, Chicago 5, Ill.: Fourth Army Area and Fifth Army Area (less State of Michigan).

San Francisco Regional Office, Army Audit Agency, Fort Mason, San Francisco, Calif.: Sixth Army Area.

• • • • •

3. Section 590.809 (d) is amended by rescinding subparagraph (3) thereof.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended as indicated below:

1. Section 591.102 (b) is amended by changing the reference "§ 590.303 (d) of this chapter", appearing therein, to read "§ 590.303–4 of this chapter".

2. Section 591.406–4 (c) is added as follows:

§ 591.406–4 *Equal bids.* • • •

(c) The policy provided in § 401.406–4 of this title relating to the award of contracts in a "distressed employment area" shall be deemed to apply to both Group IV "Area of Labor Surplus," appearing in the "Bimonthly Summary of Labor Market Developments in Major Areas," as published by the Labor Department, and labor surplus areas as may

be certified by the Director of Defense Mobilization.

PART 594—INTERDEPARTMENTAL PROCUREMENT

Part 594 is amended by adding item "429" and Description "3⅝ by 6½ inches, white, open side, window (for DD Form 446)" to the list of envelopes authorized for supply to the military service contained in § 594.254 (b).

PART 596—CONTRACT CLAUSES AND FORMS

Part 596 is amended by changing paragraph (b) (3) (i) of § 596.103–12 to read as follows:

§ 596.103–12 *Disputes.* • • •

(b) *Procedure for handling disputes.* • • •

(3) *Findings of fact and decisions.* (i) In rendering a decision on any dispute involving a question of fact, the Contracting Officer or the Head of a Procuring Activity, as the case may be, will prepare and sign findings of fact, a true copy of which with his written decision will be promptly furnished the contractor. The Contracting Officer will include in his decision the following paragraph:

If in your opinion the findings and decision hereinbefore set forth involve a dispute concerning a question of fact, you are hereby notified that in accordance with the provisions of Clause ------, "Disputes" of the above-numbered contract you may appeal from these findings and decision to the Secretary of the Army. If properly filed, your appeal will be heard by the Armed Services Board of Contract Appeals, the duly authorized representative of the Secretary. The Rules of the Board provide that an appeal may take the form of the notice of appeal. It may be in the form of a letter or any other form which presents the necessary information, including specific facts and argument, complete in reasonable detail, in support of the appeal. A notice of appeal must be addressed to the Secretary of the Army and must be mailed to, or filed with, the undersigned Contracting Officer within 30 days after receipt of these findings and decision. A notice of appeal should indicate that an appeal is intended and should identify the contract (by number), the decision from which the appeal is taken, the date of the decision, the contractual provision concerned in the dispute, the nature of the dispute, and the relief sought by the appeal. The Rules further provide that the notice of appeal should be signed personally by the Contractor taking the appeal or by an officer of the appellant corporation or member of the appellant firm or by the Contractor's duly authorized representative. Three copies of the notice of appeal should be furnished.

PART 597—TERMINATION OF CONTRACTS

SUBPART G—FORMS

1. The heading for Part 597 is revised to read as set forth above.

2. Section 597.704 is amended to read as follows:

§ 597.704 *Termination clause for research and development contracts.* The following clause shall be inserted in all research and development contracts amounting to more than $1,000:

TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of a Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall (1) stop work under the contract on the date and to the extent specified in the Notice of Termination; (2) place no further orders or subcontracts for materials, services or facilities except as may be necessary for completion of such portion of the work under the contract as is not terminated; (3) terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination; (4) assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated; (5) settle all claims arising out of such termination of orders and subcontracts, subject to the approval or ratification of the Contracting Officer, which approval or ratification shall be final for all the purposes of this clause; (6) transfer title and deliver to the Government, in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed reports, plans, drawings, information, and other property which, if the contract had been completed, would have been required to be furnished to the Government; (7) use its best efforts to sell, in the manner, at the times, to the extent and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in provision (6) of this paragraph: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may keep any such property at a price or prices approved by the Contracting Officer; and provided further that the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct; (8) complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and (9) take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(c) After receipt of a Notice of Termination, the Contractor shall submit to the Contracting Officer its termination claim, in the form prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one year period or authorized extension thereof. Upon failure of the Contractor to submit its termination claim within the time allowed, the Contracting Officer shall determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination.

(d) Subject to the provisions of paragraph (c), the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Such amendment shall be final and conclusive upon the Contractor and the Government.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Government, but without duplication of any amounts agreed upon in accordance with paragraph (d), shall pay to the contractor the total amount of its costs allocable to the contract up to the time of termination and reasonable costs of settlement including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory.

(f) Any determination of costs under paragraph (c) or (e) hereof shall be governed by the Cost Principles set forth in Section XV of the Armed Services Procurement Regulation, as in effect on the date of this contract.

(g) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination of the amount due to the Contractor made by the Contracting Officer under paragraphs (c) or (e) above, except that if the Contractor has failed to submit its claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (i) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (ii) if an appeal has been taken, the amount finally determined on such appeal; any such determination being final and conclusive upon the Contractor and the Government.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other unliquidated payments on account theretofore made to the Contractor, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things kept by the Contractor or sold, pursuant to the provisions of this clause, and not otherwise recovered or credited to the Government.

(i) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without expense to the Government, all its books, records, documents, and other evidence on the cost and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

PART 601—LABOR

Part 601 is amended by adding a new Subpart J, including §§ 601.1001, 601.1050–601.1054, as follows:

SUBPART J—WAGE STABILIZATION

§ 601.1001 *Basic considerations.* Title IV of the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, authorizes the President to issue regulations and orders to stabilize wages. Part IV, Executive Order No. 10161, September 9, 1950, delegated this authority to the Economic Stabilization Administrator, who has established three agencies for the promulgation of wage stabilization policies and procedures. These agencies are the Wage Stabilization Board, the Salary Stabilization Board, and the Construction Industry Stabilization Commission. In certain respects, regulations and procedures issued by these agencies affect Procuring Activities. In order to achieve effective coordination and to insure consistency of actions within the Department of the Army, policy and procedures are hereby established to govern the relationship of the Department of the Army with those agencies, principally the Wage Stabilization Board, with regard to problems involving employees of military contractors or suppliers. (The policy and procedures set forth below are not applicable to civilian personnel employed within the Department of the Army.)

§ 601.1050 *Applicability.* Except for the specifically exempted areas and categories listed below, geographical coverage with respect to wage and salary stabilization extends throughout all States, Territories and Possessions of the United States (including the District of Columbia). Currently exempted areas and categories are as follows: (a) Puerto Rico, (b) Virgin Islands, (c) Panama Canal Zone, and (d) American employees employed in foreign countries.

§ 601.1051 *Enforcement of wage and salary regulations*—(a) *General.* The current wage and salary stabilization program is implemented by the issuance of regulations and orders applicable to certain practices of employee remuneration. The Defense Production Act of 1950, as amended, provided that agencies of the Government, in determining the costs or expenses of contractors, may be required to disregard any wage, salary, or other compensation payment made in contravention of wage or salary stabilization regulation or orders.

(b) *Determination of unlawful payments.* Primary responsibility for determining violations of wage and salary regulations rests with the wage and salary stabilization agencies. Enforcement commissions of those agencies will undertake necessary reviews and investigations to insure compliance with stabilization regulations. Insofar as Army contractors are determined to have made wage, salary, or other compensation payments in contravention of regulations, certifications with respect thereto will be submitted to the Under Secretary of the Army.

(c) *Responsibility of the Department of the Army.* Upon appropriate certification by a stabilization agency to the effect that an Army contractor has made payments of wages, salaries or other compensation in contravention of existing regulations, the Army is charged with the responsibility of disallowing such payments.

(d) *Responsibility of procuring activities.* The aforementioned certifications, which will specify the amount to be disallowed and the military contracts to which such amount is applicable, will be forwarded by the Under Secretary of the Army to Heads of Procuring Activities, through the Assistant Chief of Staff, G–4. It is the responsibility of the Heads of Procuring Activities to institute action whereby the amounts specified in said certifications as having been paid in contravention of regulations will be disallowed in determining payments to a contractor under the contract of the Army. Heads of Procuring Activities will notify the Under Secretary of the Army (Attn: Office of Labor Adviser) through the Assistant Chief of Staff, G–4, when action has been completed pursuant to the certification.

(e) *Violations discovered by procuring activities.* Whenever, in the course of routine auditing or examination of the records of an Army contractor, or in the course of any other routine dealing with such an employer, representatives of the Procuring Activities come into possession of information indicating that wage, salary, or other compensation payments may have been made by such an employer in contravention of stabilization regulations, the Procuring Activity concerned will transmit to the Under Secretary of the Army (Attn: Office of Labor Adviser), through the Assistant Chief of Staff, G–4, notice of that fact, together with as much information regarding the possible violation or violations as is available. This requirement is not intended to increase the regular responsibility of any Procuring Activity in making any such audit, examination or in any other way dealing with such an employer.

(f) *Reporting.* Reporting required by subparagraphs (d) and (e) above is exempt from Reports Control in accordance with paragraph 4c, AR 305–15.

§ 601.1052 *Procedures pertaining to applications filed on grounds of present or imminent manpower shortages*—(a) *Basic considerations.* It is the policy of the Government that wage adjustments should ordinarily be used for purposes of attracting or retaining labor. The Wage Stabilization Board will not consider requests for approval of increases in wages and other compensation greater in amount than might otherwise be authorized, except in rare and unusual cases involving manpower shortages in essential defense activities, or activities essential to the national health, safety, and interest. In those cases the Wage Stabilization Board will consider such requests only if governmental agencies concerned with the production and manpower problems certify to the Board that a concerted program has been undertaken to remedy the manpower shortages by means other than wage adjustments.

(b) *Implementing procedures established by the Wage Stabilization Board.* An employer seeking relief from manpower shortages through wage increases must file nine copies of his petition with the local office of the Wage and Hour Division of the Department of Labor. Wage and Hour offices will forward several copies to the regional office of the Wage Stabilization Board, which will determine to what extent wage increases may be granted under current regulations other than for manpower purposes. Other copies of the petition will be transmitted through the national office of the Wage Stabilization Board to the Defense Manpower Administration. If, upon a preliminary check, the latter agency finds that the petition is worthy of the Wage Stabilization Board's consideration and if the regional office of the Wage Stabilization Board did not grant a wage increase in the amount requested by the employer, the Defense Manpower Administration will proceed to obtain production information from the procurement agencies concerned. The Wage Stabilization Board, in turn, will then consider the case on the basis of all pertinent data submitted to it by the Defense Manpower Administration, including the production data supplied by procurement agencies.

(c) *Responsibility of procuring activities.* In connection with the procedure spelled out in paragraph (b) of this section, Procuring Activities, upon specific request will submit to the Under Secretary of the Army (Attn: Office of Labor Adviser), through the Assistant Chief of Staff, G–4, information which will provide the basis for transmitting to the Wage Stabilization Board, the following facts:

(1) The relative importance of the product or service in the achievement of essential defense or civilian production or procurement goals.

(2) The extent to which the product or service is or will be behind schedule and the consequence of failure to remedy such situations.

(3) The extent to which factors other than manpower will result in failure to meet production or procurement schedules.

§ 601.1053 *General relationship with the Wage Stabilization Board*—(a) *Basic policy.* Under current policy of the Department of Defense, agencies of the Department of the Army are precluded from making statements to the Wage Stabilization Board recommending approval or disapproval of any application submitted to the Board. However, Procuring Activities are authorized to maintain liaison with the Board for the purpose of expediting consideration of pending applications, exchanging and obtaining information, supplying background, material on specific cases, or furnishing statements of fact relating to the importance of the product or service to the procurement program.

(b) *Coordination.* Should a Procuring Activity wish to obtain a formal interpretation, clarification of policy, a revision of procedure or other action having implications for more than one

Procuring Activity, its proposed request will be coordinated with the Office of the Under Secretary of the Army (Attn: Office of Labor Adviser), through the Assistant Chief of Staff, G–4, prior to submission to the Wage Stabilization Board.

§ 601.1054 *Sources of information on Wage Stabilization matters.* In view of the considerable complexities involved in wage stabilization problems and the complex regulations issued by the Wage Stabilization Board, Procuring Activities should avoid the responsibility of independently advising contractors, either definitively or informally, with respect to interpretations of regulations, orders or procedures. The evaluation of interpretative, informational, and procedural questions is the function of Wage and Hour field offices and regional Wage Stabilization Boards. Specifically these two agencies have been delegated the following functions:

Wage and Hour Field Offices: (1) To answer questions pertaining to interpretations of regulations or orders and pertaining to procedures; (2) to receive applications and petitions; and (3) to make pro forma rulings on relatively simple issues.

Regional Wage Stabilization Boards: (1) To make final decisions on certain questions; (2) to refer questions of policy to the national office of the Wage Stabilization Board.

Representatives of Procuring Activities should submit their questions and those referred to them by contractors to applicable offices of said organizations. It is noted that questions pertaining to interpretation of regulations and to general information should be directed to Wage and Hour field offices.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161) [C6, 10 Mar. 1952, C7, 1 Apr. 1952, Proc. Cir. 10, 2 Apr. 1952, and C8, 1 May 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6687; Filed, June 18, 1952; 8:45 a. m.]

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

INDIVIDUAL DECORATIONS; SERVICE AWARDS, MEDALS, RIBBONS, AND DEVICES; CERTIFICATES AND LAPEL BUTTONS

1. Section 878.24 is changed to read as follows:

§ 878.24 *Medal of Freedom.* (a) The Medal of Freedom is a circular bronze medallion bearing the head of the goddess of freedom with a ribbon of red silk centering four white lines. A gold palm spray clasped to the ribbon denotes the highest of four degrees of this award. Silver and bronze palm sprays and the plain ribbon are the other degrees in descending order.

(b) The Medal of Freedom, established by Executive Order, may be awarded to any person not hereinafter specifically excluded, who, on or after December 7, 1941, has performed a meritorious act or service which has:

(1) Aided the United States in the prosecution of a war against an enemy or enemies,

(2) Aided any nation engaged with the United States in the prosecution of a war against a common enemy or enemies,

(3) Furthered the interests of the security of the United States or of any nation allied or associated with the United States during any period of national emergency declared by the President or the Congress, and for which act or service the award of any other United States medal or decoration is considered inappropriate.

NOTE: In special circumstances and without regard to the existence of a state of war or national emergency, the Medal of Freedom may also be awarded by, or at the direction of, the President to any person, not hereinafter specifically excluded, for performance of a meritorious act or service in the interests of the security of the United States.

(c) The Medal of Freedom will not be awarded to a citizen of the United States for any act or service performed within the continental limits of the United States; neither will it be awarded to a member of the Armed Forces of the United States.

(d) The Medal of Freedom, in four degrees, is awarded to civilians, not citizens of the United States, who have otherwise qualified for this award under the conditions prescribed in this section. The degrees are similar to the degrees of the Legion of Merit (see § 878.13) and mark the order of merit of the achievement or service. Awards to citizens of the United States will be without degree.

(E. O. 9586, July 6, 1945, 10 F. R. 8523; 3 CFR, 1945 Supp., as amended by E. O. 10336, April 3, 1952, 17 F. R. 2957) [AFR 30-14B]

2. A new section 878.54a is added to §§ 878.41 to 878.70:

§ 878.54a *United Nations Service Medal.* (a) The United Nations Service Medal, established by the United Nations General Assembly Resolution 483 (V), December 12, 1950, is a metal disk 1¼ inches in diameter bearing in front the emblem of the United Nations (a polar projection map of the world, taken from the North Pole, embraced in twin olive branches). On the reverse side of the medal, within a rim, is the inscription "For Service in Defence of the Principles of the Charter of the United Nations." The medal is suspended from a silk ribbon two inches in length and 1.33 inches in width, consisting of 17 stripes, nine of United Nations blue and eight of white, alternating, each stripe 0.08 inch in width. A bar 1.5 inches in length and 0.25 inch in width, bearing the word "Korea," constitutes a part of the suspension of the medal from the ribbon.

(b) The United Nations Service Medal may be awarded to members of the Armed Forces of the United States dispatched to Korea or adjacent areas of military operations specifically for service on behalf of the United Nations in the Korean Theater between June 27, 1950, and a terminal date to be announced later. Other personnel dispatched to Korean or adjacent areas as members of para-military and quasi-military units designated by the United States Government for service in support of the United Nations action in Korea and certified by the United Nations Commander-in-Chief as having directly supported military operations may be awarded the United Nations Service Medal. The term "Korean Theater" as used in this section is defined as those areas which encompass North and South Korea, Korean waters, and the air over North and South Korean or over Korean waters. To qualify for the United Nations Service Medal, the service must have been performed either:

(1) While serving with any designated combat or service unit as specified hereunder:

(i) While on permanent assignment to such unit, or

(ii) While attached to such unit for a period of 30 consecutive or nonconsecutive days.

(2) While in active combat against the enemy under conditions other than those conditions prescribed in subparagraph (1) of this paragraph and was awarded a combat decoration or furnished a certificate by the commanding general of a division, comparable or higher unit, commanding officer of a ship, comparable or higher unit, or commanding officer of an Air Force group, comparable or higher unit, that the person actually participated in combat.

(c) Not more than one award of the United Nations Service Medal will be made to any one person regardless of the number of times that person may qualify for an award. The United Nations Service Medal may be awarded posthumously.

(d) The United Nations Service Medal or service ribbon, when worn, will be placed on the left breast immediately following any foreign decorations or immediately after all United States service medals and World War II Philippine service awards, should the person concerned not have any foreign decorations.

(e) Commanders having custody of the person's official records may award the United Nations Service Medal. If eligibility cannot be established from official records, requests for determination of eligibility may be forwarded individually to the Director of Military Personnel, Headquarters United States Air Force, Attention: Personnel Services Division, Washington 25, D. C.

(f) Members of the Air Force on active duty and members of Air Force Reserve components may obtain the United Nations Service Medal and ribbon bar through their immediate commanding officers. Persons not on active duty or not members of the Reserve Forces may address their applications to the Air Force Liaison Unit, Demobilized Personnel Records Branch, Records Administration Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri. Only the ribbon representing the medal will be issued in the Korean Theater.

(g) Personnel of the United Nations, its specialized agencies, or of any national government service other than as prescribed in paragraph (b) of this section, and International Red Cross personnel engaged for service under the United Nations Commander-in-Chief with any United Nations relief team in Korea will not be eligible for the award of the United Nations Service Medal.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a) [AFR 35-50D]

3 Section 878.55 is changed to read as follows:

§ 878.55 *Armed Forces Reserve Medal* — (a) *Description.* The Armed Forces Reserve Medal consists of a ribbon and medal. The ribbon suspension is buff bordered with blue and buff stripes and the center section of buff is intersected by a blue line followed by blue and buff stripes.

(b) *To whom awarded.* The Armed Forces Reserve Medal may be awarded to members or former members of the Reserve components of the Armed Forces of the United States listed in subparagraphs (1) through (16) of this paragraph (see sec. 306 (c), 62 Stat. 1089; 10 U. S. C. 1036e), who complete or have completed a total of 10 years of honorable and satisfactory service as defined in Pub. Law 810, 80th Cong. (sec. 306, 62 Stat. 1089; 10 U. S. C. 1036e) not necessarily consecutive, provided that such service was performed within a period of 12 consecutive years:

(1) The National Guard of the United States.

(2) The National Guard while in the service of the United States.

(3) The federally recognized National Guard prior to 1933.

(4) A federally recognized status in the National Guard.

(5) The Officers' Reserve Corps and the Enlisted Reserve Corps prior to the enactment of Pub. Law 460, 80th Cong., March 25, 1948 (62 Stat. 87; 10 U. S. C. 361, 422; 32 U. S. C. 62, 143, 154; 5 U. S. C. 626k).

(6) The Organized Reserve Corps.

(7) The Army of the United States without component.

(8) The Naval Reserve and the Naval Reserve Force, excluding those members of the Fleet Reserve and the Fleet Naval Reserve transferred thereto after completion of 16 or more years of active naval service.

(9) The Marine Corps Reserve and the Marine Corps Reserve Force, excluding those members of the Fleet Marine Corps Reserve transferred thereto after completion of 16 or more years of active naval service.

(10) The Limited Service Marine Corps Reserve.

(11) The Naval Militia who have conformed to the standards prescribed by the Secretary of the Navy.

(12) The National Naval Volunteers.

(13) The Air National Guard.

(14) The Air Force Reserve (Officers or Enlisted Sections).

(15) The Air Force of the United States without component.

(16) The Coast Guard Reserve.

(c) *Service in Reserve components.* Each year of active or inactive honorable service as a member of any of the Reserve components listed in paragraph (b) of this section meeting the definition of satisfactory Federal service as defined in Pub. Law 810, 80th Cong., may be credited toward award of the Armed Forces Reserve Medal Until July 1, 1948. After July 1, 1948, satisfactory service as defined in Pub. Law 810, 80th Cong., in any of the components listed in paragraph (b) of this section is creditable, except that those persons in the Army of the United States or Air Force of the United States must compute time as listed in paragraph (d) of this section.

(d) *Service in Army of United States or Air Force of United States.* Service in the Army of the United States or Air Force of the United States as indicated in subparagraphs (1) and (2) of this paragraph will be creditable:

(1) Active or inactive service prior to July 1, 1948 is creditable for those Army of the United States or Air Force of the United States officers appointed under the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484 note). After July 1, 1948, only active duty under such Army of the United States or Air Force of the United States appointments will be creditable.

(2) Active or inactive service prior to July 1, 1949 will be creditable for those Army of the United States or Air Force of the United States officers appointed under section 127a, of the National Defense Act (sec. 51, 41 Stat. 785, as amended; 10 U. S. C. 513), or section 515 (e) of the Officer Personnel Act of 1947 (sec. 515 (e), 61 Stat. 907; 10 U. S. C. 506d (e)).

(3) For the purpose of computing eligibility for the Armed Forces Reserve Medal, all Army of the United States or Air Force of the United States appointments will be considered as having been made under the act of September 22, 1941 (55 Stat. 728; 10 U. S. C. 484 note) unless otherwise indicated on official records.

(e) *Regular service.* Service as a Regular officer, warrant officer, or Regular enlisted person in the Armed Forces, including the Coast Guard, and service for which the Naval Reserve Medal, the Organized Marine Corps Reserve Medal, or the Marine Corps Reserve Ribbon has been or may be awarded will not be credited toward award of this medal. The time during which a person holds a commission in a Reserve component of the Armed Forces will not count toward award of this medal if the person in enlisted or serving as a warrant officer in the Regular service during the same period of time. Service in the Honorary Reserve and/or Honorary Retired List is not credited.

(f) *Number of awards.* Not more than one award of the Armed Forces Reserve Medal will be made to any one person.

(g) *Hour-glass device.* One hour-glass device with a Roman numeral "X" superimposed may be worn on the suspension and service ribbon of the Armed Forces Reserve Medal to denote service for each 10-year period in addition to and under the same conditions as prescribed for the award of the medal. The medal or service ribbon, when worn, will be placed on the left breast immediately after all United States decorations and service medals.

(h) *By whom awarded.* Commanders having custody of the person's official records may award the Armed Forces Reserve Medal. If eligibility cannot be established from official records, requests for determination of eligibility may be forwarded individually to the Director of Military Personnel, Headquarters United States Air Force, Attention: Personnel Services Division, Washington 25, D. C.

(E. O. 10163, September 25, 1950, 15 F. R. 6489; 3 CFR, 1950 Supp.) [AFR 35-50C]

4. Paragraph (b) of § 878.70 is amended as follows:

§ 878.70 *Miscellaneous.* • • •

(b) United States service medals and ribbons are worn following all United States decorations.

(1) The Good Conduct Medal is worn immediatley following all United States decorations.

(2) All other United States service medals follow in the order in which earned, except the Armed Forces Reserve Medal which is always worn after all other United States service medals.

(3) Philippine service medals and ribbons are worn after all United States service medals.

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(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a) [AFR 35-50C]

5. Section 878.88 is changed to read as follows:

§ 878.88 *Gold Star Lapel Button.* (a) The Gold Star Lapel Button, with pin or clutch, is a gold star one-quarter inch in diameter on a purple disc three-quarters inch in diameter, with a wreath of gold laurel leaves five-eighths inch in diameter. On the reverse is the inscription, "United States of America, Act of Congress, August 1947," with space for engraving the initials of the recipient.

(b) The Gold Star Lapel Button is awarded to widows, parents, and certain next of kin of members of the Armed Forces of the United States who lost or who lose their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921), World War II (September 8, 1939 to July 25, 1947, at 12 o'clock noon), or during any subsequent war or period of armed hostilities in which the United States may be engaged. One Gold Star Lapel Button is furnished, without cost, to the widow or widower (remarried or not), and to each of the parents (includes the mother, father, stepmother, stepfather, mother through adoption, father through adoption, and foster parents who stood in loco parentis). One Gold Star Lapel Button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, stepchild, and children through adoption. Replacements for Gold Star Lapel Buttons that have been lost, destroyed, or rendered unfit for use, without fault or neglect on the part of the persons to whom they were furnished, may be obtained at cost.

(c) Gold Star Lapel Buttons may be obtained by writing direct to the Air Force Liaison Unit, Demobilized Personnel Records Branch, Records Administration Center, 4300 Goodfellow Boulevard, St. Louis 20, Missouri.

(d) Section 4 of the act of August 1, 1947, as amended (sec. 4, 61 Stat. 710, as amended by Pub. Law 121, 82d Cong., 36 U. S. C. 182d) provides that: "Who-

Amendment 11, January 14, 1952, 17 F. R. 279.
Amendment 12, January 29, 1952, 17 F. R. 753.
Amendment 13, April 28, 1952, 17 F. R. 3728.
Amendment 14, May 19, 1952, 17 F. R. 4616.

ARTICLE I—SCOPE OF REGULATION

SECTION 1. *What this regulation does.* The purpose of this regulation is to establish specific ceiling prices for certain fats and oils. These ceiling prices supersede those established for such fats and oils by the General Ceiling Price Regulation. The regulation also allows written contracts for the sale of such fats and oils legally entered into prior to the effective date of this regulation to be carried out at the contract price.

SEC. 2. *Applicability.* The provisions of this regulation are applicable in the 48 states of the United States and in the District of Columbia.

[Sec. 2 amended by Amdt. 12]

SEC. 3. *Exceptions.* If prior to March 12, 1951, as to commodities covered in sections 21 to 28 inclusive, you entered, consistently with any outstanding ceiling price regulation, into a written contract for the sale of fats and oils for which ceiling prices are provided by this regulation, you may carry out the contract according to its terms.

[Sec. 3 substituted by Amdt. 2]

ARTICLE II—GENERAL PROVISIONS

SEC. 11. *Prohibitions.* After the date of this regulation you shall not sell, and you shall not buy in the regular course of business or trade, at a price exceeding the ceiling price established by this regulation, any fats or oils for which a ceiling price or a method for computing a ceiling price is set forth in this regulation.

SEC. 12. *Evasion.* You shall not evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation, or other charge, or by tying-agreement, trade understanding, or otherwise.

SEC. 13. *Enforcement.* If you violate any provision of this regulation, you are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950.

SEC. 14. *Records.* If you sell fats or oils for which ceiling prices are established by this regulation, you must preserve and keep available for examination by the Director of Price Stabilization for a period of two years, accurate records of each sale. These records must include:

(a) The date of the sale;
(b) The name of the purchaser;
(c) The price paid or received;
(d) The grade, quality, and amount sold.

SEC. 15. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the Provisions of Price Procedural Regulation 1, Revised, 16 F. R. 4974.

SEC. 16. *Definitions.* Terms used in this regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

Fats and oils. The term "fats and oils" as used in this regulation means oil of the raw, crude, and refined fats and oils; their byproducts and derivatives, and greases, except "essential oils," mineral oils, butter, cocoa butter and poultry fat.

Fats and oils products in the finished form. The term "fats and oils products in the finished form" as used in this regulation means those products the whole or a substantial part of which are manufactured from fats and oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, deodorizing, splitting, or dividing into component parts. Examples of such fats and oils products in the finished form are: shortening, margarine, salad dressing, and mayonnaise.

[Definition of "fats and oils products in the finished form" added by Amdt. 10, as corrected]

Hydrogenated shortening. The term "hydrogenated shortening" means a shortening which is (1) made from vegetable oils or (2) made from a mixture of vegetable oils and animal fats, each of which has been hydrogenated to some extent. It must conform with the following specifications:

No free oils: The shortening must contain no free oils.

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking except that shortening containing mono and diglycerides shall be exempted from this specification.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method, King, Roschen and Irwin; Oil and Soap, 10, 105, June 1933).

Plasticity: The shortening must remain solid and be plastic and workable at a temperature within the range from 70 degrees F to 90 degrees F.

F. F. A. The F. F. A. must not exceed 0.12 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

Iodine number: The iodine number must not exceed 80 (Hanus Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 420).

[Definition of "hydrogenated shortening" added by Amdt. 1]

Inedible greases. The term "inedible greases" as used in this regulation means those greases obtained by rendering fats from hogs. Also, the lower grades of rendered fats, such as those obtained from catch basin skimmings, are termed "greases" regardless of whether the source of the original raw material was from cattle, sheep, or hogs. In general, tallows are firmer in texture than greases, ranging in titre or hardness from 40 to 45 C., while greases range from 34° to 39.9° titre.

[Definition of "inedible greases" added by Amdt. 2]

Inedible tallows. The term "inedible tallows" as used in this regulation means those tallows obtained from the rendering of fats from animals, such as cattle and sheep, as are not considered suitable for human consumption.

[Definition of "inedible tallows" added by Amdt. 2]

North. The term "North" includes the following States: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Washington, D. C., West Virginia, Ohio, Indiana, Michigan, Illinois, Missouri, Kansas, Wisconsin, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Colorado, Wyoming.

[Definition of "North" added by Amdt. 1]

Oil-bearing raw materials and waste animal fat. The term "oil-bearing raw materials and waste animal fat" means those materials whose principal use is in the rendering of inedible tallow and greases. It includes, but is not limited to, butcher shop fats; suet and trimmings; breast fats or rattles; offal; bones, except packer steamed dry bones, prairie bones or dry imported bones; cooked grease, clear, rough or mixed; and interceptor or trap grease.

[Definition of "oil-bearing raw materials and waste animal fat" added by Amdt. 9]

Pacific Coast. The term "Pacific Coast" includes the following States: Washington, Oregon, California, Montana, Idaho, Nevada, Utah, Arizona.

[Definition of "Pacific Coast" added by Amdt. 1]

Refined fats and oils. The term "refined fats and oils" as used in this regulation means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative.

Rendering. "Rendering" as used in this regulation means the process of separating the oil content from the solid materials in fatty animal tissues.

[Definition of "rendering" added by Amdt. 2.]

South. The term "South" includes the following States: Virginia, North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico.

[Definition of "South" added by Amdt. 1.]

Standard shortening. The term "standard shortening" means a shortening which is (1) made from hardened vegetable oil or (2) made from a mixture of vegetable oil and animal fat and/or hardened marine animal oils. It must conform with the following specifications:

Suspended matter: The shortening must be free from any appreciable amount of suspended matter.

Taste and odor: The shortening must be free from rancidity, foreign odor, and sourness.

Moisture: The moisture must not exceed 0.3 percent (Vacuum Oven Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 423).

Smoke point: The shortening must withstand a temperature of 400 degrees F. without smoking.

Stability: The stability of the shortening must be not less than three hours (Active Oxygen Method; King, Roschen and Irwin; Oil and Soap, 10, 105, June 1933).

Plasticity: The shortening must remain solid, and be plastic and workable at a temperature within the range from 70 degrees F. to 90 degrees F.

F. F. A.: The F. F. A. must not exceed 0.3 percent (Method, Official Agricultural Chemists Association, 6th ed., 1940, p. 436).

[Definition of "standard shortening" added by Amdt. 1.]

ARTICLE III—CEILING PRICES

SEC. 21. *Sellers of cottonseed oil.* Your ceiling price for sale of cottonseed oil shall be as follows:

(a) *Crude cottonseed oil.* In tank cars, in cents per pound as follows:

	F. o. b. mill
Arizona (except Graham County)	23⅞
Illinois; North Carolina; South Carolina; Tennessee; Crittenden and Mississippi Counties, Ark.; New Madrid, Dunklin, and Scott Counties, Mo.; Morgan County, Ala.	23⅝
Alabama (except Morgan County); Arkansas (except Crittenden and Mississippi Counties); Florida; Georgia; Louisiana; Mississippi; Missouri (except New Madrid, Dunklin, and Scott Counties); Graham County, Ariz.; Bowie County, Tex.	23½
Oklahoma; El Paso County, Tex.; New Mexico	23⅜
Texas (except El Paso County)	23¼
California (except Los Angeles County)	24
Los Angeles County, Calif.	24¼

[Paragraph (a) amended by Amdts. 1, 3 and 13; reinstated by Amdt. 14]

(1) These crude cottonseed oil ceiling prices shall be adjusted on a 9 percent settlement basis as provided in Rule 142 of the 1951–52 Rules of the National Cottonseed Products Association, Inc.

[Subparagraph (1) amended by Amdt. 13]

(2) Where (i) crude cottonseed oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customarily for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling prices shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Refined cottonseed oil.* In cents per pound, delivered as follows:

	Bleachable prime summer yellow oil (in tank cars)	Cooking or shortening oil (in tank cars)	Salad or winterized oil (in tank cars)	Hydrogenated or marine oil (in tank cars)	High titre hydrogenated deodorized oil (in bags)
Atlanta, Ga.	25.97	28.97	29.97	29.97	29.62
Baltimore, Md.	26.32	29.32	30.32	30.32	30.62
Birmingham, Ala.	25.97	28.97	29.97	29.97	29.62
Boston, Mass.	26.47	29.47	30.47	30.47	30.77
Charlotte, N. C.	26.11	29.11	30.11	30.11	30.76
Chattanooga, Tenn.	26.06	29.06	30.06	30.06	30.71
Chicago, Ill.	26.12	29.12	30.12	30.12	30.77
Cincinnati, Ohio	26.13	29.13	30.13	30.13	30.78
Columbus, Ohio	26.22	29.22	30.22	30.22	30.87
Dallas, Tex.	25.54	28.54	29.54	29.54	29.19
Denison, Tex.	25.54	28.54	29.54	29.54	29.19
Denver, Colo.	26.32	29.32	30.32	30.32	30.62
Detroit, Mich.	26.32	29.32	30.32	30.32	30.62
Elem, Ill.	25.12	28.12	29.12	29.12	29.77
Ft. Worth, Tex.	25.54	28.54	29.54	29.54	29.19
Greenville, S. C.	26.05	29.05	30.05	30.05	30.76
Houston, Tex.	25.54	28.54	29.54	29.54	29.19
Indianapolis, Ind.	26.12	29.12	30.12	30.12	30.77
Kansas City, Mo.	26.07	29.07	30.07	30.07	30.72
Los Angeles, Calif.	26.40	29.40	30.40	30.40	30.05
Louisville, Ky.	26.09	29.09	30.09	30.09	30.74
Macon, Ga.	25.97	28.97	29.97	29.97	29.62
Memphis, Tenn.	25.85	28.85	29.85	29.85	29.50
New Orleans, La.	25.90	28.90	29.90	29.90	29.55
New York, N. Y.	26.40	29.40	30.40	30.40	30.05
Norwalk, Ohio	26.21	29.21	30.21	30.21	30.86
Oklahoma City, Okla.	25.80	28.80	29.80	29.80	29.45
Omaha, Nebr.	26.25	29.25	30.25	30.25	30.90
Opelousas, La.	25.87	28.87	29.87	29.87	29.52
Osceola, Ark.	25.95	28.95	29.95	29.95	29.60
Philadelphia, Pa.	26.39	29.39	30.39	30.39	30.01
Pittsburgh, Pa.	26.28	29.28	30.28	30.28	30.91
Portland, Oreg.	26.40	29.40	30.40	30.05	30.05
Portsmouth, Va.	26.35	29.35	30.35	30.35	30.95
San Antonio, Tex.	25.54	28.54	29.54	29.54	29.19
San Francisco, Calif.	26.30	29.30	30.30	30.30	30.05
Savannah, Ga.	26.05	29.05	30.05	30.05	30.70
Seattle, Wash.	26.40	29.40	30.40	30.05	30.05
Sherman, Tex.	25.54	28.54	29.54	29.54	29.19
St. Louis, Mo.	25.97	28.97	29.97	29.97	29.62
Suffolk, Va.	26.27	29.27	30.27	30.27	30.92
Terre Haute, Ind.	26.12	29.12	30.12	30.12	30.77
Thomasville, Ga.	26.12	29.12	30.12	30.12	30.77
Washington, D. C.	26.32	29.32	30.32	30.32	30.97

[Paragraph (b) amended by Amdt. 1]

ever shall (1) wear, display, on his person, or otherwise use as an insignia, any gold star lapel button issued to another person under the provisions of this act; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging or counterfeiting any lapel button authorized by this act; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession, any such false, forged, or counterfeited lapel button, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

(Secs. 2, 3, 61 Stat. 710, as amended by Pub. Law 121, 82d Cong., 36 U. S. C. 182b, 182e) [APR 30–9A]

6. Section 878.91 is changed to read as follows:

§ 878.91 *Accolade.* An accolade signed by the President of the United States is presented to the next of kin on record of members of the Armed Forces of the United States who died in the line of duty during military operations and to the next of kin of civilians who died overseas or as a result of injury or disease contracted while serving in a civilian capacity with the Armed Forces during periods of military operations.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a) [APR 30–9A]

[SEAL] K. E. THEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 52-6688; Filed, June 18, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 6, Collation 2]

CPR 6—FATS AND OILS

COLL. 2—INCLUDING AMENDMENTS 1–14

Ceiling Price Regulation 6 is republished to incorporate the text of Amendments 1 through 14. Ceiling Price Regulation 6 was issued February 14, 1951 (16 F. R. 1501). Statements of considerations to Ceiling Price Regulation 6 and to Amendments 1 through 14, inclusive, as previously published are applicable to this republication. The effective dates of the original regulation and amendments are shown in a note preceding the first section of the regulation.

In the republication of Ceiling Price Regulation 6, the content of the regulation has been rearranged as indicated in the following table:

CPR 6 as republished	CPR 6 before republication
ARTICLE I—SCOPE OF REGULATION	
Sec.	Sec.
1. What this regulation does	1.
2. Applicability	2 (a).
3. Exceptions	2 (d).
ARTICLE II—GENERAL PROVISIONS	
11. Prohibitions	2 (c).
12. Evasion	6.
13. Enforcement	7.
14. Records	8.
15. Petitions for amendment	9.
16. Definitions	10, 16, 11 (n).
ARTICLE III—CEILING PRICES	
21. Sellers of cottonseed oil	3.
22. Sellers of soybean oil	4.
23. Sellers of corn oil	5.
24. Processors of cottonseed and soybean oil cake and meal	11, except paragraph (n).
25. Sellers of tallows and greases	12.
26. Imported tallows and greases	13.
27. Exported tallows and greases	14.
28. Animal fats, inedible	15.
29. Vegetable oil soap stocks	17.
30. Sellers of fish oils	18.
31. Ceiling prices for processors	
32. Suspension as to certain commodities	

The substance of Ceiling Price Regulation 6 as amended has not been changed or revised by this republication.

AUTHORITY: Sections 1 to 32 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 1 to 32 contained in Ceiling Price Regulation 6, February 14, 1951, 16 F. R. 1501, except as otherwise noted in brackets following text affected.

EFFECTIVE DATES:

CPR 6 (as originally provided in section 9 (b)), February 14, 1951, 16 F. R. 1501.

Amendment 1, March 12, 1951, 16 F. R. 2146.
Amendment 2, March 12, 1951, 16 F. R. 2224.
Amendment 3, March 26, 1951, 16 F. R. 2681.
Amendment 4, April 12, 1951, 16 F. R. 3157.
Amendment 5, May 5, 1951, 16 F. R. 3720.
Amendment 6, May 3, 1951, 16 F. R. 4104.
Amendment 7, May 19, 1951, 16 F. R. 4611.
Amendment 8, June 11, 1951, 16 F. R. 5398.
Amendment 9, June 16, 1951, 16 F. R. 5534.
Amendment 10, as corrected, August 26, 1951, 16 F. R. 8586.

(1) *Differentials for other delivery points.* The customary differentials above or below these delivered prices shall apply to all other destinations.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate, shall apply.

[Subparagraph (2) substituted by Amdt. 1]

(3) *Differentials for other grades.* The customary differentials for grade above or below these prices for basic grades shall continue to apply.

(4) *Adjustments for premium quality.* If you have customarily charged a premium over the market price for a grade of refined cottonseed oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in section 21 (b) of this regulation.

(5) *Alternative method of pricing bleachable prime summer yellow.* Any refiner shall have the alternative privilege of selling bleachable prime summer yellow f. o. b. his refinery, and his ceiling price shall be determined by adding two cents per pound to the ceiling price of crude cottonseed oil, as determined by section 21 (a) of this regulation, plus the amount of freight paid on the crude oil in bringing such oil to the refinery, such amount of freight to be supported by inbound freight bill on the crude oil, surrendered for the purpose of determining the balance of outbound freight to final destination for the refined oil.

[Subparagraph (5) added by Amdt. 3]

(c) *Cottonseed oil futures contracts.* The ceiling prices for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange shall be 26.40 cents per pound and 25.95 cents per pound, respectively.

SEC. 22. *Sellers of soybean oil.* Your ceiling price for sale of soybean oil shall be as follows:

(a) *Crude soybean oil.* In tank cars, in cents per pound, as follows:

	F. o. b. mill
California, Oregon, Washington	21⅜
Arizona	21⅛
Alabama, Arkansas, Florida, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas	20½
Iowa, Minnesota, Nebraska, North Dakota, South Dakota	20⅜
Delaware, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Wisconsin	[1] 20½

[1] Plus freight from Decatur, Ill., to New York, N. Y., minus freight from point of sale to New York, N. Y.; provided that in no case shall your ceiling be less than 20½ cents.

[Paragraph (a) amended by Amdts. 1 and 13; reinstated by Amdt. 14]

(1) These crude soybean oil ceiling prices shall be adjusted on a 7 percent refining loss basis as provided in Rule 102 of 1951–52 Rules of the National Soybean Processors Association.

[Subparagraph (1) amended by Amdt. 13]

(2) Where (i) crude soybean oil is sold and delivered to a buyer to whom it may be shipped for no more than a switching charge, and (ii) where prior to January 1, 1951, it was customary for such oil to take a premium when sold by a seller in that locality to a buyer located within that locality's switching limits, the ceiling price shall be the prices set forth above, plus the premium that customarily prevailed in that locality on such sales prior to January 1, 1951.

(b) *Crude soybean oil futures.* The ceiling price for crude soybean oil futures contracts traded on the New York Produce Exchange and the Chicago Board of Trade shall be 20.50 cents per pound.

[Paragraph (b) amended by Amdt. 13; reinstated by Amdt. 14]

(c) *Refined soybean oil.* Your ceiling price for sales of refined soybean oil shall be, in cents per pound, as follows:

For sales f. o. b. Decatur, Ill.	
Refined unbleached and undeodorized soybean oil for edible use	22.00
Once refined industrial soybean oil for inedible use	22.25
Once refined bleached industrial soybean oil for inedible use	22.75
Deodorized and bleached soybean oil	23.45
Soybean salad oil	23.55
Hydrogenated margarine soybean oil	24.20
High titre undeodorized hydrogenated soybean oil in bags	25.60

For sales at any other place. Wherever refining-in-transit freight rates apply from Decatur, Ill., through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Ill., price plus refining-in-transit freight from Decatur, Ill., through refinery location to final destination.

Wherever refining-in-transit rates do not apply from Decatur, Ill., through refinery location to final destination, your ceiling price shall be the f. o. b. Decatur, Ill., price plus inbound freight from Decatur, Ill., and actual outbound freight from refinery location to final destination.

(1) *Differentials for other grades.* The customary differentials for grades above or below these prices for basic grades shall continue to apply.

(2) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers, including tank wagons or drums when shipped on a refining-in-transit rate, shall continue to apply.

(3) *Adjustments for premium quality.* If you are an individual seller of refined soybean oil and have customarily charged a premium over the market price for a grade of such oil, you may apply in writing to the Director of Price Stabilization, Washington 25, D. C., for an adjustment in your ceiling price for such premium quality oil. This application shall contain all pertinent information describing the quality characteristics of the particular grade of oil and documentary evidence that you have customarily charged the premium. After March 1, 1951, you may not charge the premium price without the written approval of the Director of Price Stabilization. Until March 1, 1951, you may charge your customary premium over the applicable ceiling prices in Section 21 (b) of this regulation.

[Paragraph c amended by Amdt. 1]

[Title of Sec. 22 amended by Amdt. 13]

SEC. 23. *Sellers of corn oil.* Your ceiling price for sale of corn oil shall be as follows:

(a) *Crude corn oil.* In tank cars, in cents per pound, as follows:

F. o. b. all mills in U. S., except Geneva, N. Y., and Wilkes-Barre, Pa	24½
F. o. b. Geneva, N. Y., and Wilkes-Barre, Pa	25

[Paragraph (a) amended by Amdt. 13, reinstated by Amdt. 14]

(b) *Refined corn oil.* In tank cars, in cents per pound, as follows:

Corn salad oil, basis f. o. b. Midwestern Refineries	27½

(1) *Differentials for other types of bulk containers.* The customary differentials for other types of bulk containers shall continue to prevail.

(2) *Differentials for other grades.* The customary differentials for grade above or below these prices for basis grades shall continue to apply.

[Sec. 23 amended by Amdt. 1]

SEC. 24. *Processors of shortening and salad and cooking oils.*—(a) *Standard shortening.* The delivered ceiling prices of Armour and Co.'s "Star" and "Domino", Capital City Products Co.'s "Famous", Cotton Products Co.'s "Lou-Ana", The Cudahy Packing Co.'s "White Ribbon", The Glidden Co.'s (Durkee Famous Foods) "Snowflake", The Humko Co.'s "Humko", Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's" and "Southern Queen", The Procter and Gamble Co.'s "Fluffo" and "Flakewhite", Swift and Co.'s "Jewel" and "Sanco", Wesson Oil and Snowdrift Sales Co.'s "Crustene" and "Scoco", Wilson and Co.'s "Advance" and "Royal Aster", all other brands of standard shortening manufactured or distributed by the processors of these brands and all other brands of standard shortening manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	30.00	31.00
110-pound tins (per pound)	30.00	31.00
50-pound cribes (per pound)	29.75	30.75
50-pound tins (per pound)	30.50	31.50
	Dollars	*Dollars*
6-pound cartons (per case)	14.85	15.35
48-pound cartons (per case)	15.00	15.50
6-pound pails (per case)	15.40	15.90
12-pound tins (per case)	12.15	12.70
24-pound tins (per case)	12.87	13.22

[Paragraph (a) amended by Amdt. 3]

(b) *Hydrogenated shortening (without mono- and di-glyceride).* The delivered ceiling prices of Armour and Co.'s "Kre-mit," Capital City Products Co.'s "B. B. S.", The Glidden Co.'s (Durkee Famous Foods) "Creamtex" and "Malvo", the Humko Co's "Kopald", Lever Bros. Co's "Covo", "Mrs. Tucker's Foods, Inc.'s "Velvet", The Procter and Gamble Co's "Primex", Swift and Co's "Vream", Wesson Oil and Snowdrift Sales Co.'s "MFB", Wilson and Co's "Bakerite," all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (without mono- and di-glycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	31.75	32.75
110-pound tins (per pound)	31.75	32.75
50-pound cribes (per pound)	31.50	32.50
50-pound tins (per pound)	32.25	33.25

[Paragraph (b) amended by Amdt. 3]

(c) *Hydrogenated shortening (with mono- and di-glycerides).* The delivered ceiling prices of Armour and Co.'s "Kremor", Capital City Products Co.'s "Hymo", The Glidden Co.'s (Durkee Famous Foods) "Betr Kake", The Humko Co.'s "Kopald Richmix", Lever Bros. Co.'s "Gilt Edge", Mrs. Tucker's Foods, Inc.'s "Gleam", The Procter and Gamble Co.'s "Sweetex", Swift and Co.'s "Vreamay", Wesson Oil and Snowdrift Sales Co.'s "Quick Blend", Wilson and Co.'s "Bakerite 140", all other brands of hydrogenated shortening (with mono- and di-glycerides manufactured or distributed by the processors of these brands, and all other brands of hydrogenated shortening (with mono- and di-glycerides) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	32.75	33.75
110-pound tins (per pound)	32.75	33.75
50-pound cribes (per pound)	32.50	33.50
60-pound tins (per pound)	33.25	34.25

[Paragraph (c) amended by Amdt. 3]

(d) *Household consumer hydrogenated shortening (with mono- and di-glycerides).* (1) The delivered ceiling prices of Lever Bros. Co.'s "Spry", The Procter and Gamble Co.'s "Crisco" and Swift and Co.'s "Swiftning" shall be the following prices:

[Prior to any discount being deducted, but subject to a 2 percent cash discount]

North, South and Pacific Coast

	(Dollars)
6 6-pound tins (per case)	12.87
12 3-pound tins (per case)	12.87
36 1-pound tins (per case)	13.59
24 1-pound tins (per case	9.06

(2) The delivered ceiling price of Wesson Oil and Snowdrift Sales Co.'s "Snowdrift" shall be the following prices:

[Prior to any discount being deducted, but subject to a 1 percent cash discount]

North, South, and Pacific Coast

	(Dollars)
6 6-pound tins (per case)	12.74
12 3-pound tins (per case)	12.74
36 1-pound tins (per case)	13.45
24 1-pound tins (per case)	8.97

(e) *Salad and cooking oil (made from cottonseed or corn oil).* The delivered ceiling prices of Armour and Co.'s "Star", Capital City Products Co.'s "Winco" and "Corn-O-May", Clinton Foods, Inc.'s "Clinton", The Corn Products Refining Co.'s "Argo", Cotton Products Co.'s "Lou Ana", Cudahy Packing Co.'s "Margherita", The Glidden Co.'s (Durkee Famous Foods) "Nonpareil" and "Contadina", The Humko Co.'s "Humko", Mrs. Tucker's Foods, Inc.'s "Mrs. Tucker's", Penick and Ford, Ltd., Inc.'s "Penick", The Procter and Gamble Co.'s "Fluffo" and "Puritan", The Quaker Oats Co.'s "Aunt Jemima", C. F. Simonin's Sons, Inc.'s "Yolanda" and "Liberty Maize", A. E. Staley Manufacturing Co.'s "Staley", Swift and Co.'s "Jewel", Wesson Oil and Snowdrift Sales Co.'s "77" and "Blue Plate", Wilson and Co.'s "Certified", all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by the processors of these brands, and all other brands of salad and cooking oil (made from cottonseed or corn oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North	South	Pacific Coast
	Cents	*Cents*	*Cents*
Drums (per pound)	32.25	32.25	32.25
	Dollars	*Dollars*	*Dollars*
1-gallon (per case)	12.90	12.90	13.05
6½ gallons (per case)	15.70	15.70	15.80
4½ gallons (per case)	10.50	10.50	10.55
12 quarts (per case)	8.75	8.55	8.80
24 pints (per case)	8.00	8.55	8.80

[Paragraph (e) amended by Amdt. 3]

(f) *Household consumer salad and cooking oil (made from cottonseed or corn oil).* (1) The delivered ceiling prices of Wesson Oil and Snowdrift Sales Co.'s "Wesson Oil", shall be the following prices:

[Prior to cash discount and prior to trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6½ gallons (per case)	17.02	17.13	17.35
12 quarts (per case)	9.04	9.09	9.24
24 pints (per case)	9.77	9.23	9.43

The above prices shall also apply to Corn Products Refining Co.'s "Mazola" where trade discount is not customary.

(2) The delivered ceiling prices of Corn Products Refining Co.'s "Mazola" where trade discount is customary, shall be the following prices:

[Prior to cash discount and prior to trade discount]

	North	South	Pacific Coast
	Dollars	*Dollars*	*Dollars*
6½ gallons (per case)	17.02	17.13	17.35
12 quarts (per case)	9.04	9.09	9.24
24 pints (per case)	9.77	9.23	9.43

(g) *Salad or cooking oil (made from soybean oil).* The delivered ceiling prices of The Glidden Co.'s (Durkee Famous Foods) "Capitano", The Procter and Gamble Co.'s "Atlas", C. F. Simonin's Sons, Inc.'s "Sayola", A. E. Staley Manufacturing Co.'s "Edsoy", Swift and Co.'s "Imperial", Spencer Kellog and Sons, Inc.'s "Spensoy", all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by the processors of these brands and all other brands of salad and cooking oil (made from soybean oil) manufactured or distributed by processors not named above but customarily sold in the same price range as the brands mentioned, shall be the following prices:

	North and South	Pacific Coast
	Cents	*Cents*
Drums (per pound)	28.25	28.25
	Dollars	*Dollars*
1-gallon (per case)	11.30	11.50
6½ gallons (per case)	13.85	13.95

(h) *Differentials*—(1) *Quantity differentials for shortenings.* The delivered ceiling prices of hydrogenated and standard shortenings are the prices for hydrogenated and standard shortenings when shipped in quantity to which the lowest price is applied in the processor's published price lists. For other quantities, the customary differentials shall apply.

(2) *Quantity differentials for salad and cooking oils.* The delivered ceiling prices of salad and cooking oils are the prices when shipped in the quantities named in the processor's published price lists. When salad and cooking oils are shipped in carload lots on which a refining-in-transit privilege is applicable, the customary discount (if any) from the delivered ceiling prices established in this section shall continue to apply. For other quantities the customary differentials shall apply.

(3) *Container.* When hydrogenated and standard shortening and salad and cooking oils are sold in containers of different sizes from the container sizes

named in this section, the customary differentials for size of container shall apply.

(4) *Cash discounts.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established in this section are the delivered ceiling prices before cash discounts. The customary discount for receipt of payment within the period specified in the processor's published price lists shall apply.

(5) *Area.* The delivered ceiling prices of hydrogenated and standard shortenings and salad and cooking oils established are base prices for the three areas named (North, South, and Pacific Coast). The customary differentials which have applied over base prices to some points within as well as to Territories and Possessions of the United States shall apply.

(i) *Ceiling prices for defense agencies.* A processor selling to a Defense Agency of the United States Government, or its agent, may charge a premium of not more than 2 cents per pound over the ceiling prices established by this section for shortening containing 100% cottonseed oil.

(j) *Branch houses and car routes for sales of shortening.* Where a processor sells standard or hydrogenated shortenings through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published price lists, the processor's delivered ceiling price on such sales shall be 106 percent of the delivered ceiling price permitted him in this section.

(k) *Branch houses and car routes for salad and cooking oil.* Where the processor sells salad or cooking oil through a branch house or car route owned by the processor or owned by a corporation more than 50 percent of whose stock is owned or controlled by the processor, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which the lowest price is applied in the processor's published price lists, the processor's delivered ceiling price on such sales shall be 110 percent of the delivered ceiling price permitted him in this section.

(l) *Delivered ceiling prices of other brands.* The delivered ceiling price of a band of standard or hydrogenated shortening or of salad or cooking oil, the delivered ceiling price of which is not established in paragraphs (a) through (g) of this section shall be determined by applying the customary differential above or below the price of one of the brands named.

(m) *Applications for adjustment.* If the processor of a brand of shortening, or of a brand of salad and cooking oil has no ceiling price because there is no customary differential, or feels that his ceiling price is unduly low, he may file an application for adjustment with the Office of Price Stabilization. Such application should set forth in detail the reasons why the applicant believes his brand should be permitted to sell at the delivered ceiling price requested by the applicant in his application, or why there is no customary price relationship between the applicant's brand and one of the brands named.

[Sec. 24 added by Amdt. 1]

SEC. 25. *Sellers of tallows and greases.* The ceiling prices of inedible tallows and greases shall be as follows:

Tallows and greases. F. o. b., loaded on cars or trucks, at point of shipment:

	(1) Titre minimum	(2) F. F. A. maximum	(3) M. I. U. basis	(4) F. A. C. maximum untreated and unbleached	(5) Cents per pound
TALLOWS	° C.	*Percent*	*Percent*		
Edible	41.5	1	1	5	11½
Industrial fancy and/or acidless tallow	42.0	3	1	7	10½
Fancy	41.5	4	1	7	10½
Bleachable fancy	41.5	4	1	See (b) below	10½
Choice	41	5	1	9	10½
Bleachable choice	41	4	1	See (b) below	10½
Prime, renderers' prime, prime packers, or extra	40.5	10	1	13 or 11B	10½
Special	40.5	10	1	13 or 11C	9½
No. 1	40.5	15	2	33	9½
No. 3	40.5	20	2	37	8½
No. 2	40	35	2	No color	8
Naphtha extracted bone	40	50	3	do	7½
GREASES					
Choice white	37	4	1	11	10½
A, white	37	8	1	15	10½
B, white	36	10	2	17 or 11C	9½
Yellow	36	15	2	37	9½
House	35.5	20	2	39	8½
Brown	38	50	2	No color	7½
Fleshing and/or glue grease No. 1	36	15	1	15	9½
Fleshing and/or glue grease No. 2	36	40	2	37	8½
No. 1 Pig skin and Pigskoot	34	2	1	9	10½
Garbage grease	34	60	3	No color	6½
No. 1 Horse oil [1]	[2]37	3	1	11B	10½
No. 2 Horse oil [1]	[2]37	15	2	37	8½

[1] Iodine value shall not be less than 70.
[2] Maximum titre.

[Above Table amended by Amdt. 11]

(a) Materials of less than 40 titre shall be deemed greases and shall be priced only on the basis of the ceiling prices set forth above for greases; and materials of more than 39.9 titre shall be deemed tallows and shall be priced only on the basis of the ceiling prices set forth above for tallows:

(b) Prices indicated for bleachable fancy and bleachable choice in the price schedule above may be paid for tallows meeting specifications in the following table after refining and bleaching in accordance with the official American Oil Chemists' Society method performed by the buyer after receipt of material providing in the case of bleachable fancy the original tallow has a minimum 41.5° C titre, maximum 4% free fatty acid, basis of 1% M. I. U. and maximum original color of 10.5 red thru a 1" Lovibond column; and in the case of bleachable choice the original tallow has a minimum 41° C titre, maximum 5% free fatty acid, basis 1% M. I. U. and maximum original color of 10.5 red thru a 1" Lovibond column.

Table B

	(1) Minimum titre ° C.	(2) F. F. A. max. percent	(3) M. I. U. basis percent	(4) Max. original color thru 1" Lovibond column	(5) Max. color after bleach thru 5¼" Lovibond column	(6) Permissible settlement grade	Price cent per lb
Original tallow	41.5	4	1	10.5R	2.0R	Bl. Fancy	[illegible]
Original tallow	41.0	5	1	10.2R	2.0R	Bl. Choice	[illegible]

[Paragraph (b) added by Amdt. 4; amended by Amdt. 11]

(c) Each type or grade of tallow or grease must be designated by the name customarily applied by to it by the trade, and must be priced on the basis of the specifications prescribed in this section for such type or grade.

(d) The usual or normal differentials for grades, with specifications other than those listed above, shall continue to apply.

(e) When any of the above-named tallows or greases are sold in drums, barrels, or tierces at buyer's request, the ceiling prices for such tallows or greases shall be the prices set forth above, plus the differentials hereinafter set forth for the type of container in which the tallows or greases are shipped:

Container	*Differentials to be added in cents per pound*
Returnable drums, barrels or tierces	½
Nonreturnable drums, barrels or tierces	1½

[Paragraphs (c), (d), and (e) redesignated by Amdt. 4]

(f) When tallows and greases are shipped in less than carload lots, the usual or normal premium shall continue to apply.

[Paragraph (f) added by Amdt. 4]

(g) When edible tallow shown in the table of this section is sold in smaller size containers than drums, barrels and tierces, your customary differentials shall apply.

[Paragraph (g) added by Amdt. 4]
[Sec. 25 added by Amdt. 2]

SEC. 26. *Imported tallows and greases.* The ceiling prices of imported tallows and greases, with duties and taxes paid, f. o. b. port of entry, shall be the ceiling prices set forth in section 25 of this regulation.

[Sec. 26 added by Amdt. 2]

SEC. 27. *Ceiling prices for exports of fats and oils and fats and oils products in the finished form.* Ceiling Price Regulation 61 applies to sales for export of the "fats and oils" and "fats and oils products in the finished form" which are covered by this regulation.

[Sec. 27 added by Amdt. 2; amended by Amdt. 10, as corrected]

SEC. 28. *Fat-bearing and oil-bearing animal waste materials.* (a) Ceiling prices for fat-bearing or oil-bearing animal waste materials are the highest prices at which such materials were delivered to a purchaser of the same class during the period from June 20 to July 20, 1951, inclusive. If such materials were not delivered during this period, the ceiling price shall be the highest price at which such materials were offered for delivery during this period to a purchaser of the same class. This offer must have been in writing. If no such materials were offered for delivery or dealt in during the above period, the ceiling prices for such materials shall be those of the seller's most closely competitive seller of the same class selling the same materials to the same class of purchaser.

[Paragraph (a) amended by Amdt. 11]

(b) As an alternative to the method provided in paragraph (a) of this section, agencies of the United States Government, or any separate selling units of such agencies, who during the period from June 20 to July 20, 1951, inclusive, sold any of the waste materials covered by this section on the basis of fixed term contracts entered into with buyers of such materials prior to June 20, 1951, may determine their ceiling prices for future sales by adopting those of their most closely competitive seller.

[Paragraph (b) amended by Amdt. 11]
[Sec. 28 added by Amdt. 2; amended by Amdt. 8]

SEC. 29. *Vegetable oil soap stocks—(a) Ceiling prices of raw soap stocks.* The ceiling prices of the following raw soapstocks, delivered in tank cars or tank wagons, shall be the following prices:

RAW SOAPSTOCKS—BASIS 50 PERCENT T. F. A.

[Cents per pound]

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil soapstock (foots) including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	6.125	6	6

(1) Where any of the above soapstocks (foots) are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the soapstock is delivered, plus or minus the usual normal differential that prevailed prior to January 1, 1951, between the point to which the soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(b) *Ceiling prices of acidulated soapstocks.* The ceiling prices of acidulated soapstocks, delivered in tank cars or tank wagons shall be the following prices:

ACIDULATED SOAPSTOCKS—BASIS 92 PERCENT T. F. A.

	New York	Chicago and Cincinnati	Los Angeles and San Francisco
Domestic vegetable oil acidulated soapstock including but not necessarily limited to cottonseed, soya, corn, peanut or any mixture thereof	12.625	12.5	12.5

(1) Where any of the above acidulated soapstocks are delivered to other destinations, the ceiling price shall be the price set forth above for the city nearest the point to which the acidulated soapstock is delivered, plus or minus the usual or normal differential that prevailed prior to price control between the point to which the acidulated soapstock is delivered and the nearest city named in the above schedule.

(2) The usual or normal differentials for grade, above or below the listed grades, shall continue to apply.

(3) The usual or normal differential for type of container shall continue to apply.

(4) The terms "domestic vegetable oil soapstock" and "domestic vegetable oil acidulated soapstock" means soapstocks derived from fats and oils not enumerated in section 14 of General Ceiling Price Regulation.

[Sec. 29 added by Amdt. 6]

SEC. 30. *Sellers of fish oils.* The ceiling prices of fish oils shall be as follows:

(a) Fish oils: Loaded on buyers' tank cars, tank trucks, or barge:

	Cents per pound
Menhaden oil, crude, f. o. b. producer's plant, Atlantic and Gulf Coasts	16
Sardine oil, crude, f. o. b. producer's plant, Atlantic Coast	16
Sardine oil, crude, f. o. b. producer's plant, Pacific Coast	16
Pilchard oil, crude, f. o. b. producer's plant, Pacific Coast	16
Herring oil, crude, f. o. b., Seattle	16
Herring oil, crude, f. o. b. producer's plant, Atlantic Coast	16
Crude tuna oil, mackerel oil, red fish oil, seal oil, hairyback fish oil, bottom fish oil, or other fish body oils produced by the reduction of the whole fish or the offal of such fish, f. o. b. plant of production	16

(b) If you import any of the oils specified in paragraph (a) of this section, your ceiling prices for the sale of such fish oils shall be the above ceiling prices, f. o. b. port of entry. These ceiling prices include all import duties and taxes.

(c) The usual and customary differentials for grades above or below these prices for basic grades shall continue to apply.

(d) The usual or customary differentials for types of conveyance or container shall continue to apply.

(e) Sales contracts for the grade and type of fish oil to be delivered, after the effective date of this amendment may be performed only at a price that does not exceed the ceiling prices set forth in paragraph (a) of this section.

(f) If you are a seller of fish oils to be sold at any of the price differentials specified in paragraphs (c) and (d) of this section, you must file, within thirty days from the effective date of this order, with the Fats and Oils Branch, Food and Restaurant Division, Office of Price Stabilization, Washington 25, D. C., a schedule of prices which will indicate the customary differentials from the ceiling price of crude oil which you intend to apply in accordance with paragraphs (c) and (d) of this section.

(g) If you have customarily charged a premium for sales of fish oil to be used as a carrying medium for vitamins, you may apply in writing to the Fats and Oils Branch, Food and Restaurant Division, OPS, Washington, D. C., for an adjustment in your ceiling price for such sales. This application must be filed in duplicate and contain all pertinent information indicating the name and address of the buyer; documentary evidence that you have customarily charged the premium; and the proposed selling price for which you are seeking adjustment.

[Sec. 30 added by Amdt. 7]

SEC. 31. *Ceiling prices for processors of lard—(a) Loose lard and standard commercial refined lard.* Your ceiling price for a sale of loose lard and base or standard commercial refined lard shall be:

(1) Delivered within the corporate limits of basing points, in cents per pound, as follows:

[Cents per pound]

	Kansas City	Chicago and Los Angeles	Multiple basing points
Loose lard	17.75	18 (c)	17.75
Base or standard commercial refined lard (in nonreturnable drums or tierces, carlots)	20.75	21 (c)	20.75

[Above Table amended by Amdt. 14]

(2) Delivered outside corporate limits of basing points, in cents per pound as follows:

	Kansas City basing point area	Chicago and East St. Louis basing point area	Multiple basing point area
Loose lard	Area basing point price plus the tank car freight rate per pound on loose lard, Federal transportation tax included, from area basing point to community of sale. No other charges may be added to this price.	Area basing point price plus tank car freight rate per pound on loose lard, Federal transportation tax included, from basing point in area nearest freight-wise to community of sale. No other charges may be added to this price.	Area basing point price plus tank car freight rate per pound on loose lard, Federal transportation tax included, from basing point in area nearest freight-wise to community of sale. No other charges may be added to this price.
Base of standard commercial refined lard (nonreturnable drums or tierces).	Area basing point price plus the packing house products freight rate per pound, including tare and Federal transportation tax, from area basing point to community of sale. No other charges may be added to this price.	Area basing point price plus packing house products freight rate per pound, including tare and Federal transportation tax, from basing point in area nearest freight-wise to community of sale. No other charges may be added to this price.	Area basing point price plus packing house products freight rate per pound, including tare and Federal transportation tax, from basing point in area nearest freight-wise to community of sale. No other charges may be added to this price.

(b) *Lard other than loose lard or base or standard commercial refined lard.* (1) Your ceiling price for lard other than loose lard or base or standard commercial refined lard is determined by applying the following differentials:

Over (+) or under (−) the ceiling price for base or standard commercial refined lard	
In tierces or 400-pound drums:	*Cents per pound*
Prime steam lard	−1.25
Dry rendered lard	−1.25
Rendered pork fat	−1.75
Refined rendered pork fat	−.50
Special refined hardened lard (4 percent lard flakes)	+.25
Open kettle rendered lard	+.75
Neutral lard	+1.00
Edible lard oil	+1.50
In bags:	
Lard flakes	+.75
Rendered pork fat flakes	+.25

(2) Your ceiling prices for those types and grades of lard for which specific ceilings are not established by this section are determined by applying your customary differentials in effect for the calendar year 1950 to your ceiling price for base or standard commercial refined lard, provided that in the case of special refined hardened lard, you may add 0.0625 cents for each additional 1 percent of lard flakes over 4 percent but not to exceed a total allowance of 0.75 cents per pound.

(c) *Container differentials.* (1) Your ceiling price for lard sold in other than tierces or 400-pound drums is determined by adding the following differentials to your ceiling price of the particular type of lard involved.

Container	*Differential to be added in cents per pound*
120-pound non-returnable drums	None
65-pound hardwood tubs	0.50
56-pound wood or fibre export boxes	.25
50-pound tins	.50
50-pound fibre cubes	.25
37-pound tins	.50
25-pound tins	1.00
20-pound tins	1.50
16-pound tins	1.50
8-pound tins	1.50
4-pound tins	1.75
3-pound tins, key-opener style	2.00
8-pound cartons	.50
4-pound cartons	.50
3-pound cartons	.50
2-pound cartons	.50
1-pound cartons	.50

(2) *Sales of refined lard in tank cars.* Your ceiling price for sales of refined lard in tank cars is determined by subtracting 1.75 cents per pound from your ceiling price, in tierces or drums, of the particular type of refined lard involved.

(3) *Sales of refined lard in tank trucks.* Your ceiling price for sales of refined lard in tank trucks is determined by subtracting 1.50 cents per pound from your ceiling price, in tierces or drums, of the particular type of refined lard involved.

(4) *Sales in other than listed containers.* If you sell lard in a type or size of container not listed above your ceiling price for that lard is your ceiling price for the particular type of lard involved plus your customary differential in effect for the calendar year 1950 over or under the drum or tierce price.

(d) *Quantity differentials.* (1) Ceiling prices established by paragraphs (a) through (c) of this section are ceiling prices for carload sales where the carload is sold to one buyer and shipped in one shipment, single destination or in a stop-over joint car shipment, more than one destination.

(2) Your ceiling price for less than carload sales other than branch house and car route sales is determined by adding 0.50 cents per pound to your delivered ceiling price at the community of sale.

(e) *Branch house and car route sales of lard.* If you sell lard through a branch house or car route owned by you, or owned by a corporation more than 50 percent of whose stock is owned or controlled by you, to a purchaser other than (1) a jobber, or (2) a wholesaler, or (3) a purchaser who buys a carload lot or that quantity to which your lowest price is applicable, your delivered ceiling price on such sales is determined by adding 1.25 cents per pound to your delivered ceiling price otherwise fixed in this section.

(f) *Cash lard.* Your ceiling price for cash lard shall be 18.75 cents per pound, Chicago basis, and the ceiling price for lard futures contracts traded on the Chicago Board of Trade shall be 18.75 cents per pound.

[Paragraph (f) amended by Amdt. 14]

(g) *Loose prime steam lard sold to processors located in basing points.* If you sell and deliver loose prime steam lard to a processor who is located within the corporate limits of any of the basing points specified in paragraph (a) and the lard is delivered by you in tank cars from a plant located within the railroad switching limits of the same basing point, you may add to the ceiling prices set forth above the railroad switching charge incurred. However, where delivery is in tank trucks, you may add an amount per pound not greater than the sum that would be charged per pound by a railroad carrier for the most comparable switching movement of a tankcar containing 60,000 pounds.

(h) *Definitions.* (1) "Loose lard" means lard in tankcars conforming with paragraph 20, Section 17.8, Meat Inspection Regulations of the United States Department of Agriculture, regardless of rendering method and not refined.

(2) "Prime steam lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in tanks by the direct application of steam.

(3) "Dry rendered lard" shall be considered the same as loose lard both as to definition and price consideration except that it shall be rendered in steam-jacketed tanks.

(4) "Cash lard" means prime steam or dry rendered lard in tierces or drums conforming with the requirements of Regulation 1480, page 149, Rules and Regulations of the Chicago Board of Trade, February 1, 1950.

(5) "Rendered pork fat" means those rendered edible pork fats, regardless of rendering method, not eligible for lard as such, in accordance with paragraph 20, Section 17.8, Meat Inspection Regulations, United States Department of Agriculture.

(6) "Refined rendered pork fat" means rendered pork fat as defined above, regardless of rendering method used in processing such pork fats and refined under standard commercial practice.

(7) "Base or standard commercial refined lard" means that kind of lard produced from loose lard, regardless of rendering method used in making the loose lard, and refined under standard commercial practice.

(8) "Special refined hardened lard" means lard which conforms to the requirements of base or standard commercial refined lard, as above defined, with the addition of a minimum of 4 percent lard flakes which have a minimum titre of 57°C.

(9) "Open kettle rendered lard" means that kind of lard produced from leaf fat or back fat, or a combination thereof, and which is kettle-rendered in a regular commercial manner.

(10) "Neutral lard" means that kind of lard from chilled leaf fat only rendered at a temperature not exceeding 130°F and which is bland in flavor.

(11) "Lard flakes" means hydrogenated lard which conforms with paragraph 20, Section 17.8, Meat Inspection Regulations of the United States Department of Agriculture. The titre shall not be less than 57°C and free fatty acid shall not exceed 0.2 percent.

(12) "Rendered pork fat flakes" means hydrogenated rendered pork fat conforming with paragraph 20, Section 17.8, Meat Inspection Regulations of the United States Department of Agriculture.

(13) "Edible lard oil" means the liquid or oil portion mechanically pressed from prime steam lard.

(14) "Community of sale" (i) Except as otherwise provided below, "community of sale" means that point at which the purchaser resells lard purchased from the processor, regardless of the point at which actual delivery of the lard from the processor to the purchaser takes place.

(ii) Where you sell and deliver lard to the warehouse of a purchaser who is the owner of four or more retail stores at which the lard will be resold by him, and he is unable to determine at time of delivery to his warehouse the particular retail store from which the lard will ultimately be resold, then in such case, and only in such case, "community of sale" means the place where the warehouse at which you make delivery is located.

(iii) Where lard is purchased from a processor for purpose other than reselling it as lard (such as, but not limited to, purchases for consumption, or for use in manufacturing another product), "community of sale," means the location of the buyer's premises at which the lard is consumed, or employed in manufacturing another product, or otherwise used.

(15) "Tare" means 15 percent of the packing house product freight rate, whether carload sale or less than carload sale and regardless of package or type of lard.

(16) "Packing house product freight rate" means the packing house product freight rate, published in public tariffs for minimum 30,000 pound weight packing house products (except canned meats) or if no rate for 30,000 pound minimum weight same class is available, the nearest minimum weight carload established for same class shall apply.

(17) "Chicago and East St. Louis basing points area" shall include that part of the Continental United States East of the Mississippi River and North of the Northern boundaries of Tennessee and North Carolina, (except Minnesota), and the following counties of Iowa: Dubuque, Jackson, Clinton and Scott.

(18) "Kansas City basing point area" shall include that part of the Continental United States East of the Mississippi River and South of the Southern boundaries of Kentucky and Virginia.

(19) "Multiple basing point area" shall include that part of the Continental United States West of the Mississippi River and all of the State of Minnesota, but excluding the following counties of Iowa:

Dubuque, Jackson, Clinton, and Scott.

Basing points shall be as follows:

Iowa: Cedar Rapids, Des Moines, Fort Dodge, Marshalltown, Mason City, Ottumwa, Waterloo.
Minnesota: Albert Lea, Austin, Duluth, South St. Paul, St. Paul, Winona.
Missouri: Kansas City, South St. Joseph.
Nebraska: South Omaha, Omaha.

[Sec 31 added by Amdt. 13]

SEC. 32. *Suspension as to certain commodities.* All provisions of this regulation are suspended on and after April 28, 1952, as to the following commodities:

1. Crude soybean oil
2. Crude cottonseed oil
3. Crude corn oil
4. Tallows and greases
5. Fat-bearing and oil-bearing animal waste materials
6. Lard when sold by processors
7. Vegetable oil soapstocks

You must, however, continue to comply with the requirements of section 14 of this regulation and section 16 of the General Ceiling Price Regulation, to the extent each is applicable, as to all records you were required to have on April 27, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it. The suspension of this regulation does not operate to place any of the commodities affected under the General Ceiling Price Regulation or any other ceiling price regulation.

[Sec. 32 added by Amdt. 13]

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.
BY: JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-6790; Filed, June 18, 1952; 11:33 a. m.]

[Ceiling Price Regulation 15, Amendment 14, Correction]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

CORRECTION

Due to a clerical error Amendment 14 to this regulation excluded citrus juices in commodity group heading 11 and placed them in commodity group heading 12 in Table A under section 37 (a). Accordingly, Table A is corrected by deleting the words "and citrus juices" where they appear in commodity group heading 11 and commodity group heading 12. Citrus juices will continue to be under commodity group 11.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6791; Filed, June 18, 1952; 11:33 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 19]

CPR 34—SERVICES

SR 19—WHOLESALE LAUNDRIES IN THE NEW YORK CITY AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 19 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 19 to Ceiling Price Regulation 34 permits an increase in ceiling prices for wholesale laundry services to retail hand laundries supplied by power laundries situated in the Counties of Bronx, New York, Kings, Queens, Richmond, Westchester, Nassau, and Suffolk, in New York State.

A study of the operating costs and profit margins of a representative number of the power laundries supplying wholesale laundry services to retail hand laundries, which it is estimated amounted to five and one-half million dollars in 1951, reveals that increased labor and material costs have impaired the pre-Korean earnings of such power laundries. In addition in May, 1952, new wage contracts were negotiated granting substantial wage increases to all classes of workers. The wage increases are all within the formula of Wage Stabilization Board regulations or have received Wage Stabilization Board approval with the result that the earnings of these power laundries will be further impaired. The amount granted herein has been determined to be the minimum necessary to maintain the financial stability of these power laundries in order to assure a continued supply of these essential wholesale laundry services.

Under the provisions of this supplementary regulation the charges of these power laundries for their wholesale laundry services to retail hand laundries may be increased by 5 percent. This uniform increase was determined in accordance with the standards for individual adjustment under section 20 of Ceiling Price Regulation 34. Such an adjustment may be applied to the total amount of each invoice rendered to the customer, and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 10 (c) of CPR 34. At the option of the individual power laundry, however, the ceiling price for each item may be increased by not more than 5 percent. Adjusted flat prices must within ten days after their determination be filed with the appropriate Office of Price Stabilization district office.

In the future, power laundries subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for their wholesale laundry services under section 20 of CPR 34.

In addition, the ceiling prices established by this supplementary regulation apply to all such power laundries' wholesale laundry services to their retail hand laundries, irrespective of any adjustment of ceiling prices heretofore granted under the provisions of CPR 34. Consequently, any adjustments granted under that regulation are automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation the Director has con-

sulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes to Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O., 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Sup.

SECTION 1. *Purpose.* This supplementary regulation permits power laundries in the counties of Bronx, New York, Kings, Queens, Richmond, Westchester, Suffolk and Nassau, State of New York to increase the ceiling prices of their wholesale laundry services by 5 percent. This supplementary regulation shall not apply to any other services supplied by such power laundries.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, unless changed by the provisions of section 3 and 4 of this regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you as a power laundry supply wholesale laundry services from plants located in the following counties of New York State: Bronx, New York, Kings, Queens, Richmond, Suffolk, Westchester and Nassau, increase your ceiling prices established under section 5 of Ceiling Price Regulation 34, by 5 percent for such wholesale laundry services by either of the following methods:

(a) You may apply such increase to the total amount of each invoice rendered to the customer, provided you shall clearly write or stamp on each such invoice the words "OPS permitted price increase". If you use this method of applying your price increase you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may in lieu of the method provided in paragraph (a) of this section, increase by 5 percent the ceiling prices of each wholesale laundry services item you supply. Within ten days after your prices are established under this subparagraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 (c) of Ceiling Price Regulation 34. You may not use paragraph (a) of this section once you have elected to adjust ceiling prices under this subparagraph.

(c) If the increase computed in paragraph (a) or (b) above results in a fraction of a cent, the price must be decreased to the next lower cent if the fractional cent is less than one-half cent or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) A supplier who is a power laundry subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for wholesale laundry services under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of wholesale laundry services in lieu of, and irrespective of, any adjustment heretofore granted any such supplier under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's wholesale laundry services under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

SEC. 5. *Definitions.* (a) "Wholesale laundry services" as used in this regulation means laundry services sold or offered for sale by power laundries to retail hand laundries.

(b) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes, or laundries using home-type laundry equipment to supply laundry services.

(c) "Retail hand laundry" or "retail hand laundries" as used in this regulation are retail laundry establishments receiving and distributing laundry, generally finishing some wearing apparel by hand ironing done on the premises, giving only limited, if any delivery services.

Effective date. This Supplementary Regulation 19 to CPR 34 shall become effective June 18, 1952.

NOTE: The record-keeping and reporting requirement of the regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6792; Filed, June 18, 19 2, 11:33 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 20]

CPR 34—SERVICES

SR 20—POWER LAUNDRIES IN THE CITY OF ST. LOUIS, MISSOURI

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation to Ceiling Price Regulation 34 permits an increase in ceiling prices for certain services supplied by power laundries situated in the City of St. Louis, Missouri. This supplementary regulation does not permit the increase to be applied to the diaper supply, linen supply and dry cleaning services of such laundries.

A study of the operating costs and profit margins of a representative number of the power laundries in the City of St. Louis, which provide 90 percent of the total sales of services furnished by these laundries amounting to an estimated seven and one-half million dollars in 1951, reveals that increased labor and material costs have impaired the pre-Korean earnings of such laundries. In addition, in December 1951, new two-year wage contracts were entered into with labor unions representing the employees of these laundries which resulted in substantial wage increases to all classes of workers. These wage increases are all within the formula of Wage Stabilization Board regulations or have received Wage Stabilization Board approval, with the result that earnings of these laundries will be further impaired. The price increase granted herein has been determined to be the minimum necessary to maintain the financial stability of these laundries in order to assure a continued supply of these essential services. The uniform increase has been determined in accordance with the standards for individual adjustments under section 20 of CPR 34.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries may be increased by 7 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34. At the option of the individual laundry, however, the flat ceiling price for each article may be increased by 7 percent. Adjusted flat ceiling prices must, within ten days after their determination, be filed with the appropriate Office of Price Stabilization district office as required by section 18 (c) of Ceiling Price Regulation 34.

In the future, power laundries subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for power laundry services under section 20 of Ceiling Price Regulation 34. Any adjustment of ceiling prices under section 20 of Ceiling Price Regulation 34 heretofore granted is automatically revoked as of the effective date of this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increases permitted by this supplementary regulation are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Ceiling Prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits power laundries whose plants are located in the City of St. Louis, Missouri, to increase their ceiling charges for power laundry services by 7 percent. This supplementary regulation does not apply to the diaper supply, linen supply and dry cleaning services of power laundries.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply power laundry services from plants located in the City of St. Louis, Missouri, increase your ceiling prices by 7 percent for power laundry services, except diaper supply, linen supply and dry cleaning services, thus supplied by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer for services covered by this supplementary regulation, provided you clearly write or stamp on each such invoice the words "OPS permitted price increase." If you use this method of applying your ceiling price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 7 percent the ceiling prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning services article. Within ten days after your ceiling prices are established under this paragraph, you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 (c) of Ceiling Price Regulation 34. You may not use paragraph (a) of this section once you have elected to adjust ceiling prices under this subparagraph.

(c) If the increase computed under paragraphs (a) or (b) above, results in a fraction of a cent, the price must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* (a) A seller subject to this supplementary regulation may not, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry services except diaper supply, linen supply and dry cleaning services under section 20 of Ceiling Price Regulation 34, as amended.

(b) The adjustment of ceiling prices granted by section 3 of this supplementary regulation shall be the maximum adjustment permitted any such supplier of power laundry services in lieu of, and irrespective of, any adjustment heretofore granted any such supplier under the provisions of Ceiling Price Regulation 34, as amended. Any order adjusting the ceiling prices of any such supplier's power laundry services under section 20 of Ceiling Price Regulation 34, as amended, is hereby revoked as of the effective date of this supplementary regulation.

SEC. 5. *Definitions.* (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

Effective date. This Supplementary Regulation 20 to Ceiling Price Regulation 34 shall become effective June 23, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6796; Filed, June 18, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 7]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

HAMS—REGULAR, BONE-IN, OVER 20 POUNDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, delegation of authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 7 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 74 adds two items to Schedule I of section 20 and establishes ceiling prices therefor:

(1) Hams—Regular, bone-in, weighing 20 to 28 pounds and

(2) Hams—Regular, bone-in, weighing over 28 pounds.

This will not affect adversely the cut standardization prescribed by CPR 74 nor interfere with the effective administration of that amendment.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the act.

All standards prescribed in this regulation were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices, or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Item 1 of Schedule I of Section 20 is amended by deleting all of Item 1 and substituting therefor the following:

All prices are on a dollar per hundredweight loose basis; the price for any fraction of a hundredweight shall be reduced proportionately. Weights are by range and not by average]

Item	Fresh or frozen		Cured		Smoked		Ready-to-eat		Cooked (not in molds under pressure)	
	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price
1. Hams—Regular bone-in.	16 down	$45.30	16 down	$44.30	16 down	$52.30	16 down	$54.20	14 down	[illegible]
	16-20	43.60	16-20	42.60	16-20	50.30	16-20	52.40	14-18	[illegible]
	20-28	41.90	20-28	40.90	20-28	48.80	20-28	50.90	18-26	[illegible]
	Over 28	38.40	Over 28	37.40	Over 28	45.00	Over 28	46.90	Over 26	46.70

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 17, 1952.

[F. R. Doc. 52-6770; Filed, June 17, 1952; 4:01 p. m.]

[Ceiling Price Regulation 110, Correction]

CPR 110—COPPER WIRE MILL PRODUCTS

DELETION OF CERTAIN ITEMS APPEARING IN BOOK C

Due to inadvertence there appear in the official copy of Book C price sheets for the items of military shipboard cables, Mil–C–915, consisting of nine pages, bearing Nos. 1 through 9, issued November 1, 1950, and Mil–C–2194 and 15–C–14, consisting of two pages, bearing Nos. 1 and 2, issued November 1, 1950. These sheets cover items made especially to military specifications and differing substantially from items sold for non-military purposes. It was not intended that such items be covered by CPR 110. Accordingly, the official copy of Price Book C is corrected by the deletion from it of the following sheets relating to the following military shipboard cable items:

Shipboard Cables, Mil–C–915, Sheets Nos. 1 through 9.

Shipboard Cables, Mil–C–2194 and 15–C–14, Sheets Nos. 1 and 2.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 17, 1952.

[F. R. Doc. 52–6771; Filed, June 17, 1952; 4:01 p. m.]

[Ceiling Price Regulation 134, Amdt. 2]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

REPORTING, RECORD-KEEPING, POSTING AND PRICING OF NEW ITEMS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises a number of provisions of CPR 134 dealing with record-keeping and reporting, posting of ceiling prices, and the method of fixing ceiling prices for new items.

1. Prior to this amendment when the operator of an eating or drinking establishment desired to introduce a meal, food item or beverage which he had not offered since April 1, 1951, he was required to use as his ceiling price for the new item the ceiling price of his most comparable item having the same or a lower raw food cost. The purpose of that provision was to permit operators to fix ceiling prices for new items in line with the ceiling prices of comparable items. It now appears, however, that, in many cases, the effect of this provision is to require operators to have ceiling prices for relatively expensive items substantially out of relation to the raw food cost of those items. In addition, difficulty has arisen in many cases in determining what meal, food item or beverage is "most comparable" to the new item.

As a result of the present amendment, ceiling prices for new items will continue to be fixed in line with other items sold by the operator and having the same or lower raw food cost. He will not, however, be required to fix ceiling prices in this way when all the items for which he already has ceiling prices have a raw food cost more than five percent below the raw food cost of the new item. In any case in which this turns out to be true, the operator will apply to OPS for a ceiling price for the new item.

2. It appears that many smaller eating and drinking establishments do not have adequate records of their food cost and sales for their base period specified in CPR 11. As a matter of fact, in a number of instances they have no records at all for that period. Moreover, many small drug stores and similar establishments selling other commodities or services in addition to meals, food items and beverages cannot, except with great difficulty, segregate their food and beverage sales from their other sales. Since the sales volume of these establishments is comparatively small, the Director of Price Stabilization has determined that excusing these establishments from the requirement carried over from CPR 11 for the filing of base period sales and cost reports will not seriously impair the effectiveness of CPR 134. Section 12 (d) of the latter regulation is, therefore, now being amended to provide that eating and drinking establishments whose gross sales for 1951 were not more than $24,000 (or an average of $2,000 a month if the establishment was open only part of the year) need not file such reports. In addition, in order to deal with the special problem of drug stores and similar businesses having eating facilities, section 12 (d) is also being amended to excuse from the reporting requirements those establishments which did not have records in 1951 for sales of food and beverage separate from their other sales and whose purchases of such items did not exceed $12,000 for the year (or an average of $1,000 a month if the establishment was not open for the whole year). Similar exemptions are also provided under this amendment with regard to the record-keeping requirements of Section 18.

3. It has come to the attention of the Office of Price Stabilization that some operators have misunderstood the requirements in regard to listing their principal items both on the statements they have to file and on their posters. Section 12 has, therefore, been amended to make it clear that, in listing the principal meals, food items and beverages, the operator must identify the items sufficiently for the customers to know what those items are. The way in which items are to be listed is specifically set forth in the amendment.

4. Section 13 has been clarified so as to remove doubts which have apparently arisen as to the manner of listing items on the posters. The amendment makes it clear that where an operator has separate ceiling prices for a particular item because that item was offered on a particular day of the week or at a particular time of the day during the freeze week or other designated period, he must indicate on the poster that he has such separate ceiling prices. It is not, however, necessary to make such an indication where an operator has a separate ceiling price for an item by reason of its being served on one of the holidays or special events designated in the regulation.

In view of the nature of this amendment, the Director of Price Stabilization has found it impracticable to consult formally with official advisory committees or trade association representatives. However, representatives of a substantial segment of the industry have been consulted informally and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended in the following respects:

1. Section 6 (b) (2) is amended to read as follows:

(2) If the particular meal, food item or beverage was not offered at any time from April 1, 1951 to February 3, 1952, your ceiling price for that meal, food item or beverage is the same as the ceiling price for a meal, food item or beverage having a raw food cost the same as or not more than five percent less than the raw food cost of the new meal, food item or beverage. The raw food cost shall be determined as of the date when the new meal, food item or beverage is first offered.

2. Section 12 (a) (2) is amended to read as follows:

(2) A statement listing 40 of the principal meals, food items and non-alcoholic beverages you sell which have ceiling prices fixed under section 6, 9 or 10 of this regulation. You must also state the ceiling price for each item listed. If you sell alcoholic beverages, you must also list your ceiling prices for 20 alcoholic beverages which you sell, including the number of ounces of alcoholic and malt beverages served in each drink. The items you list must be the principal ones which you customarily sell and your list must not include those which you sell only occasionally. They are the items you will post in your establishment. (See section 13.) If you do not offer as many as 40 meals, food items or non-alcoholic beverages, or as many as 20 alcoholic beverages, list on the statement all that you do offer.

3. Section 12 (a) is amended by adding a new subparagraph (3) to read as follows:

(3) The meals, food items and beverages included in the statement described in paragraph (a) (2) of this section must be listed in the following way:

(i) For meals, list the entree and then indicate the type of meal, for example, steak dinner, pork dinner, vegetable plate luncheon and ham loaf luncheon;

(ii) For alcoholic beverages, list highballs, wine or beer by brand name and not by type except where all brands of the same type, such as bourbon, scotch, beer, domestic sauterne, imported sherry, etc., have the same ceiling prices.

(iii) For all food items, identify each of the items so your customers will know what those items are, as, for example, baked ham sandwich, chicken salad sandwich, club sandwich, fruit salad or waldorf salad. Do not use merely general designations such as "plain sandwiches", "regular sandwiches", "fancy sandwiches" or "salads".

4. Paragraph (d) of section 12 is amended to read as follows:

(d) If you are required to fix your ceiling prices under this regulation and if, prior to the effective date of this regulation, you were required to file a base period report under CPR 11 which you have not filed, you must file that report with your OPS District Office within fifteen days after the effective date of this regulation. However, this requirement is not applicable to you under the following circumstances:

(1) Your gross sales for 1951 were not more than $24,000, or not more than an average of $2,000 a month if you were not open throughout 1951; or

(2) You did not maintain throughout 1951 or during the portion of the year you were in operation, records of your sales of meals, food items and beverages separate from your other sales and your total food and beverage purchases for that year were not more than $12,000, or not more than an average of $1,000 a month if you were not open throughout 1951.

5. Section 13 (b) is amended to read as follows:

(b) You must list in the appropriate column on an official OPS poster the meals, food items and beverages with the ceiling price for each item as listed on the statement which you filed with your OPS District Office. If any meal, food item or beverage has separate ceiling prices because that meal, food item or beverage was offered on a particular day of the week or at a particular time of day, you must indicate on the poster that a higher price is charged at different times of the day or on different days of the week. You may obtain an official OPS poster from your OPS District Office.

6. Section 18 is amended by adding a paragraph (c) to read as follows:

(c) Paragraphs (a) (1), (b) (1) and (b) (2) of this section are not applicable to you if you did not maintain throughout 1951 or during the portion of the year you were in operation, records of your sales of meals, food items and beverages separate from your other sales and your total food and beverage purchases for that year were not more than $12,000, or not more than an average of $1,000 a month if you were not open throughout 1951. In addition, if you are excused under section 12 (d) (1) from filing your CPR 11 base period report, you are not required to comply with the provisions of paragraphs (a) (1) and (b) (1) of this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 134 is effective June 23, 1952.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52–6797; Filed, June 18, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amendment 1 to Supplementary Regulation 66]

GCPR, SR 66—CEMENT—ADJUSTMENT FOR OUT-OF-AREA PURCHASES

ADJUSTMENT FOR OUT-OF-AREA PURCHASES OF SAND, GRAVEL AND CRUSHED STONE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 66 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 66 to the General Ceiling Price Regulation permits ceiling price adjustments for dealers in sand, gravel, and crushed stone and manufacturers of ready-mixed concrete who are required to obtain sand, gravel and crushed stone from "out-of-area" sources of supply.

SR 66 originally provided ceiling price adjustments for dealers in cement and manufacturers of ready-mixed concrete who were required to procure cement from "out-of-area" sources of supply. This amendment permits manufacturers of ready-mixed concrete and dealers to make similar adjustments for "out-of-area" purchases of sand, gravel and crushed stone. Freight on these bulky commodities constitutes a large portion of total costs, and any purchases from more distant than usual sources of supply result in sharp cost increases and correspondingly severe cuts in normal profit margins. In recent weeks, flood conditions have made it necessary for some buyers, who formerly had been supplied from deposits located near rivers and in river bottoms, to obtain these materials from sources many miles distant. This amendment will enable these buyers to pass through some of the cost increases until conditions return to normal. The price relief granted by this amendment is deemed necessary to maintain the supply of ready-mixed concrete needed for rehabilitation of the flooded areas and to otherwise supply their normal needs.

Depletion of deposits located near the major population centers is another important cause of "out-of-area" purchases. This amendment is equally applicable to "out-of-area" purchases caused by depletion.

The ceiling price increase granted by this amendment is limited to the actual additional costs incurred by the dealers and concrete manufacturers and it, therefore, does not provide any financial incentive to purchase sand, gravel and crushed stone from distant sources.

In the formulation of this amendment, special circumstances, one of them being the present flood emergency, have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Supplementary Regulation 66 to the General Ceiling Price Regulation is amended as follows:

1. Section 2 is amended to read as follows:

SEC. 2. *Meaning of terms used in this supplementary regulation.* (a) "Cement" includes standard Portland Cement, special Portland Cement such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland cement, alumina cement, natural cement, puzzolan (slaglime) cement; and masonry cement of the natural cement class; but excluding hydraulic lime.

The term "sand, gravel and crushed stone," as used in this supplementary regulation, means these materials only when they are used as a concrete, masonry or plaster aggregate.

(b) "Out-of-area" means the location of a source of supply of cement, or of sand, gravel and crushed stone, which is more distant, freightwise, than the most distant, freightwise, sources from which you bought cement, or sand, gravel and crushed stone, during the calendar year 1950. If you made isolated purchases of cement, or of sand, gravel and crushed stone, from a source more distant, freightwise, than your normal sources of supply, and did not weigh such cost into your base (normal) prices in 1950, but charged the additional cost to the specific customer or customers purchasing such cement, or sand, gravel and crushed stone, or the ready-mixed concrete in which such cement, or sand, gravel and crushed stone, was used, you may treat that source as an "out-of-area" supplier for the purposes of this supplementary regulation: *Provided, however,* That you also eliminate these purchases, and the costs thereof, from your calculations, under section 3, 4, 6 or 7 of this supplementary regulation, of the weighted average delivered cost of "in-area" cement or sand, gravel and crushed stone.

(c) "In-area" means any location which is not "out-of-area."

(d) "Delivered cost" means the mill or plant price plus actual inbound freight charges paid by you, or charged to you.

(e) "Accounting period" means the regular period, not longer than a calendar month, at which you bill or invoice your customers for deliveries made to them; it may be monthly, semi-monthly or shorter, depending upon your practice.

(f) "Base accounting period" means an "accounting period" in which out-of-area cement, or sand, gravel and crushed stone, is delivered to your plant.

(g) "Current accounting period" is the accounting period immediately following the "base accounting period."

(h) "GCPR" means the General Ceiling Price Regulation.

(i) "Recent representative quarter" means any of the following 3-month periods:

May, June, and July 1951; June, July, and August 1951; or July, August, and September 1951.

(j) "Current weighted average delivered cost" of cement, or of sand, gravel and crushed stone is the weighted average cost of cement, or of sand, gravel and crushed stone purchased during a "recent representative quarter."

2. Section 5 is amended by adding the words "sand, gravel and crushed stone" after the word "cement" in the eleventh line of that section so that the amended section 5 reads as follows:

SEC. 5. *Notification to buyers.* During any period in which you, as a dealer in cement, sand, gravel and crushed stone or as a manufacturer of ready-mixed concrete, apply this supplementary regulation you are required to state on each invoice to any of your customers the following information, or any information substantially to the same effect: "The extra charge stated in this invoice represents additional cost of purchases of 'out-of-area' cement, sand, gravel and crushed stone, and does not exceed the amount permitted to be added by the seller to the ceiling price by Supplementary Regulation 66 to the General Ceiling Price Regulation."

3. Two new sections are added to read as follows:

SEC. 6. *Dealers in sand, gravel and crushed stone.* (The term "sand, gravel and crushed stone," as used in this section, means these materials only when they are used as a concrete, masonry, or plaster aggregate.) If you are a dealer in sand, gravel and crushed stone, which you are required to obtain from out-of-area sources of supply, you may increase your ceiling prices for sand, gravel and crushed stone, using the method prescribed by section 3 of this supplementary regulation.

For the purposes of applying the method of section 3 to obtain the adjustment provided by this section, substitute in section 3 the terms "sand, gravel and crushed stone," "ton," and "per ton" for the terms "cement," "bag or barrel," and "per bag or barrel" respectively.

SEC. 7. *Adjustment for out-of-area purchases of sand, gravel and crushed stone.* (a) If you are a manufacturer of ready-mixed concrete who is required to procure sand, gravel and crushed stone from "out-of-area" sources of supply, you may increase your ceiling prices for ready-mixed concrete using the method prescribed by section 4 of this supplementary regulation.

(b) In computing this adjustment, the term "out-of-area" means the location of a source of supply of sand, gravel and crushed stone which is more distant, freightwise, than the most distant, freightwise, sources from which you bought sand, gravel and crushed stone during the calendar year 1950. If you made isolated purchases of sand, gravel and crushed stone from a source more distant, freightwise, than your normal sources of supply, and did not weigh such cost into your base (normal) prices in 1950, but charged the additional cost to the specific customer or customers purchasing the concrete-mix in which such sand, gravel and crushed stone were used, you may treat that source as an "out-of-area" supplier for the purposes of this section: *Provided, however,* That you also eliminate these purchases, and the costs thereof, from your calculations, under section 4 of this supplementary regulation, of the weighted average delivered cost of "in-area" sand, gravel and crushed stone. Terms other than "out-of-area" are as defined by section 2.

(c) For the purposes of applying the method of section 4 to obtain the adjustment provided by this section, substitute in section 4 and in Appendix A the terms "sand, gravel and crushed stone," "ton", and "per ton" for the terms "cement", "bag or barrel", and "per bag or per barrel" respectively.

(d) The adjustment provided by this section is in addition to any adjustment to which you may otherwise be entitled by this supplementary regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 66 to the General Ceiling Price Regulation is effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6795; Filed, June 18, 1952; 11:34 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 57 to Schedule A]

[Rent Regulation 2, Amdt. 55 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND ILLINOIS

Effective June 19, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea and Salinas.

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Monterey, Pacific Grove and Pajaro, except the Cities of Carmel-by-the-Sea and Salinas.

In Monterey County, the City of Salinas; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Carmel-by-the-Sea in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Morton Grove, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; in Du Page County, the Villages of Downers Grove and Westmont; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of Carpentersville, East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein

This decontrols the Village of Morton Grove in Cook County, Illinois, and the Village of Carpentersville in Kane County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

3. Schedule A, Item 88b, is amended to describe the counties in the defense-rental area as follows:

Peoria County, except the City of Peoria and all unincorporated localities in said county; Tazewell County, except the City of Washington and all unincorporated localities

This decontrols the City of Washington in Tazewell County, Illinois, a portion of the Peoria, Illinois, Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-6723; Filed, June 18, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 10 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO DEFENSE-RENTAL AREA OR PORTIONS THEREOF

CALIFORNIA

Effective June 19, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 13 is added to Schedule B of Rent Regulation 3, reading as follows:

13. *Provisions relating to the Townships of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area (Item 33a of Schedule A):*

Decontrol of daily rates. The application of maximum daily rents established by this regulation for controlled rooms in hotels in the Townships of Monterey and Pacific Grove in Monterey County, California, is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item 13 of Schedule B.

[F. R. Doc. 52-6725; Filed, June 18, 1952; 8:53 a. m.]

[Rent Regulation 3, Amdt. 67 to Schedule A]

[Rent Regulation 4, Amdt. 11 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective June 19, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 16th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Pacific Grove, Pajaro and Monterey, except the City of Carmel-by-the-Sea; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Carmel-by-the-Sea in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-6724; Filed, June 18, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 95]

SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to authority conferred upon him by section 2 of the act of February 2, 1903, as amended (sec. 2, 32 Stat. 792, as amended, 21 U. S. C. 111), is considering amendments to the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR Part 95, as amended), as follows:

1. Section 95.1 (l) would be amended to read as follows:

§ 95.1 *Definitions.* • • •

(l) *Bone meal.* "Bone meal" means ground animal bones and hoof meal and horn meal.

• • • • • •

2. Section 95.11 would be amended to read as follows:

§ 95.11 *Bones, horns, and hoofs for trophies or museums.* Clean, dry bones, horns, and hoofs, that are free from undried pieces of hide, flesh, and sinew and are offered for entry as trophies or for consignment to museums may be imported without other restrictions.

3. Section 95.12 (c) would be amended by changing the first sentence to read as follows:

§ 95.12 *Bones, horns, and hoofs; importations permitted subject to restrictions.* • • •

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of anthrax, foot-and-mouth disease, and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Chief of Bureau or burned at the establishment. • • •

• • • • • •

4. Present § 95.14 would be revoked. Present § 95.13 would be redesignated § 95.14 and would be amended to read as follows:

§ 95.14 *Blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for entry.* Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products for use as fertilizer or as food for domestic animals shall not be imported unless such products:

(a) Originated in and were shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) Are accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° Fahrenheit (68.9° Centigrade).

5. A new § 95.13 would be added to read as follows:

§ 95.13 *Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.* Steamed or degelatinized or special steamed bone meal, which, in the normal process of manufacture, has been prepared by heating bone under a minimum of 20 pounds steam pressure for at least one hour at a temperature of not less than 250° Fahrenheit (121° Centigrade), may be imported without further restriction for use as fertilizer or as feed for domestic animals if such products are free from pieces of bone, hide, flesh, and sinew and contain no more than traces of hair and wool. Bone meal for use as fertilizer or as feed for domestic animals which does not meet these requirements will not be eligible for entry.

The purpose of the foregoing proposed amendments is to restrict the entry of all animal bones, including crushed bones, to be used as fertilizer or as feed for domestic animals; to permit the entry of such bones only when consigned to an establishment approved by the Department for handling and further processing in a manner to prevent the dissemination of anthrax, foot-and-mouth disease, and rinderpest; to permit the entry of specially treated bone meal (including hoof meal and horn meal) which has been treated in a manner to assure the destruction of any anthrax spores present in such product; to prohibit the entry of any other bone meal (including hoof meal and horn meal) for use as fertilizer or as feed for domestic animals which does not meet these requirements; and to impose stricter requirements upon the importation of tankage, meat meal, wool waste, wool manure and similar products than are presently imposed.

Any person who wishes to submit written data or arguments concerning the proposed amendments may do so by filing them with the Chief, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6708; Filed, June 18, 1952; 8:49 a. m.]

Production and Marketing Administration

[7 CFR Part 907]

[Docket No. AO-212-A4]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED NEW MARKETING AGREEMENT AND PROPOSED OTHER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of

1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on May 19 and 20, 1952, pursuant to notice thereof which was issued on May 8, 1952 (17 F. R. 4353).

The material issues of record related to:

1. Revision of the price differentials over the basic formula price for Class I milk and Class II milk;

2. Revision of the "supply-demand price adjustment" provision;

3. Revision of the alternate basic price formula which employs market prices of butter and cheddar cheese;

4. Adoption of a new price formula to be applicable to milk used in cheese (Class IV milk);

5. Revision of the provisions relating to milk priced under another marketing agreement or order and disposed of within the marketing area;

6. Inclusion of a "bracket schedule" for Class I and Class II milk prices;

7. Revision of the provisions relating to transfers of milk, skim milk and cream from a handler to the plant of a producer-handler;

8. Adoption of a rule under which a handler shall have the option to pay producers on either base and excess prices or a blended price for all deliveries for the months of April, May and June;

9. Several proposed changes in order language for clarity and administrative purposes; and

10. The emergency character of marketing conditions and the need for immediate change in the order provisions.

Issues numbered 1, 2, 4, 6, 9, and 10 above are decided herein. The remaining issues are reserved for subsequent decision. The proposed amendments relating to issues 4 and 6 were abandoned by proponents and were not supported by evidence in the record. They are hereby denied. Findings and conclusions with respect to issues 1, 2, 9 and 10 are set forth below:

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The price differentials added to the basic formula price for Class I milk and Class II milk should be revised; the formula for automatic adjustment of such differentials should be modified (issues 1 and 2).

Certain producers' cooperative bargaining associations presented proposals to (1) increase the Class I and Class II price differentials by $0.20 during July through November, $0.40 during December and $0.10 during all other months, (2) adopt a provision which would change such differentials automatically as local market supplies change in relation to Class I sales from a selected base, and (3) eliminate the 4 cent difference between the Milwaukee Class I and Class II prices and the corresponding class prices for the 55–70 mile zone under the Chicago order.

In the decision issued June 20, 1951, in connection with the promulgation of certain order amendments, including amendments designed to increase the levels of Class I and Class II prices, the following findings and conclusions were made:

Geographically, the Chicago and Milwaukee markets are very closely related, Milwaukee being located about 85 miles from Chicago and within an important segment of the Chicago milkshed Farms of producers for both the Milwaukee and Chicago markets are intermingled to a large extent in certain zones of the Chicago production area, and are affected similarly by the prices and supplies of feeds and other production conditions in these locations.

At least one handler under the Chicago order (as recently revised) operates distribution routes in the Milwaukee marketing area in competition with Milwaukee handlers. In recognition of the exceedingly close competitive relationship between the two marketing areas as to both the purchase of milk from producers and the distribution of milk by handlers, it was concluded in connection with the promulgation of the original Milwaukee order that the class prices should correspond with the zone 3 prices of the Chicago order. The result has been to maintain a close relationship of prices for milk disposed of in fluid form as milk and cream in the two markets * * * In view of the showing of a high degree of similarity in conditions affecting the production and marketing of milk for fluid use in the two market areas, it is concluded that any adjustment in the Class I and Class II price differentials under such provision of the Chicago order would be equally appropriate at this time in connection with the Class I and Class II price differentials under the Milwaukee order and would tend to promote orderly marketing conditions * * * Although available information does not indicate identical seasonal production patterns in the two markets the variation in the production zones where overlapping occurs is not sufficiently large to warrant different class price schedules seasonally. Since some milk is distributed within the Milwaukee marketing area by a handler regulated by the Chicago order it is deemed important to maintain a close alignment on a monthly basis. The proximity of portions of the enlarged marketing area recently adopted under the Chicago order to the Milwaukee marketing area also indicates the desirability of maintaining such price alignment.

Official notice is taken of such decision.

The quoted findings and conclusions of the June 20, 1951, decision are equally supported by the present hearing record. Both handler and producer witnesses testified to the competition between the Chicago and Milwaukee markets for dairy farm supplies of milk in the production area adjacent to both markets.

The recent recommendation to introduce higher price differentials for Class I and Class II milk as defined in the Chicago order would place the Milwaukee market in the position of not being able to compete successfully for the supplies necessary to meet the increasing requirements of the market unless higher prices are paid by Milwaukee handlers either by order requirement or by means of premiums. The necessity of maintaining and even increasing market supplies is indicated by the milk utilization statistics of the market which show that on an annual average basis more than 91 percent of the producer milk delivered is used for Class I and Class II milk products. Milk production in recent months has held at approximately last year's level for the same period while Class I and Class II sales have increased. In the fall and winter months just passed, the amounts of milk needed for such sales exceeded the total deliveries of producers and supplementary supplies in greater quantities than were imported in the same months a year ago were needed for such products. The record discloses also that prices of feed and farm machinery and the wages of farm labor have advanced appreciably since a year ago increasing milk production costs. In view of the above it is concluded that class prices for the Milwaukee market should be raised to the extent contemplated by the recent decision on price amendments to the Chicago order.

As to other proposals which would (a) increase the December price level relative to increases for other months, (b) apply an automatic price "mover" to local supply and sales relationships (12 month moving average), and (c) eliminate the 4 cent difference between Milwaukee Class I and Class II prices and those of corresponding classifications for the 55–70 mile zone under the Chicago order, it is concluded that such proposals should be denied. As pointed out by producer proponents the record shows that December production is relatively low as compared with other months and that production does not increase sharply from the low point of the year on a seasonal basis until after December has passed. December also is a month in the period during which producers make "base" for the following spring months. However, the inclusion of December among the months when the class price differentials are highest seasonally would aggravate the competitive supply situation between the Milwaukee and Chicago markets. For the two Decembers since the Milwaukee order has been in effect the average uniform price has been 14 cents and 9 cents, respectively, higher than the uniform price under the Chicago order for zone 3. If the annual level of prices is sufficient to induce adequate supplies for September, October and November, it is not likely that the market supply will be short in the month of December. The price level to result from the attached amending order is designed to accomplish such result. Also, if the base and excess plan of payment operates successfully additional December deliveries will be encouraged. The above considerations outweigh the reasons presented for raising the Class I and Class II price differentials in December relative to the other months.

The application of the automatic price "mover" to local supply and demand data in the manner proposed would raise the levels of Class I and Class II prices well out of line with prices for corresponding classes under the Chicago order. At similar class price levels the monthly average uniform prices for Milwaukee exceed uniform prices in zone 3 under the Chicago order by much more than the difference in costs for farm to plant hauling of milk for the two markets. For the year 1951 this difference in uniform prices amounted to 14 cents per hundredweight. Even in the months of shortest production when competition for supply between the two markets is most intense the difference in uniform prices was in favor of Milwaukee by from 2 to 9 cents per hundredweight. It may be noted also that Chicago plants serve as sources of supplementary milk and cream supplies for the Milwaukee handlers. In addition, there are no quality considerations indicated which present a difficult barrier to the disposition of Chicago approved milk in the Milwaukee marketing area or make milk production for Milwaukee substantially more costly than for Chicago in the same segment of the milkshed. At comparable prices, after giving effect to the slightly higher farm to plant haul for Milwaukee, it may be reasonably expected under present circumstances that if dairy farmers in the area where the Chicago and Milwaukee milksheds overlap are induced to produce for the Chicago market they will be equally attracted to the Milwaukee market. In view of past relationships of uniform prices which have favored Milwaukee because of the higher percentage of supplies utilized in Class I milk, adoption of the revised Chicago price adjustment formula should induce adequate supplies for the marketing area.

The price proposals include also a suggestion to relate Milwaukee prices to the 55–70 mile zone level of Chicago rather than to the zone 3 level. The Class I price to handlers for the 55–70 mile zone for Chicago is 4 cents higher than the zone 3 price in recognition of the cost involved in the transportation of milk between plants in the respective zones. On the producer side a 4 cent difference in uniform prices is provided between such zones to reflect the location advantage of producers shipping to plants in the 55–70 mile zone as compared with those shipping to zone 3 plants in relation to the Chicago market as the outlet for their milk. Such difference in zone prices should not be reflected in Milwaukee class prices since the Milwaukee marketing area is located mainly within zone 3 of the Chicago milkshed and its milk supplies are received by handlers by direct delivery from farm to plant at the expense of the producers.

(2) Several amendments of an administrative nature should be adopted (issue 9).

Administrative experience under the order indicates that the wording of certain provisions of the order, including those relating to other source milk, computation of shrinkage, the method of converting concentrated milk to its whole milk equivalent for classification purposes, and the rules governing the application of producer bases should be revised and clarified to reduce the latitude for administrative interpretation where possible. It is concluded that several such changes should be made and they are included in the attached amending order. Such revisions do not, however, alter substantially present administrative practice under the order.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto (issue 10).

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendments. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. A request for the use of emergency promulgation procedures was made on the record.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Rulings on briefs. Briefs were filed on behalf of certain Milwaukee, Wisconsin, producers and handlers. The briefs contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein before set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area*

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.14 and substitute therefor the following:

§ 907.14 *Other source milk.* "Other source milk" means all milk and milk products, except packaged butter, packaged cottage cheese, and other products already packaged or processed when received by the handler, other than producer milk or receipts from other handlers.

2. Delete § 907.41 (d) (3) and substitute therefor the following:

(3) Actual shrinkage but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of butterfat in other source milk (including in each instance that computed pursuant to § 907.42 (b))

3. Delete § 907.42 (b) and substitute therefor the following:

(b) Prorate the resulting amount among the receipts of butterfat in producer milk, other source milk, and receipts (excluding milk or milk products in packaged form and not reprocessed by the receiving handler) from other handlers in accordance with the total volumes of butterfat received from each such source.

4. Delete § 907.46 (c) (1) and substitute therefor the following:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in the case of non-concentrated flavored milk and flavored milk drinks 2.0 pounds per quart) the volume disposed of as each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product: *Provided*, That if a satisfactory record of the volume of milk used in the production of the concentrated product is not available, the 3.5 percent milk equivalent of the volume of butterfat in the finished product shall be used for the purposes of this paragraph;

5. Delete § 907.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.56; July through November, inclusive, $1.06; all other months, $0.76: *Provided*, That such class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.40; July through November, inclusive, $0.70; all other months, $0.50: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

6. Delete § 907.51 (e) and substitute therefor the following:

(e) *Automatic price adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for months prior to July 1, 1951.

7. Delete § 907.60 (b) and substitute therefor the following:

(b) Any producer entering the market following twelve or more consecutive months without producer status, shall have his milk deliveries considered as non-base milk for the first April–June period (or any part thereof) following his qualification as a producer; or upon notifying the market administrator prior to April 1 next following such qualification as a producer, he may elect to have a base computed in the manner provided in paragraph (a) of this section with respect to his deliveries of milk to any fluid milk plant, receiving station, or non-fluid plant, such deliveries to be subject to verification by the market administrator: *Provided*, That this paragraph shall not be construed to conflict with § 907.61 (a) or (b).

8. Delete § 907.61 (e) and substitute therefor the following:

(e) The market administrator on or before March 1 shall notify each handler of the base (computed pursuant to § 907.60) of each of the producers delivering to his plant(s): *Provided*, That this shall not preclude the market administrator from notifying any producer (or a cooperative association if such producer is a member) of the producer's base.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Milwaukee, Wisconsin, Marketing Area, and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area) who, during the month of March 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order (amending the aforesaid order) which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

H. H. Erdmann is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-6732; Filed, June 18, 1952, 8:56 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A2]

HANDLING OF MILK IN DETROIT, MICHIGAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Detroit, Michigan, on May 12–16, 1952, pursuant to notice thereof which was issued on April 17, 1952 (17 F. R. 3415).

The material issues of record related to almost all the substantive provisions of the order, including marketing area, classification and pricing, and the pooling and other features involving the distribution of returns to producers.

This decision will consider only the issues relating to proposals for the separate classification and pricing of milk utilized for the manufacture of butter and nonfat dry milk solids. The proposals were identified as numbers 10, 29, and 30 in the Notice of Hearing. A recommended decision with respect to all other issues will be issued at a later date.

Findings and conclusions. 1. Credits, based upon a butter-powder formula price, should be allowed on that portion of Class II milk which remains after allocation to other Class II products and is manufactured into butter or nonfat dry milk solids during May, June, and July. The butter-powder formula should be that now included as one of the two alternative Class II prices but with a "make" allowance of 67 cents in lieu of 62.6 cents. The credit should be the amount by which the Class II price exceeds this butter-powder formula, and should be allocated at the rate of 18 percent per pound of butterfat and 36 percent per hundredweight of skim milk. This change should be accomplished as an emergency action in order to make the change effective at the earliest possible date.

Under the present order, Class II is the only classification applicable to milk in excess of primary fluid needs. It includes milk used for fluid cream as well as that used in the various manufactured dairy products. The Class II price is the higher of two alternatives, one being an average of prices paid at 5 local plants and the second a butter-powder formula price. The butterfat differential, which determines the relative values of butterfat and skim milk in Class II, is computed by multiplying the local plant price by the percentage which butterfat represents of the basic formula butter-powder price. During the first 8 months the order was in effect, Class II butterfat values ranged from 81 cents per pound in September 1951 to 93 cents in February 1952 and skim milk values from 72 cents to $1.06 per hundredweight in the respective months.

The combining of milk used for all these products into a single classification at a single price not only simplifies the accounting problem but also encourages each handler to use a maximum proportion of his Class II milk in fluid cream, ice cream, and other of the more remunerative uses. Maximum quantities are thereby utilized in products for which consumers have the highest demand.

The quantities of milk in Class II are very large during the flush production season of May, June and July. The peak of production in the Detroit area is expected about June 15 or shortly thereafter and the flush season supplies will continue large throughout July. The outlets for such production as fluid cream, ice cream mix, cottage cheese, and the like are limited, and large quantities of milk are manufactured into butter and non-fat dry milk solids during these months. Butter and non-fat solids are storable commodities, can readily be sold on a national market, and the equipment for the utilization of large supplies of milk in their manufacture is more readily available than for the manufacture of alternative dairy products. The prices of these products should regulate the value of the milk used to make them.

The problem of pricing milk manufactured into butter and in non-fat dry milk solids can be dealt with expeditiously and appropriately by allowing a credit from the effective Class II price equal to the excess of such price over the Class II butter-powder formula price with a "make" allowance of 67 cents instead of the 62.6 cents. The credit per hundredweight of milk containing 3.5 per cent butterfat will be allocated to butterfat and skim milk at the rate of 18 per cent per pound of butterfat (63 per cent for 3.5 pounds) and 36 per cent per hundredweight of skim milk. In case the milk is transferred to a plant which does not qualify as a handler's plant under the order, these credits will be allowed only on such quantities of skim milk and butterfat in Class II milk as are used in the manufacture of butter or nonfat dry milk solids after the allocation of such butterfat and skim milk to any uses other than the manufacture of butter and nonfat dry milk solids.

The recommended credits would establish prices paid for milk used for butter and nonfat solids directly on the market values of these products. It was testified that the make allowance of 67 cents in the Detroit Class II butter-powder formula is comparable to the make allowance of 75.2 cents provided for milk manufactured into butter under the Chicago order since the butter-powder formula in the Chicago order is based upon 93-score butter, spray process nonfat dry milk solids, and a butter yield of 1.21. It was further testified that costs at Michigan plants were higher than at Wisconsin plants. However, it is also true that market prices at Michigan plants are normally higher than in Chicago because of lower transportation costs to the major consuming centers and the butter produced in Michigan competes on the same national market as butter produced in Wisconsin.

Credits are allowed on both the butterfat and the skim milk used to make butter and powder. Some handlers will be utilizing whole milk in such operations while others will be utilizing large quantities of cream. The recommended credit on skim milk is almost twice as large a proportion of the net value of skim milk for drying as the butter-fat credit is of the value of fat in cream. This reflects the fact that the comparatively much greater bulk of skim milk makes is more difficult and costly to handle, transport, or hold for later processing in times when large volumes of Class II milk must be handled.

The allocation of Class II milk to uses other than butter and powder will assure producers that their milk is not used at the lower price to manufacture these products while other sources of milk are freed for use in fluid cream or other higher-valued uses.

Pricing provisions of the Detroit order were first effective in September, 1951, so this is the first flush season of operation under the order in this market. The hearing in May was the first opportunity for a general review of the order and for assessment of experience under the Class II pricing provisions under flush season conditions.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective.

Rulings on proposed findings and conclusions. Briefs filed by interested parties contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing

agreement upon which a hearing has been held.

Determination of representative period. The month of April, 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Detroit, Michigan, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit, Michigan, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below which will be published with this decision.

This decision filed at Washington, D. C. this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Detroit Marketing Area

§924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Detroit, Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Detroit, Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby amended as follows:

Amend § 924.52 by inserting at the end of the first paragraph after the word "section" the following: "*Provided,* That for the months of May, June, and July, there shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over a price computed as the sum of the prices determined under (1) and (2) of subparagraph (a) of this paragraph less 67 cents, such excess to be multiplied by 0.18, and an amount per hundredweight of skim milk equal to such excess multiplied by 0.36."

[F. R. Doc. 52-6731; Filed, June 18, 1952; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 941]

[Docket No. AO-101-A13]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on March 11-14, 1952, pursuant to notice thereof which was issued on March 5, 1952 (17 F. R. 2018).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 15, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 20, 1952 (17 F. R. 4579).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-5587, 17 F. R. 4579) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

Delete the third paragraph beginning in Column 2, 17 F. R. 4581 (F. R. Doc. 52-5587) and substitute therefor the following:

During 1950 the total demand for Class I and Class II milk products, including bulk sales to distant markets, was 71.7 percent of the total receipts of milk from producers, including "own farm" production. This also is approximately the same as the average of the monthly base percentages used in connection with the former 6 months' moving average adjustment when adjusted for outside market sales. The current supply-demand ratio will be compared with a percentage figure of 72 percent (the above figure rounded to the nearest full percent) in determining the amount of price adjustment to be made. When the current percentage increases above or decreases below 72, the rate of adjustment should apply for each full point of deviation.

Rulings on Exceptions. Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator with respect to issues (1), (2), and (3) of the recommended decision were filed by the following parties:

1. Beatrice Foods Company et al.
2. Consolidated Badger Cooperative et al.
3. Baldwin Cooperative Creamery et al.
4. Ice Cream Manufacturers' Association of Cook County.
5. Associated Milk Dealers, Inc.
6. Pure Milk Association.

In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marking agreement upon which a hearing has been held.

Determination of representative period. The month of February 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below, which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 *et seq.*), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.51 and substitute therefore the following:

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(d) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

2. Delete § 941.52 (a) (1) and substitute therefor the following:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.60; July, August, September, October, and November, $1.10; all others, $0.80; *Provided,* That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

3. Delete § 941.52 (b) (1) and substitute therefor the following:

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.40; July, August, September, October, and November, $0.70; all others, $0.50; *Provided,* That such class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Chicago, Illinois, Marketing Area, and Designation of Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area) who, during the month of February 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-6709; Filed, June 18, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION NO. 485

JUNE 11, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is hereby determined that the lands described below are not necessary for harborage uses and purposes and that no shorespace reserve in such lands shall now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371) by the initiation of claims under the public land laws:

All lands abutting or lying within 80 rods of the southwest short of Eyak Lake, Alaska, located between U. S. Survey No. 1434, Tract A, and U. S. Survey No. 901, containing approximately 50 acres.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 52-6696; Filed, June 18, 1952; 8:47 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 57

JUNE 11, 1952.

Pursuant to the authority delegated to me under section 2.21 by Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C., Sec 682a), as amended, the following described public lands in the Fairbanks, Alaska, Land District:

BUFFALO CENTER UNIT NO. 2

FOR LEASE AND SALE

For Business Sites

U. S. Survey 2770—Lots 9 and 10.
U. S. Survey 2771—Lots 3, 8, and 9.
U. S. Survey 2772—Lots 1, 11, 12, and 13.

For Home Sites

U. S. Survey 2770—Lots 5–8 inclusive.
U. S. Survey 2771—Lots 4–7 inclusive.
U. S. Survey 2772—Lots 5–10 inclusive.
U. S. Survey 2773—Lots 5–12 inclusive.
U. S. Survey 2775—Lots 5–20 inclusive.
U. S. Survey 2776—Lots 5–12 inclusive.

The above described areas comprise 55 tracts aggregating approximately 27.22 acres.

2. The lands are located at Buffalo Center at the junction of the Richardson Highway and Alaska Highway approximately 100 miles southeast of Fairbanks. The topography of the area is level and the lands support at stand of birch, aspen, and spruce interspersed with open patches of willow and dwarf birch. The soils are shallow, and are underlaid by gravel and hardpan. No public facilities are obtainable in the area at the present time. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by use of cesspools. The climate is of the subarctic type with extremely cold winters and moderately warm summers.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on July 1, 1952. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10 a. m. on July 1, 1952, to close of business on September 29, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944, (58 Stat. 747, 43 U. S. C. secs. 279, 282) as amended, and by other qualified persons entitled to credit for services under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans and filed on June 11, 1952, or thereafter, up to and including 10:00 a. m. on July 1, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on September 30, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on September 10, 1952, or thereafter, up to and including 10:00 a. m. on September 30, 1952, shall be treated as simuitaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5 for homesites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $10 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as specified in the lease, provided the supplemental plats of survey have been officially filed.

7. All of the land will be leased in tracts varying in size from approximately .31 acre to approximately 1.36 acres, in accordance with the classification map on file in the Land Office, Fairbanks, Alaska.

8. All sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease: *Provided, however,* That if said tract abuts upon any stream, lake, or other body of fresh water, no sewage disposal facility shall be placed within 100 feet of any such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, on each side of the tracts, or as shown on the classification maps on file in the Land Office, Fairbanks, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory, county, or municipality, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Fairbanks, Alaska.

L. T. MAIN,
Acting Chief,
Division of Land Planning.

[F. R. Doc. 52-6695; Filed, June 18, 1952; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

JUNE 12, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 019464, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), in the following described tracts of land located in the East Addition to Kodiak Townsite, Alaska, U. S. Survey No. 2538B:

Beginning at the Easterlymost corner of the U. S. Military Reserve, designated as MR 8; thence South 55° 17' West, a distance of 460 feet; thence North 34° 43' West, a distance of 460 feet; thence North 55° 17' East, a distance of 460 feet; thence South 34° 43' East, a distance of 460 feet to the point of beginning, containing 4.858 acres, more or less.

Lots 1, 2, 3, 9 to 16 inclusive, Block 38.

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 52-6689; Filed, June 18, 1952; 8:46 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 6, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 20 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 339

For lease and sale for homesites only:

T. 5 N., R. 2 W., S. B. M.,
Sec. 9, W½ of Lot 4.

Leases will not be issued until a supplemental plat has been prepared dividing the area into tracts and assigning lot numbers to the irregular acreages.

The lands are situated in San Bernardino County, California, about six miles from the Village of Lucerne Valley and about twenty miles from the Town of Victorville. They can be reached over a paved road running from Victorville to Lucerne Valley and thence over dirt roads. The general area is one that is used extensively for health and recreational purposes.

2. As to applications regularly filed prior to 11:00 a. m., May 28, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 per acre. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands should be addressed to the Manager, Los Angeles Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-6694; Filed, June 18, 1952; 8:46 a. m.]

Office of the Secretary

COLORADO

SPECIAL RULE FOR ADMINISTRATION OF CERTAIN LANDS IN GRAZING DISTRICT NO. 6

A proper factual showing of its necessity having been made by the Regional Administrator, Region IV, and upon

recommendations of the District Advisory Board, the following special rule is prescribed for Colorado Grazing District No. 6, pursuant to authority vested in me by section 2 of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. C. sec. 315a), as amended, and in accordance with the provisions of 43 CFR 161.15:

In determining dependency by use in accordance with § 161.2(g) of the Federal Range Code for Grazing Districts, 43 CFR 161.2(g), of Federal range transferred to the Department of the Interior by Executive Order 10046 of March 24, 1949, as amended by Executive Order 10175 of October 25, 1950, and added to Colorado Grazing District No. 6 by order published June 27, 1951 (16 F. R. 6200), (1) authorized nonuse granted by the Soil Conservation Service or by the Bureau of Land Management during all or part of the five year period immediately preceding June 27, 1951, will be considered on the same basis as authorized actual use; and (2) authorized temporary use of such land which simultaneously is in a nonuse status with respect to the original operator, shall not be considered as a basis for establishing dependency by use under this provision of the Code.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 13, 1952.

[F. R. Doc. 52-6690; Filed, June 18, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 7]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced a new item of factory installed extra, special or optional equipment on its Oldsmobile new passenger automobiles and a wholesale ceiling price has been approved for this new item. Special Order 11 is, therefore, amended to include a charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11, is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

OLDSMOBILE PASSENGER AUTOMOBILES	
Rear Seat Speaker for DeLuxe Radio (all lines and series)	$20.30

Effective date. This Amendment 7 to Special Order 11 shall become effective June 18, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6793; Filed, June 18, 1952; 11:33 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 14, Amdt. 4]

CHRYSLER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 14 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Chrysler Corporation. Subsequent to the issuance of Special Order 14 the Chrysler Corporation has introduced a new item of factory installed extra, special or optional equipment on its DeSoto new passenger automobiles and a wholesale ceiling price has been approved for this new item. Special Order 14 is, therefore, amended to include the charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 14 is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 14:

DESOTO PASSENGER AUTOMOBILES	
"V" medallion package (custom 8-cylinder series)	$2.00

Effective date. This Amendment 4 to Special Order 14 shall become effective June 18, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 18, 1952.

[F. R. Doc. 52-6794; Filed, June 18, 1952; 11:34 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1267, G-1954]

NORTHEASTERN GAS TRANSMISSION CO., AND CONNECTICUT GAS CO.

ORDER PERMITTING INTERVENTION CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 12, 1952.

In the matters of Northeastern Gas Transmission Company, Docket No. G-1267; and the Connecticut Gas Company, Docket No. G-1954.

On April 8, 1952, the Northeastern Gas Transmission Company (Northeastern), a Delaware corporation having its principal place of business at 31 Hillman Street, Springfield, Massachusetts, filed a petition pursuant to section 16 of the Natural Gas Act and the Commission's general rules and regulations for amendment of the order of November 8, 1950, accompanying Opinion No. 202, Docket No. G-1267, issuing a certificate of public convenience and necessity to Northeastern.

Northeastern petitions to have said order amended in, and only in, the following particulars:

(1) Amend the words "The Connecticut Light & Power Company (Winsted)" and "The Connecticut Light & Power Company (Norwalk)" appearing in lines 4, 5, 6 and 7 on page 40 of said order and opinion issued November 8, 1950, and wherever else contained or referred to in said order so as to substitute therefor the words "The Connecticut Gas Company (Norwalk)" and "The Connecticut Gas Company (Winsted)" respectively.

(2) Amend said order and opinion, and specifically page 40 thereof, to authorize Northeastern to sell up to 7,000 Mcf of natural gas per day to the Haverhill Gas Light Company in lieu of selling 5,400 Mcf per day to Haverhill Gas Light Company and 1,600 Mcf per day to Haverhill Electric Company as presently authorized.

(3) Amend said order and opinion, and specifically page 40 thereof, to authorize Northeastern to sell 4,100 Mcf of natural gas per day to the Central Massachusetts Gas Company in lieu of selling 2,900 Mcf per day to the Worcester County Electric Company and 1,200 Mcf per day to the Spencer Gas Company as presently authorized.

Northeastern states that the above amendments are made necessary by (1) creation of a subsidiary, (2) merger and consolidation, and (3) acquisition of facilities. No increase in the volume of natural gas to be delivered over that authorized in the Commission's order of November 8, 1950, hereinbefore mentioned, is requested.

Due notice of the filing of the petition has been given, including publication in the FEDERAL REGISTER on April 23, 1952 (17 F. R. 3618).

On May 7, 1952, The Connecticut Gas Company (Connecticut Gas), a Connecticut corporation having its principal place of business at Berlin, Connecticut, filed, in Docket No. G-1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities, to-wit: 4-inch natural gas pipeline extending from a metering and regulating station of Northeastern to a gas plant of the Connecticut Light and Power Company (Power Company), a distance of approximately 4,500 feet, at Winsted, Connecticut; an 8-inch natural-gas pipeline extending from a metering and regulating station of Northeastern to a plant of Power Company, a distance of approximately 9,300 feet, at Norwalk, Connecticut; a 12-inch and 10-inch pipeline extending from a metering and regulating station of the Algonquin Gas Transmission Company (Algonquin) to a gas plant of Power Company, a distance of approximately 5,800 feet, at Waterbury, Connecticut; a 4-inch natural-gas pipeline extending from a metering and regulating station of Algonquin to a plant of the Power Company, a distance of approximately 5,000 feet, at Willimantic, Connecticut; a 4-inch pipeline extending from a metering and regulating station of Algonquin to a gas plant of the Power Company, a distance of approximately 120 feet, at Putnam, Connecticut.

Connecticut Gas also seeks authority to sell and deliver natural gas to Power Company at each of the aforementioned gas plants of Power Company for resale in the respective communities.

Connecticut Gas is a wholly owned subsidiary of Power Company; and it states in its application that the operation of the proposed facilities will be supervised at cost by personnel of the Power Company.

The estimated total over-all capital cost of the proposed facilities, including all expenditures involved in the installation thereof and all incidental costs, is $176,274. Connecticut Gas proposes to disburse funds from its treasury to pay for cost of such facilities.

Connecticut Gas has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on May 22, 1952 (17 F. R. 4664).

On June 4, 1952, Northeastern filed a petition for leave to intervene in Docket No. G-1954.

The Commission finds:

(1) Good cause has not been shown for granting Connecticut Gas' request that its application be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) The participation of Northeastern in Docket No. G-1954 may be in the public interest.

(3) Good cause exists and it would be in the public interest to consolidate the above-docketed proceedings for purposes of hearing.

The Commission orders:

(A) The request of Connecticut Gas that its application in Docket No. G-1954 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) is hereby denied.

(B) Northeastern be and it is hereby permitted to become an intervenor in Docket No. G-1954 subject to the rules and regulations of the Commission: *Provided, however,* That the participation of said intervenor shall be limited to matters properly in the above-docketed proceeding affecting asserted rights and interests specifically set forth in the petition for leave to intervene, and: *Provided further,* That the admission of said intervenor shall be construed as recognition by the Commission that Northeastern might be aggrieved because of any order or orders of the Commission entered in the above-docketed proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on June 30, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the petition to amend and the application.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: June 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6707; Filed, June 18, 1952; 8:49 a. m.]

[Docket No. G-1970]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

JUNE 13, 1952.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas corporation with its principal place of business at Phillipsburg, Kansas, filed on June 2, 1952, an application pursuant to section 7 of the Natural Gas Act for (1) permission and approval to abandon approximately 13 miles of $6^{3}/_{8}$-inch transmission line extending from Kearney, Nebraska, to a point on its $8^{5}/_{8}$-inch transmission line between Minden and Axtell, Nebraska, and (2) a certificate of public convenience and necessity authorizing the construction and operation of approximately 11.0 miles of 2-inch and smaller line extending from Kearney, Nebraska, to serve residential consumers adjacent to the pipe line described in (1) above, to be abandoned.

Applicant proposes to recondition the pipe to be taken from the pipe line to be abandoned, and to use the same in other parts of its systems and operation.

The application recites there is to be no abandonment of present natural gas service as a result of the removal of the Kearney-Minden $6^{5}/_{8}$-inch transmission line.

The estimated over-all capital cost of the proposed facilities to be constructed and operated is $21,140. After allowance for salvage value in amount of $30,375 and cost of removal in amount of $15,000 net capital cost is stated to be $5,765.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6693; Filed, June 18, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1430]

OWENS-CORNING FIBERGLAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June A. D. 1952.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Owens-Corning Fiberglas Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to July 1, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6698; Filed, June 18, 1952; 8:48 a. m.]

[File No. 7-1431]

AMERICAN & FOREIGN POWER CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of June A. D. 1952.

The Boston Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, No Par Value, of American & Foreign Power Company, Inc., a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange

on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to June 27, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6697; Filed, June 18, 1952; 8:47 a. m.]

[File No. 59-31]

ILLINOIS POWER CO.

ORDER DISMISSING PROCEEDINGS

JUNE 13, 1952.

The Commission having heretofore instituted proceedings pursuant to section 11 (b) (2) of the act directed to Illinois Power Company (formerly Illinois Iowa Power Company), a public utility company and an exempt registered holding company; and

It appearing to the Commission that the conditions which necessitated the institution of said proceedings no longer exist; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to dismiss said proceedings:

It is ordered, That the proceedings hertofore instituted pursuant to section 11 (b) (2) of the act with respect to Illinois Power Company be, and the same hereby is, dismissed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6702; Filed, June 18, 1952; 8:49 a. m.]

[File No. 70-2836]

CENTRAL PUBLIC UTILITY CORP. ET AL.

ORDER PERMITTING ACQUISITION BY NON-UTILITY SUBSIDIARY OF REGISTERED HOLDING COMPANIES OF CAPITAL STOCK OF BUS TERMINAL COMPANY

JUNE 13, 1952.

In the matter of Central Public Utility Corporation, Consolidated Electric and Gas Company, Carolina Coach Company, File No. 70-2836.

Central Public Utility Corporation ("Central Public"), a registered holding company, Consolidated Electric and Gas Company ("Consolidated"), also a registered holding company and a direct and wholly owned subsidiary of Central Public, and Carolina Coach Company ("Carolina"), a bus transportation company and a direct subsidiary of Consolidated, having filed a joint application-declaration and certain amendments thereto, pursuant to the act, with respect to the following proposed transactions:

Carolina, a Virginia corporation, is a non-utility company engaged in the motor bus transportation business in Virginia and North Carolina. At the present time Carolina and Virginia State Lines Inc. ("Virginia"), a non-affiliated bus transportation company, use joint terminal facilities in Richmond, Virginia. Because of the inadequacy of these facilities, Carolina and Virginia propose to create Trailways Bus Terminal, Inc. ("Terminal Company"), which will construct a bus terminal in Richmond, Virginia. The capitalization of Terminal Company will consist of 30,000 shares of capital stock, par value $10 a share, of which 15,000 shares are to be owned by Carolina and 15,000 shares are to be owned by Virginia. Carolina will pay for its portion of this capital stock by transferring to Terminal Company cash in the amount of $14,052.90 and land valued at $135,947.10, it being represented that Carolina is selling this land at the actual price paid therefor by it. It is also represented in the filing that Virginia will transfer to Terminal Company $13,000 in cash and land valued at $137,000 as full payment for Virginia's portion of its capital stock of Terminal Company.

The construction of the proposed terminal will be financed through the borrowing by Terminal Company of not to exceed $275,000 from The First and Merchants National Bank of Richmond. This borrowing will be evidenced by a note or notes payable not more than three years from the date of issuance. The payment of said note or notes will be guaranteed by Carolina and Virginia. The filing proposes that the interest rate on the note or notes will be not less than 4 percent, nor more than 5½ percent per annum. However, by the terms of an order of the Interstate Commerce Commission issued with respect to these proposed transactions, the interest rate may not exceed 5 percent.

It is estimated that it will take approximately two years to construct the terminal. Upon completion, it is anticipated that Terminal Company will sell the property to an insurance company at a price to be determined later and that the insurance company will, in turn, lease such property to Terminal Company for a period of 30 years. The proceeds from the sale of the property of Terminal Company to the insurance company will be applied to the discharge of the note or notes of Terminal Company.

The filing contains a copy of an order of the Interstate Commerce Commission, authorizing Carolina to act as co-guarantor of the note or notes to be issued by Terminal Company. The filing urges that, because of this authorization and the provisions of Rule U-8 promulgated under the act, the jurisdiction of the Securities and Exchange Commission in the premises is limited to passing upon the direct acquisition by Carolina of the stock of Terminal Company and the indirect acquisition of this stock by Central Public and Consolidated.

The fees and expenses in connection with the proposed transactions are estimated by applicants-declarants not to exceed $2,100, $1,600 representing legal fees and $500 representing out of pocket expenses.

Notice of the filing of this joint application-declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that all the applicable statutory standards have been satisfied and that there is no basis for any adverse findings and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6701; Filed, June 18, 1952; 8:49 a. m.]

[File No. 70-2883]

DUQUESNE LIGHT CO.

ORDER PERMITTING ISSUANCE OF FOUR-MONTH BANK LOAN NOTE

JUNE 13, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, has filed a declaration and an amendment thereto pursuant to the act, particularly sections 6 (a) and 7 thereof, with regard to the transaction therein set forth which is summarized as follows:

Duquesne presently has outstanding a $9,725,000 3 percent promissory bank loan note due January 2, 1953, and intends in the immediate future to make an additional short-term bank borrowing of $85,000 under an exemption asserted to be available to it pursuant to section 6 (b) of the act, whereupon its short-term bank loan indebtedness will aggregate $9,810,000. Duquesne proposes in the instant declaration to issue a $5,000,000 four-month note bearing interest at 3 percent per annum, such note to be issued to Mellon National Bank and Trust Company of Pittsburgh, Pennsylvania. Duquesne will have the right to prepay such note at any time prior to maturity, without premium. The company proposes to use the proceeds from such note to defray part of the cost of its current construction program involving an estimated total cost of about $30,000,000 for the year 1952. The company has expressed its intention to pay off all outstanding short-term notes with the proceeds expected to be derived from a permanent financing program now being formulated. It is stated that no fees or expenses will be incurred in connection with the proposed $5,000,000 borrowing, other than miscellaneous expense estimated at not more than $100. Declarant states that no State Commission has jurisdiction over the proposed transaction.

Said declaration and amendment thereto having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6699; Filed, June 18, 1952; 8:48 a. m.]

[File No. 70-2888]

WISCONSIN SOUTHERN GAS CO.

NOTICE OF FILING WITH RESPECT TO ISSUE AND SALE OF UNSECURED SERIAL NOTES

JUNE 13, 1952.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Wisconsin Southern Gas Company ("Gas Company"), a public-utility company and a subsidiary of Wisconsin Southern Gas and Appliance Corporation ("Appliance Corp."), a registered holding company. Applicant has designated section 6 (b) of the act and Rule U-23 promulgated thereunder as applicable to the transactions proposed in said application-declaration, which are summarized as follows:

Gas Company, prior to the registration of Appliance Corp. as a holding company, negotiated a firm commitment to issue and sell to the State of Wisconsin Investment Board, for cash at the principal amount thereof plus accrued interest, $150,000 aggregate amount of unsecured serial notes. Such notes will be dated May 1, 1952, will bear interest at the rate of 4½ percent per annum, and will mature serially at the rate of $15,000 per year beginning May 1, 1953. The proceeds from the proposed issuance and sale of the notes will be used to retire an outstanding short-term bank loan and to reimburse the company's treasury for capital expenditures. Said notes may be prepaid at any time, in whole or in part, at their principal amount plus accrued interest and upon payment of a premium of three percent of the principal amount if prepaid before May 1, 1956, with such premium declining at the rate of one-half of one percent for each 12 months thereafter.

The application-declaration states that no finders' fee, commissions or brokers' expenses will be incurred or paid in connection with the sale of the said notes.

The Public Service Commission of Wisconsin, by order dated April 25, 1952, has expressly authorized the issuance and sale of the notes and the application-declaration states that no other State Commission nor any Federal regulatory agency, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 25, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 25, 1952, at 5:30 p. m., e. d. s. t., such application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the general rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

Applicant requests that the Commission's order herein become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6703; Filed, June 18, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27153]

SULPHURIC ACID FROM BATON ROUGE, AND NORTH BATON ROUGE, LA., TO FRONT ROYAL AND PULASKI, VA.

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Front Royal and Pulaski, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6715; Filed, June 18, 1952; 8:50 a. m.]

[4th Sec. Application 27154]

COAL FROM POINTS IN ILLINOIS AND KENTUCKY TO SOUTHEASTERN TERRITORY

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Coal, in carloads.

From: Belleville, Ill., southern Illinois and western Kentucky mines.

To: Southeastern territory.

Grounds for relief: Rail and market competition, circuity, grouping, and compliance with findings in Kentucky Coal Agency, Inc., v. Alabama G. S. R. Co., 283 I. C. C. 175.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1311; R. G. Raasch, Agent, I. C. C. No. 765; I. C. R. R., I. C. C. No. E-1860, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6716; Filed, June 18, 1952; 8:50 a. m.]

[4th Sec. Application 27155]

EXCEPTIONS TO CLASSIFICATION RATES BETWEEN LOWER MISSISSIPPI RIVER CROSSINGS AND WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers respondents in Class Rate Investigation, 19 1939, 281 I. C. C. 213.

Involving: Rates subject to ratings in the exceptions to the Classification.

Between: New Orleans and Baton Rouge, La., and points grouped therewith, Natchez, Miss., Helena, Ark., and Memphis, Tenn., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Rail competition, operation through higher-rated territory, and routes operating in part east of the Mississippi River meeting rates over west-side routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1197, Supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6717; Filed, June 18, 1952; 8:50 a. m.]

[4th Sec. Application 27156]

SCRAP IRON FROM SOUTHERN TERRITORY TO CHESTER AND MARCUS HOOK, PA., AND CLAYMONT, DEL.

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 950.

Commodities involved: Scrap iron and steel, carloads.

From: Points in southern territory.

To: Chester and Marcus Hook, Pa., and Claymont, Del.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 950, Supp. 176.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6718; Filed, June 18, 1952; 8:51 a. m.]

[4th Sec. Application 27157]

LATEX FROM MIDLAND, MICH., TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4238.

Commodities involved: Latex (liquid crude rubber), natural or synthetic, carloads.

From: Midland, Mich.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6719; Filed, June 18, 1952; 8:51 a. m.]

[4th Sec. Application 27158]

FELT, BUILDING, ROOFING OR SHEATHING FROM MOBILE, ALA., TO PORT NECHES, TEX.

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3899.

Commodities involved: Felt, building, roofing or sheathing, carloads.

From: Mobile, Ala.

To: Port Neches, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, Supp. 102.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6720; Filed, June 18, 1952; 8:51 a. m.]

[4th Sec. Applicaton 27159]

ALUMINA FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO MONACA, PA.

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 413, pursuant to fourth-section order No. 16101.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Monaca, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6721; Filed, June 18, 1952; 8:51 a. m.]

[4th Sec. Application 27160]

ALCOHOLIC LIQUORS BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

JUNE 16, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-943.

Commodities involved: Alcoholic liquors and wine, carloads.

Between: Points in trunk-line and New England territories, on the one hand, and points in central and Illinois territories, on the other.

Grounds for relief: Rail, motor, or motor-water competition, additional commodities, and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-943, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6722; Filed, June 18, 1952; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ALEXANDER (GOTTLIEB) GONDA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alexander (Gottlieb) Gonda, Caracas, Venezuela, Claim No. 37562; $7,010.67 in the Treasury of the United States.

Executed at Washington, D. C., on June 13, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6729; Filed, June 18, 1952, 8:54 a. m.]

SCHMUEL AND YANKEL SCHUSTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Schmuel Schuster, Bungalow 367B, Beth Olin, Machaneh David, Haifa, Israel, Claim No. 4982; $500.00 in the Treasury of the United States.

Yankel Schuster, Bungalow 376B, Beth Olin, Machaneh David, Haifa, Israel, Claim No. 4983; $500.00 in the Treasury of the United States.

Executed at Washington, D. C., on June 13, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6727; Filed, June 18, 1952; 8:53 a. m.]

ADA PAYNE REMSHARDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ada Payne Remshardt, Lessingstrasse 1, Heilbronn am Neckar, U. S. Zone, Germany, Claim No. 34840; $33,160.38 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Ada Payne Remshardt in and to the trust under the will of Fred Fahnley, deceased.

Executed at Washington, D. C., on June 13, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6728; Filed, June 18, 1952, 8:53 a. m.]

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TITLE 3

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FEDERAL REGISTER

VOLUME 17 NUMBER 121

Washington, Friday, June 20, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2978

NATIONAL DAY OF PRAYER, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS from the earliest days of our history our people have been accustomed to turn to Almighty God for help and guidance; and

WHEREAS in times of national crisis when we are striving to strengthen the foundations of peace and security we stand in special need of divine support; and

WHEREAS the Congress, by a joint resolution approved on April 17, 1952 (66 Stat. 64), has provided that the President "shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation"; and

WHEREAS I deem it fitting that this Day of Prayer coincide with the anniversary of the adoption of the Declaration of Independence, which published to the world this Nation's "firm reliance on the protection of Divine Providence":

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim Friday, July 4, 1952, as a National Day of Prayer, on which all of us, in our churches, in our homes, and in our hearts, may beseech God to grant us wisdom to know the course which we should follow, and strength and patience to pursue that course steadfastly. May we also give thanks to Him for His constant watchfulness over us in every hour of national prosperity and national peril.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of June in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-6821; Filed, June 19, 1952; 9:44 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

COMPETITION RESTRICTED TO VETERANS

Effective July 25, 1952, paragraph (b) of § 2.102 is revoked, and the reference to this paragraph in paragraph (c) (1) of that section is also revoked. As amended, paragraph (c) (1) will read as follows:

§ 2.102 *Competition restricted to veterans.* * * *

(c) (1) A position, examination for which has been restricted to veterans under paragraph (a) of this section, may not be filled by appointment, reappointment, reinstatement, promotion, demotion, transfer, or reassignment of a non-veteran from outside the organizational entity in which the position exists, if there is a veteran in the employ of such entity in the local area who is qualified and available for promotion or reassignment to the position, or if there is a total of three or more veterans elsewhere who are qualified and available for an appointment of equal tenure.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6742; Filed, June 19, 1952; 8:46 a. m.]

CONTENTS

THE PRESIDENT

Proclamation — Page

National Day of Prayer, 1952 — 5537

EXECUTIVE AGENCIES

Agriculture Department

See Production and Marketing Administration.

Alien Property, Office of

Notices, etc.:
Vesting orders, etc.:
De Visser, Anna — 5600
Jarck, Wilhelmine — 5600
Tietz, Bertha, and Erna Kuhn — 5600

Civil Aeronautics Board

Notices:
Empresa de Transportes Aerovias Brazil, S. A.; hearing — 5594

Civil Service Commission

Rules and regulations:
Appointment through the competitive system; competition restricted to veterans — 5537
Miscellaneous amendments:
Exceptions from the competitive service — 5539
Promotion, demotion, reassignment and transfer of permanent employees — 5539

Commerce Department

See National Production Authority.

Defense Department

Rules and regulations:
Induction standards; miscellaneous amendments — 5554
Organized unit and satisfactory participation therein defined — 5554

Economic Stabilization Agency

See Price Stabilization, Office of.

Federal Power Commission

Notices:
Hearings, etc.:
Alabama-Tennessee Natural Gas Co — 5599
Busch, Herman A — 5599
Montana Power Co — 5599

FEDERAL REGISTER

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Orange and Rockland Electric Co. 5599

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Crankcase drainings from Missouri, Arkansas, Tennessee, Kansas and Texas to Oklahoma City, Okla. 5599
Motor-rail-motor rates on all commodities between Boston, Mass., and Harlem River, N. Y. 5599
Long Island Rail Road Co., rerouting or diversion of traffic 5600

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
Mineral deposits in acquired lands and under rights-of-way 5566
Mineral permits, leases, and licenses 5566
Oil and gas leases 5566
Rights-of-way for canals, ditches, reservoirs, water pipe lines, telephone and telegraph lines, tramroads, roads and highways, oil and gas pipe lines, etc. 5569

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan (CMP Reg. 1) 5556
Construction (CMP Reg. 6) 5559
Distribution of copper raw materials (M-16) 5562
Priorities assistance to technical and scientific laboratories (M-71) 5559
Residential construction; miscellaneous amendments (M-100) 5558
Rubber; use of crepe cuttings (M-2, Int. 2) 5559

Price Stabilization, Office of
Notices:
Prices for emergency road service supplied to:
Automobile Club of Southern Calif., Los Angeles, Calif. 5595
California State Automobile Assn. 5594
Rules and regulations:
Ceiling price adjustment for canned baby and junior foods (GCPR, SR 107) 5555
Rail freight rate increases on grain, grain products, grain by-products, and articles taking same rail freight rate (GCPR, SR 73) 5554

Post Office Department
Rules and regulations:
Disbursements and accounts; post-route and rural-delivery maps 5565

Production and Marketing Administration
Proposed rule making:
Grapes, Tokay, grown in California 5575

Production and Marketing Administration—Continued Page
Proposed rule making—Continued
Milk handling, marketing areas:
Muskegon, Mich. 5583
Oklahoma City, Okla. 5574
Sioux Falls-Mitchell, S. Dak. 5578
Rules and regulations:
Milk in the Dubuque, Iowa, marketing area 5540
Tobacco, Type 62 5540

Securities and Exchange Commission
Notices:
Hearings, etc.:
General Public Utilities Corp. 5598
General Public Utilities Corp. and Jersey Central Power & Light Co. 5596
Hevi Duty Electric Co. 5598
Kittery Electric Light Co. 5597
Middle West Corp. and Central and South West Utilities Co. 5596
New England Power Co. 5596
Public Service Co. of New Hampshire 5597

State Department
Rules and regulations:
Law enforcement 5540
Notarial and related services 5540
Protection and welfare of individuals 5540

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter I (Proclamations):
2978 5537

Title 5
Chapter I:
Part 2 5537
Part 6 5539
Part 8 5539

Title 7
Chapter IX:
Part 905 (proposed) 5574
Part 912 5540
Part 951 (proposed) 5575
Part 956 (proposed) 5578
Part 983 5540
Part 985 (proposed) 5583

Title 22
Chapter I:
Part 109 5540
Part 112 5540
Part 136 5540

Title 32
Subtitle A:
Part 71 5554
Part 73 5554

Title 32A
Chapter III (OPS):
GCPR, SR 73 5554
GCPR, SR 107 5555
Chapter VI (NPA):
CMP Reg. 1, Dir. 1 5556
CMP Reg. 6 5559
M-2, Int. 2 5559

CODIFICATION GUIDE—Con.

Title 32A—Continued Page
Chapter VI (NPA)—Continued
M-16 5562
M-71 5559
M-100 5558

Title 39
Chapter I:
Part 17 5565

Title 43
Chapter I:
Part 191 5566
Part 192 5566
Part 200 5566
Part 244 5569

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 8—PROMOTION, DEMOTION, REASSIGNMENT, AND TRANSFER OF PERMANENT EMPLOYEES

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (14) is added to § 6.123 (h) as follows:

§ 6.123 *Federal Security Agency.*

* * *

(h) *Public Health Service.* * * *

(14) Physical therapy interns (student physical therapists), occupational therapy interns (student occupational therapists), and hospital administration students. Appointments to these positions will not extend beyond four months.

2. Effective upon publication in the FEDERAL REGISTER, subparagraph (11) is added to § 6.155 (c) as follows:

§ 6.155 *Economic Stabilization Agency.*

* * *

(c) *Office of Wage Stabilization.*

* * *

(11) Chairman and Members of the Health and Welfare Committee of the Wage Stabilization Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

3. Effective June 5, 1952, §§ 8.107 and 8.109, and paragraph (a) of § 8.110 are amended to read as follows:

§ 8.107 *Promotions, demotions, reassignments, and transfers without reemployment rights.* (a) All promotions after September 1, 1950, shall be indefinite (except that:

(1) An agency may promote any employee permanently to a position if such promotion will not increase the number of employees holding permanent positions in the grade of such position in such agency above the number in such grade in such agency prior to September 1, 1950.

(2) Permanent promotions may be made to any position in a category for which the Civil Service Commission authorizes permanent appointments.

(b) All reassignments of an employee on and after December 1, 1950, to positions above the grade (or level) which he last occupied on a permanent basis shall be indefinite unless he is made permanent at that grade (or level) under one of the exceptions in paragraph (a) of this section. All reassignments within his last permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency, except that any reassignment to the position last held on a permanent basis shall be permanent.

(c) All demotions of an employee on and after December 1, 1950, to positions above the grade (or level) which he last occupied on a permanent basis shall be indefinite unless he is made permanent at that grade (or level) under one of the exceptions in paragraph (a) of this section. All demotions to positions below his last permanent grade (or level) shall be permanent. All demotions to positions within his last permanent grade (or level) may be either permanent or indefinite in the discretion of the head of the agency, except that a demotion to the position last held on a permanent basis shall be permanent.

(d) The transfer of a permanent employee from one agency to another shall be permanent. However, when such transfer is to a position above the grade (or level) the employee last occupied on a permanent basis, his occupancy of the higher grade position shall be on an indefinite basis, unless the promotion is made permanent under one of the exceptions in paragraph (a) of this section.

* * * * *

§ 8.109 *Restrictions on promotion, transfer or appointment to a higher grade, and reassignment to a different line of work*—(a) *Reassignment and promotion after competitive appointment.* No person shall be reassigned to a different line of work, promoted, transferred or appointed at a higher grade or in a different line of work in the same grade within three months after his last competitive appointment under § 2.113 or § 2.115 (a) or (b) of this chapter.

(b) *Application of the following paragraphs.* (1) The restrictions on promotion in the following paragraphs apply to transfer to a higher grade, and appointment and reemployment at a higher grade within one year after separation from employment of an indefinite or permanent nature.

(2) These restrictions apply when both the position last held and the position being filled are subject to the Classification Act of 1949, as amended. However, they do not apply when the position last held is outside the competitive service and in the legislative or judicial branches of the government. The restrictions apply to movements from positions not subject to the Classification Act to positions subject to the act only if the employee has held a position subject to the act within the preceding year.

(3) The periods of service required by paragraphs (c), (d), and (f) of this section shall include all service at the appropriate or higher level in the Federal civilian service. However, when two periods of service under the Classification Act are interrupted for less than one year by other service, such latter service shall be counted as a continuation of the prior service in the position subject to the Classification Act.

(c) *Promotions to positions at GS–12 or above.* An employee may be promoted to a position at GS–12 or above after he has served one year at the next lower grade.

(d) *Promotions to positions at GS–6 through GS–11.* (1) An employee may be promoted to a position at GS–6 through GS–11 which is in a line of work properly classified at two-grade intervals after he has served one year in a position two grades lower.

(2) An employee may be promoted to a position at GS–6 through GS–11 which is in a line of work properly classified at one grade intervals after he has served one year at the next lower grade.

(e) *Promotions to positions at GS–5 or below.* An employee may be promoted to a position at GS–5 or below which is not more than two grades above the lowest grade he held within the past year under permanent or indefinite appointment. However, an employee may be promoted to any grade at GS–5 or below which he previously held or to which he could have previously been promoted under this paragraph.

(f) *Normal line of promotion.* An employee of the agency who has one year of service two grades lower than the position being filled may, with the prior approval of the Commission, be promoted without regard to the restrictions of paragraphs (c) and (d) of this section if there is no position in the normal line of promotion at the next lower grade.

(g) *Training agreements.* The restrictions of this section shall not apply to any employee who is being promoted in accordance with a training agreement which has been approved by the Commission. Promotions of more than two grades in one year may not be made solely on the basis of a training agreement or series of training agreements.

(h) *Reduction in force.* The restrictions in this section shall not apply to any person who is being advanced to any grade or level up to that from which he had ever been demoted or separated by any agency because of reduction-in-force.

(i) *Persons within reach on register.* The restrictions of this section shall not apply to any person who is within reach on a civil service register for competitive appointment to the position to be filled.

(j) *Undue hardship or inequity.* In order to avoid undue hardship or inequity, the Commission may when requested by the head of the agency involved authorize promotions in individual cases of meritorious nature without regard to the restrictions of this section.

§ 8.110 *Tenure after change of position.* (a) The promotion, demotion, or reassignment of a permanent employee shall not change his status as a permanent employee of the agency. A permanent employee transferred from one agency to another, shall have the status of a permanent employee in the new agency at the grade or level of his permanent position in the agency from which transferred, unless he is transferred to a higher grade and the promotion is made permanent under one of the exceptions in paragraph (a) of § 8.107.

However, when the position to which transferred is in a lower grade or level than such permanent position, he shall have the status of a permanent employee in the new agency at the grade or level to which transferred. At the time he leaves his permanent position the agency shall record in his Official Personnel Folder sufficient information to identify clearly the position he last held on a permanent basis.

* * * * *

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc 52-6743; Filed, June 19, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 912—HANDLING OF MILK IN DUBUQUE, IOWA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 912.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Supps., 900.1 et seq.), a public hearing was held at Dubuque, Iowa, on November 28, 1951, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act.

(2) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than July 1, 1952. Any delay beyond July 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Dubuque, Iowa, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective July 1, 1952 (see sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Dubuque, Iowa, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the Dubuque, Iowa, marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1952), were engaged in the production of milk for sale in the Dubuque, Iowa, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Dubuque, Iowa, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 912.5 (a) (1) and substitute therefor the following:

(1) *Class I milk.* The price established per hundredweight of Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area, minus 10 cents.

2. Revise the list of plants contained in § 912.5 (a) (2) (i) to read as follows:

Present Operator of Plant and Location

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C. this 17th day of June 1952, to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6774; Filed, June 19, 1952; 8:54 a. m.]

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

SUBPART—CONTROL COMMITTEE RULES AND REGULATIONS

Correction

In F. R. Doc. 52-6615, appearing at page 5454 of the issue for Wednesday, June 18, 1952, the entry in the table of contents for § 983.130 should read:

983.130 Books, records and reports.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 109—PROTECTION AND WELFARE OF INDIVIDUALS

PART 112—LAW ENFORCEMENT

CROSS REFERENCE: For supersedure of §§ 109.9, 109.10, 109.11, and Part 112 of Title 22, see Part 136, *infra.*

[Dept. Reg. 108.154]

PART 136—NOTARIAL AND RELATED SERVICES

Part 136, Chapter I, Title 22 of the Code of Federal Regulations, is prescribed as follows: Part 136, as prescribed herein, supersedes §§ 109.9, 109.10, 109.11 and Part 112, Chapter I, Title 22 of the Code of Federal Regulations.

INTRODUCTION

Sec.
136.1 Definitions.
136.2 Description of notarial function of the Foreign Service.
136.3 Jurisdiction of Foreign Service posts.
136.4 Authority of officers of Foreign Service under the Federal law.
136.5 Acceptability of notarial acts under state or territorial law.
136.6 Authority of officers of the Foreign Service under international practices.
136.7 Responsibility of officers of the Foreign Service.

GENERAL NOTARIAL PROCEDURES

136.8 Compliance with requests for notarial services.
136.9 Refusals of requests for notarial services.
136.10 Specific waiver in notarial certificate.
136.11 Preparation of legal documents.
136.12 Necessity for certification of notarial acts.

Sec.
136.13 Form of notarial certification.
136.14 Venue on notarial certificate.
136.15 Signing notarial certificate.
136.16 Sealing the notarial certificate.
136.17 Fastening of pages.

SPECIFIC NOTARIAL ACT

136.18 Oaths and affirmations defined.
136.19 Administering an oath.
136.20 Administering an affirmation.
136.21 Notarial certificate to oath or affirmation.
136.22 Affidavit defined.
136.23 Taking an affidavit.
136.24 Usual form of affidavit.
136.25 Title of affidavit.
136.26 Venue on affidavit.
136.27 Affiant's allegations in affidavit.
136.28 Signature of affiant on affidavit.
136.29 Oath or affirmation to affidavit.
136.30 Acknowledgment defined.
136.31 Taking an acknowledgment.
136.32 Notarial certificate to acknowledgment.
136.33 Execution of certificate of acknowledgment.
136.34 Fastening certificate to instrument.
136.35 Errors in certificate of acknowledgment.
136.36 Authentication defined.
136.37 Authentication procedure.
136.38 Forms of certificate of authentication.
136.39 Authenticating foreign public documents (Federal procedures).
136.40 Authentication of foreign extradition papers.
136.41 Limitations to be observed in authenticating documents.
136.42 Certification of copies of foreign records relating to land titles.
136.43 Fees for oaths and affirmations.
136.44 Fees for affidavits.
136.45 Fees for acknowledgments.
136.46 Fees for authentications.
136.47 Fees for certifying copies of documents.
136.48 No-fee services under item 38 of the Tariff of Fees.

DEPOSITIONS AND LETTERS ROGATORY

136.49 Deposition defined.
136.50 Use of depositions in court actions.
136.51 Methods of taking depositions in foreign countries.
136.52 "Deposition on notice" defined.
136.53 "Commission to take depositions" defined.
136.54 "Letters rogatory" defined.
136.55 Consular authority and responsibility for taking depositions.
136.56 Summary of procedure for taking depositions.
136.57 Oral examination of witnesses.
136.58 Examination on basis of written interrogatories.
136.59 Recording of objections.
136.60 Examination procedures.
136.61 Transcription and signing of record of examination.
136.62 Captioning and certifying depositions.
136.63 Arrangement of papers.
136.64 Filing depositions.
136.65 Depositions to prove genuineness of foreign documents.
136.66 Depositions taken before foreign officials or other persons in a foreign country.
136.67 Execution of letters rogatory in the United States.
136.68 Foreign Service fees to be collected for taking depositions.
136.69 Fees payable to foreign officials, witnesses, foreign counsel and interpreters.
136.70 Special fees for depositions in connection with foreign documents.
136.71 Fees for letters rogatory executed by officials in the United States.

MISCELLANEOUS NOTARIAL SERVICES

Sec.
136.72 Services in connection with patents and patent applications.
136.73 Services in connection with trademark registrations.
136.74 Services in connection with United States securities or interests therein.
136.75 Services in connection with income tax returns.

COPYING, RECORDING, TRANSLATING AND PROCURING DOCUMENTS

136.76 Copying documents.
136.77 Recording documents.
136.78 Translating documents.
136.79 Procuring copies of foreign public documents.
136.80 Procuring copies of documents from the United States.

QUASI-LEGAL SERVICES

136.81 Performance of legal services.
136.82 Recommending attorneys.
136.83 Submission of annual list of attorneys.
136.84 Legal process defined.
136.85 Service of legal process usually prohibited.
136.86 Consular responsibility for serving subpoenas.
136.87 Consular responsibility for serving orders to show cause.
136.88 Consular procedure.
136.89 Fees for service of legal process.
136.90 Delivering documents pertaining to fraudulent naturalization.
136.91 Service of documents at request of Congressional Committees.
136.92 Service of legal process where required by State law.
136.93 Notarial services connected with service of process by other persons.
136.94 Replying to inquiries regarding service of process or other documents.
136.95 Transportation of witnesses to the United States.

AUTHORITY: §§ 136.1 to 136.64, 136.66 to 136.69 and 136.71 to 136.95 issued under sec. 302, 60 Stat. 1001; 22 U. S. C. 842. §§ 136.65 and 136.70 issued under sec. 1, 62 Stat. 836, sec. 303, 60 Stat. 1002; 22 U. S. C. 843, 18 U. S. C. Sup. 3496, E. O. 10307, Nov. 23, 1951, 16 F. R. 11907; 3 CFR, 1951 Supp. Statutory provisions interpreted or applied are cited to text in parentheses.

INTRODUCTION

§ 136.1 *Definitions.* (a) In the United States the term "notary" or "notary public" means a public officer qualified and bonded under the laws of a particular jurisdiction for the performance of notarial acts, usually in connection with the execution of some document.

(b) The term "notarial act" means an act recognized by commercial custom and general usage as pertaining to the office of a notary public. It includes the administration of oaths or affirmations, the taking of affidavits, acknowledgments, and depositions, the authentication of documents, and the certification of copies of documents.

(c) The term "notarial certificate" means a written statement attesting to the performance of a notarial act, executed by the notarial officer and either inserted on, or appended to, the notarized document.

§ 136.2 *Description of notarial function of the Foreign Service.* The notarial function of officers of the United States Foreign Service is similar to the function of a notary public in the United States and consists of the activities described in this part.

§ 136.3 *Jurisdiction of Foreign Service posts.* Where definite consular districts have been established, the geographic limits of the district determine the jurisdiction in notarial matters of the officers assigned to the Foreign Service post, i. e., the area in which notarial acts can be performed by the consular officer. (See § 136.41 (b) regarding the authentication of the seals and signatures of foreign officials outside the consular district.) As a rule, notarial services should be performed only at the office of the post. However, they may, when necessary, be performed elsewhere within the consular district, with the understanding that, in addition to the prescribed Foreign Service fees for such services, the expenses incurred by the notarizing officer in going to the place where the notarial service is performed and returning to his office will be borne by the interested party or parties. Within those national jurisdictions where no consular districts have been established, notarial services should be performed at the most accessible Foreign Service post.

§ 136.4 *Authority of officers of the Foreign Service under the Federal law.* (a) Section 1195, title 22 of the United States Code, requires every United States consular officer to perform notarial acts, upon request, "within the limits of his consulate." This provision is construed as mandatory with respect to notarial acts performed within the Foreign Service office but not with respect to notarial acts performed outside the Foreign Service office. In addition, section 1203, title 22 of the United States Code, authorizes every secretary of embassy or legation and every consular officer to perform notarial acts. Notarial acts should be performed, however, only if their performance is authorized by treaty provisions or permitted by the laws or authorities of the country wherein the consular officer is stationed.

(b) These acts may be performed for any person regardless of nationality so long as the document in connection with which the notarial service is required is for use within the jurisdiction of the Federal Government of the United States or within the jurisdiction of one of the States or Territories of the United States. (However, see also § 136.6.) Within the Federal jurisdiction of the United States, these acts, when certified under the hand and seal of office of the notarizing officer are valid and of like force and effect as if performed by any duly authorized and competent person within the United States. Documents bearing the seal and signature of the notarizing officer are admissible in evidence within the Federal jurisdiction without proof of any such seal or signature being genuine or of the official character of the notarizing officer. (R. S. 1750, sec. 3, 34 Stat. 100; 22 U. S. C. 1203)

(c) Every secretary of embassy or legation and every consular officer may perform notarial acts for use in countries occupied by the United States or under its administrative jurisdiction, provided

the officer has reason to believe that his notarial act will be recognized in the country where it is intended to be used. These acts may be performed for United States citizens and for nationals of the occupied or administered countries who reside outside such countries, except in areas where another government is protecting the interests of the occupied or administered country.

(d) Chiefs of mission, that is, ambassadors and ministers, have no authority under Federal law to perform notarial acts except in connection with the authentication of extradition papers (see § 136.40).

(e) Consular agents have authority to perform notarial services but acting consular agents do not.

§ 136.5 *Acceptability of notarial acts under state or territorial law.* The acceptability within the jurisdiction of a State or Territory of the United States of a certificate of a notarial act performed by an officer of the Foreign Service depends upon the laws of the State or Territory. Most States and Territories recognize the notarial acts of United States diplomatic or consular officers, whether such acts are performed for United States citizens or for aliens. However, some of the States and Territories have, by statute, specified the legal requirements which notarized documents or notarial certificates must meet. For this reason, before performing a notarial act for use in a State or Territory, an officer of the Foreign Service should, unless he is already certain of the provisions of the pertinent state or territorial law, consult the appropriate law digest to determine whether it may be expected that the certificate of his notarial act will be acceptable in the State or Territory. If, in a particular instance, no statutory provision on this point can be found, the applicant for the notarial service should be informed of that fact, preferably in writing, and a statement regarding the giving of this information should be entered in the Record of Fees.

§ 136.6 *Authority of officers of the Foreign Service under international practice.* Although such services are not mandatory, officers of the Foreign Service may, as a courtesy, perform notarial acts for use in countries with which the United States has formal diplomatic and consular relations. Generally the applicant for such service will be a United States citizen or a national of the country in which the notarized document will be used. The officer's compliance with a request for a notarial service of this type should be based on the reasonableness of the request and the absence of any apparent irregularity. When an officer finds it advisable to do so, he may question the applicant to such extent as may be necessary to assure himself

(a) That his notarial certificate may reasonably be expected to satisfy the legal requirements of the country in which the notarized document will be used;

(b) That the notarial service is legally necessary and cannot be obtained otherwise than through the United States diplomatic or consular officer without loss or serious inconvenience to the applicant; and

(c) That the notarial certificate will be used solely for a well-defined purpose, as represented by the applicant for the service. (See also § 136.4 (c) regarding notarial services for use in countries occupied by the United States or under its administrative jurisdiction.)

§ 136.7 *Responsibility of officers of the Foreign Service.* As indicated in §§ 136.4, 136.5 and 136.6, United States diplomatic officers, except chiefs of mission, as well as United States consular officers are generally recognized as having authority to perform notarial acts. However, since this is generally considered to be a consular function, United States diplomatic officers should not exercise this authority unless specifically required to do so by the laws of the jurisdiction where the notarized document will be used, or in the event that an officer with a consular title is not assigned to the post. At a diplomatic mission where an officer is assigned both in a diplomatic and consular capacity, he should perform notarial acts under his consular commission. For ease of reference, the term "consular officer" will be used in this part in discussing the notarial function of the Foreign Service.

GENERAL NOTARIAL PROCEDURES

§ 136.8 *Compliance with request for notarial services.* A consular officer should comply with all proper requests for the performance of notarial services within the limitations prescribed in this part. (See particularly §§ 136.3 to 136.7.) Moreover, as a representative of the United States Government, the consular officer, when acting in a notarial capacity, should take great care to prevent the use of his official seal in furthering any unlawful or clearly improper purpose. (See § 136.9 regarding refusal to perform notarial services in certain cases.)

§ 136.9 *Refusals of requests for notarial services.* (a) A consular officer should refuse requests for notarial services, the performance of which is not authorized by treaty provisions or permitted by the laws or authorities of the country in which he is stationed. (See § 136.4 (a).) Also, a consular officer should refuse to perform notarial acts for use in transactions which may from time to time be prohibited by law or by regulations of the United States Government such, for example, as regulations based on the "Trading With the Enemy Act", as amended.

(b) A consular officer is also authorized to refuse to perform a notarial act if he has reasonable grounds for believing that the document, in connection with which his notarial act is requested will be used for a purpose patently unlawful, improper or inimical to the best interests of the United States. Requests for notarial services should be refused only after the most careful deliberation.

§ 136.10 *Specific waiver in notarial certificate.* If the consular officer has reason to believe that material statements in a document presented for notarization are false, and if no basis exists for refusing the notarial service in accordance with § 136.9, he may consider the advisability of informing the applicant that he will perform the service only with a specific waiver of responsibility included in the notarial certificate. Furthermore, a consular officer may, in his discretion, add to the specific waiver in the notarial certificate a statement of verifiable facts known to him, which will reveal the falsity of material in the document. However, normally a consular officer shall exercise great caution not to limit the general privilege of a United States citizen while abroad to execute under oath any statement he sees fit to make, including mistaken, unnecessary, and even frivolous statements: *Provided*, That substantial and compelling reasons do not exist which impel restraining action on the part of the consular officer. On the other hand, experience has shown the desirability of including, as standard practice, a specific waiver of responsibility in all authentications (§ 136.38) executed in connection with divorce proceedings.

§ 136.11 *Preparation of legal documents*—(a) *By attorneys.* When a document has been prepared by an attorney for signature, a consular officer should not question the form of document unless it is obviously incorrect.

(b) *By consular officers.* A consular officer should not usually prepare for private persons legal documents for signature and notarization. (However, see the provisions in § 136.24 regarding the preparation of affidavits.) When asked to perform such a service, the consular officer should explain that the preparation of legal forms is normally the task of an attorney, that the forms used and the purposes for which they are used vary widely from jurisdiction to jurisdiction, and that he could not guarantee the legal effectiveness of any document which he might prepare. The person desiring the preparation of a legal document should be referred to such publications as Jones Legal Forms and The Lawyers Directory with the suggestion that he select or adapt the form which appears best suited to his needs. The consular officer may, in his discretion, arrange to have a member of his office staff type the document. If the document is typed in the Foreign Service office, the fee for copying, prescribed in item 34 of the Tariff of United States Foreign Service Fees, should be collected.

§ 136.12 *Necessity for certification of notarial acts.* A consular officer must execute a written certificate attesting to the performance of a notarial act. This certificate may be inserted on or appended to the notarized document (see § 136.17 regarding the fastening of sheets). The certificate evidences the performance of the notarial act. Failure to execute this certificate renders the notarial act legally ineffective. Each notarial act should be evidenced by a separate certificate; two or more distinct notarial acts should not be attested to by one certificate.

§ 136.13 *Form of notarial certificate.* The form of a notarial certificate depends on the nature of the notarial act it attests. (See §§ 136.18 to 136.43 for discussions of the various forms of notarial certificates.) Rules pertaining to venue, and signing and sealing, are common to all notarial certificates.

§ 136.14 *Venue on notarial certificates.* (a) The term "venue" means the place where the certificate is executed. The venue must be shown on all notarial certificates to establish the qualifications and sphere of authority of the notarizing officer to perform the notarial act. The items characteristic of a typical venue, in the order of their appearance in the certificate, are as follows:

(1) Name of country (or dominion, Territory, colony, island, as appropriate);

(2) Name of province or major administrative region (if none, this may be omitted);

(3) Name of local community (city, town, or village);

(4) Name of the Foreign Service post.

(b) When a notarial act is performed, and the notarial certificate executed, at a locality in a consular district other than the locality in which the Foreign Service office is situated, the venue should mention only the name of the country (or dominion, territory, colony, island, as appropriate), and the name of the consular district.

(c) The venue used at a Foreign Service post which has not been officially designated as an embassy, legation, consulate general, consulate, or consular agency should bear the notation "American Consular Service" in place of the post name.

§ 136.15 *Signing notarial certificate.* The notarizing officer should sign a notarial certificate on the lower right-hand side. The name and full official title of the consular officer should be typed, stamped with a rubber stamp, or printed in ink on two separate lines immediately below his signature. When the notarizing officer is assigned to a Foreign Service post in both a diplomatic and consular capacity, he should use his consular title in the notarial certificate. (See § 136.7.)

§ 136.16 *Sealing the notarial certificate.* The notarizing officer should seal a notarial certificate with the impression seal of the post on the lower left-hand side of the certificate. A notarial certificate executed at a Foreign Service post which has not been officially designated as an embassy, legation, consulate general, consulate, or consular agency should be sealed with an impression seal bearing the legend "American Consular Service" and the name of the locality.

§ 136.17 *Fastening of pages.* When the instrument or document to which a notarial act relates consists of more than one sheet, or when the notarial certificate will be attached and not written on the document itself, the consular officer should bring all the sheets comprising the document together under his official seal.

SPECIFIC NOTARIAL ACTS

§ 136.18 *Oaths and affirmations defined*—(a) *Oath.* An oath is an outward pledge given by the person taking it that his attestation or promise is made under an immediate sense of his responsibility to God. In a broad sense the word "oath" includes all forms of attestation by which a person signifies that he is bound in conscience to perform an act faithfully and truly, and in this sense it includes "affirmation".

(b) *Affirmation.* An affirmation is a solemn and formal declaration or asservation in the nature of an oath that a statement, or series of statements, is true. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by any person having conscientious scruples against taking an oath. As a general rule, an affirmation has the same legal force and effect as an oath.

§ 136.19 *Administering an oath.* The usual formula for administering an oath is as follows: The officer administering the oath requests the person taking the oath to raise his right hand while the officer repeats the following words: "You do solemnly swear that the statements set forth in this paper which you have here signed before me are true. So help you God." Whereupon the person taking the oath answers, "I do."

§ 136.20 *Administering an affirmation.* In administering an affirmation the procedure followed is generally the same as in the case of an oath, but the formula is varied by the use of the following words: "You do solemnly, sincerely, and truly affirm and declare that _____, and this you do under the pains and penalties of perjury".

§ 136.21 *Notarial certificate to oath or affirmation.* The written statement attesting to the administration of an oath or affirmation is known as a jurat. The jurat must be signed and sealed by the notarizing officer (see §§ 136.15 and 136.16 on signing and sealing notarial certificates).

§ 136.22 *Affidavit defined.* An affidavit is a written declaration under oath made before some person who has authority to administer oaths, without notice to any adverse party that may exist. One text of the sufficiency of an affidavit is whether it is so clear and certain that it will sustain an indictment for perjury, if found to be false. An affidavit differs from a deposition in that it is taken ex parte and without notice, while a deposition is taken after notice has been furnished to the opposite party, who is given an opportunity to cross-examine the witness.

§ 136.23 *Taking an affidavit.* The consular officer taking an affidavit should

(a) Satisfy himself, as far as possible, that his notarial act will be acceptable under the laws of the jurisdiction where the affidavit is to be used (see § 136.5);

(b) Require the personal appearance of the affiant at the time the affidavit is taken;

(c) Require satisfactory identification of the affiant; and

(d) Administer the oath to the affiant before the affiant signs the affidavit.

§ 136.24 *Usual form of affidavit.* Affidavits are usually drawn by competent attorneys or are set out in established forms. The form and substantive requirements of an affidavit depend principally upon the purpose for which it is made and the statutes of the jurisdiction where it is intended to be used. When a consular officer finds it necessary in the discharge of his official duties to prepare an affidavit, or when he assists a private person in preparing an affidavit (see § 136.11 (b)), he should, where possible, consult the pertinent statutory provisions.

§ 136.25 *Title of affidavit.* Generally an affidavit taken for use in a pending cause must be entitled in that cause so that it will show to what proceedings it is intended to apply, and may support an indictment for perjury in case it proves to be false. If there is no suit pending at the time the affidavit is taken or if the affidavit is not to be used in any cause in court, no title need be given.

§ 136.26 *Venue on affidavit.* The venue must always be given and should precede the body of the affidavit. (See § 136.14 regarding venue on notarial certificates generally.)

§ 136.27 *Affiant's allegations in affidavit*—(a) *Substance of allegations.* Although a consular officer is generally not responsible for the correctness of the form of an affidavit or the manner in which the allegations therein are set forth (see § 136.11 (a) regarding the preparation of legal documents by attorneys; § 136.11 (b) regarding the preparation of legal documents by consular officers; and § 136.24 regarding the form of an affidavit), he may, in appropriate instances, draw the affiant's attention to the following generally accepted criteria as regards the substance of the allegations:

(1) Material facts within the personal knowledge of the affiant should be alleged directly and positively. Facts are not to be inferred where the affiant has it in his power to state them positively and fully.

(2) If the matters stated in the affiant's affidavit rest upon information derived from others rather than on facts within his personal knowledge, he should aver that such matters are true to the best of his knowledge and belief.

(3) If the allegations made on information and belief are material, the sources of information and grounds of belief should be set out and a good reason given why a positive statement could not be made.

(4) If the conclusions of the affiant are drawn from the contents of documents, such contents should be set out or exhibited, so that the authority to whom the affidavit is presented may determine whether the affiant's deductions are well founded.

(b) *Veracity of allegations.* Consular officers are not required to examine into the truth of the affiant's allegations or to pass upon any contentious questions involved. In many instances the matters referred to in an affidavit will be of a technical or special nature beyond the officer's general knowledge or experience. However, he may, in certain circumstances, refuse to take an affidavit. (See § 136.9 regarding the types of situations

in which an officer might properly refuse to perform a notarial service; also see § 136.10 regarding the waiver and other statements which may be included in a notarial certificate where evidence exists of falsity in the affiant's declaration.)

§ 136.28 *Signature of affiant on affidavit.* The signature of the affiant is indispensable. The affiant should always sign the affidavit in the presence of the notarizing officer.

§ 136.29 *Oath or affirmation to affidavit.* Affidavits made before consular officers must be sworn to or affirmed (see § 136.23 (d)).

§ 136.30 *Acknowledgment defined.* An acknowledgment is a proceeding by which a person who has executed an instrument goes before a competent officer or court and declares it to be his act and deed, to entitle it to be recorded or to be received in evidence without further proof of execution. An acknowledgment is almost never made under oath and should not be confused with an oath (see § 136.18 (a) for definition of oath). Moreover, an acknowledgment is not the same as an attestation, the latter being the act of witnessing the execution of an instrument and then signing it as a witness. Instruments requiring acknowledgment generally are those relating to land, such as deeds, mortgages, leases, contracts for the sale of land, and so on.

§ 136.31 *Taking an acknowledgment—(a) Officer's assurance of acceptability of notarial act.* A consular officer taking an acknowledgment should, if possible, ascertain the requirements of the jurisdiction in which the acknowledged document is to be used and execute the certificate in accordance with those requirements. Not all States or Territories will accept certificates of acknowledgment executed by consular officers other than consuls. Therefore consuls general, vice consuls, and consular agents who are called upon to perform this notarial act should consult the applicable state or territorial law to ascertain whether their certificates of acknowledgment will be acceptable. (See § 136.5 regarding acceptability of consular notarial acts under state or territorial law.) Furthermore, public policy generally forbids that the act of taking and certifying an acknowledgment be performed by a person financially or beneficially interested in the transaction to which the acknowledged document relates. Consular officers should keep this point in mind, especially in connection with acknowledgments by members of their families.

(b) *Personal appearance of grantor(s).* A consular officer taking an acknowledgment should always require the personal appearance of the grantor(s), i. e., the person or persons who have signed the intrument to be acknowledged. Since the officer states in his certificate that the parties did personally appear before him, failure to observe this requirement invalidates the notarial act and makes the officer liable to the charge of negligence and of having executed a false certificate. A consular officer should never take an acknowledgment by telephone.

(c) *Satisfactory identification of grantor (s).* The consular officer must be certain of the identity of the parties making an acknowledgment. If he is not personally acquainted with the parties, he should require from each some evidence of identity, such as a passport, police identity card, or the like. The laws of some States and Territories require that the identity of an acknowledger be proved by the oath of one or more "credible witnesses", and that a statement regarding the proving of identity in this manner be included in the certificate of acknowledgment. (See § 136.21 (b) regarding forms of certificates of acknowledgment generally.) Mere introduction of a person not known to the notarizing officer, without further proof of identity, is not considered adequate identification for acknowledgment purposes.

(d) *Explanation of contents of instrument.* The consular officer must assure himself that the person acknowledging an instrument understands the nature of the instrument. If the person does not understand it, the officer is legally and morally bound to explain the instrument in such a way as to make the person who has signed it realize the character and effect of his act. This duty is particularly important where the signer of a document has little or no knowledge of the language in which the document is written.

(e) *Acknowledgments of married women.* Some of the States still require that a married woman who has executed an instrument of conveyance jointly with her husband be examined separately by the notarizing officer at the time the acknowledgments of the couple are taken. Consular officers should consult the applicable statutory provisions before taking the acknowledgments of a husband and wife to a document which they have both executed.

§ 136.32 *Notarial certificate to acknowledgment—(a) Title.* The notarial certificate evidencing the taking of an acknowledgment is commonly known as a "certificate of acknowledgment" or sometimes simply as an "acknowledgment".

(b) *Form.* The form of a certificate of acknowledgment varies widely depending on the laws of the jurisdiction where the acknowledged document is intended to be used, the purpose for which the document is intended, and the legal position of the persons who have executed it. Instruments to be acknowledged are frequently prepared on printed forms, the entire contract or deed being on one sheet together with the certificate of acknowledgment. Often the document, including the certificate of acknowledgment, is drawn up in advance by an attorney. In these cases, the consular officer may use the certificate which is already on the document, making whatever modifications are manifestly required to show that the certificate was executed by a consular officer. However, if he finds it necessary to prepare the certificate of acknowledgment, the officer should consult the appropriate reference work for guidance as to the proper form. When no prescribed form can be found, the officer should use the language in Form FS-88, Certificate of Acknowledgment of Execution of an Instrument, inserting the certificate immediately at the close of the deed on the last page if space permits, or, if a separate sheet is necessary, using the printed Form FS-88 itself.

§ 136.33 *Execution of certificate of acknowledgment—(a) When certificate should be executed.* A consular officer should execute a certificate of acknowledgment immediately after the parties to the instrument have made their acknowledgment. Allowing several days or weeks to elapse between the time the acknowledgment is made and the certificate executed is undesirable, even though the officer may remember the acknowledgment act.

(b) *Venue.* The venue must be shown as prescribed in § 136.14.

(c) *Date.* The date in the certificate must be the date the acknowledgment was made. This is not necessarily the same as the date the instrument was executed. In fact, there is no reason why an instrument may not be acknowledged a year or more after the date of its execution, or at different times and places by various grantors.

(d) *Names of parties.* The name or names of the person or persons making the acknowledgment should appear in the certificate in the same form as they are set out in the acklowledged document, and in the same form as their signature on the instrument.

(e) *Additional statements.* When executing a certificate of acknowledgment on Form FS-88, the notarizing officer may include any necessary additional statements in the blank space below the body of the certificate.

(f) *Signing and sealing certificate.* The certificate of acknowledgment shall be signed and sealed as prescribed in §§ 136.15 and 136.16.

§ 136.34 *Fastening certificate to instrument.* The proper place for the certificate of acknowledgment is after the signature of the parties to the instrument. If the instrument is a printed form, the certificate will almost invariably be a part of the form. When Form FS-88 is used or when the certificate must be prepared on a sheet separate from the instrument, it should be fastened to the instrument as the last sheet. The method of fastening notarial certificates is prescribed in § 136.17.

§ 136.35 *Errors in certificate of acknowledgment.* A consular officer having taken an acknowledgment of an instrument and made a certificate of that fact, cannot afterwards amend or change his certificate for the purpose of correcting a mistake. This can be done only by the parties reacknowledging the instrument. However, typographical errors may be corrected by striking out the erroneous characters and inserting the correct ones above. Such changes should be initialed by the parties who executed the instrument and by the notarizing officer.

§ 136.36 *Authentication defined.* An authentication is a certification of the genuineness of the official character, i. e., signature and seal, or position of a foreign official. It is an act done with the intention of causing a document which has been executed or issued in one jurisdiction to be recognized in another jurisdiction. Documents which may require authentication include legal instruments notarized by foreign notaries or other officials, and copies of public records, such as birth, death, and marriage certificates, issued by foreign record keepers.

§ 136.37 *Authentication procedure.* (a) The consular officer must compare the foreign official's seal and signature on the document he is asked to authenticate with a specimen of the same official's seal and signature on file either in the Foreign Service office or in a foreign public office to which he has access. If no specimen is available to the consular officer, he should require that each signature and seal be authenticated by some higher official or officials of the foreign government until there appears on the document a seal and signature which he can compare with a specimen available to him. However, this procedure of having a document authenticated by a series of foreign officials should be followed only where unusual circumstances, or the laws or regulations of the foreign country require it.

(b) Where the State law requires the consular officer's certificate of authentication to show that the foreign official is empowered to perform a particular act, such as administering an oath or taking an acknowledgment, the consular officer must verify the fact that the foreign official is so empowered.

(c) When the consular officer has satisfactorily identified the foreign seal and signature; (and, where required, has verified the authority of the foreign official to perform a particular act), he may then execute a certificate of authentication, either placing this certificate on the document itself if space is available, or appending it to the document on a separate sheet (see § 136.17 on the fastening of notarial certificates).

§ 136.38 *Forms of certificate of authentication.* The form of a certificate of authentication depends on the statutory requirements of the jurisdiction where the authenticated document will be used (see § 136.39 regarding the provisions of Federal law). Before authenticating a document for use in a State or Territory of the United States, a consular officer should consult the pertinent law digest to ascertain what specific requirements must be met, or he should be guided by any special information he may receive from the attorney or other person requesting the document with regard to the applicable statutory requirements. (See § 136.41 (e) regarding material which should not be in the certificate of authentication.) If no provisions relating to authentications can be found in a particular State or Territorial law digest, and in the absence of any special information from the attorney or other person requesting the document, the officer should prepare the certificate of authentication in the form which seems best suited to the needs of the case. When in his opinion the circumstances seem to warrant, and always in connection with certificates of marriage or divorce decrees, a consular officer should include in the body of his certificate of authentication a qualifying statement reading as follows: "For the contents of the annexed document I assume no responsibility."

§ 136.39 *Authenticating foreign public documents (Federal procedures).* (a) A copy of a foreign public document intended to be used as evidence within the jurisdiction of the Federal Government of the United States must be authenticated in accordance with the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 948, sec. 92 (b), 63 Stat. 103; 28 U. S. C. Sup. 1741). This provision of Federal law provides that a copy of any foreign document of record, or on file in a public office of a foreign country or political subdivision thereof, if certified by the lawful custodian thereof, may be admitted in evidence when authenticated by a certificate of a United States consular officer resident in the foreign country, under the seal of his office.

(b) The consular officer's certificate should indicate that the copy has been certified by the lawful custodian.

§ 136.40 *Authentication of foreign extradition papers.* Foreign extradition papers are authenticated by chiefs of mission.

§ 136.41 *Limitations to be observed in authenticating documents—(a) Unknown seals and signatures.* A consular officer should not authenticate a seal and signature not known to him. See § 136.37 (a) regarding the necessity for making a comparison with a specimen seal and signature.

(b) *Foreign officials outside consular district.* A consular officer should not authenticate the seals and signatures of foreign officials outside his consular district.

(c) *Officials in the United States.* Consular officers are not competent to authenticate the seals and signatures of notaries public or other officials in the United States. However, diplomatic and consular officers stationed at a United States diplomatic mission may certify to the seal of the Department of State (not the signature of the Secretary of State) if this is requested or required in particular cases by the national authorities of the foreign country.

(d) *Photostat copies.* Consular officers should not authenticate facsimiles of signatures and seals on photographic reproductions of documents. They may, however, authenticate original signatures and seals on such photographic reproductions.

(e) *Matters outside consular officer's knowledge.* A consular officer should not include in his certificate of authentication statements which are not within his power or knowledge to make. Since consular officers are not expected to be familiar with the provisions of foreign law, except in a general sense, they are especially cautioned not to certify that a document has been executed or certified in accordance with foreign law, nor to certify that a document is a valid document in a foreign country.

(f) *United States officials in foreign countries.* An authentication by a United States consular officer is performed primarily to cause the official characters and positions of foreign officials to be known and recognized in the United States. Consular officers should not, therefore, undertake to authenticate the seals and signatures of other United States officials who may be residing in their consular districts.

(g) *Officers of the Foreign Service in other countries.* An officer of the Foreign Service stationed in one country is not expected to authenticate the signature or seal of an officer of the Foreign Service stationed in another country. When it is necessary for the seal and signature of an officer of the Foreign Service to be authenticated, such authentication will be done in the Department of State. An official of a foreign government requesting the authentication of the seal and signature of an officer of the United States Foreign Service who is, or was, stationed in another country should be informed that the document to be authenticated will have to be sent to the Department for this purpose. Any document bearing the seal and signature of an officer of the Foreign Service which is received at a Foreign Service post from a person in the United States with the request that it be further authenticated should be referred to the Department of State.

§ 136.42 *Certification of copies of foreign records relating to land titles—(a) Authority to certify copies.* Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 948; 28 U. S. C. Sup. 1742) authorizes any person having custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, to authenticate and certify copies thereof under his hand and seal, when this is requested by the head of a department or agency of the United States.

(b) *Certification procedure.* When a consular officer is requested to certify a copy of a foreign record relating to a land title, he should carefully compare the copy with the original to assure himself that they agree in every particular. He should then execute a certificate under his hand and seal of office.

(c) *Transmission of certified copies.* United States diplomatic and consular officers who certify such copies should forward them to the Department of State for transmission to the General Counsel for the Treasury Department, who will file them in his office and cause them to be recorded in a book kept for that purpose.

(d) *Legal effect of certification.* A copy so certified and filed may be read in evidence equally with the original in any court where the title to land claimed by or under the United States may come into question.

§ 136.43 *Fees for oaths and affirmations.* For administering an oath or

affirmation and making a certificate thereof, a fee of $2 must be charged, as prescribed in item 24 of the Tariff of United States Foreign Service Fees, unless provision is made elsewhere in the Tariff of Fees for performing the service without charge. (See § 136.48 regarding the performance of services gratis under item 38 of the Tariff of Fees.) If an oath or an affirmation is administered concurrently to several persons and only one consular certificate (jurat) is executed, only one fee is collectible.

§ 136.44 *Fees for affidavits.* The notarial service involved in the taking of an affidavit is essentially the administration of the oath or affirmation to the affiant. The fee charged is the fee for administering the oath or affirmation. See § 136.43 regarding fees for oaths and affirmations.

§ 136.45 *Fees for acknowledgments.* For taking an acknowledgment and executing a certificate thereof, a fee of $2 must be charged, as prescribed in item 28 of the Tariff of United States Foreign Service Fees, unless provision is made elsewhere in the Tariff of Fees for performing the service without charge. (See § 136.48 regarding the performance of services gratis under item 38 of the Tariff of Fees.) If more than one person joins in making an acknowledgment but only one certificate is executed, only one fee should be charged.

§ 136.46 *Fees for authentications.* For each certificate of authentication a fee of $2 must be charged, as prescribed in item 31 of the Tariff of United States Foreign Service Fees, unless provision is made elsewhere in the Tariff of Fees for performing the service without charge. (See § 136.48 regarding the performance of services gratis under item 38 of the Tariff of Fees.)

§ 136.47 *Fees for certifying copies of documents.* For certifying to the correctness of a copy of a document a fee of $2 must be charged, as prescribed in item 35 of the Tariff of United States Foreign Service Fees, unless provision is made elsewhere in the Tariff of Fees for performing the service without charge. (See § 136.48 regarding the performance of services gratis under item 38 of the Tariff of Fees; see § 136.11 (b) regarding the charging of fees when legal documents are prepared by consular officers.) When issuing certified copies of, or extracts from, any record or document, the fee prescribed in item 35 must be charged for the certificate attesting to the correctness of the copy, in addition to the copying fee (see § 136.76 (b)).

§ 136.48 *No-fee services under item 38 of the Tariff of Fees.* (a) Item 38 of the Tariff of Fees prescribes, in part, the performance without charge of "any and all notarial services, such as the administration of oaths or the taking of acknowledgments, in connection with the execution of forms or other documents issued by or to be presented to any department or agency of the Government of the United States, the gratis performance of which is not otherwise provided for in the Tariff of Fees". The documents referred to in this provision are those presented to United States Government departments or agencies which the Government has taken the initiative in requiring, such as affidavits relating to the loss of, or to the relinquishment of, ownership of United States Government checks and affidavits executed when United States bonds are cashed. This provision does not include documents submitted to a Government agency for the individual's own purposes and on his own initiative.

(b) Item 38 also prescribes the performance without charge of "any and all notarial services performed for members of the armed forces of the United States or for any civilian employees of the Government of the United States". This does not include members of the families of persons in these categories nor does it include persons who were formerly in these categories. When several persons join in one notarial proceeding (such as when more than one person makes an acknowledgment and only one certificate is executed) and when one or more of the persons—but not all of them—belong in either of these categories, the usual fee for the service should be charged, unless the gratis performance of the service is otherwise provided for in the Tariff of Fees. In a case of this kind the notarial service should be performed without charge only when all of the persons joining in the notarial proceeding are either members of the armed forces of the United States or employees of the Government of the United States.

DEPOSITIONS AND LETTERS ROGATORY

§ 136.49 *Deposition defined.* A deposition is the testimony of a witness taken in writing under oath or affirmation, before some designated or appointed person or officer, in answer to interrogatories, oral or written. (For the distinction between a deposition and an affidavit see §136.22.)

§ 136.50 *Use of depositions in court actions.* Generally depositions may be taken and used in all civil actions or suits. In criminal cases in the United States, a deposition cannot be used, unless a statute has been enacted which permits a defendant in a criminal case to have a deposition taken in his own behalf, or unless the defendant consents to the taking of a deposition by the State for use by the prosecution. (For exception in connection with the proving of foreign documents for use in criminal actions, see § 136.65.)

§ 136.51 *Methods of taking depositions in foreign countries.* Rule 28 (b) of the Rules of Civil Procedure for the District Courts of the United States provides that depositions may be taken in foreign countries by any of the three following methods:

(a) On notice before a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States;

(b) By commission, before such person or officer as may be appointed by the commission;

(c) Under letters rogatory, before an appropriate foreign court.

Rule 15 of the Federal Rules of Criminal Procedure provides that depositions may be taken in the same manner as in civil cases, but only upon order of court. The statutes of the States define the methods which may be employed for taking depositions in foreign countries for use in State courts and the provisions vary from one jurisdiction to another. However, provision is usually made for one or all of the aforementioned methods.

§ 136.52 *"Deposition on notice" defined.* A "deposition on notice" is a deposition taken before a competent official after reasonable notice has been given in writing by the party or attorney proposing to take such deposition to the opposing party or attorney of record. Under the Federal law, diplomatic and consular officers are defined as competent officials for taking depositions on notice in foreign countries (see § 136.51). This method of taking a deposition does not necessarily involve the issuance of a commission or other court order.

§ 136.53 *"Commission to take depositions" defined.* A "commission to take depositions" is a written authority issued by a court of justice, or by a quasi-judicial body, or a body acting in such capacity, giving power to take the testimony of witnesses who cannot appear personally to be examined in the court or before the body issuing the commission. In Federal practice, a commission to take depositions is issued only when necessary or convenient, on application and notice. The commission indicates the action or hearing in which the depositions are intended to be used, and the person or persons required to take the depositions, usually by name or descriptive title (see § 136.55 for manner of designating consular officers). Normally a commission is accompanied by detailed instructions for its execution.

§ 136.54 *"Letters rogatory" defined.* "Letters rogatory" is a formal communication from a court in which an action is pending to a foreign court requesting that the testimony of a witness or witnesses residing in the jurisdiction of the foreign court be taken under the direction of that court and transmitted to the court making the request. Like commissions to take depositions, letters rogatory are sometimes issued by quasi-judicial bodies. In Federal practice, letters rogatory are issued only when necessary or convenient, on application and notice. When the name of the foreign court is not known, the letters are usually adressed "To the Appropriate Judicial Authority in (name of country in which the foreign court is situated)".

§ 136.55 *Consular authority and responsibilities for taking depositions.* Any United States consular officer may be requested to take a deposition on notice, or designated to execute a commission to take depositions. A commission or notice should, if possible, identify the officer who is to take the depositions by his official title only, as in the following manner: "Any Consul or Vice Consul of the United States of America at (name of locality)". The consular officer responsible for the performance of notarial acts at a post should act on a request to take a deposition on notice, or should execute the commission, when the documents are drawn in this manner. However, when the officer (or officers) is designated by name as well as by title, only the officer (or officers) so designated may take the depositions. In either instance, the officer must be a disinterested party. Rule 28 (c) of the Rules of Civil Procedure for the District Courts of the United States prohibits the taking of a deposition before a person who is a relative, employee, attorney, or counsel of any of the parties, or who is a relative or employee of such attorney or counsel, or who is financially interested in the action. Consular officers are under no obligation to find witnesses whose testimony may be desired, and they have no authority to compel the attendance of witnesses. Furthermore, in countries where the right to take depositions is not secured by treaty, consular officers may take depositions only if the laws or authorities of the national government will permit them to do so. Consular officers in countries where the taking of depositions is not permitted who receive notices or commissions for taking depositions should return the documents, through the Department, to the parties from whom they are received, explaining why they are returning them and indicating what other method or methods may be available for obtaining the depositions, whether by letters rogatory or otherwise.

§ 136.56 *Summary of procedure for taking depositions.* In taking a deposition on notice or executing a commission to take depositions, a consular officer should conform to any statutory enactments on the subject in the jurisdiction in which the depositions will be used. He should also comply with any special instructions which accompany the request for a deposition on notice or a commission. Unless otherwise directed by statutory enactments or special instructions, the officer should proceed as follows in taking depositions:

(a) Request the witnesses, whose testimony is needed, to appear before him; or, at the request of any party to the action or proceeding, request designated persons to supply him or the requesting party with needed records or documents in their possession, or copies thereof;

(b) When necessary, act as interpreter or translator, or employ some qualified person to act in this capacity;

(c) Before the testimony is taken, administer oaths (or affirmations in lieu thereof) to the interpreter or translator (if there is one), to the stenographer taking down the testimony, and to each witness;

(d) Have the witnesses examined in accordance with the procedure described in §§ 136.57 to 136.60;

(e) Either record, or have recorded in his presence and under his direction, the testimony of the witnesses;

(f) Take the testimony, or have it taken, stenographically in question-and-answer form and transcribed (see § 136.58) unless the parties to the action agree otherwise (rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States);

(g) Be actually present throughout the examination of the witnesses, but recess the examination for reasonable periods of time and for sufficient reasons;

(h) Mark or cause to be marked, by identifying exhibit numbers or letters, all documents identified by a witness or counsel and submitted for the record.

§ 136.57 *Oral examination of witnesses.* When a witness is examined on the basis of oral interrogatories, the counsel for the party requesting the deposition has the right to conduct a direct examination of the witness without interruption except in the form of objection by opposing counsel. The opposing counsel has the same right on cross-examination. Cross-examination may be followed by redirect and recross-examinations until the interrogation is complete. The consular officer taking the deposition should endeavor to restrain counsel from indulging in lengthy colloquies, digressions, or asides, and from attempts to intimidate or mislead the witness. The consular officer has no authority to sustain or overrule objections but should have them recorded as provided in § 136.59. Instead of taking part in the oral examination of a witness, the parties notified of the taking of a deposition may transmit written interrogatories to the consular officer. The consular officer should then question the witness on the basis of the written interrogatories and should record the answers verbatim. (Rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 136.58 *Examination on basis of written interrogatories.* Written interrogatories are usually divided into three parts:

(a) The direct interrogatories or interrogatories in chief;

(b) The cross-interrogatories; and

(c) The redirect interrogatories.

Recross-interrogatories sometimes follow redirect interrogatories. The consular officer should not furnish the witness with a copy of the interrogatories in advance of the questioning, nor should he allow the witness to examine the interrogatories in advance of the questioning. Although it may be necessary for the officer, when communicating with the witness for the purpose of asking him to appear to testify, to indicate in general terms the nature of the evidence which is being sought, this information should not be given in such detail as to permit the witness to formulate his answers to the interrogatories prior to his appearance before the consular officer. The officer taking the deposition should put the interrogatories to the witness separately and in order. The written interrogatories should not be repeated in the record (unless special instructions to that effect are given), but an appropriate reference should be made thereto. These references should, of course, be followed by the witness' answers. All of the written interrogatories must be put to the witness, even though at some point during the examination the witness disclaims further knowledge of the subject. When counsel for all of the parties attend an examination conducted on written interrogatories, the consular officer may, all counsel having consented thereto, permit oral examination of the witness following the close of the examination upon written interrogatories. The oral examination should be conducted in the same manner and order as if not preceded by an examination upon written interrogatories.

§ 136.59 *Recording of objections.* All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings must be noted in the deposition. Evidence objected to will be taken subject to the objections. (Rules 30 (c) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 136.60 *Examination procedures—(a) Explaining interrogatory to witness.* If the witness does not understand what an interrogatory means, the consular officer should explain it to him, if possible, but only so as to get an answer strictly responsive to the interrogatory.

(b) *Refreshing memory by reference to written records.* A witness may be permitted to refresh his memory by referring to notes, papers, or other documents. The consular officer should have such occurrence noted in the record of the testimony together with a statement of his opinion as to whether the witness was using the notes, papers, or other documents to refresh his memory or for the sake of testifying to matters not then of his personal knowledge.

(c) *Conferring with counsel.* When the witness confers with counsel before answering any interrogatory, the consular officer should have that fact noted in the record of the testimony.

(d) *Examining witness as to personal knowledge.* The consular officer may at any time during the examination of a witness propound such inquiries as may be necessary to satisfy himself whether the witness is testifying from his personal knowledge of the subject matter of the examination.

(e) *Witness not to leave officer's presence.* The consular officer should request the witness not to leave his presence during the examination, except during the recesses for meals, rest, etc., authorized in § 136.56 (g). Failure of the witness to comply with this request must be noted in the record.

§ 136.61 *Transcription and signing of record of examination.* After the examination of a witness is completed, the stenographic record of the examination must be fully transcribed and the transcription attached securely to any document or documents to which the testimony in the record pertains. (See § 136.63 regarding the arrangement of papers.) The transcribed deposition must then be submitted to the witness for examination and read to or by him, unless such examination and reading are waived by the witness and by the parties to the action. Any changes in form or substance desired by the witness should be entered upon the deposition by the

consular officer with a statement of the reasons given by the witness for making the changes. The witness should then sign the transcript of his deposition and should initial in the margin each correction made at his request. However, the signature and initials of the witness may be omitted if the parties to the action by stipulation waive the signing or if the witness is ill, refuses to sign, or cannot be found. If the deposition is not signed by the witness, the consular officer should sign it and should state on the record the reason for his action, i. e., the waiver of the parties, the illness or absence of the witness, or the refusal of the witness to sign, giving the reasons for such refusal. The deposition may then be used as though signed by the witness, except when, on the motion to suppress, the court holds that the reasons given for the refusal to sign require the rejection of the deposition in whole or in part. (Rules 30 (e) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§136.62 *Captioning and certifying depositions.* The counselor officer should prepare a caption for every deposition; should certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness; and should sign and seal the certification in the manner prescribed in §§ 136.15 and 136.16. (Rules 30 (f) (1) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.)

§ 136.63 *Arrangement of papers.* Unless special instructions to the contrary are received, the various papers comprising the completed record of the depositions should usually be arranged in the following order from bottom to top:

(a) Commission to take depositions (or notice of taking depositions), with interrogatories, exhibits, and other supporting documents fastened thereto.

(b) Statement of fees charged, if one is prepared on a separate sheet.

(c) Record of the responses of the various witnesses, including any exhibits the witnesses may submit.

(d) Closing certificate.

All of these papers should be fastened together with ribbon, the ends of which should be secured beneath the consular officer's seal affixed to the closing certificate.

§ 136.64 *Filing depositions*—(a) *Preparation and transmission of envelope.* The notice or commission, the interrogatories, the record of the witnesses' answers, the exhibits, and all other documents and papers pertaining to the depositions should be fastened together (see § 136.63 regarding the arrangement of papers) and should be enclosed in an envelope sealed with the wax engraving seal of the post. The envelope should be endorsed with the title of the action, and should be marked and addressed. If the notice or commission and the interrogatories were initially received under cover of instructions from the Department, the sealed envelope should be returned to the Department, for transmission to the court. If the documents were initially sent direct to the Foreign Service post and not through the Department, the sealed envelope should be either returned through the Department or forwarded by registered mail direct to the court in which the action is pending. (Rules 30 (f) (1) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.

(b) *Furnishing copies.* The original completed depositions should not be sent to any of the parties to the action or to their counsel. However, the consular officer may furnish a copy of a deposition to the deponent or to any party to the action upon the payment of the fee prescribed in item 34 of the Tariff of United States Foreign Service Fees. (Rules 30 (f) (2) and 31 (b), Rules of Civil Procedure for the District Courts of the United States.) If certification of the copy of the deposition is desired, the fee of $2.00 for certification, which is prescribed in item 35 of the Tariff of United States Foreign Service Fees, should also be charged.

§ 136.65 *Depositions to prove genuineness of foreign documents*—(a) *Authority to execute commission.* Under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. Sup. 3492), a diplomatic or consular officer may be commissioned by an United States court to take the testimony of a witness in a foreign country either on oral or written interrogatories, or partly on oral and partly on written interrogatories, for the purpose of determining the genuineness of any foreign document (any book, paper, statement, record, account, writing, or other document, or any portion thereof, of whatever character and in whatever form, as well as any copy thereof equally with the original, which is not in the United States) which it is desired to introduce in evidence in any criminal action or proceeding in any United States court under the provisions of section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 945; 28 U. S. C. Sup. 1732). Such testimony may also be taken to determine whether the foreign document was made in the regular course of business and whether it was the regular course of business to make such document. The term "business" includes business, profession, occupation, and calling of every kind. (Sec. 1, 62 Stat. 945, 28 U. S. C. Sup. 1732.)

(b) *Disqualification to execute commission.* Any diplomatic or consular officer to whom a commission is addressed to take testimony, who is interested in the outcome of the criminal action or proceeding in which the foreign documents in question are intended to be used or who has participated in the prosecution of such action or proceeding, whether by investigations, preparation of evidence, or otherwise, may be disqualified on his own motion or on that of the United States or any other party to such criminal action or proceeding made to the court from which the commission issued at any time prior to the execution thereof. If, after notice and hearing, the court grants the motion, it will instruct the diplomatic or consular officer thus disqualified to send the commission to any other diplomatic or consular officer of the United States named by the court, and such other officer should execute the commission according to its terms and will for all purposes be deemed the officer to whom the commission is addressed. (Sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. Sup. 3492.)

(c) *Execution and return of commission.* (1) Commissions issued in criminal cases under the authority of the act of June 25, 1948, as amended, to take testimony in connection with foreign documents should be executed and returned by officers of the Foreign Service in accordance with section 1 of that act, as amended (sec. 1, 62 Stat. 835; 18 U. S. C. Sup. 3493, 3494), and in accordance with any special instructions which may accompany the commission. For details not covered by such section or by special instructions, officers of the Foreign Service should be guided by such instructions as may be issued by the Department of State in connection with the taking of depositions generally. (See §§ 136.55 to 136.64.)

(2) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. Sup. 3493) provides that every person whose testimony is taken should be cautioned and sworn to testify the whole truth and should be carefully examined. The testimony should be reduced to writing or typewriting by the consular officer, or by some person under his personal supervision, or by the witness himself in the presence of the consular officer, and by no other person. After it has been reduced to writing or typewriting, the testimony must be signed by the witness. Every foreign document with respect to which testimony is taken must be annexed to such testimony and must be signed by each witness who appears for the purpose of establishing the genuineness of such document.

(3) When counsel for all of the parties attend the examination of any witness whose testimony will be taken on written interrogatories, they may consent that oral interrogatories, in addition to those accompanying the commission, be put to the witness. The consular officer taking the testimony should require an interpreter to be present when his services are needed or are requested by any party or his attorney. (Sec. 1, 62 Stat. 835, 18 U. S. C. Sup. 3493.)

(4) Section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 835; 18 U. S. C. Sup. 3494) provides that the consular officer, who executes any commission authorized under the same section, as amended (sec 1, 62 Stat. 834, sec 53, 63 Stat. 96; 18 U. S. C. Sup. 3492), and who is satisfied, upon all the testimony taken, that a foreign document is genuine, should certify such document to be genuine under the seal of his office. This certification must include a statement that the officer is not subject to disqualification under the provisions of section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 834, sec. 53, 63 Stat. 96; 18 U. S. C. Sup. 3492). No fee should be charged for issuing this certificate, since no item of the Tariff of United States Foreign Service Fees is applicable.

(5) The consular officer should then forward such foreign documents, together with the record of all testimony taken and the commission which has been executed, to the Department of State for transmission to the clerk of the court from which the commission issued. (Sec. 1, 62 Stat. 835; 18 U. S. C. Sup. 3494.) (See § 136.64 regarding the filing of depositions generally.)

§ 136.66 *Depositions taken before foreign officials or other persons in a foreign country*—(a) *Customary practice.* Under the Federal law (rule 28 (b), Rules of Civil Procedure for the District Courts of the United States) and under the laws of some of the States a commission to take depositions can be issued to a foreign official or to a private person in a foreign country. However, this method is rarely used; commissions are generally issued to United States consular officers. In those countries where United States consular officers are not permitted to take testimony (see § 136.55) and where depositions must be taken before a foreign authority, letters rogatory are usually issued to a foreign court (see § 136.54 for definition of letters rogatory).

(b) *Transmission of letters rogatory to foreign officials.* Letters rogatory may theoretically be sent directly from court to court. However, foreign governments almost invariably require that such documents be submitted through the diplomatic channel. The Department always transmits letters rogatory to the appropriate United States diplomatic mission under cover of special instructions. The Department requires an advance deposit of $30 or $80 (depending upon the country of execution) to defray any expenses which may be involved in the execution and return of the letters rogatory. The letters rogatory, as well as the interrogatories and other papers included with them must be accompanied by a complete translation into the language of the country of execution.

(c) *Return of letters rogatory executed by foreign officials.* (1) Letters rogatory executed by foreign officials are returned through the same channel by which they were initially transmitted. When such documents are returned to a United States diplomatic mission, the responsible officer should endorse thereon a certificate stating the date and place of their receipt. This certificate should be appended to the documents as a separate sheet. The officer should then enclose the documents in an envelope sealed with the wax engraving seal of the post and bearing an endorsement indicating the title of the action to which the letters rogatory pertain. The name and address of the United States court or quasi-judicial body from which the letters rogatory issued should also be placed on the envelope, and it should then be transmitted to the Department. (Sec. 1, 62 Stat. 948; 28 U. S. C. Sup. 1781.)

(2) If the executed letters rogatory are returned to the diplomatic mission from the Foreign Office in an envelope bearing the seals of the foreign judicial authority who took the testimony, that sealed envelope should not be opened at the mission. The responsible officer should place a certificate on the envelope showing the date it was received at his office and indicating that it is being forwarded in the same condition as received from the foreign authorities. He should then place that sealed envelope in a second envelope, sealed with the wax engraving seal of the post, and bearing the title of the action and the name and address of the United States court or quasi-judicial body from which the letters rogatory issued. The sealed package should then be transmitted to the Department. No charge should be made for executing either of the certificates mentioned in this section.

(d) *Transmission of commissions to foreign officials or other persons.* A commission to take depositions which is addressed to an official or person in a foreign country other than a United States diplomatic or consular officer may be sent directly to the person designated. However, if such a commission is sent to the United States diplomatic mission in the country where the depositions are intended to be taken, it should be forwarded to the Foreign Office for transmission to the person appointed in the commission. If sent to a United States consular office, the commission may be forwarded by that office direct to the person designated, or, if the consular officer deems it more advisable to do so, he may send the commission to the United States diplomatic mission for transmission through the medium of the Foreign Office.

(e) *Return of commissions executed by foreign officials or other persons.* The executed commission, if it is returned through the medium of a United States Foreign Service post, should be transmitted to the Department in the same manner as that indicated for executed letters rogatory (see paragraph (c) of this section).

(f) *Inquiries concerning execution of letters rogatory abroad.* Officers of the Foreign Service should refer to the Department of State all inquiries concerning the execution of letters rogatory in foreign countries.

§ 136.67 *Execution of letters rogatory in the United States*—(a) *Answering inquiries.* A person who inquires regarding the execution of letters rogatory in the United States should be given the information which appears in paragraphs (b) and (c) of this section and in § 136.71.

(b) *Authority and procedure.* So far as the Federal Government is concerned, the deposition of any witness within the United States for use in any judicial proceeding pending in any court in a foreign country with which the United States is at peace, may be taken before a person authorized to administer oaths, who is designated by the district court of the United States of any district where the witness resides or may be found. The practice and procedure in taking such depositions conforms generally to the practice and procedure for taking depositions for use in United States courts. (Sec. 1, 62 Stat. 749, sec. 93, 63 Stat. 103; 28 U. S. C. Sup. 1782.) The procedure for taking depositions is covered in rules 26 through 37, Rules of Civil Procedure for the District Courts of the United States. The taking of depositions in State courts for use in the courts of foreign countries is governed by the laws of the individual States.

(c) *Addressing letters rogatory.* Letters rogatory for execution in the United States should generally be directed as follows: "To Any Judge or Justice Having Civil Jurisdiction at (name of locality)". Letters rogatory in civil actions will usually be executed in the State courts, and those in criminal actions, in the District Courts of the United States. However, the District Courts of the United States may execute letters rogatory in any judicial proceeding, whether criminal or civil. Such letters rogatory should be directed to:

The United States District Court for the ---------- District of ----------,
---------- ----------
(City) (State)

Letters rogatory should request the district court to take or cause to be taken the testimony of the witnesses whose testimony is desired, stating whether the testimony is intended to be taken upon oral or written interrogatories. If the party on whose behalf the testimony is intended to be taken will not be represented by counsel, written interrogatories should accompany the letters rogatory. Letters rogatory and interrogatories in a foreign language should be accompanied by English translations.

(d) *Transmitting letters rogatory to courts in the United States.* Although most foreign countries require the presentation of letters rogatory through the foreign office, this practice is not followed in the United States. Letters rogatory for execution in a court in the United States should be forwarded directly to the court by the appropriate diplomatic or consular officer of the country in which the depositions are intended to be used. The Department of State does not act as intermediary in such instance. Letters rogatory directed to a district court of the United States should be sent in an envelope addressed to the clerk of the district court.

§ 136.68 *Foreign Service fees to be collected for taking depositions*—(a) *Amount of fees.* For taking a deposition on notice or for executing a commission to take depositions, the fee prescribed in item 32 ($10 for taking depositions or executing commission, including the first 500 words of transcript; 50 cents for each additional 100 words or fraction thereof) of the Tariff of United States Foreign Service fees must be charged, unless provision is made elsewhere in the Tariff of fees for performing the services without charge. For preparing the typewritten record of the depositions the fee prescribed in item 34 (50 cents per hundred words for copying) of the Tariff must be charged, with duplicate fees being charged for each copy prepared, unless provision is made elsewhere in the Tariff of fees for performing the service without charge. When appropriate the fees prescribed in item 33 ($1.00 for every 100 words of translating or every hour of interpreting by a member of the consular staff)

and item 36 ($1.00 per hour for services performed outside consulate) of the Tariff must also be charged.

(b) *Advance deposit to cover fees.* Since a consular officer cannot determine accurately the amount of fees due until the deposition has been taken, he should request an advance deposit of funds to cover such fees from the party desiring the depositions. When a notice or commission to take depositions is forwarded through the Department of State, the Department will request a minimum deposit of $50 from the party from whom the documents are received, subject to refundment of any unexpended balance remaining after the depositions have been taken. When a notice or commission is sent directly to a Foreign Service post, the advance deposit should, if possible, be made with the post. However, if definite arrangements are made in advance to have the fees paid by an interested party in the foreign country, no advance deposit need be made with the Department or with the post.

§ 136.69 *Fees payable to foreign officials, witnesses, foreign counsel and interpreters—(a) Execution of letters rogatory by foreign officials.* See § 136.66 (b) regarding the advance deposit required to defray expenses involved in the execution of letters rogatory by foreign officials.

(b) *Execution of commissions by foreign officials or other persons abroad.* When the Department of State acts as intermediary in the transmission of a commission to a foreign official or a private person in a foreign country, an advance deposit of at least $50 will be requested from the party from whom the commission is received. If such a commission is sent directly to a Foreign Service post for onward transmission, the advance deposit may be made with the post. However, if definite arrangements are made in advance to have the expenses paid by an interested party in the foreign country, no advance deposit need be made with the Department or with the post.

(c) *Witness fees and allowances when depositions are taken pursuant to commission from United States court.* A witness attending in any United States court or before a United States commissioner or person, taking his deposition pursuant to any order of a United States court, is entitled to receive $4 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 7 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the United States Government and who are not in custody and who attend at points so far removed from their respective residence as to prohibit return thereto from day to day are entitled to an additional allowance of $5 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance. (Sec. 1, 62 Stat. 950, 63 Stat. 65, sec. 94, 63 Stat. 103; 28 U. S. C. Sup. 1821.) Witnesses giving depositions before consular officers pursuant to a commission issued by the United States court are entitled to these fees and allowances, and the officer should make payment thereof in the same manner as payment is made of other expenses involved in the execution of the commission, charging the advance deposit provided by the party at whose request the depositions are taken (see § 136.68 (b)). In any case to which the United States (or an officer or agency thereof) is a party, and when the commission to take the depositions is issued at the request of the United States (or an officer or agency thereof), the United States marshal for the district will pay all fees of witnesses on the certificate of the United States Attorney or Assistant United States Attorney, and in the proceedings before a United States Commissioner, on the certificate of such commissioner. (Sec. 1, 62 Stat. 951; 28 U. S. C. Sup. 1825.)

§ 136.70 *Special fees for depositions in connection with foreign documents—(a) Fees payable to witnesses.* Each witness whose testimony is obtained under a commission to take testimony in connection with foreign documents for use in criminal cases will be entitled to receive compensation at the rate of $10 a day for each day of attendance, plus 7 cents a mile for going from his place of residence or business to the place of examination, and returning, by the shortest feasible route. When, however, it is necessary to procure the attendance of a witness on behalf of the United States or an indigent party, an officer or agent of the United States may negotiate with the witness to pay compensation at such higher rate as may be approved by the Attorney General, plus the mileage allowance stated above. The expense of the compensation and mileage of each witness will be borne by the party, or parties, applying for the commission unless the commission is accompanied by an order of court that all fees, compensations, and other expenses authorized by these regulations are chargeable to the United States under section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 836, sec. 54, 63 Stat. 96; 18 U. S. C. Sup. 3495).

(b) *Fees payable to counsel.* Each counsel who represents a party to the action or proceeding in the examination before the commissioner will receive compensation for each day of attendance at a rate of not less than $15 a day and not more than $50 a day, as agreed between him and the party whom he represents, plus such actual and necessary expenses as may be allowed by the commissioner upon verified statements filed with him. If the commission is issued on application of the United States, the compensation and expenses of counsel representing each party are chargeable to the United States. If the commission is issued on application of any other party, the cost of the compensation and expense of counsel will be borne by the party whom such counsel represents, unless the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 836, sec. 54, 63 Stat. 96; 18 U. S. C. Sup. 3405).

(c) *Fees payable to interpreters and translators.* Each interpreter and translator employed by the commissioner under these regulations will receive an allowance of $5 a day, plus 7 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. The compensation and mileage of interpreters and translators will be chargeable to the United States.

(d) *Time for paying fees.* Witnesses, counsel, interpreters, and translators will be paid, in accordance with the foregoing regulations, by the commissioner at the conclusion of their services. Other expenses authorized by these regulations will be paid by the commissioner as they are incurred.

(e) *Payment of fees by the United States.* When it appears that the commission was issued on application of the United States or when the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 1 of the act of June 25, 1948, as amended (sec. 1, 62 Stat. 836, sec. 54, 63 Stat. 96; 18 U. S. C. Sup. 3495), the commissioner should execute the commission without charge for his service as commissioner in connection therewith. The commissioner should pay witnesses, counsel, interpreter, or translator, and other expenses authorized by these regulations through the disbursing officer in his area in accordance with instructions which will be issued in each case.

(f) *Payment of fees by other parties.* When fees, compensation, and other expenses authorized by this part are chargeable to any party other than the United States, the commissioner should undertake the execution of the commission only if such party deposits with the Department of State, in advance, an amount to be set by the commissioner, apparently adequate to defray all fees, compensation, and other expenses authorized by these regulations. If the amount of the deposit is later found to be insufficient, the commissioner should so notify the Department of State and should retain the commission and other papers until he is notified by the Department that a sufficient amount has been deposited. If the amount of the deposit exceeds the aggregate amount of fees, compensation, and other expenses authorized by these regulations, the Department will return the excess to the party, or parties, entitled thereto. The commissioner should pay witnesses, counsel, interpreter, or translator, and other expenses authorized by this part, from the proceeds of a check which the disbursing officer for his area will be authorized to draw on the Treasurer of the United States.

§ 136.71 *Fees for letters rogatory executed by officials in the United States.* Arrangements for the payment of fees should be made directly with the court in the United States by the party in the foreign country at whose request the depositions are taken, either through his legal representative in the United States or through the appropriate diplomatic or consular officer of his country in the United States. (See § 136.67 regarding the execution of letters rogatory in the United States.)

MISCELLANEOUS NOTARIAL SERVICES

§ 136.72 *Services in connection with patents and patent applications—(a) Affidavit of applicant.* The form of the affidavit of an applicant for a United States patent depends on who is making the application, the type of invention, and the circumstances of the case. Officers of the Foreign Service are not responsible for the correctness of form of such affidavits, and should not endeavor to advise in their preparation. Persons who inquire at a Foreign Service post regarding the filing of patent applications may be referred to the pamphlet entitled "General Information Concerning Patents", if copies thereof are available at the post.

(b) *Oath or affirmation of applicant—(1) Authority to administer oath or affirmation.* When an applicant for a patent resides in a foreign country, his oath, or affirmation may be made before any "minister, chargé d'affaires, or consul holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by certificate of a diplomatic or consular officer of the United States." (R. S. 4892, sec. 2, 32 Stat. 1226, sec. 3, 34 Stat. 100, sec. 3, 46 Stat. 376; 35 U. S. C. 35.) (See paragraph (c) of this section regarding authentication of the authority of a foreign official.) The term "consul" in the provision of Federal law quoted in this section is construed by the Patent Office to mean any consular officer of the United States. A notary or other official in a foreign country who is not authorized to administer oaths is not qualified to notarize an application for a United States patent.

(2) *Form of oath or affirmation.* See §§ 136.19 and 136.20 for usual forms of oaths and affirmations.

(3) *Execution of jurat.* In executing the jurat, the officer should carefully observe the following direction with regard to ribboning and sealing:

> When the oath is taken before an officer in a country foreign to the United States, all the application papers, except the drawings, must be attached together and a ribbon passed one or more times through all the sheets of the application, except the drawings, and the ends of said ribbon brought together under the seal before the latter is affixed and impressed, or each sheet must be impressed with the official seal of the officer before whom the oath is taken. If the papers as filed are not properly ribboned or each sheet impressed with the seal, the case will be accepted for examination but before it is allowed, duplicate papers, prepared in compliance with the foregoing sentence must be filed.

(Rule 66, Rules of Practice of the United States Patent Office.)

(c) *Authentication of authority of foreign official—(1) Necessity for authentication.* When the affidavit required in connection with a patent application has been sworn to or affirmed before an official in a foreign country other than a diplomatic or consular officer of the United States, an officer of the Foreign Service must authenticate the authority of the official administering the oath or affirmation. (R. S. 4892, sec. 2, 32 Stat. 1226, sec. 3, 34 Stat. 100, sec. 3, 46 Stat. 376; 35 U. S. C. 35.). If the officer of the Foreign Service cannot authenticate the authority of the official administering the oath or affirmation, the document should be authenticated by a superior foreign official, or by a series of superior foreign officials if necessary. The seal and signature of the foreign official who affixes the last foreign authentication to the document should then be authenticated by the officer of the Foreign Service.

(2) *Use of permanent ink.* All papers which will become a part of a patent application filed in the United States Patent Office must be legibly written or printed in permanent ink. (Rule 52, Rules of Practice of the United States Patent Office.) Consular certificates of authentication executed in connection with patent applications should preferably be prepared on a typewriter; they should not be prepared on a hectograph machine.

(d) *Certification of authority of foreign executor or administrator acting for deceased inventor—(1) Necessity for certification.* When an executor or administrator, duly authorized under the law of any foreign country to administer upon the estate of a deceased inventor not domiciled in the United States at the time of his death, desires to make application for a patent in the United States, his authority to act as executor or administrator must be proved by a certificate of a diplomatic or consular officer of the United States. (R. S. 4896, 30 Stat. 915, sec. 3, 32 Stat. 1226, 35 Stat. 245; 35 U. S. C. 46.) No fee is prescribed in the Tariff of United States Foreign Service Fees for the execution of the foregoing certificate.

(2) *Supporting documents.* The diplomatic or consular officer's certificate must be recorded in the United States Patent Office, but the documents exhibited to the officer as proof of the authority of the executor or administrator to act in the premises should not be attached to the certificate and need not accompany said certificate.

(e) *Assignments of patents and applications for patents.* An application for a patent, or a patent, or any interest therein, may be assigned in law by an instrument in writing. The applicant, or the patentee, or his assigns or legal representatives, may grant and convey an exclusive right under the application for patent, or under the patent, to the whole or any specified part of the United States. Any such assignment, grant, or conveyance of any application for patent, or of any patent, may be acknowledged, in a foreign country, before any secretary of legation or consular officer authorized to administer oaths or to perform notarial acts; and the certificate of acknowledgment under his hand and official seal constitutes prima-facie evidence of the execution of such assignment, grant, or conveyance. (R. S. 4898 sec. 5, 29 Stat. 693, sec. 6, 42 Stat. 391, 55 Stat. 634; 35 U. S. C. 47.) No provision is made for the execution of such assignment, grant, or conveyance before a foreign notary or other foreign official.

(f) *Fees.* The fees which should be charged for notarial services involved in the execution of patent applications depend upon the nature of the notarial services, that is, whether they be oaths, authentications, or some other type of service. The applicable items of the Tariff of United States Foreign Service Fees where oaths, authentications, and acknowledgements are concerned, are mentioned in §§ 136.43, 136.46, and 136.45.

(g) *Procedure in case fee stamps are lost.* If fee stamps affixed to a consular certificate which forms a part of a patent application become lost before the application is received in the Patent Office, the application may be filed for examination but will not be given final consideration until the defect is corrected. Since it would be improper to issue new fee stamps to replace those lost, a statement may be issued to the person applying for the patent or to his legal representative.

§ 136.73 *Services in connection with trade-mark registrations—(a) Authority and responsibility.* Acknowledgments and oaths required in connection with applications for registration of trademarks may be made, in a foreign country, before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country whose authority must be proved by a certificate of a diplomatic or consular officer of the United States. (Sec. 11, 60 Stat. 432; 15 U. S. C. 1061.) The responsibility of officers of the Foreign Service in this connection is the same as that where notarial services in connection with patent applications are involved (see § 136.72 (a)). (See § 136.72 (b) regarding the authentication of the authority of a foreign official who performs a notarial service in connection with a patent application.)

(b) *Fees.* The fees which should be charged for notarial services involved in registering trade-marks depend upon the nature of the notarial services; that is, whether they be oaths, acknowledgments, or some other type of service. The applicable items of the Tariff of United States Foreign Service Fees where oath and acknowledgements are concerned, are mentioned in §§ 136.43 and 136.45.

§ 136.74 *Services in connection with United States securities or interests therein—(a) Authority and responsibility.* Assignments or requests for payment of United States securities, or securities for which the Treasury Department acts as transfer agent, or powers of attorney in connection therewith where authorized by the Treasury Department, should, in a foreign country, be executed before a United States consular or diplomatic officer. However, if they are executed before a foreign official having power to administer oaths, the Treasury Department requires that the official character and jurisdiction of the foreign official be certified by a United States diplomatic or consular officer. (See §§ 136.36 to 136.41 on authentications.)

(b) *Fees.* Officers of the Foreign Service should charge no fees for notarial services they perform in connection with the execution of documents, including the certification or authentication of documents where necessary, which affect United States securities or securities for which the Treasury Department acts as transfer agent, or which may be required in the collection of interest thereon. Item 29 of the Tariff of United States Foreign Service Fees should be considered to apply in all such cases.

§ 136.75 *Services in connection with income tax returns*—(a) *Responsibility.* Officers of the Foreign Service are authorized to perform any and all notarial services which may be required in connection with the execution of Federal, state, territorial, municipal, or insular income tax returns. Officers should not give advice on the preparation of tax returns.

(b) *Fees.* No charge should be made for services performed in connection with income tax returns (see item 39 of the Tariff of the United States Foreign Service Fees).

COPYING, RECORDING, TRANSLATING AND PROCURING DOCUMENTS

§ 136.76 *Copying documents* — (a) *Consular authority.* The consular officer is authorized to have documents, or abstracts therefrom, copied at a Foreign Service post, if he deems it advisable and it is practicable to do so. This service frequently is necessary in connection with the performance of certain notarial acts, such as the certification of copies of documents.

(b) *Fees.* For preparing a copy of a document, a fee of fifty cents per hundred words or fraction thereof must be charged, as prescribed in item 34 of the Tariff of United States Foreign Service Fees, unless provision is made elsewhere in the Tariff of Fees for performing the service without charge. (See § 136.48 regarding the performance of this service gratis under item 38 of the Tariff of Fees.) When a copy is prepared on a printed form, the copying fee should be charged for the total number of words in the copy, including the printed words. The provision in item 34 of the Tariff of Fees for "the typing of official forms where requested and where such service is not included in any other item of this tariff" applies to such services as the preparation of a Petition for Issuance of Immigration Visa on Form I–133, and applications for the extension of re-entry permits.

§ 136.77 *Recording documents*—(a) *Consular authority.* Consular officers may, at their discretion, accept for recording in the Miscellaneous Record Book of the office concerned unofficial documents such as deeds, leases, agreements, wills, and so on. The object of this service is primarily to afford United States citizens and interests the means of preserving, in official custody, records of their business and other transactions where other suitable facilities are not available locally for making such records. The recording of unofficial documents is not a notarial service, strictly speaking; however, the certifying of copies of documents thus recorded is a notarial service.

(b) *Recording procedure.* Generally, before accepting a document for recording the consular officer should require satisfactory proof of its genuineness. The document should be copied, word for word, in the Miscellaneous Record Book. At the close of the record a statement that it is a true copy of the original should be entered and signed by the consular officer who copies or compares the record. In the margin of the first page where the document is recorded, the consular officer should note the following data:

(1) By whom the document is presented for recording;

(2) On whose behalf the service is requested;

(3) Date and hour of presentation for recording;

(4) How the authenticity of the document was proved (where appropriate); and

(5) The name of the person by whom recorded (in his proper signature) and the name of the consular officer with whom compared (in his proper signature).

(c) *Certificate of recording.* Ordinarily, a certificate of recording need not be issued. The original document may simply be endorsed: "Recorded at (name and location of consular office) this _____ day of _____, 19__, in (here insert appropriate reference to volume of Miscellaneous Record Book)". Below the endorsement should appear the notation regarding the amount of the fee collected, the tariff number, and the canceled fee stamps. (See paragraph (d) of this section regarding the applicable item of the Tariff of United States Foreign Service Fees.) When a certificate of recording is requested, the consular officer may issue it, if he sees fit to do so. The certificate may be either entered on the document, if space permits, or appended to the document as a separate sheet in the manner prescribed in § 136.17.

(d) *Fees.* For recording unofficial documents at a Foreign Service post, a fee of 50 cents per 100 words or fraction thereof must be charged, as prescribed in item 37 of the Tariff of United States Foreign Service Fees. No fee should be charged for issuing a certificate of recording as described in paragraph (c) of this section.

§ 136.78 *Translating documents.* Officers of the Foreign Service are not authorized to translate documents or to certify to the correctness of translations. (However, see § 136.56 with regard to interpreting and translating services which may be performed in connection with depositions.) They are authorized to administer to a translator an oath as to the correctness of a translation; to take an acknowledgment of the preparation of a translation; and to authenticate the seal and signature of a local official affixed to a translation. Separate fees should be charged for each of these services as indicated in §§ 136.43, 136.45 and 136.46.

§ 136.79 *Procuring copies of foreign public documents*—(a) *Nature of services.* When requested to do so by United States citizens or by persons acting in behalf of United States citizens, a consular officer should endeavor to obtain from foreign officials copies of birth, death, and marriage certificates, or copies of other public records, such as divorce decrees, probated wills, and so on. The interest of the party requesting the document should be clearly indicated, and there should be good reason for asking for the consular officer's assistance. Persons requesting documents for use in the preparation of family trees or in the compilation of genealogical studies should be referred to a local attorney or to a genealogical research bureau if one is available.

(b) *Payment of expenses involved*—(1) *Official funds not to be used.* The use of official funds to pay fees for the issuance of copies of foreign public documents at the request of private persons is prohibited.

(2) *Payment of fees by Federal Government.* Requests for foreign documents emanating from departments or agencies of the Federal Government will normally be handled through the Department of State. The Department will in such instances issue appropriate instructions with respect to the payment of whatever local fees may be charged if the documents cannot be obtained gratis from the local authorities.

(3) *Payment of fees by State or municipal Governments.* Should State, county, municipal or other authorities in the United States besides the Federal Government request the consular officer to obtain foreign documents, and express willingness to supply documents gratis in analogous circumstances, the consular officer may endeavor on that basis to obtain the desired foreign documents gratis. Otherwise, such authorities should be informed that they must make the same payment, or the same advance deposit, which a private person must make (see subparagraph (4) of this paragraph), to cover the fees charged by foreign officials and any fees which it may be necessary for the consular officer to charge according to the provisions of the Tariff of United States Foreign Service Fees.

(4) *Payment of fees by private persons.* Before a consular officer endeavors to obtain a copy of a foreign public document in behalf of a private person, the person requesting the document should make a deposit of funds with the officer (or with the Department of State, if the request is made through the Department) in an amount sufficient to defray any fees which may be charged by the local authorities as well as the Foreign Service fee for authenticating the document, should authentication be desired.

§ 136.80 *Procuring copies of documents from the United States.* A person inquiring at a Foreign Service post with regard to the procurement of birth or death certificates from the United States should be advised to write to the Vital Statistics Office of the State or Territory where the birth or death occurred, or to the appropriate diplomatic or consular officer of his own country. The digests of State and Territorial laws in the Martindale-Hubbell Law Directory and in The Lawyers Directory contain information with respect to the State and Territorial offices where birth and death records are maintained, and in some instances they indicate the cost of obtaining birth and death certificates.

QUASI-LEGAL SERVICES

§ 136.81 *Performance of legal services*—(a) *Legal services defined.* The term "legal services" means services of the kind usually performed by attorneys for private persons and includes such acts as the drawing up of wills, powers of attorney, or other legal instruments.

(b) *Performance usually prohibited.* Officers of the Foreign Service should not perform legal services except when instructed to do so by the Secretary of State, or in cases of sudden emergency when the interests of the United States Government might be involved, or in cases in which no lawyer is available and refusal to perform the service would result in the imposition of extreme hardship upon a United States citizen. There is no objection, however, to permitting persons to use the legal references in the Foreign Service office giving specimen forms of wills, powers of attorney, etc.

(c) *Refusal of requests.* In refusing requests for the performance of legal services, an officer of the Foreign Service should cite these regulations and should state clearly his reasons for refusing to act. In appropriate cases, the officer may furnish the inquirer with a copy of the annual list of attorneys (see § 136.83) practicing in the consular district or he may refer the inquirer to the Department for a list of attorneys.

(d) *Waiver of responsibility.* When an officer of the Foreign Service accedes to a request for the performance of a legal service, he should inform the applicant that the service is performed at the latter's risk and without any responsibility on the part of the United States Government or the officer performing the service.

(e) *Fees.* No fee should be charged for any legal services that may be performed under these regulations, beyond the fee for copying prescribed in item 34 of the Tariff of United States Foreign Service Fees. (See § 136.11 (b) regarding the preparation of legal documents by consular officers.)

§ 136.82 *Recommending attorneys*—(a) *Agreements with attorneys in consular district prohibited.* Officers of the Foreign Service should not enter into agreements with attorneys in their districts respecting the performance of legal services for persons applying to a Foreign Service post therefor. When appropriate, lists of attorneys practicing in the district who might be of assistance may be furnished to applicants. (See § 136.83.)

(b) *Recommendation of attorneys in United States prohibited.* When any person in the district of a Foreign Service post desires to have the name of an attorney in the United States, the officer at the post may refer him to the lists of attorneys at his disposal, but he should not recommend any particular attorney.

§ 136.83 *Submission of annual list of attorneys*—(a) *Reporting requirement.* Each Foreign Service post should report at the beginning of each calendar year on attorneys of United States and foreign nationality who are active practitioners of good repute residing in districts of the post, and who are believed to be qualified to handle litigation on behalf of United States citizens or firms. In instances where it is known that the rules of the foreign bar association prohibit advertising by association members, the consular officer may, when communicating with the attorneys, give assurance that the list of attorneys will not be published but will only be used privately, and upon request, to assist United States citizens who may be in need of legal counsel in the foreign country.

(b) *Furnishing copies of list.* Single copies of lists of attorneys may be furnished directly to private persons or firms by Foreign Service posts. However, requests emanating from the United States for lists of attorneys may be referred to the Department together with a letter of acknowledgment to the person making the request. In all instances in which the lists of attorneys are intended to be used for secondary distribution, the requests should be referred to the Department in this manner.

§ 136.84 *Legal process defined.* Legal process means a writ, warrant, mandate, or other process issuing from a court of justice. The term includes subpoenas, citations, and complaints.

§ 136.85 *Service of legal process usually prohibited.* The service of legal process is not normally a Foreign Service function. Except as provided in §§ 136.86 to 136.91, or as may be specifically authorized by the Department in special cases, officers of the Foreign Service are prohibited from serving legal process or appointing other persons to do so.

§ 136.86 *Consular responsibility for serving subpoenas.* Unless such action is prohibited by the law of the foreign country, officers of the Foreign Service are required to serve subpoenas issued by United States courts upon citizens or residents of the United States who have been personally notified in a foreign country to appear to give testimony in answer to letters rogatory issued from the said United States court and who have failed or neglected to do so, or who, having appeared, have refused to give testimony. Officers of the Foreign Service are also required, unless doing so would be contrary to the law of the foreign country, to serve subpoenas issued by United States courts upon citizens or residents of the United States who are beyond the jurisdiction of the United States and whose testimony in a criminal proceeding is desired by the Attorney General. (Sec. 1, 62 Stat. 949; 28 U. S. C. Sup. 1783.)

§ 136.87 *Consular responsibility for serving orders to show cause.* Officers of the Foreign Service are required to serve orders to show cause issued in contempt proceedings on a person who has failed or neglected to appear in answer to a subpoena served in accordance with the provisions of § 136.86. (Sec. 1, 62 Stat. 949; 28 U. S. C. Sup. 1784.)

§ 136.88 *Consular procedure.* With regard to the serving of subpoenas and orders to show cause referred to in §§ 136.86 and 136.87, section 1 of the act of June 25, 1948 (sec. 1, 62 Stat. 819, 28 U. S. C. Sup. 1783), provides that the subpoena shall designate the time and place for appearance before the United States court, and shall issue to any consular officer of the United States in the foreign country. The consular officer is required to make personal service of the subpoena and any order to show cause, rule, judgment or decree on the request of the United States court or its marshal, and to make return thereof to such court after tendering to the witness his necessary travel and attendance expenses, which will be determined by the court and sent with the subpoena. The consular officer should make return by sending the appropriate documents to the Department for transmission to the court. When the subpoena or order is forwarded to the officer, it is usually accompanied by instructions directing exactly how service should be made and how the return of service should be executed. These instructions should be followed carefully.

§ 136.89 *Fees for service of legal process.* No charge should be made for serving a subpoena or order to show cause. The taking of the affidavit of the officer making the service, or any other notarial service which may be involved in making the return, should be performed without charge under item 38 of the Tariff of United States Foreign Service Fees, the service number should appear, as in the case of other certificates, on the return of the subpoena or other legal documents.

§ 136.90 *Delivering documents pertaining to fraudulent naturalization.* Officers of the Foreign Service should deliver, or assist in delivering, to designated persons, documents relating to fraudulent naturalization when such documents are forwarded by duly authorized officials of the United States courts. The responsibility for furnishing detailed instructions on the procedure to be followed in delivering such documents rests with the court or with the United States attorney concerned, and officers should follow such instructions carefully.

§ 136.91 *Service of documents at request of Congressional committees.* Officers of the Foreign Service have no authority to serve upon persons in their consular districts legal process such as subpoenas or citations in connection with Congressional investigations. All requests for such service should be referred to the Department of State.

§ 136.92 *Service of legal process where required by State law.* In exceptional cases it may be found that a particular State statute will require service of legal process in foreign countries by a United States consular officer or by a person appointed by him, and will allow no other method of making service. Before

making service or appointing someone else to do so in such cases, the officer of the Foreign Service should request special authorization from the Department of State.

§ 136.93 *Notarial services connected with service of process by other persons.* (a) An officer of the Foreign Service may administer an oath to a person making an affidavit to the effect that legal process has been served. The fee of $2.00 established by item 24 of the Tariff of United States Foreign Service Fees must be charged for this service.

(b) When an affidavit stating that legal process has been served is sworn to before a foreign notary or other official, an officer of the Foreign Service may authenticate the official character of the person administering the oath. (See §§ 136.36 to 136.41 regarding authentications generally and suggested forms for certificate of authentication.) The fee of $2.00 established by item 31 of the Tariff of United States Foreign Service Fees must be charged for this service.

§ 136.94 *Replying to inquiries regarding service of process or other documents.* Officers should make prompt and courteous replies to all inquiries regarding the service of legal process or other documents of that nature, and should render such assistance as they properly can to interested persons.

§ 136.95 *Transportation of witnesses to the United States.* Officers of the Foreign Service may at times be called upon to assist in arranging for the transportation to the United States of persons in foreign countries whose testimony is desired by the Attorney General in a case pending in a Federal court. Requests that the travel of such persons be facilitated originate in the Department of Justice, and special instructions in each case are transmitted to the appropriate Foreign Service post by the Department of State.

These regulations shall become effective on August 1, 1952.

Date of issuance: June 13, 1952.

[SEAL] SAMUEL D. BOYKIN,
Director,
Office of Security and Consular Affairs.

[F. R. Doc. 52-6762; Filed, June 19, 1952; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 71—ORGANIZED UNIT AND SATISFACTORY PARTICIPATION THEREIN DEFINED

Part 71 is revised to read as follows:

Sec.
71.1 Organized unit.
71.2 Satisfactory participation in an organized unit.

AUTHORITY: §§ 71.1 and 71.2 issued under sec. 6, 62 Stat. 610, as amended, sec. 16, 62 Stat. 625; 50 U. S. C. App. Sup. 456, 466.

§ 71.1 *Organized unit.* For purposes of the definition of an "organized unit" of a reserve component under section 16 (b) of the Universal Military Training and Service Act, as amended, thirty-five (35) scheduled drills, or training periods, or days of active Federal service, or any combination thereof, per year, are hereby prescribed as a minimum requirement.

§ 71.2 *Satisfactory participation in an organized unit.* The Secretary of the Department concerned shall determine for the respective reserve components of that Department what constitutes satisfactory participation in such organized units in accordance with existing law: *Provided however,* That for purposes of satisfactory attendance in an organized unit within the meaning of section 6 (c) (1) of the Universal Military Training and Service Act, as amended, not more than ten (10) percent absence per year from scheduled drills or training periods, or periods of equivalent instruction, shall be permitted by any Department.

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director,
Executive Office of the Secretary.

[F. R. Doc. 52-6734; Filed, June 19, 1952; 8:45 a. m.]

PART 73—INDUCTION STANDARDS

MISCELLANEOUS AMENDMENTS

The following amendments to Subtitle A, Title 32, of the Code of Federal Regulations, are hereby prescribed:

Section 73.2 is amended to read as follows:

§ 73.2 *Minimum mental level.* The minimum mental level for induction shall be a percentile score of 10 (standard score 65) on the Armed Forces Qualification Test.

Section 73.3 *Modification of AR 40-115 items not applicable to the Air Force and Navy* is revoked.

(Sec. 4, 62 Stat. 605, as amended; 50 U. S. C. App. Sup. 454)

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director,
Executive Office of the Secretary.

[F. R. Doc. 52-6733; Filed, June 19, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 73]

GCPR, SR 73—RAIL FREIGHT RATE INCREASES ON GRAIN, GRAIN PRODUCTS, GRAIN BY-PRODUCTS, AND ARTICLES TAKING SAME RAIL FREIGHT RATE

RAIL FREIGHT RATE INCREASES ON GRAIN PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 73 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits the sellers of grain, grain products and grain by-products covered by Supplementary Regulation (SR) 73 to the General Ceiling Price Regulation (GCPR) to reflect in their ceiling prices the recent increase in rail freight rates authorized by the Interstate Commerce Commission on April 11, 1952, in Ex Parte 175, and effective May 17, 1952.

Under the GCPR, as explained in Interpretation 1, a seller may pass on to his buyers increases in outbound transportation charges in general only if he sold on an f. o. b. basis during the base period or added to his mill price only the actual transportation cost incurred. Increases in inbound transportation costs, incurred by the seller in obtaining delivery from his supplier, must be absorbed by the seller. SR 73, issued on October 22, 1951, permitted certain additional sellers (of grain and grain products) to reflect in their ceiling prices the 6 percent increase in freight rates authorized by the I. C. C. on August 2, 1951. This amendment makes similar provision in regard to the recent rate increase

As stated in the Statement of Considerations accompanying SR 73, under the GCPR sellers of grain products are unable to pass on increases in outbound freight charges since their selling prices customarily include a freight factor representing the *average* freight to a particular destination rather than the *actual* transportation cost incurred on the particular shipment. Grain products are usually shipped on a "transit balance" rail rate under which the outbound rate applicable to the shipment varies with the origin point of the inbound shipment of raw grain. Since, at the time of sale of the product it is not possible to determine what transit billing will be available for use on a particular shipment, processors customarily compute average freight charges to various points in order to be able to set firm prices. Moreover, there is a wide variation among various sellers in the amount of the inbound freight increase which must be absorbed under the GCPR. For example, an Eastern flour miller incurs a much higher inbound freight charge on Kansas wheat than does the Kansas miller although both sell flour on a competitive basis in Eastern consuming markets.

As explained more fully in the Statement of Considerations accompanying SR 73, since grain and grain products must move over long distances to reach the consuming markets, transportation charges represent a large percentage of the total costs involved in producing the finished products. Since processors and other handlers of grain and grain products customarily operate on a very low unit margin of profit over costs, historically they have reflected transportation charges in their selling prices. To require absorption of increased freight costs would seriously impair and, in some cases, eliminate this historically low unit profit margin.

This amendment uses the method for computing the allowable increase in ceiling price to reflect the increased freight rate which was originally provided in SR 73 in connection with the prior rate increase. Thus, the increase must be computed on the basis of the charge used during the GCPR base period, which, according to the shippers records, represents the average of inbound and outbound rail freight rate costs.

Under this amendment, of course, no adjustment of the f. o. b. price for inbound freight may be made for inbound shipments received on the rail freight rate in effect prior to the increase. Under transit billing, certain outbound shipments taking place after the effective date of the freight rate increases are still governed by the rates in effect prior to the increase. In this amendment, as in the original section 4 of SR 73, the permission to add freight rate increases to previous ceiling prices is limited so as to require the sellers to use the former ceiling price for outbound shipments to which the previous freight rate is applicable—notwithstanding that the outbound shipment actually takes place after the effective date of the increase.

This amendment adds the products covered by SR 86, SR 92 and SR 31, Revision 2 to the list of products in section 2 (c) to which SR 73 is inapplicable. SR 86 to the GCPR sets ceiling prices for producers of the feed by-products of the wet corn milling process. Section 2 of SR 86 fixes ceiling prices at Chicago, Kansas City, and St. Louis, and provides that the ceiling price at any other point is determined by adding a transportation charge equal to the lowest grain products reshipping rate, or, if none, the lowest carload rate on grain products to such point from whichever of the above points results in the lowest ceiling at point of delivery. This charge may be computed at current rail freight rates and will, of course, vary with changes in freight rates. SR 92 to the GCPR fixes a ceiling price at Corpus Christi, Texas, for the feed by-products of the wet milo milling process and provides that the ceiling price at any other point is determined by adding the actual transportation costs incurred in shipping the commodity to such point from Corpus Christi. SR 31, Revision 2, to the GCPR provides that a seller of the cottonseed products covered by that regulation must determine the transportation charge which he may reflect in his ceiling price on the basis of the rates in effect in the GCPR base period.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 73 to the General Ceiling Price Regulation is amended in the following respects:

1. Section 1 is amended to read as follows:

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits increases in the ceiling prices of commodities taking the rail freight rate applicable to grain, grain products, grain by-products and articles in the same rail freight rate class (such commodities being collectively called "grain products" in this supplementary regulation), provided that these ceiling prices are now fixed by the General Ceiling Price Regulation, its amendments and its supplementary regulations, and are either delivered prices which include average freight to a particular destination, or are f. o. b. mill prices to which is added a freight factor representing average freight to a particular destination. The permitted increases in ceiling prices are intended to reflect increases in the rail transportation costs of grain products resulting from the general increases in rail freight rates authorized by the Interstate Commerce Commission on August 2, 1951, and April 11, 1952.

2. Section 2 (c) is amended to read as follows:

(c) *Products not covered.* This supplementary regulation does not apply to the following:

(1) Processors of the soybean products covered by SR 3 to the GCPR.

(2) Producers of the feed by-products of the wet corn milling process covered by SR 86 to the GCPR.

(3) Producers of the feed by-products of the wet milo milling process covered by SR 92 to the GCPR.

(4) Processors and distributors of cottonseed products covered by SR 31, Revision 2, to the GCPR.

3. Step 4 and Step 6 of section 3 (a) are amended to read as follows:

Step 4. Multiply the figure ascertained under Step 1 above by 112 percent.

Step 6. Multiply the figure ascertained under Step 2 above by 112 percent.

4. Section 4 (a) is amended to read as follows:

(a) On any sale of a grain product which you ship on the rail freight rate in effect prior to September 12, 1951 (the effective date of the rail freight rate increase authorized by the I. C. C. order of August 2, 1951), you may not take any increase in your ceiling price under this supplementary regulation, even though you ship your grain product after September 12, 1951. *Example:* If, prior to September 12, 1951, 1,000 cwt. of wheat is shipped to you, you may not increase your ceiling price on 1,000 cwt. of flour or millfeed which is shipped by you on a transit balance rate based upon the rail freight rate in effect prior to the increase, even though you ship your flour or millfeed after the effective date of the increase.

On any sale of a grain product which you ship on a rail freight rate which includes the rail freight rate increase authorized by the I. C. C. order of August 2, 1951, but does not include the rail freight rate increase authorized by the I. C. C. order of April 11, 1952, you calculate the permitted increase in your ceiling price under section 3 (a) above. However, under Steps 4 and 6 of section 3 (a), you must use 106 percent as your multiplier.

Example: You receive 1,000 cwt. of wheat shipped on the rail freight rate which was originally increased 6 percent on September 12, 1951 (the effective date of the rail freight increase authorized by the I. C. C. order of August 2, 1951). After May 17, 1952 (the effective date of the rail freight increase authorized by the I. C. C. order of April 11, 1952) you sell 1,000 cwt. of flour or millfeed shipped on transit billing the rate for which is based on the inbound wheat shipment. Under this supplementary regulation you may increase your ceiling price on this sale to reflect the first rate increase, but not the second, because although the outbound shipment takes place after May 17, 1952, the freight rate applicable to this particular shipment is still the one in effect prior to May 17, 1952. Thus, for such a sale, under Steps 4 and 6 of section 3 (a), you multiply by 106 percent the figures you used during the GCPR base period to represent your average inbound and outbound rail freight rate cost.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 19, 1952.

[F. R. Doc. 52-6849; Filed, June 19, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 107]

GCPR, SR 107—CEILING PRICE ADJUSTMENT FOR CANNED BABY AND JUNIOR FOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits processors of baby food to determine adjusted ceiling prices for canned baby and junior foods by adding specified amounts to ceiling prices established under the General Ceiling Price Regulation (GCPR).

The baby food industry is comprised of fewer than ten companies who produce baby food, with only two of these companies processing meat items of baby food. The industry has historically sold its products on a uniform price line basis. This means many different items have been sold at the same price, regardless of differences in cost of the individual items. There are five price lines now in general use, namely, strained baby food in tin containers, strained baby food in glass containers, chopped (or junior) foods in tin containers, chopped foods in glass containers and meat items which are packed in one size only in tin con-

tainers. The baby food meats are items which have been introduced since World War II.

This supplementary regulation provides for calculation of ceiling prices for new items in a manner which will enable processors to continue their practice of selling on a uniform price line basis and also authorizes a ceiling price increase which has been found to be required by the industry earnings standard.

Because of problems and factors peculiar to these industries, OPS has adopted the policy of applying the earnings standard on a major commodity group basis in the fruit and vegetable processing industries. In this case the major commodity group is canned baby and junior foods. The ceiling price increase authorized by this regulation is based upon a cost and profit study of baby food processors made by OPS.

With respect to the baby food industry, it has been determined that an adjustment which will permit the industry a dollars-and-cents net return per unit of sale equivalent to 85 percent of the average return for the three best years from 1946 to 1949 will be substantially equivalent to the adjustment which would be computed by relating net profits before taxes to net worth. For the baby food industry these years were the years 1947–1949 inclusive. In determining the average base period net profit per unit, the years in which one or more of the commodities were sold at a loss were considered at zero in line with the treatment of loss years under the industry earnings standard.

The adjustments afforded by this supplementary regulation were determined on the basis of costs as of the summer of 1951, which is the most recent period for which data are available. In addition, however, recent known cost increases have been taken into consideration. These include the freight rate increases of August 28, 1951, and May 2, 1952, the wage rate increase incurred in December 1951, by the producers of baby meat items, and the increase in glass containers recently authorized by this agency to glass container manufacturers under the industry earnings standard.

The Director of Price Stabilization has consulted with industry representatives, including trade association representatives, and the Canned Baby Food Industry Advisory Committee before issuing this supplementary regulation and has given consideration to their recommendations. It is his judgment that the ceiling prices and provisions of this supplementary regulation are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjusted ceiling prices for processors' sales of canned baby and junior foods.
3. Processors' ceiling prices for new items falling within categories sold during the base period.
4. Relationship of this supplementary regulation to the General Ceiling Price Regulation.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended, 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation modifies processors' ceiling prices for canned baby and junior foods by allowing processors to calculate adjusted ceiling prices by adding specific amounts to their ceiling prices as determined under the General Ceiling Price Regulation (GCPR). Section 2 sets forth the cents per dozen which may be added to your ceiling price as established under the GCPR if you are a processor of canned baby and junior foods. Section 3 provides a method of determining ceiling prices for items of canned baby or junior food which you did not sell during the GCPR base period.

SEC. 2. *Adjusted ceiling prices for processors' sales of canned baby and junior foods.* If you are a processor of canned baby and junior foods you shall calculate adjusted ceiling prices for all items of canned baby and junior foods for sale to each class of purchaser by adding to your ceiling prices as established under the GCPR, without reference to any adjustment under section 11 of that regulation, the following appropriate amount:

	Cents per dozen
All meat items of baby or junior foods	8½
All other items of baby or junior foods packed in tin containers, excluding dry cereals	3½
All other items of baby or junior foods packed in glass containers, excluding dry cereals	4½

The result is your adjusted ceiling price per dozen containers for each item of baby food to each class of purchaser.

SEC. 3. *Processors' ceiling prices for new items falling within categories sold during the base period.* If you wish to add a new item of canned baby or junior food not sold by you during the base period to an established uniform price line of canned baby or junior food of a category which you did sell during the base period, your ceiling price for the new item shall be the ceiling price for the category of canned baby or junior food as established under section 2 of this supplementary regulation to which you are adding the new item. Your ceiling price for the new item shall reflect your customary price differentials including discounts, allowances, premiums and extras which are in effect under the GCPR for the category of canned baby or junior food to which the new item is added.

SEC. 4. *Relationship of this supplementary regulation to the GCPR.* All provisions of the GCPR except to the extent modified by this supplementary regulation shall continue to apply to your sales of canned baby and junior foods.

SEC. 5. *Definitions.* When used in this supplementary regulation the term:

(a) "Canned baby and junior foods" means any strained or chopped foods packaged in hermetically sealed containers and specially prepared for infant or child feeding. Packaged dry cereals and canned fish are excluded.

(b) "Canned meat item" means an item consisting of at least 95 percent by volume of strained or chopped meats and to which seasoning and liquid only have been added.

(c) "Item" means a kind, variety, style of pack or container type or size of canned baby or junior foods.

(d) "Processor" means a person who manufactures any of the kind of baby or junior foods covered by this supplementary regulation. The term includes a person who has the item processed by another and who owns the ingredients immediately prior to and throughout the processing.

Effective date. This Supplementary Regulation 107 shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization

JUNE 19, 1952.

[F. R. Doc. 52-6850; Filed, June 19, 1952, 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 1, as amended June 18, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 1—PROCEDURES FOR OBTAINING MINIMUM QUANTITIES OF MATERIALS BY PRODUCERS OF CLASS B PRODUCTS

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 1, as last amended April 30, 1952, to CMP Regulation No. 1 as follows: A new section 2 is added and sections 2, 3, 4, and 5, are redesignated sections 3, 4, 5, and 6; paragraphs (a) and (b) of redesignated section 3 are amended; paragraph (c) of redesignated section 3 is deleted and a new paragraph (c) is substituted therefor; paragraph (f) of redesignated section 3 is deleted and its provisions are incorporated in new section 2; new paragraphs (d) and (e) are added to redesignated section 3 and paragraphs (d) and (e) are redesignated paragraphs (f) and (g); redesignated sections 4 and 5 are amended. As so amended, Direction 1 to CMP Regulation No. 1 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by this direction.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain products or materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup., 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction constitutes a determination by the National Production Authority that producers of Class B products may receive priority assistance under CMP without submitting applications on Form CMP–4B if their total requirements of controlled materials do not exceed a certain maximum. It also establishes a procedure whereby such producers may place authorized controlled material orders for such materials without obtaining an allotment. Such producers shall be subject to all CMP regulations and orders.

SEC. 2. *Definitions.* As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Base period use" means the average quarterly use of controlled material by a Class B product producer during the calendar year 1950. In the case of a Class B product producer who has received an adjustment by NPA of his use of controlled material for a period preceding July 1, 1950, it means his average quarterly use of controlled material during such period, as adjusted by NPA, or his average quarterly use of controlled material during the calendar year 1950, whichever is greater.

SEC. 3. *Persons affected by this direction.* (a) Regardless of his base period use, a producer of any Class B product which is listed in the Official CMP Class B Product List may obtain priority assistance without submitting an application on Form CMP–4B with respect to such product for any calendar quarter (except for the third calendar quarter of 1952 as provided in paragraph (e) of this section) in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class do not exceed the amounts specified below:

	Second calendar quarter 1952	After second calendar quarter 1952
Carbon steel (including wrought iron)	5 tons	25 tons.
Alloy steel (except stainless steel)	½ ton	1 ton.
Stainless steel	None	None.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	500 pounds	10,000 pounds.
Aluminum	500 pounds	20,000 pounds.

(b) A producer of any Class B product which is listed in the Official CMP Class B Product List may obtain priority assistance without submitting an application on Form CMP–4B with respect to such product for any calendar quarter (except for the third calendar quarter of 1952 as provided in paragraph (e) of this section) in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class do not exceed the amounts specified below:

	Second calendar quarter 1952	After second calendar quarter 1952
Carbon steel (including wrought iron)	30 tons	60 tons.
Alloy steel (except stainless steel)	8 tons	16 tons.
Stainless steel	200 pounds	200 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	3,000 pounds	20,000 pounds.
Aluminum	2,000 pounds	40,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the self-authorization procedure provided by this paragraph to obtain, during any calendar quarter, a quantity of any one of the above kinds of controlled material which exceeds his base period use of such material in the manufacture of the same product and all other products in the same product class.

(c) Beginning with the third calendar quarter of 1952, a producer of any Class B product which is listed in the Official CMP Class B Product List may obtain priority assistance without submitting an application on Form CMP–4B with respect to such product for any calendar quarter (except for the third calendar quarter of 1952 as provided in paragraph (e) of this section) in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class do not exceed the amounts specified below:

Carbon steel (including wrought iron)	60 tons.
Alloy steel (except stainless steel)	16 tons.
Stainless steel	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the self-authorization procedure provided by this paragraph to obtain, during any calendar quarter, a quantity of any one of the above kinds of controlled material which exceeds 75 percent of his base period use of such material in the manufacture of the same product and all other products in the same product class.

(d) A producer of any Class B product who may and desires to self-authorize under this section but who has already received allotments for the second or a succeeding calendar quarter of 1952 pursuant to application or applications previously submitted for production of such Class B product and others in the same product class, and has placed authorized controlled material orders pursuant to such allotments, must deduct the quantity of orders so placed from the quantity for which he may self-authorize.

(e) A producer of any Class B product who has received allotments of controlled material for the third calendar quarter of 1952 pursuant to an application submitted on Form CMP–4B and whose allotments for one or more kinds of controlled material are less than the quantity for which he otherwise would be entitled to self-authorize for that quarter under this section, may make allotments and place orders for any such material with suppliers for delivery during that quarter only, in an amount equal to the quantity for which he would be entitled to self-authorize, even though his allotments of one or more other kinds of controlled material exceed his self-authorization limits.

(f) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(g) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may obtain priority assistance without filing a Form CMP–4B for any calendar quarter in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may obtain priority assistance without filing a Form CMP–4B, is authorized to use the allotment symbol SU, or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials ob-

tained with the use of the allotment symbol SU, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations. A producer who, in accordance with this direction, may place orders for controlled materials in addition to orders which he may place pursuant to allotments which he has received from NPA or from a Claimant Agency, shall use the same allotment number which identifies such allotments, and not the allotment symbol SU, in placing all of his orders for controlled materials.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may obtain priority assistance without filing a Form CMP–4B, is authorized to use the rating DO–SU, or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. A producer who may obtain priority assistance pursuant to this direction during a calendar quarter for which he has received allotments of controlled materials from NPA or from a Claimant Agency, shall use the same DO rating assigned to his authorized production schedule, and not the rating DO–SU, in placing all of his orders for production materials.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This direction as amended shall take effect June 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6804; Filed, June 18, 1952; 4:16 p. m.]

SCHEDULE I OF NPA ORDER M-100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure and which are the only types and the maximum quantities which may be used in 1- through 4-family residential structures, the construction, alteration, addition, or extension of which is commenced after Mar. 5, 1952.

Type of construction, alteration, addition, or extension	Carbon steel (excluding structural shapes)	Structural shapes, alloy and stainless steel	Copper and copper-base alloys	Aluminum
Construction of residential structures using steel pipe water distribution system, per dwelling unit.	Not more than 2,300 pounds per dwelling unit.	None	Not more than 50 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Construction of residential structures using copper pipe water distribution system, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 175 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Construction of residential structures using steel pipe for interior water-supply pipes where local building code requires Type B or K copper tubing for underground water service connection, per dwelling unit.	Not more than 2,135 pounds per dwelling unit.	None	Not more than 110 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Construction of residential structures using copper pipe water distribution system where local building code requires Type B or K copper tubing for underground water service connections, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 190 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Construction of residential structures using electrical energy heating systems.	In addition to the amounts of controlled materials allowed above, not more than 30 pounds of copper per dwelling unit.			
Alteration, addition, or extension of existing residential structures per dwelling unit:	Not more than 50 percent of the amounts of controlled materials allowed above for the appropriate type of construction, per dwelling unit.			
Alteration by initial installation of electrical wiring.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 35 pounds of copper per dwelling unit.			
Alteration by initial installation of plumbing with steel pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 250 pounds of steel per dwelling unit.			
Alteration by initial installation of plumbing with copper pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 125 pounds of steel and 100 pounds of copper per dwelling unit.			

NOTE: Aluminum may be used for conduction of electricity in place of copper on basis of 1 pound of aluminum for each 2 pounds of copper allowed in this schedule. In such event the allowable quantity of copper is reduced accordingly.

SCHEDULE II OF NPA ORDER M-100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure for use in 1- through 4-family residential structures, the construction, alteration, addition, or extension of which was commenced prior to Mar. 6, 1952.

NOTE: This table is not applicable to construction commenced after Mar. 5, 1952.

Type of construction, alteration, addition, or extension	Carbon steel (excluding structural shapes)	Structural shapes, alloy and stainless steel	Copper and copper-base alloys	Aluminum
Construction of residential structures using steel pipe water distribution system, per dwelling unit.	Not more than 2,300 pounds per dwelling unit.	None	Not more than 50 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Construction of residential structures using copper pipe water distribution system, per dwelling unit.	Not more than 1,950 pounds per dwelling unit.	None	Not more than 200 pounds per dwelling unit.	Not more than 250 pounds per dwelling unit.
Alteration, addition, or extension of existing residential structures, per dwelling unit.	Not more than 50 percent of the amounts of controlled materials allowed above for the appropriate type of construction, per dwelling unit.			
Alteration by initial installation of electrical wiring	In addition to the amounts of controlled materials allowed for alterations generally, not more than 35 pounds of copper per dwelling unit.			
Alteration by initial installation of plumbing with steel pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 250 pounds of steel per dwelling unit.			
Alteration by initial installation of plumbing with copper pipe water distribution system.	In addition to the amounts of controlled materials allowed for alterations generally, not more than 125 pounds of steel and 100 pounds of copper per dwelling unit.			

NOTE: Aluminum may be used for conduction of electricity in place of copper on basis of 1 pound of aluminum for each 2 pounds of copper allowed in this schedule. In such event, the allowable quantity of copper is reduced accordingly.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

[NPA Order M-100, Amendment 1 of June 18, 1952]

M-100—RESIDENTIAL CONSTRUCTION

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M-100 is found necessary and appropriate to promote the National Defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been rendered impracticable due to the necessity for immediate action.

This amendment affects section 5 and Schedule I and Schedule II of NPA Order M-100.

NPA Order M-100 is amended in the following respects:

1. Paragraph (a) of section 5 is amended to read as follows:

(a) No person shall use in or in connection with the construction, including the alteration, addition, or extension of any residential structure, whether started before or after the effective date of this amendment, any aluminum controlled material for any ornamental or decorative purpose.

2. Schedules I and II are amended to read:

This amendment shall take effect July 1, 1952.

Issued June 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6806; Filed, June 18, 1952; 4:17 p. m.]

[Revised CMP Regulation No. 6, Amendment 1 of June 18, 1952]

CMP REG. 6—CONSTRUCTION

MISCELLANEOUS AMENDMENTS

This amendment under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects paragraph (c) of section 4, paragraph (b) of section 24, and Table II of Revised CMP Regulation No. 6, of March 6, 1952.

1. Paragraph (c) of section 4 is amended to read as follows:

(c) If the construction project was properly commenced prior to March 6, 1952, it may be continued without authorization, if, for completion, the owner will not require delivery after September 30, 1951, of controlled materials, including materials for the manufacture of Class A products, in excess of the quantities specified in Table II of this regulation for the appropriate category of construction. If delivery of more than these quantities is required, construction cannot be continued unless an authorized construction schedule and related allotment is made for the project.

2. Paragraph (b) of section 24 is amended to read as follows:

(b) (1) Any aluminum controlled material in construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation), and construction of any building, structure, or project of a type specified in Table I of this regulation (recreational, entertainment, and amusement construction).

(2) In addition to the amount of aluminum allotted for the particular construction project, pursuant to section 8 or Article IV of this regulation, the owner may substitute aluminum for copper, to be used only as a conductor of electric current, but if he does, he must reduce his copper requirements, using the ratio, 1 pound of aluminum to 2 pounds of copper. The right to substitute aluminum for copper as provided in this subparagraph (2), shall apply to all construction covered by this regulation including, but not limited to, construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation), and construction of buildings, structures, or projects of a type specified in Table I of this regulation (recreational, entertainment, and amusement construction).

3. Table II is amended to read:

TABLE II—CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED

1. *Construction of industrial plants, factories, or facilities:*

NOTE: These quantities are per project, per quarter.

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
2,000 pounds of copper and copper-base alloys.*
2,000 pounds of aluminum.*

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation):*

NOTE: These quantities are per project, and not per quarter.

25 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
200 pounds of copper and copper-base alloys.*
No aluminum,* stainless steel, or alloy steel.

3. *Categories of construction specified in Table I of this regulation (recreational, entertainment, and amusement construction), and housing on military reservations and all military housing under P. L. 211, 81st Congress (Wherry Act) and federally owned housing on federally owned property under the control of the Atomic Energy Commission:*

No self-authorization is permitted.

4. *All other construction (see section 28 of this regulation for exemptions from this regulation):*

NOTE: These quantities are per project, per quarter.

5 tons of carbon steel (not to include more than 2 tons of structural shapes but no wide-flange beam sections or columns).
750 pounds of copper and copper-base alloys.*
1,000 pounds of aluminum.*
No alloy steel, or stainless steel.

* The owner may substitute aluminum for copper, to be used only as a conductor of electric current, and he may self-authorize for such aluminum, but if he does, he must reduce his copper requirements, using the ratio, 1 pound of aluminum to 2 pounds of copper.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 1, 1952.

Issued June 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6805; Filed, June 18, 1952; 4:17 p. m.]

[NPA Order M-2, Interpretation 2 of June 19, 1952]

M-2—RUBBER

INT. 2—USE OF SOLE CREPE CUTTINGS

1. This is an interpretation of sections 3 (k) and 7 of NPA Order M-2.

2. Section 3 (k) defines sole crepe as dry natural rubber produced from pale crepe which has not been compounded, vulcanized, or physically attached to any manufactured product.

3. Section 7, among other things, prohibits the use of sole crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

4. Cuttings of sole crepe which result from the process of trimming slabs or sheets of sole crepe to size or shape are nevertheless sole crepe.

5. The use of sole crepe cuttings in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers is therefore prohibited by the provisions of section 7 of NPA Order M–2, as amended.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued June 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-6846; Filed, June 19, 1952; 11:41 a. m.]

[NPA Order M-71 as Amended June 19, 1952]

M-71—PRIORITIES ASSISTANCE TO TECHNICAL AND SCIENTIFIC LABORATORIES

This order as amended is found necessary and appropriate to promote the national defense and is issued under the authority of the Defense Production Act of 1950, as amended. In the formulation of this order as amended, consultation with industry representatives, including trade association representatives, has been rendered impracticable because the order as amended affects a large number of different kinds of laboratories performing different functions and engaged in a wide variety of projects.

This amendment affects NPA Order M-71, as amended August 23, 1951, as follows:

1. It distinguishes between laboratories when engaged in direct defense work on specific contracts with the several Federal agencies, and all other laboratories.

2. It provides for the extension of preferential priority assistance for such defense contract laboratories by the use of the B–5 suffix.

3. It removes the dollar limit of self-certification for procurement of products and materials other than controlled materials for defense contract laboratories.

4. It raises the quantity limits for controlled materials procurement by self-certification for all laboratories.

5. It raises the dollar limits of self-certification for procurement of products and materials other than controlled materials for laboratories other than defense contract laboratories. To accomplish these purposes, NPA Order M-71 is revised to read as follows:

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Self-certification limitations.

Sec.
4. Procurement of small quantities of controlled materials by a defense contract laboratory.
5. Procurement of products and materials other than controlled materials by a defense contract laboratory.
6. Procurement of small quantities of controlled materials by a laboratory other than a defense contract laboratory.
7. Procurement of products and materials other than controlled materials by a laboratory other than a defense contract laboratory.
8. Applications for priorities assistance.
9. Class A products.
10. Restrictions on priorities assistance.
11. Relation to other orders and regulations.
12. Request for adjustment or exception.
13. Records and reports.
14. Communications.
15. Violations.

AUTHORITY: Sections 1 to 15 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order provides a procedure for priorities assistance for technical and scientific laboratories in the procurement of needed supplies and materials.

SEC. 2. *Definitions.* For the purposes of this order:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If in 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one laboratory, as defined in paragraph (b) of this section, and maintained for any such laboratory separate records showing expenditures therefor for material, as defined in paragraph (d) of this section, he may elect to treat any one or more of such laboratories as a separate person for the purpose of this order, or to treat his entire laboratory operation within the United States, its territories and possessions, as a person for the purpose of this order. Such election may not be changed without prior written approval of NPA.

(b) "Laboratory" means any person located in the United States, its territories or possessions, who carriers on scientific or technological investigation, testing, or development or experimentation as his regular business or in the course of his business, and who buys any materials especially for that purpose, even though he does not have a separate department or organization in his company or institution for these activities. The term "laboratory" includes, without limitation, research laboratories, production control laboratories, testing laboratories, analytical laboratories, clinical laboratories, and instructional laboratories. With the exception of production control laboratories which are engaged in testing operations for the purpose of controlling the quality of a product, it does not include any person to the extent that he buys materials for the manufacture of products for commercial sale or public distribution even though the place in which the products are manufactured may be called a laboratory.

(c) "Defense contract laboratory" means a laboratory when and to the extent engaged in the performance of a definite project or projects covered by a contract or contracts awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing the DO rating with the program identification A, B, C, or E, followed by a digit.

(d) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind. The term includes, but is not limited to, supplies for laboratories, equipment and instruments designed for use in laboratories, and other materials needed to carry on scientific or technological investigation, testing, or development or experimentation. The term also includes such items as hand tools and safety equipment purchased by a laboratory for sale to its employees for use only in the laboratory activities.

(e) "Delivery order" means any purchase order, contract, or shipping or any other instruction, calling for delivery of any material or product on a particular date or dates or within specified periods of time.

(f) "Controlled materials" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(g) "Small quantities of controlled materials" means not in excess of the amounts for each material for any one calendar quarter as specified in the list below:

Carbon steel (including wrought iron).	30 tons.
Alloy steel (except stainless steel).	8 tons.
Stainless steel (nickel-bearing).	300 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	3,000 pounds.
Aluminum	2,000 pounds

(h) "NPA" means the National Production Authority.

SEC. 3. *Self-certification limitations.* No laboratory, or defense contract laboratory, may obtain by self-certification during any one calendar quarter more than its actual minimum requirements but not in excess of the small quantities of controlled materials set forth in section 2 (g) of this order.

SEC. 4. *Procurement of small quantities of controlled materials by a defense contract laboratory.* A defense contract laboratory engaged in a project or projects covered by a contract or contracts which bear program identification consisting of A, B, C, or E, followed by a digit, may obtain for any one calendar quarter not in excess of the small quantities of controlled materials (as defined in section 2 (g) of this order), needed for carrying out such projects, by using on its delivery orders the allotment symbol X-1, and appending as a suffix the program identification B-5, to read X-1-B-5, and a certification which shall read as follows:

Certified under NPA Order M-71.

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of this order to obtain the products and materials covered by the delivery order. Such orders are authorized controlled material orders for the purpose of all CMP regulations, as provided by section 2 (q) of CMP Regulation No. 1.

SEC. 5. *Procurement of products and materials other than controlled materials by a defense contract laboratory.* A defense contract laboratory may use on its delivery orders the rating DO-X1 in obtaining, without dollar limitation, products and materials other than controlled materials to the extent required to perform its contracts, awarded by or on behalf of the Department of Defense or the Atomic Energy Commission, bearing the DO rating with the program identification A, B, C, or E, by appending as a suffix the program identification B-5, to read DO-X1-B-5, and a certification which shall read as follows:

Certified under NPA Order M-71.

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this order to obtain the products or materials covered by the delivery order.

SEC. 6. *Procurement of small quantities of controlled materials by a laboratory other than a defense contract laboratory.* A laboratory other than a defense contract laboratory may obtain (by self-certification) not in excess of small quantities of controlled materials (as defined in section 2 (g) of this order) which are needed for carrying on scientific or technological investigations, testing, or development or experimentation, by using on its delivery orders the allotment symbol X-1, and a certification which shall read as follows:

Certified under NPA Order M-71.

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place a delivery order under the provisions of this order to obtain the products or materials covered by the delivery order. Such orders are authorized controlled material orders for the purpose of all CMP regulations, as provided by section 2 (q) of CMP Regulation No. 1. Laboratories other than defense contract laboratories shall not use the suffix B-5.

SEC. 7. *Procurement of products and materials other than controlled materials by a laboratory other than a defense contract laboratory.* A laboratory other than a defense contract laboratory may obtain products and materials other than controlled materials, which are needed for carrying on scientific or technological investigations, testing, or development or experimentation by using

the rating DO-X-1 on its delivery orders therefor, up to the following amounts: For the quarter ending June 30, 1952, a total purchase price not exceeding $3,000, and for each calendar quarter thereafter a total purchase price not exceeding $10,000. A certification shall appear on all such orders to read as follows:

Certified under NPA Order M-71.

This certification shall be signed as provided in section 8 of NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an order under the provisions of this order to obtain the products or materials covered by the delivery order.

SEC. 8. *Applications for priorities assistance.* (a) A laboratory, or a defense contract laboratory, which estimates that its requirements of controlled materials (including the requirements thereof of its suppliers of Class A products, as provided in section 9 of this order) for any one calendar quarter will exceed the small quantities of controlled materials as defined in section 2 (g) of this order, may apply to the National Production Authority, Washington 25, D. C., on Form NPAF-109, in triplicate, for an allotment of such materials. NPA may allot controlled materials to such a laboratory by returning a copy of Form NPAF-109 to the laboratory showing the quantities of controlled materials thereby allotted.

(b) A laboratory other than a defense contract laboratory which estimates that its requirements of products and materials other than controlled materials for any one calendar quarter will exceed the quantity allowed by section 7 of this order, may apply to the National Production Authority, Washington 25, D. C., on Form NPAF-109, in triplicate, for a quota of such products and materials. NPA may assign a quota of products and materials other than controlled materials to such laboratory by returning a copy of Form NPAF-109 to the laboratory with the allowable quota inserted in the appropriate space on the form.

(c) Where a laboratory, or a defense contract laboratory, is allotted controlled materials, or is assigned a quota by NPA as provided by paragraphs (a) and (b) of this section, such laboratory is hereby authorized to place on its delivery orders the same allotment symbol and certification in the case of controlled materials as provided by section 6 or 4 of this order and to apply the same rating and certification in the case of products and materials other than controlled materials as provided by section 7 or 5 of this order: *Provided, however,* That in no case may such laboratory exceed its authorized quota for any one calendar quarter without express permission in writing from NPA.

(d) Forms NPAF-109, applications for priorities assistance, are available at all field offices of the Department of Commerce and may be filed for succeeding calendar quarters at any time after the effective date of this order.

(e) Quotas under this section will be assigned only to laboratories which are engaged in scientific or technological investigation, testing, or development or experimentation, and then only in cases where NPA determines that the project or projects for which quotas are desired are to be used in the interest of national defense, enhancing national resources, or promoting public health and safety.

(f) Where controlled materials or products (excluding Class A products) or materials other than controlled materials are obtained without priority assistance, the quantities or dollar amounts so obtained shall not apply against the assigned quotas.

SEC. 9. *Class A products.* (a) In order to obtain Class A products (as defined in section 2 (j) of CMP Regulation No. 1) needed for carrying on scientific or technological investigation, testing, or development or experimentation, a laboratory, or a defense contract laboratory, must ascertain from its supplier the quantity of controlled materials required in the manufacture of the said Class A products. In the event that the quantity of controlled materials required for the manufacture of the said Class A products and the laboratory's own requirements for controlled materials as such, does not exceed the small quantity of controlled materials, as defined in section 2 (g) of this order, the laboratory may make an allotment thereof to its supplier of Class A products in the same manner as prescribed in section 12 of CMP Regulation No. 1 on Form CMP-5 as set forth in Schedule II of CMP Regulation No. 1, which shall be attached to the delivery order.

(b) In cases where an order for Class A products for any one calendar quarter will cause a laboratory, or a defense contract laboratory, to exceed the small quantity limitations prescribed in sections 2 (g) and 6 or sections 2 (g) and 4 of this order, a laboratory, or a defense contract laboratory, may obtain such products by applying for a quota under section 8 of this order and including in the application Form NPAF-109 the controlled materials requirements of its Class A product suppliers. After a quota is assigned, the laboratory may make an allotment within the limits thereof to its supplier of Class A products in the same manner as prescribed in paragraph (a) of this section.

(c) In every case covered by paragraph (a) or (b) of this section, a laboratory shall use on its delivery orders the allotment symbol X-1, and the certification provided in section 6 of this order; a defense contract laboratory shall use on its delivery orders, the allotment symbol X-1 and append as a suffix the program identification B-5, to read X-1-B-5, and the certification provided in section 4 of this order.

SEC. 10. *Restrictions on priorities assistance.* (a) No person may use any of the materials or products obtained under the provisions of this order for purposes other than as required for scientific or technological investigation, testing, or development or experimentation.

(b) No person may make trial production runs of experimental models which are made with materials or products obtained under this order, unless specifically authorized by NPA on Form NPAF-109.

(c) No person may use any of the materials or products obtained under the provisions of this order for the manufacture of experimental models which are to be distributed for the purpose of promoting sales or creating a consumer demand for the article. However, the provisions of this order may be used to get materials or products for the production of experimental models which are intended to be used only for scientific or technological investigation, testing, or development or experimentation. Such experimental models may be made only in the minimum number and the minimum size required to determine the suitability of the article for commercial production and use.

SEC. 11. *Relation to other orders and regulations.* (a) This order supplements NPA Reg. 2, which sets forth the basic rules of the priorities system, and provisions of that regulation govern the use of the DO rating herein assigned, except to the extent that the provisions of this order are inconsistent with that regulation.

(b) The provisions of this order do not authorize the use of any materials where such use is prohibited by any other applicable NPA orders or regulations, but any laboratory, or any defense contract laboratory, which uses the DO rating, symbol, or the program identification herein assigned may use any materials or parts so obtained regardless of the limitations on the rate of use stated in any applicable NPA order, except insofar as such order may limit the specifications of a product as to material content. No provision of this order, however, shall supersede any requirement of any other applicable NPA order that any material or part may be obtained only by allocation; nor shall any provision of this order supersede any such provision of CMP regulations, except to the extent that the provisions of this order are inconsistent with such CMP regulations.

(c) Notwithstanding section 13 (a) of CMP Regulation No. 5, a laboratory, or a defense contract laboratory, may either (1) avail itself of the provisions of CMP Regulation No. 5, to procure material required for the maintenance, repair, and operation of the premises, or, (2) procure such materials under the provisions of this order.

(d) No laboratory shall use the DO-X1 rating or the allotment symbol X-1, to obtain any material listed under Schedule I to CMP Regulation No. 5. This restriction, however, shall not apply to defense contract laboratories using the rating DO-X1-B-5, when specifically authorized by this order. No laboratory or defense contract laboratory may use the rating DO-X1, or the allotment symbol X-1, with or without the suffix B-5, to obtain materials listed under Schedule II to CMP Regulation No. 5 or under List A of NPA Reg. 2.

(e) No person may use any of the materials or products obtained under this order for construction as defined in Revised CMP Regulation No. 6.

SEC. 12. *Request for adjustment or exception.* Any person affected by any

provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 13. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 14. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–71.

SEC. 15. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect June 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–6848; Filed, June 19, 1952; 11:41 a. m.]

[NPA Order M–16, as Amended June 19, 1952]

M–16—DISTRIBUTION OF COPPER RAW MATERIALS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries has been rendered impracticable because the order affects a large number of different trades and industries.

NPA Order M–16, as last amended December 17, 1951, is hereby further amended to require refiners purchasing copper raw materials for purposes other than production or sale of refined copper to apply to NPA for authorization; to add blister copper to the list of copper raw materials; to require reports from scrap dealers and brokers; and to effect minor editorial changes.

As amended, NPA Order M–16 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Acceptance of delivery of copper raw materials.
4. Restrictions on disposal of scrap.
5. Restrictions on inventory accumulations.
6. Restrictions on toll agreements.
7. Authorizations and directives.
8. Applications for adjustment or exception.
9. Records and reports.
10. Communications.
11. Violations.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to regulate the acceptance, delivery, and distribution of all copper raw materials (whether on toll agreements or otherwise) so as to provide an equitable distribution of such materials. It sets forth the classes of persons who may receive such materials without specific authorization from the National Production Authority and the types of copper raw materials such persons may so receive, and provides for application by all other persons to the National Production Authority for specific written authorization. It also limits toll agreements covering scrap and prohibits undue accumulation of scrap.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Copper" means unalloyed copper, including electrolytic copper, fire-refined copper, and all unalloyed copper in any form.

(c) "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It includes fired and demilitarized cartridge and artillery cases, and all copper-base alloy in any form. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67–33.

(d) "Scrap" means all copper or copper-base alloy materials or objects which are the waste or byproduct of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason.

(e) "Copper wire mill product" means uninsulated or insulated wire and cable, whatever the outer protective coverings may be, made from copper or copper-base alloy, and also copper-clad steel wire containing over 20 percent copper by weight, regardless of end use. All copper wire mill products should be measured in terms of pounds of copper content.

(f) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); anodes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs (except brass military ammunition discs after June 30, 1952).
Cups (except brass military ammunition cups after June 30, 1952).
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.
Formed flashings.
Engravers' copper.

(g) "Foundry product" means cast copper or copper-base alloy shapes and forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, or dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner or outer diameter, or both, before delivery to a customer. Castings include anodes cast in a foundry or by an ingot maker).

(h) "Powder mill products" means copper or copper-base alloy in the form of granular or flake powder.

(i) "Copper raw materials" as used in this order includes the following materials as defined below:

(1) "Refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. This does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powder mill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products.

(2) "Domestic refined copper"—Copper metal which has been refined by any process of electrolysis or fire-refining to a grade and in a form suitable for fabrication from ores, concentrates, scrap, or other copper-bearing material which has been mined, processed, generated, or recovered within the United States or its possessions.

(3) "Blister copper"—High-grade crude copper in any form produced from convertor operations and from which nearly all the oxidizable impurities have been removed by slagging and volatilization.

(4) "Brass mill scrap"—Uncontaminated scrap which is the waste or byproduct of the production or industry fabrication of brass mill products or copper wire mill products. It includes uncontaminated fired and demilitarized cartridge and artillery cases.

(5) "Other copper-base alloy scrap"—Alloyed copper scrap other than brass mill scrap. It includes contaminated fired and demilitarized cartridge and artillery cases.

(6) "Other unalloyed copper scrap"—Unalloyed copper scrap other than brass mill scrap.

(7) "Fired and demilitarized cartridge and artillery cases"—Fired and demilitarized cartridge and artillery cases which have been manufactured from brass mill products and are not contaminated.

(8) "Brass mill casting"—A copper-base alloy casting, from which brass mill or intermediate shapes may be rolled, drawn, or extruded, without remelting.

(9) "Copper-base alloy ingot"—A copper-base alloy used in remelting, alloying, or deoxidizing operations.

(10) "Copper or copper-base alloy shot and waffle"—Shot or waffle produced from copper or copper-base alloy, and to be used in remelting, alloying, deoxidizing, or chemical operations.

(11) "Intermediate shape"—Any product which has been rolled, drawn, or extruded, from refined copper or brass mill castings, and which will be rerolled, redrawn, insulated, or further processed into finished brass mill or copper wire mill products by other producers of copper or copper-base alloy controlled materials.

(12) "Copper precipitates (or cement copper)"—Copper metal precipitated from mine water by contact with iron scrap, tin cans, or iron in other forms.

SEC. 3. *Acceptance of delivery of copper raw materials.* (a) Commencing August 1, 1951, no person may accept delivery of any copper raw materials, including those which are processed on a toll basis in accordance with section 6 of this order, except railroad engine castings and car journal bearings pursuant to section 6 (b) of this order or except as specifically authorized in writing by the National Production Authority: *Provided, however,* That a person listed in column (A) of the table set forth at the end of this paragraph may accept delivery of the copper raw materials specified in the corresponding section of column (B) of the table without such written authorization. In those sections of column (B) where no copper raw material is specified but a form is indicated, persons desiring copper raw materials shall apply on such form for written authorization not later than the tenth day of the month preceding the month in which delivery is sought. Notwithstanding the provisions of this paragraph, foundries using less than 10,000 pounds of copper raw materials per month shall apply on Form NPAF–83 on or before January 10, 1952, for an allocation for the second and third calendar quarters of 1952, and on or before July 10, 1952, for an allocation for the fourth quarter of 1952 and the first quarter of 1953. Foundries using 10,000 pounds or more, but less than 100,000 pounds, of copper raw materials per month shall apply for quarterly allocations on Form NPAF–83 by the tenth day of the month preceding the first, second, third, and fourth calendar quarters of 1952. Foundries using 100,000 pounds or more of copper raw materials per month shall apply on Form NPAF–83 by the tenth day of the month preceding that in which delivery is sought. Such application must furnish all information required by the form.

(A)	(B)
(1) Refiner—Any person who produces refined copper. This includes any person who converts copper-clad or copper-base, or copper-base alloy-clad steel scrap into refined copper.	(1) Blister copper, other unalloyed copper scrap, and other copper-base alloy scrap for use in the production of refined copper, and refined copper for resale without change in form (for other purposes apply on Form NPAF–83).
(2) Scrap dealer and broker—Any person regularly engaged in the business of buying and selling scrap, but who does not melt such scrap.	(2) Other unalloyed copper scrap[1]; other copper-base alloy scrap[1]; brass mill scrap[1]; contaminated fired and demilitarized cartridge and artillery cases.[1]
(3) Jobber dealer—Any person who receives physical delivery of refined copper, copper-base alloy ingot, or copper or copper-base alloy shot, and sells or holds the same for sale without change in form.	(3) None (apply on Form NPAF–83).
(4) Exported—Any person who exports copper raw materials.	(4) None (apply on Form NPAF–83 and give export license number).
(5) Brass mill—Any person who produces brass mill products, brass mill castings, or intermediate shapes.	(5) None (apply on Form NPAF–83).
(6) Copper wire mill—Any person who produces copper wire mill products or intermediate shapes.	(6) None (apply on Form NPAF–83).
(7) Brass and bronze foundry—Any person who produces foundry copper or copper-base alloy products.	(7) None[2] (apply on Form NPAF–83).
(8) Ingot maker—Any person who produces copper-base alloy ingot for delivery as such.	(8) None[2] (apply on Form NPAF–83).
(9) Miscellaneous producer—Any person, not falling in one of the classes described above, who requires copper raw materials in his regular production operation. Examples: Chemical plants, iron foundries, aluminum foundries, electrotypers, producers of copper and copper-base alloy powder.	(9) None (apply on Form NPAF–83).
(10) Scrap generator—Any person, other than a scrap dealer, who in his normal operations generates or accumulates scrap or copper-clad or copper-base alloy-clad steel scrap, but who is not in the business of producing copper raw materials, copper wire mill products, brass mill products, powder mill products, or foundry copper or copper-base alloy products.	(10) None.
(11) All other persons	(11) None.

[1] See also section 5 (b) of this order.

[2] Foundries and ingot makers may exchange among themselves, and with each other, copper-base alloy ingot on an equivalent copper content basis without charging such deliveries against their authorizations.

(b) An authorization to accept delivery of refined copper may specify domestic refined copper or other refined copper. No person who has been authorized to accept delivery of other refined copper may accept delivery of domestic refined copper pursuant to such authorization.

(c) Any person who receives written authorization to accept delivery of copper raw materials shall furnish to his supplier a signed certification in substantially the following form:

> The undersigned certifies, subject to statutory penalties, that acceptance of delivery of the copper raw materials herein ordered is permitted pursuant to NPA Authorization No. ------.

This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of the copper raw materials may be accepted by the purchaser pursuant to the indicated written authorization.

(d) Notwithstanding the provisions of paragraph (a) of this section, a person may, during the calendar quarter commencing July 1, 1951, and each calendar quarter thereafter, receive copper raw materials without specific authorization of the National Production Authority, provided:

(1) That his total receipts of all copper raw materials from all sources during that calendar quarter do not exceed 300 pounds copper content, and

(2) That he furnishes to the person who supplies the material a signed certification in substantially the following form:

> The undersigned hereby certifies, subject to statutory penalties, that receipt of the copper raw materials herein ordered in the calendar quarter requested will not bring his total receipts during that quarter above 300 pounds copper content.

This certification constitutes a representation by the purchaser to the seller, and to the National Production Authority, that delivery of such copper raw materials may be accepted by the purchaser pursuant to this order.

(e) Except with the written permission of the National Production Authority (1) no refiner, scrap dealer, jobber dealer, ingot maker, or other person dealing in copper raw materials, may deliver any copper raw materials to a refiner, scrap dealer, or broker, except the type of copper raw materials that such refiners, scrap dealers, or brokers are permitted to receive without authorization pursuant to paragraph (a) of this section, and (2) no person shall deliver copper raw materials to any person other than a refiner, scrap dealer, or broker without first having received from such person the certification set forth in paragraph (b) or paragraph (c) of this section.

(f) The provisions of this section apply not only to acceptance of delivery by a person from other persons, including affiliates and subsidiaries, but also to acceptance of delivery by a branch, division, or section of a single enterprise which produces copper raw materials or copper controlled materials from a branch, division, or section of the same or any other enterprise under common ownership or control which does not produce copper controlled materials.

SEC. 4. *Restrictions on disposal of scrap.* (a) No person other than establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots, or a person who is in the business of producing copper raw materials (such as refineries, ingot makers, copper wire mills, brass mills, or foundries), or a person who qualifies as a "Miscellaneous producer" as listed in Column A under section 3 of this order, shall melt or process any scrap or copper-base alloy-clad steel scrap generated in his plant through fabrication, or accumulated in his operations through obsolescence, except as specifically authorized in writing by the National Production Authority, nor shall he dispose of such materials in any way other than by delivery to a person authorized by this order to accept delivery.

(b) No person shall dispose of any material, the delivery of which he accepted as scrap, other than as scrap, except with the specific authorization of the National Production Authority: *Provided, however,* That scrap dealers and brokers may sell in each month as usable material a quantity of material that was acquired as scrap and does not in the aggregate exceed 1,000 pounds (copper content).

(c) Nothing contained in this order shall prohibit any public utility from using "as is," in its own operation, copper wire or cable which has become scrap by obsolescence.

SEC. 5. *Restrictions on inventory accumulations.* (a) Unless specifically authorized by the National Production Authority, no person who generates scrap in his operations through fabrication, manufacture, or obsolescence shall keep on hand more than 30 days' accumulation of scrap or copper-clad or copper-base alloy-clad steel scrap unless such accumulation aggregates less than 2,000 pounds.

(b) No scrap dealer may accept delivery of any kind, grade, or type of scrap if his total inventory of scrap (including inventory not physically located in the dealer's yard or plant) is, or by such receipt would become, in excess of the weight of his total deliveries of scrap during the preceding 60-day period.

(c) The provisions of paragraph (a) of this section shall not apply to the establishments of the United States Army, Navy, or Air Force, such as arsenals, navy yards, gun factories, and depots: *Provided, however,* That such establishments shall report to the National Production Authority by August 10, 1951, with respect to July, and by the tenth day of each month thereafter with respect to the preceding month, the quantity and type of scrap at each such location.

SEC. 6. *Restrictions on toll agreements.* (a) Commencing on December 18, 1950, and unless the person delivering or owning the scrap, or the person for whose benefit the conversion, remelting, or other processing of the scrap will be effected, has received the approval of the National Production Authority, no person shall deliver scrap, and no person shall accept such scrap, for converting, remelting, or other processing into electrolytic or fire-refined copper under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the scrap remains vested in the person delivering or owning the scrap, or pursuant to which unalloyed copper in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement as described in this paragraph.

(b) Commencing on July 15, 1951, and unless the person delivering or owning the refined copper or scrap, or the person for whose benefit the conversion, remelting, or other processing of the refined copper or scrap will be effected, has received the written approval of the National Production Authority, no person shall deliver refined copper or scrap, and no person shall accept same, for converting, remelting, or other processing into copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products under any existing or future toll agreement, conversion agreement, or other arrangement by which title to the refined copper or scrap remains vested in the person delivering or owning the refined copper or scrap, or pursuant to which copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products in any quantities, equivalent or otherwise, is to be returned to the person delivering or owning the refined copper or scrap. The provisions of this paragraph will apply with equal effect to any agency relationship which would result in a toll arrangement hereinabove described. Nothing contained in this paragraph shall prohibit railroads from converting or having converted for them, railroad engine castings and car journal bearings for their own use.

(c) Persons requesting such approval shall file with the National Production Authority a letter setting forth the names and addresses of the parties to any existing or proposed toll or conversion agreement; the kind, grade, and form of the refined copper or scrap involved; the tonnage of the refined copper or scrap and the estimated tonnage of the electrolytic or fire-refined copper, copper wire mill products, brass mill products, foundry products, copper-base alloy ingot, or other miscellaneous products resulting; the estimated rate and dates of delivery of such copper or copper products; the length of time such agreement or other similar agreement between the same parties has been in force; the duration of the agreement; the purpose for which such copper or copper products are to be used; and such other information as the applicant may wish to submit.

SEC. 7. *Authorizations and directives.* The National Production Authority may issue authorizations or directives from time to time with respect to the delivery, disposal, and conversion of copper raw materials. Such authorizations and directives shall be complied with by the recipients thereof.

SEC. 8. *Applications for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that any provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Any person who uses or processes copper or copper-base alloy in his operations and who falls within the general classification set forth in Column A of the table at the end of this paragraph shall complete and return the Bureau of Mines form identified in the corresponding section of Column B of the table to the address specified on the form, in the number of copies specified on the form, on or before the twentieth day of July 1951 with respect to such use or processing during June 1951, and on or before the fifteenth day of each succeeding month with respect to such use or processing during the preceding month except that the form indicated under item 5 in the table at the end of this paragraph shall be filed on or before February 28, 1952, with respect to operations during the year 1951.

(A)	(B)
(1) Brass ingot makers and miscellaneous remelters	6–1115–M.
(2) Brass mills and copper wire mills	6–1115–MS.
(3) Tertiary smelters	6–1045–M.
(4) Primary refiners	6–1046–M.
(5) Brass mills,[1] copper wire mills,[1] miscellaneous users, and foundries	6–1115–AS.

[1] Except those required to file Form 6–1115–MS.

(d) Commencing December 17, 1951, any person other than a refiner, custom smelter, scrap dealer, or scrap generator, who deals in refined copper or who owns, melts, or otherwise uses in his operations, electrolytic or fire-refined copper, unalloyed copper in any form (including scrap), copper-base raw materials in any form (including ingot and scrap), or intermediate brass or copper wire mill shapes, shall complete and return Form NPAF–83 to the National Production Authority, Washington 25, D. C., Ref: M–16, in the number of copies specified on that form. Such reports shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates a quarterly report should be filed. The provisions of this paragraph do not apply to any person who owns less than 500 pounds of the forms of copper enumerated in this paragraph, or who melts or otherwise uses less than 500 pounds of such forms of copper per month.

(e) Commencing December 17, 1951, any person who produces copper or copper-base alloy controlled materials (brass mill products, copper wire mill products, foundry products, or powder mill products as defined in section 2 of this order), shall complete and return Form NPAF–84 to the National Production Authority, Washington 25, D. C., Ref: M–16, in the number of copies specified on that form. Such report shall be filed monthly in accordance with the reporting procedure specified on the form, except in those cases where the form indicates that a quarterly report should be filed.

(f) Any scrap dealer or broker whose aggregate end-of-month inventory or aggregate monthly purchases or aggregate monthly sales of scrap averaged 60,000 pounds or more (metal weight) during the first 6 months of 1952, shall, not later than August 10, 1952, complete and return Form NPAF–125 in triplicate with regard to his operations during July 1952. For the month of August 1952 (commencing with the first of that month) and for each month thereafter, any scrap dealer or broker who during that month purchased or sold 60,000 pounds or more of scrap or had an end-of-month inventory of 60,000 pounds or more of scrap shall, not later than the tenth day of the following month, complete and return Form NPAF–125 in triplicate with regard to his operations during such month. All such forms shall be addressed to the Base Metals Branch, Bureau of Mines, Washington 25, D. C.

(g) Persons subject to this order shall make such other records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C., 139–139F).

SEC. 10. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–16.

SEC. 11. *Violations.* Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act.

This order as amended shall take effect June 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–6847; Filed, June 19, 1952; 11:41 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—DISBURSEMENTS AND ACCOUNTS

SALE OF MAPS, SOLICITOR'S OPINIONS AND TRANSCRIPTS OF HEARINGS

Section 17.13 *Post-route and rural-delivery maps* is amended to read as follows:

§ 17.13 *Sale of maps, Solicitor's opinions and transcripts of hearings*—(a) *Authority.* The Postmaster General may authorize the sale of—

(1) Post route and rural delivery maps;

(2) Opinions of the Solicitor for the Post Office Department; and

(3) Transcripts of hearings before the trial examiners for the Post Office Department;

at such rates as he determines to be fair and reasonable.

Provided, That such shall not be sold at a price that represents more than the cost thereof.

(Sec. 201, 60 Stat. 584, section 201, 61 Stat. 231; 39 U. S. C. 805)

(b) *Handling of funds from sales of post-route and rural-delivery maps.* Application for the purchase of post-route and rural delivery maps and payment therefor shall be made to the Director, Division of Postal Finance, who shall deposit the funds received in his checking account with the Treasurer of the United States and forward the order for maps to the Assistant Postmaster General, Bureau of Facilities. Where remittances are received in excess of the amount required to pay for maps furnished, the Assistant Postmaster General, Bureau of Facilities, shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall make the refund. At the end of each month the Assistant Postmaster General, Bureau of Facilities, shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall draw a check for the amount stated thereon and deposit the same in the Post Office Department Fund with the Treasurer of the United States.

(c) *Handling of funds from sales of transcripts of hearings before the hearing examiners for the Post Office Department.* Funds received by the Chief

Hearing Examiner for the sale of transcripts of hearings before the hearing examiners for the Post Office Department shall be transmitted by the Chief Hearing Examiner to the Director, Division of Postal Finance, who shall deposit such funds in his checking account with the Treasurer of the United States. Where remittances are received in excess of the amount required to pay for transcripts of hearings furnished, the Chief Hearing Examiner shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall make the refund. At the end of each month the Chief Hearing Examiner shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall draw a check for the amount stated thereon and deposit the same in the Post Office Department Fund with the Treasurer of the United States.

(d) *Handling of funds from sales of solicitor's opinions.* The Solicitor is authorized to sell volume 9 of the Solicitor's Opinions and such other previous editions as may be available at the price of $6.50 per volume, it having been determined that such price is fair and reasonable, and does not represent more than the cost thereof. Funds received by the Solicitor from the sale of his opinions shall be transmitted to the Director, Division of Postal Finance, who shall deposit the funds received in his checking account with the Treasurer of the United States. Where remittances are received in excess of the amount required to pay for opinions furnished, the Solicitor shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall make the refund. At the end of each month the Solicitor shall transmit a properly prepared schedule of disbursements to the Director, Division of Postal Finance, who shall draw a check for the amount stated thereon and deposit the same in the Post Office Department Fund with the Treasurer of the United States.

(R. S. 161, 396, secs. 42 Stat. 24, 25, sec. 201, 60 Stat. 584, sec. 201, 61 Stat. 231; 5 U. S. C. 22, 369, 39 U. S. C. 805)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6739; Filed, June 19, 1952; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circ. No. 1821]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

MISCELLANEOUS AMENDMENTS

The following amendments of certain sections of Part 200 are necessary to show in that part a change from the practice of issuing a noncompetitive lease for acquired lands on a form separate and distinct from the lease application, to a procedure by which a standardized noncompetitive oil and gas lease offer form for acquired lands becomes a lease when signed on behalf of the United States. The change will make the handling of noncompetitive leases for acquired lands substantially similar to that for public domain lands and will eliminate some of the steps now necessary in issuing such leases. In addition, certain minor changes are being made in Parts 191 and 192. The amendments of Parts 191 and 192 will become effective 30 days after date of issuance hereof by the Secretary of the Interior and the amendments to Part 200 will become effective 60 days after that date except as provided in § 200.11. The amendments are as follows:

1. Sections 191.3 and 191.6 are amended to read:

§ 191.3 *Who may hold leases and permits.* Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens; (c) corporations organized under the laws of the United States or of any State or Territory thereof; or (d) in the case of coal, oil, oil shale, or gas, municipalities. A mineral lease or permit will not be issued to a minor but oil and gas leases may be issued to legal guardians or trustees of minors in their behalf.

§ 191.6 *Special stipulations for lands where surface control is under jurisdiction of the Department of Agriculture or for lands in reclamation projects.* Offerors for noncompetitive oil and gas leases and applicants for permits, leases, and licenses for lands the surface control of which is under the jurisdiction of the Department of Agriculture will be required to consent to the inclusion therein of the stipulation on Form 4–216. Where the land has been withdrawn for reclamation purposes the offeror or applicant may be required to consent to the inclusion of a stipulation on Form 4–467 if the land is potentially irrigable, or Form 4–467 (a) if the land is within the flow limits of a reservoir site, or Form 4–467 (b) if the land is within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect land withdrawn for reclamation purposes.

(Sec. 32, 41 Stat. 450, sec. 1, 44 Stat. 301; 30 U. S. C. 189, 271)

2. Sections 192.42 (b), (d), (e) and (l) and § 192.141 (a) (1) and (b) are amended to read:

§ 192.42 *Offer to lease and issuance of lease.* * * *

(b) Five copies of Form 4–1158, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office, or for land or deposits in States in which there are no land offices, with the Director of the Bureau of Land Management, Washington 25, D. C. If less than five copies are filed, the offer will not be rejected, if not otherwise subject to rejection, until 30 days from filing have elapsed and if during that period the remaining required copies are filed, the offeror's priority will date from the date of the first filing. If the additional copies are not filed within the 30 day period, the offer will be rejected and returned and will afford no priority to the offeror. Should the additional copies be filed after the 30 day period but before the offer has been rejected, the offeror will have a priority as of the later filing date. The offer must be filed on a form in effect at the date of filing. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours.

* * * * *

(d) Each offer must be filled in on a typewriter or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of a non-alien minor or minors but an offer may not be filed by a minor. Each offer must describe the lands by legal subdivision, section, township, and range, if the lands are surveyed, and if not surveyed, by a metes and bounds description connected with a corner of the public land surveys by course and distance and must cover only lands entirely within a six-mile square. Each offer must be for an area of not more than 2,560 acres, except where the rule of approximation applies

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge, except as provided in paragraph (g) of this section, even though the offer should be rejected or withdrawn in whole or in part.

(2) Full payment of the first year's rental based on the total acreage if known, and if not known, on the basis of 40 acres for each smallest legal subdivision.

(3) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (f) (5) of this section), evidence of the authority of the attorney in fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror; and in addition, if such offeror is an individual, a statement over the offeror's signature setting forth the offeror's citizenship and whether the offeror's direct and indirect interests in oil and gas leases, applications, and offers therefor in the same State exceed 15,360 chargeable acres.

(4) If the offer is signed by an attorney in fact or agent, or if any attorney in fact or agent has been authorized to act on behalf of the offeror with respect to the offer or lease, separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them, or with any other person, either verbal or written by which the attorney in fact or agent or such other person has received, or is to receive, any interest in the lease when issued, including royalty interest or interest in an operating agreement under the lease giving full details of the agreement or understanding, if it is a verbal one; the statement must be accompanied by a copy of any such written agreement or understanding; and if such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers therefor in the same State exceed 15,360 acres. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership) or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

(5) If the offer is made by a guardian or trustee, a certified copy of the court order authorizing him to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; his statement as to the citizenship and holdings of each of the minors; and a similar statement as to his own citizenship and holdings under the leasing act, including his holdings for the benefit of other minors.

(6) If the offer is made by an association (including a partnership), it must be accompanied by a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

* * * * *

(l) If an offeror dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed, and if probate has been completed, or is not required, to the heirs or devisees, provided there is filed in all cases an offer to lease in compliance with the requirements of this section which will be effective as of the effective date of the original application or lease offer filed by the deceased. If there are any minor heirs or devisees, such offer can only be made by their legal guardian or trustee in his name. Each such offer must be accompanied by the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person who as executor or administrator submits the offer, and bond form if a bond is required, has authority to act in that capacity and to sign the offer and bond forms.

(ii) A statement over the signature of each heir or devisee, similar to that required of an offeror under paragraph (e) (4) of this section concerning citizenship and holdings.

(iii) Evidence that the heirs or devisees are the heirs or devisees of the deceased offeror and are the only heirs or devisees of the deceased.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the offeror and the provisions of the law of the deceased's last domicile showing that no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to holdings and citizenship, similar to that required under paragraph (e) (4) of this section, except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

§ 192.141 *Requirements for filing of transfers.* (a) (1) Except as to assignments of record title, all instruments of transfer of a lease or of an interest therein, including assignments of working or royalty interests, and operating agreements, and subleases, must be filed for approval within 90 days from the date of final execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with a statement over the transferee's own signature with respect to citizenship and interests held, similar to that required of an offeror under § 192.42 (e) (4), (5) and (f).

* * * * *

(b) Where an attorney in fact, in behalf of the holder of a lease, operating agreement or of a royalty interest in a producing lease, signs an assignment of the agreement, lease, or interest, or signs the application for approval, there must be furnished evidence of the authority of the attorney to execute the assignment or application, and the statement required by § 192.42 (e) (3).

* * * * *

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

3. Sections 200.4, 200.5, and 200.8 are amended and a new § 200.11 is added, to read:

§ 200.4 *Other regulations applicable; lease forms, applications, and offers.* Except as otherwise specifically provided in §§ 200.1 to 200.36, inclusive, the regulations prescribed under the mineral leasing laws, and contained in Parts 70, 71, and 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. All oil and gas leases, other than those issued under § 200.8, shall be issued on Form 4–1097. Separate applications or offers must be made for public lands and acquired lands.

§ 200.5 *Lease or permit applications, excepting noncompetitive oil and gas offers; supplemental information required; place of filing.* (a) In addition to the information required by the appropriate regulations, referred to in § 200.4, each application for a lease or permit, except noncompetitive oil and gas offers, must contain (1) a separate statement of the applicant's interests, direct and indirect, in leases or permits for similar mineral deposits, or in applications therefor, on federally owned acquired lands in the same State, identifying by serial number the records where such interests may be found, and (2) a complete and accurate description of the lands for which a lease or permit is desired. If the lands are surveyed according to the government's rectangular system, they should be described by legal subdivision, section, township and range, and if not so surveyed, by a metes and bounds description connected with a corner of the public land surveys by course and distance or described in a manner consistent with the description in the deed to the United States. The application should name the governmental agency having administrative control over the surface use of the land and identify the unit or project, if any, of which the land is a part. If practicable, the name of the person who conveyed the land to the United States, the date of the conveyance, and the place, liber, and page number of its official recordation should be given.

(b) All applications under this section shall be filed with the Bureau of Land Management, Washington 25, D. C.

§ 200.8 *Offer to lease and issuance of lease.* (a) To obtain a noncompetitive oil and gas lease, an offer to accept such a lease must be made on Form 4–1196, "Offer to Lease and Lease for Oil and Gas: Noncompetitive Acquired Lands Lease,"[1] or on unofficial copies of that form in current use, provided that the copies are exact reproductions on one page, size 8½ x 14 inches, of both sides of the official approved one page form, and are without additions, omissions, or other changes or advertising, except that the copies shall include the following statement above the signature of the offeror: "This form is submitted in lieu of official Form 4–1196 and contains all of the provisions thereof as of the date of filing of this offer." In addition, the name and address of the printer or other party issuing unofficial reproductions of the official form shall be printed thereon. Form 4–1196, or a valid reproduction of the official form, will also constitute the lease, when signed by the appropriate official of the Bureau of Land Management.

(b) Seven copies of Form 4–1196, or valid reproduction thereof, for each offer to lease shall be filed in the proper land office.[2] The offer must be filed on a form in effect at the date of filing. For the purpose of this part an offer will be considered filed when it is received in the proper office during business hours. If less than seven copies of an offer are filed, the offer will not be rejected, if not otherwise subject to rejection, until 30 days from filing have elapsed and if during that period the remaining copies are filed, the offeror's priority will date from the date of the first filing. If the additional copies are not filed within the 30 days, the offer will be rejected and returned and will afford no priority to the offeror. Should the additional copies be filed after the 30 day period but before the offer has been rejected, the

[1] Filed as part of the original document.

[2] Since there are no land offices in the following States, offers for lands or deposits in Nebraska and Kansas shall be filed in the Land and Survey Office, Cheyenne, Wyoming; those for North and South Dakota, in the Land Office, Billings, Montana; those for Oklahoma and Texas, with the Regional Administrator, Region V, Albuquerque, New Mexico; and those for all other States east of the States named above, shall be filed with the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

offeror will have a priority as of the later filing date.

(c) The offeror shall mark one of the copies first filed at the top with the word "original". If that is not done, the manager or other appropriate official of the Bureau of Land Management will so mark one copy. If there is any variation in the land descriptions among the seven copies, the copy marked "original" shall govern as to the lands covered by the lease. Each offer shall give the name of the governmental agency having administrative control over the surface use of the land and identify the unit of the project involved, if any, and shall be accompanied by either a certified copy of the deed as recorded conveying the land to the United States, or a certified copy of so much of that deed as pertains to the land described in the offer; by a certified copy of any instrument of record containing a provision affecting the oil and gas in the land; and by the certificate of the county recorder or other official having custody of the records of deeds, or the certificate of a duly licensed abstractor, either that no such instrument is shown on the records, or identifying by date and names of the parties such instruments as may be shown on the records and certifying that no other such instruments are shown on the records. If such information and evidence do not accompany the offer, it will not be rejected, if not otherwise subject to rejection, until 30 days from the date of filing has elapsed and if during that period such information and evidence are filed, the offeror's priority will date from the date of the filing of the offer. If such information and evidence are not filed within the 30 days, the offer will be rejected and returned and will afford no priority to the offeror. Should the information and evidence be filed after the 30 days but before the offer has been rejected, the offeror will have a priority as of the later filing date.

(d) Each offer must be filled in on a typewriter or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of a non-alien minor or minors but an offer may not be filed by a minor. Each offer must describe the lands by legal subdivision, section, township and range, and State, if the lands have been surveyed according to the government rectangular system, and if not so surveyed, by a metes and bounds description connected with a corner of the public land survey by course and distance or described in a manner consistent with the description in the deed to the United States. The offer must cover only lands entirely within a six mile square, and must be for an area of not more than 2,560 acres, except where the rule of approximation applies.

(1) In addition, an offer for government owned oil and gas deposits in land to which the act of September 6, 1950 (64 Stat. 769; 7 U. S. C., 1033), applies, must include and describe all of the land as it is described in the deed to the present owner to the extent that the government has an interest in such deposits and must not include any other land, even though held by the same owner. Such an offer must be accompanied by a statement from the County Supervisor or other local representative of the Farmers Home Administration or other agency of the Department of Agriculture, having jurisdiction over the land indicating that the land embraced in the offer is subject to the act of September 6, 1950, and is described in accordance with the deed to the present owner. When an offer for deposits in land subject to the act of September 6, 1950, is not accompanied by the above statement, or describes lands contrary to the above limitations, then if such statement or the amended or additional offers necessary to comply with the above requirements are received within 30 days from the filing of the original offer, the offeror's priority will date from the filing of the original offer. If such documents are filed after the expiration of the 30 days but before rejection of the original offer, the offeror's priority will date from the filing of such documents.

(2) If the United States does not own a 100 percent interest in the oil and gas in any particular tract, the offeror must give the percentage of government ownership and also the information required by § 200.7 (d). If the offer is for lands in which the government has only a future interest in the oil and gas, the offeror must file the additional showing required by § 200.7 (b) and execute the supplemental agreement required by § 200.7 (c).

(e) Each offer, when first filed, shall be accompanied by:

(1) A filing fee of $10 which will be retained as a service charge even though the offer should be rejected or withdrawn either in whole or in part.

(2) Full payment of the first year's rental based on the total acreage if known, and if not known, on the basis of 40 acres for each smallest legal subdivision, or on the computed acreage included within a metes and bounds description.

(3) Except in a case where an officer of a corporation signs an offer on behalf of the corporation (as to which see paragraph (f) (5) of this section), evidence of the authority of the attorney in fact or agent to sign the offer and lease, if the offer is signed by such attorney or agent on behalf of the offeror; and in addition, if such offeror is an individual, a statement over the offeror's signature setting forth the offeror's citizenship and whether the offeror's direct and indirect interests in oil and gas leases, applications, and offers therefor in the same State exceed 15,360 chargeable acres.

(4) If the offer is signed by an attorney in fact or agent, or if any attorney in fact or agent has been authorized to act on behalf of the offeror with respect to the offer or lease, separate statements over the signatures of the attorney in fact or agent and the offeror stating whether or not there is any agreement or understanding between them, or with any other person, either verbal or written by which the attorney in fact or agent or such other person has received, or is to receive, any interest in the lease when issued, including royalty interest or interest in an operating agreement under the lease giving full details of the agreement or understanding, if it is a verbal one; the statement must be accompanied by a copy of any such written agreement or understanding; and if such an agreement or understanding exists, the statement of the attorney in fact or agent should set forth the citizenship of the attorney in fact or the agent or other person and whether his direct and indirect interests in oil and gas leases, applications, and offers therefor in the same State exceed 15,360 acres. This requirement does not apply in cases in which the attorney in fact or agent is a member of an unincorporated association (including a partnership) or is an officer of a corporation and has an interest in the offer or the lease to be issued solely by reason of the fact that he is a member of the association or a stockholder in the corporation.

(5) If the offer is made by a guardian or trustee, a certified copy of the court order authorizing him to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; his statement as to the citizenship and holdings of each of the minors; and a similar statement as to his own citizenship and holdings under the leasing act, including his holdings for the benefit of other minors.

(6) If the offer is made by an association (including a partnership), it must be accompanied by a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(f) If the offeror is a corporation, the offer must be accompanied by:

(1) A certified copy of the articles of incorporation, or appropriate reference by land office serial number of the record of the Bureau in which such a copy already has been filed, with statement as to any subsequent amendments.

(2) A statement showing the percentage of each class of the corporation's stock, and the percentage of all of its stock, which is owned or controlled by or on behalf of persons whom the corporation knows to be, or who the corporation has reason to believe are, aliens or who have addresses outside of the United States, indicating which classes of stock have voting rights.

(3) A list of the names and addresses of aliens or stockholders living outside of the United States, if more than 10 percent of the voting stock, or of all of the stock, is owned or controlled by, or on behalf of such persons, the list to show the amount and class of stock held by each, and to the extent known to the corporation, or which can be reasonably ascertained by it, the facts as to the citizenship of each such person.

(4) A separate showing as to the citizenship and holdings of any stockholder owning or controlling at least 20 percent of the stock of the corporation.

(5) A copy either of the minutes of a meeting of the board of directors or of the bylaws indicating that the officer signing the offer to lease has authority to do so, or in lieu of such a copy, a certificate of the secretary or the assistant secretary of the corporation to that effect, over the corporate seal.

(g) An offer will be rejected and returned to the offeror, and it will confer no priority if it does not meet the requirements of the regulations in Parts 191, 192 of this chapter, and this part, and the instructions printed on the lease form, and is not accompanied by the payments and documents required by such regulations and instructions, except that where a corporation has previously filed in any land office any of the documents required by paragraph (f) of this section or an offeror has previously filed the information and title evidence required by paragraph (c) of this section, a reference to that file may be made in lieu of the document, information, and title evidence together with a statement as to any changes therein since they were filed. When an offer is rejected under this paragraph, the offeror will be given an opportunity to file a new offer within 30 days from the date of service of the rejection, and the fee and rental payments on the old offer will be applied to the new offer if the new offer shows the serial and receipt numbers of the old offer. The corrected offer will retain the same serial number, but the effective date of priority will be as of the date such new offer is received.

(h) An offer may not be withdrawn, either in whole or in part, unless the withdrawal is received by the land office before the lease, an amendment of the lease, Form 4–1163, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

(i) The United States will indicate its acceptance of the lease offer, in whole or in part, and the issuance of the lease by the signature of the appropriate officer thereof in the space provided. An executed copy of the lease will be mailed to the offeror at the address of record.

(j) If any of the land described in item 2 of the offer is open to oil and gas filing when the offer is filed but is omitted from the lease for any reason and thereafter becomes available for leasing to the offeror, the original lease will be amended to include the omitted land unless before the issuance of the amendment to Form 4–1196 the land office receives a withdrawal of the offer as to such land or an election to receive a separate lease in lieu of an amendment. Such election shall consist of a signed statement by the offeror asking for a separate lease accompanied by a new offer on Form 4–1196 describing the remaining lands in his original offer, executed pursuant to this section. The new offer will have the same priority as the old offer. It need not be accompanied by the filing fee. The rental payment held on the original offer will be applied to the new offer. The rental and the lease term for the land added by such an amendment shall be the same as if the land had been included in the original lease when it was issued. If a separate lease is issued, it will be dated in accordance with § 192.40a.

(k) A transfer of the whole interest in all or any part of the offer may be approved as an incident to the transfer, by assignment or otherwise, of the whole interest in all or any part of the lease. A transfer of an undivided fractional interest in the whole offer may be approved as an incident to the transfer of an undivided fractional interest in the whole lease. An application for approval of a transfer of an offer must include a statement that the transferee agrees to be bound by the offer to the extent that it is transferred and must be signed by the transferee. In other instances transfers of an offer will not be approved prior to the issuance of a lease for the lands or deposits covered by the said transfers.

(l) If an offeror dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed, and if probate has been completed, or is not required, to the heirs or devisees, provided there is filed in all cases an offer to lease in compliance with the requirements of this section which will be effective as of the effective date of the original application or lease offer filed by the deceased. If there are any minor heirs or devisees, such offer can only be made by their legal guardian or trustee in his name. Each such offer must be accompanied by the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person who as executor or administrator submits the offer and bond form, if a bond is required, has authority to act in that capacity and to sign the offer and bond forms.

(ii) A statement over the signature of each heir or devisee, similar to that required of an offeror under paragraph (e) (4) of this section concerning citizenship and holdings.

(iii) Evidence that the heirs or devisees are the heirs or devisees of the deceased offeror and are the only heirs of devisees of the deceased.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the offeror and the provisions of the law of the deceased's last domicile showing that no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to holdings and citizenship, similar to that required under paragraph (e) (4) of this section, except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

§ 200.11 *Pending applications; use of new Form 4–1196.* Applications filed prior to the effective date of the amended regulations in this part will be processed in accordance with the regulations in effect immediately prior to such date and leases will continue to be issued in such cases on Form 4–1097, except:

(a) An applicant may, without losing his priority, file Form 4–1196 for the land described in his application, pursuant to § 200.8, but without paying the required filing fee, if the filing fee has already been paid.

(b) Where required to do so, an applicant who has an application pending when the regulations in this part become effective must within 30 days from receipt of notice, file pursuant to the regulations Form 4–1196, without another filing fee if such fee has already been paid, covering the same land, and identify by office and serial number his pending application. Such refiling will retain the priority of the original application, if made within the 30-day period. The application of those who fail to refile within the 30 days will be closed without further notice upon the expiration of that period, unless prior to the rejection of the application and after the expiration of the 30 days a refiling is made, in which case the applicant's priority will date from the date of refiling.

(c) From the date of issuance of the amended regulations in this part until their effective date, Form 4–1196, or unofficial copies thereof, which are exact reproductions on one page of both sides of the official approved one page form, if available, may be filed instead of filing new applications under the prior regulations.

(Sec. 10, 61 Stat. 915, sec. 6, 64 Stat. 770; 30 U. S. C. Sup. 359, 7 U. S. C. Sup. 1038)

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 16, 1952.

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[Cir. No. 1822]

PART 244—RIGHTS-OF-WAY FOR CANALS, DITCHES, RESERVOIRS, WATER PIPE LINES, TELEPHONE AND TELEGRAPH LINES, TRAMROADS, ROADS AND HIGHWAYS, OIL AND GAS PIPE LINES, ETC.

EMERGENCY ACCESS PERMITS FOR SALVAGE OPERATIONS

Sec.
244.70 Statutory authority.
244.71 Statement of policy.
244.72 Definitions.
244.73 Nature of emergency access permit.
244.74 Filing of application.
244.75 Contents of application.
244.76 Reciprocal road use agreement; recordation.
244.77 Use by the United States and its licensees of rights received from a permittee.
244.78 Duration and location of rights granted or received by the United States.
244.79 Permittee's agreement with United States respecting compensation and adjustment of road use.
244.80 Agreements and arbitration between permittee and licensee respecting compensation payable by licensee to permittee for use of road.
244.81 Agreements and arbitration between permittee and licensee respecting adjustment of road use.
244.82 Arbitration procedure.
244.83 Payment required for Government timber.
244.84 Payment to the United States for road use.

Sec.
244.85 Bond in connection with existing roads.
244.86 Approval of permit.
244.87 Terms and conditions of permit.
244.88 Assignment of permit.
244.89 Causes for termination of permittee's rights.
244.90 Remedies for violation by licensee.
244.91 Disposition of property on termination of permit.
244.92 Appeals.

AUTHORITY: §§ 244.70 to 244.92 issued under 28 Stat. 635, 50 Stat. 874; 43 U. S. C. 956.

§ 244.70 *Statutory authority.* (a) The act of January 21, 1895 (28 Stat. 635, 43 U. S. C. 956), authorizes the Secretary of the Interior under such regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tram roads to the extent of 50 feet on each side of the center line of the tram road, by any citizen or association of citizens of the United States engaged in the business, among others, of cutting timber. The act of January 21, 1895, is made applicable to the revested Oregon and California railroad and the reconveyed Coos Bay wagon road grant lands by the acts of June 9, 1916 (39 Stat. 218) and February 26, 1919 (40 Stat. 1179), respectively.

(b) The act of August 28, 1937 (50 Stat. 874), provides for the conservation and the management of the said revested and reconveyed lands and authorizes the Secretary of the Interior to make rules and regulations in furtherance of such purposes.

§ 244.71 *Statement of policy.* (a) Timber lands of the United States administered by the Bureau of Land Management in western Oregon, western Washington and northwestern California and intermingled and adjacent timber lands in other ownerships during the course of the years 1950 and 1951 have been visited by wind storms of unusually high velocity which have caused extensive wind throw of standing timber. In addition, fires of unusual intensity and magnitude during the summer of the year 1951 burned through extensive acreages of standing timber in the area. The timber thus killed by wind and fire is subject to considerable deterioration with resulting loss of a valuable natural resource if not promptly salvaged. Moreover, such extensive areas of dead and damaged timber have already furnished Douglas fir beetles with breeding places sufficiently favorable to convert an endemic infestation to epidemic proportions, which results in further deterioration of damaged timber and provides a serious threat of loss and destruction to green timber presently unaffected by such infestations. All of the timber thus killed by wind, fire or insects creates conditions of high fire hazard. Reduction of such hazard, the elimination of the epidemic insect infestation, and the recovery of the resource values in the dead and damaged timber requires the immediate harvesting of the affected trees. This, in turn, necessitates ready opportunity for access to such affected timber. Therefore, in view of the extraordinary, immediate, emergency situation, short-term emergency access permits will be issued in accordance with the terms of §§ 244.70 to 244.92 to authorize use of lands of the United States administered by the Bureau of Land Management for the purpose of access to such timber salvage operations. Such permits will not authorize the use of such lands for the removal of other timber; long-term access to any timber controlled by an applicant, whether salvage or healthy, may be obtained over lands administered by Bureau pursuant to 43 CFR 115.154 et seq.; or 244.39 to 244.40.

(b) An emergency access permit will authorize access to conduct a salvage operation for a term of not more than one year, with additional time allowed for necessary road construction. No extension except as authorized pursuant to § 244.78, and no renewal of any such permit will be granted nor will more than one such permit be issued respecting any specific salvage operation.

§ 244.72 *Definitions.* Except as the context may otherwise indicate, as the terms are used in §§ 244.70 to 244.92:

(a) "Bureau" means Bureau of Land Management.

(b) "Regional Administrator" means the Regional Administrator, Region I (in the case of Oregon and Washington), or Region II (in the case of California), Bureau of Land Management, or his authorized representative.

(c) "District Forester" means a district forester of the Bureau who is stationed in western Oregon, western Washington or northwestern California.

(d) "Tramroads" means tramways and wagon or motor truck roads to be used in connection with logging and the manufacturing of lumber.

(e) "Salvage area" means any timber land in western Oregon, western Washington or northwestern California either (1) within the exterior boundary of an area burned by a forest fire where the resulting fire hazard has not been abated, or (2) containing merchantable windthrown trees, or (3) which contains standing trees killed by or dying from Douglas fir beetle infestation.

(f) "Salvage operation" means the removal of trees that, in the judgment of the Regional Administrator, are in a salvage area and subject to rapid deterioration because they have been killed or injured by some catastrophic natural cause such as wind, fire, disease or insect infestation, and of timber which, in the judgment of the Regional Administrator, is susceptible to insects. A salvage operation may include, in addition, the removal of healthy intermingled and adjacent trees, provided:

(1) Either the total volume of the trees to be removed does not exceed 100,000 board feet, or

(2) Such healthy trees are, in the judgment of the Regional Administrator, physically located so that their removal is required by normal logging practices, or their removal is economically necessary to make a minimum practical logging operation; for a salvage operation in which logs can be yarded with crawler type tractors, the volume of such healthy timber shall not exceed 35 percent of the total volume to be removed, and for a salvage operation in which logs must be yarded with donkey engine the volume of the healthy timber may not exceed 65 percent of the total volume to be removed.

(g) "Timber susceptible to insects" means healthy and drought weakened living trees most immediately adjacent to and not exceeding in number the currently critically infested trees which, in turn, are immediately adjacent to an area covered with trees which are dead or dying as the result of an attack by Douglas fir beetles.

(h) "Critically infested tree" means a tree infested with Douglas fir beetles to such an extent that such infestation may be reasonably expected to cause the death of such tree.

(i) "Emergency access permit" means a permit issued pursuant to §§ 244.70 to 244.92.

(j) "Management" means police protection, fire presuppression and suppression, inspection, cruising, reforesting, thinning, stand improvement, inventorying, surveying, construction and maintenance of improvements, disposal of land, the control of forest insects, pests and disease, and other activities of a similar nature.

(k) "Licensee" means with respect to any road or right-of-way, any person who is authorized to remove forest products derived from a salvage operation conducted on lands of the United States. A licensee is not an agent of the United States.

(l) "Direct control" of a road, right-of-way, or land, by an applicant for an emergency access permit, means that such applicant has authority to permit the United States and its licensees to use such road, right-of-way or land in accordance with §§ 244.70 to 244.92.

(m) "Indirect control" of a road, right-of-way, or land, by an applicant for an emergency access permit means that such road, right-of-way, or land is not directly controlled by him but is subject to use by him or by:

(1) A principal, disclosed or undisclosed, of the applicant; or

(2) A beneficiary of any trust or estate administered or established by the applicant; or

(3) Any person having or exercising the right to designate the immediate destination of the timber to be transported over the right-of-way for which application is made; or

(4) Any person who at any time has owned, or controlled the disposition of the timber to be transported over the right-of-way applied for, and during the 24 months preceding the filing of the application has disposed of such ownership or control to the applicant or his predecessor, under an agreement reserving or conferring upon the grantor the right to share directly or indirectly in the proceeds realized upon the grantee's disposal to third persons of the timber or products derived therefrom or the right to reacquire ownership or control of all or any part of the timber prior to the time when it undergoes its first mechanical alteration from the form of logs; or

(5) Any person who stands in such relation to the applicant that there is liable to be absence of arm's length bargaining in transactions between them relating to such road, rights-of-way, or lands.

§ 244.73 *Nature of emergency access permit.* (a) An emergency access permit does not constitute an easement and does not confer any right on the permittee to any material for construction or other purposes. An emergency access permit is merely a non-exclusive license to transport across lands of the United States administered by the Bureau of Land Management and specified in such emergency access permit, forest products derived from a specified salvage operation.

(b) An emergency access permit, when issued, is intended only to afford to the permittee access necessary for an immediate salvage operation in timber which is to be specifically described in such emergency access permit. Such an emergency access permit is not intended to afford access for the harvesting of timber other than that described in such permit. Its sole function is as an aid to conservation in the immediate removal of timber, of the type described in § 244.72 (f), which constitutes a present menace to healthy timber in the area. Such emergency access permit is not intended, therefore, to accomodate logging activities of a continuing nature. Where there is more than one salvage operation to be conducted on land tributary to the same road or same road system, an emergency access permit may be issued to embrace any one or more of such operations, or a separate emergency access permit may be issued for each such operation. But with respect to any single salvage operation, no more than one emergency access permit will be issued and no renewal or extension thereof will be granted except an extension for road construction purposes, pursuant to § 244.78: *Provided, however,* That if a permittee's access to a salvage operation is suspended by virtue of an award of arbitrators made pursuant to § 244.81, or pursuant to an agreement, approved by the Regional Administrator, with a licensee, the term of the permit shall be extended by adding thereto a period equal to the period of such suspension.

§ 244.74 *Filing of application.* An application for an emergency access permit must be submitted in duplicate on Form 4–1213 and filed in the office of the appropriate district forester. Application forms will be furnished by the Regional Administrator and the district foresters on request. No application will be received for filing subsequent to one year from the date when §§ 244.70 to 244.92 are published in the FEDERAL REGISTER.

§ 244.75 *Contents of application.* (a) An individual applicant and each member of any unincorporated association which is an applicant must state in the application whether he is a native born or a naturalized citizen of the United States. Naturalized citizens will be required to furnish evidence of naturalization pursuant to the provisions of Part 137 of this chapter.

(b) An application by an unincorporated association must disclose the names of all the members of such association.

(c) An application by a private corporation must include the statement of the president, vice president or secretary of such corporation that the corporation is authorized to transact business within the State involved.

(d) Where the application is for an emergency access permit across lands over any portion of which the applicant proposes to construct a road, the application must be accompanied by two copies of a sketch map showing the approximate route of the proposed road. The Regional Administrator, where he finds it to be in the public interest, may require an applicant to furnish a more accurate map showing the survey of the proposed road and the specifications to which the applicant proposes to construct such road.

(e) Where the application is for the use of an existing road, the applicant must furnish a map adequate to show the location of such road, together with a statement of the nature of any improvement he proposes to make on such road.

(f) Every application must also be accompanied by a diagram indicating the roads and rights-of-way which form an integral part of the road system with which the requested route of access will connect, the portion of such road systems which the applicant directly controls within the meaning of § 244.72 (k), the portions thereof which the applicant indirectly controls within the meaning of § 244.72 (l), and the portions thereof as to which the applicant has no control within the meaning of such sections. As to the portions over which the applicant has indirect or no control, he must furnish a statement showing, for the two years preceding the date of the filing of the application, the date and nature of any change in his control. The diagram shall also contain the name of the person whom the applicant believes directly controls any portion of such road system which the applicant does not directly control. The map must bear the certification of the applicant that the facts as to control as set forth in such map are true to the best of the applicant's information and belief.

§ 244.76 *Reciprocal road use agreement; recordation.* (a) Unless the regional administrator finds that use of the road system (including both existing roads and lands over which such roads are practically able to be extended, for authority to traverse any portion of which system the applicant seeks an emergency access permit) will not be convenient or economically necessary for access to and the removal of forest products from salvage operation on lands administered by the Bureau, the regional administrator, as an condition precedent to the issuance of such permit, shall require the applicant:

(1) As to such portions of such road system as are directly controlled by the applicant, to grant to the United States and its licensees rights of use; and

(2) As to such portions of such road system as are indirectly controlled by the applicant, either to obtain rights of use for the United States and its licensees or to make a showing satisfactory to the regional administrator that he has negotiated therefor in good faith and to waive to the United States, its licensees and permittees any exclusive or restrictive rights he might have to such portions of the road system as are indirectly controlled by him.

(b) Rights of use granted to the United States and its licensees under paragraph (a) of this section shall be for a period of time to be fixed pursuant to § 244.78 and for the purposes set forth in § 244.77. Where the United States or its licensees exercises such right of use, the permittee shall be entitled to receive compensation therefor to be fixed in accordance with the standards and procedures set forth in §§ 244.79 or 244.80 and 244.82.

(c) Where the regional administrator finds that no such rights will be needed by the United States for the conduct of salvage operations on its lands tributary to such road system, the regional administrator may issue an emergency access permit without requesting the applicant to grant any rights to the United States under this section.

(d) Any grant of rights to the United States made pursuant to this section unless modified under § 244.79, shall be executed on Form 4–1214, which shall constitute and form a part of any emergency access permit issued upon the application involved. The applicant shall record such grant in the office of land records of the county or counties in which the roads or lands subject to the agreement are located and submit to the regional administrator not later than 30 days after the issuance of the emergency access permit, a true copy of such agreement bearing the certificate of the appropriate county official as to such recordation. Failure either to cause such recordation or to furnish such certificate thereof in accordance with this paragraph shall void such emergency access permit.

§ 244.77 *Use by the United States and its licensees of rights received from a permittee.* The use by the United States and its licensees of any of the rights received from a permittee hereunder shall be limited to that which is necessary for management purposes, or to reach, by the most reasonably direct route, involving the shortest practicable use of the permittee's road system, a road or highway which is suitable for the transportation of forest products in the type and size of vehicle customarily used for such purposes and which is legally available for public use for ingress to and the removal of forest products from salvage operations on lands administered by the Bureau. However, the type and size of vehicle which may be used by the licensee on the permittee's road shall be governed by § 244.79 or § 244.81.

§ 244.78 *Duration and location of rights granted or received by the United States.* The rights granted by the United States under §§ 244.70 to 244.92, will be for a stated term of not to exceed one year for the transportation of forest products to be derived from a specified salvage operation plus not to exceed 3 months for such road construction as may be necessary: *Provided, however,*

That upon a permittee's showing, made prior to the expiration of the period, if any, allowed for such construction, that unusual weather conditions have delayed completion of such construction, a district forester may in his discretion extend the period for such construction for not to exceed a total of three additional months: *And provided further*, That if a permittee's access to a salvage operation is suspended by virtue of an award made by arbitrators pursuant to § 244.81 or pursuant to an agreement, approved by the regional administrator, with a licensee, the term of the permit shall be extended by adding thereto a period equal to the period of such suspension. Rights granted to the United States shall be for such term as will enable a licensee to commence during either the calendar year in which the permit is issued or during one of the two next succeeding calendar years a salvage operation on lands administered by the Bureau, and to complete such salvage operation in accordance with the provisions of such authorization; normally such a licensee will be allowed only one year to complete a salvage operation plus not to exceed three months for the construction of any necessary access roads. In any event, a grant made to the United States under § 244.76 shall finally expire not later than four years and six months after the date when such grant is made.

§ 244.79 *Permittee's agreement with United States respecting compensation and adjustment of road use.* (a) Where the United States receives rights over any road, right-of-way, or lands, controlled directly or indirectly by a permittee, the regional administrator will seek to arrive at an agreement with the permittee respecting any or all of such matters as the time, route, and specifications for the development of the road system in the area; a reasonable fee for use by a licensee for access to and the removal of forest products from salvage operations on lands administered by the Bureau; provisions for road maintenance; the use, in addition to the uses set forth in § 244.77, which the United States and its licensees may make of the road system involved; a formula for determining the proportionate capacity of the road system or portions thereof which shall be available to the United States and its licensees for the transportation of forest products derived from salvage operations conducted on lands administered by the Bureau; the amount and type of insurance to be carried, and the type of security to be furnished by licensees of the United States who use such road; and such other similar matters as the regional administrator may deem appropriate. To the extent necessary to fulfill the obligations of the United States under any such agreement, subsequent contracts for salvage operations on lands managed by the Bureau and tapped by such road system, will contain such provisions as may be necessary or appropriate to require such licensees to comply with the terms of the agreement.

(b) The provisions of §§ 244.80 and 244.81 shall not be applicable to any matters embraced in an agreement made pursuant to this section.

§ 244.80 *Agreements and arbitration between permittee and licensee respecting compensation payable by licensee to permittee for use of road.* (a) In the event the United States exercises the rights received from a permittee pursuant §§ 244.70 to 244.92 to license a person to remove forest products over any road, right-of-way, or lands of the permittee or of his successor in interest, to the extent that such matters are not covered by an agreement under § 244.79, such licensee will be required to pay the permittee or his successor in interest such compensation and to furnish him such security, and to carry such liability insurance as the permittee or his successor in interest and the licensee may agree upon. If the parties do not agree, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by § 244.82.

(b) During the pendency of such arbitration proceedings, the licensee shall be entitled to use the road, right-of-way or land involved upon payment, or tender thereof validly maintained, to the permittee of an amount to be determined by the regional administrator and the furnishing to the permittee of a corporate surety bond in an amount equal to the difference between the amount fixed by the regional administrator and the amount sought by the permittee. The licensee shall also, as a condition of use in such circumstances, maintain such liability insurance in such amounts covering any additional hazard and risk which may accrue by reason of the licensee's use of the road, as the regional administrator may prescribe.

(c) The arbitrators shall base their award as to the compensation to be paid by the licensee to the permittee or his successor in interest upon the amortization of the replacement costs for a road of the type involved, including in such replacement costs any extraordinary cost peculiar to the construction of the particular road involved and subtracting therefrom any capital investment made by the United States or its licensees in the particular road involved or in improvements thereto used by and useful to the permittee or his successor in interest plus a reasonable interest allowance on the resulting cost figure, taking into account the risk involved, plus costs of maintenance if furnished by the permittee or his successor, including costs of gates and gateman. In arriving at the amortization item, the arbitrators shall take into account the probable period of time, past and present, during which such road may be in existence, and the volume of timber which has been moved and the volume of timber, currently merchantable, which probably will be moved from all sources over such road. The arbitrators shall also take into account the extent to which the use which the licensee might otherwise economically make of the road system is limited by § 244.77. In addition, the arbitrators may fix the rate at which payments shall be made by the licensee during his use of the road. The arbitrators shall require the licensee to provide adequate bond, cash deposit, or other security to indemnify the permittee or his successor in interest against failure of the licensee to comply with the terms of the award and against damage to the road not incident to normal usage, and for any other reasonable purpose, and also to carry appropriate liability insurance covering any additional hazard and risks which may accrue by reason of the licensee's use of the road.

(d) Where improvements or additions are required to enable a licensee to use a road or right-of-way to remove timber or forest products, the cost of such improvements will be allowable to the licensee.

(e) The full value at current stumpage prices will be allocable against a licensee for all timber to be cut, removed, or destroyed by the licensee on a permittee's land in the construction or improvement of the road involved.

§ 244.81 *Agreements and arbitration between permittee and licensee respecting adjustment of road use.* (a) When the United States exercises the right received under §§ 244.70 to 244.92 to license any person to use a road of a permittee, the permittee or his successor in interest shall not unreasonably obstruct such licensee in such use. If there has been no agreement under § 244.79 covering such matters, the permittee shall have the right to prescribe reasonable operating regulations, to apply uniformly as between the permittee and such licensee, covering the use of such road for such matters as speed and load limits, scheduling of hauls during period of use by more than one timber operator, coordination of peak periods of use, and such other matters as are reasonably related to safe operations and protection of the road; if the capacity of such road should be inadequate to accommodate the use thereof which such licensee and permittee desire to make concurrently, they shall endeavor to adjust their respective uses by agreement.

(b) If the permittee and such licensee are unable to agree as to the reasonableness of such operating regulations or on the adjustment of their respective uses where the capacity of the road is inadequate to accommodate their concurrent use, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by § 244.82.

(c) The arbitrators may make such disposition of a dispute involving the reasonableness of such operating regulations as appears equitable to them, taking into account the capacity and the construction of the road and the volume of use to which it will be subjected. In the determination of a dispute arising out of the inadequacy of the capacity of a road to accommodate the concurrent use by a permittee and a licensee, the arbitrators may make such disposition thereof as appears equitable to them, taking into account, among other pertinent facts, the commitments of the permittee and the licensee with respect to the cutting and removal of the salvage timber involved; the extent to which each of the parties may practicably use his resources in the conduct of other salvage operations; the extent to which the timber to be salvaged constitutes a threat to healthy timber; the extent to which Federal timber has contributed to the amortization of the capital costs of such road; and the extent to which the United States or its licensees have enlarged the road capacity.

§ 244.82 *Arbitration procedure.* (a) As to arbitration proceedings relating to the terms or conditions of use of roads, rights-of-way or lands in Oregon:

(1) Within ten days after the delivery of a written request for arbitration under § 244.80 or § 244.81, each of the parties to the disagreement shall appoint an arbitrator and the two arbitrators thus appointed shall select a third arbitrator. If either party fails to appoint an arbitrator as provided herein, the other party may apply to a court of record of the State of Oregon for the appointment of such an arbitrator, as provided by the laws of such State. If within ten days of the appointment of the second of them, the original two arbitrators are unable to agree upon a third arbitrator who will accept the appointment, either party may petition such a court of record of the State of Oregon for the appointment of a third arbitrator. Should any vacancy occur by reason of the resignation, death or inability of one or more of the arbitrators to serve, the vacancy shall be filled according to the procedures applicable to the appointment of the arbitrator whose death, disability, or other inability to serve, created the vacancy.

(2) By mutual agreement, the parties may submit to a single arbitration proceeding controversies arising under both §§ 244.80 and 244.81.

(3) The arbitrators shall hear and determine the controversy and make, file, and serve their award in accordance with the substantive standards prescribed in §§ 244.80 and 244.81 for the type of controversy involved and in accordance with the procedures established by the laws of the State of Oregon pertaining to arbitration proceedings. A copy of the award shall also be served at the same time upon the regional administrator, either personally or by registered mail.

(4) Costs of the arbitration proceedings shall be assessed by the arbitrators against either or both of the parties, as may appear equitable to the arbitrators, taking into account the original contentions of the parties, the ultimate decision of the arbitrators and such other matters as may appear relevant to the arbitrators.

(b) Arbitration proceedings involving the terms or conditions of use of roads, rights-of-way or lands in California or Washington shall be in accordance with the respective State law, if any, is applicable. In the absence of applicable State law, controversies involving arbitration shall be arbitrated in accordance with the rules then obtaining of the American Arbitration Association.

§ 244.83 *Payment required for Government timber.* An applicant will be required to pay to the regional administrator, in advance of the issuance of the permit, the full stumpage value as determined by the regional administrator of the estimated volume of all timber to be cut, removed, or destroyed, in the construction or operation of the road on lands administered by the Bureau.

§ 244.84 *Payment to the United States for road use.* Where the permittee receives a right to use a road constructed or acquired by the United States, which is under the administrative jurisdiction of the Bureau of Land Management, he will be required to pay to the United States for the use thereof, except where he transports forest products purchased from the United States through the Bureau, a reasonable fee to be determined by the regional administrator: *Provided, however*, That this section shall not apply where payment for such road use to another permittee is required under §§ 244.70 to 244.92.

§ 244.85 *Bond in connection with existing roads.* An applicant for an emergency access permit to use an existing Government road which is under the administrative jurisdiction of the Bureau will be required, for the protection of such existing road, to execute a bond on Form 4–414 (a) in an amount to be determined by the regional administrator but in no event less than five hundred dollars ($500) per mile or fraction thereof, conditioned on compliance with §§ 244.70 to 244.92 and the terms and conditions of the permit.

§ 244.86 *Approval of permit.* Upon the applicant's compliance with the appropriate provisions of §§ 244.70 to 244.92 and if it is determined that the approval of the application will be in the public interest, the regional administrator may, in his discretion, issue an appropriate permit, upon Form 4–1213.

§ 244.87 *Terms and conditions of permit.* (a) As to all emergency access permits: Every permittee shall agree:

(1) To comply with the applicable regulations in effect as of the time when the permit is issued.

(2) Not to cut, remove, or destroy any timber not previously purchased on the right-of-way without having first obtained specific authority from the regional administrator and making payment therefor.

(3) To take adequate precaution to prevent and suppress forest, brush, and grass fires; to endeavor with all available personnel to suppress any fire originating on or threatening the right-of-way; to do no burning on or near the right-of-way without State permit during the seasons that permits are required but in any event to set no fire on or near the right-of-way that will result in damage to any natural resource or improvement.

(4) To submit to arbitration proceedings and to be bound by the resulting arbitral awards, pursuant to §§ 244.80 to 244.82.

(5) In the event that the United States acquires by purchase or eminent domain the land or any interest therein, over which there passes a road which the United States has acquired the right to use under § 244.76, to waive compensation for the value of the road, equivalent to the proportion that the amount the United States has contributed bears to the total actual cost of construction of the road. Such contribution shall include any investment in or amortization of the cost of such road, or both, as the case may be, made by the United States or a licensee either by way of direct expenditures upon such road, or by way of payment by the United States or a licensee to the permittee, or by way of allowance made by the United States to the permittee in any timber sales contract for such amortization or capital investment.

(6) To construct all roads and other improvements as described in the application for the permit, except as the regional administrator may authorize modification or abandonment of any such proposed construction.

(7) To use the permit and right-of-way afforded subject to all valid existing rights, to such additional rights-of-way as may be granted under §§ 244.70 to 244.92, to a reservation of rights-of-way for ditches and canals constructed under authority of the United States, and to a reservation of all fissionable source materials in accordance with the act of August 1, 1946 (60 Stat. 755).

(8) In the exercise of the rights granted by the permit, not to discriminate against any employee or applicant for employment because of race, creed, color or national origin, and to require an identical provision to be included in all subcontracts.

(9) Except as the regional administrator may otherwise permit or direct, to clean up and remove from the road and right-of-way within six months after the expiration or other termination of the permit, all debris, refuse, and waste material which may have resulted from his operations and use of said road; to repair all damage to said road resulting directly or indirectly from his use thereof; and to remove therefrom all structures, timbers, and other objects that may have been installed or placed thereon by him in connection with said operations or use: *Provided, however*, That the road and all usable road improvements shall be left in place.

(b) As to emergency access permits for the use of an existing road: In addition, every permittee to whom an emergency access permit is issued for the use of an existing road is required to agree:

(1) To maintain such a road in an adequate and satisfactory condition or to arrange therefor with the other users of the road. In the absence of satisfactory performance, the regional administrator may have such maintenance work performed as may be necessary in his judgment, determine the proportionate share allocable to each user, and collect the cost thereof from the parties or the sureties on the bonds furnished by said parties.

(2) Upon the expiration or other termination of his right to its use, to leave said road and right-of-way in at least as good a condition as existed prior to the commencement of his use.

§ 244.88 *Assignment of permit.* Any proposed assignment of an emergency access permit must be submitted in

duplicate, within 90 days after the date of its execution, to the Regional Administrator for approval, accompanied by the same showing and undertaking by the assignee as is required of an applicant by §§ 244.75 and 244.76; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the permit and the applicable regulations of the Department of the Interior in force as of the date of such approval of the assignment.

§ 244.89 *Causes for termination of permittee's rights.* (a) The regional administrator in his discretion may elect upon 30 days' notice to terminate any permit or right-of-way issued under §§ 244.70 to 244.92 if:

(1) In connection with the application made therefor, the applicant represented any material fact knowing the same to be false, or made such representation in reckless disregard of the truth; or

(2) A permittee, subsequent to the issuance of a permit or right-of-way to him, represents any material fact to the regional administrator, in accordance with any requirement of such permit or knowing such representation to be false, or make such representation in reckless disregard of the truth.

(b) The regional administrator, in his discretion may elect to terminate any permit issued under §§ 244.70 to 244.92, if the permittee shall fail to comply with any of the provisions of such regulations or make default in the performance or observation of any of the conditions of the permit, and such failure or default shall continue for 10 days after service of written notice thereof by the regional administrator.

(c) Notice of such termination shall be served personally or by registered mail upon the permittee, shall specify the misrepresentation, failure or default involved, and shall be final, subject, however, to the permittee's right of appeal.

(d) Termination of the permit and of the right-of-way under this section shall not operate to terminate any right granted to the United States pursuant to §§ 244.70 to 244.92, nor shall it affect the right of the permittee, after the termination of his permit and right-of-way to receive compensation and to establish road operating rules with respect to roads controlled by him which the United States has the right to use and to permit its licensees to use; nor shall it relieve the permittee of his duty under §§ 244.70 to 244.92 to submit to and be bound by arbitration pursuant to §§ 244.79 to 244.81.

§ 244.90 *Remedies for violations by licensee.* (a) No licensee of the United States will be authorized to use the roads of a permittee except under the terms of a timber sale contract which will require the licensee to comply with all the applicable provisions of §§ 244.70 to 244.92, and any agreements or awards made pursuant thereto. If a licensee fails to comply with the regulations, agreements, or awards, the regional administrator will take such action as may be appropriate under the provisions of the timber sale contract.

(b) A permittee who believes that a licensee is violating the provisions of such a timber sale contract pertaining to use of the permittee's roads, rights-of-way, or lands, may petition the regional administrator, setting forth the grounds for his belief, to take such action against the licensee as may be appropriate under the contract. In such event the permittee shall be bound by the decision of the regional administrator subject, however, to a right of appeal pursuant to § 244.92 and subject, further, to the general provisions of law respecting review of administrative determinations. In the alternative a permittee who believes that a licensee has violated the terms of the timber sale contract respecting the use of the permittee's roads may proceed against the licensees in any court of competent jurisdiction to obtain such relief as may be appropriate in the premises.

§ 244.91 *Disposition of property on termination of permit.* Upon the expiration or other termination of the permittee's rights, in the absence of an agreement to the contrary, the permittee will be allowed six months in which to remove or otherwise dispose of all property or improvements, other than the road and usable improvements to the road, placed by him on the right-of-way, but if not removed within this period, all such property and improvements shall become the property of the United States.

§ 244.92 *Appeals.* An appeal, pursuant to the rules of practice, Part 221, of this chapter, may be taken from any final decision of the regional administrator, to the Director, Bureau of Land Management, and, from the latter's decision to the Secretary of the Interior.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 16, 1952.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F. R. Doc. 52-6735; Filed, June 19, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 905]

[Docket No. AO-209-A4]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Oklahoma City, Oklahoma, on March 3-4, 1952, pursuant to notice thereof which was issued on February 26, 1952, (17 F. R. 1689).

A decision was issued March 18, 1952 (17 F. R. 2440) with respect to certain issues raised at the hearing. Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, filed his recommended decision with respect to the remaining issues and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 30, 1952 (17 F. R. 4951).

The material issues, findings, and conclusions, and general findings of the recommended decision (F. R. Doc 52-5998) are hereby adopted as if set forth in full herein.

Ruling on exceptions. In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of April 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth in the amending order set forth below is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered. That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the order set forth below which will be published with this decision.

This decision filed at Washington, D. C., 17th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order [1] Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 905.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.70 during the months of April, May, and June and plus $1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	110
February	December-January	114
March	January-February	118
April	February-March	130
May	March-April	134
June	April-May	137
July	May-June	132
August	June-July	131
September	July-August	127
October	August-September	116
November	September-October	108
December	October-November	107

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July, and August; 2 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend § 905.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.52 (a) both for the current month, and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b), both for the previous month; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Order of the Secretary Directing That a Referendum be Conducted Among the Producers Supplying Milk to the Oklahoma City, Oklahoma, Marketing Area; Determination of a Representative Period; and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area), who, during the month of April 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of an order, amending the order, which is filed simultaneously herewith.

The month of April 1952 is hereby determined to be the representative period for the conduct of such referendum.

Kenneth M. Foil is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for conducting of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

[F. R. Doc. 52-6776, Filed, June 19, 1952; 8:57 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 951]

[Docket No. AO 235-A3]

HANDLING OF TOKAY GRAPES GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lodi, California, beginning on March 31, 1952, after notice thereof published in the FEDERAL REGISTER (17 F. R. 1606, 2133), on proposed amendments to Marketing Agreement No. 93, as amended (hereinafter referred to as the "marketing agreement"), and Order No. 51, as amended (7 CFR Part 951; 16 F. R. 9353, 10016), hereinafter referred to as the "order", regulating the handling of

Tokay grapes grown in the State of California, to be made effective pursuant to the provisions of the agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

On the basis of the evidence introduced at the hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 22, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 52-5894; 17 F. R. 4855, 5043). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision (F. R. Doc. 52-5894; 17 F. R. 4855, 5043) are, except as hereafter otherwise provided, approved, adopted, and incorporated herein as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein. As indicated in the recommended decision, the area of production will be contracted to include, instead of the State of California, only San Joaquin County (comprising the Lodi District) and Sacramento County (comprising the Florin District). In view of the continuing differences in the production and marketing of Tokay grapes grown in these counties, there will be applicable to the newly defined production area the different terms and provisions in the present regulatory program that give due recognition to such differences. For example, there will continue to be applicable the provisions with respect to different grade and size limitations governing shipments of Tokay grapes produced in such counties. Therefore, paragraph (c) of the general findings included in said recommended decision is revised to read as follows:

(c) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the Tokay grapes covered thereby.

Amendments to the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in the State of California," and "Order Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 17th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Amending the Order, as Amended, Regulating the Handling of Tokay Grapes Grown in the State of California

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure, as amended, effective thereunder (7 CFR part 900), a public hearing was held at Lodi, California, beginning on March 31, 1952, upon proposed amendments to the marketing agreement, as amended, and Order No. 51, effective August 20, 1940, as amended (7 CFR Part 951; 16 F. R. 9353, 10016), regulating the handling of Tokay grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California in the same manner as, and are applicable to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the grapes covered thereby;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any sub-division of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 951.4 *Grapes* and insert, in lieu thereof, the following:

§ 951.4 *Grapes.* "Grapes" means all strains of Tokay grapes grown in the production area.

2. Delete § 951.7 *Handle* and insert, in lieu thereof, the following:

§ 951.7 *Handle.* "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, or in any other way to place grapes in the current of commerce between any point within the production area and any point outside thereof. The term "handle" also means to deliver grapes to a refrigerated storage warehouse for storage purposes either within the production area or outside thereof. The term "handle" shall not include the sale of grapes on the vine or the transportation of grapes from a vineyard, or a packing shed within the production area, to a packing shed within the production area.

3. Delete § 951.11 *District* and insert, in lieu thereof, the following:

§ 951.11 *District.* "District" means the applicable one of the following described subdivisions of the production area:

(a) "Lodi District" means the County of San Joaquin in the State of California, and shall be divided into the following Election Districts: (1) "Acampo Election District" means the school district of Houston; (2) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (3) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (4) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (5) "Alpine Election District" means the school districts of Alpine and Lodi; (6) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts. The boundaries of the foregoing school districts shall be those in effect on October 1, 1947.

(b) "Florin District" means the County of Sacramento in the State of California.

4. Add after § 951.11 a new definition as follows:

§ 951.12 *Production area.* "Production area" means the Counties of San Joaquin and Sacramento in the State of California.

5. Delete the words "State of California" appearing in § 951.32 (l) and insert, in lieu thereof, the words "production area."

6. Delete paragraphs (a), (b), (c), and (d) of § 951.40 *Shippers' Advisory Committee* and insert, in lieu thereof, the following:

(a) A Shippers' Advisory Committee, consisting of seven members who are individual persons selected by the handlers in accordance with the provisions of this subpart, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) Six members and six alternate members of the Shippers' Advisory Committee shall be elected by the handlers at a general meeting of all handlers, at which each handler shall have one vote for each member position and each alternate member position for which he is eligible to vote. Three of such members shall be elected by, and from among, the five largest handlers (determined on the basis of the quantity of grapes shipped by the respective handler during the preceding season), or the employees or representatives of such handlers. Three alternate members for such members shall also be elected by such handlers. Three members and their alternates shall be elected by all other handlers. The seventh member of such committee and his alternate shall be elected jointly by the members of the Industry Committee and the other six members of the Shippers' Advisory Committee. The provisions of this paragraph shall first become effective for the election of members of the Shippers' Advisory Committee who are to serve during the season beginning April 1, 1953.

(c) Any individual person, other than a member or an alternate member of the Industry Committee, shall be eligible for membership on the Shippers' Advisory Committee.

(d) The initial meeting of handlers, at which members of the Shippers' Advisory Committee are to be elected, shall be called and conducted by the Secretary or his agent as soon as possible after the selection of initial members of the Industry Committee. Each handler who desires to vote at the said meeting for the election of members of such committee shall file with the Secretary or his agent an affidavit stating his shipments of grapes during the preceding season. Election meetings held subsequent to the initial meeting shall be called and conducted each season by the Industry Committee as much in advance of the shipping season as is practical; and each handler who desires to vote thereat shall file, with the Industry Committee, a statement of his shipments of grapes during the season immediately preceding the season during which such meeting is held.

7. Delete § 951.52 *Exemptions* and insert, in lieu thereof, the following:

§ 951.52 *Exemptions.* (a) The Industry Committee shall, subject to the approval of the Secretary, adopt such procedural rules as are necessary to govern the issuance of exemption certificates under paragraph (b) of this section.

(b) In the event the Secretary issues a regulation pursuant to § 951.51, the Industry Committee shall issue an exemption certificate to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped in fresh fruit channels from a particular vineyard a percentage of his crop of grapes equal to (1) the average percentage of grapes produced in and so shipped from his district during the preceding three seasons or (2) the average percentage of grapes produced in and so shipped from such vineyard during the preceding three seasons, whichever percentage is the greater. The certificate shall permit such grower to ship, or have shipped, in fresh fruit channels, a percentage of his crop of grapes from such vineyard equal to such greater percentage. In computing the aforesaid quantities that were shipped during the preceding three seasons, there shall be omitted the aggregate quantities of grapes shipped under exemption certificates.

(c) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information with respect thereto as the Secretary may request.

8. Delete paragraph (j) of § 951.60 *Definitions* and insert, in lieu thereof, the following:

§ 951.60 *Definition.* • • •

(j) "Handle" is synonymous with "ship" and means to transport by railroad, or to prepare for transportation by railroad (which shall include, but not be limited to, packaging and precooling) or to load in a conveyance for delivery to assembly points or to transport to assembly points, for transportation by railroad, in the current of commerce between any point within the State of California and any point outside thereof within the continental limits of North America.

9. Delete § 951.87 *Grapes for charitable purposes* and insert, in lieu thereof, the following:

§ 951.87 *Grapes not subject to regulation.* (a) Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to ship:

(1) Grapes in any quantity for consumption by a charitable institution;

(2) Grapes in any quantity for distribution for relief purposes;

(3) Grapes in any quantity for distribution by a relief agency;

(4) Grapes in commercial quantities for commercial conversion into by-products, including wine and juice;

(5) Grapes not in excess of such quantity as may be established by the Industry Committee, with the approval of the Secretary, as the minimum quantity below which shipments may be made without limitation; or

(6) Grapes in such types of shipments as may be established by the Industry Committee, with the approval of the Secretary, as the types of shipments which may be made without limitation.

(b) No assessment shall be levied on any grapes not subject to regulation under paragraph (a) of this section. The Industry Committee may, with the approval of the Secretary, prescribe such rules and regulations as it may deem necessary to prevent grapes so shipped from entering commercial fresh fruit channels of trade contrary to, or in violation of, this subpart.

Order Directing that Referendum be Conducted Destination of Agents To Conduct Referendum and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1951, and ending March 31, 1952, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of California, in the production of Tokay grapes for market, to ascertain whether such producers favor the issuance of an order amending Order No. 51, as amended, effective August 20, 1940, regulating the handling of Tokay grapes grown in the State of California; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Sec-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met. When this order becomes effective, the part heading thereof that will appear in Title 7 of the Code of Federal Regulations will be "Part 951—Tokay Grapes Grown in San Joaquin and Sacramento Counties in the State of California" instead of "Part 951—Tokay Grapes Grown in California."

retary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 51, as amended, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., at the offices of the Field Representatives, Fruit and Vegetable Branch, Production and Marketing Administration, Room 302, 701 "K" Street, Sacramento, California, or 333 Fell Street, San Francisco, California, or at the office of the Tokay Industry Committee, Lodi, California. Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at said offices of the Field Representatives, or from any referendum agent or appointee.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

[F. R. Doc. 52-6778; Filed, June 19, 1952; 8:57 a. m.]

[7 CFR Part 956]

[Docket Nos. AO 235, AO 235 RO1]

HANDLING OF MILK IN SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was conducted at Sioux Falls, South Dakota, on August 27–30, 1951 pursuant to notice thereof which was issued on August 8, 1951 (16 F. R. 7941) upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration on May 26, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on January 1, 1952 (17 F. R. 34).

Pursuant to notice issued on March 4, 1952 (17 F. R. 2020) the hearing was reopened at Sioux Falls, South Dakota, on March 24, 1952 to receive further evidence on all issues previously considered, and more particularly, with respect to the findings and conclusions contained in the recommended decision of the Assistant Administrator, Production and Marketing Administration, issued December 26, 1951.

Upon the basis of the evidence introduced at the aforesaid hearings and the records thereof, the Acting Assistant Administrator, Production and Marketing Administration, on May 13, 1952, filed with the Hearing Clerk, United States Department of Agriculture a further recommended decision and opportunity to file exceptions thereto which was published in the FEDERAL REGISTER on May 16, 1952 (17 F. R. 4498).

Exceptions to the recommended decisions were filed on behalf of the majority of handlers in the marketing area. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided herein are at variance with the exceptions such exceptions are overruled.

The major issues developed at the hearing were concerned with:

(1) Whether the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate foreign commerce in milk or its products;

(2) Whether the issuance of an order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) The scope of the regulation,
(b) The classification of milk,
(c) Transfers of milk between plants,
(d) Class prices,
(e) Payments to producers,
(f) The administrative assessment, and
(g) Other administrative provisions.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (17 F. R. 4498) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area", and "Order Regulating the Handling of Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area

§ 956.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, supps., 900.1 et seq.), a public hearing was held at Sioux Falls, South Dakota, on August 27–30, 1951, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Such hearing was reopened on March 24, 1952 upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly as his pro rata share of such expense, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, by each handler who operates an approved plant with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such delivery period which is classified as Class I, and by each handler who operates an unapproved plant with respect to all milk disposed of by him as Class I milk within the marketing area.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 956.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 956.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 956.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 956.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 956.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 956.6 *Sioux Falls-Mitchell, South Dakota, marketing area.* "Sioux Falls-Mitchell, South Dakota, marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell, all in the State of South Dakota.

§ 956.7 *Approved plant.* "Approved plant" means a milk plant or other facilities which operate under a permit issued by the health authorities of Mitchell, or Sioux Falls, South Dakota, and which are under regular inspection by these local health authorities, and which are used in the preparation or processing of producer milk any part of which is sold or disposed of in the marketing area as Class I milk.

§ 956.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing or bottling plant other than an approved plant.

§ 956.9 *Handler.* "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s).

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant, or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

§ 956.10 *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to an unapproved plant for the account of a handler. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted.

§ 956.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other than a producer-handler, which is received by a handler either directly from producers or from other handlers.

§ 956.12 *Other source milk.* "Other source milk" means all skim milk and butterfat which is received by a handler other than that contained in producer milk.

§ 956.13 *Producer-handler.* "Producer-handler" means any person who produces milk which he distributes on wholesale or retail routes within the marketing area and who receives no milk from other producers: *Provided,* That the market administrator has determined that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

§ 956.14 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this subpart is in effect.

MARKET ADMINISTRATOR

§ 956.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 956.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 956.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 956.72 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 956.30, or (2) payments pursuant to §§ 956.65, 956.69, and 956.71;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to § 956.50 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to § 956.50 (b) for the preceding delivery period; and

(2) On or before the 8th day of each delivery period, the uniform price computed pursuant to § 956.61 and the butterfat differential computed pursuant to § 956.66, both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

§ 956.30 *Delivery period reports of receipts and utilization.* (a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk (ex-

cept nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) On or before the 6th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his total disposition within the marketing area of Class I milk from such plant.

§ 956.31 *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

§ 956.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 956.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of butterfat and skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

§ 956.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 956.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to § 956.30 (a) shall be classified by the market administrator pursuant to §§ 956.41 to 956.45, inclusive.

§ 956.41 *Classes of utilization.* Subject to the conditions set forth in §§ 956.43 and 956.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section Class II shall be (1) all skim milk which is dumped or disposed of as livestock feed: *Provided*, That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk, and (2) all skim milk and butterfat (i) used to produce any milk product not specified in paragraph (a) of this section, (ii) in actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, (iii) in actual shrinkage of other source milk, and (iv) in inventory variations.

(c) *Class IIA.* Class IIA shall be all skim milk and butterfat which, during both inclusive, is used to produce butter, American cheddar cheese, casein, animal feed or nonfat dry milk solids, and skim milk which is dumped: *Provided*, That the handler shall notify the market administrator in advance of his intention to dump such skim milk.

§ 956.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 956.43 *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided*, That, if the transferring handler, on or before the 6th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, or Class IIA such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk pursuant to § 956.46: *Provided further*, That, if other source milk has been received at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted from an approved plant to an unapproved plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(c) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II or Class IIA: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I: *Provided further*, That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Classes II and IIA is less than the amount stated to have been used, any amount in excess of such Class II use or Class IIA shall be classified as Class I.

(d) Skim milk or butterfat when transferred or diverted from an approved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

§ 956.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 956.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 956.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to § 956.30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

§ 956.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 956.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk determined pursuant to § 956.41 (b) (2) (ii);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I. If any skim milk has been classified as Class II A, skim milk in other source milk shall be allocated to such Class II A use prior to allocation to other Class II use.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 956.43(a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production;

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk reported as having been received from producers; an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II: *Provided*, That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 956.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 956.65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section for the previous delivery period plus $1.25.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding $25.00 to the price computed pursuant to paragraph (b) (2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class II A milk.* (1) The price per hundredweight for Class II A milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section minus 25 cents.

(2) The price per hundredweight for butterfat in Class II A milk shall be computed by: (i) Determining the percentage that the price computed pursuant to § 956.50 (b) (i) is of the price computed pursuant to § 956.50 (b) (1), (ii) multiplying such percentage by 25 cents, (iii) subtracting the resulting figure from the price computed pursuant to § 956.50 (b) (i), and (iv) multiplying by 100.

(3) The price per hundredweight for skim milk in Class II A shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

§ 956.51 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 956.60 *Computation of the value of milk.* (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to § 956.46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 956.46, during the months of February through July, both inclusive, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

§ 956.61 *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 956.60 for all handlers who filed reports pursuant to § 956.30 and who made the payments required pursuant to §§ 956.65 and 956.69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 956.66, and multiplying the result-

ing amount by the total hundredweight of milk included in these computations;

(c) Subtract during each of the delivery periods of May, June and July an amount equal to 8 percent of the resulting sum;

(d) Add during each of the delivery periods of September, October and November one-third of the total amount subtracted pursuant to paragraph (c) of this section;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 956.62 *Notification of handlers.* On or before the 9th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 956.46 and 956.60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 956.61;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 956.65 and 956.71; and

(e) The amount to be paid by such handler pursuant to § 956.72.

PAYMENTS

§ 956.65 *Time and method of payments.* Each handler shall make payment for milk as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 956.61, subject to the butterfat differential computed pursuant to § 956.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section.

§ 956.66 *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 956.65, shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

§ 956.67 *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 956.65 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 956.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 956.69 and 956.71 and out of which he shall make all payments to handlers pursuant to §§ 956.70 and 956.71: *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 956.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 956.60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to § 956.65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 956.60 (b).

§ 956.70 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 956.65 is greater than the total value computed for him pursuant to § 956.60.

§ 956.71 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to §§ 956.69 and 956.70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 956.70 the market administrator shall, within 5 days, make such payment to such handler.

§ 956.72 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 956.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 956.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 956.81.

§ 956.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 956.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 956.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 956.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 956.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Order Directing That a Referendum be Conducted Among Producers: Determination of a Representative Period; and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area which is filed simultaneously herewith) who, during the month of March 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of March 1952 is hereby determined to be a representative period for the conduct of such referendum. Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 17th day of June 1952.

[F. R. Doc. 52-6777. Filed, June 19, 1952; 8:57 a. m.]

[7 CFR Part 985]

[Docket No. AO-240]

HANDLING OF MILK IN MUSKEGON, MICH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Muskegon, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the proposed order were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Michigan Milk Producers' Association on behalf of the Muskegon Milk Producers' Association and was held at Muskegon, Michigan, January 21–25, 1952, pursuant to notice thereof which was issued on January 5, 1952 (17 F. R. 161).

The material issues of record related to:

(1) Whether the handling of milk in the Muskegon, Michigan, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

(2) Whether the issuance of a marketing order for the Muskegon, Michigan, marketing area will tend to effectuate the declared policy of the act;

(3) The extent of the marketing area;

(4) What milk should be priced under an order;

(5) The classification of milk and milk products;

(6) The determination and level of class prices;

(7) The method of distributing payments to producers; and

(8) Administrative provisions.

Findings and conclusions. Upon the basis of evidence adduced at the hearing and on the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* The handling of milk produced for the Muskegon, Michigan, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk and its products. Substantial interstate movement occurs with respect to milk and the milk products produced therefrom in the supply area for the Muskegon fluid milk market. Producers supplying milk to distributors in the Muskegon marketing area have their farms intermingled with those of dairy farmers who ship to milk plants which regularly supply Detroit. The Detroit supply area, in turn, includes regular shippers located in Indiana and Ohio.

Also intermingled with the producers who supply this Muskegon fluid milk market are a large number of producers who are shipping milk to milk plants at which evaporated milk, butter, cheese, sweet cream, and dried milk and skim milk products are manufactured for sale throughout the United States. In fact it is common practice during the season of flush milk production for farmers to deliver directly to manufacturing plants a part or all of their milk approved for fluid consumption.

The flow of milk into the Muskegon fluid market is affected by the relationship of that market's prices to the prices paid by competing fluid markets and by the manufacturing milk plants. Price relationships which interrupt or interfere

with the distribution of milk in this region to the fluid and manufacturing markets in accordance with the relative value of milk for such outlets tend to burden, obstruct, and affect interstate commerce in milk and its products.

The excess milk over and above fluid requirements for the Muskegon market is normally transferred to plants which manufacture butter, evaporated milk, and nonfat dry milk solids for sale in interstate markets. This excess milk represents principally the necessary reserve of milk to meet fluctuation in daily and seasonal supplies and requirements. In 1951 the reserve milk transferred to manufacturing plants amounted to 17 percent of total receipts from producers.

Prices paid for milk by the fluid market, if out of line with prices paid by manufacturing plants, tend to increase or reduce this quantity of milk which is produced under the sanitary requirements of the fluid market but must be utilized in manufactured products. Therefore, the prices paid producers supplying the fluid market must be maintained in reasonable alignment with prices paid to manufacturing producers. It is also necessary to prevent unfair competitive pricing of the fluid milk market's surplus which is transferred to manufacturing plants at a price lower than the price offered by manufacturing plants to their regular producers.

There is also direct interstate movement of pasteurized, bottled milk from the marketing area. Lake vessels docking at both Muskegon and Grand Haven are supplied with milk by dealers in the respective cities. These vessels travel to ports in Illinois, Wisconsin, and Ohio.

(2) *Need for regulation.* Marketing conditions in the Muskegon area indicate that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the act with respect to milk produced for the Muskegon fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be assured for the Muskegon marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality.

These conditions do not now exist. A cooperative association of producers supplies all the milk used by dealers whose plants are located in Muskegon and Muskegon Heights and to one whose plant is located in a nearby village. The association sells milk on a class use basis whereby each of the distributors pays the same price for milk used in each of four specified classes. The association pools the sales returns, and each producer is paid the uniform price, subject only to variations in butterfat content and in seasonality of production.

A diversity of milk purchase plans is in effect at other plants in the area. One of the Grand Haven distributors testified that he purchased milk from producers on a "plant requirements" basis. He pays an announced price on all milk used at the plant, the bulk of such milk being bottled for sale as fluid milk and cream and smaller quantities being used in ice cream or for the manufacture of cottage cheese and similar products. Milk which this distributor cannot utilize in his plant is disposed of to milk manufacturing plants, and producers are paid the net utilization value of such milk. This distributor commonly depends upon purchases of supplemental milk in the fall season of low production and in the July and August resort season of peak sales. He does not pay producers in accordance with seasonality of production. Another handler in the area testified that he also purchased on a plant requirement basis but bought only negligible quantities of supplemental milk.

A further variety of milk purchasing plans is provided by dealers operating plants outside the marketing area but from which some milk is sold in the area. Testimony based upon a comparison of producers' settlement statements showed that producers were paid at an announced price on varying percentages of their short-season deliveries, that this percentage may be changed without prior notice to the producer, and that neither the settlement statement nor any other communication from the distributor enabled producers to determine precisely on what basis they were being paid for milk.

These variations in price plans and in net prices paid to producers reflect different raw material costs to the various dealers who are selling milk in the marketing area. A condition of unequal costs among the dealers may cause them to attempt to economize by reducing prices to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interests of producers and over a period of time may jeopardize an adequate supply of milk. Alternatively, some handlers may attempt to achieve equality by reducing the quantity of their purchases of milk in order to obtain the highest possible proportion of the higher valued uses of milk. This reaction, however, may result in intermittent shortages of supply for the market.

If producers receive widely varying prices for their milk, they tend to shift around milk dealers and to shift in and out of the market. Such shifts may become sufficiently frequent as to jeopardize a dependable supply of pure and wholesome milk.

A marketing agreement and order program is needed to establish and maintain orderly marketing conditions throughout the marketing area. The auditing of the utilization of all milk received by handlers, the checking of butterfat tests and weights of all producer milk, and the publication of complete supply and use data for the market will aid in this objective by assuring producers that they will receive a proper accounting for their milk and by providing full information on market developments.

(3) *Marketing area.* The marketing area should be defined to include all of the territory within the outer boundaries of the cities of Muskegon and Grand Haven and the densely populated areas surrounding these cities. This may be accomplished by defining the marketing area to include all of the territory within the boundaries of Muskegon County and five townships in Ottawa County.

Producers who are members of the cooperative association which is the proponent of the order supply milk to the distributors serving customers in all portions of this area. The farms of these producing members are intermingled with those of nonmembers serving the other distributors in the area. Moreover there is direct competition between dealers whose plants are located in each locality within the marketing area and dealers whose plants are located at one or more other points within the area.

Health regulations are substantially similar throughout the area. The regulations of the State of Michigan provide a uniform minimum standard and these standards are modified only by somewhat more rigid requirements in a few localities. Several of these local health regulations have recently been revised to a point where there is now substantially complete acceptance in all portions of the marketing area of milk eligible for fluid use in any locality within the area.

The Muskegon marketing area has been defined on the basis of these interrelationships of supply and distribution. The area so defined is a continuous homogeneous area within which distributors should be charged the same price for milk used in a given class and producers be paid a uniform price.

One of the dealers whose plant is located in Grand Haven and a group of producers supplying that dealer contended that the territory served by this dealer should be excluded from the marketing area. However, much of his distributive business covers territory which is also served by handlers whose plants are located in Muskegon County. The handler's proposal that all the townships in Ottawa County be excluded disregards the fact that one Muskegon County handler has been serving the Spring Lake area, right up to the outskirts of Grand Haven, for over 20 years and that his routes have been extended into Grand Haven since health regulations were revised to permit such extension. The closeness of inter-dealer competition between Grand Haven and Muskegon is indicated by the fact that retail and wholesale prices in the two markets are usually identical.

Similarly, producers supplying a dealer whose plant is located in Whitehall and who distributes milk in that village, in Montague, and in two or three surrounding townships proposed that this area be excluded. Again, however, the intercompetition, both on the supply side and in distribution, between this plant and other plants in the marketing area prohibit the exclusion of this territory.

Producers proposed that eight townships in Newaygo County be included in the marketing area. Testimony revealed that there is some distribution of milk in these townships from plants located in Muskegon County but that this represents a recent development. No data or reliable estimates were available to show the comparative volumes of milk served by such handlers as compared with sales by local handlers or

from plants located outside the proposed area. Producers also proposed the inclusion of six towns in Oceana County. There was, however, no evidence that distributors from this territory are actively competing with handlers in the marketing area. Further, the handlers located in the marketing area do not regularly distribute milk in Oceana County, their interest being confined to the furnishing of comparatively small quantities of supplemental milk. Testimony revealed that no fluid milk plants are located in Robinson Township of Ottawa County. Since the distributors who are supplying milk to this township will be regulated by virtue of distribution in other portions of the marketing area, there is no need to include Robinson Township. In the circumstances, the townships in Oceana and Newaygo Counties and Robinson Township in Ottawa County have been omitted from the marketing area.

(4) *Milk to be priced.* The milk to be regulated by the order should be that which is regularly delivered to plants from which milk is distributed in the marketing area. To be eligible for such distribution milk must be produced, processed, and distributed in conformity with applicable health regulations, but such compliance need not be specified in the order. The milk to be priced and pooled under the order should be that which constitutes the regular source of supply for the marketing area. This supply may be delineated by providing appropriate definitions of the terms "handler", "producer", and "pool plant".

A "handler" should be defined as any person who operates a plant from which fluid milk products are disposed of for fluid consumption directly to consumers in the marketing area. Such a definition is designed to include all persons whom it is necessary to regulate under the order to accomplish the purposes of the act. The definition should include also any cooperative association with respect to that milk for which the cooperative assumes the responsibility for obligations under the order, as in the case of surplus milk diverted for the account of the cooperative.

A few milk plants located outside the marketing area dispose of some milk on routes extending into the area. If the amount of such milk is not large, its sale has little or no effect on the marketing of milk in the area. Application of order pricing and payment provisions to these distributors would entail effort and expense without contributing significantly to orderly marketing in the area. At the hearing it was proposed that handlers operating bottling plants outside the marketing area and disposing of not more than an average of 600 pounds of Class I milk per day on such routes be exempt from all except the reporting and auditing provisions of the order. Several handlers suggested lower limits on such exemption, ranging down to 200 pounds per day. However, since the definition includes sales on routes partly within the marketing area as well as those wholly within the area, it is concluded that such exemption should be established at 600 pounds per day.

The term "producer" should be defined in order to identify those dairy farmers who are the producers of the regular supply of fluid milk and cream for the market, and to whom the minimum prices specified in the order should be paid. Determination of producer status should be made on the basis of delivery of milk from the producer's farm to a pool plant as hereinafter defined.

The producer definition should allow a handler occasionally to divert the milk of some producers to nonpool plants if the handler reports the milk as producer receipts at his pool plant. This provision will facilitate interplant movements of milk for the purpose of adjusting to short-time variations in supply and requirements without depriving the farmers producing the milk of their status as producers.

The determination of pool plant status is the essential part of the determination of which dairy farmers are to be included in the market-wide pool. Therefore, specific requirements for pool plants are needed to define the supply which is generally regarded as a part of the fluid market.

Since the supply area for the Muskegon market overlaps the supply areas of other fluid markets and the manufacturing milk production area, the pool plant definition should include a requirement that a substantial portion of the milk received at the plant be disposed of as fluid products in the marketing area. This requirement is intended to provide for including in the pool all of the plants which have significant fluid milk and cream sales in the marketing area. Fluid milk plants which primarily serve markets outside the marketing area but make a few sales inside the area, and plants which are primarily manufacturing milk plants would be excluded. Such plants cannot be regarded as a part of the Muskegon fluid milk and cream market.

The order proponents originally suggested a requirement that 10 percent of the receipts from dairy farmers be disposed of in the marketing area directly to consumers. At the hearing they proposed that the requirement be raised to 20 percent. However, no specific data were available in support of such change. It appears that this pool plant requirement should be kept at the lower level until the more complete data which will result from operation of the order reveal whether or not the lower limit results in instability of marketing conditions.

A definition of "other source" milk is included to distinguish it from the regular milk supply for the fluid market which is priced under the order. The principal category of other source milk consists of that sold in the marketing area from plants which do not have a sufficient proportion of in-area sales to qualify as pool plants. Prices paid for such milk may differ substantially from those paid to producers at pool plants. The order does not regulate the prices to be paid to dairy farmers by operators of these plants having a major proportion of their sales outside the Muskegon marketing area and they remain free to compete for milk supplies without regard to the order. However, on the quantities of milk sold by such operators within the marketing area, there must be assurance that the cost of milk is at least equal to the prices paid to producers by operators of pool plants. The order provides for compensatory payments on such sales at a rate equal to the difference between the Class I and Class II prices. This rate provides a wholly objective, uniform rate which will assure that payments on in-area sales from non-pool plants are at least equal to the order prices.

(5) *Classification of milk.* Milk should be classified in two classes reflecting the principal differences in the value and in the quality of milk required for different uses. Class I should include all skim and butterfat disposed of for consumption as milk, skim milk or cream for fluid consumption, flavored milk, plant loss of producer milk in excess of 2 percent, and skim milk and butterfat not accounted for in Class II utilization. Class II should include skim milk and butterfat used to produce ice cream or ice cream mix, dried whole milk, nonfat dry milk solids, whole or skimmed evaporated or condensed milk, sweetened or unsweetened, in bulk or in hermatically sealed cans, butter, or cheese (including cottage cheese), or in plant loss of producer milk not in excess of 2 per cent and all plant loss of other source milk, and all skim milk dumped or disposed of as livestock feed.

Representatives of health departments in the two major cities of the marketing area testified that milk sold for fluid consumption and that used to produce skim milk, flavored milk, or cream sold for fluid consumption must be produced and handled in compliance with the same sanitation standards. These standards are substantially uniform in both of the cities.

Handlers proposed that a separate class be established for fluid cream for the purpose of pricing it at a lower level than fluid milk and other Class I products. This follows the past custom in the market of pricing whole milk used to make cream at a lower price. The problem is different, however, where the skim milk and butterfat used in each product in each class are accounted for separately. Under this system the butterfat differential is the major factor in determining the cost of cream. The handler butterfat differential provided by the order for Class I milk is somewhat lower than that proposed by the producers at the current prices of butter. As a result, even though a separate class is not established for cream, its cost to handlers will be no higher than the prices they proposed.

The producers' proposal that milk which is dumped or disposed of for livestock feed be considered as Class II should be modified to apply only to skim milk so utilized. Butterfat in the form of cream is much more valuable in relation to its bulk than skim milk and there should be no necessity for emergency disposition of this component.

With the exception of the cream classification and the classification of milk dumped or fed to livestock there

was no opposition to the proposed classification provisions.

Since some handlers combine operations which utilize other source milk in the same plants as those which handle producer milk for the fluid market, it is necessary to provide a method for allocating such other source milk to the classes of utilization. Since producer milk is the milk which is regularly available for fluid consumption in the marketing area, the method of allocation provides that producer milk shall be allocated to Class I to the extent that such use is available.

Producers proposed that actual plant loss, but not to exceed 2 percent of producer milk received, be allowed in the lowest price class, any in excess of this amount to be in Class I. With plant operation of average efficiency, losses normally should not exceed 2 percent. Unlimited allocation of plant loss to Class II would place a premium on unaccounted-for milk and encourage incomplete records of Class I utilization. Any plant losses of producer milk in excess of 2 percent should, therefore, be included in Class I. The standard provisions for prorating loss between producer and other source milk, and allowing for loss on diverted producer milk at the plant where actually received, should also be included in the order.

Provision is made for classification of milk transferred between pool plants and between pool plants and non-pool plants. In the case of transfers between pool plants, transfer is permitted in any agreed class in which the transferee plant has utilization in an amount equal to or greater than the amount so transferred, after allocating any other source milk, since under a market-wide pool the classification of milk transferred between pool plants may represent any agreed producer milk use without affecting the payment to producers. Both handlers are required to report the transferred milk in the agreed classification; otherwise milk and cream transfers are classified as Class I.

In the case of transfers from a pool plant to a non-pool plant, a requirement that producer milk be allocated to the higher value uses in the transferee plant might make it difficult for pool plant operators to dispose of surplus milk. It is concluded that transfers from a pool plant to a non-pool plant in the form of milk, skim milk or cream should be in Class I, but that such transfers may be classified as Class II if so reported by the pool plant operator and if the transferee or another plant to which the product may be moved by the transferee has an equivalent use in Class II and keeps books and records which make it possible for the market administrator to verify such use.

(6) Class prices. Since the Muskegon fluid milk market supply is obtained from a region in which large quantities of milk are delivered to plants which manufacture various milk products, it is necessary that the price for the fluid market be closely related to the level of prices being paid at competing manufacturing plants. There are some differences from time to time between the prices paid at plants manufacturing different products. Therefore, the Class I price should be related to that particular manufacturing milk price which represents the best outlet for manufacturing milk at any particular time. The method of accomplishing this has been to relate the Class I price to a series of basic formula prices which represent different kinds of manufacturing milk prices. A differential should be added to the highest of the prices determined by 4 separate alternate price formulas to determine the Class I price for each month.

(a) Basic formula prices. The basic formula price to be used in determining the Class I price should be the higher of the prices paid at 18 Midwestern condenseries, a formula based on market prices of butter and non-fat dry milk solids which measures the value of milk to be used for the manufacture of these products, a formula based principally on cheese prices which will measure the value of milk used in cheesemaking, and prices paid by three dairy manufacturing plants located in Michigan. The first three of these basic formula prices measure the value of milk used in each of the 3 major manufactured dairy products, all of which are marketed nationally. The prices paid at the Michigan plants will reflect local manufacturing firms whenever these are in excess of the national averages.

Use of the highest formula prices as the basic formula price would base the Class I price on the most favorable manufacturing use for milk in each month. In an area where all important dairy products are manufactured, fluid milk markets must compete for milk with plants making the highest valued products. The Class I price should therefore be based on the formula representing the highest value of milk for manufacturing.

These basic prices are the ones proposed by the proponents with the exception of the cheese formula. Testimony at the hearing indicated that the proposed butter-cheese formula was originally designed to utilize the market prices of butter and cheese as a measure of the value of milk purchased by condenseries. It was further brought out that the formula did not reflect current proportionate marketings of cheese and butter. The formula included in the order measures only the value of milk for cheese making. Over the past four year period the prices resulting from this formula correlate extremely closely with prices paid for milk by cheese factories in Wisconsin. The formula utilizes yields of 8.53 pounds of cheese and 0.902 pound of butter per 100 pounds of milk and a 33.4-cent "make allowance."

The cheese prices used in the formula are those reported by the Dairy and Poultry Market News Service of the USDA in cooperation with the Wisconsin State Department of Markets. They have the advantage over prices derived from activities on the Wisconsin Cheese Exchange of representing a much larger and more uniform volume of transactions, of being based on actual transfers of cheese from factories to buyers, and of being reported daily.

(b) Class I price. The Class I price should be determined by adding $1.10 to the basic formula price.

Producers proposed that a Class I price differential of $1.20 be added to the basic formula price each month. Although records of milk prices, production, and sales for the entire marketing area are not available, satisfactory records are available for milk supplied to plants in Muskegon and vicinity and these account for the great bulk of sales in the entire marketing area. Over the 3-year period, 1949 through 1951, the Class I prices which would have prevailed under the order would have averaged $4.28 per hundredweight as compared with an actual average price of $4.37 per hundred pounds which applied to the milk sold for fluid uses during the same period. In the fall months, October, November, and December, of 1948, 87 percent of the milk supplied by producers was utilized for fluid purposes, indicating sufficient milk for the market but no significant oversupply. However, during the 12-month period October 1948 through September 1949, fluid milk prices in the market averaged 49 cents above those which would have prevailed under the order. Milk supplies increased markedly, and in the fall of 1949 only 77 percent of producer receipts were utilized for fluid purposes. This trend was reversed in 1950. During the 12 months preceding October of that year, market prices for fluid milk averaged 3 cents above the Class I prices which would have prevailed under the order. Producer receipts increased somewhat during this period but there was a greater increase in sales, and 89 percent of producer milk was used for fluid milk purposes during the fall months. A somewhat similar trend continued in 1951. During the period October 1950 through September 1951 prices in the market averaged 2 cents more than they would have under the order and 91 percent of producer milk was utilized for fluid purposes during October–December 1951.

The average of the prices which would have resulted had the order herein recommended been in effect during the period 1948 through 1951 would have been very close to the average of the prices which actually were paid during this period. However, the movement of these two price series was significantly different and it appears that the order would have provided much more timely adjustments to actual conditions. In early 1949 the order would have provided a much more rapid downward readjustment of fluid milk prices and this readjustment would have tended to avoid the oversupply of milk in late 1949. On the other hand the more rapid upward adjustment which would have occurred in early 1951 would have encouraged additional supplies during the remainder of that year and might have alleviated the moderate shortages which developed in August and November. A Class I price differential of $1.10 is also indicated as the appropriate relationship between prices in Muskegon and in Detroit at points where the supply areas for these two markets overlap. The maximum location adjustment under the Detroit order is 21 cents per hundredweight of milk, and applies to plants located 97 miles or more from the City Hall. However, there is a substantially

longer haul from the territory where the milksheds overlap to points 97 miles from Detroit than to plants in Muskegon. Accordingly, the Class I price differential provided for Muskegon is 25 cents lower than in Detroit.

The producers proposed that the Class I price differential be made subject to a "supply-demand" adjustment. Such adjustments are included in several other Federal order markets, including Detroit. Their general purpose is to increase the Class I price when supplies are short in the market and to reduce prices whenever oversupplies are developing.

In a comparatively small, well-integrated market such as is represented by Muskegon there appears to be a minimum of need for a supply-demand adjustment. Past history in this market indicates that the handlers and the producers' association have experienced no undue difficulty in attracting new producers to meet expanding requirements for milk in the area. It is true that the supply area for Muskegon meets the outer edge of the Detroit procurement area. However, it does not appear that this will result in an undue shift of producers between the two markets as a result of any price differences which may result from the operation of the supply-demand adjustment in Detroit. If experience with the operation of an order in Muskegon demonstrates the need for a supply-demand adjustment, one can appropriately be considered by amendment of the order. Experience under an order will also provide more complete data on class use and on producer receipts for the entire marketing area.

(c) Class II price. The Class II price should reflect the value of milk for general manufacturing uses in the Muskegon milkshed. An appropriate price for this use is the higher of the average of the prices paid by three local dairy manufacturing plants and a price determined by a formula based on the market prices of butter and skim powder. The average of the prices paid by three Michigan dairy manufacturing plants, as recommended for use as an alternate basic formula price, will normally reflect the value of milk in the Muskegon area which is not used for fluid consumption as milk or cream. The three plants selected are so located that their production areas include most of the Muskegon milkshed. They manufacture evaporated milk, dry whole milk and skim milk, cottage cheese and sweet cream. They are not operated or controlled by persons who will be handlers under the order. Two of these plants are included in the 18 midwest plants used in determining the basic formula price in most Federal milk marketing orders and recommended for such use herein.

It is possible, however, that due to the limited number of plants which it is practical to use, and the limited area represented, that prices paid by these plants may be lower at times than the market prices of manufactured dairy products would justify. As a safeguard against temporary depressed prices in the local area, an alternate Class II price based on the market prices of butter and nonfat dry milk solids should be provided. A formula used in many milk markets under Federal regulation for pricing milk for manufacturing uses was proposed. This formula determines butterfat values at the average price of 92-score butter at Chicago plus 20 percent, and skim milk values at the average price of spray and roller process nonfat dry milk solids at Chicago area plants, converted to skim milk equivalent by use of a yield factor of 8.2 pounds of powder per hundredweight of whole milk. From the sum of the butterfat and skim values a manufacturing and marketing margin of 62.6 cents is deducted. Use of this formula price as an alternate Class II price would insure a price related to values of manufactured dairy products during any periods when the price paid by the particular local plants selected might be abnormally low for any reason.

(d) Method of accounting for milk. The classification and allocation of producer milk should be on a skim milk and butterfat basis. Because of the wide variation in the butterfat test of the various products, it is probable that the skim milk from producer milk will frequently be utilized in a different class than the butterfat from the same milk. Classification of skim milk and butterfat separately is necessary to accomplish complete classification according to use. It is also necessary to allocate producer skim milk and butterfat separately in order to give both skim milk and butterfat in producer milk preference over other source milk in the higher value uses. A continuation of the whole milk system of pricing is desirable. Class prices should be expressed as hundredweight prices, and the price for each class should be adjusted to the actual butterfat test of the class by use of the butterfat differentials set forth below.

(e) Handler butterfat differentials. The butterfat differentials to be paid by handlers for each one-tenth of one per cent that the butterfat content of producer milk utilized in Class I is above or below 3.5 per cent should be computed by multiplying the price of 92-score butter at Chicago by 1.25 and dividing the result by 10. The multiplier for Class II milk should be 1.15.

The Class I butterfat differential proposed by producers was 2 cents over the producer butterfat differential. This would have resulted in a differential of 9 cents when butter prices range from 60 to 65 cents, with a one-half cent increase or decrease for each 5-cent change in butter prices. Within the 60–61 cent range the rate therefore, would average 1.44 times the butter price while the changes above or below the 60 to 65-cent range of butter prices would be the rate of 1.00. No evidence was offered in support of such an extreme variation in differential rates and it appears preferable to have the differential move at a constant rate for any level of butter prices. It also appears that the butterfat differential ought not be as high as those proposed by producers. One consideration is that there have been no handler differentials in this market; only the producer differential as has been applicable and this has been at a rate ranging from 116.7 to 107.9 at butter prices ranging from 60 to 64.9 cents and gradually decreasing as the butter price increases. The somewhat lower differential included in the order also recognizes the fact that fluid cream is included in Class I and is in line with previous costs of whole milk purchased by handlers for separation into fluid cream and skim milk.

The Class II butterfat differential proposed by producers was based on the proportionate values of butterfat and skim milk reflected in the butter-powder basic formula price. The order differential of 1.15 is at essentially the same level as the producer proposal but follows the same procedure for computing butterfat differentials as is included in the vast majority of Federal milk marketing orders.

(7) Payments to producers—(a) Type of pool. Market-wide pooling of all proceeds of producer milk was proposed by the producer representatives. Marketing conditions require the payment of a uniform price to all producers representing the value of all market utilization to compensate all producers fairly for their contribution to the market supply. Some distributors buy as closely as possible to their needs and carry little or no surplus in the high production months. A cooperative handles the spring surplus production of its members and supplies several distributors with milk as needed. Producers supplying these various handler plants contribute equally to making available a year-around supply of milk but would receive widely varying returns under an individual handler pool method of payment.

Handlers are required to make payments for all producer milk received at the uniform base price for base milk and the excess price for excess milk, as explained below, either to producers directly or to a cooperative association for milk delivered by member producers. In the case of producers for whom a cooperative acts as marketing agent, payment may be made to the producer or to the cooperative, as agreed between the cooperative and the handler.

(b) Base-excess plan. A "base plan" for returning the proceeds of milk sales to producers in a way which will encourage more uniform seasonal production is provided. Milk is to be paid for on the basis of deliveries during the August–December period.

A base plan has been in use in the Muskegon market for several years, and a proposal was made to incorporate a base plan in the order in substantially the form now in use by the proponents. The effect of the base plan in encouraging more even production is shown by records of daily average deliveries per farm. In the Muskegon area deliveries in the highest month of 1948, the earliest year for which data were submitted, were 172 percent of the lowest month and in 1949 deliveries in the month of highest deliveries were only 135 percent of deliveries in the lowest month.

Fundamentally, the plan provides that each producer will receive the manufacturing milk price for milk delivered each month in excess of a daily average amount, the producer's "base", which base is the daily average of shipments of

the producer for the period of August through December of the previous year, the "base period." For milk deliveries not in excess of base, a "base price" is paid which is computed by dividing total market base milk deliveries into the remaining returns for all producer milk marketed during the month after deducting the value of the milk in excess of base. Each producer's base for the 12 months starting each February 1 is his average daily deliveries for a minimum of 122 days during the August 1–December 1 period of the preceding year.

The proponent cooperative proposed that a new producer entering the market or a producer electing to give up his base, be paid for a certain percentage of his milk during each of the first three full months of delivery at the base price and the remainder at the excess price. These percentages would be fixed for each month at a somewhat lower percentage of base and higher percentage of excess than the normal market average of all producers for the month. The average daily amount of milk paid for as base milk over the three-month period would determine the producer's daily base until a new base is established. The percentages proposed reflect the seasonal production pattern of new producers as determined from market experience. The low spring percentages are necessary if producers are to be given the option of establishing a new base in order to prevent producers having a wide seasonal variation from receiving higher payments than justified by establishing two bases each year. Also, producers are not encouraged to enter the market in the months when there is an oversupply of milk. The recommended percentages of milk deliveries to be paid for at the base price, 75 percent for January and February, 70 percent for March, 60 percent for April and July and 40 percent for May and June, are appropriate for making payments in these months to new producers and to producers who elect to establish new bases. Payments during the base period, however, should be at the market blend price. Base should be established on deliveries during the base period at 80 percent of deliveries. This would give old shippers the option of establishing a new base on 100 percent of daily average deliveries in the 5 months of August through December or establishing a short-time base at 80 percent of deliveries in any 3 months, such short-time base to apply for the entire year following the next February 1.

In the Muskegon market the months of lowest production in relation to fluid milk sales are normally October, November, December and January. The base period proposed includes August and September which are usually months of more plentiful supply than are January and February, and does not include January. These months appear to have been selected to offset the lag in production responses which require the stimulus to fall and winter production to become effective some months in advance of the period of shortest production in relation to market needs. A base period extending through January and February would tend to result in higher production in the spring months of oversupply. It is concluded that the proposed base-forming period should be adopted and that deliveries for only 122 days during the period be required. This would allow a producer starting delivery not later than September 1 to establish a base on 100 percent of deliveries for 4 months, and for limited lapses in delivery during the period by those who ship for 5 months.

A proposal that bases be reduced by the difference between the average base period deliveries and 90 percent of the previous base was the result of long experience in the market which has shown that such an adjustment eliminates most cases of inequity and dissatisfaction because of reductions in base due to accident, disease, weather, feed quality and other conditions more or less beyond the control of the producer.

A period of one month is allowed following the end of the base period to compute new bases. Every producer (except those who have been on the market less than 3 months) receives a new base on February 1 computed as the average of daily deliveries during the base forming months, or 80 percent of average daily deliveries in 3 months.

It is provided that all milk be considered as base milk and be paid for at a uniform price until bases have been established by deliveries during the first base period after the order becomes effective. This, of course, would not prevent a cooperative from repooling the returns for milk of its members and making payments on such base and excess plan as it may elect.

Rules have been provided for the handling of bases under certain circumstances. It is provided that any producer who fails to deliver milk to a handler for 45 consecutive days shall lose his base.

(c) Producer butterfat differential. The butterfat differential to be paid producers for each one-tenth of one percent that the butterfat content of the milk they deliver during the month is above or below 3.5 percent should be computed by multiplying the price of 92-score butter at Chicago by 1.15 and dividing the result by 10. It appears that this butterfat differential will result in a supply of producer milk of satisfactory butterfat test for the needs in the market.

This differential is at essentially the same rate as that proposed by producers. Their proposal called for a differential of 7 cents in butter prices ranging from 60 to 65 cents, with a one-half cent increase or decrease in the differential for each 5 cents change in butter prices. The base rate of their proposed differential is 1.12 times the butter price and changes are at the rate of 1.00.

(8) Administrative provisions.—(a) Administrative assessments. The act provides that the costs of administering a milk marketing order shall be financed by assessments on handlers subject to the order. An assessment of 4 cents per hundredweight of milk received from producers was proposed for this purpose.

As the order was originally proposed, there would have been only negligible quantities of other source milk sold for fluid purposes in the marketing area and the assessment could have been confined to producer milk. However, milk sold by handlers who have significant sales in the area but less than the 10 percent required for pool plant status will be considered as other source milk. The market administrator will necessarily audit their records and check the products sold by such handlers to the same extent as for the pool plants which receive milk from producers as defined under the order. In fact, he will probably incur more expense in proportion to the volume of milk sold in the area.

It is concluded that the administrative assessment of 4 cents per hundredweight of milk should apply to other source milk sold as Class I in the marketing area as well as to milk received from producers.

(b) Market services. To verify payments to producers at required rates, it is necessary to determine that butterfat tests and weights are accurate. To promote orderly marketing and encourage the production of an adequate supply of milk of satisfactory quality, it is necessary to furnish information regarding the market to individual producers. The cost of these market services should be paid by the producers who receive the benefits. Cooperative associations may be performing these services for members. It is provided, therefore, that in making payments to producers who are members of cooperatives determined by the Secretary to be performing such services, handlers shall be required to deduct from payments to producers and pay to the cooperative such amounts as are authorized by the members of the cooperative. In the case of producers who are not receiving such services from their cooperative, the service should be performed by the market administrator with funds provided by a deduction from payments to such producers. It is provided, therefore, that a deduction of 7 cents per hundredweight be made from payments to producers not receiving market services from a cooperative of which they are members and paid to the market administrator to be used for performing such services, and that this rate of 7 cents may be lowered by the Secretary if experience proves a lesser amount to be sufficient.

(c) Other administrative provisions. The other provisions cover administrative procedures necessary to carry out the pricing and payment requirements of the order, and for the liquidation of accounts in the event of suspension or termination of the order. Appointment of a market administrator is provided for and his powers and duties are prescribed. The computations to be made by the market administrator in determining class prices, the uniform price and the base price are set forth. A producer-equalization account is provided and the method of determining payments due to and from this account outlined so that each handler's payments to or receipts from this account together with his payments to producers or cooperatives for milk will equal the value of his producer milk at the class prices. Handlers are required to permit verification by audit of all utilization of milk and milk products. Handlers are required to preserve all necessary records

to show receipts, utilization and payments for a period of 3 years. This is considered long enough to allow for all necessary verification and at the same time not burden handlers with an unreasonable volume of old records. Records involved in any litigation, however, must be retained until released by the market administrator.

The termination of any obligation of a handler regarding any payment required by the order or of the market administrator to pay any handler is provided at the end of the 2 years. Exceptions in the case of handler obligations are made in cases of notification of the obligation by the market administrator, failure or refusal of a handler to submit records, or transactions involving fraud or willful concealment of facts. A definite date for terminating obligations prevents the filing of claims which might extend back many years and involve substantial amounts. The resulting uncertainty could cause serious inequities and endanger the stability of the market. Handlers cannot always be forewarned as to contingent liabilities and it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. It is concluded that in general a period of 2 years is a reasonable time in which the market administrator should complete his audits and render billings for money due under the order.

Payments to producers have customarily been made on the 15th of the month following that in which the milk was received. It is considered desirable to continue this practice, as a shorter time is impractical considering the necessary reports and computations to be made. On the other hand, producers should not be required to wait longer than 15 days when payment can be made within that time. Dates specified for announcement of class prices, submission of handler reports, announcement of uniform prices and equalization fund obligations are so set as to permit payments to producers by the 15th of the following month.

(9) Other provisions. Producers are deprived of the use of money rightfully belonging to them if a handler refuses to pay an obligation when due. It is provided therefore that an added charge of one-half percent per month be added to overdue accounts which will compensate producers for being deprived of money due them and also remove the advantage which would accrue to a handler if he could delay payments and have the use of money due to producers at no cost.

To avoid the application of two or more Federal orders to the handling of the same milk, it is provided that if the Secretary determines that a larger proportion of Class I milk is marketed under the pricing and payment provisions of any other Federal milk marketing order, it shall be exempt from all except the reporting and auditing provisions of this order.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of a producer cooperative association, certain other producers, and milk distributors in the area. The briefs contained statements of facts, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistant with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following order is recommended as the appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order:

DEFINITIONS

§ 985.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 985.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States, authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 985.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 985.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 985.5 *Muskegon, Michigan, marketing area.* "Muskegon, Michigan, marketing area" referred to in this subpart as the "marketing area" means all territory, including incorporated municipalities, within Muskegon County and within the outer boundaries of the following townships of Ottawa County, in the State of Michigan:

Chester.	Polkton.
Crockery.	Spring Lake.
Grand Haven.	

§ 985.6 *Pool plant.* "Pool plant" means a plant (except a plant receiving milk from dairy farmers whose payments for milk are subject to the provisions of another Federal milk marketing agreement or order and which is exempted pursuant to § 985.101) at which milk is received directly from dairy farmers and from which during the month an amount of milk equal to 10 percent or more of the total milk received from dairy farmers at such plant is disposed of in the marketing area as Class I products other than to another pool plant.

§ 985.7 *Handler.* "Handler" means:

(a) A person who operates a plant in which milk is pasteurized or packaged and from which Class I milk is disposed of in the marketing area.

(b) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a non-handler for the account of the association.

§ 985.8 *Producer.* "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, or to any other plant by diversion from a pool plant for the account of a handler.

§ 985.9 *Producer-handler.* "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers or from a cooperative association.

§ 985.10 *Other source milk.* "Other source milk" means all skim milk and butterfat in any form received at a handler's plant other than from producers or from a pool plant.

§ 985.11 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State, which the Secretary determines:

(a) Is qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has fully authority in the sale of milk of its members; and

(c) Is engaged in making collective sales or marketing milk or its products for its members.

§ 985.12 *Base.* "Base" means a quantity of milk, expressed in pounds per day, determined for each producer as provided in § 985.70.

§ 985.13 *Base milk.* "Base milk" means milk delivered by a producer each month which is not in excess of his base multiplied by the number of days on which milk is delivered during the month, and all milk delivered by a producer prior to February 1, 1953.

§ 985.14 *Excess milk.* "Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 985.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 985.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions;

(d) To recommend amendments to the Secretary.

§ 985.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 985.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 985.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this subpart, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 985.30 and § 985.31, or (2) payments pursuant to § 985.80 and § 985.83;

(g) Calculate a base for each producer in accordance with § 985.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(j) Publicly announce the prices determined for each month as follows:

(1) On or before the 5th working day of each month, the minimum class prices for the preceding month computed pursuant to §§ 985.51 and 985.52, and the handler butterfat differential computed pursuant to § 985.53, and

(2) On or before the 10th working day of each month the uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 985.62, 985.63, and 985.64, and the producer butterfat differential computed pursuant to § 985.81.

REPORTS, RECORDS AND FACILITIES

§ 985.30 *Monthly reports of receipts and utilization.* On or before the 5th working day of each month, each handler who operates a pool plant shall report to the market administrator, for the preceding month, in the detail and on forms prescribed by the market administrator, the receipts at his pool plant from each of the following sources and the quantities of butterfat and skim milk contained in such receipts; the utilization of such receipts; and such other information with respect to such receipts and utilization as the market administrator may prescribe:

(a) All producer milk received, including diverted producer milk;

(b) All skim milk and butterfat in any form received from each other handler; and

(c) All other source milk received except any non-fluid milk product which is disposed of in the same form as received.

§ 985.31 *Other reports.* (a) Each producer-handler and each handler who does not operate a pool plant shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer, or to a cooperative association; and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 985.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as are necessary to verify reports or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 985.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 985.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received at a pool plant (a) in milk from producers or from a cooperative association, (b) in any form from other handlers and (c) in other source milk required to be reported pursuant to § 985.30, shall be classified separately as skim milk and butterfat, in the classes set forth in § 985.41.

§ 985.41 *Classes of utilization.* Subject to the conditions set forth in §§ 985.42 and 985.43 the classes of utilization shall be as follows:

(a) Class I utilization shall be all skim milk and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, butterfat, flavored milk, sweet or sour cream, and (2) not accounted for as Class II utilization.

(b) Class II utilization shall be all skim milk and butterfat, (1) used to produce ice cream, ice cream mix, or cottage cheese, or disposed of as whole or skimmed condensed or evaporated milk (sweetened or unsweetened) in bulk or in hermetically sealed cans, cheese, dried whole milk, non-fat dry milk solids, or butter; (2) in actual shrinkage of skim milk and butterfat in milk received from producers, but not to exceed 2 percent of such receipts; and (3) in actual shrinkage in other source milk; and (4) all skim milk dumped or disposed of as livestock feed.

§ 985.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and in other source milk.

(b) Shrinkage on producer milk shall be computed on that quantity of milk received directly from producers. Shrinkage shall be computed on diverted producer milk at the plant receiving such milk.

§ 985.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to another pool plant in the form of milk, skim milk or cream shall be Class I utilization unless Class II utilization is indicated by the operators of both plants in their reports submitted pursuant to § 985.30: *Provided*, That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant of the transferee handler after allocating other source milk in such plant in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 985.101 or to a plant not a pool plant located not more than 50 miles by shortest highway distance, as determined by the market administrator, from the Muskegon County Court House, shall be Class I utilization unless all of the following conditions are met:

(1) Class II utilization is indicated by the operator of the pool plant in his report submitted pursuant to § 985.30.

(2) The operator of such nonpool plant in the month of such movement had actually used an equivalent amount of skim milk and butterfat in Class II, or moved such amount to another nonpool plant which meets the requirements of subparagraph (3) of this paragraph and utilized in the month an equivalent amount of skim milk and butterfat in Class II.

(3) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

(c) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a plant not a pool plant and located more than 50 miles by shortest highway distance, as determined by the market administrator, from the Muskegon County Court House shall be Class I utilization.

§ 985.44 *Responsibility of handlers.* All skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 985.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and obvious errors the monthly report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for each handler.

§ 985.46 *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II utilization, the pounds of butterfat shrinkage allowed pursuant to § 985.41 (b) (3);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk;

(c) Subtract from the pounds of butterfat remaining in each class, the pounds of butterfat received from other handlers in such classes pursuant to § 985.43 (a); and

(d) Add to the remaining pounds of butterfat in Class II utilization the pounds subtracted pursuant to paragraph (a) of this section;

(e) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 985.47 *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 985.46.

§ 985.48 *Determination of average butterfat content.* Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to §§ 985.46 and 985.47.

MINIMUM PRICES

§ 985.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I utilization shall be the highest of the prices computed pursuant to paragraphs (a), (b), (c), and (d) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 per cent butterfat content received from farmers during the month at the the following plants or places for which prices have been reported to the market administrator or to the U. S. D. A.:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; subtract 3 cents, add 20 percent thereof and multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 25th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A., deduct 5.5 cents and then multiply by 8.2.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the U. S. D. A. during the delivery period;

(2) Add 0.902 times the price per pound of butter as described in paragraph (b) (1) of § 985.50; and

(3) Subtract 34.3 cents.

(d) The average of the prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following plants for which prices have been reported to the market administrator:

Carnation Milk Co., Sparta, Mich.
Saranac Milk Products Co., Saranac, Mich.
Pet Milk Co., Wayland, Mich.

§ 985.51 *Class I milk price.* (a) The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I utilization shall be the basic formula price plus $1.10.

§ 985.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his pool plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the higher of the prices as computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The price per hundredweight computed as follows:

(1) Multiply the average price per pound of butter as described in paragraph (b) (1) of § 985.50 by 1.2 and then by 3.5.

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture.

(3) From the sum of the amounts determined under subparagraphs (1) and (2) of this paragraph deduct 62.6 cents.

(b) The price per hundredweight pursuant to § 985.50 (d).

§ 985.53 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 985.51 and 985.52 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount computed by multiplying the average price of butter as described in § 924.50 (b) (1) by the appli-

cable factor listed below and dividing the result by 10:

(a) Class I milk: Multiply such price by 1.25;

(b) Class II milk: Multiply such price by 1.15.

DETERMINATION OF UNIFORM PRICE

§ 985.60 *Handler operating a plant which is not a pool plant.* Each handler who operates a plant which is not a pool plant during the month shall pay to the market administrator for the producer settlement fund an amount computed by multiplying the hundredweight of milk disposed of from such plant in the marketing area as Class I by the difference between the Class I and Class II prices for the month, adjusted by the butterfat differentials provided in § 985.53 to the average butterfat test of all milk received at such plant from dairy farmers.

§ 985.61 *Computation of value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to § 985.53, the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to § 985.48, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 985.46 (e) and § 985.47 by the applicable class prices.

§ 985.62 *Computation of the 3.5 percent value of all producer milk.* For each month, the market administrator shall compute the 3.5 percent value of producer milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 985.61, adjusted by any charges or credits pursuant to § 985.90 (a) and (b).

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 985.81 multiplied by 10.

(c) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 985.63 *Uniform price.* For each month the uniform price shall be computed by: (a) Dividing the amount computed pursuant to § 985.62 by the hundredweight of milk received from producers represented by the values included in § 985.62 (a); and (b) subtracting not less than 4 cents or more than 5 cents.

§ 985.64 *Excess milk price.* For each month the excess milk price shall be the price of Class II utilization determined pursuant to § 985.52, rounded off to the nearest full cent.

§ 985.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk and milk to be paid for at the excess milk price pursuant to § 985.70 (b) by the excess milk price for the month.

(b) Multiply the total amount of milk to be paid for at the uniform price by the uniform price for the month.

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 985.62;

(d) Divide the resultant value by the total hundredweight of base milk and milk to be paid for at the base price pursuant to § 985.70 (b); and

(e) Subtract not less than 4 cents nor more than 5 cents. The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 985.6.

§ 985.66 *Notification.* On or before the 10th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month.

(c) The amount due such handler from the producer-equilization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 985.80, 985.83, 985.85, 985.86, and 985.90.

BASE RULES

§ 935.70 *Determination of base.* (a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, shall have a base computed by the market administrator to be applicable, subject to paragraph (c) of this section, for the 12 months' period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such period: *Provided,* That a producer who had a base previous to August 1, and whose average of daily deliveries for the August 1-December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries.

(b) A producer who has no base by reason of having delivered less than 3 full months shall be paid, until such time as he has been a producer 3 full months, the uniform price in each of the months of August through December and in other months the price applicable to base milk for the following percentages of his milk deliveries and the price applicable to excess milk for the remainder of his deliveries: 75 percent for January and February, 70 percent for March, 60 percent for April and July, and 40 percent for May and June. At the conclusion of the first three full months' delivery a base shall be established in the following manner: Multiply the total deliveries in the months of August through December by 0.8, in January and February by 0.75, in March by 0.7, in April and July by 0.6, and in May and June by 0.4. Add the amounts so computed and divide by the number of days in which milk was delivered during the three months.

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may establish a new base pursuant to paragraph (b) of this section once during the 12-month period ending December 31, the period for establishing a new base to begin the first day of the month in which such notification is received by the market administrator.

(d) From the effective date of the subpart until bases are established pursuant to this section, all milk delivered by producers shall be considered to be base milk.

§ 985.71 *Application of bases.* (a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred:

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family.

(2) Bases may be held jointly and if such joint holding is terminated the bases may be transferred as specified in writing to the market administrator by the joint holders to a person or persons who maintain a dairy herd or herds on the same farm.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base.

PAYMENT FOR MILK

§ 985.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price as provided in § 985.70 (b), or the base price for base milk and for milk to be paid for at the base price pursuant to § 985.70 (b) and the excess price for excess milk and milk to be paid for at the excess price pursuant to § 985.70 (b), adjusted by the butterfat differential pursuant to § 985.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 985.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on

or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

§ 985.81 *Producer butterfat differential.* In making payments pursuant to § 985.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount computed by multiplying the average price of butter as described in § 985.50 (b) (1) by 1.15 and dividing the result by 10.

§ 985.82 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to § 985.83 and out of which he shall make all payments pursuant to § 985.84.

§ 985.83 *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler: (a) Whose value of milk is required to be computed pursuant to § 985.61 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 985.80; (b) who is required to make payment pursuant to § 985.60 shall pay such amount to the market administrator.

§ 985.84 *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 985.61 is less than the total minimum amount required to be paid by him pursuant to § 985.80, less any unpaid obligations of such handler to the market administrator pursuant to § 985.83: *Provided,* That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 985.85 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 13th day after the end of each month four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers.

§ 985.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 985.80 for milk received from each producer at a plant not operated by a cooperative association of which such producer is a member, shall deduct seven cents per hundredweight, or such amount not exceeding seven cents per hundredweight as the Secretary may prescribe, with respect to all such milk received during the month and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 985.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

ADJUSTMENT OF ACCOUNTS

§ 985.90 *Payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler,

(b) To such handler from the market administrator, or

(c) To any producer or cooperative association from such handler, the market administrator shall notify such handler promptly of any such amount due; and payment thereof shall be made on or before the next date, following the 5th day after such notice, for making payment set forth in the provision under which such error occurred.

§ 985.91 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 985.83, 985.85, 985.86, and 985.90 shall be increased one-half of one percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 985.100 *Milk caused to be delivered by cooperative associations.* Milk referred to in this subpart as received from producers by a handler shall include milk of producers caused to be delivered to such handlers by a cooperative association.

§ 985.101 *Handler exemption.* A handler who operates a plant located outside the marketing area from which an average of less than 600 pounds of Class I milk per day is disposed of during the delivery period on a route(s) operating wholly or partly within the marketing area and from which no milk is transferred to other handlers, or a handler whom the Secretary finds is subject, during the delivery period, to another Federal order and whose disposition of Class I milk in the other Federal marketing area exceeds that in the Muskegon marketing area, shall be exempted for such delivery period from all provisions of this subpart except §§ 985.31, 985.32, and 985.33.

§ 985.102 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

TERMINATIONS OF OBLIGATIONS

§ 985.110 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or associations, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk

involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 985.120 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 985.121 *When suspended or terminated.* The Secretary shall, whenever he finds that this subpart, or any provision of this subpart, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 985.122 *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 985.123 *Liquidation.* Under the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 985.130 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 985.131. *Separability of provisions.* If any provision of this subpart, or the application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 17th day of June 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator

[F. R. Doc. 52-6775; Filed, June 19, 1952; 8:55 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Dockets Nos. 540, 541]

EMPRESA DE TRANSPORTES AEROVIAS BRAZIL, S. A.

NOTICE OF HEARING

In the matter of the application of Empresa de Transportes Aerovias Brazil, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for an amendment of its foreign carrier permit so as to add San Juan, Puerto Rico, and Ciudad Bolivar, Venezuela as intermediate points on its route.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 1001, and 1102 of said act, that public hearing in the above-entitled proceeding is assigned to be held on July 8, 1952, at 10:00 a. m. e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Brazil.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before July 8, 1952, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., June 17, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6773; Filed, June 19, 1952; 8:54 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, as amended, Section 20 (c) Special Order 9]

PRICES FOR EMERGENCY ROAD SERVICE SUPPLIED TO THE CALIFORNIA STATE AUTOMOBILE ASSOCIATION, 150 VAN NESS AVENUE, SAN FRANCISCO, CALIFORNIA

Statement of considerations. The ceiling prices for emergency road service supplied to the California State Automobile Association, 150 Van Ness Avenue, San Francisco, California, by garages and service stations presently under contract with the association to supply such service are adjusted by this Special Order pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that the association serves approximately 250,000 members in California and Nevada; that it has contracts with approximately 320 public garages and service stations to provide emergency road service to these members; that payment for this emergency road service is made by the association from membership dues and

that there are presently requests for rate increases from many contract stations. The application indicates that the supply of such service is limited; that the rates vary with the nature and the character of the area where the garage or service station is located, e. g. from a metropolitan district such as San Francisco to the sparsely settled districts of Nevada; that the increased ceiling prices for the emergency road service will not exceed the prevailing prices at which the applicant could purchase the same service and will generally be substantially less than the prevailing commercial rates; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; and that the applicant has agreed to absorb any price increases and will not pass on such increases to its members.

The Director of Price Stabilization has determined from data submitted by the applicant, that the sellers of emergency road service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increased prices will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1 The application of the California State Automobile Association dated September 12, 1951, for an adjustment of the ceiling prices which sellers presently under contract with the association may charge the association for emergency road service is granted as follows:

On and after the effective date of this Special Order sellers presently under contract with the California State Automobile Association, who supply emergency road service pursuant to such contract with the association, may increase their ceiling prices for sales of such service to the California State Automobile Association by an amount not to exceed 15 percent of such ceiling prices, provided that the association shall comply with the provisions of paragraph 2 of this Special Order.

2 The California State Automobile Association may pay to sellers, presently under contract with the association, for emergency road service an increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates to its members by increasing annual dues or other forms of remuneration.

3 Copies of this order shall be provided by the California State Automobile Association to the garages and service stations to which this order is applicable. A copy of this order shall be kept at the place of business of each of these garages and service stations and another copy shall be filed by each seller of emergency road service with the appropriate District Office of the Office of Price Stabilization with which each of the garages or service stations has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of the California State Automobile Association not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of the Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6654; Filed, June 13, 1952; 4:47 p. m.]

[Ceiling Price Regulation 34, as amended, Section 20 (c) Special Order 10]

PRICES FOR EMERGENCY ROAD SERVICE SUPPLIED TO AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA, LOS ANGELES, CALIFORNIA

Statement of considerations. The ceiling prices for emergency road service supplied to the Automobile Club of Southern California, Los Angeles, California, by garages and service stations presently under contract with the club to supply such service are adjusted by this Special Order pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended.

This section authorizes the Director of Price Stabilization to adjust ceiling prices of sellers of an essential non-retail service as to which there is a limited supply available. In order to obtain an adjustment under this section, the buyer must demonstrate that he is purchasing an essential non-retail service as to which there is a limited supply available from sellers thereof who are too numerous to make recourse by them to section 20 (b) of Ceiling Price Regulation 34, as amended, practicable. The purchaser must further demonstrate that these sellers are threatening to discontinue supplying him with such service, and in addition, the applicant must agree to absorb any price increase over his sellers' existing ceiling prices and must so state in his application. The buyer may not apply for or obtain an increase in his suppliers' ceiling prices for the service supplied to him, which would bring the proposed increased ceiling prices in excess of the price he would be required to pay to other suppliers of the same service. The buyer's application must also show the nature and extent of the sellers' direct labor and material cost increases incurred by them since their ceiling prices for that service were established. These cost increases will be considered by the Office of Price Stabilization in determining the amount of price increase which may be granted. Where practicable the purchaser must state the names and addresses of the sellers and the ceiling prices of each seller.

It appears from information submitted in the application that the club serves approximately 325,000 members in California and Nevada; that it has contracts with approximately 296 public garages and service stations to provide emergency road service to these members; that payment for this emergency road service is made by the club from membership dues and that there are presently requests for rate increases from many contract stations. The application indicates that the supply of such service is limited; that the rates vary with the nature and the character of the area where the garage or service station is located, e. g. from a metropolitan district such as Los Angeles to the sparsely settled districts of Nevada; that the increased ceiling prices for the emergency road service will not exceed the prevailing prices at which the applicant could purchase the same service and will generally be substantially less than the prevailing commercial rates; that the applicant's suppliers are threatening to discontinue supplying such service because their ceiling prices are below prevailing rates; and that the applicant has agreed to absorb any price increases and will not pass on such increases to its members.

The Director of Price Stabilization has determined from data submitted by the applicant, that the sellers of emergency road service to the applicant are too numerous to make recourse to paragraph 20 (b) of Ceiling Price Regulation 34 practicable. The increased ceiling prices reflect the direct labor and material cost increases incurred by these sellers since their ceiling prices for the service were established, and such increased prices will not be inconsistent with the purposes of the Defense Production Act of 1950, as amended.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 20 (c) of Ceiling Price Regulation 34, as amended, this Special Order is hereby issued.

1. The application of the Automobile Club of Southern California dated September 21, 1951, for an adjustment of the ceiling prices which sellers presently under contract with the club may charge the club for emergency road service is granted as follows:

On and after the effective date of this Special Order sellers presently under contract with the Automobile Club of Southern California, who supply emergency road service pursuant to such contract with the club, may increase their ceiling prices for sales of such service to the Automobile Club of Southern California by an amount not to exceed 15% of such ceiling prices, provided that the club shall comply with the provisions of paragraph 2 of this Special Order.

2. The Automobile Club of Southern California may pay to sellers, presently under contract with the club, for emergency road service an increased price determined under paragraph 1 of this Special Order provided that it shall absorb the increase over the former ceiling price and shall not pass on such increase in rates to its members by increasing

annual dues or other forms of remuneration.

3. Copies of this order shall be provided by the Automobile Club of Southern California to the garages and service stations to which this order is applicable. A copy of this order shall be kept at the place of business of each of these garages and service stations and another copy shall be filed by each seller of emergency road service with the appropriate District Office of the Office of Price Stabilization with which each of the garages or service stations has filed or is required to file a statement of its ceiling prices under section 18 of Ceiling Price Regulation 34.

4. All requests in the application of the Automobile Club of Southern California not granted herein are denied.

5. All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of the Special Order shall remain in effect.

6. This Special Order or any provisions thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This order shall become effective June 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 13, 1952.

[F. R. Doc. 52-6655; Filed, June 13, 1952; 4:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

ORDER APPROVING APPLICATION FOR FEES AND SERVICES

JUNE 16, 1952.

In the matter of the Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, File No. 54-81.

The Commission, by order dated April 30, 1946, having approved the amended plan filed by the Middle West Corporation, a registered holding company, and its holding company subsidiaries, Central and South West Utilities Company ("Central") and American Public Service Company ("American"), under section 11 (e) of the Public Utility Holding Company Act of 1935, for the reorganization and merger of Central and American, the surviving corporation being known as Central and South West Corporation; and said order having reserved jurisdiction with respect to the reasonableness and appropriate allocation of all fees and expenses and other remunerations incurred and to be incurred in connection with the amended plan and the transactions incident thereto; and

Said amended plan having provided that the surviving corporation, Central and South West Corporation, would pay such fees and expenses as we should approve; and

The Commission, by order dated October 1, 1948, having released jurisdiction over all of the fees and expenses incurred in connection with the amended plan except for the limited purpose of determining whether any allowance should be made to Willian J. McEnery, a member of the common stockholders' committee of Central, who had theretofore filed a notice of intention to file an application requesting compensation for his services; and

William J. McEnery having filed an application requesting an allowance of $25,000 for his services and having also requested $2,900 for disbursements and liabilities incurred on behalf of the committee; and

A public hearing having been held after appropriate notice and applicant and Central and South West Corporation having waived the filing of briefs and oral argument; and the Commission having considered the record herein and having made and filed its supplemental memorandum opinion herein:

It is ordered, That the application of William J. McEnery for approval of payment to him by Central and South West Corporation of an allowance for services rendered in connection with the amended plan be, and hereby is, approved in the amount of $12,000 and denied in respect of any request in excess of that amount, and that his request for an additional allowance of $2,900 for disbursements and liabilities incurred be, and the same hereby is, denied.

It is further ordered, That Central and South West Corporation pay to William J. McEnery the amount of $12,000 for his services in connection with the amended plan.

It is further ordered, That the jurisdiction heretofore reserved in our order of October 1, 1948 as to the reasonableness and appropriate allocation of any allowance to William J. McEnery, a member of the common stockholders' committee of Central, for services rendered in connection with the amended plan and the transactions incident thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6755; Filed, June 19, 1952; 8:49 a. m.]

[File No. 70-2811]

GENERAL PUBLIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JUNE 16, 1952.

The Commission by order dated April 29, 1952, having permitted an amended declaration of General Public Utilities Corporation, a registered holding company, and its subsidiary Jersey Central Power & Light Company ("Jersey Central") to become effective with respect to the proposed sale by Jersey Central of all its gas properties to New Jersey Natural Gas Company, and said order having reserved jurisdiction with respect to the fees and expenses incurred or to be incurred by the declarants in connection with said transaction; and

A further amendment having been filed on June 11, 1952, by Jersey Central stating that the proposed sale was consummated on June 3, 1952, and that the sale price as adjusted was $16,027,582.66; and

The record having been completed with respect to the fees and expenses incurred in said matter, including, in addition to miscellaneous expenses estimated not to exceed $10,000, the following fees for legal services: to Autenrieth & Rochester, general counsel to Jersey Central, $15,000; to Berlack & Israels, special counsel to Jersey Central, $12,500; and

The Commission, on the basis of its examination of the record, finding that the payment of said fees and expenses in the amounts proposed would not be unreasonable, and deeming it appropriate to release the jurisdiction heretofore reserved with respect thereto:

It is order, That the jurisdiction heretofore reserved with respect to the payment of fees and expenses incurred in this matter be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6761; Filed, June 19, 1952; 8:51 a. m.]

[File No. 70-2873]

NEW ENGLAND POWER CO.

ORDER AUTHORIZING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

JUNE 16, 1952.

New England Power Company ("NEPCO"), a public-utility subsidiary company of New England Electric System ("NEES"), a registered holding company, having filed with this Commission an application, pursuant to section 6 (b) of the Public Utility Holding Company Act and Rules U-23, U-42 (b) (2) and U-50 promulgated thereunder, with respect to the following proposed transactions:

NEPCO proposes to issue and sell $5,000,000 principal amount of First Mortgage Bonds, Series E, to be dated June 1, 1952, and to mature June 1, 1982. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price (exclusive of accrued interest) to be paid to NEPCO (which will not be less than 100 percent nor more than 102.75 percent of the principal amount) are to be determined at competitive bidding pursuant to Rule U-50. NEPCO proposes to issue said bonds under its Indenture of Trust and First Mortgage, dated as of November 14, 1936, as supplemented from time to time, and to be supplemented by the Fourth Supplemental Indenture, dated as of June 1, 1952. Said Series E Bonds will be secured equally and ratably with the presently outstanding bonds by a first mortgage on all properties now owned or hereafter acquired by NEPCO, with certain limited exceptions.

The application states that the net proceeds from the sale of Series E Bonds, exclusive of accrued interest, will be applied by NEPCO to the reduction of its short-term unsecured promissory notes which are presently outstanding in an aggregate amount of $17,000,000. The application further states that, prior to June 30, 1952, NEPCO expects to issue to banks $3,000,000 of additional promissory notes and during the month of June NEPCO issued to NEES 300,000 shares of common stock for an aggregate price of $7,500,000 the proceeds of which were applied by NEPCO in reduction of its then outstanding note indebtedness (File No. 70-2872).

Total fees and expenses in connection with the proposed transactions are estimated at not more than $63,000 which includes estimates for services performed, at cost, by New England Power Service Company, an affiliated service company, of $16,000, for services rendered by independent public accountants of $2,500, for services rendered by independent engineers of $3,000 and for services rendered by the Trustee under the Supplemental Indenture of $4,000.

The application further states that the Department of Public Utilities of the Commonwealth of Massachusetts, the Vermont Public Service Commission and the New Hampshire Public Utilities Commission have expressly authorized the issuance and sale of said Series E Bonds and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEPCO having requested that the period for the invitation of the bids, as prescribed in Rule U-50 under the act, be shortened to not less than six days and the Commission's order herein become effective forthwith upon issuance; and

The Commission finding that said application, as amended, satisfies the applicable provisions of the act and the rules thereunder, and deeming its appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted and deeming it appropriate in the public interest and in the interest of investors and consumers that its order herein becomes effective forthwith, all subject to the terms and conditions specified below:

It is ordered, Pursuant to the applicable provisions of the act and the rules thereunder, that said application, as amended, be, and the same hereby is, granted, effective forthwith, and that for the purpose of this proceeding the ten-day period for the invitation of bids, as prescribed by Rule U-50, be, and the same hereby is, shortened to a period of not less than six days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale of said bonds shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order entered by this Commission on the basis of the record so supplemented, which order may contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be reserved with respect to the payment of all fees and expenses in connection with the proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6758; Filed June 19, 1952; 8:50 a. m.]

[File No. 70-2882]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF ADDITIONAL PREFERRED STOCK SUBJECT TO COMPETITIVE BIDDING

JUNE 16, 1952.

Public Service Company of New Hampshire ("Public Service"), a subsidiary company of New England Public Service Company, a registered holding company, which in turn is a subsidiary company of Northern New England Company, also a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rules U-20, U-22, U-23, U-24, and U-50 thereunder with respect to the following proposed transactions:

Public Service proposes to issue and sell 50,000 shares of its cumulative __ percent preferred stock, $100 par value, pursuant to the competitive bidding requirements of Rule U-50. The dividend rate and the price per share to be paid to the company (to be not less than $100 per share nor more than $102.75 per share) are to be determined by the competitive bidding.

It is stated in the filing that during the year 1952 the company contemplates the expenditure for its construction program of about $12,124,000 and that the net proceeds from the sale of the preferred stock will be used to provide a portion of the funds required for the company's construction program; and that total expenses to be incurred by Public Service in connection with the issuance and sale of the preferred stock are estimated at $33,500, of which $12,500 is for legal fees and expenses.

Orders have been issued by the New Hampshire Public Utilities Commission and Vermont Public Service Commission authorizing the issuance and sale of the additional preferred stock as proposed, subject in the case of New Hampshire Public Utilities Commission, to a further order as to price and related matters.

Public Service requests that the Commission's order herein become effective forthwith upon issuance and that the ten-day period for inviting bids, as provided in Rule U-50, be shortened to a period of not less than six days.

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, that it is not necessary to impose any terms and conditions other than as set forth below, and that it is appropriate in the public interest and in the interest of investors and consumers that the amended application, including the request to shorten the bidding period, be granted effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following additional conditions:

1. That the issuance and sale of said preferred stock shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate;

2. That jurisdiction be, and it hereby is reserved with respect to payment of all legal fees and expenses of counsel for Public Service and the underwriters in connection with said transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6757; Filed, June 19, 1952; 8:50 a. m.]

[File No. 70-2886]

KITTERY ELECTRIC LIGHT CO.

NOTICE OF FILING OF PROPOSED SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF UNSECURED NOTES

JUNE 16, 1952.

Notice is hereby given that Kittery Electric Light Company, ("Kittery Electric"), a subsidiary company of New England Gas and Electric Association ("NEGEA"), a registered holding company, has filed an application purusant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated thereunder with respect to the following transaction:

Kittery, all of whose outstanding capital stocks are owned by one of NEGEA's subsidiary companies, New Hampshire Electric Company, which has been granted an exemption as a holding company pursuant to section 3 (a) (1) of the act, proposes to issue and sell privately $150,000 principal amount of unsecured notes to be dated June 1, 1952, bearing interest at the rate of 4 percent per annum and to mature June 1, 1977. The notes are to be sold in equal principal amounts of $75,000 each, to Union Mutual Life Insurance Company, and Maine Savings Bank, both of Portland, Maine, at a price of 101 percent of principal amount, plus accrued interest.

The notes provide, among other things, for the issuance of additional long-term debt, subject to the limitation that aggregate long-term debt shall not exceed $250,000 plus 60 percent of the cost or fair value (whichever is less) of net property additions made subsequent to April 30, 1952, provided net earnings of the company, as defined in the notes, for the period specified therein, are at least 2½ times the annual interest charges on all long-term indebtedness to be outstanding. The notes also provide that the company will not mortgage, pledge, or create any lien on any of its property

(except for purchase-money mortgages or liens and for pledges in the usual course of business as security for loans maturing in less than one year) without securing the notes equally and ratably with all other obligations secured thereby.

In addition, the notes provide for an annual cash sinking fund payment, commencing April 15, 1952, sufficient to redeem 1½ percent of the aggregate principal amount of the issue. The notes also provide that the company will not, except with the consent of the holders thereof, declare any dividends from earned surplus existing at December 31, 1951.

Kittery will use the proceeds from the sale of the notes to reimburse its treasury for expenditures therefrom for construction and to finance future construction.

The filing states that no Federal Commission, other than this Commission, and no State Commission other than the Maine Public Utilities Commission, which has issued an order approving the proposed sale of notes, has jurisdiction over the proposed transaction.

Total expenses in connection with the proposed transaction are estimated at $2,500, including a commission of $1,500 to H. M. Payson & Co., investment bankers, for arranging the note sale, and legal fees of $250 payable to Verrill Dana Walker Philbrick & Whitehouse, counsel for the company. The filing requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than June 23, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6759; Filed, June 19, 1952; 8:51 a. m.]

[File No. 70-2887]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK THROUGH SUBSCRIPTION WARRANTS TO COMMON STOCKHOLDERS

JUNE 16, 1952.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating sections 6 (a), 7, and 12 (c) thereof and Rules U-42 and U-50 as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to issue 531,949 additional shares of its authorized and unissued common stock, par value $5 per share, offering same first to the holders of its outstanding common stock by transferable subscription warrants carrying the right to subscribe for shares of such additional common stock on the basis of one share for each fifteen shares of common stock held of record. The duration of such offer, which will be approximately 16 days, the record date, and the subscription price will be supplied by amendment.

Warrants will be issued only to purchase full shares. GPU states that it will invite approximately six investment banking houses to submit written proposals to purchase for public distribution the fractional interest shares, which it estimates will aggregate about 25,000 full shares. The proceeds from the sale of such shares, less the aggregate subscription price, will be distributed ratably in lieu of fractional shares. The reoffering price of such shares will be supplied by amendment.

Up to a date to be specified by amendment, the initial stockholders may sell their subscription rights to GPU, but only in multiples of 15 rights, at a price per right which will be one-fifteenth of the difference between the last sale price of GPU common stock on the New York Stock Exchange on the date of receipt by the subscription agent of the warrant evidencing such rights, and the subscription price.

The offering will not be underwritten nor will GPU enter into any dealer-manager arrangement. GPU does propose, however, to utilize the services of security dealers, in soliciting the exercise of the warrants and in disposing of shares covered by rights purchased by GPU or not exercised by the holders prior to the expiration date. The compensation per share to be paid by GPU to the participating dealers will be specified by amendment.

During the subscription period or until such date not later than ten days thereafter as GPU may determine, participating dealers may purchase from GPU all or any part of such shares as GPU shall make available for sale with respect to rights purchased by GPU or not exercised by the holders. The purchase price to be paid to GPU by participating dealers shall be announced by GPU on the day of such purchase, and shall not be (a) in excess of the last quoted price asked for shares of GPU common stock on the New York Stock Exchange plus an amount per share to be specified by amendment, or (b) less than the higher of the last previous bid price for such stock or the subscription price. In the event any shares thus made available to participating dealers are not purchased by them within 24 hours after notice of availability, GPU may sell such shares to other persons at the price then applicable to sales by participating dealers, as determined and announced by GPU on the day of such sale.

GPU states that it may, during the subscription period and for not more than ten days thereafter, effect transactions designed to stabilize the market for the rights and shares, but that in no event will it acquire, as a result of such transactions, a net long position in excess of 53,195 shares.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent that such rule may be applicable to the sale of the additional common stock to participating dealers or others, and that the Commission's order herein be made effective upon issuance.

Of the net proceeds from the sale of the additional common stock, GPU states that it will use $4,000,000 to repay its bank loans incurred for the purpose of making an additional investment in the common stock of its subsidiary Metropolitan Edison Company, $5,000,000 to purchase additional common stock of another subsidiary, Pennsylvania Electric Company, and the balance to purchase additional common stock of its subsidiaries and for other corporate purposes.

Notice is further given that any interested person may, not later than June 25, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6756; Filed, June 19, 1952; 8:50 a. m.]

[File No. 70-2890]

HEVI DUTY ELECTRIC CO.

NOTICE OF FILING REGARDING ISSUANCE OF SIX-MONTH BANK LOAN NOTE

JUNE 16, 1952

Notice is hereby given that a declaration has been filed by Hevi Duty Electric Company ("Hevi Duty"), a non-utility company which is a subsidiary of The North American Company, a registered holding company. The declarant has designated sections 6 (a) and 7 of the act as being applicable to the proposed transaction which is summarized as follows:

The company is engaged in the business of manufacturing and selling electric furnaces and certain other electrical equipment. The increasing amount of the company's operations as a prime contractor or subcontractor on projects related to the national defense effort has resulted in expanding the company's manufacturing and sales activities to the point where additional working funds are presently required. Accordingly, the company proposes, subject to the approval of the Commission, to enter into an agreement with the Chemical Bank & Trust Company of New York for a bank loan of $300,000, such bank loan to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company for renewal for an additional six months' period, and to bear interest at the rate of 3 percent per annum. No fees, commissions or other remuneration are to be paid to any third person in connection with negotiating the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction.

The declarant has requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than June 27, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said declaration, as filed or as amended, may be permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6760; Filed, June 19, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

ORANGE AND ROCKLAND ELECTRIC CO.

NOTICE OF ORDER APPROVING DISPOSITION OF CLASSIFIED AMOUNTS

JUNE 16, 1952.

Notice is hereby given that on June 12, 1952, the Federal Power Commission issued its order entered June 10, 1952, approving and directing disposition of amounts classified in Account 100.5, electric plant acquisition adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6747; Filed, June 19, 1952; 8:48 a. m.]

[Docket No. G-585]

ALABAMA-TENNESSEE NATURAL GAS CO.

NOTICE OF OPINION AND ORDER

JUNE 16, 1952.

Notice is hereby given that on June 11, 1952, the Federal Power Commission issued its opinion and order entered June 10, 1952, denying application for rehearing and stay of Opinion No. 226 and order of May 1, 1952 (17 F. R. 4270), in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6745; Filed, June 19, 1952; 8:47 a. m.]

[Docket No. ID-289]

HERMAN A. BUSCH

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JUNE 16, 1952.

Notice is hereby given that on June 12, 1952, the Federal Power Commission issued its order entered June 10, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6746; Filed, June 19, 1952; 8:48 a. m.]

[Project No. 2109]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JUNE 16, 1952.

Public notice is hereby given that The Montana Power Company, of Butte, Montana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a license for constructed water-power Project No. 2109 (known as the Morony Hydroelectric Development) located on the Missouri River approximately 12 miles northeast of Great Falls in Cascade County, Montana, and consisting of a concrete gravity type dam 872 feet long and 116 feet high; a spillway having nine tainter gates, each 24 feet high by 34 feet long; a reservoir about 4 miles long with normal water surface at elevation 2,887 feet providing a usable storage capacity of 7,800 acre-feet; two 21-foot diameter steel penstocks through the dam directly connected to the turbines; a powerhouse built integral with the dam containing two generating units, each consisting of a 31,000 horsepower turbine connected to a 25,000-kva generator; a substation; a wood-pole 110-kv transmission line approximately 7.44 miles long to the Rainbow switchyard connecting the plant to the applicant's interconnected transmission system; and appurtenant electrical facilities.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before July 29, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6744; Filed, June 19, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27161]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JUNE 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Bradley's Express.

Commodities involved: All commodities.

Between: Boston, Mass., and Harlem River, N. Y.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6749; Filed, June 19, 1952; 8:48 a. m.]

[4th Sec. Application 27162]

CRANKCASE DRAININGS FROM CERTAIN POINTS TO OKLAHOMA CITY, OKLA.

APPLICATION FOR RELIEF

JUNE 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3881 and 3919.

Commodities involved: Crankcase drainings (suitable only for reprocessing), in tank-car loads.

From: Kansas City and Springfield, Mo., Little Rock and North Little Rock,

rence Room

Ark., Memphis, Tenn., Wichita, Kans., and points in Texas.

To: Oklahoma City, Okla.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3881, Supp. 48; F. C. Kratzmeir, Agent, I. C. C. No. 3919, Supp. 109.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6750; Filed, June 19, 1952; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 2]

LONG ISLAND RAIL ROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Long Island Rail Road Company, William Wyer, Trustee, because of work stoppage, is unable to transport traffic routed over its lines.

It is ordered, That:

(a) Rerouting traffic: The Long Island Rail Road Company, William Wyer, Trustee, being unable to transport traffic in accordance with shippers' routing, because of work stoppage, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., June 16, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., June 30, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 16, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-6772; Filed, June 19, 1952; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 12697, Amdt.]

BERTHA TIETZ AND ERNA KUHN

In re: Interests in real property, mortgages, property insurance policies and claim owned by Bertha Tietz and Erna Kuhn.

Vesting Order 12697, dated January 26, 1949, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (g) from said Vesting Order 12697 and substituting therefor the following subparagraph:

2 (g) That certain debt or other obligation owing to Bertha Tietz by Title Guarantee and Trust Company, 176 Broadway, New York 7, New York, arising out of funds held for the account of Bertha Tietz, including particularly but not limited to rents and payments of interest and principal heretofore collected on account of the property described in subparagraphs 2-a through 2-d hereof, inclusive, and proceeds from certain mortgages liquidated by Title Guarantee and Trust Company, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

All other provisions of said Vesting Order 12697, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6768; Filed, June 19, 1952; 8:53 a. m.]

[Vesting Order 17126, Amdt.]

ANNA DE VISSER

In re: Stock owned by Anna de Visser.

Vesting Order 17126, dated January 17, 1951, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 17126, the certificate numbers "11599/603" set forth with respect to shares of stock of National Distillers Products Corp. and substituting therefor the numbers "115999/116003".

All other provisions of said Vesting Order 17126 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6769; Filed, June 19, 1952; 8:53 a. m.]

[Vesting Order 18132, Amdt.]

WILHELMINE JARCK

In re: Estate of Wilhelmine Jarck deceased. File No. D 28-13030.

Vesting Order 18132, dated July 9, 1951, is hereby amended as follows and not otherwise:

By inserting, immediately preceding the name, Richard Gugg, appearing in subparagraph 1 of said Vesting Order 18132, the words, "Richard Gogg, also known as Richard Goegg, also known as".

All other provisions of said Vesting Order 18132 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6770; Filed, June 19, 1952; 8:53 a. m.]

...rence Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 122

Washington, Saturday, June 21, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PRODUCTION AND MARKETING ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, § 6.111 (i) (8) is amended to read as follows:

§ 6.111 *Department of Agriculture.*

* * *

(i) *Production and Marketing Administration.* * * *

(8) NC/PD. Until June 30, 1955, all positions on the staffs of Milk Market Administrators.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-6802; Filed, June 20, 1952; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Hay and Pasture Seed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP HAY AND PASTURE SEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952-crop hay, pasture and range grass seeds named in § 601.1983. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.
601.1974 Purpose.
601.1975 Availability of price support.
601.1976 Eligible seed.
601.1977 Warehouse receipts.
601.1978 Determination of quantity.
601.1979 Determination of quality.
601.1980 Loss or damage to seed under farm-storage loan.
601.1981 Warehouse and other charges.
601.1982 Maturity of loans.
601.1983 Schedule of basic specifications and rates.
601.1984 Delivery of seed to CCC.
601.1985 Settlement.

AUTHORITY: §§ 601.1974 to 601.1985 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421.

§ 601.1974 *Purpose.* This subpart, comprised of §§ 601.1974 to 601.1985 states additional specific requirements which, together with those contained in the 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), apply to loans and purchase agreements under the 1952-Crop Hay and Pasture Seed Price Support Program.

§ 601.1975 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and purchase agreements for all seeds listed in § 601.1983.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available to producers wherever any of the seeds listed in § 601.1983 are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that such seeds cannot be safely stored on the farm.

(Continued on p. 5603)

CONTENTS

Agriculture Department Page
See also Commodity Credit Corporation; Production and Marketing Administration.
Notices:
Sale of mineral interests; revised area designation 5617

Alien Property, Office of
Notices:
Vesting orders, etc.:
Bertoll, Terensia 5623
Brunner, Poldy, and Karl (Carl) Planinger 5623
Clauss, Otto 5622
Davidsohn, Hilde 5624
Deparade, Martha 5622
Kienlen, Xavier, et al 5623
Kommer, Fanny (Stefanie) 5623
Les Laboratoires Francais de Chimiotherapie 5623
Loeffler, Ernest 5624
Richelsdorf, Kunigunde Kinkel 5624

Army Department
See also Engineers Corps.
Rules and regulations:
Army procurement procedure; miscellaneous amendments; correction 5610

Civil Aeronautics Board
Notices:
Service to Melbourne, Fla.; notice of oral argument 5617
Proposed rule making:
Special Civil Air Regulation; issuance of local area Air Carrier Operating Certificates for aircraft under 12,500 pounds take-off weight 5616
Rules and regulations:
Inspection of accounts and property 5609

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; Production and Marketing Administration 5601

Commerce Department
See Federal Maritime Board; Maritime Administration.

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)
Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation Page
Rules and regulations:
1952-crop loan and purchase agreement program; hay and pasture seed 5601

Defense Department
Notification to the Department and General Services Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of
Notices:
Notification to Department of Defense and General Services Administration, placement of procurement in areas; Winston-Salem, N. C 5621

Economic Stabilization Agency
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Danger zone regulations; Gulf of Mexico off the coast of Louisiana and Texas 5614

Federal Maritime Board
Notices:
Notice of agreements filed with the Board for approval; Grace Line, Inc., et al 5617

General Services Administration
Notification to Department of Defense and the Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Immigration and Naturalization Service
Rules and regulations:
Registration and fingerprinting of aliens in accordance with the Alien Registration Act, 1940; notification of address of resident aliens 5608

Interior Department
See Land Management, Bureau of; Reclamation Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Bituminous fine coal from points in Illinois and Indiana to Interstate Power Company spur and Fairmont, Minn 5618
Cast iron pipe from Rockwood, Tenn., to certain points 5618
Rubber tires from Birmingham and North Birmingham, Ala., to points in central and Illinois territories 5619
Salt cake from points in Louisiana to Hudson and Palatka, Fla 5619
Shipping containers from St. Louis, Mo., to Lexington, Ky 5619
Transit rates on lumber from points in southern territory to Berry and Birmingham, Ala 5618

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Labor Department Page
See also Wage and Hour Division.
Rules and regulations:
Child labor regulations, orders and statements of interpretation; occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being 5609

Land Management, Bureau of
Rules and regulations:
Oil and gas leases; offer to lease and issuance of lease 5615

Maritime Administration
Notices:
Vessel utilization and performance reports; notice to shipping industry 5617

Price Stabilization, Office of
Notices:
Directors of Regional Offices; delegation of authority to act on applications for ceiling prices, and to prescribe uniform maximum case and container charges 5618
Rules and regulations:
Manufacturers' General Ceiling Price Regulation; permissible adjustments in ceiling prices because of increased freight rates for certain building and construction materials (CPR 22) 5610
Permissible adjustments in ceiling prices because of increased freight rates for certain building and construction materials (GCPR, SR 106) 5612

Production and Marketing Administration
Rules and regulations:
Lemons grown in California and Arizona; limitation of shipments 5608
Oranges, grapefruit, and tangerines grown in Florida; limitation of shipments (2 documents) 5607

Reclamation Bureau
Notices:
Heart Mountain Division, Shoshone, Wyo.; public notice extending development period 5617

Securities and Exchange Commission
Notices:
Hearings, etc.:
Consolidated Natural Gas Co. et al 5620
Duquesne Light Co 5619
Union Trusteed Funds, Inc. 5621
United Gas Corp 5620
United Gas Corp. and Union Producing Co 5620

Wage and Hour Division
Proposed rule making:
Minimum wage rates in the Construction, Business Service, Motion Picture, and Miscellaneous Industries in Puerto Rico 5615

CONTENTS—Continued

Wage and Hour Division—Con. Page
Rules and regulations:
Hooked Rug Industry in Puerto Rico, minimum wage order 5610

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 6	5601
Title 6	
Chapter IV:	
Part 601	5601
Title 7	
Chapter IX:	
Part 933 (2 documents)	5607
Part 953	5608
Title 8	
Chapter I:	
Part 170	5608
Title 14	
Chapter I:	
Part 40 (proposed)	5616
Part 61 (proposed)	5616
Part 240	5609
Title 29	
Subtitle A:	
Part 4	5609
Chapter V:	
Part 672 (proposed)	5615
Part 684	5610
Title 32	
Chapter V:	
Part 597	5610
Title 32A	
Chapter III (OPS):	
CPR 22, SR 28	5610
GCPR, SR 106	5612
Title 33	
Chapter II:	
Part 204	5614
Title 43	
Chapter I:	
Part 192	5615

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available to producers from the time of harvest through January 31, 1953 (July 31, 1953, in the case of range grass seeds), and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Where additional time is needed to determine the quality of any eligible variety of seed, the completion of applicable documents and the disbursement on loans may be delayed until March 31, 1953, in the case of seeds other than range grass seeds, and not later than August 31, 1953, in the case of range grass seeds: *Provided, however,* That such later dates will be approved only for producers who have applied for loans on or before January 31, 1953 (July 31, 1953, in the case of range grass seeds).

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing seed listed in § 601.1983 in 1952 as landowner, landlord, tenant, or sharecropper.

Cooperative marketing associations of producers shall be deemed to be eligible producers for loans and purchase agreements, provided (1) the producer members are bound by contract to market through the association; (2) the major part of the seed marketed by the association is produced by members who are eligible producers; (3) the members share proportionately in the proceeds from marketings according to the quantity and quality of seed each delivers to the association; (4) the seed purchased from nonmembers is segregated at all times to assure that the seed placed under loan or delivered under a purchase agreement is seed grown by producer members; and, (5) the association has the legal right to pledge or mortgage the seed as security for a loan or to sell the seed under a purchase agreement.

§ 601.1976 *Eligible seed.* At the time the seed is placed under loan or delivered under a purchase agreement, the seed shall meet the following requirements:

(a) The seed must have been produced in the continental United States in 1952 by an eligible producer and be one of the kinds and varieties named in § 601.1983.

(b) Except in the case of cooperative marketing associations of producers, the beneficial interest in the seed must be in the person tendering the seed for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the seed was harvested. In the case of cooperative marketing associations, the beneficial interest in the seed must have been in the producer members who delivered the seed to the association and must always have been in them or in them and former producers whom they succeeded before the seed was harvested.

(c) It must on the basis of official purity analysis reports, and germination test certificates, based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is tendered for loan or purchase, be equal to or better in every respect than the minimum specifications for the particular kind of seed as shown in § 601.1983, unless the warehouseman, in the case of seed being offered for loan or delivery under a purchase agreement, certifies that the seed is of a quality eligible for price support, shows such quality on the warehouse receipt, and guarantees to deliver to CCC seed of a quality equal to, or better, than that shown on the warehouse receipt.

(d) The seed must not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law, and rules and regulations pursuant thereto, of the State, in which the seed is tendered for loan or delivered under a purchase agreement, and must conform with the requirements concerning noxious weed seed in § 601.1983.

§ 601.1977 *Warehouse receipts.* Warehouse receipts representing seed placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association of producers, must be properly endorsed in blank so as to vest title in the holder, must be issued by a warehouse approved by CCC under the Seed Storage Agreement, and must show the quantity of eligible seed actually in store in the warehouse.

(b) Where the seed is commingled, the warehouseman must guarantee both the quality and the quantity of the seed.

(c) Where the warehouseman guarantees the quality of the seed placed under loan, on either an identity-preserved or commingled basis, each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the kind or variety of the seed, the net weight and the factors used in determining the quality of the seed.

(d) Where the seed is stored on an identity-preserved basis and the warehouseman does not guarantee the quality, there shall be attached to the warehouse receipt for the lot of seed stored identity-preserved a copy of the official purity analysis report and germination test certificate.

(e) Any warehouse receipt representing seed stored on an identity-preserved basis must set forth in the written or printed terms the kind or variety of seed, the lot identity or number, the number of bags and the total net weight.

(f) Warehouse receipts shall carry an endorsement in substantially the following form:

Warehouse charges through April 30, 1953 (September 30, 1953, in the case of range grass seed), on the seed represented by this warehouse receipt have been paid or otherwise provided for, and lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt.

§ 601.1978 *Determination of quantity.* All determinations of the quantity of seed delivered under a warehouse-storage loan or purchase agreement in an approved warehouse under this program shall be made on the basis of the net weight of eligible seed, as specified on the warehouse receipt. If the seed is stored on an identity-preserved basis in an approved warehouse, the net weight of seed shown on the warehouse receipt shall be determined on the basis of official weights, or where the official weights cannot be obtained, the net weight of the seed shall be determined in a manner approved by the county committee. The quantity of seed being placed under a farm-storage loan shall be determined by the county committee. The quantity of seed delivered under a farm-storage loan shall be determined on the basis of official weights, or, where official weights cannot be obtained, the net weight of the seed shall be determined in a manner approved by the county committee.

§ 601.1979 *Determination of quality.* All determinations of quality made by

the county committee will be made on the basis of official purity and germination tests of a representative sample. An official test shall be a test made by a Federal or State Seed Testing Laboratory, or by a commercial seed testing laboratory approved by the State committee. A representative sample for determination of quality shall be a sample taken by a licensed State inspector, or where such services are not provided, the county committee shall arrange for a qualified disinterested person to obtain a representative sample. The sample shall consist of equal portions taken from evenly distributed parts of the lot of seed to be sampled.

§ 601.1980 *Loss or damage to seed under farm-storage loan.* Notwithstanding the provisions of § 601.1515 of the 1952 C. C. C. Grain Price Support Bulletin 1, and the provisions of the chattel mortgage and the mortgage supplement, the producer will not be responsible for deterioration occurring without fault or negligence on his part or the part of the person in control of the farm-storage structure.

§ 601.1981 *Warehouse and other charges.* CCC will not pay or assume charges for cleaning, drying, bagging, sampling, testing and analysis reports, tagging, or other handling or processing operations which are necessary to prepare the seed to meet eligibility requirements for price support; nor will CCC pay or assume storage charges which accrue prior to May 1, 1953 (prior to September 30, 1953, in the case of range grass seed), or the date of the warehouse receipt, whichever is later.

§ 601.1982 *Maturity of loans.* Loans mature on demand but not later than April 30, 1953 (September 30, 1953, in the case of range grass seed).

§ 601.1983 *Schedule of basic specifications and rates.* The rates at which purchases will be made from producers and the loan and settlement rates shall be computed in accordance with the specifications and rates shown in the following schedule: *Provided*, That, where seed is delivered to CCC in approved used bags, a bag discount at the rate of 25 cents per 100 pounds capacity shall be applicable.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE AND RANGE GRASS SEEDS

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Hay and pasture	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Alfalfa—Northern [3]	35	98	90	.50	2.00	1.50	1.50	95	84
Alfalfa—Central [4]	28	98	90	.50	2.00	1.50	1.50	97	81
Alfalfa—Southern [5]	20	98	90	.50	2.00	1.50	1.50	97	81
Alfalfa, certified: [6]									
Ranger, Ladak, Grimm, Buffalo, Atlantic	40	[9] 99	90	.50	2.00	1.50	1.50	98	85
Hairy Peruvian, Chilean, Chilean 21–5, African, Indian	22	[9] 99	90	.50	2.00	1.50	1.50	98	85
Clovers:									
Alsike	25	98	90	.50	4.00	1.50	1.50	95	84
Ladino, certified [6]	100	[9] 99	90	.50	2.00	1.50	1.50	97	84
Red	35	98	90	.50	2.00	1.50	1.50	97	80
Red, certified, Kenland	40	[9] 98	85	.50	2.00	1.50	1.50	97	80
Sweet, biennial, certified [6]	12	[9] 98	90	.50	2.00	1.50	1.50	97	80
Sweet, biennial mixed	10	[9] 96	90	.50	2.00	(7)	1.50	96	80
Hubam sweet	10	98	88	.50	2.00	1.50	1.50	97	85
White (Louisiana and Mississippi)	50	98	90	.50	4.50	1.50	1.50	95	84
Lespedeza: [8]									
Kobe	12	98	85	1.00	4.50	1.50	1.50	94	80
Common or Tennessee 76	16	98	85	1.00	4.50	1.50	1.50	94	80
Sericea (hulled and scarified)	15	95	90	1.00	3.00	1.50	1.50	96	80
Birdsfoot Trefoil	25	90	90	.50	2.00	1.50	1.50	92	85

See footnotes at end of table.

SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE AND RANGE GRASS SEEDS—Continued

Kind of seed	Basic support price per pound net weight	Basic specifications				Discount for each percent or fraction thereof below basic support price requirements		Minimum eligibility requirements	
		Purity	Germination [1]	Maximum weed seed [2]	Maximum other crop seed	Purity	Germination [1]	Purity	Germination [1]
Grasses	*Cents*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
Brome, Smooth	15	92	85	1.00	5.00	1.50	1.50	88	75
Brome, Smooth, certified: [6]									
Achenback, Lincoln, Fisher, Elsberry, Manchar	20	[9] 90	85	1.00	4.50	1.50	1.50	85	80
Brome, mountain, certified: [6] Bromar	20	[9] 95	85	1.00	4.50	1.50	1.50	90	80
Orchard Grass	12	90	85	1.00	4.50	1.50	1.50	85	80
Common Sudan	03.5	98	85	.50	4.50	1.50	1.50	95	80
Sweet Sudan	04	98	85	.50	4.50	1.50	1.50	95	80
Sudan, certified: [6] Tift, SA–354, SA–372, Sweet, Wheeler	05	[9] 98	85	.50	4.50	1.50	1.50	95	80
Timothy	07.5	99	90	.50	4.50	1.50	1.50	95	80
Timothy, certified: [6] Marietta, Lorraine and Hopkins	10.5	[9] 97	90	.50	1.00	1.50	1.50	95	80
Wheatgrass, crested	16	90	85	1.00	4.50	1.50	1.50	80	70
Wheatgrass, intermediate	25	90	85	1.00	4.50	1.50	1.50	85	75
Wheatgrass, slender	15	90	85	1.00	4.50	1.50	1.50	75	70
Wheatgrass, western	15	80	75	1.00	4.50	1.50	1.50	75	70
Wheatgrass, slender, certified: [6] Primar	30	[9] 90	85	1.00	4.50	1.50	1.50	85	80
Wheatgrass, beardless, certified: [6] Whitmar	30	[9] 90	85	1.00	4.50	1.50	1.50	85	80
Range Grasses									
Big Bluestem	20	40	50	2.00	[9] 4.50	1.50	1.50	30	40
Little Bluestem	20	40	50	2.00	[9] 4.50	1.50	1.50	25	45
Sand Bluestem	25	30	60	2.00	[9] 4.50	1.50	1.50	(10)	(10)
Mixed Bluestem [10]	15	40	65	2.00	[9] 4.50	1.50	1.50	35	50
Blue Grama	25	30	60	2.00	[9] 4.50	1.50	1.50	25	35
Side Oats Grama				2.00	[9] 4.50	1.50	1.50	(11)	(11)
Mixed Grama [11]	40	25	70	2.00	[9] 4.50	1.50	1.50	65	50
Buffalo (debulked)	25	95	70	.50	[9] 4.50	1.50	1.50	85	60
Sand Lovegrass									

[1] Hard seed will be added to live seed when determining germination of legume seeds.

[2] See attached supplement to this schedule for limitations on noxious weed seed.

[3] The Northern region includes all producing areas north of the southern boundaries of Oregon, Idaho, Wyoming, Nebraska, and eastward in counties which are north of, intersected by, the fortieth degree of latitude.

[4] The Central region includes all the producing areas south of the Northern region and north of the thirty-seventh degree of latitude (excluding California north of the thirty-seventh degree of latitude except the counties of Tahama, Plumas, and those counties north of the fortieth degree of latitude, but including all counties south of the thirty-seventh degree of latitude in Nevada, Missouri, Kentucky, and Virginia). Approved origin alfalfa seed in Oklahoma tagged and sealed with the official tags and seals of the Oklahoma Crop Improvement Association will be at the rates specified for the Central region.

[5] The Southern region includes all the producing areas south of the Central region.

[6] For certified varieties listed regardless of where grown. Certified seed for the purpose of this program shall be tagged and sealed by the State Crop Improvement Association or other Agency authorized to certify to the genetic purity of the seed. In States where there are two or more tag color designations used in the certification of seed and the seed did not qualify for highest grade certification, the purity to be used for price support purposes for such certified seed must be below the minimum purity requirements for certification for the next higher grade.

[7] White and yellow blossom biennial sweet clover will qualify for the biennial mixed sweet clover price support provided the mixture has a total minimum purity of at least 96 percent.

[8] Note exceptions to noxious weed seed requirements for lespedesa seed as given in supplement.

[9] Not more than 1 percent sand dropseed.

[10] Loans and purchases will be made at the respective rates on quantities of big bluestem, little bluestem, and sand bluestem in mixture: provided the mixture contains at least 30 percent of two or more of these seeds; not more than 1 percent sand dropseed and not more than 5 percent of grass seeds other than switchgrass, side oats grama, and indian-grass. The pure seed of the mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

[11] Loans and purchases will be made at the respective rates on quantities of blue grama and side oats grama in mixture: provided the mixture contains at least 25 percent of blue grama and side oats grama; not more than 1 percent of sand dropseed and not more than 5 percent of grass seeds other than Buffalo grass, bluestem, switchgrass and indian-grass. The pure seed mixture and the germination of each component will be used in determining the value. Maximum weed seed, 2 percent.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE, AND RANGE GRASS SEED

NOXIOUS WEED-SEED REQUIREMENTS

In addition to the prescribed eligibility requirements, seed must meet the following requirements with respect to noxious weed seed:

a. The seed shall not contain noxious weed seeds in excess of the number permitted for sale as planting seed by the State seed law and rules and regulations pursuant thereto of the State in which the seed is delivered to C. C. C.

b. In addition to a, above, the seed shall not contain any of the following prohibited noxious weed seeds:

Common name	*Botanical name*
Austrian fieldcress	Rorippa austriaca.
Bindweed	Convolvulus Arvensis.
Camelthorn	Alhagi (camelorum) pseudalhagi.
Canada thistle	Cirsium arvense.
Globepodded hoaryess, hairy whitetop	Cardaria pubescens.
Horsenettle [1]	Solanum carolinense.
Johnson grass	Sorghum halpense.
Leafy spurge	Euphorbia esula.
Nutgrass	Cyperus rotundus.
Perennial sowthistle	Sonchus arvensis.
Purple nightshade [1]	Solanum elaeagnifolium.
Quackgrass	Agropyron repens.
Russian knapweed	Centaurea (picris) repens.
Whitetop	Cardaria (Lepidium) draba.
Wild onion	Allium spp.

c. In addition to a and b above, the seed shall not contain any of the following noxious weed seeds in greater number or collectively, than the proportions shown below, using either the number or weight proportion as is reported on the analysis report:

(1) 1 noxious weed seed to 10,000 agricultural seeds or 50 per pound:

Common name	*Botanical name*
Bermuda grass, devilgrass	Cynodon dactylon.
Bindweed, hedge	Convolvulus sepium.
Blue lettuce, chicory lettuce [2]	Lactuca pulchella.
Chufa, nutgrass	Cyperus esculentus.
Dodder	Cuscuta spps.
Iberian star thistle [2]	Centaurea iberica.
Marijuana, Hemp [2]	Cannabis sativa.
Perennial mustard, whitetop [2]	Lepidium latifolium.
Poison hemlock [2]	Conium maculatum.
Poison milkweed [2]	Asclepias galioides.
Poverty weed [2]	Franseria discolor.
Puncturevine, caltrop [2]	Tribulus terrestris.
St. Johnswort, Klamath weed [2]	Hypericum perforatum.
Water hemlock [2]	Cicuta maculata.
Western ragweed [2]	Ambrosia psilostachya.
Woolly poverty weed [2]	Franseria tomentosa.
Yellow star thistle [2]	Centaurea solsatitialis.
Yellow toadflax [2]	Linaria vulgaris.

(2) 1 noxious weed seed to 5,000 agricultural seeds, or 100 to the pound:

Common name	*Botanical name*
Barberry [2]	Berberis spps.
Mahonia (Barberry) [2]	Mahonia spps.
Black nightshade [2]	Solanum nigrum.
Buffalo-bur [2]	Solanum rostratum.
Butterprint, velvetweed [2]	Abutilon theophrasti.
Cornecockle	Agrostemma githago.
Cutleaf nightshade	Solanum triflorum.

[1] Horsenettle and purple nightshade, in lespedeza seed, are classed as prohibited noxious weed seeds only when present in excess of 500 seeds per pound.

[2] Not classified as a noxious weed seed in lespedeza seed.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE, AND RANGE GRASS SEED—Continued

NOXIOUS WEED-SEED REQUIREMENTS—continued

Common name	*Botanical name*
Daisy, oxeye, field daisy	Chythanthemum leucanthemum.
Deathweed, povertyweed [2]	Iva axillaris.
Flowering spurge [2]	Euphorbia corollata.
Hairy gaura [2]	Gaura villosa.
Hairy nightshade [2]	Solanum villosissimum.
Mustard, charlock, wild mustard	Brassica spps.
Perennial groundcherry [2]	Physalis subglabrata.
Scarlet gaura [2]	Gaura coccinea.
Scented gaura [2]	Gaura odorata.
Shiny spurge [2]	Euphorbia lucida.
Spreading dogbane [2]	Apocynum androsaemifolium.
Texas blueweed	Hellanthus ciliaris.
Wavy-leaved gaura [2]	Gaura sinuata.
Yellowcress [2]	Rorippa sylvestris.

(3) 1 noxious weed seed to 2,000 agricultural seeds or 200 per pound:

Common name	*Botanical name*
Chicory [2]	Cichorium intybus.
Franseria povertyweed [2]	Franseria tenuifolia.
Giant ragweed [2]	Ambrosia trifida.
Halogeton [2]	Halogeton glomeratus.
Hoary False alyssum [2]	Berteroa incana.
Malta starthistle [2]	Centaurea melitensis.
Smaller burdock, Clotbur [2]	Arctium minus.
Purple Star thistle, Caltrops [2]	Centaurea calcitrapa.
Wild oat	Avena fatua.
Wild carrot	Daucus carota.
Wintercress, yellow rocket [2]	Barbarea vulgaris.

(4) 1 noxious weed to 1,000 agricultural seeds or 300 per pound:

Common name	*Botanical name*
Alkali mallow [2]	Sida hederacea.
Australian Burnweed, Fireweed [2]	Erechtites prenantholdes.
Austrian peaweed [2]	Swainsona salsula.
Ball mustard [2]	Neslia paniculata.
Bassia [2]	Bassia hyssopifolia.
Bladder campion [2]	Silene cucubalus.
Blueweed, Blue thistle [2]	Echium vulgare.
Catchfly, night-blooming catchfly [2]	Silene noctiflora.
Chess, Cheat	Bromus secalinus Tectorum.
Cocklebur [2]	Xanthium spp.
Common ragweed [2]	Ambrosia artemisifolia.
Common sowthistle [2]	Sonchus oleraceus.
Cowcockle, Cowherb [2]	Saponaria vaccaria.
Crabgrass, small crabgrass [2]	Digitaria ischaemum.
Crabgrass, crowfoot grass [2]	Digitaria sanguinalis.
Curly indigo [2]	Aeschynomene virginica.
Daisy fleabane [2]	Erigeron strigosus.
Darnel	Lolium temulentum.
Dock, Sorrel	Rumex spp.
Field peppergrass	Lepidium campestre.
Field sandbur [2]	Cenchrus pauciflorus.
Hares-ear mustard [2]	Conringia orientalis.
Hawkweed [2]	Hieracium spp.
Lanceleaf sage [2]	Salvia lanceolata.
Littleseed falseflax [2]	Camelina microcarpa.
Pennycress [2]	Thlaspi arvense.
Perennial groundcherry	Physalis longifolia.
Plantain	Plantago Spp.
Prickly sowthistle [2]	Sonchus asper.

SUPPLEMENT TO THE SCHEDULE OF BASIC RATES, SPECIFICATIONS AND DISCOUNTS APPLICABLE TO 1952 HAY, PASTURE, AND RANGE GRASS SEED—Continued

NOXIOUS WEED-SEED REQUIREMENTS—continued

Common name	*Botanical name*
Purple-flowered groundcherry [2]	Quincula (Physalis) lobata.
Red rice	Oryza sativa.
Roemeria poppy	Roemeria refracta.
Russian thistle	Salsola kali tenuifolia.
Sticktight [2]	Lappula echinata.
Tall indigo [2]	Sesbania exaltata.
Tansy mustard [2]	Sisymorium irio.
Tansy mustard [2]	Descruainia pinnata (sophia).
Tumble mustard [2]	Sisymbrium altissimum.
White campion [2]	Lychnis alba.
Whitetop fleabane [2]	Erigeron annus.
Wild barley, Foxtail barley [2]	Hordeum jubatum.
Wild barley, Squirrelgrass [2]	Hordeum murinum.
Wild flax [2]	Camelina sativa.
Wild morning-glory	Ipomoea Spp.
Wild radish [2]	Raphanus raphanistrum.
Wire grass	Paspalum distichum.

[2] Not classified as a noxious weed seed in lespedeza seed.

§ 601.1984 *Delivery of seed to CCC*—(a) *Cleaning and bagging.* See delivered to CCC by the producer under a loan or purchase agreement must meet the following requirements or must be represented by a warehouse receipt under which the warehouseman guarantees to meet such requirements: The seed must be cleaned and packaged in new bags of the quality and net capacity described in this section; or, if new bags are not available, No. 1 used bags of the same quality or better, and of the same net capacity as those described below may be used, provided they are thoroughly cleaned before being filled, and are free of holes, outside patches, or other defects.

(1) All kinds and varieties of alfalfa, clover, lespedeza, birdsfoot trefoil; orchard grass; timothy; and sand lovegrass:

Type	*Net capacity (pounds)*
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	50, 60, 100, or 120
40-inch 2.11 yard or heavier	50, 60, 100, or 120
(ii) Seamless cotton:	
13-ounce (20 x 42-inch)	120
16-ounce (20 x 45-inch)	150

(2) All kinds and varieties of brome, sudan, wheatgrass, and lespedeza:

Type	*Net capacity (pounds)*
(i) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	100
40-inch 2.11 yard or heavier	100
(ii) Burlap or jute: 10-ounce or heavier	100

(3) Big, little, and sand bluestem; blue, and side-oats grama, and natural component mixtures thereof where provided for; and Buffalo grass:

Type	*Net capacity (pounds)*
(i) Burlap or jute: 10-ounce or heavier	50 or 30
(ii) Osnaburg which can be probed:	
36-inch 2.35 yard or heavier	50 or 30
40-inch 2.11 yard or heavier	50 or 30

(b) *Tagging.* The seed must be tagged in accordance with the Federal Seed Act for interstate shipments, if ordered loaded out for interstate shipment by CCC.

§ 601.1985 *Settlement.* Where seed is delivered to CCC in accordance with § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, the following additional provisions shall be applicable:

(a) *Farm-storage loans.* Settlement under a farm-storage loan shall be made with the producer at the applicable support price on the basis of the quantity of the seed delivered, and on the basis of the quality of the seed when placed under loan, except that if damage or deterioration has resulted from negligence on the part of the producer or other person having control of the storage structure, settlement shall be made on the basis of the quality and quantity of the seed delivered. (See paragraph (d) of this section.)

(b) *Warehouse-storage loans*—(1) *Quality not guaranteed.* If the seed is stored on an identity-preserved basis and the quality is not guaranteed by the warehouseman, settlement shall be made with the producer at the applicable support price on the basis of the quantity of seed shown on the warehouse receipt and on the basis of the quality of the seed when placed under loan, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis and the warehouseman guarantees the quantity and quality, settlement shall be made with the producer at the applicable support rate on the basis of the quantity and quality of the seed shown on the warehouse receipt.

(c) *Purchase agreements.* If the producer has notified the county committee of his intention to sell seed under a purchase agreement in accordance with the provisions of § 601.1518 of the 1952 C. C. C. Grain Price Support Bulletin 1, the seed will be purchased upon delivery at the applicable support price.

(1) *Quality not guaranteed.* If the identity of the seed is preserved and the quality is not guaranteed by an approved warehouseman, settlement will be made on the basis of the quantity of seed actually delivered and the quality shown by official purity analysis reports and germination test certificates based on representative samples taken not more than five calendar months prior to the first day of the month in which the seed is delivered to CCC, except as provided in paragraph (d) of this section.

(2) *Quality guaranteed.* If the seed is stored on a commingled or identity-preserved basis in an approved warehouse and the warehouseman guarantees the quality and quantity of the seed, settlement will be made with the producer at the applicable support rate on the basis of the quality and quantity of the seed shown on the warehouse receipt.

(d) *Quality determination at time of delivery.* Where the quality of the seed delivered under a loan or purchase agreement is not guaranteed by an approved warehouseman, and the county committee has reason to believe that the lot of seed has been disturbed or damaged so that the purity analysis reports and/or germination test certificates are no longer representative of the quality of the seed, then the quality shall be determined by official purity analysis and germination tests made at the time of delivery. Settlement will be made at the applicable support rate on the basis of such tests made at the time of delivery, except where CCC assumes loss resulting from damage or deterioration to seed under loan. (See § 601.1515 of the 1952 C. C. C. Grain Price Support Bulletin 1 and § 601.1980.)

(e) *Refund of paid-in freight.* Where any seed delivered to CCC has been shipped by the producer, or for him, "in line," as determined by CCC, from point of origin to an approved warehouse for storage where transit privileges are in effect, freight (including transportation tax) at a rate not exceeding the lowest published rate, or the lowest transcontinental rate, where applicable, paid on the inbound rail movement, will be refunded to the producer: *Provided*, That (1) the shipment has been properly registered for transit; (2) the paid railway freight bill or a validated copy thereof, representing the identical seed, is endorsed to CCC in accordance with the covering tariffs at the transit point, and turned over to CCC; (3) a freight certificate signed by the warehouseman is turned over to CCC; and (4) the refunded freight is limited to the quantity of seed shown on the warehouse receipt. The freight certificate shall show the original shipping point, date and number of waybill, car initials and number, date and number of freight bill, name of the carrier, transit weight, and rate paid in, the total amount of freight paid, and such other information as CCC may require. Refunds for paid-in freight under this paragraph will be made by the appropriate PMA commodity office subsequent to actual delivery of the seed to CCC pursuant to a loan or purchase agreement.

Issued this 18th day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6820; Filed, June 20, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 220]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.585 *Orange Regulation 220*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 23, 1952. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 15, 1951, and will so continue until June 23, 1952; the recommendation and supporting information for continued regulation subsequent to June 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 17; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 23, 1952, and ending at 12:01 a. m., e. s. t., June 30, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet, (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or in Regulation Area II which are of a size larger than a size that will pack 126 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., June 30, 1952, and ending at 12:01 a. m., e. s. t., September 15, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than a size that will pack 96 oranges, packed in accordance with the requirements of a standard pack in a standard nailed box.

(3) As used in this section, the term "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container" and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192).

Shipments of Temple oranges grown in the State of Florida are subject to the provisions of Orange Regulation 215 (7 CFR 933.574; 17 F. R. 3227).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6841; Filed, June 20, 1952; 8:53 a. m.]

[Grapefruit Regulation 165]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.586 *Grapefruit Regulation 165*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 23, 1952. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 17, 1951, and will so continue until June 23, 1952; the recommendation and supporting information for continued regulation subsequent to June 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 17; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 23, 1952, and ending at 12:01 a. m., e. s. t., June 30, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any white seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any white seedless grapefruit, grown in Regulation Area I, which grade U. S. No. 2 Bright, U. S. No. 2, or U. S. No. 2 Russet, which are of a size larger than a size that will pack 54 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright, U. S. No. 2, or U. S. No. 2 Russet, which are of a size larger than a size that will pack 46 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) During the period beginning at 12:01 a. m., e. s. t., June 30, 1952, and ending at 12:01 a. m., e. s. t., September 15, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(3) As used in this section, "handler," "variety," "ship" and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack" and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6840; Filed, June 20, 1952; 8:53 a. m.]

[Lemon Regulation 440]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.547 *Lemon Regulation 440*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 18, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 22, 1952 and ending at 12:01 a. m., P. s. t., June 29, 1952 is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 700 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 439 (17 F. R. 5387) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6873; Filed, June 20, 1952; 8:51 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

NOTIFICATION OF ADDRESS OF RESIDENT ALIENS

JUNE 11, 1952.

Section 170.6, *Notification of address of resident aliens*, of Chapter I, Title 8 of the Code of Federal Regulations, is amended by designating the existing contents of the section as paragraph (a) and by adding the following new paragraph:

(b) The notification of address of an alien who is insane or otherwise incompetent or of unsound mind may be furnished by his legal guardian, trustee, or committee, or by any person who is charged by law with his care or custody, and in such form as may be approved by the Commissioner of Immigration and Naturalization.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (50 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary because the rule prescribed by the order authorizes simplified procedures which would be clearly advantageous to persons affected thereby.

ARGYLE R. MACKEY,
Commissioner, Immigration and Naturalization.

Approved: June 16, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-6803; Filed, June 20, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-170]

PART 240—INSPECTION OF ACCOUNTS AND PROPERTY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 16th day of June, 1952.

Section 407 (e) of the Civil Aeronautics Act provides that the Board shall at all times have access to all lands, buildings, and equipment of any air carrier and to all accounts, records, and memoranda, including all documents and papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; the section further provides that the Board may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda.

Some questions have been raised as to the powers and duties of the Board's auditors and special agents employed by it to carry out the provisions of this section, and it appearing that air carriers, on occasion, have refused to allow such auditors and special agents such access upon proper demand, and that such refusal has hindered and obstructed the proper administration of the act, it is the purpose of this regulaton to set forth the Board's interpretation of section 407 (e) of the act and to take all action necessary thereunder in order that there may be no doubt on the part of the air carriers as to the authority, powers, and the duties of properly identified Board employees bearing credentials as auditors and special agents of the Board.

Since these regulations are either interpretive rules or rules declaratory of existing statutory obligations on the part of the persons affected, the Board finds that notice and public procedure hereon are unnecessary and that the new part may be made effective on less than 30 days prior notice.

In consideration of the foregoing, the Board hereby amends the Economic Regulations effective June 16, 1952, by making and promulgating a new part, designated Part 240, to read as follows:

Sec.
240.1 Interpretation.
240.2 Carriers' obligation.

AUTHORITY: §§ 240.1 and 240.2 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 407, 702, 52 Stat. 1000, 1013; 49 U. S. C. 487, 582.

§ 240.1 *Interpretation.* (a) The first sentence of section 407 (e) of the Civil Aeronautics Act is construed as follows: "The Board itself, or through duly accredited special agents or auditors, shall at all times have access to all lands, buildings, records and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and any special agents or auditors employed for the purpose shall have authority, when so directed by the Board, to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda and to make such notes and copies thereof as he deems appropriate."

(b) The terms "special agent" and "auditor" are respectively construed to mean (1) any employee of the Office of Enforcement, any employee of the Bureau of Safety Investigation, and any other employee of the Board specifically designated by it or by the Secretary of the Board, and (2) any employee of the Audits Section, Accounting and Statistics Division, of the Bureau of Air Operations.

(c) The issuance in the form set forth below of an identification card and credentials to any such employee shall be construed to be an order and direction of the Board to such individual to inspect and examine the lands, buildings, equipment, accounts, records, and memoranda of air carriers in accordance with the terms of section 407 (e).

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Number ----------
Expires ----------

This is to certify that ---------- whose signature and photograph appear hereon is a duly designated ----------

[photo] ---------- ----------

(Signature) CIVIL AERONAUTICS BOARD,
Washington, D. C.

and is authorized and directed to perform the duties of said office in accordance with the laws of the United States and regulations thereunder, and his authority will be respected accordingly.

By authority of the Civil Aeronautics Board.

----------,
Secretary, Civil Aeronautics Board.

Name ----------
Date issued ----------
Number ----------
Height ----------
Weight ----------
Hair ----------
Eyes ----------
Date of birth ----------

The holder hereof is authorized to investigate violations of the Civil Aeronautics Act of 1938, as amended, collect evidence in cases in which the economic regulatory authority of the Civil Aeronautics Board is or may be involved and perform other duties imposed upon him by law.

Section 407 (e) of the Civil Aeronautics Act of 1938, as amended, together with Part 240 of the Regulations of the Civil Aeronautics Board, provides in part that the Board, through its duly accredited special agents or auditors, shall at all times have access to, and may inspect and examine, all lands, buildings and equipment of any air carrier and all accounts, records, and memoranda, including all documents, papers, and correspondence, and make copies thereof.

The issuance of these credentials to the holder hereof constitutes an order and direction on the part of the Civil Aeronautics Board to such individual to carry out these duties as aforesaid and as more fully described in Part 240 of the Board's Economic Regulations.

Failure to honor these credentials will result in penalties as provided by law.

UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

§ 240.2 *Carriers' obligation.* Any air carrier, upon the demand of a special agent or auditor of the Board and upon the presentation of the identification card and credentials issued to him in accordance with this part, shall forthwith permit such special agent or auditor to inspect and examine all lands, buildings, and equipment of the carrier and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by the carrier and shall permit such special agent or auditor to make such notes and copies thereof as he deems appropriate.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-6816; Filed, June 20, 1952; 8:51 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

OCCUPATIONS INVOLVED IN THE OPERATION OF BAKERY MACHINES (ORDER 11)

Finding and order declaring certain specified occupations involved in the operation of power-driven bakery machines to be particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

On December 28, 1951, notice was published in the FEDERAL REGISTER (16 F. R. 13104) that the Secretary of Labor proposed to adopt a hazardous occupations order as therein set forth providing that for purposes of section 3 (l) of the Fair Labor Standards Act, as amended, certain specified occupations involved in

the operation of power-driven bakery machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. The notice provided for a public hearing to be held in Washington, D. C., on February 6, 1952. Interested persons were invited to participate in the hearing and provision was made for the submission of written comments or briefs by any interested person unable to attend the hearing. Following the hearing, the American Baker's Association, which had not participated in the public hearing, requested that the record be reopened for the purpose of receiving any additional information which they might submit. The presiding officer entered an order reopening the record for a period of 30 days to accommodate this request. The 30-day period expired on March 21, 1952, with no additional evidence having been filed. All relevant material submitted, including the report of investigation, has been carefully considered. This material discloses no reason for revision of the order as proposed.

Now, therefore, pursuant to the authority vested in me by section 3 (l) of the Fair Labor Standards Act, as amended, (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 of 1946 adopted pursuant to the Reorganization Act of 1945 (59 Stat. 613) and in accordance with the Procedure Governing Determinations of Hazardous Occupations (29 CFR Part 4, Subpart D) I, Maurice J. Tobin, Secretary of Labor, hereby adopt the following finding, declaration, and order designated Hazardous-Occupations Order No. 11:

§ 4.62 *Occupations involved in the operation of bakery machines (order 11)*—(a) *Finding and declaration of fact.* The following occupations involved in the operation of power-driven bakery machines are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) The occupation of operating, assisting to operate, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(2) The occupation of setting up or adjusting a cooky or cracker machine.

(b) This section shall not justify noncompliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established in this section.

(c) This section will become effective July 21, 1952.

(Sec. 3, 52 Stat. 1060, as amended; 29 U. S. C. 203)

Signed at Washington, D. C. this 9th day of June 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-6799; Filed, June 20, 1952; 8:48 a. m.]

Chapter V—Wage and Hour Division, Department of Labor

PART 684—HOOKED RUG INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on May 17, 1952 (17 F. R. 4541), of my decision to approve the minimum wage recommendations of Special Industry Committee No. 11 for Puerto Rico for the Hooked Rug Industry in Puerto Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice.

Exceptions were filed by Creative Textiles, Inc., Rugcrofters of Puerto Rico, Inc., and Floor Coverings Co. of Puerto Rico, Inc. All the arguments contained in the exceptions were presented before the Committee and considered by me at the time I made my decision in this matter on May 13, 1952. The exceptions raised no new matters which would require any change or modification of my previous decision.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the wage order contained in this part is hereby revised to read as set forth in the May 17, 1952 issue of the FEDERAL REGISTER (17 F. R. 4541), and as set forth below, to become effective July 21, 1952.

Sec.
684.1 Wage rates.
684.2 Notices of order.
684.3 Definition of the hooked rug industry in Puerto Rico and its divisions.

AUTHORITY: §§ 684.1 to 684.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 684.1 *Wage rates.* (a) Wages at a rate of not less than 33 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-hooked rug division of the hooked rug industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the machine-hooked rug division of the hooked rug industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 684.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the hooked rug industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 684.3 *Definitions of the hooked rug industry in Puerto Rico and its divisions.* (a) The hooked rug industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture of hooked or punched rugs and carpeting.

(b) The separable divisions of the industry as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Hand-hooked rug division.* The manufacture of hooked rugs by a hand-hooking process.

(2) *Machine-hooked rug division.* The manufacture of hooked rugs by a process other than hand-hooking.

Signed at Washington, D. C., this 18th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6813; Filed, June 20, 1952; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-6687, appearing at page 5503 of the issue for Thursday, June 19, 1952, the following changes should be made:

1. Immediately after the part heading, Part 597—Termination of Contracts, the following should be inserted:

Part 597 is revised to read as follows:

2. Items 1 and 2, immediately preceding § 597.704, should be deleted.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 28]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 28—PERMISSIBLE ADJUSTMENTS IN CEILING PRICES BECAUSE OF INCREASED FREIGHT RATES FOR CERTAIN BUILDING AND CONSTRUCTION MATERIALS

Pursuant to the Defense Production Act of 1950, as amended, (Public Law 774, 81st Congress, Public Law 96, 82nd Congress), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 28 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued for the same reasons, and accomplishes the same objectives, as Supplementary Regulation 106 to the General Ceiling Price Regulation. Accordingly, the statement of considerations involved in the issuance of that supplementary regulation is equally applicable to this supplementary regulation.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. Formal consultation was had with the Industry Advisory Committee for the structural clay products and allied clay products industry, and consideration has been given to its recommendations.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this supplementary regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this supplementary regulation. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. The building and construction materials to which this supplementary regulation applies.
3. Persons covered by this supplementary regulation.
4. Ceiling price adjustments for increased costs of outbound transportation.
5. Ceiling price adjustments for increased costs of inbound transportation.
6. Record-keeping requirements.
7. Definitions.
8. Applicability of Ceiling Price Regulation 22.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Sup.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits certain adjustments in ceiling prices of the building and construction materials listed in section 2 for increases in costs of transportation caused by increases in freight rates and required to be paid to a carrier: *Provided*, that such increases in freight rates have been authorized by the Director of Price Stabilization or by a formal order of the Interstate Commerce Commission or other agency of the United States, or of any regulatory body of a State of the United States having jurisdiction to authorize an increase in freight rates for the transportation of any such building and construction material.

To the extent permitted by section 4, manufacturers of the building and construction materials listed in section 2 are permitted to adjust their ceiling delivered prices for these materials to reflect increased costs of outbound transportation.

To the extent permitted by section 5, manufacturers of concrete products are permitted to adjust their ceiling prices for these materials to reflect increased costs of inbound transportation for cement and aggregates.

SEC. 2. *The building and construction materials to which this supplementary regulation applies.* This supplementary regulation applies to the following building and construction materials:

Asbestos cement building products limited to shingles, flat sheets and corrugated sheets not further fabricated.
Asbestos cement pipe.
Asphalt and tarred roofing products defined as, dry felt made of organic fibre impregnated with bitumen designed and constructed to be applied to the exterior surface of a building or structure for the purpose of weather proofing such surfaces, excluding rigid brick and stone siding.
Ceramic floor and wall tile.
Clay drain tile.
Concrete products.
Fiber insulating board (rigid insulating material manufactured in various thicknesses principally from wood, cane or other vegetable fiber and having a density of not greater than 20 pounds per cubic foot), except acoustical tile.
Gypsum products, including but not limited to board, lath, partition and roof tile, but excluding acoustical tile.
Structural clay products and allied clay products.
Vitrified clay sewer pipe and allied clay products.

SEC. 3. *Persons covered by this supplementary regulation.* Any person who manufactures any of the building and construction materials listed in section 2, is, if he so elects, covered by the provisions of this supplementary regulation. His election to use it must be evidenced by the keeping by him of the records required to be kept by section 6.

SEC. 4. *Ceiling price adjustments for increased costs of outbound transportation.* If you manufacture any of the building and construction materials (see definition in section 7) for which you have a ceiling delivered price, you may adjust your ceiling delivered price for any such material manufactured by you by the exact amount of increases in the costs to you of outbound transportation by carrier that have been or may be made after March 15, 1951: *Provided*, That such increases in transportation costs are due to increases in freight rates which have been authorized or ordered according to the requirements of section 1.

SEC. 5. *Ceiling price adjustments for increased costs of inbound transportation.* If you are a manufacturer of the category of commodities listed in paragraph (a) of this section you may adjust your ceiling prices for the various products in that category which you manufacture by using the formula for determining the adjustment which is set forth in paragraph (b) of this section.

(a) *Category of commodities covered.* This section applies to manufacturers of concrete products.

(b) *Formula for price adjustment.* You may adjust your ceiling price for each of the commodities within the category for which you are calculating the price adjustment by the exact amount in dollars and cents that is determined according to the following method:

(1) Find the current freight rate applicable to a bag, barrel, ton, cubic yard (or other standard unit of measure) of cement and aggregates which you use as raw materials in the category of commodities for which you are calculating an adjustment.

(2) In like manner, find the freight rate effective January 26, 1951, on the same raw material (same unit of measure). For purposes of freight rate determinations of subparagraphs (1) and (2) you must use the same supplier in both determinations. This supplier must be the firm which sold you the largest volume of the particular raw material during the second calendar quarter of 1952. You may not use freight rates from your other suppliers in the above two calculations.

(3) Subtract the freight rate determined in subparagraph (2) from the rate determined in subparagraph (1). The result will be the dollars and cents freight rate increase per unit (bag, barrel, ton, cubic yard or other standard unit of measure) of each raw material.

(4) Multiply the physical volume (using the same unit of measure used in subparagraphs (1) and (2)) of each raw material (aggregate and cement) used by you during your last complete fiscal year in the manufacture of the category of commodities for which you are calculating the adjustment by the freight rate increase found in subparagraph (3) applicable to that raw material. The resultant dollar figure will be the total amount of additional freight charges that you would have paid for that raw material had current freight rates been in effect during your entire last fiscal year.

(5) Add the dollars and cents amounts which you have found in your calculations under subparagraph (4). This will give you your total increased freight charges due to increased freight rates for the category of commodities for which you are calculating the adjustment.

(6) Divide the dollars and cents amount which you have found under subparagraph (5) by the net dollar sales of the category of commodities for which you are making the calculation during your last complete fiscal year. The resultant percentage will be the percentage of adjustment for the entire category of commodities for which you are making the calculation.

(7) Apply to each product in the category for which you are making the calculation the percentage found in subparagraph (6). The resultant dollars and cents amount may be added to your ceiling price for that commodity as established by Ceiling Price Regulation 22. You may round ceiling prices adjusted under this supplementary regulation to

the nearest quarter of a cent per unit provided you do so in a consistent manner and round down as well as up.

SEC. 6. *Record-keeping requirements.* Before adjusting your ceiling price under this supplementary regulation for any material or commodity, you must have received a carrier's invoice, freight bill, or other statement of transportation charges, or an invoice or invoices from a supplier who sells to you on a delivered basis, from which you can show that your costs were increased because of increased transportation costs due to increased freight rates. If you adjust any ceiling price under section 4, you are required to keep each carrier's invoice, freight bill, other statement of transportation charges or supplier's invoice or invoices for two years after you receive it. In adjusting any ceiling price pursuant to section 5, you must prepare a worksheet showing in detail how you calculated that adjustment. You must preserve each such worksheet for a period of two years after making such adjustment together with such carrier's invoice, freight bill, other statement of transportation charges or supplier's invoice or invoices supporting each adjustment.

SEC. 7. *Definitions.* Under this supplementary regulation:

(a) "Building and construction materials" means the commodities listed in section 2.

(b) "Carrier" means a common or contract carrier by rail, or by water, or by truck, or any combination of common or contract carrier, whose rates are established by the Director of Price Stabilization, the Interstate Commerce Commission, or a State regulatory body having jurisdiction by law to establish freight rates for common or contract carriers.

(c) "Freight rates" means the authorized published tariffs for transportation of commodities by carrier, including excise taxes applicable thereto.

(d) "Net delivered cost" means the total cost to you of a commodity f. o. b. your siding or other specified delivery point, excluding demurrage and handling charges.

SEC. 8. *Applicability of Ceiling Price Regulation 22.* All the provisions of Ceiling Price Regulation 22 shall be applicable to you in your sales of the materials and commodities covered by this supplementary regulation except as these provisions are modified and supplemented by this supplementary regulation.

Effective date. This supplementary regulation is effective June 24, 1952.

NOTE: The record-keeping requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 19, 1952.

[F. R. Doc. 52-6861; Filed, June 19, 1952; 4:47 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 106]

GCPR, SR 106—PERMISSIBLE ADJUSTMENTS IN CEILING PRICES BECAUSE OF INCREASED FREIGHT RATES FOR CERTAIN BUILDING AND CONSTRUCTION MATERIALS

Pursuant to the Defense Production Act of 1950, as amended (Public Law 774, 81st Cong., Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 106 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation permits producers, manufacturers and resellers of specified building and construction materials to adjust their ceiling prices to reflect certain increased transportation costs resulting from freight rate increases authorized after January 26, 1951. Sales of the building and construction materials covered by this supplementary regulation are subject to the provisions of the General Ceiling Price Regulation. Until the issuance of this action, the General Ceiling Price Regulation did not permit the pass-through of increased costs resulting from increased freight rates on outbound transportation unless the delivered price which the seller quoted was based on his plant price plus the precise amount of transportation cost to each of his purchasers. Increase in inbound freight costs could not, under any circumstances, be passed through under the terms of the General Ceiling Price Regulation.

Manufacturers and producers may apply the exact dollars and cents amount of increases in outbound transportation costs to their GCPR ceiling delivered prices of the commodities covered herein, except ready-mixed concrete and asphaltic concrete and bituminous paving mixes.

Manufacturers of ready-mixed concrete, concrete products and asphaltic concrete and bituminous paving mixes, who have incurred increases in the costs to them of the materials listed in this regulation which enter into the manufacture of these products, may increase their ceiling prices for these products as provided in section 5, provided such increases are the result of authorized freight rate increases.

Finally, resellers are permitted to adjust their General Ceiling Price Regulation ceiling prices to reflect authorized inbound freight rate increases in accordance with the requirements of the Herlong Amendment to the Defense Production Act of 1950, as amended.

This supplementary regulation limits the pass-through to increased freight costs resulting from increased freight rates authorized by the Director of Price Stabilization, the Interstate Commerce Commission or any state regulatory body empowered to establish freight rates.

An Interstate Commerce Commission study of the relationship of transportation costs to 1946 wholesale prices shows that the percentage of outbound transportation costs in relation to value of product at destination was about 51 percent for sand and gravel, 44 percent for stone (broken, ground or crushed), 23 percent for asphalt and 22 percent for cement. It should be noted that although transportation costs and wholesale prices of these products have risen since 1946, there is no reason to believe that relationships of freight cost to wholesale price have changed significantly.

Rail freight rate increases effective April 14, 1951, August 28, 1951, and May 2, 1952, authorized by the ICC generally totaled 15 percent. One of the exceptions to the general authorization provides for a total increase of 12 percent for sand, gravel and stone (crushed, broken or ground). In industries where value of product is high in relation to transportation cost, firms are able to absorb such transportation cost increases out of economies of increased output. Absorption, however, places an onerous burden on firms dealing in the bulky building and construction materials to which this supplementary regulation applies. The materials entering into the manufacture of ready-mixed concrete and concrete products, for example, are composed almost wholly of aggregates (sand, gravel, stone, etc.) and cement. Using a sand, gravel and cement mix commonly employed in the manufacture of ready-mixed concrete, the severity of the burden becomes apparent when we note that inbound transportation costs alone represent 47 percent of the cost of the raw materials entering into the production of this commodity.

The relation of outbound transportation costs to value of product is very high in respect to aggregates and structural clay products. Historically, these industries have never absorbed appreciable outbound freight costs for such commodities. In the main, these prices reflect actual freight; one exception concerns transportation charges based on an average of freight rate costs or on some other method of transportation cost determination. Another exception occurs in the case of "freight equalization" where some absorption of transportation cost is assumed by the supplier in order to meet competition of an f. o. b. seller closer to the purchaser. Under the terms of the GCPR, suppliers selling on a "delivered" or "freight equalized" basis are required to absorb freight rate increases. Inasmuch as f. o. b. sellers are not required to absorb such increases, an inequitable situation arises with respect to "delivered" and "freight equalized" sellers and those suppliers who sell on an f. o. b. basis. As a result of this situation, price structure distortions have occurred in many market areas between prices customarily quoted on an f. o. b. basis and prices quoted on a "delivered" or "freight equalized" basis. This regulation, therefore, remedies the inequities and price structure distortions by permitting a manufacturer to apply the actual dollars and cents increase in freight cost to his "delivered" or "freight equalized" price.

In view of the sizable increases in freight rates since January 26, 1951, there are grounds for believing that the earnings of the ready-mixed concrete, concrete products and sand and gravel industries have been reduced below the minimum requirements of the earnings or product standard.

Ordinarily, in this latter situation, OPS would make a financial survey of each industry's earnings or a study of the cost-price relationships in order to determine the exact amount of any price increase which would be required under these standards. Such studies require a considerable expenditure of the Agency's resources especially where, as here, special forms must be designed to ascertain individual product as well as overall company data. Furthermore, substantial freight rate increases on these bulky commodities have created an urgent situation requiring immediate interim relief pending the issuance of tailored regulations. In view of these circumstances, the Director has concluded that the time and effort required to determine the precise measure of the allowable price increase is not warranted at this time.

Other building material industries who can demonstrate the need for relief under the criteria established herein may apply to the Office of Price Stabilization.

Under the provisions of section 1 of Ceiling Price Regulation 22, some manufacturers who use the building and construction materials covered by this supplementary regulation in the manufacture of certain commodities and whose gross sales of their manufactured commodities for their last complete fiscal year were less than $250,000 may have elected not to come under the provisions of CPR 22, but to adhere to ceiling prices established under the General Ceiling Price Regulation. These manufacturers, if they elect to remain under the General Ceiling Price Regulation, may make the adjustments in their ceiling prices permitted under this supplementary regulation for these manufactured commodities, which include structural clay products, vitrified clay sewer pipe and allied clay products, and concrete products.

In situations where short hauls are involved, the effect of this action will, of course, be negligible. With respect to medium and long hauls, such action, in the opinion of the Director of Price Stabilization, is necessary to avoid undue hardship and inequities.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. Formal consultation was held with representatives of the ready-mixed concrete, crushed stone, sand and gravel, and structural clay products industries. However, in all cases, consideration was given to information and suggestions received from trade association representatives and members of the industries affected. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. The building and construction materials to which this supplementary regulation applies.
3. Persons covered by this supplementary regulation.
4. Manufacturers' ceiling price adjustments for increased costs of outbound transportation.
5. Manufacturers' ceiling price adjustments for increased costs of inbound transportation.
6. Resellers' ceiling price adjustments for increased costs of inbound transportation.
7. Record-keeping requirements.
8. Definitions and explanations.
9. Applicability of the GCPR.

AUTHORITY: Sections 1 to 9 issued under section 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits certain adjustments in ceiling prices of the building and construction materials listed in section 2, ready-mixed concrete, and asphaltic concrete and bituminous paving mixes for increases in costs of transportation caused by increases in freight rates after January 26, 1951, and required to be paid to a carrier: *Provided*, That such increases in freight rates have been authorized by the Director of Price Stabilization or by a formal order of the Interstate Commerce Commission or other agency of the United States, or of any regulatory body of a State of the United States having jurisdiction to authorize an increase in freight rates for the transportation of any such building and construction material, ready-mixed concrete, and asphaltic concrete and bituminous paving mix.

(a) To the extent permitted by section 4, manufacturers of the building and construction materials listed in section 2 are permitted to adjust their ceiling delivered prices for these materials to reflect increased costs of outbound transportation.

(b) To the extent permitted by section 5, manufacturers of concrete products and asphaltic concrete and bituminous paving mixes are permitted to adjust their ceiling prices for these materials to reflect increases costs of inbound transportation for asphalt, cement, and aggregates.

(c) To the extent permitted by section 6, resellers of any of the above materials are permitted to adjust their ceiling prices to reflect increased costs of inbound transportation.

SEC. 2. *The building and construction materials to which this supplementary regulation applies.* This supplementary regulation applies to the following building and construction materials:

Asbestos cement building products limited to shingles, flat sheets and corrugated sheets not further fabricated.
Asbestos cement pipe.
Asphalt and tarred roofing products defined as, dry felt made of organic fibre impregnated with bitumen designed and constructed to be applied to the exterior surface of a building or structure for the purpose of weather proofing such surfaces, excluding rigid brick and stone siding.
Blast furnace slag, except when used as an agricultural liming material.
Calcined gypsum plasters and Keene's cement.
Cement, including standard Portland cement; special Portland cement, such as high early strength masonry or mortar, low and moderate heat, oil-well, sulphate-resisting, white Portland; or any other cement generally classified as special Portland cement; alumina cement, natural cement, puzzolan (slag-lime) cement; and masonry cement of the natural cement class.
Ceramic floor and wall tile.
Clay drain tile.
Concrete products.
Crushed stone, except when used as an agricultural liming material.
Fiber insulating board (rigid insulating material manufactured in various thicknesses principally from wood, cane or other vegetable fiber and having a density of not greater than 20 pounds per cubic foot), except acoustical tile.
Gravel.
Gypsum products, including but not limited to board, lath, partition and roof tile, but excluding acoustical tile.
Lightweight aggregates: the expanded materials perlite, vermiculite, blast furnace slag, clay, shale and slate, the sintered materials blast furnace slag, clay, coal cinders, diatomaceous earths, fly ash, shale, slate; and the naturally occurring volcanic materials pumice, scoria, and tuff.
Lime (construction, metallurgical, chemical, and refractory) except when used as an agricultural liming material.
Sand.
Structural clay products and allied clay products.
Vitrified clay sewer pipe and allied clay products.

SEC. 3. *Persons covered by this supplementary regulation.* Any person who produces or manufactures any of the building and construction materials listed in section 2, or a reseller of any of these materials or commodities, or any manufacturer or reseller of ready-mixed concrete, or asphaltic concrete and bituminous paving mixes, is, if he so elects, covered by the provisions of this supplementary regulation. His election to use it must be evidenced by the keeping by him of the records required to be kept by section 7.

SEC. 4. *Manufacturers' ceiling price adjustments for increased costs of outbound transportation.* If you produce or manufacture any of the building and construction materials (see definition in section 8) for which you have a ceiling delivered price, you may adjust your ceiling delivered price for any such material produced or manufactured by you by the exact amount of increases in the costs to you of transportation by carrier that have been or may be made after January 26, 1951: *Provided*, That such increases in transportation costs are due to increases in freight rates which have been authorized or ordered according to the requirements of section 1.

SEC. 5. *Manufacturers' ceiling price adjustments for increased costs of inbound transportation.* If you are a manufacturer of any of the categories of commodities listed in paragraph (a) you may adjust your ceiling prices for the various products in each category which you manufacture by using the formula for determining the adjustment which is set forth in paragraph (b). You must

apply this formula separately to each category which you manufacture.

(a) *Categories of commodities covered.* This section applies to manufacturers of (1) ready-mixed concrete, (2) concrete products, and (3) asphaltic concrete and bituminous paving mixes.

(b) *Formula for price adjustment.* You may adjust your ceiling price for each of the commodities within the category for which you are calculating the price adjustment by the exact amount in dollars and cents that is determined according to the following method:

(1) Find the current freight rate applicable to a bag, barrel, ton, cubic yard, gallon (or other standard unit of measure) of asphalt, cement, and aggregates which you use as raw materials in the category of commodities for which you are calculating an adjustment.

(2) In like manner, find the freight rate effective January 26, 1951, on the same raw material (same unit of measure). For purposes of freight rate determinations of subparagraphs (1) and (2) you must use the same supplier in both determinations. This supplier must be the firm which sold you the largest volume of the particular raw material during the second calendar quarter of 1952. You may not use freight rates from your other suppliers in the above two calculations.

(3) Subtract the freight rate determined in subparagraph (2) from the rate determined in subparagraph (1). The result will be the dollars-and-cents freight rate increase per unit (bag, barrel, ton, cubic yard, gallon or other standard unit of measure) of each raw material.

(4) Multiply the physical volume (using the same unit of measure used in subparagraphs (1) and (2)) of each raw material (aggregate, asphalt and cement) used by you during your last complete fiscal year in the manufacture of the category of commodities for which you are calculating the adjustment by the freight rate increase found in subparagraph (3) applicable to that raw material. The resultant dollar figure will be the total amount of additional freight charges that you would have paid for that raw material had current freight rates been in effect during your entire last fiscal year.

(5) Add the dollars and cents amounts which you have found in your calculations under subparagraph (4). This will give you your total increased freight charges due to increased freight rates for the category of commodities for which you are calculating the adjustment.

(6) Divide the dollars and cents amount which you have found under subparagraph (5) by the net dollar sales of the category of commodities for which you are making the calculation during your last complete fiscal year. The resultant percentage will be the percentage of adjustment for the entire category for which you are making the calculations.

(7) Apply to each product in the category for which you are making the calculation the percentage found in subparagraph (6). The resultant dollars and cents amount may be added to your ceiling price for that commodity as established by the GCPR. You may round ceiling prices adjusted under this supplementary regulation as follows: to the nearest five cents per cubic yard in the case of ready-mixed concrete, the nearest quarter of a cent per unit in the case of concrete products, and the nearest cent in the case of asphaltic concrete and bituminous paving mixes; provided you do so in a consistent manner and round down as well as up.

SEC. 6. *Resellers' ceiling price adjustments for increased costs of inbound transportation.* If you are a reseller of any of the building and construction materials listed in section 2, or if you are a reseller of ready-mixed concrete, asphaltic concrete or bituminous paving mixes, you may adjust your ceiling price for any such building and construction material, commodity or product you buy by the exact percentage by which the net delivered cost to you for such material or commodity purchased from the same supplier has been increased due to increases in freight rates incurred after January 26, 1951: *Provided,* That any such increase in freight rates has been authorized or ordered according to the requirements of section 1. If, because your supplier has increased his price to you pursuant to this regulation or any other OPS regulation which permits your supplier to increase his ceiling delivered price due to increases in transportation costs caused by freight rate increases, you are eligible to adjust your ceiling price pursuant to both this paragraph and Supplementary Regulation 29 to the General Ceiling Price Regulation, you may elect to adjust your ceiling price under either provision, but you may not make this adjustment under both provisions.

EXAMPLE

Your ceiling price for commodity *x*	$3.75
F. o. b. point of shipment cost to you of commodity *x*	2.55
Freight cost before increase (including excise tax)	.75
Net delivered cost (before freight increase)	3.30
Freight rate increase 15 percent.	
Increase in freight cost (.75×.15)	.1125
Percentage increase in net delivered cost $\frac{(.1125)}{(3.30)}$	3.41%
Your adjusted ceiling price for *x* (1.0341×3.75)	3.8778

SEC. 7. *Record-keeping requirements.* Before adjusting your ceiling price under this supplementary regulation for any material or commodity, you must have received a carrier's invoice, freight bill, or other statement of transportation charges, or an invoice or invoices from a supplier who sells to you on a delivered basis, from which you can show that your costs were increased because of increased transportation costs due to increased freight rates. If you adjust any ceiling price under section 4, you are required to keep each carrier's invoice, freight bill, other statement of transportation charges or supplier's invoice or invoices for two years after you receive it. In adjusting any ceiling price pursuant to section 5 or section 6, you must prepare a worksheet showing in detail how you calculated that adjustment. You must preserve each such worksheet for a period of two years after making such adjustment together with such carrier's invoice, freight bill, other statement of transportation charges or supplier's invoice or invoices supporting each adjustment.

SEC. 8. *Definitions.* Under this supplementary regulation:

(a) "Building and construction materials" means the commodities listed in section 2.

(b) "Carrier" means a common or contract carrier by rail, or by water, or by truck, or any combination of common or contract carrier, whose rates are established by the Director of Price Stabilization, the Interstate Commerce Commission, or a State regulatory body having jurisdiction by law to establish freight rates for common or contract carrier.

(c) "Freight rates" means the authorized or published tariffs for transportation of commodities by carriers, including excise taxes applicable thereto.

(d) "Net delivered cost" means total cost to you of a commodity f. o. b. your siding or other specified delivery point, excluding demurrage and handling charges.

(e) "Reseller" means any person who purchases for sale any one or more of the building and construction materials listed in section 2, ready-mixed concrete, asphaltic concrete or bituminous paving mixes.

SEC. 9. *Applicability of the GCPR.* All the provisions of the General Ceiling Price Regulation shall be applicable to you in your sales of the materials and commodities covered by this supplementary regulation except as these provisions are modified and supplemented by this supplementary regulation.

Effective date. This supplementary regulation is effective June 24, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 19, 1952.

[F. R. Doc. 52-6862; Filed, June 19, 1952; 4:48 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO OFF THE COAST OF LOUISIANA AND TEXAS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), section 204.158, establishing and governing navigation within an Air Force practice gunnery range in the Gulf of Mexico off the Louisiana and Texas coasts is hereby prescribed, effective on and after its publication in the FEDERAL REGISTER due to the urgency of the Air Force training program and the wide publicity already given, as follows:

§ 204.158 *Gulf of Mexico off Cameron, La.; Air Force air-to-air gunnery range*—(a) *The danger zone.* An area approximately 75 statute miles long and 25 statute miles wide, with its northern boundary generally parallel to and about 40 statute miles offshore, described as follows: Beginning at latitude 29°10', longitude 94°00' and extending easterly to latitude 29°05'20", longitude 92°46'20"; thence southeasterly to latitude 29°03'48", longitude 92°45'; thence due south to latitude 28°45'10", longitude 92°45; thence westerly to latitude 28°50', longitude 93°50'; thence northwesterly to latitude 28°55', longitude 94°00'; thence due north to point of beginning.

(b) *The regulations.* (1) Air-to-air gunnery practice at all altitudes from water surface to a maximum of 40,000 feet in the danger zone or in portions thereof will take place seven days a week between the hours of sunrise and sunset.

(2) During the hours between sunrise and sunset no vessel shall enter, remain in, or pass through the restricted area.

(3) Between the hours of sunset and sunrise, no air-to-air gunnery practice will be conducted and vessels may enter, remain in, or pass through the restricted area.

(4) All vessels within the restricted area shall evacuate the restricted area prior to sunrise.

(5) The regulations in this section shall be enforced by the Commanding General, Headquarters Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

(40 Stat. 266, 892; 33 U. S. C. 1, 3) [Regs., 29 May 1952, 800.2121 (Mexico, Gulf of)—ENGWO]

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-6800; Filed, June 20, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1823]

PART 192—OIL AND GAS LEASES

OFFER TO LEASE, AND ISSUANCE OF LEASE

Section 192.42 (d) is amended to read as follows:

§ 192.42 *Offer to lease, and issuance of lease.* • • •

(d) Each offer must be filled in on a typewriter or printed plainly in ink and signed in ink by the offeror or the offeror's duly authorized attorney in fact or agent. An offer may be made by a legal guardian or trustee in his name for the benefit of a non-alien minor or minors but an offer may not be filed by a minor. Each offer must describe the lands by legal subdivision, section, township, and range, if the lands are surveyed, and if not surveyed, by a metes and bounds description connected with a corner of the public land surveys by course and distance and must cover only lands entirely within a six-mile square. Each offer must be for an area of not more than 2,560 acres except where the rule of approximation applies, and may not be for less than 640 acres except in any one of the following instances:

(1) Where the offer is accompanied by a showing that the lands are in an approved unit or cooperative plan of operation or such a plan which has been approved as to form by the Director of the Geological Survey.

(2) Where the land is surrounded by lands not available for leasing under the act, except that where the tract was isolated as the result of a partial relinquishment of a lease, no lease offer will be received for the relinquished land other than one filed under the conditions prescribed in subparagraph (1) of this paragraph for a period of 60 days from and after the date of filing of the partial relinquishment.

• • • • •

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

R. J. SEARLES,
Acting Secretary of the Interior.

JUNE 17, 1952.

[F. R. Doc. 52-6780; Filed, June 20, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 672]

MINIMUM WAGE RATES IN CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRIES IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On December 12, 1951, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 417, appointed Special Industry Committee No. 11 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in said orders, including the construction, business service, motion picture, and miscellaneous industries, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the construction, business service, motion picture, and miscellaneous industries, the Committee filed with the Administrator a report containing (a) its recommendations that the industries be divided into separable divisions for the purpose of fixing minimum wage rates; (b) the titles and definitions recommended by the Committee for such separable divisions of the industries; and (c) its recommendations for minimum wage rates to be paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industries.

Pursuant to the notice published in the FEDERAL REGISTER on March 15, 1952, and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C. on April 24, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 11 for Minimum Wage Rates in the Construction, Business Service, Motion Picture, and Miscellaneous Industries in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Proce-

dure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding (17 F. R. 2285–2288), that I propose to approve the Committee's recommendations for the construction, business service, motion picture, and miscellaneous industries, and to revise this part to read as set forth below, to carry such recommendations into effect.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed action. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
672.1 Wage rates.
672.2 Notices of order.
672.3 Definitions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 672.1 *Wage rates.* (a) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the construction division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 55 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the motion picture division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the business service, and miscellaneous industries division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 672.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 672.3 *Definitions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions.* (a) The construction business service, motion picture, and miscellaneous industries in Puerto Rico to which this part shall apply is hereby defined as follows:

Construction of buildings, structures and other improvements (including designing; reconstruction; alteration; repair and maintenance; assembling and installation at the construction site of machinery and other facilities; and dismantling, wrecking or other demolition); the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or non-profit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the definitions of other industries in Puerto Rico for which wage orders have been issued:

Provided, however, That the definition shall not include (1) construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry, or (2) any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Construction division.* This division consists of the construction (except when carried on by persons, for their own use or occupancy, who are principally engaged in another industry) of buildings, structures, and other improvements, including, but without limitation, designing, reconstruction, alteration, repair and maintenance, assembling and installation at the construction site of machinery and other facilities, and dismantling, wrecking, or other demolition.

(2) *Motion picture division.* This division consists of the production and distribution of motion pictures.

(3) *Business service and miscellaneous industries divisions.* This division consists of the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued.

Signed at Washington, D. C., this 18th day of June 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-6814; Filed, June 20, 1952; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

ISSUANCE OF LOCAL AREA AIR CARRIER OPERATING CERTIFICATES FOR AIRCRAFT UNDER 12,500 POUNDS TAKE-OFF WEIGHT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authorization granted by Special Civil Air Regulation SR–366 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by July 7, 1952. Copies of such communications will be available after July 9, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Special Civil Air Regulation SR–366 which expires August 1, 1952, authorizes the Administrator to issue temporary air carrier operating certificates of one-year duration, called Air Carrier Operating Certificates for Local Areas, to scheduled air carriers holding temporary certificates of public convenience and necessity. These operating certificates authorize the use of aircraft under 12,500 pounds maximum certificated take-off weight in accordance with such certification and operating standards as may be established by the Administrator. At the time the Board adopted SR–366, it was intended that appropriate standards for such carriers would be developed prior to August 1, 1952. However, during this interim period, the four carriers originally certificated to conduct this type of operation have either converted to DC–3 type aircraft or are awaiting Board action on petitions for renewal. If such petitions are favorably considered, utilization of larger aircraft is contemplated whereby their operations would be conducted under the provisions of Parts 40 and 61 of the Civil Air Regulations. It is therefore considered advisable to curtail further efforts in the development of standards for local area operations pending Board action on the certificates of these carriers. Until such action is completed, it will be necessary to extend the authority granted in SR–366 in order for these carriers to continue operations. Therefore, although this regulation is being extended for one year, its termination will also be conditioned upon the expiration of the economic operating authority of those local area carriers now operating under SR–366 should they not be renewed or should they be significantly changed.

It is therefore proposed to extend the authorization granted by Special Civil Air Regulation SR–366 for a period of one year as follows:

The Administrator is hereby authorized to issue temporary air carrier operating certificates of one-year duration to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight, in accordance with such certification and operating standards as may be established by the Administrator and to extend for a like period the duration of certificates heretofore issued under the authority of Special Civil Air Regulation SR–366: *Provided,* That all such certificates so issued or extended shall expire at such earlier date as may be directed in any general rule issued by the Board regulating this subject matter.

This regulation shall terminate on August 1, 1953, or upon the expiration of or major change to the economic operating authority of those local area carriers now operating under SR–366, whichever shall first occur, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: June 16, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52-6815; Filed, June 20, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 61]

HEART MOUNTAIN DIVISION, SHOSHONE PROJECT, WYOMING

PUBLIC NOTICE EXTENDING DEVELOPMENT PERIOD

JUNE 11, 1952.

SECTION 1. *Public Notices Nos. 53, 55 and 58 amended.* In accordance with the provisions of paragraph 5 of Shoshone Project Public Notices No. 53, dated October 3, 1946, and No. 55, dated July 7, 1947, and section 24 of Shoshone Project Public Notice No. 58, dated March 18, 1949, the six-year development period provided for therein is hereby extended to ten years.

RICHARD D. SEARLES,
Under Secretary of the Interior.

[F. R. Doc. 52-6781; Filed, June 20, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GRACE LINE, INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement 7793–1 between Grace Line, Inc., and Moore-McCormack Lines, Inc., modifies the basic Agreement No. 7793, providing for the transportation of passengers in Round South America Tours, by including Braniff Airways, Inc., and the affiliates of Pan American World Airways, Inc. as connecting carriers.

Agreement No. 7813–1 between Grace Line, Inc., and Mississippi Shipping Co., Inc., modifies the basic Agreement No. 7813, providing for the transportation of passengers in Round South America Tours, by including Braniff Airways, Inc. as a connecting carrier.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 17, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-6818; Filed, June 20, 1952; 8:52 a. m.]

Maritime Administration

VESSEL UTILIZATION AND PERFORMANCE REPORTS

NOTICE TO SHIPPING INDUSTRY

The prompt and accurate filing of Vessel Utilization and Performance Reports (Forms MA 7801, 7802, 7803 and 7804) is very important to the Federal Maritime Board and to the Maritime Administration to permit these agencies to perform their duties primarily for the benefit of the shipping industry. These reports also are the basis for the development and analysis of data for a number of essential governmental activities in addition to the administration of the Merchant Marine Act, 1936.

Delay in filing these reports, or failure to do so, prevents our assembling accurate basic data on traffic trends, capacity available, changes in trade route patterns, etc., which are the basis for future planning not only here but for the industry. These data are essential also for assessing current operations. Delays in filing, or failure to file, add to the administrative burden here by forcing unnecessary following up of delinquents.

Maritime Administration General Order No. 39 covers the authority for requiring these reports and the forms and procedures for submitting them. Your cooperation in this for your own advantage is sought. We do not want to be forced to impose the penalties provided for non-compliance.

Dated: June 17, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-6819; Filed, June 20, 1952; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

UTAH

Schedule A, entitled "Fair Market Value Areas," and Schedule B, entitled "One Dollar Areas," accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Utah, in alphabetical order, add the county "Cache."

In Schedule B, under Utah, delete the county "Cache."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 19th day of June, 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-6897; Filed, June 20, 1952; 11:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4163]

SERVICE TO MELBOURNE, FLA.

NOTICE OF ORAL ARGUMENT

In the matter of the application of the City of Melbourne, Florida, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an authorization to be included as an intermediate stop on the route of a certificated airline.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 10, 1952 at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets

NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 18, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-6817; Filed, June 20, 1952; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 52, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CEILING PRICE REGULATION 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CEILING PRICE REGULATION 117, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

3. *Redelegation of Authority.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on June 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 20, 1952.

[F. R. Doc. 52-6902; Filed, June 20, 1952; 11:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27163]

TRANSIT RATES ON LUMBER FROM POINTS IN SOUTHERN TERRITORY TO BERRY AND BIRMINGHAM, ALA.

APPLICATION FOR RELIEF

JUNE 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Lumber and other forest products, carloads.

From: Points in southern territory.

To: Berry and Birmingham, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Sou. Ry. tariff I. C. C. No. A-11211, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6751; Filed, June 19, 1952; 8:49 a. m.]

[4th Sec. Application 27164]

BITUMINOUS FINE COAL FROM POINTS IN ILLINOIS AND INDIANA TO INTERSTATE POWER COMPANY SPUR AND FAIRMONT, MINN.

APPLICATION FOR RELIEF

JUNE 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules shown on attached sheet.

Commodities involved: Bituminous fine coal which will pass through a bar screen not exceeding 1½ inches between bars, or its equivalent, carloads.

From: Points in Illinois and Indiana.

To: Interstate Power Company Spur (Sherburn) and Fairmont, Minn.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
C&IM Ry	B-336	17
C&NW Ry	11208	9
CB&Q RR	20331	16
C&EI Ry	4798	14
CMStP&P RR	B-7717	8
CRI&P RR	C-13446	4
M&StL Ry	2	61
NYC RR	164	253

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6752; Filed, June 19, 1952; 8:49 a. m.]

[4th Sec. Application 27165]

CAST IRON PIPE FROM ROCKWOOD, TENN., TO CERTAIN POINTS

APPLICATION FOR RELIEF

JUNE 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1191.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Rockwood, Tenn.

To: Points in southern territory, St. Louis, Mo., and adjacent points in Illinois, Indiana, West Virginia, and Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1191, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6786; Filed, June 20, 1952; 8:47 a. m.]

[4th Sec. Application 27166]

SALT CAKE FROM POINTS IN LOUISIANA TO HUDSON AND PALATKA, FLA.

APPLICATION FOR RELIEF

JUNE 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167 and Agent F. C. Kratzmeir's tariff I. C. C. No. 3906.

Commodities involved: Salt cake (crude sulphate of soda) or sintered composition of sulphur and sodium carbonate, carloads.

From: Baton Rouge, North Baton Rouge, Lake Charles, and Weeks, La.

To: Hudson and Palatka, Fla.

Grounds for relief: Circuitous routes and competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6787; Filed, June 20, 1952; 8:47 a. m.]

[4th Sec. Application 27167]

RUBBER TIRES FROM BIRMINGHAM AND NORTH BIRMINGHAM, ALA., TO POINTS IN CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

JUNE 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Birmingham and North Birmingham, Ala.

To: Points in central and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6788; Filed, June 20, 1952; 8:47 a. m.]

[4th Sec. Application 27168]

SHIPPING CONTAINERS FROM ST. LOUIS, MO., TO LEXINGTON, KY.

APPLICATION FOR RELIEF

JUNE 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to schedules listed in exhibit "A" of the application, pursuant to fourth-section order No. 9800.

Commodities involved: Shipping containers, glass bulb, incandescent electric lamp, empty, returned, carloads.

From: St. Louis, Mo.

To: Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6789; Filed, June 20, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2876]

DUQUESNE LIGHT CO.

ORDER GRANTING AUTHORITY TO INCREASE AUTHORIZED PREFERRED STOCK

JUNE 17, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company ("Philadelphia"), a registered holding company, had filed a declaration, with amendments thereto, pursuant to sections 6 (a) and 7 of the act and Rule U-62 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Duquesne proposes, by appropriate corporate action, to increase its authorized preferred stock from 800,000 to 1,000,000 shares. It is stated that the proposed increase will facilitate the issuance and sale by Duquesne of preferred stock during 1952 and 1953 and thereby enable Duquesne to raise a portion of the funds required to meet the cost of its construction program. Appropriate applications will be filed with this Commission prior to the time when such issuances and sales are to be undertaken.

In order to effect the proposed increase of the authorized preferred stock, the consent of the holders of a majority of the outstanding shares of common stock of Duquesne, as well as the consent of the holders of a majority of the outstanding preferred stock of Duquesne, with all series thereof voting as a class, is required. Philadelphia, which owns all of the 5,920,000 shares of common stock and all of the 550,000 shares of the 4 percent Preferred Stock, which constitutes well over a majority of that class, has indicated that it will consent to the proposed increase. Duquesne proposes, however, as a matter of management policy, to solicit proxies from the holders of the 150,000 shares of its 3.75 percent Preferred Stock, which series is publicly held, but it states that it intends to increase its authorized preferred stock without reference to the number of consents it obtains from such holders. The proposed solicitation material has been submitted as an exhibit to the instant filing.

It is estimated that the fees and expenses to be incurred in connection with the proposed transactions will amount to $1,860, of which $750 represents counsel fees. Duquesne requests that any order of this Commission granting the application become effective forthwith upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6783; Filed, June 20, 1952; 8:46 a. m.]

[File No. 70-2879]

UNITED GAS CORP. AND UNION PRODUCING CO.

ORDER CONCERNING LOANS

JUNE 17, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiary, Union Producing Company ("Union"), having filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) and 10 thereof and Rule U-43 (a) promulgated thereunder with respect to the following transactions:

United proposes to lend to Union and Union proposes to borrow from United not in excess of $2,000,000 during a period of one year following the date of the entry of the Commission's order herein, in such installments and at such times as funds may be required and requested by Union. The proposed loans will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issuance, and bearing interest at the rate of 4 percent per annum.

The application-declaration states that United will pledge the notes evidencing the proposed loans with the Corporate Trustee under its Mortgage and Deed of Trust, as supplemented, securing United's outstanding First Mortgage and Collateral Trust Bonds.

At April 30, 1952, Union's cash balance amounted to $857,519. The application-declaration states that as a result of an accelerated leasing, development and drilling program, it has become necessary to increase Union's working capital and to maintain such working capital at an adequate level.

The joint application-declaration having been filed on May 26, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said joint application-declaration should be granted and permitted to become effective:

It is ordered, Pursuant to Rule-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24, that said joint application-declaration be, and the same hereby is, granted and permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6784; Filed, June 20, 1952; 8:46 a. m.]

[File No. 70-2889]

UNITED GAS CORP.

NOTICE OF FILING REGARDING SUBORDINATION OF LOANS

JUNE 17, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof as applicable to the following proposed transactions:

Carthage Hydrocol, Inc. ("Hydrocol"), a Delaware corporation, has completed the construction of a plant near Brownsville, Texas for the manufacture of gasoline from natural gas by a synthetic process known as the "Hydrocol Process". Hydrocol's capital structure consists of a loan in the approximate principal amount of $18,500,000 due the Reconstruction Finance Corporation ("RFC"), $28,000,000 principal amount of 6 Percent Promissory Notes of various classes, and 241,875 shares of common stock. The 6 Percent Promissory Notes are subordinate to the loan due the RFC. Of the outstanding securities of Hydrocol, United owns $3,747,000 principal amount of 6 Percent Promissory Notes of various classes and 28,170-¾ (11.62 percent) shares of common stock, all of which were acquired pursuant to previous authorizations of this Commission.

The proposed transactions involve the subordination by United and all other holders of the outstanding 6 Percent Promissory Notes of Hydrocol to borrowings to be made by Hydrocol during the period May 23, 1952 to July 1, 1952 in the aggregate principal amount of not to exceed $2,000,000. The proposed borrowings will be preferred as to payment of principal and interest over the outstanding 6 Percent Promissory Notes.

The application states that Hydrocol's need for the funds which it proposes to borrow is immediate and urgent in order to enable it to continue its operations and to allow it sufficient time to work out a plan of reorganization.

Notice is further given that any interested person may, not later than June 30, 1952 at 11:30 a. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 30, 1952, at 11:30 a. m., e. d. s. t., said application as filed, or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6785; Filed, June 20, 1952; 8:46 a. m.]

[File No. 70-2891]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE REGARDING PROPOSED ISSUANCE AND SALE OF COMMON STOCK AND PROMISSORY NOTES BY SUBSIDIARIES TO PARENT COMPANY

JUNE 17, 1952.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company, File No. 70-2891.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to sections 6 (b), 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 promulgated thereunder by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and by its public utility subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), and The River Gas Company ("River"), and by its non-utility subsidiary, New York State Natural Gas Corporation ("New York Natural").

Notice is further given that any interested person may, not later than June 30, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after June 26, 1952 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

East Ohio proposes to issue and sell to Consolidated 30,000 shares of its $100 par value capital stock for an aggregate consideration of $3,000,000. Such stock is to be issued from time to time within the 12-month period ending June 30, 1953, as financing is required by East Ohio in the carrying out of its construction program.

Hope proposes to borrow from Consolidated an aggregate amount of $5,000,000 on notes maturing as follows: $500,000 on March 31, 1964, and $500,000 on each March 31 thereafter to and including March 31, 1973.

Peoples proposes to borrow from Consolidated an aggregate amount of $5,000,000 on notes maturing as follows: $500,000 on March 31, 1954 and $500,000 on each March 31 thereafter to and including March 31, 1963.

New York Natural proposes to borrow from Consolidated an aggregate amount of $15,000,000 on notes maturing as follows: $500,000 on March 31, 1957 and $500,000 on each March 31 thereafter to and including March 31, 1963; $1,000,000 on March 31, 1964, and $1,000,000 on each March 31 thereafter to and including March 31, 1973; $500,000 on March 31, 1974; $500,000 on March 31, 1975; and $500,000 on March 31, 1976.

River proposes to borrow from Consolidated an aggregate amount of $100,000 on notes maturing as follows: $10,000 on March 31, 1954, and $10,000 on each March 31 thereafter to and including March 31, 1963.

All of such notes to be issued by the subsidiary companies to Consolidated will bear interest at the rate of 3¼ percent per annum, will be non-negotiable, and will be issued from time to time within the 12-month period ending June 30, 1953, as financing is required by such subsidiaries in carrying out their construction program.

The application-declaration states that the order of the Public Utilities Commission of Ohio, approving the proposed issuance and sale of common stock by East Ohio and of notes by River; order of the Public Service Commission of West Virginia approving the proposed issuance and sale of notes by Hope; and the order of the Pennsylvania Public Utility Commission approving the proposed issuance and sale of notes by Peoples, will be supplied by amendment.

The application-declaration further states that expenses to be incurred in connection with the proposed transactions approximate $6,500 but that no fees or commissions will be paid in connection therewith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6801; Filed, June 20, 1952; 8:48 a. m.]

[File No. 811-13]

UNION TRUSTEED FUNDS, INC.

NOTICE OF APPLICATION

JUNE 16, 1952.

Notice is hereby given that Union Trusteed Funds, Inc. ("Applicant"), a Delaware corporation, of 63 Wall Street, New York, N. Y., an open-end diversified management company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order declaring that the Applicant has ceased to be an investment company within the meaning of the act.

It appears that dissolution of Applicant was authorized by its stockholders at a special meeting on May 5, 1952, and that dissolution of Applicant became effective under the General Corporation Law of Delaware on May 8, 1952. It further appears that all assets of Applicant were transferred on May 15, 1952, to American Business Shares, Inc. ("American"), registered as an open-end management company under the act, in return for full shares of stock of American and cash which is to be distributed pro rata to the stockholders of Applicant.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application upon such conditions as the Commission may deem necessary for the protection of investors may be issued by the Commission at any time on or after July 3, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 2, 1952, at 5:30 p. m., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6782; Filed, June 20, 1952; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 51]

PLACEMENT OF PROCUREMENT IN THE WINSTON-SALEM, NORTH CAROLINA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Winston-Salem area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Winston-Salem area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on August 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE WINSTON-SALEM, NORTH CAROLINA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of May 21, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Winston-Salem area as a surplus labor area under standards established by the Secretary of Labor. The Winston-Salem area is composed of Forsyth County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Winston-Salem area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Winston-Salem area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Winston-Salem area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exists in the Winston-Salem area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Winston-Salem area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Winston-Salem area and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

4. That no price differential for the Winston-Salem area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Winston-Salem area;

5. That the apparel industry, to the extent that it exists in the Winston-Salem area, should not be included in the application of Defense Manpower Policy No. 4 in the Winston-Salem area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Winston-Salem area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-6875; Filed, June 20, 1952; 9:35 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18895]

OTTO CLAUSS

In re: Bond owned by Otto Clauss. F-28-29032-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Otto Clauss, whose last known address is Ziegelhausen A/M uber, Heidelberg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation matured or unmatured evidenced by One (1) 6 Percent Series 196, Muskogee, Oklahoma Street Improvement Bond, due October 1, 1936, numbered 121, of $500.00 face value, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said bond,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Otto Clauss, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6763; Filed, June 19, 1952; 8:52 a. m.]

[Vesting Order 18896]

MARTHA DEPARADE

In re: Stock owned by and debt owing to Martha Deparade and the personal representatives, heirs, next of kin, legatees and distributees of Albert Deparade, deceased, also known as August Albert Deparade.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Deparade, whose last known address is Fichestrasse 5, Bautzen, Saxony, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Albert Deparade, deceased, also known as August Albert Deparade, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Sixty (60) shares of $25.00 par value common capital stock of The Atlantic Refining Company, 260 South Broad Street, Philadelphia 1, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificates numbered C0254009 for twenty-five (25) shares and C0254236 for thirty-five (35) shares, registered in the name of Albert Deparade and presently in the custody of Bank of America N. T. & S. A., Day and Night Branch, 1 Powell Street, San Francisco, California in a Safekeeping Account numbered 29885, entitled Albert Deparade and/or Martha Deparade, together with all declared and unpaid dividends thereon,

b. One (1) Capital Stock Scrip Certificate for seventy-five one hundredths (75/100) share of no par capital stock of Standard Oil Company of California, 225 Bush Street, San Francisco, California, a corporation organized under the laws of the State of Delaware, said certificate numbered B19634, in bearer form, and presently in the custody of Bank of America, N. T. & S. A., Day and Night Branch, 1 Powell Street, San Francisco, California, together with all declared and unpaid dividends thereon,

c. One (1) Capital Stock Scrip Certificate for seventy-five one hundredths (75/100) share of no par capital stock of Standard Oil Company of California, 225 Bush Street, San Francisco, California, a corporation organized under the laws of the State of Delaware, said certificate numbered A13666, in bearer form, and presently in the custody of Standard Oil Company of California, Stock Transfer Department, 225 Bush Street, San Francisco, California, together with all declared and unpaid dividends thereon,

d. Thirty (30) shares of no par value capital stock of Standard Oil Company of California, 225 Bush Street, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered SF/C 179423 and SF/C 466271 for fifteen (15) shares each, registered in the names of Albert Deparade and Martha Deparade As Joint Tenants With Right of Survivorship, and presently in the custody of California, Stock Transfer Department, 225 Bush Street, San Francisco, California, together with all declared and unpaid dividends thereon, and

e. That certain debt or other obligation of Bank of America, N. T. & S. A., San Francisco, California, arising out of a Savings Account, account number 39986, entitled Martha or Paul Deparade, maintained at the branch office of the aforesaid bank located at 1 Powell Street, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Martha Deparade, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: twelve (12) shares of $25.00 par value common capital stock of The Atlantic Refining Company, 260 South Broad Street, Philadelphia 1, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered TNO31271, registered in the name of Albert Deparade, and presently in the custody of Bank of America, N. T. & S. A., Day and Night Branch, 1 Powell Street, San Francisco, California, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Albert Deparade, deceased, also known as August Albert Deparade, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the person identified in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Albert Deparade, deceased, also known as August Albert Deparade referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6764; Filed, June 19, 1952; 8:52 a. m.]

TERENSIA BERTOLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Terensia Bertoli, Parma, Italy; Claim No. 37846; $821.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Terensia Bertoli in and to the Estate of Margherita Zerega, deceased.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6810; Filed, June 20, 1952; 8:50 a. m.]

FANNY (STEFANIE) KOMMER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fanny (Stefanie) Kommer, Jerusalem, Israel; Claim No. 42178; $4,954.73 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Stefanie Kommer in and to the estate of Rudolf Kaetchen Kommer, also known as Rudolph Kaetchen Kommer, deceased.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6808; Filed, June 20, 1952; 8:49 a. m.]

LES LABORATOIRES FRANÇAIS DE CHIMIOTHERAPIE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Les Laboratoires Francais de Chimiotherapie, Paris, France; Claim No. 38708; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,045,132 and 2,256,261.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6811; Filed, June 20, 1952; 8:50 a. m.]

POLDY BRUNNER AND KARL (CARL) PLANNINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Poldy Brunner, Vienna, Austria, Claim No. 28250, and Karl (Carl) Planninger, Vienna, Austria, Claim No. 37134; $4,980.53 in the Treasury of the United States, one-half thereof to each claimant. All right, title, interest and claim of any kind or character whatsoever of Poldy Brunner and Carl Planninger, and each of them, in and to the Estate of Frank Dorn, deceased.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6809; Filed, June 20, 1952; 8:49 a. m.]

XAVIER KIENLEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as

rence Room

amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Xavier Kienlen, Eisenheim (Bas-Rhin), France; Jean Kienlen, Paris, France; Emile Kienlen, Colmar (Haut-Rhin), France; Emile Schorter, Rouffach (Haut-Rhin), France; Auguste Schorter, Morhange (Moselle), France; Claim No. 43892; the following amounts of cash in the Treasury of the United States: $250 each to Xavier Kienlen, Jean Kienlen and Emile Kienlen, and $83.33 each to Emile Schorter and Auguste Schorter.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6807; Filed June 20, 1952; 8:49 a. m.]

HILDE DAVIDSOHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Hilde Davidsohn, Paris, France; Claim No. 36415; property described in Vesting Order No. 205 (7 F. R. 8669, October 27, 1942), relating to Patent Application Serial No. 287,593 (now Patent No. 2,339,251); Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2, 257,939.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6812; Filed, June 20, 1952; 8:50 a. m.]

[Vesting Order 18897]

ERNEST LOEFFLER

In re: Stock owned by Ernest Loeffler. D-28-418-F-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943, Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ernest Loeffler, whose last known address is Hauptstrasse 78, Endingen, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: One hundred (100) shares of $5.00 par value common capital stock of Warner Bros. Pictures, Inc., 321 West 44th Street, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered F-49957, registered in the name of Ernest Loeffler, and presently in the custody of The New York Trust Company, One Hundred Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernest Loeffler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6765; Filed, June 19, 1952; 8:52 a. m.]

[Vesting Order 18898]

KUNIGUNDE KINKEL RICHELSDORF

In re: Rights of Kunigunde Kinkel Richelsdorf under Insurance Contract. File No. F-28-31867-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Kunigunde Kinkel Richelsdorf, whose last known address is Kr. Rotenburg, A/D Fulda, Gross-Hessen, Germany, U. S. Zone, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1 460 154-M issued by the Metropolitan Life Insurance Company, New York, New York, to Kunigunde Kinkel Richelsdorf, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Kunigunde Kinkel Richelsdorf, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6766; Filed, June 19, 1952; 8:52 a. m.]

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Washington, Tuesday, June 24, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

NOTICE OF TERMINATION OF TERMS AND CONDITIONS OF 1951-52 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The offer contained in the "Terms and Conditions of 1951-52 Commodity Credit Corporation Wheat and Wheat-Flour Export Program" effective June 12, 1951 (§§ 571.125 to 571.188 inclusive), is terminated as of June 23, 1952, 3:30 p. m., e. s. t., with respect to sales made after such date. Payment on sales made prior to the termination date of this offer shall be at the rate in effect at the time of such sale.

(Secs. 2 and 3, 63 Stat. 945, 946, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642)

Dated this 19th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6871; Filed, June 23, 1952; 9:00 a. m.]

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1952-53 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

GENERAL

Sec.
571.225 General statement.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

Sec.
571.230 General conditions of eligibility.
571.231 Time of sale.
571.232 Date of exportation.
571.233 Exports to eligible countries.
571.234 Excess quantities exported.
571.235 Reports.
571.236 Proof of export.
571.237 Reentry or diversion.
571.238 Wheat and flour exported prior to sale.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

571.240 Announcement of rates.
571.241 Determination of rates.
571.242 Conversion factors.
571.243 Statement of status of purchases and sales.
571.244 Maximum and minimum prices.

CONFIRMATION OF SALE

571.248 Confirmation of sale.
571.249 Eligibility for entry in the Wheat Council's records.

ELIGIBLE COUNTRIES

571.253 Eligible countries.

REPORTS

571.255 Notice of sale.
571.256 Declaration of sale and evidence of sale.
571.257 Notice of export.
571.258 Additional reports.

APPLICATION FOR PAYMENT

571.260 Application for payment.
571.261 Public Voucher Form FDA-564.
571.262 Documents required to evidence exportation by exporter.
571.263 Submission of vouchers for payment.

OBLIGATION AND DEFAULT

571.265 Exporter's agreement with CCC.
571.266 Cancellation of sale or failure to export.

MISCELLANEOUS PROVISIONS

571.270 Records and accounts.
571.271 Assignments.
571.272 Good faith.
571.273 Amendment and termination.
571.274 Persons not eligible.
571.275 Submission of Reports.

DEFINITIONS

571.280 Vice President.
571.281 Wheat Agreement.
571.282 Wheat Council.
571.283 Wheat.
571.284 Flour.
571.285 Export.

(Continued on p. 5627)

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Federal Crop Insurance Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Deutsche Industriebank et al. 5687
Siedhoff, Alma and Anna Buscher 5688
Siquet, W. 5685
von Schnitzler, W. 5686
Wenzel, L. 5688

Coast Guard
Proposed rule making:
Vessel inspection regulations; public hearing on proposed changes 5665

Commerce Department
See National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Wheat and wheat-flour export program, international wheat agreement; terms and conditions of 1952-53 program 5625
Termination of terms and conditions of 1951-52 program 5625

Customs Bureau
Notices:
Tariff classification:
Nets and nettings made on knitting machine 5675
Spent bone black 5675
Rules and regulations:
Importation of articles in connection with the International Trade Fair and Inter-American Cultural and Trade Center at New Orleans, La. 5644

Defense Department
Rules and regulations:
General provisions; basic policies 5646

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area:
Camp Atterbury, Ind., area 5682

FEDERAL REGISTER

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(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)
Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of—Continued Page
Notices—Continued
Determination and certification of a critical defense housing area—Continued
Lake Charles, La., area 5682
Warner Robins, Ga., area 5681
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951 5682

Defense Production Administration
Rules and regulations:
Loans under section 302 of the Defense Production Act of 1950 5664

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Federal Crop Insurance Corporation
Rules and regulations:
Cotton crop insurance; regulations for the 1952 and succeeding crop years 5633
Flax crop insurance; regulations for the 1950 and succeeding crop years 5633

Federal Maritime Board
Rules and regulations:
Rules and regulations, forms, and citizenship requirements; general provisions 5665

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co. 5681
Panhandle Eastern Pipe Line Co. et al 5680
Texas-Ohio Gas Co. 5680

Federal Trade Commission
Notices:
Classics Club and Detective Book Club; order appointing hearing examiner and fixing time and place for taking testimony 5681
Rules and regulations:
Cease and desist orders:
Basic Vegetable Products, Inc., et al 5643
Gen-O-Pak Co. and Lester Rothschild 5642
Zlotnick The Furrier, Inc., et al 5640

Interior Department
Notices:
Alaska; notice of hearing by the Department in connection with the proposed withdrawal for the Department of Army of public lands in Susitna Flats Area near Anchorage 5677

Interstate Commerce Commission
Notices:
Applications for relief:
Barite from points in Arkansas and Missouri to Heber, Utah 5681
Motor-rail-motor rates between Boston, Mass., and New Haven, Conn. 5681

Justice Department Page
See Alien Property, Office of.

Labor Department
See Public Contracts Division; Wage and Hour Division.

National Production Authority
Notices:
Tobe Deutschmann Corp., et al.; suspension order 5677

Post Office Department
Rules and regulations:
International postal service: postage rates, service available, and instructions for mailing:
Italy, Mexico, and Rumania 5664
Leeward Islands, and Senegal 5664
Procedures before the Solicitor; miscellaneous amendments 5665

Price Stabilization, Office of
Notices:
Bulova Watch Co.; ceiling prices at retail 5680
Directors of Regional Offices; delegation of authority to act under CPR 7, SR 6 5679
List of community ceiling prices 5679
Rules and regulations:
Area milk price adjustments; milk products for fluid consumption in Springfield, Mass., marketing area (GCPR, SR 63, AMPR 6) 5661
Ceiling prices for frozen fruits and berries of 1951 and later packs; revising pricing method for items not sold during base period and miscellaneous changes (CPR 82) 5653
Eating and drinking establishments; applicability of CPR 134 to establishments which sell only alcoholic beverages for on premise consumption (CPR 134, Int. 1) 5656
Exemptions and suspensions of certain consumer soft goods (GOR 4):
Burlap, jute, cotton and paper open mesh bags and associated commodities 5656
Certain cotton end-use products 5656
Leather-making raw stock and leather 5657
Exemptions and suspensions of certain food and restaurant commodities (GOR 7) 5658
Excepted and suspended services; certain textile services (GOR 14) 5660
Gasolines, naphthas, fuel oils, and liquefied petroleum products, natural gas, petroleum gas; casinghead gas and refinery gas; adjustment of ceiling prices of No. 2 fuel oil in Baltimore area (CPR 17, SR 8) 5653
Retail ceiling prices for certain consumer goods (CPR 7):
Additional and alternative methods of chart construction and pricing 5650
Alternative pricing method for retailers with unrepresentative category charts (SR 6) 5651

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Territories and possessions; ceiling prices for manufacturers making sales subject to CPR 9 (CPR 9, SR 2) 5652

Production and Marketing Administration
Rules and regulations:
Limitation of shipments:
Fresh Bartlett pears, plums, and Elberta peaches grown in California (6 documents) 5635, 5636, 5637, 5638
Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oreg. 5639
Milk in Detroit, Mich., marketing area 5634
Pears, winter; U. S. Standards 5633
Wheat; 1953–54 national marketing quota 5633

Public Contracts Division
Rules and regulations:
General regulations; contracts for certain canned fruits and vegetables; temporary extension of exemption 5665

Securities and Exchange Commission
Notices:
Hearings, etc.:
Canada General Fund, Inc. 5685
Electric Bond and Share Co. 5682
Proposed rule making:
Exemption of certain transactions from section 16 (b) 5673
Ownership of securities held in trust 5673
Reports of directors, officers, and principal stockholders 5674

Treasury Department
See also Coast Guard; Customs Bureau.
Notices:
Bonds, offering of; 2⅜ percent Treasury Bonds of 1958 5676
Certificates, offering of; 1⅞ percent Treasury certificates of indebtedness of Series B–1953 5676
General Insurance Corp., Fort Worth, Tex.; surety companies acceptable on Federal bonds 5675
Rules and regulations:
Values of foreign moneys; quarter beginning July 1, 1952 5645

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries (2 documents) 5678

Wage Stabilization Board
Rules and regulations:
General Wage Procedural Regulation; reports filed for new plants 5664

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 Page
Chapter IV:
Part 571 (2 documents) 5625

Title 7
Chapter I:
Part 51 5633
Chapter IV:
Part 415 5633
Part 419 5633
Chapter VII:
Part 728 5633
Chapter IX:
Part 924 5634
Part 936 (6 documents) 5635, 5636, 5637, 5638
Part 957 5639

Title 16
Chapter I:
Part 3 (3 documents) 5640, 5642, 5643

Title 17
Chapter II:
Part 240 (proposed) (3 documents) 5673, 5674

Title 19
Chapter I:
Part 63 5644

Title 31
Chapter I:
Part 129 5645

Title 32
Chapter IV:
Part 400 5646
Part 401 5646
Part 402 5646
Part 403 5647
Part 405 5647
Part 406 5648
Part 409 5648
Part 411 5649
Part 414 5649

Title 32A
Chapter III (OPS):
CPR 7 5650
CPR 7, SR 6 5651
CPR 9, SR 2 5652
CPR 17, SR 8 5653
CPR 82 5653
CPR 134, Int. 1 5656
GCPR, SR 63, AMPR 6 5661
GOR 4 (3 documents) 5656, 5657
GOR 7 5658
GOR 14 5660
Chapter IV:
Subchapter B (WSB):
GWPR 5664
Chapter V (DPA):
Reg. 2 5664

Title 39
Chapter I:
Part 127 (2 documents) 5664
Part 151 5665

Title 41
Chapter II:
Part 201 5665

Title 46
Chapter I:
Parts 24–28 (proposed) 5665
Part 30 (proposed) 5665

CODIFICATION GUIDE—Con.

Title 46—Continued Page
Chapter I—Continued
Part 32 (proposed) 5665
Part 38 (proposed) 5665
Part 43 (proposed) 5665
Part 45 (proposed) 5665
Part 46 (proposed) 5665
Parts 50–65 (proposed) 5665
Parts 70–83 (proposed) 5665
Parts 90–102 (proposed) 5665
Parts 110–120 (proposed) 5665
Part 131 (proposed) 5665
Part 135 (proposed) 5665
Part 140 (proposed) 5665
Part 141 (proposed) 5665
Part 144 (proposed) 5665
Part 157 (proposed) 5665
Part 162 (proposed) 5665
Chapter II:
Part 299 5665

Sec.
571.286 Ocean carrier.
571.287 United States.
571.288 3:30 e. s. t.

AUTHORITY: §§ 571.225 to 571.288 issued under secs. 2 and 3, 63 Stat. 945, 946, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642.

GENERAL

§ 571.225 *General statement.* In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Commodity Credit Corporation (referred to in this subpart as CCC) pursuant to the authority conferred by Public Law 421, 81st Congress, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request directed to the address shown in § 571.275, or from the Director, PMA Commodity Office: U. S. Department of Agriculture, located in the cities listed in § 571.263.

ELIGIBILITY FOR PAYMENT BY THE COMMODITY CREDIT CORPORATION

§ 571.230 *General conditions of eligibility.* (a) Payment under this program will be made to an exporter in connection with the net quantity of wheat or flour exported to an eligible country from the United States and the net quantity of wheat or flour in customs bond in Canada exported to an eligible country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale for which he has received a confirmation by the Vice President of Commodity Credit Corporation, who is the Assistant Administrator for Commodity Operations, Production and Marketing Administration (referred to in this subpart as Vice President), in accordance with § 571.248, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter

for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the Vice President subject to the conditions contained in § 571.238.

(b) No export payment will be made for wheat or flour exported in a mixture which is partly derived from wheat produced outside the United States.

(c) In any case where the Wheat Council, subsequent to confirmation by the Vice President, determines that a sale, or any part thereof, is ineligible to be, or to remain, recorded because of non-compliance with the applicable regulations of the importing country governing purchase and importation under the International Wheat Agreement, payment may be withheld by the Vice President or required to be refunded if already made.

§ 571.231 *Time of sale.* Sales entered into after the date of this offer and not later than June 30, 1953, for recording against the 1951–52 or 1952–53 Wheat Agreement year quotas, are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment. Under no circumstances shall a sale be considered as entered into until the purchase price has been established. The time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 571.255 (a) and present documentary evidence that the sale was consummated at such time.

§ 571.232 *Date of exportation.* (a) Wheat and flour sold for recording against the 1951–52 Wheat Agreement guaranteed quantities must be exported by July 31, 1952, unless approval is obtained from the Vice President to export subsequent to July 31, 1952. Wheat or flour sold for recording against the 1952–53 Wheat Agreement guaranteed quantities must be exported during the period August 1, 1952 and July 31, 1953, inclusive, unless approval is obtained from the Vice President to export either prior to or subsequent to that period.

(b) Wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained from the Vice President changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension from the Vice President to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's and importer's control and is not due to intentional violation of the contract.

§ 571.233 *Exports to eligible countries.* Exports of wheat or flour under this program shall be made only to the eligible country named in the Notice of Sale and the Declaration of Sale, and to a buyer identified with the Declaration of Sale and supporting evidence of sale unless:

(a) The buyer identified with the Declaration of Sale directs that shipment be made to another Wheat Agreement country,

(b) The Government of the eligible country named in the Notice of Sale and Declaration of Sale or the Government of the eligible country to which shipment is directed consents to the recording of the sale against its guaranteed quantity, and

(c) The exporter obtains, prior to export, authority from the Vice President to export to an eligible country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 571.234 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat, a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity, unless clearance is obtained from the Vice President, in which case a new Declaration of Sale and a new confirmation of sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent or a loading tolerance as specified in the contract but not to exceed 5 percent.

§ 571.235 *Reports.* The exporter shall submit the reports and documents specified in §§ 571.255 to 571.258, inclusive.

§ 571.236 *Proof of export.* Proof of export and submission of specified supporting documents must have been made in accordance with § 571.262.

§ 571.237 *Reentry or diversion.* If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment has already been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Vice President: *Provided*, That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the eligible country. The exporter shall notify the Vice President immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 571.238 *Wheat and flour exported prior to sale.* (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and re-sells it to an eligible country.

(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Vice President within one week after the date of such exportation as defined in § 571.285 unless additional time for reporting is granted by the Vice President. This report which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat and flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity:

(i) Wheat in bushels.

(ii) Flour in net hundredweight.

(6) Class and grade of wheat; or type and extraction of flour.

(7) The report shall also contain a statement that the vessel contains wheat or flour sold to an eligible country under the terms of the Wheat Agreement by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to an eligible country as provided in this subpart shall be reported in paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons.

(d) At such time as the wheat or flour is sold to an eligible country, the exporter shall report the sale to the Vice President as provided in § 571.255, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Vice President as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower for the current export rate period, which applies (1) to the port from which the wheat or flour was exported, and (2) to the eligible country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 571.262, the exporter will be required in the case of flour to submit with Public Voucher Form FDA–564 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, except as modified by paragraphs (a), (b), (c), (d), and (e) of this section are applicable to sales described by this section.

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 571.240 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Announcement of rates will be released at approximately 3:30 p. m., e. s. t. (see § 571.288), and will remain in effect until 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective after 3:30 p. m., e. s. t., on Friday will be considered as in effect until 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through eight PMA Commodity Offices at Portland (Oregon), San Francisco, Minneapolis, Kansas City (Missouri), Dallas, Chicago, New Orleans and New York City. Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors, may be announced for the same period.

§ 571.241 *Determination of rates.* The rate in effect at the time of sale or the time of giving Notice of Sale, as required by § 571.255 (a), whichever rate is the lower, shall be the rate applicable to the sale. In the case of resales of wheat or flour, the export rate for such sales will be that applicable to the original purchasing country or the country of final destination, whichever is lower. The supporting evidence as proof of sale submitted by the exporter, in form prescribed in § 571.256 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale:

(a) Time of filing by the exporter of a cablegram or other written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance by the foreign buyer of a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or other written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraphs (a), (b), or (c) of this section, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(e) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day established in accordance with paragraphs (a), (b), (c), or (d) of this section, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 571.242 *Conversion factors.* (a) If a single per bushel payment rate applicable to both wheat and flour is in effect, the following conversion factors shall be used to determine the wheat equivalent (in bushels) of flour:

	Bushels per 100 pounds flour
Whole wheat flour	1.67
Patents and straight grade flour (up to 72 percent extraction)	2.33
Flour clears	2.33
80 percent extraction flour	2.17
Semolina and Farina	2.33

(b) If a separate per hundredweight payment rate for flour is in effect, the following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

	Factor
Patents and straight grade flour (up to 72 percent extraction)	1.000
Flour clears	1.000
Semolina and Farina	1.000
80 percent extraction flour	.931
Whole wheat flour	.717

If sales are made at any other extraction rates between 72 and 100 percent, a conversion factor will be furnished by the Vice President upon request.

§ 571.243 *Statement of status of purchases and sales.* The Vice President will issue not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. The Vice President will furnish to any exporter upon request such information as he has available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 571.244 *Maximum and minimum prices.* Maximum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by the Vice President. The Wheat Agreement provides that to such maximum prices may be added such carrying charges and marketing costs as may be agreed between buyer and seller. (See § 571.255 (b) (3) (i)). The Vice President also will announce minimum prices when appropriate.

CONFIRMATION OF SALE

§ 571.248 (a) *Confirmation of sale.* Upon receipt of the Notice of Sale required by § 571.255 the Vice President will confirm the sale by telegram and specify that the transaction, or any part thereof, is eligible for payment upon proof that the conditions set forth in this program have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the U. S. the maximum benefits under the Wheat Agreement. Accordingly, it may be to the exporter's advantage in some instances to ascertain from the Vice President prior to making a sale whether the sale may be confirmed. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of the Vice President to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records, will be confirmed.

(b) *Assigning of numbers.* Each confirmation by the Vice President will be assigned a number which shall be called the PMA Sales Number. This number will be included in the confirmation of sale, and thereafter shall be shown on the Declaration of Sale (See § 571.256), the Notice of Export, and Voucher Form FDA–564, and in all correspondence with reference to the transaction.

§ 571.249 *Eligibility for entry in the Wheat Council's records.* The Wheat Agreement provides that:

(a) *Wheat.* A transaction or part of a transaction in wheat-grain between a participating exporting and importing country is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) *Provided*, That (i) it is at a price (determined to be the equivalent price at port of export to No. 1 Manitoba Northern bulk wheat in store Fort William-Port Arthur, Canada), not higher than the maximum nor lower than the minimum in effect during the crop year in which the loading period specified in the transaction falls and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the exporting and importing countries concerned have unfilled guaranteed quantities for the crop year, and (ii) that the loading period specified in the transaction falls within that crop year.

(b) *Flour.* If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed that the price of such flour is consistent with the maximum or minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2) of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is not such statement or agreement as specified in this paragraph, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justified the entry of the transaction in the records.

ELIGIBLE COUNTRIES

§ 571.253 *Eligible countries.* An eligible country shall be any one of the following countries, including all territories for the foreign relations of which the Government of that country is responsible, unless announcement has been made excepting certain territories:

Austria.	Italy.
Belgium.	Japan.
Bolivia.	Lebanon.
Brazil.	Liberia.
Ceylon.	Mexico.
Costa Rica.	Netherlands.
Cuba.	New Zealand.
Denmark.	Nicaragua.
Dominican Republic.	Norway.
Ecuador.	Panama.
Egypt.	Peru.
El Salvador.	Philippines.
Germany.	Portugal.
Greece.	Saudi Arabia.
Guatemala.	Spain.
Haiti.	Sweden.
Honduras.	Switzerland.
Iceland.	Union of South Africa
India.	United Kingdom.
Indonesia.	Venezuela.
Ireland.	
Israel.	

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

REPORTS

§ 571.255 *Notice of sale*—(a) *Time.* (1) Notice of the consummation of a sale of wheat or flour for export shall be given to the Vice President within the time stated in the rate announcement as the final time for filing such notices, unless such time is extended by the Vice President.

(2) The order in which transactions are reported (time of filing telegraphic notice or time of giving telephonic notice) assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filed by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph.

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed before 3:30 p. m., e. s. t., on the expiration date shown in the rate announcement.

(4) A Notice of Sale may include all sales made to any one eligible country during any 24-hour period ending at 3:30 p. m., e. s. t. It shall be normal practice when such multiple sales are submitted on one telegraphic Notice of Sale to assign one PMA Sales Number to apply to all sales to a particular country shown on that telegram. Sales made to any one eligible country during any 24-hour period which are reported on separate telegrams will be assigned individual PMA Sales Numbers.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date and time of sale.

(2) Contract quantity:

(i) Wheat in bushels.

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent.

(iii) Flour in net hundredweight.

(3) Sale price:

(i) In the case of wheat, the sale price must be shown on an f. o. b. vessel bulk basis, except that on exports from West Coast ports price may be given on an in-store basis. In addition, the coast of export must be shown. If, because of marketing costs and carrying charges as provided for in § 571.244, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included as charges for marketing costs and carrying charges, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown but the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the terms of the Wheat Agreement. This may be reported by the code word "Akord."

(4) Purchasing country.

(5) Name of purchaser. (In cases in which the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others.")

(6) The Number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Vice President.

(7) Delivery period specified in contract.

(8) Class and grade of wheat.

(9) The word "Abroad" for wheat or flour exported prior to sale. (See § 571.238 (d).)

(10) Such additional information in individual cases as may be requested by the Vice President.

§ 571.256 *Declaration of sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail it to the Vice President normally within two days after receipt of the Vice President's confirmation.

(2) The Declaration of Sale must be submitted in triplicate where there is only one buyer, and in quadruplicate where there is more than one buyer. The original and all copies shall be signed in an original signature by the exporter or his authorized representative and forwarded to the Vice President. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) One Declaration of Sale normally should be submitted by the exporter for each sale identified by a PMA number assigned in the Confirmation of Sale (see § 571.248 (b)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the PMA Sales Number on the respective declarations.

(b) *Information required.* The information to be entered on the Wheat Agreement Form No. 1, Declaration of Sale, is as follows:

(1) The PMA Sales Number as assigned in the Confirmation of Sale.

(2) Date and time of sale.

(3) Name of purchaser, or purchasers.

(4) The Number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such are required for IWA transactions. The applicable number(s) shall be entered following each buyer's name. All applicable numbers shall be so entered, even though such numbers were reported in the Notice of Sale.

(5) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance, but not to exceed five percent, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight.

(6) Purchasing country. (If the country of final destination is other than the purchasing country the country of final destination shall be shown on a parenthetical entry following the name of the purchasing country.)

(7) Delivery period specified in the contract.

(8) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled must be shown where possible. For example, "Hard Spring."

(9) Price and basis upon which price determined:

(i) The sales price in the case of wheat must be given on an f. o. b. vessel bulk basis on exports from Gulf and East Coast ports and on an in-store or f. o. b. vessel, bulk, basis on exports from the West Coast ports. If, because of marketing costs and carrying charges as provided for in § 571.244, the sales price of wheat exceeds the maximum price, the Declaration shall show the total price and the amount thereof included as charges for marketing costs and carrying charges, each shown separately. If a carrying charge has been determined and announced by the CCC in connection with the maximum price, no additional carrying charge shall be included in the sales price. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) The price for flour must be given as stated in the sales contract.

(10) Export rate per bushel of wheat or per hundredweight of flour in effect as determined by § 571.241.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Such additional information in individual cases as may be requested by the Vice President.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all other documents to it, such as:

American Milling Company
(Trade name)
U. S. Milling Company
(s) John Smith, *Secretary*

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts exchanged between exporter and buyer. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 571.257 *Notice of export*—(a) *Time of submission and required copies.* Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such Notice of Export must be filed by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Vice President.

(b) *Information required.* The Notice of Export shall contain the following information:

(1) PMA sales number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale:

(i) Wheat in bushels, excluding dockage.

(ii) Flour in net hundredweight.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown. This information should be entered on Wheat Agreement Form No. 2 even though not specifically called for on the form.

(6) Such additional information in individual cases as may be requested by the Vice President.

§ 571.258 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Vice President, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 571.260 *Application for payment.* The exporter shall file application for payment under this program in the manner set forth in §§ 571.261 and 571.263.

§ 571.261 *Public Voucher Form FDA–564.* An original and two (2) copies of Form FDA–564 must be prepared and submitted together with the evidence of exportation set forth in § 571.262. Supplies of Form FDA–564 and detailed instructions regarding the preparation and submission of Forms FDA–564 and supporting documents may be obtained from the PMA Commodity Offices listed in § 571.263 or from the office indicated in § 571.275.

§ 571.262 *Documents required to evidence exportation by exporters*—(a) *Bills of lading or Shipper's Export Declaration.* Each voucher must be supported by one copy of the applicable on-board ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat or flour is destined for the buyer identified with the Declaration of Sale and supporting evidence. Where loss, destruction or damage occurs subsequent to loading on board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one authenticated copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official, which identifies the shipment(s) and shows date of clearance into the foreign country. In the case of wheat, the voucher must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector holding a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada, and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph. If the final destination of the shipment is an eligible country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination.

(b) *Shipper or consignor other than exporter.* If the shipper or consignor named in the on-board ocean bill(s) of lading of the Shipper's Export Declaration(s), covering wheat or flour exported, is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Expert Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver, a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) *Statements evidencing resale.* In connection with the sale of wheat or flour under the Wheat Agreement to an eligible country which is resold for export to another eligible country, the following additional documents must be included with the voucher:

(1) A statement by appropriate government authority of the original purchasing country, or the government of the eligible country to which shipment is directed, to CCC to the effect that the sale may be recorded against the Wheat Agreement guaranteed quantity of that country. A copy also should be submitted to the Vice President. (In some cases this statement may be furnished directly to the Vice President at the discretion of the appropriate authority of the purchasing country instead of being submitted with the voucher, in which event appropriate notation should be made on the voucher.)

(2) A statement from the buyer directing shipment to the second Wheat Agreement country if the contract or supporting evidence of sale does not provide for such shipment.

(d) In the event of export prior to sale such additional documents as required by § 571.238 (f) must also accompany the voucher.

§ 571.263 *Submission of vouchers for payment.* Exporters should submit vouchers and required supporting documents to the offices listed below which service the States in which the exporters' invoicing office is located.

OFFICE

Director, PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Morals Street, New Orleans 16, La.: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Director, PMA Commodity Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio.

Director, PMA, Commodity Office, U. S. Department of Agriculture, 1114 Commerce Street, Dallas 2, Tex.: New Mexico, Oklahoma, Texas.

Director, PMA Commodity Office, U. S. Department of Agriculture, Fidelity Building, 9 Walnut Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, PMA Commodity Office, U. S. Department of Agriculture, Gamble-Skogmo Building, 15 North Eighth Street, Minneapolis 3, Minn.: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, PMA Commodity Office, U. S. Department of Agriculture, 139 Centre Street, New York 13, N. Y.: Connecticut, Delaware, Maine, Maryland, Massachusetts New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, PMA Commodity Office, U. S. Department of Agriculture, 515 Southwest Tenth Avenue, Portland 5, Oreg.: Idaho, Oregon, Washington.

Director, PMA Commodity Office, U. S. Department of Agriculture, Rincon Annex, P. O. Box 3638, San Francisco 19, Calif.: Arizona, California, Nevada, Utah.

OBLIGATION AND DEFAULT

§ 571.265 *Exporter's agreement with CCC.* Giving Notice of Sale to CCC by the exporter, when confirmed by CCC, shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart, in consideration of the undertaking of CCC to make an export payment.

§ 571.266 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Vice President promptly in every case where, after giving Notice of Sale as required in § 571.255, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the CCC promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation to the CCC by making shipment within the prescribed period.

(b) If the Vice President determines that any exporter due to the cancellation of a sale or failure to export or for other reasons, has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Vice President may determine or until the exporter has complied with such terms as the Vice President may prescribe. Such terms, among other things, may

(1) Require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

MISCELLANEOUS PROVISIONS

§ 571.270 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 571.271 *Assignments.* No exporter shall, without the written consent of the Vice President, assign any right of the exporter against the CCC under this subpart. The exporter may, however, name a joint payee on Voucher Form FDA-564.

§ 571.272 *Good faith.* If the Vice President determines that any exporter has not acted in good faith in connection with any transaction under this subpart, such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both.

§ 571.273 *Amendment and termination.* This offer may be amended or terminated by the Vice President at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 571.274 *Persons not eligible.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 571.275 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Vice President, should be addressed as follows:

Chief, Wheat Agreement Staff,
Production and Marketing Administration
(In telegrams: "PMA"),
U. S. Department of Agriculture,
Washington 25, D. C.

DEFINITIONS

§ 571.280 *Vice President.* "Vice President" means the Vice President of the Commodity Credit Corporation who is Assistant Administrator for Commodity Operations, Production and Marketing Administration.

§ 571.281 *Wheat Agreement.* "Wheat Agreement" means the International Wheat Agreement ratified by the President on June 17, 1949, pursuant to the advice and consent of the Senate.

§ 571.282 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 571.283 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at time of loading for export.

§ 571.284 *Flour.* "Flour" means flour processed in the United States from wheat as defined in § 571.283, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat-flour.

§ 571.285 *Export.* Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the eligible country is wholly by truck or rail, when the shipment clears United States Customs.

§ 571.286 *Ocean carrier.* "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.

§ 571.287 *United States.* "United States" includes the territories and possessions of the United States.

§ 571.288 *3:30 e. s. t.* "3:30 e. s. t." means 3:30 eastern standard time, except that when Washington, D. C., is on daylight saving time 3:30 e. s. t., means 3:30 eastern daylight saving time (2:30 e. s. t.).

Effective time and date. This offer shall be effective on June 23, 1952, at 3:30 p. m., e. s. t.; however, sales may not be made for recording against the 1952–53 Wheat Agreement guaranteed quantity of any importing country until authorized in the daily export payment rate announcement (see § 571.240.)

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6887; Filed, June 23, 1952; 9:00 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

WINTER PEARS

On May 13, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4352) regarding proposed amendments to the United States Standards for Winter Pears. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following amendments are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

1. In § 51.332 (d) (8) (i) (*d*) insert variety name "Flemish Beauty" after "Easter Beurre."

2. In § 51.332 (d) (10) (iv) (*d*) insert the name "Flemish Beauty" after "Easter Beurre."

3. Add a sentence to the end of the paragraph under subdivision (c) of § 51.332 (d) (12) (i), to read as follows: "On Flemish Beauty smooth russeting shall be permitted on the entire surface."

Effective time. The amendments to the United States Standards for Winter Pears contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of June 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-6842; Filed, June 23, 1952; 8:53 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 415.1 of the above-identified regulations, as amended (14 F. R. 4543; 15 F. R. 2482; 16 F. R. 4297, 7694; 17 F. R. 2109, 5081), the following counties have been designated for insurance for the 1952 crop year.

Iowa: Osceola.
Minnesota:
Becker.
Big Stone.
Blue Earth.
Minnesota—Con.
Brown.
Chippewa.
Clay.
Cottonwood.
Faribault.
Jackson.
Kittson.
Lac qui Parle.
Lincoln.
Lyon.
Mahnomen.
Marshall.
Martin.
Meeker.
Murray.
Nobles.
Norman.
Olmsted
Pennington.
Pipestone.
Polk.
Pope.
Redwood.
Renville.
Rice.
Rock.
Roseau.
Traverse.
Watonwan.
Wilkin.
Yellow Medicine.
North Dakota:
Benson.
Bottineau.
Cass.
Eddy.
Grand Forks.
La Moure.
McLean.
Nelson.
Pembina.
Ramsey.
Richland.
Steele.
Stutsman.
Traill.
Walsh.
Ward.
South Dakota:
Brookings.
Brown.
Clark.
Codington.
Day.
Grant.
Marshall.
Roberts.

(Secs. 506, 516, 52 Stat. 73, 77, as amended; 7 U. S. C. and Sup. 1506, 1516. Interprets or applies secs. 507–509, 52 Stat. 73–75, as amended; 7 U. S. C. and Sup. 1507–1509)

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-6872; Filed, June 23, 1952; 9:00 a. m.]

[Appendix 1]

PART 419—COTTON CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 419.1 of the above-identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110), the following counties have been designated for insurance for the 1952 crop year.

Alabama:
Cherokee.
Chilton.
Cullman.
DeKalb.
Etowah.
Houston.
Jackson.
Lauderdale.
Limestone.
Madison.
Marshall.
Morgan.
Tuscaloosa.
Arizona: Pinal.
Arkansas:
Chicot.
Crittenden.
Desha.
Faulkner.
Hempstead.
Lawrence.
Lincoln.
Monroe.
Pulaski.
Georgia:
Bartow.
Burke.
Carroll.
Dooly.
Gordon.
Whitfield.
Louisiana:
Bienville.
Caddo.
Franklin.
Louisiana—Con.
Morehouse.
Natchitoches.
Richland.
Washington.
Mississippi:
Attala.
Bolivar.
Coahoma.
Covington.
Holmes.
Humphreys.
Jefferson Davis.
Lee.
Marion.
Quitman.
Sharkey.
Sunflower.
Tallahatchie.
Tunica.
Walthall.
Washington.
New Mexico:
Chaves.
Eddy.
Dona Ana.
North Carolina:
Cleveland.
Gaston.
Lincoln.
Mecklenburg.
Polk.
Rutherford.
Oklahoma:
Beckham.
Custer.
South Carolina:
Anderson.
Chesterfield.
Greenville.
Lee.
Newberry.
Orangeburg.
Pickens.
Spartanburg.
York.
Tennessee:
Hardeman.
Lake.
Lauderdale.
McNairy.
Texas:
Bell.
Burleson.
Collin.
Crosby.
Texas—Continued
Ellis.
Falls.
Fannin.
Floyd.
Grayson.
Hale.
Hill.
Hunt.
Lamar.
Lamb.
Lubbock.
Lynn.
McLennan.
Milam.
Navarro.
Red River.
Taylor.
Williamson.

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-6830; Filed, June 23, 1952; 8:53 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1953–54 MARKETING YEAR

Sec.
728.301 Basis and purpose.
728.302 National marketing quota for wheat for 1953–54 marketing year.
728.303 1953 acreage allotments for wheat.

AUTHORITY: §§ 728.301 to 728.303 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 304, 332, 333, 335, 371, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1304, 1332, 1333, 1335, 1371.

§ 728.301 *Basis and purpose.* The regulations contained in §§ 728.301 to 728.303 are issued to announce that no national marketing quota for wheat shall be in effect during the marketing year beginning July 1, 1953, and that no national, State, county, or farm acreage allotments for wheat will be established for the 1953 crop under the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

Section 335 of the act provides, in effect, that whenever in the calendar year 1952 the Secretary of Agriculture determines (1) that the total supply of wheat for the 1952–53 marketing year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the 1951–52 marketing year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year did not exceed 66 per centum of parity, the Secretary shall, not later than July 1, 1952, proclaim such fact and a national marketing quota shall be in effect on the marketing of wheat during the 1953–54 marketing year. Section 332 of the act requires the Secretary, not later than July 15 of each marketing year, to ascertain and proclaim the total supply and the normal supply of wheat for such marketing year and to proclaim the national acreage allotment for the next crop of wheat.

Section 371 (b) of the act authorizes the Secretary of Agriculture to dispense with marketing quotas or acreage allotments for any basic agricultural commodity if he finds, after appropriate investigation, that such action is necessary to effectuate the declared policy of the act, or to meet a national emergency or increase in export demand for the commodity. Section 304 of the act provides that in carrying out the purposes of the act, it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

Pursuant to Section 371 (b) of the act, an investigation has been made to determine whether marketing quotas should be proclaimed for the 1953–54 marketing year. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency, that marketing quotas should not be proclaimed for the 1953–54 marketing year. Accordingly § 728.302 states that no quotas will be in effect for that marketing year.

Pursuant to section 371 (b) of the act, an investigation has been made to determine whether acreage allotments should be in effect for the 1953 wheat crop. On the basis of that investigation, it is hereby found and determined that it is necessary, in order to effectuate the declared policy of the act and to meet the present national emergency, to dispense with national, State, county, and farm acreage allotments for the 1953 wheat crop. That action is made effective by the issuance of § 728.303.

Prior to taking the action herein, public notice was given (17 F. R. 4655), in accordance with the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary was preparing to determine whether marketing quotas are required for the 1953 wheat crop, and to determine and proclaim the national acreage allotment for that wheat crop. The notice also stated that the Secretary had under consideration the matter of dispensing with marketing quotas and acreage allotments under the applicable provisions of the act, including sections 304 and 371 (b). All written submissions which were received within the period stated in the notice have been considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.302 *National marketing quota for wheat for the 1953–54 marketing year.* The average farm price for wheat has not been as low as 66 per centum of the parity price for wheat for three successive months in the 1951–52 marketing year. The total supply of wheat for the 1952–53 marketing year is determined to be 1,604 million bushels. The normal supply of wheat for such marketing year is determined to be 1,253 million bushels. This total supply exceeds the normal supply by more than 20 per centum. However, pursuant to the applicable provisions of the act, including section 371 (b), it has been determined that no national marketing quota for wheat shall be in effect during the 1953–54 marketing year.

§ 728.303 *1953 acreage allotments for wheat.* No national, State, county or farm acreage allotments will be established for the 1953 wheat crop.

Issued at Washington, D. C., this 19th day of June, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-6870; Filed, June 23, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 924.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, as amended, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Detroit, Michigan, during May 12–16, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Detroit, Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than June 20, 1952, this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Detroit, Michigan marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held May 12–16, 1952, and the decision having been executed by the Secretary on June 16, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Detroit, Michigan marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Detroit, Michigan, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Amend § 924.52 by inserting at the end of the first paragraph after the word "section" the following: "*Provided*, That for the months of May, June and July, there shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over a price computed as the sum of the prices determined under subparagraphs (1) and (2) of paragraph (a) of this section less 67 cents, such excess to be multiplied by 0.18, and an amount per hundredweight of skim milk equal to such excess multiplied by 0.36."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 19th day of June 1952, to be effective on and after the 20th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6874; Filed, June 23, 1952; 9:00 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.427 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237, 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid. The aforesaid 5 x 6 standard pack and 6 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{3}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meanings as when used in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6946; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATIONS OF SHIPMENTS

§ 936.428 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6947; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.429 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952; this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Wickson plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty three and one-third ($33\,^1/_3$) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper, shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6948; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.430 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any

preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Burbank plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this regulation, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measures less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6949; Filed, June 23, 1952; 8:59 a. m.]

[Plum Order 9]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.431 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor, and Standard varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 25, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are expected to begin on or about June 25, 1952, this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 25, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of miscellaneous varieties of plums unless such plums grade at least U. S. No. 1.

(2) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulation applicable to such shipment.

(3) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the term "U. S. No. 1," shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6950; Filed, June 23, 1952; 9:00 a. m.]

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 936.432 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett

pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than June 26, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 26, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 26, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed two hundred (200) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point of such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

The shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6951; Filed, June 23, 1952; 9:00 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

§ 957.309 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of

handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., June 25, 1952, and ending on 12:01 a. m., m. s. t., June 1, 1953, no handler shall ship potatoes of any variety unless such potatoes meet the requirements of the U. S. No. 2 or better grade, $1\frac{7}{8}$ inches minimum or larger diameter or 3 ounces minimum weight, except that no handler may ship potatoes of the red skin varieties unless (i) such potatoes meet the requirements of the U. S. No. 1 or better grade, $1\frac{7}{8}$ inches minimum or larger diameter, (ii) such potatoes meet the requirements of the U. S. No. 2 or better grade, $1\frac{1}{2}$ inches minimum or larger diameter, and (iii) such potatoes meet the requirements of the U. S. No. 1 grade, Size B, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) Pursuant to § 957.55, each handler may ship not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (3) of this paragraph and §§ 957.42 and 957.65.

(3) During the period beginning 12:01 a. m., m. s. t., June 25, 1952, and ending 12:01 a. m., m. s. t., November 1, 1952, no handler shall ship (i) Russet Burbank potatoes which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, (ii) potatoes of the red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes, and (iii) potatoes of the White Rose variety if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided*, That the grade and size requirements set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(4) The limitations set forth in subparagraphs (1) and (3) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Seed, (ii) export, (iii) sale to the Federal government under programs authorized by the Secretary of Agriculture, (iv) canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol, and (v) charity: *Provided*, That each handler prior to making special purpose shipments pursuant hereto shall file an application with the committee for permission to make such shipments, shall have each of such shipments (except shipments of seed potatoes) inspected pursuant to § 957.65 and shall pay assessments in connection therewith pursuant to § 957.42, and for each such shipment made pursuant to subdivisions (ii), (iv), and (v) of this subparagraph, shall furnish a copy of the bill of lading applicable thereto to the committee: *Provided further*, That each handler making shipments of potatoes pursuant to subdivision (ii) of this subparagraph shall include in his application applicable thereto, the export license number and shall enter such number on the Federal-State inspection certificate and bill of lading applicable to such shipment, or in the event that no export license is required on such shipment the handler thereof shall furnish the committee with a copy of the Department of Commerce Shippers Export Declaration Form No. 7525-V applicable to such shipment, and that each application to ship potatoes pursuant to subdivisions (iv) and (v) of this subparagraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purposes stated in the application.

(5) The terms used in this section shall have the same meaning as when used in Order No. 57, as amended (7 CFR Part 957), and the aforementioned grades and sizes shall have the same meanings assigned these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of June 1952, to become effective 12:01 a. m., m. s. t., June 25, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-6911; Filed, June 23, 1952; 9:00 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5799]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ZLOTNICK THE FURRIER, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.25 *Competitors and their products; competitors' prices;* § 3.30 *Composition of goods;* § 3.70 *Fictitious or misleading guarantee;* § 3.130 *Manufacture or preparation:* § 3.155 *Prices—comparative: Exaggerated as regular and customary: Savings and discounts subsidized: Usual as reduced, special, etc.;* § 3.200 *Sample, offer or order conformance;* § 3.260 *Terms and conditions.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.520 *Quality, grade, qualities or identity.* Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 3.675 *Delaying or withholding corrections, adjustments, returns or action owed.* Subpart—*Disparaging competitors and their products—Competitors' products:* § 3.1005 *Prices.* Subpart—*Misbranding or mislabeling:* § 3.1280 *Price.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2012 *Offers deceptively made and falsely evaded;* § 3.2060 *Sample, offer or order conformance;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale, or distribution of fur products in commerce, (1) representing, directly or by implication, that the customary or regular price of respondents' merchandise is any amount in excess of the price at which such merchandise is being offered for sale or has been sold by respondents in recent regular course of business, or otherwise misrepresenting the customary or regular price of respondents' merchandise; (2) representing, directly or by implication, that respondents' regular prices are reduced prices or that any savings are afforded to purchasers of respondents' garments in excess of those savings actually afforded; (3) using pictures or illustrations purporting to be bona fide illustrations of garments therein identified as to grade, type or price which are being offered in respondents' stores, unless any garment so designated is in stock or otherwise available to customers under the conditions stated in such advertising matter and at such price as may be designated in the advertisement; (4) representing, directly or by implication, that respondents' prices are lower than those charged by competitors unless respondents' prices are lower than prevailing competitive prices for merchandise of like grade and quality or representing that respondents' prices are so low as to cause competitors to seek to buy respondents' garments for resale when such is not the case; (5) representing, directly or by implication, that respondents' garments are in any manner guaranteed unless the terms of such guarantee or warranty are clearly disclosed in immediate conjunction therewith and unless respondents in fact afford guarantee or security represented, or enforcing or attempting to enforce any policy of refusing to permit the return of merchandise or to make refunds therefor when the enforcement of any such policy would be in derogation of any guarantee made in connection with the sale of respondents' merchandise; (6) representing that such of respondents' garments as are characterized by defective or inferior materials or workmanship are of high quality, that merchandise fashioned in old or discontinued styles are superbly or modernly styled or that garments made from damaged, or old or obsolete less valuable furs contain luxurious peltries; (7) representing that trade-in allowances on old or previously used fur coats may be obtained by purchasers of new garments from respondents when the prices of respondents' merchandise have been advanced above respondents' regular prices in any amount serving to nullify or offset such allowances; (8) representing, directly or by implication, that delivery of merchandise will be made to purchasers upon payment made or completed of one-third or any other part of the purchase price of garments sold or which have been laid aside for the customer under respondents' lay-away plan without clearly and simultaneously disclosing that the time of delivery depends upon establishment of a credit rating acceptable to respondents for payment of the balance due; or using any other sales plan which misleads or deceives purchasers or enables respondents' salesmen to mislead or deceive purchasers respecting the terms and conditions under which possession of respondents' merchandise will be accorded to the customer; (9) marking respondents' merchandise with prices in excess of those at which respondents expect to sell such merchandise in regular course of business; (10) removing or stripping identifying markings from garments at the time of delivery thereof to purchasers for the purpose of eliminating purchasers' knowledge as to the exact garment being delivered or failing to provide customers with written data identifying the garments purchased by them in instances in which the respondents have appropriated from or required the return from customers of purchase contract agreements or other documentary identification of the garments being sold; (11) failing to deliver to any purchaser complying with the terms of the sales agreement the garment selected and bought by such purchaser; (12) refusing to refund the payments of any purchaser who has complied with the terms of the sales agreement in instances in which respondents fail to deliver to the purchaser the garment bought and selected by him; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Zlotnick The Furrier, Inc., et al., Washington, D. C., Docket 5799, March 31, 1952]

In the Matter of Zlotnick the Furrier, Inc., a Corporation, Samuel D. Zlotnick, Sidney Zlotnick, and Mrs. Renee Z. Kraft, Individually and as Officers of Zlotnick the Furrier, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on July 17, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging said respondents with the use of unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' joint answer, pursuant to leave to withdraw such original answer and to file a substitute answer dated September 20, 1950, as granted by the hearing examiner of the Commission duly designated in the complaint to act in this proceeding, respondents' substitute answer was filed, in which answer the respondents admitted all the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to the facts. On January 3, 1951, the hearing examiner filed his initial decision.

Thereafter, within the time permitted by the rules of practice of the Commission, counsel supporting the complaint and respondents filed notices of their intention to appeal from the initial decision of the hearing examiner, said appeals subsequently were filed herein, and the proceeding regularly came on for final consideration by the Commission upon the complaint, the substitute answer, the initial decision of the hearing examiner, the appeals therefrom, briefs filed in support of and in opposition to said appeals, and oral argument; and the Commission, having duly considered the record and having ruled upon said appeals and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion drawn therefrom,[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, Zlotnick The Furrier, Inc., a corporation, and its officers, representatives, agents and employees, and respondents, Samuel D. Zlotnick, Sidney Zlotnick, and Mrs. Renee Z. Kraft, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that the customary or regular price of respondents' merchandise is any amount in excess of the price at which such merchandise is being offered for sale or has been sold by respondents in recent regular course of business, or otherwise misrepresenting the customary or regular price of respondents' merchandise.

(2) Representing, directly or by implication, that respondents' regular prices are reduced prices or that any savings are afforded to purchasers of respondents' garments in excess of those savings actually afforded.

(3) Using pictures or illustrations purporting to be bona fide illustrations of garments therein identified as to grade, type or price which are being offered in respondents' stores, unless any garment so designated is in stock or otherwise available to customers under the conditions stated in such advertising matter and at such price as may be designated in the advertisement.

(4) Representing, directly or by implication, that respondents' prices are lower than those charged by competitors unless respondents' prices are lower than prevailing competitive prices for merchandise of like grade and quality or representing that respondents' prices are so low as to cause competitors to seek to buy respondents' garments for resale when such is not the case.

(5) Representing, directly or by implication, that respondent's garments are in any manner guaranteed unless the terms of such guarantee or warranty are clearly disclosed in immediate conjunction therewith and unless respondents in fact afford the guarantee of security represented, or enforcing or attempting to enforce any policy of refusing to permit the return of merchandise or to make refunds therefor when the enforcement of any such policy would be in derogation of any guarantee made in connection with the sale of respondents' merchandise.

(6) Representing that such of respondents' garments as are characterized by defective or inferior materials or workmanship are of high quality, that merchandise fashioned in old or discontinued styles are superbly or modernly styled or that garments made from damaged, or old or obsolete less valuable furs contain luxurious peltries.

(7) Representing that trade-in allowances on old or previously used fur coats may be obtained by purchasers of new garments from respondents when the prices of respondents' merchandise have been advanced above respondents, regular prices in any amount serving to nullify or offset such allowances.

(8) Representing, directly or by implication, that delivery of merchandise will be made to purchasers upon payment made or completed of one-third or any other part of the purchase price of garments sold or which have been laid aside for the customer under respondents' lay-away plan without clearly and simultaneously disclosing that the time of delivery depends upon establishment of a credit rating acceptable to respondents for payment of the balance due; or using any other sales plan which misleads or deceives purchasers or enables respondents' salesmen to mislead or deceive purchasers respecting the terms and conditions under which possession of respondents' merchandise will be accorded to the customer.

(9) Marking respondents' merchandise with prices in excess of those at which respondents expect to sell such merchandise in regular course of business.

(10) Removing or stripping identifying markings from garments at the time of delivery thereof to purchasers for the purpose of eliminating purchasers' knowledge as to the exact garment being delivered or failing to provide customers with written data identifying the garments purchased by them in instances in which respondents have appropriated from or required the return from customers of purchase contract agreements or other documentary identification of the garments being sold.

(11) Failing to deliver to any purchaser complying with the terms of the sales agreement the garment selected and bought by such purchaser.

(12) Refusing to refund the payments of any purchaser who has complied with the terms of the sales agreement in instances in which respondents fail to deliver to the purchaser the garment bought and selected by him.

It is further ordered, That the charges of the complaint referred to hereinbefore in the last two paragraphs of the "Conclusion" be, and the same hereby are, dismissed.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order,

[1] Filed as part of the original document.

file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 31, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6852; Filed, June 23, 1952; 8:55 a. m.]

[Docket 5853]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GEN-O-PAK CO. AND LESTER ROTHSCHILD

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1490 *Nature in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2495 *Nature, in general.* In connection with the offering for sale, sale and distribution, or use in commerce, of forms, letters, cards, or any other written or printed material for use in obtaining information concerning debtors or alleged debtors, (1) using, or placing in the hands of others for use, any stationery in connection with the location of delinquent debtors or the collection of money due by a delinquent debtor, containing respondent's name, or any trade name used by him, unless the words "Collection Service" appear immediately in connection or conjunction therewith in type of like or equal size; (2) representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought or that the information sought is for use in determining whether the person about whom information is requested may be the person for whom money or other property has been deposited, unless money or other property has in fact been so deposited and the amount of money or description or value of the property is accurately stated; (3) using the words "Manpower Classification Bureau" or any other words, which import or imply that respondent's business is that of gathering and furnishing information relative to employment, or that respondent's business is other than that of obtaining information concerning debtors or alleged debtors; (4) using the name "American Deposit System" or any other name which imports or implies that respondent is a depository or is engaged in the business of receiving and holding money for persons from whom or about whom information is sought; or, (5) using or placing in the hands of others for use forms, letters, cards, or any other printed or written material which represents, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lester Rothschild t. a. Gen-O-Pak Company, Chicago, Ill., Docket 5853, March 27, 1952]

In the Matter of Lester Rothschild Individually and Trading as Gen-O-Pak Company

This proceeding was heard by Webster Ballinger, hearing examiner, theretofore duly designated by the Commission, upon the amended complaint of the Commission, respondent's answer, and hearings at which testimony and other evidence (which were duly recorded and filed in the office of the Commission) were introduced before said examiner in support of and in opposition to the allegations of said amended complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the amended complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by respective counsel, oral argument not having been requested, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "Order denying respondent's appeal from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5853, March 27, 1952, as follows:

This matter came on to be heard by the Commission upon the respondent's appeal from the initial decision of the hearing examiner herein and upon the briefs and oral argument of counsel in support of and in opposition to said appeal.

Respondent contends in said appeal that the hearing examiner's findings as to the facts and conclusion that the respondent has engaged in unfair and deceptive acts and practices in connection with the sale and use of certain post cards and form letters to obtain information from or concerning delinquent debtors, and his order against the continuation of such acts and practices, are not substantiated by the evidence in the record; and that the hearing examiner erred in failing to make certain conclusions of law to the effect that the activities of the respondent challenged in the amended and supplemental complaint are not in interstate commerce, that the relief sought is an attempt by the Commission to regulate the use of the mails, that the activities of the respondent do not as a matter of law constitute any deception or tendency to deceive, that the statements and representations made by the respondent are true, and that all of the acts and practices of the respondent are lawful, valid, and legitimate.

The record herein shows that the respondent sells certain post cards and form letters which are used to obtain information from or concerning delinquent debtors. The post cards and form letters are shipped by the respondent from his place of business in Illinois to customers located in various other States of the United States. Such customers address such cards and letters and return them to the respondent, who then mails them. Respondent trades under the names of "Gen-O-Pak Company", "Manpower Classification Bureau", and "American Deposit System". One of the cards sold and distributed by respondents contains the representation that the respondent is holding a package for the person from whom or about whom information is requested. The package referred to on the card is made up by the respondent and contains pen points and advertising matter relating to pen points. One of the form letters sent out by the respondent, under the trade name of "Manpower Classification Bureau", contains the representation that the respondent is operating a labor classification bureau or other bureau for the purpose of obtaining information as to the manpower or employment situation or the availability of manpower in certain areas. Another form sent out by the respondent, under the trade name of American Deposit System, contains the representation that a sum of money has been deposited with the respondent for the person from whom or about whom information is requested. Respondent's business, so far as recipients of the form letters are concerned, has nothing to do with manpower classification or employment surveys and no money has been deposited with the respondent for persons to whom the letters are sent. The only money sent by the respondent to such persons is 3 cents. The statements and representations contained in the post cards and form letters so sold and distributed by the respondent, as well as his use of the trade names "Manpower Classification Bureau" and "American Deposit System", clearly have the capacity and tendency to mislead and deceive the recipients of such cards and letters. It is immaterial that the record does not contain evidence of actual deception.

Respondent's contentions that the Commission is without jurisdiction in this matter because the respondent is not engaged in interstate commerce and also because the relief sought is an attempt to regulate the use of the United States mails, which power, if it exists, is vested solely in the Postmaster General of the United States, are without merit. As stated hereinabove, respondent sells and ships the cards and form letters to customers located in States other than the State of Illinois. After such cards and letters are addressed by such customers, they are returned to the respondent for mailing to the addressees and information received by respondent is forwarded to his customers. These acts and practices clearly constitute commerce as "commerce" is defined in the Federal Trade Commission Act. The Federal Trade Commission is vested with the duty and authority to prevent unfair and deceptive acts and practices in commerce. The fact that the respondent may have used the United States mails in connection with his engaging in the aforesaid unfair and deceptive acts and practices in commerce does not serve to divest the Commission of its authority and responsibility in this respect.

[1] Filed as part of the original document.

The Commission is of the opinion that the findings as to the facts in the hearing examiner's initial decision are supported by substantial, probative evidence in the record; that the conclusion contained therein is correct; and that the order is adequate and appropriate to provide proper relief from the respondent's unlawful acts and practices.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached, shall, on the 27th day of March, 1952, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent Lester Rothschild, individually and trading as Gen-O-Pak Company, or under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution, or use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of forms, letters, cards, or any other written or printed material for use in obtaining information concerning debtors or alleged debtors, do forthwith cease and desist from:

(1) Using, or placing in the hands of others for use, any stationery in connection with the location of delinquent debtors or the collection of money due by a delinquent debtor, containing respondent's name, or any trade name used by him, unless the words "Collection Service" appear immediately in connection or conjunction therewith in type of like or equal size.

(2) Representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought or that the information sought is for use in determining whether the person about whom information is requested may be the person for whom money or other property has been deposited, unless money or other property has in fact been so deposited and the amount of money or description or value of the property is accurately stated.

(3) Using the words "Manpower Classification Bureau," or any other words, which import or imply that respondent's business is that of gathering and furnishing information relative to employment or that respondent's business is other than that of obtaining information concerning debtors or alleged debtors.

(4) Using the name "American Deposit System" or any other name which imports or implies that respondent is a depository or is engaged in the business of receiving and holding money for persons from whom or about whom information is sought.

(5) Using or placing in the hands of others for use forms, letters, cards, or any other printed or written material which represents, directly or by implication, that respondent's business is other than that of obtaining information for use in the collection of debts.

Issued: March 27, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-6854; Filed, June 23, 1952; 8:55 a. m.]

[Docket 5939]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BASIC VEGETABLE PRODUCTS, INC., ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Combining or conspiring:* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Maintaining resale prices:* § 3.1125 *Combination;* § 3.1130 *Contracts and agreements.* I. In connection with the offering for sale, sale and distribution of dehydrated or processed onion powder, garlic powder, onion flakes, or onions or garlic in any other processed forms, in interstate commerce, and on the part of four respondents, and on the part of their said officers, etc., performing, continuing, cooperating, participating or engaging in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to (1) exchange, distribute or relay by any method or means information in any form as to prices, terms and conditions of sale, trade discounts or volume discounts where the purpose or effect thereof is to fix, stabilize, or maintain prices, terms and conditions of sale, trade discounts or volume discounts; (2) fix, establish or maintain prices; (3) fix, establish or maintain terms and conditions of sale; (4) fix, establish or maintain trade discounts or volume discounts; (5) fix, establish or maintain any arrangement for resale prices, terms or conditions of sale; or (6) exchange, distribute or relay among the respondents or any of them or through any medium or central agency information concerning prices charged particular customers or information concerning sales or shipments when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the purpose or effect of aiding in securing compliance with the prices, terms or conditions of sale as announced by any one or more of the respondents; and, II, in connection with the offering for sale, sale and distribution of said product, separately or collectively, doing, performing, continuing, participating or engaging in, or carrying out any agreement, arrangement, act or practice providing for the establishment or maintenance of resale prices on any commodity herein involved between themselves or between other producers or between wholesalers or between brokers or between factors or between retailers or between persons, firms, or corporations in competition with each other; prohibited, subject to the provision, however, that nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Basic Vegetable Products, Inc., et al., Los Angeles, Calif., Docket 5939, March 18, 1952]

In the Matter of Basic Vegetable Products, Inc., Gentry, Incorporated, Puccinelli Packing Company, J. R. Simplot Company, Corporations, Their Officers, Directors, Agents, Representatives, and Employees

This proceeding was instituted by complaint, which charged respondents with the use of unfair methods of competition and unfair or deceptive acts and practices in violation of the provisions of section 5 of the Federal Trade Commission Act.

It was disposed of, as announced, by the Commission's "Notice" of acceptance of consent settlement through the consent settlement procedure provided in Rule V of the Commission's Rules of Practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on March 18, 1952, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

It is ordered, That respondents Basic Vegetable Products, Inc., Gentry, Incorporated, Puccinelli Packing Company and J. R. Simplot Company, corporations, their officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of dehydrated or processed onion powder, garlic

[1] Filed as part of the original document.

powder, onion flakes or garlic flakes, or onions or garlic in any other processed forms, in interstate commerce, do forthwith cease and desist from doing, performing, continuing, cooperating, participating or engaging in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to do or perform any of the following acts or practices:

1. Exchanging, distributing or relaying by any method or means information in any form as to prices, terms and conditions of sale, trade discounts or volume discounts where the purpose or effect thereof is to fix, stabilize, or maintain prices, terms and conditions of sale, trade discounts or volume discounts.

2. Fixing, establishing or maintaining prices.

3. Fixing, establishing or maintaining terms and conditions of sale.

4. Fixing, establishing or maintaining trade discounts or volume discounts.

5. Fixing, establishing or maintaining any arrangement for resale prices, terms or conditions of sale.

6. Exchanging, distributing or relaying among the respondents or any of them or through any medium or central agency information concerning prices charged particular customers or information concerning sales or shipments when the identity of the manufacturer, seller or purchaser can be determined or disclosed through such information and which has the purpose or effect of aiding in securing compliance with the prices, terms or conditions of sale as announced by any one or more of the respondents.

It is further ordered, That the said respondents, separately or collectively, in connection with the offering for sale, sale and distribution of the said products, do forthwith cease and desist from doing, performing, continuing, participating or engaging in, or carrying out any agreement, arrangement, act or practice providing for the establishment or maintenance of resale prices on any commodity herein involved between themselves or between other producers or between wholesalers or between brokers or between factors or between retailers or between persons, firms, or corporations in competition with each other.

Provided, however, That nothing contained herein shall be construed to prohibit any of the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are permitted under the provisions of the Miller-Tydings Act.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6855: Filed, June 23, 1952; 8:56 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53016]

PART 68—IMPORTATION OF ARTICLES IN CONNECTION WITH THE INTERNATIONAL TRADE FAIR AND INTER-AMERICAN CULTURAL AND TRADE CENTER AT NEW ORLEANS, LOUISIANA [1]

The following regulations under Public Law No. 290, 82d Congress, approved April 3, 1952, relate to the entry of articles in connection with the International Trade Fair and Inter-American Cultural and Trade Center to be held at New Orleans, Louisiana, November 30, 1953, to May 31, 1954.

Sec.
68.1 Invoices; marking; bond.
68.2 Entry; appraisement; procedure.
68.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
68.4 Detail of customs officers to protect revenue; expenses.
68.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 68.1 to 68.5 issued under Pub. Law No. 290, 82d Cong.

§ 68.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 290, 82d Congress, and valued at more than $100, are subject to the usual certified invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930 and the regulations issued thereunder. The certified invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International House, Incorporated, shall give to the collector of customs at New Orleans, Louisiana, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 290, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 68.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of New Orleans, Louisiana, in the name of the International House, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International House, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than New Orleans shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of New Orleans of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. .....

Entry at the port of New Orleans of articles consigned or transferred to the International House, Incorporated, under ..... I. T. No. ..... ex S. S. ..... on the ..... day of ....., 19....., for exhibition purposes under Public Law No. 290 of the 82d Congress, approved April 3, 1952.

Mark	Number	Package and contents	Quantity	Invoice	Value

INTERNATIONAL HOUSE, INC.,
By .....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under the regulations in this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 68.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 68.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR 8.33).

§ 68.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 68.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at New Orleans, Louisiana, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International House, Incorporated, to the Government, payment to be made monthly to the collector of customs, New Orleans, Louisiana, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 68.5 *Withdrawal of Articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn from entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 290 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] FRANK DOW
Commissioner of Customs.

Approved: June 12, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-6860: Filed, June 23, 1952; 8:58 a. m.]

[1] SEC. 2. All articles which shall be imported from foreign countries for the purpose of exhibition at the International Trade Fair and Inter-American Cultural and Trade Center, to be held at New Orleans, Louisiana, from November 30, 1953, to May 31, 1954, inclusive, by the International House, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International House, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this Act, shall be reimbursed by the International House, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C., 1946, edition, title 19, sec. 1524).

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

[1952 Dept. Circ. 1]

PART 129—VALUES OF FOREIGN MONEYS

QUARTER BEGINNING JULY 1, 1952

JULY 1, 1952.

§ 129.15 *Calendar year, 1952.* • • •

(c) *Quarter beginning July 1, 1952.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1952, expressed

in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Canada	Dollar	$1.6931	Redemption of notes into gold suspended. Export of gold prohibited except under license.
Colombia	Peso	.5128	Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931.
Costa Rica	Colon	.1781	Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947.
Denmark	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Dominican Republic	Peso	1.0000	By Monetary Law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine.
Ethiopia	Dollar	.4025	New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945.
Finland	Markka	.0426	Conversion of notes into gold suspended Oct. 12, 1931.
Guatemala	Quetzal	1.0000	Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Hungary	Forint	.0852	New unit based on 13,210 forint per kilogram fine gold, effective July 1946.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 25, 1945.
Philippines	Peso	.5000	International value according to the Central Bank Act approved June 15, 1948. Exchange control established.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Union of Soviet Socialist Republics	Ruble	.2500	By decree of Council of Ministers ruble equal to 0.222168 fine gram gold, effective Mar. 1, 1950.
Uruguay	Peso	.6383	Present gold content of 0.385048 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1950.

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of The Treasury.

[F. R. Doc. 52-6829; Filed, June 23, 1952; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulations

MISCELLANEOUS AMENDMENTS

Miscellaneous amendments have been made in the Armed Services Procurement Regulation as reflected in the document set forth below, dated March 1, 1952.

WILLIAM C. FOSTER,
Acting Secretary.

MAY 7, 1952.

PART 400—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

1. Place of delivery: Addition of § 400.306 states the uniform policy of the Armed Services with relation to payment of transportation charges for domestic and foreign procurements. Amendments to §§ 401.201 (c) (7) and 402.101 (d) serve as cross-indices.

§ 400.306 *Place of delivery.*

§ 400.306–1 *Domestic shipments.* Unless there are valid reasons to the contrary (such as, but not restricted to, industry practice, applicability of state taxes, or destination unknown) the procurement of supplies from sources and for delivery within the continental limits of the United States will be in accordance with the following policy:

(a) When it is estimated that any single contract will require a shipment to a single destination which will not equal a minimum carload lot (a minimum carload lot shall be deemed to be one which weighs approximately 20,000 pounds), delivery will be made on the basis of all transportation charges paid to destination.

(b) When it is estimated that any single contract will require a shipment of a minimum carload lot, delivery shall be either on the basis of (i) f. o. b. carrier's equipment, wharf, or freight station (at the Government's option) at or near contractor's plant, at a specified city or shipping point, or (ii) all transportation charges paid to destination, whichever is the more advantageous to the Government. In formally advertised procurements the Invitation for Bids shall provide that bidders may bid on either or both bases set forth in this paragraph. Bids shall be evaluated on the basis of over-all cost to the Government.

§ 400.306–2 *Shipments outside the continental United States.* In the case of supplies purchased within the continental United States for ultimate delivery to destinations outside of the continental United States, wherever possible, regardless of the quantity of the shipment, delivery will be made on the basis of f. o. b. carrier's equipment, wharf, or freight station (at the Government's option), at or near contractor's plant, at a specified city or shipping point. Shipments included in this policy are those in which supplies are shipped directly to a port area for export or to storage areas for subsequent re-shipment to a port area for export.

§ 400.306–3 *Shipments originating outside the continental United States.* In the case of shipments originating outside the continental limits of the United States, the policy with respect to place of delivery shall be in accordance with procedures prescribed by each respective Department.

(R. S. 161; 5 U. S. C. 22)

PART 401—PROCUREMENT BY FORMAL ADVERTISING

SUBPART B—SOLICITATION OF BIDS

1. Amendment to § 401.201 (c) (7) serves as a cross-index to § 400.306.

§ 401.201 *Preparation of forms.*

• • •

(c) *Schedule.* • • •

(7) Time, place and method of delivery (see § 400.306 of this subchapter).

2. Waiver of bid bonds: Amendments to §§ 401.404 and 409.102 clarify the authority to waive bid bonds when the bidder fails to furnish such bonds by reason of inadvertence; these amendments are based on 31 Comp. Gen. 20.

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

§ 401.404 *Minor informalities or irregularities in bids.* The Contracting Officer shall give to the bidder an opportunity to cure any deficiency resulting from a minor informality or irregularity in a bid, or in the alternative, when it is not to the disadvantage of the Government, may waive any such deficiency when time does not permit the curing thereof. Illustrative examples of minor informalities or irregularities are the following: Failure to furnish required catalogs, cuts or descriptive data; failure to furnish information required by the Invitation for Bids concerning such matters as (a) number of employees and (b) place of manufacture.

§ 401.404–1 *Failure to furnish a bid bond.* Under certain circumstances, the failure to furnish a bid bond may be treated as a minor informality or irregularity in the bid. Such a deficiency may be cured or waived where it did not result from the inability of the bidder to obtain a bid bond because of its financial status or some similar reason, but was due to inadvertence or other excusable cause. The correction or waiver of such deficiency should be permitted only after a thorough investigation has been made of the facts pertinent to such deficiency and an excusable cause has been clearly established.

(R. S. 161; 5 U. S. C. 22)

PART 402—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

1. Amendment to § 402.101 serves as a cross-index to § 400.306.

§ 402.101 *Negotiation as distinguished from formal advertising.* • • •

(d) Consideration of delivery requirements (see § 400.306 of this subchapter).

SUBPART E—ADVANCE PAYMENTS

2. Advance payments: Amendments to §§ 402.502, 402.503, and 402.505, and new §§ 402.506 and 402.507 reflect recent changes in advance payments policy. Responsibility and authority for making advance payments is now vested in the Assistant Secretaries of each Department responsible for the comptroller function; interest will be charged at the rate of 4 percent per annum, except as specifically authorized; where the prime contractor receives interest-free advance payments, except in connection with certain specified contracts, he is required to charge and credit to the account of the Government, 4 percent interest on advances made to subcontractors and down payments; commitments in relation to advance payments may not be made without the approval of the Assistant Secretary above mentioned; advance payments must be restricted to interim cash needs arising during the reimbursement cycle; contracts for the acquisition of facilities at cost for Government ownership and GOCO profit type contracts are treated as ordinary profit contracts requiring interest on advance payments.

§ 402.502 *Authority to make advance payments.* Pursuant to the authority of section 5 of the act, advance payments may be made under negotiated contracts executed before or after the effective date of this regulation in any amount not exceeding the contract price and upon such terms as the parties shall agree, provided:

(a) Adequate security for such advance payments is obtained;

(b) Provision for advance payments is in the public interest or in the interest of national defense, as determined by the Assistant Secretary of a Department responsible for the comptroller function in accordance with the requirements of Subpart C of this part; and

(c) Provision for advance payments is necessary and appropriate in order to procure the required supplies or services, as determined by the Assistant Secretary of a Department responsible for the comptroller function in accordance with the requirements of Subpart C of this part.

§ 402.503 *Limitations on authority to make advance payments.* Advance payments shall not be authorized unless all of the following requirements are satisfied:

(a) No other contractor is available to furnish the desired supplies or services, upon terms satisfactory to the Department, without provision for advance payments;

(b) Generally, except for (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, and (ii) contracts solely for the management and operation of Government-owned plants, advance payments should not be authorized unless no other means of adequate financing is available to the contractor, and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible;

(c) Advance payments should be used sparingly and care should be taken to see that advances outstanding do not exceed the actual reasonable requirements for the contracts; the amount of the advance payment in any case should be based upon an analysis of the cash flow required under the contract and as a general rule should not exceed the interim cash needs arising during the reimbursement cycle;

(d) The Government may not be committed in any manner directly or indirectly to make an advance payment without the approval of the Assistant Secretary of a Department responsible for the comptroller function and no procurement involving advance payments may become final until such approval is obtained.

§ 402.505 *Interest on advance payments.* (a) Interest will be charged on all advance payments hereafter authorized at the rate of 4 percent per annum on the unliquidated balance: *Provided however,* Advance payments may be approved without interest when in connection with contracts which provide for performance at cost (without profit or fee to the contractor), or, in unusual cases, when specifically authorized by the Assistant Secretary of a Department responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, and cost-plus-mixed-fee or other profit type contracts for the management or operation of Government-owned plants, will be treated as ordinary profit contracts requiring interest on advance payments.

(b) Contracts with interest-free advance payments, hereafter authorized, should provide that the contractor will charge interest at the rate of 4 percent per annum on advances or down payments made by the contractor to subcontractors or material men on subcontracts or purchase orders related to such contract, during the period when such contractor is entitled to receive, or has outstanding, such interest-free advance payments from the Government, and that interest charged on such advances or down payments will be credited to the account of the Government. However, interest need not be charged on advances by the contractor in connection with non-profit subcontracts with nonprofit educational or research institutions for experimental, research, or development work.

§ 402.506 *Reports.* Each Department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Comptroller).

§ 402.507 *Resolution of disagreements.* If a disagreement arises between the financing office and the interested procuring activity in any Department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the Department concerned.

(R. S. 161; 5 U. S. C. 22)

PART 403—COORDINATED PROCUREMENT

SUBPART A—SINGLE DEPARTMENT PROCUREMENT

1. Interdepartmental procurement: The use of DD Form 448 and DD Form 448–1 are now mandatory by amendment to § 403.109.

§ 403.109 *Preparation of purchase requests.* (a) DD Form 448, Military Interdepartmental Purchase Request, will be prepared by the Requiring Department to request the procurement of supplies or services from the Purchasing Department. This form, when received by the Purchasing Department, authorizes the Purchasing Department to purchase the supplies or services listed thereon or to furnish the items from stock, in accordance with agreements between the Departments concerned.

(b) Preparation of DD Form 448, Military Interdepartmental Purchase Request, and DD Form 448–1, Continuation Sheet, will be in accordance with procedures prescribed by each respective Department.

(R. S. 161, 6 U. S. C. 22)

PART 405—FOREIGN PURCHASES

SUBPART B—CANADIAN PURCHASES

1. Canadian Commercial Corporation: Section 405.201 has been amended to show a change of address for the Canadian Commercial Corporation.

§ 405.201 *Purchases from Canadian suppliers.* Any contract with a supplier or contractor located in the Dominion of Canada may be made with and administered through the Canadian Commercial Corporation (a corporation owned and controlled by the Government of Canada), which has offices at No. 2 Building, Lyon Street, Ottawa, and at 2001 Connecticut Avenue NW., Washington, D. C. Under any such contract made with the Canadian Commercial Corporation, direct communication with the Canadian supplier or contractor is authorized only in connection with problems of inspection and technical matters: *Provided,* That, if any such problem would affect the contract price, approval of the Canadian Commercial Corporation shall be obtained. All payments under any such contract made with the Canadian Commercial Corporation shall be made to that Corporation at its Washington office.

SUBPART C—DUTY AND CUSTOMS

2. Purchases of war material abroad: The form of the entry certificate to obtain exemption from duty has been changed by amendment to § 405.301–1.

§ 405.301–1 *Entry certificate.* The entry certificate referred to in § 405.301 will be printed, stamped, or typed on the face of Customs Form 7501 or at-

tached thereto, and will be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (Indicate Army, Navy, or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to the act of June 30, 1914 (34 U. S. C. 568) or section 12 of the act of February 19, 1948 (5 U. S. C. 219b, 626e)

(Name)

(Title) who has been designated to execute free-entry certificates for the above-named department

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(Grade) (Organization)

(R. S. 161; 5 U. S. C. 22)

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Default: A correction has been made to existing contract clause § 406.103–11 *Default*, by changing the word "delivery" in paragraph (d) line 5 to "deliver."

2. New contract clauses and amendments to existing clauses: Modifications to existing contract clauses § 406.103–21 *Termination for convenience of the Government* and § 406.104–11 *Vinson-Trammell Act*, together with new contract clauses §§ 406.103–22, 406.104–14, 406.104–15, and 406.104–16, covering Ceiling Prices, Subcontracting, Examination of Records and Gratuities, respectively, are set forth in the following Subpart A—Clauses for Fixed-Price Supply Contracts.

Section 406.103–21 *Termination for convenience of the Government.* Insert the contract clause appropriate for use in fixed-price supply contracts as set forth in Part 407, Subpart G, of this subchapter, §§ 407.701 and 407.705–1.

§ 406.103–22 *Compliance with ceiling prices.*

CEILING PRICES

Contractor agrees that the prices invoiced hereunder will not exceed the lower of (i) the contract prices or (ii) any applicable ceiling prices established by the Office of Price Stabilization or other authorized Government agency. The above clause will be inserted in all contracts, irrespective of dollar value, including purchase orders under $1,000, except contracts with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions.

§ 406.104–11 *Vinson-Trammell Act.* (a) In accordance with the requirement of section 3 of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311), and except as provided in paragraphs (b) and (c) of this section, any contract in an amount which exceeds or may exceed $10,000, known to be for the construction or manufacture of any complete aircraft or naval vessel, or any portion thereof, except contracts any of the receipts or accruals from which are subject to the Renegotiation Act of 1951, shall contain the following clause, except that in any advertised contract there may be inserted at the beginning of such clause the words "If this contract is in an amount which exceeds $10,000":

VINSON-TRAMMELL ACT

The Contractor agrees that this contract shall be subject to all the provisions of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311), and shall be deemed to contain all the agreements required by section 3 of said act; provided, however, that this clause shall not be construed to enlarge or extend by contract the obligations imposed by said act. In compliance with said act, the Contractor agrees to insert in such subcontracts hereunder as are specified in said act either the provisions of this clause or the provisions required by said act.

(b) In any contract where only certain items or lots totalling more than $10,000 are subject to the Vinson-Trammell Act, the foregoing clause should be modified to make the agreement of the Contractor applicable only to such items or lots. In any contract where only certain items or lots totalling $10,000 or less would otherwise be subject to the act, the foregoing clause should not be included in the contract even though the total amount of the entire contract exceeds $10,000.

(c) In any contract, otherwise subject to the Vinson-Trammell Act, for scientific equipment used for communication, target detection, navigation or fire control, as is designated by the Secretary of the Department concerned, the clause prescribed in paragraph (a) of this section shall not be included in such contract, and the following clause shall be inserted in lieu thereof:

VINSON-TRAMMELL ACT

The Secretary having designated the supplies called for by this contract to be scientific equipment used for communication, target detection, navigation or fire control, the provisions of the Vinson-Trammell Act as amended and extended (34 U. S. Code 496 and 10 U. S. Code 311) are not applicable to this contract.

§ 406.104–14 *Subcontracting.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions:

SUBCONTRACTING

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

§ 406.104–15 *Examination of records.* In accordance with the requirements of section 4 of the act, as amended, the following clause will be inserted in all negotiated fixed-price supply contracts.

EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract, have access to and the right to examine any directly pertinent books, documents, papers and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment under this contract with the Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

§ 406.104–16 *Gratuities.* Insert the clause set forth below in all fixed-price supply contracts, except contracts with foreign governments obligating solely funds other than those contained in Department of Defense appropriation acts.

GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this Contract if it is found, after notice and hearing, by the Secretary or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing, of such contract: *Provided*, That the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall be not less than three nor more than ten times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(R. S. 161; 5 U. S. C. 22.)

PART 409—BONDS AND INSURANCE

SUBPART A—BONDS

1. Waiver of bid bonds: Amendments to §§ 409.102 and 401.404, supra, clarify the authority to waive bid bonds when the bidder fails to furnish such bonds by reason of inadvertence; these amendments are based on 31 Comp. Gen. 20.

§ 409.102 *Bid bonds.* Bid bonds may be required when, and only when, the solicitation of bids for a contract to be entered into as a result of formal advertising specifies that the contract is to be supported by a performance bond or by performance and payment bonds. Whenever a bid bond is required, the penal sum thereof shall be in an amount deemed adequate by the Contracting Officer for the protection of the Government.

(R. S. 161; 5 U. S. C. 22)

PART 411—LABOR

SUBPART A—BASIC LABOR POLICIES

1. Labor relations: The Departments may not take independent action with respect to labor matters without prior approval of the Office of the Assistant Secretary of Defense (Manpower and Personnel) and must also advise that office of any labor dispute which affects or threatens to affect important procurement. (See amendment to § 411.101.)

§ 411.101 *Labor relations.* Each Department shall maintain and encourage the best possible relations with industry and labor in order that the Government may procure needed supplies and services without delay. All problems arising out of the labor relations of private contractors, and all communications with labor organizations or Federal agencies relative thereto, shall be handled in accordance with procedures prescribed by each respective Department and consistently with the following general policy:

(a) The Departments shall exchange information with respect to labor matters for the purpose of maintaining a uniform labor policy throughout the Department of Defense.

(b) With respect to labor relations matters in general, each Department shall not take any independent action, the result of which would have the effect of establishing major policy, unless each such action falls within an established policy of the Department of Defense, or unless prior approval of the Office of the Assistant Secretary of Defense (Manpower and Personnel) has been obtained. Each Department must determine for itself what actions involve major policy. Recommendations for plant seizure or for injunctive action against labor or management would be examples of actions establishing major policy.

(c) Where any labor dispute significantly affects, or so threatens to affect, important procurement, the Department concerned shall notify the Office of the Assistant Secretary of Defense (Manpower and Personnel) and any other interested Department of all information relevant thereto.

(d) Each Department shall remain impartial in, and shall refrain from taking a position on the merits of, a dispute between labor and private management. No Department shall undertake the conciliation, mediation, or arbitration of a labor dispute.

(e) Each Department shall take other action in connection with labor relations problems which is consistent with its procurement responsibilities, as for example:

(1) Giving notice of the existence of a labor dispute, which affects, or threatens to affect, procurement of supplies or services, to the Government agency which has responsibility for conciliation, mediation, arbitration, or other action with respect thereto.

(2) Advising the Government agency, responsible for action with respect to labor disputes, or the parties to a labor dispute, of factual information pertaining to procurement of the supplies or services involved, to the extent consistent with security regulations.

(3) Seeking to obtain such voluntary agreement between management and labor as will permit, notwithstanding the general continuance of the dispute, uninterrupted procurement of military supplies and services, provided such activity does not involve the Department in the merits of a labor difference or dispute.

2. Overtime policy. Department of Defense policy with regard to wage and salary compensation is stated in the amendment to § 411.102. Where two or more Departments have current contracts in a single facility, there must be agreement prior to the authorization of overtime, etc., subject to resolution of any disagreements by the Munitions Board.

§ 411.102 *Wage and salary compensation.* It shall be the policy of each Department that contracts will be performed, so far as practicable, without the use of overtime, extra-pay shifts, or multi-shifts. This policy may permit the authorization of overtime, extra-pay shifts and multi-shifts when it is necessary to meet essential deadlines in the performance of the contract. Such an authorization shall, wherever practicable, be limited to and be the minimum required for, the accomplishment of specific work.

(a) Prior to the authorization of overtime, extra-pay shifts and multi-shifts, consideration should be given to the practicability of using other facilities for the furnishing of all or a portion of the supplies or services.

(b) Where two or more Departments have current contracts in a single facility, there will be an agreement between the interested Departments on the authorization of overtime, prior to such authorization. In the event the Departments concerned are unable to reach an agreement, the matter will be referred promptly through the Departmental member of the Munitions Board to the Munitions Board for decision.

(c) The above policy should not be construed to authorize payment for overtime, extra-pay shifts and multi-shifts where, under an existing contract, the contractor is already obligated without the right to additional compensation therefor to meet the desired delivery schedule, even though it is necessary for such a contractor to use overtime, extra-pay shifts or multi-shifts to meet such schedule.

(R. S. 161; 5 U. S. C. 22)

PART 414—CONTRACT COST PRINCIPLES

1. Cost principles—allowance of pension and retirement plans: Amendments to §§ 414.001, 414.204, 414.304, 414.403 and addition of §§ 414.600 and 414.601 establish cost interpretations with reference to allowability of pension and retirement plans.

§ 414.001 *Effective date of part.* This part shall be complied with on and after March 1, 1949, although compliance is authorized from the date of its issuance (but see Subpart F of this part as to effective dates of cost interpretations set forth therein).

SUBPART B—SUPPLY AND RESEARCH CONTRACTS WITH COMMERCIAL ORGANIZATIONS

§ 414.204 *Examples of items of allowable costs.* Subject to the requirements of § 414.201 with respect to the general basis for determining allowability of costs, and irrespective of whether the particular costs are treated by the contractor as direct or indirect, the following items of costs are considered allowable within the limitations indicated:

(a) Advertising in trade and technical journals, provided such advertising does not offer specific products for sale but is placed for the purpose of offering financial support to journals which are valuable for the dissemination of technical information within the contractor's industry (but see § 414.205 (a)).

(b) Bonds and insurance, including self-insurance (but see § 414.205 (p)).

(c) Compensation of corporate officers, executives and department heads. (The term "compensation" includes all amounts paid or set aside, such as pension and retirement benefits in accordance with the interpretation set forth in § 414.601, salaries, royalties, license fees, bonuses, and deferred compensation benefits. The total compensation of an individual may be questioned and the amount allowed may be limited; and in connection therewith, consideration will be given to the relation of the total compensation to the services rendered).

(d) Depreciation and depletion, based on cost of acquisition (but see § 414.205 (b) and (o)).

(e) Directors and executive committee fees and expenses; the expenses of stockholders meetings, annual reports, and reports and returns prepared for governmental authorities; and registry and transfer charges resulting from changes in ownership of securities issued by the contractor.

(f) Freight, transportation, and material handling.

(g) Improvement of working conditions, employer-employee relations, and standards of performance.

(h) Jigs, dies, fixtures, patterns, drawings, and special tools.

(i) Legal, accounting, and consulting services and related expenses (but see § 414.205 (d) and (l)).

(j) Manufacturing and production engineering, that is, engineering related immediately to manufacturing and production as distinguished from research, experimentation, and development.

(k) Materials and supplies.

(l) Memberships in trade, business and professional organizations.

(m) Miscellaneous office and administrative services and supplies, including communication expenses.

(n) Overtime compensation for direct or indirect labor, to the extent expressly

provided for elsewhere in the contract or otherwise authorized by the Government.

(o) Patents, purchased designs, and royalty payments, to the extent expressly provided for elsewhere in the contract or otherwise authorized by the Government.

(p) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.205 (p)).

(q) Plant maintenance and protection.

(r) Recruiting (including "help wanted" advertising) and training of personnel.

(s) Research and development specifically applicable to the supplies or services covered by the contract.

(t) Salaries and wages, direct and indirect (but see § 414.204 (c)).

(u) Subcontracts and purchase orders.

(v) Taxes (but see § 414.205 (i) and (r)).

(w) Traveling expenses.

(x) Vacation, holiday and severance pay, sick leave and military leave, to the extent required by law, by employer-employee agreement or by the contractor's established policy.

SUBPART C—RESEARCH CONTRACTS WITH NONPROFIT INSTITUTIONS

§ 414.304 *Examples of items of allowable costs.* Subject to the requirements of § 414.301 with respect to the general basis for determining the allowability of costs, and irrespective of whether the particular costs are treated by the contractor as direct or indirect, the following items of cost are considered allowable within the limitations indicated:

(a) Bonds and insurance, including self-insurance (but see § 414.305 (k)).

(b) Freight, transportation, and material handling.

(c) Library expenses (but see § 414.303–1 (c)).

(d) Materials and supplies.

(e) Miscellaneous office and administrative services and supplies, including communication expenses.

(f) Patents, purchased designs, and royalties, to the extent expressly provided for elsewhere in the contract or otherwise authorized by the Government.

(g) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.305 (k)).

(h) Protection and maintenance of Government-owned or of rented equipment.

(i) Salaries and wages, direct and indirect (but see § 414.305 (l)).

(j) Subcontracts and purchase orders.

(k) Taxes (but see § 414.305 (e)).

(l) Traveling expenses.

(m) Vacation and sick leave pay, to the extent required by law, by employer-employee agreement or by the contractor's established policy.

SUBPART D—CONSTRUCTION CONTRACTS

§ 414.403 *Examples of items of allowable costs.* • • •

(q) Pension and retirement plans in accordance with the interpretation set forth in § 414.601 and group health, accident and life insurance plans (but see § 414.404 (b), (d) and (m)).

SUBPART F—COST INTERPRETATIONS

§ 414.600 *Scope of subpart.* This new subpart sets forth interpretations of certain cost principles contained in other subparts of this section.

§ 414.601 *Pension and retirement plans.*

§ 414.601–1 *Effective date and applicability.* This cost interpretation pertains to §§ 414.204 (c), 414.204 (p), 414.304 (g) and 414.403 (q) and applies to contracts, executed as a date on or after January 1, 1952, of which the provisions of any such sections are made a part.

§ 414.601–2 *Interpretation.* (a) Cost of pension and retirement plans, including reasonable incidental benefits, such as disability, withdrawal, insurance or survivorship allowances which are deductible from taxable income in accordance with the Internal Revenue Code and the regulations of the Bureau of Internal Revenue, are allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation. Costs of such plans established by nonprofit or other organizations not subject to payment of Federal income taxes are also allowable except to the extent they are determined to be unreasonable or unallowable under any other provision of this cost interpretation.

(b) Pension or retirement plans of a contractor which are subject to approval of the Bureau of Internal Revenue must have been so approved before costs under the plans may be accepted as charges to Government contracts. Many plans of nonprofit or other tax exempt organizations are also reviewed and approved by the Bureau of Internal Revenue, when not so reviewed and approved, each such plan will be reviewed, and approved or disapproved, by the Department to which audit cognizance is assigned, using insofar as applicable, the criteria and standards of the Internal Revenue Code and the regulations of the Bureau of Internal Revenue. In any case, where the Bureau of Internal Revenue withdraws approval of a plan, approval of amounts allocated to contract costs will be withdrawn accordingly.

(c) The approval of a pension or retirement plan by the Bureau of Internal Revenue will, as a general rule, be the only approval required by the Departments; however, the right is reserved to require submission of any plan for consideration by a Department and to disapprove such plan in its entirety or any feature thereof whenever the circumstances in a particular case are deemed to warrant such action. Such consideration will be the responsibility of the Department to which audit cognizance is assigned, and the subsequent action taken by that Department will generally be accepted by the other Departments.

(d) Approval of a pension or retirement plan by the Bureau of Internal Revenue or by the Departments does not imply that the cost thereof for any particular year will be allowable for apportionment to contract costs, except to the extent costs for that year meet all other requirements of the Bureau of Internal Revenue as a deduction for income tax purposes, and are acceptable under the provisions of this cost interpretation and other provisions of this section.

(e) Pension and retirement costs constitute a part of the total compensation by a contractor to any individual covered by the plan, and accordingly, are subject to the provisions of this section with respect to reasonableness of the total compensation paid to the individual for the services rendered.

(f) Where contributions to pension or retirement plans are based on profits, providing that provisions of the Internal Revenue Code and regulations of the Bureau of Internal Revenue have been met, the amount allowable for apportionment to contracts in any one year shall be the amount contributed to the pension trust(s) for that year, but not to exceed 15 percent of the total compensation otherwise paid or accrued in that year to the individuals covered under the plan(s).

(g) The allowability of costs of lump sum purchases of annuities or of periodic cash payments made to provide pension or retirement benefits for retiring or retired employees, other than incurred under approved pension or retirement plans, will be subject to consideration on an individual case basis.

(h) Credits which became available or are foreseeable must be taken into account in an equitable manner in determining pension and retirement costs subject to apportionment to a military contract. In some instances, this may require adjustments to costs in anticipation of the realization of credits. For example, such action would normally be appropriate where contractors' organizations are substantially expanded for the performance of military contracts and there is a reasonable expectation that, upon completion of the contracts, the services of practically all or a large number of the additional employees will be terminated with the result that contractors will benefit from contributions made on behalf of these employees, because such personnel will not acquire vested rights under the terms of the plans.

(i) In any current or future contract no cost allowance will be made which would duplicate, in whole or in part, an allowance previously made under a prior contract.

[F. R. Doc. 52-6822; Filed, June 23, 1952, 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter HI—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 20]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

ADDITIONAL AND ALTERNATIVE METHODS OF CHART CONSTRUCTION AND PRICING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 20 to Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Section 41 of Ceiling Price Regulation 7 describes more completely than the section before amendment the additional and alternative methods of chart construction and pricing which are provided in supplementary regulations to CPR 7. In view of the fact that this amendment in no way affects the substance of the regulation, the Director has not found it practicable or necessary to consult with industry representatives.

AMENDATORY PROVISIONS

Section 41 of Ceiling Price Regulation 7 is amended to read as follows:

SEC. 41. *Additional and alternative methods provided in supplementary regulations.* Methods of preparing pricing charts and methods of determining ceiling prices additional or alternative to those specified in this regulation are provided in supplementary regulations as follows:

(a) Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, and consignor and consignee-outlets are set for in Supplementary Regulation 1.

(b) Alternative and special methods for preparing list date charts and pricing in certain cases are set forth in Supplementary Regulation 2.

(c) Supplementary Regulation 3 provides the method for establishment of ceiling prices by wholesalers and retailers for certain home canning supplies.

(d) Supplementary Regulation 4 provides a method for the establishment by manufacturers and wholesalers of uniform dollar-and-cent ceiling prices for retail or wholesale and retail sales of certain branded articles.

(e) A method for deleting "unrepresentative" category charts is set forth in Supplementary Regulation 6.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 20 shall become effective June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6880; Filed, June 23, 1952; 4:00 p. m.]

Ceiling Price Regulation 7, Supplementary Regulation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 6—ALTERNATIVE PRICING METHOD FOR RETAILERS WITH UNREPRESENTATIVE CATEGORY CHARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 726), this supplementary regulation is issued.

STATEMENT OF CONSIDERATIONS

The accompanying supplementary regulation to Ceiling Price Regulation 7 makes available to retailers an alternative method whereby they may determine ceiling prices for articles included in categories listing an unrepresentative number of price lines. Retailers qualified to use this alternative method determine ceiling prices for articles in such "unrepresentative" categories as if the categories were never listed in their pricing charts.

On the list date many retailers did not handle lines of merchandise within a category that reflected the number of price lines normally carried during the selling season. For any such category, the pricing chart provided the seller with markups that generally were not typical for articles normally in their line. Under the provisions of this supplementary regulation, a seller who can produce records to substantiate the fact that his chart is unrepresentative for a category may use the specified alternative method, subject to his filing a report and receiving an acknowledgement thereof from the OPS.

To determine whether a chart is unrepresentative for a category a seller selects the calendar week during the period from February 27, 1950 through February 26, 1951, in which he offered for sale the greatest number of price lines for articles in that category offered during that week and compares the number of price lines for articles in the category offered during that week with the number of price lines for that category shown on his pricing chart. If the number of price lines shown on his chart is less than one-third of the number of price lines for articles in that category offered in the week selected in the period from February 27, 1950 through February 26, 1951, the pricing chart may be considered "unrepresentative" for that category and the category may be deleted from his chart. In that case the seller proceeds to determine ceiling prices under the regulation as if he had not filed a pricing chart for the deleted category.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Unrepresentative chart category.
3. Alternative method for unrepresentative categories.
4. Reports.
5. Records.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* Under this Supplementary Regulation 6, a seller may at any time elect to delete from his pricing chart any category for which his chart is "unrepresentative" and thenceforth determine ceiling prices under the applicable provisions of Ceiling Price Regulation 7 as if he had never filed a chart for that category. "Unrepresentative" chart category is described in section 2 of this supplementary regulation.

If prior to the date of deletion you used the "unrepresentative" category chart for determining ceiling prices for articles in the "unrepresentative" category either as a seller whose chart included the "unrepresentative" category or in another department or store, you must redetermine your ceiling prices for all the articles in that category.

If you used the "unrepresentative" category chart prior to the date of deletion for determining ceiling prices for articles in any other category pursuant to the provisions of sections 36 (Rule 5) and 37 (Rule 6) of Ceiling Price Regulation 7, you may elect to redetermine your ceiling prices for those articles; you may not, however, use an "unrepresentative" category chart for determining ceiling prices for articles in any new category pursuant to rules 5 and 6 after the date of deletion of the "unrepresentative" category.

An election once made under this supplementary regulation may not be changed. The alternative method is described in section 3 and may be used only after you file and OPS has acknowledged the report described in section 4.

SEC. 2. *Unrepresentative chart category.* You determine whether your chart for a category is "unrepresentative" as follows:

(a) Select the calendar week during the period February 27, 1950 to February 26, 1951 inclusive, in which you offered the greatest number of price lines in a category.

(b) Compare the number of price lines for articles in the category offered during that week with the number of price lines for that category shown on your pricing chart.

(c) If the number of price lines shown in the category on your pricing chart is less than one-third of the number of price lines for articles in that category offered in the week selected in (a) above, the pricing chart for the category is "unrepresentative."

SEC. 3. *Alternative method for unrepresentative categories.* If your pricing chart for any category is unrepresentative and you have sufficient data available to substantiate this fact, you may delete that category from your pricing chart pursuant to section 4. After receipt of the OPS acknowledgement there referred to, you determine ceiling prices under the applicable provisions of CPR 7 as if you had never filed a pricing chart for that category.

SEC. 4. *Reports.* You may not sell or deliver any article pursuant to this regulation unless you have first filed the report described below with your "OPS office" ("OPS office" is defined in footnote 2 to CPR 7) and received a written acknowledgement thereof from OPS. The report must be signed by you if you are an individual proprietorship; by a partner if you are a partnership; or by an officer or duly authorized agent if you

are a corporation. The report must contain the following information:

(a) Your name and address;

(b) Identification by number and description of each "unrepresentative" category chart you wish deleted from your chart;

(c) The dates of the week in the year February 27, 1950 to February 26, 1951, during which you were offering for sale the greatest number of price lines in each category listed under (b);

(d) Identification of the records on hand which substantiate the fact that your chart for each of the categories listed under (b) is "unrepresentative" (as the term is defined in section 2).

(e) If pursuant to section 1 of this supplementary regulation you elect to redetermine ceiling prices for articles in categories other than the deleted category, identify by number and description the categories thus affected.

Following receipt of the acknowledgement of your report and before selling any article pursuant to this supplementary regulation you must note under the appropriate category number in column 1 of your pricing chart the following: "This category has been deleted from my chart under Supplementary Regulation 6."

SEC. 5. *Records.* In addition to the records you are required to keep pursuant to CPR 7, you must preserve for inspection by OPS:

(a) The OPS acknowledgement described in section 4 of this supplementary regulation;

(b) A copy of the report filed pursuant to section 4; and

(c) The records referred to in paragraph (d) of section 4.

Effective date. This supplementary regulation shall become effective on June 28, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6981; Filed, June 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 2, Revision 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 2—CEILING PRICES FOR MANUFACTURERS MAKING SALES SUBJECT TO CPR 9

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplementary Regulation 2 to Ceiling Price Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 2 to Ceiling Price Regulation 9 as originally issued on September 7, 1951, provided a method for determining ceiling prices for sales in the territories and possessions of the United States by manufacturers or wholesalers located in the continental United States. Ceiling Price Regulation 9 has been revised and as revised applies to sales of commodities which at the time of sale are located in one of the territories and possessions of the United States. Ceiling Price Regulation 9, Revision 1, also now contains a method whereby wholesalers and retailers located in the continental United States or in one of the territories selling a commodity located in another territory at the time of sale may determine their ceiling prices. This revision of Supplementary Regulation 2, therefore, covers only manufacturers making sales subject to Ceiling Price Regulation 9, Revision 1.

This revision of Supplementary Regulation 2 provides that the ceiling price for a manufacturer making a sale subject to Ceiling Price Regulation 9, Revision 1, is his current ceiling price, computed under the applicable Ceiling Price Regulation (other than Ceiling Price Regulation 61), at the port of shipment, plus the markup which he enjoyed in the base period on sales in a territory as distinguished from sales at the port of shipment. Any manufacturer making sales subject to Ceiling Price Regulation 9, Revision 1, who has no base period experience for such sales, or who does not now have a ceiling price at the port of shipment, may apply under section 4 of this revision of Supplementary Regulation 2 for the establishment of a markup.

Because of the nature of this Supplementary Regulation, it has been impracticable to consult with the sellers affected, including trade organizations. A number of suggestions have been received from individual manufacturers, however, and careful consideration has been given to their recommendations.

In the opinion of the Director of Price Stabilization, this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this Supplementary Regulation does.
2. Ceiling prices.
3. Customary markup.
4. Commodities which cannot be priced under other sections.
5. Adjustments.
6. Percentage markups.
7. Applicability of Ceiling Price Regulation 9, Revision 1.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this Supplementary Regulation does.* This Supplementary Regulation provides a method whereby manufacturers making sales subject to Ceiling Price Regulation 9, Revision 1, may determine their ceiling prices.

SEC. 2. *Ceiling prices.* If you are a manufacturer, your ceiling price for a sale subject to Ceiling Price Regulation 9, Revision 1, is that price which is your current ceiling price computed under the applicable ceiling price regulation (other than CPR 61) to the same class of purchaser at the port of shipment plus your customary markup for sales in the particular territory in which the commodity is located, computed in accordance with section 3 of this supplementary regulation. If you made a sale in the base period, but customarily had no differential between port of shipment selling prices and territorial selling prices, your ceiling price for sales subject to CPR 9 is your port of shipment ceiling price. The term "base period" means the period from December 19, 1950, to January 25, 1951.

SEC. 3. *Customary markup.* Your customary markup to a class of purchaser for a commodity is the dollar and cent difference between your base period selling price of that commodity at the port of shipment and your base period selling price of that commodity to the same class of purchaser in the territory in which the commodity is located. If you had more than one base period selling price of a commodity to the same class of purchaser at the port of shipment, you must use the average of those base period selling prices in computing your markup, and similarly, if you had more than one base period selling price of a commodity in the territory, you must use the average of those base period selling prices in computing your markup.

SEC. 4. *Commodities which cannot be priced under other sections.* If it is impossible for you to determine your markup for a commodity under the preceding sections of this supplementary regulation, you must apply by registered mail return receipt requested, to the Director of Region XIV, Office of Price Stabilization, 1405 G Street, N. W., Washington, D. C., for the establishment of a markup to be used in determining your ceiling price. This application must contain the following information:

(a) Your business name and address.

(b) A description of the commodity.

(c) The reason you are unable to determine your markup under section 3 above.

(d) The class of purchaser, the current port of shipment ceiling price to each class of purchaser, and the name of the port of shipment.

(e) Current cost of shipment from the port to the territory and the cost of preparation for shipment.

(f) Name of territory.

(g) Your proposed markup to various classes of purchasers. (If you propose a percentage markup, you must comply with section 6 of this supplementary regulation.)

You may not sell the commodity at a price higher than your port of shipment ceiling price until the Director of Price Stabilization has notified you, in writing, of the establishment of your markup

SEC. 5. *Adjustments.* If it is apparent, from your records, that your base period selling price in a territory did not reflect a mainland selling price increase, you may apply to the Director of Region XIV, Office of Price Stabilization, 1405 G Street, N. W., Washington, D. C. for an adjustment. The application must be signed by an authorized person and must contain the following information:

(a) Your business name and address.

(b) A description of the commodity.

(c) The current port of shipment ceiling price to the same class of purchaser.

(d) Current cost of shipment from the port to the territory and the cost of preparation for shipment.

(e) The name of the territory.

(f) Your markup calculated in accordance with section 3 of this Supplementary Regulation.

(g) The date and amount of the increase in the mainland selling price prior to January 25, 1951.

(h) Any subsequent increases in the territorial selling price in the base period, and the reason therefor.

(i) The reason why the mainland increase was not reflected in the territorial selling price in the base period.

(j) Your proposed markup for sales to each class of purchaser.

The Director of Price Stabilization, or his delegatee, may approve, disapprove, or revise downward your proposed markup. You may not, under any conditions, make sales at the ceiling price based on any markup higher than your markup computed under Section 3 until the Director of Price Stabilization, or his delegatee, has notified you in writing of his approval of your proposed markup.

SEC. 6. *Percentage markups.* Instead of using a dollar and cent markup, as provided in Section 3, you may calculate percentage markups, for each commodity for all future sales by dividing your dollar and cent markup of each commodity, as established above, by the port of shipment selling price used to establish that markup. If you elect to use a percentage markup, you must notify the Director of Region XIV of the Office of Price Stabilization, 1405 G Street, NW, Washington, D. C., by registered letter of your decision prior to offering commodities for sale on this basis. This notification must include your business name and address, and the class of purchaser to whom you sell (distributor, importer, retailer, consumer, etc.). Having made this election, you must use a percentage markup on all subsequent sales on a business wide basis.

SEC. 7. *Applicability of Ceiling Price Regulation 9, Revision 1.* Except as modified by this Supplementary Regulation, all the provisions of Ceiling Price Regulation 9, Revision 1, apply to sales by you.

Effective date. This Revision 1 of Supplementary Regulation 2 to Ceiling Price Regulation 9, Revision 1, is effective June 28, 1952.

NOTE: The reporting requirements of this Supplementary Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc 52-6982; Filed, June 23, 1952; 4:00 p. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 8]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 8—ADJUSTMENT OF CEILING PRICES OF NO. 2 FUEL OIL IN BALTIMORE AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency Order No. 2, this Supplementary Regulation No. 8 to Ceiling Price Regulation 17, is hereby issued.

STATEMENT OF CONSIDERATIONS

This action authorizes an increase of $0.003 per gallon for tank wagon deliveries of No. 2 Fuel Oil in the Metropolitan Baltimore, Maryland area. Such increase is based upon and is consistent with the principles embodied in the industry earnings standard.

Early in the 1951-52 heating season, sellers of domestic heating oils in the Baltimore, Maryland area applied for a price increase. Data was submitted by individual firms which showed that despite increases in the volume of sales their percentage of profit as related to sales and net worth was significantly lower than that of 1950 and prior years.

Application of the industry earnings standard to the fuel oil distributors in the Baltimore, Maryland area indicated that an increase of $0.003 per gallon for tank wagon deliveries of fuel oil to domestic consumers in the Metropolitan Baltimore, Maryland area was necessary to meet the minimum requirements of the standard.

In the judgment of the Director of Price Stabilization the increase herein granted is consistent with the principles embodied in the earnings standard as applied to distributors of essential commodities in a local area.

In the formulation of this regulation there has been consultation with industry representatives, including trade associations representatives, and consideration has been given to their recommendations.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization this Supplementary Regulation 8 is generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulations does.
2. Increase in ceiling prices.
3. Applicability of provisions of Ceiling Price Regulation 17.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation is applicable to those sellers of No. 2 Fuel Oil when selling that product to consumers at the tank wagon level in the Baltimore, Maryland area. It permits these sellers to add $0.003 per gallon to their ceiling price.

SEC. 2. *Increase in ceiling prices.* On and after the effective date of this regulation each seller of No. 2 Fuel Oil may increase his ceiling price for this product $0.003 per gallon for tank wagon deliveries in the City of Baltimore, Maryland or within a radius of 16 miles from Baltimore City Hall.

SEC. 3. *Applicability of provisions of Ceiling Price Regulation 17.* Sellers covered by this supplementary regulation shall remain subject to all the provisions of Ceiling Price Regulation 17, as amended, except such provisions as are inconsistent herewith.

Effective date. This supplementary regulation shall become effective on the 28th day of June 1952.

ELLIS ARNALL,
Director, Office of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6972; Filed, June 23, 1952; 11:21 a. m.]

[Ceiling Price Regulation 82, Amdt. 4]

CPR 82—CEILING PRICES FOR FROZEN FRUITS AND BERRIES OF THE 1951 AND LATER PACKS

REVISED PRICING METHOD FOR ITEMS NOT SOLD DURING THE BASE PERIOD AND MISCELLANEOUS CHANGES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 82 is hereby issued.

STATEMENT OF CONSIDERATIONS

As originally issued, Ceiling Price Regulation 82 applied only to the 1951 pack of frozen fruits and berries. The Office of Price Stabilization is now revising the regulation, but processors and base distributors must now be provided with ceiling prices for packs commenced after January 1, 1952. Therefore, as an interim measure, CPR 82 is being amended to make it applicable not only to the 1951 pack but also to later packs of frozen fruits and berries. This is accomplished in this amendment by changing the title and section 1 (a) of CPR 82.

Consideration has been given to changing the container size classifications of Table I in section 2 (b) to more nearly reflect industry practice. Such changes were made in CPR 81. However, since such changes in CPR 82 would require recalculation of ceiling prices for practically all frozen fruits and berries and would necessitate a complete review by the Office of Price Stabilization of the adjustment factors named in the table, it has been determined that changes in container size classifications for frozen fruits and berries will not be made in CPR 82 but will be effected in the 1952 pack tailored regulation.

Section 2 (c) is amended to make it clear that the appropriate raw material adjustment in Table II is the adjustment for the area in which the processor's factory is located. This conforms the provision to the original intent of the regulation and brings it in line with similar provisions in CPR's 81, 55, and 56.

The permitted adjustments in Table II for freestone peaches in the area designated "All other states", for pears in the Oregon and Washington area, and for fresh prunes in Washington and Oregon are revised to reflect changes made pursuant to section 402 (d) (3) to make appropriate allowances for substantial reductions in merchantable crop yields of the named fruits in those areas. These increases conform to a public statement previously issued by the Office of Price Stabilization and are the same as those made effective in CPR 56, the canned fruit and berry regulation, by Amendment 5 to that regulation.

This amendment revises section 5, paragraphs (a), (b) and (d) of section 6 and paragraph (a) of section 19. These changes are the same as those made in CPR 81 by Amendment 4 to that regulation. Since the statement of considerations issued with that amendment explains the reasons for such changes, and those reasons apply equally to this amendment, it is incorporated herein. However, in the case of frozen fruits and berries the review of price information discloses that price distortions cannot be corrected by the use of November 1951, selling prices or by the use of dollar-and-cents prices as in the case of frozen vegetables. Accordingly SR 1 to CPR 82 is being continued in effect until such time as the regulation can be amended to add a provision for individual adjustments, and for a reasonable time thereafter to permit the processing of the applications by OPS. Until the expiration of this "reasonable time", sellers who have previously elected to determine ceiling prices under SR 1 are not required to recalculate their ceiling prices under the amended sections 5 or 6, nor to file the reports required by section 19, as amended. At such time as SR 1 is revoked recalculation under the regulation, as amended, and the filing of the new ceiling prices will be required. Sellers who have elected to remain under CPR 82 and not SR 1, who have previously calculated or obtained ceiling prices under section 5, 6, or 7 of CPR 82 and who are now able to calculate ceiling prices under section 5 as revised by this amendment, are required to do so and to report such recalculated ceilings.

The definition section is amended to provide a definition of the phrase "Customary allowances, discounts and price differentials" which was inadvertently omitted from CPR 82 as originally issued. The definition specifies that the discounts, allowances and price differentials referred to in section 15 are those in effect prior to and during the base period.

The Director of Price Stabilization has consulted with representatives of the industry, including trade association representatives, before issuing this amendment, and has given consideration to their recommendations. It is his judgment that the provisions of this amendment are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 82 is amended in the following respects:

1. The title of Ceiling Price Regulation 82 is amended to read as follows: "CPR 82—Ceiling Prices for Frozen Fruits and Berries of the 1951 and Later Packs."

2. Section 1 (a) is amended to read as follows:

(a) *What products and sellers are covered.* This regulation establishes ceiling prices for sales by processors and base distributors of the 1951 and later packs of all frozen fruits and berries. This regulation does not apply to sales of frozen citrus products or other frozen fruit or berry concentrates and purees.

3. Section 2 (c) is amended in the following respects:

a. In subparagraph (2) the phrase "for the area in which your factory is located" is added immediately after certain of the references to "Table II" so that the text of subparagraph (2) preceding the table shall read as follows:

(2) If your 1951 cost is greater than your 1948 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located is a plus figure, you shall use either your actual increase or the appropriate increase listed in Table II, for the area in which your factory is located, whichever increase is less. If your 1951 cost is greater than your 1948 cost, and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a minus figure, you shall use the appropriate increase listed in Table II. If your 1948 cost is greater than your 1951 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a plus figure, you shall use your actual decrease. If your 1948 cost is greater than your 1951 cost and if the permitted adjustment listed in Table II, for the area in which your factory is located, is a minus figure, you shall use either your actual decrease or the appropriate decrease listed in Table II, whichever is the larger.

b. Table II is amended by changing the permitted adjustments in dollars per unit as follows:

Peaches, freestone—All other States from +16.31 to +46.61
Pears—Oregon, Washington from −7.30 to +3.90
Prunes, Fresh—Washington, Oregon from +28.00 to +31.00

4. Section 5 is deleted and a new section 5, reading as follows, is substituted therefor:

SEC. 5. *Ceiling prices for items not sold during the base period.* This section applies to most items for which ceiling prices cannot be calculated under section 2, 3, or 4 of this regulation.

(a) *Processors.* If you sold the same product during the base period, you shall calculate a ceiling price by comparing the price of a "comparison item" and of the item for which you are calculating a ceiling price. You may use this method only if:

The "comparison item" and the item for which you are calculating a ceiling price are both of the same product and differ in one or more of the following respects: container type, container size, variety, grade or style of pack;

You compare the price of the "comparison item" to a class of purchaser (i. e. your price to wholesalers or your price to other processors and base distributors as specified in section 2 of this regulation) and the price of the item for which you are calculating a ceiling price to the same class of purchaser;

Prices for both items are adjusted to an f. o. b. factory basis, including no more than one month's storage charges;

Both items are within one of the container size ranges, which follow:

20 ounces and less;
More than 20 ounces to 10 pounds, inclusive.
More than 10 pounds to 30 pounds, inclusive.
More than 30 pounds.

(1) *Calculating ceiling prices by comparison with other items appearing on your price list or written quotation.* This subparagraph provides a method of determining a ceiling price for an item you did not sell during the base period by making a comparison between the opening prices for that item and for a "comparison item" as quoted on your "price list" or "written quotations". The "comparison item" is limited to an item of the same product for which you are able to figure a ceiling price under section 2 or 4 of this regulation, even though you no longer sell that particular item of the product. Your "price list" or "written quotations" means the first written opening price list or writen quotation from among your lists or quotations for 1950, 1949, or 1948 (in that order) on which the comparison item and the item being priced both appear. If the "comparison item" and the item for which you are calculating a ceiling price do not both appear on the opening price list or "written quotation", you may, for either item, use the first written price list or written quotation issued after the opening price list or written quotation, provided that the interval between each price list or written quotation does not exceed sixty days, and provided that both the "comparison item" and the item for which a ceiling price is being calculated are of the same year's pack .

(i) *Items which differ only in container size or container type.* You shall select as a "comparison item" from your price list or written quotations that item differing only in container size or type which is nearest in container size to the item for which you are calculating a ceiling price. Divide the price on your price list or written quotation for that item by the price on your price list or written quotation for the comparison item. Then multiply the ceiling price as determined under section 2 or 4 of this regulation of the comparison item by the quotient obtained by this division. The result is your ceiling price per unit of sale for the item, f.o.b factory, to the same class of purchaser, including no more than one month's storage charges.

(ii) *Items which differ in variety, grade or style of pack.* If you cannot determine your ceiling price under subdivision (i) of this subparagraph you shall select as a "comparison item" from your price list or written quotation that item differing in variety, grade or style of pack (which may or may not also differ in container size or container type) which is nearest in price to the item for which a ceiling price is being calculated. Divide the price on your price list or written quotation for that item by the price on your price list or written quotation for the comparison item. Then multiply the ceiling price as determined under section 2 or 4 of this regulation for the comparison item by the quotient obtained by this division. The result is your ceiling price per unit of sale for the item, f. o. b. factory, to the same class of purchaser, including no more than one month's storage charges.

(2) *Calculating ceilig prices for items for which ceiling prices cannot be determined under subparagraph (1).* If you are unable to calculate your ceiling price for an item under subparagraph (1) of this paragraph but are able to calculate ceiling prices for other items of the same product under section 2, 4 or subparagraph (1) of this paragraph, you shall calculate your ceiling price for the item for which you are seeking to establish a ceiling price in the following manner.

(i) Select as a "comparison item" an item of the same product for which you are able to calculate a ceiling price under section 2, 4 or subparagraph (1) of this paragraph, even though you no longer sell that particular item of the product, and which differs from the item for which you are calculating a ceiling price in one or more of the following respects: Container size, container type, variety, grade (if an item of the same grade is not available), or style of pack. This comparison item shall be the item of the same grade of the product whose "current direct cost" per unit of sale is closest to that of the item being priced, or if there is no item of the same grade, the comparison item shall be the item of the product whose "current direct cost" per unit of sale is closest to that of the item being priced. "Current direct cost" means the sum of the amounts (not higher than permitted by law) which it costs you for direct processing labor, ingredients and packaging materials.

(ii) Determine the "current direct cost" per unit of sale of the comparison item.

(iii) Determine the "current direct cost" per unit of sale of the item for which you are calculating a ceiling price.

(iv) Divide the current direct cost of that item by the current direct cost of the comparison item.

(v) Multiply the ceiling price for the comparison item selected in subdivision (i) of this subparagraph by the quotient obtained in subdivision (iv) of this subparagraph. The result is your ceiling price per unit of sale for the item, f. o. b. factory, to the same class of purchasers, including no more than one month's storage charges.

(b) *Base distributors.* If you sold the same product during the base period, you shall calculate a ceiling price by comparing the price of a "comparison item" and of the item for which you are calculating a ceiling price in the same manner as processors make this calculation under paragraph (a) of this section. However, in making this calculation the ceiling price for the comparison item you use shall be one figured under sections 2, 3, or 4. In making the calculation under paragraph (a) (2) you may, if necessary, use a ceiling price for the comparison item calculated under paragraph (a) (1) of this section. In addition, in making the calculation under paragraph (a) (2), wherever the phrase "current direct cost" is used you shall substitute "acquisition cost". "Acquisition cost" means the 1951 "weighted average acquisition cost" determined in the manner provided in section 3 (b) of this regulation.

5. Section 6 is amended in the following respects:

a. Pararaphs (a) and (b) are amended to read as follows:

(a) *Processors.* (1) If you are a processor and are unable to calculate your ceiling price for an item under sections 2, 4, or 5, you shall use as your ceiling price for that item the simple average of the f. o. b. factory ceiling prices for the same class of sale (including no more than one month's storage charges) of the three processors of the same item who are most competitive with you and who are located in the same pricing area as you are. If there are only two such processors in the area, use the simple average of the two available ceiling prices. If there is only one such processor in the area, you may use his ceiling price.

(2) If you are unable to determine your ceiling price under subparagraph (1) of this paragraph because such competitive processors do not pack the product in the same size container as the item you are pricing but do pack an item differing only in container size, and if such container is within the same size range, as specified in section 5 (a) of this regulation, as the item you are pricing, use the simple average of such ceiling prices (or the ceiling price, if only one is available) as the ceiling price for a "comparison item" and calculate your ceiling price for the item being priced under section 5 (a) (2), using your own direct costs for the comparison item.

(b) *Base distributors.* If you are a base distributor and are unable to calculate your ceiling price for an item under section 3 or 5, you shall use as your ceiling price for that item the simple average of the f. o. b. factory ceiling prices for the same class of sale (including no more than one month's storage charges), and for the same item, of the three sellers (either processors or base distributors) who are most competitive with you and who are located in the same pricing areas as you are. If there are only two such sellers in the area, use the simple average of the two available ceiling prices. If there is only one such seller in the area, you may use his ceiling price.

b. Paragraph (d) is amended to read as follows:

(d) *Application for ceiling prices.* If you are unable to obtain the ceiling prices of the required processors or base distributors located near you, or if you believe that the ceiling prices obtained by using the provisions of paragraph (a) or (b) of this section are not representative of the competitive price level at which you have customarily sold your products, or if you use merchandising methods in their sale and distribution different from those of such processors or base distributors, you may apply to the Office of Price Stabilization for an individual authorization of a ceiling price in accordance with section 7 of this regulation.

6. Section 19 (a) is amended to read as follows:

(a) If you sell items covered by this regulation you are required to determine ceiling prices in accordance with the provisions of this regulation, as amended, or any supplementary regulation thereto, and to file a report on OPS Public Form 97 with the Fruit and Vegetable Branch, Office of Price Stabilization, Washington 25, D. C., of the ceiling prices so determined. If at any time this regulation is amended or supplemented to provide a different pricing method than you previously used in calculating your ceiling price for an item or to change the level of ceiling prices theretofore established by this regulation, you are required to recalculate your ceiling price in accordance with the provisions of the regulation as so amended or supplemented unless it is specified that such recalculation is optional. Copies of the reporting form are available at any office of the Office of Price Stabilization. All items of a particular product shall be included on one form. However, you shall file an additional report if ceiling prices for some items of a product are determined at a later date, or if because of amendment of this regulation, or by supplementary regulation thereto, you are required or permitted to recalculate your ceiling prices.

Notwithstanding the provisions of sections 5 and 6 of this regulation, as amended, and the foregoing provisions of paragraph (a) of this section, you are not required to recalculate your ceiling prices under section 5 or 6, as amended, at this time if you have elected to determine your ceiling prices under SR 1 to CPR 82 by using November 1951, prices, nor are you required to file the reports called for by this section 19 until such time as SR 1 is revoked.

7. Section 26 (p) is added to read as follows:

(p) "Customary allowances, discounts and price differentials" means those differentials for cash discount, allowance for buyer's labels, for unlabeled goods, for difference in volume of sale, for class of buyer, or for method or time of delivery, which were customary in the business of the seller and in effect prior to and during the base period.

Effective date. The effective date of this amendment is July 11, 1952, or such earlier date between June 23, 1952 and July 11, 1952, as you may select. If you select an earlier date, this amendment becomes effective as to you upon that date for all of your items covered by this amendment.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6973; Filed, June 23, 1952; 11:22 a. m.]

[Ceiling Price Regulation 134, Interpretation 1]

CPR 134—EATING AND DRINKING ESTABLISHMENTS

INT. 1—APPLICABILITY OF CPR 134 TO ESTABLISHMENTS WHICH SELL ONLY ALCOHOLIC BEVERAGES FOR ON PREMISE CONSUMPTION (SECTION 2)

CPR 134 is applicable to taverns, cocktail lounges and similar type establishments even though they sell only alcoholic beverages for on premise consumption. It is not necessary that an establishment sell both alcoholic beverages and food items for on premise consumption to be covered by CPR 134. CPR 134 applies to establishments conducted for either eating or drinking as well as to those establishments conducted for both eating and drinking.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6974; Filed, June 23, 1952; 11:22 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 2]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF CERTAIN COTTON END-USE PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to those suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1: Sales, when made by a manufacturer, of sheets, pillow cases, towels, bedspreads, napkins, tablecloths, diapers, blankets, cordage, twine and thread, provided that the fiber weight of these commodities after production, but before finishing, consists 50 percent or more of cotton and less than 25 percent of any one of either wool, rayon, nylon or fibers other than cotton; except sales in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to General Overriding Regulation 4, Revision 1, is effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6975; Filed, June 23, 1952; 11:22 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 3]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF BURLAP, JUTE, COTTON AND PAPER OPEN MESH BAGS AND ASSOCIATED COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to the list of those for which the application of any ceiling price regulation is suspended, provided that the cost or weight of their material content consists 50 percent or more of jute, cotton or paper open mesh fabric: Burlap and cotton bags; burlap and cotton spiral tubing; burlap and cotton laminated sheets, tubes and covers; burlap strips; and paper open mesh bags and yardage. Sales of these items when both new and used are included in this suspension.

This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. As was required in the case of the items previously suspended by this General Overriding Regulation, sellers must preserve and keep available those records they were required to have on hand as of the effective date of this amendment.

On April 28, 1952 ceiling prices on burlap were suspended by Amendment 1 to CPR 40 and Revision 1 of General Overriding Regulation 4. Similar action has recently been taken with respect to cotton textiles. The greater part of the burlap available in this country is used in the production of the commodities listed above. The burlap bag industry, for example, uses approximately 75 percent of the burlap imported into the United States. In 1951 about 407,000,000 yards of burlap was used for bags out of 534,000,000 yards consumed for all purposes in the United States. At the present rate of consumption there is in excess of 4 months' supply of burlap now available in the United States and India, and the United States alone holds stocks equal to approximately 3 months of normal consumption. The capacity of the industry to produce bags and other burlap products is far in excess of the demand for these products.

As was more fully detailed in Amendment 1 to CPR 40, jute, from which burlap is made, is expected to be in plentiful supply during the foreseeable future, and since June 1951 there has been a gradual decline in burlap prices. Burlap is the principal cost element in all of the burlap commodities being suspended by this amendment. In bags, for example, the burlap alone accounts for 75 percent to 85 percent of the cost. As could be expected, the decline in burlap prices has been reflected in the prices of commodities made from burlap. The history of prices for burlap bags and other burlap commodities is closely similar to that of the burlap itself and it can be expected that this similarity will continue in view of the large manufacturing capacity and the adequacy of supplies.

Accordingly, it is the judgment of the Director that price controls on the burlap commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify the suspension action relating to these commodities if he determines that such action is necessary in the interest of the stabilization program. In any event, the suspension of the burlap commodities will be terminated whenever the suspension of burlap is terminated.

The supply and price situation with respect to the cotton commodities which are covered by this amendment is analogous to that of the burlap commodities. Cotton bags, spiral tubing, laminated sheets, tubes and covers compete directly with the same commodities made from burlap. The prices of these cotton commodities will not rise as long as the cost of cotton greige goods does not advance and the burlap commodities remain in adequate supply and do not increase in price. Less than 10 percent of the cotton greige goods produced in this country are used for cotton bags and associated commodities suspended by this amendment. There appears to be an adequate supply of cotton greige goods available for all purposes for the foreseeable future.

Paper open mesh bags and yardage are sold in competition with cotton open mesh fabric and bags. Cotton and paper open mesh bags have customarily sold at the same prices. Bags made of cotton open mesh and paper open mesh fabrics are interchangeable in their use and the price of each is limited by the price of the other. It is not believed that paper open mesh yardage and bags will increase in price unless there is a similar increase in the price of the competing products. The price movements for the paper fabrics and products affected by this amendment have been almost identical with those of cotton open mesh material and commodities.

It is therefore the judgment of the Director of Price Stabilization that price controls on these cotton and paper open mesh commodities are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify the suspension of control of these commodities if he determines that such action is necessary in the interest of the stabilization program and he will in any event terminate this suspension of ceiling prices when the suspension of controls on cotton textiles is terminated.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following two paragraphs:

(g) Burlap bags; burlap spiral tubing; burlap laminated sheets, tubes and covers; and burlap strips; provided the cost or weight of material making up these commodities consists 50 percent or more of jute fabrics; except sales made in the territories and possessions of the United States.

(h) Cotton and paper open mesh bags; cotton spiral tubing; cotton laminated sheets, tubes and covers; and paper open mesh yardage; provided the cost or weight of material making up these commodities consists 50 percent or more of cotton or paper open mesh fabric; except sales made in the territories and possessions of the United States.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6976; Filed, June 23, 1952; 11:23 a. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 4]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

SUSPENSION OF LEATHER-MAKING RAW STOCK AND LEATHER

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 4 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds the following commodities to those suspended from price controls by section 3 of General Overriding Regulation 4, Revision 1: (1) Imported and domestic hides and skins and the cut parts thereof suitable for making leather, whether raw, partially cured, fully cured, or semi-tanned; (2) imported and domestic leather, including finished or unfinished splits and leather cut stock, except when sold at retail and except scrap leather not suitable for producing cut parts. This suspension does not apply to sales made in the territories and possessions of the United States.

This action is being taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director, price controls on the commodities covered by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Amendment 1 to Ceiling Price Regulation 2, Revision 2, effective April 28, 1952, suspended ceiling prices on domestic cattlehides, kips and calfskins. Current prices of imported bovine hides and skins are at about the same level as domestic prices. The world supply and demand situation indicates that world prices will not increase materially within the foreseeable future.

Cattlehides, kips and calfskins constitute the largest source of leather and their prices exert a considerable influence upon prices of other hides and skins in both world and domestic markets. Consequently, the prices of other hides and skins have fallen to a level which is now materially below existing ceiling prices under the General Ceiling Price Regulation. Most current prices are even lower than pre-Korea. For example, present prices of domestic and imported sheep and lamb skins are about 50 percent below existing ceilings and one-third less than in June 1950. Prices of other hides and skins have followed the same downward pattern.

Tanners' pipelines both in this country and in other important consuming countries are reportedly filled, and other information similarly indicates that the supply of the hides and skins for which ceiling prices are being suspended by this amendment is adequate to meet the foreseeable demand. It therefore appears that a rapid increase in hide and skin prices here or abroad is not likely to occur within the foreseeable future.

This amendment also suspends price ceilings on all types of leather, with the exception of certain scrap leather which is currently selling at ceiling prices. In general, leather prices move in close relationship with hide and skin prices and in most cases leather prices are now relatively as far below ceilings as are the prices of the leather-making raw stock.

The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program.

In general, price ceilings on hides and skins covered by this amendment will be reimposed when the suspension of ceilings on domestic cattlehides, kips and calfskins is terminated. If necessary, however, separate action may be taken at any time with respect to any of the other hides or skins. Price ceilings on leather will be reimposed when ceilings are reimposed on the corresponding raw materials, or at such other time as may be necessary in the judgment of the Director.

AMENDATORY PROVISIONS

Section 3 of General Overriding Regulation 4, Revision 1, is amended by adding the following two paragraphs:

(i) Imported and domestic hides and skins and the cut parts thereof suitable for making leather, whether raw, partially cured, fully cured, or semi-tanned, except sales in the territories and possessions of the United States.

(j) Imported and domestic leather, including finished or unfinished splits and leather cut stock, except scrap leather not suitable for producing cut parts, sales in the territories and possessions of the United States, and sales at retail.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This amendment shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6977; Filed, June 23, 1952; 11:23 a. m.]

[General Overriding Regulation 7, Revision 1]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 7 is an across-the-board regulation intended to exempt certain food commodities and related edible and inedible commodities largely of agricultural origin. Most of the commodities thus exempted have been removed from price control because they are insignificant in the cost of living, in business costs, or in the cost of the defense effort, as their prices have little or no effect upon the price ceilings of other commodities which are important to such costs, and because retaining them under price control would have involved administrative burdens out of proportion to their importance. More detailed statements of the reasons for exempting the particular commodities previously exempted may be found in the Statements of Considerations accompanying the original regulation and its amendments.

These exemptions are continued in the sections of Article II of this revised GOR 7. In addition, Article III is now added to GOR 7 and will be used to suspend the application of all ceiling price regulations to sales of specified commodities. Section 10, which is the first section of Article III, is added to GOR 7 by this revision. That section suspends controls applicable to sales for off-premise consumption of imported and domestic bulk whiskey, bulk wine, packaged distilled spirits and packaged wine for the reasons set forth in detail below. Controls applicable to sales of those commodities for on-premise consumption (Ceiling Price Regulations 11 and 134) are not suspended because the general "soft market" conditions described below have not exhibited themselves in that area.

This action is taken in line with the policy of suspending or otherwise relaxing price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the foreseeable future. In the judgment of the Director of Price Stabilization, price controls with respect to the sales of the commodities whose ceiling prices are suspended by this revision are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Bulk whiskey. Dollars and cents ceiling prices for domestic bulk whiskey are presently set by SR 1 to CPR 78. These ceiling prices are, in general, the prices prevailing during the General Ceiling Price Regulation (GCPR) base period. For many months the selling prices of this commodity have been declining from these levels with the result that at the present it is possible to purchase supplies of domestic bulk whiskey at prices ranging from 30 to 47 percent below ceiling prices. The reason for declining prices for domestic bulk whiskey is an abnormal supply situation which has developed over the past few years. The average yearly production of domestic bulk whiskey during the years 1946–1949 was 150 million gallons. During 1950 production dropped to 120 million gallons but in 1951 it jumped to 200 million gallons. On the other hand, tax paid withdrawals of domestic bulk whiskey have not exceeded 90 million gallons in any year since repeal of prohibition. As a result of this imbalance between production and withdrawals, inventories of domestic bulk whiskey have become so great that the present supply is sufficient to meet normal consumption for approximately 8 years. In addition, it is estimated that the production of domestic bulk whiskey in 1952 will be about 150 million gallons, with the result that inventories will be even further increased.

As is normal in a situation where supply so greatly exceeds consumption requirements the prices for domestic bulk whiskey have steadily dropped. Another factor has intensified this downward pressure, however. Domestic bulk whiskey may be kept in United States Government bonded warehouses for only 8 years after which time the full federal excise tax of $10.50 per proof gallon must be paid and it must be withdrawn. By 1953 the inventory of whiskey distilled in 1945—a relatively large distillation—will have to be withdrawn. This will encourage distillers to an increasing degree to attempt to move surplus stocks of aged whiskeys to avoid paying this tax on large amounts within a short time. And this attempt to move surplus stocks will have an additional depressing effect on bulk whiskey prices.

As prices for domestic bulk whiskey are substantially below ceiling and are still declining and as the inventories are so great, the Director has determined that controls should be suspended. At the same time price controls on sales of imported bulk whiskey, which are covered by CPR 31, are also suspended since hardly any sales of that commodity are made and maintaining controls at this time would serve little purpose.

Packaged distilled spirits. As would be expected, the large inventories of domestic bulk whiskey have had a depressing effect on the level of prices of packaged domestic distilled spirits sold at wholesale and at retail for off-premise consumption. This decline has not, however, exhibited itself in a manner normal in other trades, that is by a general decline across-the-board in prices for particular brands of spirits. Sales of spirits at retail are made through State owned stores in 17 States and in these States the prices are set by law. Also, with the exception of two States and the District of Columbia, the remaining States, in which the sale of packaged distilled spirits is legal, have statutes which make it illegal to reduce the price charged for particular brands below a specified amount. In addition, distillers have established brand prestige through various advertising and are reluctant to reduce prices on these brands inasmuch as part of the prestige value of the brand is in the price itself.

The decrease in the level of packaged domestic distilled spirits prices has come about in various ways. In order to avoid depreciating the prestige of established brands, distillers have begun marketing new brands or reestablishing old brands which have been dormant. Although the spirits sold under a new brand name may be the same as those sold under an existing brand, the new brand is sold at a lower price. Also, wholesalers and large retailers have started buying and bottling domestic bulk whiskey and selling it under private labels. Again, although there may be no objective difference between the private label and the distilled spirits sold under the brand name of the distillery, the private label is sold at a lower price. In addition, the age of the whiskeys sold under the traditional brand names has been increasing due to the pressure of forced withdrawals of domestic bulk whiskey from United States Government bonded warehouses.

Such an increase in the age of the whiskey sold entitled the distiller to an increase in his ceiling price. Few sellers have made this recalculation and thus are in fact selling at prices below their allowable ceiling prices. Finally, for 16 percent (by volume) of existing brands there has been a price decrease since the GCPR base period.

Thus, as with bulk whiskey, sales for off-premise consumption of package domestic distilled spirits are being made at price levels below ceiling prices and supplies are more than adequate to meet even abnormally high consumption.

Imported packaged distilled spirits are also, in a number of cases, selling below ceiling prices and are in more than adequate supply. However, of greater significance is the fact that most imported spirits must compete with domestically produced merchandise and, consequently, can be expected to follow the price movements of domestic spirits. Even to the extent that this does not occur, as may be the case with items of particular appeal (such as Scotch whiskey) or items in extreme short supply, the fact that the sale of imports accounts for such a small percentage of the total sales of spirits makes the burden of controlling this relatively minor item in the current general "soft market" situation outweigh the value derived from control. Consequently, the Director has decided to suspend controls on imported packaged distilled spirits sold for off-premise consumption.

Wines. The ceiling prices for domestic bulk wines and for producer sales of domestic packaged wines are established under the GCPR and SR 30 thereto. In general those ceiling prices represent the highest prices charged in January 1951 (which were based on the cost of the 1949 grape crop) plus the increased cost to the seller of the 1950 crop of grapes used by the particular seller in producing the wines sold after January, 1951. Ceiling prices for wholesale and retail sales of domestic packaged wines are presently determined under SR 2 to CPR 78 or GCPR.

Current bulk wine prices are approximately 55 percent below bulk wine ceiling prices. Similarly, packaged wine prices (sold for off-premise consumption) declined substantially immediately after January, 1951, and presently show no tendency to revert to their former level.

Wine production in 1951 was 30.9 percent greater than 1950 production and, in fact, approached the production record set by that industry in 1946. Gross inventories of wines in 1951 exceeded the 1950 gross inventories by 23.6 percent, and the ratio of inventory to sales in 1951 was 292 percent as compared with the 176 percent average ratio for the years 1946 through 1950. Finally, grape crop prospects for 1952 are normal.

As for imported wines, which are presently covered by GCPR, CPR 31 and CPR 78, SR 2, sharp declines in wholesale and retail prices of a number of brands have occurred in the past two years occasioned both by the fact that there is an ample supply of imported wines and that those wines are competitive with domestic wines. Present data indicate that the high level of production of imported wines is being maintained and that no appreciable upward movement in prices is likely to occur in the foreseeable future.

Lifting suspension. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, however, controls will be reimposed under the following circumstances:

Controls on bulk whiskey and on packaged distilled spirits will be reimposed at such time as the simple average of the selling prices of bulk whiskey 3 years of age and older increases to a level 20 percent below the simple average of the ceiling prices for such ages. In addition, ceiling prices on packaged goods will be reestablished either (1) when the weighted average of distillers' list prices advances above the levels prevailing under the GCPR during 1951, or (2) when the weighted average dollar-and-cent spread between distillers' and retailers' prices increases above the weighted average dollar-and-cent spread reflected during 1951 under Ceiling Price Regulation 78, Supplementary Regulation 2 (the tailored regulation for distributors of packaged spirits).

The information necessary to make the determinations needed for recontrol of bulk whiskey and packaged distilled spirits will be gathered in three ways. In the first place, the suspension provisions of this revision provide that the Director of Price Stabilization may request or require price quotations of bulk whiskey from a representative sample of sellers. Secondly, a representative group of distillers who sell case goods will be requested or required to submit price lists monthly whenever prices are changed or new brands added to their lists. Finally, the Director of Price Stabilization or his authorized representative periodically will collect retail price data on important brands.

As for bulk wines and packaged wines, the reimposition of controls will depend primarily upon the price movements of bulk dessert wine, which accounts for about 67 percent of total bulk wine production and sales. The prices of bulk dessert wine and bulk table wine ordinarily move in the same direction and the prices of packaged wine are generally closely tied to bulk wine prices. Specifically, controls both on bulk and on packaged wine will be reimposed when and if the prices for bulk dessert wine reach a level at least 20 percent below the ceiling prices for that wine. Weekly bulk market price reports are available for use in tracing the significant price movements.

The movement of prices on packaged wine will also be watched so as to determine whether they are increasing independently of increases in bulk wine prices. Controls will be reimposed on packaged wine when prices reach the January 1951 level.

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.

ARTICLE II—EXEMPTIONS

2. Exemptions.

ARTICLE III—SUSPENSIONS

Sec.
10. Suspension of controls applicable to distilled spirits and wines.

AUTHORITY: Sections 1 to 10 issued under 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this revised regulation does.* The sections contained in Article II of this revised regulation exempt all sales of the commodities listed therein, unless otherwise stated, from any ceiling price regulation issued by the Office of Price Stabilization. The sections contained in Article III suspend the application of any ceiling price regulation to the stated sales of the commodities listed therein.

ARTICLE II—EXEMPTIONS

SEC. 2. *Exemptions.* No ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to sales of the commodities specifically listed in the following paragraphs:

(a) *Meat and related products.* (1) Pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal), when those products are sold in the raw or semi-processed state. ("Pituitary glands, pancreas glands, and suprarenal glands (also known as adrenal)" mean those glands which are obtained as by-products in the slaughter of bovine (cattle and calves), ovine (sheep and lambs) and porcine (swine) species. "Raw or semi-processed state" means the ordinary state of preservation common to the slaughtering industry in which those commodities are sold by the slaughterer if he sells directly or through an intermediate seller.)

(2) Dead stock or dead animals when sold for the recovery of inedible products.

(b) *Fish.* (1) Canned Maine whole soft shell clams.

(c) *Specialty food items.* (1) All sales of the following domestically produced or imported specialty food items.

(i) Water ground corn meal.

(ii) These fish and sea food items: pates; pastes; purees; clam juices; fish roe; caviar; fish and sea food hors d'oeuvres.

(iii) Frozen hollandaise sauce.

(iv) These canned fruits and berries: whole or half citrus fruits (not sectionized); brandied, liquor flavored, or stuffed fruits or berries (except olives); cocktail slices and sticks (fruits); cocktail cherries with stems; and white Catawba grape juice.

(v) Wine or liquor jells and jellies which do not contain unfermented fruit or fruit juices; preserved kumquats; melon and fruit rind.

(vi) Hollandaise sauce, plain.

(vii) The following canned poultry items: livers; hearts; gizzards; and pates.

(viii) Wild game, canned; turtle meat, canned; pate de foie gras, canned; and rattlesnake meat, canned.

(ix) Pickled rind.

(x) Wild rice.

(xi) The following canned soups: turtle, wine flavored; smoked turkey; game bird; fish or sea food (except clam chowder); almond; artichoke; broccoli; cucumber; and water cress.

(xii) Rock candy syrup.

(xiii) Herbal vinegar; and wine vinegar.

(xiv) Truffles; capers; canned snails; crepes suzette; canned fried worms; babas in tins; walnut sauce; and Easter egg dye.

(xv) Bird seed, bird biscuit and other bird food.

(xvi) Coffee packed in bags, each containing only the amount necessary to make one ordinary cup of coffee.

(2) Sales by importers, wholesalers and retailers only of the following domestically produced or imported specialty food items in consumer size containers: smoked tongue; cocktail frankfurters; meat pates; French onion soup; cocktail mushrooms; cheese dressings; wine gelatins and wine dessert powders; sauces (except meat sauces) containing fish or sea food.

(3) All sales of the following imported specialty food items when imported in consumer size containers: breakfast cereals; cocoa, chocolate and cereal drink preparations; roasted coffee in containers of two (2) pounds or less; cookies, crackers, toast; non-sterile processed fish (except herring and salmon); fruits, berries and fruit juices (except pineapple and pineapple juices); gelatin and pudding mixtures; jams, jellies, preserves, honey; macaroni and spaghetti products; mayonnaise and salad dressing; canned meats (except beef and beef products) in containers of two (2) pounds or less; pickles and relishes; spices and herbs; soups; syrup; tea; canned vegetables and vegetable juices, dried and dehydrated vegetables; vinegar.

(d) *Grocery products.* (1) Packaged domestic whiskey bottled prior to December 5, 1933. (The terms "packaged," "domestic," and "whiskey" are defined in Ceiling Price Regulation 78, as amended, the Basic Alcoholic Beverage Regulation.)

(2) Honey, but only when sold by packers thereof.

(3) Unpopped or popped popcorn. ("Popped popcorn" means plain, seasoned, or flavored popcorn; it does not mean any commodity consisting of popped popcorn combined with one or more other products.)

(4) Sorghum syrup, but only when sold by producers therof.

(5) Pure maple sugar candy, which is candy made from pure maple syrup with no other ingredients added.

(6) Natural or distilled water, provided it is neither carbonated nor flavored.

(7) Corn cobs.

(8) Edible sugar cane molasses, but only when sold by producers thereof. ("Edible sugar cane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted for sugar cane, provided that the total sugar content is not less than 57 percent by weight, the sulphated ash content is not more than 9 percent by weight, and the soluble non-sugar solids are more than 6 percent of total soluble solids.) Producers of edible sugar cane molasses are, however, subject to the following record keeping and reporting requirements:

(i) *Records.* Every producer who in the regular course of business produces edible sugar cane molasses shall make and keep for inspection by the Director of Price Stabilization for a period of two years complete and accurate records of each sale or purchase made after November 16, 1951. The records must show the date of the sale or purchase, the name and address of the seller and purchaser, and the price charged or paid, itemized by quantity and type. The records must indicate whether each purchase or sale is made on an f. o. b. shipping or on a delivered basis, and in the former case the shipping and transportation charges unless delivery is by common carrier. Records must also show all premiums, discounts and allowances.

(ii) *Reporting.* Producers selling edible sugar cane molasses shall notify the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., within ten days after making any increase in prices above those in effect on November 16, 1951. The report should include the General Ceiling Price Regulation price with the terms and conditions of sale and the new price with the terms and conditions of sale.

(e) *Canned fruit, vegetable and berry products.* The following domestically processed canned (in tin or glass) or packaged fruit, vegetable and berry products:

(1) Canned artichoke products whose vegetable ingredient consists predominantly of artichokes or parts thereof.

(f) *Miscellaneous.*

(1) Fur seal meal.

(2) Safflower oil and safflower seeds.

(3) Copra slab cake produced in the United States, copra oil meal produced in the United States, and copra pellets produced in the United States.

ARTICLE III—SUSPENSIONS

SEC. 10. *Suspension of controls applicable to distilled spirits and wines.* (a) On and after June 23, 1952, the application of all ceiling price regulations, heretofore or hereafter issued by the OPS, to sales for off-premise consumption of imported and domestic bulk whiskey, imported and domestic bulk wines, and imported and domestic packaged distilled spirits and wines is suspended. If, however, you are a seller of those commodities for off-premise consumption and were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning those commodities, you shall continue to preserve and make available for examination by the OPS, in the manner and for the period set forth in that regulation, all such records which you were required to have on June 21, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942, request or require you to submit data pertaining to prices charged for those commodities and to changes made in the prices of those commodities after June 21, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

(b) Definitions of terms used in this section 10 are contained in Article III of Ceiling Price Regulation 78, as amended.

Effective date. This revised regulation is effective June 23, 1952.

NOTE: The record-keeping and reporting requirements of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6979; Filed, June 23 1952; 11:24 a. m.]

[General Overriding Regulation 14, Amdt. 16]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

CERTAIN TEXTILE SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 16 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the list of services suspended from price control those services which are performed in the course of the manufacture or processing of any fiber, yarn or fabric as to which the applicable ceiling price regulation has been suspended, or which has been excepted from price control.

Price controls over certain fibers, yarns and fabrics have been suspended because those commodities generally are selling at prices materially below ceilings and are not expected to reach ceilings in the foreseeable future. In general, a low level of selling prices of commodities has a depressing effect on the charges for services connected with the manufacture or processing of these commodities. As long as the prices of these commodities do not rise to any significant degree, resistance against increased charges for the services will continue. And since it is not anticipated that the prices of the commodities will reach ceilings in the foreseeable future, it appears that market forces will operate to prevent appreciable increases in the service charges as well.

This amendment also suspends from price control services performed in the manufacture and processing of American-Egyptian Cotton. American Egyptian Cotton is not subject to price control, having been excepted by section 14 (s) (5) of the General Ceiling Price Regulation. Inasmuch as controls are being suspended by this amendment as to services such as ginning, baling and wrapping on American Upland cotton, it is considered advisable to suspend price control on those services when they are performed upon American-Egyptian cotton.

In the judgment of the Director, controls over the services suspended by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program. In any event, this suspension will be terminated as to a service when controls are re-activated as to the fiber, yarn or fabric on which the service is performed.

All records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respect:

1. Section 4 is amended by adding paragraph (b), to read as follows:

(b) The application of any ceiling price regulation, now or hereafter issued, to the services listed below, is suspended until further notice by the Director of Price Stabilization; *provided, however,* That persons who were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning these services, shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in said regulation, all such records which they were required to have on June 21, 1952, or, in the case of services added to this section by subsequent amendment, which they were required to have on the effective date of any such amendment.

(1) All services performed in the manufacture or processing of any fiber, yarn, or fabric as to which the applicable ceiling price regulation has been suspended or which have been excepted from price control. Such services include ginning, baling, wrapping, throwing, commission weaving, commission warping and slashing, wool scouring, top making, spinning, burling and mending, garnetting, carbonizing, winding, dyeing, finishing, bleaching, scouring, napping, printing, mercerizing, singeing, shrinking, felting, shearing, water-proofing, gas-proofing, saponifying, embossing, moireing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 14 shall become effective June 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6978; Filed, June 23, 1952; 11:24 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 6, Revision 1]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 6—MILK PRODUCTS FOR FLUID CONSUMPTION IN SPRINGFIELD, MASS., MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738) and Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), Delegation of Authority No. 41 (16 F. R. 12679) and Region I Redelegation of Authority No. 22 (17 F. R. 260), this Revised Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the date Area Milk Price Regulation 6 was issued, a petition for amendment of Area Milk Price Regulation 6 has been received from dealers in the Springfield Milk Marketing Area. The Springfield District Office of the Office of Price Stabilization, in addition to processing and giving effect to the request of the milk dealers contained in the petition for amendment, considers it appropriate now, in the light of the more recent information it has, to make a number of additional corrections and clarifications. Accordingly, the Springfield District Office of the Office of Price Stabilization is issuing the accompanying revision of Area Milk Price Regulation 6, rather than a lengthy amendment, for the convenience of the industry. The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Pursuant to this authority, as delegated and redelegated, this revised Area Milk Price Regulation is being issued adjusting prices for the Springfield Milk Marketing Area on sales of milk, cream, and cottage cheese within that area by processors and distributors. Sales by retail stores are not covered by this revised regulation. Milk products and sales not covered by this revised regulation remain subject to the provisions of the General Ceiling Price Regulation.

The marketing area was determined after considering all relevant factors such as places where milk is processed and utilized, places where milk in the area originates, the prevailing wage rates in the area, and historic differences in retail pricing between this area and the rest of the state. Moreover, sellers covered by this revised regulation proposed this area to the Springfield District Office.

This revised regulation provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation. Under this method each seller applies a uniform set of adjustments to the highest prices he charged for fluid milk product items during the period December 19, 1950, to January 25, 1951.

The uniform adjustments and the resulting ceiling prices give effect to increases in cost of direct labor, containers and raw materials between the pre-Korean period and a current period, and to changes in selling prices between the pre-Korean and General Ceiling Price Regulation base periods. In addition, this revised regulation takes into consideration increases in the cost of the so-called fringe benefits such as Federal Insurance Contributions Act payments, Federal and State Unemployment Compensation Act payments, Workmen's Compensation Insurance premiums, paid vacations, employer pension contributions, etc., where such payments are directly applicable to direct processing and distribution labor. These expenses were not all considered when the original Area Milk Price Regulation 6 was issued.

Current raw material prices upon which the uniform adjustments are predicated are specified in section 5, and were applicable to May 1952. As future increases and decreases in these prices take place, equivalent upward adjustments in ceilings will be permitted, and equivalent downward adjustments must be made.

Increases in the cost of milk from the pre-Korean period to the current period, and future milk cost changes, upon which adjustments under this revised regulation are based, reflect changes in the minimum Class I price to producers.

Calculations were based on data submitted by a representative group of distributors. The revised regulation is a result of petitions received from 7 distributors who represent approximately 60 percent of the volume of milk sold in the area. Among those petitioning were large, medium, and small dealers. Spot checks and audits were made to determine the accuracy of reported costs and sales volumes contained in the petitions.

Every effort has been made to conform this revised regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this revised regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of the Springfield District Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this revised regulation.

In the judgment of the Director of the Springfield District Office of the Office of Price Stabilization, the provisions of this revised Area Milk Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Springfield District Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives

of the Defense Production Act of 1950, as amended; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this revised area milk price regulation does.
2. Where this revised area milk price regulation applies.
3. Sellers and sales covered by this revised regulation.
4. Ceiling price adjustments.
5. Adjustments for raw material cost changes.
6. Rounding of fractions.
7. Sellers who cannot price under other sections.
8. Reports.
9. Transfers of business or stock in trade.
10. Records.
11. Evasion.
12. Charges lower than ceiling prices.
13. Sales slips and receipts.
14. Power of Director.
15. Prohibitions.
16. Penalties.
17. Definitions.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this revised area milk price regulation does.* This revised area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation for sales of fluid milk products in the Springfield, Massachusetts Milk Marketing Area. These adjustments are applied to the highest prices at which you sold fluid milk product items to a particular class of purchaser during the period December 19, 1950, through January 25, 1951. This revised regulation provides for further ceiling price adjustments in accordance with future variations in the costs of raw milk and cream.

SEC. 2. *Where this revised area milk price regulation applies.* The provisions of this revised regulation apply to the Springfield, Massachusetts Milk Marketing Area which consists of the entire area within the boundaries of Hampden and Hampshire Counties in the Commonwealth of Massachusetts.

SEC. 3. *Sellers and sales covered by this revised regulation.* This revised regulation covers retail and wholesale sales of milk, cream, and cottage cheese by processors and distributors, and sales of these products by processors to distributors. This revised regulation covers all such sales to a purchaser located outside the area unless the products are resold outside the area. It does not cover any sales to a purchaser located outside the area unless the products are resold inside the area.

SEC. 4. *Ceiling price adjustments.* Your ceiling price for a sale of a fluid milk product to a particular class of purchaser shall be the highest price you charged each purchaser for the item during the period December 19, 1950, through January 25, 1951, adjusted by a uniform adjustment in accordance with the applicable provisions of this section.

(a) *Basic container sizes.* The uniform adjustments for all fluid milk product items packaged in basic container sizes shall be as shown in the following table:

Product	Container size	Uniform adjustment	
		Retail and wholesale sales	Sales to [illegible]
Milk	Quart	No adjustment	Minus [illegible]
Heavy cream (above 34 percent butterfat)	½ pint	do	No adjustment
Light cream (16–34 percent butterfat)	do	do	Minus [illegible]
Creamed cottage cheese	16 ounces	Plus $0.05	Minus [illegible]

(b) *Other sizes.* The uniform adjustment for each fluid milk product item which is packaged in a container of a size other than the basic container size applicable to the particular product shall be an amount which is in the same relationship to the uniform adjustment applicable to the basic container size as the other size is to the basic size. Examples of adjustments for other container sizes are included under section 5.

SEC. 5. *Adjustments for raw material cost changes.* Your ceiling prices as established by section 4 shall be adjusted to reflect future changes in raw material costs of milk and cream in accordance with the provisions of this section. However, such adjustments are also subject to the "rounding" provisions of section 6.

(a) *Specified prices.* Ceiling prices determined pursuant to section 4 are predicated upon the following specified prices for May 1952:

Minimum Class I milk price per hundredweight payable to producers, as announced by the Federal Milk Market Administrator for the Springfield, Mass., Marketing Area: $5.95.

Weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as announced by the Federal Milk Market Administrator: $29.915.

Gross skim value for 100-pounds skim per 100-pounds Class 2 milk, as announced by the Federal Milk Market Administrator: $1.2364.

(b) *Changes from specified prices; basic sizes.* If the most recently announced price if a product specified in paragraph (a) of this section is higher than the specified price, you may increase your ceiling prices for applicable items of fluid milk products packaged in basic container sizes by an equivalent rate per unit. If the most recently announced price is lower than the specified price you must decrease your ceiling prices for such items by the equivalent rate per unit.

Example No. 1. You are a processor or distributor of milk in quart containers. The price of $5.95 per hundredweight specified for Class I milk in Section 5 (a) is later increased to $6.39 per hundredweight. Subtract $5.95 from $6.39 and divide the difference of $0.44 by 46.5 (the number of quarts in 100 pounds of milk). The equivalent rate of increase per quart of milk is therefore $.0046 cents per quart.

Example No. 2. You are a processor or distributor of heavy and light cream in half-pint containers. The price of $29.915 per can for 40-quart can of 40 percent cream specified in Section 5 (a) is later increased to $32.915. Subtract $29.915 from $32.915 and divide the result of $3.00 by the particular divisor shown below for each of these items, to obtain the indicated adjustment. In each case, the divisor represents the number of ½ pints which would contain the same quantity of butterfat as a 40-quart can of 40 percent cream. It is to be assumed that the respective grades of cream contain the indicated percentages of butterfat.

Item	Divisor	Adjustment (rounded)
½-pint heavy cream (40 percent).	160	1.9
½-pint light cream (20 percent).	320	[illegible]

(c) *Changes from specified prices; other sizes.* Adjustments of ceiling prices of fluid milk products packaged in container sizes other than the basic container sizes, and due to changes from specified prices, shall be calculated as follows. First, calculate the adjustment for the basic container size, in accordance with paragraph (b) of this section. Then, apply the "rounding" provisions of section 6 (a) for the basic container size. The adjustment for each item packaged in another-sized container shall be in the same relationship to the "rounded" adjustment as the other size is to the basic size.

Example. You are a processor or distributor of milk in ½-pint and 8-quart containers and of light cream in quarts. The price changes referred to in Examples No. 1 and No. 2 in section 5 (b) take place. The further calculations are:

Product	Rounded adjustment for basic container size (cents)	Adjustment for other sizes
Milk	1.0 per quart	[illegible]
Light cream	1.0 per ½ pint	4.0 per [illegible]

SEC. 6. *Rounding of fractions.* (a) If, in computing an adjusted ceiling price pursuant to section 5, you arrive at a unit price which involves a fraction of a cent, you may increase and you must decrease it to the nearest ½-cent per quart of milk, ½-pint of cream and pound of cottage cheese, in accordance with the following table:

Increase or decrease from specified price (in cents):	Increase or decrease (cents)
Up to 0.250	0
0.251 to 0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction, or during a customary billing period, after rounding of fractions in unit prices as provided in paragraph (a) of this section, shall be dropped if less than ½-cent and may be increased to the next higher cent if ½-cent or more.

SEC. 7. *Sellers who cannot price under other sections.* If you are unable to establish a ceiling price for the sale of an item covered by this revised regulation either because you did not sell that item during the period December 19, 1950, through January 25, 1951, or for any other reason, you may, in writing, apply to the Springfield District Office of the Office of Price Stabilization for a determination of a ceiling price for the sale of the item or of the method you shall use for computing a ceiling price for the item. The application shall contain an explanation of why you are unable to determine the ceiling price, the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation, and the raw material cost price upon which it is based. You may not sell the item until the Director of the Springfield District Office of the Office of Price Stabilization notifies you by Letter Order of your ceiling price or method of computing your ceiling price. After such determination of your ceiling price you shall compute your adjustment comparable to those provided in section 5 from the price specified in the Letter Order of the Director of the Springfield District Office of the Office of Price Stabilization.

SEC. 8. *Reports.* (a) Within five days after the effective date of this revised regulation, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, notifying the Director of your ceiling prices, as determined by you under section 4 of this revised regulation, for each item of fluid milk products. This report shall be on OPS Public Form 124 which may be obtained from that office.

(b) Within five days after the date of an official announcement indicating that the price of a product specified in section 5 (a) is less than the specified price, you shall deposit in the mail a registered letter to the Director of the Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, giving the following information:

(1) Your ceiling price, as determined under section 4 of this revised regulation for each item of fluid milk products;

(2) The adjusted ceiling price for each item of fluid milk products determined under section 5 of this regulation.

(c) Upward adjustments in your ceiling prices pursuant to section 5 of this revised regulation, may not be made before you deposit in the mail a registered letter to the Director of Springfield District Office of the Office of Price Stabilization, Springfield, Massachusetts, giving the information listed in paragraph (b) of this section.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this revised regulation, and the transferee carries on the business, or continues to deal in fluid milk products, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this revised regulation if no such sale or transfer had taken place, and the transferee's obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record provisions of this revised regulation.

SEC. 10. *Records.* (a) With respect to fluid milk products covered by this revised regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of this revised regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to fluid milk products covered by this revised regulation, prices and material and labor costs in the period January 1, 1950, to June 30, 1950, inclusive; records, showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation, and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for fluid milk products covered by this revised regulation.

SEC. 11. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this revised regulation is a violation of this revised regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 12. *Charges lower than ceiling prices.* Lower prices than those established under this revised regulation may be charged, demanded, paid or offered.

SEC. 13. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 14. *Power of Director.* The Director of the Springfield District Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices established under this revised regulation, so as to bring prices so established into line with the level of ceiling prices for such items otherwise prevailing in the area.

SEC. 15. *Prohibitions.* After the effective date of this revised regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any fluid milk product at a price in excess of the ceiling price established for it by this revised regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 16. *Penalties.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this revised regulation fails to file the reports required by this revised regulation, or if any person required to do so by this revised regulation fails to establish a ceiling price, or apply to the Director of the Springfield District Office of the Office of Price Stabilization for the establishment of a ceiling price, then the Director may issue a Letter Order establishing ceiling prices for the fluid milk products such person sells. Any ceiling price established in this manner will be in line with ceiling prices established by this revised regulation. The order establishing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this revised regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this revised regulation or of the various penalties for failure to do so.

SEC. 17. *Definitions.* (a) *Milk.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate milk; and any other milk or skim milk variation; regardless of whether such products are sold in glass, paper or other type of containers, or in bulk.

(b) *Cream.* This term means cream of various percentages of butterfat, including soured cream, regardless of whether such products are sold in glass,

paper, or other type of containers, or in bulk.

(c) *Fluid milk products.* This term means milk, cream, and creamed cottage cheese.

(d) *Retail and wholesale sales.* This term means sales by a processor or distributor to a purchaser other than a distributor. Examples are sales to homes, stores, restaurants, and institutions.

(e) *Basic container size.* This term means one quart for milk items, one-half pint for cream items, and 16 ounces for cottage cheese items.

(f) *Terms defined elsewhere.* All terms not defined in this revised regulation but defined in Supplementary Regulation 63 to the General Ceiling Price Regulation or in the General Ceiling Price Regulation shall be construed as therein defined unless otherwise clearly required by the context of this revised regulation.

Effective date. This revised area milk price regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, is effective June 20, 1952.

NOTE: The record keeping and reporting requirements of this revised regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

GILBERT C. HANCOCK,
Director of the Springfield District Office.

JUNE 20, 1952.

[F. R. Doc. 52-6920; Filed, June 20, 1952; 4:51 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Procedural Regulation, Amdt. 4]

GENERAL WAGE PROCEDURAL REGULATION

REPORTS FILED FOR NEW PLANTS

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739), this amendment to the General Wage Procedural Regulation (16 F. R. 10018) is hereby issued:

AMENDATORY PROVISIONS

The text of subparagraph (3) of section 4.4 (a) is redesignated as subdivision (i), and a new subdivision (ii) is added to section 4.4 (a) (3) to read as follows:

(ii) The provisions of subdivision (i) of this subparagraph shall not apply to a unilateral report filed pursuant to General Wage Regulation 9 where at the time the report was filed there was no certified or recognized collective bargaining representative of any of the employees involved in the report, and no election had been ordered by the National Labor Relations Board, or similarly authorized State agency, and no consent election agreement had been executed, to determine the status of a labor organization as the collective bargaining agent for any of such employees. The processing of such unilateral report shall, however, be without prejudice to the right of any labor organization thereafter certified or recognized to bargain with the employer concerning such rates and to submit any resultant agreement for Board approval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Unanimously adopted by the Wage Stabilization Board on June 5, 1952.

NATHAN P. FEINSINGER,
Chairman.

[F. R. Doc. 52-6988; Filed, June 23, 1952; 11:47 a. m.]

Chapter V—Defense Production Administration

[Regulation No. 2, Revocation]

REG. 2—LOANS UNDER SECTION 302 OF THE DEFENSE PRODUCTION ACT OF 1950

REVOCATION

DPA Reg. 2, originally issued as Part 601 of Chapter VI—National Security Resources Board (15 F. R. 7978), is hereby revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect when published in the FEDERAL REGISTER.

Issued June 23, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-6986; Filed, June 23, 1952; 11:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

ITALY, MEXICO AND RUMANIA

a. In § 127.283 *Italy (including the Republic of San Marino)* make the following changes:

1. Strike out subdivisions (ii) and (iii) of paragraph (b) (6). (16 F. R. 6801; 17 F. R. 3413.)

2. Amend paragraph (c) (1) to read as follows:

(1) *Table of rates.* (Surface only).

Pounds:	Rate	Pounds:	Rate
1	$0.06	12	$0.72
2	.12	13	.78
3	.18	14	.84
4	.24	15	.90
5	.30	16	.96
6	.36	17	1.02
7	.42	18	1.08
8	.48	19	1.14
9	.54	20	1.20
10	.60	21	1.26
11	.66	22	1.32

NOTE: The weight limit of "U. S. A. Gift Parcels" is 22 pounds. The other tabulated information following the parcel-post rate tables is also applicable to "U. S. A. Gift Parcels," except that such parcels may not be insured.

3. Strike out the last sentence in subdivision (i) of paragraph (c) (2). (17 F. R. 3413), and insert in lieu thereof the following: "Such parcels sent more frequently than one per month to one addressee are subject to customs duty. Parcels which prove to be undeliverable are not returned to the senders, but are handed over to the Italian Red Cross for disposal."

4. Redesignate subdivision (iii) of paragraph (c) (2) as subdivision (ii), and insert new subdivision (iii) to read as follows:

(iii) See also § 127.55 (j).

b. In § 127.304 *Mexico* (16 F. R. 2349), amend subdivision (v) of paragraph (b) (9) by adding the following as a paragraph:

(*a*) Cigars and cigarettes, unless they bear Mexican revenue stamps applied by the manufacturers.

c. In § 127.341 *Rumania* amend subdivision (v) of paragraph (b) (6) by adding the following:

(*h*) Used military clothing.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6830; Filed, June 23, 1952; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

LEEWARD ISLANDS AND SENEGAL

a. In § 127.292 *Leeward Islands* (Anguilla, Antigua, Barbauda, Montserrat, Nevis, Redonda, St. Christopher or St. Kitts and Virgin Islands (British)) amend paragraph (b) (1) by adding a subdivision (ii) immediately following the table of information under the table of rates in subdivision (i) to read as follows:

(ii) *Air mail service; Antigua only.* Effective June 16, 1952, air parcel post service will be inaugurated to Antigua, Leeward Islands, subject to the general conditions set forth in § 127.55 (a) at the following rates: $0.50 for the first 4 ounces and $0.20 for each additional 4 ounces or fraction.

b. In § 127.349 *Senegal* amend paragraph (b) (1) by adding a subdivision (ii) immediately following the note under the table of rates in subdivision (i) to read as follows:

(ii) *Air mail service.* Effective June 16, 1952, air parcel post service will be inaugurated to Senegal subject to the general conditions set forth in § 127.55 (a) at the following rates: $0.90 for the first 4 ounces and $0.50 for each additional 4 ounces or fraction.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6831; Filed, June 23, 1952; 8:49 a. m.]

PART 151—PROCEDURES BEFORE THE SOLICITOR

MISCELLANEOUS AMENDMENTS

a. In § 151.100 *Requisites of application* amend paragraph (b) to read as follows:

(b) The application for a permit must be made in writing. It must state the name, address and business of the applicant and must set forth the name and the scientific education, training and experience, particularly with reference to bacteriology and pathology, of the person who will handle, or will supervise and direct the handling by others of, the tissues which will be mailed under the permit.

b. Amend § 151.102 *Revocation and suspension of permits; basis* to read as follows:

§ 151.102 *Revocation and suspension of permits; basis.* (a) Permits to receive diseased tissues may be suspended or revoked upon evidence that the person upon whose stated qualifications the application was granted (see § 151.100 (b)), or one substituted for him as provided in subparagraph (b) of this section, fails to possess the necessary qualifications as to scientific education, training and experience.

(b) Permits shall not be valid with respect to diseased tissues handled by any person other than the one named in the application, or persons acting under his supervision and direction; or by, or under the supervision and direction of, some other person qualified in accordance with § 151.100 (b) whose name and statement of qualifications shall be filed with the Solicitor prior to the receipt of the tissues.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369; 18 U. S. C. 1716)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-6832; Filed, June 23, 1952; 8:49 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

CONTRACTS FOR CERTAIN CANNED FRUITS AND VEGETABLES; TEMPORARY EXTENSION OF EXEMPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

On September 7, 1951, pursuant to authority vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35-45) (hereinafter called the "act") I granted, after an open hearing, an exception permitting the award of contracts for the procurement of the following canned fruits and vegetables for the Armed Forces of the United States until and including December 31, 1951, without the inclusion therein of the representations and stipulations of section 1 of the act (16 F. R. 9290):

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string, canned.
Beets, canned.
Berries, canned.
Carrots, canned.
Catsup, tomato.
Cherries, sour, canned.
Cherries, sweet, canned.
Corn, cream style, canned.
Corn, whole grain, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Juice, citrus.
Juice, grape.
Juice, pineapple.
Peas, green, canned.
Peaches, canned.
Pears, canned.
Pineapple, canned.
Plums (prunes), canned.
Potatoes, sweet, canned.
Pumpkin, canned.
Puree, tomato.
Sauce, cranberry.
Spinach, canned.
Tomato juice, canned.
Tomato paste, canned.
Tomatoes, canned.

By order published in the FEDERAL REGISTER January 3, 1952, this exemption was extended through June 30, 1952. In accordance with § 201.601 of the regulations issued pursuant to the act (41 CFR 201.601), the Secretary of the Army has made a written finding, transmitted through the Department of Defense on June 6, 1952, that the conduct of vital procurement will be impaired unless this exemption is extended through the balance of calendar year 1952 for the canned fruits and vegetables specified; and pursuant to section 6 of the act and upon the basis of this finding, the Secretary of the Army has requested the Secretary of Labor to grant an extension of the exemption during the calendar year 1952.

For the purpose of providing sufficient time for a thorough study of all of the factors involved in this requested extension, and in order to avoid any interruption to procurement of the commodities involved, a temporary extension of this exemption to August 15, 1952, is herewith ordered.

Signed at Washington, D. C., this 18th day of June 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-6826; Filed, June 23, 1952; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[General Order 60, Supp. 2, Amdt. 7]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART A—GENERAL PROVISIONS

Paragraph (p) *Preoperating and operating expenses* of § 299.1 *Definitions* is amended by adding to the tabulation at the bottom thereof the following:

Type of vessel	Insurance for 1 year	Other expenses	Total
C4-S-A3 (turbine)	.....	.....	[1] $344,000
P2-S2-R2 (turbine)	.....	.....	[2] 471,000
C4-S-A3 (turbine)	$87,000	$299,000	[2] 386,000
P2-S2-R2 (turbine)	192,000	416,000	[2] 608,000

[1] Effective from Aug. 2, 1946, to Apr. 11, 1947, both inclusive.
[2] Effective from Apr. 12, 1947, to Aug. 12, 1949, both inclusive.

(Sec. 204, 49 Stat. 1987, as amended, Sec. 12, 60 Stat. 49; 46 U. S. C. 1114, 50 U. S. C. App. 1745)

Dated: June 17, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-6869; Filed, June 23, 1952; 8:59 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 24-28, 30, 32, 38, 43, 45, 46, 50-65, 70-83, 90-102, 110-120, 131, 135, 140, 141, 144, 157, 162]

[CGFR 52-33]

VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

1. The Merchant Marine Council will hold a public hearing on Tuesday, July 22, 1952, commencing at 9:30 a. m., in Room 2020, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the vessel inspection regulations as generally described in Items I to XXXII, inclusive, below.

2. The proposed changes in the regulations, together with the statutory authority for making such changes, are generally described by subjects in paragraphs 6 to 83, inclusive. The Merchant Marine Council Public Hearing Agenda (CG-249) has been prepared. Due to the extent of the revision of regulations required, this agenda has been printed in five booklets containing eight volumes of material arranged by subjects. The volumes and titles are as follows:

Volume I—Passenger Vessels.
Volume II—Cargo and Miscellaneous Vessels.
Volume III—Uninspected Vessels.
Volume IV—Electrical Engineering.
Volume V—Marine Engineering.
Volume VI—Bulk Grain Cargo.
Volume VII—Load Lines.
Volume VIII—Manning of Vessels.

This agenda contains the specific changes proposed and where possible the

present and proposed regulations are set forth in comparison form, together with reasons for the changes where necessary. Comments on the proposed changes in the vessel inspection regulations are desired. Copies of this agenda have been mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the agenda will be furnished upon request to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available. After the extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

3. Comments on the proposed regulations are invited. All persons who desire to submit written comments, data, and views prior to the hearing for consideration in connection with the proposed changes should submit them in writing for receipt prior to July 18, 1952, by the Commandant (CMC), Coast Guard Headquarters, Washington 25, D. C., or comments, data, and views may be presented orally or in writing at the hearing. In order to insure consideration of comments and to facilitate checking and recording it is essential that each comment regarding a proposed section shall be submitted on Form CG–3287 showing the specific item and page number of the agenda, section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. There is a small quantity of this form attached at the end of each agenda. In the event additional forms are required, they may be obtained upon request. Oral comments may be submitted before the Merchant Marine Council on July 22, 1952. At the public hearing the proposed revisions and amendments to the regulations will be considered in the order of the item numbers assigned to the various subjects under consideration.

4. On November 19, 1951, the fifteenth country deposited its ratification of the 1948 Convention for Safety of Life at Sea with the British Government. Therefore, the requirements contained in this Convention will come into force on November 19, 1952, insofar as the United States is concerned. The United States Coast Guard is one of the primary governmental agencies concerned with the administration of the 1948 Convention for Safety of Life at Sea, and the Commandant is charged with implementing this Convention by promulgating the necessary vessel inspection regulations to give force and effect to the Convention. It will, therefore, be necessary that the proposed regulations set forth in the agenda be considered and comments submitted at once in order to permit the publication of the regulations as soon as possible after the public hearing so that all persons concerned will be aware of the new requirements coming into effect on November 19, 1952.

5. The style of presentation of the present vessel inspection regulations in 46 CFR Chapter I does not show readily the applicable requirements to passenger vessels, dry cargo vessels, and miscellaneous types of vessels in the merchant marine. The Administrative Procedure Act requires that regulations having future force and effect shall be published in such a manner that persons affected thereby will be able to understand the requirements applicable to them. The Revised Statutes containing the basic authority for vessel inspection regulations have been amended many times and other laws which supplement or complement the Revised Statutes, as well as many conventions and treaties ratified since 1872, have a direct bearing on the vessel inspection regulations. It is necessary that the format of the vessel inspection regulations applicable to certain types of vessels in the merchant marine be revised in order that those concerned or affected will be able to readily determine what regulations are applicable to them. Since it is necessary to revise many of the vessel inspection regulations in order to implement the 1948 Convention for Safety of Life at Sea, it is proposed to accomplish a revision of the format of the regulations, as well as a revision of the requirements, at the same time. Because of the scope and extent necessary in the navigation and vessel inspection regulations, the proposed regulations to be considered at this public hearing are in addition to the proposed regulations considered at the public hearings held September 18, 1951, and March 25, 1952.

VOLUME I—PASSENGER VESSELS

6. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations applicable to passenger vessels, so that passenger vessel requirements will be in one subchapter, it is proposed to cancel the present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain load line regulations and motorboat regulations applicable to passenger-carrying motorboats or motor vessels, and place them in one subchapter entitled "Passenger Vessels." In Items I to IX are the specific requirements set forth by general subjects.

ITEM I—GENERAL PROVISIONS

7. It is proposed to establish a new Part 70 entitled "General Provisions" applicable to passenger vessels. This part will contain regulations regarding authority and purpose, application of regulations to all types of vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and references regarding marine engineering requirements. It is also proposed to cancel 46 CFR 43.015, 45.012, and 46.017, regarding equivalents, which are now published in the load line regulations.

8. The authority for regulations regarding general provisions applicable to passenger vessels is in R. S. 4405, 4462, 49 Stat. 1544, sec. 17, 54 Stat. 166, and sec. 5 (e), 55 Stat. 245, as amended; 46 U. S. C. 375, 462, 367, 526p, and 50 U. S. C. App. 1275.

ITEM II—INSPECTION AND CERTIFICATION

9. It is proposed to establish a new Part 71 containing the applicable vessel inspection requirements for passenger vessels. This part will set forth requirements for certificate of inspection, permit to proceed to another port for repair, permit to engage in excursions, inspection of vessels, initial inspection, annual inspection, reinspection, special surveys, sanitary inspection, inspection of tail shafts, drydocking, repairs and alterations, gas freeing, and plan approval. It is proposed to consolidate requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120); and construction and alteration of passenger vessels of 100 gross tons and over (46 CFR Part 144); as well as requirements in 46 CFR 46.024, regarding plans and inspections of new and converted vessels for load line purposes; which will all be canceled.

10. The authority to prescribe regulations regarding inspection and certification for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, and 12, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–412, 435, 366, 395–397, 363, 367, 660a, 1331–1333, and 50 U. S. C. App. 1275.

ITEM III—CONSTRUCTION AND ARRANGEMENT

11. It is proposed to establish a new Part 72, regarding the construction and arrangement of passenger vessels. This part will cover requirements for hull structure, structural fire protection, means of escape, ventilation, accommodations for officers and crew, accommodations for passengers, and rails and guards. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120); and construction and material alteration of passenger vessels (46 CFR Part 144); as well as 46 CFR 27.4–4, regarding ventilation of motorboats and motor vessels, which will all be canceled.

12. The authority to prescribe regulations regarding construction and arrangement of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331–1333, and 50 U. S. C. App. 1275).

ITEM IV—WATERTIGHT SUBDIVISION

13. It is proposed to establish a new Part 73, regarding watertight subdivision of passenger vessels. This part will set forth requirements regarding application of regulations, special definitions, rules for subdivision, peak and machinery space bulkheads and shaft tunnels, double bottoms, penetrations and openings in watertight bulkheads, watertight bulkhead doors, openings in vessel's sides below the bulkhead deck, openings above the bulkhead deck, and special requirements for vessels contracted for prior to 19 November 1952. It is proposed to cancel the load line regulations in 46 CFR 46.1 to 46.6, inclusive, regarding rules for determining subdivision load lines for passenger vessels, 46.9, regarding extent of double bottom, 46.12, regarding watertight floors, 46.13, regarding manholes, 46.20, regarding openings and watertight bulkheads, 46.21, regarding types of watertight doors, 46.22, regarding location of allowed types of doors, 46.23, regarding watertight doors and their operation and fittings, 46.24, regarding design and installation of watertight doors, 46.25, regarding tests of watertight doors, 46.27 to 46.32, inclusive, regarding openings in vessel's sides below the bulkhead deck, 46.33 to 46.36, regarding openings above bulkhead deck, 46.012, regarding relaxations from regulations, as well as applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), and marine engineering regulations regarding wells and double bottoms in 46 CFR 57.10.

14. The authority for regulations regarding watertight subdivision of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331–1333, and 50 U. S. C. App. 1275), and Executive Order 7548, dated February 5, 1937 (2 F. R. 307).

ITEM V—STABILITY

15. It is proposed to establish a new Part 74, regarding stability of passenger vessels. This part will set forth requirements regarding application of regulations, stability tests, stability standards, ballast, stability instructions for operating personnel, and stability letter issued by the Coast Guard. The proposed regulations will cover new requirements regarding stability of vessels in damaged condition and stability tests for passenger vessels which are necessary to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as load line regulations in 46 CFR 46.024, 46.5, 46.11, regarding vessel plans, stability, and center girder, will all be canceled.

16. The authority for regulations regarding stability of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1331–1333, and 50 U. S. C. App. 1275).

ITEM VI—LIFESAVING EQUIPMENT

17. It is proposed to establish a new Part 75, describing the lifesaving equipment necessary for passenger vessels. This part will set forth requirements regarding application of regulations, general provisions pertaining to stowage and marking of lifeboats, life rafts, life floats, and buoyant apparatus; equipment for lifeboats, life rafts, life floats, and buoyant apparatus; davits; blocks and falls; lifeboat winches; installations of lifeboats, davits, and winches; life preservers, wood floats; ring life buoys; water lights; line-throwing appliances; embarkation aids; portable radio apparatus; and ship's distress signals. Extensive revisions have been made in the proposed regulations to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, lakes other than the Great Lakes, and rivers will be canceled (46 CFR Parts 59, 60, 76, 94, 113). It is also proposed to cancel 46 CFR 27.2–2, regarding the number of life preservers on passenger motorboats and motor vessels since such requirements will be included in the passenger vessel regulations.

18. The authority for regulations regarding lifesaving equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 to 21, 49 Stat. 1544, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 404, 474, 475, 481, 489, 367, 526–526t, 1331–1333, and 50 U. S. C. App. 1275).

ITEM VII—FIRE PROTECTION EQUIPMENT

19. It is proposed to establish a new Part 76, regarding fire protection equipment for passenger vessels. This part will set forth requirements regarding application of regulations, fire detecting and extinguishing equipment, fire main systems, steam smothering systems, carbon dioxide extinguishing systems, foam extinguishing systems, water spray extinguishing systems, manual sprinkling systems, automatic sprinkling systems, electric fire detecting systems, pneumatic fire detecting systems, smoke detecting systems, manual alarm systems, hand portable fire extinguishers, and semiportable fire extinguishing systems, and fire axes. The revisions proposed include additional requirements necessary to implement the 1948 Convention. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as motorboat regulations applicable to passenger-carrying motorboats and motor vessels in 46 CFR 25.1–1 to 25.1–8, for navigation lights, 27.1–1, for navigation lights and sound producing devices, and 25.3–1, for fog bells, since these requirements have been revised and included in the proposed regulations.

22. The authority for regulations regarding vessel control and miscellaneous systems and equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, and 4426, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526–526t, 1331–1333, and 50 U. S. C. App. 1275).

ITEM IX—OPERATIONS

23. It is proposed to establish a new Part 78, regarding operations of passenger vessels. This part will set forth application of regulations, and description of penalties, and requirements regarding notice to mariners and aids to navigation; notice of casualty and voyage records; persons allowed in pilothouse and on navigation bridge; station bills; doors required to be closed at sea; tests, drills, and inspections required at sea; steering orders; unauthorized lights; proper use of searchlights; lookouts, pilothouse watch, patrolmen, and watchmen required while at sea; reports of

20. The authority for regulations regarding fire protection equipment for passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, secs. 1 to 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526–526t, 163–167, 1331–1333, 463a, and 50 U. S. C. App. 1275).

ITEM VIII—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

21. It is proposed to establish a new Part 77, regarding passenger vessel control and miscellaneous systems and equipment required thereon. This part will set forth requirements regarding application of regulations, marine engineering, electrical engineering, internal communication systems, anchors, chains and hawsers, magnetic compasses, radiotelegraph, radio direction finder, navigation lights and shapes, whistles, fog horns, fog bells, sound equipment, and emergency equipment. It is proposed to add new regulations regarding anchors, chains and hawsers, and magnetic compasses, which agree with present practices, but have not been previously written as regulations. The necessary regulations to implement the 1948 Convention for Safety of Life at Sea have been added. It is proposed to cancel the applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as motorboat regulations applicable to passenger-carrying motorboats and motor vessels in 46 CFR 25.1–1 to 25.1–8, for navigation lights, 27.1–1, for navigation lights and sound producing devices, and 25.3–1, for fog bells, since these requirements have been revised and included in the proposed regulations.

accidents, repairs, and unsafe equipment; cable traveller; log book entries; vehicular ferries; railroad passenger car ferries; display of plans; markings required for fire and emergency equipment; general markings required on vessels; posting placards containing breeches buoy instructions; and prohibition regarding carrying of excess steam. It is proposed to cancel the present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as load line regulations in 46 CFR 46.26, regarding closing watertight doors at sea, 46.020, regarding drills and inspections, and 46.021, regarding log book entries, and marine engineering regulations in 46 CFR 57.20–20, regarding report of chief engineer on renewal of fusible plugs. Present procedures and practices have been included in the proposed regulations so that the requirements will be easier to understand and to determine what is required. In addition, the proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been added.

24. The authority for regulations regarding the operations of passenger vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, 49 Stat. 1544, secs. 1 to 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, 1331–1333, and 50 U. S. C. App. 1275).

VOLUME II—CARGO AND MISCELLANEOUS VESSELS

25. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations applicable to cargo and miscellaneous vessels, so that these requirements will be in one subchapter, it is proposed to cancel the present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain load line regulations and motorboat regulations applicable to motorboats or motor vessels, and place them in one subchapter entitled "Cargo and Miscellaneous Vessels." In Items X to XVII are the specific requirements set forth by general subjects.

ITEM X—GENERAL PROVISIONS

26. It is proposed to establish a new Part 90 entitled "General Provisions" applicable to cargo and miscellaneous vessels. This part will contain regulations regarding authority and purpose, application of regulations to all types of cargo and miscellaneous vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and references concerning general marine engineering requirements and general electrical engineering requirements. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to amend 46 CFR 30.01–5, regarding application of regulations for tank vessels, as well as to cancel 46 CFR 43.015 and 45.012, regarding equivalents, which are now published in the load line regulations. The applicable requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the motorboat regulations will be canceled (46 CFR Parts 24–28, 59–65, 76–83, 94–102, 113–120).

27. The authority for regulations regarding general provisions applicable to cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4488, 29 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 481, 367, and 50 U. S. C. App. 1275).

ITEM XI—INSPECTION AND CERTIFICATION

28. It is proposed to establish a new Part 91 containing the applicable vessel inspection requirements for cargo and miscellaneous vessels. This part will set forth requirements for the certificate of inspection, permit to proceed to another port for repair, inspection of vessels, initial inspection, annual inspection, sanitary inspections, inspection of tail shaft, drydocking, repairs and alterations, gas freeing, and plan approval. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to consolidate requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and certain requirements from the motorboat regulations, which will be canceled (46 CFR Parts 26, 27, 59–65, 76–83, 94–102, 113–120).

29. The authority for regulations regarding inspection and certification of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4434, and 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, and 12, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–412, 435, 366, 395–397, 363, 367, 660a and 50 U. S. C. App. 1275).

ITEM XII—CONSTRUCTION AND ARRANGEMENT

30. It is proposed to establish a new Part 92, regarding the construction and arrangement of cargo and miscellaneous vessels. This part will cover requirements for hull structure, structural fire protection, means of escape, ventilation, accommodations for officers and crew, and rails and guards. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds and lakes other than the Great Lakes, and rivers, and certain requirements regarding ventilation in the motorboat regulations, will all be canceled (46 CFR Parts 26, 27, 59–65, 76–83, 94–102, 113–120). The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included.

31. The authority for regulations regarding construction and arrangement of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 367, and 50 U. S. C. App. 1275).

ITEM XIII—STABILITY

32. It is proposed to establish a new Part 93, regarding application of stability requirements for cargo and miscellaneous vessels, stability test requirements, stability standards, ballast, stability instructions for operating personnel, and stability letter issued by the Coast Guard. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will all be canceled (46 CFR Parts 59–65, 76–82, 94–102, 113–120).

33. The authority for regulations regarding the stability of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4490, as amended, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 482, 483, 363, 367, and 50 U. S. C. App. 1275).

ITEM XIV—LIFESAVING EQUIPMENT

34. It is proposed to establish a new Part 94, describing the lifesaving equipment necessary for cargo and miscellaneous vessels. This part sets forth requirements regarding application of regulations; general provisions pertaining to lifesaving equipment; requirements for lifeboats and life rafts; stowage and marking of lifeboats and life rafts; equipment for lifeboats and life rafts; davits, blocks and falls; lifeboat winches; installation of lifeboats, davits, and winches; life preservers, ring buoys and water lights; line-throwing appliances; embarkation aids; portable radio apparatus for lifeboats on cargo vessels engaged in international voyages, and ship's distress signals. Extensive revisions have been made in the proposed regulations to implement the 1948 Convention for Safety of Life at Sea. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will be canceled (46 CFR Parts 59, 60, 76, 94, 113). It is also proposed to cancel certain requirements in the motorboat regulations, regarding life preservers and other lifesaving devices required for certain cargo and miscellaneous motor vessels (46 CFR Parts 24 to 28), since such requirements will be included in the cargo and miscellaneous vessel regulations.

35. The authority for regulations regarding lifesaving equipment for cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4426, 4481, 4482, 4488, and 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 404, 474, 475, 481, 489, 367, 526–526t, and 50 U. S. C. App. 1275).

ITEM XV—FIRE PROTECTION EQUIPMENT

36. It is proposed to establish a new Part 95, regarding fire protection equipment for cargo and miscellaneous vessels. This part will set forth requirements regarding application of regulations; fire detecting and extinguishing equipment, where required; fire main systems; steam smothering system; carbon dioxide extinguishing system; foam extinguishing system; water spray extinguishing system; hand portable fire extinguishers and semi-portable fire extinguishing systems; and fire axes. The revisions proposed contain requirements necessary to implement the 1948 Convention for Safety of Life at Sea; in addition, the other requirements were extensively revised to reflect a better arrangement. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as fire extinguishing equipment required for certain cargo and miscellaneous motor vessels in the motorboat regulations, will be canceled (46 CFR Parts 24–28, 61, 77, 95, 114).

37. The authority for regulations regarding fire protection equipment on cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526–526t, 463a, and 50 U. S. C. App. 1275).

ITEM XVI—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

38. It is proposed to establish a new Part 96, regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels. This part will set forth requirements regarding application of regulations; marine engineering systems; electrical engineering and internal communication systems; anchors, chains, and hawsers; magnetic compasses; radiotelegraph; radio direction finder; navigation lights and shapes; fog horns; fog bells; sounding equipment; and emergency equipment. The necessary regulations to implement the 1948 Convention for Safety of Life at Sea have been added. It is proposed to add new requirements regarding anchors, chains, hawsers, magnetic compasses, radiotelegraph, radio direction finder, and certain emergency equipment which agree with present practices but have not been previously written as regulations. It is proposed to cancel the applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements applicable to cargo and miscellaneous motor vessels in the motorboat regulations, since these requirements have been revised and included in the proposed regulations (46 CFR Parts 24–28, 59–65, 76–83, 94–102 113–120).

39. The authority for regulations regarding vessel control and miscellaneous systems and equipment for cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, and 4426, as amended, 49 Stat. 1544, secs. 1 to 21, 54 Stat. 163–167, and sec. 5, 55 Stat. 244, 245 (46 U. S. C. 391, 392, 404, 367, 526–526t, and 50 U. S. C. App. 1275).

ITEM XVII—OPERATIONS

40. It is proposed to establish a new Part 97, regarding operations of cargo and miscellaneous vessels. This part will set forth the application of regulations, description of penalties, requirements regarding notices to mariners and aids to navigation; notice of casualty and voyage records; persons allowed in pilothouse and on navigation bridge; station bills; tests, drills, and inspections; steering orders; unnecessary whistling; unauthorized lights; proper use of searchlights; lookouts; reports of accidents, repairs, and unsafe equipment; cable travellers; log book entries; markings for fire and emergency equipment, etc.; markings on vessels; placard or breeches buoy instructions; and prohibition regarding carrying of excess steam. The regulations necessary to implement the 1948 Convention for Safety of Life at Sea have been added. The other requirements have been revised in order to have a better presentation of material. The present procedure and practices have been included in the proposed regulations so that the requirements will be easier to understand and to determine what is required. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR Parts 59–65, 76–83, 94–102, 113–120), as well as certain requirements in the load line regulations as set forth in 46 CFR 43.020 and 45.017, regarding log book entries, will be canceled since these requirements have been revised and included in the proposed regulations.

41. The authority for regulations regarding operations of cargo and miscellaneous vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417, 4418, 4426, and 4453, as amended, secs. 1 and 2, 49 Stat. 1544, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391, 392, 404, 435, 367, and 50 U. S. C. App. 1275).

VOLUME III—UNINSPECTED VESSEL REGULATIONS

42. The motorboat regulations in 46 CFR Parts 24 to 28, inclusive, will be revised to the extent that only those requirements applicable to uninspected vessels will be together. The proposed regulations applicable to passenger vessels, and cargo and miscellaneous vessels, have been placed in the regulations for "Passenger Vessels" and "Cargo and Miscellaneous Vessels", respectively. Appropriate cross references have been included in the text of the regulations which may be affected by regulations in other subchapters. It is proposed to cancel all the motorboat regulations in 46 CFR Parts 24 to 28, inclusive, applicable to uninspected vessels. These regulations will be in one subchapter entitled "Uninspected Vessels". In Items XVIII to XX, inclusive, are the specific requirements set forth by general subjects.

ITEM XVIII—GENERAL PROVISIONS

43. It is proposed to establish a new Part 24 entitled "General Provisions" applicable to uninspected vessels. This part will contain the regulations regarding authority and purpose, application of regulations to various types of vessels, definitions of terms used, equivalents permitted in lieu of present requirements, and general marine engineering requirements for certain steam-propelled motorboats of over 40 feet in length. Many of the present practices which have not been previously written as regulations have been incorporated into the proposed regulations in order to provide a better arrangement and understanding of the requirements. The applicable requirements previously published in the motorboat regulations will be canceled (46 CFR Parts 24–28).

44. The authority for the regulations containing general provisions applicable to uninspected vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 166 (46 U. S. C. 526p).

ITEM XIX—REQUIREMENTS

45. It is proposed to establish a new Part 25 containing the requirements for uninspected vessels. This part will set forth requirements regarding the application of the regulations to vessels, navigation lights and shapes, whistles, fog horns, fog bells, life preservers and other livesaving equipment, fire extinguishing equipment, carburetor backfire flame arrestor, ventilation, and liquefied petroleum gas for cooking, heating, or lighting. Minor revisions in the text of present regulations and editorial changes in arrangement of material have been made so that the requirements will be easier to understand and to determine what is required. The present requirements in the motorboat regulations will be canceled (46 CFR Parts 24–28).

46. The authority for the regulations containing the requirements for uninspected vessels (motorboats) is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 166 (46 U. S. C. 526p).

ITEM XX—OPERATIONS

47. It is proposed to establish a new Part 26 containing the requirements affecting the operation of uninspected vessels. This part will set forth requirements regarding application of regulations, description of penalties, procedures for mitigation or remission of fines or penalties, boarding officers, exhi-

bition of motorboat operator's license, and licensed personnel in charge. The present requirements have been revised and current practices and procedures have been included in the proposed regulations so that the requirements will be easier to understand and to determine what is required. The present applicable requirements in the motorboat regulations will be canceled (46 CFR Parts 24–28).

48. The authority for the regulations regarding the operation of uninspected vessels (motorboats) is in R. S. 4405 and 4462, as amended (46 U. S. C. 375, 416). The regulations interpret or apply sec. 17, 54 Stat. 165 (46 U. S. C. 526p).

VOLUME IV—ELECTRICAL ENGINEERING

49. To implement the 1948 Convention for Safety of Life at Sea, as well as to revise the vessel inspection regulations regarding electrical apparatus and equipment so that these requirements will be in one subchapter, it is proposed to cancel the present applicable requirements regarding electrical apparatus and equipment in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements in the load line regulations, tank vessel regulations, and motorboat regulations. These regulations will be in one subchapter entitled "Electrical Engineering Regulations." In Items XXI to XXIV, inclusive, are the specific requirements set forth by general subject.

ITEM XXI—GENERAL PROVISIONS

50. It is proposed to establish a new Part 110 entitled "General Provisions" applicable to electrical apparatus and equipment when installed on various types of vessels. This part will contain the regulations regarding authority and purpose, application of regulations to various types of vessels, references to specifications, standards, and codes issued by private organizations which are acceptable to the Coast Guard, definitions of terms used, and equivalents permitted in lieu of present requirements. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. In addition, many of the present practices which have not been previously written as regulations have been incorporated into the proposed regulations in order to provide a better arrangement and understanding of the requirements. It is proposed to amend 46 CFR 30.01–5, regarding application of regulations for tank vessels, as well as to cancel 46 CFR 43.015 and 45.012, regarding equivalents, which are now published in the load line regulations. The applicable requirements previously published in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the motorboat regulations, will be canceled (46 CFR Parts 24–28, 59–65, 76–83, 94–102, 113–120).

51. The authority for the regulations regarding electrical engineering is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXII—ELECTRICAL SYSTEM, GENERAL REQUIREMENTS

52. It is proposed to establish a new Part 111, containing the applicable inspection requirements for electrical systems when used on board various types of vessels. This part will set forth requirements regarding the application of the regulations to vessels, general requirements for electrical systems, generators, storage batteries, transformers, motors, electrical couplings for propulsion, switchboards and propulsion controls, distribution panel boards, motor controllers (overcurrent protection and disconnecting means), distribution and circuit loads, overcurrent protection, wiring methods and materials, special requirements for certain locations and systems, and electrical equipment and installations on vessels contracted for prior to November 19, 1952. The proposed regulations to implement the 1948 Convention for Safety of Life at Sea have been included. It is also proposed to include regulations describing current practices not previously published. The present applicable requirements in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and in the construction or material alteration of passenger vessels of 100 gross tons or over propelled by machinery, regarding electrical apparatus and equipment will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120, 144).

53. The authority for the regulations setting forth the general requirements for electrical systems is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416.) The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXIII—EMERGENCY LIGHTING AND POWER SYSTEM

54. It is proposed to establish a new Part 112, regarding emergency lighting and power systems when installed on various types of vessels. This part will set forth requirements regarding application of regulations, general requirements for emergency lighting and power systems, classification of emergency lighting and power systems, emergency loads, operation of emergency systems having both a temporary and final source of emergency lighting power, operation of emergency system having an automatic starting diesel-engine-driven emergency generator as the sole source of emergency lighting and power, operation of emergency system having a storage battery as the sole source of emergency lighting and power, operation of a manually-controlled emergency system having a storage battery or a diesel-engine-driven generator as the sole source of emergency lighting and power, installations requiring an alternating-current temporary source of supply, visible indicators and test switch, emergency diesel-engine-driven generator sets, storage battery installations, and emergency lighting and power systems for vessels contracted for prior to November 19, 1952. The revisions proposed contain requirements necessary to implement the 1948 Convention for Safety of Life at Sea. In addition, other regulations describing current practices have been incorporated into this part. The present applicable regulations in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120).

55. The authority for regulations regarding emergency lighting and power systems when installed on various types of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

ITEM XXIV—COMMUNICATIONS AND ALARM SYSTEMS AND EQUIPMENT

56. It is proposed to establish a new Part 113, regarding communication and alarm systems and equipment when installed on various types of vessels. This part will set forth the application of the regulations, general provisions regarding communication and alarm systems and equipment, automatic fire detecting fire and alarm systems, manual fire alarm systems, sprinkler alarm systems, general alarm system, sound powered telephone and voice tube systems, engine order telegraph systems, rudder angle indicator system, refrigerated spaces alarm system, emergency loud speaker system, and navigation lights. The regulations necessary to implement the 1948 Convention for Safety of Life at Sea have been added. In order to have a better presentation of requirements, regulations are proposed which set forth present practices not previously published. Extensive revisions have been made in the present applicable regulations now contained in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers and, therefore, these regulations will be canceled (46 CFR Parts 59–65, 76–83, 94–102, 113–120).

57. The authority for regulations regarding communication and alarm systems and equipment when installed on various types of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426, 4427, 4433, and 4453, as amended, sec. 20, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, 54 Stat. 166, 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 526p, 1331–1333, and 50 U. S. C. App. 1275).

VOLUME V—MARINE ENGINEERING

58. The Marine Engineering Regulations and Material Specifications (CG–115) as contained in 46 CFR Parts 50 through 57 (Subchapter F—Marine Engineering) will be revised and the requirements will be placed in 46 CFR Parts 50 to 61, inclusive. Most of the proposed changes in the regulatory requirements were considered at the public hearings held September 18, 1951, and March 25, 1952. The proposed changes to be considered at this public hearing for the most part concern those items which are affected by the transfer of requirements in order to have a better arrangement of material. It has been determined that certain requirements now published in the tank vessel regulations and in general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements in the motorboat regulations, more appropriately belong in the marine engineering regulations, and, therefore, will be transferred to Subchapter F—Marine Engineering. It is also proposed to transfer certain specification requirements for equipment from the marine engineering regulations and the tank vessel regulations to Subchapter Q—Specifications of Chapter I of Title 46, Shipping, CFR. Certain changes in the regulations are also necessary to implement the 1948 Convention for Safety of Life at Sea and have been included in this agenda. In Items XXV to XXVIII, inclusive, are the specific proposed revisions set forth by general subject.

ITEM XXV—MARINE ENGINEERING; TANK VESSELS

59. It is proposed to cancel tank vessel regulations in 46 CFR Subpart 32.10 regarding cooking and heating equipment on board tank vessels. These requirements will be transferred to Subchapter F—Marine Engineering as a new subpart 55.16. It is proposed to revise 46 CFR Subpart 32.35, regarding main and auxiliary machinery, by consolidating the material and inserting appropriate cross references to the requirements which will be continued in Subchapter F—Marine Engineering. In view of the proposal to incorporate the design, construction, and testing requirements for safety relief valves on unfired pressure vessels containing liquified compressed gases in a new specification, designated as 46 CFR subpart 162.018 in Subchapter Q—Specifications, it is proposed to cancel the specification requirements for safety relief valves in 46 CFR 38.10–15 and insert appropriate cross references. The proposed specifications are set forth in Item XXIX of the agenda. As a result of a shore fire in a liquified petroleum gas installation, it is proposed to amend 46 CFR 38.10–10, regarding piping and fittings for unfired pressure vessels containing liquified compressed gases, to require flange and manhole cover gasket material to be fire resistant at a maximum of 1,000° F.

60. The authority for regulations regarding marine engineering on tank vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, and 50 U. S. C. App. 1275).

VOLUME V—MARINE ENGINEERING

58. The Marine Engineering Regulations and Material Specifications (CG–115) as contained in 46 CFR Parts 50 through 57 (Subchapter F—Marine Engineering) will be revised and the requirements will be placed in 46 CFR Parts 50 to 61, inclusive. Most of the proposed changes in the regulatory requirements were considered at the public hearings held September 18, 1951, and March 25, 1952. The proposed changes to be considered at this public hearing for the most part concern those items which are affected by the transfer of requirements in order to have a better arrangement of material. It has been determined that certain requirements now published in the tank vessel regulations and in general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, as well as certain requirements in the motorboat regulations, more appropriately belong in the marine engineering regulations, and, therefore, will be transferred to Subchapter F—Marine Engineering. It is also proposed to transfer certain specification requirements for equipment from the marine engineering regulations and the tank vessel regulations to Subchapter Q—Specifications of Chapter I of Title 46, Shipping, CFR. Certain changes in the regulations are also necessary to implement the 1948 Convention for Safety of Life at Sea and have been included in this agenda. In Items XXV to XXVIII, inclusive, are the specific proposed revisions set forth by general subject.

ITEM XXV—MARINE ENGINEERING; TANK VESSELS

59. It is proposed to cancel tank vessel regulations in 46 CFR Subpart 32.10 regarding cooking and heating equipment on board tank vessels. These requirements will be transferred to Subchapter F—Marine Engineering as a new subpart 55.16. It is proposed to revise 46 CFR Subpart 32.35, regarding main and auxiliary machinery, by consolidating the material and inserting appropriate cross references to the requirements which will be continued in Subchapter F—Marine Engineering. In view of the proposal to incorporate the design, construction, and testing requirements for safety relief valves on unfired pressure vessels containing liquified compressed gases in a new specification, designated as 46 CFR subpart 162.018 in Subchapter Q—Specifications, it is proposed to cancel the specification requirements for safety relief valves in 46 CFR 38.10–15 and insert appropriate cross references. The proposed specifications are set forth in Item XXIX of the agenda. As a result of a shore fire in a liquified petroleum gas installation, it is proposed to amend 46 CFR 38.10–10, regarding piping and fittings for unfired pressure vessels containing liquified compressed gases, to require flange and manhole cover gasket material to be fire resistant at a maximum of 1,000° F.

60. The authority for regulations regarding marine engineering on tank vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, and 50 U. S. C. App. 1275).

ITEM XXVI—MARINE ENGINEERING; CONSTRUCTION; LOW PRESSURE HEATING BOILERS

61. It is proposed to revise 46 CFR 57.10–45, regarding requests for increase in pressure, by requiring the piping system and machinery to meet the applicable requirements for the pressure increases requested and by transferring these requirements to 46 CFR 52.01–55.

62. In view of the proposal to establish a new specification for the design, construction, and testing of boiler safety valves, designated 46 CFR Subpart 162.001 in Subchapter Q—Specifications, it is proposed to delete the specification requirements from 46 CFR 52.65–5, 52.65–10, and 52.65–15, and to insert appropriate cross references.

63. In view of the proposal to incorporate the design, construction, and testing requirements for safety valves and relief valves in low pressure heating boilers in new specifications, designated 46 CFR Subparts 162.012 and 162.013 in Subchapter Q—Specifications, it is proposed to cancel the specification requirements from 46 CFR 53.03–60, 53.03–65, and 53.05–45 and to insert appropriate cross references. The proposed specifications are set forth in Item XXIX of the agenda.

64. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXVII—MARINE ENGINEERING; PIPING SYSTEMS; ARC WELDING, GAS WELDING, AND BRAZING

65. It is proposed to amend 46 CFR 55.07–25, regarding installation of piping systems, by permitting collision bulkheads on passenger vessels to be pierced below the margin line by more than one pipe when the forepeak is divided to hold two different liquids. This change is in agreement with the 1948 Convention for Safety of Life at Sea. Because of the establishment of separate subchapters containing inspection regulations for passenger vessels, cargo and miscellaneous vessels, and uninspected vessels, it is proposed to incorporate certain existing requirements presently in 46 CFR Part 27 of the motorboat regulations with similar requirements now in Subchapter F—Marine Engineering by revising 46 CFR 55.10–45 and 55.10–50 regarding gasoline fuel systems and diesel fuel systems. The present requirements regarding the use of liquefied petroleum gases for cooking and heating in the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and tank vessel regulations (46 CFR subpart 32.10, 61.25, 77.24, 95.24, and 114.25), are being revised and transferred to 46 CFR subpart 55.16 in Subchapter F—Marine Engineering in order to have a better arrangement of material.

66. It is proposed to amend 46 CFR 56.01–25, 56.01–30, and 56.01–35 regarding arc welding in order to clarify the limitations applicable to Classes I, II, and III arc welded pressure vessels. The requirement that heating boilers be fabricated as a Class II pressure vessel has been eliminated since shop inspection is no longer mandatory for these units.

67. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXVIII—MARINE ENGINEERING; MAIN AND AUXILIARY MACHINERY; REPAIRS; INDEPENDENT FUEL TANKS; INSTALLATION TESTS, INSPECTIONS, MARKING, AND OFFICIAL FORMS

68. It is proposed to editorially revise the format of the Marine Engineering Regulations and Material Specifications (CG–115) in Subchapter F of Chapter I of 46 CFR, Shipping, by expanding the number of parts assigned to the requirements contained therein. This proposed recodification and redesignation of parts will make a better arrangement of requirements regarding main and auxiliary machinery, fuel tanks, installations, test, inspections, repairs, etc. The new parts to be published in Subchapter F—Marine Engineering have been redesignated as follows:

Part 57—Main and Auxiliary Machinery;

Part 58—Repairs to Boilers, unfired pressure vessels, and appurtenances;

Part 59—Independent internal combustion engine fuel tanks;

Part 61—Installation test, inspections, markings, and official forms.

69. The proposed new Part 57, regarding main and auxiliary machinery, will contain the design and construction requirements for such machinery. The requirements for steering gear and the requirements for refrigeration machinery will be in this part. The regulation to implement the 1948 Convention for Safety of Life at Sea regarding power for going astern has been included as 46 CFR 57.05–5. In establishing this new Part 57, it is proposed to revise 46 CFR 32.35–10 and 32.35–15 in the tank vessel regulations, 46 CFR 27.4–1 and 27.5–1 in the motorboat regulations, and 46 CFR 46.39 in load line regulations and transfer these requirements to 46 CFR Part 57.

70. The proposed new Part 59 will contain requirements regarding independent internal combustion engine fuel tanks and consists of revised requirements from 46 CFR subpart 55.16, regarding independent internal combustion engine fuel tanks, in the marine engineering regulations and 46 CFR 27.4–2 and 27.5–2 regarding fuel tanks and piping, in the motorboat regulations.

71. It is proposed to establish a new Part 61 regarding installation tests, inspections, markings, and official forms. The present regulations in Part 57 covering tests, inspections, markings, and official forms have been revised and transferred to Part 61. The revised regulations to implement the 1948 Convention for Safety of Life at Sea regarding inspection and survey have been added to the regulations. In this Part 61 only the requirements which have to be further revised have been set forth in the agenda. The other changes were considered at the public hearing held September 18, 1951.

72. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

ITEM XXIX—MARINE ENGINEERING; SPECIFICATIONS

73. It is proposed to add four new specifications regarding the design, construction, and testing requirements for power boiler safety valves, low-pressure heating boiler safety valves, low-pressure, hot water, heating boiler relief valves, and safety relief valves on unfired pressure vessels containing liquefied compressed gases, designated as 46 CFR subparts 162.001, 162.012, 162.013, and 162.018, respectively, in 46 CFR Part 162, Subchapter Q—Specifications. The proposed specifications set forth the requirements for the manufacturer to follow in manufacturing such equipment, and cover requirements for design, construction, testing, materials, workmanship, marking, and procedure for approval.

74. The authority for regulations regarding marine engineering requirements is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4417a, 4418, 4426, 4429–4434, and 4453, as amended, 49 Stat. 1544, 54 Stat. 346, 1026, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 391a, 392, 404, 407–412, 435, 367, 1333, 463a, and 50 U. S. C. App. 1275).

VOLUME VI—BULK GRAIN CARGO

75. These proposed regulations are intended to implement and complement the 1948 Convention for Safety of Life at Sea. At the present time proposed legislation has been suggested to Congress to extend the application of Chapter VI of the 1948 Convention for Safety of Life at Sea regarding carriage of grain to every vessel operating on coastwise navigable waters within the limits of the jurisdiction of the United States when such vessel is not on an international voyage and subject to the 1948 Convention. The regulations are proposed at this time in order to allow public consideration so that these requirements may be published and be in effect on and after November 19, 1952, when the 1948 Convention becomes effective.

ITEM XXX—REGULATIONS GOVERNING THE LOADING AND STOWAGE OF GRAIN ON VESSELS

76. It is proposed to add a new Subchapter M, entitled "Regulations Governing the Loading and Stowage of Grain on Board Vessels," to 46 CFR Chapter I, which will contain Part 144, regarding bulk grain cargoes. The purpose of these regulations is to promote safety in the handling, stowage and transportation of grain on board vessels on any navigable waters within the limits of the jurisdiction of the United States, including its territories, and possessions excepting only the Panama Canal Zone, and to make more effective the provisions of Chapter VI of the 1948 Convention for Safety of Life at Sea relative to the carriage of grain. The proposed regulations are the minimum requirements for the handling, stowage, and transportation of loose grain in bulk on board vessels. The regulations will apply to every passenger and every cargo vessel of 500 gross tons or over when carrying loose grain in bulk as cargo on an international voyage (excepting the Great Lakes), or on an intercoastal voyage, or a coastwise voyage. The proposed regulations in 46 CFR Part 144 will contain requirements regarding scope of regulations, application to vessels, definitions, required uprights, shores, stays, feeders, bins, bulkheads, security of hatches, equivalents, detailed loading and stowage regulations regarding bagged grain, holds or compartments partially filled with loose grain in bulk, holds or compartments entirely filled with loose grain in bulk, location of stowage for light grain and heavy grain in bulk and special regulations for vessels shifting ports.

77. The authority for regulations regarding the loading and stowage of grain on vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416).

VOLUME VII—SUBDIVISION LOAD LINES

78. Because of the many transfers of regulations from 46 CFR Part 46 of the Load Line Regulations (CG–176) to other subchapters, as well as revisions necessary to implement provisions of the 1948 Convention for Safety of Life at Sea which deal with subdivision of passenger vessels, it is proposed to revise 46 CFR Part 46 in the load line regulations in their entirety.

ITEM XXXI—PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS; LOAD LINE REGULATIONS

79. It is proposed to completely revise 46 CFR Part 46, regarding subdivision load lines for passenger vessels in the load line regulations, so that these regulations will state the load line requirements applicable before a passenger vessel will be marked and certificated as to subdivision load lines; assignment, marking, and recording of subdivision load lines; administration of subdivision load lines; and application of requirements to passenger vessels. The procedure for the determination of the subdivision load lines, as well as special construction features, have been transferred from this Part 46 to 46 CFR Subpart 72.01 and Parts 73 and 74 in the proposed subchapter for passenger vessels. The requirements regarding bilge and ballast systems, piping, inlets and discharges, ash chutes, astern power, and auxiliary steering have been transferred to the proposed revision of 46 CFR Subchapter F—Marine Engineering.

80. The authority for regulations regarding subdivision load lines is in sec. 2, 49 Stat. 888, as amended (46 U. S. C. 88a), and E. O. 7548, dated February 5, 1937 (2 F. R. 307).

VOLUME VIII—MANNING OF VESSELS

81. The style of the present vessel inspection regulations does not show readily the requirements regarding the manning of passenger vessels, cargo and miscellaneous vessels, and uninspected vessels. Therefore, it is proposed to transfer the manning requirements to a separate Subchapter F to be entitled "Manning" in 46 CFR Chapter I. The proposed regulations will require the Officer in Charge, Marine Inspection, to make the original determination regarding the minimum manning requirements considered necessary for the safe operation of each vessel subject to inspection by the Coast Guard. The proposed regulations also reflect present practices and procedures followed by the Coast Guard which have not been previously published in regulation form. Some of the navigation and inspection laws do not authorize the establishment of a minimum number of officers and members of the crew to be carried on board a vessel but state that the vessel shall not be operated or navigated unless certain manning requirements are met. In these cases it is the responsibility of the owner, master, or person in charge or command of the vessel to determine if the officers and crew carried meet the requirements of the applicable laws.

ITEM XXXII—MANNING OF VESSELS

82. It is proposed to establish a new Subchapter P, entitled "Manning," which will be added to Chapter I of Title 46 CFR and will consist of Part 157 regarding manning of vessels. It is proposed to review and transfer the applicable requirements from the general rules and regulations for vessel inspection, ocean and coastwise, Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers (46 CFR 59–65, 76–83, 94–102, 113–120), as well as regulations regarding hours of labor on shipboard (46 CFR Part 131), language test for seamen (46 CFR Part 135), able seamen (46 CFR Part 140), and manning of inspected vessels (46 CFR Part 141), which are also published in the Rules and Regulations for Licensing and Certificating of Merchant Marine Personnel (CG–191), to 46 CFR Part 157. The requirements regarding number of radio officers or radio telegraph operators required to

implement and complement the 1948 Convention for Safety of Life at Sea have been added.

83. The authority for regulations regarding manning of vessels is in R. S. 4405 and 4462, as amended (46 U. S. C. 375 and 416). The regulations interpret or apply R. S. 4401, 4417a, 4426, 4427, 4438, 4438a, 4453, 4463, 4477, 4488, and 4551 (j), as amended, sec. 2, 37 Stat. 733, secs. 2 and 13, 38 Stat. 1164, 1169, sec. 1, 49 Stat. 1544, sec. 7, 53 Stat. 1147, secs. 7 and 17, 54 Stat. 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended (46 U. S. C. 364, 391a, 404, 405, 224, 224a, 435, 222, 471, 481, 643 (j), 223, 673, 672, 367, 248, 526f, 526p, 1333, and 50 U. S. C. App. 1275).

Dated: June 18, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52–6859; Filed, June 23, 1952; 8:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal for the amendment of §§ 240.16b–2 and 240.16b–5 (Rules X-16B–2 and X-16B–5) under the Securities Exchange Act of 1934.

Section 240.16b–2 (Rule X-16B–2) provides an exemption from section 16 (b) of the act for transactions of purchase and sale of securities in the course of a public distribution of an issue of securities on behalf of an issuer, or a person standing in a control relationship to the issuer, where a director or officer of the issuer is an underwriter or is connected with an underwriter of the issue. The purpose of the amendment is to broaden the exemption provided by the rule so as to make it available for transactions of purchase and sale of securities in the course of a distribution of a block of securities on behalf of a security holder not standing in a control relationship to the issuer.

Section 240.16b–5 (Rule X-16B–5) exempts transactions which consist of an exchange of one security for another by way of redemption where both the old and new securities are substantially and in practical effect equivalents, and no substantially different interest is acquired by the exchange. The amendment is not intended as a substantive change in the rule. It is designed merely to remove ambiguities in its language.

The text of the rules as proposed to be amended is as follows:

§ 240.16b–2 *Exemption from section 16 (b) of certain distributing transactions.* (a) Any transaction of purchase and sale of a security which is effected in the distribution of a substantial block of securities of the same class shall be exempt from the provisions of section 16 (b) of the act, to the extent specified in this section, as not comprehended within the purpose of said section, upon the following conditions:

(1) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(2) The security involved in the transaction is a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the issuer or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities; and

(3) Other persons not within the purview of section 16 (b) of the act are participating in the distribution of such block of securities on terms at least as favorable as those on which the person effecting the transaction is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16 (b) of the act by this section, however the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption which would otherwise be available under this section.

(b) The exemption of a transaction pursuant to this section with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this section.

§ 240.16b–5 *Exemption from section 16 (b) of certain transactions in which securities are received by redeeming other securities.* Any acquisition of an equity security (other than a convertible security or right to purchase a security) by a director or officer of the issuer of such security shall be exempt from the operation of section 16 (b) upon condition that:

(a) The equity security is acquired by way of redemption of another security of an issuer substantially all of whose assets other than cash (or government bonds) consist of securities of the issuer of the equity security so acquired, and which:

(1) Represented substantially and in practical effect a stated or readily ascertainable amount of such equity security,

(2) Had a value which was substantially determined by the value of such equity security, and

(3) Conferred upon the holder the right to receive such equity security without the payment of any consideration other than the security redeemed;

(b) No security of the same class as the security redeemed was acquired by the director or officer within six months prior to such redemption or is acquired within six months after such redemption;

(c) The issuer of the equity security acquired has recognized the applicability of paragraph (a) of this section by appropriate corporate action.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52–6833; Filed, June 23, 1952, 8:50 a. m.]

[17 CFR Part 240]

OWNERSHIP OF SECURITIES HELD IN TRUST

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a rule relating to the filing of reports required by section 16 (a) of the Securities Exchange Act with respect to the ownership of securities held in trusts, and to adopt a statement of the basis for and purpose of such a rule, substantially as follows:

Statement of basis for and purpose of proposed rule. Section 16 (a) requires beneficial owners of more than ten percent of any class of any equity security registered on a national securities exchange and officers and directors of the issuer of such a security to file reports with the exchange and with the Commission indicating the extent of their beneficial ownership of equity securities of the company and any changes in such ownership which occur. No definition of the words "beneficial owner" appears in the act. The legislative history of the section indicates that the Congress had in mind, specifically, that the Commission should not require "street name" holders of securities or trust companies with only the bare legal title to securities to file reports.

"Beneficial ownership" within the meaning of section 16 must be construed in context and is not necessarily identical with similar concepts in other contexts such as tax law, nor does it depend solely upon the form in which the trust is established. It is, to some extent, dependent upon an analysis of the precise relationship between the trustees and the beneficiaries. An officer who holds stock of his corporation in trust for his son usually has the same control over the securities and the same incentive to buy and sell the stock so that his son may realize profits as if he owned the securities outright. His interest is quite different from that of the mere record owner, which the legislative history indicates should be excluded from the requirements of the section. This is the basis for requiring, under the proposed rule, that section 16 (a) reports should be filed by any trustee who is an officer, director, or ten per cent stockholder where any beneficiary of the trust

is a member of his immediate family or where the trustee has a beneficial interest in the trust himself. Where such a trustee himself holds securities, his personal holdings should be combined with those of the trusts he administers in computing the ten per cent interest which would render him subject to the reporting requirements of section 16 (a).

Certain beneficiaries of trusts, too, will be required to file reports with respect to trust securities. If the beneficiary is an officer or director of a company with registered equity securities, he will be required to report all trust holdings and transactions in the equity securities of the company. Similarly, if the beneficiary holds over ten per cent of any class of registered equity securities, he will be required to report the trust holdings and transactions. In computing the ten per cent interest his personal holdings will be combined with the trust holdings only in those instances where his interest in the trust is a present right to receive income or principal or where he has acquired his interest by purchase.

Of course, if any single trust itself is a 10 per cent stockholder, reports should be filed on behalf of the trust. Holdings of trusts with similar terms and beneficiaries should be combined in computing the 10 per cent interest required to fall within the reporting requirements where either the settlor or the trustees are the same. To the extent reports are filed on behalf of the trust by the trustee in either his personal capacity or his trust capacity, the beneficiaries are relieved of the necessity for filing.

Persons who possess the power to revoke a trust for their own benefit, either alone or in conjunction with someone else, are also considered, in the proposed rule, the beneficial owners of the securities held by the trust.

The proposed rule would provide substantially as follows:

§ 240.16a–8 *Ownership of securities held in trust.* (a) The following persons shall be deemed to have such beneficial ownership of securities held by a trust as to require them to file the reports covering the securities held by the trust as are required by § 240.16a–1 when they are officers or directors of the issuers of the securities, or when the securities held by the trust, together with any other securities beneficially owned, exceed the ten per centum specified in section 16 (a):

(1) Persons who possess the power to revoke or modify the terms of a trust, either alone or in conjunction with someone else;

(2) Trustees of irrevocable trusts who have an interest, contingent or vested, in income or corpus of the trust;

(3) Trustees of irrevocable trusts who hold title to securities for the benefit of one or more members of their immediate families;

(b) Beneficiaries of a trust shall be deemed to have such beneficial ownership of securities held by the trust as to require them to file the reports covering the securities held by the trust which are required by § 240.16a–1 when:

(1) They are officers or directors of the issuers of the securities held by the trust or

(2) They own more than ten percent of any class of any registered equity security (other than an exempted security) of the issuer of equity securities held by the trust, the ten percent being computed for the purposes of this subparagraph as including (i) any securities of which they have a beneficial ownership as elsewhere defined in this part, (ii) any securities held in any trust in which they acquired an interest for a valuable consideration on their part, and (C) any securities held in any trust in which they have a present right to receive either income or principal.

(c) Not more than one report need be filed to report any holdings or with respect to any transaction in securities held by a trust, regardless of the number of officers, directors or 10 percent stockholders who are either trustees or beneficiaries of a trust, provided that the report filed shall disclose the names of all trustees and beneficiaries who are officers, directors or 10 percent stockholders.

(d) A trust or related group of trusts shall be deemed a "person" for the purpose of § 240.16a–1. In determining whether the trusts are beneficial owners, directly or indirectly, of more than 10 percent of any class of any equity security (other than an exempted security) which is listed on a national securities exchange, the holdings of two or more trusts shall be combined if they have substantially similar terms and beneficiaries and if either the settlor or the trustees are the same.

(e) As used in this section the "immediate family" of a trustee means:

(1) A son or daughter of the trustee, or a descendant of either;

(2) A step-son or step-daughter of the trustee;

(3) A brother, sister, step-brother, or step-sister of the trustee;

(4) The father or mother of the trustee, or an ancestor of either;

(5) A step-father or step-mother of the trustee;

(6) A son or daughter of a brother or sister of the trustee;

(7) A brother or sister of the father or mother of the trustee;

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the trustee.

For the purposes of determining whether any of the foregoing relations exist, a legally adopted child of a person shall be considered a child of such person by blood, and a brother or sister by the half blood shall be considered a "brother" or "sister."

(f) For the purpose of this section a trust shall be defined to exclude registered investment companies and business trusts having over twenty-five beneficiaries.

(g) Nothing in this section shall be deemed to impose any duties or liabilities with respect to any transactions or holdings prior to its effective date which would not otherwise be imposed by the act.

All interested persons are invited to submit data, views and comments on the above proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52-6834; Filed, June 23, 1952; 8:50 a. m.]

[17 CFR Part 240]

REPORTS OF DIRECTORS, OFFICERS, AND PRINCIPAL STOCKHOLDERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 16 (b), and 23 (a) thereof, has under consideration proposals for the amendment of Rules X-3B-2, X-16A-1, X-16A-3, and X-16A-4, relating to section 16 of the Securities Exchange Act of 1934.

Section 240.3b-2 (Rule X-3B-2) at present defines an "officer" to mean a "president, vice president, treasurer, secretary, comptroller, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers." In the case of Colby v. Klune, 178 F. 2d 872, the Court of Appeals for the Second Circuit indicated that the definition should also include other corporate employees performing important executive duties of such character that they would be likely, in discharging their duties, to obtain confidential information about their company's affairs. The proposed rule would adopt the views expressed by the Court.

Section 240.16a–1 (Rule X-16A-1), at present, sets forth the persons who must report their holdings and the changes in their holdings of securities pursuant to section 16 (a). It designates the equity securities with respect to which reports are required and the type of information which should be included in the reports. However, no provision of the rule, at present, deals with options, puts, calls, or straddles.

The proposed rule seeks to remedy this omission by requiring holders of options, puts, calls, straddles and other such privileges to file the reports required by section 16 (a). It has been suggested that complete disclosure of beneficial ownership and changes in such ownership of equity securities requires a disclosure of holdings and changes in the holdings of the options, puts, calls, and straddles which relate to the securities.

Section 240.16a–3 (Rule X-16A-3), at present, permits a person who is a member of a partnership which owns equity securities that are subject to the reporting requirements of section 16 (a) to either report the entire amount of such equity securities owned by the partnership or to report only that amount which represents his proportionate interest in the partnership. The Court of Appeals for the Second Circuit, in Rattner v. Lehman, 193 F. 2d 564, has indicated that either the partnership or one of its members might, under some circumstances, be liable under section 16 (b) of the Securities Exchange Act for all the profits realized by the partnership from short-swing trading in the securities of a company in which one of the partners is an officer, director or 10 per cent stockholder. It has also been suggested that only by reporting all holdings and all changes in the beneficial ownership of equity securities held by a partnership in which one of the partners is an officer, director, or ten per cent stockholder of the issuer of the securities can the full extent of the beneficial interest in the securities held by the partner be disclosed. To accomplish this purpose, it is proposed that Rule X-16A-3 be amended to require any person who is a member of a partnership which owns securities of an issuer of which he is an officer, director, or ten per cent stockholder to report the entire amount of such securities.

Section 240.16a–4 (Rule X-16A-4), at present, exempts those securities from the duties and liabilities imposed by sections 16 (a) and 16 (b) which are held (1) in the estate of a deceased person, (2) by representatives of an incompetent, (3) by persons such as receivers and trustees in bankruptcy who are authorized by law to administer the estate or assets of others, or (4) by the issuer. It has been proposed that these exemptions be withdrawn.

Estates of deceased persons, representatives of incompetents, and other persons authorized by law to administer the estate or assets of others, it is suggested, should be subject to the same requirements as other persons who obtain confidential information by reason of their relationship to an issuer of securities. Issuers, it is suggested, do not need the exemption from section 16 (b) contained in the present rule because a suit under that section would be fruitless for it would result in a recovery by the issuer in a suit against itself. Insofar as issuers beneficially owning over 10 percent of any class of their own registered equity securities are concerned, the withdrawal of the exemption would require them to file the reports required by section 16 (a) with regard to these holdings.

The texts of the proposed rules are as follows:

§ 240.3b–2 *Definition of "officer."* The term "officer" means a president, vice president, treasurer, secretary, comptroller, and any other corporate employee performing executive duties of such character that he would be likely, in discharging his duties, to obtain confidential information about his company's affairs, and any other person who performs for an issuer, whether incorporated or unincorporated, functions corresponding to those performed by any of the foregoing persons.

§ 240.16a–1 *Reports under section 16 (a).* (a) • • •

(b) For the purposes of this section the acquisition or disposition of an option, a put, a call, a straddle, or any other privilege of buying a security from or selling a security to another without being bound to do so shall be deemed such a change in the beneficial ownership of the security to which such privilege relates as to require the filing of a report reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the reports required upon the exercise of such option, put, call, straddle or other privilege of buying or selling a security without being bound to do so.

§ 240.16a–3 *Manner of reporting holdings and changes in ownership under Rule X-16A-1.* (a) • • •

(b) A partner who is required under § 240.16a–1 to report in respect to any equity security owned by the partnership shall include in his report the entire amount of such equity security owned by the partnership but may state that he has an interest in such equity security by reason of his membership in the partnership, without disclosing the extent of such interest.

All interested persons are invited to submit data, views and comments on the above proposal in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington 25, D. C., on or before July 18, 1952.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 18, 1952.

[F. R. Doc. 52-6835, Filed, June 23, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 76th Supp.]

GENERAL INSURANCE CORP. OF FORT WORTH, TEX.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JUNE 17, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the above company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $220,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

[SEAL] E. H. FOLEY,
Acting, Secretary of the Treasury.

[F. R. Doc. 52-6858; Filed, June 23, 1952; 8:57 a. m.]

Bureau of Customs

[414.21]

SPENT BONE BLACK

TARIFF CLASSIFICATION

JUNE 17, 1952.

It appears probable that a correct interpretation of paragraph 1555, Tariff Act of 1930, requires that spent bone black (referred to on some invoices as spent animal charcoal or spent bone char) be classified under paragraph 1555 as waste, not specially provided for, dutiable at the modified rate of 4 percent ad valorem rather than free of duty under paragraph 1685.

Information received by the Bureau indicates that this merchandise is now chiefly used as an ingredient in the manufacture of animal and poultry feeds. Accordingly, pursuant to § 16.10a (d), Customs Regulations of 1943, notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 1685 as a substance chiefly used for fertilizer or as an ingredient in the manufacture of fertilizers is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-6828; Filed, June 23, 1952; 8:48 a. m.]

[471.40]

NETS AND NETTINGS MADE ON KNITTING MACHINE

TARIFF CLASSIFICATION

JUNE 17, 1952.

The Bureau in its letter to the collector of customs at New York, New York, dated June 17, 1952, ruled that nets and nettings made on a knitting machine are classifiable according to the component material of chief value and not as fabrics or articles made on a lace or net machine under paragraph 1529 (a).

In any case where this ruling results in the assessment of duty at a higher rate than has heretofore been assessed

under a uniform practice, it shall be applied only to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption on or after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-6827; Filed, June 23, 1952; 8:48 a. m.]

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 910]

2⅜ PERCENT TREASURY BONDS OF 1958

OFFERING OF BONDS

JUNE 16, 1952.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2⅜ percent Treasury Bonds of 1958. The amount of the offering is $3,500,000,000, or thereabouts.

2. Subscriptions from others than commercial banks for their own account will not be restricted in amount.

3. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding the combined capital, surplus, and undivided profits, or 5 percent of the total deposits, as of December 31, 1951, whichever is greater, of the subscribing bank. Commercial banks are defined for this purpose as banks accepting demand deposits.

II. *Description of bonds.* 1. The bonds will be dated July 1, 1952, and will bear interest from that date at the rate of 2⅜ percent per annum, payable on a semiannual basis on December 15, 1952, and thereafter on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in section I of this circular, and within the limitation of the amount of the offering, subscriptions for amounts up to and including $100,000 from commercial banks, and subscriptions in any amounts from all other subscribers, will be allotted in full and subscriptions for amounts over $100,000 from commercial banks will be allotted on a percentage basis, to be publicly announced when allotments are made. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before July 1, 1952, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-6826; Filed, June 23, 1952; 8:46 a. m.]

[1952 Dept. Circ. 911]

1⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES B-1953

OFFERING OF CERTIFICATES

JUNE 16, 1952.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for certificates of indebtedness of the United States, designated 1⅞ percent Treasury Certificates of Indebtedness of Series B-1953, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series B-1952, maturing July 1, 1952.

II. *Description of certificates.* 1. The certificates will be dated July 1, 1952, and will bear interest from that date at the rate of 1⅞ percent per annum, payable with the principal at maturity on June 1, 1953. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before July 1, 1952, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series B-1952, maturing July 1, 1952, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the certificates surrendered will be paid following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-6857; Filed, June 23, 1952; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE OF HEARING IN CONNECTION WITH PROPOSED WITHDRAWAL FOR THE DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE

Notice is hereby given that a public hearing will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on July 1, 1952, at the American Legion Log Cabin located at the corner of G Street and Fifth Avenue, Anchorage, Alaska, with respect to the request of the Department of the Army for the withdrawal of approximately 86,000 acres of land in the Susitna Flats area, across Knik Arm and Cook Inlet from Anchorage, Alaska, for use as an antiaircraft artillery range. Maps of the proposed area will be displayed at the hearing.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before 10:00 o'clock a. m. July 1, 1952. Those desiring to submit written statements should submit them as soon as possible before the hearing.

R. D. SEARLES,
Acting, Secretary of the Interior.

JUNE 17, 1952.

[F. R. Doc. 52-6823; Filed, June 23, 1952; 8:46 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

TOBE DEUTSCHMANN CORP. ET AL.

SUSPENSION ORDER

Hearings having been held in the above-entitled matter on the 28th and 29th days of April 1952, the 12th day of May 1952, and the 14th day of June 1952, before Ernest J. Brown, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority's General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to National Production Authority's General Administrative Order 16-06 (16 F. R. 8799); and

The respondents, Tobe Deutschmann Corporation, Tobe Deutschmann, and Henry P. Shopneck having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings, and each of them being represented by Leon J. Kowal, an Attorney at Law, of 11 Beacon Street, Boston, Massachusetts, and Thomas J. Dodd, an Attorney at Law, of Hartford, Connecticut; and

A motion for leave to amend the statement of charges having been duly filed and allowed on April 28, 1952; and

The respondents having filed answers herein denying the charges, testimony having been taken, and stipulations with respect to facts having been filed in lieu of the presentation of additional evidence in support of and in opposition to the statement of charges as amended, it is hereby determined:

Findings of fact. 1. Tobe Deutschmann Corporation is a corporation organized and existing under the laws of the State of Delaware. It has a usual place of business in Norwood, Massachusetts. It is engaged in the manufacture of electronic equipment. It employs between 750 and 800 persons.

2. Tobe Deutschmann is president of the respondent corporation, and is the owner of approximately sixty-one percent of its capital stock. He is the active executive head of the business.

3. Henry P. Shopneck is purchasing agent of the corporation. He is not an officer or member of the Board of Directors, and is not an owner of stock in the corporation. On October 5, 1950, he received written authority from the corporation to extend DO ratings on behalf of the corporation in connection with the purchase of materials in its behalf. Mr. Shopneck acted with full authorization on behalf of the corporation with respect to all of the matters and transactions hereinafter referred to in which he participated.

4. Between October 14, 1950, and February 19, 1951, the corporate respondent, acting by and through the respondent Shopneck, placed DO rated orders for various gages and sizes of sheet steel in a total quantity of 337,449 pounds. With respect to 25,582 pounds (Charge 1) and 20,100 pounds (Charge 4) there was no right to apply a DO rating. With respect to the remainder of said total quantity, the corporate respondent was authorized to apply DO ratings to the extent, but only to the extent, of its material requirements for the fulfillment of contracts carrying DO ratings. The corporate respondent used DO ratings to purchase quantities substantially in excess of its said requirements, the amount of the excess not being subject to precise determination. The respondents thereby violated section 11.4 (b) and 11.8 (f) of National Production Authority Regulation 2, dated October 3, 1950 (15 F. R. 6632), as amended October 12, 1950 (15 F. R. 6911), and January 11, 1951 (16 F. R. 352).

5. Between April 7, 1951, and May 28, 1951, the corporate respondent herein, acting by and through the individual respondents, sold 232,063 pounds of sheet steel obtained by the application of DO ratings. Some portion of the total quantity sold was damaged, under-size, or otherwise unsuitable for the purposes for which it had been obtained. It is impossible to determine precisely what portion thereof was suitable for the purpose for which it was obtained with the use of DO ratings. A substantial portion of the steel sold was sold in violation of section 17 (a) of National Production Authority Regulation 2, dated October 3, 1950 (15 F. R. 6632), as amended February 27, 1951 (16 F. R. 1953).

Conclusion. During the period beginning October 14, 1950, and ending May 28, 1951, the respondents herein, Tobe Deutschmann Corporation, Tobe Deutschmann, and Henry P. Shopneck, violated the provisions of National Production Authority regulations, orders, and directives as herein above cited by purchasing with the use of DO ratings, substantial quantities of sheet steel in excess of requirements, and by selling substantial quantities of sheet steel obtained with the use of DO ratings in violation of such National Production Authority regulations, orders, and directives.

In order to correct the unauthorized purchases and sales of steel occasioned by the violations found herein, and in order to prevent future violations of National Production Authority regulations, orders, and directives by these respondents,

It is accordingly ordered:

1. That the respondents, Tobe Deutschmann Corporation, its successors and assigns, Tobe Deutschmann, and Henry P. Shopneck be, and they hereby are, severally prohibited from acquiring, using, and disposing of any controlled materials or materials under control of National Production Authority for a period of fourteen days commencing the 16th day of June, 1952.

2. That all allocations and allotments of carbon steel be withdrawn and withheld from Tobe Deutschmann Corporation, its successors and assigns, Tobe Deutschmann, and Henry P. Shopneck for a period of one year commencing June 16, 1952, without prejudice, however, to the obtaining by the said Tobe Deutschmann Corporation of an authorized production schedule with respect to products it has heretofore manufactured or may hereafter manufacture.

Issued this 12th day of June, 1952.

NATIONAL PRODUCTION AUTHORITY,
By ERNEST J. BROWN,
Hearing Commissioner.

[F. R. Doc. 52-6987; Filed, June 23, 1952; 11:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (sport pants and shirts).

Michael Berkowitz Co., Inc., Frostburg, Md., effective 6-2-52 to 6-1-53; 10 percent of the productive factory force (men's pajamas).

Best Maid Apparel Co., 527 Main Street, Moosic, Pa., effective 6-4-52 to 6-3-53; five learners (children's dresses).

Blue Jeans Corps., Whiteville, N. C., effective 6-6-52 to 12-5-52; 40 learners for expansion purposes (work clothing).

Carter & Churchill Co., Lebanon, N. H., effective 6-4-52 to 6-3-53; five learners (ski jackets, ski pants, snowsuits, etc.).

Even-Pul Foundations, Inc., 47 West Third Street, Williamsport, Pa., effective 6-4-52 to 6-3-53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

Foster Bros. Manufacturing Co., Inc., Luverne, Ala., effective 6-9-52 to 6-8-53; 10 percent of the productive factory force (men's dress slacks).

Hartsville Manufacturing Co., Hartsville, S. C., effective 6-5-52 to 12-4-52; 90 learners for expansion purposes (cotton dresses).

The Hebron Manufacturing Co., Inc., Sharptown, Md., effective 6-2-52 to 12-1-52; 10 learners for expansion purposes (children's sportswear and dresses).

The Hebron Manufacturing Co., Inc., Sharptown, Md., effective 6-2-52 to 6-1-53; 10 learners (children's sportswear and dresses).

Hickory Overall Co., 39 Second Street Place SW., Hickory, N. C., effective 6-6-52 to 6-5-53; 10 learners (overalls, dungarees, work shirts and pants).

Karen Sportswear, R. D. No. 2, Shickshinny, Pa., effective 6-7-52 to 3-31-53; five learners (dresses) (supplemental certificate).

Kaska Manufacturing Co., Schuylkill County, Kaska, Pa., effective 6-7-52 to 6-6-53; 10 learners (dresses).

Mauch Chunk Kiddy Klees, 437 South Street, Mauch Chunk, Pa., effective 6-5-52 to 6-4-53; five learners (children's dresses).

The Meadow Avenue Shirt Co., Meadow Avenue, Cambridge, Md., effective 6-9-52 to 6-8-53; 10 learners (sport shirts and pajamas).

Northampton Pajama Manufacturing Corp., 1216 Main Street, Northampton, Pa., effective 6-4-52 to 3-15-53; 10 learners (pajamas) (supplemental certificate).

Portland Manufacturing Corp., 155 Brackett Street, Portland, Maine, effective 6-6-52 to 12-5-52; 60 learners for expansion purposes, learners not to be engaged at subminimum wage rates in the manufacture of skirts (children's dresses and blouses).

Reliance Manufacturing Co., "Dixie" Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 6-5-52 to 12-4-52; 75 learners for expansion purposes (men's work shirts and pants).

Wagener Manufacturing Co., Inc., Wagener, S. C., effective 6-2-52 to 12-1-52; 60 learners for expansion purposes (sport shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Struttwear, Inc., Clarksdale, Miss., effective 6-6-52 to 2-5-53; 10 learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Short Manufacturing Co., 735 O Street, Lincoln 8, Nebr., effective 6-6-52 to 12-5-52; 10 learners for expansion purposes (men's woven shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1560).

Altoona Shoe Co., Inc., 2817 Industrial Avenue, Altoona, Pa., effective 6-6-52 to 12-5-52; 25 additional learners for expansion purposes.

Newtown Shoe Co., 607 609 Hazle Street, Wilkes-Barre, Pa., effective 6-6-52 to 6-5-53; eight learners.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Atlas Products Corp., Toa Alta, P. R., effective 6-2-52 to 6-12-52; 20 learners; machine cutting and mallet cutting; 200 hours at 39 cents per hour (leather gloves).

Beatrice Needle Craft, Inc., Mayaguez P. R., effective 6-2-52 to 12-1-52; 50 learners; machine sewing operators; 160 hours at 25 cents per hour, 160 hours at 27 cents per hour, 80 hours at 29 cents per hour (brassieres).

Elgee, Inc., Caguas, P. R., effective 6-5-52 to 12-4-52; 10 learners; stone setting on plastic combs and flower setting and painting on hair barrettes; 160 hours at 34 cents per hour (flower setting and painting on hair barrettes and stone setting on plastic combs).

Hickok of Puerto Rico, Inc., Toa Baja, P. R., effective 6-2-52 to 12-1-52; 32 learners; machine and bench operations; 200 hours at 27 cents per hour (men's belts).

Rebor of Puerto Rico, Inc., Santurce P. R., effective 6-2-52 to 12-1-52; 18 learners; plier workers, bench milling machine, forming machine and foot pressers; 160 hours at 34 cents per hour (small metal stamping).

Riomode Hosiery Mills, Inc., Caguas P. R., effective 5-2-52 to 11-1-52; 17 learners; knitters, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; loopers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; seamers, 320 hours at 25 cents per hour, 320 hours at 30 cents per hour, 320 hours at 35 cents per hour; examiners, 80 hours at 25 cents per hour, 80 hours at 30 cents per hour, 80 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 11th day of June 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-6824; Filed, June 23, 1952; 8:47 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of regulations Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043, and June 2, 1952, 17 F. R. 3818).

Angelica Uniform Co., Summersville, Mo., effective 6-12-52 to 6-11-53; 10 learners (women's washable service apparel).

Angelica Uniform Co., Summersville, Mo., effective 6-12-52 to 12-11-52; five learners for expansion purposes (women's washable service apparel).

Blue Bell, Inc., Prentiss County, Baldwyn, Miss., effective 6-20-52 to 6-19-53; 10 percent of the productive factory force (work shirts).

Blue Bell, Inc., Booneville, Miss., effective 6-15-52 to 6-14-53; 10 percent of the productive factory force (work shirts).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind., effective 6-11-52 to 12-10-52; 16 learners for expansion purposes; learners may not be employed as machine operators at subminimum wage rates (ladies' sportswear and women's apparel).

Clyde Shirt Co., Ninth and Main Streets, Northampton, Pa., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (men's dress shirts).

Cornelia Garment Co., Demorest, Ga., effective 6-16-52 to 12-15-52; 15 learners for expansion purposes (jackets).

Devil-Dog Manufacturing Co., Inc., Wendell, N. C., effective 6-13-52 to 12-12-52; 50 learners for expansion purposes (boys' and girls' dungarees).

Dido Dress, 75 Kneeland Street, Boston, Mass., effective 6-16-52 to 6-15-53; six learners (dresses).

Elder Manufacturing Co., Dexter, Mo., effective 6-11-52 to 6-10-53; 10 percent of the productive factory force (dress shirts).

Four's Co., Inc., East Brown Street, Blairsville, Pa., effective 6-12-52 to 12-11-52; 10 learners for expansion purposes (children's dresses).

Gateway Manufacturing Co., Masontown, Pa., effective 6-13-52 to 12-12-52; 10 learners for expansion purposes. This certificate does not authorize the employment of learners at subminimum wage rates engaged in the manufacture of abdominal packs (men's sport shirts).

Hardwick Mills, Cleveland, Tenn., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (single pants).

Main Dress Co., 348 Main Street, Luzerne, Pa., effective 6-16-52 to 6-15-53; five learners (dresses).

Phillips-Lester Manufacturing Co., Inc., 2300 First Avenue North, Birmingham, Ala., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force (pants, overalls, coveralls and work shirts).

Puritan Foundations, Inc., Portage, Pa., effective 6-13-52 to 6-12-53; 10 percent of the productive factory force or 10 learners, whichever is greater (brassieres).

S and L Sportswear Co., York and Walnut Streets, Pottstown, Pa., effective 6-16-52 to 6-15-53; five learners (ladies' dresses).

Sherrod Shirt Co., 1632-34 North Main Street, High Point, N. C., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (work shirts and pajamas).

Southland Manufacturing Co., Inc., Benson, N. C., effective 6-11-52 to 12-10-52; 30 learners for expansion purposes (sport shirts).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa., effective 6-12-52 to 6-11-53; 10 percent of the productive factory force (ladies' underwear).

I. Taitel & Son, 111 West Cherry Street, Scottsburg, Ind., effective 6-16-52 to 6-15-53; 10 learners (jackets).

Thomson Co., Millen, Ga., effective 6-13-52 to 12-12-52; 30 learners for expansion purposes (trousers).

W & L Manufacturing Co., 151-157 East Phillips Street, Coaldale, Pa., effective 6-11-52 to 6-10-53; six learners (children's dresses).

Womble-Campbell Manufacturing Co., 117 West Second Street, Hereford, Tex., effective 6-12-52 to 12-11-52; seven learners for expansion purposes (women's and children's cotton and rayon lingerie).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

Budd Cigar Co., Quincy, Fla., effective 6-16-52 to 6-15-53; 10 percent of the productive factory force engaged in the learner occupations; cigar machine operating, 320 hours; packing cigars (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Brookville Glove Co., Indiana, Pa., effective 6-11-52 to 6-10-53; 10 learners (cotton work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

W. B. Davis Hosiery Mill, Inc., Fort Payne, Ala., effective 6-11-52 to 6-10-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Hansley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 6-13-52 to 6-12-53; five percent of the productive factory force (men's and boys' athletic underwear).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Coral Textiles, Inc., Juana Diaz, P. R., effective 6-10-52 to 12-9-52; 40 learners; knitters, 480 hours; seamers, 480 hours; examiners, 240 hours; menders, 240 hours; each 30 cents per hour (full fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at Washington, D. C., this 16th day of June 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc 52-6825; Filed, June 23, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 68]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CEILING PRICE REGULATION 7

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

2. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-6983; Filed, June 23, 1952; 4:00 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 13, 1952.

REGION V

Jacksonville Order G1-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:41 a. m.

Jacksonville Order G1-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G2-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:35 a. m.

Jacksonville Order G2-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G3-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:35 a. m.

Jacksonville Order G3-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:34 a. m.

Jacksonville Order G3A-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:36 a. m.

Jacksonville Order G3A-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:41 a. m.

Jacksonville Order G4-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:36 a. m.

Jacksonville Order G4-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:42 a. m.

Jacksonville Order G4A-10, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 9:37 a. m.

Jacksonville Order G4A-10, Amendment 2, deletes Appendix A to the category listed and described as "Vegetables, Fresh", filed 9:42 a. m.

REGION VIII

Fargo Order G1-10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:38 a. m.

Fargo Order G2-10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:38 a. m.

Fargo Order G4-10, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 9:39 a. m.

REGION XII

Fresno Order G1-10, Amendment 1, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:39 a. m.

Fresno Order G2-10, Amendment 2, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:40 a. m.

Fresno Order G4-10, Amendment 1, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:40 a. m.

Fresno Order G4A-10, Amendment 2, changing certain prices for retail sales of certain food items in the Fresno Area, filed 9:41 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-6903; Filed, June 20, 1952; 11:56 a. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 26, Amdt. 1]

BULOVA WATCH CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 26 under Section 43 of Ceiling Price Regulation 7 established ceiling prices at retail of watches manufactured by Bulova Watch Company having the brand name "Bulova".

Thereafter, the Bulova Watch Company filed an application to amend the special order to include within the coverage of the special order watches having the brand name "Westfield". It appears that the applicant may legally sell the items at the selling prices listed in its application and that the ceiling prices at retail requested are no higher than the level of ceiling prices under Ceiling Price Regulation 7. Therefore, this amendment adds watches having the brand name "Westfield" to the coverage of the special order.

Amendatory provisions. Special Order 26 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. Following paragraph 1, insert the following subparagraph 1 (a):

1 (a). The ceiling prices for sales by any seller at retail of watches sold at wholesale by the Bulova Watch Company having the brand name "Westfield" shall be the proposed retail ceiling prices listed by the Bulova Watch Company in its application dated February 19, 1952, (as supplemented and amended by its application of April 2, 1952) and filed with the Office of Price Stabilization, Washington 25, D. C. The prices listed in the wholesalers application dated February 19, 1952 shall become effective on receipt of a copy of the notice for such articles but in no event later than June 24, 1952.

2. In paragraph 2, delete the words "paragraph 1" and substitute therefore, the words "paragraphs 1 and 1 (a)"

3. In paragraph 2 following the word "manufacturer" insert the words "or wholesaler."

4. In paragraph 4 following the word "manufacturer", wherever it appears, insert the words "or wholesaler".

Effective date. This amendment shall become effective June 19, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 19, 1952.

[F. R. Doc. 52-6851; Filed, June 19, 1952; 12:00 p. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1116, G-1152, G-1240, G-1317, G-1344, G-1379, G-1415, G-1417, G-1457, G-1509, G-1616, G-1625, G-1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

JUNE 17, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344 and G-1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G-1152; Southeastern Michigan Gas Company, Docket No. G-1415; Michigan Consolidated Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1379; Northern Indiana Fuel and Light Company, Docket No. G-1457; Missouri Central Natural Gas Company, Docket No. G-1509; The Central West Utility Company, Docket No. G-1616; Michigan Gas Utilities Company, Docket No. G-1625; City of Auburn, Illinois, Docket No. G-1659.

By order issued April 9, 1952, the Commission postponed the resumption of the hearing in the above-docketed proceedings from April 22, 1952 to June 23, 1952.

The Commission finds: Good cause exists and it would be in the public interest to further postpone the resumption of the hearing in the proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to be resumed June 23, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence on June 30, 1952, at 10:00 a. m., e. d. s. t., at the same place.

Date of Issuance: June 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6844; Filed, June 23, 1952; 8:53 a. m.]

[Docket Nos. G-1810, G-1938, G-1939]

TEXAS-OHIO GAS CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JUNE 17, 1952.

On June 6, 1952, oral argument was held before the Commission on the motion filed by Staff Counsel to dismiss the application for a certificate of public convenience and necessity, filed by Texas-Ohio Gas Company (Applicant) at Docket No. G-1810.

Applicant had not concluded the presentation of all of its supporting evidence at the time of the filing of the motion to dismiss.

On April 14, 1952, one day prior to the opening of the hearing at Docket No. G-1810, Applicant filed with the Commission an application at Docket No. G-1938, pursuant to section 3 of the Natural Gas Act, for an order authorizing it to import natural gas from the Republic of Mexico, to supply up to 200,000 Mcf of gas per day for the project at Docket No. G-1810.

On said April 14, 1952, Applicant filed an application for a Presidential Permit, pursuant to Executive Order No. 8202, to construct, maintain, and operate facilities at the borders of the United States for the importation of natural gas from the Republic of Mexico, all as hereinbefore referred to.

Public notice of the filing of the applications at Docket Nos. G-1938 and G-1989 has been given, including publication in the FEDERAL REGISTER on April 30, 1952 (17 F. R. 3836).

Applicant has requested that the applications at Docket Nos. G-1938 and G-1939 be consolidated for purpose of hearing with the proceeding at Docket No. G-1810.

Although Executive Order No. 8202 does not require the Commission to hold a hearing or provide opportunity therefor, it appears that in the circumstances of this matter, it would be in the public interest to hold a hearing with respect to the application filed at Docket No. G-1939 jointly with the hearing on the proceedings at Docket Nos. G-1810 and G-1938.

The Commission finds:

(1) It would be in the public interest to defer ruling on Staff's motion to dismiss the proceeding at Docket No. G-1810 until the conclusion of the introduction of all Applicant's supporting evidence, and that the hearing should be reconvened.

(2) Good cause exists to consolidate the proceedings at Docket Nos. G-1938 and G-1939 for purpose of hearing with the proceeding at Docket No. G-1810.

The Commission orders:

(A) Decision on Staff's motion to dismiss the proceeding at Docket No. G-1810, be and the same is hereby reserved, pending the conclusion of Applicant's presentation of all of the supporting evidence which it is then prepared to offer.

(B) The proceedings at Docket Nos. G-1938 and G-1939 be and the same are hereby consolidated for purpose of hearing with the proceeding at Docket No. G-1810.

(C) The public hearing in these proceedings shall reconvene on July 7, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(D) After Applicant has presented all of its evidence in support of the applications at Docket Nos. G-1810, G-1938, and G-1939, other parties, including Staff Counsel, may conduct so much of their cross-examination as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing pending further order of the Commission.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6845; Filed, June 23, 1952; 8:54 a. m.]

[Docket No. G-1974]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JUNE 18, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, address Oklahoma City, Oklahoma, filed on June 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport natural gas for sale to Forbes Air Force Base near Topeka, Kansas, and for such purpose to construct and operate approximately 57,000 feet of 8-inch pipeline connecting said Forbes Air Force Base with a point on Applicant's 16-inch pipeline in Shawnee County, Kansas.

The estimated cost of the proposed facilities is $152,400, which cost is proposed to be paid by the United States Air Force.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6843; Filed, June 23, 1952; 8:53 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5571]

WALTER J. BLACK, INC.

ORDER APPOINTING HEARING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

In the matter of Walter J. Black, Inc., a corporation, trading as The Classics Club and Detective Book Club.

This matter being at issue and ready for the taking of testimony and the reception of evidence, and pursuant to authority vested in the Federal Trade Commission.

It is ordered, That James A Purcell, a Hearing Examiner of this Commission, be, and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the reception of evidence begin on Wednesday, July 23, 1952, at ten o'clock in the forenoon of that day e. d. s. t., in Room 332, Federal Trade Commission Building, Washington, D. C.

Issued: June 16, 1952.

By the Commission:

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-6853; Filed, June 23, 1952; 8:55 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27169]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON, MASS., AND NEW HAVEN, CONN.

APPLICATION FOR RELIEF

JUNE 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and the Bay State Motor Express Co.

Commodities involved: All commodities.

Between: Boston, Mass., and New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6837; Filed, June 23, 1952; 8:52 a. m.]

[4th Sec. Application 27170]

BARITE FROM POINTS IN ARKANSAS AND MISSOURI TO HEBER, UTAH

APPLICATION FOR RELIEF

JUNE 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3973.

Commodities involved: Barite (barytes), ground, not precipitated or refined by chemical process, carloads.

From: Butterfield and Malvern, Ark., Fountain Farm and Mineral Point, Mo.

To: Heber, Utah.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3973, Supp. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-6838; Filed, June 23, 1952; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 48, No. 217-A]

WARNER ROBINS, GA., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Warner Robins, Georgia, area. (The area consists of all of Houston County, Georgia.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of

July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6904; Filed, June 20, 1952; 12:36 p. m.]

[RC 46, No. 158]

LAKE CHARLES, LA., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Lake Charles, Louisiana, area. (The area consists of all of Calcasieu Parish which includes the City of Lake Charles and Wards 1 and 6 in Beauregard Parish, all in Louisiana.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6905; Filed, June 20, 1952; 12:36 p. m.]

[RC 49, No. 61]

CAMP ATTERBURY, IND., AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JUNE 20, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Camp Atterbury, Indiana, area. (The area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana.)

This supersedes certification under Docket No. 61, dated November 19, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6906; Filed, June 20, 1952; 12:36 p. m.]

[CDHA 57]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (P. L. 139, 82D CONGRESS)

JUNE 20, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Camp Atterbury, Indiana, area. (The area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana.)

This supersedes certification under Docket No. 61, dated November 19, 1951.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-6907; Filed, June 20, 1952; 12:37 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-12, 59-3, 70-1606]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING, NOTICE OF AND ORDER FOR HEARING, ORDER OF CONSOLIDATON AND REINSTITUTION OF PROCEEDINGS

JUNE 18, 1952.

Notice is hereby given that on June 13, 1952, Electric Bond and Share Company ("Bond and Share"), a registered holding company, filed an application with this Commission, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, requesting approval of a plan dated June 12, 1952. The said application and plan set forth a proposed program for Bond and Share which is summarized below and which includes a request for exemption from the provisions of the act pursuant to section 3 (a) thereof.

Bond and Share's present capitalization consists solely of 5,250,358 shares of common stock. Its assets consist of cash and cash items in the amount of approximately $16,000,000, and common stocks of the following companies:

	Shares held	
	Number	Percent of total
American Power & Light Co.	183,000	3.5
The Southern Co.[1]	361,157	2.3
United Gas Corp.	3,165,781	27.01
American & Foreign Power Co., Inc.	3,402,856	71.6
Ebasco Services, Inc.	10,000	100.0

[1] Bond and Share has declared a dividend in the aggregate amount of 210,014 shares of the common stock of The Southern Co. payable on June 25, 1952, to stockholders of record on May 22, 1952.

Bond and Share is under commitment to dispose of its holdings of the stock of American Power & Light Company ("American"). The Commission has approved a plan for the distribution by American of its holdings of the stock of its subsidiary, the Washington Water Power Company, and has pending before it a plan of Bond and Share for the distribution by it of the shares of stock of the Washington Water Power Company to be received in the distribution by American.

On September 6, 1949, Bond and Share filed an application for approval of a plan setting forth a program of future operations and also requesting relief from its commitment to dispose of the 2,870,653 shares of the common stock of United Gas Corporation ("United"). These shares were acquired by Bond and Share pursuant to application filed by it in the course of reorganization proceedings of Bond and Share's then subsidiary, Electric Power & Light Corporation, subject to a commitment to dispose of said shares within one year but reserving the right to seek relief from that commitment in appropriate proceedings before the Commission.

In 1951, pursuant to a rights offering made by United, Bond and Share acquired, subject to the foregoing commitment, additional United stock so that it now holds 3,165,871 shares or 27.01 percent of those outstanding.

On October 14, 1949, the Commission issued its notice of and order for hearing (Holding Company Act Release No. 9416), ordering that hearings be held on the application of Bond and Share, reinstituting proceedings under sections 11 (b) (1) and 11 (b) (2) directed to Bond and Share, and consolidating the proceedings. That notice and order directed that at the hearings to be held attention be directed solely to the issue concerning the right of Bond and Share to acquire the stock of United, for retention, and reserved for further hearings and determination the remaining issues then specified, without prejudice to the Commission's specifying additional matters and questions, all as set forth in the said notice and order for hearing.

After hearings, briefs and argument, the Commission, on February 6, 1952, issued its findings and opinion and order (HCA Release No. 11004).

The findings and opinion stated, in part:

On the basis of the foregoing, we conclude that there is no basis for relieving Bond and Share from its commitment to dispose of its United stock. We find that Bond and Share may not acquire or retain such holdings and that its application for an exemption should be denied. Accordingly, Bond and Share must proceed to take appropriate steps for the disposition of its holdings of United stock. However, nothing in this opinion should be construed as approving or disapproving Bond and Share's program to become an investment company or as precluding the adoption, in connection with such program if approved, of an appropriate method of expeditiously disposing of the United securities consistent with such investment company program and as and to the extent required under the standards of the act.

The accompanying order concluded:

It is ordered, That Bond and Share's aforesaid request for relief from its commitment to dispose of its holdings of United common stock and the aforesaid request for an exemption under sections 3 (a) (3) and 3 (a) (5) of the act be and they hereby are denied, and that Bond and Share be and it hereby is directed to proceed to take appropriate steps for the expeditious disposition of its aforesaid holdings of the common stock of United.

On April 4, 1952, Bond and Share filed a petition for review of the Commission's order in the Court of Appeals for the District of Columbia Circuit pursuant to section 24 (a) of the act. On April 28, 1952, Bond and Share filed with the Commission an application for approval of a plan proposing, in general, that it become an exempt holding company holding the securities of American & Foreign Power Company, Inc. ("Foreign Power") and Ebasco Services, Incorporated ("Ebasco") and 9.98 percent of the common stock of United, and setting forth, among other things, a program for the disposition of the remaining shares of the United stock held by it. By reason of the pendency of the appeal and the filing of this plan, the Commission, on May 2, 1952, issued an order inviting argument before it on the question of the procedure to be following under the circumstances. Argument was held on June 9, 1952, and the Commission has this day issued its memorandum opinion thereon. Prior to that argument, Bond and Share filed a Statement of Position, revising its program for the distribution of the United stock and stating that an amendment would be filed to its plan proposing that Bond and Share retain less than 5 percent of the common stock of United and that it would distribute 656,250 shares of the United stock to the stockholders of Bond and Share in the year 1952. That amendment has since been filed as the instant plan.

The plan, generally, provides:

1. Bond and Share will dispose of an amount of the common stock of United (not less than 2,598,750 shares) which will reduce Bond and Share's holdings thereof to less than 5 percent of the total outstanding by the end of the year 1955, as more fully described below.

2. Bond and Share will retain its entire investment in Ebasco and its investment in Foreign Power subject to the sales and possible purchases of Foreign Power stock discussed below.

3. Bond and Share will dispose of its holdings of the common stock of the Southern Company and American, or the securities distributed by American, during the year 1952.

4. Bond and Share will use proceeds derived from the disposition of properties, and other funds, for investment in new or established enterprises, subject to the limitations discussed below.

5. Bond and Share requests an exemption from the provisions of the act except section 9 (a) (2) thereof, upon condition that Bond and Share will either register as an investment company under the Investment Company Act of 1940, or will otherwise subject itself to the provisions of said act, to the extent, and in a manner approved by the Commission; such exemption to become effective automatically when Bond and Share shall have made the dispositions heretofore described and shall have reduced its holdings of United Stock below 5 percent.

6. Bond and Share also requests the issuance of an interim exemption order prior to the issuance of any order approving the plan permitting Bond and Share forthwith to commence its investment program.

Bond and Share proposes to dispose of not less than 2,598,750 shares of the common stock of United as follows:

Year of disposition	Method of disposition			Total dispositions
	Distributions		Rights offerings	
	Capital	Dividends		
	Shares	*Shares*	*Shares*	*Shares*
1952	656,250		525,000	1,181,250
1953		210,000	525,000	735,000
1954		210,000	262,500	472,500
1955		210,000		210,000
Total	656,250	630,000	1,312,500	2,598,750

The proposed capital distribution for the year 1952 will be at the rate of one share of United stock for each eight shares of Bond and Share stock held. This distribution will be made on a distribution date which shall be as soon as practicable, but not more than ninety days after approval of the plan by the Commission, and by an enforcement court if Bond and Share requests court enforcement of the plan. Such distribution will be accomplished by Bond and Share's mailing certificates for the appropriate number of full shares of United stock to the holders of record of Bond and Share stock at the close of business on the Record Date, and such stock will be registered in the respective names of such record holders of the Bond and Share stock. No fractional shares of the United stock will be issued in such distribution, but in lieu thereof Bond and Share will instruct its distribution agent to sell, for the account of Bond and Share stockholders entitled thereto, the number of shares which would otherwise be deliverable as fractional shares, and to pay to the stockholders entitled thereto the gross proceeds from such sale.

In the calendar years 1953, 1954, and 1955, Bond and Share proposes to distribute as dividends to its stockholders that number of shares of United Gas common stock the market value of which at the time or times of the declaration of the dividends will aggregate approximately 90 percent of Bond and Share's estimated net income for the calendar year in which such dividends are declared. It is estimated that by the payment of dividends as provided in this paragraph Bond and Share will dispose of approximately 210,000 shares of United Gas stock in each of the calendar years 1953, 1954, and 1955, a total of 630,000 shares.

During the years 1952, 1953, and 1954, Bond and Share will offer to its stockholders rights to purchase common stock of United at prices which will be not less than 25 percent below the market prices prevailing at the times for such offerings. The rights offerings in the years 1952 and 1953 will be on the basis of one share of United stock for each ten shares of Bond and Share stock, and in the year 1954 will be on the basis of one share of the United stock for each twenty shares of Bond and Share stock. The right to purchase stock will be evidenced by transferable purchase warrants. Subscriptions will be accepted only for full shares of the United stock, and Bond and Share will provide facilities whereby holders may purchase sufficient rights to enable them to subscribe to one full share, or to sell such rights as are less than the number necessary to subscribe to one full share. The plan provides that should not less than 85 percent of the stock offered at such time be subscribed for at the conclusion of the offering period, holders of Bond and Share stock, who have not exercised or sold their warrants, will be paid the cash amount representing the value of their warrants based upon either the final average price received by the subscription agent in connection with the sale of rights on the last day of the offering period, or, in the alternative, the amount received from the actual sale of such rights less expenses incurred or calculated.

The schedule of dispositions heretofore set forth is calculated upon economic conditions and market levels prevailing as of the time of filing of the plan. Should there be any deviation from the schedule heretofore set forth so that Bond and Share has not disposed of the number of shares set forth, it will, prior to December 31, 1955, sell such number of shares of the United stock as will be necessary to bring its holdings of that stock to below 5 percent at that time.

In the event United shall, during the period in which Bond and Share contemplates making these dispositions, offer additional shares of its common stock to its stockholders, Bond and Share proposes to have the right to purchase its proportionate amount of such stock provided that it will dispose of any such additional shares acquired to the extent necessary to bring its holdings at December 31, 1955 down to less than 5 percent of any

such additional stock issued in addition to the 567,031 shares it proposes to retain.

In order to utilize its potential capital losses, Bond and Share contemplates sales of the Foreign Power stock from time to time. In that way, it states, tax losses will be realized which may equal or exceed the then current year's ordinary income of Bond and Share, and dividends paid by Bond and Share in such years would not be taxable as ordinary income. Bond and Share contemplates that purchases of Foreign Power common stock may also be made and requests exemption from any requirement of filing applications with the Commission with respect to such sales or purchases, but states that purchase of the Foreign Power stock would not be made until advance public notice of such purchase had been given by Bond and Share in a manner satisfactory to the Commission. The plan also provides that Bond and Share will file with the Commission monthly reports relating to any purchases or sales of the Foreign Power stock made by Bond and Share during the preceding calendar month. It also provides that Bond and Share will not purchase any senior securities of Foreign Power without permission of the Commission.

In connection with the investment program of Bond and Share, the plan provides that Bond and Share will make no investment in securities of any domestic holding company or domestic public utility company which will make such company an affiliate of Bond and Share. Additionally, Bond and Share will make no purchases of any voting securities of any holding company or public utility company in the United States, which company was formerly a direct or indirect subsidiary of Bond and Share except that Bond and Share may purchase stock of United as heretofore discussed. The plan also provides that Bond and Share, without prior approval of the Commission, will not purchase any voting securities of any domestic holding company or domestic public utility company, except as previously noted concerning Foreign Power and United, to which Ebasco is currently rendering service except with permission of the Commission, and that Ebasco will not render any service to any domestic holding company or domestic public utility company (except United and Foreign Power) of which Bond and Share owns any voting securities.

Bond and Share requests that the Commission modify its order of November 21, 1950, concerning the tripartite contract among Bond and Share, United and National Research Corporation so as to remove any impediments to the continued participation in that contract by Bond and Share.

Bond and Share will submit an amendment to the plan to reflect certain modifications in its charter.

The plan contains provisions for modifications, withdrawal and changes in the manner or method of carrying out the plan. Additionally, Bond and Share reserves the right, at any time prior to approval of the plan, to file appropriate applications and declarations with the Commision to separately effect certain of the transactions proposed in the plan. Any transactions thus separated and consummated pursuant to Commission approval shall have the effect of withdrawing that particular transaction from the plan.

The Commission considering that the application and plan raise issues that should not be resolved to prior to notice and opportunity for hearing with respect thereto; and

It also appearing appropriate that the hearings heretofore held on the application of Bond and Share, dated September 6, 1949, be made part of the proceedings herein and that the issues reserved in the notice and order for hearing in connection therewith, dated October 14, 1949 (Holding Company Act Release No. 9416), are now appropriately the subject of exploration in these proceedings, and it appearing appropriate that evidence be taken in connection therewith:

It is hereby ordered, That hearings in the above-entitled consolidated proceedings shall be held on July 9, 1952, at 10:00 a. m., e. d. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission on or before July 7, 1952, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities having advised the Commission that it has made a preliminary examinaton of the application and plan and that upon the basis thereof the following matters and questions are presented for consideration, in addition to the issues reserved in Holding Company Act Release No. 9416, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the plan as submitted, or as it may be modified, is necessary to effectuate the provisions of section 11 (b) of the act, and whether any further action should be taken by the Commission in order that Bond and Share shall fully comply with the provisions of that section of the act;

2. Whether the plan, as submitted, or as it may be modified, is fair and equitable to the persons affected thereby, and what further action, if any, is necessary by the Commission in order to make such plan fair and equitable to the persons affected by it;

3. Whether the dispositions of the common stock of United as proposed by Bond and Share are in accordance with the applicable standards of the act, and the Commission's orders thereunder, and whether such dispositions constitute fair and equitable treatment to the stockholders of Bond and Share;

4. Whether, in connection with the transactions proposed, there will remain any affiliated relationship as defined in the act between United and Bond and Share;

5. Whether the Commission should grant Bond and Share's application for an interim order allowing it to proceed to make investments as proposed prior to approval of the plan.

6. Whether the application for exemption requested by Bond and Share, pursuant to section 3 of the act, should be granted, and, if so, what terms and conditions, if any, should be imposed in the public interest or the interest of investors or consumers;

7. Whether the plan provisions concerning investments by Bond and Share in certain holding company and utility situations are appropriate under the standards of the act and, if not, what terms and conditions should be imposed in connection therewith;

8. In the event the Commission shall approve the plan, what restrictions, if any, should be imposed in connection with the relationships between Bond and Share and United;

9. Whether the Commission should grant Bond and Share's request to modify the order of November 21, 1950, concerning the National Research Corporation contract, and, if so, what further terms or conditions, if any, should be imposed in connection therewith;

10. Whether the Commission should adopt the plan as submitted, or as it may be modified, or whether another plan to achieve compliance by Bond and Share with the standards of section 11 (b) of the act should be proposed and/or approved by the Commission;

11. Generally, whether the transactions proposed in the plan are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules and regulations thereunder; and, if not, what modifications should be required to be made therein, and what terms and conditions, if any, should be imposed to satisfy the applicable statutory standards.

It is further ordered, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

It is further ordered, That jurisdiction be reserved to separate, either for hearing in whole or in part, or for disposition in whole or in part, any of the issues, questions, or matters, herein set forth or which may arise in these proceedings, or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly and expeditious disposition of the matters involved in accordance with the standards of the act.

It is further ordered, That notice of this hearing be given by registered mail to Bond and Share, to United, and to parties and participants who have previously appeared herein, that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases under the act; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That Bond and Share shall give notice of this hearing to all its security holders (in so far as the identity of such security holders is known and available to it) by mailing to each of said persons a copy of this notice and order for hearing at least 15 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6836; Filed, June 23, 1952; 8:52 a. m.]

[File No. 812-790]

CANADA GENERAL FUND, INC.

NOTICE OF APPLICATION

JUNE 20, 1952.

Notice is hereby given that Canada General Fund, Inc. (the "fund"), a Delaware corporation which is a registered investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order exempting certain transactions described herein from the provisions of sections 13 (a) (1), 14 (a), 15 (a), 16 (a), 22 (e) and 32 (a) (2) of the act.

The application states that the fund has registered under the act as a diversified, closed-end, management investment company with an authorized capitalization of 5,000,000 shares of capital stock, $1.00 par value, none of which is outstanding, the fund has not issued or received any subscriptions for any stock and has no assets. It has the power to invest in securities of issuers organized in Canada, in securities of issuers wherever organized whose principal activities are in Canada, and in United States and Canadian government securities.

The fund requests an order of the Commission under section 6 (c) of the act exempting the fund (1) from the requirements of section 14 (a) of the act in order to permit an initial offering of securities at a time when the fund has no assets; (2) from the requirements of section 13 (a) (1) of the act in order to permit the fund to change its classification from that of a closed-end to an open-end investment company without a stockholder vote; (3) from the requirements of sections 15 (a), 16 (a), and 32 (a) (2) of the act so that the fund may operate for a limited period without stockholder approval of an investment advisory contract, without stockholder election of directors, and without stockholder approval of the selection of independent public accountants, until the stockholder approval required by said sections 15 (a), 16 (a) and 32 (a) (2) can be obtained with respect to these matters at an annual meeting of stockholders to be held in September 1952; and (4) from the requirements of section 22 (e) of the act to the extent necessary to allow the directors to suspend the right of redemption of shares of the fund upon the closing or restriction of trading upon the Toronto Stock Exchange or the Montreal Stock Exchange.

The fund states that it proposes to make a public offering of its capital stock through the underwriters in an amount to net the fund at least $5,000,000. Thereafter, the fund proposes to become a diversified, management investment company of the open-end type pursuant to a vote of the board of directors upon completion of the original public offering. The underwriting agreement will require the fund to change from a closed-end to an open-end status not later than five full business days after the settlement date, which must occur not later than 30 days after the effective date of the initial registration of shares under the Securities Act of 1933. The underwriting agreement will further provide that the fund may not invest its funds earlier than five business days following the date upon which the fund becomes an open-end company. It is asserted that it will be advantageous for the fund to make its initial offering of shares as a closed-end issuer since if the fund initially sold its shares as an open-end company, certain provisions of the Rules of Fair Practice of the National Association of Securities Dealers would prevent the underwriters from giving a firm commitment or conducting stabilizing operations during the distribution period.

The fund proposes that the underwriters will agree that if any shares are taken, the underwriters will take down for distribution to the public sufficient shares that the fund will receive a net amount of at least $5,000,000. It is asserted that the fund will in this manner be assured of commencing business as an investment company with assets substantially in excess of the $100,000 required by section 14 (a) (1) of the act.

Prior to beginning operation as an investment company, the fund will enter into a contract for the investment advisory and management services of Boston Management and Research Company and into a contract with Vance, Sanders & Co. whereby that partnership will undertake to act as principal underwriter for shares of the fund at such date as the fund may become an open-end company. The fiscal year of the fund ends June 30th and the date of its annual meeting of stockholders is fixed by its by-laws as September 16, 1952. It is proposed to take appropriate stockholder action at the first annual meeting of stockholders with respect to an investment advisory contract, the selection of the fund's independent public accountants, and the election of directors.

Section 22 (e) of the act provides, in part, that no registered investment company shall suspend or postpone the right of redemption of any redeemable security in accordance with its terms for more than seven days after tender except for any period (1) during which the New York Stock Exchange is closed other than customary week-end and holiday closings or (2) during which trading on the New York Stock Exchange is restricted, and except for certain other conditions not herein relevant. The certificate of incorporation of the fund provides that the directors may suspend the right of redemption of the fund's shares for any period during which the New York, Toronto or Montreal Stock Exchange is closed, other than the customary week-end and holiday closings, or during which trading on any one of those exchanges is restricted (as determined by rules of the Commission). The applicant asserts that the Toronto or Montreal Stock Exchange might be closed during a period when the New York Stock Exchange was open and that under such circumstances the general market for securities of Canadian companies might be substantially depressed and reliable quotations might not be available.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may deem necessary or appropriate may be issued by the Commission on or at any time after July 3, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the general rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 1, 1952, at 5:30 p. m., e. d. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL DUBOIS, *Secretary.*

[F. R. Doc. 52-6908; Filed, June 23, 1952; 9:00 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18903]

W. SIQUET

In re: Securities owned by and debts owing to W. Siquet. F-28-31885.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-90); Public Law 181, 82d Cong., 65 Stat. 451; Executive

Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That W. Siquet, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the persons whose names and addresses are listed in said Exhibit A, and held in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. Four (4) 3 Percent New York City Corporate Transit Unification bonds, due June 1, 1980, having an aggregate face value of $400.00, presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

c. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to W. Siquet, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, representing funds allocable to W. Siquet, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Carl M. Loeb Rhoades & Co., together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W. Siquet, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Number of shares	Name and address of custodian
Anaconda Copper Mining Co., 25 Broadway, New York 4, N. Y.	10	The Chase National Bank, 11 Broad St., New York, N. Y.
Brooklyn-Manhattan Transit Corp., 250 Hudson St., New York 13, N. Y.	25	Do.
Consolidated Edison Co. of New York, 4 Irving Pl., New York, N. Y.	40	Do.
General Electric Co., 1 River Rd., Schenectady, N. Y.	25	Do.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich.	60	Do.
Harbison-Walker Refract. Co., 1800 Farmers Bank Bldg., Pittsburgh 22, Pa.	25	Do.
Pennsylvania R. R. Co., Broad St. Station Bldg., Philadelphia, Pa.	40	Do.
Detroit Edison Co., 60 Broadway, New York 4, N. Y.	8	Carl M. Loeb Rhoades & Co., 42 Wall St., New York, N. Y.
Kansas Power & Light Co., 808 Kansas Ave., Topeka, Kans	12	Do.
North American Co., 60 Broadway, New York 4, N. Y.	50	Do.
Potomac Electric Power Co., 929 E St. NW., Washington 4, D. C.	12	Do.
West Kentucky Coal Co., Sturgis, Ky.	5	Do.
Wisconsin Electric Power Co., Public Service Bldg., Milwaukee, Wis.	13	Do.

[F. R. Doc. 52-6867; Filed, June 28, 1952; 8:59 a. m.]

[Vesting Order 18901]

W. VON SCHNITZLER

In re: Securities owned by and debts owing to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler. F-28-2586.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain shares of stock described in Exhibit A, attached hereto and by reference made a part hereof, evidenced by certificates presently in the custody of the persons whose names and addresses are listed in said Exhibit A, and held in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

d. That certain debt or other obligation of Carl M. Loeb Rhoades & Co., 42 Wall Street, New York 5, New York, representing funds allocable to W. von Schnitzler, also known as W. A. von Schnitzler and as Werner von Schnitzler, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Carl M. Loeb Rhoades & Co., together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, W. von Schnitzler also known as W. A. von Schnitzler and as Werner von Schnitzler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of issuer	Number of shares	Type	Name and address of custodian
Jones & Laughlin Steel Corp., Jones & Laughlin Bldg., Pittsburgh 30, Pa.	52		The Chase National Bank, 11 Broad St., New York, N. Y.
Do.	12	5 percent cumulative preferred.	Do.
Graham-Paige Motors Corp., 40 Wall St., New York, N. Y.	200		Herzfeld & Stern, 30 Broadway, New York, N. Y.
Electric Bond & Share Co., 2 Rector St., New York 6, N. Y.	50	$6 "B" preferred stubs.	Carl M. Loeb Rhoades & Co., 42 Wall St., New York, N. Y.
Middle South Utilities, Inc., 2 Rector St., New York 6, N. Y.	61		Do.
United Gas Corp., United Gas Bldg., Shreveport, La.	88		Do.

[F. R. Doc. 52-6865; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18900]

DEUTSCHE INDUSTRIEBANK ET AL.

In re: Debts owing to Deutsche Industriebank and others. F-28-31889, F-28-2943, F-28-4579, F-28-31890.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Industriebank, the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That Allianz und Stuttgarter Lebensversicherungs Ges., the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That Vereinigte Stahlwerke A. G., the last known address of which is Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

4. That Ruckversicherung Vereinigung A. G., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, is a corporation, partnership, association or other business organization, organized under the laws of The Netherlands, whose principal place of business is located in Amsterdam, and is or, since December 11, 1941, and prior to January 1, 1947, has been controlled by, or a substantial part of the stock of which has been owned or controlled by, directly or indirectly, the aforesaid Ruckversicherung Vereinigung, A. G., and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

6. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Deutsche Industriebank and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Industriebank, the aforesaid national of a designated enemy country (Germany);

7. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Allianz und Stuttgarter Lebensversicherungs Ges. and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is propery which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allianz und Stuttgarter Lebensversicherungs Ges., the aforesaid national of a designated enemy country (Germany);

8. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Vereinigte Stahlwerke A. G. and representing a portion of funds on deposit in a blocked account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Vereinigte Stahlwerke A. G., the aforesaid national of a designated enemy country (Germany);

9. That the property described as follows: That certain debt or other obligation of Herzfeld & Stern, 30 Broadway, New York, New York, arising out of funds allocable to Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, and representing funds on deposit in a block account in the name of Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid Herzfeld & Stern, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, the aforesaid national of a designated enemy country (Germany);

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and it is hereby determined:

8. That Amsterdamsche Maatschappij voor Ongevallenverzekering N. V., Amsterdam, is and prior to January 1, 1947, was controlled by, or acted for or on behalf of a designated enemy country (Germany) or persons within such country and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

9. That the national interest of the United States requires that the persons named in subparagraphs 1, 2, 3, 4 and 5, hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6864; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18902]

ALMA SIEDHOFF AND ANNA BUSCHER

In re: Debts owing to Alma Siedhoff and Anna Buscher. D-28-11016.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.), and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Alma Siedhoff and Anna Buscher, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Mortimer Haas, 261 Broadway, New York, New York, arising out of funds distributed from the Estate of John H. Jachens, deceased, to said Mortimer Haas as attorney in fact for Alma Siedhoff, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Mortimer Haas, 261 Broadway, New York, New York, arising out of funds distributed from the Estate of John H. Jachens, deceased, to said Mortimer Haas as attorney in fact for Anna Buscher, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alma Siedhoff and Anna Buscher, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6866; Filed, June 23, 1952; 8:59 a. m.]

[Vesting Order 18904]

L. WENZEL

In re: Securities owned by and debt owing to L. Wenzel. F-28-31886.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That L. Wenzel, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fifty (50) shares of stock of the Southern Railway Company evidenced by certificates presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of The Chase National Bank of the City of New York, 11 Broad Street, New York 15, New York, representing funds allocable to L. Wenzel, on deposit in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, maintained with the aforesaid The Chase National Bank of the City of New York, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and

c. Those certain Second Stamped 4 percent Hugo Stinnes bonds, due 1946, having an aggregate value of $7,000.00, allocable to L. Wenzel and presently in the custody of Herzfeld & Stern, 30 Broadway, New York, New York, in a blocked account for Wodan Handelmaatschappij N. V., Rotterdam, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, L. Wenzel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6868; Filed, June 23, 1952; 8:59 a. m.]

Office Room

FEDERAL REGISTER

VOLUME 17 NUMBER 124

Washington, Wednesday, June 25, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10365

SUSPENSION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947, AS AMENDED, WHICH RELATE TO OFFICERS OF THE MARINE CORPS

By virtue of the authority vested in me by section 426 (c) of the Officer Personnel Act of 1947, as amended (Public Law 67, 82nd Congress), it is hereby ordered as follows:

1. Except as provided in paragraph 2 hereof, the operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the distribution in grades, promotion by selection, temporary promotion, and discharge on second failure of selection for promotion, of officers of the Marine Corps of the grades of second lieutenant and above are hereby suspended until June 30 of the fiscal year following that in which the national emergency proclaimed by Proclamation No. 2914 of December 16, 1950, shall end.

2. Notwithstanding the provisions of paragraph 1 hereof, the operation of those provisions of Title III of the Officer Personnel Act of 1947, as amended, which relate to the promotion of officers of the Marine Corps shall not be regarded as suspended in the case of any officer of the Marine Corps whose name is on this date on a promotion list as a result of selection for promotion pursuant to that Act.

3. This order supersedes Executive Order No. 10266 of June 30, 1951, so far as that order relates to the suspension of the operation of provisions of the Officer Personnel Act of 1947, as amended, for commissioned officers of the Marine Corps of the grades of captain and below.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 24, 1952.

[F. R. Doc. 52-7034; Filed, June 24, 1952; 12:46 p. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 4]

PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

WHO MAY VOTE FOR COMMITTEEMEN AND DELEGATES

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as amended (14 F. R. 5916, 15 F. R. 4262, 16 F. R. 6998, 17 F. R. 5057), are hereby amended by changing paragraph (a) of § 713.5 to read as follows:

§ 713.5 *Who may vote for committeemen and delegates.* • • •

(a) A payment or grant of conservation materials or services is or will be made with respect to the farm under the current Agricultural Conservation Program, or there is being carried out on the farm one or more of the current program practices approved for the State by the State Production and Marketing Administration committee, referred to in this subpart as the "State Committee";

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply 49 Stat. 1149, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 20th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-6944; Filed, June 24, 1952; 8:54 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page
Suspension of certain provisions of the Officer Personnel Act of 1947, as amended, which relate to officers of the Marine Corps — 5689

EXECUTIVE AGENCIES

Agriculture Department
See Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Benz, Albert, et al — 5711

Civil Aeronautics Board
Proposed rule making:
Administrator of Civil Aeronautics Board; delegation of authority to permit air carriers under contract to the military services to deviate from certain parts of Civil Air Regulations — 5699

Customs Bureau
Rules and regulations:
Articles conditionally free, subject to a reduced rate, etc.; crews' effects — 5693

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Farmers Home Administration
Rules and regulations:
Loan limitations; average values of farms and investment limits; Minnesota, New Jersey and Puerto Rico — 5692

Federal Communications Commission
Notices:
William C. Moss (KSEY); order designating hearing on stated issues — 5705

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued Page

Proposed rule making:
Commercial radio operators; operating authority 5700
Rules and regulations:
Aeronautical services; eligibility of licensee 5699
Frequency allocations and radio treaty matters; list, for information only, of treaties, agreements, and arrangements 5699

Federal Power Commission

Notices:
Hearings, etc.:
Bonneville Project, Columbia River, Oregon-Washington 5706
Jones, Chandler W. and E. M. Simpson 5705
Puget Sound Power and Light Co 5706
Virginia Electric and Power Co 5705

Interior Department

See Land Management, Bureau of.

Interstate Commerce Commission

Notices:
Long Island Rail Road Co.; rerouting or diversion of traffic 5707
Scrap leather from Huntsville, Ala., to Carrollville, Wis.; application for relief 5706
So. Pac.-Mo. Pac. increased passenger fares; notice of hearing 5706
Rules and regulations:
Carriers by motor vehicle; parts and accessories necessary for safe operation 5699

Justice Department

See Alien Property, Office of.

Land Management, Bureau of

Notices:
Alaska; revocation of air navigation site withdrawal No. 100 5701

Price Stabilization, Office of

Notices:
Director of Region II, New York, N. Y.; act under CPR 135; delegation of authority 5701
Redelegation of authority. Directors of District Offices:
Region I, Boston, Mass; act under CPR 7 (3 documents) 5701, 5702
Region III, Philadelphia, Pa.:
Act under CPR 24 5702
Act under CPR 101 5702
Act under CPR 139 5702
Region V, Atlanta, Ga.:
Act under CPR 31; revocation 5702
Act under CPR 134 5702
Region VI, Cleveland, Ohio:
Act under CPR 7 5702
Act under CPR 24 5703
Act under CPR 101 5703
Region VII, Chicago, Ill.; act under CPR 7 5703

Price Stabilization, Office of—Continued Page

Notices—Continued
Redelegation of authority, Directors of District Offices—Continued
Region IX, Kansas City, Mo.:
Act under CPR 7 5703
Act under CPR 24 5704
Act under CPR 31 5704
Act under CPR 139 5703
Act under GOR 26 5703
Region X, Dallas, Tex.:
Act under CPR 24 5704
Act under CPR 101 5704
Region XI, Denver, Colo.:
Act under CPR 7 5704
Act under CPR 24 5705
Act under CPR 101 5704
Region XIV, Washington, D. C.; act under CPR 9 5705
Rules and regulations:
Exempted and suspended services; armored car services (GOR 14) 5696
Fair distribution of livestock and meat; slaughter for farmers (DR 1, Rev. 1) 5695
Sales of bakery items to eating and drinking establishments located in the Metropolitan New York area (CPR 135, SR 1) 5693

Production and Marketing Administration

Notices:
Spencer Live Stock Exchange; deposting of stockyard 5701
Rules and regulations:
County and community committees; selection and functions of Production and Marketing Administration county and community committees 5689
Peanuts; marketing quota regulations for 1952 crop 5691
Sugar quotas and prorations of quota deficits; determination and proration of area deficit 5691

Securities and Exchange Commission

Notices:
Hearings, etc.:
American Gas and Electric Co 5710
Columbia Gas System, Inc. and Central Kentucky Natural Gas Co 5709
Columbia Gas System, Inc. and Ohio Fuel Gas Co 5709
Columbia Gas System, Inc. and United Fuel Gas Co 5708
Edwards Mfg. Co 5707
Meadow River Lumber Co 5707
Northern Natural Gas Co. and Peoples Natural Gas Co. (2 documents) 5707, 5708
Southern Co. et al 5710
Tarbet, Arthur; trustee 5708

Tariff Commission

Notices:
Edible tree nuts; notice of public hearing 5711

Treasury Department

See Customs Bureau.

CONTENTS—Continued

Wage Stabilization Board Page

Rules and regulations:
Interpretations to General Wage Regulations 6 and 8, Revised, and Resolution 71; piece and incentive rates 5696

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10266 (see EO 10365)	5689
10365	5689
Title 6	
Chapter III:	
Part 311	5692
Title 7	
Chapter VII:	
Part 713	5689
Part 729	5691
Chapter VIII:	
Part 813	5691
Title 14	
Chapter I:	
Part 40 (proposed)	5699
Part 41 (proposed)	5699
Part 42 (proposed)	5699
Part 45 (proposed)	5699
Part 61 (proposed)	5699
Title 19	
Chapter I:	
Part 10	5693
Title 32A	
Chapter III (OPS):	
CPR 135, SR 1	5693
DR 1	5695
GOR 14	5696
Chapter IV:	
Subchapter B (WSB):	
GWR 6, Interpretation	5696
GDR 8, Interpretation	5696
Res. 71, Interpretation	5696
Title 47	
Chapter I:	
Part 2	5699
Part 9	5699
Part 13 (proposed)	5700
Title 49	
Chapter I:	
Part 193	5699

[1026 (Peanuts-52)-I, Amdt. 1]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1952 CROP

The amendments herein are based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to peanuts (7 U. S. C. 1301–1376) and are made for the purpose of amending peanut marketing quota regulations for the 1952 crop relating to the marketing phase of the program. The first amendment defines the term "excess moisture" appearing in the definition of "pound". The second amendment changes the definition of "Memorandum of Sale, Form MQ–93—Peanuts (1952)" by providing that such form will be used to record and report data with respect to all purchases of peanuts. The third, fourth, and fifth amendments simply delete all references in the regulations to Form MQ–94.

The regulations as originally issued provided that a Form MQ–94 would be used to report and record data with respect to the inspection and marketing of quota peanuts purchased by buyers for price support purposes. In view of the manner in which loans and purchases will be made in connection with the price support program for the 1952 crop of peanuts, it has been determined that it will not be necessary for buyers to report purchases and loans to the State Production and Marketing Administration Committees by means of Form MQ–94.

Farmers in the southernmost areas of the United States will soon begin harvesting their 1952 crops of peanuts; therefore, it is essential that the amendments contained herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register

The marketing quota regulations for the 1952 crop of peanuts (17 F. R. 4317) are hereby amended as follows:

1. Section 729.341 (r) is amended to read as follows:

(r) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture. (Excess moisture means moisture in excess of seven percent in the southeastern and southwestern areas or eight percent in the Virginia-Carolina area as such areas are defined in the 1951 peanut price support bulletin (16 F. R. 6851, 7200). If shelled peanuts are marketed, the poundage thereof shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5, and the result shall be the number of pounds considered as marketed under these regulations.

2. Section 729.341 (u) is amended to read as follows:

(u) "Memorandum of Sale" means Form MQ–93—Peanuts (1952), used (1) to record and report data with respect to all purchases of peanuts and (2) to record and report data with respect to peanuts shelled for or by producers.

3. Section 729.341 (v) is deleted in its entirety.

4. Section 729.354 (a) is amended to read as follows:

(a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to the penalty, unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers stock peanuts for a producer which the county committee determined is reasonable for seed purposes on the producer's farm for the 1952 crop. The marketing of such shriveled, damaged, split, and broken peanut kernels will be identified by a Form MQ–93—Peanuts (1952), Memorandum of Sale, partially executed by a member of the county committee to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1953 crop. Buyers will record and report data with respect to all peanuts purchased on Form MQ–93—Peanuts (1952), Memorandum of Sale: *Provided, however,* That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to execute Form MQ–93—Peanuts (1952), identifying purchases of peanuts from producers, if the county committee has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records, and make the buyer's reports required in §§ 729.340 to 729.369, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county committee as provided in § 729.356.

5. Section 729.362 (b) is amended to read as follows:

(b) *Form MQ–93—Peanuts (1952).* Buyers shall record and report data on Form MQ–93—Peanuts (1952) with respect to all peanuts purchased. The Production and Marketing Administration's copies of all Forms MQ–93—Peanuts (1952), with remittances covering the penalties due as shown on Form MQ–93—Peanuts (1952), shall be forwarded to the State committee by means of MQ–79—Peanuts (1952), Buyers Weekly Report and Transmittal to State PMA Office, not later than the end of two calendar weeks following the week in which the peanuts were marketed.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 358, 359, 372, 373, 55 Stat. 88–90, as amended, 52 Stat. 65, as amended; 7 U. S. C. 1358, 1359, 1372, 1373)

Done at Washington, D. C. this 20th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN.
Secretary of Agriculture.

[F. R. Doc. 52-6945; Filed, June 24, 1952; 8:54 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 1]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

SUBPART—1952

DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of

1948 for the purpose of prorating an area deficit which is hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Republic of the Philippines, the quotas for Cuba and foreign countries other than Cuba and the Republic of the Philippines shall be revised by prorating to such areas an amount of sugar equal to any deficit so determined.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit a mere mathematical computation. In addition to the determination and proration of the deficit between Cuba and foreign countries other than Cuba and the Republic of the Philippines in accordance with the specific requirements of section 204 (a) of the act, further proration is made among the individual countries in the "other foreign countries" group pursuant to section 204 (d). The method of proration among such "other foreign countries" used herein will not prejudice the interest of any country. None of those not sharing in the deficit determined herein has supplied raw sugar in 1949, 1950, or 1951 indicating that none of them is in a position to supply raw sugar to which entries under this proration are limited by section 204 (a). Only two of these countries have made any marketing against their existing prorations for 1952 and none has yet marketed the full amount of its existing proration. Any of these countries can qualify for additional quota in the reallocation of the September 1 quota balance by having filled their prorations in effect on that date.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813 (16 F. R. 13032) is hereby amended by adding § 813.33 and paragraph (b) to § 813.34 to read as follows:

§ 813.33 *Determination and proration of area deficits*—(a) *Deficit in quota for the Republic of the Philippines.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 the Republic of the Philippines will be unable by an amount of 200,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(b) *Proration of deficit in quota for the Republic of the Philippines.* An amount of sugar equal to the deficit determined in paragraph (a) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota in terms of short tons, raw value*
Cuba	190,000
Foreign countries other than Cuba and the Republic of the Philippines	10,000

§ 813.34 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Additional prorations.* An amount of sugar equal to that part of the deficit prorated to foreign countries other than Cuba and the Republic of the Philippines under paragraph (b) of § 813.33, is hereby prorated, pursuant to subsection (d) of section 204 of the act, as follows:

Country:	*Additional proration in pounds, raw value*
Dominican Republic	5,391,700
Haiti	745,160
Mexico	4,877,000
Peru	8,986,140
Total	20,000,000

Statement of bases and considerations. In the initial quota determination for 1952 it was stated that crop estimates then current indicated that the Republic of the Philippines had a fair chance to fill its 1952 quota. Processing of the 1951–52 crop sugarcane in the Philippines is now nearing completion and the crop is estimated at 1,040,000 short tons, equivalent to 1,065,000 tons raw value. Of this about 287,000 tons raw value have been set aside for local consumption and about 36,000 tons entered the continental United States in 1951. It is expected that about an equal quantity of 1952–53 crop sugar will arrive in the U. S. in 1952. Thus the current prospect is that about 778,000 short tons, raw value, of Philippine sugar will be available to the continental U. S. in 1952, leaving a deficit of about 200,000 short tons, raw value, in the statutory quota amounting to 974,000 short tons, raw value. This deficit has been prorated to Cuba and foreign countries other than Cuba and the Republic of the Philippines on the basis of 95 percent (190,000 tons) to Cuba and 5 percent (10,000 tons) to "other foreign countries" as required by the act. The 10,000 tons of additional quota for foreign countries other than Cuba and the Republic of the Philippines have been prorated on the basis of their existing prorations of 1952 quota to the four countries in this group which supplied raw sugar to the United States in 1949, 1950 and 1951. This basis is the best present indication of the interest of the countries concerned in supplying raw sugar to the United States market.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICIT AND ADJUSTED QUOTAS FOR 1952

[Short tons, raw value]

Production area	Basic quota	Proration of deficit in quota for Philippines	Adjusted quota
Domestic beet sugar	1,890,000	----------	1,890,000
Mainland cane sugar	500,000	----------	500,000
Hawaii [1]	1,052,000	----------	1,052,000
Puerto Rico [1]	910,000	----------	910,000
Virgin Islands	6,000	----------	6,000
Philippines, Republic of [1] [2]	974,000	(200,000)	774,000
Cuba [1]	2,424,571	190,000	2,614,571
Other Foreign Countries: [3]			
Belgium	197.4	----------	197.4
Canada	378.5	----------	378.5
China and Hongkong	149.3	----------	149.3
Czechoslovakia	176.6	----------	176.6
Dominican Republic	4,473.7	2,695.8	7,169.5
Dutch East Indies	141.8	----------	141.8
Guatemala	224.6	----------	224.6
Haiti	618.3	372.6	990.9
Honduras	2,302.7	----------	2,302.7
Mexico	4,046.7	2,438.5	6,485.2
Netherlands	146.6	----------	146.6
Nicaragua	6,857.1	----------	6,857.1
Peru	7,456.2	4,493.1	11,949.3
Salvador	5,507.0	----------	5,507.0
United Kingdom	215.2	----------	215.2
Venezuela	194.5	----------	194.5
Other countries	28.8	----------	28.8
Unallotted reserve	250.0	----------	250.0
Subtotal	33,429.0	10,000.0	43,429.0
Total	7,700,000	----------	7,700,000

[1] The following quantities may be entered as direct-consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 125,033; Philippines, 59,929; Cuba, 375,000.

[2] Regardless of deficit proration, by reason of sec. 204(c) of the act the Republic of the Philippines retains its basic quota.

[3] Prorations of basic quota may be filled with direct-consumption or raw sugar. Prorations of the Philippine deficit may be filled with raw sugar for processing only.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 20th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F R Doc 52-6952; Filed, June 24, 1952; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MINNESOTA, NEW JERSEY AND PUERTO RICO

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

MINNESOTA

County	Average value	Investment limit
Aitkin	$10,000	$10,000
Becker	16,000	12,000
Benton	12,000	12,000
Big Stone	24,000	12,000
Blue Earth	32,000	12,000
Brown	35,000	12,000
Carver	26,000	12,000
Cass	8,000	8,000
Chippewa	32,000	12,000
Clay	20,000	12,000
Cottonwood	35,000	12,000
Crow Wing	10,000	10,000
Dodge	28,000	12,000
Douglas	16,000	12,000
Faribault	32,000	12,000
Fillmore	18,000	12,000
Goodhue	23,000	12,000
Grant	21,000	12,000
Houston	18,000	12,000
Hubbard	9,000	9,000
Itasca	8,000	8,000
Jackson	32,000	12,000
Kandiyohi	25,000	12,000
Kittson	18,000	12,000
Le Sueur	32,000	12,000
Lincoln	30,000	12,000
Lyon	32,000	12,000
McLeod	26,000	12,000
Martin	12,000	12,000
Marshall	18,000	12,000
Meeker	32,000	12,000
Mille Lacs	12,000	12,000
Morrison	12,000	12,000
Murray	32,000	12,000
Nicollet	32,000	12,000
Nobles	30,000	12,000
Norman	20,000	12,000
Olmsted	28,000	12,000
Otter Tail	20,000	12,000
Pennington	12,000	12,000
Pine	12,000	12,000
Pipestone	32,000	12,000
Polk	18,000	12,000
Pope	17,000	12,000
Red Lake	10,000	10,000
Redwood	32,000	12,000
Renville	32,000	12,000
Rice	28,000	12,000
Rock	32,000	12,000
Roseau	10,000	10,000
Sibley	27,000	12,000
Stearns	16,000	12,000
Steele	28,000	12,000
Stevens	22,000	12,000
Swift	20,000	12,000
Todd	12,000	12,000
Traverse	22,000	12,000
Wabasha	22,000	12,000
Wadena	9,500	9,500
Waseca	28,000	12,000
Watonwan	32,000	12,000
Wilkin	22,000	12,000
Winona	26,000	12,000
Wright	16,000	12,000
Yellow Medicine	32,000	12,000

NEW JERSEY

Sussex	$30,000	$12,000

PUERTO RICO

Utuado	$12,000	$12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 19th day of June 1952.

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-6895; Filed, June 24, 1952; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53022]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

CREWS' EFFECTS

Section 10.22 (b), Customs Regulations of 1943 (19 CFR 10.22 (b)), as amended, provides that articles in the possession of or owned by a crew member, when written declaration and entry are required therefor, shall be described and declared on a Declaration and Entry of Crew Members for Imported Articles, Customs Form 5123.

The regulation of the Military Air Transport Service will require that its Form PT-10 be filed as an individual customs declaration by crew members of that Service. Since Form PT-10 is substantially similar to Customs Form 5123, it is believed that it may be accepted in lieu of the latter form from crew members of the Military Air Transport Service. It is also believed possible that other Services may wish to use similar forms. Section 10.22 (b), Customs Regulations of 1943, is, therefore, hereby further amended by inserting the following after "5123," in the first sentence: "or other form approved by the Commissioner of Customs,".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 498, 584, 46 Stat 728, 748, as amended; 19 U. S. C. 1498, 1584)

[SEAL] FRANK DOW, *Commissioner of Customs.*

Approved: June 18, 1952.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F R. Doc. 52-6909; Filed, June 24, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 135, Supplementary Regulation 1]

CPR 135, SR 1—SALES OF BAKERY ITEMS TO EATING AND DRINKING ESTABLISHMENTS LOCATED IN THE METROPOLITAN NEW YORK AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 1 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits New York restaurant bakers, at their option, to eliminate the discounts and differentials they are required to maintain under CPR 135 if they make the compensatory adjustments and recalculations in ceiling prices provided for under this regulation.

As under the GCPR, bakers under CPR 135 are required to maintain separate ceiling prices for each class of purchaser. Generally speaking, bakers establish their ceiling prices under CPR 135 for each class of purchaser by applying their GCPR discounts or differentials for such class to their ceiling price for their largest buying class of purchaser.

Similarly, as under section 22 of the GCPR, the term class of purchaser under CPR 135 means a purchaser or group of purchasers to whom a baker customarily sold at a price different from the price or prices at which he sold any other purchaser or group of purchasers.

Their experiences under the GCPR have demonstrated that the New York restaurant bakers will be subject to certain difficulties if they are required to calculate their ceiling prices by applying these GCPR discounts and differentials. The GCPR froze the ceiling prices of the restaurant bakers at a time when an unsystematic discount and differential structure prevailed in the industry. The discounts and differentials of these bakers bore no relationship to any functional differences between restaurant customers, such as differences in location or in volume of purchases. Nor did differences in such discounts and differentials have any cost basis. The amount of the discount or differential, if any, which a particular restaurant obtained was often solely the result of its bargaining power. One restaurant might have enjoyed a large discount, while another restaurant, similarly situated in all objective respects, might have obtained only a slight discount or no discount at all. In many instances, large and small volume buyers obtained the same discount.

Discount and differential structures and practices of this nature existed before the GCPR base period. They were the result of unusually intense competition between restaurant bakers. These bakers deal with many different labor union locals, and negotiations are not conducted on an industry-wide basis. Starting with 1948, strikes were called by various labor union locals against individual bakers at different times. Upon settlement of the strikes and the resumption of operations these bakers offered varying discounts to regain their customers. Competitors retaliated and the net effect was to increase the use of discounts.

Rectification of this discount and differential situation was not permitted under the GCPR freeze nor is it permissible under CPR 135. This supplementary regulation offers a method of doing so. Restaurant bakers may under this supplementary regulation eliminate all discounts and differentials required to be maintained under CPR 135. However, in fairness to the customers and in accordance with standards of sound price control the effective level of ceiling prices cannot be permitted to rise above the level provided for in CPR 135. Accordingly, this regulation reduces the level of CPR 135 list ceiling prices to offset the elimination of discounts and differentials. This is accomplished by a combination of pricing techniques. First, dollars-and-cents ceiling prices are fixed for number 3 and 4 loaves of bread and vienna rolls. These items account for 82 percent of the restaurant bakers' sales and are by far their most important items. Secondly, a new factor of 1.09 is applied to all other items instead of the CPR 135 factor of 1.16.

Dollars-and-cents ceiling prices are provided for the most important items for several reasons. First of all this technique is the most practicable one for insuring that the level of ceiling prices under this supplementary regulation will be no higher than the level of ceiling prices under CPR 135. Moreover, the dollars-and-cents ceiling prices elimi-

nate the possibilities of disrupting historical price differentials between items that might otherwise result if any other technique were applied. Finally, dollars-and-cents ceiling prices are by far the easiest to apply. The need for issuance of this regulation as promptly as possible, however, rendered impracticable any consideration of extending dollars-and-cents ceiling prices to the less important items. Application of the factor of 1.09, however, will produce substantially the same level of ceiling prices for these items that would have resulted from the setting of dollars-and-cents ceiling prices.

New York restaurant bakers will use as their ceiling prices for the number 3 and 4 loaves and vienna rolls the applicable dollars-and-cents ceiling prices set forth in this regulation. No reports are required for these items, but bakers who elect to establish their ceiling prices for them under this regulation must file a statement of their election to do so with the appropriate OPS District Offices. They establish their ceiling prices for all other items sold during 1949 by applying the factor of 1.09 to their 1949 prices. No reports are required for items sold during 1949. Ceiling prices for items not sold in 1949 are established by following virtually the same instructions as are set forth in CPR 135.

Generally speaking, all other pricing provisions of CPR 135 are incorporated by reference under this supplementary regulation. Among other things, however, wherever the restaurant baker uses these provisions he must apply ceiling prices established under this supplementary regulation rather than CPR 135 ceiling prices. This requirement has been added to insure that ceiling prices for new items, adjustments, and the like will result in levels which are in line with the ceiling prices and other adjustments otherwise established by this supplementary regulation.

This regulation only applies to sales to restaurants in the metropolitan New York area. Bakers subject to this supplementary regulation continue to establish their ceiling prices for non-restaurant sales under CPR 135.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable requirements of that Act.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Election to establish ceiling prices under this regulation.
3. Ceiling prices for number 3 and 4 loaves and for vienna rolls.
4. Ceiling prices for other items.
5. Application of other provisions of Ceiling Price Regulation 135.
6. General applicability of Ceiling Price Regulation 135.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *What this supplementary regulation does.* (a) This supplementary regulation applies to sales of bakery items to "eating and drinking establishments" located in the "metropolitan New York area".

(b) "Eating and drinking establishments" include but are not limited to restaurants, hotels, (including room service), taverns, cafes, cafeterias, soda fountains, boarding houses, catering establishments, field kitchens, lunch wagons and delicatessens. It covers establishments such as hot dog stands at athletic events even when they are only temporarily at a particular location.

(c) "Metropolitan New York area" means the following counties in the State of New York: New York, Kings, Queens, Bronx, Richmond, Rockland, Westchester, Suffolk and Nassau; and the following counties in the State of New Jersey: Bergen, Hudson, Union, and Passaic.

SEC. 2. *Election to establish ceiling prices under this regulation.* (a) If you are a baker who makes any sales described in section 1, you may if you wish, establish your ceiling prices for such sales under this supplementary regulation instead of under Ceiling Price Regulation 135.

(b) If you use this supplementary regulation: (1) you must apply it to all sales of all items to eating and drinking establishments located in the metropolitan New York area; (2) you may discontinue the discounts and differentials which you would have been required to maintain for such sales under Ceiling Price Regulation 135.

(c) If you elect to use this supplementary regulation you must file by registered mail, return receipt requested, with your District OPS Office, a report containing: (1) your name and address; and (2) a statement that you have elected to use this supplementary regulation.

SEC. 3. *Ceiling prices for number 3 and 4 loaves and for vienna rolls.* (a) Your ceiling prices for the items described in Table A are the applicable dollars-and-cents ceiling prices set forth in the same table.

TABLE A—CEILING PRICES FOR CERTAIN LOAVES AND ROLLS

Item	Ceiling price
No. 3 loaf of white, rye, whole wheat or pumpernickel bread	$0.40
No. 4 loaf of white, rye, whole wheat or pumpernickel bread	.53
Large vienna rolls (per dozen)	.30
Small vienna rolls (per dozen)	.22

(b) The baked weights corresponding to the items and ceiling prices on Table A are the baked weights (or, in the case of the rolls, sizes) at which you sold those items during 1949. If you did not sell an item described in Table A during 1949 your baked weight (or, in the case of the rolls, size) at the ceiling prices set forth in that table must at least be the baked weight or size, as the case may be, at which your most closely competitive baker sold the same item during 1949 to eating and drinking establishments located in the metropolitan New York area.

SEC. 4. *Ceiling Prices for other items.* (a) If you sell an item which is not described in Table A of section 3, establish your ceiling price under the first of the following provisions of this section which you are able to use:

(b) (1) Your ceiling price for a sale of an item under this regulation is your highest "list price" during 1949 for that sale multiplied by 1.09.

(2) "List price" means the price to which you applied your discounts or differentials in arriving at the amounts payable to you upon sales of items to eating and drinking establishments located in the metropolitan New York area.

(c) (1) If you are unable to calculate a ceiling price for an item under paragraph (b) of this section because you did not make a sale of the item during 1949 to any eating and drinking establishment in the metropolitan New York area, establish your ceiling price as follows:

(2) (i) If the item is a white pan bread item, establish your ceiling price by following the same directions as are set forth in section 2.2 (a) of Ceiling Price Regulation 135 except that the ceiling price borrowed by you must be a ceiling price established under this supplementary regulation.

(ii) You may begin to sell the item under paragraph (c) (2) of this section as soon as you have sent by registered mail, return receipt requested, to your District OPS Office a report containing the following information: your name and address; a statement that you are establishing your ceiling price or ceiling prices under this paragraph (c) (2) of section 4 of the supplementary regulation; a description of the item (including baked weight) for which you are establishing a ceiling price under paragraph (c) (2) of this section; the ceiling price under this supplementary regulation of your most closely competitive baker, his name and address; and your proposed ceiling price.

(3) If the item is not a white pan bread item establish your ceiling price by following the instructions set forth in section 2.3 of Ceiling Price Regulation 135 except that any ceiling price used by you for this purpose must be one that has been fixed under this supplementary regulation.

(4) If you are unable to calculate a ceiling price under any of the foregoing provisions of this section you may apply for the establishment of a ceiling price by following the same directions as are set forth in section 2.4 of Ceiling Price Regulation 135 except that:

(i) you must accompany your application with a statement that you are requesting the establishment of a ceiling price under this supplementary regulation; and

(ii) your ceiling prices and those of your most closely competitive baker, which you are required to include in your application, must be ceiling prices established under this supplementary regulation.

SEC. 5. *Application of other provisions of Ceiling Price Regulation 135.* If you wish to make any of the adjustments or calculations of ceiling prices provided for in sections 2.5–2.10 and 2.12 of Ceiling Price Regulation 135, you may do so by following the instructions set forth in those sections except as follows:

(1) You must substitute for the ceiling price mentioned in such instructions the corresponding ceiling price established under this supplementary regulation.

(2) Wherever the term "class of purchasers" or "largest buying class of purchasers" is mentioned in such instructions, substitute eating and drinking establishments located in the metropolitan New York area.

(3) Any report or application which you are required to submit under the foregoing instructions must be accompanied by a statement that you are submitting such report or application for sales of items governed by this supplementary regulation.

(4) If you use the instructions of section 2.6 of CPR 135, apply paragraph (b) of that section to the sweet goods items for which you have established your ceiling price under paragraph (b) (1) of section 4 of this supplementary regulation. Apply paragraph (c) of section 2.6 of CPR 135 to the sweet goods items for which you have established your ceiling prices under paragraph (c) (2), (c) (3) or (c) (4) of section 4 of this supplementary regulation or for which you have made adjustments in net weight.

(5) Wherever in section 2.7–2.10 of CPR 135 reference is made to section 2.1 of the same regulation, substitute section 4 (b) (1) of this supplementary regulation.

(6) You must also specify the section of Ceiling Price Regulation 135 you used in making your calculations and in filing your report or application.

SEC. 6. *General applicability of Ceiling Price Regulation 135.* All provisions of Ceiling Price Regulation 135 which are not inconsistent with the provisions of this supplementary regulation remain in full force and effect under this regulation.

Effective date. This supplementary regulation to Ceiling Price Regulation 135 becomes effective June 24, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7030; Filed, June 24, 1952; 12:01 p. m.]

[Distribution Regulation 1, Revision 1, Amdt. 2]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

SLAUGHTER FOR FARMERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, delegation of authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 2 to Distribution Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits registration of new Class 2 slaughterers wishing to slaughter only for farmers who may have slaughtering done for them under sections 10 and 11 of Distribution Regulation 1, Revision 1.

Farmers qualifying under sections 10 or 11 of the regulation may have livestock slaughtered for them by registered Class 1 and Class 2 slaughterers. There are a number of areas in which adequate facilities are not readily available to have such slaughter performed. In such places and elsewhere much farm slaughter has been done at the farmers' premises.

Permitting registration of sanitary establishments to slaughter for farmers only will promote the proper utilization of livestock and meat in a number of ways. It will permit sanitary slaughter for farmers, and thus will move farm slaughter operations from the farmers' barnyards to adequate slaughter facilities. Since in barnyard slaughter hides and offal are often lost and proper chilling facilities are usually not available, the change will permit more complete and hygienic utilization of meat and meat products resulting from slaughter. Under this change the number of commercial slaughterers will not be increased, since registrations granted under this new subsection will be limited to slaughter for farmers only.

At the same time, and without endangering the allocation of livestock and meat into normal trade channels, a number of rural businesses will be put into a more favorable economic condition, due to the source of new revenue in farm slaughtering fees.

Conclusions. The provisions of this amendment are necessary and appropriate to promote the national defense. They do not modify the policy of the Office of Price Stabilization to maintain the fair distribution of livestock and meat; that distribution continues as far as possible among the commercial processors who participated in the distribution pattern during the base period of distribution preceding the imposition of controls.

In formulating this amendment, the Director of Price Stabilization has not consulted with industry representatives. The amendment affects only a minute fraction of the nation's slaughterers. The affected slaughterers are scattered throughout the country; no panel of industry representatives could reasonably be constituted which could represent the views of this group. Therefore, the Director finds that special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 15 is amended by re-designating section 15 (b) as section 15 (c) and inserting before it a new section 15 (b) to read as follows:

(b) You may be granted registration as a new Class 2 slaughterer of livestock for Class 3 slaughterers and persons authorized under section 11 of this regulation to have livestock slaughtered for them, on such conditions as the Director of Price Stabilization may deem necessary to further the policy of this revised regulation, if you submit a signed application stating:

(1) Your name and address (if you are a corporation, state the name and address of each person owning stock amounting to more than 10 percent of the total issued. If you are a partnership, state the name and address of each person with an interest of 10 percent or more in the partnership);

(2) That you will not slaughter livestock for anyone, including yourself, who is not authorized to have livestock slaughtered for him under Section 10 or 11 of this regulation; and

(3) A description of the sanitary facilities with which your plant is equipped. To be registered, your establishment must meet the sanitary requirements of section 15 (a).

If you are registered under the provisions of this section, you must submit to the Office of Price Stabilization District Office where you are registered, within ten days after the end of each calendar month, all statements furnished you during that month by Class 3 and Section 11 slaughterers pursuant to sections 10 (b) or 11 (b). Compliance with this requirement is a condition of continuing registration.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date: This amendment shall become effective on June 23, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 23, 1952.

[F. R. Doc. 52-7005; Filed, June 23, 1952; 4:50 p. m.]

[General Overriding Regulation 14, Amendment 17]

GOR 14—Exempted and Suspended Services

ARMORED CAR SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 14 adds to the list of services exempted from ceiling price regulation the rates and charges of armored car companies for the transportation and guarding of money, securities and other valuables.

As stated in the statement of considerations accompanying General Overriding Regulation 14, the services exempted by it are those which the Congress has exempted or those which have little or no significance upon the cost of living, or which cannot practically be controlled. Armored car service is important to banks and others handling large sums of money, securities and other easily disposable valuables. However, in terms of cost it is a relatively insignificant item to them and it has virtually no effect upon the general level of prices or upon the cost of living. Furthermore, the principal value of the armored car service is found not in the transportation as such, but in the protective custody afforded during transportation. As a practical matter the purchaser of armored car service pays for the personal service of guards, the furnishing of which has already been exempted from price control by subparagraph (67) of section 3 (a) of GOR 14. Finally, this guard service and transportation is so highly individualized that there are no readily definable classes of purchasers or patterns of rates or charges upon which to establish or adjust ceiling prices. The administrative burden of attempting to maintain fair and equitable price control without such a pattern far outweighs the benefit to be derived from the maintenance of control. Accordingly these services are added to the list of exempted services in GOR 14.

Prior to the formulation of this amendment, consultation was had with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

It is the judgment of the Director that the exemption herein will not defeat or impair the stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended by adding at the end of paragraph (a) of section 3 a new subparagraph (103), as follows:

(103) Transportation by armored motor vehicles of money, securities and valuable articles and guarding services incident thereto.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 17 to General Overriding Regulation 14 shall become effective June 24, 1952.

Ellis Arnall,
Director of Price Stabilization.

June 24, 1952.

[F. R. Doc. 52-7032; Filed, June 24, 1952; 12:01 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[General Wage Regulations 6 and 8, Revised, and Resolution 71, Interpretations]

Interpretations to General Wage Regulations 6 and 8, Revised, and Resolution 71

PIECE AND INCENTIVE RATES

Pursuant to the Defense Production Act of 1950 (64 Stat. 816, as amended by Pub. Law 96, 82d Cong., Executive Order 10161 (15 F. R. 6105), Executive Order 10233 (16 F. R. 3503), and General Order No. 3, Economic Stabilization Administrator (16 F. R. 739)), the following interpretations to General Wage Regulation 6 (16 F. R. 1951), General Wage Regulation 8, Revised (51 F. R. 12808), and Resolution No. 71 are hereby issued.

Nathan P. Feinsinger,
Chairman.

How You May Adjust Piece and Incentive Rates Without Prior Board Approval Under General Wage Regulations 6 and 8, Revised

This interpretation is intended to assist you in determining whether adjustments to employees paid on a piece rate, or other type of incentive wage system are permissible, on a self-administering basis, under the provisions of General Wage Regulations 6 and 8, Revised, and Resolution No. 71 of the Wage Stabilization Board. It contains illustrations and explanations of proper calculations in a variety of situations; only a few of which are likely to be necessary for your purposes. Paragraph headings indicate the particular type of problem covered in each paragraph.

All of the explanations and examples are based upon the simple principle (applicable to units which include piece or incentive employees) that you may raise your piece and base incentive rates by a direct application of the percentages permissible under Regulations 6 and 8, Revised, to such rates. As long as the increases are made on a uniform percentage basis to all rates, the problem is simple. The calculations become more complex, however, when non-uniform adjustments are involved; particularly where the appropriate unit includes both time and incentive employees. These problems are discussed below, and form the bulk of this interpretation.

(1) *Certain general principles.* (a) This interpretation relates solely to adjustments in the earnings of incentive workers resulting from general and cost-of-living increases. It is not intended to limit variations in earnings which result from increased productivity under the normal operation of an existing incentive system. Similarly, increases in earnings since the base pay period resulting solely from increased productivity do not have to be offset as general increases under General Wage Regulation 6.

(b) Employees paid on a piece rate or incentive basis may constitute a separate appropriate employee unit, or may be combined with employees paid on a time basis in a single appropriate employee unit, whichever is best adapted to preserve existing contractual or historical relationships.

(c) This interpretation refers only to general and cost-of-living increases. It is not intended to govern the establishment of rates for new or changed jobs or operations, or other adjustments governed by General Wage Regulation 15; nor does it apply to changes in an incentive system, as such. If the rates for new or changed jobs or operations since the base pay period were established in accordance with the principles of General Wage Regulation 15, general and cost-of-living increases permissible under General Wage Regulations 6 and 8 may be applied to such rates.

(d) The methods set forth below are not intended to exhaust proper ways of applying the increases permissible under General Wage Regulations 6 and 8. Persons desiring to increase their piece or incentive rates by methods which vary from those enumerated below should file a petition on Form WS-100 for prior Board approval.

(e) Wherever, in this interpretation, reference is made to payrolls, these are to be taken exclusive of any premium pay for overtime, but inclusive of the payment at straight time for all hours worked. (Thus, assume a total payroll of $1,050 for 1,000 hours of work of which 100 hours were paid at the overtime rate of time and one-half, or $1.50. The overtime premium pay which equals $50 (100 hours × 50 cents) shall be excluded from the payroll. In other words, the total payroll shall be given as $1,000 and hours of work as 1,000 hours.)

General Wage Regulation 6

(2) *Resolution No. 71.* Resolution No. 71, adopted by the Wage Stabilization Board on December 4, 1951, sets forth the standards for applying increases permissible under General Wage Regulation 6 to piece rates and to the base rates of incentive jobs. The Resolution, as interpreted herein, supersedes all prior inconsistent instructions and interpretations of the Wage Stabilization Board with respect to piece and incentive rates. (Par. 3, General Instructions, Use of Form WS-6a; Interpretation No. 6-27, I. B. 4; Nos. 6-69 and 6-73, I. B. 10.)

RAISING THE RATES

(3) *Uniform percentage application.* Resolution No. 71 is designed to permit the direct application of the ten percent in situations where piece or incentive employees are involved. Calculations under this Resolution are thus carried

in the form of percentages rather than cents per hour. Where piece work or incentive employees are involved, and it is desired to apply the appropriate percentage to their rates, you are not required to use the straight-time hourly earnings during the base pay period. Thus, if no general increases have been granted in the unit since the base pay period, and it is desired to apply the 10 percent uniformly to all jobs, each such piece rate or job rate can simply be increased by 10 percent.

(E. g., 10 cents per item to 11 cents per item, $2 per dozen pieces to $2.20 per dozen pieces; $1.50 per hour to $1.65 per hour.)

(4) *How to calculate the net effect of increases granted in varying percentages.* Under Resolution No. 71, the 10 percent may be applied to each rate (as described above), or the percentages applied to different jobs may vary, provided that the average increase does not exceed 10 percent as calculated below. You may not, however, apply a general increase to the piece rates applicable to a given job classification unequally, without prior Board approval.

(E. g., If you have "pressers" and "sewers" paid on a piece rate basis, you may increase all the "pressers" rates by a given percentage and all the "sewers" rates by a different percentage provided that the over-all increase for the unit does not exceed 10 percent. You may not, however, raise the "presser rate" for garment "A" by 5 percent and garment "B" by 15 percent, except with the prior approval of the Board.)

Where an increase is given in varying percentages as between jobs, the calculation of the net effect of such increases requires several computations. The following method shall be used for calculating the net effect of each general increase granted since January 15, 1950, or which is currently proposed:

(a) Choose the payroll of the unit for the period immediately preceding the date of the increase (e. g., $10,000).

(b) Recompute this payroll to include the particular increase. In other words, you calculate what the earnings during that same payroll period would have been if the new rates were in effect during that period (e. g., $10,200).

(c) Subtract the actual payroll "a" (exclusive of the increases) from the recomputed payroll "b" (including increases). This difference will represent the actual dollar and cent increase on the total payroll (e. g., $10,200—$10,000=$200).

(d) The ratio between this amount "c" and the actual payroll "a" will give the net effect of each wage increase expressed as a percentage

(E. g., $\frac{\$200}{\$10,000}=0.02$ or 2 percent)

(5) *How to determine the effect of past increases where more than one has been granted.* The calculation of the total effect of several past increases is based on compounding of prior percentages of increases into a single, combined percentage. To do this, first determine the percentage of each individual increase as shown in paragraphs (3) or (4) above. Write percentages of each increase as a decimal number (e. g., 2 percent should be written as 0.02). Then add 1.00 to each such figure (e. g., 1.02) and calculate the product of the resultant numbers (e. g., if there were two prior increases, one of 2 percent, the other of 3 percent, multiply $1.02\times1.03=1.0506$). The product so secured less 1.00 will give the total effect of past increases as a compounded percentage (e. g., 1.0506—1.00=0.0506 or 5.06 percent of increase).

(6) *How to determine the percentage that you may distribute.* To determine the percentage of increase which you may distribute without the Board's approval under General Wage Regulation 6 compute the ratio between 1.10 and the compounded percentage (expressed in decimal form) of past increase plus 1.00 as calculated in (5) above, and subtract 1.00 from such ratio.

(E. g., If past increases were 5.06 percent, the percentage of increase that can be given to the unit is $\frac{1.10}{1.0506}-1.00=0.047$ or 4.7 percent. That means that whatever proposed increases are made in all piece or base rates, the total effect of the proposed increase, as calculated in the manner described in (4) above, cannot exceed 4.7 percent).

(7) *The percentage side payments (paragraphs A (2) and B (2) of Resolution 71).* In certain circumstances it may be desirable to leave the piece rates or base rates unchanged, and to add the permissible percentage of increase to the earnings calculated on the basis of the rates in existence prior to the increase. Such a practice may be followed under Resolution No. 71 provided that the percentage is permissible in accordance with the calculations described above.

(E. g., If a 5-percent increase is permissible, and an employee earns $40 in one week on old piece or incentive rates, you may pay him an additional 5 percent of $40 during that week or $2.00, making his total earnings $42.00 for that week. If during the following week he earns $39 at old piece or incentive rates, you may pay him an additional 5 percent of $39 during that week or $1.85, making total earnings of $40.85 for that week.)

PAYING THE INCREASE AS A CENTS PER HOUR SIDE PAYMENT

(8) *Calculating the allowable cents per hour amount.* An employer and Union, if any, may determine to distribute the permissible increase under General Wage Regulation 6 to employees in the unit as a cents per hour side payment to be included in each regular pay envelope rather than to incorporate it into the piece rates or base rates of incentive jobs. In such case, the 10 percent allowance is based upon the total straight-time earnings, including incentive earnings, during the base pay period (the payroll period ending on or after January 15, 1950). Since all affected employees would receive the payment of this adjustment in the form of an hourly payment, and no adjustments in the piece or base rates are involved, the provisions of Resolution No. 71 would only become applicable if you desire to discontinue the payment in the manner described in paragraphs A (3) and B (3) of the Resolution, and paragraph (9) below.

An allowable cents per hour increase thus calculated (on the basis of total straight-time earnings, including incentive earnings in the base pay period) cannot be incorporated directly into the piece rates or base rates, unless done in accordance with paragraph (9) below, or with prior Board approval.

(9) *Discontinuing a cents per hour side payment and raising the rates.* If a permissible cents per hour increase instituted since the base pay period has been paid as a cents per hour side payment, it is permissible to discontinue such cents per hour side payment, to ignore such increase for offsetting purposes under General Wage Regulation 6 and to make a direct application of the permissible percentage to the piece rates or base rates. The permissible percentage should be calculated in the same manner as described in paragraphs (3)–(6) above (ignoring side payments to be discontinued).

(E. g., on April 1, 1951, a 15 cents per hour increase was granted under General Wage Regulation 6, which was paid as a cents per hour side payment. Last week pieceworkers earned an average of $60 on piece rates, plus an additional increment of $6 representing 15 cents per hour for 40 hours of work. If it is desired, you may now discontinue the 15 cents per hour side payment, and raise the piece rates by ten percent, so that the average earnings for last week's payroll under the new piece rates would still be $66).

WHERE THE APPROPRIATE EMPLOYEE UNIT INCLUDES BOTH TIME AND INCENTIVE EMPLOYEES

The examples described above have all related to a unit containing only piece or incentive workers. As indicated in paragraph 1 (b), however, it may have been the practice to treat these employees as being in the same employee unit as employees paid on a time basis. Where such is the case, it is permissible to apply the principles of Resolution No. 71 (increasing the rates on a percentage basis) to the entire unit. The following paragraphs are designed to illustrate the proper method of making the calculations under General Wage Regulation 6 and Resolution No. 71 in such situation.

(10) *How to determine the percentage which you may distribute to the unit as a whole (time and pieceworkers).* (a) The calculation of total effect of all past increases to all employees in the unit (both time and incentive) should be made in the same manner as described in paragraphs (3)–(5) above; the calculation of the permissible percentage for the entire unit in the same manner described in paragraph (6).

(b) If you are discontinuing a cents per hour side payment, the amount of such payment should not be included in the calculations.

(11) *How to determine whether a negotiated increase exceeds the percentage permissible for the unit as a whole—(a) Across the board percentagewise.* Under the authority of Resolution No. 71, you may apply the permissible percentage on an across the board basis to all rates, hourly job rates as well as piece or incentive base rates, where a unit is composed of both time and incentive employees. In such case the percentage applied should not exceed the amount determined in accordance with paragraph (10) above.

(b) *Where the increase is negotiated in cents per hour to time employees; and percentagewise to pieceworkers.* If such an increase is negotiated by the parties, the effect of the proposed increases over the entire unit should be calculated on the basis of the preceding payroll period in the same manner as heretofore described.

(E. g., suppose that the total payroll is $10,000 of which $4,500 was paid to time workers and $5,500 to incentive or piece workers. If the time workers are to receive an increase of 5 cents per hour and piece workers an increase of 4 percent, first calculate the total wage increase which each group will receive. In the case of time workers, the total increase would equal the amount of hourly increase, or 5 cents, multiplied by the number of hours they worked during that preceding week; if the total hours amounted to 3,000, the total increase to time workers would then be $3{,}000 \times \$0.05 = \$150$. In the case of piece or incentive workers the increase would be equal to 4 percent of their payroll, i. e., 4 percent of $5,500 or $220. The total increase to all workers would then be the total of increases to the two groups ($150 plus $220 equals $370). The total effect of the increase is a ratio of $370 to the payroll before the increase or $\frac{\$370.00}{\$10{,}000.00} = 0.0370$ or 3.70 percent.)

If this percentage does not exceed the percentage calculated in paragraph (10) above, the proposed wage increases may be paid without the Board's approval.

(c) *Where the increase is negotiated in cents per hour to all employees (including pieceworkers) to be incorporated into the piece or base rates.* If you negotiate your increase in terms of cents per hour for everybody in the unit and you want to incorporate the increase into the piece rates or base rates of incentive employees, you must make two calculations: First, to determine whether the increase exceeds the permissible percentage for the unit as a whole; second, to determine the percentage by which the piece rates or base rates are to be raised. The first problem is considered here; the second in paragraph (12) below.

(E. g., assume the facts in subparagraph (b) above, a total payroll of $10,000; $4,500 to time and $5,500 to pieceworkers. If the total hours worked by time workers was 3,000, and the total hours worked by pieceworkers was 2,750, the total payroll with the proposed 5 cents per hour increase would be $10,000 plus $287.50 or $10,287.50.)

The ratio of the total payroll increase ($287.50) to the total payroll for both groups ($10,000.00) will give you the total effect of the increase for the entire unit, which figure may not exceed the percentage determined in paragraph 10 above

(E. g., $\frac{\$287.50}{\$10{,}000.00} = 2.875$ percent)

(12) *How to determine the percentage by which piece or base rates are to be raised.* In the example under paragraph 11 (c) the increase was negotiated in terms of cents per hour for all workers in the unit, including incentive workers; and we indicated the method to use in determining whether the negotiated amount (expressed as a percentage) exceeded the permissible percentage for the unit as a whole and could be put into effect under Resolution No. 71 without prior Board approval. Having determined that the increase is permissible, it is necessary to convert the cents per hour amount into a percentage to be applied to the piece rates, or base rates, as the case may be. The calculation of such percentage is made as follows:

(a) Calculate the total dollars and cents increase negotiated for incentive employees only based upon the hours worked in the preceding payroll period in the same manner described above (e. g., 5¢ per hour times 2,750 hours equals $137.50).

(b) Calculate a ratio between the total amount of the increase ($137.50), and the payroll of the incentive employees before the increase ($5,500).

(E. g., $\frac{\$137.50}{\$5{,}500} = 2.5$ percent)

This percentage (2.5 percent) represents the increase which may be incorporated into the piece or base rates under the example used in paragraph 11 (c).

(13) *The same method of calculation applies where you wish to discontinue a cents per hour side payment and raise the rates.* If you wish to raise the piece or base rates by a percentage equivalent to the side payment to be discontinued, you calculate a ratio between the total amount of the side payment during the preceding payroll period, and the total payroll of piece or incentive employees during that same period (exclusive, however, of the side payment).

(E. g., if the total payroll of incentive employees was $5,500, and the total side payment to such employees was $250, the percentage equivalent would be $\frac{\$250}{\$5{,}250}$ or 4.76 percent).

The piece or base rates may, therefore, be increased by 4.76%, provided that the effect of the increase for the unit as a whole does not exceed the permissible percentage as calculated in the manner described in paragraph (10) above. To determine the effect of the increase over the entire unit you calculate a ratio between the total increase to be made ($250) and the total payroll for the entire unit (but exclusive of the side payment $10,000 − $250 = $9,750).

(E. g., $\frac{\$250}{\$9{,}750} = 2.56$ percent)

(14) Examples 10–13 all speak in terms of applying a given percentage to the piece or base rates. Actually these adjustments may be made on a nonuniform basis, subject to the limitations discussed above. If it is desired to make such nonuniform adjustments, the calculation of whether the effect of the increases exceeds the permissible percentage should be made in the same manner as described in paragraph 4 above.

GENERAL WAGE REGULATION 8, REVISED

RAISING THE RATES

(15) When a cost-of-living increase is to be made in accordance with the provisions of General Wage Regulation 8, Revised, you may apply the increase on an across-the-board percentage basis so that each piece rate or base rate reflects a percentage increase equal to the percentage change in the index since the index base date.

(E. g., a base rate which was $1.00 on the base date may be raised to $1.02 when the index rises 2 percent above the base index. If another subsequent change brings the index up to 3 percent above the base index, the rate may be increased to $1.03.)

(16) Where it is desired to grant the remaining percentage allowable under General Wage Regulation 6 at the same time as an increase under General Wage Regulation 8, Revised, the allowable percentages under each of these regulations may be combined by compounding these percentages.

(E. g., if 2 percent is still allowable under General Wage Regulation 6, and 2.8 percent is allowable under General Wage Regulation 8, Revised, the allowable percentage would be calculated by multiplying 1.02 by 1.028 and subtracting 1.00 from the product (e. g., $(1.02 \times 1.028) - 1.00 = 1.04856 - 1.00 = 0.04856$, or 4.856 percent).)

(17) You may also apply the cost-of-living increase to the hourly base rates of incentive jobs on an across-the-board cents per hour amount basis. In such case the effect of such increase cannot exceed the percentage change in the index since the index base date. The effect of such increase is determined by comparing the payrolls with and without the increase in the same manner as described in paragraph (4) above. If prior cost-of-living increases have been made under General Wage Regulation 8, Revised, the computations should conform to paragraphs (5) and (6) also.

(18) It should be noted that the method described in paragraphs (15), (16) and (17) may not, under certain circumstances allow an incorporation of the adjustment into the piece or base rates in the manner described in Example No. 5 under the answer to Question No. 9, on page 8, Questions and Answers under General Wage Regulation 8, Revised. That answer is hereby withdrawn, and adjustments hereinafter instituted must conform to the method set forth above.

(19) *Percentage side payment.* Instead of actually adjusting the individual piece or base rates, the percentage increase may be distributed as a separate item on the payroll calculated by applying the permissible percentage to the incentive earnings during each pay period.

(20) *Cents per hour side payment.* You may also pay the cost-of-living adjustment as an hourly side payment, and not incorporate it into the piece or base rates. In such case the calculation of the hourly amount to be distributed should be made in accordance with the Questions and Answers to General Wage Regulation 8, Revised. If and when it is desired to change the method of paying this cost-of-living increase from a side hourly payment and to incorporate it into the piece or base rate, the hourly side payment may be discontinued and the piece or base rates raised in accordance with paragraphs (15), (16) and (17) above.

[F. R. Doc. 52-6989; Filed, June 23, 1952; 11:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LIST, FOR INFORMATION ONLY, OF TREATIES, AGREEMENTS AND ARRANGEMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1952;

The Commission having under consideration the Appendix to Part 2 of its rules and regulations; and

It appearing, that the proposed changes are not substantive and do not in any way affect the requirements of any of the Commission's rules and regulations, that said changes consist of the addition and deletion of information;

It is ordered, That, effective immediately, Appendix A to Part 2 of the Commission's rules and regulations is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 12, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend paragraph 1 of Appendix A relating to TS 938 to read as follows:

1937	TS 938...	Inter-American Radio Communications Convention between the United States of America and Other Powers. Signed at Habana, Dec. 13, 1937. (First Inter-American Conference).

2 Delete from paragraph 1 the entry relating to the:

1945	.....	"Inter-American Telecommunications Convention between the United States of America and Other Powers. (Third Inter-American Conference). Signed at Rio de Janeiro, Sept. 27, 1945."

3. Add the parenthetical phrase "(Not available at the Government Printing Office)" after the subject description of each of the agreements listed below:

1912	TS 581	1938	TS 949
1926	TS 724-A	1938	EAS 126
1929	TS 777-A	1939	EAS 143
1934	EAS 62	1940	EAS 196
1937	EAS 109	1944	EAS 400
1937	EAS 962	1947	TIAS 1726
1937	TS 938	1932	TS 867
1937	EAS 200	1948	TIAS 1892

[F. R. Doc. 52-6899; Filed, June 24, 1952; 8:51 a. m.]

PART 9—AERONAUTICAL SERVICES

ELIGIBILITY OF LICENSEE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1952;

The Commission having under consideration the matter of amending § 9.612 of its rules and regulations governing Aeronautical Services to permit subsidiaries of manufacturers of aircraft or major aircraft components to be licensees of flight test stations; and

It appearing, that a subsidiary corporation, even though it specializes in communications, is precluded under § 9.612 from obtaining a license for a flight test station and performing such communication service for its parent company unless the subsidiary itself manufactures either aircraft or major aircraft components; and

It further appearing, that the said § 9.612 should be amended in a manner which would make eligible for a flight test station license either a parent corporation or its subsidiary if either corporation is engaged in the manufacture of aircraft or major aircraft components; and

It further appearing, that a change of this nature would expedite the employment of flight test radio in the production of material essential to national defense and, therefore, a public rule making proceeding thereon would be contrary to the public interest, and that for the same reason and since it relieves a restriction this amendment should be made effective immediately;

It further appearing, that the authority for this amendment is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately § 9.612 of the Commission's rules and regulations governing Aeronautical Services is amended to read as follows:

§ 9.612 *Eligibility of licensee.* A flight test station license may be granted only for use by either,

(1) Manufacturers of aircraft or major aircraft components, or

(2) A parent corporation or its subsidiary if either corporation is a manufacturer of aircraft or major aircraft components.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: June 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6900; Filed, June 24, 1952; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

EDITORIAL NOTE: Federal Register Document 52-5382, appearing at page 4423 of the issue for Thursday, May 15, 1952, has been corrected as follows:

In the double-saddle-mount diagram to illustrate § 193.17, the description "(Red Tail Lamp Required on Rear of First Saddle-Mounted Vehicle)" has been deleted.

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERMIT AIR CARRIERS UNDER CONTRACT TO MILITARY SERVICES TO DEVIATE FROM CERTAIN PARTS OF CIVIL AIR REGULATIONS

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authority granted by Special Regulation SR-367 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention: Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by July 10, 1952. Copies of such communications will be available after July 14, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Some time ago the Air Transport Association (ATA) on behalf of several scheduled air carriers under contract to the military services requested that authority be granted to such carriers to permit them to deviate from certain provisions of Parts 40, 41, 42, 45, and 61 of the Civil Air Regulations, under which they were then required to operate, in order to permit such carriers to accomplish expeditiously the mission assigned them by the military services. ATA stated that, in view of the type of operations that these carriers had been requested to perform, certain provisions of those parts imposed an undue burden upon the air carriers involved. It appeared that several difficulties encountered in complying with current regulations resulted from the fact that some of the air carriers were acting in the capacity of prime contractors with the military services, while others were acting as subcontractors and were merely furnishing aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to the military contracts. It should be noted that Parts 40, 41, 42, 45, and 61 were designed to be applicable to scheduled and irregular

air carrier operations performed under normal operating conditions. The Board believed that the type of operation which air carriers were expected to perform in executing their obligations under military contracts was a specialized type of operation different in many respects from the normal type of air carrier operation envisaged by the then current Civil Air Regulations relating to air carrier operations. For those reasons, the Board, on July 28, 1950, adopted Special Civil Air Regulations SR–349 which delegated authority to the Administrator to permit air carriers under contract to the military services to deviate from certain parts of the Civil Air Regulations in performing such contracts, such authority to terminate on August 1, 1951. This authority was extended to August 1, 1952, by SR–367.

Since the military requirements, as a result of which Special Civil Air Regulations SR–349 and SR–367 were promulgated, continue to exist, and since no serious objection to the regulation has been raised during nearly 2 years of operations under it, the Board believes the Civil Air Regulations applicable to air carriers should continue to be adjusted to the type of operation to be conducted under military contracts to the extent that the Administrator finds that deviation from those regulations is necessary or desirable for the expeditious conduct of such operations. Accordingly, the Board concludes that the provisions of SR–367 should be immediately extended for one year to maintain the delegated authority in the Administrator without lapse.

The Board considers it necessary to continue to limit the operations conducted pursuant to any deviation granted by the Administrator to those operations conducted pursuant to military contracts and to require that all operations conducted in accordance with such deviations be conducted in accordance with such terms and conditions as the Administrator may prescribe in granting the deviation. It is anticipated that the Administrator will continue, as part of the procedure in issuing a deviation of major importance, to coordinate his decision with the Board and the appropriate military authorities.

Accordingly, it is proposed to extend the authorization granted by Special Regulation SR–367 to August 1, 1953, as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, to deviate from the applicable provisions of Parts 40, 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary or desirable for the expeditious conduct of such operations.

2. Any authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms and conditions under which the air carrier may deviate from the currently prescribed regulations, and each carrier shall, in the conduct of operations pursuant to military contracts, comply with such terms and conditions.

This regulation shall terminate August 1, 1953, unless sooner superseded or rescinded.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: June 19, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52–6910; Filed, June 24, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 13]

[Docket No. 10217]

COMMERCIAL RADIO OPERATORS

OPERATING AUTHORITY

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. A proposed amendment to Part 13 of the Commission's rules is set forth below. This amendment relates to the grade of operator required at certain coast stations. If the change in § 13.61 of the rules governing Commercial Radio Operators is adopted as proposed, persons holding restricted radiotelephone operator permits would be authorized to engage in the normal operation of certain VHF coast stations.

3. This amendment is issued under authority of sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rules should not be adopted in the form set forth herein may file with the Commission on or before August 11, 1952, a written statement or brief, setting forth his comments. At the same time, any person who favors the Rules as set forth may file a statement in support thereof. The Commission will consider all comments, briefs and statements presented before taking final action in the matter. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 11, 1952.

Released: June 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

Section 13.61 (h) of the rules governing Commercial Radio Operators is proposed to be amended to read as follows:

§ 13.61 *Operating authority.* • • •

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse Code, or

(3) Any of the various classes of broadcast stations other than remote pickup and ST broadcast stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Public coast stations other than in the territory of Alaska licensed to operate on any frequency designated by the Commission primarily for distress, safety or calling purposes, or

(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc, or

(7) Coast stations at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving type tubes;

Provided, That, with respect to any station which the holder of this class of license may operate, such operator is prohibited from making any adjustments that may result in improper transmitter operation, the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph as may be appropriate for the class of station involved, who shall be responsible for the proper functioning of the station equipment.

[F. R. Doc. 52–6901; Filed, June 24, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 100; REVOCATION

JUNE 17, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and pursuant to section 2.22 (a) (2) of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Air Navigation Site Withdrawal No. 100, dated October 14, 1935, as amended June 14, 1939, covering a tract of unsurveyed land described by metes and bounds, containing approximately 32.14 acres, near Circle Hot Springs, Alaska, is hereby revoked, effective as of the date of this order.

The lands released from Air Navigation Site Withdrawal No. 100, by this order are included in the application of the Division of Aeronautics, Territory of Alaska, Fairbanks 09328, under section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U. S. C. 1115), for the development of the Circle Hot Springs Airport and therefore not subject to other disposal.

LOWELL M. PUCKETT, *Regional Administrator.*

[F. R. Doc. 52–6876; Filed, June 24, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

SPENCER LIVE STOCK EXCHANGE

DEPOSTING OF STOCKYARD

It has been ascertained that the Spencer Live Stock Exchange, Spencer, West Virginia, originally posted on August 12, 1937, as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act. The owner of such stockyard has ceased operating a public market at the place at Spencer, West Virginia, originally posted and is now operating a public market at a new location at Spencer, West Virginia. Therefore, notice is given to the owner of such stockyard and to the public that the stockyard originally posted on August 12, 1937, is no longer subject to the provisions of the Packers and Stockyards Act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 19th day of June 1952.

[SEAL] H. E. REED, *Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 52–6896; Filed, June 24, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 60, Supplement 1]

DIRECTOR OF THE REGIONAL OFFICE REGION II, NEW YORK, N. Y.

DELEGATION OF AUTHORITY TO ACT UNDER CPR 135, SUPPLEMENTARY REGULATION 1—SALES OF BAKERY ITEMS TO EATING AND DRINKING ESTABLISHMENTS LOCATED IN THE METROPOLITAN NEW YORK AREA

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Supplement 1 to Delegation of Authority 60 is hereby issued.

1. Authority is hereby delegated to the Director of the Regional Office, Region II, Office of Price Stabilization:

(a) To receive reports under section 2 (c) of Ceiling Price Regulation 135, Supplementary Regulation 1.

(b) To fix ceiling prices upon application under paragraph (c) (4) of section 4 of Ceiling Price Regulation 135, Supplementary Regulation 1.

(c) To adjust ceiling prices under section 5 of Ceiling Price Regulation 135, Supplementary Regulation 1.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices, Region II, Office of Price Stabilization.

3. All authority heretofore delegated by Delegation of Authority 60 under provisions of Ceiling Price Regulation 135 which are not inconsistent with the provisions of Ceiling Price Regulation 135, Supplementary Regulation 1, continue to apply under this Supplement 1 to Delegation of Authority 60. This includes the authority to:

(a) Request further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, Supplementary Regulation 1, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135, Supplementary Regulation 1.

(b) Disapprove or reduce, at any time, ceiling prices determined, reported, or proposed under Ceiling Price Regulation 135, Supplementary Regulation 1.

This delegation of authority shall take effect on June 24, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

JUNE 24, 1952.

[F. R. Doc. 52–7031; Filed, June 24, 1952; 12:01 p. m.]

[Region I, Redelegation of Authority No. 1, Amdt. 1 to Revision 1]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961) this amendment to Redelegation of Authority No. 1, Revision 1 (17 F. R. 703) is hereby issued.

Paragraph 1 of Redelegation of Authority No. 1, Revision 1, is amended to read as follows:

Authority is hereby redelegated to the Directors of the Boston, Masachusetts; Springfield, Massachusetts; Providence, Rhode Island; and Manchester, New Hampshire, District Offices of the Office of Price Stabilization in Region I to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment to Redelegation of Authority No. 5, Revision 1, shall take effect as of June 11, 1952.

JOSEPH M. MCDONOUGH, *Director of Regional Office No. 1.*

JUNE 20, 1952.

[F. R. Doc. 52–6921; Filed, June 20, 1952; 4:52 p. m.]

[Region I, Redelegation of Authority No 5, Amdt. 1 to Revision 1]

DIRECTOR OF HARTFORD, CONNECTICUT, DISTRICT OFFICE, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961) this amendment to Redelegation of Authority No. 5, Revision 1 (17 F. R. 704) is hereby issued.

Paragraph 1 of Redelegation of Authority No. 5, Revision 1, is amended to read as follows:

Authority is hereby redelegated to the Director of the Hartford, Connecticut District Office of the Office of Price Stabilization in Region I to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment to Redelegation of Authority No. 5, Revision 1, shall take effect as of June 11, 1952.

JOSEPH M. McDONOUGH,
Director of Regional Office No. 1.

JUNE 20, 1952.

[F. R. Doc. 52-6922; Filed, June 20, 1952; 4:52 p. m.]

[Region I, Redelegation of Authority No. 9, Amdt. 1 to Revision 1]

DIRECTORS OF DESIGNATED DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, pursuant to Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961) this amendment to Redelegation of Authority No. 9, Revision 1 (17 F. R. 704) is hereby issued.

Paragraph 1 of Redelegation of Authority No. 9, Revision 1, is amended to read as follows:

Authority is hereby redelegated to the Directors of the Portland, Maine and Montpelier, Vermont, District Offices of the Office of Price Stabilization in Region I to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment to Redelegation of Authority No. 9, Revision 1, shall take effect as of June 11, 1952.

JOSEPH M. McDONOUGH,
Director of Regional Office No. 1.

JUNE 20, 1952.

[F. R. Doc. 52-6923; Filed, June 20, 1952; 4:52 p. m.]

[Region III, Redelegation of Authority No. 24, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this amendment to Redelegation of Authority No. 24, Amended, is hereby issued.

Redelegation of Authority No. 24 as amended is hereby amended by adding thereto the following paragraph:

3. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under section 4 (d) of CPR 101, as amended.

This Amendment 2 to Redelegation of Authority No. 24, Amended, shall take effect as of June 16, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

JUNE 20, 1952.

[F. R. Doc. 52-6941; Filed, June 20, 1952; 4:55 p. m.]

[Region III, Redelegation of Authority No.36]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 64 (17 F. R. 3617), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 46 of Ceiling Price Regulation No. 139.

This redelegation of authority shall take effect as of June 16, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

JUNE 20, 1952.

[F. R. Doc. 52-6942; Filed, June 20, 1952; 4:55 p. m.]

[Region III, Redelegation of Authority No. 37]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 16, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

JUNE 20, 1952.

[F. R. Doc. 52-6943; Filed, June 20, 1952; 4:55 p. m.]

[Region V, Redelegation of Authority No. 29, Correction]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 61 (17 F. R. 3258) this correction of Redelegation of Authority No. 29 is hereby issued.

Due to a typographical error, section 4 (a) (6) in Item 1 of Redelegation of Authority No. 29, issued April 18, 1952, was designated to read section 4 (a) (d). Accordingly, section 4 (a) (d) in Item 1 of Redelegation of Authority No. 29 is corrected to read section 4 (a) (6).

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

JUNE 20, 1952.

[F. R. Doc. 52-6939; Filed, June 20, 1952; 4:55 p. m.]

[Region V, Redelegation of Authority No. [illegible] Revocation]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REVOCATION OF REDELEGATION OF AUTHORITY NO. 36 TO ACT UNDER SECTION 6 OF CEILING PRICE REGULATION 31

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, pursuant to Delegation of Authority 66, (17 F. R. 4193) this Revocation of Redelegation of Authority No. 36 is hereby issued.

Preamble. Redelegation of Authority No. 33, effective May 16, 1952, redelegates the same authority as that set forth in Redelegation of Authority No. 36. Since this is a duplicate redelegation, and in order to avoid any confusion as to which Redelegation of Authority should be used in taking action under Section 6 of Ceiling Price Regulation 31, this revocation of Redelegation of Authority No. 36 is being issued.

Revocatory provisions. Redelegation of Authority No. 36 is hereby revoked.

This revocation shall take effect as of June 16, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

JUNE 20, 1952.

[F. R. Doc. 52-6940; Filed, June 20, 1952; 4:55 p. m.]

[Region VI, Redelegation of Authority No. 2, Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to

Delegation of Authority No. 5 Revised (17 F. R. 98) and Delegation of Authority No. 5, Revision 1, Amendment 1 (17 F. R. 4961), this amendment to Redelegation of Authority 2, Revision 1 (17 F. R. 672), is hereby issued.

Paragraph 1 of Redelegation of Authority 5, Revision 1, is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of Price Stabilization to act under sections 39a , 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation No. 7, as amended.

This amendment shall take effect as of June 16, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

JUNE 20, 1952

[F. R. Doc. 52-6933; Filed, June 20, 1952; 4:54 p. m.]

[Region VI, Redelegation of Authority No. 15, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 38 (16 F. R. 12299), Delegation of Authority No. 38, Amendment 1 (17 F. R. 1784), and Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 15 (16 F. R. 12745), is hereby issued.

Redelegation of Authority No. 15, as amended, is amended by inserting a new paragraph 3 to read as follows;

3. Authority to act under section 4 (d) of CPR 101, as amended. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of Price Stabilization to act under section 4 (d) of CPR 101 as amended.

This Amendment 2 to Redelegation of Authority No. 15 shall take effect as of June 16, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

JUNE 20, 1952.

[F. R. Doc. 52-6934; Filed, June 20, 1952; 4:54 p. m.]

[Region VI, Redelegation of Authority No. 36]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, District Offices of Price Stabilization, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 16, 1952.

SYDNEY A. HESSE,
Director of Regional Office No. VI.

JUNE 20, 1952.

[F. R. Doc. 52-6935; Filed, June 20, 1952; 4:54 p. m.]

[Region VII, Redelegation of Authority No. 6, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 5, Amendment 1 to Revision 1 (17 F. R. 4961), this Amendment 1 to Redelegation of Authority No. 6, Revision 1 (17 F. R. 620) is hereby issued.

1. Authority is hereby redelegated to the Directors of the Chicago, Indianapolis, Green Bay, Milwaukee, Peoria, and Springfield District Offices of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This redelegation of authority shall take effect on June 21, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JUNE 20, 1952.

[F. R. Doc. 52-6929; Filed, June 20, 1952; 4:53 p. m.]

[Region IX, Redelegation of Authority No. 3, Amdt. 1 to Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a AND 39c OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Acting Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 5, Revision 1, Amendment 1, dated May 29, 1952 (17 F. R. 4961), this Amendment 1 to Redelegation of Authority No. 3, Revision 1 (17 F. R. 673), is hereby issued.

The second paragraph of Redelegation of Authority No. 3, Revision 1, is amended to read as follows:

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This Amendment 1 to Redelegation of Authority No. 3, Revision 1, shall take effect as of June 6, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JUNE 20, 1952.

[F. R. Doc. 52-6924; Filed, June 20, 1952; 4:52 p. m.]

[Region IX, Redelegation of Authority No. 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO PROCESS REPORTS AND APPLICATIONS FOR CEILING PRICES IN CONFORMITY WITH THE COMMODITY CREDIT CORPORATION PRICE SUPPORT PROGRAM UNDER GOR 26

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 58, Revision 1, dated May 5, 1952 (17 F. R. 4192), this Revision 1 of Redelegation of Authority No. 32 (17 F. R. 3563), is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX:

(a) To process reports filed pursuant to Section 4 of GOR 26 and to approve or disapprove such reports including the ceiling prices stated therein or request further information pertaining thereto, and

(b) To process applications for ceiling prices submitted by applicants whose main places of business are located within their district pursuant to section 3 (b) (3) of GOR 26, and to approve or disapprove the proposed ceiling prices, establish different ceiling prices, or request further information concerning the applications.

This Revision 1 of Redelegation of Authority No. 32 shall take effect as of June 6, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JUNE 20, 1952.

[F. R. Doc. 52-6925; Filed, June 20, 1952; 4:52 p. m.]

[Region IX, Redelegation of Authority No. 37]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ISSUE ORDERS ESTABLISHING PRICE FACTORS, EXCHANGE ALLOWANCES, PRICE DIFFERENTIALS, PRICE DETERMINING METHODS, UNDER CPR 139

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Au-

thority No. 64, dated April 22, 1952 (17 F. R. 3617), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to issue orders establishing price factors, exchange allowances, and price differentials under section 27, exchange allowances under section 26 (c), price determining methods under section 34, and price factors and price differentials under section 46 of Ceiling Price Regulation 139.

This redelegation of authority shall take effect as of June 6, 1952.

M. A. BROOKS.
Acting Regional Director, Region IX.

JUNE 20, 1952.

[F. R. Doc. 52-6926; Filed, June 20, 1952; 4:52 p. m.]

[Region IX, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 66, dated May 5, 1952 (17 F. R. 4193), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to receive and examine reports filed under the provisions of section 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of section 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect as of June 6, 1952.

M. A. BROOKS.
Acting Regional Director Region IX.

JUNE 20, 1952.

[F. R. Doc. 52-6927; Filed, June 20, 1952; 4:53 p. m.]

[Region IX, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 68 dated May 29, 1952 (17 F. R. 4961), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 6, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JUNE 20, 1952.

[F. R. Doc. 52-6928; Filed, June 20, 1952; 4:53 p. m.]

[Region X, Redelegation of Authority No. 15, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Region X Redelegation of Authority No. 15 is hereby issued.

Region X Redelegation of Authority No. 15 is amended by adding a new paragraph 4 to read as follows:

4. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under Section 4 (d) of CPR 101, as amended.

This redelegation of authority, as amended, shall take effect on June 23, 1952.

ALFRED L. SEELYE,
Director of Regional Office, No. X.

JUNE 20, 1952.

[F. R. Doc. 52-6930; Filed, June 20, 1952; 4:53 p. m.]

[Region X, Redelegation of Authority No. 36]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 68 (17 F. R. 4961) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 19, 1952.

ALFRED L. SEELYE,
Director of Regional Office, No. X.

JUNE 20, 1952.

[F. R. Doc. 52-6931; Filed, June 20, 1952; 4:53 p. m.]

[Region XI, Redelegation of Authority No. 21, Amdt. 2]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED: AUTHORITY TO ACT UNDER SECTION 4 (d), WHOLESALE VEAL

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 38 (16 F. R. 12299), Delegation of Authority 38, Amendment 1 (17 F. R. 1784), and Delegation of Authority 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 21 is hereby issued.

Redelegation of Authority No. 21, as amended, is further amended by adding a new paragraph 3 to read as follows:

(3) *Authority to act under section 4 (d) of CPR 101, as amended.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI, to act under section 4 (d) of CPR 101, as amended.

This Amendment 2 to Redelegation of Authority No. 21 shall take effect as of June 16, 1952.

GEORGE F. ROCK
Regional Director, Region XI.

JUNE 20, 1952.

[F. R. Doc. 52-6936; Filed, June 20, 1952; 4:54 p. m.]

[Region XI, Redelegation of Authority No. 27, Amdt. 1]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTION 39 OF CPR 7, AS AMENDED, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 5 as revised and amended (16 F. R. 3672, 16 F. R. 11128, 17 F. R. 98, 17 F. R. 4961), this Amendment 1 to Redelegation of Authority No. 27 is hereby issued.

Paragraph 1 of Redelegation of Authority No. 27 is amended to read as follows:

1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This Amendment 1 to Redelegation of Authority No. 27 shall take effect as of June 16, 1952.

GEORGE F. ROCK,
Regional Director, Region XI.

JUNE 20, 1952.

[F. R. Doc. 52-6937; Filed, June 20, 1952; 4:54 p. m.].

[Region XI, Redelegation of Authority No. 44]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED, WHOLESALE BEEF

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b) and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 16, 1952.

GEORGE F. ROCK,
Regional Director, Region XI.

JUNE 20, 1952.

[F. R. Doc. 52-6938; Filed, June 20, 1952; 4:54 p. m.]

[Region XIV, Redelegation of Authority No. 4, Revision 1]

TERRITORIAL DIRECTORS, REGION XIV, WASHINGTON, D. C.

REDELEGATION OF AUTHORITY TO APPROVE, DISAPPROVE, REVISE, OR ISSUE ORDERS ESTABLISHING CEILING PRICES IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 3 (d) AND 4 OF CPR 9, REVISION 1

By virtue of the authority vested in the Director of Region XIV of the Office of Price Stabilization, by Office of Price Stabilization Delegation of Authority No. 7, Revised (16 F. R. 10752), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization for Alaska, Hawaii, Guam, Virgin Islands, and Puerto Rico, respectively, to establish ceiling prices on commodities in accordance with section 3 (d) of Ceiling Price Regulation 9, Revision 1.

2. Authority is hereby redelegated to the Territorial Directors of the Office of Price Stabilization for Alaska, Hawaii, Guam, Virgin Islands, and Puerto Rico, respectively, to disapprove or revise the ceiling prices reported or proposed, in accordance with section 4 of Ceiling Price Regulation 9, Revision 1.

This redelegation of authority shall take effect on June 21, 1952.

EDWIN S. VILLMOARE,
Acting Regional Director.

JUNE 20, 1952.

[F. R. Doc. 52-6932; Filed, June 20, 1952; 4:54 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10218]

WILLIAM C. MOSS (KSEY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of William C. Moss (KSEY), Seymour, Texas, for modification of license; Docket No. 10218, File No. BML-1473.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1952;

The Commission having under consideration the above-entitled application requesting a modification of license to increase power from 100 w to 250 w, unlimited time on 1230 kc at Station KSEY, Seymour, Texas.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KSEY as proposed, but that the application may involve interference with one or more existing stations.

It is ordered, That, pursuant to Section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KSEY as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station KSEY as proposed would involve objectionable interference with Stations KPAT, Pampa, Texas, KWTX, Waco, Texas, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of Station KSEY as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of Station KSEY as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That J. C. Daniels, licensee of Station KPAT, Pampa, Texas, and KWTX Broadcasting Company, licensee of Station KWTX, Waco, Texas, are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-6898; Filed, June 24, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6438]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION

JUNE 18, 1952.

Take notice that on June 16, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Virgina Electric and Power Company (hereinafter called "Virginia Company"), a corporation organized under the laws of the State of Virginia and doing business in the States of Virginia, West Virginia, and North Carolinia, with its principal business office at Richmond, Virginia, seeking an order authorizing the acquisition, by purchase, of the outstanding shares of Capital Stock of Hydro-Electric Corporation of Virginia (hereinafter called "Hydro Corporation"). Virginia Company proposes to purchase the outstanding shares of Capital Stock of Hydro Corporation, consisting of 1,500 shares of Preferred Stock, and 4,000 shares of Common Stock. Virginia Company proposes immediately thereafter to cause the dissolution of Hydro Corporation and its subsidiary, Meadow Creek Corporation, and to assume the liabilities of Hydro Corporation and Meadow Creek Corporation; the consideration for the Preferred and Common Stock of Hydro Corporation to be acquired, the application states, is $550,000 in cash. Virginia Company proposes to acquire and consolidate the assets of Hydro Corporation. The principal asset of Hydro Corporation is a 7,500 kw hydro station (Cushaw), on the James River, near Snowden, Virginia; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 7th day of July 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-6893; Filed, June 24, 1952; 8:49 a. m.]

[Docket Nos. ID-1036, ID-1177]

CHANDLER W. JONES AND E. M. SIMPSON

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JUNE 19, 1952.

In the matters of Chandler W. Jones, Docket No. ID-1036; E. M. Simpson, Docket No. ID-1177.

Notice is hereby given that on June 18, 1952, the Federal Power Commission issued its orders entered June 17, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6891; Filed, June 24, 1952; 8:48 a. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF REQUEST FOR CONFIRMATION AND APPROVAL OF REVISION OF GENERAL RATE SCHEDULE PROVISIONS

JUNE 18, 1952.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a proposed revision of § 2.2 in its General Rate Schedule Provisions applicable to the sale of wholesale power.

The proposed § 2.2, defining measured demand provides that:

Except where deliveries are scheduled as hereinafter provided, the purchaser's measured demand for any class of power, for any point of delivery, and for any period, shall be the largest of the thirty-minute integrated demands at which such class of power is delivered to the purchaser at such point during such period.

If the contractual arrangements provide for the delivery of more than one class of power to the purchaser at any point of delivery, the total thirty-minute integrated demands at such point will be determined from measurements as specified in the contract, or estimated where metering or other data are not available for such determination. The portion of each of such demands assignable to each class of power will be determined according to the terms of the contract.

If the flow of electric energy to the purchaser at any point or points of delivery cannot be adequately controlled because the purchaser's system is interconnected with one or more systems which are also interconnected with the Government's system, the purchaser's measured demand for each class of power, for such point or points, and for any period, shall be the largest of the hourly amounts of such class of power which are scheduled for delivery to the purchaser at such point or points during such period.

Any person desiring to comment or to make representations with respect to the foregoing should submit the same on or before July 18, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6894; Filed, June 24, 1952; 8:49 a. m.]

[Project Nos. 777, 943, 1090, 1223, 1292]

PUGET SOUND POWER & LIGHT CO.

NOTICE OF ORDERS DISMISSING INCOMPLETE APPLICATION FOR APPROVAL OF TRANSFER OF LICENSE

JUNE 19, 1952.

Notice is hereby given that on June 18, 1952, the Federal Power Commission issued its orders entered June 17, 1952, dismissing incomplete application for approval of transfer of license in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6892; Filed, June 24, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27171]

SCRAP LEATHER FROM HUNTSVILLE, ALA., TO CARROLLVILLE, WIS.

APPLICATION FOR RELIEF

JUNE 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-816.

Commodities involved: Scrap leather, having value only for fertilizer purposes, carloads.

From: Huntsville, Ala.

To: Carrollville, Wis.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-816, Supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6888; Filed, June 24, 1952; 8:48 a. m.]

[No. 31050]

SO. PAC.-MO. PAC. INCREASED PASSENGER FARES

NOTICE OF HEARING

JUNE 19, 1952.

By petition dated April 30, 1952, the common carriers operating within western territory, listed in the appendix set forth below, request this Commission to authorize them to increase their interstate basic passenger fares for transportation in coaches and in sleeping and parlor cars as follows:

1. Increase the basic one-way fares for transportation in sleeping and parlor cars by 10 percent. The basic fare so increased will approximate 3.85 cents a mile.

2. Increase the basic one-way fares for transportation in coaches by 10 percent. The basic fare so increased will approximate 2.75 cents a mile.

3. Dispose of fractions with respect to one-way fares as follows: when total increased fares result in a fraction of a cent, fractions of less than 0.5 cent shall be dropped, and fractions of 0.5 cent or greater shall be increased to the next whole cent.

4. Increase the minimum one-way fare (now 15 cents) to 20 cents.

5. File and publish the increased one-way fares herein sought on short notice, to-wit, five days, by simple form of tariff publication.

6. If petitioners are authorized to increase their basic one-way fares as herein sought, they seek authority to publish on short notice:

(a) Round-trip station-to-station fares for transportation in standard sleeping and parlor cars of 166⅔ percent of the proposed one-way fare of 3.85 cents a mile.

(b) Round-trip station-to-station fares for transportation in coaches of 180 percent of the proposed one-way fare of 2.75 cents a mile.

7. Increase interline fares between stations on the lines of petitioners, on the one hand, and stations on the lines of connecting railroads, on the other hand, to the extent necessary to reflect the increases herein sought on the lines of petitioners.

8. Increase excess baggage charges by applying the present excess baggage scale to the increased one-way basic fares for transportation in sleeping and parlor cars.

The Commission is asked to modify its orders of December 6, 1920, in No. 11775, Arkansas Rates and Fares, 59 I. C. C. 471, of January 27, 1951, in No. 11809, Nebraska Rates, Fares, and Charges, 69 I. C. C. 644, and of December 18, 1942, in No. 28846, Increases in Texas Rates, Fares, and Charges, 253 I. C. C. 723, so as to authorize petitioners to establish increases in their intrastate fares and charges within the States of Arkansas, Nebraska, and Texas, corresponding to the increases sought herein in their interstate fares and charges, or such increases as may be authorized, and such other relief under section 13 of the Interstate Commerce Act as may be necessary to enable petitioners to make effective in those States the rates proposed in their petition.

The Commission is further asked to grant such relief from the provisions of section 4 of the Interstate Commerce Act as may be necessary to permit the establishment and maintenance of the increased fares, and to modify all outstanding orders to the extent necessary to permit them to be made effective.

This petition has been docketed as No. 31050, So. Pac.-Mo. Pac. Increased Passenger Fares and is assigned for public hearing July 16, 1952, 9:30 a. m., U. S. standard time (or 9:30 a. m., local daylight saving time, if that time is observed) at the Mark Twain Hotel, St. Louis, Mo., before Hearing Examiner Aubrey T. Palmer.

A copy of this notice has, on the date hereof, been sent by regular mail to the said petitioners, the Governors and the rate regulatory authorities of the States traversed by petitioners, and at the same time copies have also been deposited in the office of the Secretary of the Commission at Washington, D. C., and filed with the Director, Division of the Federal Register, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

LIST OF PETITIONERS

Missouri Pacific Lines comprising:
- Missouri Pacific Railroad Company (Guy A. Thompson, Trustee),
- Missouri Pacific Railroad Corporation in Nebraska (Guy A. Thompson, Trustee),
- Asherton and Gulf Railway Company (Guy A. Thompson, Trustee),
- The Beaumont, Sour Lake & Western Railway Company (Guy A. Thompson, Trustee),
- Houston and Brazos Valley Railway Company (Guy A. Thompson, Trustee),
- International-Great Northern Railroad Company (Guy A. Thompson, Trustee),
- New Iberia & Northern Railroad Company (Guy A. Thompson, Trustee),
- New Orleans, Texas & Mexico Railway Company (Guy A. Thompson, Trustee),
- Rio Grande City Railway Company (Guy A. Thompson, Trustee),
- San Antonio, Uvalde & Gulf Railroad Company (Guy A. Thompson, Trustee),
- The St. Louis, Brownsville and Mexico Railway Company (Guy A. Thompson, Trustee),

Northwestern Pacific Railroad Company.
Pacific Electric Railway Company.
St. Louis Southwestern Railway Company.
St. Louis Southwestern Railway Company of Texas.
San Diego & Arizona Eastern Railway Company.
Southern Pacific Company.
The Texas and Pacific Railway Company,
- Abilene & Southern Railway Company,
- The Denison and Pacific Suburban Railway Company,
- Texas-New Mexico Railway Company,
- The Weatherford, Mineral Wells and Northwestern Railway Company.

Texas and New Orleans Railroad Company.

[F. R. Doc. 52-6890; Filed, June 24, 1952; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 2-A]

LONG ISLAND RAIL ROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 2, and good cause appearing therefor:

It is ordered, That:

(a) Taylor's I. C. C. Order No. 2 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective 11:59 p. m., June 18, 1952.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 18, 1952.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-6889; Filed, June 24, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-576]

NORTHERN NATURAL GAS CO. AND PEOPLES NATURAL GAS CO.

ORDER PERMITTING WITHDRAWAL OF APPLICATION FILED

JUNE 19, 1952.

Northern Natural Gas Company ("Northern"), a public utility holding company, having filed on September 25, 1950, an application, and amendments thereto, pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an order exempting it and its subsidiary company from the provisions of said act; and

Northern, on June 6, 1952, having notified the Commission that on June 2, 1952, its public utility subsidiary, Peoples Natural Gas Company, was liquidated and dissolved and that Northern no longer has any subsidiary companies which are public utility companies within the meaning of said act; and

Northern having requested permission to withdraw the aforesaid application filed pursuant to section 3 (a) (3) of the act; and

It appearing that Northern is no longer a public utility holding company and that its application for exemption has become moot, and the Commission deeming it appropriate to grant the aforesaid request of Northern:

It is ordered, That the request of Northern to withdraw its pending application filed pursuant to section 3 (a) (3) of the act be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6878; Filed, June 24, 1952; 8:45 a. m.]

[File No. 31-589]

MEADOW RIVER LUMBER CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JUNE 19, 1952.

The Meadow River Lumber Company ("Meadow River") having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 requesting on behalf of itself and its subsidiaries, as such, exemption from the provisions of the act applicable to them by reason of the ownership by Meadow River of the outstanding common stock of Sewell Valley Utilities Company, a public-utility company; and

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and

The Commission having examined the application and the statements contained therein and having found that Meadow River is only incidentally a holding company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that granting the requested exemption will not be detrimental to the public interest and the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act, that the application of Meadow River for exemption of itself as a holding company and its subsidiaries, as such, be, and the same hereby is, granted, said company and its subsidiaries remaining subject, however, to section 9 (a) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6886; Filed, June 24, 1952; 8:47 a. m.]

[File No. 31-590]

EDWARDS MANUFACTURING CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JUNE 19, 1952.

The Edwards Manufacturing Company ("Edwards") having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 requesting an exemption from the provisions of the act on behalf of itself and its subsidiaries, as such, applicable to them by reason of the ownership by Edwards of the outstanding common stock of the Edwards Power Company, a public-utility company; and

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and

The Commission having examined the application and the statements contained therein and having found that Edwards is only incidentally a holding

company, being primarily engaged in a business other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company; and further finding that granting the requested exemption will not be detrimental to the public interest and the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act, that the application of Edwards for exemption of itself as a holding company and its subsidiaries, as such, be, and the same hereby is, granted, said company and its subsidiaries remaining subject, however, to section 9 (a) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6884; Filed, June 24, 1952; 8:47 a. m.]

[File No. 31-594]

ARTHUR TARBET, TRUSTEE

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 19, 1952.

Notice is hereby given that Arthur Tarbet, Trustee of the C. A. Leonard Trust, has filed an application with this Commission requesting exemption on behalf of himself, as Trustee, and the Trust from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (1) of the act.

Notice is further given that any interested person may, not later than July 11, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after July 11, 1952.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the facts contained therein, which are summarized as follows:

Applicant is the trustee of the C. A. Leonard Trust which was created under the will of the late C. A. Leonard. Applicant maintains his office in Blackwell, Oklahoma, and the business of the Trust is carried on in the State of Oklahoma. The Trust is engaged in the production and sale of oil, the production, purchase and sale of natural gas at retail, and the ownership of two farms. During the 12 months ended April 30, 1952, gross income of the Trust amounted to $78,610 from the sale of oil and $17,664 from the sale of natural gas. During the calendar year 1951, the Trust received gross income of $635 from the operations of the two farms.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6885; Filed, June 24, 1952; 8:47 a. m.]

[File Nos. 30-169, 70-2823]

NORTHERN NATURAL GAS CO. ET AL

ORDER DECLARING THAT COMPANY HAS CEASED TO BE HOLDING COMPANY

JUNE 19, 1952.

In the matter of Northern Natural Gas Company, Peoples Natural Gas Company, File No. 70-2823; Northern Natural Gas Company, File No. 30-169.

The Commission having heretofore, after public hearings held with respect thereto, adopted and published its findings and opinion and order dated May 20, 1952 (Holding Company Act Release No. 11260), with respect to the acquisition by Northern Natural Gas Company ("Northern"), a registered holding company, of all the assets and the assumption of all the liabilities of Peoples Natural Gas Company ("Peoples"); Northern having also in connection therewith requested that the Commission find and declare, pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935, that Northern has ceased to be a holding company;

In connection with the aforesaid findings and opinion, the Commission having stated, among other things, that it appeared to it that upon the consummation of the proposed transactions such an order under section 5 (d) of the act would be appropriate upon the renewal by Northern of its request; Northern now having renewed this request and in connection therewith stating that as at the close of business on May 31, 1952, Northern acquired the assets and assumed the liabilities of Peoples, the only public utility subsidiary of Northern, that Northern transferred to Peoples all the latter's issued and outstanding common stock which stock was thereupon canceled by Peoples, and that on June 2, 1952, Peoples was dissolved in accordance with section 39 of the General Corporation Law of the State of Delaware, the state of Peoples' incorporation; this filing further stating that on May 26, 1952 the Board of Directors of Northern resolved to recommend to Northern's stockholders that at the next meeting of such stockholders the Certificate of Incorporation of Northern be amended so as to require the affirmative vote of two-thirds of the outstanding voting stock to modify the provision therein relating to cumulative voting;

The Commission now finding that Northern has ceased to be a holding company:

It is ordered and declared, Pursuant to section 5 (d) of the act that Northern has ceased to be a holding company and subject to the following terms and conditions its registration under the act has ceased to be in effect:

(1) That at the first meeting of stockholders of Northern (or any adjournments thereof) following the date of this order, Northern submit to the stockholders for their approval and recommend the adoption of an amendment to the Certificate of Incorporation as described in the above mentioned resolution adopted May 26, 1952;

(2) That in connection with the solicitation of proxies for such first meeting (or any adjournments thereof) Northern shall not utilize any solicitation material unless, at least 10 days prior to the use thereof, Northern has submitted to this Commission a copy of said material and the Commission has notified Northern that it has no objection to the use of said material; and

(3) That Northern report promptly, after its occurrence, the result of the stockholders' vote on the proposed amendment to its Certificate of Incorporation.

It is further ordered, That this order shall become effective forthwith upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6879; Filed, June 24 1952; 8:46 a. m.]

[File No. 70-2857]

COLUMBIA GAS SYSTEM, INC., AND UNITED FUEL GAS CO.

ORDER AUTHORIZING CASH CAPITAL CONTRIBUTION AND FORGIVENESS OF OPEN ACCOUNT ADVANCES BY PARENT COMPANY, AND ISSUANCE AND SALE OF PROMISSORY NOTES BY SUBSIDIARY TO PARENT

JUNE 19, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and United Fuel Gas Company ("United Fuel"), a subsidiary company of Columbia, having filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6 (b), 9, 10, and 12 (b) of the Public Utility Holding Company Act of 1935, and Rule U-45 promulgated thereunder, with respect to the following transactions:

Columbia will make a cash capital contribution to United Fuel in the amount of $3,000,000. Columbia will increase its investment in the common stock of United Fuel by $2,999,918.94 and will charge $81.06 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel proposes to credit $3,000,000 to its capital surplus.

United Fuel proposes to issue and sell, at par, to Columbia $10,800,000 principal amount of 3⅝ percent Installment Promissory Notes. These Notes will be registered and dated from the date of their issue. The principal amounts thereof will be due in equal annual installments on February 15 of each of the years 1954 through 1978. Interest will be payable semi-annually on February 15 and August 15.

The joint application-declaration states that such funds are required by United Fuel to finance its 1952 construction program and to purchase "cushion" gas in connection with its gas storage program. In this connection it is stated that in providing the funds to United Fuel, Columbia will first make capital contributions when and as funds are required by United Fuel up to a maximum amount of $3,000,000, and thereafter, if additional funds are required, Columbia will purchase 3⅝ Percent Installment Notes from United Fuel up to a maximum amount of $10,800,000. None of the proposed transactions will be consummated subsequent to March 31, 1953.

Columbia also proposes to make a capital contribution to United Fuel by forgiving $6,000,000 principal amount of 2¾ percent open account advances owing to Columbia and due June 1, 1952. Columbia proposes to increase its investment in the common stock of United Fuel by $5,999,837.88 and will charge $162.12 (the amount of the contribution which is applicable to the minority interest) to operating expense. United Fuel proposes to credit $6,000,000 to its capital surplus.

Appropriate notice of said joint application-declaration having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of West Virginia having issued an order authorizing the issuance and sale by United Fuel of its 3⅝ Percent Installment Notes; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6881; Filed, June 24, 1952; 8:46 a. m.]

[File No. 70-2858]

COLUMBIA GAS SYSTEM, INC., AND CENTRAL KENTUCKY NATURAL GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

JUNE 19, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary Central Kentucky Natural Gas Company ("Central Kentucky"), having filed a joint application and an amendment thereto with this Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Central Kentucky proposes to issue and sell and Columbia proposes to acquire, for $600,000 in cash, 24,000 shares of common stock, par value $25 per share. Central Kentucky also proposes to issue and sell and Columbia proposes to acquire $575,000 principal amount of 3⅝ Percent Installment Promissory Notes. Said Notes would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semi-annually on February 15 and August 15.

Columbia states that in providing Central Kentucky with $1,175,000 of new money, it would first purchase common stock, at par, when and as funds are required, up to a maximum amount of 24,000 shares. Thereafter, Columbia would purchase 3⅝ percent notes of Central Kentucky, as funds are needed, up to a maximum principal amount of $575,000. It is further stated that Central Kentucky would not issue or sell any such common stock or 3⅝ percent notes subsequent to March 31, 1953.

The joint applicants represent that the proceeds from the sale of the additional common stock and 3⅝ percent notes would be used by Central Kentucky for the purpose of financing its scheduled 1952 construction program.

Appropriate notice of said joint application having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of the Commonwealth of Kentucky having issued an order authorizing the proposed issuance and sale of the said common stock and notes by Central Kentucky; and

The Commission finding with respect to said joint application, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6880; Filed, June 24, 1952; 8:46 a. m.]

[File No. 70-2861]

COLUMBIA GAS SYSTEM, INC., AND OHIO FUEL GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

JUNE 19, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary the Ohio Fuel Gas Company ("Ohio Fuel"), having filed a joint application and an amendment thereto with the Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Ohio Fuel proposes to issue and sell and Columbia proposes to acquire 117,843 shares of common stock, par value $45 per share ($5,302,935) and a maximum of $14,697,065 principal amount of 3⅝ Percent Installment Promissory Notes. Ohio Fuel represents that the proceeds, in the amount of $20,000,000, to be derived from the sale of such securities, would be used to finance, in part, its 1952 construction program estimated to cost $20,764,543 and the purchase of "cushion" gas in connection with its gas storage program in the estimated amount of $1,600,000. Columbia proposes first to purchase common stock, at par, when and as funds are required, up to a maximum amount of 117,843 shares, and thereafter to purchase 3⅝ percent notes of Ohio Fuel, as funds are needed, up to a maximum principal amount of $14,697,065. It is further stated that Ohio Fuel would not issue or sell any such common stock or 3⅝ percent notes subsequent to March 31, 1953.

In addition, it is proposed that Ohio Fuel's outstanding 2¾ percent open account loans in the principal amount of $8,500,000, owing to Columbia and repayable on June 1, 1952, be funded into long-term securities. Ohio Fuel proposes to issue and Columbia proposes to acquire, at par, $8,500,000 principal amount of 3⅝ percent notes as payment and liquidation of the aforementioned open account loans.

The 3⅝ percent notes to be issued by Ohio Fuel would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said notes would be payable semiannually on February 15 and August 15.

Appropriate notice of said joint application having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said joint application, as amended, within the period specified or otherwise, and not having ordered a hearing thereon; and

The Public Utilities Commission of the State of Ohio having issued an order authorizing the proposed issuance and sale of the common stock and notes by Ohio Fuel; and

The Commission finding with respect to said joint application, as amended,

that the requirements of the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application, as amended, be, and the same hereby is granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6882; Filed, June 24, 1952; 8:46 a. m.]

[File No. 70-2863]

SOUTHERN CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING FOR UNDERWRITING OF COMMON STOCK RIGHTS OFFERING AND OVER FEES AND EXPENSES

JUNE 19, 1952.

In the matter of the Southern Company, Alabama Power Company, Georgia Power Company, File No. 70-2863.

The Southern Company ("Southern"), a registered holding company, and two of its public utility subsidiary companies, Alabama Power Company and Georgia Power Company, having filed a joint application-declaration, with amendments thereto, proposing, among other things, to offer to its stockholders rights to subscribe for the purchase of 1,004,510 additional shares of its $5 par value common stock on the basis of one additional share for each sixteen shares of common stock now held, and also proposing to offer such shares as are not subscribed for by its stockholders to underwriters, pursuant to the competitive bidding requirements of Rule U-50, at the subscription price to be determined by Southern, the underwriters' bids to specify an aggregate amount of compensation to be paid for their commitments; and

The Commission by order dated June 4, 1952, having granted and permitted to become effective the joint application-declaration, as amended, subject to the condition, among others, that the proposed issuance and sale of common stock shall not be consummated until the results of the competitive bidding, pursuant to Rule U-50, shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto, and jurisdiction having been reserved therein over the payment of fees and expenses to be incurred in connection with the proposed transactions; and

Southern, on June 19, 1952, having filed a further amendment to said joint application-declaration in which it is stated that Southern has designated a subscription price of $12.75 per share for the additional shares of its common stock, has invited bids, pursuant to Rule U-50, with respect to the compensation to be paid the underwriters for purchasing, at the subscription price of $12.75 per share, the common stock not taken by subscription and has received the following bids:

Bidding group headed by—	Amount of compensation		Aggregate net proceeds to company [1]
	Per share	Aggregate	
Lehman Bros	$0.097	$97,437.47	$12,[illegible]
The First Boston Corp	.115	115,538.65	12,[illegible]
Union Securities Corp. and Equitable Securities Corp	.1179	118,029.63	12,[illegible]
Morgan Stanley & Co	.1595	160,216.34	12,[illegible]
Kidder, Peabody & Co			
Merrill Lynch, Pierce, Fenner and Beane			

[1] After deducting amount of compensation bid only.

The amendment having further stated that Southern has accepted the bid of Lehman Brothers, as set forth above; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, which are estimated as set forth below:

Federal original issue tax	$9,240
Filing fee, Securities and Exchange Commission	1,492
Listing on New York Stock Exchange	2,500
Charges of transfer agent and registrar	28,000
Charges of subscription agent	109,000
Cost of stock certificates and warrants	11,520
Blue Sky expense	2,000
Mailing expense	23,000
Printing and preparation of Form U-1, registration statement, financial statements, prospectus, competitive bidding papers, letters to stockholders, etc	50,000
Fees of counsel	10,000
Expenses of counsel	200
Fees of accountants	5,050
Services of Southern Services, Inc	7,000
Miscellaneous	10,000
Total	269,002

It appearing that Southern requested various financial institutions to submit proposals with respect to their charges for acting as subscription agent in connection with the proposed issuance and sale of Common Stock, that five bids were received, and that Southern accepted the bid of Chemical Bank & Trust Company in the amount of $109,000; and

It further appearing that the proposed fee of Reid & Priest, counsel for the underwriters, which is to be paid by said underwriters, is $6,000; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said stock, the compensation to be paid to the underwriters, or otherwise; and it appearing to the Commission that the fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the subscription price per share, the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions be released;

It is ordered, That the joint application-declaration, as further amended, be granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved over the subscription price, the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6877; Filed, June 24, 1952; 8:45 a. m.]

[File No. 70-2878]

AMERICAN GAS AND ELECTRIC CO.

SUPPLEMENTAL ORDER

JUNE 19, 1952.

American Gas and Electric Company ("American"), a registered holding company, having filed a declaration, and an amendment thereto, pursuant to the provisions of sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder wherein American proposed to issue and sell $20,000,000 principal amount of __ percent Sinking Fund Debentures due 1977 and 170,000 shares of $10 par value common stock; and

The Commission having, by order dated June 5, 1952, permitted said declaration, as amended, to become effective, subject to the condition, among other things, that the proposed issue and sale of said debentures and common stock not be consummated until the results of the competitive bidding had been made a matter of record in this proceeding, and a further order shall have been entered by this Commission in the light of the record so completed, and the Commission having also reserved jurisdiction over the payment of fees and expenses of all counsel; and

American having, on June 19, 1952, filed a further amendment to said declaration in which it is stated that it has offered such debentures and common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

FOR THE DEBENTURES

Bidder	Price to company	Interest rate	Cost to company
Halsey, Stuart & Co., Inc	*Percent* 100.20	*Percent* 3⅜	*Percent* 3.3631
The First Boston Corp	100.189	3⅜	3.3638
Blyth & Co., Inc., and Goldman Sachs & Co	100.16	3⅜	3.3655
Union Securities Corp	102.027	3½	3.3793
Harriman Ripley & Co., Inc	101.956	3½	3.3834
Salomon Bros. & Hutzler	101.877	3½	3.3881
Kuhn, Loeb & Co	101.75	3½	3.3956

FOR THE COMMON STOCK

Bidder	Price to company
	Per share
The First Boston Corp	$58.563
Union Securities Corp	58.31
Blyth & Co., Inc., and Goldman Sachs & Co	57.03

Said amendment stating that American has accepted the bid of Halsey, Stuart & Co., Inc. for the debentures and the bid of The First Boston Corporation for the common stock, as set out above, and that the debentures will be offered for sale to the public at a price of 100.75 percent of the principal amount, resulting in an underwriters' spread of 0.55 percent of the principal amount, and that the common stock will be offered to the public at a price of $60.25 per share, resulting in an underwriters' spread of $1.687 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of said debentures and common stock, and the underwriters' spreads and their allocations:

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said debentures and common stock be, and the same hereby is, released and the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved over the payment of the fees and expenses of all counsel be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6883; Filed, June 24, 1952; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

EDIBLE TREE NUTS

NOTICE OF HEARING

The United States Tariff Commission, on the 19th day of June 1952, ordered a public hearing in the above entitled investigation to be held on the 28th day of July 1952 at 10 a. m., e. d. s. t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The purpose of the hearing is to receive information and views from interested parties as to programs of the United States Department of Agriculture which will be in operation for the crop year 1952-53 with respect to almonds, filberts, walnuts, or pecans, and on the question as to what action, if any, should be taken under section 22 with respect to imports of almonds, filberts, walnuts, Brazil nuts, or cashews.

The Tariff Commission investigation relating to imports of almonds, filberts, walnuts, Brazil nuts, and cashews was instituted under section 22 of the Agricultural Adjustment Act on April 13, 1950. The Commission made an interim report on the investigation to the President on November 24, 1950. At that time the Commission found no basis for the imposition of restrictions under section 22 on imports of any of the commodities covered by the investigation. The investigation was continued, however, and, after a public hearing held in September 1951, the Commission made another report to the President. On December 10, 1951, the President issued a proclamation giving effect to the Commission's recommendation in the latter report. The proclamation imposed a fee, in addition to the duties imposed under the Tariff Act of 1930, of 10 cents per pound on imports of shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of an aggregate quantity of 4,500,000 pounds and provided that, of the imports not subject to the additional fee, not more than 500,000 pounds might consist of blanched, roasted, or otherwise prepared or preserved almonds.

In the 1951 report the Commission advised the President that it was continuing the investigation and would keep in close touch with developments with respect to the Department of Agriculture's programs for tree nuts and of the marketing conditions for these commodities, and that it would report to the President regarding any later action which may be found to be necessary to carry out the purposes of section 22 of the Agricultural Adjustment Act, as amended.

Request to appear. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C., in advance of the date set for the hearing.

I hereby certify that the above hearing was ordered by the United States Tariff Commission on the 19th day of June 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-6919; Filed, June 24, 1952; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18899]

ALBERT BENZ ET AL.

In re: Securities owned by Albert Benz, also known as Albert Bens, and others. F-28-31848, F-28-31841.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp), and pursuant to law, after investigation, it is hereby found:

1. That the persons who own the property described in Exhibits A and C attached hereto and by reference made a part hereof, and who, if individuals, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and which, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Mary Noss, deceased and of Carl Schreiner, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the person referred to in subparagraphs 5 (d) and (e) hereof, whose name is unknown and who, if an individual, there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and which, if a partnership, corporation, association or other business organization, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

4. That Albert Benz, also known as Albert Bens, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That the property described as follows:

a. Those certain bonds described in the aforesaid Exhibit A, owned by the persons listed in said Exhibit, and presently in the custody of the Attorney General of the United States, in the safekeeping accounts listed opposite each such name, together with any and all rights thereunder and thereto,

b. Those certain bonds described in Exhibit B attached hereto and by refer-

FOR THE DEBENTURES

Bidder	Price to company	Interest rate	Cost to company
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co., Inc	100.20	3¾	3.3631
The First Boston Corp	100.189	3⅞	3.3638
Blyth & Co., Inc., and Goldman Sachs & Co.	100.16	3⅞	3.3655
Union Securities Corp	102.027	3½	3.3793
Harriman Ripley & Co., Inc	101.956	3½	3.3834
Salomon Bros. & Hutzler	101.877	3½	3.3881
Kuhn, Loeb & Co	101.75	3½	3.3956

FOR THE COMMON STOCK

Bidder	Price to company
	Per share
The First Boston Corp	$58.563
Union Securities Corp	58.31
Blyth & Co., Inc., and Goldman Sachs & Co	57.03

Said amendment stating that American has accepted the bid of Halsey, Stuart & Co., Inc. for the debentures and the bid of The First Boston Corporation for the common stock, as set out above, and that the debentures will be offered for sale to the public at a price of 100.75 percent of the principal amount, resulting in an underwriters' spread of 0.55 percent of the principal amount, and that the common stock will be offered to the public at a price of $60.25 per share, resulting in an underwriters' spread of $1.687 per share; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the issue and sale of said debentures and common stock, and the underwriters' spreads and their allocations:

It is hereby ordered, That the jurisdiction heretofore reserved in connection with the issue and sale of said debentures and common stock be, and it hereby is, released and discharged; and

It is further ordered, That the declaration, as amended, be permitted to become effective forthwith pursuant to Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JUNE 24, 1952.

TARIFF COMMISSION

Investigation Regarding Imports of Almonds, Filberts, Walnuts, Brazil Nuts, and Cashews

Notice is hereby given that a public hearing in connection with the investigation instituted under section 22 of the Agricultural Adjustment Act, as amended, on April 13, 1950, will be held on the 28th day of July 1952 at 10 a. m., e. d. s. t., in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. The purpose of the hearing is to receive information and views from interested parties as to programs of the United States Department of Agriculture which will be in operation for the crop year 1952–53 with respect to almonds, filberts, walnuts, or pecans, and on the question as to what action, if any, should be taken under section 22 with respect to imports of almonds, filberts, walnuts, Brazil nuts, or cashews.

The Tariff Commission investigation relating to imports of almonds, filberts, walnuts, Brazil nuts, and cashews was instituted under section 22 of the Agricultural Adjustment Act on April 13, 1950. The Commission made an interim report on the investigation to the President on November 24, 1950. At that time the Commission found no basis for the imposition of restrictions under section 22 on imports of any of the commodities covered by the investigation. The investigation was continued, however, and, after a public hearing held in September 1951, the Commission made another report to the President. On December 10, 1951, the President issued a proclamation giving effect to the Commission's recommendation in the latter report. The proclamation imposed a fee, in addition to the duties imposed under the Tariff Act of 1930, of 10 cents per pound on imports of shelled almonds and blanched, roasted, or otherwise prepared or preserved almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of an aggregate quantity of 4,500,000 pounds and provided that, of the imports not subject to the additional fee, not more than 500,000

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18899]

ALBERT BENZ ET AL.

In re: Securities owned by Albert Benz, also known as Albert Bens, and others. F–28–31848, F–28–31841..

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp), and pursuant to law, after investigation, it is hereby found:

1. That the persons who own the property described in Exhibits A and C attached hereto and by reference made a part hereof, and who, if individuals, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and which, if partnerships, corporations, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Mary Noss, deceased and of Carl Schreiner, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the person referred to in subparagraphs 5 (d) and (e) hereof, whose name is unknown and who, if an individ-

ence made a part hereof, owned by the persons referred to in said Exhibit, and presently in the custody of the Attorney General of the United States, in the safekeeping accounts listed opposite each such name, together with any and all rights thereunder and thereto,

c. Those certain coupons described and detached from the bonds identified in the aforesaid Exhibit C, owned by the persons listed in said Exhibit, and presently in the custody of the Attorney General of the United States in the safekeeping accounts listed opposite each such name, together with any and all rights thereunder and thereto,

d. Four (4) coupons, detached from Conversion Office for German Foreign Debts Funding 3 Percent Bonds, numbered 01053 and 02353, said coupons dated July 1, 1940, and January 1, 1941, of the face value of RM 3.00 each, owned by the person referred to in subparagraph 3, hereof, and presently in the custody of the Attorney General of the United States in a safekeeping account, numbered 66–200064, together with any and all rights thereunder and thereto,

e. Nineteen (19) coupons, detached from the I. G. Farbenindustrie A. G., bonds listed below, said coupons numbered and of the face value set forth opposite each such number:

Bond No.	Coupon No.	Face value of coupon
443876	17/19	RM 600.00
526178	18/19	400.00
368704	18	1,000.00
368720	18	1,000.00
496511	18	1,000.00
503744	18	1,000.00
503745	18	1,000.00
002193	17/19	300.00
008563	17/19	300.00
011080	17/19	300.00

owned by the person referred to in subparagraph 3 hereof, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66–200064, together with any and all rights thereunder and thereto, and

f. One (1) Conversion Office for German Foreign Debts 3 percent Dollar Bond, dated July 1, 1936, due January 1, 1946, numbered C–087903, of $100.00 face value, owned by Albert Benz, also known as Albert Bens, said bond presently in the custody of the Attorney General of the United States in a safekeeping account numbered 28–100111, together with any and all rights thereunder and thereto,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons referred to in subparagraphs 1, 2, 3 and 4 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That the national interest of the United States requires that the persons referred to be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Name of owner	Description	Face value	Account No.	OAP File No.
Fredk. Canestrille and/or Hanna Canestrelli.	Conversion Office for German Foreign Debts, 3 percent bonds, series A, dated Sept. 1, 1935, due Jan. 1, 1945.	4 @ RM 200.00 each	66-200027	F-28-31811
	Conversion Office for German Foreign Debts, 3 percent bonds, series B, dated July 1, 1936, due Jan. 1, 1946.	4 @ RM 500.00 each 6 @ RM 200.00 each	66-200027	
	Conversion Office for German Foreign Debts, 3 percent bonds, series C, dated Sept. 1, 1936, due Jan. 1, 1946.	8 @ RM 200.00 each	66-200027	
Christopher Lambert	Conversion Office for German Foreign Debts, 3 percent bonds, series A, dated Sept. 1, 1935, due Jan. 1, 1945.	1 @ RM 500.00	66-200043	F-28-31813
	Conversion Office for German Foreign Debts, 3 percent bonds, series B, dated July 1, 1936, due Jan. 1, 1946.	1 @ RM 1,000.00 1 @ RM 200.00 2 @ RM 500.00 each	66-200043	
	Conversion Office for German Foreign Debts, 3 percent bonds, series C, dated Sept. 1, 1936, due Jan. 1, 1946.	1 @ RM 1,000.00	66-200043	
Gustav Mahn	German External Loan of 1924 (Dawes) 7 percent gold bonds, dated Oct. 15, 1924, due Oct. 15, 1949.	26 @ $1,000.00 each	28-200053	F-28-31815
Theodore Tiedemann	Conversion Office for German Foreign Debts, 3 percent bonds, new series, dated Mar. 1, 1937, due July 1, 1947.	4 @ RM 1,000.00 each. 5 @ RM 200.00 each	66-200058	D-28-0805
Wally Weber (Miss)	Conversion Office for German Foreign Debts, 3 percent bonds, new series, dated Mar. 1, 1937, due July 1, 1947.	4 @ RM 1,000.00 each. 5 @ RM 200.00 each	66-200060	F-28-31812
Rudolf Knapp	Conversion Office for Foreign Debts, 3 percent series A bonds, dated Sept. 1, 1935, due Jan. 1, 1945.	5 @ RM 1000 each	66-200040	F-28-31863
	Conversion Office for Foreign Debts, 3 percent series B bonds, dated July 1, 1936, due Jan. 1, 1946.	4 @ RM 1000 each	66-200040	
	Conversion Office for Foreign Debts, 3 percent series C bonds, dated Sept. 1, 1936, due Jan. 1, 1946.	6 @ RM 1000 each	66-200040	

EXHIBIT B—BONDS

Name of owner	Description	Number	Face value	Account No.	OAP File No.
Personal representatives, heirs, next of kin, legatees and distributees of Mary Ness, deceased.	City of Duisburg, German external gold, 7 percent serial bonds, dated Nov. 1, 1925.	2101, 2102, 2103, 2104, 2159, 2189.	6 @ $1,000.00 each	28-100021	D-28-0415
Personal representatives, heirs, next of kin, legatees and distributees of Carl Schroeder, deceased.	Housing & Realty Improvement Co., Berlin, 1941 (closed) mortgage 20-year sinking fund, 7 percent gold bonds, due Nov. 15, 1946.	M209, M210, 351, 352, 353, 354, 355, 523, 524, 749, 1251, 1301, 1302, 1314.	14 @ $1,000.00 each	66-200052	F-28-31853

EXHIBIT C—COUPONS

Name of owner	Description of detached coupons: Date	Description of detached coupons: Value of coupons	Detached from bond (description of bond)	Account No.	OAP File No.
Walter Schellenberg	3-1-41 3-1-41	50 @ RM 3.00 each 34 @ RM 15.00 each 2 @ RM 7.50 each	Conversion Office for German Foreign Debts, 3 percent bonds, series B, dated June 1, 1936, due June 1, 1946.	28-200050	F-28-12045 [illegible] 1.
Otto Mantius	7-1-41	30 @ RM 3.00 each 6 @ RM 7.50 each	Conversion Office for German Foreign Debts, 3 percent bonds, series A, dated Sept. 1, 1935, due Jan. 1, 1945.	66-200065	F-28-31846.
Do	7-1-41	15 @ RM 15.00 each	Conversion Office for German Foreign Debts, 3 percent bonds, series B, dated June 1, 1936, due June 1, 1946.	66-200065	
Do	7-1-41	6 @ RM 15.00 each	Conversion Office for German Foreign Debts, 3 percent bonds, series C.	66-200065	
William V. N. Garretson.	10-15-37 4-15-38 10-15-38	2 @ $35.00 each 2 @ $35.00 each 2 @ $35.00 each	German External Loan of 1924 (Dawes) 7 percent gold bonds, dated Oct. 15, 1924, due Oct. 15, 1949.	66-200069	F-28-31857.

[F. R. Doc. 52-6863; Filed, June 23, 1952; 8:58 a. m.]

Reference Room
THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 17 NUMBER 125

Washington, Thursday, June 26, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, § 6.107 (d) (3) is amended to read as follows:

§ 6.107 *Department of the Air Force.*

* * *

(d) *General.* * * *

(3) Until December 31, 1956, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

* * * * *

(R. S. 1753, sec. 2 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR 1949 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-6999; Filed, June 25, 1952; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2, to Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC SUPPORT RATES AT DESIGNATED TERMINAL MARKETS

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3771 and 4834, and containing the specific requirements for the 1952-Crop Barley Price Support Program are hereby amended as follows:

Section 601.1558 *Support rates*, paragraph (a) *Basic support rates at designated terminal markets*, subparagraph (1), is amended by adding Sioux City, Iowa, to the list of terminal markets, and by deleting the words "for No. 1" from the heading "Rate per bushel for No. 1," so that the section reads as follows:

§ 601.1558 *Support rates.* * * *

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for barley of the Classes I, II, and III, grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Albany, N. Y.	$1.53
Astoria, Oreg.	1.47
Baltimore, Md.	1.53
Chicago, Ill.	1.46
Duluth, Minn.	1.42
Galveston, Tex.	1.47
Houston, Tex.	1.47
Kansas City, Mo.	1.49
Longview, Wash.	1.47
Los Angeles, Calif.	1.46
Memphis, Tenn.	1.46
Milwaukee, Wis.	1.46
Minneapolis, Minn.	1.42
New Orleans, La.	1.47
New York, N. Y.	1.53
Norfolk, Va.	1.53
Oakland, Calif.	1.46
Omaha, Nebr.	1.40
Philadelphia, Pa.	1.53
Portland, Oreg.	1.47
Saint Joseph, Mo.	1.40
Saint Louis, Mo.	1.46
San Francisco, Calif.	1.46
Seattle, Wash.	1.47
Sioux City, Iowa	1.40
Superior, Wis.	1.42
Tacoma, Wash.	1.47
Vancouver, Wash.	1.47

* * * * *

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 20th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6985; Filed, June 25, 1952; 8:51 a. m.]

CONTENTS

Agriculture Department Page

See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Dardelet, Xaviere, et al. 5745
Dumont, Francois P. J. Hector 5745
Feyen, Otto Friedrich 5745
Hohner, Ernst, et al. 5747
Kopp, Carl, et al. 5745
Rickels, Rentners Bernhard 5746
Savio, Mrs. Virginia (Pallavicini) 5745
Schaefer, Anne 5747
Siquet, W. 5747
Societe des Vernis Pyrolac 5744
Von Fest, Edwin and Margaret 5745
Von Valcic, Eleanore 5746

Civil Service Commission

Rules and regulations:
Exceptions from the competitive service: Department of the Air Force 5713

Commerce Department

See Foreign and Domestic Commerce Bureau; National Production Authority.

Commodity Credit Corporation

Rules and regulations:
1952-crop loan and purchase agreement program:
Barley; basic support rates at designated terminal markets 5713
Beans, dry edible 5715

Customs Bureau

Notices:
Tariff classification; petroleum oil foots 5736

Defense Department

Notification to Department and General Services Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of

Notices:
Placement of procurement in certain areas; notification to Department of Defense and General Services Administration 5741

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS
(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)
Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 71–90 ($0.35)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Bonneville Power Administration 5740
Mississippi River Fuel Corp. 5740
Pacific Gas and Electric Co. 5740
Tennessee Gas Co. 5739

Foreign and Domestic Commerce Bureau
Notices:
A. E. Ratner Chemical Co., et al.; order of Appeals Board 5738

General Services Administration
Notification to Department of Defense and Administration of placement of procurement in areas (*see* Defense Mobilization, Office of).

Indian Affairs Bureau
Rules and regulations:
Ration regulations; repeal 5719

Interior Department
See also Indian Affairs Bureau; Land Management, Bureau of.
Notices:
Notices for filing objections:
Alaska:
Partially revoking Public Land Order No. 487 of June 16, 1948, and reserving portion of released lands for public recreational purposes 5737
Withdrawing public land for use of Department of Army in connection with Lutak Inlet Dry Cargo Dock 5737
Nevada; withdrawing public lands for use of Department of Army for military purposes 5737

Internal Revenue Bureau
Proposed rule making:
Basic permit procedure 5735

Interstate Commerce Commission
Notices:
Applications for relief:
Fertilizer from Braithwaite, La., to points in official and Illinois territories 5740
Foreign woods from points in southern territory to McGraw, N. Y. 5741
Liquefied petroleum gas from Dragon, Miss., to various points 5741
Rubber tires from Memphis, Tenn.; to Somerville and Boston, Mass. 5741
Superphosphate from North Little Rock, Ark., and Atlas, Mo., to Welcome, Minn. 5741

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; notice of filing of plat of survey 5736

Land Management, Bureau of—Continued Page
Rules and regulations:
Alaska:
Correcting land description in Public Land Order No. 794 of January 23, 1952 5732
Excluding certain lands from Tongass National Forest, and reserving portions of excluded lands for various public purposes or for classification; partially revoking Executive Order No. 9114 of March 28, 1942 5732
Partially revoking Public Land Order No. 487 of June 16, 1948, and reserving portion of released lands for public recreational purposes 5731
Withdrawing public land for use of Department of Army in connection with Lutak Inlet Dry Cargo Dock 5731
California; correcting land description in Public Land Order No. 807 of February 27, 1952 5731
Disposal of materials; disposals and rights under other statutes; free-use privilege 5731
Nevada; withdrawing public lands for use of Department of Army for military purposes 5732

National Production Authority
Rules and regulations:
Color television (M–90) 5724
Maintenance, repair, and operating supplies, installation, and minor capital additions under the Controlled Materials Plan (CMP Reg. 5) 5726

Price Stabilization, Office of
Notices:
Directors of Regional Offices; delegation of authority to act under CPR 23 5739
Packard Motor Car Co.; basic charges for new passenger automobiles 5739
Rules and regulations:
Ceiling prices of certain foods at wholesale (CPR 14) 5719
Exemption from price control of imported refined copper and copper refined from imported copper-bearing materials and imported scrap; sales of foreign primary copper by refiners using imported raw materials (GOR 9) 5723
Exception for certain services; suspension of price control on certain service charges in connection with white flesh potatoes (GCPR, SR 15) 5729
Machinery and related manufactured goods; approval of manufacturer's list prices and discount structures that were in process of revision on June 24, 1950 (CPR 30) 5721

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Manufacturers' General Ceiling Price Regulation:
Modification of apparel exemption as to fabric gloves (CPR 22) 5720
Modification of coverage of dipped and undipped fabric gloves (CPR 45) 5721
Resellers' ceiling prices for machinery and related manufactured goods:
Manufacturers' suggested resale prices (CPR 67, SR 2) 5722
Use of manufacturers' published list prices and discounts where manufacturer has received specific approval of those list prices and discounts (CPR 67) 5722

Production and Marketing Administration
Notices:
Bonding and net assets requirements under the United States Warehouse Act and under Commodity Credit Corporation Authorizations; notice regarding unit prices 5738
Chief, Inspection and Grading Division, and National Supervisor, Poultry Grading and Inspection Sections; delegations of authority to act with respect to grading and inspection of:
Domestic rabbits and edible products thereof 5737
Poultry and edible products thereof 5737
Rules and regulations:
Fresh Bartlett pears, plums, and Elberta peaches grown in California; expenses and rates of assessment for the 1952–53 season 5718
Fresh peaches grown in Georgia; expenses and rate of assessment for the 1952–53 fiscal period 5718
Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California; Recodification 5718

Rent Stabilization, Office of
Rules and regulations:
Hotels and motor courts; specific provisions; Virginia and Texas 5730
Housing and rooms; specific provisions; Virginia and Texas 5730

Securities and Exchange Commission
Notices:
Hearings, etc.:
Appalachian Electric Power Co. and American Gas and Electric Co. 5744
Central Public Utility Corp. et al. 5742
Ebensburg Coal Co. 5742
Ohio Power Co. and American Gas and Electric Co. 5744

Treasury Department Page
See Customs Bureau; Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
9114 (revoked in part by PLO 842) 5732

Title 5
Chapter I:
Part 6 5713

Title 6
Chapter IV:
Part 601 (2 documents) 5713, 5715

Title 7
Chapter IX:
Part 936 5718
Part 959 5718
Part 962 5718

Title 25
Chapter I:
Part 251 5719

Title 27
Chapter I:
Part 1 (proposed) 5735

Title 32A
Chapter III (OPS):
CPR 14 5719
CPR 22 5720
CPR 30 5721
CPR 45 5721
CPR 67 5722
CPR 67, SR 2 5722
GCPR, SR 15 5720
GOR 9 5723
Chapter VI (NPA):
CMP Reg. 5 5726
M–90 5724
Chapter XXI (ORS)
RR 1 5730
RR 2 5730
RR 3 5730
RR 4 5730

Title 43
Chapter I:
Part 259 5731
Appendix (Public land orders):
487 (revoked in part by PLO 839) 5731
794 (corrected by PLO 840) 5732
807 (corrected by PLO 838) 5731
837 5731
838 5731
839 5731
840 5732
841 5732
842 5732

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Dry Edible Beans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP DRY EDIBLE BEAN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952-crop of dry edible beans. The 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.
601.1651 Purpose.
601.1652 Availability of price support.
601.1653 Eligible beans.
601.1654 Warehouse receipts.
601.1655 Determination of quantity.
601.1656 Determination of quality.
601.1657 Credit for loss or damage.
601.1658 Maturity of loans.
601.1659 Delivery of beans to CCC.
601.1660 Support rates.
601.1661 Storage in transit.
601.1662 Settlement.

AUTHORITY: §§ 601.1651 to 601.1662 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1447, 1421.

§ 601.1651 *Purpose.* This supplement states additional specific requirements which, together with the general requirements contained in the 1952 C. C. C. Grain Price Support Bulletin 1 (17 F. R. 3521), apply to loans and purchase agreements under the 1952-Crop Dry Edible Bean Price Support Program.

§ 601.1652 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements. Farm-storage loans will not be available to cooperative marketing associations of producers.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever beans of the eligible classes are grown in the continental United States, except that farm-storage loans will not be available in areas where the PMA State committee determines that beans cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support must be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1953, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(e) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing eligible beans in 1952 as landowner, landlord, tenant or sharecropper.

(2) A cooperative marketing association of producers shall be deemed to be an eligible producer for warehouse-storage loans and purchase agreements on any class of eligible beans produced by eligible producer-members, provided (i) all beans of such class marketed or acquired by the association are produced by producer members; (ii) the producer members are bound by contract to market their beans of such class through the association and the association does not release any such beans for the purpose of permitting producer members to ob-

tain individual price support loans or purchase agreements; (iii) the proceeds of the eligible beans marketed by the association are shared proportionately among the eligible producer-members according to the class, grade and quantity of such beans each delivers to the association; (iv) the association has authority to obtain a loan on the security of the beans and to give a lien thereon as well as authority to sell such beans.

(3) All determinations with respect to cooperative marketing associations of producers pursuant to this section shall be made by or under the direction of the PMA State committee.

§ 601.1653 *Eligible beans.* Eligible beans must meet the following requirements:

(a) The beans must have been produced in the continental United States in 1952 by an eligible producer.

(b) Except in the case of cooperative marketing associations, the beneficial interest in the beans must be in the producer tendering the beans for loan or for delivery under a purchase agreement, and must always have been in him or in him and a former producer whom he succeeded before the beans were harvested. In the case of cooperative marketing associations, the beneficial interest in the beans must have been in the producers who delivered the beans to the association and must always have been in them or in them and former producers whom they succeeded before the beans were harvested.

(c) The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Red Kidney, Large Lima and Baby Lima.

(d) Beans placed under loan must (1) grade U. S. Choice Handpicked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2, or (2) must be beans (hereinafter referred to as "thresher run" beans) which have not been commercially cleaned; which have a moisture content not in excess of 18 percent; which, after deduction of foreign material, contain not more than 8 percent of other defects, as these terms are defined in the United States Standards for Beans; which are not musty, sour, heating, hot, weevily, materially weathered, or otherwise of distinctly low quality; and which do not have any commercially objectionable odor.

(e) Beans delivered under a purchase agreement must grade U. S. Choice Hand-picked, U. S. Extra No. 1, U. S. No. 1, or U. S. No. 2.

(f) If offered for a farm-storage loan, beans must have been stored for at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the PMA State committee.

§ 601.1654 *Warehouse receipts.* Warehouse receipts, representing beans in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer or cooperative marketing association, must be properly endorsed in blank so as to vest title in the holder, and must be issued by a warehouse approved by CCC under CCC Form 28, "Bean Storage Agreement". The receipts must be negotiable and must cover eligible beans actually in store in the warehouse.

(b) In order to be acceptable under the loan program, each warehouse receipt, or the accompanying supplemental certificate must contain a statement that the beans are insured in accordance with CCC Form 28, "Beans Storage Agreement," and if such insurance was not effective as of the date of deposit of the beans in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the beans are in the warehouse and undamaged. The insurance on commingled beans must be obtained by the warehouseman. Insurance on beans with respect to which the warehouseman does not guarantee quality (hereinafter called identity-preserved beans) must be obtained by either the producer or the warehouseman. If the insurance is obtained by the producer it must be assigned to the warehouseman, with the consent of the insurance company, before a loan will be made and the warehouseman must also certify that the insurance has been assigned to him with the consent of the insurance company. Insurance is not required in order for warehouse receipts to be purchased under the purchase agreement program.

(c) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross and net weight of beans, the class, and the grade or all grading factors used in the determination of the quality of the beans.

(d) In the case of identity-preserved beans, the warehouse receipt shall show the lot number and number of bags in the lot, and the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1659 (b).

§ 601.1655 *Determination of quantity—(a) When loans are made on farm storage or identity-preserved beans.* (1) At the time the loan is made the quantity of beans may be determined either by weight or, if stored in bulk, by measurement. Where the quantity is determined by measurement, 2.1 cubic feet shall constitute 100 pounds.

(2) In the case of bagged beans grading U. S. No. 2 or better, loans shall be made on the net weight of the lot or on a quantity determined by multiplying the number of bags by 100 pounds, whichever is less. In the case of other eligible beans, loans shall be made on the basis of the net weight of sound beans in the lot. Sound beans shall be beans free of dockage and other defects as defined in the United States Standards for Beans.

(3) If the beans are stored in sacks, a deduction of three-fourths pound per sack shall be made from the gross weight of sacked beans, except where the net weight is shown on the warehouse receipt.

(b) *At time of delivery.* (1) The quantity of beans delivered to CCC from other than an approved warehouse, or delivered in an approved warehouse as identity-preserved beans shall be determined on the basis of net weight and bag count at the point of delivery, in accordance with § 601.1662 (c).

(2) The quantity of beans delivered to CCC in an approved warehouse where the warehouseman guarantees the quality and quantity shall be the net weight of beans specified on the warehouse receipt or supplemental certificate.

§ 601.1656 *Determination of quality.* (a) The class, grade and all quality factors shall be determined in accordance with the United States Standards for Beans. An inspection certificate issued by a licensed inspector is required on all farm-storage loans.

(b) Where quality is guaranteed by the warehouseman, the class and grade delivered under a warehouse-storage loan or purchase agreement shall be that shown on the warehouse receipt. In all other cases the class and grade shall be determined from a Federal or Federal-State inspection certificate, issued by or under the supervision of the Grain Branch, PMA.

§ 601.1657 *Credit for loss or damage.* The amount to be credited to the producer for loss or damage assumed by CCC, in accordance with § 601.1515 of 1952 C. C. C. Grain Price Support Bulletin 1, shall be determined by multiplying the number of hundredweight of sound beans lost or destroyed by the support rate for U. S. No. 2 beans of the class lost or destroyed, except that if the warehouse receipt or an official inspection certificate covering the beans shows a grade of U. S. No. 2 or better, the amount credited shall be determined by multiplying the net weight of the beans lost or destroyed by the support rate for the class and grade of such beans.

§ 601.1658 *Maturity of loans.* Loans mature on demand but not later than April 30, 1953.

§ 601.1659 *Delivery of beans to CCC.* If the warehouse recipt represents beans not commercially cleaned and graded, the producer must arrange to resubmit warehouse receipts on cleaned, graded, and bagged beans at the time of delivery in accordance with instructions issued by the county committee. The following terms and conditions shall apply with respect to packaging and charges:

(a) *Packaging.* Beans must be packed 100 pounds net in bags equal to or better than (1) new bags made of 36-inch, 10.4 ounce A or B quality common jute or heavier weight jute, or (2) new cotton bags, 36-inch, 2.34 yards osnaburg or 40-inch 2.50 yard osnaburg. If new bags are not available, beans may be packed in No. 1 used bags made of 36-inch, 10.4 ounce A or B quality jute or heavier, free of holes, patches, or other defects, satisfactory for the proper conservation of the product, and thoroughly cleaned before being filled. Bag seams must be sufficiently strong to develop the full strength of the cloth. Bags will be marked to show the commodity name and class, and the net weight when packed; and the name and address of the packer.

(b) *Charges.* (1) Storage, bagging, cleaning, inspection fees and all other charges, including cost of movement to normal railroad shipping point where the warehouse is not located on a railroad (but not including receiving and loading-out charges), incurred on beans up to the time of delivery to CCC, shall be paid by the producer prior to such delivery or shall be paid from the settlement value: *Provided, however,* That on the quantity of eligible beans stored in an approved warehouse and delivered to CCC under a loan or purchase agreement, CCC will assume warehouse-storage charges (not in excess of those allowed under the storage agreement in effect for the 1952 crop with CCC) accruing after April 30, 1953.

(2) In the case of identity-preserved beans, the producer shall pay any unpiling, turning, repiling, or other warehouse charges, except loading-out charges, incident to official weight and grade determinations.

§ 601.1660 *Support rates.* (a) The loan rate for eligible beans grading U. S. No. 2 or better, and meeting the packaging requirements of § 601.1659 (a), shall be the applicable support rate shown in paragraph (b) of this section, for the class, grade, and county where produced, however, if the beans have been moved by truck to approved storage in a higher loan rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in such higher support rate county, the loan rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed. Any charges specified in § 601.1659 (b) which are unpaid shall be paid from the proceeds of the loan, including receiving and loading-out charges at any warehouse other than the original warehouse (applicable to warehouses in which original warehouseman guarantees delivery in a different county).

(b) The support rates per 100 pounds net weight established for dry edible beans are as follows:

Class of beans	1952 support price[1]
Red Kidney	$9.60
Pink	8.40
Small red	8.45
Large Lima	11.80
Baby Lima	6.45

§ 601.1661 *Storage in transit.* (a) Reimbursement will be made by CCC to producers or warehousemen for paid-in rail freight (including freight tax) on beans stored in approved warehouses, subject to the following conditions:

(1) The movement from point of origin to storage point must be an "in-line" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(2) The freight must have been paid in by the person claiming reimbursement and he must not have been otherwise reimbursed.

(3) The warehouseman must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in Bean Storage Agreement in effect with CCC for the 1952 crop.

(4) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of Form CCC 28, "Bean Storage Agreement."

(5) Not more than one transit stop must have been used on the billing.

(6) The freight bills must be otherwise acceptable to CCC under the terms of the storage agreement.

(b) Reimbursement for paid-in freight under this section will be made by the appropriate PMA Commodity Office subsequent to actual delivery of the beans to CCC pursuant to a loan or purchase agreement.

§ 601.1662 *Settlement.* The settlement value of the beans delivered under a loan or purchase agreement shall be determined as set forth in this section.

(a) *Applicable county rate.* Settlement shall be made at the support rate for the county in which the beans are produced except as follows:

(1) In the case of farm-storage loans and purchase agreements, settlement shall be made at the support rate for the county where the beans are delivered if the beans have been delivered to such county by truck.

(2) In the case of warehouse-storage loans, both identity-preserved and guaranteed, if the warehouse is located off the railroad, settlement will be made with the producer at the support rate for the county to which the warehouseman guarantees delivery for loading.

(b) *Applicable support rate for class and grade.* If the beans are stored in an approved warehouse and the quality is guaranteed by the warehouseman, settlement will be made with the producer at the applicable support rate for the quality of beans shown on the warehouse receipt. In other cases of beans delivered under loans and purchase agreements, settlement shall be made as follows:

(1) *Loans.* (i) In the case of farm-storage loans and warehouse-storage loans on identity-preserved beans, settlement shall be made at the applicable support rate for the class and grade of the beans delivered.

(ii) If the beans are of a grade for which no support rate has been established, the settlement value shall be the settlement rate established for the grade placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade placed under loan and the market price of the beans delivered as determined by CCC: *Provided, however,* That in the case of thresher-run beans which, when delivered are not of a grade for which a support rate has been established, the settlement value shall be the settlement value for the lowest grade for which a support rate has been established, less the difference, if any, at the time of delivery, between the market price for such grade and the market price of the beans delivered, as determined by CCC.

(2) *Purchase agreements.* Under purchase agreements, beans will be purchased at the applicable support rate for the class and grade of the eligible beans delivered.

(c) *Quantity on which settlement will be made.* Settlement will be made on the basis of each bag containing 100 pounds net weight of beans. The producer will be paid or credited for the net weight of the lot delivered or for a quantity determined by multiplying the number of bags by 100 pounds, whichever quantity is less. If all the beans in the lot are not weighed, the net weight shall

Class of beans	1952 support price[1]
Pinto:	
Area I—All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Bacca, Prowers, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In New Mexico, all counties except McKinley, Rio Arriba, San Juan, Taos, and Valencia. In Wyoming, the counties of Goshen, Laramie, Platte, Converse and Natrona	$7.60
Area II—All counties in Arizona and California. In New Mexico, the counties of McKinley and Valencia	7.45
Area III—All counties in Montana, North Dakota, and Utah. In Colorado, all counties not in Area I. In Wyoming, all counties except Goshen, Laramie, and Platte. In New Mexico, all counties except Rio Arriba, San Juan, and Taos	7.35
Area IV—All other States and counties	7.20
Great Northern:	
Area I—Minnesota, Nebraska, North Dakota, In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, Platte, Converse and Natrona	8.40
Area II—Montana, South Dakota, and all counties in Wyoming except Goshen, Laramie, and Platte	8.17
Area III—Idaho, Oregon, Utah, and the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Gooding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Fayette, Power, and Twin Falls in Idaho	8.02
Area IV—All other States and counties	7.92
Pea and Medium White:	
Area I—Michigan, New York, Minnesota, Maine, and Wisconsin	8.65
Area II—Other	8.15
Small White and Flat Small White	8.30

[1] For U. S. No. 1. Premium for U. S. C. H. F. and U. S. Extra No. 1—10 cents. Discount for U. S. No. 2—25 cents. Loan rate for thresher-run beans—U. S. No. 1 less $2, except in New York and Michigan where the loan rate shall be U. S. No. 1 less $3. Quantity on thresher-run beans is the net weight of sound whole beans.

be determined by multiplying the average net weight of not less than 10 percent of the bags in the lot by the total number of bags.

Issued this 20th day of June 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-6984; Filed, June 25, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

EXPENSES AND RATES OF ASSESSMENT FOR THE 1952–53 SEASON

On June 3, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4989) regarding the expenses and the fixing of the rates of assessment for the 1952–53 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.206 *Expenses and rates of assessment for the 1952–53 season*—(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1952–53 season for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $20,347.20;

(2) Early varieties of plums, $21,210.00;

(3) Late varieties of plums, $22,540.00;

(4) Elberta peaches, $15,077.30.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses;

(1) 7½ mills ($0.0075) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk:

(2) 1 cent ($0.01) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 1 cent ($0.01) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 3½ mills ($0.0035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1952–53 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 20, 1952, with shipments of Bartlett pears following on or about July 1, 1952; (3) the provisions of this section do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of June 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7007; Filed, June 25, 1952; 8:57 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

RECODIFICATION

EDITORIAL NOTE: Federal Register Document 52-1692, appearing at page 1246 of the issue for Saturday, February 9, 1952, has been corrected as follows:

In § 959.130 (a), the reference "§§ 959.54, 959.56, 959.57, or any combination thereof" has been changed to read: §§ 959.40 to 959.60, inclusive, or any combination thereof".

PART 962—FRESH PEACHES GROWN IN GEORGIA

EXPENSES AND RATE OF ASSESSMENT FOR THE 1952–53 FISCAL PERIOD

Notice was published in the June 3, 1952, daily issue of FEDERAL REGISTER (17 F. R. 4989) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1952–53 fiscal period under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 962.206 *Expenses and rate of assessment for the 1952–53 fiscal period*—(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1952, will amount to $23,220.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one and one-half cents ($0.015) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of peaches from Georgia are now being made; (2) the rate of assessment is applicable to all fresh peaches shipped during the 1952–53 fiscal period, (3) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (4) in order for the regulatory assessment to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said amended marketing agreement and order.

As used in this section, the terms "handler," "handles," "shipped," "peaches," "production area," and "fiscal period" shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup. 608c)

Done at Washington, D. C., this 23d day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7006; Filed, June 25, 1952; 8:57 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter V—Relief of Indians

PART 251—RATION REGULATIONS

REPEAL

Sections 251.1 to 251.8, inclusive, 25 CFR, are hereby repealed.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6954; Filed, June 25, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 14]

CPR 14—CEILING PRICES OF CERTAIN FOODS AT WHOLESALE

ALLOWANCE FOR COST OF LABELS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 14 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits wholesalers who furnish the labels for Table A items to add to their "net cost" the difference between the actual cost of the labels and the label allowance received from their supplier. They do this by adding their label cost to their "net cost" and deducting their label allowance. However, wholesalers who have an adjustment under section 27b of this regulation will not be allowed to do this on any item covered by that adjustment.

In order to ensure competitive existence, it has been a customary practice for wholesalers to have processed food items packed under a label which they furnish in preference to the labels regularly furnished by their supplier. The supplier usually gives an allowance to such a wholesaler because he has saved money by using the wholesaler's labels. Section 4 (a) of this regulation, which deals with the computation of net cost, until now has allowed the wholesaler to keep that allowance as part of his net cost.

In the past, where there was a difference between the allowance made to the wholesaler by his supplier and the actual cost of labels to the wholesaler, the wholesaler customarily reflected this difference in his selling price.

The present markups in Table A, which are essentially the same as those used by the Office of Price Administration in MPR 421, contain a factor for cost of labels. However, at the time of the 1942 margin survey, on which MPR 421 markups were based, there was very little private label business as compared with today. Therefore, a very small proportion of the data collected contained a label cost factor. For this reason the label cost factor contained in the average markups is extremely small.

This was not important under OPA because there was little difference between label cost and the allowance made by the supplier, and wholesalers were required to absorb only a very small amount either dollars-and-cents or percentagewise.

Available data now make it clear that the spread between the actual cost of labels to a wholesaler and the amount allowed the wholesaler by the supplier has increased since 1942, when the markups now in use were first established, by an average of over 250 percent. This large spread has resulted from the fact that while label costs have advanced in recent years, the label allowances have remained almost stationary.

On some commodities bearing an owned or exclusively controlled label or brand a wholesaler may, under certain conditions, be permitted by section 27b of CPR 14 to add a percentage factor to net cost to cover product promotion, including among other things label cost, thus recovering his label cost on the commodities he has specified in his application to use section 27b. As already indicated, for the much more numerous wholesalers who furnish labels but who do not qualify under section 27b, the present markup factor covering label costs is so small as to have no effect at all. To provide equitable treatment, this cost factor should also be recognized for them. Therefore, OPS is now permitting wholesalers to add their actual out-of-pocket label costs to net cost. This technique has been used instead of a percentage or flat dollars-and-cents adjustment because, while suppliers normally give a fixed label allowance for a given item of merchandise, individual wholesalers use labels which vary widely in cost.

In the formulation of this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to relevant factors of general applicability.

AMENDATORY PROVISIONS

Section 4 (a) is amended to read as follows:

SEC. 4. *Directions for applying the rule*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before May 14, 1951. Your "net cost" will be the amount you paid your supplier less all discounts except (1) discounts on items in category #5, "Cookies, crackers, toast and crumbs", (section 35 (b) (5)), (2) the discount for prompt payment, and (3) swell allowance, plus label costs and all transportation charges you paid except local trucking and local unloading. This exception shall not apply to any shipments by water. In such cases, there may be added also as part of the cost of transportation the cost of moving the shipment from the place at which it was processed to the dock, the cost of unloading at that dock, wharfage, handling, tollage and usage charges, the cost of marine insurance, the cost of loading the goods on a car, truck or other conveyance at the port of discharge and the cost of transporting that shipment from the port of discharge to receiving point. However, cost of loading the shipment at the place at which it was processed, segregation charges and cost of unloading at receiving point may not be added. Treat as a separate item each kind, brand, grade, variety, container-size and container-type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e., per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in section 17.

(4) For items on which you have an adjustment pursuant to section 27b you figure your net cost as set forth in this section but you do not add label cost or deduct any label allowance.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7060; Filed, June 24, 1952; 4:39 p. m.]

[General Ceiling Price Regulation, Amdt. 8 to Supplementary Regulation 15]

GCPR, SR 15—Exception for Certain Services

Suspension of Price Control on Certain Service Charges in Connection With White Flesh Potatoes

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Supplementary Regulation 15 is hereby issued.

Statement of Considerations

This amendment restores the suspension from price control of the rates, charges and compensation for services performed in connection with harvesting, preparing for market and marketing of white flesh potatoes. In view of the revocation of CPR 113, and all amendments and supplementary regulations thereto unprocessed white flesh potatoes are no longer under price controls. Accordingly, the reason for excluding the service charges of other fruits and vegetables, as set forth in the Statement of Considerations accompanying Amendment 2 to Supplementary Regulation 15 to the General Ceiling Price Regulation, applies with equal force to the service charges incurred with respect to white flesh potatoes.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director of Price Stabilization, this amendment is generally fair and equitable and complies with all applicable provisions of the Defense Production Act of 1950, as amended.

Amendatory Provisions

Section 2 (a) (3) of Supplementary Regulation 15 to the General Ceiling Price Regulation is amended by deleting the phrase "(Except white flesh potatoes)" so that subparagraph (3) of said section shall read as follows:

(3) *Services in connection with fresh fruits, vegetables, berries, and tree nuts.* The provisions of the General Ceiling Price Regulation shall not apply to rates, fees and charges for services performed in connection with harvesting; car and truck pre-cooling and top-icing; packing and prepackaging; and buying and selling of fresh fruits, vegetables, berries, and tree nuts, pending formulation of regulations applicable generally to fresh fruits, vegetables, berries, and tree nuts, but in no event shall this suspension extend beyond November 4, 1952; *Provided, however*, That during the period of this suspension, persons performing these services shall maintain the current records required to be maintained by section 16 (b) of the General Ceiling Price Regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7062; Filed, June 24, 1952; 4:39 p. m.]

[Ceiling Price Regulation 22, Amdt. 48]

CPR 22—Manufacturers' General Ceiling Price Regulation

Modification of Apparel Exemption as to Fabric Gloves

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law, 81st Cong., Pub. Law 96, 82d Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 48 to Ceiling Price Regulation 22 is hereby issued.

Statement of Considerations

This amendment modifies the apparel exemption in paragraph (f) of Appendix A in regard to dipped plastic and dipped rubberized fabric gloves. Amendment 42 to CPR 22 placed dipped plastic fabric gloves, formerly covered by CPR 45, Rev. 1, under the coverage of CPR 22, the regulation thought best suitable for this industry. The purpose of Amendment 42 was to place dipped plastic fabric glove manufacturers under the same regulation as manufacturers of dipped rubberized fabric gloves and to eliminate the necessity of some manufacturers of both types of gloves having to establish ceiling prices for their commodities under two regulations. However, since the issuance of Amendment 42 to CPR 22, it has come to the attention of the Office of Price Stabilization that some manufacturers, whose principal business is the manufacture of fabric gloves covered by CPR 45, Rev. 1, also produce some dipped plastic and dipped rubberized fabric gloves, for which under Amendment 42 to CPR 22 they would have to establish ceiling prices under this regulation.

The purpose of this amendment is to give effect to the underlying purpose of Amendment 42 to CPR 22, namely, to permit manufacturers of dipped plastic and dipped rubberized fabric gloves whose principal glove production consists of dipped gloves to establish ceiling prices for both their dipped and undipped fabric gloves under CPR 22 and to leave manufacturers of such gloves whose principal production consists of undipped fabric gloves under the coverage of CPR 45, Rev. 1. This method would eliminate wherever possible the necessity of many manufacturers having to establish their ceiling prices under two regulations. However, manufacturers who produce a substantial amount of both dipped plastic or dipped rubberized fabric gloves and undipped fabric gloves will be required to establish ceiling prices for their dipped gloves under CPR 22 and for the undipped fabric gloves under CPR 45, Rev. 1. Concurrently with the issuance of this amendment, an amendment to CPR 45, Rev. 1 is being issued to reflect the changes incorporated in this amendment.

In view of the corrective nature of this amendment, special circumstances have rendered formal consultation with industry representatives impracticable. Informal consultations were had, however, with representatives of industry, including trade associations, and their views were taken into consideration in the drafting of this amendment.

Amendatory Provisions

Ceiling Price Regulation 22, as amended, is further amended in the following respects:

1. Appendix A, paragraph (f) is amended as follows:

(a) By striking out the last sentence in the first paragraph of (f) (1) which reads as follows: "Plastic dipped fabric gloves are not excepted by this paragraph" and substituting therefor the following sentence: "Not excepted by this paragraph are (i) fabric gloves when produced by a manufacturer whose net sales of dipped plastic and dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, (ii) dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales."

(b) By striking out in the "examples of commodities excepted under this paragraph" the parenthetical phrase "(but not including plastic dipped fabric gloves)" and substituting instead "(but not including fabric gloves and dipped plastic and dipped rubberized fabric gloves specified in paragraph (f) (1) of Appendix A)".

(c) By striking out in the "examples of commodities not included in this exception" the words "plastic dipped fabric gloves" and substituting instead the words "fabric gloves when produced by a manufacturer whose net sales of dipped plastic and dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales", so that Appendix A, paragraph (f) will now read as follows:

(f) (1) Apparel, apparel furnishings or apparel accessories, except as specifically stated below, made of textile materials, leather, fur, plastic, other materials which are normally sewed as part of the assembly operation or a combination of any such materials; (2) component parts manufactured exclusively for further processing into or for use as part of apparel, apparel furnishings or apparel accessories. Not excepted by this paragraph are (i) fabric gloves when produced by a manufacturer whose net sales of dipped plastic and dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, (ii) dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, althletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves (but not including fabric gloves and dipped plastic and dipped rubberized fabric gloves specified in paragraph (f) (1) of Appendix A), handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, brief cases and luggage, fabric gloves when produced by a manufacturer whose net sales of dipped plastic or dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7083; Filed, June 25, 1952; 10:41 a. m.]

[Ceiling Price Regulation 30, Amdt. 33]

CPR 30—Machinery and Related Manufactured Goods

Approval of Manufacturers' List Prices and Discount Structures That Were in Process of Revision on June 24, 1950

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 33 to Ceiling Price Regulation 30 is hereby issued.

Statement of Considerations

This amendment permits manufacturers covered by Ceiling Price Regulation 30 who before June 24, 1950, were in the process of revising their published list prices and in connection therewith

not later than December 31, 1951, amounted to 25 percent or more of his total glove sales.

The following are examples of commodities excepted under this paragraph:

(1) Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, althletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves (but not including fabric gloves and dipped plastic and dipped rubberized fabric gloves specified in paragraph (f) (1) of Appendix A), handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs and other articles of a similar nature.

(2) Hat bodies, sewn pockets, brassiere and underwear straps, collar and cuff sets, shoulder pads, shields, waist bands, unassembled garments sold in package form, and other similar manufactured articles.

The following are examples of commodities not included in this exception: Slide fasteners, buttons and other closures, thread, artificial flowers, cuff links, separate buckles, tie clips, feathers, diapers, key chains, plumes, umbrellas, parasols, canes, costume jewelry, ribbons, compacts, cigarette cases, barrettes, hair furnishings, hair nets, tobacco pouches, carrying cases, dressing cases, brief cases and luggage, fabric gloves when produced by a manufacturer whose net sales of dipped plastic or dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This amendment is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7083; Filed, June 25, 1952; 10:41 a. m.]

Amendatory Provisions

Ceiling Price Regulation 30 is hereby amended in the following respects:

Section 3 is amended by adding a new paragraph (d) to read as follows:

(d) Notwithstanding any of the foregoing provisions of this section, if you were in the process of revising your published list prices before June 24, 1950, and incidentally in connection therewith, revising the discount structures, and if you actually issued and made effective these new published list prices and discount structures on or before January 25, 1951, you may apply to the Director of Price Stabilization for approval of these list prices and discount structures in accordance with the provisions of this paragraph. Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A copy of your published list price before and after the revision and a copy of your published list price showing any increases you have made in these list prices to reflect increases in your ceiling prices determined in accordance with Ceiling Price Regulation 30 or any appropriate supplementary regulation thereto.

(3) A copy of your discount schedule, if any, before and after revision.

(4) A statement by a responsible officer of your company that this revision was actually in process before June 24, 1950, and that the revised list prices and discount schedules were made effective on or before January 25, 1951.

You may not use these published list prices or certify to your resellers that these published list prices have been approved until the Director of Price Stabilization has approved in writing those published list prices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 33 to Ceiling Price Regulation 30 shall become effective June 25, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7084; Filed, June 25, 1952; 10:42 a. m.]

[Ceiling Price Regulation 45, Amdt. 3 to Revision 1]

CPR 45—Apparel Manufacturers' General Ceiling Price Regulation

Modification of Coverage of Dipped and Undipped Fabric Gloves

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 83d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment to Ceiling Price Regulation 45, Revision 1, is hereby issued.

Statement of Considerations

Amendment 2 to CPR 45, Revision 1, removed manufacturers of dipped plastic fabric gloves from the coverage of CPR 45, Revision 1. Simultaneously, CPR 22 was amended to cover those manufacturers. Since the manufacturing processes of dipped plastic and dipped rubberized fabric gloves are similar, and manufacturers of dipped rubberized fabric gloves are required to establish ceiling prices under CPR 22, those amendments were issued so that manufacturers of both types of gloves could establish ceiling prices for these commodities under CPR 22, the regulation considered most suitable for this industry, instead of finding themselves governed by two different regulations.

Since the issuance of those amendments, however, it has come to the attention of the Office of Price Stabilization that some manufacturers, whose principal business is the manufacture of fabric gloves covered by CPR 45, Revision 1, also produce some dipped plastic and dipped rubberized fabric gloves for which they would have to determine their ceiling prices under CPR 22.

The purpose of this amendment is to give full effect to the underlying purpose of Amendment 2, namely, to permit manufacturers of dipped plastic and dipped rubberized fabric gloves to use for those gloves the regulation under which they establish ceiling prices for most of their gloves. The effect of this amendment, therefore, is to place under CPR 45, Revision 1 those manufacturers of dipped plastic and dipped rubberized fabric gloves whose principal glove production consists of undipped gloves, and to place under CPR 22 those manufacturers of the same products whose principal glove production consists of dipped

gloves. However, manufacturers who produce a substantial amount of both dipped and undipped fabric gloves will be required to establish their ceiling prices for the dipped fabric gloves under CPR 22 and for the undipped fabric gloves under CPR 45, Revision 1. Concurrently with the issuance of this amendment, an amendment to CPR 22 is being issued to reflect the changes incorporated in this amendment.

In view of the corrective nature of this amendment, special circumstances have rendered formal consultation with industry representatives impracticable. Informal consultations were had, however, with representatives of the industry, including trade associations, and their views were taken into consideration in the drafting of this amendment.

AMENDATORY PROVISIONS

Ceiling Price Regulation 45, Revision 1, as amended, is further amended in the following respects:

1. Section 1 is amended as follows:

By striking out the sentence which reads as follows: "Specifically excluded from this regulation, however, are plastic dipped fabric gloves.", and substituting therefor the following sentence: "Specifically excluded from this regulation, however, are (1) fabric gloves when produced by a manufacturer whose net sales of dipped plastic and dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, (2) dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales."; so that section 1 will now read as follows:

SECTION 1. *Sellers and sales covered by this regulation.* This regulation covers you if you are a manufacturer located in the 48 states of the United States, the District of Columbia, or the Territory of Hawaii (not including any other territories or possessions) of (a) apparel, apparel furnishings, or apparel accessories, except as specifically excluded below, made of textile materials, leather, fur, plastic, other materials which are normally sewed as part of the assembly operation, or a combination of any such materials, or (b) component parts manufactured exclusively for further processing into or for use as a part of apparel, apparel furnishings, or apparel accessories, or (c) footwear made of felted, knitted, or woven fabrics, or combinations of such fabrics, and which is not normally made by shoe or rubber manufacturers, or (d) overshoes and similar footwear worn for weather protection, which are made entirely of plastic except for trimmings and closures. This regulation applies to the sale, including sales at retail, of any such articles of which you are the manufacturer provided that they are fabricated within the 48 states of the United States, the District of Columbia, or any of the territories or possessions of the United States. Specifically excluded from this regulation, however, are (1) fabric gloves when produced by a manufacturer whose net sales of dipped plastic and dipped rubberized fabric gloves in his last fiscal year ending not later than December 31, 1951, amounted to 75 percent or more of his total glove sales, (2) dipped plastic and dipped rubberized fabric gloves when produced by a manufacturer whose net sales of these gloves in his last fiscal year ending not later than December 31, 1951, amounted to 25 percent or more of his total glove sales. Examples of articles which are covered by this regulation and of articles which are not covered by this regulation, are contained in Appendix A.

This regulation supersedes the General Ceiling Price Regulation for sales by manufacturers of the articles covered by this regulation.

2. Appendix A is amended as follows:

By striking out, immediately after the word "gloves" in paragraph (1) of that portion of Appendix A entitled "Examples of articles covered by this regulation", the following parenthesized words "(but not including plastic dipped fabric gloves)" and substituting therefor the following parenthesized words "(as limited by Section 1 of this regulation)", so that subparagraph (1) will now read as follows:

1. Men's, boys', women's, misses', children's, toddlers' and infants' outerwear, underwear, headwear, hosiery, foundation garments, lounging and leisure wear, bedwear, athletic and special sports apparel, bathing suits and trunks, theatrical and masquerade costumes, ecclesiastical and academic vestments, occupational service apparel, burial clothes, gloves (as limited by section 1 of this regulation), handbags, pocketbooks, purses, wallets, billfolds, coin purses, money belts, muffs, muff bags, key cases, belts, suspenders, garters, garter belts, hose supporters, arm bands, ear muffs, sun shades, scarfs, mufflers, stoles, separate collars, separate cuffs, neckties, neckwear, handkerchiefs, abdominal supporters, sanitary belts and aprons, infants' bands, bibs, and other articles of a similar nature.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7085; Filed, June 25, 1952; 10:42 a. m.]

[Ceiling Price Regulation 67, Amdt. 8]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

USE OF MANUFACTURERS' PUBLISHED LIST PRICES AND DISCOUNTS WHERE MANUFACTURER HAS RECEIVED SPECIFIC APPROVAL OF THOSE LIST PRICES AND DISCOUNTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 8 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is being issued concurrently with Amendment 33 to Ceiling Price Regulation 30. That amendment adds a provision to Ceiling Price Regulation 30 which will permit manufacturers who were in the process of revising published list prices and discount structures on June 24, 1950, to apply for and receive approval of such list price and discount structures provided they were made effective before January 25, 1951. The purpose of this amendment to Ceiling Price Regulation 67 is to permit resellers of commodities produced by manufacturers who have received approval of their published list prices pursuant to Amendment 33 to Ceiling Price Regulation 30 to use those published list prices to determine their ceiling prices under the provisions of Ceiling Price Regulation 67.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended in the following respects:

Section 3 (a) (4) is amended to read as follows:

(4) All discounts from the published list price (including cash discounts) which the manufacturer, who issued the price list, currently has in effect must be the same as the discounts which that manufacturer had in effect on June 24, 1950, unless that manufacturer has received approval of revised or changed discounts in accordance with the applicable ceiling price regulation. If the manufacturer has received approval of revised or changed discounts you may use this section or section 4 to determine your ceiling prices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 25, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7086; Filed, June 25, 1952; 10:42 a. m.]

[Ceiling Price Regulation 67, Supplementary Regulation 2]

CPR 67—RESELLER'S CEILING PRICE FOR MACHINERY AND RELATED MANUFACTURED GOODS

SUPPLEMENTARY REGULATION 2—MANUFACTURERS' SUGGESTED RESALE PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 2 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation permits resellers of commodities covered by Ceiling Price Regulation 67 to use, in certain instances, manufacturers' published price lists to establish their ceiling prices, although discounts or margins established by these published price lists are not the same as those that were in effect on June 24, 1950. However, before such new price lists may be used, the reseller must receive a written notification from the manufacturer that the price list has been approved by the Office of Price Stabilization. This approval will be granted under certain conditions. Section 3 (a) (4) of CPR 67 presently prohibits the use of manufacturers' published price lists by resellers where the discounts are not identical to those in effect on June 24, 1950.

It has long been the practice of resellers of parts and accessories covered by this regulation to establish their resale price on the basis of manufacturers' published price lists. It has likewise been the historical practice for manufacturers to make minor changes in price relationships between items on this list, or between categories of items on this list, reflecting changes in marketing practices. These changes are in the nature of equalizations and their net effect is fundamentally unrelated to the basic problems of price stabilization. Changes of this nature have taken place since June 24, 1950, and are still continuing. The Office of Price Stabilization recognizes that over a period of time in an active economy, such price lists cannot maintain an absolutely static structure with respect to individual item discount practices. Such discount changes, not affecting either the manufacturers' net prices or the over-all realization or margin of the resellers, make the price lists unavailable to the reseller under the present rule in CPR 67. Because of the number of parts that are sold, the inability of the resellers to use a published price list works a hardship on them.

This supplementary regulation, therefore, authorizes the use of a price list in which such discount changes have been made, provided, however, that the manufacturer shows to the satisfaction of the Office of Price Stabilization that the proposed changes will not affect the manufacturers' net ceiling price per item and will not increase the over-all realization or the average margin enjoyed by the reseller under the prior price list.

Resellers affected by the changes in manufacturers' price lists are not required under this supplementary regulation to establish their ceiling prices on the basis of the new published price lists, but may avail themselves of the provisions of section 4 of CPR 67, which generally, incorporates the technique of applying percentage markups over net invoice costs.

In the opinion of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for the approval of new price lists.
3. Applicability of CPR 67.
4. Definitions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161 Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation permits you, if you are a reseller of commodities subject to Ceiling Price Regulation 67 to establish, at your option, your ceiling prices on the basis of a manufacturers' published list price even though the discounts from the published list price issued by the manufacturer are different from the discounts which the manufacturer had in effect on June 24, 1950, provided the manufacturer files the report required by section 2 and notifies you in writing that his proposed published price list has been approved by the Office of Price Stabilization. A statement that "this price list has been approved by the Office of Price Stabilization" will be acceptable.

SEC. 2. *Application for the approval of new price lists.*—(a) *Application.* Before any new price list may be put into effect under this supplementary regulation, the manufacturer issuing the price list must file the information required by paragraph (b) with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. The manufacturer may not put the new price lists into effect without prior written approval of the Director of Price Stabilization. Discount schedules for commodities subsequently added to the price lists must follow the same pattern and incorporate the same general methods as those previously approved by the Director. The Director may approve, disapprove, modify, or request further information concerning an application for the establishment of a new price list.

(b) *Report.* The manufacturer's report must contain the following information:

(1) A description of the changes to be made in list prices or discounts.

(2) A statement that the manufacturer's net ceiling price per item will not be affected by the changes.

(3) A statement that the weighted average margins of resellers using the proposed price list will be the same or less than the weighted average margins of resellers using the price list in effect during the period April 1 through June 24, 1950. In determining the weighted average margins, the basis of weighting shall be the resellers' volume of sales during the last six months' period prior to the filing of this report for which data are available or the last fiscal year for which data are available. If resellers' volume of sales is not available, the manufacturer's volume of sales may be used as the basis of weighting.

SEC. 3. *Applicability of CPR 67.* All of the provisions of CPR 67 which are not inconsistent with this supplementary regulation remain applicable to you.

SEC. 4. *Definitions.* All terms used in this supplementary regulation have the same meaning as in CPR 67.

Effective date. This supplementary regulation to Ceiling Price Regulation 67 shall become effective June 25, 1952.

NOTE: The reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7087; Filed, June 25, 1952; 10:42 a. m.]

[General Overriding Regulation 9, Amdt. 21]

GOR 9—EXEMPTION FROM PRICE CONTROL OF IMPORTED REFINED COPPER AND COPPER REFINED FROM IMPORTED COPPER-BEARING MATERIALS AND IMPORTED SCRAP

SALES OF FOREIGN PRIMARY COPPER AND SALES OF COPPER BY REFINERS USING IMPORTED RAW MATERIALS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 9 exempts from price control all sales of foreign primary copper and domestic copper refined from imported ores, concentrates, and imported raw materials including scrap.

Under the terms of an agreement between the United States and Chile, the price of Chilean copper being sold to the United States was set at 27½ cents per pound. Domestic refiners using foreign raw materials were also required to pay prices equivalent to the 27½ cent price for their foreign materials.

In order to place copper refined domestically from imported material on an equal price basis with refined copper imported from Chile SR 46 to the GCPR was issued on July 26, 1951.

On May 8, 1952, Chile terminated its agreement to sell a portion of its copper output to the United States at 27½ cents per pound. Henceforth, all Chilean copper would be offered through ordinary commercial channels for sale at the best prices procurable.

Since supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting Director of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the

United States Government in order to encourage the importation of copper. The text of this announcement follows:

The agreement between the United States Government and the Chilean Government allocated 80 percent of the production of companies in Chile controlled by United States interests for purchase and import into the United States by U. S. private firms at 27½ cents a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together wth the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevailing. Consequently, the Government of the United States has adopted the following policies to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½ cents level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variations in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. The impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper, or copper alloy scrap.

3. In order to maintain a uniform price policy on brass mill and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. Allocation will be used to equalize the impact of any higher foreign price for copper and to permit in this way the import of more copper for the total use of the United States defense program.

The Acting Director of the Office of Defense Mobilization sent a letter to the Administrator of the Economic Stabilization Agency directing him to act in accordance with this announced policy in so far as the stabilization program is concerned.

The Economic Stabilization Administrator, in turn, instructed the Director of the Office of Price Stabilization to issue whatever regulations might be necessary to adjust the ceiling prices in accordance with the decision of the Acting Director of the Office of Defense Mobilization.

This amendment to GOR 9 is issued in conformance with this directive and carries out the policy set forth by the ODM.

Importers of refined copper and refiners using imported ores, concentrates and scrap to produce refined copper may now purchase such materials at whatever price is necessary to secure the materials. In addition, this amendment removes sales of foreign primary copper from the provisions of the General Ceiling Price Regulation. In the present unstable state of the world market there is no method of determining with any degree of exactitude what this price, or these prices, will be. The price of 27½ cents per pound set forth in SR 46 is no longer applicable. GOR 9 is amended to exempt from price control the sale of imported refined copper and copper made from imported copper-bearing materials and scrap.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 2 (a) of General Overriding Regulation 9 is amended by adding the following subparagraphs:

(26) *Sales of foreign primary copper.* Sales of primary copper metal refined outside of the United States, its territories or posesssions by any process of electrolysis or fire refining to a grade or form suitable for fabrication, provided, that any person selling or purchasing foreign primary copper prepares and keeps for inspection by the Director of Price Stabilization for a period of two years records of each sale showing: The date of the sale; the name and address of the buyer; the name and address of the seller from whom any refined foreign copper is purchased; a statement that the commodity sold or purchased is foreign primary copper and the grade of the commodity sold or purchased; the price charged or paid; the point or points of shipment; and the amount of the transportation charges, if any, and by whom they were paid.

(27) *Certain sales of copper by refiners using imported raw materials.* (i) Sales by a copper refiner who purchases and uses imported raw materials of a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials purchased by such refiner since June 16, 1952, and for which such refiner made payment to the seller on the basis of a price for copper in excess of 24½ cents per pound provided that the records specified in subdivision (ii) of this subparagraph are kept. "Imported raw materials" means ore, concentrates and other copper bearing materials (including scrap) produced outside the United States, its territories and possessions.

(ii) Any person selling refined copper produced from imported raw materials must prepare and keep for inspection by the Director of Price Stabilization for a period of two years records showing his name and address, the recoverable copper content of each kind of imported raw material purchased by him subsequent to June 16, 1952, the location of the refinery at which such material was received and the quantity of each shipment of refined copper shipped by him from each of his refineries pursuant to the exemption granted herein.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective June 25, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7089; Filed, June 25, 1952; 10:42 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-90, as Amended June 24, 1952]

M-90—COLOR TELEVISION

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amended order lifts all the prohibitions previously in effect as to the manufacture of color television equipment except those relating to home-type color television. It provides that persons desiring to manufacture this type of equipment, may, under certain conditions, apply for permission to do so. The usual provision as to records and reports is added as section 6, and the two subsequent sections are renumbered accordingly.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Permission to manufacture.
4. Equipment and items exempted.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this order does.* This order regulates the manufacture of equipment designed to receive color television of the type used in home reception, and items solely designed to permit or facilitate the reception of color television in such equipment. The manufacture of color television equipment for experimental, defense, industrial, and certain hospital and educational uses, and of other color television equipment not of a type used in home reception, is permitted.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as from time to time amended.

(c) "NPA" means the National Production Authority.

SEC. 3. *Permission to manufacture.* (a) The activities to which this section applies are the production and the assembly of home-type television sets designed to receive or capable of receiving color television, and of products, attachments, and parts for home-type television sets if such products, attachments, and parts are designed solely to permit or facilitate, or are capable only of permitting or facilitating, the reception of color television.

(b) Each person desiring to undertake any of these activities shall apply to NPA on Form NPAF-207 for permission to do so, and shall not commence any such activities without such permission. Such applications will be considered in the light of the following criteria as to each applicant:

(1) That he has, prior to the effective date of this order as amended, made a substantial expenditure of funds in research and development regarding home color television products, or in the production of such products, or in preparation therefor;

(2) That the number of persons he will employ in the activities mentioned in paragraph (a) of this section does not exceed, in any of the occupations mentioned in List A of this order, the number employed as of the effective date of this order as amended;

(3) That his Government contracts and subcontracts for the production or development of electronics products are on schedule or, if they are behind schedule, that the delay is not related to his employment of persons described in List A of this order;

(4) That he will refuse no Government contract or subcontract because of the activities proposed in his application; and

(5) That he will be able to produce, without any supplemental allotment of controlled materials (except as may be required to correct imbalances), the products as to which he is making application.

(c) Such application shall be deemed a representation to NPA that the applicant's employment of each type of personnel described in his application who are engaged in and will be engaged in these activities will not exceed the numbers stated in the application during the time for which permission is granted.

(d) Permission, if granted, will apply only to those periods which may be specified by NPA. The applicant may make renewed application to cover later periods, furnishing the information specified in Form NPAF-207, excluding data already furnished in previous applications.

(e) Permission shall be deemed to be revoked, as to any applicant who has obtained permission, if and when he (1) refuses, because of the permitted activities, to accept any Government contract or subcontract offered to him, or (2) employs, in the activities to which this section applies, a greater number of any of the types of personnel listed in List A of this order than the number of that type stated in his application.

SEC. 4. *Equipment and items exempted.* (a) Nothing in this order shall be deemed to prohibit the production, assembly, or use of any commodity, equipment, accessory, part, assembly, product, or material, of any kind, in accordance with the provisions of NPA Order M-71 (Priorities Assistance to Technical and Scientific Laboratories), or in accordance with the requirements or specifications of the Department of Defense or the Atomic Energy Commission, as set forth in any contract calling for the delivery of any product for the manufacture of which the Department of Defense or the Atomic Energy Commission shall have allotted controlled material.

(b) Nothing in this order shall be deemed to prohibit the manufacture of color television equipment for use on a closed circuit, or color television equipment of a type not used in or designed for use in home-type receivers.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-90.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect June 24, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M-90

Occupation	*Definition*
Electronic technician	Fabricates, installs, maintains, and repairs electronic apparatus. Constructs and modifies electronic assemblies and components, following engineering drawings, sketches, or verbal instructions and using a comprehensive knowledge of complex and varied test, assembly, and repair procedures to insure proper diagnosis, adjustment, and operation of such equipment. Tests, calibrates, adjusts, and repairs electronic equipment, replacing and interchanging component parts with precision machinists' and electricians' tools and electronic testing and auxiliary equipment. This excludes those concerned with service and repair of radio and television broadcasting equipment and receivers.

LIST A OF NPA ORDER M-90—Continued

Occupation	Definition
Engineer draftsman, design	Makes design drawings of machines, products, processes, instruments, or structures, to assist in developing experimental ideas evolved by design engineers. Prepares working plans and detail drawings, working from rough or detail sketches and specifications and employing his knowledge of engineering methods and practices to solve fabrication or construction problems. Designs lesser parts and assemblies or limited structures in harmony with overall engineering plans and designs. Verifies dimensions of parts and materials, and relationship of one part to another as well as the various parts to the whole structure, using an extensive knowledge of the various machines, products, or processes peculiar to the specialized activity in which the work occurs.
Engineer, professional	Performs functions requiring the application of engineering principles and other scientific knowledge when those functions are of such a level of difficulty as to require the application of a knowledge of the engineering, physical, and mathematical sciences equivalent to that acquired through the completion of at least a 4-year professional engineering curriculum leading to a bachelor's degree in an accredited college or university.
Physicist	Conducts research and applies fundamental principles of the science to industrial problems.
Tool and die maker	Constructs, repairs, maintains, and calibrates machine shop tools, jigs, fixtures, and instruments, and also dies used for metal-forming work.

[F. R. Doc. 52-7033; Filed, June 24, 1952; 12:34 p. m.]

[CMP Regulation No. 5 as amended June 25, 1952]

CMP REG. 5—MAINTENANCE, REPAIR, AND OPERATING SUPPLIES, INSTALLATION, AND MINOR CAPITAL ADDITIONS UNDER THE CONTROLLED MATERIALS PLAN.

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation prior to its amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this regulation was rendered impracticable because the regulation affects almost all industries. In the formulation of this regulation as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects almost all industries.

This amendment affects CMP Regulation No. 5 by amending paragraphs (h), (j), and (l) of section 2; paragraph (c) of section 6; paragraph (a) of section 7; section 11; item 2 of Schedule I; and footnote 1 to item 4 of Schedule I.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. How a person obtains controlled materials.
4. How a person obtains products and materials other than controlled materials.
5. Status of orders rated DO-97.
6. Limitations on the use of the allotment symbol MRO and the rating DO-MRO.
7. Quarterly MRO quotas.
8. Charges against MRO quota.
9. Materials obtained for the benefit of another.
10. Use of materials for another purpose.
11. Certification.
12. Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO-MRO.
13. Relation to other regulations and orders.
14. Records and reports.
15. Request for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to provide a uniform procedure by which any business enterprise, Government agency, or public or private institution may obtain limited quantities of controlled materials and products and materials other than controlled materials for maintenance, repair, and operating supplies (hereinafter collectively referred to as "MRO"), as well as for minor capital additions and installations. It provides for the establishment of separate quarterly quotas for MRO, for minor capital additions, and for installation. The regulation does not limit the quantity of materials and products which a person may obtain without using the procedure provided in this regulation. However, a person who makes use of the procedure provided in this regulation to obtain, in any quarter, materials or products for MRO in excess of 20 percent of his MRO quota shall comply with the MRO quota limitations whether or not he is able to obtain additional MRO materials and products without using the procedure provided in this regulation. This regulation establishes separate minimum quotas for MRO, minor capital additions, and installation in the amount of $1,000 for each in any one quarter. The procedure provided in this regulation may not be used to secure materials for personal or household use.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, partnership, corporation, association, or other organized group, and includes any business enterprise, Government agency, or institution. If, in the calendar year 1950, or in his last fiscal year ending prior to March 1, 1951, a person operated more than one plant, division, department, branch, or other unit, and maintained for any such unit separate records showing expenditures therefor for MRO, he may elect to treat any one or more of such units as a separate person for the purposes of this regulation, or to treat his entire operation within the United States, its territories and possessions, as a single person. An election so made may not thereafter be changed without prior written approval of NPA.

(b) "NPA" means the National Production Authority.

(c) "Business enterprise" means a lawful activity conducted for profit in the United States, its territories or possessions.

(d) "Government agency" means the United States, its territories and possessions, any of the 48 States, or the District of Columbia, any political subdivision of any of the foregoing, and any agency of any of the foregoing which is not a business enterprise.

(e) "Institution" means any lawful organization, public or private, within the United States, its territories and possessions, which is neither a business enterprise nor a Government agency. It includes, but is not limited to schools, libraries, hospitals, churches, clubs, and welfare establishments.

(f) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(g) "Operating supplies" means, in the case of a business enterprise, any kind of material carried by such business enterprise as operating supplies according to its established accounting practice. It includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge. It also includes expendable tools, jigs, dies, and fixtures, used on production equipment, regardless of the accounting practice of the business enterprise. "Operating supplies" means, in the case of a Government agency or an institution, any item used by the agency or institution in conducting any activity or rendering any service, provided the total cost of such item (excluding the purchaser's cost of labor) does not exceed $50 or the item is normally consumed in the course of operation within 1 year from the date of acquisition and was not carried as capital equipment by the agency or institution according to its established accounting practice. Materials incorporated in a product are operating supplies if, but only if, they were carried as operating supplies according to the established accounting practice of the business enterprise, Government agency, or institution.

(h) "Minor capital addition" means any replacement, improvement, or addition of a kind carried by a person as capital according to his established accounting practice, the total cost of which (excluding the purchaser's cost of labor) does not exceed $1,000 for any one complete capital addition. The term "one complete capital addition" includes a group of items which are purchased together or as part of a single project or plan. No capital addition may be subdivided for the purpose of bringing it or any part of it within this definition. In computing the cost of such replacement, improvement, or addition, for the purpose of this regulation, the cost of all materials obtained for such replacement, improvement, or addition shall be included whether or not acquired by use of an allotment symbol or rating, and whether or not ordered or delivered at different times and obtained from different suppliers. Where the capital addition, replacement, or improvement involves construction, as defined in Revised CMP Regulation No. 6, the procedure provided for herein may not be used to obtain materials therefor.

(i) "MRO" means materials for maintenance, repair, and operating supplies. It does not include capital additions or installation. The terms "minor capital addition" and "installation" are specifically used whenever they are intended to be included within the provisions of this regulation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(j) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities, where such setting up or relocation is not and does not occur in conjunction with construction, as defined in Revised CMP Regulation No. 6, and is carried by a person as capital according to his established accounting practice. Where such installation occurs in a building, structure, or project which has been completed for less than 1 year and is part of the construction "project," as defined in Revised CMP Regulation No. 6, it shall not be considered installation for the purposes of this regulation.

(k) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(l) "Controlled material" means steel, copper, and aluminum in the forms and shapes indicated in CMP Regulation No. 1.

(m) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1950, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1950, the term means the accounting practice established by him in such operation.

SEC. 3. *How a person obtains controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the allotment symbol MRO on delivery orders for controlled materials for maintenance, repair, and operating supplies, installation, and minor capital additions. The assignment of the right to use the allotment symbol MRO does not constitute the making of an allotment of the amount of controlled materials for MRO, installation, and minor capital additions specified in section 7 of this regulation. The allotment symbol MRO may be used to acquire only that amount of controlled material acutally needed for MRO, installation, and minor capital additions.

(b) A delivery order bearing the symbol MRO, together with the certification provided for in section 11 of this regulation, shall constitute an authorized controlled material order for the purposes of all CMP regulations. A person who manufactures a Class A or Class B product, not for sale but solely for his own use as MRO, material for installation, or as a minor capital addition, may obtain the controlled material required for such production by using the allotment symbol MRO. A person who produces such a Class A or Class B product may not apply to an industry division or claimant agency on Form CMP-4A or on Form CMP-4B for an allotment of controlled material or for a DO rating for such production, nor may he use the self-authorization procedure provided for in Direction 1 to CMP Regulation No. 1.

SEC. 4. *How a person obtains products and materials other than controlled materials.* (a) Subject to the quantity restrictions contained in section 7 of this regulation, every business enterprise, Government agency, and institution shall have the right to use the rating DO-MRO on delivery orders for products and materials other than controlled materials for maintenance, repair, and operating supplies, installation, and minor capital additions. The rating DO-MRO may be used to acquire such products and materials only up to that portion of the amount specified in section 7 of this regulation which is actually needed for the purposes of MRO, installation, and minor capital additions.

(b) A delivery order bearing the rating DO-MRO, together with the certification provided for in section 11 of this regulation, shall constitute a rated order with an allotment symbol for the purpose of all NPA regulations and orders. A person who manufactures a Class A, Class B, or any other product, not for sale but for his own use as MRO, material for installation, or as a minor capital addition, may obtain the products and materials other than controlled material required for such production by using the rating DO-MRO.

SEC. 5. *Status of orders rated DO-97.* (a) A producer of a Class A or of a Class B product who has, prior to July 6, 1951, the original effective date of this regulation, extended an order bearing the rating DO-97 to a supplier of a controlled material, and who has received an authorized production schedule with a related allotment, shall charge against such allotment the amount of any controlled material which he receives pursuant to such order.

(b) A delivery order calling for delivery after the third quarter, 1951, placed prior to July 6, 1951, the original effective date of this regulation, in accordance with the provisions of NPA Reg. 4 and bearing the rating DO-97, must be converted into an authorized controlled material order or into a rated order with the allotment symbol MRO, as the case may be, in accordance with the provisions of CMP Regulation No. 3. In the absence of such conversion on or before August 15, 1951, the order shall constitute an unrated order.

(c) A delivery order for MRO, installation materials, or minor capital additions placed after the effective date of this regulation and in accordance with its provisions must bear the allotment symbol MRO or the rating DO-MRO, as the case may be.

SEC. 6. *Limitations on the use of the allotment symbol MRO and the rating DO-MRO.*—(a) *Prohibited list.* The allotment symbol MRO and the rating DO-MRO shall not be applied or extended by a person to obtain any of the materials or articles listed in Schedules I and II of this regulation, or to obtain any equipment pursuant to any lease.

(b) *Limitation for minor capital additions.* The allotment symbol MRO and the rating DO-MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) materials for a total of minor capital additions exceeding in the aggregate 10 percent of the quarterly MRO quota established as provided in section 7 of this regulation, or $1,000, whichever is greater. This paragraph shall be construed to place no limitation on the acquisition of additional products or materials other than controlled materials for minor capital additions without the use of the allotment symbol MRO or of the rating DO-MRO.

(c) *Limitation for installation.* The allotment symbol MRO and the rating DO-MRO may not be applied by a person to obtain in any quarter (calendar or fiscal) installation materials for a total of installations exceeding in the aggregate 10 percent of the quarterly

MRO quota established as provided in section 7 of this regulation, or $1,000, whichever is greater.

(d) *Limitation on extension of the rating DO–MRO and of the allotment symbol MRO.* A producer of Class A products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials in accordance with the provisions of section 15 of CMP Regulation No. 1. A producer of Class B products who receives a delivery order with the rating DO–MRO shall not extend such rating, but shall obtain his production materials from an industry division or claimant agency, as provided in CMP Regulations No. 1 and No. 3. All other suppliers may extend a DO–MRO rating to obtain materials to the extent permitted by and in accordance with the provisions of NPA Reg. 2. A supplier of controlled material who receives a delivery order bearing the allotment symbol MRO shall not extend such symbol.

SEC. 7. *Quarterly MRO quotas*—(a)—*The quota base.* A person who applies the allotment symbol MRO to buy controlled materials or the rating DO–MRO to buy products and materials other than controlled materials must establish his quarterly MRO quota. The MRO quota base to be used in establishing the MRO quota shall include all expenditures made by a person in the base period for MRO (except for materials referred to in Schedule II of this regulation), even though such MRO consists of materials listed in Schedule I of this regulation. Capital expenditures during the base period shall not be included in the quota base.

(b) *Standard base period.* The standard base period is the calendar year 1950.

(c) *Fiscal year base period.* If a person operated on the basis of a fiscal year prior to March 1, 1951, he may elect to take as his base period his last fiscal year ending prior to that date. After such an election has been made, it may not thereafter be changed without the prior written approval of NPA.

(d) *Standard quota.* The standard quarterly quota is 30 percent of the quota base.

(e) *Seasonal quota.* A person may elect to establish seasonal quarterly quotas. An election so made may not be changed thereafter without the prior written approval of NPA. Such seasonal quota for any quarter shall be 120 percent of the expenditures by the person for MRO during the corresponding quarter in 1950, or during the corresponding quarter in the last fiscal year ending prior to March 1, 1951.

(f) *Persons not in operation throughout the base period.* A person not in operation throughout the entire base period shall establish and report his quarterly MRO quota as follows:

(1) *Person operating during part of the base period.* A person who was in operation during a part but not all of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951) shall determine his quota base by computing the amount he would have spent for MRO (except for materials referred to in Schedule II of this regulation) had he continued the same rate of expenditure throughout the year as during that part of the year in which he was in operation, making necessary corrections to compensate for seasonal or other exceptional characteristics of the period in which he was in operation. His standard quarterly MRO quota shall be 30 percent of his quota base. If he elects to establish seasonal quarterly quotas, as above provided, he may divide 120 percent of his quota base into four quarterly MRO quotas in accordance with the seasonal demands of the activity in which he is engaged.

(2) *Persons not in operation during the base period.* If a person was not in operation in any part of the calendar year 1950 (or of his last fiscal year ending prior to March 1, 1951), his quarterly MRO quota (standard or seasonal) shall be the amount which he determines to be necessary for his operation. The quota of such person may not, however, exceed $5,000 for any quarter without the prior written approval of NPA. Request for authority to establish a quota in excess of $5,000 in any quarter shall be submitted on Form NPAF–78 in accordance with the provisions of section 15 of this regulation.

(3) *Notice to NPA.* A person who establishes a quarterly MRO quota in excess of $1,000 pursuant to subparagraphs (1) or (2) of this paragraph (f) shall, within 30 days after he first applies either the allotment symbol MRO or the rating DO–MRO, notify NPA in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors.

(g) Any person whose quarterly MRO quota, as calculated pursuant to the provisions of this section, is less than $1,000, may, nevertheless, order (or receive) in any quarter MRO aggregating not more than $1,000.

(h) *Future use of increased quotas.* If the quarterly MRO quota of a person is increased by specific authorization of NPA pursuant to section 15 of this regulation, the increased quota becomes his standard quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. An increased quarterly MRO quota granted as a seasonal quota may be used only in the corresponding quarter of subsequent years.

(i) *Increase not retroactive.* An increase in quota granted pursuant to section 15 of this regulation is not retroactive.

SEC. 8. *Charges against MRO quota*—(a) *When to charge against quota.* A person may elect to charge expenditures against his MRO quota for the quarter (calendar or fiscal) in which his purchase order specifies delivery is to be made (the delivery basis), or against his MRO quota for the quarter in which the materials are actually received (the receipts basis). Having elected to use one method, he may not thereafter change to the other without the prior written approval of NPA.

(b) *What to charge against quota.* A person shall charge against his MRO quota in each quarter all expenditures for materials for MRO (except materials referred to in Schedule II of this regulation) ordered for delivery (or, if on the receipts basis, received) during the quarter, whether or not obtained by use of the allotment symbol MRO or the rating DO–MRO.

(c) *Exception.* Any person who uses the allotment symbol MRO or the rating DO–MRO to order for delivery (or, if on the receipts basis, to receive) during any quarter materials for MRO which aggregate not more than 20 percent of his MRO quota for such quarter, may, in addition, order for delivery (or receive) in such quarter other material for MRO without use of the allotment symbol MRO or the rating DO–MRO and without regard to quota limitations.

SEC. 9. *Materials obtained for the benefit of another*—(a) *Materials supplied by a repairman.* Any business enterprise (such as a repair shop) engaged in doing maintenance, repair, or installation work for any other person may apply the allotment symbol MRO to obtain controlled materials and the rating DO–MRO to obtain products and materials other than controlled materials to the same extent that such other person would be entitled to apply the allotment symbol or rating if he were doing the work himself. The cost of materials so obtained shall be charged to the MRO quota of the person for whom the work is done.

(b) *Obligation to supply MRO under lease or other agreement.* A person who is obligated to maintain, repair, or operate any plant, facility, or equipment, under the terms of any lease or other agreement for the use of such property by another person, may apply the allotment symbol MRO or the rating DO–MRO to obtain materials needed for such purposes. Expenditures for such materials shall be charged to the MRO quota of the person thus applying the allotment symbol MRO or the rating DO–MRO except that, if his purchase is made on a reimbursable basis for the account of the person using the property, the MRO quota of the latter shall be charged.

SEC. 10. *Use of materials for another purpose.* If a person has obtained materials for MRO, installation, or minor capital additions by applying the allotment symbol MRO on the rating DO–MRO, as the case may be, he may use them for a different purpose if under an authorized production schedule or authorized construction schedule he could have applied any other allotment number or symbol or rating to acquire them for such purpose. However, if he does use them for such other purpose, he may not use the allotment symbol MRO or the rating DO–MRO to replace them in inventory. To replace such materials in inventory he may use only the allotment number or symbol, or DO rating under such authorized production or construction schedule which he might have applied to obtain them for the purpose for which he used them. If he uses such materials obtained by applying the allotment symbol MRO or rating DO–MRO for such other purpose, his records must be adequate to show that his purchases of material are substantially proportionate to his authorized uses.

SEC. 11. *Certification.* A delivery order for MRO or materials for installation or minor capital additions bearing the allotment symbol MRO or the rating DO–MRO must contain a certification in addition to such allotment symbol or rating. Unless another form of certification is specifically prescribed by an applicable order or regulation of NPA, such certification shall be in the following words:

Certified under CMP Regulation No. 5

and shall be signed as provided in NPA Reg. 2. This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to use the allotment symbol or the rating under the provisions of this regulation to obtain the materials covered by the delivery order.

SEC. 12. *Supplier receiving orders improperly bearing the allotment symbol MRO or the rating DO–MRO.* When a supplier has received a purchase order bearing the allotment symbol MRO or the rating DO–MRO, which symbol or rating he knows, or has reason to believe, has been used in violation of any NPA regulation or order, the supplier shall refuse to accept it as an authorized controlled material order or rated order, as the case may be. In such event, the supplier shall advise the buyer of his reason for such refusal, and shall also advise NPA of his receipt of the order, his refusal to accept it, and his reason for such refusal.

SEC. 13. *Relation to other regulations and orders*—(a) *Rules governing use of the allotment symbol MRO or the rating DO–MRO.* Any person who is entitled to obtain materials for his MRO, installation, or minor capital additions under any other NPA regulation or order, shall be governed by the provisions of such other order or regulation and shall not use the allotment symbol MRO or the rating DO–MRO as provided in this regulation.

(b) *Inventory limitations.* Nothing in this regulation shall be deemed to authorize any person to order or receive any controlled materials if acceptance thereof would increase his inventory beyond the limitations permitted by CMP Regulation No. 2, or the limit fixed in any other applicable NPA regulation or order. Nothing in this regulation shall be deemed to authorize any person to order or receive products or materials other than controlled materials if acceptance thereof would increase his inventory beyond a practicable minimum working inventory as defined in NPA Reg. 1 or beyond the limit fixed in any other applicable NPA order or regulation.

(c) *Delegations to Government agencies.* This regulation does not revoke or prevent the use of any authority delegated by NPA to any other Government agency whereby such agency may use allotment symbols other than MRO or ratings other than DO–MRO, as the case may be, for direct procurement of its own requirements of MRO, installation material, or minor capital additions.

(d) *Other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from the obligation of complying with such limitations on acquisition or use of materials or such other provisions as may be contained in any applicable regulation or order of NPA or with any order of any other competent authority.

SEC. 14. *Records and reports*—(a) *Records to be kept.* Each person who makes any use of the allotment symbol MRO or the rating DO–MRO pursuant to this regulation shall make and preserve at his regular place of business for at least 3 years accurate and complete records showing what his quarterly MRO quotas are, how he computed them, the factual justification for them and for corrections or revisions thereof, any elections made as to the use of seasonal quotas, methods of figuring quotas and charges against them, or other options exercised, and records of receipts, deliveries, inventories, production, and use of all materials for MRO, installation, or minor capital additions, whether or not by use of the allotment symbol or rating, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This requirement does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) *Inspection and audit.* All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) *Other records and reports.* Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 15. *Request for adjustment or exception.* (a) Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. A request for an adjustment of the MRO quota shall be submitted in writing in triplicate on Form NPAF–78; a request for an adjustment of the installation or minor capital addition quotas and a request for an exception to any other provision of this regulation shall be submitted by letter in triplicate and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

(b) Subject to the provisions of paragraphs (g) and (h) of section 7 of this regulation, any adjustments or exceptions granted under the provisions of NPA Reg. 4 shall continue to apply under this regulation.

SEC. 16. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 5.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this regulation or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation, as amended, shall take effect June 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I TO CMP REGULATION NO. 5

Materials to which the allotment symbol MRO or the rating DO–MRO may not be applied or extended under CMP Regulation No. 5:

1. All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded and products not customarily sold as chemicals.

2. Products appearing in List A of NPA Order M–47A, as that order may be amended from time to time (except in item 28 of section VIII of List A), or in List B of said order.

3. Nylon fibers and yarns.

4. Packaging materials and containers, except steel nails, steel wire, and steel strapping used for packaging purposes.[1]

[1] Copper and aluminum controlled material producers shall continue to obtain packaging materials and containers in the manner prescribed by section 21 of CMP Regulation No. 1 and by Direction 2 to CMP Regulation No. 1. Steel controlled material producers shall obtain packaging materials and containers in the manner prescribed by NPA Order M–105. Controlled material producers shall not use the allotment symbol MRO or the rating DO–MRO to obtain packaging materials and containers.

5. Paint, lacquer, and varnish.
6. Paper and paper products.
7. Paperboard and paperboard products.
8. Printed matter.
9. Photographic film.
10. Pneumatic tires and tubes.
11. Waterfowl feathers.
12. Printing plates.

SCHEDULE II TO CMP REGULATION NO. 5

Materials contained in NPA Reg. 2, List A, as the same may be amended or supplemented from time to time.

[F. R. Doc. 52-7082; Filed, June 25, 1952; 10:38 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 14 to Schedule B]

[Rent Regulation 2, Amdt. 12 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

VIRGINIA AND TEXAS

Effective June 26, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. A new item 57 is added to Schedule B of Rent Regulation 1, reading as follows:

57. Provisions relating to the Magisterial Districts of Butts Road, Tanners Creek and Washington in Norfolk County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in section 41, the words "May 1 to September 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry these provisions of item 57 into effect.

2. A new item 61 is added to Schedule B of Rent Regulation 2, reading as follows:

61. Provisions relating to the Magisterial Districts of Butts Road, Tanners Creek and Washington in Norfolk County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 42 and 99, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 99, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry these provisions of item 61 into effect.

3. A new item 58 is added to Schedule B of Rent Regulation 1, reading as follows:

58. Provisions relating to the Magisterial Districts of Deep Creek, Pleasant Grove and Western Branch in Norfolk County, Virginia, portions of the Portsmouth, Virginia, Defense-Rental Area (Item 342a of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in section 41, the words "May 1 to September 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry these provisions of item 58 into effect.

4. A new item 62 is added to Schedule B of Rent Regulation 2, reading as follows:

62. Provisions relating to the Magisterial Districts of Deep Creek, Pleasant Grove and Western Branch in Norfolk County, Virginia, portions of the Portsmouth, Virginia, Defense-Rental Area (Item 342a of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 42 and 99, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 99, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry these provisions of item 62 into effect.

5. A new item 59 is added to Schedule B of Rent Regulation 1, reading as follows:

59. Provisions relating to Comal County, Texas, a portion of the San Marcos, Texas, Defense-Rental Area (Item 328 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in section 41, the words "May 1 to September 15" are substituted.

(b) All provisions of this regulation insofar as they are applicable to Comal County, Texas, are hereby amended to the extent necessary to carry these provisions of item 59 into effect.

6. A new item 63 is added to Schedule B of Rent Regulation 2, reading as follows:

63. Provisions relating to Comal County, Texas, a portion of the San Marcos, Texas, Defense-Rental Area (Item 328 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 42 and 99, the words "May 1 to September 15" are substituted and wherever the words "October 1 to May 31" appear in section 99, the words "September 16 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to Comal County, Texas, are hereby amended to the extent necessary to carry these provisions of item 63 into effect.

[F. R. Doc. 52-6997; Filed, June 25, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 11 to Schedule B]

[Rent Regulation 4, Amdt. 4 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREAS OR PORTIONS THEREOF

VIRGINIA AND TEXAS

Effective June 26, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. A new item 14 is added to Schedule B of Rent Regulation 3, reading as follows:

14. Provisions relating to the Magisterial Districts of Butts Road, Tanners Creek and Washington in Norfolk County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 27 and 53, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 53, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry the provisions of this item 14 into effect.

2. A new item 14 is added to Schedule B of Rent Regulation 4, reading as follows:

14. Provisions relating to the Magisterial Districts of Butts Road, Tanners Creek and Washington in Norfolk County, Virginia, portions of the Norfolk, Virginia, Defense-Rental Area (Item 342 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 55, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry the provisions of this item 14 into effect.

3. A new item 15 is added to Schedule B of Rent Regulation 3, reading as follows:

15. Provisions relating to the Magisterial Districts of Deep Creek, Pleasant Grove and Western Branch in Norfolk County, Virginia, portions of the Portsmouth, Virginia, Defense-Rental Area (Item 342a of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 27 and 53, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 53, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry the provisions of this item 15 into effect.

4. A new item 15 is added to Schedule B of Rent Regulation 4, reading as follows:

15. Provisions relating to the Magisterial Districts of Deep Creek, Pleasant Grove and Western Branch in Norfolk County, Virginia, portions of the Portsmouth, Virginia, Defense-Rental Area (Item 342a of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 30" are substituted and wherever the words "October 1 to May 31" appear in section 55, the words "October 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates, are hereby amended to the extent necessary to carry the provisions of this item 15 into effect.

5. A new item 16 is added to Schedule B of Rent Regulation 3, reading as follows:

16. Provisions relating to Comal County, Texas, a portion of the San Marcos, Texas, Defense-Rental Area (Item 328 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 27 and 53, the words "May 1 to September 15" are substituted and wherever the words "October 1 to May 31" appear in section 53, the words "September 16 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to Comal County, Texas, are hereby amended to the extent necessary to carry these provisions of item 16 into effect.

6. A new item 16 is added to Schedule B of Rent Regulation 4, reading as follows:

16. Provisions relating to Comal County, Texas, a portion of the San Marcos, Texas, Defense-Rental Area (Item 328 of Schedule A):

(a) Wherever the words "June 1 to September 30" appear in sections 26 and 55, the words "May 1 to September 15" are substituted and wherever the words "October 1 to May 31" appear in section 55, the words "September 16 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to Comal County Texas, are hereby amended to the extent necessary to carry these provisions of item 16 into effect.

[F. R. Doc. 52-6998; Filed, June 25, 1952; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1824]

PART 259—DISPOSAL OF MATERIALS

DISPOSALS AND RIGHTS UNDER OTHER STATUTES; FREE-USE PRIVILEGE

In order to clarify the rights obtained under free use permits by political entities or agencies and individuals, associations or non-profit corporations as well as to provide for the disposition of proceeds received from sale of materials from school section lands in Alaska, the following amendments are made in Part 259.

1. Paragraphs (f) and (g) of § 259.3 are amended to read:

§ 259.3 *Disposals which must be made under other statutes; rights under other statutes.* • • •

(f) The purchaser of materials shall have a prior right to the materials in accordance with the terms and provisions of the contract of purchase as against any subsequent claimant or entryman of the land affected.

(g) The proceeds derived from such sales shall be deposited in the Treasury of the United States and shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received from the disposal of materials from school section lands in Alaska, reserved under the act of March 4, 1915 (38 Stat. 1214; 48 U. S. C. 353), as amended, shall be deposited in the United States Treasury for payment annually to the Territory of Alaska, pursuant to the act of August 31, 1950 (64 Stat. 571; 43 U. S. C. 1187).

2. Paragraphs (a) and (d) of § 259.21 are amended to read:

§ 259.21 *Free-use privilege; limitations.* (a) Any person, or any association or corporation not organized for profit, may be permitted to take and remove, without charge, materials subject to the act, for use other than for commercial or industrial purposes or resale. Such permittee is granted a right to remove materials while the permit remains in force and, in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same material by purchase. However, the materials may not be removed by the permittee after the land has been included in a valid claim by reason of settlement, entry, or similar rights obtained under the public land laws.

• • • • •

(d) A free-use permit may be issued to any Federal, State, or Territorial agency, unit, or subdivision, including municipalities, without limitation as to the number of permits or as to the value of the materials to be severed, extracted, or removed, provided that the applicant makes a satisfactory showing to the regional administrator that such materials will be used for a public project. Such permits shall constitute a superior right to remove the materials and will continue in full force and effect, in accordance with its terms and provisions, as against any subsequent claim to or entry of the lands.

• • • • •

(Sec. 1, 61 Stat. 681; 43 U. S. C. 1185)

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6957; Filed, June 25, 1952; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 837]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH LUTAK INLET DRY CARGO DOCK

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army in connection with the Lutak Inlet Dry Cargo Dock:

COPPER RIVER MERIDIAN

T. 30 S., R. 59 E.,
Sec. 10, lots 4, 5, 6, 7, 8, 11, $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, and $S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 15, $N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$.

The areas described aggregate 63.98 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6958; Filed, June 25, 1952; 8:47 a. m.]

[Public Land Order 838]

CALIFORNIA

CORRECTING THE LAND DESCRIPTION IN PUBLIC LAND ORDER 807 OF FEBRUARY 27, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the land description in the fourth paragraph of Public Land Order No. 807 of February 27, 1952, which revoked in part Public Land Order No. 125 of May 20, 1943, so far as such description relates to land in section 12, T. 5 N., R. 3 W., San Bernardino Meridian, is hereby corrected to read as follows:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 3 W.,
Sec. 12, $NW\frac{1}{4}NE\frac{1}{4}$ and $SW\frac{1}{4}$.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6960; Filed, June 25, 1952; 8:47 a. m.]

[Public Land Order 839]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER 487 OF JUNE 16, 1948, AND RESERVING PORTION OF RELEASED LANDS FOR PUBLIC RECREATIONAL PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 487 of June 16, 1948, withdrawing the public lands within certain described areas in Alaska for classification and examination, and in aid of proposed legislation, is hereby revoked so far as it affects the following-described lands, which are within the boundaries of the Kenai National Moose Range, established by Executive Order No. 8979 of December 16, 1941, and within the excepted areas described in that order which were set apart for use and disposition pursuant to the public-land laws applicable to Alaska:

SEWARD MERIDIAN

T. 5 N., R. 9 W.,
Sec. 10, lots 3 and 4.
T. 6 N., R. 11 W.,
Sec. 33, $NE\frac{1}{4}$ and $N\frac{1}{2}SE\frac{1}{4}$;
Sec. 34.
T. 6 N., R. 12 W.,
Sec. 14, $E\frac{1}{2}$;
Sec. 23, $NE\frac{1}{4}$.

The areas described aggregate 1,439.60 acres.

2. Subject to valid existing rights, the following-described public lands, which are portions of the lands described in paragraph 1 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for public recreational purposes:

SEWARD MERIDIAN

T. 5 N., R. 9 W.,
Sec. 10, lots 3 and 4.

The areas described aggregate 79.60 acres.

3. The status of the lands in Tps. 6 N., Rs. 11 and 12 W., S. M., described in paragraph 1 of this order, shall not be changed until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening such lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one-day preference-right period for filing such applications by veterans of World War II and others entitled to preference.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6961; Filed, June 25, 1952; 8:47 a. m.]

[Public Land Order 840]

ALASKA

CORRECTING LAND DESCRIPTION IN PUBLIC LAND ORDER 794 OF JANUARY 23, 1952

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the land description in Public Land Order No. 794 of January 23, 1952, which reserved lands for the use of the Department of the Air Force for military purposes, so far as such description relates to land in section 8, T. 2 S., R. 4 E., Fairbanks Meridian, is hereby corrected to read as follows:

FAIRBANKS MERIDIAN

T. 2 S., R. 4 E.,
Sec. 8, SW¼.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6963; Filed, June 25, 1952; 8:48 a. m.]

[Public Land Order 841]

NEVADA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army for military purposes:

MOUNT DIABLO MERIDIAN

T. 19 S., R. 62 E.,
Sec. 36, E½.
T. 20 S., R. 62 E.,
Sec. 1, NE¼.
T. 19 S., R. 63 E.,
Sec. 28, S½;
Sec. 29, S½;
Sec. 30, SE¼;
Secs. 31, 32, 33;
Sec. 34, W½ and SE¼.
T. 20 S., R. 63 E.,
Sec. 3, W½ and NE¼;
Secs. 4, 5, 6;
Sec. 8, NE¼;
Sec. 9, N½.

The area described aggregates approximately 6,312.94 acres.

This order shall take precedence over but not otherwise affect the order of November 3, 1936, of the Secretary of the Interior establishing Nevada Grazing District No. 5, so far as such order affects any of the above-described lands.

It is intended that the lands described above shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6964; Filed, June 25, 1952; 8:48 a. m.]

[Public Land Order 842]

ALASKA

EXCLUDING CERTAIN LANDS FROM TONGASS NATIONAL FOREST, AND RESERVING PORTIONS OF EXCLUDED LANDS FOR VARIOUS PUBLIC PURPOSES OR FOR CLASSIFICATION; PARTIALLY REVOKING EXECUTIVE ORDER NO. 9114 OF MARCH 28, 1942

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 475), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. So much of the following-described areas in Alaska as has not heretofore been eliminated from the Tongass National Forest is hereby excluded from the said forest, and the boundaries of the said forest are modified accordingly:

NORTH TONGASS HIGHWAY

Beginning at corner No. 10, U. S. Survey No. 1761, Ketchikan elimination from Tongass National Forest, thence,
N. 61° W., 81.00 chains to corner No. 1 of Forest Exchange Survey 237;
N. 0° 20' W., 19.76 chains to corner No. 2, F. E. S. 237;
West, 40.00 chains to corner No. 6, F. E. S. 237;
N. 0° 38' E., 8.39 chains to corner No. 5, F. E. S. 237;
N. 0° 15' E., 20.00 chains to corner No. 2, U. S. S. 813;
West, 30.00 chains to corner No. 4, U. S. S. 815;
North, 20.00 chains to corner No. 3, U. S. S. 815;
N. 44° 00' W., 75.00 chains approximately, to a point from which corner No. 4, U. S. S. 2603, bears S. 57° 51' W., 10.00 chains;
N. 4° 00' E., 135.00 chains approximately, to a point from which corner No. 4, U. S. S. 2807, bears N. 51° 59' W., 30.00 chains;
N. 35° 00' E., 104.00 chains approximately, to a point from which corner No. 4, U. S. S. 2805, bears N. 54° 32' W., 10.00 chains;
N. 54° 32' W., 22.00 chains to a point on mean high tide line of Clover Passage;
Southwesterly, southerly, and southeasterly, 825.00 chains, approximately, along mean high waterline of Clover Passage, Tongass Narrows, Totem Bight, and Mud Bay to corner No. 12, U. S. S. 1761;
N. 23° 36' E., 18.85 chains to corner No. 11, U. S. S. 1761;
N. 73° 39' E., 51.45 chains to point of beginning.
The tract as described contains approximately 3,310 acres.

SOUTH TONGASS HIGHWAY

Beginning at corner No. 2 of U. S. Survey No. 1627, approximately 8 miles southeast of Ketchikan, thence,
N. 39° 00' E., 37.50 chains, approximately, to a point from which corner No. 11, U. S. S. 2402, bears S. 80° 34' E., 6.00 chains;
N. 23° 00' E., 82.50 chains, approximately;
N. 29° 00' W., 51.00 chains, to corner No 4, U. S. S. 2801;
N. 0° 01' E., 7.385 chains, to corner No. 5, U. S. S. 2801;
North, 17.30 chains;
East, 44.40 chains, approximately, to corner No. 15, U. S. S. 2403;
S. 55° 13' E., 5.62 chains to corner No. 1, lot 90, U. S. S. 2403;
S. 50° 00' E., 1.00 chain to corner No. 2, lot 92, U. S. S. 2403;
S. 54° 49' E., 3.66 chains to corner No 20, M. C., U. S. S. 2403;
Southerly, 258.00 chains, approximately, along mean high tide line of Herring Bay and George Inlet to S. E. M. C., U. S. S. 1627;
N. 45° 00' W., 30.48 chains to point of beginning.
The tract as described contains approximately 543 acres.

CRAIG

Beginning at corner No. 7 M. C., U. S. Survey No. 2611, approximately ½ mile southeast of Craig, thence,
Northerly, along line of mean high tide of Shelter Cove and Klawok Inlet;
Southeasterly, along line of mean high tide of Crab Bay to a point from which corner No. 3, U. S. S. 2612, bears S. 76° 30' W. 3.50 chains;
S. 30° 00' E., 5.40 chains to shore of Port Bagial;
Southerly and westerly, 56.00 chains, approximately, along line of mean high tide of Port Bagial to a point S. 45° E. from corner No. 7, U. S. S. 2611;
N. 45° 00' W., 2.50 chains to point of beginning.
The tract as described contains approximately 133 acres.

WRANGELL

Tract A. Beginning at corner No. 4, U. S. Survey No. 1760, thence,
East, 120.00 chains to a point on the line of mean high tide of Eastern Passage;
Northerly, 140.00 chains, approximately, along line of mean high tide of Eastern Passage to corner No. 5, U. S. S. 1760;
South, 91.49 chains to point of beginning.
The tract as described contains approximately 402 acres.

Tract B. Beginning at corner No. 1, M. C., U. S. Survey No. 1760, thence,

S 54° 30' E., 7.54 chains to corner No. 2, U. S. S. 1760;
N 68° 00' E., 20.00 chains on line 2-3, U. S. S. 1760;
S 24° 30' E., 206.00 chains to a point from which corner No. 46, U. S. S. 2321, bears S. 66° W., 15.50 chains;
East, 56.50 chains;
South, 92.00 chains;
S. 11° 00' W., 72.00 chains to a point from which corner No. 2, U. S. S. 2589, bears N. 72° W. 15.00 chains;
S. 42° 00' W., 108.00 chains to a point from which U. S. C. & G. S. Station "Oar 2" bears West, 20 chains;
S. 30° 00' E., 170.00 chains, approximately;
S. 29° 00' E., 51.00 chains, approximately, to a point from which the mouth of Pat Creek bears N. 26° W., 7.00 chains;
West, 9.00 chains to a point on the line of mean high tide on eastern shore of Zimovia Strait;
Northerly, 700.00 chains, approximately, along line of mean high tide of Zimovia Strait to point of beginning.
The tract as described contains approximately 2,565 acres.

Tract C. All of an unnamed island and connecting high tide lands, situated in Zimovia Strait, at approximate latitude 55° 21' N., longitude 132° 28' W., and on which U. S. C. & G. S. Station "Boat 2" is located.
The tract as described contains approximately 5 acres.

SITKA

Beginning at a point on line 2-3, U. S. Survey No. 1763, Sitka Elimination from Tongass National Forest, from which corner No. 2, U. S. S. 1763 bears S. 64° 55' 50" W., 40 chains, thence,
N. 30° 00' W., 208.00 chains, approximately, to a point from which corner No. 3, U. S. S. 2420, bears S. 60° W., 25.00 chains;
N. 28° 00' E., 170.00 chains to a point on the left bank and mouth of an unnamed stream which enters Starrigavin Bay, from which U. S. C. & G. S. Station "Harbor" bears approximately S. 73° W., 70 chains;
Southerly, 240.00 chains, approximately, along line of mean high tide of Starrigavin Bay Harbor Point, and Sitka Sound to corner No. 1, U. S. S. 1763;
Southeasterly, 208.22 chains with meanders of U. S. S. 1763 to corner No. 2 thereof;
N 64° 55' 50" E., 40.00 chains to point of beginning.
The tract as described contains approximately 1,504 acres.

DOUGLAS ISLAND

Beginning at corner No. 6, M. C., U. S. Survey 1762, thence,
South, 40.00 chains to ½ mile post between corners 5 and 6 of U. S. S. 1762;
N. 81° 00' W., 260.00 chains, approximately, to corner 2, U. S. S. 1082;
South, 47.87 chains;
West, 34.00 chains;
N. 49° 00' W., 9.00 chains, approximately, from which corner No. 3, H. E. S. 119, bears N. 39° 36' E., 14.29 chains;
N. 49° 00' W., 1.00 chain;
Northerly and easterly along line of mean high tide of Fritz Cove and Gastineau Channel to point of beginning.
The tract as described contains approximately 1,845 acres.

GLACIER HIGHWAY

Tract A. Beginning at corner No. 8, U. S. Survey 1762, thence,
N. 81° W., 53.00 chains, approximately, to corner No. 15, H. E. S. 174;
West, 84.00 chains to corner No. 8, U. S. S. 1536;
S. 66° 26' E., 34.61 chains to corner No. 9, U. S. S. 1536;
S 4° 54' E., 9.67 chains to corner No. 10, U. S. S. 1536;
Easterly, along line of mean high tide of Gastineau Channel to corner No. 7, M. C., U. S. S. 1762;
North, 15.65 chains to point of beginning.
The tract as described contains approximately 254 acres.

Tract B. Beginning at corner No. 14, U. S. Survey 1536, thence,
N. 87° 22' W., 53.27 chains to corner No. 1, U. S. S. 1536;
N. 13° 01' E., 240.00 chains to 3-mile post between corners Nos. 1 and 2, U. S. S. 1536;
S. 66° 00' W., 154.00 chains, approximately, to corner No. 3, U. S. S. 687;
West, 28.34 chains to corner No. 2, U. S. S. 687;
S. 60° 00' W., 138.00 chains to a point from which corner No. 6 of the Auke Village Camp Ground, a Forest Service Recreation Site, as shown on map of section 8, Glacier Highway Development Plan, Tongass National Forest, as surveyed by Leonard Barrett in 1925, on file with the Forest Service, Juneau, Alaska, bears South 30 chains;
South, 30.00 chains to corner No. 6 of the above-described Auke Village Camp Ground;
S. 60° 00' W., 2.00 chains to corner No. 1, M. C., of the above-described Auke Village Camp Ground;
Easterly, along the line of mean high tide around Indian Point, along Auke Bay, and around Mendenhall Peninsula to point of beginning.
A small unnamed island in Auke Bay approximately 6 chains offshore from H. E. S. No. 81;
A small unnamed island in Favorite Channel approximately 20 chains south of Lot H, U. S. S. 2389.
The tracts as described aggregate approximately 3,066 acres.

Tract C. Beginning at corner No. 3 of the Auke Village Camp Ground, Forest Service Recreation Site, as shown on map of Section 8, Glacier Highway Development Plan, Tongass National Forest, surveyed by Leonard Barrett in 1925, and filed with the Forest Service, Juneau, Alaska, thence,
North, 24.00 chains to corner No. 4 of the above-described Auke Village Camp Ground;
N. 25° 00' W., 165.00 chains, approximately, to a point from which corner No. 8, U. S. S. 802, bears approximately North 105 chains;
North, 105.00 chains, approximately, to corner No. 8, U. S. S. 802;
North, 37.50 chains to corner No. 7, U. S. S. 802;
N. 12° 00' W., 280.00 chains to corner No. 4, H. E. S. 167;
N. 4° 54' E., 11.41 chains to corner No. 3 and M. C., H. E. S. 167;
N. 4° 54' E., 1.83 chains across Peterson Creek to corner No. 4 and M. C., H. E. S. 103;
N. 88° 08' E., 11.04 chains to corner No. 3, H. E. S. 103;
N. 0° 12' E., 58.41 chains to corner No. 2, H. E. S. 103, identical with corner No. 7, H. E. S. 145;
S. 89° 46' E., 3.44 chains to corner No. 6, H. E. S. 145;
N. 32° 22' E., 24.52 chains to corner No. 5, H. E. S. 145;
N. 2° 00' E., 46.28 chains to corner No. 4, H. E. S. 145;
N. 61° 13' W., 16.45 chains to corner No. 3, H. E. S. 145;
S. 45° 31' W., 4.73 chains to corner No. 2, H. E. S. 145, identical with corner No. 5, H. E. S. 90;
N. 45° 21' W., 21.81 chains to corner No. 4, H. E. S. 90;
N. 52° 13' W., 48.55 chains to corner No. 3, H. E. S. 90;
N. 27° 05' E., 3.30 chains to corner No. 5, H. E. S. 92;
N. 12° 02' W., 50.00 chains, approximately, to a point on the left bank of Herbert River;
Westerly, along the left bank of Herbert River to its confluence with Eagle River, and along the left bank of Eagle River to Favorite Channel;
Westerly and southerly along the east shore of Favorite Channel to corner No. 2, M. C., of the above-described Auke Village Camp Ground;
N. 8° 15' E., 4.00 chains to the point of beginning.
Five small unnamed islands in Favorite Channel between Eagle Harbor and Amalga Harbor in approximate latitude 58°23'20" N., longitude 134°47'30" W.
The tracts as described aggregate approximately 4.707 acres.

PETERSBURG

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E., partly unsurveyed,
Sec. 18, lots 1, 2, 3, 4, 5, 6, NE¼SW¼, and N½SE¼;
Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, SE¼NW¼, and SE¼;
Sec. 20;
Sec. 29, lots 2, 3, 6, 7, and W½W½.
Sec. 32;
Sec. 33, lot 6;
Sec. 34, lots 1, 2, 3, 4, and S½;
Sec. 35, lots 1, 2, 3, W½NE¼, E½NW¼, and S½;
Sec. 36.
T. 59 S., R. 79 E., partly unsurveyed,
Sec. 3, lots 1, 2, 3, 4, 5, E½, and NE¼NW¼;
Sec. 4, lots 3, 4, 7, and 8;
Sec. 5, lots 1, 2, 5, S½NE¼, W½SE¼, and SE¼SE¼;
Sec. 9, lots 2, 3, 4, and 5;
Sec. 10, lots 1 and 4, E½, and E½SW¼;
Sec. 14, S½;
Secs. 15 and 16;
Sec. 21, lots 1 and 2, SW¼NE¼, NW¼, and SE¼;
Secs. 22, 23, and 26;
U. S. Survey No. 1722 in secs. 22 and 27;
Sec. 34, lots 3 and 4;
Sec. 35.
T. 60 S., R. 79 E.,
Secs. 2 and 11;
Sec. 13, lot 1, N½SW¼, and SE¼SW¼;
Sec. 14, lots 1, 2, 3, 4, 6, and NE¼;
Sec. 23, lots 1, 2, 5, 6, and 9;
Sec. 24, lot 1, E½NW¼, NW¼NW¼, and SW¼;
Sec. 25, lots 1, 2, 3, 4, 5, 6, 8, 9, NE¼, and NE¼SE¼;
Sec. 26, lot 1.
The areas described aggregate 10,833.28 acres.

2. Subject to valid existing rights, including rights of Alaska natives, and to the provisions of existing withdrawals, the following-described tracts of public land, which are portions of the lands described in paragraph 1 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior as follows:

(a) For the preservation and protection of scenic values: *Provided*, That the timber resources on such lands shall be subject to disposal pursuant to applicable laws:

NORTH TONGASS HIGHWAY

A tract of land lying between the northwest right-of-way line of North Tongass Highway and line of mean high tide of Clover Passage; and between the north boundary of U. S. Survey No. 2553 and the extension northwesterly of the north boundary of U. S. Survey No. 2805.
The tract as described contains approximately 6 acres.

A tract of land lying between the southwesterly right-of-way line of North Tongass Highway and line of mean high tide of Tongass Narrows; and between the west boundary of U. S. Survey No. 1192 and the ex-

tension southwesterly of the northwest boundary of Lot B, U. S. Survey No. 2343.

The tract as described contains approximately 2 acres.

A tract of land lying between the southwesterly right-of-way line of North Tongass Highway and line of mean high tide of Tongass Narrows; and between the south boundary of U. S. Survey No. 2678 and the extension southwesterly of the northwest boundary of Lot E, U. S. Survey No. 2343.

The tract as described contains approximately 3 acres.

SOUTH TONGASS HIGHWAY

A tract of land lying between the easterly right-of-way line of South Tongass Highway and the line of mean high tide of George Inlet; and between the northeasterly boundary of Lot 67, U. S. S. 2402 and the south boundary of U. S. S. 2405.

The tract as described contains approximately 35 acres.

A tract of land lying between the easterly right-of-way line of South Tongass Highway and the line of mean high tide of George Inlet; and between the north boundary of U. S. S. 2191 and the south boundary of U. S. S. 2404.

The tract as described contains approximately 7 acres.

WRANGELL

Tract B. A tract of land lying between the west right-of-way line of Wrangell Highway and line of mean high tide of Zimovia Strait; and between the west boundary of unapproved U. S. S. 3000 and the north boundary of U. S. S. 2921.

The tract as described contains approximately 16 acres.

A tract of land lying between the west right-of-way line of Wrangell Highway and line of mean high tide of Zimovia Strait; and between the north boundary of Lot 16, unapproved U. S. Survey 2969 and the south boundary of Lot 22, unapproved U. S. Survey 2922.

The tract as described contains approximately 20 acres.

GLACIER HIGHWAY

Tract A. A tract of land lying between the south right-of-way line of Glacier Highway and the line of mean high tide of Gastineau Channel; and between Mile 7.375 and Mile 6.625, Glacier Highway.

The tract as described contains 4 acres.

Tract C. A tract of land lying between the westerly right-of-way line of Glacier Highway and line of mean high tide of Lena Cove; and between the northwest boundary of unapproved U. S. S. 3056 and the south boundary of unapproved U. S. Survey 3059.

The tract as described contains approximately 7 acres.

A tract of land lying between the west right-of-way line of the Glacier Highway and line of mean high tide of Tee Harbor; and between the north boundary of unapproved U. S. Survey 3057 and the south boundary of U. S. Survey 802.

The tract as described contains approximately 7 acres.

A tract of land lying between the west right-of-way line of Glacier Highway and the east boundary of U. S. Survey 2745 and the line of mean high tide of Pearl Harbor; and between the south boundary of U. S. Survey 2517 and the extension of the south boundary of U. S. Survey 2745.

The tract as described contains approximately 13 acres.

(b) For use as rights-of-way for access roads:

GLACIER HIGHWAY

Tract A. Beginning at corner 2 M. C., H. E. S. 174, thence

North, 9.00 chains, approximately, to a point from which corner 2, U. S. S. 2188 bears S. 85° 30' E., approximately 2 chains.

S. 85° 30' E., 2.00 chains to corner 2, U. S. S. 2188.

S. 0° 40' E., 8.70 chains to line of mean high tide of Gastineau Channel.

Westerly, 2.20 chains along line of mean high tide to point of beginning.

The tract as described contains 1.80 acres.

Beginning at corner 5, H. E. S. 204, thence

Westerly, 1.00 chain along south right-of-way line of Glacier Highway to intersection of line 9–10, U. S. S. 1536.

S. 4° 54' E., 7.38 chains to corner 10, M. C., U. S. S. 1536.

East, 1.00 chain to corner 6, M. C., H. E. S. 204.

N. 4° 54' W., 7.38 chains to point of beginning.

The tract as described contains 0.74 acre.

3. Except as to their exclusion from the Tongass National Forest by paragraph 1 hereof and their return to the administration of the Department of the Interior, the status of the public lands within the following-described areas shall not be changed until it is so provided by orders of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one-day preference-right filing period for filing such applications by veterans of World War II and others entitled to preference:

NORTH TONGASS HIGHWAY AND SOUTH TONGASS HIGHWAY

All lands in the North Tongass Highway and South Tongass Highway areas described in paragraph 1 hereof, exclusive of the tract reserved for use as the Whipple Creek Public Service Site by Public Land Order No. 734 of July 20, 1951, and the tracts in such areas reserved for the preservation and protection of scenic values by paragraph 2 (a) hereof.

CRAIG

All lands in the Craig area described in paragraph 1 hereof.

WRANGELL

Tract B. Beginning at a point on line 2–3, U. S. Survey No. 1760, from which corner No. 2, said survey, bears S. 68° W., 5.50 chains, thence

N. 68° 00' E., 14.50 chains;

S. 24° 30' E., 266.00 chains to a point from which corner No. 46, U. S. S. 2321, bears S. 66° W., 15.50 chains;

East, 56.50 chains;

South, 92.00 chains;

S. 11° 00' W., 72.00 chains to a point from which corner No. 2, U. S. S. 2589, bears N. 72° 00' W., 15.00 chains;

S. 42° 00' W., 108.00 chains to a point from which U. S. C. & G. S. station "Oar 2" bears West 20.00 chains;

S. 30° 00' E., 170.00 chains, crossing Pat Creek 6 chains above its confluence with Trout Lake, to a point approximately 10.00 chains from the center of Pat Creek;

S. 29° 00' E., 51.00 chains;

West, 9.00 chains to line of mean high tide of Zimovia Strait;

Northerly, along line of mean high tide to a point from which corner No. 2, U. S. S. 2321, bears N. 57° 08' E., 10.40 chains;

N. 57° 08' E., 10.40 chains to corner No. 2, U. S. S. 2321;

N. 20° 40' W., 6.70 chains to point of beginning, excluding therefrom the tracts in the Wrangell area reserved for the preservation and protection of scenic values by paragraph 2 (a) hereof.

The tract as described contains approximately 2,520 acres.

PETERSBURG

COPPER RIVER MERIDIAN

T. 58 S., R. 79 E.,
Sec. 20, lots 4, 5, and 6;
Sec. 29, lots 2, 3, 6, and 7;
Sec. 32, lots 1 and 3;
Sec. 33, lot 6;
Sec. 34, lots 1, 2, 3, and 4;
Sec. 35, lot 2 and E½NW¼.
T. 59 S., R. 79 E.,
Sec. 4, lots 3, 4, 7, and 8;
Sec. 9, lots 2 and 3;
Sec. 15, lots 1, 2, 3, and 4;
Sec. 22, lots 1 and 2;
Sec. 23, lots 1 and 2;
Sec. 26, lots 1 and 2;
Sec. 34, lots 3 and 4;
Sec. 35, lots 2 and 3, and NW¼SW¼.
T. 60 S., R. 79 E.,
Sec. 2, lots 4, 5, 6, and 7, and W½SE¼ SW¼;
Sec. 11, lots 1 and 2;
Sec. 25, lots 3 and 6.

U. S. Surveys No. 2461 to No. 2468, inclusive; U. S. Surveys No. 2470 to No. 2474, inclusive, and U. S. Survey No. 2509.

The areas described aggregate 1,822.10 acres.

SITKA

Beginning at corner No. 1, U. S. Survey No. 1763, thence

Northeasterly, 6.40 chains, approximately, along meanders of U. S. S. 2752, to corner No. 4, M. C., U. S. S. 2752;

N. 45° E., 1.00 chain to corner No. 4, U. S. S. 2420;

N. 60° E., 31.00 chains;

S. 30° E., 208.00 chains to ½-Milepost on line 2–3, U. S. S. 1763;

S. 64° 55' 50" W., 40.00 chains to corner No. 2, U. S. S. 1763;

Northwesterly, 216.00 chains along line of mean high tide of Sitka Bay to point of beginning, excepting therefrom the following-described areas:

(a) The tract reserved by the act of March 22, 1944 (58 Stat. 119), as a municipal water-supply reserve for the City of Sitka;

(b) The tract reserved by Public Land Order No. 786 of January 5, 1952, for the use of the Alaska Communication System, Department of the Army, as a radio-communication site.

The tract as described contains approximately 750 acres.

DOUGLAS ISLAND

All lands in the Douglas Island area described in paragraph 1 hereof.

GLACIER HIGHWAY

Tract A. Beginning at corner No. 8, U. S. Survey 1762, thence,

N. 81° 00' W., 53.00 chains to corner No. 15, H. E. S. 174;

South, 12.80 chains approximately, to a point from which corner No. 2, U. S. S. 2183, bears S. 85° 30' E., 2 chains;

S. 85° 30' E., 4.60 chains to corner No. 3, U. S. S. 2154;

S. 83° 36' E., 4.49 chains to corner No. 2, U. S. S. 2409;

S. 83° 08' E., 7.03 chains to corner No. 2, U. S. S. 2476;

East, 7.00 chains to corner No. 3, U. S. S. 2476;

South, 6.86 chains to corner No. 4, U. S. S. 2476;

Easterly, 27.50 chains along the north right-of-way line of Glacier Highway to intersection of line 7–8, U. S. S. 1762;

North, 12.50 chains to corner No. 8, U. S. S. 1762, the point of beginning.

The tract as described contains approximately 68.8 acres.

U. S. Survey No. 2475, containing 19.00 acres.

Tract B. Beginning at corner No. 1 U. S. Survey 1536, Mendenhall Elimination from the Tongass National Forest, thence,

N. 30° 01' E., 72.50 chains to a point on the north right-of-way line of Glacier Highway;

Northwesterly, approximately 65 chains along said right-of-way line to intersection with the northeasterly right-of-way line of the Auke Lake Spur Road;

Northerly, approximately 41.50 chains along said right-of-way line to intersection with the south right-of-way line of the Mendenhall Loop Road;

Northeasterly, approximately 108.50 chains along said south right-of-way line to west boundary of U. S. Survey 1536;

N. 13° 01' E., approximately 40.00 chains along said West boundary;

S. 66° W., 154.00 chains;

West, 28.34 chains;

S. 69° W., 138.00 chains;

South, 30.00 chains to line of mean high tide Auke Bay;

Easterly, along line of mean high tide of Auke Bay, around Mendenhall Peninsula;

Northerly, on Gastineau Channel to point of beginning, and including two small islands in Auke Bay.

The tract as described contains approximately 2,200 acres.

Tract C. Beginning at corner No. 8, U. S. Survey 802, thence,

South, 105.00 chains;

S. 25° E., 165.00 chains;

South, 24.00 chains to line of mean high tide of Favorite Channel;

Northwesterly, along line of mean high tide of Favorite Channel, around Point Lena, Lena Cove, Point Stephens, and Tee Harbor, to corner No. 1, M. C., U. S. S. 802;

East, 13.75 chains to point of beginning, including unapproved U. S. Surveys 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, and 3059, and excepting therefrom the tract withdrawn by Public Land Order No. 175 of September 29, 1943, which was transferred to the Department of the Army by Public Land Order No. 723 of May 24, 1951; and the tracts in the Glacier Highway area (Tract C), reserved for the preservation and protection of scenic values by paragraph 2 (a) hereof.

The tract as described contains approximately 900 acres.

Beginning at corner No. 6, M. C., U. S. Survey 802, thence,

East, 25.98 chains to corner No. 7, U. S. S. 802;

N. 12° W., 66.00 chains;

West, 44.00 chains to line of mean high tide of Favorite Channel;

Southerly, along said line of mean high tide to northwest corner Executive Order 51 of November 2, 1904;

East, 2.14 chains to west boundary of U. S. S. 377;

North, 27.20 chains to corner No. 2, U. S. S. 377;

East, 4.75 chains to corner No. 3, U. S. S. 377;

Northerly and Southerly along line of mean high tide of Tee Harbor to point of beginning, including unapproved U. S. S. 3060.

The tract as described contains approximately 100 acres.

Beginning at corner No. 1, H. E. S. 167; thence,

S. 89° 41' W., 7.00 chains to corner No. 8, H. E. S. 112;

N. 15° 01' W., 18.70 chains to corner No. 3, U. S. S. 2195;

S. 75° 11' W., 9.73 chains to corner No. 4, U. S. S. 2195;

N. 33° 28' W., 2.00 chains to corner No. 5, M. C., U. S. S. 2195;

Westerly, 2.00 chains along line of mean high tide of Eagle River Harbor, to corner No. 1, M. C., Tract B, U. S. S. 2387;

S. 14° 56' E., 2.43 chains to corner No. 2, U. S. S. 2387;

S. 75° 04' W., 4.98 chains to corner No. 3, M. C., U. S. S. 2387;

Southerly, 70.00 chains, approximately, along line of mean high tide of Favorite Channel to corner No. 1, M. C., U. S. S. 2516;

North, 6.77 chains to corner No. 2, U. S. S. 2516;

East, 8.36 chains to corner No. 3, U. S. S. 2516;

N. 26° 27' E., 33.28 chains to point of beginning.

The tract as described contains approximately 105 acres.

Beginning at corner No. 8, H. E. S., 145; thence,

N. 41° W., 53.00 chains to corner No. 4, H. E. S. 105;

N. 88° 41' W., 3.06 chains to corner No. 5, H. E. S. 105;

S. 0° 17' E., 30.16 chains to corner No. 6, H. E. S. 105;

N 29° 50' W., 37.97 chains to corner No. 1, H. E. S. 105;

N. 24° 24' W., 7.82 chains to corner No. 1, H. E. S. 89;

West, approximately 37.50 chains to line of mean high tide of Favorite Channel;

Southeasterly, along said line of mean high tide, 30.00 chains to corner No. 4, M. C., Eagle River Mining Co. Mill and Dock Site;

N. 30° W., 8.50 chains to corner No. 3 thereof;

N. 60° E., 9.40 chains to corner No. 2 thereof;

S. 34° 11' E., 5.19 chains to corner No. 1, M. C., thereof;

Southeasterly along line of mean high tide of Favorite Channel, Salt Lake, and Peterson Creek to corner No. 1, M. C., H. E. S. 103;

S. 89° 45' E., 10.30 chains to point of beginning.

The tract as described contains approximately 158 acres.

All unnamed islands lying offshore of the Glacier Highway area, Tracts B and C, described in paragraph 1 hereof.

4. Effective at 10:00 a.m. on the 35th day from the date of this order, any public lands described in paragraph 1 hereof which are occupied by holders of permits from the Department of Agriculture who own valuable improvements thereon, are restored, subject to valid existing rights, for purchase as home sites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461).

5. Subject to valid existing rights, including rights of Alaska natives, and to the provisions of existing withdrawals, the public lands described in paragraph 1 hereof, except as they are affected by paragraphs 2, 3, and 4 hereof, are hereby withdrawn from settlement, location, sale, and entry, and reserved for classification.

6. Executive Order No. 9114 of March 28, 1942, reserving certain public lands in Alaska for military purposes, is hereby revoked so far as it affects any part of the tract at Sitka, Alaska, described in paragraph 1 hereof.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6955; Filed, June 25, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[27 CFR Part 1]

BASIC PERMIT PROCEDURE

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Deputy Commissioner in Charge of the Alcohol and Tobacco Tax Division, Bureau of Internal Revenue, with the approval of the Commissioner of Internal Revenue. Prior to the final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Deputy Commissioner in Charge of the Alcohol and Tobacco Tax Division, Bureau of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are issued under the authority of 49 Stat. 977; 54 Stat. 1232; 53 Stat. 373 and sec. 161 R. S.; 27 U. S. C. 202; 26 U. S. C. 3170; 5 U. S. C. 22.

[SEAL] DWIGHT E. AVIS,
Deputy Commissioner in Charge of the Alcohol and Tobacco Tax Division, Bureau of Internal Revenue.

1. Section 1.21 of the Federal Alcohol Administration Act Regulations No. 1 "Relating to the Issuance, Revocation, Suspension and Annulment of Basic Permits" (27 CFR Part 1), is amended by adding at the end thereof a new paragraph (c) to read as follows:

(c) The district supervisor shall cause to be maintained currently in his office for public inspection, until the expiration of one year following final action on the application, the following information with respect to each application for basic permit filed:

(1) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporate stock;

(2) The time and place set for any hearing on the application;

(3) The final action taken upon the application. In the event a hearing is held upon an application for a basic

permit, the district supervisor shall make available for inspection at his office upon request therefor: The transcript of the hearing, a copy of the hearing examiner's recommended decision, a copy of the district supervisor's decision and of his decision upon reconsideration, if any, and, in the event of an appeal to the Commissioner, the decision on appeal with the reasons given in support thereof

2. Section 1.33 of the said regulations (27 CFR 1.33) is amended by adding at the end thereof the following new sentence: "Hearings upon applications for basic permits shall be open to the public."

3. The purpose of these amendments is to revise, to the extent indicated, the Bureau's policy with respect to the confidential nature of applications for basic permits under the Federal Alcohol Administration Act (49 Stat. 977 et seq. as amended 27 U. S. C. 201 et seq.) and administrative proceedings upon such applications and to make certain information, heretofore treated as confidential, available for public inspection subject to the limitations and in accordance with the procedures set forth above. The provisions of 26 CFR, Subchapter F—Records and Procedure, Part 600—Records, shall not be construed so as to conflict with the authorization and direction conveyed in paragraphs 1 and 2 above.

4. This Treasury decision shall become effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

(49 Stat. 977, 54 Stat. 1232, 53 Stat. 373 and sec. 161 R. S.; 27 U. S. C. 202, 26 U. S. C. 3170, 5 U. S. C. 22)

[F. R. Doc. 52-7055; Filed, June 25, 1952; 8:56 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[418.114]

PETROLEUM OIL FOOTS

TARIFF CLASSIFICATION

JUNE 19, 1952.

In the FEDERAL REGISTER of March 26, 1952 (17 F. R. 2630), notice was given of prospective classification of certain petroleum oil foots as nonenumerated manufactured articles. The Bureau, by letter to the collector of customs, New York, New York, dated June 19, 1952, ruled that petroleum oil foots obtained in a petroleum oil refining process by treating the lubricating oil fraction with sulphuric acid and the resultant acid sludge with sodium hydroxide are classifiable as nonenumerated manufactures under paragraph 1558, Tariff Act of 1930, as modified, and dutiable at the rate of 10 percent ad valorem.

This ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decision (19 CFR 16.10 (a)).

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-7000; Filed, June 25, 1952; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 18, 1952.

Notice is given that the plat of original survey of the following described lands, accepted December 4, 1951 will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 20 N., R. 8 E., section 28.

The area described contains 602.85 acres

The land is located approximately 90 miles northeast of Anchorage on the Glen Highway. Index Lake, which lies within the area, is about 1½ miles north of the highway and may be reached by a secondary road of accessive grade. The land surrounding the lake has small rolling areas adjacent to steep cliffs, escarpments and mountain ridges. The timber cover is non-commercial, the greater part being brush covered. Small portions of the land could be farmed, but the soil appears very shallow in all places.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquires concerning these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

CHESTER W. MCNALLY,
Acting Manager.

[F. R. Doc. 52-6956; Filed, June 25, 1952; 8:46 a. m.]

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH LUTAK INLET DRY CARGO DOCK [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6959; Filed, June 25, 1952; 8:47 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER PARTIALLY REVOKING PUBLIC LAND ORDER 487 OF JUNE 16, 1948, AND RESERVING PORTION OF RELEASED LANDS FOR PUBLIC RECREATIONAL PURPOSES [2]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6962; Filed, June 25, 1952; 8:48 a. m.]

[1] See F. R. Doc. 52-6958, Title 43, Chapter I, Appendix, *supra*.

[2] See F. R. Doc. 52-6961, Title 43, Chapter I, Appendix, *supra*.

NEVADA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objections be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 19, 1952.

[F. R. Doc. 52-6965; Filed, June 25, 1952; 8:49 a. m.]

[1] See F. R. Doc. 52-6964, Title 43, Chapter I, Appendix, *supra*.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

CHIEF, INSPECTION AND GRADING DIVISION, AND NATIONAL SUPERVISORS, POULTRY INSPECTION SECTION

DELEGATION OF AUTHORITY TO ACT WITH RESPECT TO GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

Pursuant to the authority vested in me by the Acting Administrator, Production and Marketing Administration, August 17, 1951 (16 F. R. 8501), the following officials of the Production and Marketing Administration are delegated authority to act with respect to the administration of those sections of the regulations (7 CFR Part 54) governing the grading and inspection of domestic rabbits and edible products thereof, which follow the titles of the respective officials:

Chief of the Inspection and Grading Division, Poultry Branch. Section 54.4 (b); § 54.6 (d) and (f); § 54.6 (e) and § 54.11 (a) with respect to approval of plants and labels involving combined grading and inspection; § 54.18 (a) (1) and (b) (2); § 54.34 (a), (d) and (f); and § 54.36 (m).

National Supervisor, Poultry Inspection Section, Inspection and Grading Division, Poultry Branch. Section 54.6 (e) and § 54.11 (a) with respect to approval of plants and labels involving inspection only; § 54.11 (d); § 54.12 (b) (2); § 54.19; and § 54.20.

Any action heretofore taken by the Chief, Inspection and Grading Division, Poultry Branch, or the National Supervisor, Poultry Inspection Section, Inspection and Grading Division, Poultry Branch, is hereby ratified and confirmed and shall remain in full force and effect unless and until expressly modified, amended, revoked, or terminated.

Done at Washington, D. C., this 23d day of June 1952.

[SEAL] WM. D. TERMOHLEN,
Director, Poultry Branch, Production and Marketing Administration.

[F. R. Doc. 52-7008; Filed, June 25, 1952; 8:58 a. m.]

CHIEF, INSPECTION AND GRADING DIVISION, AND NATIONAL SUPERVISOR, POULTRY GRADING AND INSPECTION SECTIONS

DELEGATION OF AUTHORITY TO ACT WITH RESPECT TO GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

Pursuant to the authority vested in me by the Acting Administrator, Production and Marketing Administration, on August 17, 1951 (16 F. R. 8501), the following officials of the Production and Marketing Administration are delegated authority to act with respect to the administration of those sections of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof, which follow the titles of the respective officials:

Chief of the Inspection and Grading Division, Poultry Branch. Section 70.4 (b); § 70.6 (d) and (f); § 70.6 (e) and § 70.11 (a) with respect to approval of plants and labels involving combined grading and inspection; § 70.18 (a) (1) and (b) (2); and § 70.39 (m).

National Supervisor, Poultry Grading Section, Inspection and Grading Division, Poultry Branch. Section 70.6 (e) and § 70.11 (a) with respect to approval of plants and labels involving grading only; and § 70.37 (a), (d), and (f).

National Supervisor, Poultry Inspection Section, Inspection and Grading Division, Poultry Branch. Section 70.6 (e) and § 70.11 (a) with respect to approval of plants and labels involving inspection only; § 70.11 (d); § 70.12 (b) (2); § 70.19; § 70.20; and § 70.21.

Any action heretofore taken by the Chief, Inspection and Grading Division, Poultry Branch, or the National Supervisors, Inspection and Grading Division, Poultry Branch, is hereby ratified and confirmed and shall remain in full force

and effect unless and until expressly modified, amended, revoked, or terminated; and the delegation of authority to the Chiefs of the Inspection and Grading Division and Poultry Inspection Section, Poultry Branch, Production and Marketing Administration, on January 14, 1952 (17 F. R. 582) is hereby revoked.

Done at Washington, D. C., this 23d day of June, 1952.

[SEAL] WM. D. TERMOHLEN,
Director, Poultry Branch, Production and Marketing Administration.

[F. R. Doc. 52-7009; Filed, June 25, 1952; 8:58 a. m.]

BONDING AND NET ASSETS REQUIREMENTS UNDER THE UNITED STATES WAREHOUSE ACT AND UNDER COMMODITY CREDIT CORPORATION AUTHORIZATIONS

NOTICE REGARDING UNIT PRICES

For the purpose of determining required net assets of warehousemen and amounts of surety bonds to be furnished by warehousemen either under the United States Warehouse Act, as amended, or under Commodity Credit Corporation policy authorizations and program instructions, the Administrator of the Production and Marketing Administration hereby determines and promulgates the following unit prices for the respective listed commodities, such determination to continue in effect until superseded by subsequent announcement:

	Bushel
Barley	$1.25
Corn	1.60
Flax	3.80
	Hundredweight
Grain sorghums	$2.40
	Bushel
Oats	$0.80
	Hundredweight
Rice (rough)	$5.05
Rice (milled)	8.50
	Bushel
Rye	$1.45
Soybeans	2.60
Wheat	2.20
	Hundredweight
Dry edible beans	$9.00
Hay, pasture, grass and range grass seeds:	*Per pound*
Alfalfa—Northern	$0.35
Alfalfa—Central	.28
Alfalfa—Southern	.20
Alfalfa, certified:	
Ranger, Ladak, Grimm, Buffalo, Atlantic	.40
Hairy Peruvian, Chilean, Chilean 21-5, African, Indian	.22
Clovers:	
Alsike	.25
Ladino, certified	1.00
Red	.35
Red, certified, Kenland	.40
Sweet, biennial, certified	.12
Sweet, biennial, mixed	.09
Huban sweet	.10
White (Louisiana and Mississippi)	.50
Hay, pasture, grass and range grass seeds—Continued	*Per pound*
Lespedeza:	
Kobe	$0.12
Common or Tennessee 76	.16
Sericea (hulled and scarified)	.15
Birdsfoot Trefoil	.75
Brome, Smooth	.15
Brome, Smooth, certified: Achenback, Lincoln, Fisher, Elsberry, Manchar	.20
Brome, Mountain, certified:	
Bromar	.20
Orchard grass	.12
Common Sudan	.035
Sweet Sudan	.04
Sudan, certified: Tift, SA-354, SA-372, Sweet, Wheeler	.05
Timothy	.075
Timothy, certified: Marietta, Loraine and Hopkins	.105
Wheatgrass, crested	.16
Wheatgrass, intermediate	.25
Wheatgrass, slender	.15
Wheatgrass, western	.15
Wheatgrass, slender, certified: Primar	.30
Wheatgrass, beardless, certified: Whitmar	.30
Big Bluestem	.20
Little Bluestem	.20
Sand Bluestem	.25
Mixed Bluestem	.25
Blue Grama	.15
Side Oats Grama	.25
Mixed Grama	.25
Buffalo (dehulled)	.40
Sand Lovegrass	.25
Winter cover crop seeds:	
Austrian winter peas	.045
Hairy vetch	.1475
Common vetch	.06
Willamette vetch	.06
Common ryegrass	.07
Blue lupine	.035
Roughpeas (Lathyrus hirsutus)	.06
Crimson clover	.165
Certified reseeding crimson clover	.19
	Bale
Cotton	$166.67
Cotton linters	58.33
Cottonseed	66.67

Done at Washington, D. C., this 23d day of June 1952.

[SEAL] GUS F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7010; Filed, June 25, 1952; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign and Domestic Commerce

[Case No. 114]

RATNER CHEMICAL CO. ET AL.

ORDER OF APPEALS BOARD

In the matter of: A. E. Ratner, trading as A. E. Ratner Chemical Company, 135 Front Street, New York 5, New York, Continental Pharma, S. A., Boris Schorine, Thirty-five, Avenue Rogier, Brussels 3, Belgium, Continental Pharma, Eugene Hecht, 1477 Sherbrooke Street, West, Montreal 25, Canada, respondents; O. I. T. Case No. 114, Appeals Board Docket No. FC-14.

This matter having been submitted to the Appeals Board, oral argument was presented at an Appeals Hearing on February 7, 1952, by counsel for appellants Continental Pharma, S. A., Brussels, Belgium, Continental Pharma, Montreal, and Eugene Hecht, Montreal, all hereinafter referred to as Pharma, and counsel for appellant A. E. Ratner, trading as A. E. Ratner Chemical Company, New York, New York, and by counsel for the Office of International Trade. Subsequent thereto the Appeals Board gave full and careful consideration to the various hearing transcripts, documentary evidence, and the briefs submitted by the appellants and the Office of International Trade before and after said hearing. Following this careful consideration the Board arrived at certain opinions, findings, and conclusions, and was prepared to issue an order thereon.

At this point the Board was advised by the Deputy Assistant Solicitor for International Affairs, Department of Commerce, that appellants desired to submit Consent proposals. Final action by the Board was therefore held in abeyance pending the negotiation of Consent proposals between the appellants and the Office of International Trade.

On June 9, 1952, the Deputy Assistant Solicitor and Counsel for Pharma appeared before the Board in behalf of the Pharma appellants and the Office of International Trade and presented a Motion for Final Order, dated June 9, 1952, to which was attached as an exhibit a letter addressed to the Assistant Director for Export Supply, Office of International Trade, dated June 4, 1952, from counsel for Pharma, proposing that a Final Order be issued by the Appeals Board as set forth in said Motion.

On June 12, 1952 the Deputy Assistant Solicitor for International Affairs presented to the Board on behalf of counsel for A. E. Ratner, trading as A. E. Ratner Chemical Company, New York, New York, and for the Office of International Trade, a Motion for Final Order dated June 11, 1952, to which was attached as an exhibit a letter addressed to the Assistant Director for Export Supply, Office of International Trade, dated June 11, 1952, from counsel for Ratner, proposing that a Final Order be issued by the Appeals Board as set forth in said Motion.

The Appeals Board, after consideration of both Motions for Final Order and the various stipulations embodied in Pharma's letter of June 4, 1952, and the Ratner letter of June 11, 1952, finds that both Motions for Final Order are reconcilable with the opinions, findings, and conclusions of the Appeals Board arrived at prior to the submission to the Board of the proposals and motions for Consent decision, and said motions are therefore granted.

Now, therefore, it is ordered, That:

1. As to Pharma, the order of the Office of International Trade, issued December 18, 1951, be and the same hereby is modified, as to Paragraph No. 3 thereof, to reduce the term of suspension of said appellants from the period prescribed in said order of December 18, 1951, to a period of 2 years from the date of this Consent Order, plus an additional period of 3 years which shall be held in abeyance for 3 years commencing immediately upon the expiration of said 2-year suspension period, subject to the following condition: If said appellants or any of them shall at any time within the said 2-year suspension period or within the 3 years ensuing immediately thereafter, knowingly violate any of the provisions of said order of December 18, 1951 (as hereby modified), or any of the provisions of the United States export control law or regulations issued thereunder, the Office of International Trade may summarily, at such time as it determines such violation has occurred, issue a supplementary order denying to each and all of said appellants all export privileges as provided in said order of December 18, 1951 (as hereby modified) for an additional term of 3 years from the date of such supplemental order. In that event, said term of 3 years shall be in addition to the aforesaid 2-year suspension period. It is further ordered that the Office of International Trade shall not, by the issuance of such supplemental order, be precluded from instituting any other and further action it may deem appropriate on account of the violation giving rise thereto; that said order of December 18, 1951 (as hereby modified) shall in any event expire upon the termination of United States export controls; and that the present stay of said order of December 18, 1951 shall be and hereby is terminated.

2. As to Ratner, the order of the Office of International Trade, issued December 18, 1951, be and the same hereby is modified, as to Paragraph No. 3 thereof, to reduce the term of suspension of the aforesaid appellant from the period prescribed in said order to a period of 5 months from the date of this Consent Order, plus an additional period of 4 months which shall be held in abeyance for 4 months commencing immediately upon the expiration of said 5-month suspension period, subject to the following condition: If said appellant shall at any time within the said 5-month suspension period or within the 4 months ensuing immediately thereafter, knowingly violate any of the provisions of said order of December 18, 1951 (as hereby modified), or any of the provisions of the United States export control law or regulations issued thereunder, the Office of International Trade may summarily, at such time as it determines such violation has occurred, issue a supplementary order denying to said appellant all export privileges as provided in said Order of December 18, 1951 (as hereby modified) for an additional term of 4 months from the date of such supplemental order. In that event, said term of 4 months shall be in addition to the aforesaid 5-month suspension period. It is further ordered that the Office of International Trade shall not, by the issuance of such supplemental order, be precluded from instituting any other and further action it may deem appropriate on account of the violation giving rise thereto; that said order of December 18, 1951 (as hereby modified) shall in any event expire upon the termination of United States export controls; and that the present stay of said order of December 18, 1951 shall be and hereby is terminated.

FREDERIC W. OLMSTEAD,
Chairman, Appeals Board.

JUNE 20, 1952.

[F. R. Doc. 52-6953; Filed, June 25, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2, Special Order 1, Amdt. 1]

PACKARD MOTOR CAR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 1 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Packard Motor Car Company. Subsequent to the issuance of Special Order 1 the Packard Motor Car Company has introduced a new item of factory installed extra, special or optional equipment on its Packard new passenger automobiles and a wholesale ceiling has been approved for this new item. Special Order 1 is, therefore, amended to include the charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 1 is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 1:

PACKARD PASSENGER AUTOMOBILES	
Power steering (all lines and series)	$185.93

Effective date. This Amendment 1 to Special Order 1 shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7061; Filed, June 24, 1952; 4:39 p. m.]

[Delegation of Authority No. 63, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Orders No. 2, as amended (16 F. R. 738, 11626), and No. 5, Revised (16 F. R. 11875), this Revision 1 to Delegation of Authority 63 is hereby issued.

Delegation of Authority 63 is revised to read as follows:

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

2. *Redelegation of Authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Delegation of Authority shall take effect on June 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 25, 1952.

[F. R. Doc. 52-7088; Filed, June 25, 1952; 10:42 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1973]

TENNESSEE GAS CO.

NOTICE OF APPLICATION

JUNE 20, 1952.

Take notice that Tennessee Gas Company (Applicant), a Tennessee corporation having its principal place of business at Murfreesboro, Tennessee, filed on June 10, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a natural-gas transmission pipeline approximately 12 miles in length extending from the City of Murfreesboro, Tennessee, to the nearest point of connection on the pipeline of Texas Eastern Transmission Corporation (Texas Eastern) in Tennessee.

The application recites that by means of the proposed facilities Applicant proposes to transport natural gas to the City of Murfreesboro where it will be distributed by Applicant to ultimate consumers through its existing distribution system.

The application further recites that Applicant has entered into a service agreement with Texas Eastern for the daily delivery of 2,141 Mcf of natural gas, and that this sale has been approved by the Presiding Examiner in the proceeding in Docket No. G-1693 (Texas Eastern) subject to the condition that an appropriate application for a certificate of public convenience and necessity to construct and operate the necessary lateral line be filed with the Commission on or before July 1, 1952.

The application directs the Commission's attention to the application filed by Tennessee Gas Company on May 1, 1952, pursuant to section 7 (a) of the Natural Gas Act, in Docket No. G-1950, requesting an order of the Commission directing East Tennessee Natural Gas Company to render the natural gas service to Murfreesboro which was proposed in Docket No. G-889 by East Tennessee.

Applicant requests that the instant application in Docket No. G–1973 and the application in Docket No. G–1950 be consolidated for the purpose of hearing, since the two proposals are stated to be mutually exclusive.

The total over-all estimated cost of construction of the facilities in Docket No. G–1973 is $238,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 9th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6995; Filed, June 25, 1952; 8:53 a. m.]

[Docket No. G–1975]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

JUNE 19, 1952.

Take notice that Mississippi River Fuel Corporation (Applicant), a Delaware corporation, having its principal place of business at 407 North 8th Street, St. Louis, Missouri, filed on June 12, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 2-inch diameter tap and a metering and regulating station connecting with Applicant's Line No. 1 in Morehouse Parish, Louisiana, for the delivery and sale of natural gas, upon an interruptible basis, to Mid-Valley Pipe Line Company (Mid-Valley) for use as fuel for pumping crude oil in Mid-Valley's pipe line system, which extends from Longview, Texas, to Lima, Ohio, or an order by this Commission disclaiming jurisdiction over the construction and operation of said facilities.

Applicant estimates that its sales to Mid-Valley will approximate 100,000 Mcf per year, and estimates that its annual gross revenues therefrom will approximate $20,000, based upon sales price of 20 cents per Mcf (at 14.73 psia). The cost of the facilities is estimated at $3,390, which is proposed to be financed by Applicant from cash on hand.

Applicant states that the gas to be delivered and sold to Mid-Valley will be used for fuel in its Stevenson station for pumping crude oil through its Texas-to-Ohio pipeline system; that the crude oil transported through Mid-Valley's line will be sold to three refineries; and that, with gas provided for operating its Stevenson station, 40,000 barrels of crude oil per day will be added to Mid-Valley's capacity.

Take notice that Applicant also filed on June 12, 1952, an application requesting a temporary certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, pending determination of its application as hereinbefore referred to and described, upon the grounds that an emergency need exists for Applicant's proposed service to Mid-Valley.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 9th day of July 1952. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6966; Filed, June 25, 1952; 8:49 a. m.]

[Docket No. IT-5519]

BONNEVILLE POWER ADMINISTRATION

NOTICE OF REQUEST FOR APPROVAL OF RATE FOR EXPERIMENTAL ENERGY FROM BONNEVILLE PROJECT

JUNE 19, 1952.

Notice is hereby given that the Secretary of the Interior has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, rates and charges contained in a supplemental agreement dated January 14, 1952, to a contract dated August 12, 1944, between Bonneville Power Administration and the Bureau of Mines, for the supply of energy for experimental use in the Bureau's Northwest Electrodevelopment Laboratory at Albany, Oregon.

The proposed supplement provides for an increase in the supply of power from 2,000 kw to 5,000 kw under the existing special rate for experimental energy of 2.5 mills per kwh.

Any person desiring to make representation with respect to the foregoing should, on or before July 9, 1952, file with the Federal Power Commission, Washington, 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6967; Filed, June 25, 1952; 8:49 a. m.]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JUNE 20, 1952.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r), that Pacific Gas and Electric Company, of San Francisco, California, has made application for amendment of license for major Project No. 233 to authorize the company to proceed with the construction, operation and maintenance of the Pit 4 unit as contemplated in the license but with certain revisions in approved plans to provide for relocation of the powerhouse and related facilities; a reduction from three to two in the number of generating units but with a combined capacity of 100,000 kva as originally planned; and a change in the type of surge chamber to be constructed. In addition the application requests that certain exhibits showing minor changes which have been made in the Pit 3 unit of the project facilities be included in the license.

The diversion dam and reservoir for the Pit 4 unit were completed before December 31, 1927. The Pit 4 unit will be located on Pit River in the vicinity of Big Bend in Shasta County, California, affecting lands in sections 4, 7, 8, 9, and 10, T. 36 N., R. 2 E., and sections 9, 10, 11 and 12, T. 36 N., R. 1 E., MDB & M, some of which are lands of the United States within Shasta National Forest.

Any protest against the approval of this application or request for action thereon, with the reasons for such protest or request, and the name and address of the party or parties so protesting or requesting should be submitted on or before August 11, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-6996; Filed, June 25, 1952; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27172]

FERTILIZER FROM BRAITHWAITE, LA., TO POINTS IN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

JUNE 23, 1952

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A–816.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Braithwaite, La.

To: Points in official and Illinois territories.

Grounds for relief: Rail and market competition, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No A–816, Supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6990; Filed, June 25, 1952; 8:52 a. m.]

[4th Sec. Application 27173]

LIQUEFIED PETROLEUM GAS FROM DRAGON, MISS., TO VARIOUS POINTS

APPLICATION FOR RELIEF

JUNE 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Dragon, Miss.

To: Points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, including Ohio River crossings.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 45

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6991; Filed, June 25, 1952; 8:52 a. m.]

[4th Sec. Application 27174]

SUPERPHOSPHATE FROM NORTH LITTLE ROCK, ARK., AND ATLAS, MO., TO WELCOME, MINN.

APPLICATION FOR RELIEF

JUNE 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: North Little Rock, Ark., and Atlas, Mo.

To: Welcome, Minn.

Grounds for relief: Competition with rail carriers, circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3908, Supp. 107.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6992; Filed, June 25, 1952; 8:52 a. m.]

[4th Sec. Application 27175]

FOREIGN WOODS FROM POINTS IN SOUTHERN TERRITORY TO MCGRAW, N. Y.

APPLICATION FOR RELIEF

JUNE 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1214.

Commodities involved: Lumber, logs or flitches, of foreign woods, built-up woods and veneer, carloads.

From: Points in southern territory.

To: McGraw, N. Y.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1214, Supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6993; Filed, June 25, 1952; 8:52 a. m.]

[4th Sec. Application 27176]

RUBBER TIRES FROM MEMPHIS, TENN., TO SOMERVILLE, AND BOSTON, MASS.

APPLICATION FOR RELIEF

JUNE 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Memphis, Tenn.

To: Boston and Somerville, Mass., and points in the Boston switching district.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-6994; Filed, June 25, 1952; 8:53 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notifications 2—13, 15, 16, 18—37, 40—50, Amdt.]

PLACEMENT OF PROCUREMENT IN CERTAIN AREAS

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

Paragraph 3 of the Findings in the above cited Notifications, as previously

published in the FEDERAL REGISTER, is amended to read as follows:

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the (subject) area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the (subject) area and provided further that contractors in said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:
JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-7038; Filed, June 24, 1952; 2:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-588]

EBENSBURG COAL CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 20, 1952.

Notice is hereby given that Ebensburg Coal Co. ("Ebensburg") has filed an application with this Commission requesting exemption on behalf of itself and its subsidiaries, as such, from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than July 15, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after July 15, 1952.

All interested persons are referred to said application which is on file in the office of the Commission for a statement of the facts contained therein, which are summarized as follows:

Applicant is primarily engaged in the mining of bituminous coal in Cambria County, Pennsylvania. For the calendar year 1951, applicant reported gross sales of coal in the amount of $6,954,507 and net income in the amount of $719,395.

Applicant owns all of the outstanding securities of Colver Electric Company ("Colver"), an electric utility company, consisting of $24,500 aggregate par amount of common stock. During the calendar year 1951, Colver had gross revenues from the sale of electric energy in the amount of $149,309 and net income in the amount of $7,071.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6971; Filed, June 25, 1952; 8:51 a. m.]

[File Nos. 54-53, 54-182, 59-40, 59-49]

CENTRAL PUBLIC UTILITY CORP. ET AL.

ORDER APPROVING APPLICATIONS AND TERMINATING TRUST

JUNE 13, 1952.

In the matter of Central Public Utility Corporation, et al., applicants, File No. 54-182; Central Public Utility Corporation, et al., respondents, File No. 59-40; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, applicant, File No. 54-53; Christopher H. Coughlin, W. T. Crawford, and Rawleigh Warner, voting trustees under voting trust agreement dated August 1, 1932, relating to common stock of Central Public Utility Corporation, respondent, File No. 59-49.

Central Public Utility Corporation ("Central Public"), a registered holding company, having filed a plan under section 11 (e) of the act, for the purpose of partial compliance with the provisions of section 11 (b) of the act, which plan proposes:

(a) The termination of the voting trust, "Christopher H. Coughlin, W. T. Crawford and Rawleigh Warner, Voting Trustees under Voting Trust Agreement dated August 1, 1932, relating to Common Stock of Central Public Utility Corporation" ("Voting Trustees"), and the elimination, without participation in the reorganization, of the Voting Trust Certificates issued in connection therewith;

(b) The recapitalization of Central Public by canceling all its outstanding securities and issuing approximately 1,000,000 shares of new common stock, par value $6.00 a share, to the holders of the 5½ Percent Income Bonds, due August 1, 1952, of Central Public, presently outstanding in the aggregate principal amount of $42,101,202 ("Income Bonds"); and

(c) The merger of Consolidated Electric and Gas Company ("Consolidated"), a registered holding company and a direct and wholly owned subsidiary of Central Public, into Central Public;

Voting Trustees having joined in the plan to the extent the transactions proposed therein are applicable to them;

Central Public having requested that the order of the Commission conform to the requirements of and contain the recitals, specifications, and itemizations required by Supplement R and section 1808 (f) of the Federal Internal Revenue Code, as amended, and section 270-c (10) of the Tax Law of the State of New York;

Central Public having further requested that the Commission, pursuant to section 11 (e) of the act, apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the plan;

The Commission having theretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act directed to Voting Trustees, Central Public, Consolidated, and their subsidiary companies, and such proceedings having been consolidated with the plan proceeding under section 11 (e);

Public hearings having been held with respect to these consolidated proceedings and the Commission having this day issued its findings and opinion with respect thereto:

It is ordered, Pursuant to section 11 (e) and the other applicable sections of the act, that the plan be, and the same hereby is, approved and the applications and declarations concerned with the transactions incident to consummating the plan, be, and the same hereby are, granted and permitted to become effective.

It is further ordered and recited, Pursuant to section 11 (e) and other applicable sections of the act and rules and regulations promulgated thereunder, that the transactions proposed in the plan, including but without being limited to those transactions described hereinafter, are approved and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and necessary or appropriate to the integration or simplification of the holding company system of which Central Public and Consolidated are members and the simplification of Central Public's corporate structure, and that the transactions incident to the plan meet all of the applicable standards of the act and rules and regulations promulgated thereunder. The transactions proposed in the plan have been described in five steps, designated therein as Step I through Step V inclusive, and include, among others, the following:

(I) The merger of Consolidated with and into Central Public, as provided in Step I of the plan, and, as a result thereof, the transfer to and the vesting in Central Public at the time of such merger of all the estate, property, rights, privileges, and franchises of Consolidated, including, without being limited to, the following stocks, bonds, notes, securities, or other evidences of indebtedness:

Carolina Coach Co. ("Carolina"): Common stock, 15,800 shares ($50 per share, par value).

Central Indiana Gas Co. ("Central Indiana"): Common stock, 400,000 shares ($10 per share, par value);

Central Natural Gas Corp. ("Central Natural"): Common stock, 10 shares (no par value), 6 percent demand note dated September 1, 1934, $212,890.33 face amount;

Central Public: $6 non-cumulative preferred stock, 35,000 shares (no par value);

Central Securities Transfer Co. ("Securities"): 6 percent demand note dated March 15, 1934, $38,672.11 face amount.

Porto Rico Gas & Coke Co. ("Porto Rico"): Common stock, 10,000 shares ($25 per share, par value), 6 percent cumulative preferred stock, 2,445 shares ($100 per share, par value);

Southern Cities Ice Co. ("Southern Cities"): Common stock, 1,000 shares (no par value);

The Islands Gas & Electric Co. ("Islands"): Common stock, 100,000 shares ($1.00 per share, par value), $7 cumulative preferred stock, 50,000 shares ($1.00 per share, par value.) Notes payable: 6 percent demand, dated August 1, 1935, formerly payable to International General Electric Co., Inc., $2,500,000 face amount; 6 percent, dated May 1, 1928, due May 1, 1938, $1,150,000 face amount; 6 percent, dated September 1, 1937, due September 1, 1940, $500,000 face amount; 6 percent income, dated August 1, 1932, due July 1, 1942, $4,862,604.33 face amount. Secured bonds, 10-year, 4 percent, series B, due March 1, 1953, $1,193,500 principal amount.

Union Electrica De Canarias, S. A. ("Union"): Common stock, 11,255 shares (1,000 pesetas per share, par value).

(2) The amendment of Central Public's Certificate of Incorporation, as proposed in Step II of the plan, and the effectuation thereby and in connection therewith of the following:

(a) The creation of a single new class of authorized capital stock ("new stock"), consisting of 1,100,000 shares, par value $6.00 a share, which will confer upon the holders of the new stock (other than Baltimore National Bank, Baltimore, Maryland ("Baltimore National"), as holder of the shares of the new stock that are distributable by it to the owners of Central Public's 20-year, 5½ Percent Income Bonds, as provided in Step IV of the plan), (i) cumulative voting rights and (ii) preemptive rights, both as described in (1) of section (A) of Step II of the plan;

(b) The extinguishment and cancellation of the entire amount of Central Public's presently authorized capital stock and of all the shares of such stock theretofore issued and then outstanding, and also of all the then rights of owners or holders of Voting Trust Certificates, bearers of scrip certificates, and others, in and to or to have issued any shares of such stock, without any owner or holder of such share or of Voting Trust Certificates or any such bearer or other having any right of participation to any extent whatsoever in the new capital or the new stock;

(c) The issuance of the number of shares of new common stock as described in section (B) of Step IV of the plan to Baltimore National for distribution by it to all the owners of the outstanding Income Bonds in exchange for the surrender thereof, subject to the condition that Baltimore National, as the holder of the shares so issued to it ("distributable shares"), shall not have the right at any time to exercise any of the voting rights appertaining thereto;

(d) The reduction of the capital of Central Public to the extent of the difference between $6,229,211.62 and the aggregate par value of the distributable shares issued to Baltimore National;

(3) The acceptance by Baltimore National of the distributable shares issued to it for the account of the owners of Income Bonds and bearers of scrip certificates issued by Baltimore National, the recordation by Central Public of such shares in the name of Baltimore National as the holder of record thereof, and the delivery by Central Public to and the acceptance by Baltimore National, as the Trustee under Central Public's Trust Indenture dated August 1, 1932, as amended ("Indenture"), of a stock certificate or certificates representing all of the distributable shares, in full satisfaction and discharge of the principal of, and all interest accrued or accumulated on the Income Bonds, and of all Central Public's obligations under the indenture;

(4) The satisfaction and discharge, for all purposes, simultaneously with the delivery by Central Public to Baltimore National of the stock certificate or certificates described above, of all obligations and duties of Central Public under and as party to the Indenture, including, without limitation, Central Public's obligation to pay principal and interest, including accrued or accumulated interest on the Income Bonds, and the termination concurrently therewith of all rights of whomsoever against Central Public arising under the indenture, including all the rights of the owners of Income Bonds as creditors of Central Public and as owners or holders of such bonds; provided, however, that the owners of Income Bonds then will have the rights specified in the plan;

(5) The distribution, as provided in Step IV of the plan, by Baltimore National and by Central Public through Baltimore National, as its agent for distribution, in the manner, to the extent, and subject to the conditions specified in said Step IV, of all or any part of the distributable shares, including the issuance by Baltimore National of scrip certificates in lieu of fractional shares, to the owners of Income Bonds in exchange for the surrender to Baltimore National of such bonds;

(6) The issuance by Baltimore National of scrip certificates for fractional shares to the persons entitled thereto and the transfer by Baltimore National of distributable shares upon the surrender to Baltimore National of scrip certificates within the eight-year period of distribution, as defined in Step IV of the plan, and the termination concurrently with the expiration of said period of all scrip certificates not theretofore surrendered and not then in the possession of Baltimore National and of all rights of whomsoever thereunder;

(7) The payment to and the receipt by Baltimore National for the account of the owners of unsurrendered Income Bonds and bearers of scrip certificates of any and all dividends paid by Central Public on distributable shares held of record by Baltimore National, and the payment, by Baltimore National of such dividends to the persons entitled thereto at the times, to the extent, and subject to the conditions specified in Step IV of the plan;

(8) The surrender by Baltimore National to Central Public for extinguishment at the time specified and otherwise, as provided in section (J) of Step IV of the plan, and the acceptance by Central Public of the surrender for the aforesaid purpose of all the distributable shares not theretofore distributed or then distributable, and, concurrently therewith, the payment by Baltimore National to and the acceptance by Central Public, free and clear for its own use, of all moneys representing dividends theretofore paid by Central Public to Baltimore National on the surrendered shares.

It is further ordered, That the foregoing provisions of this order shall not be operative to authorize or require the carrying out of the proposals of the plan until an appropriate United States District Court shall have entered an order approving and enforcing said plan.

It is further ordered, That the foregoing approvals and authorizations are subject to the following terms and conditions:

(1) That the authority hereby conferred shall be subject to the terms and conditions prescribed in Rule U-24;

(2) That jurisdiction is generally reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof; and that jurisdiction is specifically reserved to consider and determine the following matters:

(a) The reasonableness and appropriate allocation of all fees, expenses, and other remunerations incurred or to be incurred in connection with the plan and the transactions incident thereto; and

(b) The nature of all notices to security holders of Central Public issued in connection with carrying out the provisions of the plan and the methods to be employed by Central Public in effecting the exchanges of securities and appearing in the plan and specifically whether and under what circumstances the employment of agents is required to assist in effecting consummation of the plan.

It is further ordered, Pursuant to section 11 (b) (2) of the act, that the Voting Trustees for the common stock of Central Public take appropriate steps to terminate the trust and to return the common stock of Central Public now held by such Voting Trustees to that company for cancellation; that Central Public take appropriate steps to recapitalize on a basis whereby it will have outstanding only a single class of capital stock; and that Central Public take appropriate steps to terminate the existence of Consolidated, Islands and Securities; all of the foregoing to be carried out in an appropriate manner, not in contravention of the act or the rules, regulations, and orders of the Commission thereunder: *Provided, however*, That if the above described plan is duly consummated, such action to the extent that it effectuates any of the foregoing, will be deemed compliance with those requirements of this order;

It is further ordered, Pursuant to sections 11 (b) (1) and 11 (b) (2) of the act, that jurisdiction is hereby expressly reserved to make such additional findings as the Commission may determine to be appropriate in the premises and, on the basis thereof, to direct such action by Central Public and the companies in its holding company system as may be deemed necessary to effectuate compliance by the holding company system with the standards of those sections of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-6970; Filed, June 25, 1952; 8:50 a. m.]

[File No. 70-2892]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING CONCERNING ISSUANCE OF NOTES TO BANKS AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JUNE 20, 1952.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and its electric utility subsidiary, The Ohio Power Company ("Ohio"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6, 7, and 10 thereof as applicable to the proposed transactions which are summarized as follows:

Ohio proposes to issue and sell, and American Gas proposes to purchase, 300,000, shares of Ohio's no par value common stock for a cash consideration of $14,500,000. The funds proposed to be used by American Gas for this purpose will be derived from the proceeds of its sale of common stock and debentures (File No. 70-2878).

Ohio has established a line of credit with six banking institutions pursuant to which Ohio proposes to borrow not to exceed $18,000,000 from time to time prior to March 31, 1953. Such borrowings will be evidenced by the issuance and sale of promissory notes by Ohio bearing interest from the date thereof at the then current prime credit rate and maturing 270 days after the date of such issuance.

Of the $18,000,000 proposed to be borrowed, Ohio had, as of March 31, 1952, borrowed $5,000,000 from such banks and had issued its notes in evidence thereof. It is further stated that additional borrowings of not to exceed $6,000,000 may be made prior to the effective date of the declaration. These borrowings are stated to be exempt from the provisions of section 6 (a) by reason of the provisions of section 6 (b).

The application-declaration states that at least five days prior to each borrowing or renewal made subsequent to the effective date of the joint application-declaration, an amendment will be filed setting forth the amount of said proposed borrowing and the annual rate of interest thereon. Ohio requests that such amendment or amendments become effective five days after the filing thereof provided no action is taken with respect thereto within such five-day period by the Commission.

The application-declaration further states that the notes may be repaid from time to time in whole or in part without premium.

Proceeds from the proposed sale of securities will be used by Ohio in connection with its construction program which, it is presently estimated, will require the expenditure of approximately $47,500,000 in 1952 and $51,000,000 in 1953.

Notice is further given that any interested person may, not later than July 2, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 2, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6968; Filed, June 25, 1952; 8:50 a. m.]

[File No. 70-2893]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

NOTICE OF FILING CONCERNING ISSUANCE OF NOTES TO BANKS AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JUNE 20, 1952.

Notice is hereby given that American Gas and Electric Company ("American Gas"), a registered holding company, and its electric utility subsidiary Appalachian Electric Power Company ("Appalachian"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6, 7, and 10 thereof as applicable to the proposed transactions which are summarized as follows:

Appalachian proposes to issue and sell, and American Gas proposes to purchase, 300,000 shares of Appalachian's no par value common stock for a cash consideration of $9,000,000. The funds proposed to be used by American Gas for this purpose will be derived from the proceeds of its sale of common stock and debentures (File No. 70-2878).

Appalachian has established a line of credit with four banking institutions pursuant to which Appalachian proposes to borrow not to exceed $25,000,000 from time to time prior to May 31, 1953. Such borrowings will be evidenced by the issuance and sale of promissory notes by Appalachian bearing interest from the date thereof at the then current prime credit rate and maturing 270 days after the date of such issuance.

Of the $25,000,000 proposed to be borrowed, Appalachian had, as of May 31, 1952, borrowed $8,000,000 from such banks and had issued its notes in evidence thereof. It is further stated that additional borrowings of not to exceed $4,500,000 may be made prior to the effective date of the declaration. These borrowings are stated to be exempt from the provisions of section 6 (a) by reason of the provisions of section 6 (b).

The application-declaration states that at least five days prior to each borrowing or renewal made subsequent to the effective date of the joint application-declaration, an amendment will be filed setting forth the amount of said proposed borrowing and the annual rate of interest thereon. Appalachian requests that such amendment or amendments become effective five days after the filing thereof provided no action is taken with respect thereto within such five-day period by the Commission.

The application-declaration further states that the notes may be repaid from time to time in whole or in part without premium.

Proceeds from the proposed sale of securities will be used by Appalachian in connection with its construction program which, it is presently estimated, will require the expenditure of approximately $42,000,000 in 1952 and $37,000,000 in 1953.

Notice is further given that any interested person may, not later than July 2, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 2, 1952, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said joint application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-6969; Filed, June 25, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

SOCIETE DES VERNIS PYROLAC

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe des Vernis Pyrolac, Cretell (Seine) France; Claim No. 43886; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to United States Patent Application Serial Nos. 343,177 (now United States Letters Patent No. 2,332,945) and 343,178 (now United States Letters Patent No. 2,332,946).

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6912; Filed, June 24, 1952; 8:52 a. m.]

EDWIN AND MARGARET VON FEST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edwin Von Fest, St. Peter, Austria; Margaret Von Fest, St. Peter, Austria; Claim Nos. 38012 and 5951; $1,786.04 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on June 18, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6913; Filed, June 24, 1952; 8:53 a. m.]

XAVIERE DARDELET ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Xaviere Dardelet, Paule Louise Gilberte Dardelet, Xaviere Marie Antoinette Louise Eugenie Dardelet, all of Neuilly-sur-Seine, France; Jacques Jean Eugene Dardelet, Paris, France; Jeanne Henriette Cantoni, nee Dardelet, Boulogne-sur-Seine, France; Claim No. 11860; $2,149.75 cash in the Treasury of the United States. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Hugues Louis Dardelet by virtue of an agreement dated June 26, 1928 by and between Societe Francaise de Filetage Indesserrable D. D. G. and Dardelet Threadlock Corporation (including all modifications of and supplements to such agreement, including, but without limitation, seven memoranda dated October 23, 1928 from Dardelet Threadlock Corporation to Societe Fraincaise de Filetage Indesserrable D. D. G. and accepted by the latter company, and two supplemental agreements executed by Dardelet Threadlock Corporation and Societe Francaise de Filetage Indesserrable D. D. G. dated December 6, 1935 and October 3, 1939, respectively) which agreement, as modified and supplemented, relates, among other things, to certain United States Letters Patent, including Patent No. 1,657,244, to the extent that such interests and rights were owned by the claimants immediately prior to vesting by Vesting Order No. 3177 (9 F. R. 2709, March 10, 1944).

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6914; Filed, June 24, 1952; 8:53 a. m.]

MRS. VIRGINIA (PALLAVICINI) SAVIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Virginia (Pallavicini) Savio, Viale delle Brigate Partigiane 6 21, Genoa, Italy; Claim No. 40125; $1,015.42 in the Treasury of the United States.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6915; Filed, June 24, 1952; 8:53 a. m.]

FRANCOIS P. J. HECTOR DUMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Francois P. J. Hector Dumont, Jambes, Belgium; Claim Nos. 37587 and 37588; property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942), relating to United States Patent Application Serial No. 323,807 (now United States Letters Patent No. 2,306,208); property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943), relating to United States Letters Patent No. 2,134,440.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6916; Filed, June 24, 1952; 8:53 a. m.]

OTTO FRIEDRICH FEYEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to Section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Friedrich Feyen, Hamburg, Germany; Claim No. 37375; $32,119.84 cash in the Treasury of the United States; 310 shares of California Holding Company, evidenced by Voting Trust Certificate for capital stock dated June 3, 1948 (Certificate No. 60), registered in the name of the Attorney General of the United States, Account No. 28-9392, presently in the custody of the Federal Reserve Bank of New York. All right, title, interest and claim of any kind or character whatsoever of Otto Friedrich Feyen, in and to the Estate of Rosie Wolf, deceased.

Executed at Washington, D. C., on June 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-6917; Filed, June 24, 1952; 8:53 a. m.]

[Vesting Order 18906]

CARL KOPP ET AL.

In re: Cash owned by Carl Kopp and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names are listed below, each of whose last known

address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were, residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany):

Carl Kopp.
Irwin Geyde.
Fritz Ostertag.
William Ostertag.
Albert Ostertag.
Hans R. Kleinjung.
Anna Bohmer.
Martha Messerschmeld.

2. That Germania Film G. m. b. H., the last known address of which is Munich, Germany, Markins & Werner, the last known address of which is Prag, Germany and Cine Central Film, the last known address of which is Germany, are corporations, partnerships, associations, or other business organizations, which on or since December 11, 1941 and prior to January 1, 1947 were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That F. A. Muller, who there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947 was a resident of Germany is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

4. That the property described as follows: Cash in the total amount of $1,886.62 presently in the custody of the Attorney General of the United States in accounts in the names of the persons listed as owners in Exhibit A, attached hereto and by reference made a part hereof, numbered and in the amount set forth opposite each such name,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the persons named in subparagraphs 1, 2 and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1, 2 and 3 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name of owner	Account No.	Amount	Office of Alien Property file No.
Carl Kopp	28200214	$643.75	F-28-31892
Irwin Geyde	28200267	270.00	F-28-31893
F. A. Miller	28200279	400.00	F-28-31899
Hans R. Kleinjung	28200398	76.92	F-28-31894
Fritz Ostertag			
William Ostertag	28200400	146.60	F-28-31895
Albert Ostertag			
Anna Bohmer			
Martha Messerschmeid			
Germania Film G. m. b. H.	28200357	115.92	F-28-31896
Markins & Werner	28200218	129.05	F-28-31897
Cine Central Film	626035-1	101.68	F-28-31898

[F. R. Doc. 52-7001; Filed, June 25, 1952; 8:56 a. m.]

[Vesting Order 18907]

RENTNERS BERNHARD RICKELS

In re: Debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Rentners Bernhard Rickels, deceased. F-28-31900.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Rentners Bernhard Rickels, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Henry Stuhmer, Alma, Nebraska, representing funds on deposit in an account, entitled Henry Stuhmer, Agent, at Harlan County Bank, Alma, Nebraska, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Rentners Bernhard Rickels, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property

[F. R. Doc. 52-7002; Filed, June 25, 1952; 8:56 a. m.]

[Vesting Order 18908]

ELEANORE VON VALCIC

In re: Stock owned by Eleanore Von Valcic. F-6-1418.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Eleanore Von Valcic, whose last known address is Dresden A, Mozartstrasse 4, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: Forty-eight (48) shares of $25.00 par value common capital stock of Norfolk and Western Railway Company, 1617 Pennsylvania Boulevard, Room 1428, Philadelphia 3, Pennsylvania, a corporation organized under the laws of the State of Virginia, evidenced by a certificate numbered NF 75792, registered in the name of Eleanore Von Valcic, and presently in the custody of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eleanore Von Valcic, the aforesaid national of a designated enemy country (Germany);

and it hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7003; Filed, June 25, 1952; 8:56 a. m.]

[Vesting Order 18909]

ANNE SCHAEFER

In re: Bank account owned by Anne Schaefer also known as Anna Schaefer. F-28-31907.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anne Schaefer, also known as Anna Schaefer, whose last known address is Stuttgarten-N, Erzburger Strasse 60, Wurttenberg, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Anne Schaefer, also known as Anna Schaefer, by Union Dime Savings Bank, Avenue of the Americas (6th Avenue) at 40th Street, New York 18, New York, arising out of a Savings Account, account number 1,113,928, entitled Anna Schaefer, maintained at the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anne Schaefer, also known as Anna Schaefer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 19, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7004; Filed, June 25, 1952; 8:57 a. m.]

[Vesting Order 18910]

ERNST HOHNER ET AL.

In re: Stock owned by Ernst Hohner and others. D-63-450, F-28-13710, F-28-14630.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ernst Hohner, Karl Hohner and Matthias Hohner, each of whose last known address is Trossingen, Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Will Hohner, deceased, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That the property described as follows: Nine hundred (900) shares of $100 par value capital stock of M. Hohner, Inc., New York, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered 10, registered in the name of Matth. Hohner and presently in the custody of Swiss Bank Corporation, New York Agency, New York, New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ernst Hohner, Karl Hohner, Matthias Hohner and the personal representatives, heirs, next of kin, legatees and distributees of Will Hohner, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 and referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 20, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-6918; Filed, June 24, 1952; 4:42 p. m.]

[Vesting Order 18903]

W. SIQUET

Correction

In F. R. Doc. 52-6867, appearing at page 5685 of the issue for Tuesday, June 24, 1952, the date "June 28, 1952" in the file line should read "June 23, 1952."

Reading Room

FEDERAL REGISTER

VOLUME 17 NUMBER 126

Washington, Friday, June 27, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10366

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendment of the Selective Service Regulations prescribed by Executive Order No. 10292 [1] of September 25, 1951, and constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations:

Section 1622.23 of Part 1622, *Classification Rules and Principles*, is amended to read as follows:

§ 1622.23 *Necessary employment defined.* (a) Except as otherwise provided in paragraph (b) of this section, a registrant's employment in industry or other occupation, service in office, or activity in research, or medical, scientific, or other endeavors, shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

(1) The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity.

(2) The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity.

(3) The removal of the registrant would cause a material loss of effectiveness in such activity.

(b) A registrant's activity as an apprentice in an apprentice training program may be considered to be necessary to the maintenance of the national health, safety, or interest when all of the following conditions exist:

(1) The apprentice training program meets the standards and requirements prescribed by the Director of Selective Service based upon the recommendations of the Secretary of Labor.

(2) The program has been accepted by the Director of Selective Service for deferment purposes.

(3) The registrant has satisfactorily completed in the program a minimum amount of training prescribed by the Director of Selective Service.

(4) The registrant is satisfactorily pursuing his training in the program and meeting the requirements, and standards of performance prescribed by the Director of Selective Service.

(c) The President may, from time to time (1) designate special categories of occupation, employment, or activity essential to the national health, safety, or interest; and (2) prescribe regulations governing the deferment of individual registrants engaged in such occupations, employments, or activities.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 26, 1952.

[F. R. Doc. 52-7165; Filed, June 26, 1952; 1:48 p. m.]

[1] 16 F. R. 9643.

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 416.1 of the above-identified regulations, as amended (14 F. R. 5290, 6674; 15 F. R. 4161, 6739, 9032; 16 F. R. 7695, 9301; 17 F. R. 2109), the following counties have been designated for insurance for the 1952 crop year.

Illinois:	Illinois—Con.
Adams.	Montgomery.
Bureau.	Rock Island.
Carroll.	Sangamon.
Hancock.	Stark.
Iroquois.	Tazewell.
Kane.	Warren.
Livingston.	Whiteside.
McDonough.	Will.
Mercer.	Woodford.

(Continued on p. 5751)

CONTENTS

THE PRESIDENT

Executive Order — Page
Amending the Selective Service Regulations — 5749

EXECUTIVE AGENCIES

Agriculture Department
See Federal Crop Insurance Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Joost, Martin — 5783
Ludewig, Anna Katharina Friederike — 5784

Army Department
Rules and regulations:
National cemeteries; miscellaneous amendments — 5761
Reserve Officers' Training Corps; transportation — 5761

Civil Aeronautics Administration
Notices:
Airport District Offices; consolidation:
Delaware, Maryland, New Jersey, Pennsylvania, and Virginia — 5777
Kansas and Missouri — 5777

Civil Aeronautics Board
Notices:
Service to Melbourne, Fla.; postponement of oral argument — 5777
Rules and regulations:
Alaskan air carriers, classification and exemption; cancellation of inactive letters of registration of Alaskan pilot-owners — 5759

Commerce Department
See Civil Aeronautics Administration.

Customs Bureau
Rules and regulations:
Drawback; time allowed for filing and completion of claims — 5759
Liability for duties, entry of imported merchandise; liquidation of import entries on the basis of customs assay — 5759

FEDERAL REGISTER

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(For use during 1952)

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Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department (Page)
See Army Department.
Notification to Department of placement of procurement in certain areas (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951 — 5782
Notification to Department of Defense and General Services Administration of placement of procurement in certain areas in:
Bay City, Mich — 5783
Muncie, Ind — 5783
Sunbury - Shamokin - Mount Carmel, Pa — 5782
Rules and regulations:
Agricultural manpower, policy — 5764

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Communications Commission
Notices:
Hearings, etc.:
Farmers Broadcasting Service, Inc. (WELS) — 5777
Fred Birch et al — 5778
Heart of the Black Hills Station — 5779
Lampasas Broadcasting Co. (KHIT) — 5779
Matheson Radio Co., Inc. (WHDH) et al — 5777
Penn Jersey Broadcasting Co. et al — 5779
WMRO, Inc. (WMRO) — 5779
Proposed rule making:
Radio broadcast services; standard broadcast stations — 5773
Rules and regulations:
Stations on shipboard in the Maritime Service; miscellaneous amendments — 5771

Federal Crop Insurance Corporation
Rules and regulations:
Corn crop insurance; regulations for 1950 and succeeding crop years — 5749

Federal Power Commission
Notices:
Hearings, etc.:
Arkansas-Missouri Power Co. — 5780
Panhandle Eastern Pipe Line Co — 5780
Panhandle Eastern Pipe Line Co. et al — 5780

General Services Administration
Notification to Administration of placement of procurement in certain areas (*see* Defense Mobilization, Office of).

Interior Department
See Land Management, Bureau of.

Internal Revenue Bureau
Notices:
District Commissioner and Directors, New York City District; delegation of functions — 5774
District Commissioner for New York City District and Director of Internal Revenue Upper Manhattan; interim delegation of authority pending reorganization of additional District Offices — 5775
Proposed rule making:
Excess profits taxes; taxable years ending after June 30, 1950; excess profits credit of regulated public utilities — 5772
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941; requirement that information returns be furnished by corporations paying dividends — 5760
Taxes on tobacco, snuff, cigars, cigarettes, cigarette papers and tubes, and purchase and sale of leaf tobacco; annual registration by dealers eliminated — 5760

Interstate Commerce Commission
Notices:
Applications for relief:
Crude rubber from points in Texas and Louisiana to:
Hattiesburg, Miss — 5781
Hillsdale, Mich — 5781
Piqua, Ohio — 5781
Vandalia, Ill — 5782
Fish scrap from points in Empire, La., to points in southwestern territory — 5782
Peanuts from points in Oklahoma to points in Texas — 5781
Rules and regulations:
Car service; demurrage on freight cars (2 documents) — 5771, 5772

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Nevada; classification order — 5776

Price Stabilization, Office of
Rules and regulations:
Apparel Manufacturers' General Ceiling Price Regulation; miscellaneous amendments (CPR 45, Rev. 1) — 5766
Manufacturers of ready-mixed concrete, adjusted ceiling prices (GCPR, SR 108) — 5769

Production and Marketing Administration
Rules and regulations:
Milk in New Orleans, La., marketing area — 5752
Sugar beets; fair and reasonable prices for 1952 crop — 5751

Renegotiation Board
Rules and regulations:
Conduct of renegotiation — 5763
Preliminary information required of contractors — 5763
Procedure for renegotiation; miscellaneous amendments — 5762
Recovery of excessive profits after determination — 5763
Statements to contractors — 5764
Unilateral order procedure — 5764

CONTENTS—Continued

Rent Stabilization, Office of (Page)
Rules and regulations:
Certain defense-rental areas in Oregon and Washington:
Hotels — 5770
Housing — 5770
Motor courts — 5770
Rooms — 5770

Selective Service System
Rules and regulations:
Classification rules and principles — 5764

Treasury Department
See also Customs Bureau; Internal Revenue Bureau.
Notices:
Bureau of Internal Revenue; reorganization; abolition of certain offices of Collectors and Deputy Collectors and establishment of offices of District Commissioner and Directors of Internal Revenue — 5776

Veterans' Administration
Rules and regulations:
Claims, dependents and beneficiaries; miscellaneous amendments — 5770

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10292 (see EO 10366)	5749
10366	5749
Title 7	
Chapter IV:	
Part 416	5749
Chapter VIII:	
Part 871	5751
Chapter IX:	
Part 942	5752
Title 14	
Chapter I:	
Part 292	5759
Title 19	
Chapter I:	
Part 8	5759
Part 22	5759
Title 26	
Chapter I:	
Part 29	5760
Part 40 (proposed)	5772
Part 140	5760
Title 32	
Chapter V:	
Part 553	5761
Part 562	5761
Chapter XIV:	
Part 1422	5762
Part 1461	5763
Part 1470	5763
Part 1472	5763
Part 1475	5764
Part 1477	5764
Chapter XVI:	
Part 1622	5764

CODIFICATION GUIDE—Con.

Title 32A	Page
Chapter I (ODM):	
DMP 6	5764
Chapter III (OPS):	
CPR 45	5766
GCPR, SR 108	5769
Chapter XXI (ORS):	
RR 1	5770
RR 2	5770
RR 3	5770
RR 4	5770
Title 38	
Chapter I:	
Part 4	5770
Title 47	
Chapter I:	
Part 3 (proposed)	5773
Part 8	5771
Title 49	
Chapter I:	
Part 95 (2 documents)	5771, 5772

Indiana:
Carroll.
Clinton.
Decatur.
DeKalb.
Delaware.
Huntington.
Jackson.
Miami.
Starke.
Iowa:
Boone.
Buena Vista.
Butler.
Case.
Cerro Gordo.
Clayton.
Crawford.
Dallas.
Fayette.
Floyd.
Fremont.
Hancock.
Jefferson.
Linn.
Lucas.
Lyon.
Madison.
Mitchell.
Osceola.
West Pottawattamie.
Poweshiek.
Ringgold.
Story.
Washington.
Webster.
Kansas:
Atchison.
Jackson.
Marshall.
Maryland: Kent.
Michigan:
Monroe.
Van Buren.
Minnesota:
Blue Earth.
Brown.
Minnesota—Con.
Martin.
Meeker.
Nobles.
Redwood.
Renville.
Rice.
Wabasha.
Missouri:
Atchison.
Johnson.
Macon.
Marion.
Nodaway.
Pike.
Stoddard.
Nebraska:
Boone.
Cass.
Cedar.
Cuming.
Richardson.
Saunders.
North Dakota:
Richland.
Ohio:
Champaign.
Hancock.
Medina.
Preble.
Seneca.
Van Wert.
Wayne.
Pennsylvania:
Bucks.
Chester.
Westmoreland.
South Dakota:
Clay.
Minnehaha.
Wisconsin:
Columbia.
Dane.
Lafayette.
Pierce.
Sauk.
Trempealeau.

(52 Stat. 73–75, 77, as amended; 7 U. S. C. and Sup. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-7063; Filed, June 26, 1952; 8:58 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 871.5]

PART 871—SUGAR BEETS

FAIR AND REASONABLE PRICES FOR 1952 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and due consideration of evidence presented at the several public hearings held in October 1951 (for southern Oregon, California and southwestern Arizona), and during December 1951 (for States other than those regions), the following determination is hereby issued:

§ 871.5 *Fair and reasonable prices for the 1952 crop of sugar beets.* A processor-producer of sugar beets who applies for a payment under the act shall be deemed to have complied with the provisions of section 301 (c) (2) of said act with respect to the 1952 crop of sugar beets, if such processor-producer shall have paid (or contracted to pay) for sugar beets purchased from other producers and processed by said processor-producer prices not less than those provided for in the 1952 crop purchase contract between said parties: *Provided*, That the processor-producer shall not reduce returns to producers below those determined in this section through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable prices which a processor-producer (i. e., a producer who is also, directly or indirectly, a processor of sugar beets—hereinafter referred to as "processor") must pay, as a minimum, for 1952 crop sugar beets purchased from other producers as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable prices, the act requires that public hearings be held and investigations made. Accordingly, public hearings were held at Berkeley, California, on October 25, 1951, and at Detroit, Michigan; St. Paul, Minnesota; Billings, Montana; Salt Lake City, Utah; and Greeley, Colorado, during the period January 3 through January 12, 1952.

In the 1952 crop price determination, consideration has been given to testimony presented at the public hearings, comparative returns, costs and profits of processors and producers, relative investments, contracts negotiated between the parties, and to other pertinent economic factors.

(c) *1952 fair price determination.* The 1952 price determination provides that a processor shall be deemed to have complied with the fair price provisions of the act if he pays, or contracts to pay, for sugar beets prices not less than those provided for in his 1952 crop purchase contracts with producers.

Most of the 1952 crop purchase contracts are identical to those used for the

1951 crop. Payment scales were revised in contracts used by several processors. In one, prices payable per ton of sugar beets were increased a few cents at and above net return levels of $7.25 per hundred pounds of refined beet sugar; in two other contracts, payments were increased at net return levels above $8.00 per hundred pounds; in another contract, the producers' share of sugar proceeds was increased one-half of one percent at net return levels of $7.00 to $7.49 and an additional one-half of one percent at net returns of $7.50 and above; and in another contract, the producers' share of proceeds from sugar and by-products was changed from a sliding scale ranging from 50 to 58 percent, based on volume of sugar beets ground by the factory, to a flat 52½ percent of such proceeds without regard to volume. In several contracts, one of the factors on which payments to producers is based, the average sucrose content of beets sliced, was changed from a multiple factory average to an individual factory average basis. The separate settlement areas used to determine net returns from sugar were combined into a single settlement area in two contracts used by one processor. Other changes in various contracts included redefinition of "average net return", "average sucrose content", new methods of determining "top tare", prices for or availability of certain types of sugar beet seed, and a modification of the minimum requirements for acceptable beets. The effect of the above changes on the average returns to producers for the 1952 crop is considered to be nominal.

At the public hearing, producer representatives in four regions testified that prices for sugar beets did not compare favorably with returns from competing crops. Three of the four witnesses indicated general approval of existing contracts with processors, while the fourth raised a question with respect to one feature of his 1951 contract. This feature has been modified in the contract negotiated for 1952. One witness also called attention to the marketing practice of selling sugar for future delivery at the contractual or market price, whichever is lower, at time of delivery. The witness recommended that such practice be prohibited. No action is taken in this determination with regard to this recommendation because the authority under section 301 (c) (2) of the act does not extend to regulation of competitive trade practices with respect to the sale of sugar.

In analyzing the 1952 crop purchase contracts, consideration has been given to comparative operating results of processors and producers which, for this purpose, have been estimated by restating data obtained in a study for a previous crop to reflect probable results under 1952 crop, price, and volume conditions. The analysis indicates that prices payable for sugar beets in 1952 crop purchase contracts are fair and reasonable at the present level of sugar prices (8.65 cents per pound, seaboard basis, refined cane sugar) and at sugar prices within the expected range above and below the present level.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 24th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7065; Filed, June 26, 1952; 8:59 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 942—MILK IN NEW ORLEANS, LA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Sec.
942.0 Findings and determinations.

DEFINITIONS

942.1 Act.
942.2 Secretary.
942.3 Department of Agriculture.
942.4 New Orleans, Louisiana marketing area.
942.5 Person.
942.6 Producer.
942.7 Handler.
942.8 Producer-handler.
942.9 Fluid milk plant.
942.10 Producer milk.
942.11 Other source milk.
942.12 Delivery period.
942.13 Market Administrator.
942.14 Cooperative association.

MARKET ADMINISTRATOR

942.20 Designation.
942.21 Powers.
942.22 Duties.

REPORTS, RECORDS, AND FACILITIES

942.30 Reports of receipts and utilization.
942.31 Other reports.
942.32 Records and facilities.
942.33 Retention of records.

CLASSIFICATION OF MILK

942.40 Basis of classification.
942.41 Classes of utilization.
942.42 Responsibility of handlers and reclassification of milk.
942.43 Transfers.
942.44 Computation of skim milk and butterfat in each class.
942.45 Allocation of skim milk and butter classified.

MINIMUM PRICES

942.50 Class I prices.
942.51 Class I–A prices.
942.52 Class II prices.
942.53 Class III prices.
942.54 Use of equivalent factors.

BASE RATING

942.60 Base operating period.
942.61 Base forming period.
942.62 Determination of daily base.
942.63 Computation of base.
942.64 Base rules.
942.65 Announcement of established bases.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

942.70 Computation of the value of skim milk and butterfat for each handler.
942.71 Computation of uniform price for each handler.
942.72 Computation of uniform price for base milk and excess milk for each handler.

PAYMENTS

942.80 Payments to producers.
942.81 Butterfat differentials.
942.82 Location differentials.
942.83 Adjustment of accounts.
942.84 Expense of administration.
942.85 Termination of obligations.

APPLICATION OF PROVISIONS

942.90 Producer-handlers.
942.91 Milk subject to another Federal order.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

942.100 Effective time.
942.101 Suspension or termination.
942.102 Continuing power and duty of the market administrator.
942.103 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

942.110 Liability of handlers.
942.111 Agents.
942.112 Separability of provisions.

AUTHORITY: §§ 942.1 to 942.112 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than July 1, 1952. Such action is necessary in the public interest in order to reflect current marketing conditions and promote the orderly marketing of milk in the New Orleans marketing area. The provisions of the said order are well known to handlers, having been published in a recommended decision which appeared in the FEDERAL REGISTER May 6, 1952 (17 F. R. 4171) and in a final decision which appeared in the FEDERAL REGISTER June 10, 1952 (17 F. R. 5243).

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers or producers. It is hereby found therefore that good cause exists for making this order effective July 1, 1952 (sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (April 1952), were engaged in the production of milk for sale in the said marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 942.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 942.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 942.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

§ 942.4 *New Orleans, Louisiana, marketing area.* "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area" means the cities, towns, and villages of New Orleans in Orleans Parish: Gretna, Westwego, Marrero, Harvey, Metairie, and Belle Chasse in Jefferson Parish; Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

§ 942.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 942.6 *Producer.* "Producer" means a person other than a producer-handler, who produces milk for consumption as milk in the marketing area and which is received at a fluid milk plant.

§ 942.7 *Handler.* "Handler" means a person who operates a fluid milk plant.

§ 942.8 *Producer-handler.* "Producer-handler" means a person who produces milk and who processes milk from his own production and distributes all or a portion of such milk in the marketing area as Class I milk but who receives no milk from dairy farmers or other producer-handlers in bulk.

§ 942.9 *Fluid milk plant.* "Fluid milk plant" means a milk plant (a) where milk is processed and packaged and from which Class I milk as defined in § 942.41 (a) is disposed of to retail or wholesale outlets (including plant stores) in the marketing area or (b) from which milk or cream is transferred to a plant described in paragraph (a) of this section: *Provided,* That any such transferring plant shall not be included in this definition during any month in which there is shipped from such plant only Class I–A, Class II or Class III milk as defined in § 942.41 (b), (c) and (d) respectively, or during any of the months of September, October, November, and December in which shipments of fluid whole milk or fluid skim milk from such plant are made to a plant described in paragraph (a) of this section on less than 20 days or during any other month in which such shipments are made on less than 5 days.

§ 942.10 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received by a handler either directly from producers or from other handlers.

§ 942.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a source other than producers or other handlers, except any non-fluid product received and disposed of in the same form.

§ 942.12 *Delivery period.* "Delivery period" means a calendar month, or the portion thereof during which this order is in effect.

§ 942.13 *Market administrator.* "Market administrator" means the agency which is described in § 942.20 for the administration of this part.

§ 942.14 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in sale of milk of its members.

MARKET ADMINISTRATOR

§ 942.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 942.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 942.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 942.84, (1) the cost of his bond and of the bonds of his employees; (2) his own compensation; and (3) all other expenses, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such

other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 5 days after the day upon which he is required to perform such acts has not made (1) reports pursuant to § 942.30 or (2) payments pursuant to §§ 942.80 and 942.84.

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Weigh, sample and test for butterfat content milk and milk products;

(k) From time to time, as conditions in the market warrant, publicly announce the name of each handler whose receipts of skim milk and/or butterfat in milk received from producers are more than 105 percent and less than 95 percent, respectively, of his total utilization of skim milk and butterfat, respectively, in Class I milk.

(l) Publicly announce and notify each handler in writing the prices and butterfat differentials for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the Class II and Class III prices of skim milk and butterfat for such delivery period;

(2) On or before the 1st day of each delivery period the Class I price of skim milk and butterfat for such delivery period.

(3) On or before the 10th day after the end of each of the delivery periods of September through February such handler's uniform price per hundredweight of skim milk, butterfat, and milk containing 4.0 percent butterfat for such delivery period, and the butterfat differential applicable to such milk; and

(4) On or before the 10th day after the end of each of the delivery periods of March through August and September, 1952, such handler's uniform price per hundredweight for base milk and excess milk for such delivery period, and the butterfat differentials applicable to such base and excess milk.

REPORTS, RECORDS, AND FACILITIES

§ 942.30 *Reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at his fluid milk plant(s) within such delivery period of (1) producer milk and for the months of March through August and September, 1952, the aggregate quantities of base and excess milk, (2) skim milk and butterfat in any form from other handlers, and (3) other source milk; and

(b) The utilization of all skim milk and butterfat required to be reported under paragraph (a) of this section.

§ 942.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(a) On or before the 20th day after the end of the delivery period, his producer payroll for such delivery period which shall show: (1) The total pounds of milk received from each producer or cooperative association, including for the delivery periods of March through August and September 1952, the total deliveries of base milk and excess milk by each producer, (2) the number of days deliveries are made and if less than a full calendar month, the date of first and last delivery, (3) the average butterfat content of such milk, and (4) the net amount of such handler's payment to each producer or a cooperative association together with the prices paid, deductions and charges involved.

§ 942.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample, and test for butterfat content all milk and milk products handled; (c) verify payments to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

§ 942.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 942.40 *Basis of classification.* All skim milk and butterfat contained in milk and butterfat used to produce receipts at a fluid milk plant(s), within the delivery period, of (a) producer milk, (b) skim milk and butterfat in any form from other handlers, and (c) other source milk, shall be classified by the market administrator in the classes set forth in § 942.41.

§ 942.41 *Classes of utilization.* Subject to the conditions set forth in § 942.42 through § 942.45, the classes of utilization shall be as set forth in this section: *Provided*, That no skim milk or butterfat, as the case may be, contained in producer milk shall be classified as Class II milk or Class III milk, during any of the delivery periods of October through February if the total receipts of skim milk and butterfat in milk received from producers during the preceding delivery period is less than 90 percent of the utilization of skim milk or butterfat, respectively, by all handlers, in Class I milk.

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form (except for livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks (including eggnog), yogurt, cream (for consumption as cream including any mixture of cream and milk or skim milk other than ice cream and ice cream mix), (2) used to produce concentrated (including frozen) milk, and (3) not specifically accounted for as Class I–A milk, Class II milk, or Class III milk.

(b) Class I–A milk shall be all skim milk and butterfat disposed of as sterilized milk.

(c) Class II milk shall be all skim milk and butterfat used to produce cheese other than cheddar, ice cream and ice cream mix; and

(d) Class III milk shall be (1) all skim milk and butterfat disposed of as any item other than those classified in paragraphs (a), (b), and (c) of this section; (2) skim milk and butterfat disposed of for livestock feed; (3) skim milk dumped, and (4) skim milk and butterfat accounted for as actual plant shrinkage but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, from producers.

§ 942.42 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II or Class III milk.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 942.43 *Transfers.* Skim milk or butterfat disposed of by a handler during any delivery period in fluid form as milk, skim milk, or cream, either by transfer or diversion shall be classified:

(a) As Class I milk if moved to a fluid milk plant of another handler (except a producer-handler), unless (1) utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period, in which such transaction occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee-handler: *Provided*, That if either or both handlers have received other source milk, such milk so disposed of shall be classified at both plants so as to return the highest available class utilization to producer milk.

(b) As Class I milk if moved in the form of any items specified in § 942.41 (a) to a producer-handler.

(c) As Class I milk if moved to any plant other than a fluid milk plant, unless:

(1) The handler claims utilization in another class;

(2) The operator of such non-fluid milk plant maintains books and records, showing the receipts and utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification; and

(3) The utilization of skim milk and butterfat, at such plant, in Class I milk, as defined in § 942.41 is less than the total pounds of skim milk and butterfat, respectively, received from the transferor handler(s) and from dairy farmers whom the market administrator determines constitute the regular source of supply for fluid usage in such plant, in which case the skim milk and butterfat transferred shall be assigned to the remaining uses of skim milk and butterfat, respectively, during such delivery period in series starting with Class I milk after the similar assignment of the receipts of skim milk and butterfat from such dairy farmers.

§ 942.44 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

§ 942.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each delivery period shall be the pounds in such class allocated to producer milk:

(1) Subtract the shrinkage of skim milk, computed pursuant to § 942.41 (d) (4) from the total pounds of skim milk in Class III milk;

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest available price class, the pounds of skim milk in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk received from other handlers and assigned to such class pursuant to § 942.43 (a);

(4) Add to the pounds of skim milk remaining in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; or if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class, in series beginning with Class III.

(b) Allocate the pounds of butterfat in each class to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 942.50 *Class I prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received at his fluid milk plant from such producers during each delivery period and classified as Class I skim milk and Class I butterfat, not less than the prices per hundredweight computed pursuant to this section. In determining the Class I price for skim milk and butterfat for each delivery period the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used:

(a) The monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(b) Divide by 3 the sum of the 3 latest monthly indexes of department store sales in New Orleans adjusted for seasonal variations, as reported by the Federal Reserve Bank of Atlanta, with the years 1947–49 as the base period.

(c) Compute an index of grain-labor prices in the New Orleans milkshed in the following manner:

(1) Divide by 0.0434 the average price paid per hundredweight by Louisiana farmers for all mixed dairy feed, as reported by the United States Department of Agriculture, and multiply by 0.6;

(2) Divide by 0.0321 and 0.0318, respectively, the daily farm wage rates without board or room for the latest available month for Mississippi and Louisiana, as reported by the United States Department of Agriculture. Multiply by 0.4 the weighted average of the resulting totals. In computing the weighted average, weight Mississippi 0.25 and Louisiana 0.75;

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to paragraphs (a), (b) and (c) of this section. The result rounded to the nearest whole number shall be known as the formula index.

(e) Subject to the conditions set forth in paragraphs (f) and (i) of this section, the minimum price for skim milk and butterfat received at a handler's plant located in the 61–70 mile zone shall be as follows:

(1) Multiply $5.70 by the formula index computed pursuant to paragraph (d) of this section and add to or subtract from such result a supply-demand adjustment computed as follows:

(i) Divide the total receipts of producer milk in the two immediately preceding delivery periods by the total gross volume of Class I milk (less interhandler transfers) for such period, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current supply-demand relationship."

(ii) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subdivision (i) of this subparagraph, the "representative supply-demand index" shown below:

Delivery period for which the Class I price is computed	Delivery periods used to compute relationship	Representative supply-demand index
		Percent
January	October-November	111
February	November-December	114
March	December-January	119
April	January-February	126
May	February-March	132
June	March-April	142
July	April-May	147
August	May-June	141
September	June-July	140
October	July-August	132
November	August-September	118
December	September-October	114

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

Net deviation (percentage points):	*Adjustment amount (cents)*
−24 or more	+49
−21 or −22	+43
−18 or −19	+37
−15 or −16	+31
−12 or −13	+25
−9 or −10	+19
−6 or −7	+13
−3 or −4	+7
−1, 0, or +1	0
+3 or +4	−7
+6 or +7	−13
+9 or +10	−19
+12 or +13	−25
+15 or +16	−31
+18 or +19	−37
+21 or +22	−43
+24 or more	−49

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same as or nearest to the bracket used in the previous month.

(2) The price of butterfat shall be the sum obtained in subparagraph (1) of this paragraph multiplied by 17.5.

(3) The price of skim milk shall be computed by (i) multiplying the price of butterfat pursuant to subparagraph (2) of this paragraph by 0.04; (ii) subtracting such amount from the sum obtained in subparagraph (1) of this paragraph; (iii) dividing such net amount by 0.96; and (iv) rounding off to the nearest full cent.

(f) For skim milk and butterfat received at such handler's plant located in a freight zone other than the 61–70 mile zone, the prices shall be those effective pursuant to paragraph (e) of this section adjusted by the respective amount indicated in the following schedule for the freight zone in which such plant is located:

Freight zone (miles):	*Cents per hundredweight*
Not more than 20	+28.0
More than 20 but not more than 30	+8.0
More than 30 but not more than 40	+6.0
More than 40 but not more than 50	+4.0

Freight zone (miles):	Cents per hundredweight
More than 50 but not more than 60	+2.0
More than 60 but not more than 70	0.0
More than 70 but not more than 80	−2.0
More than 80 but not more than 90	−4.0
More than 90 but not more than 100	−6.0
More than 100 but not more than 110	−7.0
More than 110	−8.0

(g) The market administrator shall from time to time determine and publicly announce the freight zone location of each plant of each handler, according to the railroad mileage distance between such country plant and the railroad terminal in New Orleans, or according to the highway mileage distance between such plant and the City Hall in New Orleans, whichever is shorter.

(h) For the purpose of this section, the skim milk and butterfat which was classified as Class I skim milk and Class I butterfat during each delivery period shall be considered to have been first that skim milk and butterfat which was received from producers at such handler's plant located in the 0–20 mile zone, then that skim milk and butterfat which was received from producers at such handler's plant in series beginning with plants located in the freight zone nearest to New Orleans.

(i) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I prices for any of the delivery periods of April through June shall not be higher than the Class I prices for the immediately preceding delivery period, and the Class I prices for any of the delivery periods of October through December shall not be lower than the Class I prices for the immediately preceding delivery period.

§ 942.51 *Class I–A prices.* Each handler shall pay producers, in the manner set forth in § 942.80 for skim milk and butterfat received at his fluid milk plant from such producers during each delivery period and classified as Class I–A skim milk and Class I–A butterfat not less than the Class I prices for skim milk and butterfat, respectively, pursuant to § 942.50, except during the months of March through August when the price shall be 80 percent of such Class I prices pursuant to § 942.50 for the 60–71 mile zone.

§ 942.52 *Class II prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class II skim milk and Class II butterfat, not less than the following prices per hundredweight:

(a) The prices per hundredweight of skim milk shall be computed as follows: Deduct 4 cents from the average of the carlot prices per pound of nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as reported by the United States Department of Agriculture during the delivery period, and multiply the result by 8.5.

(b) The price per hundredweight of butterfat shall be computed as follows: From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period, subtract 3 cents, add 20 percent thereof and multiply by 100.

§ 942.53 *Class III prices.* Each handler shall pay producers, in the manner set forth in § 942.80, for skim milk and butterfat in milk received from them during each delivery period and classified as Class III skim milk and Class III butterfat, not less than the following prices per hundredweight:

(a) The price per hundredweight of skim milk shall be any plus amount resulting from the following computation: From the average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), roller process, delivered at Chicago, as reported by the United States Department of Agriculture during the delivery period, deduct 7 cents, and then multiply by 7.5.

(b) The price per hundredweight of butterfat shall be computed as follows: Multiply by 100 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture during the delivery period.

§ 942.54 *Use of equivalent factors.* If for any reason a price, index, or wage rate specified by this order, for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

BASE RATING

§ 942.60 *Base operating period.* The base operating period shall be the months of March through August; except for the year 1952, September shall be included.

§ 942.61 *Base forming period.* The base forming period for each year shall be the months of October through February, immediately preceding the base operating period; except for the year 1952, March shall be included in the base forming period.

§ 942.62 *Determination of daily base.* The daily base of each producer shall be an amount calculated by the handler(s) to whom such producer delivered milk during the base forming period, subject to verification by the market administrator, as follows: Divide the total pounds of milk received from such producer during the base forming period by the number of days in such period.

§ 942.63 *Computation of base.* The base of each producer to be applied during the base operating period shall be a quantity of milk calculated, by the handler who receives milk from such producer, in the following manner, subject to verification by the market administrator: Multiply the daily base of such producer with such handler by the number of days for which such producer's milk was delivered to such handler during the delivery period.

§ 942.64 *Base rules.* The following rules shall apply in connection with the establishment of bases:

(a) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(b) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(c) Base may be transferred only under the following conditions:

(1) In case of the death of a producer, his base may be transferred to a surviving member or members of his immediate family who carry on the dairy operations; and

(2) In the case of retirement of a producer, his base may be transferred to a member or members of his immediate family who carry on the dairy operation.

(d) The entire daily base of a producer with a handler may be moved from such handler to another handler.

§ 942.65 *Announcement of established bases.* On or before the 25th day after the end of the base forming period, each handler shall notify each producer from whom he received milk during the base forming period of his established base and post publicly the base of such producers.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 942.70 *Computation of the value of skim milk and butterfat for each handler.* (a) For each delivery period the market administrator shall compute for each handler the value of skim milk received by such handler from producers during such delivery period as follows:

(1) Multiply the pounds of skim milk in each class by the price of skim milk for such class and combine the resulting sums into one total;

(2) Add to the value obtained in subparagraph (1) of this paragraph an amount determined by multiplying the pounds of skim milk subtracted pursuant to § 942.45 (a) (4) by the appropriate class price; and

(3) Add to or subtract from, as the case may be, the value obtained in subparagraph (2) of this paragraph an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk for previous delivery periods, including in such amount the value of any skim milk reclassified pursuant to § 942.42 (b).

(b) For each delivery period the market administrator shall compute for each handler the value of butterfat received by such handler from producers during such delivery period by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

§ 942.71 *Computation of uniform price for each handler.* (a) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of skim milk received by such handler from producers as follows:

(1) Add to the value of skim milk computed pursuant to § 942.70 (a) an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(2) Subtract from the value of skim milk computed pursuant to subparagraph (1) of this paragraph an amount computed by multiplying the total hundredweight of skim milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f); and

(3) Divide the value obtained pursuant to subparagraph (2) of this paragraph by the hundredweight of skim milk. This result shall be known as the uniform price per hundredweight for such handler of skim milk received from producers at plants located in the 61–70 mile zone.

(b) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of butterfat received by such handler from producers at plants located in the 61–70 mile zone by making the same computations for butterfat as prescribed for skim milk in paragraph (a) of this section.

(c) For each of the delivery periods of September (except September 1952) through February the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of milk containing 4.0 percent butterfat received from producers at plants located in the 61–70 mile zone by combining the values of 96 pounds of skim milk and 4 pounds of butterfat at the respective uniform prices.

§ 942.72 *Computation of the uniform price for base milk and excess milk for each handler.* For each of the delivery periods of March through August and September 1952, the market administrator shall compute, to the nearest one-tenth cent, for each handler the uniform price per hundredweight of "base milk" and "excess milk" as follows:

(a) Combine into one total the values of skim milk and butterfat computed pursuant to § 942.70.

(b) Subtract from the value obtained pursuant to paragraph (a) of this section, if the average butterfat content of milk received from producers by such handler is more than 4.0 percent, or add to such value, if such average butterfat content is less than 4.0 percent, an amount computed as follows:

(1) Multiply the amount by which the average butterfat content of base milk received from producers varies from 4.0 percent by the butterfat differential to producers for base milk, and multiply the result by the total hundredweight of base milk delivered by producers;

(2) Multiply the amount by which the average butterfat content of excess milk received from producers varies from 4.0 percent by the butterfat differential to producers for excess milk, and multiply the result by the total hundredweight of excess milk delivered by producers; and

(3) Add the results obtained in subparagraphs (1) and (2) of this paragraph;

(c) Add to the value obtained pursuant to paragraph (b) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone farther from New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(d) Subtract from the value obtained pursuant to paragraph (c) of this section an amount computed by multiplying the total hundredweight of base milk received by such handler from producers at plants located in each freight zone nearer New Orleans than the 61–70 mile zone by the appropriate zone differential set forth in the schedule pursuant to § 942.50 (f).

(e) Subject to the conditions set forth in paragraph (f) of this section, compute the total value of excess milk delivered by producers for such handler by multiplying the quantity of such milk by the Class III price for 4.0 percent milk;

(f) Compute the total value of base milk delivered by producers for such handler by subtracting the value computed pursuant to paragraph (e) of this section from the value computed pursuant to paragraph (d) of this section: *Provided*, That if such resulting value is greater than an amount computed by multiplying the pounds of base milk delivered by producers by the Class I price computed pursuant to § 942.50 (e) (1) such value in excess thereof shall be added to the value computed pursuant to paragraph (e) of this section to the extent that the excess price shall not exceed the base price as calculated herein. Any additional value remaining shall be prorated on a volume basis between excess and base milk.

(g) Divide the result obtained in paragraph (f) of this section by the quantity of base milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "base milk" received from producers at plants located in the 61–70 mile zone; and

(h) Divide the result obtained in paragraph (e) of this section by the quantity of excess milk received by such handler from producers. This result shall be known as the uniform price per hundredweight for such handler for "excess milk" received from producers.

PAYMENTS

§ 942.80 *Payments to producers.* (a) On or before the last day of each delivery period, each handler shall make payment to each producer for milk received from such producer by such handler during the first 15 days of the delivery period at not less than the price per hundredweight for Class III milk for the preceding delivery period.

(b) On or before the 15th day after the end of each of the delivery periods of September (except September 1952) through February, each handler shall make payment to each producer for milk received from such producer by such handler during the delivery period at not less than the uniform price per hundredweight computed for such handler pursuant to § 942.71, subject to the location and butterfat differentials computed pursuant to §§ 942.81 and 942.82, less payment made pursuant to paragraph (a) of this section.

(c) On or before the 15th day after the end of each of the delivery periods of March through August and September 1952, each handler shall make payment, after deducting the amount of payment made pursuant to paragraph (a) of this section, to each producer for milk received from such producer by such handler during the delivery period as follows: (1) At not less than the uniform price per hundredweight for base milk computed pursuant to § 942.72 for the quantity of base milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (c) and the location differential set forth in § 942.82; and (2) at not less than the uniform price per hundredweight for excess milk computed pursuant to § 942.72 for the quantity of excess milk received from such producer, subject to the butterfat differential computed pursuant to § 942.81 (b)

§ 942.81 *Butterfat differentials.* If any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to § 942.80 shall add to the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is above 4.0 percent not less than, or shall deduct from the uniform price of milk, base milk, or excess milk, as the case may be, for each $\frac{1}{10}$ of 1 percent that the average butterfat content of such milk is below 4.0 percent not more than, the following amount computed to the nearest $\frac{1}{10}$ cent:

(a) For each of the delivery periods of September (except September 1952) through February, the butterfat differentials applicable with respect to such handler's payments for milk shall be computed by subtracting his uniform price per hundredweight of skim milk from his uniform price per hundredweight of butterfat and dividing the result by 1,000.

(b) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for excess milk shall be computed by subtracting the price per hundredweight of Class III skim milk from the price per hundredweight of Class III butterfat and dividing the result by 1.000.

(c) For each of the delivery periods of March through August and September 1952, the butterfat differential applicable with respect to such handler's payments for base milk shall be computed in a manner similar to paragraph (a) of this section.

§ 942.82 *Location differentials.* Each handler, in making payments prescribed in § 942.80, shall adjust the uniform price of base milk during the delivery periods of March through August and September 1952 and of all milk during the delivery periods of September (except September 1952) through February for each producer with respect to all such milk received from such producer at a plant of the handler not located in the 61–70 mile zone by the amount per hundredweight specified in the table pursuant to § 942.50 (f).

§ 942.83 *Adjustment of accounts.* Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 942.84 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period, with respect to all skim milk and butterfat received by such handler, during such delivery period, from producers, including that received from such handler's own farm production.

§ 942.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to Section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 942.90 *Producer-handlers.* Sections 942.40 through 942.45, 942.50 through 942.53, 942.60 through 942.65, 942.70 through 942.72, and 942.80 through 942.85 shall not apply to a producer-handler.

§ 942.91 *Milk subject to another Federal order.* Milk received at the plant of a handler, the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions of this part.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 942.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 942.101.

§ 942.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 942.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided:* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 942.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 942.110 *Liability of handlers.* The liability of the handlers under this part is several and not joint, and no handler shall be liable for the default of any other handler.

§ 942.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 942.112 *Separability of provisions.* If any provision of this part, or its application to any person or circumstance, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of June 1952, to be effective on and after July 1, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7064; Filed, June 26, 1952; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-171]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

CANCELLATION OF INACTIVE LETTERS OF REGISTRATION OF ALASKAN PILOT-OWNERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of June 1952.

At the present time there is no provision in § 292.8 which makes it possible for the Board to determine which letters of registration issued to Alaskan Pilot-Owners are inactive and to cancel them. Accordingly, the Board's records on Alaskan Pilot-Owners cannot now be kept on a basis which furnishes an accurate picture of the over-all extent of activity in this field or the identity of those actively engaged therein. The rule hereby promulgated will establish a procedure which, without prejudicing the basic rights of Alaskan Pilot-Owners in any way, will greatly assist the Board in its record-keeping and administrative activities for this class of air carriers.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and no comment has been received.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 292 of the Economic Regulations (14 CFR 292) effective July 25, 1952.

1. By relettering § 292.8 (b) and (c) to be (c) and (d), respectively.

2. By adding a new paragraph (b) reading as follows:

(b) In any case in which the Board has reason to believe that a person holding a letter of registration (Alaska) issued under this part has ceased-to-operate pursuant to the temporary exemption conferred by § 292.3 (d), the Board may, by registered letters mailed to the carrier at its last known address and to the designated agent of such carrier, if any, request such carrier to advise the Board, within 60 days after receipt thereof, whether such carrier wishes to continue such operations or to have its letter of registration canceled. Failure to reply within a period of 60 days after receipt thereof, or return of such letters unclaimed, shall automatically terminate all rights under such letter of registration.

(Secs. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 401 and 416, 52 Stat. 987; 1004; 49 U. S. C. 481, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-7053; Filed, June 26, 1952; 8:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53023]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

LIQUIDATION OF IMPORT ENTRIES ON THE BASIS OF CUSTOMS ASSAY

For the purposes of facilitating the customs assay of ores and crude metals, § 8.48 (f), Customs Regulations of 1943, provides that customs officers may secure a certified copy of the commercial settlement test for comparison with the customs assay. That regulation requires, however, that the entry shall be liquidated on the basis of the customs assay. In the case of ores and ferro-alloys enumerated in paragraph 302, Tariff Act of 1930, it is believed that wider use can be made of commercial assays to minimize the necessity for making minor adjustments in the liquidation of entries covering such ores and ferro-alloys, especially where the settlement and customs assays differ with respect to the metallic content by no more than is to be expected between two qualified laboratories, and where the use of such results would not require a different tariff classification or rate of duty than is indicated by the customs assay. Accordingly, § 8.48 (f), Customs Regulations of 1943 (19 CFR 8.48 (f)), is hereby amended to read as follows:

(f) Customs officers may secure from the importer a certified copy of the commercial settlement assay results which shall be transmitted with the commercial sample to the customs laboratory, where it shall be compared with the results shown by the customs assay. If the two results are not in substantial agreement, the chief chemist of the customs laboratory shall review his assay. The import entries shall be liquidated on the basis of the results shown by the customs assay, except that, in the case of ores and ferro-alloys enumerated in paragraph 302, Tariff Act of 1930, the settlement assay shall be the basis of duty assessment if, in the opinion of the chief chemist, the settlement and customs assays differ with respect to the percentage of dutiable metal content by no more than is to be expected between qualified laboratories and provided further that the use of such commercial assay will not require a different tariff classification or rate of duty than is indicated by the customs assay.

The citation of authority for § 8.48 is amended to read as follows:

(Sec. 1 (pars. 302, 391, 393), 46 Stat. 628, sec. 312, 46 Stat. 692; 19 U. S. C. 1001 (pars. 302, 391, 393), 1312)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: June 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7035; Filed, June 26, 1952; 8:50 a. m.]

[T. D. 53025]

PART 22—DRAWBACK

TIME ALLOWED FOR FILING AND COMPLETION OF CLAIMS

Existing regulations require that a drawback entry and certificate of manufacture be filed within 2 years after exportation of the merchandise concerned, and that all documents necessary to the liquidation of the entry, including those issued by one customs officer to another, shall be filed or applied for, as the case may require, within such 2-year period, but that the Bureau may authorize an extension of the 2-year period for compliance with any of such requirements. Some difficulty has been experienced in attempting to fix a uniform standard as a basis for granting extensions, and it has been concluded that extensions should not be permitted but that a longer period of time (3 years) should be allowed for the filing and completion of claims. Sections 22.7 (b), 22.11, 22.13 (a), and 22.23 (a), Customs Regulations of 1943 (19 CFR 22.7 (b), 22.11, 22.13 (a), 22.23 (a)), as amended, are, therefore, hereby further amended as follows:

1. Section 22.7 (b) is amended by deleting "2 years" from the first sentence and substituting therefor "3 years".

2. Section 22.11 is amended by deleting "2-year" from the first sentence and substituting therefor "3-year."

3. Section 22.13 (a) is amended by deleting "2 years" from the first sentence and substituting therefor "3 years"; by deleting "2-year" from the sixth sentence and substituting therefor "3-year"; and by deleting the last sentence and substituting therefor "Claims not completed within the 3-year period prescribed above shall be treated as abandoned and no extension will be granted for any cause."

4. Section 22.23 (a) is amended by deleting "2-year" from the second sentence and substituting therefor "3-year."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 312, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960; 19 U. S. C. 1313)

These amendments shall apply with respect to entries filed on or after the date on which this decision is published in the weekly Treasury decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: June 23, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7036; Filed, June 26, 1952; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5914; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

REQUIREMENT THAT INFORMATION RETURNS BE FURNISHED BY CORPORATIONS PAYING DIVIDENDS

Section 29.148-1 *Return of information as to payments of dividends* of Regulations 111, as amended by Treasury Decision 5859, approved September 20, 1951, is further amended by striking "shall render an information return on Forms 1096 and 1099, except that" from the first sentence of paragraph (a) and inserting in lieu thereof the following: "amounting to $10 or more during the calendar year, shall render an information return on Forms 1096 and 1099, except that such $10 minimum limitation shall not apply for the calendar year 1951, and except that".

(53 Stat. 32, 65, 467; 26 U. S. C. 62, 148, 3791)

Because this Treasury decision relieves taxpayers of a requirement imposed by existing regulations it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 24, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7054; Filed, June 26, 1952; 8:55 a. m.]

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5913, Regs. 8]

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

ANNUAL REGISTRATION BY DEALERS IN LEAF TOBACCO, MANUFACTURERS OF TOBACCO, SNUFF, CIGARS, AND CIGARETTES, AND PEDDLERS OF TOBACCO, ELIMINATED

In order to eliminate requirements in Regulations 8 (26 CFR Part 140), pertaining to annual registration by dealers in leaf tobacco, manufacturers of tobacco, snuff, cigars, and cigarettes, and peddlers of tobacco, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (26 CFR, Cum. Supp., page 5876), are amended as follows:

PARAGRAPH 1. Section 26, act of October 1, 1899, set forth immediately preceding article 12 (26 CFR 140.12), and articles 12 and 13 (26 CFR 140.12, 140.13) are stricken out.

PAR. 2. There is inserted immediately preceding § 140.20 (article 20) the following:

SEC. 2051. REGISTRATION (INTERNAL REVENUE CODE).

Every dealer in leaf tobacco shall register with the collector of the district his name, or style, place of residence, trade, or business, and the place where such trade or business is to be carried on.

SEC. 2150. FAILURE TO REGISTER, PENALTY (INTERNAL REVENUE CODE).

Every dealer in leaf tobacco • • • who fails to register with the collector as required under sections 2051, • • • shall be subject to a penalty of $50.

PAR. 3. Section 140.20 (article 20) is amended to read as follows:

§ 140.20 *Registry.* (a) Every person, before commencing business as a dealer in leaf tobacco, shall register with the district supervisor his name or style, place of residence, and place where the business is to be carried on. Such registration will be required with respect to each establishment or warehouse where leaf tobacco is received:

(1) For sale or shipment,

(2) For packing, rehandling, redrying, or stemming, or

(3) Solely for storage, if such warehouse constitutes the dealer's only place of business.

Where a person operates or controls a group of warehouses solely for the storage of leaf tobacco, registration of each warehouse will not be required, provided a consolidated record covering all leaf tobacco received into and shipped from all such places is maintained at the warehouse or establishment having direction and control of such places. However, the warehouse or establishment having direction and control of a group of storage warehouses must be registered.

(b) In order to register, the dealer in leaf tobacco shall file with the district supervisor a properly completed return for registry, Form 277, showing all the information called for on the form and the instructions printed thereon.

(c) Every dealer in leaf tobacco shall also file a return for registry, Form 277, whenever he furnishes a new bond.

(d) When a properly completed return for registry, Form 277, supported by satisfactory bond and statement, is received by the district supervisor from a dealer in leaf tobacco, he will issue to the dealer a certificate of registry, Form 282, which certificate shall be conspicuously posted by the dealer in his place of business.

(e) The loss or destruction of a certificate should be reported to the district supervisor at once for the purpose of obtaining from him a duplicate certificate to be posted as required.

PAR. 4. There is inserted immediately preceding § 140.34 (article 34), the following:

SEC. 2011. REGISTRATION (INTERNAL REVENUE CODE).

Every manufacturer of tobacco shall register with the collector of the district his name, or style, place of residence, trade, or business, and the place where such trade or business is to be carried on.

SEC. 2150. FAILURE TO REGISTER, PENALTY (INTERNAL REVENUE CODE).

Every • • • manufacturer of tobacco • • • who fails to register with the collector as required under sections • • • 2011, • • • shall be subject to a penalty of $50.

PAR. 5. Section 140.34 (article 34) is amended to read as follows:

§ 140.34 *Registry.* (a) Every person, before commencing business as a manufacturer of tobacco or snuff, shall register with the district supervisor his name or style, place of residence, and place where the business is to be carried on. Separate registration shall be required in respect to each place where such a business is to be carried on.

(b) In order to register, the manufacturer of tobacco or snuff shall file with the district supervisor a properly completed return for registry, Form 277, showing all the information called for on the form and the instructions printed thereon.

(c) Every manufacturer of tobacco or snuff shall also file a return for registry, Form 277, whenever he furnishes a new bond.

(d) When a properly completed return for registry, Form 277, supported by satisfactory bond and statement, is received by the district supervisor from a manufacturer of tobacco or snuff, he will issue to the manufacturer a certificate of registry, Form 284, which certificate shall be conspicuously posted by the manufacturer in his factory.

(e) The loss or destruction of a certificate should be reported to the district supervisor at once for the purpose of obtaining from him a duplicate certificate to be posted as required.

PAR. 6. There is inserted immediately preceding § 140.63 (article 63), the following:

SEC. 2031. REGISTRATION (INTERNAL REVENUE CODE).

Every manufacturer of cigars or cigarettes shall register with the collector of the district his name, or style, place of residence, trade, or business, and the place where such trade or business is to be carried on.

SEC. 2150. FAILURE TO REGISTER, PENALTY (INTERNAL REVENUE CODE).

Every • • • manufacturer of cigars or cigarettes • • • who fails to register with the collector as required under sections • • • 2031, • • • shall be subject to a penalty of $50.

PAR. 7. Section 140.63 (article 63) is amended to read as follows:

§ 140.63 *Registry.* (a) Every person, before commencing business as a manufacturer of cigars or cigarettes, shall register with the district supervisor his name or style, place of residence, and place where the business is to be carried on. Separate registration shall be required in respect to each place where such a business is to be carried on.

(b) In order to register, the manufacturer of cigars or cigarettes shall file with the district supervisor a properly completed return for registry, Form 277, showing all the information called for on the form and the instructions printed thereon.

(c) Every manufacturer of cigars or cigarettes shall also file a return for registry, Form 277, whenever he furnishes a new bond.

(d) When a properly completed return for registry, Form 277, supported by satisfactory bond and statement, is received by the district supervisor from a manufacturer of cigars or cigarettes, he will issue to the manufacturer a certificate of registry, Form 283, which certificate shall be conspicuously posted by the manufacturer in his factory.

(e) The loss or destruction of a certificate should be reported to the district supervisor at once for the purpose of obtaining from him a duplicate certificate to be posted as required.

PAR. 8. There is inserted immediately preceding § 140.178 (article 178), the following:

SEC. 2071. REGISTRATION (INTERNAL REVENUE CODE).

Every peddler of tobacco shall register with the collector of the district his name, or style, place of residence, trade, or business, and the place where such trade or business is to be carried on.

SEC. 2150. FAILURE TO REGISTER, PENALTY (INTERNAL REVENUE CODE).

Every • • • peddler of tobacco who fails to register with the collector as required under sections • • • 2071, • • • shall be subject to a penalty of $50.

SEC. 2074. CERTIFICATE (INTERNAL REVENUE CODE).

Every peddler of tobacco shall obtain a certificate from the collector of his collection district, who is authorized and directed to issue the same, giving the name of the peddler, his residence, and the fact of his having filed the required bond; and shall on demand of any officer of internal revenue produce and exhibit his certificate.

SEC. 2192. INSPECTION OF PEDDLER'S CERTIFICATE (INTERNAL REVENUE CODE).

Any internal revenue agent may demand production of and inspect the collector's certificate for peddlers.

SEC. 2153. PEDDLER'S CERTIFICATE, REFUSAL TO PERMIT INSPECTION, PENALTY (INTERNAL REVENUE CODE).

Refusal or failure to produce for inspection the collector's certificate for peddlers, when demanded by any internal revenue agent, shall subject the party guilty thereof to a fine of not more than $500 and to imprisonment not more than twelve months

SEC 2154. PEDDLERS, FORFEITURES RELATING TO (INTERNAL REVENUE CODE).

• • • • • •

(b) *Refusal to permit inspection of certificate.* Whenever any peddler refuses to exhibit the collector's certificate for peddlers on demand of any officer of internal revenue, said officer may seize the horse or mule, wagon, and contents, or pack, bundle, or basket, of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling house, require such peddler to show cause, if any he has, why the horses or mules, wagons, and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal revenue laws relating to forfeitures.

PAR. 9. Section 140.178 (article 178) is amended to read as follows:

§ 140.178 *Registry.* (a) Every person, before commencing business as a peddler of tobacco, shall register with the district supervisor his name or style, place of residence, and the area in which he will operate as indicated in the statement required by article 179.

(b) In order to register, the peddler of tobacco shall file with the district supervisor a properly completed return for registry, Form 277, showing all the information called for on the form and the instructions printed thereon.

(c) Every peddler of tobacco shall also file a return for registry, Form 277, whenever he furnishes a new bond.

(d) When a properly completed return for registry, Form 277, supported by satisfactory bond and statement, is received by the district supervisor from a peddler of tobacco, he will issue to the peddler a certificate of registry, Form 285, which certificate shall be carried by the peddler and produced and exhibited upon demand of any internal revenue officer. If the peddler operates a number of trucks or other vehicles in his business, the supervisor shall issue a certificate to be carried in connection with each such vehicle.

(e) New certificates shall be issued by the district supervisor whenever a peddler of tobacco files an amended statement covering any change in his residence address within the same collection district.

(f) The loss or destruction of a certificate should be reported to the district supervisor at once for the purpose of obtaining from him a duplicate certificate.

PAR. 10. Section 3383, Revised Statutes, set forth immediately preceding § 140.181 (article 181) and such § 140.181 are stricken out.

Because the sole purpose of this Treasury decision is to relieve dealers in leaf tobacco, manufacturers of tobacco, snuff, cigars, and cigarettes, and peddlers of tobacco, from requirements pertaining to annual registration, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation under section 4 (c) of said act.

This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 23, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7037; Filed, June 26, 1952; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 553—NATIONAL CEMETERIES

MISCELLANEOUS AMENDMENTS

Part 553 is amended as indicated below:

1. Paragraph (a) (3) of § 553.5 is amended to read as follows:

§ 553.5 *Interments and disinterments.*—(a) *Who may be interred.* • • •

(3) *Commissioned officers, Coast and Geodetic Survey.* Commissioned officers, United States Coast and Geodetic Survey, who die during and subsequent to the service specified in the following categories and whose last service terminated honorably are eligible for interment in national cemeteries regardless of time of death:

(i) Commissioned officers assigned to areas of immediate military hazard described in the act of 3 December 1942 (56 Stat. 1038, 33 U. S. C. 855a), as amended.

(ii) Commissioned officers serving in the Philippine Islands on 7 December 1941.

(iii) Commissioned officers actually transferred to the Department of the Army or the Department of the Navy under the provisions of the act of 22 May 1917 (40 Stat. 87; 33 U. S. C. 855).

2. Paragraph (c) (5) of § 553.6 is amended to read as follows:

§ 553.6 *Headstones and monuments.*

• • •

(c) *Private monuments, monuments, and commemorative tablets.* • • •

(5) The erection of a monument to span two graves will be permitted only in those sections which are laid out in lots.

3. Section 553.7 is amended as follows:

§ 553.7 *National cemeteries under jurisdiction of Department of the Army.*

• • • • • •

Colorado:
Denver. [Rescinded.]
Fort Logan (Denver). [Added.]

• • • • • •

(R. S. 161; 5 U. S. C. 22) [C2, AR 290-5, 7 June 1952]

[SEAL] WM. E. BERGIN,
Major General, US Army,
The Adjutant General.

[F. R. Doc. 52-7013; Filed, June 26, 1952; 8:46 a. m.]

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

TRANSPORTATION

Paragraph (a) (2) (i) of § 562.66 is amended to read as follows:

§ 562.66 *Transportation.*—(a) *Transportation authority.* • • •

(2) In exceptional circumstances, continental army and oversea commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed direct from the institution to the camp, and will apply only when both school and legal residence are located within continental limits of United States; territorial limits of Hawaii; territorial limits of Alaska; or territorial limits of Puerto Rico. If orders are issued to a student while he is at home authorizing him to proceed to ROTC training camp, he shall be returned to his home at the completion of training. If orders are issued while he is at the institution, he shall be returned to the institution.

(R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 34, 41 Stat. 778; 10 U. S. C. 441) [C 6, SR 145-30-1, 7 June 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7012; Filed, June 26, 1952; 8:45 a. m.]

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Regulations Under the 1948 Act

PART 1422—PROCEDURE FOR RENEGOTIATION

MISCELLANEOUS AMENDMENTS

This part is amended in the following respects:

1. Subpart D—Conduct of Renegotiation, is amended by adding a new § 1422.245 as follows:

§ 1422.245 *Filing of information and requests by contractor.*

§ 1422.245-1 *Scope.* Sections 1422.245-1 to 1422.245-4 prescribe general rules applicable to the time, place and manner of filing information and requests in connection with renegotiation proceedings. As used in §§ 1422.245-1 to 1422.245-4 the term "filing" means the submission by the contractor of any such information or requests.

§ 1422.245-2 *Form and contents for filings*—(a) *General.* When no particular form for filing is requested by the Board or a Regional Board or is prescribed in this subchapter, information or requests shall be filed in the form of a letter, telegram or other writing. Every filing shall contain the name and address of the contractor and a reference to the fiscal year or period to which the filing relates.

(b) *Amended filings.* If the contractor discovers an error or omission in information already filed pursuant to the 1948 act, or if the contractor obtains new information materially affecting information which was filed pursuant to the 1948 act, the contractor shall file full and correct information forthwith. In the event that the contractor discovers a material error in the Standard Form of Contractor's Report (see § 1422.222) after filing but before receiving notice of assignment (see § 1422.232-3) for the fiscal year to which such filing relates, the contractor shall file an amended Standard Form of Contractor's Report, or portion thereof, indicating the changes contained therein. The Board or a Regional Board may accept or reject, at its discretion, any amended filing received after the period of time for filing (see § 1422.245-4), but such amended filing will normally be accepted if the Board or Regional Board considers that the proper conduct of a renegotiation proceeding is facilitated thereby.

§ 1422.245-3 *Place for filing*—(a) *Principal offices.* The principal office of the Board is located at 333 Third Street, NW., Washington, D. C., and the mailing address of the Board is the Renegotiation Board, Washington 25, D. C. The following are the addresses of the principal offices of the Regional Boards:

Washington Regional Renegotiation Board,
Rizik Building, 1737 L Street NW.,
Washington 25, D. C.

New York Regional Renegotiation Board,
3d Floor, Wanamaker Building, 10th and
Broadway, New York 3, N. Y.

Chicago Regional Renegotiation Board,
U. S. Courthouse, 219 South Clark Street,
Chicago 4, Ill.

Los Angeles Regional Renegotiation Board,
5504 Hollywood Boulevard, Los Angeles 28,
Calif.

(b) *Filing of information.* The Standard Form of Contractor's Report shall be filed with the Director, Office of Assignment and Statistics, of the Board at the principal office of the Board. Such other information, records, or data which are determined to be necessary in renegotiation proceedings shall be filed at the place designated by the Board or Regional Board, as the case may be.

(c) *Filing of certain requests with Board.* The request for review of determination in a Class B case, as provided in § 1422.272-2, and requests for statements of determination, facts and reasons, when directed to the Board pursuant to § 1422.291 or § 1422.292, shall be filed with the Secretary to the Board at the principal office of the Board.

(d) *Filing of certain requests with Regional Boards.* Requests for statements of determination, facts and reasons, when directed to a Regional Board pursuant to § 1422.291 or § 1422.292, shall be filed with the Director, Division of Administration, of such Regional Board at the office of such Regional Board.

§ 1422.245-4 *Time for filing*—(a) *General.* Time limitations are prescribed in this subchapter for the filing of certain information and requests by the contractor, subject to the provisions of paragraph (d) of this section relating to extensions of time. Where no such time limitation is prescribed, the information or request shall be filed within a reasonable time. Filings will be considered made when received at the place prescribed in this subchapter. Filings shall be made during hours of business, as set forth in paragraph (b) of this section, and within the appropriate period of time computed according to the provisions of paragraph (c) of this section.

(b) *Hours of business.* The offices of the Board and of Regional Boards are open every day except Saturdays, Sundays, and holidays. The hours of business of such offices are from 8:30 a. m. to 5 p. m., standard time or daylight saving time, as applicable in the time zone and city in which each such office is located.

(c) *Computation of time.* In computing periods of time prescribed for filing of information or requests by the contractor, the day of the act, event or default after which such period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which case the period runs until the close of business of the next day which is not a Saturday, Sunday, or holiday.

(d) *Extensions of time.* Extensions of time for filing will be granted by the Board, if the filing is to be made with the Board, or by the appropriate Regional Board, if the filing is to be made with such Regional Board, upon request of the contractor for good cause: *Provided, however,* That the time for filing a request for review of a determination in a Class B case, as provided in § 1422.272-2, is not subject to extension.

(Sec. 109, Pub. Law 9, 82d Cong.)

2. Subpart G—Unilateral Order Procedure, is amended by deleting § 1422.272-2 thereof in its entirety and inserting in lieu thereof a new § 1422.272-2 to read as follows:

§ 1422.272-2 *Class B cases.* (a) When a Regional Board determines in a Class B case that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount determined to be excessive profits, the Regional Board will issue and enter a unilateral order determining the amount of such excessive profits and give notice thereof by registered mail to the contractor. The Board may review such determination upon its own motion, or, in its discretion, at the request of the contractor.

(b) General rules applicable to filing by the contractor of a request for review of such determination are set forth in § 1422.245.

(c) If, within 90 days after the date the notice of the order is mailed to the contractor, the Board does not upon its own motion initiate a review of such determination and the Board does not receive from the contractor a request for a review, such determination and order will be deemed to be the determination and order of the Board on the ninetieth day after notice of the order was mailed by the Regional Board.

(d) If the Board does not initiate a review of a determination of a Regional Board within 90 days after the date of receipt of a timely request from the contractor for a review, such determination and order will be deemed to be the determination and order of the Board on the ninetieth day after the Board received the request from the contractor: *Provided,* That, if notice of the decision of the Board not to review such determination is mailed by registered mail to the contractor before such ninetieth day, such determination and order will be deemed to be the determination and order of the Board on the day of mailing of such notice.

(e) In every case that the determination of a Regional Board is deemed to be the determination of the Board pursuant to the provisions of paragraph (c) or (d) of this section, as the case may be, the Board will give notice by registered mail to the contractor that the Board has decided not to review the case.

(f) If the Board decides to review the determination, the Board will so advise the contractor and the applicable procedure will be that set forth in § 1422.244.

(Sec. 109, Pub. Law, 9, 82d Cong.)

3. Subpart I—Statement to Contractors, is amended by adding a new § 1422.293 to read as follows:

§ 1422.293 *Requests for statements.* General rules applicable to the filing of requests pursuant to this subpart are set forth in § 1422.245.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: June 20, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7029; Filed, June 26, 1952; 8:50 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1461—RECOVERY OF EXCESSIVE PROFITS AFTER DETERMINATION

This part is amended by deleting § 1461.3 in its entirety, "§ 1461.3 [Reserved]," and inserting in lieu thereof the following:

§ 1461.3 *Recovery of refund pursuant to unilateral order.* Pursuant to section 105 (b) (2) of the act, interest at the rate of 4 per centum per annum shall accrue and be payable on the amount of excessive profits determined from the thirtieth calendar day after the date of the order of the Board or, in Class B cases (see § 1471.2 (b) of this subchapter), if the Board does not initiate a review of a determination made by a Regional Board, from the thirtieth calendar day after the date that the order embodying such determination is deemed to be the order of the Board pursuant to the provisions of § 1475.3 (b) (3) or (4) of this subchapter, respectively.

(Sec. 109, Pub. Law 9, 82d Cong. Interprets or applies sec. 105, Pub. Law 9, 82d Cong.)

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

Section 1470.3 *Filing of financial statement* is amended by deleting subparagraph (4) of paragraph (d), by deleting paragraph (e), and by inserting in lieu thereof a new paragraph (e) to read as follows:

(e) *Filing rules.* General rules applicable to the time, place and manner of filing the Standard Form of Contractor's Report are set forth in § 1472.5 of this subchapter.

(Sec. 109, Pub. Law 9, 82d Cong.)

PART 1472—CONDUCT OF RENEGOTIATION

This part is amended by adding a new § 1472.5 to read as follows:

§ 1472.5 *Filing of information and requests by contractor*—(a) *Scope of section.* This section prescribes general rules applicable to the time, place and manner of filing information and requests in connection with renegotiation proceedings. As used in this section, the term "filing" means the submission by the contractor of any such information or requests.

(b) *General*—(1) *Information.* The contractor is required, pursuant to section 105 (e) of the act, to file the information prescribed by Part 1470 of this subchapter to be contained in the Standard Form of Contractor's Report, and such other information, records or data, if any, which are determined by the Board or a Regional Board to be necessary in the course of renegotiation proceedings.

(2) *Requests.* Requests which may be filed by the contractor include the following: Request for combined renegotiation, as provided in § 1457.2 of this subchapter; request for renegotiation on a consolidated basis, as provided in Part 1464 and § 1470.3 (h) of this subchapter; request for review of determination in a Class B case, as provided in § 1475.3 (b) of this subchapter; and requests for statements of determination, facts and reasons, as provided in §§ 1477.2 and 1477.3 of this subchapter, respectively.

(c) *Form and contents for filings.*—(1) *General.* When no particular form for a filing is requested by the Board or a Regional Board or is prescribed in this subchapter, information or requests shall be filed in the form of a letter, telegram or other writing. Every filing shall contain the name and address of the contractor and a reference to the fiscal year or period to which the filing relates.

(2) *Amended filings.* If the contractor discovers an error or omission in information already filed pursuant to section 105 (e) of the act, or if the contractor obtains new information materially affecting information which was filed pursuant to section 105 (e) of the act, the contractor shall file full and correct information forthwith. In the event that the contractor discovers a material error in the Standard Form of Contractor's Report after filing but before receiving notice of assignment (see § 1471.2 (c) of this subchapter) for the fiscal year to which such filing relates, the contractor shall file an amended Standard Form of Contractor's Report, or portion thereof, indicating the changes contained therein. The Board or a Regional Board may accept or reject, at its discretion, any amended filing received after the period of time for filing (see paragraph (e) of this section), but such amended filing will normally be accepted if the Board or Regional Board considers that the proper conduct of a renegotiation proceeding is facilitated thereby.

(d) *Place for filing*—(1) *Principal offices.* The principal office of the Board is located at 333 Third Street NW., Washington, D. C., and the mailing address of the Board is the Renegotiation Board, Washington 25, D. C. The following are the addresses of the principal offices of the Regional Boards:

Washington Regional Renegotiation Board
3d Floor, Wanamaker Building
10th & Broadway
New York 3, N. Y.

Chicago Regional Renegotiation Board
U. S. Courthouse
219 South Clark Street
Chicago 4, Ill.

Los Angeles Regional Renegotiation Board
5504 Hollywood Boulevard
Los Angeles 28, Calif.

(2) *Filing of information.* The Standard Form of Contractor's Report shall be filed with the Director, Office of Assignment and Statistics, of the Board at the principal office of the Board. Such other information, records, or data which are determined to be necessary in renegotiation proceedings shall be filed at the place designated by the Board or Regional Board, as the case may be.

(3) *Filing of certain requests with Board.* The request for review of determination in a Class B case, as provided in § 1475.3 (b) of this subchapter, and requests for statements of determination, facts and reasons, when directed to the Board pursuant to § 1477.2 or § 1477.3 of this subchapter, shall be filed with the Secretary to the Board at the principal office of the Board.

(4) *Filing of certain requests with Regional Boards.* Requests for statements of determination, facts and reasons, when directed to a Regional Board pursuant to § 1477.2 or §1477.3 of this subchapter, shall be filed with the Director, Division of Administration, of such Regional Board at the office of such Regional Board.

(e) *Time for filing*—(1) *General.* Time limitations are prescribed in this subchapter for the filing of certain information and requests by the contractor, subject to the provisions of subparagraph (4) of this paragraph relating to extensions of time. Where no such time limitation is prescribed, the information or request shall be filed within a reasonable time. Filings will be considered made when received at the place prescribed in this subchapter. Filings shall be made during hours of business, as set forth in subparagraph (2) of this paragraph, and within the appropriate period of time computed according to the provisions of subparagraph (3) of this paragraph.

(2) *Hours of business.* The offices of the Board and of Regional Boards are open every day except Saturdays, Sundays and holidays. The hours of business of such offices are from 8:30 a. m. to 5 p. m., standard time or daylight saving time, as applicable in the time zone and city in which each such office is located.

(3) *Computation of time.* In computing periods of time prescribed for filing of information or requests by the contractor, the day of the act, event or default after which such period begins to run is not included. If such period is described in calendar months (see § 1470.3 (d) of this subchapter), the month in which such day occurs is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which case the period runs until the close of business of the next day which is not a Saturday, Sunday or holiday.

(4) *Extensions of time.* Extensions of time for filing will be granted by the Board, if the filing is to be made with the Board, or by the appropriate Regional Board, if the filing is to be made with such Regional Board, upon request of the contractor for good cause: *Provided, however,* That the time for filing a request for review of a determination in a Class B case, as provided in § 1475.3 (b) of this subchapter, is not subject to extension.

(Sec. 109, Pub. Law 9, 82d Cong. Interprets or applies secs. 105 and 107, Pub. Law 9, 82d Cong.)

PART 1475—UNILATERAL ORDER PROCEDURE

Section 1475.3 *Determination by Regional Board* is amended by deleting paragraph (b) thereof in its entirety and inserting in lieu thereof a new paragraph (b) to read as follows:

(b) *Class B cases.* (1) When a Regional Board determines in a Class B case that the contractor has realized excessive profits and the contractor is unwilling to enter into an agreement for the refund of the amount determined to be excessive profits, the Regional Board will issue and enter a unilateral order determining the amount of such excessive profits and give notice thereof by registered mail to the contractor. The Board may review such determination upon its own motion, or, in its discretion, at the request of the contractor.

(2) General rules applicable to filing by the contractor of a request for review of such determination are set forth in § 1472.5 of this subchapter.

(3) If, within 90 days after the date the notice of the order is mailed to the contractor, the Board does not upon its own motion initiate a review of such determination and the Board does not receive from the contractor a request for a review, such determination and order will be deemed to be the determination and order of the Board on the ninetieth day after notice of the order was mailed by the Regional Board.

(4) If the Board does not initiate a review of a determination of a Regional Board within 90 days after the date of receipt of a timely request from the contractor for a review, such determination and order will be deemed to be the determination and order of the Board on the ninetieth day after the Board received the request from the contractor: *Provided,* That, if notice of the decision of the Board not to review such determination is mailed by registered mail to the contractor before such ninetieth day, such determination and order will be deemed to be the determination and order of the Board on the day of mailing of such notice.

(5) In every case that the determination of a Regional Board is deemed to be the determination of the Board pursuant to the provisions of subparagraph (3) or (4) of this paragraph, as the case may be, the Board will give notice by registered mail to the contractor that the Board has decided not to review the case.

(6) If the Board decides to review the determination, the Board will so advise the contractor and the applicable procedure will be that set forth in § 1472.4 of this subchapter.

(Sec. 109, Pub. Law 9, 82d Cong. Interprets or applies secs. 105 and 107, Pub. Law 9, 82d Cong.)

PART 1477—STATEMENTS TO CONTRACTORS

This part is amended by adding a new § 1477.4 to read as follows:

§1477.4 *Requests for statements.* General rules applicable to the filing of requests pursuant to this part are set forth in § 1472.5 of this subchapter.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: June 20, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7028; Filed, June 26, 1952; 8:50 a. m.]

Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

CROSS REFERENCE: For amendment of § 1622.23, *see* Executive Order 10366, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy No. 6]

POLICY ON AGRICULTURAL MANPOWER

I. *Introduction.* Food and fiber production is a basic part of the defense production program. Increasing quantities are needed for continued maintenance of a strong domestic economy, a constantly increasing population, the armed forces and for export to countries of the free world. Production at levels adequate to meet these requirements is essential to the national health, safety and interest. Production goals for 1952 are 6 percent above 1951 production.

There has long been a population trend away from agriculture due chiefly to opportunities in non-farm employment and to improvements in farming methods which have made it possible over the years to increase production per worker employed. This trend has been accentuated by the increased non-farm employment opportunities in the present defense economy and by the obtaining of men by the armed forces within specified age brackets from all segments of the economy. The loss in manpower from agriculture has reached a point where shortages are one of the principal factors affecting production.

An adequate work force consistent with the stage of development in farm technology must be maintained to assure the higher production levels required of agriculture in 1952 and succeeding years. In efforts to accomplish this a number of points must be recognized, among which two or three warrant specific mention. The highly seasonal nature of farm production divides the farm work force into two parts, the basic force of experienced year-round managerial and operating type of personnel and the short-term seasonal help. Considerable difficulty arises from the greater apparent attractiveness to many farmers and farm workers of numerous types of industrial employment. Farming is characterized by many uncertainties because of the effects of weather, insects, market fluctuations, etc. Modern farm technology requires considerable amounts of capital, management ability and year-round operating skill for efficient operations. Most of agriculture is made up of relatively small independent units but as compared with industry a small ratio of labor to management personnel. The management personnel on a majority of farms perform much of the labor at the same time that they carry the risks of ownership and management. For the seasonal worker, agriculture offers only intermittent employment on any one farm. Modern agriculture has much on the plus side in terms of improvements in farm technology and the farm home in addition to the traditional advantages of independent country living. On the other hand, industrial employment offers steady employment and income, shorter hours, higher wages, and in many instances, more desirable working conditions.

Further it must be recognized that the armed forces must be maintained at authorized strength in compliance with the national policy stated by the Congress, that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy. The withdrawal of skilled and experienced manpower must be planned with due consideration to where the individual can best serve the nation's interest. All young men within designated age limitations are liable to the nation's call to service with deferments made only when found to be necessary in the national health, safety or interest and even then only until adequate and competent replacements are available. This imposes a responsibility for taking effective action to seek and train replacements so that length of deferment can be kept as short as possible for all young men deferred because of the importance of their civilian occupation to the national health, safety or interest.

The U. S. Department of Labor and the Federal-State system of Employment Services, the Selective Service System, particularly local boards, the U. S. Department of Agriculture and associated State Agricultural agencies, the Federal Security Agency and associated educational agencies and institutions and the U. S. Department of Defense have developed close working relationships in a constructive effort to provide the fullest possible consideration and assistance to American agriculture in the retention, recruitment and efficient utilization of agricultural manpower.

These efforts can, however, be improved in many local areas with fuller understanding by the personnel of the respective agencies and by the general public of: (1) The basic importance of agricultural production in the defense program and (2) the policies and procedures governing the programs for manpower procurement for agriculture, industry and the armed forces. The full cooperation of Government, industry, labor, farmers, local communities and the general public is necessary to assure that the effect of manpower as one of the factors limiting farm production can be kept to a minimum.

II. *Purpose.* The purpose of this statement is (1) to focus attention on certain manpower problems in agriculture affecting production, exclusive of foreign workers and many of the problems arising out of the employment of workers who move from one farm to another, but with special attention to year-round and key workers in skilled categories where shortages are becoming progressively more acute; (2) to enlist the support and assistance of the public, industry, farmers, farm workers, and Government agencies in the solution of these problems; (3) to direct immediate attention to those problems which are the most pressing, in order to attain necessary production goals, and to provide a base for a long range program to meet agricultural manpower requirements; and (4) to set forth the policy of the Federal Government and the responsibilities of the Government agencies concerned with agricultural manpower problems.

III. *Policy.* It is the policy of the Federal Government to minimize the effect of reductions in that portion of the farm work force described in the section above by taking and by encouraging the taking of action which will aid in achieving the following objectives:

1. Maintenance of an adequate farm work force of skilled and experienced workers.

2. Recruitment of sufficient labor to meet year round and seasonal farm needs.

3. Training and efficient utilization of the agricultural work force.

Employers, workers and community groups and agencies have an important responsibility to assist in achieving these objectives. In order that they may do their full part it is recommended:

1. That workers and employers use the public employment offices to the maximum extent as a source of reliable employment and labor supply information and as the central clearing house for farm jobs and farm workers.

2. That industrial employers obtain and use information from local employment offices in order to avoid recruitment in agricultural areas where such recruitment would handicap agricultural production.

3. That farmers continue to take action to improve employment conditions, wages, and housing and to provide more continuity of employment; and that farmers and communities continue to take action to improve educational and recreational facilities for farm workers.

4. That employers and Selective Service registrants submit complete and timely employment information to local Selective Service Boards for their use in classification of registrants engaged in agricultural activities.

5. That employers of registrants with liability for military service engaged in agricultural activities take vigorous and continuing action to recruit and train replacements for such registrants.

6. That employers continue to take action to promote fuller and more efficient use of the farm work force through the pooling and exchange of labor and through improved farm practices such as improved seed, machinery, chemicals, management and land use.

7. That employers, workers and the public recognize that training aids in raising the levels of skills and productivity, in better utilization of the work force and in keeping labor needs to a minimum, and that the present rate of turnover in the farm work force necessitates increased emphasis upon the appropriate use of schools, colleges and on-the-job training.

8. That employers and the public cooperate with educational institutions and other appropriate public and private agencies in the conduct of studies of the basic economic and social factors underlying the shift of population from rural to urban areas.

IV. *Implementation.* In order that the desired objective can be achieved in accordance with the above-stated policy the following assignments are made to the specified departments and agencies of Government:

A. The Department of Labor shall:

1. Intensify recruitment efforts to meet farm manpower needs, emphasizing domestic workers as contrasted with foreign workers as a source of supply.

2. Encourage and assist agricultural employers in maintaining realistic hiring specifications and in improving working conditions, housing and continuity of employment.

3. Conduct recruitment for industry in areas of substantial agricultural production only on a selective basis giving due regard to manpower requirements in essential agricultural activities. Mass recruitment of workers for industry will not be conducted in such areas.

4. Obtain labor supply information and provide such information to both industrial and agricultural employers as a guide to the planning of their recruitment activities on a selective basis giving due regard to manpower requirements in essential agricultural activities.

5. Provide readily available recruitment and placement facilities in areas of agricultural underemployment (continental and territorial possessions) on a continuing basis to aid in obtaining the fullest possible utilization of such agricultural labor.

6. Provide information to Selective Service Boards with respect to the supply of persons who have the skill and experience necessary to replace registrants engaged in agricultural activities, and who are available for such work.

7. Cooperate with the Department of Defense in the development of counseling programs to advise veterans being discharged from the armed forces of employment opportunities, emphasizing, especially to those with farming experience, the opportunities for and advantages of employment in agriculture.

B. The Selective Service System shall:

1. Give continued emphasis to applying the policy formulated by the Congress and the President providing for classifying in a deferred class registrants whose activities are necessary to the maintenance of the production of substantial quantities of agricultural commodities for market and who meet the other criteria of Selective Service regulations for deferment. If at the expiration of a period of deferment in Class II–C an additional deferment is requested, the local board shall again classify the registrant in Class II–C if the board determines from the current evidence submitted that the registrant meets the criteria for such deferment.

2. Work with the State Agricultural Mobilization Committees in the development on a State basis and application on both a State and county basis of methods for measuring the quantities of agricultural commodities being produced for market by registrants as compared with the average annual production per farm worker from local average farms.

3. Cooperate with the Departments of Agriculture and Labor to obtain information and data on farm production and the availability of replacements for use in classification of registrants and for development of programs to fully acquaint employers and registrants of policies and procedures governing classification.

4. Consider as a replacement for a farm registrant only persons who are sufficiently skilled and experienced to competently carry out the registrant's activities and available for such employment.

C. The Department of Defense shall:

1. Direct its recruiters to refrain from actively soliciting enlistments of registrants whom recruiters know have been placed in deferred categories in the national health, safety or interest, recognizing however, that Selective Service registrants in deferred categories cannot

today be denied the right to enlist in the armed forces.

2. Cooperate with the Department of Labor in the development by that agency of a counseling program to advise veterans being separated from the armed forces of the opportunities for and the advantages of employment in agriculture and in other essential activities.

D. The U. S. Department of Agriculture shall:

1. Provide information on production plans and programs, man-hour requirement estimates and production progress to man-power agencies for use in program planning and recruitment campaigns.

2. Provide production information to Selective Service, employers and registrants for use in Selective Service Classification.

3. Work with State Directors of Selective Service in the development and application of methods for measuring the quantities of agricultural commodities being produced for market by registrants as compared with the average annual production per farm worker from local average farms.

4. Promote fuller and more efficient use of the farm work force through better use of the land, improved farm technology, such as improved seed, machinery and chemicals and improved management practices and financing.

5. Encourage and render technical assistance to employers to improve working and living conditions, including better work methods and better housing, and to provide more continuity of employment.

6. Render leadership and technical assistance to employers, employer groups and agencies in the preparation of training materials, development of training techniques and in the planning and conduct of on-the-job training programs.

E. The Federal Security Agency shall:

1. Provide State Boards for Vocational Education with information concerning the need for increased emphasis on training as an aid to the maintenance of an adequate and trained farm work force in order that the steadily increasing farm production goals can be met.

2. Encourage school authorities to extend counseling and instruction in agriculture, both vocational and general, to the extent made appropriate by the agricultural manpower problem.

3. Provide, upon request, to State Boards for Vocational Education assistance in planning and operating agricultural training and counseling programs.

V. This order shall take effect on June 27, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-7122; Filed, June 26, 1952; 8:58 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 45, Amdt. 4 to Revision 1]

CPR 45—APPAREL MANUFACTURERS' GENERAL CEILING PRICE REGULATION

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Amendment 4 to Ceiling Price Regulation 45, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 30 of CPR 45, Revision 1, which provided the method of determining ceiling prices for new sellers and for old sellers making new categories, has proved difficult for sellers to use and for this Agency to administer. It required that such sellers find for each article for which they proposed to establish a price, a competitor making an article substantially the same as theirs. This was a burdensome requirement in the apparel industries where there are so many varied styles and fabrics and where there is little standardization of product. Furthermore, section 30 required new sellers, and old sellers with new categories, who had already had their ceiling prices approved for some articles, to go through the same pricing process for each additional article which they made thereafter in the same category. This was found to be quite onerous in many of these industries, where new styles are the rule rather than the exception. Moreover, while section 32 did not require the new seller, or the old seller with a new category, to determine his ceiling price by reference to that of a competitive seller, it did require him to file a new application whenever he produced additional new articles in the same category.

This amendment deletes section 30, and replaces sections 30 and 32 with a single section, designated as section 32, under which new sellers, and old sellers with new categories, are permitted either to propose ceiling prices for individual articles or to propose percentage markups for use in determining ceiling prices of articles in their various categories. In neither case is the concept of the competitive seller used.

Those proposing percentage markups for categories will state the categories they intend to manufacture and the general range of the unit direct costs for the articles they expect to sell in each category. They will also propose a percentage margin over direct costs for each category (they may propose different markups for different cost brackets in a category if they desire). If the Agency considers the proposed margins excessive, it will revise them to reflect the level of ceiling prices otherwise established under the regulation. This will be done on the basis of information supplied by the applicant and on the basis of other margin data available.

The regulation prescribes the date of June 4, 1951 as the terminal date for computing material costs. Since it is sometimes difficult to determine such costs as of June 4, 1951, particularly for sellers who were not in business on that date, and since the present level of materials costs is below the level of costs on that date, this amendment permits those who are given percentage markups under section 32 to apply them to unit direct costs which are computed either on the basis of their actual materials costs or on the basis of materials costs calculated as of that cut-off date. Thus, those who are willing to forego the benefit of the June 4, 1951 cost level may, by using their actual materials costs, simplify their ceiling price computations. However, this option will remain available only so long as the level of materials costs remains below that of the cut-off date level. If materials costs should begin to rise appreciably, this section will be amended to require calculation of materials costs as of a cut-off date.

Section 31 has been amended to require the filing of an application for establishment of a price differential to a new class of purchaser for a category in which the manufacturer can determine his ceiling prices to his largest buying class of purchaser under sections 4 through 29. Previously this section required the use of a competitor's differential, and the filing of a report containing information as to competitive sellers; however, experience has shown that this information is difficult to obtain, and that most manufacturers, after attempting to file the required report, found they could not furnish all necessary information and ultimately had to apply for establishment of a differential under section 32. The amended section provides for an application in the first instance.

Paragraph (2) of the definition of "Manufacturer" in section 53 previously provided that "any person who sells to a fabricator any of the principal materials from which an article is fabricated for his own account, and who sells that article other than at retail" is a manufacturer. Paragraph (3) provided more generally that "any person who furnishes or consigns to a fabricator any of the principal materials he owns from which an article is fabricated for his own account" is a manufacturer. Some manufacturing-retailers have sought to avoid being "manufacturers" by resorting to the device of billing materials to fabricators instead of consigning them as they had customarily done. The Agency has ruled that in spite of this device the articles continued to be fabricated for the account of the manufacturing-retailers and that it would be a distortion of the formality of a bill of sale in those circumstances to change their status, since the essential relationship of the parties remained the same. In order to avoid any further claims of this nature, paragraph (2) has been reworded to make crystal-clear the type of contract under which one who sells materials to a fabricator will nevertheless be considered a manufacturer of the articles made from those materials. As amended, this paragraph provides that anyone, whether a retailer or other type of seller, is considered a manufacturer if he sells to a fabricator any principal material from which an article is fabricated, under an agreement providing that the article shall be made to his specifications from that material and then be sold back to him at a price based on the cost of that material to the fabricator plus a charge for the latter's services and for any other materials supplied by the latter.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and will effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In formulating this amendment the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable under the circumstances and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 45, Revision 1, as amended, is hereby further amended in the following respects:

1. Section 30 is deleted.

2. Section 31 is amended to read as follows:

SEC. 31. *New classes of purchasers.* (a) If you have determined your ceiling price of an article for your largest buying class of purchaser under sections 4 through 29 and you now wish to sell it to an entirely new class of purchaser (a class of purchaser to which you did not sell between July 1, 1949 and June 24, 1950), you must apply in writing for a price differential for that class to be applied to your ceiling price for your largest buying class of purchaser.

If you did not make sales at retail between July 1, 1949 and June 24, 1950 and you now wish to make sales at retail, you may not establish your ceiling prices for such retail sales under this section; you must establish them under section 32.

(b) Your application must be made in writing by registered mail, return receipt requested, to the Director of Price Stabilization, Apparel Branch, Washington 25, D. C., and shall contain the following:

(1) The name and address of your company.

(2) An identification of the new class of purchaser to which you wish to sell.

(3) An identification of the categories of articles you propose to sell to such new class of purchaser.

(4) An identification of your largest buying class of purchaser in each of those categories, and your customary price differentials for any other classes of purchasers to which you sold during the period July 1, 1949 to June 24, 1950.

(5) The price differential you propose for your new class of purchaser.

(6) The reasons why you consider your proposed differential to be appropriate.

(c) You may not sell to your new class of purchaser until twenty days after mailing your application; thereafter you may sell to that class of purchaser at ceiling prices computed by the application of your proposed differential unless and until notified by the Director of Price Stabilization that your proposed differential has been disapproved or revised, or that more information is required. If more information is required you may not sell until twenty days after such information has been mailed to the Director by registered mail, return receipt requested. If upon the expiration of the twenty day waiting period you proceed to sell at your proposed differential and you thereafter receive an order revising your differential, you must use the revised differential for all deliveries made after receipt of that order.

3. Section 32 is amended to read as follows:

SEC. 32. *Sellers who cannot determine their ceiling prices under other sections.* If you are unable to determine your ceiling prices under any of the foregoing provisions of this regulation, you must apply in writing to the Director of Price Stabilization, Apparel Branch, Washington 25, D. C., by registered mail, return receipt requested, for either of the following: (1) Establishment of percentage markups which you may use in computing your ceiling prices; or (2) establishment of ceiling prices for specific articles. Paragraph (c) of this section gives examples of situations in which you will be unable to determine your ceiling prices under any of the foregoing provisions, and will therefore have to file an application under this section.

(a) *Application for percentage markups.* (1) If you wish to apply for percentage markups, your application shall contain the following:

(i) The name and address of your company.

(ii) An explanation of why you are unable to determine your ceiling prices under any other provisions of this regulation.

(iii) An identification of each category for which you are requesting establishment of percentage markups, including a description of the basic material in each category.

(iv) The size ranges in which you expect to produce articles in each category.

(v) As to each category, the general range of unit direct costs of the articles which you expect to sell. You need not state the unit direct cost of any particular article; instead you may state generally the approximate highest and lowest unit direct costs of the articles you expect to sell in each category. For example, in your new category of women's rayon dresses, you may state that the unit direct costs of the different dresses you expect to sell will range from $4.00 to $16.00. (Direct costs consist only of the cost of direct labor, as defined in section 8, and the cost of manufacturing materials, as defined in section 11.)

(vi) As to each category, the markup, expressed as a percentage of direct cost, which you propose to apply to your unit direct costs in determining your ceiling prices for articles in that category to your principal class of purchaser designated in (vii) below. The ceiling prices so determined will be subject to the discounts which you propose in (ix) below. If you believe that you should have different markups for different cost groups within the category, state your proposed markup for each cost group. For example, you may propose to use, in your new category of women's rayon dresses, one markup for dresses in which your unit direct costs range from $4.00 to $7.00, and a different markup for dresses in which your unit direct costs range from $7.01 to $12.00, etc.

(vii) State the principal class of purchaser to which you expect to sell.

(viii) List the other classes of purchasers to which you expect to sell, and your proposed price differentials to each of those classes from the ceiling price to your principal class.

(ix) State your proposed terms and conditions of sale (e. g., cash, trade, and volume discounts, etc.).

(x) If you wish to round your ceiling prices under either section 35 or 36, indicate for each category the section which you elect to use.

(xi) If you dealt in other categories during the base period, and you either have elected to determine your ceiling prices in those categories under this regulation prior to its mandatory effective date or have filed your application after that date, you must also supply the following information:

(*a*) Identify the base period category you consider most comparable to each of the new categories listed in your application.

(*b*) If you have determined ceiling prices for new articles in that category under sections 22 through 28, state the average percentage markup computed for each comparison group of articles in that category under section 26.

(*c*) If you have not used sections 22 through 28, then state the highest and lowest ceiling prices you have computed for articles in that category under section 4, and state the percentage markups, computed on their terminal direct cost, which those ceiling prices reflect.

(2) You may not sell any article in a category covered by your application until 20 days after mailing it, except articles for which you established ceiling prices under section 30 or 32 prior to July 1, 1952. After the expiration of 20 days you may sell an article in that category at a price not in excess of that computed by the use of your proposed markup under subparagraph (3) below unless and until notified by the Director that your proposed markups have been disapproved or reduced or that more information is required. If more information is required you may not sell until 20 days after such information has been mailed to the Director by registered mail, return receipt requested. If upon the expiration of the 20-day waiting period you proceed to sell at your proposed markups and you thereafter receive an order reducing your markups, you must use the reduced markups for all applicable articles which you deliver after receipt of that order.

(3) You must determine your ceiling prices as follows: (i) Find your unit direct cost of the article. Direct cost consists only of the cost of direct labor, as defined in section 8, and the cost of manufacturing materials, as defined in section 11. In computing your direct labor cost you may not use labor rates higher than those in effect for each operation on March 15, 1951. In computing your manufacturing materials cost you may elect to use either the actual net cost to you of the materials used in the units for which you are determining a ceiling price, or their net cost as of the terminal prescribed date which you have calculated in accordance with the provisions of section 15. Before selling the article you must indicate on your records which basis of computing net cost you used in determining its ceiling price.

(ii) Multiply the unit direct cost of the article by the applicable percentage markup; this gives you your dollars and cents markup.

(iii) Add the dollars and cents markup to the unit direct cost; this gives you your ceiling price to your principal class of purchaser, which is subject to the discounts you have proposed, if any. Your ceiling price to any other class of purchaser is determined by applying the proposed price differential for that class to the ceiling price for your principal class of purchaser.

(4) You may round your ceiling price for an article under the provisions of section 35 or 36 if in your application you have elected to round your ceiling prices for the category including that article under one of these sections.

(5) If you subsequently wish to sell articles in the categories covered by your application to a class of purchaser not covered by it, you must file a supplemental application for a price differential to that class. Your supplemental application must be filed by registered mail, return receipt requested. It must state the date of your original application; it must identify the additional class of purchaser to which you wish to sell; and it must state the price differential you propose for that class of purchaser.

You may not sell to your new class of purchaser until 20 days after you have mailed your supplemental application. Thereafter you may sell to that class of purchaser at ceiling prices computed by application of your proposed differential unless and until notified by the Director that your proposed differential has been disapproved or revised, or that more information is required. If more information is required you may not sell to the new class of purchaser until 20 days after the information has been mailed to the Director by registered mail, return receipt requested. If upon the expiration of the 20 day waiting period you proceed to sell at your proposed differential and you thereafter receive an order revising your differential, you must use the revised differential for all articles which you deliver to the new class of purchaser after receipt of that order.

(b) *Application for a ceiling price on a specific article.* (1) If you are applying for establishment of a ceiling price on a specific article, your application shall contain the following:

(i) The name and address of your company.

(ii) A description of the article, including a detailed breakdown of your unit direct costs. (Direct cost consists only of the cost of direct labor, as defined in section 8, and the cost of manufacturing materials, as defined in section 11. In computing your direct labor cost you may not use labor rates higher than those in effect for each operation on March 15, 1951. In computing your manufacturing materials cost you may use either the current net cost of the materials used in the units for which you are determining a ceiling price, or their net cost as of the terminal prescribed date which you have calculated in accordance with the provisions of section 15.) Your application must state whether the material costs given in your breakdown are current costs or terminal costs.

(iii) An explanation of why you are unable to determine your ceiling price under any other provision of this regulation.

(iv) The classes of purchasers to whom you expect to sell.

(v) Your proposed ceiling price to each of those classes of purchasers.

(vi) Your proposed discounts and other terms and conditions of sale.

(vii) Supply the information requested in (a) (1) (xi) above, if applicable to you.

(2) You may not sell the article until 20 days after mailing your application. Thereafter you may sell the article at your proposed ceiling price unless and until notified by the Director that your proposed ceiling price has been disapproved or reduced or that more information is required. If more information is required, you may not sell the article until 20 days after such information has been mailed to the Director by registered mail, return receipt requested. If upon the expiration of the 20 days waiting period you proceed to sell at your proposed ceiling price and you thereafter receive an order reducing your proposed price, you must use the reduced price for all deliveries after receipt of that order.

(3) If you subsequently wish to sell the article to a class of purchaser not covered by your application, you must file a supplemental application for a ceiling price to that class. Your supplemental application must be filed by registered mail, return receipt requested. It must state the date of your original application; it must identify the additional class of purchaser to which you wish to sell; it must state the price differential you propose for that class of purchaser; and it must identify the class of purchaser to whose ceiling price you wish to apply that differential in determining your ceiling price to the additional class of purchaser.

You may not sell to your new class of purchaser until 20 days after you have mailed your supplemental application. Thereafter you may sell to that class of purchaser at ceiling prices computed by application of your proposed differential unless and until notified by the Director that your proposed differential has been disapproved or revised, or that more information is required. If more information is required you may not sell to the new class of purchaser until 20 days after that information has been mailed to the Director by registered mail, return receipt requested. If upon the expiration of the 20-day waiting period you proceed to sell at your proposed differential and you thereafter receive an order revising your differential, you must use the revised differential for all articles which you deliver to the new class of purchaser after receipt of that order.

(c) *Examples of situations requiring an application under this section.* The following are some of the situations in which you will be unable to determine your ceiling prices under any other section of this regulation, and therefore must file an application under this section:

(1) Except as provided in section 29, you are determining your ceiling price for an article which is in a different category from any dealt in by you between July 1, 1949 and June 24, 1950. An article otherwise in the same category as one dealt in by you between those dates shall nevertheless be considered to be in a different category if

(i) You wish to sell it at retail, and no articles in the same category were dealt in at retail by you between those dates.

(ii) You wish to sell it at non-retail, and no articles in the same category were dealt in at non-retail by you between those dates.

(2) You are a new seller, i. e., you made no sales of any articles covered by this regulation prior to April 2, 1950. You shall also consider yourself a new seller of an article if

(i) You wish to sell it at retail, and no articles covered by this regulation were dealt in by you at retail prior to April 2, 1950.

(ii) You wish to sell it at non-retail, and no articles covered by this regulation were dealt in by you at non-retail prior to April 2, 1950.

4. Section 53 is amended as follows:

Paragraph (2) of the definition of "Manufacturer" is deleted, and the following paragraph (2) substituted therefor:

(2) Any person who sells to a fabricator any principal material from which an article is fabricated, under an agreement providing that the article shall be made to his specifications from that material and then be sold back to him at a price based on the cost of that material to the fabricator plus a charge for the latter's services and for any other materials supplied by the latter; so that the definition of "Manufacturer" in section 53 will now read as follows:

Manufacturer. This term means any one of the following:

(1) Any person who fabricates an article for his own account from materials owned by him;

(2) Any person who sells to a fabricator any principal material from which an article is fabricated, under an agreement providing that the article shall be made to his specifications from that material and then be sold back to him at a price based on the cost of that material to the fabricator plus a charge for the latter's services and for any other materials supplied by the latter;

(3) Any person who furnishes or consigns to a fabricator any of the principal materials he owns from which an article is fabricated for his own account;

(4) Any person, (i) whose business is directly or indirectly under the same ownership and control as the person who fabricates an article, and (ii) who deals in that article other than at retail or further processes or fabricates it.

Fabricating means substantially changing the form of some commodity or commodities, combining of two or more commodities into a different one, or the creating of a new commodity from existing ones. Mere packaging, labeling, marketing, promoting, selling or combining articles without substantially changing their form does not constitute fabrication. If you merely perform an industrial service (e. g., contract sewing) for the account of others, on a commodity, you are not a manufacturer with respect to the resulting article.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. App. Sup. 2154)

Effective date. This amendment is effective July 1, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 26, 1952.

[F. R. Doc. 52-7157; Filed, June 26, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 108]

GCPR, SR 108, ADJUSTED CEILING PRICES FOR MANUFACTURERS OF READY-MIXED CONCRETE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 108 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides a uniform adjustment factor of 104 percent which all manufacturers of ready-mixed concrete may apply to ceiling prices established under the General Ceiling Price Regulation (GCPR) before any adjustments which have been or may be established, granted, or computed under an adjustment provision of any OPS regulation. However, any manufacturer of ready-mixed concrete may elect to adjust ceiling prices under GOR 20, GOR 21, or SR 106 to the GCPR in lieu of adjustments permitted by this supplementary regulation.

Because of its perishability and weight, and the competition between ready-mixed concrete and job-mixed concrete, ready-mixed concrete is a product which is manufactured and sold within very narrow marketing areas. Normally ready-mixed concrete is not sold beyond twenty miles of the mixing or batching plant. The limitation in market area has given rise to an industry composed of small plants and many individual firms. In 1951 the ready-mixed concrete industry numbered, according to conservative estimates, about 2,000 individual firms, widely scattered over the entire country. During the same year, this industry delivered approximately 45,000,000 cubic yards of concrete with an estimated value of $470,000,000.

Since the GCPR freeze date, labor costs, freight costs, and material costs, despite increased volume, more efficient plant equipment and other savings, have risen disproportionately in relation to cost increases experienced by many other industries. The significance of the freight cost increase alone is clearly shown by the fact that transportation costs of sand and gravel, two important elements of ready-mixed concrete, account for better than 50 percent of the sales value of these materials at destination. The net effect has been serious impairment of earnings.

The industry earnings standard is a yardstick used to determine the need of an industry, if any, for a price increase. It provides for adjusting ceiling prices where the industry's current ratio of earnings to net worth is less than 85 percent of the average ratio of earnings to net worth during the best three years during the period 1946–49, inclusive. The earnings used in the calculation are profits computed before the federal income and excess profits taxes and after normal depreciation only, with adjustments made for any change in net worth. Thus this standard could not be applied until the industry submitted earnings reports and balance sheet data.

Such financial information has recently been supplied by a sample of firms of the ready-mixed concrete industry. These data indicated that this industry's best three of the four years 1946–49, were 1946, 1947 and 1948. The data showed that in order to restore present earnings to a level where the industry's current dollar profits will equal 85 percent of the industry's 1946–48 ratio of earnings to net worth, it is necessary to increase ceiling prices by at least four percent. Therefore, this order permits manufacturers of ready-mixed concrete to increase their GCPR ceilings by this percentage.

A tailored regulation which will provide adjustments for the ready-mixed concrete industry is now under consideration by the Office of Price Stabilization. Pending such action, this supplementary regulation is being issued as an interim measure.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Persons covered by this supplementary regulation.
3. Ceiling prices.
4. Relation to other regulations.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 C. F. R. 1950 Sup.

SECTION. 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales of ready-mixed concrete by manufacturers. These manufacturers are now subject to the provisions of the General Ceiling Price Regulation (GCPR). The method employed by this supplementary regulation is to apply a uniform percentage adjustment to GCPR ceiling prices.

SEC. 2. *Persons covered by this supplementary regulation.* This supplementary regulation applies to you if you are a manufacturer of ready-mixed concrete and establishes your ceiling prices for your sales of that commodity. Except to the extent that they are modified by or are inconsistent with the provisions of this supplementary regulation, all provisions of the GCPR shall continue to be applicable to you.

Sec. 3. *Ceiling prices.* (a) If you are a manufacturer of ready-mixed concrete, your ceiling price for each specification or mix to your largest buying class of purchaser is your GCPR ceiling price for that specification or mix to that class of purchaser increased by 4 percent (i. e., 104 percent of your GCPR ceiling price). As used in this supplementary regulation, the term "your GCPR ceiling price" means your ceiling price as established under sections 3, 4, 6 or 7 of the GCPR before any adjustments which have been or may be established, granted or computed under an adjustment provision of any OPS regulation.

(b) Your ceiling price for sale of each specification or mix to your largest buying class of purchaser must be consistent in every respect with your GCPR ceiling price; that is, it must carry all customary delivery terms, cash and volume discounts, allowances, premiums and extras, deductions, guarantees, and other terms and conditions of sale.

(c) Your ceiling price for sale of each specification or mix to each of your other classes of purchasers is determined by applying your price differentials established under the GCPR. For each class of purchasers you must maintain all customary delivery terms, cash and volume discounts, allowances, premiums and extras, deductions, guarantees, and other terms and conditions of sale. An explanation of what is meant by "class of purchaser" is found in section 5 (Definitions).

(d) You may round your ceiling prices determined under this supplementary regulation so that they will be expressed to the nearest five (5) cents if this has been your normal practice. If you elect to do so you must similarly round the ceiling prices for all specifications or mixes covered by this supplementary regulation, to reflect decreases as well as increases. For example, if your ceiling price for specification X is $11.44 per cu. yd., you may round that ceiling price to $11.45. However, if your ceiling price for specification Z is $11.96 you must round its ceiling price to $11.95.

SEC. 4. *Relation to other regulations.*—(a) *Relation to SR 66.* You may add to your ceiling prices established under this supplementary regulation any ceiling price adjustment calculated in accordance with the provisions of Supplementary Regulation 66 to the GCPR.

(b) *Relation to GOR 20, GOR 21, GOR 10, and SR 106 to the GCPR.* (1) Notwithstanding any provision of this supplementary regulation you may elect to use General Overriding Regulation 20 (GOR 20), General Overriding Regulation 21 (GOR 21) or Supplementary Regulation 106 (SR 106) to the GCPR to establish your ceiling prices for ready-mixed concrete. If you so elect, you may not use this supplementary regulation.

(2) If prior to the effective date of this supplementary regulation you established ceiling prices for ready-mixed concrete under GOR 20, GOR 21, General Overriding Regulation 10 (GOR 10) or SR 106 to the GCPR, you may elect to use ceiling prices so established or ceiling prices established under this supplementary regulation, but you may not use both.

(3) You may, although you use this supplementary regulation, use GOR 20, GOR 21, or SR 106 to the GCPR to establish your ceiling prices for commodities not covered by this supplementary regulation.

SEC. 5. *Definitions.* The following definitions shall be controlling in the application of this supplementary regulation:

(a) *"Class of purchaser or purchaser of the same class".* This term refers to the practice adopted by a seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, shopper, retailer, Government agency, public institutions or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different terms or conditions of sale or delivery. (This definition is the same as that found in the GCPR.)

(b) *"Manufacturer of ready-mixed concrete."* This term means one who manufactures ready-mixed Portland cement concrete and sells the ready-mixed concrete so manufactured to any class of purchaser.

Effective date. This supplementary regulation shall become effective June 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 26, 1952.

[F. R. Doc. 52-7155; Filed, June 26, 1952; 11:46 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 58 to Schedule A]

[Rent Regulation 2, Amdt. 56 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS

SCHEDULE A—DEFENSE-RENTAL AREAS

OREGON AND WASHINGTON

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said Act.

Effective June 27, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Oregon				
(252a) Condon	A	In Gilliam County, the election precincts of East Condon and West Condon.	July 15, 1951	July 1, 1952
Washington				
(352a) Republic-Curlew	A	In Ferry County, Census County, divisions 2 and 3, including the village of Curlew and the town of Republic.	Feb. 1, 1951	Do.

[F. R. Doc. 52-7039; Filed, June 26, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 68 to Schedule A]

[Rent Regulation 4, Amdt. 12 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OREGON AND WASHINGTON

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said Act.

Effective June 27, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 24th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(252a) Condon	Oregon	In Gilliam County, the election precincts of East Condon and West Condon.	July 15, 1951	July 1, 1952
(352a) Republic-Curlew	Washington	In Ferry County, Census County divisions 2 and 3, including the village of Curlew and the town of Republic.	Feb. 1, 1951	Do.

[F. R. Doc. 52-7040; Filed, June 26, 1952; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 4.20 is revised to read as follows:

§ 4.20 *Death of veteran due to service; general law.* For the purposes of sections 4702 and 4707 Revised Statutes, as amended, the widow, child, or children, or dependent mother or dependent father of any person embraced within sections 4692 and 4693, Revised Statutes, or the remarried widow of any such person who served in the Civil War, an Indian war, Spanish-American War, Boxer Rebillion, or Philippine Insurrection, who died of a disability contracted in the service in line of duty, shall be entitled to receive compensation at the monthly rates specified in § 4.122 (a) or (b), or § 4.124: *Provided*, That the character of discharge meets the requirements of § 3.1040 (c) of this chapter.

(Secs. 1-3, 56 Stat. 731; 38 U. S. C. ch. 12 note)

2. In § 4.56, the headnote is amended to read as follows:

§ 4.56 *Foreign residence; March 20, 1933 to February 4, 1935.* • • •

3. A new § 4.57 is added as follows:

§ 4.57 *Foreign residence; World War II*—(a) *General.* Claims of persons, whether citizens or noncitizens of the United States, who resided in territory of or under the control of an enemy of the United States or any of its allies, are subject to the provisions of section 4, Public Law 144, 78th Congress (see § 4.108).

(b) *Citizens or subjects of Germany or Japan.* No payments shall be made to a citizen or subject of Germany or Japan while residing in Germany or Japan (Public Law 622, 79th Congress).

(c) *Readjustment of awards.* (1) The recommencement of payments on awards to noncitizens which were discontinued in accordance with the provisions of section 5, Public Law 144, 78th Congress, and on awards to any persons where checks to which a beneficiary was entitled were placed in the special deposit account entitled "Secretary of the Treasury, Proceeds of Withheld Foreign Funds," or covered into miscellaneous receipts pursuant to the provisions of Public No. 828, 76th Congress, shall be subject to the provisions of § 4.88 (e).

(2) Awards of accrued benefits representing checks which were withheld pursuant to Public Law 828, 76th Congress, shall be subject to the provisions of § 4.165. Awards of accrued benefits to noncitizens, where a claim and evidence of nonforfeiture were not filed prior to August 8, 1947, shall in addition be subject to the provisions of § 4.86 (l).

(3) Awards to persons who were "receiving a current pension or compensation" on August 1, 1949, and who had been prevented from filing an earlier claim for death pension or compensation by reason of having been interned by a country with which the United States was at war, or was otherwise prevented from filing such claim by action of such country, shall be subject to the provisions of § 4.77 (c).

(Secs. 1, 2, 54 Stat. 1086, 1087, secs. 4, 5, 57 Stat. 555, 60 Stat. 874; 31 U. S. C. 123, 124, 38 U. S. C. 728, 729, 729a)

4. Section 4.108 is revised to read as follows:

§ 4.108 *Forfeiture for treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies, shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents: *Provided*, That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead. (Section 4, Public No. 144, 78th Congress, act of July 13, 1943.) The foregoing is not applicable as to a child or children, regardless of age, who are in the widow's custody and included in an award to her. Forfeiture by a veteran does not preclude payment of death compensation or pension which may otherwise be payable to or for a surviving dependent.

(Sec. 4, 57 Stat. 555; 38 U. S. C. 728)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective June 27, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-7081; Filed, June 26, 1952; 8:59 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 8 of the Commission's rules relative to the provision of 375 kc or 410 kc as the direction finding frequency in main and emergency transmitters aboard compulsorily equipped ships.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1952;

The Commission, having under consideration the matter of implementation of the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951) relative to the use by ship stations of the frequency 410 kc as the direction finding frequency in lieu of the frequency 375 kc which is currently required to be provided in main and emergency transmitters compulsorily installed under the provisions of Title III, Part II of the Communications Act of 1934, as amended;

It appearing, that under the agreement referred to above, the frequency 410 kc will be the assigned frequency for direction finding effective November 1, 1952, and

It further appearing, that it is necessary to amend the requirements governing compulsorily installed main and emergency transmitters so as to permit such transmitters to be equipped for use of either 375 kc or 410 kc during a transition period in advance of November 1, 1952; and

It further appearing, that it is necessary to initiate this transition period as early as possible and, therefore, compliance with the rule making procedures set forth in sections 4 (a) and (c) of the Administrative Procedure Act would be impracticable and contrary to the public interest; and

It further appearing, that authority for the amendments herein ordered is contained in sections 354 (c), and 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective immediately Part 8 of the Commission's rules is amended as set forth below.

(Sec. 303, 47 Stat. 1082; 50 Stat. 191; 47 U. S. C. 303)

Released: June 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.330 (e) is amended to read as follows:

(e) In all ship stations authorized to transmit on frequencies within the band 365 to 515 kilocycles, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the assigned frequencies 375 or 410 kc, 500 kc and at least one authorized working frequency within this band. This record shall be posted at all times in a conspicuous place on or near the particular equipment involved.

2. Section 8.401 (a) is amended to read as follows:

(a) The frequency 410 kc is the assigned frequency for direction finding. However, the frequency 375 kc may be used for this purpose in lieu of 410 kc until not later than 3 a. m., e. s. t., November 1, 1952.

3. Section 8.401 (c) is amended by adding the following parenthetical phrase after the frequency 375 kc:

(The frequency 410 kc is the assigned frequency for direction finding. However, the frequency 375 kc may be used for this purpose in lieu of 410 kc until not later than 3 a. m., e. s. t., November 1, 1952.)

4. Section 8.552 (b) is amended by changing column 1 of the table by substituting "410 kc" for "375 kc" and revising the footnote thereto to read as follows:

[1] See § 8.401 (a) relative to interim use of 375 kc. During the interim period, basic technical requirements set forth for 410 kc shall be applicable to 375 kc.

5. Section 8.553 (b) is amended by changing column 1 of the table by substituting "410 kc" for "375 kc" and revising the footnote thereto to read as follows:

[1] See § 8.401 (a) relative to interim use of 375 kc. During the interim period, basic technical requirements set forth for 410 kc shall be applicable to 375 kc.

[F. R. Doc. 52-7043; Filed, June 26, 1952; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 865, Amdt. 28]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars* of Service Order No. 865 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31,

1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7026; Filed, June 26, 1952; 8:49 a. m.]

[S. O. 865, Amdt. 29]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars,* of Service Order No. 865 as amended, be and it is hereby suspended until 11:59 p. m., December 31, 1952, on all freight cars except cars described in the current Official Railway Equipment Register, Agent M. A. Zenobia's I. C. C. 302, supplements thereto and reissues thereof, as Class "G"—Gondola Car Type and Class "F"—Flat Car Type.

It is further ordered, that this amendment shall become effective at 7:00 a. m., July 1, 1952, and a copy be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7027; Filed, June 26, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 40]

EXCESS PROFITS TAXES; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EXCESS PROFITS CREDIT OF REGULATED PUBLIC UTILITIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U. S. C. 62).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to conform Regulations 130 [26 CFR Part 40] to sections 513 and 514 of the Revenue Act of 1951 (82d Cong., 1st Sess.), approved October 20, 1951, and in order to express in greater detail the regulations under section 448 of the Internal Revenue Code relating to the excess profits credit of regulated public utilities, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.448-1 the following:

SEC. 513. EXCESS PROFITS CREDIT—REGULATED PUBLIC UTILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 448 (c) (3) (relating to regulated public utilities) is hereby amended to read as follows:

(3) 6 per centum in the case of a corporation engaged as a common carrier (A) in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission, or (B) in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, if subject to the jurisdiction of the Interstate Commerce Commission or if the rates for such furnishing or sale are subject to the jurisdiction of a public service or public utility commission or other similar body of the District of Columbia or of any State.

SEC. 514. CONSOLIDATED RETURNS OF REGULATED PUBLIC UTILITIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 48 (e) (relating to consolidated returns of regulated public utilities) is hereby amended by adding at the end thereof the following new sentence: "For purposes of filing a consolidated return with its railroad lessee corporation, a railroad lessor corporation described in section 434 (d) (without regard to the requirement of payment of the lessor's taxes by the lessee) shall be considered a corporation described in subsection (c) (3)."

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • the amendments made by this title (including sections 513 and 514) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.448-1 is amended by adding at the end thereof the following: "For rules applicable to consolidated returns of affiliated corporations which include regulated public utilities, see § 29.141-1 of Regulations 111 and see Regulations 129."

PAR. 3. Section 40.448-2 is amended as follows:

(A) By striking paragraph (a) (3) and inserting in lieu thereof the following:

(3) A corporation engaged as a common carrier (i) in the furnishing or sale of transportation by railroad, if subject to the jurisdiction of the Interstate Commerce Commission, or (ii) in the furnishing or sale of transportation of oil or other petroleum products (including shale oil) by pipe line, if subject to the jurisdiction of the Interstate Commerce Commission or if the rates for such furnishing or sale are subject to the jurisdiction of a public service or public utility commission or other similar body of the District of Columbia or of any State.

(B) By redesignating paragraphs (b), (c), and (d) thereof as paragraphs (d), (e), and (f), respectively.

(C) By striking the last sentence of paragraph (a) and inserting in lieu thereof the following new paragraphs:

(b) *Rates.* (1) If a schedule of rates has been filed with any regulatory body described in paragraph (a) of this section having the power to disapprove such rates, then such rates shall be considered as established or approved rates for the purpose of paragraph (a) of this section even though such body has taken no action on the filed schedule.

(2) Rates fixed by contract between the public utility and the purchaser, except where the purchaser is the United States, a State, the District of Columbia, or an agency or political subdivision of the United States, a State, or the District of Columbia, shall not be considered as established or approved rates for the purpose of paragraph (a) of this section in those cases where they are not subject to direct control, or where no maximum rate for such contract rates has been established, by the

United States, a State, the District of Columbia, or by any agency or political division thereof. But see subparagraph (3) of this paragraph.

(3) If the taxpayer establishes to the satisfaction of the Commissioner that its revenue from regulated rates described in paragraph (a) (1) or (4) of this section and from unregulated rates are derived from its operation of a single interconnected and coordinated system or from its operation of more than one such system, and that an unregulated rate applicable in the operation of a single interconnected and coordinated system has been and is substantially as favorable to users and consumers as a comparable regulated rate applicable in the operation of such system, the income from such unregulated rate shall be considered, for the purpose of paragraph (a) of this section, as income derived from sources described in paragraph (a) (1) or (4) of this section. For the purpose of determining whether or not an unregulated rate in a single system has been and is substantially as favorable to users and consumers as the comparable regulated rate in such system, due consideration shall be given to the factors recognized by the regulatory body described in paragraph (a) of this section under whose jurisdiction the comparable regulated rate is established or approved.

(c) *By-products and residual products.* The gross income from by-products or residual products shall not be applied in reduction of the cost of furnishing the products or services described in section 448 (c) for the purpose of determining the gross income from the furnishing of such products or services.

(D) By striking subparagraph (2) of paragraph (e) thereof (as redesignated by item (B) above), and by substituting therefor the following:

(2) In the case of a corporation described in paragraph (a) (1) (i) or (ii), (2) or (4) of this section, if the corporate books of account are maintained in accordance with systems of accounts prescribed by an appropriate regulatory body (or, if not so prescribed, are maintained in accordance with the uniform systems of accounts prescribed by the Federal Power Commission or the National Association of Railway and Utility Commissioners), the adjusted invested capital for such taxable year shall be the sum of the average outstanding common and preferred capital stock, accounts for the taxable year and the average capital and earned surplus accounts for the taxable year, as properly recorded on the corporate books of account. The following rules shall apply for the purpose of this paragraph:

(i) The determination of the adjusted invested capital for any taxable year shall be made without regard to the profits or loss for such taxable year computed in accordance with such system of accounts and without regard to distributions out of the profits for such taxable year so computed. In determining whether a distribution is out of the profits for the taxable year, such profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the income and excess profits tax for such taxable year and the determination shall be made without regard to the amount of the profits at the time the distribution was made.

(ii) The term "an appropriate regulatory body" as used in this section means a regulatory body described in section 448 (c) (1) and in paragraph (a) (1) of this section, under whose jurisdiction the corporation operates.

(iii) The average of any account (such as the common stock account or the capital surplus account) shall be the sum, divided by the number of days in the taxable year, of the amount of such account as of the beginning of each day of the taxable year.

(iv) If the adjusted invested capital for any taxable year is computed by the method prescribed by this paragraph, the taxpayer must attach a statement to its return for such taxable year setting forth all the facts which require the use of such method.

PAR. 4. Section 40.448-3 is amended as follows:

(A) By changing the cross reference in paragraph (a) thereof from "§ 40.448-2 (c)" to "§ 40.448-2 (e)", by changing the cross reference in paragraph (c) thereof from "§ 40.448-2 (d)" to "§ 40.448-2 (f)", and by changing the cross reference in paragraph (d) thereof from "§ 40.448-2 (b)" to "§ 40.448-2 (d)".

(B) By adding at the end of paragraph (a) thereof the following:

• • • In case the corporation is described in § 40.448-2 (a) (1), (2), (3), or (6), and is also described in § 40.448-2 (a) (4) or (5), the computation under the preceding sentence shall be as follows:

(1) A first amount shall be computed by applying a 6 percent rate to the sum of the items specified in the preceding sentence;

(2) A second amount shall be computed by applying a one percent rate to the sum of the items specified in the preceding sentence;

(3) There shall be added to the first amount so much of the second amount as the ratio of the gross income from the operations described in § 40.448-2 (a) (4) and (5) bears to the total gross income from the operations described in § 40.448-2 (a).

For the purpose of this paragraph gross income shall be computed without regard to dividends and capital gains and losses.

[F. R. Doc. 52-7056; Filed, June 26, 1952; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10221]

RADIO BROADCAST SERVICES

STANDARD BROADCAST STATIONS

In the matter of amendment of Subpart A, Part 3 of the Commission's rules, sections 1 and 9 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and of title of said Standards, to provide for the incorporation of the frequency 540 kilocycles in the Standard Broadcast Band.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. a. It is proposed to amend the following sections of Subpart A, Part 3, of the Commission's rules, to read as follows:

§ 3.1 *Standard broadcast station.* The term "standard broadcast station" means a broadcasting station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 535-1605 kilocycles.

§ 3.2 *Standard broadcast band.* The term "standard broadcast band" means the band of frequencies extending from 535 to 1605 kilocycles.

§ 3.3 *Standard broadcast channel.* The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. The 107 carrier frequencies assigned to standard broadcast stations shall begin at 540 kilocycles and be in successive steps of 10 kilocycles.

§ 3.25 *Clear channels: Class I and II stations.* • • •

(c) For Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on said border and provided that such stations operating nighttime (i. e., sunset to sunrise at the location of the Class II station) are located not less than 650 miles from the nearest Canadian border, 540, 690, 740, 860, 990, 1010,[*] and 1580 kilocycles.

b. Footnote 5, referring to § 3.25 (c), is retained unchanged.

3. It is proposed to amend the Standards of Good Engineering Practice Concerning Standard Broadcast Stations (550-1600 kc) in the following respects:

a. The heading of the Appendix to Subpart A is amended to read: "Standards of Good Engineering Practice Concerning Standard Broadcast Stations (535-1605 kc)".

b. Section 1. Engineering Standards of Allocation: The first sentence of the second paragraph to read as follows: "Sections 3.21 to 3.34, inclusive, govern allocation of facilities in the standard broadcast band of 535 to 1605 kc."

c. Section 9. Requirements for Approval of Power Rating of Vacuum Tubes: Subparagraph (2) of the fourth undesignated paragraph to read as follows: "On the frequencies 535 to 1605 kc in the standard broadcast band."

4. The purpose of this amendment is to provide for domestic use of the frequency 540 kilocycles by the broadcast service in accordance with Article 22 of the Agreement signed at the Extraordinary Administrative Radio Conference,

Geneva, 1951, which sets the date December 1, 1952, for the bringing into force in Region 2 of the band 535–1605 kilocycles as established by the International Telecommunications Convention, Atlantic City, 1947.

5. Authority for the adoption of the proposed amendments is contained in sections 303 a, b, c, f, and r, and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before July 28, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or argument will be given.

7. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 18, 1952.

Released: June 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7042; Filed, June 26, 1952, 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. NYC-1]

DISTRICT COMMISSIONER AND DIRECTORS, NEW YORK CITY DISTRICT

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue:

1. *Delegation to District Commissioner.* There is hereby delegated to the District Commissioner of Internal Revenue for the New York City District the authority to perform, manage, administer, and provide technical direction of all functions which by this order and subsequent orders are vested in field offices of the Bureau of Internal Revenue within such district. In such capacity, such District Commissioner is vested with the responsibility for district policies, programs and procedures and for directing and coordinating the work of the Directors of Internal Revenue within such district. There shall be in the office of the District Commissioner the following positions: Assistant District Commissioner (Administrative); Assistant District Commissioner (Collections); Assistant District Commissioner (Audit); Assistant District Commissioner (Intelligence); Assistant District Commissioner (Alcohol and Tobacco Tax); Assistant District Commissioner (Appellate). Without limiting the generality of the delegations made hereinabove to the District Commissioner, there are delegated to the District Commissioner and the Assistant District Commissioners the functions more particularly described in Exhibit A set forth below.

2. *Limitations on authority.* The authority delegated in paragraph 1 shall not include the authority which, by T. S. No. 57, approved September 14, 1939, as amended, by Comissioner's Reorganization Order No. 2, or by other orders relating to the same authority, is vested in officers of the Appellate Staff, any Assistant District Commissioner, Appellate, or reserved to the Commissioner. Likewise, the authority delegated in paragraph 1 does not include the functions, relating to the assessment and collection of taxes and the accountability therefor, delegated to the Directors of Internal Revenue in paragraph 3 of this order.

3. *Delegation to Directors*—(a) (i) *Director of Internal Revenue, Brooklyn.* There are hereby delegated to the Director of Internal Revenue, Brooklyn, all functions relating to the assessment and collection of taxes and the accountability therefor of the office of Collector of Internal Revenue for the First Collection District of New York immediately prior to the effective date of Treasury Department Order No. 150–4 (which provides for the abolition of such office).

(ii) *Director of Internal Revenue, Lower Manhattan.* There are hereby delegated to the Director of Internal Revenue, Lower Manhattan, all functions relating to the assessment and collection of taxes and the accountability therefor of the office of Collector of Internal Revenue for the Second Collection district of New York immediately prior to the effective date of Treasury Department Order No. 150–4 (which provides for the abolition of such office).

(iii) *Director of Internal Revenue, Upper Manhattan.* There are hereby delegated to the Director of Internal Revenue, Upper Manhattan, all functions relating to the assessment and collection of taxes and the accountability therefor of the office of Collector of Internal Revenue for the Third Collection district of New York immediately prior to the effective date of Treasury Department Order No. 150–4 (which provides for the abolition of such office).

(iv) It is the specific purpose and intent of the foregoing delegations to insure the preservation of the right to maintain suit for refund of taxes against such Directors of Internal Revenue in the same manner as suits were maintained against the Collectors of Internal Revenue of the First, Second, and Third Collection districts of New York prior to the abolition of such offices by Treasury Department Order No. 150–4.

(b) *Subject to the exercise of appropriate authority by the District Commissioner.* (i) In addition to the functions described in subparagraph (a) (i) of this section, there are delegated to the Director of Internal Revenue, Brooklyn, the following:

(A) All of the functions of the Collector of Internal Revenue for the First Collection district of New York immediately prior to the effective date of Treasury Department Order No. 150–4, not specifically delegated to such Director in subparagraph (a) (i).

(B) The functions heretofore performed by the Internal Revenue Agent in Charge, Brooklyn Revenue Agents District.

(ii) In addition to the functions described in subparagraph (a) (ii) of this section, there are delegated to the Director of Internal Revenue, Lower Manhattan, the following:

(A) All of the functions of the Collector of Internal Revenue for the Second Collection district of New York immediately prior to the effective date of Treasury Department Order No. 150–4, not specifically delegated to such Director in subparagraph (a) (ii).

(B) The functions heretofore performed by the Internal Revenue Agent in Charge, Second New York Revenue Agents District.

(iii) In addition to the functions described in subparagraph (a) (iii) of this section, there are delegated to the Director of Internal Revenue, Upper Manhattan, the following:

(A) All of the functions of the Collector of Internal Revenue for the Third Collection district of New York immediately prior to the effective date of Treasury Department Order No. 150–4, not specifically delegated to such Director in subparagraph (a) (iii).

(B) The functions heretofore performed by the Internal Revenue Agent in Charge, Upper New York Revenue Agents District, which relate to activities within the area constituting the Third Collection district of New York.

Without limiting the delegations hereinabove made, the functions hereby delegated to each of such Directors include those more particularly described in the Exhibit B set forth below.

4. *Assistant Director of Internal Revenue.* There shall be in the office of each Director of Internal Revenue the position of Assistant Director of Internal Revenue. Such Assistant Director of Internal Revenue shall, in case of the sickness or absence of the Director, or in case of the temporary disability of the Director to discharge his duties, perform the functions of the Director; in case of a vacancy occurring in the office of the Director, the Assistant Director shall perform the functions of the Director until another Director is appointed, unless the Secretary of the Treasury shall direct such functions to be performed by such other employee as he may designate.

5. *Authority to redelegate.* The functions herein transferred to the District Commissioner and the Directors of Internal Revenue may, within the framework of the organization described in attached Exhibits A and B, be delegated by each to subordinates within his district in such manner as he shall from time to time direct.

6. *Continuing duties.* Notwithstanding Treasury Department Order No. 150–4 (which abolished the offices of Deputy Collector for the First, Second and Third Collection Districts of New York), the individuals occupying the positions of Deputy Collectors within such collection districts immediately prior to the effective date of such order shall, until changed by appropriate authority, continue to perform the functions they were authorized to perform at such time and to perform such functions in accordance with authorized regulations and procedures in effect at such time. Such individuals shall have the operating title of "Internal Revenue Agent".

7. *Continuation of functions.* Pending the issuance of further instructions, all officers and employees within the New York District (including all officers and employees within the jurisdiction of the Directors of Internal Revenue) shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at such time.

8. *Effective date.* This order shall be effective as of 12:01 a. m., July 1, 1952.

Dated: June 23, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner.

EXHIBIT A

FUNCTIONS OF OFFICE OF DISTRICT COMMISSIONER

1. *District Commissioner.* Responsible within established policies and procedures for the administration of all Internal Revenue laws and related statutes, including those more particularly described hereinafter, within the district; supervises and coordinates the work of the several Directors of Internal Revenue within the district; responsible for the activities relating to personnel, training, information and office services, prepares budget estimates, allots and controls funds for the district.

2. *Assistant District Commissioner, Administrative.* Under the District Commissioner plans and directs the activities of the headquarters office and field administrative divisions. Responsible for budgetary functions, personnel matters, space allocations and purchasing of supplies and equipment, training programs and preparation of necessary statistics.

3. *Assistant District Commissioner, Collection.* Under the District Commissioner plans and directs the activities of the headquarters office of the Collection Division and assists in planning and coordination of collection activities in the district's field offices; maintains technical and advisory contact with the field offices.

4. *Assistant District Commissioner, Audit.* Under the District Commissioner plans and directs the activities of the headquarters office of the Audit Division and assists in planning and coordination of the field activities relating to investigation of all tax returns, collection of delinquent accounts and canvassing for delinquent returns; maintains technical and advisory contact with the field offices.

5. *Assistant District Commissioner, Intelligence.* Under the District Commissioner plans and directs the activities of the headquarters office and plans, coordinates and executes field activities of the Intelligence Division; responsible for the planning and execution of programs and policies relating to the wagering tax law, tax fraud investigations (other than alcohol and tobacco tax cases), special racketeer drives, investigations of charges against persons enrolled to practice before the Treasury Department and of applicants for enrollment, and of such other special investigations as the Commissioner may direct, for the review of reports submitted by special agents in his district. Makes appropriate recommendations covering prosecution, fraud penalty and civil liability features of cases and assists U. S. attorneys in court trial of cases.

6. *Assistant District Commissioner, Alcohol and Tobacco Tax.* Under the District Commissioner is responsible, within the District, for the administration and enforcement of the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the act of August 9, 1939, as it relates to firearms, the shipment of liquor in interstate commerce, and for the investigation of Bureau of Internal Revenue cases involving claims against the Government under the Federal Tort Claims Act. More specifically, is charged with the supervision and regulation of the liquor and tobacco industries; approval and denial of bonds, permits, plats and plans; the determination of liquor and tobacco taxes and penalties; the investigation, detection, and prevention of violations of laws relating to alcoholic liquors, tobacco and firearms, the seizure, custody, forfeiture and disposition of contraband or other property seized under such laws, and the supervision over the activities of all agents and employees engaged in the enforcement of such laws.

7. *Assistant District Commissioner, Appellate.* Under direct delegation from the Commissioner: (1) Exercises exclusive authority to determine the tax liability in Federal income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, and firearms), and employment tax cases originating in the office of a Director of Internal Revenue situated within the District and not docketed in The Tax Court of the United States, in which the taxpayer has protested the determination of tax liability made by the Director and has requested consideration by the Appellate Division; and (2) exercises exclusive authority to settle, with the concurrence of Appellate Counsel, any case docketed in the Tax Court and calendared for hearing within the District. Provided: That he will not eliminate the ad valorem fraud or negligence penalty except with the concurrence of Appellate Counsel; act in any case in which criminal prosecution is under consideration; or modify any determination of an issue under section 722 except with concurrence of the Excess Profits Tax Council.

With respect to such taxes, exercises exclusive authority with respect to Closing Agreements for past years considered under section 3760 and rejections of Offers in Compromise involving tax liability in excess of $5,000 considered under section 3761. Insofar as the District is concerned, exercises final approval authority on acceptance of Offers in Compromise involving tax liability in excess of $5,000.

Signs on behalf of the Commissioner all statutory notices issued by the Appellate Division.

Exercises general supervision over all the appellate work of the District and is responsible for the coordination of all its appellate activities.

Furnishes the District Commissioner with information as to workload, case dispositions, personnel and space, equipment and supply needs. Furnishes the headquarters office at Washington with prescribed statistical data and any other information called for by the Assistant Commissioner, Operations, for use in supervising and coordinating the appellate activities of all the Districts.

EXHIBIT B

FUNCTIONS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE

1. *Director of Internal Revenue.* Responsible for the execution of established policies and procedures covering the assessment and collection of all Internal Revenue taxes, sale of revenue stamps, and the enforcement of all Internal Revenue laws and related statutes within the district, supervises and coordinates the work of the several field divisions and branch offices; responsible for the activities relating to personnel, training programs, information and office services, the preparation of budget estimates and control of funds for the district, and for the receipt of all types of tax returns and adequate service to the public: *Provided, however,* That in no instance shall such functions include any function delegated to the Assistant District Commissioner, Intelligence, the Assistant District Commissioner, Appellate, or to the Assistant District Commissioner, Alcohol and Tobacco Tax. Such functions are hereinafter more particularly described and shall be performed through the heads of the following divisions to be established in his office.

2. *Administrative Division.* Responsible for supervision and coordination of all activities relating to personnel, training, information, office services, communications (including teletype), requests for space and operating reports, the preparation of budget estimates and the control of funds within the district.

3. *Collection Division.* Responsible for the receipt of all tax returns and funds tendered in payment of all taxes; the administration of all taxpayers' accounts, general account and the processing of returns; the preparation of the accounting documents required to effect the transfer of funds erroneously received and deposited; the direction, supervision and coordination of the activities of the divisions and field offices.

4. *Audit Division.* Responsible for the examination of all classes of tax returns (except alcohol and tobacco tax), the collection of delinquent accounts with all related duties and canvassing for delinquent returns.

[F. R. Doc. 52-7058; Filed, June 26, 1952; 8:57 a. m.]

[Commissioner's Reorganization Order No. NYC-2]

DISTRICT COMMISSIONER FOR NEW YORK CITY DISTRICT AND DIRECTOR OF INTERNAL REVENUE, UPPER MANHATTAN

INTERIM DELEGATION OF AUTHORITY PENDING REORGANIZATION OF ADDITIONAL DISTRICT OFFICES

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is directed that

1. In addition to the authority delegated to the District Commissioner for the New York City District by Commissioner's Reorganization Order No. NYC–1,[1] the District Commissioner for the New York City District is hereby vested with general supervision over the operations of the following offices with respect to areas outside of such District.

(a) The New York District Intelligence Division (comprised of Puerto Rico, the State of New York, and the Fifth Collection District of New Jersey);

(b) The Alcohol and Tobacco Tax Supervisory District No. 2 (comprised of Puerto Rico and the State of New York); and

(c) The New York District of the Appellate Staff (comprised of the State of New York), subject, however, to the provisions of Commissioner's Reorganization Order No. 2 (relating to the functions of the Appellate Division).

2. In addition to the authority delegated to the Director of Internal Revenue, Upper Manhattan, by Commissioner's Reorganization Order No. NYC–1, such Director is hereby vested with general supervision over the operations of the Internal Revenue Agent in Charge, Upper New York Revenue Agents District with respect to functions pertaining to areas outside of the Third Collection District of New York.

3. Pending the issuance of further instructions, officers, agencies and employees of the offices listed in paragraph 1 shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order in accordance with authorized regulations and procedures in effect at such time.

4. This order shall be effective as of 12:01 a. m., July 1, 1952.

Dated June 23, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner.

[F. R. Doc. 52-7059; Filed, June 26, 1952; 8:58 a. m.]

Office of the Secretary

[Treasury Department Order No. 150–4]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF OFFICES OF COLLECTORS AND DEPUTY COLLECTORS OF FIRST, SECOND AND THIRD NEW YORK COLLECTION DISTRICTS; ESTABLISHMENT OF OFFICES OF DISTRICT COMMISSIONER AND DIRECTORS OF INTERNAL REVENUE

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the First, Second and Third Collection Districts of New York shall become effective as of 12 o'clock midnight, June 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., July 1, 1952, there is hereby established within the City of New York an office of District Commissioner of Internal Revenue.

3. *Name and composition of District.* The District hereby created shall be known as the New York City District and shall be comprised of the following territory: The Counties of Kings, Nassau, New York, Queens, Richmond, and Suffolk, and Randalls Island, Wards Island and Blackwells Island (which territory presently comprises the First, Second and Third Collection Districts of New York.)

4. *Location of headquarters.* The headquarters office shall be located in the City of New York, New York.

5. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., July 1, 1952, there are hereby created the following offices within the New York City District:

(a) Director of Internal Revenue for the First Collection District of New York (as presently constituted). Such office shall have the operating title of Director of Internal Revenue, Brooklyn.

(b) Director of Internal Revenue for the Second Collection District of New York (as presently constituted). Such office shall have the operating title of Director of Internal Revenue, Lower Manhattan.

(c) Director of Internal Revenue for the Third Collection District of New York (as presently constituted). Such office shall have the operating title of Director of Internal Revenue, Upper Manhattan.

Dated: June 23, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-7057; Filed, June 26, 1952; 8:57 a. m.]

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[1] For Commissioner's Reorganization Order No. NYC-1, see F. R. Doc. 52-7058, *supra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

CLASSIFICATION ORDER

JUNE 13, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Nevada land district, embracing approximately 200 acres.

NEVADA SMALL TRACT CLASSIFICATION NO. 88

For lease and sale for homesites only:

T. 17 N., R. 20 E., M. D. M.
Sec. 18, W½SE¼, NE¼SW¼, SE¼SW¼ and N½ of Lot 2 of the SW¼ (or NW¼ SW¼).

Leases for tracts in the NW¼SW¼ will not be issued until a supplemental plat has been prepared, dividing the irregular acreage and assigning tract numbers.

The land is situated in Washoe County, Nevada, about 15 miles south of Reno, Nevada. It can be reached over Highway 395. All community services are available in Reno, Nevada, and also at Carson City, Nevada, which is 15 miles south of the land. The area is one that is used extensively for recreational purposes during the summer seasons.

2. As to applications regularly filed prior to 9:00 a. m., June 9, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend north and south.

6. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 5.

7. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 5.

8. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

9. Highway 395, with a right-of-way 400 feet in width, passes through portions of the E½SW¼ and W½SE¼ of Section 18. All tracts affected by this right-of-way will be leased, subject to the highway right-of-way.

10. Tracts will be subject to all existing rights-of-way and to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Nevada Land and Survey Office, Reno, Nevada.

J. H. FAVORITE,
Acting Regional Administrator.

[F. R. Doc. 52-7041; Filed, June 26, 1952; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 5]

ORGANIZATION AND FUNCTIONS

CONSOLIDATION OF AIRPORT DISTRICT OFFICES; KANSAS AND MISSOURI

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to consolidate the Airport District Offices serving the States of Kansas and Missouri.

Section 43 (g) (3) (ii), Region 5, is amended by substituting "Kansas City, Missouri, City Hall_____Kansas and Missouri" for "Kansas City, Missouri, 2705 City Hall_____Kansas" and "Kansas City, Missouri, 2705 City Hall_____Missouri."

This amendment shall become effective .0001 c. s. t., July 19, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7014; Filed, June 26, 1952; 8:46 a. m.]

[Amdt. 6]

ORGANIZATION AND FUNCTIONS

CONSOLIDATION OF AIRPORT DISTRICT OFFICES; DELAWARE, MARYLAND, NEW JERSEY, PENNSYLVANIA, AND VIRGINIA

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to consolidate Airport District Office No. 5 serving Delaware, Maryland, and New Jersey with Airport District Office No. 4 serving Pennsylvania and Airport District Office No. 6 serving Virginia.

Section 43 (g) (3) (ii), Region 1, is amended by (1) deleting "Wilmington, Delaware, New Castle County Airport__Delaware, Maryland, New Jersey", (2) substituting "New Cumberland, Pennsylvania, Harrisburg State Airport__Pennsylvania, New Jersey" for "New Cumberland, Pennsylvania, Harrisburg State Airport__Pennsylvania", and (3) substituting "Gravelly Point, Virginia, Washington National Airport, Hangar 6__Virginia, Delaware, Maryland" for "Gravelly Point, Virginia, Washington National Airport, Hangar 6__Virginia".

This amendment shall become effective August 4, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7015; Filed, June 26, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4163]

SERVICE TO MELBOURNE, FLORIDA

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of the City of Melbourne, Florida, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an authorization to be included as an intermediate stop on the route of a certificated airline.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, assigned to be heard on July 10 is postponed to July 22, 1952, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washintgon, D. C., June 23, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7016; Filed, June 26, 1952; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9227, 9228, 9515]

MATHESON RADIO CO., INC. (WHDH) ET AL.

ORDER POSTPONING ORAL ARGUMENT

In re petitions of Matheson Radio Company, Inc. (WHDH), Boston, Massachusetts, Docket No. 9227; National Broadcasting Company, Inc. (KOA), Denver, Colorado, Docket No. 9228.

In re application of Champlain Valley Broadcasting Corporation (WXKW), Albany, New York, for modification of construction permit, Docket No. 9515, File No. BMP–4580.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1952;

The Commission having under consideration a petition filed by Champlain Valley Broadcasting Corporation (WXKW) on June 9, 1952, requesting that the oral argument herein, now scheduled for June 23, 1952, be postponed;

It appearing, That the other participants in the proceeding have informally consented to the requested postponement;

It is ordered, That the said petition is granted; and that the oral argument herein, now scheduled for June 23, 1952, is postponed to a date to be subsequently set.

Released: June 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7047; Filed, June 26, 1952; 8:54 a. m.]

[Docket Nos. 9996, 10202]

FARMERS BROADCASTING SERVICE, INC. (WELS)

ORDER SCHEDULING HEARING AND SUBSTITUTING ISSUES

In re application of Farmers Broadcasting Service, Inc. (WEIS), Kinston, North Carolina, for transfer of control, Docket No. 9996, File No. BTC–1111; Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, for renewal of license, Docket No. 10202, File No. BR–2524.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of June 1952;

The Commission having under consideration the above-entitled applications of Farmers Broadcasting Service, Inc. (hereinafter referred to as Farmers), licensee of Station WELS, Kinston, North Carolina, for renewal of license and for consent to transfer of control;

It appearing, that the Commission, on June 27, 1951, designated the above-entitled application of Farmers for consent to transfer of control for hearing on issues looking toward obtaining information with respect to, among other things, a possible unauthorized transfer of control of Farmers; that, subsequently, the Commission, by order dated November 7, 1951, denied Farmers' Petition for modification and clarification of the Commission's order of June 27, 1951, except insofar as it requested amendment of Issue No. 6, which Issue was amended as requested; that more recently the Commission, on May 21, 1952, designated the above-entitled renewal application for hearing in a consolidated proceeding with the above-entitled application of Farmers for consent to transfer of control, and amended its order of June 27, 1951, by the deletion of Issues Nos. 3 and 6, and the substitution therefor of new Issues Nos. 3 and 6, and the addition of Issues Nos. 7 and 8; and

It further appearing, that, an Issue relating to the legal, technical, financial and other qualifications of Farmers, its present officers, directors and stockholders, to operate Station WELS is essential to a proper decision in this matter; and

It further appearing, that, due to the number of orders issued herein, resulting in the deletion, correction, substitution, addition and the amendment of issues in said orders, it would be more conducive to the orderly progress of the hearing and would facilitate an Initial Decision in the above-entitled matter to consolidate in one order all of the issues to be developed at the hearing;

It is ordered, That all of the issues heretofore set forth in the above-mentioned orders of June 27, 1951, November 7, 1951, and May 21, 1952, are deleted and that the following issues superseding all previous issues in this hearing are:

1. To obtain full information as to all contracts, agreements, or understandings, past or present, between Robert E. Wasdon, E. L. Scott and Jack Siegel, on the one hand, collectively or individually, and Leroy Arnold, Irwin Berger, Forest H. Smith, G. W. Carter, A. D. Harris, P. T. Meyers, Clifton Rice and Edwin J. Schuffman, on the other hand, collectively or individually, relating to the sale, assignment or transfer of any of the stock of Farmers Broadcasting Service, Inc.

2. To determine whether the execution of any of the contracts, agreements or understandings, if any, referred to in Issue No. 1, the terms thereof, or any act performed pursuant thereto, were in violation of section 310 (b) of the Communications Act of 1934, as amended, or in violation of the rules and regulations of the Commission, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations.

3. To obtain full information as to the method or methods of financing the construction and operation of Station WELS from August 12, 1950, to date, and the sources of such financing, and more particularly, to determine the disposition of such funds by Farmers, its officers, directors, stockholders and agents, and whether the aforesaid method or methods so employed deviated from representations made with respect thereto in the application for construction permit.

4. To determine the authority and control exercised by E. L. Scott, Jack Siegel, and Robert E. Wasdon from September 21, 1950, to date.

5. To determine the disposition, since September 21, 1950, of income received from the operation of Station WELS, and the manner and authority for such disposition.

6. To obtain full information as to the extent and method of participation, if any, by the proposed transferees in the financing, construction and operation of Station WELS from August 12, 1950, to date, and to determine whether Farmers has, at any time since August 12, 1950, been controlled or operated by a stockholder group which has not been authorized to operate or control the licensee corporation, in violation of sections 301, 310 (b), and 319 (b) of the Communications Act of 1934, as amended.

7. To determine whether Farmers, its officers, directors, stockholders or agents, have concealed information from the Commission regarding the ownership, operation, construction and control of Farmers, or have misrepresented the facts concerning such operation, ownership, construction and control in applications, reports and letters which they have, from time to time, filed with the Commission, with particular reference to the following:

(a) Whether Farmers, its officers, directors, stockholders and agents concealed or misrepresented facts as to who were the officers and directors of Farmers in the Annual Ownership Report (FCC Form 323), sworn to September 29, 1950.

(b) Whether, although the aforementioned Annual Ownership Report (FCC Form 323) was sworn to by Jack Siegel, as Secretary-Treasurer of Farmers, Leroy Arnold, in fact, held this office at that time.

(c) Whether Farmers, its officers, directors, stockholders and agents concealed or misrepresented, in the aforementioned Annual Ownership Report, facts regarding the stock subscriptions by newcomers.

(d) Whether Farmers, its officers, directors, stockholders and agents, concealed or misrepresented facts in its application for license (BL-4213).

8. To determine the legal, technical, financial and other qualifications of Farmers, its present officers, directors and stockholders, to operate Station WELS.

9. To determine whether, in light of evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by a grant of the above-entitled applications for renewal of license and transfer of control.

It is further ordered, That the hearing in the above-entitled proceeding, which hearing has been continued indefinitely and is presently scheduled to be held at Washington, D. C., is hereby scheduled to be held at Kinston, North Carolina, on July 8, 1952.

Released: June 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7046; Filed, June 26, 1952; 8:54 a. m.]

[Docket No. 10026]

FRED BIRCH AND FAIRMONT CORP.

ORDER AMENDING ISSUES

In re application of Fred Birch, transferor, the Fairmont Corporation, transferee, for transfer of control of Buttrey Broadcast, Inc., licensee of Station KFBB, Great Falls, Montana, File No. BTC-1068, Docket No. 10026.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of May 1952;

The Commission having under consideration the petitions of Fred Birch and Buttrey Broadcast, Inc., and the Fairmont Corporation for reconsideration of the Commission's action in designating for hearing the above application for consent to the transfer of control of Buttrey Broadcast, Inc., licensee of Station KFBB, Great Falls, Montana, from Fred Birch to the Fairmont Corporation, and for a grant of that application without hearing; and

It appearing, that the Commission on August 1, 1951, designated the above application for hearing because of the question of character qualifications of Anaconda Copper Mining Company and, therefore, its wholly owned subsidiary, the Fairmont Corporation, arising from a certain conviction and fine, and consent decree, entered against Anaconda for a violation of section 1 of Sherman Act (26 Stat. 209) and the further fact that, coupled with the above question of character qualification, Fairmont's acquisition of control of Station KFBB would add measurably to Anaconda's and Fairmont's already substantial influence in the State of Montana stemming from their extensive newspaper, business, mining, timber, and industrial holdings in the state; and

It further appearing, that, although the information supplied in the instant petitions is of assistance in enabling the Commission to determine more precisely the actual economic and business interests of Anaconda in the State of Montana, that such information does not fully answer the question raised by the Commission in designating the above entitled application for hearing; and

It further appearing, that, on the basis of information obtained by the Commission subsequent to its order designating the above application for hearing, certain subsidiaries of Anaconda Copper Mining Company and certain employees thereof have been convicted of conspiring to defraud the Government in violation of 18 U. S. C. 83, 88 and that, additionally, Anaconda Copper Mining Company paid to the United States $1,626,000 for irregular and fraudulent practices under the Federal False Claims Statute (31 U. S. C. 231-233) and that, further certain other subsidiaries have been convicted of violations of the Federal Anti-Trust laws; and

It further appearing, that, on the basis of the facts presented in the aforesaid petitions and on the basis of information set forth in the above paragraph, the Commission is unable to determine, at this time, that a grant of the above application would be in the public interest, convenience, and necessity;

It is ordered, That the petitions of the Fairmont Corporation and Fred Birch and Buttrey Broadcast, Inc., be denied; and

It is further ordered, That the Commission's order of August 1, 1951, is hereby amended to include the following additional issues:

1 (d) The conviction and fine of American Brass Company, a wholly owned subsidiary of Anaconda Copper Mining Company for violation of the Sherman Act (26 Stat. 209) in the United States District Court for the Southern District of New York on May 20, 1946. U. S. v. American Brass Company, et al., Cr. No. 112-154, Cr. No. 112-115.

1 (e) The civil suit and the consent decrees entered with respect to Greene Cananea Copper Company and Anaconda Sales Company, both subsidiaries of Anaconda Copper Mining Company, entered August 21, 1942, relating to violation of the Federal Antitrust laws. (U. S. v. Cleman Molybdenum Co. et al., Civil Action No. 19-112, United States District Court of Southern District of New York.)

1 (f) The civil suit and consent decree entered with respect to Butte, Anaconda, and Pacific Railway Company, a subsidiary of Anaconda Copper Mining Company, on August 18, 1941, with respect to a combination conspiracy and restraint of trade in violation of the Federal Anti-trust laws (U. S. v. Association of American Railroads, Civil Action No. 4551, District Court of the United States for the District of Columbia).

Released: June 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7045; Filed, June 26, 1952; 8:53 a. m.]

[Docket Nos. 10118, 10119, 10120, 10121]

PENN JERSEY BROADCASTING CO. ET AL

ORDER SCHEDULING HEARING

In re applications of Penn Jersey Broadcasting Co., Bristol, Pennsylvania, Docket No. 10118, File No. BP-8062; Leroy Bremmer and Dorothy Bremmer, doing business as Atlantic City Broadcasting Company, Atlantic City, New Jersey, Docket No. 10119, File No. BP-8090; Herbert Michels, Albert Spira and John J. Farina, doing business as Garden State Broadcasting Company, Atlantic City, New Jersey, Docket No. 10120, File No. BP-8112; Press-Union Publishing Company, Atlantic City, New Jersey, for construction permits, Docket No. 10121, File No. BP-8143.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of June 1952;

The Commission having under consideration the above-entitled applications, all of which were designated for hearing in a consolidated proceeding on February 13, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., August 11, 1952, at Atlantic City, New Jersey.

Released: June 20, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7050; Filed, June 26, 1952; 8:54 a. m.]

[Docket No. 10190]

WMRO, INC. (WMRO)

ORDER SCHEDULING HEARING

In re application of WMRO, Incorporated (WMRO) Aurora, Illinois, for renewal of license of Station WMRO, Docket No. 10190, File No. BR-995.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of June 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on April 30, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., July 21, 1952, in Washington, D. C.

Release: June 20, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7048; Filed, June 26, 1952; 8:54 a. m.]

[Docket No. 10193]

HEART OF THE BLACK HILLS STATION

ORDER CONTINUING HEARING

In re application of John Daniels, Eli Daniels and Harry Daniels doing business as The Heart of the Black Hills Station, Rapid City, South Dakota, for modification of construction permit, Docket No. 10193, File No. BMP-5661.

The Commission having under consideration a motion filed June 10, 1952, by John Daniels, Eli Daniels, and Harry Daniels, doing business as The Heart of the Black Hills Station, Rapid City, South Dakota, for a 90-day continuance of the hearing on the above-entitled application now scheduled for June 24, 1952, in Washington, D. C.; and

It appearing that the issues involved in this proceeding include one with particular reference to coverage of the City of Rapid City, South Dakota; that sites in and around Rapid City are scarce but the possibility for another site has developed and is being explored by the applicant; that should applicant be successful in acquiring this site it would be necessary to request an amendment to the above-entitled application; that securing a different site may obviate the necessity for hearing; and that the applicant requires at least 90 days in which to pursue its objective of obtaining another site; and

It appearing further that the applicant is the only party to this proceeding and that the time within which the Chief of the Broadcast Bureau of the Commission might have filed objections to this motion for continuance has expired and no objection has been filed;

It is ordered, This 18th day of June 1952, that the motion for continuance is granted and the hearing on the above-entitled application be and it is hereby continued to 10 o'clock a. m., Monday, September 22, 1952, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7044; Filed, June 26, 1952; 8:53 a. m.]

[Docket No. 10205]

LAMPASAS BROADCASTING CO. (KHIT)

ORDER SCHEDULING HEARING

In re application of W. R. Pierre, T. A. Newman & M. A. Frenkel, doing business as Lampasas Broadcasting Company (KHIT) Lampasas, Texas, for renewal of license of Station KHIT, Docket No. 10205, File No. BR-2057.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of June 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on May 28, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., July 28, 1952, in Washington, D. C.

Released: June 20, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7049; Filed, June 26, 1952; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1116, G–1152, G–1240, G–1317, G–1344, G–1379, G–1415, G–1417, G–1457, G–1509, G–1616, G–1625, G–1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

JUNE 20, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1116, G–1240, G–1317, G–1344 and G–1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G–1152; Southeastern Michigan Gas Company, Docket No. G–1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G–1379; Northern Indiana Fuel and Light Company, Docket No. G–1457; Missouri Central Natural Gas Company, Docket No. G–1509; the Central West Utility Company, Docket No. G–1616; Michigan Gas Utilities Company, Docket No. G–1625; City of Auburn, Illinois, Docket No. G–1659.

Upon consideration of the request of Panhandle Eastern Pipe Line Company filed with the Commission on June 19, 1952, requesting that the hearing in the above-docketed proceedings now set to resume on June 30, 1952, be postponed until July 15, 1952, the Commission finds: Good cause exists to further postpone the resumption of the hearing in the above-docketed proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to resume on June 30, 1952, be and the same is hereby postponed to July 15, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: June 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–7017; Filed, June 26, 1952; 8:47 a. m.]

[Docket No. G–1900]

ARKANSAS-MISSOURI POWER CO.

ORDER FIXING DATE OF HEARING

JUNE 23, 1952.

On February 29, 1952, Arkansas-Missouri Power Company (Applicant), an Arkansas corporation having its principal place of business at Blytheville, Arkansas, filed an application, which was supplemented on June 2, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in the application, as supplemented on file with the Commission and open to public inspection.

Applicant has represented to the Commission that it is in receipt of notice that at least one-half of the 10¾ inch pipe required for building the proposed facilities between its Jim Hill Plant near Campbell, Missouri and Blytheville, Arkansas is now en route by river barge, and that due to favorable weather conditions construction should be commenced at the earliest date possible. Applicant states that in the event that construction is delayed until the rainy season begins, costs will be considerably increased and the project may not be completed in time to commence service in the fall of 1952, as presently planned.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for noncontested proceedings, and this proceeding is a proper one for disposition under the aforementioned rule, no request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 18, 1952 (17 F. R. 2342).

The Commission finds: It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on July 2, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 24, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–7019; Filed, June 26, 1952; 8:47 a. m.]

[Docket No. G–1976]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

JUNE 23, 1952.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 6, Missouri, filed on June 13, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate 7.7 miles of 10-inch pipeline paralleling a portion of its existing pipeline extending from its main line to Fort Wayne, Indiana; 7.15 miles of 6-inch pipeline paralleling a portion of Applicant's existing pipeline extending from its main line to Tipton, Indiana, and thence to Kokomo, Indiana; and 7.23 miles of 6-inch pipeline paralleling a portion of Applicant's existing pipeline extending from its main line to Columbia, Missouri.

According to the application, "The proposed new facilities to be constructed near Fort Wayne, Indiana, will, in conjunction with existing facilities, be used to serve the requirements of Northern Indiana Public Service Company at Fort Wayne, Indiana; the facilities to be constructed near Tipton, Indiana, will, in conjunction with existing facilities, be used to serve the requirements of Kokomo Gas & Fuel Company at Kokomo, Indiana, and Indiana Gas & Water Company, Inc.,[1] at Tipton, Indiana; the facilities to be constructed near Columbia, Missouri, will, in conjunction with existing facilities, be used to serve the requirements of Missouri Utilities Company at Columbia, Missouri; all such requirements being set forth in the Service Agreements between Panhandle and such companies."

Applicant further states, "Pursuant to the provisions of the Commission's Opinion No. 214 and the accompanying order of the Commission issued June 13, 1951, Panhandle has entered into Service Agreements for the purchase and sale of gas with forty-five of its utility resale customers. Included among such Service Agreements[2] are the following:

(a) Service Agreement between Panhandle and Northern Indiana Public Service Company, dated July 3, 1951, providing for a contract demand of 45,000 MCF (per day) during the five winter months, January, February, March, November and December.

(b) Service Agreement between Panhandle and Kokomo Gas & Fuel Company, dated July 11, 1951, providing for a contract demand of 17,000 MCF (per day) during such five winter months.

(c) Service Agreement between Panhandle and Missouri Utilities Company, dated July 11, 1951, providing for a contract demand of 15,000 MCF (per day) during such five winter months.

[1] It is to be noted that with respect to the facilities to be built near Tipton, Indiana, such facilities will of necessity be used, in conjunction with existing facilities, to serve a portion of Indiana Gas & Water Company's requirements at Tipton, Indiana. Such facilities are necessary to permit increased deliveries to Kokomo Gas & Fuel Company at Kokomo, Indiana, approximately seven miles north of Tipton.

[2] All of such Service Agreements are on file with the Commission. Under an order of the Commission issued March 5, 1952, such Service Agreements were permitted to become effective Service Agreements under the Commission's Rules and Regulations as of February 20, 1952.

Panhandle is unable to deliver the aforesaid winter contract demand volumes to the above named three customers because the lateral pipeline facilities extending from Panhandle's main pipelines to the point of delivery at which such customers receive deliveries of gas from Panhandle, are inadequate to transport the volumes of gas set forth as the contract demand for such five winter months. Panhandle, therefore, proposes to construct additional pipeline facilities to enable it to deliver such contract demand volumes.

Estimated cost of the proposed facilities is $421,000 and financing is proposed to be out of current funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–7018; Filed, June 26, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27177]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 131; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 126.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7020; Filed, June 26, 1952; 8:48 a. m.]

[4th Sec. Application 27178]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO HILLSDALE, MICH.

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Hillsdale, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 127; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7021; Filed, June 26, 1952; 8:48 a. m.]

[4th Sec. Application 27179]

PEANUTS FROM OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3881.

Commodities involved: Peanuts, shelled or unshelled, carloads.

From: Points in Oklahoma.

To: Points in Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3881, Supp. 49.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7022; Filed, June 26, 1952; 8:48 a. m.]

[4th Sec. Application 27180]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO PIQUA, OHIO

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Piqua, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 128; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 133.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7023; Filed, June 26, 1952; 8:48 a. m.]

[4th Sec. Application 27181]

FISH SCRAP FROM EMPIRE LA., TO POINTS IN SOUTHWESTERN TERRITORY

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fish scrap, dry (not ground, pulverized nor screened), or acid fish scrap, carloads.

From: Empire, La.

To: Points in southwestern territory.

Grounds for relief: Circuitous routes, market competition, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 87.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7024; Filed, June 26, 1952; 8:49 a. m.]

[4th Sec. Application 27182]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO VANDALIA, ILL.

APPLICATION FOR RELIEF

JUNE 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Vandalia, Ill.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 130; F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 125.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7025; Filed, June 26, 1952; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 58]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (P. L. 139, 82d CONG.)

JUNE 25, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Butte, Montana, Area. (The area consists of Silver Bow County, Montana.)

Roseburg, Oregon, Area. (The area consists of precincts Brown, Edenbower East 1 and 2, Edenbower West 1 and 2, Garden Valley, Green, Mill, Parrott and Wilbur, including the City of Roseburg, all in Douglas County, Oregon.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-7107; Filed, June 25, 1952; 1:28 p. m.]

[Defense Manpower Policy No. 4, Notification 52]

PLACEMENT OF PROCUREMENT IN THE SUNBURY-SHAMOKIN-MOUNT CARMEL, PA., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Sunbury-Shamokin-Mount Carmel area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Sunbury-Shamokin-Mount Carmel area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile industry has been excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952. Public hearings have been held on the apparel industry. Following the report of the Hearing Panel, consideration will be given to certifying this industry under the provisions of the policy.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on August 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE SUNBURY-SHAMOKIN-MOUNT CARMEL, PENNSYLVANIA, AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of June 18, 1952 the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Sunbury-Shamokin-Mount Carmel area as a surplus labor area under standards established by the Secretary of Labor. The Sunbury-Shamokin-Mount Carmel area is composed of all of Montour, Northumberland, Snyder, and Union Counties and Centralia borough and Conyngham township in Columbia County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Sunbury-Shamokin-Mount Carmel area, and by the Department of Defense, the National Production Authority, and the Department of Labor relative to facilities in the Sunbury-Shamokin-Mount Carmel area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Sunbury-Shamokin-Mount Carmel area as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Sunbury-Shamokin-Mount Carmel area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Sunbury-Shamokin-Mount Carmel area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Sunbury-Shamokin-Mount Carmel area and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

4. That no price differential for the Sunbury-Shamokin-Mount Carmel area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Sunbury-Shamokin-Mount Carmel area;

5. That the apparel industry, to the extent that it exists in the Sunbury-Shamokin-Mount Carmel area should not be included in the application of Defense Manpower Policy No. 4 in the Sunbury-Shamokin-Mount Carmel area; consideration will be given to separate recommendations applying to the entire apparel industry.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Sunbury-Shamokin-Mount Carmel area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-7109; Filed, June 25, 1952; 2:36 p. m.]

[Defense Manpower Policy No. 4, Notification 22, Revocation]

PLACEMENT OF PROCUREMENT IN THE BAY CITY, MICH., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Bay City is no longer classified as a Group IV, surplus labor area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification No. 22 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-7110; Filed, June 25, 1952; 2:36 p. m.]

[Defense Manpower Policy No. 4, Notification 24, Revocation]

PLACEMENT OF PROCUREMENT IN THE MUNCIE, IND., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Muncie is no longer classified as a Group IV, surplus labor area. Therefore, in accordance with the standards established by the Secretary of Labor under section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 24 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-7111; Filed, June 25, 1952; 2:36 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18911]

MARTIN JOOST

In re: Trust under the will of Martin Joost, also known as M. Joost, deceased. File No. D-28-12153; E. T. Sec. 16364.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943, Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charles Joost, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

2. That the heirs, distributees, devisees, legatees and assigns, names unknown, of Charles Joost, who there is reasonable cause to believe, are and on or since December 11, 1941 and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: An undivided one-seventh (1/7th) interest in and to all that certain lot, piece or parcel of land, situate, lying and being in the Township of Brookhaven, County of Suffolk, and State of New York, known and designated on a certain map of East Moriches Water Front comprising 61 lots, the property of the William H. Moffitt Realty Company, located in East Moriches, Suffolk County (Long Island) New York, surveyed by J. S. Raynor, August 1897, Engineer and Surveyor of E. Moriches, N. Y., and filed in the Office of the Clerk of Suffolk County, on March 1903, as and by under the Lot No. 752 and more particularly described as follows:

Beginning at a point on the northerly line of High Street, distant two hundred feet (200) easterly from the north east corner of High Street and Moriches Avenue, running thence northerly in a line parallel with the easterly line of Moriches Avenue One Hundred and Eighty (180) feet; thence easterly in a line parallel with the northerly line of High Street Sixty (60) feet; thence southerly in a line parallel with the first described course One Hundred and Eighty (180) feet to the northerly line of High Street; thence westerly along the northerly line of High Street Sixty (60) feet to the point or place of beginning together with all hereditaments, fixtures, improvements and appurtenances thereto and any and all claims for rents, refunds, benefits or other payments arising from the ownership of said one-seventh (1/7) interest. Being the same premises conveyed by Jacob V. Hahn and Martin C. Hiller, as trustees under the last will and testament of Martin Joost, also known as M. Joost, deceased, to Meta Hahn, William J. Hiller, Gustav H. Hiller, Helen H. Holzworth, Belle Hiller Jansen,

Martin C. Hiller, and Charles Joost, care of the Attorney General of the United States, Washington, D. C., Account Vesting Order 10279, by deed dated May 27, 1948, and recorded on August 6, 1949, in the Suffolk County Clerk's office in Liber of Deeds 2857 at page 488,

is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by Charles Joost, his heirs, distributees, devisees, legatees, assigns, names unknown, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that Charles Joost, his heirs, distributees, devisees, legatees and assigns, names unknown, be treated as persons who are and prior to January 1, 1947, were nationals of an enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record, held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States,

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-7051; Filed, June 26, 1952; 8:55 a. m.]

[Vesting Order 16912]

ANNA KATHARINA FRIEDERIKE LUDEWIG

In re: Estate of Anna Katharina Friederike Ludewig, also known as Anna Ludewig, Deceased. File No. D-28-13103; E. T. Sec. 17023.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elli Born, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Anna Katharina Friederike Ludewig, also known as Anna Ludewig, deceased, which is in the process of administration by the Public Administrator of New York County, as administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such a person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 23, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-7052; Filed, June 26, 1952; 8:55 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 127

Washington, Saturday, June 28, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2979

REVOCATION OF THE DUTY SUSPENSION ON LEAD

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the import duties imposed under paragraphs 391 and 392 of the Tariff Act of 1930, as amended, on lead-bearing ores, flue dust, and mattes of all kinds, lead bullion or base bullion, lead in pigs and bars, lead dross, reclaimed lead, scrap lead, antimonial lead, and antimonial scrap lead have been suspended by Public Law 257, 82d Congress, approved February 11, 1952, with respect to imports entered, or withdrawn from warehouse, for consumption during the period beginning February 12, 1952, and ending with the close of March 31, 1953, or the termination of the national emergency proclaimed by me on December 16, 1950, whichever is earlier;

WHEREAS the said Public Law 257 contains the following proviso:

Provided, That when, for any one calendar month during such period [of suspended duties], the average market price of common lead for that month, in standard shapes and sizes, delivered at New York, has been below 18 cents per pound, the Tariff Commission, within fifteen days after the conclusion of such calendar month, shall so advise the President, and the President shall, by proclamation not later than twenty days after he has been so advised by the Tariff Commission, revoke such suspension of the duties imposed under paragraphs 391 and 392 of the Tariff Act of 1930, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of such proclamation;

WHEREAS, on the fifth day of June, 1952, the Tariff Commission reported to me that it has found that the average market price of common lead for the month of May 1952, in standard shapes and sizes, delivered at New York, has been below 18 cents per pound;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to the said provisions of Public Law 257, 82d Congress, do hereby proclaim the revocation of the suspension of duties provided for in the said Public Law 257, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of June in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-7188; Filed, June 27, 1952; 10:09 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3693, 4103, and 4834, and containing the specific requirements for the 1952-crop wheat price support program is hereby amended as follows:

Section 601.1708 (b) (2) is amended by adding certain Indiana counties to the States listed therein so that the amended subparagraph reads as follows:

(Continued on p. 5787)

CONTENTS

THE PRESIDENT

Proclamation — Page
Revocation of the duty suspension on lead — 5785

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Burde, Henny — 5846
Deutsche Landersbank Aktiengesellschaft — 5847
Friebel, Elizabeth L. — 5848
Germany — 5847
Lambert, Christopher — 5847
Mueller-Meyerhoff, Carmelita — 5848
Reichsstelle fuer den Unterrichtsfilm et al. — 5844
Schulte, Charles and John — 5848
Siefert, Dr. O., et al. — 5848

Civil Aeronautics Administration
Rules and regulations:
Minimum en route IFR altitudes; miscellaneous amendments — 5811

Civil Aeronautics Board
Notices:
Continental Charters, Inc.; complaint of Mary Battista et al.; notice of hearing — 5839
Proposed rule making:
Irregular air carrier and off-route rules; preflight certification — 5831
Rules and regulations:
Air carrier operating certification — 5810
Scheduled air carrier rules — 5810
Irregular air carrier and off-route rules; preflight responsibilities — 5810

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

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Title 43 ($0.75)
Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 71–90 ($0.35)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commodity Credit Corporation Page
Rules and regulations:
Peanuts; 1952-crop price support program 5787
Wheat; 1952-crop loan and purchase agreement program; determination of support rate 5785

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Civil Defense Administration
Proposed rule making:
Official Federal Civil Defense Administration seal 5832

Federal Housing Administration
Rules and regulations:
Yield insurance; rights and obligations of investor under insurance contract; date and term of debentures 5813

Federal Power Commission
Notices:
Hearings, etc.:
Electric Power, Inc 5840
Lopeno Gas Co 5840

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
Certification of batches of antibiotic and antibiotic-containing drugs; miscellaneous amendments 5812
Tests and methods of assay for antibiotic and antibiotic-containing drugs; miscellaneous amendments 5812

Housing and Home Finance Agency
Notices:
Housing programs and relaxation of credit controls in critical defense housing areas 5840
Rules and regulations:
Relaxation of residential credit controls: Regulations governing process and approval of exceptions and terms for critical defense housing areas 5830

Interior Department
See also Land Management, Bureau of.
Notices:
Alaska; notice of filing objections to withdrawal of public lands for use of:
Alaska railroad as sources of gravel 5833
Department of the Air Force for military purposes 5833
Oil and gas operations in the submerged coastal lands of the Gulf of Mexico 5833

Interstate Commerce Commission
Notices:
Applications for relief:
Aluminum castings from points in New York and New Jersey to Anderson, S. C 5843

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Aluminum, plate or sheet, and machinery from points in Illinois and Wisconsin to points in southern territory 5844
Lime from points in Virginia to points in southern territory 5843

Justice Department
See Alien Property, Office of.

Labor Department
See Public Contracts Division.

Land Management, Bureau of
Rules and regulations:
Alaska; withdrawing public land for use of:
Alaska railroad as sources of gravel 5830
Department of the Air Force for military purposes 5830

National Production Authority
Rules and regulations:
Zinc; revocation (M-9) 5829

Post Office Department
Notices:
Increased postage rates for fourth-class mail, and other reformations 5832

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Admiral Corp 5834
Allen B. DuMont Laboratories, Inc 5836
Bendix Radio; Division of Bendix Aviation Corp 5833
Capehart-Farnsworth Corp 5838
F. B. Connelly Co 5837
Motorola, Inc 5839
Olympic Radio and Television, Inc 5835
Packard Bell Co 5836
Philco Corp 5838
Radio Corporation of America 5838
Ray Thomas Co 5834
Sparks-Withington Co 5834
Stromberg-Carlson Co 5835
Westinghouse Electric Corp 5836
Zenith Radio Corp 5837
List of community ceiling price orders; Regions V, VIII, and XII 5839
Rules and regulations:
Appalachian hardwood lumber (CPR 151) 5816
Beef items sold at retail (CPR 25) 5815
Eating and drinking establishments, ceiling prices for; extension of time for redetermination under section 10 (CPR 134) 5826
Exemptions and suspensions of certain consumer soft goods: exemption of certain furs and fur products (GOR 4) 5828

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Continued
Exemptions and suspensions of certain food and restaurant commodities, ice and canned and frozen fruit, berry and vegetable products (GOR 7) 5827
Extension of effective date for particular commodities; deletion of power and hand lawn mowers (CPR 22, SR 12) 5814
Lake coal dock operators; increased transportation cost (CPR 27) 5825
Mixed fertilizer and fertilizer materials sold in Puerto Rico by mixers and packagers; extending geographic coverage to the territory of Hawaii (CPR 72) 5815
Petroleum products sold in the Virgin Islands, ceiling prices for; correction (CPR 50) 5826
Semi-vitreous dinnerware, ceiling prices for; (GCPR, SR 109) 5826
General Ceiling Price Regulation (CPR 22, SR 29) 5814
Small business concerns under section 402 (d) (4) of the Defense Production Act of 1950, as amended (GOR 20) 5829

Production and Marketing Administration
Proposed rule making:
Milk, handling of; Rockford-Freeport, Ill., marketing area 5831
Rules and regulations:
Agricultural imports (DFO 3) 5829
Fresh Bartlett pears, plums, and Elberta peaches grown in California:
Order terminating Plum Orders 1 through 4 5807
Regulation by grades and sizes (3 documents) 5805, 5806
Grapes, table (European or Vinifera type); U. S. Standards 5793
Irish potatoes grown in certain designated counties in Idaho and in Malheur County, Oreg.; limitation of shipments 5809
Lemons grown in California and Arizona; limitation of shipments (2 documents) 5808, 5809
Milk handling, marketing areas:
Chicago, Ill 5807
Columbus, Ohio 5810
Milwaukee, Wis 5796
New York Metropolitan 5798
Oklahoma City, Okla 5796

Public Contracts Division
Proposed rule making:
Aviation Textile Products Manufacturing Industry; notice of hearing respect to prevailing minimum wages 5831

Securities and Exchange Commission
Notices:
Champion Paper and Fibre Co.; notice of application 5844

State Department Page
Notices:
Delegation of certain authority to the Administrator, United States International Information Administration, and his Deputies and Assistant Administrators 5832

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter I (Proclamations):
2979 5785

Title 6
Chapter IV:
Part 601 5785
Part 646 5787

Title 7
Chapter I:
Part 51 5793
Chapter IX:
Part 905 5796
Part 907 5796
Part 927 5798
Part 936 (4 documents) 5805, 5806, 5807
Part 941 5807
Part 953 (2 documents) 5808, 5809
Part 957 5809
Part 974 5810
Part 991 (proposed) 5831

Title 14
Chapter I:
Part 40 5810
Part 42 5810
Proposed rules 5831
Part 60 5810
Part 61 5810
Chapter II:
Part 610 5811

Title 21
Chapter I:
Part 141 5812
Part 146 5812

Title 24
Chapter II:
Part 291 5813

Title 32
Chapter XVII:
Part 1709 (proposed) 5832

Title 32A
Chapter III (OPS):
CPR 22, SR 12 5814
CPR 22, SR 29 5814
CPR 25 5815
CPR 27 5825
CPR 50 5826
CPR 72 5815
CPR 134 5826
CPR 151 5816
GCPR, SR 109 5826
GOR 4 5828
GOR 7 5827
GOR 20 5829
Chapter VI (NPA):
M-9 5829
Chapter XVI (PMA):
DFO 3 5829
Chapter XVII (HHFA):
CR 3 5830

CODIFICATION GUIDE—Con.

Title 41 Page
Chapter II:
Part 202 (proposed) 5831

Title 43
Chapter I:
Appendix (Public land orders):
843 5830
844 5830

§ 601.1708 *Determination of support rates.* • • •

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, West Virginia, and the following counties in Indiana: Clark, Crawford, Daviess, Dearborn, Dubois, Floyd, Gibson, Harrison, Jackson, Jefferson, Jennings, Knox, Lawrence, Martin, Ohio, Orange, Perry, Pike, Posey, Ripley, Scott, Spencer, Switzerland, Vanderburgh, Warrick and Washington, the PMA commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1952 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 601.1704 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of natural market movements, such penalty or other costs by reason of such movement, as determined by CCC, shall be deducted from the support rates as determined in this paragraph.

• • • • •

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441 1421)

Issued this 23d day of June 1952.

[SEAL] W. E. UNGERHEIM,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7163; Filed, June 27, 1952; 8:49 a. m.]

[1952 CCC Peanut Bulletin, 721 (Peanuts 1952)-1]

PART 646—PEANUTS

SUBPART—1952-CROP PEANUT PRICE SUPPORT PROGRAM

This bulletin states the terms and conditions of the 1952 Crop Peanut Price

Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation, Production and Marketing Administration, and peanut cooperative associations (hereinafter referred to as "CCC", "PMA," and "cooperatives," respectively).

Sec.
646.401 Administration.
646.402 Areas and offices.
646.403 Availability.
646.404 Definitions.
646.405 Support prices.
646.406 Operation of cooperatives.
646.407 Peanuts eligible for price support.
646.408 Eligible producer.
646.409 Determination of type and grade.
646.410 Disbursement of loans.
646.411 Approved lending agencies.
646.412 Approved storage.
646.413 Method of determining quantity.
646.414 Applicable forms.
646.415 Liens.
646.416 Fees and warehouse shrinkage deduction.
646.417 Set-offs.
646.418 Interest rate.
646.419 Insurance.
646.420 Transfer of producer's interest.
646.421 Loss or damage to the peanuts under farm storage loan or identity-preserved warehouse storage loans.
646.422 Personal liability of the producer for the peanuts.
646.423 Safeguarding the peanuts.
646.424 Release of the peanuts under loan.
646.425 Liquidation of loans and delivery under purchase agreements.
646.426 Removal of peanuts under loan.
646.427 Purchase of notes.
646.428 Price support schedule.

AUTHORITY: §§ 646.401 to 646.428 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C., Sup. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072, secs., 101, 401, 63 Stat. 1051, 1054; 15 U. S. C., Sup. 714b, 714c, 7 U. S. C. Sup. 1441, 1421.

§ 646.401 *Administration.* (a) The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field, will be carried out by PMA State and PMA county committees (hereinafter called State and county committees), PMA commodity offices, and the cooperatives designated in § 646.402 and any other cooperatives approved by CCC.

(b) It will be the responsibility of the State PMA committee in each State to carry out the provisions of the 1952 peanut program in such a manner that price support will be available to all eligible producers of merchantable farmers stock peanuts. Insofar as practicable, warehouse storage and price support to the producers will be made available through the cooperatives, which will establish, throughout the State, warehouses to which the farmers may deliver their peanuts for market. Warehouse storage facilities will be made available for individual producer loans in those locations where the State committee determines that the cooperative warehouse facilities are inadequate, or for some other reason, are not properly serving the needs of producers.

(c) Producers interested in participating in the program should communicate with their county committee or the peanut cooperative association serving their area.

(d) All documents in connection with farm or warehouse storage loans and purchase agreements will be completed and approved by the county committee which will retain copies of all such documents. The State committee may authorize the county committee to designate certain employees of the county committee to approve documents on behalf of the county committee. The names of the employees delegated to approve documents in behalf of the county committee shall be submitted to the State committee for approval.

(e) Authorized representatives of the peanut cooperative will issue drafts to producers for peanuts marketed through the cooperative.

(f) State and county committees, PMA commodity offices and cooperatives do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 646.402 *Areas and offices.* The areas in which the program will be available and the cooperatives and PMA commodity offices serving such areas are as follows:

(a) The Virginia-Carolina area consisting of the States of Virginia, North Carolina, Tennessee, Missouri, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

Cooperative: Growers Peanut Cooperative, Inc., Franklin, Va.

PMA Commodity Office: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

(b) The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

Cooperative: GFA Peanut Association, Camilla, Ga.

PMA Commodity Office: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

(c) The Southwestern area consisting of the States of Texas, Oklahoma, New Mexico, Arkansas, Louisiana, Arizona, and California.

Cooperative: Southwestern Peanut Growers' Association, Gorman, Tex.

PMA Commodity Offices

For Texas, Oklahoma, and New Mexico: PMA Commodity Office, U. S. Department of Agriculture, Room 218, Santa Fe Building, 1114 Commerce Street, Dallas 2, Tex.

For Arkansas and Louisiana: PMA Commodity Office, U. S. Department of Agriculture, Wirth Building, 120 Marais Street, New Orleans 16, La.

For Arizona and California: PMA Commodity Office, U. S. Department of Agriculture, P. O. Box 3638, Rincon Annex, San Francisco 19, Calif.

§ 646.403 *Availability*—(a) *Methods of support.* (1) CCC will support the price to eligible producers of eligible 1952 crop quota peanuts through (i) nonrecourse farm storage loans to producers, (ii) purchase agreements with producers, (iii) non-recourse loans to the cooperatives under contract with CCC, and (iv) non-recourse warehouse storage loans to producers storing peanuts in warehouses.

(2) Loans on peanuts stored on farms or in warehouses under contract with CCC must be approved by the county PMA committee which keeps the farm program records for the farm. After the loan documents are approved, the producer may obtain his loan from any local bank or other lending agency which has entered into a lending agency agreement with CCC, or he may obtain the loan through the county PMA committee.

(3) Purchase agreements are also available to producers through the county committee which keeps the farm program records for the farm.

(4) Producers who market their peanuts through the cooperative will deliver them to the cooperative warehouse and receive payment from the cooperative. Producers marketing their peanuts through a cooperative are not required to be members of the cooperative.

(b) *Time.* (1) Producer farm and warehouse storage loans will be available through January 31, 1953, and mature May 31, 1953, or earlier upon demand.

(2) Purchase agreements will be available through January 31, 1953. Producers who elect to deliver peaunts under a purchase agreement must notify the county committee within a 30-day period ending on May 31, 1953, or any earlier date approved by the President of CCC.

(3) Cooperatives will receive peanuts from producers through January 31, 1953. CCC's loan to the cooperative will mature on May 31, 1953, or earlier upon demand by the President of CCC.

§ 646.404 *Definitions.* As used in this subpart and in instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) The generally known types of peanuts (i. e., Runner, Spanish, Valencia, and Virginia) shall be as defined in Marketing Quota Regulations for Peanuts of the 1952 Crop, 1023 (Peanuts-52)-1, Amendment 1 (17 F. R. 907) (7 CFR Part 729).

(b) Farmers stock peanuts means picked and threshed peanuts produced in the continental United States during the calendar year 1952 and which have not been shelled, crushed, cleaned (except for removal of foreign material), or otherwise changed from the State in which picked or threshed peanuts are customarily marketed by producers.

(c) Quota peanuts means farmers stock peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.346 of Marketing Quota Regulations for 1952 Crop of Peanuts.

(d) Merchantable farmers stock peanuts means farmers stock quota peanuts containing 15 percent or less foreign material, 3 percent or less damaged peanuts, and 9 percent or less moisture in the Southeastern and Southwestern areas and 10 percent or less moisture in the Virginia-Carolina area.

(e) High damage peanuts means peanuts meeting all requirements with respect to merchantable farmers stock peanuts except that they contain 4 percent or more damaged kernels.

(f) Within quota card means Form MQ-76-Peanuts (1952), Peanut Within Quota Marketing Card, issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. This card authorizes the marketing of all peanuts produced on the farm without payment of a marketing penalty.

(g) Grade means the percentage of sound mature kernels, damaged kernels, other kernels, foreign material, moisture, and extra large kernels in the case of Virginia type peanuts.

(h) Farm peanut acreage means 1952 farm peanut acreage determined in accordance with the marketing quota regulations, and generally, refers to the total acreage of peanuts on the farm which is picked or threshed.

(i) Excess moisture for the purpose of determining net weight, means the percentage of moisture in excess of 7 percent in the Southeastern and Southwestern areas and in excess of 8 percent in the Virginia-Carolina area.

(j) Lot means that quantity of farmers stock peanuts for which one Federal-State inspection certificate is issued.

(k) Pound net weight means that quantity of farmers stock peanuts, excluding foreign material and excess moisture, equal to one pound standard weight. The net weight of any quantity of farmers stock peanuts shall be determined as follows: (1) Deduct from the gross weight the pounds of foreign material determined by multiplying the gross weight by the percentage of foreign material; (2) multiply the result obtained in (1) by the percentage excess moisture; (3) subtract the result obtained in (2) from that obtained in (1).

(l) Market means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(m) Warehouse means a warehouse for which a Peanut Storage Contract, CCC Peanut Form 29, is in effect.

(n) Producer means a person who, as owner, landlord, tenant, or sharecropper, is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(o) Operator means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(p) Marketing quota regulations means the Marketing Quota Regulations for 1952 Crop of Peanuts issued by the Secretary of Agriculture, including any amendments or supplements thereto (16 F. R. 11946, 17 F. R. 907, and 17 F. R. 4217).

(q) Farm allotment means the farm peanut acreage allotment for the 1952 crop of peanuts established pursuant to the marketing quota regulations. In any case where a farm allotment is not established or is established at less than one acre the farm peanut acreage shall be deemed to be in excess of the farm allotment only if it exceeds one acre.

§ 646.405 *Support prices.* The support prices and producer loan rates for merchantable farmers stock peanuts are contained in § 646.423. The weighted average support price and producer loan rate for all merchantable farmers stock peanuts will be not less than $239.40 per ton. Such prices and rates will be increased if the supply percentage and parity price level as of August 1, 1952, require an increase.

§ 646.406 *Operations of cooperatives.* (a) Each peanut cooperative which enters into a 1952 Crop Peanut Cooperative Loan Agreement, CCC Peanut Form 27 (hereinafter referred to as "agreement"), with CCC will (1) receive, at support prices less fees and charges specified in the agreement, merchantable and high damage farmers stock peanuts delivered by eligible producers to cooperative warehouses, (2) store, handle, and market such peanuts on behalf of the producers, (3) distribute among the producers from whom it receives such peanuts all profits made from the sales of such peanuts, unless other disposition is approved by the President of CCC, and (4) handle peanuts acquired by CCC under the price support program.

(b) The cooperative will enter into a Peanut Receiving and Warehouse Contract, CCC Peanut Form 28, with each approved warehouseman who agrees to make his storage facilities available to, and to receive eligible peanuts for, the cooperative.

(c) CCC, pursuant to the terms of its agreement with the cooperative, will make a loan to the cooperative to enable it to pay producers for peanuts marketed through the cooperative, and all peanuts received by the cooperative shall be used as collateral for the loan by CCC. The cooperative will be permitted to redeem the peanuts and sell them, in accordance with sales policies, methods, and prices approved by CCC. CCC shall have the right at any time to call the loans or to direct the cooperative to sell peanuts handled by it.

(d) Peanuts acquired by CCC under the price support program will be handled by the cooperative on a fee basis, as specified in the agreement.

§ 646.407 *Peanut eligible for price support.* (a) Farmers stock peanuts, to be eligible for price support, must be:

(1) 1952 crop quota peanuts produced by an eligible producer;

(2) Merchantable farmers stock peanuts as defined in § 646.404, except that high damage peanuts may be delivered to the cooperative at prices specified in § 646.428, less fees and deductions specified in § 646.416.

(3) Identified by a within quota marketing card in accordance with the Marketing Quota Regulations for 1952 Crop of Peanuts.

(4) Free and clear of all liens and encumbrances, including landlord's liens, or if liens or encumbrances exist on the peanuts, proper waivers must be obtained; and

(5) The beneficial interest in the peanuts must be in the person tendering them for a loan or for delivery under a purchase agreement, or offering them to a cooperative, and must always have been in him or must have been in him and a former producer whom he succeeded before the peanuts were harvested.

§ 646.408 *Eligible producer.* (a) A producer will be considered a "cooperator" and eligible for price support through any method with respect to all merchantable farmers stock peanuts, and will be eligible to market through the cooperative high damage peanuts, provided such merchantable and high damage peanuts are produced by him on a farm (1) on which the 1952 picked and threshed acreage of peanuts does not exceed the 1952 allotment for such farm, or (2) for which a within quota card is issued to the operator upon the execution of MQ-92, "Agreement by Operator of Overplanted Farm", in which he agrees (i) that the farm peanut acreage will not be in excess of the larger of the farm allotment or one acre, and (ii) if such undertaking is breached to pay liquidated damages to CCC, determined in accordance with the terms of such agreement, and to pay any marketing penalties determined to be due the Secretary of Agriculture.

(b) The liquidated damages payable to CCC under such agreement may be waived to such extent as the President of CCC or his designated representative may determine appropriate in any case where he determines (1) that the breach of such agreement was unintentional and occurred despite a bona fide effort by the operator and other producers on the farm to comply with the agreement and (2) that the amount by which the farm peanut acreage exceeded the acreage specified in the agreement was so small, in relation to the acreage so specified, that it did not materially impair CCC's price support operations. Copies of Form MQ-92 may be obtained from the county committee. The county committee may decline to execute Form MQ-92 in any case where it finds reasonable grounds to believe that such agreement will be used as a device to evade the requirements of this program or the collection of marketing penalty.

§ 646.409 *Determination of type and grade.* The Federal-State Inspection Service shall determine the type and grade of all peanuts which are to be:

(a) Mortgaged as security for a farm storage loan, such type and grade to be determined on the basis of a sample taken by the county committee before the loan is made; but the settlement value of the mortgaged peanuts delivered in satisfaction of the loan will be determined on the basis of the grade determined at the time such peanuts are delivered;

(b) Stored in a warehouse and for which a warehouse receipt is issued in the form approved by CCC, such type and grade to be determined at the time the peanuts are delivered to the warehouse;

(c) Delivered to CCC under a purchase agreement, such type and grade to be determined either (1) at the time the peanuts are delivered to CCC by the producer or (2) at the time the peanuts are

delivered for storage to a warehouse if a warehouse receipt is issued in the form approved by CCC;

(d) Marketed through peanut cooperatives, such type and grade to be determined at the time the peanuts are delivered to the cooperative warehouse;

(e) Delivered to CCC by cooperatives, such type and grade to be determined at the time the peanuts are loaded out of the warehouse, unless another time is agreed to by CCC and the cooperative; and

(f) Delivered to CCC from a warehouse, such type and grade to be determined at the time the peanuts are loaded out of the warehouse.

§ 646.410 *Disbursement of loans.* Disbursement of farm and warehouse storage loans will be made to producers by approved lending agencies under agreement with CCC, or by PMA county offices who will issue sight drafts on CCC. Disbursement, regardless of where made, shall not be made after February 15, 1953, unless approved by the President, CCC. The producer shall not present the loan documents for disbursement unless peanuts are in existence and in good condition. If the peanuts are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 646.411 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a Lending Agency Agreement on CCC Form 232.

§ 646.412 *Approved storage.* Farm or warehouse storage loans will be made only on peanuts in approved storage. Purchase agreements will be accepted without any requirements for approved storage; however, warehouse receipts tendered on peanuts under purchase agreements will be purchased only on peanuts in approved warehouse storage and provided such peanuts are in existence and in good condition at the time the warehouse receipt is tendered for purchase.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are determined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of peanuts. Such structure shall be dry and well-ventilated.

(b) *Warehouse storage.* (1) Approved warehouse storage for peanuts under a warehouse storage loan or delivered under a purchase agreement shall consist of warehouses for which a Peanut Storage Contract, CCC Peanut Form 29, is in effect. The names and locations of such approved warehouses may be obtained from the county or State committee, or from PMA commodity offices.

(2) Approved warehouses and delivery points for peanuts marketed through the cooperatives shall consist of warehouses for which a Peanut Receiving and Warehouse Contract, CCC Peanut Form 28, is in effect. The names and locations of such approved warehouses may be obtained from the cooperative for the area or from the State PMA committee.

§ 646.413 *Method of determining quantity.* (a) The gross weight of bulk peanuts placed under a farm storage loan may be determined either by weight or by measurement. When the quantity of bulk peanuts is determined by measurement, the gross weight will be determined on the basis of the number of cubic feet shown below for the type of peanuts indicated:

Type:	*Weight per cubic foot (pounds)*
Spanish	22.9
Runner	21.4
Valencia	21.4
Virginia	16.8

(b) If the peanuts are stored on the farm in bags, the county committee shall weight a sufficient number of bags to determine the approximate gross weight of all the peanuts to be placed under loan and for the purposes of the loan, shall deduct 5 percent from such approximate weight to cover any discrepancy between such weight and the actual weight of all such peanuts.

(c) The gross weight of peanuts placed under a warehouse storage loan or delivered under a farm storage loan or purchase agreement shall be determined by actual weight at the time of delivery.

(d) The gross weight of all peanuts marketed through the cooperative shall be determined by actual weight at the time of delivery.

§ 646.414 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as may be required, which, together with these provisions, govern the rights and responsibilities of the producer. Notes and chattel mortgages, note and loan agreements, and purchase agreements must be dated and delivered to the county committee on or before January 31, 1953. Notes and chattel mortgages and note and loan agreements must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA, and such other forms and documents as may be required by CCC.

(b) *Warehouse storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by warehouse receipts and such other forms and documents as may be required by CCC. Any peanuts pledged as security for a loan on a single note and loan agreement must be stored in the same warehouse.

(1) *Warehouse receipts.* Warehouse receipts, representing peanuts in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must:

(i) Be issued in the name of the producer, must be properly endorsed so as to vest title in the holder, must be issued by a warehouse under contract with CCC pursuant to § 646.412, and must indicate that peanuts stored commingled are insured. The receipts must be negotiable and must cover eligible peanuts actually in store in the warehouses described in the receipts.

(ii) Show the type and grade of the peanuts at the time of receipt into the warehouse, as determined by the Federal-State Inspection Service, and the dollar value of such peanuts determined on the basis of § 646.428. A warehouse receipt for commingled peanuts must also contain the warehouseman's guarantee to deliver a quantity of the same type of peanuts equal in dollar value to not less than the applicable percentage of the dollar value of the peanuts received and represented by the warehouse receipt. If the peanuts are stored identity preserved, the warehouse receipt shall sufficiently describe the peanuts so that they may be readily identified at all times, and the producer must execute the supplemental certificate prescribed in paragraph (e) of this section.

(iii) State such other terms and conditions as are required under CCC Peanut Form 29, Peanut Storage Contract for warehouses, and may be subject to liens for warehouse charges approved in such contract and indicated on the warehouse receipt.

(c) *Warehouse receipts; cooperative warehouses.* Warehouse receipts, representing peanuts marketed through the cooperative and stored in approved warehouse storage, must:

(1) Be issued by a warehouse under contract with the cooperative pursuant to § 646.412, and must be non-negotiable. The receipts must cover eligible peanuts or high damage peanuts actually in store for the account of CCC in the warehouses described on the receipts.

(2) Show the type and grade of the peanuts at the time of receipt into the warehouse, as determined by the Federal-State Inspection Service, and the dollar value of such peanuts determined on the basis of the price support schedule.

(3) Contain the warehouseman's agreement to deliver peanuts pursuant to the terms of the contract and in accordance with instructions by CCC or its agent.

(4) State such other terms and conditions as are required under CCC Peanut Form 28, and may be subject to liens for warehouse charges approved in such contract.

(d) *Purchase agreements.* The purchase agreement forms shall consist of the Purchase Agreement, Commodity Purchase Form 1, and Purchase Agreement Settlement, Commodity Purchase Form 4, signed by the producer and approved by the county committee, the delivery instructions, Commodity Purchase Form 3, issued by the county committee, negotiable warehouse receipts from warehouses, and such other forms and documents as may be required by CCC.

(e) *Producer's supplemental certificate.* Each warehouse receipt representing peanuts under loan stored in an approved warehouse on an identity-preserved basis, must be accompanied by a supplemental certificate, executed by the producer, and properly identified with the warehouse receipt. Such certificate shall contain the producer's responsibility with respect to the peanuts in accordance with § 646.421.

§ 646.415 *Liens.* If there are any liens or encumbrances on the peanuts, acceptable waivers must be obtained.

§ 646.416 *Fees and warehouse shrinkage deduction.* (a) Producers shall pay the following initial service charges on the quantity placed under a farm storage or warehouse storage loan or the maximum quantity specified in the purchase agreement. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm or identity preserved warehouse storage loan to a producer. No refund of service charges will be made. State committees may, at their option, require a deposit on farm storage loans, such deposit to be applied against the service fee when loan is granted. The service charge on a purchase agreement shall be paid at the time the producer signs the agreement.

Farm storage loans: 30 cents per ton—minimum charge of $3.

Warehouse storage loans: 15 cents per ton—minimum charge of $1.50.

Purchase agreements: 15 cents per ton—minimum charge of $1.50.

(b) The producer will pay the Federal State Inspection fee applicable to the quantity of peanuts:

(1) Placed under a farm storage or warehouse storage loan.

(2) Delivered to CCC under a purchase agreement.

(3) Marketed through the cooperative.

(c) Warehouse charges through May 31, 1953 for peanuts marketed through the cooperative or peanuts stored in a warehouse and placed under a loan or delivered under a purchase agreement will be deducted from the proceeds of the loan or from the payment made by the cooperative or CCC. CCC will pay receiving and handling charges due on peanuts delivered to it after May 31, 1953, and on peanuts delivered prior to May 31, 1953, with the approval of CCC.

(d) For peanuts marketed through the cooperative the producer will pay a handling fee in the amount of 15 cents per ton.

(e) The charges of this section will be computed on gross weights.

(f) Pursuant to § 646.421 the producer is responsible for loss in weight and grade of the peanuts while in storage. For peanuts stored on the farm, such loss will be reflected in the value of the peanuts at the time of settlement if the peanuts are delivered to CCC. If the peanuts are marketed through the cooperative or stored in a warehouse, a deduction in the amount of the tolerance allowed the warehouseman for loss in weight and grade, including a deduction for shrinkage in extra large kernels in Virginia type peanuts, will be made from the support price to the producer at the time the peanuts are marketed or at the time the loan is made.

§ 646.417 *Set-offs.* If a producer who obtains a farm or warehouse storage loan or delivers peanuts under a purchase agreement is indebted to CCC on any accrued obligation, or if any installments past due or maturing within 12 months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. However, prepayment of only one principal installment on a farm storage facility loan shall be deducted from the price support proceeds of any one crop year. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. Cooperatives shall deduct from their drafts to producers and remit to the proper agency of the United States the amount of indebtedness as shown on the marketing cards on which such peanuts are marketed through the cooperatives. Compliance with the provisions of this section shall not constitute a waiver of any right of the debtor to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 646.418 *Interest rate.* Farm and warehouse storage loans to producers shall bear interest at the rate of 3½ percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note. CCC loans to cooperatives will bear interest at the rate of 3½ percent per annum.

§ 646.419 *Insurance.* (a) CCC will not require the producer to insure the peanuts placed under a farm storage or an identity-preserved warehouse storage loan. However, if the producer insures peanuts stored on a farm and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the peanuts involved in the loss. If insurance is obtained by the producer on peanuts stored in a warehouse on an identity-preserved basis, it must be assigned to the warehouseman with the consent of the insurance company, and the warehouseman must also certify that the insurance has been assigned to him.

(b) CCC will not require peanuts stored in a cooperative warehouse to be insured against risks of fire and extended coverage except that insurance may be required if peanuts other than those delivered to the cooperative are stored in the same building. However, if the warehouseman insures such peanuts and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest. Peanuts stored commingled in a warehouse must be insured against risks of fire and extended coverage.

§ 646.420 *Transfer of producer's interest.*—(a) *Loans.* The right of the producer to transfer either his right to redeem the peanuts under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

(c) *Peanuts marketed through the cooperative.* Upon delivery of the peanuts to the cooperative, the producer authorizes the cooperative as his agent to pledge his peanuts to CCC as security for loans to the cooperative and to market his peanuts on his behalf. The producer shall be entitled to his pro rata share in any profits made by the cooperative from the sale of all peanuts of like quality; i. e., either peanuts containing 3 percent or less damaged kernels, or high damaged peanuts.

§ 646.421 *Loss or damage to the peanuts under farm storage loan or identity preserved warehouse storage loans.* (a) The producer is responsible for any loss in grade and for any loss in weight except that, subject to the provisions of § 646.419 physical loss or damage occurring after disbursement of the loan funds without fault, negligence or conversion on the part of the producer or any other person having control of the storage structure, resulting solely from an external cause, will be assumed by CCC provided the producer or warehouseman has given the county committee immediate notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. CCC shall assume losses for insect damage occurring after the producer has given the county committee notice in writing of the presence of worms or weevils and the county committee has by inspection verified the presence of worms or weevils.

(b) No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 646.422 *Personal liability of the producer for the peanuts.* The making of any fraudulent representation by the producer in obtaining price support or the conversion or unlawful disposition of any portion of the peanuts by him may render the producer subject to criminal prosecution under the Federal Law and personally liable for the amount received by him (plus interest) and for any resulting expense incurred by any holder of the note.

§ 646.423 *Safeguarding the peanuts.* The producer obtaining a farm storage loan is obligated to maintain the storage structure in good repair and to keep the peanuts in good condition.

§ 646.424 *Release of the peanuts under loan.* A producer may at any time, obtain release of peanuts remaining

under loan by paying to the holder of the note or the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of peanuts to be released. In the case of warehouse storage loans, such partial release must cover all of the peanuts under one warehouse receipt.

§ 646.425 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county committee. If the producer fails to deliver mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for all costs of removal by the holder of the note. The producer may, however, pay off his loan and redeem his peanuts at any time prior to delivery of the peanuts to CCC or removal by CCC. If the peanuts are or are in danger of going out of condition, the producer shall notify the county committee which shall determine whether the peanuts must be delivered before the maturity date of the loan. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President, CCC. Settlement will be made, subject to the provisions of the mortgage supplement, at the applicable support price based on the type, weight, grade and quality of the peanuts delivered. Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered. Settlement will be made on the quantity and quality delivered by the producer and accepted by the county committee.

(2) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such amount will be paid to the producer on the basis of the settlement documents. Deliveries of peanuts to CCC under farm storage loans will be handled by the PMA county committee which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the PMA county office.

(3) If the settlement value of the peanuts is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC or may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to producer from CCC or any other agency of the United States.

(b) *Warehouse storage loans.* (1) In the case of all warehouse storage loans with respect to commingled peanuts, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the peanuts in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 646.426. Any payment due a producer at the time of settlement on a warehouse storage loan will be made by the appropriate PMA commodity office.

(2) In the case of loans on peanuts stored in a warehouse on an identity-preserved basis, if the producer does not repay his loan by maturity, the county committee shall specify a period within which the producer shall redeem his peanuts. If the producer does not redeem his peanuts during such specified period, the quantity, type, and grade shall be determined by actual weight and by Federal-State inspection, and settlement with the producer for the quantity, type, and grade of peanuts delivered to CCC will be made on the basis of the note and loan agreement and the price support schedule; and any payment due the producer will be made by sight draft drawn on CCC by the PMA county office. Any payment due the producer because of an overplus realized from the sale or pooling of the peanuts will be made by the appropriate PMA commodity office. If the peanuts are purchased by CCC, the purchase price shall be the market value as of the day following maturity, as determined by CCC.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any quantity of peanuts to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1953 during which he must notify the county committee of his intention to sell.

(2) In the case of eligible peanuts stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee, properly executed warehouse receipts for the quantity of peanuts he elects to sell to CCC. CCC will purchase only that quantity which the warehouseman guarantees to deliver on such warehouse receipts. In the case of eligible peanuts stored in other than approved warehouse storage, or stored identity preserved in approved warehouse storage the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain peanuts in other than approved warehouse storage for a period of 60-days, such period beginning on the first day of the delivery period, without any cost to CCC.

(4) The peanuts delivered under a purchase agreement must meet the eligibility requirements in § 646.407 when delivered and will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Peanuts stored commingled in approved warehouses will be purchased, on the basis of the amount guaranteed on the warehouse receipts and/or accompanying documents. Peanuts stored identity-preserved in approved warehouse and peanuts delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery and agreed to by the producer on Commodity Purchase Form 4.

§ 646.426 *Removal of peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held. If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 646.427 *Purchase of notes.* The county committee will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or acceptable negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and report to the PMA county office serving the area.

§ 646.428 *Price support schedule.* The following support prices apply to net weight farmers stock peanuts eligible for price support. The prices are for peanuts in bulk in the Southeastern Area and in bags in the Southwestern and Virginia-Carolina areas.

(a) *Base grade prices.* The base grade support prices for the various types and grades of peanuts shall be as follows:

	Per ton
Virginia type, 65 percent sound mature kernels	$231
Runner type, 65 percent sound mature kernels	215
Southeastern Spanish, 70 percent sound mature kernels	236
Southwestern Spanish, 70 percent sound mature kernels	232

(b) *Premiums and discounts*—(1) *Sound mature kernels.* For each 1 percent sound mature kernel content above or below the base grade, the premium or discount, whichever is applicable, shall be as follows:

	Per ton
Virginia type	$3.60
Runner type	3.50
Spanish type (Southeastern)	3.40
Spanish type (Southwestern)	3.30

The term "sound mature kernels" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(*a*) $^{13}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Spanish peanuts,

(*b*) $^{15}/_{64}$ x 1 inch perforations in the case of Virginia peanuts, and

(*c*) $^{15}/_{64}$ x $^{3}/_{4}$ inch perforations in the case of Runner and Valencia peanuts.

(2) *Damaged kernels.* The discount for damage in excess of 1 percent shall be as follows per ton by types:

Peanuts containing damaged kernels (f—	Virginia	Runners	Spanish	
			Southeast	Southwest
2 percent	$3.60	$3.30	$3.40	$3.30
3 percent	7.20	6.60	6.80	6.60
4 percent	14.40	17.20	13.60	13.20
5 percent	21.60	19.80	20.40	19.80
6 percent	35.00	35.00	35.00	35.00
7 percent	55.00	55.00	55.00	55.00
8 percent and over	120.00	120.00	120.00	120.00

(3) *Foreign material.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton and in excess of 10 percent and not over 15 percent shall be $2.00 per ton.

(4) *Extra large kernels.* For Virginia type peanuts the premium for each full 1 percent extra large kernels in excess of 15 percent shall be $1.25 per ton. "Extra Large Kernels" means any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (effective November 1, 1939) and which will not pass through a screen having 21.5/64 x 1 inch perforations.

(5) Any lot or load of peanuts which would otherwise be considered Virginia type but which contains less than 20 percent "Fancy" size (peanuts riding a 34/64 x 3 inch slotted screen) will be considered Runner type peanuts.

(6) The term "Southeastern Spanish" refers to Spanish type peanuts produced east of the Mississippi River and the term "Southwestern Spanish" refers to Spanish type peanuts produced west of the Mississippi River.

(c) *Valencia type peanuts.* For Valencia type peanuts containing less than 25 percent discoloration and damage caused by cracked or broken shells, the support price shall be the same as the support price for Virginia type peanuts of the same grade, except that no premium is applicable for extra large Valencia kernels. For other Valencia type peanuts the support price will be the same as the support price for Spanish peanuts of the same grade and in the same area.

Issued this 20th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F R Doc. 52-7125; Filed, June 27, 1952; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

On April 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 2888) regarding proposed United States Standards for Table Grapes (European or Vinifera type). A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. During this time representatives of groups within the California table grape industry requested an extension of time for consideration of the proposed standards. This request was granted and the time was extended until June 2, 1952, for submitting written data, views and arguments regarding the proposed standards (17 F. R. 4352). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Table Grapes (European or Vinifera type) are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 51.232 *Standards for table grapes (European or Vinifera type)*—(a) *Grades*—(1) *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, $^{12}/_{16}$ of an inch.
Tokay, $^{11}/_{16}$ of an inch.
Almeria, $^{9}/_{16}$ of an inch.
Thompson Seedless and Black Monukka, $^{8}/_{16}$ of an inch.
Other varieties, $^{10}/_{16}$ of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 5 percent for bunches which weigh less than one-half pound;

(*c*) 10 percent for bunches which fail to meet the color requirements;

(*d*) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(*e*) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more

under loan by paying to the holder of the note or the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county committee shall arrange for the release of the chattel mortgage. Partial release of the peanuts prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of peanuts to be released. In the case of warehouse storage loans, such partial release must cover all of the peanuts under one warehouse receipt.

§ 646.425 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the peanuts in accordance with instructions issued by the county committee. If the producer fails to deliver mortgaged peanuts in accordance with instructions of the county committee, he will be responsible for all costs of removal by the holder of the note. The producer may, however, pay off his loan and redeem his peanuts at any time prior to delivery of the peanuts to CCC or removal by CCC. If the peanuts are or are in danger of going out of condition, the producer shall notify the county committee which shall determine whether the peanuts must be delivered before the maturity date of the loan. In the event the farm is sold or there is a change of tenancy, the peanuts may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the President, CCC. Settlement will be made, subject to the provisions of the mortgage supplement, at the applicable support price based on the type, weight, grade and quality of the peanuts delivered. Delivery of peanuts in bulk will be accepted only from the structure(s) in which the peanuts under loan are stored. In the case of peanuts stored in bags, only the identical bags under loan may be delivered. Settlement will be made on the quantity and quality delivered by the producer and accepted by the county committee.

(2) If the settlement value of the peanuts delivered exceeds the amount due on the loan (excluding interest), such amount will be paid to the producer on the basis of the settlement documents. Deliveries of peanuts to CCC under farm storage loans will be handled by the PMA county committee which initially approved the loan. Any payment due the producer will be made by sight draft drawn on CCC by the PMA county office.

(3) If the settlement value of the peanuts is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC or may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to producer from CCC or any other agency of the United States.

(b) *Warehouse storage loans.* (1) In the case of all warehouse storage loans with respect to commingled peanuts, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the peanuts in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 646.426. Any payment due a producer at the time of settlement on a warehouse storage loan will be made by the appropriate PMA commodity office.

(2) In the case of loans on peanuts stored in a warehouse on an identity-preserved basis, if the producer does not repay his loan by maturity, the county committee shall specify a period within which the producer shall redeem his peanuts. If the producer does not redeem his peanuts during such specified period, the quantity, type, and grade shall be determined by actual weight and by Federal-State inspection, and settlement with the producer for the quantity, type, and grade of peanuts delivered to CCC will be made on the basis of the note and loan agreement and the price support schedule; and any payment due the producer will be made by sight draft drawn on CCC by the PMA county office. Any payment due the producer because of an overplus realized from the sale or pooling of the peanuts will be made by the appropriate PMA commodity office. If the peanuts are purchased by CCC, the purchase price shall be the market value as of the day following maturity, as determined by CCC.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement, Commodity Purchase Form 1, will not be obligated to sell any quantity of peanuts to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the peanuts to CCC, he will have a 30-day period ending on May 31, 1953 during which he must notify the county committee of his intention to sell.

(2) In the case of eligible peanuts stored commingled in an approved warehouse, the producer must, not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by the county committee, submit to the county committee, properly executed warehouse receipts for the quantity of peanuts he elects to sell to CCC. CCC will purchase only that quantity which the warehouseman guarantees to deliver on such warehouse receipts. In the case of eligible peanuts stored in other than approved warehouse storage, or stored identity preserved in approved warehouse storage the county committee will, on or after the final date of such 30-day period, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines that more time is needed for delivery.

(3) The producer may be required to retain peanuts in other than approved warehouse storage for a period of 60 days, such period beginning on the first day of the delivery period, without any cost to CCC.

(4) The peanuts delivered under a purchase agreement must meet the eligibility requirements in § 646.407 when delivered and will be purchased at the applicable support rate. When delivery is completed, payment will be made by sight draft drawn on CCC by the county office. The producer shall direct on Commodity Purchase Form 4 to whom payment of the proceeds shall be made. Peanuts stored commingled in approved warehouses will be purchased, on the basis of the amount guaranteed on the warehouse receipts and/or accompanying documents. Peanuts stored identity-preserved in approved warehouse and peanuts delivered from other than approved warehouse storage will be purchased on the basis of the weight, grade, and other quality factors, determined by the county committee at the time of delivery and agreed to by the producer on Commodity Purchase Form 4.

§ 646.426 *Removal of peanuts under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them either by separate contract or after pooling them with other lots of peanuts similarly held. If the peanuts are pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled peanuts as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price. Any sum due the producer as a result of the sale of the peanuts or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 646.427 *Purchase of notes.* The county committee will purchase, from approved lending agencies, notes (1) evidencing approved loans which are secured by chattel mortgages or acceptable negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and report to the PMA county office serving the area.

§ 646.428 *Price support schedule.* The following support prices apply to net weight farmers stock peanuts eligible for price support. The prices are for peanuts in bulk in the Southeastern Area and in bags in the Southwestern and Virginia-Carolina areas.

(a) *Base grade prices.* The base grade support prices for the various types and grades of peanuts shall be as follows:

	Per ton
Virginia type, 65 percent sound mature kernels	$231
Runner type, 65 percent sound mature kernels	215
Southeastern Spanish, 70 percent sound mature kernels	236
Southwestern Spanish, 70 percent sound mature kernels	232

(b) *Premiums and discounts*—(1) *Sound mature kernels.* For each 1 percent sound mature kernel content above or below the base grade, the premium or discount, whichever is applicable, shall be as follows:

	Per ton
Virginia type	$3.60
Runner type	3.30
Spanish type (Southeastern)	3.40
Spanish type (Southwestern)	3.30

The term "sound mature kernels" means kernels which are free from damage as defined in the U. S. Standards for farmers stock (i) white Spanish peanuts in the case of Spanish and Valencia peanuts and (ii) Runner and Virginia peanuts, respectively, in the case of Runner and Virginia peanuts; and which will not pass through a screen having:

(*a*) $14/64$ x $3/4$ inch perforations in the case of Spanish peanuts.

(*b*) $15/64$ x 1 inch perforations in the case of Virginia peanuts, and

(*c*) $15/64$ x $3/4$ inch perforations in the case of Runner and Valencia peanuts.

(2) *Damaged kernels.* The discount for damage in excess of 1 percent shall be as follows per ton by types:

Peanuts containing distressed kernels of—	Virginia	Runners	Spanish	
			Southeast	Southwest
2 percent	$3.60	$3.30	$3.40	$3.30
3 percent	7.20	6.60	6.80	6.60
4 percent	14.30	13.20	13.60	13.20
5 percent	21.60	19.80	20.40	19.80
6 percent	35.00	35.00	35.00	35.00
7 percent	55.00	55.00	55.00	55.00
8 percent and over	120.00	120.00	120.00	120.00

(3) *Foreign material.* The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1.00 per ton and in excess of 10 percent and not over 15 percent shall be $2.00 per ton.

(4) *Extra large kernels.* For Virginia type peanuts the premium for each full 1 percent extra large kernels in excess of 15 percent shall be $1.25 per ton. "Extra Large Kernels" means any shelled Virginia peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for Shelled Virginia peanuts (effective November 1, 1939) and which will not pass through a screen having 21.5/64 x 1 inch perforations.

(5) Any lot or load of peanuts which would otherwise be considered Virginia type but which contains less than 20 percent "Fancy" size (peanuts riding a 34/64 x 3 inch slotted screen) will be considered Runner type peanuts.

(6) The term "Southeastern Spanish" refers to Spanish type peanuts produced east of the Mississippi River and the term "Southwestern Spanish" refers to Spanish type peanuts produced west of the Mississippi River.

(c) *Valencia type peanuts.* For Valencia type peanuts containing less than 25 percent discoloration and damage caused by cracked or broken shells, the support price shall be the same as the support price for Virginia type peanuts of the same grade, except that no premium is applicable for extra large Valencia kernels. For other Valencia type peanuts the support price will be the same as the support price for Spanish peanuts of the same grade and in the same area.

Issued this 20th day of June 1952.

[SEAL] ELMER F. KRUSE,
Vice-President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7125; Filed, June 27, 1952; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

On April 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 2888) regarding proposed United States Standards for Table Grapes (European or Vinifera type). A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. During this time representatives of groups within the California table grape industry requested an extension of time for consideration of the proposed standards. This request was granted and the time was extended until June 2, 1952, for submitting written data, views and arguments regarding the proposed standards (17 F. R. 4352). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Table Grapes (European or Vinifera type) are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

§ 51.232 *Standards for table grapes (European or Vinifera type)*—(a) *Grades*—(1) *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, $12/16$ of an inch.
Tokay, $11/16$ of an inch.
Almeria, $9/16$ of an inch.
Thompson Seedless and Black Monukka, $7/16$ of an inch.
Other varieties, $10/16$ of an inch

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 5 percent for bunches which weigh less than one-half pound;

(*c*) 10 percent for bunches which fail to meet the color requirements;

(*d*) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(*e*) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more

than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*f*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(2) *U. S. Extra No. 1 Table Grapes.* U. S. Extra No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(iii) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, $^{12}/_{16}$ of an inch.
Tokay, $^{11}/_{16}$ of an inch.
Almeria, $^{9}/_{16}$ of an inch.
Thompson Seedless and Black Monukka, $^{8}/_{16}$ of an inch.
Other varieties, $^{10}/_{16}$ of an inch.

(iv) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(*b*) 10 percent for bunches which fail to meet the color requirements;

(*c*) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage;

(*d*) 8 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*e*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(3) *U. S. No. 1 Table Grapes.* U. S. No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, more than slightly shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, and sunburn, and free from damage caused by scarring, discoloration, heat, Almeria Spot, mildew, other diseases, freezing, insects or mechanical or other means.

(i) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(ii) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(iii) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) 10 percent for bunches which fail to meet the color requirements;

(*b*) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(*c*) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

(b) *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade.

(2) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(3) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

(d) *Definitions.* (1) "Well developed grapes" means grapes which are not abnormally small for the variety.

(2) "One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties," need not meet this requirement.

(3) "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent, the Malaga and Muscat varieties shall test not less than 20 percent.

(4) "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

(5) "Well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(iii) White varieties. There are no color requirements for the white varieties.

(6) "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

(7) "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

(8) "Shriveled at capstems" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

(9) "Shattered" means that the berry is separated from the bunch, and may or may not have the capstem attached.

(10) "Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

(11) "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

(12) "Waterberry" means a watery, soft or flabby condition of the berries. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak."

(13) "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn," occurring as a sunken, and usually discolored and dried area on the exposed surface.

(14) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(i) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(*a*) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry.

(*b*) Discoloration, when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration.

(*c*) Heat, when the flesh of the berry is affected.

(*d*) Almeria Spot, when any spot is distinctly sunken or dark in color.

(*e*) Mildew, when active powdery mildew is present.

(*f*) Freezing, when the berry is frozen or when the flesh of the berry is affected by freezing.

(*g*) Insects, when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue.

(ii) The following shall be considered as damage to stems:

(*a*) Mildew, when active powdery mildew is present on the stems, or when scars caused by this disease constrict or weaken any part of the main or lateral stems.

(*b*) Freezing, when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are watersoaked and limp, or dried, as a result of freezing.

(15) "Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

(16) "Excessively tight" means that the berries are so closely wedged together that, when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

(17) "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

(18) "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries." They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries."

(19) "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

(20) "Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable; not distinctly immature or spindly or thread-like at time of packing.

(21) "Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

(22) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end, shall not be considered as seriously damaged.

(23) "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

(24) "Fairly well colored" means in the case of:

(i) Black varieties that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(ii) Red varieties that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose).

(iii) White varieties. There are no color requirements for the white varieties.

(25) "Reasonably well colored" applies to the red varieties and means that each bunch of the Tokay variety shall have not less than 55 percent, by count, and other varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

(26) "Slightly shriveled at capstems" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

(27) "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

(e) *Effective time.* The United States Standards for Table Grapes (European or Vinifera type) contained in this section and which supersede the United States Standards for Table Grapes (11 F. R. 13568) effective July 20, 1939, shall become effective ten (10) days after the date of publication in the FEDERAL REGISTER.

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER because the packing season for table grapes has already commenced and it is in the public interest that the standards be in effect as soon as possible; and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(Sec. 205, 60 Stat. 1090, Pub. Law 135, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 24th day of June 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7180; Filed, June 27, 19[illegible]; 9:00 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 905—MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than July 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair orderly marketing of milk in the Oklahoma City, Oklahoma, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held March 3–4, 1952, and the decision having been executed by the Secretary on June 17, 1952. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecesary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (April 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 905.51 (a) and substitute therefor the following:

(a) *Class I milk.* The basic formula price plus $1.70 during the months of April, May, and June and plus $1.90 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 905.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November–December	110
February	December–January	114
March	January–February	118
April	February–March	120
May	March–April	124
June	April–May	127
July	May–June	132
August	June–July	130
September	July–August	125
October	August–September	116
November	September–October	108
December	October–November	106

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July, and August; 2 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend § 905.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk computed pursuant to § 905.51 (a) and the Class I butterfat differential computed pursuant to § 905.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 905.51 (b) and the Class II butterfat differential computed pursuant to § 905.52 (b), both for the previous month; and

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of June 1952 to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7132; Filed, June 27, 1952; 9:00 a. m.]

[Docket No. AO 212–A4]

PART 907—MILK IN MILWAUKEE, WIS., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on July 1, 1952. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk in the Milwaukee marketing area. The provisions of the said amendatory order are well known to handlers and producers, the public hearing having been on May 19–20, 1952, and a decision containing such provisions having been issued June 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be contrary to the public interest to delay the effective date of this amendatory order for 30 days after its publication in the FEDERAL REGISTER. (See sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period, (March 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 907.14 and substitute therefor the following:

§ 907.14 *Other source milk.* "Other source milk" means all milk and milk products, except packaged butter, packaged cottage cheese, and other products already packaged or processed when received by the handler, other than producer milk or receipts from other handlers.

2. Delete § 907.41 (d) (3) and substitute therefor the following:

(3) Actual shrinkage but not to exceed 2½ percent of the total pounds of butterfat in producer milk and actual shrinkage of butterfat in other source milk (including in each instance that computed pursuant to § 907.42 (b)).

3. Delete § 907.42 (b) and substitute therefor the following:

(b) Prorate the resulting amount among the receipts of butterfat in producer milk, other source milk, and receipts (excluding milk or milk products in packaged form and not reprocessed by the receiving handler) from other handlers in accordance with the total volumes of butterfat received from each such source.

4. Delete § 907.46 (c) (1) and substitute therefor the following:

(1) Convert to pounds on the basis of 2.15 pounds per quart (in the case of non-concentrated flavored milk and flavored milk drinks 2.0 pounds per quart) the volume disposed of as each of the several items of Class I milk, except in the case of converting milk, flavored milk or flavored milk drinks in concentrated form such conversion shall apply to the volume of milk used in the production of the concentrated product rather than to the volume of finished product: *Provided*, That if a satisfactory record of the volume of milk used in the production of the concentrated product is not available, the 3.5 percent milk equivalent of the volume of butterfat in the finished product shall be used for the purposes of this paragraph;

5. Delete § 907.51 (a) and (b) and substitute therefor the following:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.56; July through November, inclusive, $1.06; all other months, $0.76: *Provided*, That such class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio computed pursuant to paragraph (e) of this section is greater or less than 72 percent.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price plus the following amounts as indicated: May and June, $0.40; July through November, inclusive, $0.70; all other months, $0.50: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same month pursuant to the proviso of paragraph (a) of this section.

6. Delete § 907.51 (e) and substitute therefor the following:

(e) *Automatic price adjustment.* On or before the last day of each month the market administrator shall make the following computations based upon the reported receipts and utilization of handlers as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, as computed by the market administrator under the latter order:

(1) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(2) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(4) In making the computations specified in subparagraphs (1) and (2) of this paragraph, the market administrator shall use the reported receipts and

utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for months prior to July 1, 1952.

7. Delete § 907.60 (b) and substitute therefor the following:

(b) Any producer entering the market following twelve or more consecutive months without producer status, shall have his milk deliveries considered as non-base milk for the first April–June period (or any part thereof) following his qualification as a producer; or upon notifying the market administrator prior to April 1 next following such qualification as a producer, he may elect to have a base computed in the manner provided in paragraph (a) of this section with respect to his deliveries of milk to any fluid milk plant, receiving station, or non-fluid plant, such deliveries to be subject to verification by the market administrator: *Provided*, That this paragraph shall not be construed to conflict with § 907.61 (a) or (b).

8. Delete § 907.61 (e) and substitute therefor the following:

(e) The market administrator on or before March 1 shall notify each handler of the base (computed pursuant to § 907.60) of each of the producers delivering to his plant(s): *Provided*, That this shall not preclude the market administrator from notifying any producer (or a cooperative association if such producer is a member) of the producer's base.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of June 1952, to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7154; Filed, June 27, 1952; 9:01 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

SUBPART—RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of Order No. 27, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C., 1001 et seq.), a public meeting was held at New York, New York, on April 30, 1952 to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on April 4, 1952, and published in the FEDERAL REGISTER on April 19, 1952 (17 F. R. 3499).

After due consideration of the data, views, and arguments presented by interested parties at such public meeting, the rules and regulations as heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture to read as follows:

DEFINITIONS

Sec.
927.100 Definitions.
927.101 Orders.
927.102 Pooled.
927.103 Exempt.
927.104 Non-pooled.
927.105 Milk.
927.106 Skim milk.
927.107 Fluid skim milk.
927.108 Cultured or flavored milk drink.
927.109 Cream.
927.110 Frozen cream.
927.111 Concentrated fluid milk; plain condensed milk.
927.112 Evaporated milk.
927.113 Sweetened condensed milk.
927.114 Condensed by-product.
927.115 Milk powder.
927.116 Other concentrated milk products.
927.117 Powdered by-product.
927.118 Cheese.
927.119 Cheddar cheese; American Cheddar cheese; Colby cheese; washed curd cheese; part skim Cheddar cheese.
927.120 Cream cheese.
927.121 Frozen desserts.
927.122 Homogenized mixture.
927.123 Butter.
927.124 Packaged; packaged in consumer packages.
927.125 Fluid milk products.
927.126 Fluid cream products.
927.127 Reconstituted cream shipped to, or received in, or distributed in the marketing area.
927.128 Whipped topping mixture.

PROCEDURE FOR ACCOUNTING FOR THE RECEIPT AND DISPOSITION OF BUTTERFAT AND PLANT LOSS

927.140 Method.
927.141 Butterfat to be accounted for.
927.142 Butterfat accounted for.
927.143 Butterfat loss and excess.
927.144 Miscellaneous products: Step One.
927.145 Cheese; opening inventory and receipts.
927.146 Miscellaneous products: Step Two.
927.147 Cream: Step One.
927.148 Cream: Step Two.
927.149 Cream: Step Three.
927.150 Milk drinks: Step One.
927.151 Milk drinks: Step Two.
927.152 Concentrated fluid milk: Step One.
927.153 Concentrated fluid milk: Step Two.
927.154 Plant loss allowance; second process.
927.155 Miscellaneous product: Step Three.
927.156 Concentrated fluid milk: Step Three.
927.157 Concentrated fluid milk: Step Four.
927.158 Cream: Step Four.
927.159 Cream: Step Five.
927.160 Cream: Step Six.
927.161 Cream: Step Seven.
927.162 Plant loss allowance; frozen cream.
927.163 Frozen cream: Step One.
927.164 Frozen cream: Step Two.
927.165 Frozen cream: Step Three.
927.166 Frozen cream: Step Four.
927.167 Frozen cream: Step Five.
927.168 Plant loss allowance; sour cream.
927.169 Cream: Step Eight.
927.170 Cream: Step Nine.
927.171 Cream: Step Ten.
927.172 Milk drinks: Step Three.
927.173 Milk drinks: Step Four.
927.174 Milk: Step One.
927.175 Milk: Step Two.
927.176 Plant loss allowance; first process.
927.177 Milk drinks: Step Five.
927.178 Milk drinks: Step Six.
927.179 Milk: Step Three.
927.180 Milk: Step Four.
927.181 Plant loss allowance; receiving station.
927.182 Interchange between products.

ASSIGNMENT OF POOLED, NON-POOLED, AND EXEMPT BUTTERFAT AND SKIM MILK TO BUTTERFAT CLASSES AND SKIM MILK USES

Sec.
927.200 Concentrated fluid milk or plain condensed milk assignment.
927.201 Cream assignment.
927.202 Milk assignment.
927.203 Skim milk assignment.

METHOD OF INVENTORY ACCOUNTING

927.220 Method of inventory accounting.

CONVERSION FACTORS

927.230 Butterfat tests.
927.231 Weights.

METHODS OF DETERMINING BUTTERFAT IN SPECIFIC PRODUCTS

927.240 Butterfat in frozen desserts.
927.241 Butterfat in homogenized mixtures.
927.242 Butterfat in cultured and flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat.
927.243 Butterfat in milk chocolate and other candy products.
927.244 Butterfat in cheese subject to the butter-cheese adjustment.
927.245 Butterfat in other cheeses.
927.246 Butterfat in malted milk products.
927.247 Butterfat in frozen cream.

BUTTERFAT IN BY-PRODUCTS

927.260 Butterfat in whey and whey products.
927.261 Butterfat in other products.

ASSIGNMENT OF SPECIFIC BUTTERFAT RECEIVED OR IN THE OPENING INVENTORIES IN THE FORM OF FROZEN CREAM TO THE USES OF BUTTERFAT IN THE FORM OF FROZEN CREAM AT THE PLANT

927.270 Frozen cream; closing inventories
927.271 Frozen cream: April to September
927.272 Frozen cream: Handler option
927.273 Frozen cream; pooled and non-pooled.
927.274 Frozen cream to Class II.
927.275 Frozen cream to butter.

AUTHORITY: §§ 927.100 to 927.275 issued under sec. 5, 49 Stat. 753, as amended; 7 U S C and Sup. 608c.

DEFINITIONS

§ 927.100 *Definitions.* The terms used in this subpart shall have the same definitions as are set forth in the orders. In addition, for the purpose only of classifying and accounting for milk under the terms of the Orders, other terms shall have the meanings set forth in §§ 927.101 through 927.128.

§ 927.101 *Orders.* "The orders" means Order No. 27 as amended, issued by the Secretary, and revised official Order No. 126 as amended, issued by the Commissioner.

§ 927.102 *Pooled.* The term "pooled," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the butterfat in such product or the skim milk in such product was at some time received from producers in the form of milk at a pool plant.

§ 927.103 *Exempt.* The term "exempt," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the milk equivalent of the butterfat in such product or the skim milk in such product is exempt from the computation of the uniform price, pursuant to § 927.60.

§ 927.104 *Non-pooled.* The term "non-pooled," when used in conjunction with milk, butterfat, skim milk, or other dairy product, means that the butterfat in such product or the skim milk in such product was at no time received from producers in the form of milk at a pool plant.

§ 927.105 *Milk.* "Milk" means (a) the product delivered to a plant by dairy farmers as cow's milk, or (b) the product composed of skim milk and of not less than 3.0 percent nor more than 15 percent butterfat. This definition shall not be deemed to include products that are included in other definitions.

§ 927.106 *Skim milk.* "Skim milk" means all parts of milk as defined in § 927.105 (a) except butterfat.

§ 927.107 *Fluid skim milk.* "Fluid skim milk" means the product consisting principally of uncondensed skim milk, including buttermilk obtained from churning, and containing less than 3.0 percent butterfat.

§ 927.108 *Cultured or flavored milk drink.* "Cultured or flavored milk drink" means a flavored or cultured beverage containing milk or skim milk but not more than 15 percent butterfat, or the mixture from which such product is made.

§ 927.109 *Cream.* "Cream" means the combination of butterfat and skim milk which contains more than 15 percent butterfat, and which may or may not have been fermented by the addition of a lactic acid or other harmless milk culture. This definition shall not be deemed to include products that are included in other definitions. In §§ 927.140 through 927.220, when the fermented cream is referred to, the term "sour cream" will be used.

§ 927.110 *Frozen cream.* "Frozen cream" (sometimes referred to as storage cream), means pooled cream which has met the requirements necessary for the classification of the milk equivalent of such cream as Class III frozen cream pursuant to § 927.37 (e) (2) of the Orders: *Provided*, That, for the purposes only of accounting for the butterfat in these rules and regulations such terms shall also mean non-pooled cream assigned to cream reported pursuant to § 927.52, and which meets the requirements of § 927.37 (e) (2) as a basis of classification for pooled milk.

§ 927.111 *Concentrated fluid milk; plain condensed milk.* "Concentrated fluid milk" and "plain condensed milk" mean the unsterilized product resulting from the evaporation of water from milk which products contain not less than 5.0 percent butterfat, not less than 20 percent total milk solids, and not less than 5.0 percent moisture. They may or may not contain sugar or other sweetening agents, but such sugar or other sweetening agents shall be equivalent to less than 38 percent sugar or equivalent sweetening agents. Other milk products may be added during the process of manufacture.

§ 927.112 *Evaporated milk.* "Evaporated milk" means the product resulting from the evaporation of water from milk which product contains not less than 7.9 percent butterfat and not less than 25.9 percent total milk solids, and which product is packed in hermetically-sealed cans. Other milk products, stabilizer, or vitamin D may be added during the process of manufacture. Failure to meet the minimum percentages set forth herein by an amount not to exceed 2.0 percent of the percentages set forth herein shall not disqualify a product from meeting this definition.

§ 927.113 *Sweetened condensed milk.* "Sweetened condensed milk" means the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 8.0 percent butterfat, 28 percent total milk solids, and 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

§ 927.114 *Condensed by-product.* "Condensed by-product" means the product resulting from the evaporation of at least 50 percent of the water from fluid skim milk, with or without the addition of other products. This definition includes but is not limited to the products known as condensed skim milk, sweetened condensed skim milk, and condensed buttermilk.

§ 927.115 *Milk powder.* "Milk powder" means the product which results from the removal of water from milk, cream, plain condensed milk, or fluid skim milk, with or without the addition of other products, and which contains not less than 10 percent butterfat, not more than 5.0 percent moisture, and not more than 5.0 percent solids not milk solids.

§ 927.116 *Other concentrated milk products.* "Other concentrated milk products" means the products named and described as follows:

(a) Malted milk products, products which are made by combining milk of other products containing butterfat with liquids separated from mash or ground barley malt and wheat flour, with or without the addition of other products, and by removing water. They shall contain not more than 40 percent moisture and not more than 15 percent butterfat.

(b) Ice cream powder, the product containing milk solids, sugar (or other sweetening agent), and other ingredients, prepared for use in making frozen desserts. It shall contain not less than 26 percent butterfat and not more than 5.0 percent moisture.

(c) Sweetened, part skim, condensed milk, the product resulting from the evaporation of water from milk or plain condensed milk and the addition of sugar or other sweetening agent. It shall contain not less than 5.0 percent but less than 8.0 percent butterfat, not less than 28 percent total milk solids and not less than 38 percent sugar or equivalent sweetening agent. Other milk products may be added during the process of manufacture.

(d) The product which meets all the requirements of evaporated milk as set forth in § 927.112 with the exception that other vitamins and minerals not to exceed 0.5 percent of the total weight of the product may be added during the process of manufacture.

§ 927.117 *Powdered by-product.* "Powdered by-product" means a product which results from the removal of water from fluid skim milk or a condensed by-product and which contains less than 10 percent butterfat and not more than 5.0 percent moisture. This definition includes but is not limited to products known as non-fat dry milk solids and dried buttermilk.

§ 927.118 *Cheese.* "Cheese" means the product made from the separated curd obtained by coagulating the casein of milk, fluid skim milk, or cream.

§ 927.119 *Cheddar cheese; American Cheddar cheese; Colby cheese; washed curd cheese; part skim Cheddar cheese.* "Cheddar cheese," "American Cheddar cheese," "Colby cheese," "washed curd cheese," and "part skim Cheddar cheese," means those cheeses manufactured for sale under one of these names and made from milk or fluid skim milk by the Cheddar, Colby, or washed curd process.

§ 927.120 *Cream cheese.* "Cream cheese" means cheese manufactured for sale under the name of "cream cheese," "neufchatel cheese," "cream cheese curd," or as a cheese with a cream cheese or neufchatel cheese base and made by the cream cheese or neufchatel process. The curd shall contain not less than 20 percent butterfat and the cheese may have non-milk products added but may not have other cheeses added. Failure to meet the minimum percentage set forth in this subpart by an amount not to exceed 2.0 percent of the percentage set forth herein shall not disqualify a product from meeting this definition.

§ 927.121 *Frozen desserts.* "Frozen desserts" means those products commonly known as ice cream, frozen custard, sherbet, and frozen confections such as, but not restricted to, Bisque Tortoni, Spumoni, creamsicles, fudgicles, popsicles, mousses, parfaits, puddings (such as Nesselrode puddings), and decorations for the frozen desserts, but not including products properly known as candy.

§ 927.122 *Homogenized mixture.* "Homogenized mixture" means the product which results from homogenizing a mixture containing milk solids, moisture, and sugar (or other sweetening agent) or other ingredients, and which is prepared for use in the manufacture of frozen desserts. It shall contain not less than 5.0 percent sugar (or other sweetening agent) or other ingredients, and not less than 5.0 percent moisture.

§ 927.123 *Butter.* "Butter" means the product containing not less than 80 percent butterfat resulting from churning cream. Failure to meet this minimum percentage by an amount not to exceed 1.0 percent of such percentage shall not disqualify the product from meeting this definition.

§ 927.124 *Packaged; packaged in consumer packages.* The term "packaged" or "packaged in consumer packages" when used in conjunction with milk,

concentrated fluid milk, plain condensed milk, cultured or flavored milk drinks, cream or sour cream, means that such product is in a container of two quarts or less. These products in any other container will be referred to as bulk.

§ 927.125 *Fluid milk products.* "Fluid milk products" means products which meet the definition of milk as set forth in § 927.105, but to which are added ingredients other than those derived from milk, such ingredients not to exceed 4.0 percent. This definition shall not be deemed to include products that are included in other definitions.

§ 927.126 *Fluid cream products.* "Fluid cream products" means products containing less than 60 percent butterfat which meet the definition of cream as set forth in § 927.109, but to which are added ingredients other than those derived from milk, such ingredients not to exceed 4.0 percent, which products are not subsequently utilized in frozen desserts. This definition shall not be deemed to include products that are included in other definitions.

§ 927.127 *Reconstituted cream shipped to, or received in, or distributed in the marketing area.* "Reconstituted cream shipped to, received in, or distributed in the marketing area" means cream classified as Class II to which frozen cream has been assigned pursuant to §§ 927.165 and 927.166.

§ 927.128 *Whipped topping mixture.* "Whipped topping mixture" means a product which results from the mixture of milk solids, moisture, sugar or other sweetening agents, flavor and stabilizer, and which is used for distribution packaged with harmless gas causing it to fluff upon ejection from the package or container. The ingredients contained therein other than those derived from milk must exceed 4.0 percent.

PROCEDURE FOR ACCOUNTING FOR THE RECEIPT AND DISPOSITION OF BUTTERFAT, AND PLANT LOSS

§ 927.140 *Method.* Milk shall be classified and accounted for on a monthly basis in accordance with the form in which the butterfat from such milk is held at or moved from the plant at which classification is to be determined pursuant to § 927.33. Before classifying milk the butterfat in milk shall be accounted for in accordance with provisions of §§ 927.141 through 927.182 and shall be classified in the same classes as the milk equivalent of such butterfat is required, pursuant to §§ 927.30 through 927.37, to be classified. Any deductions or additions required in any section shall be made to the result obtained after all additions or deductions required in the preceding sections have been made.

§ 927.141 *Butterfat to be accounted for.* Tabulate the total pounds of butterfat in the opening inventories in each product and received at the plant in each product. Butterfat should be shown separately in packaged and bulk forms. The total of all butterfat so tabulated shall be known as the total butterfat to be accounted for.

§ 927.142 *Butterfat accounted for.* Tabulate and classify the butterfat in each product on hand at or leaving the plant. Such tabulation should show separately the butterfat in each product leaving the plant and in the closing inventories at the plant. In the event that the butterfat in the product might be classified in more than one class, the tabulation should be further subdivided to show the quantity of butterfat in each class. The tabulation should be further subdivided to show the quantity of butterfat in the packaged product and in the bulk product. The total of the butterfat tabulated in this subpart shall be known as the butterfat accounted for at the plant.

§ 927.143 *Butterfat loss and excess.* Subtract the total butterfat accounted for from the total butterfat to be accounted for at the plant. The remainder shall be known as the plant loss. In the event that the total butterfat accounted for at the plant is greater than the total butterfat to be accounted for the excess butterfat shall be accounted for as follows:

(a) If the plant is in the marketing area, the excess shall be considered to have been received in the form of cream from an undisclosed source: *Provided*, That, if such excess is an excess of milk it shall be considered to have been received in the form of milk from an undisclosed source. Such excess, other than an excess of milk, shall be assigned as far as possible to butterfat leaving the plant in the form of frozen desserts, homogenized mixtures or cream cheese. Any excesses not so assigned shall be subject to the payments required in § 927.78 (b) (3).

(b) If the plant is a pool plant outside the marketing area, the excess shall be considered to have been received in the form of milk from products and such excess shall be classified and paid for without equalization from the pool.

(c) If the plant is a non-pool plant outside the marketing area, the excess shall be considered to have been received in the form of the product or products leaving or on hand at the plant which yield the lowest net return to producers, after deduction of butterfat in the opening inventories or received at the plant in like form.

§ 927.144 *Miscellaneous products: Step One.* Deduct butterfat in opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, concentrated fluid milk, plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in like forms to the extent possible. If such butterfat is pooled butterfat and is received in the form of fluid milk products or fluid cream products, it should be deducted, as far as possible, from Class I–A or Class II, as the case may be. If such butterfat is non-pooled butterfat and is received in the form of fluid milk products or fluid cream products, it should be deducted pro rata, as far as possible, from Class I–B, Class I–C, or from Class III.

§ 927.145 *Cheese; opening inventory and receipts.* Deduct remaining butterfat in the opening inventories or received in the form of cheese from butterfat leaving the plant or in the closing inventories at the plant in the form of other cheese, to the extent that such opening inventories or receipts of cheese are used in the manufacture of such other cheese.

§ 927.146 *Miscellaneous products: Step Two.* Deduct remaining butterfat in the opening inventories or received in forms other than milk, cultured or flavored milk drinks, cream, sour cream, frozen cream, concentrated fluid milk, plain condensed milk, sweetened condensed milk, milk powder, other concentrated milk products, and butter from butterfat in products leaving the plant or in the closing inventories at the plant in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories or received in such forms from plant loss.

§ 927.147 *Cream: Step One.* Deduct butterfat in the opening inventories of packaged cream or sour cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.148 *Cream: Step Two.* Deduct butterfat received in the form of packaged cream pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged cream.

§ 927.149 *Cream: Step Three.* Deduct butterfat received in the form of packaged sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged sour cream. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class II packaged sour cream and then pro rata from other classes of packaged sour cream. If such butterfat is nonpooled butterfat, it should be deducted pro rata, as far as possible, from packaged sour cream other than Class II packaged sour cream.

927.150 *Milk drinks: Step One.* Deduct butterfat in the opening inventories in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.151 *Milk drinks: Step Two.* Deduct butterfat received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat leaving the plant or in closing inventories at the plant. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat classified as Class II. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, from butterfat in cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat classified as Class III. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in opening inventories or received in the form of cultured or flavored milk drinks of less than 3.0 percent or more than 5.0 percent butterfat from plant loss and classify it as Class II.

§ 927.152 *Concentrated fluid milk: Step One.* Deduct butterfat in the opening inventories of packaged concentrated fluid milk or packaged plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.153 *Concentrated fluid milk: Step Two.* Deduct butterfat received in the form of packaged concentrated fluid milk or packaged plain condensed milk pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged concentrated fluid milk or packaged plain condensed milk.

§ 927.154 *Plant loss allowance; second process.* Add to the remaining butterfat in each class leaving the plant or in the closing inventories at the plant in the form of:

(a) Packaged cream, 2.5 percent;
(b) Packaged sour cream, 2.5 percent;
(c) Frozen desserts or homogenized mixtures, 3.0 percent;
(d) Cream cheese, 5.0 percent;
(e) Butter, 3.0 percent;
(f) Whipped topping mixture packed under pressure, 2.5 percent;
(g) Packaged concentrated fluid milk or packaged plain condensed milk, 1.5 percent:

Provided, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the remaining plant loss. Such additions shall be deducted from the remaining plant loss.

§ 927.155 *Miscellaneous products: Step Three.* Deduct remaining butterfat in the opening inventories or received in the form of butter, sweetened condensed milk, milk powder, or other concentrated milk products, pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the forms of frozen desserts, homogenized mixtures, ice cream powder or candy products. Deduct any remaining butterfat in the opening inventories or received in such forms from butterfat in products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in the opening inventories in such forms from plant loss.

§ 927.156 *Concentrated fluid milk: Step Three.* Deduct butterfat in the opening inventories of concentrated fluid milk or plain condensed milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.157 *Concentrated fluid milk: Step Four.* Deduct butterfat received in the form of concentrated fluid milk or plain condensed milk pro rata from butterfat leaving the plant or in closing inventories at the plant in the form of concentrated fluid milk or plain condensed milk. Deduct any remaining butterfat received in the form of concentrated fluid milk or plain condensed milk pro rata from butterfat on hand at or leaving the plant in the form of frozen desserts, homogenized mixtures, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products or candy products. Deduct remaining butterfat received in the form of concentrated fluid milk or plain condensed milk from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of concentrated fluid milk or plain condensed milk remains, it shall be deducted from plant loss.

§ 927.158 *Cream: Step Four.* Deduct butterfat in opening inventories of sour cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.159 *Cream: Step Five.* Deduct butterfat received in the form of sour cream from butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class II butterfat in sour cream and then pro rata from other classes of butterfat in sour cream. If such butterfat is nonpooled butterfat, it should be deducted pro rata, as far as possible, from butterfat in sour cream other than Class II sour cream.

§ 927.160 *Cream: Step Six.* Deduct remaining butterfat in the opening inventories or received in the form of sour cream from butterfat leaving the plant or in the closing inventories at the plant in cheese or butter, to the extent that the handler claims utilization of sour cream in the manufacture of such cheese or butter.

§ 927.161 *Cream: Step Seven.* Deduct any remaining butterfat in the opening inventories or received in the form of sour cream from plant loss and classify it as class II.

§ 927.162 *Plant loss allowance; frozen cream.* Deduct 3.0 percent of the remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss: *Provided*, That, the amount so deducted shall not exceed the remaining plant loss.

§ 927.163 *Frozen cream: Step One.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream classified as Class II to the extent possible.

§ 927.164 *Frozen cream: Step Two.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant in the form of sour cream other than Class II, frozen desserts, homogenized mixtures, cream cheese, and to the extent that cream or frozen cream is used in the manufacture of such products, from butterfat leaving the plant or in the closing inventories at the plant in the form of concentrated fluid milk, plain condensed milk, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, candy products, or other cheese, except those to which the butter-cheese adjustment is applicable.

§ 927.165 *Frozen cream: Step Three.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from classes of butterfat leaving the plant or in closing inventories at the plant in cream, except Class II, and in Class III cultured or flavored milk drinks.

§ 927.166 *Frozen cream: Step Four.* Deduct any remaining butterfat in the opening inventories or received in the form of frozen cream pro rata from butterfat leaving the plant or in the closing inventories at the plant in Class II cream and Class II cultured or flavored milk drinks distributed in the marketing area.

§ 927.167 *Frozen cream: Step Five.* Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from butterfat in products in which the handler claims to have used such butterfat. Deduct remaining butterfat in the opening inventories or received in the form of frozen cream from plant loss.

§ 927.168 *Plant loss allowance; sour cream.* Add to the remaining butterfat in each class leaving the plant or in the closing inventories at the plant in the form of sour cream, 2.0 percent: *Provided*, That, if such additions are greater than remaining plant loss, they shall be reduced pro rata to the point where they are equal to the remaining plant loss. Such additions shall be deducted from plant loss.

§ 927.169 *Cream: Step Eight.* Deduct the opening inventories of butterfat in cream from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.170 *Cream: Step Nine.* Deduct butterfat received in the form of cream pro rata from remaining butterfat leaving the plant or in the closing inventories at the plant in the form of cream, sour cream, frozen cream, fluid cream products, Class II and Class III cultured or flavored milk drinks, frozen desserts, homogenized mixtures, cream cheese, butter, and, to the extent that cream or frozen cream is used in the manufacture of such products, from butterfat leaving the plant or in the closing inventories at the plant in the form of milk, concentrated fluid milk, plain condensed milk, evaporated milk, sweetened condensed milk, milk powder, other concentrated milk products, candy products, or other

cheese, except those to which the butter-cheese adjustment is applicable.

§ 927.171 *Cream: Step Ten.* Deduct remaining butterfat received in the form of cream from butterfat in products in which the handler claims to have used such butterfat. If any butterfat received in the form of cream remains, it shall be deducted from plant loss and classified as Class II.

§ 927.172 *Milk drinks: Step Three.* Deduct butterfat in opening inventories of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.173 *Milk drinks: Step Four.* Deduct butterfat received in the form of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class I–A butterfat. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, pro rata from Class I–B and Class I–C butterfat. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks containing 3.0 percent butterfat or more but not more than 5.0 percent butterfat from products in which the handler claims to have used such butterfat.

§ 927.174 *Milk: Step One.* Deduct butterfat in the opening inventories in the form of packaged milk from the butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.175 *Milk: Step Two.* Deduct receipts of packaged milk pro rata from butterfat leaving the plant or in the closing inventories at the plant in the form of packaged milk.

§ 927.176 *Plant loss allowance; first process.* Add to the remaining butterfat leaving the plant or in the closing inventories at the plant in the form of:

(a) Packaged milk, 1.5 percent;

(b) Packaged Class I–A, I–B, I–C cultured or flavored milk drinks, 1.5 percent;

(c) Cream, 2.5 percent;

(d) Sour cream, 2.5 percent;

(e) Frozen cream, 2.5 percent;

(f) Concentrated fluid milk or plain condensed milk, 2.5 percent;

(g) Frozen desserts and homogenized mixtures, 2.5 percent;

(h) Evaporated milk, 2.5 percent;

(i) Sweetened condensed milk, 2.5 percent;

(j) Milk powder, 4.0 percent;

(k) Sweetened, part skim, condensed milk, 2.5 percent;

(l) Ice cream powder, 4.0 percent;

(m) Cream cheese, 2.5 percent;

(n) Butter, 2.5 percent;

(o) Fluid cream products, 2.5 percent;

(p) Cottage cheese with cream added, 2.5 percent;

(q) Whipped topping mixture, 2.5 percent;

Provided, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the plant loss. Deduct such additions from the plant loss.

§ 927.177 *Milk drinks: Step Five.* Deduct remaining butterfat in the opening inventories of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.178 *Milk drinks: Step Six.* Deduct butterfat received in the form of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from butterfat leaving the plant or in the closing inventories at the plant in the form of cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat. If such butterfat is pooled butterfat, it should be deducted, as far as possible, from Class I–A butterfat. If such butterfat is non-pooled butterfat, it should be deducted, as far as possible, from Class I–B or Class I–C butterfat. Deduct remaining butterfat in the opening inventories or received in the form of cultured or flavored milk drinks containing 3.0 percent butterfat or more but not more than 5.0 percent butterfat from products in which the handler claims to have used such butterfat. Deduct any remaining butterfat in cultured or flavored milk drinks of 3.0 percent butterfat or more but not more than 5.0 percent butterfat from plant loss and classify it as Class I–A.

§ 927.179 *Milk: Step Three.* Deduct butterfat in the opening inventories in the form of milk from butterfat leaving the plant or in the closing inventories at the plant in accordance with § 927.220.

§ 927.180 *Milk: Step Four.* Deduct a quantiy of butterfat, equal to the butterfat received in the form of milk from other plants and in the form of exempt milk, pro rata from the remaining butterfat leaving the plant or in the closing inventories at the plant: *Provided*, That, such deductions shall not be greater than the remaining butterfat leaving the plant or in the closing inventories at the plant.

§ 927.181 *Plant loss allowance; receiving station.* Add to remaining butterfat in all classes 1.0 percent: *Provided*, That, if such additions are greater than the remaining plant loss, they shall be reduced pro rata to the point where they are equal to the plant loss. Deduct such additions from the plant loss. Classify any remaining plant loss as Class I–A.

§ 927.182 *Interchange between products.* Non-pooled butterfat in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream and fluid cream products deducted pursuant to §§ 927.140 through 927.181, and butterfat receipts from dairy farmers may be interchanged with pooled butterfat received in any one of the enumerated forms: *Provided*, That the butterfat to be interchanged has been deducted from the same products: *Provided, further*, That the quantity of butterfat to be interchanged shall not exceed any quantity necessary to avoid payments pursuant to § 927.78. Such interchange shall be between one or more classes on which payments pursuant to § 927.78 might be required and one or more other classes, the specific classes to be at the option of the handler.

ASSIGNMENT OF POOLED, NON-POOLED, AND EXEMPT BUTTERFAT AND SKIM MILK TO BUTTERFAT CLASSES AND SKIM MILK USES

§ 927.200 *Concentrated fluid milk or plain condensed milk assignment.* (a) Tabulate the classes of all butterfat received in the form of concentrated fluid milk or plain condensed milk (total of the butterfat deducted from the several classes pursuant to §§ 927.153 and 927.157, as such deductions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled concentrated fluid milk or plain condensed milk shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Classes of butterfat remaining after the assignments pursuant to paragraph (b) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.201 (b) and § 927.202 (c) which are based on the products covered by § 927.170.

(d) After the assignments pursuant to paragraphs (b) and (c) of this section at the option of the handler or handlers involved, butterfat in pooled concentrated fluid milk or plain condensed milk from other plants may be assigned to any of the remaining classes of butterfat received in the form of concentrated fluid milk or plain condensed milk.

§ 927.201 *Cream assignment.* (a) Tabulate the classes of all butterfat received in the form of cream (total of the butterfat deducted from the several classes pursuant to § 927.148, § 927.170 and § 927.171, as such deductions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled cream shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Classes of butterfat remaining after the assignments pursuant to paragraph (b) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.200 (b) and § 927.202 (c) which are based on the products covered by § 927.170.

(d) After the assignments pursuant to paragraphs (b) and (c) of this section, at the option of the handler or handlers involved, butterfat in pooled cream from other plants may be assigned to any of the remaining classes of butterfat received in the form of cream.

§ 927.202 *Milk assignment.* (a) Tabulate the classes of all butterfat received in the form of milk (total of the butterfat deducted from the several classes pursuant to § 927.175 and § 927.180, the butterfat resulting after the additions pursuant to § 927.181, and butterfat classified as Class I–A pursuant to § 927.181, as such deductions or additions are modified by any interchanges made pursuant to § 927.182), separately tabulating that part of Class III subject to the butter-cheese adjustment and that part of Class III not subject to the butter-cheese adjustment.

(b) Butterfat received in the form of non-pooled milk, including non-pooled milk from dairy farmers, shall be assigned pro rata, as far as possible, to Class I–B, Class I–C, Class III not subject to the butter-cheese adjustment and Class III subject to the butter-cheese adjustment, which have been tabulated pursuant to paragraph (a) of this section. Any remaining non-pooled butterfat shall be assigned to Class II, as far as possible, and then to Class I–A.

(c) Butterfat in exempt milk shall be assigned, after the assignment of paragraph (b) of this section, pro rata to the remaining classes of butterfat received in the form of milk.

(d) Classes of butterfat remaining after the assignments pursuant to paragraphs (b) and (c) of this section may be interchanged with classes of butterfat remaining after the assignments pursuant to § 927.200 (b) and § 927.201 (b) which are based on the products covered by § 927.170.

(e) After the assignments pursuant to paragraphs (b), (c), and (d) of this section, at the option of the handler or handlers involved, butterfat in pooled milk, from other plants may be assigned to any of the remaining classes of butterfat received in the form of milk.

(f) Compute the classification of milk received from producers by converting the pounds of butterfat in each class to pounds of milk equivalent of the average test of milk received from producers: *Provided*, That, in the case of plants handling breed milk or other special milk (such as hi-test), the butterfat in such special milk shall be converted to milk equivalent of the average test established for such special milk, and the remaining butterfat shall be converted to milk equivalent of the average test of the remaining milk.

§ 927.203 *Skim milk assignment.* (a) Pooled fluid skim milk (including exempt fluid skim milk) shall be assigned, as far as possible, to skim milk subject to the fluid skim differential.

(1) Exempt fluid skim milk shall be assigned pro rata to skim milk subject to the fluid skim differential and skim milk not subject to the fluid skim differential as tabulated pursuant to paragraph (a) of this section.

(2) Pooled skim milk from separate sources may be assigned at the option of the handler or handlers involved to either the skim milk subject to the fluid skim differential or the skim milk not subject to the fluid skim differential after the assignments pursuant to paragraph (a) and (a) (1) of this section.

(b) After the assignments pursuant to paragraph (a) of this section non-pooled fluid skim milk shall be assigned to any remaining skim milk subject to the fluid skim differential. Any remaining non-pooled fluid skim milk shall be assigned to skim milk not subject to the fluid skim differential.

§ 927.220 *Method of inventory accounting.* Butterfat or skim milk in closing inventories of milk, concentrated fluid milk or plain condensed milk, fluid milk products, fluid skim milk, cultured or flavored milk drinks, cream, sour cream and fluid cream products may be accounted for and classified by the handler at the time of filing reports in accord with § 927.50 in any of the products and classes in which it is intended that butterfat or skim milk in like products be assigned during the next month. Before classifying butterfat or skim milk received during the next month, the opening inventories of butterfat and skim milk shall be deducted from the products and classes, if any, leaving the plant, in which they were accounted for at the end of the preceding month. If there is not sufficient butterfat or skim milk in such products and classes leaving the plant, the remaining butterfat and skim milk in the opening inventories shall be assigned by the market administrator at the time of audit to other products and classes on hand at or leaving the plant, and the audit for the previous month shall be adjusted accordingly. Butterfat in opening inventories of cream which is allocated to butterfat in closing inventories of cream shall be classified as Class II. In the event that the opening inventories of any product were also opening inventories for the previous month, the butterfat in such product shall be deducted pro rata from the butterfat in all products and classes leaving the plant from which butterfat in like form could be deducted. If the butterfat in such products leaving the plant is less than the butterfat in such opening inventories, any remaining butterfat in such opening inventories shall be deducted pro rata from the butterfat in all products and classes in the closing inventories at the plant from which butterfat in like form could be deducted. In the event that an audit has not been necessary for the previous month, opening inventories shall be treated as receipts of non-pooled product.

CONVERSION FACTORS

§ 927.230 *Butterfat tests.* In the absence of specific butterfat tests the following table shall be used:

Product	Test in percent
Butter	80
Cream or fluid cream products (except New Jersey)	13
Cream or fluid cream products (New Jersey)	16
Cream cheese (sold as cream cheese)	33
Cream cheese (sold as Neufchatel)	20
Evaporated milk	7.9
Homogenized mixtures (chocolate)	8
Homogenized mixtures (except chocolate)	10
Concentrated fluid milk (established to have been packaged in consumer packages)	14
Plain condensed milk (established to have been packaged in consumer packages)	14
Concentrated fluid milk (not established to have been packaged in consumer packages)	5
Plain condensed milk (not established to have been packaged in consumer packages)	5
Sweetened condensed milk	8
Whipped topping mixture	10

Milk shipped from a plant or received from another plant (no specific tests shall be recognized for milk shipped except for breed milk and other special milk).

Average test of all milk received at the shipping plant from farmers (except that if the classification of such milk shipments is assigned pursuant to § 927.202 to milk received from another plant the test shall be the average test of milk received from farmers at such other plant.

§ 927.231 *Weights.* In the absence of specific weights the following table shall be used:

Product	Unit	Net weight pounds
Cream:		
11 percent bf	40 quarts (5 bulgarts can)	37.67
12 percent bf	do	35.62
13 percent bf	do	35.57
14 percent bf	do	35.52
15 percent bf	do	35.47
16 percent bf	do	35.42
17 percent bf	do	35.31
18 percent bf	do	35.26
19 percent bf	do	35.18
20 percent bf	do	35.10
21 percent bf	do	35.02
22 percent bf	do	34.94
23 percent bf	do	34.86
24 percent bf	do	34.78
25 percent bf	do	34.70
26 percent bf	do	34.62
27 percent bf	do	34.54
28 percent bf	do	34.42
29 percent bf	do	34.38
30 percent bf	do	34.30
31 percent bf	do	34.21
32 percent bf	do	34.13
33 percent bf	do	34.12
34 percent bf	do	34.05
35 percent bf	do	33.96
36 percent bf	do	33.88
37 percent bf	do	33.79
38 percent bf	do	33.72
39 percent bf	do	33.64
40 percent bf	do	33.56
41 percent bf	do	33.48
42 percent bf	do	33.40
43 percent bf	do	33.32
44 percent bf	do	33.24
45 percent bf	do	33.16
46 percent bf	do	33.08
47 percent bf	do	33.00
48 percent bf	do	32.92
49 percent bf	do	32.84
50 percent bf	do	32.76
51 percent bf	do	32.68
52 percent bf	do	32.60
53 percent bf	do	32.52
54 percent bf	do	32.44
55 percent bf	do	32.36

Product	Unit	Net weight pounds
Sweetened condensed milk	40 quarts or 40-quart can	108 (b)
Homogenized mixtures (except chocolate)	....do	91 (b)
Chocolate homogenized mixtures	....do	92.50
Fluid skim milk	....do	86 (b)
Concentrated fluid milk	....do	91 (b)
Plain condensed milk	....do	91 (b)
Concentrated fluid milk (packaged)	Quart (in any package)	2.3
Plain condensed milk (packaged)	....do	2.3
Evaporated milk	Case, tall cans	47.65
Do	Case, baby cans	18.10
Milk	40-quart can	85 (b)
Milk (packaged)	Quart (in any package)	2.15
Fluid skim milk (packaged)	....do	2.15
Whipped topping mixture	40-quart can	86.50
Whipped topping mixture (more than 2% percent but and 60 percent or more of sugar)	....do	87.00
Whipped topping mixture (35 percent or less of but and 50 percent or more of sugar)	....do	88.00

NOTE: Abbreviation bf means butterfat.

METHODS OF DETERMINING BUTTERFAT IN SPECIFIC PRODUCTS

§ 927.240 *Butterfat in frozen desserts.* The butterfat in a frozen dessert shall be assumed to be the same as the butterfat in the homogenized mixture or other basic mixture used in making such frozen desserts. In addition, the butterfat in cream used to standardize the homogenized mixture or other basic mixture, not to exceed 4.0 percent of the total butterfat in such mixture, may be included: *Provided*, That in the absence of butterfat tests the butterfat content of mixtures used to make sherbet shall be assumed not to exceed 1.0 percent.

§ 927.241 *Butterfat in homogenized mixtures.* (a) Determine the weight of the homogenized mixture. In the absence of specific weights, convert volume to weight by the use of the conversion factor in § 927.231.

(b) Determine the total amount of fat in the homogenized mixture on the basis of fat tests and the weight of the product.

(c) Determine the total amount of fat other than butterfat in the homogenized mixture on the basis of the fat content of the non-milk products used in the manufacture of the homogenized mixture.

(d) Determine the butterfat content of the homogenized mixture by subtracting from the total fat content of the homogenized mixture, the fat in the non-milk products used.

§ 927.242 *Butterfat in cultured and flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat.* The butterfat content of such products shall be assumed to be the same as the butterfat of the milk, cream, plain condensed milk, or whole milk powder used in making such product if such butterfat content appears reasonable in the light of the butterfat test of the product. In the absence of butterfat tests, the butterfat content of such products shall be assumed not to exceed 2.0 percent.

§ 927.243 *Butterfat in milk chocolate and other candy products.* The butterfat content of milk chocolate and other candy products shall be assumed to be the same as the butterfat in the milk, cream, or other milk product used in the manufacture of such products.

§ 927.244 *Butterfat in cheeses subject to the butter-cheese adjustment.* The butterfat content of cheeses subject to the butter-cheese adjustment (including the whey butterfat) shall be assumed to be the same as the butterfat content of the milk used in the manufacture of such cheeses: *Provided*, That, the yield of such cheese is reasonable in view of the butterfat content of the milk and the moisture content of the cheese.

§ 927.245 *Butterfat in other cheeses.* (a) The butterfat content of cheeses other than cream cheese and cheeses subject to the butter-cheese adjustment shall be assumed to be the same as the butterfat content of the milk, cream, or other cheese used in the manufacture of such cheese if such butterfat content appears reasonable in the light of the butterfat tests and yield of the cheese.

(b) In the absence of butterfat tests of creamed cottage cheese, the butterfat content of such cheese shall be assumed not to exceed 4.5 percent.

§ 927.246 *Butterfat in malted milk products.* The butterfat content of malted milk products shall be assumed to be the same as the butterfat in the products used in making such malted milk products.

§ 927.247 *Butterfat in frozen cream.* Leaving the plant or in the closing inventories at the plant. Butterfat will be considered to have left a plant or be in closing inventories at a plant in the form of frozen cream only if the butterfat is so identified in the handler's records that the place and time of separation can be ascertained. In the event that it is not so identified, it will be considered to have left the plant or be in the closing inventories at the plant in the form of cream rather than frozen cream.

BUTTERFAT IN BY-PRODUCTS

§ 927.260 *Butterfat in whey and whey products.* Butterfat on hand at or leaving the plant in the form of whey, whey cream, or whey butter, obtained from the manufacture of cheeses other than cream cheese, shall be classified the same as the butterfat in the cheese.

§ 927.261 *Butterfat in other products.* Butterfat in by-products of milk or milk product manufacturing or shipping operations except that classified pursuant to § 927.260 shall be considered plant loss. Such by-products shall include but not be limited to fluid skim milk obtained from the separator or churn, condensed by-products, powdered by-products, or rinsings.

ASSIGNMENT OF SPECIFIC BUTTERFAT RECEIVED OR IN THE OPENING INVENTORIES IN THE FORM OF FROZEN CREAM TO THE USES OF BUTTERFAT IN THE FORM OF FROZEN CREAM AT THE PLANT

§ 927.270 *Frozen cream; closing inventories.* Butterfat received or in the opening inventories in the form of frozen cream shall be assigned to butterfat leaving the plant or in the closing inventories at the plant in the form of frozen cream in accordance with its identification pursuant to § 927.247.

§ 927.271 *Frozen cream; April to September.* Remaining butterfat received or in the opening inventories in the form of frozen cream which frozen cream was obtained from milk separated in the months of April through September shall be prorated to uses of butterfat in the form of frozen cream as determined pursuant to §§ 927.162 through 927.167. The total butterfat derived from milk separated in each of the months shall be prorated separately.

§ 927.272 *Frozen cream; handler option.* After the proration pursuant to § 927.271 specific butterfat separated in any month may be assigned at the option of the handler or handlers involved to any of the uses to which the total butterfat separated in that month is assigned.

§ 927.273 *Frozen cream; pooled and non-pooled.* The total butterfat in frozen cream separated at a plant in any one month will be assumed to be pooled and non-pooled butterfat in the same proportion as pooled and non-pooled butterfat assigned pursuant to §§ 927.200 through 927.203 to total Class III at the plant in the month when the cream is separated.

§ 927.274 *Frozen cream to Class II.* Butterfat in frozen cream assigned to cream (either sweet or sour), classified as Class II, will be considered to be pooled butterfat to the extent available.

§ 927.275 *Frozen cream to butter.* Butterfat in frozen cream assigned to butter in any month for which storage cream payments may be applicable pursuant to § 927.77 (b) will be considered to be pooled and non-pooled butterfat in the same proportion as pooled and non-pooled butterfat in frozen cream, for the month in which it was separated, remaining after specific assignments of pooled and non-pooled butterfat to uses in previous months and assignments in the same month pursuant to § 927.274.

Issued this 29th day of May 1952.

C. J. BLANFORD,
Market Administrator.

Approval of Amended Rules and Regulations

Pursuant to the provisions of § 927.36 of Order No. 27, as amended (7 CFR, Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, the tentatively amended rules and regulations issued on May 29, 1952 by the market administrator of said Order No. 27, as amended, to supersede

the rules and regulations heretofore issued (7 CFR, 927.101 et seq.), pursuant to the provisions of said Order No. 27, as amended, are hereby approved and shall be effective on and after the first day of July 1952.

Order No. 27, as amended, requires that such rules and regulations, and amendments thereto, become effective on the first day of the month following their approval by the Secretary of Agriculture. The changes effected by these amended rules and regulations to some extent tend to relieve restriction and otherwise do not require substantial or extensive preparation by handlers prior to their effective date. Furthermore, the said tentatively amended rules and regulations issued by the market administrator on May 29, 1952, were sent, on or about that date, to all handlers operating pool plants. In these circumstances, the time intervening between the date of approval of the tentatively amended rules and regulations and their effective date affords handlers a reasonable time to prepare for their effective date. It is, therefore, found and determined that July 1, 1952, herein fixed as the effective date for the said amended rules and regulations, is reasonable and proper in the circumstances and that to defer the effective date 30 days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

Done at Washington, D. C., this 24th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7011: Filed, June 26, 1952; 8:45 a. m.]

[Plum Order 11]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.433 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 30, 1952; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of Becky Smith plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped for such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{15}/_{16}$ inches in diameter; (ii) at least ninety-five (95 percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7127; Filed, June 27, 1952; 8:59 a. m.]

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.434 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 18, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 18, 1952; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 5, 1952; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Duarte plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no under-shipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7128; Filed, June 27, 1952; 8:59 a. m.]

[Bartlett Pear Order 1]

PART 936—FRESH BARTLETT PEARS, PLUMS AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.435 *Bartlett Pear Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Bartlett Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 30, 1952. A reasonable determination as to the supply of, and the demand for, Bartlett pears must await the development of the crop and adequate information thereon was not available to the Bartlett Pear Commodity Committee until June 19, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such pears was made at the meeting of said committee on June 19, 1952, after consideration of all available information relative to the supply and demand conditions for such pears, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such pears are expected to begin on or about July 5, 1952; and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 30, 1952, and ending at 12:01 a. m., P. s. t., December 1, 1952, no shipper shall ship any box or container of Bartlett pears unless:

(i) Such pears are well matured and grade, except with respect to shape, at least U. S. Combination Grade with not less than seventy-five (75) percent, by count, of the pears contained in such box or container grading at least U. S. No. 1: *Provided*, That pears which are not fairly well formed only because of short shape shall be deemed to be "fairly well formed;" and

(ii) Such pears are of a size not smaller than the size known commercially as size 180.

(2) Each shipper, prior to making each shipment of Bartlett pears, shall, during the period set forth in subparagraph (1) of this paragraph, have the pears included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Bartlett Pear Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Bartlett Pear Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Bartlett pears contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnished the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Bartlett Pear Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all other provisions of this section applicable to such shipment.

(c) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 180" means a size Bartlett pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the twenty smallest pears weighing not less than five pounds.

(3) "Standard pear box" means the container so designated in section 828.3 of the Agricultural Code of California.

(4) "U. S. No. 1," "U. S. Combination "Grade," "fairly well formed," and "standard pack" shall have the same meaning as when used in the United States Standards for pears (summer and fall), 7 CFR 51.331.

(5) "Pears are well matured" means that the pears meet the maturity standards for Bartlett pears prescribed in section 804 of the Agricultural Code of California. *Provided*, That, (i) if the inspection is on the basis of the average pressure test, it does not exceed 21 pounds; (ii) if the inspection is on the basis of the soluble solids, it is not less than 14 percent; and (iii) if the inspection is on the basis of color, the pears show a distinctly yellowish-green color: *Provided further*, That, pears which have equivalent maturity, as determined by the Federal-State Inspection Service, may be passed as well matured.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7126; Filed, June 27, 1952; 8:58 a. m.]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

ORDER TERMINATING PLUM ORDERS 1 THROUGH 4

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of available information, it is hereby found that the limitation of shipments of early varieties of plums in accordance with the provisions of the plum orders hereinafter specified will, after the effective time hereof, no longer tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this order is based became available and the time when this termination order must become effective is insufficient; and this order relieves restrictions on the handling of early varieties of plums grown in the State of California.

(b) *Order.* The provisions of the following plum orders shall be terminated at 12:01 a. m., P. s. t., June 29, 1952.

Plum Order 1 (§ 936.422; 17 F. R. 4372).

Plum Order 2 (§ 936.423; 17 F. R. 4969).

Plum Order 3 (§ 936.424; 17 F. R. 4970).

Plum Order 4 (§ 936.425; 17 F. R. 4971).

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen, or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of any of the said plum orders hereby terminated; or (2) as releasing or extinguishing any violation of any provision of any of the said plum orders hereby terminated which has occurred, or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7184; Filed, June 27, 1952; 8:57 a. m.]

[Docket No. AO 161-A13]

PART 941—MILK IN CHICAGO, ILL. MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations herein-

after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than July 1, 1952 this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions, and to insure the production of an adequate supply of milk. Any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held March 11–14, 1952 and the decision having been executed by the Secretary on June 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative association of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Chicago, Illinois marketing area, refuse or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (February 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 941.51 and substitute therefor the following:

§ 941.51 *Supply and demand ratio.* On or before the last day of each delivery period the market administrator shall make the following computations based upon information obtained from handlers' reported receipts and utilization:

(a) Determine the total receipts of Grade A milk from all producers (including receipts from own farm production) for the most recent 12-month period.

(b) Determine the total pounds of Grade A milk actually utilized in Class I milk and Class II milk products during the most recent 12-month period and subtract therefrom the amount of Class II milk represented by frozen cream and plastic cream moving into storage during such 12-month period.

(c) Divide the amount obtained in paragraph (b) of this section by the amount obtained in paragraph (a) of this section and round to the nearest full percent, which resulting percentage shall be known as the "current supply-demand ratio".

(d) In making the computations specified in paragraphs (a) and (b) of this section, the market administrator shall use the reported receipts and utilization of handlers of Grade A milk under both Order 41 and former Order 69 (Suburban Chicago, Illinois, marketing area) when it is necessary to use data for delivery periods prior to July 1, 1951.

2. Delete § 941.52 (a) (1) and substitute therefor the following:

(a) *Class I milk.* (1) The price for Grade A Class I milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.60; July, August, September, October, and November, $1.10; all others, $0.80; *Provided*, That such Class I price differential shall be increased or decreased, respectively, 3 cents for each full percent that the current supply-demand ratio is greater or less than 72 percent.

3. Delete § 941.52 (b) (1) and substitute therefor the following:

(b) *Class II milk.* (1) The price for Grade A Class II milk, except as set forth in subparagraph (3) of this paragraph, shall be the basic formula price plus the following amount for the delivery periods indicated: May and June, $0.40; July, August, September, October, and November, $0.70; all others, $0.50: *Provided*, That such Class II price differential shall be adjusted by the amount of any adjustment made in the Class I price differential for the same delivery period pursuant to the proviso of paragraph (a) (1) of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of June 1952, to be effective on and after the 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture

[F. R. Doc. 52-7153; Filed, June 27, 1952; 9:01 a. m.]

[Lemon Reg. 440, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.547 (Lemon Regulation 440, 17 F. R. 5608) are hereby amended to read as follows:

(ii) District 2, 800 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7182; Filed, June 27, 1952; 8:57 a. m.]

[Lemon Reg. 441]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.548 *Lemon Regulation 441*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 25, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 29, 1952, and ending at 12:01 a. m., P. s. t., July 6, 1952 is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 650 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: June 22, 1952. Regulation period No. 441]

DISTRICT NO. 2

[12:01 a. m. June 29, 1952, to 12:01 a. m. July 13, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.466
American Fruit Growers, Inc., Fullerton	.584
American Fruit Growers, Inc., Upland	.411
Badington Fruit Co	.288
Ventura Coastal Lemon Co	2.051
Ventura Pacific Co	2.600
Glendora Lemon Growers Association	1.212
La Verne Lemon Association	.614
La Habra Citrus Association	1.419
Yorba Linda Citrus Association, The	.694
Escondido Lemon Association	8.012
Alta Loma Heights Citrus Association	.846

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—Continued

Handler	Prorate base (percent)
Etiwanda Citrus Fruit Association	0.361
Mountain View Fruit Association	.285
Old Baldy Citrus Association	.906
San Dimas Lemon Association	1.061
Upland Lemon Growers Association	6.022
Central Lemon Association	1.051
Irvine Citrus Association	.961
Placentia Mutual Orange Association	.707
Corona Citrus Association	.484
Corona Foothill Lemon Co	3.296
Jameson Co	.904
Arlington Heights Citrus Co	1.169
College Heights Orange & Lemon Association	2.707
Chula Vista Citrus Association, The	1.176
Escondido Cooperative Citrus Association	.165
Fallbrook Citrus Association	2.158
Lemon Grove Citrus Association	.391
Carpinteria Lemon Association	3.010
Carpinteria Mutual Citrus Association	2.619
Goleta Lemon Association	3.933
Johnston Fruit Co	5.364
Hazeltine Packing Co	.507
North Whittier Heights Citrus Association	.826
San Fernando Heights Lemon Association	.618
Sierra Madre-Lamanda Citrus Association	.510
Briggs Lemon Association	2.681
Culbertson Lemon Association	1.499
Fillmore Lemon Association	.986
Oxnard Citrus Association	5.617
Rancho Sespe	1.052
Santa Clara Lemon Association	3.304
Santa Paula Citrus Fruit Association	2.995
Saticoy Lemon Association	3.847
Seaboard Lemon Association	4.383
Somis Lemon Association	3.536
Ventura Citrus Association	1.013
Ventura County Citrus Association	.317
Limonera Co	3.244
Teague-McKevett Association	.771
East Whittier Citrus Association	.710
Leffingwell Rancho Lemon Association	.750
Murphy Ranch Co	2.056
Chula Vista Mutual Lemon Association	.554
Index Mutual Association	.382
La Verne Cooperative Citrus Association	2.113
Orange Belt Fruit Distributors	.552
Ventura County Orange & Lemon Association	1.913
Whittier Mutual Orange & Lemon Association	.138
Allen, Floyd L	.000
Evans Bros. Packing Co	.000
Huarte, Joseph D	.000
Latimer, Harold	.035
MacDonald Fruit Co	.090
Paramount Citrus Association, Inc	.183
Torn Ranch	.001
Valdora, Albert	.000

[F. R. Doc. 52-7183; Filed, June 27, 1952; 8:57 a. m.]

[957 309, Amdt. 1]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (1) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in

certain designated counties in Idaho and in Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amended limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Irish potatoes grown in the area regulated by Order No. 57, as amended.

Order as amended. The provisions of subparagraph (3) of § 957.309 (b) (17 F. R. 5639) are hereby amended to read as follows:

(b) *Order.* * * *

(3) During the period beginning 12.01 a. m., m. s. t., June 26 1952, and ending 12:01 a. m., m. s. t., November 1, 1952, no handler shall ship (i) Russet Burbank potatoes which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes, which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, (ii) potatoes of the red skin varieties if more than 20 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes, and (iii) potatoes of the White Rose variety if more than 35 percent of the potatoes in any lot have more than one-half of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided*, That the grade and size requirements set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph: *Provided further*, That during such period not to exceed 200 hundredweight of each variety of such potatoes may be handled for any producer without regard to the aforesaid skinning requirements if the handler thereof reports, prior to such handling, the name and address of the producer of such potatoes, and each shipment hereunder is handled as an identifiable entity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 25th day of June 1952, to become effective June 26, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7129; Filed, June 27, 1952; 8:59 a. m.]

[Docket No. AO-176-A9]

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

CORRECTION

In the order amending the order, as amended, regulating the handling of milk in the Columbus, Ohio, marketing area which was issued by the Secretary of Agriculture on March 31, 1952, and was published in the FEDERAL REGISTER on April 5, 1952 (17 F. R. 2968), the following correction should be made:

In § 974.51 (a) (2) the "standard utilization percentages" to be used in computing prices for January and December, which appear therein as "79" and "81," respectively, should be corrected to read "81" and "83," respectively.

Issued at Washington, D. C., this 25th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7131; Filed, June 27, 1952; 9:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Regs., Serial No. SR-382]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; LONG DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of June 1952.

Special Civil Air Regulation SR-363 which terminates June 30, 1952, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitudes in excess of 14,500 feet above sea level west of longitude 100° W. At the time SR-363 was adopted it was anticipated that the revision of Parts 40 and 61, which will incorporate similar provisions, would be completed prior to June 30, 1952. Although the Bureau of Safety Regulation has been actively engaged in such revision, it has not yet been completed. It is therefore deemed desirable to extend the rules provided in SR-363 for long-distance domestic scheduled air carrier operations until June 30, 1953, or until such time as the proposed revision of Parts 40 and 61 may be completed.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter submitted. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation effective immediately:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

(a) Such flights need not comply with the requirements of § 60.45, § 61.252, or any sections of Parts 40 and 61 concerning civil airways.

(b) Such flights need not comply with the requirements of §§ 60.21, 60.43, 60.47 and 61.171 (c), except to the extent which the Administrator may prescribe.

(c) Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

(d) Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-363 and shall terminate June 30, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-7133; Filed, June 27, 1952; 9:01 a. m.]

[Supp. 12]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PREFLIGHT RESPONSIBILITIES

This supplement explains regulations of the Civil Aeronautics Board concerning preflight responsibilities of the pilot-in-command.

Sections 42.51-1 through 42.51-4, published on November 22, 1949, in 14 F. R 7040, are renumbered to be §§ 42.51-2 through 42.51-5, and a new § 42.51-1 is adopted to read:

§ 42.51-1 *Preflight responsibilities (CAA interpretations which apply to § 42.51 (a) and (b)).* In complying with § 42.51 (a) and (b)—particularly that portion requiring the pilot-in-command to familiarize himself with "the information necessary for the safe operation of the aircraft en route and on the airports or other landing areas to be used"—the pilot-in-command must, prior to origination of each flight review the en route procedures, radio navigational facilities, holding patterns, approach procedures, and letdown procedures for the airport of destination and the alternate airports, if any, for the proposed flight.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7090; Filed, June 27, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 15]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable.

Part 610 is amended as follows:

1. Section 610.6003 *VOR civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Windsor, Conn. (VOR)	Hartford, Conn (VOR)	2,000
Hartford, Conn (VOR)	Kennebunk, Maine (VOR)	1,700
Kennebunk, Maine (VOR)	Augusta, Maine (VOR)	2,000
Augusta, Maine (VOR)	Bangor, Maine (VOR)	2,300

2. Section 610.6025 *VOR civil airway No. 25* is amended by adding:

From—	To—	Minimum altitude
Bay Head, Calif. (FM)	Sacramento, Calif. (VOR) (east-bound only)	2,000

3. Section 610.6058 *VOR civil airway No. 58* is amended to read in part:

From—	To—	Minimum altitude
Phillipsburg, Pa. (VOR)	Williamsport (INT), Pa.	4,000
Williamsport (INT), Pa.	Wilkes-Barre Scranton, Pa. (VOR)	4,500

4. Section 610.6091 *VOR civil airway No. 91* is amended to read in part:

From—	To—	Minimum altitude
Albany, N. Y. (VOR)	Plattsburg, N. Y. (VOR)	6,000

5. Section 610.6104 *VOR civil airway No. 104* is amended to read in part:

From—	To—	Minimum altitude
U. S.-Canada Boundary	Massena, N. Y. (VOR)	1,500

6. Section 610.6106 *VOR civil airway No. 106* is amended to read in part:

From—	To—	Minimum altitude
Selinsgrove, Pa. (VOR)	Wilkes-Barre Scranton, Pa. (VOR)	4,000

7. Section 610.16 *Green civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Pelican, Tex. (LFR)	Galveston, Tex. (LFR)	1,500
Galveston, Tex. (LFR)	Lake Charles, La. (LFR)	1,500

8. Section 610.16 *Green civil airway No. 6* is amended to eliminate:

From—	To—	Minimum altitude
Pelican, Tex. (LFR)	Houston, Tex. (LFR)	1,500
Houston, Tex. (LFR)	Beaumont, Tex. (LFR)	1,500
Beaumont, Tex. (LFR)	Lake Charles, La. (LFR)	1,300

9. Section 610.201 *Red civil airway No. 1* is amended to eliminate:

From—	To—	Minimum altitude
Goodland, Kans. (VAR)	Hill City, Kans. (VAR)	5,000
Hill City, Kans. (VAR)	Waldo, Kans. (VAR)	4,000
Waldo, Kans. (VAR)	Salina, Kans. (VAR)	3,000
Salina, Kans. (VAR)	Topeka, Kans. (VAR)	2,500
Topeka, Kans. (VAR)	Kansas City, Mo.	2,500

10. Section 610.208 *Red civil airway No. 8* is amended to read in part:

From—	To—	Minimum altitude
Lockbourne (INT), Ohio	Zanesville, Ohio (LF/RBN)	2,400

11. Section 610.212 *Red civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
U. S.-Canada Boundary	Erie, Pa. (LFR)	2,000

12. Section 610.296 *Red civil airway No. 96* is added to read:

From—	To—	Minimum altitude
Palacios, Tex. (LFR)	Houston, Tex. (LFR)	1,500
Houston, Tex. (LFR)	Beaumont, Tex. (LFR)	1,500
Beaumont, Tex. (LFR)	Lake Charles, La. (LFR)	1,300
Int. E crs. Lake Charles, La. (LFR) and SW crs. Baton Rouge, La. (LFR)	Baton Rouge, La. (LFR)	1,500
Baton Rouge, La. (LFR) via Baker LF/RBN.	Madisonville, La. (LFR)	1,500

13. Section 610.645 *Blue civil airway No. 45* is amended to eliminate:

From—	To—	Minimum altitude
Lafayette, La. (LBN)	Baton Rouge, La. (LFR)	1,500

14. Section 610.1001 *Direct routes; Northeast United States* is amended to read in part:

From—	To—	Minimum altitude
Des Moines, Iowa (LFR)	Sioux City, Iowa (LFR)	2,500
Kansas City, Mo. (LFR)	Columbia, Mo. (LFR) (east-bound only)	4,000
Omaha, Nebr. (LFR)	Minneapolis, Minn. (LFR)	2,800

15. Section 610.1001 *Direct routes; Northeast United States* is amended by adding:

From—	To—	Minimum altitude
Kansas City, Mo. (LFR)	Topeka, Kans. (RBN)	2,500
Garden City, Kans. (LFR)	Guy, Okla. (LFR)	4,000
Garden City, Kans. (LFR)	Dodge City, Kans. (LF/RBN)	4,000
Dodge City, Kans. (LF/RBN)	Hutchinson, Kans. (LFR)	4,000
Hutchinson, Kans. (LFR)	Wichita, Kans. (LFR)	2,500
Goodland, Kans. (LF/RBN)	Garden City, Kans. (LF/RBN)	5,000
Sioux City, Iowa (LFR)	Mason City, Iowa (LF/RBN)	2,500
St. Louis, Mo. (LFR)	Quincy, Ill. (LF/RBN)	2,000

16. Section 610.1002 *Direct route; Southeast United States* is amended to read in part:

From—	To—	Minimum Altitude
Fort Smith, Ark. (LF/RBM).	Springfield, Mo. (LFR).	3,800

17. Section 610.1002 *Direct routes; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Ponca City, Okla. (LF/RBN).	Wichita, Kans. (LFR)	2,500

18. Section 610.1003 *Direct routes; Southwest United States* is amended by adding:

From—	To—	Minimum altitude
Colorado Springs, Colo. (LFR).	Goodland, Kans. (LF RBN).	8,000
La Junta, Colo. (LFR).	Colorado Springs, Colo. (LFR).	8,000
Thurman, Colo. (VOR).	Akron, Colo. (VOR).	6,000
Imperial, Nebr. (VOR).	North Platte, Nebr. (VOR).	4,500
Hill City, Kans. (VOR).	Hutchinson, Kans. (VOR).	5,500
Topeka, Kans. (VOR).	St. Joseph, Mo. (VOR).	2,500

19. Section 610.1004 *Direct routes; Northwest United States* is amended by adding:

From—	To—	Minimum altitude
Grand Island, Nebr. (LFR).	Int. S crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	3,200
Int. S crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	St. Joseph, Mo. (LFR).	2,700
Lincoln, Nebr. (LFR).	Int. S crs. Lincoln, Nebr. (LFR) and direct line between Grand Island, Nebr. (LFR) and St. Joseph, Mo. (LFR).	2,700

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interepret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 8, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7092; Filed, June 27, 1952; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIOBITIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 3230) are amended as indicated below.

1. Part 141 is amended by adding the following new section:

§ 141.54 *Dibenzylethylenediamine dipenicillin G for aqueous injection*—(a) *Potency.* Proceed as directed in § 141.47 (a). Its potency is satisfactory if it contains not less than 90 percent of the number of units that it is represented to contain.

(b) *Sterility.* Proceed as directed in § 141.2.

(c) *Moisture (dry mixture of the drug).* Proceed as directed in § 141.26 (e).

(d) *Pyrogens.* Proceed as directed in § 141.47 (d).

(e) *Toxicity.* Proceed as directed in § 141.47 (c).

(f) *pH*—(1) *Dry mixture of the drug.* Proceed as directed in § 141.47 (f).

(2) *Aqueous suspension of the drug.* Proceed as directed in § 141.47 (f), using the undiluted aqueous suspension.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

2. In § 146.34 *Tablets aluminum penicillin,* subparagraph (1) (iv) of paragraph (c) *Labeling,* change the figure "12" to read "24".

3. In § 146.47 *Procaine penicillin for aqueous injection,* paragraph (b) *Packaging,* fifth sentence, change the figure "10 milliliters" to read "12 milliliters".

4. In § 146.51 *Buffered penicillin powder* * * *, subparagraph (1) (vi) of paragraph (c) *Labeling,* change the figure "18" to read "24".

5. Part 146 is further amended by adding the following new section:

§ 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Dibenzylethylenediamine dipenicillin G for aqueous injection is a dry mixture of dibenzylethylenediamine dipenicillin G and one or more suitable and harmless suspending or dispersing agents and with or without one or more suitable and harmless preservatives, buffer substances, and local anesthetics; or it is an aqueous suspension of dibenzylethylenediamine dipenicillin G and one or more suitable and harmless suspending or dispersing agents, buffer substances, and preservatives and with or without one or more suitable and harmless local anesthetics. It is so purified that:

(1) If it is an aqueous suspension of the drug, each container or each milliliter shall contain not less than 300,000 units.

(2) It is sterile.

(3) If it is the dry mixture of the drug, its moisture content is not more than 8 percent.

(4) It is nonpyrogenic.

(5) It is nontoxic.

(6) Its pH in saturated solution is not less than 5.0 and not more than 7.5.

The dibenzylethylenediamine dipenicillin G used conforms to the requirements of § 146.68 (a). Each other substance use, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. If it is the dry mixture of the drug, each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, 2,400,000 units, or 3,000,000, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent. If it is the aqueous suspension of the drug, each such container shall contain not less than 1 milliliter (unless it is packaged to contain a single dose) and not more than 10 milliliters (unless it is intended solely for veterinary use and is conspicuously so labeled), and each shall be filled with a volume in excess of that designated, which excess shall be sufficient to permit the withdrawal and the administration of the volume indicated, whether administered in either single or multiple doses.

(c) *Labeling.* Each package shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

(iii) The statement "Expiration date ----------," the blank being filled in, if it is a dry mixture of the drug, with the date which is 24 months, or if it is the aqueous suspension of the drug, with the date which is 18 months after the month during which the batch was certified.

(iv) The statement "For intramuscular use only."

(v) If the drug contains preservatives or anesthetics, the name and quantity of each such added ingredient.

(2) On the outside wrapper or container:

(i) If it is the aqueous suspension of the drug, the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)," unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature.

(ii) The statement "Caution: Federal law prohibits dispensing without prescription."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:

(i) Clinical indications.

(ii) Dosage and administration, including method of preparing the drug for injection.

(iii) If it is the dry mixture of the drug, the conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."

(iv) Contraindications.

(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of dibenzylethylenediamine dipenicillin G for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the dibenzylethylenediamine dipenicillin G used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: potency, sterility, moisture (unless it is an aqueous suspension of the drug), pyrogens, toxicity, *p*H.

(ii) The dibenzylethylenediamine dipenicillin G used in making the batch: potency, penicillin G content, crystallinity.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:

(*a*) For all tests except sterility: one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.

(*b*) For sterility testing: 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dibenzylethylenediamine dipenicillin G used in making the batch; three packages containing approximately equal portions of not less than 500 milligrams each, packaged in accordance with the requirements of § 146.68 (b).

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

(iv) In case of an initial request for the certification of a batch of dibenzylethylenediamine dipenicillin G for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility: 10 packages.

(ii) For sterility testing: 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (*ii*), (*iii*), (iv), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

This order, which provides for tests and methods of assay and certification of dibenzylethylenediamine dipenicillin G for aqueous injection; for a change in the expiration date for tablets aluminum penicillin from 12 months to 24 months; for a change in the expiration date for Buffered penicillin powder from 18 months to 24 months; and for a change in the maximum packaging requirement of procaine penicillin for aqueous injection from 10 milliliters to 12 milliliters (unless it is packaged for veterinary use and is conspicuously so labeled), shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with the affected industry and since it would be against public interest to delay providing for the changes set forth above.

Dated: June 24, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-7102; Filed, June 27, 1952; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter L—Yield Insurance

PART 291—YIELD INSURANCE; RIGHTS AND OBLIGATIONS OF INVESTOR UNDER INSURANCE CONTRACT

DATE AND TERM OF DEBENTURES

Section 291.8 (e) is hereby amended to read as follows:

§ 291.8 *Debentures.* * * *

(e) *Date and term of debentures.* The debentures issued under Title VII of the act to any investor shall be issued in accordance with the provisions of section 708 of the act, shall be dated as of the first day of the operating year in which

the project for which such debentures were issued was acquired by the Commissioner, shall bear interest at the rate of two and three-quarters percent (2¾%) per annum, payable semiannually on the first day of January and the first day of July of each year, and shall mature on the first day of July in the twentieth (20th) year following the date of issuance thereof. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Commissioner with the approval of the Secretary of the Treasury at par and accrued interest on any interest payment date on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe. Such debentures shall be issued in multiples of fifty dollars ($50) and any difference not in excess of fifty dollars ($50) between the amount of debentures to which the investor is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Commissioner to the investor.

(Sec. 712, as added by sec. 401, 62 Stat. 1281; 12 U. S. C. and Sup. 1747k)

Issued at Washington, D. C., June 24, 1952.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 52-7098; Filed, June 27, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 11 to Supplementary Regulation 12]

CPR 22, SR 12—EXTENSION OF EFFECTIVE DATE FOR PARTICULAR COMMODITIES

DELETION OF POWER AND HAND LAWN MOWERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 11 to Supplementary Regulation 12 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment deletes "Lawn Mowers, power and hand" from the list of commodities included in Supplementary Regulation 12, Ceiling Price Regulation 22.

The Office of Price Stabilization has recently completed a financial survey of the lawn mower industry. The survey was instituted as a result of information submitted by industry members at an Industry Advisory Committee meeting, which indicated that increases in labor and material costs incurred after the "cut-off" dates fixed in CPR 22 might bring industry earnings below the minimum prescribed by the "industry earnings standard" of the so-called "Johnston Formula". The industry earning standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to 85 percent of the average for the industry's best three years during the period 1946–1949 inclusive, with adjustments made for any changes in net worth.

Financial data were obtained from a representative group of manufacturers of power and hand lawn mowers. An analysis of these data reveals that the ratio of profit to net worth for this industry is greater than 85 percent of the 1946–1949, inclusive, despite the increases in labor and materials cost.

Pending completion of the survey, power and hand lawn mowers were included in SR 12 to CPR 22. This was an interim measure until it could be determined whether or not a tailored regulation for the industry was necessary to satisfy the earnings standard. The result of the recent survey establishes that such a regulation is not required. Consequently, there is no reason for keeping lawn mowers under SR 12. The level of ceiling prices under CPR 22 appears to be high enough so that no ceiling price increase is required under the industry earnings standard.

After July 31, 1952, Ceiling Price Regulation 22, with its election privileges for small manufacturers, shall apply to the sale by manufacturers of hand and power lawn mowers.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph 24 of Section 1 (b) of Supplementary Regulation 12 to Ceiling Price Regulation 22 is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment is effective July 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7228; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 29]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 29—CEILING PRICES FOR SEMI-VITREOUS DINNERWARE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 29 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes new ceiling prices for manufacturers of semi-vitreous dinnerware at a higher level than those previously in effect.

The Office of Price Stabilization has recently completed a financial survey of the semi-vitreous dinnerware industry. The survey was undertaken as the result of information submitted by industry members, at an Industry Advisory Committee Meeting, which indicated that the level of ceiling prices hitherto in effect for this industry was below the minimum prescribed by the "industry earnings standard" (the so-called "Johnston Formula"). The industry earnings standard provides that the level of ceiling prices for an industry shall normally be considered "fair and equitable" under the Defense Production Act of 1950, as amended, if the dollar profits of the industry amount to 85 percent of the average return on net worth for the industry's best three years during the period 1946–1949 inclusive. Financial data was obtained from a representative group of manufacturers in the semi-vitreous dinnerware industry, whose total sales represent over 95 percent of the industry's annual volume. Based upon these computations, the Director of Price Stabilization has determined that in order for the dollar profits of the industry to meet the industry earnings standard, ceiling prices for this industry would have to be established 6.25 percent above the present level of selling prices. Such ceiling prices would be generally fair and equitable. Accordingly, this supplementary regulation establishes ceiling prices for manufacturers of semi-vitreous dinnerware which are 106.25 percent of their highest selling prices since September 1, 1951.

This supplementary regulation applies only to manufacturers who have previously established ceiling prices under CPR 22. However, a supplementary regulation to the General Ceiling Price Regulation is being issued simultaneously herewith, which provides a corresponding adjustment for manufacturers subject to that regulation.

Manufacturers continue to have the election to determine their ceiling prices under the various regulations that were issued pursuant to the so-called "Capehart Amendment". If they do so, however, they may not use this supplementary regulation.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry, including trade association representatives and the Industry Advisory Committee, and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951 and June 27, 1952, inclusive.
3. Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.
4. Reports.
5. Relationship of this supplementary regulation to other adjustment regulations.

AUTHORITY: Sections 1 through 5 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of semi-vitreous dinnerware, replacing those previously established under sections 3 and 30 to 34 inclusive, of Ceiling Price Regulation 22, and Supplementary Regulation 2. CPR 22. All provisions of CPR 22 not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951 and June 27, 1952, inclusive.* (a) Your ceiling price for sale of a semi-vitreous dinnerware product is 106.25 percent of the highest price at which you delivered it or, if you did not deliver it, at which you offered it for delivery, between September 1, 1951 and June 27, 1952 to a purchaser of the same class. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 106.25 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your CPR 22 ceiling price for the same semi-vitreous dinnerware product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 3. *Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.* If you are unable to establish a ceiling price for any sale of semi-vitreous dinnerware under section 2 of this supplementary regulation, you must establish such ceiling price in accordance with section 30, 31, 32, 33 or 34 of CPR 22. Sections 30 and 32 require you to determine a ceiling price by reference to the ceiling price of another commodity, called here for convenience, your "reference commodity". In applying sections 30 or 32, use as the ceiling price of the "reference commodity" a ceiling price determined under this supplementary regulation.

SEC. 4. *Reports.* Prior to using this supplementary regulation you must have complied with the reporting requirements of sections 46 and 48, CPR 22. If you have filed an OPS Public Form No. 8 in compliance with these sections of CPR 22, you need not amend your Form 8 to reflect the adjustment authorized by this supplementary regulation.

SEC. 5. *Relationship of this supplementary regulation to other adjustment regulations.* Notwithstanding any provisions of this supplementary regulation, you may elect to use Supplementary Regulations 17 or 18 to Ceiling Price Regulation 22 or GOR 20 to establish your ceiling prices for semi-vitreous dinnerware. If you so elect, you may not use the provisions of this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 27, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7229; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 25, Amdt. 4 to Revision 1, Cor.]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

Due to typographical errors, Item 13 of Amendment 4 to this regulation lists Zone 13 instead of Zone 3 under the heading for Section 42 (b) and Item 14 of Amendment 4 to this regulation lists Zone 15 instead of Zone 16 under the heading for Section 42 (c). Accordingly, the heading under Section 42 (b) in Item 13 is corrected by deleting Zone 13 therefrom and substituting therefor Zone 3 and the heading under Section 42 (c) in Item 14 is corrected by deleting Zone 15 therefrom and substituting therefor Zone 16.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7230; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 72, Amdt. 2]

CPR 72—MIXED FERTILIZER AND FERTILIZER MATERIALS SOLD IN PUERTO RICO BY MIXERS AND PACKAGERS

EXTENDING GEOGRAPHIC COVERAGE TO THE TERRITORY OF HAWAII

Pursuant to the Defense Production Act of 1950, as amended, (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Ceiling Price Regulation 72 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 72, which was issued September 5, 1951, establishes ceiling prices for mixed fertilizer and fertilizer materials sold in Puerto Rico by mixers and packagers. This regulation provides for the quarterly recomputation of ceiling prices to reflect changes in direct and indirect costs.

This amendment to CPR 72 extends the geographical coverage of that regulation to the Territory of Hawaii.

There is in Hawaii one producer of fertilizer. Since the fertilizer is processed in the Territory of Hawaii, the ceiling price for its sale is established by the General Ceiling Price Regulation. The GCPR establishes ceiling prices on the basis of the highest prices in effect during the base period, December 19, 1950 to January 25, 1951. Since that time, however, there have been substantial increases in the cost of fertilizer materials purchased from the mainland. The use of this regulation instead of the GCPR will make it possible for the Hawaii processor to reflect those increases in cost in determining his ceiling price, and will, therefore, ease the squeeze on the margin of the Hawaii processor.

The Office of Price Stabilization has conferred with the Hawaii processor and full consideration has been given to his recommendations. In the opinion of the Director, this regulation is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 72 is amended in the following respects:

1. The title of CPR 72 is changed to read "Mixed Fertilizer and Fertilizer Materials sold in Puerto Rico and in the Territory of Hawaii by Mixers and Packagers."

2. Section 2 of CPR 72 is amended to read:

SEC. 2. *Geographical applicability.* The provisions of this regulation shall apply in Puerto Rico and in the Territory of Hawaii.

3. Section 3 (a) of CPR 72 is amended to read:

(a) On and after the effective date of this regulation, regardless of any contract, agreement, or other obligation, no manufacturer shall sell or deliver, and no person shall buy or receive from such manufacturer in the course of trade or business, any mixed fertilizer materials in Puerto Rico or in the Territory of Hawaii at a price higher than the ceiling prices established by this regulation, and no person shall offer, solicit or attempt to do any of the foregoing.

4. Section 4 (c) of CPR 72 is amended to read as follows:

(c) *Mixed Fertilizer.*—(1) *Puerto Rico.* The term "mixed fertilizer" as it is used in Puerto Rico, means any mixture of fertilizer materials containing two or more of the essential plant nutrients in the proportion specified by the Department of Agriculture and Commerce of Puerto Rico.

(2) *Hawaii.* The term "mixed fertilizer" as it is used in Hawaii, means any mixture of fertilizer materials containing two or more essential plant nutrients.

5. Section 11 (b) is amended to read as follows:

(b) *Reports.* You must file with the Territorial Office of Price Stabilization for Puerto Rico or for Hawaii, as the

case may be, within the time indicated, the following data:

(1) Base period prices must be filed by September 30, 1951, by mixers and packagers in Puerto Rico, and by June 30, 1952, by mixers and packagers in Hawaii.

(2) Base cost must be filed by September 30, 1951, by mixers and packagers in Puerto Rico, and by June 30, 1952, by mixers and packagers in Hawaii.

(3) Current ceiling prices must be filed within 5 days from each computation date.

(Sec. 704, 64 Stat. 816, as amended: 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 72 is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7240; Filed, June 27, 1952; 4:00 p. m.]

[Ceiling Price Regulation 151]

CPR 151—APPALACHIAN HARDWOOD LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 151 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes specific dollars-and-cents ceiling prices at the manufacturing level for hardwood lumber produced in the Appalachian Hardwood Region, which consists of the State of West Virginia and parts of the states of Georgia, Kentucky, Maryland, North Carolina, South Carolina, Tennessee, and Virginia. The hardwood lumber covered by this regulation is produced from deciduous trees, the most important of which are tough ash, birch, cherry, and hard and soft maple; and the soft-textured woods, viz. basswood, red and white oaks, and poplar.

The Appalachian hardwood lumber industry consists of some 7,000 mills, most of which are small operations producing less than one million board feet per year. A substantial part of the total production is from a relatively few integrated companies which turn out rough and surfaced lumber, and various lumber products. The total output of the hardwood industry in this area, according to the Census of Manufacturers in 1947, was 1.3 billion board feet, which was over 17 percent of the total hardwood lumber production in the United States. Approximately one-third of the lumber produced in the Appalachian Hardwood Region is consumed by its own woodusing industries and by construction users within the region.

Ceiling prices are set at the mill level on an f. o. b. mill basis. The regulation also provides for sales on a delivered basis, in which case established weights set forth in this regulation must be applied in computing transportation additions. A table of percentages is given for use in computing the weights of kiln-dried, surfaced, and resawn lumber.

Four price zones are established based on freight rates to the Northern markets. Zone 1 is the zone of maximum freight rates. Most of the ceiling prices in each of Zones 2, 3 and 4 increase $2.00 per thousand feet progressively as the freight rates decrease for each zone. These zones are established in recognition of historical differentials in prices at the mill level.

The regulation requires that the lumber covered be graded in accordance with the 1952 "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber," published by the National Hardwood Lumber Association.

Pending the issuance of an applicable service regulation, lumber sold surfaced, resawn, and/or kiln-dried may include a charge not to exceed the highest amount added for such services in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

Lumber sold on specifications for special widths and/or lengths may include a charge not to exceed the highest amount added for such special sizes in a sale to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The ceiling price of each of several items stated in the regulation for which dollars-and-cents ceiling prices are not shown is the highest price charged for each item to a purchaser of the same class made during the period of January 25, 1951, through February 24, 1951.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary they will be made simultaneously with respect to all lumber regulations.

Provision is made for additions to ceiling prices for retail-type sales, mixed shipments, less than carload lot shipments, bundling, stenciling, and anti-stain treatment. These additions are included in this tailored regulation in order to insure continuation of standard industry practices under price control.

By establishing dollars and cents ceilings for the various species, grades, and sizes of green and air-dried hardwood lumber at the prevailing level of the GCPR ceilings, this regulation eliminates the distorted pattern frozen under the GCPR and establishes ceiling prices at a level which is not inflationary, and yet which should be high enough to insure production adequate for the needs of the defense mobilization program. This level of lumber prices is not below the lower of (a) the level of such prices prevailing just before the issuance of this regulation, or (b) the level of such prices prevailing during the period January 25, 1951, through February 24, 1951.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing from January 25 to February 24, 1951, inclusive; and to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Appalachian Hardwood Industry Advisory Committee, and two meetings with a subcommittee thereof.

Every effort has been made to conform this regulation to business practices existing in the Appalachian Hardwood Region with respect to the production, sale, and distribution of hardwood lumber produced in that area. Insofar as any provisions of this regulation may operate to compel changes in these business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—COVERAGE

Sec.
1.1 What this regulation does.
1.2 Which regulation is superseded.
1.3 Items, species, and area of production covered.
1.4 Sellers and transactions covered.
1.5 Geographical applicability.
1.6 How to determine your ceiling prices.

ARTICLE II—ZONE DIFFERENTIALS

2.1 Freight rate groups.

ARTICLE III—CEILING PRICES

3.1 Graded rough hardwood lumber.
3.2 Special widths and lengths.
3.3 Bending Oak and other listed grades.
3.4 Dunnage.
3.5 Rough tie siding.
3.6 Construction boards.
3.7 Residue sales.
3.8 Ungraded hardwood lumber.
3.9 Kiln-dried, resawn, and surfaced lumber.
3.10 How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.
3.11 Ceiling prices for special specifications.

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

4.1 Commission-type sales.
4.2 Retail-type sales.

ARTICLE V—CEILING PRICE ADDITIONS

5.1 Ceiling price additions.

ARTICLE VI—OTHER CEILING PRICE PROVISIONS

Sec.
6.1 Grade terms and grading.
6.2 Delivered ceiling prices.
6.3 Mixed cars.
6.4 Green lumber.
6.5 Discount for cash.

ARTICLE VII—MISCELLANEOUS PROVISIONS

7.1 Modification of proposed ceiling prices by Director of Price Stabilization.
7.2 Petitions for amendment.
7.3 Adjustable pricing.
7.4 Records.
7.5 Invoices.
7.6 Interpretations.
7.7 Prohibitions and violations.
7.8 Evasions.
7.9 Definitions.

AUTHORITY: Sections 1.1 through 7.9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—COVERAGE

SECTION 1.1 *What this regulation does.* This regulation establishes manufacturers' dollars and cents ceiling prices for most standard grades and items of dry and green rough hardwood lumber produced in the Appalachian Hardwood Region (as defined in section 1.3). The regulation also provides ceiling prices for special items.

SEC. 1.2 *Which regulation is superseded.* Except as otherwise provided in section 7.4 (a), the General Ceiling Price Regulation is superseded in respect to all transactions covered by this regulation.

SEC. 1.3 *Items, species, and area of production covered.* (a) This regulation covers all hardwood lumber produced in the Appalachian Hardwood Region. It does not cover items fabricated from lumber such as flooring, hand rails, mouldings, step treads and thresholds, and sawn timbers such as cross ties, mine ties, switch ties, mine material, navy oak ship stock, and small dimension stock.

(b) The term "hardwood lumber" refers to all lumber produced from broad-leaved deciduous trees, and specifically includes the following species: Tough ash (Fraxinus americana), Basswood (Tilia americana), Beech (Fagus grandifolia), Birch (Betula lutea), Buckeye (Aesculus octandra), Butternut (Juglans cinerea), Cherry (Prunus serotina), Chestnut (Castanea dentata), Elm (Ulmus sp.), Black gum (Nyssa sylvatica), Hickory (Carya sp.), Hard maple (Acer saccharum), Soft maple (Acer rubrum), Red oak (Quercus sp.), White oak (Quercus sp.), Poplar (Liriodendron tulipifera), Sycamore (Platanus occidentalis), and Walnut (Juglans nigra).

(c) The term "Appalachian Hardwood Region" refers to an area which includes West Virginia; the following counties in Kentucky: Bell, Boyd, Breathitt, Carter, Clay, Clinton, Cumberland, Elliott, Estill, Floyd, Harlan, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, McCreary, Magoffin, Martin, Menifee, Monroe, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe; the following counties in Tennessee: Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Green, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White; the following counties in Georgia: Dawson, Fanning, Gilmer, Habersham, Lumpkin, Pickens, Rabun, Stephens, Towns, Union, and White; the following counties in South Carolina: Greenville, Oconee, and Pickens; the following counties in North Carolina: Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, and Yancey; the following counties in Virginia: Albemarle, Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Greene, Highland, Lee, Loudoun, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe; and the following counties in Maryland: Allegany, Frederick, Garrett, and Washington.

SEC. 1.4 *Sellers and transactions covered.* (a) This regulation applies to every sale by manufacturers of the lumber covered by this regulation, whether effected directly, or through lumber commission salesmen, and whether the sale is made to a wholesaler, retailer, industrial user, or to any other consumer or reseller. Section 4.1 of this regulation provides an addition to cover the services of a lumber commission salesman. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices. The ceiling prices for export sales are covered by Ceiling Price Regulation 61, except as otherwise set forth in section 5.1 (a) (3) of this regulation.

(b) The term "manufacturer" includes sawmills, planing mills, and concentration yards. Sawmills are establishments producing rough lumber from logs by sawing. Planing mills are establishments surfacing lumber by planing. Concentration yards are establishments which receive rough lumber chiefly in green condition from several manufacturers; prepare it for commercial shipment by grading, resorting, drying, planing, resawing, or other processing; and sell their lumber chiefly to large industrial users, resellers, or building contractors.

The term "lumber commission salesman" is defined in section 4.1.

SEC. 1.5 *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. mill or on a delivered basis) in the forty-eight states of the United States and the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

SEC. 1.6 *How to determine your ceiling prices.* (a) This section furnishes a general guide as to how to determine your ceiling prices under this regulation. It also shows how ceiling price provisions of this regulation are related to each other.

(b) The basic ceiling prices established in Article III of this regulation are f. o. b. mill ceiling prices. Additions to these ceiling prices may be made under the circumstances shown in the table below:

Additions	*Where shown in regulation*
Zone differentials based on proximity to key Northern markets	Article II.
Shipments in straight or mixed cars of No. 1 Common or Better grades	Section 3.1
Special widths and lengths	Section 3.2.
Sales through lumber commission salesmen	Section 4.1.
Retail-type sales	Section 4.2.
Special services required	Article V.
Sales on a delivered basis	Section 6.2.
Mixed car shipments	Section 6.3.

(c) The ceiling prices for various standard grades and items of lumber subject to this regulation are shown in section 3.1; for Bending Oak and other listed grades, in section 3.3; for dunnage, in section 3.4; for tie siding, in section 3.5; for construction boards, in section 3.6; for residue lumber, in section 3.7; for ungraded lumber, in section 3.8; and for lumber that is kiln-dried, resawn, and/or surfaced, in section 3.9. Note that under certain circumstances described in section 6.5 your ceiling prices as otherwise determined under this regulation are reduced by a discount for cash.

ARTICLE II—ZONE DIFFERENTIALS

SEC. 2.1 *Freight rate groups.* (a) Mills covered by this regulation are divided into four groups, and different f. o. b. mill ceiling prices are made applicable to each group. These groupings are based on freight rates from the mills to Cleveland, Ohio. The freight rates referred to in this section are those in effect on the effective date of this regulation. Changes in freight rates after the effective date of this regulation will not affect the group classification of a mill.

Group 1 mills—Mills for which the rail freight rate to Cleveland, Ohio, is 60 cents per cwt. or greater.

Group 2 mills—Mills for which the rail freight rate to Cleveland, Ohio, is from 53 cents per cwt. up to but not including 60 cents per cwt.

Group 3 mills—Mills for which the rail freight rate to Cleveland, Ohio, is from 46 cents per cwt. up to but not including 53 cents per cwt.

Group 4 mills—Mills for which the rail freight rate to Cleveland, Ohio, is less than 46 cents per cwt.

(b) For mills located in the groups described in paragraph (a) of this section, the f. o. b. mill ceiling prices established in Sections 3.1, 3.5, 3.6 and 3.7 for lumber of all species, grades, and thicknesses, with the exception of Hard

Maple, Red Oak, and White Oak in No. 2 Common or lower grades, are subject to the following additions per thousand feet:

For Group 1 mills—No addition.
For Group 2 mills—$2.00.
For Group 3 mills—$4.00.
For Group 4 mills—$6.00.

ARTICLE III—CEILING PRICES

SEC. 3.1. *Graded rough hardwood lumber.* The ceiling prices f. o. b. mill and the established air-dried weights for standard grades of rough hardwood lumber in random widths and lengths, produced in the Appalachian Hardwood Lumber Region, are as follows: (All prices shown are per thousand feet.)

(1) FIRM TO TOUGH ASH

AIR-DRIED OR GREEN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS	FAS 1 Face	No. 1 Common	No. 2 Common	No. 3 Common
3/4	3,200	$150	$140	$100	$60	------
4/4	3,600	170	160	115	70	$41
5/4	3,900	180	170	125	74	45
6/4	4,000	190	180	130	78	45
8/4	4,100	200	190	150	85	47
10/4	4,100	225	215	160	93	50
12/4	4,200	245	235	175	98	50
16/4	4,200	255	245	185	103	50

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Firm to Tough Ash of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Firm to Tough Ash of grades No. 1 Common, FAS 1 Face, and FAS.

(2) BASSWOOD

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	2,800	$170	$128	$160	$120	$115	$86	$70	$53				
4/4	3,000	190	144	180	136	135	101	85	64	$68	$51	$45	$34
5/4	3,100	195	115	185	139	140	105	95	71	73	55	45	34
6/4	3,100	200	150	190	143	145	109	100	75	80	60	45	34
8/4	3,200	205	154	195	146	155	116	103	77	80	60	45	34
10/4	3,200	215	161	205	154	160	120	105	80	95	71	------	------
12/4	3,400	225	169	215	161	170	128	105	80	95	71	------	------
16/4	3,400	240	180	230	173	180	135	111	83	97	73	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Basswood of grades FAS 1 Face, FAS, or both, respectively.

For 4/4" 2"–5½" wide clear Basswood strips, your ceiling price is $190.00 per thousand feet.

For 4/4" 2"–5½" wide No. 1 Common Basswood strips, your ceiling price is $150.00 per thousand feet.

(3) BEECH

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$125	$75	$115	$69	$95	$57	$65	$39	------	------	------	------
3/4	3,100	125	75	115	69	95	57	65	39	------	------	------	------
4/4	4,100	145	87	135	81	112	67	72	43	$62	$37	$45	$27
5/4	4,200	155	93	145	87	120	72	75	45	62	37	45	27
6/4	4,300	165	99	155	93	125	75	77	46	62	37	45	27
8/4	4,400	175	105	165	99	135	81	84	50	62	37	45	27

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Beech of grades FAS 1 Face, FAS, or both, respectively.

(4) BIRCH

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	$230	$138	$220	$132	$150	$90	$80	$48	$70	$42	$45	$27
5/4	4,200	240	144	230	138	155	93	83	50	70	42	45	27
6/4	4,300	245	147	235	141	160	96	85	51	70	42	45	27
8/4	4,400	250	150	240	144	165	99	90	54	70	42	45	27
10/4	4,500	260	156	250	150	175	105	95	57	------	------	------	------
12/4	4,600	275	165	265	159	185	111	100	60	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Birch of grades FAS 1 Face, FAS, or both, respectively.

(5) BUCKEYE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$135	$81	$125	$75	$100	$60	$65	$39	$30	$18
5/4	3,100	155	93	145	87	110	66	70	42	30	18
6/4	3,100	165	99	155	93	118	71	75	44	30	18
8/4	3,200	170	102	160	96	123	74	78	47	30	18

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $20.00 per thousand feet to the applicable ceiling prices listed above for Buckeye of grades FAS 1 Face, FAS, or both, respectively.

(6) BUTTERNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	2,900	$175	$105	$165	$99	$120	$72	$65	$39	$45	$27
5/4	3,000	185	111	175	105	125	75	65	39	45	27
6/4	3,100	190	114	180	108	130	78	65	39	45	27
8/4	3,300	195	117	185	111	140	84	70	42	45	27

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Butternut of grades FAS 1 Face, FAS, or both, respectively.

(7) CHERRY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,100	$220	$132	$210	$126	$150	$90	$90	$54	$45	$27
5/4	4,100	230	138	220	132	165	99	95	57	45	27
6/4	4,200	240	144	230	138	170	102	95	57	45	27
8/4	4,300	250	150	240	144	180	108	100	60	45	27
10/4	4,400	270	162	260	156	190	114	------	------	------	------
12/4	4,400	280	168	270	162	200	120	------	------	------	------
16/4	4,400	290	174	280	168	210	126	------	------	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Cherry of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 1 Common and Better, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for Cherry of grades No. 1 Common, FAS 1 Face, and FAS.

(8) CHESTNUT

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		No. 1 Common		FAS WIND		FAS 1 Face WIND	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$165	$99	$115	$69	$135	$81	$125	$75
5/4	3,100	170	102	120	72	140	84	130	78
6/4	3,200	170	102	120	72	140	84	130	78
8/4	3,400	175	105	125	75	150	90	140	84

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	No. 1 Common and Better WIND		No. 1 Common WIND		Sound Wormy		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$127	$75	$100	$60	$85	$51	$62	$37	$40	$24
5/4	3,000	130	78	105	63	90	54	64	38	40	24
6/4	3,100	130	78	105	63	90	54	64	38	40	24
8/4	3,400	140	84	110	66	95	57	65	39	40	24

(9) MOUNTAIN ELM

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,000	$108	$65	$98	$59	$81	$49	$60	$36	$40	$24
5/4	4,000	117	70	107	64	86	52	62	37	40	24
6/4	4,100	122	73	112	67	91	55	63	38	40	24
8/4	4,200	127	76	117	70	95	57	65	39	40	24
10/4	4,300	135	81	125	75	105	63	70	42	40	24
12/4	4,300	140	84	130	78	110	66	70	42	40	24

(10) BLACK GUM

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$130	$78	$120	$72	$110	$66	$58	$35	$37	$22
5/4	3,500	140	84	130	78	120	72	60	36	37	22
6/4	3,600	145	87	135	81	125	75	61	37	37	22
8/4	3,800	155	93	145	87	135	81	63	38	37	22

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $15.00 per thousand feet to the applicable ceiling prices listed above for Black Gum of grades FAS 1 Face, FAS, or both, respectively.

(11) HICKORY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,700	$135	$81	$125	$75	$79	$47	$54	$32	$45	$27
5/4	4,800	145	87	135	81	87	51	60	36	45	27
6/4	4,900	155	93	145	87	90	54	64	38	45	27
8/4	5,100	175	105	165	99	95	57	65	39	45	27
10/4	5,200	185	111	175	105	104	62	65	39	------	------
12/4	5,300	200	120	190	114	113	68	65	39	------	------
16/4	5,500	210	126	200	120	115	69	65	39	------	------

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Hickory of grades FAS 1 Face, FAS, or both, respectively.

(12) HARD MAPLE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,000	$162	$97	$152	$91	$97	$58	$61	$36	$70	$42	$42	$25
5/4	4,000	202	121	192	115	132	79	80	48	$70	$42	$42	$25
6/4	4,400	210	126	200	120	140	84	82	49	72	43	45	25
8/4	4,500	215	129	205	123	145	87	85	51	72	43	45	25
10/4	4,700	220	132	210	126	150	90	90	54	74	44	47	26
12/4	4,800	230	144	220	138	170	102	------	------	------	------	------	------
12/4	4,900	255	153	245	147	185	111	------	------	------	------	------	------
16/4	5,100	275	165	265	159	200	120	------	------	------	------	------	------

For rift sawn Red Oak in all grades and thicknesses 4" and wider, you may add not more than $40.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of the same grades.

For FAS Plain Red Oak step plank, you may add not more than $45.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak step plank, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

For FAS Plain Red Oak sill stock, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of FAS grade.

For No. 1 Common Plain Red Oak sill stock, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of No. 1 Common grade.

When mixed Plain Red Oak and Plain White Oak lumber is shipped, you must use the Plain Red Oak ceiling prices unless the species are loaded separately in the shipment.

(16) WHITE OAK—PLAIN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		Sound Wormy		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$162	$87	$132	$81	$100	$60	$68	$41	$68	$41	$50	$30	$40	$24
3/4	3,250	172	103	140	84	106	64	72	43	72	43	53	32	42	25
4/4	4,300	195	138	159	113	120	85	81	57	81	57	60	42	48	34
5/4	4,900	215	151	175	123	132	93	90	63	90	63	66	46	53	37
6/4	5,400	235	165	191	134	144	101	98	69	98	69	72	50	57	40
7/4	6,000	255	179	207	145	156	109	106	74	106	74	78	54	62	43
8/4	6,500	275	193	224	157	168	118	114	80	114	80	84	59	67	47
9/4	7,000	295	207	240	168	180	126	122	86	122	86	90	63	72	50
10/4	7,600	315	221	256	180	192	135	130	92	130	92	96	67	77	54
12/4	8,700	345	242	280	197	210	147	142	100	142	100	105	74	84	59
16/4	10,000	385	270	313	220	235	165	159	112	159	112	117	82	94	66

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of grades FAS 1 Face, FAS, or both, respectively.

For rift sawn White Oak in all grades and thicknesses, 4" and wider, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of the same grades.

(17) WHITE OAK—BIF AND WIND

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common and Better		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$120	$75	$105	$69	$85	$57	$60	$54
3/4	3,250	130	78	114	73	100	65	70	63
4/4	4,300	145	96	126	84	110	73	77	70
5/4	4,900	160	107	140	93	122	81	85	77
6/4	5,400	175	117	153	102	133	89	93	84
7/4	6,000	190	127	166	111	145	97	101	91
8/4	6,500	205	137	179	120	156	104	109	98
9/4	7,000	220	147	192	128	168	112	117	105
10/4	7,600	235	157	205	137	179	119	125	112
12/4	8,700	257	172	224	150	196	131	137	123
16/4	10,000	287	192	251	168	219	146	153	137

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of grades FAS 1 Face, FAS, or both, respectively.

For No. 1 Common Plain White Oak step plank, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

For FAS Plain White Oak sill stock, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of FAS grade.

For No. 1 Common Plain White Oak sill stock, you may add not more than $20.00 per thousand feet to the applicable ceiling prices listed above for Plain White Oak of No. 1 Common grade.

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of grades FAS 1 Face, FAS, or both, respectively.

For No. 1 white Hard Maple, you may add not more than $25.00 per thousand feet to the applicable ceiling prices listed above for Hard Maple of all grades.

For No. 1 and No. 2 white Hard Maple, when shipped mixed and loaded separately, you may add not more than $20.00 per thousand feet to all applicable ceiling prices listed above for Hard Maple of all grades.

For No. 2 white Hard Maple, you may add not more than $15.00 per thousand feet to the ceiling prices listed above for Hard Maple of all grades.

(13) HARD MAPLE—CURLY

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	4,300	$240	$114	$230	$138	$150	$90
5/4	4,400	250	130	240	144	160	96
6/4	4,500	255	133	245	147	165	99

(14) SOFT MAPLE

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,000	$170	$102	$160	$96	$120	$72	$70	$42	$55	$33
5/4	3,100	175	105	170	102	125	75	72	43	60	36
6/4	3,200	180	108	175	105	130	78	75	45	65	39
7/4	3,300	185	111	180	108	135	81	78	47	70	42
8/4	3,400	190	114	185	111	140	84	80	48	75	45
9/4	3,500	195	117	190	114	145	87	83	50	80	48
10/4	3,600	200	120	195	117	150	90	86	52	85	51
12/4	3,700	205	123	200	120	155	93	89	53	90	54
16/4	3,800	210	126	205	123	160	96	92	55	95	57

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Soft Maple of grades FAS 1 Face, FAS, or both, respectively.

When sold as, and shipped in, straight or mixed cars of No. 1 Common or No. 2 Common, FAS 1 Face, and FAS.

(15) RED OAK—PLAIN

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3A Common		No. 3B Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,600	$150	$90	$140	$84	$100	$60	$68	$41	$50	$30	$40	$24
3/4	3,250	160	96	150	90	105	63	72	43	53	32	42	25
4/4	4,300	180	126	170	119	120	84	81	57	60	42	48	34
5/4	4,900	200	140	190	133	132	92	90	63	66	46	53	37
6/4	5,400	220	154	210	147	144	101	98	69	72	50	57	40
7/4	6,000	240	168	230	161	156	109	106	74	78	54	62	43
8/4	6,500	260	182	250	175	168	118	114	80	84	59	67	47
9/4	7,000	280	196	270	189	180	126	122	86	90	63	72	50
10/4	7,600	300	210	290	203	192	135	130	92	96	67	77	54
12/4	8,700	330	231	320	224	210	147	142	100	105	74	84	59
16/4	10,000	370	259	360	252	235	165	159	112	117	82	94	66

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of grades FAS 1 Face, FAS, or both, respectively.

When Quartered Red Oak is sold as, and shipped in, straight or mixed cars of No. 1 Common or Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Plain Red Oak of grades No. 1 Common, FAS 1 Face, and FAS.

(18) WHITE OAK—QUARTERED

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common		No. 3 Common		Strips			
												2-5½ Clear		2-5½ Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
3/4	3,200	$235	$141	$225	$135	$144	$86								
4/4	4,200	290	156	250	150	170	96	$85	$51	$50	$12	$200	$120	$140	$84
5/4	4,300	275	165	265	159	175	105	92	55	80	48				
6/4	4,400	285	171	275	165	180	108	100	60						
8/4	4,600	295	177	285	171	190	114	100	60						
10/4	4,700	315	189	305	183	215	129								
12/4	4,800	340	204	330	198	230	138								

When sold as, and shipped in, straight or mixed cars of FAS 1 Face, FAS, or FAS 1 Face and Better, you may add not more than $35.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of grades FAS 1 Face, FAS, or both, respectively.

For rift sawn White Oak in all grades and thicknesses, 4" and wider, you may add not more than $10.00 per thousand feet to the applicable ceiling prices listed above for quartered White Oak of the same grades.

(19) POPLAR

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		Saps		No. 1 Common		No. 2A Common		No. 2B Common		No. 3 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
5/8	2,000	$170	$128	$160	$120	$150	$113	$110	$83	$75	$56	$55	$41	$35	$26
3/4	2,500	180	135	170	128	160	120	120	90	80	60	60	44	35	26
4/4	3,200	223	167	213	160	203	152	147	109	95	71	70	53	49	30
4/4 (Bunge)	3,200							155	116	110	83	72	54		
5/4	3,300	228	171	218	164	208	156	150	113	98	74	72	54	42	32
6/4	3,400	230	173	220	165	210	158	155	116	101	76	72	54	42	32
8/4	3,600	245	184	235	176	225	169	165	124	105	80	74	55	42	32
10/4	3,700	255	191	245	184	235	176	170	128	108	81	74	55	42	32
12/4	3,800	270	200	260	195	250	188	180	135	115	86	74	55	42	32
16/4	4,000	305	229	295	221	285	214	200	150	120	90	75	56	42	32

When sold as, and shipped in, straight or mixed cars of Saps, FAS 1 Face, FAS, or Saps and Better, you may add not more than $30.00 per thousand feet to the applicable ceiling prices listed above for Poplar of grades Saps, FAS 1 Face, and FAS.

For all grades and thicknesses of Quartered Poplar, you may add not more than $30.00 per thousand feet to the applicable ceiling prices for plain sawn Poplar.

(20) POPLAR SQUARES (AIR-DRIED OR GREEN)

Thickness (inch)	Established weight (pounds per 1,000 feet)	FAS	No. 1 Common and Sound
3 x 3	4,800	$230	$165
4 x 4	4,850	235	175
5 x 5	4,900	260	180
6 x 6	4,950	270	190
7 x 7	5,000	315	225
8 x 8	5,150	340	240
10 x 10	5,400	370	270

(21) SYCAMORE.

Thickness (inch)	Established air-dried weight (pounds per 1,000 feet)	FAS		FAS 1 Face		No. 1 Common		No. 2 Common	
		Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
4/4	3,400	$115	$69	$105	$63	$95	$57	$90	$36

SEC. 3.2. *Special widths and lengths.* Your ceiling price f. o. b. mill, when not specifically stated elsewhere in this regulation, for lumber covered by this regulation of special width and/or length, is determined as follows:

(a) Take the f. o. b. mill ceiling price of the standard item of the same species, grade and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the same standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951 through February 24, 1951.

(b) If you did not sell or contract to sell lumber of the same species, grade, and thickness with the special width and/or length during the period January 25, 1951 through February 24, 1951, take the f. o. b. mill ceiling price of the standard item of the same species, grade, and thickness for which a dollars-and-cents ceiling price is set forth in this regulation, and add thereto the highest amount or amounts which you added for such special width and/or length to the price of the most nearly comparable standard item in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951 through February 24, 1951.

SEC. 3.3. *Bending Oak and other listed grades.* Your ceiling price f. o. b. mill for any item of lumber covered by this regulation within any of the grades or combination of grades listed below, when not specifically stated elsewhere in this regulation, is the highest f. o. b. price at which you sold or contracted to sell such item to a purchaser of the same class during the period January 25, 1951, through February 24, 1951:

Bending Oak
Bridge plank and crossing plank
Common dimension
Freight car stock
Milpak
Mine car lumber
Select car stock
Select dimension
Sound square edge
Timbers

NOTE: In determining your ceiling prices under this section, you may not add a zone differential as provided in section 2.1.

SEC. 3.4. *Dunnage.* Dunnage ceiling prices, which include all charges for delivery to ports, are as follows:

Port of delivery	Ceiling delivered prices per thousand feet
Corpus Christi, Tex	$39.00
Houston, Tex	39.00
Galveston, Tex	39.00
Beaumont, Tex	39.00
Port Arthur, Tex	39.00
Lake Charles, La	39.00
Morgan City, La	39.00
New Orleans, La	39.00
Gulfport, Miss	39.00
Mobile, Ala	39.00
Pensacola, Fla	39.00
Tampa, Fla	39.00
Norfolk, Va	42.00
Portsmouth, Va	42.00
Charleston, S. C	42.00
Savannah, Ga	42.00
Jacksonville, Fla	42.00
Baltimore, Md	52.00
Philadelphia, Pa	53.00
Newark, N. J	54.00
New York, N. Y	54.00
Brooklyn, N. Y	54.00
Boston, Mass	55.00

SEC. 3.5. *Rough tie siding.* Ceiling prices f. o. b. mill for rough tie siding sold on grade are $5.00 per thousand feet lower than the ceiling prices for the same grade and species of standard lumber in regular widths and lengths as shown in the price tables in section 3.1.

SEC. 3.6. *Construction boards.* The ceiling prices f. o. b. mill for construction boards, random lengths, rough, in the grades and sizes shown, are as follows:

Grade	1" x 4"		1" x 6"		1" x 8"		1" x 10"		1" x 12"	
	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green	Air-dried	Green
No. 1	$70	$42	$75	$45	$80	$48	$85	$51	$90	$54
No. 2	60	36	65	39	70	42	75	45	80	48
No. 3	55	33	60	36	65	39	70	42	75	45

SEC. 3.7 *Residue sales.* The ceiling price for residue ungraded lumber is $30.00 per thousand feet f. o. b. mill. The term "residue ungraded lumber" is the below-grade lumber commonly called "culls" or "scoots."

SEC. 3.8. *Ungraded hardwood lumber.* When lumber covered by this regulation is sold ungraded as log run, mill run, No. 1 Common and Better, or any other combination of grades, the ceiling price for the entire shipment shall be the ceiling price for the lowest priced species and grade included in the shipment. If any of the lumber so sold is shipped green, the ceiling price of all lumber in the shipment shall be the ceiling price for green lumber of the lowest priced species and grade included in the shipment.

SEC. 3.9. *Kiln-dried, resawn, and surfaced lumber.* If you sell lumber subject to this regulation which is kiln-dried, resawn, and/or surfaced in accordance with the purchaser's specification, your ceiling price f. o. b. mill for such lumber is determined by taking the applicable f. o. b. mill ceiling prices for air-dried rough lumber set forth in this regulation, and adding thereto the highest amount or amounts which you added for such kiln-drying, resawing, and/or surfacing in your f. o. b. sales or contracts to sell to a purchaser of the same class during the period January 25, 1951, through February 24, 1951. The provisions of this paragraph are to apply until such time as specific additions for kiln-drying, resawing, and/or surfacing are made uniformly applicable to manufacturers covered by this regulation.

SEC. 3.10. *How to calculate weights for shipping kiln-dried, surfaced, and resawn lumber.* This section provides a procedure for determining the weights of kiln-dried, surfaced, and resawn lumber. These weights are authorized for use in determining transportation charges in the calculation of ceiling delivered prices as provided in section 6.2.

(a) *Kiln-dried lumber.* The established shipping weight for kiln-dried lumber is 10 percent less than the applicable air-dried weight shown in the tables of section 3.1, rounded to the nearest 50 pounds. For example, the kiln-dried shipping weight for rough 4/4" plain red oak is 3,800 pounds. (4,200 less 10 percent (420)=3,780, which is rounded to 3,800).

(b) To determine shipping weight for surfaced lumber, consult the table in this paragraph. Find the percentage shown for the nominal thickness under the appropriate heading describing the surfacing done, and apply this percentage to the rough weight of the item as shown in section 3.1, or as determined under this section.

Example 1. To calculate the weight for random width 4/4" plain red oak lumber surfaced two sides to 13/16": In Table (15), the air-dried weight of the rough lumber is shown as 4,200 pounds. In the table given below, Column (1) shows the 4/4" nominal thickness; Column (2), the 13/16" finished thickness; and from Column (3), applicable to surfaced two sides, the percentage figure of 78 is obtained. The surfaced weight is therefore 78 percent of 4,200 or 3,276 pounds, which is then rounded to 3,300 pounds.

Example 2. To calculate the weight of 4/4" plain red oak lumber 8" stock width surfaced four sides to 13/16" x 7½": The procedure is the same as in Example 1, except that instead of using the 78 percent shown in Column (3), you use the 73 percent figure shown in Column (7) for 8" lumber surfaced four sides to 7½" wide. (Columns (4) through (9) are applicable to both finished thicknesses and finished widths). The surfaced weight is 73 percent of 4,200 or 3,066 pounds, which is rounded to 3,050 pounds.

PERCENTAGES FOR DETERMINING SHIPPING WEIGHTS OF SURFACED LUMBER

Surfaced 1 or 2 sides—Thickness			Surfaced 4 sides—Widths					
			Percentage of rough weight for lumber surfaced 4 sides to specified widths shown and to thicknesses shown in column 2					
Nominal rough inch	Finished thickness	Percent of rough lumber weight	2" to 1⅝"	4" to 3⅝"	6" to 5⅝"	8" to 7½"	10" to 9½"	12" to 11½"
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3/4	5/16	44	36	40	42	42	42	43
	7/16	57	49	52	54	55	55	56
	9/16	65	59	60	61	62	63	63
	11/16	71	67	68	69	70	70	71
4/4	13/16	78	73	76	77	77	78	78
	15/16	84	81	82	83	84	84	85
	1	87	84	85	86	87	87	88
	1 1/16	92	89	90	91	92	92	93
5/4	1 3/16	95	92	93	94	95	95	96
	1 5/16	97	95	96	97	97	98	98
6/4	1 3/8	98	96	97	98	98	99	99
	1 5/8	99	98	99	99	99	100	100
8/4	1 7/8	100	99	100	100	100	101	101
	2 1/8	101	100	101	101	101	102	102
10/4	2 3/8	102	101	102	102	102	103	103
	2 5/8	103	102	103	103	103	104	104
12/4	2 7/8	104	103	104	104	104	105	105
	3 1/8	105	104	105	105	105	106	106
16/4	3 5/8	106	105	106	106	106	107	107

(c) *Resawn lumber.* The weight for rough lumber resawn is the weight of the rough air-dried lumber as shown in the tables of section 3.1 less 5 percent for each saw kerf. The weight for lumber surfaced and then resawn is the weight of the resurfaced lumber (as calculated in accordance with paragraph (b) of this section) less 5 percent of the rough lumber weight for each saw kerf.

SEC. 3.11. *Ceiling prices for special specifications.*—(a) *Application.* If you cannot ascertain your ceiling price for lumber covered by this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, grades, sizes, services, or other extras not specifically mentioned in this regulation, you must apply by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a ceiling price. You may file on OPS Public Form No. 132, which is obtainable from any Regional or District Office of the Office of Price Stabilization. Your application must set forth the following:

(1) As complete a description as possible of the item which is the subject of your application.

(2) A statement explaining why you are unable to determine your ceiling price under other provisions of this regulation.

(3) Your proposed ceiling price, which you must determine upon the first of the following bases that you are able to use:

(i) The ceiling price for the most closely comparable item for which a dollars-and-cents ceiling price is established by this regulation, adjusted by the addition or subtraction of the differential between the highest price at which the item that is the subject of your application was sold to a purchaser of the same class on the date nearest to the effective date of this regulation and the highest price at which the most closely comparable item was sold to a purchaser of the same class on the date nearest thereto.

(ii) The price at which you sold to a purchaser of the same class the item that is the subject of your application in your last sale before the effective date of this regulation.

(iii) The ceiling price of your most closely competitive seller to a purchaser of the same class for the item that is the subject of your application. ("Your most closely competitive seller" is the seller of lumber subject to this regulation, selling the item which is the subject of your application, with whom you are in most direct competition on sales of most items.)

(iv) A price which you believe is in line with the level of ceiling prices established by this regulation. You must state why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

In determining your proposed ceiling prices, you must first use the basis indicated in subdivision (i); if you cannot use subdivision (i), then use subdivision (ii); if you cannot use subdivision (ii), then use subdivision (iii); or if you cannot use subdivision (iii), then use subdivision (iv).

If you use subdivisions (ii), (iii), or (iv), you must state in your application why you could not use the basis provided in the preceding subdivision or subdivisions. You must also state how your proposed ceiling price conforms to the basis employed and furnish supporting details.

(b) *Quotation of proposed ceiling prices.* You may quote a proposed ceiling price determined under the provisions of paragraph (a), and you may sell at that proposed ceiling price, provided that you file an application for approval of that special ceiling price within five days after receiving an order, and provided further that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later date.

(3) No application will be approved under this section unless it is found that the proposed prices are in line with the level of ceiling prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be your ceiling price for all future sales of the same item unless a specific ceiling price for the item shall subsequently be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

ARTICLE IV—COMMISSION-TYPE SALES AND RETAIL-TYPE DIRECT-MILL SALES

SEC. 4.1. *Commission-type sales.*—(a) *Addition allowed.* When a sale of your lumber is brought about by the efforts of a lumber commission salesman, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 4 percent of the f. o. b. mill ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay to the lumber commission salesman.

(b) *Lumber commission salesman.* The term "lumber commission salesman" means a person who customarily sells lumber in carload quantities for two or more manufacturers, who does not take title to the lumber, assumes no credit risk, receives his compensation from the manufacturer in the form of commissions based on the amount of lumber sold, and operates independently of both buyers and sellers.

SEC. 4.2. *Retail-type sales.*—(a) *Increased f. o. b. mill ceiling prices.* Except as indicated in paragraphs (b) and (c) of this section, your f. o. b. mill ceiling prices in retail-type sales for all lumber covered by this regulation are 15 percent higher than the f. o. b. mill ceiling prices (including any applicable zone differentials) established by this regulation. The increase applies whether the lumber is green, air-dried, or kiln-dried; whether rough or surfaced; and whether or not it is resawn or otherwise worked.

(b) *Exceptions to the application of the increase.* You may not apply the increase authorized by paragraph (a):

(1) To your ceiling prices determined under the provisions of sections 3.3 and 3.11; or

(2) To your ceiling additions for special widths and/or lengths or to your ceiling additions for kiln-drying, surfacing, and/or resawing allowable under the provisions of sections 3.2 and 3.9, respectively, when the additions involved are derived from a retail-type sale.

(c) *Charges which you must exclude.* A ceiling price determined under paragraph (a) may not be increased by any charges for commissions paid to a lumber commission salesman as authorized in section 4.1, or by any charges for special services as authorized in section 5.1.

(d) *Delivery charges.* You may add an appropriate delivery charge, computed in the manner authorized in section 6.2, provided that you deliver the lumber by truck.

(e) *Definition.* As used in this section, a retail-type sale is a direct-mill sale of not more than 10,000 feet to a purchaser who takes delivery at the mill, or who accepts delivery made by truck at a point not more than 50 miles from the mill. It must be a sale of lumber to a contractor or to a consumer for use in construction, remodeling, repair, or maintenance; it is not a sale for use in manufacturing or for resale in substantially the same form.

ARTICLE V—CEILING PRICE ADDITIONS

SEC. 5.1 *Ceiling price additions.* (a) You may add not more than the amounts indicated below to the ceiling prices as set forth in this regulation, for the following special services:

(1) Anti-stain treatment: $1.00 per thousand feet.

(2) Stenciling or grade-marking on the face of each piece in a manner which will permit identification and segregation: $1.00 per thousand feet. (This addition cannot be made for stenciling a trademark.)

(3) Bundling for export: $3.00 per thousand feet.

(4) Packaging in sling loads or otherwise whereby the load is divided into individual parcels to facilitate mechanical unloading and reloading: $3.00 per thousand feet (covering all materials and labor).

NOTE: If lumber is both bundled for export and packaged in sling loads or otherwise, only one charge of $3.00 per thousand feet may be made.

(5) Marking on each piece the surface measure and or the width and length sizes: $1.00 per thousand feet.

(6) Inspection and issuance of an inspection certificate by the National Hardwood Lumber Association: an amount which does not exceed the inspection fees and expenses charged the seller by the Association.

(7) Staking, wiring, and separating lumber in open top cars: $25.00 per car (covering all materials and labor).

(8) Erecting on open top cars bulkheads made in conformity with the specifications of the Mechanical Division of the Association of American Railroads: $10.00 per bulkhead (covering all materials and labor).

(b) Except for anti-stain treatment, the additions provided in paragraph (a) of this section may be made only when the special services are specifically requested by the buyer.

ARTICLE VI—OTHER CEILING PRICE PROVISIONS

SEC. 6.1. *Grade terms and grading.*—(a) *Terms.* All grade terms used in this regulation have the meanings set forth in the "Rules for the Measurement and Inspection of Hardwood, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

(b) *Grading.* Lumber bought and sold under this regulation must be graded in accordance with the "Rules for the Measurement and Inspection of Hardwood, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association.

SEC. 6.2 *Delivered ceiling prices.* You are permitted to sell lumber covered by this regulation on a delivered price basis. The ceiling delivered prices are the ceiling prices f. o. b. mill plus an addition for delivery to the purchaser, computed as follows (the transportation addition must be rounded to the nearest half dollar):

(a) *Common or contract carrier.* When shipment is made by common or contract carrier, the transportation addition is computed by multiplying the appropriate established weight by the applicable freight rate in effect at the time of shipment.

(b) *Private trucking.* When shipment is by truck owned or controlled by the seller: you may add $2.00 per thousand feet; or an addition computed in the manner set forth in paragraph (a) of this section, using applicable carload rates; or an amount equal to the applicable common carrier motor freight charges.

(c) *Trucking to railhead.* You may not charge any additional amount for a truck haul preceding rail shipments.

(d) *Truck delivery after rail haul.* For truck delivery following a rail haul, you may add as much as the actual costs per thousand feet incurred.

SEC. 6.3. Mixed cars. In a sale of a mixed carload shipment to one or more purchasers in which each item is loaded

separately in the quantity specified in the order, or orders, the following additions per thousand feet may be made to the f. o. b. mill prices of each item in the shipment:

Quantity of each item ordered	Additions per M feet
4,000 to 5,000 feet	$2.00
3,000 to 3,999 feet	3.00
2,000 to 2,999 feet	4.00
1,000 to 1,999 feet	5.00
999 and less	6.00

As used in this section the term "mixed carload" refers to a carload containing two or more items of any species and thickness.

SEC. 6.4. *Green lumber.* (a) Ceiling prices for green lumber are established separately in the price tables. In every case in which lumber is shipped weighing more than 15 percent above the applicable air-dried weights shown in this regulation, it must be sold at not more than the ceiling price for green lumber.

(b) (1) You may obtain authorization from the Director of Price Stabilization, at his discretion, to apply not more than the ceiling prices for dry lumber to a particular sale of green lumber when the purchaser certifies to you that the nature of his operations requires the lumber involved in the particular sale to be in green condition. Application for such authorization must be by letter sent to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., and should contain a statement as to the kind of lumber required and the reason for the purchaser's requiring green lumber, and also a copy of his certification to you covering the lumber involved in the sale.

(2) Approval must be obtained from the Director of Price Stabilization before you may sell under the provisions of this paragraph green lumber at prices higher than the ceiling prices otherwise provided in this regulation.

(c) (1) When a buyer requires special items of No. 1 Common or No. 1 Common and Better of a species and thickness not ordinarily cut and stocked by mills, and the buyer is unable to buy dry lumber, he may apply by letter to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for authorization of special ceiling prices for his purchase of such special items of lumber.

An application should be submitted for every order placed under the provisions of this section, and should state the proposed seller's name and address, a description of the item or items required and the reason for the necessity of accepting green lumber. Approval, if granted, will be rendered both to the buyer and the named seller. The approval will allow sales of such special items, cut on special order, and shipped in green or partially dry condition, at not more than 90 percent of the ceiling price for air-dried lumber of the same grade and thickness in the species of basswood and poplar, and at not more than 87½ percent of the ceiling price for air-dried lumber of the same grade and thickness in all other species.

(2) Approval must be obtained from the Director of Price Stabilization before orders are placed or sales are made under this paragraph.

SEC. 6.5. *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951 and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

ARTICLE VII—MISCELLANEOUS PROVISIONS

SEC. 7.1. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 7.2. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 7.3. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling prices in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 7.4. *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall preserve all your existing records relating to the prices which you received or charged for the items, and for the basic, comparison, or standard items and differentials, referred to in sections 3.2, 3.3, 3.9, and 3.11, which you sold or contracted to sell during the period January 25, 1951 through February 24, 1951; and you shall continue to preserve, for the applicable periods specified in Section 16 of the General Ceiling Price Regulation, all other existing records that you were required to keep under the provisions of Section 16 of the General Ceiling Price Regulations.

(b) *Current records.* Every person who sells and every person who in the regular course of trade or business buys lumber covered by this regulation, totaling $500 or more in any one month, shall make and keep for inspection by the Director of Price Stabilization for a period of two years, accurate records of each sale or purchase made in such month. The records must show the following:

(1) Date of purchase or sale;

(2) Name and address of buyer and seller;

(3) The price or prices of the covered items, including discounts paid or received, and all other direct or indirect considerations given or received, and rebates made or taken;

(4) A description of each item of lumber sold, showing the species, grade, sizes, condition (green, air-dried or kiln-dried), workings, specifications or other extras, which affect the ceiling price, together with the quantity thereof;

(5) Origin of shipment; and when sold on a delivered basis, destination of shipment;

(6) Means of transportation used.

The retention by a purchaser of an invoice furnished by a seller, or the retention by a seller of a settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

(c) *Other records.* If you apply for approval of a proposed ceiling price for special specifications under section 3.11 of this regulation, you shall preserve or make and you shall keep for inspection by the Director of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, accurate records from which you obtained the data you submit in connection with your application for such ceiling price.

SEC. 7.5. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description (species, grade and sizes) and the quantity of each item of lumber involved. Any working condition (green, air-dried or kiln-dried), specification, extra, or service for which a charge is made, or which otherwise has a bearing upon the ceiling price, must be separately set forth in the invoice, but the invoice need not show separately the charge for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a), your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment, and

(3) The applicable rail, truck or water freight rate; or the transportation charged.

SEC. 7.6. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the proper OPS District Office. Any action taken by you in reliance upon, and in conformity with, a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 7.7. *Prohibitions and violations.* (a) You shall not do any act prohibited

or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement actions, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 7.8. *Evasions.* Any means or devices which result in obtaining directly or indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information in records which this regulation requires to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 7.9. *Definitions.* (a) As used in this regulation, the terms below have the following meanings:

(1) *Appalachian hardwood lumber.* This term is defined in section 1.3 (b).

(2) *Appalachian Hardwood Region.* This term is defined in section 1.3 (c).

(3) *Director of Price Stabilization.* This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(4) *Feet.* This term means board feet for all lumber 4 4" and thicker, and means surface feet for all lumber thinner than 4 4".

(5) *F. o. b. mill.* This term means loaded on cars at mill railhead or siding; loaded on scow or barge alongside a mill dock; or, where the only means of conveyance used is a truck, other motor vehicle, or wagon, loaded on such vehicles at the mill site.

(6) *Kiln-dried lumber.* This term refers to green or air-dried lumber that is dried in a kiln to a specified moisture content.

(7) *Lumber commission salesman.* This term is defined in section 4.1.

(8) *Manufacturer, sawmill, planing mill, and concentration yard.* These terms are defined in section 1.4 (b). Note particularly that the term "mill" as used throughout the regulation includes sawmills, planing mills, and concentration yards.

(9) *Most closely competitive seller.* This term is defined in section 3.11 (a) (3) (iii).

(10) *Person.* This term includes any individual, partnership, corporation, association, or any organized group of persons; their legal successors or representatives; and the United States or any other government or their political subdivisions or agencies.

(11) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchaser by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(12) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(13) *Residue ungraded lumber.* This term is defined in section 3.7.

(14) *Retail-type sale.* This term is defined in section 4.2.

(15) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(16) *Special grading terms.* The special grading terms used in this regulation are defined in section 6.1.

(17) *Surfaced lumber.* "Surfaced lumber," also known as "worked" or "dressed" lumber, is lumber planed to a smooth finish, generally surfaced to a specified thickness. The process of producing surfaced lumber is known as "surfacing," "dressing," or "planing."

(18) *You.* The pronoun "you" indicates any manufacturer who sells lumber subject to this regulation. The term "your" shall be construed accordingly.

Effective date. This regulation is effective July 2, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7233; Filed, June 27, 1952; 12:10 p. m.]

[Ceiling Price Regulation 27, Amdt. 1]

CPR 27—LAKE COAL DOCK OPERATORS

INCREASED TRANSPORTATION COST

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

Lake coal dock operators covered by CPR 27 are both wholesalers and retailers of coal. Because of certain unique characteristics, however, they are covered by a different OPS regulation from that applying to other retailers of bituminous coal.

Recently retail coal sellers under Supplementary Regulation 2 to the GCPR were allowed to add to their ceiling prices the increase in their inbound freight costs since January 25, 1951 resulting from freight rate increases authorized by the Interstate Commerce Commission or any other governmental regulatory body. For similar reasons, and to remove any possible discrimination between these two classes of resellers of coal, this amendment provides a similar adjustment for lake coal dock operators.

In order to maintain the relationship between ceiling prices and ceiling weighted average realization lake coal dock operators may also add the same dollar-and-cents amount of transportation cost increases to their ceiling weighted average realization established under CPR 27.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 27 is amended in the following respect:

1. Section 4 (d) is amended by adding subparagraph (4), as follows:

(4) Each lake coal dock operator may increase the ceiling weighted average realization and the ceiling price of each size, grade, grouping or other classifica-

tion of solid fuel which he sells and delivers under this ceiling price regulation by the exact amount of increase in transportation costs that has or may become effective after January 1, 1951: *Provided*, Such increase in transportation costs was authorized by the Director, an order of the Interstate Commerce Commission or any regulatory body of a state, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling weighted average realization and the ceiling prices of each size, grade, grouping or other classification by the exact amount of increase in transportation costs shall be effective only upon receipt by the lake coal dock operator of a carrier's invoice, freight bill or other statement of transportation charges for each such size, grade, grouping or other classification, reflecting the increased freight charges and required to be paid by the lake coal dock operator.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to CPR 27 shall become effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7231; Filed, June 27, 1952; 12:09 p. m.]

[Ceiling Price Regulation 50, Amdt. 2]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

CORRECTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 1 to Ceiling Price Regulation 50 was issued for the purpose of increasing the ceiling prices for the sale of kerosene on the island of St. John in the Virgin Islands of the United States. The statement of considerations accompanying Amendment 1 indicated the reasons for these increased ceiling prices.

Because of a typographical error, however, Amendment 1 merely repeated the ceiling prices already established in Ceiling Price Regulation 50. This amendment corrects that error, and accomplishes the result intended in the issuance of Amendment 1.

Because of the nature of this action, it has been impracticable for the Office of Price Stabilization to consult with the industry and trade association representatives.

AMENDATORY PROVISIONS

Section 11 of Ceiling Price Regulation 50 is changed to read as follows:

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices of kerosene sold at retail in the Virgin Islands of the United States shall be:

Commodity	Quantity	St. Croix	St. Thomas	St. John
Kerosene	Gallon	$0.29	$0.30	$0.34
	Quart	.08	.08	.09
	4/5 quart	.07	.07	.07
	Two 4/5 quarts	.15	.13	.14

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 2 to Ceiling Price Regulation 50 is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7239; Filed, June 27, 1952; 4:00 p. m.]

[Ceiling Price Regulation 134, Amdt. 3]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

EXTENSION OF TIME FOR REDETERMINATION UNDER SECTION 10

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment extends the time for redetermination of ceiling prices under section 10 from June 1, 1952 until August 1, 1952.

The present cut-off date for redetermination of ceiling prices under section 10 is June 1, 1952. It has come to the attention of the Office of Price Stabilization that many operators were unable to determine their eligibility within sufficient time to take advantage of the authorized redetermination permitted by section 10. It has also been found that some applications for base period adjustment, which had been filed under section 13 of Ceiling Price Regulation 11 prior to the effective date of Ceiling Price Regulation 134, were not processed in sufficient time to enable the applicant to qualify for the section 10 adjustment by the specified date.

In order to avoid penalizing those operators whose applications for a CPR 11 adjustment had not been processed prior to June 1, 1952, or who were unable to determine their eligibility for a redetermination before the cut-off date, operators will be permitted by this amendment to redetermine or to apply for redetermination of their ceiling prices until August 1, 1952.

Because of the beneficial nature of this amendment and the necessity for speedy action, the Director of Price Stabilization has found it neither necessary nor practical to consult with industry representatives, including trade association representatives. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that Act.

AMENDATORY PROVISIONS

Paragraph (a) of section 10 of Ceiling Price Regulation 134 is amended by substituting the words "August 1, 1952" for the words "June 1, 1952" wherever they appear in that paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 134 is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7232; Filed, June 27, 1952; 12:10 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 109]

GCPR, SR 109—CEILING PRICES FOR SEMI-VITREOUS DINNERWARE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 109 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes new ceiling prices for manufacturers of semi-vitreous dinerware at a level that is in accordance with the minimum prescribed by the industry earnings standard. A full statement of the reasons for this action are set forth in the Statement of Considerations for SR 29, Ceiling Price Regulation 22.

In the formulation of this supplementary regulation the Director has consulted with representatives of the industry, including trade association representatives and the Industry Advisory Committee, and has given consideration to their recommendations. In the judgment of the Director, the provisions of this supplementary regulation are generally fair and equitable; are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended; and comply with the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951 and June 27, 1952, inclusive.
3. Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.
4. Relationship of this supplementary regulation to GOR 20 and GOR 21.

AUTHORITY: Sections 1 through 4 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes ceiling prices for sales by manufacturers of semi-vitreous dinnerware, replacing those previously established under sections 3, 4, 6 and 7 of the General Ceiling Price Regulation. All provisions of the General Ceiling Price Regulation not inconsistent with this supplementary regulation remain in effect.

SEC. 2. *Ceiling prices for semi-vitreous dinnerware dealt in between September 1, 1951, and June 27, 1952, inclusive.* (a) Your ceiling price for sale of a semi-vitreous dinnerware product is 106.25 percent of the highest price at which you delivered it or, if you did not deliver it, at which you offered it for delivery, between September 1, 1951 and June 27, 1952 to a purchaser of the same class. If your highest price during this period exceeded the applicable ceiling price, your ceiling price under this regulation is 106.25 percent of the ceiling price in effect at the time you received your highest price.

(b) A ceiling price established under this section must be consistent in every respect with your GCPR ceiling price for the same semi-vitreous dinnerware product. It must carry the same delivery terms, cash, trade and volume discounts, allowances, premiums and extras, deductions, guarantees and other terms and conditions of sale.

SEC. 3. *Ceiling prices for semi-vitreous dinnerware which cannot be determined under section 2.* If you are unable to establish a ceiling price for any sale of semi-vitreous dinnerware under section 2 of this supplementary regulation, you must establish such ceiling price in accordance with section 4, 6 or 7 of the General Ceiling Price Regulation. Section 4 requires you to determine a ceiling price by reference to the ceiling price of another commodity, called for convenience, your "comparison commodity". In applying section 4, use as the ceiling price of the "comparison commodity" a ceiling price determined under this supplementary regulation.

SEC. 4. *Relationship of this supplementary regulation to GOR 20 and GOR 21.* Notwithstanding any provisions of this supplementary regulation, you may elect to use General Overriding Regulation 20 or 21 to establish your ceiling prices for semi-vitreous dinnerware. If you so elect, you may not use the provisions of this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7234; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 7, Amendment 1 to Revision 1]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES, ICE AND CANNED AND FROZEN FRUIT, BERRY AND VEGETABLE PRODUCTS

Pursuant to the Defense production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to General Overriding Regulation 7, Revision 1, removes ice and certain canned and frozen fruit, berry and vegetable products from price control.

Ice. In the judgment of the Director of Price Stabilization, special circumstances which characterize the ice industry justify its removal from price control at the present time.

During the past several decades, with the exception of the war years, the consumption of ice has declined steadily. Since 1946 ice consumption has declined by more than 40 percent. This decline has followed the greatly expanded use of mechanical refrigeration in homes and the installation of small ice manufacturing plants in institutional and industrial establishments. As a result of this decline, the utilization of ice producing facilities has dropped to a low level. It is estimated that currently only one-third of this capacity is being used to meet the average day-to-day needs for commercial ice.

As might be expected from such a trend, prices charged for ice have been more stable during the past several decades than have the prices of most other commodities. It is estimated that ice prices today are only one-third higher than they were at the low point of the depression in the 1930's.

This trend has also been reflected in declining earnings. Not only have prices been held stable by competition from mechanical refrigeration and by competition between producers with excess capacity, but there have been increases in direct costs and the decline in volume has tended to increase overhead unit costs. Since 1946 many ice companies have gone out of business or merged with their competitors. Many small companies have in effect been "liquidating their capital".

It was the experience of the Office of Price Administration that a constant sequence of individual and area price adjustments was necessary to bring ice prices up to a level which would secure the continuation of an ice supply in various communities. In numerous cases annual adjustments were necessary to prevent substantial hardship in the face of increased costs and decline in volume. The same experience has begun to repeat itself since the institution of price controls in January 1951. The making of these numerous price adjustments has placed a substantial administrative burden of reporting, compiling of financial information and of record maintenance upon the ice industry. Processing these adjustment applications has required a considerable expenditure of manpower on the part of OPS. Moreover, the continuation of control involves technical complexities such as provisions for the importation of ice into areas formerly served by companies which have gone out of business. The prospect, in the absence of decontrol, is for these administrative burdens to increase rather than lessen with the passage of time.

In view of the decline in volume of the industry, the large excess of productive capacity, the availability of mechanical refrigeration, and the relatively stable prices during the last two decades, it is highly unlikely that uncontrolled ice prices will increase to levels above those which the agency would be compelled by the requirements of the law to establish through numerous adjustments. Therefore, the Director has concluded that the advantages to economic stabilization which can be derived by a continuation of controls upon ice are not commensurate with the burdens placed on the industry and upon this agency.

Canned and frozen fruit, berry and vegetable products. The canned fruits, berries and vegetables exempted by this amendment are either luxury items of limited volume, such as canned celery, or are items produced in limited quantities and sold almost entirely for remanufacturing purposes the final product of which remains under control, or are items packed regionally in small volume, or, finally, are specialty fruit items. In regard to all these products the number of processors is very small and the total pack of all products amounts to less than $\frac{2}{10}$ of one percent of all fruits and vegetables which are packed during a year.

The frozen fruits, berries and vegetables exempted from price control by this amendment are an insignificant part of the total frozen fruit, berry and vegetable pack. The frozen vegetables covered by this action constituted but 2.046 percent of the total frozen vegetables pack during 1951, while the frozen fruits and berries constituted 0.455 percent of the total frozen fruit and berry pack for that year. Many of the listed products have not been packed at all during the past two years, apparently because of the lack of consumer demand, while others are sold in particular regions but not in large volume.

Therefore, the commodities exempted by this amendment are of minor significance and have but a trifling effect on the cost of living, the cost of the defense effort or the general current of industrial costs. Furthermore, any ceiling price restrictions imposed on these products would involve an administrative enforcement burden out of proportion to the importance of keeping such commodities under price control.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In his judgment the exemptions provided by the accompanying amendment will in no way defeat or impair the price stabilization program or the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. The following subparagraph (9) is added to paragraph (d):

(9) Ice.

2. Paragraph (e) is changed to read as follows:

(e) *Canned fruit, vegetable and berry products.* The following domestically processed canned (in tin or glass) or packaged fruit, vegetable and berry products:

(1) Canned artichoke products whose vegetable ingredient consists predominantly of artichokes or parts thereof.
(2) Canned cabbage (white or red) (not kraut).
(3) Canned brussels sprouts.
(4) Canned broccoli.
(5) Canned celery.
(6) Canned eggplant.
(7) Canned melons (pickled or spiced including melon balls).
(8) Canned soy beans (fresh).
(9) Canned parsnips.
(10) Canned vegetable greens (except spinach and turnip greens).
(11) Canned rhubarb.
(12) Canned tomato aspic.
(13) Canned fresh shell beans (with or without snaps).
(14) Canned rutabagas.
(15) Canned turnips.
(16) Canned corn relish.
(17) Canned diced or pureed green or red peppers (not including pimientos).
(18) Canned meat loaf spice mixtures.
(19) Canned or packaged dehydrated vegetable relish.
(20) Canned pumpkin pie mix.
(21) Canned sweet potato pie mix.
(22) Canned carrot juice.
(23) Canned beet juice.
(24) Canned nectarines.
(25) All canned plums (except canned purple prune plums).
(26) Canned baked apples.
(27) Canned spiced apricots.
(28) Canned spiced figs.
(29) Canned spiced pears.
(30) Canned grapes (including spiced grapes).
(31) Canned crab apples (including canned spiced crab apples).
(32) Canned quinces.
(33) Canned or packaged crunchy apple chips and apple nougats.
(34) Canned apple pie mix.
(35) Canned cherry pie mix.
(36) Canned plum juice (including fresh prune plum juice).
(37) Canned huckleberries.
(38) Canned gooseberries.
(39) Canned loganberries (including juice and nectar).
(40) Canned elderberries.
(41) Canned dewberries.
(42) Canned youngberries.
(43) Canned strawberries.
(44) Canned strawberry juice.
(45) Canned cranberry juice.

3. Paragraph (g) is added to read as follows:

(g) *Frozen fruit, berry, vegetable and related products.* The following domestically processed frozen fruit, berry, vegetable and related products:

(1) Coconut.
(2) Feijoa.
(3) Figs.
(4) Guavas.
(5) Mixed fruits.
(6) Nectarines.
(7) Pears.
(8) Persimmons.
(9) Pineapples.
(10) Plums (fresh).
(11) Quinces.
(12) Sweet cherries.
(13) Cranberries.
(14) Dewberries.
(15) Elderberries.
(16) Gooseberries.
(17) Huckleberries.
(18) Youngberries.
(19) Artichokes.
(20) Beets.
(21) Blackeye peas (fresh).
(22) Celery.
(23) Field peas, fresh (including chick, cream, crowder, crowder with snaps and purple hull).
(24) Melon balls.
(25) Mushrooms.
(26) Okra.
(27) Peppers (including pimientos).
(28) Soy beans (fresh).
(29) Sweet potatoes.
(30) Tomatoes (including juices and purees).
(31) Vegetable greens (except spinach).
(32) Watermelons.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7236; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 5]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF CERTAIN FURS AND FUR PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 4, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price control sales of certain furs and fur plates, as well as sales of garments, shells, linings, trimmings, and collars made from them. This amendment, however, does not exempt services rendered with respect to any of these commodities, nor does it exempt by-products produced from the exempted furs and peltries, such as beaver hair.

Studies have been made by this Agency concerning the prices as well as consumer use of furs and fur garments. From these studies it has been determined which furs, in general, are and are not of considerable importance to moderate income families.

The sales of items exempted by this regulation have little bearing on the cost of living. In general, sales of fur garments which retail at prices of approximately $400 or less, and furs from which they are made, remain under price control. The latter furs and fur items are generally of the type normally within the purchasing power of moderate income families. Further, sales of certain relatively higher priced furs, such as badger, continue subject to price control, due to their utilization in the manufacture of essential cost-of-living products or in essential industrial processing.

The difficulty of administering price controls with respect to the exempted furs and fur products is an additional factor warranting their exemption. Studies have revealed that no universally accepted grading standards exist as to quality and size of fur skins. Standards used were developed by individual dealers and processors; they vary widely not only as between different geographical areas but also as between dealers and processors in the same area. Further, valuation of fur skins largely turns upon minute variations between skins of the same general type as to color, shade, curl, length, fullness, luster, softness and silkiness. It is possible for experts in fur valuation to arrive at widely differing judgments with respect to the value of skins of the same general type; this is especially true of the exempted furs. The above considerations distinguish the problem of administering price controls with respect to such furs from that with respect to most other commodities.

The problem of controlling certain fur garments is also complicated by virtue of the fact that each fur garment is individually priced. In the higher priced ranges such as mink and beaver, two garments made of the same general type of skin, in the same factory, by the same general standards of manufacture will frequently be valued at widely different figures because of their differences in appearance and "feel." In the less expensive garments, such as mouton, rabbit, and kidskin, however, this variation in valuing garments is far less extensive.

The exempted furs have only a relatively limited use as trimmings for cloth coats. U. S. Department of Commerce reports indicate that only about 10% of the women's and misses' cloth coats manufactured in the United States have fur trimmings. It is estimated that not more than 50% of these fur trimmed coats have trimmings of furs exempted from price control by this regulation. The remainder of these fur trimmed cloth coats bear trimmings of the cost-of-living furs which are being continued under price control.

The Director has concluded that the relative insignificance of the exempted furs and fur garments as cost-of-living items, combined with the difficulty in administering price controls over them, warrants the exemption of their sales from price controls at this time.

The Director has consulted with the Federal Trade Commission as to the proper designation of the furs listed in this regulation which are continued under price control. The names used are those approved by the Federal Trade Commission and they apply to all furs properly designated by those names, although other names may have been commonly used in the trade to describe them. In some cases this amendment states the commonly used names of certain furs as well as their correct names; this is done for the sake of clarity alone, and is not to be construed as an approval of those commonly used names.

To the extent practicable under the circumstances, the Director has consulted with representatives of the industry involved, including trade association representatives, and has given consideration to their oral and written recommendations.

AMENDATORY PROVISIONS

Section 2 of General Overriding Regulation 4, Revision 1, is amended by adding the following paragraphs:

(e) All furs other than the following:

American Opossum.
Ariana Otter.
Badger.
Bassarisk (sometimes referred to in the trade as Ringtail Cat).
Chekiang Lamb, square handled.
Coyote Wolf.
Dog.
Fox (except white fox, natural black fox, natural blue fox, silver fox, cross fox and all mutation fox).
Hair Seal.
Hare.
Indian Lamb.
Kidskin.
Labrador Hair Seal.
Lamb processed to simulate Broadtail Lamb.
Lincoln Lamb.
Marmot.
Mouton Lamb.
Muskrat.
Peschanik (sometimes referred to in the trade as Russian Weasel).
Persian Lamb Paw.
Pony.
Rabbit.
Raccoon.
Mexican Raccoon.
Skunk.
Spotted Skunk (sometimes referred to in the trade as Civet Cat).
Wolf.
Beaver pieces.
Squirrel bellies.
Tails from all furs.

The term "furs" means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed.

(f) Fur plates made from mink and backs of squirrels.

(g) All fur garments in which the principal quantity of body material consists of furs or fur plates exempted from price control under (e) or (f) above.

(h) All fur shells, fur linings, fur trimmings, and fur collars, in which the only furs or fur plates used are those exempted from price control under (e) or (f) above.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7235; Filed, June 27, 1952; 12:10 p. m.]

[General Overriding Regulation 20, Cor.]

GOR 20—CEILING PRICE ADJUSTMENTS FOR SMALL BUSINESS CONCERNS UNDER SECTION 402 (d) (4) OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Due to clerical error in the third sentence of the example at the end of the third paragraph of section 11 of General Overriding Regulation 20, the date on which a ladies' blouse (Style B) was offered for sale was given as "September 1, 1951" instead of "September 1, 1950". Accordingly, this sentence is corrected to read as follows: "On September 1, 1950, you offered for sale a ladies' blouse (Style B) for which your ceiling price under the General Ceiling Price Regulation is $6.00."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7237; Filed, June 27, 1952; 12:10 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-9, Revocation]

M-9—ZINC

REVOCATION

NPA Order M-9 (17 F. R. 4536) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-9 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; U. S. C. App. Sup. 2154)

This revocation is effective June 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7226; Filed, June 27, 1952; 11:53 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Amdt. 4]

DFO 3—AGRICULTURAL IMPORTS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred by section 704 of the Defense Production Act of 1950, as amended (50 U. S. C. App. Sup. 2154) and having determined that the following amendment of Defense Food Order 3, as amended (16 F. R. 7934, 8272; 17 F. R. 4490) is necessary or appropriate to carry out the provisions of said act and the determination made by the Secretary of Agriculture on August 9, 1951 (16 F. R. 7937) under section 104 of the act, said Defense Food Order 3 is hereby amended as set forth below. The amendment relieves certain restrictions presently imposed by the order and must be made effective promptly if it is to be of maximum benefit to importers. The order affects numerous segments of the economy and time does not permit consultation with all affected segments. Therefore consultation with industry representatives on the amendment is impracticable and has been omitted.

Summary of amendment. Section 2 (b) of Defense Food Order 3, as amended, prohibits the importation, purchase for import, receiving or offering to receive on consignment for import, and the making of any contract or other arrangement for the importing of certain commodities subject to the order, except as provided in section 5 of the order or as authorized in writing by the Director of the Office of Requirements and Allocations, Production and Marketing Administration, of this Department. The term "import" is defined to mean "to transport in any manner into the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States from any foreign country." It includes shipments into a free port, free zone, or bonded custody of the United States Bureau of Customs. This amendment is intended to except from the requirement of an authorization by the Director imposed in section 2 (b) casein and lactarene, and mixtures in chief value thereof, n. s. p. f., and cheese, imported for any purpose other than consumption in the continental United States, Puerto Rico, the Virgin Islands or any territory or possession of the United States. Section 5 of the order is being amended to provide such exception. The amendment also modifies the provisions of section 13 of the order relating to petitions for relief from hardship.

AMENDATORY PROVISIONS

Defense Food Order 3, as amended, is hereby further amended as follows:

1. Section 5 is amended by redesignating paragraph (c) thereof as paragraph (d) and by adding a new paragraph (c) to read as follows:

(c) The provisions of section 2 (b) shall not apply to casein or lactarene, or mixtures in chief value thereof, n. s. p. f., or cheese, imported for any purpose other than consumption in the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States. The provisions of section 2 (b) shall continue to apply, however, to casein and lactarene, and mixtures in chief value thereof, n. s. p. f., and cheese, with respect to direct entries for consumption, withdrawals for consumption of commodities in the custody of the United States Bureau of Customs in bonded warehouses, entries for consumption of commodities from foreign trade zones, and all other imports for consumption in the continental United States, Puerto Rico, the Virgin Islands, or any territory or possession of the United States. Moreover, the provisions of section 2 (b) shall continue to apply in all respects to other commodities followed by the designation (B) in Appendix A.

2. Section 13 is amended by adding at the end thereof a new sentence to read as follows: "The fact that a commodity is in a free port, foreign trade zone or the bonded custody of the United States Bureau of Customs, shall not be a basis for relief from hardship."

Effective date. This order shall become effective immediately. With re-

spect to violations, rights accrued, liabilities incurred, or appeals taken concerning Defense Food Order 3, as amended, prior to said effective date all the provisions of the order in effect at the time when such violations occurred, rights accrued, liabilities were incurred, or appeals were taken shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, as amended, 65 Stat. 139; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 25th day of June 1952.

[SEAL] ELMER F. KRUSE,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7227; Filed, June 27, 1952; 12:00 m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3, Amdt. 13 to Appendix]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATIONS GOVERNING PROCESS AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

APP.—CRITICAL DEFENSE HOUSING AREAS

This Amendment 13 amends the Appendix to CR 3 initially published in the FEDERAL REGISTER November 20, 1951 (16 F. R. 11731), which Appendix was revised and published in the FEDERAL REGISTER January 30, 1952 (17 F. R. 893) and last amended by Amendment 12 published June 14, 1952 (17 F. R. 5396), by adding the following additional critical defense housing areas to the areas already designated under CR 3:

Area, Including Geographical Description and Date Designated
178. Portsmouth, New Hampshire-Kittery, Maine, Area. (Strafford County; the towns of Brookfield and Wakefield in Carroll County; the town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton, and Stratham, in Rockingham County, all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine), June 26, 1952.
179. Williston, North Dakota, Area. (Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota), June 28, 1952.
180. Reedsport, Oregon, Area. (The Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport and West Reedsport, including the City of Reedsport, all in Douglas County), June 28, 1952.

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 52-7104; Filed, June 27, 1952; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 843]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

Beginning at Corner No. 1, identical with Witness Meander Corner No. 8 of U. S. Survey No. 2627 which is an iron post with brass cap marked "W. C. S2627-C8" and from which point a tower bears N. 56° 24' W., 6,338.64 feet; thence by metes and bounds:

N. 23° 25' E., 1,440.6 feet along the 7-8 line of U. S. Survey No. 2627 to Corner No. 2;
S. 66° 30' E., 4,500.0 feet to Corner No. 3;
S. 31° 30' E., 4,000.0 feet to Corner No. 4;
N. 85° 30' E., 18,100.0 feet to Corner No. 5;
S. 4° 30' E., 11,700.0 feet to Corner No. 6;
S. 85° 30' W., 22,300.0 feet approximately to the mean high water line of the Yukon River, Corner No. 7;

Northerly, 18,000.0 feet meandering the said Yukon River to point from which Corner No. 1 bears N. 23° 25' E.;

N. 23° 25' E., 59.4 feet to Corner No. 1 and the point of beginning.

The area described contains 5,920 acres.

It is intended that the land described above shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7093; Filed, June 27, 1952; 8:46 a. m.]

[Public Land Order 844]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS SOURCES OF GRAVEL

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 304) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws including the mining and mineral-leasing laws, and reserved for the use of the Alaska Railroad, Department of the Interior, as sources of gravel:

PITTMAN

SEWARD MERIDIAN

T. 17 N., R. 2 W.,
Sec. 5, $SW\frac{1}{4}SE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ $SW\frac{1}{4}$, those parts south of the south right-of-way line of the Alaska Railroad;
Sec. 8, $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$ $NW\frac{1}{4}$.

The tracts described aggregate 144.7 acres.

MILE POST 223

SEWARD MERIDIAN

T. 25 N., R. 5 W.,
Sec. 1, $S\frac{1}{2}$ lot 3, lot 4;
Sec. 12, lots 1, 2, $E\frac{1}{2}NE\frac{1}{4}$.

The tracts described aggregate 215 acres.

BROAD PASS

FAIRBANKS MERIDIAN

T. 19 S., R. 9 W., Those portions of the following-described lands lying south and east of the middle fork of the Chulitna River:
Sec. 22, $SW\frac{1}{4}NE\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, and $SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 27, $NW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}$, and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 28, $SE\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}$, and $S\frac{1}{2}SW\frac{1}{4}$;
Sec. 33, $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}$, and that part of the $W\frac{1}{2}NW\frac{1}{4}$ lying south and east of the right-of-way of the Alaska Railroad.

The tracts described aggregate approximately 630 acres.

CHULITNA

Beginning at a point on the West right-of-way line of The Alaska Railroad which lies one hundred feet from the center line of the main line opposite Engineer's Survey Station 12442+00, measured at right angles therefrom:

From the point of beginning, thence Southerly 4,400 feet along the West right-of-way line of The Alaska Railroad to a point opposite Engineer's Survey Station 12398+00; thence Westerly and at right angles to the West right-of-way line 1,000 feet; thence Northerly parallel to the Westerly right-of-way line to The Alaska Railroad and 1,000 feet therefrom approximately 3,887.8 feet; thence Easterly 1,000 feet to the point of beginning and containing 100.44 acres, more or less. Approximately, latitude 62° 53'30" N., longitude 149° 36'45" W.

COLORADO HILL

Beginning at a point on the West right-of-way line of The Alaska Railroad which lies one hundred feet from the center line of the main line opposite Engineer's Survey Station 12572+00, measured at right angles therefrom:

From the point of beginning, thence Southwesterly thirty-seven hundred feet along the West right-of-way line to a point opposite Engineer's Survey Station 15305+00; thence Westerly five hundred feet; thence Northeasterly parallel to the Westerly right-of-way line of The Alaska Railroad and 500 feet therefrom 3,750 feet; thence Southeasterly five hundred feet to the point of beginning and containing 43.5 acres, more or less. Approximate latitude 63° 06' 35" N., longitude 149° 31' 45" W.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7095; Filed, June 27, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 991]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

EDITORIAL NOTE: Federal Register Document 52-6684, appearing at page 5471 of the issue for Wednesday, June 18, 1952, has been corrected as follows:

1. In § 991.50 (a), "the 55-70 mile zone" has been changed to read: "the 70-85 mile zone".

2. In § 991.50 (b), "the 85-100 mile zone" has been changed to read: "the 100-115 mile zone".

3. In the first sentence of § 991.88 (a), "the market involved in such obligation" has been changed to read: "the milk involved in such obligation".

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF HEARING WITH RESPECT TO PREVAILING MINIMUM WAGE

The Secretary of Labor, in an amended minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35-45) and effective January 25, 1950 (15 F. R. 382), determined that the minimum wage for persons employed in the performance of contracts with agencies of the United States Government subject to the act for the manufacture or furnishing of the products of the aviation-textile products manufacturing industry shall be not less than 75 cents an hour. This amended determination was based upon information indicating that substantially all employees in this industry are engaged in commerce or in the production of goods for commerce, as defined in the Fair Labor Standards Act, and that as a consequence the Fair Labor Standards Amendments of 1949 require payment of a wage rate of not less than 75 cents an hour to substantially all employees in this industry. This amended determination also provided that learners and handicapped workers might be employed at subminimum rates in accordance with regulations of the Administrator of the Wage and Hour Division of the Department of Labor under section 14 of the Fair Labor Standards Act (29 CFR Parts 522, 524 and 525 respectively).

A wage survey of selected aviation textile products manufacturing establishments made as of December, 1951, by the Bureau of Labor Statistics indicates that the 75-cent rate now in effect may not reflect the prevailing minimum wages in this industry; and it is proposed, therefore, to hold a hearing for the purpose of consideration by the Secretary of Labor of an amendment of the current determination.

In order to reflect more accurately the types of products manufactured, it is proposed to change the present title of the industry to the parachute and related aerial accessories industry and to amend the definition to read as follows:

The parachute and related aerial accessories industry is that industry which manufactures or furnishes products primarily of fabric (other than apparel) for airborne use, such as parachutes of any type or of any material; parachute packs and pack opening bands, harnesses and canopies; static lines; fabric aviation safety belts; aerial delivery containers; tow targets; and cloth drag sleeves for flares.

Excluded from the definition of this industry are canvas and other fabric articles for ground use such as signalling panels and ground cloths.

Now, therefore, notice is hereby given that a public hearing will be held on July 31, 1952, at 10:00 a. m. in Room 5406, United States Department of Labor Building, Constitution Avenue and Fourteenth Street NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and arguments (1) as to the propriety of the proposed change in the title of the industry; (2) as to what are the prevailing minimum wages in the parachute and related aerial accessories industry; (3 as to whether there should be included in any determination for this industry provision for employment of learners, beginners (or probationary workers) and or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates, and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (4) as to the adequacy of the proposed definition.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Copies of tabulations of the wage survey data from selected aviation textile products manufacturing establishments entitled "Earnings in the Parachute and Related Aerial Accessories Industry" made by the Bureau of Labor Statistics as of December, 1951, and released by the Bureau as of June 6, 1952, together with additional tabulations prepared from such data at the request of the Wage and Hour and Public Contracts Divisions will be made available to interested persons upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C. Interested persons are invited to submit wage data, including data as to changes which may have taken place in the wage structure of the industry since the time of the survey.

In the discretion of the presiding officer, a period not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 25th day of June 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-7124; Filed, June 27, 1952; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PREFLIGHT CERTIFICATION

Notice is hereby given that the Administrator contemplates adoption of the following rules. These rules establish procedures for recording compliance with the preflight responsibilities of the pilot-in-command. All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.60-5 *Preflight certification (CAA rules which apply to § 42.60 (a) and (c)).* In the interest of safety, all operations manuals maintained for the use and guidance of operations personnel shall establish a procedure whereby the pilot-in-command will certify on an appropriate form provided by the air carrier that he has taken the preflight actions specified in § 42.51-1. The manual shall also contain a procedure for maintaining such certification as part of the air carrier flight records.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7091; Filed, June 27, 1952; 8:45 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

[32 CFR Part 1709]

OFFICIAL SEAL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Federal Civil Defense Administration is considering the issuance of regulations pursuant to section 204 of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1254; 50 U. S. C. App. Sup. 2253), which describe the official seal of the Federal Civil Defense Administration, and establish requirements for the reproduction, manufacture, possession, and use thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations may do so by filing them with the Federal Civil Defense Administration, Washington 25, D. C., not later than thirty days after the publication of this notice in the FEDERAL REGISTER.

The proposed regulations are as follows:

PART 1709—OFFICIAL FEDERAL CIVIL DEFENSE ADMINISTRATION SEAL

Sec.
1709.1 Purpose.
1709.2 Description of official seal.
1709.3 Uses of official seal.
1709.4 Manufacture or reproduction of official seal.
1709.5 Violations.

AUTHORITY: §§ 1709.1 to 1709.5 issued under sec. 204, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253.

§ 1709.1 *Purpose.* The purpose of the regulations in this part is to describe the official seal of the Federal Civil Defense Administration and to prescribe its uses.

§ 1709.2 *Description of official seal.* (a) The official seal of the Federal Civil Defense Administration, approved by the President by Executive Order No. 10350, dated May 14, 1952, is described as follows: On a disk of defenders blue a white triangle superimposed by a shield of the coat of arms of the United States proper, all encircled by a white band edged in defenders blue containing the inscription "Federal Civil Defense Administration" in scarlet letters.

(b) The seal may be reproduced in the above colors, in black and white, or, when reproduced on a colored or white surface, in the color of the surface and one other color, including black and white.

§ 1709.3 *Uses of official seal.* (a) The official seal shall be used on all official documents requiring a seal.

(b) Where appropriate, it may be used as follows:

(1) On official reports, publications, and documents of the Federal Civil Defense Administration.

(2) On letterheads of the office of the Administrator and Deputy Administrator.

(3) On materials, supplies, and equipment of the Federal Civil Defense Administration.

(4) As an identification device by employees of the Federal Civil Defense Administration and such other persons performing emergency civil defense services at the Federal level as the Administrator may deem desirable.

(c) It shall have such additional uses as the Administrator may direct.

§ 1709.4 *Manufacture or reproduction of official seal.* No manufacture or reproduction, or sale of the official seal, or any colorable imitation thereof, shall be made except upon order of the Administrator.

§ 1709.5 *Violations.* Whoever shall manufacture, possess, or wear the official seal of the Federal Civil Defense Administration, or any colorable imitation thereof, except as authorized under these regulations, shall be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

MILLARD CALDWELL,
Administrator.

[F. R. Doc. 52-7150; Filed, June 27, 1952; 9:01 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 107; Delegation of Authority No. 46A]

ADMINISTRATOR, ASSISTANT ADMINISTRATORS AND DEPUTIES, UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION

DELEGATION OF CERTAIN AUTHORITY WITH RESPECT TO SIGNING LETTERS OF WORKING AGREEMENT WITH OTHER GOVERNMENT AGENCIES

JUNE 14, 1952.

Pursuant to the authority vested in the Secretary of State by section 4 of Public Law 73, 81st Congress, and in accordance with the authority contained in Public Law 355, 76th Congress (53 Stat. 1290); Public Law 402, 80th Congress (United States Information and Educational Exchange Act of 1948, 62 Stat. 6); Public Law 265, 81st Congress; Public Law 327, 81st Congress (Foreign Aid Appropriation Act of 1950); Title II, Public Law 535, 81st Congress (China Area Aid Act of 1950); and Public Law 861, 81st Congress, the Administrator of the United States International Information Administration and his Deputies and Assistant Administrators are hereby authorized to sign letters of working agreement with other government agencies concerning the details of projects under the international information and educational exchange programs.

This delegation of authority amends and supersedes Delegation of Authority No. 46 of September 17, 1951, issued as Public Notice 102 (16 F. R. 9822).

CARLISLE H. HUMELSINE,
Deputy Under Secretary for Administration.

JUNE 14, 1952.

[F. R. Doc. 52-7097; Filed, June 27, 1952; 8:47 a. m.]

POST OFFICE DEPARTMENT

FOURTH-CLASS MAIL

INCREASED POSTAGE RATES AND OTHER REFORMATIONS

The Comptroller General of the United States has ruled, in decisions dated March 19, 1952, and June 17, 1952 (B-108245), that (1) the general provisions relating to the Post Office Department contained in Chapter IV of the Supplemental Appropriation Act, 1951, approved September 27, 1950 (64 Stat. 1050; 31 U. S. C. 695), constitutes permanent legislation; and (2) in withdrawing appropriated funds from the general funds of the Treasury to the Post Office Department on or after July 1, 1952, the Post Office Department must certify that "its latest cost analysis shows that the fourth-class mail rates are producing sufficient revenues to cover the cost of carrying such mail, or that a further petition has been filed with the Interstate Commerce Commission for an increase in the rates to cover the deficiencies therein as disclosed by the annual cost accounting operations of the Post Office Department."

On the basis of the best information now available increases in the fourth-class mail rates and other reformations are necessary to produce sufficient revenues to cover the cost of carrying such mail. Accordingly, pursuant to section 207, 43 Stat. 1067, as amended (39 U. S. C. 247), and Chapter IV, 64 Stat. 1050 (31 U. S. C. 695), a request was filed with the Interstate Commerce Commission on June 25, 1952, for its consent to increased postage rates for fourth-class mail and other reformations on the basis of information to be furnished the Interstate Commerce Commission on or about January 1, 1953.

Although the rate making procedures in the Post Office Department with respect to fourth-class mail do not come within the rule making requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), it is my intention to afford the public an opportunity to present written data, views, or arguments for consideration by the Post Office Department in determining the extent and character of rate and other reformations to be established with respect to fourth-class mail. Accordingly, it is anticipated that as soon as the annual cost analyses and other necessary data are compiled, a further notice will be published in the FEDERAL REGISTER inviting, to the extent practicable, presentation by the public of written data, views, or arguments to the Post Office Department for consideration in arriving at the reformations to be presented to the Interstate Commerce Commission.

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-7123; Filed, June 27, 1952; 8:57 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7094; Filed, June 27, 1952; 8:46 a. m.]

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF ALASKA RAILROAD AS SOURCES OF GRAVEL [2]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7096; Filed, June 27, 1952; 8:47 a. m.]

OIL AND GAS OPERATIONS IN SUBMERGED COASTAL LANDS OF GULF OF MEXICO

This is a ninth supplement to Part II of the notice issued by the Secretary of the Interior on December 11, 1950, concerning "Oil and Gas Operations in the Submerged Coastal Lands of the Gulf of Mexico" (15 F. R. 8835), as previously supplemented by the notices issued by the Secretary of the Interior on February 2, 1951 (16 F. R. 1203), March 5, 1951 (16 F. R. 2195), April 23, 1951 (16 F. R. 3623), June 25, 1951 (16 F. R. 6404), August 22, 1951 (16 F. R. 8720), October 24, 1951 (16 F. R. 10998), December 21, 1951 (17 F. R. 43), and March 25, 1952 (17 F. R. 2821).

Persons conducting oil and gas operations in accordance with Part II of the notice dated December 11, 1950, as previously supplemented, are hereby authorized to continue such operations on an indefinite basis. This supplementary authorization is subject to amendment or revocation at any time upon the giving of 30 days' notice in advance through the publication of such notice in the FEDERAL REGISTER. It is also subject to the conditions prescribed in Part II of the notice dated December 11, 1950.

This does not authorize the drilling of, or production from, any oil or gas well the drilling of which had not been commenced on or before December 11, 1950.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 26, 1952.

[F. R. Doc. 52-7193; Filed, June 27, 1952; 11:20 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[CPR 7, Section 43—Partial Revocation of Special Order 256, as amended]

BENDIX RADIO; DIVISION OF BENDIX AVIATION CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 256 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Bendix Radio—Division of Bendix Aviation Corporation, Baltimore 4, Maryland, having the brand name "Bendix Television."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Bendix Radio—Division of Bendix Aviation Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Bendix Radio—Division of Bendix Aviation Corporation was granted a special order under section 43 namely "Bendix Television" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Bendix Radio—Division of Bendix Aviation Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 256, as amended, establishes retail ceiling prices for sales of the Bendix Radio—Division of Bendix Aviation Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 256, as amended, issued to Bendix Radio—Division of Bendix Aviation Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Bendix Television" is hereby revoked. In all other respects Special Order 256, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Bendix Radio—Division of Bendix Aviation Corporation must send a copy of this order to all purchasers for resale of "Bendix Television" branded television receivers to whom it has given notice of Special Order 256, as amended. Twenty days after the effective date of this order, each such purchaser for resale, before selling any "Bendix Television" branded television receivers, must (a) remove all tags which were affixed to "Bendix Television" branded television receivers in accordance with Special Order 256, as amended; and (b) determine ceiling prices for "Bendix Television" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

[1] See F. R. Doc. 52-7093, Title 43, Chapter I, Appendix PLO 843, *supra.*

[2] See F. R. Doc. 52-7095, Title 43, Chapter I, Appendix, PLO 844, *supra.*

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7069; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 259]

RAY THOMAS CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 259 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Ray Thomas Company, 1601 South Hope Street, Los Angeles 15, California, having the brand name "Capehart."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Ray Thomas Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Ray Thomas Company was granted a special order under section 43 namely, "Capehart" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Ray Thomas Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 259, establishes retail ceiling prices for sales of the Ray Thomas Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 259, issued to Ray Thomas Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Capehart," is hereby revoked. In all other respects Special Order 259 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Ray Thomas Company must send a copy of this order to all purchasers for resale of "Capehart" branded television receivers to whom it has given notice of Special Order 259. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Capehart" branded television receivers, must (a) remove all tags which were affixed to "Capehart" branded television receivers in accordance with Special Order 259; and (b) determine ceiling prices for "Capehart" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7067; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 280, as amended]

SPARKS-WITHINGTON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 280 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by The Sparks-Withington Company, Jackson, Michigan, having the brand name "Sparton."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of The Sparks-Withington Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which The Sparks-Withington Company was granted a special order under section 43 namely, "Sparton" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded The Sparks-Withington Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 280, as amended, establishes retail ceiling prices for sales of The Sparks-Withington Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 280, as amended, issued to The Sparks-Withington Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Sparton," is hereby revoked. In all other respects Special Order 280, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, The Sparks-Withington Company must send a copy of this order to all purchasers for resale of "Sparton" branded television receivers to whom it has given notice of Special Order 280, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Sparton" branded television receivers, must (a) remove all tags which were affixed to "Sparton" branded television receivers in accordance with Special Order 280, as amended; and (b) determine ceiling prices for "Sparton" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7077; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 297]

ADMIRAL CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 297 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Admiral Corporation, 3800 Cortland Street, Chicago 47, Illinois, having the brand name "Admiral."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Admiral Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Admiral Corporation was granted a special order under section 43 namely, "Admiral" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Admiral Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 297 establishes retail ceiling prices for sales of the Admiral Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 297 issued to Admiral Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Admiral" is hereby revoked. In all other respects Special Order 297 remains in effect.

2 Within 15 days after the effective date of this partial order of revocation, Admiral Corporation must send a copy of this order to all purchasers for resale of "Admiral" branded television receivers to whom it has given notice of Special Order 297. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Admiral" branded television receivers, must (a) remove all tags which were affixed to "Admiral" branded television receivers in accordance with Special Order 297; and (b) determine ceiling prices for "Admiral" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7070; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 338]

OLYMPIC RADIO AND TELEVISION, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 338 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Olympic Radio and Television, Inc., 34-01 38th Avenue, Long Island City 1, New York, having the brand names "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Olympic Radio and Television, Inc. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Olympic Radio and Television, Inc., was granted a special order under section 43 namely, "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Olympic Radio and Television, Inc., to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 338, establishes retail ceiling prices for sales of the Olympic Radio and Television, Inc., branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 338, issued to Olympic Radio and Television, Inc., to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand names "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster," is hereby revoked. In all other respects Special Order 338 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Olympic Radio and Television, Inc., must send a copy of this order to all purchasers for resale of "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers to whom it has given notice of Special Order 338. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers, must (a) remove all tags which were affixed to "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers in accordance with Special Order 338; and (b) determine ceiling prices for "Olympic," "The Challenger," "The Riviera," "The Monte Carlo," "The Broadmoor," "The Versailles," "The Catalina," "The Prince George," "The Marlborough," "The Windsor," "The Lancaster" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7073; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 366, as amended]

STROMBERG-CARLSON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 366 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Stromberg-Carlson Company, 100 Carlson Road, Rochester 3, New York, having the brand name "Stromberg-Carlson."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Stromberg-Carlson Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Stromberg-Carlson Company was granted a special order under section 43 namely, "Stromberg-Carlson" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Stromberg-Carlson Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 366, as amended, establishes retail ceiling prices for sales of the Stromberg-Carlson Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 366, as amended, issued to Stromberg-Carlson Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Stromberg-Carlson" is hereby revoked. In all other respects Special Order 366, as amended, remains in effect.

"The Lancaster" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7073; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 366, as amended]

STROMBERG-CARLSON CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 366 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Stromberg-Carlson Company, 100 Carlson Road, Rochester 3, New York, having the brand name "Stromberg-Carlson."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Stromberg-Carlson Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Stromberg-Carlson Company was granted a special order under section 43 namely, "Stromberg-Carlson" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Stromberg-Carlson Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 366, as amended, establishes retail ceiling prices for sales of the Stromberg-Carlson Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 366, as amended, issued to Stromberg-Carlson Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Stromberg-Carlson" is hereby revoked. In all other respects Special Order 366, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Stromberg Carlson Company must send a copy of this order to all purchasers for resale of "Stromberg-Carlson" branded television receivers to whom it has given notice of Special Order 366, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Stromberg-Carlson" branded television receivers, must (a) remove all tags which were affixed to "Stromberg-Carlson" branded television receivers in accordance with Special Order 366, as amended; and (b) determine ceiling prices for "Stromberg-Carlson" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7078; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 403, as amended]

WESTINGHOUSE ELECTRIC CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 403 to section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Westinghouse Electric Corporation, Television Radio Division, 1354 Susquehanna Avenue, Sunbury, Pennsylvania, having the brand name "Westinghouse".

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Westinghouse Electric Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Westinghouse Electric Corporation was granted a special order under section 43 namely, "Westinghouse" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Westinghouse Electric Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 403, as amended, establishes retail ceiling prices for sales of the Westinghouse Electric Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 403, as amended, issued to Westinghouse Electric Corporation, to the extent that it established ceiling prices for sales at retail of television receivers having the brand name "Westinghouse," is hereby revoked. In all other respects Special Order 403, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Westinghouse Electric Corporation must send a copy of this order to all purchasers for resale of "Westinghouse" branded television receivers to whom it has given notice of Special Order 403, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Westinghouse" branded television receivers, must (a) remove all tags which were affixed to "Westinghouse" branded television receivers in accordance with Special Order 403, as amended; and (b) determine ceiling prices for "Westinghouse" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7074; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Revocation of Special Order 479]

ALLEN B. DUMONT LABORATORIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 479, under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers manufactured by Allen B. DuMont Laboratories, Inc., 750 Bloomfield Avenue, Clifton, New Jersey, having the brand name "DuMont."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of evidence produced by the Allen B. DuMont Laboratories, Inc., at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established. On the basis of information subsequently obtained, however, the Director now finds that the branded products of the Allen B. DuMont Laboratories, Inc., were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded Allen B. DuMont Laboratories, Inc., to produce satisfactory evidence that the branded products for which it applied for a special pricing order under section 43 of Ceiling Price Regulation 7 were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that Special Order 479, establishing retail ceiling prices for the sale by Allen B. DuMont Laboratories, Inc., of its branded television receivers, must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 479, issued to Allen B. DuMont Laboratories, Inc., establishing ceiling prices for sales at retail of television receivers having the brand name "DuMont," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, Allen B. DuMont Laboratories, Inc., must send a copy of this order to all purchasers for resale to whom it has given notice of Special Order 479. Twenty days after the effective date of this order each such purchaser for resale, before selling any "DuMont" branded television receivers must (a) remove all tags which were affixed to "DuMont" branded television receivers in accordance with Special Order 479; and (b) determine ceiling prices for "DuMont" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order of revocation shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7072; Filed, June 24, 1952; 5:12 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 515, as amended]

PACKARD BELL CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 515 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Packard Bell Company, 12333 W. Olympic Boulevard, Los Angeles 64, California, having the brand name "Packard Bell."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Packard Bell Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Packard Bell Company was granted a special order under section 43 namely, "Packard Bell" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Packard Bell Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 515, as amended, establishes retail ceiling prices for sales of the Packard Bell Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 515, as amended, issued to Packard Bell Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Packard Bell" is hereby revoked. In all other respects Special Order 515, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Packard Bell Company must send a copy of this order to all purchasers for resale of "Packard Bell" branded television receivers to whom it has given notice of Special Order 515, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Packard Bell" branded television receivers must (a) remove all tags which were affixed to "Packard Bell" branded television receivers in accordance with Special Order 515, as amended; and (b) determine ceiling prices for "Packard Bell" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7076; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43, Revocation of Special Order 532]

F. B. CONNELLY CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 532, under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers manufactured by F. B. Connelly Company, 1015 Republican Street, Seattle 9, Washington, having the brand name "Sylvania."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of evidence produced by the F. B. Connelly Company, at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established. On the basis of information subsequently obtained, however, the Director now finds that the branded products of the F. B. Connelly Company were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded F. B. Connelly Company, to produce satisfactory evidence that the branded products for which it applied for a special pricing order under section 43 of Ceiling Price Regulation 7 were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that Special Order 532, establishing retail ceiling prices for the sale by F. B. Connelly Company, of its branded television receivers, must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 532, issued to F. B. Connelly Company, establishing ceiling prices for sales at retail of television receivers having the brand name "Sylvania," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, F. B. Connelly Company, must send a copy of this order to all purchasers for resale to whom it has given notice of Special Order 532. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Sylvania" branded television receivers, must (a) remove all tags which were affixed to "Sylvania" branded television receivers in accordance with Special Order 532; and (b) determine ceiling prices for "Sylvania" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order of revocation shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7075; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 539]

ZENITH RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 539 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Zenith Radio Corporation, 6001 Dickens Avenue, Chicago 39, Illinois, having the brand name "Zenith."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Zenith Radio Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Zenith Radio Corporation was granted a special order under section 43 namely, "Zenith" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Zenith Radio Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 539 establishes retail ceiling prices for sales of Zenith Radio Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 539 issued to Zenith Radio Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Zenith" is hereby revoked. In all other respects Special Order 539 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Zenith Radio Corporation must send a copy of this order to all purchasers for resale of "Zenith" branded television receivers to whom it has given notice of Special Order 539. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Zenith" branded television receivers, must (a) remove all tags which were affixed to "Zenith" branded television receivers in accordance with Special Order 539; and (b) determine ceiling prices for "Zenith" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7076; Filed, June 24, 1952; 5:13 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 563]

CAPEHART-FARNSWORTH CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 563 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Capehart-Farnsworth Corporation, 3700 E. Pontiac Street, Fort Wayne 1, Indiana, having the brand name "Capehart."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commoditics which were the subject of the application of the Capehart-Farnsworth Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Capehart-Farnsworth Corporation was granted a special order under section 43 namely, "Capehart" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Capehart-Farnsworth Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 563 establishes retail ceiling prices for sales of Capehart-Farnsworth Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 563, issued to Capehart-Farnsworth Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Capehart," is hereby revoked. In all other respects Special Order 563 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Capehart-Farnsworth Corporation must send a copy of this order to all purchasers for resale of "Capehart" branded television receivers to whom it has given notice of Special Order 563. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Capehart" branded television receivers, must (a) remove all tags which were affixed to "Capehart" branded television receivers in accordance with Special Order 563; and (b) determine ceiling prices for "Capehart" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7080; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 540, as amended]

PHILCO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 540 under Section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Philco Corporation, Tioga and C Streets, Philadelphia 34, Pennsylvania, having the brand name "Philco".

A prerequisite to an applicant's eligibility for a uniform pricing order under Section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under Section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Philco Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Philco Corporation was granted a special order under Section 43 namely, "Philco", branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Philco Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 540, as amended, establishes retail ceiling prices for sales of the Philco Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of Section 43 of Ceiling Price Regulation 7, Special Order 540, as amended, issued to Philco Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Philco", is hereby revoked. In all other respects Special Order 540, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Philco Corporation must send a copy of this order to all purchasers for resale of "Philco" branded television receivers to whom it has given notice of Special Order 540, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Philco" branded television receivers, must (a) remove all tags which were affixed to "Philco" branded television receivers in accordance with Special Order 540, as amended; and (b) determine ceiling prices for "Philco" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7079; Filed, June 24, 1952; 5:14 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 752, as amended]

RADIO CORPORATION OF AMERICA

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 752 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Radio Corporation of America, RCA Victor Division, Camden 2, New Jersey, having the brand name "RCA Victor."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgement of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Radio Corporation of America. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Radio Corporation of America was granted a special order under section 43 namely, "RCA Victor" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Radio Corporation of America to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951 but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 752, as amended, establishes retail ceiling prices for sales of the Radio Corporation of America's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 752, as amended, issued to Radio Corporation of America, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "RCA Victor," is hereby revoked. In all other respects Special Order 752, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Radio Corporation of America must send a copy of this order to all purchasers for resale of "RCA Victor" branded television receivers to whom it has given notice of Special Order 752, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "RCA Victor" branded television receivers, must (a) remove all tags which were affixed to "RCA Victor" branded television receivers in accordance with Special Order 752, as amended; and (b) determine ceiling prices for "RCA Victor" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7068; Filed, June 24, 1952; 5:11 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 379, as amended]

MOTOROLA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 379 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Motorola, Inc., 4545 Augusta Boulevard, Chicago 51, Illinois, having the brand name "Motorola".

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Motorola, Inc. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Motorola, Inc. was granted a special order under section 43 namely, "Motorola" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Motorola, Inc. to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 379, as amended, establishes retail ceiling prices for sales of the Motorola, Incorporated's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 379, as amended, issued to Motorola, Inc., to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Motorola," is hereby revoked. In all other respects Special Order 379, as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Motorola, Inc., must send a copy of this order to all purchasers for resale of "Motorola" branded television receivers to whom it has given notice of Special Order 379, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Motorola" branded television receivers, must (a) remove all tags which were affixed to "Motorola" branded television receivers in accordance with Special Order 379, as amended; and (b) determine ceiling prices for "Motorola" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 24, 1952.

[F. R. Doc. 52-7071; Filed, June 24, 1952; 5:12 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 23, 1952.

REGION V

Jacksonville Order G1-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:38 a. m.

Jacksonville Order G2-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:40 a. m.

Jacksonville Order G3-11 establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:40 a. m.

Jacksonville Order G3A-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:41 a. m.

Jacksonville Order G4-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:42 a. m.

Jacksonville Order G4A-11, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:42 a. m.

REGION VIII

Fargo Order G1-10, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

Fargo Order G2-10, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

Fargo Order G2-10, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

REGION XII

Fresno Order G1-10, Amendment 2, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:34 a. m.

Fresno Order G2-10, Amendment 1, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:34 a. m.

Fresno Order G2-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4-10, Amendment 2, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4A-10, Amendment 1, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:35 a. m.

Fresno Order G4A-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 10:36 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7238; Filed, June 27, 1952; 12:10 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5573]

CONTINENTAL CHARTERS, INC.; COMPLAINT OF MARY BATTISTA ET AL.

NOTICE OF HEARING

In the matter of the complaint of Mary Battista, Mary Messerlos, Joseph Wozniak, Albert Dichak and Thomas E. Myers with respect to Continental Charters, Inc. local passenger tariff CAB #8 Rule 26.1 applying to certain persons to bar claims and actions for injury and death due to negligence of air carrier.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 1, 1952, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters and questions:

1. Whether under section 403 (a) of the Civil Aeronautics Act of 1938, as amended, Rule 26.1 Local Passenger Travel No. 1, CAB No. 8, issued by John J. Klak, Central Building, Washington, D. C., which reads:

No action shall be maintained for any loss of, any damage to or any delay in the delivery of, any property or baggage, or for injury to or death of any passenger or on any other claim arising out of the trans-

portation of or a failure to transport any passenger or property or baggage, unless notice of the claim is presented in writing to the general offices of the carrier within thirty (30) days after the alleged occurrence of the event giving rise to the claim, and unless the action is commenced within one (1) year after such alleged occurrence, has been, is or could be lawfully filed;

(a) Whether under section 403 (a) a regulation of the Board could lawfully require the filing of such rule;

(b) Do the regulations of the Board require the filing of such rule?

2. If such rule is lawfully filed, is it, has it been, or will it be unjust or unreasonable or is it unduly preferential or unduly prejudicial or unjustly discriminatory or otherwise unlawful;

(a) Are the practices of Continental Charters, Inc., have they been, or will they be under this rule unjust or unreasonable, unjustly discriminatory or unduly preferential or unduly prejudicial or otherwise unlawful?

3. If such rule has been, is or will be unlawful, what rule, if any, should the Board prescribe?

4. What other relief, if any, should the Board grant complainants?

Notice is further given that any person other than the parties and intervener of record desiring to be heard in this proceeding may file with the Board on or before July 1, 1952, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert, and such person may appear and participate in the hearing in accordance with Rule 14 of the rules of practice.

Dated at Washington, D. C., June 25, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7134; Filed, June 27, 1952; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6437]

ELECTRIC POWER, INC.

NOTICE OF DECLARATION OF INTENTION

JUNE 23, 1952.

Public notice is hereby given that Electric Power, Incorporated, of Berlin, Connecticut, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development, to be known as the Shepaug Project (Docket No. E-6437) on the Housatonic River in Fairfield, New Haven and Litchfield Counties, Connecticut, about 12 miles upstream from the cities of Derby and Shelton, Connecticut, consisting of a concrete dam 1,412 feet long with maximum height of 139 feet creating a reservoir area of 1,870 acres; a powerhouse containing one vertical shaft Kaplan adjustable blade propeller having a rated capacity of 57,000 horsepower connected to a generator of 27,250 kilowatts rated capacity to be operated under a normal gross head of 97 feet. The power generated would be sold to the Connecticut Light and Power Company for distribution to its customers.

The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with the State law.

Any communication from persons interested in this matter may be submitted within 30 days from publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7099; Filed, June 27, 1952; 8:48 a. m.]

[Docket No. G-1977]

LOPENO GAS CO.

NOTICE OF APPLICATION

JUNE 23, 1952.

Take notice that on June 19, 1952, Lopeno Gas Company (Applicant), a Texas corporation, address, Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain river crossing facilities at the international boundary of the United States and Mexico extending from the international boundary to a point of connection within the United States with the natural-gas distribution facilities of United Gas Corporation in Roma, Texas.

Applicant states that said facilities have existed for over twenty years and have been utilized to export natural gas to Mexico. Applicant now proposes to utilize said facilities for the purpose of importing natural gas from Mexico to supply the needs of Roma, Texas, and to discontinue the exportation of natural gas heretofore made by means of said facilities. Applicant estimates the requirements of United Gas Corporation for distribution in Roma, Texas are approximately 500 Mcf per month. The natural gas to be imported is proposed to be purchased from Petroleos Mexicanos, a Public Institution of the Mexican Government, and such gas will be resold by Applicant to United Gas Corporation.

Applicant states that no capital expenditures are involved in connection with its proposed operation since it contemplates the use for importation of natural gas of facilities which have heretofore been used for its exportation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7100; Filed, June 27, 1952; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under NHFA Regulation CR 3 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. Area Program numbered 24, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 30 one-bedroom rental dwelling units originally scheduled, and by increasing the number of 2 bedroom rental units from 35 to 45, and increasing the number of 3 or more bedroom rental units from 10 to 30. The total number of rental dwelling units is still 75. The program is further amended by increasing the maximum permissible rents of 2 bedroom rental units from $65.00 to $70.00, and the maximum permissible rents of 3 or more bedroom rental units from $75.00 to $77.50.

Amendment 2. Area Program numbered 31, appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962) is amended by deleting from the program the 30 one-bedroom rental dwelling units originally scheduled, and by increasing the number of 2 bedroom rental units from 50 to 70, and the number of 3 or more bedroom rental units from 50 to 80. The total number of rental dwelling units is still 150. The program is further amended by increasing the maximum permissible rents of 2 bedroom rental units from $65.00 to $70.00, and the maximum permissible rents of 3 or more bedroom rental units from $75.00 to $77.50.

Amendment 3. Area Program numbered 69, appearing in the FEDERAL REGISTER of December 19, 1951 (16 F. R. 12731) is amended by decreasing the number of one-bedroom rental units from 25 originally scheduled to 11, the number of 2 bedroom rental units from 225 to 100, and the number of 3 or more bedroom rental units from 50 to 20. The Area Program is further amended by decreasing the number of 2 bedroom sales units from 175 originally scheduled to 75, and deleting entirely the quota of 25 three or more bedroom sales units. The total of rental units has by such amendment been changed from 300 to 131 and the total of sales units from 200 to 75.

AMENDMENT ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

164. Cascade, Idaho.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom			2	$8,000	2
2 bedrooms			6	9,000	6
Total			10		10

LIST OF DEFENSE ACTIVITIES

Dredging activities of J. R. Simplot Company and Associates.

CRITICAL DEFENSE HOUSING AREA

Precincts of Cascade and Alpha in Valley County.

167. Ely, Nevada.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	10	$55.00	30	$8,500	40
2 bedrooms	10	65.00	20	9,500	30
Total	20		50		70

LIST OF DEFENSE ACTIVITIES

Kennecott Copper Corporation, Nevada Mines Division.
Consolidated Copper Mines Corporation.
Isbell Construction Company.
Nevada Northern Railway Company.
Foley Brothers Construction Company.
Baltimore-Kaanis Company.
Willard Leasing Company.
Coastal Drilling Company.
Geophysical Surveys, Inc.

CRITICAL DEFENSE HOUSING AREA

Ely Township, White Pine County.

168. Ephrata-Moses Lake, Washington.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	10	$65.00		$8,500	10
2 bedrooms	50	77.50	15	10,000	65
3 or more bedrooms	15	87.50	10	10,500	25
Total	75		25		100

LIST OF DEFENSE ACTIVITIES

Larson Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Census Divisions 6, 7, 10, 11 and 12 in Grant County.

169. Farmington, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	10	$70.00	35	$8,000	45
2 bedrooms	20	80.00	35	9,000	55
Total	30		70		150

LIST OF DEFENSE ACTIVITIES

Production of petroleum and natural gas and their products, including exploration and drilling.

Mining and processing of uranium ore.

CRITICAL DEFENSE HOUSING AREA

San Juan County.

NOTE: Program numbered 171 is reserved for the Republic-Curlew, Washington Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

172. Sioux City, Iowa.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	250	$75.00	125	$10,000	375
2 bedrooms	100	87.50	100	11,000	200
3 or more bedrooms			125		125
Total	350		350		700

[F. R. Doc. 52-7200; Filed, June 27, 1952; 11:00 a. m.]

65 (A). Camp Stewart, Georgia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	50	$70 (0)	10	$5,000	105
3 or more bedrooms	55	80 (0)	10	6,000	85
Total	105		20		190

1 This quota is in addition to the 3 rental units authorized in Program No. 65, approved Nov. 19, 1951.

LIST OF DEFENSE ACTIVITIES

Camp Stewart, Army Anti-Aircraft Training Area.

CRITICAL DEFENSE HOUSING AREA

Long, Liberty, Tattnall, and Wayne Counties.

96 (A). La Porte, Indiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	100	$67 (0)	50	$10,000	150
3 or more bedrooms	50	75 (0)	50	11,000	100
Total	150		100		250

1 This quota is in addition to the quota of 250 rental units authorized in Program No. 96, approved Dec. 3, 1951.

LIST OF DEFENSE ACTIVITIES

Kingsbury Ordnance Plant.
Whirlpool Corporation—Aircraft Division.
Allis-Chalmers Manufacturing Company.
American Safety Razor Kingsbury Corporation.

CRITICAL DEFENSE HOUSING AREA

La Porte and Stark Counties.

98 (A). Carlsbad-Artesia, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	50	$70 (0)	20	$6,000	70
3 or more bedrooms	25	80 (0)	5	7,000	30
Total	75		25		100

1 This quota is in addition to the 75 rental units and 25 sales units authorized in Program No. 98, approved Dec. 3, 1951.

LIST OF DEFENSE ACTIVITIES

Sioux City Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Sioux City and the townships of Woodbury and Liberty, all in Woodbury County, Iowa.

173. Lea County, New Mexico.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	150	$70 (0)	150	$8,500	300
3 or more bedrooms	150	80 (0)	150	9,500	300
Total	300		300		600

LIST OF DEFENSE ACTIVITIES

Production of petroleum, natural gas and their products, including exploration and drilling.

CRITICAL DEFENSE HOUSING AREA

Lea County.

174. Poughkeepsie, New York.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	125	$70 (0)			250
2 bedrooms	250	80 (0)			500
3 or more bedrooms	125	90 (0)			250
Total	500				1,000

1 (0) of these units at a rental not to exceed $50.
2 (0) of these units at a rental not to exceed $70.
3 (0) of these units at a rental not to exceed $70.

LIST OF DEFENSE ACTIVITIES

International Business Machines Corporation.
Schatz Manufacturing Company.
Federal Bearings Company, Inc.
US Hoffman Machinery Corporation.
Standard Gage Company, Inc.
Hopewell Products, Inc.
Lagstrom Electric Company.
Fargo Manufacturing Company, Inc.
Nilson Gage Company, Inc.
Sedwick Machine Works, Inc.
De Laval Separator Company.
Ilco Corporation.
Military and Civilian personnel of the Armed Services on duty in the Poughkeepsie area.

CRITICAL DEFENSE HOUSING AREA

City of Poughkeepsie and the Towns of Poughkeepsie, Hyde Park, Pleasant Valley, La-Grange, Wappinger and East Fishkill, all in Dutchess County.

LIST OF DEFENSE ACTIVITIES

Potash Company of America.
United States Potash Company.
International Minerals and Chemical Corporation.
Duval Sulphur and Potash Company.
Southwest Potash Company.
Production of petroleum, natural gas and their products, including exploration and drilling.

CRITICAL DEFENSE HOUSING AREA

Eddy County. All of the housing authorized in this Program No. 98 (A) is to be located in Artesia or its environs.

145 (A). Parsons, Kansas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			10	$10,500	10
3 or more bedrooms			10	11,500	10
Total			20		120

1 This quota is in addition to the quota of 75 rental units and 75 sales units authorized in Program No. 145, approved May 8, 1952.

LIST OF DEFENSE ACTIVITIES

Kansas Ordnance Plant.

CRITICAL DEFENSE HOUSING AREA

Labette County.

158 (A). Port Lavaca, Texas.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	45	$65 (0)	20	$7,500	65
3 or more bedrooms	10	77 50			10
Total	55		20		175

1 This quota is in addition to the quota of 25 rental units and 25 sales units authorized by Program No. 158, which was approved Mar. 18, 1952.

LIST OF DEFENSE ACTIVITIES

Aluminum Company of America, Point Comfort Works.
Matagorda Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Calhoun County.

4 (B). San Diego, California.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$55 (0)			100
2 bedrooms	230	65 (0)	50	$8,500	280
3 or more bedrooms	70	75 (0)	50	9,500	120
Total	400		100		1,500

1 The units in this program are in addition to the 6,700 units in Program No. 4 and the 2,800 units in Program No. 4 (A). As indicated by the listed defense activities, the housing authorized herein is for locations in the San Diego area which will best serve the needs of Camp Pendleton, the Naval Ammunition Supply Depot at Fallbrook, and the Bill Jacks Scientific Instrument Co.

LIST OF DEFENSE ACTIVITIES

Camp Pendleton.
Naval Ammunition Supply Depot, Fallbrook.
Bill Jacks Scientific Instrument Company.

CRITICAL DEFENSE HOUSING AREA

That part of San Diego County west of the San Bernardino Meridian.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

JUNE 28, 1952.

[F. R. Doc. 52-7180; Filed, June 27, 1952; 9:01 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27183]

LIME FROM POINTS IN VIRGINIA TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1227.

Commodities involved: Lime, Common, hydrated, quick or slack, carloads.

From: Points in Virginia.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1227, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7104; Filed, June 27, 1952; 8:49 a. m.]

[4th Sec. Application 27184]

ALUMINUM CASTINGS FROM POINTS IN NEW YORK AND NEW JERSEY TO ANDERSON, S. C.

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-911.

Commodities involved: Aluminum castings, in the rough, in mixed carloads with other articles.

From: New York and Brooklyn, N. Y., Elizabethport and Manville (Finderne), N. J.

To: Anderson, S. C.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-911, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7105; Filed, June 27, 1952; 8:50 a. m.]

[4th Sec. Application 27185]

ALUMINUM, PLATE OR SHEET, AND MACHINERY FROM POINTS IN ILLINOIS AND WISCONSIN TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JUNE 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 741, pursuant to fourth-section order No. 9200.

Commodities involved: Aluminum, plate or sheet, including roofing shingles or siding, and paper making or pulp making machinery or machines and parts, carloads.

From: Points in Illinois and Wisconsin.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7106; Filed, June 27, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-5794 (22-419)]

CHAMPION PAPER AND FIBRE CO.

NOTICE OF APPLICATION

JUNE 24, 1952.

Notice is hereby given that The Champion Paper and Fibre Company (applicant) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship by The First National Bank of Cincinnati under an indenture dated July 15, 1945 (which indenture was heretofore qualified under the Trust Indenture Act of 1939) and trusteeship by said bank under an indenture dated January 15, 1948, as supplemented by a supplementary indenture dated June 1, 1952 (hereafter collectively called "the 1948 indenture"), which was not qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said trustee from acting as such under the qualified indenture.

It appears from the application and the indentures: (1) That applicant proposes to issue $5,000,000 principal amount of its Sinking Fund Debentures 3⅝ percent Series B, due June 1, 1972, under the 1948 indenture under which The First National Bank of Cincinnati is to be indenture trustee, that said debentures will be sold to one institutional investor which will purchase them for investment and not with a view to distribution, that the transaction is therefore exempted from registration under the Securities Act of 1933 by section 4 (1) thereof, and that the 1948 indenture is exempted from qualification under the Trust Indenture Act of 1939 by section 304 (b) (1) thereof; (2) that said 1948 indenture will limit the aggregate principal amount of debentures at any time outstanding thereunder to $9,180,000, consisting of $4,180,000 principal amount of Debentures Series A already issued and $5,000,000 of Debentures Series B to be issued; (3) that applicant has outstanding its 3 percent Debentures due July 15, 1965, originally issued in the aggregate principal amount of $13,000,000 under the 1945 indenture which was qualified under the act; (4) that the 1945 indenture names The First National Bank of Cincinnati as indenture trustee and contains language substantially similar to that of section 310 (b) (1) of the act, including clause (ii) thereof; (5) that the 1945 indenture is, and the 1948 indenture will be, wholly unsecured and that the provisions of the 1948 indenture will in all other material respects be substantially the same as the 1945 indenture except that the 1948 indenture will contain different dates, interest rates, redemption prices, sinking fund amounts, an additional limitation on the company's ability to pay dividends, and the effectiveness of certain provisions conforming to the act will be deferred until the new indenture is qualified thereunder; (6) that a default under either of said indentures resulting in the acceleration of the maturity of the debentures issued thereunder will constitute a default under the other indenture; and (7) the differences existing between the 1945 indenture and the 1948 indenture are not likely to involve a material conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington 25, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after July 10, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than July 7, 1952, at 5:30 p. m., e. d. s. t., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7108; Filed, June 27, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18889]

REICHSSTELLE FUER DEN UNTERRICHTSFILM ET AL.

In re: Rights in motion pictures owned by Reichsstelle fuer den Unterrichtsfilm and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-49); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the owners of the motion pictures listed in Exhibit A attached hereto and made a part hereof, who, if individuals, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany), and who, if partnerships, associations, corporations or other business organizations, there is reasonable cause to believe were on or since December 11, 1941, and prior to January 1, 1947, organized under the laws of, and had their principal places of business in Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

(a) All right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, in, to and under the following:

(1) The motion pictures listed in said Exhibit A including, but not limited to, the exclusive right to exhibit same in whole or in part by any means within the United States, all rights to arrange, adapt, revise, translate, and duplicate said motion pictures in whole or in part, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said motion pictures;

(2) The screen plays, scenarios, and shooting scripts upon which said motion pictures are based, including, but not limited to, all motion picture and television rights therein, and every copyright, claim of copyright, right to copyright, and right to renew the copyright or copyrights in said screen plays, scenarios, and shooting scripts;

(3) The rights to dramatize, perform, represent, and reproduce on motion picture film those portions of the published and unpublished works subject to copyright, other than the above mentioned screen plays, scenarios, and shooting scripts, which underlie or are embodied in said motion pictures and to exhibit such film by any means in the United States;

(b) All right, title, interest, and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the Government of Germany, including its political subdivisions, agencies and instrumentalities, and of the persons referred to in Column 2, of said Exhibit A and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who were on or since December 11, 1941, and prior to January 1, 1947 citizens and residents of, or which were on or since December 11, 1941, and prior to January 1, 1947 organized under the laws of or had their principal places of business in Germany and are, and prior to January 1, 1947, were nationals of such designated enemy country, in, to and under the following:

(1) All prints in the United States of the motion pictures listed in said Exhibit A;

(2) All arrangements, adaptations, revisions, dramatizations, translations, and versions of the motion pictures listed in said Exhibit A;

(3) Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the property described in subparagraphs 2 (a), 2 (b) (1) and 2 (b) (2) of this vesting order;

(4) All monies and amounts, and all rights to receive monies and amounts, by way of damages, royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the property described in subparagraphs 2 (a) and 2 (b), of this vesting order, and;

(c) All causes of action accrued or to accrue at law or in equity with respect to the property described in subparagraphs 2 (a), and 2 (b) hereof, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law and by statute for the infringement of any copyright, for the violation of any right and for the breach of any obligation described in or affecting the aforesaid property,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany) and the persons referred to in subparagraphs 1 and 2 (b) hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 (b) hereof be treated as persons who are and prior to January 1, 1947 were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interst,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 11, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

Title of motion picture	*Producer and or distributor*
Afrikanische Affen.	
Arbeit bricht Not—Arbeit schafft Brot. (entire series).	
Aufmarsch.	
Aus dem Bayerischen Wald	Reichsstelle fuer den Unterrichtsfilm.
Bau eines Flugzeuges	Arnold & Richter K. G.
Die Bayerischen Alpen.	
Bayreuther Buehnentestspiel im Kriegsjahre 1940.	
Befruchtung und Furchung des Kaninchencies.	
Das Begrabenis Horst Wessels.	
Bergsteiger in den Allgeuer Alpen.	
Blaue Jungens in Hamburg.	
Brand auf Moskau.	
Braune Messe.	
Carnival in China.	
Cavalcade of the Tobacco.	
Cherbourg.	
Degeto Weltspiegel	Degeto-Kulturfilm G. m. b. H.
Deine Heimat.	
Demonstrationen in den USA gegen Deutschland.	
Deutsche Arbeit und Fuehrer.	
Der deutsche Bauer am Werk.	
Die deutsche Frauenkolonialschule Rendsburg	Paul Lieberenz-Film.
Deutsche Kulturarbeit in Kamerun.	
Die Deutsche Westgrenze	Reichsstelle fuer den Unterricht film.
Deutscher Erntedanktag 1933.	
Deutschlands Sport.	
Elektrischer Schwingkreis.	
Erntedank am Oberrhein 1934.	
Ernteleier in Muenchen.	
Festival in Cologne.	
Fluessige Kraft.	
Front und Heimat.	
Gaukulturwoche.	
Der Gautag der bayerischen Ostmark.	
Gelaendelauf.	
Generator.	
Gesunde Jugend—Gesundes Volk.	

EXHIBIT A—Continued

Title of motion picture	*Producer and/or distributor*
Gesundheitspflege in den warmen Laendern	Oberkommando des Heeres. Abteilung Lehrfilm.
Glesserei.	
Gorch Fock.	
Grossflugtag der NSDAP in Bayreuth.	
Grosskraftwerk in Stettin.	
Hamburg im Zeichen des Skagerraktages.	
Heidelberg.	
Herstellung eines Porzellantellers	Weld Kulturfilm.
Hitler Fahrt.	
Hitler Jugend (Das Lager in Bonlanden).	
Hochzeit am Tegernsee.	
Holzfloesserei.	
Hungary.	
Im Spreewald.	
Jahresschau	Heeresfilmstelle.
Jugend im Kriegsgeschehen.	
Kohlenschlepper auf dem Mittelrhein.	
Kraft durch Freude.	
Die Kundgebung "Deutsche Arbeit" Oct. 15, 1933.	
Leibeserziehung in der Schule	Reichsstelle fuer den Unterrichtsfilm.
Luftaufnahmen von Gebirgen.	
Das luftschutzbereite Haus.	
Luftschutzvorbereitungen.	
Maedel im Landjahr	Kulturfilm-Institut G. m. b. H.
Magdeburg—Nuernberg Parteitag 1935.	
Mit dem Deutschlandflug durchs Bayerland.	
Motor-Hitler Jugend im Saltal.	
Nach Norwegen.	
Nachtmarsch in Berlin.	
Negerkinder.	
Olympiasieger 1936.	
Ostland—Deutsches Land.	
Pferde in Arizona.	
Pilgrimage to Jerusalem.	
Der Porsche Tiger.	
Reichsarbeitsdienst.	
Reichsparteitage der N. S. D. A. P.	
Ein Rueckblick.	
Die Saar bleibt deutsch.	
Die Saat geht auf.	
Schachter, der Jude.	
Schiffahrt am Rhein.	
Die Schweizer Reise 1938.	
September 1934 Mittelmeerfahrt mit Dampfer "Siena Cordoba".	
Spanische und bayerische Taenze.	
Spielzeugherstellung im Erzgebirge.	
Sport Festival.	
Das Sportfest der SA Brigade 77.	
Stahlwerk I. der Mischer	Weld Kulturfilm.
Das steinerne Buch	Tobis-Filmkunst G. m. b. H.
Stoerungen an Dieselmotoren.	
Die Strassen der Zukunft.	
Tag der Deutschen Arbeit.	
Das Treffen der alten Garde in Passau.	
Uebung macht den Meister.	
Unsere Frauen wissen sich zu helfen	Bahr-Film.
Urlaub im saechsischen Felsengebirge.	
Vigo.	
Voruebungen mit Geraet und freie Kaempfe.	
Wahlkampf.	
Waifang.	
The Wegener Expeditions.	
Die Weihe der "Bernhard Russ-Hochschule" in Braunschweig.	
Werde Meister im Handwerk	Reichsstand des Deutschen Handwerks.
West-India.	
"Wetterwarte 18" in den Bayerischen Alpen	Reichsfilmstelle.
Eine wilde Jagd	Reichspropagandaleitung der NSDAP.
Winternothilfe in 1933.	
Wort und Tat.	
Zeit im Bild: Frau im Kriege.	

[F. R. Doc. 52-7112; Filed, June 27, 1952; 8:52 a. m.]

[Vesting Order 18914]

HENNY BURDE

In re Stock owned by and debt owing to Henny Burde. F-28-31891-A-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Henny Burde, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of $10.00 par value common capital stock of Cities Service Company, Sixty Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LE 32893, registered in the name of Henny Burde and presently in the custody of Emil Burde, 1043 Camino Pablo, San Jose, California, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation of Emil Burde, 1043 Camino Pablo, San Jose, California, representing income and accumulations received by said Emil Burde from the stock described in subparagraph 2 (a) hereof, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Henny Burde, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7114; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18915]

DEUTSCHE LANDERSBANK AKTIENGESELLSCHAFT

In re: Debt owing to Deutsche Landersbank Aktiengesellschaft.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Landersbank Aktiengesellschaft, the last known address of which is Westendstr. 41, Frankfurt on Main, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Hermann Hummel, 93 Ivy Street, Brookline, Massachusetts, arising out of a loan by Deutsche Landersbank Aktiengesellschaft in 1936 and in the amount of RM 63,440, on August 5, 1945, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Deutsche Landersbank Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7115; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18916]

GERMANY

In re: Cash owned by Germany. F-28-12594.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

a. Cash in the amount of $18,447.35 in a Deposit Fund Account, of the Department of State, Washington, D. C., Symbol 19X6875, account number 14590-42, maintained with the Treasurer of the United States, Treasury Department, Washington, D. C., and referred to as "Official Funds of the Former German Government received from the Swiss Legation, Washington, D. C.," and

b. Currency and coin as follows:

180 Belgian francs
986.36 German Reichmarks

presently in the custody of the Department of State, Washington, D. C.,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7116; Filed, June 27, 1952; 8:55 a. m.]

[Vesting Order 18917]

CHRISTOPHER LAMBERT

In re: Securities owned by Christopher Lambert. F-28-31843.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Christopher Lambert, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of preferred $10.00 par value stock of Royalty Corporation of America, a corporation organized under the laws of the State of Oklahoma, evidenced by a certificate numbered 4531, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon,

b. Five (5) shares of preferred no-par value stock of Tri-State Royalty Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NPL201, dated March 15, 1930, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon, and any and all rights to exchange under plan of May, 1931, and

c. Five (5) shares of common no-par value stock of Tri-State Royalty Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered NCL199, dated March 15, 1930, registered in the name of Christopher Lambert, and presently in the custody of the Attorney General of the United States in a safekeeping account numbered 66-200043, together with all declared and unpaid dividends thereon, and any and all rights to exchange under plan of May 1931,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or de-

liverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Christopher Lambert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7117; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18918]

CARMELITA MUELLER-MEYERHOFF

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased. F-28-7838.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9783 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Twenty-five (25) shares of $100 00 par value 6 percent Cumulative prior preference capital stock of Market Street Railway Company, 58 Sutter Street, San Francisco, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered SF01845, together with all declared and unpaid dividends thereon, and any and all rights under a plan of liquidation, effective December 19, 1950 of the aforesaid company,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Carmelita Mueller-Meyerhoff, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7118; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 15839, as amended, Amdt.]

ELIZABETH L. FRIEBEL

In re: Safe deposit lease and contents owned by Elizabeth L. Friebel, also known as Elizabeth Lena Friebel, Elizabeth Lura Friebel and as Betty Friebel.

Vesting Order 15839, as amended, dated November 21, 1950, is hereby further amended as follows and not otherwise:

By adding to subparagraph 2 (b) j. of said Vesting Order 15839, as amended the following: 1 White metal locket.

All other provisions of said Vesting Order 15839, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D.-C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7119; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18872, Amdt.]

DR. O. SIEFERT ET AL.

In re: Securities owned by Dr. O. Siefert and others.

Vesting Order 18872, dated May 7, 1952, is hereby amended as follows and not otherwise:

By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 18872, the certificate number "A23894" set forth with respect to 10 shares of the Baltimore & Ohio Railroad Company stock, and substituting therefor the certificates numbers "A23894" and "A51824".

All other provisions of said Vesting Order 18872, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and cofirmed.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7120; Filed, June 27, 1952; 8:56 a. m.]

[Vesting Order 18886, Amdt.]

CHARLES AND JOHN SCHULTE

In re: Interests and real property and property insurance policies owned by Charles Schulte and John Schulte.

Vesting Order 18886, dated June 4, 1952, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 18886 the word "Missouri" and substituting therefor the word "Kentucky".

All other provisions of said Vesting Order 18886 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7121; Filed, June 27, 1952; 8:56 a. m.]

VOL 17

JULY

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INDEX

FEDERAL REGISTER

Volume 17 INDEX, JULY 1952 Nos. 128–149

A

ADVISORY COMMITTEE. *See* Committees, boards, etc. Page

AGRICULTURE DEPARTMENT:
See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Entomology and Plant Quarantine Bureau.
Farm Credit Administration.
Farmers Home Administration.
Federal Crop Insurance Corporation.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.
Agricultural adjustment:
Conservation Program, National Agricultural. *See* Conservation program.
Marketing quotas for tobacco. *See* Tobacco.
Authority, delegation of, from Secretary of Agriculture with respect to withdrawal and reservation of lands under jurisdiction of Department:
Chief, Forest Service; revocation of authority with respect to withdrawal of lands under Chief's jurisdiction for administrative sites, public service sites, recreational development and use, etc---- 6570
Under Secretary and Assistant Secretary; authority to approve or concur in public land orders issued by Secretary of Interior under Executive Order 10355 respecting withdrawal and reservation of lands---- 6570
Beans; standards for frozen lima beans---- 6931
Bonding and net assets requirements under United States Warehouse Act and Commodity Credit Corporation authorizations; notice regarding unit prices for listed commodities---- 6232
Kenaf seeds, and kenaf fiber---- 7021
Brewers rice; imports---- 6269
Butter; imports---- 6090
Butter oil. *See* Oils.
Casein or lactarene; imports---- 6090, 6269
Castor oil. *See* Oils.
Cauliflower grown in certain counties in Colorado, marketing of; shipments, regulation by grades and sizes---- 6625
Cheese; imports---- 6090, 6269
Citrus fruits:
See also Fruits and vegetables.
Export payment program SMX 65a 2 (fiscal year 1952), for fresh and processed lemons:
Claims supported by evidence of compliance---- 6837
General statement---- 6837
Export program SMX 7a (fiscal year 1952), for fresh and processed oranges:
Claims supported by evidence of compliance---- 6838
General statement---- 6838

20000—52——1

AGRICULTURE DEPARTMENT—Continued Page
Citrus fruits—Continued
Export program SMX 23a (fiscal year 1952), for fresh and processed grapefruit:
Claims supported by evidence of compliance---- 6837
General statement---- 6837
Marketing of citrus fruits grown in various States:
Arizona; lemons:
Administrative Committee rules and regulations; proposed rule making---- 6747
Limitation of shipments-- 6023, 6243, 6625, 6819, 6838
California; lemons:
Administrative Committee rules and regulations; proposed rule making---- 6747
Limitation of shipments-- 6023, 6243, 6625, 6810, 6838
Standards:
Grapefruit (Florida); proposed rule making---- 5995
Oranges (Florida); proposed rule making---- 6713
Tangerines (Florida); proposed rule making---- 7017
Conservation Program, National Agricultural; 1953-- 6995
Corn; standards for canned corn:
Cream style corn---- 6933
Whole kernel (or whole grain) corn---- 6935
Cottonseed, sold or offered for sale for crushing purposes within United States; standards, proposed rule making---- 5955
Currants; standards for dried currants, proposed rule making---- 5998
Dairy products:
Grading and inspection of; form of application and contract of agreement for grading service on written agreement---- 6757
Imports---- 6090, 6269
Defense Production Act, determination relating to imports---- 6090
Eggs and egg products, sampling, grading, grade labeling, etc.; proposed rule making:
Application for grading, inspection, and sampling; when application may be rejected---- 6963
Denial of service, in case of misrepresentation, deceptive or fraudulent act or practice, etc---- 6963
Interfering with a grader, inspector or sampler; revocation proposed---- 6963
Export and diversion programs, for various agricultural commodities. *See* Citrus fruits; Honey; Prunes; Raisins; *and* Wheat and wheat flour.
Farm equipment; memorandum of agreement concerning scope of term farm equipment as used in Executive Order 10161 between Production and Marketing Administrator and Administrator of National Production Authority---- 6129
Appendix A; equipment included within definition of term farm equipment for purposes of section 101 of Executive Order 10161---- 6129
Farm Land Restoration Program, 1952, amendment-- 6807
Figs, Kadota; set aside requirements for canned Kadota figs, reduction respecting---- 6088

AGRICULTURE DEPARTMENT—Continued Page

Flaxseed; imports 6090
Flour, wheat. *See* Wheat.
Food:
See also specific commodities.
Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.
Foods, under Defense Production Act; Defense Food Orders, agricultural imports:
Determination relating to imports under Defense Production Act 6090
Notice respecting continuation 5895
Import restriction on certain commodities. *See* Imports.
Fruit preserves (or jams); standards, proposed rule making 5999
Fruits and vegetables:
See also Citrus fruits.
Export and diversion programs, for fresh and processed fruits. *See* Citrus fruits.
Set aside requirements, processed fruits and vegetables:
Canned fruits, Table 1; reduction of requirements respecting Kadota figs 6088
Canned vegetables, Table 1; deletion of percentages respecting requirements for pumpkin and tomato paste 6087
Grains:
Support prices for various grains. *See main heading* Commodity Credit Corporation.
Warehouse for, regulations. *See* Warehouse regulations.
Honey export program (1952 marketing season):
Claims, filing of 6838
General statement 6838
Payment, eligibility for 6838
Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, marketing of:
Marketing agreement and order, as amended 5957, 6626
Referendum among producers, direction concerning 5967
Imports, agricultural, restrictions 6088
Continuation of determination relating to imports under Defense Production Act and of Defense Food Order 3, as amended, notice of 5895
Determination as to listed commodities 6090
List of commodities; Appendix A 6090
Policy statement; import authorization for certain commodities:
Casein or lactarene 6269
Cheese 6269
Malted milk, etc 6269
Rice, brewers 6269
Seed, flaxseed, and rice seed 6269
Lands, withdrawal and reservation of:
Chief, Forest Service; revocation of authority respecting 6570
Under Secretary and Assistant Secretary; authority to approve or concur in public land orders issued by Secretary of Interior under Executive Order 10355 respecting 6570
Lima beans. *See* Beans.
Linseed oil. *See* Oils.
Malted milk; imports 6090, 6269
Marketing orders, for various agricultural commodities. *See* Cauliflower; Citrus fruits; Hops; Milk; Peaches; Peas; Plums; Potatoes; Prunes *and* Tobacco.
Milk, cream and byproducts:
Imports 6090, 6269
Marketing in various marketing and sales areas, amendment to marketing agreements and orders, etc.:
Arkansas; Fort Smith 6049, 6938
Illinois; Chicago 6276
Massachusetts:
Boston (Greater) 6271
Fall River 6271
Lowell-Lawrence 6271
Springfield 6271
Worcester 6271
Minnesota; Minneapolis-St. Paul 6201

AGRICULTURE DEPARTMENT—Continued Page

Milk, cream and byproducts—Continued
Marketing in various marketing and sales areas, amendment to marketing agreements and orders, etc.—Continued
Nebraska; Omaha-Lincoln-Council Bluffs area 6003, 6965
Ohio:
Stark County 6907
Toledo 7019
Oklahoma:
Neosho Valley marketing area 6671, 6827
Tulsa 6275, 6671
Pennsylvania; Philadelphia 6749
South Dakota; Sioux Falls-Mitchell 6187
Texas:
Central West marketing area 6116, 6750
San Antonio 5934
Washington; Puget Sound 6777
Wisconsin; Milwaukee 6563
Minerals, reserved, disposition of; designation of counties in various States as areas in which mineral interests may be sold, revised area designations:
Fair market value areas; list, addition of certain counties:
Michigan:
Alcona County 5969
Alpena County 5969
Benzie County 5969
Branch County 5969
Eaton County 5969
Hillsdale County 5969
Ingham County 5969
Iosco County 5969
Jackson County 5969
Leelanau County 5969
Lenawee County 5969
Macomb County 5969
Oakland County 5969
St. Joseph County 5969
Sanilac County 5969
Oklahoma; Choctaw County 6597
One dollar areas; list, addition and deletion of certain counties:
Michigan:
Alcona County 5969
Alpena County 5969
Benzie County 5969
Branch County 5969
Eaton County 5969
Hillsdale County 5969
Ingham County 5969
Iosco County 5969
Jackson County 5969
Leelanau County 5969
Lenawee County 5969
Macomb County 5969
Oakland County 5969
St. Joseph County 5969
Sanilac County 5969
Minnesota; Nobles County, added 6925
Oklahoma; Choctaw County 6597
Molasses, sugarcane, edible; standards 6181, 6427
National School Lunch Act; apportionment of food assistance funds pursuant to. *See* School lunch program.
Oils:
Castor oil; restriction on inventory and use (Appendix A, amendment) 6431
Imports of butter oil, linseed oil, peanut oil 6090
Packers and Stockyards Division; stockyards, commission merchants, etc., notices respecting posting, rates and charges, etc:
Posted stockyards, etc.; designation or removal as:
Alma Sale Barn, Alma 6231
Ericson Livestock Market 6231
Escambia County Cooperative, Inc 6871
Morris Commission Co 6866
New Holland Sales Stables 6596
Peak and Hatcher Stockyards 6231
Spencer Live Stock Exchange Co 6231
Wall Commission Co 6232
Rates and charges, petitions for modification, etc.; Allison, Joe, Stock Yards, Inc 6165

AGRICULTURE DEPARTMENT—Continued Page

Peaches grown in Utah, marketing of; shipments, regulation by grades and sizes 6809
Peanut oils. *See* Oils.
Peanuts; imports 6090
Peas, fresh, grown in certain counties in Colorado, marketing of:
Budget of expenses and rate of assessment 6596
Limitation of shipments 5933
Plums:
Marketing of plums grown in California; regulation by grades and sizes:
Ace plums 6408
Burbank plums 6402
Diamond plums 6406
Duarte plums 6402
Emily plums 6409
Gaviota plums 6402
Kelsey plums 6407
Late Santa Rosa plums 6406
Late Tragedy plums 6404
Sharkey plums 6405
Sugar plums 6403
Tragedy plums 6401
Wickson plums 6403
Standards, for canned plums; revision 6615
Potatoes, Irish, grown in various States and production areas; marketing of:
Colorado; limitation of shipments 6023, 6839
Idaho (certain designated counties); budget of expenses and rate of assessment (proposed) 7019
Oregon (Malheur County); budget of expenses and rate of assessment (proposed) 7019
South Dakota (Eastern production area); marketing agreement and order, etc., recodification 6810
Washington; budget of expenses and rate of assessment, proposed rule making 6127
Poultry and edible products thereof, grading and inspection, for classes, standards, etc.; proposed rule making:
Applying for grading or inspection service; rejection of application 6964
Denial of service, in case of misrepresentation, deceptive or fraudulent act or practice, etc 6964
Interfering with a grader or inspector; revocation proposed 6964
Prunes:
Dried prunes and raisins; export program SMX 95b:
Firm sales contracts 6607
General provisions 6607
Proof of claim 6607
Fresh prunes grown in Oregon and Washington, marketing of; order terminating provisions of marketing agreement and order 5933
Pumpkin; set aside requirements for canned pumpkin, termination of requirements respecting 6087
Raisins. *See* Prunes.
Rice; imports 6090, 6269
School lunch program; apportionment of food assistance funds, for various States, Territories and possessions, and District of Columbia, fiscal year 1953 6893
Seeds:
Flaxseed and rice seed, imports 6090, 6269
Rules and regulations of Secretary of Agriculture for enforcement of Federal Seed Act; Kentucky bluegrass seed, exemption from labeling requirements 6995
Set aside requirements, for certain processed fruits and vegetables. *See* Fruits and vegetables.
Sirup, refiners' and sugarcane; standards 6427
Standards, for various agricultural commodities. *See* Beans; Citrus fruits; Corn; Cottonseed; Currants; Fruit preserves; Molasses; Plums; Sugar; *and* Sirup.
Sugar:
Prices, sugarcane, 1952 crop; notice of hearing and designation of presiding officers 6130
Proportionate shares for farms in Puerto Rico, for 1952–53 crop 6686
Puerto Rico, consumption requirements and quotas; allotment of sugar quotas; 1952 6759, 7008

AGRICULTURE DEPARTMENT—Continued Page

Sugar—Continued
Quotas and prorations of quota deficits; domestic beet sugar area, 1952 6758
Standards, for sugar and sugarcane products; redesignation of title 6427
Molasses, edible sugarcane 6181, 6427
Refiners' sirup 6427
Sugarcane sirup 6427
Sugar commercially recoverable; beet sugar area, 1949 and subsequent years, provisions applicable to 1952 crop 5853
Wage rates; sugarcane:
Florida (harvesting), during period July 1, 1952, through June 30, 1953 5854
Notice of hearing and designation of presiding officers 6130
Tobacco:
Inspection; official standards for flue-cured tobacco (U. S. types 11, 12, 13, and 14), revision 6610
Marketing of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia; expenses and rate of assessment for fiscal period June 3, 1952, through January 1953 6215
Marketing quotas, for various types of tobacco:
Air-cured, dark, 1953–54 regulations; acreage allotments and normal yields for farms 6184, 6428
Burley, 1953–54 regulations; acreage allotments and normal yields 6063, 6809
Cigar-filler, 1953–54 regulations; acreage allotments and normal yields for farms 6681, 6809
Cigar-filler and binder, 1953–54 regulations; acreage allotments and normal yields for farms 6619, 6758
Fire-cured, 1953–54 regulations; acreage allotments and normal yields for farms 6184, 6428
Flue-cured, 1953–54 marketing year:
National quota proclaimed 6022
Referendum among producers, direction concerning 6058
Regulations; acreage allotments and normal yield for farms 6063
Maryland, 1953–54 regulations; acreage allotments and normal yield for farms 6622
Sun-cured, Virginia, 1953–54 regulations; acreage allotments and normal yields for farms 6184, 6428
Tomato paste. *See* Tomatoes and products.
Tomatoes and products; set aside requirements for canned tomato paste, termination of requirements respecting 6087
Vegetables. *See* Fruits and vegetables.
Warehouse Act, United States; bonding and net assets requirements of warehousemen under. *See* Bonding.
Warehouse regulations, for grain; proposed rule making:
Bonds required, respecting State warehouse 5957
Duties of warehouseman; grades and weights, bulk grain 5957
Fees:
License fee 5956
Warehouse inspection fee 5956
Grain appeals:
Appeal:
Freedom 5957
Not to be refused 5957
Procedure 5956
Contents of complaint 5956
Determination of appeals; samples 5957
Disposal of samples 5957
Fees; grain grade appeal fees 5957
Grade certificates; issuance 5957
Proof of agent's authority 5957
Representative samples 5957
Hearings procedure 5957
Warehouse bond; amount of bond, additional amounts 5956
Warehouse licenses:
Facilities, licensed or exempted 5955
Ground for not issuing license 5956
Net assets, increase in 5956
Warehouse receipts; form 5957

AGRICULTURE DEPARTMENT—Continued Page
Wheat, and wheat-flour export program—International Wheat Agreement; Commodity Credit Corporation, terms and conditions respecting, restrictions on use of U. S. Government funds by foreign purchaser 6807

AIR FORCE DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Greece and Turkey, United States Missions to; authority of Secretary respecting loyalty certifications of civilian personnel assigned to 6718
Lands, public, withdrawn for use of Department. *See main heading* Land Management Bureau.
Loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey, authority of Secretary respecting 6718
Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.
Records, military, correction of; temporary approval of procedures 6232

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, aircraft, investigation of. *See* Civil Aeronautics Board.
Airports or entry. *See* Customs Bureau.
Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas; airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Labor disputes involving air carriers, emergency boards to investigate. *See* National Mediation Board.

ALASKA:
Commercial fisheries. *See* Fish and wildlife.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
Public lands in. *See* Land Management Bureau.

ALIEN PROPERTY, OFFICE OF:
Claims, filing time; bar date fixed in respect to debtors whose property was first vested in or transferred to Attorney General or Philippine Alien Property Administrator between January 1 and June 30, 1951 6833
Copyrights, vesting orders respecting. *See* Vesting orders.
Debt claims, filing time. *See* Claims, filing time.
Germany:
Certain German nationals, names unknown: 6059
Copyrights of 6675,
Various interests of; currency, checks, etc 6728, 6754, 6806
Copyrights of certain German nationals, names unknown; vesting orders respecting 6059
Return of vested property; orders for. *See* Vesting orders.
Vesting orders:
See also Germany.
Copyrights; Edition Meisel & Co. G. m. b. H 6060
Return of vested property:
Acker Fritz 6292
Berr-Mognard, Gaston Alexandre 6832
Bevilacqua, Caterina 6832
Bischofliches Pfarramt, Rankweil 6212
Caron, Martinus H 6212
Catholic Church, Rankweil 6212
Charpentier, Caroline Alice (nee Morhange) 6832
Couzinet, Rene Alexandre Arthur 6453
Gans, Clara 6212
Hopkins, Elli 6212
Jeschko, Wilhelm (William) 6212
Jourdan, Helene (nee Morhange-Moreau) 6832
Kumagai, Ina May 6832
La Morte, Guiseppe 6832
Mognard, Henriette Juliette 6832
Mollerhoj, Johannes Sorensen 6832
Pardave, Joaquin 6680
Samura, Chieko 6833

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Return of vested property—Continued
Schabel, Hannah 6212
Schoberl, Johanna 6212
Societe de Produits Chimiques des Terres Rares 6212
Tomoda Chieko 6833
Treschko, Mary 6212
Trisko, Mary 6212
von Rosenthal, Clara Bauer 6452
Wagner, Repertorio 6680
Warnod, Andree (nee Cahen) 6832
Various interests, in estates, litigation proceedings, etc.:
Aachen and Munich Fire Insurance Co 6173
Ahlswede, August 6137, 6140
Ahlswede, Heinreich Carl Hermann (Hermann) 6140
Ahlswede, Karl and Karl Rudolf Heinrich Herman (Rudolf) 6137
Ahrens, Tiene 6455
Ahrens, William (Wilhelm) 5925
Alberti, Hertha 6727
Anderson, Gretchen 7034
Banse, Minna Frieda (Frieda) (nee Schuetze) 6174
Bauer, Emilie 5927
Bauer, Karlheinz and Peterclaus 6676
Bayer, Emil Georg 5925
Beck & Co. and others 6137
Becker, Emma 6137
Becker, Minna Emma Anna (nee Kohlenberg) 6727
Beckmann, Gustav and Beckmann 6178, 6806
Bens, Albert 6178, 6806
Benz, Albert, and others 6290
Bischoff, Gesche 6140
Bitz, Morris (Morris F.; Morris Ferdinand) 7034
Blaes, Anna L. (nee Schutze) 6174
Boehme, Carry 6139
Born, Elli 7033
Bruhl, Frederick E 6675
Brummer, Wilhelm 6453
Convert, Adolf 5928
de Verson, Lotte 6455
Eckert, Betty 6290
Eggers, Gesine 6676
Eher, Franz, Nachf. GmbH 6174
Ellbruck, Friedrich 6174
Eulenstein, Julius 6676
Fahrenhorst, Dr. Walther 5927
Fischer, Carl, Ingrid, and Marie 6174
Fraenkch'sche Verlagshandlg. W. Keller & Co 7033
Fresenius, Anna 6138
Freymann, Paula 6137
Friederichs, Hugo 5925
G. A. v. Halem, Export und Verlagsvuchhandlung A. G 6727
Godron, Catherine A 6453
Gottschalk, Berthold H 6928
Groth, Mary Magdalene 6174
Gussmann, Gustav A 6676
Haffner, Dr. Sigmund 6174
Hahn, Carl 6174
Hahn, Helene 6174
Herman, George 6174
Hermann, Georg 5927
Hertzer, Hans and Irmgard 5927
Heyman, Arndt and Reingardt 6174
Hillmann, Anna 6174
Hoffmann, Julius, Verlag and others 6290
Hofmann, Frau Marie (Frau Marie Hell) 6291
Housing and Realty Improvement Co. (Berlin) 6138
Ihmels, Anna 6177
International Expeditie, N. V. Schenker & Co 6176
International Perfumerie Maatschappij 6140
Jacke, August Wilhelm Heinrich 6140
Jacke, Heinrich 6138
Juchem, August 6138
Juergewitz, Anna, Franz, Friederich, George, Hermann, Heinrich, and Karl 6138
Juergewitz, Meinhard 7034
Jung, Bertha Dorthea (Berta; Bertha) (nee Schuetze) 6676
Keller, Ernst 6174
Keller, W., & Co., Fraenkch'sche Verlagshandlg 6453
Kern & Birner, Buchdruckerei & Verlagsanstalt 5924
Klarer, Josephine 6138
Klein, Adam and Emilie

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Klein, Hans, and others 6138
Klingelnberg, Dr. G. A 5927
Klingelnberg-Fijnwerk, N. V 5927
Klingelnberg-Fijnwerke, N. V 5927
Klingspor, Gebr 6453
Kloss, Johanna Margaret Prescher, and others 7033
Knorr & Hirth K. G. and others 6676
Koerbit, Fred (Fritz) 6139
Kohlenberg, Heinrich August, Herbert, Hermann, Karl August, and Rudolf Gustav (Gustav) 6137
Kopp, Emma (nee Schuetze) 7034
Kramer, Edgar and Wichert 5927
Kreutzer, Dr. Rudolf and Walter 6676
Krippner, Andres, Elise, and Maria 6676
Kuchler, Annemarie and Roland 5927
Kuhn, Henny 6139
Lehmann, Selma (Selma Schein) 6291
Lude, Paul 6174
Ludewig, Ferdinand Heinrich Karl (Karl) 6139
Lupo, Nicola 5927
Mahn, Julius (Gustav) 6178
Malchow, Hugo Willie, John Ernst, and Louis Karl Paul 6139
Malchow, Martin E 6139
Moll, Albertine Butz and Rudolf 5924
Moltzahn, Inge and Uwe 5927
Moroff, Otto Hermann 6174
Muelhens, Paul Peter (P. P.) 6176
Mueller, Josef, and others 6453
N. V. Fijnwerk 5927
N. V. International Perfumery Co 6176
Niemann, Anna 6925
Niemann, Martha Minna (Martha) (nee Schuetze) 7034
Olejniczak, Stefania (Steffi; Stephanie) 7034
Olejniszak, Stefania (Steffi; Stephanie) (nee Starchl) 7034
Panse, Arnold 6676
Panzer, Bertrand 6676
Pinkau, Emil, & Co 6453
Queckenstedt, Martha Anna Emma (nee Brandmueller) 6137
Raible, Gustav 5928
Ringen, Marie 6290
Roeffs, Felix 6806
Rolfs, Sophia Christine 6928
Schenker, N. V., & Co., G. m. b. H 6177
Schenker, N. V., & Co., Internationale Expeditie 6177
Schmidt, Minna (nee Schuetze) 7034
Schmist, Frieda 6138
Schneider, Firma Louis 6174
Schuetze, Friederich August (Friederich) 7034
Schuetze, Gustav August (August; August Gustav) 7034
Schuetze, Otto 7034
Schutze, Anna L 7034
Schuwirth, Luise 6174
Schwarz, Gisela, Helmut, Herman, Jurgen, and Volker 5927
Schwarzbach, Charlotte Elizabeth Schmidt and others 7033
Segnitz, Friedrich Adolf 5925
Slattery, Rudolf Udo 6424
Soehn, Hedwig 6676
Spitzmuller, William 6177
Spormann, Hermine Johnne (nee Brandmueller) 6137
Stage, Otte 6452
Stanyan Hill Apartments 6928
Starchl, Katherina 7034
Stege, Otto 6452
Stinnes, Clare Wagenknech, Sr 6178
Stinnes, Ernst and Otto 6178
Stinnes, Hugo, Jr 6178
Strauch, Elise 6174
Strobach, Carl (Carl H.) 6140
Strobach, Marie Roettig 6140
Streehl, Johann 6676
Stuewer, Ilse and Ulrich 5927
Suhr, Maria (Maria Bausch) 6453
Theden, Antje Catharina and Heinrich 6928
Theden, Claus Heinrich (Heinrich) 6928
Thedieck, Mrs. Theodore 6178

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Thide, Ingeborg 6138
Toennies, Ernst 6453
Ulrich, Dora 5925
Ulrich, Hanni (Hannie) 5925
VDO Tachometer A. G 6453
Verlag, Julius Hoffmann, and others 6174
Vischer, Margarethe (Margarete) 6174
Voigt, Anna 6140
Voigt, Johanne Hermine (nee Ahlswede) 6140
von Braun, Victoria Louise 5976
von Hamm, Lotte 5925
von Knobelsdorff, Adela (Adela Elise) 5976
von Knobelsdorff, Viktor 5976
Von Versen, Elizabeth Alice 5928
Von Verson, Elizabeth Alice 5928
Walsemann, Amelia 5927
Walsemann, Hans Heinz, Klaus, and Kurt 5927
Walther, Franz Karl 6676
Wassiack, Mrs. Josephone 6178
Weintraud, Helene 6453
Weltz, Ina 6676
Werz, Walter 6453
Wiecking, Auguste (Auguste Burlage) 5925
Wieland, Carl 6174
Wilhelmi, Emmi (nee Winkel) 7033
Wilkens, Gesine, Henrich, and Meta 6290
Willms, Paula 6138
Wilmanns, Else 6174
Wilmans, Else 6174
Winkel, Laura M. H 7033
Winter, Mrs. Theodore 6178
Wohnhaus - Grundstucks - Verwertungs - Aktiengesellschaft AM Lehniner Platz 6291
Wolfe, Joel B 6424
Ziegler, Otto 6676

ALIENS:
Immigration quotas (Proclamation 2980) 6919
Nonresident; tax regulations respecting. *See* Internal Revenue Bureau.
Property of; vesting orders, etc. *See* Alien Property, Office of.

AMORTIZATION CERTIFICATES, under section 124A of Internal Revenue Code. *See* Defense Mobilization, Office of.

ANCHORAGE REGULATIONS. *See* Engineers, Corps of.

ANIMAL INDUSTRY BUREAU:
Animals and poultry, interstate transportation of; vesicular exanthema, restricting interstate transportation of swine and certain swine products because of 6944
Meat inspection regulations; proposed rule making:
Carcasses and parts, disposal of; when found to be affected with certain disease conditions:
Anaplasmosis 5995
Anthrax, bacillary hemoglobinuria in cattle, blackleg, etc 5995
Leptospirosis 5995
Listerellosis 5995
Inspection, ante-mortem:
Anaplasmosis, leptospirosis, listerellosis, parturient, rabies, etc., animals showing symptoms of; disposal of 5995
Condemned animals, disposition of 5995

ARMED FORCES:
See also Defense Department *and specific services.*
Mail; postal regulations respecting A. P. O.'s. *See* Post Office Department.
Radio operators, amateur, serving in armed forces; license requirements. *See* Federal Communications Commission.
Veterans. *See* Veterans.

ARMY DEPARTMENT:
See Engineers, Corps of.
Advertising, procurement by. *See* Procurement.
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.

ARMY DEPARTMENT—Continued Page

Authority, delegation of, to Secretary, from Secretary of Defense; respecting loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey 6718
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 6241, 6425
Claims against United States:
Enlisted men absent without leave, deserters, and escaped military prisoners; payment for arrest and delivery of 6582
Military payment certificates:
Conversion into dollar instruments or foreign currency:
American Express Company money orders 5939
Travelers' checks 5940
Conversion of dollar instruments into telegraphic money orders 5940
Exchange outside designated areas; presentation by effects quartermaster 5940
General, definitions; United States dollar instruments:
Telegraphic money orders 5939
Travelers' checks 5939
Limitations; amount necessary 5939
Davis-Bacon Act; predetermination of prevailing wage rates 6554
Enlistments. *See* Recruiting and enlistments.
Greece and Turkey, United States Missions to; authority of Secretary respecting loyalty certifications of civilian personnel assigned to 6718
Labor, procurement regulations respecting. *See* Procurement.
Lands, public, withdrawn for use of Department. *See main heading* Land Management Bureau.
Loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey, authority of Secretary respecting 6718
National Guard regulations, commissioned officers; Federal recognition, persons eligible 5940
Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.
Procurement, Army procurement procedure:
Advertising, formal, procurement by; mistakes in bids, submission to higher authority 6554
General provisions:
Authority under Title II of First War Powers Act as amended, and Executive Order No. 10210; to Assistant Chief of Staff, G–4 6554
Basic policies; specifications, description in lieu of 6550
Procurement action reporting 6550
Government property, exchange or sale of personal property, and application of proceeds to purchase of similar items; reporting for screening 6555
Labor:
Davis-Bacon Act; predetermination of prevailing wage rates 6554
Wage stabilization; policy respecting wage adjustments 5940
Walsh-Healey Public Contracts Act; responsibilities of contracting officers 6555
Taxes, Federal, State, and local; contract clauses:
Cost-type contracts; foreign contractors or foreign governments 6554
Fixed-price contracts; foreign contractors 6554
Records, military, correction of; temporary approval of procedures 6232
Recruiting and enlistments; recruiting for Regular Army 6899
Reserve Officers' Training Corps. *See* Reserves, organized.
Reserves, organized:
Enlisted Reserve Corps, separation from service; discharge from Reserve duty status 7009
Reserve Officers' Training Corps:
Training of students ineligible for enrollment 6690
Transfer between Army, Navy, and Air Force ROTC and from other Army ROTC units to Medical Corps ROTC units 6690
Taxes, procurement regulations respecting. *See* Procurement.
Turkey and Greece, United States Missions to; authority of Secretary respecting loyalty certifications of civilian personnel assigned to 6718

ARMY DEPARTMENT—Continued Page

Wage adjustments, policy respecting 5940
Walsh-Healey Public Contracts Act; responsibilities of contracting officers 6555

ATOMIC ENERGY COMMISSION:
Lands, public, reserved for use of Commission. *See main heading* Land Management Bureau.
Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.

B

BANKS:
Farm credit institutions. *See* Farm Credit Administration.
Price control regulation respecting service charges. *See* Price Stabilization, Office of.
Reports of insured banks. *See* Federal Deposit Insurance Company.
Taxation of mutual savings banks, building associations, etc. *See* Internal Revenue Bureau.

BONNEVILLE POWER ADMINISTRATION:
Claims, tort; authority of General Counsel respecting 6793

BUDGET BUREAU:
Organization and functions 6204

C

CANAL ZONE GOVERNMENT:
Operation and navigation of Panama Canal and adjacent waters; arriving and departing vessels:
Outgoing passenger list; two copies 6712
Papers required by boarding party, list of 6712
CERTIFICATES OF NECESSITY, in connection with tax amortization. *See* Defense Mobilization, Office of.
CHILD LABOR:
Child labor regulations. *See* Labor Department.
Records to be kept by employers of minors. *See* Wage and Hour Division.

CHILDREN'S BUREAU:
Maternal and child health and crippled children's programs:
Proportionate use of Federal funds; revision 5952
Expenditures for crippled children's program, fiscal year 1953 5952
Expenditures for maternal and child health program, fiscal year 1954 5952
Terms; specialized and supporting expenditures for services 5952
CHILDREN'S EMERGENCY FUND. *See* United Nations International Children's Emergency Fund.
CITIZENSHIP DAY, 1952 (Proclamation 2984) 6931

CIVIL AERONAUTICS ADMINISTRATION:
Administrator; approval, specifications, etc., by, with respect to air traffic rules, certificates and ratings, and scheduled air carriers. *See main heading* Civil Aeronautics Board.
Civil airways, designation of:
Colored civil airways:
Amber civil airways:
New York; New York City to Charleston, S. C. 6815
South Carolina; Charleston to New York, N. Y. 6815
Blue civil airways:
District of Columbia; Washington to Elizabeth City, N. C 6816
New Jersey; Atlantic City to Philadelphia, Pa. 6816
North Carolina; Elizabeth City to Washington, D. C 6816
Pennsylvania; Philadelphia to Atlantic City, N. J 6816
Red civil airways:
Canadian Border. *See* United States-Canadian Border.
Michigan, Sault Ste. Marie; United States-Canadian Border near Sault Ste. Marie to Border near Lakehead, Ontario, Canada 6896
United States-Canadian Border near Lakehead, Ontario, Canada, to Border near Sault Ste. Marie, Mich 6896

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Civil airways, designation of—Continued
VOR civil airways:
California:
Daggett to Philadelphia, Pa 5981
Oakland to Ellensburg, Wash 6688
San Diego to Bellingham, Wash 5981
District of Columbia; Washington to Seattle, Wash 6688
Florida; Key West to Bangor, Maine 5980
Maine; Bangor to Key West, Fla 5980
Massachusetts; Boston to Seattle, Wash 6688
Oregon:
Pendleton:
To Portland, Oreg 6688
To Spokane, Wash 6688
Portland to Pendleton, Oreg 6688
Pennsylvania; Philadelphia to Daggett, Calif 5981
Washington:
Bellingham to San Diego, Calif 5981
Ellensburg to Oakland, Calif 6688
Seattle:
To Boston, Mass 6688
To Washington, D. C 6688
Spokane to Pendleton, Oreg 6688
Control areas, zones, and reporting points; designation of:
Control areas:
Colored civil airways; red:
Canadian Border. *See* United States-Canadian Border.
Michigan, Sault Ste. Marie; United States-Canadian Border near Sault Ste. Marie to Border near Lakehead, Ontario, Canada 6896
United States-Canadian Border near Lakehead, Ontario, Canada, to Border near Sault Ste. Marie, Mich 6896
Extension of control areas:
Idaho; Mountain Home 5981
Kansas:
Salina 5981
Wichita 5981
Oklahoma; Ponca City 5981
Texas; Galveston 5981
VOR civil airways:
California:
Daggett to Philadelphia, Pa 5981
Oakland to Ellensburg, Wash 6688
District of Columbia; Washington to Seattle, Wash 6688
Massachusetts; Boston to Seattle, Wash 6688
Oregon:
Pendleton:
To Portland, Oreg 6688
To Spokane, Wash 6688
Portland to Pendleton, Oreg 6688
Pennsylvania; Philadelphia to Daggett, Calif 5981
Washington:
Ellensburg to Oakland, Calif 6688
Seattle:
To Boston, Mass 6688
To Washington, D. C 6688
Spokane to Pendleton, Oreg 6688
Control zones:
Additional control zones:
Indiana; Columbus 5981
Oklahoma; Oklahoma City 5981
Texas; San Antonio 5981
Radar procedures. *See* Radar procedures, *below.*
Reporting points:
Colored civil airways:
Blue civil airways; Alaska:
Anchorage to Nenana, Alaska 5981
Nenana to Anchorage, Alaska 5981
Red civil airways:
Canadian Border. *See* United States-Canadian Border.
Michigan; Sault Ste. Marie; United States-Canadian Border near Sault Ste. Marie to Border near Lakehead, Ontario, Canada 6897
United States-Canadian Border near Lakehead, Ontario, Canada, to Border near Sault Ste. Marie, Mich 6897
VOR civil airways 5981

CIVIL AERONAUTICS ADMINISTRATION—Con. Page

Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas added, deleted or altered:
Arizona; Willcox Dry Lake 6428
California:
Camp San Luis Obispo 6428
Knoxville 6428
Florida; Panama City 6428
Massachusetts; Boston 6897
Nevada; Fallon 6428
Washington; Port Angeles 6024
Instrument flight rules; instrument altitudes, minimum en route:
Direct routes; Southeast United States 6690
Minimum en route IFR altitudes along particular routes 6689
Various civil airways (amber, blue, green, red and VOR airways) 6689
Radar procedures:
Control of air traffic, where radar facilities exist; notice 6232
IFR traffic departing from Washington control zone, employment of radar procedures on trial basis; supersedure 6232
Washington control zone; radar procedures. *See* Radar procedures.

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft; investigation of accident occurring at Dallas, Texas 6418
Air agencies, certificates and ratings. *See* Certificates and ratings.
Air taxi operators; classification and exemption. *See* Economic regulations.
Air traffic rules:
General; certificates of waiver for air shows (CAA policies), use of means other than radio permitted in control of acrobatics 6460
General flight rules (GFR); adherence to air traffic clearances required of scheduled air carriers (CAA rules), long-distance scheduled air carrier operations (SR–382) 7009
Instrument flight rules (IFR):
Air traffic clearance required of scheduled air carriers (CAA rules); long-distance scheduled air carrier operations (SR–382) 7009
Radio communications required of scheduled air carriers (CAA rules); long-distance scheduled air carrier operations (SR–382) 7009
Airworthiness requirements for transport category airplanes; equipment requirements for scheduled air carriers, transfer of regulations, proposed rule making 6972
Authority, delegation of, to Administrator; authority to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945
Certificates and ratings:
Air agencies:
Airman agency certificates:
Instruction, quality of (CAA policies); air agency activity report, deletion 6896
Requirements:
Flying school curriculum (CAA rules):
Commercial flying curriculum, land airplanes 6895
Instrument flying school, ground school curriculum; instrument flight procedures 6895
Primary flying school curriculums, land airplanes, 35 hours flying time 6895
Flying school requirements, flight equipment (CAA interpretations); parachutes, deletion 6895
Repair station certificates; limited mechanic certificate with propeller or aircraft appliance rating, special regulation (SR–383) 6428
Air carrier operating certificates; scheduled air carriers. *See* Scheduled air carriers.
Airmen; mechanic and repairmen certificates, limited mechanic certificate with propeller or aircraft appliance rating, special regulation (SR–383) 6428

CIVIL AERONAUTICS BOARD—Continued Page

Commercial operator certification and operation rules:
- Emergency evacuation provisions for certain transport airplanes, special regulation, proposed rule making 6791
- Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945

Economic regulations:
- Classification and exemption of air taxi operators; scope of service, no service to be offered between points where scheduled helicopter service is provided:
  - Repeal or modification of provisions respecting operations over certificated helicopter routes; proposed rule making 6596
  - Temporary exemption of air taxi operators from limitation on scope of service; special economic regulation 6577
- International air freight forwarders; letters of registration, application for 6896
- Reports, filing of, by certificated air carriers, and uniform accounting requirements; changes in reporting requirements and modifications of Forms 41 and 41 (a) 6946

Freight forwarders, international; economic proceedings. *See* Economic regulations.

Hearings, investigations, etc.:
- Accidents, aircraft, and missing aircraft; investigation of. *See* Accidents and missing aircraft.
- Companies and cases, list of. *See list at end of this agency.*

Helicopter routes, service of air taxi operators over. *See* Economic regulations.

Irregular air carrier and off-route rules:
- Emergency evacuation provisions for certain transport airplanes; special regulation, proposed rule making 6791

Flight operation rules:
- Flight plan for large aircraft; IFR or VFR flight plan must be in effect for all portions of flight 6244
- Night VFR operations for large passenger-carrying aircraft; special rules 6244

Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945

Maintenance, repair, and alteration of airframes, powerplants, propellers, and appliances; limited mechanic certificate with propeller or aircraft appliance rating, special regulation (SR–383) 6428

Mechanic and repairmen certificates. *See* Certificates and ratings.

Repair station certificates. *See* Certificates and ratings.

Reports, filing of, by certificated air carriers. *See* Economic regulations.

Scheduled air carriers:
- Air traffic rules. *See* Air traffic rules, *above.*
- Certification, operating:
  - Air carrier operating certificate, issuance of, for local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–384) 6895
  - Emergency evacuation provisions for certain transport airplanes, special regulation, proposed rule making 6791
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945
- Interstate air carrier certification and operation rules; proposed rule making 6971
- Operations outside continental limits of United States:
  - Emergency evacuation provisions for certain transport airplanes, special regulation, proposed rule making 6791

CIVIL AERONAUTICS BOARD—Continued Page

Scheduled air carriers—Continued
- Operations outside continental limits of United States—Continued
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945
- Operations within continental limits of United States:
  - Air carrier operating certificate, issuance of, for local areas; authorizing use of aircraft under 12,500 pounds take-off weight, special regulation (SR–384) 6895
  - Emergency evacuation provisions for certain transport airplanes, special regulation; proposed rule making 6791
  - General, first pilot; instrument competency, proficiency requirements (CAA rules), steep turns 6815
  - Military services; delegation of authority to Administrator to permit air carriers under contract to military services to deviate from certain provisions of regulations, special regulation (SR–385) 6945
  - Rescission of regulations; proposed rule making 6972
- Transport airplanes, certain, emergency evacuation procedures for; special regulation, proposed rule making 6791
- Trust Territory of the Pacific Islands, operation of aircraft service in; special provisions for contracts entered into between Transocean Air Lines and Department of the Interior, special regulation (SR–364–A) 6873

Hearings, investigations, etc.:
- Aero Finance Corp 6131
- Air Cargo Express, Inc 6131
- Air freight rate investigation; directional rates 6828
- Air Services, Inc 6131
- Air Transport Associates, Inc 6131
- Alaska Airlines, Inc 6131
- All American Airways, Inc 6131
- American Air Export and Import Co 6131
- Arctic-Pacific, Inc 6131
- Argonaut Airways Corp 6131
- Arnold Air Service, Inc 6131
- Aviation Corp. of Seattle 6131
- Blatz Airlines, Inc 6752
- Braniff Airways, Inc 5915, 6597
- California Air Charter, Inc 6131
- Chicago & Southern Airlines, Inc 6827
- Coastal Cargo Co., Inc 6131
- Colorado; Monte Vista, scheduled air service to 6447
- Compania Cubana de Aviacion, S. A 6719
- Continental Air Lines, Inc 6570
- Cuba Aeropostal, S. A 6673
- Delta Air Lines, Inc 6827
- Eastern Air Lines, Inc 5915
- Empresa de Transportes Aerovias Brazil, S. A 5916
- Federated Airlines, Inc 6131
- Florida; Melbourne, service to 6570
- Freight Air, Inc 6131
- General Airways, Inc 6131
- Great Lakes Airlines, Inc 6131
- Lavery Airways, Inc 6131
- Meteor Air Transport, Inc 6131
- Miami Airline, Inc 6131
- Modern Air Transport, Inc 6131
- Monarch Air Service 6131
- New England Air Express, Inc 6131
- North Continent Airlines 6570
- Northwest Airlines, Inc 6131, 6233, 6418
- Overseas National Airways 6131
- Pacific Northern Airlines, Inc 6131
- Pacific-Northwest-Alaska tariff investigation 5915, 6131
- Pan American World Airways, Inc 6131
- Pearson Alaska, Inc 6131
- Peninsular Air Transport 6013
- Pioneer Air Lines, Inc 6418
- Portland-Seattle service case 6131
- Rates and fares, between Oregon and Washington, and Fairbanks and Anchorage, Alaska 5915, 6131
- Robin Airlines, Inc 6672, 6828
- Royal Air Service 6131

CIVIL AERONAUTICS BOARD—Continued Page

Hearings, investigations, etc.—Continued
- S. S. W., Inc 6131
- Sourdough Air Transport 6131
- Southern Air Transport, Inc 6131
- Standard Air Cargo 6131
- Trans-Alaskan Airlines, Inc 6131
- Trans-Ocean Air Lines 6131
- Transportes Aereos Nacionales, S. A 6285
- Trans-Texas Airways 5915
- Unit Export Co., Inc 6131
- United Air Lines, Inc 6131
- Western Air Lines, Inc 6131
- Wichita Falls-Dallas service 6570
- Wiggins, E. W., Airways, Inc 6013
- World Airways, Inc 6131

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL SERVICE COMMISSION:

See Loyalty Review Board.

Appeals of preference eligibles under Veterans' Preference Act of 1944:
- Appeals to Commission; time limit 6063
- Applicability of regulations; notice of reduction in rank or compensation 6063

Appointment:
- Educational requirements. *See* Education (formal) requirements.
- Permanent appointments of postal employees in field service to positions for which salary rates are fixed by act of July 6, 1945 (Executive Order 10376) 6681
- To positions excepted from competitive service. *See* Exceptions from competitive service.

Education (formal) requirements, for appointment to certain scientific, technical or professional positions:
- Plant quarantine inspector, GS–5 6193
- School superintendent, GS–12, instructor, school activities, GS–5–9, Army and Navy civilian schools 6401

Exceptions from competitive services; positions excepted from examination (Schedule A):
- Army Department:
  - Medical Department; Technical Director of Research, exception extended to June 30, 1953 6241
  - Ordnance Department; Technical Director of Research and Development, Technical Director, Metallurgical Laboratory, Production Manager, Detroit Arsenal, Technical Director, Explosives Laboratory, and Technical Director of Research and Development Center, Frankfort Arsenal 6425
- Treasury Department, United States Savings Bond Division; State Director and Deputy State Director, exception extended to June 30, 1953 5933, 6141

Hospitals, Government, certain positions in:
- Exclusion from provisions of Federal Employees Pay Act and Classification Act:
  - Hospital administration resident, Freedmen's Hospital 6729
  - Student practical nurse, Public Health Service 6729
- Stipends, maximum:
  - Hospital administration resident, Freedmen's Hospital 6729
  - Medical record interns, Public Health Service 6755
  - Student nurses, Freedmen's Hospital 6835
  - Student practical nurse, Public Health Service 6729

Indefinite appointments of certain postal employees; conversion to permanent appointments. *See* Postal employees.

Pay regulations:
- Foreign duty in designated posts. *See main heading* State Department.
- Government hospitals; stipends for trainees. *See* Hospitals, Government.

Postal employees; conversion to permanent appointments of certain indefinite positions in field service, positions for which salary rates are fixed by act of July 6, 1945 (Executive Order 10376) 6681

Veterans:
- Appeals under Veterans' Preference Act. *See* Appeals.

CIVIL SERVICE COMMISSION—Continued Page

Veterans—Continued
- Postal employees reemployed in field service, conversion of indefinite appointments to permanent or probational appointments (Executive Order 10376) 6681

COAST GUARD:

Coast Guard military personnel, Coast Guard Reserve, United States, promotion of; promotion lists, appointments from old list before commencing on new list, deletion 6043

Emergency, national defense; waiver of navigation and vessel inspection laws and regulations respecting vessels of Interior Department operated by Pacific Micronesian Lines, Inc., to furnish transportation for Trust Territory of Pacific Islands 6047

Explosives or other dangerous articles or substances and combustible liquids, transportation or storage on board vessels, use as ships' stores, etc.:
- Ships' stores and supplies on board vessels, use of dangerous articles as; Table –S, classification of ships' stores and supplies of dangerous nature, ships' signal and emergency equipment 6549
- Transportation or storage:
  - Comparison of old section numbers and new section numbers 6461
  - Explosives, detailed regulations governing explosives; revision 6465
  - Gases, compressed, detailed regulations governing; revision 6493
  - General regulations and preface:
    - Classifications; poisons, radioactive materials, Class D 6461
    - Damaged containers 6461
    - Radioactive material containers, handling of, applicability of safety precautions for poisonous articles 6462
    - Emergency shipments 6462
    - Radioactive materials, applicability of safety precautions for poisonous articles 6462
  - Fires, reporting of:
    - Authority of District Commander or authorized representative 6461
    - Radioactive materials, applicability of safety precautions for poisonous articles 6461
  - Government shipments; radioactive materials shipped by Atomic Energy Commission, exemption from regulations 6461
  - Shipments in violation, notification of District Commander or authorized representatives 6462

Labeling. *See* Marking, labeling.

Marking, labeling, etc., shippers' requirements for; domestic shipments 6462

Labels 6463

Military explosives, transportation on board vessels during national emergency or war; redesignation 6548

Cargo, loading and unloading, Captain of Port to establish conditions for; cancellation 6548

Definitions and abbreviations:
- Military explosives 6548
- Related terms; definitions of other dangerous articles 6548

Effective date 6548

Handling and slinging of explosives; wire rope or wire rope assemblies 6548

Inapplicability of certain regulations to military explosives 6548

Military ammunition and explosives in bulk; description 6548

Jato units 6549

Jet assist take-off; deletion 6549

Jet thrust units (Jato) 6549

Poisonous articles, detailed regulations governing; revision 6509

Temporary amendments to regulations:

Containers:
- Airplane flares, additional containers for; cancellation 6548
- Batteries, electric, wet, additional containers for; cancellation 6548
- Blasting caps, additional containers for; cancellation 6548

20000—52——2

COAST GUARD—Continued Page

Explosives or other dangerous articles or substances and combustible liquids, transportation or storage on board vessels, use as ships' stores, etc.—Con.
Transportation or storage—Continued
Temporary amendments to regulations—Con.
Containers—Continued
Cartridge cases, empty, additional containers for; cancellation 6548
Cyanides, additional containers for; cancellation 6548
Nitrogen dioxide, liquid (nitrogen peroxide, nitrogen tetroxide), additional containers for; cancellation 6548
Poisonous solids, additional containers for; cancellation 6548
Reused single-trip containers, use during national emergency 6548
Sodium hydrosulfite, additional containers for; cancellation 6548
Scope, regulations effective during national emergency 6548
Weight limitations for Class B poisonous solids 6548
Gases, compressed, transportation of. *See* Explosives or other dangerous articles.
Interior Department vessels operated by Pacific Micronesian Lines, Inc., to furnish transportation for Trust Territory of Pacific Islands; waiver of navigation and vessel inspection laws and regulations respecting 6047
Military explosives, transportation on board vessels during national emergency or war. *See* Explosives or other dangerous articles.
Military personnel. *See* Coast Guard military personnel.
Poisonous articles, transportation of. *See* Explosives or other dangerous articles.
Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.
Promotion, Coast Guard Reserve. *See* Coast Guard military personnel.
Reserves, United States Coast Guard Reserves. *See* Coast Guard military personnel.
Ships' stores and supplies on board vessels, use of dangerous articles as. *See* Explosives or other dangerous articles.
Trust Territory of Pacific Islands, Department of Interior vessels operated by Pacific Micronesian Lines, Inc., to furnish transportation for Islands; waiver of navigation and vessel inspection laws and regulations during national defense emergency 6047
Waivers of navigation and vessel inspection laws and regulations during national defense emergency; Interior Department vessels operated by Pacific Micronesian Lines, Inc., to furnish transportation for Trust Territory of Pacific Islands 6047

COMMERCE DEPARTMENT:
See Civil Aeronautics Administration.
Civil Aeronautics Board.
Foreign and Domestic Commerce Bureau.
Maritime Administration.
Maritime Board
National Production Authority.
Patent Office.
Authority, delegation of, to certain Patent Office officials to attest name of Commissioner of Patents on patent grants and on certificates of registration of trade-marks 5969
Foreign excess property, fabricated from critical materials, importation:
Authorization for admission; proposed revocation 6971
Procedure under Foreign Excess Property Order 1, import application to be made in accordance with 6971
Immigration quotas (Proclamation 2980) 6019
Patent grants, attestation of name of Commissioner of Patents on grants; authority of Patent Office officials respecting 5969
Trade-marks, certificates of registration; attestation of name of Commissioner of Patents on certificates, authority of Patent Office officials respecting 5969

COMMITTEES, BOARDS, ETC.: Page
Defense Areas Advisory Committees, abolishment and establishment. *See* Defense Mobilization, Office of.
Enforcement Commission, National; establishment, organization and functions 6925
Legislation and Rules Committee, Interstate Commerce Commission, combination of 6722
Migrants from Europe, Provisional Intergovernmental Committee for Movement of, functions relating to (Executive Order 10368) 5929
Regional Defense Mobilization Committees, functions in connection with critical defense housing areas. *See* Defense Mobilization, Office of.

COMMODITY CREDIT CORPORATION:
Bonding and net assets requirements, for warehousemen under Corporation policy authorizations or program instructions; notice regarding unit prices for listed commodities 6232
Kenaf seed, and kenaf fiber 7021
Cherry. *See* Fruits and berries.
Corn:
See also Grains.
Loan and purchase agreement program, 1952 6607
Farm storage facilities. *See* Grains and related commodities.
Food commodities acquired through price support operations, disposal of; sales of certain commodities at fixed prices:
Domestic price list; July 1952 6419
Export price list; July 1952 6420
Fruits and berries, etc.; fresh and processed:
Cherry (canned sour) purchase program TMP 96a1 6401
Pears (fresh Bartlett) purchase program TMP 96a2 6891
Grains and related commodities:
Farm storage facilities for. *See* Storage facilities.
Storage facilities, farm:
Loan program 5977
Mechanical driers, program to finance purchase of, 1951–52; time for submission of loan applications 5853
Honey, price support program, 1952; administration, with respect to modifying or waiving provisions of program by State and county committees 6610
Pears. *See* Fruits and berries.
Tobacco, loan program, 1952; advances to growers, flue-cured tobacco, types 11–14 6193
Warehousemen, bonding and net assets requirements for, under Corporation policy authorizations or program instructions; notice regarding unit prices for listed commodities, correction 6232
Wheat:
See also Grains.
Loan and purchase agreement program, 1952–crop; support rates 6069
Wheat and wheat-flour; export program for. *See main heading* Agriculture Department.

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
Orders of Commodity Exchange Commission; limitations on position and daily trading in commodities for future delivery, notice of hearing respecting:
Cottonseed oil 6055
Lard 6055
Soybean oil 6055

CONSTRUCTION:
Controlled Materials Plan for. *See* National Production Authority.
Real estate (construction) credit; relaxation of residential credit control on basis of construction starts (Executive Order 10373) 6425

CONTRACTS:
See also Procurement.
Minimum wage determinations under Walsh-Healy Public Contracts Act. *See* Public Contracts Division.

CONTRACTS—Continued Page
Renegotiation of contracts:
Designation of Reclamation Bureau as agency for purposes of Title I of Renegotiation Act of 1951 (Executive Order 10369) 5932
Regulations of Renegotiation Board. *See* Renegotiation Board.
CONTROLLED MATERIALS PLAN. *See* National Production Authority.

COUNCIL OF ECONOMIC ADVISERS:
Organization and functions 6204
COURTS, CIVIL: naval personnel, proceedings in civil courts. *See* Navy Department.
CREDIT, REAL ESTATE: relaxation of residential credit control:
Based on construction starts, functions respecting (Executive Order 10373) 6425
Critical defense housing areas. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
CRIPPLED CHILDREN'S PROGRAMS. *See* Children's Bureau.

CUSTOMS BUREAU:
Air commerce regulations:
Airports of entry, list of:
Florida, Fort Lauderdale; Broward County Airport, designation (proposed) 6048
Minnesota, Duluth; Sky Harbor Seaplane Base, revocation (proposed) 6048
Landing requirements, foreign aircraft; permit to proceed 6731
Articles conditionally free, subject to reduced rate, etc., respecting withdrawal of supplies for vessels; exemption from customs duties and internal revenue tax for vessels of war of certain countries, listed 6732
Chlorophyll or chlorophyll derivatives, extracts of; prospective change in tariff classification 6285
Customs districts and ports; ports of entry:
California; Los Angeles, extension 5981
Florida; Fernandina Beach, redesignation and extension 5981
Minnesota; Minneapolis, extension 5981
Oregon; Portland, extension 5981
Documentation of vessels. *See* Vessels.
Entry of imported merchandise requiring additional information on invoice; paper and paper products, certain, addition 7009
International Trade Fair, Seattle, Washington; importation of articles in connection with. *See* Washington State-Far East International Trade Fair.
Liquidation of duties:
Notice of liquidation of entries filed at customs station outside of port of entry; procedure for posting 5982
Tariff classification of certain imports:
Chlorophyll or chlorophyll derivatives, extracts of; prospective change in classification 6285
Phosphate, dicalcium; classification of 6792
Measurement of vessels. *See* Vessels.
Phosphate, dicalcium; tariff classification of 6792
Ports of entry. *See* Customs districts and ports.
Supplies for vessels. *See* Vessels.
Tariff classification of certain imports. *See* Liquidation of duties.
Tax exemption for supplies for vessels of war of certain countries. *See* Articles conditionally free.
Vessels:
Documentation; registration of house flag and funnel mark:
Chesapeake and Ohio Railway Co.; funnel marks 6056
Crescent Towing & Salvage Co., Inc.; house flag 6056
Pere Marquette Railway Co.; house flag, cancellation 6056
In foreign and domestic trades, general; fees, navigation, for recording instruments of title for vessel 6760
Measurement of foreign vessels; countries using same measurement rules, Liberia, addition 6460
Vessels of war of certain countries, withdrawal of supplies for. *See* Articles conditionally free.

CUSTOMS BUREAU—Continued Page
Washington State-Far East International Trade Fair at Seattle, Washington; importation of articles in connection with 6028
Abandoned articles; voluntary and involuntary 6030
Bond 6029
Customs officers, detail of, to protect revenue; reimbursement to Government for expenses of 6030
Entry; procedure, appraisement, etc 6029
Federal Food, Drug, and Cosmetic Act, 1938; compliance with 6029
Invoices 6029
Marking; not required except where articles are withdrawn for consumption 6029
Plant Quarantine Act, 1912; compliance with 6029
Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under general tariff law 6030
Zinc, duty suspension on; revocation (Proclamation 2983) 6835

D

DANGER AREAS AND ZONES:
Airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
Navigation danger zones. *See* Engineers, Corps of.
DAYS OF OBSERVANCE. *See* Presidential documents.

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Navy Department.
Authority, delegations of:
From Secretary, to Secretaries of Army, Navy, and Air Force; loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey 6718
To Secretary, from General Services Administrator; to represent Government agencies before certain commissions in connection with rates and charges:
Interstate Commerce Commission:
In matter of complaint against Pullman fares and charges 6724
In matter of Southern Pacific-Missouri Pacific request for increased passenger fares 7027
Public Utilities Commission, California, in connection with application of Southern Counties Gas Company to increase gas rates 6599
Critical defense housing areas; procedures for designation and certification of areas, recommendations 6822
Defense Areas Advisory Committee, Office of Defense Mobilization, representation on 6821
Greece and Turkey, United States Missions to; delegation of authority from Secretary to Secretaries of Army, Navy, and Air Force respecting loyalty certifications of civilian personnel assigned to 6718
Loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey, delegation of authority from Secretary to Secretaries of Army, Navy, and Air Force respecting 6718
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.
Procurement in areas of current or imminent manpower surpluses. *See main heading* Defense Mobilization, Office of.
Records, military or naval, correction of; temporary approval of procedures 6232
Turkey and Greece, United States Missions to; delegation of authority from Secretary to Secretaries of Army, Navy, and Air Force respecting loyalty certifications of civilian personnel assigned to 6718

DEFENSE MATERIALS PROCUREMENT AGENCY:
Authority, delegation of, to General Services Administrator, respecting manganese of domestic origin:
Establishment of manganese purchase depot at Wenden, Arizona 6013
Purchase for Government use or resale 6169

DEFENSE MATERIALS PROCUREMENT AGENCY—Continued Page

Manganese of domestic origin; authority of General Services Administrator respecting:
- Establishment of manganese purchase depot at Wenden, Arizona 6013
- Purchase for Government use or resale 6169

Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.

DEFENSE MINERALS EXPLORATION ADMINISTRATION:

Critical defense housing areas; procedures for designation and certification of areas, procedure for recommendations 6822

DEFENSE MOBILIZATION, OFFICE OF:

Amortization; policy directive governing issuance of tax amortization certificates under Section 124A of Internal Revenue Code, and defining extent to which accelerated amortization is allowable as cost in negotiated contract pricing 6657

Review of tax amortization actions of procurement agencies by Defense Production Administration; rescission 6657

True depreciation:
- Allowable for cost computation purposes 6657
- Functions of procurement agencies and Defense Production Administration in estimating true depreciation 6658

Apparel industry, procurement from; recommendations of Surplus Manpower Committee respecting 6675

Certificates of necessity for tax amortization. *See* Amortization.

Committees:
- Defense Areas, Advisory Committee on, abolishment 6821
- Defense Areas Advisory Committee, establishment and functions 6821
- Regional Defense Mobilization Committees, consultation through Central Coordinating Committee in connection with certification of critical defense housing areas 6822

Critical defense housing areas:
- Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
  - Georgia; Savannah River 6450
  - Nebraska; Fremont-Wahoo 5973
  - North Dakota; Williston 6134
  - South Carolina; Savannah River 6450
- Finding and determination under Defense Housing and Community Facilities and Services Act of 1951:
  - California; Twenty-nine Palms 6016
  - Georgia; Savannah River 6450
  - Hawaii, Honolulu 6886
  - Minnesota:
    - Hibbing-Grand Rapids 6599
    - Virginia 6599
  - Nevada; Las Vegas 6726
  - New York; Corning-Painted Post 6419
  - Oregon; Coos Bay-Coquille 6016
  - South Carolina; Savannah River 6450
  - Tennessee; Waverly-Camden 6016
- Procedures for designation and certification of critical defense housing areas 6821

Advisory Committee on Defense Areas, established by joint memorandum of Secretary of Defense and Director of Defense Mobilization, abolishment 6821

Assistant to Director of Housing and Community Facilities, responsibility of 6821

Defense Areas Advisory Committee; establishment and functions 6821

Recommendations under Defense Housing and Community Facilities and Services Act of 1951, responsibilities respecting 6822

Recommendations under Housing and Rent Act of 1947, responsibilities respecting 6822

Regional Defense Mobilization Committees, consultation with, through Central Coordinating Committee with respect to certifications 6822

DEFENSE MOBILIZATION, OFFICE OF—Continued Page

Defense Areas Advisory Committee, establishment and functions 6821

Defense Areas, Advisory Committee on, abolishment 6821

Manpower surpluses; procurement in certain areas and industries:
- Designation of areas, and notification of Defense Department and General Services Administration respecting:
  - Pennsylvania; Reading 6927
  - Washington; Tacoma 6726
  - West Virginia; Point Pleasant 6727
- Surplus Manpower Committee; hearings, findings, recommendations respecting procurement in various areas and industries:
  - Various areas, designation of. *See* Designation of areas, *above*.
  - Various industries:
    - Apparel industry 6675
    - Ship building industry 6829
- Organization and functions:
  - Assistant to Director of Housing and Community Facilities, responsibility for supervision and coordination of actions to implement certification under Defense Housing and Community Facilities and Services Act and Housing and Rent Act of 1947 6821
  - In Executive Office of President 6204
- Procurement, in areas of current or imminent labor surplus. *See* Manpower surpluses.
- Regional Defense Mobilization Committees, consultation through Central Coordinating Committee in connection with certification of critical defense housing areas 6822
- Shipbuilding industry; hearing before Surplus Manpower Committee respecting 6829

DEFENSE PETROLEUM ADMINISTRATION. *See* Petroleum Administration for Defense.

DEFENSE PRODUCTION ADMINISTRATION:

Critical defense housing areas; procedures for designation and certification of areas, recommendations 6822

Voluntary plans, agreements, programs and participating companies:
- Army Ordnance Integration Committee; mortar shell, 4.2" 6233
- Small business enterprises requested to operate as production pools:
  - Consolidated Industries Defense Production Pool, Inc 6448
  - Metal Products Company Production Pool, Nashville, Tennessee 5916
  - Woodworking Defense Production Pool 6169

DISTRICT OF COLUMBIA:

Reorganization of Government (Reorganization Plan No. 5 of 1952) 5849

Abolition of certain agencies and transfer of functions to Board of Commissioners (Reorganization Plan No. 5 of 1952) 5849

Board of Commissioners (Reorganization Plan No. 5 of 1952) 5849

Chief of Police; establishment of office (Reorganization Plan No. 5 of 1952) 5849

Fire Chief, establishment of office (Reorganization Plan No. 5 of 1952) 5849

DRUGS, certification, tests, etc. *See* Food and Drug Administration.

E

ECONOMIC ADVISERS, COUNCIL OF. *See* Council of Economic Advisers.

ECONOMIC STABILIZATION AGENCY:

See Price Stabilization, Office of.
Rent Stabilization Office.
Salary Stabilization Board.
Salary Stabilization Office:
Wage Stabilization Board.

Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas:
- Georgia:
  - Savannah River 6752
  - Warner Robins 5917

ECONOMIC STABILIZATION AGENCY—Continued Page

Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas—Continued
- Indiana; Camp Atterbury 5917
- Louisiana; Lake Charles 5917
- Nebraska; Fremont-Wahoo 6166
- North Dakota; Williston 6285
- South Carolina; Savannah River 6752

Defense Areas Advisory Committee, Office of Defense Mobilization, chairmanship of 6821

Enforcement Commission, National. *See* National Enforcement Commission.

Functions; supervision and direction of Wage Stabilization Board (Executive Order 10377) 6891

National Enforcement Commission; establishment, organization and functions 6925

Small-business enterprises, exemption from stabilization regulations with certain exceptions 6902

Wage Stabilization Board, functions with respect to wage stabilization; revision 6925

EMERGENCY BOARDS, to investigate labor disputes. *See* National Mediation Board.

EMERGENCY MANAGEMENT, OFFICE FOR:
- Functions 6204

EMPLOYMENT SECURITY BUREAU:

Critical defense housing areas; procedures for designation and certification of areas, information respecting in-migration of industrial defense workers 6822

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:

Anchorage regulations, California:
- Los Angeles and Long Beach harbors, Fish Harbor 6216
- San Francisco Bay 6594

Bridge regulations:
- Alabama, Mobile River and Chickasaw Creek; Alabama State Highway bridge and Louisville and Nashville Railroad Company bridge 6594
- Delaware, Wilmington, Brandywine River; certain highway bridges 6746
- Wisconsin, Fox River and Portage Canal; highway bridge at De Pere 6711

Danger zone regulations; Puerto Rico, Point Cascajo, waters of Vieques Passage, antiaircraft artillery and waterborne target range 6711

Navigation regulations:
- California, San Diego Harbor; seaplane restricted area 5951
- Chesapeake Bay entrance; naval restricted area 6044
- Mississippi River below mouth of Ohio River, including South and Southwest Passes 6594

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:

Mollusks (giant African snails); proposed regulations governing entry of mollusk carriers, and other regulated articles into United States from Guam 6826

Overtime services, relating to imports and exports; commuted travel time allowances, administrative instructions prescribing 6215

Quarantine notices:
- Domestic; quarantine to prevent spread of various insects, plant diseases, etc., in various States and District of Columbia:
  - Gypsy moth and brown-tail moth; proposed rule making 5913
  - Articles under regulation; regulated movement:
    - Plants having woody stems and parts thereof, including Christmas trees 5914
    - Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, etc 5914
  - Certificates and permits, conditions governing issuance of 5914
  - Conditions governing movement of regulated articles; contingent restrictions on movement between points within suppressive area 5914
  - Definitions; suppressive areas, deletion of certain words 5913
  - Inspection, assembly of regulated articles for 5914
  - Marking 5914
  - Plants having persistent woody stems and parts thereof 5913

ENTOMOLOGY AND PLANT QUARANTINE BUREAU—Continued Page

Quarantine notices—Continued
- Domestic; quarantine to prevent spread of various insects, plant diseases, etc., in various States and District of Columbia—Continued
  - Gypsy moth and brown-tail moth; proposed rule making—Continued
    - Regulated areas; certain town in Litchfield and New Haven counties, added to 5913
  - Timber and timber products 5913
  - White-fringed beetle; regulated areas:
    - Additions to, of certain counties in Alabama, Florida, Louisiana, Mississippi, and Tennessee 6021
    - Removal from, of certain counties in Georgia, North Carolina, and South Carolina 6021
- Foreign; prohibition of importation of various plants, etc., from foreign countries:
  - Citrus canker and other citrus diseases; providing for inclusion of Virgin Islands in quarantine, proposed 6825
  - Citrus fruits; providing for inclusion of Virgin Islands in quarantine, proposed 6825
  - Corn or maize, broomcorn, and related crops; relaxation of restrictions respecting period of entry into United States to the advantage of both American importers and foreign exporters, proposed 6563
  - Cotton, pink bollworm; proposed rule making:
    - Costs and charges 6434
    - Cotton and bale covers, conditions for entry of 6434
    - Countries other than Mexico; additional conditions 6434
    - Mexico; additional conditions 6434
    - Definitions 6434
    - Importation for exportation, and importation for transportation and exportation 6434
    - Importations by Department of Agriculture, for experimental, etc., purposes 6434
    - Material refused entry 6434
    - Mexican Border regulations, applicability of 6434
    - Ports of entry or export 6434
    - Reentry into U. S. of cotton exported therefrom 6434
    - Release of cotton and bale covers after 18 months' storage 6434
    - Samples 6434
    - Treatment 6434
    - Waste, collection and disposal of 6434
  - Cut flowers; providing for inclusion of Virgin Islands in quarantine, proposed 6825
  - Flag smut, importation of by-products of wheat screening and milling processes, and bag or containers contaminated with disease spores of; extension of quarantine to prevent spread from certain listed countries, proposed rule making 6432
  - Fruits and vegetables; providing for inclusion of Virgin Islands in quarantine, proposed 6825
  - Mollusks (giant African snails) carriers. *See* Mollusks, *above*.
  - Nursery stock, plants, and seeds; providing for inclusion of Virgin Islands in quarantine, proposed 6825
  - Packing materials, importation of wheat straw, hulls, and chaff into United States for use as; restrictions respecting entry from certain designated countries, proposed rule making 6432
  - Sweetpotatoes and yams; providing for inclusion of Virgin Islands in quarantine, proposed 6825
- Restricted entry orders:
  - Cotton lint, foreign; importation of cotton and cotton wrappings, revocation proposed 6434
  - Cotton seed products from all foreign countries; revocation proposed 6434
- Snails, giant African. *See* Mollusks.

EXECUTIVE OFFICE OF THE PRESIDENT:

See Budget Bureau.
Defense Mobilization, Office of.

Organization and functions:
- Council of Economic Advisers 6204
- Liaison Office for Personnel Management 6204
- National Security Council 6204
- National Security Resources Board 6204

EXECUTIVE OFFICE OF THE PRESIDENT—Con. Page
Organization and functions—Continued
Office of Defense Mobilization 6204
Office of Director for Mutual Security 6204
Office of Emergency Management 6204
Telecommunications Advisor 6204
White House Office 6204
EXPLOSIVES, transportation of. *See* Coast Guard, *and* Interstate Commerce Commission.
EXPORT-IMPORT BANK OF WASHINGTON:
Guaranties of investments by Mutual Security Agency under Economic Cooperation Act; designation of Bank as agent 6195
EXPORTS. *See* Imports and exports.

F

FARM CREDIT ADMINISTRATION:
Federal farm loan system. *See* Federal land banks; *and* National Farm Loan Associations.
Federal land banks:
Fees and charges:
On land bank and commissioner loans; associations operating under section 25 (b) of Farm Credit Act of 1937, revocation 6729
Regulations respecting fees; issued by Federal Land Bank of Columbia:
Insurance inspection and appraisal fees; revocation 6460
Loan closing fees (direct loans); revocation 6460
Personal liability fees, release of 6460
General provisions; respecting direct loans:
Applicability of association loan regulations; revocation 6729
Conversion of direct loan into association loan; revocation 6729
Receipt evidencing stock subscription; revocation 6729
National Farm Loan Associations; consolidation of associations 6425, 6729
Completing consolidation 6427
Definitions; revocation 6729
Directors, action by 6427
Legal reserve requirement 6427
Members, action by 6427
Merger of shareholder groups in associations operating under section 25 (b); revocation 6729
Procedure; revocation 6729
FARMERS HOME ADMINISTRATION:
Abstracts of title, surplus; sale of 6755
Authority of State Directors, State Field Representatives, etc 6755
Requirements for sales; advertised and negotiated sales 6755
Farm housing loans and grants; credit restrictions on dwelling construction. *See* Farm ownership loans.
Farm ownership loans, basic regulations; credit restrictions, temporary, on dwelling construction financed by farm housing and farm ownership loans 5852
Surplus property; sale of abstracts of title. *See* Abstracts of title.
FEDERAL CIVIL DEFENSE ADMINISTRATION:
Official civil defense insigne 6248
United States Civil Defense Corps 6247
FEDERAL COMMUNICATIONS COMMISSION:
Aeronautical services:
Aircraft and ship stations using telegraphy; use of certain authorized frequencies 6870
Navigational aid radio stations; frequencies available:
Airway track guidance (ranges); use for, of even-tenth frequencies in band 108.2–112.0 mc 6156
Instrument landing localizer, certain; frequencies used for, in band 108.1–112.0 mc, reassignment of 6156
Omni-directional radio ranges; assignment of use for, of even-tenth megacycles frequencies within band 108.1–112.0 mc 6156
Ranges, airway track guidance; use of even-tenth frequencies in band 108.2–112.0 mc, for 6156

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
Alaska; radio stations other than amateur and broadcast:
Fixed public service; proposed rule making:
Communication from non-Government to Government and between non-Government stations, frequencies for 6870
Rescission of prior provisions respecting 6870
Communication from non-Government to Government stations, frequencies for; rescission 6870
Non-Government stations, frequencies for; rescission 6870
Public coastal service; frequencies for communication with ship station, calling and working, use of frequencies 416 to 438 kc, proposed rule making 6870
Amateur radio service:
Operators, amateur:
License, eligibility for, advanced class; persons in Armed Forces, qualifying for license prior to December 31, 1952, permitted to take examination without regard to waiting period 6865
Redesignation 6158
Radio amateur civil emergency service 6156
Applicability of rules governing amateur radio stations and operators 6159
Definitions 6158
Operating requirements; availability of station authorizations and operator licenses, station log maintenance, identification 6161
Location; operation at other than licensed location 6161
Operator requirements; licensing, tests, etc 6161
Written certification by official of local Civil Defense organization respecting eligibility of license holder required 6161
Tactical call signs 6162
List of assigned call signs to be maintained by civil defense radio officer 6162
Organization 6159
Approval of civil defense communications plans 6159
Civil defense radio officer; certification, duties, and qualifications of 6159
Networks, organization of 6159
Station authorizations 6160
Authorization required 6160
Eligibility for, issuance, term, and cancellation of station authorization 6160
Filing of application 6160
Technical requirements 6160
Alleviation of harmful interference 6161
Emissions, classification of; table of authorized emissions 6161
Equipment requirements 6161
Frequencies available to stations of Emergency service, and authorized emissions; tables 6161
Joint use of frequency bands with stations in military service; when used, arrangements respecting alleviation of harmful interference, and priority of stations 6161
Selection and use of specific frequencies 6161
Transmitter power 6161
Temporary nature of service 6158
Use of stations; limitations on use of, hours of operation, points and priority of communications, permissible communications, use of codes and ciphers, operating procedure 6162
Redesignation of all existing provisions 6158
Stations, amateur; redesignation 6158
Armed forces, members of, qualifying for amateur operator license prior to December 31, 1952, permitted to take examination for advanced class license without usual waiting period 6865
Auxiliary broadcast services. *See* Experimental and auxiliary broadcast services.
Canadian licensees, requirements respecting registration. *See* Practice and procedure.
Civil defense:
Form 482 (Certification of civil defense radio officer), use of 6857
Radio amateur civil emergency service 6156
Civil defense radio officer; certification, duties, qualifications of 6159

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
Cuba, assignment of frequencies to broadcast stations in; new stations, changes, and deletions in accordance with North American Regional Broadcasting Agreement 6874
Developmental broadcast stations. *See* Experimental and auxiliary broadcast services.
Educational broadcast stations. *See* Radio broadcast services.
Experimental and auxiliary broadcast services:
Auxiliary television broadcast stations. *See* Television.
Developmental broadcast stations:
Operation, rules relating to, station records; recording procedure where antenna structures are required to be illuminated 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Facsimile broadcast stations:
Operation, rules relating to, station records; recording procedure where antenna structures are required to be illuminated 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Remote pickup broadcast stations:
Operation, rules relating to, station records; recording procedure where illumination of antenna structures is required 6230
Technical operation:
Antenna structures, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
ST broadcast stations:
Operation, rules relating to, station records; recording procedure where antenna structures are required to be illuminated 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Television stations:
Auxiliary television broadcast stations:
Antenna structure, marking and lighting 6230
Station logs; recording procedure where antenna structures are required to be illuminated 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Experimental television broadcast stations:
Operation, rules relating to, station records; recording procedure where antenna structures are required to be illuminated 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
FM broadcast stations. *See* Radio broadcast services.
Facsimile broadcast stations. *See* Experimental and auxiliary broadcast services.
Forms, for filing applications, etc. *See* Practice and procedure.
Frequencies and channels, allocation and use of:
See also Frequency allocations and radio treaty matters.
Frequency bands:
10–25,000 kc 6869
14–150 kc 6869, 6874
90–160 kc 6870
90–535 kc 6870
100–515 kc 6870
105–484 kc 6870
108.1–112.0 mc 6156
112.85–22,569 kc 6870
128.95 kc (Puerto Rico) 6870
150–200 kc 6869, 6874
200–535 kc 6869, 6874
365–515 kc 6870
385–485 kc 6870

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
Frequencies and channels, allocation and use of—Con.
Frequency bands—Continued
405–535 kc 6870
415–490 kc 6870
472 kc (Hawaii) 6870
486 kc (Puerto Rico) 6870
22,509 kc (Hawaii) 6870
Services and stations:
Aeronautical services 6156
Alaska; stations in 6870
Amateur radio service 6156
Cuba; broadcast stations 6874
FM broadcast stations, Class B; revised tentative allocation plan 6857
Maritime radio services 6869, 6874
Television stations 6166, 6857, 6859, 6860
Frequency allocations and radio treaty matters:
Allocation assignment and use of radio frequencies:
Atlantic City table of frequency allocations; proposed modification of licenses of coast stations operating on frequencies in bands 14–150 kc, 150–200 kc, and 200–535 kc, in accordance with table 6874
Lists of present and proposed assignments 6874
Frequencies in band 108.1–112.0 mc, reassignment of, to permit use of even-tenth megacycles for omni-directional radio ranges 6156
International treaties, agreements, and Federal laws, etc., relating to radio, in which United States participates, list of:
Addition of information with respect to Treaty between United States and Canada (May 15, 1952) relating to radio station and operator licenses 6230
Date of, changed to May 15, 1952 6230
Hawaii; frequencies 472 kc and 22,509 kc available for assignment to coast stations in, proposed 6870
Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
Industrial, scientific and medical service:
Operation for which license is required; existing equipment:
Effective provisions respecting existing equipment not applicable to:
Diathermy equipment (completed before July 1, 1947) until June 30, 1953 6163, 6199
Industrial heating equipment (completed prior to July 1, 1947) until June 30, 1952 6163
Nonapplicability of provisions extended until June 30, 1953 6199
Miscellaneous equipment (completed prior to April 30, 1948) until April 30, 1953 6163, 6199
Further requests for extension of time for complying with rules for conformance of existing equipment to be considered on individual basis 6163, 6199
Operation without a license, medical diathermy equipment; operation outside assigned frequency bands:
Editorial change 6231
Redesignations 6231
Requirements for equipment and operating conditions 6231
Statement of basis and purpose; suspension of effective date of regulations respecting electric arc welding devices, subject to certain operating conditions and equipment requirements 6866
International agreements relating to radio in which United States participates:
Frequencies, North America; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
List of international agreements, Federal laws, etc., relating to frequency allocations and radio treaty matters; changes and additions 6230
International broadcast stations. *See* Radio broadcast services.
Maritime radio services:
Land stations, coastal:
Assignment of frequencies to coast and ship stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc, proposed rule making 6869

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations, coastal—Continued
Modification of licenses, proposed, of coast stations authorized to operate within frequency bands 14–150 kc, 150–200 kc, and 200–535 kc, for purpose of implementation of such bands in accordance with Geneva Agreement (1951); order respecting 6874
Lists of present and proposed assignments (frequency (kc), station, location, licensee, emission, etc.) 6874
Operating requirements, general; radio telegraph watch by coast stations, use of frequencies 405 to 535 kc and 90 to 160 kc, proposed rule making 6869
Station requirements, general; facilities required for public coast stations, assignment of frequencies 405 to 435 kc for use of coast stations employing telegraphy, proposed rule making 6869
Telegraphy, use of, by coast stations; proposed rule making:
Frequencies assignable:
Consideration of assignment of frequencies 448, 452, 454, and 462 kc in relation to interference to operation of superheterodyne type of radio receiver; deletion 6870
Frequencies 161 kc–454 kc assignable only if previously included in assigned frequencies of coast stations; deletion of provisions respecting 6870
List of assigned frequencies; availability for assignment of:
Frequencies 472 kc and 22,509 kc for use in Hawaii 6870
Frequencies 486 kc and 128.95 kc, for use in Puerto Rico 6870
Various frequencies between 112.85 and 22,569 kc to coast stations located in seacoast area of continental United States 6870
Restriction respecting use of frequency 410 kc for communication with ship stations on Great Lakes or inland waters; deletion 6870
Temporary authorization of assignment of additional frequencies within bands 10 kc and 25,000 kc 6870
Frequencies for calling; use of frequencies 405 to 535 kc and 90 to 160 kc 6870
Frequencies for working; transmission on telegraph working channels within bands 110 to 150 kc and 415 to 490 kc 6870
Testing procedure; test emission frequencies within band 405–535 kc 6870
Shipboard stations; proposed rule making:
Assignment of frequencies to ship and coast stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc 6869
Radiolocation by cable repair ship; operation of radio transmitting equipment on authorized radio channels within band 285–325 kc, with certain limitations 6870
Radiotelegraphy, use of:
Distress, frequencies for use in; ship or aircraft stations requesting assistance, use of frequencies 405 to 535 kc 6870
Frequencies assignable:
Authorization of use of radio channels, of which 480 kc is assigned frequency, in European coastal regions; deletion 6870
Direction-finding stations, communication by radiotelegraphy with; use of 410 kc 6870
Frequencies assigned for communication with Government stations; effective date of discontinuance of use of 355 kc assigned frequency radio channel by ship stations 6870
List of assigned frequencies:
Addition of frequency 448 kc (Region 2) 6870
Deletion of frequencies 160, 355, 375, 394, and 400 kc from list 6870

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations; proposed rule making—Con.
Radiotelegraphy, use of—Continued
Frequencies assignable—Continued
List of assigned frequencies—Continued
Special conditions and limitations not applicable to frequency 480 kc 6870
Restriction respecting use, on Great Lakes and inland waters, of radio channels of which 394, 400, 410 kc are assigned frequencies, not applicable 6870
Frequencies for calling; use of frequencies 405 and 535 kc and 90 to 160 kc 6870
Frequencies for working:
Communication with coast stations; transmission on telegraphy working channels within bands 110 to 150 kc and 415 to 490 kc 6870
Ship and aircraft stations using telegraphy and working on frequencies within band 415 to 490 kc; authorized frequencies and use 6870
Station records; ship stations using frequencies within band 90 to 535 kc 6870
Testing procedure; test emission frequencies within band 405–535 kc 6870
Station requirements, general; required radiochannels for telegraphy, use of frequencies within bands 405 to 535 kc and 90 to 160 kc 6870
Watch required by International Radio Regulations; use of frequencies in band 405 and 535 kc 6870
Watches, general purpose:
Watch on 143 kc; use of frequencies in band 90 to 160 kc 6870
Watch on 500 kc; use of frequencies in band 403 to 535 kc 6870
Medical diathermy equipment, operation of. *See* Industrial, scientific and medical service.
North American Regional Broadcasting Agreements, changes in assignments in accordance with; Cuba 6874
Practice and procedure:
Common carriers, tariffs, reports, and other material required to be submitted by; reports to be filed under Part 31 of this chapter; proposed rule making:
Continuing property-record:
Deletions 6869
List of accounting areas and description of subsequent proposed changes 6869
Proposed revisions in list of property-record units 6869
Continuing property-record plan; change in reference 6869
Forms:
Forms; for use with radio license applications. *See* Radio licenses.
Table of forms currently in effect; forms added:
Form 410 6230
Form 481 6857
Form 482 6857
Radio licenses, applications and proceedings affecting:
Acceptance, amendment, or dismissal of application, rules relating to; multiple applications, broadcast service 6155
Filing of applications and description of forms:
Canadian radio station licensees, application of, for registration and permit to operate in United States (Form 410) 6230
Civil defense radio officer, certification of (Form 482) 6857
Construction permit, application for station license where none is required; radio amateur civil emergency service, application for authority to operate a station in (Form 481) 6857
General requirements; applications required:
Canadian licensees required to register and obtain permit for operation in United States 6230

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
Radio licenses, applications and proceedings affecting—Continued
General requirements; applications required—Continued
Modification of license, broadcast and nonbroadcast, application for; Form 301 "Application for authority to construct new broadcast station, etc.", revised to include additional information to be supplied by applicants for noncommercial educational television stations 6156
Redesignation 6230
Public fixed and coastal service in Alaska. *See* Alaska.
Puerto Rico; frequencies 486 kc and 128.95 kc available for assignment to coast stations in, proposed 6870
Radio broadcast services:
Educational broadcast stations, noncommercial:
Operation, rules relating to; logs, recording procedure where illumination of antenna structures is required 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Television stations. *See* Television broadcast stations.
Experimental and auxiliary broadcast services. *See* Experimental, *above*.
FM broadcast stations:
Channels, allocation of; revised tentative allocation plan for Class B stations, amendment to 6857
Operation, rule relating to; logs, recording procedure where illumination of antenna structures is required 6230
Standards of Good Engineering Practice:
Antenna systems; requirements respecting painting and illumination of antenna structures for air navigation protection, deletion 6231
Transmitter location, antenna structures as aviation hazard; reference to procedures and standards which may be used as guide by station license applicants 6231
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
International broadcast stations:
Operation, rules relating to; logs, recording procedure where antenna structures are required to be illuminated 6230
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Standard broadcast stations:
Equipment, radiating system; painting and illumination of antenna structures, change in reference 6230
General rules applicable to standard stations; logs, recording procedure where illumination of antenna structures is required 6230
Standards of Good Engineering Practice:
Standard lamps and paints; deletion 6231
Transmitter location, relation of site to airports and airways; reference to procedures and standards for antenna structures which may serve as guide for station license applicants 6231
Technical operation:
Antenna structure, marking and lighting 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Television broadcast stations, rules governing (Part 3, E):
Applications and authorizations, noncommercial educational stations; FCC Form 301 "Application for authority to construct new broadcast station, etc.", revised to include additional information to be supplied by applicants for television stations 6156

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Radio broadcast services—Continued
Television broadcast stations, rules governing (Part 3, E)—Continued
Channel utilization; table of assignments:
Addition of Palm Springs, Channel 14, under California; proposed rule making 6166
Changes, deletions, etc 6857, 6859
Notice of proposed rule making on certain changes to be made 6924
Republication of table of assignments to include offset carrier identifications for channel assignment numbers 6860
Stations authorized as of July 10, 1952, allowed to operate with unprescribed carrier frequencies until April, 1953 6860
Operating requirements, general:
Antenna structure, marking and lighting 6230
Logs, maintenance of; recording procedure where antenna structures are required to be illuminated 6230
Tower lights and associated control equipment, inspection of; deletion 6230
Radiotelegraphy, use of, by ship and aircraft stations. *See under* Maritime radio services.
Remote pickup broadcast stations. *See* Experimental and auxiliary broadcast services.
ST broadcast stations. *See* Experimental and auxiliary services.
Ship service. *See* Maritime radio services.
Standard broadcast stations. *See* Radio broadcast services.
Telegraphy, use of, by coast stations. *See* Maritime radio services.
Telephone and telegraph companies, common carrier regulations; accounts, uniform system of, Class A and Class B telephone companies; proposed rule making:
Standard practices for establishment and maintenance of continuing property records by certain telephone companies 6868
Telephone plant accounts, instructions for:
Continuing property record required 6867
Retirement units 6867
Telephone plant retired 6867
Television broadcast stations. *See* Radio broadcast services.
Welding devices using radio frequency energy; suspension of effective date of regulations respecting, subject to certain operating conditions and equipment requirements 6866

Hearings, etc.:

Aladdin Radio and Television, Inc 6878
American-Republican, Inc 6876
Azalea Broadcasting Co 6880
Baltimore Radio Show, Inc 6858
Beaumont Broadcasting Corp 6885
Booth Radio & Television Stations, Inc 6877
Brush-Moore Newspapers, Inc 6883
Butterfield, W. S., Theatres, Inc 6883
Chesapeake Television Broadcasting, Inc 6857
Columbia Empire Telecasters, Inc 6881
Crest Broadcasting Co., Inc 6880
Denver Television Co 6878
Eastern Radio Corp 6857, 6876
Empire Coil Co., Inc 6882
Enterprise Co 6885
Farmers Broadcasting Service, Inc 6169
Fort Wayne Television Corp 6886
Goodwill Station, Inc. (WJR) 6877
Greenwich Broadcasting Corp 6876
Harmco, Inc 6877
Harrisburg Broadcasters, Inc 6876
Hawley Broadcasting Co 6857, 6877
Head of the Lakes Broadcasting Co 6885
Helm Coal Co 6170
Jackson Broadcasting and Television Corp 6884
Jefferson County Radio and Television Co 5918
KAKE Broadcasting Co., Inc 6883
KCRA, Inc 6877
KFBI, Inc 6883
KFH 6862
KJCF 5918
KMYR Broadcasting Co 6878
KOIN, Inc 6879

20000—52——3

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Hearings, etc.—Continued

KTRM, Inc. 5917, 6880, 6885
KWEM, Inc. 6170
KXL Broadcasters, Inc. 6879
Kendrick Broadcasting Co., Inc. 6884
Key Broadcasting System, Inc. 6286
LaFollette Broadcasting Co., Inc. 6286
Lakehead Telecasters, Inc. 6885
Lebanon Broadcasting Co. 6857
Long Island Broadcasting Corp. 6170
Lufkin Amusement Co. 6884
Manatee Broadcasting Co, Inc. 6881
McClatchy Broadcasting Co. 6878
McLennan Broadcasting Co. 6286
Metropolitan Television Co. 6878
Mid-Continent Television, Inc. 6882
Missouri Broadcasting Corp. 5918
Mt. Pleasant Broadcasting Co. (KIMP) 6286
Mt. Scott Telecasters, Inc. 6881
News Sentinel Broadcasting Co., Inc. 6886
Northeastern Indiana Broadcasting Co., Inc. 6886
Orange Television Broadcasting Co. 6382
Oregon Television, Inc. 6881
Paducah Broadcasting Co., Inc. 5918
Pinellas Broadcasting Co. 6881
Pioneer Broadcasters, Inc. 6879
Polan Industries 6859
Pomeroy, John C. 6879
Port Arthur College 6884
Portland Television, Inc. 6879
Radio Station KFH Co. 6882
Red River Broadcasting Co., Inc. 6885
Reed, William R. 6879
Ridson, Inc. 6885
Roberts, Cecil W. 5918
Rossmoyne Corp. 6884
Sacramento Broadcasters, Inc. 6877
Sacramento Telecasters, Inc. 6878
St. Petersburg, Florida 6882
Southern Michigan Broadcasters 6879
Southland Broadcasting Co 6880
Stark Broadcasting Corp 6883
Sunflower Television Co 6882
Tampa Bay Area Telecasting Corp 6881
Tampa Broadcasting Co 6882
Tampa Time Co 6882
Taylor Radio & Television Corp 6882
Trail Broadcasting Corp 6880
Trebit Corp 6877
Trendle-Campbell Broadcasting Corp 6883
Tribune Co 6881
Vancouver Radio Corp 6881
WABX, Inc 6876
WATM 6880
WATR, Inc 6876
WBUD 6876
WDHL 6881
WELS 6169
WFTW, Inc 6880
WHOM 6876
WHP, Inc 6857
WIBM, Inc 6884
WIL 5918
WITH-TV, Inc 6858
WJR 6877
WKBS 6286
WKY Radiophone Corp 6883
WNLC 6876
WNOW 6170
WPAD 5918
WRUL 6876
WSMB, Inc 6880
WSTR 6879
WTVH 6879
WWRL 6170
Westinghouse Radio Stations, Inc 6879
Wichita Beacon Broadcasting Co., Inc 6883
Wichita Television Corp, Inc 6882
World Wide Broadcasting Corp 6876

FEDERAL CREDIT UNIONS BUREAU: Page

Organization and operation of Federal credit unions; fee for supervision, proposed regulations 6717

FEDERAL CROP INSURANCE CORPORATION:

Beans, dry edible, crop insurance; 1950 and succeeding crop years, designation of counties for 1952 crop year 5980

Multiple crop insurance; 1952 crop year, designation of various areas:

Alabama:
Blount County 5933
Butler County 5933
Henry County 5933
Arkansas:
Arkansas County 5933
White County 5933
Colorado:
Conejos County 5933
Las Animas County 5933
Morgan County 5933
Otero County 5933
Weld County 5933
Delaware; Kent County 5933
Florida; Jefferson County 5933
Georgia:
Colquitt County 5933
Emanuel County 5933
Jefferson County 5933
Jenkins County 5933
Mitchell County 5933
Sumter County 5933
Illinois:
Hamilton County 5933
Jasper County 5933
Johnson County 5933
Saline County 5933
Wayne County 5933
Indiana:
Hamilton County 5933
Spencer County 5933
Iowa:
Delaware County 5933
Emmet County 5933
Howard County 5933
Humboldt County 5933
Ida County 5933
Kossuth County 5933
Tama County 5933
Union County 5933
Warren County 5933
Winnebago County 5933
Worth County 5933
Kansas:
Allen County 5933
Anderson County 5933
Bourbon County 5933
Cherokee County 5933
Franklin County 5933
Leavenworth County 5933
Linn County 5933
Montgomery County 5933
Louisiana:
Acadia Parish 5933
Lafayette Parish 5933
St. Landry Parish 5933
St. Martin Parish 5933
Vermilion Parish 5933
Maryland; Talbot County 5933
Michigan:
Allegan County 5933
Gratiot County 5933
Jackson County 5933
Kent County 5933
Lapeer County 5933
Montcalm County 5933
Minnesota:
Dakota County 5933
Dodge County 5933
Faribault County 5933
Goodhue County 5933
Kandiyohi County 5933
McLeod County 5933

FEDERAL CROP INSURANCE CORPORATION—Con. Page

Multiple crop insurance; 1952 crop year, designation of various areas—Continued

Minnesota—Continued
Nicollet County 5933
Sherburne County 5933
Stearns County 5933
Stevens County 5933
Swift County 5933
Mississippi:
Alcorn County 5933
Panola County 5933
Missouri; Audrain County 5933
Nebraska:
Antelope County 5933
Pawnee County 5933
Washington County 5933
New Jersey; Monmouth County 5933
New York; Munroe County 5933
North Carolina; Perquimans County 5933
North Dakota:
Barnes County 5933
Dickey County 5933
LaMoure County 5933
Pierce County 5933
Ransom County 5933
Sargent County 5933
Steele County 5933
Ohio:
Ashtabula County 5933
Clermont County 5933
Oklahoma; Cleveland County 5933
Oregon:
Linn County 5933
Malheur County 5933
Marion County 5933
Pennsylvania:
Lebanon County 5933
Somerset County 5933
South Dakota:
Bon Homme County 5933
Day County 5933
Deuel County 5933
Hamlin County 5933
Hutchinson County 5933
Lake County 5933
McCook County 5933
Miner County 5933
Tennessee:
Dyer County 5933
Franklin County 5933
Henry County 5933
Lincoln County 5933
Obion County 5933
Weakley County 5933
Texas:
Johnson County 5933
Runnels County 5933
Tarrant County 5933
Taylor County 5933
Utah; Duchesne County 5933
West Virginia; Berkeley County 5933
Wisconsin:
Fond du Lac County 5933
Waupaca County 5933
Wyoming:
Platte County 5933
Washakie County 5933

FEDERAL DEPOSIT INSURANCE CORPORATION:

Reports of condition of insured banks, requests for:
Mutual savings banks, insured, not members of Federal Reserve System; report of condition, Form 64 (Savings) 6132
State banks, insured, not members of Federal Reserve System (except banks in District of Columbia and mutual savings banks); report of condition, Form 64, Call No. 37 6332

FEDERAL PERSONNEL. *See* Government employees.

FEDERAL POWER COMMISSION:

Hearings, etc.:
Alabama Power Co 6017
Alabama-Tennessee Natural Gas Co 6287
Allentown-Bethlehem Gas Co 6206, 6673
Arkansas Louisiana Gas Co 6016, 6208

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Arkansas-Missouri Power Co 6571
Atlantic Seaboard Corp 6016, 6571
Atomic Energy Commission 6992
Bonneville Project, Columbia River, Washington-Oregon 6288
Central Indiana Gas Co 6993
Central Maine Power Co 5971
Cities Service Gas Co 6572, 6674
Citizens Gas Co 6722
Citizens Utilities Co 5971, 6673
City Gas Company of Phillipsburg, N. J. 6206
Clarkville, Tennessee 5919
Cleveland Electric Illuminating Co 6992
Colorado Interstate Gas Co 5919, 6722, 6927
Columbus and Southern Ohio Electric Co 6992
Colorado-Wyoming Gas Co 6058
Connecticut Light and Power Co 6799
Consolidated Water Power Co 6171
Consumers Gas Co 6287, 6673
Crisp County, Georgia 6133
Duquesne Light Co 6992
East Ohio Gas Co 6754
East Tennessee Natural Gas Co 6571
Eastern Kansas Utilities, Inc 6286, 6287
El Paso Natural Gas Co 5972, 6234, 6722, 7031
Franklin Transmission Co 5971
Frederick Gas Co., Inc 6287
Gas Lateral Co 6234
Glazier Gas Co 6171
Graff, Elizabeth H. and John H 6449
Gulf States Utilities Co 6016, 6993
Harrisburg Gas Co., The 6673
Idaho Power Co 6206
Iowa-Illinois Gas and Electric Co 6571
Kansas City Power & Light Co 6286
Kansas-Colorado Utilities, Inc 6927
Kansas Gas and Electric Co 6287
Knight, Elizabeth Graff 6449
Lake Shore Pipe Line Co 6828
Lancaster County Gas Co 6573
Lebanon Valley Gas Co 6673
Lopeno Gas Co 6752
Manufacturers Light and Heat Co 5919, 6206, 6571
Michigan Gas Storage Co 6288
Michigan-Wisconsin Pipe Line Co 6448
Mississippi Gas Co 6598
Mississippi River Fuel Corp 5919, 6753, 6799
Mississippi Valley Gas Co 6598
Montana-Dakota Utilities Co 6208
Morehouse, Edward W 6753
Mountain Fuel Supply Co 6993
Mountain States Power Co 6287, 7031
Nebraska Mid-State Reclamation District 6448
Nevada Natural Gas Pipe Line Co 5972
Newton County Gas Co 6828
New York State Natural Gas Corp 6287, 6598
Niagara Gas Transmission Limited 6171, 6752
Northern Natural Gas Co 5919, 6171, 6208, 6449, 6800
Northern Virginia Power Co 5971
Northwest Natural Gas Co 6171
Ohio Fuel Gas Co 6572
Pacific Gas and Electric Co 5919, 5972, 6288, 6449, 6571
Pacific Northwest Pipe Line Corp 6171
Panhandle Eastern Pipe Line Co 5919, 6799, 6886, 6993
Pasadena, California 6993
Penn-Jersey Pipe Line Co 6206, 6233
Potomac Light and Power Co 5971
Rauch, Fred R 6208
Republic Light, Heat and Power Co., Inc 5919
Roanoke Pipe Line Co 6016
San Diego Gas and Electric Co 5972
Shenandoah Gas Co 5972
Shippensburg Gas Co 6287
Southern California Gas Co 5972
Southern Counties Gas Co. of California 5972
Southern Natural Gas Co 5918, 5919, 5972, 6571, 6573
Southern Utah Power Co 6171
South Penn Power Co 5971
Tegen, Albert F 6722
Tennessee Gas Co 6287
Tennessee Gas Transmission Co 5918, 5919, 6133, 6171, 6752
Tennessee Valley Authority 6992

FEDERAL POWER COMMISSION—Continued Page
Hearings, etc.—Continued
Texas Eastern Transmission Corp 5919, 6016, 6206, 6287, 6674, 6752, 6753, 6799
Texas Illinois Natural Gas Pipeline Co 6993
Titus, Ormrod 6753
Toledo Edison Co 6992
Transcontinental Gas Pipe Line Corp 5918, 6016, 6571
Trans-Northwest Gas, Inc 6171
Treasure State Pipe Line Co 6288, 6572
United Fuel Gas Co 5919, 6571
United Gas Improvement Co., The 6673
United Natural Gas Co 5919, 6208
Virginia Electric and Power Co 6993
Westcoast Transmission Co., Inc 6171
Western Pacific Railroad Co 6993

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS:
Real estate credit (Regulation X), relaxation of residential credit control, on basis of construction starts, functions of Board in connection with (Executive Order 10373) 6425

FEDERAL SECURITY AGENCY:
See Public Health Service.
Social Security Administration.
Critical defense housing areas, procedures for designation and certification of areas; information respecting need for community facilities 6822

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints:
American Business Counselors, Inc 6144
American Tobacco Co 6194
Babson, Archie K 6817
Badger Malleable & Manufacturing Co 6295
Brandon, Vic L 6025
Chain Belt Co 6295
Clark, Clarence L. and Gladys W 6025
Clinton Studios, Inc 6141
Coffield, Robert 6027
Davis, Edward J. and Ethel 6141
Deere & Co 6295
Dejay Stores, Inc 6816
Dobbs Truss and Appliance Co 6025
Dobbs Truss Appliance Co 6025
Dobbs Truss Co. of New York, Inc 6025
Dobbs Truss Co., The, Inc 6025
Dobbs Truss Distributing Co 6025
Dobbs Truss Sales Co. of The Western States 6025
Dobbs, Homer C., John C., J. Wood, and Lemuel S 6025
Dunkle, William Donald 6144
Erwin, Wasey & Co., Inc 6897
Ettingoff, Abraham, Edward, and Leon 6144
Fineman, Jerry 6731
Gardner, George R 6025
Globe Machine Co 6144
Grand Academy Sportswear, Inc 6027
Hamilton Manufacturing Co 6194
Harris, Manual and Willis 6731
Herbst, Jack 6027
Hill, Ed. F 6025
Jeffrey Manufacturing Co., The 6295
Keefe, Frank 6229
Link-Belt Co 6295
McClelland, Scott C 6025
Malleable Chain Manufacturers Institute 6295
Moline Malleable Iron Co 6295
National Coaching Service Institute, Inc 6817
National College of Audiometry 6229
Nolin, Edward, Rose, and Rosamond 6025
Peoria Malleable & Castings Co 6295
Powell, William L 6025
Sewing Machine Exchange, Inc 6731
Taylor, Irvin O 6025
Vines, Ellie H., Sr 6025
Watkins, Henry J. Jr 6025
Webster Manufacturing Co., Inc 6295
Zonite Products Corp 6897
Fur Products Labeling Act, regulations under 6075
Regulations under specific acts of Congress; Fur Products Labeling Act 6075

FISH AND WILDLIFE SERVICE:
Acting Director and Acting Assistant Director; designation of certain officers to act as 6796

FISH AND WILDLIFE SERVICE—Continued Page
Alaska; commercial fisheries; time, means, and methods of taking commercial fish, proposed rule making 5994
Fisheries, commercial. *See* Alaska.
Hunting and possession of wildlife; migratory birds, taking of:
Open seasons, bag limits, and possession of certain migratory birds:
New schedules for open seasons on rails, gallinules, mourning doves, and band-tailed pigeons in Atlantic, Central, Mississippi, and Pacific Flyway States 7015
Restrictions on taking waterfowl, coot, gallinules, doves, and pigeons by use of salt or corn 7015
Propagating, scientific, and other permits, transfer and revocation 7016
Wildlife conservation areas, management of; Central region, Squaw Creek National Wildlife Refuge, Missouri, fishing 6101
FISHERIES, COMMERCIAL, IN ALASKA. *See* Fish and Wildlife Service.

FOOD AND DRUG ADMINISTRATION:
Delegations of authority. *See* Organization.
Drugs:
See also Federal Food, Drug, and Cosmetic Act.
Certification of batches of antibiotic and antibiotic-containing drugs:
Bacitracin 6580
Penicillin 5934
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Aureomycin 6580
Bacitracin 6580
Penicillin 6579
Penicillin-streptomycin 6579
Streptomycin 6579, 6580
Federal Food, Drug, and Cosmetic Act:
Enforcement of, regulations for; drugs and devices:
Directions for use 6818
Prescription requirements, exemption from 6820
Status of fluoridated water under. *See* Statements of general policy or interpretation.
Federal Tea Act, redesignation as Tea Importation Act 5973
Functions. *See* Organization.
Organization:
Delegations of authority 5973
Field service; revised list 5972
Functions and procedures; law enforcement 5973
Procedures and functions. *See* Organization.
Statements of general policy or interpretation; status of fluoridated water and foods prepared with fluoridated water under Federal Food, Drug, and Cosmetic Act 6732
Tea Importation Act, redesignation 5973
FOREIGN COUNTRIES, assistance to:
Relief packages and supplies, shipments of, by individuals and voluntary agencies. *See* State Department.
Under Mutual Security Agency. *See* Mutual Security Agency.

FOREIGN AND DOMESTIC COMMERCE BUREAU:
See International Trade, Office of.

FOREST SERVICE:
Authority, delegation of, from Secretary of Agriculture to Chief; revocation of authority with respect to withdrawal of lands under Chief's jurisdiction for administrative sites, public service sites, recreational development and use, etc 6570
Chequamegon National Forest, Wisconsin; enlargement (Executive Order 10374) 6457
Lands:
Authority of Chief respecting withdrawal of lands for various purposes; revocation 6570
Land uses:
Permits, special use; easements for rights-of-way for poles and lines, for communication purposes, (including telephone and telegraph lines, radio, television, etc.) 6270

FOREST SERVICE—Continued Page
Lands—Continued
Land uses—Continued
Rights-of-way, for electric power transmission lines:
Application, for easement; contents and filing of, location map 6270
Definitions:
"Act" 6270
"Easements" 6270
Nicolet National Forest, Wisconsin, enlargement (Executive Order 10374) 6457
Permits, special use; for rights-of way for poles and lines for communication purposes (including telephone, telegraph, radio, television, etc.) 6270
Rights-of-way, for electric power transmission lines, and for communication purposes (including telephone and telegraph, radio, television, etc.) 6270
"Smokey Bear" symbol, use of; regulations governing manufacture, reproduction and use 6712
Trespassing hogs; orders for removal from certain national forests:
Angelina National Forest 5914
Bienville National Forest 5914
Conecuh National Forest 5914
De Sota National Forest 5914
Kisatchie National Forest 5914
Sabine National Forest 5914

G

GENERAL SERVICES ADMINISTRATION:
Authority, delegation of:
By Administrator to various officials:
Attorney General; authority to negotiate contracts and purchases without advertising for purchase of 64 portable two-way radio sets and 50 FM transmitter and receiver units 6208
Defense Department, Secretary; representation of Government agencies before certain commissions in connection with rates and charges:
Interstate Commerce Commission:
In matter of complaint against Pullman fares and charges 6724
In matter of Southern Pacific-Missouri Pacific request for increased passenger fares 7027
Public Utilities Commission, California, in connection with application of Southern Counties Gas Company to increase gas rates 6599
Interior Department, Secretary; authority with respect to procurement of water service at Mines Bureau facility, Morgantown, West Virginia 5920
From Defense Materials Procurement Agency; authority respecting manganese of domestic origin:
Establishment of manganese purchase depot at Wenden, Arizona 6013
Purchase for Government use and resale 6169
Contracts and purchases. *See* Procurement.
Manganese procurement. *See* Minerals, metals, and other raw materials.
Minerals, metals, and other raw materials; procurement of domestic manganese for Government use or resale:
Authority delegation from Defense Materials Procurement Agency respecting 6169
Purchase programs:
Arizona; Wenden:
Establishment of depot at Wenden, Arizona, authority delegation from Defense Materials Procurement Agency respecting 6013
Regulations respecting 6154
Specifications, chemical requirements 6777
Montana; Butte and Philipsburg 7014
Procurement:
Areas of current or imminent manpower surpluses, procurement in; designation of areas for Government procurement. *See main heading* Defense Mobilization, Office of.
Minerals, metals, etc. *See* Minerals, metals, and other raw materials.

GENERAL SERVICES ADMINISTRATION—Con. Page
Radio equipment; authority of Attorney General to purchase without advertising 64 portable two-way radio sets and 50 FM transmitter and receiver units 6208
Rates and charges, representation of Government agencies in hearings respecting; authority of Secretary of Defense in connection with. *See* Authority.

GEOLOGICAL SURVEY:
Power site classification, California; No. 425, American and Feather Rivers 5968
GOVERNMENT EMPLOYEES:
Civilian personnel assigned to Greece and Turkey, loyalty certification of, authority respecting. *See* Defense Department.
Civil Service regulations. *See* Civil Service Commission.
Foreign duty compensation. *See* State Department.
Loyalty investigations. *See* Loyalty Review Board.
GREECE, United States Mission to; loyalty certifications of civilian personnel of Army, Navy, or Air Force assigned to, delegation of authority respecting 6718

H

HANDICAPPED PERSONS, employment of. *See* Wage and Hour Division.
HAWAII:
Frequency allocations. *See* Federal Communications Commission.
Price control; ceiling price regulations. *See* Price Stabilization, Office of.
Round Top Military Reservation, Honolulu, Hawaii; restoration of lands comprising, and rights-of-way to Reservation to jurisdiction of Territory of Hawaii (Executive Order 10375) 6459

HOUSING AND HOME FINANCE AGENCY:
See Public Housing Administration.
Claims for damages on insured trailers used in disaster relief program, authority of Regional Representative and Engineer, Region 6, respecting 6133
Defense Areas Advisory Committee, Office of Defense Mobilization, representation on 6821
Organization, delegations of authority, etc., Office of Administrator; Regional Representative and Engineer, Region 6, authority respecting damage claims on insured trailers owned by United States and provided for use in disaster relief program 6133
Regional Defense Mobilization Committees, Office of Defense Mobilization, consultation in connection with critical defense housing area certifications 6822
Residential credit controls in critical defense housing areas:
Atomic Energy Commission installations in certain areas, regulation for processing and approval of exceptions and terms respecting residential credit controls; geographic area affected by Savannah River installation (S. C. and Ga.), additions 6743
Critical defense housing areas, relaxation of credit controls for; regulation for processing and approval of exceptions and terms 6585
General provisions 6585
Owner-occupancy, sales housing and other housing to be built for 6589
Rent, housing to be held for 6587
Special credit exceptions:
For persons displaced by defense activities 6590
For purchasers of other than approved housing 6590
Various areas, listed 6590
California; Twenty-nine Palms 6593
Minnesota:
Hibbing-Grand Rapids 6856
Virginia 6856
Montana; Butte 6593
Nevada; Las Vegas 6856
New York; Corning-Painted Post 6593
Oregon:
Coos Bay-Coquille 6593
Roseburg 6593
Tennessee; Waverly-Camden 6593

HOUSING AND HOME FINANCE AGENCY—Con. Page
Residential credit controls in critical defense housing areas—Continued
Defense housing programs; needed housing units for use of employees in designated activities— 6018, 7027
Listed areas, amendments and additions:
Arizona; Bagdad— 7028
Indiana:
Camp Atterbury— 7028
Columbus; redesignation as Camp Atterbury area— 7028
Indianapolis— 7030
Kentucky:
Fort Campbell— 7031
Fort Knox— 7028
Louisiana; Lake Charles— 7030
Maine; Kittery— 7029
New Hampshire; Portsmouth— 7029
New York; Corning-Painted Post— 7030
North Dakota; Williston— 7029
Oregon:
Coos Bay-Coquille— 7029
Reedsport— 7029
Roseburg— 7029
Tennessee:
Milan— 7028
Waverly-Camden— 7030
Virginia; Norfolk-Portsmouth— 7028, 7030
Wisconsin; Baraboo— 7028
Designation and certification of critical defense housing areas, procedures for; recommendations— 6822
Relaxation of residential credit control on basis of construction starts, functions respecting (Executive Order 10373)— 6425

HUNTING AND FISHING. *See* Fish and Wildlife Service; *and* National Park Service.

I

IMMIGRATION AND NATURALIZATION SERVICE:
Immigration regulations:
Air commerce regulations. *See* Civil air navigation.
Civil air navigation, landing requirements; foreign aircraft, permit to proceed— 6729, 6731
Documentary requirements for aliens, except seamen and airmen, entering United States; immigration quotas, editorial note respecting— 6024
Petitions and applications, formal, for nonquota or preference quota immigration visa; Chinese quota, reference to, editorial note respecting— 6024
Quotas; immigration quotas for various countries (Proclamation 2980)— 6019
Nationality regulations:
Citizenship certificates under section 339 of Nationality Act of 1940; photographs required with application— 6074
Classes of persons who may be naturalized:
General class, procedural requirements; application to file petition for naturalization, photographs for— 6074
Special classes:
Children, petitions for naturalization filed in behalf of; applications, photographs for— 6074
Puerto Ricans, procedure for; photographs— 6074
Naturalization papers:
Declaration of intention, preliminary form for; photographs— 6074
Naturalization certificate:
Person voting in foreign political election; photographs required with application— 6074
Special certificate for recognition by foreign state; photographs required with application— 6075
Veterans of First or Second World War Allied forces; photographs required with application— 6074
Petition for naturalization, preliminary form for; photographs— 6074
Photographs:
Description of required photographs— 6074

IMMIGRATION AND NATURALIZATION SERVICE—Continued Page
Nationality regulations—Continued
Photographs—Continued
Naturalization and citizenship papers requiring photographs; third print of photograph, deletion of reference to— 6074
Records, procedure to obtain certifications of or information from; application for certification of declaration of intention, photographs required with— 6075
Registry of aliens under Nationality Act of 1940; application for registry, photographs for— 6074
Repatriation certificate for veteran of First or Second World War Allied forces; photographs required with application— 6074
Replaced naturalization and citizenship papers and new certificate in changed name; application, photographs required with— 6075

IMPORTS AND EXPORTS:
Agricultural commodities. *See* Agriculture Department.
Customs regulations respecting. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Food commodities acquired through price support programs; export prices. *See* Commodity Credit Corporation.
Foreign excess property. *See* Commerce Department.
Investigations respecting imports. *See* Tariff Commission.
Plants and plant products. *See* Entomology and Plant Quarantine.
Price control regulation affecting exported and imported commodities. *See* Price Stabilization, Office of.
Trade agreements respecting. *See* Trade agreements.
Trade fairs, imports in connection with. *See* Customs Bureau.

INDIAN AFFAIRS BUREAU:
Authority, delegation of, from Secretary of Interior to various officials:
Area Counsels; tort claims— 6793
Area Director; withdrawal and restoration of authority— 6418
Commissioner:
Action as duly authorized representative— 6418
Lands and minerals:
Certification of applications for allotments on public domain and in national forests— 6418
Certification of assignment to Minnesota Mdewakanton Sioux Indians of certain lands— 6418
Soil and moisture conservation operations on Indian lands— 6418
Withdrawal and restoration of authority— 6418

INDIANS:
Regulations respecting. *See* Indian Affairs Bureau.
Veterans benefits. *See* Veterans' Administration.

INFORMATIONAL MEDIA GUARANTEES, under Mutual Security Act and Economic Cooperation Act, functions respecting (Executive Order 10368)— 5929

INSURANCE, GOVERNMENT:
Crop insurance. *See* Federal Crop Insurance Corporation.
Insured banks, reports of. *See* Federal Deposit Insurance Corporation.
Veterans life insurance. *See* Veterans Administration.

INTERIOR DEPARTMENT:
See Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.
Southeastern Power Administration.
Southwestern Power Administration.
Alaska highways; Otis Lake Road right-of-way— 6795
Alaska Railroad; tort claims, authority of Counsel respecting— 6793

INTERIOR DEPARTMENT—Continued Page
Authority, delegation of:
By Secretary to various officials:
Agency heads:
See also specific agencies, below.
Surplus real property, transfer, donation, or disposal of— 6795
Alaska Railroad, Counsel; tort claims— 6793
Bonneville Power Administration, General Counsel; tort claims— 6793
Bureau heads:
Contracts and leases— 6794
Correspondence concerning condemnation proceedings— 6795
Requests for title opinions— 6795
Surplus or excess property, transfer, donation, or disposal of— 6795
Chief Clerk:
Authentication of documents— 6793
Contracts— 6794
Field Committees, Chairman; contracts— 6795
Fish and Wildlife Service; designation of various officials to serve as Acting Director and Acting Assistant Director— 6796
Indian Affairs Bureau:
Action by Commissioner as duly authorized representative— 6418
Lands and minerals; authority of Commissioner respecting:
Certification of applications for allotments on public domain and in national forests— 6418
Certification of assignment to Minnesota Mdewakanton Sioux Indians of certain lands— 6418
Soil and moisture conservation operations on Indian lands— 6418
Redelegation of authority by Commissioner, and appeals from actions of various officials— 6418
Tort claims; authority of Area Counsels respecting— 6793
Withdrawal and restoration of authority by Commissioner of Area Director— 6418
Land Management Bureau, Regional Counsels; tort claims— 6793
National Park Service:
Finance Officer; authority to negotiate, without advertising, contract with Motorola, Inc., for purchase of four mobile units— 6057
Regional Counsels; tort claims— 6793
Reclamation Bureau, Regional Counsels; tort claims— 6793
Solicitor:
Acquisition of real estate by condemnation— 6794
Acting Assistant Secretary; authority to perform duties of Assistant Secretary— 6793
Appeals; contract appeals, Indian probate proceedings, land cases— 6794
Claims relating to irrigation works— 6793
Escheat in Indian estates— 6794
Patent policies and procedures, licensing, adjudication of patent rights— 6793
Remission of liquidated damages— 6794
Tort claims— 6793
Southeastern Power Administration, Chief Counsel; tort claims— 6793
Southwestern Power Administration, Chief Counsel; tort claims— 6793
Under Secretary, Assistant Secretaries and Administrative Assistant Secretary; exercise of authority of Secretary with certain exceptions— 6793
From General Services Administrator with respect to procurement of water service at Mines Bureau facility, Morgantown, West Virginia— 5920
Procurement of water service at Mines Bureau facility, Morgantown, West Virginia; delegation of authority from General Services Administrator respecting— 5920
Surplus or excess real property, transfer, donation, or disposal of; authority of heads of Bureaus and agencies respecting— 6795

INTERIOR DEPARTMENT—Continued Page
Trust Territory of Pacific Islands, vessels of Interior Department operated by Pacific Micronesian Lines, Inc., to furnish transportation for Islands; waiver of navigation and vessel inspection laws and regulations respecting— 6047
Vessels of Interior Department operated by Pacific Micronesian Lines, Inc., to furnish transportation for Trust Territory of Pacific Islands; waiver of navigation and vessel inspection laws and regulations respecting— 6047

INTERNAL REVENUE BUREAU:
Alcohol, excise tax on. *See* Excise tax regulations.
Authority, delegation of. *See* Organization.
Banks, building associations, etc., taxation of. *See* Income and excess profits taxes regulations: income tax.
Brandy, excise tax on. *See* Excise tax regulations.
Collection of income tax at source. *See* Employment tax regulations.
Conferences respecting disputed liability, procedure for. *See* Procedure.
Consolidated income and excess profits tax returns. *See* Income and excess profits taxes regulations.
Delegation of authority. *See* Organization.
Distilled spirits, excise tax on. *See* Excise tax regulations.
Employment tax regulations; collection of income tax at source on or after January 1, 1945, proposed rule making:
Receipts for tax withheld at source on wages paid after December 31, 1950— 6824
Return and payment of income tax withheld on wages:
Filing of return on Form 941, where employer has no principal place of business in collection district of United States— 6825
Returns accompanied by depositary receipts, Form 450; timeliness of deposits, determination of— 6825
Estate tax, regulations relating to taxes on estates of decedents dying after February 10, 1939; determination of tax liability, situs of property:
Aliens, nonresident, works of art loaned by, for public exhibition; exceptions with regard to estates of decedents dying after September 1, 1950, and on, before, and after October 20, 1951— 5982
Tangible personal property, treatment of; exception— 5982
Excess profits tax. *See* Income and excess profits taxes regulations.
Excise tax regulations:
Alcohol. *See* Liquors, distilled spirits, etc.
Brandy. *See* Liquors, distilled spirits, etc.
Distilled spirits. *See* Liquors, distilled spirits, etc.
Gambling; wagering, special (occupational) tax on. *See* Wagering.
Gasoline, State and local taxes on, deductible for income tax purposes. *See* Income and excess profits taxes regulations, *below.*
Industrial alcohol. *See* Liquors, distilled spirits, etc.
Liquors, distilled spirits, etc.:
Alcohol:
Denatured. *See* Industrial alcohol.
Excise tax stamps for removals of. *See* Stamps.
Bottling of tax-paid distilled spirits:
District supervisor, action by; registry numbers, tax-paid bottling houses— 6652
Dumping and bottling; original packages, unstamped spirits, destruction of stamps, marks, and brands, taxpayment of rinsings, etc— 6653
Receipt of distilled spirits, from premises other than rectifying plants; certificates, reports of absence of form or stamp— 6653
Storekeeper-gaugers, duties of; degree of supervision— 6654
Brandy, production of. *See* Production of brandy.
Distilled spirits:
Bottling of. *See* Bottling of distilled spirits.
Drawback of tax on. *See* Drawback of tax on distilled spirits.

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Liquors, distilled spirits, etc.—Continued
Distilled spirits—Continued
Excise tax stamps on, extension of use of. *See* Stamps.
Production of. *See* Production of distilled spirits.
Rectification of. *See* Rectification of spirits and wines.
Warehousing of. *See* Warehousing of distilled spirits.
Drawback of tax on distilled spirits used in manufacture of nonbeverage products; claims for drawback, supporting data — 6657
Inducements furnished to retailers of distilled spirits, wine and malt beverages. *See* Intoxicating liquors, *below*.
Industrial alcohol:
Commissioner, action by; original establishment of industrial alcohol plant, bonded warehouse, or denaturing plant, registry and permit numbers — 6640
Formulae for completely denatured alcohol:
Authorization of Formulae Nos. 16, 17, and 18, for manufacture of completely denatured alcohol, and composition of formulae — 6145
Denaturants authorized for completely and specially denatured alcohol; list of:
Changes in formulae listed for, acetaldol, kerosene, methyl isobutyl keton, ST–115 — 6145
Dehydrol-O deleted — 6145
Pyronate added — 6145
Revocation of Formulae Nos. 12, 13, 14 and 15, subject to provisions respecting proprietors' supplies of certain denaturants — 6145
Specifications for denaturants in completely denatured alcohol:
Dehydrol-O; specifications revoked — 6145
Pyronate, specifications for; added — 6145
Operation of industrial alcohol bonded warehouses:
Records and reports of proprietor:
Form 1440; application for withdrawal — 6643
Form 1697; distilled spirits stamp report — 6643
Stamps:
Distilled spirits stamps for removals by pipelines, tank cars and tank trucks; excise tax stamps, claims, forms to be used, redemption of stamps, remittance, transfer, etc — 6641
Wholesale liquor dealer's stamps for tank cars and tank trucks; issuance, use of Form 92, stamp stubs, books, records and reports — 6642
Withdrawals, tax-paid:
By pipeline to rectifying plant or tax-paid bottling house; canceled certificate, use of stamps, methods of tax-payment, transfer of alcohol — 6641
In tank cars or tank trucks; release of, methods of taxpayment, certificates, verification, use of stamps, etc — 6640
Production of brandy:
District supervisor, action by; original establishment, registry numbers — 6646
Fruit distillers, exemption from provisions of section 2878 (a) and 2883, I. R. C — 6646
Taxpayment, removal, and transfer of brandy from distillery:
Release of brandy for transfer by pipeline, tank car, or tank truck — 6647
Stamps:
Distilled spirits stamps for removals by pipelines, tank cars and tank trucks; excise tax stamps, remittance, redemption, transfer, claims, forms to be used, etc — 6648
Wholesale liquor dealer's stamps for tank cars and tank trucks; issuance, use of Form 92, stamp stubs, books, records and reports — 6649
Taxpayment for removal by pipeline or in tank cars or tank trucks — 6646

INTERNAL REVENUE BUREAU—Continued — Page

Excise tax regulations—Continued
Liquors, distilled spirits, etc.—Continued
Production of distilled spirits:
District supervisor, action by; original establishment, registry numbers — 6643
Removal of distilled spirits from cistern room. *See* Taxpayment.
Taxpayment, removal, and transfer of distilled spirits from cistern room:
Procedure when tank car or truck is emptied; requirements — 6645
Release of spirits for transfer by pipeline and tank car or tank truck — 6644
Stamps:
Distilled spirits stamps for removals by pipelines, tank cars and tank trucks; excise tax stamps, issuance, redemption, transfer, forms to be used, etc — 6645
Wholesale liquor dealer's stamps for tank cars and tank trucks; use of Form 92, issuance of stamps, stubs, books, records and reports — 6646
Taxpayment for removal by pipeline or in tank cars or tank trucks — 6643
Transfer of distilled spirits from cistern room. *See* Taxpayment.
Rectification of spirits and wines:
District supervisor, action by; original establishment, registry numbers for rectifying plants — 6654
Gauging and dumping spirits for rectification; dealer's packages, destruction of certificate or stamp, taxpayment of rinsings, Form 122, canceling stamps — 6655
Receipts of spirits; taxpayment and scalped certificates, dealer's stamp — 6654
Stamps:
Rectified spirits stamps (for bottling tanks); canceling and perforating — 6656
Wholesale liquor dealer's stamps; stamp books and stubs, application to package or for stamps, issuance, affixing and canceling of stamps, records, etc — 6656
Unrectified spirits and wines, bottling of; unstamped spirits — 6655
Retailers of distilled spirits, wine, and malt beverages, inducements furnished to. *See* Intoxicating liquors, *below*.
Spirits, rectification of. *See* Rectification of spirits and wines.
Stamps; distilled spirits excise tax stamps, extension of use of, for removals of distilled spirits and alcohol — 6639
Warehousing of distilled spirits:
District supervisor, action by; original establishment, registry numbers for bonded warehouses — 6649
Withdrawals, tax-paid:
By gauge tank; release of spirits from gauge tank, taxpayment by stamps, stamp books, etc — 6649
In cases:
Form 1519, application for taxpayment and withdrawal — 6651
Stamps for removals in cases — 6651
In tank cars and tank trucks; release of, taxpayment by stamps, use of Form 92, scalping certificate, etc — 6650
Stamps for removals in tank cars and trucks — 6651
Stamps, distilled spirits, for removals in cases, tank cars, tank trucks and by pipeline; excise tax stamps, canceling, transfer, redemption, etc — 6651
Wines; rectification of. *See* Rectification of spirits and wines.
Wagering, excise and special tax on, registry, return, and payment of; persons liable for special (occupational) wagering and tax required to file returns and pay tax before commencing taxable activity and file supplemental returns with respect to agents, employees, and persons for whom wagers are received — 6732
Wines. *See* Liquors, distilled spirits, etc.

INTERNAL REVENUE BUREAU—Continued — Page

Gambling; wagering. *See* Excise tax regulations.
Gasoline, State and local taxes on; deductible for income tax purposes by consumer — 6200
Income and excess profits taxes regulations:
Consolidated income and excess profits tax returns — 5934
Administrative provisions, making consolidated return and filing other forms; corporation treated as includible corporation for taxable year after June 30, 1950, withdrawal of consent, limitation respecting — 5934
Computation of tax, recognition of gain or loss, and basis:
Bases of tax computation:
Computations; in case of affiliated corporations making consolidated return:
Adjustment:
See also Other computations on separate basis.
Capital addition adjustment. *See* Capital addition, *below*.
Consolidated computations involving changes in membership, section 435 (g) (7) adjustment; consolidated original controlled group indebtedness — 5937
Consolidated section 435 (g) (9) adjustment, rules for computation of — 5939
Affiliated groups subject to sections 435 (f) (6), 435 (g) (8), and 435 (g) (9) (B) — 5939
Application of section 433 (a) (1) (R) and section 433 (b) (16) — 5939
Banks:
Consolidated net new bank capital addition; eligibility requirements for — 5939
Mutual savings banks, domestic building and loan associations and cooperative banks; computation of deposits and deductions with respect to other members of group — 5937
Special rules in case of — 5938
Capital addition:
Bank capital addition, consolidated new; eligibility requirements for — 5939
Base period:
Adjustment under section 459 (d) (5) (A) of allocable consolidated base period capital addition — 5938
Applicable sections, additions to — 5938
Net capital addition, or reduction in case section 443, 445, or 459 (d) is applicable; adjustment under 459 (d) (5) (C) — 5938
Coal or timber, disposal of — 5938
Intercompany stock holdings, basis of, definitions; complete liquidations, change in date cited — 5937
Mine exploration expenditures; limitations — 5938
Net income:
Alternative average base period net income, consolidated, computation of:
Applicable sections, addition to — 5938
Excess profits net income or deficit, computation of, in cases where section 459 (c) or (d) is applicable — 5938
Computations under section 435 (3); excess profits net income or consolidated weighted excess profits net income:
Exclusion of certain income of members of group which did not commence business before end of consolidated base period — 5938
Of members of group which commenced business after end of consolidated base period — 5938
Consolidated section 435 (d) average base period net income; consolidated weighted excess profits net income, use in computation — 5937

INTERNAL REVENUE BUREAU—Continued — Page

Income and excess profits taxes regulations—Con.
Consolidated income and excess profits tax returns—Continued
Computation of tax, recognition of gain or loss, and basis—Continued
Bases of tax computation—Continued
Computations; in case of affiliated corporations making consolidated return—Con.
Net income—Continued
Eligibility requirements for consolidated section 435 (e) average base period net income; members of group commencing business before or after end of consolidated base period, rules applicable to — 5938
Exceptions; determination of allowable deductions in cases relating to mine exploration expenditures — 5937
Other computations on separate basis required of affiliated corporations:
Average base period net income computed under section 442, 443, 444, 445, 446, or 459 — 5937
Deductions and expenses, adjustment of, for purposes of applying section 459 — 5937
Gross income adjustment, in application of section 459 — 5937
Banks, mutual savings, domestic building and loan associations, and cooperative banks — 5937
Excess profits net income under section 433 (b) and (c), determination of; two or more members of affiliated groups, selling corporations — 5937
Section 448, computations under:
Average borrowed capital for taxable year — 5938
Average outstanding common and preferred capital stock accounts for taxable year — 5398
Gross amount, consolidated section 448 (b) — 5938
Timber or coal, disposal of — 5938
Definitions:
Adjustment:
Consolidated section 433 (a) adjustment:
Life insurance companies subject to tax imposed by section 201; consolidated excess profits credit, excess of product of figure determined, computation, taxable year beginning 1951 — 5935
Section references added — 5935
Consolidated section 435 (g) (9) adjustment — 5937
Assets, operating; consolidated increase in — 5937
Assets, total:
Consolidated decrease in — 5937
Consolidated increase in — 5936
Bank capital. *See* Capital.
Base period:
Average base period, consolidated; reference added — 5936
Capital, base period. *See* Capital.
Selected base period; group which had taxable year beginning 1949 and ending after March 31, 1950, substitution of base period — 5936
Capital:
Bank capital:
Consolidated net bank capital addition — 5936
Consolidated yearly base period — 5937
New consolidated net bank capital addition — 5936
Reduction, consolidated net — 5936
Base period capital, yearly, consolidated, sum of; reduction — 5936
Base period capital addition, consolidated, computation of; affiliated group subject to section 435 (f) (6) — 5936
Capital credit. *See* Credit.

80000—52—4

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
- Consolidated income and excess profits tax returns—Continued
  - Computation of tax, recognition of gain or loss, and basis—Continued
    - Bases of tax computation—Continued
      - Definitions—Continued
        - Capital—Continued
          - Invested capital, adjusted, consolidated, computation of; deduction provision with respect to affiliated group subject to section 438 (g) 5936
          - Net capital addition, consolidated; to be sum of consolidated section 435 (g) (9) adjustment 5936
          - Carry-overs; consolidated net operating loss carry-overs, provisions respecting exclusion of preceding taxable years 5935
        - Credit:
          - Capital credit, new, consolidated; computation of, with respect to:
            - Affiliated group subject to section 438 (g) 5936
            - Consolidated invested capital $5,000,000 or less 5936
          - Consolidated section 26 credit:
            - Section 26 (b), on dividends received 5935
            - Section 26 (h), relating to dividends paid by public utilities on preferred stock; determination of amount of 5935
            - Section 26 (i), determination of amount of; Western Hemisphere trade corporations affiliated groups 5935
          - Excess profits credit, consolidated, based on income 5936
          - Reserve interest credit, consolidated 5936
        - Gross amount, consolidated section 448 (b); determination of, for affiliated group when more than one prescribed percentage is applicable 5936
        - Life insurance companies, consolidated 1951 adjusted normal tax net income of 5936
        - Net income, consolidated:
          - Adjusted excess profits; disallowance of $25,000 deduction 5936
          - Alternative excess profits 5936
          - Of life insurance companies; consolidated 1951 adjusted normal tax net income of 5936
          - Section 102, computation; provision respecting excess of consolidated net long-term capital gain over short-term capital loss 5935
          - Undistributed subchapter A net income, consolidated; aggregate of amounts allowable under section 504 (e) not to be included 5935
          - Reserve interest credit, consolidated 5936
      - Computation of tax; affiliated groups, tax liability of:
        - General rule; tax liability, determination of, with respect to taxable years beginning in 1951 5934
        - Limitations on excess profits tax 5934
        - Special rules; in case of mutual savings bank conducting life insurance business 5934
      - Mine exploration expenditures 5939

Excess profits and consolidated income tax returns. *See* Consolidated income and excess profits tax returns.

Excess profits tax; taxable years ending after June 30, 1950:
- Average base period net income, computation, definitions; exclusion from total assets of loan to members of controlled group required even if corporation (foreign, etc.) is not subject to excess profits tax, proposed rule making 6201

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
- Excess profits tax; taxable years ending after June 30, 1950—Continued
  - Credit, excess profits, based on income; proposed rule making:
    - Capital additions in base period, loans to members of controlled group; reduction under section 435 (g) required even if member (foreign corporations, etc.) is not subject to excess profits tax 6201
    - Net daily capital reduction relating to increase in loan to member of controlled group; adjustment under section 435 (g) required even in cases where corporation (foreign, etc.) is not subject to excess profits tax 6201
    - Exempt corporations, member of affiliated group filing consolidated return; applicability of section 454 (h), proposed 5913
    - Foreign subsidiary corporation, effect on excess profits credit of loans to; proposed rule making 6201
- Income tax, taxable years beginning after December 31, 1941:
  - Banks, mutual savings and cooperative, and building associations not having capital stock represented by shares, subject to normal tax and surtax; proposed rule making 5909
  - Collection of income tax at source. *See* Employment tax regulations, *above*.
  - Computation of net income:
    - Bad debts, reserve for; proposed rule making:
      - Mutual savings banks, building and loan associations, and cooperative banks, taxable years beginning after December 31, 1951; treatment of deductions for bad debts 5911
      - Redesignations 5911
      - Taxpayers other than mutual savings banks, building and loan associations and cooperative banks 5911
    - Deductions; proposed rule making:
      - Dividends paid by:
        - Banking corporations, certain other than mutual savings banks, building and loan associations, and cooperative banks 5913
        - Mutual savings banks, building and loan associations, and cooperative banks 5912
      - Loans, certain, repayment of, by mutual savings banks, building and loan associations and cooperative banks 5913
  - Gain or loss:
    - Basis for determining:
      - Adjusted basis; mutual savings banks, building and loan associations, and cooperative banks, certain, applicability to, of provisions respecting adjustments to cost or other basis of property, proposed rule making 5912
      - Corporate liquidations, certain, basis of property received in; transfer of property in liquidation occuring within 1952 6195
      - Corporate liquidations in calendar month in 1952 6195
      - Qualified electing shareholder; applicability of provisions to 1952 6195
      - Gain, recognition of, on stock owned by qualified electing shareholders at liquidation:
        - Applicability of provisions to 1952 6195
        - Applicable date respecting replacement of lost certificates 6195
      - Records to be kept and information to be filed; list of property in case of liquidation occuring in 1952 6195
  - Inventories, elective method; consistent use of elective inventory method, taxable years beginning January 1, 1952 6200
  - Mutual savings bank conducting life insurance business; applicability of Section 110 and computation of tax 5913

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
- Income tax, taxable years beginning after December 31, 1941—Continued
  - Computation of net income—Continued
    - State and local sales and gasoline taxes paid by consumer; deductible as taxes, taxable years beginning after December 31, 1950 6200
    - Definitions:
      - Consumer 6201
      - Gasoline tax, with respect to taxable years beginning after December 31, 1950 6201
  - Credit unions and mutual insurance funds; exemption from tax under section 101 (4), proposed rule making 5910
  - Deficiencies, assessment and collection of; period of limitation upon assessment and collection of tax in case of joint return made under section 51 (g), proposed rule making 6563
  - Gasoline, State and local taxes on, deductible for income tax purposes. *See* Computation of net income.
  - Husband and wife, joint return by. *See* Returns and payment of tax.
  - Insurance; mutual savings bank conducting life insurance business, applicability of Section 110 and computation of tax (proposed) 5913
  - Inventories, computation of, under elective method. *See* Computation of net income.
  - Organizations, nonprofit:
    - Corporations or associations without capital stock, certain, organized prior to September 1, 1951, exempt from tax under section 101 (4); proposed rule making 5910
    - Mutual savings and cooperative banks and building associations not having capital stock represented by shares subject to normal tax and surtax; proposed rule making 5909
  - Overpayments; crediting and refunding of taxes paid, limitations on, in case of filing of joint return under section 51 (g) 6563
  - Payment of tax. *See* Returns and payment of tax.
  - Personal holding companies, taxation of 6820
    - Definition of personal holding company:
      - Corporations, certain; exclusion from term "personal holding company" 6821
      - Finance companies, certain, exclusion from term "personal holding company" for taxable years ending August 9, 1950 6821
      - Loan or investment corporations, taxable years 1938–1942 6821
    - Income of personal holding company, compensation for use of property; reference respecting treatment of certain rents received 1945–1950, from commercial, industrial, or mining property 6821
  - Rates of tax, nonprofit organizations, exemption from tax on corporations; various types or organizations eligible for exemption:
    - Building and loan associations and cooperative banks; proposed rule making:
      - Redesignation 5910
      - Taxable years beginning after December 31, 1951; building and loan associations and cooperative banks not having capital stock represented by shares are subject to normal tax and surtax 5910
      - Taxable years beginning prior to January 1, 1952; applicability of certain provisions respecting 5910
    - Credit unions, without capital stock, nonprofit, and mutual insurance funds, exempt from tax under section 101 (4) (proposed) 5910
    - Mutual savings banks; proposed rule making:
      - Redesignation 5909
      - Taxable years beginning after December 31, 1951; mutual savings banks not having capital stock represented by shares are subject to normal tax and surtax 5910
      - Taxable years beginning prior to January 1, 1952; applicability of certain provisions respecting 5909

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
- Income tax, taxable years beginning after December 31, 1941—Continued
  - Refunds in case of overpayments, limitations on. *See* Overpayments.
  - Returns and payment of tax:
    - Individual returns; husband and wife, joint return by; proposed rule making:
      - Joint return after death of spouse; when allowed, under provisions of section 51 (g), Revenue Act of 1951, for taxable years beginning after December 31, 1950 6562
      - Joint return after filing separate return; taxable years beginning after December 31, 1950, provisions under section 51 (g), Revenue Act of 1951 6562
      - Taxable years beginning prior to January 1, 1951; conditions under which joint returns may not be filed 6562
    - Information returns respecting:
      - Contemplated dissolution or liquidation; applicability of provisions to 1952 6195
      - Distributions in liquidation; applicability of provisions to 1952 6195

Inducements furnished to retailers of distilled spirits, wine and malt beverages. *See* Intoxicating liquors.

Informal conferences on disputed liability, procedure for. *See* Procedure.

Intoxicating liquors; inducements furnished to retailers, republication and revision of regulations 6581
- Unlawful inducements, application of regulations, and exceptions with respect to equipment, signs, samples, various services, newspaper cuts, merchandise, etc 6581

Liquors, distilled spirits, etc.:
- Inducements furnished to retailers of distilled spirits, wine and malt beverages. *See* Intoxicating liquors.
- Tax on liquors, distilled spirits, wines, etc. *See* Excise tax regulations.

Organization; delegation of authority by Commissioner, pursuant to Reorganization Plan No. 1 of 1952, to District Commissioner and each Director of Internal Revenue for District, to sign consents with respect to assessments or collections 6871

Overpayments, crediting and refunding of taxes paid. *See* Income and excess profits taxes regulations.

Procedure; disputed liability, conferences:
- Informal conferences, procedure for, under Reorganization Plan No. 1 of 1952 6948
- Redesignations 6949

Reorganization Plan No. 1 of 1952:
- Delegation of authority pursuant to. *See* Organization.
- Procedure for informal conferences under 6948

Retailers of distilled spirits, wine, and malt beverages, inducements furnished to. *See* Intoxicating liquors.

Wagering, tax on. *See* Excise tax regulations.

Wages, withholding tax on. *See* Employment tax regulations.

Wines, excise tax on. *See* Excise tax regulations.

INTERNATIONAL TRADE, OFFICE OF:
- Export control, revision 6296
  - Amendments, extensions, transfers 6336
    - Amendments or alterations of licenses:
      - Procedure for submitting requests 6337
      - Amendment action by field offices, note 6337
      - Where to file; amendment requests on which field offices may and may not take action 6636
    - Appeals 6345
    - Denial or suspension of export privileges 6341
      - Orders affecting various firms or persons. *See* Suspension of license privilege, *below*.
      - Table of compliance orders currently in effect denying export privileges 6344, 6400, 6898
    - Enforcement provisions 6339
    - Export clearance 6331
    - General orders 6347
      - China (including Manchuria), Hong Kong, and Macao, order revoking certain general licenses to; note 6400

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control, revision—Continued
General orders—Continued
Steel:
Prohibited exportations of certain carbon forms and shapes 6948
Validity of certain licenses extended for duration of strike plus 90 days 6429
Licenses:
Blanket (BLT) licenses 6330
General licenses 6298
Individual and other validated licenses 6305
Weight and volume tolerance:
Maximum tolerance allowed 6399
Partial shipments 6399
Project licenses 6327
Licensing policies and related special provisions 6315
Austria, Belgian Congo, or Sweden, exportation to 6399
Belgian Congo. *See* Austria, Belgian Congo, or Sweden, exportations to.
Blood plasma, human; special provisions 6898
Diamonds, special provisions for:
Application requirements, tools incorporating industrial diamonds 6399
Definitions, loose diamonds 6635
Export clearance of loose diamonds 6635
Export licensing general policy, commodities subject to 6399
Past participation in exports, commodities requiring statement of:
All controlled materials and certain additional commodities with processing code NONF 6636
Aluminum materials for construction 6399
Copper sulfate, deletion 6898
Truck and bus casings, farm tractor and implement casings, etc 6636
Plumbers' brass goods, special provisions; deletion 6399
Sweden. *See* Austria, Belgian Congo, or Sweden, exportations to.
Time schedules, supplement 1, for submission of applications for export licenses 6399, 6636
Totally allocated commodities, certain, special provisions for; slab zinc and soft pig lead, deletion 6636
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities 6360
Additions, deletions, or changes of commodities in listed categories:
Carpet wools 6638
Chemicals, industrial, certain 6400
Laboratory apparatus and equipment 6400
Nylon waste and partially manufactured fiber 6638
Rags for paper stock 6638
Rubber 6638
Tires 6638
Tubes, inner; passenger car 6638
Water-treatment equipment, stationary, industrial 6638
Wire cloth 6400
Wool for carpets 6638
Wool semimanufactures 6638
Appendix B, commodity interpretations 6395
Appendix C, commodity processing codes 6396
Priority ratings and supply assistance 6349
Aircraft, foreign, ratings not assigned by OIT; list of countries for which requests for DO ratings should be submitted to Mutual Security Agency 6898
Mining operations, foreign, supply assistance for; MRO and capital additions 6637
Scope of export control 6296
Mutual Security Agency, list of countries for which requests for DO ratings for aircraft replacement parts should be submitted to 6898
Suspension of license privilege:
Orders affecting various firms or persons:
"Hantra" Transit-Handelsgesellschaft 6796
Haufstadter, O. B. Co 6796
Haufstadter, Ozyash B 6796
Stier, S 6796
von Hornung, Gustav 6796
Table of compliance orders currently in effect denying export privileges 6344, 6400, 6898

INTERSTATE COMMERCE COMMISSION: Page

Accounts, uniform system of. *See* Uniform system of accounts.
Agreements, motor carrier. *See* Motor carriers.
Brokers of property. *See* Motor carriers.
Car service:
Canned goods and foodstuffs; loading requirements 6559
Carload transfer freight, minimum loading required 6164
Charges; demurrage charges on freight cars 5953, 6558
Great Lakes ports, cars under load at 5954, 6560
Grain and grain products; loading requirements 6559
Import ores, restriction on movement of; appointment of agent 5954, 6559
Iron ore, restriction on movement of; appointment of agent 5953, 6559
Loading requirements:
Canned goods and foodstuffs. *See* Canned goods.
Grain and grain products. *See* Grain.
Lumber and lumber products; loading requirements 6559
Lumber and lumber products. *See* Lumber.
Refrigerator cars, substitution of, for box cars 5954
Tank cars, control of; appointment of agent 6558
Chesapeake Bay Bridge, use of, by motor carriers 6824
Commercial zones and terminal areas, for motor carriers. *See* Motor carriers.
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of; proposed rule making:
Appendix; reasons for various amendments 6115
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes, additions and deletions 6102
Common and contract carriers by public highway. *See* Motor carriers.
Export shipments by domestic carriers by rail and motor vehicles 6102
General information and regulations:
Act of Congress; who is subject to regulations 6202
Export shipments by domestic carriers by rail and motor vehicles 6102, 6202
Purpose and scope 6202
Motor carriers, common or contract; regulations applying to:
Accidents to be reported 6203
Application of regulations 6203
Emergency shipments 6203
Export shipments 6106, 6203
Import shipments 6106
Loading and unloading; explosives vehicles, floors tight and lined 6106
Purpose 6202
Scope; partial deletion 6202
Rail freight carriers; unloading from cars, "dangerous-empty" placard 6106
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc):
Acids and other corrosive liquids, certain; definition and preparation of 6104
Compressed gasses; definition and preparation:
Compressed gases in cargo tanks and portable tank containers 6105
Compressed gases in cylinders 6105
General requirements; authorized service pressures 6105
Liquefied gases 6105
Explosives; definitions and preparation:
Class B explosives, definition 6103
Class C explosives, definition 6103
Detonating fuzes, boosters, etc 6103
High explosives with no liquid explosive ingredient 6103
Export shipments. *See* Import and export.
Flammable liquids, certain, definition and preparation; pressurized flammable liquids 6103
Flammable solids and oxidizing materials, certain; definition and preparation 6104
Import and export shipments 6102
Marking and labeling explosives and other dangerous articles; radioactive materials 6106

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of; proposed rule making—Continued
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.)—Continued
Poisonous articles, certain; definition and preparation 6105
Preparation of articles for transportation by carriers by rail freight, rail express, highway, or water:
Cargo tanks; qualification, maintenance, and use of 6103
Cylinders; qualification, maintenance, and use of 6103
Empty containers 6102
Purpose 6202
Scope; partial deletion 6202
Shipping container specifications:
Carboys, jugs in tubs, and rubber drums 6106
Cylinders 6107
Fiberboard boxes, drums, and mailing tubes 6112
Inside containers and linings; duplex paper bags 6107
Metal barrels, drums, kegs, cases, trunks and boxes 6109
Portable tanks 6112
Tank cars 6112
Motor carriers:
Agreements, relating to rates, regulations, etc.:
Kansas Motor Carrier Association, Inc., Oil Field and Heavy Machinery Haulers Division, members of; agreement respecting transportation of oilfield, refinery, and pipeline machinery, materials, supplies and equipment 6171
United States Government, transportation of property for, between points in Middle Atlantic territory and between points in that territory and points in New England and Canada 6601
Brokers of property, practices of; effective date postponed 6164
Certificates and permits; operations involving traversal states 6048, 6270
Commercial zones and terminal areas:
Operating authority for particular municipality, construction 6560
Operating authority for particular unincorporated community, construction 6560
Terminal areas at municipalities served 6560
Terminal areas at unincorporated communities served 6560
Control or consolidation of motor carriers or their properties:
Authority to merge properties or franchises, applications for 5952
Temporary operation, application for approval of 5953
Explosives, shipment and handling of: *See also* Explosives and other dangerous articles, *above*.
Transportation, safety regulations; proposed rule making 6203
Forms, list of:
BMC 44 (revised) 5953
BMC 46 (revised) 5953
Routes; Chesapeake Bay Bridge, use of 6824
Safety regulations:
Driving of motor vehicles; miscellaneous parts and accessories:
Busses, aisle seats prohibited; 5-day suspension 6200
Tires 6048
Transportation of explosives and other dangerous articles, application of regulations; proposed rule making 6203
North Dakota express rates and charges, investigation and hearing 7032

INTERSTATE COMMERCE COMMISSION—Con. Page

Organization of divisions and assignment of work:
Cases assigned to Commissioner to be transferred to successor when he ceases to be member of Commission 6829
Committee on Legislation and Rules; combining former Committee on Rules and Reports, and Legislative Committee 6722
Rates and charges:
Demurrage charges on freight cars. *See* Car service.
Long- and short-haul charges. *See* Tariffs and schedules.
North Dakota express rates and charges 7032
Routing or rerouting of traffic:
Ann Arbor Railroad Co 6237
California, railroads serving 6829
Chesapeake and Ohio Railway Co 6237
Grand Trunk Western Railroad Co 6237
Pennsylvania Railroad Co 6237
Wabash Railroad Co 6237
Safety regulations, motor vehicles. *See* Motor carriers.
Tariffs and schedules:
See also Rates and charges.
Long- and short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Acid, sulphuric; from Baton Rouge and North Baton Rouge, La., to McIntosh, Ala 7032
All and/or various commodities:
See also Merchandise in mixed carloads.
Between points in Texas 6889
From points in southern territory to points in official and southern territories 6723
From points in trunk-line territories to points in southern territory 6723
Ammunition; from Chicago and Peoria, Ill., and Mississippi River crossings, to Omaha, Nebr 7032
Asphalt:
From Billings, East Billings, Laurel and Hardin, Mont., Cody, Greybull, Lovell, Thermopolis and Zube, Wyo., to points in Minnesota and Wisconsin 6804
From Salisbury and Thrift, N. C., to points in North and South Carolina 6805
Beans, peas, and lentils, dried; from points in Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming, to points in Wisconsin 6889
Brick; from Gilchrist, Ill., to southern territory 6889
Carrots and other vegetables; from points in Texas, to points in official, southern and western territories 6804
Caustic soda. *See* Soda ash and caustic soda.
Cement:
From Boettcher and Portland, Colo., and Laramie, Wyo., to points in Texas 7031
From Dorena, Fla., to points in Georgia 6928
From Giant, S. C., to Goldsboro and Selma, N. C 6601
From Kansas City and Sugar Creek, Mo., to points in Kansas 6804
From points in Kansas and Oklahoma, to Florida and Georgia 6802
Cheese; between points in southern territory 6836
Chlorine gas, liquefied; from Baton Rouge and North Baton Rouge, La.:
To Cincinnati, Ohio, Indianapolis, Ind., and Madison, Wis 6994
To Kingsport, Tenn 6723
Cinders, clay or shale; from Alexandria and Erwinville, La., to Columbus, Miss 6889
Coal:
From Lake Superior docks in Wisconsin, to points in Minnesota 6861
From mines in eastern Kentucky, Tennessee, and Virginia, to Gary, Ind., and Joliet, Ill 6928
Coal briquettes; from Milwaukee, Wis., to Dubuque, Iowa 6802
Coke refuse and dust; from South Chicago, Ill., and Stockton, Ind., to Virginia, Minn 6576
Drums, steel. *See* Iron and steel.
Electrodes; from Niagara Falls and Suspension Bridge, N. Y., to Hopewell, Va 6723

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
- Long-and-short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
  - Fence posts; from points in Arkansas and Oklahoma, to points in Iowa 6062
  - Fertilizing compounds; from points in southern territory and adjacent points to points in southwestern and western trunk-line territories 6890
  - Grain, from points in North Carolina and South Carolina, to points in trunk-line and New England territories 6211
  - Gypsum board. *See* Paper.
  - Iron and steel:
    - Articles; from North Atlantic ports to points in central and Illinois territories, and extended Zone C in Wisconsin 6602
    - Drums, from Birmingham, Ala., to points in southern territory 7031
    - Pig iron:
      - From Baltimore, Md., Philadelphia, Pa., Camden, N. J., Chester-Marcus Hook, Pa., Claymont and Wilmington, Del., to points in New England territory 6134
      - From Daingerfield and Lone Star, Tex.:
        - To Greenville, S. C 6211
        - To points in Wisconsin 6237
    - Pipe; from Galveston, Houston and Orange, Tex., to Buckingham and Herscher, Ill 6602
  - Lentils, dried. *See* Beans.
  - Lime, from West Stockbridge and Lee, Mass., to specified points in southern territory 6236
  - Limestone; from Austin, Tex., to Belleville, Ill 6237
  - Lumber:
    - *See also* Woods, foreign.
    - From Kingsport, Tenn., to Wurno, Va 6601
    - From points in Virginia, to High Point, Thomasville, and Statesville, N. C 5975
    - From Red Bay, Ala., Jackson, Tenn., Belmont and Corinth, Miss., groups, to Memphis, Tenn., group 6889
  - Merchandise in mixed carloads:
    - From Cincinnati, Ohio, to Yukon, Fla., and from Atlanta, Ga., to Savannah and Port Wentworth, Ga 6601
    - From Peoria, Ill., and Chicago, Ill., to specified points in Georgia and Florida 6604
    - From Philadelphia, Pa., New York, N. Y., to St. Petersburg, Fla., and from Boston, Mass., and Baltimore, Md., to Savannah and Port Wentworth, Ga 6133
  - Oil, crude. *See* Petroleum.
  - Paper and paper products:
    - Articles, from Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo., to Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La., and Helena, Ark 6062
    - Gypsum board, from Kalamazoo, Mich., to Port Wentworth, Ga 6236
    - Scrap; from Baton Rouge, La., to Port Huron, Mich 6603
  - Peas, dried. *See* Beans.
  - Petroleum and petroleum products:
    - From Billings, East Billings, Laurel and Hardin, Mont., Cody, Greybull, Lovell, Thermopolis and Zube, Wyo., to points in Minnesota and Wisconsin 6804
    - From Chico, Tex., to points in Arkansas, Kansas, Louisiana, Missouri and Oklahoma 6211
    - Gas, liquefied, from points in southwestern territory, Kansas and Illinois, to points in Southwest, including Mississippi River crossings 6211
    - Oil, crude; from Watford City, N. Dak., to St. Paul, Minn., and Superior, Wis 6062
  - Phenol, chlorinated; from St. Louis, Mo., to points in southern territory 6888
  - Phosphate rock; from points in Florida:
    - To Dayton and Middletown, Ohio 6724
    - To Durant and Lecox, Okla 6724
  - Pipe, iron or steel. *See* Iron and steel.

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
- Long-and-short-haul charges provision of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
  - Pulpboard and fibreboard:
    - From Cheboygan, Mich., and West Carrollton, Ohio, to Birmingham, Ala 6236
    - From Macon, Ga., to New Orleans, La 5975
  - Rates:
    - Class rates; from Columbia, S. C., to Port Wentworth, Ga., between Charleston, S. C., and Savannah, Ga., and between Dyersburg, Tenn., and Cairo, Ill 6805
    - Commodity rates; between Krannert, Ga., and points in United States 6722
    - Motor-rail-motor rates, between Boston and Springfield, Mass., and Harlem River, N. Y 6603
    - Rail-water class rates, between Baltimore, Md., and points in southern territory 6694
  - Rubber, crude; from Baytown, Borger, Houston and Port Neches, Tex., Lake Charles and West Lake Charles, La., to points in New Jersey, New York and Pennsylvania 6576
  - Salt; from Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks and Winnfield, La., to Anniston, Ala 6829
  - Salt cake, from Chicago, Ill., to Coosa Pines, Ala 5976
  - Sand, gravel, and crushed stone:
    - Sand:
      - From Chicago, Ill., to Memphis, Tenn 6724
      - From Essex, Ill., to Memphis, Tenn 6724
      - From points in Illinois, to points in South 5975
    - Sand and gravel; From Vincennes, Ind., to Flora, Ill 6805
    - Stone, crushed; from Georgia, Ind.:
      - To Flora, Ill 6805
      - To Iuka, Ill 6805
  - Soda ash and caustic soda:
    - From Huntsville and Redstone Arsenal, Ala., to Chicago, Joliet, and Lockport, Ill 6888
    - From Memphis, Tenn., to Marshall, Ill 6889
    - From points in central territory to Pisgah Forest, W. Va 6928
  - Soybean cake and meal; from points in southeastern Missouri, to points in southwestern territory 6603
  - Spodumene ore; from Kings Mountain, N. C., to Vineland, N. J 6601
  - Sulphur, crude; from points in Louisiana and Texas, to Nashville, Tenn 6211
  - Superphosphate; from points in southern territory, to Trenton, Mo 7032
  - Thread; from Ottley, Ga., to Skokie, Ill 6062
  - Vegetables. *See* Carrots.
  - Woods, foreign; from Conway, Darlington, Kingstree, Orangeburg, and Sumpter, S. C., to Baton Rouge, Bogalusa and New Orleans, La. 6603
- Uniform system of accounts, water carriers, recording cost of intangible assets; acquisition adjustment, modification, proposed rule making 6116
- Water carriers, uniform system of accounts for. *See* Uniform system of accounts.

J

JAPAN:
- Claims of American nationals under provisions of Treaty of Peace with Japan. *See* State Department.
- Property of, vesting orders, etc. *See* Alien Property, Office of.

JUSTICE DEPARTMENT:
- *See Alien Property, Office of.*
- *Immigration and Naturalization Service.*
- Immigration quotas (Proclamation 2980) 6019
- Radio equipment; delegation of authority to Attorney General by General Services Administrator to purchase without advertising 64 portable two-way radio sets and 50 FM transmitter and receiver units 6203

L

LABOR DEPARTMENT: Page
- *See Employment Security Bureau.*
- *Public Contracts Division.*
- *Wage and Hour Division.*
- Age, Federal certificates of; State certificates and permits having same force and effect. *See* Child labor regulations.
- Authority, delegation of, to Special Assistant to Secretary respecting determinations in connection with recruitment of Mexican workers for agricultural employment in United States 6798
- Certificates (State) of age, employment, or working certificates or permits for minors. *See* Child labor regulations.
- Child labor regulations; state certificates (age, employment, working certificates, etc.), acceptance as having same force and effect as Federal certificates of age, list of States having acceptable certificates 5855
- Mexican agricultural labor, recruitment of; authority of Special Assistant to Secretary with respect to determinations in connection with 6798
- Real estate credit, functions of Department relating to preparation of estimates of construction starts in connection with relaxation of residential credit control (Executive Order 10373) 6425

LABOR DISPUTES, emergency board to investigate. *See* National Mediation Board.

LAND MANAGEMENT BUREAU:
- Air Force Department, lands in Alaska, Arizona and Florida withdrawn for use of. *See under* Withdrawals.
- Air-navigation sites, withdrawal of lands for, in Alaska and Utah. *See under* Withdrawals.
- Alaska:
  - Air-navigation sites, withdrawal of lands for. *See under* Withdrawals.
  - Alaska Communication System, lands near Federal Addition to Seward Townsite reserved for use by Army Department in connection with (PLO 850) 6100
  - Alaska Road Commission:
    - Air navigation facilities, maintenance of, lands near Seward Meridian withdrawn for; prior order of March 28, 1940 revoked as to described lands (PLO 846) 5992
    - Gravel-pit site. *See* Road-camp and gravel-pit site.
    - Road-camp and gravel-pit site, described lands near Seward Meridian withdrawn for (PLO 846) 5992
  - Anchorage Townsite, East Addition to; lands withdrawn in connection with activities of Alaska National Guard (PLO 855) 6747, 6751
  - Classification, examination, or in aid of legislation; lands withdrawn for. *See under* Withdrawals, below.
  - Kodiak Townsite, East Addition to; transfer of jurisdiction of interest in certain blocks to Office of Territories 6793
  - Lands opened to entry by veterans and general public. *See* Lands opened to homestead entry, *below.*
  - Leases, terminated, small tracts; offers to lease public land in 6099
  - National Guard, lands in East Addition to Anchorage Townsite withdrawn for use of Army Department in connection with activities of (PLO 855) 6747, 6751
  - Right-of-way, for highway purposes, reduced; Otis Lake Road, Seward Meridian 6795
  - Schools, public, lands near Seward Meridian withdrawn for use as public-school ground (PLO 846) 5992
  - Small tracts. *See* Small tracts, below.
  - Survey:
    - Notice of filing of plat of. *See* Survey, *below.*
    - Plats and field notes of mineral surveys, additional copies to be furnished patentee 6823
- Atomic Energy Commission, lands in California withdrawn for use of. *See under* Withdrawals.
- Authority, delegation of, from Secretary of Interior to Regional Counsels respecting tort claims 6793
- Automobile racing and testing ground, lands in Utah withdrawn from mineral location under jurisdiction of Secretary of Interior for administration or disposal as (PLO 852) 6100, 6128
- Boulder Canyon Project, Oregon; rights-of-way for transmission lines in connection with 5907
- Business sites. *See* Small tracts.
- Cabin sites. *See* Small tracts.
- Civil Aeronautics Administration, air-navigation sites withdrawn for use of, in Alaska and Utah. *See under* Withdrawals.
- Claims, tort; authority of Regional Counsels respecting 6793
- Grazing districts:
  - Arizona grazing district No. 3; certain lands in, withdrawn for use of Army Department in connection with Yuma Test Station (PLO 848) 6099
  - New Mexico:
    - Grazing district No. 2, described lands excluded from, added to grazing district No. 4 6057
    - Grazing district No. 4:
      - Addition of described lands, excluded from grazing district No. 2 6057
      - Certain lands in, reserved for use of State Department in connection with Rio Grande Canalization Project (PLO 851) 6100
- Highways, rights-of-way for: *See* Rights-of-way.
- Homesteads, lands opened to entry for. *See* Lands opened to homestead entry.
- Indian lands, Oregon; rights-of-way through 5897
- Interior, Secretary of, certain lands in Alaska and Utah reserved under jurisdiction of. *See under* Withdrawals.
- Irrigation. *See* Reclamation and irrigation.
- Lands opened to homestead entry by veterans and general public:
  - *For small tracts open to lease or purchase, see* Small tracts.
  - Alaska 5993, 6205
  - California 6718
  - Idaho 6719
  - Minnesota 7020
- Leases, terminated, small tracts. *See* Small tracts, *below.*
- Leasing of mineral lands. *See* Mineral lands and minerals.
- Livestock, reservoirs for watering; rights-of-way for 5901
- Mineral lands and minerals:
  - Mineral deposits in acquired lands and under rights-of-way, noncompetitive leases; postponement of effective date 6216
  - Mining regulations, general:
    - Patents for mining claim; land descriptions in patents 6823
    - Payment of charges of public survey office; claimant to pay cost of preparing copies 6823
    - Plats and field notes of mineral surveys, additional copies to be furnished to patentee 6823
  - Oil and gas leases, noncompetitive 6216
  - Rights-of-way over lands subject to mineral lease 5907
- National forests:
  - Michigan, Huron National Forest; certain lands within, included in power site restoration No. 504 (PLO 853) 6101
  - Oregon, rights-of-way through National forest lands 5904
  - Wyoming, Teton National Forest, certain lands in, opened to entry; partial revocation of prior orders as to described lands 5968
- Navy Department, lands in Florida withdrawn for use of. *See under* Withdrawals.
- Oil and gas lands. *See* Mineral lands and minerals.
- Pipelines, in Oregon, for oil and natural gas; rights-of-way for 5906
- Power site reserve, Michigan, No. 470, established by Executive Order of January 30, 1915; partial revocation as to described lands (PLO 853) 6101
- Reclamation and irrigation:
  - Irrigation purposes, Federal, rights-of-way for 5907
  - Reclamation purposes, Arizona, lands withdrawn for; precedence of order withdrawing lands near Gila and Salt River Meridian for use by Army Department in connection with Yuma Test Station (PLO 848) 6099

LAND MANAGEMENT BUREAU—Continued Page

Rights-of-way:
- Alaska. *See* Alaska.
- Highways, Michigan; lands subject to application for, or as source of materials for construction of 6101
- Oregon and California and Coos Bay revested lands, rights-of-way other than for railroad purposes and for logging roads; revision 5896
- Appendix; forms 5907
- Boulder Canyon Project, transmission lines in connection with 5907
- Canals, ditches, and reservoirs; Act of March 3, 1891, as amended 5900
- General regulations; definitions, Indian lands, applications, etc 5896
- Highways:
  - Construction of; R. S. 2477 5905
  - Road building material sites, flight strips; Federal Aid Highway 5905
- Irrigation purposes, Federal; Act of December 5, 1924 5907
- Livestock, reservoirs for watering 5901
- Mineral lease, lands subject to; right-of-way over 5907
- National forests, rights-of-way through, for dams, reservoirs, tunnels, canals for mining purposes; Act of February 1, 1905 5904
- Pipelines for oil and natural gas, and pumping plant sites; Mineral Leasing Act 5906
- Telephone and telegraph lines, transmission lines, radio and television sites, pipelines, canals, ditches, and water plants; Acts of February 15, 1901, March 4, 1911 5902
- Tramroads, etc., for logging and mining purposes; Act of January 21, 1895 5904

Rio Grande Canalization project, lands in New Mexico withdrawn for use of State Department in connection with. *See under* Withdrawals.

Small tracts:
- Classifications; Alaska:
  - No. 58 6012
  - No. 59 6013
  - No. 60 6439
  - No. 61 6718
- Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
  - Alaska 5993, 6012, 6013, 6205, 6439, 6718
  - California 6718
  - Idaho 6719
  - Minnesota 7020
  - New Mexico 7021
- Leases, terminated; offers to lease public land in Alaska in 6099

State Department, lands in New Mexico withdrawn for use of. *See under* Withdrawals.

Stock-driveway, withdrawal of lands in Montana for. *See under* Withdrawals.

Surveys:
- Notice of filing of plats of:
  - Alaska:
    - Seward Meridian, islands in Fish Lake 6205
    - Spruce Cape Small Tract Group 6439
  - California, Mount Diablo Meridian 6718
  - Minnesota, Crow Wing River, islands in 7020
  - New Mexico; New Mexico Principal Meridian 7021
- Plat and field notes of mineral surveys, in Alaska; additional copies to be furnished patentee 6823

Telephones and telegraph lines, Oregon; rights-of-way for 5902

Territories, Office of; transfer of jurisdiction of interests:
- Kodiak Townsite, certain blocks of 6793
- Seward Meridian, proposed 7020

Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
- Alaska:
  - Air Force Department, military purposes, lands near Fairbanks Meridian (PLO 854) 6432, 6440
  - Air-navigation site withdrawal No. 138, certain lands included in, withdrawn for classification, examination, or in aid of legislation; prior order (PLO 585) revoked as to described lands (PLO 846) 5992

LAND MANAGEMENT BUREAU—Continued Page

Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Con.
- Alaska—Continued
  - Alaska Road Commission:
    - Air navigation facilities, maintenance of, lands near Seward Meridian withdrawn for; prior order of March 28, 1940, revoked as to described lands (PLO 846) 5992
    - Road-camp and gravel-pit site, described lands near Seward Meridian withdrawn for (PLO 846) 5992
  - Army Department:
    - Alaska Communications System, lands near Federal Addition to Seward Townsite reserved in connection with (PLO 850) 6100, 6128
    - Alaska National Guard, activities of; lands in East Addition to Anchorage Townsite (PLO 855) 6747, 6751
    - Antiaircraft artillery range, lands in Susitna Flats area near Anchorage, proposed; postponement of hearing 6058, 6796
  - Classification, examination, or in aid of proposed legislation:
    - Seward Meridian, lands near:
      - Prior order EO 6957 revoked as to described lands (PLO 847) 5993
      - Prior order (PLO 585) revoked as to described lands (PLO 846) 5992
    - Spruce Cape Small Tract Group, lands withdrawn by EO 8344; notice of filing of plat of survey 6439
  - Interior, Secretary of; described lands near Seward Meridian reserved under jurisdiction of, for various purposes:
    - Alaska Road Commission, road-camp and gravel-pit site (PLO 846) 5992
    - Public-school ground (PLO 846) 5992
- Arizona:
  - Air Force base, lands near Gila and Salt River Meridian (PLO 856) 6823, 6827
  - Army Department, Yuma Test Station; lands near Gila and Salt River Meridian (PLO 848) 6099
- California:
  - Atomic Energy Commission; lands near San Bernardino Meridian (PLO 845) 5909, 5916
  - Classification, lands near San Bernardino Meridian; prior order EO 6361 revoked as to described lands (PLO 857) 6906
- Florida:
  - Air Force Department, military purposes; lands near Tallahassee Meridian (PLO 849) 6100
  - Navy Department, aviation purposes, lands near Tallahassee Meridian; prior order (PLO 267) revoked (PLO 849) 6100
- Montana, stock driveway No. 18, amended 6570
- New Mexico, State Department; Rio Grande Canalization Project, lands near New Mexico Principal Meridian withdrawn for use in connection with (PLO 851) 6100, 6128
- Utah:
  - Air-navigation site withdrawal No. Utah R-IV-2 6719
  - Interior, Secretary of; lands near Salt Lake Meridian withdrawn from mineral location and reserved under jurisdiction of, for automobile racing and testing ground (PLO 852) 6101, 6128

LIAISON OFFICE FOR PERSONNEL MANAGEMENT; organization and functions 6204

LOYALTY OF GOVERNMENT PERSONNEL:
- Civilian personnel assigned to Greece and Turkey, loyalty certifications of, authority respecting. *See* Defense Department.
- Investigations of. *See* Loyalty Review Board.

LOYALTY REVIEW BOARD:
- Operations of Board:
  - Appeals, action on, review of decision of panel; majority of members at duly called meeting required 6241

LOYALTY REVIEW BOARD—Continued Page

Operations of Board—Continued
- List of organizations designated by Attorney General as totalitarian, fascist, communist or subversive, etc., Appendix A; changes and additions:
  - Communist, American Russian Institute, New York, also known as American-Russian Institute for Cultural Relations with Soviet Union 6241
  - Communist Political Association, Oklahoma League for Political Education 6241
- Notes 6241

M

MAIL:
- Air carrier mail rates; economic regulations. *See* Civil Aeronautics Board.
- Postal regulations respecting mail matter, mail services, etc. *See* Post Office Department.

MARITIME ADMINISTRATION:
- Agreements, transportation, filed with Federal Maritime Board for approval. *See main heading* Maritime Board, Federal.
- Charter of vessels; annual review of charters of war-built vessels. *See main heading* Maritime Board, Federal.
- Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.

MARITIME BOARD, FEDERAL:
- Agreements, transportation. *See* Transportation agreements.
- Alaska; hearing on increase in rates of Snow Transportation Co. on traffic between certain ports in Alaska 6871
- Charter of war-built vessels; annual review of charters. *See* Merchant Ship Sales Act of 1946.
- Conferences, freight, steamship, using contract/noncontract rates in export or import trade of foreign commerce of United States; proposed rule of procedure 7020
- Merchant Ship Sales Act of 1946; bareboat chartering of war-built dry-cargo vessels, annual review of charters:
  - Alaska Steamship Co 6205
  - American President Lines 6205
  - Coastwise Line 6205
  - Farrell Lines 6205
  - Grace Line Inc 6205
  - Luckenbach-Gulf Steamship Co., Inc 6205
  - Lykes Bros. SS Co 6205
  - Mississippi Shipping Co 6205
  - Pacific Atlantic Steamship Co 6205
  - Pacific Far East Line 6205
  - Pope & Talbot, Inc 6205
  - Prudential S. S. Corp 6205
  - South Atlantic S. S. Line 6205
- Procedure, rule of, respecting steamship freight conferences using contract/noncontract rates in export or import trade of foreign commerce of United States; proposed 7020
- Rates:
  - Alaska, traffic between certain ports in, increase in rates of Snow Transportation; notice of hearing 6871
  - Contract/noncontract, steamship freight conferences using, in export or import trade of foreign commerce of United States; proposed rule of procedure 7020
  - Increase in, of Snow Transportation Co. on traffic between certain ports in Alaska; notice of hearing 6871
- Steamship conferences, freight, using contract/noncontract rates in export or import trade of foreign commerce of United States; proposed rule of procedure 7020
- Transportation agreements, approval, hearings, etc.; listed companies affected by agreements:
  - Aktiesaiskabet Atlas (agreement No. 7631-2) 6233
  - Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference; member lines (agreement No. 3868-11) 7022

MARITIME BOARD, FEDERAL—Continued Page

Transportation agreements, approval, hearings, etc.; listed companies affected by agreements—Con.
- Atlantic and Gulf/West Coast of Central America and Mexico Conference; member lines (agreement No. 2743-14) 7021
- Atlantic and Gulf/West Coast of South America Conference; member lines (agreement No. 2744-19) 7022
- Booth Steamship Co., Inc. (agreement No. 7525-2) 6130
- Bruusgaard Koisteruds Skibs. A S (China Siam Line):
  - Agreement No. 7849 6232
  - Agreement No. 7851 6233
- Cai Sud-Americana de Vapores (agreement No. 7796-3) 6233
- China Navigation Co., Ltd.:
  - Agreement No. 7849 6232
  - Agreement No. 7851 6233
- Coastwise Line (agreement No. 7858) 6597
- Concordia Line, joint service (agreement No. 7631-2) 6233
- D/S A/S Eikland, Rederi A. B. Pulp (agreement No. 7598-C) 6233
- Dampskibsaktieseiskabet Idaho (agreement No. 7631-2) 6233
- Dampskibsaktieselslabet Alaska (agreement No. 7631-2) 6233
- East Coast Colombia Conference; member lines (agreement No. 7590-5) 7022
- Grace Line Inc. (agreement No. 7796-3) 6233
- Havana Steamship Conference; member lines (agreement No. 4189-16) 7022
- Indo-China Steam Navigation Co., Ltd.:
  - Agreement No. 7849 6233
  - Agreement No. 7851 6233
- Ivaran Lines—Far East Service joint service:
  - Agreement No. 7856 7022
  - Agreement No. 7859 7022
- Japan-Atlantic Coast Freight Conference, member lines (agreement No. 3103-6) 6827
- Lamport & Holt Line, Ltd. (agreement No. 7525-2) 6130
- Leeward and Windward Islands and Guianas Conference; member lines (agreement No. 7540-6) 7022
- Middle East Mediterranean Westbound Freight Conference, member lines (agreement No. 7880-1) 6751
- Moore-McCormack Lines, Inc., and others (agreement No. 7525-2) 6130
- North Atlantic, Red Sea & Gulf of Aden Freight Conference, member lines (agreement No. 7530-2) 6751
- Northern Commercial Co. (agreement No. 7858) 6597
- Pacific Argentine Brazil Line, Inc.:
  - Agreement No. 7846-1 6130
  - Agreement No. 7856 7022
- Pacific Transport Lines, Inc. (agreement No. 7846-1) 6130
- Pope & Talbot, Inc.
  - Agreement No. 7846-1 6130
  - Agreement No. 7856 7022
- Salen-Skaugen Line, joint service (agreement No. 7598-C) 6233
- Santiago de Cuba Conference; member lines (agreement No. 7650-4) 7022
- Skipsaksjeselskapet Hilda Knudsen (agreement No. 7631-2) 6233
- Skipsaksjeselskapet Samuel Bakke (agreement No. 7631-2) 6233
- Trans-Pacific Freight Conference (Hong Kong) member lines:
  - Agreement No. 7849 6232
  - Agreement No. 7851 6233
- Trans-Pacific Passenger Conference; member lines (agreement No. 131-216) 6751
- United States Atlantic & Gulf-Bermuda Conference; member lines (agreement No. 7900-2) 7023
- United States Atlantic & Gulf Ports-Jamaica (B. W. I.) Steamship Conference; member lines (agreement No. 4610-2) 7022
- United States Atlantic & Gulf-Venezuela & Netherlands Antilles Conference; member lines (agreement No. 6190-13) 7022
- Waterman Steamship Corp. (agreement No. 7859) 7022

20000—52——5

MARITIME BOARD, FEDERAL—Continued Page
War-built vessels, dry-cargo; chartering of. *See* Merchant Ship Sales Act of 1946.
MEXICAN WORKERS, for agricultural employment, authority respecting. *See* Labor Department.
MIGRANTS FROM EUROPE, MOVEMENT OF; functions relating to (Executive Order 10368) 5929
MIGRATORY BIRDS, taking of. *See* Fish and wildlife.
MILITARY RESERVATIONS; Round Top Military Reservation, Honolulu, Hawaii, restoration of lands and rights-of-way to Territory of Hawaii (Executive Order 10375) 6459
MINERALS, METALS, ETC.:
Priority orders respecting specific minerals and metals. *See* National Production Authority.
Procurement for Government use and resale. *See* General Services Administration.
Sale of mineral interests in designated areas. *See* Agriculture Department.
MINES BUREAU:
Mechanical equipment for mines; dust collectors for use in connection with rock drilling in coal mines, methods of testing:
Horizontal drilling 6949
Roof drilling; percussion and rotary 6949
MUTUAL SECURITY ACT, functions pursuant to; amendment of Executive Order 10300 (Executive Order 10368) 5929
MUTUAL SECURITY AGENCY:
Aircraft, foreign, replacement parts and materials for; list of countries for which requests for DO (priority) ratings should be submitted to Agency 6898
Functions:
Constituent agency of Executive Office of President 6204
Under Mutual Security Act and related statutes; (Executive Order 10368) 5929
Informational media guaranties; allocation of funds and transfer of personnel, records, property to State Department for purposes of (Executive Order 10368) 5929
Investments under Economic Cooperation Act, guaranties of 6195
Designation of Export-Import Bank of Washington as agent 6195
Migrants from Europe, movement of; allocation of funds to State Department in connection with (Executive Order 10368) 5929
Relief supplies and packages:
Ocean freight charges on shipments of:
Allocation of funds and transfer of personnel, records, property to State Department for payment of (Executive Order 10368) 5929
Revocation of Economic Cooperation Administration Regulation 5 on commercial freight shipments of individual relief packages 5934
Parcel post shipments; revocation of Economic Cooperation Administration Regulation 2 respecting 5934
Voluntary non-profit agencies, commercial freight shipments of supplies by; revocation of Economic Cooperation Administration Regulation 3 respecting 5934
United Nations Children's Fund; allocation of funds to State Department in connection with (Executive Order 10368) 5929

N

NATIONAL GUARD:
Regulations respecting. *See* Army Department.
Veterans' benefits. *See* Veterans' Administration.
NATIONAL MEDIATION BOARD:
Emergency boards to investigate disputes between certain air carriers and their employees:
Northwest Airlines, Inc. (Executive Order 10372) 6213
Trans World Airlines, Inc. (Executive Order 10371) 6213
NATIONAL PARK SERVICE:
Authority, delegation of, by Secretary of Interior:
Finance Officer to negotiate, without advertising, contract with Motorola, Inc., for purchase of four mobile units 6057
Regional Counsels; authority respecting tort claims 6793

NATIONAL PARK SERVICE—Continued Page
Claims, tort; authority of Regional Counsels respecting 6793
Concessioners of Service, sales by; price control regulation respecting. *See main heading* Price Stabilization, Office of.
Contracts and purchases; delegation of authority to Finance Office by Secretary of Interior to negotiate, without advertising, contract with Motorola, Inc., for purchase of four mobile units 6057
General rules and regulations:
Aircraft:
Katmai National Monument, Alaska, redesignation 6044
Lake Mead Reclamation Area, Arizona and Nevada, revocation 6044
Commercial automobiles and busses: Lake Mead Reclamation Area (except the Kingman-Las Vegas Highway), deletion 6044
Definitions, deletion of Lake Mead Recreational Area 6044
Fishing:
Closing of waters to fishing, redesignation 6044
Lake Mead Recreational Area, deletion 6044
General provisions, deletion of Lake Mead Recreational Area 6044
Prospecting and mining; mineral lands in Lake Mead Recreational Area, deletion 6044
Protection of wildlife; Lake Mead Recreational Area, revocation 6044
Mining in Death Valley National Monument, regulations 5992
National parks, monuments, recreational areas, etc.:
Coulee Dam Recreational Area. *See* Recreational areas, *below*.
Death Valley National Monument, mining 5882
Katmai National Monument, Alaska; aircraft, redesignation 6044
Lake Mead Recreational Area:
See also Recreational areas, *below*.
General rules and regulations. *See* General rules and regulations, *above*.
Operation of privately owned boats, revocation 6044
Millerton Lake Recreational Area. *See* Recreational areas, *below*.
Operation of privately owned boats on Lake Mead Recreational Area, revocation 6044
Recreational areas (Lake Mead, Millerton Lake, Coulee Dam); general rules and regulations respecting camping, boating, hunting, fishing, public use, etc 6044
NATIONAL PARKS, FORESTS, ETC.:
Chequamegon National Forest, Wisconsin; enlargement (Executive Order 10374) 6457
Nicolet National Forest, Wisconsin; enlargement (Executive Order 10347) 6457
Public lands in. *See* Land Management Bureau.
Regulations. *See* Forest Service; *and* National Park Service.
NATIONAL PRODUCTION AUTHORITY:
Controlled Materials Plan. *See* Priorities system operation.
Critical defense housing areas; procedures for designation and certification of areas, recommendations 6822
Farm equipment; memorandum of agreement concerning scope of term farm equipment as used in Executive Order 10161 between Production and Marketing Administrator and Administrator of National Production Authority 6129, 6131
Appendix A; equipment included within definition of term farm equipment for purposes of section 101 of Executive Order 10161 6129
Inventory control:
Controlled Materials Plan; inventories. *See under* Priorities system operation.
Limitations on materials that can be ordered, received or delivered; building materials, chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, extile materials, etc. (Regulation 1) 6771
Practical minimum working inventory limitation, materials subject to (Table IA) 6773
Special inventory restrictions, materials subject to (Table II) 6774

NATIONAL PRODUCTION AUTHORITY—Continued Page
Inventory control—Continued
Limitations on materials that can be ordered, received or delivered; building materials, chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc. (Regulation 1)—Continued
Specific calendar day or practical minimum working inventory limitation, whichever is less, materials subject to (Table IB) 6774
Slab zinc removed from inventory limitation 5895
Priority orders respecting inventory limitations for specific materials. *See* Priority orders.
Priorities system operation; regulations:
See also Priority orders.
Basic rules respecting DO ratings (Regulation 2):
Ratings for certain materials and products, restrictions upon use of (Dir. 3) 6669, 6774
Aluminum foil and powder; added 6775
Pig iron; added 6669
Rayon, high-tenacity; added 6669
Steel industry, work stoppage in; rescheduling of deliveries under NPA directives affected by (Direction 5) 6228
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1):
Allotments and delivery orders for controlled materials, restrictions on placing orders and on use of allotments and materials; use or disposal of unused delivered materials 6762
Aluminum, copper and steel; various forms and shapes (Schedule I); aluminum foil and powder 6762
Carbon steel castings, heavy; additional advance allotment authority (Direction 14) 5894
Minimum mill quantities (Schedule IV); aluminum foil and powder 6762
Orders, authorized, time for placing (Schedule III); aluminum foil and powder 6762
Placement and acceptance of certain third and fourth quarter authorized controlled material orders (Direction 16) 6959
Producers of class A and class B products, persons deemed to be (Int. 1) 6557
Producers of class B products; procedure for obtaining minimum quantities of materials (Direction 1), persons affected by Direction 5894
Special delivery status for authorized controlled material orders placed in support of certain military, atomic energy and machine tool programs (Direction 15) 6958
Special preference status for authorized controlled material orders placed in support of certain military, atomic energy, and machine tool programs (Direction 13); revocation 6906
Steel; restrictions on shipments and acceptance of deliveries (Direction 12) 6430
Revocation 6957
Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign and used steel (CMP Regulation 6):
Controlled materials (Table III); aluminum 6763
Placement and acceptance of certain third and fourth quarter authorized controlled material orders (Direction 6) 6960
Restrictions on placing orders and on use of allotments and materials; use or disposal of unused delivered materials 6763
Delivery orders, preference status of (CMP Regulation 3); special preference status of DO rated orders for Class A and B products containing steel (Direction 4) 6959
Inventories of controlled materials (CMP Regulation 2):
Maximum inventory limitations; steel items, certain 6959
Temporary suspension of inventory limitations on copper and aluminum (Direction 1) 5894

NATIONAL PRODUCTION AUTHORITY—Continued Page
Priority orders:
Aluminum:
Destructive uses, procedure for obtaining aluminum for (M–84) 6768
Distributors; rules for accepting, filling and placing orders and obtaining replacement of stock (M–88) 6769
Foil, converted; restrictions for use of, in certain containers or packaging material (M–67), revocation 6153
Foil and powder; ratings for certain materials (Regulation 2, Direction 3) 6774
Inventory limitations, temporary suspension of (CMP Regulation 2, Direction 1) 5894
Rules for placing, accepting and scheduling rated orders (M–5) 6763
Use in certain consumer durable goods. *See* Metals.
Use in electric utilities. *See* Electric utilities.
Automobile wreckers; required inventory report, limitations on acceptance of delivery of motor vehicles or car-units, and certain other requirements (M–92), revocation 5990
Temporary exemption of auto wreckers in certain areas from purchase limitations (Direction 1); revocation 5990
Brass and bronze:
Brass mill products. *See* Copper and copper base alloy.
Tin content, permissible in brass and bronze items. *See under* Tin.
Building materials; designation as scarce materials 6777
Cans, tin plate, or terneplate; restrictions upon acceptance, delivery and uses of cans, and specifications for listed products (M–25), emergency packing of perishable food products, suspension of can specifications for (Direction 4) 5895, 6670
Chemicals:
Inventory limitation 6773
Scarce materials, designation as 6776, 6777
Construction machinery. *See* Machines and machinery.
Consumer durable goods, use of controlled materials in. *See* Metals.
Containers and closures:
Inventory limitation 6774
Scarce materials, designation as 6777
Use of aluminum foil in. *See* Aluminum.
Controlled materials (aluminum, copper, steel):
See also Aluminum; Copper; *and* Iron and steel.
Controlled Materials Plan for. *See under* Priorities system operation, *above*.
Distribution to retailers; maintenance of inventories, and limitations on orders and sales (M–89), list of controlled materials and amounts that may be purchased on orders (Schedule I); deletion of certain aluminum items 6771
Copper and copper-base alloy:
Brass mill products; distribution to distributors (M–82) 6741
Inventory limitations, temporary suspension of (CMP Regulation 2, Direction 1) 5894
Raw materials, distribution of, limitations on toll agreements covering scrap and prohibitions on undue scrap accumulation (M–16); advance authorizations (Direction 1) 5990
Use in certain consumer durable goods. *See* Metals.
Use in electric utilities. *See* Electric utilities.
Use in lighting fixtures. *See* Lighting fixtures.
Wire mill products, distribution of (M–86); monthly quotas of X–6 orders, increase in 6743
Electric equipment. *See* Power equipment, and electric equipment.
Electric utilities, procurement and use of materials by (M–50); temporary suspension of inventory limitations on copper and aluminum (Direction 1) 6741
Farm equipment. *See* Farm equipment *above*.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Forest products:
  - Inventory limitation 6773
  - Scarce materials, designation as 6776, 6777
- Insect wire screening, rules for placing and accepting rated orders (M–42); revocation 6958
- Iron and steel:
  - Alloying materials and alloy products, requirements for melters and processors of, and authorization of melting or processing schedules (M–80); chromium and chromium nickel (Schedule C) 6766
  - Restrictions on certain uses for heat-resistant purposes (Appendix 1) 6767
  - Carbon steel castings, heavy; additional advance allotment authority under Controlled Materials Plan (CMP Regulation 1, Direction 14) 5894
  - Inventories of controlled materials (CMP Regulation 2); maximum inventory limitations on certain steel items 6959
  - Inventory limitation 6773
  - Pig iron, ratings for; restrictions on use (Regulation 2, Direction 3) 6669
  - Requirements concerning production, authorization for production and certain reports, and provisions respecting orders and deliveries (M–1) 6038
  - List of products to which order applies (Table I) 6041
  - Restrictions on steel shipments and acceptance of deliveries (CMP Regulation 1, Direction 12) 6430
  - Revocation 6957
  - Scarce materials, designation as 6776, 6777
  - Scrap; allocation and inventory limitation (M–20) 6669
  - Steel distributors; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A):
    - Earmarked stocks—aircraft quality alloy steel products (Schedule 1) 7013
    - Additional restrictions on sale and delivery (Direction 1) 6153
    - Earmarked stocks—oil country casing, oil country tubing, and oil country drill pipe (Schedule 2); additional restrictions on delivery of oil country casing and tubing (Direction 1) 6558
    - Supplemental shipments by producers and limitations on distributors' deliveries (Direction 3) 6957
  - Use in consumer durable goods. *See* Metals.
  - Work stoppage in steel industry, rescheduling of deliveries under NPA directives affected by (Regulation 2, Direction 5) 6228
- Jacks, mechanical, hydraulic, air, and electrically-operated; limitation on manufacture and assembly (M–83) 6042
  - Schedule A; list of devices commonly known as jacks 6043
  - Schedule B; jacks not subject to standardization and simplification 6043
- Leather and tanning materials:
  - Inventory limitation 6773
  - Scarce materials, designation as 6776
- Lighting fixtures; limitations on use of copper (M–97), revocation 6670
- Machines and machinery:
  - Construction machinery, delivery of; rules for placing, accepting and scheduling rated orders (M–43) 6035
  - Claimant agencies and responsibilities (List B) 6037
  - Types of construction machinery and equipment (List A) 6037
  - Farm equipment. *See* Farm equipment *above*.
  - Metalworking machines; delivery (M–41) 6853
  - Turbines, engines, generators, transformers, etc. *See* Power equipment, and electric equipment.
- Metals and minerals:
  - Inventory limitation 6774
  - Scarce materials, designation as 6776, 6777

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
- Metals (iron, steel, copper, and aluminum), use of, in certain consumer durable goods, to provide for flexibility in production and to prohibit use of copper and aluminum for certain purposes (M–47B); revised Schedule I 6431
- Metalworking machines. *See* Machines and machinery.
- Power equipment, and electric equipment (turbines, engines, generators, transformers, etc.), production and delivery (M–44); factors in rescheduling production and delivery schedules of manufacturers (Direction 1) 6152
- Rayon, high-tenacity, ratings for; restrictions on use (Regulation 2, Direction 3) 6669
- Rubber:
  - Inventory limitation 6774
  - Restrictions applicable to cold GR–S and natural crepe rubber (M–2) 6739
  - Scarce materials, designation as 6776, 6777
- Scarce materials, designation of chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc., as, and withdrawal of certain previous designations (DSM 1) 6775
- Steel. *See* Iron and steel.
- Tanning materials. *See* Leather and tanning materials.
- Textile materials:
  - Inventory limitations 6774
  - Scarce materials, designation as 6776, 6777
- Tin:
  - Tin plate and terneplate; use in cans. *See* Cans.
  - Use in civilian economy (M–8) 6705
  - List of items or processes in which use of tin in any form is restricted (List A); deletion 6704
  - Schedules of permitted uses of pig tin or permissible tin content in various items or processes:
    - Babbitt (Schedule III) 6708
    - Brass and bronze (Schedule I) 6708
    - Foil (Schedule V) 6710
    - Miscellaneous items; tin pipe, tubes, dental alloys, pipe organs, printing plates, bismuth alloys, etc. (Schedule VII) 6710
    - Pig or secondary tin (Schedule VIII) 6711
    - Plating and coating (Schedule IV) 6709
    - Solders (Schedule II) 6708
    - Tin chemicals and tin oxide (Schedule VI) 6710
  - Wire screening. *See* Insect wire screening.
- Zinc, slab; removal from inventory limitation (Regulation 1) 5895
- Scarce materials, designation of chemicals, forest products, leather and tanning materials, iron and steel, metals and minerals, rubber materials, textile materials, etc., as, and withdrawal of certain previous designations (DSM 1) 6775

NATIONAL SECURITY COUNCIL:
- Organization and functions 6204

NATIONAL SECURITY RESOURCES BOARD:
- Organization and functions 6204

NAVIGATION LAWS AND REGULATIONS:
- Airways. *See* Civil Aeronautics Administration; *and* Civil Aeronautics Board.
- Waterways. *See* Coast Guard; *and* Engineers, Corps of.

NAVY DEPARTMENT:
- Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
- Authority, delegation of, to Secretary, from Secretary of Defense; respecting loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey 6718
- Civil courts, proceedings in, respecting Navy or Marine Corps personel; revision 6410
- Contracts. *See* Procurement.
- Greece and Turkey, United States Missions to: authority of Secretary respecting loyalty certifications of civilian personnel assigned to 6718
- Loyalty certifications of civilian personnel assigned to United States Missions to Greece and Turkey; authority of Secretary respecting 6718

NAVY DEPARTMENT—Continued Page

- Price control regulations respecting sales to Defense Agencies. *See main heading* Price Stabilization, Office of.
- Prisoners as witnesses or parties in civil courts. *See* Civil courts, proceedings in.
- Procurement, property, patents and contracts:
  - Contracts, defective, informal, and quasi; payment of fair compensation under, revocation 6411
  - Disposition of property, revision 6555
- Records, naval, correction of; temporary approval of procedures 6232
- Reserve forces, Naval Reserve:
  - Correspondence Course Center, United States Naval 6410
  - Transfers of enlisted personnel between classes of Naval Reserve 6410

P

PANAMA CANAL ZONE. *See* Canal Zone Government.

PATENT OFFICE:
- Authority, delegation of, from Secretary of Commerce to assistant commissioners, solicitor and law examiners, executive officer, head of General Services Division, head and assistant head of Issue and Gazette Branch to attest name of Commissioner of Patents on patent grants and on certificates of registration of trade-marks 5969
- Patents:
  - Fees and charges to Government agencies for various items and services, policy respecting 5969
  - Statutory exemptions 5969
  - Waiver of fees in certain cases by Executive officer 5969
  - Patent grants, attestation of name of Commissioner of Patents on; authority of various officials respecting 5969
- Trade marks:
  - Certificates of registration, attestation of name of Commissioner of Patents on certificates; authority of various officials respecting 5969
  - Fees and charges to Government agencies for various items and services, policy respecting 5969
  - Waiver of fees in certain cases 5969

PAY, COMPENSATION, ALLOWANCES, ETC.:
- *See also* Wages and hours.
- Foreign duty of Federal employees, compensation for. *See* State Department.
- Hospitals, Government, stipends for certain positions in. *See* Civil Service Commission.
- Salary and wage stabilization. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

PERSONNEL MANAGEMENT, LIAISON OFFICE FOR. *See* Liaison Office for Personnel Management.

PETROLEUM ADMINISTRATION FOR DEFENSE:
- Committees and supply directors, establishment of (PAD Instruction 2):
  - Committee duties and functions; termination 6128
  - Committee organization; termination 6128
- Foreign nations, petroleum supply to friendly nations; voluntary agreement, Plan of Action No. 1, termination 6166
- Voluntary agreement relating to supply of petroleum to friendly foreign nations; Plan of Action No. 1, termination 6166

PETROLEUM AND PETROLEUM PRODUCTS:
- Compressed gases; transportation or storage on board vessels. *See* Coast Guard.
- Foreign nations; voluntary plan for petroleum supply to friendly foreign nations, termination of Plan of Action No. 1 6166
- Price control regulations respecting. *See* Price Stabilization, Office of.
- Public Contracts Act, dealer in petroleum under. *See* Public Contracts Division.

PORTS OF ENTRY. *See* Customs Bureau.

POST OFFICE DEPARTMENT:
- Appointments, field personnel. *See* Personnel.
- Armed forces; postal regulations respecting A. P. O.'s 5952

POST OFFICE DEPARTMENT—Continued Page

- Department and Postal Service, postage stamps and other stamped paper and securities; special-request envelopes, requirement for advance deposit by purchaser 6857
- Domestic mail matter:
  - Classification and rates of postage; parcels addressed to certain A. P. O.'s 5952
  - Several classes of mail matter, provisions applicable to; matter liable to damage mail or injure person, special packing of certain matter where admissible, insecticides, fungicides and germicides, redesignation 5952
- Field service personnel, appointments. *See* Personnel.
- International postal service:
  - Postage rates, service available, and instructions for mailing:
    - Parcel post:
      - Parcels for foreign countries, group shipments, deletion of Indonesia from list of countries 6595
      - Relief packages, parcel post shipments, regulations respecting. *See main heading* State Department.
    - Various countries, conditions applicable to service in:
      - Ceylon, regular mails; air mail service, postage rates 6595
      - Guadeloupe, parcel post; table of rates, air parcels 6432
      - India, French settlements in; regular mails, air mail service, postage rates 6595
      - Indonesia:
        - Parcel post:
          - Observations 6595
          - Prohibitions:
            - For sanitary reasons 6595
            - Sarongs and all cloth bearing batik designs 6595
          - Table of rates; no group shipments 6595
        - Regular mails:
          - Observations; deletion 6595
          - Prohibitions; parasites and predators, conditions for admittance 6595
        - Section headnote amended to include additional areas 6595
      - Madeira Islands, regular mails; air mail service, postage rates 6595
      - Martinique, parcel post; table of rates, air parcels 6432
      - Morocco (French), regular mails; air mail service, postage rates 6595
      - Portuguese East Africa (Mozambique), regular mails; air mail service, postage rates 6595
      - Portuguese India, regular mails; air mail service, postage rates 6595
      - Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince's Island), regular mails; air mail service, postage rates 6595
      - Saudi Arabia (Kingdom of), regular mails; air mail service, postage rates 6595
  - Treatment of mails, at delivery offices; foreign matter, delivery of 6432
- Personnel, field service; permanent appointment of employees whose salary rates are fixed by act of July 6, 1945, provisos respecting (Executive Order 10376) 6581
- Price control regulation respecting services of Department. *See main heading* Price Stabilization, Office of.
- Relief packages, parcel post shipments of. *See main heading* State Department.
- Stamps. *See* Department and Postal Service.
- Treatment of foreign mails. *See* International postal service.

PRESIDENTIAL DOCUMENTS:
- Air carriers, labor disputes involving; investigation. *See* National Mediation Board.
- Aliens:
  - Immigration quotas (Proc. 2980) 6019
  - Migrants from Europe, Movement of, Provisional Intergovernmental Committee for; functions relating to (EO 10368) 5929

PRESIDENTIAL DOCUMENTS—Continued Page

Children's Emergency Fund, United Nations International, functions relating to (EO 10368) 5929
Citizenship Day, 1952 (Proc. 2984) 6931
Civil service; postal employees in field service, permanent appointments to positions for which salary rates are fixed by act of July 6, 1945 (EO 10376) 6681
Commerce Department; immigration quotas, revision (Proc. 2980) 6019
Committees, boards, etc.:
Emergency boards to investigate labor disputes. *See* National Mediation Board.
Movement of Migrants from Europe, Provisional Intergovernmental Committee for, functions relating to (EO 10368) 5929
Construction, residential; real estate credit, functions in connection with (EO 10373) 6425
Contracts, renegotiation of; designation of Reclamation Bureau as agency for purposes of Title I of Renegotiation Act of 1951 (EO 10369) 5932
Credit control, real estate credit; relaxation of residential credit control, functions respecting (EO 10373) 6425
Customs Bureau; zinc, suspension of duty on, revocation (Proc. 2983) 6835
Days of observance:
Citizenship Day, 1952 (Proc. 2984) 6931
United Nations Day, 1952 (Proc. 2981) 6605
Defense Production Act:
Real estate credit functions in connection with (EO 10373) 6425
Wage stabilization Board; composition, supervision and direction (EO 10377) 6891
District of Columbia, Government of; reorganization (Reorganization Plan No. 5 of 1952) 5849
Abolition of certain agencies, and transfer of functions to Board of Commissioners (Reorganization Plan No. 5 of 1952) 5849
Boards of Commisisoners, functions of (Reorganization Plan No. 5 of 1952) 5849
Chief of Police; establishment of office (Reorganization Plan No. 5 of 1952) 5849
Fire Chief, establishment of office (Reorganization Plan No. 5 of 1952) 5849
Economic Stabilization Agency; Wage Stabilization Board, supervision and direction (EO 10377) 6891
Emergency boards to investigate labor disputes. *See* National Mediation Board.
Federal Reserve System; real estate credit, functions of Board of Governors in connection with relaxation of residential credit control (EO 10373) 6425
Forest Service:
Chequamegon National Forest, Wisconsin; enlargement (EO 10374) 6457
Nicolet National Forest, Wisconsin; enlargement (EO 10374) 6457
Hawaii; restoration of certain lands comprising Round Top Military Reservation, Honolulu, and rights-of-way thereto to jurisdiction of Territory of Hawaii (EO 10375) 6459
Housing and Home Finance Agency; residential credit control, relaxation on basis of construction starts, functions respecting (EO 10373) 6425
Immigration and Naturalization Service; immigration quotas, revision (Proc. 2980) 6019
Informational media guaranties under Economic Cooperation Act and Mutual Security Act, functions respecting (EO 10368) 5929
Justice Department:
See also Immigration and Naturalization Service.
Immigration quotas, revision (Proc. 2980) 6019
Labor Department; real estate credit, functions of Department in connection with preparing estimates of construction starts in connection with relaxation of residential credit control (EO 10373) 6425
Labor disputes, emergency board to investigate. *See* National Mediation Board.
Lands:
Hawaii; restoration of certain lands comprising Round Top Military Reservation and rights-of-way thereto to jurisdiction of Territory of Hawaii (EO 10375) 6459
National forests, lands in. *See* Forest Service.

PRESIDENTIAL DOCUMENTS—Continued Page

Migrants from Europe, movement of, functions relating to (EO 10368) 5929
Military Reservation, Round Top, Honolulu, Hawaii; restoration of lands comprising to jurisdiction of Territory of Hawaii (EO 10375) 6459
Mutual Security Act, functions pursuant to; amendment of EO 10300 (EO 10368) 5929
Mutual Security Agency:
Functions under Mutual Security Act and related statutes; amendment of EO 10300 (EO 10368) 5929
Informational media guaranties; allocation of funds and transfer of personnel, records, property to State Department for purposes of (EO 10368) 5929
Migrants from Europe, movement of; allocation of funds to State Department in connection with (EO 10368) 5929
Relief supplies and packages, payment of ocean freight charges on shipments of; allocation of funds and transfer of personnel, records, property to State Department for purposes of (EO 10368) 5929
United Nations Children's Fund; allocation of funds to State Department in connection with (EO 10368) 5929
National Mediation Board; emergency boards to investigate disputes between certain air carriers and their employees:
Northwest Airlines, Inc (EO 10372) 6213
Trans World Airlines, Inc (EO 10371) 6213
National parks. *See* Forest Service.
Post Office Department, field service; permanent appointments to positions in service for which salary rates are fixed by act of July 6, 1945 (EO 10376) 6681
Public Health Service; Commissioned Corps, continuance as military service (EO 10367) 5929
Real estate credit, relaxation of residential credit control; functions respecting (EO 10373) 6425
Reclamation Bureau; contracts, renegotiation of (EO 10369) 5932
Relief packages and supplies, shipment of; payment of ocean freight charges by State Department (EO 10368) 5929
Renegotiation of contracts. *See* Contracts.
Small Defense Plants Administration; voluntary agreements and programs, authority of Administrator respecting, in connection with small-business production pools (EO 10370) 6141
State Department:
Immigration quotas (Proc. 2980) 6019
Informational media guaranties, functions respecting (EO 10368) 5929
Migrants from Europe, movement of; contributions to Provisional Intergovernmental Committee for Movement of Migrants from Europe (EO 10368) 5929
Mutual Security Act and related statutes, functions pursuant to; amendment of EO 10300 (EO 10368) 5929
Relief supplies and packages, payment of ocean freight charges on shipments of, functions respecting (EO 10368) 5929
United Nations International Children's Emergency Fund, contributions to (EO 10368) 5929
Tariff Commission:
Trade agreement with Turkey, tariffs under. *See* Trade agreement.
Zinc, duty suspension on; revocation (Proc. 2983) 6835
Trade agreement, with Republic of Turkey; termination of proclamations of April 5, 1939 and November 30, 1939 (Proc. 2982) 6605
United Nations Day, 1952 (Proc. 2981) 6605
United Nations International Children's Emergency Fund, functions relating to (EO 10368) 5929
Veterans; postal employees in field service, conversion of indefinite appointments to permanent or probational appointments (EO 10376) 6681
Wage Stabilization Board:
Composition of (EO 10377) 6891
Supervision and direction by Economic Stabilization Administrator (EO 10377) 6891
Zinc, duty suspension on; revocation (Proc. 2983) 6835

PRICE STABILIZATION, OFFICE OF: Page

Adjustments:
Ceiling price adjustment for commodities or services governed by specific regulations, *see specific commodities.*
State laws, adjustment of ceiling prices for materials to minimum prices fixed by (GOR 32) 6583
Agricultural commodities:
Manufacturers' prices. *See* Manufacturers' prices.
Parity adjustments. *See* General Ceiling Price Regulation.
Air Force, Department of. *See* Government Agencies.
Alaska. *See* Territories and possessions of United States.
Anvils 5881
Apparel manufacturers' general ceiling price regulation (CPR 45), coverage; election to use regulation for category of articles (Int. 1) 6761
Army, Department of. *See* Government Agencies.
Asphalt mixing and attendant plants 5881
Atomic Energy Commission. *See* Government Agencies.
Augers, earth 5881
Authority, delegations of, to various officials:
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations):
Region I Directors:
Imports; reports, under CPR 31 (Redeleg. 41) 6167
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 32) 6014
Region II Directors:
Bakery products; sales in metropolitan New York area, under CPR 135, SR 1 (Redeleg. 32, Supp. 1) 6167
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 39) 6167
Imports; reports, under CPR 31 (Redeleg. 37) 6014
Malt beverages; under CPR 117 (Redeleg. 24) 6167
Region IV Directors:
Imports; reports, under CPR 31 (Redeleg. 36) 6014
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 14) 6014
Region VI Directors; imports, reports, under CPR 31 (Redeleg. 35) 6131
Region VII Directors:
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 39) 6720
Malt beverages; under CPR 117 (Redeleg. 21) 6131
Region VIII Directors:
Cattle, live; under CPR 23 (Redeleg. 34) 6168
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 38) 6132
Imports; reports, under CPR 31 (Redeleg. 36) 6014
Malt beverages; under CPR 117 (Redeleg. 26) 6132
Region IX Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 41) 6721
Cattle, live; under CPR 23 (Redeleg. 36) 6721
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg 40) 6721
Imports; reports filed, under CPR 31 (Redeleg. 38) 6721
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 28) 6720
Malt beverages, under CPR 117 (Redeleg. 27) 6720
Pork sold at wholesale, under CPR 74 (Redeleg. 13) 6720
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 18) 6720
Region X Directors:
Imports; reports, under CPR 31 (Redeleg. 33) 6014
Malt beverages; under CPR 117 (Redeleg. 24) 6167
Region XI Directors:
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 45) 6168
Imports; reports, under CPR 31 (Redeleg. 43) 6015
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 32) 6721
Malt beverages; under CPR 117 (Redeleg. 31) 6447

PRICE STABILIZATION, OFFICE OF—Continued Page

Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority with respect to price action or price adjustment for specific commodities under various price regulations)—Continued
Region XII Directors:
Beef at wholesale, under CPR 24 (Redeleg. 47) 6015
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 51) 6722
Consumer goods, under CPR 7 (Redeleg. 22 and 36) 6015
Imports; reports, under CPR 31 (Redeleg. 39) 6168
Lamb, yearling and mutton products at wholesale; under CPR 92 (Redeleg. 48) 6015
Malt beverages; under CPR 117 (Redeleg. 30) 6168
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 33) 6015, 6447
Region XIII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 31) 6722
Cattle, live, under CPR 23 (Redeleg. 26) 6722
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 50) 6169
Consumer goods, under CPR 7 (Redeleg. 1) 6168
Malt beverages; under CPR 117 (Redeleg. 13) 6168
Directors, Regional (authority with respect to price action or price adjustment for specific commodities, under various price regulations):
Beef, kosher, sold at retail; under CPR 26 (Delegation of Authority 70) 5917, 6206
Eating and drinking establishments; under CPR 134 (Delegation of Authority 61) 6424
Iron and steel products, resellers' prices for; under CPR 98 (Delegation of Authority 53), additional authority 5971
Pork sold at wholesale, under CPR 74 (Delegation of Authority 32) 5917
Automobiles:
New passenger; sales at retail and wholesale (CPR 83), special orders:
General Motors Corp 6206, 6447
Kaiser-Frazer Corp 6206, 6830
Packard Motor Car Co 6598
Willys-Overland Motors, Inc 6830
Seat covers. *See* Consumer goods.
Used passenger automobiles; listed prices for sales by wholesalers, retailers, or individuals (CPR 94):
Alaska, establishing ceiling prices in 6416
Allowance for transportation to Alaska (Appendix B) 6417
Automotive and farm tractor repair services. *See* Services.
Automotive parts and engines, rebuilt and used (CPR 139); catalog pricing for certain long-term mail order sellers (SR 1) 6086
Bakery products, perishable and frozen; sales by bakers and wholesale and retail distributors (CPR 135), supplementary regulations:
Milwaukee bread bakers, interim relief for (SR 2) 6322
New York metropolitan area, sales to eating and drinking establishments located in (SR 1):
Authority of District Directors, Region II. *See* Authority, delegations of.
Metropolitan New York area, defined; Essex County, New Jersey, addition 6950
Balloons, figure, for advertising, publicity, etc.; exemption (GOR 5) 6852
Banks; service charges. *See under* Services.
Batteries, storage 5881
Beef. *See* Livestock and meat.
Belting, leather and textile 5881
Berries. *See* Fruits, vegetables, and berries.
Blocks and tackle 5881
Boilers 5881
Bottles. *See* Containers.
Bowling. *See* Services.
Brass mill products. *See* Copper and copper base alloy.
Brushes, industrial 5931
Buttons, non-metallic, for apparel; exemption (GOR 5) 6852
Cabinets, metal and wood. *See* Consumer goods.

PRICE STABILIZATION, OFFICE OF—Continued Page

- Candles, hand-made; exemption (GOR 5) 6852
- Cars, freight, rail, etc 5881
- Chain, power transmission 5881
- Chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets, special pricing methods for (CPR 7, SR 1):
  - Departmentalized establishments, special provisions for; footnote 6197
  - Retail sellers, combination of:
    - Interpretation respecting combination of retail sellers (Int. 2) 6691
    - Pricing for going store purchased by owner of another store (Int. 1) 6691
- Charcoal; retail ceiling prices for sales in Virgin Islands (CPR 154) 6034
- Chemicals:
  - Certain; approval of prices in long term contracts for sales of (GOR 27), commodities covered, inclusion of rare earth fluoride and rare earth oxide 6853
  - Manufacturers of; modifications and alternative provisions for (CPR 22, SR 7):
    - Aluminum fluoride and synthetic cryolite 5875
    - Carbon tetrachloride, technical grade 6147
- Chinaware and pottery. *See* Consumer goods.
- Clockwork systems 5881
- Coal:
  - Preparation equipment 5882
  - Tidewater coal dock dealers (GCPR, SR 4); transportation cost increases 6699
- Coast Guard. *See* Government Agencies.
- Coffee, Kona; prices for sales in Hawaii. *See under* Foods.
- Coke oven doors and jams 5882
- Community pricing (GOR 24), community price orders respecting retail prices for certain dry grocery items; notice of filing by various regions:
  - Region V (Jacksonville) 5970, 6132, 6233, 7024
  - Region VIII (Fargo) 5970, 7024
  - Region XII (Fresno) 6132, 6233, 7025
- Compasses. *See* Consumer goods.
- Compressors 5882
- Construction:
  - Industrial and construction machinery used. *See* Machines and machinery.
  - Services. *See* Services.
- Consumer goods, certain:
  - Durable goods, certain; translation of f. o. b. into delivered ceiling prices for manufacturers (CPR 22, SR 30) 6413
  - Durable goods regulation; manufacturers' prices (CPR 161) 6842
    - Commodities covered (Appendix A) 6849
      - Automobile seat covers 6849
      - Business equipment and accessories; machines, cash registers, time clocks, typewriters, commercial furniture, etc 6849
      - Cabinets, metal and wood (radio, television, sewing machine, etc.) 6849
      - Clocks and watches, certain 6849
      - Compasses (except marine and aircraft) 6849
      - Ecclesiastical ware 6849
      - Floor coverings, certain 6850
      - Funeral supplies and appurtenances 6850
      - Glassware, certain 6850
      - Hardware items, miscellaneous 6851
      - Health supplies equipment and professional goods 6849
      - Household appliances 6850
      - Housewares, certain 6850
      - Jewelry, certain 6850
      - Kitchen equipment, commercial 6849
      - Lamp bulbs and tubes, electric 6851
      - Lamps and shades, portable 6850
      - Luggage 6851
      - Marine articles 6851
      - Meteorological instruments 6851
      - Mirrors and frames 6851
      - Musical instruments 6851
      - Notions and personal accessories 6851
      - Optical and ophthalmic goods 6851
      - Photographing and photocopying equipment 6851

PRICE STABILIZATION, OFFICE OF—Continued Page

- Consumer goods, certain—Continued
  - Durable goods regulation; manufacturers' prices (CPR 161)—Continued
    - Commodities covered (Appendix A)—Continued
      - Pictures and mounts and frames 6851
      - Plated ware 6851
      - Pottery and chinaware 6851
      - Professional goods and health supplies equipment 6851
      - Radio, television, phonographic and other electronic equipment 6851
      - Safety equipment, industrial 6850
      - Silverware 6851
      - Smokers' articles 6851
      - Sporting goods 6851
      - Tools and equipment, hand; garden and agricultural 6850
      - Toys, dolls, and games 6851
      - Umbrellas, parasols, canes and cane trimmings 6851
      - Wall coverings, certain 6851
      - Wheel goods (baby carriages, bicycles, motor bicycles, wheel chairs, etc.) 6851
    - Exemptions for certain durable goods of minor significance which have trifling effect on cost of living, defense costs, etc. (GOR 5); additions:
      - Balloons, figure, for advertising, publicity, etc 6852
      - Buttons, non-metallic, for apparel 6852
      - Candles, hand-made 6852
      - Cork stoppers 6852
      - Film strips and projection slides, finished 6852
      - Hearing, non-electronic devices sold for aid of 6852
  - Retail ceiling prices (CPR 7):
    - Authority of District Directors. *See* Authority, delegations of.
    - Commodities covered (Appendix B), consumer durable goods; soft surface floor coverings 6197
    - Comparable categories (Appendix C) 6197
    - Computing ceiling prices.
      - *See also* Supplementary regulations.
      - Adding unit to chain which prices centrally and uniformly 6196
      - Alternative pricing methods to avoid having different prices for units of same article offered for sale at same time; averaging of ceiling prices, example 6196
      - Appendix E markups; when to use 6197
      - Combination of retail sellers (Int. 4) 6690
      - Job lot merchandise, pricing of (Int. 2) 6429
      - New sellers or sellers who cannot price otherwise; footnotes 6196
      - Seller with previous experience who wishes to open new unit or add a category 6197
      - Seller with single unit who wishes to open another 6196
    - General provisions:
      - Acts prohibited by regulation; changing delivery practices 6196
      - Definitions 6197
      - Records and reports of initial markups or gross margins 6197
    - Pricing charts; offering prices, footnote 6196
    - Scope; sales and sellers covered:
      - Auctioneers, coverage of (Int. 1) 6429
      - Door-to-door salesmen, company selling through (Int. 3) 6429
    - Special cases; transfers of business:
      - Combination of retail sellers (Int. 4) 6690
      - Pricing for going store purchased by owner of another store (Int. 5) 6690
    - Special orders. *See list at end of this agency.*
    - Supplementary regulations:
      - Alternative pricing method for retailers with unrepresentative category charts (SR 6); authority of District Directors. *See* Authority, delegations of.
      - Branded articles, uniform ceiling prices for (SR 4), orders under section 43 of CPR 7, expiration of; extension of terminal date 6903
      - Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets (SR 1):
        - Departmentalized establishments, special provisions for; footnote 6197

PRICE STABILIZATION, OFFICE OF—Continued Page

- Consumer goods, certain—Continued
  - Retail ceiling prices (CPR 7)—Continued
    - Supplementary regulations—Continued
      - Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, consignors and consignee-outlets (SR 1)—Continued
        - Retail sellers, combination of:
          - Interpretation respecting combination of retail sellers (Int. 2) 6691
          - Pricing for going store purchased by owner of another store (Int. 1) 6691
- Containers:
  - Glass, certain; adjusted ceiling prices for manufacturers (GCPR, SR 99):
    - Catsup and chili sauce bottles for bottling season 6146
    - Decorated and undecorated containers and shipping cartons, applicability of ceiling price increase to (Int. 1) 6267
  - Steel drums, used; sales in Alaska and services in connection with reconditioning (CPR 160) 6697
- Conveyors 5882
- Copper and copper base alloy; brass mill products:
  - Manufacturers' prices (CPR 110); adjustments in ceiling prices 5884
  - Producers' sales (CPR 68); adjustments in ceiling prices 5875
- Cork stoppers; exemption (GOR 5) 6852
- Cylinders 5882
- Dam and lock machinery 5882
- Decontrolled or exempted commodities, *see specific commodities.*
- Defense, Department of. *See* Government Agencies.
- Defense Agencies, sales to. *See* Government Agencies.
- Defense Materials Procurement Agency. *See* Government Agencies.
- Derricks 5882
- Diamond tools 5882
- Dollies, industrial 5882
- Dozers, angle, bull and push 5882
- Drinks, soft, bottled:
  - Ceiling prices (GCPR, SR 43), revision 6031
  - Sales, in eating and drinking establishments. *See under* Restaurants.
- Drums, used steel, sold in Alaska. *See* Containers.
- Ecclesiastical ware. *See* Consumer goods.
- Economizers 5882
- Electronic devices 5882
- Electroplating 5882
- Emergency Procurement Service. *See* Government Agencies.
- Engines 5882
- Escalators 5882
- Excelsior bolts. *See* Wood and wood products.
- Exported commodities:
  - *See also specific commodities.*
  - Exports (CPR 61); sulfur mined by non-Frasch methods, ceiling prices for (SR 3) 5988
  - Special order; sulphur produced by Western Sulphur Industries, Inc 6597
- Fabricated iron and steel products. *See* Iron and steel.
- Fans and blowers 5882
- Fertilizer; clarification of sales at retail and wholesale, under GCPR 6738
- Film strips and projection slides, finished; exemption (GOR 5) 6852
- Flaxseed feed products. *See* Grains.
- Floor coverings. *See* Consumer goods.
- Floor surfacing and floor maintenance machinery 5882
- Foods:
  - *See also specific commodities.*
  - Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
    - Retail; community price orders, for certain Regions. *See* Community pricing.
    - Wholesale (CPR 14):
      - Adjustment provisions:
        - Service fee wholesaler; figuring ceiling prices 6250
        - Wholesaler's application for permission to operate as service fee wholesaler 6250

PRICE STABILIZATION, OFFICE OF—Continued Page

- Foods—Continued
  - Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods)—Continued
    - Wholesale (CPR 14)—Continued
      - General provisions:
        - Determination of class of business; health food wholesalers excluded from coverage 6250
        - Figuring ceiling prices each week; correction 6250
        - Miscellaneous provisions; definitions:
          - "Canned" 6251
          - "Flour jobber" 6250
          - "Health food wholesalers" 6250
        - Table and commodity definitions; table of commodity markups 6251
      - Exemption and suspension of certain food and restaurant commodities which have trifling effect on cost of living, defense costs, etc. (GOR 7):
        - Statutory decontrol of certain processed fruits and vegetables pursuant to Defense Production Act of 1950 6412
        - Territories and possessions, decontrol of processed fruits and vegetables in 7013
        - Suspension of controls applicable to domestic and imported distilled spirits and wines:
          - Bulk distilled spirits and wines 6668
          - Bulk whiskey 6668
      - Fruits, vegetables and berries; statutory decontrol of certain listed commodities governed by CPR's 14, 15, 16, and 69 (GOR 7) 6412, 7013
      - Hawaii, food products sold in (CPR 69):
        - Kona coffee; small lot sales of green Kona coffee 6694
        - Supplementary regulation; West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 1), separate statement on invoices of increased freight charges 6030
      - Foreign governments; exemption for sales to by Federal agencies or instrumentalities (GOR 11) 6152
      - Freight cars 5881
      - Freight rates; increases for air freight during strike emergency on shipments to Hawaii of vaccines and serums for animals and fowl (GOR 21) 6429
      - Fruits, vegetables, and berries:
        - Canned vegetables, certain, of 1951 spring pack (CPR 42); statutory decontrol of canned asparagus (GOR 7) 6412
        - Frozen fruits and berries of 1951 and later packs (CPR 82); statutory decontrol of certain listed fruits and berries (GOR 7) 6412
        - Frozen vegetables of 1951 and later packs (CPR 81); statutory decontrol of certain listed vegetables (GOR 7) 6412
        - Processed fruits and berries of 1951 spring pack (CPR 56); statutory decontrol of certain listed fruits and berries (GOR 7) 6412
        - Processed vegetables of 1951 spring pack (CPR 55); statutory decontrol of certain listed vegetables (GOR 7) 6412
- Fuel; charcoal. *See* Charcoal.
- Funeral supplies and appurtenances. *See* Consumer goods.
- Furnaces and ovens 5882
- Galvanometer movements 5882
- Games. *See* Consumer goods.
- Gas burners 5882
- Gauges 5882
- Gears 5882
- General Ceiling Price Regulation:
  - Agricultural commodities, parity adjustments in ceiling prices for; commodities covered, deletion of potatoes 6151
  - Definitions and explanations, sale at retail and sale at wholesale; clarification as to sales of fertilizer 6738
  - Fruits, vegetables and berries; statutory decontrol of certain listed items (GOR 7) 6412
  - Supplementary regulations:
    - Coal dock dealers, tidewater (SR 4); transportation costs increases 6699

20000—52——6

PRICE STABILIZATION, OFFICE OF—Continued Page

General Ceiling Price Regulation—Continued
Supplementary regulations—Continued
Containers, glass, certain; adjusted ceiling prices for manufacturers (SR 99):
Catsup and chili sauce bottles for bottling season 6146
Decorated and undecorated containers and shipping cartons, applicability of ceiling price increase to (Int. 1) 6267
Defense Agency pricing (SR 1); revocation 6733
Drinks, soft, bottled; ceiling prices (SR 43), revision 6031
Flaxseed feed products; ceiling prices for sales by processors and distributors (SR 95) 7010
Iron ore, brown, produced in Southeastern states; adjustment of ceiling prices (SR 41); producers in Texas and Missouri 6905
Logs and lumber, true mahogany (SR 110) 5890
Logs, sawmill, produced in Alaska; suspension (SR 55), revision 6416
Milk, fluid, cream and milk products; area milk price adjustments (SR 63):
California:
Los Angeles District (other than Los Angeles County marketing area) (AMPR 11) 6582
San Diego District (AMPR 9) 5948
District of Columbia; Washington and nearby Maryland and Virginia milk marketing area (AMPR 26) 6700
Maryland. *See* District of Columbia.
Virginia. *See* District of Columbia.
Potash, muriate of, ceiling prices for (SR 59); new producers 6841
Sausage, fresh and semi-dry, made in whole or in part from beef, adjustment of ceiling prices of manufacturers and distributors of (SR 34), records, statements, etc.; required statement (Int. 1) 6762
Generators 5882
Glassware, certain. *See* Consumer goods.
Government agencies:
Exemption of certain sales by Federal agencies and instrumentalities (GOR 11); revision 6151, 6702
National Park Service, sales by concessioners of (GOR 17); revision 6852
Post Office Department; services. *See* Services.
Sales of scrap rubber by. *See* Rubber.
Sales to:
Defense Agency pricing (GCPR, SR 1); revocation 6733
Exemptions, suspensions, ceiling prices, etc., for sales to United States and its agents and suppliers (GOR 2), revision 6733
Governors, engine 5882
Grains:
Flaxseed feed products; ceiling prices for processors and distributors (GCPR, SR 95) 7010
Rice, milled (CPR 12), ceiling prices for sales by processors, fortified or enriched rice 6084
Guam. *See* Territories and possessions of United States.
Gyroscopes 5882
Hardware items. *See* Consumer goods.
Hawaii. *See* Territories and possessions of United States.
Health supplies equipment. *See* Consumer goods.
Hearing, non-electronic devices sold for aid of; exemption (GOR 5) 6852
Heat exchanger equipment 5882, 6219
Heating equipment 5882
Hoists 5882
Household appliances. *See* Consumer goods.
Housewares. *See* Consumer goods.
Imported commodities:
See also specific commodities.
Imports (CPR 31):
Authority of District Directors. *See* Authority, delegations of.
Fruits, vegetables and berries; statutory decontrol of certain listed items (GOR 7) 6412
Industrial and construction machinery, used. *See* Machines and machinery.

PRICE STABILIZATION, OFFICE OF—Continued Page

Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9):
Exemptions; revocation and transfer:
Military items, certain 6738
Tungsten concentrates, certain; sales to United States 6738
Suspensions; emergency purchases of, or secret or developmental contracts for machinery and related manufactured goods; revocation and transfer 6738
Instruments, electric and mechanical 5882
Iron and steel:
Fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection (CPR 156) 6216
Iron ore, brown, produced in Southeastern states; adjustment of ceiling prices (GCPR, SR 41); producers in Texas and Missouri 6905
Products, iron and steel; resellers' prices (CPR 98); Authority of Regional and District Directors. *See* Authority, delegations of.
Coverage:
General pricing instructions 5947
Persons and transactions covered 5944
General pricing provisions; record-keeping and filing requirements 5946
Industrial steel products:
Domestic industrial steel products listed in Tables A, B, and C, ceiling warehouse prices for 5944
Exceptions for certain small warehouse resellers 5946
Excess stock of products 5946
General pricing provisions 5944
Prime, secondary or rejected new domestic products which have not been put through warehousing operation; emergency exceptions 5945, 6267
Secondary or rejected domestic steel products, ceiling warehouse prices for 5945
Merchant trade wire and tubular products and oil country tabular goods:
Merchant trade pipe and tubular products, ceiling jobber prices 5946
Merchant wire and roofing and siding products, ceiling jobber prices for 5946
Re-usable industrial steel products; pricing of blanks, punchings or similar residue of industrial fabrication (Int. 1) 6904
Scrap, iron and steel (CPR 5):
Ceiling prices:
Basing point prices for steel scrap of dealer and industrial origin 6955
Delivered prices, ceiling, for shipment by rail, vessel, or combination thereof, for steel scrap of dealer and industrial origin 6955
Shipping point prices, ceiling, for steel scrap of dealer and industrial origin; shipping points in New York City 6957
Switching charge deductions, basing point; Warren, Ohio, in lieu of Warren, Pennsylvania 6955
Definitions:
"Iron and steel scrap" 6956
"Unprepared scrap" 6956
General provisions:
Intransit preparation 6955
Premiums for alloy content, nickel alloy 6146
Scope; all sales and deliveries of prepared and unprepared iron and steel scrap 6955
Specifications; steel grades of dealer and industrial origin; unprepared grades 6956
Steel drums, used; sold in Alaska. *See* Containers.
Jacks and jack screws 5882
Jewelry. *See* Consumer goods.
Kilns 5882
Kitchen equipment, commercial. *See* Consumer goods.
Lamb. *See* Livestock and meat.
Lamps, lamp bulbs, tubes, and portable shades. *See* Consumer goods.
Lighting equipment, commercial, industrial, marine, highway, etc 5882

PRICE STABILIZATION, OFFICE OF—Continued Page

Liquors, distilled spirits, malt beverages, wines, etc.:
Malt beverages (CPR 117); authority of District Directors. *See* Authority, delegations of.
Suspension of controls applicable to domestic and imported distilled spirits and wines (GOR 7); bulk distilled spirits 6668
Livestock and meat:
Beef:
Retail:
Beef sold at retail (CPR 25); general provisions:
Evasions, respecting wholesale beef cuts; permissible additions on retail sale of primal cuts (Int. 4) 6761
Non-graded and improperly cut cuts; necessity for grading of beef where required to be sold at no more than utility grade prices (Int. 5) 6761
Kosher beef sold at retail (CPR 26); authority of Regional and District Directors. *See* Authority, delegations of.
Wholesale, beef sold at (CPR 24):
Authority of District Directors. *See* Authority, delegations of.
Charts, beef cutting (Appendix 8); flank steak 6257
Combination distributors and hotel supply house 6148
Definitions:
Boneless beef cuts (Appendix 3) 6257
Fabricated beef cuts (Appendix 4) 6257
General definitions 6149, 6257
General provisions; prohibitions:
Selling other than defined cuts 6255
Selling ungraded (or improperly graded) beef 6225
Pricing schedules:
Beef carcasses and wholesale cuts 6148, 6256
Boneless beef cuts 6148, 6256
Fabricated cuts 6256
Miscuts, ungraded (or improperly graded) beef, and unauthorized sales 6256
Specialty products, prefabricated, quick frozen and packaged 6256
Zone differentials, beef (Appendix 11); correction 6415
Cattle, live (CPR 23); authority of District Directors. *See* Authority, delegations of.
Distribution, fair, of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs, or swine is permissible (DR 1):
Policy of regulation 6698
Scope; permitted slaughtering and continued limitations regarding weight and transfers 6698
Suppliers' sales to certain institutional users 6698
Lamb, yearling and mutton products, wholesale ceiling prices for (CPR 92):
Authority of Regional Directors. *See* Authority, delegations of.
Combination distributor and hotel supply house 6150
Definitions, general 6150
Pricing schedules; lamb, yearling and mutton carcasses and wholesale cuts 6150
Pork, ceiling prices at wholesale (CPR 74):
Authority of Regional and District Directors. *See* Authority, delegations of.
Definitions:
General 6150
Pork product definitions (Appendix 2); wholesale pork cuts:
Ham, regular, bone in; skinless and fatted 6954
Head (tongue cut); hog face 6954
Zone and region. *See* Zone.
General provisions:
Dried pork, specialty pork products, and prefabricated retail cuts; ceiling prices 6658
Prohibitions; selling or buying other than defined cuts 6659
Pricing schedules:
Aged, dry-cured pork cuts 6954
Cured, cooked, smoked, and browned 6953
Dressed hogs 6954
Fabricated loin cuts 6954
Fresh or frozen, cured, smoked, ready-to-eat, cooked, and browned 6952

PRICE STABILIZATION, OFFICE OF—Continued Page

Livestock and meat—Continued
Pork, ceiling prices at wholesale (CPR 74)—Con.
Pricing schedules—Continued
Miscellaneous pork cuts 6953
Semi-sterile canned meats 6954
Sliced bacon, derind, packed in shipping containers 6953
Zone:
Definitions of zone and region (Appendix 1); Region E 6659
Differentials and additions:
Combination distributor's addition; sales to other buyers 6150
Hotel supply house addition; sales to other buyers 6149
Non-slaughtering processor's addition 6954
Slaughterer's addition on sale to purveyor of meals 6954
Wholesaler's addition 6954
Zone differentials 6659
Sausage, fresh and semi-dry, made in whole or in part from beef, adjustment of ceiling prices of manufacturers and distributors (GCPR, SR 34), records, statements, etc.; required statement (Int. 1) 6762
Veal sold at wholesale (CPR 101):
Additions; packer's branch house 6667
Authority of District Directors. *See* Authority, delegations of.
Combination distributor and hotel supply house 6150
Definitions, general 6151
General provisions:
Prohibitions; optional cutting of 2-rib hindsaddles 6666
Seller's classification, election of 6667
Pricing schedules:
Boneless and miscellaneous veal cuts 6151
Fabricated veal cuts 6667
Veal carcasses and wholesale veal cuts 6151, 6667
Loading and unloading equipment 5882
Logs. *See* Wood and wood products.
Lubricating systems and devices 5882
Luggage. *See* Consumer goods.
Lumber. *See* Wood and wood products.
Machines and machinery, etc.:
Business equipment and accessories. *See* Consumer goods.
Emergency purchases of, or secret or developmental contracts for machinery and related manufactured goods; suspension of ceiling price regulations in certain cases (GOR 9), revocation and transfer 6738
Manufacturers' prices for machinery and related manufactured goods (CPR 30):
Calculation of ceiling prices:
Base period prices:
Base period 6691
Computation of price where unable to determine base period cost 6692
Formula, prices computed by 6692
How to obtain price 6691
Modified commodities, prices for 6691
Established ceiling prices; description of pricing techniques 6691
Materials cost adjustment, special instructions in calculating; how to compute net cost where using substitute material 6692
Miscellaneous provisions; export sales and sales for export 6904
Special order, approval of list price and discount structures; Hudson Motor Car Co 6060
Supersedure of CPR 30 as to certain commodities, *see specific commodities.*
Resellers' prices for machinery and related manufactured goods (CPR 67):
Commodities not priced by use of manufacturer's published list price 6693
Coverage; commodities covered (Appendix A), refractory products, added to list 6198
Definitions; net invoice cost 6693
Invoices; identification of commodities sold 6693
Manufacturers' suggested resale prices (SR 2), special order; Ford Motor Co 6060

PRICE STABILIZATION, OFFICE OF—Continued Page

Machines and machinery, etc.—Continued
Used industrial and construction machinery and related equipment (CPR 105); revision 5877
Commodities covered by regulation (Appendix A) 5881
Depreciation rates for determining ceiling prices, table of (Appendix B) 5883
Guarantee to be furnished to buyers of reconditioned and guaranteed commodities (Appendix C) 5884
Magnetos 5882
Magnets, lifting, industrial 5882
Malt beverages. *See* Liquors, distilled spirits.
Manufacturers' prices:
See also specific commodities.
Manufacturers' general ceiling price regulation (CPR 22):
Agricultural commodities and products, list of; current date used in calculating change in net cost (Appendix C), deletion of potatoes 6147
Calculation of ceiling prices, special provisions respecting; rounding ceiling prices 6085
Fruits, vegetables and berries; statutory decontrol of certain listed items (GOR 7) 6412
Miscellaneous provisions; export sales and sales for export 6904
Supersedure of manufacturers' general ceiling price regulation as to certain commodities. *See specific commodities.*
Supplementary regulations:
Chemicals, modifications and alternative provisions for manufacturers of (SR 7):
Aluminum fluoride and synthetic cryolite 5875
Carbon tetrachloride, technical grade 6147
Consumer durable goods, certain, translation of f. o. b. into delivered ceiling prices for (SR 30) 6413
Marine articles. *See* Consumer goods.
Maritime Administration. *See* Government Agencies.
Meteorological instruments. *See* Consumer goods.
Military items, certain; exemption for sales to foreign governments (GOR 9), revocation and transfer 6738
Milk, fluid, cream and milk products:
Alaska, ceiling prices for fresh milk sold in Juneau (CPR 159) 6667
Area milk price adjustments (GCPR, SR 63):
California:
Los Angeles District (other than Los Angeles County marketing area) (AMPR) 11) 6582
San Diego District (AMPR 9) 5948
District of Columbia; Washington and nearby Maryland and Virginia milk marketing area (AMPR 26) 6700
Maryland. *See* District of Columbia.
Virginia. *See* District of Columbia.
Mirrors and frames. *See* Consumer goods.
Motors, electrical 5882
Musical instruments. *See* Consumer goods.
Mutton. *See* Livestock and meat.
National Park Service. *See* Government Agencies.
Navy, Department of. *See* Government Agencies.
Neon indicator attachments 5882
Nonprofit organizations, certain; exemption of sales of merchandise bearing insignia or brand of (GOR 6), Volunteers of America 6146
Notions. *See* Consumer goods.
Oil burners 5882
Oil well and oil field machinery and equipment 5882
Optical and ophthalmic goods. *See* Consumer goods.
Ovens, industrial and laboratory 5882
Paper, paperboard, etc.; exemption for certain products and services (GOR 8):
Garment patterns and pattern transfers, paper 6268
Repairing and rebinding services in connection with exempted commodities (Int. 1) 6904
Patterns, paper garment, and pattern transfers; exemption (GOR 8) 6268
Personal accessories and notions. *See* Consumer goods.
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.):
Crude petroleum (CPR 32); adjustment of certain ceiling prices (SR 2), special orders:
California, Los Angeles County; Playa Del Rey Field 6286

PRICE STABILIZATION, OFFICE OF—Continued Page

Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.)—Continued
Crude petroleum (CPR 32); adjustment of certain ceiling prices (SR 2), special orders—Con.
Michigan, Green Township of Mecosta County; Paris Field 6061
Texas, Bee County; Massingill-Papalote Field 6597
Sales other than retail (CPR 17); supplementary regulations:
Automotive gasolines, kerosene, Diesel fuels, furnace and stove oils; specific ceiling prices at West Coast points (SR 11) 6220
Middle distillates on East Coast, specific ceiling prices for (SR 10) 5940
East Coast ports; ceiling prices, certain 6659
Tank wagon and rack ceiling prices in certain West Coast refinery and terminal price areas (SR 9) 5873
Photographing and photocopying equipment. *See* Consumer goods.
Pictures and mounts and frames. *See* Consumer goods.
Pile drivers 5882
Plated ware. *See* Consumer goods.
Plywood. *See* Wood and wood products.
Pork. *See* Livestock and meat.
Post Office Department. *See* Government agencies.
Potash, muriate of, ceiling prices for (GCPR, SR 59); new producers 6841
Potatoes:
Parity adjustment. *See* General Ceiling Price Regulation.
Raw materials cost adjustment for agricultural commodities; manufacturers' prices. *See* Manufacturers' prices.
Power laundries; services. *See under* Services.
Presses 5882
Pressure and non-pressure tanks and vessels 5883, 6220
Printing and binding. *See* Publications.
Printing machinery and equipment 5882
Professional goods and health supplies equipment. *See* Consumer goods.
Property:
Certain; exemption of sales by Federal agencies or instrumentalities (GOR 11) 6152
Real property; sales by contractors (Int. 13 to CPR 93) 6257
Public address apparatus 5882
Publications, exemption for sales of commodities which disseminate information, have editorial content, etc., and rates or fees for printing and binding (GOR 8); repairing and rebinding services in connection with exempted commodities (Int. 1) 6904
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Wood and wood products.
Pumps, power and hand operated 5882
Pyrometer movements 5882
Radio, television, phonographic and other electronic equipment. *See* Consumer goods.
Railroads:
Construction. *See* Services.
Ties. *See* Wood and wood products.
Rectifiers 5883
Refractory products; resellers' prices 6198
Relief organizations; exemption of sales by Federal agencies or instrumentalities to, for donation or export (GOR 11) 6152
Restaurants:
Eating and drinking establishments; ceiling prices (CPR 134):
Authority of Regional Directors. *See* Authority, delegations of.
Civic events during which higher prices may be charged; listed (Appendix A) 6762
Establishments in operation February 3 through 9, 1952; civic events, community, ceiling prices for 6762
Soft drinks, bottled; adjustment in ceiling prices 6841
Exemption of certain food and restaurant commodities. *See under* Foods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Restaurants—Continued
Increase in prices to reflect increases in cost of food (CPR 11):
Ceiling prices, determination of 6197
Definitions; "food cost per dollar of sales" 6197
Rice. *See* Grains.
Road building equipment 5883
Rock-crushers and plants 5883
Rubber:
Products; machinery and equipment 5883
Scrap rubber (CPR 59); exemption of sale of scrap tires and tubes by agencies of U. S. Government to wholesale dealers 6149
Tires and tubes, scrap:
See also Scrap rubber.
Exemption of certain sales by Federal agencies or instrumentalities (GOR 11) 6152
Safety equipment. *See* Consumer goods.
Sausage. *See* Livestock and meat.
Scaffolds and towers 5883
Scales, weighing, industrial and laboratory 5883
Scrap metals and materials. *See* Iron and steel; *and* rubber.
Searchlights 5883
Separators 5883
Services:
Services in connection with specific commodities, see specific commodities.
Construction services (building, highway, heavy, railroad and miscellaneous construction, including shop fabrication, installation or erection services; ceiling prices, markups, and fees for sellers and purchasers (CPR 93):
Coverage:
Persons covered; exemption of "one-man shops":
Occasional employees (Int. 16) 6265
Scope of exemption (Int. 14 and 17) 6265, 6266
Violation of CPR 34 (Int. 15) 6258
Saving provisions:
Continued use of CPR 34 prices (Int. 18) 6266
Contracts in progress on November 20, 1951 (Int. 19) 6266
General provisions:
Definitions and explanations, "payroll costs"; trade association dues, recovery in hourly rate (Int. 21) 6266
Refusal to sell a lower price service; change from time and materials to lump-sum basis (Int. 23) 6254
Real property; sales by building contractors (Int. 13) 6257
Sales on time and materials, hourly rate, or installed sales basis:
Applicability, definition of terms; trade association dues, recovery in hourly rate (Int. 21) 6266
Ceiling prices for time and materials or hourly rate jobs; trade association dues, recovery in hourly date (Int. 21) 6266
Installed sales:
Distinction between lump-sum contracts and installed sales (Int. 20) 6266
Reporting requirements (Int. 22) 6267
Sales under lump-sum and cost-plus contracts; distinction between lump-sum contracts and installed sales (Int. 20) 6266
Excepted and suspended services; rates, fees and charges for supply of certain services, and services which fall within the scope of certain occupation (GOR 14); excepted services:
Admission to exhibits and various entertainment activities presented by certain non-profit organizations 6704
Bowling; prices charged for game 6704
Common carriers:
See also Transportation equipment.
Parking facilities operated by; charges 6704
Pickup and delivery and local transfer services; charges 6704
Transportation services to the public; charges 6704
Washroom and toilet facilities in their stations and terminals; charges 6704
Corporate directors; certain fees to 6704
Parking meters, certain; deletion 6703

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
Excepted and suspended services; rates, fees and charges for supply of certain services, and services which fall within the scope of certain occupation (GOR 14); excepted services—Con.
Post Office Department, United States, services supplied by: deletion 6703
Transportation equipment:
Repair of; charges 6703
Use by others; charges 6703
United States, and States, Territories and possessions thereof; certain services supplied by 6703
Water carriers; rates charged by persons subject to Shipping Act of 1916 6704
Suppliers of services, in trade, commerce and industry (CPR 34); supplementary regulations:
Automotive and farm tractor repair services, approval of certain flat rate manuals for use in establishing ceiling prices (SR 3); additional flat rate manuals and labor schedules 6840
Banks, service charges for (SR 22) 6251
Power laundries, in greater Cincinnati, Ohio, trading area (SR 21) 6415
Wholesale labor warranty services (SR 16), special orders; General Motors Corp.:
"Autronic eyes", services rendered by authorized service stations 6926
New products, certain 6861
Signalling apparatus 5883
Silverware. *See* Consumer goods.
Siren blowers 5883
Smokers' articles. *See* Consumer goods.
Snow plows 5883
Soft drinks. *See* Drinks, soft.
Sound recording and reproducing equipment 5883
Sporting goods. *See* Consumer goods.
Spraying devices, industrial 5883
Sprockets, power transmission 5883
Stackers, industrial 5883
State laws, minimum prices fixed by; adjustments. *See* Adjustments.
Steam cleaning equipment and specialties 5883
Steel products. *See* Iron and steel products.
Stokers, industrial and marine 5883
Sulfur; export sales. *See* Exported commodities.
Surveying instruments 5883
Switches and switchboxes 5883
Telephone and telegraph apparatus 5883
Territories and possessions of United States:
Automobiles, used, sold in Alaska. *See* Automobiles.
Ceiling prices for all commodities not produced or manufactured in territories or possessions where sold (CPR 9):
Fruits and vegetables; statutory decontrol of certain commodities governed by CPR 9 (GOR 7) 7013
Markups; correction 6413
Supplementary regulations:
Establishment of uniform prices (SR 3); special order for General Time Corp. 6060
West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 4); separate statement on invoices of increased freight charges 6030
Charcoal sold in Virgin Islands. *See* Charcoal.
Drums, used steel, sold in Alaska. *See* Containers.
Food products sold in Hawaii. *See* Foods.
Milk, sold in Juneau, Alaska. *See* Milk.
Sawmill logs produced in Alaska. *See* Wood and wood products.
Vaccines and serums for animals and fowl shipped to Hawaii; increases for air freight during strike emergency (GOR 31) 6429
Tires and tubes, scrap. *See* Rubber.
Tools and equipment, hand. *See* Consumer goods.
Toys. *See* Consumer goods.
Tractors 5883
Transformers 5883
Trucks, industrial 5883
Tungsten concentrates, certain; exemption for sales to United States (GOR 9), revocation and transfer 6738
Turbines 5883

PRICE STABILIZATION, OFFICE OF—Continued Page

Turnbuckles 5883
Umbrellas, parasols and canes. *See* Consumer goods.
Vaccines and serums for animals and fowl shipped to Hawaii; increases for air freight during strike emergency (GOR 31) 6429
Veal. *See* Livestock and meat.
Vegetables. *See* Fruits, vegetables.
Vessel shop products. *See* Iron and steel.
Veterans Canteen Service; exemption of sales by Federal agencies or instrumentalities (GOR 11) 6152
Virgin Islands. *See* Territories and possessions of United States.
Vises, vise mounts, stands and supports 5883
Voltage, regulators, feeder 5883
Volunteers of America; exemption of sales of merchandise bearing insignia or brand of certain nonprofit organizations (GOR 6) 6146
Wall coverings. *See* Consumer goods.
Watches and clocks. *See* Consumer goods.
Water carriers; services. *See* Services.
Water power equipment, conditioning and purifying 5883
Welding apparatus 5883
Well drilling equipment 5883
Wheel goods (baby carriages, bicycles, wheel chairs, etc.). *See* Consumer goods.
Winches and windlasses 5883
Wood and wood products:
  Logs:
    Mahogany. *See under* Lumber.
    Pacific Northwest logs, ceiling prices for designated species (CPR 97) 6694
    Graders and scalers, accredited (Appendix A), additions to list 5941
    Sawmill logs produced in Alaska; suspension (GCPR, SR 55), revision 6416
  Lumber:
    Appalachian hardwood lumber, manufacturers' ceiling prices (CPR 151); established weights for green lumber 6956
    California redwood lumber, manufacturers' prices for (CPR 158) 6660
    Southern hardwood and yellow cypress lumber, manufacturers' ceiling prices (CPR 132); established weights for green lumber 6950
    True mahogany logs and lumber (GCPR, SR 110) 5890
    Western pine and associated species of; manufacturers' prices (CPR 152) 5856, 6660
  Preserving industry, Eastern (CPR 157) 6258
  Pulpwood and excelsior bolts produced in Michigan, Minnesota and Wisconsin (CPR 107):
    Ceiling prices; correction 6034
    Sales between consumers; correction 6033
  Railroad ties, Eastern, untreated; ceiling prices (CPR 123), suspension from ceiling prices of producers' sales for export of untreated Southern Pine cross ties (SR 1) 6086
  Softwood plywood, hardwood faced (CPR 153) 5886
  Western red cedar and inter-mountain poles and piling (CPR 155) 6224
X-ray and electro-therapeutic apparatus 5883
Yearling. *See* Livestock and meat.

Special orders for various firms, under CPR 7 (retail prices for certain consumer goods):

Belmont Radio Corp 7024
Crown Fasteners Corp 6424
General Electric Co 5971
Hoffman Radio Corp 7023
Radio Corporation of America 7023
Scott Radio Laboratories, Inc 7023
Sunbeam Corp., Electric Appliance Division 6424

PROCLAMATIONS. *See* Presidential documents.
PROCUREMENT, GOVERNMENT:
  See also Contracts.
  Army procurement procedure. *See* Army Department.
  Government procurement. *See* General Services Administration.
  Manpower surpluses in designated areas, utilization of. *See* Defense Mobilization, Office of.
PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR: Page

Contracts, Government, general regulations; regular dealer in petroleum under Public Contracts Act 6417
Minimum wage determination, for textile industry; notice of hearing 6871
PUBLIC DEBT BUREAU. *See* Treasury Department.
PUBLIC HEALTH SERVICE:
  Commissioned Corps, continuance as military service (Executive Order 10367) 5929
  Quarantine, foreign, air commerce regulations respecting; landing requirements for foreign aircraft, permit to proceed 6731, 6747
PUBLIC HOUSING ADMINISTRATION:
  Organization and final delegations of authority:
    Central Office, Management and Disposition Division; Insurance Branch Director, interim delegation of authority to endorse certain insurance company checks on behalf of PHA 6133
    Field organization, housing managers and assistants and aides; acceptance of service of process, testifying, etc., respecting debtor-employee, revocation of authority 6573
PUERTO RICO. *See* Territories and possessions.

Q

QUARANTINE REGULATIONS:
  Animals and animal products. *See* Animal Industry Bureau.
  Plants and plant products. *See* Entomology and Plant Quarantine Bureau.
  Public health regulations. *See* Public Health Service.

R

RADIO SERVICES, regulations respecting. *See* Federal Communications Commission.
RAILROAD AND AIRLINE WAGE BOARD:
  National Enforcement Commission; functions in connection with enforcement proceedings 6926
RAILROADS, operation, rates, etc. *See* Interstate Commerce Commission.
REAL ESTATE CREDIT, relaxation of residential controls:
  Based on construction starts, functions respecting (Executive Order 10373) 6425
  Critical defense housing areas. *See* Defense Mobilization, Office of; Economic Stabilization Agency; *and* Housing and Home Finance Agency.
RECLAMATION BUREAU:
  Authority, delegation of, to various officials:
    Assistant Commissioners of Reclamation; authority for execution of construction, supply, and service contracts 6751
    Correction of order number 6925
    Regional and District Procurement officers, Chief, Supply Service Branch, Head, Procurement Section, District Supply Officers; Project Heads, Project Supply officers, and Area Engineers; authority to dispose of excess personal property by sale 6057
    Regional Counsels respecting tort claims 6793
    Regional Directors, Director of Supply, Chief, Supply Field Division, Regional Supply Officers; authority to dispose of excess personal property by sale, transfer, donation, etc 6057
  Claims, tort; authority of Regional Counsels respecting 6793
  Contracts:
    Construction, supply and service contracts, execution of; authority of Assistant Commissioners respecting 6751
    Correction of order number 6925
    Renegotiation of; designation of Reclamation Bureau as agency for purposes of Title I of Renegotiation Act of 1951 (Executive Order 10369) 5932
  Irrigation and reclamation projects:
    Entry on lands; Yuma project, Arizona, California Valley division, application for 6750

RECLAMATION BUREAU—Continued Page

  Irrigation and reclamation projects—Continued
    Water made available, rental charges, etc.:
      Rental charges for water, annual; Tucumcari irrigation project, New Mexico 6440
      Yuma project, Arizona, California Valley division 6750
      Construction and other charges 6751
    Withdrawal of land for various projects, first form reclamation withdrawal; Central Valley Project, California, Kings River Division, revocation with respect to certain lands 6235
  Personal property, disposal of, redelegation of authority to various officials, respecting 6057
  Veterans preference; application for entry on lands in Yuma project, Arizona, California Valley division 6750
RECORDS, INFORMATION, ETC.:
  Informational media guaranties, under Mutual Security Act and Economic Cooperation Act, functions respecting (Executive Order 10368) 5929
  Military or naval records, correction of. *See* Defense Department.
  Minors, records to be kept by employers of. *See* Wage and Hour Division.
RELIEF PACKAGES AND SUPPLIES, for foreign countries. *See* State Department.
RENEGOTIATION BOARD:
  Authority, delegation of, to Regional Boards; Boards increased from 4 to 6, with Boston and Detroit added 6927
  Organization, locations and territories of Regional Boards; Boards increased from 4 to 6, with Boston and Detroit added 6927
  Renegotiation Act of 1951, regulations under:
    Brokers and Manufacturers' Agents 5985
    Consolidated renegotiation of affiliated groups and related groups; revision 5988
    Exemptions from Renegotiation:
      Mandatory exemptions:
        Contracts and subcontracts for certain agricultural commodities and raw materials; profits from increment in value of excess inventory 6429
        Partial mandatory exemption of subcontracts related to subcontracts for new durable productive equipment 6363
      Permissive exemptions, contracts under which profits can be determined at time contract price is established:
        Architectural, design or engineering services, subcontracts for 6084
        Perishable subsistence supplies 6084
      Real property, exemptions, Corps of Engineers 6083
    Prime contracts and subcontracts within the scope of the Act; brokers and manufacturers' agents 6083
    Receipts or accruals under statutory minimum, no reduction by refund below statutory minimum; subcontracts for architectural, design or engineering services 6084
    Segregating renegotiable and non-renegotiable sales; how to determine receipts or accruals subject to renegotiation, brokers and manufacturers' agents 6084
RENT STABILIZATION OFFICE:
  Critical defense housing areas; procedures for designation and certification of areas, recommendations under Housing and Rent Act of 1947 6822
  Defense Areas Advisory Committee, Office of Defense Mobilization, representation on 6821
  Procedures for adjustments, administrative review and interpretations (RPR 3) 6091
  Landlords' petitions, tenants' applications and action on Area Rent Director's initiative 6091
  Miscellaneous provisions and definitions 6097
  Protests to Director of Rent Stabilization 6093
  Regional Defense Mobilization Committees, Office of Defense Mobilization, consultation in connection with critical defense housing area certifications 6822
  Rent control regulations under Housing and Rent Act of 1947, as amended:
    Hotel regulation (RR 3):
      See also Rooms in rooming houses and other establishments (RR 2); *and* Motor courts (RR 4).

RENT STABILIZATION OFFICE—Continued Page

  Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
    Hotel regulation (RR 3)—Continued
      General provisions; decrease in minimum services, furniture and equipment, adjustment in maximum rent for 6745
      Schedule A, Defense Rental Areas; amendments affecting listed areas:
        Arizona: Tucson 5950
        California: Monterey Bay 6745, 6961
        Georgia: Macon 6199
        Indiana:
          Columbus 6593
          Gary-Hammond 6962
        Iowa: Quad Cities 5950
        Louisiana:
          Alexandria-Leesville 6199
          Lake Charles 6199
        New Mexico: Lea County 5896
        Pennsylvania: Pittsburgh 5950
      Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
        Mississippi: Biloxi-Pascagoula 6745
        Texas: Howard County 6745
    Housing rent regulation (RR 1):
      General provisions; decreases in minimum services, furniture, furnishings, equipment and space:
        Adjustment in maximum rent for decreases 6743
        Prior to April 1, 1948 6744
        Refund to tenant for decreases on or after April 1, 1948 6743
      Schedule A, Defense Rental Areas; amendments affecting listed areas:
        Arizona: Tucson 5950
        California:
          Monterey Bay 6744, 6960
          San Francisco Bay 6744
        Georgia: Macon 6198
        Illinois:
          Champaign-Vermilion 6961
          Chicago 5950, 6960
          Peoria 5950
        Indiana:
          Columbus 6593
          Gary-Hammond 6961
          Valparaiso 5991
        Iowa:
          Burlington 6744
          Cedar Rapids 6744
          Quad Cities 5950
        Louisiana:
          Alexandria-Leesville 6198
          Lake Charles 6199
        Michigan: Detroit 6961
        Minnesota: Minneapolis-St. Paul 6961
        Missouri: Springfield 5991
        New Jersey:
          Northeastern 5992
          Trenton 5950
        New Mexico: Lea County 5896
        Ohio:
          Cleveland 6744, 6961
          Columbus 6961
          Ravenna 6561
        Pennsylvania:
          Altoona-Johnstown 5992
          Erie 6744
          Meadville-Titusville 5992
          Pittsburgh 5950, 5992
          Sharon-Farrell 6744
    Motor courts (RR 4):
      See also Hotel regulation (RR 3); *and* Rooms in rooming houses (RR 2).
      General provisions; decrease in space, minimum services, furnishings, etc., refund to tenant 6745
      Schedule A, Defense Rental Areas; amendments affecting listed areas:
        Arizona: Tucson 5950
        California: Monterey Bay 6745, 6961
        Georgia: Macon 6199
        Indiana:
          Columbus 6593
          Gary-Hammond 6962

RENT STABILIZATION OFFICE—Continued Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
Motor courts (RR 4)—Continued
Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
Iowa; Quad Cities 5950
Louisiana:
Alexandria-Leesville 6199
Lake Charles 6199
New Mexico; Lea County 5896
Pennsylvania; Pittsburgh 5950
Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
California; Monterey Bay 6099
Mississippi; Biloxi-Pascagoula 6745
Texas; Howard County 6745
Rooms in rooming houses and other establishments (RR 2):
See also Hotel regulation (RR 3); *and* Motor courts (RR 4).
General provisions; decrease in space, minimum services, furniture, furnishings, or equipment; refund to tenant for 6744
Schedule A, Defense Rental Areas; amendments affecting listed areas:
Arizona; Tucson 5950
California:
Monterey Bay 6744, 6960
San Francisco Bay 6744
Georgia; Macon 6198
Illinois:
Champaign-Vermilion 6961
Chicago 5950, 6960
Peoria 5950
Indiana:
Columbus 6593
Gary-Hammond 6961
Valparaiso 5991
Iowa:
Burlington 6744
Cedar Rapids 6744
Quad Cities 5950
Louisiana:
Alexandria-Leesville 6198
Lake Charles 6199
Michigan; Detroit 6961
Minnesota; Minneapolis-St. Paul 6961
Missouri; Springfield 5991
New Jersey:
Northeastern 5992
Trenton 5950
New Mexico; Lea County 5896
Ohio:
Cleveland 6744, 6961
Columbus 6961
Ravenna 6961
Pennsylvania:
Altoona-Johnstown 5992
Erie 6744
Meadville-Titusville 5992
Pittsburgh 5950, 5992
Sharon-Farrell 6744
Schedule B, Defense Rental Areas, Individual; specific provisions for, or for portions thereof:
California; Monterey Bay 6099
Colorado; Pueblo 6745
Veterans preference regulation under Housing and Rent Act of 1947, as amended; date extended to April 30, 1953 5982
REORGANIZATION PLAN NO. 5 of 1952, District of Columbia 5849

S

SALARY STABILIZATION BOARD:
Accountants. *See* Public accountants.
Architects, professional, employed in professional capacity; exclusion from salary stabilization (Int. 14) 6905
Bonuses, profit sharing and others (GSSR 2); relation to certain stock purchase plans (Int. 13) 6585
Enforcement Commission, National. *See* National Enforcement Commission.

SALARY STABILIZATION BOARD—Continued Page

Engineers, professional, employed in professional capacity; exclusion from salary stabilization (Int. 12) 5989, 6905
Health and welfare plans; plans which do not require prior approval, approval of additional plans, charge-off of employer contributions and benefits, etc. (GSSR 8), revision 5892
National Enforcement Commission; functions in connection with enforcement proceedings 6926
Persons employed in bona fide executive, administrative, professional, or outside salesmen capacities, not represented by labor organization (GSSR 1); new plants (Int. 11) 5893
Public accountants, certified, employed in professional capacity; exclusion from salary stabilization (Int. 15) 6905
Small-business enterprises, exemption from stabilization regulations with certain exceptions 6902
Stock option and stock purchase plans; relation to certain bonuses. *See* Bonuses.
SALARY STABILIZATION OFFICE:
National Enforcement Commission; functions in connection with enforcement proceedings 6926
Regulations issued by Board. *See main heading* Salary Stabilization Board.
SCARCE MATERIALS, designation of. *See* National Production Authority.
SECURITIES AND EXCHANGE COMMISSION:
Hearings, etc.:
Algonquin Gas Transmission Co 6803
Allegany Gas Co 6830
Alum Rock Gas Co 6830
Amere Gas Utilities Co 6831
American & Foreign Power Co., Inc 6575
American Gas and Electric Co 6422, 6423
Appalachian Electric Power Co 6423
Asbestos Manufacturing Co 6172
Associated Electric Co 5923, 6134, 6886
Atlantic Seaboard Corp 6831
Atlas Corp 6136
Attleboro Steam and Electric Co 6450, 7026
Baker, Catharine E., George M., John F., and Katherine M 6574
Baker, Walsh & Co 6574
Baldwin Securities Corp 5924
Bankers Securities Corp 6209
Beverly Gas and Electric Co 6450, 7026
Boston Stock Exchange 6289
Brewing Corp. of America 6599
Brewster, E. L 6452
Brewster, Edward Leroy 6452
Burlington Mills Corp 6420
Central Massachusetts Gas Co 6135
Chance, W. R., & Co 6452
Chance, Wilmer R 6452
Columbia Gas System, Inc 6017, 6575, 6802, 6831
Consolidated Natural Gas Co 6574
Consumers Co 6172
Cumberland and Allegheny Gas Co 6017
Dempseytown Gas Co 6830
Detroit Stock Exchange 6927
Duquesne Light Co 6803
East Ohio Gas Co 6574
Electric Bond and Share Co 6802
Electric Energy, Inc 6831
Equity Corp 6600
Federal Water and Gas Corp 6830
Frost, Clyde F 6452
Frost, Clyde F., Co 6452
General Public Utilities Corp 5923, 6017, 6135, 6172, 6886
Georgia Power Co 5975, 6421
Gloucester Electric Co 6450, 7026
Gloucester Gas Light Co 6134
Granite State Electric Co 6887
Gulf Power Co 5920
Hevi Duty Electric Co 6058
Hope Natural Gas Co 6574
Horton, Robert E 6801
Imperial Sugar Co 6017
Industrial Insurance Co 6600
International Hydro-Electric System 6234, 6831
Interstate Power Co 5973
Investment Bond and Share Corp 6573

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Johnson, Barbara S. and Wallace D 6574
Johnston, Lemon & Co 6674
Kittery Electric Light Co 5922
Manufacturers Light and Heat Co 6575
Massachusetts Investors Trust 6600
Middle South Utilities, Inc 6831
Milwaukee Electric Railway & Transport Co 6599
Minnesota Mining & Mfg. Co 6420
Narragansett Electric Co 6888
National Association of Security Dealers, Inc 6137
National Investors Corp 6172
Natural Gas Co. of W. Va 6802
New England Electric System 6134, 6135, 6450, 7026
New England Gas and Electric Association 6803
New England Power Co 5974, 6451, 7026
New York State Natural Gas Corp 6574
Niagara Hudson Power Corp 6420
Niagara Mohawk Power Corp 5921
North American Co 6994
North American Utility Securities Corp 6994
North Penn Gas Co 6830
Northeast Airlines, Inc 6136
Northern Berkshire Gas Co 6450, 7026
Northern States Power Co 6420
Norwood Gas Co 6450, 7026
Odell & Co 6289
Ogden Corp 5973
Ohio Power Co 6422
Oswego Canal Co 5921
Pennsylvania Edison Co 6134
Pennsylvania Electric Co 5923, 6134, 6836
Pennsylvania Gas & Electric Corp 6830
Penn-Western Service Corp 6830
Peoples Natural Gas Co 6574
Philadelphia Co 6235, 7025, 7027
Providence Investment Co 6573
Public Service Co. of New Hampshire 6134, 6421
Quincy Electric Light and Power Co 6450, 7026
Riche, John C., & Co 6802
River Gas Co 6574
Selected Cumulative Shares 6423
Small, Anne W., Edwin Joseph, and Edwin W 6574
Southern Berkshire Power & Electric Co 6450, 7026
Standard Gas and Electric Co 6235, 7025
Stampley & Co 6801
State-Wide Insurance Agency, Inc 6600
Suburban Gas and Electric Co 6887
Three Brooks, Inc 6452
Trans-Pacific Freight Conference, member lines (agreement No. 150-5) 6827
Union Electric Co. of Missouri 6831
United Corp 5921, 6450
United Gas Corp 6209
United Public Service Corp 6725
Virginia Gas Distribution Corp 6831
Virginia Gas Transmission Corp 6831
Waite, Oliver R 6831
Walsh, Janice G., John T., William F., and William J 6574
Washington Mutual Investors Fund, Inc 6674
Washington Oil Co 5920
Weymouth Light and Power Co 6450, 7026
Wisconsin Electric Power Co 6599
Wisconsin Southern Gas Co 5923
Worcester County Electric Co 6450, 7026
Ziller, G. W., Inc 6300
Regulations under various acts:
Securities Act of 1933:
Definitions; "offer to sell," "offer for sale," "attempt or offer to dispose of," and "solicitation of an offer to buy" as used in section 2 (3) in connection with certain identifying statements (proposed) 6565
Prospectuses, form and content of; prospectuses supplementing preliminary material supplied previously (proposed rule making) 6567
Securities Exchange Act of 1934:
Broker or dealer effecting transactions for partner, officer, director or employee of another broker or dealer; proposed rule making 6127
Disposal of applications, reports, etc., which have been on file for five years; Detroit Stock Exchange proposal 6927

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Securities Exchange Act of 1934—Continued
Exemptions under section 16 (b) of act, respecting certain acquisitions and dispositions of securities by directors, officers, or principal stockholders pursuant to mergers or consolidations; correction 6579
Manipulative and deceptive devices and contrivances; broker or dealer effecting transactions for partner, officer, director or employee of another broker or dealer (proposed rule making) 6127
Proxies, solicitation of; information required in proxy statement (Schedule 14A) respecting vote on proposals previously submitted to security holders (proposed) 6595
SELECTIVE SERVICE SYSTEM:
Apprentice training programs for deferment purposes 5855
Classification rules and principles; apprentice training programs, standards and requirements 5855
SMALL-BUSINESS ENTERPRISES:
Voluntary plans for operation as production pools:
Authority of Small Defense Plants Administrator respecting (Executive Order 10370) 6141
Various pools. *See* Defense Production Administration.
Wages, salaries, compensation, exemption from stabilization regulations. *See* Economic Stabilization Agency.
SMALL DEFENSE PLANTS ADMINISTRATION:
Voluntary agreements and programs; authority of Administrator respecting in connection with small-business production pools (Executive Order 10370) 6141
"SMOKEY BEAR" SYMBOL; regulations of Forest Service governing manufacture, reproduction and use. *See* Forest Service.
SOCIAL SECURITY ADMINISTRATION:
See Children's Bureau.
Federal Credit Unions Bureau.
SOIL CONSERVATION SERVICE:
Farm units, sale of, functions and procedures respecting 6618
Water conservation and utilization; sale of farm units, functions and procedure respecting 6618
SOUTHEASTERN POWER ADMINISTRATION:
Claims, tort; authority of Chief Counsel respecting 6793
SOUTHWESTERN POWER ADMINISTRATION:
Claims, tort; authority of Chief Counsel respecting 6793
STATE DEPARTMENT:
Aliens; annual immigration quotas proclaimed by President (Proclamation 2980) 6019
American nationals; claims for compensation, under provisions of Treaty of Peace with Japan, preparation and filing of 6284
Compensation, additional, for Federal personnel on foreign duty. *See* Foreign duty.
Foreign aid:
Relief packages and supplies, shipments of:
Ocean freight charges on relief supplies and packages, payment of; authority and functions of Department respecting (Executive Order 10368) 5929
Parcel post shipments of individual relief packages to certain designated countries; payment of ocean freight charges, definition and limitations of packages, postal and import regulations, etc 6081
Executive Order 10368, respecting 5929
Supersedure of prior regulations 6081
Shipments by voluntary agencies:
Commercial freight shipments of supplies by voluntary nonprofit agencies; supersedure 6081
Ocean shipments of supplies by voluntary nonprofit relief agencies; payment of ocean freight charges, agencies within scope of regulations, refunds, etc 6081
Executive Order 10368, respecting 5929

STATE DEPARTMENT—Continued Page

Foreign aid—Continued
Voluntary agencies:
Register of voluntary foreign aid agencies 6991
Registration of agencies for voluntary foreign aid; application, requirements, validation, amendments, etc., maintenance of register of voluntary foreign aid agencies 6082
Relief supplies, shipments by voluntary agencies. *See* Relief packages and supplies.
Foreign duty of Federal personnel, compensation, additional in foreign areas, lists of differential posts, additions and deletions:
Iceland; Rejkjavik 6193
Indonesia:
Bogor 6193
Djogjakarta 6193
Libya; Maddalena 6193
Surinam; Paramaribo 6193
Trinidad, B. W. I.:
Naval station 6193
Port-of-Spain 6193
Immigration quotas, revision of list of (Proclamation 2980) 6019
Informational media guaranties; designation of Department to make guaranties and functions respecting (Executive Order 10368) 5929
Japan; claims of American nationals for compensation or applications for return of property under provisions of Treaty of Peace with Japan, preparation and filing of 6284
Lands, public, in New Mexico, reserved for use of Department in connection with Rio Grande Canalization Project 6101
Migrants from Europe, movement of; contributions to Provisional Intergovernmental Committee for Movement of Migrants from Europe (Executive Order 10368) 5929
Mutual Defense Assistance Program, Director; abolition of position of 6284
Mutual Security Act and related statutes, functions pursuant to (Executive Order 10368) 5929
Mutual Security Affairs, establishment of position of Special Assistant to Secretary for, and functions of, relating to programs under Mutual Security Act of 1951 6284
Organization; delegations of authority, etc.:
Authority, delegation of, to Assistant Administrator, Information Center Service, United States International Information Administration, to make and administer information media guarantees 6750
Executive Order 10368, respecting 5929
Central organization:
Consular Affairs, Office of; redesignation 6284
Counselor:
Deletion from membership in Policy Planning Staff 6284
Transfer to, of function performed by Deputy Under Secretary as National Security Council consultant 6284
Deputy Under Secretary, function performed by, as consultant to National Security Council, transferred to Counselor 6284
Economic Affairs, Assistant Secretary for:
Economic Defense and Trade Policy, Office of; establishment and functions of 6284
International Materials Policy, Office of; establishment and functions of 6284
International Trade Policy, Office of; abolition of 6284
Mutual Defense Assistance Program, Director; abolition of position of 6284
Mutual Security Affairs, Special Assistant to Secretary for; establishment of position of, and functions relating to programs under Mutual Security Act of 1951 6284
National Security Council; transfer to Counselor, of function performed by Deputy Under Secretary as consultant to Council 6284
Policy Planning Staff; deletion of Counselor from membership of 6284
Public Affairs, Assistant Secretary for; redefinition of functions of 6284

STATE DEPARTMENT—Continued Page

Organization; delegations of authority, etc.—Con.
Central organization—Continued
Security and Consular Affairs, Office of 6284
United States International Information Administration (USIIA) 6284
Administrator; functions and authority of 6284
Assistant Administrator, Information Center Service; delegation of authority to, by Secretary, to make and administer information media guaranties 6750
Executive Order 10368, respecting 5929
United States International Information and Educational Exchange Program (USIE); redesignation 6284
Field organization:
Cambodia, Phnom Penh; Legation designated an Embassy 6992
Japan; Office of United States Political Advisor and Branches redesignated as Embassy, Consulates General, and Consulates 6992
Fukuoka; Consulate 6992
Nagoya; Consulate 6992
Osaka-Kobe; Consulate General 6992
Sapporo; Consulate 6992
Tokyo; American Embassy 6992
Yokohama; Consulate General 6992
Vietnam, Saigon; Legation designated an Embassy 6992
Parcel post shipments of individual relief packages. *See* Foreign aid.
Relief packages and supplies, shipments of. *See* Foreign aid.
United Nations International Children's Emergency Fund, contributions to (Executive Order 10368) 5929
United States International Information Administration. *See* Organization.
United States International Information and Educational Exchange Program. *See* Organization.
Visas, documentation of aliens entering United States; reference to revision of list of immigration quotas (Proclamation 2980) 6030
Voluntary relief and foreign aid agencies, registration of and shipments by. *See* Foreign aid.
STATES, STATE AGENCIES, ETC., Federal aid, loans or grants to:
Child health programs; maternal and child health, and crippled children's programs. *See* Children's Bureau.
Child labor, regulations respecting State certificates of age, employment, etc. *See* Labor Department.
School lunch program. *See* Agriculture Department.
SURPLUS PROPERTY:
Farm property; surplus abstracts of title. *See* Farmers Home Administration.
Foreign excess property, importation of. *See* Commerce Department.
Personal property, excess, disposal of; authority of certain Reclamation Bureau officials respecting. *See* Reclamation Bureau.

T

TARIFF COMMISSION, UNITED STATES:
Investigation of imports under Trade Agreements Extension Act and Tariff Act of 1930:
Cords and twines, hard fiber 6576
Nuts, edible tree 6280
Tuna fish 6059, 6576
Trade agreements, *See* Trade agreements.
Zinc, duty suspension on; revocation (Proclamation 2983) 6835
TAXES:
Excise, income, etc. *See* Internal Revenue Bureau.
Tax amortization certificates, policy directive respecting. *See* Defense Mobilization, Office of.
TELECOMMUNICATIONS ADVISOR, functions of 6284
TERRITORIES AND ISLAND POSSESSIONS:
Alaska. *See* Alaska.
Frequency allocations, Puerto Rico. *See* Federal Communications Commission.
Hawaii. *See* Hawaii.

TERRITORIES AND ISLAND POSSESSIONS—Con. Page

Minimum wage orders, various industries in Puerto Rico. *See* Wage and Hour Division.
Mollusks (giant African snails) infestation in Guam; quarantine regulations governing of mollusk carriers, and other regulated articles into United States. *See* Entomology and Plant Quarantine Bureau.
Navigation and vessel inspection laws and regulations, waiver of, with respect to certain vessels furnishing transportation for Trust Territory of Pacific Islands. *See* Coast Guard.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
TRADE AGREEMENTS; Turkey, Republic of, termination of trade agreement proclamations of April 5, 1939 and November 30, 1939 (Proclamation 2982) 6605
TRADE FAIRS, imports in connection with. *See* Customs Bureau.
TREASURY DEPARTMENT:
See Coast Guard.
Customs Bureau.
Internal Revenue Bureau.
Civil Service Rules; Certain positions excepted from competitive service (Schedule A) 5933, 6141
Fiscal Services. *See* Public Debt Bureau.
Public Debt Bureau; payments by banks and other financial institutions in connection with redemption of United States Savings Bonds:
Paying agents, specific limitations of payment authority; bonds presented for payment less than two months from issue date 6246
Payment of bonds and determination of redemption values according to period of time bonds have been outstanding 6246
Terms in this part, meaning of; bonds, exclusion from definition of, of Savings Bonds Series H, J, and K 6246
Trade agreement, with Republic of Turkey; termination of proclamations. *See* Trade agreements.
TURKEY, United States Mission to; loyalty certifications of civilian personnel of Army, Navy, or Air Force assigned to, delegation of authority respecting 6718

U

UNITED NATIONS DAY, 1952 (Proclamation 2981) 6605
UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND, functions relating to (Executive Order 10368) 5929
UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION (formerly United States International Information and Educational Exchange Program). *See* State Department.
UNITED STATES SAVINGS BONDS, regulations respecting. *See* Treasury Department.

V

VESSELS:
Charter of vessels under Merchant Ship Sales Act. *See* Maritime Board, Federal.
Coast Guard regulations respecting. *See* Coast Guard.
Customs regulations respecting. *See* Customs Bureau.
Navigation laws and regulations. *See* Coast Guard; *and* Engineers, Corps of.
Rates for transportation between ports. *See* Maritime Board, Federal.
Ship radio service. *See* Federal Communications Commission.
Shipbuilding industry, placement of procurement with. *See* Defense Mobilization, Office of.
Transportation agreements. *See* Maritime Board, Federal.
Waiver of navigation and inspection laws. *See* Coast Guard.
VETERANS:
Benefits to. *See* Veterans' Administration.
Homestead rights in public lands opened to entry. *See* Land management Bureau; *and* Reclamation Bureau.

VETERANS—Continued Page

Housing, rentals or sales of housing accommodations; preference to veterans. *See* Rent Stabilization, Office of.
Postal employees reemployed in field service, permanent appointment of. *See* Civil Service Commission.
VETERANS' ADMINISTRATION:
Claims, dependents' and beneficiaries' claims for death pension and compensation:
Commencement of original awards:
Death pension or compensation payable solely by virtue of certain amendatory laws; Reservists and National Guardsmen 6155, 6216
Effective date, peacetime service; claims filed on or after July 30, 1952 6155, 6216
Pensionable and compensable service; contested claims; scope of term 6432
Guardianship services. *See* Legal services.
Indian reservations, bonded officer of; guardianship services. *See* Legal services.
Insurance:
National service life insurance:
Applications, eligibility; applications for insurance under section 5, Servicemen's Indemnity Act of 1951 6962
Insurance issued pursuant to section 5, Servicemen's Indemnity Act of 1951 6962
Insurance issued under section 621, National Service Life Insurance Act, as amended April 25, 1951 6963
Reinstatement, applications for, pursuant to section 5, Servicemen's Indemnity Act of 1951 6962
Surrender of permanent plan policies in force less than one year 6963
United States Government life insurance:
Applications under section 5, Servicemen's Indemnity Act of 1951 6962
Insurance issued pursuant to section 5, Servicemen's Indemnity Act of 1951 6962
Reinstatement, applications for, pursuant to section 5, Servicemen's Indemnity Act of 1951 6962
Surrender of permanent plan policies in force less than one year 6962
Legal services, guardianship services; procedure for recognizing legal custodian, appointment of guardian, etc.:
Diary and follow-up by originating service and notice by regional chief attorney 5951
Indian reservations, bonded officer of; amount of benefits payable to 5952
Notification, form of 5951
National Guardsmen, dependents of; claims for death pension or compensation based solely on certain amendatory laws 6155, 6216
Vocational rehabilitation and education; registration and research:
Compensation for productive labor, definition of 6746
Training supplies, repayment of value of; consumable and nonconsumable supplies 6746
VETERANS' EDUCATION APPEALS BOARD:
Rules of practice; adjudication:
Effect of initial decision 6963
Inspection of Board's decisions and rulings 6963
Petition for rehearing 6963
VIRGIN ISLANDS. *See* Territories and possessions.
VOCATIONAL REHABILITATION AND EDUCATION. *See* Veterans' Administration.

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Agriculture, minors employed in; records. *See* Records to be kept by employers.
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates, to certain workshops 5969, 6872

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages—Continued
Learners; issuance of certificates, for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear, rainwear and other odd outerwear, robes and leather and sheep-lined garments divisions 6238, 6446, 6798
Glove 6238
Hosiery 6238, 6446, 6799
In Puerto Rico (miscellaneous industries) 6239
In Virgin Islands 6799
Knitted wear 6238, 6446, 6799
Miscellaneous 6238, 6239, 6447, 6799
Shoe 6447, 6799
Citrus pulp and waste dehydrating industry. *See* Seasonal industries.
Minors; employers' records pertaining to. *See* Records to be kept by employers.
Puerto Rico:
Minimum wage orders for workers in various industries:
Construction, business service, motion picture, and miscellaneous industries 6245
Lumber and wood products industries 6246
Rubber, straw, hair, and related products industry; proposed 6164
Special industry committee for. *See* Special industry committee.
Records to be kept by employers:
Employees exempt from both minimum wage and overtime pay requirements; reference to act, deletion of 6245
Minors employed in agriculture 6245
Seasonal industries, wages and hours of employees in; citrus pulp and waste dehydrating industry in Florida and Texas, application to include manufacture of citrus molasses in Florida within, denial of petition for review 6798

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR—Continued Page

Special industry committee, to investigate conditions and recommend minimum wage rates in various industries in Puerto Rico, Committee No. 12; resignations and appointment of new members 6169
WAGES AND HOURS:
See also Pay, compensation, etc.
Bonuses. *See* Salary Stabilization Board.
Minimum wages for various industries. *See* Public Contracts Division; *and* Wage and Hour Division.
Wage and salary stabilization. *See* Salary Stabilization Board; *and* Wage Stabilization Board.

WAGE STABILIZATION BOARD:
Adoption of prior wage regulations, order for 6906
Agricultural labor (GWR 11):
Definitions; revocation:
"Base rate" 6906
"Board" 6906
Increase in wages, petitions for; revocation 6906
New rates, determination of; revocation 6906
Other wage regulations; revocation 6906
Permissible increases; revocation 6906
Composition, supervision and direction (Executive Order 10377) 6891
Disputes, voluntarily and jointly submitted; procedure for handling (Res. 79 and 84), revocation 6906
Functions with respect to wage stabilization; revision 6925
National Enforcement Commission; functions in connection with enforcement proceedings 6926
Order adopting prior wage regulations 6906
Small-business enterprises, exemption from stabilization regulations with certain exceptions 6902

WAR CLAIMS COMMISSION:
Practice before Commission 5993
Attorneys, suspension of; charges, defense, hearings, decision, etc 5993
Fees, schedule of 6101
WATER, FLUORINATED, policy of Food and Drug Administration respecting. *See* Food and Drug Administration.
WHITE HOUSE OFFICE, organization and functions 6204
WILDLIFE, migratory birds, taking of. *See* Fish and Wildlife Service.

CODIFICATION GUIDE, JULY 1952

A numerical list of the sections of the Code of Federal Regulations affected by documents published during July 1952. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3 Page

Chapter I (Proclamations):
Apr. 5, 1939 (terminated by Proc. 2982) 6605
Nov. 30, 1939 (terminated by Proc. 2982) 6605
2283 (revoked by Proc. 2980) 6021
2603 (revoked by Proc. 2980) 6021
2666 (revoked by Proc. 2980) 6021
2696 (revoked by Proc. 2980) 6021
2846 (revoked by Proc. 2980) 6021
2911 (revoked by Proc. 2980) 6021
2980 6019
2981 6605
2982 6605
2983 6835
2984 6931
Chapter II (Executive orders):
July 21, 1871 (revoked in part by EO 10374) 6457
Jan. 30, 1915 (revoked in part by PLO 853) 6101
978 (see EO 10375) 6459
4667 (see EO 10375) 6459
5931 (see EO 10375) 6459
6361 (revoked in part by PLO 857) 6906

TITLE 3—Continued Page

Chapter II (Executive orders)—Continued
6948 (see EO 10375) 6459
6957 (revoked in part by PLO 847) 5993
10161; amended by:
10373 6425
10377 6891
10180 (see EO 10376) 6681
10233 (revoked by EO 10377) 6891
10300 (amended by EO 10368) 5929
10301 (revoked by EO 10377) 6891
10349 (amended by EO 10367) 5929
10362 (see EO 10367) 5929
10367 5929
10368 5929
10369 5932
10370 6141
10371 6213
10372 6213
10373 6425
10374 6457
10375 6459
10376 6681
10377 6891

TITLE 3—Continued Page

Chapter III (Presidential documents other than proclamations and Executive orders):
Reorganization Plan 5, 1952 5849

TITLE 5
Chapter I:
Part 6:
6.103 5933, 6141
6.105 6241, 6425
Part 22:
22.1 6033
22.4 6063
Part 24:
24.13 6401
24.89 6193
Part 27:
27.1 6729
27.2 6729, 6755, 6835
Chapter II:
Part 210:
210.9 6241
Appendix A 6241
Chapter III:
Part 325:
325.11 6793

TITLE 6 Page

Chapter I:
Part 10:
10.30–10.32 6729
Part 11:
11.30–11.33 6427
11.34–11.36 6729
Part 19:
19.14 6729
Part 23:
23.2 6460
23.5 6460
23.7 6460
Chapter III:
Part 311:
311.8 5852
Part 387 6755
Chapter IV:
Part 517:
517.301 6837
517.305 6837
517.320 6837
517.324 6837
Part 518:
518.330 6607
518.333 6607
518.343 6607
518.360 6838
518.364 6838
Part 524:
524.251–524.252 6838
524.260 6838
Part 571:
571.239 6807
Part 601:
601.1601–601.1610 6607
601.1711 6069
Part 617:
617.2 6891
Part 619 6401
Part 624:
624.301 6610
Part 664:
664.412 6193
Part 674:
674.156 5853
674.175–674.183 5977

TITLE 7
Chapter I:
Part 28:
Proposed rules 5955
Part 29:
29.301–29.399 6610
Part 44:
44.1–44.6 6181
Part 51:
Proposed rules 5995, 6713, 7017
Part 52:
Proposed rules 5998, 5999
52.172 6933
52.268 6933
52.269 6936
52.573 6615
Part 55:
Proposed rules 6963
Part 58:
58.201 6757
Part 70:
Proposed rules 6964
Part 102:
Proposed rules 5955
Part 201:
201.20–201.22 [6995]
Chapter II:
Part 210:
Appendix 6893
Chapter III:
Part 301:
Proposed rules 5913
301.72–2 6021

TITLE 7—Continued Page

Chapter III—Continued
Part 319:
Proposed rules 6432, 6434, 6563, 6825
Part 321:
Proposed rules 6434
Part 324:
Proposed rules 6826
Part 354:
354.2 6215
Chapter IV:
Part 420:
420.20 5933
Part 421:
421.21 5980
Chapter VI:
Part 600:
600.6 6618
Chapter VII:
Part 701:
701.400–701.499 6997
Part 707:
707.122 6807
707.153 6807
Part 723:
723.411–723.428 6619
723.419 6758
723.471–723.488 6681
Part 725:
725.411–725.428 6063
725.401–725.402 6022
725.417 6809
Part 726:
726.411–726.429 6184
726.420 6428
726.423 6428
Part 727:
727.411–727.429 6622
Chapter VIII:
Part 813:
813.33 6759
Part 814:
814.7 6760, 7008
Part 831:
831.2 5853
Part 857:
857.5 6686
Part 863:
863.5 5854
Chapter IX:
Part 904:
Proposed rules 6271
Part 906:
Proposed rules 6275, 6671, 6827
Part 907:
Proposed rules 6563
Part 910:
Proposed rules 6596
910.316 5933
910.317 6625
Part 925:
Proposed rules 6777
Part 926 5934
Part 928:
Proposed rules 6671, 6827
Part 930:
Proposed rules 7019
Part 934:
Proposed rules 6271
Part 935:
Proposed rules 6003, 6965
Part 936:
936.427 6401, 6894
936.428 6894
936.429 6402, 6894
936.430 6402, 6894
936.431 6894
936.432 6402, 6894
936.433 6894
936.434 6403, 6894
936.436 6403, 6894

TITLE 7—Continued Page

Chapter IX—Continued
Part 936—Continued
936.437 6404, 6894
936.438 6405, 6894
936.439 6406, 6894
936.440 6406, 6894
936.441 6407, 6894
936.442 6408, 6894
936.443 6409, 6894
936.444 6893
Part 941:
Proposed rules 6276
Part 947:
Proposed rules 6271
Part 949:
949.51 5934
Part 950:
950.302 6809
Part 953:
Proposed rules 6747
953.548 6023
953.549 6023
953.550 6243
953.551 6625, 6810
953.552 6838
Part 956 6187
Part 957:
Proposed rules 7019
Part 958:
958.301 6024
958.311 6839
Part 961:
Proposed rules 6749
Part 963:
Proposed rules 6907
Part 973:
Proposed rules 6201
Part 976 6938
Proposed rules 6049
Part 979 6810
Part 982:
Proposed rules 6116, 6750
Part 983:
983.300 6215
Part 986:
Proposed rules 5957, 5967
986.1–986.113 6626
Part 992:
Proposed rules 6127
Part 996:
Proposed rules 6271
Part 999:
Proposed rules 6271

TITLE 8
Chapter I:
Part 116:
116.3 6729
Part 165:
165.1 [6024]
Part 176 6024
Part 322:
322.2 6074
Part 324:
324.4 6074
Part 347:
347.2 6074
Part 362:
362.2 6074
Part 364:
364.1 6074
364.2 6074
Part 365:
365.1 6074
Part 370:
370.1 6074
Part 378:
378.1 6074
Part 379:
379.2 6074

TITLE 8—Continued Page
Chapter I—Continued
Part 380:
380.1 ---- 6075
Part 382:
382.3 ---- 6075
Part 383:
383.3 ---- 6075

TITLE 9
Chapter I:
Part 9:
Proposed rules ---- 5995
Part 11:
Proposed rules ---- 5995
Part 76:
76.9–76.12 ---- 6944

TITLE 14
Chapter I:
Part 18:
Uncodified special regulation ---- 6428
Part 24:
Uncodified special regulation ---- 6428
Part 40:
Proposed rules ---- 6791, 6971
Uncodified special regulations ---- 6895, 6945
Part 41:
Proposed rules ---- 6791
Uncodified special regulation ---- 6945
Part 42:
Proposed rules ---- 6791
Uncodified special regulation ---- 6945
42.61 ---- 6244
42.63 ---- 6244
Part 45:
Proposed rules ---- 6791
Uncodified special regulation ---- 6945
Part 50:
50.12–4 ---- 6895
50.13–1 ---- 6895
50.13–4 ---- 6895
50.13–7 ---- 6895
50.26–1 ---- 6896
Part 52:
Uncodified special regulation ---- 6428
Part 60:
60.1–1 ---- 6460
60.21–1 ---- 7009
60.43–1 ---- 7009
60.47–1 ---- 7009
Part 61:
Proposed rules ---- 6791, 6971
Uncodified special regulations ---- 6895, 6945
61.112–5 ---- 6815
Part 241:
241.7–1 ---- 6946
241.7–2 ---- 6946, 6947, 6948
Part 297:
297.17 ---- 6896
Part 298:
Proposed rules ---- 6596
Uncodified special regulation ---- 6577
298.7 ---- [6577]
Chapter II:
Part 600:
600.109 ---- 6815
600.297 ---- 6896
600.649 ---- 6816
600.656 ---- 6816
600.6002 ---- 6688
600.6003 ---- 5980
600.6004 ---- 6688

TITLE 14—Continued Page
Chapter II—Continued
Part 600—Continued
600.6012 ---- 5980
600.6023 ---- 5981
600.6025 ---- 6688
600.6103 ---- 6688
600.6111–600.6112 ---- 6688
Part 601:
601.297 ---- 6896
601.1108 ---- 5981
601.1168 ---- 5981
601.1215 ---- 5981
601.1282 ---- 5981
601.1305 ---- 5981
601.1306 ---- 5981
601.2246 ---- 5981
601.2311–601.2312 ---- 5981
601.4297 ---- 6897
601.4626 ---- 5981
601.6103 ---- 6688
601.6111–601.6112 ---- 6688
601.7001 ---- 5981
Part 608:
608.12 ---- 6428
608.14 ---- 6428
608.18 ---- 6428
608.29 ---- 6897
608.36 ---- 6428
608.55 ---- 6024
Part 610:
610.5 ---- 6689
610.19 ---- 6689
610.101 ---- 6689
610.644 ---- 6689
610.669 ---- 6689
610.1002 ---- 6690
610.6002 ---- 6689
610.6004 ---- 6689
610.6011 ---- 6689
610.6012 ---- 6689
610.6023 ---- 6689
610.6025 ---- 6689
610.6051 ---- 6689
610.6066 ---- 6689
610.6103 ---- 6689
610.6112 ---- 6689

TITLE 15
Chapter III:
Part 370 ---- 6296
Part 371 ---- 6298
Part 372 ---- 6305
372.12 ---- 6399
Part 373 ---- 6315
373.1 ---- 6399
373.9 ---- 6399, 6635
373.23 ---- 6399
373.24 ---- 6399, 6636, 6898
373.29 ---- 6636
373.35 ---- 6399
373.36 ---- 6898
373.51 ---- 6399, 6400, 6636
Part 374 ---- 6327
Part 375 ---- 6330
Part 379 ---- 6331
Part 380 ---- 6336
380.2 ---- 6636, 6637
Part 381 ---- 6339
Part 382 ---- 6341
382.51 ---- 6400, 6898
Part 383 ---- 6346
Part 384 ---- 6347
384.5 ---- 6400
384.8 ---- 6429
384.12 ---- 6948
Part 398 ---- 6349
398.1 ---- 6898
398.7 ---- 6637
Part 399 ---- 6360
399.1 ---- 6400, 6638, 6639

TITLE 16 Page
Chapter I:
Part 3:
3.15 ---- 6144, 6229
3.20 ---- 6194
3.25 ---- 6194, 6897
3.30 ---- 6194
3.170 ---- 6024, 6194, 6897
3.195 ---- 6194
3.205 ---- 6194, 6229, 6897
3.250 ---- 6194
3.400 ---- 6293
3.430 ---- 6293
3.965 ---- 6194
3.1010 ---- 6194
3.1020 ---- 6897
3.1025 ---- 6194
3.1033 ---- 6194
3.1055 ---- 6144
3.1190 ---- 6027
3.1325 ---- 6144, 6729
3.1425 ---- 6817
3.1450 ---- 6817
3.1490 ---- 6816
3.1520 ---- 6817
3.1670 ---- 6817
3.1740 ---- 6817
3.1845 ---- 6028
3.1860 ---- 6144, 6729
3.1927 ---- 6144
3.1995 ---- 6816, 6817
3.2080 ---- 6141, 6816
3.2090 ---- 6141
3.2193 ---- 6293
3.2410 ---- 6229, 6817
3.2425 ---- 6816
3.2475 ---- 6194
Part 301 ---- 6075

TITLE 17
Chapter I:
Part 150:
Proposed rules ---- 6055
Chapter II:
Part 230:
Proposed rules ---- 6565
Part 240:
Proposed rules ---- 6127, 6595
240.16b–7 ---- 6579

TITLE 19
Chapter I:
Part 1:
1.1 ---- 5982
Part 2:
2.63 ---- 6460
Part 4:
4.98 ---- 6760
Part 6:
Proposed rules ---- 6048
6.3 ---- 6731
Part 8:
8.13 ---- 7009
Part 10:
10.59 ---- 6732
Part 16:
16.2 ---- 5982
Part 69 ---- 6028

TITLE 21
Chapter I:
Part 1 ---- 6818
1.106 ---- 6818
1.108 ---- 6820
Part 3:
3.27 ---- 6732
Part 141:
141.1 ---- 6579
141.35 ---- 6579
141.36 ---- 6579
141.39 ---- 6579
141.46 ---- 6579

TITLE 21—Continued Page
Chapter I—Continued
Part 141—Continued
141.101 ---- 6580
141.201 ---- 6580
141.401 ---- 6580
141.410 ---- 6580
Part 146:
146.77 ---- 5934
146.402 ---- 6580
146.409 ---- 6580

TITLE 22
Chapter I:
Part 42:
42.316 ---- 6030
Part 96 ---- 6081
Part 97 ---- 6081
Part 98 ---- 6082
Chapter II:
Part 202 ---- 5934
Part 203 ---- 5934
Part 204 ---- 6195
Part 205 ---- 5934

TITLE 24
Chapter VIII:
Part 801 ---- [5982]

TITLE 26
Chapter I:
Part 24:
24.12 ---- 5934
24.30 ---- 5934
24.31 ---- 5935, 5936, 5937, 5938
24.35 ---- 5939
Part 29:
Proposed rules ---- 5909, 6200, 6561
I. R. C. 112 (b) (7) ---- 6195
29.112 (b) (7)–1 ---- 6195
29.112 (b) (7)–2 ---- 6195
29.112 (b) (7)–4 ---- 6195
29.112 (b) (7)–5 ---- 6195
I. R. C. 113 (a) (18) ---- 6195
29.113 (a) (18)–1 ---- 6195
29.148–2 ---- 6195
29.148–3 ---- 6195
I. R. C. 501 (b) ---- 6820
29.501–1 ---- 6821
I. R. C. 502 (f) ---- 6821
29.502–1 ---- 6821
Part 40:
Proposed rules ---- 5909, 6201
Part 81:
Statutory provisions ---- 5982
81.50 ---- 5982
Part 182:
182.305 ---- 6640
182.566a ---- 6640
182.568a–182.572 ---- 6640
182.574 ---- 6641
182.574a–1 ---- 6641
182.574d–1—182.574t ---- 6641
182.643a ---- 6643
182.648c ---- 6643
Appendix ---- 6145
Part 183:
183.301 ---- 6643
183.546–183.546a ---- 6643
183.548a–183.552 ---- 6644
183.552a ---- 6643
183.553–183.554n ---- 6644
Part 184:
184.51 ---- 6646
184.334 ---- 6646
184.587–184.587a ---- 6646
184.589a–184.593 ---- 6647
184.593a ---- 6646
184.594–184.594n ---- 6647
Part 185:
185.311 ---- 6649
185.626–185.626a ---- 6649

TITLE 26—Continued Page
Chapter I—Continued
Part 185—Continued
185.631 ---- 6650
185.633 ---- 6650
185.653a–185.658 ---- 6650
185.670 ---- 6651
185.672 ---- 6651
185.675–185.680 ---- 6652
Part 189:
189.132 ---- 6652
189.167–189.169 ---- 6653
189.186 ---- 6653
189.189 ---- 6653
189.203 ---- 6653
189.204a–189.204b ---- 6653
189.376 ---- 6654
Part 190:
190.312 ---- 6654
190.409–190.410 ---- 6654
190.429 ---- 6655
190.432 ---- 6655
190.441 ---- 6655
190.443a–190.443b ---- 6655
190.687 ---- 6655
190.718–190.718a ---- 6656
190.734 ---- 6654
190.734a–190.735 ---- 6656
190.740 ---- 6656
190.741 ---- 6654
190.742–190.746 ---- 6656
190.747a ---- 6656
Part 197:
197.24 ---- 6657
Part 325:
325.50 ---- 6732
Part 405:
Proposed rules ---- 6824
Part 601:
601.4 ---- 6949

TITLE 27
Chapter I:
Part 6 ---- 6581

TITLE 29
Subtitle A:
Part 4:
4.21 ---- 5855
Chapter V:
Part 516:
516.15 ---- 6245
516.24 ---- 6245
Part 672 ---- 6245
Part 675 ---- 6246
Part 708:
Proposed rules ---- 6164

TITLE 30
Chapter I:
Part 33:
33.6 ---- 6950

TITLE 31
Chapter II:
Part 321:
321.4 ---- 6246
321.9 ---- 6246
321.12 ---- 6246

TITLE 32
Chapter V:
Part 536:
536.32 ---- 6582
536.79 ---- 5939
536.80 ---- 5939
536.82 ---- 5939
536.83 ---- 5940
536.84 ---- 5940
Part 562:
562.27 ---- 6690
562.35 ---- 6690
Part 564:
564.11 ---- 7009

TITLE 32—Continued Page
Chapter V—Continued
Part 571:
571.1–571.5 ---- 6899
Part 590:
590.305 ---- 6550
590.800–590.811 ---- 6550
590.903–3 ---- 6554
Part 591:
591.405 ---- 6554
Part 600:
600.401 ---- 6554
600.402 ---- 6554
Part 601:
601.450 ---- 6554
601.603 ---- 6555
601.1052 ---- 5940
Part 602:
602.602–4 ---- 6555
Chapter VI:
Part 713:
713.4106 ---- 6410
713.5401 ---- 6410
Part 720 ---- 6410
Part 736 ---- 6555
Part 738 ---- 6411
Chapter VII:
Part 836 (see Part 536)
Part 871 (see Part 571)
Chapter XI:
Part 1101:
1101.2 ---- 5940
Chapter XIV:
Part 1453:
1453.2 ---- 6429
1453.5 ---- 6083
Part 1454:
1454.8 ---- 6083
Part 1455:
1455.3 ---- 6084
Part 1458:
1458.3 ---- 6084
Part 1464 ---- 5983
Part 1490 ---- 5985
Chapter XVI:
Part 1622:
1622.23a ---- 5855
Chapter XVII:
Part 1707 ---- 6247
Part 1708 ---- 6248

TITLE 32A
Chapter I (ODM):
DMO 11 ---- 6657
DMO 12 ---- 6821
DMO 20 ---- 6821
Chapter II (ESA):
GO 17 ---- 6902
Chapter III (OPS):
CPR 5:
Sec. 1 ---- 6955
3 ---- 6955
4 ---- 6957
5 ---- 6955
6 ---- 6955
15 ---- 6955
17 ---- 6147
23 ---- 6956
28 ---- 6956
CPR 7:
Sec. 17 ---- 6196
38b ---- 6196
39 ---- 6196
39a ---- 6196
39c ---- 6196, 6197
39d ---- 6197
39e ---- 6197
53 ---- 6197
55 ---- 6196
59 ---- 6197

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 7—Continued
Appendix B 6197
Appendix C 6197
CPR 7, Interpretations:
Int. 1 6429
Int. 2 6429
Int. 3 6429
Int. 4 6690
Int. 5 6690
CPR 7, SR 1:
Sec. 8 6198
CPR 7, SR 1, Int. 1 6691
CPR 7, SR 1, Int. 2 6691
CPR 7, SR 4:
Sec. 10 6903
CPR 9:
Sec. 3 6413
CPR 9, SR 4:
Sec. 1 6030
CPR 11:
Sec. 3 6197
14 6197
CPR 12:
Sec. 4 6085
CPR 14:
Sec. 2 6250
7 6250
26a 6250
28a 6250
33 6250, 6251
35 6251
CPR 17, SR 9 5873
CPR 17, SR 10 5940
Sec. 2 6659
CPR 17, SR 11 6220
CPR 22:
Sec. 25 6085
35 6904
Appendix C 6147
CPR 22, SR 7:
Sec. 9 5875
10 6147
CPR 22, SR 30 6413
CPR 24:
Sec. 11 6255
20 6148, 6256
21 6256
22 6148, 6256
28 6256
29 6256
50 6149, 6256
Appendix 3 6257
Appendix 4 6257
Appendix 8 6257
Appendix 11 6415
CPR 25, Int. 4 6761
CPR 25, Int. 5 6761
CPR 30:
Sec. 3 6691
4 6691
6 6691
8 6691
9 6692
10 6692
23 6692
33 6904
CPR 34, SR 3:
Sec. 2 6840
Appendices LL–NN 6840
CPR 34, SR 21 6415
CPR 34, SR 22 6251
CPR 45, Int. 1 6761
CPR 59:
Sec. 1 6149
CPR 61, SR 3 5988
CPR 67:
Sec. 4 6693
12 6693

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 67—Continued
Sec. 17 6693
Appendix A 6198
CPR 68:
Sec. 3 5876
4 5876
6 5876
CPR 69:
Sec. 6.3 6694
6.4 6694
CPR 69, SR 1:
Sec. 1 6031
CPR 74:
Sec. 5 6658, 6659
14 6659
20–22 6952
24–25 6953
27–28 6954
31 6954
40 6659
43 6954
44 6954
46 6149
47 6150
54 6954
60 6150
Appendix 1 6659
Appendix 2 6954
CPR 92:
Sec. 20 6150
50 6150
CPR 93, Interpretations:
Int. 13 6257
Int. 14 6265
Int. 15 6258
Int. 16 6265
Int. 17 6266
Int. 18 6266
Int. 19 6266
Int. 20 6266
Int. 21 6266
Int. 22 6267
Int. 23 6254
CPR 94:
Sec. 1 6417
2 6417
Appendix B 6417
CPR 97:
Sec. 3 6694
4 6694
10–11 6695
14 6695
15 6695
16 6695
18 6696
19 6696
20 6696
33 6696
Appendix A 5942
CPR 98:
Sec. 3 5944
5 5947
10 5944
11 5944
12 5945
13 5945
15 5945
16 5945, 6267
17 5946
18 5946
20 5946
21 5946
47 5946
CPR 98, Int. 1 6904
CPR 101:
Sec. 7 6667
13 6666
20 6151, 6667

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
CPR 101—Continued
Sec. 21 6667
22 6151
49 6667
50 6151
CPR 105 5877
CPR 107:
Sec. 2 6034
CPR 110:
Sec. 2 5886
3 5886
11 5886
16 5886
CPR 123, SR 1 6086
CPR 132:
Sec. 3.12 6950
CPR 134:
Sec. 6 6762
11a 6841
Appendix A 6762
CPR 135, SR 1:
Sec. 1 6951
CPR 135, SR 2 6822
CPR 139, SR 1 6086
CPR 151:
Sec. 3.12 6956
CPR 152 5856
Sec. 45 6660
CPR 153 5886
CPR 154 6034
CPR 155 6224
CPR 156 6216
CPR 157 6258
CPR 158 6660
CPR 159 6667
CPR 160 6696
CPR 161 6842
DR 1:
Sec. 1 6698
3 6698
18 6698
GCPR:
Sec. 11 6151
22 6739
GCPR, SR 1 6733
GCPR, SR 4:
Sec. 3 6699
GCPR, SR 34, Int. 1 6762
GCPR, SR 41:
Secs. 1–2 6905
GCPR, SR 43 6031
GCPR, SR 55 6416
GCPR, SR 59:
Sec. 1 6842
2 6842
GCPR, SR 63, AMPR 9:
Sec. 1 5940
Appendix I 5940
Appendix II 5940
GCPR, SR 63, AMPR 11:
Appendix III 6583
GCPR, SR 63, AMPR 26 6699
GCPR, SR 95 7010
GCPR, SR 99:
Sec. 4a 6146
GCPR, SR 99, Int. 1 6267
GCPR, SR 110 5890
GOR 2 6733
GOR 5:
Sec. 6 6852
8 6852
10 6852
14 6852
GOR 6:
Sec. 8 6146
GOR 7:
Sec. 10 6668, 6669
30 6412, 7013

TITLE 32A—Continued Page

Chapter III (OPS)—Continued
GOR 8:
Sec. 1 6268
2 6268
GOR 8, Int. 1 6904
GOR 9:
Sec. 2 6738
GOR 11 6702
Prior to revision 6151
GOR 14:
Sec. 3 6703, 6704
GOR 17 6852
GOR 27:
Sec. 2 6853
GOR 31 6429
GOR 32 6583
Chapter IV:
Subchapter A (SSB):
GSSR 8 5892
Int. 11 5893
Int. 12 5989, 6905
Int. 13 6585
Int. 14 6905
Int. 15 6905
Subchapter B (WSB) 6906
GWR 11:
Sec. 1 6906
2–5 6906
Res. 79 6906
Res. 84 6906
Chapter VI (NPA):
CMP Reg. 1:
Sec. 17 6762
Schedule I 6762
Schedule III 6762
Schedule IV 6762
CMP Reg. 1, Dir. 1:
Sec. 3 5894
CMP Reg. 1, Dir. 12 6957
Prior to revocation 6430
CMP Reg. 1, Dir. 13 6906
CMP Reg. 1, Dir. 14 5894
CMP Reg. 1, Dir. 15 6958
CMP Reg. 1, Dir. 16 6959
CMP Reg. 1, Int. 1 6557
CMP Reg. 2:
Sec. 3 6959
CMP Reg. 2, Dir. 1 5894
CMP Reg. 3, Dir. 4 6959
CMP Reg. 6:
Sec. 17 6763
Table III 6763
CMP Reg. 6, Dir. 6 6960
DSM 1 6775
M–1 6038
M–2 6739
M–5 6763
M–6A, Dir. 3 6957
M–6A, Sched. 1 7013
M–6A, Sched. 1, Dir. 1 6153
M–6A, Sched. 2, Dir. 1 6558
M–8 6704
M–16, Dir. 1 5990
M–20 6669
M–25, Dir. 4 6670
Prior to revision 5895
M–41 6853
M–42 6958
M–43 6035
M–44, Dir. 1 6152
M–47B:
Schedule I 6431
M–50, Dir. 1 6741
M–67 6153
M–80, Sched. C 6766
M–82 6741
M–83 6042
M–84 6768

TITLE 32A—Continued Page

Chapter VI (NPA)—Continued
M–86:
Sec. 4 6743
M–88 6769
M–89:
Schedule I 6771
M–92 5990
M–92, Dir. 1 5990
M–97 6670
Reg. 1 6771
Prior to revision:
Table IB 5895
Reg. 2, Dir. 3 6774
Prior to revision 6669
Reg. 2, Dir. 5 6228
Chapter XIV (GSA) 5990, 6154, 6777, 7014
Chapter XVI (PMA):
DFO 1, SO 1 6431
DFO 2, SO 1:
Sec. 4 6037
DFO 2, SO 2:
Sec. 4 6088
DFO 3 6088
Prior to revision 5895
DFO 3, Import Det 6090
Prior to revision 5895
DFO 3, SO 1 6270
DFO 3, SO 2 6270
DFO 3, SO 3 6269
Chapter XVII (HHFA):
CR 2:
Sec. 3 6743
CR 3 6585
Appendix 6856
Chapter XXI (ORS):
RPR 3 6091
RR 1:
Secs. 147–149 6743
Schedule A 5896, 5950, 5991, 6198, 6593, 6744, 6960, 6961
Schedule B 6099, 6745
RR 3:
Sec. 82 6745
Schedule A 5896, 5950, 6199, 6593, 6745, 6961
Schedule B 6745
RR 4:
Sec. 149 6745
Schedule A 5896, 5950, 6199, 6593, 6745, 6961
Schedule B 6099, 6745

TITLE 33
Chapter I:
Part 8:
8.3107 6044
Part 19:
19.35 6044
Chapter II:
Part 202:
202.100 6216
202.224 6594
Part 203:
203.230 6746
203.491 6594
203.643 6711
Part 204:
204.232 6711
Part 207:
207.158 6044
207.200 6594
207.612 5951

TITLE 35 Page

Chapter I:
Part 4:
4.20 6712
4.21a 6712

TITLE 36
Chapter I:
Part 1:
1.0 6044
1.1 6044
1.4 6044
1.9 6044
1.27 6044
1.36 6044
1.61 6044
1.63 7016
Part 2 6044
Technical amendment 7016
2.1 7016
2.2 7016
Part 20:
20.26 5992
20.44 7016
Part 23 6044
Chapter II:
Part 251:
251.1 6270
251.50 6270
251.55 6270
Part 271 6712

TITLE 38
Chapter I:
Part 4:
4.55 6432
4.74 6155
4.77 6155
Part 6:
6.2 6962
6.3 6962
6.86 6962
6.186 6962
Part 8:
8.0 6962
8.22 6962
8.110 6962
8.112 6963
8.114 6963
Part 14:
14.201 5951
14.202 5951
14.205 5952
Part 21:
21.106 6746
21.114 6746
Chapter II:
Part 200:
200.37 6963
200.43–200.44 6963

TITLE 39
Chapter I:
Part 8:
8.13 6857
Part 34:
34.95 5952
Part 35:
35.18 5952
Part 114:
114.22 6432
Part 127:
127.76 6595
127.229 6595
127.258 6595
127.271 6432
127.278a 6595
127.298 6595
127.301 6432
127.306 6595
127.333 6595

TITLE 39—Continued Page
Chapter I—Continued
Part 127—Continued
127.334 ---- 6595
127.336 ---- 6595
127.348 ---- 6595
TITLE 41
Chapter II:
Part 201:
201.101 ---- 6417
TITLE 42
Chapter I:
Part 71:
71.503 ---- 6747
Chapter II:
Part 200:
200.1 ---- 5952
200.18 ---- 5952
TITLE 43
Chapter I:
Part 78:
78.8 ---- 6823
Part 185:
185.40 ---- 6823
185.51 ---- 6823
185.104 ---- 6823
Part 191:
191.3 ---- 6216
191.6 ---- 6216
Part 192:
192.42 ---- 6216
192.141 ---- 6216
Part 200:
200.4 ---- 6216
200.5 ---- 6216
200.8 ---- 6216
200.11 ---- 6216
Part 244:
244.1–244.69 ---- 5896
Part 245 ---- 5909
Part 257:
257.19a ---- 6099
Part 292:
292.27–292.38 ---- 5909
Appendix (Public land orders):
267 (revoked by PLO 849) 6100
585 (revoked in part by PLO 846) ---- 5992
845 ---- 5909
846 ---- 5992
847 ---- 5993
848 ---- 6099
849 ---- 6100
850 ---- 6100
851 ---- 6100
852 ---- 6100
853 ---- 6101
854 ---- 6432
855 ---- 6747
856 ---- 6823
857 ---- 6906
TITLE 44
Chapter IV:
Part 401:
Proposed rules ---- 6971
TITLE 45
Chapter III:
Part 301:
Proposed rules ---- 6717
Chapter V:
Part 501:
501.7 ---- 6101
501.8–501.30 ---- 5993

TITLE 46 Page
Chapter I:
Part 146:
146.01–4 ---- 6461
146.02–8 ---- 6461
146.02–13 ---- 6461
146.02–14 ---- 6461
146.02–15—146.02–16 ---- 6462
146.05–15 ---- 6462
146.05–17 ---- 6463
146.20–1—146.20–300 ---- 6464
146.24–1—146.24–100 ---- 6493
146.25–1—146.25–400 ---- 6493
146.28–1—146.28–2 ---- 6548
146.28–3 ---- 6548
146.28–5 ---- 6548
146.28–9—146.28–12 ---- 6548
146.28–16 ---- 6548
146.28–18—146.28–19 ---- 6548
146.28–22 ---- 6548
146.29–1 ---- 6548
146.29–3 ---- 6548
146.29–6 ---- 6548
146.29–23 ---- 6548
146.29–100 ---- 6548
Part 147:
147.05–100 ---- 6549
Part 154:
154.35 ---- 6047
Chapter II:
Proposed rules ---- 7020
TITLE 47
Chapter I:
Part 1:
Proposed rules ---- 6856
1.301 ---- 6230
1.310 ---- 6230
1.318 ---- 6857
1.335 ---- 6857
1.364 ---- 6155
Part 2:
2.104 ---- 6156
Appendix A ---- 6230
Part 3:
Proposed rules ---- 6166, 6924
3.1–3.191:
3.45 ---- 6230
3.65 ---- 6230
3.181 ---- 6230
Appendix ---- 6230, 6231
3.201–3.291:
3.270 ---- 6230
3.281 ---- 6230
Appendix ---- 6231
3.570 ---- 6230
3.581 ---- 6230
3.606 ---- 6859, 6860
3.621 ---- 6156
3.662 ---- 6230
3.663 ---- 6230
3.768 ---- 6230
3.781 ---- 6230
Part 4:
4.167 ---- 6230
4.181 ---- 6230
4.267 ---- 6230
4.281 ---- 6230
4.367 ---- 6230
4.381 ---- 6230
4.466 ---- 6230
4.481 ---- 6230
4.566 ---- 6230
4.581 ---- 6230
4.666 ---- 6230
4.681 ---- 6230
Part 7:
Proposed rules ---- 6869

TITLE 47—Continued Page
Chapter I—Continued
Part 8:
Proposed rules ---- 6869
Part 9:
9.511 ---- 6156
Part 12:
12.21 ---- 6865
12.200–12.257 ---- 6158
Part 14:
Proposed rules ---- 6869
Part 18:
18.1 ---- 6866
18.12 ---- 6231
18.22 ---- [6866]
18.51 ---- 6164, 6199
Part 31:
Proposed rules ---- 6866
TITLE 49
Chapter I:
Part 7:
7.44 ---- 5953
7.46 ---- 5953
Part 71:
Proposed rules ---- 6102, 6201
Part 72:
Proposed rules ---- 6102
Part 73:
Proposed rules ---- 6102, 6201
Part 74:
Proposed rules ---- 6102
Part 77:
Proposed rules ---- 6102, 6201
Part 78:
Proposed rules ---- 6102
Part 95:
95.865 ---- 5953, 6558
95.873 ---- 6558
95.874 ---- 6559
95.876 ---- 6559
95.878 ---- 6559
95.884 ---- 5954, 6559
95.885 ---- 5954, 6559
95.886 ---- 5954, 6560
95.887 ---- 5954
95.888 ---- 6164
Part 165a ---- 6048, 6270
Part 167 ---- 6164
Part 170:
170.35 ---- 6560
170.37 ---- 6560
170.41 ---- 6560
170.45 ---- 6560
170.48 ---- 6560
Part 180:
180.1 ---- 5953
180.6 ---- 5953
Part 193:
193.75 ---- 6048
193.91 ---- 6200
Part 197:
Proposed rules ---- 6201
Part 211:
211.3 ---- 6824
Part 324:
Proposed rules ---- 6116
TITLE 50
Chapter I:
Part 6:
6.4 ---- 7015
6.8 ---- 7016
Part 33:
33.213 ---- 6101
Part 101:
Proposed rules ---- 5994

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FEDERAL REGISTER

VOLUME 17 NUMBER 128

Washington, Tuesday, July 1, 1952

TITLE 3—THE PRESIDENT

REORGANIZATION PLAN NO. 5 OF 1952

Prepared by the President and Transmitted to the Senate and the House of Representatives in Congress Assembled, May 1, 1952, Pursuant to the Provisions of the Reorganization Act of 1949, Approved June 20, 1949 [1]

GOVERNMENT OF THE DISTRICT OF COLUMBIA

SECTION 1. *Functions transferred to the Board of Commissioners.* There are hereby transferred to the Board of Commissioners of the District of Columbia (hereafter in this reorganization plan referred to as the Board of Commissioners) all functions of the following named offices and agencies of the Government of the District of Columbia, including in the case of each the functions of all officers, employees, and subordinate agencies:

Alcoholic Beverage Control Board
Anatomical Board
Board of Accountancy
Board of Assistant Assessors
Board of Barber Examiners for the District of Columbia
Board for the Condemnation of Dangerous and Unsafe Buildings
Board for the Condemnation of Insanitary Buildings in the District of Columbia
Board of Dental Examiners
Board of Equalization and Review
Board of Examiners and Registrars of Architects
Board of Examiners of Steam and other Operating Engineers
Board of Examiners of Veterinary Medicine
Board of Optometry
Board of Parole
Board of Pharmacy
Board of Podiatry Examiners
Board of Police and Fire Surgeons
Board of Public Welfare
Board of Revocation and Review of Hackers Identification Cards
Board of Revocation, Suspension and Restoration of Operators Permits
Board of Special Appeals
Board of Tax Appeals
Bridge Division
Budget Office
Building Inspection Division
Central Garage and Shops
Central Permit Bureau
Commission on Licensure to Practice the Healing Art in the District of Columbia
Committee on Special Assessment Appeals
Construction Division
Department of Construction
Department of Corrections
Department of Highways
Department of Inspections
Department of Insurance
Department of Sanitary Engineering
Department of Vehicles and Traffic
Department of Weights, Measures, and Markets
Disbursing Office
District Boxing Commission
District of Columbia Board of Cosmetology
District of Columbia Board of Registration for Professional Engineers
District of Columbia Educational Agency for Surplus Property
District of Columbia Pound
District of Columbia Repair Shop
District Personnel Board
District Unemployment Compensation Board
Division of Printing and Publications
Electrical Division
Electrical Examining Board
Electrical Inspection Division
Elevator Inspection Division
Executive Office of the Board of Commissioners of the District of Columbia
Fire Department
Fire Safety Division
Fire Trial Board
Gallinger Municipal Hospital
Glenn Dale Sanitorium
Health Department
License Bureau
Metropolitan Police Department
Minimum Wage and Industrial Safety Board
Motion-Picture Operators Examining Board
Motor Vehicle Parking Agency
Municipal Architect
Nurses Examining Board
Office of the Administrator of Rent Control
Office of the Assessor
Office of the Auditor
Office of the Chief Clerk, Public Works
Office of Civil Defense
Office of the Collector of Taxes
Office of the Coroner
Office of the Corporation Counsel
Office of the Secretary to the Board of Commissioners of the District of Columbia
Office of the Surveyor

(Continued on p. 5851)

[1] Effective July 1, 1952, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U. S. C. Sup. 133z).

CONTENTS

THE PRESIDENT

Reorganization Plan — Page
Government of the District of Columbia — 5849

EXECUTIVE AGENCIES

Agriculture Department
See Farmers Home Administration; Forest Service; Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Beck & Co. et al — 5925
Klarer, Josephine — 5924
Klingelnberg-Fijnwerk, N. V. — 5927
Lupo, Nicola — 5927
Raichle, Gustav — 5928
Von Versen, Elizabeth Alice — 5928
Walsemann, Amelia — 5927

Civil Aeronautics Board
Notices:
Hearings, etc.:
Empresa De Transportes Aereovias Brazil, S. A. — 5916
Rates and fares between Portland, Oregon, Seattle, Washington, and Fairbanks and Anchorage, Alaska — 5915
Trans-Texas Airways — 5915

Commerce Department
See National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Farm storage facilities; program to finance purchase of mechanical driers for farm commodities; time for submission of loan application — 5953

Defense Production Administration
Notices:
Request to Metal Products Co. production pool to operate as a small business enterprise production pool and request to certain companies to participate in the operations of such pool — 5916

FEDERAL REGISTER

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency — Page
See also Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.
Notices:
Approval of extent of relaxation of credit controls in certain critical defense areas:
Camp Atterbury, Indiana — 5917
Lake Charles, Louisiana — 5917
Warner Robins, Georgia — 5917

Entomology and Plant Quarantine Bureau
Proposed rule making:
Gypsy and Brown-tail moths — 5913

Farmers Home Administration
Rules and regulations:
Farm ownership loans, basic regulations; temporary credit restrictions — 5852

Federal Communications Commission
Notices:
Hearings, etc.:
Jefferson County Radio and Television Co. (KJCF) — 5918
KTRM, Inc — 5917

Federal Power Commission
Notices:
Hearings, etc.:
Colorado Interstate Gas Co — 5919
Northern Natural Gas Co — 5919
Pacific Gas and Electric Co — 5919
Panhandle Eastern Pipe Line Co — 5919
Southern Natural Gas Co — 5918
Tennessee Gas Transmission Co — 5918
Tennessee Gas Transmission Co. et al — 5919
Texas Eastern Transmission Corp. et al — 5919
Transcontinental Gas Pipe Line Corp — 5918

Forest Service
Notices:
Trespassing hogs; removal from certain National Forests — 5914

General Services Administration
Notices:
Secretary of the Interior; delegation of authority with respect to procurement of water service at Bureau of Mines facility at Morgantown, W. Va. — 5920

Interior Department
See Land Management, Bureau of.
Delegation of authority to Secretary with respect to procurement of water service at Bureau of Mines facility at Morgantown, W. Va. (*see* General Services Administration).
Notices:
California; notice for filing objections to order reserving public lands for use of Atomic Energy Commission — 5916

Internal Revenue Bureau
Proposed rule making:
Income and excess profits tax; taxation of mutual savings banks, building and loan associations, and cooperative banks — 5909

Justice Department — Page
See Alien Property, Office of.

Labor Department
Rules and regulations:
Child labor regulations, orders and statements of interpretation; acceptance of state certificates of certain states — 5855

Land Management, Bureau of
Rules and regulations:
California; reservation of public lands for use of Atomic Energy Commission — 5909
Rights-of-way other than for railroad purposes and for logging roads on the Oregon and California and Coos Bay revested lands — 5896
Rights-of-way over and upon public lands and reservations of the U. S. for electrical plans and transmission lines — 5909
Public water reserves — 5909

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan:
Additional advance allotment authority for heavy carbon steel castings (CMP Reg. 1, Dir. 14) — 5894
Procedures for obtaining minimum quantities of materials by producers of Class B products (CMP Reg. 1, Dir. 1) — 5894
Cans; emergency packing of perishable food products (M-25, Dir. 4) — 5895
Inventory control; removal of slab zinc from inventory limitation (NPA Reg. 1) — 5895
Inventories of controlled materials; temporary suspension of inventory limitations on copper and aluminum (CMP Reg. 2, Dir. 1) — 5894

Price Stabilization, Office of
Notices:
Directors of the Regional Offices; delegation of authority to act under:
CPR 26, Revised — 5917
CPR 74 — 5917
Rules and regulations:
Brass mill products, producers of; adjustments in ceiling prices (CPR 68) — 5875
Gasolines, naphthas, fuel oils, and liquefied petroleum gases, natural gas, petroleum gas, casinghead gas, and refinery gas; tank wagon and rack ceiling prices in certain west coast refinery and terminal price areas (CPR 17, SR 9) — 5873
Industrial and construction machinery and related equipment, used (CPR 105) — 5877
Manufacturers general ceiling price regulation; modifications and alternative provisions for manufacturers of chemicals; aluminum fluoride and synthetic cryolite (CPR 22, SR 7) — 5875

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Manufacturers of copper wire mill products; adjustments in ceiling prices (CPR 110) — 5884
Softwood plywood, hardwood faced (CPR 153) — 5886
True mahogany logs and lumber (GCPR, SR 110) — 5890
Western pine and associated species of lumber (CPR 152) — 5886

Production and Marketing Administration
Rules and regulations:
Agricultural imports (DFO 3) — 5895
Beet sugar area; 1949 and subsequent crops — 5853
Sugarcane; Florida; fair and reasonable wage rates during the period July 1, 1952 through June 30, 1953 — 5854

Rent Stabilization, Office of
Rules and regulations:
Lea County, New Mexico, defense rental area:
Hotels — 5896
Housing — 5895
Motor Courts — 5896
Rooms — 5895

Salary Stabilization Board
Rules and regulations:
Health and welfare plans (GSSR 8) — 5892
New plants (section 11 of GSSR 1, as amended (Int. 11) — 5893

Securities and Exchange Commission
Notices:
Hearings, etc.:
Baldwin Securities Corp — 5924
General Public Utilities Corp. et al — 5923
Gulf Power Co — 5920
Kittery Electric Light Co — 5922
Niagara Mohawk Power Corp. and Oswego Canal Co — 5921
United Corp — 5921
Washington Oil Co — 5920
Wisconsin Southern Gas Co — 5923

Selective Service System
Rules and regulations:
Classification rules and principles; standards and requirements for apprentice training programs — 5855

Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter III (Presidential documents other than proclamations and Executive orders):
Reorganization Plan 5, 1952 — 5849

CODIFICATION GUIDE—Con.

Title 6 — Page
Chapter III:
Part 311 — 5852
Chapter IV:
Part 674 — 5853
Title 7
Chapter III:
Part 301 (proposed) — 5913
Chapter VIII:
Part 831 — 5853
Part 863 — 5854
Title 26
Chapter I:
Part 29 (proposed) — 5909
Part 40 (proposed) — 5909
Title 29
Subtitle A:
Part 4 — 5855
Title 32
Chapter XVI:
Part 1622 — 5855
Title 32A
Chapter III (OPS):
CPR 17, SR 9 — 5873
CPR 22, SR 7 — 5875
CPR 68 — 5875
CPR 105 — 5877
CPR 110 — 5884
CPR 152 — 5856
CPR 153 — 5886
GCPR, SR 110 — 5890
Chapter IV:
Subchapter A (SSB):
GSSR 8 — 5892
Int. 11 — 5893
Chapter VI (NPA):
CMP Reg. 1, Dir. 1 — 5894
CMP Reg. 1, Dir. 14 — 5894
CMP Reg. 2, Dir. 1 — 5894
M-25, Dir. 4 — 5895
Reg. 1 — 5895
Chapter XVI (PMA):
DFO 3 — 5895
Chapter XXI (ORS):
RR 1 — 5895
RR 2 — 5895
RR 3 — 5896
RR 4 — 5896
Title 43
Chapter I:
Part 244 — 5896
Part 245 — 5909
Part 292 — 5909
Appendix (Public land orders): 845 — 5909

Office of the Water Registrar
Plumbing Board
Plumbing Inspection Division
Police and Firemen's Retiring and Relief Board
Police Trial Board
Purchasing Office
Real Estate Commission
Registrar of Titles and Tags
Sanitation Division
Sewage Treatment Plant
Sewer Division
Smoke and Boiler Inspection Division
Street Division
Superintendent of District Buildings
Trees and Parking Division
Tuberculosis Hospital
Undertakers' Examining Committee
Veterans' Service Center
Water Division

SEC. 2. *Abolition of agencies.* (a) The offices and agencies listed in section 1 hereof, including the offices of the heads of such agencies, are abolished. The provisions of the foregoing sentence with respect to any such office or agency shall become effective at such time as the Board of Commissioners shall specify, but in no event later than June 30, 1953.

(b) The Office of People's Counsel established by section 3 of the act of December 15, 1926 (D. C. Code, 1940 edition, sec. 43–205) and its functions are abolished.

(c) The Board of Commissioners shall make such provisions as the said Board may deem necessary with respect to winding up the affairs of any office or agency abolished by the provisions of this section.

SEC. 3. *Performance of functions of Board.* (a) Except as otherwise provided in this section, the Board of Commissioners is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions, including any function transferred to or otherwise vested in the Board of Commissioners by this reorganization plan, by any member of the Board of Commissioners, or by any other officer, employee, or agency of the Government of the District of Columbia, except the courts thereof.

(b) The Board of Commissioners shall not provide for the performance by any member of the Board of Commissioners, or by any other officer, employee, or agency of: (1) any function vested in the said Board by Act of Congress with respect to making and adopting regulations except those pertaining to the administration of or procedure before any agency of the Government of the District of Columbia; (2) the function of approving any contract in excess of $25,000; (3) the function of appointing or removing the head of any agency responsible directly to the Board of Commissioners; or (4) the function of approving the budget for the District of Columbia.

SEC. 4. *Establishment of new offices.* (a) There are hereby established in the Government of the District of Columbia so many agencies and offices, and with such names or titles, as the Board of Commissioners shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Board of Commissioners. Each officer so appointed shall perform the functions delegated to him in accordance with this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws, as now or hereafter amended, except that the compensation for not to exceed fifteen such offices at any one time may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949 (5 U. S. C. 1105).

(b) There are hereby established in the Government of the District of Columbia two new offices one of which shall have the title of "Chief of Police"

and the other the title of "Fire Chief." The Chief of Police and the Fire Chief shall each be appointed by the Board of Commissioners and shall each receive compensation fixed by the said Board at a rate of not in excess of $12,800 per annum.

SEC. 5. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, relating to functions transferred, or authorized to be delegated, by the provisions hereof, the Board of Commissioners from time to time may effect such transfers between agencies of the Government of the District of Columbia (including transfers between the Board of Commissioners and any other agency of the Government of the District of Columbia) as the Board may deem necessary in order to carry out the provisions of this reorganization plan.

[F. R. Doc. 52-7291; Filed, June 30, 1952; 11:41 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[Administration Letter 283 (400)]

PART 311—BASIC REGULATIONS

TEMPORARY CREDIT RESTRICTIONS

Section 311.8, Title 6, Code of Federal Regulations (16 F. R. 10305), is amended to (a) revise the maximum dwelling loan limits on Farm Housing and Farm Ownership loans, (b) remove section 503 Farm Housing loans from the maximum amortization period requirements, (c) permit the maximum amortization period requirements for Farm Housing and Farm Ownership loans to be waived in favor of veterans on ground of hardship, and (d) make minor clarifying or incidental changes of language. The section is amended so that paragraphs (a), (c), (d), and (g) read as follows:

§ 311.8 *Farm Housing and Farm Ownership temporary credit restrictions*—(a) *General.* (1) Farm Housing and Farm Ownership loans in the continental United States (not including Alaska) approved by the State Field Representative on or after June 11, 1952, must comply with the applicable credit restrictions set forth in this section.

(2) The credit restrictions established by this section apply only to Farm Housing and Farm Ownership funds advanced for dwelling construction as defined in paragraph (b) (1) of this section, and do not apply to amounts loaned for other purposes.

(3) These restrictions do not apply to any case in which the amount of Farm Housing or Farm Ownership funds to be used for dwelling construction is $2,500 or less.

(b) *Definitions.* • • •

(c) *Maximum dwelling loan.* The maximum amount of Farm Housing or Farm Ownership funds that may be loaned to a qualified applicant for dwelling construction purposes depends upon the transaction price group within which the planned dwelling construction falls and whether or not the applicant has veteran preference.

(1) The maximum loans for dwelling construction purposes are set forth in the following tables:

Transaction price of dwelling (as defined in par. (b) (3) of this section):	*Maximum dwelling loan (veteran preference)*
More than $2,500 but not more than $7,000	100 percent of cost of dwelling construction.
More than $7,000 but not more than $10,000	$6,720 plus 90 percent of excess of transaction price over $7,000.
More than $10,000 but not more than $12,000	$9,420 plus 84 percent of excess of transaction price over $10,000.
More than $12,000 but not more than $16,000	$11,100 plus 45 percent of excess of transaction price over $12,000.
More than $16,000 but not more than $21,000	$12,900 plus 43 percent of excess of transaction price over $16,000.
More than $21,000 but not more than $25,000	$15,050 plus 30 percent of excess of transaction price over $21,000.
Over $25,000	65 percent of transaction price.

Transaction price of dwelling (as defined in par. (b) (3) of this section):	*Maximum dwelling loan (no veteran preference)*
More than $2,500 but not more than $7,000	95 percent of transaction price.
More than $7,000 but not more than $10,000	$6,300 plus 75 percent of excess of transaction price over $7,000.
More than $10,000 but not more than $15,000	$8,550 plus 55 percent of excess of transaction price over $10,000.
More than $15,000 but not more than $21,000	$11,300 plus 45 percent of excess of transaction price over $15,000.
More than $21,000 but not more than $25,000	$14,000 plus 25 percent of excess of transaction price over $21,000.
Over $25,000	60 percent of transaction price.

NOTE: The complete schedule of maximum dwelling loans as issued by other Federal agencies is included in paragraph (c) (1) of this section even though Farm Ownership and Farm Housing loans will not include sufficient funds for dwelling construction to fall within the upper brackets.

(d) *Maximum amortization period*—(1) *Farm housing.* The maximum amortization periods established by this section apply to each section 502 Farm Housing loan which includes more than $2,500 for dwelling construction purposes.

(i) The maximum period over which a section 502 Farm Housing loan which includes more than $2,500 but not more than $12,000 for dwelling construction purposes may be amortized is 25 years.

(ii) The maximum period over which a section 502 Farm Housing loan which includes more than $12,000 for dwelling construction purposes may be amortized is 20 years.

(iii) Section 503 Farm Housing loans are not subject to the maximum amortization period requirements.

(2) *Farm Ownership.* The maximum amortization periods established by this section apply to each direct and insured Farm Ownership loan where more than $2,500, for dwelling construction purposes is included, and the funds to be advanced for dwelling construction purposes exceed 75 percent of the total loan for all purposes.

(i) When that portion of the Farm Ownership loan to be advanced for dwelling construction purposes is more than $2,500 and not more than $12,000, and if the amount to be advanced for dwelling construction purposes exceeds 75 percent of the total loan for all purposes, the maximum amortization period of the total loan is 25 years.

(ii) When that portion of the Farm Ownership loan to be advanced for dwelling construction purposes is more than $12,000, and if the amount to be advanced for dwelling construction purposes exceeds 75 percent of the total loan for all purposes, the maximum amortization period of the total loan is 20 years.

(iii) Loans which either include not more than $2,500 for dwelling construction purposes, or include for dwelling construction purposes not more than 75 percent of the total loan for all purposes may be amortized for not more than 40 years in accordance with present procedure.

(e) *Application of credit restrictions to subsequent Farm Housing loans.* • • •

(f) *Application of credit restrictions to subsequent Farm Ownership loans.* • • •

(g) *Waiver of credit restrictions.* (1) The Administrator may waive the credit restrictions established by this section when it is necessary to make further advances to protect the Government's security for outstanding loans.

(2) The State Director may waive the credit restrictions established by this section when the Farm Housing or Farm Ownership loan includes funds for the replacement, reconstruction, or repair of a farm dwelling destroyed or substantially damaged by flood, fire, or similar casualty, upon written certification by the applicant that he experienced such loss or damage to the dwelling on his farm and that the loan funds will be used to reconstruct or repair the dwelling, or, in case of unusually severe damage or a total loss, provide a new dwelling. The applicant's certification should be obtained at the time he applies for Farm Housing or Farm Ownership assistance. This certification should be in the following form:

I certify that the dwelling(s) on my farm has (have) been damaged by _____
(Insert type of _____ and that the requested loan funds casualty)
will be used to reconstruct, repair, or replace the damaged dwelling(s).

_____
(Date)

_____
(Signature of applicant)

(3) The State Director is authorized to waive the maximum amortization period requirements in the case of a veteran for whom repayment of a Farm Ownership or a section 502 Farm Housing loan within the applicable maximum amortization period would constitute a hardship.

This section is promulgated in compliance with a determination of the Housing and Home Finance Administrator acting pursuant to E. O. 10161, September 9, 1950 (3 CFR, 1950 Supp., p. 123), that such promulgation is necessary to carry out the purposes of Title VI of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 69, 82d Cong., Pub. Law 96, 82d Cong., Pub. Law 139, 82d Cong.). It shall be applicable notwithstanding any other provisions of this subchapter or Subchapter A and shall terminate upon the termination of E. O. 10161 unless terminated earlier by proper authority.

(Sec. 41 (i), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (i), 42 U. S. C. 1480 (g). Interprets or applies sec. 605, 64 Stat. 814, Pub. Law 774, 81st Cong., as amended, sec. 106 (c), Pub. Law 96, 82d Cong., sec. 602 (a), (b), Pub. Law 139, 82d Cong.; 50 U. S. C. App. 2135, 2136; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Dated: June 20, 1952.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: June 27, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7208; Filed, June 30, 1952; 8:55 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 674—FARM STORAGE FACILITIES

SUBPART—PROGRAM TO FINANCE PURCHASE OF MECHANICAL DRIERS FOR FARM COMMODITIES

TIME FOR SUBMISSION OF LOAN APPLICATIONS

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration in 16 F. R. 6494 governing the making of loans and containing the requirements of the Mobile Drying Equipment Program are hereby amended as follows:

1. Section 674.156 *Availability of loans,* (b) *Time,* is amended to extend the time for the submission of loan applications. As so amended paragraph (b) reads as follows:

(b) *Time.* Loan applications may be submitted until June 30, 1952, and thereafter until public notice is made that applications may not be submitted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. Sup., 714b, 714c)

Issued this 26th day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

Harold K. Hill,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7181; Filed, June 30, 1952; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter E—Determination of Sugar Commercially Recoverable

[Sugar Determination 831.2, Amdt. 1]

PART 831—BEET SUGAR AREA

1949 AND SUBSEQUENT YEARS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, as amended, the Determination of Sugar Commercially Recoverable in the Beet Sugar Area from the 1949 and Subsequent Crops of Sugar Beets, issued September 30, 1949 (14 F. R. 6057), is hereby amended by (1) inserting the word "and" at the end of paragraph (a), and (2) deleting paragraphs (b) and (c) and substituting in lieu thereof the following:

§ 831.2 *Determination of sugar commercially recoverable from sugar beets.* • • •

(b) In the case of sugar beets marketed in a settlement area under any type of agreement other than an "individual test" contract, 95.23 percent of the amount of sugar calculated by applying to the net weight of the sugar beets, at the time of delivery to a processor, the weighted average percentage of sugar content of all the sugar beets of the next proceeding 7 crops marketed in such settlement area, according to cossette tests made by the processor. For the purpose of this determination "settlement area" means an area in which the marketing agreements between the processor and producers for each crop of sugar beets contain a common pricing formula.

• • • • •

This amendment shall be effective with respect to the 1952 and subsequent crops of sugar beets.

STATEMENT OF BASES AND CONSIDERATIONS

The determinations of sugar commercially recoverable from sugar beets, effective for the 1948 and subsequent crops, have provided that Sugar Act payments on sugar beets marketed under any type of agreement other than an "individual test" contract in the district of a beet sugar factory located in Colorado, Idaho, Montana, Oregon, Utah, Washington or Wyoming would be based on the weighted average percentage of sugar content of all the sugar beets of the next preceding seven crops marketed in the local settlement area. The payments on the 1947 and prior crops in these districts and on all crops in the districts of factories located in other States where beets are marketed under similar contracts have been based on the percentage of sugar content of each crop marketed in the local settlement area. The change to the 7-year weighted average basis was limited to the States listed above primarily because processing campaigns in those States are relatively long and consequently the plan could be particularly effective there in accelerating payments to producers. The change in basis apparently met with general satisfaction. When interest in this plan on the part of growers in several other areas developed during recent months, the reactions of growers, processors, and local committees of the Production and Marketing Administration in making this basis effective in all districts in which beets are marketed under other than "individual test" contracts were solicited through State PMA offices. The responses indicated favorable reactions on the part of most of the interested parties and no serious objections were registered. Consequently, this amendment makes this basis effective in all such districts beginning with the 1952 crop.

Under this basis the completion of payment applications need not be delayed until all the beets produced in an area are processed. The marketings of all growers in the area can be reported by the processor at the end of harvest and periodic reports may be submitted during the harvesting season to facilitate payments to those producers who complete their marketings relatively early. It is believed that over a period of years there will be little difference in total payments made to individual growers,

particularly those who produce beets quite regularly. The use of weighted averages rather than simple averages will tend to equalize total payments. The average basis will result in less variation in amounts of payment per ton of beets from year to year. Slightly larger Sugar Act payments on crops of low sugar content and smaller payments on crops of high content will result, representing a reverse effect as compared with processor payments. Moreover, subject to correction for any revision of the determination of rates of sugar commercially recoverable, the conditional payment per ton on any crop can be computed as soon as the data for the previous crop in the area are available.

Except for the modifications shown herein concerning the extension of the 7-year weighted average basis to all areas in which beets are marketed under any type of agreement other than an "individual test" contract, the provisions of the original determination as issued September 30, 1949, are unchanged.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the purposes of section 302 (a) of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 26th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7185; Filed, June 30, 1952; 8:59 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.5]

PART 863—SUGARCANE; FLORIDA

FAIR AND REASONABLE WAGE RATES DURING THE PERIOD JULY 1, 1952, THROUGH JUNE 30, 1953

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida, on April 25, 1952, the following determination is hereby issued:

§ 863.5 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1952, through June 30, 1953*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1952 through June 30, 1953, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after July 1, 1952, or the date of issuance of this determination, whichever is later, not less than the following:

(i) *For work performed on a time basis.*

	Cents per hour
(a) All workers except as otherwise specified	55.0
(b) Tractor drivers and operators of mechanical harvesting or loading equipment	65.0
(c) Workers between 14 and 16 years of age (maximum employment per day for such workers, without deduction from payments under the act to the producer, is 8 hours)	48.0

(ii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided*, That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the worker, without charge, the perquisites customarily furnished by him such as a habitable house, garden plot, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County PMA Committee. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker, and, after making such investigation as it deems necessary, notify the producer and worker in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State PMA Committee, Cheops Buildings, Gainesville, Fla., which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State PMA Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlements will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1952 through June 30, 1953, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2), the differences in condition among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on April 25, 1952, at which interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period from July 1, 1952 through June 30, 1953. In addition, investigations have been made of conditions affecting such wage rates. In this determination consideration has been given to the testimony presented at the hearing and to information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) costs of production; (4) cost of living; (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *1952–53 Wage Determination.* In this wage determination, minimum wage rates for all classes of workers are increased 5 cents per hour above the corresponding rates provided in the 1951–52 wage determination. Other provisions of the prior wage determination remain unchanged.

At the public hearing, producer representatives recommended that there be no increase of minimum wage rates in the 1952–53 wage determination. A labor union representative recommended that a minimum wage of 75 cents per hour be provided, among other reasons, to attract more domestic workers to sugarcane work. Other testimony was presented to the effect that most of the unskilled workers engaged in the cultivation and harvesting of sugarcane are British West Indians employed on a piecework or task basis; that during 1951–52 earnings of these workers ranged between 50 and 65 cents per hour for hoeing sugarcane and between 75 cents and $1.00 per hour for cutting sugarcane; that in most cases semi-skilled and skilled workers are nationals employed on an hourly basis at rates which ranged from 5 to 15 cents above the minimum rate of 60 cents per hour specified in the wage determination last year; and that in addition to wages, producers furnish workers without charge the customary perquisites such as housing, water, garden plots and medical attention.

In this determination, consideration has been given to the testimony and

recommendations presented at the public hearing, to the standards customarily considered in wage determinations and to the returns, costs and profits of sugarcane producers obtained by restating survey information for prior years in terms of production and crop conditions and prices for sugar and molasses expected to prevail for the 1952–53 crop. During recent years, sugarcane returns to producers and farm labor productivity have improved substantially. Although non-labor items of cost have increased, the net effect of all changes has been an improvement in the producers' situation. Higher living costs, on the other hand, have absorbed past increases in the earnings of workers during this period. After consideration of all factors, the wage rates provided in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup., 1131)

Issued this 26th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7186; Filed, June 30, 1952; 8:59 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

[Child Labor Regulation No. 33]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

§ 4.21 *Designation of States.* Pursuant to the provisions of Subpart A of this part (Child Labor Regulation No. 1), the following States are hereby designated as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201):

Alabama.
Arizona.
Arkansas.
California.
Colorado.
Connecticut.
Delaware.
District of Columbia.
Florida.
Georgia.
Hawaii.
Illinois.
Indiana.
Iowa.
Kansas.
Kentucky.
Louisiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Missouri.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
New Mexico.
New York.
North Carolina.
North Dakota.
Ohio.
Oklahoma.
Oregon.
Pennsylvania.
Puerto Rico.
Rhode Island.
South Dakota.
Tennessee.
Utah.
Vermont.
Virginia.
Washington.
West Virginia.
Wisconsin.
Wyoming.

This designation shall be effective from July 1, 1952, until June 30, 1953, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1061, 1066 as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 27th day of June 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-7245; Filed, June 30, 1952; 9:11 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 41]

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

STANDARDS AND REQUIREMENTS FOR APPRENTICE TRAINING PROGRAMS

The Selective Service Regulations are hereby amended by adding the following new section to Part 1622, Classification Rules and Principles, immediately following § 1622.23:

1622.23a *Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes under paragraph (b) of § 1622.23.* (a) Under the provisions of subparagraph (1) of paragraph (b) of § 1622.23 an apprentice training program must meet all of the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section.

(b) The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprenticeable occupations, as defined in paragraph (c) of this section, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

(c) The apprentice training program must offer apprentice training in an occupation which—

(1) Customarily has been learned in a practical way through training on-the-job;

(2) Requires 4,000 or more hours of work experience to learn;

(3) Is clearly identified and commonly recognized throughout the industry;

(4) Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation;

(5) Is not merely a part of an occupation normally learned through apprenticeship;

(6) Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer; and

(7) Does not fall within any of the following categories:

(i) Selling, retailing or similar occupations in the distributive field;

(ii) Managerial occupations;

(iii) Clerical occupations;

(iv) Professional or semi-professional occupations including occupations for which entrance requirements customarily include education of college level; or

(v) Agricultural occupations which include occupations such as the growing of crops, fruits or nuts, and the raising of livestock or poultry.

(d) The apprentice training program must have been in operation with apprentices actually being trained therein for a period of at least one year.

(e) Each State Director of Selective Service is authorized to accept for deferment purposes apprentice training programs within his State which are submitted to him by the sponsors of the programs when the programs meet the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section. Any program so submitted to the State Director of Selective Service which is not so accepted by him may be submitted to the Director of Selective Service for his consideration for such acceptance. In making requests to the State Director of Selective Service for such acceptance of apprentice training programs, sponsors shall comply with the following procedures:

(1) If the apprentice training program has been registered with a State apprenticeship agency the certificate of such agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(2) If the apprentice training program is registered with the Bureau of Apprenticeship of the United States Department of Labor the certificate of that agency stating that the program meets all the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany the request for acceptance when it is submitted to the State Director of Selective Service by the sponsor for consideration.

(3) If the apprentice training program has not been registered with either a State apprenticeship agency or the Bureau of Apprenticeship of the United States Department of Labor, the certificate of the sponsor stating that the program meets the standards and requirements prescribed in paragraphs (b), (c), and (d) of this section shall accompany his request for acceptance when it is submitted to the State Director of Selective Service.

(f) Under the provisions of subparagraphs (3) and (4) of paragraph (b) of § 1622.23 a registrant's activity as an apprentice in an apprentice training program may be considered to be necessary to the maintenance of the national health, safety or interest when all of the following conditions exist:

(1) The program sponsor has submitted to the local board a request for the occupational deferment of the registrant accompanied by the certificate of the sponsor that (i) the apprentice training program has been accepted for the purpose of deferment by the State Director of Selective Service for the State within which the program is being operated or by the Director of Selective Service, and (ii) the registrant is meeting the conditions prescribed in subparagraph (2) of this paragraph.

(2) The registrant (i) currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction, and (ii) either is engaged in and has completed not less than 2,000 hours of apprentice training in an activity necessary to the maintenance of the national health, safety or interest, or is engaged in and has completed not less than 1,000 hours of apprentice training in an occupation listed as critical by the Secretary of Labor on the current list of critical occupations.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460, E. O. 10366, June 26, 1952, 17 F. R. 5749)

This order shall become effective upon the filing thereof with the Division of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JUNE 26, 1952.

[F. R. Doc. 52-7171; Filed, June 30, 1952; 8:57 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 152]

CPR 152—WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 152 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars-and-cents ceiling prices for manufacturers' sales of western pine and associated species of lumber and railroad ties produced in twelve western states. The species covered are Ponderosa Pine, Sugar Pine, Idaho White Pine, Lodgepole Pine, Engelman Spruce, Inland Red Cedar, Incense Cedar, Inland Larch and Douglas Fir, and White Fir.

Description of the industry. The production area covered by this regulation contains more than one-fourth of the country's standing sawtimber, and more than one-third of the total softwood stands. In 1951, the mills in this area produced over 7½ billion board feet of lumber, about one-fifth of the nation's total lumber production and about one-fourth of the total softwood production. Ponderosa pine is the major species, accounting in 1951, for more than half of the lumber production that is covered in this regulation.

Western pine lumber is consumed in wide areas of the United States, with large quantities moving into the midwest and eastern states. It is a basic material of prime importance in the civilian and defense sectors of the national economy. This lumber is widely used in residential, military, and industrial construction; for industrial purposes such as the manufacture of furniture, doors and window frames, and boxes; and by the armed forces for crating. The higher grades are in heavy demand by the building trades for interior finishing. In addition to its general uses, Idaho White Pine is a specialty wood particularly suitable for interior panelling. Sugar Pine is widely used in pattern making.

The industry also produces a large number of railroad ties that are used, for the most part, by Western railroads. For railroad ties, the regulation adopts as standard the Specifications of the American Railway Engineering Association.

Nature of this regulation. This regulation covers a production area that includes the States of Oregon, Washington, California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona and New Mexico. Insofar as the regulation covers Douglas Fir and White Fir lumber produced in California and in the Cascade Mountains of Oregon and Washington, this regulation overlaps geographically with Ceiling Price Regulation 128, covering Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock lumber. However, as the coverage of this regulation is limited to lumber that is sold either ungraded or graded in accordance with the rules of the Western Pine Association, and as CPR 128 is limited in scope to lumber that is graded under the rules of the West Coast Bureau of Lumber Grades and Inspection, the overlap is more apparent than real. Thus, so far as Douglas Fir and White Fir lumber is concerned, the two regulations together provide a basis whereby normal geographical and qualitative differences are reflected in different ceiling price schedules.

This regulation establishes manufacturers' ceiling prices, and does not deal with ceiling prices at the various distribution levels. The ceiling prices apply to all manufacturers' sales of lumber covered by the regulation, whether sold to a wholesaler, retailer, industrial user, or any other reseller or consumer, and whether sold directly or through a lumber commission man.

Practically all of the hundreds of basic items produced by the industry have specific ceiling prices set forth in the price tables of the regulation. Following industry custom, footnote references provide for non-standard items. For special items, which require special workings, specifications, services, etc., application must be made by the producers to the Office of Price Stabilization.

To assure uniform grade and measurement standards, the regulation adopts the grade and size standards set forth in the most recently issued "Standard Grading Rules" of the Western Pine Association, the standards that are used by the lumber manufacturers located in the production area covered by this regulation.

The basic ceiling prices set forth in the regulation are on an f. o. b. mill basis. For sales made on a delivered basis provisions are included for the addition of appropriate transportation charges. In conformance with established practice in the industry, and upon the recommendation of the Industry Advisory Committee, the regulation authorizes the use of basing points for the determination of transportation charges on certain delivered sales.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary they will be made simultaneously with respect to all lumber regulations.

Prices of Western Pine lumber items generally increased between June 1950 and January 1951. These increases, however, varied substantially between individual items and between firms in the industry. A distorted price pattern resulted, which was frozen by the General Ceiling Price Regulation. This regulation restores the generally prevailing price pattern in the industry by establishing schedules of dollars-and-cents ceiling prices that reflect the price differentials that customarily exist among the items covered. The historic relationship between the prices of Ponderosa Pine and other species of lumber covered by this regulation has been maintained in the schedules of ceiling prices.

The level of ceiling prices as established by the regulation is well within the range of the GCPR ceiling prices as submitted to OPS by the industry.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This included three meetings with the Western Pine Industry Advisory Committee and three meetings with a subcommittee of the latter Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of the western pine and associated species of lumber covered by this regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. What this regulation does.
2. What regulation is superseded.
3. What products are covered.
4. What transactions are covered.
5. Geographical applicability.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING RULES

10. General explanation of ceiling prices.
11. Delivered sales; general.
12. Delivered sales; shipment by common or contract carrier.
13. Delivered sales; shipment by private truck.
14. Delivered sales; basing point rates.
15. Mixed car or mixed truck shipments.
16. Stop-over car loadings.
17. Retail sales.
18. Commission-type sales.
19. Pricing rules.
20. Discount for cash.

MISCELLANEOUS PROVISIONS

30. Ceiling prices for special transactions.
31. Modification of proposed ceiling prices by Director of Price Stabilization.
32. Experts.
33. Petitions for amendment.
34. Adjustable pricing.
35. Records.
36. Invoices.
37. Interpretations.
38. Prohibitions.
39. Evasions.
40. Definitions.

CEILING PRICE AND ESTABLISHED WEIGHTS TABLES

45. F. o. b. ceiling prices; Ponderosa pine lumber.
46. F. o. b. ceiling prices; Idaho white pine lumber.
47. F. o. b. ceiling prices; Sugar pine lumber.
48. F. o. b. ceiling prices; Douglas fir and Inland larch lumber.
49. F. o. b. ceiling prices; White fir lumber.
50. F. o. b. ceiling prices; Englemann spruce and lodgepole pine lumber.
51. F. o. b. ceiling prices; Inland red cedar lumber.
52. F. o. b. ceiling prices; Incense cedar lumber.
53. Ceiling price differentials and rules.
54. F. o. b. ceiling prices; all species ungraded lumber.
55. F. o. b. ceiling prices; railroad ties, all species.
56. Table of established weights.

AUTHORITY: Sections 1 to 56 issued under Sec. 704, 64 Stat. 616, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

COVERAGE

SECTION 1. *What this regulation does.* This regulation establishes dollars and cents ceiling prices for manufacturers' sales of Western Pine and associated species of lumber and railroad ties. (Note: Unless otherwise clearly required by the context, the term "lumber" as used in this regulation includes railroad ties.)

SEC. 2. *What regulation is superseded.* This regulation supersedes the General Ceiling Price Regulation insofar as it pertains to the transactions covered by this regulation.

SEC. 3. *What products are covered—(a) Lumber.* This regulation covers lumber of the following species, when produced in the indicated areas, and when sold either ungraded, or graded in accordance with Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951:

(1) Ponderosa pine (pinus ponderosa), Sugar pine (pinus lambertiana), Idaho White pine (pinus monticola), Lodgepole pine (pinus contorta) Inland larch (larix occidentalis), Engelmann spruce (picea engelmanni), Incense cedar (libocedrus decurrens), and Inland red cedar (thuja plicata), produced in a plant or mill located in Oregon, Washington, California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, or New Mexico.

(2) Douglas fir (pseudotsuga taxifolia) and White fir (abies concolor) produced in a plant or mill located in California, Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, or in the parts of Washington and Oregon that include the Cascade Mountains and extend eastward from the Cascade Mountains.

(b) *Railroad ties.* This regulation also covers: (1) All railroad ties of the species listed in paragraph (a) (1) of this section, produced in a plant or mill located in the states enumerated in that paragraph.

(3) All Douglas fir (pseudotsuga taxifolia) and White fir (abies concolor) railroad ties produced in a plant or mill located in Idaho, Montana, South Dakota, Wyoming, Colorado, Utah, Nevada, Arizona, New Mexico, or in the parts of Washington and Oregon that extend eastward from, but not including the Cascade Mountains.

SEC. 4. *What transactions are covered.* This regulation applies to all manufacturers' sales of lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer, whether or not the sale is made directly or through a lumber commission man. (Section 18 of this regulation provides an addition to cover the services of a lumber commission man. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' mark-ups which may be added to manufacturers' selling prices).

SEC. 5. *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b. or on a delivered basis) in the 48 states of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING RULES

SEC. 10. *General explanation of ceiling prices.* (a) The basic ceiling prices established by this regulation are f. o. b. prices. They apply to sales made: f. o. b. mill, f. o. b. car at mill, f. o. b. car at mill's customary rail shipping point in the case of an off-rail mill, or f. o. b. truck at mill. These basic f. o. b. ceiling prices are set forth in sections 45 through 55.

(b) Sections 11 through 19 explain how the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, when you make a mixed car or truck shipment, or when you sell your lumber through a lumber commission man.

SEC. 11. *Delivered sales; general.* (a) This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. On sales on a delivered basis, you may add to the f. o. b. ceiling (or lower) price an appropriate transportation addition as explained in sections 12, 13, and 14.

(b) A sale described in an order, invoice, or otherwise, as "ceiling delivered" or "f. o. b. mill with freight paid, allowed, or included, to a given destination" will be considered, for the purpose of this regulation, a sale on a delivered basis.

SEC. 12. *Delivered sales; shipment by common or contract carrier.* When you sell on a delivered basis and you ship your lumber by common or contract carrier, the delivered ceiling prices are the f. o. b. prices set forth in sections 45 through 55 plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in section 56 by the applicable common or contract carrier freight rate in effect at the time of shipment. Where trucking to a yard or job site after a rail haul is required, the transportation addition may also include an appropriate charge for making the truck delivery as well as a charge for transferring the lumber from rail car to truck. You should note that when you sell on a delivered basis, the delivered price need not thereafter be revised or adjusted even if the amount actually charged by the common or contract carrier for carrying your lumber is different from the addition for transportation included in your delivered price.

NOTE: The provisions of this section do not apply to retail sales of the kind described in section 17.

SEC. 13. *Delivered sales; shipment by private truck.* (a) When you sell on a delivered basis, shipping your lumber in a truck which you own or hire, the delivered ceiling prices are the f. o. b. prices set forth in sections 45 through 55, plus an addition determined as follows:

(1) For distances of 10 miles or less, as much as $3.00 per M'BM.

(2) For a distance greater than 10 miles and as far as 20 miles, as much as $4.00 per M'BM.

(3) For a distance greater than 20 miles and as far as 30 miles, as much as $5.00 per M'BM.

(4) When the distance is greater than 30 miles, as much as an addition computed in the manner set forth in section 12, using applicable common or contract carrier truck rates.

(b) *"Distance" defined.* As used in this section, the term "distance" refers to the actual mileage from your mill or plant to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your mill or plant. The term "point of destination" includes a yard or job site.

NOTE: The provisions of this section do not apply to retail sales of the kind described in section 17.

SEC. 14. *Delivered sales; basing point rates.* Notwithstanding the provisions of sections 12 and 13, when you sell on a delivered basis and you ship your lumber by common or contract carrier or by private truck, you may compute an addition for transportation, which may be added to the f. o. b. prices set forth in sections 45 through 55, by multiplying the appropriate established weight by the applicable rail freight rate in effect at time of shipment from one of the basing points shown below to the point of final destination, provided that the indicated conditions are satisfied:

(a) When a shipment of lumber covered by this regulation, except Douglas Fir and White Fir lumber, to a point of final destination in California originates at a mill or plant in California from which the rail freight rate to the California point of final destination is less than the rail freight rate from Klamath Falls, Oregon, and Susanville, California, to the same destination, you may use either the applicable rail freight rate from Klamath Falls, Oregon, or Susanville, California, to the point of final destination; but in choosing between the Klamath Falls and Susanville rates, you must use the rate which produces the smaller transportation addition to the point of final destination.

(b) When a shipment of Douglas Fir or White Fir lumber covered by this regulation, to a point of final destination in California, originates at a mill or plant in California, Oregon, Washington, or Nevada from which the rail freight rate to the California point of final destination is less than the rail freight rate from Portland, Oregon, to the same destination, you may use the applicable rail freight rate from Portland, Oregon, to the point of final destination.

(c) When a shipment of lumber covered by this regulation originates at a plant or mill in South Dakota, Wyoming, Colorado, Utah, Arizona, or New Mexico from which the rail freight rate to the point of final destination is less than the rail freight rate from Spokane, Washington, Klamath Falls, Oregon, and Susanville, California, to the same destination, you may use the applicable rail freight rate from Spokane, Klamath Falls, or Susanville to the point of final destination; but in choosing between the Spokane, Klamath Falls, and Susanville rates, you must use the rate which produces the smallest transportation addition to the point of final destination.

NOTE: The provisions of this section do not apply to retail sales of the kind described in section 17.

SEC. 15. *Mixed car or mixed truck shipments*—(a) *Addition to f. o. b. ceiling prices.* When you make a mixed car or mixed truck shipment as defined in paragraph (b) of this section, the otherwise applicable ceiling prices are increased $3.50 per M'BM.

(b) *Meaning of terms*—(a) *Mixed car shipment.* A mixed car shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least one thousand board feet of lumber.

(2) *Mixed truck shipment.* A mixed truck shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least 250 board feet of lumber.

(3) *Item.* Each of the following-numbered groups of lumber products constitutes a separate item for the purposes of a mixed car or a mixed truck shipment under this section. In this connection, there are no requirements that the lumber products involved be derived from a single species covered by this regulation, or that all the lumber products listed within a numbered group be involved in a particular shipment:

(i) Dimension.
(ii) Plank and timbers.
(iii) Commons and box.
(iv) Selects.
(v) Pattern stock.
(vi) Siding.
(vii) Lath.
(viii) Casing, base and moldings.

SEC. 16. *Stop-over car loadings*—(a) *Addition to f. o. b. ceiling prices.* If you do not charge for making a mixed car or mixed truck shipment (see section 15), you may add as much as $2.00 per M'BM to the f. o. b. ceiling prices set forth in sections 45 through 55 whenever you load lumber on a railroad car partially loaded with another seller's lumber which has been stopped in transit to enable you to load your lumber.

SEC. 17. *Retail sales;* (a) *Increased ceiling prices.* You may determine your ceiling prices on retail sales as defined in paragraph (b) of this section by adding $9.00 per M'BM to the basic prices set forth in sections 45 through 55. If you determine your ceiling price for a retail sale under this section, you may not make any of the additions provided in sections 11 through 16.

(b) *Definitions and limitations.* As used in this section, a retail sale is a sale of less than 20,000 feet BM delivered by truck to a buyer who is contractor or ultimate consumer and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The total quantity of lumber involved in a single transaction or sale, between you and a retail buyer, without regard to the quantities involved in single deliveries, shall determine whether or not a sale qualifies as a retail sale within the meaning of this section.

If you determine your ceiling price for a retail sale as allowed in paragraph (a) of this section, you must:

(1) Deliver the lumber to a job site at such time and in such manner as the buyer specifies;

(2) Give the buyer the privilege of exchanging and returning unused lumber; and

(3) Rectify promptly any short deliveries from stocks you keep on hand for this purpose.

SEC. 18. *Commission-type sales.* When a sale of your lumber is brought about by the efforts of a lumber commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus four percent of the f. o. b. ceiling price. However, the amount which you may charge the buyer, pursuant to this section, over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay the lumber commission man. The term "lumber commission man" is defined in section 40.

SEC. 19. *Pricing rules.* You must apply the following rules in determining ceiling prices under this regulation;

(a) When an order does not specify a particular grade of lumber, you may not ship, or charge for, lumber graded higher than No. 2 common, and your charge shall be only for the grade or grades actually shipped.

(b) When a shipment is made which contains a greater percentage of short lengths than that permitted by this regulation for random lengths, you must price the excess short lengths separately at no more than their appropriate ceiling prices in order to sell the balance as random lengths.

(c) In all random length shipments, you may not charge more than the appropriate ceiling prices for the average length shipped.

(d) When a buyer waives moisture content requirements, you may not charge more than the appropriate ceiling price for green lumber; but in that case, when lumber is sold on a delivered basis, you may use the appropriate established weights for green lumber in computing transportation charges.

SEC. 20. *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

MISCELLANEOUS PROVISIONS

SEC. 30. *Ceiling prices for special transactions*—(a) *Application.* If you cannot ascertain a ceiling price for lumber subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, specifications, services, or other extras not specifically mentioned in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) As complete a description as possible of the lumber for which the application is filed. This should include the species, grade, condition, measurements, and quantity of the lumber, together with a detailed description of the workings, specifications, services, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of prices established under this regulation.

(3) Your ceiling prices to your largest buying class of purchaser, under the General Ceiling Price Regulation, both for the item in your application and for the most comparable item priced in this regulation.

(4) The proposed use to which the buyer will put the lumber for which you are proposing a special ceiling price.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your lumber at the ceiling price proposed in your application: *Provided,* That you agree to, and later, refund to the buyer, the amount, if any, by which your proposed price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(3) Approval of applications by the Director under this section are subject to a satisfactory showing that proposed prices are in line with the level of prices otherwise established by this regulation.

(d) *Effect on other transactions.* A special ceiling price approved pursuant to application made under this section shall be the ceiling price for all like future transactions between the same seller and buyer, unless a specific ceiling price for similar lumber shall be established by changes in this regulation, or unless the approval is subsequently revoked or modified by the Director of Price Stabilization.

SEC. 31. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under section 30 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 32. *Exports.* The ceiling prices for export sales and sales for export of lumber covered by this regulation are controlled by Ceiling Price Regulation 61 issued by the Office of Price Stabilization.

SEC. 33. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, revised.

SEC. 34. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell lumber subject to this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 35. *Records*—(a) *Current records.* On and after the effective date of this regulation, every person who sells and every person who in the regular course of business buys products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought 20,000 board feet or more of lumber subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) The kind of sales involved, i. e., delivered or f. o. b.;

(4) A description (i. e., the grade, condition, dressing, quantity, etc.), of the lumber sold or bought;

(5) The prices charged or paid, including all additions, extras, and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

SEC. 36. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description of the lumber. Any working, specification, extras, or services which bear upon the price charged for your lumber must be separately set forth on the invoice, but the invoice need not separately show the charge for such items.

(b) For sales made on an f. o. b. basis, in addition to the information required by paragraph (a), your invoice must show the f. o. b. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail or truck freight rate.

SEC. 37. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 38. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling prices may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or

of the various penalties for failure to do so.

SEC. 39. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 40. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner:

(1) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority, referred to in this regulation.

(2) *Lumber commission man.* This term means a person who customarily sells lumber in carload quantities for two or more manufacturers, who receives his compensation from the manufacturer in the form of a commission based on the amount of lumber sold, and who operates independently of both buyer and seller.

(3) *Manufacturer.* This term means any person who produces or concentrates lumber subject to this regulation. The verb "manufacture" shall be construed accordingly. A lumber concentrator receives rough green lumber from small producers, and prepares it for commercial shipment.

(4) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government on their political subdivisions or agencies.

(5) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(6) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(7) *You.* The pronoun "you" indicates any person who manufactures lumber subject to this regulation. The term "your" and "yours" shall be construed accordingly.

SEC. 45. *F. O. B. Ceiling prices; Ponderosa pine lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Ponderosa pine lumber covered by this regulation:

TABLE 1.—SELECT GRADES (PONDEROSA PINE)

R. L. S2S or S4S	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
Nos. 1 and 2 Clear (B and Better):							
2"	$252.50	$262.50	$262.50	$272.50			
3"	254.50	262.50	262.50	272.50			
4"	245.00	255.00	255.00	265.00	$300.00	$310.00	$320.00
5"	255.00	265.00	265.00	275.00	310.00	320.00	330.00
6"	247.00	255.00	255.00	265.00	300.00	310.00	320.00
8"	250.00	260.00	260.00	270.00	305.00	315.00	325.00
10"	255.00	265.00	265.00	275.00	310.00	320.00	330.00
12" and 13" and wider	265.00	275.00	275.00	285.00	320.00	330.00	340.00
R/W. 4" and wider	250.00	255.00	255.00	265.00	300.00	310.00	320.00
C Selects:							
2"	242.50	252.50	252.50	262.50			
3"	244.50	252.50	252.50	262.50			
4"	235.00	245.00	245.00	255.00	290.00	300.00	310.00
5"	245.00	255.00	255.00	265.00	300.00	310.00	320.00
6"	237.00	245.00	245.00	255.00	290.00	300.00	310.00
8"	240.00	250.00	250.00	260.00	295.00	305.00	315.00
10"	245.00	255.00	255.00	265.00	300.00	310.00	320.00
12" and 13" and wider	255.00	265.00	265.00	275.00	310.00	320.00	330.00
R/W. 4" and wider	240.00	245.00	245.00	255.00	290.00	300.00	310.00
D Selects:							
2"	217.50	227.50	227.50	237.50			
3"	219.50	227.50	227.50	237.50			
4"	210.00	220.00	220.00	230.00	265.00	275.00	285.00
5"	220.00	230.00	230.00	240.00	275.00	285.00	295.00
6"	212.00	220.00	220.00	230.00	265.00	275.00	285.00
8"	215.00	225.00	225.00	235.00	270.00	280.00	290.00
10"	220.00	230.00	230.00	240.00	275.00	285.00	295.00
12" and 13" and wider	230.00	240.00	240.00	250.00	285.00	295.00	305.00
R/W. 4" and wider	215.00	220.00	220.00	230.00	265.00	275.00	285.00

D and Better Short Selects, 4' to 9' S2S or S4S	$170.00
1 x 3" and wider	170.00
¾ and thicker, 4" and wider	170.00

Condition:
1. Rough, all thicknesses — Deduct $2.00.
2. Green — Deduct 10 percent from dry price.

Grade differentials:
3. Stain: Stained Selects that for defects other than stain would grade:
B and Better — Deduct $5.00 from price of B and Better.
C or C and Better — Deduct $5.00 from price of C.
D or D and Better — Deduct $5.00 from price of D.
4. Pitchy Selects — Deduct $10.00 from price of D.
5. Australian Clears — Deduct $5.00 from price of D.

Widths:
6. Specified widths:
Specified widths over 12", for each inch over 12" to — Add $2.00.
12" price.
Odd widths, 7", 9", and 11" — Add $3.00 to 8", 10", and 12" and so scaled.
7. Special random widths:
6" and wider — Add $3.00 to R/W price.
8" and wider — Add $5.00 to R/W price.
10" and wider — Add $10.00 to R/W price.
12" and wider, same as 12" price
14" and wider — Add $10.00 to 12" price.
16" and wider — Add $15.00 to 12" price.
18" and wider — Add $20.00 to 12" price.
20" and wider — Add $25.00 to 12" price.
22" and wider — Add $30.00 to 12" price.

Lengths:
8. Specified lengths:
4/4"—10', 12', and 14' — Add $5.00.
4/4"—16' — Add $10.00.
4/4"—18' and 20' — Add $15.00.
5/4"—and thicker—8', 10', 12', 14', 16' — Add $10.00.
5/4"—and thicker—18' and 20' — Add $20.00.
9. Restricted random lengths:
10' and longer 4/4" and thicker — Add $5.00.

TABLE 2—SHOP LUMBER (PONDEROSA PINE)

S2S RW and RL	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
No. 3 Clear	$140.00	$177.00	$177.00	$192.00	$207.00	$217.00	$227.00
No. 1 Shop	100.00	138.00	138.00	149.00	164.00	174.00	184.00
No. 2 Shop	85.00	107.00	107.00	115.00	130.00	140.00	150.00
No. 3 Shop		78.00	78.00	78.00	93.00	103.00	113.00

Condition:
1. Rough:
No. 3 Clear, all thicknesses — Deduct $2.00.
4/4 No. 1 and No. 2 Shop — Deduct $1.00.
5/4 and Thicker No. 1 Shop — Deduct $2.00.
5/4 and Thicker No. 2 and No. 3 Shop — Deduct $1.00.
2. Green — Deduct 10 percent from dry price.

Grade differentials:
3. Stained:
4/4, all grades — Deduct 5 percent from dry price.
5/4 and thicker, all grades — Deduct 10 percent from dry price.

TABLE 3.—4" COMMON BOARDS (PONDEROSA PINE)

R. L. S2S or S4S 19⅝"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Common	$87.00	$85.00	$85.00	$84.00	$84.00
No. 1 permitting up to 25% No. 2	74.00	72.00	72.00	71.00	71.00
No. 2	62.00	60.00	60.00	58.00	58.00
No. 4	32.00	30.00	30.00	30.00	30.00

Thickness:
6. Additions to 4/4 price for all widths:
No. 1 Common — $5.00.
5/4, 6/4, 7/4 and 8/4 — $15.00.
10/4, 12/4 and 16/4 — $30.00.
No. 2 Common and No. 4:
5/4, 6/4, 7/4 and 8/4 — $10.00.
10/4, 12/4 and 16/4 — $15.00.
No. 3 Common:
5/4, 6/4, 7/4 and 8/4 — $3.00.
10/4, 12/4 and 16/4 — $7.50.
No. 4 and No. 5 Common: — $2.00.
5/4, 6/4, 7/4 and 8/4 — No addition.
10/4, 12/4 and 16/4

TABLE 4.—DIMENSION (PONDEROSA PINE) DRY

R.L. S1S1E or S4S 19⅝"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$87.00	$85.00	$85.00	$84.00	$84.00
No. 1 permitting up to 25% No. 2	74.00	72.00	72.00	71.00	71.00
No. 2	62.00	60.00	60.00	58.00	58.00
No. 4	32.00	30.00	30.00	30.00	30.00

Condition:
1. Rough — Deduct $2.00.
2. Green — Deduct $6.50.
Grade Differentials:
3. Common structural — Add $10.00.
Width: 1. Wider than listed: For each 2" wider than listed — Add $2.00 to price of 12".
Lengths:
8. Specified lengths:
10', 12' and 14' — Add $5.00.
16' — Add $10.00.
18' and 20' — Add $15.00.
4', 5' and 6' — Add $8.00.
Thickness: 1. For 1¾" (All grades) — Deduct $2.00 per M from 1⅝" prices—scale as 2".
Working: 6. Worked to pattern — Add $8.00.

TABLE 5.—No. 1 PLANK AND TIMBERS (PONDEROSA PINE) GREEN

S1S1E or S4S	R.L.	8'-12'-14'-16'	10'-18'-20'	22'-24'	26'-32'
3 x 3" and 3 x 4"	$80.00	$80.00	$80.00	$82.00	$96.00
3 x 6" and 3 x 8"	81.00	81.00	82.00	90.00	94.00
3 x 10" and 3 x 12"	81.00	81.00	85.00	90.00	95.00
3 x 14"	81.00	81.00	90.00	90.00	95.00
4 x 4" and 4 x 5"	81.00	84.00	87.00	90.00	91.00
4 x 6" and 4 x 8"	81.00	84.00	84.00	87.00	91.00
4 x 10" and 4 x 12"	75.00	78.00	82.00	87.00	91.00
4 x 14"	79.00	79.00	82.00	87.00	91.00
5 x 5" and 5 x 6"	75.00	78.00	82.00	87.00	91.00
5 x 8" and 5 x 10"	75.00	78.00	82.00	87.00	91.00
5 x 12"	75.00	78.00	82.00	87.00	91.00
6 x 6" and 6 x 8"	75.00	78.00	82.00	87.00	91.00
6 x 10" and 6 x 12"	75.00	78.00	82.00	87.00	91.00
6 x 14"	75.00	78.00	82.00	87.00	91.00
8 x 8" and 8 x 10"	75.00	78.00	82.00	87.00	91.00
8 x 12"	75.00	78.00	82.00	87.00	91.00
8 x 14"	75.00	78.00	82.00	87.00	91.00
10 x 10" and 10 x 12"	75.00	78.00	82.00	87.00	91.00
12 x 12"	75.00	78.00	82.00	87.00	91.00

Condition:
1. Rough — Deduct $2.00.
2. Dry — Add $8.00.
Grade Differentials:
3. Common structural — Add $15.00.
4. No. 1 permitting up to 25 percent No. 2 — Deduct $2.00.
5. No. 2 — Deduct $8.00.
6. No. 4 — Deduct $25.00.
7. No. 1 Rough or Surfaced, Dry or Green, all sizes and lengths. Price at $82.00 per M ft. and use green weights
Width and thickness:
8. Wider and thicker than listed:
For each 2" increase in either dimension — Add $2.00 to price of largest listed size.
Working: 9. Worked to pattern — Add $9.00.

TABLE 3A.—3" COMMON BOARDS SURFACE MEASURE (ON GRADE)

R. L. S1E, S1S2E S2S or S4S to ¾"	3¼ x 4" and wider	3¼ x 6"	3¼ x 8"	3¼ x 10"	3¼ x 12"
No. 1	$127.00	$127.00	$127.00	$128.00	$128.00
No. 2	111.00	111.00	111.00	111.00	111.00
No. 3	80.00	82.00	85.00	84.00	84.00
No. 4	$68.00	68.00	70.00	69.00	69.00
No. 5	31.00	31.00	31.00	35.00	35.00

[1] See note and footnotes following table 3B.

TABLE 3B.—11/16" COMMON BOARDS SURFACE MEASURE (ON GRADE)

R.L. S1S, S1S2E, S2S or S4S to 11/16"	11/16 x 1" and wider	11/16 x 4"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"
No. 1		$114.00	$114.00	$114.00	$114.00	$118.00
No. 2		105.00	105.00	105.00	105.00	106.00
No. 3		71.00	74.00	75.00	75.00	75.00
No. 4		58.00	61.00	62.00	62.00	62.00
No. 5	$65.00	31.00	31.00	32.00	32.00	32.00

[1] See note and footnotes following table 3B.

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

Note: No. 4 and No. 5 Commons R/W/R.L. may contain 20 percent 4" and 20 percent 6' to 8'.

Condition:
1. Rough — Deduct $2.00.
2. Green — Deduct 6.50.
Grade differentials:
3. Specialty Finn Panel Stock (4/4 only), add $10.00 to price of regulation grade from which selected
Widths:
4. Special random widths:
No. 1 and No. 2 Common, 10" and wider (4/4 only) — Add $6.00 to 12" price.
No. 3 and No. 4 Common, 8" and wider (4/4 only) — Add $4.00 to 12" price.
No. 4 and No. 5 Common, 6" and wider (4/4 only) — Add $2.00 to R/W price.
All grades—¾", 13/16" and 5/4 and thicker, 13" and wider — Add $2.00 to 12" price.
5. Odd widths:
Odd widths 13" and wider — Add $3.00 to 8", 10" and 12" price, and so scaled actual.
Lengths:
6. Specified lengths:
No. 1 and No. 2 Common:
4" and 6"—8' through 14' — Add $2.00 to RL price.
16', 18' and 20' — Add $4.00 to RL price.
8" and wider—8', 14' and 16' — Add $2.00 to RL price.
All widths, 10' through 20' — Add $4.00 to RL price.
When shipped all 8' (all grades) — Deduct $8.00 from RL price.
7. Restricted random lengths:
10' and longer, 13/16" and thicker — Add $2.00 to RL price.

TABLE 6—MILL RUN BOX AND SHOP DROPPINGS (PONDEROSA PINE)

4/4 x RW/RL Rough Dry	$60.00
5/4 and thicker RW/RL Rough Dry	70.00
Condition:	
1. S2S	Add $1.00.
2. Green	Deduct 3.00.
Grade:	
3. Mill Run Box is a combination of No. 1 and No. 2 Box including not over 15 percent No. 2.	
Widths:	
4. Specified widths, no addition.	

TABLE 6A—SHORT BOX (PONDEROSA PINE)

4/4 and thicker RW. 12" to 47" Rough Dry	$25.50
Condition:	
1. S2S or S4S	Add $1.00.
Grade:	
2. As described in Western Pine Association Standard Grading Rules.	
Measurement:	
3. May be sold on actual board measure scale, or may be sold on weight figuring 2,000 lbs. per 1,000 ft. on surfaced stock or 2,500 lbs. per 1,000 ft. on rough stock.	

TABLE 7—BEVEL SIDING (PONDEROSA PINE)

13/16" x 3 1/16" SM

3' and longer	B and Btr	C	D	E
1/2 x 4"	$136.00	$131.00	$118.50	$88.50
1/2 x 5"	141.00	136.00	123.50	93.50
1/2 x 6"	139.50	134.50	122.00	92.00
1/2 x 8"	146.00	141.00	128.50	98.50
1/2 x 8"	116.00	111.00	98.50	68.50
1/2 x 4" Shorts, 3' to 8'	119.50	114.50	102.00	72.00
1/2 x 6" Shorts, 3' to 8'				

Lengths:
1. B and Btr., C and D may contain 20 percent 3' to 8 1/2' in multiples of 6".
2. E may contain 35 percent 3' to 8 1/2' in multiples of 6".
Restricted Random Lengths: 9' and longer. Add $3.00.

TABLE 8—MOULDING STOCK (PONDEROSA PINE)

S2S or S4S—RW/RL:	$170.00
4/4	170.00
5/4	175.00
6/4 and 7/4	182.00
8/4	200.00
10/4 and thicker	
Condition:	
1. Rough	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.

TABLE 9—MOULDING LUMBER AND BETTER (PONDEROSA PINE)

Rough, Dry—RW/RL:	
4/4	$205.00
5/4	210.00
6/4 and 7/4	210.00
8/4	220.00
10/4	255.00
12/4	265.00
16/4	275.00
Condition:	
1. For S2S	Add $1.00.
2. Green	Deduct 10 percent from dry price.
Grade:	
3. Product of log above No. 1 Shop, producing 50 percent rips 2" and wider, 6' and longer.	

TABLE 10—DRAINBOARD STOCK (PONDEROSA PINE)

5/4 and 6/4 No. 1 and No. 2 Clear (B and Btr) S2S Selected:	$310.00
20" and wider—RW/RL	315.00
22" and wider—RW/RL	
Condition:	
1. Rough	Deduct $2.00.
2. Green	Deduct 10 percent from dry price
Thickness:	
3. For 8/4"	Add $10.00.

TABLE 11—LATH (PONDEROSA PINE)

5/8" x 1 1/2"—4' No. 1	$16.00 per M pcs.
3/8" x 1 1/2"—4' No. 2	$15.00 per M pcs.
3/8" x 1 1/2"—32" No. 1	$11.00 per M pcs.
1/2" x 1 1/2"—4' Fence Lath: (80 percent No. 1—20 percent No. 2)	$14.00 per M pcs.

TABLE 12—BARKY STRIPS (PONDEROSA PINE)

S2S or S4S—RL:	$55.00
1 x 4" and 1 x 6"	

TABLE 13—PANEL STOCK (PONDEROSA PINE)

RW/RL S2S	3/16"	5/16"	13/16"
B and Better	$148.75	$150.75	$153.75
C and Better	143.75	145.75	148.75
D	131.25	133.25	136.25

1. Specified widths and lengths:
Use differentials established for 5/4".
Select under table 1.

TABLE 14—BATTENS (PONDEROSA PINE)

1 3/4" (OG) Net	$38.00 per M linear ft.
2" (OG) Net	40.00 per M linear ft.
2 1/4" (OG) Net	43.00 per M linear ft.
1. For 18' and 20' lengths	Add $4.00.

SEC. 46. *F. o. b. ceiling prices; Idaho White pine lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Idaho White pine lumber covered by this regulation:

TABLE 1—SELECT GRADES (IDAHO WHITE PINE)

RL S2S or S4S	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
Supreme	$280.50	$281.50	$273.00	$276.00	$274.00	$274.00	$278.00	$298.00
Choice	265.50	266.50	258.00	261.00	259.00	259.00	263.00	283.00
Quality	247.50	247.50	240.00	243.00	240.00	240.00	238.00	253.00

RL S2S or S4S	5/4 x RW	5/4 x 2"	5/4 x 3"	5/4 x 4"	5/4 x 5"	5/4 x 6"	5/4 x 8"	5/4 x 10"	5/4 x 12"
Supreme	$291.00	$293.50	$295.50	$286.00	$296.00	$288.00	$291.00	$296.00	$307.00
Choice	274.00	275.50	277.50	268.00	278.00	270.00	273.00	278.00	289.00
Quality	252.00	254.50	256.50	247.00	255.00	249.00	252.00	256.00	265.00

Quality and Better Short Selects, 4' to 9' S2S or S4S:	$187.00
1 x 4" and wider (35 percent 4")	175.00
1 x 4"	180.00
1 x 6"	180.00
1 x 8"	192.00
5/4 and thicker, RW	
Condition:	
1. Rough, all thicknesses	Deduct $2.00.
2. Green	Deduct 10 percent from dry price.
Grade differentials:	
3. Stain:	
For Stained Selects that for defects other than stain would grade:	
Supreme	Deduct $5.00 from price of Supreme.
Choice or Choice and Better	Deduct $5.00 from price of Choice.
Quality or Quality and Better	Deduct $5.00 from price of Quality.
4. Pitchy Selects	Deduct $10.00 from price of Quality.
Widths:	
5. Specified widths over 12":	
For each inch over 12"	Add $2.00 to 12" price.
6. 13" and wider, random widths, 4/4 and thicker	Add $5.00 to 12" price.
7. Special Random Widths, 5/4 and thicker:	
6" and wider RW	Add $3.00 to RW price.
8" and wider RW	Add $5.00 to RW price.
8. Odd widths, 7", 9", and 11"	Add $3.00 to 8", 10" and 12" price, and so scaled.

Lengths:
9. Specified lengths:
4/4—8', 10', 12' and 14' — Add $5.00.
16' — Add $10.00.
18' and 20' — Add $15.00.
5/4 and thicker—16' and shorter — Add $10.00.
18' and 20' — Add $20.00.
10. Restricted Random Lengths:
10' and longer, 4/4 and thicker — Add $5.00 to RL price.
11. Random Lengths may contain not over 5 percent shorter than 8' and not over 15 percent odd lengths.
Thickness:
12. Additions for thickness to 5/4 RL S2S price:

	6/4	8/4	10/4	12/4	16/4
Supreme	None	$20.00	$60.00	$70.00	$80.00
Choice	None	20.00	50.00	60.00	70.00
Quality	None	10.00	30.00	40.00	50.00

TABLE 2—SHOP LUMBER (IDAHO WHITE PINE)

RW and RL S2S	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 3 Clear	$155.00	$217.00	$217.00	$239.00	$262.00	$272.00	$282.00
No. 1 Shop	105.00	163.00	164.00	174.00	215.00	220.00	230.00
No. 2 Shop	90.00	115.00	116.00	127.00	152.00	163.00	179.00
No. 3 Shop		89.00	89.00	90.00	108.00	112.00	117.00

Condition:
1. Rough:
No. 3 Clear, all thicknesses — Deduct $2.00.
4/4, No. 1 and No. 2 Shop — Deduct $1.00.
5/4 & thicker, No. 1 Shop — Deduct $2.00.
5/4 & thicker, No. 2 and No. 3 Shop — Deduct $1.00.
2. Green — Deduct 10 percent from dry price.
Grade Differentials:
3. Stain:
For Stained Shop:
1/4, all grades — Deduct 5 percent.
5/4 & thicker, all grades — Deduct 10 percent.

TABLE 3—4/4 COMMON BOARDS (IDAHO WHITE PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 13" and wider RW
Colonial		$147.00	$145.00	$145.00	$145.00	$152.00	$173.00	$178.00
Sterling		135.00	136.00	133.00	134.00	135.00	139.00	144.00
Standard		99.00	105.00	108.00	109.00	108.00	109.00	114.00
Utility	$74.00	64.00	62.00	74.00	76.00	75.00	75.00	
Standard and Better Shorts (4' to 9'—RL)	99.00	81.00		100.00	102.00	102.00	102.00	
Utility Shorts (4' to 9'—RL)	66.00	56.00	54.00	66.00	68.00	67.00	67.00	
Industrial	40.00	35.00	35.00	39.00	41.00	41.00	41.00	

NOTE.—Utility and Industrial RW/RL may contain 20 percent 4" and 20 percent 4' to 8'.

Condition:
1. Rough, less than 8/4 — Deduct $2.00.
2. Rough, 8/4 and thicker — Deduct $1.00.
3. Green — Deduct $6.50.
Widths:
4. Specified even widths over 12"
Colonial, Sterling and Standard (4/4 only) — Add $2.00 to 13" and wider price for each inch over 12".
Utility and Industrial — Use 12" price.
5. Specified odd widths:
7", 9", and 11" — Add $3.00 to 8", 10", and 12" price and so scaled.
13" and wider — Price at next lower width price, scale actual.
For 5" width in 5/4 and thicker (Colonial only) — Add $4.00 to 10" price.
6. Special Random widths:
Utility and Industrial, 1 x 6" and 1 wider (4/4 only) — Add $2.00 to 1 x 4" and wider price.
Lengths:
7. Specified lengths:
Colonial, Sterling and Standard:
4/4:
4" and 6"—8', 10', 12', and 14' — Add $2.00 to RL price.
16', 18' and 20' — Add $4.00 to RL price.
8", 10" and 12"—10', 12', 18' and 20' — Add $4.00 to RL price.
8', 14' and 16' — Add $2.00 to RL price.
5/4 and thicker:
All widths—8', 10', 12', 14', 18' and 20' — Add $7.50 to RL price.
16' — Add $5.00 to RL price.
Utility and Industrial:
4/4 and thicker:
All widths—8' through 20' — Add $3.00 to RL price.
8. Restricted Random lengths:
10' and longer—all thicknesses — Add $2.00 to RL price.
Thickness:
9. Addition to 4/4 price:
Colonial, all widths except 5":
5/4, 6/4, 7/4 and 8/4 — Add $9.00.
10/4 and 12/4 — Add $25.00.
16/4 — Add $30.00.
Sterling, all widths:
5/4, 6/4, 7/4 and 8/4 — Add $7.00.
10/4 — Add $15.00.
12/4 — Add $20.00.
16/4 — Add $25.00.
Standard, all widths:
5/4, 6/4, 7/4 and 8/4 — Add $4.00.
10/4 — Add $10.00.
12/4 — Add $15.00.
16/4 — Add $20.00.
Utility and Industrial, all widths:
5/4, 6/4, 7/4 and 8/4 — Add $2.00.
10/4, 12/4 and 16/4 — No addition.

TABLE 4—BEVEL SIDING (IDAHO WHITE PINE)

3/16" x 3 1/16", SM 3' and longer	Supreme	Choice	Quality	E
1/2 x 4"	$150.00	$142.50	$128.50	$88.50
1/2 x 5"	155.00	147.50	133.50	93.50
1/2 x 6"	153.50	146.00	132.00	92.00
1/2 x 8"	160.00	152.50	139.50	98.50
1/2 x 4" Shorts, 3' to 8'	130.00	122.50	108.50	68.50
1/2 x 6" Shorts, 3' to 8'	133.00	126.00	112.00	72.00

1. Supreme, Choice and Quality may contain even and odd lengths in multiple of 6" and 20'7" of 3' to 8 1/2'.
2. E may contain 35 1/2 3' to 8 1/2' in multiples of 6".
3. Restricted random lengths: 9' and longer —Add $3.00.

TABLE 5—PANEL STOCK (IDAHO WHITE PINE)

RW/RL S2S	3/16"	5/16"	13/16"
Supreme	$166.75	$168.75	$176.75
Choice	157.75	159.75	167.75
Quality	147.25	149.25	152.25

1. For specified widths and lengths, use differentials established for 5/4 Selects, table 1, section 46.

TABLE 6—MOULDING STOCK (IDAHO WHITE PINE)

S2S or S4S—RW/RL	
4/4	$185.00
5/4	190.00
6/4	190.00
8/4	197.00
10/4 and thicker	215.00
Condition:	
1. Rough	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.

TABLE 7—BATTENS (IDAHO WHITE PINE)

1 3/4" (OG) Net	$40.50 per M linear ft.
2" (OG) Net	42.50 per M linear ft.
2 1/4" (OG) Net	43.00 per M linear ft.
1. For 18' and 20', add $4.00.	

TABLE 8—LATH (IDAHO WHITE PINE)

¾ x 1½"—4' No. 1	$16.00 per M pcs.
¾ x 1½"—4' No. 2	15.00 per M pcs.
¾ x 1½"—32" No. 1	11.00 per M pcs.
½ x 1½"—4' Fence Lath (80 percent No. 1—20 percent No. 2)	14.00 per M pcs.

TABLE 9—BARKY STRIPS (IDAHO WHITE PINE)

S2S or S1S	
RL, 6' to 20' (May contain 25 percent 6' and 8'):	
1 x 4" and 1 x 6"	$55.00

SEC. 47. *F. o. b. ceiling prices; Sugar pine lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Sugar pine lumber covered by this regulation:

TABLE 1—SELECT GRADES (SUGAR PINE)

S2S or S1S, 4" and Wider, RL	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
No. 1 and 2 Clear (B and Better)	$277.00	$277.00	$277.00	$297.00	$322.00	$337.00	$352.00
C Select	269.00	269.00	269.00	289.00	314.00	329.00	344.00
D Select	245.00	245.00	245.00	260.00	275.00	290.00	305.00

D and Better 4' to 9' Short Selects S2S or S4S:	
1 x 3" and Wider	$190.00.
5/4 and thicker, 4" and Wider	$190.00.
Condition:	
1. Rough	Deduct $3.00.
2. Green	Deduct 10 percent from grade price.
Grade Differentials:	
3. Stain:	
For Stained Selects that for defects, other than stain, would grade:	
B and Better	Deduct $5.00 from price of B and Better.
C or C and Better	Deduct $5.00 from price of C.
D or D and Better	Deduct $5.00 from price of D.
4. Pitchy Selects	Deduct $10.00 from price of D Select.
5. Australian Clears	Deduct $5.00 from price of D Select.

TABLE 2—SHOP LUMBER (SUGAR PINE)

S2S RW and RL	4/4	5/4	6/4 and 7/4	8/4	10/4	12/4	16/4
No. 3 Clear	$155.00	$202.00	$202.00	$224.00	$247.00	$257.00	$267.00
No. 1 Shop	105.00	148.00	148.00	159.00	188.00	198.00	208.00
No. 2 Shop	95.00	112.00	112.00	120.00	140.00	150.00	160.00
No. 3 Shop		80.00	80.00	80.00	88.00	90.00	92.00

Condition:	
1. Rough:	
No. 3 Clear, all thicknesses	Deduct $3.00.
4/4 No. 1 and No. 2 Shop	Deduct $2.00.
5/4 and thicker No. 1 Shop	Deduct $4.00.
5/4 and thicker No. 2 Shop	Deduct $2.00.
5/4 and thicker No. 3 Shop	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.
Grade Differentials:	
3. Stained Shop:	
4/4"	Deduct 5 percent from grade price.
5/4" and thicker, all grades	Deduct 10 percent from grade price.

DIFFERENTIALS FOR WIDTHS AND LENGTHS—SHOP AND BETTER (SUGAR PINE)

1. Narrow Widths:	
2⅜" and less, S1S, all grades	Add $10.00.
2. Random Widths:	
8" and wider	Add $5.00.
10" and wider	Add $10.00.
12" or 13" and wider	Add $20.00.
11" and wider	Add $25.00.
16" and wider	Add $30.00.
18" and wider	Add $35.00.
20" and wider (except drainboard stock)	Add $40.00.
22" and wider (except drainboard stock)	Add $45.00.

DIFFERENTIALS FOR WIDTHS AND LENGTHS—SHOP AND BETTER (SUGAR PINE)—Continued

3. Specified Widths:	
4", 6" and 8"	Add $5.00.
5", 7" and 10"	Add $10.00.
12" and 13"	Add $20.00.
14" and 15"	Add $25.00.
16" and 17"	Add $30.00.
18" and 19"	Add $35.00.
20" and 21"	Add $45.00.
22" and wider	Add $55.00.
4. Specified lengths:	
4/4 and thicker, 8' to 16'	Add $10.00.
4/4 and thicker, 18' and 20'	Add $15.00.
5. Restricted Random Lengths:	
10' and longer, 4/4 and thicker	Add $5.00.

TABLE 3[1]—4/4 COMMON BOARDS (SUGAR PINE)

RL S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 1		$127.00	$127.00	$127.00	$127.00	$131.00	$130.00	$142.00	$146.00	$150.00
No. 2		118.00	118.00	118.00	118.00	120.00	127.00	131.00	135.00	139.00
No. 2 and Better (Pattern Grade)	$120.00	120.00	120.00	120.00	120.00	122.00	129.00	133.00	137.00	141.00
No. 3	86.00	83.00	86.00	88.00	87.00	87.00	91.00	95.00	99.00	103.00
No. 4	69.00	64.00	69.00	71.00	70.00	70.00	70.00	70.00	70.00	70.00
No. 5	34.00	31.00	34.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00

[1] See note and footnotes following table 3B.

No. 4 and Better Short Common S2S or S4S:	
1 x 4" and wider, 4' to 9', $65.00.	
1 x 3" only, 4' to 9', $63.00.	
1 x 6" and 1 x 8", 4' to 9', $66.00.	
1 x 10" and 1 x 12", 4' to 9', $66.00.	

TABLE 3A[1]—¾" COMMON BOARDS SURFACE MEASURE (ON GRADE)

R. L. S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1		$123.00	$123.00	$123.00	$123.00	$127.00
No. 2		114.00	114.00	114.00	114.00	115.00
No. 3		80.00	82.00	85.00	84.00	84.00
No. 4	$68.00	63.00	68.00	70.00	69.00	69.00
No. 5	34.00	31.00	34.00	35.00	35.00	35.00

[1] See note and footnotes following table 3B.

TABLE 3B—1³⁄₁₆" COMMON BOARDS SURFACE MEASURE (ON GRADE)

R. L. S1S, S1S2E, S2S or S4S to 1³⁄₁₆"	1³⁄₁₆ x 4" and wider	1³⁄₁₆ x 4"	1³⁄₁₆ x 6"	1³⁄₁₆ x 8"	1³⁄₁₆ x 10"	1³⁄₁₆ x 12"
No. 1		$114.00	$114.00	$114.00	$114.00	$118.00
No. 2		105.00	105.00	105.00	105.00	106.00
No. 3		71.00	73.00	76.00	75.00	75.00
No. 4	$63.00	58.00	63.00	65.00	64.00	64.00
No. 5	31.00	28.00	31.00	32.00	32.00	32.00
No. 3 and Better, including 15 percent No. 4	72.00	67.00	72.00	74.00	73.00	73.00

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

Note: No. 4 and No. 5 Commons RW/RL may contain 20 percent 4" and 20 percent 4' to 8".

Condition:	
1. Rough	Deduct $2.00.
2. Green	Deduct $6.50.
Grade Differentials:	
3. Knotty Pine Panel Stock (4/4 only)	Add $10.00 to price of regular grade from which selected.

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B—continued

Lengths:	
7. Specified lengths:	
No. 1, No. 2, No. 2 & Better and No. 3 Common:	
4" and 6"—8' through 14'	Add $2.00 to RL price.
16', 18' and 20'	Add $4.00 to RL price.
8" and wider—8', 14' and 16'	Add $2.00 to RL price.
16', 12', 18' and 20'	Add $4.00 to RL price.
No. 4 and No. 5 Common:	
All widths—10' through 20'	Add $4.00 to RL price.
When shipped all 6' (all grades)	Deduct $3.00 from RL price.
8. Restricted random lengths:	
10' and longer, 1³⁄₁₆" and thicker	Add $2.00 to RL price.
Thickness:	
9. Addition to 4/4 price:	
No. 1, No. 2 and No. 2 & Better Common:	
5/4, 6/4 and 7/4	Add $5.00.
8/4	Add $7.00.
10/4	Add $15.00.
12/4 and 16/4	Add $20.00.
No. 3 Common:	
5/4, 6/4, 7/4 and 8/4	Add $4.00.
10/4, 12/4 and 16/4	Add $10.00.
No. 4 and No. 5 Common:	
5/4, 6/4, 7/4 and 8/4	Add $2.00.
10/4, 12/4 and 16/4	No addition.

TABLE 4—DIMENSION (SUGAR PINE)

RL, S1S1E or S4S 1⅝"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$87.00	$85.00	$85.00	$84.00	$84.00
No. 1 permitting up to 25 percent No. 2	84.00	82.00	82.00	81.00	81.00
No. 2	81.00	79.00	79.00	78.00	78.00
No. 3	62.00	60.00	60.00	58.00	58.00
No. 4	32.00	30.00	30.00	30.00	30.00

Condition:	
1. Rough	Deduct $2.00.
2. Green	Deduct $6.50.
Grade Differential:	
3. Common structural	Add $10.00.
Widths:	
4. Wider than listed: For each 2" wider than listed	Add $2.00 to price of 12"
Lengths:	
5. Specified Lengths:	
8', 10', 12' and 14'	Add $5.00.
16'	Add $8.00.
18' and 20'	Add $5.00.
4', 5' and 6'	Deduct $8.00.
Thickness:	
6. For 1³⁄₁₆" (all grades)	Deduct $2.00 per M from 1⅝" prices scale as 2".
Working:	
7. Worked to pattern	Add $9.00.

TABLE 5—NO. 1 PLANK AND TIMBERS (SUGAR PINE)

S1S1E or S4S, Green	RL	8'-12'-14'-16'	10'-18'-20'	22' 24'	26' 32'
3 x 3" and 3 x 4"	$83.00	$86.00	$89.00	$92.00	$96.00
3x 6" and 3 x 8"	81.00	84.00	87.00	90.00	94.00
3 x 10" and 3 x 12"	80.00	83.00	86.00	89.00	93.00
4 x 4"	83.00	86.00	89.00	92.00	96.00
4 x 6" and 4 x 8"	81.00	84.00	87.00	90.00	94.00
4 x 10" and 4 x 12"	78.00	81.00	84.00	87.00	91.00
6 x 6" and 6 x 8"	80.00	83.00	86.00	89.00	93.00
6 x 10" and 6 x 12"	79.00	82.00	85.00	88.00	92.00
8 x 8"	79.00	82.00	85.00	88.00	92.00
8 x 10" and 8 x 12"	78.00	81.00	84.00	87.00	91.00
10 x 10" and 10 x 12"	78.00	81.00	84.00	87.00	91.00
12 x 12"	78.00	81.00	84.00	87.00	91.00

Condition:	
1. Rough	Deduct $2.00.
2. Dry	Add $30.00.
Grade Differentials:	
3. Common structural	Add $15.00.
4. No. 1 permitting up to 25 percent No. 2	Deduct $2.00.
5. No. 2	Deduct $4.00.
6. No. 3	Deduct $29.00.
7. No. 4, Rough or Surfaced, Dry or Green all sizes and lengths	Price at $32.00 per M ft. and use green weight.
Width and thickness:	
8. Wider and/or thicker than listed. For each 2" increase in either dimension	Add $2.00 to price of largest listed size.
Working:	
9. Worked to pattern	Add $9.00.

TABLE 6—MILL RUN BOX AND SHOP DROPPINGS (SUGAR PINE)

4/4 and RW/RL Rough Dry	$60.00
5/4 and thicker RW/RL Rough Dry	70.00
Condition:	
1. S2S	Add $1.00.
2. Green	Deduct $3.00.
Grade:	
3. Mill Run Box is a combination of No. 1 Box and No. 2 Box including not over 15 percent No. 2.	
Widths:	
4. Specified widths, no addition.	

TABLE 6A—SHORT BOX (SUGAR PINE)

4/4 and thicker, RW, 12" to 47" Rough Dry	$25.00
Condition:	
1. S2S or S4S	Add $1.00.
Grade:	
2. As described in Western Pine Association Standard Grading Rules.	
Measurements:	
3. May be sold on actual board measure scale, or may be sold on weight figuring 2,000 lbs. per 1,000 ft. on surfaced stock or 2,500 lbs. per 1,000 ft. on rough stock.	

TABLE 7—MOULDING STOCK (SUGAR PINE)

S2S or S4S—RW/RL:	
4/4	$177.00
5/4	181.00
6/4 and 7/4	184.00
8/4	210.00
10/4 and thicker	
Condition:	
1. Rough	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.

TABLE 8—MOULDING LUMBER AND BETTER (SUGAR PINE)

Rough, Dry—RW/RL:	$235.00
4/4	235.00
5/4	235.00
6/4 and 7/4	250.00
8/4	265.00
10/4	280.00
12/4	295.00
16/4	
Condition:	
1. Surfacing S2S	Add $1.00
2. Green	Deduct 10 percent from dry price.
Grade:	
3. Product of log above No. 1 Shop producing 50 percent rip 2" and wider, 6' and longer.	

TABLE 9—PANEL STOCK (SUGAR PINE)

RW/RL—S2S	⅞6"	2⅛"	1³⁄₁₆"
B and Better	$159.75	$161.75	$169.75
C and Better	155.75	157.75	165.75
D	143.75	145.75	151.25

1. When shipment contains any Ponderosa Pine Panel stock, use price shown for Ponderosa Pine in table 13, section 45.

2. Specified widths and lengths: Use differentials established under "Differentials for Widths and Lengths—Shop and Better—Sugar Pine".

TABLE 10—BATTENS (SUGAR PINE)

	Per M linear ft.
1¾" (DO) Net	$38.00
2" (OG) Net	40.00
2¼" (OG) Net	43.00

1. For 18' and 20', add $4.00.

TABLE 11—LATH (SUGAR PINE)

	Per M pcs.
⅜" x 1½"—4" No. 1	$16.00
⅜" x 1½"—4" No. 2	15.00
⅜" x 1½"—32" No. 1	11.00
½" x 1½"—4' Fence Lath (80 percent No. 1—20 percent No. 2)	14.00

TABLE 12—BARKY STRIPS (SUGAR PINE)

S2S or S4S–RL:	
1 x 4" and 1 x 6"	$55.00

TABLE 13—DRAINBOARD STOCK (SUGAR PINE)

1 and 2 Clear (B and Better) Selected, S2S:	
5/4 and 6/4:	
20" and wider—RL	$327.00
22" and wider—RL	332.00
8/4:	
20" and wider—RL	347.00
22" and wider—RL	352.00
Condition:	
1. Rough	Deduct $3.00.
2. Green	Deduct 10 percent from dry price.
Grade Differentials:	
3. C Select 5/4, 6/4 and 8/4	Deduct $10.00.
4. D Select:	
5/4 and 6/4	Deduct $35.00.
8/4	Deduct $40.00.

SEC. 48. *F. o. b. ceiling prices; Douglas fir and Inland larch lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Douglas fir and Inland larch lumber covered by this regulation:

TABLE 1 [1]—SELECTS (LARCH-DOUGLAS FIR)

RL, S2S or S4S	RW	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and Better	$145.00	$130.00	$133.00	$148.00	$148.00	$160.00	$167.00
C and Better	138.00	120.00	143.00	138.00	138.00	150.00	157.00
C	136.00	118.00	141.00	136.00	136.00	148.00	155.00
D	113.00	91.00	118.00	113.00	113.00	128.00	135.00

[1] See footnotes following table 1A.

TABLE 1A—SELECTS (DOUGLAS FIR)

RL, S2S or S4S	RW	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and Better	$185.00	$181.00	$190.00	$185.00	$185.00	$190.00	$200.00
C and Better	170.00	166.00	175.00	170.00	170.00	175.00	185.00
C	165.00	161.00	170.00	165.00	165.00	170.00	180.00
D	149.00	145.00	154.00	149.00	149.00	154.00	161.00

FOOTNOTES APPLICABLE TO TABLES 1 AND 1A

Condition:	
1. Rough	Deduct $2.00.
2. Green	Deduct 10 percent from dry price.
Widths:	
3. Special random widths:	
6" and wider	Add $3.00 to RW price.
8" and wider	Add $5.00 to RW price.
10" and wider	Add $10.00 to RW price.
12" and/or 13"	Same price as 12".
4. Odd widths: 7", 9" and 11"	Add $3.00 to 8", 10" and 12" price and so scaled.
5. Specified widths over 12": For each inch over 12"	Add $2.00 to 12" price.
Lengths:	
6. Specified lengths:	
4/4—10', 12' and 14'	Add $5.00.
16'	Add $10.00.
18' and 20'	Add $15.00.
5/4 and thicker—8' through 16'	Add $10.00.
18' and 20'	Add $20.00.
7. Restricted random lengths: 10' and longer, 4/4 and thicker	Add $5.00 to RL price.
8' through 16' (all grades)	Add $2.00 to RL price.
18' and 20' (all grades)	Add $4.00 to RL price.
6' only (all grades)	Deduct $3.00 from RL price.
8. Restricted random lengths: 10' and longer, 11/16" and thicker.	Add $2.00 to RL price.
Thickness:	
6. Additions to 4/4 prices:	
5/4 and thicker:	
No. 1 and 2, No. 3 & Better and No. 3	Add $3.00.
No. 4 and No. 5	Add $1.00.

TABLE 4—DIMENSION (LARCH-DOUGLAS FIR) GREEN

S1S1E S4S to 1⅜"—RL	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$78.00	$77.00	$77.00	$76.00	$76.00
No. 1 permitting up to 25 percent No. 2	75.00	74.00	74.00	74.00	74.00
No. 2	72.00	71.00	71.00	70.00	70.00
No. 3	53.00	53.00	53.00	51.00	51.00
No. 4	27.00	25.00	25.00	25.00	25.00

Condition:	
1. Rough	Deduct $2.00.
2. Dry:	
No. 1	Add $10.00.
No. 1 permitting up to 25 percent No. 2	Add $10.00.
No. 2	Add $10.00.
No. 3	Add $7.00.
No. 4	Add $5.00.
Grade differentials:	
3. Common Structural	Add $6.00 to price of No. 1.
Widths:	
4. Wider than listed: For each 2" wider than listed	Add $2.00 to price of widest listed width.
Lengths:	
5. Specified lengths:	
2 x 4"—8' and 14'	Add $2.00.
12'	Add $1.00.
16', 18' and 20'	Add $4.00.
22' and 24'	Add $8.00.
2 x 6"—12'	Add $2.00.
14'	Add $3.00.
16' and 20'	Add $4.00.
18'	Add $5.00.
22' and 24'	Add $8.00.
2 x 8" and 2 x 10"—12' and 14'	Add $4.00.
16', 18' and 20'	Add $8.00.
22' and 24'	Add $8.00.
2 x 12"—12'	Add $4.00.
14'	Add $4.00.
16', 18' and 20'	Add $5.00.
22' and 24'	Add $8.00.
6. For specified even lengths longer than 24', add $4.00 per M to the 24' price of the same size and grade for each two feet longer than 24'.	
7. For 6', All grades	Deduct $3.00 from RL price.
8. For lengths not listed use random length price.	
Thickness:	
9. Special Thickness:	
1⅛", All grades, Scale as 2"	Deduct $2.00.
1¼", All grades (S1S1E or S4S only)	Add $3.00.

TABLE 5—NO. 1 PLANK AND TIMBERS (LARCH-DOUGLAS FIR) GREEN

Rough	RL	8'-12'-14'-16'	10' 18'-20'	22'-24'	26'-32'
3 x 3" and 3 x 4"	$80.00	$83.00	$86.00	$89.00	$93.00
3 x 6" and 3 x 8"	78.00	81.00	84.00	87.00	91.00
3 x 10" and 3 x 12"	77.00	80.00	83.00	86.00	90.00
4 x 4"	80.00	83.00	86.00	89.00	93.00
4 x 6" and 4 x 8"	78.00	81.00	84.00	87.00	91.00
4 x 10" and 4 x 12"	77.00	80.00	83.00	86.00	90.00
6 x 6" and 6 x 8"	77.00	80.00	83.00	86.00	90.00
6 x 10" and 6 x 12"	76.00	79.00	82.00	85.00	89.00
8 x 8"	76.00	79.00	82.00	85.00	89.00
8 x 10" and 8 x 12"	75.00	78.00	81.00	84.00	88.00
10 x 10" and 10 x 12"	75.00	78.00	81.00	84.00	88.00
12 x 12"	75.00	78.00	81.00	84.00	88.00

Thickness:	
8. For 5/4 and thicker	Add $5.00 to 4/4 price.
9. For 5/8"	Deduct $15.00 from 4/4 price and compute footage on surface measure basis.
Grade differentials:	
10. For vertical grain	Add $25.00 to prices in above tables.

TABLE 2—SHOP LUMBER (DOUGLAS FIR)

S2S or S4S—RW/RL	4/4	5/4	6/4	7/4	8/4
No. 3 Clear	$105.00	$140.00	$140.00	$140.00	$140.00
No. 1 Shop	80.00	115.00	115.00	115.00	115.00
No. 2 Shop	65.00	85.00	85.00	85.00	85.00
No. 3 Shop		65.00	65.00	65.00	65.00

Condition:	
1. Rough:	
4/4 No. 1 and No. 2 Shop	Deduct $1.00.
No. 3 Clear, all thicknesses	Deduct $2.00.
5/4 and thicker, No. 1 Shop	Deduct $2.00.
5/4 and thicker, No. 2 and No. 3 Shop	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.
Grade Differential:	
3. Stained Shop:	
4/4—All grades	Deduct 5 percent from grade price.
5/4 and thicker, all grades	Deduct 10 percent from grade price.

TABLE 3 [1]—4/4 COMMON BOARDS (LARCH-DOUGLAS FIR)

RL, S1S, S2S, S1S2E or S4S to 2½"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1 and 2	$89.00	$89.00	$89.00	$89.00	$89.00	$89.00
No. 3 and Better	79.50	65.00	79.00	81.00	80.00	80.00
No. 3	75.50	61.00	75.00	77.00	76.00	76.00
No. 4	65.50	54.00	65.00	67.00	66.00	66.00
No. 5	34.00	31.00	34.00	35.00	35.00	35.00

[1] See Note and footnotes following table 3H.

TABLE 3A—¾" COMMON BOARDS SURFACE MEASURE (ON GRADE) (LARCH-DOUGLAS FIR AND HEMLOCK)

RL, S1S, S1S2E, S2S or S4S to 3/4"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1 and 2	$88.00	$88.00	$88.00	$88.00	$88.00	$88.00
No. 3 and Better	78.50	64.00	78.00	80.00	79.00	79.00
No. 3	74.50	60.00	74.00	76.00	75.00	75.00
No. 4	64.50	53.00	64.00	66.00	65.00	65.00
No. 5	33.00	30.00	33.00	34.00	34.00	34.00

[1] See Note and footnote following table 3H.

TABLE 3H—11/16" COMMON BOARDS SURFACE MEASURE (ON GRADE) (LARCH-DOUGLAS FIR AND HEMLOCK)

RL, S1S, S1S2E, S2S or S4S to 11/16"	11/16x4" and wider	11/16 x 4"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"
No. 1 and 2	$81.00	$81.00	$81.00	$81.00	$81.00	$81.00
No. 3 and Better	71.50	57.00	71.00	73.00	72.00	72.00
No. 3	67.50	53.00	67.00	69.00	68.00	68.00
No. 4	59.50	48.00	59.00	61.00	60.00	60.00
No. 5	31.00	28.00	31.00	32.00	32.00	32.00

FOOTNOTES APPLICABLE TO TABLES 3, 3A, AND 3B

NOTE.—No. 4 and No. 5 Common RW/RL may contain 20 percent 4" and 20 percent 4' to 8'.

Condition:	
1. Rough	Deduct $2.00.
2. Green	Deduct $4.50.
Widths:	
3. Special random, all grades, 1 x 6" and wider	Add $1.00 to 4" and wider price.
3a. Odd widths, 7", 9", and 11"	Add $3.00 to 8", 10", and 12" price and scale accordingly.

Lengths:	
4. Specified lengths:	
8' through 16' (all grades)	Add $2.00 to RL price.
18' and 20' (all grades)	Add $4.00 to RL price.
6' only (all grades)	Deduct $3.00 from RL price.
5. Restricted random lengths: 10' and longer, 11/16" and thicker.	Add $2.00 to RL price.
Thickness:	
6. Additions to 4/4 prices:	
5/4 and thicker:	
No. 1 and 2, No. 3 & Better and No. 3	Add $3.00.
No. 4 and No. 5	Add $1.00.

TABLE 4—DIMENSION (LARCH-DOUGLAS FIR) GREEN

S1S1E S4S to 1⅜"—RL	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$78.00	$77.00	$77.00	$76.00	$76.00
No. 1 permitting up to 25 percent No. 2	75.00	74.00	74.00	74.00	74.00
No. 2	72.00	71.00	71.00	70.00	70.00
No. 3	53.00	53.00	53.00	51.00	51.00
No. 4	27.00	25.00	25.00	25.00	25.00

Condition:	
1. Rough	Deduct $2.00.
2. Dry:	
No. 1	Add $10.00.
No. 1 permitting up to 25 percent No. 2	Add $10.00.
No. 2	Add $10.00.
No. 3	Add $7.00.
No. 4	Add $5.00.
Grade differentials:	
3. Common Structural	Add $6.00 to price of No. 1.
Widths:	
4. Wider than listed: For each 2" wider than listed	Add $2.00 to price of widest listed width.
Lengths:	
5. Specified lengths:	
2 x 4"—8' and 14'	Add $2.00.
12'	Add $1.00.
16', 18' and 20'	Add $4.00.
22' and 24'	Add $8.00.
2 x 6"—12'	Add $2.00.
14'	Add $3.00.
16' and 20'	Add $4.00.
18'	Add $5.00.
22' and 24'	Add $8.00.
2 x 8" and 2 x 10"—12' and 14'	Add $4.00.
16', 18' and 20'	Add $8.00.
22' and 24'	Add $8.00.
2 x 12"—12'	Add $4.00.
14'	Add $4.00.
16', 18' and 20'	Add $5.00.
22' and 24'	Add $8.00.
6. For specified even lengths longer than 24', add $4.00 per M to the 24' price of the same size and grade for each two feet longer than 24'.	
7. For 6', All grades	Deduct $3.00 from RL price.
8. For lengths not listed use random length price.	
Thickness:	
9. Special Thickness:	
1⅛", All grades, Scale as 2"	Deduct $2.00.
1¼", All grades (S1S1E or S4S only)	Add $3.00.

TABLE 5—NO. 1 PLANK AND TIMBERS (LARCH-DOUGLAS FIR) GREEN

Rough	RL	8'-12'-14'-16'	10' 18'-20'	22'-24'	26'-32'
3 x 3" and 3 x 4"	$80.00	$83.00	$86.00	$89.00	$93.00
3 x 6" and 3 x 8"	78.00	81.00	84.00	87.00	91.00
3 x 10" and 3 x 12"	77.00	80.00	83.00	86.00	90.00
4 x 4"	80.00	83.00	86.00	89.00	93.00
4 x 6" and 4 x 8"	78.00	81.00	84.00	87.00	91.00
4 x 10" and 4 x 12"	77.00	80.00	83.00	86.00	90.00
6 x 6" and 6 x 8"	77.00	80.00	83.00	86.00	90.00
6 x 10" and 6 x 12"	76.00	79.00	82.00	85.00	89.00
8 x 8"	76.00	79.00	82.00	85.00	89.00
8 x 10" and 8 x 12"	75.00	78.00	81.00	84.00	88.00
10 x 10" and 10 x 12"	75.00	78.00	81.00	84.00	88.00
12 x 12"	75.00	78.00	81.00	84.00	88.00

Condition:	
1. Dry	Add $30.00.
2. Surfaced	Add $2.00.
Grade Differentials:	
3. Common Structural	Add $15.00.
4. No. 1 permitting up to 25 percent No. 2	Deduct $2.00.
5. No. 2	Deduct $4.00.
6. No. 3	Deduct $29.00.
7. No. 4, Rough or Surfaced, Dry or Green, all sizes and lengths.	Price at $32.00 per M ft. and use green weights.
Width and Thickness:	
8. Wider and/or thicker than listed: For each 2" increase in either dimension.	Add $2.00 to price of largest listed size.
Working:	
9. Worked to Pattern	Add $9.00.

TABLE 6—MOULDING STOCK (DOUGLAS FIR)

S2S or S4S—RW/RL:	
4/4	$110.00
5/4	110.00
6/4 and 7/4	110.00
8/4	110.00
Condition:	
1. Rough	Deduct $1.00.
2. Green	Deduct 10 percent from dry price.

TABLE 7—MOULDING LUMBER AND BETTER (DOUGLAS FIR)

Rough, Dry—RW/RL:	
4/4	$135.00
5/4	140.00
6/4 and 7/4	140.00
8/4	140.00
Condition:	
1. For S2S	Add $1.00.
2. Green	Deduct 10 percent from dry price.
Grade:	
3. Product of log above No. 1 Shop, producing 50 percent ripe 2" and wider, 9' and longer.	

TABLE 8—MILL RUN BOX AND SHOP DROPPINGS (LARCH-DOUGLAS FIR)

RW-RL:	
4/4 Rough, Dry	$61.00
5/4 and thicker Rough, Dry	71.00
Condition:	
1. For S2S	Add $1.00
2. Green	Deduct $3.00
Grade:	
3. Mill Run Box is a combination of No. 1 and No. 2 Box including not over 15 percent No. 2.	
Width:	
4. Specified widths, no addition.	

TABLE 9—LATH (LARCH-DOUGLAS FIR)

	Per M pcs.
⅜ x 1½"—4' No. 1	$15.00
⅜ x 1½"—4' No. 2	14.00
½ x 1½"—4' Fence Lath: (80 percent No. 1, 20 percent No. 2)	13.00

SEC. 49. *F. o. b. ceiling prices; White fir lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meaning given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of White fir lumber covered by this regulation:

TABLE 1—SELECTS (WHITE FIR)

S2S or S4S, RL	B and Btr.	C and Btr.	C	D and Btr.	D
1 x 4"	$170.00	$161.00	$156.00	$148.00	$135.00
1 x 5"	185.00	170.00	165.00	155.00	145.00
1 x 6"	180.00	165.00	160.00	150.00	140.00
1 x 8"	180.00	165.00	160.00	150.00	140.00
1 x 10"	185.00	170.00	165.00	155.00	145.00
1 x 12" or 13" and wider	195.00	180.00	175.00	165.00	155.00
RW–RL	180.00	165.00	160.00	150.00	140.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct 10 percent from dry price.
Widths:
3. Specified widths over 12": For each inch over 12" ..... Add $2.00 to 12" price.
4. Odd widths: 7", 9", 11" ..... Add $3.00 to 8", 10", and 12" price and so scaled.
Lengths:
5. Specified lengths:
4/4—10', 12', and 14' ..... Add $5.00.
16' ..... Add $10.00.
18' and 20' ..... Add $15.00.
5/4 and thicker—8' through 16' ..... Add $10.00.
18' and 20' ..... Add $20.00.
6. Restricted random lengths: 10' and longer—4/4 and thicker ..... Add $5.00.
Thickness:
7. 5/4" and thicker ..... Add $5.00.
Grade differentials:
8. For vertical grain ..... Add $20.00 to prices in above table.

TABLE 2—SHOP LUMBER (WHITE FIR)

RW—RL S2S	4/4	5/4	6/4 and 7/4	8/4
No. 3 Clear	$105.00	$135.00	$135.00	$135.00
No. 1 Shop	80.00	110.00	110.00	110.00
No. 2 Shop	65.00	80.00	80.00	80.00
No. 3 Shop		65.00	65.00	65.00

Condition:
1. Rough:
4/4 No. 1 and No. 2 Shop ..... Deduct $1.00.
No. 3 Clear, all thicknesses ..... Deduct $2.00.
No. 1 Shop, 5/4 and thicker ..... Deduct $2.00.
No. 2 and No. 3 Shop, 5/4 and thicker ..... Deduct $1.00.
2. Green ..... Deduct 10 percent from dry price.
Grade differentials:
3. Stained Shop:
4/4, all grades ..... Deduct 5 percent from grade price.
5/4 and thicker, all grades ..... Deduct 10 percent from grade price.

TABLE 3[1]—COMMON BOARDS (WHITE FIR)

RL, S1S, S1S2E, S2S or S4S to 2 5/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1 and 2		$90.00	$90.00	$90.00	$90.00	$90.00
No. 3 and Better	$82.00	74.00	82.00	84.00	83.00	83.00
No. 3	79.00	71.00	79.00	81.00	80.00	80.00
No. 4	67.50	60.00	67.00	69.00	68.00	68.00
No. 5	36.00	33.00	36.00	37.00	37.00	37.00

[1] See note and footnotes following table 3B.

TABLE 3A [1]—¾" COMMON BOARDS SURFACE MEASURE (ON GRADE)

RL, S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1 and 2		$89.00	$89.00	$89.00	$89.00	$89.00
No. 3 and Better	$81.00	73.00	81.00	83.00	82.00	82.00
No. 3		70.00	78.00	80.00	79.00	79.00
No. 4	66.50	59.00	66.00	68.00	67.00	67.00
No. 5	35.00	32.00	35.00	36.00	36.00	36.00

[1] See note and footnotes following table 3B.

TABLE 3B—11/16" COMMON BOARDS SURFACE MEASURE (ON GRADE)

RL, S1S, S1S2E, S2S or S4S to 11/16"	11/16 x 4" and wider	11/16 x 4"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"
No. 1 and 2		$82.00	$82.00	$82.00	$82.00	$82.00
No. 3 and better	$74.00	66.00	74.00	76.00	75.00	75.00
No. 3		63.00	71.00	73.00	72.00	72.00
No. 4	61.50	54.00	61.00	63.00	62.00	62.00
No. 5	33.00	30.00	33.00	34.00	34.00	34.00

FOOTNOTES APPLICABLE TO TABLES 3, 3A AND 3B

NOTE.—No. 4 and No. 5 Common RW/RL may contain 20% 4" and 20% 4' to 8'.

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct $4.50.
Width:
3. Special Random: All grades, 1 x 6" and wider ..... Add $1.00 to 4" and wider price.
3a. Odd Widths: 7", 9", and 11" ..... Add $3.00 to 8", 10", and 12" price and scale actual.
Lengths:
4. Specified lengths:
8' through 16' (all grades) ..... Add $2.00 to RL price.
18' and 20' (all grades) ..... Add $4.00 to RL price.
6' only (all grades) ..... Deduct $3.00 from RL price.
5. Restricted random lengths: 10' and longer, 1 1/16" and thicker. Add $2.00 to RL price.
Thickness:
6. Additions to 4/4 prices:
5/4 and thicker:
Nos. 1 and 2, No. 3 and better and No. 3 ..... Add $3.00.
No. 4 and No. 5 ..... Add $1.00.

TABLE 4—DIMENSION (WHITE FIR)

S1S1E, S4S to 1 5/8"—RL	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$85.00	$83.00	$82.00	$83.00	$83.00
No. 1 permitting up to 25 percent No. 2	82.00	80.00	79.00	80.00	80.00
No. 1 permitting up to 50 percent No. 2	80.50	78.50	77.50	78.50	78.50
No. 2	79.00	77.00	76.00	77.00	77.00
No. 3	57.00	55.00	55.00	55.00	55.00
No. 4	32.00	30.00	30.00	30.00	30.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green:
No. 1 ..... Deduct $6.50.
No. 1 permitting up to 25 percent No. 2 ..... Deduct $6.50.
No. 1 permitting up to 50 percent No. 2 ..... Deduct $6.50.
No. 2 ..... Deduct $6.50.
No. 3 ..... Deduct $5.00.
No. 4 ..... Deduct $5.00.
Grade Differentials:
3. Common structural ..... Add $6.00 to price of No. 1.
Lengths:
4. Specified lengths:
8', 10', 12', 14', and 16' ..... Add $3.00.
18' and 20' ..... Add $5.00.
22' and 24' ..... Add $7.50.
26' through 32' ..... Add $15.00.
4', 5', and 6' ..... Deduct $3.00.
Thickness:
5. 1 3/16" Dimension (all grades), scale as 2" ..... Deduct $2.00.
6. 1¾" Dimension—Applicable to S1S1E or S4S only (all grades). Add $3.00.
Working:
7. Worked to pattern ..... Add $9.00.

TABLE 5—No. 1 PLANK AND TIMBERS (WHITE FIR) GREEN

Rough	RL	8'-12'-14'-16'	10'-18'-20'	22'-24'	26'-32'
3 x 3" and 3 x 4"	$78.00	$81.00	$84.00	$87.00	$91.00
3 x 6" and 3 x 8"	76.00	79.00	82.00	85.00	89.00
3 x 10" and 3 x 12"	75.00	78.00	81.00	84.00	88.00
4 x 4"	78.00	81.00	84.00	87.00	91.00
4 x 6" and 4 x 8"	76.00	79.00	82.00	85.00	89.00
4 x 10" and 4 x 12"	73.00	76.00	79.00	82.00	86.00
6 x 6" and 6 x 8"	75.00	78.00	81.00	84.00	88.00
6 x 10" and 6 x 12"	74.00	77.00	80.00	83.00	87.00
8 x 8"	74.00	77.00	80.00	83.00	87.00
8 x 10" and 8 x 12"	73.00	76.00	79.00	82.00	86.00
10 x 10" and 10 x 12"	73.00	76.00	79.00	82.00	86.00
12 x 12"	73.00	76.00	79.00	82.00	86.00

Condition:
1. Dry ..... Add $30.00.
2. Surfaced ..... Add $2.00.

Grade differentials:
3. Common Structural ..... Add $15.00.
4. No. 1 permitting up to 25 percent No. 2 ..... Deduct $2.00.
5. No. 2 ..... Deduct $4.00.
6. No. 3 ..... Deduct $25.00.
7. No. 4, Rough or Surfaced, Dry or Green, All sizes and lengths. Price at $32.00 per M ft. and use green weights.
Width and thickness:
8. Wider and/or thicker than listed: For each 2" increase in either dimension. Add $2.00 to price largest listed size.
Working:
9. Worked to pattern ..... Add $9.00.

TABLE 6—MOULDING STOCK (WHITE FIR)

S2S or S4S—RW/RL:

4/4	$110.00
5/4	110.00
6/4 and 7/4	110.00
8/4	110.00

Condition:
1. Rough ..... Deduct $1.00.
2. Green ..... Deduct 10 percent from dry price.

TABLE 7—MOULDING LUMBER AND BETTER (WHITE FIR)

Rough, Dry—RW/RL:

4/4	$125.00
5/4	130.00
6/4 and 7/4	130.00
8/4	130.00

Condition:
1. For S2S ..... Add $1.00.
2. Green ..... Deduct 10 percent from dry price.
Grade:
3. Product of log above No. 1 Shop, producing 50 percent rips 2" and wider, 6' and longer.

TABLE 8—MILL RUN BOX AND SHOP DROPPINGS (WHITE FIR)

RW-RL:

4/4 Rough, Dry	$56.00
5/4 and thicker Rough, Dry	66.00

Condition:
1. S2S ..... Add $1.00.
2. Green ..... Deduct $3.00.
Grade:
3. Mill Run Box is a combination of No. 1 and No. 2 Box including not over 15 percent No. 2.
Widths:
4. Specified widths, no addition.

TABLE 9—LATH (WHITE FIR)

	Per M pcs.
3/8 x 1½"—4' No. 1	$15.00
3/8 x 1½"—4' No. 2	14.00
1/2 x 1½"—4' Fence Lath: (80 percent No. 1—20 percent No. 2)	13.00

SEC. 50. *F. O. B. Ceiling prices; Engelmann spruce and Lodgepole pine lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of ENGELMANN spruce and Lodgepole pine lumber covered by this regulation:

TABLE 1—SELECTS (ENGELMANN SPRUCE-LODGEPOLE PINE)

S2S or S1S—RL	RW	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
B and Better	$220.00	$215.00	$220.00	$215.00	$215.00	$220.00	$240.00
C and C and Better	210.00	205.00	210.00	205.00	205.00	210.00	230.00
D and Better	195.00	190.00	195.00	190.00	190.00	195.00	215.00
D	190.00	185.00	190.00	185.00	185.00	190.00	210.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct 10 percent from dry price.
Grade differentials:
3. D and Better Short Selects, 4' to 9' ..... Deduct $30.00 from corresponding size of D and Better Select in above table.
4. Stained Selects, that for defects other than stain would grade:
B and Better ..... Deduct $5.00 from price of B and Better.
C or C and Better ..... Deduct $5.00 from price of C.
D or D and Better ..... Deduct $5.00 from price of D.
Widths:
5. Odd widths, 7", 9", 11" ..... Add $3.00 to 8", 10", 12" price, and so scaled.
6. Widths over 12", for each inch over 12" ..... Add $2.00 to 12" price.
Lengths:
7. Specified lengths:
4/4-10', 12' and 14' ..... Add $5.00.
16' ..... Add $10.00.
18' and 20' ..... Add $15.00.
5/4 and thicker—8', 10', 12', 14' and 16' ..... Add $10.00.
18' and 20' ..... Add $20.00.
8. Restricted random lengths, 10' and longer, 4/4 and thicker. Add $5.00.
Thickness:
9. B and Better, C and C and Better:
5/4 and 6/4, 4" through 10" ..... Add $7.00.
12" ..... Add $15.00.
8/4, 4" through 10" ..... Add $12.00.
12" ..... Add $20.00.
D and D and Better:
5/4 and 6/4, 4" through 10" ..... Add $5.00.
12" ..... Add $15.00.
8/4, 4" through 10" ..... Add $12.00.
12" ..... Add $20.00.

TABLE 2[1]—4/4 COMMON BOARDS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

RL, S1S, S1S2E, S2S or S4S to 2 5/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 1	$126.00	$124.00	$124.00	$124.00	$124.00	$128.00
No. 2	115.00	115.00	115.00	115.00	115.00	116.00
No. 3	87.00	85.00	87.00	90.00	89.00	89.00
No. 4	72.00	68.00	72.00	74.00	73.00	74.00
No. 5	38.00	35.00	38.00	39.00	39.00	39.00
No. 4—6' and 8' only	60.00	55.00	60.00	62.00	61.00	61.00
No. 5—6' and 8' only	28.00	25.00	28.00	29.00	29.00	29.00

[1] See note and footnotes following table 2B.

TABLE 2A [1]—¾" COMMON BOARDS SURFACE MEASURE (ON GRADE)

RL, S1S, S1S2E, S2S or S4S to ¾"	¾ x 4" and wider	¾ x 4"	¾ x 6"	¾ x 8"	¾ x 10"	¾ x 12"
No. 1	$125.00	$123.00	$123.00	$123.00	$123.00	$127.00
No. 2	114.00	114.00	114.00	114.00	114.00	115.00
No. 3	86.00	84.00	86.00	89.00	88.00	88.00
No. 4	71.00	64.00	71.00	73.00	72.00	72.00
No. 5	37.00	34.00	37.00	38.00	38.00	38.00

[1] See note and footnotes following table 2B.

TABLE 2B—11/16" COMMON BOARDS SURFACE MEASURE (ON GRADE)

RL, S1S, S1S2E, S2S or S4S to 11/16"	11/16 x 4" and wider	11/16 x 4"	11/16 x 6"	11/16 x 8"	11/16 x 10"	11/16 x 12"
No. 1	$116.00	$114.00	$114.00	$114.00	$114.00	$118.00
No. 2	105.00	105.00	105.00	105.00	105.00	106.00
No. 3	77.00	75.00	77.00	80.00	79.00	79.00
No. 4	66.00	59.00	66.00	68.00	67.00	67.00
No. 5	34.00	31.00	34.00	35.00	35.00	35.00

Footnotes applicable to tables 2, 2A and 2B.

NOTE.—No. 4 and No. 5 Common RW/RL may contain 20 percent 4" and 20 percent 6' to 8'.

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct $1.50.
Widths:
3. Special random widths: No. 4 and No. 5 Common 1 x 6" and wider (4/4 only): Add $2.00 to 1 x 4" and wider price.
3a. Odd widths: 7", 9" and 11" Add $3.00 to 8", 10" and 12" price and scale actual.

Lengths:
4. Specified lengths:
No. 1, No. 2 and No. 3 Common:
4" and 6" — 8' through 14' ..... Add $2.00 to RL price.
16', 18' and 20' ..... Add $4.00 to RL price.
8" and wider — 8', 14', and 16' ..... Add $2.00 to RL price.
10', 12', 16', and 20' ..... Add $4.00 to RL price.
No. 4 and No. 5 Common: All widths, 10' through 20' ..... Add $4.00 to RL price.
When shipped 6' (all grades) ..... Deduct $5.00 from RL price.
5. Restricted Random Lengths: 10' and longer, 13/16" and thicker ..... Add $2.00 to RL price.

Thickness:
6. Additions to 4/4 price:
No. 1 Common: 5/4 and thicker ..... Add $5.00.
No. 2 Common: 5/4 and thicker ..... Add $4.00.
No. 3 Common: 5/4 and thicker ..... Add $3.00.
No. 4 and No. 5 Common: 5/4 and thicker ..... Add $2.00.

TABLE 3—DIMENSION (ENGELMANN SPRUCE AND LODGEPOLE PINE)

RL, S1S1E or S4S 1⅝"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$85.00	$84.00	$84.00	$84.00	$84.00
No. 1 permitting up to 25 percent No. 2	82.00	81.00	81.00	81.00	81.00
No. 2	79.00	78.00	78.00	78.00	78.00
No. 3	62.00	60.00	60.00	60.00	60.00
No. 4	32.00	30.00	30.00	30.00	30.00

Condition:
1. Rough ..... Deduct $3.00.
2. Green ..... Deduct $6.50.
Grade Differential
3. Common structural ..... Add $10.00.
Widths:
4. Wider than listed: For each 2" wider than listed ..... Add $2.00 to 12" price.
Lengths:
5. Specified lengths:
8', 10', 12' and 14' ..... Add $5.00.
16' ..... Add $3.00.
18' and 20' ..... Add $5.00.
4', 5' and 6' ..... Deduct $3.00.
Thickness:
6. For 13/16" (all grades) ..... Deduct $2.00 from 1⅝" price scale as 2".
7. For 1¼" ..... Applicable to S1S1E or S4S only (all grades) ..... Add $5.00.
Working:
8. Worked to pattern, D and M, shiplap and well curbing ..... Add $9.00.

TABLE 4—NO. 1 PLANK AND TIMBERS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

S1S1E or S4S, Green	RL	8'–12'–14'–16'	10'–18'–20'	22'–24'	26' 32'
3 x 3" and 3 x 4"	$81.00	$84.00	$87.00	$90.00	$94.00
3 x 6" and 3 x 8"	79.00	82.00	85.00	88.00	92.00
3 x 10" and 3 x 12"	78.00	81.00	84.00	87.00	91.00
4 x 4"	81.00	84.00	87.00	90.00	94.00
4 x 6" and 4 x 8"	79.00	82.00	85.00	88.00	92.00
4 x 10" and 4 x 12"	76.00	79.00	82.00	85.00	89.00
6 x 6" and 6 x 8"	78.00	81.00	84.00	87.00	92.00
6 x 10" and 6 x 12"	77.00	80.00	83.00	86.00	90.00
8 x 8"	77.00	80.00	83.00	86.00	90.00
8 x 10" and 8 x 12"	76.00	79.00	82.00	85.00	89.00
10 x 10" and 10 x 12"	76.00	79.00	82.00	85.00	89.00
12 x 12"	76.00	79.00	82.00	85.00	89.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Add $20.00.
Grade Differentials:
3. Common structural ..... Add $15.00.
4. No. 1 permitting up to 25 percent No. 2 ..... Deduct $2.00.
5. No. 2 ..... Deduct $4.00.
6. No. 3 ..... Deduct $20.00.
7. No. 4, Rough or Surfaced, Dry or Green, all sizes and lengths ..... Price at $32.00 per M ft. and use green weight.
Width and thickness:
8. Wider and/or thicker than listed:
For each 2" increase in either dimension ..... Add $2.00 to price of largest listed size.
Working:
9. Worked to pattern ..... Add $9.00.

TABLE 5—MOULDING STOCK (ENGELMANN SPRUCE AND LODGEPOLE PINE)

S2S or S4S—RW/RL:	
4/4	$145.00
5/4	150.00
6/4 and 7/4	150.00
8/4	150.00

Condition:
1. Rough ..... Deduct $1.00.
2. Green ..... Deduct 10 percent from dry price.

TABLE 6—MOULDING LUMBER AND BETTER (ENGLEMANN SPRUCE AND LODGEPOLE PINE)

Rough, Dry—RW/RL.	
4/4	$180.00
5/4	185.00
6/4 and 7/4	185.00
8/4	192.00

Condition:
1. For S2S ..... Add $1.00.
2. Green ..... Deduct 10 percent from dry price.
Grade:
3. Product of log above No. 1 Shop, producing 50 percent rips 2" and wider 6' and longer.

TABLE 7—BARKY STRIPS (ENGLEMANN SPRUCE AND LODGEPOLE PINE)

RL. S2S or S4S: 1 x 4" and 1 x 6" $55.00

TABLE 8—BEVEL SIDING (ENGELMANN SPRUCE AND LODGEPOLE PINE)

7/16" x 3/16" SM 3' and longer	B and Better	C	D	E
1/2 x 4"	$118.50	$113.50	$103.50	$73.50
1/2 x 5"	121.00	116.00	106.00	76.00
1/2 x 6"	120.00	115.00	105.00	75.00
1/2 x 8"	126.00	121.00	111.00	81.00
1/2 x 8"	98.50	93.50	83.50	53.50
1/2 x 4"–3' to 8'	100.00	95.00	85.00	55.00
1/2 x 6"–3' to 8'				

1. B and Better, C and D may contain 20 percent 3' to 8½' in multiples of 6".
2. E may contain 35 percent 3' to 8½' in multiples of 6".
3. Restricted Random Lengths, 9' and longer, add $3.00.

TABLE 9—BATTENS (ENGELMANN SPRUCE AND LODGEPOLE PINE)

	Per M ft.
1¼" (OG) Net	$38.00
2" (OG) Net	40.00
2¼" (OG) Net	43.00

1. For 18' and 20' lengths, add $4.00.

TABLE 10—LATH (ENGELMANN SPRUCE AND LODGEPOLE PINE)

	Per M pcs.
⅝ x 1½"–4' No. 1	$16.00
⅝ x 1½"–4" No. 1	15.00
⅝ x 1½"–3" No. 1	11.00
⅝ x 1½"–3" No. 1	14.00
½ x 1½"–4' Fence Lath: (80 percent No. 1, 20 percent No. 2)	

SEC. 51. *F. O. B. Ceiling prices: Inland red cedar lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Inland red cedar lumber covered by this regulation:

TABLE 1—SELECTS (INLAND RED CEDAR)

S2S or S4S—RL	C and Better	D and Better	D
1 x 4"	$170.00	$160.00	$155.00
1 x 5"	182.00	172.00	167.00
1 x 6"	176.00	166.00	161.00
1 x 8"	176.00	166.00	161.00
1 x 8"	182.00	172.00	167.00
1 x 10"	191.00	181.00	176.00
1 x 12" or 13" and wider	176.00	166.00	161.00
1 x 4" and wider			

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct 10 percent from dry price.
Widths:
3. Specified widths over 12": For each inch over 12" ..... Add $2.00 to 12" price.
4. Odd widths: 7", 9", 11" ..... Add $3.00 to 8", 10", 12" price and so scaled.
Lengths:
5. Specified lengths:
4/4—10', 12' and 14' ..... Add $5.00.
16' ..... Add $10.00.
18' and 20' ..... Add $15.00.
5/4 and thicker—8' through 16' ..... Add $10.00.
18' and 20' ..... Add $20.00.
6. Restricted random lengths: 10' and longer, 4/4 and thicker. Add $5.00.
Thickness:
7. Additions to 4/4 prices:
5/4 and 6/4—1" through 12" ..... Add $10.00.
8/4—1" through 12" ..... Add $15.00.

TABLE 2—1/4 COMMON BOARDS (INLAND RED CEDAR)

RL, S2S or S4S to 25/32"	1 x 4" and wider	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"
No. 3 and Better		$74.00	$91.00	$93.00	$93.00	$93.00
No. 4	$52.00	41.00	51.00	55.00	55.00	55.00
No. 5	25.00	24.00	29.00	30.00	30.00	30.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct $4.50.
Lengths:
3. Specified lengths:
No. 3 and Better:
4" and 6"—8' through 14' ..... Add $2.00.
16', 18' and 20' ..... Add $4.00.
8" and wider—8', 14' and 16' ..... Add $2.00.
16', 12', 18' and 20' ..... Add $4.00.
No. 4 and No. 5:
All widths—10' through 20' ..... Add $4.00.
When shipped all 6' (All grades) ..... Deduct $3.00 from RL price.
4. Restricted random lengths:
10' and longer, 4/4 and thicker ..... Add $2.00 to RL price.
Thickness:
5. Additions to 4/4 price:
No. 3 and Better, 5/4, 6/4, 7/4 and 8/4 ..... Add $4.00.
No. 4 and No. 5, 5/4, 6/4, 7/4 and 8/4 ..... Add $3.00.

TABLE 3—DIMENSION (INLAND RED CEDAR)

S1S1E or S4S to 1⅝"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1	$84.00	$86.00	$89.00	$89.00	$89.00
No. 1 permitting up to 25 percent No. 2	81.00	83.00	86.00	86.00	86.00
No. 2	78.00	80.00	83.00	83.00	83.00
No. 3	46.00	48.00	51.00	51.00	51.00
No. 4	32.00	30.00	30.00	30.00	30.00

Condition:
1. Rough ..... Deduct $1.00.
2. Green ..... Deduct $4.50.
Widths:
3. Wider than listed: For each 2" wider than listed ..... Add $2.00 to price of 2 x 12".
Lengths:
4. Specified lengths:
8', 10', 12' and 14' ..... Add $5.00.
16' ..... Add $3.00.
18' and 20' ..... Add $5.00.
4', 5' and 6' ..... Deduct $3.00.
Thickness:
5. For 13/16" (all grades) ..... Deduct $2.00 per M from 1⅝" prices—scale as 2".
Working:
6. Worked to pattern ..... Add $9.00.

TABLE 4—BEVEL SIDING (INLAND RED CEDAR)

7/16" x 3/16" SM	B and Better	C	D	E
½ x 4"–3' and longer	$106.00	$101.00	$88.50	$58.50
½ x 6"–3' and longer	111.50	106.50	94.00	64.00
½ x 4"–3' to 8' shorts	86.00	81.00	68.50	38.50
½ x 6"–3' to 8' shorts	91.50	86.50	74.00	44.00

1. For 9' and longer, add $3.00.
2. B and Better, C and D, may contain 20 percent 3' to 8½' in multiples of 6".
3. B may contain 35 percent 3' to 8½' in multiples of 6".

TABLE 5—LATH (INLAND RED CEDAR)

	Per M pcs.
⅝ x 1½"–4' No. 1	$15.00
⅝ x 1½"–4' No. 2	14.00
½ x 1½"–4' Fence Lath: (80 percent No. 1—20 percent No. 2)	13.00

SEC. 52. *F. O. B. Ceiling prices; Incense cedar lumber*—(a) *Nomenclature.* All grade and size terms appearing in this section refer to, and have the meanings given in, Standard Grading Rules of the Western Pine Association (adopted April 15, 1949, and supplemented October 1, 1949, April 1, 1950, and October 1, 1951).

(b) *Ceiling price tables.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, of Incense cedar lumber covered by this regulation:

TABLE 1—PENCIL BLANK STOCK (INCENSE CEDAR)

Rough RL, Air dried:	
No. 1 Grade, 50 percent and over cutting	$75.00
No. 2 Grade, 25 percent to 50 percent cutting	65.00
No. 3 Grade, 12 percent to 25 percent cutting	35.00

Conditions:
1. Green, deduct $4.50.
Thickness:
2. Scale based on dry thickness.

TABLE 2—SELECTS (INCENSE CEDAR)

RW/RL S2S or S4S	B and Better	C and Better	C	D and Better	D
4/4	$188.00	$178.00	$175.00	$157.00	$152.00
5/4 through 7/4	193.00	183.00	180.00	162.00	157.00
8/4 and thicker	198.00	188.00	185.00	167.00	162.00

Condition:
1. Rough ..... Deduct $2.00.
2. Green ..... Deduct 10 percent from dry price.
Widths:
3. Specified widths:
C, and C and Better and B and Better:
4/4 ..... Use differentials for 4/4 C Select Ponderosa Pine in table 1, section 45.
5/4 through 7/4 ..... Use differentials for 5/4, 6/4 and 7/4 Select Ponderosa Pine in table 1, section 45.
8/4 and thicker ..... Use differentials for 8/4 C Select Ponderosa Pine in table 1, section 45.
D and Better and D:
4/4 ..... Use differentials for 4/4 D Select Ponderosa Pine in table 1, section 45.
5/4 through 7/4 ..... Use differentials for 5/4, 6/4 and 7/4 D Select Ponderosa Pine in table 1, section 45.
8/4 ..... Use differentials for 8/4 D Select Ponderosa Pine in table 1, section 45.
Lengths:
4. Specified lengths: 4/4 and thicker ..... Use differentials as shown for Ponderosa Pine in table 1, section 45.

TABLE 3—SHOP LUMBER (INCENSE CEDAR)

RW/RL, S2S or S4S	4/4	5/4	6/4 and 7/4	8/4 and thicker
No. 3 Clear	$100.00	$135.00	$135.00	$145.00
No. 1 Shop	75.00	110.00	110.00	110.00
No. 2 Shop	60.00	80.00	80.00	80.00
No. 3 Shop		60.00	60.00	60.00

Condition:
1. Green — Deduct 10 percent from dry price.
2. Rough:
   - No. 3 Clear, All thicknesses — Deduct $2.00.
   - 4/4 No. 1 and No. 2 Shop — Deduct $1.00.
   - 5/4 and thicker No. 1 Shop — Deduct $2.00.
   - 5/4 and thicker No. 2 and No. 3 Shop — Deduct $1.00.

TABLE 4—COMMONS (INCENSE CEDAR)

1. All Grades: The ceiling prices are the same as the ceiling prices for Ponderosa Pine for same size and grade. (See tables 3, 3A, and 3B section 48.)
2. Differentials for length and thickness and for rough and green, same as shown for Ponderosa Pine, section 48 footnotes to table 3, 3A, and 3B.

TABLE 5—MOULDING LUMBER (INCENSE CEDAR)

RW/RL S2S or S4S:	
4/4	$115.00
5/4, 6/4 and 7/4	120.00
8/4 and thicker	125.00

Condition:
1. Rough — Deduct $2.00.
2. Green — Deduct 10 percent from dry price.

SEC. 53. *Ceiling price differentials and rules.* (a) The following differentials and rules set forth in this section are applicable to the ceiling price tables shown in sections 45 through 52.

(b) The following additions for special provisions may be made to the applicable ceiling prices when the special provisions are specifically requested by the buyer:

(1) Ordinary resawing—Add $4.00 per M.

(2) Resawing and S2S, all grades—Add $7.50 per M.

(3) Ripping, per rip—Add $3.00 per M.

(4) Novelty saw ripping—Add $4.00 per M.

(5) Ripping and S4S—Add $7.50 per M.

(6) Cross cutting, per cut—Add $2.50 per M.

(7) Cleating (ordinary)—Add $5.00 per M.

(8) Bundling (ordinary)—Add $3.00 per M.

(9) Bundling (export)—Add $10.00 per M.

(10) Stock S4S wider than standard widths (hit or miss) as shown in Standard Grading Rules of the Western Pine Association—Add $2.50 per M.

(11) Cutting to specified exact length—Add $2.50 per M.

(c) Stock surfaced thicker than standard: When buyer orders lumber surfaced thicker than the standard thickness sizes, (hit or miss), shown in Standard Grading Rules of the Western Pine Association, the following additions may be made to the applicable ceiling prices:

For 1/32"—Add $2.50 per M.
For 1/16"—Add $5.00 per M.
For 3/32"—Add $7.50 per M.

(d) *Standard Patterns:* (1) For standard patterns of Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Dolly Varden Siding, 8" or 10" Bevel Siding, Corn Cribbing, and Knotty Pine Panelling patterns (not moulding grade), run from any grade desired and shipped machine run, $12.50 per M may be added to the applicable ceiling prices of the size and grade ordered.

(2) For standard patterns, other than S2S and S4S, which are not listed in subparagraph (1) above, $5.00 per M may be added to the applicable ceiling prices of the size and grade ordered.

(e) Open car loading: When requested by buyer and when material is of a type ordinarily loaded in box cars, a charge of $3.50 per M may be made. This charge includes the cost of stakes and all material required to secure the load firmly.

(f) Any ceiling price based on a percentage addition or deduction must be rounded to the nearest 25 cents.

(g) Random lengths are 6' and longer unless otherwise provided in the ceiling price tables.

(h) *Log cabin siding.* (1) All grades one inch and two inches—you may add $15.00 per M to the ceiling price of the same grade, size, and seasoning.

(2) All grades three inches—you may add $18.00 per M to the ceiling price of the same grade, size, and seasoning.

(3) Machine droppings—you may include up to 15 percent at $10.00 per M less than the ceiling price for the grade ordered.

(4) For less than 3 MBM—you may add a flat set-up charge of $15.00 to the applicable ceiling prices.

SEC. 54. *F. O. B. prices; all species ungraded lumber.* The following are the f. o. b. ceiling prices per one thousand feet board measure of ungraded lumber covered by this regulation:

TABLE 1

Mixed species (not separated as to species) or for straight shipments of Larch, Douglas fir, White Fir, Englemann spruce, Lodgepole pine, Red cedar, Incense cedar.	
2" and thicker, green, rough, 4/4, 5/4, 6/4 and 7/4, green, rough	$64.00
	66.00

TABLE 2

Ponderosa Pine and Sugar Pine in mixed shipments and for straight Ponderosa Pine shipments (no other species included):	
2" and thicker, green, rough, 4/4, 5/4, 6/4 and 7/4, green, rough	$68.00
	70.00

TABLE 3

Sugar Pine (no other species included):	
2" and thicker, green, rough, 4/4, 5/4, 6/4 and 7/4, green, rough	$72.00
	74.00

TABLE 4

Idaho White Pine (no other species included):	
2" and thicker, green rough, 4/4, 5/4, 6/4 and 7/4, green, rough	$90.00
	92.00
For Dry Stock (applies to all tables) Add	5.00

SEC. 55. *F.O.B. Ceiling prices; railroad ties, all species.* The following are the f. o. b. ceiling prices per one thousand feet board measure for untreated railroad cross and switch ties, of all species covered by this regulation, conforming to the Specifications of the American Railway Engineering Association (1934):

TABLE 1—CROSS TIES

8'	$76.50
8'6"	79.50
9'	79.50

TABLE 2—SWITCH TIES

9' and longer	$79.50

NOTE: If you wish to sell railroad cross and switch ties covered by this regulation which do not conform to the specifications of the American Railway Engineering Association (1934), you must apply for the establishment of a special ceiling price under the provisions of section 30 of this regulation.

SEC. 56. Table of established weights. The following are the established weights for lumber subject to this regulation:

	Per M Ft. B. M.	
	Lbs., dry	Lbs., green
PONDEROSA PINE AND IDAHO WHITE PINE, WHITE FIR, ENGELMANN SPRUCE, LODGEPOLE PINE		
Selects, Commons, and Shop:		
Standard Surfacing, 4/4, S2S, S4S, or Pattern	1,900	2,1
Standard Surfacing, or Pattern, 5/4 and thicker	2,200	2,4
Surfaced, or Pattern, 13/16"	1,650	2,1
Rough, 4/4"	2,400	3,
Rough, 5/4" and thicker	2,600	3,
Dimension:		
Standard Surfacing, 1 5/8", S1S1E or S4S	2,000	2,2
Sub-Standard Surfacing, 1 5/16", S1S1E or S4S	1,800	2,0
Surfaced thicker than Standard, 1 3/4", S1S1E or S4S	2,200	2,4
Rough	2,600	3,0
Plank and Timbers:		
Surfaced, S1S1E or S1S	2,200	2,4
Rough	2,600	3,0
Lath:		
4 ft. (per M pieces)	450	7
32" (per M pieces)	300	3
Snow Fence	700	1,1
Cut Stock:		
Machined to Pattern	1,600	
S2S	2,000	
Rough	2,500	

	Per M Ft. B. M.	
	Lbs., dry	Lbs., green
LARCH-DOUGLAS FIR		
4/4 S2S or S4S	2,200	2,800
4/4 run to pattern	2,000	2,600
1", 1 1/4", 1 1/2" all grades Rough	2,700	3,300
Timbers and Plank, Surfaced	2,800	3,400
Timbers and Plank, Rough	3,000	3,600
Dimension, Standard Surfacing:		
2 x 4	2,200	2,800
2 x 6 and 2 x 8	2,250	2,850
2 x 10 and 2 x 12	2,300	2,900
5/4 and thicker, surfaced or pattern same weights as corresponding widths of standard dimension.		
1 5/8" Dimension	2,000	2,600
1 5/16" Dimension—all Douglas Fir	1,900	2,500
Log Cabin Siding	1,700	2,200
3/4" stock machined to pattern	1,400	-------
5/8" stock machined to pattern	900	-------
1/2" Bevel Siding	800	-------
3/4 x 8 and 10" Bevel Siding	1,200	-------
4' Lath, per M pieces	600	900
32" Lath, per M pieces	350	550
Snow Fence Lath, per M pieces	800	1,100
BATTENS (ALL ABOVE SPECIES)		
1" Battens, plain or O. G., per M lin. ft	350	-------
3/4" Battens, per M lin. ft	200	-------
Other Grades and Patterns:		
Log Cabin Siding	1,600	-------
3/4" or 5/8" Panel Stock	1,400	-------
Bevel Siding	750	-------
Additions and Deductions: Pitchy Selects, add 300 lbs. to corresponding items.		
SUGAR PINE		
4/4 and thicker, S1S or S2S	2,000	2,550
4/4 and thicker, Rough	2,300	3,000
All other Sugar Pine items, same weights as Ponderosa Pine.	-------	-------
RED CEDAR		
4/4, all Grades, Surfaced or Pattern	1,600	2,200
4/4, all Grades, Rough	2,100	2,800
5/4, and thicker, Surfaced or Pattern	2,000	2,700
5/4, and thicker, Rough	2,200	3,000
Timbers and Plank, surfaced	2,000	2,700
Bevel Siding	700	-------
Lath	450	750
INCENSE CEDAR		
Pencil Stock	2,300	-------
All other Incense Cedar items, same weights as Ponderosa Pine.	-------	-------

Effective date. This regulation shall become effective June 30, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7292; Filed, June 30, 1952; 12:11 p. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 9]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 9—TANK WAGON AND RACK CEILING PRICES IN CERTAIN WEST COAST REFINERY AND TERMINAL PRICE AREAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 9 to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 establishes specific dollars-and-cents ceiling prices for tank wagon and "rack" sales of automotive gasoline in certain West Coast refinery and terminal price areas. The prices normally charged by wholesalers of motor gasoline in these areas for tank wagon sales were approximately uniform in each area for several years antedating the issuance of Ceiling Price Regulation 17. For "rack gasoline", however, which was sold in substantial volume at the refineries or refinery facilities and at certain bulk storage plants, sales were made to a special class of purchasers at a customary differential below the prevailing tank wagon price for the area. This type of discount transaction is customarily referred to as the sale of "rack gasoline" or "rack price gasoline." This gasoline is sold either f. o. b. the refinery or bulk plant, with transportation provided by the ultimate consumer or buyer, or is sold on a delivered-at-destination basis which consists of the "rack price" plus customary transportation charges.

In establishing specific dollars-and-cents ceiling prices in the areas designated, consideration has been given to the correction of price inequities which existed to a minor degree in some instances. Such inequities were caused mainly by price wars which were in effect immediately prior to and during the base period. Failure to adjust these ceiling prices would prolong existing price inequities among sellers and retain price inequities which would have been eliminated had the market been free to adjust itself.

Examination of prices on "rack gasoline" shows that the customary differential off tank wagon is predominantly 3 cents per gallon, as established in this regulation. In a few instances the discount is slightly less than 3 cents, while in others it is higher as a result of price war conditions which existed during the latter part of 1950 and continued through the base period.

It is also the purpose of this supplementary regulation to restore and establish the customary differential between the tank wagon ceiling price and the "rack" ceiling price to give relief to those sellers whose ceilings were frozen at abnormally low levels.

The determination of ceiling prices, as effected by this supplementary regulation, is regarded as essential to the maintenance of gasoline supplies through customary channels of distribution. Depletion of gasoline inventories has resulted in a tight supply situation and a dislocation of supply channels threatens within the areas unless the price inequities are removed.

The customary pricing practice on the Pacific Coast is to quote wholesale prices for deliveries other than by tank wagon in terms of discounts under or premiums over the tank wagon price. It is, therefore, essential to establish, coincident with the restoration of the normal differential for "rack" transactions, the prevailing tank wagon prices as the ceiling prices. Evidence is on file to show that the posted tank wagon prices of sellers in the areas covered by this supplementary regulation were, as of September 1, 1951, and have continued to be the prevailing tank wagon prices. No change in general price levels is being affected. Because of the existence of reasonably uniform prices, the establishment of dollars-and-cents prices is facilitated. The specific tank wagon prices which are spelled out by this regulation were in effect in the latter part of 1950; they became the ceilings during the base period; and have been maintained to date. They are regarded by the West Coast Petroleum Wholesale Industry Advisory Committee as fair and equitable. Moreover, the establishment of dollars-and-cents ceiling prices for tank wagon deliveries is in accordance with the announced policy of this Agency to establish specific ceiling prices, which situation is desirable from the standpoint of the consuming public, the sellers and the Government.

In the preparation of this supplementary regulation the Director has consulted with industry representatives including the West Coast Petroleum Wholesale Industry Advisory Committee and trade association representatives, to the extent practicable and has given consideration to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Applicability of supplementary regulation.
2. Definitions.
3. Ceiling prices for tank wagon deliveries.
4. Rack gasoline.
5. Transportation.
6. Applicability of Ceiling Price Regulation 17.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Applicability of supplementary regulation.* This supplementary regulation sets specific ceiling prices for tank wagon sales of regular automotive and marine gasoline, sets a specific discount of 3 cents per gallon for sales of "rack gasoline" and sets quantity differentials in the areas of San Francisco Bay, Hanford, Bakersfield, Stockton, and Sacramento, California; Portland, Oregon; Tacoma and Seattle, Washington. This regulation is not applicable, nor does it refer to cargo sales of gasoline.

SEC. 2. *Definitions.* When used in this supplementary regulation the term:

(a) San Francisco Bay area includes Richmond, Oleum, Martinez, Avon Refinery and Terminal Price Area, including Parr Terminals in Cities of Oakland and Alameda and is that area bounded by a line commencing at a point on the easterly shoreline of San Francisco Bay immediately south of Mulford Landing (approximately West Avenue 144 if said avenue were projected to San Francisco Bay); thence, running due east to East

14th Street; thence, running northwesterly along Skyline Boulevard to the common boundary line of Contra Costa and Alameda Counties; thence, running northwesterly along Lake Chabot Road, Skyline Boulevard and Grizzly Peak Boulevard, approximately following the common boundary line of Contra Costa and Alameda Counties to a point at the northeast corner of the University of California Campus; thence, running due north to Pinole Valley Road; thence, running in an easterly direction along Pinole Valley Road to its junction with Bear Creek Road and Alhambra Valley Road; thence, running in a straight line to the southern and eastern city limits of Clayton; thence, running due north to a point on the south shoreline of Suisun Bay east of McAvoy; thence, running generally in a western direction along the south shoreline at Suisun Bay, Carquinez Straights and San Pablo Bay, embracing the cities of Port Chicago, Avon, Martinez, Port Costa, Crockett, Oleun, Rodeo, Pinole, and Richmond; thence, running southeasterly along the shoreline of San Francisco Bay to the point of commencement.

(b) Hanford area includes Hanford Refinery and Terminal Price Area, and is that area bounded by a line commencing at a point at the southerly limits of Traver on Highway 99, thence, due west to the northerly limits of Laton, thence, southwest to the westerly limits of Hardwick, thence, due south to Kansas Road, thence, east along Kansas Road to a point due south of point of commencement, thence, due north to point of commencement.

(c) Bakersfield area includes Bakersfield Refinery and Terminal Price Area and is that area bounded by a line commencing at the northwest part of the town of Lerdo, thence, southwesterly to intersection of Enos Lane and Fraser Road, thence, southerly on Enos Lane to its intersection with U. S. Highway 399 (Taft-Bakersfield Highway), thence, east through and including towns of Old River and Panama to and including Greenfield, thence, northeasterly to Town of Edison, thence, north to and including Granite Station, thence, southwesterly to point of commencement.

(d) Stockton, California, includes Stockton Terminal Price Area and is that area bounded by a line commencing at the intersection of U. S. Highway 99 and Eight Mile Road, thence, west to intersection with Thornton Road, thence, westerly to confluence of San Joaquin and Old River, thence, southerly along Old River to and including Woodward Island, thence, east to Middle River, thence, southeasterly along Middle River to a point where Highway 120 crosses Middle River, thence, east along Highway 120 to and including Simms, thence, north to and including Town of Linden to Waterloo Road, thence, west to Jack Tone Road, thence, north to Eight Mile Road, thence, west to point of commencement.

(e) Sacramento, California, includes Sacramento Terminal Price Area and is that area bounded by a line commencing at the intersection of Sankey Road with Sacramento River, thence, east to Sutter County line, thence, south to Sacramento County line, thence, easterly along county line to a point due north of Town of Antelope, thence, south on a line to include Antelope, Carmichael, Mills, and Mather Air Force Base to Highway 16, thence, southwest to and including Florin, thence, due west to a point two miles west of Sacramento River, thence, northerly along a line two miles west of the Sacramento River including West Sacramento, Broderick and Bryte to a point two miles due west of point of commencement, thence, due east to point of commencement.

(f) Portland, Oregon, includes Portland Terminal Price Area and is that area bounded by a line commencing at Columbia River, thence, southerly and east along the west bank of said river to a point due north of 122nd Avenue, thence, south through Gilbert to Multnomah County Line, thence, southwest through Battin and Milwaukee to and including Oswego, thence, north to the Multnomah County-Washington County line following same northwesterly to point of commencement, including the towns of Hillsdale, Willbridge, and Burlington.

(g) Tacoma, Washington, includes Tacoma Terminal Price Area and is that area bounded by a line commencing at the northern section of Pierce County line to Puget Sound, thence, east and southeast along County line to and including Milton, thence, south on a line west of Puyallup to Kirby, thence, west through Loveland and below Fort Lewis to the Nisqually River, thence, north through Dupont to Puget Sound and northward along east shortline thereof to point of commencement.

(h) Seattle, Washington, includes Seattle Terminal Price Area, and is that area bounded by a line commencing at Meadowdale on east shore of Puget Sound, thence, due east to U. S. Highway 99, thence, southeast to and including Kenmore at the north end of Lake Washington, thence, southerly along west shore of Lake Washington to and including Renton, thence, southwest on a line including Tukwila and Sunnydale to Three Tree Point on the east shore of Puget Sound, thence, northerly along east shore of Puget Sound to point of commencement.

SEC. 3. *Ceiling prices for tank wagon deliveries.* (a) Ceiling prices per gallon for tank wagon deliveries of regular gasoline in the enumerated areas and for the respective quantity differentials set forth shall be as follows:

	Regular grade gasoline, excluding all taxes			
	400 gallons and over	200–399 gallons	40–199 gallons	Under 40 gallons
San Francisco Bay	14.5	15.0	15.5	18.5
Hanford	15.7	16.2	16.7	19.7
Bakersfield	14.5	15.0	15.5	18.5
Stockton	15.7	16.2	16.7	19.7
Sacramento	15.7	16.2	16.7	19.7
Portland	15.0	15.5	16.0	19.0
Seattle	15.0	15.5	16.0	19.0
Tacoma	15.0	15.5	16.0	19.0

(b) Ceiling prices for premium grade gasoline in the aforementioned areas for each seller shall be his price for regular gasoline as listed in paragraph (a) of this section for that area, to which he shall apply his customary differential between regular and premium grades of gasoline delivered by tank wagon.

(c) Ceiling prices for third grade gasoline in the aforementioned areas for each seller shall be his price for regular grade gasoline as listed in paragraph (a) of this section for that area, to which he shall apply his customary differential between regular and third grade gasoline delivered by tank wagon.

SEC. 4. *Rack gasoline.* (a) The ceiling price for "rack gasoline" of regular grade, f. o. b. refineries or refinery facilities or bulk plant facilities to that class of purchaser buying "rack gasoline" in the areas covered by this regulation shall be 3 cents per gallon below the specified tank wagon ceiling prices for quantities as established in section 3 (a) of this supplementary regulation.

(b) The ceiling price of a refiner for "delivered-at-destination" sales of "rack price gasoline" originating in the areas set forth in Section 1 shall be the f. o. b. ceiling price for such gasoline as established by paragraph (a) of this section, plus the refiner's customary transportation charge.

(c) The ceiling price of resellers of "rack price gasoline" which originates in any of the areas covered by this regulation shall be increased by the amount of increased cost of product to the reseller resulting from increases in ceiling prices permitted their suppliers by this supplementary regulation, irrespective of the location of the sale within or without the areas covered by this regulation.

(d) To determine ceiling prices for premium grades of rack gasoline, each seller shall apply his customary wholesale differential between regular and premium grades. To determine ceiling prices for third grade rack gasoline each seller shall apply his customary wholesale differential between regular and third grade gasoline.

SEC. 5. *Transportation.* The ceiling prices established under this regulation may be adjusted to reflect increases in transportation costs, occurring since September 1, 1951, in accordance with section 25 of Ceiling Price Regulation 17.

SEC. 6. *Applicability of Ceiling Price Regulation 17.* Sellers subject to this supplementary regulation shall be subject to all provisions of Ceiling Price Regulation 17 not inconsistent with the provisions of this supplementary regulation.

Effective date. This supplementary regulation shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7299; Filed, June 30, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Amdt. 7 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

ALUMINUM FLUORIDE AND SYNTHETIC CRYOLITE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 7 establishes ceiling prices for sales of aluminum fluoride and fluxing grades of synthetic cryolite by a manufacturer of those chemicals to replace the ceiling prices which the manufacturer has otherwise calculated under Ceiling Price Regulation 22. Aluminum fluoride and synthetic cryolite are now produced by two producers, the Aluminum Ore Company and the Reynolds Metal Company. Reynolds consumes all that it produces; the Aluminum Ore Company sells most of its production to its parent company, the Aluminum Company of America, but also sells a large portion of its production of aluminum fluoride to others. The largest purchaser of aluminum fluoride from the Aluminum Ore Company, other than the Ore Company's parent, is the Kaiser Aluminum and Chemical Corporation. Smaller amounts are, however, sold to other purchasers. Fluxing grades of synthetic cryolite produced by the Aluminum Ore Company are sold entirely to its parent company, the Aluminum Company of America.

Aluminum fluoride and synthetic cryolite are essential in the production of aluminum and have been certified by the Defense Production Administration as being in short supply. The expansion of the aluminum production program has required a corresponding expansion in the production of aluminum fluoride and synthetic cryolite. In order to increase its production of these chemicals from existing facilities, the Aluminum Ore Company has found it increasingly necessary to go outside of its normal sources of supply to obtain the raw materials required in their production, resulting in higher material costs to it. Higher material costs have also resulted from the fact that the Ore Company has been compelled to bring into operation less efficient facilities, which were hitherto in standby condition, and from the rise in the price of fluorspar. These higher material costs, according to data submitted to the Office of Price Stabilization by the Ore Company, have caused this producer to suffer a loss on all of its sales of aluminum fluoride and synthetic cryolite made since November 1, 1951, at the ceiling prices established by Ceiling Price Regulation 22. The essential nature of the commodities to the defense program requires that impediments to their production be removed, and this supplementary regulation therefore adjusts the ceiling prices established under Ceiling Price Regulation 22 to a level which permits the producer to sell the commodities on a break-even basis.

The study made by OPS shows that the producer has suffered a loss on its sales of aluminum fluoride since November 1, 1951, which is about the time that it applied to OPS for a ceiling price adjustment. Because these sales were made principally to a single purchaser, who will also be the principal purchaser of the commodity in the future, it is not deemed inconsistent with the stabilization program to provide in this case that ceiling prices be established for a short period which will permit the seller to recover both its present costs, and the losses which it sustained since November 1, 1951, in its sales to that purchaser. At the end of the short period, the ceiling prices are reduced to a level that will permit recovery of present costs only. Thus, for the period June 1, 1952 to August 31, 1952, the ceiling prices established are somewhat higher than those established for the period on and after September 1, 1952.

The expansion of the aluminum program will require the entry into the market of other producers of aluminum fluoride and synthetic cryolite. This enlargement of the market may make necessary a reexamination of the ceiling prices established by this regulation. On the basis of the information now available, however, it is the opinion of the Director that the ceiling prices established by this amendment are generally fair and equitable and meet the requirements of Title IV of the Defense Production Act of 1950, as amended. It is further his opinion that the increases reflected by these ceiling prices are necessary to avoid an impairment of production necessary for the defense effort.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended by adding a new section 9 to read as follows:

SEC. 9. *Aluminum fluoride and synthetic cryolite.* (a) This section applies to you if you manufacture aluminum fluoride and synthetic cryolite. It establishes ceiling prices for these commodities which replace those which you have calculated under Ceiling Price Regulation 22.

(b) Notwithstanding any other provisions of Ceiling Price Regulation 22, the ceiling prices for sales of aluminum fluoride and synthetic cryolite (fluxing grade) produced by you are as follows:

(1) *Aluminum fluoride.*

For bulk sales in carload lots:
During period June 1, 1952, to August 31, 1952, inclusive, $0.1229 per pound.
During period on and after September 1, 1952, $0.1104 per pound.

F. o. b. production point. The foregoing ceiling prices are for 80 percent grade aluminum fluoride. Your ceiling prices for bulk sales in carload lots of aluminum fluoride of higher than 80 percent grade are the foregoing ceiling prices plus $0.0012 per pound for each one percent above 80 percent aluminum fluoride content.

For sale in bags or drums in carload lots of aluminum fluoride (82 percent aluminum fluoride content or more, crushed to pass through a four mesh screen):

During period June 1, 1952, to August 31, 1952 (per pound):
Sales in bags $0.1232
Sales in drums ..... .1327
During period on and after September 1, 1952 (per pound):
Sales in bags $0.1176
Sales in drums ..... .1211

F. o. b. production point. Drums and bags included.

(2) *Synthetic cryolite (fluxing grades).*

For bulk sales in carload lots: $0.1098 per pound, f. o. b. production point.

(3) For sales of aluminum fluoride in amounts, grades or sizes other than those included in (1) above, and for sales of fluxing grades of synthetic cryolite in amounts other than those specified in (2) above, your ceiling prices are those determined by applying to the appropriate ceiling price in (1) or (2) the differentials required or permitted by Ceiling Price Regulation 22.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This amendment is effective as of June 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7295; Filed, June 30, 1952; 12:15 p. m.]

[Ceiling Price Regulation 68, Amdt. 1]

CPR 68—PRODUCERS OF BRASS MILL PRODUCTS

ADJUSTMENTS IN CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 68 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 68 increases the ceiling prices for brass mill products to reflect increases in the cost of imported copper in accord with a directive issued by the Acting Director of the Office of Defense Mobilization.

Under the terms of an agreement between the United States and Chile, at the time CPR 68 was issued the price of Chilean copper being sold to the United States was set at 27½ cents per pound. On May 8, 1952, Chile terminated this agreement. Henceforth, all Chilean copper will be offered through ordinary commercial channels for sales at the best prices procurable.

Since the supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting

Director of the Office of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the United States Government in order to meet the changed situation. The text of this announcement follows:

The agreement between the United States Government and the Chilean Government allocated 80 percent of the production of companies in Chile controlled by United States interests for purchase and import into the United States by U. S. private firms at 27½ cents a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together with the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevailing. Consequently, the Government of the United States has adopted the following policies to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½-cent level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variation in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. The impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper, or copper alloy scrap.

3. In order to maintain a uniform price policy on brass mill and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. Allocation will be used to equalize the impact of any higher foreign prices for copper and to permit in this way the import of more copper for the total use of the United States defense program.

Subsequently, industry representatives raised very strong objections to the policy embodied in this Directive. One of the principal objections was based upon the fact that a large proportion of brass mills had previously used little or no foreign copper and that consequently, their prices and costs were based on 24½ cents rather than 27½ cents metal. Consequently, it was agreed that any pass-through must be computed from the 24½ cents level in order to avoid serious injustice to these mills. On the basis of these representations, the directive from the Acting Director of the Office of Defense Mobilization was revised subsequently to the extent that the adjustment in brass mill ceiling prices be related to the 24½ cents rather than the 27½ cents level.

Industry representatives have also suggested that ceiling price increases allowed by this amendment become effective July 1, 1952 rather than on June 16, and that the first period extend for 90 days before any possible adjustment be made. Because of the time involved in making price adjustments and the many variable factors entering into this change the later date appears preferable. It will also coincide with the proposed date to be used by the NPA in their plan of allocation. Accordingly, July 1, 1952 is the effective date of this amendment.

On and after July 1, 1952, the ceiling prices for brass mill products set forth in CPR 68 are adjusted as required by the ODM Directive. The amount of the increase is different for different products and is arrived at on the following basis:

The price currently quoted by the Bank of Chile is the equivalent of 36½ cents per pound delivered Connecticut Valley basis. The difference between this figure and the 24½ cents domestic price is 12 cents. 80 percent of this figure is 9.6 cents. In the absence of any actual experience in the operation of this program, it is anticipated that the ratio of consumption of foreign copper to domestic refined copper used in the production of brass mill products will be 40 percent foreign copper and 60 percent domestic copper, as provided in the National Production Authority plan of allocation. Applying the 40% foreign ratio to the 9.6 cents previously computed, yields an average increase in cost of 3.84 cents per pound of total primary copper purchased. The increase in ceiling price of all products except free-cutting brass rod due to the increased cost of copper is 3.84 cents per pound of copper content. In the production of free cutting brass rod, copper scrap constitutes about 20 percent of the raw materials used. Since this product contains about 62½ percent copper, the increase due to increased cost of foreign copper, after allowing for the price decline in zinc, is 1.22 cents per pound of product.

At the time of issuance of CPR 68, the price of zinc was 17½ cents per pound, East St. Louis, and the ceiling prices established in this regulation reflected this value of zinc. At the present time, this price of zinc has dropped to 15 cents per pound. This amendment requires that the ceiling prices of brass mill products containing any zinc be reduced to reflect the decreased cost of zinc in the same manner as they have been increased to reflect the increased cost of copper. Eighty percent of the 2½-cent decrease is 2.0 cents per pound. Therefore, the ceiling price of copper base alloy brass mill products containing zinc must be reduced 2 cents per pound of contained zinc.

It is anticipated that the adjustments in the ceiling prices made by this amendment will be modified from time to time to conform with changes in the price of imported copper and in the ratio of imported copper to total copper used in the production of brass mill products. It is presently contemplated, however, that the price adjustments provided for in this amendment will be effective for a period of 90 days from July 1, 1952, and that a recalculation will be made as of September 15, 1952, to be effective October 1, 1952.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this amendment comply with the applicable provisions of the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 68 is amended in the following respects:

1. Section 3 (e) is added to read as follows:

(e) *Adjustments*—(1) *Free-cutting brass rod.* You may add to the ceiling price as otherwise determined in this section, 1.22 cents per pound of product.

(2) *All other products covered by Section 3.* You may add to the ceiling price as otherwise determined in this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise determined in this section, 2.00 cents per pound of contained zinc.

2. Section 4 (e) is added to read as follows:

(e) *Adjustments.* You may add to the ceiling price as otherwise determined in this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise determined in this section 2.00 cents per pound of contained zinc.

3. Section 6 (c) is added to read as follows:

(c) *Adjustments.* You may add to the ceiling price as otherwise established in any letter order issued pursuant to this section, 3.84 cents per pound of copper contained in the product you are pricing. In the case of any product containing zinc, you must deduct from the ceiling price as otherwise established in any letter order issued pursuant to this section, 2.00 cents per pound of contained zinc.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 68 shall become effective July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

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[Ceiling Price Regulation 105, Revision 1]

CPR 105—USED INDUSTRIAL AND CONSTRUCTION MACHINERY AND RELATED EQUIPMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Revision of Ceiling Price Regulation 105 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 105, issued originally on December 12, 1951, has fulfilled its purpose in a generally acceptable way. The pricing method used consisted of applying stated percentages based upon the age or condition of the used machinery, and multiplying the current price of a new machine of the same model by that percentage. The statement of considerations issued at that time applies also to this revised regulation.

A number of modifications and clarifications have been incorporated in this revision. One of the more important changes is the inclusion in the base price of freight charges from the factory to the location of the used machine. Originally this part of the delivered cost was not included, but it has been found that the delivered cost, including freight, customarily has been a factor in establishing the value of used machinery. With this exception, this revision leaves unchanged the basic pricing provisions of the regulation.

Special provision is now made for "factory rebuilt and guaranteed" commodities so that under specified circumstances prices higher than those for reconditioned and guaranteed machines may be established. To qualify, the factory must have performed certain operations, and also must give the buyer a new machine guarantee.

The provisions and form of the guarantee, which must be given with reconditioned and guaranteed machines, have been revised to make them conform as closely as possible with regular practices of the industry and still give the buyer reasonable assurances that the machine is in good condition.

The revised regulation also covers the sale of unused commodities which were purchased for use but never used. The price obtainable is dependent upon whether the commodity is in new condition or has deteriorated.

The requirement that a used machine must be in condition to be restored to use in order that it may be priced under this regulation has been amplified by requiring each sale under this regulation to a steel mill, foundry or other consumer of scrap to be supported by a statement given to the seller by the purchaser stating that the machine is being purchased for use. Otherwise sales of old machines to consumers of scrap are priced under CPR 5, Iron and Steel Scrap. Ceiling prices for demolition projects such as refineries, mills and factories are established under Section 7 of the General Ceiling Price Regulation.

The revision, in addition, changes the provisions affecting dismantling and loading charges to make them more consistent with industry practices; modifies the coverage of the regulation as outlined in Appendix A to insure against conflicts with other regulations; makes clear that a higher than ceiling price trade-in allowance for a used machine is not prohibited since it in effect results in a reduction in the price of the other item being purchased; and makes other minor modifications and clarifications of the original regulation.

In the judgment of the Director of Price Stabilization, the provisions of this revised regulation are fair and equitable to buyers and sellers alike and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with industry representatives, including the Construction Machinery Sales, Service and Rental Industry Advisory Committee and trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

REGULATORY PROVISIONS

Sec.
1. Sellers and sales covered by this regulation.
2. Ceiling prices of used commodities.
3. Export sales.
4. Used commodities, the ceiling price of which cannot be determined under section 2.
5. Factory rebuilt and guaranteed commodities.
6. Government sales.
7. Resale of an unused commodity.
8. Trade-in allowances.
9. Sales to consumers of scrap metals.
10. Terms and conditions of sale.
11. Taxes.
12. Petition for amendment.
13. Supplementary regulations or orders.
14. Modification of proposed ceiling prices by Director of Price Stabilization.
15. Invoicing.
16. Records.
17. Notice of auction sales.
18. Interpretations.
19. Prohibitions.
20. Evasion.
21. Charges lower than ceiling prices.
22. Violation.
23. Definitions.

AUTHORITY: Sections 1 to 23 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Sellers and sales covered by this regulation*—(a) *Applicability.* This regulation applies to the sale of any used commodity as listed in Appendix A, and to used parts, accessories, subassemblies, components, and attachments of such commodities. It also applies, under certain conditions, to the resale of an unused commodity listed in Appendix A. Section 2 tells you how to determine your ceiling price for the commodities listed in Appendix A. This revision supersedes any regulation previously issued by the OPS, insofar as transactions covered by this regulation are concerned.

(b) *Geographic coverage.* This regulation is applicable to transactions in the United States, its territories and possessions, and the District of Columbia.

(c) *Description.* This section is intended only as a general description to aid in understanding this revised regulation; the following sections are controlling.

SEC. 2. *Ceiling prices of used commodities*—(a) *Reconditioned and guaranteed commodities.* Your ceiling price for a reconditioned and guaranteed used commodity listed in Appendix A is either (1) 85 percent of its base price or (2) the price determined under the "depreciation method" set forth in paragraph (d). An explanation of the term "base price" is found in paragraph (c).

(b) *Commodities that do not qualify as reconditioned and guaranteed.* Your ceiling price for a used commodity that does not qualify as reconditioned and guaranteed is either (1) 55 percent of its base price (see paragraph (c)) or (2) the price determined under the depreciation method set forth in paragraph (d). If you sell a used commodity which is not "reconditioned and guaranteed", you shall deduct from the base price of such commodity the current cost of any missing parts or components before determining your ceiling price.

(c) *Base price.*—The "base price" that you must use in fixing the ceiling price of a used commodity shall be the first applicable of the following prices:

(1) The price f. o. b. factory for the same commodity, when new, stated either as the current published net price of the manufacturer to users, or as the current published list price of the manufacturer less the manufacturer's smallest discount, if any, to users in effect at the time the used commodity is sold, or if published prices are not available the currently quoted net price to users for the commodity, when new, at the time of the sale of the used commodity, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs).

(2) The current price f. o. b. factory of the nearest equivalent currently manufactured commodity of the same class, type and function, with the same rating or capacity as stated by the manufacturer of such commodity, less the manufacturer's smallest discount, if any, to users, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs). In determining the rating, the following shall be used as guides: H. P., B. H. P., K. V. A., K. W., drawbar H. P., gallons per minute, lifting capacity, bucket or dipper size, foot

pounds, pounds per square inch, weight or other industry standards.

(3) The current price f. o. b. factory of a commodity of the same class, type and function with the nearest equivalent rating, as stated by its manufacturer, less the manufacturer's smallest discount, if any, to users, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's current price includes such freight costs). In determining the "nearest equivalent rating", the following shall be used as guides: H. P., B. H. P., K. V. A., K. W., drawbar H. P., gallons per minute, lifting capacity, bucket or dipper size, foot pounds, pounds per square inch, weight or other industry standards.

(4) Where it is impossible to determine, under paragraphs (2) or (3), the "base price" of a used commodity which is no longer being manufactured or is a discontinued model, your "base price" for such used commodity is the manufacturer's last price f. o. b. factory for the same commodity when new, stated in his last applicable price list, less his smallest discount, if any, to users at the time the model was discontinued, plus the freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the used commodity being sold (except where the manufacturer's price to the user included such freight costs).

(5) Where a particular used commodity was not manufactured in the United States, the last price to a user for the commodity when new, landed in the United States, plus freight at current carload freight rate from point of entry to the freight station nearest the location of the used commodity being sold.

(6) At the option of the seller and as an alternative to any of the above methods, the base price may be the acquisition cost to the user of the commodity when new, exclusive of transportation charges, plus freight at current carload freight rate from the factory where the item was manufactured to the freight station nearest the location of the commodity being sold (except where the manufacturer's price to the user included such freight costs).

(7) Where a used commodity has been modified, the specifications of the machine as it currently exists shall be used in determining the base price, using the first applicable method of paragraphs (1) through (6) inclusive.

(d) *Depreciation method.* You may, at your option, use the depreciation method outlined below in determining ceiling prices for only those categories, types, or classes of used commodities listed in Appendix B of this regulation.

You determine your ceiling price of any such used commodity under the depreciation method as follows:

(1) Determine the base price of the used commodity under paragraph (c).

(2) Determine the period of time from the date of acquisition of the commodity for first use, when new, to the date of sale of the used commodity. You figure this period of time in years and fractions of a year. In measuring this period of time you regard a fractional period of a month consisting of sixteen days or more as a full month, and you disregard a fractional period of a month consisting of fifteen days or less.

(3) Determine the depreciation percentage rate for the used commodity from the table in Appendix B.

(4) Multiply the depreciation percentage rate found under (3) by the years and fractions of a year determined under (2).

(5) Multiply the base price of a used commodity by the percentage found under (4).

(6) Deduct the amount found under (5) from the base price of the commodity. The result is the ceiling price of a used commodity. However, a ceiling price exceeding 80 percent of the base price may not be used unless you give a warranty identical to that specified in Appendix C for reconditioned and guaranteed commodities.

(e) *Sales by dealers in the territory of Alaska.* If you are a dealer with a place of business in Alaska, and bring in any item of used equipment covered by this regulation from other points in the United States or its territories and possessions for resale in Alaska, you may arrive at your ceiling price by first computing the ceiling price of such item at Seattle, Wash., including in the "base price" of the item, as determined under paragraph (c) of this section, the current charge for normal transportation of such item from point of production to Seattle. You may then add to the ceiling price at Seattle thus computed, the amount of separately stated freight charges, for normal methods of shipping, actually incurred by you in shipping such item from Seattle to the point of delivery in Alaska. This new figure then becomes your ceiling price for sales in Alaska.

SEC. 3. *Export sales.* The ceiling price at which a used commodity covered by this regulation may be exported must be determined in accordance with the methods provided in Ceiling Price Regulation 61 (Exports), issued by the Office of Price Stabilization.

SEC. 4. *Used commodities, the ceiling price of which cannot be determined under section 2.* If you are unable to determine your ceiling price for a used commodity under section 2, you apply to the Office of Price Stabilization to approve a ceiling price in line with the level of ceiling prices established by this regulation. In order to apply for this approval, you file a report, by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Machinery Branch, Office of Price Stabilization, Washington 25, D. C. This report must contain the following information:

(a) Your business name and address.

(b) A description of the used commodity for which you propose a ceiling price. This description shall include the manufacturer's name, type, model, size, serial number, condition (rebuilt and guaranteed, or as is), age, cost to you, the date of purchase, and whether you purchased the commodity new.

(c) A statement by you as to why you cannot determine your ceiling price under section 2 of this regulation.

(d) Your proposed ceiling price.

(e) A statement, in detail, of the method by which you determined your proposed ceiling price. If your proposed ceiling price was determined on the basis of bids or offers to purchase, state the name and address of the person making the bid or offer and the price offered.

(f) A statement of the reasons why you believe that your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

After receipt of this report, the Office of Price Stabilization may approve the proposed ceiling price, disapprove the proposed ceiling price, establish by order a different ceiling price, or request further information. If thirty days after receipt of the required report by the OPS, as evidenced by your return registry receipt, none of the actions just listed has been taken, you may sell at your proposed ceiling price.

SEC. 5. *Factory rebuilt and guaranteed commodities.* (a) This section applies to you only if you are a manufacturer and you rebuild a used commodity or commodities of your own make of a class, type or kind listed in Appendix A of this regulation, and are reselling such commodity or commodities as "factory rebuilt and guaranteed" with your customary new machine guarantee; and if during the period July 1, 1949, to June 24, 1950, you sold such "factory rebuilt and guaranteed" commodities of the same type and of your own make at more than 85 percent of your then current selling price of such commodities. An explanation of the term "factory rebuilt and guaranteed" is found in section 23 (Definitions).

(b) Notwithstanding the provisions of section 2 (a) of this regulation, if you meet the conditions of paragraph (a) of this section, and if you desire to determine your ceiling prices for "factory rebuilt and guaranteed" commodities in accordance with this section, you shall file a report, by registered mail, return receipt requested, addressed to the Industrial Materials and Maufactured Goods Division, Machinery Branch, Office of Price Stabilization, Washington 25, D. C., requesting approval of your proposed ceiling price or method of determining your ceiling prices for factory rebuilt and guaranteed commodities of your own make which comply with the requirements of paragraph (a). Ceiling prices established under this section shall not exceed prices computed by applying to the "base price" (as defined in section 2) the percentage referred to in paragraph (a) which you applied to your then current sales prices of new commodities of the same type during the period from July 1, 1949, to June 24, 1950, in order to derive the sales price of "factory rebuilt and guaranteed" commodities of your own make.

(c) Your report shall contain the following information:

(1) Your business name and address.

(2) A list of the commodities which you rebuild and guarantee, and the brand name or trademark and identity of the product line under which the commodities fall. Your catalogue or published price list will be sufficient for this purpose.

(3) The percentage of the current price of the new machine which you used during the period July 1, 1949, to June 24, 1950, and which you propose to use in establishing your ceiling price for your "factory rebuilt and guaranteed" commodity or commodities.

(4) The form of guarantee or warranty which you issued and propose to issue to the buyer with each sale of a "factory rebuilt and guaranteed" commodity priced under the provisions of this section.

After receipt of this report, the Office of Price Stabilization may approve your proposed method of determining your ceiling prices, disapprove your proposed method of determining your ceiling prices, establish by order a different method of determining your ceiling prices, or request further information. If thirty days after receipt of the required report by the Office of Price Stabilization, as evidenced by your return registry receipt, none of the actions just listed has been taken, you may determine your ceiling prices by your proposed method.

SEC. 6. *Government sales.* (a) The Government may, at its option, use the provisions of either subsections (b) or (c) of this section to determine the ceiling price for its sale of a used commodity, or it may use the applicable portions of the other sections of this regulation for such purpose. This section applies only to sales by the United States, its agencies and departments, referred to in this section as the "Government".

(b) *First optional method.* (1) Notwithstanding the provisions of any other section of this regulation, the ceiling price for sales by the Government of a used commodity may be either 65 percent of the "Government's acquisition cost" of the commodity (see paragraph (b) (2) of this section) or the price determined under the depreciation method set forth in paragraph (b) (3), not in excess of 80 percent of the Government's acquisition cost of the commodity. The "acquisition cost" of a commodity which the Government uses in fixing ceiling prices under this section is the net invoice price at which the Government originally acquired the commodity when it was new.

(2) *Depreciation method.* The Government may use the depreciation method set out in section 2 (d) in figuring the ceiling price of commodities listed in Appendix B. In using that method, however, the Government substitutes "Government acquisition cost" (paragraph (b) (2) of this section) for "base price" (section 2 (c)). The Government may not determine the ceiling price of a used commodity under the depreciation method unless it gives the purchaser a statement, signed on its behalf by an official duly authorized thereto, before, or at the time of the purchase or delivery of any used commodity priced under the depreciation method. This statement shall contain (1) a description of the used commodity which is sufficient to permit its identification, and (2) the date of acquisition of the commodity by the Government.

(c) *Second optional method.* Notwithstanding any other provision of this regulation the Government may determine a ceiling price for its sale of an unclassified lot of used commodities, whether or not salvage or other surplus items are also included, on the basis of the entire lot, provided that the ceiling price so determined may not exceed 65 percent of the Government's acquisition cost, actual or estimated, of the items included in such lot. However, and in lieu of any other invoicing or record keeping provision of this regulation, the Government shall prepare a record, signed by its selling officer and filed in the selling office of the sale, showing the method by which the ceiling price was determined.

(d) *Conditions of government sales.* The special provisions of this section apply to the sale of a Government-owned commodity on an "as is", "where is" basis. On such sales, the Government is not required to deduct from the "base price" the cost to the purchaser for any missing parts or components. In any sale of a commodity at a ceiling price determined under this regulation, the Government is not obliged to dismantle, load or package the commodity.

SEC. 7. *Resale of an unused commodity.* (a) This section applies to you only if you are reselling a new and unused, or a shelf-worn and unused commodity listed in Appendix A, which you originally purchased for use, and you are not the manufacturer, wholesaler, distributor or dealer handling such commodities.

(b) For the purpose of this section, such commodities are divided into two groups, as follows:

(1) Group 1: A new and unused or a shelf-worn and unused commodity which, since manufacture, has been so protected from damage, corrosion or deterioration that it is in condition to render performance equivalent to that of the same commodity when new.

(2) Group 2: A new and unused or a shelf-worn and unused commodity which, since manufacture, has been damaged, corroded or deteriorated to the extent that it is not in condition for use without repairs or reconditioning before it can render performance substantially equivalent to that of the same commodity when new.

(c) Your ceiling price for a Group 1 commodity as described in paragraph (b) is your acquisition cost for that commodity.

(d) A Group 2 commodity as described in paragraph (b) is to be considered a "used commodity", and its ceiling price is to be determined by the applicable provisions of this regulation for used commodities.

SEC. 8. *Trade-in allowances.* This regulation does not limit the amount allowed for a used machine as a trade-in credit on the price of another machine, either used or new, except that the sum allowed may not be greater than the ceiling price of the new or used machine for which it is being traded in.

SEC. 9. *Sales to consumers of scrap metals.* Used commodities listed in Appendix A, when sold to a consumer of scrap metals, shall not be priced under the provisions of this regulation except when such consumer of scrap metals, at the time of purchase, gives the seller a signed statement that the commodity will be used in purchaser's operations, and that it is not to be reduced to scrap metal.

SEC. 10. *Terms and conditions of sale.*—(a) *Normal services for dismantling, preparation or loading.* Ceiling prices established by this regulation are for used commodities at the point of shipment and include only such dismantling, preparation or loading services as the seller normally performed without extra charge, when selling the same type of used commodity during the period July 1, 1949, to June 24, 1950. Such services are referred to herein as "normal services."

(b) *Special services for dismantling, preparation or loading.* In the event the buyer requests the seller, in writing, to perform special dismantling, preparation or loading services differing from his "normal services", referred to in paragraph (a) of this section, which cost the seller either more or less than such "normal services", the "ceiling price" determined under section 2 of this regulation shall be either increased or decreased, as the case may be, by the difference between the direct materials and labor costs for seller's "normal services" and such costs for the "special services" requested in writing by the buyer. Any charges for increasing "normal services" or credits for decreasing "normal services" shall be stated separately on the invoice covering the sale of the commodity.

(c) *Credit charges.* You may add to the ceiling prices established by this regulation charges for the extension of credit, but only if (1) during the period July 1, 1949, to June 24, 1950, you required the payment of a separately stated additional charge for the extension of credit to purchasers of the same class on sales of the same or similar types of commodities, (2) the amount you charge for the extension of credit is not in excess of the charge you last had in effect during the period July 1, 1949, to June 24, 1950, for the extension of credit involving the same amount and term, and (3) you bill or invoice any credit charges separately.

(d) *Sales of rented or leased commodities.* In case the lessee of a commodity listed in Appendix A of this regulation desires to purchase, and the lessor agrees to sell, such commodity during or at the end of, the term of the lease, and part or all of the rental paid during such term of lease is to be credited against the selling price, then the "ceiling price" of the commodity against which such rental payments are to be credited shall be the "ceiling price" determined by the applicable regulation immediately prior to the beginning of the rental. Examples—If the commodity were a used commodity immediately prior to the beginning of the rental period, its ceiling price is to be determined by this regulation as of the beginning of the rental.

If the commodity was new immediately prior to the beginning of the rental period, its ceiling price is to be determined by Ceiling Price Regulation 30 or other applicable regulation as of the beginning of the rental.

SEC. 11. *Taxes.* Any tax levied upon the sale of a used commodity by any statute of the United States or any statute or ordinance of any State or political subdivision thereof, which does not prohibit the payment of such tax by the purchaser, may be collected by you in addition to the ceiling price, if you bill or invoice the tax separately.

SEC. 12. *Petition for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 13. *Supplementary regulations or orders.* The Director of Price Stabilization may issue supplementary regulations or orders modifying or implementing this regulation as he deems necessary.

SEC. 14. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 15. *Invoicing.* On and after the effective date of this regulation, you shall furnish each purchaser of a commodity covered by this regulation which sells for $50.00 or more with an invoice which contains the following information:

(a) Your name and address.

(b) The purchaser's name and address.

(c) The date of sale.

(d) A description of each used commodity sold. This description shall include the manufacturer's name, the commodity type, model, serial number if available, and size or capacity.

(e) The selling price of each used commodity sold.

(f) A separate statement of any charges made for taxes under section 11 and any charges or credits made for special services under section 10 as charges for services in excess of normal services or as credits for normal service not performed.

(g) If the depreciation method is used, so state, and give the age of the used commodity; otherwise "age" is not required.

(h) A statement that the commodity is sold "as is", or "reconditioned and guaranteed", or as "factory rebuilt and guaranteed", or as a "new and unused" commodity, as the case may be.

SEC. 16. *Records*—(a) *Invoices.* You shall preserve for a period of two years a copy of each invoice required by section 15.

(b) *Purchases and sales.* If you purchase or receive in trade used commodities for the purpose of resale you shall keep, for a period of two years, records containing the following information with respect to each used commodity which you purchase or receive in trade:

To the extent that your invoice contains any of the information which is required below, such invoice is acceptable as a record.

(1) Your acquisition cost or the trade-in allowance given by you.

(2) A description of the used commodity, including the type, make, model, serial number if available, and size or capacity.

(3) The name and address of the person from whom the used commodity was purchased or acquired.

(4) The date the used commodity was purchased or acquired.

(5) The disposition which you made of the used commodity and the date of that disposition.

(6) Where you dispose of the used commodity by sale, the total price you receive for that sale and a copy of your invoice for that sale.

(7) A statement as to whether the used commodity was sold "as is", "reconditioned and guaranteed", or "factory rebuilt and guaranteed".

(8) Where a sale is made to a consumer of scrap metals for use in his operations, other than for scrap, a copy of the required statement in section 9 must be kept by both the buyer and seller.

(9) The "base price" and "ceiling price" determined at the time of sale, and the method by which it was determined regardless of whether the commodity was sold below or at ceiling price.

(10) For any commodity which you sell on the basis of the depreciation method, your records must also contain the following information:

(i) A description of the used commodity sold, sufficient to permit its identification for the purpose of determining its "base price", and

(ii) The date upon which it was acquired by its original user, as evidenced either by the original bill of sale, or by a statement from the manufacturer including the date of sale to the original user, and the name and address of that user.

(c) *Costs of reconditioning.* Where you sell any used commodity as "reconditioned and guaranteed" or as "factory rebuilt and guaranteed", you must keep records of the following for a period of two years:

(1) Your customary accounting records showing the quantity and cost of materials and labor involved in rebuilding or reconditioning.

(2) The month and year in which the used commodity was "reconditioned" or "factory rebuilt".

SEC. 17. *Notice of auction sales.* Each auctioneer shall file with the Office of Price Stabilization a written notice of every public or private auction sale of used commodities subject to this regulation at least six days before the sale. This notice shall be filed with the District Office of the Office of Price Stabilization in the District where the sale is to be conducted, and shall include the place, date, and time of the auction sale, the categories of used commodities to be sold, and a copy of any announcement of this sale.

SEC. 18. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of the appropriate OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 19. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation:

(a) No person shall sell or deliver, offer to sell or deliver, or negotiate the sale or delivery of a used commodity at a price in excess of the ceiling price established by this regulation.

(b) No person, in the course of trade or business, shall buy or receive any used commodity at a price in excess of the ceiling price established by this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by paragraphs (a) and (b).

SEC. 20. *Evasion*—(a) *In general.* The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, lease of, or relating to, used commodities, along or in conjunction with any other commodity or service, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tie-in agreement or other trade understanding, or otherwise.

(b) *Specific practices.* The following practices are specifically, but not exclusively, among the practices prohibited by paragraph (a) and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be raised under the general evasion provision:

(1) Paying, or requiring the payment of, a purchase commission, if the sum of the commission and the purchase price exceeds the ceiling price.

(2) Requiring a purchaser to rent or lease as a condition of, or an inducement to the sale of a used commodity.

(3) Entering into a joint venture with any other person subject to this regulation for cross-selling or cross-purchasing.

(4) Requiring a purchaser to buy at auction or other sale, any other commodity or any service, whether controlled or not, as the condition of or inducement to the sale of a used commodity. This specifically includes the practices commonly known as "package-sales" and "loading".

(5) Granting less than a reasonable allowance for commodities received in trade, or requiring that the buyer trade in a commodity as a condition of the sale.

(6) Selling a commodity not subject to price control with either an option to purchase a used commodity or with the understanding that a used commodity will be given to the purchaser.

(7) Directly or indirectly requiring the purchaser of a used commodity to finance the purchase of a used commodity with any particular person, including the seller.

(8) The payment of finders fees where the sum of the finders fees and the purchase price exceeds the ceiling price.

SEC. 21. *Charges lower than ceiling prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 22. *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions, and actions for damages.

(b) *Violations of record-keeping and reporting requirements.* If any person subject to this regulation fails to keep the records or file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, the Director of Price Stabilization may issue an order fixing ceiling prices for the used commodities such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of the issuance of the order. The issuance of such an order will not relieve the seller of this obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 23. *Definitions*—(a) *As is.* An "as is" commodity is a used commodity that does not qualify as reconditioned and guaranteed or "factory rebuilt and guaranteed".

(b) *Delivered.* A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(c) *Factory rebuilt and guaranteed.* A "factory rebuilt and guaranteed" commodity is one for which you give the buyer, in writing at the time of sale, your customary new machine guarantee, provided such new machine guarantee does not require less performance in any respect than the Standard Guarantee in Appendix C. In addition to such written new machine guarantee, the factory must have performed the following operations upon the used commodity:

(1) The used commodity must have been disassembled, and all surfaces of all parts and subassemblies must have been thoroughly cleaned to reveal any defects in parts and all worn surfaces.

(2) The used commodity must have been inspected to determine the need for replacement or repair of parts.

(3) All worn, broken or missing parts and components which are necessary for proper operation must have been replaced or repaired.

(4) After the commodity has been reassembled, all of its working parts must have been adjusted and must have been given sufficient tests of a mechanical, electrical, or thermal nature, or other tests customarily given similar types of machinery or equipment to assure proper operation and performance substantially equivalent to that of the commodity when new.

(d) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(e) *Reconditioned and guaranteed.* A "reconditioned and guaranteed" commodity is one for which you give the buyer, in writing at the time of sale, the "Standard Guarantee" as set forth in Appendix C. However, if during the period July 1, 1949, to June 24, 1950, you gave a guarantee which required more performance than the Standard Guarantee, you must continue to use your own guarantee, provided it contains at least all of the provisions of the Standard Guarantee in Appendix C. In addition to the written guarantee, the following operations must have been performed upon the used commodity since its last use:

(1) The used commodity must have been inspected to determine the need for replacement or repair of parts.

(2) All worn, broken or missing parts and components which are necessary for proper operation must have been replaced or repaired.

(3) The commodity must have been given sufficient tests of a mechanical, electrical or thermal nature, or other tests customarily given similar types of used machinery, or equipment to assure proper operation and performance substantially equivalent to that of the commodity when new.

(f) *Records.* This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(g) *Resale of an unused commodity.* This term, as used in this regulation, means the resale by an owner, other than the manufacturer, wholesaler, distributor or dealer, of a new and unused or a "shelf-worn" and unused commodity, part or subassembly listed in Appendix A.

(h) *Sell.* This term includes supply, dispose, barter, exchange, transfer, deliver, or contracts or offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(i) *Used commodity.* This term means a commodity listed in Appendix A which has been used for any period of time, other than for the purpose of initial testing or demonstrating, and is in condition to be restored to use. This term includes machines, parts or subassemblies listed in Appendix A which may have been removed from plants, or machines, and are in condition to be restored to use. This term does not include a used commodity sold to a consumer of scrap metal unless it is a machine to be used by such consumer of scrap metal for operational purposes, and is not to be reduced to scrap metal, as evidenced by the statement required under section 9 of this regulation.

(j) *Worn part.* This term means a part in such a condition that unless it is replaced or repaired, the used commodity of which it is a part will not have a substantially equivalent performance to that of the used commodity when new.

(k) *You.* "You" means the person subject to this regulation. "Your" and "yours" are to be construed accordingly.

(l) *Director of Price Stabilization.* The term also applies to any official (including officials of Regional or District Offices) to whom the Director of Price Stabilization by order delegates a function, power, or authority referred to in this regulation.

(m) *OPS.* This means the Office of Price Stabilization.

Effective date. This revised regulation shall become effective June 30, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

APPENDIX A—COMMODITIES COVERED BY THIS REGULATION

The commodities covered by this regulation are listed below:

Anvils, except jewelers' anvils.
Asphalt mixing plants and attendant plants.
Asphalt pavers.
Attachments and accessories for machinery, except for machine tools and farm machinery.
Augers, earth.
Automotive testing and maintenance equipment, mechanical and electrical.
Batteries, storage, when sold as "reconditioned and guaranteed" or when sold as an intrical part of a used machine. Other sales of used storage batteries are not covered by this regulation.
Battery chargers.
Belting, leather and textile (for industrial uses).
Bins, batchers and cement silos for concrete plants, portable or stationary.
Blocks and tackle.
Boilers, power, industrial and marine, 100 p. s. i. and higher working pressure, except boiler tubes unattached or in detached clusters.
Broom-making machinery.
Brushes, industrial, power-driven.
Brush-making machinery.
Can-making and can-closing machinery and equipment.
Capacitors, electrical, other than capacitors for radios, television receivers and home electronic devices.
Carriers, lumber, steel, etc., specifically designed for industrial or commercial use.
Cars, freight, including all types of flanged wheel mining and industrial cars.
Cars, passenger, for surface, subway or elevated lines.
Casters.
Cement-making machinery.
Ceramics machinery.
Chain, power transmission, including chain fittings and assemblies.
Chemical processing machinery.
Circuit breakers, electrical.
Clamps of the C and bar type, except those used for medical or dental purposes.
Clevises.
Clockwork systems, industrial, used in connection with mechanical instruments.

Coal mining machinery.
Coal preparation equipment.
Coke oven doors and jams.
Compressors, except those used with condensing units.
Concrete products machinery and equipment.
Condensers, synchronous, electrical.
Construction machinery, all types.
Control equipment, electrical, industrial.
Converters, synchronous, electrical.
Conveyors and conveying systems, industrial.
Core drilling machines and core bits.
Core-making machinery.
Cotton-ginning machinery.
Cranes and shovels, power, revolving, crawler, truck or wheel-mounted, and others:
- Clam shells.
- Cranes.
- Draglines.
- Hoes.
- Pile drivers.
- Shovels.

Cranes, locomotive.
Cranes, overhead bridge, gantry and portal.
Crushers, rolls, swing-hammer and all other types of rock and ore crushing and reduction equipment.
Crushing and screening plants, portable.
Cylinders, power, hydraulic, pneumatic and hydropneumatic.
Dairy and milk processing machinery, other than farm dairy machinery and equipment.
Derricks.
Diamond tools: core bits, dies .002" and larger, dressing tools, shaped tools, wheels, etc.
Die-casting machinery.
Distribution boards, electrical.
Dollies, industrial.
Dozers, angle, bull and push.
Dredging machinery.
Dry-cleaning and clothes-pressing machinery, except domestic.
Dust-collecting equipment, industrial, portable and stationary, including industrial vacuum cleaners.
Economizers, steam, industrial and marine.
Electrical wire and cable insulating and tubing machinery.
Electroplating and hot-dip metal coating equipment, including preparatory and finishing equipment used in connection with metal coating process.
Electro-therapeutic apparatus and supplies.
Electronic devices, equipment and parts (other than radio and television receivers and components used in radio and television receivers and other electronic devices for the home).
Elevators, passenger and freight.
Engines, diesel and oil.
Engines, gas.
Engines, gasoline and kerosene, except aircraft, automobile, toy and portable outboard motors.
Engines, steam, except toy.
Engine-generator sets.
Escalators (moving inclined stairways for raising or lowering passengers).
Excavating and earth-moving machinery, including power shovels, draglines, clam shells, hoes, ditchers, trenchers, and scrapers, self-powered or tractor-drawn.
Fans and blowers, industrial, including pressure fans and blowers and industrial built-in fans, but excluding unit heaters, or unit ventilators, hand blowers and desk, pedestal, portable, ceiling, wall bracket type fans, warm-air furnace fans, and attic ventilating fans.
Feed-water heaters, industrial and marine.
Fire-fighting equipment, truck or trailer mounted.
Floor surfacing and floor maintenance machinery, industrial.
Food and beverage machinery, (industrial), including, but not confined to, baking, bottling, brewing, canning, confectionery, grain milling, meat packing, edible oil, sugar and dairy machinery and equipment, other than farm dairy equipment.
Foundry machinery, excluding ladles.
Furnaces and ovens, industrial and laboratory, except space heating equipment, warm-air furnaces, bessemer converters, soaking pits and coke ovens.
Fuses, power.
Galvanometer and pyrometer movements.
Gas burners designed for use with products covered by this regulation.
Gauges, specifically designed for industrial or commercial use.
Gears, pinions, sprockets and speed reducers, including gear motors, motorized speed reducers and variable speed and other machine drives.
Generators, electrical.
Generators, gas.
Generator sets, diesel-electric, gas engine, electric and motor or engine driven.
Glass-making machinery.
Glove-making machinery, except for rubber gloves.
Governors, engine.
Gyroscopes.
Hat-making and repairing machinery.
Heat exchanger equipment (when designed for use with products covered by this regulation).
Heaters, sand or bitumen.
Heating, melting, burning and thawing equipment, portable, for industrial and transportation purposes, except mechanics' fire pots and blow torches.
Heating units and devices, electrical, industrial.
Hoists, power operated, air, electric, mechanical or other power, single or multiple drum.
Hydraulic machinery and equipment.
Instruments, electrically or mechanically operated for measuring, testing, indicating or recording electrical quantities.
Instruments, mechanical, for indicating, measuring, recording and testing, including aircraft, laboratory, marine, precision and scientific mechanical instruments, but excluding tire gauges, carpenters' tools, clinical, dental, household, optical and surgical instruments, low pressure heating controls (such as thermostatic traps, blast traps and strainers), water level controls (all types), air temperature and humidity controls (all types), coin-operated devices and household refrigeration controls.
Jacks and jack screws.
Jacks, mud.
Kilns (except brick), coolers and dryers, specifically designed for industrial or commercial use.
Laundry machinery, except domestic.
Leather-working machinery.
Lighting equipment, electrical, for airway, commercial, flood-lighting, industrial, marine, seadrome, and street and highway uses.
Lighting generators, engine or electric driven, portable.
Lighting fixtures, not portable.
Line material, transmission or trolley.
Loading and unloading equipment, specifically designed for industrial or commercial use or for handling construction materials.
Lock and dam machinery, which is designed exclusively for the control of water flow in locks, dams and structures when such locks, dams, and structures are designed for flood control, irrigation, power generation or transportation purposes.
Locomotives and tenders, steam, diesel, or other power, except boiler tubes, unattached or in detached clusters.
Locomotives, mining and industrial.
Logging and lumbering machinery and equipment.
Lubricating systems and devices, industrial, stationary.
Machinery, industrial, not listed elsewhere in this Appendix. The term "industrial machinery" means any machinery or equipment, not specifically excluded from the coverage of this regulation, which is used in the extraction, production or processing of commodities.
Machines, tools, devices and appliances designed specifically for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines.
Magnetos.
Magnets, lifting, industrial.
Mining equipment, including:
- Coal cutters and continuous mining equipment.
- Drills.
- Fans and ventilating equipment.
- Hoists and cages.
- Loading equipment.
- Locomotives and cars.
- Mine doors, safety and all other mining equipment not excluded from this Appendix.
- Underground coal and soft mining equipment.

Motors, electrical.
Neon indicator attachments.
Numbering and marking machines for use on metal, except office machines.
Oil burners, industrial and marine, burning No. 5 oil or heavier, except horizontal, rotary, and gun type burners.
Oil mill machinery and equipment.
Oil well and oil field machinery and equipment required in the drilling, logging, producing, controlling and treatment of oil and gas ready for the pipeline, but excluding oil country tubular goods.
Optical processing machinery.
Ore-crushing and concentrating machinery.
Ovens, industrial and laboratory, except coke ovens.
Packaging, wrapping, filling and labeling machinery.
Paint and varnish-making and ink-making machinery.
Panelboards, electrical.
Parts and subassemblies of any item listed in this Appendix, except mechanical rubber goods.
Pavement markers.
Pavers, concrete and asphalt.
Petroleum refining machinery, except oil country tubular goods.
Pharmaceutical machinery.
Pile drivers, drop-hammer, steam, air, diesel, etc.
Pipe wrapping and coating machinery.
Plants, stationary, for railroad use in handling cinders, fuel, sand or water.
Plastics fabricating, extrusion and molding machinery.
Pole-line hardware and line construction specialties.
Power transmission equipment, industrial, including belt-tighteners, blocks and bearing housings, brackets, clutches, collars, couplings, hangers, motor bases, pillow blocks, pulleys, sheaves, shifters, universal joints and variable speed and other machine drives.
Presses, specifically designed for industrial or commercial use, other than that classified as agricultural machinery and metal-working equipment.
Printing trades machinery and equipment.
Public address apparatus.
Pulp, paper mill and paper products machinery.
Pulverized fuel burners.
Pumps, power operated, with or without power.
Pumps, hand-operated, except store fixtures.
Quarrying, crushing, pulverizing and classifying machinery.
Railroad car and locomotive parts, and specialties for elevated, subway or surface lines, including:
- Axles for railway passenger and freight cars; locomotive axles, all types and capacities; and axles for all other railway rolling equipment.
- Bearings, truck side.
- Boilers, fire boxes, front ends and cabs, fittings, fixtures, devices or appliance mounted thereon, except detached boiler tubes.

Railroad car and locomotive parts, etc.—Con.
- Brakes and brake gears.
- Coupler devices or attachments.
- Devices and appliances mounted on locomotives for treatment, distribution or control of water, fuel, steam, sand or electricity.
- Doors and fixtures.
- Draft gears, buffers, and attachments.
- Driving foundation, or running gear.
- Grain control apparatus.
- Journal boxes, assembled.
- Heating, lighting, ventilation, and air-conditioning equipment.
- Lubricating devices.
- Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.
- Safety appliances and warning devices.
- Sides, roofs, ends, running boards, and brake steps.
- Spring rigging, snubbers and shock absorbers.
- Tires, steel.
- Trucks, complete.
- Underframes.
- Wheels, iron and steel.
- (Detached tubular goods not included.)

Rectifiers, power, industrial.
Regulators, feeder voltage.
Regulators and dampers, power operated, except those designed for domestic heating systems.
Reproduction machinery, architectural and engineering, such as blueprinting, black and white printing, and brown printing machinery.
Road, street and airport building and maintenance machinery and equipment, including graders, pavers, rollers, sprayers, snow plows, mechanical road cleaning equipment, etc.
Rock-crushers and plants.
Rod, wire and tube-working machinery and equipment.
Rolling mill machinery and auxiliary equipment.
Rubber and allied products machinery.
Rubber tire and tube machinery and equipment, including tire recapping and retreading molds and necessary parts (full circle and sectional molds and matrices, etc.), tire buffers and spot vulcanizers for tubes.
Sawmill machinery and equipment.
Saws, power operated, specifically designed for industrial or commercial use, except metal cutting saws.
Scaffolds and towers.
Scales, weighing, industrial and laboratory, except coin operated, counter, household, office and store types.
Searchlights.
Separators, steam, industrial and marine.
Sewing machines, industrial, including tables and stands designed exclusively for use with such machinery.
Shoe manufacturing and repairing machinery.
Shovels and draglines, crawler mounted or walking type. (Also see Cranes)
Signal equipment, railroad, including highway crossing signals.
Signalling apparatus.
Siren blowers.
Skid platforms and pallets, all metal.
Snow plows.
Soot blowers and tube cleaners, power operated, industrial and marine.
Sound recording and reproducing equipment and parts, including portable recorders and recording and transcription turntables, except home or office recording or reproducing equipment.
Special industry machinery not elsewhere classified.
Spraying devices, industrial, power operated, for the application of any material, other than that classified as agricultural machinery.
Spreaders for construction and road-building use.
Sprockets, power transmission.
Stackers, industrial.
Steam cleaning and degreasing equipment and parts, washing and cleaning equipment, except commercial and domestic dish and utensil washing and cleaning equipment.
Steam specialties, for power plant work.
Stokers, industrial and marine, with a capacity of 1,200 pounds per hour or more.
Stone working machinery.
Sub-stations, unit (power distribution).
Superheaters, industrial and marine.
Surveying instruments, such as alidades, levels and transits.
Switchboxes.
Switches, electrical, knife and enclosed.
Switchgear and switchgear accessories.
Tanks and vessels, metal, ferrous and nonferrous, pressure or non-pressure, including field erected tanks or vessels, but not including farm equipment tanks or vessels.
Telegraph apparatus.
Telephone apparatus, including sound and powered telephone and nonelectronic intercommunicating equipment.
Testing sets for electronic equipment.
Textile machinery, including equipment and accessories of wood and/or metal designed exclusively for use with such machinery.
Tobacco working machinery.
Tools, pipe and tube, manually operated, including beading, belling, banding, cleaning, cutting, expanding, and flaring and wrenches for operating.
Tools, power-driven, portable or non-portable, other than those which are defined as Machine Tools under CPR 30.
Tractor attachments and tractor allied equipment, except for farm tractors.
Tractors, crawler and wheel, except farm tractors.
Transformers, including specialty transformers, other than transformers used in radios, television receivers, radio phonographs, home recorders and other electronic devices for the home.
Trucks, industrial, hand.
Trucks, off-highway, for construction, mining, quarrying, oil field, logging, and heavy industrial hauling.
Trucks, power operated, lift, platform, towing, and straddle.
Turbine generator sets.
Turbines and governors, gas, hydraulic and steam.
Turnbuckles.
Vises, all types, vise mounts, stands and supports.
Water conditioning and purifying equipment, industrial, except detached pipe.
Water power equipment, except detached pipe.
Welding apparatus.
Welding and cutting apparatus, including generators.
Well drilling equipment, oil, gas, and water, except detached tubular goods.
Well-drilling equipment.
Winches and windlasses, manually or power operated.
Wire machinery.
Wiring devices, electrical.
Woodworking machinery.
X-ray and electro-therapeutic apparatus and supplies.

APPENDIX B—TABLE OF DEPRECIATION RATES FOR DETERMINING CEILING PRICES OF USED COMMODITIES

NOTE: The ceiling prices of items not listed in this table may not be figured by the depreciation method:

Commodity	Depreciation rate per annum (percent)
Anchors, earth and rock	5
Appliances, electrical	8
Asphalt mixing plant and attendant	20
Attachments, machinery	10
Automotive testing and maintenance equipment	10
Backfillers, powered	20
Batcher plants	10
Battery chargers	10
Bins, steel	10
Boilers, industrial, 50 h. p. and less	7½
Boilers, industrial, over 50 h. p.	5
Boilers, marine	7½
Broom-making machinery	7½
Brooms, road, powered	20
Brushes, industrial, power operated	10
Brush-making machinery	7½
Buckets, concrete, clamshell, orange peel, cableway, dragline elevator, etc	20
Burners, gas, industrial	7½
Carriers, lumber	10
Can-closing and can-making machinery and equipment	5
Cement making machinery	5
Ceramics machinery	7½
Chemical process machinery	7½
Clamps, column	20
Communication equipment, electrical	10
Compressors, portable	10
Compressors, stationary	6
Concrete carts	20
Concrete finishers, floor	15
Concrete finishers, road	10
Concrete mixers, portable and stationary	20
Concrete mixers, pavers	10
Concrete mixers, truck	20
Concrete spreaders, road	10
Control equipment, electrical	6
Conveyers	10
Cotton ginning machinery	5
Cranes, bridge and cantilever	5
Cranes, crawler and truck mounted, gasoline and Diesel:	
2½, 5 tons capacity	20
10, 15 tons capacity	11
20 tons and over	8
Cranes, locomotive	10
Cranes, overhead	5
Crushers, stone	10
Dairy machinery	6
Derricks	10
Die-casting machinery	7½
Ditchers	20
Dollies, industrial	15
Dozers, angle, bull and push	10
Draglines, see shovels.	
Dredgers, clamshell and dipper	10
Dredgers, hydraulic	5
Drilling machinery, auger, blast hole, churn and core	15
Drilling machinery, drifter and pneumatic percussion	30
Dust collecting equipment	10
Electrical assemblies not otherwise listed	8
Electrical wire and cable insulating machinery	5
Electroplating and hot dip metal coating equipment	5
Elevators, passenger and freight	5
Engineering reproduction equipment	7½
Engines, diesel, 400 rpm and less	7½
Engines, diesel, over 400 rpm	11
Engines, gas	11
Engines, gasoline and kerosene	10
Engines, steam	5
Engine-generator sets	7½
Escalators	10
Excavators, dragline	15
Excavators, trencher	25
Fans and blowers	10
Floor surfacing and maintenance machinery, industrial	10
Food and beverage machinery	6
Foundry machinery	5
Furnaces, industrial and laboratory	10
Generators, gas	10

Commodity	Depreciation rate per annum (percent)
Glass making machinery	7½
Glove making machinery, except for rubber gloves	7½
Governors, engine	10
Governors, hydraulic turbine	5
Graders, blade towed and elevating	15
Graders, motor patrol	20
Gyroscopes	10
Hat making machinery	5
Heat exchange equipment	10
Heaters, stone, sand, bitumen and concrete	20
Heating, melting, burning and thawing equipment, industrial, portable	10
Hoists, pneumatic, gas, diesel, steam, electric	20
Industrial power operated devices for applying protective coatings, etc	20
Instruments, electrical measuring, portable	8
Instruments, electrical measuring, stationary	6
Instruments, mechanical, for measuring, testing or recording	12½
Instruments, mechanical, scientific and laboratory	8
Instruments, precision	12½
Instruments, surveying and drafting	8
Jacks and Jack screws	10
Laundry, dry cleaning, and clothes pressing machinery	6
Leather working machinery	7½
Loaders, belt or bucket	15
Loaders, front end	20
Lubricating systems and devices	10
Metal working and numbering machines	10
Mining machinery:	
Cars, mine	10
Classifiers	10
Coal cutting machines	10
Converters, copper	10
Conveyors	10
Crushers	10
Elevators, bucket	10
Flotation machines	10
Furnaces	10
Jigs	10
Mills	10
Ovens, electric	10
Presses, filter	10
Scrapers, slip	30
Scrapers, wheel	10
Screens	10
Separators	10
Skips, hoisting	5
Tables, concentrating	10
Thickeners	5
Tipples	5
Motors, generators, alternators, and dynamos, electrical:	
Above 1,000 kw	4
From 50 h. p. to 1,000 kw	5
Below 50 h. p.	6
Neon indicator attachments	10
Oil burners, industrial and marine, burning No. 5 oil or heavier	10
Oil well equipment:	
Blowout preventors	30
Core barrels	30
Crown blocks	20
Derricks	10
Drawworks	20
Drill collars	15
Drilling rigs	20
Elevators	15
Gas lift systems	25
Hooks	10
Hydraulic pumping systems	25
Kellys	15
Meters	15
Oil treating plants	20
Oil well pumps	25
Packers	30
Power takeoffs	20
Pull rods	20
Pumping jacks	10
Pumping powers	10
Pumping units	10
Oil well equipment—Continued	
Regulators	15
Rotaries	20
Rotary fishing tools	20
Separators	15
Spudders	20
Submersible electric pumps	25
Sucker rods	35
Tanks (shop assembled)	15
Tongs	15
Tool joints, unattached	30
Traveling blocks	20
Water treating plants	20
Well servicing hoists	20
Ovens	10
Packaging, wrapping, filling and labeling machinery	6
Paint and varnish making machinery	5
Petroleum refining machinery	5
Pharmaceutical machinery	5
Pile drivers, drop	5
Pile drivers, steam hammers	5
Pipe wrapping and coating machinery	10
Plastics molding and fabricating machinery	7½
Plows, snow	10
Pole line hardware and line construction specialties	5
Power cylinders	5
Printing trades machinery	9
Pulp, paper and paper products machinery	6
Pumps, portable	10
Pumps, stationary	6
Railroad equipment (all items)	5
Refrigerating equipment	5
Rod, tube and wire-working machinery	5
Rollers, powered, road	10
Rollers, sheepsfoot, tamping	10
Rolling mill machinery	5
Rubber working machinery, including rubber tire and tube making and retreading machinery	6
Scales, weighing	10
Scrapers, carry type	15
Screens (construction equipment)	20
Sewing machines, industrial, including tables and stands designed exclusively for use with such machines	7½
Shoe manufacturing and repairing machinery	7½
Shovels, draglines and hoes, crawler mounted, gasoline, Diesel or electric:	
¼, ⅜, and ½ cubic yard	20
¾, 1¼, 1¾ cubic yard	15
2, 2½, 3 cubic yards	12
4 cubic yards and over	8
Shovels and draglines, walking type, gasoline, Diesel or electric:	
Up to and including 10 cubic yards	8
Over 10 cubic yards	5
Siren blowers	5
Soot blowers and cleaners	10
Special industry machinery, not elsewhere classified	7½
Spreaders, material	20
Spring winding and forming machinery	5
Stackers, portable	10
Steam cleaning and degreasing equipment	10
Stackers, industrial and marine	10
Tanks and vessels, open	3
Tanks, pressure	4
Textile preparatory and finishing machinery	7½
Tiering machines	10
Tobacco working machinery	7½
Tools, hand operated, specially designed for manufacture, repair, or maintenance of aircraft, military vehicles, or other predominantly military equipment	10
Tools, pneumatic; drills, jack hammers, rivet hammers, tampers, chippers and paving breakers	30
Tools, power driven, portable	25
Tractors, crawler and non-agricultural wheel	20
Trailers, non-highway, used with industrial tractors	15
Transformers, non-portable types	6
Transformers, portable types	10
Trucks, industrial, except lift, platform and straddle	15
Trucks, lift, platform and straddle	10
Turbines, steam	5
Turbine-generator sets	5
Vibrators	30
Water softening and purifying equipment	10
Welders, a. c., transformer type	6
Welders, d. c., motor and engine driven	8
Welding and cutting equipment, gas	10
Wire, cable and cable accessories, electrical	10
Woodworking and lumber manufacturing machinery	7½

APPENDIX C—GUARANTEE TO BE FURNISHED TO BUYERS OF RECONDITIONED AND GUARANTEED COMMODITIES

The seller of a "reconditioned and guaranteed" commodity, under this regulation, must furnish to the buyer a guarantee which is no less in any respect than, or which is identical with the "Standard Guarantee Form" below.

STANDARD GUARANTEE FORM

The seller hereby warrants that the used machine or equipment described below has been thoroughly inspected and reconditioned, and that all parts which should have been replaced, repaired, adjusted, or aligned for proper operation have been replaced, repaired, adjusted or aligned.

The seller guarantees that the used machine or equipment described below is in good operating condition at the time of delivery.* The seller agrees to repair or furnish, free of charge, f. o. b. factory or f. o. b. his place of business, any parts which are proven to be defective in material or workmanship under normal use and service within forty-five calendar days after delivery* of the used machine or equipment.

This guarantee does not extend to tires and tubes, or to any repairs or replacements made necessary by misuse, negligence, accidents or collusion.

Delivery date _____
Description of commodity guaranteed _____
_____
_____
Guarantor _____
By _____ Title _____
Invoice No. _____
Invoice date _____

*A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

[F. R. Doc. 52-7294; Filed, June 30, 1952; 12:14 p. m.]

[Ceiling Price Regulation 110, Amdt. 1]

CPR 110—MANUFACTURERS OF COPPER WIRE MILL PRODUCTS

ADJUSTMENTS IN CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 110 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 110 increases the ceiling prices for copper wire mill products to reflect increases in the cost of imported copper in accord with a directive issued by the Acting Director of the Office of Defense Mobilization.

Under the terms of an agreement between the United States and Chile, at the time CPR 110 was issued the price of Chilean copper being sold to the United States was set at 27½ cents per pound. On May 8, 1952, Chile terminated its agreement to sell a portion of its copper output to the United States at 27½ cents per pound. Henceforth, all Chilean copper will be offered through ordinary commercial channels for sales at the best prices procurable.

Since the supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting Director of the Office of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the United States Government in order to meet the changed situation. The text of this announcement follows:

The agreement between the United States Government and the Chilean Government allocated 80% of the production of companies in Chile controlled by United States interest for purchase and import into the United States by U. S. private firms at 27½¢ a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together with the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevailing. Consequently, the Government of the United States has adopted the following policies to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½ cents level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variations in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. The impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper, or copper alloy scrap.

3. In order to maintain a uniform price policy on brass mill and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. Allocation will be used to equalize the impact of any higher foreign price for copper and to permit in this way the import of more copper for the total use of the United States defense program.

Subsequently, industry representatives raised very strong objections to the policy embodied in this Directive. One of the principal objections was based upon the fact that a large proportion of copper wire mills had previously used little or no foreign copper and that consequently their prices and costs were based on 24½¢ rather than 27½¢ metal. Consequently, it was argued that any pass-through must be computed from the 24½¢ level in order to avoid serious injustice to these mills. On the basis of these representations, the directive from the Acting Director of the Office of Defense Mobilization was revised subsequently to the extent that the adjustment in copper wire mill prices be related to the 24½¢ rather than the 27½¢ level.

Industry representatives have also suggested that price increases allowed by this amendment, become effective July 1, 1952, rather than on June 16, and that the first period extend for 90 days before any further adjustment be made. Because of the time involved in making price adjustments and the many variable factors entering into this change the later date appears preferable. It will also coincide with the proposed dates to be used by the NPA in their plan of allocation. Accordingly, July 1, 1952, is the effective date.

On and after July 1, 1952, the ceiling prices for copper wire mill products set forth in CPR 110 are increased as required by the ODM Directive. The amount of the increase is different for different products and is arrived at on the following basis:

The price currently quoted by the Bank of Chile is the equivalent of 36½ cents per pound delivered Connecticut Valley basis. The difference between this figure and the 24½ cents domestic price is 12 cents; 80 percent of this figure is 9.6 cents. In the absence of any actual experience in the operation of this program, it is anticipated that the ratio of consumption of foreign copper to domestic refined copper used in the production of copper wire mill products will be 40 percent foreign copper and 60 percent domestic copper in conformity with the allocations issued by the NPA for the months of July, August, and September. Applying the 40 percent foreign ratio to the 9.6 cents previously computed, yields an average increase in recoverable cost of 3.84 cents per pound of total primary copper purchased. In the manufacture of the products covered by this regulation, there is a certain percentage of scrap generated in the manufacturing process. For the amount of such scrap generated the difference in the price of foreign copper over domestic copper is an added cost, since no increase in price has been provided for scrap even though generated from foreign copper. Consequently, this increased cost is recognized by multiplying 3.84 cents by 1.10 to give an increased recoverable cost of 4.25 cents per pound of copper content. In the manufacture of copper weatherproof wire and cables, part of the finished product is covering. The average ratio of the weight of primary copper to total weight of this finished product is 85 percent, which applied to the figure of 3.84 cents results in an increased cost of 3.25 cents per pound for copper weatherproof wire and cable.

At the time of issuance of CPR 110 the ceiling prices for copper wire mill products containing lead were based on the price of lead at 17 cents per pound. The price of lead has fluctuated from a high of 19 cents to a low of 14 cents, and at the time of issuance of this amendment was being quoted at about 16¼ cents per pound. The manufacturers of these products have indicated that they have voluntarily reduced the prices of their products containing lead when the price of lead was below 17 cents per pound, to reflect the decreased cost. In view of this action by the industry, no further action is deemed necessary at this time with respect to adjusting the price for the lead factor as set forth in this regulation.

A new Appendix B is added for the purposes of determining the copper content of products as required by this amendment.

Some manufacturers of copper wire mill products buy electrolytic copper wire bars and produce finished copper wire mill products in an integrated operation. Other manufacturers, commonly known as redrawers or insulators, purchase wire rods, or bare or tinned wire or cable known as intermediate products, and further fabricate this material into finished products which are then sold at the same prices at which these products are sold by integrated manufacturers. There is a much smaller margin realized in the sale of these intermediate products to redrawers or insulators than in the sale of finished products. It has been represented to this agency that this margin is not sufficient to absorb the increase in the cost of foreign copper. This amendment permits sales of wire rods, bare or tinned wire or cable to redrawers or insulators to be made on the basis of the cost of the electrolytic wire bars from which these intermediate products are made. The ceiling price of the finished product sold by the redrawer or insulator however, remains the same as that of the integrated manufacturer.

Since the ceiling price of copper rods, and bare or tinned wire or cable, sold to redrawers or insulators is based on the cost of the electrolytic wire bars from which these products are made, it is necessary for the proper administration of this regulation, to distinguish between these intermediate products made from domestic copper and those made from imported copper. Accordingly the record-keeping provisions have been amended to require persons

making such sales to redrawers or insulators to indicate the cost of the copper wire bars from which these intermediate products are made.

It is anticipated that the adjustments in the ceiling prices made by this amendment will be modified from time to time to conform with changes in the price of imported copper and in the ratio of imported copper to total copper used in the production of copper wire mill products and any other relevant factors. It is presently contemplated, however, that the price adjustments provided for in this amendment will be effective for a period of 90 days from July 1, 1952, and that a recalculation will be made as of September 15, 1952, to be effective on October 1, 1952.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable under existing conditions, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 110 is amended in the following respects:

1. Section 2 (a) (6) is added to read as follows:

(6) Where this regulation provides for an adjustment in ceiling prices on the basis of the weight of copper contained in a product, the weights set forth in Appendix B of this regulation must be used in computing the amount of such adjustment.

2. Section 2 (b) (2) is amended to read as follows:

(2) You must use the applicable base price or list price, extras and deductions, quantity differentials, trade or class of purchaser discounts, and other pricing factors specified thereon and you may make the adjustments provided for in subparagraph (4) of this paragraph; and

3. Section 2 (b) (4) is added to read as follows:

(4) You may increase the ceiling price as otherwise determined in accordance with this paragraph (b) by adding 4.25 cents per pound of copper contained in the product you are pricing.

4. Section 2 (c) (2) is amended to read as follows:

(2) You must use the applicable base or list price extras and deductions, quantity differentials, trade or class of purchaser discounts, and other pricing factors set forth therein. In the case of a sale of wire rod, bare or tinned wire or cable to redrawers or insulators, you may use as a base price the cost delivered Connecticut Valley basis for the electrolytic copper wire bars from which the product is made.

5. Section 2 (c) (6) is added to read as follows:

(6) You may increase the ceiling prices as otherwise determined in accordance with this paragraph by adding the applicable amount set forth herein.

(i) Bare copper and copper alloy wires and cables, $4.25 per 100 pounds.

(ii) Copper weatherproof wire and cables, if sold by the pound, $3.25 per 100 pounds. If sold by the foot, 4.25 cents per pound of copper content.

(iii) Copper magnet wire, $4.25 per 100 pounds.

6. Section 2 (d) (2) is amended to read as follows:

(2) You must use a price of 28¾ cents (Correction Factor of Plus 58) for copper, a price of 17 cents (Correction Factor of Minus 5) for lead and a price of $1.10 (Correction Factor of Plus 4) for varnished cambric; and

7. Section 2 (e) (2) is amended to read as follows:

(2) You must use a price of 28¾ cents (Correction Factor of Plus 7.25) for copper and 17 cents (Correction Factor of Minus .50) for lead; and

8. Section 3 (c) is added to read as follows:

(c) You may add to the ceiling price determined in accordance with paragraph (b) 4.25 cents per pound of copper contained in the product you are pricing.

9. Section 11 (b) is amended to read as follows:

(b) *Current records.* You must prepare and keep for inspection by the Director of Price Stabilization for a period of two years records of each sale of the products and services covered by this regulation showing: The date of sale; the name and address of the seller and buyer; a description of the product or service sold; the shipping point and destination; and quantity sold; the price charged; the terms of sale; the amount of any extras or deductions; the amount of any differentials, discounts, or freight allowances; the amount of any other factor pertinent to a determination of your ceiling price; and in a sale of wire rods, or bare or tinned wire or cable to a redrawer or an insulator, the cost of the electrolytic copper wire bars from which the intermediate products are made.

10. Section 16 (o) is added to read as follows:

(o) "Redrawers or Insulators" means manufacturers under this regulation who buy wire rods, bare or tinned wire or cable for further fabrication into a copper wire mill product.

Effective date. This amendment to Ceiling Price Regulation 110 shall become effective July 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

APPENDIX B—COPPER WEIGHTS

SOLID OR STRANDED CONDUCTORS

[Pounds per 1,000 feet of cable]

Size conductor, AWG	Single conductor	Size conductor	Single conductor
24	1.23	1/0	326
23	1.55	2/0	411
22	1.95	3/0	518
21	2.45	4/0	653
		Cm.	
20	3.10	200,000	616
19	3.90	250,000	772
18	4.92	300,000	926
17	6.20	350,000	1,081
16	7.82	375,000	1,159
15	9.86	400,000	1,235
14	12.5	450,000	1,390
13	15.7	500,000	1,544
12	19.8	550,000	1,698
11	25.0	600,000	1,853
10	31.5	650,000	2,007
9	39.7	700,000	2,161
8	51	750,000	2,316
7	64	800,000	2,470
6	81	900,000	2,779
5	102	1,000,000	3,088
4	129	1,100,000	3,396
3	163	1,200,000	3,705
2	205	1,250,000	3,859
1	259	1,400,000	4,323
		1,500,000	4,631
		1,750,000	5,403
		2,000,000	6,175
		2,500,000	7,721

To obtain copper weight in pounds per 1,000 feet for multiple conductor round cables, multiply single conductor weights shown by number of conductors, and multiply result by 1.02.

To obtain copper weight in pounds per 1,000 feet for multiple conductor parallel cables, multiply conductor weights shown by number of conductors.

To obtain copper weight in pounds per 1,000 feet for multiple conductor twisted pair cables multiply single conductor weight shown by number of individual conductors, and multiply result by 1.01.

[F. R. Doc. 52-7293; Filed, June 30, 1952; 12:12 p. m.]

[Ceiling Price Regulation 153]

CPR 153—SOFTWOOD PLYWOOD, HARDWOOD FACED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for direct mill sales of most grades and sizes of softwood plywood, faced with hardwood veneer, manufactured in the section of the United States west of the 105th Meridian.

The hardwood faced plywood industry covered by this regulation consists of eight major producers. In 1950, the industry produced approximately 70,000,000 square feet of plywood, including 28,000,000 square feet of Philippine mahogany faced plywood. Production was more than 60,000,000 square feet during the first nine months of 1951, and included more than 26,000,000 square feet of the Philippine mahogany faced plywood.

This product is used in the manufacture of furniture, radio cabinets, wall paneling, doors, airplanes and boats.

This regulation establishes mill level ceiling prices, and does not deal with pricing at the various distribution levels. The transactions covered are described as "direct-mill sales." Such a sale exists when a shipment originating at a mill reaches its ultimate destination with the shipment intact, regardless of who actually effected the sale and whether or not the title passes to an intermediate buyer. Thus the term direct-mill sale does not include a transaction where a shipment passes through a yard or warehouse and is actually unloaded before being resold.

As carload sales constitute the great majority of plywood sales, and as industry pricing customarily reflects this factor, the basic prices appearing in this regulation are carload prices. Appropriate provision is made to cover less-than-carload sales.

The regulation provides specific dollar and cent ceiling prices for softwood plywood faced with birch, maple, white oak, walnut and African mahogany. These products constitute 57 percent of the total covered by the regulation. The level of ceiling prices established by this regulation is approximately the level which prevailed during the period January 25 to February 24, 1951, and is not lower than the level existing immediately preceding the issuance of this regulation.

The regulation also provides a formula by which ceiling prices may be determined for softwood plywood faced with Philippine Mahogany, which constitutes the remaining 43 percent of the industry's production. The adoption of a formula was necessary because wide variations in quality and grades of this commodity among producing companies render the establishment of uniform dollar and cent prices unfeasible. Under the formula sellers may determine their ceiling prices by multiplying the highest price they received for each item during the period May 24, 1950 to June 24, 1950, by 1.14. This factor will result in a level of ceiling prices approximately 6 percent higher than the level which has prevailed under the General Ceiling Price Regulation.

Producers of these commodities have pointed out the substantial increases which occurred in 1951 in the cost to them of the imported mahogany logs and veneer which they use. These cost increases, several have asserted, have resulted in their total costs being in excess of their ceiling prices for this product line. Normally, this situation would call for a cost-price study by OPS, and the application of the product standard. However, total annual sales of this product line amount to less than six million dollars. In view of this fact the Director has determined that the administrative burden involved in making a study to determine the precise amount of adjustment required under the standard is not warranted by the relative insignificance of the product in the economy.

Instead, therefore, he has accepted cost data showing material and labor cost increases submitted by the industry and has concluded that a 6% adjustment over General Ceiling Price Regulation prices will satisfy the product standard.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting with the Industry Advisory Committee for this industry.

Every effort has been made to conform this regulation to existing business practices, especially those existing west of the 105th meridian, with respect to the production, sale, and distribution of softwood plywood and veneer. Insofar as any provisions of this regulation may operate to compel changes in these practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Coverages.
3. Ceiling prices for direct mill sales.
4. Ceiling prices for rejects.
5. Ceiling prices of softwood plywood, hardwood faced.
6. Ceiling prices of softwood plywood, Philippine mahogany faced.
7. Differentials, net extras, and special sales.
8. Established weights of plywood.
9. Exports.
10. Ceiling prices for products not otherwise covered.
11. Modification of proposed ceiling prices by Director of Price Stabilization.
12. Petitions for amendment.
13. Adjustable pricing.
14. Records.
15. Transfers of business or stock in trade.
16. Excise, sales and similar taxes.
17. Interpretations.
18. Prohibitions and violations.
19. Evasions.
20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended, 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation establishes ceiling prices on direct mill sales of softwood plywood, hardwood faced manufactured in the United States west of the 105th meridian.

(b) This regulation supersedes the General Ceiling Price Regulation with respect to the products and transactions covered.

(c) This regulation applies to the 48 States of the United States and the District of Columbia.

SEC. 2. *Coverages*—(a) *Products covered.* This regulation covers all species of softwood plywood, faced with any species of hardwood veneer, manufactured in the United States west of the 105th meridian.

(b) *Transactions covered.* (1) This regulation covers all direct mill sales of the products covered by this regulation. A direct mill sale is a sale in which the shipment of any of the products covered in this regulation originates at a producer's mill, no matter who the seller is, and no matter whether he usually is known as a mill operator, wholesaler, direct mill shipping wholesaler, retailer, distributor, or by any other name.

(2) A direct mill shipping wholesaler is a person who does not maintain or operate a warehouse or yard for the stocking of plywood and other products covered in this regulation and who either purchases these products for resale, or handles them on a commission basis, without warehousing or stocking them in the regular course of business.

SEC. 3. *Ceiling prices for direct mill sales*—(a) *Ceiling prices f. o. b. mill for carload direct mill sales.* The ceiling prices f. o. b. mill for carload direct mill sales of softwood plywood, hardwood faced, are listed in Section 5 (tables 1 through 5) of this regulation. (If millwork or softwood plywood, or both, are included in a car with one or more grades or sizes of products covered in section 2 of this regulation, they must be included in computing the total weight of the shipment.) For the purpose of this regulation, the term "carload" means:

(1) When shipment is by rail, the minimum weight required by the Interstate Commerce Commission in its Revised Service Order No. 876, as presently amended, or as it may be amended in the future.

(2) When shipment is by truck, the minimum weight which is considered a truck carload quantity at the point of origin of shipment according to applicable State or Federal legislation.

(b) *Ceiling prices f. o. b. mill for less-than-carload direct mill sales.* When a less-than-carload freight rate applies at the manufacturer's point of origin of shipment, the ceiling prices f. o. b. mill for less-than-carload direct mill sales of softwood plywood, hardwood faced, not mixed with other commodities other than lumber as set forth in section 7 (h), shall be 10 percent over the prices set forth in the ceiling price tables in this regulation.

(c) *Delivered ceiling prices.*—The delivered ceiling prices for carload direct mill sales are the ceiling prices f. o. b. mill plus a charge for delivery to the purchaser figured as follows:

(1) *Common or contract carrier.* When delivery is made by common or

contract carrier, no higher than the established weights set forth in section 8 of this regulation may be applied to the applicable freight rate in effect at the time of shipment.

(2) *Private truck.* When delivery is by truck owned by the seller, an amount not in excess of the common carrier truck rate, exclusive of any transportation tax.

(3) *Rounding out to the nearest nickel.* The charge for delivery may be evened out to the nearest nickel per 1,000 square feet.

(d) *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25, 1951, and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading whichever is later.

SEC. 4. *Ceiling prices for rejects.* Plywood of any grade which has been rejected by grading process is referred to as "rejects". The ceiling prices for rejects are 10 percent below the ceiling price for the grade from which the plywood products covered by this regulation are rejected.

SEC. 5. *Ceiling prices of softwood plywood, hardwood faced.* The ceiling prices f. o. b. mill for carload direct mill sales per 1,000 square feet of softwood plywood, hardwood faced, shall be as follows:

TABLE 1—INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH ROTARY CUT UNSELECTED BIRCH AND/OR MAPLE VENEER

[Widths 24" to 48" in 6" breaks]

Sanded Thickness	Lengths (inches)	A-2	A-3	2-2	2-3
¼"—3 ply	96	$275	$270	$255	$250
⅝"—3 ply	84	265	260	245	240
¾"—3 ply	72	255	250	235	230
⅜"—5 ply	96	320	315	300	295
⅜"—5 ply	84	310	305	290	285
⅜"—5 ply	72	300	295	280	275
½"—5 ply	96	355	350	335	330
½"—5 ply	84	345	340	325	320
½"—5 ply	72	335	330	315	310
½"—7 ply	96	400	395	380	375
½"—7 ply	84	390	385	370	365
½"—7 ply	72	380	375	360	355
⅝"—7 ply	96	435	430	415	410
⅝"—7 ply	84	425	420	405	400
⅝"—7 ply	72	415	410	395	390
¾"—7 ply	96	470	445	430	425
13/16"—7 ply	84	440	435	420	415
13/16"—7 ply	72	430	425	410	405

NET ADDITIONS

1. Width (with lengths over 48", add to 48" width)

Panels over 48" wide up to 60" inclusive add $15.00 per 1,000 square feet.
Panels over 60" wide up to 72" inclusive add 20.00 per 1,000 square feet.
Panels over 72" wide up to 84" inclusive add 26.50 per 1,000 square feet.
Panels over 84" wide up to 96" inclusive add 38.50 per 1,000 square feet.

2. Counterfronts

For panels 36", 42", 48" long, widths 72", 84" and 96"—Use same price as 48" x 72".
For panels 36", 42", 48" long over 96" wide up to and including 120" add $35 per 1,000 square feet to 48" x 72" price.
For panels 36", 42", 48" long over 120" wide up to and including 144" add $50 per 1,000 square feet to 48" x 72" price.

TABLE 2—INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH SLICED WHITE OAK VENEER

[Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-3
¼"—3 ply	96	$390
¼"—3 ply	84	375
¼"—3 ply	72	375
¼"—3 ply	60	375
⅜"—5 ply	96	450
⅜"—5 ply	84	435
⅜"—5 ply	72	435
⅜"—5 ply	60	435
½"—5 ply	96	485
½"—5 ply	84	470
½"—5 ply	72	470
½"—5 ply	60	470
¾"—7 ply	96	575
¾"—7 ply	84	560
¾"—7 ply	72	560
¾"—7 ply	60	560

NET ADDITIONS OR DEDUCTIONS

1. Red oak faced plywood

For softwood plywood red oak faced deduct $16.50 per 1,000 square feet from above prices for same size and thickness.

2. Counterfronts

For panels 48" long up to and including 96" wide. Use 84" length price for same thickness.
For panels 48" long over 96" wide up to and including 120", add $35 per 1,000 square feet to 84" price for same thickness.
For panels 48" long over 120" wide up to and including 144", add $50 per 1,000 square feet to 84" price for same thickness.

TABLE 3—INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH ROTARY CUT WALNUT VENEER

[Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-3
¼"—3 ply	96	$355
¼"—3 ply	84	340
¼"—3 ply	72	340
¼"—3 ply	60	340
⅜"—5 ply	96	415
⅜"—5 ply	84	400
⅜"—5 ply	72	400
⅜"—5 ply	60	400
½"—5 ply	96	470
½"—5 ply	84	455
½"—5 ply	72	455
½"—5 ply	60	455
¾"—7 ply	96	540
¾"—7 ply	84	525
¾"—7 ply	72	525
¾"—7 ply	60	525

NET ADDITIONS

1. Width

For panels 48" long up to and including 96" wide. Use 84" price for same thickness.
For panels 48" long over 96" wide up to and including 120", add $35 per 1,000 square feet to 84" price for same thickness.
For panels 48" long over 120" wide up to and including 144", add $50 per 1,000 square feet to 84" price for same thickness.

TABLE 4—INTERIOR TYPE (MOISTURE RESISTANT)

SOFTWOOD PLYWOOD FACED WITH SLICED STRIPE AFRICAN MAHOGANY VENEER

[Widths 24" to 48" in 6" breaks]

Sanded thickness	Lengths (inches)	A-4
¼"—3 ply	96	$285
¼"—3 ply	84	274
¼"—3 ply	72	265
⅜"—5 ply	96	350
⅜"—5 ply	84	329
⅜"—5 ply	72	310
½"—5 ply	96	370
½"—5 ply	84	360
½"—5 ply	72	350
½"—7 ply	96	415
⅝"—7 ply	84	405
⅝"—7 ply	72	395
¾"—7 ply	96	450
¾"—7 ply	84	440
¾"—7 ply	72	430
13/16"—7 ply	96	480
13/16"—7 ply	84	470
13/16"—7 ply	72	460

NET ADDITIONS

1. Width (with lengths over 48")

Panels over 48" up to 60" inclusive, add $15 per 1,000 square feet.
Panels over 60" up to 72" inclusive, add $20 per 1,000 square feet.
Panels over 72" up to 84" inclusive, add $26.50 per 1,000 square feet.
Panels over 84" up to 96" inclusive, add $38.50 per 1,000 square feet.

2. Counterfronts

Panels 48" long up to and including 96" wide. Same price as 48"×72" for same thickness.
Panels 48" long over 96" wide up to and including 120", add $35 per 1,000 square feet to 48"×72" price for same thickness.
Panels 48" long over 120" wide up to and including 144", add $50 per 1,000 square feet to 48"×72" price for same thickness.

TABLE 5—NET ADDITIONS TO TABLES 1, 2, 3, AND 4

1. For exterior glue bond (water proof)

Add for 3 ply, $15 per 1,000 square feet.
Add for 5 ply, $25 per 1,000 square feet.
Add for 7 ply, $35 per 1,000 square feet.
Add for 9 ply, $45 per 1,000 square feet.

2. For sanding (other than drum sanding)

Add $20 per 1,000 square feet.

SEC. 6. *Ceiling prices of softwood plywood, Philippine mahogany faced.* The ceiling prices for carload direct mill sales of softwood plywood, Philippine mahogany faced, shall be 10 percent above the sellers' highest f. o. b. mill carload prices during the period May 24, 1950 to June 24, 1950 inclusive, as set out in the seller's published carload price lists.

NOTE: If you cannot ascertain your ceiling prices for softwood plywood, Philippine mahogany faced, under this section, you should apply for ceiling prices under section 10 of this regulation.

SEC. 7. *Differentials, net extras, and special sales*—(a) *Extra thicknesses.* For panels thicker than 13/16" unsanded:

Interior—Add $17.00 per 1,000 square feet to the 13/16" price for each 1/16" of unsanded thickness over 13/16" unsanded.

Exterior—Add $22.00 per 1,000 square feet to the 13/16" price for each 1/16" of unsanded thickness over 13/16" unsanded.

(b) *Non-standard sizes—cut to size specifications.* For cut-to-size panels (other than standard sizes listed) figure base size at nearest larger standard size or multiple and add $2.50 per 1,000 square feet if one cut is required and $2.50 per 1,000 square feet for each additional cut required.

(c) *Solid core.* For selected sound cores and cross bands add:

3 ply—$5.00 per 1,000 square feet.
5 ply—$15.00 per 1,000 square feet.
7 ply—$25.00 per 1,000 square feet.

(d) *Toxic glue lines.* For treating panels to provide toxic glue lines add:

3 ply—$5.00 per 1,000 square feet.
5 ply—$10.00 per 1,000 square feet.
7 ply—$15.00 per 1,000 square feet.

(e) *Marine grade.* For special marine grade specifications to conform to Mil-P-66A add to exterior ceiling prices for the required size and thickness, the net extra cost for solid core and cross bands shown under section 7 (c) plus $2.00 per 1,000 square feet for jointed core.

(f) *Bundling.* For bundling in heavy kraft paper packing add 85 cents per 1/16" in thickness per 1,000 square feet.

(g) *Lotting.* For segregating or lot marking on car of two or more lots add $10.00 for each lot over one.

(h) *Carload shipments mixed with lumber.* Where plywood is mixed with lumber in carload shipments an addition may be made to the plywood carload ceiling prices as follows: If the plywood is less than 20,000 pounds, add 10 percent to the plywood carload ceiling price. If the plywood is 20,000 pounds to 38,000 pounds, add 5 percent to the plywood carload ceiling price.

(i) *Plywood with additional plies.* For plywood manufactured with additional plies over the number required by standard practice as shown in the price tables, add for each two additional plies:

For interior—$14.50 per 1,000 square feet.
For exterior—$17.50 per 1,000 square feet.
Examples: ¾" sanded requiring 7 plies instead of the standard 5 plies; ⅜" sanded requiring 5 plies instead of the standard 3 plies.

SEC. 8. *Established weights of plywood.* Established weights no higher than the following may be used in figuring delivery charges of plywood under this regulation.

Thickness (in inches):	*Pounds per 1,000 square feet*
1/8	490
3/16	640
1/4	790
5/16	950
3/8	1,125
7/16	1,300
1/2	1,525
9/16	1,675
5/8	1,825
11/16	2,000
3/4	2,225
13/16	2,375
7/8	2,600
15/16	2,800
1	3,000
1 1/16	3,175
1 1/8	3,350

For thicknesses greater than 1 1/8" use 1" weight plus weight of other thicknesses necessary.

NOTE: The seller must apply, under section 10 of this regulation, to the Lumber and Wood Products Branch, Forest Products Division, Office of Price Stabilization, Washington 25, D. C., for established weights for other softwood species and other products covered by this regulation not shown in above table.

SEC. 9. *Exports.* The ceiling prices for export sales of softwood plywood, hardwood faced are governed by Ceiling Price Regulation 61, issued by the Office of Price Stabilization.

SEC. 10. *Ceiling prices for products not otherwise covered*—(a) *Application.* If you cannot ascertain a ceiling price for plywood subject to this regulation under any other provisions of this regulation, as, for example, should you wish to sell plywood with special faces, grades, specifications, thicknesses, services, or weights other than those covered in section 8 or other extras not specifically provided for in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth all the relevant facts, including the following:

(1) As complete a description as possible of the plywood for which the application is filed. This should include the species, grade, thickness, condition and measurements, of the plywood, together with a detailed description of the workings, specifications, services, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(3) The differential between your proposed ceiling price and the ceiling price of the most nearly comparable item under this regulation; or, if that differential cannot be ascertained, a statement of the reasons therefor.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your plywood at the ceiling price proposed in your application, provided that you agree to, and later, refund to the buyer, the amount, if any, by which your proposed price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 30 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to modification at a later time.

(3) Approval of applications by the Director under this section is subject to a satisfactory showing that proposed prices are in line with the level of ceiling prices otherwise established by this regulation.

SEC. 11. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices determined under this regulation so as to bring them in line with the level of ceiling prices otherwise established by this regulation.

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 13. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 14. *Records.* This section applies to you if you sell, or if you buy, in the regular course of trade or business, any product covered by this regulation.

(a) If you sell, you shall make and keep, or if you buy, you shall keep for inspection by the Director of Price Stabilization, in addition to the base period records required by section 16 (a) of the General Ceiling Price Regulation, for a period of two years, accurate records of each sale or purchase made after the effective date of this regulation. The records, which may be in the form of invoices, must show:

(1) The date of the purchase or sale.

(2) The name and address of the buyer and seller.

(3) The quantity, grade and size of the product or products covered by this regulation which are sold or bought.

(4) Prices charged or paid and terms of sale.

(5) All pertinent information which affects the ceiling price, such as any specification or extra, whether each purchase or sale is made on an f. o. b. mill or on a delivered basis; in the case of a sale on a delivered basis, your records must also show all the transportation charges, together with the rates applied, and the origin and destination of shipment. Records must also show all premiums, discounts and allowances.

(b) Persons required to keep records by paragraph (a) of this section shall keep such other records and shall submit such reports as the Director of Price Stabilization may, from time to time require, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 15. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or

operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject, if no such transfer had taken place, and his obligations to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 16. *Excise, sales and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of a product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his ceiling price the amount of the tax collected.

SEC. 17. *Interpretations.* If you wish an official interpretation of this regulation, you should write to the District Counsel of your district office of the Office of Price Stabilization. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 18. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages. Prices lower than the ceiling prices may be charged, paid or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 19. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements, trade understandings, unnecessarily routing through commonly owned or controlled warehouses or yards in order to avoid customary functional discounts or to obtain distribution plant markups and the like, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 20. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner unless otherwise clearly required by the context:

(1) *Carload.* This term is defined in section 3 of this regulation.

(2) *Direct Mill Sale.* This term is defined in section 2 (b) of this regulation.

(3) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or local offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(4) *Established weights.* This term means the weights per 1,000 square feet of various thicknesses of plywood set forth in section 8 of this regulation.

(5) *Manufacturer.* This term means any person who produces plywood covered by this regulation.

(6) *Most nearly comparable item.* This term means the plywood product most nearly like an item for which an application is filed under section 10. That product is the closest one of a group of related products which are normally classed together for pricing purposes, even though they differ in respect to size, grade, name or trade-mark.

(7) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivision or agencies.

(8) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(9) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The terms buy and purchase shall be construed accordingly.

(10) *You.* This term means the person subject to this regulation. Your and yours are construed accordingly.

Effective date. This regulation shall become effective June 30, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7297; Filed, June 30, 1952; 12:15 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 110]

GCPR, SR 110—TRUE MAHOGANY LOGS AND LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 110 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation suspends sales and purchases of true mahogany logs and lumber from the provisions of the General Ceiling Price Regulation.

True mahogany does not grow in the United States; therefore, all logs from which mahogany lumber is produced are imported. Some lumber, especially in the form of flitches, is also imported.

The principal growing areas of true mahogany are Africa, Mexico, Central and South America. True mahogany is derived from trees classified botanically as belonging to the Meliaceae family. Tropical American mahogany is derived primarily from Swietenia Macrophylla, very minor quantities are derived from Swietenia Humilis; African mahogany is derived from various species of the genus Khaya.

"Philippine mahogany" is not true mahogany and is not in any way subject to the provisions of this supplementary regulation. It is derived from a group of Philippine woods; primarily, Red Lauan, White Lauan, Tanguile, Almon, and Bagtikan.

The entire operation of bringing true mahogany from the forest to the United States is usually financed by the American purchasers who normally are converters as well as importers. This financing is usually done under irrevocable letters of credit and may also include the loan of heavy and expensive logging and hauling equipment to the foreign producers as well as loans to meet payrolls.

Generally speaking, it is customary for contracts to be placed with local log producers in the summer or fall of one year for logs to be brought out in the following spring and summer. Contracts of several years duration are not, however, uncommon. Prior to entering such contracts the prospective importer must undertake negotiations with local producers, and sometimes political entities and must conduct cruising operations which are often expensive. The usual practice is for advances which have been made to foreign producers to be repaid by credits against the logs delivered in the United States. For many reasons, the foreign producer not infrequently falls short of the production expected in one season and credits which were expected to be of a year's duration often take much longer to be settled. Sometimes they never are settled and become merely unpredictable expenses which must be charged against the cost of the logs actually delivered. This further complicates a difficult cost and sales problem developing from the fact that normally the first shipments of logs are converted into lumber and sold before the contract is completed. It is therefore impossible to prorate such unpredictable expenses.

True mahogany does not grow in pure stands, but rather trees suitable for logging are found in isolated positions or in groups of two or three. It is therefore impossible to confine logging operations to areas close to streams which will at the flood season be capable of carrying the logs to navigable waters. Overland hauls of 40 to 60 miles are not uncommon. Once trees are felled they are subject to the attack of the ambrosia beetle and may be seriously damaged before they reach the water. After they have been floated to the brackish water of the river mouths they are subject to the attack of marine borers. As a result of such factors it is impossible for an American importer of these logs to know the value of the lumber or veneer which can be produced from any given log until the log has actually been opened up at his saw mill. Frequently high priced logs are found unsuitable for veneer and must be cut into lumber at a loss. Not infrequently importers are billed for veneer logs and receive low grade sawlogs. When mahogany lumber is imported it is often necessary to regrade it. For these reasons, and for others, including political conditions and uncertainty of tax impositions in the producing areas, it is difficult for the importer to know the landed cost of mahogany logs and lumber. Thus, it is not practicable to put these products under the imports regulation, and in view of increased foreign costs, continuation of GCPR ceilings is likely to be an impediment to continued importation. Because the existing supply of mahogany logs and lumber is adequate to meet demand under existing market conditions, any increases which may result from suspension of ceilings should be nominal, and they will be carefully reviewed by OPS on the basis of the quarterly reports which the industry must file under this supplementary regulation.

The anticipated increase in prices of mahogany logs and lumber will not have a substantial impact upon the economy. In 1950, mahogany lumber imports totaled 27,917 M board feet, valued at $4,783,113. In addition, 56,500 M board feet of mahogany logs, valued at $7,998,068, were imported. During 1950, 28,196 M board feet of lumber was produced from imported logs, indicating that 28,304 M board feet of logs were available for inventory and for the production of veneer. In its usual peacetime uses mahogany reaches the ultimate consumer almost exclusively as a component of furniture, cabinets and plywood. These end products as well as mahogany veneer, will remain under price control. Suspension of ceilings on mahogany logs and lumber will therefore not raise the cost of living.

In the formulation of this regulation there has been consultation within industry representatives, including trade association representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Geographical applicability.
3. Suspension.
4. Records.
5. Reports.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend all sales and purchases of true mahogany logs and lumber from the provisions of the General Ceiling Price Regulation.

SEC. 2. *Geographical applicability.* The provisions of this supplementary regulation are applicable in the 48 States of the United States and the District of Columbia.

SEC. 3. *Suspension.* On and after the effective date of this supplementary regulation, and until such time as the Director of Price Stabilization takes further action, the provisions of the General Ceiling Price Regulation shall not apply to any sale and purchase of true mahogany logs and lumber.

SEC. 4. *Records*—(a) *Current records.* On and after the effective date of this supplementary regulation, you shall make and keep, in the manner provided in the first sentence of section 16 (b) of the General Ceiling Price Regulation, all records of sales and purchases of true mahogany logs and lumber covered by this supplementary regulation as you are required to keep by section 16 (b) of the GCPR.

(b) *Existing records.* You shall also continue to preserve for the applicable periods indicated in section 16 of the GCPR all records which, prior to the effective date of this supplementary regulation, you made and kept under the provisions of section 16 of the GCPR.

SEC. 5. *Reports*—(a) *Initial reports.* Within 30 days after the effective date of this supplementary regulation, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a report showing the following information with respect to:

(1) *Logs.* (i) Your ceiling prices for true mahogany logs established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser.

(ii) Your actual selling price to each class of purchaser, and date of sales, of true mahogany logs for your last sale made prior to the effective date of this regulation.

(2) *Lumber.* (i) Your carload ceiling prices for true mahogany lumber, established under the provisions of the General Ceiling Price Regulation with respect to each class of purchaser, for one inch and for two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, and N. O., and FAS (A) Wormy.

(ii) Your actual carload selling price to each class of purchaser, and date of sales for your last sales made prior to the effective date of this regulation of true mahogany lumber in the thicknesses and grades listed in subparagraph (2) (i) above.

(b) *Quarterly reports.* Within 20 days after each of the calendar periods ending March 31, June 30, September 30, and December 31 of each year during which this supplementary regulation remains effective, you shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., a report for the respective calendar period on OPS Public Form No. 141 showing the following information with respect to:

(1) *Logs.* (i) The principal class of purchaser to which you sold true mahogany logs.

(ii) The highest price at which you delivered true mahogany logs ($ per MFBM) to the above.

(iii) The total board feet delivered at highest price (MFBM).

(iv) The total board feet of all deliveries (MFBM).

(2) *Lumber.* (i) The highest price at which you delivered true mahogany lumber in carload lots in one inch and in two-inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

(ii) The total board feet delivered at highest carload price (MFBM).

(iii) The total board feet of all deliveries of true mahogany lumber (MFBM) in one inch and in two inch thicknesses in each of the following grades: FAS, Selects, No. 1 Common, No. 2 Common, N. O. and FAS (A) Wormy.

NOTE: In reporting your lumber sales, you must report separately your sales of one inch and two inch items. You must use OPS Public Form No. 141 in providing the above required information.

(c) Reports made under this section shall contain your company name and address and be signed by you if an individual; if a partnership, by a partner, or if a corporation, by a duly authorized officer.

SECTION 6. *Definition*—(a) *Class of purchaser.* Class of purchaser is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, or yard, government agency). It may (but need not) be based on the location of the purchaser or the quantity purchased by him.

If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(b) *True mahogany logs and lumber.* The term "true mahogany logs and lumber" means logs and lumber derived from trees belonging to the Meliaceae family of the species Swietenia Macrophylla, Swietenia Humilis and various species of the genus Khaya.

The term "true mahogany logs and lumber" does not include logs or lumber sold under the trade name "Philippine mahogany" derived from woods belonging to the Dipterocarpaceae family.

(c) *You.* The pronoun "you" as used in this supplementary regulation means any person who sells true mahogany logs and lumber subject to this supplementary regulation.

Effective date. The effective date of this supplementary regulation is June 30, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7296; Filed, June 30, 1952; 12:15 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 8, Revised]

GSSR 8—HEALTH AND WELFARE PLANS

STATEMENT OF CONSIDERATIONS

Health and welfare plans providing for prepayment on a group basis of the cost of hospitalization, surgical and medical care, accident, sickness and disability insurance, and life insurance have grown greatly during the last decade.

On January 30, 1952, the Salary Stabilization Board issued General Salary Order No. 11 to permit the establishment of health and welfare plans in certain instances, pending the development of a broader policy. The Board gave further consideration to stabilization problems involved in such health and welfare plans and accordingly, on May 15, 1952, promulgated General Salary Stabilization Regulation 8.

Thereafter the Wage Stabilization Board unanimously revised its regulation to permit health and welfare plans to go into effect without regard to certain limitations previously imposed, subject to the procedures set forth in the revised regulation. To the extent that the self-administering provisions of General Salary Stabilization Regulation 8 were based on standards established by the Wage Stabilization Board, substitution of a new standard is required for putting certain health and welfare plans into effect without the prior approval of the Office of Salary Stabilization. Accordingly, the Salary Stabilization Board has adopted General Salary Stabilization Regulation 8, Revised.

In the formulation of the provisions of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Health and welfare plans which may be put into effect or continued without approval of the Office of Salary Stabilization.
2. Approval of other health and welfare plans.
3. Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation.
4. Cost of health and welfare plans shall not justify price increases.
5. Record-keeping required.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *Health and welfare plans which may be put into effect or continued without approval of the Office of Salary Stabilization.* A plan providing for hospital expense, surgical expense, or in-hospital medical expense (including any of the foregoing benefits for employee dependent), temporary disability, sick leave, permanent and total disability, accidental death and dismemberment benefits, or group life insurance (covering a group of at least 25 employees), may be put into effect or continued without approval of the Office of Salary Stabilization under any one of the following conditions:

(a) If it covers employees subject to the jurisdiction of both the Wage Stabilization Board and the Salary Stabilization Board upon the same or similar terms and (1) meets the requirements of General Wage Regulation No. 19, Revised, or (2) is approved by the Wage Stabilization Board for employees under its jurisdiction; or

(b) If it covers only employees subject to the jurisdiction of the Salary Stabilization Board; and

(1) Covers under a group plan at least a majority of such employees; and

(2) Does not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist of supervising the work of other employees, or highly compensated employees; and

(3) The benefits under the plan are not inconsistent with prevailing practice with respect to such plans; and

(4) No payment or distribution of any life insurance benefit contributed by the employer, or loan based on such benefit, shall be made to any participating employee or his beneficiaries except in the event of:

(i) The death of the employee; or

(ii) His total and permanent disability; or

(iii) His retirement or the termination of his employment; or

(c) If the employees covered by the plan and subject to the jurisdiction of the Salary Stabilization Board pay at least 40 per cent of the premium payment; or

(d) If it is an extension of an existing plan to additional employees within the same plant or establishment, or from a group of employees in one geographical unit of a multiplant employer to a similar group of employees in another geographical unit of the same employer; or

(e) If it is an extension, renewal or continuation of a plan in effect on January 25, 1951, or approved by the Wage Stabilization Board prior to May 10, 1951, or by the Office of Salary Stabilization thereafter; or

(f) If it is a new or amended plan required by law.

SEC. 2. *Approval of other health and welfare plans.* The Office of Salary Stabilization is authorized, upon application, to approve health and welfare plans which may not be put into effect without prior approval under section 1 of this regulation. Such approval shall not be given to a plan which is discriminatory, or the terms of which are excessive as compared with the terms of plans which may be put into effect without approval.

SEC. 3. *Charge-off of employer contributions to, and benefits paid under, health and welfare plans authorized by this regulation.* (a) An employer is not required to charge, against any increases in salary or other compensation authorized under any salary stabilization regulations or orders, any contribution which is made to, or any benefit paid under, a health and welfare plan which is put into effect under the provisions of this regulation.

(b) An employer who since January 25, 1951, has established or modified a health and welfare plan under the provisions of any General Wage or General Salary Stabilization Regulation or General Salary Order, may eliminate the cost of such benefit from the amount chargeable against any increases in salary or other compensation authorized by General Wage Regulation 6, section 8 of General Salary Stabilization Regulation 1, or General Salary Order 6 to the extent that the cost of such benefit was so charged.

SEC. 4. *Cost of health and welfare plans shall not justify price increases.* The cost of a health and welfare plan put into effect under the provisions of this regulation shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings.

SEC. 5. *Record-keeping required.* (a) No report is required to be filed with the Office of Salary Stabilization in respect of any health and welfare plan put into effect under section 1 of this regulation.

(b) An employer putting into effect a health and welfare plan authorized by this regulation shall keep available for inspection by appropriate authority a copy of such plan and a record of the contributions to the plan, whether in the form of premium payments or otherwise, and whether made by the employer or by an employee.[1]

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board this 17th day of June 1952.

JUSTIN MILLER,
Chairman.

[F. R. Doc. 52-7300; Filed, June 30, 1952; 12:17 p. m.]

[Interpretation 11]

INT. 11—NEW PLANTS (SECTION 11 OF GENERAL SALARY STABILIZATION REGULATION 1, AS AMENDED

This interpretation is intended to cover primarily the question of when a business enterprise is classified as a new plant under salary stabilization. The interpretation also deals with certain aspects of fixing the compensation of employees of a new plant.

1. Q. A corporation during 1951 was engaged in the manufacture of passenger cars and automotive parts. In the last part of 1951 it obtained contracts for the manufacture of automotive and aviation military equipment, and early in 1952 began using a substantial part of its plant and equipment for the manufacture of such military equipment. With very few exceptions, the same personnel was retained and very little new machinery was necessary in order to accomplish the partial shift to the manufacture of the new product. Has a new plant been established within the meaning of section 11 of General Salary Stabilization Regulation 1, as amended?

A. No. The shift in the product manufactured does not constitute the establishment of a new plant or the conversion of an existing plant into a new plant within the meaning of section 11 (a) of General Salary Stabilization Regulation 1, as amended. There has been no substantial change in personnel or in the equipment or machinery of the plant. Any new positions which are necessary because of a partial shift in products would be established pursuant to section 8 of General Salary Stabilization Regulation 3, as amended.

2. Q. A corporation on February 15, 1951 began to manufacture a product not previously manufactured by it. For this purpose, it converted one of its existing plants and installed a large quantity of new machinery. The manufacture of the new product required the hiring of new personnel for a considerable number of key positions. Does the converted plant constitute a new plant within the meaning of section 11 of General Salary Stabilization Regulation 1, as amended?

A. Yes. On January 25, 1951 the converted plant had not commenced the manufacture of the new product and there was a substantial shift to new kinds of machinery and production processes which had not been employed previously. Therefore, the operation of the converted plant required employment of a different type of personnel and the establishment of a different salary structure from that previously in effect in the plant.

For example, if a manufacturer of glass bottles were to convert some of his plant facilities to the manufacture of metal containers, the portion of the plant which is engaged in the manufacture of such metal containers would constitute a new plant.

3. Q. How are the salaries of persons employed in a plant converted to a new product, which constitutes a new plant, determined?

A. The salaries of such employees must be determined in accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended.

4. Q. X, the president of a corporation, forms a general partnership with Y, one of his employees, on April 1, 1951, as a separate business to distribute a line of merchandise not heretofore handled by the corporation. Certain of the employees of the corporation became employees of the partnership. How are their salaries to be determined?

A. In accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended. Since the new partnership was not on January 25, 1951, engaged in the business for which it was formed, it is a new plant.

5. Q. A, B, and C formed a partnership in December 1950 for the purpose of rendering services as engineering consultants. They did not have any clients until March 1951 and did not hire any employees until that time. Under which salary stabilization regulation must the salaries of their employees be determined?

A. Section 11 of General Salary Stabilization Regulation 1, as amended. Although the partnership was formed prior to January 25, 1951, it had not commenced to render services until after that date and, therefore, constitutes a new plant under section 11.

6. Q. Assume that, prior to January 25, 1951, the partnership referred to in question 5 had hired several employees subject to the jurisdiction of the Wage Stabilization Board and rendered services to clients before January 25, 1951. Subsequent to January 25, 1951, employees subject to the jurisdiction of the Salary Stabilization Board are hired. How are the salaries of these employees determined?

A. In accordance with section 8 of General Salary Stabilization Regulation 3, as amended. In this case the partnership had commenced operations before January 25, 1951 and is not a new plant under section 11 of General Salary Stabilization Regulation 1, as amended. To the extent that in this situation the setting of salaries for employees requires the establishment of a salary plan, an application may be required to be filed under section 2 (e) of General Salary Stabilization Regulation 3, as amended.

7. Q. A, B and C form a corporation for the manufacture of a particular product. The corporation establishes salaries for A, B and C as officers and for all other employees in accordance with the criteria for the determination of such salaries contained in section 11 of General Salary Stabilization Regulation 1, as amended. The corporation wishes to include a profit sharing bonus plan as part of the compensation to be paid to its employees. May this be done under section 11 of General Salary Stabilization Regulation 1, as amended?

A. Not without prior approval. Section 11 (b) of General Salary Stabilization Regulation 1, as amended, permits the employer to establish schedules of salary rates for employees in a new plant which may be put into effect, in accordance with the provisions of section 11 (c), 20 days after filing with the Office of Salary Stabilization unless disapproved within that period. Other compensation for employees in a new plant may be paid only upon actual prior approval of the Office of Salary Stabilization in accordance with the provisions of section 11 (d) of General Salary Stabilization Regulation 1, as amended, and may not be put into effect under the provisions of section 11 (c). However, for purposes of section 11 (c), schedules of salary rates may include commission rates for sales employees covered by General Salary Stabilization Regulation 5.

8. Q. A new corporation was formed in October 1951 and the salaries of its employees were determined in accordance with the provisions of section 11 of General Salary Stabilization Regulation 1, as amended. May such employees receive any of the ten percent increase authorized under section 8 of General Salary Stabilization Regulation 1, as amended?

A. No. "New plants" are always plants which have come into existence since January 25, 1951. Therefore, it is presumed that the salary schedule of a new plant, being based on current rates in the local labor market, always takes into account the ten percent increase authorized under section 8 of General Salary Stabilization Regulation 1, as amended.

9. Q. On June 1, 1951, an employer filed with the Office of Salary Stabilization a schedule of salary rates for a new plant, which he put into effect after three weeks in accordance with the provisions of section 11 (c) of General Salary Stabilization Regulation 1, as amended. May the employer thereafter disregard the schedule filed by him and file a substitute schedule of salary rates which he may put into effect, in accordance with the conditions of section 11 (c) (2), three weeks after the date of filing with the Office of Salary Stabilization, if the Office has failed to act in the interim?

A. No. Since the employer filed a schedule of salary rates which has gone into effect under section 11 (c), he is bound by such schedule and may not modify it except in accordance with applicable salary stabilization regulations or orders or with the prior approval of the Office of Salary Stabilization.

10. Q. A survey made by an employer who commenced operations in March 1951, indicates that the salaries currently paid by him in accordance with salary schedules originally established and approved under section 11 of Gen-

[1] General Salary Order 11 was superseded by General Salary Stabilization Regulation 8, issued May 15, 1952.

eral Salary Stabilization Regulation 1, as amended, are below the salary levels of other employers in the same industry or area. What kind of relief is available to the employer?

A. The employer may apply for relief under General Salary Order 5, if he can show that an interplant inequity has been created since he established his salary schedules in October 1951.

11. Q. An employer opened a new plant on January 1, 1952 and three weeks after the date of filing his schedule of salary rates under section 11 of General Salary Stabilization Regulation 1, as amended, put the schedule into effect. Upon review by the Office of Salary Stabilization the schedule of salary rates was disapproved in part. Is the employer required to reduce his salary rates to the approved level?

A. Yes. Salary rates put into effect pursuant to section 11 are subject to disapproval and any employer putting into effect salary rates under section 11 without the specific approval of the Office of Salary Stabilization must advise his employees that such salary rates are interim rates which are subject to approval and adjustment by the Office of Salary Stabilization for all payroll periods subsequent to the date of the employer's receipt of the ruling of partial disapproval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, June 26, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-7301; Filed, June 30, 1952; 12:17 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 1, Amendment 1 of June 30, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 1—PROCEDURES FOR OBTAINING MINIMUM QUANTITIES OF MATERIALS BY PRODUCERS OF CLASS B PRODUCTS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

AMENDATORY PROVISIONS

Direction 1, as last amended June 18, 1952, to CMP Regulation No. 1 is hereby amended by adding to section 3, new paragraphs (h) and (i) to read as follows:

(h) Except as provided in paragraph (e) of this section or as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class either pursuant to this direction or pursuant to application submitted on Form CMP-4B, and may not self-authorize for one or more kinds of controlled materials and submit a Form CMP-4B for one or more other kinds of controlled materials.

(i) A producer of a Class B product who is entitled to operate under the provisions of this direction, may calculate his maximum self-authorization quantity for each kind of controlled material separately pursuant to paragraph (a) or paragraph (b) or paragraph (c) of this section (subject to the base period use provisions of such paragraphs), and need not calculate his maximum self-authorization quantities of all kinds of controlled materials pursuant to a single paragraph.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7286; Filed, June 30, 1952; 11:27 a. m.]

[CMP Regulation No. 1, Direction 14 of June 30, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 14—ADDITIONAL ADVANCE ALLOTMENT AUTHORITY FOR HEAVY CARBON STEEL CASTINGS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, because the direction affects many different industries and due to the need for immediate action, it has been impracticable to consult with representatives of all industries concerned.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Additional advance allotments.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 729, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10261, Aug. 26, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction grants to manufacturers of Class B products additional advance allotments for a period of seven calendar quarters to cover their requirements and those of their secondary consumers for carbon steel (including low-alloy) castings weighing 10,000 pounds or over. It is designed to permit and encourage placement of authorized controlled material orders for such castings in sufficient time prior to requested delivery dates so that NPA can take the necessary action to insure, so far as practicable, that requirements for this type of controlled material will be met.

SEC. 2. *Additional advance allotments.* A manufacturer of a Class B product who has received an authorized production schedule, related allotment and advance allotments of carbon steel from an industry division or a claimant agency is hereby granted additional advance allotments of carbon steel for each of the seven calendar quarters immediately subsequent to the latest calendar quarter for which he received an advance allotment of carbon steel from such industry division or claimant agency, equal to the carbon steel allotment for such latest quarter: *Provided, however,* That such additional advance allotments may be used only (a) to place authorized controlled material orders for no more than his actual requirements of individual carbon steel (including low-alloy) castings weighing 10,000 pounds or over each, and (b) to make advance allotments to secondary consumers producing Class A products for him to cover no more than their actual requirements of individual carbon steel (including low-alloy) castings weighing 10,000 pounds or over each, in which event the allotments shall specify such limitation.

This direction shall take effect June 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7287; Filed, June 30, 1952; 11:27 a. m.]

[CMP Regulation No. 2, Direction 1 of June 30, 1952]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

DIR. 1—TEMPORARY SUSPENSION OF INVENTORY LIMITATIONS ON COPPER AND ALUMINUM

This direction under CMP Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Suspension of inventory limitations.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* In view of the work stoppage in the steel industry and consequent interruption in meeting authorized production and construction schedules, this direction temporarily accords users of copper and aluminum the privilege of exceeding inventory restrictions upon such materials.

SEC. 2. *Suspension of inventory limitations.* (a) A user of controlled material may accept delivery of any item of copper controlled material and any item of aluminum controlled material without regard to the inventory limitations of CMP Regulation No. 2.

(b) Nothing in this section shall be construed to permit a user of controlled material to obtain any controlled material or to make allotments in excess of the related allotment received by him, or in excess of the quantities for which he is permitted to self-authorize delivery orders.

This direction shall take effect June 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7288; Filed, June 30, 1952; 11:27 a. m.]

[NPA Order M-25, Direction 4 of June 30, 1952]

M-25—CANS

DIR. 4—EMERGENCY PACKING OF PERISHABLE FOOD PRODUCTS

This direction to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Suspension of can material specifications for perishable food products.
4. Direction to can manufacturers.
5. Duration of this direction.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* For the purpose of applying, so far as practicable, all stocks of tin plate currently available or to become available to the packing of perishable food products, this direction suspends can material specifications for packing such products and requires can manufacturers to give perference (subject to direct defense requirements) to orders for cans for packing such products.

SEC. 2. *Definition.* "Perishable food product" means any food product for human consumption which by trade custom and to prevent spoilage is canned quickly after its first separation from its natural source.

SEC. 3. *Suspension of can material specification for perishable food products.* Any packer may pack any perishable food product listed in Schedule I of NPA Order M-25 without regard to the can material specifications prescribed for that product by that schedule.

SEC. 4. *Direction to can manufacturers.* Subject to the provisions of section 8 of NPA Order M-25, every can manufacturer shall schedule his operations (including the use of all tin plate in his possession, and his ordering of any such plate) so as to insure, so far as practicable, preference in the filling of orders for cans for packing perishable food products.

SEC. 5. *Duration of this direction.* This direction shall continue in effect until the National Production Authority shall by order, by direction, or by revocation of this direction, otherwise provide.

This direction shall take effect June 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7289; Filed, June 30, 1952; 11:27 a. m.]

[NPA Reg. 1, Amendment 2 of June 30, 1952]

NPA REG. 1—INVENTORY CONTROL

REMOVAL OF SLAB ZINC FROM INVENTORY LIMITATION

This amendment to NPA Reg. 1 is found necessary and appropriate to promote the national defense and is issued under the authority granted by the Defense Production Act of 1950, as amended. Consultation with industry representatives, including trade association representatives, in advance of the issuance of this amendment has been rendered impracticable by the fact that this amendment applies to all trades and industries.

NPA Reg. 1 as amended by Amendment 1 of May 16, 1952, is hereby further amended as follows:

1. The following is to be deleted from Table IB of NPA Reg. 1 under the column headings indicated:

Materials:	*Inventory limitation (calendar days)*
Zinc, slab (all grades)	[1] 60

[1] The practicable minimum working inventory limitation provision does not apply.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect June 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7285; Filed, June 30, 1952; 11:26 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3 and Import Determination]

DFO 3—AGRICULTURE IMPORTS

NOTICE OF CONTINUATION OF DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT AND OF DEFENSE FOOD ORDER 3, AS AMENDED

In view of the uncertainty as to the extention, beyond June 30, 1952, of authority for import controls under the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Supp. 2061 et seq.), in order to avoid confusion among importers and other interested persons, notice is hereby given pursuant to sections 104 and 704 of said act that the determination under said section 104 made on August 9, 1951 (16 F. R. 7937), and Defense Food Order 3, as amended, (16 F. R. 7934, 8272; 17 F. R. 4490) issued to implement such determination, will be effective after June 30, 1952 if section 104 is extended or comparable legislation is enacted unless and until they are revoked or amended or the authority therefor expires.

During the effective period of such determination and order no person shall import, purchase for import, receive or offer to receive on consignment for import, or make any contract or other arrangement including any financing arrangement, for the importing of, any commodity listed in said determination and order except in accordance with said order, as amended.

(Sec. 704, 64 Stat. 816, 65 Stat. 139; 50 U. S. C. App. Supp. 2154. Interprets or applies secs. 101 and 104, 64 Stat. 799, 65 Stat. 131, 132; 50 U. S. C. App. Supp. 2071, 2074)

Done at Washington, D. C. this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7263; Filed, June 30, 1952; 9:32 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 59 to Schedule A]

[Rent Regulation 2, Amdt. 57 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW MEXICO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (1) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construc-

tion credit controls under section 204 (m) of said act.

Effective July 1, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 26th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
New Mexico				
(193b) Lea County	A	Lea County	Feb. 1, 1952	July 1, 1952

[F. R. Doc. 52-7169; Filed, June 30, 1952; 8:56 a. m.]

[Rent Regulation 3, Amdt. 69 to Schedule A]

[Rent Regulation 4, Amdt. 13 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW MEXICO

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 1, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 26th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(193b) Lea County	New Mexico	Lea County	Feb. 1, 1952	July 1, 1952

[F. R. Doc. 52-7170; Filed, June 30, 1952; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter S—Rights-of-Way

[Circular 1825]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART A—GENERAL REGULATIONS APPLICABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART

DEFINITIONS

Sec.
244.1 Definitions.

INDIAN LANDS

244.2 Indian lands.

APPLICATIONS

244.3 Application.
244.4 Showing as to organization required of corporations.
244.5 Showing as to citizenship required of individuals; showing by associations of individuals.
244.6 Documents which must accompany application.

GENERAL PROVISIONS

244.7 Nature of the interest granted; settlement on right-of-way.
244.8 Commencement of construction work in advance of approval of right-of-way; trespass.
244.9 Terms and conditions.
244.10 Proposed or existing national forest.
244.11 National parks and monuments.
244.12 Oregon and California Railroad and Coos Bay Wagon Road grant lands.
244.13 Alaska.
244.14 Approval of right-of-way.
244.15 Use of right-of-way.
244.16 Revocation for violation of regulations or terms or conditions.
244.17 Change in jurisdiction over or disposal of lands.
244.18 Transfer of right-of-way.
244.19 Disposal of property on termination of right-of-way.
244.20 Appeals.

RENTAL CHARGES

244.21 Payment required; exceptions; default; revision of charges.

SUBPART B—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR CANALS, DITCHES, AND RESERVOIRS UNDER THE ACT OF MARCH 3, 1891, AS AMENDED

244.22 Statutory authority.
244.23 Pipelines, flumes, and conduits included; use of materials on adjacent lands.
244.24 Use subsidiary to main purpose of irrigation.
244.25 Caretaker's building sites.
244.26 Showing required for additional right-of-way.
244.27 Procedure when unsurveyed land is involved.
244.28 Segregated reservoir sites.

SUBPART C—RESERVATION OF PUBLIC LANDS FOR RESERVOIRS FOR WATERING LIVESTOCK

244.29 Statutory authority.
244.30 Declaratory statement.
244.31 Action on declaratory statement; size, location, and number of reservoir sites.
244.32 Time for construction.
244.33 Map of constructed reservoir.
244.34 Approval of constructed project.
244.35 Annual proof of maintenance.
244.36 Procedure when unsurveyed land is involved.
244.37 Application to fence reservoir; plat required.

SUBPART D—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR TELEPHONE AND TELEGRAPH LINES, TRANSMISSION LINES, RADIO AND TELEVISION SITES, AND FOR PIPELINES, CANALS, DITCHES, AND WATER PLANTS UNDER THE ACTS OF FEBRUARY 15, 1901, AND MARCH 4, 1911

244.39 Statutory authority.
244.40 Application for lands in national forests and other reservations.
244.41 Applications which may be submitted under the acts of February 15, 1901, and March 4, 1911.
244.42 Plant sites; buildings to be platted on maps.
244.43 Transmission lines.
244.44 Terms and conditions.
244.45 No rights acquired prior to filing and approval of application.
244.46 Unsurveyed lands.
244.47 Expiration and renewal of right-of-way.

SUBPART E—RIGHTS-OF-WAY THROUGH NATIONAL FORESTS FOR DAMS, RESERVOIRS, WATER PLANTS, DITCHES, FLUMES, PIPES, TUNNELS, AND CANALS FOR MUNICIPAL OR MINING PURPOSES UNDER THE ACT OF FEBRUARY 1, 1905

244.48 Statutory authority.
244.49 When construction may commence.
244.50 Water plant structures.
244.51 Procedure when unsurveyed land is involved.

SUBPART F—RIGHTS-OF-WAY UNDER THE ACT OF JANUARY 21, 1895, OVER PUBLIC LANDS FOR TRAMROADS AND OTHER ROADS FOR LOGGING AND MINING PURPOSES, EXCEPT LOGGING ROADS OVER REVESTED AND RECONVEYED AND INTERMINGLED PUBLIC LANDS IN OREGON

244.52 Statutory authority.
244.53 Tramroads defined.

SUBPART G—TRANSFERS OF PUBLIC LANDS AND RESERVATIONS FOR HIGHWAYS, ROAD BUILDING MATERIAL AND MAINTENANCE SITES, ROADSIDE AND LANDSCAPE DEVELOPMENT AREAS AND FLIGHT STRIPS, UNDER THE FEDERAL AID HIGHWAY ACT

244.54 Statutory authority.
244.55 Filing of application.
244.56 Action on application.

SUBPART H—RIGHTS-OF-WAY FOR THE CONSTRUCTION OF HIGHWAYS OVER PUBLIC LANDS UNDER R. S. 2477

244.57 Statutory authority.
244.58 Effective date and extent of grant.
244.59 Procedure when reserved land is involved.

SUBPART I—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPE LINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT

244.60 Statutory authority.
244.61 Who may file application.
244.62 Common carrier stipulation; oil pipe lines.
244.63 Common carrier stipulation; natural gas pipe lines.
244.64 Use of pipe line.
244.65 Approval of right-of-way.
244.66 Pumping plant site.

SUBPART J—RIGHTS-OF-WAY OVER LANDS SUBJECT TO A MINERAL LEASE

244.67 Statutory authority; applications.

SUBPART K—RIGHTS-OF-WAY FOR FEDERAL IRRIGATION PURPOSES UNDER THE ACT OF DECEMBER 5, 1924

244.68 Statutory authority.

SUBPART L—RIGHTS-OF-WAY FOR TRANSMISSION LINES IN CONNECTION WITH BOULDER CANYON PROJECT UNDER THE BOULDER CANYON PROJECT ACT

244.69 Statutory authority.

SUBPART A—GENERAL REGULATIONS APPLICABLE TO ALL RIGHTS-OF-WAY PROVIDED FOR IN THIS PART [1]

AUTHORITY: §§ 244.1 to 244.20 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

DEFINITIONS

§ 244.1 *Definitions.* As used in §§ 244.1 to 244.69:

(a) "Secretary" means the Secretary of the Interior.

(b) "Director" means the Director, Bureau of Land Management.

(c) "Regional Administrator" means regional administrator of the Bureau of Land Management.

(d) "Manager" means manager of the land office for the district in which the lands applied for are situated. For areas not included in a land district, "manager" means the regional administrator for the region of the Bureau of Land Management in which the land is situated.

(e) "Project" means the physical structures in connection with which the right-of-way is approved.

(f) "Construction work" means any and all work, whether of a temporary or permanent nature, done in the construction of the project.

(g) "Superintendent in charge" means the officer of the United States having supervision of the land under authority of the agency having jurisdiction and control over the land involved.

(h) "Reservation lands" includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

(i) "Right-of-way" includes license, permit, or easement, as the case may be, and, where applicable, includes "site".

[1] This part does not apply to the obtaining of rights-of-way by Federal agencies over unreserved, or withdrawn, or reserved public domain lands. Such rights-of-way may be appropriated under the principles of the instructions of January 13, 1916 (44 L. D. 513), with the consent of the agency having jurisdiction or control over the land.

INDIAN LANDS

§ 244.2 *Indian lands.* The Bureau of Indian Affairs has jurisdiction over applications for rights-of-way over and upon Indian lands. All applications for the use and occupancy of Indian lands for right-of-way purposes should, therefore, be filed with the Superintendent of the Indian Agency or other superintendent in charge of the reservation on which the lands involved are situated, in accordance with the regulations contained in 25 CFR Part 256.

APPLICATIONS [2]

§ 244.3 *Application.* [2] No special form of application is required. The application should be in typewritten form or legible handwriting. It must specify that it is made pursuant to the regulations in Part 244 and that the applicant agrees that the right-of-way if approved, will be subject to the terms and conditions of the applicable regulations contained in Part 244. It should also cite the act to be invoked and state the primary purpose for which the right-of-way is to be used. The application must be filed in duplicate at the land office for the district in which the land is situated, or if there is no land office, it shall be filed with the Director, Bureau of Land Management, Washington, D. C. If the right-of-way has been utilized without authority prior to the time the application is made, the application must state the date such utilization commenced and by whom, and the date the applicant alleges he obtained control of the improvements.

§ 244.4 *Showing as to organization required of corporation.* (a) An application by a private corporation must be accompanied by a copy of its charter or articles of incorporation, duly certified by the proper State official of the State where the corporation was organized.

(b) A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

(c) When a corporation is operating in a State other than that in which it was incorporated, it must submit a certificate of the Secretary of State or other proper official of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

(d) A copy of the resolution or by-laws of the corporation authorizing the filing of the application must also be filed.

(e) If the corporation shall have previously filed with the Bureau the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made to such previous filing by date, place, and case number.

[2] In addition to the material contained under this heading, the subpart relating to the particular type of right-of-way involved should be consulted. See Subparts B through L of this part.

[2] 18 U. S. C. 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statement or representation as to any matter within its jurisdiction.

§ 244.5 *Showing as to citizenship required of individuals; showing by associations of individuals.* (a) An individual applicant applying for a right-of-way under any right-of-way act, except the act of March 3, 1891 (26 Stat. 1101; 43 U. S. C. 946 et seq.), and the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952-955), as amended, must state whether he is native born or naturalized, and, if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known. If citizenship is claimed by virtue of naturalization of the father, evidence of his naturalization, and that the applicant resided in the United States thereafter while a minor, should be furnished. Where the husband and the wife are native born and a statement to that effect is made, additional information as to the marital status is not required. In other cases, a married woman or widow must show the date of her marriage; a widow must show, in addition, the date of the death of her husband.

(b) An application by an association, including a partnership, must be accompanied by a certified copy of the articles of association, if any; if there be none, the application must be made over the signature of each member of the association. Each member must furnish evidence of citizenship where it would be required if he were applying individually.

§ 244.6 *Documents which must accompany application*—(a) *Maps.* Each application, other than a reservoir declaratory statement under § 244.30, must be accompanied by a map prepared on tracing linen and three or, in the case of electric transmission lines, five print copies thereof, showing the survey of the right-of-way, properly located with respect to the public land surveys so that said right-of-way may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

(1) The scale should be 2,000 feet to the inch for rights-of-way for such structures as canals, ditches, pipe lines, and transmission lines and 1,000 feet to the inch for rights-of-way for reservoirs, except where a larger scale is required to represent properly the details of the proposed developments, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

(2) Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

(3) The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than 6 miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and

recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

(4) If the right-of-way is across or within reservation lands which are not covered by the public-land surveys, the map shall be made in terms of the boundary survey of the reservation to the extent it would be required above to be made in terms of the public-land surveys.

(5) All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats, with the subdivisions, section, township, and range clearly marked.

(6) The width of the canal, ditch, or lateral at high-water line should be given and the width of all other rights-of-way shall be given. If the width is not uniform, the location and amount of the change in width must be definitely shown. In the case of a pipeline, the diameter of the line should be given. For reservoirs, the capacity in acre-feet, the area within the high-water line, the source of the water supply, and the location and height of the dam must be shown. The total distance of the right-of-way on the Federal lands shall be stated. In the case of a reservoir or other site, the total acreage shall be stated.

(7) Each copy of the map should bear upon its face a statement of the engineer who made the survey and the certificate of the applicant. The statement and certificate referred to are embodied in Forms 1 and 2, which are made a part hereof and which should be modified so as to be appropriate to the act invoked and the nature of the project.[4]

(8) Whenever it is found that a public-land survey monument or reservation boundary monument will be destroyed or rendered inaccessible by reason of the proposed development, at least two permanent marked witness monuments should be established at suitable points, preferably on the surveyed lines. A brief description of the witness monuments and the connecting courses and distances to the original corners should be shown.

(b) *Evidence of water right.* If the project involves the storage, diversion, or conveyance of water, the applicant must file a statement of the proper State official, or other evidence, showing that he has a right to the use of the water.

GENERAL PROVISIONS[5]

§ 244.7 *Nature of the interest granted; settlement on right-of-way.* (a) No interest granted by the regulations in this part shall give the holder thereof any estate of any kind in fee in the lands. The interest granted shall consist of an easement, license, or permit in accordance with the terms of the applicable statute; no interest shall be greater than a permit revocable at the discretion of the regional administrator unless the applicable statute provides otherwise. Unless a specific statute or regulation provides otherwise, no interest granted shall give the grantee any right whatever to take from the public lands or reservations any material, earth, or stone for construction or other purpose, but stone and earth necessarily removed from the right-of-way in the construction of a project may be used elsewhere along the same right-of-way in the construction of the same project.

(b) All persons entering or otherwise appropriating a tract of public land, to part of which a right-of-way has attached under the regulations in this part, take the land subject to such right-of-way and without deduction of the area included in the right-of-way.

§ 244.8 *Commencement of construction work in advance of approval of right-of-way; trespass.* (a) Permission to commence construction work over and through lands under the jurisdiction of the Department of the Interior or of its agencies in advance of the approval of a right-of-way may be granted by the manager upon a satisfactory showing of the necessity for such action and upon a determination, after the request for permission has been cleared by all interested agencies of the Department, that such action is compatible with the public interest. Requests for such advance authority need not meet the formal requirements of §§ 244.3–244.5 and may be filed with the agency having supervision of the land involved, in which case a duplicate request must be filed in the office specified in § 244.3.

(b) Any grant of advance permission is solely for the convenience of the applicant and is not a commitment by the Department that a right-of-way will be approved. The Department's authority in acting on a right-of-way application is not restricted in any way by the grant of advance permission or any requirements laid down in such grant of permission and the Department, without limitation, may impose additional or different requirements as conditions precedent to the approval of the right-of-way. A grant of advance permission is revocable at will, and the grantee assumes all the risk of operating under such permission.

(c) Any occupancy or use of the lands of the United States without authority will subject the person occupying or using the land to prosecution and liability for trespass.

§ 244.9 *Terms and conditions.* An applicant, by accepting a right-of-way, agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case:

(a) To comply with existing and future regulations and State and Federal laws applicable to the project for which the right-of-way is approved, and to the lands which are included in the right-of-way.

(b) To clear and keep clear the lands within the right-of-way to the extent and in the manner directed by the superintendent in charge; and to dispose of all vegetative and other material cut, uprooted, or otherwise accumulated during the construction and maintenance of the project in such manner as to decrease the fire hazard and also in accordance with such instructions as the superintendent in charge may specify.

(c) To take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the superintendent in charge of such lands may request.

(d) To do everything reasonably within his power, both independently and on request of any duly authorized representative of the United States, to prevent and suppress fires on or near the lands to be occupied under the right-of-way, including making available such construction and maintenance forces as may be reasonably obtainable for the suppression of such fires.

(e) To build and repair such roads, fences, and trails as may be destroyed or injured by construction work and to build and maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under the right-of-way.

(f) To pay the United States the full value for all damage to the lands or other property of the United States caused by him or by his employees, contractors, or employees of the contractors, and to indemnify the United States against any liability for damages to life, person, or property arising from the occupancy or use of the lands under the right-of-way.

(g) To notify promptly the superintendent in charge of the amount of merchantable timber, if any, which will be cut, removed, or destroyed in the construction and maintenance of the project, and to pay the United States through such superintendent in advance of construction such sum of money as such superintendent may determine to be the full stumpage value of the timber to be so cut, removed, or destroyed.

(h) To comply with such other specified conditions with respect to the occupancy and use of the lands as may be found by the agency having supervision of the lands to be necessary as a condition to the approval of the right-of-way in order to render its use compatible with the public interest.

(i) That upon revocation or termination of the right-of-way, unless the requirement is waived in writing, he shall, so far as it is reasonably possible to do so, restore the land to its original condition to the entire satisfaction of the superintendent in charge.

(j) That he shall at all times keep the manager informed of his address, and, in case of corporations, of the address of its principal place of business and of the names and addresses of its principal officers.

(k) That in the construction, operation, and maintenance of the project, he shall not discriminate against any employee or applicant for employment because of race, creed, color, or national origin and shall require an identical provision to be included in all subcontracts.

(l) That the allowance of the right-of-way shall be subject to the express condition that the exercise thereof will not interfere in any way with the management, administration, or disposal by the United States of the lands affected thereby, and that he agrees and consents to the occupancy and use by the United States, its grantees, permitees, or lessees of any part of the right-of-way not actually occupied by the project, for necessary operations incident to such management, administration, or disposal.

(m) That there are reserved rights-of-way for reservoirs, dams, and other works which may thereafter be constructed for the development of hydroelectric power or irrigation, under authority of the United States, and that the use of the right-of-way for the purpose authorized shall be discontinued without liability or expense to the United States when found by the Secretary to be in conflict with such power or irrigation works.

(n) That there is reserved for the use of the United States pursuant to the provisions of the act of August 1, 1946 (60 Stat. 755; 42 U. S. C. 1801 et seq.), all uranium, thorium, or other materials which have been or may hereafter be determined by the Atomic Energy Commission to be peculiarly essential to the production of fissionable materials contained in whatever concentration in the lands covered by the right-of-way, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby.

§ 244.10 *Proposed or existing national forest.* Whenever a right-of-way is sought through or in national forest lands, or any area withdrawn for inclusion within a national forest, the applicant must enter into such stipulations and execute such bond as the Forest Service may require for the protection of such existing or proposed national forest.

§ 244.11 *National parks and monuments.* (a) The act of March 3, 1921 (41 Stat. 1353, 16 U. S. C. 797), provides that no right-of-way for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as then constituted of any national park or monument, shall be approved without specific authority of Congress.

(b) Whenever a right-of-way is desired through any national park or monument for purposes other than those excepted by the act of March 3, 1921, or not otherwise expressly prohibited by law, the applicant must show to the satisfaction of the Director, National Park Service, that the location and use of the right-of-way for the purposes contemplated will not interfere with the uses and purposes for which the park or monument was originally dedicated, and will not result in damage or injury to the natural conditions of property or scenery existing therein. The applicant must also file such stipulations and bond as may be required by the Director, National Park Service. Ordinarily, such a right-of-way may be allowed only on a showing of absolute necessity.

§ 242.12 *Oregon and California Railroad and Coos Bay Wagon Road grant lands.* All applications for rights-of-way for the construction and operation of any project over Oregon and California Railroad lands, title to which was revested in the United States by the act of June 9, 1916 (39 Stat. 218), and reconveyed Coos Bay Wagon Road lands, act of February 26, 1919 (40 Stat. 1179), must also be accompanied by a statement showing the amount of merchantable timber, if any, to be cut, removed, or destroyed in the construction of the project works, and agreeing to deposit with the regional administrator, in advance of construction, such sum of money as may be determined by him to be the full stumpage value of the timber to be so cut, removed, or destroyed, and an affirmative showing that favorable action on the application will not adversely affect or impair watershed protection, streamflow regulation, and other conservation features enumerated in the act of August 28, 1937 (50 Stat. 874).[6]

§ 244.13 *Alaska.* All general right-of-way laws, and the regulations thereunder contained in this part, are applicable to Alaska.[7]

§ 244.14 *Approval of right-of-way.* (a) Where an application is complete and in conformity with the law and regulations and all required reports have been obtained and it is determined that the approval of the right-of-way will not be contrary to the public interest, including that of the Government, the manager will approve the right-of-way.[8]

(b) An application which does not conform with the law or regulations under which filed or the approval of which would be inconsistent with the public or Government interest, will be rejected.

§ 244.15 *Use of right-of-way*—(a) *Proof of construction.* A period of 5 years from the date of the approval of the right-of-way is usually allowed for construction unless a different period is provided by statute. Upon completion of construction, proof thereof should be submitted to the manager, consisting of a statement and certificate furnished by the holder of the right-of-way. The statement and certificate are embodied in Forms 5 and 6, which should be modified so as to be appropriate to the act and to the nature of the project.[9] If, in construction, a substantial deviation from the location shown on the original map is planned or made, the party in interest must file a duly executed relinquishment of the unused portion of the right-of-way accompanied by a map of amended location of the right-of-way for the project as actually constructed. The map of amended location must be prepared in accordance with § 244.6 (a) and must be filed before or as soon as possible after the deviation is made. The relinquishment may be prepared so as to become effective upon approval of the amended location. Any deviation made prior to such approval will be at the risk of the applicant.

(b) *Nonconstruction, abandonment, or nonuse.* Unless otherwise provided by law, rights-of-way are subject to cancellation by the Director for failure to construct within the period allowed and for abandonment or nonuse.

§ 244.16 *Revocation for violation of regulations or terms or conditions.* All rights-of-way approved pursuant to this part, except those granted for pipe lines pursuant to section 28 of the act of February 25, 1920, as amended August 21, 1935 (49 Stat. 678; 30 U. S. C. 185), shall be subject to cancellation by the Director for the violation of any of the provisions of this part applicable thereto or for the violation of the terms or conditions of the right-of-way. No right-of-way shall be deemed to be canceled except on the issuance by the Director of a specific order of cancellation.

§ 244.17 *Change in jurisdiction over or disposal of lands.* (a) A change of jurisdiction over the lands from one Federal agency to another will not cancel a right-of-way involving such lands. It will, however, change the administrative jurisdiction over the right-of-way.

(b) The final disposal by the United States of any tract traversed by a right-of-way shall not be construed to be a revocation of the right-of-way in whole or part, but such final disposition shall be deemed and taken to be subject to such right-of-way until it is specifically canceled.

§ 244.18 *Transfer of right-of-way.* Any proposed transfer, by assignment, lease, operating agreement or otherwise, of a right-of-way acquired under any of the acts, except the act of March 3, 1891 (26 Stat. 1101; 43 U. S. C. 946–949), must be filed in triplicate in accordance with § 244.3 for approval; must be accompanied by the same showing of qualifications of the assignee as is required of applicants; and must be supported by a stipulation that the assignee agrees to comply with and be bound by the terms and conditions of the right-of-way. No assignment will be recognized unless and until approved.

§ 244.19 *Disposal of property on termination of right-of-way.* Upon the termination of a right-of-way by expiration or by prior cancellation, in the absence of any agreement to the contrary, if all moneys due the Government thereunder have been paid, the holder of the right-of-way will be allowed six months or such additional time as may be granted in which to remove from the right-of-way all property or improvements of any kind, other than a road and

[4] See appendix for form to be placed on maps.

[5] In addition to the material contained under this heading, the subpart relating to the particular type of right-of-way involved should be consulted. See Subparts B through L of this part.

[6] The general right-of-way statutes were extended to these lands by sec. 2 of the act of June 9, 1916 (39 Stat. 218), and sec. 3 of the act of February 26, 1919 (40 Stat. 1179).

[7] See sec. 3 of the act of August 24, 1912 (37 Stat. 512; 48 U. S. C. 23), and 30 Op. Atty. Gen. 387 (1915).

[8] Where the land over which the right-of-way is sought is withdrawn or reserved for the use of another Federal agency, the manager is required to clear the application with such agency.

[9] See appendix for forms.

usable improvements to a road, placed thereon by him; but if not removed within the time allowed, all such property and improvements shall become the property of the United States.

§ 244.20 *Appeals.* An appeal pursuant to the rules of practice (43 CFR Part 221) may be taken from any decision of the manager to the Director, and from the Director to the Secretary.

RENTAL CHARGES

§ 244.21 *Payment required; exceptions; default; revision of charges.* (a) Unless a higher rate is prescribed in the approval of the right-of-way, the charge for use and occupancy of public and reservation lands for rights-of-way for telephone, telegraph, and power transmission lines, water-pipe lines, ditches or canals under the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959); telephone, telegraph, and power transmission lines under the act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961); tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956); oil and gas pipe lines under section 28 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449), as amended August 21, 1935 (49 Stat. 678; 30 U. S. C. 185); and water-pipe lines, ditches, flumes, tunnels, or canals under section 4 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 524), shall be at the rate of five dollars ($5) per mile or fraction thereof per calendar year or fraction thereof for rights-of-way not over 100 feet in width and one dollar ($1) per mile or fraction thereof for each additional 20 feet or fraction thereof in width.

(b) The charge for use and occupancy of public and reservation lands for reservoirs, dams, water plant and powerplant sites, well sites, and similar purposes under the act of February 15, 1901; sites for pumping stations or other structures authorized under section 28 of the Mineral Leasing Act, as amended; and dams, reservoirs, and water-plant sites under section 4 of the act of February 1, 1905, shall be based on the value of the land and the use to which it is to be put, but in no case will the minimum charge be less than five dollars ($5) per calendar year or fraction there of. The charge for micro wave relay and communication sites other than radio and television broadcast sites shall be based upon the value of the land, but in no case will the annual charge be less than fifty dollars ($50) per site. The charge for radio and television broadcast sites shall be based on the value of the land but in no case will the annual charge be less than the following:

Stations not over:	
1,000 watts input power	$75.00
2,500 watts input power	100.00
5,000 watts input power	200.00
10,000 watts input power	250.00
20,000 watts input power	300.00
All others	450.00

(c) No rental charge will be required for the use and occupancy of public or reservation lands under a right-of-way authorizing such use and occupancy exclusively for irrigation projects, non-profit or REA cooperative projects, or when the use is by a Government agency.

(d) (1) There shall be remitted with the application the amount provided as the rental for a calendar year or fraction thereof.

(2) Where the application is for a reservoir, dam, well, or plant sites, etc., the sum of five dollars ($5), the minimum charge specified for such cases, shall be remitted with the application.

(e) The holder of the right-of-way thereafter shall pay, on or before the first day of each calendar year, the rental charges for that calendar year in accordance with paragraphs (a) and (b) of this section. If the rental charge is not paid when due, and such default shall continue for thirty days after the first day of January, action may be taken to cancel the right-of-way. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the regional administrator.

(f) At any time not less than five years after either the approval of the right-of-way or the last revision of rental charges thereunder, the regional administrator may review such charges and impose such new charges as he may decide to be reasonable and proper commencing with the ensuing calendar year.

(g) The provisions of this section shall not have the effect of changing, modifying, or amending the rental rates or charges imposed for existing water power projects under rights-of-way previously approved by this Department. (31 Stat. 790, 36 Stat. 1253, 28 Stat. 635, Sec. 4, 33 Stat. 628, Sec. 28, 49 Stat. 678; 43 U. S. C. 959, 961, 956, 16 U. S. C. 524, 30 U. S. C. 185)

SUBPART B—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR CANALS, DITCHES, AND RESERVOIRS UNDER THE ACT OF MARCH 3, 1891, AS AMENDED [10] [11]

AUTHORITY: §§ 244.22 to 244.28 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

§ 244.22 *Statutory authority.* (a) Section 18 of the act of March 3, 1891 (26 Stat. 1101), as amended by the acts of March 4, 1917 (39 Stat. 1197), and May 28, 1926 (44 Stat. 668; 43 U. S. C. 946) authorizes the Secretary to grant rights-of-way for irrigation and drainage purposes over public lands and reservation to the extent of the ground occupied by the water of any reservoirs and any canals and laterals and 50 feet on each side of the marginal limits thereof and such additional right-of-way as may be deemed necessary for the proper operation and maintenance of said reservoirs, canals, and laterals.

(b) Section 19 of the act of March 3, 1891 (26 Stat. 1102; 43 U. S. C. 947), provides that a map of the canal or ditch and reservoir must be filed within twelve months after the location of ten miles of a canal if the same be upon surveyed lands, and if upon unsurveyed lands, within twelve months after the survey thereof by the United States; that upon the approval thereof by the Secretary, the same shall be noted upon the records and thereafter all lands affected by such right-of-way shall be disposed of subject to such right-of-way.

(c) Section 20 of the act of March 3, 1891 (26 Stat. 1102; 43 U. S. C. 948), provides that this act shall apply to all canals, ditches, or reservoirs theretofore or thereafter constructed, whether by corporations, individuals, or association of individuals, on the filing of the certificates and maps as therein provided; that if any section of the project is not completed within 5 years after location, the right-of-way shall be forfeited as to the uncompleted canal, ditch, or reservoir, to the extent that the same is not completed at the date of forfeiture.

(d) Section 21 of the act of March 3, 1891 (26 Stat. 1102; 43 U. S. C. 949), provides that nothing in this act shall authorize the occupancy of such right-of-way except for the purpose for which it was approved, and then only so far as may be necessary for the construction, maintenance, and care of the project.

§ 244.23 *Pipelines, flumes, and conduits included; use of materials on adjacent lands.* (a) The act of March 3, 1891, as amended, is applicable to rights-of-way for pipelines, flumes, or other conduits, although they are not specifically mentioned in the act, if water is conveyed primarily for irrigation or drainage purposes.

(b) Material on adjacent lands: The word "adjacent", as used in section 18 of the act, in connection with the right to take material for construction from the public lands, must be construed according to the conditions of each case (28 L. D. 439). The right extends only to construction, and no public timber or material may be taken or used for repair or improvements (14 L. D. 566). These decisions were rendered under the Railroad Right-of-Way Act of March 3, 1875 (18 Stat. 482; 43 U. S. C. 934), and are applied to the act of March 3, 1891, since the wording with respect to the use of material is the same.

§ 244.24 *Use subsidiary to main purpose of irrigation.* Section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U. S. C. 951), authorizes the use of rights-of-way approved under the act of March 3, 1891, for purposes subsidiary to the main purpose of irrigation.

§ 244.25 *Caretaker's building sites.* The act of March 1, 1921 (41 Stat. 1194; 43 U. S. C. 950), authorizes the Secretary, except as to lands within national forests, to grant permits or easements for not to exceed 5 acres of ground adjoining the right-of-way at each of the locations, to be determined by the Secretary, to be used for the erection thereon of dwellings or other buildings or corrals for the convenience of those engaged in the care and management of the works provided for by the act of March 3, 1891, as amended.

[10] See Solicitor's opinion of July 16, 1942 (58 L. D. 29) for a discussion of the applicability of various acts relating to rights-of-way for canals, ditches, and reservoirs.

[11] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

§ 244.26 *Showing required for additional right-of-way.* The act of May 28, 1926 (44 Stat. 668; 43 U. S. C. 946), amended section 18 of the act of March 3, 1891, so as to authorize, if needed, a right-of-way additional to the 50 feet allowed by the section for operation and maintenance of reservoirs, canals, ditches, and laterals. To obtain such additional right-of-way, an explanatory showing must accompany the application. This should consist of a statement by the applicant's engineer or surveyor setting forth succinctly the extent of the additional right-of-way required and the necessity therefor. The additional right-of-way should also be shown graphically by lateral limit lines on the map filed in connection with the application. If additional right-of-way is wanted only for portions or sections of the reservoirs, canals, ditches, or laterals, the termini thereof should be fixed by engineer's survey stations in addition to the lateral limit lines.

§ 244.27 *Procedure when unsurveyed land is involved.* (a) Maps filed under the said act, as amended, showing canals, ditches, laterals, and reservoirs lying partly upon unsurveyed land can be approved if the application and accompanying maps conform to these regulations, but the approval will only relate to that portion of the right-of-way traversing the surveyed land.[12]

(b) Maps showing canals, ditches, laterals, and reservoirs lying wholly on unsurveyed lands may be received and placed on file in the Bureau of Land Management and the proper land office for general information. The date of filing will be noted thereon; but the maps will not be approved as the act makes no provision for the approval of any but maps showing locations on surveyed lands. The filing of such maps will not dispense with the filing of maps after the survey of the lands and within the time specified in the act, and if the maps are regular in all respects they will receive the manager's approval.

§ 244.28 *Segregated reservoir sites.* The act of February 26, 1897 (29 Stat. 599; 43 U. S. C. 664), permits the approval of applications under the act of March 3, 1891, for rights-of-way upon reservoir sites reserved under authority of the act of October 2, 1888 (25 Stat. 526; 43 U. S. C. 662), and August 30, 1890 (26 Stat. 371, 391; 43 U. S. C. 662).

SUBPART C—RESERVATION OF PUBLIC LANDS FOR RESERVOIRS FOR WATERING LIVESTOCK [13]

AUTHORITY: §§ 244.29 to 244.37 issued under 29 Stat. 484, 42 Stat. 1437; 43 U. S. C. 952-955.

§ 244.29 *Statutory authority.* (a) By the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952-955), it is provided that any person, livestock company, or transportation corporation engaged in breeding, grazing, driving, or transporting livestock may construct reservoirs upon unoccupied public lands of the United States, not mineral or otherwise reserved, for the purpose of furnishing water to such livestock, and shall have control of such reservoir, under regulations prescribed by the Secretary of the Interior, and the lands upon which the same is constructed, not exceeding 160 acres, so long as such reservoir is maintained and water kept therein for such purpose. The act does not apply to lands in grazing districts, and applications for stock-watering reservoirs on such lands should be filed under section 4 of the Taylor Grazing Act (48 Stat. 1271; 43 U. S. C. sec. 315c) and 43 CFR Part 161.

(b) Section 1 of the act of January 13, 1897, as amended by the act of March 3, 1923 (42 Stat. 1437; 43 U. S. C. 952), authorizes the Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, to grant permission to fence reservoirs constructed under the act of January 13, 1897, in order to protect livestock, to conserve water, and to preserve its quality and conditions, provided, that such reservoir shall be kept open to the free use of any persons desiring to water animals of any kind.

§ 244.30 *Declaratory statement.* To apply for a reservoir site under §§ 244.29 to 244.38, the applicant must file with the manager a declaratory statement drawn in accordance with Form 7.[14] No other application is necessary.

§ 244.31 *Action on declaratory statements; size, location, and number of reservoir sites.* For the filing of the reservoir declaratory statement a fee of $1 will be charged (R. S. 2238; 43 U. S. C. 82). In acting upon these statements the following general rules will be applied:

(a) No reservation will be made for a reservoir of less than 250,000 gallons capacity, and for a reservoir of less than 500,000 gallons capacity, not more than 40 acres can be reserved. For a reservoir of 500,000 gallons and less than 1,000,000 gallons capacity, not more than 80 acres can be reserved. For reservoir of 1,000,000 gallons and less than 1,500,000 gallons capacity, not more than 120 acres can be reserved. For a reservoir of 1,500,000 gallons capacity or more, 160 acres may be reserved. In the case where the water is furnished the livestock by artificial means, such as by windmill, pump, tanks, and troughs, the regulations requiring a minimum capacity of 250,000 gallons may be waived upon the claimant's submitting a satisfactory showing that by such artificial means he will be able to furnish sufficient water and provide proper troughs and facilities to properly accommodate all cattle likely to water at the place in question.

(b) Not more than 160 acres shall be reserved for this purpose in any section.

(c) Not more than 160 acres shall be reserved for this purpose in one group of tracts adjoining or cornering upon each other.

(d) A distance of one-half mile must be left between any two groups of tracts which aggregate more than 160 acres.

(e) Lands so reserved shall be kept open to the free use of any person desiring to water animals of any kind. If the lands so reserved are not kept open to the free use of any person desiring to water animals of any kind, or if the reservoir applicant attempts to use them for any other purpose, or if the reservation is not obtained for the bona fide and exclusive purpose of constructing and maintaining a reservoir thereon according to law, the declaratory statement, upon any such matter being made to appear, will be canceled and all rights thereunder be declared at an end.

(f) Notwithstanding his action in accepting any such declaratory statement, the manager will reject the same if upon considering the matters set forth therein it appears that the declaratory statement is not filed in good faith for the sole purpose of accomplishing what the law authorizes to be done.

§ 244.32 *Time for construction.* The reservoir must be constructed and completed within 2 years after the filing of the declaratory statement; otherwise the right-of-way will be subject to cancellation.

§ 244.33 *Map of constructed reservoir.* After the construction and completion of the reservoir the applicant shall have the same accurately surveyed and mapped showing its location with relation to the public land surveys. The map must be prepared in accordance with the requirements of § 244.6 and be filed with the manager and must bear Forms 8 and 9.[15]

§ 244.34 *Approval of constructed project.* The map and papers will be examined to determine whether they comply with the law and the regulations, and whether the amount of land desired is warranted by the showing made in the application. If found satisfactory, they will be approved, and the lands shown to be necessary for the proper use and enjoyment of the reservoir will be reserved from other disposition so long as the reservoir is maintained and water kept therein for the purposes named in the act. When such reservation is made the manager will make the proper notations on his records and report the making thereof promptly to the Director.

§ 244.35 *Annual proof of maintenance.* In order that this reservation shall be continued, it is necessary that the reservoir "shall be kept in repair and water kept therein." For this reason the owner of the reservoir will be required, during the month of January of each year, to file with the manager a statement to the effect that the reservoir has been kept in repair and water kept therein during the preceding year, and that all the provisions of the act have

[12] By letter of August 21, 1937, approved by the Department in the case of the Twin Lakes Reservoir and Canal Company (Denver 045465), it was held that a right-of-way may be acquired under the 1891 act, by actual construction of a project in advance of the filing of an application and approval of the right-of-way over unsurveyed lands, upon the same principle applied to railroads under the act of March 3, 1875 (18 Stat. 482; 43 U. S. C. 934-939).

[13] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[14] See appendix for forms.

[15] See appendix for forms.

been complied with. Form 10 [16] will be used for this statement. Upon failure to file such statement, steps will be taken looking to the revocation of the reservation of the lands.

§ 244.36 *Procedure when unsurveyed land is involved.* (a) In any case where the proposed reservoir is to be located upon unsurveyed public land, the declaratory statement may be filed, the land being therein described by metes and bounds and, as well, by the description which it is believed it will bare when officially surveyed. Proof of construction must be submitted at the end of the same period of time and in the same manner as is prescribed and required in cases where the lands have been previously surveyed. Such proof should embrace the field notes and a plat of survey such as is required in cases of reservoirs on surveyed lands, with such modifications as are necessary (§ 244.33).

(b) Any reservation made pursuant to the act of Jauary 13, 1897, secures only a license to use and occupy the reserved land with and for a reservoir, and this license may endure permanently or may be of transient duration. No estate in the land is granted. For this reason it is administratively undesirable that private surveys made pursuant to the statute and §§ 244.29 to 244.38 shall be preserved and established by subsequent public-land surveys and approved plats thereof. Therefore, when the public-land surveys have been extended over land covered by a reservoir declaratory statement affecting unsurveyed lands, the declarant shall adjust his survey to the line of the official survey, showing the location of the reservoir with respect to said lines by means of properly established tie lines. Any subsequent reservation which may be ordered will be of those subdivisions or aliquot parts of subdivisions thus shown to be occupied by or necessary for the proper use of the reservoir.

(c) An annual statement of maintenance must be submitted the same as though the reservoir had been constructed on surveyed lands. Nothing in §§ 244.29 to 244.38 shall preclude the Bureau of Land Management from requiring additional information in any case where that information is deemed proper or necessary.

§ 244.37 *Application to fence reservoir; plat required.* Any person, company, or corporation desiring to secure the benefits of the act of March 3, 1923, should file in accordance with § 244.3 an application, duly corroborated by at least two disinterested witnesses, setting forth such facts as would show that it is necessary to fence such reservoir in order to protect the livestock, to conserve water, and to preserve its quality and conditions. There should be filed with such application, and as a part thereof, a plat showing the land embraced in the reservoir as near as may be, the location of the proposed fence with respect to such reservoir, together with all gates or other openings and roadways leading to the same. In no instance will an application be considered unless said plat shows the location of at least two gates. Said gates shall be so constructed and maintained that they may be, at all times, readily opened and closed by any person desiring to water animals of any kind, and such gates shall be so placed as to be readily accessible from the road or roads nearest the reservoir, which roads shall be the ones usually traveled and, where there are no such roads to govern the location of such gates, they shall be so situated as to make the reservoir readily available from the adjacent public or other range. There shall be posted on the gates, and elsewhere if necessary, a notice stating that the reservoir is for stock-watering purposes, located on public lands, and that the same is open to the free use of any person desiring to water animals of any kind.

[16] See appendix for forms.

SUBPART D—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR TELEPHONE AND TELEGRAPH LINES, TRANSMISSION LINES, RADIO AND TELEVISION SITES, AND FOR PIPE LINES, CANALS, DITCHES, AND WATER PLANTS UNDER THE ACTS OF FEBRUARY 15, 1901 AND MARCH 4, 1911 [17]

AUTHORITY: §§ 244.39 to 244.47 issued under 31 Stat. 790, 36 Stat. 1253; 43 U. S. C. 959, 961.

§ 244.39 *Statutory authority.* (a) The act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), authorizes the Secretary, under such regulations as he may fix, to permit the use of rights-of-way through public lands and certain reservations of the United States, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for pipe lines, canals, ditches, water plants, and other purposes to the extent of the ground occupied by such canals, ditches, water plants, or other works permitted thereunder and not to exceed 50 feet on each side of the marginal limits thereof, or not to exceed 50 feet on each side of the center line of such pipe lines, telephone and telegraph lines, and transmission lines, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under the act.

(b) The act of March 4, 1911 (36 Stat. 1253; 43 U. S. C. 961), as amended, authorizes the head of the department having jurisdiction over the lands, under general regulations fixed by him, to grant an easement for rights-of-way for a period not exceeding 50 years, over and across public lands and reservations of the United States, for poles and lines for the transmission and distribution of electrical power, and for poles and lines for communication purposes and for radio, television and other forms of communication transmitting, relay and receiving structures and facilities to the extent of 200 feet on each side of the center line of such lines and poles and not to exceed four hundred feet by four hundred feet for superstructures and facilities to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under the act.[18]

(c) The applicability of the acts of February 15, 1901, and March 4, 1911, to rights-of-way for power purposes over public lands, was superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by sections 201 to 213 inclusive, of the act of August 26, 1935 (49 Stat. 838; 16 U. S. C. 791–825r), as to power projects for the generation and transmission of hydroelectric power, defined in section 3 (11) of the act, excepting distribution lines. Applications for hydroelectric power plant sites or rights-of-way for main or primary hydroelectric power transmission lines must be made to the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended. Rights-of-way for transmission lines which are not primary lines must be secured under the act of February 15, 1901, or the act of March 4, 1911. See 18 CFR 2.2.

§ 244.40 *Applications for lands in national forests, and other reservations.* (a) Applications under the act of February 15, 1901,[19] for rights-of-way across national forests should be prepared in accordance with the regulations issued by the Department of Agriculture and submitted to the proper officer thereof. In case a right-of-way is desired upon public lands partly within and partly without a national forest, separate applications must be prepared, and the one affecting lands within the national forest filed with the forest officer, and the other filed in accordance with § 244.3.

(b) Applications for a right-of-way under the act of March 4, 1911, involving lands under the control of a department or agency other than the Department of the Interior should be prepared in accordance with the regulations issued by such department or agency and submitted to the proper officer thereof.[20]

§ 244.41 *Applications which may be submitted under the acts of February 15, 1901, and March 4, 1911.* (a) All applications for rights-of-way for purposes specified in the act of February 15, 1901, must be submitted thereunder, except that where it is sought to acquire a right-of-way for the main purpose of irrigation, as contemplated by sections 18 to 21 of the act of March 3, 1891 (26 Stat. 1101; 43 U. S. C. 946–949), and section 2 of the act of May 11, 1898 (30 Stat. 404; 43 U. S. C. 951), the application must be submitted under the 1891 and 1898 acts, in accordance with the applicable regulations in this part.

(b) An application may be filed under the act of February 15, 1901, for a stock-watering reservoir site. Rights-of-way will not be approved for stock-watering reservoirs on wildlife refuges. An application under the act for a "water plant" site or for a pipeline right-of-way may include an area for a well to supply the water; but if, because the lands affected are within a grazing district established under the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.), as amended, or for any other reason, the granting of a right-of-way for a stock-watering reservoir site, or for a water plant site or for a pipeline would adversely affect the interest of the Government, the application therefor will not be allowed. If the lands affected are within a grazing district, an application for a stock-watering reservoir or water well site should be filed under section 4 of said act of June 28, 1934, if the applicant is qualified under the section and if the reservoir or well is necessary to the care and management of the permitted livestock and primarily for that purpose. Regulations under the said section 4 are contained in 43 CFR 161.14.

(c) Applications for rights-of-way for telephone, telegraph, and power transmission lines may also be submitted under either the act of February 15, 1901, or the act of March 4, 1911, in accordance with the applicable regulations contained in this part. Applications for radio, television and other forms of communication transmitting, relay and receiving structures and facilities should be submitted under the act of March 4, 1911, as amended.

(d) Any application under the act of March 4, 1911 for a line right-of-way in excess of 100 feet in width or for a structure or facility right-of-way of over 10,000 square feet must state the reasons why the larger right-of-way is required. Rights-of-way will not be issued in excess of such sizes in the absence of a satisfactory showing of the need therefor.

§ 244.42 *Plant sites; buildings to be platted on maps.* (a) When an application is made for a right-of-way for a site for a water plant or for a communication structure or facility, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4 [21] by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the right-of-way for the purpose contemplated in the act of February 15, 1901. If the right-of-way is within reservation lands which are not covered by the public land surveys, the map shall be made in terms of the boundary survey of the reservation to the extent it would be required above to be made in terms of the public land surveys.

(b) If the application is for a power plant site it must also contain a statement giving a description of the proposed power plant including the number and capacity of prime movers and generators proposed to be installed, initially and ultimately, together with similar pertinent information about any substations included in the project and whether the power plant is to be interconnected with other generating facilities owned by the applicant or others; and whether the power generated is to be sold to others at wholesale or retail or used by the applicant for its own domestic, agricultural, or industrial purposes.

§ 244.43 *Transmission lines.* When an application is made for a right-of-way for a transmission line, it must also contain the following:

(a) A description of the plant or connecting generating plants which generate or will generate the power to be transmitted over such line, such description to be in sufficient detail to show, to the satisfaction of the Director, the character, capacity, and location of such plants.

(b) A description of the transmission line of which the line for which a right-of-way is requested forms a part, giving in reasonable detail the points between which it will extend, its characteristics and purpose. There must also be included a statement as to the voltage for which the line is designed and at which it is to be operated initially, and a statement as to whether it is to serve a single customer, or a number of customers, or is intended to transmit power solely for the applicant's use. If the line is to serve a single customer or is for the applicant's own use, the nature of such use must be given (such as airway beacon, coal mine, and irrigation pumps). If the line is to have a nominal voltage of 33 kv or over, the application should include a one-line diagram of the proposed line and the immediate interconnecting facilities including power plants and substations, a power flow diagram for proposed line and connecting major lines showing conditions under normal use, and typical structure drawings of proposed line showing construction dimensions and list of materials.

(c) A statement as to the distance from the nearest transmission or distribution lines of any other person, corporation, association, municipality, or other agency engaged in the sale of power, or a statement that there are no such lines existing or contemplated within 10 miles of any part of the transmission line of which the line for which a right-of-way is requested forms a part.

§ 244.44 *Terms and conditions.* By accepting a right-of-way for a power transmission line, the applicant thereby agrees and consents to comply with and be bound by the following terms and conditions, excepting those which the Secretary may waive in a particular case, in addition to those specified in § 244.9:

(a) To protect in a workmanlike manner, at crossings and at places in proximity to his transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power transmission lines from contact, and all highways and railroads from obstruction, and to maintain his transmission lines in such manner as not to menace life or property.

(b) To make provision, or bear the reasonable cost (as may be determined by the Secretary) of making provision for avoiding inductive interference between any project transmission line or other project works constructed, operated, or maintained by him on the approved right-of-way, and any radio installation, telephone line, or other communication facilities existing when the right-of-way is authorized, or any such installation, line, or facility thereafter constructed and operated by the United States or any agency thereof. This provision shall not relieve him from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

(c) That the transmission line for which the right-of-way is authorized shall not be used for the transmission of any power generated otherwise than by and at the connecting generating plant until the regional administrator shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.

(d) To allow the Department of the Interior, in the case of a right-of-way applied for on or after October 14, 1948, and covering a right-of-way for an electrical transmission line having a nominal voltage of 33 kv or more, to utilize for the transmission of electrical power any surplus capacity of the line in excess of the capacity needed by the holder of the right-of-way (subsequently referred to in this paragraph as "holder") for the transmission of electrical power in connection with the holder's operations, or to increase the capacity of the line at the Department's expense and to utilize the increased capacity for the transmission of electrical power. Utilization by the Department of surplus or increased capacity shall be subject to the following terms and conditions:

(1) When the Department desires to utilize surplus capacity thought to exist in a line, notification will be given to the holder, and the holder shall furnish to the Department within 30 days a certificate stating whether the line has any surplus capacity not needed by the holder for the transmission of electrical power in connection with the holder's operations, and, if so, the extent of such surplus capacity.

(2) In order to utilize any surplus capacity certified by the holder to be available, or any increased capacity provided by the Department at its own expense, the Department may interconnect its transmission facilities with the holder's line in a manner conformable to approved standards of practice for the interconnection of transmission circuits. However, for the purpose of diminishing line losses and for other reasons, the Department shall have the option, in

[17] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[18] The opinion of the Solicitor of the Department of the Interior of November 1, 1940 (M. 30846), held that lands acquired by the United States, by purchase or otherwise, were reservation lands within the meaning of the acts of February 15, 1901, and March 4, 1911.

[19] See section 1 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472).

[20] See 29 Op. Atty. Gen. 303.

[21] See appendix for forms.

lieu of requiring the holder to transmit power, to require that the holder deliver power to customers of the Department from the holder's own generating facilities in exchange for a like amount of power to be delivered by the Department to the holder at points on the holder's line or on his transmission system, to the extent of the unused capacity of the line for which a right-of-way is granted.

(3) The expense of interconnection will be borne by the Department, and the Department will at all times provide and maintain adequate switching, relaying, and protective equipment so as to insure that the normal and efficient operation of the holder's line will not be impaired.

(4) After any interconnection is completed, the holder shall operate and maintain his line in good condition; and, except in emergencies, shall maintain in a closed position all connections under the holder's control between the holder's line and the interconnecting facilities provided by the Department.

(5) The interconnected power systems of the Department and the holder will be operated in parallel.

(6) The transmission of electrical power by the Department over the holder's line will be effected in such manner and quantity as will not interfere unreasonably with the holder's use and operation of the line in accordance with the holder's normal operating standards, except that the Department shall have the exclusive right to utilize any increased capacity of the line which has been provided at the Department's expense.

(7) The holder will not be obligated to allow the transmission over his line by the Department of electrical power to any person receiving service from the holder on the date of the filing of the application for a right-of-way, other than persons entitled to statutory preference in connection with the distribution and sale of electrical power by the Department.

(8) The Department will pay to the holder an equitable share of the total monthly cost of maintaining and operating the part of the holder's line utilized by the Department for the transmission of electrical power, the payment to be an amount in dollars representing the same proportion of the total monthly operation and maintenance cost of such part of the line as the maximum amount in kilowatts of the power transmitted on a scheduled basis by the Department over the holder's line during the month bears to the total capacity in kilowatts of that part of the line. The total monthly cost may include interest and amortization, in accordance with the system of accounts prescribed by the Federal Power Commission, on the holder's net total investment (exclusive of any investment by the Department) in the part of the line utilized by the Department.

(9) If, at any time subsequent to a certification by the holder that surplus capacity is available for utilization by the Department, the holder needs for the transmission of electrical power in connection with its operations the whole or any part of the capacity of the line theretofore certified as being surplus to its needs, the holder may modify or revoke the previous certification by giving the Secretary of the Interior 30 months' notice, in advance, of the holder's intention in this respect. After the revocation of a certificate, the Department's utilization of the particular line will be limited to the increased capacity, if any, provided by the Department at its expense.

(10) If, during the existence of the right-of-way, the holder desires reciprocal accomodations for the transmission of electrical power over the interconnecting system of the Department to its line, such reciprocal accomodations will be accorded under terms and conditions similar to those prescribed in this paragraph with respect to the transmission by the Department of electrical power over the holder's line.

(11) The terms and conditions prescribed in this paragraph may be modified at any time by means of a supplemental agreement negotiated between the holder and the Secretary of the Interior or his designee.

§ 244.45 *No rights acquired prior to filing and approval of application.* Application under the act of February 15, 1901, or the act of March 4, 1911, for permission to use the desired right-of-way through the public lands and reservations must be filed and approved before any rights can be claimed thereunder.

§ 244.46 *Unsurveyed lands.* Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for a right-of-way over unsurveyed lands as well as surveyed lands.

§ 244.47 *Expiration and renewal of right-of-way.* Unless otherwise specified in a right-of-way granted under the act of March 4, 1911, and unless sooner canceled, the right-of-way shall expire 50 years from the date thereof. If, however, within the period of 1 year prior to the expiration date, the grantee shall file, in accordance with § 244.3, a written application to renew the right-of-way, and shall agree to comply with all the laws and regulations existing at such expiration date governing the occupancy and use of the lands of the United States for the purpose desired, the right-of-way may be renewed for a period of not to exceed 50 years. If such application is filed, the existing right-of-way will be extended subject to then existing and future rules and regulations, pending consideration of the application.

SUBPART E—RIGHTS-OF-WAY THROUGH NATIONAL FORESTS FOR DAMS, RESERVOIRS, WATER PLANTS, DITCHES, FLUMES, PIPES, TUNNELS, AND CANALS FOR MUNICIPAL OR MINING PURPOSES, UNDER THE ACT OF FEBRUARY 1, 1905 [22]

AUTHORITY: §§ 244.48 to 244.51 issued under sec. 4, 33 Stat. 628; 16 U. S. C. 524.

§ 244.48 *Statutory authority.* Section 4 of the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 524), grants rights-of-way through national forests to citizens and corporations of the United States, for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, for municipal or mining purposes, and for the purpose of the milling and reduction of ores, during the period of the beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

§ 244.49 *When construction may commence.* No construction will be allowed in national forests until an application for right-of-way has been regularly filed in accordance with §§ 244.1 to 244.20, 244.48 to 244.51, and has been approved, or unless permission for construction in advance of the right-of-way grant has been specifically given.

§ 244.50 *Water plant structures.* When application is made for a right-of-way for water plants, § 244.42 should be followed, with appropriate changes in the prescribed forms.

§ 244.51 *Procedure when unsurveyed land is involved.* Maps showing reservoirs, canals, water plants, and other structures wholly upon unsurveyed lands will be received and acted upon in the manner prescribed for surveyed lands.

SUBPART F—RIGHTS-OF-WAY UNDER THE ACT OF JANUARY 21, 1895, OVER PUBLIC LANDS FOR TRAMROADS AND OTHER ROADS FOR LOGGING AND MINING PURPOSES, [23] EXCEPT LOGGING ROADS OVER REVESTED AND RECONVEYED AND INTERMINGLED PUBLIC LANDS IN OREGON [24]

AUTHORITY: Secs. 244.52 and 244.53 issued under 28 Stat. 635; 43 U. S. C. 956.

§ 244.52 *Statutory authority.* The act of January 21, 1895 (28 Stat. 635; 43 U. S. C. 956), authorizes the Secretary under such general regulations as may be fixed by him to permit the use of rights-of-way over the public lands of the United States, for tramroads to the extent of 50 feet on each side of the center line of the tramroad, by any citizen or association of citizens of the United States, engaged in the business of mining, quarrying, or of cutting timber and manufacturing lumber. The act does not authorize the use of rights-of-way within the limits of any park or military reservation. The act is made applicable to national forests and reservoir sites by the act of March 3, 1899 (30 Stat. 1233; 16 U. S. C. 525, 43 U. S. C. 665, 958). Before a right-of-way is issued under this section, the officer authorized to issue it must obtain the clearance of the regional administrator. Where the regional administrator determines it to be in the public interest, he will require applicants under this section to execute the same type of right-of-way and road use agreements for the connecting road system as may be required under 43 CFR, Part 115 with appropriate modifications to meet local conditions: *Provided*, That where the land over which the right-of-way is requested is under the jurisdiction of an agency other than the Bureau of Land Management, the regional administrator shall make such requirement only with the concurrence of the authorized officer of such agency. The regional administrator may require an applicant for or holder of a tramroad right-of-way to execute a bond on Form 4–414, modified to refer to the applicable sections of this part, in an amount, not less than $500 per mile or fraction thereof, to be determined by the regional administrator conditioned on compliance with §§ 244.1 to 244.21 and 244.52 and 244.53. The arbitration procedures involved in the stipulations shall be in accordance with State law, if any is applicable. In the absence of applicable State law, controversies involving arbitration shall be arbitrated in accordance with the rules then obtaining of the American Arbitration Association.

§ 244.53 *Tramroads defined.* Tramroads are considered as including tramways, railroads, and motor-truck roads to be used in connection with mining, quarrying, logging, and the manufacturing of lumber.

CROSS REFERENCE: Applications for logging road permits over revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands and intermingled public lands administered by the Bureau of Land Management which are in and west of Range 8 East, Willamette Meridian, Oregon, must be made under 43 CFR, Part 115.

SUBPART G—TRANSFERS OF PUBLIC LANDS AND RESERVATIONS FOR HIGHWAYS, ROAD BUILDING MATERIAL AND MAINTENANCE SITES, ROADSIDE AND LANDSCAPE DEVELOPMENT AREAS AND FLIGHT STRIPS, UNDER THE FEDERAL AID HIGHWAY ACT [25]

AUTHORITY: §§ 244.54 to 244.56 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

§ 244.54 *Statutory authority.*—(a) *Highways and material sites.* (1) Section 17 of the Federal Aid Highway Act of November 9, 1921 (42 Stat. 216; 23 U. S. C. 18), authorizes the transfer of public lands and reservations of the United States to the State highway departments on determination by the Secretary of Commerce [26] that such lands are necessary for the right-of-way for any highway or forest road or as a source of materials for the construction and maintenance of such roads and highways, and after his request for such transfer with a map showing the portions of such lands which it is desired to appropriate.[27] The section does not authorize transfers to Territories.

(2) This statute provides that if within a period of 4 months after such filing the Secretary of the department supervising the administration of such land or reservation shall not have certified to the Secretary of Commerce that the proposed transfer of such lands is contrary to public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land or materials may be appropriated and transferred to the State highway departments for such purposes.[28] If and when the need for any such land or materials shall no longer exist, notice of that fact must be given by the State highway department to the Secretary of Commerce, and such lands or materials will immediately revert to the control of the Secretary of the Department from which they had been appropriated.[29]

(b) *Roadside and landscape development areas.* The act of June 8, 1938 (52 Stat. 633; 23 U. S. C. 10b), authorizes right-of-way for roadside and landscape development under section 17 of the Federal Aid Highway Act.

(c) *Flight strips.* Section 8 of the act of November 19, 1941 (55 Stat. 767; 23 U. S. C. 108), authorizes rights-of-way under the Federal Aid Highway Act for flight strips adjacent to public highways or roadside-development areas along such highways.

(d) *Extent of grant.* Rights-of-way granted pursuant to the Federal Aid Highway Act, as supplemented and amended, do not include rights-of-way for facilities with respect to which any other provision of law specifically requires the filing of an application for a right-of-way. Where the holder of the highway right-of-way determines that such facility will not seriously impair the scenic and recreational values of an area and its consent is obtained, the Department waives the requirement of an application for a right-of-way for all facilities usual to a highway along a highway right-of-way granted pursuant to the Federal Aid Highway Act, as supplemented and amended, except for electric transmission facilities, designed for operation at a nominal voltage of 33 kv or above, or designed for conversion to such operation, or for oil or gas pipe lines which are more than two miles long and are not part of any other pipe line crossing public lands. Applications shall be made under §§ 244.39 to 244.47, inclusive, with respect to any right-of-way for an electric transmission facility subject to this exception, and under §§ 244.60 to 244.66, inclusive, for pipe line facilities subject to this exception. Where the holder of the right-of-way consents to the construction of usual highway facilities, as stated above, such holder shall be responsible for compliance with § 244.9 in connection with the construction and maintenance of such facilities.

§ 244.55 *Filing of application.* Where a right-of-way is desired under the provisions of section 17 of the act of November 9, 1921, and the amendment or supplements thereto, for any of the purposes mentioned in § 244.54, an application and maps should be filed in the manner prescribed by §§ 244.3 and 244.6 (a). Such application should be filed by the State highway department of the particular State and not by any political subdivision of the State. No application will be received by the Bureau for rights-of-way affecting lands entirely within a national forest or an Indian reservation.

§ 244.56 *Action on application.* Upon receipt of an application filed under section 17 of the act of November 9, 1921, or acts supplemental thereto, which affects unpatented lands or patented lands, acquired by the United States, under the jurisdiction of this Department, Bureau procedure relating to rights-of-way will be followed, and in addition the manager will return a duplicate map or maps to the State highway department which will forward them to the Secretary of Commerce for his determination that the lands are necessary for the purposes desired, as required by the act. Upon the receipt of such determination, if all else be regular, the right-of-way will be approved.

SUBPART H—RIGHTS-OF-WAY FOR THE CONSTRUCTION OF HIGHWAYS OVER PUBLIC LANDS UNDER R. S. 2477

AUTHORITY: §§ 244.57 to 244.59 issued under R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201.

§ 244.57 *Statutory authority.* R. S. 2477 (43 U. S. C. 932), grants rights-of-way for the construction of highways over public lands, not reserved for public uses.

§ 244.58 *Effective date and extent of grant.* (a) Grants of rights-of-way referred to in the preceding section become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses. No application should be filed under R. S. 2477, as no action on the part of the Government is necessary. Rights-of-way granted by R. S. 2477 do not include rights-of-way for facilities with respect to which any other provision of law specifically requires the filing of an application for a right-of-way. Where the holder of the highway right-of-way determines that such facility will not seriously impair the scenic and recreational values of an area and its consent is obtained, the Department waives the requirement of an application for a right-of-way for all facilities usual to a highway along a highway right-of-way

[22] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[23] In an opinion of July 16, 1942 (58 I. D. 29), the Solicitor of the Department of the Interior held that the act of February 15, 1901 (31 Stat. 790; 43 U. S. C. 959), superseded the part of the 1895 act authorizing rights-of-way for canals and reservoirs.

[24] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[25] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[26] Originally the Federal Aid Highway Act provided that various functions should be administered by the Secretary of Agriculture. Through a series of transfers, the latest of which is 1949 Reorganization Plan No. 7, effective August 19, 1949 (14 F. R. 5228, 63 Stat. 1070), these functions have vested in the Secretary of Commerce.

[27] Considered as including maintenance and stock-pile sites.

[28] By decision of the Secretary, Nevada Department of Highways, A-24151, September 17, 1945, it was held that the language of the act imports discretion and indicates no intent to vest in the State a right at the end of the four months' period without further action by the Department having jurisdiction. It was held further that the interest transferred under the statute is merely a right-of-way or right to take materials and that the Government may reserve the right to dispose of leasable minerals.

[29] Notice by the State highway departments, that the need for the land or material no longer exists may be given directly to the Bureau of Land Management.

granted by R. S. 2477, except for electric transmission facilities, designed for operation at a nominal voltage of 33 kv or above, or designed for conversion to such operation, or for oil or gas pipe lines which are more than two miles long and are not part of any other pipe line crossing public lands. Applications shall be made under §§ 244.39 to 244.47, inclusive, with respect to any right-of-way for an electric transmission facility subject to this exception, and under §§ 244.60 to 244.66, inclusive, for pipe line facilities subject to this exception.

(b) Holders of grants under R. S. 2477 shall be subject to the terms and conditions of the following paragraphs of § 244.9 (b), (c), (d), (e), (i), (k), (n). Where the holder of the highway consents to the construction of usual highway facilities, as provided above, such holder shall be responsible for compliance with the designated paragraphs of § 244.9 in connection with the construction and maintenance of such facilities.

§ 244.59 *Procedure when reserved land is involved.* When a right-of-way is desired for the construction of a highway under R. S. 2477, over public land reserved for public uses, and such reserved land is under the jurisdiction of the Department of the Interior, an application should be made in accordance with § 244.3 for consideration of the revocation or modification of the reserve so as to permit the operation of the statute and construction or establishment of the highway. Such application should be accompanied by a map, drawn on tracing linen, with two print copies thereof, showing the location of the proposed highway with relation to the smallest legal subdivisions of the lands affected. In such case a serial number will not be assigned to the application but it will be transmitted together with the map and print copies to the Bureau of Land Management immediately. Unless and until the reservation shall have been revoked or modified so as to permit the construction of the highway, subject to such terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve, no rights to establish or construct the highway will be acquired by reason of the filing of such application.

SUBPART I—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT [30]

AUTHORITY: §§ 244.60 to 244.66 issued under sec. 28, 49 Stat. 678; 30 U. S. C. 185.

§ 244.60 *Statutory authority.* Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended by the act of August 21, 1935 (49 Stat. 678; 30 U. S. C. 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U. S. C. 22, 48, 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express conditions that such pipeline shall be constructed, operated and maintained as a common carrier and that the pipeline holder shall accept, convey, transport, or purchase without discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable.[31]

§ 244.61 *Who may file application.* Application may be filed by citizens of the United States, associations of such persons, any corporation organized under the laws of the United States, or of any State or Territory, and municipalities.

§ 244.62 *Common carrier stipulation; oil pipelines.* Each application for an oil pipeline right-of-way must include the following stipulation:

The applicant agrees to operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act, and, within 30 days after the request of the Secretary of the Interior, to file rate schedule and tariff for the transportation of oil as such common carrier with any regulatory agency having jurisdiction over such transportation, as the Secretary may prescribe.

§ 244.63 *Common carrier stipulation; natural gas pipelines.* Each application for a natural gas pipeline right-of-way must include the following stipulation:

(a) The applicant agrees that it will operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter adopted thereunder and that it will transport natural gas for others, whether such gas is produced from Government lands or not, at reasonable rates and subject to conditions to be allowed or determined by the regulatory agency having jurisdiction over such transportation: *Provided*, That no condition shall be imposed by the applicant which is inconsistent with the applicant's obligation to operate its pipeline as a common carrier. The applicant agrees to provide common carrier transportation service requested, including firm service, as follows:

(1) When any request for the transportation of natural gas is made and there is unused capacity in the applicant's pipeline, the applicant agrees promptly, or within such time as may be fixed by the Secretary, (i) to file with the regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant to transport such gas, to the extent of the unused capacity of the pipeline, if an application for such authority is required by the law applicable to such agency or by the rules or regulations of such agency, and, upon the issuance of such authority, to commence to render service to the extent of the unused capacity of the pipeline pursuant to the terms and conditions of such authority, or (ii) where no such authority need be obtained in advance of transportation, to file a rate schedule or tariff with such regulatory agency and to commence to render transportation service at the rates and subject to the conditions allowed or determined by such agency. Nothing in this subparagraph shall be construed to prevent any right of appeal which the applicant may have under applicable law from the issuance of authority under clause (i) or from any determination of rates or conditions under clause (ii) of the preceding sentence, but no appeal taken by the applicant shall delay the commencement of transportation service by the applicant as provided in that sentence.

(2) If there is no unused capacity or insufficient unused capacity in the applicant's pipeline at the time when the request for transportation is made, the applicant agrees promptly, or within such time as may be fixed by the Secretary, to file with any regulatory agency having jurisdiction over such matter an application for issuance of authority to the applicant to increase the capacity of its pipeline sufficiently to enable the applicant to provide for the transportation of the natural gas proposed for shipment, but the applicant shall not be required to apply for the issuance of authority to increase the capacity of its pipeline to such an extent that such increased capacity, when added to any increased capacity theretofore provided pursuant to this stipulation, will exceed that capacity of the pipeline not devoted to common carrier transportation at the time the request for common carrier transportation is made. The applicant shall be required to file an application for authority to increase the capacity of its pipeline only if the prospective shipper joins in such application and only if the prospective shipper advises the applicant in writing that at any hearing upon such application the shipper shall have the burden of showing an adequate gas supply, markets, and other relevant facts necessary to establish, consistent with applicable law, the economic feasibility of the facilities and investment required to provide necessary added capacity and to justify the issuance of authority for the construction of such facilities, and that the shipper agrees to offer natural gas for transportation through the applicant's pipeline, upon completion of the construction of the increased capacity within a reasonable time, in such amounts and for such period of time as will be sufficient to pay the construction and operation costs allocable to his shipments plus a reasonable return on the investment allocable to such shipments. Applicant further agrees to proceed diligently to provide the increased capacity for common carrier transportation, the construction of which is authorized by any final order of any regulatory agency having jurisdiction over such transportation, provided the applicant will not be required to construct such additional facilities until it is able to obtain necessary outside funds, if any are needed, on terms submitted to and sanctioned by the regulatory agency in connection with the application to obtain such authority, but nothing herein contained shall be construed as a waiver of any right which the applicant may have under applicable law to appeal from such final order.

Upon completion of construction under such authorization, applicant will take all steps necessary, including the filing of rate schedules or tariffs where required, to commence service pursuant to the terms and conditions of the authorization and at the rates and subject to the conditions allowed or determined by the agency. Nothing in the preceding sentence shall be construed to prevent any right of appeal which the applicant may have under applicable law from any determination of rates or conditions by the regulatory agency, but no such appeal taken by the applicant after the completion of construction, shall delay the commencement of transportation service by the applicant as provided in that sentence.

(b) Any rate schedule or tariff filed under paragraph (a) shall include the provisions set forth in paragraph (a) of this stipulation and no change shall be made in paragraph (a) without first obtaining the approval of the Secretary of the Interior. A copy of such rate schedule or tariff and of any amendment to, or revision of, a rate schedule or tariff shall be furnished to the Secretary of the Interior when the original is filed with the regulatory agency.

(c) None of the specific provisions of this stipulation shall be construed to limit in any way the obligation of the applicant to operate its pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act as now or hereafter amended and pertinent regulations heretofore or hereafter adopted under that act or any other obligations imposed on the applicant by such act or regulations, and any violation of such obligation shall be ground for the cancellation of the right-of-way, as provided in the Mineral Leasing Act.

Every applicant for a natural gas pipeline right-of-way whose application is pending before the Department on July 27, 1951, without final action thereon having been taken by the Department, shall be required to execute and file the stipulation prescribed in this section within 30 days after that date.

§ 244.64 *Use of pipeline.* The applicant shall state in the application the specific use, within the purview of the act, to which the pipeline is to be put, and any approval of the right-of-way shall be limited to such use, unless otherwise stated in the approval. No change in the use of the pipeline from that authorized by the approval of the right-of-way shall be allowed except as follows:

(a) In the case of pipelines engaged in interstate transportation, a change may be made only with approval first obtained from the regional administrator, and upon such terms and conditions as he may prescribe as a prerequisite to the approval of the change of use. If the regional administrator does not disapprove or otherwise act upon an application for a change in use by the end of the forty-fifth day after the application is filed, he shall be deemed to have approved it without conditions other than those previously existing.

(b) In case of pipelines engaged solely in intrastate transportation, a change may be made by the grantee in the use of the pipeline for the transportation of products within the purview of the act, from that specified in the approval of the right-of-way, provided, written notice of such change is filed with the manager not less than 15 days in advance of the actual change of use. Such notice must be accompanied by a showing as to whether the change in use is to be temporary or permanent, and a statement that such change will not result in any hardship or injustice to persons operating under Federal leases who may be dependent on the pipeline as the means of transportation of their products to existing markets, and must be accompanied by the consent in writing of such lessees to the change of use.

§ 244.65 *Approval of right-of-way.* The approval of such rights-of-way shall be subject to the express condition that the use of the pipeline for the transportation of oil, gas, or other similar natural products, shall be limited to such products produced in conformity with State and Federal laws, including laws prohibiting waste.

§ 244.66 *Pumping plant site.* A site for a pumping station or other structures reasonably necessary to the operation of a pipeline on a right-of-way approved under section 28 of the act of February 25, 1920, or as amended by the act of August 21, 1935, may be granted under the same section (36 Op. Atty. Gen. 480). When an application is made for a right-of-way for a site, the location and extent of ground proposed to be occupied by buildings or other structures necessary to be used in connection therewith must be clearly designated on the map and described on Forms 3 and 4 [32] by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions. When two or more such proposed structures are to be located near each other, it will be sufficient to give the reference to a corner of the public survey for one of them, provided all the others are connected therewith by course and distance shown on the map. The application must also state the proposed use of each structure, and must show definitely that each one is necessary for a proper use of the right-of-way for the purpose contemplated in the act.

SUBPART J—RIGHTS-OF-WAY OVER LANDS SUBJECT TO A MINERAL LEASE [30]

§ 244.67 *Statutory authority; applications.* (a) Section 29 of the act of February 25, 1920 (41 Stat. 449, 30 U. S. C. 186), provides in part:

That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights-of-way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes.

(b) Where another statutory provision covers the type of right-of-way desired, applications shall be made in accordance with such statute and the applicable regulations.

(c) Where there is no other statutory provision covering the type of right-of-way desired, applications shall be filed in accordance with §§ 244.1 to 244.21, inclusive (41 Stat. 449; 30 U. S. C. 186).

SUBPART K—RIGHTS-OF-WAY FOR FEDERAL IRRIGATION PURPOSES UNDER THE ACT OF DECEMBER 5, 1924

§ 244.68 *Statutory authority.* Section 4, subsection P, of the act of December 5, 1924 (43 Stat. 704; 43 U. S. C. 417), provides that where, in the opinion of the Secretary, a right-of-way over public land is required in connection with a reclamation project, the Secretary may reserve the same to the United States by filing in the Bureau of Land Management and in the appropriate land office copies of an instrument giving a description of the right-of-way and notice that the same is reserved to the United States for Federal irrigation purposes under this section, in which event entry for such land and the patent issued therefor shall be subject to the right-of-way so described in such instrument; and reference to each such instrument shall be made in the appropriate tract books and also in the patent (43 Stat. 704; 43 U. S. C. 417).

SUBPART L—RIGHTS-OF-WAY FOR TRANSMISSION LINES IN CONNECTION WITH BOULDER CANYON PROJECT UNDER THE BOULDER CANYON PROJECT ACT

§ 244.69 *Statutory authority.* Section 5 (d) of the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057; 43 U. S. C. 617d), authorizes the use by any agency receiving a contract for the purchase of electrical energy from Boulder Canyon Project of such public and reserved lands of the United States as may be necessary or convenient for the construction, operation, and maintenance of main transmission lines to transmit said electrical energy (45 Stat. 1057; 43 U. S. C. 617d).

Regulations superseded. Sections 244.1 to 244.69, inclusive, supersede §§ 244.1 to 244.53, inclusive, §§ 245.1 to 245.28, inclusive, and §§ 292.27 to 292.38, inclusive, of this chapter (Circ. 1237b, May 31, 1943; Circ. 1461a, December 14, 1942; Circ. 1619, August 16, 1946; Circ. 1682, May 25, 1948; Circ. 1701, October 14, 1948; and Circ. 1559, May 31, 1943).[33]

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

APPENDIX

FORMS [1]

Forms 1 and 2 to be placed on maps. See section 244.6 (a) (7).

[30] In addition to the material under this heading, the general regulations under Subpart A of this part should be consulted.

[31] By opinion of the Attorney General of January 3, 1941 (40 Op. Atty. Gen. 9), and departmental decision, *Chiles P. Plummer*, A. 23988, February 24, 1945, this statute was construed as not applying to purchased or acquired lands as they are not considered public lands within the meaning of the act.

[32] See appendix for forms.

[33] The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[1] Where necessary, these forms should be modified so as to be appropriate to the applicant (corporation, association, or individual), to the act invoked, and to the nature of the project.

Reference should be made to the appropriate section of the regulations to determine when each of the forms is required.

Forms Nos. 2, 4, 6, 7, 9, and 10 may be signed by any officer or employee of the company who is authorized to sign them. However, if they are executed by a person other than the President, they must be accompanied by a certified copy of the minutes of the Board of Directors meeting or other document authorizing such signature unless such certified copy has already been filed in the case.

ENGINEER'S STATEMENT

(Form 1)

---------- states he is by
(Name of engineer)
occupation a ---------- employed by the ---------- to
(Type of engineer) (Company)
make the survey of the----------,
(Kind of works)
as described and shown on this map; that the survey of said works was made by him (or under his supervision) and under authority, commencing on the ------ day of ---------- 19----, and ending on the ------ day of ---------- 19----; and that such survey is accurately represented upon this map.

(Engineer)

APPLICANT'S CERTIFICATE

(Form 2)

This is to certify that ----------
(Engineer)
who subscribed the statement hereon is the person employed by the undersigned applicant to prepare this map, which has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map is filed as a part of the complete application, and in order that the applicant may obtain the benefits of ----------; and I further certify that the
(Cite statute)
right-of-way herein described is desired for ----------.
(State purpose)

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

FORMS FOR PLANT SITES ONLY

See sections 244.42 (a) and 244.66.

(Form 3)

---------- states that
(Name of engineer)
he is the chief engineer of (or the person employed by) the ----------,
(Company)
under whose supervision the survey was made of the grounds selected by the company for structures for a plant site under the act of Congress approved February 15, 1901 (February 1, 1905, act of March 4, 1911, as amended, or act of February 25, 1920, as amended), said grounds (here describe as required by regulation, sec. 244.31); that the accompanying drawing correctly represents the locations of the said structures; and that in his belief the structures represented are actually and to their entire extent required for the necessary uses contemplated by the said Act.

(Signature of engineer)

(Form 4)

I, ----------, do hereby certify
(Applicant) (Company officer)
that I am the ---------- of the --------
(Title)
----------; that the survey of the struc-
(Company)
tures represented on the accompanying drawing was made under authority and by direction of the company, and under the supervision of ----------, its chief engineer (or person employed in the premises), whose statement precedes this certificate; that the survey as represented on the accompanying drawing actually represents the structures required (here described as required by regulation, sec. 244.30), for plant site under the act of Congress approved February 15, 1901 (February 1, 1905, March 4, 1911, as amended, or February 25, 1920, as amended); and that the company, by resolution of its board of directors, passed on the ------ day of ---------- 19----, directed the proper officers to present the said drawing for approval in order that the company may obtain the use of the grounds required for said structures, under the provisions of said act.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

FORMS FOR PROOF OF CONSTRUCTION

See section 244.15.

(Form 5)

---------- states that he is
(Name of engineer)
the chief engineer (or was employed to supervise or check the construction of the canals, ditches, laterals, and reservoirs) for the ----------; that said (canals,
(Company)
ditches, laterals, and reservoirs) have been constructed under his supervision; that construction was commenced on the ------ day of ---------- 19----, and completed on the ------ day of ---------- 19----; that the constructed (canals, ditches, laterals, and reservoirs) as aforesaid, conform to the map which received the approval of the Department of the Interior on the ------ day of ---------- 19----.

(Signature of engineer)

(Form 6)

I, ---------- certify
(Applicant) (Company officer)
that I am the ------- of the ----------;
(Title) (Company)
that the (canals, ditches, laerals, and reservoirs) were actually constructed as set forth in the accompanying statement of --------, chief engineer (or the person employed by the company in the promises), and on the exact location represented on the map approved by the Department of the Interior on the ------ day of ---------- 19----; and that the company has in all things complied with the requirements of the act of (March 3, 1891) granting rights-of-way for (canals, ditches, laterals, and reservoirs) through public lands of the United States.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

FORMS FOR RESERVOIR DECLARATORY STATEMENT

(Form 7)

See section 244.30.

Res. D. S.
No. ----------

Land Office at ----------,
---------- 19----.

I, ----------
(Applicant) (Company officer)
of ----------,
(Post office address)
do hereby certify that I am ----------
(Title)
of the ----------, and on behalf of
(Company)
said company, and under its authority, do hereby apply for the reservation of land in ---------- county, State of ----------, for the construction and use of a reservoir for furnishing water for livestock under the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952). The location of said reservoir and of the land necessary for its use, is as follows: ----------[1] of section ------ in township ---------- of range ------ M., containing ---------- acres.

To the best of my knowledge and belief the said land is not occupied or otherwise claimed, and is not mineral or otherwise reserved. The said reservoir is to be used in connection with----------[2]
(Business of applicant)

The land owned or claimed by the applicant within the vicinity (within 3 miles) of the said reservoir is as follows:

(Describe by legal subdivision, section, township, and range)

No part of the land to be reserved under this application is or will be fenced unless written permission is first obtained from the Department of the Interior; the same will be kept open to the free use of any person desiring to water animals of any kind; the land will not be used for any purpose except the watering of stock; and the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Department of the Interior.

The water of said reservoir will cover an area of ------ acres in ------ of section ------ in township ---------- of range ------ of said lands; the capacity of the reservoir will be ------ gallons, and the dam will be ------ feet high. The source of the water for said reservoir is ----------
(Type and location
---------- and there are
of spring, stream, runoff, etc.)
no streams or springs within 2 miles of the land to be reserved except as follows:

(Insert names or other identification)

The applicant has filed no other declaratory statements under this act, except as follows:

No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
No. ------, ---------- land office, area to be reserved ------ acres.
Total, ------ acres, of which Nos. ------ ------ are located in said county.

It is the bona fide purpose and intention of this applicant to construct and complete said reservoir and maintain the same in accordance with the provisions of said Act of Congress and such regulations as are or may be prescribed thereunder.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:
----

[1] Description should be in terms of smallest legal subdivision (40-acre tract or lot).

[2] Statement of business should include full information concerning the extent to which applicant is engaged in grazing, breeding, driving, or transporting livestock; the number and kinds of such stock; the place where they are being bred or grazed; whether within an enclosure or upon unenclosed lands; and the points from which and to which they are being driven or transported.

Land Office at ----------

I, ----------, manager of the land office, do hereby certify that the foregoing application is for the reservation of lands subject thereto under the provisions of Act of January 13, 1897; that there is no prior valid adverse right to the same; and that the land is not, by reason of its proximity to other lands reserved for reservoirs, excluded from reservation by the regulations and rulings of the Department of the Interior.

Fees, $---------- paid.

(Manager)

(Form 8)

See section 244.33.

---------- says that he is the
(Chief engineer)
person who was employed to make the survey of a reservoir covering an area of ------ acres, the initial point of the survey being ----------, said
(Describe as required by § 244.33)
reservoir having been constructed upon the ----------[1] of section ------, township ---------- range ------ M., as proposed by reservoir declaratory statement No. ------, which was filed in the local land office at ----------, under the provisions of the
(City)
act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952); that the said survey was made on the ------ day of ---------- 19----; that the dam and all necessary works have been constructed in a substantial manner; that the reservoir has a capacity of ------ gallons of water.

(Signature of engineer)

(Form 9)

See section 244.33.

I, ----------, do
(Applicant) (Company officer)
hereby certify that I am the ----------
(Title)
of the ---------- which filed (or
(Company)
that I am the person who filed) reservoir declaratory statement No. ------ in the local land office at ----------; that the proposed reservoir has been constructed upon the ----------[1] of section ------, township ----------, range ------ M., covering an area of ---------- acres; that the dam and all necessary works have been constructed in a substantial manner in good faith in order that the reservoir may be used and maintained for the purpose, and in the manner prescribed by the said act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 752), the provisions of which have been and will be complied with in all respects.

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

(Form 10)

See section 244.35.

---------- says
(Applicant) (Company officer)
that he is the ---------- of the --------
(Title)
---------- which filed (or that he is the
(Company)
person who filed) reservoir declaratory statement No. ------ in the local land office at ----------; that the reservoir con-
(City)
structed in pursuance thereof, as heretofore certified has been kept in repair; that water has been kept therein to the extent of not less than ------ gallons during the entire calendar year of 19----; that neither the reservoir nor any part of the land reserved for use in connection therewith is or has been fenced during said year; and that the said company (or person) has in all respects complied with the provisions of the act of January 13, 1897 (29 Stat. 484; 43 U. S. C. 952).

[SEAL] ----------
(Signature of applicant)

(Title)

(Company)

Attest:

[F. R. Doc. 52-7149; Filed, June 30, 1952; 8:51 a. m.]

PART 245—RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES

PART 292—PUBLIC WATER RESERVES

CROSS REFERENCE: For supersedure of §§ 245.1 to 245.28 and §§ 292.27 to 292.38, see Part 244 of this chapter, *supra*.

Appendix—Public Land Orders

[Public Land Order 845]

CALIFORNIA

RESERVING PUBLIC LAND FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Subject to valid existing rights, including a right-of-way for a material site granted to the California State Highway Department, the following-described public land in California is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for the use of the United States Atomic Energy Commission:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 9 E.,
Sec. 24, NE¼ SW¼.

The area described contains 40 acres.

It is intended that the above-described land shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7158; Filed, June 30, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Parts 29, 40]

INCOME AND EXCESS PROFITS TAX

TAXATION OF MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, AND COOPERATIVE BANKS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 62 of the Internal Revenue Code.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 313 and 346 of the Revenue Act of 1951, approved October 20, 1951, and in order to conform Regulations 130 (26 CFR Part 40) to section 313 of the Revenue Act of 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.101 (2)-1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Mutual savings banks.* Section 101 (2) (relating to exemption from tax of mutual savings banks) is hereby repealed.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 2. Section 29.101 (2)-1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (2)-1 *Mutual savings banks; taxable years beginning prior to January 1, 1952.* * * *

(B) By inserting immediately preceding the first sentence thereof the following new sentence: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952.

[1] Description should be in terms of smallest legal subdivisions (40-acre tract or lot).

For taxable years beginning after December 31, 1951, see § 29.101 (2)–2." • • •

PAR. 3. There is inserted immediately preceding § 29.101 (3)–1 the following new section:

§ 29.101 (2)–2. *Mutual savings banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares is subject to both normal tax and surtax as in the case of other corporations. Such a bank is, however, not subject to excess profits tax. For special rules governing the taxation of a mutual savings bank conducting a life insurance business, see section 110 and the regulations prescribed thereunder.

(b) While the general principles for determining the net income of a corporation are applicable to a mutual savings bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such a bank. See § 29.23 (k) (1)–5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)–1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends on deposits. Furthermore, in determining the normal tax net income of such a mutual savings bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible from the net income of the distributing corporation under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a mutual savings bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (r), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the mutual savings bank was exempt from tax. Thus, if the mutual savings bank was exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

PAR. 4. There is inserted immediately preceding § 29.101 (4)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(b) *Building and loan associations and cooperative banks.* Section 101 (4) relating to exemption from tax of building and loan associations and cooperative banks) is hereby amended to read as follows:

(4) Credit unions without capital stock organized and operated for mutual purposes and without profit; and corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for, and insurance of, shares or deposits in—

(A) Domestic building and loan associations,

(B) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(C) Mutual savings banks not having capital stock represented by shares:.

• • • • •

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 5. Section 29.101 (4)–1 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.101 (4)–1 *Building and loan associations and cooperative banks; taxable years beginning prior to January 1, 1952.* • • •

(B) By inserting immediately preceding the first sentence thereof the following: "The provisions of this section shall be applicable only to taxable years beginning prior to January 1, 1952. For taxable years beginning after December 31, 1951, see § 29.101 (4)–2." • • •

PAR. 6. There is inserted immediately preceding § 29.101 (5)–1 the following new sections:

§ 29.101 (4)–2. *Building and loan associations and cooperative banks; taxable years beginning after December 31, 1951.* (a) For taxable years beginning after December 31, 1951, a building and loan association and a cooperative bank not having capital stock represented by shares are subject to both normal tax and surtax as in the case of other corporations. Such institutions are, however, not subject to excess profits tax.

(b) While the general principles for determining the net income of a corporation are applicable to a building and loan association and a cooperative bank not having capital stock represented by shares, there are certain exceptions and special rules governing the computation in the case of such institutions. See § 29.23 (k) (1)–5 for special rules concerning additions to reserves for bad debts. See also § 29.23 (r)–1, relating to dividends paid by banking corporations, for special rules concerning deductions for amounts paid to, or credited to the accounts of, depositors as dividends on deposits. Furthermore, in determining the normal tax net income of a building and loan association and a cooperative bank, the credit for dividends received provided in section 26 (b) shall not be applicable to dividends which were deductible from the net income of the distributing corporation under section 23 (r).

(c) The taxable year (fiscal year or calendar year, as the case may be) of a building and loan association and a cooperative bank not having capital stock represented by shares shall be determined without regard to the fact that the taxpayer may have been exempt from tax during any prior period. See sections 41 and 48 and the regulations thereunder. Similarly, in computing net income, the determination of the taxable year for which an item of income or expense is taken into account shall be made under the provisions of sections 41, 42, and 43, and the regulations thereunder, whether or not the item arose during a taxable year beginning before, on, or after December 31, 1951. For the purpose of computing, under section 122, the net operating loss deduction provided in section 23 (r), the terms "preceding taxable year" and "preceding taxable years", as used in section 122, shall not include any taxable year for which the building and loan association and cooperative bank were exempt from tax. Thus, if the building and loan association and cooperative bank were exempt from tax for the immediately preceding taxable year, the net operating loss is not a carry-back to any preceding taxable year, and the net operating loss carry-over to succeeding taxable years is not reduced by the net income for any preceding taxable year. No net operating loss carry-back or carry-over shall be allowed from a taxable year beginning prior to January 1, 1952.

§ 29.101 (4)–3 *Credit unions and mutual insurance funds.* Credit unions (other than Federal credit unions which are exempt under section 101 (15)) without capital stock organized and operated for mutual purposes and without profit are exempt from tax under section 101 (4). Corporations or associations without capital stock organized prior to September 1, 1951, and operated for mutual purposes and without profit for the purpose of providing reserve funds for and insurance of shares or deposits in

(a) Domestic building and loan associations as defined in section 3797 (a) (19),

(b) Cooperative banks without capital stock organized and operated for mutual purposes and without profit, or

(c) Mutual savings banks not having capital stock represented by shares,

are exempt from tax under section 101 (4).

PAR. 7. There is inserted immediately preceding § 29.23 (k) (1)–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • •

(e) *Bad debt reserves.* Section 23 (k) (1) (relating to deduction from gross income of bad debts) is hereby amended by adding at the end thereof the following: "In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, the reasonable addition to a reserve for bad debts shall be determined with due regard to the amount of the taxpayer's surplus or bad debt reserves existing at the close of December 31, 1951. In the case of a taxpayer described in the preceding sentence, the reasonable addition to a reserve for bad debts for any taxable year shall in no case be less than the amount determined by the taxpayer as the reasonable addition for such year; except that the amount determined by the taxpayer under this sentence shall not be greater than the lesser of (A) the amount of its net income for the taxable year, computed without regard to this subsection, or (B) the amount by which 12 per centum of the total deposits or withdrawable accounts of its depositors at the close of such year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year."

• • • • •

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 8. Section 29.23 (k)–5 is amended as follows:

(A) By changing the headnote thereof to read as follows:

§ 29.23 (k)–5 *Reserve for bad debts—(a) Taxpayers other than mutual savings banks, building and loan associations and cooperative banks.* • • •

(B) By redesignating paragraphs (a) and (b) as subparagraphs (1) and (2) of paragraph (a).

(C) By inserting at the end thereof the following new paragraph:

(b) *Mutual savings banks, building and loan associations, and cooperative banks—(1) In general.* For taxable years beginning after December 31, 1951, a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may, as an alternative to a deduction from gross income for specific debts which become worthless in whole or in part deduct amounts credited to a reserve for bad debts in the manner and under the circumstances prescribed in this section. In the case of such an institution the selection of either of the alternative methods for treating bad debts may be made by the taxpayer in the return for its first taxable year beginning after December 31, 1951. The method selected shall be subject to the approval of the Commissioner upon examination of the return. Any change in the method so selected and approved may be made only if permission is granted as provided in § 29.23 (k)–1 (a).

(2) *Definitions.* When used in this paragraph:

(i) The term "institution" means either a mutual savings bank not having capital stock represented by shares, a domestic building and loan association as defined in section 3797 (a) (19), or a cooperative bank without capital stock organized and operated for mutual purposes and without profit.

(ii) "Surplus, undivided profits, and reserves" means the amount by which the total assets of an institution exceed the amount of the total liabilities of such an institution. For this purpose the term "total assets" means the sum of money, plus the aggregate of the adjusted basis of the property other than money held by an institution. Such adjusted basis for any asset is its adjusted basis for determining gain upon sale or exchange for Federal income tax purposes. (See, in general, section 113 and the regulations prescribed thereunder. For special rules with respect to adjustments to basis for prior taxable years during which the institution was exempt from tax, see § 29.113 (b) (1)–4.) The determination of the total assets of any taxpayer shall conform to the method of accounting employed by such taxpayer in determining net income and to the rules applicable in determining its earnings and profits. The term "total liabilities" means all liabilities of the taxpayer, which are fixed and determined, absolute and not contingent, and includes those items which constitute liabilities in the sense of debts or obligations. The obligation of an institution with respect to its deposits or withdrawable accounts is a liability. In the case of a building and loan association having permanent nonwithdrawable capital stock represented by shares, the value of such stock shall not be considered a liability. Reserves for contingencies and other reserves which are mere appropriations of surplus are not liabilities.

(iii) The term "surplus or bad debt reserves existing at the close of December 31, 1951" means the amount of surplus, undivided profits, and reserves accumulated by the institution prior to January 1, 1952, and in existence at the close of December 31, 1951.

(iv) The term "total deposits or withdrawable accounts" means the aggregate of (*a*) amounts placed with an institution for deposit or investment which are withdrawable on demand subject only to customary notice of intention to withdraw, and (*b*) earnings outstanding on the books of account of the institution at the close of the taxable year which have been credited as dividends or interest upon such accounts prior to the close of the taxable year, which are withdrawable on demand subject only to customary notice of intention to withdraw.

(3) *Institutions with surplus, reserves, and undivided profits in an amount less than 12 percent of total deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year exceeds the sum of its surplus, undivided profits, and reserves at the beginning of the taxable year, there is allowable as a deduction from gross income as an addition to a reserve for bad debts any amount determined by the taxpayer not exceeding the lesser of:

(i) The amount of the net income of such institution for the taxable year computed without regard to section 23 (k) (1) or,

(ii) The amount by which 12 percent of the total deposits or withdrawable accounts at the close of the taxable year exceeds the sum of the institution's surplus, undivided profits, and reserves at the beginning of the taxable year.

Recoveries of debts charged off during a prior taxable year (whether or not the institution was exempt from tax for such year) shall be credited to the bad debt reserve. Bad debt losses sustained during the taxable year shall be charged against the bad debt reserve. The establishment of such reserve and all adjustments made thereto must be reflected on the regular books of account of the institution. For the purpose of this paragraph minimum amounts credited in compliance with mandatory Federal or State statutes or regulations to reserve or similar accounts against which charges may be made for the sole purpose of absorbing losses sustained by an institution will be deemed to have been credited to the bad debt reserve authorized under this paragraph.

Example. On December 31, 1952, Institution A, which keeps its books on the basis of the calendar year, has withdrawable accounts of $10,000,000, all of which amount is insured by an agency of the Federal Government. The surplus, reserves, and undivided profits of Institution A at the opening of business on January 1, 1952, total $800,000. A regulation of a Federal agency requires that at the close of the taxable year an amount equal to 0.3 percent of the value of the insured accounts be credited by Institution A to a Federal insurance reserve for the sole purpose of absorbing losses. A statute of the State in which Institution A is located requires that not less than 5 percent and not more than 25 percent of the net profits of Institution A be credited at the close of the taxable year to a "reserve fund" for the sole purpose of absorbing losses. It is assumed for the purpose of determining the amount to be credited to the State reserve fund that "not less than 5 percent of the net profits" of Institution A for the taxable year 1952 amounts to $5,000.

Prior to the taxable year Institution A did not maintain a reserve for bad debts. During 1952 Institution A sustained bad debt losses of $5,000 and recovered $10,000 from bad debts charged off in prior years. The net income of Institution A for the taxable year 1952 (computed under chapter 1 without regard to section 23 (k) (1)) is $200,000.

The books of account of Institution A show credits for the taxable year 1952 to the following reserves:

State reserve fund	$10,000
Federal insurance reserve	30,000
Bad debt reserves	65,000
Miscellaneous reserves	15,000

There is allowable as a deduction from the gross income of Institution A for the taxable year 1952 $100,000 ($65,000 credited to the bad debt reserve, $30,000 credited to the Federal insurance reserve, and $5,000 representing the minimum amount required by the State statute, credited to the State reserve fund).

Assuming that Federal taxes for 1952 amount to $52,000 on net income of $100,000, the amount credited to the surplus account for 1952 will be $28,000, that is $48,000 less the sum of the $15,000 credited to miscellaneous reserves and $5,000 credited to State reserves for which no bad debt deduction was allowable. Consequently, the surplus, undivided profits, and reserves of Institution A, amounting to $800,000 at the close of December 31, 1951, as increased by amounts credited to these accounts for 1952, will total $953,000 at the close of December 31, 1952, computed as follows:

Surplus, reserves, and undivided profits at close of Dec. 31, 1951	$800,000
Amount credited to miscellaneous reserve accounts for 1952	15,000
Amount credited to State reserve fund for 1952	10,000

Amount credited to Federal insurance reserve for 1952	$30,000
Amount credited to surplus for 1952	28,000
Bad debt reserve at close of Dec. 31, 1951	0
Amount credited to reserve for bad debt for 1952	65,000
Recoveries made during 1952 of bad debts previously charged off	10,000
	75,000
Less: Bad debt losses sustained during 1952	5,000
Bad debt reserve at close of Dec. 31, 1952	70,000
Surplus, undivided profits and reserves existing at close of Dec. 31, 1952	953,000

(4) *Institutions with surplus, reserves, and undivided profits equal to or in excess of 12 percent of deposits or withdrawable accounts.* Where 12 percent of the total deposits or withdrawable accounts of an institution at the close of the taxable year is equal to or less than the sum of such institution's surplus, undivided profits and reserves at the beginning of the taxable year, there may be allowable as a deduction from gross income a reasonable addition to the reserve for bad debts determined under the general provisions of paragraph (a) of this section. In making such determination there will be taken into account (i) surplus, or bad debt reserves existing at the close of December 31, 1951, and (ii) accretions to the surplus, undivided profits, and reserves of the institution from December 31, 1951, until the beginning of the taxable year. Deductions for additions to the reserve for bad debts, in addition to the deductions allowed, if any, under subparagraph (3) of this paragraph, will be authorized in those cases where the institution proves to the satisfaction of the Commissioner that the bad debt experience of the institution warrants the maintenance of a bad debt reserve in excess of that provided in subparagraph (3) of this paragraph.

PAR. 9. There is inserted immediately after § 29.113 (b) (1)–3 the following new section:

§ 29.113 (b) (1)–4 *Adjusted basis: Mutual savings banks, building and loan associations, and cooperative banks.* (a) The adjustments to the cost or other basis of property provided in section 113 (b) and § 29.113 (b) (1)–1 to § 29.113 (b) (1)–3, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning prior to January 1, 1952. Proper adjustment must be made under section 113 (b) for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation allowable for all prior taxable years although such institution may have been exempt from tax during such period. Similarly, in the case of tax exempt and partially taxable bonds purchased at a premium and subject to amortization under section 125, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond.

Example. On January 1, 1952, Z a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt $1,000 noncallable bond maturing on January 1, 1962. Such bond was acquired by Z on January 1, 1932, for $1,300. It was sold by Z on December 31, 1952, for $1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of $300 by the life of the bond (30 years) is $10. Z realizes a gain of $60 from such sale computed as follows:

(1) Cost of bond	$1,300
(2) Amount of bond premium attributable to years 1942 through 1951, during which Z was exempt from tax ($10 times 10 years)	100
(3) Amount of bond premium amortized from Jan. 1, 1952 through Dec. 31, 1952 ($10 times 1 year)	10
(4) Total amount of adjustments to basis (aggregate of (2) and (3))	110
(5) Adjusted basis of bond at close of 1952 ((1) reduced by (4))	1,190
(6) Gain realized upon sale. Excess of sale price over adjusted basis ($1,250 minus $1,190)	60

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date of the election to amortize such premium in accordance with the provisions of section 125 in the same manner as if the institution were subject to tax from the date of acquisition of the bond.

(b) In the case of a mortgage purchased at a premium where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustment shall be an amount which is equal to the proportion of the premium which each installment payment on principal bears to the face value of the mortgage loan. For the purpose of this adjustment, the term "premium" includes the amount of cash paid in excess of the face amount of the loan, attorneys' fees, brokerage commissions, and all other costs directly attributable to the acquisition of the mortgage.

PAR. 10. There is inserted immediately preceding section 23 (s) the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(f) *Dividends paid to depositors.* Section 23 (r) (relating to the deduction from gross income of certain dividends paid by banking corporations) is hereby amended to read as follows:

(r) *Dividends paid by banking corporations.* (1) In the case of mutual savings banks, cooperative banks, and domestic building and loan associations, amounts paid to, or credited to the accounts of, depositors or holders of accounts as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw.

(2) For deduction of dividends paid by certain other banking corporations, see section 121.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (r)–1 *Dividends paid by mutual savings banks, building and loan associations, and cooperative banks*—(a) *In general.* (1) A mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit may deduct from gross income amounts which during the taxable year are paid to or credited to the accounts of depositors or holders of accounts, as dividends on their deposits or withdrawable accounts, if such amounts paid or credited are withdrawable on demand subject only to customary notice of intention to withdraw. If such an institution has the right to receive 30 days notice prior to the withdrawal of a deposit or of any amounts paid or credited to the account thereof, the amounts credited will nevertheless be considered as withdrawable on demand subject only to customary notice of intention to withdraw.

(2) The deduction provided in section 23 (r) (1) is applicable to the taxable year in which amounts credited as dividends become withdrawable by the depositor or holder of account subject only to customary notice of intention to withdraw. Thus, amounts credited as dividends as of the last day of the taxable year which are not withdrawable by depositors or holders of accounts until the business day next succeeding are deductible under this section in the year subsequent to the taxable year in which they were credited. Similarly, amounts credited as dividends, otherwise deductible under this section, which are subject to the terms of an agreement whereby the dividend is pledged to secure the payment of a mortgage made by the depositor or holder of account with the institution are deductible under section 23 (r) (1) in the year in which such amounts become released from the terms of the pledge agreement. In the case of a building and loan association having nonwithdrawable capital stock represented by shares, no deduction is allowable under this section for amounts paid or credited as dividends on such shares.

(b) *Serial associations, bonus plans, etc.* (1) In the case of a building and loan association which operates in whole or in part as a serial association, which maintains bonus plans, which issues shares subject to fines, penalties, or forfeitures, or which operates in any other manner whereby the dividend rate payable is dependent upon investment in the institution of specified sums for a stipulated period, no portion of any amount credited as dividends upon such shares, in excess of amounts withdrawable during the taxable years subject only to customary notice of intention to withdraw is deductible under section 23 (r) (1).

(2) The application of this paragraph may be illustrated by the following example:

Example. Building and Loan Association B, which operates as a serial association, maintains a "Divided Profits Account" amounting to $100,000 at the close of the taxable year. Of this amount, $70,000 represents earnings accumulated in prior years upon such series shares which are withdrawable on demand subject only to customary notice of intention to withdraw, and $30,000 of such amount represents earnings which may accrue to serial shares during succeeding taxable years as the shares, if not earlier withdrawn, approach maturity. There is deductible from the gross income of B under section 23 (r) $70,000 for the taxable year. As to the remaining $30,000, so much of it is deductible as becomes withdrawable in the taxable year on demand subject only to customary notice of intention to withdraw.

§ 29.23 (r)–2 *Dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks.* For deduction of dividends paid by certain banking corporations other than mutual savings banks, building and loan associations, and cooperative banks, see section 121.

PAR. 11. There is inserted immediately after § 29.23 (bb)–1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(g) *Deduction for repayment of certain loans.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following:

(dd) *Repayment by mutual savings banks, etc., of certain loans.* In the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid by the taxpayer during the taxable year in repayment of loans made prior to September 1, 1951, by (1) the United States or any agency or instrumentality thereof which is wholly owned by the United States, or (2) any mutual fund established under the authority of the laws of any State.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.23 (dd)–1 *Repayment of certain loans by mutual savings banks, building and loan associations, and cooperative banks.* For taxable years beginning after December 31, 1951, there shall be deductible under section 23 (dd) from the gross income of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, or a cooperative bank without capital stock organized and operated for mutual purposes and without profit, amounts paid to the United States or any agency or instrumentality thereof which is owned by the United States, and amounts paid to a mutual fund established under the authority of the laws of any State in repayment of loans made prior to September 1, 1951. For example, amounts paid by such institutions to the Reconstruction Finance Corporation in repayment of a loan made prior to September 1, 1951, are deductible under this section.

PAR. 12. There is inserted immediately preceding section 111 the following:

SEC. 346. LIFE INSURANCE DEPARTMENTS OF MUTUAL SAVINGS BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Computation of tax.* Supplement A of chapter 1 is hereby amended by adding at the end thereof the following new section:

SEC. 110. MUTUAL SAVINGS BANKS CONDUCTING LIFE INSURANCE BUSINESS.

(a) *Alternative tax.* In the case of a mutual savings bank not having capital stock represented by shares, authorized under State law to engage in the business of issuing life insurance contracts, and which conducts a life insurance business in a separate department the accounts of which are maintained separately from the other accounts of the mutual savings bank, there shall be levied, collected, and paid, in lieu of the taxes imposed by sections 13 and 15, or section 117 (c) (1), a tax consisting of the sum of the partial taxes determined under paragraphs (1) and (2):

(1) A partial tax computed upon the net income determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department, at the rates and in the manner as if this section has not been enacted; and

(2) A partial tax computed upon the net income (as defined in section 201 (c) (7)) of the life insurance department determined without regard to any items of gross income or deductions not properly allocable to such department, at the rates and in the manner provided in Supplement G with respect to life insurance companies.

(b) *Limitations of section.* The provisions of subsection (a) shall be applicable only if the life insurance department would, if it were treated as a separate corporation, qualify as a life insurance company under section 201 (b).

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

§ 29.110–1 *Mutual savings bank conducting life insurance business*—(a) *Scope of application.* Section 110 is applicable in the case of a mutual savings bank not having capital stock represented by shares which conducts a life insurance business, if

(1) The conduct of such business is authorized under State law,

(2) The life insurance business is carried on in a separate department of the bank,

(3) The books of account of the life insurance business are maintained separately from other departments of the bank, and

(4) The life insurance department of the bank, were it separately incorporated, would qualify as a life insurance company under section 201 (b).

(b) *Computation of tax.* In the case of a mutual savings bank conducting a life insurance business to which section 110 is applicable, the tax upon such bank consists of the sum of the following:

(1) A partial tax computed under sections 13 and 15 upon the net income of the bank determined without regard to any items of income or deduction properly allocable to the life insurance department.

(2) A partial tax upon the net income of the life insurance department determined without regard to any items of income or deduction not properly allocable to such department at the rates and in the manner provided in Supplement G with respect to life insurance companies.

PAR. 13. There is inserted immediately preceding § 40.454–1 the following:

SEC. 313. MUTUAL SAVINGS BANKS, BUILDING AND LOAN ASSOCIATIONS, COOPERATIVE BANKS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Exemptions from excess profits tax.* Section 454 (corporations exempt from the excess profits tax) is hereby amended by adding at the end thereof the following:

(h) Any mutual savings bank not having capital stock represented by shares, any domestic building and loan association (as defined in section 3797 (a) (19)), and any cooperative bank without capital stock organized and operated for mutual purposes and without profit.

* * * * *

(j) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning after December 31, 1951.

PAR. 14. Section 40.454–1 is amended by striking from the first sentence of paragraph (e) thereof the words "or (g)" and by inserting in lieu thereof the words "(g), or (h)."

[F. R. Doc. 52–7194; Filed, June 27, 1952; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 301]

GYPSY MOTH AND BROWN-TAIL MOTH

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), is considering amending §§ 301.45, 301.45–1 (e), 301.45–2, 301.45–3 (b), 301.45–4 (c), 301.45–5, 301.45–7, and 301.45–8 of Notice of Gypsy Moth Quarantine No. 45 and regulations supplemental thereto (7 CFR 301.45 et seq.), in the following respects:

1. Amend § 301.45 by deleting therefrom the articles designated in paragraphs (b) and (c), and substituting therefor the following: "(b) timber and timber products; (c) plants having persistent woody stems and parts thereof, including Christmas trees."

2. Amend § 301.45–1 (e) by deleting the words "on the western periphery," placing a period after the word "infestations," and deleting the words "in this area."

3. Amend § 301.45–2 as follows:

a. Delete the present language of the paragraph designating certain counties and towns in Connecticut as regulated area, and substitute therefor the following:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland and Windham; towns of Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Plymouth, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Washington, Warren, Watertown, Winchester, Woodbury, in Litchfield County; towns of Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Hamden, Madison, Meriden, Middlebury, Naugatuck, New Haven, North Branford, North Haven, Orange, Prospect, Seymour, Wallingford, Waterbury, West Haven, Wolcott, and Woodbridge, in New Haven County.

b. Delete the present language of the paragraph designating certain towns in Connecticut as suppressive area, and substitute the following:

(a) *The suppressive area:*

Connecticut. Towns of Bethlehem, Canaan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Washington, Warren, and Woodbury, in Litchfield County; towns of Ansonia, Beacon Falls, Bethany, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, West Haven, and Woodbridge, in New Haven County.

4. Amend § 301.45–3 by deleting the present language of § 301.45–3 (b) (1) and § 301.45–3 (b) (2), and substituting therefor the following:

(1) Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, and similar materials.

(2) Plants having persistent woody stems and parts thereof, including Christmas trees.

5. Amend § 301.45–4 (c) by deleting the present language of this section and substituting therefor the following:

(c) *Contingent restrictions on movement between points within the suppressive area.* Whenever it is determined by the Chief of the Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through movement of regulated articles into such sections, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45–5 (a), for any or all regulated articles moving into such designated sections from other parts of the suppressive area.

6. Amend § 301.45–5 by deleting the present language of this section, and substituting therefor the following:

§ 301.45–5 *Conditions governing the issuance of certificates and permits—*(a) *Certificates.* Certificates may be issued for the interstate movement of regulated articles under one or more of the following conditions: (1) When, in the judgment of the inspector, they have not been exposed to infestation; (2) when they have been inspected and found apparently free from infestation; (3) when they have been treated by approved methods under the observation of an inspector; and (4) when they have been grown, produced, manufactured, stored or handled in such a manner that, in the judgment of the inspector, no infestation could be transmitted thereby: *Provided,* That subsequent to certification, the regulated articles must be safeguarded against reinfestation as required by the inspector.

(b) *Limited permits.* Limited permits may be issued for the movement of noncertified, regulated articles to specified destinations for specified processing, handling, or utilization. Persons shipping, transporting or receiving such articles may be required to enter into written agreements to maintain such safeguards against the establishment and spread of infestation as may be required by the inspector.

(c) *Cancellation of certificates or limited permits.* Certificates or limited permits issued under these regulations may be withdrawn or canceled by the inspector and further certificates or limited permits refused whenever, in his judgment, the further use of such certificates or permits might result in the dissemination of infestation.

7. Amend § 301.45–7 by deleting the present language of this section, and substituting therefor the following:

§ 301.45–7 *Assembly of regulated articles for inspection.* Persons intending to move interstate any of the articles covered by these regulations shall make application for certification as far in advance as possible and may be required to prepare and assemble materials at such points and times and in such manner as the inspector shall designate, so that thorough inspection may be made, or approved treatments applied. Articles to be inspected as a basis for certification must be in such condition as permits adequate inspection. The United States Department of Agriculture will not be responsible for any cost incident to inspection, treatment, or certification other than the services of the inspector and will be responsible for no injury incident thereto.

8. Amend § 301.45–8 by deleting the present language of this section, and substituting therefor the following:

§ 301.45–8 *Marking.* Every regulated article or container of regulated articles intended for interstate movement shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or limited permit issued in compliance with these regulations: *Provided,* That for lot shipments one certificate or limited permit may be attached to one article or container of each shipment and another to the accompanying waybill, and for carlot freight or express shipments, either in containers or in bulk, a certificate or limited permit need be attached to the waybill only. For movement by road vehicle, a certificate or limited permit shall accompany the vehicle and, except when transportation is by common carrier, it shall be surrendered to consignee upon delivery of shipment.

The purpose of the proposed amendment of § 301.45 is to rephrase and simplify the items that are subject to quarantine.

The proposed amendment of § 301.45–2 would add to the regulated area in Connecticut the towns of Bethlehem, Roxbury, Washington, Watertown, and Woodbury, in Litchfield County, and the towns of Ansonia, Beacon Falls, Bethany, Cheshire, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, Wallingford, West Haven, and Woodbridge, in New Haven County. This amendment also adds to the suppressive area in Connecticut all of the above-mentioned towns with the exception of Watertown, in Litchfield County, and Cheshire and Wallingford, in New Haven County. These three towns would be added to the generally infested area.

It is further proposed to amend § 301.45–3 in conformity with changes proposed in the notice of quarantine, and to rephrase §§ 301.45–1 to 301.45–5, inclusive, 301.45–7, and 301.45–8, in a number of minor respects in the interest of clarity and improved efficiency of quarantine operation.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat 318, as amended; 7 U. S. C. 141, 143, 161)

Done at Washington, D. C., this 26th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7151; Filed, June 30, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Forest Service

CONECUH, DESOTO, BIENVILLE, KISATCHIE, ANGELINA, AND SABINE NATIONAL FORESTS

REMOVAL OF TRESPASSING HOGS

Whereas a number of hogs are trespassing and grazing on lands fenced for reforestation purposes on the Conecuh National Forest in Alabama, the DeSoto and Bienville National Forests in Mississippi, the Kisatchie National Forest in Louisiana, and the Angelina and Sabine National Forests in Texas; and

Whereas these hogs are injuring and causing mortality to pine trees on these fenced national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Conecuh National Forest in Alabama; the DeSoto and Bienville National Forests in Mississippi; the Kisatchie National Forest in Louisiana; and the Angelina and Sabine National Forests in Texas:

Temporary closure from livestock grazing. (a) The fenced areas on the Conecuh, DeSoto, Bienville, Kisatchie, Angelina, and Sabine National Forests are hereby closed to the grazing of hogs for the period beginning January 1, 1953, and ending December 31, 1962.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all hogs found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such hogs shall be given by posting notices in public places or advertising in a newspaper of general circulation in the localities in which the Conecuh, DeSoto, Bienville, Kisatchie, Angelina, and Sabine National Forests are located.

Done at Washington, D. C., this 26th day of June 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7152; Filed, June 30, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5067 et al.; Order Serial No. E–6548]

RATES AND FARES BETWEEN VICINITIES OF PORTLAND, OREG., AND SEATTLE, WASH., AND FAIRBANKS AND ANCHORAGE, ALASKA

ORDER OF INVESTIGATION AND CONSOLIDATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of June 1952.

The Board is investigating certain rates and fares relating to air transportation between the vicinities of Portland, Oregon, and Seattle, Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, in Docket No. 5067. (Orders Serial Nos. E–5591, E–5752, E–5801, E–6215, E–5845, E–6140, E–6152, E–6263, E–6457, E–6464, and E–6489.)

Alaska Airlines, Inc., having moved to expand the scope of the investigation herein to include all passenger fares on file or to be filed at the time final order is entered herein by all air carriers between the vicinities of Portland, Oreg. and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, and all Large Irregular Air Carriers and parties to the proceeding having been given an opportunity to interpose objections but no person having so objected; the Board finds that:

(a) Prescription of a passenger fare order binding upon all air carriers presently having on file with the Board tariffs affecting air transportation of passengers between the vicinities of Portland, Oreg., and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, may be necessary to insure economic stability in air transportation between these points;

(b) That so much of Alaska's motion as pertains to tariffs not yet on file with the Board does not present a proper subject for investigation at this time;

(c) The rates, fares, and other provisions contained in the tariffs described in Appendix A set forth below may be unlawful for the reason, among others, that they may not show a proper balance between the cost of service, value of service and developmental factors required for a proper growth of air transportation between the points in issue herein; and

(d) The proper disposition of Docket No. 5067 requires consideration of the issues presented by the tariffs described in Appendix A.

Therefore, acting pursuant to the Civil Aeronautics Act of 1938, as amended, and particularly sections 205 (a); 403, 404, and 1002 thereof; *It is ordered,* That:

(a) An investigation be instituted to determine whether the rates, fares, and other provisions which apply from, to, or between the vicinities of Portland, Oregon, and Seattle, Washington, on the one hand, and Fairbanks and Anchorage, Alaska, on the other, contained in Appendix A may be unjust or unreasonable, unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates, fares, and other provisions;

(b) This investigation be assigned Docket No. 5619 and be consolidated into Docket No. 5067;

(c) A copy of this order be served on all parties to Docket No. 5067, on those persons named in Appendix A and be published in the FEDERAL REGISTER; and

(d) That to the extent not previously granted herein the motion of Alaska Airlines, Inc., be and it hereby is denied.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

Fares, charges, rates, and other provisions between the vicinities of Anchorage and Fairbanks, Alaska, on the one hand, and Portland, Oreg., and Seattle, Wash., on the other, published in the tariffs and via the carriers named.

Agent John J. Klak's C. A. B. No. 2

Aviation Corporation of Seattle.
Argonaut Airways Corp.
Air Cargo Express, Inc.
Blatz Airlines, Inc.
California Air Charter, Inc.
Coastal Cargo Co., Inc.
General Airways, Inc.
Meteor Air Transport, Inc.
Monarch Air Service.
Peninsular Air Transport.
S. S. W., Inc.
Unit Export Co., Inc.
World Airways, Inc.

Agent John J. Klak's C. A. B. No. 4

Modern Air Transport, Inc.	
Aero Finance Corp.	C. A. B. No. 5.
Air Services, Inc.	C. A. B. No. 4.
Arctic-Pacific, Inc.	C. A. B. No. 2.
Arnold Air Service, Inc.	C. A. B. No. 2.
Associated Air Transport, Inc.	C. A. B. No. 4.
Federated Airlines, Inc.	C. A. B. No. 2.
Freight Air, Inc.	C. A. B. No. 4.
Great Lakes Airlines, Inc.	C. A. B. No. 5.
Lavery Airways, Inc.	C. A. B. No. 1.
Miami Airline, Inc.	C. A. B. No. 5.
New England Air Express, Inc.	

Agent John J. Klak's C. A. B. No. 4—Continued

Overseas National Airways	C. A. B. No. 1.
Pearson Alaska, Inc.	C. A. B. No. 3.
Royal Air Service	C. A. B. No. 5.
Sourdough Air Transport	C. A. B. No. 1.
Southern Air Transport, Inc.	C. A. B. No. 1.
Standard Air Cargo	C. A. B. No. 2.
Trans-Alaskan Airlines, Inc.	C. A. B. No. 3.
Trans-Ocean Air Lines	C. A. B. No. 12.

[F. R. Doc. 52–7166; Filed, June 30, 1952; 8:55 a. m.]

[Docket No. 5239 et al.]

TRANS-TEXAS RENEWAL CASE, SEGMENTS 2 AND 6

NOTICE OF HEARING

In the matter of the application of Trans-Texas Airways, for renewal of Segments 2 and 6 of its route No. 82.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on July 22, 1952, at 10:00 a. m., in the Chamber of Commerce Building, Corpus Christi, Tex., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by the applications consolidated and the Board's orders entered in the proceeding, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require and should the Board order:

(a) Renewal, in whole or in part, of the temporary certificate of public convenience and necessity of Trans-Texas Airways, for Segments 2 and 6 of its route No. 82, with or without modifications, for additional period of 5 years from March 31, 1952, or for such other period of time as the Board may determine (Docket No. 5233);

(b) Suspension of the certificate of public convenience and necessity of Braniff Airways, Inc., for route No. 9, insofar as such certificate authorizes service to Brownsville, Corpus Christi, and Laredo, Tex., for such period of time as the Board may determine (Docket No. 5259);

(c) Suspension of the certificate of Eastern Air Lines, Inc., for route No. 5, insofar as such certificate authorizes service to Brownsville and Corpus Christi, for such period of time as the Board may determine (Docket No. 5259);

(d) Amendment of Trans-Texas certificate to designate Laredo, Tex., as a co-terminal point with the existing terminal point Mission/McAllen/Edinburg, Tex., on segment 6 of its route No. 82. (Docket No. 4951.)

(e) Amendment of Trans-Texas certificate to redesignate the intermediate point Harlingen, Tex., on segment 2 of its route No. 82, as Harlingen San Benito, Tex. (Docket No. 4414);

(f) Amendment of Trans-Texas certificate, segment 1 of its route No. 82, so as to authorize air transportation to Crystal City, Tex., as an intermediate point on said route (Crystal City Application, Docket No. 5085);

2. Is Trans-Texas a citizen of the United States within the provisions of the act, and is it fit, willing, and able to perform the service under the amended certificate of public convenience and necessity as proposed?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, the prehearing conference report, petitions, motions, and orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before July 22, 1952, a statement setting forth such relevant propositions of fact or law on which he desires to be heard.

Dated at Washington, D. C., June 26, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7168; Filed, June 30, 1952; 8:56 a. m.]

[Docket Nos. 5540, 5541]

EMPRESA DE TRANSPORTES AEROVIAS BRAZIL, S. A.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of Empresa de Transportes Aerovias Brazil, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for an amendment of its foreign carrier permit so as to add San Juan, Puerto Rico, and Ciudad Bolivar, Venezuela, as intermediate points on its route.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding now assigned for July 8, 1952, is hereby indefinitely postponed at the request of applicant.

Dated at Washington, D. C., June 26, 1952.

[SEAL] FRANCIS W. BROWN,
Hearing Examiner.

[F. R. Doc. 52-7167; Filed, June 30, 1952; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

CALIFORNIA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LAND FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES,
Acting Secretary of the Interior.

JUNE 24, 1952.

[F. R. Doc. 52-7159; Filed, June 30, 1952; 8:53 a. m.]

[1] See F. R. Doc. 52-7158, Title 43, chapter I, Appendix, *supra*.

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 49—DPAV-38]

REQUEST TO METAL PRODUCTS COMPANY PRODUCTION POOL TO OPERATE AS SMALL BUSINESS ENTERPRISE PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN OPERATIONS OF SUCH POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request to Metal Products Company Production Pool to operate as a small business enterprise production pool and the request to the companies hereinafter listed to participate in the operations of such pool, set forth below, were approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration. The voluntary program in accordance with which the pool shall operate has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO METAL PRODUCTS COMPANY PRODUCTION POOL

You are requested to operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers submitted to the Administrator, Small Defense Plants Administration, Washington, D. C.

In my opinion, the operations of your association as a small business enterprise production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You may commence your operations thereunder as a small business enterprise production pool upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that your operations are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

REQUEST TO COMPANIES

You are requested to participate in the operations of Metal Products Company Production Pool, Nashville, Tennessee, which will operate as a small business enterprise production pool in accordance with the voluntary program as set forth in the papers submitted by it to the Administrator, Small Defense Plants Administration, Washington, D. C.

In my opinion, your participation in the operations of this small business enterprise production pool will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary program and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, providing that the operations of this production pool and your participation therein are within the limits set forth in the approved voluntary program.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

Metal Products Company Production Pool accepted the request set forth above to operate as a small business enterprise production pool.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

America & Southern Corp., 1000 Sixth Avenue South, Nashville, Tenn.

Englert Engineering Co., 305 Sixth Avenue North, Nashville, Tenn.

Kusan, Inc., 2716 Franklin Road, Nashville, Tenn.

Metal Products Co., Craighead Street, Nashville, Tenn.

Nashville Armature Co., 303 Eighth Avenue South, Nashville, Tenn.

Nashville Bridge Co., P. O. Box 239, Nashville, Tenn.

Nashville Silver Plating Co., 104 Eighteenth Avenue North, Nashville, Tenn.

Noland Tank & Galvanizing Co., Merritt Avenue, Nashville, Tenn.

Oglesby Machine Co., Craighead Street, Nashville, Tenn.

Precision Parts Corp., 402 North First Street, Nashville, Tenn.

Southern Finishers, Inc., 211 Second Avenue South, Nashville, Tenn.

Temco, Inc., 4104 Park Avenue, Nashville, Tenn.

Tennessee Aircraft, Inc., P. O. Box 1285, Berry Field, Nashville, Tenn.

Fred D. Wright Co., Inc., 316 Howerton Street, Nashville, Tenn.

Vanderbilt University, School of Engineering, Nashville, Tenn.

(Sec. 708, 64 Stat. 818, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: June 27, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-7290; Filed, June 30, 1952; 11:27 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 112]

WARNER ROBINS, GEORGIA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952, that the Warner Robins, Georgia, area (this area consists of all of Houston County, Georgia) is a critical defense housing area, and in view of the defense housing program announced for the said area on January 31, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Warner Robins, Georgia, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7196; Filed, June 27, 1952; 11:44 a. m.]

[Determination No. 113]

LAKE CHARLES, LOUISIANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong.; Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69, and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952, that the Lake Charles, Louisiana, area (this area consists of all of Calcasieu Parish which includes the city of Lake Charles and Wards 1 and 6 in Beauregard Parish, all in Louisiana) is a critical defense housing area, and in view of the defense housing program announced for the said area on November 10, 1951, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Lake Charles, Louisiana, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7197; Filed, June 27, 1952; 11:44 a. m.]

[Determination No. 13, Amdt. 1]

CAMP ATTERBURY, INDIANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated June 20, 1952 (17 F. R. 5682), that the Camp Atterbury, Indiana, area is a critical defense housing area as defined by section 204 (l) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 13 (17 F. R. 1365) is hereby amended to apply to the area described as:

Camp Atterbury, Indiana (this area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek and Jackson in Decatur County, all in Indiana).

ROGER L. PUTNAM,
Administrator.

JUNE 25, 1952.

[F. R. Doc. 52-7198; Filed, June 27, 1952; 11:44 a. m.]

Office of Price Stabilization

[Delegation of Authority No. 32, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Delegation of Authority No. 32, Revision 1, is hereby issued.

1. Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49 and 60 of Ceiling Price Regulation 74.

2. The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This Delegation of Authority shall take effect on June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7242; Filed, June 27, 1952; 2:42 p. m.]

[Delegation of Authority No. 70]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Orders No. 2, as amended (16 F. R. 738, 11626), and No. 5, Revised (16 F. R. 11875), this Delegation of Authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices, Office of Price Stabilization.

This delegation of authority shall take effect on June 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 27, 1952.

[F. R. Doc. 52-7243; Filed, June 27, 1952; 2:42 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10222]

KTRM, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KTRM, Incorporated, Beaumont, Texas, for modification of construction permit, Docket No. 10222, File No. BMP-5835.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of June 1952;

The Commission having under consideration the above-entitled application for extension of time within which to complete construction for Station KTRM, Beaumont, Texas, under its construction permit (File No. BP-7850).

It appearing, that the Commission, on April 23, 1952, addressed a letter to the applicant in which it was stated that the application was denied but that the applicant could, within 20 days, request a hearing whereupon the denial would be set aside pending the outcome of the hearing; and

It further appearing that the applicant has made a timely request for a hearing; and

It is further ordered, That the above-entitled application, pursuant to section 309 (a) of the Communications Act of 1934, as amended, is designated for hearing at a time and place to be specified by subsequent order upon the following issue:

To determine the action taken and the accomplishments, if any, in furthering construction of Station KTRM, Beaumont, Texas, under its construction permit (File No. BP-7850) as modified.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7135; Filed, June 30, 1952; 8:45 a. m.]

[Docket Nos. 10223, 10224]

JEFFERSON COUNTY RADIO AND TELEVISION CO. (KJCF)

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Amos Anthony Govero, Donald Meinrad Donze, and Clifton Matthews Poindexter, doing business as Jefferson County Radio & Television Company (KJCF), Festus, Missouri, Docket No. 10223, File No. BP-8231; Cecil W. Roberts, Chester, Illinois, for construction permits, Docket No. 10224, File No. BP-8477.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 19th day of June 1952:

The Commission having under consideration the above-entitled applications requesting construction permits for the use of 1450 kc, with 250 w power, unlimited time, at Festus, Missouri and Chester, Illinois respectively.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the technical, financial and other qualifications of the applicant and the applicant partnership and its partners.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and Station KJCF as proposed.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station and Station KJCF as proposed would involve objectionable interference with Station WPAD, Paducah, Kentucky and WIL, St. Louis, Missouri or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed station and Station KJCF as proposed would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed station and Station KJCF as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, which would exist between the service areas of the proposed station at Chester, Illinois and of Station KREI, Farmington, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine the overlap, if any, which would exist between the service areas of Station KJCF as proposed and Station KSGM, St. Genevieve, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

9. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That, Paducah Broadcasting Company, Inc., licensee of Station WPAD, Paducah, Kentucky, is made a party to this proceeding with respect to the Chester, Illinois, application only and Missouri Broadcasting Corporation, licensee of Station WIL, St. Louis, Missouri is made a party to this proceeding with respect to the Festus, Missouri application only.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7136; Filed, June 30, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1277]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 24, 1952.

Notice is hereby given that on June 19, 1952, the Federal Power Commission issued its order entered June 17, 1952, amending order (15 F. R. 7775) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7160; Filed, June 30, 1952; 8:53 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 24, 1952.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its order entered June 18, 1952, amending order (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7161; Filed, June 30, 1952; 8:54 a. m.]

[Docket No. G-1672]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION

JUNE 25, 1952.

Take notice that on June 17, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware Corporation having its principal office in Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act to amend an order of the Commission issued March 1, 1951, granting a certificate of public convenience and necessity to Applicant authorizing the construction and operation of a meter station in Harrison County, Ohio, and the sale of natural gas on an interruptible basis to Ellis T. Myers Gas Company for resale in the Village of Bowerston, Ohio, and environs.

Applicant proposes to render service to Ellis T. Myers Gas Company on a firm basis, and to supply 450 Mcf daily in accordance with the terms of a gas sales contract to be executed.

The petition recites service is now being rendered on an interruptible basis.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1952. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7139; Filed, June 30, 1952; 8:46 a. m.]

[Docket Nos. G-1573, G-1614, G-1808, G-1839, G-1848]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATES, DISMISSING APPLICATIONS, TERMINATING PROCEEDINGS AND AUTHORIZING AND DIRECTING DELIVERIES OF NATURAL GAS

JUNE 24, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1573; Tennessee Gas Transmission Company, and United Natural Gas Company, Docket No. G-1614; the Manufacturers Light and Heat Company and United Fuel Gas Company, Docket No. G-1808; Republic Light, Heat and Power Company, Inc., Docket No. G-1839; City of Clarksville, Tennessee, Docket No. G-1848.

Notice is hereby given that on June 19, 1952, the Federal Power Commission issued its order entered June 17, 1952, issuing certificates of public convenience and necessity to Tennessee Gas Transmission Company, Docket Nos. G-1573 and G-1614; dismissing applications and terminating proceedings in Docket Nos. G-1808, G-1839 and G-1848; and authorizing and directing deliveries of natural gas in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7162; Filed, June 30, 1952; 8:54 a. m.]

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION AND ORDER

JUNE 25, 1952.

Notice is hereby given that on June 24, 1952, the Federal Power Commission issued its opinion No. 230 and order entered June 18, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7137; Filed, June 30, 1952; 8:45 a. m.]

[Docket No. G-1725]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF OPINION AND ORDER

JUNE 24, 1952.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its memorandum opinion No. 229 and order entered June 17, 1952, in the above-entitled matter, affirming and adopting, as part of this opinion, the initial decision of the Presiding Examiner issued February 28, 1952, and denying application for an order permitting abandonment in part of its natural gas service to Michigan Consolidated Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7163; Filed, June 30, 1952; 8:54 a. m.]

[Docket No. G-1872]

COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 24, 1952.

On January 9, 1952, Colorado Interstate Gas Company (Applicant) a Delaware corporation having its principal place of business at Colorado Springs, Colorado, filed an application, as supplemented February 15, 1952, and April 7, 1952, and as amended May 6, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 8 miles of pipe line to enable it to take gas from the Keys and South Keys Fields in Cimarron County, Oklahoma, as more fully described in said application as supplemented and amended, on file with the Commission and open to public inspection.

Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on January 25, 1952 (17 F. R. 779).

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on July 8, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7138; Filed, June 30, 1952; 8:46 a. m.]

[Docket Nos. G-1884, G-1894]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 24, 1952.

In the matters of Texas Eastern Transmission Corporation and Southern Natural Gas Company, Docket No. G-1884; Texas Eastern Transmission Corporation and Mississippi River Fuel Corporation, Docket No. G-1894.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its order entered June 19, 1952, granting, in part, and denying, in part, applications for certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7164; Filed, June 30, 1952; 8:55 a. m.]

[Project No. 2106]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 25, 1952.

Public notice is hereby given that Pacific Gas and Electric Company of San Francisco, California, has made application for preliminary permit pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric development, designated as Project No. 2106 and known as the McCloud Nos. 1, 2, 3, and 4, on Angel Creek, Squaw Valley Creek and McCloud River in Shasta and Siskiyou Counties, California, and affecting lands of the United States within the Shasta National Forest. The proposed comprehensive scheme for development of the water power resources of the McCloud River and its tributaries would comprise four successive units of development having a total installed capacity of 374,000 horsepower, and is described as follows: (a) McCloud No. 1 would consist of: the Angel Creek Division, comprising a diversion dam on Angel Creek and a tunnel to convey the flow to McCloud No. 1 Diversion; McCloud No. 1 Diversion, comprising a diversion dam on McCloud River and a tunnel extending to a junction with the Squaw Valley tunnel; a dam about 150 feet high on Squaw Valley Creek, a reservoir of about 110,000 acre-feet capacity and a tunnel to the junction with McCloud No. 1 Diversion tunnel; a tunnel from this junction to the head of the penstock; a penstock; and a power plant located on McCloud River above the mouth of Star City Creek. The total length of tunnels would be about 5 miles. The plant would have an installed capacity of about 29,000 horsepower and the static head would be about 230 feet; (b) McCloud No. 2 would consist of a diversion dam, a tunnel about 3½ miles long, a penstock, and a power plant located on McCloud River below the mouth of Ladybug Creek. The plant would have an installed capacity of about 123,000 horsepower and the static head would be about 640 feet; (c) McCloud No. 3 would consist of a diversion dam, about 2½ miles of tunnel, a penstock, and a power plant located on McCloud River above the mouth of Squaw Valley Creek. The plant would have an installed capacity of about 100,000 horsepower and the static head would be about 470 feet; (d) McCloud No. 4 would consist of a diversion dam, about four miles of tunnel, a penstock, and a power plant located on McCloud River at the head of

Shasta Reservoir. The plant would have an installed capacity of about 122,000 horsepower and the static head would be about 495 feet. The energy would be used for public utility purposes and distributed through the applicant's system to customers in the central and northern parts of California.

Any protest against this application or request for any action thereon, with reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 14, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7140; Filed, June 30, 1952; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT OF WATER SERVICE AT BUREAU OF MINES FACILITY AT MORGANTOWN, W. VA.

1. Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, 64 Stat. 578, 65 Stat. 700), and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Secretary of the Interior authority to negotiate a contract with the city of Morgantown, West Virginia, through the Morgantown Water Commission, for the provision of public utility water service, including the construction of necessary main extensions, under the following conditions:

a. Pursuant to section 201 (a) (3) of the said act, the contract may be for a period of not to exceed ten years.

b. Such contract may provide for a refundable advance of the cost of main extension necessary to provide such service if the Secretary of the Interior makes an appropriate finding under section 305 (a) of the aforesaid act.

c. Such contract may be negotiated only pursuant to section 302 (c) (9) of the aforesaid act.

2. The authority contained herein, except that referred to in paragraph 1.b. hereof, may be delegated and redelegated in accordance with section 307 (a).

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of June 19, 1952.

Dated: June 26, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-7218; Filed, June 27, 1952; 1:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-591]

WASHINGTON OIL CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 25, 1952.

Notice is hereby given that the Washington Oil Company ("Washington") has filed an application with this Commission requesting exemption on behalf of itself and its public-utility subsidiary, Taylorstown Natural Gas Company ("Taylorstown"), from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (1) thereof.

Notice is further given that any interested person may, not later than July 16, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after July 16, 1952.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the facts contained therein, which are summarized as follows:

Washington is organized under the laws of Pennsylvania and is engaged in the production of crude petroleum, substantially all of its operations being carried on in Pennsylvania. Taylorstown is organized under the laws of Pennsylvania and is engaged in the production and distribution of natural gas wholly within that state.

As of December 31, 1951, Washington owned all of the outstanding securities of Taylorstown. Neither Washington nor Taylorstown had any long-term indebtedness and each company had a single class of capital stock outstanding. As of the same date, the consolidated current assets of the system amounted to $152,396.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7142; Filed, June 30, 1952; 8:47 a. m.]

[File No. 70-2870]

GULF POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF BIDDING IN SALE OF BONDS AND OVER FEES AND EXPENSES

JUNE 25, 1952.

Gulf Power Company ("Gulf"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application-declaration, with amendments thereto, pursuant to section 6 (a) and 7 of the act, with respect to the issuance and sale by Gulf, pursuant to the competitive bidding requirements of Rule U-50, of $7,000,000 principal amount of First Mortgage Bonds -- Percent Series, due 1982; and

The Commission having, by order dated June 12, 1952, granted and permitted to become effective said application-declaration, as amended, except that the issuance and sale of the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of June 12, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Gulf having filed a further amendment to the application-declaration in which it is stated that, in accordance with the permission granted by the said order of the Commission dated June 12, 1952, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Annual interest rate (per cent)	Price to company (percent of principal)	Annual cost to company (per cent)
Kuhn Loeb & Co.	3⅜	100.10	3.3667
Kidder Peabody & Co. and White Weld & Co.	3⅜	102.289	3.3780
Merrill Lynch, Pierce, Fenner and Beane	3⅜	102.21	3.3822
Union Securities Corp.	3⅜	102.204	3.3825
Halsey Stuart & Co. Inc.	3⅜	102.194	3.3830
First Boston Corp.	3⅜	102.1499	3.3853
Equitable Securities Corp.	3⅜	101.762	3.4058

[1] Plus accrued interest from July 1, 1952, to the date of delivery of and payment for the bonds.

Said amendment having further stated that Gulf has accepted the bid of Kuhn Loeb & Co. for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 100.47 percent of the principal amount thereof, plus accrued interest from July 1, 1952, resulting in an underwriter's spread of 0.37 percent of the principal amount of the bonds, or an aggregate amount of $25,900; and

The record having been completed with respect to the fees and expenses incurred in connection with the proposed transactions, which are estimated as follows:

Federal original issue tax	$7,700.00
S. E. C. filing fee	721.00
Charges of trustee	5,750.00
Cost of temporary and definitive bonds	4,000.00
Printing	18,000.00
Recording supplemental indenture	300.00
Winthrop, Stimson, Putnam & Roberts, counsel:	
Fee	6,000.00
Expenses	100.00
Arthur Andersen & Co., accountants:	
Fee	3,515.00
Expenses	530.00
Southern Services, Inc., mutual service company	5,500.00
Miscellaneous	2,000.00
	54,116.00

It appearing that the proposed fee and estimated expenses of Reid & Priest, counsel for the purchaser of the bonds, which are to be paid by said purchaser, are $5,000.00 and $50.00 respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Gulf for the bonds, the interest rate, the underwriter's spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competive bidding and over all fees and expenses, be released:

It is ordered, That the application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, and that the jurisdiction heretofore reserved with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7143; Filed, June 30, 1952; 8:47 a. m.]

[File No. 70-2877]

NIAGARA MOHAWK POWER CORP. AND OSWEGO CANAL CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO PROPOSED MERGER OF NON-UTILITY SUBSIDIARY INTO PARENT COMPANY

JUNE 25, 1952.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company, of which The United Corporation, a registered holding company, owned 9.58 per cent of the outstanding voting securities as of May 12, 1952, and Oswego Canal Company ("Oswego"), a wholly-owned subsidiary of Niagara Mohawk, having filed a joint application-declaration pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

It is proposed to merge Oswego into Niagara Mohawk. Oswego owns certain rights to the use for hydraulic development of the surplus water available on the east bank of the Oswego River in New York State on a point now designated as Dam No. 7 of the State Barge Canal System. Such water rights are presently leased to Niagara Mohawk which uses the water at its Varick hydroelectric plant located on the river at Dam No. 7.

The Public Service Commission of the State of New York approved the proposed merger by Order dated June 16, 1952.

Due notice having been given of the filing of the said application-declaration, and a hearing not having been requested of or ordered by the Commission; and, to the extent that the provisions of sections 9, 10, and 12 of the act are applicable to the proposed transaction, the Commission finding that such provisions are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that the said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7144; Filed, June 30, 1952; 8:48 a. m.]

[File No. 70-2885]

UNITED CORP.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO SALE OF COMMON STOCK OF SUBSIDIARY COMPANY

JUNE 24, 1952.

The United Corporation ("United") has filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder with respect to the proposed sale by it of all of its holdings of the common stock of South Jersey Gas Company ("South Jersey") consisting of 154,231.8 shares representing 28.25 percent of the voting securities of that company. United proposes to make a public offering of 154,230 shares of such stock in accordance with the competitive bidding requirements of Rule U-50, the remaining 1.8 shares to be sold promptly thereafter in the open market. United proposes to reinvest the proceeds from the sale of such holdings in other securities in accordance with the investment program approved by the Commission by Order dated May 2, 1952.[2]

The sale of United's holdings of South Jersey stock was originally considered by us in approving United's plan for its transformation into an investment company which plan provided, among other things, for a reduction of its holdings of voting stock of Niagara Mohawk Power Corporation ("Niagara Mohawk") to an amount equal to no more than 4.9 percent of the total outstanding voting stock of such company and the sale of its entire holdings of the common stock of South Jersey, the Commission exempting such sale from the competitive bidding requirements of Rule U-50.[3] The plan also provided for the cancellation of outstanding option warrants to purchase common stock of United, and for certain amendments to United's charter.

In August, 1951, a petition to review the Commission's order of June 26, 1951 approving the plan, together with a motion for a stay of that order, was filed in the Court of Appeals for the District of Columbia by Edward R. Downing, a common stockholder and by Randolph Phillips on his own behalf and in the behalf of certain other stockholders.[4] By order dated November 15, 1951 the Court directed the Commission's order be stayed pending review insofar as the order provides for the disposition by United of its shares of Niagara Mohawk's common stock. Such stay order did not affect consummation of the balance of the plan, certain portions of which have already been consummated.

United was unable to dispose of the South Jersey common stock by private sale in January, 1952 and now proposes to make a public offering of such stock. At the time of the issuance of our order approving United's plan, United owned 11.9 per cent of the voting securities of Niagara Mohawk. As a result of certain sales by United of its holdings of Class A Stock of Niagara Mohawk and the issuance by Niagara Mohawk of additional common stock to the public, the holdings by United of voting securities of Niagara Mohawk have been reduced to 9.62 per cent, as of March 31, 1952. Consequently, in the event of consummation of the proposed sale of South Jersey, United will cease to hold as much as ten per cent of the voting securities of any public utility company.

Notice of the filing of the declaration with respect to the public sale by competitive bidding instead of the private sale as proposed in the plan was given to all the participants in the review proceedings and published in the FEDERAL REGISTER.

Randolph Phillips and Edward R. Downing have advised the Commission that they have no objection to the proposed sale of the South Jersey common stock, but do object to the investment of the proceeds of such sale in other securities in accordance with our order of May 2, 1952, and request that the Commission require distribution of the proceeds to the stockholders of United. In our findings and opinion dated May 2, 1952 approving an investment program for United during the period until it shall have ceased to be a holding company, we found that in the light of the restrictions to be imposed by us upon United's investment program, there was no basis for Phillips' contentions therein that any investment authorization might interfere with United's taking such future action as may be required in the event the pending petition for review should

[1] The United Corporation, Holding Company Act Release No. 11209.

[2] The United Corporation, Holding Company Act Release Nos. 10614 (June 15, 1951) and 10643 (June 26, 1951).

[3] Downing et al. v. S. E. C. et al., United States Court of Appeals for the District of Columbia, No. 11158.

be decided in favor of petitioners. We still are of the same opinion and therefore deny such request.

Phillips and Downing also request that the United Corporation be required to "correct its declaration so as to reveal the original cost of all securities now held in its portfolio. * * *" In that connection they repeat objections heretofore made to statements contained in prior annual reports and proxy solicitation material of United, argue that United improperly describes itself as "engaged in the business of an investment company," and allege that its accounts do not comply with Regulation S–X applicable to the accounts of investment companies registered as such pursuant to the Investment Company Act of 1940.[1]

United's declaration is a sworn document, and in any event subject to statutory sanctions if misleading. However, such a document necessarily differs in purpose from a prospectus intended to inform public security holders of the relevant facts which will help them decide whether or not to purchase securities, or from a proxy statement designed to aid them (along with opposition material) in deciding whether or not to respond to an appeal for support in a proxy contest. The declaration is addressed primarily to the Commission for aid in the exercise of its regulatory jurisdiction. For purposes of our decision whether to permit the instant declaration to become effective, there is not the slightest relevance to reviewing the history of the United management and the conflicting inferences which management and opposition have attempted to draw from the history of its investments.

Viewing the declaration in the light of its purpose, we regard it as adequately informative as to the transaction presently proposed, and in no way misleading. We see nothing to be gained in now deciding whether the declaration as a whole, or any part thereof, might require qualification if used as selling literature or as a campaign document in connection with the solicitation of proxies.

Nor do we see any merit to the objections to the manner in which United now records its investments. Irrespective of any statements to the contrary United is still a registered holding company and therefore is not subject to the provisions of the Investment Company Act of 1940 or the rules and regulations promulgated thereunder. In any event, the basis used by United for carrying its investments in its accounts conforms to the accounting requirements of the Public Utility Holding Company Act of 1935 and is not inconsistent with the accounting regulations applicable to investment companies registered under the Investment Company Act of 1940. Accordingly, we perceive that no useful purpose would be served by granting the request made in respect of amending United's declaration and the holding of a hearing thereon and therefore such requests are denied.

In our findings and opinion approving United's plan we reserved for future determination whether upon consummation of the transactions proposed by the plan United would be entitled to an order pursuant to section 5 (d) of the act declaring that it has "ceased to be a holding company," and upon what terms and conditions, necessary for the protection of investors, its registration as a holding company shall cease to be in effect.

We are of the opinion that consummation of the proposed sale of South Jersey will not affect our jurisdiction to require United, as a condition precedent to its registration ceasing to be in effect, to consummate the transactions proposed in the plan as approved by the Commission, or any modification thereof which may be found necessary to comply with the views of the reviewing court, or of any District Court to which application may be made for enforcement of the plan, irrespective of whether or not it may be determined as a matter of fact that United has ceased to be a holding company with respect to each of its other former subsidiary companies. Nevertheless, since the proposed transaction with respect to South Jersey is of relatively minor consequence as compared to the other issues presented by the plan, we have concluded that it would be inappropriate to go forward with the transaction at the present time if there were any danger that its consummation would serve as an excuse for future resistance on the part of United to whatever action may be necessary to completely effectuate the purposes of section 11 (b) of the act. Accordingly, we deem it necessary and appropriate in the public interest and in the interest of investors and to prevent the circumvention of the provisions of the act and the rules, regulations and orders thereunder, to require United, to stipulate in a manner satisfactory to the Commission that it will not contest the jurisdiction of the Commission by reason of the sale of the South Jersey common stock. An appropriate stipulation has been filed by United and made a part of this record.

Fees and expenses to be incurred by United in connection with the proposed transaction are estimated at $22,777.66, including the amounts of $4,000 payable to Stone & Webster Service Corporation for engineering services, $3,500 to Niles & Niles for accounting services, $8,500 for printing, $5,000 payable to Whitman, Ransom, Coulson & Goetz for legal services and $1,000 payable to Cole & Cole for legal services. The fee of independent counsel for the underwriters is stated to be in the amount of $5,000 payable to Simpson, Thacher & Bartlett, and will be paid by the successful bidder.

We find with respect to the proposed sale of the common stock of South Jersey that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary and deem it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective:

It is therefore ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of common stock of South Jersey shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7141; Filed, June 30, 1952, 8:47 a. m.]

[File No. 70-2886]

KITTERY ELECTRIC LIGHT CO.

ORDER AUTHORIZING SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF PRINCIPAL AMOUNT OF UNSECURED NOTES

JUNE 25, 1952.

Kittery Electric Light Company ("Kittery Electric"), a subsidiary company of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the following proposed transaction:

Kittery Electric, all of whose outstanding capital stocks are owned by one of NEGEA's subsidiary companies, New Hampshire Electric Company, which has been granted an exemption as a holding company pursuant to section 3 (a) (1) of the act, proposes to issue and sell privately $150,000 principal amount of unsecured notes to be dated June 1, 1952, bearing interest at the rate of 4 percent per annum and to mature June 1, 1977. The notes are to be sold in equal principal amounts of $75,000 each, to Union Mutual Life Insurance Company, and Maine Savings Bank, both of Portland, Maine, at a price of 101 percent of principal amount, plus accrued interest.

The notes provide, among other things, for the issuance of additional long-term debt, subject to the limitation that aggregate long-term debt shall not exceed $250,000 plus 60 percent of the cost or fair value (whichever is less) of net property additions made subsequent to April 30, 1952, provided net earnings of the company, as defined in the notes, for the period specified therein, are at least 2½ times the annual interest charges on all long-term indebtedness to be outstanding. The notes also provide that the company will not mortgage, pledge, or create any lien on any of its property (except for purchase-money mortgages or liens and for pledges in the usual course of business as security for loans maturing in less than one year) without securing the notes equally and ratably with all other obligations secured thereby.

In addition, the notes provide for an annual cash sinking fund payment, commencing April 15, 1953, sufficient to redeem 1½ percent of the aggregate principal amount of the issue. The notes also provide that the company will not, except with the consent of the holders thereof, declare any dividends from earned surplus existing at December 31, 1951.

The application states that Kittery Electric will use the proceeds from the sale of the notes to reimburse its treasury for expenditures therefrom for construction and to finance future construction; and that total expenses in connection with the proposed transactions are estimated at $2,500, including a commission of $1,500 to H. M. Payson & Co., investment bankers, for arranging the sale, and legal fees of $250 payable to Verrill Dana Walker Philbrick & Whitehouse, counsel for the company.

An order has been issued by the Maine Public Utilities Commission authorizing the issuance and sale of the notes.

Kittery Electric requests that the Commission's order herein become effective forthwith upon issuance.

The Commission finding that said application, as amended, satisfies the requirements of the applicable provisions of the act and the rules and regulations thereunder, that it is not necessary to impose any terms and conditions other than as set forth below, and that it is appropriate in the public interest and in the interest of investors and consumers that the amended application be granted effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7148; Filed, June 30, 1952; 8:49 a. m.]

[File No. 70-2888]

WISCONSIN SOUTHERN GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF NOTES

JUNE 25, 1952.

Wisconsin Southern Gas Company ("Gas Company"), a public-utility subsidiary of Wisconsin Southern Gas and Appliance Corporation, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") with respect to the following transactions:

Gas Company proposes to issue and sell to the State of Wisconsin Investment Board $150,000 principal amount of 10-Year 4½ Percent Serial Notes at the principal amount thereof, plus accrued interest; and

The application having been filed June 9, 1952 and notice of the filing thereof having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for or ordered a hearing with respect to said application within the time specified in said notice, or otherwise; and

The Commission finding that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, that no basis appears for imposing any terms or conditions other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and to grant applicant's request for acceleration of the effectiveness of this order; and

It appearing that the estimated fees and expenses, including counsel fees of $1,500, payable to Aberg, Bell, Blake & Conrad, accountants' fee of $250, payable to Haskins & Sells, and miscellaneous expenses of $250 are not unreasonable and should be approved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said application be, and it hereby is, granted, subject to the terms and conditions prescribed by Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7145; Filed, June 30, 1952; 8:48 a. m.]

[File Nos. 70-2894, 68-157]

GENERAL PUBLIC UTILITIES CORP. ET AL.

NOTICE OF PROPOSED CAPITAL CONTRIBUTION, ISSUANCE, SALE, ACQUISITION OF SECURITIES, AND ORDER AUTHORIZING PROXY SOLICITATION

JUNE 25, 1952.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, File No. 70-2894; Pennsylvania Electric Company, File No. 68-157.

Notice is hereby given that a joint application-declaration (File No. 70-2894) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act") by General Public Utilities Corporation ("GPU"), a registered holding company, by Associated Electric Company ("Aelec"), subsidiary of GPU and likewise a registered holding company, and by Pennsylvania Electric Company ("Penelec"), subsidiary of Aelec and an operating utility company. Applicants have designated sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 of the act, and Rules U-23, U-45, and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

GPU proposes to make cash capital contributions to Aelec in the aggregate amount of $5,000,000. Penelec proposes to issue and sell to Aelec, and Aelec proposes to purchase from Penelec (utilizing for this purpose the cash contributions from GPU aforesaid) an aggregate of 250,000 additional shares of Common Stock ("Additional Common Stock") of Penelec for a purchase price equal to the par value thereof, namely, $20 per share, or an aggregate of $5,000,000.

Subject to obtaining the consent of the holders of a majority of the shares of its outstanding Preferred Stock, Penelec proposes to increase the number of shares of its authorized Preferred Stock from 300,000 to 370,000 shares of the par value of $100 per share. Penelec has filed a declaration (File No. 68–157) with respect to the proposed solicitation of proxies from the holders of its outstanding Preferred Stock.

Penelec proposes publicly to invite bids for the purchase from it of $9,500,000 principal amount of additional First Mortgage Bonds ("New Bonds") and 45,000 additional shares of Cumulative Preferred Stock, par value $100 per share ("New Preferred Stock"), the price to Penelec to be specified in such bids and to be not less than 100 percent nor more than 102¾ percent of the principal amount or par value.

Penelec proposes to utilize the net proceeds of the New Bonds, New Preferred Stock, and Additional Common Stock, estimated at not less than $19,000,000, as follows:

(1) $7,000,000 will be used to partially reimburse Penelec's treasury for construction expenditures therefrom during the period June 30, 1951–April 30, 1952. Out of its treasury funds Penelec will pay its bank loans maturing in September 1952 in the aggregate principal amount of $2,875,000.

(2) The balance of approximately $12,000,000 will be used to meet a part of Penelec's construction expenditures subsequent to April 30, 1952, or to partially reimburse its treasury for such expenditures, or to repay bank loans incurred subsequent to April 30, 1952 (including $3,625,000 borrowed in May and June 1952), the proceeds of which have been or will be applied to such purposes.

Penelec estimates that approximately $19,000,000 will be required during the eight months ending December 31, 1952 in furthering its general construction program.

Penelec anticipates that the issue and sale by it of the New Bonds, New Preferred Stock, and Additional Common Stock will be expressly authorized by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which it is organized and doing business.

Penelec estimates that, in addition to its ordinary expenditures for printing

[1] United's investments are carried on its books at values based on those restated as at June 30, 1938, with subsequent additions at cost. In the reorganization of Public Service Corporation of New Jersey United received securities of Public Service Electric and Gas Company and of South Jersey. The carrying value of the South Jersey common stock on United's books ($641,393) represents an allocation of the carrying value of the Public Service Corporation of New Jersey common stock which allocation was made with the approval of this Commission. As of June 19, 1952, United's holdings of South Jersey common stock had an indicated market value of approximately $2,500,000.

and mailing, it will expend not over $1,000 in its proxy solicitation. Its expenses in connection with the issuance and sale of the proposed securities will be supplied by amendment. The other companies will incur no special legal expenses in the matter.

Penelec requests that its declaration as to proxy solicitation be permitted to become effective forthwith, pursuant to Rule U-65 (b). Deeming it to be in the interest of the stockholders and in the public interest that the proxy solicitation should proceed forthwith as proposed:

It is ordered, That the aforesaid declaration of Penelec in File No. 68–157 with respect to proxy solicitation be, and the same hereby is, permitted to become effective forthwith.

With respect to the matters covered by the joint application-declaration of GPU, Aelec, and Penelec in File No. 70–2894:

Notice is further given that any interested person may, not later than July 15, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of law or fact proposed to be controverted; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7146; Filed, June 30, 1952; 8:48 a. m.]

[File No. 812-787]

BALDWIN SECURITIES CORP.

NOTICE OF APPLICATION

JUNE 25, 1952.

Notice is hereby given that Baldwin Securities Corporation (Applicant), a registered investment company, has filed an application pursuant to subdivision (c) of Rule N-23C-1 and section 23 (c) (3) of the Investment Company Act of 1940 for an order of the Commission permitting Applicant to purchase all of the stock of its stockholders (not affiliated persons) holding not more than 49 shares of Applicant's common stock, par value 1 cent per share, to a maximum of 125,000 shares, at the mean of the high and low market prices on day of purchase but no purchase to be made if such market value exceeds $4.3125 a share or 35 cents a share in excess of net asset value, whichever is lower, under an offer to commence July 15 and to terminate July 31, 1952, subject to extension at Applicant's discretion.

Applicant is a closed-end, non-diversified investment company organized November 8, 1950, to take over certain assets of the Baldwin Locomotive Works (now Baldwin-Lima-Hamilton Corporation) and all of Applicant's stock was distributed to the stockholders of the Baldwin Locomotive Works. As at March 10, 1952, Applicant had outstanding 2,375,298 shares held by 15,129 shareholders. Of such shareholders 8,055 persons, or 53.2 percent, held of record only 125,037 shares or 5.27 percent of the total shares outstanding. Annual savings are estimated at $8,600 if all of the 125,000 shares are purchased plus an additional $37,305 in the event of subsequent dissolution.

If all of the 125,000 shares are tendered the cost to Applicant would aggregate $468,750, computed at the recent market price of $3.75 a share, or $539,062.50, computed at the maximum price of $4.3125 a share, plus estimated expenses of $13,615. If the spread between market and net asset values equals the maximum of 35 cents a share, remaining stockholders will suffer a dilution of $43,750 by virtue thereof.

For the period January through May, 1952 the price of Applicant's stock on the New York Curb Exchange ranged from a high of 4½ to a low of 3¼ and on June 13, 1952 was $3.75. The net asset value per share at June 13, 1952, was computed at $3.75. Subparagraph (6) of paragraph (a) of Rule N–23C–1 requires that the purchase be made at a price not above the market value, if any, or the asset value, whichever is lower, at the time of purchase. Although the market value is currently equal to the asset value, exemption is nevertheless requested from this requirement in view of the possibility that market value may exceed asset value during the tender period.

All interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C. for a more detailed statement of the proposed transaction and the matters of fact and law asserted.

Notice is further given that an order granting the application may be issued by the Commission on or at any time after July 9, 1952, upon such conditions as the Commission may deem necessary or appropriate unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act.

Any interested person may submit to the Commission, in writing, not later than July 7, 1952, at 5:30 p. m., his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7147; Filed, June 30, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18919]

JOSEPHINE KLARER

In re: Estate of Josephine Klarer, deceased. File No. 017–26859.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Maria Theresia Butz, whose last known address was Germany, was a resident of Germany from December 11, 1941 until her death on May 17, 1949, and was a national of a designated enemy country (Germany);

2. That Albertine Butz Moll, whose last known address was Germany, was a resident of Germany from December 11, 1941, until her death on October 26, 1951, and was a national of a designated enemy country (Germany);

3. That Rudolf Moll, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

4. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Albertine Butz Moll, deceased, who there is reasonable cause to believe are and on or since December 11, 1941 and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 3 and 4 hereof, and each of them, in and to the Estate of Josephine Klarer, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by the persons identified in subparagraphs 3 and 4 hereof, the aforesaid nationals of a designated enemy country (Germany);

6. That such property is in the process of administration by the Comptroller of the State of New York, as depositary, acting under the judicial supervision of the Surrogate's Court of Erie County, State of New York;

and it is hereby determined:

7. That the national interest of the United States requires that the persons identified in subparagraphs 3 and 4 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C, on June 25, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-7173; Filed, June 30, 1952; 8:57 a. m.]

[Vesting Order 18913]

BECK & CO., ET AL.

In re: Debts owing to Beck & Co. and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and last known addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the enterprises whose names and last known addresses are set forth as owners in the aforesaid Exhibit A, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941 and prior to January 1, 1947, were organized under the laws of, and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the persons whose names and last known addresses are listed below:

Names and Addresses

Auguste Wiecking, also known as Auguste Burlage Wiecking, Achim near Bremen, c/o Rektor Goehrs, Germany.

Hanni Ulrich, also known as Hannie Ulrich, Bremen, Bismarckstr. 121, Germany.

Dora Ulrich, Bremen, Bismarckstr. 121, Germany.

Lotte von Hamm, Bremen, Woltmershausenstr. 245, Germany.

Hertha Alberti and Anna Niemann, Bremen, Wachmannstr. 81, Germany.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the G. A. v. Halem, Export und Verlagsvuchhandlung A. G., the last known address of which is Bremen, Post Fach 84, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of, and had its principal place of business in Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the person who owns the property described in subparagraph 7 (f) hereof, who, if an individual, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and which if a partnership, corporation, association or other business organization, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of, and had its principal place of business in Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

6. That the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Adolf Segnitz, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

7. That the property described as follows:

a. Those certain debts or other obligations, evidenced by the checks and drafts described in Exhibit A, attached hereto and by reference made a part hereof, owned by the persons whose names are listed as owners in said Exhibit A, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any rights in, to and under said checks and drafts,

b. Those certain debts or other obligations evidenced by six (6) Bills of Exchange drawn on the Wells County Bank, Bluffton, Indiana, payable to August Wiecking in the amounts and dated as follows:

Dated:	Amount
Feb. 1, 1926	$200.00
Do	200.00
Do	200.00
Do	200.00
Do	200.00
Apr. 1, 1925	2,500.00

said bills of exchange owned by Auguste Wiecking, also known as Auguste Burlage Wiecking, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said bills of exchange,

c. Those certain debts or other obligations evidenced by two (2) American Express Company money orders numbered AK 4475921 payable to Hannie Ulrich, and AK 4475920, payable to Dora Ulrich, each in the amount of $5.00, dated November 21, 1939, and owned by Hanni Ulrich, also known as Hannie Ulrich, and Dora Ulrich, said money orders presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said money orders,

d. That certain debt or other obligation evidenced by one (1) American Express Company money order numbered AK 4475924 in the amount of $10.00 dated November 24, 1939 payable to and owned by Mrs. Lotte von Hamm, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said money order,

e. That certain debt or other obligation evidenced by one (1) American Express Company money order numbered AD 5747351 in the amount of $5.00, dated July 15, 1939, payable to R. F. Kerr and owned by G. A. v. Halem, Export und Verlagsvuchhandlung A. G., said money order presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said money order,

f. That certain debt or other obligation evidenced by one (1) check drawn by the Continental Bank and Trust Company of New York in the amount of $23.24 dated December 8, 1939 payable to F. Undeutsch and Company, and owned by the person referred to in subparagraph 5 hereof, said check presently in the custody of the Attorney General of the United States together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said check,

g. That certain debt or other obligation, evidenced by one (1) American Express Company money order numbered AK 4232558 in the amount of $10.00, dated November 21, 1939 payable to Mrs. Anna Niemann and owned by Mrs. Hertha Alberti and Mrs. Anna Niemann, said money order presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said money order, and

h. That certain debt or other obligation, evidenced by one (1) check drawn on the Lafayette National Bank of Brooklyn, numbered TD 1942, in the amount of $12.75, dated December 18, 1940, payable to the Estate of Fritz Signitz and owned by the personal representatives, heirs, next of kin, legatees and distributees of Friedrich Adolf Segnitz, deceased, said check presently in the custody of the Attorney General of the United States,

together with any and all rights to demand, enforce, and collect the same, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

8. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 5 and 6 and named in subparagraphs 3 and 4 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country", as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 24, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director.
Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Beck & Co., Bremen, Holler Allee 75	1533	$750.00	10-2-39	The National City Bank of New York	Beck & Co.
Hauck & Co., Bremen, Wachmannstr. 24	14258	83.33	11-9-39	The Chase National Bank of the City of New York	Hauck & Co.
	14273	83.33	11-14-39	do	Do.
	14436	83.33	12-16-39	do	Do.
	14581	83.33	1-15-40	do	Do.
Hermann Bensmann K. G., Bremen, Riensbuergerstr. 79	278	10.64	11-30-39	National State Bank, Newark	Hermann Bensmann, K. G.
Anna Marie Siegert, Werder/Havel, Eduard Lehmannstr. 21.	56658	81.00	1-3-40	First National Bank, New York City	Messrs. Lentz & Hirschfeld.
Meta-Lentz, Bremen, Parkallee 44	56977	61.27	1-4-40	do	Do.
Mrs. Frances Melcher, also known as Frances Bornemann-Melcher, Park-Allee 101, Bremen.	A 295720	629.10		The Guaranty Trust Co. of New York	Frances Melcher.
	B 839118	524.16	12-20-39	The First National Bank of the City of New York	Do.
	12395	103.03	12-20-40	The New York Trust Co., New York	Do.
	6791	301.11	6-20-41	do	Do.
	12850	301.11	12-20-40	do	Do.
Harry William Bornemann, L. L. D., Bremen, Park-Allee 101.	A 296967	629.10		Guaranty Trust Co. of New York	Harry Bornemann.
	B 839120	524.18	12-20-39	The First National Bank of the City of New York	Do.
	12396	103.04	12-20-40	The New York Trust Co., New York	Do.
	12851	301.11	12-20-40	do	Do.
	6792	301.11	6-20-41	do	Do.
Hanseatische Speditionsgesellschaft mbH., Hamburg.	3856	39.02	1-30-40	Lawyers Trust Co., New York	Hanseatische Speditions Ges m. b. H.
Lotte von Hamm, Bremen, Woltmershausenstr. 245.	3292	319.66	11-7-41	Guaranty Trust Co., of New York	P. H. Ulrichs & Co.
	64	319.66	4-23-40	Bank of The Manhattan Co., New York	Do.
Harry W. Hamacher, Spediteur, Zweigniederlassung Bremen, Schwachhauser Heerstr. 37.	74280	37.53	10-25-39	The Chase National Bank of the City of New York	Brasch & Rothensteen.
F. C. Albrecht, H. Mueller-Pearse K. L. Lange, Bremen, Baumwollboerse.	A 37092	98.55	9-30-39	Bank of The Manhattan Co.	Carl Albrecht, Heinrich Mueller-Pearse & Karl Lange.
Gustav Reese, Bremen, Richard-Dehmelstr. 80	59488	42.75	8-31-39	Bankers Trust Co., New York	Ernestine S. Reese.
	70439	66.27	11-1-39	National City Bank, New York	Do.
	70880	54.25	12-1-39	do	Do.
	71070	33.48	12-30-39	do	Do.
Georg Gotthardt, Brake i. O., Breitestr. 50	36576	46.70	11-30-39	The Chase National Bank of the City of New York	Constantin Wurttenberger.
Hoelzer & Co., Bremen, Yorkstr. 52	22855	236.35	1-20-40	The Guaranty Trust Co. of New York	Holzer & Co.
	4122	67.75	9-28-39	Central Hanover Bank & Trust Co., New York	Do.
	94529	30.00	9-6-40	The National City Bank of New York	Do.
Roehlig & Co., Bremen, Papenstr. 5/13	1658	7.50	10-6-39	The Chase National Bank of the City of New York	Rohlig & Co.
	3584	67.61	12-13-39	Manufacturers Trust Co., New York	Do.
	256	62.30	2-19-40	Irving Trust Co., New York	Do.
	113369	16.50	11-14-39	The National City Bank of New York	S. S. Pierce Co.
Lehmann & Co., Bremen, Kohlhoekerstr. 38	1519	98.63	2-6-40	First National Bank, Poughkeepsie	Lehmann & Co.
	1518	9.80	2-6-40	do	Do.
	7129	5.03	9-28-39	Underwriters Trust Co., New York	Do.
	13309	42.72	11-6-39	The Chase National Bank of the City of New York	Do.
Elisabeth Wilberg, Luise Scheibler, and Georg Luehmann, Germany.	PTS 20807	154.11	12-28-39	do	Caroline Boysjoger.
Joh. Heckemann, Bremen, Euckenstr. 8	29379	36.38	11-13-39	Corn Exchange Bank Trust Co., New York	Joh. Heckemann.
	2261	16.10	12-7-39	The Chase National Bank of the City of New York	Do.
	73696	18.94	12-29-39	Chemical Bank & Trust Co., New York	Do.
H. F. Cordes & Co., Bremen, Gartenstr. 7	FPR 43079	14.30	9-23-39	The Chase National Bank of the City of New York	H. F. Cordes & Co.
Buergerparkverein, Bremen, Baumwollboerse	B 77869	10.94	12-11-39	The National City Bank of New York	Buergerparkverein
Carl Ed. Schuenemann K. G., Bremen, Holler Allee 31.	317	50.00	1-19-40	Manufacturers Trust Co., New York	Bremer Nachrichten
	33965	10.00	11-7-39	Northwestern National Bank, Philadelphia	Do.
G. A. v. Halem, Export und Verlagsbuchhandlung A. G., Bremen, Postfach 84.	228	25.00	12-23-39	Empire Trust Co., New York	G. A. v. Halem
	1084	25.00	10-31-39	The National City Bank of New York	G. A. v. Halem A. G.
	Unnumbered	7.92	10-20-39	do	Seehandel A. G.
Kaffee Hag A. G., Germany	B 26	104.71	12-20-39	Guaranty Trust Co. of New York	Ella Lessman
Ella Lessmann, Bremen, Gneisenaustr. 62	38871	64.79	2-13-40	Land Title Bank & Trust Co., Philadelphia	Do.
	44005	65.96	2-5-41	do	Atlanta Allegemeine Handel Ges M. B. H.
Scipio & Co., Bremen, Langenstr. 98/99	PTS 24100	587.52	1-15-40	The Chase National Bank of the City of New York	Hoelzer & Co.
Hoelzer & Co., Bremen, Yorkstr. 52	46066	8.20	10-7-40	do	Carl Prior.
Carl Prior, Bremen, Baumwollboerse, Room 317	36309	25.43	11-30-39	do	Gretchen Kotzenberg.
Gretchen Kotzenberg, Bremen, Holler Allee 45	2559	229.24	4-1-41	The Anglo-California National Bank, San Francisco	Nederlandsche Handel-Maatschappij-Amsterdam.
Norddeutscher Lloyd, Bremen, 19	18401	20.28	10-20-39	Chemical Bank & Trust Co., New York	Sres. Joh. Gottfr. Schuette & Cia.
Joh. Gottfr. Schuette & Co., Bremen, Domshof 10 III.	0480031	490.47	10-26-39	Pan American Trust Co., New York	Gretchen Katzenberg.
Gretchen Katzenberg, Bremen, Strassburgerstr. 11.	2372	166.71	1- 3-41	The Anglo-California National Bank, San Francisco	Karl Gross.
Karl Gross, Bremen	23033	93.05	11-24-39	The Chase National Bank of the City of New York	Gustav Rente.
Norddeutscher Lloyd, Finanz-Abteilung, Bremen, Germany.	A 72494	480.00	4-23-41	National Bank of Detroit	Friedrich W. Goos.
Friedrich W. Goos, Wesermuende-W, Kosebrokenstr. 12.	G 472085	23.18		The Chase National Bank of the City of New York	Do.
	G 489733	23.18		do	Do.
	G 498605	23.18		do	Do.
	G 507711	23.18		do	Do.
	G 518663	23.18		do	Do.
	G 534114	23.18		do	Do.
	G 524576	23.18		do	Do.
	G 543755	23.18		do	Martin D. Fricke.
Martin Debet-Fricke, Bremen 10, Havermannsweg 1.	1837927	126.85	10-17-39		Do.
	1838285	126.85	11-15-39		Do.
	1839069	190.25	12-15-39		Do.

[F. R. Doc. 52-7113; Filed, June 27, 1952; 8:53 a. m.]

[Vesting Order 18920]

AMELIA WALSEMANN

In re: Estate of Amelia Walsemann, deceased. File No. D-28-13105.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Heinz Walsemann, Kurt Walsemann, Klaus Walsemann, Edgar Kramer, Wichert Kramer, Karlheinz Bauer, Peterclaus Bauer, Herman Schwarz, Volker Schwarz, Jurgen Schwarz, Helmut Schwarz, Gisela Schwarz, Annemarie Kuchler, Roland Kuchler, Uwe Moltzahn, Inge Moltzahn, Ilse Stuewer, Ulrich Stuewer, Hans Hertzer, Irmgard Hertzer, Carl Fischer, Marie Fischer, Ingrid Fischer, Arndt Heymann and Reingardt Heymann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Amelia Walsemann, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of the designated enemy country (Germany);

3. That such property is in the process of administration by Henry G. Zeil, Theresa Zeil and Sabine C. Schindhelm, as Executors, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

4. That $^{25}/_{36}$ths of the sum of $122.92 now in the possession, custody or control of Henry G. Zeil, Theresa Zeil and Sabine C. Schindhelm as liquidating dividends received from William J. Topken and Philip F. Farley, attorneys in fact for the nationals named in subparagraph 1 hereof, who had acquired said sum under a claim against Bond & Mortgage Company on a mortgage covering property situate at 338 Grand Avenue, Brooklyn, New York, assigned to said Messrs. Topken & Farley pursuant to a decree dated May 13, 1940, of the Surrogate's Court, New York County, New York, for the benefit of the aforesaid nationals, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1952.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 52-7174; Filed, June 30, 1952; 8:57 a. m.]

[Vesting Order 18922]

KLINGELNBERG-FIJNWERK, N. V.

In re: Debt owing to Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijnwerk. F-28-28685 C-3.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Dr. G. A. Klingelnberg, whose last known address is Remsheid, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijnwerk, is a corporation organized under the laws of Holland, whose principal place of business is located at I. E. Middellandstraat, Rotterdam, Holland, and is, or on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid Dr. G. A. Klingelnberg and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Standard Tool Company, 3950 Chester Avenue, Cleveland 14, Ohio, arising out of a credit on the books of the aforesaid Standard Tool Company in the name of N. V. Fijnwerk, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijnwerk, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined

4. That Klingelnberg-Fijnwerk, N. V. also known as Klingelnberg-Fijnwerke, N. V. and as N. V. Fijnwerk, is and prior to January 1, 1947 was, controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7176; Filed, June 30, 1952; 8:58 a. m.]

[Vesting Order 18923]

NICOLA LUPO

In re: Bank account owned by Nicola Lupo. F-28-31836.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Nicola Lupo, whose last known address is 129 Friedrichstrasse, Berlin NW 7, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obli-

gation owing to Nicola Lupo, by The National City Bank of New York, 55 Wall Street, New York, New York, arising out of an account in the name of Nicola Lupo, maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nicola Lupo, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7177; Filed, June 30, 1952; 8:58 a. m.]

[Vesting Order 18924]

GUSTAV RAICHLE

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased. F-28-14062; C-1; D-1; D-2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased, who there is reasonable cause to believe or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of First Wisconsin National Bank, Milwaukee 1, Wisconsin, arising out of a Savings Account No. 41204, entitled Gustav Raichle, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Gustav Raichle, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7178; Filed, June 30, 1952; 8:58 a. m.]

[Vesting Order 18925]

ELIZABETH ALICE VON VERSEN

In re: Claim owned by Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson and as Lotte de Verson. D-27-2091.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson and as Lotte de Verson, whose last known address is Suckow b. Gerswalde krs Templin Um., Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That claim against the State of Missouri and Treasurer of the State of Missouri arising by reason of the collection or receipt by said Treasurer of the following: That sum of money previously held by St. Louis Union Trust Company, St. Louis, Missouri, executor of the Estate of Louise Frost Vernon, deceased, deposited March 18, 1944, with the Treasurer of the State of Missouri, for the State of Missouri, to the account of Escheats, account number 10933, pursuant to order of the Probate Court of the City of St. Louis, State of Missouri, entered in said estate proceeding, and any and all rights to petition for payment of the aforesaid claim, and to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Elizabeth Alice Von Versen, also known as Elizabeth Alice Von Verson, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7179; Filed, June 30, 1952; 8:58 a. m.]

Reference Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 129

Washington, Wednesday, July 2, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10367

CONTINUING THE COMMISSIONED CORPS OF THE PUBLIC HEALTH SERVICE AS A MILITARY SERVICE

By virtue of the authority vested in me by section 216 of the Public Health Service Act (58 Stat. 690), as continued by the Emergency Powers Interim Continuation Act (Public Law 313, 82d Congress) as amended by joint resolutions approved May 28, 1952, June 14, 1952, and June 30, 1952, and as President of the United States and Commander in Chief of the land and naval forces of the United States, I hereby amend Executive Order No. 10349 of April 26, 1952, entitled "Declaring the Commissioned Corps of the Public Health Service To Be a Military Service and Prescribing Regulations therefor", as amended by Executive Order No. 10356 of May 29, 1952, and Executive Order No. 10362 of June 14, 1952, by striking out "June 30, 1952" appearing in the introductory paragraph of the order and inserting in lieu thereof "July 3, 1952".

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1952.

[F. R. Doc. 52-7308; Filed, June 30, 1952; 4:04 p. m.]

EXECUTIVE ORDER 10368

AMENDMENT OF EXECUTIVE ORDER NO. 10300,[1] ENTITLED "PROVIDING FOR THE ADMINISTRATION OF THE MUTUAL SECURITY ACT OF 1951 AND RELATED STATUTES"

Executive Order No. 10300 of November 1, 1951, entitled "Providing for the Administration of the Mutual Security Act of 1951 and Related Statutes", is hereby amended to read as follows:

"By virtue of the authority vested in me by the laws referred to in section 1 of this order and by sections 301 to 303, inclusive, of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

"SECTION 1. *Delegation to the Director for Mutual Security of functions of the President.* (a) Except as otherwise provided in this order, the functions conferred upon the President by the following-designated laws are hereby delegated to the Director for Mutual Security: the Mutual Security Act of 1951, 65 Stat. 373, as amended; the Mutual Defense Assistance Act of 1949, 63 Stat. 714, as amended (22 U. S. C. 1571-1604); the act of May 22, 1947, 61 Stat. 103, as amended (22 U. S. C. 1401-1408); and those provisions of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1501 et seq.), which are continued in effect by section 503 of the Mutual Security Act of 1951, as amended.

"(b) There are hereby excluded from the functions delegated by section 1 (a) of this order:

"(1) The functions conferred upon the President by the laws referred to in section 1 (a) of this order with respect to the appointment of officers required to be appointed by and with the advice and consent of the Senate, the transmittal of periodic or special reports to the Congress, and the termination or withdrawal of assistance.

"(2) The functions conferred upon the President with respect to findings, determinations, certification, agreements, transfers of funds, or directives, as the case may be, by sections 101 (a) (1), 101 (b), 202, 302 (a), 303 (a) (last sentence), 401, 503 (a) (3), 507 (except as provided in Executive Order No. 10338 of April 5, 1952), 511, 513 (a), 513 (b), 530, and 532 of the Mutual Security Act of 1951, as amended; sections 303, 402, 407 (b) (2), 408 (f), and 411 (b) of the Mutual Defense Assistance Act of 1949, as amended; sections 105 (c), 111 (b) (2) (first clause), and 119 of the Economic Cooperation Act of 1948, as amended; and so much of the functions conferred by section 5 of the act of May 22, 1947, as amended, as relates to regulations providing for coordination among representatives of the United States Government in each foreign country concerned.

"(c) Funds which have been or may be appropriated or otherwise made available to the President to carry out the laws referred to in section 1 (a) hereof, and section 12 of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952), shall be deemed to be allocated to

(Continued on p. 5931)

[1] 16 F. R. 11203; 3 CFR 1951 Supp.

CONTENTS

THE PRESIDENT

Executive Orders Page
Amendment of Executive Order No. 10300, entitled "Providing for the Administration of the Mutual Security Act of 1951 and Related Statutes" 5929
Continuing the Commissioned Corps of the Public Health Service as a military service 5929
Further designation pursuant to section 103 (a) of the Renegotiation Act of 1951 5932

EXECUTIVE AGENCIES

Agriculture Department
See also Federal Crop Insurance Corporation; Production and Marketing Administration.
Notices:
Sale of mineral interests; revised area designations 5969

Alien Property, Office of
Notices:
von Knobelsdorff, Adela: vesting order 5976

Army Department
See also Engineers Corps.
Rules and regulations:
Claims against the United States; miscellaneous amendments 5939
Procurement; labor; correction 5940
National Guard Regulations; Federal recognition 5940

Children's Bureau
Rules and regulations:
Maternal and child health and crippled children's programs; terms; proportionate use of funds 5952

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; Treasury Department 5933

Commerce Department
See also Patent Office.
Notices:
Attestation of name of Commissioner of Patents; delegation of authority under Reorganization Plan No. 5 of 1950 5969

FEDERAL REGISTER

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Titles 47–48 ($2.00)
Title 49: Parts 1–70 ($0.20)
Parts 71–90 ($0.35)
Parts 91–164 ($0.35)
Part 165 to end ($0.35)
Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department (Page)
See Army Department.

Defense Mobilization, Office of
Notices:
Fremont-Wahoo, Nebraska, area; determination and certification of a critical defense housing area ... 5973

Economic Stabilization Agency
See Rent Stabilization, Office of.

Engineers Corps
Rules and regulations:
Navigation regulations; San Diego Harbor, Calif.; restricted areas ... 5951

Federal Crop Insurance Corporation
Rules and regulations:
Multiple crop insurance; regulations for the 1950 and succeeding crop years ... 5933

Federal Power Commission
Notices:
Hearings, etc.:
Central Maine Power Co ... 5971
Citizens Utilities Co ... 5971
El Paso Natural Gas Co ... 5972
El Paso Natural Gas Co. et al ... 5972
Potomac Light and Power Co. et al ... 5971
Shenandoah Gas Co ... 5972
Southern Natural Gas Co ... 5972

Federal Security Agency
See Children's Bureau; Food and Drug Administration.

Food and Drug Administration
Notices:
Organization and functions; miscellaneous amendments ... 5972
Rules and regulations:
Certification of batches of antibiotic and antibiotic-containing drugs; miscellaneous amendments ... 5934

Geological Survey
Notices:
American and Feather Rivers, California; Power Site Classification No. 425 ... 5968

Interior Department
See Geological Survey; Land Management, Bureau of.

Internal Revenue Bureau
Rules and regulations:
Consolidated income and excess profits tax returns; miscellaneous amendments ... 5934

Interstate Commerce Commission
Notices:
Applications for relief:
Boards from Macon, Ga., to New Orleans, La ... 5975
Logs from Virginia to certain points in North Carolina ... 5975
Salt cake from Chicago, Ill., and points taking same rates to Coosa Pines, Ala ... 5976
Sand from Illinois to the South ... 5975

Interstate Commerce Commission—Continued
Rules and regulations:
Car service:
Demurrage:
Cars held under load at Great Lakes ports ... 5954
Freight cars ... 5953
Movement of ores restricted; appointment of agents:
Import ores ... 5954
Iron ore ... 5953
Substitution of refrigerator cars for box cars ... 5954
List of forms, Part II, Interstate Commerce Act; control or consolidation of motor carriers or their properties; applications:
Approval of temporary operation ... 5953
Authority to merge properties or franchises ... 5952

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Wyoming; partial revocation of orders opening public lands to entry under the Forest Homestead Act ... 5968

Mutual Security Agency
Rules and regulations:
Commercial freight shipments:
Individual relief packages ... 5934
Supplies by voluntary nonprofit agencies ... 5934
Parcel post shipments of individual relief packages ... 5934

Patent Office
Notices:
Policy on fees for items and services furnished to other agencies of the Federal Government ... 5969

Post Office Department
Rules and regulations:
Classification and rates of postage; provisions applicable to the several classes of mail matter ... 5952

Price Stabilization, Office of
Notices:
Directors of the Regional Offices; delegation of authority to act under CPR 98 ... 5971
General Electric Co; ceiling prices at retail ... 5971
List of community ceiling prices; Regions V and VIII ... 5970
Rules and regulations:
Area milk price adjustments; San Diego District, California; miscellaneous amendments (GCPR, SR 63, AMPR 9) ... 5948
Ceiling prices for Pacific Northwest logs; addition of accredited scalers and graders (CPR 97) ... 5941

CONTENTS—Continued

Price Stabilization, Office of—Continued (Page)
Rules and regulations—Con.
Gasolines, Naphthas, fuel oils, and liquefied petroleum products, natural gas, petroleum gas, casinghead gas and refinery gas; specific ceiling prices for middle distillates on the east coast (CPR 17, SR 10) ... 5940
Resellers of iron and steel products:
Recalculations of ceiling prices (CPR 98) ... 5946
Small warehouse resellers and miscellaneous amendments (CPR 98) ... 5942

Production and Marketing Administration
Proposed rule making:
Cottonseed; standards for grades sold or offered for sale for crushing purposes within the United States ... 5955
Grain warehouse regulations ... 5955
Hops grown in Oregon, California, Washington, and Idaho, and hop products produced therefrom in these States; handling of:
Decision with respect to proposed amendments to marketing agreement and order ... 5957
Order directing that referendum be conducted; designating agents to conduct such referendum; and determining representative period ... 5957
Rules and regulations:
Limitation of shipments:
Fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado ... 5933
Fresh prunes grown in Umatilla County, Oregon, and Walla Walla and Columbia Counties, Washington ... 5933
Milk handling in San Antonio, Tex., area ... 5934

Public Health Service
Continuing the Commissioned Corps of the Service as a military service (*see* Executive Order).

Rent Stabilization, Office of
Rules and regulations:
Hotels and motor courts; Arizona, Pennsylvania, Iowa, and Illinois ... 5950
Housing and rooms; Arizona, Illinois, Iowa, New Jersey, and Pennsylvania ... 5950

Securities and Exchange Commission
Notices:
Hearings, etc.:
Georgia Power Co ... 5975
Interstate Power Co., and Ogden Corp ... 5973
New England Power Co ... 5974

Social Security Administration (Page)
See Children's Bureau.

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Legal services, Solicitor's Office; guardianship services ... 5951

Wage and Hour Division
Notices:
Employment of handicapped clients by sheltered workshops; issuance of special certificates ... 5969

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 (Page)
Chapter II (Executive orders):
10300 (amended by EO 10368) ... 5929
10349 (amended by EO 10367) ... 5929
10362 (see EO 10367) ... 5929
10367 ... 5929
10368 ... 5929
10369 ... 5932

Title 5
Chapter I:
Part 6 ... 5933

Title 7
Chapter I:
Part 28 (proposed) ... 5955
Part 102 (proposed) ... 5955
Chapter IV:
Part 420 ... 5933
Chapter IX:
Part 910 ... 5933
Part 926 ... 5933
Part 949 ... 5934
Part 986 (proposed) (2 documents) ... 5957, 5967

Title 21
Chapter I:
Part 146 ... 5934

Title 22
Chapter II:
Part 202 ... 5934
Part 203 ... 5934
Part 205 ... 5934

Title 26
Chapter I:
Part 24 ... 5934

Title 32
Chapter V:
Part 536 ... 5939
Part 836 (see Part 536) ... 5939
Part 601 ... 5940
Chapter XI:
Part 1101 ... 5940

Title 32A
Chapter III (OPS):
CPR 17, SR 10 ... 5940
CPR 97 ... 5941
CPR 98 (2 documents) ... 5942, 5946
GCPR, SR 63, AMPR 9 ... 5948
Chapter XXI (ORS):
RR 1 ... 5950
RR 2 ... 5950
RR 3 ... 5950
RR 4 ... 5950

CODIFICATION GUIDE—Con.

Title 33 (Page)
Chapter II:
Part 207 ... 5951

Title 38
Chapter I:
Part 14 ... 5951

Title 39
Chapter I:
Part 34 ... 5952
Part 35 ... 5952

Title 42
Chapter II:
Part 200 ... 5952

Title 49
Chapter I:
Part 7 (2 documents) ... 5952, 5953
Part 95 (5 documents) ... 5953, 5954
Part 180 (2 documents) ... 5952, 5953

the Director for Mutual Security without any further action by the President, and the said funds may be allocated by the Director for Mutual Security to any agency, department, establishment or wholly-owned corporation of the Government for obligation or expenditure thereby, consistent with applicable law, subject, however, to the reservation of functions relating to transfer of funds set forth in section 1 (b) (2) hereof.

"(d) The functions delegated to the Director for Mutual Security by this section shall be deemed to include the authority to redelegate the functions so delegated.

"SEC. 2. *Designation of agency to pay ocean freight charges on relief supplies and packages and to make informational media guaranties.* (a) The Department of State is hereby designated as the department of the Government which shall after June 30, 1952, exercise the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1515 (c)), and section 535 of the Mutual Security Act of 1951, as amended. The Director for Mutual Security shall, consistent with applicable law, allocate to the Department of State such amounts of funds now or hereafter available as the Director shall determine to be required for carrying out the purposes of the said sections 117 (c), as amended, and 535, including the liquidation of obligations incurred prior to July 1, 1952, under the said section 117 (c), as amended.

"(b) The Department of State is hereby designated as the department of the Government which shall after June 30, 1952, exercise the authority to make informational media guaranties under section 111 (b) (3) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1509 (b) (3)), and section 536 of the Mutual Security Act of 1951, as amended, and to administer such guaranties made prior to July 1, 1952. The Director for Mutual Security, after consultation with the Secretary of State, shall fix (and may from time to time revise) an amount representing that portion of the limitation prescribed by section 111 (b) (3) (v) of the Economic

Cooperation Act of 1948, as amended, which may be utilized by the Secretary of State for informational media guaranties, including the liquidation of obligations outstanding under such guaranties as of the close of business on June 30, 1952.

"(c) There shall be transferred to the Department of State so much of the personnel, records, and property of the Mutual Security Agency relating to the functions referred to in sections 2 (a) and 2 (b) of this order as the Director for Mutual Security shall determine to be necessary for use in connection with such functions.

"SEC. 3. *Delegation of functions relating to movement of migrants and to United Nations Children's Fund.* (a) The function conferred upon the President by section 534 of the Mutual Security Act of 1951, as amended, of contributing to the Provisional Intergovernmental Committee for the Movement of Migrants from Europe is hereby delegated to the Secretary of State.

"(b) The function conferred upon the President by section 12 of the Mutual Security Act of 1952 of contributing to the United Nations International Children's Emergency Fund is hereby delegated to the Secretary of State.

"(c) The Director for Mutual Security shall allocate to the Department of State funds which have been or may be appropriated or otherwise made available to carry out the functions referred to in sections 3 (a) and 3 (b) of this order.

"SEC. 4. *International development.* The administration of programs under the Act for International Development (Title IV of the act of June 5, 1950, 64 Stat. 204, as amended (22 U. S. C. 1557 et seq.)), in accordance with Executive Order No. 10159 of September 8, 1950, shall be subject to coordination, direction, and supervision by the Director for Mutual Security in accordance with section 501 (a) of the Mutual Security Act of 1951, as amended; and the said Executive Order No. 10159 is amended accordingly.

"SEC. 5. *Coordination with foreign policy.* The Secretary of State and the Director for Mutual Security shall establish and maintain arrangements which will insure that the programs included in the Mutual Security Act of 1951, as amended, shall be carried out in conformity with the established foreign policy of the United States.

"SEC. 6. *Interrelationship of Director and Secretary of Defense.* (a) Consonant with section 501 (a) of the Mutual Security Act of 1951, as amended, the Secretary of Defense shall exercise the responsibility and authority vested in him by section 506 (a) of the said Act, as amended, subject to coordination, direction, and supervision by the Director for Mutual Security.

"(b) The Secretary of Defense shall keep the Director for Mutual Security fully and currently informed of all matters, including prospective action, relating to the establishment of priorities under section 506 (b) and the furnishing of military items under section 506 (c) of the Mutual Security Act of 1951, as amended.

"SEC. 7. *Economic cooperation.* (a) December 30, 1951, is hereby fixed as the date on which sections 502 (a), 502 (b) (2), and 504 (b) of the Mutual Security Act of 1951 shall take effect.

"(b) The Mutual Security Agency is hereby designated as the agency responsible for liquidating any outstanding affairs of the Economic Cooperation Administration which are now or hereafter required to be discontinued by law; and the said Agency shall be deemed to be the successor of the said Administration in all respects, subject to the provisions of the Mutual Security Act of 1951, as amended.

"SEC. 8. *Transfer of personnel, property, records, and funds.* So much of the personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of the Department of State as the Director of the Bureau of the Budget determines to relate to functions under the Mutual Defense Assistance Act of 1949, as amended, and the said act of May 22, 1947, and to be required by the Director for Mutual Security for the performance of his functions hereunder shall be transferred to the Director for Mutual Security.

"SEC. 9. *Prior orders.* (a) Effective as of the date fixed in section 7 (a) hereof, with respect to provisions then in force, and except as may be inappropriate, references in prior Executive orders to the Economic Cooperation Administration, the Administrator for Economic Cooperation, and the United States Special Representative for (or in) Europe, shall be considered as references to the Mutual Security Agency, the Director for Mutual Security, and the Special Representative in Europe (provided for in section 504 (a) of the Mutual Security Act of 1951, as amended), respectively.

"(b) To the extent that any provision of any prior Executive order is inconsistent with the provisions of this order, the latter shall control and such prior provision is amended accordingly.

"(c) All orders, regulations, rulings, certificates, directives, agreements, contracts, delegations, determinations, and other actions of any department, agency, or other establishment or officer of the Government relating to any function or under any authority continued in effect by the Mutual Security Act of 1951, as amended, shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority.

"(d) Executive Order No. 10099 of January 27, 1950, is hereby revoked. The International Security Affairs Committee (approved by the President December 19, 1950) is hereby terminated. The provisions of the identical letters of the President transmitted to the Secretary of State and the Administrator for Economic Cooperation on April 5, 1951, are hereby revoked.

"SEC. 10. *Definitions.* As used in this order the term 'functions' embraces duties, powers, responsibilities, authority, and discretion."

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1952.

[F. R. Doc. 52-7307; Filed, June 30, 1952; 4:03 p. m.]

EXECUTIVE ORDER 10369

FURTHER DESIGNATION PURSUANT TO SECTION 103 (a) OF THE RENEGOTIATION ACT OF 1951

By virtue of the authority vested in me by the Renegotiation Act of 1951, 65 Stat. 7, hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

SECTION 1. The Bureau of Reclamation, which exercises functions having a direct and immediate connection with the national defense, is hereby designated, pursuant to section 103 (a) of the Act, as an agency of the Government included within the definition of the term "Department" for the purposes of Title I of the Act.

SEC. 2. In accordance with section 102 of the Act, the provisions of Title I of the Act shall be applicable to all contracts with the Bureau of Reclamation, and related subcontracts, to the extent of the amounts received or accrued on or after the first day of July, 1952, whether such contracts or subcontracts were made on, before, or after that date.

HARRY S. TRUMAN

THE WHITE HOUSE,
June 30, 1952.

[F. R. Doc. 52-7357; Filed, July 1, 1952; 11:30 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, § 6.103 (i) (1) is amended to read as follows:

§ 6.103 *Treasury Department.* • • •

(i) *United States Savings Bond Division.* (1) NC/PD. Until June 30, 1952, positions of State Director and Deputy State Director.

• • • • • •

(R. S. 1753, sec. 2.22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 52-7262; Filed, July 1, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 420.20 of the above-identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9033, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082), the following counties have been designated for insurance for the 1952 crop year.

Alabama:
Blount.
Butler.
Henry.
Arkansas:
Arkansas.
White.
Colorado:
Conejos.
Las Animas.
Morgan.
Otero.
Weld.
Delaware: Kent.
Florida: Jefferson.
Georgia:
Colquitt.
Emanuel.
Jefferson.
Jenkins.
Mitchell.
Sumter.
Illinois:
Hamilton.
Jasper.
Johnson.
Saline.
Wayne.
Indiana:
Hamilton.
Spencer.
Iowa:
Delaware.
Emmet.
Howard.
Humboldt.
Ida.
Kossuth.
Tama.
Union.
Warren.
Winnebago.
Worth.
Kansas:
Allen.
Anderson.
Bourbon.
Cherokee.
Franklin.
Leavenworth.
Linn.
Montgomery.
Louisiana:
Acadia.
Lafayette.
St. Landry.
Louisiana—Con.
St. Martin.
Vermilion.
Maryland: Talbot.
Michigan:
Allegan.
Gratiot.
Jackson.
Kent.
Lapeer.
Montcalm.
Minnesota:
Dakota.
Dodge
Faribault.
Goodhue.
Kandiyohi.
McLeod.
Nicollet.
Sherburne.
Stearns.
Stevens.
Swift.
Mississippi:
Alcorn.
Penola.
Missouri: Audrain.
Nebraska:
Antelope.
Pawnee.
Washington.
New Jersey:
Monmouth.
New York: Monroe.
North Carolina:
Perquimans.
North Dakota:
Barnes.
Dickey.
LaMoure.
Pierce.
Ransom.
Sargent.
Steele.
Ohio:
Ashtabula.
Clermont.
Oklahoma:
Cleveland.
Oregon:
Linn.
Malheur.
Marion.
Pennsylvania:
Lebanon.
Somerset.
South Dakota:
Bon Homme.
Day.
Deuel.
Hamlin.
Hutchinson.
Lake.
McCook.
Miner.
Tennessee:
Dyer.
Franklin.
Henry.
Lincoln.
Obion.
Weakley.
Texas:
Johnson.
Runnels.
Tarrant.
Taylor.
Utah: Duchesne.
West Virginia:
Berkeley.
Wisconsin:
Fond du Lac.
Waupaca.
Wyoming:
Platte.
Washakie.

(52 Stat. 73-75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

[SEAL] JOHN W. BRAINARD
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-7254; Filed, July 1, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Fresh Pea Order 1—1952]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO.

LIMITATION OF SHIPMENTS

§ 910.316 *Fresh Pea Order 1—1952*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Administrative Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of fresh peas, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period beginning 12:01 a. m., m. s. t., July 7, 1952 and ending at 12:01 a. m., m. s. t., September 12, 1952, no handler shall handle any fresh peas unless such peas grade at least U. S. No. 1 and are of a minimum pod length of three (3) inches.

(2) The terms used in this section shall have the same meaning as when used in Order No. 10, as amended (7 CFR Part 910), and the grades and sizes used in the section shall have the same meaning assigned to these terms in the U. S. Standards for Fresh Peas (14 F. R. 564), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of June 1952 to become effective July 7, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7257; Filed, July 1, 1952; 8:49 a. m.]

PART 926—FRESH PRUNES GROWN IN UMATILLA COUNTY, OREG., AND WALLA WALLA AND COLUMBIA COUNTIES, WASH.

ORDER TERMINATING PROVISIONS OF MARKETING AGREEMENT NO. 77 AND ORDER NO. 26

Notice was published in the FEDERAL REGISTER issue (16 F. R. 13001) of Decem-

ber 27, 1951, that the Department was giving consideration to the proposed termination of Marketing Agreement No. 77 and Order No. 26 (7 CFR Part 926) regulating the handling of fresh prunes grown in Umatilla County, Oregon, and Walla Walla and Columbia Counties, Washington, effective under the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found and determined that the provisions of said marketing agreement and order do not tend to effectuate the declared policy of the act.

It is, therefore, ordered, That the said marketing agreement and order regulating the handling of fresh prunes grown in Umatilla County, Oregon, and Walla Walla and Columbia Counties, Washington, be, and they are hereby terminated, effective at 11:59 p. m., e. s. t., June 30, 1952, pursuant to section 8c (16) (A) of the aforementioned act and the applicable provisions of the aforesaid marketing agreement and order.

It is, therefore, further ordered, That the members of the aforesaid Control Committee be, and they hereby are, discharged from any obligation to serve as joint trustees pursuant to section 3 of Article X of the said marketing agreement and § 926.11 (c) of the said order and from any and all further obligations under the said marketing agreement and order, since the said committee has liquidated its affairs and has, upon instructions of the Fruit and Vegetable Branch, Production and Marketing Administration, delivered its books and records to a representative of said Branch. Such discharge and release is to become effective at the time of the termination of the said marketing agreement and order.

It is further found and determined that good cause exists for making this order effective less than 30 days after publication in the FEDERAL REGISTER for the reason that this order relieves restrictions.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-7255; Filed, July 1, 1952; 8:53 a. m.]

PART 949—HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

CORRECTION

In F. R. Doc. 52-3991, which appeared in the FEDERAL REGISTER April 8, 1952 (17 F. R. 3013) the following correction is made. The word "by" appearing in the sixth line of the second paragraph of § 949.51 (e) in the third column of page 3016 is corrected to read "into."

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-7256; Filed, July 1, 1952; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52-7102, appearing at page 5812 of the issue for Saturday, June 28, 1952, the following change should be made:

In the third sentence of § 146.77 (b), "or 3,000,000," should read "or 3,000,000 units,".

TITLE 22—FOREIGN RELATIONS

Chapter II—Mutual Security Agency

[ECA Reg. 2, as Amended]

PART 202—PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

SCOPE

Effective July 1, 1952, ECA Regulation 2 (22 CFR Part 202), as amended, is revoked.

W. JOHN KENNEY, *Deputy Director for Mutual Security.*

[F. R. Doc. 52-7199; Filed, July 1, 1952; 8:48 a. m.]

[ECA Reg 3, as Amended]

PART 203—COMMERCIAL FREIGHT SHIPMENTS OF SUPPLIES BY VOLUNTARY NON-PROFIT AGENCIES

SCOPE

Effective July 1, 1952, ECA Regulation 3, as amended (22 CFR Part 203), is revoked.

W. JOHN KENNEY, *Deputy Director for Mutual Security.*

[F. R. Doc. 52-7200; Filed, July 1, 1952; 8:48 a. m.]

[ECA Reg. 5, as Amended]

PART 205—COMMERCIAL FREIGHT SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

SCOPE

Effective July 1, 1952, ECA Regulation 5, as amended (22 CFR Part 205), is revoked.

W. JOHN KENNEY, *Deputy Director for Mutual Security.*

[F. R. Doc. 52-7201; Filed, July 1, 1952; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5915; Regs. 129]

PART 24—CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

MISCELLANEOUS AMENDMENTS

On May 14, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 4383) to conform Regulations 129 (26 CFR Part 24) to the Revenue Act of 1951, approved October 20, 1951. After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendments to Regulations 129 set forth below are hereby adopted.

PARAGRAPH 1. Section 24.12 (b) is amended by striking the period at the end of subparagraph (4) and inserting in lieu thereof the following: ", except as otherwise provided in section 613 of the Revenue Act of 1951. Section 613 of that act relates to the withdrawal within 90 days after October 20, 1951 (the date of the enactment of the act), of consents for the first taxable year ending after June 30, 1950, with respect to corporations described in section 454 (f)."

PAR. 2. Section 24.30 (a) is amended by inserting immediately after "the consolidated adjusted normal-tax net income and the consolidated adjusted corporation surtax net income" the following: "(or, for taxable years beginning in 1951, the consolidated 1951 adjusted normal-tax net income)".

PAR. 3. Section 24.30 (b) is amended by adding immediately after subparagraph (4) the following:

(5) *In case of mutual savings bank conducting life insurance business.* If the affiliated group for any taxable year beginning after December 31, 1951, includes a mutual savings bank which, if a separate return were filed, would be subject to the alternative tax of section 110 (a) (relating to a mutual savings bank conducting a life insurance business), the provisions of section 110 (a) shall apply to each member of the group and the alternative tax of each corporation under section 110 (a) shall be computed with reference to the consolidated net income of the group determined without regard to any items of gross income or deductions properly allocable to the business of the life insurance department of the mutual savings bank, and with reference to the net income of such life insurance department determined under the provisions of section 110 (a) (2).

PAR. 4. Section 24.30 (c) is amended to read as follows:

(c) *Limitations on excess profits tax.* The consolidated excess profits tax liability under section 430 (a) shall be whichever of the following amounts is the lesser:

(1) An amount equal to 30 percent of the consolidated adjusted excess profits net income.

(2) Whichever of the following is applicable to the taxable year:

(i) In the case of a taxable year ending before April 1, 1951, an amount equal to the excess of 62 percent of the consolidated section 433 (a) excess profits net income for the taxable year over the tax which would be imposed for the taxable year under sections 13, 14, and 15, and supplement G, whichever are applicable to the affiliated group, computed (subject to section 108, if applicable, and to section 141 (c)) as if the amount of the consolidated normal-tax net income and the amount of the consolidated corporation surtax net income (or the amount subject to the rate of tax in such supplement) were equal to the amount of the consolidated section 433 (a) excess profits net income for such year.

(ii) In the case of the calendar year 1951, an amount equal to the excess of 17¼ percent of the consolidated section 433 (a) excess profits net income for the taxable year over an amount which bears the same ratio (but not in excess of 100 percent) to the amount of the increase of 2 percent provided in section 141 (c) in the surtax liability as the amount of the consolidated section 433 (a) excess profits net income bears to the amount of the consolidated corporation surtax net income.

(iii) In the case of a taxable year beginning after March 31, 1951, an amount equal to the excess of 18 percent of the consolidated section 433 (a) excess profits net income for the taxable year over an amount which bears the same ratio (but not in excess of 100 percent) to the increase of 2 percent provided in section 141 (c) in the surtax liability as the amount of the consolidated section 433 (a) excess profits net income bears to the amount of the consolidated corporation surtax net income.

(3) If the affiliated group commenced business after July 1, 1945, and if the taxable year is the first, second, third, fourth, or fifth taxable year of the group, the amount determined under section 430 (e) for such taxable year with reference to the consolidated section 433 (a) excess profits net income. The following rules shall apply for the purpose of this subparagraph:

(i) The group shall be deemed to have commenced business on the earliest date on which any member commenced business, and the first, second, third, fourth, and fifth taxable year of the group shall be determined under section 430 (e) (2) (A) with reference to the taxable year in which the group is deemed to have commenced business and by applying the rules prescribed in § 24.2 (f) for determining the taxable years of the group.

(ii) In determining when any member commenced business, and in applying the rules of § 24.2 (f), the existence and commencement of business of each member of the group shall be determined under the provisions of section 430 (e) (2) (B).

(iii) The limitation of section 430 (e) (3) (relating to income from contracts subject to a renegotiation act) shall be determined with reference to the aggregate of the gross income of the several members of the group and with reference to the aggregate of the gross income of the several members from the contracts and subcontracts described in such section. For the purpose of section 430 (e) (3), the gross income of the several members shall be determined without regard to dividends, without regard to gains from the sale or exchange of capital assets (not including gains of the character described in section 117 (j)), and without regard to gains of the character described in section 117 (j) if the group has a consolidated section 117 (j) net gain, and such gross income shall be properly adjusted to avoid duplication by reason of transactions between members of the group.

PAR. 5. Section 24.31 (a) (3) is amended as follows:

(A) By changing the parenthetical expression "(not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)" in subdivision (i) to read as follows: "(not including as a third preceding taxable year any taxable year beginning prior to January 1, 1948, unless such preceding taxable year began after December 31, 1946, and unless all members of the group for such preceding taxable year commenced business after December 31, 1945, and not including as a fourth or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)".

(B) By changing the parenthetical expression "(not including as a third, fourth, or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)" in subdivision (ii) to read as follows: "(not including as a third preceding taxable year any taxable year beginning prior to January 1, 1948, unless such preceding taxable year began after December 31, 1946, and unless the corporation commenced business after December 31, 1945, and not including as a fourth or fifth preceding taxable year any taxable year beginning prior to January 1, 1950)."

PAR. 6. Section 24.31 (a) (14) is amended to read as follows:

(14) *Consolidated section 26 (b) credit.* The consolidated section 26 (b) credit, relating to dividends received, shall be the sum of:

(i) An amount equal to 85 percent of the aggregate dividends, of the class with respect to which credit is allowed by section 26 (b), received by the several affiliated corporations, not including dividends on the preferred stock of a public utility subject to the provisions of subdivision (ii) of this subparagraph, and not including dividends from foreign corporations,

(ii) For any taxable year for which a percentage is specified in section 26 (b) (2), an amount determined by applying the percentage specified for the taxable year to the aggregate dividends received in such year by the several affiliated corporations on the preferred stock of a public utility described in section 26 (h) (including only those dividends with respect to which the credit provided in section 26 (h) for dividends paid is allowable), and

(iii) For taxable years beginning after December 31, 1950, the aggregate of the amounts computed under section 26 (b) (3) (relating to credit for dividends received from certain foreign corporations) for the several members of the group,

but in an amount not greater than 85 percent of the consolidated adjusted net income computed without regard to the consolidated net operating loss deduction.

PAR. 7. Section 24.31 (a) (15) is amended by striking out that part of subdivision (i) which precedes (a) and inserting in lieu thereof the following:

(i) With respect to a taxable year beginning after June 30, 1950, and the calendar year 1950, an amount determined by applying the percentage specified for the taxable year in section 26 (h) (1) to the lesser of—

PAR 8. Section 24.31 (a) (16) is amended to read as follows:

(16) *Consolidated section 26 (i) credit.* For taxable years beginning after June 30, 1950, and the calendar year 1950, the consolidated section 26 (i) credit shall be an amount determined by applying the percentage specified for the taxable year in section 26 (i) to the portion of the consolidated normal-tax net income, computed without regard to this credit, attributable to those members of the affiliated group which are Western Hemisphere trade corporations.

PAR. 9. Section 24.31 (a) (20) is amended as follows:

(A) By striking the word "and" at the end of subdivision (ii);

(B) By striking the period at the end of subdivision (iii) and inserting in lieu thereof ", and"; and

(C) By inserting immediately after subdivision (iii) the following:

(iv) The excess of the consolidated net long-term capital gain over the consolidated net short-term capital loss (computed without regard to any capital loss carry-over), but such excess shall be reduced by an amount equal to the excess of the taxes (determined without regard to section 102 and without regard to subchapter A of chapter 2) on the consolidated net income over the taxes so determined without including such excess in the consolidated net income.

PAR. 10. Section 24.31 (a) (23) is amended as follows:

(A) By striking "and" at the end of subdivision (ii);

(B) By striking the period at the end of subdivision (iii) and inserting in lieu thereof ", and"; and

(C) By adding immediately after subdivision (iii) the following:

(iv) The aggregate of the amounts allowable under section 504 (e) for the several members of the group.

PAR. 11. Section 24.31 (a) (36) is amended as follows:

(A) By striking "and (Q)" from that part of such section preceding (i) and inserting in lieu thereof "(Q), (R), and (S)"; and

(B) By inserting immediately after "the figure determined and proclaimed under section 202 (b)" wherever appearing in subdivision (iv) the following: "(except that the figure 0.87 shall be used for taxable years beginning in 1951)".

PAR. 12. Section 24.31 (a) (38) (i) is amended to read as follows:

(i) The amount of $25,000 (but no amount shall be allowed if, by reason of section 15 (c), no member of the group is entitled to a minimum excess profits credit), or

PAR. 13. Section 24.31 (a) (43) (vi) is amended by inserting immediately after "the consolidated net new capital addition" the following: "(or, if the affiliated group is subject to section 438 (g), the consolidated net new capital addition or the consolidated net new bank capital addition, whichever is greater)".

PAR. 13a. Section 24.31 (a) (58) is amended as follows:

(A) By inserting immediately after "the consolidated net new capital addition for the taxable year" in that part of such section preceding (i) the following: "(or, if the affiliated group is subject to section 438 (g), the consolidated net new capital addition or the consolidated net new bank capital addition for the taxable year, whichever is greater)".

(B) By inserting immediately after "the consolidated net new capital addition" in subdivision (i) the following: "or the consolidated net new bank capital addition, whichever is applicable."

PAR. 14. Section 24.31 (a) (59) is amended to read as follows:

(59) *Consolidated excess profits credit based on income.* The consolidated excess profits credit based on income for any taxable year shall be the sum of:

(i) An amount computed under section 435 (a) with respect to the consolidated average base period net income for the taxable year of the group as if such consolidated average base period net income were the average base period net income of a single corporation,

(ii) Twelve percent of the amount of the consolidated base period capital addition, and

(iii) Twelve percent of the consolidated net capital addition for the taxable year (or, if the affiliated group is subject to section 435 (g) (8), the consolidated net capital addition or the consolidated net bank capital addition for the taxable year, whichever is greater),

minus 12 percent of the consolidated net capital reduction for the taxable year (or, if the affiliated group is subject to section 435 (g) (8), the consolidated net capital reduction or the consolidated net bank capital reduction for the taxable year, whichever is greater).

PAR. 15. Section 24.31 (a) (60) is amended by inserting immediately after "or 446," the following: "or any subsection of section 459,".

PAR. 16. Section 24.31 (a) (62) is amended by striking the period at the end thereof and inserting in lieu thereof the following: "; but, for this purpose, in case the group had a taxable year beginning in 1949 and ending after March 31, 1950, there shall be substituted for the consolidated base period the period of 48 consecutive months ending March 31, 1950, if such substitution results in a lower excess profits tax for the taxable year for which the tax is being computed."

PAR. 17. Section 24.31 (a) (67) is amended by striking "consolidated yearly base period capital for the second preceding taxable year," from subdivision (ii) and inserting in lieu thereof the following: "consolidated yearly base period capital for the second preceding taxable year,

but if the affiliated group is subject to section 435 (f) (6), the consolidated yearly base period bank capital shall be used in lieu of the consolidated yearly base period capital for the purpose of computing the consolidated base period capital addition."

PAR. 18. Section 24.31 (a) (68) is amended by inserting immediately after the word "reduced" the following: "(but not below zero)".

PAR. 19. Section 24.31 (a) (70) is amended by changing that part of such section which precedes (i) to read as follows:

(70) *Consolidated net capital addition.* The consolidated net capital addition for the taxable year shall be the sum of the consolidated section 435 (g) (9) adjustment, if any, and the following amount:

PAR. 20. Section 24.31 (a) (83) is amended to read as follows:

(83) *Consolidated alternative excess profits net income.* The consolidated alternative excess profits net income for any month shall be an amount equal to the sum of:

(i) The combined excess profits net income for such month determined under section 433 (b) for the several affiliated corporations other than the affiliated corporations described in subdivision (ii) of this subparagraph and other than the affiliated corporations to which subdivision (iii) of this subparagraph is applicable for such month,

(ii) In the case of any member of the affiliated group to which section 442 (d), 443, 444, 445, 446, 459 (a), or 459 (b) (2) (B) is applicable, one-twelfth of the average base period net income separately computed under such section for such member, and

(iii) In the case of any member of the group (other than a member described in subdivision (ii) of this subparagraph) to which section 442 (c), 442 (h), or 459 (b) (2) (A) is applicable and for which such month is a month identified under section 442 (c) (3), or a month selected under section 442 (h) (2) (B), or a month in the taxable year in which the catastrophe described in section 459 (b) (1) occurred, as the case may be, the substitute excess profits net income for such month separately computed for such member under section 442 (c), section 442 (h), or section 459 (b) (2) (A), as the case may be,

minus the combined deficits in excess profits net income for such month determined under section 433 (c) for the several affiliated corporations other than the corporations described in subdivision (ii) of this subparagraph and other than the affiliated corporations to which subdivision (iii) of this subparagraph is applicable for such month.

PAR. 21. Section 24.31 (a) (85) is amended by striking the parenthetical expression "(determined as if the affiliated group were a single corporation)" and inserting in lieu thereof the following: "(determined in the same manner as if the affiliated group were a single corporation, and, if more than one percentage is applicable, under the rules applicable in the case of a single corporation)".

PAR. 22. Section 24.31 (a) is amended by adding immediately after subparagraph (90) the following:

(91) *Consolidated 1951 adjusted normal tax net income of life insurance companies.* The consolidated 1951 adjusted normal-tax net income, in the case of an affiliated group consisting of corporations subject to the tax imposed by section 201 for taxable years beginning in 1951, shall be the consolidated normal tax net income plus eight times the consolidated section 202 (c) adjustment and minus the consolidated reserve interest credit, if any.

(92) *Consolidated reserve interest credit.* The consolidated reserve interest credit shall be the aggregate of the reserve interest credits of the several members of the affiliated group.

(93) *Consolidated net new bank capital addition.* The consolidated net new bank capital addition for the taxable year shall be:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily new capital addition for each day of the taxable year over the aggregate of the consolidated daily new capital reduction for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated increase in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated increase in total assets for the taxable year.

(94) *Consolidated increase in total assets.* The consolidated increase in total assets for the taxable year shall be an amount determined under subparagraph (52) of this paragraph by treating all assets of the members of the group as inadmissible assets (except that the rule provided in paragraph (b) (2) (xviii) (c) of this section shall be applicable only for the purpose of computing the consolidated net bank capital addition).

(95) *Consolidated net bank capital addition.* The consolidated net bank capital addition for the taxable year shall be the sum of the consolidated section 435 (g) (9) adjustment, if any, and the following amount:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital addition for each day of the taxable year over the aggregate of the consolidated daily capital reduction for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated increase in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated increase in total assets for the taxable year.

(96) *Consolidated net bank capital reduction.* The consolidated net bank capital reduction for the taxable year shall be:

(i) The excess, divided by the number of days in the taxable year, of the aggregate of the consolidated daily capital reduction for each day of the taxable year over the aggregate of the consolidated daily capital addition for each such day, reduced (but not below zero) by

(ii) An amount which bears the same ratio to the consolidated decrease in inadmissible assets for the taxable year as the amount computed under subdivision (i) of this subparagraph bears to the consolidated decrease in total assets for the taxable year.

(97) *Consolidated decrease in total assets.* The consolidated decrease in total assets shall be an amount determined under subparagraph (75) of this paragraph by treating all assets of the members of the group as inadmissible assets.

(98) *Consolidated yearly base period bank capital.* The consolidated yearly base period bank capital for a taxable year shall be the sum of:

(i) The consolidated equity capital at the beginning of the first day of such taxable year, and

(ii) An amount equal to 75 percent of the consolidated daily borrowed capital for such first day,

reduced (but not below zero) by the sum of—

(iii) Seventy-five percent of the consolidated controlled group indebtedness for such first day,

(iv) Seventy-five percent of the aggregate of the adjustments for interest on borrowed capital under section 435 (f) (5) of the several members of the group for such first day, and

(v) An amount which bears the same ratio to the sum of the amounts computed in subdivisions (i) and (ii) of this subparagraph, reduced (but not below zero) by the amounts computed in subdivision (iii) and (iv) of this subparagraph, as the aggregate inadmissible assets for such first day of the several members of the group bears to the aggregate admissible and inadmissible assets for such first day of such members.

(99) *Consolidated section 435 (g) (9) adjustment.* The consolidated section 435 (g) (9) adjustment for the taxable year shall be:

(i) In the case of an affiliated group not subject to section 435 (g) (9) (B) (relating to banks), whichever is the lesser of:

(a) The excess of the amount computed under subparagraph (71) (ii) of this paragraph over the amount, if any, computed under subparagraph (71) (i) of this paragraph, or

(b) The excess of the consolidated increase in operating assets over the consolidated net capital addition (computed without regard to the consolidated section 435 (g) (9) adjustment);

(ii) In the case of an affiliated group subject to section 435 (g) (9) (B) (relating to banks), whichever is the least of:

(a) The excess of—

(1) An amount which bears the same ratio to the consolidated decrease in inadmissible assets for the taxable year as the sum of the consolidated equity capital and the consolidated daily borrowed capital, both computed as of the beginning of the first day of the first taxable year of the group ending after June 30, 1950, bears to the aggregate of the admissible and inadmissible assets of the several members of the group as of the beginning of such day, over

(2) The amount, if any, computed under subparagraph (71) (i) of this paragraph, or

(b) If the group is subject to section 435 (g) (8) for the purpose of computing the consolidated net bank capital reduction, the excess of the amount computed under subparagraph (96) (ii) of this paragraph over the amount computed under subparagraph (96) (i) of this paragraph, or

(c) The excess of the consolidated increase in operating assets over whichever is the greater of the consolidated net capital addition or the consolidated net bank capital addition (each computed without regard to the consolidated section 435 (g) (9) adjustment).

(100) *Consolidated increase in operating assets.* The consolidated increase in operating assets shall be the amount which would be determined under subparagraph (52) of this paragraph as the consolidated increase in inadmissible assets if the inadmissible assets of the members of the group consisted only of the operating assets (as defined in section 435 (g) (10) (B)) of the several members of the group.

PAR. 23. Section 24.31 (b) (1) is amended as follows:

(A) By striking "and" at the end of subdivision (vii);

(B) By striking the period at the end of subdivision (viii) and inserting in lieu thereof "; and"; and

(C) By adding immediately after subdivision (viii) the following:

(ix) In the case of the deduction provided in section 23 (ff) (relating to mine exploration expenditures), the allowable deduction shall be determined subject to the qualifications prescribed in subparagraph (30) of this paragraph.

PAR. 24. Section 24.31 (b) (2) (xxii) (b) is amended by striking the parenthetical expression "(including any component corporation of any such member within the meaning of section 461)" and inserting in lieu thereof the following: "(including any component corporation of any such member within the meaning of section 461, and including any selling corporation with respect to which any such corporation is a purchasing corporation as defined in section 474 (a))".

PAR. 25. Section 24.31 (b) (2) (xxvi) is amended as follows:

(A) By striking "*or 446*" from the heading of such section and inserting in lieu thereof the following: "*446, or 459*";

(B) By striking "or 446" from the part of such section preceding (a) and inserting in lieu thereof the following: "446, or 459";

(C) By striking "assets; and" at the end of subdivision (a) (1) and inserting in lieu thereof the following: "assets, and properly adjusted for amounts with respect to other members of the group taken into account under section 442 (f) (2); and";

(D) By inserting immediately after "the outstanding indebtedness" in subdivision (a) (2) the following: "(other than indebtedness described in section 442 (f) (2))";

(E) By striking "444" wherever it appears in subdivision (c) and inserting in lieu thereof the following: "section 444 or 459 (a)";

(F) By inserting immediately after "any facility held" in subdivision (c) of such section the following: "(or, for the purpose of section 444, considered under section 444 (f) (2) to have been held)"; and

(G) By adding immediately after subdivision (e) of such section the following:

(f) For the purpose of applying section 459 (a) (3), the gross income shall be properly adjusted to avoid duplication arising by reason of transactions between members of the group.

(g) For the purpose of applying section 459 (c) (except for the purpose of determining an amount computed under section 435 (d)) deductions and expenses shall be properly adjusted to avoid duplication by reason of transactions between members of the group.

PAR. 26. Section 24.31 (b) (2) is amended by adding immediately after subdivision (xxvii) the following:

(xxviii) *Mutual savings banks, domestic building and loan associations, and cooperative banks.* In the case of a mutual savings bank, a domestic building and loan association, and a cooperative bank:

(a) In the computation of total deposits or withdrawable accounts at the close of the taxable year for the purpose of section 23 (k) (1) (B) (relating to the deduction for bad debts), there shall be excluded the total deposits or withdrawable accounts of other members of the group, and

(b) In the computation of the deduction provided in section 23 (r) (1) (relating to dividends paid by banking corporations), there shall be excluded amounts paid to, or credited to the accounts of, other members of the group.

PAR. 27. Section 24.31 (b) (12) (iv) (c) (2) is amended by striking out the words "the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in 1944 or 1951" and inserting in lieu thereof the following: "the provisions of section 112 (b) (7) of the Internal Revenue Code relating to certain complete liquidations occurring during some one calendar month in a year specified in such section".

PAR. 28. Section 24.31 (b) (13) (viii) is amended by striking "consolidated original section 435 (g) (7) indebtedness" from subdivision (b) and inserting in lieu thereof the following: "consolidated original controlled group indebtedness".

PAR. 29. Section 24.31 (b) (14) is amended as follows:

(A) By striking "; and" at the end of subdivision (i) and inserting in lieu thereof a period; and

(B) By adding immediately after subdivision (ii) the following:

(iii) If the consolidated selected base period is determined by substituting for the consolidated base period the period of 48 consecutive months ending March 31, 1950, the consolidated weighted excess profits net income for each of the months January, February, and March of 1950 shall be substituted for the consolidated section 433 (b) excess profits net income for each such month.

PAR. 30. Section 24.31 (b) (15) is amended as follows:

(A) By striking the words "the beginning of the consolidated base period" from subdivision (i), (i) (b), (i) (c), (ii), (ii) (*a*), (ii) (*b*), and (iii) of such section and inserting in lieu thereof the following: "the end of the consolidated base period"; and

(B) By striking the word "solely" from subdivision (iii) of such section.

PAR. 31. Section 24.31 (b) (16) is amended as follows:

(A) By striking the words "the beginning of the consolidated base period" from subdivision (i) (*a*), (i) (*b*), and (iii) (*d*) of such section, and inserting in lieu thereof the following: "the end of the consolidated base period";

(B) By inserting in subdivision (iii) (*a*) of such section, immediately after the words "If those members of the affiliated group", in subdivision (iii) (*b*) of such section, immediatley after the words "If those members of the group", and in subdivision (iii) (*c*) of such section, immediately after the words "In the case of each member of the affiliated group", the following: "which commenced business before the end of the consolidated base period and"; and

(C) By striking "(i) (B)" from subdivision (iii) (*d*) of such section and inserting in lieu thereof "(i) (*b*)".

PAR. 32. Section 24.31 (b) (17) is amended as follows:

(A) By striking "section 442 (c), 442 (d), 443, 444, or 446" from subdivision (i) of such section and inserting in lieu thereof the following: "section 442 (c), 442 (d), 442 (h), 443, 444, 446, 459 (a), 459 (b), 459 (c), or 459 (d)"; and

(B) By striking "Section 442, 443, 444, 445, or 446" from subdivision (ii) of such section and inserting in lieu thereof the following: "Section 442 (c), 442 (d), 442 (h), 443, 444, 445, 446, 459 (a), 459 (b), 459 (c), or 459 (d)";

(C) By striking "or 446" from subdivision (iv) of such section and inserting in lieu thereof the following: "446, 459 (a), 459 (b), 459 (c), or 459 (d)"; and

(D) By adding immediately after subdivision (iv) the following:

(v) In the case of a member of the group to which section 459 (c) is applicable, the excess profits net income determined under section 433 (b) or the deficit in excess profits net income determined under section 433 (c), as the case may be, for any month shall include as an item of excess profits net income one-twelfth of the amount which, under section 459 (c), would be added to the amount computed under section 435 (d) for such corporation.

(vi) In the case of a member of the group to which section 459 (d) is applicable, the excess profits net income determined under section 433 (b) for any month, and the deficit in excess profits net income determined under section 433 (c) for any month, shall be computed as follows:

(*a*) Such computation shall be made without regard to income, deductions, losses, or other items attributable to the television broadcasting business of the corporation, and

(*b*) There shall be included, as an item of excess profits net income for the month, an amount equal to one-twelfth of the amount which, under section 459 (d), would be added to the amount computed for such corporation under section 459 (d) (2) (A).

PAR. 33. Section 24.31 (b) (18) (i) is amended as follows:

(A) By striking "or 446" and inserting in lieu thereof the following: "446, 459 (a), 459 (b) (2) (B), or 459 (c)";

(B) By striking "section 442 (c)" and inserting in lieu thereof the following: "section 442 (c) or section 442 (h)";

(C) By striking "section 442 (c) (1)" and inserting in lieu thereof the following: "section 442 (c) (1) or section 442 (h)"; and

(D) By adding at the end thereof the following: If the affiliated group includes any member for which an amount computed under section 459 (d) is included in the consolidated alternative average base period net income, the portion of the consolidated base period capital addition properly allocable to such member shall be subject to proper adjustment under section 459 (d) (5) (A).

PAR. 34. Section 24.31 (b) (19) is amended as follows:

(A) By striking "*443 or 445*" from the heading of such section and inserting in lieu thereof the following: "*443, 445, or 459 (d)*"; and

(B) By inserting immediately after the first sentence thereof the following: "If the affiliated group includes any member for which an amount computed under section 459 (d) is included in the consolidated alternative average base period net income, the consolidated net capital addition or reduction shall be subject to proper adjustment under section 459 (d) (5) (C) to eliminate the effect thereon of any items involved in the computation of the consolidated alternative average base period net income."

PAR. 35. Section 24.31 (b) (20) is amended as follows:

(A) By striking "In the computation of the consolidated section 448 excess profits credit, the consolidated section 448 gross credit, and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (*a*), (c) (1) (*b*), (c) (2) or (c) (4)" and inserting in lieu thereof the following: "In the computation of the consolidated section 448 excess profits credit, the consolidated section 448 (b) gross amount, and the consolidated section 448 inadmissible asset adjustment, the following rules shall apply in the case of any member of the affiliated group described in section 448 (c) (1) (A), (c) (1) (B), (c) (2) or (c) (4)."

(B) By striking subdivisions (*a*) and (*b*) of subdivision (i) and inserting in lieu thereof the following:

(*a*) The sum of:

(*1*) The average outstanding common and preferred capital stock accounts for the taxable year and the average capital and earned surplus accounts (or minus any deficits therein) for the taxable year, as properly recorded on the corporate books of account of such member, determined under the rules applicable to the computation of such amounts if a separate return were filed by such member, and

(*2*) The average borrowed capital of such member for the taxable year, minus

(*b*) The average for the taxable year of the amount, as properly recorded on the corporate books of account, of the stock of other members of the group held by such member.

PAR. 36. Section 24.31 (b) is amended by adding immediately after subparagraph (27) the following:

(28) *Disposal of timber or coal*—(i) *Intercompany transactions.* Section 117 (k) (2) (relating to the disposal of timber or coal) shall apply to an amount received by a member of the group only to the extent such amount is received by the member of the group as a party to a transaction described in section 117 (k) (2) with persons not members of the group.

(ii) *Application of section 102 and Subchapter A to coal royalties.* For the purpose of determining the consolidated section 102 net income, the consolidated subchapter A net income, and the tax under section 117 (c) (1) in lieu of the tax imposed by subchapter A, the provisions of section 117 (k) (2) shall not apply to any amount received by a member of the group upon the disposal of coal.

(29) *Special rules in case of banks.* The rules provided in this paragraph with respect to the computation of the consolidated net new capital addition, the consolidated yearly base period capital, the consolidated net capital addition, and the consolidated net capital reduction shall also be applicable with respect to the computation of the consolidated net new bank capital addition, the consolidated yearly base period bank capital, the consolidated net bank capital addition, and the consolidated net bank capital reduction, respectively.

(30) *Mine exploration expenditures*—(i) *Limitation under section 23 (ff) (1).* If the aggregate of the deductions, computed without regard to this sentence, allowable under section 23 (ff) (1) to the several members of the group exceeds $75,000,

(*a*) The deduction under that section allowable to any member of the group shall be an amount which bears the same ratio to $75,000 as its deduction computed without regard to this sentence bears to the aggregate of such deductions so computed for the members of the group, except that,

(*b*) If all members of the group consent in writing (which consent, in the case of a return filed on or after September 15, 1952, shall be filed with the return, or, in the case of a return filed before September 15, 1952, shall be filed not later than September 15, 1952, in the same office in which the return is filed), the deduction under that section allowable to such member shall be the deduction under that section computed without regard to this sentence, or such part thereof as the common parent corporation shall determine at the time the consent is filed: *Provided, however,* That the aggregate of the deductions so allowable for all members of the group shall not exceed $75,000.

(ii) *Limitation under section 23 (ff) (3).* If the limitation provided in section 23 (ff) (3) is applicable to any member of the group, such limitation shall be deemed applicable to all members of the group.

(31) *Application of section 433 (a) (1) (R) and section 433 (b) (16).* For the purpose of applying section 433 (a) (1) (R) and section 433 (b) (16) (which relate to payments from foreign sources for technical assistance):

(i) If any deduction of a member of the group, disallowed under such section, consists of a payment to another member of the group, such payment shall be considered remuneration described in such section to such other member.

(ii) A foreign corporation shall be considered to be a "related foreign corporation" if the members of the group, at the time the service or assistance is rendered, own 10 percent or more of the outstanding stock of such foreign corporation.

(32) *Eligibility requirements for consolidated net new bank capital addition.* An affiliated group shall be subject to section 433 (g) for any taxable year if during such taxable year one or more members of the group are banks (as defined in section 104) and if:

(i) More than one-half of the sum of—

(*a*) The consolidated equity capital for the first day of the first taxable year of the group ending after June 30, 1950, and

(*b*) Seventy-five percent of the consolidated daily borrowed capital for such first day is properly allocable to such banks, and

(ii) The consolidated increase in total assets for the taxable year exceeds the amount determined under paragraph (a) (47) (i) of this section.

(33) *Affiliated groups subject to section 435 (f) (6), section 435 (g) (8), and section 435 (g) (9) (B).* If during the taxable year one or more members of the group are banks (as defined in section 104), and if more than one-half of the consolidated average base period net income is properly allocable to such banks, then the affiliated group shall be subject to:

(i) Section 435 (f) (6) (but, in computing the tax for a taxable year beginning before October 20, 1951, only if all the members of the group so elect);

(ii) Section 435 (g) (8): *Provided,* That—

(*a*) In the case of the consolidated net bank capital addition, the consolidated increase in total assets for the taxable year exceeds the amount computed under paragraph (a) (70) (i) of this section, and

(*b*) In the case of the consolidated net bank capital reduction, the consolidated decrease in total assets for the taxable year exceeds the amount computed under paragraph (a) (71) (i) of this section; and

(iii) Section 435 (g) (9) (B).

(34) *Rules for computation of consolidated section 435 (g) (9) adjustment.* For the purpose of determining the consolidated section 435 (g) (9) adjustment, the following rules shall apply:

(i) The consolidated section 435 (g) (9) adjustment shall be subject to reduction to the extent that the Commissioner determines that the consolidated increase in operating assets is a result, directly or indirectly, of an increase in indebtedness of any member of the group (other than indebtedness which constitutes borrowed capital and other than indebtedness from one member of the group to another member of the group).

(ii) For the purpose of paragraph (a) (99) (i) (*a*) of this section, the amount computed under paragraph (a) (71) (ii) of this section shall not be less than the consolidated decrease in inadmissible assets for the taxable year reduced by 25 percent of the excess of—

(*a*) The amount computed under paragraph (a) (71) (i) of this section by using 100 percent, in lieu of 75 percent, of the amounts referred to in paragraph (a) (73) (iii) and (v) of this section (relating to borrowed capital and loans to members of a controlled group), over

(*b*) The amount computed under paragraph (a) (71) (i) of this section without regard to the amounts referred to in paragraph (a) (73) (iii) and (v) of this section.

(iii) For the purpose of determining the excess of the consolidated increase in operating assets over the consolidated net capital addition or consolidated net capital bank addition, the consolidated net capital addition and the consolidated net bank capital addition shall be computed by using 100 percent, in lieu of 75 percent, of the amounts referred to in paragraph (a) (72) (iii) of this section and paragraph (a) (73) (iii) and (v) of this section (relating to borrowed capital and loans to members of a controlled group).

PAR. 37. The following new section is added immediately after § 24.44:

§ 24.45 *Mine exploration expenditures.* For the purpose of applying the limitation provided in section 23 (ff) (3) (whether during a consolidated return period or during a period for which a separate return is made), if during a preceding taxable year for which a consolidated return was made or was required to be made any member of the affiliated group for such preceding taxable year was allowed the deduction provided in section 23 (ff) (1) or made the election provided in section 23 (ff) (2), each member of the affiliated group for such preceding taxable year shall be deemed to have been allowed such deduction or to have made such election, as the case may be.

A corporation entitled to file with other corporations a consolidated return under section 141 for a taxable year ending after March 31, 1951, and before April 1, 1952, has until July 15, 1952, to file such return. With respect to most of these corporations, this date cannot be extended further in view of statutory restrictions. The rules prescribed in this Treasury decision are essential to the filing of such consolidated returns; furthermore, many of the rules prescribed in this Treasury decision with respect to the excess profits tax are retroactive in that they apply to all taxable years ending after June 30, 1950. Therefore, good cause is found for issuing this Treasury decision without regard to the effective date limitation of section 4 (c) of the Administrative Procedure Act, approved June 11, 1946. Hence, this Treasury decision shall be effective upon its filing with the FEDERAL REGISTER for publication.

(53 Stat. 32, 58, 467; 26 U. S. C. 62, 141, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: June 26, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7210; Filed, June 27, 1952; 11:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

Part 536 is amended as indicated below:

1. Section 536.79 is amended by changing paragraph (b) (2) (iii), and adding a new paragraph (b) (2) (vi), as follows:

§ 536.79 *General.* • • •

(b) *Definitions.* • • •

(2) *United States dollar instruments.* • • •

(iii) Travelers' checks are the checks issued by the American Express Company, the Bank of America National Trust and Savings Association, the Mellon National Bank and Trust Company, and the National City Bank of New York, when such instruments are expressed in dollars and as countersigned by the original payee in the presence of the disbursing officer, or his agent.

• • • • • • •

(vi) Telegraphic money orders, when expressed in United States dollars.

• • • • • • •

2. Section 536.80 (f) is amended to read as follows:

§ 536.80 *Limitations.* • • •

(f) The disbursement of military payment certificates to United States authorized personnel referred to in § 536.79 (b) (3) (i) (*c*) (*f*), and (*g*) is limited to the amount thereof determined by the oversea commander to be necessary.

3. Section 536.82 (g) and (h) are added as follows:

§ 536.82 *Conversion of military payment certificates into dollar instruments or foreign currency.* • • •

(g) American Express Company money orders when expressed in United States dollars.

(h) Travelers' checks as defined in § 536.79 (b) (2) (iii) or bank drafts when expressed in United States dollars and purchased through established United States banking facilities.

4. Section 536.83 (b) is amended to read as follows:

§ 536.83 *Exchange of military payment certificates outside designated areas.* • • •

(b) The following is the only exception to paragraph (a) of this section: Military payment certificates presented for exchange by the effects quartermaster, such certificates having been taken from the effects of an individual whose death occurred on or before the date the series of military payment certificates so presented were withdrawn from circulation, will be exchanged by the Finance Office, U. S. Army, Oakland Army Base, Oakland 14, California, provided the amount is not in excess of $500 and there is no evidence that the military payment certificates were illegally acquired. Amounts in excess of $500 will be forwarded by the effects quartermaster to the Chief of Finance, Department of the Army, Washington 25, D. C., for decision regarding exchange thereof.

5. Section 536.84 (f) is added as follows:

§ 536.84 *Conversion of dollar instruments into military payment certificates.* • • •

(f) Telegraphic money orders when expressed in United States dollars.

[C1, AR 35-510, June 14, 1952] (Sec. 3, 58 Stat. 921; 50 U. S. C. App. 1707. Interpret or apply secs. 1, 2, 58 Stat. 921; 50 U. S. C. App. 1705, 1706)

Subchapter G—Procurement

PART 601—LABOR

CORRECTION

In F. R. Doc. 52-6687, appearing at page 5503 of the issue for Thursday, June 19, 1952, the first sentence of § 601.1052 (a) is changed to read "It is the policy of the Government that wage adjustments should not ordinarily be used for purposes of attracting or retaining labor."

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7190; Filed, July 1, 1952; 8:46 a. m.]

Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

FEDERAL RECOGNITION

Paragraph (c) (1) (i) (a) of § 1101.2 is amended to read as follows:

§ 1101.2 *Federal recognition.* • • •

(c) *Persons eligible*—(1) *For Army National Guard.* (i) • • •

(a) Qualified officers and former officers, with previous honorable and creditable service in any component of the armed forces, who have demonstrated their qualifications by service in the grade contemplated, or by the satisfactory discharge of equal and corresponding responsibilities.

• • • • •

[NGB Cir. 3, Mar. 25, 1952] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7189; Filed, July 1, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Supplementary Regulation 10]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 10—SPECIFIC CEILING PRICES FOR MIDDLE DISTILLATES ON THE EAST COAST

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 10 to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation establishes specific cents-per-gallon ceiling prices at named Eastern Seaboard refinery and terminaling points for kerosene, No. 2 heating oil and the principal grades of Diesel fuel. These ceiling prices represent an increase of 0.65 cents per gallon over the base period ceiling in tank car prices for f. o. b. delivery of No. 2 fuel oil at North Atlantic refineries and seaboard terminals, and the regulation provides for a pass-through of that 0.65-cent increase at subsequent levels of sale.

In addition a further increase of 0.15 cents per gallon is allowed such resellers as bulk plant operators, independent jobbers or distributors receiving their products from the seaboard terminal and refinery points at the newly established ceilings. Where the seaboard refinery or terminal operators may make sales to buyers other than bulk plant operators—for example, direct sales to large commercial accounts, they, the refinery or terminal operators, also are permitted to add the 0.15 cents in keeping with established industry practices. However, in no case will the ceiling price to an ultimate consumer be increased more than 0.8 cents per gallon above present ceiling prices by this supplementary regulation.

The problem of providing for adequate supplies of middle distillates, particularly No. 2 heating oil, for both domestic and industrial consumers on the Eastern Seaboard has vexed the responsible agencies of Government and the industry, as well as consumers, continuously since late 1951. The common denominator in all approaches toward solution of the problem has been the recognition that adequate supplies of these products must be made available on the Eastern Seaboard throughout the heating season if grave disruption of the domestic economy and injury to the defense program are to be avoided. The problem is complicated by many factors of product price, both on the Eastern Seaboard and in the Gulf (whence most of the supplies are obtained), competitive forces within the industry, fluctuating transportation costs and even the vagaries of the weather. Consequently, in the continuing study of the problem a mass of material has been developed by the Office of Price Stabilization, Petroleum Administration for Defense, the Economic Stabilization Agency and other sources. In order to resolve conflicts in views and recommendations variously advanced, and to insure that adequate supplies of middle distillate fuel oils will be made available on the Eastern Seaboard during the coming heating season, Dr. J. R. Steelman, Acting Director, Office of Defense Mobilization, has issued a directive in the form of a letter addressed to Mr. Roger Putman, Administrator, Economic Stabilization Agency. The full text of that letter is quoted below:

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF DEFENSE MOBILIZATION
WASHINGTON 25, D. C., *June 13, 1952.*

OFFICE OF THE DIRECTOR

Hon. ROGER L. PUTNAM,
Administrator, Economic Stabilization Agency, Washington, D. C.

DEAR MR. PUTNAM: This is in reference to your letter of June 11, regarding the proposed increase in the price of heating oil on the East Coast. I have examined with great care the materials presented by your Office, by the Office of Price Stabilization and by the Petroleum Administration for Defense.

It is extremely important that we take all necessary actions to assure an adequate supply of fuel oil for the East Coast during the coming heating season. At the same time, in the interests of protecting consumers against unnecessary increases in the cost of living, it is imperative that any increase in the price of fuel oil which may be made to facilitate shipments of oil to the east coast should be held to the minimum.

I am also concerned about the effects which any action taken may have upon jobbers and local distributors of fuel oil. Due allowance should be given to the effects of an increase in wholesale prices upon their operating costs.

I am also concerned about interferences with normal contracting and marketing practices which may have been, or subsequently may be, caused by uncertainties regarding the price structure for fuel oils, during the coming heating season. It is highly important that we take definite and final action at this time.

It is my conclusion, after very careful study of all of the evidence which has been submitted, that an increase in the East Coast retail price of distillate fuel oils of 0.80 cents per gallon should be authorized, and that 0.15 cents per gallon of this increase should be reserved for jobbers and distributors.

I am sending a copy of this letter to the Secretary of the Interior, and am asking him to cooperate to the fullest by taking whatever steps are necessary to insure an adequate production and equitable distribution of fuel oil during this coming winter. I am also writing the Maritime Administration and asking them to study the developing situation with respect to the supply of tankers, and to take such actions as are necessary to assure adequate tankers to move oil to the east coast in the necessary volume this winter.

Sincerely yours,

JOHN R. STEELMAN.

Based on the foregoing, this supplementary regulation to Ceiling Price Regulation 17 is issued. As already indicated, the principal middle distillate fuel is No. 2 heating oil, and therefore No. 2 is used in this supplementary regulation as the basis for pricing of the other distillates, retaining the customary price relationships between products prevalent in the industry. Similarly, in setting the ceilings applicable at Norfolk and areas south of Norfolk, use of a progressively decreasing factor for costs of transportation is dictated by industry practice, and, consequently, increases proportionately smaller than 0.65 cents are included in the spelled-out ceiling prices for those areas. This, again, maintains the customary price relationships as between points respectively north and south of Norfolk.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices at East Coast ports.
3. Differentials for other distillate fuel oils.
4. Preservation of discounts and allowances.
5. Applicability of Ceiling Price Regulation 17 provisions.

AUTHORITY: Sections 1 through 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CPR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes specific tank car ceiling prices for kerosene, No. 2 fuel oil and 48/52 Diesel index gas oil f. o. b. refineries and seaboard terminals in certain enumerated areas along the East Coast of the United States. For barge and cargo sales in these refinery-tanker terminal areas, minimum discounts off the specific tank car ceiling prices are required, but where customarily larger discounts were in effect, such customary discounts must be continued. Purchasers obtaining product from these points may increase their ceiling prices by the amount of the increase of ceiling price permitted their suppliers by this regulation. In those areas where sellers have customarily based their prices on prices established at East Coast terminal and refinery points, provision for adjustment is also made. Ceiling prices for sales of these products by operators of such terminals or refineries to other than bulk plant operators, and sales by bulk plant operators who receive product from these terminals or refineries, may be increased by an additional 0.15 cents per gallon.

SEC. 2. *Ceiling prices at East Coast ports*—(a) *Tank car ceiling prices to resellers.* The ceiling prices for kerosene, No. 2 fuel oil and 48/52 Diesel index gas oil f. o. b. seaboard terminals or refineries for tank car or transport truck delivery for sale to resellers shall be as follows at the enumerated points below:

Location	Kerosene (cents per gallon)	No. 2 fuel oil (cents per gallon)
Searsport and Bucksport, Maine	11.75	10.75
Portland, Maine	11.05	10.05
Portsmouth, N. H.	11.55	10.05
Everett, Mass.	10.95	9.95
Boston, Mass.	10.95	9.95
Fall River, Mass.	10.95	9.95
Tiverton, R. I.	10.95	9.95
Providence, R. I.	10.95	9.95
New London, Conn.	11.35	10.45
New Haven, Conn.	10.95	9.95
Bridgeport, Conn.	10.95	9.95
Albany, N. Y.	11.05	10.05
New York, N. Y.	10.75	9.75
Philadelphia, Pa.	10.85	9.85
Baltimore, Md.	10.85	9.85
Norfolk, Va.	10.75	9.75
Morehead City, N. C.	10.9	9.9
Wilmington, N. C.	10.9	9.9
Charleston, S. C.	10.9	9.9
		48/52 Diesel index gas oil
Savannah, Ga.	11.45	10.45
Jacksonville, Fla.	11.4	10.4
Miami, Fla.	11.5	10.5
Port Everglades, Fla.	11.5	10.5
Tampa, Fla.	11.15	10.25
Port Tampa, Fla.	11.15	10.25

(b) *F. o. b. barge ceiling prices to resellers.* If delivery is into barges, the ceiling prices set forth in paragraph (a) of this section shall be reduced by the amount of the seller's customary differential under tank car prices, but in no case shall this differential be less than 0.1 cents per gallon.

(c) *Delivered cargo ceiling prices to resellers.* If delivery is by tank steamer into buyer's terminal, the ceiling prices established in paragraph (a) of this section shall be reduced by the amount of the seller's customary differential under tank car prices, but in no case shall this differential be less than 0.55 cents per gallon.

(d) *Other ceiling prices.* (1) Ceiling prices of resellers for these products obtained from such terminals and refineries may be increased by the amount of increase permitted their suppliers by this regulation.

(2) To the ceiling prices set forth in sections 2 (a), (b) and (c), 0.15 cents per gallon may be added for sales of these products by operators of such terminals or refineries to other than bulk plant operators, and for sales by bulk plant operators who receive product from these terminals or refineries. This 0.15 cents per gallon increase may not be applied on sales at the tank car or transport truck level. In no case may the price to the ultimate consumer be increased more than the amount of the adjustment provided for in the appropriate ceiling price set forth in paragraph (a) of this section, plus 0.15 cents per gallon.

(3) On sales at any point where the seller's price for these products was customarily based upon the selling price at a point named in paragraph (a) of this section, the ceiling prices may be increased by the amount of the adjustment contained in the appropriate ceiling price established under this regulation irrespective of the origin of the product.

SEC. 3. *Differentials for other distillate fuel oils.* Any seller who during the base period maintained a customary differential between either kerosene or No. 2 heating oil and other distillate fuel oils, such as Diesel fuel, No. 1 heating oil, No. 3 heating oil, distillate No. 4 oil, and gas house gas oil may determine ceiling prices for these products by applying his customary differential to the specific ceiling prices established by this supplementary regulation.

SEC. 4. *Preservation of discounts and allowances.* All ceiling prices determined under this supplementary regulation shall reflect your customary differentials, discounts, and allowances in effect during the base period.

SEC. 5. *Applicability of Ceiling Price Regulation 17 provisions.* Sellers subject to this supplementary regulation shall be subject to all the provisions of Ceiling Price Regulation 17 not inconsistent herewith.

Effective date. This supplementary regulation shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7315; Filed, June 30, 1952; 4:36 p. m.]

[Ceiling Price Regulation 97, Amdt. 7]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED SCALERS AND GRADERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order No. 2, Delegation of Authority No. 30, this Amendment 7 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation No. 97 carries out the intention expressed in section 19 by adding to Appendix A three log scaling and grading bureaus, certain employees thereof, employees of previously accredited log scaling and grading bureaus, and individual scalers and graders who have been found qualified by the Regional Director of Region 13 to scale and grade logs subject to the regulation.

The persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each applicant. The Regional Director has evaluated whatever findings were made by the appropriate bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

This amendment also deletes from subparagraph (4) of paragraph (b) six accredited employees and adds one of them to subparagraph (12) of paragraph

(b), one of them to subparagraph (13) of paragraph (b), three of them to subparagraph (3) of paragraph (b), and adds the sixth one to paragraph (c); deletes from subparagraph (3) of paragraph (b) and from paragraph (c) a scaler and grader who was accredited both as an employee and as an individual scaler and grader, and who by subparagraph (11) of paragraph (b) of this amendment to Appendix A to Ceiling Price Regulation 97, has been accredited as an employee scaler and grader of another bureau.

In the formation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respects:

1. Paragraph (a) of Appendix A is amended by inserting the name "Coast Log Scaling and Grading Bureau" immediately preceding the name "Columbia River Log Scaling and Grading Bureau"; inserting the name "Humboldt County Log Scaling and Grading Bureau" immediately after the name "Handler & Schneider Log Scaling and Grading Bureau"; inserting the name "North Sound Log Scaling and Grading Bureau" immediately after the name "Lamb Log Scaling and Grading Bureau."

2. Subparagraph (1) of paragraph (b) of Appendix A is amended by inserting the name "Sanders, Lyle S." immediately after the name "Rickey, Ray."

3. Subparagraph (3) of paragraph (b) of Appendix A is amended by deleting the name "Emery, Quincy Pierce, Jr." therefrom.

4. Subparagraph (3) of paragraph (b) of Appendix A is amended by inserting the name "Backlund, Arvid" immediately preceding the name "Babcock, Vernon L."; inserting the name "Beehrie, Clarence Louis" immediately after the name "Babcock, Vernon L."; inserting the name "Hayes, R. M." immediately after the name "Cairns, Richard"; inserting the name "Morgan, Griffith" immediately after the name "Miller, Fred"; and inserting the name "Ramage, Sam" immediately after the name "Pittenger, Howard."

5. Subparagraph (4) of paragraph (b) of Appendix A is amended by deleting the names "Backlund, Arvid," "Barrett, Gordon S.," "Forseth, Kenneth S.," "Forseth, Theo.," "Hayes, Robert M.," and "Ramage, Sam E." therefrom.

6. Subparagraph (4) of paragraph (b) of Appendix A is amended by inserting the name "Aardal, George" immediately preceding the name "Baker, Everett"; inserting the name "McCullough, John L." immediately after the name "MacIntosh, Horace A."; inserting the name "Oakes, George" immediately after the name "Niemeyer, R. Earl"; inserting the name "Plaskett, Joe" immediately after the name "Plaskett, Jack"; inserting the names "Smith, Lindley H.," "Sorensen, Donald," and "Turner, Earl," in that order, immediately after the name "Shurke, Loren."

7. Subparagraph (5) of paragraph (b) of Appendix A is amended by inserting the name "Segal, Stanley" immediately after the name "Rich, J. P."

8. Subparagraph (7) of paragraph (b) of Appendix A is amended by inserting the names "Edwards, Jack C." and "Edwards, Winfield S.," in that order, immediately preceding the name "Hartman, R. B."

9. Paragraph (b) of Appendix A is amended by adding three subparagraphs reading as follows:

11. Humboldt County Log Scaling and Grading Bureau employees: Emery, Quincy Pierce, Jr., Huston, Leo M.

12. North Sound Log Scaling and Grading Bureau employees: Forseth, Ted.

13. Coast Log Scaling and Grading Bureau employees; Barrett, Gordon S.

10. Paragraph (c) of Appendix A is amended by deleting the name "Emery, Quincy Pierce, Jr., Arcata, California" therefrom.

11. Paragraph (c) of Appendix A is amended by inserting the name "Arnot, Paul E., Coos Bay, Oregon" immediately after the name "Archer, William R., Coos Bay, Oregon"; inserting the name "Branson, William P., Carlotta, California," and the name "Cravens, Gerald S., Portland, Oregon," in that order, immediately after the name "Borst, Jack, Tillamook, Oregon"; inserting the name "Day, John W., Coos Bay, Oregon" immediately after the name "Culkin, Peter, Salem, Oregon"; and inserting the name "Forseth, Kenneth S., Bellingham, Washington" immediately after the name "Farrier, J. Merle, Eugene, Oregon."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 7 to Ceiling Price Regulation 97 is effective June 30, 1952.

JOHN L. SALTER,
Regional Director, Region 13,
Office of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7314; Filed, June 30, 1952; 4:35 p. m.]

[Ceiling Price Regulation 98, Amdt. 2]

CPR 98—SMALL WAREHOUSE RESELLERS AND MISCELLANEOUS AMENDMENTS

RESELLERS OF IRON AND STEEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to Ceiling Price Regulation 98, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment in addition to making several changes of a clarifying nature modifies the prohibition on the reseller charging a warehouse markup on steel products sold out of a public warehouse, removes from the coverage of this regulation sales of new industrial steel products by certain small warehouse resellers and adds a new product to Table B in Part II.

Prior to this amendment the provisions of CPR 98 did not permit the addition of any markup on the resale out of warehoused stock of industrial steel products purchased from other warehouses. This prohibition was directly toward the elimination of inflationary "daisy-chain" sales and the restoration of normal distributive practices in the steel warehouse industry. Generally, steel warehouses purchase all or most of their supply of steel products from mill sources and purchase from other warehouses only for the accommodation of their customers or for the realization of a small profit on the resale in small lots. Consequently, the provisions of CPR 98 previously provided only for the addition of incoming transportation costs and quantity differentials in computing ceiling prices for new industrial steel products purchased exclusively from other warehouse sources.

It has come to the attention of the Office of Price Stabilization that in certain rural or sparsely populated areas which are not served by regular industrial steel warehouses a few resellers of new industrial steel products who purchase all or most of their stock from other warehouse resellers have been able, even under normal market conditions, to add a markup over and above the markup charged to them by their warehouse supplier and the quantity differentials established for them under this regulation. Such sales are normally limited to emergency fill-in requirements, repair work or retail purchases by farmers, contractors and the like and are invariably in small quantities. While normally it would not appear economically feasible for a reseller to put such industrial steel products through the warehousing operation in such limited volume, such warehouse operations are frequently incidental to a machine, welding or blacksmith shop operation or similar activity requiring industrial steel products or are in the nature of rural supply stores handling only a limited range of such items as angles, bars reinforcing bars or galvanized sheets. To permit such resellers to continue their customary business operations, which are totally unlike the warehousing operations for which CPR 98 was designed, this amendment provides for a new section 18 in Part II which excepts from the coverage of this regulation sales by certain resellers of industrial steel products. Such resellers who meet the qualifications set forth in that section will determine their ceiling prices for these products under the General Ceiling Price Regulation and Supplementary Regulation 29.

To qualify under section 18 the applicant must show that he was charging such a markup during the entire period January 1, 1950 to June 24, 1950 and did not merely begin such operations as the result of the abnormal market condition arising after the outbreak of the Korean conflict. In the opinion of the Director the period chosen is the most representative period for such resellers as determined in accordance with the provisions of section 402 (c) of the Defense Production Act of 1950, as amended.

Furthermore as these resale operations are necessarily limited in size by the nature of the area they serve, the scope

of the exception provided by this amendment has been limited to resellers whose total gross sales of new domestic industrial steel products during the year 1951 did not exceed $100,000. In addition, a third requirement has been added to limit the coverage of this exception to those resellers who purchased at least 75 percent of their total stock of new domestic industrial steel products from other warehouse sources and not from mill sources during the period January 1, 1950 to June 24, 1950. This limitation is in keeping with the findings by the Director that these small resellers to whom this amendment is intended to apply customarily purchased all or nearly all of their material from other warehouse resellers during the period directly preceding June 24, 1950 and also serves to restrict the exception provisions from being used by those resellers who subsequent to the outbreak of the Korean conflict entered into daisy chain sales to take advantage of the inflationary pressures.

Ceiling Price Regulation 98 establishes two levels of ceiling prices for persons who resell iron and steel products in substantially the same form as received. The higher level applies in cases where the material has been put through the warehousing operation while the lower level applies where such operation has not been performed. This reflects the customary pricing practices in the industry under normal marketing conditions and results from the fact that warehousemen render services which add to the utility of the products, incur costs and undertake risks which distinguish them from those persons who act as brokers, intermediaries or who are engaged in finding purchasers for excess stock.

The definition of the operations of the "warehousing of iron or steel products" in section 10 (d) of CPR 98 was designed to restrict the charging of the higher level of markups established in CPR 98 to cases where the seller performs a genuine warehousing operation. The inclusion of the phrase "not a public warehouse" in this definition was intended to prevent resellers from obtaining a warehouse markup where, for example, they merely stored a shipment of excess stock temporarily in a public warehouse for the purpose of increasing their ceiling markup from 20 percent to the higher markups established in CPR 98 for sales out of warehoused stock. This amendment, in addition to clarifying the definition of the warehousing operation and the handling of excess stock, completely revises the public warehouse aspect of the resale of industrial steel products to reflect certain customary trade practices.

Prior to the outbreak of the Korean conflict and under more normal supply and marketing conditions certain resellers of new industrial steel products were able to realize the higher warehouse markups on products sold out of public warehouse stock in at least two different sets of circumstances.

The first of these situations is where a reseller regularly maintained space in a warehouse, which, for the purposes of this regulation would be considered a public warehouse, which was equipped for and often specialized in the handling of industrial steel products. On the resale of new industrial steel products out of the stock which he maintained in such premises, he often realized a markup comparable to those charged by other regular warehouse resellers. To permit such resellers who have an historical pattern of operating in a public warehouse to continue their operations, in accordance with section 402 (k) of the Defense Production Act of 1950, as amended, a new provision has been added to section 10 whereby resellers of new industrial steel products who can demonstrate from their written records that they regularly maintained a warehousing operation in a public warehouse during the period April 1 through June 24, 1950, may apply for permission to charge a markup (for sales out of public warehoused stock) not higher than that which they last realized during that period on the same product or that markup established in Part II, whichever is the lower. The departure from uniform industry wide markups otherwise established in CPR 98 has been necessitated by the lack of uniformity in such public warehouse operations.

A second situation in which public warehouses have frequently been utilized as part of the regular operation of warehousing industrial steel products is where a reseller who regularly operates a warehouse of his own is compelled because of some physical limitations arising out of an emergency to store his material for a short time at premises maintained and operated by others. To prevent any undue hardship in such cases this amendment provides that such a reseller may apply to the OPS for authorization to charge his regularly established ceiling warehouse prices for material which he was compelled to receive at such other premises during the emergency. This special authorization will be granted, however, only where it is found that emergency circumstances do not permit the applicant to store material at the premises which he regularly maintains and operates for the warehousing of iron or steel products. It will not be granted in cases where a reseller is proposing to use other people's storage facilities outside of the trade area normally served by his warehouse at which the emergency condition exists. The OPS will deny any application where it is being used as a means of evading the provision of CPR 98.

The provisions concerning the warehousing of excess stock have been clarified and strengthened to insure that the higher ceiling warehouse prices may be charged only where there has been a bona fide performance of the functions and services ordinarily rendered by warehousemen and will prevent resellers who merely go through the form of warehousing excess stock, without any real benefit to the buyers, from obtaining such higher prices.

Except for those special provisions for the exceptional situations previously outlined, the definition of the warehousing operation has been both strengthened and clarified. The requirement that the warehousing operation must be performed in the space owned, rented or otherwise regularly maintained by the owner of the material at the time it is put through the warehousing operation has been added.

Previously the services of pipe-threading, cutting, shearing, flame-cutting and burning were included in the definition as illustrative examples of the type of service normally provided in the steel warehousing operation. This listing, however, has given rise to some misunderstanding concerning warehouses who do not have all of any of the equipment necessary to perform these services. Most industrial steel warehouses do have some or all of such equipment but since such equipment is only necessary in the handling of certain products and the performance of certain services on such products, it is often unnecessary for some resellers to have such equipment in their warehouses. Very few public warehouses would have all facilities for performing such specialized services. Consequently to make it quite clear that those warehouse resellers who have only facilities for receiving, sorting, grading, and shipping industrial steel products are nevertheless able to perform the warehousing of iron or steel products, references in the definition to services requiring special equipment have been deleted.

Forged Steel Bars, Carbon and Alloy, carried as stock items by numerous warehouse resellers and heretofore omitted, have been added to Table E. As this material has been a regular stock item with many resellers for many years, it should be included in the steel reseller's regulation. Although in most areas of the country, resellers have historically applied a percentage markup to the mill net price, in certain areas some resellers have applied a percentage markup to a mill base price and added applicable extras. Therefore, both pricing methods are provided for in this amendment. As the percentage markups used by different resellers vary considerably, it would have been highly impracticable to have tried to ascertain a specific uniform percentage markup for all resellers as has been done for other industrial steel products. Therefore, the amendment provides that resellers must use the same percentage markup they used during the period May 24 to June 24, 1950, as shown by their written records. This pre-Korean markup provision is consistent with the other pricing bases in the regulation and the Defense Production Act of 1950, as amended.

The exemption for small lot sales of merchant trade products in Section 20 (e) while intended to cover all merchant trade products including pipe has given rise to some confusion by appearing in section 20 which otherwise purports to apply only to sales of merchant trade wire and roofing products. Consequently a provision exempting sales by jobbers of merchant trade pipe in lots of less than 100 pounds has been added to section 21.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the

purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the opinion of the Director the ceiling prices established by this amendment provide the resellers of iron and steel products with their customary percentage margins over costs of material prevailing during the period May 24, 1950, to June 24, 1950.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

Every effort has been made to conform these amendments to existing business practices or means or aids to distribution, insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

Ceiling Price Regulation 98 is amended in the following respects:

1. Section 3 (a) (1) is amended to read as follows:

(1) All sales by any reseller, including any holder of excess stock, of any new prime industrial steel product listed in Appendix A, except for sales by certain small warehouse resellers described in section 18.

2. Section 3 (a) (2) is amended to read as follows:

(2) All sales by any reseller, including any holder of excess stock, of any new secondary or rejected flat rolled or semi-finished steel product, except for sales by certain small warehouse resellers described in section 18.

3. Section 3 (a) (3) is amended to read as follows:

(3) All sales by any jobber of any merchant trade product listed in Appendix B except for certain small quantity sales described in sections 20 (e) and 21 (c).

4. Section 10 (b) is amended to read as follows:

(b) If you are a reseller who has put such products through the operations commonly known as the warehousing of iron or steel products, hereafter referred to as sales "out of warehoused stock," you determine your ceiling prices in accordance with sections 11, 12, 13, 14, 15, or 18 depending on the type of product, and the nature of your operation.

If you are a reseller of such products on a direct mill shipment or on a shipment direct from another reseller without putting the product through the warehousing operation, you must determine your ceiling price in accordance with section 16.

5. Section 10 (d) is amended to read as follows:

(d) The operations commonly known as the "warehousing of iron or steel products" means the actual receipt and unloading of iron or steel products for sale or resale in substantially the same form as received into premises regularly maintained and equipped with facilities for performing such operation as receiving, stocking, sorting, grading and shipping and other operations which are necessary or incidental to the resale and distribution of the particular products brought into these premises. In no case, however, will such operations be considered as having been performed unless the premises referred to are owned, rented or otherwise regularly maintained by the owner of the material at the time it is put through such operations. Except as provided in paragraph (e) of this section, the operation of warehousing of iron or steel products will not be considered as having been performed if the premises referred to are a public warehouse.

6. Section 10 is amended by adding the following new paragraph (e).

(e) *Public warehouses.* (1) If you are a reseller who during the period April 1 through June 24, 1950, regularly maintained space in a public warehouse in which you performed the operations of warehousing new industrial steel products and for which your written records indicate that you charged a warehouse markup over your invoice costs, you may apply to the appropriate OPS office for permission to determine your ceiling prices in accordance with the provisions of Part II of this regulation using for your calculations under these sections the percentage markup established by the Director by letter order. The percentage markup which may be established by the Director under this paragraph may not exceed the percentage markup over your material invoice costs which you realized for the product during the period April 1 through June 24, 1950, or the percentage markup established by sections 11 (c), 12 (c) and 13 for the product, whichever is lower. In determining your markup you must use as your material invoice costs those cost factors to which a warehouse reseller is permitted to apply a percentage markup under sections 11 (c), 12 (c) and 13.

Where, in addition to such products for which you have had base period experience, you also propose to sell industrial steel products for which your written records indicate no sale having been made during the period April 1 through June 24, 1950, you may apply to OPS for a markup and the Director may establish a markup for such products in line with those markups which you have established under this paragraph for other industrial steel products.

(2) Your application under this section must be sent by registered mail, return receipt requested, to the appropriate OPS office and must contain the following information:

(i) Your name and address;

(ii) The name or names and address or addresses of the public warehouses in which you warehoused industrial iron or steel products during the period April 1, 1950, to June 24, 1950;

(iii) An identification of the industrial steel products which you propose to sell and a statement as to their condition (e. g. prime or secondary);

(iv) A description of your price determining method which you had in effect for sales of new industrial steel iron or steel products which you sold from stock maintained in the public warehouse including the percentage markup (exclusive of extras) over invoice costs which your written records indicate your last realized during the period April 1 through June 24, 1950, on a sale of the same product and a list of the new industrial steel products which you propose to sell for which your written records indicate no sale having been made during the same period; and

(v) The name and address of the public warehouse in which you propose to maintain space and perform the operation of warehousing of iron or steel products.

(3) After receipt of your application the Director may grant or deny your proposed ceiling warehouse markup, establish a different ceiling warehouse markup, or request further information. Pending any such action, you may sell the new industrial steel products at a ceiling price determined in accordance with the provisions applicable to sales out of warehouse stock using in your calculations under those sections your proposed ceiling markup, provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price determined by using the markup established by the Office of Price Stabilization. If, within thirty days after receipt of the required application by the Office of Price Stabilization, none of the actions listed have been taken by the Director, your proposed ceiling warehouse markup will be deemed to have been granted for the determination of your ceiling prices for all deliveries made between the date of filling your application and the date of any order issued by the Office of Price Stabilization disposing of your application.

7. Section 11 (b) (1) is amended to read as follows:

(1) Where you have received shipments of a product from sources other than the producing mill in addition to shipments received from mill source, you must, except as provided in section 18, apply your ceiling warehouse price for the product which you determined in accordance with the provisions outlined in paragraph (a) of this section to all your sales of that product regardless of your source of supply.

8. Section 11 (b) (2) (i) is amended to read as follows:

(i) Where you are unable to determine a ceiling warehouse base price for a product in accordance with provisions outlined in paragraph (a) because of the fact that all the invoices received by you during the preceding calendar month for that product were from warehouse sources rather than mill sources, you must use the ceiling warehouse base price of the reseller who was your principal source of supply for that month, except as provided for in section 18 of this regulation. In determining this you must use the ceiling warehouse base price which such steel warehouse reseller had in effect on the last day of the preceding calendar month. This warehouse base price becomes your ceiling warehouse base price for shipments made from the 16th of the month to the 15th of the following month.

9. Section 12 (b) (1) is amended to read as follows:

(1) Where you have received shipments of a product from sources other than the producing mill in addition to shipments received from such mill sources, you must, except as provided in section 18, apply your ceiling warehouse modified base price for the product which you determined in accordance with the steps outlined in paragraph (a) to all your sales of that product regardless of your source of supply.

10. Section 12 (b) (2) (i) is amended to read as follows:

(i) Where you are unable to determine a ceiling warehouse modified base price for a product in accordance with the provisions outlined in paragraph (a) because of the fact that all the invoices received by you during the preceding calendar month for that product were from warehouse sources rather than mill sources, you must use the ceiling warehouse modified base price of the reseller who was your principal source of supply for that month, except as provided for in section 18 of this regulation. In determining this, you must use the ceiling warehouse modified base price which such steel warehouse reseller had in effect on the last day of the preceding calendar month. This ceiling warehouse modified base price becomes your ceiling warehouse modified base price from the 16th of the month to the 15th of the following month.

11. Section 12 (c) (2) is amended to read as follows:

(2) *Percentage markups.* The percentage markup which you may add for each product is set forth under Column 1. These markups apply uniformly throughout the continental United States, except in the case of Aircraft Sheets, for which the markups are established according to the geographical area in which your warehouse is located, and except in the case of Forged Steel Bars, for which the markups are established in accordance with the provisions of inferior subdivision (iii) of sub-paragraph (3).

12. Section 12 (c) (2) is further amended by inserting the following new product in Table B.

TABLE B

Product	Column I Percentage markup	Column II Material cost factor
Forged steel bars, carbon and alloy.	That used during period May 24–June 24, 1950.	Refer to sec. 12 (d) (4)

13. Section 12 (c) (3) is amended by adding the following inferior subdivision (iii):

(iii) *Forged Steel Bars.* In the case of Forged Steel Bars, both Carbon and Alloy, in connection with which you have customarily been using a percentage markup applied to a mill net price, you may continue to do so, using, however, the percentage markup which your records indicate you applied to the mill net price during the period, May 24, 1950, to June 24, 1950. If you have customarily been using a percentage markup applied to a mill base price, to which you have added extras, you may continue to do so, using, however the percentage markup which your records indicate you applied to the mill base price during the period, May 24, 1950, to June 24, 1950.

14. Section 12 (d) is amended by the addition of the following subparagraph (4).

(4) Forged Steel Bars, Carbon and Alloy. (i) Where you are required to determine your dollars and cents markup under 12 (c) (iii) by applying your percentage markup to the mill net price, you must average the mill net prices per grade on all invoices received by you during the proceeding calendar month or the last calendar month for which your written records show invoices having been received for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. The mill net price is the mill base price plus all mill extras except freight and packing charges. To find the mill net price you divide the total dollar value exclusive of freight and packing shown on these invoices by the total weight of the item involved. This figure is your monthly average material cost factor.

(ii) Where you are required to determine your dollars and cents markup under 12 (c) (iii) by applying your percentage markup to the mill base price, you average the mill base prices, excluding all extras, on all invoices received by you during the preceding calendar month or the last calendar month for which your written records show invoices having been received by you for this product. You disregard the invoice date, or actual shipping and receiving dates of the material. This figure is your monthly average material cost factor.

15. The first sentence of subparagraph (1) of section 13 (a) is amended to read as follows:

(1) If you are selling any product listed in Table C out of warehoused stock, you must determine your ceiling price in accordance with the provisions of this section, except as provided in Section 18 of this regulation.

16. The first paragraph of Section 15 is amended to read as follows:

SEC. 15. *Secondary or rejected industrial steel products.* You determine your ceiling price for the secondary or rejected steel products enumerated in paragraph (b) which have been put through a warehousing operation in accordance with the provisions of this section, except as provided for in section 18, and adjust these prices in accordance with the provisions of Section 41 of this regulation. Ceiling prices determined in accordance with paragraphs (g) and (h) must be recalculated each month. The ceiling price for any product thus determined becomes your ceiling price for all shipments from the 16th of the month to the 15th of the following month.

17. Section 16 is amended by adding the following new paragraph (c):

(c) *Emergency exceptions.* (1) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Director of Price Stabilization may grant permission, upon application, to any warehouse reseller to charge ceiling prices determined in accordance with sections 11, 12, 13, 14, or 15 (whichever are applicable) for new industrial steel products which have not been put through the operations commonly known as the warehousing of iron or steel products where it is shown that all of the special circumstances set forth in subparagraph (2) of this paragraph are present and that they are not being used as a means of circumventing the limitations of this regulation.

(2) In order to apply under this paragraph, you must meet all of the following requirements:

(i) You propose to make delivery of new industrial steel products from stock which you have stored at premises regularly maintained and operated for such storage by any person other than a producer or holder of excess stock;

(ii) Emergency circumstances do not permit you to receive and store such material at premises which you regularly maintain and operate for the warehousing of iron or steel products.

(3) Your application under this paragraph must be directed either by letter or telegram to the appropriate OPS office and must contain the following information:

(i) Your name and address and the name and location of your regularly maintained warehouse;

(ii) The name and address of the warehouse which you propose to use during the emergency;

(iii) A full description of the emergency circumstances which make it impossible for you to put the material through your regularly established warehouse and a statement as to their expected duration.

(4) After receipt of your application the Director may grant or deny permission to charge a warehouse markup or request further information. Pending any such action, you may sell at a ceiling price determined in accordance with the provisions applicable to sales out of

warehoused stock, provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price applicable to sales of such material which have not been put through the warehousing operations should the Director deny your application. The Director will not grant such authorization, where the facilities you propose to use are outside of the trade area normally served by your regularly maintained warehouse or warehouses at which the emergency exists. The Director may revoke the permission granted hereunder when he finds that circumstances have so changed as to warrant such action.

18. Section 17 (b) (1) is amended to read as follows:

(1) *Warehoused material.* If you purchase excess stock from a holder and meet all of the following requirements, your ceiling price, f. o. b. warehouse, is your ceiling warehouse price for the same industrial iron or steel product under sections 11, 12, 13, and 15 of this regulation:

(i) The material is delivered to your warehouse, before receipt of any order or acceptance of any offer for the specific lot of material or any portion thereof, to premises regularly maintained by you for the warehousing of iron or steel products from several sources for resale in substantially the same form as received; and

(ii) You have put the products through the operation commonly known as the warehousing of iron or steel products (as defined in section 10 (d)).

19. Section 17 (b) (2) is amended to read as follows:

(2) *Unwarehoused material.* On excess stock shipped directly from a holder to a consumer for the account of a reseller, or for any sales of excess stock by a person other than a holder which do not meet all the requirements of subparagraph (1) of this paragraph, the ceiling price f. o. b. point of shipment, is the price paid the holder, provided it does not exceed the holder's ceiling price as determined in paragraph (a) of this section, plus an amount not to exceed 20 percent of the price paid to the holder.

20. The following new section 18 is added to Part II:

SEC. 18. *Exception for certain small warehouse resellers of industrial steel products.* (a) Notwithstanding any other provisions of this regulation if you are a reseller of new domestic industrial steel products out of warehoused stock and you meet all of the conditions set forth in paragraph (b) of this section, you need not determine your ceiling price in accordance with provisions of this regulation for any of your sales out of warehoused stock of new domestic industrial steel products, but these sales will be subject to the General Ceiling Price Regulation and Supplementary Regulation 29.

(b) In order for your sales of new domestic industrial steel products out of warehoused stock to be excepted from the provisions of this regulation your written records must indicate that you meet all of the following requirements:

(1) Your total gross sales of new domestic industrial steel products for your last complete fiscal year did not exceed $100,000;

(2) During the period January 1, 1950, to June 24, 1950, inclusive, you purchased at least 75 percent of your total stock (computed on the basis of dollar value) of new domestic industrial steel products from warehouse sources and not from mill sources; and

(3) Throughout the period January 1, 1950, to June 24, 1950, inclusive, you included in your resale price for new domestic industrial steel products purchased from other warehouse sources markups (exclusive of transportation charges) over your invoice costs greater than or in lieu of the quantity differentials and markups permitted by sections 11 (b) (2) (i), 12 (b) (2) (i), 13, or 15 of this regulation.

21. Section 20 (e) is amended to read as follows:

(e) *Small quantity sales.* Notwithstanding any other provision of this section you need not determine your ceiling price in accordance with this regulation for the sale of any merchant trade wire and roofing and siding product sold in less than 100 pound lots.

22. Section 21 is amended by adding the following new paragraph (c):

(c) *Small quantity sales.* Notwithstanding any other provision of this section you need not determine your ceiling price in accordance with this regulation for the sale of any merchant trade pipe or tubular product in less than 100 pound lots.

23. Section 47 is amended to read as follows:

(a) *Record keeping requirements.* (1) You must prepare and keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale and purchase in your customary manner showing: The date thereof, the name and address of the seller (in the case of a purchase) or the name of the purchaser (in the case of a sale), a description of the products sold or purchased including but not limited to: quantity of each item, the size, length, finish, coating, quality or any other factor affecting the price; any conditioning performed on the product; any discounts allowed; the total price charged, the f. o. b. point and the disposition of the transportation charges.

(2) You must keep for inspection by the Office of Price Stabilization for a period of two years all invoices of your purchases from your sources of supply, including a record of the date of receipt of the invoice, necessary to determine whether you have computed your ceiling prices correctly. You must mark each invoice as received with the date of receipt.

(b) *Filing requirements.* Every person subject to this regulation shall file with the appropriate OPS office within thirty days of the date of issuance of this regulation accurate statements or published lists of the following factors and extras (where applicable) in effect on January 25, 1951;

(1) The customary incoming transportation factor (if any) used in determining your resale price.

(2) Extras and deductions for quantity.

(3) Extras for quality, merchandising, finish and tolerance.

(4) Extras for size.

(5) Extras for boxing, annealing, heat treating, etc.

(6) Extras for cutting.

(7) Trucking charges for local delivery in equipment owned or operated by the seller, and the area involved.

Stock lists, catalogues, pamphlets, printed schedules and similar literature are all acceptable media for the filing of these items.

Effective date. This amendment to Ceiling Price Regulation 98 shall become effective June 30, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7316; Filed, June 30, 1952; 4:36 p. m.]

[Ceiling Price Regulation 98, Amdt. 3]

CPR 98—RECALCULATIONS OF CEILING PRICES

RESELLERS OF IRON AND STEEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 98, is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 3 to Ceiling Price Regulation 98 provides for the recalculation by resellers of iron and steel products of their ceiling warehouse prices in those instances where they have received from their sources of supply an increase in the price of iron or steel products authorized by the Office of Price Stabilization. The necessity for the amendment arises because of the issuance of Supplementary Regulation 100 to the General Ceiling Price Regulation and the dispatch of letters on April 25, 1952 to steel producers operating under the Voluntary Agreement of January 15, 1951 between certain steel producers and the Director of Price Stabilization.

Under Supplementary Regulation 100 and the letters of April 25, 1952 producers of certain iron and steel products, as defined in the supplementary regulation, may apply for an adjustment in their prices established under the General Ceiling Price Regulation or the Voluntary Agreement. As a result of such permission to apply for adjustments and

the probable applications by some steel producers for such adjustments, it is reasonable to assume that warehouse resellers of iron and steel products may experience an increase in the cost to them of iron and steel products.

Although it has been a customary and historical practice for resellers of iron and steel products to reflect in their resale prices immediately any increases or decreases in their prices from their source, Ceiling Price Regulation 98 does not currently provide, except in a few instances, for the retention of that practice. Rather, it sets up a method of monthly calculations under which a reseller finds his ceiling warehouse base price by computing a monthly average material cost factor, based upon invoices received during the preceding calendar month. It is seen that use of this method means that any current changes in a reseller's costs will not be reflected in his ceiling prices until the succeeding calendar month. The "time lag" could cover a period of forty-five days and result in a severe replacement squeeze.

This amendment is designated to eliminate replacement squeezes by permitting the reseller under certain conditions to recalculate his ceiling warehouse price immediately for a product the price for which includes an increase approved by the Office of Price Stabilization. Under certain conditions he may charge this recomputed ceiling price at once rather than waiting until the 16th of the following month. Of course, immediate recalculation of a ceiling price of a product is not permitted unless inventory of that product is exhausted; where not exhausted when the reseller receives the higher priced material, recalculation of the ceiling price of the product is not allowed until sales have been made of an amount of tonnage of the product equal to the amount on hand when the higher priced material was received, or until the regular recalculating period following a price increase. Any ceiling price for a product, so recalculated, is an interim price only, and may be used only until the 16th of the following month.

Provision has also been made in this amendment to permit a warehouse reseller to recalculate his ceiling prices even though he has received no shipments of the product by the end of the calendar month in which his principal source of supply has effected a ceiling price increase authorized by the Office of Price Stabilization. Any such recalculated ceiling price becomes effective on the 16th of the following month. This is intended to eliminate to the extent possible the creation of a unique dual price structure among warehouse resellers of iron and steel products, and to enable small resellers, who receive shipments less frequently than larger resellers and who therefore might not otherwise be able to reflect the increased price for several months after the larger resellers were reflecting such increased price, to establish their ceiling prices at the same general level as the larger resellers.

Certain sections of the regulation provide that resellers' ceiling prices are established, without recalculating, on the basis of the current mill price. The mill parity items in section 13, for example, are sold by resellers at the same as the mill price, up to certain quantities. In effect, therefore, the regulation provides that the reseller's prices varies with the mill price. Otherwise, in the event of a price increase, the reseller's price would be less than the producer's price. However, because the regulation provides that resellers' ceiling prices are effective from the 16th of one month to the 15th of the following month, some confusion has arisen as to whether or not a reseller must wait until the 16th of the month following a price increase, to put such increase into effect. A similar question arises in connection with sections 15 (b), 20, 21 and 22. A further provision of this amendment clarifies this matter, consistent with the original intent of the regulation, by providing that resellers, in such cases, may immediately reflect in their resale prices any changes in the price of their suppliers.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the opinion of the Director the ceiling prices established by this amendment provide the resellers of iron and steel products with their customary percentage margins over costs of materials prevailing during the period May 24, 1950 to June 24, 1950.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Every effort has been made to conform these amendments to existing business practices or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended in the following respects;

1. Paragraphs (b) and (c) of section 5 are hereby redesignated as paragraphs (c) and (d) respectively.

2. Section 5 is amended by the addition of the following new paragraph (b):

(b) *Supplemental pricing instructions.* (1) As stated in paragraph (a) above, this regulation, in general, requires you to compute your ceiling price (except for products covered by Part IV) by determining your average material costs during a calendar month, adding an amount calculated by applying a specified percentage markup to your average material cost, and adding incoming transportation costs and extras. It requires you to recompute your ceiling prices monthly at the close of each calendar month by using the invoices received by you during that calendar month. It further provides that you may not put into effect the ceiling prices so determined until the 16th of the month following the calendar month in which the invoices were received. This paragraph, however, permits you, as provided in subparagraphs (2), (3) and (4) of this paragraph, to recalculate immediately your ceiling warehouse price for a product, under certain conditions. The supplemental pricing provisions of subparagraph (2) of this paragraph are applicable only between the time a price increase authorized by the Office of Price Stabilization becomes effective and the 15th day of the following month. On the 16th day of the following month your ceiling prices determined under subparagraph (4) of this paragraph become effective. Each month thereafter your ceiling prices determined under the regular recalculating provisions of the regulation become effective.

(2) Whenever you receive from your source of supply a shipment of a product, the price for which includes an increase authorized by the Office of Price Stabilization for producers of iron and steel products, you may immediately use the increased price of the source from which you purchased the higher priced product, whether or not you have yet received an invoice reflecting the higher price, as your material cost factor or as a basis for computing your material cost factor for that product under the following conditions: (i) You have no inventory of that product on hand which you received before the increased price became effective, or (ii) you have sold from your inventory a quantity equivalent to the tonnage of that product on hand when you received the higher cost inventory. If you receive shipments at increased prices from more than one source of supply, you must recompute your material cost factor on the basis of the average of such increased prices. You use this material cost factor or this recomputed average material cost factor to redetermine pursuant to the provisions of the regulation your ceiling price for the product or products concerned. If you cannot immediately use the increased price of the source from which you purchased the higher priced product or products because you do not meet the conditions in (i) or (ii) above, you must use the ceiling price determined pursuant to the regular recalculating provisions of the regulation until you do qualify under (i) or (ii) above, except as provided in subparagraph (4) of this paragraph.

(3) Your ceiling price for a product, determined pursuant to subparagraph (2) above, is an interim ceiling price only, and you may continue to charge it only until the 16th of the month following that in which you put it into effect, at which time you must use the ceiling price which you have computed in ac-

cordance with subparagraph (4) of this paragraph.

(4) Whether or not, during the calendar month in which an increased price of your principal source of supply becomes effective, you have received a shipment or shipments of a product or products, the price for which includes an increase authorized by the Office of Price Stabilization for producers of iron and steel products, you may nonetheless in recalculating your ceiling price to become effective on the 16th of the following month use the new higher price of the product or products of your principal source of supply. You accomplish this by using the new increased price of your principal source of supply as your material cost factor or as a basis for computing your material cost factor for the product and you compute your ceiling warehouse price for the product in the manner regularly provided under this regulation. If you have received invoices, however, from more than one source of supply, which reflect a price increase authorized by the Office of Price Stabilization to producers of iron or steel products, you must average such invoices in computing your average material cost factor. In calculating such average, you need not include invoices received the previous month which do not reflect such authorized price increase.

(5) Wherever this regulation provides that you determine or may determine your ceiling warehouse price for a product or products without averaging invoices received, you may reflect immediately in your ceiling warehouse price any change in the price of your principal source of supply for that product or products, regardless of the status of your inventory of that product or products.

(6) As illustrated by the following examples, you may operate under subparagraph (2) of this paragraph, for all products covered by this regulation, on a product basis (i. e. Hot Rolled Sheets, Floor Plates, etc.) as shown in example (i) below, on a size basis, as shown in example (ii) below, or on a grade basis, as shown in example (iii) below.

(i) If you have 100 tons of Hot Rolled Sheets on hand when you receive a shipment of such material at an authorized increased price, you may reflect the increased price in your ceiling price for such material immediately after you have sold from your inventory 100 tons of Hot Rolled Sheets at a price predicated upon the lower cost material.

(ii) If you receive a shipment of 6" I Beams at an authorized increased price, and you have on hand no 6" I Beams for which you paid a lower price, you may immediately reflect the increased price in your ceiling price for such material.

(iii) If you receive a shipment of 4615 Hot Rolled Alloy Bars at an authorized increased price, and you have no such material on hand for which you paid a lower price, you may reflect immediately the increased price in your ceiling price for such material.

In examples (ii) and (iii) above, if you have inventory on hand of lower cost material, you may not reflect the increased price in your ceiling price until you have sold from your inventory an amount of that material equal to that which you had on hand when the increased cost material was received.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 98 shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7317; Filed, June 30, 1952; 4:36 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 9]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 9—SAN DIEGO DISTRICT, CALIFORNIA

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.); Executive Order 10161 (15 F. R. 6105); Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment No. 1 to Area Milk Price Regulation 9 issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Since January 16, 1952, the effective date of Area Milk Price Regulation 9, it has become evident that certain changes are needed in the regulation to make it conform more closely to historical practices in pricing milk in the San Diego and Orange Counties Marketing Areas. This amendment has been issued to make these changes.

1. *Certain kinds of fluid milk.* When first issued, Appendix I and Appendix II of AMPR 9 listed non-fat milk, chocolate drink, and buttermilk as "type of sale," and provided that the ceiling price for each item was the base period price plus the dollars-and-cents additions justified by parity adjustments and specified in Appendix I and in Appendix II. Representatives of the industry have pointed out that the result of such pricing was to deny the same margin relief which AMPR 9 granted on standard milk.

Section 3 of Appendix I and section 3 of Appendix II have been amended to provide that non-fat milk, chocolate drink, and buttermilk shall be priced as "other kinds of fluid milk." The seller of such "other kinds" begins with the uniform ceiling price provided in Appendix I and Appendix II for standard milk in the same sized container and adds or subtracts, as the case may be, the dollars-and-cents difference between the seller's base period prices for the "other kind" of milk and standard milk. So far as non-fat milk, chocolate drink, and buttermilk are concerned, the effect of the new pricing method is to extend margin relief to these products. Ceiling prices determined under section 3 of Appendix I and under section 3 of Appendix II are to be reported in accordance with section 3 of AMPR 9.

2. *Sales in remote areas.* Since the effective date of AMPR 9, it has been learned that certain sellers who sold milk in remote areas customarily charged a higher price than the applicable area minimum price. This practice has been common in making sales in areas considered remote by reason of such factors as unusually high costs in transporting milk to the area, and geographic inaccessibility or distance from a source of milk supply.

Since the preservation of the price differentials charged in making sales in remote areas is considered essential to assure an adequate supply of milk in these areas, a new section has been added to Appendix I and to Appendix II to provide a ceiling price adjustment equal to the dollars-and-cents difference between the seller's price during the period, December 19, 1950 to January 25, 1951 and the applicable area minimum price in effect during that period.

3. *Inter-distributor sales.* The change in section 1 (a) (2) of AMPR 9 effected by this amendment is technical in nature and will have no effect on ceiling prices paid by consumers. It applies only to pricing between certain classes of distributors.

The method provided in AMPR 9 for pricing sales made by processors to distributors created an inequity in the margin relief granted on sales to retail distributors by processor-distributors who also sell on home-delivery routes but who do not make sales f. o. b. purchaser's business location. This type of processor-distributor does not have any established price for sales at wholesale f. o. b. purchaser's business location. Therefore, in determining his ceiling price to retail distributors f. o. b. platform under section 1 (a) (2) of AMPR 9, it was necessary for him to use home-delivery customers as his most nearly similar kind of purchaser. The deduction of a base period dollars-and-cents differential from AMPR 9 retail home-delivery price produced a higher maximum price to retail distributors than was used by purchasers who determined their maximum price by deducting the differential from their established price at wholesale f. o. b. purchaser's business location.

As amended, section 1 (a) (2) provides that a processor-distributor who, during the base period, sold to distributors f. o. b. platform, but made no sales at wholesale f. o. b. purchaser's business location, and is currently selling to distributors, shall price sales to distributors by using the ceiling price of his most closely competitive seller of the same class who sold to distributors and who also made sales at wholesale f. o. b. purchaser's business location during the base period, and is currently making such sales. This change in section 1 (a) (2) eliminates the unintentional variation as between processors or distributors in their ceiling prices to distributors. It also provides retail home-deliverymen, who buy from such processors or distributors, with their share of the margin relief granted by AMPR 9 to other retail home-deliverymen.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 9 to Supplementary Regulation 63 to GCPR is hereby amended in the following respects:

1. Section 1 (a) (2) is deleted and a new section 1 (a) (2) is added to read as follows:

(2) When the sale differs by type of purchaser from those sales for which such appendix prescribes a price: The price prescribed by such appendix for a sale to the most nearly similar kind of purchaser, adjusted by the dollars-and-cents difference between the seller's base period prices (as defined in section 5 of this regulation) for the kind of sale being made and the kind of sale priced by the appendix; provided that a processor or distributor who, during the base period, sold to distributors f. o. b. platform but made no sales at wholesale f. o. b. purchaser's business location, and is currently selling to distributors, shall determine his ceiling price for sales to distributors by using the ceiling price of his most closely competitive seller of the same class who did make sales to distributors and also made sales at wholesale f. o. b. purchaser's business location during the base period and is currently making such sales. The ceiling prices so determined shall be reported in accordance with the provisions of section 3 (a) of this regulation.

2. Appendix I—San Diego County Marketing Area is deleted and a Revised Appendix I—San Diego County Marketing Area is added to read as follows:

APPENDIX I (REVISION 1)—SAN DIEGO COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the San Diego County Marketing Area, which comprises San Diego County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
10 gallons or more bulk, per gallon	$0.68		
5 gallons and less than 10 gallons, bulk, per gallon	.69		
1 gallon and less than 5 gallons, bulk, per gallon	.70		
Gallon bottle	.70	$0.88	$0.92
Half-gallon container (fiber or glass)	.395	.44	.46
Quart container (fiber or glass)	.1975	.22	.23
Pint container (fiber or glass)	.11	.13	.14
Third-quart or ½-pint container (fiber or glass)	.079		
Half-pint container (fiber or glass)	.068		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size: Per gallon (bulk or package)	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	.10	.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.15 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of section A of Article I of San Diego County Order No. 37 issued by the State of California Bureau of Milk Control effective January 16, 1952.

3. Appendix II—Orange County Marketing Area is deleted and a Revised Appendix II—Orange County Marketing Area is added to read as follows:

APPENDIX II (REVISION 1)—ORANGE COUNTY MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Orange County Marketing Area, which is defined below.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
10 gallons or more, bulk, per gallon	$0.71		
5 gallons and less than 10 gallons, bulk, per gallon	.72		
1 gallon and less than 5 gallons, bulk, per gallon	.73		
Gallon bottle	.73	$0.88	$0.92
Half-gallon container (fiber or glass)	.39	.44	.46
Quart container (fiber or glass)	.195	.22	.23
Pint container (fiber or glass)	.11	.125	.135
Third-quart or ½-pint container (fiber or glass)	.077		
Half-pint container (fiber or glass)	.066		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size: Per gallon (bulk or package)	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.32	.16	.08	.04	.02
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)	.10	.05	.025	.01	

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5¢ per quart or the retail home-delivered base period price was in excess of 20.5¢ per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $6.05 per hundredweight of milk containing 3.8 percent milk fat for Class I fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in Provision 1 of Section A of Article I of Orange County Order No. 41 issued by the State of California Bureau of Milk Control effective January 16, 1952.

5. "Orange County Marketing Area" means that area as defined in said Orange County Order No. 41.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective June 30, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

WM. C. MOESER,
District Director,
San Diego District Office.

JUNE 30, 1952.

[F. R. Doc. 52-7319; Filed June 30, 1952; 4:37 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 60 to Schedule A]

[Rent Regulation 2, Amdt. 58 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, ILLINOIS, IOWA, NEW JERSEY, AND PENNSYLVANIA

Effective July 2, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 16, is amended to describe the counties in the defense-rental area as follows:

In Pima County, Districts 1 and 2, except the City of Tucson.

This decontrols the City of Tucson in Pima County, Arizona, a portion of the Tucson, Arizona, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, and the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Morton Grove, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and those portions of the Villages of Barrington, Hinsdale and Steger located therein; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of Carpentersville, East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols: (a) The Village of Downers Grove in Du Page County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) the Village of Westmont in said county, also a portion of said defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

3. Schedule A, Item 88b, is amended to describe the counties in the defense-rental area as follows:

Peoria County, except the Cities of Chillicothe and Peoria, and the Village of North Chillicothe, and all unincorporated localities in said county; Tazewell County, except the City of Washington and all unincorporated localities.

This decontrols the City of Chillicothe and the Village of North Chillicothe in Peoria County, Illinois, portions of the Peoria, Illinois, Defense-Rental Area.

4. Schedule A, Item 89, is amended to describe the counties in the defense-rental area as follows:

Rock Island County, except the Cities of Moline and Rock Island, and all unincorporated localities; Scott County, Iowa, except the Cities of Bettendorf and Davenport, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Wolcott.

Ditto.

In Scott County, Iowa, the Towns of Buffalo, Le Claire, Long Grove, Princeton and Wolcott.

This decontrols: (a) The Cities of Bettendorf and Davenport in Scott County, Iowa, portions of the Quad Cities Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) all unincorporated localities in said defense-rental area which were under rent control immediately prior to the effective date of this amendment, said cities being the major portion of said defense-rental area, under section 204 (j) (3) of said act.

5. Schedule A, Item 191, is amended to describe the counties in the defense-rental area as follows:

Warren County, except the Borough of Washington, the Towns of Belvidere and Hackettstown, and the Townships of Blairstown, Franklin, Frelinghausen, Greenwich, Hardwick, Hope, Independence, Lopatcong, Mansfield, Oxford, Pahaquarry, Pohatcong, Washington and White.

The Counties of Hunterdon and Mercer.

This decontrols the Township of Washington in Warren County, New Jersey, a portion of the Trenton, New Jersey, Defense-Rental Area.

6. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Mount Lebanon, Ohio, Penn and Shaler; Armstrong County; Beaver County, except the Borough of Beaver and the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County north and east of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden, Beaver and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

In Beaver County, Brighton Township.

This decontrols the Borough of Beaver in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by these amendments, in items 1, 3, 5 and 6 thereof, are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended. The basis for the decontrols effected by these amendments, in items 2 and 4 thereof, is set forth in those items.

[F. R. Doc. 52-7246; Filed, July 1, 1952. 8:45 a. m.]

[Rent Regulation 3, Amdt. 70 to Schedule A]

[Rent Regulation 4, Amdt. 14 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, PENNSYLVANIA, IOWA, AND ILLINOIS

Effective July 2, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 27th day of June 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. In Rent Regulations 3 and 4, Schedule A, Item 16, is amended to describe the counties in the defense-rental area as follows:

In Pima County, Districts 1 and 2, except the City of Tucson.

This decontrols the City of Tucson in Pima County, Arizona, a portion of the Tucson, Arizona, Defense-Rental Area.

2. In Rent Regulations 3 and 4, Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

That part of Beaver County north and east of the Ohio River, except the Townships of Economy and Harmony, and the Boroughs of Ambridge, Baden, Beaver and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

This decontrols the Borough of Beaver in Beaver County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

3. In Rent Regulation 4, Schedule A, Item 89, is amended to describe the counties in the defense-rental area as follows:

Rock Island County, except the Cities of Moline and Rock Island, and all unincorporated localities.

Scott County, except the Cities of Bettendorf and Davenport, and all unincorporated localities.

This decontrols: (a) The Cities of Bettendorf and Davenport in Scott County, Iowa, portions of the Quad Cities Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) all unincorporated localities in said defense-rental area which were under rent control immediately prior to the effective date of this amendment, said cities being the major portion of said defense-rental area, under section 204 (j) (3) of said act.

All decontrols effected by these amendments, in items 1 and 2 thereof, are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-7247; Filed, July 1, 1952; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

SAN DIEGO HARBOR, CALIF.; RESTRICTED AREAS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.612 is amended by a restatement of the section headnote and redesignation of the seaplane restricted area as paragraph (a) and the addition of paragraph (b) establishing a restricted area to govern the use and navigation of the waters of San Diego Bay between Ballast Point and Zuniga Point, the area to be used by the Navy for experimental underwater installations and cables, as follows:

§ 207.612 *San Diego Harbor, Calif.; restricted areas*—(a) *The seaplane restricted area*—(1) *The area.* (i) That portion of the central part of San Diego Bay, opposite National City, inclosed by lines connecting the following points, which are rectangular coordinates and are referred to the U. S. Coast and Geodetic Survey Station "Old Town" as their origin:

"a"—S. 25,015.85, E. 12,419.60
"b"—S. 27,720.44, E. 16,258.02
"c"—S. 30,489.60, E. 18,072.88
"d"—S. 31,932.83, E. 18,239.47
"e"—S. 34,403.93, E. 19,132.03
"f"—S. 39,271.04, E. 19,556.43
"g"—S. 41,814.54, E. 14,009.32
"h"—S. 41,454.18, E. 13,835.53
"i"—S. 40,893.33, E. 14,862.42
"j"—S. 35,648.50, E. 12,581.33
"k"—S. 36,228.63, E. 11,316.10
"l"—S 33,132.35, E. 9,649.61
"m"—S. 32,481.78, E. 9,250.19
"n"—S. 32,378.63, E. 9,274.87
"o"—S. 31,654.25, E. 8,830.15
"p"—S. 31,629.57 E. 8,726.99
"q"—S. 30,966.36, E. 8,319.81
"r"—S. 30,897.59, E. 8,336.26
"s"—S. 30,812.37, E. 8,283.94
"t"—S. 30,795.92, E. 8,215.17
"u"—S. 30,135.58, E. 7,809.77

(ii) The area will be marked by the United States Navy by marine contact seadrome lights flashing amber.

(2) *The regulations.* (i) The area is hereby set aside for the use of seaplanes and their attendant plant and, except as provided in subdivision (ii) of this subparagraph, navigation within the area is restricted to seaplanes, their attendant plant, and vessels under the control of the United States.

(ii) At such periods as the area may not be required for the use of seaplanes and their attendant plant, navigation by other craft may be permitted, provided permission is obtained in advance from the Commandant, Eleventh Naval District, San Diego, California.

(b) *Restricted area between Ballast Point and Zuniga Point*—(1) *The area.* An area in San Diego Bay between Ballast Point and Zuniga Point inclosed by lines connecting the following stations:

Station	Latitude	Longitude
A	32°41'17"	117°13'55"
B	32°41'19"	117°13'36.5"
C	32°41'01"	117°13'34"
D	32°40'59"	117°13'55"
E	32°41'03"	117°13'56"
A	32°41'17"	117°13'55"

(2) *The regulations.* (i) No vessel shall anchor within the restricted area at any time.

(ii) Dredging, dragging, seining, other fishing operations, and other activities not under the direction of the United States, which might foul underwater installations within the restricted area, are prohibited.

(iii) All tows entering the restricted area shall be streamed and shortened to the seaward of the area and towing appendages and catenaries shall not be dragged along the bottom while proceeding through the area.

(iv) All vessels entering the restricted area shall proceed across the area by the most direct route and without unnecessary delay.

(v) The regulations in this section shall be enforced by the Commandant, Eleventh Naval District, San Diego, California, and such agencies as he may designate.

[Regs., June 11, 1952, 800.2121 (San Diego Bay, Calif.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7167; Filed, July 1, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 14—LEGAL SERVICES, SOLICITOR'S OFFICE

SUBPART C—GUARDIANSHIP SERVICES

MISCELLANEOUS AMENDMENTS

1. In § 14.201, paragraph (b) is amended to read as follows:

§ 14.201 *Form of notification.* • • •

(b) In cases coming within section 21 (4), World War Veterans' Act of 1924, as amended, the director, veterans claims service, central office, or adjudication officer, regional office, will notify the chief attorney of the office having jurisdiction over the territory in which the veteran resides furnishing information as to the name and address of the veteran and his wife, the amount of the initial payment, and monthly payments to be made. The chief attorney will investigate each case to determine whether the wife is properly qualified to administer the funds payable, whether she will agree to use the funds for the benefit of the veteran and his dependents, and whether all conditions justify payment of the compensation, pension, or retirement pay to the veteran's wife; or whether, in the best interests of the veteran and his dependents, a guardian should be appointed to receive and administer the funds payable. If the chief attorney determines that payments shall be made to the wife, a complete report will be forwarded to the director, veterans claims service, or adjudication officer, regional office, accompanied by the evidence disclosing the facts, with a recommendation that payments be made to the wife. If the chief attorney determines that the facts justify the appointment of a guardian, he will take action promptly to effect the appointment and will forward the evidence thereof, together with his certification as to the legality of the appointment and adequacy of bond, to the director, veterans claims service, or adjudication officer, regional office. For the purpose of determining whether the funds paid to the wife are being applied as intended and whether the payments should continue to the wife, or whether in the interests of the veteran and his dependents action should be taken to have a guardian appointed, or whether the veteran has recovered and should be rerated as to competency, a social survey will be accomplished each year. The case will be diaried for this purpose on the Account Due Card, VA Form 2-3526. A record of these cases will be maintained on the Locator Index, VA Form 2-3525, filed alphabetically. A correspondence file on each case will be maintained.

2. Section 14.202 is revised to read as follows:

§ 14.202 *Diary and follow-up by originating service and notice by regional chief attorney.* The claims folder will be diaried by the director, veterans claims service; director, dependents and beneficiaries claims service; director, disability insurance claims service, central office; or director, claims service, and director, insurance service, district office; adjudication officer, or chief, vocation rehabilitation and education division, regional office, to come up for attention sufficiently far in the future to enable the chief attorney to secure a certified copy of the letters of appointment of the guardian or arrange for the determination of a legal custodian. If action is not then completed, a proper follow-up will be maintained on the chief attorney. It will be the duty of the chief attorney to secure and furnish the officer requesting the appointment of the fiduciary a certified copy of the letters of appointment of the guardian with VA Form 2-4704, Certificate of Legality of Appointment and Adequacy of Bond, or VA Form 2-555, Certificate of Legal Custody. The chief attorney will notify the officer requesting the appointment at the earliest moment pos-

sible as to whether or not there will be a guardian appointed or a determination as to a legal custodian in the case. The chief attorney will also notify the above-mentioned officers if there is to be a delay in the appointment of a fiduciary, the reason for such delay, and the probable date of appointment.

3. In § 14.205, the introduction is amended to read as follows:

§ 14.205 *Amount of benefits payable by Veterans' Administration to legal custodian or custodian-in-fact; payments to bonded officer of Indian reservations.* When a claimant under legal disability is found entitled to any benefit payable by the Veterans' Administration, the accrued amount of which at the time of the execution of VA Form 2–555, Certificate of Legal Custody, is $700 or less, or the monthly rate of which is $67 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount is $1,000 or less, or the combined monthly rates for two claimants amount to $94 or less, for three claimants $122 or less, plus monthly payments of $23 for each additional claimant, and no legal guardian or committee has been appointed, the awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants: *Provided*, That the best interests of the claimant or claimants will be served thereby and the legal custodian is properly qualified.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 2, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52–7172; Filed, July 1, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MISCELLANEOUS AMENDMENTS

a. In § 34.95 *Parcels addressed to certain A. P. O.'s* (17 F. R. 2282) make the following changes:

1. Amend the list of A. P. O.'s in paragraph (a) (1) under the heading "Care postmaster, N. Y., N. Y." by inserting in numerical order the following A. P. O. Nos.: "122, 125–B."

2. Amend the list of A. P. O.'s in paragraph (b) (1) by inserting in numerical order the following A. P. O. Nos.: "12, 117, 118, 122, 125–B, 171–A."

3. In paragraph (b) (1) amend the list of Navy units under the heading "Navy Units:" to read as follows: "Navy Nos. 214, 510, 913."

4. Amend the list of A. P. O. Nos. in paragraph (b) (3) by inserting A. P. O. No. "122" between A. P. O. Nos. "118" and "349".

5. Amend the list of A. P. O. Nos. in paragraph (b) (4) by inserting in numerical order the following A. P. O. Nos.: "12, 171–A."

6. In paragraph (b) add a subparagraph (5) to read as follows:

(5) Parcels addressed for delivery through A. P. O.'s 22, 124, 125, 125–B, 147, 179, and 755 shall not exceed 50 pounds and the following articles may not be accepted:

(i) Securities.
(ii) Precious metals.
(iii) Currency.

(R. S. 161, 396, 3921, sec. 24, 20 Stat. 361, sec. 2, 33 Stat. 440 secs. 12, 13, 39 Stat. 162, sec. 5, 41 Stat. 583, secs. 304, 309, 42 Stat. 24, 25, sec. 206, 43 Stat. 1067, sec. 6, 45 Stat. 941, 46 Stat. 264, 526, 62 Stat. 781; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250, 273, 291, 291a, 295, 365, 370)

b. In § 35.18 *Special packing of certain matter* amend paragraph (d) by redesignating former subparagraph (7) *Insecticides, fungicides, and germicides* as subparagraph (8).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52–7202; Filed, July 1, 1952; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter II—Children's Bureau, Social Security Administration, Federal Security Agency

PART 200—MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S PROGRAMS

TERMS; PROPORTIONATE USE OF FEDERAL FUNDS

By virtue of the authority vested in the Commissioner for Social Security by sec. 1102, 49 Stat. 647, as amended, 42 U. S. C. 1302; secs. 501–515, 49 Stat. 629–633, as amended, 42 U. S. C. 701–715, sec. 1101 (a) (1), as amended, 42 U. S. C. 1301 (a) (1); sec. 1, Reorganization Plan No. 2 of 1946, 60 Stat. 1095, 11 F. R. 7873; Agency Order No. 9, 12 F. R. 479, the following revisions are made in the regulations heretofore prescribed (42 CFR Part 200) for the administration of the Maternal and Child Health and Crippled Children's Services Programs:

1. Effective July 1, 1952, paragraphs (q) and (r) of § 200.1 of such regulations as heretofore prescribed shall be revoked and the following new paragraph (q) prescribed:

§ 200.1 *Terms.* * * *

(q) "Specialized expenditures for Maternal and Child Health Services," "Specialized expenditures for Crippled Children's Services," "Supporting expenditures for Maternal and Child Health Services," and "Supporting expenditures for Crippled Children's Services," shall have such meaning as may be ascribed to them in policies issued by the Chief for the purpose of achieving the most effective utilization of the Federal funds granted.

2. Effective July 1, 1952, § 200.18 of such regulations as heretofore prescribed shall be revoked and the following new section prescribed:

§ 200.18 *Proportionate use of Federal funds.* (a) Effective for the fiscal year 1953, and for each subsequent fiscal year, the State Agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Crippled Children's program, identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of the approved crippled children's services plan.

(b) Effective for the fiscal year 1954, and for each subsequent fiscal year, the State Agency shall, with respect to its total annual expenditures of Federal and required matching funds for its Maternal and Child Health program, provide in its State plan for the allocation of such expenditures to such program in accordance with either of the following procedures:

(1) On the basis of objective criteria set forth in the State plan, allocate to such program a portion of "supporting expenditures" which, together with any "specialized expenditures" identified for such program will at least equal the total annual expenditures of Federal and required matching funds;

(2) Identify as "specialized" expenditures for such program an amount equal to 80 percent or more of the total annual expenditures of Federal and required matching funds for that program, provided the remaining 20 percent or less of such total expenditures were for purposes within the scope of approved maternal and child health services plan.

(Sec. 1102, 49 Stat. 647, as amended; 42 U. S. C. 1302. Interpret or apply secs. 501–515, 49 Stat. 629–633, as amended; 42 U. S. C. 701–715)

[SEAL] W. J. ALTMEYER,
Commissioner.

Approved: June 26, 1952.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52–7253; Filed, July 1, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

APPLICATIONS OF AUTHORITY TO MERGE PROPERTIES OR FRANCHISES

Applications for authority under section 5, Interstate Commerce Act, to consolidate, merge, purchase, or lease operating rights and properties, or any part thereof, of a motor carrier.

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of June A. D. 1952.

The matter of applications designated Form BMC–44 (§ 7.44) prescribed by order entered November 12, 1940 (5 F. R. 4698), as supplemented by orders entered September 17, 1943 (8 F. R. 13193), December 11, 1945 (11 F. R. 746, 747), and December 27, 1951 (17 F. R. 234), being under consideration: *It is ordered*, That:

1. Part 7 is hereby amended as follows:

§ 7.44 *B. M. C. 44 (revised).* Application for authority under section 5, Interstate Commerce Act, to consolidate, merge, purchase, or lease operating rights and properties, or any part thereof, of a motor carrier.

2. Section 180.1 *Application for authority to merge properties or franchises*, is hereby amended to read as follows:

§ 180.1 *Application for authority to merge properties or franchises.* (a) Applications for authority under section 5, Interstate Commerce Act, to consolidate, merge, purchase, or lease operating rights and properties, or any part thereof of a motor carrier, shall be in the form and contain the information called for in the form of application, designated Form B. M. C. 44 (Revised) [1] (§ 7.44 of this chapter).

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or official (or to the Governor where there is no Board, Commission, or official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. A notice of the filing of such application, Form B. M. C.–15A (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in such application are or will be directly competitive.

(c) Proof of service of copies of the application and notice of filing as provided in the next preceding paragraph shall be made in connection with and as part of the original verified application filed with this Commission.

It is further ordered, That the orders of November 12, 1940, September 17, 1943, December 11, 1945, and December 27, 1951, relating to Form B. M. C. 44, be, and they are hereby superseded by this order.

And it is further ordered, That this order shall become effective on the 2d day of September A. D. 1952.

By the Commission, Division 4.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply secs. 1, 5, 24 Stat. 379, as amended, 380, as amended, 49 Stat. 544, as amended, 555, as amended; 49 U. S. C. 1, 5, 303, 312)

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–7215; Filed, July 1, 1952; 8:56 a. m.]

[1] Filed as part of the original document.

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

PART 180—CONTROL OF CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

APPLICATION FOR APPROVAL OF TEMPORARY OPERATION

Applications for approval under section 210a (b), Interstate Commerce Act, of the temporary operation of motor-carrier properties sought to be acquired under separately filed application under section 5.

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 13th day of June A. D. 1952.

The matter of applications designated Form B. M. C.–46 (§ 7.46), prescribed by order entered March 19, 1942 (7 F. R. 2601), being under consideration: *It is ordered*, That:

1. Part 7 is hereby amended as follows:

§ 7.46 *B. M. C. 46 (revised).* Application for approval under section 210a (b), Interstate Commerce Act, of the temporary operation of motor-carrier properties sought to be acquired under separately filed application under section 5.

2. Part 180 is hereby amended by adding the following:

§ 180.6 *Application for approval of temporary operation.* (a) Applications for approval under section 210a (b), Interstate Commerce Act, of the temporary operation of motor-carrier properties sought to be acquired under separately filed application under section 5, shall be in the form and contain the information called for in the form of application, designated B. M. C. 46 (Revised)[1] (§ 7.46 of this chapter).

(b) The verified original of each such application and five copies thereof shall be filed with this Commission, one true copy thereof shall be furnished to each of the Directors of Districts of the Bureau of Motor Carriers in which the headquarters of applicants are located, and one true copy shall be delivered, in person or by registered or receipted mail, to the Board, Commission, or Official (or to the Governor where there is no Board, Commission, or Official) having authority to regulate the business of transportation by motor vehicle in each State in which the applicants operate. A notice of the filing of such application, Form B. M. C. 15A (§ 7.15a of this chapter), must also be delivered, in person or by registered or receipted mail, to each motor carrier and each carrier by rail or water, known to the applicants, with whose service the operations described in the separately filed application under section 5 are or will be directly competitive.

(c) Proof of service of copies of the application and notice of filing as provided in the next preceding paragraph shall be made in connection with and as part of the original verified application filed with this Commission.

It is further ordered, That the order of March 19, 1942, be, and it is hereby, superseded by this order.

And it is further ordered, That this order shall become effective on the 2d day of September A. D. 1952.

(Sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply secs. 1, 5, 24 Stat. 379, as amended, 380, as amended, 49 Stat. 544, as amended, 555, as amended; 49 U. S. C. 1, 5, 303, 312)

By the Commission, Division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–7216; Filed, July 1, 1952; 8:57 a. m.]

[S. O. 865–D]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on Freight Cars* of Service Order No. 865 be, and it is hereby suspended until 7:00 a. m., July 16, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., July 1, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52–7248; Filed, July 1, 1952; 8:46 a. m.]

[S. O. 884, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193, 5466), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent* of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7249; Filed, July 1, 1952; 8:46 a. m.]

[S. O. 885, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194, 5466), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent,* of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7250; Filed, July 1, 1952; 8:47 a. m.]

[S. O. 886, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1952.

Upon further consideration of Service Order No. 886 (17 F. R. 5194, 5467), and good cause appearing therefor: It is ordered, that:

Section 95.886 *Demurrage on cars held under load at Great Lakes Ports* of Service Order No. 886 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., July 15, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., June 30, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7251; Filed, July 1, 1952; 8:47 a. m.]

[S. O. 887]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of June A. D. 1952.

It appearing, that the number of freight cars available for the movement of box car freight in the States of Oregon, California, Arizona and Nevada, has seriously decreased recently; that at present the supply is insufficient to move such freight traffic of carriers serving those States; that there are certain SFRD, PFE and WP refrigerator cars in that territory not suitable for transporting commodities requiring protective service and that such cars are suitable for transporting other freight; in the opinion of the Commission an emergency exists requiring immediate action in Oregon, California, Arizona and Nevada: It is ordered, that:

§ 95.887 *Substitution of refrigerator cars for box cars.* (a) (1) Except as provided in subparagraph (2) of this paragraph, common carriers by railroad subject to the Interstate Commerce Act transporting carload freight from origins in the States of Oregon, California, Arizona or Nevada, and destined to points in the States of Oregon, California, Arizona, or Nevada, may, at their option, furnish and transport not more than three (3) refrigerator cars of SFRD, PFE, or WP ownership, not suitable for transporting commodities requiring protective service, in lieu of each box car ordered, subject to the carload minimum weight which would have applied if shipment had been loaded in a box car.

(2) On shipments on which the carload minimum weight varies with the size of the car.

(i) Two (2) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of 40'7", or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars not suitable for transporting commodities requiring protective service may be furnished in lieu of one (1) box car ordered of a length of over 40' 7", but not over 50' 7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(b) *Application.* The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) *Effective date.* This section shall become effective at 7:00 a. m., July 1, 1952.

(d) *Expiration date.* This section shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) *Announcement of suspension.* Each of such railroads, or its agents, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interpret or apply secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7252; Filed, July 1, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 28]

STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN UNITED STATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering amending the standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States, pursuant to the authority contained in the Department of Agriculture Appropriation Act of 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951; 7 U. S. C. 414).

The proposed amendment would provide an optional method for determining the quantity index of cottonseed whereby linters would be included as a factor in grading cottonseed. The proposed amendment would also provide a means for identifying cottonseed grades in which linters have been included as a factor in grading. Interest in the use of linters as a factor in the grading of cottonseed is primarily centered in Western Texas and Western Oklahoma with respect to upland cottonseed and in the far Western States with respect to American Egyptian cottonseed. It is proposed to make the amendment effective by August 1952.

The linters factor which will be used in determining the quantity index of cottonseed under the proposed optional method will be announced from time to time by the Administrator, Production and Marketing Administration and published in the FEDERAL REGISTER.

The proposed amendment of §§ 28.401 and 28.402 (7 CFR Part 28) are as follows:

§ 28.401 *Determination of grade.* The grade of cottonseed shall be determined from the analysis of samples, and it shall be the result, stated in the nearest whole or half numbers, obtained by multiplying a quantity index by a quality index and dividing the result by 100. The quantity index and the quality index shall be determined as hereinafter provided.

(a) The basis grade of cottonseed shall be grade 100.

(b) High grades of cottonseed shall be those grades above 100.

(c) Low grades of cottonseed shall be those grades below 100.

(d) When linters have been included as a factor in determining the grade of cottonseed, the capital letter (L) in parentheses shall be placed immediately after the numerical grade designation on the cottonseed grade certificate.

§ 28.402 *Determination of quantity index.* (a) When linters are not to be included as a factor in determining the grade of cottonseed, the following formula shall be used in determining the quantity index of cottonseed:

(1) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal 4 times the percentage of oil, plus 6 times the percentage of ammonia, plus 5.

(2) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal 6 times the percentage of oil, plus 6 times the percentage of ammonia, minus 28.

(b) When linters are to be included as a factor in determining the grade of cottonseed, the following formula shall be used in determining the quantity index of cottonseed:

(1) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal 4 times the percentage of oil, plus 6 times the percentage of ammonia, plus the officially announced linters factor times the percentage of residual linters minus 11, plus 5.

(2) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal 6 times the percentage of oil, plus 6 times the percentage of ammonia, plus the officially announced linters factor times the percentage of residual linters minus 11, minus 28.

All persons who desire to submit written data, views or arguments for consideration in connection with the foregoing proposed amendment should file the same in duplicate with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than twenty (20) days after date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-7258; Filed, July 1, 1952; 8:50 a. m.]

[7 CFR Part 102]

GRAIN WAREHOUSE REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture proposes to amend the Grain Warehouse Regulations (7 CFR Part 102) under the United States Warehouse Act, as amended (7 U. S. C. 241-273) as follows:

1. A new § 102.3a would be added to read:

§ 102.3a *All facilities to be licensed or exempted.* All facilities within the same city or town used for the storage of grain by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a grain warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of the non-federally licensed facilities, there would be no likelihood of interchange, substitution, or commingling of grain stored in such facilities with grain stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this paragraph, the applicant shall not be licensed under the act as a grain warehouseman in the city or town in which the facilities in question are located. Each applicant for a grain warehouse license must apply for a license covering all facilities operated by him for the storage of grain within the same city or town or for exemption as provided in this paragraph. If a licensed grain warehouseman acquires any additional grain storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No grain storage facility acquired by a licensed grain warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of grain until it qualifies for license and is licensed or is exempted as provided in this paragraph. If any one of the licensed grain storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the stor-

age of grain until the condition making it ineligible is removed or an exemption is granted as provided in this paragraph. The use for the storage of grain by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this paragraph, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of grain.

2. Section 102.6 would be amended to read:

§ 102.6 *Net assets.* (a) Each warehouseman shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the operation of the warehouse equal to at least 4 percent of the total value of the maximum number of bushels of wheat that the warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for wheat announced annually by the Administrator: *Provided, however,* That if the commodity normally stored or to be stored in the warehouse in greatest quantity over the period of a year has a unit price, as announced annually by the Administrator, higher than wheat, the maximum number of bushels and the unit price of such commodity shall be used in calculating the amount of net assets required: *And provided further,* That a warehouseman who does not meet the net assets requirement specified in this paragraph may be licensed under the act and the regulations in this part if he furnishes the bond required under § 102.14 for such a warehouseman. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman is licensed or is applying for a license to operate two or more warehouses in the same State, the maximum number of bushels which all such warehouses will accommodate when stored in the manner customary to the warehouses, shall be considered in determining whether the warehouseman meets the net worth requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a State agency licensed or applying for a license as provided in section 9 of the act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the net asset requirements of this section.

3. Section 102.7 would be amended by adding thereto the following sentence: "If all the facilities operated for the storage of grain by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a grain warehouseman with respect to any of such facilities unless an exemption of the facilities which are not to be licensed is granted as provided in § 102.3a."

4. The third and fourth sentences in § 102.9 would be amended to read, respectively: "The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has for any reason ceased to operate such licensed warehouse; (e) has in any other manner become incompetent or incapacitated to conduct the business of the warehouse; (f) has made unreasonable or exorbitant charges for services rendered; (g) is using in the same city or town in which his licensed warehouse facilities are located, any facility for storage of grain which is not covered by a license or an exemption as provided in § 102.3a; or (h) has in any other manner violated or failed to comply with any provision of the act or the regulations in this part."

5. Section 102.14 would be amended to read:

§ 102.14 *Amount of bond; additional amounts.* (a) The amount of bond to be furnished by a warehouseman who has met the net assets requirement of § 102.6 (a) shall be at least 6 percent of the total value of the maximum number of bushels of wheat that his warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for wheat announced annually by the Administrator: *Provided, however,* That if the commodity normally stored or to be stored in the warehouse in greatest quantity over the period of a year has a unit price, as announced annually by the Administrator, higher than wheat, the maximum number of bushels and the unit price of such commodity shall be used in calculating the amount of bond required: *And provided further,* That in any case the amount of bond shall not be less than $5,000 or more than $200,000, except as provided in paragraph (c) of this section. The amount of bond to be furnished by a warehouseman who has not met the net assets requirement of § 102.6 (a) shall be calculated in the manner prescribed in this paragraph except that it shall be at least 12 percent of the total value as specified in this paragraph and in any case shall not be less than $10,000 nor more than $400,000 except as provided in paragraph (c) of this section.

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same State and his total assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the State. In such case all of his warehouses in the State shall be deemed to be one warehouse and the maximum number of bushels that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purposes of determining the amount of bond required under §§ 102.13 through 102.17.

(c) In case the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount fixed in accordance with paragraph (a) of this section a further amount to meet such conditions.

6. Section 102.57 would be amended to read:

§ 102.57 *License fees.* There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to an inspector and/or weigher.

7. Section 102.58 would be amended to read:

§ 102.58 *Warehouse inspection fee.* There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 10,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6 (a), but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

8. Section 102.80 would be amended to read:

§ 102.80 *Appeal procedure.* In case a question arises as to the true grade of grain stored or to be stored in a licensed warehouse, for which official grain standards of the United States are in effect and for which a grain inspection certificate has been issued in accordance with § 102.64, any interested party may take an appeal for the determination of the grade of such grain as provided in this section. If the grain inspection certificate involved was issued under the Grain Standards Act, the appeal shall be governed by the regulations issued under that act: *Provided,* That a copy of the Federal appeal grade certificate issued in the appeal, together with any receipt covering the grain filed in the appeal, shall be sent to the licensed warehouseman concerned, and a copy of the Federal appeal grade certificate shall be sent to the licensed inspector and to each other person shown by the record of the appeal to be interested therein. When the grain inspection certificate with respect to which the appeal is taken was not issued under the Grain Standards Act, the appeal shall be governed by §§ 102.81 through 102.95.

9. Section 102.82 would be amended by deleting the last sentence thereof reading as follows: "An appeal taken in conformity with the Grain Standards Act and regulations thereunder shall be deemed to be an appeal for the purposes of §§ 102.80–102.95."

10. Section 102.91 would be amended to read:

§ 102.91 *Grain grade appeal fees.* The fees and charges in appeals from grain inspection certificates not issued under the Grain Standards Act shall be the same as those prescribed in the regulations under the Grain Standards Act for appeals from grain inspection certificates issued under that act. Such fees and charges shall be assessed against the appellant.

11. Section 102.96 would be amended by deleting the phrase "except § 102.6" from the first sentence of the section.

12. Wherever in §§ 102.18, 102.44, 102.83, 102.86, 102.88, 102.90, 102.93, 102.94, 102.95, and 102.99, the phrase "§§ 102.80–102.95" appears, it would be deleted and the phrase "§§ 102.81 through 102.95" would be substituted therefor.

The proposed amendments would require all grain warehouse facilities in the same city or town operated by a warehouseman holding a grain warehouse license under the United States Warehouse Act to be covered by such license, except under specified conditions. The amendments would increase the amount of net assets and bond required of licensed warehousemen and the fees for inspection of warehouses, for licenses of warehousemen, inspectors and weighers, and for grain grading appeals. The grain grading appeal procedure would be modified by the amendments. The amendments would also modify the provisions of the regulations relating to suspension and revocation of warehouse licenses.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments, may do so by filing them with the Director of the Transportation and Warehousing Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7259; Filed, July 1, 1952; 8:50 a. m.]

[7 CFR Part 986]

[Docket AO-196-A-2]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Portland, Oregon, March 25 and 26, 1952, on proposed amendments to the marketing agreement and order (7 CFR, 1951 Supp., Part 986) regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, on June 2, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER (17 F. R. 5153), on June 6, 1952, and corrected in the FEDERAL REGISTER (17 F. R. 5435) issue of June 17, 1952. The last day for filing such written exceptions has expired, and no exceptions were filed during the prescribed period.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 52-6179; 17 F. R. 5153 et seq.), as corrected (17 F. R. 5435) in the FEDERAL REGISTER issue of June 17, 1952, are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections, clarifications, and modifications which are set forth below, namely:

1. In 17 F. R. 5158, first column, 19th line from the bottom, the word "estimate" should be changed to read "estimates." This will correct an obvious typographical error, since it clearly appears from the context that the word in question is used in the plural sense.

2. In 17 F. R. 5166, second column—§ 986.74 (e)—change the words at the beginning of said section reading "Any grower who may be dissatisfied with the determinations pursuant to § 986.75" so that they will read "Any grower who may be dissatisfied with the determinations pursuant to § 986.74 (a) or § 986.75." This matter is covered in the present order under § 986.6 (c) (1) (v), and the phrase in question in the present order reads as follows: "Any grower who may be dissatisfied with the determinations pursuant to subdivisions (i) [dealing with determination of the quantities available for market] or (ii) [dealing with preliminary estimates of the productions of individual growers] of this subparagraph or pursuant to subparagraph (2) [dealing with computations of grower's salable allotments] of this paragraph." As indicated in the discussion of the change to be made in this section (see discussion under the issue numbered 4—17 F. R. 5156, third column), it is concluded that the reference to "(ii) of the present order should be omitted for the reason that it is proposed to eliminate the existing requirement for the making of preliminary estimations of the productions of individual growers, and there will, therefore, be no occasion for any protests to be filed in that regard in case such a change is adopted. The language of § 986.74 (e) of the proposed amended order will be similar to the coverage of § 986.6 (c) (1) (v) of the existing order, except for the indicated omission. Thus, this change will make the language of the new section read in line with the true intent.

3. In 17 F. R. 5167, second column, 14th and 15th lines from the top—§ 986.76 (c)—the words "Grower Allocation Committee" should be changed to read "Growers Allocation Committee." This will correct the reference so as to show the correct name of such committee, which committee is authorized and provided for in the regulation by the later name.

4. In 17 F. R. 5167, second column, 25th and 26th lines from the top—also § 986.76 (c)—change the words "provided for therein" so that they will read "provided for in § 986.60 of this subpart." This change will not affect the meaning or intent of the quoted words, but it will serve to make such meaning clear and unambiguous.

5. In 17 F. R. 5168, second column—§ 986.82, 16th, 17th, 18th, and 19th lines of said section—change the words "(a) cases where such dispositions are accidental and due to causes beyond the control of the particular growers," so that they will read "(a) cases where such dispositions are accidental or are due to causes beyond the control of the particular growers,". Through inadvertence, the previous language used was such as to provide exemption in this regard only where the dispositions were both accidental and due to causes beyond the control of the particular grower. It was actually intended, however, that there should be such exemption in a case of the arising of either happening. The changed language will express the true intent.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (14 F. R. 3660); and said previous findings and determinations are hereby ratified and confirmed except the finding with respect to the base period for the parity determination, and except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(b) The order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(d) There are no differences in the production and marketing of hops in the

production area covered by this order, as herein proposed to be amended, which make necessary different terms applicable to different parts of such area.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as amended, Regulating the Handling of Hops Grown in Oregon, California, Washington, and Idaho, and of Hop Products Produced Therefrom in these States," and "Order, as amended, Regulating the Handling of Hops Grown in Oregon, California, Washington, and Idaho, and of Hop Products Produced Therefrom in these States," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The marketing agreement, as amended, and the order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement, as amended, are identical with those contained in the attached order, as amended, which will be published with this decision.

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order, as amended,[1] *Regulating the Handling of Hops Grown in Oregon, California, Washington, and Idaho, and of Hop Products Produced Therefrom in These States*

DEFINITIONS

Sec.
986.1 Secretary.
986.2 Act.
986.3 Person.
986.4 Hops.
986.5 Hop product.
986.6 Grower.
986.7 Dealer.
986.8 Grower-dealer.
986.9 Brewer.
986.10 Handler.
986.11 Handle.
986.12 Consumptive demand.
986.13 Marketing season.
986.14 Federal-State inspection service.
986.15 Part and subpart.

HOP CONTROL BOARD

986.20 Establishment.
986.21 Designation of original members and alternates.
986.22 Nomination and selection of successor members and alternates.
986.23 Vacancies.
986.24 Compensation.
986.25 Powers.
986.26 Duties.
986.27 Procedure.
986.28 Funds and other property.

GROWERS ALLOCATION COMMITTEE

986.35 Members.
986.36 Procedure.
986.37 Alternates.

GROWERS ADVISORY COMMITTEES

986.40 Establishment and membership.
986.41 Original members.
986.42 Election of successor members.
986.43 Washington Advisory Committee.
986.44 California Advisory Committee.
986.45 Oregon-Idaho Advisory Committee.
986.46 Changes in districts.
986.47 Alternates.
986.48 Vacancies.
986.49 Expenses.
986.50 Functions.

CONTROL OF QUALITY

986.60 Minimum standards of quality and grading and inspection requirements.
986.61 Inspection and certification.
986.62 Regulations.

CONTROL OF SURPLUS

986.70 Application.
986.71 Determination of salable quantity.
986.72 Increase of salable quantity.
986.73 Conversion ratios.
986.74 Determination of total production.
986.75 Computation of growers' allotments.
986.76 Preliminary and supplementary allotments.
986.77 Joint allotment.
986.78 Revision of allotments.
986.79 Certification.
986.80 Limitation of handling to certificated hops or hop products.
986.81 Diversion privilege.
986.82 Supervision of disposition of uncertificated hops.

EXPENSES AND ASSESSMENTS

986.90 Expenses.
986.91 Assessments.
986.92 Refunds.

COMPLIANCE WITH PROVISIONS OF AGREEMENT AND ORDER

986.95 Compliance.

REPORTS, BOOKS, AND RECORDS

986.101 Books and records.
986.102 Reports by handlers.
986.103 Reports by growers.

MISCELLANEOUS PROVISIONS

986.105 Amendments.
986.106 Agents.
986.107 Effective time, suspension, and termination.
986.108 Duration of immunities.
986.109 Separability.
986.110 Derogation.
986.111 Right of the Secretary.
986.112 Liability of Control Board members.
986.113 Effect of termination or amendment.

AUTHORITY: §§ 986.1 to 986.113, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

Order relative to handling. It is, therefore, ordered, that the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this amended order:

DEFINITIONS

§ 986.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

§ 986.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

§ 986.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 986.4 *Hops.* "Hops" means, except as otherwise specifically indicated in this subpart, the pistillate cones, either in the green or the dried state, of the vine Humulus lupulus or Humulus americanus grown in the States of Oregon, California, Washington, or Idaho.

§ 986.5 *Hop product.* "Hop product" means any substance which is (a) derived, either in whole or in part, from hops, including, but not limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extracts or concentrates, and (b) capable of being used for a purpose for which hops are used.

§ 986.6 *Grower.* "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (a) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as set forth in this section, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

§ 986.7 *Dealer.* "Dealer" means any person, other than a grower or brewer, who is a handler of hops or hop products for his or its own account.

§ 986.8 *Grower-dealer.* "Grower-dealer" means any grower, other than a brewer, who is a handler for his or its own account of any hops or hop products other than those of his or its own production: *Provided,* That handling transactions pursuant to § 986.81 shall not be within this definition.

§ 986.9 *Brewer.* "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage for commercial purposes.

§ 986.10 *Handler.* "Handler" means any person who, either personally or through another person, handles hops or any hop product: *Provided,* That a person who handles hops which have been previously certificated and handled by another person shall not thereby be deemed to be a handler with respect to such hops.

§ 986.11 *Handle.* "Handle" means, except as provided in § 986.81, (a) to market, ship, or transport (except as a common or contract carrier for others) to or for market, or to use, any hops or hop product, or (b) to purchase, take consignment of, accept delivery of (except as a common or contract carrier) in connection with a purchase or sale or otherwise acquire, within the States of Oregon, California, Washington, or Idaho, hops or any hop product from a grower or any other person.

§ 986.12 *Consumptive demand.* "Consumptive demand" means that quantity of hops and hop products (expressed in terms of dried hops) which it is anticipated will be required in all trade outlets, both domestic and foreign, during the period September 1 of the respective year through the following August 31.

§ 986.13 *Marketing season.* "Marketing season" means the 12 months from August 1 to the following July 31, both dates inclusive.

§ 986.14 *Federal-State inspection service.* "Federal-State inspection service" means that inspection service on hops or hop products which is performed within the States of Oregon, California, Washington, or Idaho by the United States Department of Agriculture or by said Department under a cooperative arrangement with any of such States pursuant to authority contained in any act of Congress.

§ 986.15 *Part and subpart.* "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

HOP CONTROL BOARD

§ 986.20 *Establishment.* A Control Board consisting of eighteen members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this subpart, of whom, with their respective alternates, nine shall represent growers of hops, two shall represent grower-dealers, three shall represent dealers, and four shall represent brewers. The grower members of the Control Board shall be growers of hops who are not grower-dealers, of whom three shall be growers of hops in and residents of the States of Oregon or Idaho, three shall be growers of hops in and residents of the State of California, and three shall be growers of hops in and residents of the State of Washington. One of the grower-dealer members of the Control Board shall be a grower-dealer having his or its principal office in that regard in the States of Oregon, California, Washington, or Idaho, and the other grower-dealer member shall be a grower-dealer having his or its principal office in that regard outside of such States. Each of the four brewer members of the Control Board shall be a brewer. Each of the three dealer members of the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit other than an individual person shall be eligible for membership or alternate membership on the Control Board in the category in which such business unit belongs pursuant to the provisions of this section. No person shall be selected as a member or alternate member of the Control Board who is not actively engaged, as his principal business occupation, in the business of the group which he represents, and may be an officer, agent, or employee of a business unit engaged in such business.

§ 986.21 *Designation of original members and alternates.* The original members of the Control Board, and their respective alternates, shall be selected by the Secretary, subject to the requirements as to district representation, occupation, and residence which are set forth in § 986.20, and shall serve for a term ending on March 31, 1950, except that, if the respective successor to such original member or alternate member has not been selected and qualified by March 31, 1950, such original member or alternate member shall serve until his respective successor has been selected and has qualified. For the consideration of the Secretary in making such selection, nominations for original members and alternate members of the Control Board may be submitted to him not later than the date on which this subpart is issued by the Secretary, but may be submitted prior thereto. Nominations for the original nine grower members and their alternates may be made by any grower, or by any association or other group of growers. Nominations for the original two grower-dealer members and their alternates may be made by any grower-dealer, or by any group of grower-dealers. Nominations for the original four brewer members and their alternates may be made by any brewer, or by any organization of brewers. Nominations for the original three dealer members and their alternates may be made by any dealer, or by any group of dealers. However, the Secretary, in making his selection of the original members and their alternates shall not be bound to make such selections from nominations thus received, but he shall make such selections in his discretion.

§ 986.22 *Nomination and selection of successor members and alternates.*—(a) *General.* Members and alternates of the Control Board selected for terms commencing April 1, 1950, and thereafter, shall serve for terms of two years ending March 31 or until such time thereafter as their successors have been selected and have qualified. Selection of successor members of the Control Board and their alternates shall be made by the Secretary for each of the aforementioned groups from the nominations submitted for that purpose by the respective groups and/or from among other qualified persons. Such nominations for each respective group shall be made to the Secretary on or before March 1 of each election year in the manner described in this section.

(b) *Grower members.* Each of the growers Advisory Committees, established pursuant to § 986.40, shall nominate to the Secretary the names of three qualified persons as grower members, and three qualified persons as their alternates, from the State or States represented by the respective committee. The persons receiving in consecutive order the highest number of votes for members shall be the nominees for members of the respective committees, and a corresponding provision shall apply to nominees for alternate members.

(c) *Grower-dealer member, Western.* The grower-dealers whose principal offices are within the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as the grower-dealer member, and one qualified person as his alternate.

(d) *Grower-dealer member, Eastern.* The grower-dealers whose principal offices are outside the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as grower-dealer member, and one qualified person as his alternate.

(e) *Dealer members.* The dealers shall nominate to the Secretary by means of elections in which all (and only) dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular dealer, as the first handler thereof, other than a grower, and for that dealer's own account, during the next preceding marketing season, three qualified persons as dealer members and three qualified persons as their alternates. Nominations for one of such members and his alternate shall be made by each of the following categories of dealers: (1) Those handling less than 10,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; (2) those handling between 10,000 and 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; and (3) those handling over 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season.

(f) *Brewer members.* Of the four qualified persons to be nominated by the brewers for selection as brewer members

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

of the Control Board, and their respective alternates, two of such nominations for members and their respective alternates may be made to the Secretary by the United States Brewers Foundation, Inc., whose present office address is 21 East Fortieth Street, New York, N. Y., and two such nominations for members, and their respective alternates, may be made by the Small Brewers' Association, whose present office address is 188 West Randolph Street, Chicago, Ill. However, nominations may also be made by any individual brewer or by any other associations or groups of brewers.

(g) *Elections of nominees for membership.* Each election for the purpose of nominating grower, grower-dealer and dealer members or alternates of the Control Board to succeed those whose terms of office expire on March 31 of any year, shall be held on or before the preceding March 1, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing the election of nominees as provided for in this section, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before November 1, 1949; and such regulations as shall be approved by the Secretary shall govern each such election. Reports of the results of elections of nominees shall be submitted to the Secretary by the Control Board.

(h) *Time limitation on nominations.* In the event any of the group nominations are not submitted to the Secretary within twenty days after the time specified in paragraph (a) of this section, the Secretary may select each such member or alternate without waiting for the nomination or nominations to be made. If no qualified person is available from any category in any such group, the Secretary may appoint such member or alternate from another category within such group.

(i) *Qualification of members and alternates.* Each person selected as a member or alternate of the Control Board, including original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(j) *Qualifications requirements for alternates.* Each alternate shall meet the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is an alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(k) *Substitutes for members or alternates.* In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member of the same group as that represented by the absent member may be designated by the absent member to serve in the stead of the absent member, or pending such designation the Secretary may designate such temporary substitute.

§ 986.23 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected (insofar as is appropriate) in the manner specified in this subpart, for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for vacancy is not made within thirty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

§ 986.24 *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties under this part.

§ 986.25 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments of this subpart.

§ 986.26 *Duties.* The duties of the Control Board shall be, among others, as follows:

(a) *Intermediary.* To act as intermediary between the Secretary and any grower, handler, dealer, grower-dealer, or brewer;

(b) *Minutes, books and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(c) *Scientific studies and research.* To provide, subject to prior approval by the Secretary, for the making of scientific and other studies and for the conducting of research appropriate in connection with the performance of its official duties;

(d) *Assembling data.* To gather and assemble data on the growing, handling, shipping and marketing conditions relative to hops and hop products, appropriate or desirable in connection with the performance of its official duties;

(e) *Information.* To furnish to the Secretary such available information with respect to hops as the Board may deem appropriate or as the Secretary may request;

(f) *Audit.* To cause the books and other records of the Control Board to be audited by one or more competent accountants at least once each marketing season and at such other times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(g) *Managing agent.* To employ a managing agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof or financially interested in the production of, dealing in, or use of hops and hop products, and who shall serve as the Secretary of the Control Board and the secretary of the Growers Allocation Committee and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such managing agent, employees, agents and representatives;

(h) *Notice to Secretary of meetings.* To give to the Secretary the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(i) *Issuance of necessary regulations.* To issue, with the approval of the Secretary, any regulations which are necessary and appropriate for the carrying out of the provisions of this subpart in accordance with their terms.

§ 986.27 *Procedure*—(a) *Rules and officers.* The Control Board shall adopt rules governing the performance of its powers and duties under this part, and shall select a chairman and such other officers as it may deem advisable.

(b) *Quorum.* A quorum shall consist of twelve members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than ten affirmative votes.

(c) *Permissive methods of voting.* The Control Board may vote by mail or telegraph upon due notice to all members and when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

§ 986.28 *Funds and other property*—(a) *Uses.* All funds received by the Control Board pursuant to this subpart shall be used solely for the purposes specified in this subpart; and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(b) *Accountability of members.* Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements under this subpart and deliver all property, funds, books, and other records (in his possession or control) of the Control Board, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such manner.

(c) *Legal action for collection of assessments.* The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, a suit against any handler subject to the provisions of this subpart for the collection of such handler's pro rata share of expenses.

GROWERS ALLOCATION COMMITTEE

§ 986.35 *Members.* The grower members and the grower-dealer members of the Control Board shall constitute the Growers Allocation Committee. Said committee shall have such duties and powers as are expressly specified in this subpart for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

§ 986.36 *Procedure.* The Growers Allocation Committee shall select one of its members as its chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or telegraph upon due notice to all members and when any such proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Growers Allocation Committee.

§ 986.37 *Alternates.* The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

GROWERS ADVISORY COMMITTEE

§ 986.40 *Establishment and membership.* A Growers Advisory Committee of 12 members is hereby established for each of the States of Washington and California, and of 13 members for the combined States of Oregon and Idaho. Each of the said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Oregon and Idaho shall be a grower or an officer or employee thereof, engaged in growing hops in and a resident of the State of Idaho.

§ 986.41 *Original members.* The original members of the Growers Advisory Committees shall be the members of the existing advisory committees organized by the United States Hop Growers Association, an association of hop growers whose present address is Mills Building, San Francisco, California. Each of the original members shall serve for a term ending on January 31, 1950, and in the event that the respective person's successor has not been selected by February 1, 1950, such person shall serve until his successor has been selected.

§ 986.42 *Election of successor members.* Successor members of Growers Advisory Committees, beginning with those elected for terms beginning on and after February 1, 1950, shall serve a two year term ending January 31. Election shall be at meetings held under the supervision of the Managing Agent or his designated representative by the growers and grower-dealers in each of the designated districts in this subpart. In such election each grower and each grower-dealer residing or producing hops in the district shall have an opportunity to participate, and at such election shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote to fill the vacancy or vacancies occurring in his district. No grower or grower-dealer shall vote in more than one district in any one State. Voting shall be by ballot; there shall be no voting by proxy. The nominee having the highest number of votes shall be the member for the district or, in the districts electing more than one member, the nominees receiving in consecutive order the highest number of votes shall be the members for that district. In the case of a tie vote, where vacancies are insufficient to give membership to each, a runoff election shall be held on the vacancy in question.

§ 986.43 *Washington Advisory Committee.* The State of Washington is hereby delimited into four election districts, as follows:

District No. 1. That portion of Yakima County lying east of the Yakima River and north of Parker Ridge, and all counties of the State of Washington not delineated in other districts.

District No. 2. Benton County, Klickitat County, and that portion of Yakima County lying south of Parker and Ahtanum Ridges.

District No. 3. That portion of Yakima County lying north of Ahtanum Ridge and west of the Yakima River.

District No. 4. All counties of the State of Washington lying west of Districts 2 and 3, or lying west of the Cascade Mountains.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district three members of the Advisory Committee.

§ 986.44 *California Advisory Committee.* The State of California is hereby delimited into three election districts, as follows:

District No. 1. Sacramento County and all other counties of the State of California not delineated in other districts.

District No. 2. Sonoma, Napa and Marin Counties.

District No. 3. Mendocino and Lake Counties.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

§ 986.45 *Oregon-Idaho Advisory Committee.* The States of Oregon and Idaho are hereby delimited into twelve election districts, as follows:

District No. 1 (Grants Pass). Douglas, Jackson, Josephine, Coos, and Currie Counties.

District No. 2 (Eugene, etc.). Lane County and that portion of Linn County not delineated in District 3.

District No. 3 (Albany, Corvallis, etc.). Benton County and those areas of Marion and Linn Counties described as follows: Beginning at Jefferson, Oregon, thence north along U. S. Highway 99 East to a point east of Tice Island in the Willamette River, thence due west along a straight line to Tice Island, thence south along the meanderings of the Willamette River to the confluence of the Luckiamute and Willamette Rivers, thence due southwest to the northeast corner of Benton County, thence south along the boundary of Benton and Linn Counties to a point due west of Brownsville, Oregon, thence in an easterly direction to Brownsville to include all growers operating hop yards in the Brownsville area, thence continuing to the eastern boundary of Linn County to include all growers operating yards in Linn County north of the line as described.

District No. 4 (Independence, Dallas, etc.). All of Polk County not delineated in District 6, all of that portion of Marion County adjacent to Independence and not delineated in Districts 3, 5 and 6, and that portion of Yamhill County not delineated in Districts 10 and 11.

District No. 5 (Silverton, etc.). Beginning at the North Howell Grange building in Marion County, Oregon, thence due south along a straight line to Stayton, Oregon, thence due east along a straight line to the headwaters of the Abiqua River, thence following the meanderings of the Abiqua River in a northwesterly direction to a point due east of the North Howell Grange, thence due west along an imaginary line to point of beginning.

District No. 6 (Salem, etc.). Beginning at Rickreall, Oregon, thence north along west side of U. S. Highway 99W, to a point due west of Wheatland, thence due east along a straight line to Wheatland to include all growers in the area in the vicinity of Wheatland, Oregon, thence northeast along a straight line to Fairfield, thence east following the Fairfield road to Aral Corners, thence due north from Aral Corners to the St. Louis Road to the corner of the "Old Miller Place," thence east to the Southern Pacific Railway and continuing east to U. S. Highway 99 East, thence south following U. S. Highway 99 East, to the intersection of U. S. Highway 99 East and the Parkersville Road, known as the "Manning Corner," thence east to Parkersville, thence south to the Central Howell School, thence due south following a straight line to the Santiam River, thence north and west following the meanderings of the Santiam River to Jefferson, thence due north following U. S. Highway 99 to Sunnyside, thence due west following a straight line to the Willamette River to a point south of Roberts' Station, thence north following the meanderings of the Willamette River to Salem, thence west following the Dallas-Salem Highway to Rickreall, point of beginning.

District No. 7 (Wilder, Ontario, etc.). The State of Idaho and Malheur County in the State of Oregon.

District No. 8 (Mount Angel, etc.). Beginning at the North Howell Grange, thence south and east following the meanderings of the Abiqua River to the foothills of the Cascade Mountains to a point due south of Molalla, thence due north following a straight line to Molalla, thence west follow-

ing the Woodburn-Molalla highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence south from Gervais to the Manning Corner, thence east to Parkersville, thence south to the North Howell Grange, the place of beginning.

District No. 9 (Donald, Woodburn, Aurora, etc.). Beginning at Oregon City, thence south along the Oregon City-Molalla highway to Molalla to include all growers operating hop yards within a one-mile radius of Mulino, thence west following the Woodburn-Molalla Highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence west following the direct highway to St. Louis, thence north following the meanderings of Champoeg Creek to its confluence with the Willamette River, thence in a northerly direction following the meanderings of the Willamette River to Wilsonville, thence continuing in a north and easterly direction along the meanderings of the Willamette River to the place of beginning.

District No. 10 (St. Paul, etc.). Beginning at Wilsonville, thence north following U. S. Highway 99 West to Jurgens Park on the Tualatin River, thence northwesterly following a straight line to the southwest corner of Multnomah County, thence southwesterly following a straight line to Laurel, thence southwest following a straight line to McMinnville, thence south following the west side of U. S. Highway 99 West to a point due west of Wheatland, thence due east following a straight line to Wheatland, thence northeast to Fairfield, thence continuing east to Aral Corners, thence north to Champoeg Creek, thence continuing in a northerly direction and following the meanderings of Champoeg Creek to the Willamette River, thence continuing in a northeasterly direction following the meanderings of the Willamette River to Wilsonville, the point of beginning.

District No. 11 (Millsboro, Forest Grove, etc.). Beginning at the southwest corner of Multnomah County, thence in a southwesterly direction following a straight line to Laurel, thence southwesterly following a straight line to McMinnville, thence west following a straight line to the western boundary of Yamhill County. Close any short gap by a straight line and follow County line to the point of beginning.

District No. 12 (Portland, Hermiston, etc.). Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River and Multnomah Counties, and that portion of Clackamas County described as follows: Beginning at Sellwood, Oregon, thence south following the meanderings of the Willamette River to Oregon City, thence south following the Oregon City-Molalla Highway to Lewis Station due east of Canby thence due east along a straight line to the Cascade Mountains, thence north along the eastern boundary of Clackamas County to the northern boundary of Clackamas County, thence due west to place of beginning and all other Counties or portion of Counties of Oregon not delineated in other districts.

Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district two members of the Advisory Committee, one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district one member of the Advisory Committee.

§ 986.46 *Changes in districts.* The number of districts or the area covered by each in any State or States may be changed by the Secretary in an equitable manner giving consideration to quantity of hops produced, number of growers, geographical characteristics or other factors and upon recommendation of the Control Board or of the Advisory Committee for such State or States.

§ 986.47 *Alternates.* Each member of an Advisory Committee may designate, in writing, addressed to the managing agent, an alternate having the same membership qualifications as are applicable to the member. Such alternate may act at any meeting of the Advisory Committee at which the member is not present.

§ 986.48 *Vacancies.* A vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a person of the membership qualifications of the former member, selected by majority vote of the remaining members of that committee.

§ 986.49 *Expenses.* The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

§ 986.50 *Functions*—(a) *Nomination of successor Control Board members.* Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(b) *Officers and other functions.* Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings after notice to its members, upon the call of four members, or upon the call of its chairman, or the Control Board, or the Managing Agent. Each Advisory Committee shall serve the Control Board in an advisory capacity concerning the administration hereof in the State or States for which such committee is established, and in general shall perform such ministerial functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

CONTROL OF QUALITY

§ 986.60 *Minimum standards of quality and grading and inspection requirements*—(a) *Establishment.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of the Control Board's recommendations, prescribe minimum standards of quality for hops with respect to their leaf and stem content or other factors of quality and maturity for which grading and inspection procedure has been developed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, and is in general use; and shall prescribe grading and inspection requirements therefor. The term "leaves and stems," as used in this subpart, shall include all leaves and stems of the hop plant, except the stems (petioles) which bear the individual cones, and all extraneous matter. Hop seeds which are naturally within the hops under inspection shall not be considered as extraneous matter. To aid the Secretary in prescribing minimum standards and requirements, the Control Board shall furnish to the Secretary the information upon which it acted in recommending such standards and requirements, and shall furnish such other available data pertaining thereto as the Secretary shall request.

(b) *Initial standards and requirements.* Until such time as other standards and requirements for leaf and stem content are prescribed under this section, no hops shall be deemed merchantable or entitled to certification which contain over fifteen percent, by weight, of leaves and stems as defined in this section and as determined by the Federal-State inspection service.[1]

(c) *Operation irrespective of price.* The provisions of this section relating to minimum standards of quality and maturity, and to grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for hops is in excess of the parity level specified in section 2 (1) of the act.

§ 986.61 *Inspection and certification.* Each grower shall be entitled, upon application to the Control Board or its representative, and subject to the meeting by him of any applicable provisions of § 986.60 and §§ 986.70 through 986.81, to the certification of hops harvested after the effective date of this subpart: *Provided*, That such hops have been inspected by the Federal-State Inspection Service within the States of Oregon, California, Washington, or Idaho, and their official certificate presented by such grower showing such hops to meet said standards and requirements. No person shall handle any hops harvested after the effective date of this subpart unless such hops have been so certificated by the Control Board.

§ 986.62 *Regulations.* Such certification as to minimum quality shall be based on information on a Federal-State Inspection Certificate and shall include substantially the following wording: "Hops covered by this certificate are of the ---------- crop and are covered (year) by Federal-State Inspection Certificate No. -------- as meeting minimum standards of quality prescribed pursuant to applicable Federal-Marketing Agreement and Order." Such certification shall be executed by authorized representatives of the Control Board, the grower and the handler. The bale or other container shall also be marked or tagged to furnish proper identification as to producer and lot. Such marking or tagging shall comply with the requirements for marking included in § 986.79. This method of marking may be changed by the Control Board, subject to the approval of the Secretary.

[1] In a supplemental order (16 F. R. 6713) issued by the Secretary of Agriculture on July 6, 1951, and made effective August 1, 1951, such maximum leaf and stem content was fixed at 10 percent.

CONTROL OF SURPLUS

§ 986.70 *Application.* The provisions of §§ 986.70 through 986.81 shall apply only during marketing seasons in which the estimated season average price of hops to growers is at or below the parity level specified in section 2 (1) of the act.

§ 986.71 *Determination of salable quantity*—(a) *Total carryover.* As early in the respective year as it shall find it to be feasible, but not later than August 1, the Control Board shall ascertain or estimate the total carryover, within the United States, of hops and hop products, expressed in terms of dry hops, produced in or outside the area covered hereby prior to that year and which, if produced within such area, are eligible for handling pursuant to the terms of this section.

(b) *Consumptive demand.* At the same time, the Control Board shall estimate the total consumptive demand for hops produced during the respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity estimated to be used in the form of hop products.

(c) *Recommendation by Control Board.* Immediately thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (net dry weight), produced during that respective year which should, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(d) *Determination by Secretary of salable quantity.* On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to this section, and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which may be handled in the form of hops and in the form of any hop product. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the salable quantity of that respective year's crop of hops.

§ 986.72 *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for the crop of any year in which the continued withholding of surplus would result in a season average price to growers in excess of the parity level specified in section 2 (1) of the act, or upon due consideration of either the needs of brewers or a recommendation of the Control Board that the salable quantity be increased. The Secretary may not decrease said salable quantity.

§ 986.73 *Conversion ratios.* In computing the hops equivalent of hop products, and unless changed as provided in this section, one pound of lupulin shall be considered equivalent to 20 pounds of dry hops and one pound of hop oil to 400 pounds of dry hops. In the case of hop extracts or concentrates for which conversion ratios are not established in this section, the Control Board, or its authorized representative may temporarily establish such conversion ratios for a period not exceeding 90 days. Conversion factors referred to in this section may be changed by regulation of the Control Board, subject to approval of the Secretary.

§ 986.74 *Determination of total production*—(a) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight) produced by growers during that year which meet the requirements of § 986.60. Such determination shall include, for each grower, his harvested, unharvested, and total production. Such determination shall also include the quantity, if any, of such hops found to have been converted into hop products, except that lupulin sweepings shall be included in the computation only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained, and from which hops have not been picked, and which have not been removed from the wires or poles. Such unharvested hops shall be determined by the Growers Allocation Committee on the basis of the amount of hops (net dry weight) which would have been yielded if such unharvested hops had been picked, dried, and baled or otherwise processed and packaged for market. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions of this section, the Growers Allocation Committee shall determine, or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, as aforesaid, the Growers Allocation Committee shall, by means of addition, compute the harvested, unharvested, and total production by all growers.

(b) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will be produced by all growers from that year's crop. Said preliminary estimate shall be based upon the then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

(c) *Determinations for and protests by members of committee.* The determinations pursuant to paragraph (a) of this section for each member or alternate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representatives shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(d) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to paragraph (a) of this section of the respective grower's production for the respective year, and also, the computation of the total quantity determined, pursuant to paragraphs (a) and (b) of this section, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(e) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to § 986.74 (a) or § 986.75, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(f) *Determination by Secretary.* Upon expiration of the time for protest specified in paragraph (e) of this section, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to paragraph (a) of this section, together with the data on which the same were based. On the basis of such findings, determinations, computations, data and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the harvested, unharvested, and total quantity of hops (net dry weight) meeting the requirements of § 986.60 which were produced by each grower during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be

included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maurity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is referred to in this subpart as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

§ 986.75 *Computation of growers' allotments*—(a) *Salable percentage.* (1) The "salable percentage" of the aggregate production, determined pursuant to § 986.74, shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.71, by the aforesaid aggregate production, and multiplying the quotient by 100. After computing such salable percentage on this basis, it shall be adjusted to the nearest tenth of a percent. Each grower's maximum allotment of the salable quantity of that year's crop shall be that same salable percentage applied to his production as determined pursuant to § 986.74, except that if any such grower fails to harvest a quantity from that crop equal to such maximum salable allotment so computed for him, his salable allotment shall be the quantity which he actually harvested: *Provided*, That, if prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the harvested quantity exceeds the salable quantity, but, nevertheless, the aforementioned salable percentage will not result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be established by the Secretary at an amount necessary to result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop: *And provided also*, That, if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the aggregate quantity of hops harvested from that year's crop, and meeting the minimum standards of quality prescribed in this subpart, will be less than the salable quantity fixed for such year's crop, such salable percentage shall, with the approval of the Secretary, be increased to 100 for that year's crop: *And provided further*, That, in lieu of the aforementioned method of computing growers' maximum allotments, the Secretary may make effective, at the beginning of any marketing season, the following procedure pursuant to a recommendation of the Control Board to that effect (such recommendation of the Board to be pursuant to and in accordance with a prior recommendation to it by the Growers Allocation Committee): Each grower's allotment of the maximum salable quantity of that year's crop shall be computed by first subtracting from said grower's poundage of credited production, the leaf and stem content thereof and applying the salable percentage to the remainder, then dividing the resulting quantity by the average percentage of clean hops (hops exclusive of leaf and stem content) in the aggregate production of hops for the preceding marketing season. The quotient will be the grower's maximum allotment of the salable quantity, in pounds of hops as prepared for market by him. The Board shall include in any recommendation pursuant to this proviso full information and data on which such recommendation is based. Said recommendation shall specify in regard to the "percentage of clean hops" to be used in the computation, whether such percentage shall be computed and applied for the production area as a whole or separately by States, and the Secretary if he approves the Board's recommendation shall state in his approval which procedure in regard thereto, shall be followed: *And provided further*, That, if this substitute method of computing growers' allotments is made effective, the Board may recommend (following a recommendation to it by the Growers Allocation Committee) to the Secretary the readoption of the original method at the beginning of any subsequent marketing season, supplying full information and data upon which such recommendation is based, and the Secretary may make such original method again effective.

(2) In any year in which the salable percentage, determined pursuant to this section, exceeds 98 percent, each grower's allotment shall be the total quantity harvested by such grower, determined pursuant to § 986.74. Each allotment determined under this subpart shall be expressed in pounds, net dry weight of hops, and shall be known as the respective grower's "maximum salable allotment" of that respective year's crop.

§ 986.76 *Preliminary and supplementary allotments*—(a) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 50 percent of that grower's estimated salable allotment for that year's crop. Said estimate shall be based upon physical examination of the hop yard, or yards, upon the historical production thereof, upon official crop estimates, and upon such other relevant data as are available.

(b) *Supplementary, 80 percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportions of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(c) *Supplementary, 90 percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for in § 986.60 by all harvested hops of such grower for that year.

(d) *Eligibility for certification.* After issuance to a grower of such preliminary or supplemental allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and handling as though the final allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(e) *Notice to growers.* The Growers Allocation Committee shall mail to each grower who has requested a preliminary or supplementary allotment (either or both) notice thereof, and to each grower notice of his final salable allotment computed by that Committee as provided in this subpart. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at each of its offices, where the same shall be available during all reasonable hours for inspection by any interested person.

§ 986.77 *Joint allotment*—(a) *Joint ownership.* In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Growers Allocation Committee, then a single salable allotment shall cover such joint production. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Growers Allocation Committee, or its authorized representative, upon written application signed by all of said interested growers shall segregate and distribute said salable allotment among said growers in accordance with their respective segregated interests in the crop.

(b) *Associations.* Upon application of any bona fide incorporated cooperative association of growers which is authorized to market hops or hop products included within the salable allotments of those of its members who have authorized the association to sell and pool their hops for them, the individual salable allotments of such members shall be pooled and hops produced by those members during that season, and hop products derived from such hops, may be certificated and handled by that association without regard to the limits of the individual allotments of the members: *Provided*, That, (1) any such application is made in writing by the association to the Growers Allocation Committee prior to determination of the salable allotments to which it is to apply, (2) such application is signed by the duly authorized officers of the association, (3) such application is accompanied by satisfactory evidence that the submission of it has been approved by the membership of the association, by official action at a meeting or otherwise during the particular calendar year, and (4) such application is also accompanied by satisfactory evidence that each of the individual members who will be affected by the pooling arrangement has authorized the association to handle his hops under such a pooling arrangement.

§ 986.78 *Revision of allotments*—(a) *Revisions and new allotments.* In the event that at the normal time, no determination, pursuant to § 986.74, has been made as to a particular grower entitled thereto pursuant to the provisions of this subpart, or a previous determination as to a particular grower is substantially in error, the Growers Allocation Committee shall make the determination or correct the erroneous determination, or shall cause such determination or correction to be made. The same requirements of determination and approval by the Secretary, notice to the grower and rights of protest and appeal, shall be effective with respect to such determination, as in the case of a timely or original determination.

(b) *Correction of clerical errors.* In the event that the Growers Allocation Committee or the Managing Agent shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Managing Agent shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

§ 986.79 *Certification*—(a) *Hops harvested during effective period of order.* Each grower for whom a salable quantity is determined may, upon application to the Control Board or its representative and subject to the limitations of §§ 986.60 through 986.62, have the eligible quantity of hops or hop products certificated for handling. Such certification shall consist of the indelible marking of each bale or other container of such hops or hop products by an authorized representative of the Control Board and the issuance and delivery of a "handling certificate." Such marking shall be placed on the bale cover or other container or on a tag securely attached to such other container, and shall show the year of production, the handling certificate number, and the words "Certificated, Hop Control Board." This method of marking may be changed by the Control Board, subject to the approval of the Secretary. Such handling certificate shall certify that pursuant to the provisions of this section a specified quantity of hops or hop products has been duly certificated, for the grower and handler named in said certificate, as being eligible for handling pursuant to the terms of this subpart, and shall be executed by authorized representatives of the Control Board, the grower, and the handler. Such certification may exceed any grower's salable quantity by not over 100 pounds, provided such excess quantity is included entirely within the weight of the last bale or container certificated for said quantity.

(b) *Hops harvested prior to effective date of this subpart.* Any person who owns or is in the possession of hops harvested or hop products from hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, is entitled upon application, within 30 days after such date, to the Control Board or its representatives, to have such hops or hop products certificated free of charge without regard to any salable quantity, or minimum standard of quality. The Control Board may extend such time for good cause.

§ 986.80 *Limitation of handling to certificated hops or hop products.* No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops harvested or hop products from hops harvested subsequent to 12:01 a. m., P. s. t., July 2, 1949, unless: (a) Prior to such handling, the Control Board shall have issued a "handling certificate" pursuant to § 986.79 applicable to such hops or hop products; and (b) each bale or other container of said hops or hop products shall have been duly marked or tagged as prescribed in this subpart, for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated. However, hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, and hop products produced from such hops may be certificated for handling without regard to the salable allotment or the quality restriction

§ 986.81 *Diversion privilege.* In the event harvested hops in the control of the respective grower thereof, are destroyed or are so damaged or so deteriorated as, in the judgment of the grower to be unmarketable, or, if, because of quality or type, such hops are unsatisfactory to the grower, such grower may replace such hops (if the lupulin has not been removed therefrom) within the limits of his salable allotment for that year's crop, by acquiring uncertificated harvested hops of that year's crop from the growers thereof: *Provided*, That such purchasing grower shall first submit a written statement to the Growers Allocation Committee, setting forth the year of production, the location, and the quantity of hops he desires so to replace, (and, if the hops to be replaced have been destroyed, the time, place, and cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, or its authorized representatives), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee, or its authorized representatives, whereby the unmarketable, or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further*, That, any hops so diverted shall not be diverted or disposed of as hop products as defined in § 986.5. The selling grower shall not be regarded as handling such hops within the meaning of this subpart, nor shall the hops sold be considered a part of such selling grower's salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers who report to the Growers Allocation Committee that they have uncertificated hops for sale pursuant to this section; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this section. The Growers Allocation Committee shall make such lists available to any grower or handler of hops at each office of the Control Board.

§ 986.82 *Supervision of disposition of uncertificated hops.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession or control shall first arrange with the Growers Allocation Committee, or its authorized representatives, for supervision of such disposition. The Growers Allocation Committee, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the Committee, or its authorized representatives. The requirements set forth in this section shall apply to all such dispositions of uncertificated hops and hop products except (a) cases where such dispositions are accidental or are due to causes beyond the control of the particular growers, or (b) cases where such dispositions are made pursuant to the provisions of § 986.81.

EXPENSES AND ASSESSMENTS

§ 986.90 *Expenses.* The Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing season for the maintenance and functioning by it and for such purposes as the Secretary may, pursuant to the provisions of this subpart determine to be appropriate. Such expenses shall be paid from the funds acquired pursuant to § 986.91. The recommendation of the Control Board as to its expenses for each such marketing season, or a portion thereof, together with all data supporting such recommendation, shall be submitted to the Secretary on or before September 15 of the marketing season for which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 986.91.

§ 986.91 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided in paragraph (b) of this section with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (1) such hops or hop products as are duly certificated pursuant to § 986.79 and (2) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided, however,* That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops produced by that grower, or hops acquired pursuant to § 986.81 or hop products produced from such hops, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph may be concerned. The person who handles such hops or hop products next following such handling by said grower shall be considered the first handler thereof within the provisions of this section. Said assessment shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

(b) *Rate of assessment.* The aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73.

§ 986.92 *Refunds.* Any money collected as assessments during any marketing season and not expended in connection with that season's operations, may be used by the Control Board during a period of five months subsequent to such marketing season in paying the expenses of the Control Board incurred in connection with the new marketing season. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing season, credit or upon request make available, within six months after the beginning of the new marketing season, the aforesaid excess carried into the new season, to each handler from whom an assessment was collected in the preceding marketing season, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said preceding marketing season.

COMPLIANCE WITH PROVISIONS

§ 986.95 *Compliance.* Each handler shall comply strictly with all provisions of this subpart and all regulations duly effective under this subpart. No handler shall handle any hops or any hop product in violation of any of the provisions of this subpart or in violation of any regulation effective pursuant to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 986.101 *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep books and other records which will clearly show the details of its handling of hops and hop products.

§ 986.102 *Reports by handlers.* To enable the Control Board, the Growers Allocation Committee, and each Advisory Committee to perform its functions under this subpart, each handler shall furnish to the Managing Agent, (a) on June 1, or as of that date and within 15 days thereafter or on any other date or dates which the Control Board may specify, complete information as requested by the Control Board relating to the total quantity of hops and hop products owned by the respective handler; and (b) on or before December 1, or on any other date or dates which the Control Board may specify, complete information relating to (1) the volume of hops and hop products handled during the next preceding marketing season; (2) the names and addresses of the growers and other persons from whom such hops or hop products were acquired; and (3) the quantity of hops grown by that handler during such period. Such information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided,* That the Managing Agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The Managing Agent shall not disclose any information acquired under this section, except as expressly authorized in this section.

§ 986.103 *Reports by growers.* Each grower shall report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned or controlled by him as of the preceding June 1, and each grower shall also furnish to the Growers Allocation Committee reports containing such information as of such other date or dates as the Growers Allocation Committee may specify.

MISCELLANEOUS PROVISIONS

§ 986.105 *Amendments.* Amendment of this subpart may from time to time be proposed by the Control Board or by the Secretary.

§ 986.106 *Agents.* The Secretary may, by a designation in writing, name any person, including but not being limited to, any officer or employee of the United States Department of Agriculture, or any Division thereof, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.107 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated or suspended in one of the ways specified in this section, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination or suspension.* (1) The Secretary may, at any time, terminate or suspend the provisions of this subpart whenever he finds that the provisions hereof obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

(2) The Secretary shall terminate the provisions of this subpart whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within said States for market: *Provided,* That such majority have, during such period, produced for market more than 50 percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

(3) The provisions of this subpart shall terminate in any event whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* Upon the termination of the provisions of this subpart the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination; but the procedural rules governing the activities of said trustees; including, but not limited to, the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant to this section. Any funds collected for expenses pursuant to §§ 986.90 through 986.92 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this section. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as provided in this section shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 986.108 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination of this subpart, except with respect to acts done under and during the existence of this subpart; and the benefits, privileges, and immunities conferred hereby upon any party signatory hereto shall cease upon the termination of this subpart as to such party except with respect to acts done under and during the existence of this subpart.

§ 986.109 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.110 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.111 *Right of the Secretary.* Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.112 *Liability of Control Board members.* No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, or employee, shall be held liable individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member, employee, representative, except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

§ 986.113 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

[F. R. Doc. 52-7261; Filed, July 1, 1952; 8:52 a. m.]

[7 CFR Part 986]

[Dockt No. AO-196-A-2]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED AMONG PRODUCERS OF HOPS IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINING REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1951, through June 30, 1952 (which is hereby determined to be the representative period for the purpose of this referendum), were engaged, in the States of Oregon, California, Washington, and Idaho, in the growing of hops, for market, to determine whether such producers approve or favor the issuance of an amended order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States; said order, as proposed to be amended, is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1]

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

W. J. Broadhead, Robert H. Eaton, and P. P. Callaway of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: The Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C.; Western Marketing Field Offices, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 515 S. W. Tenth Avenue, Portland 5, Oregon, 335 Fell Street, San Francisco 2, California, Old Post Office Building, 701 K Street, Sacramento 14, California; the office of the Hop Control Board, 475 North Church Street, Salem, Oregon, and its branch offices; and the office of the United States Hop Growers Association, 155 Montgomery Street, San Francisco 4, California.

Ballot forms for use in the referendum will be mailed to all growers on record with the United States Department of Agriculture and who produced hops for market during the representative period, and such forms may also be obtained from the offices in the production area listed in the preceding paragraph.

Done at Washington, D. C., this 27th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7260; Filed, July 1, 1952; 8:51 a. m.]

[1] See F. R. Doc. 52-7261, *supra.*

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. No. 764600]

WYOMING

PARTIAL REVOCATION OF ORDERS OPENING PUBLIC LANDS TO ENTRY UNDER THE FOREST HOMESTEAD ACT

JUNE 26, 1952.

Pursuant to the request of the Department of Agriculture and in accordance with Departmental Order No. 2583 sec. 2.22 (a) of August 16, 1950 (15 F. R. 5643), it is ordered as follows:

Subject to any intervening adverse claims, the departmental orders of May 14, 1908, March 3, 1909, and April 21, 1909, opening certain public lands to entry under the act of June 11, 1906, as amended (34 Stat. 233; 16 U. S. C. 506–509) are hereby revoked so far as they affect the following-described lands in Wyoming:

SIXTH PRINCIPAL MERIDIAN

T. 45 N., R. 113 W.,
List No. 1073—
Sec. 26, lot 3;
Sec. 27, lot 4.
List No. 4–17—
Sec. 31, lots 1 and 2.
List No. 4–39—
Sec. 32, lot 2.

The areas described aggregate 113.92 acres, within the Teton National Forest.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 52-7192; Filed, July 1, 1952; 8:47 a. m.]

Geological Survey

AMERICAN AND FEATHER RIVERS, CALIFORNIA

POWER SITE CLASSIFICATION NO. 425

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 C. F. R. 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites in so far as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (16 U. S. C. 818):

MOUNT DIABLO MERIDIAN

T. 19 N., R. 5 E.,
Sec. 6, lot 1.
Sec. 10, NE¼NE¼.
T. 20 N., R. 5 E.,
Sec. 20, NE¼NE¼;
Sec. 35, S½NE¼, S½NW¼, and N½NE¼SE¼.
T. 21 N., R. 5 E.,
Sec. 4, lots 1, and 2, SE¼NE¼;
Sec. 6, lots 4, and 8, E½SE¼NW¼;
Sec. 10, NE¼SW¼;
Sec. 12, N½NW¼, and SW¼NW¼;
Sec. 16, lots 2, and 6;
Sec. 18, lots 2, 15, and 16;
Sec. 20, N½NE¼, SE¼NE¼, and N½NW¼.
T. 22 N., R. 5 E.,
Sec. 5, SW¼SW¼;
Sec. 8, W½NW¼;
Sec. 19, lots 1, 2, 3, and 4, NW¼NE¼, and NE¼NW¼;
Sec. 29, S½SE¼;
Sec. 32, N½NE¼, SW¼NE¼ (except mine), SW¼NW¼, and N½SE¼NW¼.
T. 19 N., R. 6 E.,
Sec. 5, lot 1, N½SW¼;
Sec. 7, lots 1, 2, and 3, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 15, lot 1, NE¼NW¼.
T. 18 N., R. 7 E.,
Sec. 12, SW¼SW¼.
T. 18 N., R. 8 E.,
Sec. 3, SW¼;
Sec. 4, SW¼NW¼;
Sec. 5, SW¼, W½SE¼, and SE¼SE¼;
Sec. 6, lots 1, 2, 3, 4, 5, and 6, S½NE¼, SE¼NW¼, W½E½SW¼, NE¼SE¼, and E½NW¼SE¼;
Sec. 8, lot 1, N½NE¼, SW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼, and NW¼SE¼;
Sec. 9, N½NE¼, SE¼SW¼, and W½SE¼;
Sec. 16, NW¼NW¼;
Sec. 17, SE¼NE¼, NE¼SW¼, and NW¼SE¼;
Sec. 19, lot 1, N½NE¼, and NE¼NW¼.
T. 20 N., R. 8 E.,
Sec. 4, SW¼SW¼.
T. 24 N., R. 8 E.,
Sec. 12, SW¼NE¼, SE¼NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 13, SE¼NE¼, N½NW¼, NE¼SE¼, and S½SE¼;
Sec. 24, N½NE¼.
T. 15 N., R. 9 E.,
Sec. 2, lot 22;
Sec. 14, lots 3, 4, 5, 10, and 13; lot No. 49.
T. 22 N., R. 9 E.,
Sec. 31, lot 3, NE¼SW¼;
Sec. 34, NW¼SW¼.
T. 24 N., R. 9 E.,
Sec. 7, lot 6, SE¼SW¼, and SW¼SE¼;
Sec. 8, N½SE¼SW¼, and S½SE¼;
Sec. 12, W½NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 17, N½NE¼NE¼, N½S½NE¼NE¼, W½NE¼, S½S½SE¼NE¼, S½S½NE¼NW¼, and S½NW¼;
Sec. 18, lots 1, 2, 3, and 4, W½NE¼, S½N½SE¼NE¼, S½SE¼NE¼, NE¼NW¼, E½SE¼NW¼, E½W½SE¼NW¼, NE¼SW¼, NW¼SE¼, E½NE¼SE¼, E½W½NE¼SE¼, and SW¼SW¼NE¼SE¼.
T. 26 N., R. 9 E.,
Sec. 11, N½NE¼;
Sec. 13, NE¼SE¼;
Sec. 27, NW¼NE¼, and NE¼NW¼;
Sec. 34, NE¼NE¼SE¼, S½NE¼SE¼, NE¼SW½SE¼, and S½SW¼SE¼;
Sec. 35, NE¼NW¼, SE¼NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, and NW¼NW¼SW¼.
T. 27 N., R. 9 E.,
Sec. 34, W½NE¼, SE¼NW¼, and W½SE¼.
T. 8 N., R. 10 E.,
Sec. 2, lot 7;
Sec. 12, SE¼NE¼;
lot No. 39 (unpatented portion).
T. 9 N., R. 10 E.,
Sec. 12, lot 17, and unpatented portion of SE¼SW¼;
Sec. 13, lots 7, unpatented portion, 10, and 12;
Sec. 14, lot 5;
Sec. 24, SW¼NW¼;
Mineral surveys Nos. 3650A, and 3650B.
T. 23 N., R. 10 E.,
Sec. 27, NW¼NE¼, and NE¼NW¼.
T. 24 N., R. 10 E.,
Sec. 5, lot 4, SW¼NW¼, and W½SW¼;
Sec. 6, lots 1, 3, and 4, SE¼NE¼, and N½SE¼;
Sec. 8, SW¼NE¼, NE¼NW¼, and E½SE¼;
Sec. 9, W½SW¼, and SE¼SW¼;
Sec. 15, W½SW¼, and SE¼SW¼;
Sec. 16, W½NE¼, SE¼NE¼, W½, and SE¼;
Sec. 17, SE¼NE¼, N½NW¼, SW¼NW¼, and NE¼SE¼;
Sec. 18, lot 4;
Sec. 19, lots 1, and 2, E½NW¼, and S½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, NE¼NW¼, and S½;
Sec. 23, NE¼SW¼, N½NW¼SW¼, W½SW¼NW¼SW¼, SE¼SW¼NW¼SW¼, NE¼SE¼NW¼SW¼, SW¼NE¼SW¼SW¼, W½SW¼SW¼, SE¼SW¼SW¼SW¼, E½SE¼SW¼, NE¼NW¼SE¼SW¼, and SW¼SW¼SE¼SW¼;
Sec. 26, N½NW¼.
T. 25 N., R. 10 E.,
Sec. 1, lots 3, and 4, E½SW¼;
Sec. 2, lots 1, and 2, SE¼SE¼;
Sec. 11, NE¼NE¼;
Sec. 12, N½NE¼, N½SW¼, NW¼SE¼, and S½SE¼;
Sec. 31, lots 2, 3, and 4, S½NE¼, SE¼NW¼, W½SW¼, and SE¼;
Sec. 32, SW¼NW¼, and W½SW¼.
T. 26 N., R. 10 E.,
Sec. 2, lots 2, and 3;
Sec. 4, N½, lot 3;
Sec. 7, SW¼SE¼;
Sec. 11, E½SW¼;
Sec. 13, SW¼SE¼;
Sec. 15, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
Sec. 18, NW¼NE¼;
Sec. 24, SW¼NE¼, and E½NW¼;
Sec. 26, NE¼SW¼;
Sec. 29, SE¼SW¼, (except patented claim);
Sec. 35, SW¼NE¼, SW¼SW¼, N½SE¼, and SE¼SE¼.
T. 27 N., R. 10 E.,
Sec. 31, S½SE¼;
Sec. 32, W½, SW¼, and NE¼SE¼;
Sec. 33, SW¼SW¼;
Sec. 35, W½SE¼.
T. 23 N., R. 11 E.,
Sec. 8, NE¼SW¼, and NW¼SE¼.
T. 25 N., R. 11 E.,
Sec. 7, lot 5.
T. 17 N., R. 13 E.,
Sec. 20, SW¼SE¼;
Sec. 30, NE¼SW¼, and NW¼SE¼;
Sec. 32, NW¼NE¼, and NE¼NW¼.
T. 19 N., R. 13 E.,
Sec. 28, SW¼NW¼, and NW¼SW¼;
Sec. 32, NW¼SE¼.
T. 22 N., R. 13 E.,
Sec. 18, lot 4;
Sec. 19, SE¼NW¼;
Sec. 20, NW¼NW¼;
Sec. 30, lot 5;
Sec. 32, SE¼NW¼.
T. 23 N., R. 13 E.,
Sec. 1, SW¼NW¼, and SW¼.
T. 24 N., R. 13 E.,
Sec. 19, E½SE¼;
Sec. 22, SE¼NW¼, and SE¼SE¼;
Sec. 26, NW¼NW¼, and SE¼NW¼;
Sec. 27, NW¼NW¼;
Sec. 30, NW¼SE¼;
Sec. 33, NW¼SE¼;
Sec. 35, SE¼SE¼.
T. 11 N., R. 14 E.,
Sec. 2, N½SE¼.
T. 12 N., R. 14 E.,
Sec. 13, SW¼NW¼;
Sec. 15, NW¼SW¼;
Sec. 19, SE¼NW¼, and E½SW¼.

T. 13 N., R. 14 E.,
Sec. 1, lot 4;
Sec. 2, lots 1, 2, and 3, SE¼NW¼.
T. 14 N., R. 14 E.,
Sec. 34, E½NE¼, and SE¼;
Sec. 36, SW¼SE¼.
T. 15 N., R. 14 E.,
Sec. 15, W½NE¼, NE¼NW¼, S½NW¼, and SW¼;
Sec. 16, NE¼SE¼, and S½SE¼;
Sec. 21, SE¼NW¼, and SW¼SW¼;
Sec. 27, W½NW¼;
Sec. 29, NE¼NE¼, and S½NW¼;
Sec. 31, lots 2, and 4, N½NE¼, and S½SE¼;
Sec. 32, N½SE¼;
Sec. 33, NW¼NE¼, N½NW¼, and SW¼NW¼.
T. 13 N., R. 15 E.,
Sec. 6, E½SE¼;
Sec. 7, E½SE¼;
Sec. 8, SE¼SE¼;
Sec. 9, NW¼SW¼.
T. 14 N., R. 15 E.,
Sec. 8, W½SE¼.
T. 13 N., R. 16 E.,
Sec. 7, SW¼NE¼;
Sec. 9, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 16, NW¼NE¼, and NE¼NW¼.

The area described aggregates 16,254 acres.

THOMAS B. NOLAN,
Acting Director.

JUNE 24, 1952.

[F. R. Doc. 52-7191; Filed, July 1, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATIONS

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Michigan, in alphabetical order, add the following counties:

Alcona.	Jackson.
Alpena.	Leelanau.
Benzie.	Lenawee.
Branch.	Macomb.
Eaton.	Oakland.
Hillsdale.	St. Joseph.
Ingham.	Sanilac.
Iosco.	

In Schedule B, under Michigan, delete the following counties:

Alcona.	Jackson.
Alpena.	Leelanau.
Benzie.	Lenawee.
Branch.	Macomb.
Eaton.	Oakland.
Hillsdale.	St. Joseph.
Ingham.	Sanilac.
Iosco.	

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 30th day of June 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-7284; Filed, June 30, 1952; 3:22 p. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ATTESTATION OF NAME OF COMMISSIONER OF PATENTS

DELEGATION OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

Acting under the provisions of Reorganization Plan No. 5 of 1950, the function of attesting to the name of the Commissioner of Patents on patent grants (35 U. S. C. 39) and on certificates of registration of trade-marks (15 U. S. C. 1057) is delegated to the following officers of the Patent Office: the assistant commissioners of patents, the solicitor and law examiners, the executive officer, the head of the General Services Division, and the head and assistant head of the Issue and Gazette Branch, as may be designated by the Commissioner of Patents.

(R. S. 161; 5 U. S. C. 22. Reorg. Plan No. 5 of 1950, 15 F. R. 3174)

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-7207; Filed, July 1, 1952; 8:50 a. m.]

Patent Office

POLICY ON FEES FOR ITEMS AND SERVICES FURNISHED TO OTHER AGENCIES OF THE FEDERAL GOVERNMENT

The purpose of this order is to prescribe the policy governing the applicability of fees for items and services furnished by the Patent Office to other Agencies of the Federal Government.

Rule 21 of the Rules of Practice in Patent Cases and Rule 2.1 of the Rules of Practice in Trade-Mark Cases (37 CFR 1.21, 100.21) establish fees applicable to items and services furnished by the Patent Office. Certain of these fees are fixed by statute; others are determined administratively.

The act of March 3, 1883 (35 U. S. C. 45) authorized the Commissioner of Patents to grant, subject to existing law and without the payment of any fee, to personnel of the Federal Government a patent for any invention which is used or liable to be used in the public interest, and which is so certified by the Head of the Agency through which the application for patent is filed.

The fees prescribed under Rule 21 of the Rules of Practice in Patent Cases and Rule 2.1 of the Rules of Practice in Trade-Mark Cases for the furnishing of items or services by the Patent Office are hereby made applicable to all Agencies of the Federal Government except the fees for the prosecution of patent applications referred to in 35 U. S. C. 45, or fees otherwise specifically exempt by statute.

The Executive Officer, upon recommendation of the Finance Officer, is authorized to waive any fees for items or services when (1) the cost of billing and other expenses incident to payment will approximate or exceed the cost of the items or services, or (2) for other reasons it is considered in the public interest to waive such fees.

This order shall be effective June 1, 1952.

[SEAL] JOHN A. MARZALL,
Commissioner of Patents.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-7206; Filed, July 1, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Bridgeport Rehabilitation Center, 326 Hollister Avenue, Bridgeport 7, Connecticut; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 20 cents per hour thereafter, whichever is higher. Certificate is effective June 1, 1952, and expires June 30, 1953.

New Hampshire Society for Crippled Children and Handicapped Persons, 82 Elm Street, Manchester, New Hampshire; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for an evaluation period of 40 hours and a training period of 40 hours, and 15 cents per hour thereafter for the lily making project, whichever is higher. Certificate is effective June 1, 1952, and expires May 31, 1953.

Buffalo Association for the Blind, 864 Delaware Avenue, Buffalo, New York; at a wage rate of not less than the piece rate paid non-handicapped employees

engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 30 cents per hour for the training center and not less than 50 cents for the entire shop except the training center, whichever is higher. Certificate is effective May 27, 1952, and expires November 30, 1952.

Saranac Lake Study and Craft Guild, 5 Franklin Avenue, Saranac Lake, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour, whichever is higher. Certificate is effective June 1, 1952, and expires May 31, 1953.

Atlanta Community Shop, 59 Ormond Street SE., Atlanta, Georgia; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective June 10, 1952 and expires April 30, 1953.

The Volunteers of America, 121 East Water Street, Sandusky, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour, whichever is higher. Certificate is effective June 2, 1952, and expires May 31, 1953.

Detroit League for the Handicapped, Inc., 535 West Jefferson, Detroit 26, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for an evaluation period of 160 hours, and 10 cents per hour thereafter, whichever is higher. Certificate is effective June 12, 1952, and expires May 31, 1953.

Springfield Goodwill Industries, Incorporated, 812–814 East Washington Street, Springfield, Illinois; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 35 cents per hour for an evaluation period of 80 hours, and 40 cents per hour thereafter, whichever is higher. Certificate is effective June 1, 1952, and expires May 31, 1953.

Duluth Lighthouse for the Blind, 312 West Superior Street, Duluth, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 30 cents per hour for the entire shop; Rug Weaving Department, 30 cents per hour for an evaluation period of 160 hours and a training period of 80 hours and 35 cents thereafter; Caning Department, 40 cents per hour for an evaluation period of 160 hours and a training period of 80 hours and 45 cents thereafter; Sewing Department, 40 cents per hour for an evaluation period of 160 hours and a training period of 48 cents thereafter. Certificate is effective May 1, 1952, and expires on April 30, 1953.

Calumet Goodwill Industries, 34 State Street, Hammond, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour for an evaluation period of 80 hours, and 45 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Jewish Vocational Service, 407 East Michigan Street, Milwaukee, Wisconsin; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour for an evaluation period of 160 hours, and 20 cents thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires May 30, 1953.

The Volunteers of America, 320 North Illinois Street, Indianapolis, Indiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 35 cents per hour, whichever is higher; certificate is effective July 1, 1952, and expires June 30, 1953.

Travis County Association for the Blind, 2101 Fredericksburg Road, Austin, Texas; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 30 cents per hour thereafter, whichever is higher; certificate is effective June 1, 1952, and expires May 31, 1953.

Volunteers of America, 2300 East Fourteenth Street, Oakland 1, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period of 160 hours and 65 cents per hour thereafter, whichever is higher. Certificate is effective May 26, 1952, and expires January 24, 1953.

Oakland Center—California Industries for the Blind, 3601 Telegraph Avenue, Oakland 9, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for an evaluation period of 160 hours, and 65 cents per hour thereafter, whichever is higher. Certificate is effective May 22, 1952, and expires January 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 20th day of June 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations

[F. R. Doc. 52-7195; Filed, July 1, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGION V AND REGION VIII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 25, 1952.

REGION V

Jacksonville Order G1–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G2–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G3–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:22 p. m.

Jacksonville Order G3A–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:22 p. m.

Jacksonville Order G4–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:23 p. m.

Jacksonville Order G4A–11, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:23 p. m.

REGION VIII

Fargo Order G1–11, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 2:19 p. m.

Fargo Order G2–11, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 2:20 p. m.

Fargo Order G4–11, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 2:20 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7244; Filed, June 27, 1952; 2:42 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 753]

GENERAL ELECTRIC CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 753 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the General Electric Company, Electronics Department, Electronics Park, Syracuse, New York, having the brand name "General (GE) Electric."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the General Electric Company. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the General Electric Company was granted a special order under section 43, namely, "General (GE) Electric" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the General Electric Company to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 753 establishes retail ceiling prices for sales of the General Electric Company's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 753 issued to General Electric Company, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "General (GE) Electric," is hereby revoked. In all other respects Special Order 753 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, General Electric Company must send a copy of this order to all purchasers for resale of "General (GE) Electric" branded television receivers to whom it has given notice of Special Order 753. Twenty days after the effective date of this order each such purchaser for resale, before selling any "General (GE) Electric" branded television receivers, must (a) remove all tags which were affixed to "General (GE) Electric" branded television receivers in accordance with Special Order 753; and (b) determine ceiling prices for "General (GE) Electric" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7156; Filed, June 26, 1952; 11:46 a. m.]

[Delegation of Authority 53, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (E) AND 16 (C) CPR 98, AS AMENDED

By virtue of the authority vested in the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority 53 is hereby issued.

Delegation of Authority 53 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of Ceiling Price Regulation 98, as amended.* Authority is hereby delegated to the Directors of Regional Offices of the Office of Price Stabilization to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section. The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

3. *Authority under section 16 (c) of Ceiling Price Regulation 98, as amended.* Authority is hereby delegated to the Directors of Regional Offices of the Office of Price Stabilization to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c). The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

Effective date. This amendment shall be effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7318; Filed, June 30, 1952; 4:37 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6247]

CENTRAL MAINE POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE

JUNE 26, 1952.

Notice is hereby given that on June 23, 1952, the Federal Power Commission issued its order entered June 19, 1952 approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7222; Filed, July 1, 1952; 8:58 a. m.]

[Docket Nos. E-6419, E-6420]

POTOMAC LIGHT AND POWER CO. ET AL.

NOTICE OF ORDERS DISMISSING APPLICATIONS

JUNE 26, 1952.

In the matters of Potomac Light and Power Company and Northern Virginia Power Company, Docket No. E-6419; South Penn Power Company and Franklin Transmission Company, Docket No. E-6420.

Notice is hereby given that on June 23, 1952, the Federal Power Commission issued its orders entered June 19, 1952, dismissing applications for want of jurisdiction pursuant to section 318 of the Federal Power Act in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7223; Filed, July 1, 1952; 8:58 a. m.]

[Docket No. E-6433]

CITIZENS UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JUNE 26, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, U. S. C. 824a, Citizens Utilities Company (Applicant) on June 23, 1952, filed with the Federal Power Commission an application, for authorization by the Commission to export energy, over the facilities of the Applicant, from a point of proposed interconnection to serve the office building and residence of National Revenue, Customs and Excise Division, Canadian Gov-

ernment near the international boundary between the United States and Canada, at Lake Memphremagog, Vermont, in quantities approximating 5,000 kilowatt hours annually.

Any person desiring to be heard or to make any protest with reference to the application should, on or before July 16, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7221; Filed, July 1, 1952; 8:58 a. m.]

[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER DENYING PETITION

JUNE 26, 1952.

Notice is hereby given that on June 20, 1952, the Federal Power Commission issued its order entered June 19, 1952, denying petition of Southern Natural Gas Company to amend order (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7224; Filed, July 1, 1952; 8:58 a. m.]

[Docket No. G-1448]

SHENANDOAH GAS CO.

NOTICE OF AMENDED APPLICATION

JUNE 26, 1952.

Take notice that Shenandoah Gas Company (Applicant), a Virginia corporation, address, Lynchburg, Virginia, filed on June 18, 1952, an amended application in this proceeding, amending an application filed on July 26, 1950 for an order pursuant to section 7 (a) of the Natural Gas Act, directing Virginia Gas Transmission Corporation to establish physical connection of its transmission facilities with the proposed facilities of, and to sell natural gas to Applicant; and for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities.

Applicant now proposes to construct and operate approximately 39 miles of 8⅝ inch and 4 miles of 4½ and 3½ inch pipeline instead of approximately 38 miles of 8⅝ inch and 11 miles of 4½ and 3½ inch pipeline as proposed in its original application. In its amended application, Applicant proposes to make retail distribution of natural gas in the City of Winchester, Virginia, and in the communities of Middletown, Stephens City and Clearbrook, Virginia, and in Bunker Hill, and Inwood, West Virginia, as well as to make direct sales to M. J. Grove Lime Company, Shenandoah Brick and Tile Corporation, Standard Lime & Stone Company, and Jones & Laughlin Steel Corporation. Applicant also proposes to supply natural gas to Martinsburg Gas and Heating Company for resale in Martinsburg, West Virginia. In its original application, Applicant proposed to sell natural gas at retail in Front Royal and Winchester, Virginia, and in Martinsburg, West Virginia, as well as Stephens City and Strasburg, in Virginia and Blairton, in West Virginia.

The estimated overall cost of the facilities now proposed is $1,570,000. Financing proposed includes sale of first mortgage bonds and junior securities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of July 1952. The amended application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7220; Filed, July 1, 1952; 8:57 a. m.]

[Docket Nos. G-1630, G-1631, G-1651, G-1718, G-1888, G-1912, G-1934]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

JUNE 26, 1952.

In the matters of El Paso Natural Gas Company, Docket Nos. G-1630, G-1631, G-1912; Pacific Gas and Electric Company, Docket No. G-1651; Southern California Gas Company and Southern Counties Gas Company of California, Docket No. G-1718; Nevada Natural Gas Pipe Line Company, Docket No. G-1888; San Diego Gas and Electric Company, Docket No. G-1934.

Notice is hereby given that on June 23, 1952, the Federal Power Commission issued its order entered June 19, 1952, issuing certificate of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7225; Filed, July 1, 1952; 8:59 a. m.]

[Docket No. G-1913]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JUNE 25, 1952.

On March 10, 1952, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application, and on April 15, 1952, a supplement to that application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on April 16, 1952 (17 F. R. 3393).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 10, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provision of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: June 26, 1952.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7219; Filed, July 1, 1952; 8:57 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

ORGANIZATION AND FUNCTIONS

The description of the organization, functions, and procedures of the Food and Drug Administration as published in the FEDERAL REGISTER of November 27, 1948 (13 F. R. 6983) and amended in the FEDERAL REGISTER of May 6 and November 16, 1949 (14 F. R. 2362, 6959), July 18, 1950 (15 F. R. 4565), and May 1, 1951 (16 F. R. 3817) is amended as indicated below:

a. In section I *Organization*, subsection C *Field service*, the list of addresses of district headquarters, subdistricts, and inspection stations is revised to read as follows:

ATLANTA DISTRICT: Room 416, Federal Annex, Atlanta 3, Ga.

Inspection stations: Room 233, Post Office Building, Charlotte 1, N. C. (P. O. Box 1516). Room 449, Customhouse and Post Office Building, Jacksonville 1, Fla. (P. O. Box 4087). Room 356, U. S. Post Office and Courthouse, Miami, Fla. (P. O. Box 2776). Room 117, U. S. Appraiser's Stores, Platt and Water Streets, Tampa 1, Fla. (P. O. Box 1109).

BALTIMORE DISTRICT: Room 800, U. S. Appraiser's Stores, 103 South Gay Street, Baltimore 2, Md.

Inspection stations: Room 323, Federal Building, Charleston, W. Va. (P. O. Box 641). Room 415-B, U. S. Post Office and Courthouse, Norfolk 10, Va. (P. O. Box 1222). Room 304, Post Office Building, Roanoke 2, Va. (P. O. Box 437). Room 4175, South Agriculture Building, Washington 25, D. C.

BOSTON DISTRICT: Room 805, U. S. Appraiser's Stores, 408 Atlantic Avenue, Boston 10, Mass.

Inspection stations: Room 303, Old Post Office Building, 79 Exchange Street, Portland 3, Maine. (P. O. Box 432). Room 509, Main Post Office Building, Providence 3, R. I.

BUFFALO DISTRICT: Room 415, Federal Building, South Division and Ellicott Streets, Buffalo 3, N. Y.

Subdistrict: Room 303, Old Post Office Building, Fourth and Smithfield Streets, Pittsburgh 19, Pa.

Inspection station: Room 56, Federal Building, Rochester, N. Y.

CHICAGO DISTRICT: Room 1222, Post Office Building, Van Buren and Canal Streets, Chicago 7, Ill.

Inspection stations: Room 908, Federal Building, 231 West Lafayette Boulevard, Detroit 26, Mich. Room 363, Post Office Building, Milwaukee, 2, Wis. (P. O. Box 850).

CINCINNATI DISTRICT: Room 501, Post Office Building, Cincinnati 2, Ohio.

Inspection stations: Room 2, New Post Office Building, Cleveland 13, Ohio. Room 302, Old Post Office Building, South Third and State Streets, Columbus 15, Ohio. Room 241, State Board of Health Building, 1098 West Michigan, Indianapolis, Ind. Room 582 U. S. Courthouse, 801 Broad Street, Nashville 3, Tenn.

DENVER DISTRICT: Room 531, U. S. Customhouse, Denver 2, Colo.

Inspection station: Administration Building, 1750 Redwood Road, Salt Lake City 4, Utah.

Kansas City District: Room 323, U. S. Courthouse, 811 Grand Avenue, Kansas City 6, Mo.

Inspection stations: Room 104, Municipal Building, 200 North Walker Street, Oklahoma City 2, Okla. Room 413, Federal Office Building, Omaha 2, Nebr.

LOS ANGELES DISTRICT: Room 514, California Medical Building, 1401 South Hope Street, Los Angeles 15, Calif.

Inspection stations: Pier A, Berth 5, Long Beach, Calif. Room 305, Federal Office Building, Phoenix, Ariz. Room 16, U. S. Customs and Courthouse Building, San Diego 1, Calif.

MINNEAPOLIS DISTRICT: Room 201, Federal Office Building, Washington and Third Avenue South, Minneapolis 1, Minn.

Inspection station: Room 218, Old Federal Building, Des Moines 9, Iowa.

NEW ORLEANS DISTRICT: Room 223, U. S. Customhouse, 423 Canal Street, New Orleans 16, La.

Subdistrict: Room 1018, Federal Office Building, Houston 14, Texas (P. O. Box 4240).

Inspection station: 241 U. S. Post Office Building, Birmingham, Ala. (P. O. Box 1649). 103 Norman Building, Dallas, Tex.

NEW YORK DISTRICT: Room 1200, U. S. Appraiser's Stores, 201 Varick Street, New York 14, N. Y.

Inspection station: Room B-99, Post Office Building, Newark 1, N. J. (P. O. Box 204).

PHILADELPHIA DISTRICT: Room 1204, New Customhouse, Second and Chestnut Streets, Philadelphia 6, Pa.

Inspection Station: Room 4, 201 State Street, Harrisburg, Pa.

ST. LOUIS DISTRICT: Room 1007, New Federal Building, St. Louis 1, Mo.

Inspection stations: Room 543A, U. S. Post Office Building, Little Rock, Ark. (P. O. Box 1658). Room 320, U. S. Customhouse, Memphis 1, Tenn. Room 51, Post Office Building, Peoria, Ill. (P. O. Box 217). Room 225, Post Office Building, Springfield, Mo. (P. O. Box 267).

SAN FRANCISCO DISTRICT: Room 512, Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.

Inspection stations: Room 10-A, Post Office Building, Fresno, Calif. Room 477, Post Office Building, Ninth and I Streets, Sacramento, Calif.

SEATTLE DISTRICT: Room 501, Federal Office Building, Seattle 4, Wash.

Subdistrict: Room 315, U. S. Customhouse, Portland 9, Oreg.

Inspection station: Room 321, Federal Building, Spokane 8, Wash.

b. In section II *Functions and procedures*, subsection A *Law enforcement*, omit the phrase "through the Commissioner for Special Services" and change the name "the Federal Tea Act" to read "the Tea Importation Act."

In section II A 5, change the name "the Federal Tea Act" to read "the Tea Importation Act."

In section II A 9 change the phrase "of penicillin or streptomycin" to read "of penicillin, streptomycin, dihydrostreptomycin, aureomycin, bacitracin, or chloramphenicol", and change the name "Division of Penicillin Control and Immunology" to "Division of Antibiotics."

In section II A 10 add after the words "canned shrimp" the words ", fresh or frozen shrimp,".

c. In section III *Delegations of authority*, add to subsection A a new paragraph reading as follows:

4. To the Commissioner of Food and Drugs to certify true copies of documents in the files of the Food and Drug Administration and, pursuant to 42 U. S. C. 1601, to cause the seal of the Federal Security Agency to be affixed to such certifications.

In section III B 3 change the term "penicillin- and streptomycin-containing drugs." to read "penicillin-, streptomycin-, dihydrostreptomycin-, aureomycin-bacitracin-, and chloramphenicol-containing drugs."

In section III B 4 change the name "Director of Litigation" to read "Director of Regulatory Management."

d. In section IV *Availability of information*, subsection C 2, change the term "penicillin or streptomycin" to read "penicillin, streptomycin, dihydrostreptomycin, aureomycin, bacitracin, and chloramphenicol".

In section IV C 3, change the term "canned shrimp or canned oysters" to read "canned shrimp, fresh and frozen shrimp, or canned oysters."

In section IV D 1, change the name "Federal Tea Act" to "Tea Importation Act".

This notice is published pursuant to § 1.45 (a) of the Federal Register Regulations (1 CFR 1.45 (a)).

Dated: June 26, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-7209; Filed, July 1, 1952; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 50; No. 349]

FREMONT-WAHOO, NEBRASKA AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JULY 1, 1952.

Upon specific data which has been prescribed and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Fremont-Wahoo, Nebraska, Area. (The area consists of all of Saunders County and the Townships of Cotterell, Elkhorn, Maple, Nickerson, Platt, and Union including the Village of Nickerson and the City of Fremont in Dodge County; all in Nebraska.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7342; Filed, July 1, 1952; 9:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-130]

INTERSTATE POWER CO. AND OGDEN CORP.

ORDER RELEASING JURISDICTION OVER FEES

JUNE 26, 1952.

The Commission, on December 24, 1947, having issued its Order approving a plan of reorganization of Interstate Power Company ("Interstate"), a registered holding company and a subsidiary of Ogden Corporation ("Ogden") also a registered holding company, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") subject to conditions reserving jurisdiction to determine (1) issues raised concerning the rank and status of certain securities of Interstate held by Ogden, (2) the fair and equitable disposition of certain assets placed in escrow under the provisions of said plan, and (3) the reasonableness and appropriate allocation of all fees, expenses, and other remuneration incurred and to be incurred in connection with said plan;

The Commission on February 20, 1951 having issued its order approving a supplemental plan proposing the distribution of said assets previously placed in escrow, said order having provided that jurisdiction was specifically reserved to consider and determine the reasonableness and allocation of all fees and expenses incurred and to be incurred in connection with said supplemental plan and the transactions incident thereto;

The Commission, on March 1, 1951, having issued its order providing that Ogden should not make any distribution of funds received pursuant to the supplemental plan approved on February 20, 1951, until it should have made adequate provisions for the payment of fees and expenses which it might incur under said supplemental plan;

The Commission, on April 3, 1951, having issued its Order releasing jurisdiction over certain fees and expenses incurred in connection with said plan subject to a reservation of jurisdiction over the reasonableness and allocation of all fees and expenses other than those specified therein and those incurred and to be incurred in connection with plans for the distribution of those certain assets held in escrow pursuant to the plan approved on December 24, 1947;

Ogden having filed a petition requesting the payment of certain fees and expenses for services performed in connection with said plans and having requested the Commission to order that Interstate be required to pay certain of said fees and expenses;

Interstate and Ogden having entered into an agreement whereby Ogden has agreed, as consideration for the payment to it by Interstate of the sum of $45,000 in final discharge of Interstate from all liabilities for services rendered to Interstate or expenses incurred by Ogden on behalf of Interstate with respect to the plan approved by the Commission on December 24, 1947, to pay all fees and expenses, as determined by the Commission, of all participants and their counsel in the proceedings relating to the Supplemental Plan approved by the Commission on February 20, 1951;

Applications having been filed for the payment of fees and reimbursement of expenses by the following applicants in the following amounts:

	Fee	Expenses	Total
Paul J. Kern, James F. Dunn, and Morton Zuckerman for Interstate Power Co. preferred stockholders committee	$57,000	$3,001.01	$60,001.01
Alfred Berman and Myron Gollub of Guggenheimer & Untermeyer and David J. Colton for the Colton group of preferred stockholders of Interstate Power Co.	110,730 200	2,396.00 1.88	113,126.00 201.88
William H. Foulk, Delaware, counsel for the Colton group			
E. Ralph Sterling, financial consultant to the Colton group of preferred stockholders	15,000		15,000.00
Bernard S. Kanton of Kanton and Fixel, counsel for Interstate Power Co. debenture escrow certificates committee	9,000	386.88	9,386.88
Arthur B. Rettallick, a member of the Interstate Power Co. debenture escrow certificates committee	500		500.00
Simpson Thacher & Bartlett, attorneys for Ogden Corp.	128,250	8,086.14	136,336.14
Expenses of Ogden:			
Advertising and printing		7,372.82 26,154.15	7,372.82 26,154.15
Miscellaneous			
Chemical Bank & Trust Co. for services:			
As escrow agent		2,372.48 29,057.82	2,372.48 29,057.82
As distributing agent			
Phillip D. Crockett, representative of certain debenture holders of Interstate Power Co.	25,000	930.00	25,930.00
	346,000	78,519.18	424,519.18

It appearing to the Commission that the agreement of Interstate to pay the sum of $45,000 for fees and expenses of services rendered to it and the agreement of Ogden to pay the remaining balance of the fees and expenses, as determined by the Commission, relating to said plans is fair and equitable and represents a reasonable allocation of said fees and expenses and it further appearing that, with the exception of the fee requested by Phillip D. Crockett as to which the record has not been completed, the amounts requested for fees and expenses as specified above are not unreasonable and that they relate to necessary services:

It is ordered, That the proposed payment by Interstate to Ogden of $45,000 is hereby approved as fair and equitable and reasonable and that upon such payment by Interstate, all jurisdiction heretofore reserved over Interstate in this particular proceeding (File No. 54–130), including the jurisdiction reserved in our orders of December 24, 1947, February 20, 1951, and April 3, 1951, be, and the same hereby is, except as stated below, released.

It is further ordered, That Ogden is directed to pay the remaining amount of said specified fees and expenses not previously paid and is directed to retain sufficient funds to satisfy the claims for fees and expenses made by Phillip D. Crockett and thereupon our order dated March 1, 1951, preventing the distribution of funds received by Ogden pursuant to the supplemental plan approved February 20, 1951, shall no longer have any force and effect.

It is further ordered, That jurisdiction is hereby reserved to the Commission to consider and determine all issues relating to the fee requested by Phillip D. Crockett, and to entertain such further proceedings, to make such supplemental findings and to take such further action as it may deem appropriate in connection with the supplemental plan approved by our order dated February 20, 1951, the transactions incident thereto and the consummation thereof, and to take such further action as it may deem necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52–7203; Filed, July 1, 1952; 8:49 a. m.]

[File No. 70–2873]

NEW ENGLAND POWER CO.

SUPPLEMENTAL ORDER CONCERNING ISSUANCE AND SALE OF BONDS AT COMPETATIVE BIDDING

JUNE 26, 1952.

New England Power Company ("NEPCO"), a subsidiary of New England Electric System, a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the issue and sale by NEPCO at competitive bidding of $5,000,000 principal amount of its First Mortgage Bonds, Series E, dated June 1, 1952 and maturing June 1, 1982;

The Commission, by order dated June 16, 1952, having granted said application, including the request of the applicant that for the purposes of this proceeding the ten-day period for the invitation of bids as prescribed by Rule U-50 be shortened to a period of not less than six days, all subject to the condition that the proposed issue and sale should not be consummated until the results of competitive bidding with respect thereto had been made a matter of record and a further order entered on the basis thereof, and subject to a reservation of jurisdiction with respect to legal, engineering, accounting and other fees and expenses;

NEPCO having filed an amendment setting forth the action taken in offering said bonds at competitive bidding and stating that on June 25, 1952 the following bids were received:

Bidder	Annual interest rate (per cent)	Price to company[1] (percent of principal)	Annual cost to company (percent)
Halsey, Stuart & Co. Inc.	3¼	100.30	3.214
Equitable Securities Corp.	3¼	100.09	3.247
Kuhn, Loeb & Co.	3¼	100.654	3.2472
The First Boston Corp.	3¼	102.1799	3.2496
Merrill Lynch, Pierce, Fenner & Beane	3¼	102.633	3.2862
Kidder, Peabody & Co. and White, Weld & Co.	3¼	101.81	3.2756

[1] Exclusive of accrued interest from June 1, 1952.

Said amendment further stating that NEPCO has accepted the bid of Halsey, Stuart & Co., Inc. and that the bonds will be issued to the public at an initial price of 100.875 percent of their principal amount, plus accrued interest, resulting in an underwriting spread of 0.575 percent of the principal amount of the bonds or an aggregate of $28,750;

Said amendment further setting forth the legal, engineering, accounting and auditing services rendered and disbursements made, for which requests for compensation or reimbursement in the following amounts have been received by NEPCO:

Milbank, Tweed, Hope & Hadley, counsel for the underwriters, payable by the underwriters:	
Fee	$5,600.00
Disbursements	700.00
Payable by NEPCO: Disbursements	500.00
Lybrand, Ross Bros. & Montgomery, independent public accountants, payable by NEPCO: Fee	1,250.00
Jackson & Moreland, engineers, payable by NEPCO: Fee	2,808.70

The Commission having considered the record as supplemented and finding no reason for imposing terms and conditions with respect to the price to be received for said bonds and the interest rate thereon, the redemption prices thereof, or the underwriter's spread, and finding that the fees and expenses over which jurisdiction was reserved are not unreasonable; and it appearing appropriate to the Commission to release the jurisdiction heretofore reserved herein and to grant applicant's request that the order herein become effective upon issuance:

It is ordered, That the jurisdiction reserved in our order of June 16, 1952, herein, be and hereby is released, and that said application, as amended, be and hereby is granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52–7204; Filed, July 1, 1952; 8:49 a. m.]

[File No. 70–2881]

GEORGIA POWER CO.

ORDER PERMITTING SUBMISSION OF FIRST MORTGAGE BONDS TO COMPETITIVE BIDDING

JUNE 26, 1952.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company, a registered holding company, having filed an application, with amendments thereto, pursuant to section 6 (b) of the act and Rule U-50, promulgated thereunder, with respect to the following proposed transactions:

Georgia proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of First Mortgage Bonds, --Percent Series due 1982, to be issued under and secured by Georgia's present Indenture, dated as of March 1, 1941, as last supplemented on June 1, 1951, and to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1952. The interest rate and the price to the company for the bonds will be determined through the competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The company proposes to use the proceeds from the sale of these new bonds to provide a portion of the funds required for extensions and additions to the company's property, to reimburse its treasury in part for expenditures made for such purposes, and to provide for the payment of temporary bank loans incurred for such purposes.

The filing states that the issuance and sale of the proposed new bonds have been approved by the Georgia Public Service Commission, the State Commission of the state in which Georgia is organized and doing business. Georgia requests that any order of this Commission granting the application shall become effective forthwith upon issuance.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted subject to certain terms and conditions and reservations of jurisdiction:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of competitive bidding, pursuant to Rule U-50, have been made a matter of record herein and a further order shall have been entered with respect thereto, which order shall contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over all fees and expenses incurred in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52–7205; Filed, July 1, 1952; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27186]

SAND FROM ILLINOIS TO THE SOUTH

APPLICATION FOR RELIEF

JUNE 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 741.

Commodities involved: Sand, in carloads.

From: Points in Illinois.

To: Points in the South.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 741, Supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7211; Filed, July 1, 1952; 8:51 a. m.]

[4th Sec. Application 27187]

LOGS FROM VIRGINIA TO CERTAIN POINTS IN NORTH CAROLINA

APPLICATION FOR RELIEF

JUNE 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the High Point, Thomasville & Denton Railroad Company and other carriers.

Commodities involved: Logs, carloads.

From: Points in Virginia.

To: High Point, Thomasville, and Statesville, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 728, Supp. 244.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7212; Filed, July 1, 1952; 8:51 a. m.]

[4th Sec. Application 27188]

BOARDS FROM MACON, GA. TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

JUNE 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 399.

Commodities involved: Boards, building, wall or insulating, fibreboard, pulpboard or strawboard and wood combined, carloads.

From: Macon, Ga.

To: New Orleans, La.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 399, Supp. 61.

eference Room

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7213; Filed, July 1, 1952; 8:52 a. m.]

[4th Sec. Application 27189]

SALT CAKE FROM CHICAGO, ILL., AND POINTS TAKING SAME RATES TO COOSA PINES, ALA.

APPLICATION FOR RELIEF

JUNE 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 741, pursuant to fourth-section order No. 16101.

Commodities involved: Salt cake, carloads.

From: Chicago, Ill., and points taking same rates.

To: Coosa Pines, Ala.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7214; Filed, July 1, 1952; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18921]

ADELA VON KNOBELSDORFF

In re: Debts owing to and securities owned by Adela von Knobelsdorff also known as Adele Elise von Knobelsdorff, Viktor von Knobelsdorff and Victoria Louise von Braun. F-28-34663.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Adela von Knobelsdorff also known as Adele Elise von Knobelsdorff, Viktor von Knobelsdorff and Victoria Louise von Braun, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. P. Morgan & Co., Inc., 23 Wall Street, New York 8, New York, arising out of funds held in a blocked account in the name of Buenos Aires Familienstiftung maintained with the aforesaid company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same.

b. That certain debt or other obligation of Brown Bros. Harriman & Co., 59 Wall Street, New York 5, New York, arising out of funds held in a blocked account in the name of Buenos Aires Familienstiftung maintained with the aforesaid company, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same.

c. That certain debt or other obligation of Credit Suisse, New York Agency, 25 Pine Street, New York 5, New York, arising out of funds held in a blocked account in the name of Buenos Aires Familienstiftung maintained with the aforesaid agency, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, and

d. Those shares of stock evidenced by the certificates described in Exhibit A, attached hereto and by reference made a part hereof, said certificates presently in the custody of the persons whose names are set forth in said Exhibit A, and held in blocked accounts in the name of Buenos Aires Familienstiftung, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adela von Knobelsdorff also known as Adele Elise von Knobelsdorff, Viktor von Knobelsdorff and Victoria Louise von Braun, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 26, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

EXHIBIT A

Name and address of issuing corporation	Number of shares	Par value	Type	Certificate Nos.	Name and address of custodian
Chesapeake & Ohio Ry. Co., Terminal Tower, Cleveland, Ohio.	44	.....	.....	502748 for 31 shares. 501572 for 5 shares. 230857 for 5 shares.	J. P. Morgan & Co., Inc., 23 Wall St., New York, N. Y.
Cincinnati Gas & Electric Co., 4th and Main Sts., Cincinnati, Ohio.	99⅞	.....	.....	60824 for 4 shares. 17536 for 99/100 of a share.	Do.
Columbia Gas System, Inc., 120 East 41st St., New York, N. Y.	32	No par..	Common.	114088 for 30 shares. 114089 for 2 shares.	Do.
National Supply Co., Grant Bldg., Pittsburgh, Pa.	10	.....	.....	42319	Do.
New York, Chicago & St. Louis R. R. Co., Cleveland, Ohio.	6	.....	.....	2826	Do.
Public Service Electric & Gas Co., 80 Park Pl., Newark, N. J.	32	.....	.....	4233 for 2 shares. 45322 for 30 shares.	Do.
National Dairy Products, Inc., 220 Park Ave., New York, N. Y.	24	No par..	Common.	CO 817281 for 4 shares. CO 822079 for 20 shares.	Brown Bros. Harriman & Co., 59 Wall St., New York, N. Y.
Public Service Electric & Gas Co., 80 Park Pl., Newark, N. J.	27	...do.....	...do.....	X 008213 for 1 share. Y 020443 for 2 shares. Y 049416 for 24 shares.	Credit Suisse, New York Agency, 25 Pine St., New York, N. Y.

[F. R. Doc. 52-7175; Filed, June 30, 1952; 8:58 a. m.]

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

FEDERAL REGISTER

VOLUME 17 NUMBER 130

Washington, Thursday, July 3, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 674—FARM STORAGE FACILITIES

SUBPART—FARM-STORAGE FACILITY LOAN PROGRAM

This bulletin states the requirements with respect to the Farm Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA"). The program will be carried out by PMA under the general supervision and direction of the President, CCC.

Sec.
674.175 Administration.
674.176 Availability of loans.
674.177 Approved lending agencies.
674.178 Eligible borrowers.
674.179 Eligible structures.
674.180 Terms and conditions of loan.
674.181 Disbursement of loan.
674.182 Service charge.
674.183 Sale and conveyance of security.

AUTHORITY: §§ 674.175 to 674.183, issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U. S. C., 714c.

§ 674.175 *Administration.* The program will be administered by PMA, under the general direction and supervision of the President, CCC, and in the field will be carried out by State and county PMA committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart.

§ 674.176 *Availability of loans*—(a) *Area.* Loans will be available in all States.

(b) *Time.* Loan applications may be submitted after June 30, 1952.

(c) *Source.* All forms and documents will be made available through the offices of county committees. Disbursements of loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the county committees.

§ 674.177 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans, on form prescribed by CCC.

§ 674.178 *Eligible borrowers.* Any person who, as tenant, landlord, or land owner-operator, produces one or more of the commodities listed in § 674.179, a landowner who rents for cash his land on which one or more of such commodities are produced, and any two or more of such persons who wish to join together in purchasing and erecting or constructing a facility, will be eligible for loans for the purchase and erection or construction of eligible storage facilities needed by them, except that tenants will not be eligible for loans on immovable facilities unless the property on which the facility is to be located is held under an assignable long term lease (i. e., a lease which will run at least ten years beyond maturity of the loan) and the tenant has obtained, either in the lease or separately, the written consent of the owner of the land to construct the facility thereon. The term "person" means an individual, partnership, corporation or other legal entity.

§ 674.179 *Eligible structures.* (a) New farm storage facilities of movable or immovable type, and additions to existing immovable facilities, which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date application is made, and used farm storage facilities which CCC previously acquired by foreclosure or other means under this program, will be eligible under this program provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds and winter cover crop seeds produced by or on land owned by the eligible borrower. Loans for the construction of immovable

(Continued on p. 5979)

CONTENTS

Page

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation; Federal Crop Insurance Corporation; Production and Marketing Administration.

Animal Industry Bureau
Proposed rule making:
Meat inspection regulations; ante-mortem inspection; disposal of diseased carcasses and parts 5995

Civil Aeronautics Administration
Rules and regulations:
Alterations:
Civil airways, designation 5980
Control areas, control zones, and reporting points, designation 5981

Civil Aeronautics Board
Notices:
Hearings, etc.:
Pioneer Air Lines, Inc. 6013
Wiggins Airways, Inc.; renewal investigation case 6013

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Commodity Credit Corporation
Rules and regulations:
Farm storage facilities; loan program 5977

Customs Bureau
Rules and regulations:
Customs districts and ports; changes in field organization 5981
Liquidation of duties; posting at port of entry 5982

Defense Materials Procurement Agency
Notices:
Administrator of General Services; delegation of authority to establish manganese purchase depot at Wenden, Arizona 6013

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas 6016

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency — Page
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Federal Crop Insurance Corporation
Rules and regulations:
Crop insurance, dry edible bean; regulations for 1950 and succeeding crop years — 5980

Federal Power Commission
Notices:
Hearings, etc.:
Alabama Power Co — 6017
Arkansas Louisiana Gas Co — 6016
Atlantic Seaboard Corp — 6016
Gulf States Utilities Co — 6016
Roanoke Pipe Line Co — 6016
Texas Eastern Transmission Corp — 6016
Transcontinental Gas Pipe Line Corp — 6016

Fish and Wildlife Service
Proposed rule making:
Alaska commercial fisheries; notice of intention to adopt amendments for protection — 5994

General Services Administration
Delegation of authority to Administrator with respect to establishment of manganese purchase depot at Wenden, Arizona (*see* Defense Materials Procurement Agency).
Rules and regulations:
Manganese regulations; purchase program for domestic ore at Wenden, Arizona — 5990

Housing and Home Finance Agency
Notices:
Housing programs and relaxation of credit controls in critical defense housing areas; correction — 6018

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of; National Park Service.

Internal Revenue Bureau
Rules and regulations:
Estate tax, regulations relating to; works of art on loan for exhibition — 5982

Land Management, Bureau of
Notices:
Alaska; small tract classification (2 documents) — 6012, 6013
Rules and regulations:
Alaska:
Partial revocation of air-navigation site withdrawal and public land order reserving portions of released lands for public purposes — 5992
Partial revocation of Executive Order reserving lands for classification and other purposes — 5993

National Park Service
Rules and regulations:
Death Valley National Monument; special regulations — 5992

National Production Authority — Page
Rules and regulations:
Automobile wreckers; temporary exemption in certain areas from purchase limitations (M–92, Dir. 1) — 5990
Distribution of copper raw materials; advance authorizations (M–16, Dir. 1) — 5990

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegation of authority:
Region I, Boston, Mass.; act under CPR 101 — 6014
Region II, New York, N. Y.; act under CPR 31 — 6014
Region IV, Richmond, Va.; act under:
CPR 31 — 6014
CPR 101 — 6014
Region VIII, Minneapolis, Minn.; act under CPR 31 — 6014
Region X, Dallas, Tex.; act under CPR 31 — 6014
Region XI, Denver, Colo.; act under CPR 31 — 6015
Region XII, San Francisco, Calif.; act under:
CPR 7 — 6015
CPR 24 — 6015
CPR 92 — 6015
CPR 101 — 6015
Director of Reno District Office; redelegation of authority to act under CPR 7 — 6015
Rules and regulations:
Exports; ceiling prices for sulfur mined by non-frasch methods (CPR 61, SR 3) — 5988

Production and Marketing Administration
Proposed rule making:
Milk handling in Omaha-Lincoln-Council Bluffs marketing area — 6003
U. S. Standards for:
Dried currants — 5998
Florida grapefruit — 5995
Fruit preserves (or jams) — 5999

Renegotiation Board
Rules and regulations:
Brokers and manufacturers' agents — 5985
Consolidated renegotiation of affiliated and related groups — 5983

Rent Stabilization, Office of
Rules and regulations:
Defense rental areas in certain States:
Housing — 5991
Rooms — 5991
Veterans' preference regulation — 5982

Salary Stabilization Board
Rules and regulations:
Exclusion of professional engineers employed in a professional capacity (Int. 12) — 5989

Securities and Exchange Commission
Notices:
Hearings, etc.:
Columbia Gas System, Inc., and Cumberland and Allegheny Gas Co — 6017

CONTENTS—Continued

Securities and Exchange Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
General Public Utilities Corp. — 6017
Imperial Sugar Co — 6017

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

War Claims Commission
Rules and regulations:
Practice before the Commission; miscellaneous amendments — 5993

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
6957 (revoked in part by PLO 847) — 5993

Title 6
Chapter IV:
Part 674 — 5977

Title 7
Chapter I:
Part 51 (proposed) — 5995
Part 52 (proposed) (2 documents) — 5998, 5999
Chapter IV:
Part 421 — 5980
Chapter IX:
Part 935 (proposed) — 6003

Title 9
Chapter I:
Part 9 (proposed) — 5995
Part 11 (proposed) — 5995

Title 14
Chapter II:
Part 600 — 5980
Part 601 — 5981

Title 19
Chapter I:
Part 1 — 5981
Part 16 — 5982

Title 24
Chapter VIII:
Part 801 — 5982

Title 26
Chapter I:
Part 81 — 5982

Title 32
Chapter XIV:
Part 1464 — 5983
Part 1490 — 5985

Title 32A
Chapter III (OPS):
CPR 61, SR 3 — 5988
Chapter IV:
Subchapter A (SSB):
Int. 12 — 5989
Chapter VI (NPA):
M–16, Dir. 1 — 5990
M–92 — 5990
M–92, Dir. 1 — 5990
Chapter XIV (GSA) — 5990
Chapter XXI (ORS):
RR 1 — 5991
RR 2 — 5991

CODIFICATION GUIDE—Con.

Title 36 — Page
Chapter I:
Part 20 — 5992

Title 43
Chapter I:
Appendix (Public land orders):
585 (revoked in part by PLO 846) — 5992
846 — 5992
847 — 5993

Title 45
Chapter V:
Part 501 — 5993

Title 50
Chapter I:
Part 101 (proposed) — 5994

facilities for cottonseed, soybeans, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds and winter cover crop seeds, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available (1) for the repair, remodeling, refinancing, or maintenance of existing facilities, (2) for the purchase of secondhand facilities (except as specifically provided in this subpart), (3) to provide storage facilities for commodities which the borrower intends to purchase or store for others, (4) or to provide storage facilities which the borrower intends to lease to others, except in the case of landlords who lease the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.180 *Terms and conditions of loan*—(a) *Maximum term of loan.* The maximum term of the loan will be approximately four years, except that the term of an individual loan may be extended for one year or less by the county committee in case of catastrophic losses of crops or other conditions beyond the control of the borrower. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located, or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitutes a salable unit. A first mortgage will be required except that where a first mortgage is not obtainable, a second mortgage loan may be made provided the prior lien on the farm is small enough that the borrower's equity in the farm, in the opinion of the county committee, is sufficient to assure his continued tenure of the farm, and provided the prior lien-holder subordinates his lien as to the structure and the site on which it is located, with the right of ingress and egress to the storage facility. No second mortgage loans will be made on structures not located on the farm.

(b) *Amount of loan.* (1) The maximum amount loaned on any new farm storage facility shall be $30 per ton of the rated storage capacity for cottonseed and forty-five cents per bushel for all other commodities, or eighty percent of the cost incurred whichever is less. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated. In determining the cost incurred, the applicants and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded.

(2) The maximum amount to be loaned on any farm storage facility which CCC had previously acquired by foreclosure or other means under the program shall be forty-five cents per bushel of capacity: *Provided*, That such amount shall not exceed eighty percent of the price of purchase from Commodity Credit Corporation.

(3) In computing the capacity of the storage facility, two and one-half cubic feet shall be considered equivalent to one bushel of ear corn, ninety cubic feet equivalent to one ton of cottonseed, and one and one-fourth cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest at four percent per annum on the unpaid balance. The first installment, including interest shall be payable during the twelve months period beginning on the first anniversary date of the first disbursement of the loan, out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture, and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Unless an extension is granted by Commodity Credit Corporation in writing, each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve months pay period, and failure to pay any installment by the thirtieth day after the end of such period, or extension thereof, shall mature all installments then unpaid and the entire unpaid amount of the note without demand, notice, or other action shall become immediately due and

payable, and the borrower shall be personally liable for the entire amount remaining unpaid on the loan. Any delinquent loan may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds, i. e. funds other than CCC funds, when the loan is held by a lending agency. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under the mortgage or other security instrument securing the note, or under any other instruments executed in connection with the loan, the holder, at its option, may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debt which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agency of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested to release or obtain the release of such instrument or instruments.

(d) *Insurance.* Insurance will be required on all immovable storage facility loans, regardless of the amount of the loan and with coverage for hazards existent in the area. Insurance will also be required on all movable facility loans on which the amount loaned was $1,000 or more and on loans under $1,000, when required by the State committee of any State. All insurance shall be maintained during the life of the loan and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of the note secured by the storage facility as their interests may appear.

(e) ***Maintaining storage facility.*** The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid. The borrower shall not use the facility for any purpose other than the storage of the commodities listed in § 674.179 (a) in the production of which he has an interest without the written consent of the county committee, except that landlords may rent the facility together with the land on which the commodity to be stored in such facility is produced.

§ 674.181 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility by the county committee or on a partial advance plan, as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 674.182 *Service charge.* There shall be collected from the applicant at the time the application is made, a service charge of eighteen cents per ton of the rated storage capacity of the structure to be acquired or erected for the storage of cottonseed and a charge of one-fourth cent per bushel of the rated storage capacity for all other commodities, but in no case shall the charge be less than $2.50. If the loan is rejected or is not completed, the minimum charge of $2.50 shall be retained by the county committee and the balance returned to the applicant.

§ 674.183 *Sale or conveyance of security.* When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 30th day of June 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7337; Filed, July 2, 1952; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Appendix 1]

PART 421—DRY EDIBLE BEAN CROP INSURANCE

SUBPART—REGULATIONS FOR 1950 AND SUCCEEDING CROP YEARS

Pursuant to authority contained in paragraph (a) of § 421.21 of the above-identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9034; 16 F. R. 3973, 7695, 9302), the following counties have been designated for insurance for the 1952 crop year.

Arizona:
Yavapai.
Colorado:
Dolores.
Montezuma.
Montrose.
San Miguel.
Idaho:
Cassia.
Gooding.
Jerome.
Minidoka.
Michigan:
Arenac.
Bay.
Huron.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.
Tuscola.
Nebraska:
Morrill.
Scotts Bluff.
New Mexico:
Santa Fe.
Torrance.
New York:
Cayuga.
Genesee.
Livingston.
Onondaga.
Wayne.
Yates.
Wyoming:
Big Horn.
Fremont.
Goshen.

(52 Stat. 73-75, 77, as amended; 7 U. S. C. and Sup. 1506, 1507, 1508, 1509, 1516)

[SEAL] JOHN W. BRAINARD,
Manager,
Federal Crop Insurance Corporation.

[F. R. Doc. 52-7283; Filed, July 2, 1952; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 70]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Bangor, Maine)* is amended by changing the first portion to read: "From the Key West, Fla., omnirange station via the Miami, Fla., omnirange station, including an east alternate and excluding the portion which overlaps Airspace Warning Areas;"

2. Section 600.6012 is amended by changing caption to read: *"VOR civil airway No. 12 (Daggett, Calif., to Philadelphia, Pa.)*," and by adding the following first portion to read: "From the Daggett, Calif., omnirange station via the Needles, Calif., omnirange station; Prescott, Ariz., omnirange station; Winslow, Ariz., omnirange station to the Zuni, N. Mex., omnirange station."

3. Section 600.6023 *VOR civil airway No. 23 (San Diego, Calif., to Bellingham, Wash.)* is amended between Sacramento, Calif., omnirange station and Eugene, Oreg., omnirange station to read: "Sacramento, Calif., omnirange station; Red Bluff, Calif., omnirange station; Fort Jones, Calif., omnirange station; Medford, Oreg., omnirange station; Eugene, Oreg., omnirange station;"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., July 8, 1952.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 52-7264; Filed, July 2, 1952; 8:45 a. m.]

[Amdt. 76]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.6012 is amended by changing the caption to read:

§ 601.6012 *VOR civil airway No. 12 control areas (Daggett, Calif., to Philadelphia, Pa.).*

2. Section 601.1108 is amended to read:

§ 601.1108 *Control area extension (Salina, Kans.).* All that area north of Salina, Kans., within a 30-mile radius of a point at latitude 38°52'39", longitude 97°38'54" bounded on the south by the northern boundary of VOR civil airway No. 4, and the area within 5 miles either side of the 142° True radial of the Salina, Kans., omnirange extending from the omnirange station to a point 25 miles southeast.

3. Section 601.1168 is amended to read:

§ 601.1168 *Control area extension (Ponca City, Okla.).* Within a 15-mile radius of the Ponca City Airport and within 5 miles either side of the 284° True radial of the Ponca City omnirange extending from the omnirange station to a point 25 miles west.

4. Section 601.1215 *Control area extension (Galveston, Tex.)*, is amended by adding the following to the present control area extension: "excluding that portion below 2,500 feet between the United States shoreline and the New Orleans Oceanic Control Area."

5. Section 601.1282 is amended to read:

§ 601.1282 *Control area extension (Wichita, Kans.).* All that area bounded on the north by a line 10 miles north of and parallel to the 259° True and 79° True radials of the Emporia, Kans., omnirange, on the east by a line 10 miles east of and parallel to the 209° True and 29° True radials of the Emporia, Kans., omnirange, on the south by a line 10 miles south of and parallel to the 85° True and 265° True radials of the Anthony, Kans., omnirange and on the west by a line 10 miles west of and parallel to the 195° True and 15° True radials of the Hutchinson, Kans., omnirange.

6. Section 601.1305 *Control area extension (Mountain Home, Idaho)* amended on June 10, 1952 (17 F. R. 5215), is corrected by substituting "§ 601.1306" for "§ 601.1305".

7. Section 601.2246 is amended to read:

§ 601.2246 *Oklahoma City, Okla., control zone.* Within a 5-mile radius of Will Rogers Municipal Airport and within 2 miles either side of the west course of the Oklahoma City radio range extending from the radio range station to the Mustang fan marker; within 2 miles either side of a direct line between the Will Rogers Municipal Airport and Tinker AFB including a 5-mile radius of Tinker AFB and within 2½ miles either side of the south and north courses of the Tinker AFB radio range extending from the AFB to a point 5 miles north of the Tinker AFB radio range station.

8. Section 601.2311 is added to read:

§ 601.2311 *San Antonio, Tex., control zone.* Within a 5-mile radius of Kelly AFB and within 5 miles either side of a direct line from the Kelly AFB through the Leon-nondirectional radio beacon extending from the AFB to a point 2½ miles northwest of the Leon nondirectional radio beacon.

9. Section 601.2312 is added to read:

§ 601.2312 *Columbus, Ind., control zone.* Within a 5-mile radius of Atterbury AFB and within 2 miles either side of a line bearing 44° True from the Atterbury AFB to a point 10 miles northeast excluding the portion which overlaps danger areas.

10. Section 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska to Nenana, Alaska)* is amended by deleting the following reporting point: "the intersection of the northeast course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range."

11. Section 601.7001 *VOR reporting points* is amended by correcting the Bradford Intersection to read: "The intersection of the Buffalo, N. Y., omnirange 178° True and the Elmira, N. Y., omnirange 254° True radials."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., July 8, 1952.

[SEAL] F. B. LEE,
Acting Administrator of
Civil Aeronautics.

[F. R. Doc. 52-7265; Filed, July 2, 1952; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53033]

PART 1—CUSTOMS DISTRICTS AND PORTS

CHANGES IN FIELD ORGANIZATION

JUNE 27, 1952.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), and delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, of September 17, 1951 (16 F. R. 6499), the following changes in the customs field organization are hereby made effective July 1, 1952:

1. In view of the consolidation of the municipalities of Fernandina and Fernandina Beach, Florida, and certain territory lying between the two municipalities under the name of Fernandina Beach, effective January 7, 1952, under an act of the Legislature of the State of Florida (Chapter 27543, Laws of Florida, Acts of 1951) and by vote of the qualified voters, the name of the customs port of entry of Fernandina, Florida, in Customs Collection District No. 18 (Florida), is changed to "Fernandina Beach, Florida." This port shall include the territory within the corporate limits of Fernandina Beach and St. Marys, Georgia.

2. The limits of the customs port of entry of Los Angeles, California, the headquarters port of Customs Collection District No. 27 (Los Angeles), are extended to include the territory embracing the city of El Segundo, California.

3. In addition to the territory included within the limits of the customs port of entry of Portland, Oregon, in Customs Collection District No. 29 (Oregon), by Executive Order No. 3390, January 24, 1921, and Executive Order No. 5193, September 14, 1929, the limits of said port of entry are further extended to include:

(1) All the territory within the corporate limits of the city of Portland lying outside the territory described in Executive Order No. 3390;

(2) The territory lying between the south bank of the Columbia River and the corporate limits of Portland, bounded on the west by the territory described in Executive Order No. 3390, and on the east by the Portland International Airport;

(3) The territory lying between the corporate limits of Portland and the southern boundary of the Portland International Airport; and

(4) The territory embracing the Portland International Airport.

4. The limits of the customs port of entry of Minneapolis, Minnesota, the headquarters port of Customs Collection District No. 35 (Minnesota), are extended to include the territory embracing the Minneapolis-St. Paul International Airport (formerly known as Wold Chamberlain Field) and such addi-

tional adjoining territory that may hereafter be acquired or leased by the airport authorities.

Section 1.1 (c), Customs Regulations of 1943 (19 CFR 1.1 (c)), as amended, is hereby further amended by substituting the name "Fernandina Beach" for the name "Fernandina" under District No. 18 (Florida), in the column headed "Ports of entry"; and by inserting the number of this Treasury decision opposite the name of the port of Fernandina Beach, Florida, in District No. 18 (Florida); by inserting a comma and "and the territory described in T. D. 53033" immediately after "Long Beach" following the name of the port of Los Angeles, California, in District No. 27 (Los Angeles); by inserting a comma and "and the territory described in T. D. 53033" immediately after "1929" following the name of the port of Portland, Oregon, in District No. 29 (Oregon); and by inserting "(including the territory described in T. D. 53033)" after the parenthetical matter now following the name of the port of Minneapolis, Minnesota, in District No. 35 (Minnesota).

On and after July 1, 1952, the port of Fernandina Beach, Florida, will be the home port of all vessels whose home port was Fernandina, Florida, immediately prior to that date.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies 38 Stat. 623; 19 U. S. C. 2)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7310; Filed, July 2, 1952; 8:54 a. m.]

[T. D. 53034]

PART 16—LIQUIDATION OF DUTIES

PROCEDURE; NOTICE OF LIQUIDATION

In view of the fact that customs stations are sometimes located at considerable distances from ports of entry, notices of liquidation of entries filed at customs stations outside of ports of entry shall hereafter be posted or lodged in the stations where the entries were filed in order to improve administration and as a service to the importers. Accordingly, § 16.2 (g) of the Customs Regulations of 1943 (19 CFR 16.2 (g)), as amended, is hereby further amended to read:

§ 16.2 *Procedure; notice of liquidation.* • • •

(g) The bulletin notice of liquidations, customs Form 4333, prepared at the headquarters port shall be posted or lodged at the port of entry (or customs station, when the entries listed were filed at a customs station outside the limits of a port of entry).

(Sec. 7, 52 Stat. 1081, secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1321, 1505, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: June 27, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7311; Filed, July 2, 1952; 8:54 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Rent Stabilization, Economic Stabilization Agency

PART 801—VETERANS' PREFERENCE REGULATION UNDER HOUSING AND RENT ACT OF 1947, AS AMENDED

VETERANS' PREFERENCE REGULATION

Amendment 1 to the Veterans' Preference Regulation. Said regulation is hereby amended in the following respects:

Wherever the date June 30, 1952 appears in said Veterans' Preference Regulation, the date April 30, 1953 shall be substituted.

(Sec. 4, 61 Stat. 195, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 1884)

Effective July 1, 1952.

Issued this 1st day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-7364; Filed, July 1, 1952; 3:58 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[T. D. 5916, Regs. 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

WORKS OF ART ON LOAN FOR EXHIBITION

In order to conform Regulations 105 [26 CFR Part 81] to Public Law 749 (81st Congress, 2d Session), approved September 1, 1950, and to section 605 of the Revenue Act of 1951 (Public Law 183, 82d Congress), approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 81.49 the following:

PUBLIC LAW 749 (81ST CONGRESS, SECOND SESSION), APPROVED SEPTEMBER 1, 1950

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 863 of the Internal Revenue Code (relating to property without the United States) is amended by adding at the end thereof the following new subsection:

(c) *Works of art on loan for exhibition.* Works of art owned by a nonresident not a citizen of the United States imported into the United States solely for exhibition purposes, loaned to the Trustees of the National Gallery of Art for such purpose, and, at the time of the death of the owner, on exhibition, or en route to or from exhibition, either in the National Gallery of Art or in such other public gallery or museum as the Trustees of the National Gallery of Art may have designated.

• • • • •

SEC. 4. The amendments made by section 1 of this joint resolution shall be applicable only with respect to estates of decedents dying after the date of enactment.

• • • • •

SEC. 605. ESTATE TAX EXEMPTION FOR WORKS OF ART LOANED BY NONRESIDENT ALIENS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 863 (c).* Section 863 (c) (relating to exemption of works of art loaned by nonresident aliens) is hereby amended to read as follows:

(c) *Works of art on loan for exhibition.* Works of art owned by a nonresident not a citizen of the United States (1) imported into the United States solely for exhibition purposes, (2) loaned for such purposes to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and (3) at the time of the death of the owner, on exhibition, or en route to or from exhibition, in such a public gallery or museum.

(b) *Effective date.* The amendment made by this section shall be applicable only with respect to estates of decedents dying after the date of the enactment of this act.

PAR. 2. Section 81.50 is amended as follows:

(A) By striking from the first sentence thereof "tangible personal property" and inserting in lieu thereof "tangible personal property (if not subject to the exception provided in section 863 (c))".

(B) By inserting immediately after paragraph (a) thereof (ending with "physically located.") the following subparagraphs (1) and (2):

(1) Section 863 (c), as added by Public Law 749 (81st Cong. 2d Sess.), provides that, with respect to estates of decedents dying after September 1, 1950, and on or before October 20, 1951, works of art owned by a nonresident not a citizen of the United States shall not be deemed to be property situated within the United States if such works of art are (1) imported into the United States solely for exhibition purposes, (2) loaned to the Trustees of the National Gallery of Art, Washington, D. C., solely for exhibition purposes, and (3) at the time of the death of the decedent on exhibition (or en route to or from exhibition) either in such National Gallery of Art or in such other public gallery or museum as the Trustees of such National Gallery of Art may have designated.

(2) Section 863 (c), as amended by section 605 of the Revenue Act of 1951, provides that, with respect to estates of decedents dying after October 20, 1951, works of art owned by a nonresident not a citizen of the United States shall not be deemed property situated within the United States if such works of art are (i) imported into the United States solely for exhibition purposes, (ii) loaned for such purposes to a public gallery or museum, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and (iii) at the time of the death of the owner, on exhibition, or en route to or from exhibition, in such a public gallery or museum.

Because of the technical nature of the amendments made herein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective

date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: June 27, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7312; Filed, July 2, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1464—CONSOLIDATED RENEGOTIATION OF AFFILIATED GROUPS AND RELATED GROUPS

This part is revised in its entirety to read as follows:

Sec.
1464.1 Consolidated renegotiation of affiliated group.
1464.2 Request for consolidated renegotiation of affiliated group; when approved.
1464.3 Consolidated renegotiation of a related group.
1464.4 Request for consolidated renegotiation of related group; when granted.
1464.5 Partial fiscal years.
1464.6 Effect of consolidation.
1464.7 Miscellaneous provisions applicable to consolidated renegotiation.
1464.8 Allocation of excessive profits.
1464.9 Liability of members of affiliated or related group.
1464.10 When consolidated basis not used.
1464.11 Separate renegotiation of partial fiscal years.

FORMS

1464.90 Letter form of request for renegotiation on consolidated basis (affiliated group).
1464.91 Letter form of request for renegotiation on consolidated basis (related group).

AUTHORITY: §§ 1464.1 to 1464.91 issued under sec. 109, Pub. Law 9, 82d Cong. Interpret or apply sec. 105, Pub. Law 9, 82d Cong.

§ 1464.1 *Consolidated renegotiation of affiliated group*—(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

Renegotiation shall be conducted on a consolidated basis with a parent and its subsidiary corporations which constitute an affiliated group under section 141 (d) of the Internal Revenue Code if all of the corporations included in such affiliated group request renegotiation on such basis and consent to such regulations as the Board shall prescribe with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of the excessive profits of such affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each corporation included in such affiliated group.

(b) *Definition of "affiliated group".* (1) Section 141 (d) of the Internal Revenue Code provides as follows:

(d) Definition of "affiliated group". As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the non-voting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the non-voting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include non-voting stock which is limited and preferred as to dividends.

(2) The term "affiliated group" as used in this part means a group of corporations which qualify under the definition quoted in subparagraph (1) of this paragraph of section 141 (d). A corporation cannot be a member of an affiliated group unless it is an "includible corporation" as defined in subsections (e), (f), (g) and (j) of section 141 of the Internal Revenue Code.

(c) *Fiscal year of an affiliated group.* The fiscal year of an affiliated group for the purpose of consolidated renegotiation shall be the fiscal year of the common parent corporation.

§ 1464.2 *Request for consolidated renegotiation of affiliated group; when approved.* The Board will approve a request for consolidated renegotiation of all members of an affiliated group who qualify therefor. A member of an affiliated group other than the common parent corporation shall not be deemed to qualify for consolidated renegotiation unless:

(a) Such member had renegotiable receipts or accruals during the fiscal year under review;

(b) Except as provided hereafter in this paragraph, such member was a member of the affiliated group during the entire fiscal year of the common parent corporation and its fiscal year for Federal income tax purposes ended on the same date as the fiscal year of the common parent corporation. The foregoing limitation shall not disqualify a member; (1) if the fiscal period of such member ended on the same date as the fiscal year of the other member or members but began on a later date because such member was incorporated during such fiscal year, and if such member during its entire first fiscal period was a member of the group; or (2) if the fiscal period of such member began on the same date as the fiscal year of the other member or members but ended on an earlier date because such member was dissolved during such fiscal year and if such member during its entire last fiscal period was a member of the group.

§ 1464.3 *Consolidated renegotiation of a related group*—(a) *Statutory provision.* Section 105 (a) of the act provides in part as follows:

By agreement with any contractor or subcontractor, and pursuant to regulations promulgated by it, the Board may in its discretion conduct renegotiation on a consolidated basis in order properly to reflect excessive profits of two or more related contractors or subcontractors.

(b) *Definition of "related group".* A "related group" means two or more persons, one of whom controls the other or others, or who are under common control, and who qualify for and request renegotiation on a consolidated basis. The members of the group may consist of persons including corporations, partnerships, joint ventures, associations, sole proprietorships, or a combination of some or all of these.

(c) *Fiscal year of a related group.* The fiscal year of a related group shall be the fiscal year of the member of the related group designated as agent in accordance with § 1464.7 (b), except that the Board may, upon application of the group made with the letter requesting consolidated renegotiation (§ 1464.91), permit such related group to adopt a different fiscal year unless adoption of such different fiscal year would hinder conduct of the renegotiation. The fiscal year of the agent or the fiscal year adopted, as the case may be, will be referred to hereafter in this part as the related group's fiscal year.

§ 1464.4 *Request for consolidated renegotiation of related group; when granted.* In order properly to reflect excessive profits, the Board may, in its discretion, grant a request for a consolidated proceeding with respect to a related group if the Board is satisfied that consolidation will not be inequitable to minority interests in one or more members of such group. A person shall not be deemed to qualify for consolidated renegotiation as a member of a related group unless all of the following conditions exist:

(a) Such person had renegotiable receipts or accruals during the related group's fiscal year under review.

(b) The renegotiable business done by such person was related to the renegotiable business done by the other member or members of the group in such a way that consolidation will facilitate the renegotiation process.

NOTE: Consolidated renegotiation of contractors in wholly different and unrelated lines of business might hamper the Board in applying the factors prescribed in the statute for determining what profits are excessive. Relationship justifying consolidation may be found either in the similarity of supplies or services furnished, in the connection of the members of the group as supplier and customer, or possibly in other circumstances.

(c) Each of such persons who participated in a consolidated renegotiation for a prior fiscal year and whose fiscal year differed from the fiscal year of the related group in that renegotiation has, before the close of the related group's fiscal year under review, adopted under the Internal Revenue Code a fiscal year in conformity with the related group's fiscal year.

§ 1464.5 *Partial fiscal years.* If during a related group's fiscal year under review a person came under control of, acquired control over or came under common control with another member or members of such group, such person may, in the discretion of the Board, be included in the consolidated proceeding with respect to his receipts or accruals from the date such control became ef-

fective, if such person otherwise meets the qualifications for consolidated renegotiation set forth in § 1464.4. Similarly, if during a related group's fiscal year under review such control ceases with respect to a person who is a member of such group, such person may, in the discretion of the Board, be included in the consolidated proceeding with respect to his receipts or accruals up to the date such control ceased, if such person otherwise meets the qualifications for consolidated renegotiation set forth in § 1464.4.

§ 1464.6 *Effect of consolidation.* Once the Board has granted a request for renegotiation of an affiliated group or related group on a consolidated basis, then, except as otherwise provided herein, the proceeding will remain consolidated for all purposes, regardless of whether a clearance issues or excessive profits are determined by agreement or order. However, on request of any member of the group or on its own motion, the Board may discontinue the consolidated proceeding and convert it to separate renegotiation proceedings or consolidate a different group, if satisfied that the consolidation was improperly effected pursuant to the regulations in this subchapter or, if satisfied in the case of a related group, one or more of whose members has a fiscal year not conforming with the related group's fiscal year, that the accounting records of such member or members do not properly reflect excessive profits for the related group's fiscal year.

§ 1464.7 *Miscellaneous provisions applicable to consolidated renegotiation.* A request for consolidated renegotiation proceedings shall conform to the following requirements:

(a) A request made by an affiliated group shall be made in the form prescribed by § 1464.90. A request made by a related group shall be made in the form prescribed by § 1464.91. A request by either group shall constitute a consent by each member of such group to the application of the regulations governing consolidated renegotiation. The request shall be duly executed by each eligible member of the affiliated group or by each member of the related group. The request shall be filed with the Board on or before the first date on which any member of the group completes the filing of the Standard Form of Contractor's Report (RB Forms 1 and 1B). The Board may grant requests filed after that date if no inconvenience to the Board will result and if, at the time of such filing, renegotiation has not been commenced with any of the members of the group requesting consolidated renegotiation.

(b) A request filed by the members of an affiliated group shall designate the common parent corporation as agent of the group and shall authorize such parent corporation to represent all members of the group in all respects in connection with the consolidated proceeding. A request filed by the members of a related group shall designate one member of the group as agent of the group and shall authorize such member to represent all members of the group in all respects in connection with the consolidated proceeding. Such authorization in either case shall be irrevocable as long as renegotiation is conducted on a consolidated basis, and shall apply to all phases of the proceeding including commencement of renegotiation, submission of data, the making and execution of renegotiation agreements administrative review, and petition to the Tax Court.

(c) The Board will commence renegotiation with an affiliated group on a consolidated basis by sending a registered letter to the common parent corporation of such group, and such letter will constitute an acknowledgment by the Board that the group has complied with the regulations of the Board with respect to (1) the determination and elimination of excessive profits of such affiliated group, and (2) the determination of the amount of excessive profits of such affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each member of such affiliated group unless the Board has previously made such an acknowledgment. The Board will commence renegotiation with a related group on a consolidated basis by sending a registered letter to the member of such group designated as agent pursuant to paragraph (b) of this section, and such letter will constitute the granting by the Board of the request of such related group for renegotiation on a consolidated basis, unless the Board has previously granted such request.

§ 1464.8 *Allocation of excessive profits.* Excessive profits, whether determined by agreement or order, will be allocated among the members of the consolidated group and when necessary among different fiscal years of any member in an equitable manner, and the agreement or order will disclose the allocation. The excessive profits will be so allocated even though some or all of the members of the consolidated group participate in filing a consolidated Federal tax return. If excessive profits have been realized and if the renegotiation agreement or order were to impose liability generally on the entire consolidated group for the profits found to be excessive, without fixing the separate allocations, the members of the group might not be allowed appropriate deductions for Federal income and excess profits tax purposes under section 3806 of the Internal Revenue Code.

§ 1464.9 *Liability of members of affiliated or related group.* Although excessive profits to be eliminated will be allocated to members of an affiliated or related group, each member of the affiliated or related group shall be jointly and severally liable for the total amount of excessive profits, if any, to be eliminated as determined in the consolidated proceeding.

§ 1464.10 *When consolidated basis not used.* Whenever the members of an affiliated group or a related group are renegotiated separately, renegotiations with the individual members of such group will if practicable be conducted concurrently.

§ 1464.11 *Separate renegotiation of partial fiscal years.* When amounts received or accrued during a portion of a person's fiscal year or years are included in a consolidated proceeding, such person shall notwithstanding the provisions of § 1470.3 (h) of this subchapter, file in full a Standard Form of Contractor's Report for each of such fiscal years. Such Standard Form of Contractor's Report shall reflect separately the amounts received or accrued by such person which are included in the consolidated proceeding. Such person will be renegotiated separately with respect to the receipts or accruals reflected on such Standard Form of Contractor's Report which are not included in the consolidated proceeding: *Provided, however,* That such separate renegotiation will be conducted concurrently with the consolidated proceeding, if practicable.

FORMS

§ 1464.90 *Letter form of request for renegotiation on consolidated basis (affiliated group).* The following letter is prescribed for requesting consolidated renegotiation of an affiliated group:

THE RENEGOTIATION BOARD
Washington 25, D. C.

GENTLEMEN:

1. Pursuant to the provisions of section 105 (a) of the Renegotiation Act of 1951 and Part 1464 of the Renegotiation Board Regulations, the undersigned corporations hereby request renegotiation on a consolidated basis for the fiscal year ended ----------.

2. The undersigned represent that they constitute all the members of an "affiliated group" as that term is defined in section 141 (d) of the Internal Revenue Code, except those listed as follows:

Name of corporation	Principal office	Fiscal year	
		Began	Ended
----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------

The corporation or corporations listed above have not joined in this request because each such corporation (a) was not a member of such affiliated group during the entire fiscal year of the common parent corporation, or its fiscal year for Federal income tax purposes did not end on the same date as the fiscal year of the common parent corporation, and (b) does not qualify for consolidated renegotiation with the undersigned within the exceptions provided in § 1464.2 (b) of said regulations as set forth in Schedule A attached hereto; or because it had no renegotiable business during the year under review.

3. Each of the undersigned hereby consents, for said fiscal year, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the undersigned affiliated group and (b) the determination of the amount of the excessive profits of the undersigned affiliated group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each of the undersigned.

4. ---------- (the common parent corporation of the undersigned affiliated group) is hereby designated as agent of the undersigned affiliated group and is hereby authorized to represent all members of the group in all respects in connection with the consolidated renegotiation proceedings requested herein for said fiscal year.

5. The undersigned represent that they (have) (have not) (delete inapplicable language) filed consolidated Federal income tax returns for said fiscal year; and that, except as indicated in Schedule A attached hereto, each of the undersigned was a member of the affiliated group during the entire fiscal year of the undersigned common parent corporation, and the fiscal year for Federal income tax purposes of each of the undersigned other than said common parent corporation ended on the same date as the fiscal year of said common parent corporation.

6. The undersigned are aware that under section 105 (e) (1) of the Renegotiation Act of 1951, criminal penalties may be incurred by any person who knowingly furnishes any statement, information, records or data required under said section 105 (e) (1), containing information which is false or misleading in any material respect.

In witness whereof, the undersigned corporations have executed this request as of the ------ day of ---------- 19---- by their duly authorized representatives.

(Contractor)
By ----------
(Authorized representative)

(Title of authorized representative)
Attest ----------
(Secretary)

(Contractor)
By ----------
(Authorized representative)

(Title of authorized representative)
Attest ----------
(Secretary)

A duly certified copy of the resolution of the Board of Directors of each corporation authorizing execution and delivery of this request shall be attached to the request.

SCHEDULE A—EXCEPTIONS TO COMMON FISCAL YEAR

(a) The fiscal period of each of the following members of the applicant affiliated group ended on the same date as the fiscal year of the other members but began on a later date because such member was incorporated during such fiscal year, and such member during its entire first fiscal period was a member of such affiliated group (if none, write "None"):

Name of corporation	Principal office	Fiscal period	
		Began	Ended
----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------

(b) The fiscal period of each of the following members of the applicant affiliated group began on the same date as the fiscal year of the other members but ended on an earlier date because it was dissolved during such fiscal year, and such member during its entire last fiscal period was a member of such affiliated group (if none, write "None"):

Name of corporation	Principal office	Fiscal period	
		Began	Ended
----------	----------	----------	----------
----------	----------	----------	----------

(NOTE: For each corporation listed above, state applicable date of incorporation or dissolution and such other information as will clearly demonstrate that such corporation is entitled to be included in the consolidated proceeding. See § 1464.2 (b).)

§ 1464.91 *Letter form of request for renegotiation on consolidated basis (related group).* The following letter form is prescribed for requesting consolidated renegotiation of a related group:

THE RENEGOTIATION BOARD
Washington 25, D. C.

GENTLEMEN:

1. Pursuant to the provisions of section 105 (a) of the Renegotiation Act of 1951 and Part 1464 of the Renegotiation Board Regulations, the undersigned hereby request renegotiation on a consolidated basis for the fiscal year ended ----------.

2. The undersigned represent that they constitute a "related group" as that term is defined in § 1464.3 (b) of the Renegotiation Board Regulations.

3. Each of the undersigned hereby consents, for said fiscal year, to the Renegotiation Board Regulations with respect to (a) the determination and elimination of excessive profits of the undersigned related group and (b) the determination of the amount of the excessive profits of the undersigned related group allocable, for the purposes of section 3806 of the Internal Revenue Code, to each of the undersigned.

4. ---------- (one of the undersigned) is hereby designated as agent of the undersigned related group and is hereby authorized to represent all members of the group in all respects in connection with the consolidated renegotiation proceeding requested herein for said fiscal year.

5. The undersigned represent that all of the undersigned had the same fiscal year for Federal income tax purposes, except as indicated in Schedule A attached hereto.

6. Each of the undersigned who participated in a consolidated renegotiation under the act for a prior fiscal year and whose fiscal year differed from the fiscal year of the related group in that renegotiation represents that before the close of the related group's fiscal year under review, it adopted, under the Internal Revenue Code, a fiscal year in conformity with the related group's fiscal year.

7. The undersigned represent that the renegotiable business done by them was related in the following way (see § 1464.4 (b)):

(Describe)

8. The undersigned are aware that under section 105 (e) (1) of the Renegotiation Act of 1951, criminal penalties may be incurred by any person who knowingly furnishes any statement, information, records or data required under said section 105 (e) (1), containing information which is false or misleading in any material respect.

In witness whereof, the undersigned have executed this request as of the ------ day of ----------, 19----, in their proper persons or by their duly authorized representatives.

(Contractor)
By ----------
(Authorized representative)

(Title of authorized representative)
Attest ----------
(Secretary)

(Contractor)
By ----------
(Authorized representative)

(Title of authorized representative)
Attest ----------
(Secretary)

In the case of a corporation, a duly certified copy of the resolution of the Board of Directors of the corporation authorizing execution and delivery of this request shall be attached to the request. In the case of a partnership, all general partners shall execute the request.

SCHEDULE A—EXCEPTIONS TO COMMON FISCAL YEAR

The fiscal period of each of the following members of the applicant related group differed from the group's fiscal year (as defined in § 1464.3 (c)) in the manner listed below:

Name of member	Principal office	Fiscal period	
		Began	Ended
----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------

NOTE: For each person listed above who became or ceased to be qualified for consolidated renegotiation as a member of the related group during the related group's fiscal year, state the applicable date of qualification or disqualification and indicate what qualified or disqualified such person on that date.

Dated: June 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7304; Filed, July 2, 1952; 8:45 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1490—BROKERS AND MANUFACTURERS' AGENTS

Sec.
1490.1 Introduction.
1490.2 Statutory provisions.
1490.3 Limited exemption of subcontracts for architectural, design or engineering services.
1490.4 Application of the act.
1490.5 Filing of financial statement.
1490.6 Determination of renegotiable business under section 103 (g) (3) of the act.
1490.7 Determination of excessive profits under subcontracts described in section 103 (g) (3) of the act.
1490.8 Efficiency of the contractor.
1490.9 Reasonableness of costs and profits.
1490.10 Capital employed.
1490.11 Extent of risk assumed.
1490.12 Contribution to the defense effort.
1490.13 Character of business.

AUTHORITY: §§ 1490.1 to 1490.13 issued under sec. 109, Pub. Law 9, 82d Cong.

§ 1490.1 *Introduction.* Subcontracts described in section 103 (g) (3) of the act are substantially different from other contracts and subcontracts subject to the act, both in the nature of the services rendered thereunder and their relation to the defense effort. Because of these basic differences, the application of the act to such subcontracts gives rise to correspondingly different problems and considerations. The regulations in this part apply solely to subcontracts described in section 103 (g) (3) of the act. As used in this part, except when the context clearly indicates otherwise, the term "contractor" means any person

holding one or more subcontracts described in section 103 (g) (3) of the act.

§ 1490.2 *Statutory provisions.* (a) *Coverage.* Section 103 (g) (3) of the act provides in part as follows:

The term "subcontract" means—
(1) • • •
(2) • • •
(3) Any contract or arrangement (other than a contract or arrangement between two contracting parties, one of whom is found by the Board to be a bona fide executive officer, partner, or full-time employee of the other contracting party) under which—
(A) Any amount payable is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts; or
(B) Any amount payable is determined with reference to the amount of a contract or contracts with a Department or of a subcontract or subcontracts; or
(C) Any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts.

(b) *Minimum amount subject to renegotiation.* Section 105 (f) (2) of the act provides as follows:

If the aggregate of the amounts received or accrued during a fiscal year (and on or after the applicable effective date specified in section 102 (a)) by a subcontractor, and all persons under control of or controlling or under common control with the subcontractor, under subcontracts described in section 103 (g) (3) is not more than $25,000, the receipts or accruals from such subcontracts shall not, for such fiscal year, be renegotiated under this title. If the aggregate of such amounts received or accrued during the fiscal year under such subcontracts is more than $25,000, no determination of excessive profits to be eliminated for such year with respect to such subcontracts shall be in an amount greater than the amount by which such aggregate exceeds $25,000.

§ 1490.3 *Limited exemption of subcontracts for architectural, design or engineering services.* Certain subcontracts described in section 103 (g) (3) of the act have been exempted by the Board under certain circumstances. Such exemption is limited to subcontracts "for architectural, design or engineering services, no part of which services are or were related to the effecting or procuring of a contract with a Department or a subcontract, if the aggregate amount received or accrued during a fiscal year by a subcontractor and all persons under control of or controlling or under common control with the subcontractor, is not more than $250,000" (see § 1455.3 (b) (6) of this chapter).

§ 1490.4 *Application of the act.* Subcontracts described in section 103 (g) (3) of the act are subject to renegotiation under the act to the extent of amounts received or accrued on or after the date applicable to the prime contract to which the subcontract relates (see § 1452.2 of this chapter).

§ 1490.5 *Filing of financial statement.* The regulations pertaining to this subject are set forth in § 1470.3 of this chapter. It will be noted therefrom that no special form is prescribed for persons holding subcontracts described in section 103 (g) (3) of the act. Such persons shall adapt the Standard Form of Contractor's Report to their particular needs.

§ 1490.6 *Determination of renegotiable business under section 103 (g) (3) of the act.* (a) Receipts and accruals which are derived from any contract or arrangement described in section 103 (g) (3) of the act are renegotiable only to the extent that they are contingent upon the procurement of a renegotiable prime contract or subcontract, or are determined with reference to the amount of a renegotiable prime contract or subcontract, or are received or accrued for soliciting, attempting to procure, or procuring a renegotiable prime contract or subcontract.

Example. X Company, only part of whose sales are subject to renegotiation, enters into a sales commission contract with a sales representative. Pursuant to such contract he makes sales on behalf of X company to Y company, which is not engaged in renegotiable business, and also to the Department of the Army. The commissions on the sales to the Department of the Army are renegotiable since they are received for procuring a renegotiable prime contract. The commissions on the sales to Y company are not renegotiable even though all of the commissions are received pursuant to the single commission contract. It is immaterial in this instance whether the commission is a fixed amount or is measured by the amount of the renegotiable sales.

(b) All receipts or accruals which are contingent upon the procurement of renegotiable prime contracts or subcontracts or which are determined with reference to the amount thereof, are subject to the act without regard to whether they are paid or payable for the procurement of such prime contracts or subcontracts or for the servicing thereof.

Example. A sales organization is entitled by its contract with X Corporation to be paid 5% of all sales of X Corporation within a certain territory. Most sales during the year are repeat orders placed directly with X Corporation by regular customers who make their purchases in connection with renegotiable business. The main function of the sales organization is to service the contracts, expedite shipments, and render engineering or other technical assistance to X Corporation in the improvement, use or maintenance of its products. All commissions received or accrued by the sales organization from X Corporation on renegotiable business are subject to the act.

(c) If the amount of the receipts or accruals under a subcontract described in section 103 (g) (3) of the act is not contingent upon the procurement of a renegotiable prime contract or subcontract, or measured by the amount thereof, but is received or accrued in whole or in part for soliciting, attempting to procure or procuring such a contract, that part of such receipts or accruals is subject to the act which the Board determines to be reasonably allocable to renegotiable sales.

EXAMPLE. Pursuant to a fixed monthly retainer, a manufacturer's representative represents X Corporation, sells its products, assists in expediting shipment thereof, and performs engineering services in connection with such sales and the use of such products. Normally, segregation will be accomplished by applying to the receipts or accruals from the retainer contract the same ratio which the renegotiable sales of X Corporation bear to total sales. If it should appear, however, that the application of such ratio would not correctly reflect the part of such receipts or accruals which is properly referable to renegotiable business, segregation will be accomplished on such basis as will correctly reflect such part.

(d) A contract to furnish engineering or other technical services required for the performance of a renegotiable prime contract or subcontract is not a subcontract described in section 103 (g) (3) of the act if no part of the amount payable under such contract is contingent upon the procurement of a renegotiable prime contract or subcontract, or is measured by the amount thereof, and if no part of the services performed or to be performed thereunder consists of soliciting, attempting to procure, or procuring a renegotiable prime contract or subcontract. However, a contract to furnish such services is a subcontract described in section 103 (g) (1) of the act.

(e) Receipts and accruals under subcontracts described in section 103 (g) (3) of the act are exempt from renegotiation, to the extent that such receipts and accruals are referable to prime contracts and subcontracts which are exempted from the provisions of the act by sections 106 (a) or (d) thereof. See §§ 1453.6 and 1455.7 of this chapter.

(f) Receipts and accruals under subcontracts described in section 103 (g) (3) of the act, to the extent that such receipts and accruals are referable to subcontracts for new durable productive equipment, are subject to renegotiation to the same extent as the receipts or accruals under the subcontracts to which they are referable.

§ 1490.7 *Determination of excessive profits under subcontracts described in section 103 (g) (3) of the act—(a) General considerations.* (1) It is recognized that, in times of emergency, the bona fide manufacturer's representative or salesman can render a useful service in the defense effort by making sources of materials available to defense contractors, coordinating procurement needs with the productive capacities of his principal, expediting shipments, and rendering expert technical assistance to the buyer, the seller and the Government.

(2) At the same time, under emergency conditions, the demand for materials is so enhanced that a normal return to a sales representative for selling goods or services or to a person compensated on a commission or percentage basis may become excessive when considered in relation to the character and amount of work performed by such person. To the extent that the emergency creates a sellers' market, it tends to reduce the amount of effort required to locate buyers and to induce them to purchase. At the same time, the increase in the volume of such purchasing frequently results in a corresponding dollar increase in sales commissions. When commissions are based on a rate of compensation which was established in normal times, when supply and demand were more evenly balanced, excessive compensation may result without corresponding benefits to the buyer and supplier of the materials. This excessive compensation, when paid for the procurement of defense prime contracts or subcontracts, is borne ultimately by the Government.

(3) Consequently, while there is definite value in the services of sales representatives in the prosecution of the defense effort, it is necessary to maintain the compensation paid for such services at a reasonable level commensurate with their character, amount and value, and thus to avoid excessive costs and profits. This applies with equal force to the commissions of established sales agencies and the commissions of agencies which have developed solely or principally as a result of the emergency.

(b) *Application of statutory factors; general policy.* Reasonable profits will be determined in every case by over-all evaluation of the particular factors present and not by the application of any fixed formula with respect to rate of profit, or otherwise. Renegotiation proceedings will not result in a profit based on the principle of a percentage of cost. Brokers and manufacturers' agents who render a valuable service in the prosecution of the defense effort, through bringing production facilities into defense work, furnishing technical assistance in the use and maintenance of the products of their principals, or otherwise improving or facilitating the execution of the defense program, will receive a more favorable determination than those who do not. Such favorable or unfavorable determination will be reflected in the profits allowed to be retained by the contractor as nonexcessive. Claims of a contractor for favorable consideration must be supported by established facts, analyses and appropriate comparisons.

§ 1490.8 *Efficiency of the contractor—(a) Statutory provision.* Section 103 (c) of the act provides that in determining excessive profits, favorable recognition must be given to:

the efficiency of the contractor or subcontractor, with particular regard to attainment of quantity and quality production, reduction of costs, and economy in the use of materials, facilities, and manpower;

(b) *Comment.* Favorable recognition must be given to the contractor's efficiency in operations, with particular attention to the following:

(1) Quantity of production; for example, the servicing or expediting of an expanded volume of renegotiable sales without a correspondingly expanded staff.

(2) Quality of production: for example, maintenance of standards of service, advice and technical assistance to buyers and sellers, notwithstanding increased volume of work; maintenance of delivery schedules, to the extent resulting from efforts of the contractor.

(3) Reduction of costs; for example, decrease in promotional expenses as compared with previous years and with the experience of other similar contractors.

(4) Economy in the use of materials, facilities, and manpower; for example, utilizing the services of less skilled employees or trainees to do technical work normally requiring employees with greater training and experience when such more highly skilled employees are not available.

§ 1490.9 *Reasonableness of costs and profits—(a) Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(1) Reasonableness of costs and profits, with particular regard to volume of production, normal earnings, and comparison of war and peacetime products:

(b) *Comment.* Consideration will be given to the reasonableness or the excessiveness of costs and profits of the contractor. Comparisons will be made with the contractor's own costs and profits in previous years and with current costs and profits of other contractors, if such information is available. In making comparisons for fiscal periods ended before January 1, 1951, profits during World War II years will not be regarded as determinative. Nor is it intended that renegotiation should, in effect, freeze the contractor's profits at the peacetime level. Rather it is intended that he be allowed a reasonable reward for his effort, skill and success in performing services for his principals and for his contribution to the defense effort. The reasonableness of profits will be determined on a dollar basis rather than on the basis of a percentage of the sales of his principals.

§ 1490.10 *Capital employed—(a) Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factors:

(2) The net worth, with particular regard to the amount and source of public and private capital employed;

(b) The net worth of a sales organization is rarely of sufficient importance to have a bearing upon the reasonableness of sales commissions; nor, as a general rule, is any substantial amount of capital, either public or private, employed in its operations. However, when sufficient capital or net worth is employed, consideration will be given thereto in determining the existence and amount of excessive profits of such a contractor.

§ 1490.11 *Extent of risk assumed—(a) Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(3) Extent of risk assumed, including the risk incident to reasonable pricing policies;

(b) *Comment.* If the contractor undertakes financial obligations or incurs financial or other risks in connection with his renegotiable business, such obligations and risks will be taken into consideration in determining what constitutes excessive profits. To receive such consideration, such risk must be an unusual one, such as the risk of saturating post-emergency markets, and not merely the risk of expending the efforts and capacities of a sales organization without assurance of compensation. Any risk incident to the performance of sales services on a contingent basis is one which is assumed by most sales organizations and, furthermore, is one which diminishes with the increased volume of business resulting from the defense effort.

§ 1490.12 *Contribution to the defense effort—(a) Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(4) Nature and extent of contribution to the defense effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance.

(b) *Comment.* This factor is especially significant in determining excessive profits under subcontracts described in section 103 (g) (3) of the act. A manufacturer's representative or salesman can make a substantial contribution to the defense effort by (1) making sources of materials and services available to defense contractors, including the exercise of ingenuity in bringing facilities and services into defense work and developing new uses for old products; (2) correlating the productive capacity of a manufacturer with the procurement needs of the defense effort; (3) expediting the purchase and flow of materials to contractors; (4) servicing sales contracts during performance to meet the requirements of the buyer; (5) rendering expert engineering or other technical assistance to the buyer, the seller and the Government. The contractor who assists the prosecution of the defense effort in any of the above ways, or in other ways, will be given more favorable consideration than the contractor who does not. The profits allowed to be retained by the contractor as nonexcessive will include a suitable financial reward for any exceptional accomplishments or outstanding efforts that inured or might reasonably have inured to the benefit of the defense effort. To determine this, comparison will be made with the services and activities customarily performed by similar contractors in the same field.

§ 1490.13 *Character of business—(a) Statutory provision.* Section 103 (e) of the act provides that in determining excessive profits there shall be taken into consideration the following factor:

(5) Character of business, including source and nature of materials, complexity of manufacturing technique, character and extent of subcontracting, and rate of turnover.

(b) *Comment.* Consideration will be given to the character of the business of the contractor. This will vary greatly from one sales organization to another. The contractor who merely takes orders and transmits them to his principal generally is not entitled to as large a profit as the contractor who, in addition to such functions, also performs technical services in adapting his principal's products to the needs of his buyers or devotes substantial effort to expediting shipments and servicing the sales he has made. The profits allowed to be retained by the contractor will reflect the skill, training and experience required to accomplish the functions performed by the

contractor, and the compensation customarily paid for such skill, training and experience.

Dated: June 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7303; Filed, July 2, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 61, Supplementary Regulation 3]

CPR 61—EXPORTS

SR 3—CEILING PRICES FOR SULFUR MINED BY NON-FRASCH METHODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 3 to Ceiling Price Regulation 61 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 61 provides for the establishment or adjustment of ceiling prices for export sales and sales for export of sulfur, produced and mined from sulfur deposits, by methods other than the Frasch method, to reflect the greater costs involved in the production of sulfur by non-Frasch methods and the greater costs resulting from the more impure deposits which are involved. The production of sulfur by the Frasch process is at capacity level. Increased domestic production is necessitated by the greatly increased demand in both domestic and foreign markets. The United States is the prime supplier of sulfur in world markets and sulfur at present is in critical short supply for defense and civilian requirements. These requirements have resulted in the domestic allocation of sulfur to production and use on the basis of 90 percent of the 1950 consumption. The inadequacy of the total current supply of sulfur is recognized by the National Production Authority which is encouraging the production of sulfur from all available sources.

Sulfur is produced today by the Frasch process or is recovered from sour gases or crude oil in the petroleum industry. There is at present only limited production of mined sulfur by non-Frasch methods, primarily because of the substantially greater costs involved in this method of production which necessitates much higher selling prices than existing ceiling prices. These deposits are considerably less pure than the deposits which lend themselves to the Frasch method of extraction and thus involve greater extraction costs.

Expansion of the present sources of supply of sulfur cannot be achieved without this incremental production at significantly greater unit costs.

There are existing sulfur deposits in several areas of the United States. These deposits contain a relatively low percentage of sulfur and the ore must be, when mined, beneficiated to increase the sulfur content to an economic level in order to be sold in existing markets. The cost of production, therefore, is generally much higher than existing ceiling prices for sales of elemental sulfur produced by the Frasch process or recovered from sour natural gas or waste refinery gases in the petroleum industry. It can be expected that all of the incremental mined sulfur produced by non-Frasch methods will be sold in the export markets where world prices for sulfur are substantially higher than the prevailing ceiling prices for sulfur in the United States. This supplementary regulation will, therefore, permit increased production of elemental sulfur for the export trade with a minimum effect on the prevailing price level in the United States.

This supplementary regulation provides, upon application, for the establishment or adjustment of ceiling prices for export sales and sales for export of sulfur so produced.

Since the estimated increases in unit costs will be based on anticipated expenditures, the producer receiving an authorized ceiling price or an adjustment of his ceiling price will be required, in all cases, to file a detailed report of the actual cost experience for the sixth full month of production and a report of the average production costs for the first six full months of production.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

In view of the remedial nature of this supplementary regulation, special circumstances have rendered consultations with industry representatives, including trade association representatives, impractical.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. How to apply for establishment or adjustment of ceiling price.
3. Contents of application.
4. Action by the Director.
5. Sales to merchant exporters.
6. Applicability of other regulations.
7. Definitions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation applies to producers of elemental sulfur mined in the United States by other than the Frasch method and provides for the establishment of ceiling prices or the adjustment of ceiling prices for all their export sales and sales for export of such sulfur. The General Ceiling Price Regulation continues to be applicable to all other sales of such sulfur.

SEC. 2. *How to apply for establishment or adjustment of ceiling price.* If you are a producer of sulfur mined from deposits in the United States by other than the Frasch method, and do not have a ceiling price established for export sales or sales for export of that sulfur, you may apply for the establishment of a ceiling price under this supplementary regulation instead of establishing a ceiling price under Ceiling Price Regulation 61. If you already have a ceiling price established for export sales or sales for export of such sulfur, you may apply for an adjustment of that ceiling price under this supplementary regulation. Your signed application should be filed with the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C.

SEC. 3. *Contents of application.* Your application shall set forth the following:

(a) Name and address of applicant and location of the sulfur deposit; the nature of applicant's interest therein, e. g., Fee Simple, Leasehold, Rental Agreement, etc., accompanied by a copy of the instrument by which the interest was acquired; and a statement of the acquisition cost of the property or rental terms if under lease, with dates of acquisition and, in the case of a lease, of its expiration.

(b) Your present ceiling price, if any, for domestic sales, sales for export and export sales.

(c) A description of your present and proposed operations including a statement of

(1) The quantity of sulfur (99.5 percent basis) produced annually from your mine or if you cannot furnish figures of actual production, an estimate of your annual production, giving the basis for your estimate.

(2) The total amount of recoverable sulfur in the deposit to be mined, including the actual or estimated amount at the time of acquisition and at the beginning of the fiscal period used in paragraph (f), below.

(3) The physical description and grade of the ore, including the percentage of contained sulfur in the ore.

(d) A breakdown of the actual capital investment in plant and equipment required to achieve the sulfur production stated in paragraph (c) above. This investment should be valued at acquisition cost. Where the equipment has been used, deduct from the acquisition cost the normal depreciation resulting from the use of the equipment. Where the plant and equipment have not yet been purchased, submit a breakdown of estimated acquisition cost erected at plant site.

(e) The estimated book value of the recoverable provable sulfur.

(f) A breakdown of the unit cost of producing the sulfur on the basis of a long ton of 99.5 percent basis sulfur, presented in the same detail as you carry your figures on your books of account. The suggested detailed items of cost for which separate figures are to be submitted are covered in the outline below. If you have been in production for three months or more, submit your actual unit costs of production for the most recent three month period with estimated costs of production for the subsequent three month period. If you are not yet in production or if you have been in production less than three months, submit your estimated unit costs for the first six months of production.

(1) Total mining and plant cost.
(i) Mining costs: E. g. cutting, blasting, loading, ventilation, drainage, mucking, nipping, stripping, direct supervision, power and light.
Mine haulage: E. g. hoisting, trucking to mill, waste disposal, etc.
Mine maintenance: E. g. cutting and drilling machines, loading equipment, pumps, ventilation, etc.
(ii) Milling and refining expense: E. g. supervision, operation, processing materials, utilities, tailings disposal, maintenance and repair, etc.
(iii) Mine and plant overhead: E. g. supervisory, shop, laboratory, powerhouse, general, etc.
(iv) Warehouse and loading.
(v) Taxes: E. g. production, use, severance, franchise, and personal property taxes, and social security taxes, but not including income and excess profit taxes.
(vi) Depreciation.
(vii) Depletion.
(viii) Royalty and lease rentals.
(2) Administrative, general, selling expense.
(3) Exploration and development costs.
(4) Total operating cost.

(g) Any other information deemed pertinent by the applicant which will assist the Director in establishing or adjusting your ceiling price.

SEC. 4. *Action by the Director.* (a) If the Director finds that you cannot reasonably be expected to produce or to continue to produce sulfur from your deposit for export sales or sales for export at ceiling prices which would have been provided by regulations otherwise applicable and that the sulfur which you produce is required by the world market, he may establish a ceiling price or adjust your ceiling prices for your export sales or sales for export of such sulfur, taking into consideration the cost of producing and selling the sulfur. The Director's order may also establish ceiling prices for export sales of your sulfur by merchant exporters. Your ceiling prices for sales of such sulfur in the United States are established by the General Ceiling Price Regulation and will not be changed by the Director's order.

(b) The Director may request such further information as he may deem necessary to a proper determination of your application.

(c) Producers of sulfur whose ceiling prices have been established or adjusted under the provisions of this section shall be required, after six full months of operation, to file a report showing the following:

(1) Your cost for the sixth full month of operation, showing the same items of cost required by section 3 (f).

(2) Your cost for the entire six month period, showing the same items of costs required by section 3 (f).

(3) Total tons of sulfur produced (on a 99.5% basis) during your sixth month of operation and for the entire six month period.

(d) Any order issued by the Director under this supplementary regulation may be modified or revoked at any time.

SEC. 5. *Sales to merchant exporters.* A producer who has his ceiling prices for sulfur established or adjusted under this supplementary regulation, and who makes a sale or sales of such sulfur to a merchant exporter shall furnish the merchant exporter an invoice or an accompanying statement, for each sale, showing his ceiling prices which have been established or adjusted for export sales and sales for export under this supplementary regulation, and a statement that his ceiling prices were established or adjusted under this supplementary regulation.

SEC. 6. *Applicability of other regulations.* A producer of sulfur whose ceiling price has been established or adjusted in accordance with this supplementary regulation shall be subject to all provisions of Ceiling Price Regulation 61 which are not inconsistent with the provisions hereof, including, but not limited to, the enforcement and penalty provisions thereof, and the requirements of keeping on file for inspection a statement of his records.

SEC. 7. *Definitions.* Where used in this supplementary regulation the term:

(a) "Producer" means any person engaged in the business of producing sulfur as defined in paragraph (b) below.

(b) "Sulfur" means sulfur obtained by mining deposits containing elemental sulfur and does not include sulfur produced by the Frasch process or sulfur obtained from petroleum or natural gases.

(c) "Export sales" and "sales for export" are defined in sec. 15 (c) of Ceiling Price Regulation 61.

Effective date: This Supplementary Regulation 3 to the Ceiling Price Regulation 61 is effective July 1, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 1, 1952.

[F. R. Doc. 52-7363; Filed, July 1, 1952; 3:35 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 12]

INT. 12—EXCLUSION FROM SALARY STABILIZATION OF PROFESSIONAL ENGINEERS EMPLOYED IN A PROFESSIONAL CAPACITY

This interpretation defines the scope of paragraph (ii) of section 402 (c) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1952, with regard to the exclusion from stabilization of the salaries and other compensation of professional engineers employed in a professional capacity.

The statute, as amended, provides that the authority conferred by Title IV, relating to salary stabilization, shall not be exercised with respect to "* * * wages, salaries and other compensation paid to professional engineers employed in a professional capacity; * * *".

1. *Definition of "professional engineer".* (a) A professional engineer is a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to apply such special knowledge for the purpose of rendering professional services or accomplishing creative work, such as consultation, investigation, evaluation, planning, design, or supervision of construction for the purpose of assuring compliance with specifications and design in connection with structures, machines, processes, works or projects.

(b) A person is qualified as a professional engineer by reason of his professional education, if he holds a professional engineering degree from a college, university or institute of technology, authorized under the laws of the jurisdiction in which it is located to grant academic degrees in professional engineering.

(c) A person licensed or registered to practice as a professional engineer in any State, Territory, or possession of the United States or in the District of Columbia is qualified as a professional engineer.

2. *Persons who are not "professional engineers".* (a) Persons engaged in carrying on routine mechanical activities, or persons employed as technicians or artisans (no matter how highly skilled), advisers on sales promotion, business methods and operations or in similar capacities, are not considered professional engineers. Consequently, persons whose occupations are designated as that of "engineer", such as stationary engineers, maintenance engineers, sales engineers or management or administrative engineers, are not professional engineers.

(b) Physicists, chemists, mathematicians, and other persons professionally employed in scientific fields, even though their scientific field or particular work activity may be related closely to professional engineering, are not professional engineers.

(c) Persons employed as engineering assistants, engineering aides, junior engineers or other "engineering" personnel who may work in more or less close association with professional engineers, but who are not qualified to do the work of professional engineers, are not professional engineers.

3. *Employed in a professional capacity.* (a) The statutory exclusion from salary stabilization extends to a professional engineer only if he is employed in a professional capacity. A person is so employed if he performs engineering work of a professional character within the meaning of the Regulations, Part 541,

issued by the Administrator of the Wage and Hour and Public Contracts Division pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended (29 CFR, 1950 Supp.).

(b) A person, qualified as a professional engineer, may actually be employed in a position which does not involve the duties or responsibilities of a professional engineer. Such a person is not regarded as being employed in a professional capacity, even though he may be employed by a professional engineer or a firm of professional engineers.

For example, a qualified professional engineer may be employed in an executive rather than a professional capacity (such as vice president in charge of sales of a firm of machinery distributors). Similarly, a professional engineer whose primary duty is that of an administrative employee (such as employment manager in charge of recruiting and placement of professional personnel) or that of an outside salesman (such as soliciting of contracts from governmental agencies for industrial concerns) is not employed in a professional capacity. A person qualified to be a professional engineer, who has a combination of professional and non-professional duties and responsibilities, is employed in a professional capacity only if his primary duty, as such term is used in the definition of a bona fide professional capacity contained in the Regulations, Part 541 (issued by the Administrator of the Wage and Hour and Public Contracts Divisions) is that of a professional engineer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, July 1, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-7411; Filed, July 2, 1952; 11:55 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, Direction 1 as Amended July 2, 1952]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

DIR. 1.—ADVANCE AUTHORIZATIONS

This amended direction to NPA Order M-16 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives and consideration has been given to their recommendations.

Direction 1 of November 19, 1951, to NPA Order M-16 is hereby amended to permit advance orders to be placed for two succeeding months and to increase the quantity which may be ordered in advance. As amended, Direction 1 to NPA Order M-16 reads as follows:

Sec.
1. What this direction does.
2. Advance authorizations.
3. Certification.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit persons who have received authority to purchase copper raw materials to place orders for and accept delivery of a limited quantity of similar materials during the 2 months succeeding the month for which the authorization was issued.

SEC. 2. *Advance authorizations.* (a) Any person who has received a written authorization pursuant to section 3 of NPA Order M-16, which authorization permits the acceptance of delivery of copper raw materials in a given month, may order for delivery to him during each of the two immediately succeeding months a quantity of copper raw materials for which he has such written authorization, not in excess of 50 percent of the quantity of each type of material other than refined copper, 75 percent of the quantity of domestic refined copper, and 100 percent of the quantity of other refined copper, and may during each of such succeeding two months accept delivery of the material so ordered. This permission does not apply to persons whose authorization to purchase issued pursuant to section 3 of NPA Order M-16, covers a period longer than one month.

(b) Any material received in any month pursuant to the permission granted by this section must be deducted from the quantity authorized to be received under the written authorization issued for that month in accordance with section 3 of NPA Order M-16. If the authorization received for any month is not large enough to cover the entire quantity ordered for such month, any excess must be deducted from the next authorization received.

SEC. 3. *Certification.* Orders placed pursuant to the permission granted by section 2 of this direction shall be certified as provided in paragraph (b) of section 3 of NPA Order M-16, except that where such certification provides for the authorization number to be given, there shall be inserted the authorization number which is the basis for the advance order, together with the words "advance authorization."

This direction as amended shall take effect on July 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7405; Filed, July 2, 1952; 11:13 a. m.]

[NPA Order M-92 and Direction 1—Revocation]

M-92—AUTOMOBILE WRECKERS

DIR. 1—TEMPORARY EXEMPTION OF AUTO WRECKERS IN CERTAIN AREAS FROM PURCHASE LIMITATIONS

REVOCATION

NPA Order M-92 (17 F. R. 2658) and Direction 1 (17 F. R. 3353) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-92 or Direction 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 2, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7406; Filed, July 2, 1952; 11:13 a. m.]

Chapter XIV—General Services Administration

MANGANESE REGULATIONS: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT WENDEN, ARIZONA

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the program.
4. Deliveries.
5. Duration of the program.
6. Price schedule for ores.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2093, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789-8791.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Wenden, Arizona, pursuant to delegation of authority from the Defense Materials Procurement Administrator [1] of even date with this regulation, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ores for Government use and resale. In accordance with the program set forth herein, as authorized by the Defense Production Administration on May 9, 1952, the Administrator will buy domestically produced manganese ore containing not less than fifteen percent (15%) manganese, in accordance with the specifications contained in this regulation.

[1] See F. R. Doc. 52-7358, Defense Materials Procurement Agency, in the Notices section, *infra*.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depot of the Government at Wenden, Arizona.

(d) "Manganese ore" means crude ore containing not less than fifteen percent (15%) manganese, mined in the United States, its territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the program.* Any person may participate in the program by notice given to the General Services Administration Regional Office, Building 41, Denver Federal Center, Denver, Colorado, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than August 31, 1953. Such notice shall state that the writer desires to participate in the program and will deliver manganese ore to the depot. Such notice must be signed and a return address given. Any person participating in the program will promptly be sent a certificate authorizing him to deliver ore meeting minimum specifications.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under the program is to be delivered f. o. b. depot. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled and assayed by the Government at the depot and payment on an estimated recovery basis will be made in accordance with the analysis of such sample and as provided in section 6 below. Deliveries not conforming to the minimum specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the program.* This program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depot and accepted by the Government under this program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ores.* The following prices per long dry ton will be paid for manganese ore delivered f. o. b. depot. Where the fractional manganese content is 0.5 percent (0.5%) or below, payment will be made as though no fractional content were involved. Where such fractional content is 0.51 percent (0.51%) or above, payment will be made at the next higher figure.

Percent Mn in ore:	*To be paid for 1 long dry ton*
15	$8.54
16	10.24
17	12.00
18	13.71
19	15.48
20	17.20
21	19.13
22	21.08
23	23.05
24	24.99
25	26.94
26	29.64
27	32.40
28	35.11
29	37.88
30	40.60
31	44.73
32	46.86
33	50.00
34	53.14
35	56.29
36	60.74
37	65.15
38	69.61
39	74.03
40 fines	78.00
40 ore	88.00

The above price schedule applies to lots received from individual shippers aggregating less than 200 tons during any 30-day period, and shall constitute the final and definite price for such lots.

For lots received from individual shippers aggregating 200 tons or more during any 30-day period, the above price schedule shall serve as a basis for preliminary settlement pending laboratory tests. The preliminary settlement shall be adjusted up or down, as the case may be, as a result of tests for laboratory-determined recoverability. Final settlement shall be calculated on the basis of $2.30 per long ton unit of manganese determined from the laboratory tests to be recoverable from the ore, subject to a charge of $10 per ton of ore (the estimated cost of sampling, milling, and handling) and to the specifications, premiums, and penalties set forth below.

SPECIFICATIONS

	Percent
Manganese	48.0
Iron	6.0
Silica plus alumina	11.0
Phosphorus	.12

PREMIUMS

Manganese content above 48.0 percent (dry basis): ½ cent for each 1.0 percent.

Iron content below 6.0 percent (dry basis): ½ cent for each 1.0 percent.

PENALTIES

Manganese content below 48.0 percent (dry basis): 1 cent for each 1.0 percent, down to and including 44.0 percent. Below 44.0 percent: 4 cents, plus 1½ cents for each 1.0 percent down to 40.0 percent minimum. Iron content above 6.0 percent (dry basis): 1 cent for each 1.0 percent, up to and including 8.0 percent. Above 8.0 percent: 2 cents plus ¾ cent for each 1.0 percent up to 16 percent maximum. Silica plus alumina content above 11.0 percent (dry basis): 1 cent for each 1.0 percent up to 15 percent maximum. Phosphorus content above 0.12 percent (dry basis): ½ cent for each 0.01 percent up to 0.3 percent maximum.

The Government will reject any lot which, on the basis of the laboratory testing, cannot be beneficiated to a product the chemical analysis of which falls within the following limits in all respects. The Government reserves the right to dispense with laboratory testing of shipments aggregating less than 200 tons over a 30-day period.

	By weight (dry basis) (percent)	
Manganese (Mn)	40.0	minimum
Iron (Fe)	16.0	maximum
Silica plus alumina (SiO_2 plus Al_2O_3)	15.0	maximum
Phosphorus (P)	.30	maximum
Copper plus lead plus zinc (Cu plus Pb plus Zn)	1.00	maximum

[1] Of which not more than 0.25 percent may be copper.

Dated: June 27, 1952.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 52-7359; Filed, July 1, 1952; 2:09 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 61 to Schedule A]

[Rent Regulation 2, Amdt. 59 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective July 3, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 1st day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 98a, is amended to read as follows:

(98a) [Revoked and decontrolled.]

This decontrols: (a) The City of Valparaiso in Porter County, Indiana, a portion of the Valparaiso, Indiana Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorporated localities in said defense-rental area, said City of Valparaiso being the major portion of the defense-rental area, under section 204 (j) (3) of said act, and (c) all incorporated localities, other than said City of Valparaiso, in the defense-rental area on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

2. Schedule A, Item 173a, is amended to read as follows:

(173a) [Revoked and decontrolled.]

This decontrols: (a) The City of Springfield in Greene County, Missouri, a portion of the Springfield, Missouri Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorported localities in said defense-rental area, said City of Springfield being the major portion of the defense-rental area, under section 204 (j) (3) of said act, and (c) all incorporated localities, other than said City of Springfield, in the defense-rental area on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

3. Schedule A, Item 190, is amended to describe the counties in the defense-rental area as follows:

Bergen County, except the Boroughs of Allendale, Hohokus, Ramsey, Rutherford and Saddle River, the Village of Ridgewood, and the Township of Mahawah; Morris County, except the Township of Jefferson; and the Counties of Essex, Hudson, Middlesex, Monmouth, Passaic, Somerset and Union.

Morris County, except the Township of Jefferson.

In Morris County, the Township of Jefferson.

This decontrols the Borough of Rutherford in Bergen County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area.

4. Schedule A, Item 258, is amended to describe the counties in the defense-rental area as follows:

In Blair County, the City of Altoona, and the Townships of Allegheny, Antis, Blair, Frankstown, Logan and Snyder, and the Boroughs of Bellwood, Duncansville, Hollidaysburg, Newry and Tyrone; Cambria County; and in Somerset County, the Townships of Black, Conemough, Jenner, Lincoln, Ogle, Paint, Shade, Somerset, Summit and Quemahoning, and the Boroughs of Benson, Boswell, Central City, Hooversville, Garrett, Jennerstown, Meyersdale, Paint, Rockwood, Stoyestown and Windber.

This decontrols the Borough of Somerset in Somerset County, Pennsylvania, a portion of the Altoona-Johnstown, Pennsylvania Defense-Rental Area.

5. Schedule A, Item 264, is amended to read as follows:

(264) [Revoked and decontrolled.]

This decontrols the Meadville-Titusville, Pennsylvania Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

6. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Mount Lebanon, Ohio, Penn and Shaler; Armstrong County; Beaver County, except the Borough of Beaver and the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Green County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County north and east of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden, Beaver and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

In Beaver County, Brighton Township.

This decontrols the Borough of Ingram in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania Defense-Rental Area.

All decontrols effected by these amendments, in items 3, 4 and 6 thereof, are based entirely on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended. The basis for the decontrols effected by these amendments, in items 1, 2 and 5 thereof, is set forth in those items.

[F. R. Doc. 52-7365; Filed, July 2, 1952; 8:57 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

DEATH VALLEY NATIONAL MONUMENT; MINING

The regulations governing mining in Death Valley National Monument are republished by adding to Part 20 a new § 20.26, reading as follows:

§ 20.26 *Death Valley National Monument—(a) Mining.* Mining in Death Valley National Monument is subject to the following special regulations which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose; except that, upon written permission of the Director of the National Park Service, the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules now prescribed or which may be made applicable by the Director of the National Park Service, governing occupancy of lands within the national monument.

(3) The use and occupancy of the surface of mining claims as prescribed above shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U. S. C. 447), within the limits of the national monument as fixed by Proclamation 2028, February 11, 1933, and to all mining claims on lands hereafter included in the national monument, located after such inclusion, so long as such claims are within the boundaries of said monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for permits may be made through the custodian of the monument, upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 27th day of June 1952.

R. D. SEARLES,
Under Secretary of the Interior.

[F. R. Doc. 52-7269; Filed, July 2, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 846]

ALASKA

PARTIALLY REVOKING AIR-NAVIGATION SITE WITHDRAWAL NO. 138 OF MARCH 28, 1940, AND PUBLIC LAND ORDER NO. 585 OF APRIL 14, 1949; RESERVING PORTIONS OF THE RELEASED LANDS FOR PUBLIC PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. The order of the Assistant Secretary of the Interior of March 28, 1940, withdrawing certain public lands in Alaska for the use of the Alaska Road Commission in the maintenance of air-navigation facilities, is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, lot 6 (formerly lot 4), and E½ NE¼SW¼.

The areas described aggregate 38.69 acres.

2. Public Land Order No. 585 of April 14, 1949, withdrawing the public lands within certain described areas in Alaska for classification and examination, and in aid of legislation, is hereby revoked so far as it affects the following-described lands:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, lots 5 and 6 (formerly lots 2 and 4), and E½SW¼.

The areas described aggregate 131.26 acres.

Lot 5, sec. 34, 32.57 acres, is included in Air-Navigation Site Withdrawal No. 138 established by said order of May 28, 1940.

3. Subject to valid existing rights, the following-described lands, which are portions of the lands described in paragraphs 1 and 2 hereof, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior as follows:

(a) For use by the Alaska Road Commission as a road-camp and gravel-pit site:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, E½NE¼SW¼.

The area described contains 20 acres.

(b) For use by the Territory of Alaska as a public-school ground:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, lot 6.

The area described contains 18.69 acres.

4. Except as to their release from withdrawal by paragraph 2 hereof, the status of the following described-lands shall not be changed until it is so provided by an order of classification to be issued by the Regional Administrator, Bureau of Land Management, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference-right filing period for filing such applications by veterans of World War II and others entitled to preference:

SEWARD MERIDIAN

T. 1 S., R. 14 W.,
Sec. 34, W½NE¼SW¼ and SE¼SW¼.

The areas described aggregate 60 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 26, 1952.

[F. R. Doc. 52-7266; Filed, July 2, 1952; 8:46 a. m.]

[Public Land Order 847]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6957 OF FEBRUARY 4, 1935, RESERVING LANDS FOR CLASSIFICATION AND OTHER PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, 36 Stat. 847 (43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6957 of February 4, 1935, reserving lands for classification, to conserve the public interest, and in aid of proposed legislation, is hereby revoked so far as it relates to the following-described lands:

SEWARD MERIDIAN

T. 19 N., R. 1 E.,
Secs. 31 to 34, inclusive, unsurveyed.

The areas described contain approximately 2,560 acres.

At 10:00 a. m. on the 35th day after the date of this order, the unappropriated, unreserved, unsurveyed public lands released by this order shall be opened to settlement under the homestead laws or under the home site act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Applications for these lands, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homestead and home site laws shall be governed by the regulations contained in Parts 64 to 66 of Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 27, 1952.

[F. R. Doc. 52-7267; Filed, July 2, 1952; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter A—Rules of Practice

PART 501—PRACTICE BEFORE THE COMMISSION

MISCELLANEOUS AMENDMENTS

Part 501—Practice before the Commission, is hereby amended by adding the following:

§ 501.8 *Suspension of attorneys.* The Commission may censure, suspend or revoke the right of any attorney to appear before the Commission in any claim proceeding if it finds that such attorney has concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, has failed to conform to recognized standards of professional conduct, has conducted himself in a contumacious, contemptuous or unethical manner before the Commission, or any board or unit thereof, or has violated the provisions of section 10 of the act.

§ 501.9 *Rules of procedure.* The Commission may, where it has cause to believe that any attorney has violated any provision of the law or of § 501.6, § 501.7, or § 501.8, institute proceedings to censure, suspend or revoke the right of such attorney, hereinafter called the respondent, to appear before the War Claims Commission. Such proceedings shall be governed by the rules in this part, Part 502 of this subchapter, and Part 516 of this chapter.

§ 501.10 *Negotiations.* At any time prior to hearing the Commission may, in its discretion, informally review submissions made by the respondent for the purpose of determining the propriety of continuing the authorization of the respondent to practice. The parties may at any time prior to or during the hearing limit the issues by stipulation. Such stipulations if any shall be entered in the record.

§ 501.11 *Statement of charges.* The statement of charges shall contain a plain and concise statement of the facts which it has claimed constitute grounds for censure, suspension or revocation of the right of the respondent to appear before the Commission. A statement of charges which fairly informs the respondent of the charges against him so that he is able to prepare his defense shall be deemed sufficient.

§ 501.12 *Bill of particulars.* If, in order to prepare for defense, the respondent desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the Commission asking that the statement of charges be made more specific, stating further in such motion in specific manner in which respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is required. If in the opinion of the Commission such information is reasonably necessary to enable the respondent to prepare his defense, the Commission shall furnish the respondent with a bill of particulars.

§ 501.13 *Answer.* The respondent's answer shall be filed in writing within the time specified in the original notice unless on application the time is extended pursuant to § 502.7 (b) of this subchapter. The answer shall be made under oath before an officer authorized to administer oaths and shall be filed in duplicate with the Commission.

§ 501.14 *Content of answer.* In his answer the respondent should specifically admit or deny every material allegation in the statement of charges. Every allegation in the statement of charges not denied shall be deemed admitted, unless the respondent shall state in his answer that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. In answer to a statement of charges, the respondent shall not deny a material allegation of fact which he knows to be true, or state in such answer that he is without sufficient information to form a belief when in fact he possesses such information.

§ 501.15 *Affirmative defense.* In his answer the respondent may also state affirmatively special matters of defense, and shall not give in evidence any matters in avoidance or of defense, consistent with the truth of the allegation of the statement of charges, unless in his answer he states such matters specifically.

§ 501.16 *Complaining witness.* The Commission may, in its discretion furnish a complaining witness with a copy of the answer if in its opinion such action will aid in ascertaining the truth or falsity of the charges. The term "complaining witness" for the purposes of this provision shall include any officer or employee of the Commission or any attorney who may have reported the alleged misconduct to the Commission or any other person upon whose information the Commission has instituted the proceedings.

§ 501.17 *Reply to answer.* If the answer contains affirmative matter in avoidance, consistent with the truth of the material allegations in the statement of charges, a reply by the Commission admitting or denying the new matter set forth in the answer shall be served upon the respondent.

§ 501.18 *Supplemental charges.* If it appears that a denial of a material allegation of fact in the statement of charges, or a statement that the respondent has no knowledge sufficient to form a belief; was made in bad faith in the answer; or that the respondent has knowingly introduced false testimony during proceedings against him pursuant to the provisions of this part the Commission may thereupon file supplemental charges which charges may be tried with the other charges in the case, provided the respondent shall be given due notice thereof and afforded an opportunity for preparing a defense.

§ 501.19 *Sufficiency of the pleadings.* The Commission shall have authority to pass upon the sufficiency of the statement of charges, the answer, and all other pleadings. The parties may be heard upon the sufficiency of any pleadings whenever, in the opinion of the Commission, a hearing thereon is necessary or desirable.

§ 501.20 *Immaterial mistakes.* The Commission need not observe strict rules as to pleadings and may disregard immaterial misnomers of third persons, immaterial mistakes in description of any person, thing or place or the ownership of any property, a failure to prove immaterial allegations in the description of the respondent's conduct, or any other immaterial matters occurring at any point in the proceedings.

§ 501.21 *Hearings.* All evidence shall be presented before the Commission, decisions on procedure and final determinations may be taken by majority vote. Subject to its regulations in these respects the Commission may determine the time, place, and manner in which hearings shall be conducted; the form in which evidence shall be received, and may adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of disciplinary cases. Written notice of the time and place of all hearings shall be given the respondent in the manner provided in Part 502 of this subchapter for the service of papers. No hearing shall be held without reasonable notice thereof to the respondent, except that the Commission may postpone or adjourn hearings when necessary or desirable, on notice to the parties.

§ 501.22 *Testimony.* Unless the Commission shall otherwise direct, the testimony of witnesses at all hearings will be taken under oath and stenographically recorded and transcribed.

§ 501.23 *Documents.* Whenever any book, document or paper is introduced as an exhibit in a proceeding the Commission may authorize, upon such conditions as it may be deemed proper the withdrawal of such exhibit upon the request of such party.

§ 501.24 *Proof; partial.* If the Commission finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, it may base its determination on such charges as are so proved.

§ 501.25 *Proof; variance.* In the case of variance between the allegations in the statement of charges and the evidence, the Commission shall have power to base its findings on any facts established by the evidence which are grounds for censure, suspension of revocation and to order the amendment to the statement of charges to conform to the evidence: *Provided*, That the respondent has had or is given reasonable opportunity to present his defense to such amended charges, with such postponements of the hearings as may be reasonably necessary to permit the respondent to present such defense.

§ 501.26 *Decision.* After the parties rest, the Commission shall make its decision which decision may include (a) findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, and law, presented on the record and (b) an order to censure, suspend or revoke the right of the respondent to appear before the Commission or order to dismiss the charges as the case may require. If at any hearing upon issue of fact raised by the record in the case the respondent fails to put in any evidence the Commission may base its findings upon the record before it.

§501.27 *Decision.* The decision of the Commission, in the absence of a request for reconsideration pursuant to § 501.32, shall without further proceedings become the final decision of the agency.

§ 501.28 *Notice of decisions.* Each decision shall promptly be filed in the record, and the Commission shall thereupon give notice thereof to the parties in the manner prescribed for the service of papers.

§ 501.29 *Effect of censure, suspension or revocation of right to practice.* After the right of an attorney to appear before the Commission has been suspended or revoked, such person will not thereafter be recognized during the period of suspension or revocation as an attorney in any matter before the Commission.

§ 501.30 *Reconsideration.* An attorney who has been censured, suspended, or whose right to appear has been revoked may make written application to the Commission to have the order of suspension vacated or modified upon the ground (a) of newly discovered evidence or (b) that important evidence is now available which the applicant was unable to produce at the original hearing by the exercise of due diligence. Every application for reinstatement shall be filed with the Commission in duplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Commission after due consideration of the application shall deem it sufficiently meritorious to warrant reopening, the Commission shall set a time and place for a hearing on the application and give due notice thereof to the applicant. Upon the conclusion of the hearing in the event that the Commission shall issue an order vacating or revoking the prior order to censure, suspend or revoke the right of an attorney to appear before the Commission, notice thereof shall be given by the Commission to all those to whom the original order of censure, suspension, or revocation of the right to appear before the Commission was sent.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App, Sup. 2001)

The foregoing sections shall become effective as of the date of filing in the FEDERAL REGISTER.

DANIEL F. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 52-7305; Filed, July 2, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 101]

ALASKA COMMERCIAL FISHERIES

NOTICE OF INTENTION TO ADOPT AMENDMENTS FOR PROTECTION

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237; 5 U. S. C. 1003), and the authority contained in the act of June 6, 1924 (43 Stat. 465, 48 U. S. C. 221, et seq.), as amended and supplemented, notice is hereby given that the Secretary intends to take the following action:

Adopt amended regulations permitting and governing the time, means, and methods for the taking of commercial fish in the waters of Alaska, and related matters.

The foregoing regulations are to be effective beginning about February 1, 1953, and to continue in effect thereafter until further notice.

Interested persons are hereby given an opportunity to participate in formulating the regulations by submitting their views, data, or arguments in writing to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., on or before November 20, 1952, or by presenting their views at a series of open discussions scheduled to be held at the following designated places on the dates specified:

Naknek, Alaska	Aug. 8
Dillingham, Alaska	Aug. 9
Kodiak, Alaska	Sept. 26
Anchorage, Alaska	Sept. 29
Cordova, Alaska	Oct. 1
Ketchikan, Alaska	Oct. 13
Klawock, Alaska	Oct. 14
Wrangell, Alaska	Oct. 15
Petersburg, Alaska	Oct. 16
Sitka, Alaska	Oct. 17
Juneau, Alaska	Oct. 20
Seattle, Wash.	Nov. 5, 6, and 7

[SEAL] R. D. SEARLES,
Under Secretary of the Interior.

JUNE 27, 1952.

[F. R. Doc. 52-7268; Filed, July 2, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 9, 11]

MEAT INSPECTION REGULATIONS

ANTE-MORTEM INSPECTION; DISPOSAL OF DISEASED CARCASSES AND PARTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority conferred upon him by the Meat Inspection Act, as amended (21 U. S. C. 71-91), is considering amending the Meat Inspection Regulations (9 CFR, Chapter 1, Subchapter A) as follows:

1. Section 9.6 would be amended to read as follows:

§ 9.6 *Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus.* (a) All animals showing on ante-mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus shall be marked "U. S. condemned" and disposed of in accordance with § 9.16, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, or railroad sickness may be set apart and held for treatment under division or other responsible official supervision. If, at the expiration of the treatment period, animals upon examination are found to be free from disease, they may be released for any purpose in accordance with § 9.16, except that when released for slaughter at the official establishment, animals which have been previously affected with listerellosis shall be marked "U. S. suspect."

(b) Animals which have reacted to a test for leptospirosis, but which show no symptoms of the disease, shall be marked "U. S. suspect."

2. Section 9.16 would be amended to read as follows:

§ 9.16 *Disposition of condemned animals.* Except as otherwise provided in this part, animals marked "U. S. condemned" shall be killed by the official establishment, if not already dead. Such animals shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of and tanked in the manner provided for condemned carcasses in Part 14 of this subchapter. The "U. S. condemned" tag shall not be removed from, but shall remain on, the carcass until it goes into the tank, at which time the tag may be removed by a division employee only. The number of such tag shall be reported to the inspector in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass. Any animal condemned on account of hog cholera, swine erysipelas, vesicular exanthema, vesicular stomatitis, railroad sickness, parturient paresis, anasarca, anaplasmosis, leptospirosis, listerellosis, or inflammatory condition including pneumonia, enteritis, and peritonitis, may be set apart and held for treatment under division or other responsible official supervision. The "U. S. condemned" tag will be removed by a division employee either when the animal is released to a responsible official for treatment, or following treatment under division supervision if the animal is found to be free from disease. When an animal under the provisions of these regulations is to be released for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permission for the movement of such animal from the local State or Federal livestock sanitary official having jurisdiction.

3. Section 11.11 would be amended to read as follows:

§ 11.11 *Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmosis, pyemia, septicemia, unhealed vaccine lesions; carcasses affected with, to be condemned.* Carcasses of animals affected with or showing lesions of any of the following-named diseases or conditions shall be condemned:

(a) Anthrax.
(b) Bacillary hemoglobinuria in cattle.
(c) Blackleg.
(d) Hemorrhagic septicemia.
(e) Icterohematuria in sheep.
(f) Malignant epizootic catarrh.
(g) Piroplasmosis.
(h) Pyemia.
(i) Septicemia.
(j) Unhealed vaccine lesions (vaccinia).

4. Part 11 would be amended by the addition of new §§ 11.35, 11.36 and 11.37 reading as follows:

§ 11.35 *Anaplasmosis.* (a) Carcasses of cattle and calves found on post-mortem inspection to be affected with anaplasmosis shall be condemned.

(b) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante-mortem inspection but which show slight yellow coloration of tissues on post-mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned.

§ 11.36 *Listerellosis.* Carcasses of animals marked "U. S. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition.

§ 11.37 *Leptospirosis.* (a) Carcasses of animals affected with leptospirosis shall be condemned.

(b) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "U. S. suspect" on ante-mortem inspection shall be passed for food when no evidence of the disease is found on post-mortem examination provided the carcasses are otherwise in good condition.

The purpose of the foregoing proposed amendments is to outline the requirements for inspection and disposition of animals and carcasses found to be affected with certain disease conditions.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief of the Meat Inspection Division, Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of June 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-7282; Filed, July 2, 1952; 8:52 a. m.]

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION, AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR FLORIDA GRAPEFRUIT

Notice is hereby given that the United States Department of Agriculture is considering the issuance of proposed separate United States Standards for Florida Grapefruit and the deletion of all references to Florida under the present effective Standards for Grapefruit (14 F. R. 6828), issued November 15, 1949. This action is being taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved August 31, 1951).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.193 *Standards for Florida grapefruit*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not

healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(i) In this grade not more than one-third of the surface in the aggregate may be affected with discoloration. (See tolerances for defects, paragraph (c) (2) of this section.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (2) of this section.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (3) of this section.)

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See tolerances for defects, paragraph (c) (3) of this section.)

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (4) of this section.)

(7) *U. S. No. 2.* U. S. No. 2 consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See tolerances for defects, paragraph (c) (7) of this section.)

(b) *Unclassified.* Unclassified consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the followinig tolerances are provided as specified:

(1) *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1, U. S. No. 1 Bright, and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack for grapefruit.* (1) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
36's	5	5 9/16
45's or 40's	4 11/16	5 1/16
54's or 50's	4 5/16	4 13/16
64's	4	4 9/16
70's or 72's	3 13/16	4 5/16
80's	3 13/16	4 1/16
96's	3 9/16	3 13/16
112's	3 5/16	3 9/16
125's or 126's	3 1/16	3 5/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 5/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow in color with practically no trace of green color.

(3) "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Mature" means the same as that term is set forth in section 601.16 Florida Statutes, Chapter 26492, known as the Florida Citrus Code of 1949, as amended.

(6) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(7) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting appearance of the individual fruit:

(ii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(iii) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(iv) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(8) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(9) "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

(10) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(11) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose;

(ii) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(iii) Green spots or oil spots, when materially affecting the appearance of the individual fruit;

(iv) Scab, when it cannot be classed as discoloration or appreciably affects shape or texture;

(v) Scale, when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1¼ inches in diameter on a 70-size grapefruit;

(vi) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(vii) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(viii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and

concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(12) "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

(13) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

(14) "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

(15) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(ii) Buckskin, when affecting the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(iii) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(iv) Green spots or oil spots, when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(v) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(vi) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(vii) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(viii) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(ix) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(16) "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed;

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(iii) Bird pecks, when not healed;

(iv) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked;

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(vi) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(vii) Scab, when aggregating more than 25 percent of the surface of the fruit;

(viii) Scale, when covering more than 20 percent of the surface of the fruit;

(ix) Sprayburn, when seriously affecting more than one-third of the fruit surface; and,

(x) Sunburn, when seriously affecting more than one-third of the fruit surface; and,

(xi) Thorn punctures, when not healed or the fruit is seriously weakened.

(20) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Done at Washington, D. C., this 30th day of June 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7340; Filed, July 2, 1952; 8:56 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Dried Zante Currants, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.288 *Dried currants.* Dried currants are dried grapes of such Vinifera varieties as Black Corinth or White Corinth that have been properly processed by stemming, capstemming, and cleaning.

(a) *Types (varieties) of dried currants*—(1) *Type I.* Black Zante type (domestic).

(2) *Type II.* White Zante type (domestic).

(3) *Type III.* Other than Zante type (domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

(b) *Grades of dried currants.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 2 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 1 percent, by weight, of dried currants may possess capstems;

(iii) Not more than 1 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 2 percent, by weight, of dried currants may be damaged;

(v) Not more than 5 percent, by weight, of dried currants may be visibly sugared; and

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(vi) Not more than 1 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than ½ of 1 percent, by weight, of dried currants may be affected by decay.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

(i) Not more than 3 pieces of stem per 16 ounces of dried currants may be present;

(ii) Not more than 2 percent, by weight, of dried currants may possess capstems;

(iii) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(iv) Not more than 3 percent, by weight, of dried currants may be damaged;

(v) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(vi) Not more than 2 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(*a*) Not more than 1 percent, by weight, of dried currants may be affected by decay.

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN DRIED CURRANTS

Defects	U. S. Grade A or U. S. Fancy	U. S. Grade B or U. S. Choice	Substandard
	Maximum count (per 16 ounces)		
Pieces of stem	2	3	
	Maximum by weight (percent)		
Currants with capstems	1½	2	No limit.
Poorly developed, blowovers	1	2	do.
Damaged	2	3	do.
Visibly sugared	5	10	do.
Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material	1	2	
	But not more than		
Decay	½	1	

(c) *Explanation of terms.* (1) A "piece of stem" means a portion of the branch or main stem.

(2) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(3) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(4) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(5) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the currant or on the surface which is readily apparent.

(6) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the currant appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(7) "Affected by insect infestation" means that the currants show the presence of insects, insect fragments, or excreta. No live insects are permitted.

(d) *Work sheet for dried currants.*

Size of case or package			
Markings			
Label or brand			
Net weight			
Type			
Moisture content			
	A	B	Substd
Similar varietal characteristics			
Color			
Flavor			
Development			
Defects	Maximum (per 16 ounces)		
Pieces of stem	2	3	
	Maximum by weight (percent)		
Currants with capstems	1½	2	No limit.
Poorly developed, blowovers	1	2	Do.
Damaged	2	3	Do.
Visibly sugared	5	10	Do.
Mold, decay, fermentation, insect infestation, imbedded dirt, foreign material	1	2	
	But not more than		
Decay	½	1	
Grade			

Issued at Washington, D. C., this 30th day of June 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7338; Filed, July 2, 1952; 8:55 a. m.]

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FRUIT PRESERVES (OR JAMS)[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Fruit Preserves (or Jams) (7 CFR 52.333), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1952 (Pub. Law 135, 82d Cong., approved Aug. 31, 1951). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.333 *Fruit preserves (or jams).* "Fruit preserves (or jams)" means preserves or jams as defined in the definitions and standards of identity for preserves, jams (21 CFR, Cum. Supp., 29.3, as amended March 26, 1952 (17 F. R. 2596), issued pursuant to the Federal Food, Drug, and Cosmetic Act. The soluble solids for fruit preserves (or jams) in Group I are not less than 68 percent. The soluble solids for fruit preserves (or jams) in Group II are not less than 65 percent.

(a) *Types of fruit preserves (or jams)*—(1) *Type I.* Fruit preserves (or jams) that are prepared from a single fruit (except apple) listed in Group I or Group II are "Type I."

(2) *Type II.* Fruit preserves (or jams) that are prepared from more than a single fruit listed in Group I and Group II are "Type II."[2]

(b) *Kinds of fruit preserves (or jams) according to Group I or Group II designations.*

GROUP I

Any one singly or in combination with not more than four of the following:[1]

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry and youngberry).
Elderberry.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] In accordance with the limits specified in the definitions and standards of identity for preserves, jams, (21 CFR, Cum. Supp. 29.3, as amended.)

Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

GROUP II

Any one singly or in combination with not more than four of the following fruits and fruits in Group I:[1]

Apple (type II only).
Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach (clingstone and freestone).
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

(c) *Grades of fruit preserves (or jams).* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit preserves (or jams) that possess a good consistency; that possess a good color; that are practically free from defects; that possess a good flavor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of fruit preserves (or jams) that possess a reasonably good consistency; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good flavor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of fruit preserves (or jams) that fail to meet the requirements of U. S. Grade B or U. S. Choice.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with fruit preserves (or jams) as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

(e) *Ascertaining the grade.* (1) The grade of fruit preserves (or jams) is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of consistency, color, absence of defects, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Consistency	20
(ii) Color	20
(iii) Absence of defects	20
(iv) Flavor	40
Total score	100

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Consistency.* The factor of consistency refers to the extent of the dispersion and size of the fruit or fruit particles throughout, and the gel-like properties of the product.

(i) Fruit preserves (or jams) that possess a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the fruit or fruit particles are dispersed uniformly throughout the product; that the product is a tender gel or may possess no more than a very slight tendency to flow, except that a slightly less viscous consistency may be present when the fruit is chiefly in the form of whole or almost whole units; and that the following kinds do not have a macerated or pureed appearance but include substantially whole, or almost whole units or pieces of fruit particles as indicated for the respective kinds, either singly or in combination with any other kind:

Apricot: Halves or pieces from halves.
Cherry: Whole or almost whole pitted cherries.
Gooseberry: Whole or almost whole berries.
Peach (clingstone and freestone): Slices, pieces from slices, or pieces from halves.
Pineapple: Crushed pieces or small pieces.
Strawberry: Whole or almost whole berries.

(ii) If the fruit preserves (or jams) possess a reasonably good consistency, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit or fruit particles are dispersed reasonably uniformly throughout the product; and that the product may be firm but not rubbery or may be noticeably viscous but not excessively thin.

(iii) Fruit preserves (or jams) that fail to meet the requirements for subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Color.* (i) Fruit preserves (or jams) that possess a good color may be given a score of 17 to 20 points. "Good color" means that the color is bright, practically uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; and that the product is free from dullness of color due to any cause (including, but not being limited to, oxidation or improper processing or improper cooling).

(ii) If the fruit preserves (or jams) possess a reasonably good color, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color is reasonably bright, reasonably uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; however, the color may be slightly dull but may not be off color due to oxidation or improper processing or improper cooling or other causes.

(iii) Fruit preserves (or jams) that for any reason fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom, in the applicable kinds, from substances ordinarily removed in the preparation for the manufacture of fruit preserves (or jams) and includes, but is not limited to, caps, leaves, stems, seeds, pits, peel, or any portions thereof; from blemished units, underdeveloped units, or otherwise damaged units; and from any defects not specifically mentioned that affect the appearance or edibility of the product.

(i) A "cluster of cap stems" means three or more joined cap stems.

(ii) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(iii) A "short stem" means a stem that is ⅛ inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(iv) A "small stem" means a stem that is longer than ⅛ inch but not more than ¼ inch in length. A small stem that is attached to a cap is considered as a defect separate from that cap.

(v) A "medium stem" means a stem that is longer than ¼ inch but not more than ½ inch in length. A medium stem that is attached to a cap is considered as a defect separate from that cap.

(vi) A "long stem" means a stem that is longer than ½ inch in length. A long stem that is attached to a cap is considered as a defect separate from that cap.

(vii) A "woody base-stem" means any stem in grape preserves (or jams) with an enlarged woody base approximating 1/16 inch or more in diameter.

(viii) "Peel" means, with respect to these fruits, such as apples and peaches, that are commonly prepared for the manufacture of fruit preserves (or jams) by the removal of the skin or peel, any skin or peel whether or not it is attached.

(ix) "Seeds" means, with respect to these fruits, such as apples, grapes, and pears, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the seeds, the seeds of such fruit. "Seeds" in fruit preserves (or jams) prepared from citrus fruits means any seed or any portion thereof, whether or not fully developed, that measures more than 5/16 inch in any dimension. Seeds are not considered as defects in fruit preserves (or jams) prepared from such fruits as figs and tomatoes.

(x) "Pit" means, with respect to those fruits, such as apricots, cherries, plums, and peaches, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the pits, a whole, intact pit. Portions of pits include:

(*a*) A "piece of pit" which means any portion of a pit that is more than ½ inch in any dimension;

(*b*) A "small piece of pit" which means any portion of a pit that is not less than ¼ inch nor more than ½ inch in any dimension;

(*c*) And a "pit fragment" which means any portion of a pit that is less than ¼ inch in any dimension.

(xi) "Blemished, underdeveloped, or otherwise damaged" means units of fruit in which the appearance or edible quality is damaged because of discolored skin, bruised spots, insect or similar injury, hard areas, or units that are hard and shrivelled or damaged by mechanical, pathological, or other injury.

(xii) Fruit preserves (or jams) that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means with respect to:

(*a*) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not materially affect the appearance or edibility of the product; and

(*b*) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade A as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not materially affect the appearance or edibility of the product.

(xiii) If the fruit preserves (or jams) are reasonably free from defects, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means with respect to:

(*a*) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not seriously affect the appearance or edibility of the product; and

(*b*) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade B as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not seriously affect the appearance or edibility of the product.

(xiv) Fruit preserves (or jams) that fail to meet the requirements for subdivision (xiii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

(xv) Ascertaining compliance with, and explanation of, allowances in Tables I, II, III, and IV:

(*a*) The term "ounces" refers to "ounces of net weight" of any individual container, of the average net weight of all the containers, or of the aggregate net weight of all the containers comprising the sample as may be applicable. "1 per 32 ounces" means "1 (defect, as stated) for each 32 ounces of net weight plus any fraction thereof less than 32 ounces;" "4 per 8 ounces" means "4 (defects, as stated) for each 8 ounces of net weight plus any fraction thereof less than 8 ounces." The allowances thus stated may be interpolated into other equivalents for containers of larger sizes or on an aggregate basis, if applicable: For example,

(*1*) "1 per 32 oz." means "not any in less than 32 ounces" or "1 in 32 oz. to, but not including, 64 oz.;" or "2 in 64 oz. to, but not including, 96 oz."

(*2*) "4 per 8 oz." means "not any in less than 8 ounces" or "4 in 8 oz. to, but not including, 16 oz.;" or "8 in 16 oz. to, but not including, 24 oz."

(*b*) When the unit of the allowance, such as "per 200 ounces", is greater than in individual containers, the net weight of all containers in the sample may be aggregated to arrive at the approximate quantity by which to determine compliance with the stated allowance. For example, in a lot consisting of approximate 8-oz. net weight containers and with defects permitted in "1 per 200 ounces", such defect would be permitted in a total of not less than twenty-five 8-oz. containers (approximately 200 ounces in the aggregate).

(*c*) An occasional defect may be permitted if all the containers in a sample in the aggregate constitute a net weight less than the unit of allowance, provided such defect, singly or in combination with other defects, does not affect more than slightly the appearance or edibility of the product.

TABLE I—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems	Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds, pits, or portions thereof	Blemished underdeveloped, or otherwise damaged
		Maximum allowances						
Blackberry, Boysenberry, Dewberry, Loganberry, Youngberry	U. S. Grade A (17-20 points).	Total of 1 only per 90 ounces				1 per 8 ounces	10 per 8 ounces in "seedless."	2 per 8 ounces.
	U. S. Grade B (14-16 points).	Total of 1 only per 32 ounces				8 per 8 ounces	20 per 8 ounces in "seedless."	4 per 8 ounces.
	U. S. Grade A (17-20 points).	do					1 per 32 ounces	5 per 8 ounces.
Cherry	U. S. Grade B (14-16 points).	Total of 1 only per 16 ounces					do	8 per 8 ounces.
Blueberry	U. S. Grade A (17-20 points).	Total of 1 large stem or 1 leaf per 8 ounces; and 1 cluster of cap stems per 8 ounces.						3 per 8 ounces.
Elderberry, Huckleberry	U. S. Grade B (14-16 points).	Total of 3 large stems or 3 leaves per 16 ounces; and 3 clusters of cap stems per 16 ounces.						5 per 8 ounces.

[1] In accordance with the limits specified in the definitions and standards of identity for preserves, jams. (21 CFR, Cum. Supp. 29.3, as amended.)

TABLE II—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems: Short (⅛" or less)	Stems: Small (over ¼" to ¼" inclusive)	Stems: Medium (over ¼" to ½" inclusive)	Stems: Long (longer than ½")	Leaves	Other extraneous material	Seeds, pits or portions: Pit or pieces of pit	Seeds, pits or portions: Small pieces of pit	Seeds, pits or portions: Pit fragments	Peel	Blemished, under-developed or otherwise damaged
		Maximum allowances										
Apricot	U. S. Grade A (17–20 points).	1 only per 16 ounces			None	1 only per 32 ounces.	1 only per 200 ounces.	1 only per 200 ounces.			No limit	1 unit per 8 ounces.
	U. S. Grade B (14–16 points).	1 only per 8 ounces			None	1 only per 16 ounces.	1 only per 128 ounces.	do			do	4 units per 8 ounces.
Peach	U. S. Grade A (17–20 points).					None	1 only per 32 ounces.	1 only per 96 ounces.	1 only per 32 ounces.	1 only per 8 ounces.	1 square inch per 16 ounces.	2 units per 8 ounces.
Nectarine	U. S. Grade B (14–16 points).					None	3 per 32 ounces.	1 only per 48 ounces.	1 only per 16 ounces.	2 only per 8 ounces.	1 square inch per 8 ounces.	Do.
Damson plum	U. S. Grade A (17–20 points).	Total of 2 per 16 ounces					1 only per 128 ounces.	1 only per 32 ounces			No limit	1 unit per 8 ounces.
Greengage plum, Plum (others)	U. S. Grade B (14–16 points).	Total of 3 per 16 ounces					1 only per 32 ounces.	1 only per 16 ounces			do	2 units per 8 ounces.

TABLE III—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and score range	Stems	Leaves	Other extraneous material	Loose Sepal-like bracts	Seeds, pits, or portions thereof	Peel	Blemished, underdeveloped, or otherwise damaged
		Maximum allowances						
Cranberry, Currant (other than black), Currant, red, Fig, Gooseberry, Pineapple, Rhubarb, Tomato, Tomato, yellow	U. S. Grade A (17–20 points).	Total of 1 per 32 ounces.	1 only per 200 ounces.	3 per 16 ounces			1 square inch per 16 ounces if prepared by peeling.	2 units per 8 ounces.
	U. S. Grade B (14–16 points).	do	1 only per 128 ounces.	5 per 16 ounces			1 square inch per 8 ounces if prepared by peeling.	4 units per 8 ounces.
Grapefruit, Orange, Tangerine	U. S. Grade A (17–20 points).	do	1 only per 200 ounces.		1 per 16 ounces			3 units per 8 ounces.
	U. S. Grade B (14–16 points).	do	1 only per 128 ounces.		1 per 8 ounces			5 units per 8 ounces.

TABLE IV—ALLOWANCES FOR DEFECTS

Kind of preserves (or jams) type I only	Grade and Score Range	Stems: Short (⅛" or less)	Stems: Small (over ¼" to ¾" inclusive)	Stems: Medium (over ¼" to ½" inclusive)	Stems: Long (longer than ½")	Leaves	Caps or portions	Other extraneous material	Loose Sepal-like bracts	Seeds	Blemished, underdeveloped or otherwise damaged
		Maximum allowances									
Grape	U. S. Grade A (17–20 points).	3 short or small thin stems, including only 1 woody base stem per 16 ounces.				1 only per 32 ounces.		1 only per 200 ounces.	3 per 16 ounces.	3 seeds per 8 ounces.	2 units per 8 ounces.
	U. S. Grade B (14–16 points).	3 short or small thin stems, including only 1 woody base stem per 8 ounces.				do		1 only per 128 ounces.	5 per 16 ounces.	6 seeds per 8 ounces.	4 units per 8 ounces.
Strawberry	U. S. Grade A (17–20 points).	4 per 8 ounces.	2 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					Do.
	U. S. Grade B (14–16 points).	8 per 8 ounces.	4 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					8 units per 8 ounces.
Raspberry, Raspberry, black, Raspberry, red	U. S. Grade A (17–20 points).	4 per 8 ounces.	2 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					4 units per 8 ounces.
	U. S. Grade B (14–16 points).	8 per 8 ounces.	4 small or medium or long stems, including only 1 long stem—			½ square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces					8 units per 8 ounces.

(4) *Flavor.* (i) Fruit preserves (or jams) that possess a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the product possesses a good distinct flavor characteristic of the fruit ingredient or fruit ingredients and is free from any caramelized flavor or any objectionable flavor of any kind.

(ii) If the fruit preserves (or jams) possess a reasonably good flavor, a score of 28 to 33 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the product possesses a reasonably good flavor characteristic of the fruit ingredient or fruit ingredients and may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(iii) Fruit preserves (or jams) that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of fruit preserves (or jams), the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for fruit preserves (or jams).*

Factors	Score points	
Size and kind of container		
Container code or marking		
Label		
Net weight (in ounces)		
Vacuum (in inches)		
Type		
Kind (if known)		
Solible solids (per cent by refractometer)		
I. Consistency	20	(A) 17–20; (B) 14–16; (Sstd.) 1 0–13
II. Color	20	(A) 17–20; (B) 14–16; (Sstd.) 1 0–13
III. Absence of defects	20	(A) 17–20; (B) 14–16; (Sstd.) 1 0–13
IV. Flavor	40	(A) 34–40; (B) 28–33; (Sstd.) 1 0–27
Total score	100	
Grade		

1 Indicates limiting rule.

Issued at Washington, D. C., this 30th day of June 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7339; Filed, July 2, 1952; 8:56 a. m.]

[7 CFR Part 935]

[Docket No. AO 86-9]

HANDLING OF MILK IN OMAHA-LINCOLN-COUNCIL BLUFFS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and an order amending the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Omaha, Nebraska, on March 26 and 27, 1952, pursuant to notice thereof which was issued on March 5, 1952 (17 F. R. 2066).

The material issues of record related to:

1. Whether the marketing area should be expanded to include the cities of Lincoln, York and Fremont, Nebraska, and certain areas contiguous to the city of Lincoln;
2. Revision of definitions of handler and producer;
3. Revision of the classification of milk;
4. Revision of transfer provisions;
5. Revision of class prices;
6. Adoption of seasonal prices to producers;
7. Modification of the emergency milk provisions;
8. Inclusion of location differentials to producers and handlers;
9. Application of administrative assessment to other source milk and emergency milk; and
10. Revision of the administrative provisions of the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record.

1. *Marketing area.* The marketing area should be expanded to include the city of Lincoln, Nebraska, as well as certain areas contiguous to the city of Lincoln. The cities of Fremont and York, Nebraska, should not be included in the marketing area.

Lincoln, second largest city in Nebraska, is located about 60 miles from the city of Omaha. The milksheds of the two markets are contiguous and overlap to a considerable degree. About 95 percent of the producers supplying the Lincoln market are members of the cooperative association which represents an even larger percentage of the producers supplying the present marketing area. Both cities have identical health ordinances and each city will accept milk which has been approved by the other. The association is in a position to shift producers from one city to the other as supply and demand conditions warrant. Regulation under a single marketing order would facilitate such inter-city movement of milk.

Until recent months producers in the Lincoln area were not effectively organized and were unable to bargain effectively with handlers. During the spring and summer of 1951, a majority of the producers joined the association which represents the producers shipping to handlers in the present marketing area. The association since has negotiated with Lincoln handlers for the purchase of milk on a classification and pricing plan similar to that provided in the present order. They have been unable, however, to achieve prices equal to those prevailing in Omaha.

The markets are so similar and so closely interrelated that a single plan of classification and pricing should prevail to prevent maladjustment between the markets. In addition to the intermingling of producers, and the fact that the same cooperative represents most of the producers in both cities, it should be noted that a substantial percentage of the milk distributed in Lincoln is handled by companies who distribute a sizable proportion of the milk distributed in the present marketing area.

In addition to the city of Lincoln, there should be added to the marketing area West Lincoln precinct and the Veterans' Administration Hospital in Lancaster precinct. West Lincoln which is immediately contiguous to Lincoln contains a fairly large suburban population particularly in the village of West Lincoln and the Huskerville housing project. The latter while outside the city limits is owned by the city of Lincoln. The Lincoln Air Base presently being reactivated by the United States Government is also located in West Lincoln precinct. The Veterans' Administration Hospital is located just outside the city limits of Lincoln in Lancaster precinct. These areas are regularly served by Lincoln handlers and are a natural part of the Lincoln sales area. The two government installations and the municipal housing project require milk of a quality similar to that of the city of Lincoln. Accordingly it is concluded that West Lincoln precinct and the Veterans' Administration Hospital should be included in the marketing area.

No one offered any opposition to the inclusion of Lincoln and its environs in the marketing area.

The city of Fremont is located approximately 40 miles from Omaha and 50 miles from Lincoln. At the present time it does not have a compulsory Grade A ordinance. Of the three plants located in the city one processes both Grade A and non-Grade A milk. The other two process only non-Grade A milk but act as jobbers for Grade A milk which is packaged by other plants. Fremont handlers opposed inclusion in the area on the grounds that Grade A milk was not required in the city and constituted only a small portion of their total volume of business.

Although both Omaha and Lincoln handlers compete with Fremont handlers neither group supported the proposal to include Fremont or indicated that its omission would leave them at a competitive disadvantage. One of the Fremont plants is distributing Grade A milk which is bottled in Grand Island, Nebraska. Inclusion of Fremont within the marketing area would make the Grand Island plant subject to the order unless it abandoned its sales in Fremont.

The record further indicates that prices received by Grade A producers supplying Fremont are at least equal to the prices received by producers supplying Omaha or Lincoln handlers. Under the circumstances indicated by the record it appears that little would be accomplished through extension of the marketing area to include Fremont. Accordingly it is concluded that Fremont should not be included in the marketing area.

The city of York with a population of less than 7,000 is located some 50 miles west of Lincoln. There is only one plant located there which receives and bottles milk. One of the Lincoln handlers maintains a plant there where milk is assembled for transfer to Lincoln. Bottled milk is returned to this plant from the Lincoln plant for distribution in York. All of the Grade A milk received at this plant would therefore be subject to regulation by inclusion of Lincoln in the marketing area. The addition of York to the marketing area would extend the regulation to only one small handler. Except for the intracompany transfer noted above York appears to be completely outside the orbit of the Omaha-Lincoln area. It is concluded that it would be impracticable to include York in the marketing area.

In addition to the changes noted above it has been necessary to revise the description of the existing marketing area to encompass the territory originally intended to be regulated. Since the marketing area was last defined, the legal description of the territory has been considerably altered. Several new precincts have been created by a division of former precincts. The definition of marketing area has been corrected accordingly to reflect these changes.

Because of the size and importance of the city of Lincoln it has been concluded that the designation of the marketing area should be changed to the Omaha-Lincoln-Council Bluffs marketing area.

2. *Producer and handler definitions.* The term handler is used to denote those persons engaged in the handling of milk to whom the order is applicable. It should include all persons who operate plants approved by the applicable health authorities for the disposition of Grade A milk, or milk of comparable quality, within the marketing area. At the present time all the government installations within the marketing area purchase milk from plants which are approved by local authorities. It is not impossible, however, that in the future milk might be purchased from sources which have been approved by the health officer of the government base rather than by the local municipal or state authority. Accordingly the definition should be broad enough to cover any such source as a handler. It should not, however, include those persons operating plants which have not been approved for the receipt and disposition of Grade A milk or which have not been approved by the health officer of a government installation.

The definition should also permit separate operating units of a corporation to be considered separate handlers with respect to the plant or plants comprising each unit. These separate units are operated independently of each other and to combine these operations for purposes of reporting etc., under the order would necessitate extensive revision of these corporations' accounting and administrative practices.

A producer should be defined as any person who produces milk of Grade A quality under inspection of applicable health authorities which milk is received at an approved plant of a handler. This definition should not include farmers producing milk of non-Grade A quality which may be received at an approved plant for use in manufacturing or for sale in areas where Grade A milk is not required.

In this market as in many others, a handler may arrange for the diversion of Grade A milk from farms to manufacturing plants when the market's facilities for disposing of reserve supplies become overburdened. The order should provide that the farmers who produce this milk retain their status as producers during the period when their milk may be received at an unapproved plant.

3. *Classification of milk.* The proposed amended order should provide for only two classes of milk, Class I to contain those products normally associated with the fluid milk industry which are required to be produced from Grade A milk and Class II to contain all other products.

In the past the order has provided two classes for products which were required to be produced from inspected milk, one class containing milk, skim milk and similar products and the other containing cream products. For several years both classes have been priced the same, and there appears to be no basis for continuing to make a distinction between the two classes. Omaha handlers opposed the single classification on the grounds that the Omaha health ordinance assessed all milk classified as Class I and Class II under Order No. 35, as amended. They indicated the possibility that by designating the manufacturing class as Class II, we would make it subject to assessment under the local health ordinance. We think it is clear that the intent of the ordinance was to assess those milk products which are regulated by it, not such products as the Secretary from time to time might place in a specific classification.

The Class I definition should be amended to specifically include yogurt and concentrated milk, not sterilized, for consumption in fluid form. The concentrated product is not sold in the market at the present time, but the evidence indicates that both these products would be required to meet the Grade A standards provided in the several ordinances in effect in the marketing area.

The amount of allowable shrinkage on skim milk in producer milk and emergency milk should be reduced to 2 percent of receipts. The present allowance of 5 percent was put in the order when the practice of accounting for skim milk and butterfat separately was in its initial stages. Experience over the years has shown that an allowance of 2 percent is ample. At the same time, the allowance on shrinkage of skim milk and butterfat in other source milk should be changed from 5 percent and 2 percent respectively to actual shrinkage. In the areas which are being added to the marketing area handlers receive substantial volumes of other source milk for processing. The shrinkage on manufacturing operations normally runs somewhat higher than on bottling fluid milk. To limit the shrinkage on such milk to 2 percent would result in reimbursing producers for milk not produced by them whenever shrinkage exceeded that figure.

4. *Transfers.* The provisions of the order relating to transfers of skim milk and butterfat between plants should be revised to reflect the change resulting from the combining into a single class of Classes I and II.

The order should further provide a limit of 150 miles beyond which any skim milk or butterfat moved as milk, skim milk or cream shall be classified as Class I. The record indicates that this is a reasonable distance beyond which the market administrator should not be required to send auditors to verify the utilization of milk. There are ample manufacturing facilities within this distance to absorb the seasonal reserve supplies of the market, and any milk shipped a greater distance can reasonably be presumed to be intended for Class I utilization. The original proposal would have placed a 100-mile limitation on such movements. The record indicates, however, that certain handlers in the market normally move their excess supplies to manufacturing branches of the same corporation in other cities. The evidence shows that the most distant of these plants to which milk is regularly moved is located a little less than 150 miles from the marketing area. Accordingly the 150 mile limit has been adopted.

5. *Class prices.* The Class I price should be fixed at $1.40 per hundredweight over the basic price. The present Class I differential is $1.15 during the months of August through March and 75 cents during the other four

months. All handlers in the present marketing area have paid substantial premiums over these prices since the market began to shift from standard to Grade A milk. In the initial stages of the changeover the premium amounted to 50 cents per hundredweight. This amount was later reduced to 35 cents and in recent months has been 25 cents per hundredweight.

Prior to the fall of 1951 producers on the Lincoln market were not organized in an effective cooperative association and milk was not purchased on a classified price plan. Since then all handlers have purchased milk on a classified plan identical to that provided by the present order. The Class I price, however, was 10 cents per hundredweight lower than the effective price in Omaha or 15 cents per hundredweight higher than the price fixed by the order.

The evidence indicates that the existing prices have failed to induce an adequate supply of milk for either the present marketing area or the city of Lincoln. Substantial quantities of emergency milk were required to supply the present marketing area during each of the months from September 1951 through March 1952. In prior years the market was also short of milk and found it necessary to import emergency supplies during most of these months. While complete records are not available for the city of Lincoln, it is known that Grade A milk was imported into that city during several months in 1950 and 1951.

While the number of Grade A producers supplying the market has been increasing steadily since the adoption of the Grade A ordinance, the increase has been gradual. In recent years Class I sales have been increasing at an average annual rate of almost 5 percent. Unless the rate of increase in production is greatly accelerated this market will continue to be short of milk for several years. Both producers and handlers testified that an increase of the amount recommended (an average of 13 cents per hundredweight over the price actually being paid and 38 cents over the price fixed in the order) coupled with the seasonal pricing plan discussed below would provide the necessary incentive to produce an adequate supply.

It further appears that prices to handlers in all segments of the marketing area should be uniform. The producers shipping to Lincoln and Omaha are extensively intermingled. Production conditions throughout the whole milkshed are very similar. The 10 cents difference in price between Omaha and Lincoln which has prevailed in recent months is the result of a compromise reached in the initial bargaining between handlers and the newly organized producer group. It does not reflect a difference in supply or production conditions in the two milksheds.

Both the handlers and producers favored the continuation of the present method of allocating the amount of the Class I differential between the butterfat and the skim milk. For several years in this market the price of butterfat in Classes I and II (Class I of the proposed order) has been computed by adding to the price of butterfat in Class III 20 percent of the Class I differentials. Thus when the Class I differential has been 75 cents the price of butterfat in Classes I and II has been 15 cents per pound higher than the price of butterfat in Class III and when the differential has been $1.15 the price of butterfat has been 23 cents higher than the price of butterfat in Class III. The premiums which handlers have paid for Grade A milk has been allocated in the same manner. Of the 25 cent premium paid by handlers 5 cents has been allocated to each pound of butterfat. Since the classified pricing plan was adopted on the Lincoln market, the same practice of pricing butterfat and skim milk has been followed.

Accordingly it is recommended that of the $1.40 differential applicable to milk of 3.8 percent butterfat, 28 cents per pound, or a total of $1.064, be applied to the butterfat. The price of skim milk in Class I would be computed by subtracting the value of 3.8 pounds of butterfat from the Class I price. The price of butterfat in Class I would be the price of butterfat in Class II plus 28 cents.

The Class II (present Class III) price should also be revised. The present formula has remained unchanged for several years. The evidence indicates that the "make" allowance provided is no longer adequate to cover the costs incurred in handling the reserve supplies of the market. In addition to the higher costs resulting from increased prices of fuel, labor, equipment, etc., the character of the market has changed. At the time the formula was adopted, the market was not on a Grade A basis and the amount of milk available for manufacturing was substantially greater than at the present time. Today because of the shortness and the high seasonality of supplies, the manufacturing facilities in the market are idle several months of the year.

The producers proposed a reduction of 15 cents per hundredweight in the price. One handler operating plants in both Lincoln and Omaha presented figures to show that a greater reduction would be necessary to permit them to break even on their present operations, but indicated that if receipts were to increase sufficiently they could probably operate on the proposed price without loss. Handlers in the Lincoln market are currently paying 20 cents per hundredweight less than Omaha handlers for milk which would be classified as Class II under the proposed order. Except as noted above no Lincoln handler offered any objection to the proposal which would increase the cost of his Class II milk by 5 cents per hundredweight.

The present formula is one of the highest butter-powder formulas in any marketing order. A reduction of 15 cents per hundredweight would result in a price more nearly comparable to those provided in other areas. Accordingly it has been concluded that the Class II price should be reduced approximately 15 cents per hundredweight. In order to maintain a proper ratio between values of butterfat and skim milk, the price per pound of butterfat should be reduced 3 cents and the price of skim milk should be reduced 4 cents per hundredweight.

6. *Seasonal pricing.* Both producers and handlers feel that steps should be taken to level out production on the market. At the present time there is a continuously widening variation between the high and low months of production.

For several years the producers association operated a base and surplus plan among its members. However as market supplies became short and a greater percentage of the receipts were utilized in Class I it began to lose its effectiveness. Moreover the plan as it had been operated in the market was found to be administratively cumbersome and it was abandoned in favor of a wider seasonal variation in class prices.

For some time there has been a difference of 40 cents per hundredweight in the Class I and Class II prices between the spring and fall months. During the past 3 years the average difference in the uniform price between May and November has approximated 73 cents. This has proved inadequate as an incentive to bring about fall production.

As a means of obtaining a relatively uniform supply for the market producers have proposed the adoption of the so-called "Louisville Plan." Under this plan 8 percent of the funds in the pool would be deducted in computing the uniform price during each of the months of April, May, and June, and one-third of the total amount deducted would be added back in computing the uniform price during each of the months of September, October, and November. It is estimated that this plan will result in a difference of about $1.50 in the uniform price between May and November.

This plan as proposed by producers has the effect of applying a wide seasonal element in the pricing of milk to producers which is closely related to the needs of the market, without unnecessarily influencing the stability of handlers' costs. Accordingly it is felt that the recommended plan of a deduction from the pool in the spring months and the addition in the fall of the moneys deducted will provide an effective method of encouraging a more uniform pattern of production.

7. *Emergency milk.* The provisions relating to emergency milk should be modified. The present order permits milk to be designated as emergency milk in an amount equal to the difference between producer receipts and 115 percent of the handler's Class I (Classes I and II of present order) disposition. The evidence shows, however, that this is a much greater tolerance than is needed to adequately supply the market. The market administrator's records show that for the last 4 months of 1951 producer receipts plus emergency milk did not exceed 105 percent of Class I and Class II sales. In certain other months the figure was slightly higher than 105 percent. It appears that a limitation of 107 percent would adequately provide for day to day variations in receipts and sales.

The cooperative association originally proposed the deletion of emergency milk from the order, but modified its proposal at the hearing. It is quite evident from the record that producer receipts will be inadequate to supply the market needs during the coming fall and winter months, and unless supplies increase at a

much more rapid rate than now appears likely there will continue to be some shortages during the fall months for at least another year or two. Accordingly it is concluded that the emergency milk provision be retained, but that the amount of milk to be designated as emergency milk be reduced to an amount equal to the difference between receipts of producer milk and 107 percent of Class I disposition.

8. *Location differentials.* The order should provide a location differential to handlers on milk received at country plants which is moved to city bottling plants in the form of milk, skim milk and cream.

There is only one receiving station supplying the present marketing area. This plant is located at Waterloo, Nebraska, approximately 30 miles from Omaha. Although the present order does not contain a provision for location differentials the cooperative association has for several years paid the handler who operated the station 5 cents per hundredweight to cover the cost of transporting the milk from Waterloo to Omaha. Producers whose milk was received at Waterloo had this amount deducted from their payments by the association. Lincoln handlers operate plants at York and Stromsburg, Nebraska, located about 50 and 70 miles, respectively, from the city of Lincoln, where milk is received or assembled for transfer to Lincoln. At both plants a location differential of 10 cents per hundredweight has been applicable to both producer and handler prices.

The record indicates that the amount of the differential at all three points is reasonable and should be incorporated in the order. While these are the only country points at which milk is now received, it is not unlikely that additional receiving plants will be opened as the milkshed is extended to secure additional supplies of milk. Provision should be made for location differentials at such points in the event such plants should be established. It would be uneconomic to establish such a plant within 45 miles of either Omaha or Lincoln. Accordingly it is concluded that the order should provide a location differential of 5 cents per hundredweight on milk received at Waterloo and of 10 cents per hundredweight at any other plant located more than 45 miles from the marketing area. The handler location differential should be applicable to all milk moved to the marketing area in the form of milk, skim milk or cream. It should not apply to milk manufactured into Class II products at the point of receipt since the value of such products at the plant of origin is approximately the same as it would be in the marketing area.

The location differentials to producers should be at the same rates as the handler differentials. These rates represent the approximate difference in cost between hauling from the farm to a country plant and the cost of the direct haul to a city bottling plant. They are necessary to prevent maladjustments in net returns to producers.

9. *Administrative assessment.* The assessment to defray the costs of administering the order should be levied on emergency milk and other source milk utilized in Class I. At the present time the full cost of administering the order is assessed against producer milk. The market administrator is required, however, to verify the utilization of all milk received at approved plants. Emergency milk and other source milk should bear their proper share of the costs. This is particularly true in view of the extension of the marketing area to include Lincoln. Substantial quantities of other source milk are regularly received by handlers in Lincoln for Class I disposition. Unless such milk is assessed its proper share of the costs, handlers who do not receive such milk would be bearing an excessive proportion of the total expenses of administering an order.

It appears that the order should continue to provide a maximum assessment of 2 cents per hundredweight. The additional revenue resulting from the addition of Lincoln to the area will, at least in the immediate future, be largely offset by the additional expenses incurred in the extension of the order to this area. Should experience prove a lesser sum were sufficient to provide proper administration, provision is made whereby the Secretary may reduce the assessment to whatever amount is necessary to meet the expenses of the office without amending the order.

10. *Other administrative provisions.* The addition of Lincoln to the marketing area has necessitated the revision of other provisions of the order.

Handlers in the present marketing area are not permitted to process non-Grade A milk in their approved plants. In Lincoln, however, handlers are permitted to bottle non-Grade A milk as long as it is not physically intermingled with the Grade A milk in the plant. Most handlers in Lincoln regularly receive and bottle non-Grade A milk which is sold outside the proposed marketing area.

Since this is a practice of long standing in the market and does not violate the local health regulations, the handler should be permitted to deduct from his Class I sales any non-Grade A milk which is actually disposed of as Class I milk outside the marketing area provided he maintains adequate records from which market administrator can verify the actual utilization of the milk.

As a safeguard to the stability of the market, the order should provide that if a handler disposes of other source milk as Class I milk within the marketing area or as Grade A milk, except during emergency periods, he should be assessed the difference between the Class I and Class II prices on the amount of milk so used. Such a provision is necessary to prevent handlers from selling in the market in the guise of producer milk, milk of manufacturing quality which they have purchased at less than the prices paid by other handlers subject to the order. It serves further to prevent the displacement of producer milk. Since producers are the persons on whom the market must rely for a continuing supply of milk, they should be paid the Class I price for Class I milk disposed of by handlers in the marketing area. Since utilization of other source milk in Class I forces producer milk into a Class II utilization, they should be reimbursed for the difference in price between the two classes. Moreover, since non-Grade A milk is purchased locally at approximately the Class II price, this additional charge will result in these handlers paying approximately the Class I price for any other source milk so utilized.

One handler in the city of Lincoln has recently constructed a distributing plant at Grand Island, Nebraska, which is outside the marketing area. At the present time this plant is not equipped to package milk in all styles of containers. However he expects the plant to be fully equipped by November 1, 1952. Pending completion of the plant facilities a portion of the milk received at Grand Island is hauled to Lincoln for bottling and the finished product returned to Grand Island for distribution. This handler requested that the order provide that milk received at its Lincoln plant from Grand Island and shipped back to Grand Island in bottled form prior to November 1, be deducted from its Class I sales before allocating producer milk to Class I. The producers association and the other handlers in the area offered no objection to the proposal. Under the circumstances the proposal does not appear unreasonable and it is concluded such a provision should be incorporated in the amended order.

The order should also provide that in the event a person who is a handler subject to another Federal order also disposes of milk in this marketing area, he should be partially exempt from the provisions of this order, if his Class I disposition in this marketing area is less than his disposition in the other marketing area. It would be impractical to attempt to regulate the same person under two different orders with respect to the same milk. The effective regulation should be that of the market in which such person has the greater portion of his sales. In order to insure equity, however, such person should not be permitted to purchase milk for sale in either market at less than the price paid by other handlers in that market. Therefore it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the marketing area. Such a handler should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of within the area by such person.

The extension of the marketing area will necessitate the changing of the date for the filing of reports from the 5th of the month to the 7th of the month. At the present time it is extremely difficult for handlers to complete their reports and deliver them to the market administrator by the 5th whenever a weekend or a holiday falls at the beginning of the month. The additional time required for the delivery of mail from Lincoln would make it virtually impossible for handlers there to file their reports by the 5th in such months. In order to provide ample time it is concluded that the date should be fixed as the 7th.

Changing the date for filing reports will necessitate a similar change in the dates fixed for announcing the uniform price and making the payments required under the order, to provide ample time to the market administrator to make the necessary computations and furnish handlers with the information on which such payments are based. Accordingly all the dates fixed in the order for the filing of reports and the making of payments should be moved back 2 days from the present dates.

The powers of the market administrator as enumerated in the order should be broadened to include the power to make rules and regulations to effectuate its terms and provisions and to recommend amendments to the Secretary. These powers are specifically conferred upon the market administrator by the act. It appears reasonable that they should be set forth in the order.

No proposals were made and no testimony offered in support of any substantive changes in the provisions of the order other than those specifically discussed in preceding paragraphs. The witnesses who testified recommended the adoption of such provisions in their present form. Accordingly, except for changes in context necessitated by the adoption of the amendments discussed above, the remaining provisions of the order should be incorporated in their present form.

General findings. (a) The proposed marketing agreement and the order, amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of the producers association and certain of the handlers in the market. The briefs contained proposed findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order amending the order, as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order:

DEFINITIONS

§ 935.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed., 601 et seq.).

§ 935.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 935.3 *Omaha-Lincoln-Council Bluffs Marketing Area.* "Omaha-Lincoln-Council Bluffs Marketing Area," hereinafter called "marketing area" means the territory within the corporate limits of the cities of Omaha, and Lincoln, Nebraska, and Council Bluffs, Iowa; within Kane, Lake, Garner and Lewis townships in Pottawattamie County, Iowa; within Florence, Union, McArdle, Moorhead, McHugh, Benson, Beechwood, Pershing, Dundee, Loveland, Boystown, Ralston, Ashland and May precincts in Douglas County, Nebraska; within Gilmore, Highland and Bellevue precincts in Sarpy County, Nebraska; within West Lincoln precinct including the Lincoln Air Base, and the Veterans' Administration Hospital in Lancaster precinct, both in Lancaster County, Nebraska.

§ 935.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 935.5 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 935.56.

§ 935.6 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant(s), and (b) a cooperative association with respect to milk which it causes to be delivered from a producer to an approved plant or which it causes to be diverted to an unapproved plant for the account of such cooperative association, and such milk shall be deemed to have been received at an approved plant by the cooperative association. In the case of recognized divisions of a corporation which are operated as separate business units, each such division shall be deemed to be a handler.

§ 935.7 *Approved plant.* "Approved plant" means (a) any milk processing plant from which skim milk and butterfat are disposed of as Class I milk (1) to any Federal agency located within the marketing area, or (2) on wholesale or retail routes (including plant stores) within the marketing area under a Grade A permit issued by any municipal or state health authority having jurisdiction in the marketing area, or (b) a plant which is under regular inspection by one or more of the several health authorities having jurisdiction in the marketing area, which is approved by such authority for the receiving of Grade A milk, and from which Grade A milk is regularly disposed of to plants described in paragraph (a) (2) of this section for Class I use.

§ 935.8 *Unapproved plant.* "Unapproved plant" means any milk processing plant other than an approved plant.

§ 935.9 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 935.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) has its entire activities under the control of its members, and (b) has and is exercising full authority in the sale of milk of its members.

§ 935.11 *Producer milk.* "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 935.12 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk or emergency milk.

§ 935.13 *Emergency milk.* "Emergency milk" means skim milk or butterfat other than that in producer milk

which is received by a handler under the conditions and subject to the limitations prescribed in § 935.45.

§ 935.14 *Butter price.* "Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

MARKET ADMINISTRATOR

§ 935.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 935.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 935.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 935.73 the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to § 935.30 or (2) made payments pursuant to §§ 935.65 and 935.69;

(e) Promptly verify the information contained in reports submitted by handlers;

(f) Publicly announce by such means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 935.51, and the butterfat differential computed pursuant to § 935.66;

(2) On or before the 9th day after the end of each delivery period, the uniform price computed pursuant to § 935.61.

(g) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 935.30 *Delivery period report of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The respective quantities of skim milk and butterfat contained in producer milk, other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler), and emergency milk received during the delivery period;

(b) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(c) The utilization of all skim milk and butterfat reported pursuant to paragraphs (a) and (b) of this section; and

(d) Such other information with respect to such receipts and utilization as the market administrator may request.

§ 935.31 *Mid-delivery period reports.* On or before the 22d day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or association of producers during the first 15 days of the delivery period.

§ 935.32 *Reports of payments to producers.* On or before the 17th day after the end of each delivery period, each handler shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof;

(b) The price, amount, and date of payment made pursuant to § 935.65; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 935.33 *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only from other handlers which are not cooperative associations shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 935.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 935.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 935.35 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 935.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products required to be reported pursuant to § 935.30, which during the delivery period were received by a handler at an approved plant or caused by a cooperative association to be diverted to an unapproved plant shall be classified by the market administrator in the classes set forth in § 935.41.

§ 935.41 *Classes of utilization.* Subject to the conditions set forth in §§ 935.43, 935.44, and 935.47, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce a milk product not specified in paragraph (a) of this section, (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk, and (3) in shrinkage of other source milk.

§ 935.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and emergency milk, and (2) other source milk.

§ 935.43 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 935.41, the burden rests upon the handler who received such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified if verification discloses that the original classification was incorrect.

§ 935.44 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association from an approved plant to an approved plant of another handler who receives milk from producers or from a cooperative association shall be Class I if transferred in the form of milk, skim milk or cream: *Provided*, That if the selling handler, on or before the 7th day after the end of the delivery period during which such transfer is made, furnishes the market administrator with a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of receipts of other source milk.

(b) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler shall be Class I if transferred or diverted in the form of milk, skim milk or cream.

(c) Skim milk and butterfat which is caused to be delivered from producers to an approved plant by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(d) Skim milk and butterfat when transferred from an approved plant to an unapproved plant located more than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(e) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be classified as Class I: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I.

(f) Skim milk and butterfat received by a handler as other source milk shall, except as provided in § 935.57, be classified in the lowest class in which such handler has use.

(g) Skim milk and butterfat received by a handler as emergency milk shall be ratably apportioned over the receiving handler's total utilization of milk.

(h) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

§ 935.45 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler is insufficient for such handler's disposition of Class I milk, skim milk and butterfat other than that in producer milk which is received by a handler and which is permitted by a health authority having jurisdiction in the marketing area to be disposed of as Grade A milk shall be considered emergency milk up to an amount equal to the difference between the receipts of skim milk or butterfat in producer milk by such handler and 107 percent of his total disposition of skim milk or butterfat in Class I milk.

§ 935.46 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 935.47 *Allocation of skim milk and butterfat classified.* After computing, pursuant to § 935.46, the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers in the following manner.

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shinkage of producer milk;

(2) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk allocated to Class I pursuant to § 935.57;

(3) Subtract from the remaining pounds of skim milk in Class II the remaining pounds of skim milk in other source milk: *Provided*, That, if the pounds of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from Class I;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 935.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in (i) milk of the handler's own production, (ii) emergency milk, and (iii) milk received from a cooperative association which is a handler;

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 935.50 *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk for each delivery period shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8, and adjusted to the nearest cent:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(b) The price computed pursuant to § 935.51 (b) for the preceding delivery period for Class II milk containing 3.8 percent butterfat plus 15 cents.

§ 935.51 *Class prices.* Subject to the provisions of §§ 935.52 and 935.53 the minimum prices per hundredweight to be paid by each handler for milk received by him from producers or from a cooperative association during the delivery period shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to § 935.50 plus $1.40.

(1) The price per hundredweight of butterfat in Class I shall be computed by adding $28.00 to the price computed pursuant to paragraph (b) (1) of this section for the preceding delivery period.

(2) The price per hundredweight of skim milk in Class I shall be computed by (i) multiplying by 0.038 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for Class I milk containing 3.8 percent butterfat, (iii) dividing the result by 0.962, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subparagraph (1) (iii) of this paragraph and adding thereto the amount computed pursuant to subparagraph (2) (i) of this paragraph.

(1) The price per hundredweight of butterfat in Class II milk shall be com-

puted by (i) multiplying the butterfat price by 1.25, (ii) subtracting 8 cents, (iii) adjusting to the nearest cent, and (iv) multiplying the result by 100.

(2) The price per hundredweight of skim milk in Class II shall be computed by (i) adding to 17 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound, (ii) dividing the resulting sum by 0.962, and (iii) adjusting to the nearest cent. The price per pound of non-fat dry milk solids to be used shall be the simple average of carlot prices for nonfat dry milk solids for human consumption both spray and roller process, delivered at Chicago as reported by the Department of Agriculture during the delivery period. In the event the Department does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 935.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 935.53 *Location differential to handlers.* With respect to milk received from producers at an approved plant located outside the marketing area and which is transferred to an approved plant located within the marketing area in the form of milk, skim milk or cream, the Class prices computed pursuant to § 935.51 shall be reduced 5 cents per hundredweight with respect to milk received at a plant located in Waterloo precinct in Douglas County, Nebraska, and 10 cents per hundredweight with respect to milk received at any other plant located more than 45 miles from the marketing area.

APPLICATION OF PROVISIONS

§ 935.55 *Producer-handlers.* Sections 935.40 to 935.47, 935.50 to 935.53, 935.60 to 935.62, and 935.65 to 935.74 shall not apply to a producer-handler.

§ 935.56 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with § 935.34.

(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which are classified as Class I milk under this subpart, is less than the price provided by this subpart, such handler, on or before the 10th day after the end of the delivery period in which a bill is rendered, shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 935.57 *Other source milk in Class I.* (a) In the case of approved plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of the actual disposition of non-Grade A skim milk and butterfat as Class I milk in localities where Grade A milk is not required for Class I use.

(b) During any delivery period prior to November 1, 1952, Grade A skim milk and butterfat in other source milk which is received in bulk at an approved plant from an unapproved plant which receives Grade A milk in packaged form for Class I use from the approved plant, shall be allocated to Class I in an amount not in excess of the amounts of skim milk and butterfat either (1) transferred from the unapproved to the approved plant as Grade A milk, or (2) transferred from the approved to the unapproved plant in packaged form, whichever is the lesser amount.

DETERMINATION OF UNIFORM PRICE

§ 935.60 *Computation of the value of milk received from producers.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.47 by the applicable class prices and adding together the resulting amounts and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class prices;

(b) If any skim milk or butterfat in other source milk has been subtracted from Class I pursuant to § 935.47 (a) (3) in any delivery period, other than one in which any handler has received skim milk or butterfat which has been designated by the market administrator as emergency milk, the market administrator in computing the value of milk of such handler shall add an amount computed by multiplying the hundredweight of skim milk or butterfat so subtracted by the difference between the Class I and Class II prices.

§ 935.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 935.60 for all handlers who filed the reports prescribed by § 935.30 and who made the payments pursuant to §§ 935.65 and 935.69 for the preceding delivery period;

(b) Subtract during each of the delivery periods of April, May, and June, an amount equal to 8 percent of the resulting sum;

(c) Add during each of the delivery periods of September, October, and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total value of the location differentials computed pursuant to § 935.67;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.8 percent, or add, if such butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 935.66 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" for milk received from producers.

§ 935.62 *Notification of handlers.* On or before the 9th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 935.47 and 935.60;

(b) The uniform price computed pursuant to § 935.61;

(c) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 935.65 and 935.69.

PAYMENTS

§ 935.65 *Time and method of payment.* Each handler shall make payment for milk received during the delivery period as follows:

(a) *Final payment.* On or before the 12th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler at not less than the uniform price computed in accordance with § 935.61, subject to the butterfat and location differentials computed pursuant to §§ 935.66 and 935.67, and less the amount of the payment made to such producers pursuant to paragraph (b) (1) of this section.

(2) To a cooperative association which is a handler for milk which it caused to be delivered to such handler by such cooperative association at not less than the value of such milk at the applicable class prices, less the amount of the payment made pursuant to paragraph (b) (2) of this section.

(b) *Mid-delivery period payment.* On or before the 27th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler an amount computed by multiplying the hundredweight of milk delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

(2) To a cooperative association which is a handler for milk which was caused to be delivered to such handler by such cooperative association an amount computed by multiplying the hundredweight of milk caused to be so delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

§ 935.66 *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to § 935.65 (a) (1) shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall subtract for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.8 percent not more than an amount computed as follows: add 20 percent to the butter price, divide the resulting sum by 10, and adjust to the nearest cent.

§ 935.67 *Location differential to producers.* In making payments to producers pursuant to § 935.65 (a) (1) there shall be deducted with respect to milk received at an approved plant located in Waterloo precinct in Douglas County, Nebraska, 5 cents per hundredweight, and with respect to milk received at approved plants located more than 45 miles from the marketing area, 10 cents per hundredweight.

§ 935.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 935.56, 935.69 and 935.71 and out of which he shall make all payments to handlers pursuant to §§ 935.70 and 935.71.

§ 935.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 935.60 is greater than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1).

§ 935.70 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 935.60 is less than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1): *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 935.71 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 935.69 and 935.70, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 935.72 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 935.65, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.73 *Expense of administration.* As his pro rata share of the expense of administration of this subpart each handler on or before the 12th day after the end of the delivery period shall pay to the market administrator, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received from producers (including such handler's own production) and cooperative associations and with respect to emergency milk or other source milk which is classified as Class I. As its pro rata share of the expense of administration of this subpart, a cooperative association which is a handler, shall pay to the market administrator on or before the 12th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to an unapproved plant, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this section.

§ 935.74 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 935.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until sus-

pended or terminated pursuant to § 935.81.

§ 935.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 935.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 935.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 935.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 935.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 27th day of June 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-7341; Filed, July 2, 1952; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 58

JUNE 26, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

KENAI PENINSULA AREA

STARISKI UNIT NO. 1

For lease and sale—for business or cabin sites:

T. 3 S., R. 15 W., Seward Meridian,
Sec. 25: Lots 7, 8, 10, 11, 12, 13, 14, and 22, as per preliminary supplemental plat of survey.
Comprising 8 tracts aggregating 40 acres.

For lease only—for business or cabin sites:

T. 3 S., R. 15 W., Seward Meridian.
Sec. 25: Lots 19, 20, 21, and 23, as per preliminary supplemental plat of survey.
Comprising 4 tracts aggregating 20.74 acres.

2. The lands are located along the Sterling Highway approximately 26 miles north of Homer, Alaska, and approximately 12 miles south of Ninilchik, Alaska. The topography of the area is level to rolling and the lands support a sparse stand of spruce, alder, and aspen. A steep bluff approximately 100 feet in height extends from mean high tide to the uplands embraced in Lots 19, 20, 21, and 23, and renders access to the beach difficult. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools. No public facilities are obtainable in the area at the present time. The climate is a favorable combination of the maritime climate of coastal Alaska and the temperate climate of south central Alaska.

3. Pursuant to § 257.9 of the Code of Federal Regulations (43 CFR Part 257), a preference right to a lease is accorded to those applicants whose applications (a) were regularly filed under the regulations issued pursuant to the act prior to this classification, and (b) are of the type of site for which the lands subject thereunder have been classified. As to such applications, this order shall become effective upon the date which it is signed.

4. As to the lands not covered by the applications referred to in paragraph 3, this order shall not become effective to permit the leasing of such land under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on July 16, 1952. At that time such land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on July 16, 1952, to close of business on October 14, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans filed on June 26, 1952, or thereafter, up to and including 10:00 a. m., on July 16, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on October 15, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on September 25, 1952, or thereafter, up to and including 10:00 a. m. on October 15, 1952, shall be treated as simultaneously filed.

5. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

7. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases with option to purchase will be for a period of not more than three years, at an annual rental of $5 for cabin sites, payable in advance for the entire lease period. The rental for business sites classified for lease and sale will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. For those tracts classified by this order for lease and sale, every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as specified in the lease, provided the supplemental plat of survey has been officially filed.

8. Lands classified for lease only by this order will be made subject to the following terms and conditions:

(a) The right of the public to enter upon, cross, and use the leased land to the extent necessary for conducting fishing operations, including the erection and use of temporary structures along the shore during fishing seasons.

(b) That the lease shall not confer upon the lessee any exclusive right to the use of the leased land for fishing purposes.

(c) That in conducting fishing operations the lessee may only erect temporary structures during fishing seasons.

9. Land classified by this order for lease only except a business site lease will be for a five year term with a rental of $25 for the lease period. For a business site lease for five years the minimum rental is $100 for the lease period; the annual rental, however, will be based on percentages of the gross income as specified in the lease, Form 4-776. Leases for fish traps and set net sites for commercial fishing operations will be considered as a use of the leased land for business purposes.

10. All of the land will be leased in tracts varying in size from approximately 3.79 acres to approximately 7.31 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts, where possible, are made to conform in description with the rectangular system of survey, in compact units.

11. All sewage disposal facilities will be located not less than 75 feet from the exterior boundaries of the tract described in the lease, provided, however, that if said tract abuts upon any stream, lake, or other body of fresh water, no sewage disposal facility shall be placed within 100 feet of any such water. If the tract described in the lease is located upon sloping lands, lessee should locate any well or sewage disposal facility according to the recommendations of the Alaska Territorial Department of Health.

12. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width along section or quarter section lines and 33 feet along the tract boundaries as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, or the State or Territory; county, or municipality, or by any agency thereof. The rights-of-way may, in discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

13. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER, *Chief, Division of Land Planning.*

[F. R. Doc. 52-7270; Filed, July 2, 1952; 8:48 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION NO. 59

JUNE 26, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

KNIK RIVER UNIT

SEWARD MERIDIAN

For lease and sale—for cabin sites:

T. 16 N., R. 2 E.,
Sec. 1: Lots 1 and 2.

Containing approximately 44.27 acres.

This order shall not become effective to permit the initiation of any rights or any disposition under the public lands laws until it is so provided by an order to be issued by the Chief, Division of Land Planning, Bureau of Land Management, Region VII, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, with a 91 day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), as amended.

FRED J. WEILER, *Chief, Division of Land Planning.*

[F. R. Doc. 52-7271; Filed, July 2, 1952; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5055 et al.]

E. W. WIGGINS AIRWAYS, INC.; RENEWAL INVESTIGATION CASE

NOTICE OF ORAL ARGUMENT

In the matter of the investigation of the renewal of the temporary certificate of public convenience and necessity for route No. 79 held by E. W. Wiggins Airways, Inc.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 31, 1952, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 30, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-7313; Filed, July 2, 1952; 8:53 a. m.]

[Docket No. 5499]

PIONEER AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Pioneer Air Lines, Inc., over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 9, 1952, at 10:00 a. m., daylight saving time, in Room 5040, Commerce Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., June 27, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-7309; Filed, July 2, 1952; 8:53 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 13]

ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO ESTABLISH MANGANESE PURCHASE DEPOT AT WENDEN, ARIZONA

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281, of August 28, 1951 (16 F. R. 8789) and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69 and 96, 82d Cong.), and other applicable law, I hereby delegate to the Administrator of General Services the authority to establish a depot at

Wenden, Arizona, for the purchase of manganese ore of domestic origin, for Government use and resale, under the terms, conditions and policies set forth in the regulations of even date herewith prescribed by the Administrator of General Services for the administration of the function hereby delegated.

2. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration, with or without authority for further redelegation.

3. This delegation is effective as of the date hereof.

Dated: June 27, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-7358; Filed, July 1, 1952; 2:09 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 32, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED: AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. 1, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this amendment to Redelegation of Authority No. 32 (17 F. R. 2462) is hereby issued.

Redelegation of Authority 32 is amended by redesignating the present paragraph 3 as paragraph 4 and inserting a new paragraph 3 to read as follows:

3. Authority to act under section 4 (d) of CPR 101, as amended. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to act under section 4 (d) of CPR 101, as amended.

This Amendment 1 to Redelegation of Authority No. 32 shall take effect as of June 17, 1952.

JOSEPH M. MCDONOUGH,
Director of Regional Office No. 1.

JUNE 30, 1952.

[F. R. Doc. 52-7325; Filed, June 30, 1952; 4:38 p. m.]

[Region II, Redelegation of Authority No. 37, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CEILING PRICE REGULATION 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 66 Revision 1 (17 F. R. 5437), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the New York City, Buffalo, Rochester, Syracuse, and Albany, New York, and the Newark and Trenton, New Jersey, Offices of Price Stabilization to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect on July 1, 1952.

JAMES G. LYONS,
Director of Regional Office No. II.

JUNE 30, 1952.

[F. R. Doc. 52-7326; Filed, June 30, 1952; 4:39 p. m.]

[Region IV, Redelegation of Authority No. 14, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED: AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 38, Amendment 2 (17 F. R. 5045), this Amendment 2 to Region IV Redelegation of Authority No. 14 (17 F. R. 1199) is hereby issued.

Region IV Redelegation of Authority No. 14 is amended by inserting a new paragraph 3 to read as follows:

3. *Authority to act under section 4 (d) of CPR 101, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under section 4 (d) of CPR 101, as amended.

This redelegation of authority shall take effect on July 14, 1952.

W. F. BAILEY,
Regional Director, Region IV.

JUNE 30, 1952.

[F. R. Doc. 52-7327; Filed, June 30, 1952; 4:39 p. m.]

[Region IV, Redelegation of Authority No. 36, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437), this Revision 1 to Region IV Redelegation of Authority No. 36 (17 F. R. 4960) is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This Revision 1 to Redelegation of Authority No. 36 shall take effect on July 14, 1952.

W. F. BAILEY,
Regional Director, Region IV.

JUNE 30, 1952.

[F. R. Doc. 52-7328; Filed, June 30, 1952; 4:39 p. m.]

[Region VIII, Redelegation of Authority No. 36, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect as of June 17, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JUNE 30, 1952.

[F. R. Doc. 52-7330; Filed, June 30, 1952; 4:39 p. m.]

[Region X, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect on June 30, 1952.

B. FRANK WHITE,
Acting Regional Director, Region X.

JUNE 30, 1952.

[F. R. Doc. 52-7329; Filed, June 30, 1952; 4:39 p. m.]

[Region XI, Redelegation of Authority No. 43, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31, IMPORTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 66 (17 F. R. 4193), and Revision 1 thereto (17 F. R. 5437), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect June 30, 1952.

GEORGE F. ROCK,
Regional Director, Region XI.

JUNE 30, 1952.

[F. R. Doc. 52-7331; Filed, June 30, 1952; 4:39 p. m.]

[Region XII, Redelegation of Authority No. 22, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39A AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 5, Revision 1, Amendment 1 (17 F. R. 98, 4961), this amendment to Redelegation of Authority No. 22, heretofore issued by me on January 8, 1952 (17 F. R. 674), is hereby issued.

Paragraph 1 of Redelegation of Authority No. 22 is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the Los Angeles, San Francisco, Phoenix, San Diego, Fresno, and Sacramento District Offices of the Office of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 23, 1952.

JOHN H. TOLAN, JR.,
Director of Regional Office No. XII.

JUNE 30, 1952.

[F. R. Doc. 52-7332; Filed, June 30, 1952; 4:40 p. m.]

[Region XII, Redelegation of Authority No. 33, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 38, as amended (16 F. R. 12299; 17 F. R. 1784), Redelegation of Authority No. 33 heretofore issued by me on March 13, 1952 (17 F. R. 2347), is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 12 of CPR 101, as amended.

2. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under sections 7, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), and 49 (a) of CPR 101.

This amendment shall take effect as of June 15, 1952.

EARL I. CLOUD,
Acting Director of Regional Office No. XII.

JUNE 30, 1952.

[F. R. Doc. 52-7333; Filed, June 30, 1952; 4:40 p. m.]

[Region XII, Redelegation of Authority No. 36, Amdt. 1]

DIRECTOR OF RENO DISTRICT OFFICE, REGION XII

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39A AND 39C OF CPR 7, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 5, Revision 1, Amendment, 1 (17 F. R. 98, 4961), this amendment to Redelegation of Authority No. 36, heretofore issued by me on March 14, 1952 (17 F. R. 2947), is hereby issued.

Paragraph 1 of Redelegation of Authority No. 36 is amended to read as follows:

1. Authority is hereby redelegated to the Director of the Reno District Office of the Office of Price Stabilization to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7, as amended.

This amendment shall take effect as of June 23, 1952.

JOHN H. TOLAN, JR.,
Director of Regional Office No. XII.

JUNE 30, 1952.

[F. R. Doc. 52-7334; Filed, June 30, 1952; 4:40 p. m.]

[Region XII, Redelegation of Authority No. 47]

DIRECTORS OF DISTRICT OFFICES, REGION XII

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of June 15, 1952.

EARL I. CLOUD,
Acting Director of Regional Office No. XII.

JUNE 30, 1952.

[F. R. Doc. 52-7335; Filed, June 30, 1952; 4:40 p. m.]

[Region XII, Redelegation of Authority No. 48]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO PROCESS STATEMENTS FILED PURSUANT TO SECTIONS 6 AND 12 OF CPR 92, AND TO APPROVE, DENY, OR REQUEST FURTHER INFORMATION CONCERNING, FILINGS MADE PURSUANT TO SECTION 42 (b) AND SECTION 42 (c) (5) AND (6) OF CPR 92

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 27 (16 F. R. 11468), this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to process statements filed under sections 6 and 12 of Ceiling Price Regula-

tion 92, and to approve, deny, or request further information concerning, filings made pursuant to section 42 (b) or section 42 (c) (5) and (6) of Ceiling Price Regulation 92 and filings made pursuant to section 46 (b) of Ceiling Price Regulation 92.

This redelegation of authority shall take effect as of June 15, 1952.

EARL I. CLOUD,
Acting Director of Regional Office No. XII.

JUNE 30, 1952.

[F. R. Doc. 52-7336; Filed, June 30, 1952; 4:40 p. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 59]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (PUB. LAW 139, 82D CONG.)

JULY 2, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Twenty-nine Palms, California, Area. (The area consists of all of the Township of Twenty-nine Palms in San Bernadino County, California.)

Coos Bay-Coquille, Oregon, Area. (The area consists of Election Precincts 1, 2, 3, 4, 7 through 22, 24, 25, 29, 30, 31, 33, 34, 38, 40, 41, 44, 47, 50, and 59, including the Cities of Coos Bay, North Bend, Empire, Eastside and Coquille; all in Coos County, Oregon.)

Waverly-Camden, Tennessee, Area. (The area consists of Benton and Humpreys Counties, Tennessee).

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7410; Filed, July 2, 1952; 11:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6436]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JUNE 27, 1952.

Notice is hereby given that on June 25, 1952, the Federal Power Commission issued its order entered June 24, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7277; Filed, July 2, 1952; 8:51 a. m.]

[Docket No. G-1012]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 27, 1952.

Notice is hereby given that on June 25, 1952, the Federal Power Commission issued its order entered June 24, 1952, modifying finding in order (16 F. R. 2131) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7276; Filed, July 2, 1952; 8:50 a. m.]

[Docket No. G-1783]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 27, 1952.

Notice is hereby given that on June 25, 1952, the Federal Power Commission issued its order entered June 24, 1952, modifying and affirming as modified the initial decision of the Presiding Examiner issuing a certificate of public convenience and necessity in the above-entitled matter

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7275; Filed, July 2, 1952; 8:50 a. m.]

[Docket No. G-1940]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF FINDINGS AND ORDER

JUNE 27, 1952.

Notice is hereby given that on June 25, 1952, the Federal Power Commission issued its order entered June 24, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7274; Filed, July 2, 1952; 8:50 a. m.]

[Docket No. G-1957]

ATLANTIC SEABOARD CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JUNE 27, 1952.

Notice is hereby given that on June 26, 1952, the Federal Power Commission issued its order entered June 26, 1952, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7273; Filed, July 2, 1952; 8:49 a. m.]

[Docket No. G-1981]

ROANOKE PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

JUNE 26, 1952.

On May 23, 1952, Roanoke Pipe Line Company (Roanoke Pipe), a Virginia corporation having its principal place of business at Roanoke, Virginia, filed Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, which, unless suspended, will become effective July 1, 1952.

Roanoke Pipe owns and operates a natural gas transmission system whereby it transports natural gas purchased from Virginia Gas Transmission Corporation for resale to the Roanoke Gas Company, its sole customer, which distributes such natural gas in Roanoke, Virginia. Roanoke Pipe and its customer have common offices and identical boards of directors and officers.

By said Third Revised Sheet No. 4, Roanoke Pipe proposes to increase the facilities charge paid by Roanoke Gas Company from $6,700 to $7,600 per month—an increase of 13 percent—or $10,800 annually. Roanoke Pipe's presently effective monthly facilities charge of $6,700 was filed on November 26, 1951, in compliance with a condition contained in Paragraph (E) of the Commission's order issued February 9, 1950, granting a certificate of public convenience and necessity to Roanoke Pipe, providing that: "• • • the rates and charges applicable to Roanoke Gas Company • • • shall not exceed the cost which would result if the proposed facilities were owned and operated by Roanoke Gas Company • • • and such charges shall be just and reasonable."

It does not appear from an office review of the data submitted by Roanoke Pipe in justification for the proposed increase and a preliminary field investigation of the company's records that the proposed increase in rates and charges has been supported as required by section 4 (e) of the Natural Gas Act, and such increase in rates and charges may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas. Among other things, it appears that Roanoke Pipe has improperly allocated joint administrative and general expenses between Roanoke Pipe and Roanoke Gas Company.

The Commission finds: It is necessary or appropriate to carry out the provisions of Natural Gas Act and to aid in the enforcement thereof in the public interest, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed

rates, charges, classifications or services and, pending such hearing and decision thereon, that the operation of Roanoke Pipe's Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, be suspended and the use thereof deferred as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications or services subject to the jurisdiction of the Commission, as set forth in Roanoke Pipe's Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Roanoke Pipe's Third Revised Sheet No. 4 to its FPC Tariff, Original Volume No. 1, be and the same is hereby suspended and its use deferred until December 1, 1952, and until such further time as such revised sheet may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: June 26, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7278; Filed, July 2, 1952; 8:51 a. m.]

[Project Nos. 349, 618]

ALABAMA POWER CO.

NOTICE OF ORDERS DETERMINING NET CHANGES IN ORIGINAL PROJECT COST AND PRESCRIBING ACCOUNTING THEREFOR

JUNE 27, 1952.

In the matters of Alabama Power Company, Project No 349 (Martin Dam); Alabama Power Company, Project No. 618 (Jordan Dam).

Notice is hereby given that on June 26, 1952, the Federal Power Commission issued its orders entered June 24, 1952, determining net changes in actual legitimate original cost of project and prescribing accounting therefor in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-7272; Filed, July 2, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-592]

IMPERIAL SUGAR CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JUNE 27, 1952.

Imperial Sugar Company ("Imperial") having filed an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act") requesting on behalf of itself and its subsidiaries, as such, exemption from the provisions of the act applicable to them by reason of the ownership by Imperial of the outstanding common stock of Fort Bend Utilities Company ("Fort Bend"), a public-utility company; and

Due notice having been given of the filing of said application and a hearing not having been requested of or ordered by the Commission; and

The Commission having examined the application and the statements contained therein and having found that Imperial and Fort Bend are each organized and carrying on their businesses wholly within the State of Texas; and further finding that granting the requested exemption will not be detrimental to the public interest or the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (1) of the act, that the application of Imperial for exemption of itself as a holding company and its subsidiaries, as such, be, and the same hereby is, granted, said company and its subsidiaries remaining subject, however, to section 9 (a) (2) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7279; Filed, July 2, 1952; 8:51 a. m.]

[File No. 70-2859]

COLUMBIA GAS SYSTEM, INC. AND CUMBERLAND AND ALLEGHENY GAS CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

JUNE 27, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Cumberland and Allegheny Gas Company ("Cumberland"), a subsidiary company of Columbia, having filed a joint application and an amendment thereto with this Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Cumberland proposes to issue and sell and Columbia proposes to acquire 8,000 shares of common stock, par value $25 per share ($200,000), and a maximum of $1,500,000 principal amount of 3⅝ percent Installment Promissory Notes. Cumberland represents that the proceeds in the amount of $1,700,000 to be derived from Columbia will be used to finance, in part, its 1952 construction program estimated to cost $2,920,564. Columbia states that it would first purchase common stock, at par, when and as funds are required up to a maximum amount of 8,000 shares and thereafter it would purchase 3⅝ percent Notes of Cumberland, as funds are needed, up to a maximum principal amount of $1,500,000. Cumberland further states that it will not issue or sell any of the above-mentioned common stock or 3⅝ percent Notes subsequent to March 31, 1953.

It is also proposed that Cumberland's outstanding 2¾ percent open account loans in the principal amount of $2,400,000, owing to Columbia and repayable on June 1, 1952, be funded into long-term securities. Cumberland proposes to issue and sell and Columbia proposes to acquire, at par, 76,000 shares of common stock, par value $25 per share ($1,900,000), and $500,000 principal amount of 3⅝ percent Notes as payment and liquidation of the aforementioned open account loans.

The 3⅝ percent Notes to be issued by Cumberland would be registered and the principal amounts thereof would be payable in 25 equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said Notes will be payable semi-annually on February 15 and August 15.

The Public Service Commission of the State of West Virginia having expressly authorized the proposed issuance and sale of the common stock and Notes by Cumberland; and

Due notice having been given of the filing of the joint application, as amended, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSON,
Assistant Secretary.

[F. R. Doc. 52-7280; Filed, July 2, 1952; 8:52 a. m.]

[File No. 70-2887]

GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING AUTHORITY TO ISSUE AND SELL COMMON STOCK THROUGH SUBSCRIPTION WARRANTS TO COMMON STOCKHOLDERS

JUNE 27, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, pursuant to the provisions of sections 6 (a), 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-42 and U-50 thereunder, with respect to the following proposed transactions:

GPU proposes to issue 531,949 additional shares of its authorized and unissued common stock, par value $5 per share, offering same first to the holders of its outstanding common stock by transferable subscription warrants car-

rying the right to subscribe for shares of such additional common stock on the basis of one share for each fifteen shares of common stock held on the record date. Subject to obtaining requisite orders, the record date will be July 1, 1952, and the subscription period will expire July 23, 1952. The subscription price will be supplied by amendment.

Warrants will be issued only to purchase full shares. GPU states that it will invite approximately six investment banking houses to submit written proposals to purchase for public distribution the fractional interest shares, which it estimates will aggregate about 25,000 full shares. The proceeds from the sale of such shares, less the aggregate subscription price, will be distributed ratably in lieu of fractional shares. The reoffering price of such shares will be supplied by amendment.

During the period from issuance of the warrants to July 18, 1952, or to such later date as may be fixed by GPU without notice, GPU will, upon the written request of and the delivery to GPU of his warrant by the initial record holder of a warrant, purchase the rights represented by such warrant, or such portion thereof as such stockholder may request, at a price per right which will be the greater of (1) 1/15 of the excess of (a) the last sale price of GPU common stock on the New York Stock Exchange on the date of receipt by the subscription agent of the warrant evidencing such rights (or the closing quoted bid price in the absence of sales on that date) over (b) the subscription price, or (2) a specified minimum price per right to be subsequently fixed by GPU and supplied by amendment.

The offering will not be underwritten nor will GPU enter into any dealer-manager arrangement. GPU proposes, however, to utilize the services of security dealers in soliciting the exercise of the warrants and in disposing of shares covered by rights purchased by GPU or not exercised by the holders prior to the expiration date. The compensation per share to be paid by GPU to the participating dealers will be specified by amendment.

During the subscription period or until such date not later than ten days thereafter as GPU may determine, participating dealers may purchase from GPU all or any part of such shares as GPU shall make available for sale with respect to rights purchased by GPU or not exercised by the holders. The purchase price to be paid to GPU by participating dealers shall be announced by GPU on the day of such purchase, and shall not be (a) in excess of the last quoted price asked for shares of GPU common stock on the New York Stock Exchange plus an amount per share to be specified by amendment, or (b) less than the higher of the last previous bid price for such stock or the subscription price. In the event any shares thus made available to participating dealers are not purchased by them within 24 hours after notice of availability, GPU may sell such shares to other persons at the price then applicable to sales by participating dealers as determined and announced by GPU on the day of such sale.

GPU states that it may, during the subscription period and for not more than ten days thereafter, effect transactions designed to stabilize the market for the rights and shares, but that in no event will it acquire, as a result of such transactions, a net long position in excess of 53,195 shares.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent that such rule may be applicable to the sale of the additional common stock to participating dealers or others, and that the Commission's order herein be made effective upon issuance.

Of the net proceeds from the sale of the additional common stock, GPU states that it will use $4,000,000 to repay its bank loans incurred for the purpose of making an additional investment in the common stock of its subsidiary Metropolitan Edison Company, $5,000,000 as a capital contribution to Associated Electric Company for use by it in purchasing additional common stock of its subsidiary, Pennsylvania Electric Company, and the balance to purchase additional common stock of other domestic subsidiaries and for other general corporate purposes.

Due notice having been given of the filing of the said application-declaration as amended, and a hearing not having been requested of or ordered by the Commission; and

The Commission finding that the requirements of the applicable provisions of the Act and Rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said application-declaration as amended be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issuance and sale by GPU of the additional common stock shall not be consummated until a further amendment is filed herein setting forth (a) the subscription price at which the rights to subscribe for such stock may be exercised; (b) the price at which GPU will sell to the successful bidder the fractional interest shares (estimated at 25,000 full shares), and the reoffering price of such shares; (c) the price to be paid to record holders who sell their rights to GPU; (d) the fixed amount per share which is to be added to the last previous quoted asked price of GPU common stock in order to determine the upper limit at which the additional common stock not taken up by subscription, and the common stock acquired by GPU for stabilization purposes, may be acquired and sold by the participating dealers or others; and (e) the compensation to be paid for soliciting the exercise of subscription warrants, for acquiring shares of additional common stock not taken up by subscription, and for purchasing shares acquired for stabilization purposes; nor shall the proposed issuance and sale of said stock be consummated until a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate;

(2) That jurisdiction be, and the same hereby is, further reserved with respect to the fees and expenses incurred or to be incurred in connection with the consummation of the proposed transactions.

It is further ordered, That the request for exemption from the provisions of Rule U-50 to the extent such rule is applicable to the proposed transactions be, and the same hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7281; Filed, July 2, 1952; 8:52 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Correction

In the third paragraph of F. R. Doc. 52-7180, appearing at page 5840 of the issue for Saturday, June 28, 1952, "NHFA Regulation CR 3" should read "HHFA Regulation CR 3".

Reference Room

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 131

Washington, Friday, July 4, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2980

IMMIGRATION QUOTAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS under the provisions of section 201 (b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202 of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS the Acting Secretary of State, the Acting Secretary of Commerce, and the Attorney General have reported to the President that in accordance with the duty imposed and the authority conferred upon them by section 201 (b) of the Immigration and Nationality Act, they jointly have made the determination provided for and computed under the provisions of section 201 (a) of the said Act; and have fixed, in accordance therewith, immigration quotas as hereinafter set forth:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quota of each quota area hereinafter enumerated has been determined in accordance with the law to be, and shall be, as follows:

Area No.	Quota area	Quota
1	Afghanistan	100
2	Albania	100
3	Andorra	100
4	Arabian Peninsula	100
5	Asia-Pacific triangle	100
6	Australia	100
7	Austria	1,405
8	Belgium	1,297
9	Bhutan	100
10	Bulgaria	100
11	Burma	100
12	Cambodia	100
13	Cameroons (trust territory, United Kingdom)	100
14	Cameroun (trust territory, France)	100
15	Ceylon	100
16	China	100
17	Chinese	105
18	Czechoslovakia	2,857
19	Danzig, Free City of	100
20	Denmark	1,175
21	Egypt	100
22	Estonia	118
23	Ethiopia	100
24	Finland	566
25	France	3,069
26	Germany	25,814
27	Great Britain and Northern Ireland	65,361
28	Greece	308
29	Hungary	865
30	Iceland	100
31	India	100
32	Indonesia	100
33	Iran (Persia)	100
34	Iraq	100
35	Ireland (Eire)	17,756
36	Israel	100
37	Italy	5,645
38	Japan	185
39	Jordan	100
40	Korea	100
41	Laos	100
42	Latvia	235
43	Lebanon	100
44	Liberia	100
45	Libya	100
46	Liechtenstein	100
47	Lithuania	384
48	Luxemburg	100
49	Monaco	100
50	Morocco	100
51	Muscat (Oman)	100
52	Nauru (trust territory, Australia)	100
53	Nepal	100
54	Netherlands	3,136
55	New Guinea (trust territory, Australia)	100
56	New Zealand	100
57	Norway	2,304
58	Pacific Islands (trust territory, United States administered)	100
59	Pakistan	100
60	Palestine (Arab Palestine)	100
61	Philippines	100
62	Poland	6,488
63	Portugal	438
64	Ruanda-Urundi (trust territory, Belgium)	100
65	Rumania	289
66	Samoa, Western (trust territory, New Zealand)	100
67	San Marino	100
68	Saudi Arabia	100
69	Somaliland (trust territory, Italy)	100
70	South-West Africa (mandate)	100
71	Spain	250
72	Sweden	8,295
73	Switzerland	1,698
74	Syria	100
75	Tanganyika (trust territory, United Kingdom)	100
76	Thailand (Siam)	100
77	Togo (trust territory, France)	100
78	Togoland (trust territory, United Kingdom)	100
79	Trieste, Free Territory of	100
80	Turkey	225
81	Union of South Africa	100
82	Union of Soviet Socialist Republics	2,697
83	Vietnam	100
84	Yemen	100
85	Yugoslavia	933

(Continued on p. 6021)

CONTENTS

THE PRESIDENT

Proclamation — Page
Immigration quotas — 6019

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Exchange Commission; Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Alien Property, Office of
Notices:
Copyrights of German nationals; vesting order — 6059

Army Department
See Engineers Corps.

Civil Aeronautics Administration
Rules and regulations:
Danger areas; alteration — 6024

Coast Guard
Rules and regulations:
Regulations, United States Coast Guard Reserve; promotion lists — 6043
Waivers of navigation and vessel inspection laws and regulations; Department of the Interior vessels operated by Pacific Micronesian Lines, Inc. (2 documents) — 6044, 6047

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Commodity Exchange Authority
See Commodity Exchange Commission.

Commodity Exchange Commission
Proposed rule making:
Limits on position and daily trading in cottonseed oil, soybean oil, and lard for future delivery — 6055

Customs Bureau
Notices:
Chesapeake and Ohio Railway Co., and Pere Marquette Railway Co.; registration of funnel marks, and cancellation of registration of house flag — 6056

FEDERAL REGISTER

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(For use during 1952)

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Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

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Order from

Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Customs Bureau—Continued Page

Notices—Continued

Crescent Towing & Salvage Co., Inc.; registration of house flag 6056

Proposed rule making:

Airports of entry:

Broward County Airport, Fort Lauderdale, Fla.; designation 6048

Sky Harbor Seaplane Base, Duluth, Minn.; revocation of designation 6048

Rules and regulations:

Importation of articles in connection with the Washington State-Far East International Trade Fair at Seattle, Wash., under Public Law No. 351, 82d Congress; entry of articles 6028

Economic Stabilization Agency

See Price Stabilization, Office of.

Engineers Corps

Rules and Regulations:

Navigation regulations; Chesapeake Bay entrance; naval restricted area 6044

Entomology and Plant Quarantine Bureau

Rules and regulations:

Domestic quarantine notices; white-fringed beetle; regulated areas 6021

Federal Power Commission

Notices:

Colorado-Wyoming Gas Co.; notice of final decision 6058

Federal Trade Commission

Rules and regulations:

Cease and desist orders:

Dobbs Truss Co., Inc., et al 6024

Grand Academy Sportswear, Inc., et al 6027

Immigration and Naturalization Service

Rules and regulations:

Documentary requirements for aliens, except seamen and airmen, entering the United States; immigration quotas 6024

Interior Department

See also Land Management, Bureau of; National Park Service; Reclamation Bureau.

Notices:

Alaska; notice of postponement of hearing by the Department of the Interior in connection with the proposed withdrawal for the Department of the Army of public lands in Susitna Flats Area near Anchorage 6058

Finance Officer, National Park Service; redelegation of authority with respect to negotiation of contract with Motorola, Inc 6057

Interstate Commerce Commission

Notices:

Applications for relief:

Coal from Lake Superior docks to Minnesota 6061

Interstate Commerce Commission—Continued Page

Notices—Continued

Applications for relief—Con.

Crude oil from Watford City, N. Dak., to points in Minnesota and Superior, Wis 6062

Fence posts from Arkansas and Oklahoma to Iowa 6062

Paper and paper articles from points in Kansas and Missouri to Lower Mississippi River crossings 6062

Thread from Ottley, Ga., to Skokie, Ill 6062

Rules and regulations:

Certificates and permits; interpretive rules relating to motor-carrier operations involving traversal States 6047

Driving of motor vehicles; qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment 6048

Justice Department

See Alien Property, Office of; Immigration and Naturalization Service.

Land Management, Bureau of

Notices:

New Mexico; modification of grazing districts 6057

National Park Service

Rules and regulations:

General rules and regulations; National recreational areas; Lake Mead Recreational Area; operation of privately owned boats; miscellaneous amendments 6044

National Production Authority

Rules and regulations:

Construction machinery: Distribution (M–43) 6035

Iron and steel (M–1) 6038

Mechanical, hydraulic, air, and electrically operated jacks (M–83) 6042

Price Stabilization, Office of

Notices:

Ford Motor Co.; manufacturers suggested resale prices 6060

General Motors Corp.; ceiling prices for wholesale labor warranty services for certain new products 6061

General Time Corp.; ceiling prices at retail and wholesale 6060

Hudson Motor Car Co.; approval of list price and discount structures that were in process of revision on June 24, 1950 6060

Paris Field, Green Township of Mecosta County, Michigan; crude petroleum ceiling prices adjusted on an in-line basis 6061

Rules and regulations:

Bottled soft drinks (GCPR, SR 43) 6031

Charcoal sold in the Virgin Islands; ceiling prices for (CPR 154) 6034

CONTENTS—Continued

Price Stabilization, Office of—Continued Page

Rules and regulations—Con.

Pulpwood and excelsior bolts produced in Michigan, Minnesota, and Wisconsin; ceiling prices for (CPR 107) 6033

Special provisions for increasing ceiling prices of sellers whose costs are increased by West Coast strike; separate statement on invoices of increased freight charges:

Food products sold in Territory of Hawaii (CPR 69, SR 1) 6030

Territories and possessions (CPR 9, SR 4) 6030

Production and Marketing Administration

Notices:

Flue-cured tobacco marketing; quota referendum 6058

Proposed rule making:

Milk handling in Fort Smith, Ark., area 6049

Rules and regulations:

Burley and flue-cured tobacco; proclamation of national marketing quota for flue-cured tobacco for 1953–54 marketing year 6022

Irish potatoes grown in Colorado; modification of Colorado Regulation No. 1 6023

Lemons grown in California and Arizona; limitation of shipments (2 documents) 6023

Reclamation Bureau

Notices:

Chief, Supply Services Branch, et al.; redelegation of authority to sell, transfer, and otherwise dispose of personal property 6057

Securities and Exchange Commission

Notices:

Hevi Duty Electric Co 6058

State Department

Rules and regulations:

Visas: Documentation of aliens entering the United States; immigration quotas 6030

Tariff Commission

Notices:

Tuna fish; notice of investigation 6059

Treasury Department

See Coast Guard; Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page

Chapter I (Proclamations):

2283 (revoked by Proc. 2980) 6019

2603 (revoked by Proc. 2980) 6019

2666 (revoked by Proc. 2980) 6019

2696 (revoked by Proc. 2980) 6019

Title 3—Continued Page

Chapter I (Proclamations)—Con.

2846 (revoked by Proc. 2980) 6019

2911 (revoked by Proc. 2980) 6019

2980 6019

Title 7

Chapter III:

Part 301 6021

Chapter VII:

Part 725 6022

Chapter IX:

Part 953 (2 documents) 6023

Part 958 6023

Part 976 (proposed) 6049

Title 8

Chapter I:

Part 165 6024

Part 176 6024

Title 14

Chapter II:

Part 608 6024

Title 16

Chapter I:

Part 3 (2 documents) 6024, 6027

Title 17

Chapter I:

Part 150 (proposed) 6055

Title 19

Chapter I:

Part 6 (proposed) (2 documents) 6048

Part 69 6028

Title 22

Chapter I:

Part 42 6030

Title 32A

Chapter III (OPS):

CPR 9, SR 4 6030

CPR 69, SR 1 6030

CPR 107 6033

CPR 154 6034

GCPR, SR 43 6031

Chapter VI (NPA):

M–1 6038

M–43 6035

M–83 6042

Title 33

Chapter I:

Part 8 6043

Part 19 6044

Title 33—Continued Page

Chapter II:

Part 207 6044

Title 36

Chapter I:

Part 1 6044

Part 2 6044

Part 23 6044

Title 46

Chapter I:

Part 154 6047

Title 49

Chapter I:

Part 165a 6047

Part 193 6048

The provision of an immigration quota for any quota area is designed solely for the purposes of the Immigration and Nationality Act and shall not constitute recognition by the United States of the political transfer of territory from one country to another, or recognition of a government not recognized by the United States.

The following proclamations regarding immigration quotas are hereby revoked. Proclamation 2283 of April 28, 1938; Proclamation 2603 of February 8, 1944; Proclamation 2666 of September 28, 1945; Proclamation 2696 of July 4, 1946; Proclamation 2846 of July 27, 1949; and Proclamation 2911 of October 31, 1950.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of June, in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-sixth.

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-7412; Filed, July 2, 1952; 1:56 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

REGULATED AREAS

On May 14, 1952, there was published in the FEDERAL REGISTER (17 F. R. 4388) a notice of proposed amendment of § 301.72-2 of the regulations supplemental to the quarantine relating to white-fringed beetles (7 CFR Supp., 301.72-2, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), § 301.72-2 is hereby amended in the following respects:

1. All references to Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina are deleted from the regulated areas designated therein.

2. To the regulated areas in Baldwin, Dallas, Escambia, Mobile, and Monroe Counties, Alabama; Escambia County, Florida; Washington Parish, Louisiana; and Covington, Jones, Perry, Rankin, and Simpson Counties, Mississippi, des-

ignated in § 301.72–2, there are added additional townships, sections, and towns, or parts thereof; and there are added to the regulated areas designated therein certain sections and towns located in Lauderdale County, Mississippi, and Tipton County, Tennessee, so that the regulated areas in such counties and parish read as follows:

ALABAMA

Baldwin County: All of T. 7 S., R. 6 E.; S⅔ T. 7 S., Rs. 4 and 5 E., including all of the town of Foley; secs. 6 and 7, T. 8 S., R. 4 E.; secs. 1, 2, 11, and 12, T. 8 S., R. 3 E.; secs. 35 and 36, T. 7 S., R. 3 E.; secs. 28, 29, 30, 31, 32, and 33, T. 5 S., R. 4 E.; secs. 4, 5, 6, 7, 8, and 9, T. 6 S., R. 4 E.; N½ T. 6 S., R. 3 E., except secs. 6 and 7; S½ T. 5 S., R. 3 E., except secs. 30 and 31; secs. 1, 2, and 3, T. 5 S., R. 2 E.; secs. 25, 26, 27, 34, 35, and 36, T. 4 S., R. 2 E.

Dallas County: That area included within a boundary beginning on the Southern Railroad where it crosses Boguechitto Creek; thence SW along the Southern Railroad to Cain Creek; thence SE along Cain Creek to its intersection with Boguechitto Creek; thence northward along Boguechitto Creek to where it intersects the south line of sec. 5, T. 15 N., R. 8 E.; thence east along the section line to the SE corner, sec. 5, T. 15 N., R. 9 E.; thence north to NE corner sec. 20, T. 16 N., R. 9 E.; thence west to NW corner sec. 24, T. 16 N., R. 8 E.; thence south to SW corner sec. 25, T. 16 N., R. 8 E.; thence west along the section line to its intersection with Boguechitto Creek; thence upstream along Boguechitto Creek to the point of beginning; Tps. 13 and 14 N., R. 11 E.; E½ T. 14 N., R. 10 E., and that area included within a boundary beginning at a point where the south line of sec. 14, T. 16 N., R. 10 E., intersects the Alabama River; thence east to a point where the south line of sec. 14, T. 16 N., R. 11 E., intersects the Alabama River; and thence downstream along the Alabama River to the point of beginning.

Escambia County: Secs. 1, 2, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 32, 33, 34, 35, and 36, T. 1 N., R. 8 E.; secs. 33, 34, 35, and 36, T. 1 N., R. 10 E., and area south thereof to the Alabama-Florida State line; secs. 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34, and 35, T. 1 N., R. 7 E.; and N½ T. 3 N., Rs. 6 and 7 E.

Mobile County: All that area south of township line which separates T. 1 S. from T. 2 S.

Monroe County: S½ and secs. 1, 2, 11, 12, 13, and 14, T. 5 N., R. 6 E.; E½ T. 6 N., R. 6 E.; T. 6 N., and E½ Tps. 7, 8, 9, and SE¼ T. 10 N., R. 7 E.; Tps. 7, 8, 9, and S½ T. 10 N., R. 8 E.; T. 9 N., and S½ T. 10 N., R. 9 E.; and those parts of Tps. 3 and 4 N., R. 6 E., Tps. 4 and 5 N., R. 7 E., Tps. 5 and 6 N., R. 8 E., Tps. 6, 7, and 8 N., R. 9 E., in Monroe County.

FLORIDA

Escambia County: S½ T. 3 N., R. 31 W., and those parts of T. 2 N., Rs. 30 and 31 W., in Escambia County and area in the County south thereof, including all of the city of Pensacola; those portions of Tps. 5 and 6 N., Rs. 30 and 31 W., in Escambia County; and E⅔ Tps. 5 and 6 N., R. 32 W.

LOUISIANA

Washington Parish: E⅔ T. 3 S., R. 13 E.; that part of T. 3 S., R. 14 E., west of Pearl River in Washington Parish, including all of the town of Bogalusa; secs. 23, 24, 25, 34, 36, 44, 45, 46, 47, 48, 51, 52, 53, and 54, T. 2 S., R. 10 E.; secs. 3, 10, 14, 15, 39, 40, 41, 42, 43, 46, 48, 49, 50, and 51, T. 3 S., R. 10 E.; secs. 19, 20, 29, 30, 31, 32, 38, and 39, T. 2 S., R. 11 E.; secs. 5, 6, 7, 8, 17, 18, 19, 20, 29, 37, 38, 39, 40, 41, 43, 49, and 50, T. 3 S., R. 11 E.

MISSISSIPPI

Covington County: W½ Tps. 6, 7, and 8 N., R. 14 W.; E½ T. 6 N., and Tps. 7 and 8 N., R. 15 W.; T. 8 N., R. 16 W.; S⅓ T. 8 N., R. 17 W.; those parts of T. 7 N., Rs. 16 and 17 W., in Covington County; W⅔ T. 9 N., R. 16 W., and that part of the NE¼ T. 9 N., R. 17 W., in Covington County.

Jones County: That part of T. 10 N., R. 11 W., in Jones County, except secs. 24, 25, and 36; those parts of T. 10 N., Rs. 12 and 13 W., in Jones County; T. 9 N., Rs. 12 and 13 W.; T. 9 N., R. 11 W., except secs. 1 and 12; E⅔ and secs. 29, 30, 31, and 32, T. 8 N., R. 12 W.; N⅔ T. 8 N., R. 11 W.; N½ T. 7 N., R. 12 W.; that portion of T. 6 N., R. 13 W., east of Leaf River, and secs. 28, 29, 30, 31, 32, and 33, T. 6 N., R. 13 W.; and secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.

Lauderdale County: Secs. 1, 12, 13, 14, 22, 23, 24, 26, 27, 34, and 35, T. 6 N., R. 15 E.; secs. 5, 6, 7, 8, 17, 18, 19, and 20, T. 6 N., R. 16 E.; sec. 31, T. 7 N., R. 16 E.; and sec. 36, T. 7 N., R. 15 E., including all of the town of Meridian.

Perry County: S⅔ T. 3 N., R. 11 W.; secs. 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, T. 3 N., R. 10 W.; secs. 13, 14, 23, 24, 25, 26, 35, and 36, T. 2 N., R. 9 W.; secs. 5 and 6, T. 4 N., R. 9 W.; secs. 29, 30, 31, and 32, T. 5 N., R. 9 W.; secs. 25, 26, 35, and 36, T. 5 N., R. 10 W.; and secs. 1 and 2, T. 4 N., R. 10 W.

Rankin County: E½ and secs. 4, 5, and 6, T. 3 N., R. 2 E.; T. 3 N., R. 3 E.; secs. 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34, T. 4 N., R. 2 E.; sec. 31, T. 6 N., R. 2 E.; sec. 36, T. 6 N., R. 1 E.; secs. 6, 7, 18, and 19, T. 5 N., R. 2 E.; and that portion of E½ of N½ of T. 5 N., R. 1 E., east of Pearl River.

Simpson County: E½ T. 2 N., R. 3 E.; T. 2 N., R. 4 E.; T. 1 N., Rs. 4 and 5 E.; E½ T. 10 N., R. 19 W.; secs. 1, 2, 3, and those parts of secs. 10, 11, and 12, T. 9 N., R. 19 W., in Simpson County; secs. 29, 30, 31, and 32, T. 1 N., R. 6 E.; secs. 1 and 12, T. 10 N., R. 18 W.; T. 10 N., R. 17 W., except secs. 1, 2, 3, 10, 11, 12, 18, 19, 30, and 31; and that portion of T. 9 N., R. 17 W., except sec. 6, in Simpson County.

TENNESSEE

Tipton County: That area within the corporate limits of the town of Mason.

This amendment makes minor additions to the regulated areas in the respective counties and parish listed in Alabama, Florida, Louisiana, and Mississippi, and includes within the regulated area for the first time portions of Lauderdale County, Mississippi, and Tipton County, Tennessee.

In addition, there are removed from the regulated areas those sections of Evans and Telfair Counties, Georgia; Bladen County, North Carolina; and Richland County, South Carolina, previously under regulation. There is now no pest risk involved in the movement of regulated articles from these counties, except possibly in the case of extensive movement of soil. Such soil generally moves only locally and in any event is subject to State quarantine regulation if it is to move to or through any nonregulated area.

Prompt action is necessary with respect to the newly regulated areas in order to control the movement therefrom of articles which might spread the white-fringed beetle. Therefore, good cause is found, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

This amendment shall be effective July 5, 1952.

Done at Washington, D. C., this 1st day of July 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-7356; Filed, July 3, 1952; 8:47 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Burley and Flue-53)-1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR 1953–54 MARKETING YEAR

§ 725.401 *Basis and purpose.* (a) Sections 725.401 and 725.402 are issued to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1952, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953. The findings and determinations by the Secretary contained in § 725.402 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others as provided in a notice (17 F. R. 4824) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of the national marketing quota to determine whether such producers favor marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the proclamation of the quota contained herein shall become effective upon the the date of publication in the FEDERAL REGISTER.

§ 725.402 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953*[1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 3,072 million pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 800 million pounds and a normal year's exports of 440 million pounds.

(b) *Total supply.* The total supply of flu-cured tobacco for the marketing year beginning July 1, 1952, is 3,175 million pounds consisting of carry-over of 1,750 million pounds and estimated 1952 production of 1,425 million pounds.

[1] Rounded to the nearest million pounds.

(c) *Carry-over.* The estimated carryover of flu-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1953, is 1,950 million pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1952, of 1,225 million pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flu-cured tobacco which will make available during the marketing year beginning July 1, 1953, a supply of flu-cured tobacco equal to the reserve supply level of such tobacco is 1,122 million pounds, and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 1,122 million pounds would result in undue restriction of marketings during the 1953–54 marketing year and such amount is hereby increased by 10 percent. Therefore, the amount of the national marketing quota for flu-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1953 is 1,234 million pounds.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 1st day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7378; Filed, July 3, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 441, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.548 (Lemon Regulation 441, 17 F. R. 5809) are hereby amended to read as follows:

(ii) District 2, 750 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of July 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7447; Filed, July 3, 1952; 8:45 a. m.]

[Lemon Reg. 442]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.549 *Lemon Regulation 442*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 1, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 6, 1952, and ending at 12:01 a. m., P. s. t., July 13, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 441 (17 F. R. 5809) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of July 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7448; Filed, July 3, 1952; 8:45 a. m.]

[Colorado Reg. 1, Modification]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958) regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of recommendations and information submitted by the Colorado Potato Committee, established under said marketing agreement and order, and other available informa-

tion, it is hereby found that the modification of Colorado Regulation No. 1, hereinafter set forth, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this modification is based became available and the time when this modification must become effective in order to effectuate the declared policy of the act is insufficient and (ii) this modification relieves restrictions on the handling of Irish potatoes grown in the aforesaid production area.

Order, as amended. During the period July 7, 1952 to May 31, 1953, both dates inclusive the provisions of paragraph (b) of § 958.301, Colorado Regulation No. 1 (7 CFR 958.301; 14 F. R. 3979) are modified to read as follows:

(b) *Order.* (1) During the period July 7, 1952 to May 31, 1953, both dates inclusive, no handler shall ship potatoes subject to the provisions of said Order No. 58 which do not meet the requirements of (i) U. S. No. 1, or better grade, size B, or larger, or (ii) Colorado No. 3, or better grade, as such grade is defined herein, 1⅞ inches or larger diameter.

(2) As used in this section the term "Colorado No. 3 Grade" means potatoes which meet the requirements of U. S. No. 2 grade except that the diameter of each potato shall be not less than 1⅞ inches, and except that the potatoes shall be free from very serious damage caused by dirt or other foreign matter, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, scab, other diseases (except late blight), wire-worm, other insects, mechanical or other means: *Provided,* That, in order to allow for variations other than size incident to proper grading and handling, not more than six percent of the potatoes in any container may be below the requirements of the grade, but not to exceed one-sixth of this amount or one percent shall be allowed for potatoes affected by soft rot or wet breakdown, and not more than five percent may be very seriously damaged by hollow heart and internal discoloration.

(i) "Very serious damage" means any injury or defect which very seriously injures the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 25 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage;

(ii) "Dirt." When the general appearance of the potatoes in the containers is very seriously affected by tubers badly caked with dirt, or other foreign matter which very seriously affects the appearance of the potatoes;

(iii) Fairly smooth cuts when more than an estimated one-half of the potato is cut away, or when the remaining portion of the clipped potato weighs less than four ounces. Irregular types of cuts which very seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 25 percent of the total weight of the potato including peel covering the defective area.

(3) All other terms used in this section shall have the same meaning as when used in Order No. 58, and the U. S. grades and sizes, including the tolerances therefor, shall have the same meanings assigned to such terms in the U. S. Standards for Potatoes (7 CFR 51.366).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of July 1952, to become effective July 7, 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7451; Filed, July 3, 1952; 9:37 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 165—FORMAL PETITIONS AND APPLICATIONS

PART 176—DOCUMENTARY REQUIREMENTS FOR ALIENS, EXCEPT SEAMEN AND AIRMEN, ENTERING THE UNITED STATES

IMMIGRATION QUOTAS

EDITORIAL NOTE: For revocation of Proclamation 2283, which is cited in the text of § 165.1, and cited as the authority for Part 176, see Proclamation 2980, *supra.*

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 31]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.55, the Port Angeles, Washington, area, published on May 20, 1952 (17 F. R. 4558), is amended by changing the "Description by Geographical Coordinates" column to read:

That portion of the following described area lying within the territorial limits of the United States: A sector of a circle of 12.5 statute mile radius centered on lat. 48°23'12" N, long. 123°28'37" W, and limited by the radii drawn from the center through the Race Rocks Lighthouse at lat. 48°17'53" N, long. 123°31'48" W, and drawn from the center through the Trial Island Lighthouse at lat. 48°23'42" N, long. 123°18'12" W, excluding that portion in conflict with Blue civil airway No. 32.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 3, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7343; Filed, July 3, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5808]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DOBBS TRUSS COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service.* I. In connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing similar properties, whether sold under the same name or any other name, and on the part of respondent The Dobbs Truss Company, Inc., its officers, etc., and on the part of three individual respondents, both individually and as officers of said corporation, and on the part of their representatives, etc., and on the part of four other individuals, and respondent Dobbs Truss Company of New York, Inc., distributors for said first named respondent, and certain individuals as officers of said Dobbs Truss Company of New York, and on the part of their respective representatives, etc., disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said device, which advertisements represent, directly or by implication, that said device will cure, or has cured, any rupture or hernia; and, II, in the aforesaid connection and on the part of respondent Dobbs Truss Company, Inc., its officers, etc., and on the part of three individuals, individually and as officers thereof, and on the part of their respective respondents, etc., disseminating, etc., as above set forth, any advertisements which represent, directly or by implication, that said device will keep a rupture tightly closed at all times; and, III, in said connection, and on the part of said Dobbs Truss Company, Inc., its officers, etc., respondent individuals as officers thereof, and their representatives, etc., and on the part of ten individuals, distributors of said first named corporation (trading as Dobbs Truss and Appliance Co., etc., as the case might be), and their respective representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that said device does not hinder circulation of the blood, does away with all constricting pressure or will help nature help the wearer; or (b) that said device may be worn with security and comfort, does away with all chafing, binding, rubbing, irritation or slipping or is of any value for rupture treatment, unless such representation be expressly limited to reducible hernia or rupture; and IV, in said connection, and on the part of respondent Dobbs Truss Company, Inc., its officers, etc., three individuals, individually and as officers thereof, and their representatives, etc., and on the part of nine individuals, and respondent Dobbs Truss Company of New York, Inc., distributors for said first named respondent, and on the part of the representatives, etc., of said various distributors, and on the part of three individuals, individually and as officers of said Dobbs Truss Company of New York, and their representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device does not spread muscles, that it does not strut or enlarge the rupture or that it will give relief to the wearer, unless such representation be expressly limited to reducible hernia or rupture; and, V, in the aforesaid connection and on the part of respondent Vic L. Brandon, his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device holds the abdominal muscles together; and, VI, in the aforesaid connection and on the part of respondent Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, and his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that the Dobbs Truss will free the wearer of his rupture completely and permanently, that it will not slow up the circulation of the blood, that it exerts no constricting pressure, that it will correct a hernia, or that it will restore the muscles to their original state; or (b) will control a hernia, will not enlarge a rupture, will permit complete freedom of bodily movement without displacement of the truss pad, or will do away with all chafing or binding, unless such representations be expressly limited to reducible hernia or rupture; and, VII, in said connection and on the part of respondent Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device keeps the rupture tightly closed at all times or that it holds the muscles together; and, VIII, in said connection, and on the part of respondent Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, and his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device draws the opening of the rupture together or that it gives nature a chance to repair the rupture; and, IX, in said connection, and on the part of respondent John C. Dobbs, trading as Dobbs Truss Company, and as Dobbs Truss Sales Company of the Western States, or under any other trade name or names, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, (a) that said device holds muscles together or keeps the rupture tightly closed at all times; or, (b) does not spread muscles, unless such representation be expressly limited to reducible hernia or rupture; and, X, in said connection, and on the part of respondent George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, and on the part of his representatives, etc., disseminating, etc., any advertisements which represent, directly or by implication, that said device (a) helps nature strengthen muscles and tissues; or, (b) will control a hernia, unless expressly limited to reducible hernia or rupture; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Dobbs Truss Company, Inc., et al., Birmingham, Ala., Docket 5808, April 3, 1952]

In the Matter of The Dobbs Truss Company, Inc., a Corporation, Homer C. Dobbs, J. Wood Dobbs, and Gladys W. Clark, Individually and as Officers of The Dobbs Truss Company, Inc., Ellie H. Vines, Sr., an Individual Trading as Dobbs Truss and Appliance Company, Clarence L. Clark, an Individual Trading as Dobbs Truss Appliance Company, Vic L. Brandon, an Individual, Lemuel S. Dobbs, an Individual Trading as Dobbs Truss Company, Scott C. McClelland, an Individual Trading as Dobbs Truss Distributing Company, Dobbs Truss Company of New York, Inc., a Corporation, Edward Nolin, Rose Nolin, and Rosamond Nolin, Individually and as Officers of Dobbs Truss Company of New York, Inc., Edward Nolin, an Individual Trading as Dobbs Truss Company, Irvin O. Taylor, an Individual Trading as The Dobbs Truss, William L. Powell, and Ed. F. Hill, Copartners Trading as The Dobbs Truss Distributing Company, John C. Dobbs, an Individual Trading as Dobbs Truss Company, and as Dobbs Truss Sales Company of The Western States, George R. Gardner, an Individual Trading as Dobbs Truss Co., and Henry J. Watkins, Jr., an Individual Trading as The Dobbs Truss Distributing Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on September 11, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with unfair and deceptive acts and practices in commerce through the dissemination of false and misleading advertisements of a device, in violation of the provisions of said act. After the issuance of said complaint and the filing of an answer thereto on behalf of all respondents, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner theretofore duly designated by the Commission, and said testimony and other evidence were duly recorded and filed in the office of the Commission. On November 1, 1950, O. C. Dobbs, Jr., individually and as an officer of The Dobbs Truss Company, Inc., and on February 8, 1951, Dobbs Truss Sales Company, Inc., a corporation, were added as respondents in this matter by order of the Commission, with the consent of all parties. The answer of all respondents filed October 9, 1950, was adopted by respondent O. C. Dobbs, Jr., as his answer. A separate answer on behalf of Dobbs Truss Sales Company, Inc., was filed on February 14, 1951. It was agreed by all parties that these respondents would be regarded as having been party respondents to this proceeding from its inception. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings of fact and conclusions presented by counsel, and said hearing examiner on March 12, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon said appeal and the briefs in support of and in opposition thereto; and the Commission, having issued its order granting said appeal in part and denying it in part, and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts,[1] conclusions drawn therefrom[1] and order, the same to be in lieu of the initial decision of the hearing examiner.

I. *It is ordered,* That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Dobbs Truss Company of New York, Inc., a corporation, its officers, representatives, agents and employees; Edward Nolin, Rose Nolin and Rosamond Nolin, individually and as officers of Dobbs Truss Company of New York, Inc., their representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; and Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device,

[1] Filed as part of the original document.

in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will cure, or has cured, any rupture or hernia.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision I of this order.

II. *It is further ordered*, That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under that name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will keep a rupture tightly closed at all times.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision II of this order.

III. *It is further ordered*, That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives, agents and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark, and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Clarence L. Clark, trading as Dobbs Truss Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees; William L. Powell and Ed. F. Hill, individually and as copartners, trading as The Dobbs Truss Distributing Company, or under any other trade name, their representatives, agents and employees; George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees; Henry J. Watkins, Jr., trading as The Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not hinder circulation of the blood, does away with all constricting pressure or will help nature help the wearer.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device may be worn with security and comfort, does away with all chafing, binding, rubbing, irritation or slipping or is of any value for rupture treatment, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision III of this order.

IV. *It is further ordered*, That respondents The Dobbs Truss Company, Inc., a corporation, its officers, representatives and employees; Homer C. Dobbs, J. Wood Dobbs, Gladys W. Clark and O. C. Dobbs, Jr., individually and as officers of said corporation, their representatives, agents and employees; Ellie H. Vines, Sr., trading as Dobbs Truss and Appliance Company, or under any other trade name, his representatives, agents and employees; Clarence L. Clark, trading as Dobbs Truss Appliance Company, or under any other trade name, his representatives, agents and employees; Vic L. Brandon, his representatives, agents and employees; Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Scott C. McClelland, trading as Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Dobbs Truss Company of New York, Inc., a corporation, its officers, representatives, agents and employees; Edward Nolin, Rose Nolin and Rosamond Nolin, individually and as officers of Dobbs Truss Company of New York, Inc., their representatives, agents and employees; Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees; Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees; George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees; and Henry J. Watkins, Jr., trading as The Dobbs Truss Distributing Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not spread muscles, that it does not strut or enlarge the rupture or that it will give relief to the wearer, unless such representation be expressly limited to reducible hernia or rupture.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision IV of this order.

V. *It is further ordered*, That respondent Vic L. Brandon, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar design or construction or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device holds the abdominal muscles together.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission

Act, of said device, any advertisement which contains the representation prohibited in Paragraph 1 of Subdivision V of this order.

VI. *It is further ordered*, That respondent Lemuel S. Dobbs, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar design or construction or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the Dobbs Truss will free the wearer of his rupture completely and permanently, that it will not slow up the circulation of the blood, that it exerts no constricting pressure, that it will correct a hernia, or that it will restore the muscles to their original state.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will control a hernia, will not enlarge a rupture, will permit complete freedom of bodily movement without displacement of the truss pad, or will do away with all chafing or binding, unless such representations be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited by Paragraphs 1 and 2 of Subdivision VI of this order.

VII. *It is further ordered*, That respondent Edward Nolin, trading as Dobbs Truss Company, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not spread muscles, unless such representation be expressly limited to reducible hernia or rupture.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision VII of this order.

VIII. *It is further ordered*, That respondent Irvin O. Taylor, trading as The Dobbs Truss, or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device draws the opening of the rupture together or that it gives nature a chance to repair the rupture.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraph 1 of Subdivision VIII of this order.

IX. *It is further ordered*, That respondent John C. Dobbs, trading as Dobbs Truss Company and as Dobbs Truss Sales Company of the Western States, or under any other trade name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device holds muscles together or keeps the rupture tightly closed at all times.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device does not spread muscles, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision IX of this order.

X. *It is further ordered*, That respondent George R. Gardner, trading as Dobbs Truss Co., or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the Dobbs Truss, or any product or device of substantially similar construction or design or possessing substantially similar properties, whether sold under the same or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device helps nature strengthen muscles and tissues.

2. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that said device will control a hernia, unless such representation be expressly limited to reducible hernia or rupture.

3. Disseminating or causing to be disseminated, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, any advertisement which contains any of the representations prohibited in Paragraphs 1 and 2 of Subdivision X of this order.

XI. *It is further ordered*, That the complaint herein be, and the same hereby is, dismissed as to respondent, Dobbs Truss Sales Company, Inc.

XII. *It is further ordered*, That the respondents, with the exception of the Dobbs Truss Sales Company, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 3, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7367; Filed, July 3, 1952; 8:48 a. m.]

[Docket 5860]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GRAND ACADEMY SPORTSWEAR, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material*

disclosure: § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, of ladies' skirts or other wool products, as defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool," or "reused wool," as defined in said act, misbranding such products, (1) by falsely and deceptively stamping, tagging, labeling or otherwise identifying the same; and (2) by failing to affix securely to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner, (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; and (c) the name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce or in the offering for sale, sale, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128; 15 U. S. C. 45, 68–68c) [Cease and desist order, Grand Academy Sportswear, Inc., et al., New York, N. Y., Docket 5860, April 3, 1952]

In the Matter of Grand Academy Sportswear, Inc., a Corporation, and Jack Herbst and Robert Coffield, Individually and as Officers of the Grand Academy Sportswear, Inc., a Corporation

This proceeding was heard by James A. Purcell, Hearing Examiner, upon the complaint of the Commission, and respondents' answer, in which respondents specifically admitted the misbranding of their product, but alleged that the labeling was performed by factory employees who used rubber stamps which showed the fiber content of the various cloths, and that use of the stamp misbranding the goods as to fiber content was inadvertent and without intent to misbrand or deceive, and that the officers and employees would prevent such a repetition of errors in the future.

Thereafter the proceeding regularly came on for final consideration by said Examiner, theretofore duly designated by the Commission, upon said complaint, respondents' answer, and proposed findings and conclusions submitted by the attorney in support of the complaint, none having been filed by the respondents, and said Examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said Hearing Examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 3, 1952.

The said order is as follows:

It is ordered, That the respondents, Grand Academy Sportswear, Inc., a corporation, and Jack Herbst and Robert Coffield as officers of said Grand Academy Sportswear, Inc., a corporation and also in their individual capacities, their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the sale, transportation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' skirts or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products:

1. By falsely and deceptively stamping, tagging, labeling or otherwise identifying such products;

2. By failing to securely affix to or place on such products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and, (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter.

(c) The name of the registered identification number of the manufacturer of such wool products or one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, or distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the charge of substitution of tags and labels by respondents, contained in Paragraph Five of the complaint is dismissed, such acts, under the circumstances and conditions of the instant matter, not being properly chargeable as a violation of the Wool Products Labeling Act of 1939, or of the rules and regulations promulgated thereunder, nor of the Federal Trade Commission Act.

By "Decision of the Commission and order to file report of compliance", Docket 5860, April 3, 1952, which announced and decreed fruition of said initial decision on April 3, 1952, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 3, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7368; Filed, July 3, 1952, 8:48 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53035]

PART 69—IMPORTATION OF ARTICLES IN CONNECTION WITH THE WASHINGTON STATE-FAR EAST INTERNATIONAL TRADE FAIR AT SEATTLE, WASHINGTON, UNDER PUBLIC LAW NO. 351, 82D CONGRESS[1]

ENTRY OF ARTICLES

The following regulations under Public Law No. 351, 82d Congress, approved May 21, 1952, relate to the entry of articles in connection with the Washington State-Far East International Trade Fair to be held at Seattle, Washington, September 6 to September 14, 1952.

[1] All articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State-Far East International Trade Fair, to be held at Seattle, Washington, from September 6 to September 14, 1952, inclusive, by the Washington State-Far East International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Washington State-Far East International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by the Washington State-Far East International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1946 edition, title 19, sec. 1524).

Sec.
69.1 Invoices; marking; bond.
69.2 Entry; appraisement; procedure.
69.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act of June 25, 1938.
69.4 Detail of customs officers to protect revenue; expenses.
69.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 69.1 to 69.5 issued under Pub. Law No. 351, 82d Cong.

§ 69.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 351, 82d Congress, and valued at more than $100, are subject to the usual certified invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930 and the regulations issued thereunder. The certified invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481.)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 351, 82d Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 69.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry, may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ----

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under ----------
I. T. No. ------ ex S. S. ---------- from ----------
---------- on the ------ day of ---------- 19----, for exhibition purposes under Public Law No. 351 of the 82d Congress, approved May 21, 1952.

Mark	Number	Package and contents	Quantity	Invoice value

INTERNATIONAL TRADE FAIR, INC.,
By ----------

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 69.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within 1 year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of the Customs Regulations of 1943 (19 CFR 10.49 (c)), except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 69.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of the Customs Regulations of 1943 (19 CFR 8.33).

§ 69.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act of June 25, 1938.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151 to 164a, inclusive, 167), shall not be permitted except under permits issued therefor by the Bureau of Entomology and Plant Quarantine, Department of Agriculture, and

in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U. S. C. 301 et seq.) and regulations issued thereunder.

§ 69.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary properly to protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 69.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law, involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 351 of the 82d Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of the Customs Regulations of 1943 (19 CFR 15.4).

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: June 27, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7375; Filed, July 3, 1952; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 42—VISAS: DOCUMENTATION OF ALIENS ENTERING THE UNITED STATES

IMMIGRATION QUOTAS

EDITORIAL NOTE: For revision of the list of immigration quotas contained in § 42.316, see Proclamation 2980, *supra*.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 9, Revision 1, Amdt. 1 to Supplementary Regulation 4]

CPR 9—TERRITORIES AND POSSESSIONS

SR 4—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

SEPARATE STATEMENT ON INVOICES OF INCREASED FREIGHT CHARGES AUTHORIZED BY SR 4 TO CPR 9, REVISION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, which was issued effective June 13, 1952, provided relief for sellers of food products in the Territory of Hawaii who, because of the maritime strike on the west coast of the United States necessarily incurred increased shipping costs because some food products covered by CPR 9, Revision 1, have to be shipped from ports in the continental United States other than the west coast ports. That supplementary regulation permitted the sellers to pass through any increase in overland or ocean freight charges incurred by the transportation of such shipments.

Inasmuch as retail as well as wholesale sales were covered, compliance by retailers has been difficult because no provision was made for the wholesaler to separately state such increased freight charges on his invoice to the retailer. This amendment provides that wholesalers must separately state on their invoices for each item sold, the amount of additional freight charges added to their ceiling price by authority of Supplementary Regulation 4 to CPR 9, Revision 1.

Because of the nature of this amendment, consultation with industry affected has not been practicable.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is amended by adding after the first paragraph the following new paragraph:

If you sell at wholesale a commodity covered by this supplementary regulation, you must separately state on the invoice for each item sold, the amount you have added to your ceiling price as authorized in this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 1 to Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7436; Filed, July 2, 1952; 4:52 p. m.]

[Ceiling Price Regulation 69, Revision 1, Amdt. 1 to Supplementary Regulation 1]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

SR 1—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLING WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

SEPARATE STATEMENT ON INVOICES OF INCREASED FREIGHT CHARGES AUTHORIZED BY SR 1 TO CPR 69, REVISION 1

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, which was issued effective June 13, 1952, provided relief for sellers of food products in the Territory of Hawaii who, because of the maritime strike on the west coast of the United States necessarily incurred increased shipping costs because some food products covered by CPR 69, Revision 1, have to be shipped from ports in the continental United States other than the west coast ports. That supplementary regulation permitted the sellers to pass through any increase in overland or ocean freight charges incurred by the transportation of such shipments.

Inasmuch as retail as well as wholesale sales were covered, compliance by retailers has been difficult because no provision was made for the wholesaler to separately state such increased freight charges on his invoice to the retailer. This amendment provides that wholesalers must separately state on their invoices for each item sold, the amount of additional freight charges added to their ceiling price by authority of Supplementary Regulation 1 to CPR 69, Revision 1.

Because of the nature of this amendment, consultation with industry affected has not been practicable.

AMENDATORY PROVISIONS

1. Section 1 of Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is amended by inserting at the end thereof the following new paragraph:

If you sell a commodity covered by this supplementary regulation for which a ceiling price is established by Article II of Ceiling Price Regulation 69, Revision 1, you must separately state on the invoice, for each item sold, the amount you have added to your ceiling price as authorized in this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 69, Revision 1, is effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7437; Filed, July 2, 1952; 4:52 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 43, Revision 1]

GCPR, SR 43—BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplemeneary Regulation 43 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation (SR) 43 to the General Ceiling Price Regulation (GCPR) clarifies the manner in which retailers of soft drinks may adjust their ceiling prices to reflect higher costs of soft drinks. It also specifies the information which bottlers of soft drinks who sell new bottle sizes after January 25, 1951, have to report to the Office of Price Stabilization. Provision is also made for sales of soft drinks by wagon retailers. Finally, this revision allows a retailer whose supplier raised his prices during GCPR base period to reflect this increase under certain circumstances and makes certain editorial changes designed further to clarify the regulation.

The statements of considerations accompanying SR 43 and the amendments thereto are incorporated herein by reference. This statement of considerations will discuss only the changes in SR 43 made by this revision.

Tables to help in computing retail prices. Since the issuance of Amendment 2 to SR 43 to the GCPR, inquiries from the trade and from the press have indicated that there has been some confusion as to the effect of section 11 (c) of the GCPR on retail sales of soft drinks. Generally, section 11 (c) authorizes retailers to pass on the exact dollars-and-cents increases in their costs of commodities processed from agricultural commodities. In addition, section 22 of the GCPR requires the rounding of fractional parts of a cent. To dispel the confusion that has arisen in computation of these prices, section 4 (a) of this revision sets out in Table I the exact price which may be charged by those retailers of soft drinks whose ceiling price was 5 cents a bottle or less or 25 cents for six bottles prior to July 28, 1951, the effective date of SR 43. This table provides adjusted prices which have been calculated by applying section 11 (c) of the GCPR to retail sales prices of soft drinks. Fractions of a cent resulting from such an application have been rounded to the nearest cent. Retailers whose ceiling price for an individual bottle, prior to July 28, 1951, was more than five cents or whose ceiling price for six bottles was more than 25 cents or whose ceiling price for 24 bottles was more than one dollar prior to that date, may increase these ceiling prices only in accordance with Table II provided in section 4 (b). That table translates the cost increase for sales of an individual bottle, six bottles and 24 bottles in the same manner as is provided for the other retailers by Table I. Since the tabular adjustments provided for retailers in this regulation are based on section 11 (c) of the GCPR, retailers will no longer be permitted to adjust their soft drink ceiling prices under that section but, instead, will use the tables herein provided. This revision allows retailers whose net invoice cost per case of 24 bottles is at least 96 cents to charge 6 cents for the sale of a single bottle. As was pointed out in the Statement of Considerations to SR 43, the 96 cents cost is the one at which retailers have traditionally increased their prices for the sale of a single bottle from 5 to 6 cents and the Director has determined that this customary practice should be continued.

Bottlers who sell at retail and wagon retailers. As originally written, SR 43 made no provision for price increases by bottlers who sell at retail. As a result, many of these sellers have 5 cent prices for their sales of a single bottle at retail while retailers who buy from them may charge 6 cents. This revision permits bottlers to increase their prices by the same amount as may the retailers who buy from them.

This revision also makes provision for the few sellers who sell soft drinks at retail from their own trucks. In many cases the ceiling prices established by these sellers under the General Ceiling Price Regulation reflected ceilings no more than, and in some cases lower than, those established for other retail sellers, despite the fact that delivery costs make this method of distribution more expensive. In order that these sellers may be afforded relief they are allowed to take as their ceiling price the highest of (1) their GCPR price as determined under sections 3, 6, or 7 of that regulation, (2) their ceiling price as determined under section 4 of this regulation or (3) their net invoice cost per case of the soft drinks they are pricing plus 40 cents—a margin no greater than the prevailing level of margins in the trade and the lowest which will permit these sellers to stay in business.

Applications by retailers. Finally, this revision allows a retailer whose supplier raised prices during the GCPR base period and who did not in turn raise his prices to consumers, despite the fact that other customers of that supplier generally raised their prices, to apply to OPS for permission to increase his ceiling prices for flavors bought from that supplier to the level of ceiling prices generally established for other retail customers of that supplier.

FINDINGS OF THE DIRECTOR

In formulating this revision, the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the ceiling prices established by this revision are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Where this regulation applies.
3. Sales to wholesalers and retailers.
4. Sales by retailers.
5. Modification of proposed ceiling prices by Director of Price Stabilization.
6. Bottle deposit charges.
7. How to take account of taxes.
8. Sales by wagon retailers.
9. Application by retailers for adjustment.
10. Continued applicability of the General Ceiling Price Regulation.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This revised supplementary regulation permits wholesale sellers of soft drinks (see section 11, *Definitions*) whose ceiling prices prior to July 28, 1951, were below 96 cents for a case of 24 bottles to increase their prices 16 cents up to 96 cents a case. Moreover, this revision prescribes the method for determining the ceiling prices of bottle sizes of soft drinks not sold from December 19, 1950 through January 25, 1951, controls the manner in which retailers of soft drinks may reflect their increased costs of soft drinks, permits retailers to apply for adjustment under certain circumstances, authorizes the charging of bottle deposits not to exceed replacement costs, and,

finally, prescribes ceiling prices for sales by wagon retailers.

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 States of the United States, its Territories and possessions and the District of Columbia.

SEC. 3. *Sales to wholesalers or retailers.* (a) If you sell soft drinks to wholesalers or retailers and have, pursuant to the General Ceiling Price Regulation, a ceiling price per case for sales to wholesalers or retailers below 96 cents for a case of 24 bottles, you may increase that price by adding to it 16 cents so long as your new ceiling price is not higher than 96 cents a case. You may not, however, increase that price until you send a notice by registered mail to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., of your old ceiling price and your new ceiling price and the bottle sizes which you are pricing. If you have previously sent a notice to the Director of Price Stabilization as formerly required by section 6 (renumbered 5 by Amendment 2) of SR 43, that notice will satisfy the requirements of this section 3 (a).

For example: If your ceiling price is 75 cents a case, you may increase your ceiling price to 91 cents. But if your ceiling price is 84 cents, you may increase it only to 96 cents.

(b) This paragraph applies to you only if you bottle a soft drink.

(1) If, after January 25, 1951, you change the size of the bottle in which you sold a soft drink during the GCPR base period (Dec. 19, 1950–Jan. 25, 1951) and either discontinue selling the old size or continue to sell the old size and the new size, you will determine your ceiling price for the new bottle size by applying to your current unit direct cost of the new size the percentage markup you are currently receiving on the old bottle size. Your current unit direct cost for the bottle size being priced and for the old bottle size shall consist of the total unit direct labor and direct material cost for each. To determine your ceiling price you ascertain the percentage markup for the old bottle size by dividing its ceiling price, adjusted pursuant to paragraph (a) of this section, by its current unit direct cost. You determine your ceiling price on the new bottle size by multiplying your current unit direct cost for the new bottle size by this percentage markup. The ceiling price so determined remains your ceiling price on all subsequent sales, and you may not adjust that ceiling price pursuant to the provisions of paragraph (a) of this section.

(2) You may not sell a soft drink priced under this paragraph after August 1, 1952, unless and until you place in the mail a registered letter, addressed to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., containing the following information:

(i) Your ceiling price per case (adjusted pursuant to paragraph (a) of this section) for the old bottle size.

(ii) The total direct material cost per case of the old bottle size.

(iii) The total direct labor cost per case of the old bottle size.

(iv) The total direct material cost per case of the bottle size you are pricing.

(v) The total direct labor cost per case of the bottle size you are pricing.

(vi) Your ceiling price per case for the bottle size you are pricing.

(c) You may, if you wish, simultaneously sell any flavor of soft drink in a bottle size priced under paragraph (a) of this section and a bottle size priced under paragraph (b) of this section.

SEC. 4. *Sales by retailers—(a) When retailer's ceiling prices were prior to July 28, 1951, 5¢ for a single bottle, 25¢ for 6 bottles, or $1 for a case of 24 bottles.* (1) If you sell soft drinks at retail and your ceiling price prior to July 28, 1951, was five cents for a single bottle of 6 to 12 ounces, your ceiling price per such bottle is the price shown in the following Table I in column 2 on the line which states the increase after July 27, 1951, in your net invoice cost per case for that soft drink. Regardless of the amount of increase in your current net invoice cost, you may charge 6 cents for the sale of a single bottle of 6 to 12 ounces when your net invoice cost per case of 24 such bottles is 96 cents.

(2) If your ceiling price prior to July 28, 1951, was 25 cents for 6, 6 to 12 ounce bottles, your ceiling price for 6 such bottles is the price shown in column 3 of Table I on the line which lists the increase after July 27, 1951 in your net invoice cost per case for that soft drink.

(3) If your ceiling price prior to July 28, 1951, was $1.00 for 24, 6 to 12 ounce bottles, your ceiling price for 24 such bottles is the price shown in column 4 of Table I on the line which lists the increase after July 27, 1951, in your net invoice cost per case of that soft drink.

(4) If you manufacture soft drinks and sell them both at retail and to persons who buy them for resale and if your ceiling price at retail prior to July 28, 1951, was five cents for a single bottle of 6 to 12 ounces, 25 cents for 6 such bottles, or $1.00 for 24 such bottles, as the case may be, your ceiling price for each of these quantities of that soft drink shall be as computed pursuant to the subparagraphs (1), (2) or (3), of this paragraph whichever is applicable. For the purpose of this computation, the weighted average increase in your prices after July 27, 1951, which you charge your customers who purchase cases of 24 such bottles for resale shall be considered the "increase after July 27, 1951 in your current net invoice cost" as stated in the heading of column 1 of Table I and shall determine the appropriate line in column 1 which shows your retail ceiling price for each of the quantities mentioned. Regardless of the amount of increase in the current net invoice cost to your customers who purchase for resale, you may charge 6 cents for the retail sale of a single bottle of 6 to 12 ounces when the weighted average net invoice cost per case of 24 bottles of that soft drink to your customers who purchase for resale is 96 cents.

TABLE I

Increase after July 27, 1951, in your current net invoice cost per case of 24, 6 to 12 ounce bottles	Your retail ceiling prices are as follows:		
	Per bottle of 6 to 12 ounces (when less than 6 bottles sold)	Per 6, 6 to 12 ounce bottles	Per 24, 6 to 12 ounce bottles
(1)	(2)	(3)	(4)
Cents	*Cents*	*Cents*	
1	5	25	$1.01
2	5	25	1.02
3	5	26	1.03
4	5	26	1.04
5	5	26	1.05
6	5	26	1.06
7	5	27	1.07
8	5	27	1.08
9	5	27	1.09
10	5	28	1.10
11	5	28	1.11
12	6	28	1.12
13	6	28	1.13
14	6	29	1.14
15	6	29	1.15
16	6	29	1.16

(b) *When retailer's ceiling prices were prior to July 28, 1951, more than 5¢ for a single bottle, 25¢ for 6 bottles, or $1 for a case of 24 bottles.* (1) If you sell soft drinks at retail and your ceiling price prior to July 28, 1951, was more than five cents for a single bottle of 6 to 12 ounces, the amount which you may increase your pre-July 28, 1951, ceiling price per bottle of 6 to 12 ounces is the amount shown in the following Table II in column 2 on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(2) If your ceiling price prior to July 28, 1951, for sales of 6, 6 to 12 ounce bottles was more than 25 cents, the amount by which you may increase your pre-July 28, 1951 ceiling price per 6 such bottles is the amount shown in the column 3 of the following Table II on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(3) If your ceiling price prior to July 28, 1951, per 24, 6 to 12 ounce bottles was more than $1.00, the amount by which you may increase your pre-July 28, 1951 ceiling prices per 24 such bottles is the amount shown in column 4 of the following Table II on the line which lists the increase after July 27, 1951, in your current net invoice cost per case.

(4) If you manufacture soft drinks and sell them both at retail and to persons who buy them for resale and if your ceiling price at retail prior to July 28, 1951, was more than five cents for a single bottle of 6 to 12 ounces, more than 25 cents for 6 such bottles, or more than $1.00 for 24 such bottles, as the case may be, the amount by which you may increase your pre-July 28, 1951, ceiling price for each of these quantities of that soft drink shall be as computed pursuant to the subparagraphs (1), (2), or (3) of this paragraph whichever is applicable. For the purpose of this computation, the weighted average increase in your prices after July 27, 1951, which you charge your customers who purchase cases of 24 such bottles for resale shall be considered the "increase after July 27, 1951, in your current net invoice cost" as stated in the heading of column 1 of Table II and shall determine the appropriate line in column 1 which shows your retail ceiling price for each of the quantities mentioned.

TABLE II

Increase after July 27, 1951, in your current net invoice cost per case of 24, 6 to 12 ounce bottles	Your retail ceiling prices prior to July 28, 1951, are increased by the following amounts:		
	Per bottle of 6 to 12 ounces (when less than 6 bottles sold)	Per 6, 6 to 12 ounce bottles	Per 24, 6 to 12 ounce bottles
(1)	(2)	(3)	(4)
Cents	*Cents*	*Cents*	*Cents*
1	0	0	1
2	0	1	2
3	0	1	3
4	0	1	4
5	0	1	5
6	0	2	6
7	0	2	7
8	0	2	8
9	0	2	9
10	0	3	10
11	0	3	11
12	1	3	12
13	1	3	13
14	1	4	14
15	1	4	15
16	1	4	16

(c) *Sale of more than 6 and less than 24 bottles.* Your ceiling price to one buyer at one time of 12 or 18, 6 to 12 ounce bottles, is your ceiling price for 6 bottles, multiplied by two or three, respectively. Your ceiling price for sales to one buyer at one time of other quantities between 6 and 24 bottles is your ceiling price for 6, 12, or 18 such bottles, respectively, plus your ceiling price for the number you are selling in excess of 6, 12, or 18 such bottles, respectively.

SEC. 5. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise upward or downward ceiling prices reported or proposed under this supplementary regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 6. *Bottle deposit charges.* (a) If you are a manufacturer of soft drinks in bottles of any size, you may increase your deposit charges to an amount equal to, but not more than, your average current replacement cost for the type of bottle involved. You may, however, round off to the nearest higher cent a fraction of one-half cent or more in any deposit charge increased under this section.

(b) If you are a seller of soft drinks and your supplier has, pursuant to paragraph (a) of this section, increased his bottle deposit charge to you, you may increase your deposit charge to your purchasers in the same dollars-and-cents amount as your supplier has increased his charge to you.

SEC. 7. *How to take account of taxes.* If your ceiling price otherwise established under the General Ceiling Price Regulation includes any State or local excise, sales or other tax which attaches to soft drinks or to their individual sale, you may for purposes of determining whether you are entitled to one of the ceiling prices authorized under section 3 or 4 of this supplementary regulation, ignore the amount of the tax. You may, however, then re-add the amount of the tax to your new ceiling price if you are entitled to one. Whenever such a tax is decreased, you must from the effective date of the decrease, reduce your ceiling price by the amount of the decrease. The provisions of this section are in addition to those contained in section 20 of the General Ceiling Price Regulation.

SEC. 8. *Sales by wagon retailers.* If you sell soft drinks as a wagon retailer (see section 11, *Definitions*), your ceiling price per case of 24 bottles of the soft drink you sell and deliver to the homes of consumers will be the highest of the following prices:

(1) Your net invoice cost per case of the soft drink you sell plus 40 cents.

(2) Your ceiling price as determined under sections 3, 6, or 7 of the General Ceiling Price Regulation.

(3) Your ceiling price as determined under section 4 of this regulation.

SEC. 9. *Application by retailers for adjustment.* (a) If you sell soft drinks at retail; your supplier increased his price to retailers during the GCPR base period (December 19, 1950, through January 25, 1951); you paid that increased price during the GCPR base period and did not then increase your price for that soft drink for your sales at retail; and other competitive retailers who purchased from that supplier generally increased their prices for that soft drink prior to January 26, 1951, you may apply to the Soft Drink Section, Grocery Products Branch, Office of Price Stabilization, Washington 25, D. C., for permission to increase your ceiling price for that soft drink to the level of the ceiling prices of your competitors. You may not increase your ceiling price under this section until you receive the approval of the Office of Price Stabilization in writing. However, if you do not receive disapproval of your application or a request for further information from the Office of Price Stabilization within 30 days after sending by registered mail, return receipt requested, the information required by this section, you may assume that your application has been approved and may charge the increased ceiling price, unless and until you are advised otherwise or you are asked to furnish additional information. Your application must contain the following information:

(1) The name and address of your firm.

(2) The name and address of your supplier.

(3) The brand name, flavor, and bottle size of the soft drink for which you request an increased ceiling price.

(4) Your present ceiling price for that brand, flavor and bottle size of soft drink.

(5) The names and addresses of six other retailers who compete with you in the sale of that brand, flavor, and bottle size.

(6) Their and your prices for that soft drink during the GCPR base period (December 19, 1950, to January 25, 1951) and their current ceiling prices.

(7) The date during the GCPR base period on which your supplier raised his price for that brand, flavor and bottle size, his price before and after that increase, and his present price.

(8) Your proposed ceiling price for that brand, flavor, and bottle size of soft drink.

SEC. 10. *Continued applicability of General Ceiling Price Regulation.* All provisions of the General Ceiling Price Regulation, except as modified by this supplementary regulation, continue to apply to you even though you may be one of the sellers who are affected by this supplementary regulation.

SEC. 11. *Definitions.* (a) *Soft drinks.* (1) For purposes of this regulation, except sections 6, 7, 8, and 9 "soft drinks" means non-alcoholic beverages in bottles of 6 to 12 ounces, inclusive, whether flavored or unflavored, carbonated or uncarbonated. The term does not include, however, bottled water which is neither flavored nor carbonated, fresh milk drinks, or drinks consisting of fruit juices or vegetable juices where at least 85 percent by weight of the drink is fruit juice or vegetable juice or a mixture of both.

(2) For purposes of sections 6, 7, 8, and 9 of this regulation, "soft drinks" means soft drink as defined in the preceding paragraph (a), except that soft drinks in bottles of all sizes are included.

(b) *Wagon retailer.* A "wagon retailer" is a retailer whose sales are made to consumers at their homes from a truck. No retailer will be considered a wagon retailer for the purpose of this regulation unless at least 50 percent of his total dollar annual sales of all commodities consist of soft drinks or malt beverages or both.

Effective date. This revised regulation is effective July 2, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7438; Filed, July 2, 1952; 4:52 p. m.]

[Ceiling Price Regulation 107, Correction of Amdt. 1]

CPR 107—CEILING PRICES FOR PULPWOOD AND EXCELSIOR BOLTS PRODUCED IN MICHIGAN, MINNESOTA AND WISCONSIN

CORRECTIONS

Several typographical errors occurred in connection with the issuance of Amendment 1. Accordingly, the following corrections are made:

1. The first sentence in paragraph 6 of the Statement of Considerations is corrected by changing the section reference for the definition of a trader from 16 (a) (15) to 16 (a) (18) so that this sentence reads as follows:

The definitions of a dealer in section 16 (a) (4) and of a trader in section 16 (a) (18) are amended to eliminate present requirements which specify that they must sell and deliver at least 5,000 and

500 cords respectively of pulpwood and excelsior bolts to which they have title during each operating season.

2. Section 2 (a) (3) is corrected to read as follows:

(3) *Pulpwood or excelsior bolts stored at railway landing by the seller at his option.* When you deliver pulpwood or excelsior bolts by truck or other conveyance to a buyer at your expense at a railway landing and put it in storage there at your option instead of loading it directly onto railroad cars, you shall deduct a per cord amount sufficient to cover the buyer's estimated cost of subsequently loading this wood on railroad cars, but in no event shall you deduct an amount less than 50 cents per cord from the ceiling price set forth in subparagraph (1) of this paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7465; Filed, July 3, 1952; 11:53 a. m.]

[Ceiling Price Regulation 154]

CPR 154—CEILING PRICES FOR CHARCOAL SOLD IN THE VIRGIN ISLANDS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 154 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar and cent ceiling prices for charcoal sold in the Virgin Islands of the United States.

Charcoal is the most important domestic fuel in the Virgin Islands. It is extensively used by the low-income group for cooking and for heating irons for ironing laundry, because of its relatively low cost. The islands of St. Croix and St. John produce sufficient charcoal to satisfy their needs. The island of St. Thomas, which is a deficit center, receives the bulk of its supply of this fuel from the neighboring British island of Tortola.

The price of charcoal in the Virgin Islands is governed principally by current wage rates paid for agricultural labor. This is explained by the fact that labor normally engaged in the production of charcoal, at least on a part-time basis, is during the harvesting season, attracted to more lucrative employment in sugarcane cultivation and harvesting due to the higher wages paid for this work. Consultation with members of the industry and with representatives of the Virgin Islands Corporation has disclosed that, although wages for agricultural workers have changed little for several years past, an appreciable increase was granted workers engaged in sugarcane cultivation during the spring of 1951. As a consequence, charcoal burners have appealed for an upward revision in the base period price of this fuel in order to guarantee its continued supply. The principal expenses involved in producing charcoal are labor, repair and maintenance of kiln, costs of transportation and bagging of the commodity. Labor and transportation are the two largest items in the expense of producing and delivering the commodity.

Charcoal prices on the island of St. Thomas have also advanced. This is due in part to the dislocation of normal wharfage facilities occasioned by improvements to the St. Thomas waterfront. Boats now discharging charcoal are obliged to unload at an out-of-town wharf, which is a considerable distance from the former landing terminal. As a consequence, truckage of the commodity for delivery to consumers within the city has advanced. These rates vary from $0.10 to $0.25 per whole bag, depending upon the distance to be traversed, and under the provisions of Ceiling Price Regulation 9, these cost increases may be passed on to the consumer.

Because of increased labor costs and the marginal nature of the industry, which make absorption difficult, practically all producers in the Virgin Islands have indicated a reluctance to continue in the production of charcoal under ceiling prices established by the General Ceiling Price Regulation. This regulation provides relief by allowing charcoal burners a pass-through of increased labor and transportation costs. It is believed that this will encourage the free flow of charcoal, which is an essential cost-of-living commodity in this territory.

During the base period of the General Ceiling Price Regulation, charcoal prices in St. Croix were $1.40 per whole bag and $0.70 per half bag for the grinding season, which usually lasts from January to July. During the off season, prices were $1.30 per whole bag and $0.65 per half bag. It has been determined that an increase of $0.10 per whole bag and $0.05 per half bag is necessary in order to adapt ceiling prices and price differentials to recent costs and market conditions.

Retail ceilings for St. Croix recognize customary seasonal price differences. Prices per whole bag are 10 cents higher during the harvesting season than during the off season, and prices per half bag are 5 cents higher.

The undelivered ceiling prices for charcoal sold on the island of St. Thomas are the same as the ceiling prices established by the General Ceiling Price Regulation. The delivery ceiling prices have been established according to zones in order to reflect increased transportation costs.

Retail ceiling prices for St. John are the same as the ceiling prices established by the General Ceiling Price Regulation. This island has a simple economy with no major industries. Hence, the wage scale has been stable for several years.

The establishment of dollar and cent ceilings for charcoal will give guidance to the consuming public; will facilitate enforcement of the regulation; and will accord equal treatment to all types of sellers.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with large segments of the industry, including trade association representatives, and consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, and means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Ceiling prices.
4. Petitions for amendment.
5. Adjustable pricing.
6. Posting.
7. Interpretations.
8. Prohibitions.
9. Evasions.
10. Supplementary regulations.
11. Deposit charges.
12. Definitions.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes retail dollar and cent ceiling prices for charcoal sold in the Virgin Islands of the United States.

SEC. 2. *Geographical applicability.* The provisions of this regulation shall apply only in the Virgin Islands of the United States.

SEC. 3. *Ceiling prices.* Retail ceiling prices for charcoal are established as follows, for the unit of measurement specified:

ISLAND OF ST. CROIX

Unit	Harvesting season		Nonharvesting season	
	Not delivered	Delivered	Not delivered	Delivered
Bag (or barrel)	$1.40	$1.50	$1.30	$1.40
Half bag	.70	.75	.65	.70
5-gallon kerosene tin	.30	.30	.30	.30
"Klim" tin (5 pounds net)	.08	.08	.08	.08
"La Pura" oleomargarine tin	.07	.07	.07	.07
Heap				

ISLAND OF ST. THOMAS

Unit	Not delivered	Delivered		
		Zone 1	Zone 2	Zone 3
Bag (or barrel)	$1.40	$1.50	$1.55	$1.60
Half bag	.70	.75	.80	.85
5-gallon kerosene tin	.30	.30	.30	.30
"Klim" tin (5 pounds net)	.08	.08	.08	.08
"La Pura" oleomargarine tin	.07	.07	.07	.07
Heap				

ISLAND OF ST. JOHN

Unit	Not delivered	Delivered
Bag (or barrel)	$1.30	$1.40
Half bag	.60	.70
5-gallon kerosene tin	.25	.25
"Klim" tin (5 pounds net)	.06	.06
"La Pura" oleomargarine tin	.07	.07
Heap		

The ceiling price of a heap shall be computed by applying proportionately the ceiling price of a 5-gallon kerosene tin to the size of the heap. "Harvesting season" commonly known as the "crop" season, covers the period from the beginning to the end of the sugarcane cutting operations for the sugar factory. The harvesting season varies depending upon the ripeness of the cane and the readiness of the factory to grind the cane and manufacture raw sugar. For the purpose of this regulation, the beginning and end of the "harvesting season" shall be determined by order of the Director of Region XIV of the Office of Price Stabilization by publication in the Federal Register. The current "harvesting season" shall be deemed to have begun on January 15, 1952.

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 5. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 6. *Posting.* On and after the effective date of this regulation, you must post in your establishment in a place and manner clearly visible to and understandable by your customers, the ceiling prices established for charcoal by this regulation.

SEC. 7. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel of the Office of Price Stabilization office in the Virgin Islands. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation.

SEC. 8. *Prohibitions.* On and after the effective date of this regulation, regardless of any contract or other obligation, you shall not sell or deliver, and no person shall buy or receive in the course of trade or business, any charcoal covered by this regulation at prices higher than the ceiling prices fixed by this regulation, and no person shall agree, offer, solicit, or attempt to do anything prohibited in this section.

SEC. 9. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings.

SEC. 10. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 11. *Deposit charges.* The maximum deposit for a bag (container) that may be required of a purchaser at retail by a seller is ten cents ($0.10). This deposit charge is to be refunded by the seller upon the presentation of the same or a similar bag by the purchaser.

SEC. 12. *Definitions.* (a) "Charcoal" means the carbonaceous residue of wood subjected to smothering combustion.

(b) "Delivered" means the physical delivery of charcoal by, or at the expense of the seller, to a place different from the location of the seller's business establishment and to a place from which the purchaser customarily receives delivery.

(c) "Harvesting season" is defined in section 3.

(d) "Sale at retail" means a sale or selling to an ultimate consumer, including hospitals, religious, educational or charitable institutions, whether by a producer or non-producer of charcoal.

(e) "Units of measurement" means the following:

Container	U. S. dry quarts	Capacity	
		Bushels	Number of kerosene tins
Bag (or barrel)	103.2	3.20	6.00
Half bag	51.6	1.60	3.00
Kerosene tin (5 liquid gallons)	17.2	.540	1.00
"Klim" powdered milk tin (5 pounds net)	3.4	.11	.20
"La Pura" oleomargarine tin (5 pounds net)	2.4	.08	.14

The dry measure of a 5-gallon kerosene tin is accurately defined. The specifications of other units are approximately proportionate. A "heap" varies in size as a fractional part of the capacity of a kerosene tin. The specifications of a "heap" may not be fixed exactly.

The term "5 liquid gallons" refers to the designated capacity of the container for kerosene.

The term "5 lbs net" refers to the capacity of the container designated for the product originally contained therein.

(f) "Zone" as used in section 3 of this regulation means the following specific part of the Island of St. Thomas: (1) Zone 1 includes the area from the West Indian Company Dock to Hospital Ground and all streets within King's Quarter; (2) Zone 2 includes the area from the United States Post Office westward to George Washington School; (3) Zone 3 includes the area from Altona to Bourne Field.

Effective date. This Ceiling Price Regulation 154 is effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7466; Filed, July 3, 1952; 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-43, as Amended July 3, 1952]

M-43—CONSTRUCTION MACHINERY: DISTRIBUTION

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected, in advance of the issuance of this amended order, has been rendered impracticable by the fact that the order affects a substantial number of different trades and industries.

Section 5 is modified so as to change the limitation for acceptance of rated orders. A new section 6 is added limiting the types of rating which may be used to obtain construction machinery and providing a procedure whereby persons who cannot obtain construction machinery at the time needed without a rating may apply for authority to use a rating. Sections 6 through 12 are redesignated 7 through 13 respectively. Sections 9, 10, and 12, as redesignated, are changed to conform to comparable provisions in other NPA orders and regulations. List A is amended to bring it up to date. A new List B is added showing the claimant agencies and outlining their respective programs.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Required delivery dates.
4. Rejection of rated orders.
5. Limitation for acceptance of rated orders.
6. Limitation on use of ratings.
7. Effect of this order on NPA Reg. 2.
8. NPA assistance in placing rated orders.
9. Scheduled programs.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of construction machinery and equip-

ment, as hereinafter defined, and provides rules for placing, accepting, and scheduling rated orders for such machinery and equipment. The purpose of this order is to provide for equitable distribution of such rated orders among producers, in order to reduce to a minimum the disruption of normal distribution. This order affects NPA Reg. 2 in various respects as hereinafter set out.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Construction machinery" means any type of construction machinery and equipment as listed and described in List A of this order, and includes parts of such machinery or equipment.

(c) "Producer" means a person engaged in the business of manufacturing construction machinery for sale as such.

(d) "Claimant agency" is a Government agency or NPA division shown in List B of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Required delivery dates.* A rated order for construction machinery must specify delivery on a particular date or during a particular month, which in no case may be earlier than required by the person placing the order. The producer shall schedule the order for delivery within the requested month as close to the requested delivery date as is practicable considering the need for maximum production.

SEC. 4. *Rejection of rated orders.* A producer need not accept a rated order which he receives less than 45 days prior to the first day of the month in which delivery is requested unless specifically directed to accept the order by NPA.

SEC. 5. *Limitation for acceptance of rated orders.* Unless specifically directed by NPA, no producer shall be required to accept rated orders for delivery in any one month for any one model of any type of construction machinery including parts, in excess of (a) 50 percent of his production schedule of that model for that month or (b) 50 percent of his average monthly shipments of that model during the 6-month period from January 1, 1950, through June 30, 1950, whichever is greater.

SEC. 6. *Limitation on use of ratings.* (a) On and after the effective date of this amended order, no person shall apply or extend a rating to obtain any item of construction machinery, except parts, unless the rating bears a program identification consisting of the letters A, B, C, or E, and one digit, or the program identification Z–1 or Z–2.

(b) Any person unable to obtain any item of construction machinery at the time he requires it and who is not authorized to use an A, B, C, E, or Z–2 rating for the purpose, may apply to NPA in accordance with this paragraph for the right to use a Z–1 rating. He shall apply to NPA through the appropriate claimant agency as shown in List B of this order or, if he is unable to determine the appropriate claimant agency, he may apply directly to NPA which will route the application to the appropriate claimant agency. Except as otherwise provided in this paragraph, application shall be made on Form NPAF–138C. Applicants whose appropriate claimant agency is the Canadian Division of NPA shall file on Canadian Department of Defence Production Form 57–3. Applicants whose appropriate claimant agency is the Office of International Trade or the Mutual Security Agency shall file on Form IT–835. Each application shall state the amounts, makes, models, sizes, and values of the machinery required, the end use to which the machinery will be put, the name of the prospective supplier, and the justification showing why the use of a rating is in the public interest, or in the interest of the national defense, and what efforts, if any, have been made to obtain the machinery without a rating.

(c) No applicant shall, within 1 year of his acquisition of any construction machinery obtained pursuant to an application granted in accordance with this section, sell or otherwise dispose of that machinery without written approval of NPA or of the claimant agency through which application was made: *Provided, however,* That the provisions of this paragraph shall not apply to machinery acquired as the result of any application filed on Form IT–835.

(d) No producer of construction machinery shall treat as a rated order any order received by him after the effective date of this amendment for any item of construction machinery, except parts, unless it bears a rating permitted by this section.

SEC. 7. *Effect of this order on NPA Reg. 2.* To the extent that the provisions of this order, and particularly the provisions of sections 4 and 5 hereof, are in conflict with the provisions of NPA Reg. 2, the provisions of this order shall prevail. Otherwise, the provisions of NPA Reg. 2 shall continue to apply to the construction machinery industry.

SEC. 8. *NPA assistance in placing rated orders.* Any person who is unable to place a rated order for construction machinery due to the limitations imposed by section 5 of this order should apply to NPA, Ref.: M–43, specifying the producers who refused to accept the order. NPA will arrange to assist him in locating sources of supply.

SEC. 9. *Scheduled programs.* NPA may from time to time approve scheduled programs calling for the production and delivery of one or more types of construction machinery over specified periods of time. Upon approval of any such program, a supplement or supplements to this order will be issued, describing the program and specifying the manner in which it shall be carried out by persons affected thereby.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–43.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN H. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M–43

Bituminous equipment:
- Asphalt plants.
- Distributors.
- Heaters.
- Kettles.
- Mixers.
- Pavers.
- Spreaders, aggregate.

Blades; grader, dozer, scraper, snow plow.
Catch basin cleaners.
Concrete equipment:
- Batchers and batch plants.
- Bins.
- Buckets.
- Chutes.
- Curb and gutter machines.
- Cutting machines, except masonry.
- Dryers, aggregate.
- Finishers.
- Forms, metal, re-usable.
- Graders, sub and fine.
- Heaters.
- Hoppers.
- Jacks, slab-raising.
- Mixers, including mortar.
- Pavers.
- Placers.
- Spreaders.
- Towers.
- Vibrators.

Cranes, shovels, and draglines:
- Buckets and dippers.
- Cranes, construction.
- Cranes, locomotive and rail-truck mounted.
- Cranes, railway, wrecking.
- Crane, shovel and dragline attachments.
- Draglines, construction.
- Draglines, walking.
- Grapples, crane.
- Pile drivers and hammers.
- Shovels, power.
- Teeth, bucket.

Crushing, screening and washing equipment (portable):
- All types, except food.

Derricks, except oil and gas well.
Discs, wheel-mounted or harrow, construction.
Dredging machinery, except dredge pipe.
Drilling equipment:
- Augers, earth, power-driven.
- Bits, air drill, removable.
- Pipe pushers, power-driven.
- Rock drills, air, incl. drifters and stopers.
- Tools, air, contractors.

Flushers, street.
Graders:
- Elevating.
- Pull-type.
- Self-propelled.

Maintainers.
Grader-mounted equipment.
Haulage units, off-highway:
- Rear-dump trucks.
- Wheel tractors 70 h. p. and over.

Hoists, contractors.
Loaders:
- Bucket, elevating.
- Elevating, shoulder-type.
- Tractor-mounted.

Rollers and compactors, all types.
Rippers, rooters and scarifiers, drawn.
Scrapers, self-propelled and pull.
Snow plows, all types.
Sweepers and leaf collectors, self-propelled and drawn.
Teeth; bucket, ripper, and scarifier.
Tractors, crawler.
Tractor-mounted equipment:
- Dozers, power-control units, cranes, shovels, side-booms, back-hoes, loaders, scarifiers, winches, and draglines.

Traffic line marking equipment.
Trailers, construction, off-highway:
- Bottom, rear, and side dump, crawler or wheel-type.
- Logging arches.

Trenchers, all types.
Well points, construction.
Wheels, crawler.

LIST B OF NPA ORDER M–43

CLAIMANT AGENCIES AND RESPONSIBILITIES

Agency	Address	Programs and areas of responsibilities
Department of Defense, Department of the Navy, Department of the Army, Department of the Air Force, Associated Agencies of the Department of Defense (National Advisory Committee for Aeronautics, etc.)	Local representative and/or contracting officer of the military department or associated agencies of Department of Defense concerned, from whom you received your government contracts.	The programs of the Department of Defense.
Department of the Army, Corps of Engineers, Panama Canal Co.	District Office, District Engineer, Corps of Engineers.	Civil construction projects under the Department of the Army, except projects having electric power generating capacity or facilities not specifically exempted by the Administrator of Defense Electric Power Administration; the Panama Canal; and the Panama Railroad.
Atomic Energy Commission	Appropriate operations office of the Atomic Energy Commission.	The Atomic Energy Commission with respect to the programs of that agency, including programs for the account of or sponsored by that agency.
Federal Civil Defense Administration.	Federal Civil Defense Administration, Washington 25, D. C.	Buildings, structures, or projects which are to be used exclusively for civil defense purposes, except such structures which are federally owned on Federal property under the control of the Atomic Energy Commission.
Federal Security Agency	Federal Security Agency, Washington 25, D. C.	All school, museum, and library construction; hospital and health facility housing; college and educational institution housing; all hospital and health facility construction other than the Veterans' Administration and military hospitals; all other health and sanitation programs including refuse disposal systems and free-standing incinerators (but not water supply and sewer construction programs), and excluding such types of construction which are federally owned on federally owned property under the control of the Atomic Energy Commission, and such types of construction on military reservations.
General Services Administration.	General Services Administration, Washington 25, D. C.	Requirements for the needs of all Federal Government agencies not covered otherwise for common-use items listed in the GSA Stores Stock Catalog, or procured under Federal Supply Schedule contracts, or otherwise designated as common-use items by the Administrator of General Services, except for such items specifically designated for the Secretary of Defense by agreement between the Secretary of Defense and the Administrator; and requirements for Federal buildings not elsewhere designated.
Defense Materials Procurement Agency.	Defense Materials Procurement Agency, Washington 25, D. C.	Production and processing of the metals and minerals listed in column I of Appendix A of NPA Delegation 5 by or in the respective facilities listed in column III of that appendix.
Veterans' Administration	Veterans' Administration, Washington 25, D. C.	The hospital program of the Veterans' Administration.
Housing and Home Finance	Housing and Home Finance Agency, Washington 25, D. C.	All public and private housing not specifically covered above in this table, including housing under Public Law 211, 81st Congress (Wherry Act) for the Atomic Energy Commission.
Department of Agriculture	County Office, Production and Marketing Administration, Department of Agriculture.	(1) Food and fiber production, including construction of farm ponds and lakes and clearing, draining, reclaiming and conserving land for agricultural purposes, and (2) Food processing and distribution within the limits of the memorandum of agreement between the Administrator of the Production and Marketing Administration and the Administrator of the National Production Authority (NPA) (16 F. R. 3410) as from time to time amended or supplemented.
Department of the Interior	Department of the Interior, Washington 25, D. C.	Facilities for departmental programs of the Department of the Interior.
Department of the Interior	Defense Solid Fuels Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production, preparation, and processing of solid fuels.
Department of the Interior	Defense Fisheries Administration, Department of the Interior, Washington 25, D. C.	Facilities for the production and processing of fishery products.
Department of the Interior	Defense Electric Power Administration, Department of the Interior, Washington 25, D. C.	Facilities for the generation, transmission, and distribution of electric power.
Department of the Interior	Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C.	Facilities for the production, processing, refining, and distribution of petroleum and gas, and facilities for the production, processing, and distribution of the products listed in Appendix A of NPA Delegation 8 (but not filling stations).
Defense Transport Administration.	Defense Transport Administration, Washington 25, D. C.	Domestic transportation, except programs designated for the Secretary of Commerce; storage; and port facilities.
Department of Commerce	Department of Commerce, Washington 25, D. C.	Maritime Administration programs for coastwise, inter-coastal, and overseas shipping, and merchant ship construction and repair; other Departmental programs, except Office of International Trade and National Production Authority programs.

LIST B OF NPA ORDER M–43—Continued

CLAIMANT AGENCIES AND RESPONSIBILITIES—continued

Agency	Address	Programs and areas of responsibilities
Department of Commerce, Bureau of Public Roads.	State Highway Department, (for reference to District Office, Bureau of Public Roads).	Bureau of Public Roads programs for highway construction and maintenance of all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations, publicly owned parking facilities incident to a highway or street, regardless of financing, but not garages, filling stations, restaurants, or other commercial facilities; air navigation facilities; civil airports; shipyards.
Department of Commerce	Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.	Civil aviation programs for which the Civil Aeronautics Administration and the Civil Aeronautics Board are responsible, including air navigation facilities, civil airports, new civil aircraft and concurrent spares, for air carrier and nonair carrier aircraft, and maintenance, repair, and operation of equipment and facilities.
Department of Commerce	Office of International Trade, Department of Commerce, Washington 25, D. C.	All exports not elsewhere designated.
Mutual Security Agency	Mutual Security Agency, Washington 25, D. C.	Requirements for all nonmilitary exports to MSA countries, exports for additional military production under the Mutual Defense Aid Program and common-use items under other approved military programs.
National Production Authority	Office of Civilian Requirements, National Production Authority, Washington 25, D. C.	State and local governments, general contractors, subcontractors, and equipment rental contractors, unless the construction machinery is to be used only in connection with a program or programs under the jurisdiction of another agency on this list.
National Production Authority	Facilities and Construction Bureau, National Production Authority, Washington 25, D. C.	Construction programs for State and local community facilities not elsewhere specifically designated, such as fire and police, penal and administrations; wholesale, retail, and service trades; religious institutions; private industrial facilities not elsewhere designated; and private social recreational activities.
National Production Authority	Canadian Division, National Production Authority, Washington 25, D. C.	Canadian programs.
National Production Authority	Water Resources Division, National Production Authority, Washington 25, D. C.	Facilities for ground and surface water supplies; transmission, pumping, treatment, storage, and distribution, for domestic and industrial use; facilities for domestic and industrial liquid, water, sewage collection, transmission, pumping, treatment, and disposal.
National Production Authority	National Production Authority, Washington 25, D. C.	Facilities for the manufacture of the particular products assigned to each division as shown in the Official Product Assignment Directory published by NPA.

[F. R. Doc. 52–7461; Filed, July 3, 1952; 11:28 a. m.]

[NPA Order M–1, as Amended July 3, 1952]

M–1—IRON AND STEEL

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as originally issued and in the formulation of certain of its amendments, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. In the formulation of this order as amended July 3, 1952, consultation with industry representatives has not been practicable.

This order, as hereby amended, affects NPA Order M–1, dated February 1, 1952, as follows:

Various sections of the order are amended to delete the word "controlled" from the phrase "controlled steel mill products," where appropriate, in order to conform the language of these sections to Table I; a new definition (c) is added to section 2; a new paragraph (b) is added to section 3; paragraph (e) of section 8 is deleted; Table I is amended; and other editorial changes are made throughout the order to conform the language to Table I as herein amended.

Sec.
1. What this order does.
2. Definitions.
3. Authorized production.
4. How producers apply for a production directive or a production schedule.
5. Applications by further converters.
6. Shipments to further converters.
7. Steel castings.
8. Acceptance or rejection of orders by producers.
9. NPA assistance in placing orders.
10. Lead times.
11. Minimum orders.
12. Producer's shipments to other producers.
13. Relation to other NPA orders and regulations.
14. Request for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order requires producers of steel mill products to file monthly data and suggestions as to future production. It requires authorization of production by the National Production Authority, and contemplates such authorization of production for shipments for further conversion, but makes provision for such shipments pending issuance of allocation directives for further conversion. It requires separate reports to be filed in connection with the production of steel castings (which are a controlled material). It contains certain provisions with respect to the acceptance of orders by producers and permits producers to deliver controlled steel mill products to other producers for resale without further conversion. It also provides for lead times and minimum orders.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "Products" means those iron or steel products listed under column A of Table I of this order. This term includes clad and coated products when clad or coated by a producer.

(c) "Steel mill products" means those steel products listed under parts A–I and A–II of Table I of this order.

(d) "Controlled steel mill products" means those steel products listed under part A–I of Table I of this order and which are listed in Schedule I of CMP Regulation No. 1. The term as used in this order does not include steel castings.

(e) "Producer" means a person who produces one or more products, as defined in paragraph (b) of this section. This term shall not include further converters, as defined in paragraph (n) of this section, located in the Dominion of Canada or any province thereof.

(f) "Carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) All grades of electrical sheet and strip; (2) low-alloy, high-strength steels; and (3) clad and coated carbon steels not included with alloy steels, e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels. "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil–S–16113 (Ships).

(g) "Alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy-steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

(h) "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

(i) "Non-nickel-bearing stainless steel" means a stainless steel containing less than one percent of nickel.

(j) "Steel castings" means any steel, except ingots, which retains its shape by having the molten metal poured into a mold.

(k) "Stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with or without nickel, molybdenum, or other alloying elements.

(l) "Production directive" means a directive issued by NPA to a producer approving, or authorizing, the production by him of the tonnages of products mentioned therein.

(m) "Suggested production directive," as applied to steel mill products in Form NPAF–100, means the tonnages of steel mill products suggested to be shipped commencing with a given month, a statement of which is contained in column (n) of Form NPAF–100.

(n) "Further conversion" means the further processing of one steel mill product into another steel mill product for resale. This term does not include conversion steel handled pursuant to Direction 8 of CMP Regulation No. 1.

(o) "Further converter" means a producer who receives a steel mill product from a producer supplier for further conversion and who, by further processing, converts such steel mill product into another steel mill product for resale. This term shall include any further converter domiciled in, or incorporated under the laws of, the Dominion of Canada or any province thereof.

(p) "Producer supplier" means a producer of a steel mill product who ships the same to a further converter for further conversion.

(q) "Base period" means the period commencing January 1, 1950, and ending September 30, 1950.

(r) "Base tonnage" means the average monthly shipments of any one steel mill product made by any one producer supplier during the base period to any one further converter customer.

(s) "NPA" means the National Production Authority.

SEC. 3. *Authorized production.* (a) Producers shall produce controlled steel mill products for shipment only in accordance with (1) an NPA production directive, or (2) an authorized production schedule on an approved Form CMP–4B application.

(b) (1) Each producer shall comply with production directives or further converter allocation directives as originally issued, or as from time to time amended by NPA.

(2) In any case where a producer is of the opinion that the filling of an order which he is required to accept pursuant to this order would substantially reduce his over-all production owing to the large or small size of the order, unusual specifications, or otherwise, he shall notify the Iron and Steel Division setting forth the pertinent facts. NPA may direct that the order be placed with another producer or take other appropriate action.

(3) In any case where NPA determines that the filling of an order, or particular classes of orders, accepted by a producer for shipment in a specific month, would substantially interfere with that producer's maximum utilization of his production facilities to meet required defense and defense-supporting orders, NPA may direct that any such order, or classes of orders, be deferred, and further direct, if the customer and producer consent, that any such order or classes of orders be placed with one or more other producers.

SEC. 4. *How producers apply for a production directive or a production schedule.* (a) Not later than the fifteenth day of each calendar month, each producer of a steel mill product (except those producers specifically instructed by NPA to file Form CMP–4B applications) is hereby required to file with NPA a Steel Producer's Monthly Production Directive Report on Form NPAF–100. NPA may make such changes, modifications, deletions, or additions in the tonnage specified by any suggested production directive heretofore or hereafter filed on Form NPAF–100 as in its discretion may seem necessary, advisable, or appropriate. February 1952 is the production month for reports on Form NPAF–100 filed by December 15, 1951. Each producer will receive a production directive from NPA on or before the fifth day of the month preceding the production month.

(b) Certain producers of steel mill products, whose principal business is other than that of a steel mill, may be instructed by NPA to apply for steel, to be used for further conversion, on a Form CMP–4B, instead of on a Form NPAF–100. In any such case NPA will issue an authorized production schedule and a related allotment bearing the prefix symbol "FC," based on such Form CMP–4B. A producer who receives an allotment on Form CMP–4B shall not be considered to be a further converter for the purposes of sections 5 and 6 of this order.

(c) Not later than the fifteenth day of each calendar month, each producer of a steel mill product is hereby also required to file with NPA a Steel Producer's Monthly Report of Shipments and Past Due Orders on Form NPAF–17 in the manner prescribed in that form.

SEC. 5. *Applications by further converters.* Any further converter who has heretofore filed Form NPAF–100, and who continues to file that form by the fifteenth day of each calendar month, will be deemed to have filed an application with NPA for an allocation of steel mill products required by him for further conversion. NPA may make such changes, modifications, or deletions in the tonnage applied for by such further converter as in its discretion may seem necessary, advisable, or appropriate. Upon completion of the review of the further converter's application, NPA may transmit a further converter allocation directive by mail or telegram to the producer supplier of the steel mill products applied for and transmit a copy thereof to the further converter. The further converter allocation directive will require a producer supplier to make shipment to the further converter of the steel mill products applied for and approved by NPA. Any producer supplier who receives a further converter allocation directive requiring him to allocate tonnage to any one or more further converters shall make allocations pursuant to such further converter allocation directive and shall cease to make shipments to such further converter pursuant to section 6 of this order. Any producer supplier who fails to receive a further converter allocation directive requiring him to allocate tonnage to any one or more further converter customers by the tenth day of the month preceding the production month shall continue to make shipments to such further converter customers under section 6 of this order. When allocations are made to all of his further converter customers by a producer supplier pursuant to further converter allocation directives, section 6 of this order will be no longer applicable to such producer supplier.

SEC. 6. *Shipments to further converters.* (a) Each producer supplier who is not subject to the provisions of section 5 of this order is hereby required to accept purchase orders from his further converter customers for shipments of steel mill products to the extent provided in this section. Each producer supplier must accept purchase orders calling for shipments in any one month of any one or more of the steel mill products, which were shipped by him to each further converter customer during the base period, up to a minimum of not less than:

(1) 100 percent of the base tonnage of steel mill products required for the production of cold-finished carbon steel bars;

(2) 90 percent of the base tonnage of steel mill products required for the production of each of the other carbon steel mill products (except carbon plates for line pipe);

(3) 85 percent of the base tonnage of steel mill products required for the production of stainless tubing (of which percentage a minimum of 80 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such tubing shipped during the base period);

(4) 85 percent of the base tonnage of steel mill products required for the production of each other stainless product (of which percentage a minimum of 15 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period);

(5) 100 percent of the base tonnage of steel mill products required for the production of alloy cold-drawn bars (of which percentage a minimum of 25 percent shall be in the nickel grades, irrespective of the percentage of nickel grades of cold-drawn bars shipped during the base period); and

(6) 100 percent of the base tonnage of steel mill products required for the production of each other alloy product (of which percentage a minimum of 20 per-

cent shall be in the nickel grades, irrespective of the percentage of nickel grades of such products shipped during the base period).

(b) All orders placed by a further converter with a producer supplier must be for substantially the same product as was supplied to each further converter customer during the base period, except for minor variations in size and design. In determining the amount of the monthly allotments, adjustments may be made subject to NPA approval by a producer supplier, with the consent of the further converter customer involved, to provide for any abnormal situations which affect any products

SEC. 7. *Steel castings.* (a) Not later than the tenth day of each calendar month, each producer of steel castings is hereby required to file with NPA a report on Form NPAF–118 in the manner prescribed in that form.

(b) Not later than the fifth day of each calendar month, each producer of armor castings is hereby also required to file with NPA a report of Shipments of Armor Castings on Form NPAF–141.

SEC. 8. *Acceptance or rejection of orders by producers.* (a) Each producer shall accept only the following classes of purchase orders for controlled steel mill products (including steel mill products for rerolling or redrawing purposes) and steel castings:

1. Orders pursuant to NPA directives;
2. Steel distributor orders under or in accordance with the provisions of NPA Order M–6A;
3. Further converter orders in accordance with the provisions of this order; and
4. Authorized controlled material orders.

Each producer shall accept the purchase orders mentioned in the preceding sentence for each product until his order books are filled for that product for a particular month, and pursuant to and in accordance with appropriate NPA orders or regulations. However, with respect to authorized controlled material orders, each producer shall have the option (subject to the provisions of subparagraph (1) of this paragraph) of determining which authorized controlled material orders or portions thereof he will accept and schedule for shipment without regard to dates of receipt of such orders: *Provided, however,* That no producer shall reject any authorized controlled material orders bearing allotment symbol A, B, C, or E, and a digit, or Z–2, unless his order books for a particular product are filled for that product for a particular month.

(1) Within the 15-day period immediately preceding the expiration of lead times, a producer shall accept and schedule for production all authorized controlled material orders offered to him until his order books for a particular product are filled for that product. During such 15-day period such orders shall be scheduled for production with precedence given to the orders received first.

(2) Each producer shall, within applicable lead times, accept orders for shipment of each controlled steel mill product in any month until such orders, together with all authorized controlled material orders already on hand for shipment during such month and all orders carried over from preceding months, plus (i) such orders as he has been directed by the NPA to ship, (ii) tonnages set aside for shipment to warehouses, and (iii) tonnages set aside for shipment to further converters, total not less than 110 percent nor more than 115 percent of the tonnage of such product to be produced pursuant to his production directive. When a producer has complied with the provisions of this paragraph, his books shall be deemed filled for a particular month for the product involved. Each producer shall promptly notify NPA, Iron and Steel Division, by telegram if, at the expiration of lead times, he has not received and accepted orders for at least 110 percent of his authorized production of any controlled steel mill product. Such notification shall include the amount of tonnage open for each such product.

(b) Each producer shall, after receipt of purchase orders tendered to him, promptly accept or reject all such orders. Receipt of an order shall not be deemed to have occurred until the order is received at the place where the steel producer usually processes such order. Upon such acceptance or rejection, he shall immediately notify, in writing or by telegram, the person who tendered the order of such acceptance or rejection. For the purpose of the first sentence of this paragraph, the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt, unless circumstances beyond the control of the steel producer shall render it impracticable to give notice as aforesaid, in which event the notice shall be given as quickly as possible thereafter. This paragraph is intended to give those persons whose orders have been rejected an opportunity to place their orders with other producers or distributors.

(c) Each producer shall open his order books for the acceptance of purchase orders for controlled steel mill products and steel castings for each calendar quarter not later than the number of days prior to the first day of the quarter as shown in the following schedule:

For products with a lead time of (days) (see Table I of this order):	*Books opened prior to first day of quarter, not later than (days)*
45	90
60	105
75	120
90	135
105	150
120	165

(d) A producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but after his order books are opened he shall accept orders as provided for in this section.

SEC. 9. *NPA assistance in placing orders.* Any person who is unable to place an authorized controlled material order due to the provisions of section 8 of this order should apply to NPA on Form NPAF–148. NPA will arrange to assist him in locating other sources of supply.

SEC. 10. *Lead times.* A producer of products, as defined in section 2 (b) of this order shall not be required to accept an authorized controlled material order for controlled steel mill products or steel castings or a DO rated order for forgings or iron products which is not received by him prior to the expiration of the lead time set out under column B of Table I of this order opposite each such product. The lead time for any product is the number of days in advance of the first day of the month of shipment prior to which such purchase order must be placed with a producer.

SEC. 11. *Minimum orders.* No producer shall be required to accept a purchase order for a smaller amount of any item of a product for shipment at any one time to any one destination than the amount indicated in column C of Table I of this order opposite each such product.

SEC. 12. *Producer's shipments to other producers.* (a) A producer may ship a controlled steel mill product to another producer for resale provided such product is sold by the producer to whom it is shipped in the form and shape received, and without being further converted or processed.

(b) Any delivery order placed pursuant to paragraph (a) of this section shall bear the symbol X–5 and shall contain a certification in the following form:

X–5—Certified under NPA Order M–1

This certification shall be signed as provided in section 8 of NPA Reg. 2 and shall constitute a representation to the producer and to NPA that the person placing the order is duly authorized to place the order under the provisions of this section and to obtain the product covered thereby.

(c) A producer with whom an X–5 order is placed may reject the same, but shall not discriminate between regular customers in so doing. Such orders shall not constitute authorized controlled material orders unless and until accepted by the producer, but if accepted by him such orders are hereby specifically designated as authorized controlled material orders pursuant to section 2 (q) of CMP Regulation No. 1.

(d) The resale of controlled steel mill products purchased pursuant to this section shall be subject to all applicable NPA regulations and orders.

SEC. 13. *Relation to other NPA orders and regulations.* (a) All provisions of any NPA regulation or order are superseded to the extent that they are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

(b) Products covered by this order are subject to the inventory provisions of CMP Regulation No. 2 in the case of controlled materials, and of NPA Reg. 1 for other products.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports as are required by the provisions of this order, and such other reports, to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–1.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE I OF NPA ORDER M–1—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES

Column A	Column B				Column C	
Name of product	Number of days in advance of first day of month in which shipment is required				Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination [1]	
	Carbon	Low-alloy high-strength	Stainless [2]	Alloy	Carbon	Alloy
	(1)	(2)	(3)	(4)	(1)	(2)
PART A						
STEEL MILL PRODUCTS						
I. Controlled Steel Mill Products						
Bar, bar shapes:						
Bar, hot-rolled, stock for projectile and shell bodies	45	75	----	[3] 75	(4)	(4).
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	(5)	(5).
Bar, reinforcing (straight lengths as rolled)	45	----	----	----	5 net tons.	
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	5 net tons	5 net tons.
Sheet, strip (uncoated and coated):						
Sheet, hot-rolled	45	75	90	75	5 net tons	(6).
Sheet, cold-rolled	45	75	105	90	5 net tons	(6).
Sheet, galvanized	45	----	----	----	(4)	
Sheet, all other coated	45	----	----	----	(4)	
Sheet, enameling	45	----	----	----	(4)	
Roofing, galvanized, corrugated, V-crimped channel drains	45	----	----	----	(4)	
Ridge roll, valley, and flashing	45	----	----	----	(4)	
Siding, corrugated and brick	45	----	----	----	(4)	
Strip, hot-rolled	45	75	90	75	3 net tons	(6).
Strip, cold-rolled	45	75	105	90	3 net tons	(6).
Strip, galvanized	45	----	----	----	(4)	
Electrical sheet and strip	(7)	----	----	----	(4)	
Tin mill black plate	45	----	----	----	5,000 pounds	
Tin plate, hot-dipped	45	----	----	----	5,000 pounds	
Ternes, special coated manufacturing	45	----	----	----		
Tin plate, electrolytic	45	----	----	----	5,000 pounds	
Plate:						
Rolled armor	(8)	(8)	----	(8)	(4)	(6).
Continuous strip mill	45	75	90	75	10 net tons	(6).
Sheared, universal or bar mill	45	75	90	75	3 net tons	(6).
Structural shapes piling	45	[3] 75	[3] 150	90	(4)	(6).
Pipe, tubing: [9]						
Standard pipe (including type of couplings furnished by mill)	45	120	----	----	(4)	(6).
Oil country goods (casings, tubular goods, type of couplings furnished by mill)	45	----	----	60	(4)	(6).
Line pipe (including type of couplings furnished by mill)	45	----	----	----	(4)	(6).
Pressure tubing—seamless and welded	[10] 60	----	120	120	(11)	(11).
Mechanical tubing—seamless and welded	[10] 60	----	120	120	(4)	(4).
Wire, wire products:						
Wire, drawn	45	75	90	75	(12)	(6).
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted	45	----	----	----	5 net tons [13]	
Spikes and brads—steel wire galvanized and cement-coated	45	----	----	----	5 net tons [13]	
Staples, bright and galvanized (farm and poultry)	45	----	----	----	5 net tons [13]	
Wire rope and strand	45	----	105	----	(4)	
Welded wire mesh	45	----	105	----	(4)	
Woven wire netting	45	----	105	----	5 net tons [13]	
Barbed and twisted wire	45	----	----	----	5 net tons [13]	
Wire fence, woven and welded (farm and poultry)	45	----	----	----	5 net tons [13]	
Bale ties	45	----	----	----	5 net tons [13]	
Coiled automatic baler wire	45	----	----	----	5 net tons [13]	

[1] All stainless steel is by direct negotiation.
[2] Does not include non-nickel-bearing stainless steel.
[3] If annealed or heat-treated, add an additional 15 days.
[4] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[5] Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—5 net tons. Round and square bars over 3 inches to, but not including, 5 inches—15 net tons. Bar size shapes (angles, tees, channels, and zees under 3 inches)—2 net tons.
[6] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M50, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M17, M15, M14 and oriented.

[7] Applies to special rolled shapes, including angles and channels.
[8] For operations commencing with Jan. 1, 1953, refers only to pipe, tubing, not exceeding 36" O. D.
[9] Published carload minimum (mixed sizes and grades).
[10] For welded tubing, 75 days.
[11] By negotiation, excepting seamless cold-drawn, for which use this table (O. D. in inches):

Up to ¾ inclusive	1,000 feet.
Over ¾ to 1¼ inclusive	800 feet.
Over 1¼ to 3 inclusive	600 feet.
Over 3 to 6 inclusive	400 feet.
Over 6	250 feet.

[12] Low carbon—1 net ton.
High carbon (0.40 carbon and higher):

Under 0.021 inch	500 pounds.
From 0.021 inch to 0.0475 inch	1,000 pounds.
0.0475 inch and heavier	1 net ton.

[13] Quantity refers to any assortment of wire merchant trade products.

TABLE I OF NPA ORDER M-1—IRON AND STEEL PRODUCTS TO WHICH THIS ORDER APPLIES—Continued

Column A	Column B				Column C	
	Number of days in advance of first day of month in which shipment is required				Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination [1]	
Name of product	Carbon (1)	Low-alloy high strength (2)	Stainless [13] (3)	Alloy (4)	Carbon (1)	Alloy (2)
PART A—Continued						
STEEL MILL PRODUCTS—continued						
I. Controlled Steel Mill Products—Continued						
Tool steel (including die blocks and tool steel forgings)	[14] 60			[14] 90	500 pounds	500 pounds.
Other mill forms and products (not including forgings except for wheels):						
Ingots	45	75	75	75	25 net tons [15]	Product of one heat.
Billets, for projectile and shell bodies	45	75		75	(4)	(4).
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	25 net tons [15]	(4).
Skelp	45				25 net tons [14]	
Wire rod	45	75	90	75	5 net tons	5 net tons.
Rails and track accessories (joint bars, tie plates, and track spikes)	45				(4)	
Wheels, rolled or forged (railroad)	45			90	(4)	(4).
Axles, railroad	45			90	(4)	(4).
II. Other Steel Mill Products						
Non-nickel-bearing stainless steel						
PART B						
Castings, steel (rough as cast)	[16] 60	[16] 90	[16] 90	[16] 90	(4)	(4).
PART C						
Forgings, rough as forged	90	120	120	120	(4)	(4).
PART D						
Iron products:						
Pig iron (not including iron with more than 6 percent silicon)	45				Carload	
Malleable iron castings, rough as cast	60				[17]	
Gray iron castings, rough as cast (excluding soil and pressure pipe and fittings)	60	90		90	[17]	

[1] By negotiation between mill and its customer. If no acceptable arrangements are worked out, NPA should be notified.
[14] If cold-finished, add an additional 15 days. ("Heat" means 1 batch of metal made in one furnace.)
[15] For forging quality, product of one heat.
[16] Lead time applies to unmachined castings after approval of pattern for production.
[17] 2,000 pounds or less from any one pattern or mold, or a minimum production run by the producing foundry.

[F. R. Doc. 52-7460; Filed, July 3, 1952; 11:28 a. m.]

[NPA Order M-83 as Amended July 3, 1952]

M-83—MECHANICAL, HYDRAULIC, AIR, AND ELECTRICALLY OPERATED JACKS

This amended order is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-83 of August 31, 1951 (Effective Oct. 1, 1951), is affected by these amendments by rephrasing the records and reports provision, the requests for adjustment or exception provision, and the violations provision to conform to corresponding provisions in more recent NPA orders and regulations, and by revising Schedules A and B. As amended, NPA Order M-83 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Standardization and simplification.
4. Request for adjustment or exception.
5. Records and reports.
6. Communications.
7. Violations.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to conserve by standardization and simplification the use of controlled materials, including carbon and alloy steel in such primary shapes and forms as cold-rolled bars, plates, tubing, and castings, required for the national defense. It applies particularly to producers of mechanical, hydraulic, air, and electrically operated jacks. The order prohibits the manufacture or assembly of all jacks not specifically listed in either one of the two annexed schedules, and it requires that certain of the jacks so listed conform to stated specifications and other standards. The limitations contained in the order do not apply to the manufacture of repair parts.

SEC. 2. *Definitions.* As used in this order:

(a) "Producer" means any person engaged in the manufacture or assembly of mechanical, hydraulic, air, or electrically operated jacks.

(b) "Jack" means any lifting, supporting, pulling, pushing, or bending device listed in Schedules A and B of this order, or any other device commonly known in the trade as a jack.

(c) "Capacity" means load-raising ability of the jacks, measured at the head or cap, through the entire working range from minimum to maximum height. This definition does not apply to wheel-type service or shop jacks or transmission jacks.

(d) "Defense agency" means the Department of Defense, the Atomic Energy Commission, or the United States Coast Guard of the United States Government.

(e) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(f) "NPA" means the National Production Authority.

SEC. 3. *Standardization and simplification.* (a) After September 30, 1951, no producer shall manufacture or assemble any jack not designated or described in Schedules A or B of this order.

(b) No producer shall manufacture or assemble any jack designated in Schedule A after September 30, 1951, unless it conforms to the specifications and other requirements set forth therein. The provisions of this paragraph do not apply to jacks listed in Schedule B.

(c) The provisions of this section shall not apply to jacks manufactured under contracts or orders for delivery to or for the account of a defense agency.

SEC. 4. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 5. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 6. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-83.

SEC. 7. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 3, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE B OF NPA ORDER M-83

The following types and models of mechanical and hydraulic jacks are not subject to standardization and simplification and may be manufactured or assembled without regard to Schedule A of this order.

Adapters and attachments.
Adjustable mine roof jacks.
Aircraft jacks, all types.
Anchor or hold down jacks.
Bolt pulling and/or forcing jacks.
Bumper jacks, hydraulic or mechanical.
Cable and wire extension jacks.
Farm utility jacks.
Independent pumps and rams.
Jacks: Designed as an integral part of eyecial military equipment, vehicle or vessel, or for specific uses in connection with a part of a product and included in the sale price of that product as original equipment.
Leveling jacks.
Mine post puller jacks.
Mine timber jacks.
Oil well circle jacks.
One end high lift jacks—extended heights not less than 32 inches.
Pipe bending jacks.
Pipe pulling and pushing jacks.
Pit jacks (6-ton or over), hydraulic or mechanical.
Planer or machinist jacks.
Puller jacks, hydraulic jenny.
Push-pull jacks.
Rail bending jacks.
Remote control hydraulic units.
Steamboat ratchets.
Toe lift jacks, hydraulic.
Transmission jacks.
Traversing bases only.
Screw casing jacks.
Scissor jacks.
Screw jacks, 1-ton and 1½-ton.

[F. R. Doc. 52-7462; Filed, July 3, 1952; 11:29 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR, 52-20]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PROMOTION LISTS

By virtue of the authority contained in section 751 of 14 U. S. C. (63 Stat. 551) and the act approved June 29, 1946 (62 Stat. 1081), the following amendment is

SCHEDULE A OF NPA ORDER M-83

Item	Capacity (tons)	Number models permitted	Number allowed per model	Closed height specifications (inches)	Screw diameter (inches)
1. Ratchet lowering jacks (rigid base)	5	2	3	14 to 21.	1½
	10	2	2	17 to 22.	1¾
	15	2	2	22 to 28.	2
	20	2	2	22 to 29.	2¼
	25	2	2	28 to 36.	2½
	35	1	1	28 to 38.	2¾
	50	2	2	30 to 41.	3
	75	2	2	36 to 50.	3½
	100	2	2	40 to 53.	4
2. Ratchet lowering jacks (hinged base)	15	1	2	16 to 24.	2
3. Ratchet lowering pole jacks	5	1	2	20 to 28.	1½
4. Ratchet lowering cable reel jacks	15	1	2	27 to 38.	2
	25	1	2	28 to 40.	2½
	50	1	2	30 to 42.	3
	75	1	2	36 to 50.	3½
	100	1	2	40 to 53.	4
5. Cable reel screw jacks	10	2	2	16 to 24.	2
6. Telescope screw jacks	15	2	2	16 to 24.	2½
	25	2	2	22 to 32.	3
	35	2	2	22 to 32.	3½
	50	2	2	28 to 38.	4
7. Track or trip jack simple acting	15	2	2	10 to 14.	2
8. Track or trip jack, double	15	2	2	10 to 20½.	2½
9. Combination trip and automatic lowering jacks	25	2	2	22 to 22¾.	3
10. Geared ratchet lowering jacks, single acting	50	2	2	22 to 23.	3½
	75	2	2	28 to 28.	4
	100	2	2	28 to 28.	4½
11. Journal jacks (standard speed)	15	2	2	7 to 10.	2
	25	2	2	10.	2½
	35	2	2	10.	3
	50	2	2	10 to 17.	3½
	75	2	2	24.	4
	100	2	2	8 to 13.	4½
12. Jacks on traversing bases (complete units)	34	1	2	14 to 18.	3
13. Standard speed bevel gear screw jacks	10	2	2	14 to 22.	2
	15	2	2	15 to 27.	2½
	25	2	2	22 to 27.	3
	35	2	2	24 to 27.	3½
	50	2	2	28.	4
	75	2	2	28 to 36.	4½
	100	2	2	28 to 36.	5
14. Self-lowering bevel gear screw jacks	25	2	2	28.	3
	35	2	2	28 to 36.	3½
	50	2	2	28 to 36.	4
	75	2	2	28 to 36.	4½
	100	2	2	28 to 36.	5
15. Shoring or house-raising jacks	10	2	2	Each screw 5 to 10 inches. Thread length, 8 inches to 18 inches.	2
	15	2	2		2½
	25	2	2		3
	35	2	2		3½
	50	2	2		4
	75	2	2		4½
	100	2	2		5
16. Wheel type service or shop jacks—hydraulic or mechanical	1½	2	2	7 to 11.	1½
	2½	2	2	8 to 11.	1¾
	4	2	2	8 to 13.	2
	10	2	2	7½ to 27.	2½
Wheel upright types—hydraulic or mechanical	15	2	2	10½ to 33½.	3
17. Power jacks (air and/or electrically operated)	25	2	2	11 to 30.	3½
	35	2	2	11 to 30.	4
	50	2	2	20 to 30.	4½
	75	2	2	20 to 30.	5
	100	2	2		
18. Hydraulic self-contained heavy duty jacks (hand operated)	1½	2	2	8½ to 16½.	1½
	3	2	2	11 to 19½.	1¾
	5	2	2	11 to 19½.	2
	8	2	2	12 to 21.	2½
	12	2	2		
	20	2	2		
25 or 30	35	2	2		
50 or 60	100	2	2		
	125	2	2		
	150	2	2		
19. Roll bottom jack screws four-way head and/or ratchet head	Screw diameter (inches)				
	1½	2	2		
	1¾	2	2		
	2½	2	2		

hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

Section 8.3107 *Promotion lists* is amended by deleting the last sentence thereof.

Approved: April 23, 1952.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

Concurred in: June 26, 1952.

FRANCIS P. WHITEHAIR,
Acting Secretary of the Navy.

[F. R. Doc. 52-7377; Filed, July 3, 1952; 8:49 a. m.]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

DEPARTMENT OF THE INTERIOR VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

CROSS REFERENCE: For promulgation of § 19.35, see Title 46, Chapter I, Part 154, *infra*.

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

CHESAPEAKE BAY ENTRANCE; NAVAL RESTRICTED AREA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), the naval restricted area across Chesapeake Bay entrance is hereby modified to include an additional water area in the vicinity of Virginia Beach, Virginia, as follows:

§ 207.158 *Chesapeake Bay entrance; naval restricted area*—(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'24", longitude 76°02'06"; thence to latitude 37°06'15", longitude 76°00'42"; thence 90° true to longitude 75°58'50"; thence to a point on the east shore of Chesapeake Bay at latitude 37°07'18"; thence southerly and northeasterly along the shore at Wise Point to longitude 75°57'30"; thence 180° true to latitude 37°05'36"; thence to latitude 37°01'12"; longitude 75°50'00"; thence 180° true to latitude 36°48'00"; thence 270° true to longitude 75°55'00"; thence to latitude 36°52'24", longitude 75°55'54"; thence 270° true to the shore; and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2) This section shall be enforced by the Commandant, Fifth Naval District, and such agencies as he may designate.

[Regs., June 18, 1952, 800.2121 (Chesapeake Bay)—ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7361; Filed, July 3, 1952; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATIONAL AREAS

PART 23—LAKE MEAD RECREATIONAL AREA; OPERATION OF PRIVATELY OWNED BOATS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1946 ed., sec. 3), establishing the National Park Service, authorizes and directs the Secretary of the Interior to make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service.

Under funds appropriated to it for that purpose pursuant to authority contained in the act of August 7, 1946 (60 Stat. 885; 16 U. S. C., sec. 17j-2), and subject to the terms of cooperative agreements with other agencies of the Department of the Interior, the National Park Service administers the recreational uses of the areas known and designated as the Lake Mead National Recreational Area, Arizona and Nevada; the Millerton Lake National Recreational Area, California; and the Coulee Dam National Recreational Area, Washington.

For the past several years the Lake Mead National Recreational Area has been administered under regulations which are applicable generally to the national parks and monuments. No regulations have been promulgated to govern the Millerton Lake and Coulee Dam National Recreational Areas. In view of the many and varied uses permitted in the national recreational areas, many of which are incompatible with the administration of the national parks and monuments, it is deemed essential that regulations especially adaptable to recreational areas should be issued.

The first seven amendments are designed to eliminate all references to Lake Mead National Recreational Area from the general rules and regulations of the National Park Service. The eighth amendment will revoke existing special boating regulations applicable to that area. The ninth amendment will add a new Part 2 to Chapter I of the National Park Service regulations, which will be applicable only to the three national recreational areas now administered by that Service.

By a notice of proposed rule making published in the FEDERAL REGISTER of May 19, 1951 (16 F. R. 4724), the public was invited to participate in the preparation of these amendments by submitting their views, data, or arguments, in writing, to the Director, National Park Service, Department of the Interior, Washington 25, D. C., within 30 days from the date of publication of the notice. In addition, meetings were held locally with members of sportsmen's associations and other interested persons and organizations to discuss the proposed regulations. After due consideration of all written and oral comments and suggestions received, the proposed regulations have been revised and it has been determined that they should be issued at this time as so revised. Accordingly, the following action is taken under the authority contained in section 3 of the act of August 25, 1916.

1. Section 1.0 *General provisions* is amended to delete the words "the Lake Mead Recreational Area."

2. Paragraph (e), § 1.1 *Definitions* is amended to delete the words "Lake Mead Recreational Area."

3. Section 1.4 *Fishing* is amended as follows:

a. Paragraph (a) is amended to delete the words "the Lake Mead Recreational Area."

b. Paragraph (m) is revoked.

c. Paragraph (n) is redesignated paragraph (m).

4. Paragraph (f), § 1.9 *Protection of wildlife* is revoked.

5. Section 1.27 *Prospecting and mining* is amended to delete the second sentence thereof reading as follows: "Mineral lands within the Lake Mead Recreational Area may, in the discretion of the Secretary, be opened to location, entry, and patent under the general mining laws, under the provisions of the act of April 23, 1932 (47 Stat. 136; 43 U. S. C., 1946 ed., sec. 154)."

6. Paragraph (a), § 1.36 *Commercial automobiles and busses* is amended to delete the words "Lake Mead Recreational Area (except the Kingman-Las Vegas Highway)."

7. Paragraph (a), § 1.61 *Aircraft* is amended as follows:

a. Subparagraph (5) *Lake Mead Recreational Area, Arizona and Nevada* is revoked.

b. Subparagraph (6) *Katmai National Monument, Alaska* is redesignated subparagraph (5).

(39 Stat. 535; 16 U. S. C. 3)

8. Part 23, Lake Mead Recreational Area; Operation of Privately Owned Boats, is revoked in its entirety.

9. Part 2, reading as follows, is added to Chapter I:

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATIONAL AREAS

Sec.
2.1 General provisions.
2.2 Definitions.
2.3 Camping.
2.4 Picknicking.
2.5 Hunting and trapping.
2.6 Fishing.
2.7 Swimming and bathing.
2.8 Firearms and explosives.
2.9 Fires.
2.10 Public property; miscellaneous provisions.
2.11 Sanitation.
2.12 Disorderly conduct.

Sec.
2.13 Pets.
2.14 Aircraft.
2.15 Accidents.
2.16 Grazing and agricultural use.
2.17 Private and commercial uses.
2.18 Advertisements.
2.19 Closing of area.
2.20 Vehicles.
2.21 Houseboats.
2.22 Boats, private.
2.23 Boats, commercial.
2.24 Restricted waters.
2.25 Speed of water-borne craft.
2.26 Obstructions.
2.27 Compliance with Federal laws and regulations.
2.28 Discrimination in furnishing public accommodations.

AUTHORITY: §§ 2.1 to 2.28 issued under 39 Stat. 535; 16 U. S. C. 3.

§ 2.1 *General provisions.* (a) The regulations in this part shall be applicable to the following National Recreational Areas:

(1) Lake Mead National Recreational Area, Arizona and Nevada, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, pursuant to a memorandum of agreement between the National Park Service and the Bureau of Reclamation, approved October 13, 1936, as amended by supplemental agreement between said two agencies, approved July 18, 1947, and as further detailed in a cooperative agreement between the National Park Service and the Bureau of Indian Affairs approved November 11, 1937.

(2) Millerton Lake National Recreational Area, California, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, as detailed in a memorandum of agreement between the two agencies, approved May 22, 1945.

(3) Coulee Dam National Recreational Area, Washington, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation and the Bureau of Indian Affairs, Department of the Interior, as detailed in a memorandum of agreement among the three agencies, approved December 18, 1946.

(b) This part, however, shall not be applicable to any of the activities of the Bureau of Reclamation, its officers, employees, agents, or contractors in connection with the construction or operation and maintenance of the works of the respective reclamation projects directly associated with any of the areas mentioned in this section.

(c) This part shall not apply to or on any of the trust or restricted Indian Lands, either tribally or individually owned, within any of the above-described areas.

(d) Wherever in this part the Superintendent is authorized to prohibit or restrict certain actions by the public in an area designated by him, he shall inform the public of the prohibited or restricted action by posting official signs and shall indicate the limits of the restricted area on a map which shall be available for public inspection in the office of the Superintendent. The posting of official signs shall be accomplished by placing them conspicuously at appropriate intervals in such manner as to afford the public full notice of all restrictions and of the limits of restricted areas.

§ 2.2 *Definitions.* As used in the regulations in this part, unless otherwise indicated:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "Director" means the Director of the National Park Service.

(c) The term "Regional Director" means the administrative officer in charge of a region of the National Park Service.

(d) The term "Superintendent" means the administrative officer in charge of a national recreational area to which the regulations in this part are applicable, or his authorized representative.

(e) The term "areas" means the national recreational areas to which the regulations in this part are applicable.

(f) (1) The term "Lake Mead National Recreational Area" means the property owned by the United States, including the water surface of Lake Mead and Lake Mohave, within that portion of the Boulder Canyon Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing by Thomas 8-3-49, Division of Landscape Architecture, Region Three, National Park Service, Department of the Interior), a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(2) The term "Millerton Lake National Recreational Area" means the property owned by the United States, including the water surface of Millerton Lake, within that portion of the Friant Division of the Central Valley Project which is administered by the National Park Service, shown outlined in green on a map thereof (Drawing No. F 1062B, dated April 3, 1942, Rev. 10-7-43 of Friant Division), a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(3) The term "Coulee Dam National Recreational Area" means the property owned by the United States, including the water surface of Roosevelt Lake, within that portion of the Columbia Basin Project which is administered by the National Park Service, shown outlined in green on the set of maps comprising 4 sheets numbered RA-CD-7001, 2, 3, and 4, dated April 15, 1946, a copy [1] of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection. Nothing contained in this part, however, shall be construed as, in any way, conflicting with the paramount rights of the Indians of the Spokane and Colville Reservations to use for hunting, fishing, and boating purposes, the areas set aside by the Secretary of the Interior pursuant to the act of June 29, 1940 (54 Stat. 703), which areas are designated on the above-mentioned maps as the Spokane Indian Zone and the Colville Indian Zone, respectively.

[1] Filed as part of the original document.

(g) The term "commercial boat" shall include any barge, raft, canoe, rowboat, motorboat, motor vessel, or other craft kept or used for rental or for carrying passengers for hire or used in transporting movable property for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to the second party, or in connection with any business.

(h) The term "private boat" shall include any raft, canoe, rowboat, motorboat, motor vessel, or other craft which may be placed on or operated upon the waters of the areas for the private recreational use of the owner or operator, and for which no fee or other charge is made by any person, firm, or corporation in connection with the use thereof on the waters of the areas.

(i) The term "water-borne craft" shall include private and commercial boats as defined herein.

§ 2.3 *Camping.* (a) Camping is permitted in the areas except in parts where the Superintendent has posted conspicuous signs stating that they are closed to camping.

(b) The Superintendent may establish limitations on the time allowed for camping in any public camping ground, and upon the posting of such limitation no person shall camp for a period longer than that specified for the particular campground. Notice of such limitation shall be posted in a conspicuous place at the campground.

(c) Overnight camping is prohibited in picnic grounds.

§ 2.4 *Picnicking.* Picnicking is permitted in the areas. The Superintendent may, however, prohibit picnicking within designated portions of the areas and may establish reasonable limitations on the length of time any person or group of persons may use any picnicking facility when, in his judgment, such limitations are necessary for the accommodation of the visiting public.

§ 2.5 *Hunting and trapping.* (a) Hunting and trapping will be permitted in accordance with all applicable Federal, State, and local laws for the protection of wildlife, except in developed and/or concentrated public use areas designated by the Superintendent: Portions of the areas in which hunting and trapping are not permitted will be marked on the ground and designated on a map of the area which will be available for inspection in the office of the Superintendent.

(b) Millerton Lake National Recreational Area, in the interest of public safety, is closed to hunting.

§ 2.6 *Fishing.* Fishing is permitted within the areas in accordance with all applicable Federal, State, and local laws for the protection of fish and other aquatic life, except that in Lake Mead National Recreational Area fishing is prohibited in Black Canyon within limits posted by appropriate official signs or markers adjacent to Hoover Dam and

within limits similarly posted adjacent to Davis Dam.

§ 2.7 *Swimming and bathing.* Swimming and bathing are permitted, except in waters designated by the Superintendent as waters in which such activities are prohibited in the interest of public health and safety.

§ 2.8 *Firearms and explosives.* The carrying of loaded firearms or explosives in developed and/or concentrated public use areas designated by the Superintendent is prohibited. In all other areas firearms or explosives shall not be used in a manner so as to endanger persons or property.

§ 2.9 *Fires.* (a) Due diligence shall be exercised in building and putting out fires to prevent damage to trees and vegetation and to prevent forest and grass fires. In areas provided with such facilities, the fireplaces constructed for the convenience of visitors must be used. The building of fires on any lands within the areas may be prohibited or limited by the Superintendent by the posting of adequate official signs when the hazard makes such action necessary.

(b) Permission to burn on any cleanup operation within the area must first be obtained, in writing, from the Superintendent, and in such cases as it is deemed advisable, such burning will be under Government supervision. All costs of suppression and all damages caused by reason of loss of control of such burning operations shall be paid by the person or persons to whom such permit has been granted.

§ 2.10 *Public property; miscellaneous provisions.* (a) The willful destruction, injury, defacement, or removal of public property is prohibited.

(b) The Superintendent may permit the collection or removal of natural objects.

(c) The Superintendent or other officer having authority to grant such authorization may, upon such terms and conditions as are deemed by him to be adequate to protect the interests of the United States, grant permits for the removal of sand, gravel, or building materials, and make reasonable charges therefor.

§ 2.11 *Sanitation.* (a) No garbage or rubbish of any kind shall be thrown or dumped in the waters of the areas or along the roads, in picnicking or camping sites, or on any other lands of the areas, but shall be burned or buried, or disposed of at points or places designated for the disposal thereof.

(b) Contamination of watersheds or of any water used for drinking purposes is prohibited.

(c) All comfort stations shall be used in a clean and sanitary manner.

(d) Saddle, pack, or draft animals shall not be kept in, or within 300 feet of any camp grounds.

(e) Toilets on water-borne craft must not be emptied in the waters of the areas when such craft are at dock or when within one mile of public ports or public beach areas.

§ 2.12 *Disorderly conduct.* (a) Persons who render themselves obnoxious by disorderly conduct, bad behavior, or indecent exposure shall be subject to the penalties prescribed by law for violation of this part and in addition thereto, or in lieu thereof, may be summarily removed from the areas by the Superintendent.

(b) No person who is under the influence of intoxicating liquors or narcotic drugs shall operate a water-borne craft, aircraft, or motor vehicle of any kind within the areas.

§ 2.13 *Pets.* Dogs, cats, and other pets must be under physical restrictive control at all times when in developed and/or concentrated public use areas designated by the Superintendent. Such pets shall not be permitted in public eating places or on swimming beaches at any time.

§ 2.14 *Aircraft.* (a) No person shall land aircraft on any water or land surface within the areas, other than at one of the following designated landing sites:

(1) *Lake Mead National Recreational Area, Arizona and Nevada.* (i) Boulder City Municipal Field located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mount Diablo Meridian, Nevada.

(ii) The entire surface of Lake Mead, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(iii) Temple Bar landing strip located at approximate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.

(iv) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.

(v) Davis Dam landing strip located in Sections 30 and 31, Township 21 North, Range 21 West, Gila and Salt River Meridians, Arizona.

(vi) Entire surface of Lake Mohave, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures or within 10 miles of Hoover Dam.

(vii) Searchlight Ferry landing strip, located at approximate latitude 35 degrees 27 minutes north, approximate longitude 114 degrees 30 minutes west.

(2) *Coulee Dam National Recreational Area, Washington.* The entire surface of Roosevelt Lake, except that no aircraft shall be permitted to land or take off within 500 feet of public bathing beaches, boat docks, floats, piers, ramps, or water control structures.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the area, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

§ 2.15 *Accidents.* Accidents required to be reported by the applicable State statutes and regulations shall be reported to the Superintendent, or his field representative, by the person or persons involved in the accident.

§ 2.16 *Grazing and agricultural use.* The running at large, herding, driving across, or grazing of livestock of any kind on the Government lands in the areas, or the use of such lands for agricultural purposes, is prohibited, except where written authority therefor has been granted by the Superintendent or under a valid lease from the United States.

§ 2.17 *Private and commercial uses.* (a) No person, other than employees of the National Park Service, shall reside permanently in the areas, except in accordance with the provisions of a permit or other written agreement with the United States authorizing such use.

(b) No person, firm, or corporation, or their representatives, shall engage in or solicit any business in the areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States.

(c) No person, firm, or corporation shall erect, construct, or attempt to erect or construct a building, boat dock, road, trail, path, or other way, telephone line, telegraph line, power line, or other private or public utility, upon, across, over, through, or under any federally owned lands within the areas, except in accordance with the provisions of a valid permit, contract, or other written agreement with the United States.

§ 2.18 *Advertisements.* Private notices or advertisements shall not be posted, distributed, or displayed in the areas, except such as the Superintendent may deem necessary for the convenience and guidance of the public.

§ 2.19 *Closing of area.* The Superintendent, in his discretion, may close to public use any part of the areas during any period of emergency endangering life or property.

§ 2.20 *Vehicles.* (a) Subject to the limiting provisions of this section and such special regulations as may be issued to govern a particular area, motor vehicles, trailers, and other vehicles entering the areas shall be operated in accordance with the applicable State laws and regulations then current within the particular section of the area in which the vehicle is being operated.

(b) Drivers of all vehicles operated within the areas shall comply with the directions of all official traffic signs posted in an area.

(c) Load and weight limitations shall be those prescribed and posted from time to time by the Superintendent, and such limitations shall be complied with by the operators of all vehicles using the roads of the areas. Schedules showing load and weight limitations for the different roads within the areas may be seen at the office of the Superintendent and at ranger stations at entrances to the areas.

§ 2.21 *Houseboats.* No waterborne craft may be used for permanent living accommodations except under permit from the Superintendent.

§ 2.22 *Boats, private.* Operators of private boats on the waters of the areas may register such boats with the Superintendent and secure a registration number and certificate which will aid in the recovery of lost or stolen boats.

§ 2.23 *Boats, commercial.* No commercial boat shall be launched or docked at any point on the federally owned shorelands surrounding the waters of the areas or make use of any launching or docking facility within the areas, except as authorized by permit, contract, or other written agreement with the United States.

§ 2.24 *Restricted waters.* (a) Except to effect rescue or unless otherwise specifically authorized, no water-borne craft shall be operated within any waters zoned and marked as migratory bird rest waters or for related wildlife uses, including waters zoned and marked for fish culture purposes.

(b) No motorboat, motor vessel, or other motor-operated craft shall be permitted to approach within 200 feet of any designated beaches, except to effect rescue.

(c) No water-borne craft shall approach within 200 feet of any dam or other restricted engineering works within the areas, except to effect rescue: *Provided*, That in Lake Mead National Recreational Area no motorboat craft shall approach Hoover or Davis Dams closer than the limits posted by appropriate official signs or markers.

(d) The Superintendent, in his discretion, may exclude the operation of water-borne craft within any designated waters when such action is necessary to protect life and property. Such restricted areas shall be defined by booms or markers and shall be designated on a map of the restricted portions, copies of which shall be posted at all public docks for convenient inspection.

(e) The provisions of this section shall not apply to any boats operated for official use by any agency of the United States, or of the States in which the waters within a particular area are situated.

§ 2.25 *Speed of water-borne craft.* The speed of water-borne craft shall be restricted to speeds reasonable for the time, place, and surrounding conditions, i. e., no such craft shall be operated in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

§ 2.26 *Obstructions.* Unless otherwise specifically authorized, no log boom, pier, fence, pile, anchorage, or other obstruction shall be installed in the waters of the areas without a permit therefor issued by the Superintendent designating the place and manner of its installation.

§ 2.27 *Compliance with Federal laws and regulations.* Nothing contained in the regulations in this part shall relieve any water-borne craft, the owner, or the operator thereof, from the obligation to comply with the applicable laws of the United States and the rules and regulations of the United States Coast Guard or other Federal agencies operative within the areas.

§ 2.28 *Discrimination in furnishing public accommodations.* The proprietor, owner, or operator and the employees of any hotel, inn, lodge, or other public accommodations within the areas are prohibited from (a) publicizing such facilities in any manner that would directly or inferentially reflect upon or question the acceptability of the patronage of any person or persons because of race, creed, color, or national origin; and (b) discriminating against any person or persons because of race, creed, color, or national origin by refusing to furnish such person or persons any accommodations, facilities, or privileges, offered to or enjoyed by the general public.

Issued this 27th day of June 1952.

[SEAL] OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-7360; Filed, July 3, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 52-35]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

DEPARTMENT OF THE INTERIOR VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

Pursuant to the provisions of section 1 of Public Law 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120), the Deputy Secretary of Defense by letters dated June 12 and June 24, 1952, requested a general waiver of all the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter to the extent necessary to permit the operation of certain vessels which are the property of the Department of the Interior and operated under contract by the Pacific Micronesian Lines, Inc., to furnish transportation in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including the territories and possessions, and foreign ports.

The purpose of the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard to the extent necessary to permit the operation of the U. S. S. "Chicot" (AKL 170), U. S. S. "Camano" (AKL 1), U. S. S. "Elba" (AKL 3), U. S. S. "Errol" (AKL 4), U. S. S. "Metomkin" (AKL 7), U. S. S. "Roque" (AKL 8), and U. S. S. "Torry" (AKL 11), as well as the Schooner "Frela" and the Schooner "Milleeta" or other vessels which may be used as substitutes for these vessels, of the Department of the Interior by the Pacific Micronesian Lines, Inc., to furnish transportation in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and the United States, including its territories and possessions, and foreign ports until and including June 30, 1953, unless sooner terminated by proper authority. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof of the Administrative Procedure Act is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect from July 1, 1952, to and including June 30, 1953, unless sooner terminated by proper authority:

§ 154.35 *Department of the Interior vessels operated by the Pacific Micronesian Lines, Inc.* Pursuant to the request of the Deputy Secretary of Defense, in letters dated June 12 and June 24, 1952, made under the provisions of section 1 of Public Law 891, 81st Congress (64 Stat. 1120), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of the U. S. S. "Chicot" (AKL 170), U. S. S. "Camano" (AKL 1), U. S. S. "Elba" (AKL 3), U. S. S. "Errol" (AKL 4), U. S. S. "Metomkin" (AKL 7), U. S. S. "Roque" (AKL 8), and U. S. S. "Torry" (AKL 11), as well as the Schooner "Frela" and the Schooner "Milleeta" or other vessels which may be used as substitutes for such vessels, of the Department of the Interior and operated by the Pacific Micronesian Lines, Inc., in the Trust Territory of the Pacific Islands or between the Trust Territory of the Pacific Islands and the United States, including its territories and possessions, and foreign ports, and this waiver order shall be in effect from July 1, 1952, to and including June 30, 1953, unless sooner terminated by proper authority.

(Sec. 1, Pub. Law 891, 81st Cong.)

Dated: June 30, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-7376; Filed, July 3, 1952; 8:49 a. m.]

[1] This is also codified in 33 CFR Part 19.

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 165a—CERTIFICATES AND PERMITS

MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 30th day of June A. D. 1952.

It appearing, that on January 25, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 932) concerning adoption of interpretative rules relating to motor-carrier operations involving so-called "traversal states". The purpose of the proposed interpretative rules, as reflected by the referred-to notice, is to clarify the situation as relates to certificates and permits heretofore issued by this Commission to motor carriers authorizing operations over irregular routes which necessitate that the carriers, in performing their authorized service, pass through states other than those in which they are authorized to receive or discharge passengers or freight, and to establish a policy to effect uniformity in the future concerning such matter;

It further appearing, that by order of the Commission, Division 5, dated April 14, 1952, effective date postponed to July 1, 1952, the referred-to rules were adopted subject to that order's becoming effective and until the further order of the Commission;

And it further appearing, that written data, views, and arguments have been submitted to the Commission in favor of or against the proposed rules which warrant modification thereof, and adoption of such rules as modified having been found to be justified: *It is ordered*, That:

SUBPART A—MOTOR-CARRIER OPERATION INVOLVING TRAVERSAL STATES

Sec.
165a.1 Interpretation of outstanding certificates and permits.
165a.2 Policy to be observed in the future.
165a.3 Requirements to be met.

AUTHORITY: §§ 165a.1 to 165a.3 issued under 49 Stat. 546, as amended; 49 U. S. C. 304.

SUBPART A—MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

§ 165a.1 *Interpretation of outstanding certificates and permits.* All certificates and permits heretofore issued to motor carriers authorizing operations over irregular routes which necessitate that the carriers, in performing their authorized services, pass through states other than those in which they are authorized to receive or discharge passengers or freight, are interpreted as follows:

(a) *Where no "traversal states" are named.* Carriers may operate through any state which affords a reasonably direct or logical route between the points authorized to be served.

(b) *Where "traversal states" are named.* Whether all or only a portion of such states are named, the carriers may operate not only through the "traversal states" named but also through any other state or states which afford a reasonably direct or logical route between the points authorized to be served, unless the language clearly and unmistakably shows that "traversal states" were named as a specific restriction or prohibition against operating in any state other than those specified.

§ 165a.2 *Policy to be observed in the future.* On and after the effective date of this part "traversal states" will not be named in a certificate or permit except when the record discloses that such should be done as a definite restriction and on a showing of public convenience and necessity, in the case of a common carrier, or consistency with the public interest and the national transportation policy, in the case of a contract carrier; otherwise, operations may be performed as indicated in § 165a.1 (a).

§ 165a.3 *Requirements to be met.* Before instituting any operations, pursuant to this part, through a state or states not named in its certificate or permit, the carrier shall (a) give notice in writing, accompanied by a copy of its operating authority, to the state regulatory body or bodies of such state or states, (b) designate a process agent for each such state, as required by section 221 (c) of the Interstate Commerce Act, and (c) comply with the provisions of Rule VIII of the Commission's insurance regulations regarding the filing of insurance by a company licensed to do business in each such state (49 CFR 174.8).

It is further ordered, That this order shall supersede the order entered herein on April 14, 1952, which is hereby vacated and set aside.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7369; Filed, July 3, 1952; 8:48 a. m.]

[Ex Parte MC-40]

PART 193—DRIVING OF MOTOR VEHICLES

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

In the matter of request for postponement of the effective date of order with respect to § 193.75.

Upon consideration of the record in the above-entitled proceedings, of the pendency in the U. S. District Court for the Eastern District of Michigan of a suit to set aside § 193.75 in the above docket and of a request of the Judge of the U. S. District Court for postponement of the effective date of the order with respect to § 193.75 for a period of 30 days:

It is ordered, That the order in the above-entitled proceeding entered on April 14, 1952, to become effective July 1, 1952, be modified so that the provisions of § 193.75 of the prescribed regulations shall not apply to the transportation in truckaway service of motor vehicles until August 1, 1952 (17 F. R. 4443).

Dated at Washington, D. C., this 1st day of July A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7370; Filed, July 3, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192.31.1]

SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

NOTICE OF PROPOSED REVOCATION DESIGNATION AS AN AIRPORT OF ENTRY

JUNE 27, 1952.

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to revoke the designation of the Sky Harbor Seaplane Base, Duluth, Minnesota, as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States; and it is further proposed to amend the list of airports of entry in § 6.12, Customs Regulations of 1943 (19 CFR 6.12) as amended, by deleting the location and name of said airport of entry.

This notice is published pursuant to section 4 of the Administrative Procedure Act (Pub. Law 404, 79th Cong.). Data, views, or arguments with respect to the proposed revocation of the designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-7371; Filed, July 3, 1952; 8:48 a. m.]

[19 CFR Part 6]

[192-16-31]

BROWARD COUNTY AIRPORT, FORT LAUDERDALE, FLA.

NOTICE OF PROPOSED DESIGNATION AS AN AIRPORT OF ENTRY

JUNE 27, 1952.

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate Broward County Airport, Fort Lauderdale, Florida, as an airport of entry for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), effective August 1, 1952; and it is further proposed to amend the list of airports of entry (international airports) in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an airport of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-7372; Filed, July 3, 1952; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 976]

HANDLING OF MILK IN FORT SMITH, ARKANSAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fort Smith, Arkansas, on January 7-10, inclusive, 1952, pursuant to notice thereof which was issued on December 7, 1951 (16 F. R. 12360).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on May 1, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on May 7, 1952 (17 F. R. 4209).

The material issues, findings, and conclusions, and general findings of the aforesaid recommended decision are hereby adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 52-5117, 17 F. R. 4209:

1. Delete the second paragraph beginning in the second column of 17 F. R. 4210 and substitute therefor the following:

The record indicates that early in 1949 prices to producers supplying Fayetteville were approximately equal to or slightly higher than those to producers supplying Fort Smith. From mid-1949 to late in 1951 Fayetteville prices were constantly 50 or 60 cents per hundredweight less than those of Fort Smith. The recent activity of a Dallas handler in securing supplies of milk at premium prices in the Fayetteville area resulted in the largest handler in Fayetteville paying 25 cents per hundredweight more than the Fort Smith price for December 1951 with other Fayetteville handlers paying prices equal to the Fort Smith price. During the period of more than two years for which this 50-60 cent difference between Fayetteville and Fort Smith prices prevailed, milk from the Fayetteville area was sold to the St. Louis market, Springfield handlers were selling milk to Fayetteville, and Fayetteville lacked personnel for enforcing its milk ordinance. The record does not indicate the extent to which each of these factors may have influenced the pattern of prices at Fayetteville, nor does it indicate what the influence of Dallas prices will be when premium pricing in that market is discontinued. The difference that prevailed during this period is more than that which could be attributed to differences in costs of hauling milk from farms to plants. The inclusion of Fayetteville in the defined marketing area at this time would raise some problems with respect to price relationships within different segments of the marketing area for which this record does not provide an adequate basis for conclusion. Since the record fails to show such close competition for supplies and sales of milk as to require the conclusion that Fort Smith and Fayetteville are a single market, or to provide a basis for the price determinations necessary for their inclusion under a single regulation, it is concluded that the Fort Smith marketing area should not be so defined at this time as to include Fayetteville.

2. Insert the following paragraph between the first and second paragraphs beginning in the second column of 17 F. R. 4214:

By exception the Springfield handler agrees that the 45 cents is a reasonable allowance but requests that payments be computed under these provisions on an annual basis because there is a probability that in some months the Fort Smith price less 45 cents will be more than the Springfield price while in other months the reverse may be true. This probability arises through differences in the seasonal changes of Class I prices in the two orders. The difference in total payments resulting from the annual method would appear to be minor and to adopt it would be in conflict with the principle of monthly accountability maintained in all milk orders. A comparison of Class I prices of the Springfield order with those that have prevailed at Fort Smith without regulation indicate that there have been times at which the costs of the Springfield handler have been substantially in excess of those of his Fort Smith competitors.

Ruling on exceptions. Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of May 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order to regulate the handling of milk in the Fort Smith, Arkansas, marketing area in the manner set forth in the attached order is approved or favored by producers, who during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," and "Order Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 1st day of July 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Regulating the Handling of Milk in the Fort Smith, Arkansas, Marketing Area

Sec.
976.0 Findings and determinations.

DEFINITIONS

976.1 Act.
976.2 Secretary.
976.3 Department.
976.4 Person.
976.5 Cooperative association.
976.6 Fort Smith, Arkansas, marketing area.
976.7 Approved plant.
976.8 Unapproved plant.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Sec.
976.9 Handler.
976.10 Producer.
976.11 Producer-milk.
976.12 Other source milk.
976.13 Producer-handler.
976.14 Base milk.
976.15 Excess milk.

MARKET ADMINISTRATOR

976.20 Designation.
976.21 Powers.
976.22 Duties.

REPORTS, RECORDS AND FACILITIES

976.30 Reports of receipts and utilization.
976.31 Reports of payments to producers.
976.32 Other reports.
976.33 Records and facilities.
976.34 Retention of records.

CLASSIFICATION

976.40 Basis of classification.
976.41 Classes of utilization.
976.42 Shrinkage.
976.43 Responsibility of handlers and reclassification of milk.
976.44 Transfers.
976.45 Computation of the skim milk and butterfat in each class.
976.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

976.50 Basic formula price.
976.51 Class prices.
976.52 Butterfat differential to handlers.

APPLICATION OF PROVISIONS

976.60 Producer-handlers.
976.61 Milk price under other Federal orders.

DETERMINATION OF UNIFORM PRICE

976.70 Computation of value of milk.
976.71 Computation of uniform prices.
976.72 Computation of uniform prices for base milk and excess milk.

PAYMENTS

976.80 Time and method of payment.
976.81 Producer butterfat differential.
976.82 Producer-settlement fund.
976.83 Payments to the producer-settlement fund.
976.84 Payments out of the producer-settlement fund.
976.85 Adjustment of accounts.
976.86 Marketing services.
976.87 Expenses of administration.
976.88 Termination of obligation.

DETERMINATION OF BASE

976.90 Computation of daily average base for each producer.
976.91 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

976.100 Effective time.
976.101 Suspension or termination.
976.102 Continuing power and duty of the market administrator.
976.103 Liquidation.

MISCELLANEOUS PROVISIONS

976.110 Agents.
976.111 Separability of provisions.

AUTHORITY: §§ 976.0 to 976.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 976.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the months of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, Marketing Area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no daily average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.87;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 976.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of

specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.

Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided,* That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Mount Vernon, Mo.
Pet Milk Co., Neosho, Mo.
Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.

Provided, That such price shall not be less than the price computed pursuant to § 976.50 (b) for the month, less 26 cents during April, May, June, or July and less 16 cents during all other months.

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.20.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.52, 976.70 through 976.72, 976.80 through 976.87, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order (subject to a deduction of 45 cents per hundredweight if the approved plant of such handler is subject to Federal Order No. 21) and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 976.46 by the applicable class prices.

§ 976.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 976.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the

uniform price for excess milk of 4.0 percent butterfat received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained pursuant to paragraphs (a), (b) and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72 (h), with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72 (e) with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if such handler has not received full payment for such month pursuant to § 976.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 976.61 (b), 976.83 and 976.85, and out of which he shall make all payment to handlers pursuant to §§ 976.84 and 976.85.

§ 976.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator (a) the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 976.70 is greater than the amount required to be paid producers by such handler pursuant to § 976.80, and (b) any amount required pursuant to § 976.61 (b).

§ 976.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 976.70 is less than the amount required to be paid producers by such handler pursuant to § 976.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 976.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.87 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.88 *Termination of obligation.* The provisions of this section shall apply to any obligations under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carriers on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provisions of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 976.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Fort Smith, Arkansas, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Fort Smith, Arkansas, marketing area) who, during the month of May 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of May 1952 is hereby determined to be the representative period for the conduct of such referendum.

Hobart E. Crone is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

Done at Washington, D. C., this 1st day of July 1952.

[F. R. Doc. 52-7379; Filed, July 3, 1952; 8:49 a. m.]

COMMODITY EXCHANGE COMMISSION

[17 CFR Part 150]

[Hearing Docket CE-P 8]

LIMITS ON POSITION AND DAILY TRADING IN COTTONSEED OIL, SOYBEAN OIL, AND LARD FOR FUTURE DELIVERY

NOTICE OF HEARING

Whereas, section 4a of the Commodity Exchange Act (7 U. S. C. 6a), directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading which may be done by any person, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, as the Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., e. d. t., on July 28, 1952, in Room 149-W Administration Building, U. S. Department of Agriculture, Washington, D. C., for the presentation of evidence as to (1) what limits should be fixed on the maximum amount of cottonseed oil, soybean oil, and lard, respec-

tively, which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future delivery on or subject to the rules of any contract market, on any one business day, and (2) what limits should be fixed on the maximum net long or net short position in cottonseed oil, soybean oil, and lard, respectively, which any person may hold or control under contracts of sale for future delivery on or subject to the rules of any contract market.

Section 4a of the Commodity Exchange Act provides that such limits shall not apply to transactions which are shown to be bona fide hedging transactions as refined in section 4a (3) of the Commodity Exchange Act (7 U. S. C. 6a (3)).

Written statements with reference to the subject matter of this hearing may be submitted by any interested person and may be in addition to or in lieu of testimony at such hearing. Such statements should be prepared in quintuplicate and mailed to the Presiding Officer, Hearing Docket CE–P8, Commodity Exchange Authority, U. S. Department of Agriculture, Washington 25, D. C., prior to the time of hearing, or delivered to the Presiding Officer at the time of hearing.

Issued this 30th day of June 1952.

COMMODITY EXCHANGE COMMISSION,
[SEAL] CHARLES F. BRANNAN,
Chairman,
Secretary of Agriculture.
JACK GARRETT SCOTT,
Acting Secretary of Commerce.
JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-7355; Filed, July 3, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 53030]

CHESAPEAKE AND OHIO RAILWAY CO. AND PERE MARQUETTE RAILWAY CO.

REGISTRATION OF FUNNEL MARKS AND CANCELLATION OF REGISTRATION OF HOUSE FLAG

JUNE 27, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered three funnel marks in the name of the Chesapeake and Ohio Railway Company as described below:

(a) The first funnel mark is to appear and be used on vessels having one stack. The funnel on which this mark will be used is 16 feet in diameter athwartship and 27 feet in diameter in a fore-and-aft direction. The funnel is painted a dark blue and is 25 feet 6 inches in over-all height. Centered in a fore-and-aft direction on either side of the funnel is a Federal yellow disc 12 feet in diameter, the top of which is placed 7 feet 6 inches from the top of the funnel. Superimposed on the yellow disc in dark blue, are the letters "C" and "O," each of which is 4 feet 6 inches in height. The letter "C" is placed in the upper left portion of the circle, connecting with and overlapping in part the letter "O," which is placed in the lower right portion of the circle. Centered vertically on the letter "C" and to the right of it, also in dark blue, is the word "AND" in letters 6 inches in height. Somewhat below the center point and to the left of the letter "O" is the word "FOR" in dark blue letters of 6 inches in height and below that word and the letter "O" is the word "Progress" in dark blue letters 9 inches in height. Running horizontally from the lowermost right-hand point of the letter "R" is the word "For" is a line which passes through the lower portion of the letter "O" and intersects on the opposite side with a line running vertically upward from the uppermost right-hand point of the last letter of the word "Progress." The line is dark blue where it crosses the disc and yellow where it crosses the letter "O."

(b) The second funnel mark is to appear and be used on vessels having two funnels, one on the port and the other on the starboard side of the vessel. Each funnel is surrounded by a funnel casing and both the funnel and its casing are painted a dark blue. The funnel itself is 5 feet in diameter athwartship and 9 feet 3 inches in diameter on a fore-and-aft line; the funnel casing is of a diameter of 5 feet athwartship and 26 feet on a fore-and-aft line; the funnel is of an over-all height of 40 feet; and the funnel casing is of an over-all height of 18 feet. The insignia to appear on the funnel is identical with that to be used on the funnel described in paragraph (a) above except that the top of the Federal yellow disc will be placed 24 feet from the top of the funnel and will be centered in a fore-and-aft direction on the outboard side of the funnel casing.

(c) The third funnel mark is similar to the first except for the fact that it will be used only on vessels having four stacks, two in tandem on the port side of the vessel and two on the starboard side, also in tandem, each pair of stacks on either side being surrounded by a funnel casing. Each of the funnels in this case is 2 feet by 5 feet in diameter and each funnel casing is 3 feet by 16 feet in diameter. The height of the funnel is 30 feet over-all and the height of the funnel casing is 18 feet. The size, lettering, and coloring of the disc is the same as in the case of the mark registered first above, and it is similarly placed on the funnel casing except that the top of the disc in this case is 14 feet from the top of the funnel.

Colored scale replica drawings of the funnel marks described above are on file with the Federal Register Division.[1]

The registrations of certain funnel marks in the name of the Chesapeake and Ohio Railway Company under dates of March 1, 1950 (T. D. 52422; 15 F. R. 1223), and December 11, 1951 (T. D. 52882; 16 F. R. 12622), are hereby cancelled. The registration of house flag for the Pere Marquette Railway Company of Ludington, Michigan, on August 6, 1940, by the Director of the Bureau of Marine Inspection and Navigation, Department of Commerce, published in the Bulletin of that Bureau for August 1940 is hereby rescinded in accordance with the application of the Chesapeake and Ohio Railway Company, successor in interest.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52-7373; Filed, July 3, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

[T. D. 53031]

CRESCENT TOWING & SALVAGE CO., INC.

REGISTRATION OF HOUSE FLAG

JUNE 27, 1952.

The Commissioner of Customs, by virtue of the authority vested in him by law and in accordance with § 3.81 (a), Customs Regulations of 1943 (19 CFR 3.81 (a)), has registered the house flag of the Crescent Towing & Salvage Company, Inc., a Louisiana corporation, described below:

The house flag is rectangular in shape. The hoist is 3 feet in height, the fly 5 feet. The field of the flag is light green. Superimposed on the light-green flag is a white crescent. The convex line of the crescent consists of an arc of 270 degrees of a circle having a radius of 9 inches, beginning at a point 9 inches directly above the center point of the flag and passing counterclockwise through three quadrants. The concave line of the crescent consists of an arc having a radius of 7½ inches, beginning and ending at the same points as those of the convex line.

A colored scale replica drawing of the house flag described above is on file with the Federal Register Division.[1]

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52-7376; Filed, July 3, 1952; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Dist. No. 2, Amdt. 4]

[Dist. No. 4, Amdt. 1]

NEW MEXICO

MODIFICATION OF GRAZING DISTRICTS

JUNE 27, 1952.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315 et seq.) as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, sec. 2.22, 15 F. R. 5643, the following-described lands are excluded from New Mexico Grazing District No. 4, as heretofore established and modified (Misc. 1597974) and added to New Mexico Grazing District No. 2, as heretofore established and modified (Misc. 1638236):

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 S., R. 1 E., that portion south of the Sevilleta Grant;
Tps. 2 to 4 S., R. 1 E., those parts east of the Rio Grande;
T. 5 S., R. 1 E., that part east of the Rio Grande and north of the Bosque Del Apache Grant;
Tps. 6 to 8 S., R. 1 E., those parts east of the Bosque Del Apache Grant and the Pedro Armendaris Grant No. 33;
T. 9 S., R. 1 E.,
Secs. 1, 2, 3, 10, 11, 12, those parts secs. 4, 5, and 8 lying east of the Pedro Armendaris Grant No. 33;
Sec. 13, N½;
Sec. 14, N½;
Sec. 15, N½;
Sec. 16, N½, that part lying east of the Pedro Armendaris Grant No. 33;
T. 1 S., R. 2 E., that portion south of the Sevilleta Grant;
Tps. 2 to 4 S., R. 2 E.;
T. 5 S., R. 2 E., that part north and east of the Bosque Del Apache Grant;
Tps. 6 to 8 S., R. 2 E.,
T. 9 S., R. 2 E.,
Secs. 1 to 13, inclusive;
Sec. 14, N½, N½S½;
Sec. 15, N½, N½S½, S½SW¼;
Sec. 16;
Sec. 17, N½;
Sec. 18, N½;
Sec. 23, SE¼SE¼;
Secs. 24 and 25;
Sec. 26, E½E½, W½SE¼, SW¼SW¼;
Sec. 34, SE¼;
Sec. 35, NE¼, W½NW¼, SE¼NW¼; S½;
Sec. 36.
T. 10 S., R. 2 E.,
Secs. 1 and 2;
Sec. 3, E½, E½W½, NW¼NW¼, SW¼SW¼;
Sec. 4, NE¼NE¼, SE¼SE¼;
Secs. 10 and 11;
Sec. 12, W½;
Sec. 13, N½NW¼;
Sec. 14, N½N½;
Sec. 15, N½N½.
T. 1 S., R. 3 E., that part south of Sevilleta Grant.
Tps. 2 to 8 S., R. 3 E.
T. 9 S., R. 3 E.,
Secs. 1 to 33, inclusive;
T. 10 S., R. 3 E.,
Sec. 4;
Sec. 5, N½, N½S½;
Sec. 6, N½.
Tps. 1 to 6 S., R. 4 E.
T. 7 S., R. 4 E.,
Secs. 1 to 24, inclusive;
Sec. 25, N½N½, S½NW¼;
Sec. 26, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 27, NE¼NE¼, W½NW¼;
Sec. 28, N½, NW¼SW¼;
Sec. 29, N½NW¼, N½SE¼, NE¼;
Sec. 30, N½, N½SW¼;
Secs. 31 and 32;
Sec. 33, W½NW¼, SW¼.
T. 8 S., R. 4 E.,
Sec. 2;
Sec. 3, S½NW¼, S½;
Sec. 4, N½NW¼, S½N½, S½;
Secs. 5 to 11, inclusive;
Sec. 12, W½NW¼, SW¼, S½SE¼;
Sec. 13 to 18, inclusive;
Sec. 19, N½, N½S½;
Secs. 20 and 21;
Sec. 22, W½, W½NE¼;
Sec. 24;
Sec. 31, SW¼.
T. 9 S., R. 4 E.,
Sec. 5, SW¼SW¼;
Sec. 6, W½NE¼, W½SE¼;
Sec. 7;
Sec. 8, W½, W½SE¼;
Sec. 16, W½SW¼;
Secs. 17 to 20, inclusive;
Sec. 21, W½, SE¼;
Sec. 27, W½NW¼, SW¼;
Secs. 28 to 30, inclusive;
Sec. 33, NE¼, N½NW¼, NW¼SE¼;
Sec. 34, NW¼.
T. 1 S., R. 5 E.,
Secs. 3 to 10, 15 to 23 and 26 to 35, inclusive.
T. 2 S., R. 5 E.,
Secs. 4 to 9, 16 to 21, and 28 to 33, inclusive.
Tps. 3 to 6 S., R. 5 E.,
T. 7 S., R. 5 E.,
Secs. 1 to 12, inclusive;
Sec. 13, N½, SW¼;
Secs. 14 to 24, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Sec. 27, N½, N½S½;
Sec. 28, N½, N½S½;
Secs. 29 and 30.
T. 8 S., R. 5 E.,
Sec. 18, SW¼;
Sec. 19, W½;
Sec. 30, NW¼.
T. 3 S., R. 6 E.,
Secs. 4 to 9 and 15 to 36, inclusive.
T. 4 S., R. 6 E.,
Secs. 1 to 24 and 27 to 34, inclusive.
T. 5 S., R. 6 E.,
Sec. 1, S½;
Secs. 2 to 36, inclusive.
T. 6 S., R. 6 E.,
T. 7 S., R. 6 E.,
Sec. 1, N½, E½SE¼;
Secs. 2 to 6, inclusive;
Sec. 7, NE¼, W½;
Sec. 8, NE¼, E½NW¼, N½SE¼;
Sec. 9;
Sec. 10, N½, NW¼SW¼, S½S½;
Sec. 11, NW¼NW¼; SW¼SW¼;
Secs. 14 and 15;
Sec. 16, NW¼, E½;
Sec. 18, W½NW¼.
T. 5 S., R. 7 E.,
Sec. 7, W½NW¼, SW¼, S½SE¼;
Secs. 16 to 20, inclusive;
Sec. 21, NE¼, W½;
Sec. 28, W½;
Secs. 29 to 32, inclusive.
T. 6 S., R. 7 E.,
Sec. 4, W½;
Secs. 5 to 8, inclusive;
Sec. 9, W½, W½SE¼, SE¼SE¼;
Secs. 16 to 21 and 27 to 34, inclusive;
Sec. 35, W½NW¼, SW¼, W½SE¼, SE¼SE¼.
T. 7 S., R. 7 E.,
Secs. 2 to 6, inclusive;
Sec. 9, E½NE¼, NE¼SE¼;
Sec. 10, NW¼, NW¼SW¼.

The areas described including both public and non-public lands aggregate 915,854.54.

WILLIAM ZIMMERMAN, JR.,
Associate Director.

[F. R. Doc. 52-7345; Filed, July 3, 1952; 8:45 a. m.]

Bureau of Reclamation

[Commissioner's Order 12]

CHIEF, SUPPLY SERVICES BRANCH ET AL.

REDELEGATION OF AUTHORITY TO SELL, TRANSFER, AND OTHERWISE DISPOSE OF PERSONAL PROPERTY

JUNE 27, 1952.

Pursuant to the authority delegated by the Secretary of the Interior to bureau heads in Order No. 2642 (16 F. R. 6318), the Director of Supply, the Chief, Supply Field Division, Regional Directors and Regional Supply Officers, with respect to personal property under their jurisdictions, respectively, are hereby authorized to dispose of, by sale, transfer, donation, or otherwise, personal property excess to the needs of the Bureau of Reclamation, in accordance with the Federal Property and Administration Services Act of 1949, as amended, and regulations issued thereunder by the Administrator of General Services.

The authority conferred above, insofar as it relates to disposal by sale, may be exercised also by the Chief, Supply Services Branch, the Head, Procurement Section, Regional Procurement Officers, District Supply Officers, District Procurement Officers, Project Heads, Project Supply Officers, and Area Engineers, with respect to personal property under their jurisdictions, respectively.

This order supersedes Commissioner's Order No. 9 (17 F. R.1065).

G. W. LINTWEAVER,
Acting Commissioner.

[F. R. Doc. 52-7347; Filed, July 3, 1952; 8:45 a. m.]

Office of the Secretary

[Order No. 2695]

FINANCE OFFICER, NATIONAL PARK SERVICE

REDELEGATION OF AUTHORITY WITH RESPECT TO NEGOTIATION OF CONTRACT WITH MOTOROLA, INC.

1. The authority delegated to the Secretary of the Interior by the Administrator of General Services on June 4, 1952, to negotiate without advertising, a contract with Motorola, Incorporated, for the purchase of four 60-Watt FM Transmitter and Receiver, mobile units, complete with roof-type antennas, control heads, hang-up brackets, microphone and cables, for two-frequency operations; transmitters, 164.475 mc. and 164.725 mc.; receivers 164.725 mc. (Model FMTRU-140–DC2 (DW) (1a)), at a total cost of not in excess of $2,500, in accord with section 302 (c) (12) of the

Federal Property and Administrative Services Act of 1949, hereinafter called the act, is redelegated to the Finance Officer of the National Park Service.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings, the preservation of data, and report to the General Accounting Office.

3. This authority is redelegated to the Finance Officer of the National Park Service within the limitations of section 307 (b) of the act.

Issued this 27th day of June 1952.

R. D. SEARLES,
Under Secretary of the Interior.

[F. R. Doc. 52-7346; Filed, July 3, 1952; 8:45 a. m.]

ALASKA

NOTICE OF POSTPONEMENT OF HEARING IN CONNECTION WITH PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE

Notice is hereby given that the public hearing with respect to a proposed withdrawal for the Department of the Army which was scheduled to be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at 10:00 a. m. on July 1, 1952, at the American Legion Log Cabin located at the corner of G Street and Fifth Avenue, Anchorage, Alaska, by a notice dated June 17, 1952, published in the FEDERAL REGISTER of June 24, 1952 (17 F. R. 5677), is hereby postponed until 10:00 a. m. on Friday, August 1, 1952.

The hearing will be open to the attendance of all interested persons, including individuals, local officers, officers of Federal and Territorial agencies, and representatives of individuals or organizations.

All persons wishing to be heard with respect to the proposed withdrawal should notify Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Federal Building, Anchorage, Alaska, before 10:00 o'clock a. m. August 1, 1952. Those desiring to submit written statements should submit them as soon as possible before the hearing.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JUNE 27, 1952.

[F. R. Doc. 52-7344; Filed, July 3, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FLUE-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1953.[1] A referendum of farmers who were engaged in the production of the 1952 crop of flue-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to flue-cured tobacco marketing quotas for the 3-year period beginning July 1, 1953.

Registration. The operator on each farm on which flue-cured tobacco was produced in 1952 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

Eligibility to vote. All persons engaged in the production of the 1952 crop of flue-cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1952 crop of flue-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or share cropper, is considered as engaged in the production of such crop of tobacco in 1952.

2. If several members of the same family participate in the production of the 1952 crop of flue-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1952 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of flue-cured tobacco in 1952.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of flue-cured tobacco in 1952 may obtain a ballot at the most conveniently located county committee office and may cast his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1952 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in paragraph 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1952 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1952 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1952.

7. In the event two or more persons were engaged in producing tobacco in 1952 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

8. The referendum will be held on Saturday, July 19, 1952. The place of voting and the hours which the polls will be open for voting in each community will be announced by the County PMA Committee.

Done at Washington, D. C., this 1st day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7381; Filed, July 3, 1952; 8:49 a. m.]

[1] See Title 7, Chapter VII, Part 725, *supra*.

FEDERAL POWER COMMISSION

[Docket No. G-1821]

COLORADO-WYOMING GAS CO.

NOTICE OF FINAL DECISION

JUNE 30, 1952.

Notice is hereby given that the Presiding Examiner's Decision, issuing a certificate of public convenience and necessity in the above-designated matter, was issued and served upon all parties on May 26, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on June 26, 1952, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7348; Filed, July 3, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2690]

HEVI DUTY ELECTRIC CO.

ORDER PERMITTING ISSUANCE OF SIX-MONTH BANK LOAN NOTE

JUNE 30, 1952.

Hevi Duty Electric Company ("Hevi Duty"), a non-utility company which is a subsidiary of the North American Company, a registered holding company, has filed a declaration or application and an amendment thereto pursuant to sections 6 and 7 of the act with respect to the following proposed transaction:

The company is engaged in the business of manufacturing and selling electric furnaces and certain other electrical equipment. The increasing amount of the company's operations as a prime contractor or subcontractor on projects related to the national defense effort has resulted in expanding the company's manufacturing and sales activities to the point where additional working funds are presently required. Accordingly, the company proposes to enter into an agreement with the Chemical Bank & Trust Company of New York for a bank loan of $300,000, such bank loan to be evidenced by an unsecured promissory note to extend for a period of six months with the privilege on the part of the company for renewal for an additional six months period, and to bear interest at the rate of 3 percent per annum. No fees, commissions or other remuneration are to be paid to any third person in connection with negotiating the proposed transaction.

The company states that no regulatory commission other than this Commission has jurisdiction over the proposed transaction and has requested that the Commission's order herein become effective upon issuance.

While the company apparently has submitted the above filing as a declaration pursuant to sections 6 (a) and 7 of the act, it appears that the filing should be treated as an application pursuant to section 6 (b) seeking an exemption from sections 6 (a) and 7 of the act.

Due notice having been given of the filing of the application, as amended, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application, as amended, be granted:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the aforesaid note shall not be renewed except pursuant to further order of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7349; Filed, July 3, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

TUNA FISH

NOTICE OF INVESTIGATION

By direction of the Committee on Finance of the United States Senate on June 26, 1952, the United States Tariff Commission, on the 30th day of June 1952, instituted a general investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the domestic tuna industry, including the effect of imports of fresh or frozen tuna fish on the livelihood of American fishermen.

The purpose of the investigation is to determine the facts relative to the production, trade, and consumption of tuna fish in the United States, taking into account all relevant factors affecting the domestic economy, including the interests of consumers, processors, and producers. Upon completion of the investigation the Commission will submit a report of the results thereof to the Senate Finance Committee. Such report will include a statement of findings as to the effect upon the competitive position of the domestic tuna fishing industry of the present duty-free entry of fresh and frozen tuna.

A public hearing at which all interested parties will be given opportunity to express their views will be held in connection with this investigation. The time and place of such hearing will be announced at a future date.

I hereby certify that the above investigation was instituted by the United States Tariff Commission on the 30th day of June 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-7366; Filed, July 3, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 500A-297]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945, Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) named in Column 4 of Exhibit A, set forth below and made a part hereof, and whose last known addresses are listed in said Exhibit A as being in a foreign country (Germany), on or since December 11, 1941, and prior to January 1, 1947, were residents of, or organized under the laws of, and had their principal places of business in, such foreign country and are, and prior to January 1, 1947, were, nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons named in Column 4 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who, on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of, or which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of or had their principal places of business in, Germany, and are, and prior to January 1, 1947, were, nationals of such foreign country, in, to, and under the following:

a. The literary property in the works described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization, and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power, and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion, or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is and prior to January 1, 1947, was property of, and property payable or held with respect to copyrights or rights related thereto in which interests are and prior to January 1, 1947, were held by, and such property itself constitutes interests which are and prior to January 1, 1947, were held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 16, 1952.

For the Attorney General

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names of authors	Column 4 Names and last known addresses of owners
E Foreign 48865	Sag beim Abschied leise "Servus."	Harry Hilm and H. J. Lengefelder.	Edition Meisel & Co. G. m. b. H. Berlin, Germany.
E Foreign 38123	Schon ist jeder Tag, Marie-Luise.	Willi Meisel	Do.

[F. R. Doc. 52-7362; Filed, July 3, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 30, Section 3 (d), Special Order 1]

HUDSON MOTOR CAR CO.

APPROVAL OF LIST PRICE AND DISCOUNT STRUCTURES THAT WERE IN PROCESS OF REVISION ON JUNE 24, 1950

Statement of considerations. A schedule of suggested list prices and discounts for resellers of replacement parts manufactured by the Hudson Motor Car Company published October 1, 1950 is approved by this Special Order pursuant to section 3 (d) of Ceiling Price Regulation 30. Section 3 (d) of Ceiling Price Regulation 30 authorizes the Director of Price Stabilization to approve manufacturers revised published price lists if such lists were revised before June 24, 1950 and incidentally, in connection therewith, revised discount structures, provided the manufacturer actually issued and made effective these new published list prices and discount structures on or before January 24, 1951.

On the basis of the statements made in the application of the Hudson Motor Car Company and the facts submitted by it, it appears that the Hudson Motor Car Company was in the process of revising its published list price and discount structures for replacement parts prior to June 24, 1950 and that it issued and put these new published list price and discount structures into effect before January 25, 1951.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 (d) of Ceiling Price Regulation 30, this Special Order is hereby issued.

1. The revised published price list and discount structure for replacement parts published by the Hudson Motor Car Company, Detroit 14, Michigan on October 1, 1950 is hereby approved.

2. The Hudson Motor Company, Detroit 14, Michigan shall certify to its resellers of replacement parts who use such price list that its revised price list and discount structures published October 1, 1950 have been approved by the Director of Price Stabilization.

3. All provisions of Ceiling Price Regulation 30 not inconsistent with this order, remain in effect so far as the Hudson Motor Car Company, Detroit 14, Michigan is concerned.

4. This Special Order or any provision thereof, may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This Special Order is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7320; Filed, June 30, 1952; 4:37 p. m.]

[Ceiling Price Regulation 67, Supplementary Regulation 2, Special Order 1]

FORD MOTOR CO.

MANUFACTURERS SUGGESTED RESALE PRICES

Statement of considerations. A schedule of suggested list prices and discounts for resellers of automotive parts and accessories manufactured by the Ford Motor Company is established by this Special Order pursuant to section 2 of Supplementary Regulation 2 of Ceiling Price Regulation 67. Supplementary Regulation 2 to Ceiling Price Regulation 67 authorizes the Director of Price Stabilization to approve manufacturers' new published price lists provided the manufacturers' net ceiling price per item will not be affected by the new price lists, and that the weighted average margins of resellers using the proposed price list will not exceed the weighted average margins of resellers using the price list in effect in the period April 1, 1950, to June 24, 1950.

On the basis of the statements made in the application of the Ford Motor Company and the facts submitted by it, it appears that the Ford Motor Company is proposing a change in its published price list for automotive parts and accessories, and that its own net ceiling price per item will not be affected by the change. It further appears that on the basis of resellers' volume of sales during the 1950 fiscal year and other data submitted by the Ford Motor Company, the weighted average margin of resellers using the proposed price list will be no greater than the weighted average margin of resellers using the price list in effect in the period April 1, 1950, to June 24, 1950.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Supplementary Regulation 2 to Ceiling Price Regulation 67, this Special Order is hereby issued.

1. The revised published price lists of the Ford Motor Company, Dearborn, Michigan, for its automotive parts and accessories as described in its application of June 4, 1952, are hereby approved.

2. Discount schedules for commodities subsequently added to the price lists shall follow the same pattern and incorporate the same general methods as those approved in paragraph 1 of this Special Order.

3. This Special Order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order is effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7328; Filed, June 30, 1952; 4:38 p. m.]

[Ceiling Price Regulation 9, S. R. 3, Special Order 7, Amdt. 1]

GENERAL TIME CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 7 under SR 3 to CPR 9 established uniform prices for the sale of "Westclox" branded items in the Territory of Hawaii. The General Time Corporation now wishes to add another clock, the "Sphinx", to its line of Westclox timepieces. This amendment, therefore, incorporates the price list for that clock into the Special Order.

Amendatory provisions. Special Order 7 under SR 3 to CPR 9 is amended by changing paragraph number 1 to read as follows:

1. The ceiling prices for the sale by any retailer or wholesaler in the Territory of Hawaii of watches and clocks manufactured by Westclox, Division of General Time Corporation, LaSalle, Illinois, bearing the brand name "Westclox", are the retail and wholesale prices listed in the application of the General Time Corporation dated November 21, 1951, as amended by a supplementary application dated April 11, 1952, and as further amended by a supplementary application dated April 30, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as possible. On and after the date of a receipt of a copy of this special order, with notice of prices annexed, but in no event later than May 15, 1952, or in the case of the supplementary application dated April 30, 1952, no later than July 7, 1952, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than ceiling prices.

Effective date. This Amendment 1 to Special Order 7 shall become effective on June 27, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

JUNE 27, 1952.

[F. R. Doc. 52-7241; Filed, June 27, 1952; 2:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 18]

PARIS FIELD, GREEN TOWNSHIP OF MECOSTA COUNTY, MICHIGAN

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon Traverse Type crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from this field was sold at a lower price than is being and has been paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is $2.80 per barrel.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for Traverse Type crude petroleum produced from the Paris Field, Green Township of Mecosta County, Michigan shall be: $2.80 per barrel.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7321; Filed, June 30, 1952; 4:37 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 1]

GENERAL MOTORS CORP.

CEILING PRICES FOR WHOLESALE LABOR WARRANTY SERVICES FOR CERTAIN NEW PRODUCTS

Statement of considerations. This Special Order 1, isued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes ceiling prices for wholesale labor warranty services rendered to General Motors Corporation, or to its authorized distributors or dealers, on Model CMO-1 Ice Cube Maker and Model FFOR-8-X Frozen Food Display Case, by dealers who have not sold the commodities to be serviced, or by central service firms.

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers, or by central service firms, to it or its distributor organization, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

Model CMO-1 Ice Cube Maker and Model FFOR-8-X Frozen Food Display Case are new products manufactured by General Motors Corporation which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold by its dealers or by central service firms to it, or its distributor organization, as an incident of the sale of such new commodities.

The contracts General Motors Corporation has with its authorized dealers require the dealers to provide labor warranty services to customers to whom they sell commodities, without any charge to anyone other than their mark-up on the commodity. If the dealer who sells the commodity, however, has no service department, or if one dealer sells in another dealer's service area, or if the customer moves from one service area to another, and in some other circumstances, the dealer who sells the commodity is not required to provide such warranty services, but he is required to pay a uniform price, set by General Motors Corporation to his distributor who in turn will pay that price to another dealer, or to a central service firm, to provide such labor warranty services. When the commodity to be serviced is located in the service area of a different distributor, the distributor whose dealer sold the commodity pays the price for the labor warranty service to General Motors Corporation which in turn pays it to the distributor in whose service area the commodity is located, who in turn pays it to a dealer or central service firm to provide labor warranty services.

The ceiling prices established by this Special Order are based upon anticipated direct labor and material costs of rendering the wholesale labor warranty service described above, and are in line with ceiling prices for comparable wholesale labor warranty services furnished to General Motors Corporation and to other manufacturers on similar commodities by their respective dealers or by central service firms.

This Special Order applies only to wholesale labor warranty services furnished to General Motors Corporation, or to its distributors or dealers, by dealers who have not sold the commodities to be furnished, or by central service firms.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, this Special Order is hereby issued.

1. The ceiling prices which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay for first-year wholesale labor warranty services, on the commodities listed below, to central service firms or dealers who have not sold the commodities, and which such central service firms or dealers may charge General Motors Corporation or its distributors or dealers for such services, are as follows:

Commodity	*Ceiling price for first-year wholesale labor warranty services*
Model CMO-1 Ice Cube Maker	$33.85
Model FFOR-8-X Frozen Food Display Case	17.75

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this Special Order. All other provisions of Ceiling Price Regulation 34 except as changed by this Special Order remain in effect as to such services.

3. This Special Order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order 1 shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7322; Filed, June 30, 1952; 4:38 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27190]

COAL FROM LAKE SUPERIOR DOCKS IN WISCONSIN TO MINNESOTA

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed on attached.

Commodities involved: Coal, in carloads.

From: Lake Superior Docks in Wisconsin.

To: Points in Minnesota.

Grounds for relief: Competition with rail carriers, lake port competition.

Schedules filed containing proposed rates:

C. M. St. P. & P. Ry. ICC No. B-7186, supl. 62.
C. M. St. P & P Ry. ICC No. B-7287, supl. 133.
C. St. P. M. & O. Ry. ICC No. 4849, supl. 75.
G. N. Ry. ICC No. A-7889, supl. 76
G. N. Ry. ICC No. A-7891, supl. 69
M. St. P. & SS M. Ry. ICC No. 7055, supl. 61.
N. P. Ry. ICC No. 9540, supl. 66.

Any interested person desiring the Commission to hold a hearing upon such

[4th Sec. Application 27191]

sion in writing so to do within 15 days

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application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7350; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27192]

CRUDE OIL FROM WATFORD CITY, N. DAK., TO POINTS IN MINNESOTA AND SUPERIOR, WIS.

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company.

Commodities involved: Crude oil in its natural state, or crude petroleum oil which has been subject to natural weathering etc., in tankcar loads.

From: Watford City, N. Dak.

To: St. Paul, Minn., Minnesota Transfer and Duluth, Minn., and Superior, Wis.

Grounds for relief: Competition with rail carriers, competition with motor carriers, market competition.

Schedules filed containing proposed rates: Great Northern Railway ICC No. A-8163, sup. 59.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7352; Filed, July 3, 1952; 8:46 a. m.]

[4th sec. Application 27191]

THREAD FROM OTTLEY, GA., TO SKOKIE, ILL.

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 899, pursuant to fourth section order No. 16101.

Commodities involved: Thread, crochet, darning, embroidery, or knitting, cotton, carloads.

From: Ottley, Ga.

To: Skokie, Ill.

Grounds for relief: Circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7351; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27193]

FENCE POSTS FROM ARKANSAS AND OKLAHOMA TO IOWA

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3954.

Commodities involved: Fence posts, wooden, carloads.

From: Points in Arkansas and Oklahoma.

To: Points in Iowa.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3954, sup. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7353; Filed, July 3, 1952; 8:46 a. m.]

[4th Sec. Application 27194]

PAPER AND PAPER ARTICLES FROM POINTS IN KANSAS AND MISSOURI TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATION FOR RELIEF

JULY 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff ICC No. A-3831.

Commodities involved: Paper and paper articles, less-than-carloads.

From: Atchison and Leavenworth, Kans., Kansas City, Mo.-Kans., and St. Joseph, Mo.

To: Vicksburg and Natchez, Miss., Baton Rouge and New Orleans, La., and Helena, Ark.

Grounds for relief: Competition with rail carriers, competition with motor carriers.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3831, sup. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7354; Filed, July 3, 1952; 8:46 a. m.]

Reference Room

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VOLUME 17 NUMBER 132

Washington, Tuesday, July 8, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

APPLICABILITY OF REGULATIONS; TIME LIMIT FOR APPEALS TO THE COMMISSION

1. Section 22.1 (d) is amended to read as follows:

§ 22.1 *Applicability of regulations.*

* * *

(d) *Notice of reduction in rank or compensation resulting from Commission's position classification decisions.* Preference eligible employees who are to be reduced in grade or rank as a result of the Commission's position classification decisions shall be given at least thirty (30) days' advance written notice, stating any and all reasons, specifically and in detail, for such proposed action.

2. Section 22.4 is amended to read as follows:

§ 22.4 *Appeals to the Commission; time limit.* The Commission will not entertain an appeal for consideration or review of any action under section 14 of the Veterans' Preference Act of 1944 prior to an adverse decision making effective the discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation. Ten (10) days after the effective date of the adverse decision shall be considered as a reasonable time to prepare and submit an appeal under this section: *Provided,* That in a reduction in rank (grade) resulting from a classification decision of an employing agency, where there is a right to appeal the position classification to the agency under its established administrative procedures, the time limit on the appeal to the Commission shall be either ten (10) days after the effective date of the adverse decision or ten (10) days after the decision by the agency on the administrative position classification appeal, at the election of the employee. The time limit may be extended in the discretion of the Commission upon a showing by the employee that he was not notified of his right to appeal as provided in § 22.3 and was unaware of his right in this respect or that circumstances beyond his control prevented him from filing an appeal within the prescribed ten (10) days.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 52-7401; Filed, July 7, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Burley and Flue-53)-3]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

GENERAL

Sec.
725.411 Basis and purpose.
725.412 Definitions.
725.413 Extent of calculations and rule of fractions.
725.414 Instructions and forms.
725.415 Applicability of §§ 725.411 to 725.428.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

725.416 Determination of 1953 preliminary acreage allotments for old farms.
725.417 1953 old farm tobacco acreage allotment.
725.418 Adjustment of acreage allotments for old farms.
725.419 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.

(Continued on p. 6065)

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Ahlswede, August (2 documents) 6137, 6140
Bitz, Morris 6140
Friederichs, Hugo 6137
Juchem, August 6138
Juernewitz, Meinhard 6138
Klein, Hans, et al 6138
Koerbit, Fred 6139
Ludewig, Ferdinand Heinrich Karl 6139
Malchow, Martin E 6139
Strobach, Carl H 6140

Civil Aeronautics Board
Notices:
Pacific-Northwest-Alaska tariff investigation; hearing 6131

Civil Service Commission
Rules and regulations:
Appeals of preference eligibles under Veterans' Preference Act of 1944; miscellaneous amendments 6063

Commerce Department
See also Federal Maritime Board.
Notices:
Memorandum of agreement concerning scope of term farm equipment as used in E. O. 10161 6131

Commodity Credit Corporation
Rules and regulations:
Wheat; 1952-crop loan and purchase agreement program; support rates 6069

Defense Mobilization, Office of
Notices:
Williston, North Dakota; determination and certification of a critical defense housing area 6134

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

FEDERAL REGISTER

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Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Deposit Insurance Corporation — Page
Notices:
Resolution authorizing call for report of condition:
Insured Mutual Savings Banks not members of the Federal Reserve System — 6132
Insured State banks not members of the Federal Reserve System except banks in the District of Columbia and Mutual Savings Banks — 6132

Federal Maritime Board
Notices:
Pacific Transport Lines, Inc., et al.; agreements filed with Board — 6130

Federal Power Commission
Notices:
Hearings, etc.:
Crisp County, Ga. — 6133
Tennessee Gas Transmission Co. — 6133

Federal Trade Commission
Rules and regulations:
Fur Products Labeling Act, rules and regulations under — 6075

Fish and Wildlife Service
Rules and regulations:
Squaw Creek National Wildlife Refuge, Missouri; State fishing laws — 6101

Housing and Home Finance Agency
Notices:
Central Office organization; description of agency and programs and final delegations of authority — 6133
Regional Representative and Engineer; delegation of authority with respect to disaster relief program — 6133

Immigration and Naturalization Service
Rules and regulations:
Nationality regulations; photographs required with applications — 6074

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of; Petroleum Administration for Defense.

Interstate Commerce Commission
Notices:
Applications for relief:
Merchandise in mixed carloads from certain Eastern points to points in Georgia and Florida — 6133
Pig iron from certain Eastern points to points in New England territory — 6133
Proposed rule making:
Transportation of explosives and other dangerous articles — 6102
Uniform system of accounts for carriers by inland and coastal waterways; account 151; acquisition, adjustment, modification — 6116

Justice Department — Page
See Alien Property, Office of; Immigration and Naturalization Service.

Land Management, Bureau of
Notices:
Notice for filing objections to orders:
Alaska; reserving public land for use of Department of Army in connection with Alaska communication system — 6128
New Mexico; withdrawing public land for use of Department of State in connection with Rio Grande canalization project — 6128
Utah; withdrawing public lands for mineral location — 6128
Rules and regulations:
Lease or sale of small tracts not exceeding five acres, for home, cabin, camp, health, convalescent, recreational or business sites; offers to lease public land in Alaska in terminated lease — 6099
Public land orders:
Alaska — 6100
Arizona — 6099
Florida — 6100
New Mexico — 6100
Michigan — 6101
Utah — 6100

Petroleum Administration for Defense
Notices:
Notice of termination of certain provisions of PAD Instruction 2 — 6128

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegation of authority:
Region VI, Cleveland, Ohio; act under CPR 31 — 6131
Region VII, Chicago, Ill., act under CPR 17 — 6131
Region VIII, Minneapolis, Minn.; act under:
CPR 7 — 6132
CPR 117 — 6132
List of community ceiling price orders in Region V and Region XII — 6132
Rules and regulations:
Automotive parts, rebuilt and used; catalog pricing for certain long term mail order sellers (CPR 139, SR 1) — 6086
Manufacturers' general ceiling price regulation; rounding of ceiling prices by manufacturers who have established uniform ceiling prices for resellers (CPR 22) — 6085
Rice, milled; ceiling prices for fortified or enriched rice (CPR 12) — 6084
Untreated eastern railroad ties, ceiling prices for; suspension from ceiling prices of producers' sales for export of untreated southern pine cross ties (CPR 123, SR 1) — 6086

CONTENTS—Continued

Production and Marketing Administration — Page
Notices:
Memorandum of agreement concerning scope of term farm equipment as used in E. O. 10161 — 6129
Sugarcane industry; wage rates and prices; hearing — 6130
Proposed rule making:
Milk handling in Central West Texas marketing area — 6116
Potatoes, Irish, grown in Washington; notice of proposed budget and rate of assessment — 6127
Rules and regulations:
Agricultural imports (DFO 3) — 6088
Determination relating to imports under the Defense Production Act — 6090
Processed fruits and vegetables; set aside requirements for canned:
Fruits (DFO 2, SO 2) — 6088
Vegetables (DFO 2, SO 1) — 6087
Tobacco, burley and flue-cured; marketing quota regulations 1953–54 marketing year — 6063

Public Housing Administration
See Housing and Home Finance Agency.

Renegotiation Board
Rules and regulations:
Mandatory exemption from renegotiation — 6083
Methods of segregating renegotiable and nonrenegotiable sales — 6083
Partial mandatory exemption of subcontracts for new durable productive equipment — 6083
Permissive exemptions from renegotiation — 6083
Prime contracts and subcontracts within the scope of the Act — 6083
Receipts or accruals under statutory minimum — 6083

Rent Stabilization, Office of
Rules and regulations:
Procedures for adjustments, administrative review and interpretation — 6091
Specific provisions relating to individual defense-rental areas or portions thereof:
Motor courts — 6099
Rooms — 6099

Securities and Exchange Commission
Notices:
Hearings, etc.:
Atlas Corp. and Northeast Airlines, Inc. — 6136
Central Massachusetts Gas Co. and New England Electric System — 6135
General Public Utilities Corp. — 6135
Gloucester Gas Light Co. and New England Electric System — 6134
National Assn. of Securities Dealers, Inc. — 6137
Pennsylvania Edison Co. et al. — 6134
Public Service Co. of New Hampshire — 6134

Securities and Exchange Commission—Continued — Page
Proposed rule making:
Broker and dealer effecting transactions for associates of another dealer — 6127

State Department
Rules and regulations:
Ocean shipments of supplies by voluntary nonprofit relief agencies — 6081
Parcel post shipments of individual relief packages — 6081
Registration of agencies for voluntary foreign aid — 6082

War Claims Commission
Rules and regulations:
Practice before the Commission; schedule of fees — 6101

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
Jan. 30, 1915 (revoked in part by PLO 853) — 6101
Title 5
Chapter I:
Part 22 — 6063
Title 6
Chapter IV:
Part 601 — 6069
Title 7
Chapter VII:
Part 725 — 6063
Chapter IX:
Part 982 (proposed) — 6116
Part 992 (proposed) — 6127
Title 8
Chapter I:
Part 322 — 6074
Part 324 — 6074
Part 347 — 6074
Part 362 — 6074
Part 364 — 6074
Part 365 — 6074
Part 370 — 6074
Part 378 — 6074
Part 379 — 6074
Part 380 — 6075
Part 382 — 6075
Part 383 — 6075
Title 16
Chapter I:
Part 301 — 6075
Title 17
Chapter II:
Part 240 (proposed) — 6127
Title 22
Chapter I:
Part 96 — 6081
Part 97 — 6081
Part 98 — 6082
Title 32
Chapter XIV:
Part 1452 — 6083
Part 1453 — 6083
Part 1454 — 6083
Part 1455 — 6083
Part 1456 — 6083
Part 1458 — 6083

CODIFICATION GUIDE—Con.

Title 32A — Page
Chapter III (OPS):
CPR 12 — 6084
CPR 22 — 6085
CPR 123, SR 1 — 6086
CPR 139, SR 1 — 6086
Chapter XVI (PMA):
DFO 2, SO 1 — 6087
DFO 2, SO 2 — 6088
DFO 3 (2 documents) — 6088, 6090
Chapter XXI (ORS):
RPR 3 — 6091
RR 2 — 6099
RR 4 — 6099
Title 43
Chapter I:
Part 257 — 6099
Appendix (Public land orders):
267 (revoked by PLO 849) — 6100
848 — 6099
849 — 6100
850 — 6100
851 — 6100
852 — 6100
853 — 6101
Title 45
Chapter V:
Part 501 — 6101
Title 49
Chapter I:
Part 71 (proposed) — 6102
Part 72 (proposed) — 6102
Part 73 (proposed) — 6102
Part 74 (proposed) — 6106
Part 77 (proposed) — 6106
Part 78 (proposed) — 6106
Part 324 (proposed) — 6116
Title 50
Chapter I:
Part 33 — 6101

Sec.
725.420 Reallocation of allotments released from farms removed from agricultural production.
725.421 Farms divided or combined.
725.422 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

725.423 Determination of acreage allotments for new farms.
725.424 Time for filing application.
725.425 Determination of normal yields.

MISCELLANEOUS

725.426 Determination of acreage allotments and normal yields for farms returned to agricultural production.
725.427 Approval of determinations made under §§ 725.411 to 725.426.
725.428 Application for review.

AUTHORITY: §§ 725.411 to 725.428 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 725.411 *Basis and purposes.* The regulations contained in §§ 725.411 to 725.428, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for Burley and flue-cured tobacco. The purpose of the regulations in §§ 725.411 to 725.428 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for

Burley and flue-cured tobacco for the 1953–54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 725.411 to 725.428, public notice (17 F. R. 4896) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 725.411 to 725.428, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. The Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of tobacco producers within 30 days after the issuance of the proclamation of a national marketing quota to determine whether producers favor marketing quotas. Such a proclamation will be issued for flue-cured tobacco on July 1, 1952, or shortly thereafter. Since the act requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the regulations contained in §§ 745.411 to 735.428 shall become effective upon the date of filing with the FEDERAL REGISTER.

§ 725.412 *Definitions.* As used in §§ 725.411 to 725.428, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1952 into the total of the 1952 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* (1) "Tobacco" means Burley tobacco, type 31, or flue-cured tobacco types 11, 12, 13, and 14, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture, or both, as indicated by the context.

(2) Any tobacco that has the same characteristics, and corresponding qualities, colors, and lengths as either Burley or flue-cured tobacco shall be considered respectively either Burley or flue-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 725.413 *Extent of calculations and rules of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example 1.051 would be 1.1 and 1.050 would be 1.0.

§ 725.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 725.415 *Applicability of §§ 725.411 to 725.428.* Sections 725.411 to 725.428 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953, in the case of Burley tobacco, and July 1, 1953, in the case of flue-cured tobacco. The applicability of §§ 725.411 to 725.428 is contingent upon the proclamation of national marketing quotas for tobacco by the Secretary and the approval thereof by growers voting in referenda pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 725.416 *Determination of 1953 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1952 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1950–52 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1948–52: *Provided*, That any such preliminary allotment shall not exceed the 1952 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage allotted to the farm during any one of the three years 1950–52 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm the preliminary allotment for the farm shall be the 1952 allotment.

(c) If no 1952 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1948–52, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1948–52 by the ratio of the farm's actual yield to the 1951 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1952 exceeded the 1952 allotment by more than 10 percent, the preliminary allotment shall be the 1952 allotment plus the smaller of (1) one-fifth of the excess acreage, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1951 county average yield.

(e) The preliminary allotments determined under paragraph (c) or (d) of this section shall not exceed the smallest of (1) the acreage indicated by cropland (2) 20 percent of the acreage of cropland on the farm in the case of flue-cured tobacco, or (3) the acreage capacity of curing barns located on the farm and suitable for curing tobacco, which in the case of flue-cured tobacco shall be 3.5 acres per barn: *Provided*, That no preliminary allotment shall be reduced below the 1952 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 725.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 725.418 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, the farm acreage allotment (a) for any farm having a Burley tobacco acreage allotment in 1942 shall not be less than one-half acre; and (b) for any farm having a Burley tobacco acreage allotment in 1943 shall not be less than the smaller of (1) one acre or (2) 25 percent of the cropland in the farm.

§ 725.418 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 725.416, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year.

§ 725.419 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1953 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1953 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1953 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1953 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 725.420 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm in the case of Burley tobacco and 50 percent of the acreage of cropland on the farm in the case of flue-cured tobacco.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 725.421 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined

for the entire farm shall, if the farm to be divided for 1953 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1948–52), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 allotment shall be the sum of the 1953 allotments determined for each of the farms comprising the combination or, in the case of Burley tobacco, if smaller, the allotment determined or which would have been determined for the farm as constituted in 1953.

(c) If a farm is to be divided in 1953 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section or on such other basis as the State committee determines will result in equitable allotments.

§ 725.422 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1947–51, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 725.423 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 725.420, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed in the case of Burley tobacco 50 percent of the allotments for old Burley farms which are similar with respect to land, labor and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco; and in the case of flue-cured tobacco, the smaller of (1) 15 percent of the cropland in the farm including land from which a cultivated crop was harvested in 1952 or (2) 75 percent of the allotment for old flue-cured tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements of this subparagraph if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Burley or flue-cured tobacco allotment is established for the 1953–54 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1953 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quotas into State acreage allotments.

§ 725.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 725.425 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 725.426 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 725.411 to 725.425, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain, for any purpose and which is returned to agricultural production in 1953 or which was returned to agricultural production in 1952 too late for the 1952 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1953 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 725.427 *Approval of determinations made under §§ 725.411 to 725.426.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 725.411 to 725.426. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 725.428 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 2d day of July 1952. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7422; Filed, July 3, 1952, 8:59 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1952 C. C. C. Grain Price Support Bulletin 1, 17 F. R. 3521 issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952 was supplemented by 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Wheat as amended, 17 F. R. 3693, 4103, 4834, and 5785 containing the specific requirements applicable to price support operations on wheat of the 1952 crop. These regulations are further supplemented as follows:

§ 601.1711 *Support rates.* Basic support rates for wheat placed under loan or delivered under a purchase agreement are as set forth in this section.

(a) *Basic support rates at designated terminal markets.* Basic support rates per bushel for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum, stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market:	Rate per bushel
Albany, N. Y.	$2.62
Astoria, Oreg.	2.44
Baltimore, Md.	2.62
Cairo, Ill.	2.53
Chicago, Ill.	2.53
Council Bluffs, Iowa	2.49
Duluth, Minn.	2.52
East St. Louis, Ill.	2.53
Galveston, Tex.	2.63
Houston, Tex.	2.63
Kansas City, Kans.	2.49
Kansas City, Mo.	2.49
Longview, Wash.	2.44
Los Angeles, Calif.	2.46
Memphis, Tenn.	2.53
Milwaukee, Wis.	2.53
Minneapolis, Minn.	2.52
New Orleans, La.	2.63
New York, N. Y.	2.62
Norfolk, Va.	2.62
Oakland, Calif.	2.46
Omaha, Nebr.	2.49
Philadelphia, Pa.	2.62
Portland, Oreg.	2.44
St. Joseph, Mo.	2.49
St. Louis, Mo.	2.53
St. Paul, Minn.	2.52
San Francisco, Calif.	2.46
Seattle, Wash.	2.44
Sioux City, Iowa	2.49
Superior, Wis.	2.52
Tacoma, Wash.	2.44
Vancouver, Wash.	2.44

(b) *Basic county support rates.* (1) The following basic county support rates per bushel are established for No. 1 dark hard winter, No. 1 hard winter, No. 1 yellow hard winter, No. 1 red winter, No. 1 western red, No. 1 soft white, No. 1 white club, No. 1 western white, No. 1 hard white, No. 1 heavy dark northern spring, No. 1 heavy northern spring, No. 1 heavy red spring, No. 1 hard amber durum, No. 1 amber durum, and No. 1 durum. Both farm-storage and country warehouse-storage loans will be made at the support rate established for the county in which the wheat is stored.

ALABAMA	Rate per bushel
All counties	$2.35

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$1.80	Mohave	$1.93
Cochise	1.97	Navajo	1.80
Coconino	1.85	Pima	2.11
Gila	1.76	Pinal	2.18
Graham	1.92	Santa Cruz	2.08
Greenlee	1.97	Yavapai	1.94
Maricopa	2.18	Yuma	2.19

ARKANSAS

Arkansas	$2.22	Lonoke	$2.23
Baxter	2.18	Madison	2.15
Benton	2.16	Marion	2.17
Boone	2.13	Miller	2.27
Carroll	2.14	Mississippi	2.27
Chicot	2.27	Monroe	2.24
Clay	2.25	Montgomery	2.24
Cleburne	2.24	Nevada	2.26
Conway	2.20	Newton	2.17
Craighead	2.26	Perry	2.19
Crawford	2.15	Phillips	2.26
Crittenden	2.31	Pike	2.26
Cross	2.28	Poinsett	2.27
Desha	2.25	Polk	2.26
Faulkner	2.20	Pope	2.18
Franklin	2.15	Prairie	2.24
Fulton	2.21	Pulaski	2.22
Garland	2.24	Randolph	2.25
Greene	2.25	St. Francis	2.28
Hempstead	2.26	Saline	2.22
Hot Spring	2.26	Scott	2.18
Howard	2.26	Searcy	2.17
Independence	2.23	Sebastian	2.16
Izard	2.20	Sevier	2.26
Jackson	2.25	Sharp	2.22
Johnson	2.17	Stone	2.21
Lafayette	2.27	Van Buren	2.18
Lawrence	2.25	Washington	2.16
Lee	2.28	White	2.25
Lincoln	2.23	Woodruff	2.26
Little River	2.26	Yell	2.18
Logan	2.16		

CALIFORNIA

Alameda	$2.33	Plumas	$2.13
Butte	2.26	Riverside	2.27
Calaveras	2.28	Sacramento	2.30
Colusa	2.26	San Benito	2.30
Contra Costa	2.33	San Bernardino	2.30
El Dorado	2.25	San Diego	2.27
Fresno	2.26	San Joaquin	2.31
Glenn	2.25	Imperial	2.25
Kern	2.26	San Luis Obispo	2.25
Kings	2.26	San Mateo	2.34
Lake	2.28	Santa Barbara	2.27
Lassen	2.11	Santa Clara	2.33
Los Angeles	2.52	Santa Cruz	2.31
Madera	2.28	Shasta	2.20
Marin	2.34	Sierra	2.13
Merced	2.29	Siskiyou	2.12
Modoc	2.07	Solano	2.32
Monterey	2.28	Sonoma	2.32
Napa	2.32	Stanislaus	2.30
Nevada	2.11	Sutter	2.27
Orange	2.31	Tehama	2.24
Placer	2.28	Trinity	2.20
Tulare	2.26	Yolo	2.30
Ventura	2.32	Yuba	2.28

COLORADO

Adams	$2.14	Kiowa	$2.16
Alamosa	2.05	Kit Carson	2.16
Arapahoe	2.14	La Plata	1.97
Archuleta	1.97	Larimer	2.14
Baca	2.15	Las Animas	2.14
Bent	2.15	Lincoln	2.14
Boulder	2.14	Logan	2.14
Chaffee	2.00	Mesa	1.97
Cheyenne	2.16	Moffat	1.97
Conejos	2.04	Montezuma	1.85
Costilla	2.05	Montrose	1.97
Crowley	2.14	Morgan	2.14
Custer	2.05	Otero	2.14
Delta	1.97	Ouray	1.97
Denver	2.14	Phillips	2.16
Dolores	1.80	Pitkin	1.97
Douglas	2.14	Prowers	2.16
Eagle	1.98	Pueblo	2.14
Elbert	2.14	Rio Blanco	1.97
El Paso	2.14	Rio Grande	2.04
Fremont	2.08	Routt	1.97
Garfield	1.97	Saguache	2.01
Grand	2.02	San Miguel	1.82
Gunnison	1.97	Sedgwick	2.17
Hinsdale	1.97	Summit	2.02
Huerfano	2.10	Washington	2.14
Jackson	1.82	Weld	2.14
Jefferson	2.14	Yuma	2.15

CONNECTICUT

All counties	$2.39

DELAWARE

Kent	$2.44
New Castle	2.44
Sussex	2.44

GEORGIA

All counties	$2.38

IDAHO

Ada	$2.02	Gem	$2.03
Adams	2.00	Gooding	1.97
Bannock	1.95	Idaho	2.09
Bear Lake	1.96	Jefferson	1.94
Benewah	2.11	Jerome	1.96
Bingham	1.95	Kootenai	2.11
Blaine	1.94	Latah	2.11
Boise	2.02	Lemhi	1.92
Bonner	2.09	Lewis	2.09
Bonneville	1.94	Lincoln	1.95
Boundary	2.07	Madison	1.94
Butte	1.94	Minidoka	1.95
Camas	1.94	Nez Perce	2.11
Canyon	2.02	Oneida	1.95
Caribou	1.95	Owyhee	2.02
Cassia	1.94	Payette	2.04
Clark	1.94	Power	1.95
Clearwater	2.11	Shoshone	2.08
Custer	1.94	Teton	1.94
Elmore	2.00	Twin Falls	1.94
Franklin	1.95	Valley	2.01
Fremont	1.94	Washington	2.04

ILLINOIS

Adams	$2.30	Cumberland	$2.33
Alexander	2.33	De Kalb	2.35
Bond	2.34	De Witt	2.33
Boone	2.34	Douglas	2.33
Brown	2.30	Du Page	2.36
Bureau	2.32	Edgar	2.32
Calhoun	2.33	Edwards	2.33
Carroll	2.31	Effingham	2.32
Cass	2.33	Fayette	2.33
Champaign	2.33	Ford	2.33
Christian	2.33	Franklin	2.33
Clark	2.32	Fulton	2.32
Clay	2.32	Gallatin	2.26
Clinton	2.35	Greene	2.34
Coles	2.33	Grundy	2.34
Cook	2.36	Hamilton	2.32
Crawford	2.31	Hancock	2.29

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Hardin	$2.27	Morgan	$2.33
Henderson	2.30	Moultrie	2.33
Henry	2.31	Ogle	2.33
Iroquois	2.34	Peoria	2.32
Jackson	2.33	Perry	2.33
Jasper	2.31	Piatt	2.33
Jefferson	2.33	Pike	2.31
Jersey	2.35	Pope	2.31
Jo Daviess	2.31	Pulaski	2.33
Johnson	2.27	Putnam	2.33
Kane	2.36	Randolph	2.33
Kankakee	2.36	Richland	2.31
Kendall	2.35	Rock Island	2.31
Knox	2.31	St. Clair	2.35
Lake	2.37	Saline	2.29
La Salle	2.34	Sangamon	2.32
Lawrence	2.31	Schuyler	2.31
Lee	2.33	Scott	2.33
Livingston	2.33	Shelby	2.33
Logan	2.33	Stark	2.32
McDonough	2.30	Stephenson	2.31
McHenry	2.35	Tazewell	2.33
McLean	2.33	Union	2.33
Macon	2.33	Vermilion	2.33
Macoupin	2.35	Wabash	2.31
Madison	2.35	Warren	2.31
Marion	2.33	Washington	2.33
Marshall	2.33	Wayne	2.31
Mason	2.33	White	2.30
Massac	2.31	Whiteside	2.32
Menard	2.33	Will	2.36
Mercer	2.30	Williamson	2.33
Monroe	2.34	Winnebago	2.32
Montgomery	2.33	Woodford	2.33

INDIANA

Adams	$2.27	Lawrence	$2.30
Allen	2.28	Madison	2.28
Bartholomew	2.27	Marion	2.28
Benton	2.32	Marshall	2.31
Blackford	2.29	Martin	2.24
Boone	2.29	Miami	2.30
Brown	2.24	Monroe	2.32
Carroll	2.32	Montgomery	2.31
Cass	2.31	Morgan	2.32
Clark	2.30	Newton	2.35
Clay	2.33	Noble	2.28
Clinton	2.31	Ohio	2.26
Crawford	2.26	Orange	2.30
Daviess	2.27	Owen	2.29
Dearborn	2.26	Parke	2.29
Decatur	2.25	Perry	2.28
De Kalb	2.28	Pike	2.26
Delaware	2.27	Porter	2.35
Dubois	2.26	Posey	2.31
Elkhart	2.30	Pulaski	2.34
Fayette	2.26	Putnam	2.32
Floyd	2.30	Randolph	2.28
Fountain	2.29	Ripley	2.26
Franklin	2.24	Rush	2.26
Fulton	2.31	Saint Joseph	2.31
Gibson	2.29	Scott	2.30
Grant	2.29	Shelby	2.26
Greene	2.30	Spencer	2.28
Hamilton	2.29	Starke	2.34
Hancock	2.27	Steuben	2.28
Harrison	2.29	Sullivan	2.33
Hendricks	2.28	Switzerland	2.27
Henry	2.28	Tippecanoe	2.32
Howard	2.29	Tipton	2.29
Huntington	2.28	Union	2.26
Jackson	2.27	Vanderburgh	2.30
Jasper	2.35	Vermillion	2.34
Jay	2.28	Vigo	2.34
Jefferson	2.29	Wabash	2.30
Jennings	2.27	Warren	2.33
Johnson	2.28	Warrick	2.27
Knox	2.30	Washington	2.30
Kosciusko	2.29	Wayne	2.28
Lagrange	2.29	Wells	2.27
Lake	2.35	White	2.34
La Porte	2.33	Whitley	2.29

IOWA

Adair	$2.28	Benton	$2.27
Adams	2.30	Black Hawk	2.27
Allamakee	2.28	Boone	2.27
Appanoose	2.27	Bremer	2.28
Audubon	2.30	Buchanan	2.27

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Buena Vista	$2.29	Lee	$2.29
Butler	2.28	Linn	2.28
Calhoun	2.28	Louisa	2.29
Carroll	2.30	Lucas	2.27
Cass	2.30	Lyon	2.31
Cedar	2.29	Madison	2.27
Cerro Gordo	2.29	Mahaska	2.25
Cherokee	2.32	Marion	2.25
Chickasaw	2.29	Marshall	2.27
Clarke	2.27	Mills	2.33
Clay	2.28	Mitchell	2.30
Clayton	2.27	Monona	2.33
Clinton	2.30	Monroe	2.26
Crawford	2.31	Montgomery	2.32
Dallas	2.27	Muscatine	2.29
Davis	2.28	O'Brien	2.31
Decatur	2.26	Osceola	2.29
Delaware	2.27	Page	2.31
Des Moines	2.29	Palo Alto	2.28
Dickinson	2.28	Plymouth	2.33
Dubuque	2.29	Pocahontas	2.23
Emmet	2.30	Polk	2.27
Fayette	2.28	Pottawattamie	2.33
Floyd	2.29	Poweshiek	2.26
Franklin	2.28	Ringgold	2.27
Fremont	2.32	Sac	2.29
Greene	2.28	Scott	2.30
Grundy	2.27	Shelby	2.32
Guthrie	2.29	Sioux	2.32
Hamilton	2.27	Story	2.27
Hancock	2.29	Tama	2.27
Hardin	2.27	Taylor	2.29
Harrison	2.32	Union	2.28
Henry	2.28	Van Buren	2.28
Howard	2.30	Wapello	2.26
Humboldt	2.28	Warren	2.27
Ida	2.31	Washington	2.27
Iowa	2.27	Wayne	2.26
Jackson	2.29	Webster	2.27
Jasper	2.26	Winnebago	2.30
Jefferson	2.26	Winneshiek	2.28
Johnson	2.28	Woodbury	2.33
Jones	2.29	Worth	2.30
Keokuk	2.26	Wright	2.28
Kossuth	2.29		

KANSAS

Allen	$2.29	Hodgeman	$2.22
Anderson	2.30	Jackson	2.30
Atchinson	2.32	Jefferson	2.31
Barber	2.22	Jewell	2.24
Barton	2.22	Johnson	2.33
Bourbon	2.29	Kearney	2.18
Brown	2.31	Kingman	2.24
Butler	2.24	Kiowa	2.22
Chase	2.26	Labette	2.28
Chautauqua	2.26	Lane	2.20
Cherokee	2.28	Leavenworth	2.33
Cheyenne	2.18	Lincoln	2.24
Clark	2.19	Linn	2.29
Clay	2.26	Logan	2.19
Cloud	2.25	Lyon	2.28
Coffey	2.29	McPherson	2.24
Comanche	2.21	Marion	2.24
Cowley	2.24	Marshall	2.28
Crawford	2.29	Meade	2.19
Decatur	2.20	Miami	2.32
Dickinson	2.24	Mitchell	2.24
Doniphan	2.33	Montgomery	2.28
Douglas	2.32	Morris	2.26
Edwards	2.22	Morton	2.16
Elk	2.26	Nemaha	2.29
Ellis	2.22	Neosho	2.29
Ellsworth	2.24	Ness	2.22
Finney	2.19	Norton	2.22
Ford	2.21	Osage	2.29
Franklin	2.31	Osborne	2.23
Geary	2.26	Ottawa	2.24
Gove	2.20	Pawnee	2.22
Graham	2.22	Phillips	2.22
Grant	2.18	Pottawatomie	2.28
Gray	2.20	Pratt	2.22
Greeley	2.18	Rawlins	2.19
Greenwood	2.27	Reno	2.24
Hamilton	2.18	Republic	2.25
Harper	2.23	Rice	2.24
Harvey	2.24	Riley	2.28
Haskell	2.19	Rooks	2.22

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Rush	$2.22	Stevens	$2.18
Russell	2.23	Sumner	2.24
Saline	2.24	Thomas	2.19
Scott	2.19	Trego	2.22
Sedgwick	2.24	Wabaunsee	2.28
Seward	2.18	Wallace	2.18
Shawnee	2.29	Washington	2.26
Sheridan	2.20	Wichita	2.18
Sherman	2.18	Wilson	2.28
Smith	2.24	Woodson	2.29
Stafford	2.22	Wyandotte	2.34
Stanton	2.17		

KENTUCKY

Adair	$2.32	Knox	$2.32
Allen	2.31	Larue	2.32
Anderson	2.33	Laurel	2.33
Ballard	2.29	Lawrence	2.33
Barren	2.31	Lee	2.33
Bath	2.33	Lewis	2.34
Bell	2.32	Lincoln	2.34
Boone	2.32	Livingston	2.29
Bourbon	2.34	Logan	2.30
Boyd	2.34	Lyon	2.30
Boyle	2.34	McCracken	2.29
Bracken	2.33	McCreary	2.32
Breathitt	2.32	McLean	2.29
Breckinridge	2.30	Madison	2.34
Bullitt	2.32	Magoffin	2.32
Butler	2.30	Marion	2.33
Caldwell	2.30	Marshall	2.29
Calloway	2.29	Mason	2.33
Campbell	2.32	Meade	2.30
Carlisle	2.29	Menifee	2.32
Carroll	2.32	Mercer	2.34
Carter	2.33	Metcalfe	2.31
Casey	2.33	Monroe	2.32
Christian	2.30	Montgomery	2.33
Clark	2.34	Morgan	2.32
Clay	2.32	Muhlenberg	2.30
Clinton	2.33	Nelson	2.33
Crittenden	2.29	Nicholas	2.33
Cumberland	2.32	Ohio	2.30
Daviess	2.29	Oldham	2.32
Edmonson	2.30	Owen	2.33
Elliott	2.33	Owsley	2.32
Estill	2.33	Pendleton	2.33
Fayette	2.34	Powell	2.33
Fleming	2.33	Pulaski	2.34
Franklin	2.33	Robertson	2.33
Fulton	2.29	Rockcastle	2.34
Gallatin	2.32	Rowan	2.34
Garrard	2.34	Russell	2.32
Grant	2.33	Scott	2.33
Graves	2.29	Shelby	2.32
Grayson	2.31	Simpson	2.31
Green	2.33	Spencer	2.32
Greenup	2.34	Taylor	2.33
Hancock	2.30	Todd	2.30
Hardin	2.31	Trigg	2.30
Harrison	2.33	Trimble	2.32
Hart	2.31	Union	2.29
Henderson	2.29	Warren	2.30
Henry	2.32	Washington	2.34
Hickman	2.29	Wayne	2.33
Hopkins	2.30	Webster	2.29
Jackson	2.32	Whitley	2.32
Jefferson	2.32	Wolfe	2.32
Jessamine	2.34	Woodford	2.34
Johnson	2.32		
Kenton	2.32		

MAINE

All counties	$2.35

MARYLAND

County	Rate per bushel	County	Rate per bushel
Allegany	$2.35	Howard	$2.47
Anne Arundel	2.42	Kent	2.44
Baltimore	2.44	Montgomery	2.43
Calvert	2.39	Prince Georges	2.41
Caroline	2.44	Queen Annes	2.44
Carroll	2.43	St. Marys	2.39
Cecil	2.43	Somerset	2.42
Charles	2.39	Talbot	2.44
Dorchester	2.41	Washington	2.33
Frederick	2.42	Wicomico	2.41
Garrett	2.39	Worcester	2.43
Harford	2.42		

MASSACHUSETTS

All counties	$2.38

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$2.15	Lake	$2.21
Alger	2.19	Lapeer	2.26
Allegan	2.27	Leelanau	2.15
Alpena	2.15	Lenawee	2.25
Antrim	2.15	Livingston	2.26
Arenac	2.19	Luce	2.16
Baraga	2.24	Mackinac	2.16
Barry	2.26	Macomb	2.26
Bay	2.24	Manistee	2.22
Benzie	2.24	Marquette	2.21
Berrien	2.30	Mason	2.20
Branch	2.27	Mecosta	2.21
Calhoun	2.28	Menominee	2.23
Cass	2.30	Midland	2.24
Charlevoix	2.15	Missaukee	2.20
Cheboygan	2.13	Monroe	2.27
Chippewa	2.16	Montcalm	2.24
Clare	2.24	Montmorency	2.13
Clinton	2.26	Muskegon	2.24
Crawford	2.16	Newaygo	2.23
Delta	2.21	Oakland	2.26
Dickinson	2.22	Oceana	2.21
Eaton	2.26	Ogemaw	2.22
Emmet	2.14	Ontonagon	2.20
Genesee	2.26	Osceola	2.20
Gladwin	2.22	Oscoda	2.22
Grand Traverse	2.18	Otsego	2.15
Gratiot	2.26	Ottawa	2.26
Hillsdale	2.26	Presque Isle	2.13
Houghton	2.21	Roscommon	2.22
Huron	2.21	Saginaw	2.26
Ingham	2.26	Saint Clair	2.25
Ionia	2.26	Saint Joseph	2.28
Iosco	2.16	Sanilac	2.23
Iron	2.20	Schoolcraft	2.19
Isabella	2.23	Shiawassee	2.26
Jackson	2.27	Tuscola	2.23
Kalamazoo	2.29	Van Buren	2.28
Kalkaska	2.15	Washtenaw	2.25
Kent	2.26	Wayne	2.26
		Wexford	2.17

MINNESOTA

County	Rate per bushel	County	Rate per bushel
Aitkin	$2.34	McLeod	$2.35
Anoka	2.37	Mahnomen	2.27
Becker	2.28	Marshall	2.25
Beltrami	2.29	Martin	2.30
Benton	2.33	Meeker	2.35
Big Stone	2.29	Mille Lacs	2.33
Blue Earth	2.33	Morrison	2.32
Brown	2.32	Mower	2.31
Carlton	2.35	Murray	2.30
Carver	2.36	Nicollet	2.34
Cass	2.30	Nobles	2.29
Chippewa	2.31	Norman	2.27
Chisago	2.35	Olmsted	2.32
Clay	2.28	Otter Tail	2.30
Clearwater	2.28	Pennington	2.26
Cottonwood	2.31	Pine	2.33
Crow Wing	2.32	Pipestone	2.29
Dakota	2.36	Polk	2.26
Dodge	2.33	Pope	2.31
Douglas	2.31	Ramsey	2.37
Faribault	2.31	Red Lake	2.28
Fillmore	2.29	Redwood	2.32
Freeborn	2.32	Renville	2.32
Goodhue	2.34	Rice	2.35
Grant	2.30	Rock	2.29
Hennepin	2.33	Roseau	2.25
Houston	2.30	Saint Louis	2.33
Hubbard	2.29	Scott	2.36
Isanti	2.35	Sherburne	2.35
Itasca	2.32	Sibley	2.34
Jackson	2.30	Stearns	2.33
Kanabec	2.33	Steele	2.32
Kandiyohi	2.34	Stevens	2.31
Kittson	2.23	Swift	2.31
Koochiching	2.25	Todd	2.32
Lac Qui Parle	2.29	Traverse	2.29
Lake of the Woods	2.26	Wabasha	2.33
Le Sueur	2.34	Wadena	2.31
Lincoln	2.29	Waseca	2.33
Lyon	2.30	Washington	2.37

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Watonwan	$2.31	Wright	$2.35
Wilkin	2.28	Yellow Medicine	2.31
Winona	2.32		

MISSISSIPPI

All counties	$2.26

MISSOURI

County	Rate per bushel	County	Rate per bushel
Adair	$2.29	Lincoln	$2.35
Andrew	2.33	Linn	2.23
Atchison	2.30	Livingston	2.30
Audrain	2.31	McDonald	2.26
Barry	2.26	Macon	2.29
Barton	2.29	Madison	2.32
Bates	2.23	Maries	2.32
Benton	2.29	Marion	2.31
Bollinger	2.32	Mercer	2.27
Boone	2.21	Miller	2.29
Buchanan	2.23	Mississippi	2.27
Butler	2.29	Moniteau	2.30
Caldwell	2.31	Monroe	2.31
Callaway	2.31	Montgomery	2.33
Camden	2.28	Morgan	2.28
Cape Girardeau	2.31	New Madrid	2.28
Carroll	2.30	Newton	2.25
Carter	2.21	Nodaway	2.30
Cass	2.32	Oregon	2.21
Cedar	2.32	Osage	2.31
Chariton	2.29	Perry	2.27
Christian	2.26	Pettis	2.33
Clark	2.29	Phelps	2.31
Clay	2.32	Pike	2.32
Clinton	2.33	Platte	2.33
Cole	2.30	Polk	2.28
Cooper	2.29	Pulaski	2.29
Crawford	2.33	Putnam	2.27
Dade	2.28	Ralls	2.31
Dallas	2.27	Randolph	2.31
Daviess	2.31	Ray	2.31
De Kalb	2.33	Reynolds	2.29
Dent	2.30	Ripley	2.29
Douglas	2.24	St. Charles	2.38
Dunklin	2.27	St. Clair	2.30
Franklin	2.35	Ste. Genevieve	2.33
Gasconade	2.32	St. Francois	2.33
Gentry	2.31	St. Louis	2.38
Greene	2.26	Saline	2.30
Grundy	2.29	Schuyler	2.23
Harrison	2.30	Scotland	2.29
Henry	2.31	Scott	2.30
Hickory	2.23	Shannon	2.21
Holt	2.32	Shelby	2.30
Howard	2.30	Stoddard	2.30
Howell	2.21	Stone	2.25
Iron	2.33	Sullivan	2.27
Jackson	2.33	Taney	2.24
Jasper	2.28	Texas	2.24
Jefferson	2.26	Vernon	2.29
Johnson	2.31	Warren	2.36
Knox	2.29	Washington	2.34
Laclede	2.28	Wayne	2.31
LaFayette	2.31	Webster	2.26
Lawrence	2.26	Worth	2.30
Lewis	2.31	Wright	2.24

MONTANA

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Beaverhead	1$1.92	
Big Horn	1 2.01	
Blaine	1 2.03	
Broadwater	1 1.99	
Carbon	1 2.03	
Carter	1 2.12	
Cascade	1 2.01	
Chouteau	1 2.01	
Custer	1 2.10	
Daniels	1 2.07	
Dawson	1 2.11	
Deer Lodge		$1.95
Fallon	1 2.11	
Fergus	1 2.00	

1 Based on Omaha.

MONTANA—Continued

County	Rate per bushel based on Minneapolis (less than 13 percent protein)	Rate per bushel based on Portland (less than 10 percent protein)
Flathead		$1.99
Gallatin	$2.00	
Garfield	2.00	
Glacier	2.00	
Golden Valley	2.00	
Granite		1.96
Hill	2.00	
Jefferson	1.97	1.95
Judith Basin	2.00	
Lake		1.99
Lewis and Clark	1.97	1.95
Liberty	2.00	
Lincoln		2.02
McCone	2.00	
Madison	1.98	1.95
Meagher	2.00	
Mineral		2.00
Missoula		1.99
Musselshell	2.04	
Park	2.00	
Petroleum	2.00	
Phillips	2.07	
Pondera	1.99	
Powder River	2.08	
Powell		1.95
Prairie	2.00	
Ravalli		1.96
Richland	2.01	
Roosevelt	2.01	
Rosebud	2.00	
Sanders		2.01
Sheridan	2.00	
Silver Bow	1.97	1.95
Stillwater	2.00	
Sweet Grass	2.00	
Teton	2.00	
Toole	2.00	
Treasure	2.05	
Valley	2.07	
Wheatland	2.00	
Wibaux	2.02	
Yellowstone	2.02	

The applicable rate on a lot of wheat in Jefferson, Lewis and Clark, Madison, and Silver Bow counties shall be determined as follows:

1. Subtract all applicable discounts from the rate based on Minneapolis and from the rate based on Portland shown above.

2. If the lot of wheat contains 10 percent or more protein, and the applicable Minneapolis protein premium, if any, shown in the schedule of protein premiums to the rate based on Minneapolis, then add the applicable Portland protein premium from the same schedule to the rate based on Portland.

3. The applicable rate on the lot of wheat will be the highest as determined above.

NEBRASKA

County	Rate per bushel	County	Rate per bushel
Adams	$2.26	Gage	$2.30
Antelope	2.27	Garden	2.18
Arthur	2.18	Garfield	2.25
Banner	2.15	Gosper	2.24
Blaine	2.22	Grant	2.18
Boone	2.28	Greeley	2.27
Box Butte	2.18	Hall	2.27
Boyd	2.24	Hamilton	2.28
Brown	2.22	Harlan	2.24
Buffalo	2.26	Hayes	2.19
Burt	2.32	Hitchcock	2.20
Butler	2.31	Holt	2.26
Cass	2.33	Hooker	2.20
Cedar	2.30	Howard	2.27
Chase	2.18	Jefferson	2.29
Cherry	2.20	Johnson	2.30
Cheyenne	2.14	Kearney	2.25
Clay	2.26	Keith	2.18
Colfax	2.31	Keya Paha	2.22
Cuming	2.31	Kimball	2.14
Custer	2.24	Knox	2.27
Dakota	2.32	Lancaster	2.32
Dawes	2.15	Lincoln	2.21
Dawson	2.24	Logan	2.22
Deuel	2.18	Loup	2.25
Dixon	2.32	McPherson	2.21
Dodge	2.32	Madison	2.28
Douglas	2.33	Merrick	2.28
Dundy	2.18	Morrill	2.17
Fillmore	2.29	Nance	2.29
Franklin	2.25	Nemaha	2.30
Frontier	2.22	Nuckolls	2.25
Furnas	2.23	Otoe	2.31

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Pawnee	$2.29	Sheridan	$2.17
Perkins	2.19	Sherman	2.26
Phelps	2.24	Sioux	2.14
Pierce	2.28	Stanton	2.29
Platte	2.29	Thayer	2.28
Polk	2.29	Thomas	2.21
Redwillow	2.22	Thurston	2.32
Richardson	2.29	Valley	2.25
Rock	2.23	Washington	2.32
Saline	2.30	Wayne	2.31
Sarpy	2.33	Webster	2.26
Saunders	2.32	Wheeler	2.28
Scotts Bluff	2.15	York	2.29
Seward	2.31		

NEVADA

Churchill	$2.08	Lyon	$1.97
Clark	1.95	Mineral	1.81
Douglas	2.13	Nye	1.81
Elko	1.95	Ormsby	2.13
Esmeralda	1.81	Pershing	2.10
Eureka	1.95	Storey	2.13
Humboldt	2.00	Washoe	2.13
Lander	1.95	White Pine	1.60
Lincoln	1.95		

NEW HAMPSHIRE

All counties $2.37

NEW JERSEY

County	Rate per bushel	County	Rate per bushel
Burlington	$2.40	Monmouth	$2.40
Camden	2.43	Morris	2.38
Cape May	2.37	Ocean	2.38
Cumberland	2.39	Salem	2.39
Gloucester	2.40	Somerset	2.39
Hunterdon	2.39	Sussex	2.39
Mercer	2.41	Warren	2.38
Middlesex	2.39		

NEW MEXICO

Bernalillo	$2.10	Mora	$2.08
Catron	2.07	Otero	2.14
Chaves	2.13	Quay	2.16
Colfax	2.07	Rio Arriba	2.06
Curry	2.16	Roosevelt	2.15
De Baca	2.12	Sandoval	2.08
Dona Ana	2.08	San Juan	1.78
Eddy	2.12	San Miguel	2.08
Grant	1.96	Santa Fe	2.06
Guadalupe	2.12	Sierra	2.08
Harding	1.98	Socorro	2.09
Hidalgo	1.95	Taos	2.06
Lea	2.12	Torrance	2.09
Lincoln	2.14	Union	2.10
Luna	1.95	Valencia	2.00
McKinley	1.95		

NEW YORK

Albany	$2.45	Oneida	$2.38
Allegany	2.38	Onondaga	2.39
Broome	2.39	Ontario	2.39
Cattaraugus	2.36	Orange	2.37
Cayuga	2.39	Orleans	2.39
Chautauqua	2.32	Oswego	2.39
Chemung	2.39	Otsego	2.37
Chenango	2.39	Putnam	2.38
Clinton	2.31	Rensselaer	2.41
Columbia	2.41	Rockland	2.39
Cortland	2.39	Saratoga	2.42
Delaware	2.35	Schenectady	2.45
Dutchess	2.38	Schoharie	2.43
Erie	2.36	Schuyler	2.35
Essex	2.33	Seneca	2.39
Franklin	2.27	Steuben	2.39
Fulton	2.35	St. Lawrence	2.33
Genesee	2.39	Suffolk	2.33
Greene	2.40	Sullivan	2.36
Herkimer	2.40	Tioga	2.39
Jefferson	2.35	Tompkins	2.39
Lewis	2.36	Ulster	2.38
Livingston	2.39	Warren	2.38
Madison	2.39	Washington	2.39
Monroe	2.39	Wayne	2.39
Montgomery	2.44	Westchester	2.39
Nassau	2.35	Wyoming	2.39
Niagara	2.39	Yates	2.39

NORTH CAROLINA

	Rate per bushel
All counties	$2.39

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$2.16	McLean	$2.19
Barnes	2.25	Mercer	2.17
Benson	2.22	Morton	2.18
Billings	2.16	Mountrail	2.17
Bottineau	2.18	Nelson	2.23
Bowman	2.15	Oliver	2.19
Burke	2.17	Pembina	2.23
Burleigh	2.21	Pierce	2.21
Cass	2.26	Ramsey	2.22
Cavalier	2.21	Ransom	2.26
Dickey	2.25	Renville	2.17
Divide	2.15	Richland	2.28
Dunn	2.16	Rolette	2.20
Eddy	2.23	Sargent	2.26
Emmons	2.20	Sheridan	2.21
Foster	2.23	Sioux	2.18
Golden Valley	2.13	Slope	2.13
Grand Forks	2.25	Stark	2.17
Grant	2.18	Steele	2.25
Griggs	2.25	Stutsman	2.24
Hettinger	2.17	Towner	2.21
Kidder	2.22	Traill	2.25
La Moure	2.23	Walsh	2.23
Logan	2.22	Ward	2.17
McHenry	2.19	Wells	2.22
McIntosh	2.21	Williams	2.16
McKenzie	2.13		

OHIO

Adams	$2.26	Licking	$2.28
Allen	2.27	Logan	2.26
Ashland	2.28	Lorain	2.28
Ashtabula	2.31	Lucas	2.27
Athens	2.27	Madison	2.26
Auglaize	2.26	Mahoning	2.30
Belmont	2.26	Marion	2.27
Brown	2.26	Medina	2.28
Butler	2.26	Meigs	2.26
Carroll	2.28	Mercer	2.27
Champaign	2.26	Miami	2.27
Clark	2.26	Monroe	2.29
Clermont	2.26	Montgomery	2.27
Clinton	2.26	Morgan	2.28
Columbiana	2.29	Morrow	2.27
Coshocton	2.28	Muskingum	2.28
Crawford	2.28	Noble	2.28
Cuyahoga	2.28	Ottawa	2.27
Darke	2.28	Paulding	2.27
Defiance	2.27	Perry	2.27
Delaware	2.27	Pickaway	2.26
Erie	2.27	Pike	2.26
Fairfield	2.27	Portage	2.28
Fayette	2.26	Preble	2.25
Franklin	2.27	Putnam	2.27
Fulton	2.26	Richland	2.28
Gallia	2.26	Ross	2.26
Geauga	2.31	Sandusky	2.27
Greene	2.26	Scioto	2.26
Guernsey	2.28	Seneca	2.27
Hamilton	2.26	Shelby	2.26
Hancock	2.27	Stark	2.28
Hardin	2.27	Summit	2.28
Harrison	2.28	Trumbull	2.31
Henry	2.27	Tuscarawas	2.28
Highland	2.26	Union	2.27
Hocking	2.27	Van Wert	2.27
Holmes	2.28	Vinton	2.27
Huron	2.28	Warren	2.26
Jackson	2.26	Washington	2.26
Jefferson	2.28	Wayne	2.28
Knox	2.28	Williams	2.27
Lake	2.30	Wood	2.27
Lawrence	2.26	Wyandot	2.27

OKLAHOMA

Adair	$2.21	Cherokee	$2.22
Alfalfa	2.21	Choctaw	2.19
Atoka	2.19	Cimarron	2.13
Beaver	2.15	Cleveland	2.19
Beckham	2.19	Coal	2.19
Blaine	2.19	Comanche	2.19
Bryan	2.19	Cotton	2.19
Caddo	2.19	Craig	2.26
Canadian	2.19	Creek	2.21
Carter	2.19	Custer	2.19

OKLAHOMA—Continued

County	Rate per bushel	County	Rate per bushel
Delaware	$2.22	Murray	$2.19
Dewey	2.18	Muskogee	2.21
Ellis	2.16	Noble	2.21
Garfield	2.20	Nowata	2.27
Garvin	2.19	Okfuskee	2.19
Grady	2.19	Oklahoma	2.19
Grant	2.21	Okmulgee	2.21
Greer	2.19	Osage	2.23
Harmon	2.19	Ottawa	2.26
Harper	2.16	Pawnee	2.21
Haskell	2.19	Payne	2.19
Hughes	2.19	Pittsburg	2.19
Jackson	2.19	Pontotoc	2.19
Jefferson	2.19	Pottawatomie	2.19
Johnston	2.19	Pushmatha	2.19
Kay	2.22	Roger Mills	2.18
Kingfisher	2.19	Rogers	2.25
Kiowa	2.19	Seminole	2.19
Latimer	2.19	Sequoyah	2.21
Le Flore	2.19	Stephens	2.19
Lincoln	2.19	Texas	2.14
Logan	2.19	Tillman	2.19
Love	2.19	Tulsa	2.24
McClain	2.19	Wagoner	2.23
McCurtain	2.19	Washington	2.26
McIntosh	2.20	Washita	2.19
Major	2.17	Woods	2.20
Marshall	2.19	Woodward	2.17
Mayes	2.24		

OREGON

Baker	$2.09	Lake	$2.04
Benton	2.25	Lane	2.23
Clackamas	2.29	Lincoln	2.20
Clatsop	2.25	Linn	2.25
Columbia	2.27	Malheur	2.02
Coos	2.17	Marion	2.29
Crook	2.19	Morrow	2.24
Deschutes	2.19	Multnomah	2.30
Douglas	2.18	Polk	2.27
Gilliam	2.25	Sherman	2.26
Grant	2.24	Umatilla	2.18
Harney	1.98	Union	2.10
Hood River	2.27	Wallowa	2.09
Jackson	2.12	Wasco	2.27
Jefferson	2.21	Washington	2.30
Josephine	2.13	Wheeler	2.24
Klamath	2.12	Yamhill	2.29

PENNSYLVANIA

Adams	$2.40	Lackawanna	$2.36
Allegheny	2.31	Lancaster	2.41
Armstrong	2.31	Lawrence	2.31
Beaver	2.31	Lebanon	2.40
Bedford	2.35	Lehigh	2.40
Berks	2.41	Luzerne	2.35
Blair	2.35	Lycoming	2.35
Bradford	2.38	McKean	2.34
Bucks	2.43	Mercer	2.31
Butler	2.31	Mifflin	2.35
Cambria	2.32	Monroe	2.36
Cameron	2.35	Montgomery	2.43
Carbon	2.35	Montour	2.39
Centre	2.35	Northampton	2.40
Chester	2.43	Northumberland	2.35
Clarion	2.32	Perry	2.35
Clearfield	2.34	Pike	2.35
Clinton	2.35	Potter	2.32
Columbia	2.36	Schuylkill	2.37
Crawford	2.21	Snyder	2.35
Cumberland	2.39	Somerset	2.31
Dauphin	2.36	Sullivan	2.35
Delaware	2.43	Susquehanna	2.33
Elk	2.35	Tioga	2.33
Erie	2.34	Union	2.35
Fayette	2.31	Venango	2.21
Forest	2.32	Warren	2.30
Franklin	2.39	Washington	2.30
Fulton	2.36	Wayne	2.35
Greene	2.30	Westmoreland	2.30
Huntingdon	2.35	Wyoming	2.38
Indiana	2.31	York	2.40
Jefferson	2.34		
Juniata	2.35		

RHODE ISLAND

All counties $2.39

SOUTH CAROLINA

All counties $2.38

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$2.27	Jackson	$2.18
Beadle	2.26	Jerauld	2.27
Bennett	2.19	Jones	2.21
Bon Homme	2.30	Kingsbury	2.27
Brookings	2.28	Lake	2.28
Brown	2.26	Lawrence	2.12
Brule	2.26	Lincoln	2.31
Buffalo	2.27	Lyman	2.23
Butte	2.12	McCook	2.29
Campbell	2.21	McPherson	2.23
Charles Mix	2.26	Marshall	2.26
Clark	2.27	Meade	2.14
Clay	2.33	Mellette	2.21
Codington	2.28	Miner	2.28
Corson	2.19	Minnehaha	2.30
Custer	2.14	Moody	2.28
Davison	2.28	Pennington	2.15
Day	2.27	Perkins	2.16
Deuel	2.28	Potter	2.22
Dewey	2.18	Roberts	2.27
Douglas	2.28	Sanborn	2.27
Edmunds	2.24	Shannon	2.18
Fall River	2.14	Spink	2.26
Faulk	2.24	Stanley	2.21
Grant	2.28	Sully	2.21
Gregory	2.24	Tod	2.21
Haakon	2.17	Tripp	2.22
Hamlin	2.28	Turner	2.30
Hand	2.25	Union	2.33
Hanson	2.29	Walworth	2.22
Harding	2.16	Washabaugh	2.19
Hughes	2.22	Yankton	2.31
Hutchinson	2.29	Ziebach	2.16
Hyde	2.23		

TENNESSEE

Anderson	$2.37	Lauderdale	$2.28
Bedford	2.34	Lawrence	2.33
Benton	2.31	Lewis	2.33
Bledsoe	2.35	Lincoln	2.35
Blount	2.38	Loudon	2.37
Bradley	2.37	McMinn	2.37
Campbell	2.37	McNary	2.30
Cannon	2.33	Macon	2.32
Carroll	2.30	Madison	2.29
Carter	2.40	Marion	2.35
Cheatham	2.32	Marshall	2.34
Chester	2.30	Maury	2.33
Claiborne	2.39	Meigs	2.36
Clay	2.33	Monroe	2.38
Cocke	2.38	Montgomery	2.31
Coffee	2.34	Moore	2.34
Crockett	2.29	Morgan	2.36
Cumberland	2.35	Obion	2.29
Davidson	2.32	Overton	2.34
Decatur	2.31	Perry	2.32
De Kalb	2.33	Pickett	2.34
Dickson	2.32	Polk	2.38
Dyer	2.28	Putnam	2.34
Fayette	2.28	Rhea	2.36
Fentress	2.35	Roane	2.36
Franklin	2.35	Robertson	2.31
Gibson	2.30	Rutherford	2.33
Giles	2.34	Scott	2.36
Grainger	2.38	Sequatchie	2.35
Greene	2.39	Sevier	2.38
Grundy	2.34	Shelby	2.28
Hamblen	2.39	Smith	2.33
Hamilton	2.36	Stewart	2.31
Hancock	2.40	Sullivan	2.41
Hardeman	2.29	Sumner	2.31
Hardin	2.31	Tipton	2.28
Hawkins	2.41	Trousdale	2.32
Haywood	2.29	Unicoi	2.39
Henderson	2.31	Union	2.38
Henry	2.30	Van Buren	2.34
Hickman	2.32	Warren	2.34
Houston	2.31	Washington	2.40
Humphreys	2.31	Wayne	2.32
Jackson	2.33	Weakley	2.30
Jefferson	2.38	White	2.34
Johnson	2.40	Williamson	2.33
Knox	2.38	Wilson	2.32
Lake	2.29		

TEXAS

County	Rate per bushel	County	Rate per bushel
Archer	$2.19	Jeff Davis	$2.06
Armstrong	2.19	Johnson	2.28
Atascosa	2.25	Jones	2.19
Bailey	2.19	Karnes	2.26
Bandera	2.22	Kaufman	2.27
Bastrop	2.30	Kendall	2.21
Baylor	2.19	Kent	2.19
Bee	2.26	Kerr	2.20
Bell	2.30	Kimble	2.25
Bexar	2.27	King	2.19
Blanco	2.29	Kinney	2.16
Borden	2.19	Knox	2.19
Bosque	2.28	Lamar	2.22
Bowie	2.22	Lamb	2.19
Briscoe	2.19	Lampasas	2.26
Brown	2.26	Limestone	2.30
Burleson	2.32	Lipscomb	2.16
Burnet	2.26	Live Oak	2.26
Caldwell	2.30	Llano	2.26
Callahan	2.19	Loving	2.13
Carson	2.19	Lubbock	2.19
Castro	2.19	Lynn	2.19
Chambers	2.35	McCulloch	2.25
Childress	2.19	McLennan	2.30
Clay	2.20	Martin	2.17
Cochran	2.19	Mason	2.26
Coke	2.19	Maverick	2.16
Coleman	2.24	Medina	2.22
Collin	2.26	Menard	2.24
Collingsworth	2.19	Midland	2.16
Comal	2.30	Milam	2.32
Comanche	2.21	Mills	2.26
Concho	2.24	Mitchell	2.19
Cooke	2.22	Montague	2.22
Coryell	2.26	Moore	2.16
Cottle	2.19	Motley	2.19
Crosby	2.19	Navarro	2.29
Culberson	2.09	Nolan	2.19
Dallam	2.14	Ochiltree	2.16
Dallas	2.28	Oldham	2.18
Dawson	2.19	Palo Pinto	2.22
Deaf Smith	2.19	Parker	2.25
Delta	2.25	Parmer	2.18
Denton	2.26	Pecos	2.08
De Witt	2.29	Potter	2.19
Dickens	2.19	Presidio	2.08
Dimmit	2.16	Randall	2.19
Donley	2.19	Real	2.18
Eastland	2.20	Reeves	2.12
Edwards	2.15	Roberts	2.17
Ellis	2.28	Robertson	2.30
Erath	2.23	Rockwall	2.26
Falls	2.30	Runnels	2.22
Fannin	2.22	San Saba	2.26
Fisher	2.19	Schleicher	2.15
Floyd	2.19	Scurry	2.19
Foard	2.19	Shackelford	2.19
Gaines	2.19	Sherman	2.14
Galveston	2.44	Somervell	2.26
Garza	2.19	Stephens	2.19
Gillespie	2.20	Sterling	2.15
Glasscock	2.19	Stonewall	2.19
Goliad	2.29	Sutton	2.13
Gray	2.18	Swisher	2.19
Grayson	2.24	Tarrant	2.27
Guadalupe	2.30	Taylor	2.20
Hale	2.19	Terry	2.19
Hall	2.19	Throckmorton	2.19
Hamilton	2.23	Tom Green	2.19
Hansford	2.16	Travis	2.30
Hardeman	2.19	Uvalde	2.18
Harris	2.43	Van Zandt	2.26
Hartley	2.16	Victoria	2.30
Haskell	2.19	Waller	2.42
Hays	2.30	Ward	2.14
Hemphill	2.16	Wharton	2.39
Hill	2.29	Wheeler	2.18
Hockley	2.19	Wichita	2.19
Hood	2.25	Wilbarger	2.19
Howard	2.19	Williamson	2.31
Hudspeth	2.08	Wilson	2.26
Hunt	2.26	Wise	2.24
Hutchinson	2.16	Yoakum	2.19
Irion	2.14	Young	2.21
Jack	2.22	Zavala	2.16
Jackson	2.33		

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.99	Piute	$1.87
Box Elder	1.95	Rich	1.98
Cache	1.95	Salt Lake	1.98
Carbon	1.98	San Juan	1.98
Daggett	1.98	Sanpete	1.94
Davis	1.98	Sevier	1.91
Duchesne	1.98	Summit	1.98
Emery	1.98	Tooele	1.93
Garfield	1.87	Uintah	1.98
Grand	1.98	Utah	1.96
Iron	1.96	Wasatch	1.98
Juab	1.95	Washington	1.96
Kane	1.87	Wayne	1.90
Millard	1.95	Weber	1.98
Morgan	1.98		

VERMONT

All counties $2.37

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomack	$2.40	King William	$2.40
Albemarle	2.39	Lancaster	2.40
Alleghany	2.37	Lee	2.38
Amelia	2.40	Loudoun	2.39
Amherst	2.39	Louisa	2.39
Appomattox	2.40	Lunenburg	2.40
Arlington	2.39	Madison	2.39
Augusta	2.39	Mathews	2.40
Bath	2.37	Mecklenburg	2.39
Bedford	2.39	Middlesex	2.40
Bland	2.37	Montgomery	2.37
Botetourt	2.38	Nansemond	2.39
Brunswick	2.39	Nelson	2.39
Buchanan	2.37	New Kent	2.40
Buckingham	2.40	Norfolk	2.39
Campbell	2.39	Northampton	2.40
Caroline	2.40	Northumberland	2.40
Carroll	2.38	Nottaway	2.40
Charles City	2.40	Orange	2.39
Charlotte	2.40	Page	2.39
Chesterfield	2.40	Patrick	2.38
Clarke	2.39	Pittsylvania	2.39
Craig	2.37	Powhatan	2.40
Culpeper	2.39	Prince Edward	2.40
Cumberland	2.40	Prince George	2.40
Dickenson	2.37	Prince William	2.39
Dinwiddie	2.40	Princess Anne	2.39
Elizabeth City	2.40	Pulaski	2.38
Essex	2.40	Rappahannock	2.39
Fairfax	2.39	Richmond	2.40
Fauquier	2.39	Roanoke	2.38
Floyd	2.38	Rockbridge	2.39
Fluvanna	2.39	Rockingham	2.39
Franklin	2.38	Russell	2.38
Frederick	2.39	Scott	2.38
Giles	2.37	Shenandoah	2.39
Gloucester	2.40	Smyth	2.38
Goochland	2.40	Southampton	2.39
Grayson	2.38	Spotsylvania	2.40
Greene	2.39	Stafford	2.40
Greensville	2.39	Surry	2.39
Halifax	2.39	Sussex	2.39
Hanover	2.40	Tazewell	2.37
Henrico	2.40	Warren	2.39
Henry	2.38	Warwick	2.40
Highland	2.37	Washington	2.38
Isle of Wight	2.39	Westmoreland	2.40
James City	2.40	Wise	2.38
King and Queen	2.40	Wythe	2.38
King George	2.40	York	2.40

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$2.14	Grant	$2.13
Asotin	2.11	Grays Harbor	2.22
Benton	2.19	Island	2.27
Chelan	2.17	Jefferson	2.19
Clallam	2.19	King	2.30
Clark	2.20	Kittitas	2.20
Columbia	2.17	Klickitat	2.26
Cowlitz	2.29	Lewis	2.25
Douglas	2.12	Lincoln	2.12
Ferry	2.04	Mason	2.20
Franklin	2.15	Okanogan	2.12
Garfield	2.17	Pacific	2.20

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Pend Oreille	$2.09	Stevens	$2.08
Pierce	2.30	Thurston	2.25
San Juan	2.21	Walla Walla	2.18
Skagit	2.27	Whatcom	2.23
Skamania	2.30	Whitman	2.12
Snohomish	2.27	Yakima	2.19
Spokane	2.12		

WEST VIRGINIA

Barbour	$2.34	Mingo	$2.33
Berkeley	2.38	Mineral	2.36
Boone	2.33	Monongalia	2.32
Braxton	2.33	Monroe	2.36
Brooke	2.31	Morgan	2.37
Cabell	2.31	Nicholas	2.35
Calhoun	2.32	Ohio	2.31
Clay	2.33	Pendleton	2.37
Doddridge	2.31	Pleasants	2.30
Fayette	2.35	Pocahontas	2.37
Gilmer	2.32	Preston	2.34
Grant	2.38	Putnam	2.31
Greenbrier	2.37	Raleigh	2.34
Hampshire	2.37	Randolph	2.36
Hancock	2.31	Ritchie	2.31
Hardy	2.37	Roane	2.31
Harrison	2.33	Summers	2.37
Jackson	2.30	Taylor	2.34
Jefferson	2.39	Tucker	2.36
Kanawha	2.32	Tyler	2.30
Lewis	2.33	Upshur	2.34
Lincoln	2.32	Wayne	2.32
Logan	2.33	Webster	2.35
McDowell	2.35	Wetzel	2.31
Marion	2.32	Wirt	2.31
Marshall	2.31	Wood	2.30
Mason	2.31	Wyoming	2.34
Mercer	2.36		

WISCONSIN

Adams	$2.28	Marathon	$2.27
Ashland	2.30	Marinetta	2.25
Barron	2.31	Marquette	2.28
Bayfield	2.31	Milwaukee	2.36
Brown	2.28	Monroe	2.28
Buffalo	2.31	Oconto	2.27
Burnett	2.33	Oneida	2.24
Calumet	2.29	Outagamie	2.29
Chippewa	2.30	Ozaukee	2.31
Clark	2.28	Pepin	2.32
Columbia	2.29	Pierce	2.34
Crawford	2.27	Polk	2.34
Dane	2.31	Portage	2.27
Dodge	2.31	Price	2.28
Door	2.25	Racine	2.38
Douglas	2.35	Richland	2.28
Dunn	2.32	Rock	2.32
Eau Claire	2.32	Rusk	2.30
Florence	2.24	St. Croix	2.35
Fond du Lac	2.31	Sauk	2.29
Forest	2.24	Sawyer	2.31
Grant	2.28	Shawano	2.27
Green	2.31	Sheboygan	2.30
Greenlake	2.29	Taylor	2.28
Iowa	2.28	Trempealeau	2.30
Iron	2.28	Vernon	2.28
Jackson	2.30	Vilas	2.23
Jefferson	2.32	Walworth	2.33
Juneau	2.28	Washburn	2.32
Kenosha	2.37	Washington	2.31
Kewaunee	2.26	Waukesha	2.32
LaCrosse	2.28	Waupaca	2.28
LaFayette	2.29	Waushara	2.28
Langlade	2.25	Winnebago	2.29
Lincoln	2.24	Wood	2.27
Manitowoc	2.29		

WYOMING

Albany	$2.00	Natrona	$2.02
Big Horn	1.95	Niobrara	2.11
Campbell	2.07	Park	1.95
Carbon	1.97	Platte	2.11
Converse	2.06	Sheridan	2.04
Crook	2.08	Sublette	1.97
Fremont	1.95	Sweetwater	1.97
Goshen	2.14	Teton	1.94
Hot Springs	1.95	Uinta	1.97
Johnson	2.05	Washakie	1.95
Laramie	2.14	Weston	2.10
Lincoln	1.97		

(2) Where the State committee determines that State or district weed control laws affect the wheat crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this paragraph. If, upon delivery of the wheat to CCC the producer supplies a certificate indicating that the wheat complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 2d day of July 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7416; Filed, July 3, 1952; 8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PHOTOGRAPHS REQUIRED WITH APPLICATIONS

JUNE 11, 1952.

The following amendments to Subchapter D, Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

PART 322—GENERAL CLASS OF PERSONS WHO MAY BE NATURALIZED

The last sentence of paragraph (c) of § 322.2, *Procedural requirements,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 324—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: CHILDREN

The first sentence of § 324.4, *Petitions for naturalization filed in behalf of children; procedure,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 347—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PUERTO RICANS

The last sentence of paragraph (a) of § 347.2, *Procedure,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

The last sentence of § 362.2, *Application for registry; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 364—PHOTOGRAPHS

1. Section 364.1 is amended to read as follows:

§ 364.1 *Description of required photographs.* Every applicant required under this subchapter to furnish photographs of himself, except as otherwise provided in § 317.2 (c) of this subchapter, shall furnish two identical photographs 2 by 2 inches in size, which shall be unmounted, printed on a thin paper, have a light background, clearly show a full front view of the features of the applicant (with head bare, unless the applicant is wearing a headdress as required by a religious order of which he is a member), with the distance from the top of the head to point of chin approximately 1¼ inches, and which shall have been taken within 30 days of the date they are furnished. The applicant, except in the case of a child or other person physically incapable of signing his name, shall sign each copy of the photograph with his full true name in such manner as not to obscure the features. The signature shall be by mark if the applicant is unable to write. The photographs shall be signed when submitted with an application if the instructions accompanying the application so require. If the instructions do not so require, the photographs shall be submitted without being signed and shall be signed at such later time during the processing of the application as may be appropriate. Snapshot, group or full-length portraits will not be accepted.

2. The last sentence of § 364.2, *Naturalization and citizenship papers requiring photographs; manner of attachment,* is deleted.

PART 365—DECLARATION OF INTENTION

Section 365.1, *Preliminary form for declaration of intention; to whom sent,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 370—PETITION FOR NATURALIZATION

Section 370.1, *Preliminary form; to whom sent,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 378—CERTIFICATES OF NATURALIZATION OR REPATRIATION: VETERAN OF FIRST OR SECOND WORLD WAR ALLIED FORCES; PERSON VOTING IN A FOREIGN POLITICAL ELECTION

Paragraph (c), *Submission; photographs; fee,* of § 378.1, *Application for certificate of naturalization or repatriation; forms; procedure; fees,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

The last sentence of § 379.2, *Application for certificate; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 380—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY FOREIGN STATE

The last sentence of § 380.1, *Application; who may make; form; fee,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 382—NATURALIZATION AND CITIZENSHIP PAPERS REPLACED; NEW CERTIFICATE IN CHANGED NAME

The second sentence of § 382.3, *Application for new papers; forms; procedure; fees,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

The second sentence of paragraph (a) of § 383.3, *Certification of declaration of intention; application; form; procedure; action by field office; appeal,* is amended by deleting the word "three" and inserting in lieu thereof the word "two".

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727)

ARGYLE R. MACKEY,
Commissioner of
Immigration and Naturalization.

Approved: June 27, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-7409; Filed, July 7, 1952; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter C—Regulations Under Specific Acts of Congress

[File No. 204-4]

PART 301—RULES AND REGULATIONS UNDER FUR PRODUCTS LABELLING ACT

On April 29, 1952, a notice of proposed rule-making was issued by the Commission and published in the FEDERAL REGISTER on May 3, 1952. Such notice stated that the Commission would on June 3, 1952, at 10:00 a. m., d. s. t., hold a public hearing on proposed rules and regulations under the Fur Products Labeling Act. A draft of the proposed rules and regulations was made a part of the notice.

Pursuant to such notice public hearing was held in due course, and interested persons were afforded the opportunity of participating in the rule-making procedure by submitting orally or in writing on the date of the hearing, or in writing before such date, their views, arguments, or other pertinent data with respect thereto. Those wishing to submit in writing further views, argument or data in response to that submitted on or before the date of hearing, were afforded the opportunity of doing so within fifteen days after such hearing was closed. All data and information presented pursuant to the hearing has been made a part of the record.

After due consideration of the proposed rules and regulations, and suggested amendments and additions thereto, together with all views, arguments and other data submitted in connection with the public hearing thereon, the following rules and regulations under the Fur Products Labeling Act are hereby promulgated and made effective as of August 9, 1952.

Sec.

301.1 Terms defined.
301.2 General requirements.
301.3 English language requirement.
301.4 Abbreviations or ditto marks prohibited.
301.5 Use of Fur Products Name Guide.
301.6 Animals not listed in Fur Products Name Guide.
301.7 Describing furs by certain breed names prohibited.
301.8 Use of terms "Persian Lamb," "Broadtail Lamb," and "Persian-broadtail Lamb" permitted.
301.9 Use of terms "Mouton-processed Lamb" and "Shearling Lamb" permitted.
301.10 Use of term "Broadtail-processed Lamb" permitted.
301.11 Fictitious or non-existing animal designations prohibited.
301.12 Country of origin of imported furs.
301.13 Fur products having furs with different countries of origin.
301.14 Country of origin of used furs.
301.15 Designation of section producing domestic furs permitted.
301.16 Disclosure of origin of certain furs raised or taken in United States.
301.17 Misrepresentation of origin of furs.
301.18 Passing off domestic furs as imported furs prohibited.
301.19 Pointing, dyeing and bleaching.
301.20 Fur products composed of pieces.
301.21 Disclosure of used furs.
301.22 Disclosure of damaged furs.
301.23 Second-hand fur products.
301.24 Repairing, restyling and remodeling fur products for consumer.
301.25 Name required to appear on labels and invoices.
301.26 Registered identification number.
301.27 Label and method of affixing.
301.28 Labels to be avoided.
301.29 Requirements in respect to disclosure on label.
301.30 Arrangement of required information on label.
301.31 Labeling of fur products consisting of two or more units.
301.32 Fur product containing material other than fur.
301.33 Labeling of samples.
301.34 Label or invoice incomplete or inaccurate.
301.35 Substitution of labels.
301.36 Sectional fur products.
301.37 Manner of invoicing furs and fur products.
301.38 Advertising of furs and fur products.
301.39 Exempted fur products.
301.40 Item number or mark to be assigned to each fur product.
301.41 Maintenance of records.
301.42 Deception as to nature of business.
301.43 Use of deceptive trade or corporate names, trade-marks or graphic representations prohibited.
301.44 Misrepresentation of prices.
301.45 Representations as to construction of fur products.
301.46 Reference to guaranty by government prohibited.
301.47 Form of separate guaranty.
301.48 Continuing guaranties.
301.49 Deception in general.

AUTHORITY: §§ 301.1 to 301.49 issued under sec. 8, 65 Stat. 179; 15 U. S. C. Sup. 69f.

§ 301.1 *Terms defined.* (a) As used in this part, unless the context otherwise specifically requires:

(1) The term "act" means the "Fur Products Labeling Act" (approved Aug. 8, 1951, Pub. Law 110, 82d Cong., 1st Sess.; 15 U. S. C. A. sec. 69; 65 Stat. 179).

(2) The terms "rule", "rules", "regulations," and "rules and regulations", mean the rules and regulations prescribed by the Commission pursuant to section 8 (b) of the act.

(3) The definitions of terms contained in section 2 of the act shall be applicable also to such terms when used in rules promulgated under the act.

(4) The terms "Fur Products Name Guide" and "Name Guide" mean the register of names of hair, fleece and fur bearing animals issued by the Commission on February 8, 1952, pursuant to the provisions of section 7 (a) of the act.

(5) The terms "required information" and "information required" mean the information required to be disclosed on labels, invoices and in advertising under the act and rules and regulations, and such further information as may be permitted by the regulations, when and if used.

(b) The term "wearing apparel" as used in the definition of "fur product" in section 2 (d) of the act means any article of clothing, or covering for any part of the body, which is ready for wear without further manufacture.

§ 301.2 *General requirements.* (a) Each and every fur product, except those exempted under § 301.39, shall be labeled and invoiced in conformity with the requirements of the act and rules and regulations.

(b) Each and every fur shall be invoiced in conformity with the requirements of the act and rules and regulations.

(c) Any advertising of fur products or furs shall be in conformity with the requirements of the act and rules and regulations.

§ 301.3 *English language requirement.* All information required under the act and rules and regulations to appear on labels, invoices, and in advertising, shall be set out in the English language. If labels, invoices or advertising matter contain any of the required information in a language other than English, all of the required information shall appear also in the English language. The provisions of this section shall not apply to advertisements in foreign language newspapers or periodicals, but such advertising shall in all other respects comply with the act and regulations.

§ 301.4 *Abbreviations or ditto marks prohibited.* In disclosing required information in labeling and advertising, words or terms shall not be abbreviated or designated by the use of ditto marks but shall be spelled out fully, and in invoicing the required information shall not be abbreviated but shall be spelled out fully.

§ 301.5 *Use of Fur Products Name Guide.* (a) The Fur Products Name Guide (16 CFR 301.0) is set up in four columns under the headings of Name, Order, Family and Genus-Species. The applicable animal name appearing in the column headed "Name" shall be used in the required information in labeling, invoicing and advertising of fur products and furs. The scientific names appearing under the columns headed Order, Family, and Genus-Species are furnished for animal identification purposes and shall not be used.

(b) Where the name of the animal appearing in the Name Guide consists of two separate words the second word shall precede the first in designating the name of the animal in the required information; as for example: "Fox, Black" shall be disclosed as "Black Fox."

§ 301.6 *Animals not listed in Fur Products Name Guide.* (a) All furs are subject to the act and regulations regardless of whether the name of the animal producing the fur appears in the Fur Products Name Guide.

(b) Where fur is obtained from an animal not listed in the Fur Products Name Guide it shall be designated in the required information by the true English name of the animal or in the absence of a true English name, by the name which properly identifies such animal in the United States.

§ 301.7 *Describing furs by certain breed names prohibited.* If the fur of an animal is described in any manner by its breed, species, strain or coloring, irrespective of former usage, such descriptive matter shall not contain the name of another animal either in the adjective form or otherwise nor shall such description (subject to any exception contained in this part or animal names appearing in the Fur Products Name Guide) contain a name in an adjective form or otherwise which connotes a false geographic origin of the animal. For example, such designations as "Sable Mink," Chinchilla Rabbit," and "Aleutian Mink" shall not be used.

§ 301.8 *Use of terms "Persian Lamb," "Broadtail Lamb," and "Persian-broadtail Lamb" permitted.* (a) The term "Persian Lamb" may be used to describe the skin of the young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having hair formed in knuckled curls.

(b) The term "Broadtail Lamb" may be used to describe the skin of the prematurely born, stillborn, or very young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having flat light-weight fur with a moire pattern.

(c) The term "Persian-broadtail Lamb" may be used to describe the skin of the very young lamb of the Karakul breed of sheep or top-cross breed of such sheep, having hair formed in flattened knuckled curls with a moire pattern.

(d) The terms "Persian Lamb", "Broadtail Lamb", or "Persian-broadtail Lamb" shall not be used to describe: (1) The so-called Krimmer, Bessarabian, Rumanian, Shiraz, Salzfelle, Metis, Dubar, Mouched, Caracul, Iranian, Iraqi, Chinese, Mongolian, Chekiang, or Indian lamb skins, unless such lamb skins conform with the requirements set out in paragraphs (a), (b), or (c), of this section respectively; or (2) any other lamb skins having hair in a wavy or open curl pattern.

§ 301.9 *Use of terms "Mouton-processed Lamb" and "Shearling Lamb" permitted.* (a) The term "Mouton-processed Lamb" may be used to describe the skin of a lamb which has been sheared, the hair straightened, chemically treated, and thermally set to produce a moisture repellent finish; as for example:

Dyed Mouton-processed Lamb

(b) The term "Shearling Lamb" may be used to describe the skin of a lamb which has been sheared and combed.

§ 301.10 *Use of term "Broadtail-processed Lamb" permitted.* The term "Broadtail-processed Lamb" may be used to describe the skin of a lamb which has been sheared, leaving a moire hair pattern on the pelt having the appearance of the true fur pattern of "Broadtail Lamb"; as for example:

Dyed Broadtail-processed Lamb
Fur origin: Argentina

§ 301.11 *Fictitious or non-existing animal designations prohibited.* No trade names, coined names, nor other names or words descriptive of a fur as being the fur of an animal which is in fact fictitious or non-existent shall be used in labeling, invoicing or advertising of a fur or fur product.

§ 301.12 *Country of origin of imported furs.* (a) (1) In the case of furs imported into the United States from a foreign country, the country of origin of such furs shall be set forth as a part of the information required by the act in invoicing and advertising.

(2) In the case of fur products imported into the United States from a foreign country, or fur products made from furs imported into the United States from a foreign country, the country of origin of the furs contained in such products shall be set forth as a part of the information required by the act in labeling, invoicing and advertising.

(b) The term "country" means the political entity known as a nation. Colonies, possessions or protectorates outside the boundaries of the mother country shall be considered separate countries and the name thereof shall be deemed acceptable in designating the "country of origin" unless the Commission shall otherwise direct.

(c) The country in which the animal producing the fur was raised, or if in a feral state, was taken, shall be considered the "country of origin."

(d) When furs are taken within the territorial waters of a country, such country shall be considered the "country of origin." Furs taken outside such territorial waters, or on the high seas, shall have as their country of origin the country having the nearest mainland.

(e) (1) The English name of the country of origin shall be used and such name shall not be abbreviated.

(2) The name of the country of origin, when used as a part of the required information in labeling shall not be used in the adjective form but shall be preceded by the term "fur origin"; as for example:

Dyed Muskrat
Fur origin: Russia

or

Dyed China Mink
Fur origin: China

(f) Nothing in this section shall be construed as limiting in any way the information required to be disclosed on labels under the provisions of any Tariff Act of the United States or regulations prescribed by the Secretary of the Treasury.

§ 301.13 *Fur products having furs with different countries of origin.* When a fur product is composed of furs with different countries of origin the names of such countries shall be set forth in the required information in the order of predominance by surface areas of the furs in the fur product.

§ 301.14 *Country of origin of used furs.* When the country of origin of used furs is unknown, and no representations are made directly or by implication with respect thereto, this fact shall be set out as a part of the required information in lieu of the country of origin as "Fur origin: Unknown."

§ 301.15 *Designation of section producing domestic furs permitted.* In the case of furs produced in the United States the name of the section or area producing the furs used in the fur product may be set out in connection with the name of the animal; as for example:

Dyed Fur Seal
Fur origin: Alaska

or

Dyed Muskrat
Fur origin: Minnesota

§ 301.16 *Disclosure of origin of certain furs raised or taken in United States.* If the name of any animal set out in the Fur Products Name Guide or term permitted by the regulations to be used in connection therewith connotes foreign origin and such animal is raised or taken in the United States, furs obtained therefrom shall be described in disclosing the required information as having the United States as the country of origin; as for example:

Dyed Persian Lamb
Fur origin: United States

or

Mexican Raccoon
Fur origin: United States

§ 301.17 *Misrepresentation of origin of furs.* No misleading nor deceptive statements as to the geographical or zoological origin of the animal producing a fur shall be used directly or indirectly in labeling, invoicing or advertising furs or fur products.

§ 301.18 *Passing off domestic furs as imported furs prohibited.* No domestic furs nor fur products shall be labeled, invoiced or advertised in such a manner as to represent directly or by implication that they have been imported.

§ 301.19 *Pointing, dyeing and bleaching.* (a) Where a fur or fur product is pointed or contains or is composed of

bleached, dyed or otherwise artificially colored fur, such facts shall be disclosed as a part of the required information in labeling, invoicing and advertising.

(b) The term "pointing" means the process of inserting separate hairs into furs or fur products for the purpose of adding guard hairs, either to repair damaged areas or to simulate other furs.

(c) The term "bleaching" means the process for producing a lighter shade of a fur, or removing off-color spots and stains by a bleaching agent.

(d) The term "dyeing" (which includes the processes known in the trade of tipping the hair or fur, feathering, and beautifying) means the process of applying dyestuffs to the hair or fur, either by immersion in a dye bath or by application of the dye by brush, feather, spray, or otherwise, for the purpose of changing the color of the fur or hair, or to accentuate its natural color. When dyestuff is applied only to the ends of the hair or fur, by feather or otherwise, it may be described as "tip-dyed." The application of dyestuff to the leather or the skin (known in the trade as "tipping", as distinguished from tip-dyeing the hair or fur as described in this paragraph) and which does not effect a change of, nor accentuate the natural color of the hair or fur, shall not be considered as "dyeing."

(e) The term "blended" shall not be used as a part of the required information to describe the pointing, bleaching, dyeing or tip-dyeing of furs.

(f) Where a fur or fur product is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored it may be described as "natural".

§ 301.20 *Fur products composed of pieces.* (a) Where fur products, or fur mats and plates, are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, such fact shall be disclosed as a part of the required information in labeling, invoicing and advertising. Where a fur product is made of the backs of skins such fact may be set out in labels, invoices and advertising.

(b) Where fur products, or fur mats and plates, are composed wholly or substantially of two or more of the parts set out in paragraph (a) of this section or one or more of such parts and other fur, disclosure in respect thereto shall be made by naming such parts or other fur in order of predominance by surface area.

(c) The terms "substantial part" and "substantially" mean ten per centum (10 percent) or more in surface area.

(d) The term "assembled" shall not be used in lieu of the terms set forth in paragraph (a) of this section to describe fur products or fur mats and plates composed of such parts.

§ 301.21 *Disclosure of used furs.* (a) When fur in any form has been worn or used by an ultimate consumer it shall be designated "used fur" as a part of the required information in invoicing and advertising.

(b) When fur products or fur mats and plates are composed in whole or in part of used fur, such fact shall be disclosed as a part of the required information in labeling, invoicing and advertising; as for example:

Leopard
Used Fur

or

Dyed Muskrat
Contains Used Fur

§ 301.22 *Disclosure of damaged furs.* (a) The term "damaged fur," as used in this part, means a fur, which, because of a known or patent defect resulting from natural causes or from processing, is of such a nature that its use in a fur product would decrease the normal life and durability of such product.

(b) When damaged furs are used in a fur product, full disclosure of such fact shall be made as a part of the required information in labeling, invoicing, or advertising such product; as for example:

Mink
Fur origin: Canada
Contains Damaged Fur

§ 301.23 *Second-hand fur products.* When a fur product has been used or worn by an ultimate consumer and is subsequently marketed in its original, reconditioned, or rebuilt form with or without the addition of any furs or used furs, the requirements of the act and regulations in respect to labeling, invoicing and advertising of such product shall be applicable thereto, subject, however, to the provisions of § 301.14 as to country of origin requirement, and in addition, as a part of the required information such product shall be designated "Second-hand", "Reconditioned-Second-hand", or "Rebuilt-Second-hand", as the case may be.

§ 301.24 *Repairing, restyling and remodeling fur products for consumer.* When fur products owned by and to be returned to the ultimate-consumer are repaired, restyled or remodeled and used fur or fur is added thereto, labeling of the fur product shall not be required. However, the person adding such used fur or fur to the fur product, or who is responsible therefor, shall give to the owner an invoice disclosing the information required under the act and regulations respecting the used fur or fur added to the fur product, subject, however, to the provisions of § 301.14 as to country of origin requirement.

§ 301.25 *Name required to appear on labels and invoices.* The name required by the act to be used on labels and invoices shall be the full name under which the person is doing business, and no trade-mark, trade name nor other name which does not constitute such full name shall be used in lieu thereof.

§ 301.26 *Registered identification number.* (a) Registered numbers for use as the required identification in lieu of the name on fur product labels as provided in section 4 (2) (E) of the act will be issued by the Commission to qualified persons residing in the United States upon receipt of an application duly executed in the form set out in paragraph (d) of this section.

(b) (1) Registered identification numbers shall be used only by the person or concern to whom they are issued, and such numbers are not transferable or assignable.

(2) Any change in name, business address, or legal business status of a person to whom a registered identification number has been assigned shall be reported promptly to the Federal Trade Commission.

(3) Registered identification numbers shall be subject to cancellation whenever any such number was procured or has been used improperly or contrary to the requirements of the act and regulations, or when otherwise deemed necessary in the public interest.

(c) Where a fur product is subject also to the Wool Products Labeling Act and the label affixed thereto sets forth all of the information required under each act, as provided in § 301.32, a registered identification number issued under the rules and regulations relating to the Wool Products Labeling Act may be used thereon as the required identification.

(d) Form of application for registered identification number (printed forms are available upon request at the offices of the Commission):

APPLICATION FOR REGISTERED IDENTIFICATION NUMBER UNDER THE FUR PRODUCTS LABELING ACT

To the FEDERAL TRADE COMMISSION,
Washington 25, D. C.

The undersigned, _____,
(Full name of applicant)

a _____
(Corporation, partnership or proprietorship) residing in the United States and having principal office and place of business at _____, _____,
(Street and number) (City)

_____, being engaged in
(State or Territory)

manufacturing for introduction into commerce of a fur product as defined in section 2 (d) of the Fur Products Labeling Act, or in introducing it into commerce, selling it in commerce, advertising or offering it for sale in commerce or transporting or distributing it in commerce, hereby makes application to the Federal Trade Commission for a registered identification number for use on its required labels.

The undersigned is engaged in the _____
(Manufacturing, distributing, etc.)
of the following fur products _____.
(List products)

The following execution to be used only by individuals, partnerships and unincorporated associations:

Dated, signed and executed this _____ day of _____ 19____, at _____.
(City)

_____
(State or Territory)

_____
(Name under which business is conducted)

_____
(Signature of proprietor or partner)

(If firm is a partnership list partners below.)

_____
(Please type or print)

_____

_____

_____

STATE OF _____,
County of _____, ss:

On this _____ day of _____ 19____, before me personally appeared the said _____
(Name of proprietor or partner signing)
to me known to be the person described in and who executed the foregoing instrument,

and acknowledged the execution of the same in the capacity and for the uses and purposes therein stated.

[Impression of notarial seal required here] ----------
Notary public in and for County of ----------

State of ----------
My commission expires ----------

The following execution to be used only by corporations:

In witness whereof the----------
(Full corporate name)
the undersigned applicant herein, a corporation chartered and doing business under the laws of the State of ----------, having principal office and place of business aforesaid, has this ------ day of ----------, 19----, caused this application to be executed and its name and corporate seal to be hereto affixed.

(Full corporate name)

By----------
(Signature and title of executive officer)

STATE OF----------,
County of----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared ----------
----
(Name of executive officer)
(Please type or print)
to me personally known and acknowledged the execution of the foregoing instrument on behalf of said corporation for the uses and purposes therein stated.

[Impression of notarial seal required here] ----------
Notary Public in and for County of----

State of ----------
My commission expires ----------

§ 301.27 *Label and method of affixing.* At all times during the marketing of a fur product the required label shall have a minimum dimension of one and three-fourths (1¾) inches by two and three fourths (2¾) inches. Such label shall be of a material of sufficient durability and shall be conspicuously affixed to the product in a secure manner and with sufficient permanency to remain thereon throughout the sale, resale, distribution and handling incident thereto, and shall remain on or be firmly affixed to the respective product when sold and delivered to the purchaser and purchaser-consumer thereof.

§ 301.28 *Labels to be avoided.* Labels which are insecurely or inconspicuously attached, or which in the course of offering the fur product for sale, selling, transporting, marketing, or handling incident thereto, are likely to become detached, indistinct, obliterated, illegible, mutilated, inaccessible or inconspicuous shall not be used.

§ 301.29 *Requirements in respect to disclosure on label.* (a) The required information shall be set out on the label in a legible manner and in not smaller than pica or twelve (12) point type, and all parts of the required information shall be set out in letters of equal size and conspicuousness. All of the required information with respect to the fur product shall be set out on one side of the label and no other information shall appear on such side except the lot or style number and size. The other side of the label may be used to set out any non-required information which is true and non-deceptive and which is not prohibited by the act and regulations, but in all cases the animal name used shall be that set out in the Name Guide.

(b) The required information may be set out in hand printing provided it conforms to the requirements of paragraph (a) of this section, and is set out in indelible ink in a clear, distinct, legible and conspicuous manner. Handwriting shall not be used in setting out any of the required information on the label.

§ 301.30 *Arrangement of required information on label.* (a) The applicable parts of the information required with respect to the fur to appear on labels affixed to fur products shall be set out in the following sequence:

(1) That the fur product contains or is composed of pointed, bleached, dyed, or tip-dyed fur when such is the fact;

(2) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur;

(3) That the fur product is composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

(4) The name of the country of origin of any imported furs used in the fur product;

(5) Any other information required or permitted by the act and regulations with respect to the fur.

(b) That part of the required information with respect to the name or registered identification number of the manufacturer or dealer may precede or follow the required information set out in paragraph (a) of this section.

§ 301.31 *Labeling of fur products consisting of two or more units.* (a) The label shall be attached to and appear upon each garment or separate article of wearing apparel subject to the act irrespective of whether two or more garments or articles may be sold or marketed together or in combination with each other.

(b) In the case of fur products manufactured for use in pairs or groups, only one label will be required if all units in the pair or group are of the same fur and have the same country of origin, and are firmly attached to each other when marketed and delivered in the channels of trade and to the purchaser-consumer and the information set out on the label is clearly applicable to each unit in the pair or group and supplies the information required under the act and rules and regulations.

§ 301.32 *Fur product containing material other than fur.* (a) Where a fur product contains a material other than fur the content of which is required to be disclosed on labels under other statutes administered by the Commission, such information may be set out on the same side of the label and in immediate conjunction with the information required under this act; as for example:

100% Wool
Interlining—100% Reused Wool
Trim—Dyed Muskrat
Fur origin: Canada

(b) Information which may be desirable or necessary to fully inform the purchaser or other material content of a fur product may be set out on the same side of the label as used for disclosing the information required under the act and rules and regulations; as for example:

Body—Cotton
Lining—Nylon Pile
Collar—Dyed Mouton-processed Lamb
Fur origin: Argentina

§ 301.33 *Labeling of samples.* Where samples of furs or fur products subject to the act are used to promote or effect sales of fur products, said samples, as well as the fur products purchased therefrom, shall be labeled to show the information required under the act and regulations.

§ 301.34 *Label or invoice incomplete or inaccurate.* (a) If a person subject to section 3 of the act with respect to a fur product finds or has reasonable cause to believe the label affixed thereto is incorrect or does not contain all the information required by the act and the rules and regulations, he shall correct such label or replace same with a substitute containing the required information.

(b) If a person subject to section 3 of the act with respect to a fur or fur product finds or has reasonable cause to believe that the invoice issued to him in relation to such fur or fur product is incorrect or does not contain all the information required by the act and regulations, he shall, in connection with any invoice issued by him in relation to such fur or fur product correctly set forth all of the information required by the act and regulations in relation to such fur or fur product.

§ 301.35 *Substitution of labels.* (a) Persons authorized under the provisions of section 3 (e) of the act to substitute labels affixed to fur products may do so, provided the substitute label is complete and carries all the information required under the act and rules and regulations in the same form and manner as required in respect to the original label. The substitute label need not, however, show the name or registered number appearing on the original label if the name or registered number of the person who affixes the substitute appears thereon.

(b) The original label may be used as a substitute label provided the name or registered number of the person making the substitution, together with the item number or mark assigned by such person to said fur product for record purposes is inserted thereon without interfering with or obscuring in any manner other required information. In connection with such substitution the name or registered number as well as any record numbers appearing on the original label may be removed.

(c) Persons substituting labels under the provision of this section shall maintain the records required under § 301.41.

§ 301.36 *Sectional fur products.* (a) Where a fur product is composed of two or more sections containing different aminal furs the required information with respect to each section shall be separately set forth in labeling, invoicing or advertising; as for example:

Dyed Rabbit
Fur origin: France
Trimming: Dyed Mouton-processed Lamb
Fur origin: Argentina

or

Body: Dyed Kolinsky
Fur origin: Russia
Tail: Dyed Mink
Fur origin: Canada

(b) The provisions of this section shall not be interpreted so as to require the disclosure of very small amounts of different animal furs added to complete a fur product or skin such as the ears, snoot, or under part of the jaw.

§ 301.37 *Manner of invoicing furs and fur products.* (a) In the invoicing of furs and fur products, all of the required information shall be set out in a clear, legible, distinct and conspicuous manner. The invoice shall be issued at the time of the sale or other transaction involving furs or fur products, but the required information need not be repeated in subsequent periodic statements of account respecting the same furs or fur products.

(b) Non-required information or representations appearing in the invoicing of furs and fur products shall in no way be false or deceptive nor include any names, terms or representations prohibited by the act and regulations. Nor shall such information or representations be set forth or used in such manner as to interfere with the required information.

§ 301.38 *Advertising of furs and fur products.* (a) (1) In advertising furs or fur products, all parts of the required information shall be stated in close proximity with each other and, if printed, in legible and conspicuous type of equal size.

(2) Non-required information or representations appearing in the advertising of furs and fur products shall in no way be false or deceptive nor include any names, terms or representations prohibited by the act and regulations. Nor shall such information or representations be set forth or used in such manner as to interfere with the required information.

(b) (1) In general advertising of a group of fur products composed in whole or in part of imported furs having various countries of origin, the disclosure of such countries of origin may, by reference, be made through the use of the following statement in the advertisement in a clear and conspicuous manner:

Fur products labeled to show country of origin of imported furs

(2) The provisions of this paragraph shall not be applicable in the case of catalogue, mail order, or other types of advertising which solicit the purchase of fur products in such a manner that the purchaser or prospective purchaser would not have the opportunity of viewing the product and attached label prior to delivery thereof.

(c) In advertising of an institutional type referring only to the general nature or kind of business conducted or to the general classification of the types or

kinds of furs or fur products manufactured or handled, and which advertising is not intended to aid, promote, or assist directly or indirectly in the sale or offering for sale of any specific fur products or furs, the required information need not be set forth: *Provided, however,* That if reference is made in the advertisement to a color of the fur which was caused by dyeing, bleaching or other artificial coloring, such facts shall be disclosed in the advertising, and provided further, that when animal names are used in such advertising, such names shall be those set forth in the Fur Products Name Guide. For example, the kind of advertising contemplated by this paragraph is as follows:

X Fur Company
Famous for its Black Dyed Persian Lamb
Since 1900

or

X Company
Manufacturers of Fine Muskrat Coats,
Capes and Stoles

§ 301.39 *Exempted fur products.* (a) Where the cost of any manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed five dollars ($5.00), or where a manufacturer's selling price of a fur product does not exceed five dollars ($5.00), and no express or implied representation is made concerning the fur contained in such product and the provisions of paragraphs (b) and (c) of this section are met, the fur product shall be exempt from the requirements of the act and regulations: *Provided, however,* That if the fur product is made of or contains any used fur, or if the fur product itself is or purports to be the whole skin of an animal with the head, ears, paws, and tail, such as a choker or scarf, the fur product is to be labeled, invoiced and advertised in accordance with the requirements of the act and regulations regardless of cost of the fur used in the fur product, or manufacturer's selling price.

(b) Where a fur product is exempt under this section from the requirements of the act and regulations, the manufacturer thereof shall maintain, in addition to the other records required under the act and regulations, adequate records showing the cost of the fur used in such fur product, or copies of invoices showing the manufacturer's selling price of the fur product, provided such price is used as the basis for exemption. Such records shall be preserved for at least three years.

(c) Where a fur product is exempt under this section and the manufacturer's selling price exceeds five dollars ($5.00) the manufacturer's or wholesaler's invoice shall carry information indicating such fur product is exempt from the provisions of the act and regulations; as for example: "FPL Exempt".

§ 301.40 *Item number or mark to be assigned to each fur product.* (a) For the purpose of identification, each fur product shall be assigned a separate item number or mark by the manufacturer thereof: *Provided, however,* That where all of the furs used in a group of fur products are obtained through the same purchase and from the same source and all of the required information with respect to such furs is identical, then a single item number or mark may be assigned to identify all of the fur products in such group. Each number or mark so assigned shall appear on the required label and invoice pertaining to such product and used for the identification thereof in the records required by § 301.41.

(b) Any subsequent dealer in fur products may assign to each fur product handled a different item number or mark to be used on the required label and invoice pertaining to such product, in lieu of that of the manufacturer or other supplier, and for the identification of such fur product in the records required by § 301.41.

§ 301.41 *Maintenance of records.* (a) Pursuant to section 3 (e) and section 8 (d) (1), of the act, each manufacturer or dealer in fur products or furs, irrespective of whether any guaranty has been given or received, shall maintain records showing all of the required information relative to such fur products or furs in such manner as will readily identify each fur or fur product manufactured or handled.

(b) The records to be maintained under this section shall include copies of all purchase orders, sales contracts, and invoices; business correspondence; manufacturing records, advertising matter, and all other data showing:

(1) The purchase and receipt of all fur products and furs handled;

(2) The respective item number or mark assigned to each fur product by the manufacturer or supplier thereof as required by § 301.40;

(3) The item number or mark which may be assigned to any particular fur product by a subsequent dealer in lieu of that assigned by the manufacturer or supplier thereof, as permitted by § 301.40;

(4) That the fur product manufactured or handled is "second hand", when such is the fact;

(5) That the fur handled or the fur product manufactured or handled contains or is composed of pointed, bleached, dyed, or tip-dyed fur, when such is the fact;

(6) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur handled or the fur contained in each fur product manufactured or handled;

(7) That the fur product or fur mats or plates manufactured or handled are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

(8) That the fur handled is used or the fur product manufactured or handled contains or is composed of used or damaged furs, when such is the fact;

(9) The name or names of the countries of origin of all imported furs handled or imported furs contained in each fur product manufactured or handled;

(10) All of the required information including the required item number or mark appearing on any label affixed to a fur product which is removed for the purpose of substitution;

(11) The sale of each fur handled and fur product manufactured or handled.

§ 301.42 *Deception as to nature of business.* When necessary to avoid deception, the name of any person other than the manufacturer of the fur product appearing on the label or invoice shall be accompanied by appropriate words showing that the fur product was not manufactured by such person; as for example:

Distributed by ----------
or
---------- Wholesalers

§ 301.43 *Use of deceptive trade or corporate names, trade-marks or graphic representations prohibited.* No person shall use in labeling, invoicing or advertising any fur or fur product a trade name, corporate name, trade-mark or other trade designation or graphic representation which misleads or deceives or has the capacity or tendency to mislead or deceive purchasers, prospective purchasers or the consuming public as to:

(a) The character of the product including method of construction;

(b) The name of the animal producing the fur;

(c) The method or manner of distribution; or

(d) The geographical or zoological origin of the fur.

§ 301.44 *Misrepresentation of prices.* (a) No person shall, with respect to a fur or fur product, advertise such fur or fur product at alleged wholesale prices or at alleged manufacturers cost or less, unless such representations are true in fact; nor shall any person advertise a fur or fur product at prices purported to be reduced from what are in fact fictitious prices, nor at a purported reduction in price when such purported reduction is in fact fictitious.

(b) No person shall, with respect to a fur or fur product, advertise such fur or fur product with comparative prices and percentage savings claims except on the basis of current market values or unless the time of such compared price is given.

(c) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being "made to sell for", being "worth" or "valued at" a certain price, or by similar statements, unless such claim or representation is true in fact.

(d) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being of a certain value or quality unless such claims or representations are true in fact.

(e) Persons making pricing claims or representations of the types described in paragraphs (a), (b), (c) and (d) of this section shall maintain full and adequate records disclosing the facts upon which such claims or representations are based.

(f) No person shall, with respect to a fur or fur product, advertise such fur or fur product by the use of an illustration which shows such fur or fur product to be a higher priced product than the one so advertised.

(g) No person shall, with respect to a fur or fur product, advertise such fur or fur product as being "bankrupt stock", "samples", "show room models", "Hollywood Models", "Paris Models", "French Models", "Parisian Creations", "Furs Worn by Society Women", "Clearance Stock", "Auction Stock", "Stock of a business in a state of liquidation", or similar statements, unless such representations or claims are true in fact.

§ 301.45 *Representations as to construction of fur products.* (a) No misleading nor deceptive statements as to the construction of fur products shall be used directly or indirectly in labeling, invoicing or advertising such products. (For example, a fur product made by the skin-on-skin method should not be represented as having been made by the let-out method.)

(b) Where a fur product is made by the method known in the trade as letting-out, or is made of fur which has been sheared or plucked, such facts may be set out in labels, invoices and advertising.

§ 301.46 *Reference to guaranty by Government prohibited.* No representation nor suggestion that a fur or fur product is guaranteed under the act by the Government, or any branch thereof, shall be made in the labeling, invoicing or advertising in connection therewith.

§ 301.47 *Form of separate guaranty.* The following is a suggested form of separate guaranty under section 10 of the act which may be used by a guarantor residing in the United States, on and as part of an invoice in which the merchandise covered is listed and specified and which shows the date of such document, the date of shipment of the merchandise and the signature and address of the guarantor:

We guarantee that the fur products or furs specified herein are not misbranded nor falsely nor deceptively advertised or invoiced under the provisions of the Fur Products Labeling Act and rules and regulations thereunder.

§ 301.48 *Continuing guaranties.* (a) Under section 10 of the act any person residing in the United States and handling furs or fur products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(b) Continuing guaranties filed with the Commission shall be renewable annually and at such other times as any change occurs in legal business status of the person filing the continuing guaranty. The guarantor shall promptly report any such change to the Commission and advise the Commission of any change in the address of its principal office and place of business.

(c) The following is the prescribed form of continuing guaranty:

CONTINUING GUARANTY UNDER THE FUR PRODUCTS LABELING ACT

The undersigned, ----------,
(Full name of guarantor)
a ----------,
(Corporation, partnership, proprietorship) residing in the United States and having principal office and place of business at ----------, ----------,
(Street and number) (City)
----------, and engaged in manu-
(State or Territory)
facturing or handling furs or fur products hereby guarantees that every such fur product contained in each shipment or other delivery hereafter made by it, will not be misbranded when so shipped and delivered, and that no fur or fur product in any such shipment or delivery will be falsely or deceptively invoiced or advertised within the meaning of the Fur Products Labeling Act and the rules and regulations thereunder.

The following execution to be used only by individuals, partnerships and unincorporated associations:

Dated, signed and executed this --------, day of ----------, 19 ----, at ----------.
(City)

(State or Territory)

(Name under which business is conducted)

(Signature of Proprietor or Partner)

(If firm is a partnership list partners below.)

STATE OF ----------,
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared the said ----------
(Name of proprietor or partner signing)
to me known to be the person described in and who executed the foregoing instrument, and acknowledged the execution of the same for the uses and purposes therein stated.

[Impression of
Notarial seal
required here] ----------
Notary Public in and for county of ----------
State of ----------
My commission expires ----------

The following execution to be used only by corporations:

Dated, signed and executed this --------, day of ----------, 19----, at ----------,
----
(City)

(State or Territory)

[Impression of
corporate seal
required here] ----------
(Full corporate name)
By ----------
(Signature and title of executive officer)

Attest:

(Secretary)

STATE OF ----------,
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared ----------
(Name of
----
executive officer signing)
---------- of
(Title of executive officer)

(Name of corporation)

to me personally known, and acknowledged the execution of the foregoing instrument on behalf of said corporation for the uses and purposes therein stated.

[Impression of
notarial seal
required here] ----------
Notary public in and for county of ----------
State of ----------
My commission expires ----------

§ 301.49 *Deception in general.* No furs nor fur products shall be labeled, invoiced or advertised in any manner which is false, misleading or deceptive in any respect.

Promulgated and made effective by the Federal Trade Commission on August 9, 1952.

Issued: June 27, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-7305; Filed, July 7, 1952; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department

[Dept. Reg. 108.156]

PART 96—PARCEL POST SHIPMENTS OF INDIVIDUAL RELIEF PACKAGES

JUNE 30, 1952.

Preamble. Pursuant to section 535 of Public Law 400, 82d Congress, and Executive Order No. 10368 of June 30, 1952, the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended, has been placed in the Department of State.

The regulations in this part, which have been approved by the Postmaster General, supersede Part 202 of Chapter II of this title.[1]

Sec.
96.1 Scope of the regulations in this part.
96.2 Definition of relief package.
96.3 Manner of payment of ocean freight charges.
96.4 Limitations of contents of relief packages.
96.5 Weight and size limitations.
96.6 Identification.
96.7 Postal regulations.
96.8 Import regulations.
96.9 Saving clause.

AUTHORITY: § 96.1 to 96.9 issued under sec. 104, 62 Stat. 136, as amended; 22 U. S. C. Sup. 1503. Interpret or apply sec. 117, 62 Stat. 153, as amended, sec. 535, Public Law 400, 82d Cong.; 22 U. S. C. Sup. 1515, E. O. 10368; 17 F. R. 5929.

§ 96.1 *Scope of the regulations in this part.* This part provides the rules under which the Secretary of State will pay ocean freight charges from a United States port to initial foreign ports of entry on relief packages originating in the United States (including its territories and insular possessions) and consigned by an individual by parcel post to an individual residing in Austria, Italy, or the zones of Trieste occupied by the United States and the United Kingdom, and those areas of China which the Secretary may deem to be eligible for assistance.

§ 96.2 *Definition of relief package.* A "relief package" is defined as a gift parcel, containing articles permitted by § 96.4 to be sent by an individual free of cost to the person receiving it for the personal use of himself or his immediate family.

§ 96.3 *Manner of payment of ocean freight charges.* The Secretary of State will reimburse the Post Office Department for the ocean freight charges on relief packages sent by parcel post by an individual to an individual in any of the countries listed above, to the extent that the international parcel post rate paid by the sender has been reduced pursuant to regulations of the Post Office Department. (Part II United States Official Postal Guide, edition of July 1, 1951, pp. 90, 133, 236 and 365.)

§ 96.4 *Limitations of contents of relief packages.* (a) The contents of relief packages shall be limited to nonperishable food; clothing and clothes-making materials; shoes and shoemaking materials; mailable medical and health supplies; household supplies and utensils; and vegetable seeds; if permitted under existing United States postal regulations. (Part II United States Official Postal Guide, edition of July 1, 1951, pp. 90, 133, 236 and 365.)

(b) Relief packages shipped hereunder are subject to regulations prescribed by the Office of International Trade of the Department of Commerce.

(c) The combined total domestic retail value of vegetable seeds must not exceed $5.00.

§ 96.5 *Weight and size limitations.* The maximum weight and dimensions of each relief package sent by parcel post must conform to the limitations established by the Post Office Department for the particular country of destination.

§ 96.6 *Identification.* When a relief package is presented to a post office for mailing under the regulations in this part, the words "U. S. A. Gift Parcel" shall be endorsed conspicuously by the sender on the addressee side of the package and also entered on the customs declaration. The use of the words "U. S. A. Gift Parcel" is a certification by the individual mailing the relief package that the provisions of the regulations in this part have been met.

§ 96.7 *Postal regulations.* Information concerning the Post Office regulations should be obtained from the local post offices with respect to size and weight limitations, customs declaration (Form 2966), dispatch note (Form 2972), and the postage rate applicable for such shipments.

§ 96.8 *Import regulations.* Senders of relief packages are reminded that each receiving country has import and customs regulations, and that certain items may be subject to import restrictions or duties. Information regarding such regulations may be ascertained either from the proposed recipient, from the Office of International Trade, Department of Commerce, Washington 25, D. C., or any of the district offices of the Department of Commerce.

§ 96.9 *Saving clause.* The Secretary of State may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

Effective date. These regulations shall become effective July 1, 1952.

WILLARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-7433; Filed, July 7, 1952; 9:00 a. m.]

[Dept. Reg. 108.157]

PART 97—OCEAN SHIPMENTS OF SUPPLIES BY VOLUNTARY NONPROFIT RELIEF AGENCIES

JUNE 30, 1952.

Preamble. Pursuant to section 535 of Public Law 400, 82d Congress, and Executive Order No. 10368 of June 30, 1952, the authority to pay ocean freight charges on shipments of relief supplies and packages under section 117 (c) of the Economic Cooperation Act of 1948, as amended, has been placed in the Department of State.

The regulations in this part supersede Part 203 of Chapter II of this title.[1]

Sec.
97.1 Definition of terms.
97.2 Scope of the regulations in this part.
97.3 Agencies within scope of the regulations in this part.
97.4 Manner of payment of ocean freight charges.
97.5 Refund by agencies.
97.6 Saving clause.

AUTHORITY: § 97.1 to 97.6 issued under sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup. 1503. Interpret or apply sec. 117, 62 Stat. 153, as amended, sec. 535, Public Law 400, 82d Cong.; 22 U. S. C. Sup. 1515, E. O. 10368; 17 F. R. 5929.

§ 97.1 *Definition of terms.* For the purposes of this part:

(a) "The Secretary" shall mean the Secretary of State.

(b) "The Committee" shall mean the Advisory Committee on Voluntary Foreign Aid of the Department of State.

(c) "Supplies" shall include goods shipped in bulk and relief packages.

§ 97.2 *Scope of the regulations in this part.* This part provides the rules under which the Secretary, in order to further the efficient use of United States voluntary contributions for relief in countries or zones hereinafter designated, will pay ocean freight charges from United States ports to initial foreign ports of entry of such designated countries or zones on supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with the Committee, for distribution in Austria, those areas of China which the Secretary may deem to be eligible for assistance, the Federal Republic of Germany, Greece, France, Italy, the zones of Trieste occupied by the United States and the United Kingdom, and, when the Secretary determines it necessary and expedient, in any country eligible for economic or technical assistance under the Mutual Security

[1] Revoked, 17 F. R. 5934.

Act of 1952 (P. L. 400, 82d Cong., 2d Sess.).

§ 97.3 *Agencies within scope of the regulations in this part.* Any United States voluntary nonprofit relief agency may make application for reimbursement of ocean freight charges on shipments of supplies donated to or purchased by it for distribution within the foreign countries and zones listed in § 97.2, *Provided:*

(a) An agreement for duty-free entry and defrayment of inland transportation costs of relief supplies within the scope of the regulations in this part has been concluded between the United States and the recipient country.

(b) The general program and projects by countries of operation of the agency, and the supplies in support thereof, have been approved by the recipient country in accordance with the agreement referred to in paragraph (a) of this section.

(c) The agency is registered with the Committee, and therefore has met all the requirements of registration as set forth in the regulations "Registration of Agencies for Voluntary Foreign Aid." (Part 98 of this subchapter.)

§ 97.4 *Manner of payment of ocean freight charges.* By means of an equitable apportionment of the funds available for this purpose the Secretary will reimburse agencies qualified under § 97.2 and § 97.3 to the extent of ocean freight charges paid by them for shipments made in conformity with the regulations in this part: *Provided*, That application for such reimbursement is submitted to the Secretary of State, Attention: Advisory Committee on Voluntary Foreign Aid, Department of State, Washington 25, D. C., within forty-five days of date of shipment, together with receipted invoices for such charges, supported by ocean bills of lading, showing that such charges are limited to the actual cost of transportation of the supplies from end of ship's tackle at the United States port of loading to end of ship's tackle at port of discharge, correctly assessed at the time of loading by the carrier for freight on a weight, measurement, or unit basis, and free of any other charges.

§ 97.5 *Refund by agencies.* Any agency reimbursed hereunder will refund promptly to the Secretary upon demand the entire amount, or any lesser amount specified, of ocean freight charges reimbursed, and to the recipient country upon demand the entire amount, or any lesser amount specified, of inland transportation costs reimbursed, whenever the Secretary determines that the reimbursements were improper as being in violation of any of the provisions of Public Law 400, 82d Congress, any acts amendatory thereof or supplemental thereto, any relevant appropriation acts, or any rules, regulations or procedures of the Department of State.

§ 97.6 *Saving clause.* The Secretary may waive, withdraw, or amend at any time or from time to time any or all of the provisions of the regulations in this part.

Effective date. These regulations shall become effective July 1, 1952.

WILLARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-7434; Filed, July 7, 1952; 9:00 a. m.]

[Dept. Reg. 108.158]

PART 98—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

JUNE 30, 1952.

Sec.
98.1 A register of voluntary foreign aid agencies and of their activities.
98.2 Application for registration.
98.3 Requirements for registration.
98.4 Validation of registration.
98.5 Amendments to registration.
98.6 Validation of programs and projects.
98.7 Representation of registrants.
98.8 Acceptance and termination of registration.
98.9 Saving clause.

AUTHORITY: §§ 98.1 to 98.9 issued under sec. 4, 63 Stat. 111; 5 U. S. C. 151c.

§ 98.1 *A register of voluntary foreign aid agencies and of their activities.* To foster the public interest in the field of voluntary foreign aid and the activities of nongovernmental organizations which serve the public interest therein, the Advisory Committee on Voluntary Foreign Aid of the Department of State (referred to in this part as the Committee) is hereby authorized and directed to establish and to maintain, pursuant to the rules set forth in this part, a register of such nongovernmental organizations qualified for and voluntarily accepting registration; such register (a) to serve as a repository of information, including currently recording therein the organization, purposes, programs, finances and other pertinent activities of the registrants for public guidance; (b) to enable the Committee to facilitate the programs and projects of the registrants through the exercise of its good offices and the provision of facilities authorized by the laws, regulations and procedures related to voluntary foreign aid as administered by the Committee, other United States agencies, or by international governmental agencies supported by the United States; and (c) to provide information and advice, and perform such other functions, as may be necessary in furtherance of the purposes of this section.

§ 98.2 *Application for registration.* Any person or nongovernmental organization or agency carrying on any nonprofit activities in the United States for the purpose of furthering or engaging in voluntary aid in areas outside the United States, including, but not limited to, projects and services of relief, rehabilitation, reconstruction and welfare in the fields of health, education, agriculture and industry, emigration and resettlement, may voluntarily make application for registration to the Chairman, Advisory Committee on Voluntary Foreign Aid, Department of State, Washington 25, D. C. Any person, organization, or agency whose application for registration is accepted under this part shall be referred to in this part as a registrant.

§ 98.3 *Requirements for registration.* To establish that the primary purpose to be served is the provision of voluntary foreign aid, an applicant for registration shall submit evidence by its charter, articles of incorporation, constitution, bylaws, and other relevant documents, and a statement upon forms to be provided by the Committee or otherwise as may be required that:

(a) It maintains its principal place of business in the United States;

(b) It is controlled by an active and responsible body composed principally of United States citizens, who serve without compensation, who have accepted the responsibility to carry out the activities of the agency to be reported to the Committee, and who will exercise satisfactory controls to assure that its services and resources are administered competently in the public interest;

(c) It has been authorized by the Bureau of Internal Revenue to inform donors that their contributions may be deducted for Federal income tax purposes;

(d) It is not engaged, or will not be engaged, in any activities or enterprises inconsistent with the fulfillment of the purposes and objectives as set forth in the application, or which may be recorded in the registration, or in any programs or projects thereunder;

(e) The funds and resources of the registrant will be obtained, expended, and distributed in ways which conform to accepted ethical standards without unreasonable cost for promotion, publicity, fund raising and administration at home and abroad;

(f) The committee will be informed of any plans, including projected publicity, for popular drives for funds or other forms of support to permit the committee to offer suggestions and where appropriate to lend its good offices. Such popular drives will be timed in so far as practicable, to avoid conflict with national appeals for public support during the limited periods of the countrywide campaigns of the American National Red Cross, the Community Chests, Savings Bond drives of the United States Treasury, or similar campaigns of accepted general national interest;

(g) It will refer to the Committee for appropriate consideration any proposed programs, procedures or agreements affecting other Federal agencies or international governmental agencies but which also affect the action responsibilities of the Committee before formal steps are concluded with such agencies, and in order that the Committee may lend its good offices and that coordination may be assured pursuant to the President's Directive of May 14, 1946 and Departmental Announcement 33 of February 13, 1950 of the Department of State;

(h) Such current and periodic reports and information will be provided as the Committee may require from time to time pertaining to the registrant's organization, programs, projects, and finances, including audits by a certified public accountant, or other pertinent activities. All records pertaining to responsibilities as a registrant and related to activities as such shall be made available for official inspection. Information on registration, organization, periodic reports on programs and finances shall be available for public inspection.

§ 98.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 98.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 98.6. Certificates will be published in the FEDERAL REGISTER.

§ 98.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Amended certificates will be published in the FEDERAL REGISTER.

§ 98.6 *Validation of programs and projects.* (a) Registrants, to carry out and fulfill the purposes and objectives of their organization and to obtain appropriate official United States support and facilities, will submit applications upon forms provided by the Committee or otherwise as may be required, for the recording of specific country programs or specific projects of relief, rehabilitation, reconstruction and welfare as these are developed in the fields of health, education, agriculture, industry, emigration and resettlement. Notices of acceptance will be issued by the Committee as supplements to certificates of registration: *Provided*, That:

(1) The specific program or specific project is within the scope of any agreement that has been concluded between the United States Government and the government of the country of interest in furtherance of the operations of registrants acceptable to such governments;

(2) In the absence of such an agreement as set forth in subparagraph (1) of this paragraph satisfactory assurances are:

(i) Obtained from the government of the country in question that appropriate facilities are or will be afforded for the necessary and economical operations of the program or project including (*a*) acceptance of the specific program or specific project; (*b*) the supplies approved in support of the program or project are free of customs duties, other duties, tolls, and taxes; (*c*) treatment of supplies as a supplementary resource and not as a substitute for public rations; (*d*) the identification of the supplies, to the extent practicable, as to their United States origin and their free provision by the donor agency; and (*e*) in so far as practicable the reception, unloading, warehousing and transport of the supplies free of cost to points of distribution.

(ii) Provided by the registrant that (*a*) shipments will be made only to consignees reported to the Committee and full responsibility is assumed by such consignees for the noncommercial distribution of the supplies free of cost to the persons ultimately receiving them; and (*b*) distribution is under the supervision of United States citizens specifically charged with the responsibility for the program or project, or by nationals, upon notification to the Committee in justification of their selection on account of the character and economy of the operation, and the degree of cooperation and acceptance of responsibility of the indigenous agency.

(b) Programs and projects which involve the contractual support of United States or international governmental agencies and acceptance of measures of responsibility by the Committee will be recorded following an understanding between the Committee and the contracting official agency to assure correlation in the attainment of common objectives, and pursuant to the President's Directive of May 14, 1946 and Departmental Announcement 33 of February 13, 1950 of the Department of State.

§ 98.7 *Representation of registrants.* The Committee, in appropriate cases, may exercise its good offices or recommend to and appear before United States agencies or international agencies supported by the United States Government, to facilitate the recorded programs of any registrant or committees of such registrants, and to further the provision of facilities authorized by laws, regulations, and procedures in support of voluntary foreign aid.

§ 98.8 *Acceptance and termination of registration.* (a) Registrations shall remain in force until relinquished voluntarily by the registrant upon written notice to the Committee or formal notice from the Committee is published in the FEDERAL REGISTER stating that they are:

(1) Amended in accordance with § 98.5; or

(2) Suspended or terminated.

(b) Acceptance of a notice of relinquishment of registration shall be subject to submittal of final reports to the Committee, including the plans for disposition of the registrant's residual assets acquired in support of its registered programs.

§ 98.9 *Saving clause.* The Secretary of State may waive, withdraw, or amend from time to time any or all of the provisions of the regulations in this part.

Effective date. The regulations in this part shall become effective as of the date of their publication in the FEDERAL REGISTER and shall supersede as of their effective date "Conditions of Agency Registration" of September 1, 1948, promulgated by the Advisory Committee on Voluntary Foreign Aid.

Certificates of registration and amendments thereto heretofore issued by the Advisory Committee on Voluntary Foreign Aid, and which are valid as of the effective date of the regulations in this part, shall continue in force and effect.

WILLARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-7435; Filed, July 7, 1952; 9:00 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1452—PRIME CONTRACTS AND SUBCONTRACTS WITHIN THE SCOPE OF THE ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

PART 1454—PARTIAL MANDATORY EXEMPTION OF SUBCONTRACTS FOR NEW DURABLE PRODUCTIVE EQUIPMENT

PART 1455—PERMISSIVE EXEMPTIONS FROM RENEGOTIATION

PART 1456—METHODS OF SEGREGATING RENEGOTIABLE AND NONRENEGOTIABLE SALES

PART 1458—RECEIPTS OR ACCRUALS UNDER STATUTORY MINIMUM

MISCELLANEOUS AMENDMENTS

1. Section 1452.7 *Brokers, manufacturers' agents, and dealers* is amended by deleting the heading and inserting in lieu thereof the following: *Brokers and manufacturers' agents.*

2. Section 1452.5 (b) *Exemptions* is amended by deleting subparagraph (12) and inserting in lieu thereof the following:

(12) *Corps of Engineers.* All contracts to the extent that they obligate funds appropriated for the civil functions of the Corps of Engineers, Department of the Army, except contracts entered into after June 30, 1950 (i) for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy, and (ii) for materials required for the construction of facilities directly or indirectly related to the generation or distribution of hydroelectric energy.

3. Section 1454.8 *Subcontracts related to subcontracts for new durable productive equipment* is amended to read as follows:

§ 1454.8 *Subcontracts related to subcontracts for new durable productive equipment.* The extent to which the act applies to receipts or accruals from subcontracts for new durable productive equipment which is incorporated in another item of such equipment will be determined by reference to the average useful life of the equipment in question and not by reference to the life of the equipment of which it becomes a part. Subcontracts for equipment or other materials which are not new durable productive equipment are not covered by the exemption set forth in this part even though the equipment or other materials are incorporated in new durable productive equipment. The extent to which the act applies to receipts or accruals from

such subcontracts will be determined according to the provisions of § 1456.5 of this subchapter.

4. Section 1455.3 (b) *Exemptions* is amended by deleting subparagraph (4) and inserting in lieu thereof the following:

(4) *Perishable subsistence supplies.* Prime contracts and subcontracts for perishable subsistence supplies.

(i) *Application of exemption.* For the purposes of this exemption, the term "perishable subsistence supplies" includes all foods in such a state that they require storage under controlled refrigeration and humidity for preservation or, to avoid waste or spoilage, customarily require distribution and consumption within a short period. This category includes (but is not limited to) all fresh, smoked, frozen or refrigerated food products, meats and meat products, dairy and poultry products, waterfoods, fruits, vegetables, fruit juices and concentrates.

(ii) *Perishable subsistence supplies exemption list.* The Board has determined that the items shown on the following list are "perishable subsistence supplies" when such items are in a state described in subdivision (i) of this subparagraph. A prime contract or subcontract for an item listed will not, however, be deemed exempt when such item is packed or processed so that it is not in such a state. For example, although tomatoes are listed, canned tomatoes will not be deemed perishable subsistence supplies.

PERISHABLE SUBSISTENCE SUPPLIES

Fruits:
- Apples.
- Apricots.
- Avocados.
- Bananas.
- Blackberries.
- Blueberries.
- Cantaloupes.
- Cherries.
- Cranberries.
- Currants.
- Dates.
- Dewberries.
- Figs, fresh.
- Gooseberries.
- Grapefruit.
- Grapes.
- Lemons.
- Limes.
- Logan blackberries.
- Melons:
  - Casaba.
  - Honeydew.
  - Honeyball.
  - Muskmelons.
  - Persian.
  - Watermelons.
- Olives.
- Oranges.
- Peaches.
- Pears.
- Persimmons.
- Plums, including fresh prunes.
- Quinces.
- Raspberries:
  - Black.
  - Red.
- Rhubarb.
- Strawberries.
- Tangerines.

Vegetables:
- Artichokes:
  - Globe.
  - Jerusalem.
- Asparagus.
- Beans:
  - Green.
  - Lima.
  - Snap.
- Beets:
  - Bunch.
  - Topped.
- Broccoli, sprouting.
- Brussels sprouts.
- Cabbage.
- Carrots:
  - Bunch.
  - Topped.
- Cauliflower.
- Celeriac
- Celery.
- Corn: Sweet.
- Cucumbers.
- Endive (escarole).
- Greens (collards, etc.).
- Kale.
- Kohlrabi.
- Leeks: Green.
- Lettuce.
- Mushrooms.
- Onions:
  - Dry.
  - Green.
- Parsnips.
- Peas: Green.
- Peppers:
  - Chili (dry).
  - Sweet green.
- Potatoes:
  - Irish.
  - Sweet.
- Pumpkins.
- Radishes.
- Rutabagas.
- Salsify.
- Spinach.
- Squashes.
- Tomatoes:
  - Mature green.
  - Ripe.
- Turnips.

Dairy products:
- Butter.
- Buttermilk.
- Cheese.
- Cream:
  - Fresh.
  - Whipped.
- Eggs:
  - Shell.
  - Dried whole.
  - Dried yolk.
  - Dried spray albumen.
  - Fermented albumen.
- Ice cream and ice cream mix.
- Milk:
  - Fresh.
  - Concentrated.
  - Frozen.
  - Recombined.
- Milk—Con.
  - Chocolate flavored drink.
- Sherbets and Ices.
- Yoghurt.

Poultry:
- Chicken.
- Duck.
- Turkey.

Meats:
- Bacon.
- Frankfurters.
- Beef.
- Fatbacks.
- Hams.
- Shoulders.
- Lamb.
- Pork.
- Sausage casings (except synthetic).
- Veal.
- Lamb and Mutton.
- Lard and lard substitutes.
- Offals.
- Rabbits.

Fish and sea foods:
- All fish and sea foods.

Miscellaneous:
- Beverage bases.
- Bread and other bakery products (except biscuits, crackers, cracked meal, breakfast cereals, hard bread and zwieback).
- Fruit juices or concentrates.
- Honey.
- Horseradish.
- Oleomargarine.
- Potato chips.
- Shortening, compound.
- Yeast, compressed.

5. Section 1455.3 (b) *Exemptions* is further amended by deleting subparagraph (6) and inserting in lieu thereof the following:

(6) *Subcontracts for architectural, design or engineering services.* Subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services is or was related to the effecting or procuring of a contract with a Department or a subcontract, if the aggregate renegotiable business of the subcontractor holding such subcontracts and all persons under control of or controlling or under common control with such subcontractor during a fiscal year of 12 months is not more than $250,000, or, during a fiscal year which is a fractional part of 12 months, is not more than the same fractional part of $250,000: *Provided, however,* That such a subcontractor is not exempted from the provisions of section 105 (e) (1) of the act which require the filing of the financial statement prescribed by Part 1470 of this subchapter.

6. Section 1456.6 *How to determine receipts or accruals subject to renegotiation; brokers, manufacturers' agents, and dealers* is amended by deleting the headnote and inserting in lieu thereof the following: *How to determine receipts or accruals subject to renegotiation; brokers and manufacturers' agents.*

7. Section 1458.3 *No reduction by refund below statutory minimum* is amended by adding to paragraph (b) the following: "Notwithstanding the preceding sentence, subcontracts described in section 103 (g) (3) (A) and (B) of the act for architectural, design or engineering services, no part of which services is or was related to the effecting or procuring of a contract with a Department or a subcontract, will be treated, for the purposes of this section and §§ 1458.4 and 1458.5, as if such subcontracts were subcontracts described in section 103 (g) (1) of the act."

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: June 26, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7302; Filed, July 7, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 12, Amdt. 2]

CPR 12—MILLED RICE

CEILING PRICE FOR FORTIFIED OR ENRICHED RICE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 12 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 12 fixes the ceiling price for fortified on enriched rice at $.40 per cwt. above the ceiling price for the particular variety, class, grade and quality of milled rice which is fortified or enriched.

Puerto Rico recently enacted legislation requiring that all rice sold there meet specified standards as to nutrient content. This legislation, designed to correct various nutritional deficiencies in the diet of the Puerto Rican people, specifies that fortified rice contain minimum amounts of thiamine, niacin and iron.

Over 90 percent of the rice received in Puerto Rico from outside sources is produced in the United States. During the 1950–51 crop year, approximately 1,913,000 hundredweight of California rice and 912,000 hundredweight of Southern rice (Arkansas, Texas, Louisiana, Mississippi) were sold to Puerto Rico. From August 1951, through March of 1952, Puerto Rico received about 1,439,000 hundredweight of rice from California and about 716,000 hundredweight from the South. This represents approximately 30 percent of the total quantity of milled rice sold by domestic millers for consumption outside the United States in the 1950–51 crop year and about 17 percent for the first six months of the crop year 1951–52. Although these figures represent rice of all types sold to Puerto Rico during these periods, the great bulk of the rice bought by Puerto Rico from the United States is polished white rice from which the natural vitamins have been removed in the milling process and which must be fortified to comply with Puerto Rican law. Fortified rice produced in the United States is also being sold to Hawaii, Guam and Cuba, although fortification is not required by law.

Ceiling prices for milled rice, as set by CPR 12, do not cover the costs of fortification. To avoid disruption of the flow of rice into these important trade channels and to prevent impairment of the increasing production of fortified rice, it is necessary to permit millers to reflect these costs in their ceiling prices.

Since fortified rice is a relatively new product, at the present time no defined standards exist for it except those set forth in Puerto Rican law which were patterned after those of the United States Food and Drug Administration for enriched flour. The rinsing test required by Puerto Rico was adapted from that of the U. S. Food and Drug Administration for enriched corn grits. In view of the lack of other satisfactory definition, the standards used by Puerto Rico and the U. S. Food and Drug Administration have been adopted for the purpose of setting a ceiling price. On the basis of information submitted by persons closely connected with the development of this product and by various members of the industry, the Director finds that these standards are reasonable and appropriate both for sales to Puerto Rico and in other world markets. No practicable alternative to these standards exists for securing effective price control of this type of rice and these standards comply with the requirements of the Defense Production Act of 1950, as amended.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable provisions of that Act.

AMENDATORY PROVISIONS

Section 4 (a) is amended by adding a new subparagraph (3) to read as follows:

(3) *Fortified or enriched rice.* Your ceiling price, per hundred pounds, for fortified or enriched rice is your ceiling price, per hundred pounds, for the particular variety, class, grade and quality of milled rice which is fortified or enriched, plus 40 cents.

(i) *Fortified or enriched rice* means polished white rice to which is added thiamine, niacin, and iron so as to contain not less than 2.0 milligrams of thiamine, 16.0 milligrams of niacin and 13.0 milligrams of iron per pound, and which, when subjected to the following rinsing test, retains at least 85 percent of the above prescribed minimum amount of each substance.

(a) *Rinsing test.* Transfer 100 grams of fortified rice to a 2-liter Erlenmeyer flask containing 1 liter of water at 25° C. Stopper the flask and rotate it for exactly one-half minute so that the grains are kept in motion. Allow the grains to settle for exactly one-half minute, and then pour off 850 cubic centimeters of the water along with any floating or suspended matter. Determine the amounts of thiamine, niacin and iron in the wet grains and water remaining in the flask. From these results calculate the number of milligrams of each substance remaining per pound of the rice before rinsing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7500; Filed, July 3, 1952; 4:57 p. m.]

[Ceiling Price Regulation 22, Amdt. 49]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

ROUNDING OF CEILING PRICES BY MANUFACTURERS WHO HAVE ESTABLISHED UNIFORM CEILING PRICES FOR RESELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 49 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 22 eliminates certain difficulties which have resulted from differences between the rounding provisions contained in Section 25, CPR 22 and Section 3 (c), SR 4 to CPR 7.

SR 4 to CPR 7 enables manufacturers and wholesalers whose branded merchandise has historically been resold at uniform prices, to obtain authorization for uniform ceiling prices for sales by resellers. Section 3 (c) of SR 4 permits rounding of computed retail ceiling prices to the nearest customary retail "price point", provided that such rounding does not exceed 4 percent of the otherwise computed ceiling price.

Most manufacturers who have established uniform ceiling prices for resellers have computed their own ceiling prices under CPR 22. Section 25 of CPR 22 allows manufacturers to round their ceiling prices so that they will be expressed in the nearest cents or fraction of a cent normally employed. Such rounding, however, may not in any case exceed 1 percent of the ceiling price prior to rounding.

The variance between the 4 percent tolerance allowed by Section 3 (c) of SR 4, CPR 7 and the 1 percent tolerance allowed by Section 25 of CPR 22 has on occasion created difficulty. This has occurred in cases where, pursuant to the 4 percent tolerance allowed by SR 4, CPR 7, a ceiling price for retailers is established at such a level that application of customary trade discounts yields manufacturers' prices exceeding the 1 percent tolerance permitted by Section 25 of CPR 22. For example, suppose a manufacturer has a computed CPR 22 ceiling price of 61 cents and the computed retail ceiling price is $1.22. This computed retail ceiling price may be rounded to $1.25 if a 25 cent price point is customary. Although the customary discount for manufacturers' sales to retailers in such case is 50 percent, the manufacturer cannot sell the commodity at 62½ cents ($1.25×50 percent), because he cannot round his ceiling price beyond 61.6 cents under Section 25, CPR 22.

This amendment corrects this type of difficulty by permitting manufacturers who have established uniform ceiling prices for retailers under SR 4, CPR 7, to round their own ceiling prices to the extent necessary to preserve their resellers' customary mark-ups, without regard to the 1 percent limitation hitherto in effect under Section 25, CPR 22. Any manufacturer who uses this amendment to round any of his ceiling prices, must round his ceiling prices for all his commodities for which uniform retailers' ceiling prices have been established under SR 4, to reflect decreases as well as increases.

In view of the corrective nature of this amendment, consultation with industry representatives, including trade association representatives, has been found to be unnecessary and impracticable. However, several individual manufacturers have informally requested action in the nature of this amendment.

AMENDATORY PROVISIONS

Section 25 of Ceiling Price Regulation 22 is amended to read as follows:

SEC. 25. *Rounding ceiling prices.* (a) You may round your ceiling prices determined under this regulation so that they will be expressed in the nearest cents or fraction of cent you normally employ. If you elect to do so you must similarly round the ceiling prices for all your commodities normally priced by you upon the same basis, to reflect decreases as well as increases. Except as provided in paragraph (b) of this section, the increase may in no event be greater than 1 percent of your ceiling price prior to rounding. For example, if you normally quote to the nearest quarter of a cent and your ceiling price for commodity A is 21.20 cents, you may round that ceiling price to 21¼ cents. However, if your ceiling price for commodity B is 27.30 cents you must round its ceiling price to 27¼ cents.

(b) You may round your ceiling prices for commodities which are listed in Appendix B of Ceiling Price Regulation 7 and for which uniform retailers' ceiling prices have been authorized under Supplementary Regulation 4 to Ceiling Price Regulation 7 to the extent necessary to preserve the same percentage mark-ups which the various classes of resellers had during the calendar year 1950. If you elect to do so you must similarly round the ceiling prices for all your commodities for which uniform retailers' ceiling prices have been authorized under Supplementary Regulation 4 to Ceiling Price Regulation 7, to reflect decreases as well as increases.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 49 to Ceiling Price Regulation 22 is effective July 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7537; Filed, July 7, 1952; 11:59 a. m.]

[Ceiling Price Regulation 123, Supplementary Regulation 1]

CPR 123—CEILING PRICES FOR UNTREATED EASTERN RAILROAD TIES

SR 1—SUSPENSION FROM CEILING PRICES OF PRODUCERS' SALES FOR EXPORT OF UNTREATED SOUTHERN PINE CROSS TIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 1 to Ceiling Price Regulation 123, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 123 suspends from the provisions of CPR 123 producers' sales for export of untreated Southern Pine cross ties.

Southern Pine cross ties are used primarily by domestic railroads and domestic industrial concerns; they are normally not exported. Producers' ceiling prices for untreated Southern Pine cross ties established by CPR 123 are based upon prices that prevailed during the period from December 19, 1950 to January 25, 1951, the base period of the General Ceiling Price Regulation. During that period there were few, if any, producers' sales for export of untreated Southern Pine cross ties. As a result, ceiling prices established by CPR 123 for untreated Southern Pine cross ties, while adequate to induce enough production to satisfy domestic needs, are inadequate to stimulate enough production to meet increased demands for Southern Pine cross ties for use in foreign countries. An immediate need, vital to the defense effort of the United States, has arisen for Southern Pine cross ties to be used in South America.

Pricing data is not available to enable the Office of Price Stabilization to determine appropriate ceiling prices for producers' sales for export of untreated Southern Pines cross ties. This action, suspending the ceilings on this commodity, is taken in order to remove any price impediment to an adequate production for export.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of Supplementary Regulation 1 to CPR 123 are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production and the furtherance of the objectives of the Defense Production Act of 1950, as amended. In formulating this supplementary regulation, the Director has consulted with representatives of industry to the extent practicable under the circumstances, and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Suspension.
3. Records.
4. Definition.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend from the provisions of Ceiling Price Regulation 123, hereinafter referred to as CPR 123, producers' sales for export of untreated Southern Pine cross ties.

SEC. 2. *Suspension.* On and after July 7, 1952, the provisions of CPR 123 are suspended with respect to producers' sales for export of untreated Southern Pine cross ties. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it. The suspension effected by this supplementary regulation does not operate to place producers' sales for export of untreated Southern Pine cross ties under the General Ceiling Price Regulation, under Ceiling Price Regulation 61, or under any other ceiling price regulation.

SEC. 3. *Records.* During the period of suspension, on sales covered by this supplementary regulation, you, and buyers from you, shall make and keep, for the period indicated in section 17 of CPR 123, the records that you are required to make and keep under the provisions of section 17 of CPR 123, and such records must separately identify all sales and purchases made under this supplementary regulation. You, and buyers from you, shall also continue to preserve for the period indicated in section 17 of CPR 123 all records which you, and buyers from you, made and kept under the provisions of section 17 of CPR 123.

SEC. 4. *Definition.* When used in this supplementary regulation the term "sale for export" means a sale, to a buyer located in the continental United States, of untreated Southern Pine cross ties destined for export and subsequent reshipment to any place outside the continental United States or a territory or possession of the United States.

Effective date. This supplementary regulation shall become effective July 7, 1952.

NOTE: The record-keeping requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7538; Filed, July 7, 1952; 11:59 a. m.]

[Ceiling Price Regulation 139, Supplementary Regulation 1]

CPR 139—REBUILT AND USED AUTOMOTIVE PARTS

SR 1—CATALOG PRICING FOR CERTAIN LONG-TERM MAIL ORDER SELLERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 139 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation is issued for the same reasons and accomplishes the same results as Supplementary Regulation 1 to Ceiling Price Regulation 67 (Resellers' Ceiling Prices for Machinery and Related Manufactured Goods). Accordingly, the Statement of Considerations involved in the issuance of that supplementary regulation is equally applicable to this supplementary regulation.

In the opinion of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In view of the wide coverage of this supplementary regulation, special circumstances have rendered consultation with industry representatives including trade association representatives, impracticable.

Every effort has been made to conform this supplementary regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any of its provisions may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this supplementary regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Applications for catalog price determining methods.
3. Invoicing.
4. Applicability of CPR 139.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides that long term mail order sellers covered by CPR 139 may upon application, be permitted to follow their historic practices in determining ceiling prices for items included in their catalogs. The meaning of the term "long term mail order seller" is explained in section 5 (*Definitions*). This section is descriptive only. The following sections control.

SEC. 2. *Applications for catalog price determining methods.*—(a) *Who may apply.* If you are covered by CPR 139 and if you are a long term mail order seller you may apply to the Office of Price Stabilization for approval of a method of determining ceiling prices for commodities under CPR 139 which are included in your catalogs. Such a proposed method must provide that prices of items included in your catalogs will not be increased during the life of the catalogs; the method must show the period during which you determine prices of items included in your catalog and what catalogs you propose to use to determine your customary markups. The method must also provide that if you issue intermediate or flyer catalogs during the life of a general catalog the prices in such intermediate or flyer catalogs will reflect any decrease in the cost of the items included in the flyer or intermediate catalog that have occurred between the time you determine the price of items included in the general catalog and the time you determine the prices of items included in the intermediate or flyer catalog. The life of a general catalog shall not exceed eight calendar months, and the life of an intermediate or flyer catalog shall not exceed four calendar months. A more complete explanation of the terms "general catalog" and "intermediate or flyer catalog" is found in section 5 (*Definitions*).

(b) *Contents of application.* Your application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information:

(1) Your business name and address.

(2) A specific reference to this supplementary regulation.

(3) A statement of the geographic area served by you.

(4) A statement of the year in which you started in the long term catalog mail order business.

(5) A general description of the catalogs you issue, or propose to issue each year, including the effective period or proposed effective period for each catalog.

(6) Your proposed method or methods for determining ceiling prices of CPR 139 items included in these catalogs, a statement of the periods during which catalog prices are determined, and identification of the catalogs used to determine customary markups.

(c) *Action on your application.* After receipt of your application the Director may approve or disapprove your proposed ceiling price determining method, establish a different ceiling price determining method, or request further information. If, thirty days after receipt of your application by the Office of Price Stabilization as shown by your return receipt, none of the actions just listed has been taken, you may use your proposed ceiling price determining method until such time as the Office of Price Stabilization shall notify you that this method has been disapproved. However, the Director may at any time disapprove, revoke, or modify your proposed ceiling price determining method by order. This disapproval, revocation or modification will not be retroactive as to any sales made before the date of such disapproval, revocation or modification.

SEC. 3 *Invoicing*—(a) *Requirements of CPR 139.* Section 56 of CPR 139 requires that an invoice containing certain information be furnished to every purchaser to whom you make a sale of $5.00 or more, of commodities covered by CPR 139. If you apply under this supplementary regulation and your application is approved you may use the provisions of this section, with respect to invoicing, instead of section 56 of CPR 139.

(b) *Returned order in lieu of an invoice.* If you use this section instead of section 56 of CPR 139 you must return to every purchaser to whom you make a sale of an item, or items, covered by CPR 139 included in your catalog, a copy of the complete order form sent to you by the purchaser indicating thereon that the order has been filled or partially filled, as the case may be.

SEC. 4. *Applicability of CPR 139.* All of the provisions of CPR 139 which are not inconsistent with this supplementary regulation remain applicable to you.

SEC. 5. *Definitions*—(a) *Definitions for this supplementary regulation*—(1) *Long-term mail order seller.* This term means a person who issues at least one general catalog each year, and who regularly makes deliveries by mail, express or freight to ultimate consumers in response to orders received from them by mail or otherwise for commodities selected from general catalogs or other printed price lists issued by this person.

(2) *General catalog.* A general catalog is a catalog or other printed price list which is issued by a long-term mail order seller periodically and remains in effect at least four months and covers the same periods in each year.

(3) *Intermediate or flyer catalog.* This term means a special catalog announcing a sale or any other type of catalog which is issued during the effective life of a general catalog. Such a catalog is one that does not remain in effect for the life of a general catalog, does not supersede the general catalog except for certain specified items, and in no event has an effective life of more than four months.

(b) *CPR 139 definitions.* Except for the definitions listed in paragraph (a) of this section, all of the terms used in this supplementary regulation have the same meaning as in CPR 139.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 139 shall become effective July 12, 1952.

NOTE: The record keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 7, 1952.

[F. R. Doc. 52-7539; Filed, July 7, 1952; 12:00 p. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 2, Sub-Order 1, Revision 1, Amdt. 1]

DFO 2—PROCESSED FRUITS AND VEGETABLES; SET ASIDE REQUIREMENTS

SO 1—CANNED VEGETABLES—SET ASIDE REQUIREMENTS

It is hereby found and determined that the provisions of Defense Food Order 2, Sub-Order 1, Revision 1, effective April 3, 1952, relating to the requirement for processors to set aside and reserve specified quantities of their 1952 production of canned pumpkin and canned tomato paste are no longer necessary or appropriate to promote the national defense. Such circumstance has rendered consultation with industry representatives impracticable and unnecessary. This amendatory order, therefore, is made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981).

SUMMARY OF AMENDMENT

Defense Food Order 2, Sub-Order 1, Revision 1 (17 F. R. 2930) sets forth, in Column B of Table 1 thereof, the various percentages of the respective base packs of the canned vegetables (listed in Column A) that are used in computing a processor's set aside requirements for a particular canned vegetable. The percentages for pumpkin and tomato paste are "8.3" and "4.7" respectively. The purpose of this order is to reduce each of such percentages to zero. Such reduction is based upon a recent downward revision of the requirements of Government agencies for canned pumpkin and tomato paste. The modification in the percentages is accomplished by replacing the "8.3" and "4.7" percentages with a zero "(0.0)" percentage.

AMENDATORY PROVISIONS

Defense Food Order 2, Sub-Order 1, Revision 1 (17 F. R. 2930) is hereby amended by deleting from Column B of Table 1 of said sub-order the figures "8.3" relating to pumpkin, and "4.7" relating to tomato paste, and inserting, in lieu thereof, the figures "0.0".

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 1, Revision 1 prior to the effective time of the provisions hereof, all provisions of Defense Food Order 2, Sub-Order 1, Revision 1 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 3d day of July, 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7497; Filed, July 3, 1952; 4:56 p. m.]

[Defense Food Order 2, Sub-Order 2, Revision 1, Amdt. 1]

DFO 2—Processed Fruits and Vegetables; Set Aside Requirements

SO 2—Canned Fruits—Set Aside Requirements

It is hereby found and determined that the provisions of this amendatory order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 2, as amended (16 F. R. 3345, 4981). Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932), which became effective April 3, 1952, requires, with respect to canned Kadota Figs produced in 1952, that processors set aside and reserve a quantity thereof for the requirements of Government agencies. However, these requirements have now been reduced to such an extent that a smaller set-aside percentage of "23.7," rather than "35.7" (computed with respect to the total base pack production of canned Kadota Figs), will be adequate for such requirements. The greater percentage (i. e., "35.7"), therefore, is no longer necessary or appropriate to promote the national defense; and such circumstance has rendered consultation with industry representatives unnecessary as the amendment will result in a relaxation of restrictions on industry.

SUMMARY OF AMENDMENT

Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932) sets forth, in column B of Table 1 thereof, the various percentages of the respective base packs of the canned fruits (listed in Column A) that are used in computing a processor's set-aside requirements for a particular canned fruit. The percentage for Kadota Figs is "35.7." The purpose of this order is to reduce such percentage to "23.7." Such reduction is based upon a recent downward revision of the requirements of Government agencies for canned Kadota Figs. The modification in the percentage is accomplished by replacing the "35.7" percentage with the new "23.7" percentage.

AMENDATORY PROVISIONS

Defense Food Order 2, Sub-Order 2, Revision 1 (17 F. R. 2932) is hereby amended by deleting from Column B of Table 1 of said sub-order the figures "35.7" and inserting, in lieu thereof, the figures "23.7."

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 2, Revision 1, prior to the effective time of the provisions hereof, all provisions of Defense Food Order 2, Sub-Order 2, Revision 1, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 3d day of July 1952, to become effective upon publication in the Federal Register.

Floyd F. Hedlund,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7498; Filed, July 3, 1952; 4:57 p. m.]

[Defense Food Order 3, Amdt. 5]

DFO-3—Agricultural Imports

The Secretary of Agriculture having determined that the unrestricted importation of the commodities listed in Appendix A will have one or more of the effects specified in section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2061 et seq.), and the Administrator of the Production and Marketing Administration having hereby determined under section 101 of said act that import controls with respect to rice; flaxseed (linseed); and linseed oil, and combinations and mixtures in chief value of such oil; are necessary or appropriate to promote the national defense, this order is made effective pursuant to said act, and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impractical. The Defense Production Act of 1950, as amended, was extended in effect on June 30, 1952. Defense Food Order No. 3, as hereby amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and to effectuate such determinations must be made effective as soon as possible. This order affects numerous segments of the economy and time is not available to permit consultation with all affected segments. Accordingly, consultation with industry representatives has been omitted.

Defense Food Order No. 3, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829), is hereby amended to read as follows:

Sec.
1. Definitions.
2. Prohibitions and restrictions on imports.
3. Authorizations.
4. Exceptions.
5. Restrictions after importation.
6. Changes of commodities listed in Appendix A and designations thereof.
7. Standards and guides.
8. Records and reports.
9. Audits and inspections.
10. Communications.
11. Suspension; revocations.
12. Petitions for relief from hardship.
13. Delegation of authority.
14. Violations.
15. Effect on liability of removal of commodity from order, or change of designation.
16. Effective date.

Authority: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply secs. 101 and 104, 64 Stat. 798, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2071, 2074.

Section 1. *Definitions.* Except where the context otherwise requires, the following terms shall have the meanings set forth below.

(a) "Act" means the Defense Production Act of 1950, as amended (64 Stat. 798, as amended).

(b) "Administrator" means the Administrator, Production and Marketing Administration, United States Departments of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(c) "Director" means the Director of the Office Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(d) "Consignee" means the person to whom a commodity is consigned at the time of importation.

(e) "Commodity" means a commodity listed from time to time in Appendix A.

(f) "Appendix A" means Appendix A of this order as from time to time amended.

(g) "Governing date" means the date as shown in Appendix A when a commodity becomes subject to this order.

(h) "Import" means to transport or cause to be transported in any manner into the United States from any foreign country, in any capacity other than as a carrier in the regular course of its operations as such. It includes, but is not limited to, shipments from any foreign country into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transshipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs in the United States.

(i) "United States" means the United States, its territories and possessions and the District of Columbia.

(j) "In transit" means that a commodity (1) is afloat, (2) has had an on-board ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the United States.

(k) "Owner" means any person who has any property interest in a commodity except a person whose interest is held solely as a security for the payment of money.

(l) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of the foregoing. It also includes the Government of the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

Sec. 2. *Prohibitions and restrictions.* (a) No person, after the governing date for any commodity followed by the designation (A) in Appendix A, shall import such commodity except:

(1) As provided in section 4 or

(2) As authorized by a validated authorization in the case of importations into a free port or foreign trade zone, or into a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs in the United States, for transshipment into any foreign country (except shipments under section 4 (a) (2)).

(b) No person, after the governing date for any commodity followed by the designation (B) in Appendix A, shall import such commodity except:

(1) As provided in section 4 or

(2) As authorized by a validated authorization issued under such conditions and requirements as the Director may prescribe in published policy statements or supplemental orders.

(c) The fact that importation of a commodity is authorized under this order does not relieve the importer from compliance with other applicable laws and regulations.

(d) The foregoing provisions shall apply regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of commodities listed in Appendix A.

Sec. 3. *Authorizations.* (a) Any person subject to the jurisdiction of the States who desires authorization, as provided in this order, for importation of a commodity listed in Appendix A, whether owner, purchaser, seller, or consignee of the commodity to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form PMA-551, or such other form as may be issued for this purpose by the Director, addressed to the Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order No. 3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall apply only to the particular commodity and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director. In the issuance or denial of authorizations for importation of commodities listed in Appendix A, the Director shall act in accordance with the standards and guides set forth in section 7.

(b) The Director may impose such conditions and requirements as to the granting of authorizations hereunder and the handling and disposal of commodities to be imported hereunder as he may deem necessary or appropriate to effectuate the purposes of this order.

Sec. 4. *Exceptions.* (a) Unless otherwise directed by the Director, and except as provided in section 8, the requirements of this order shall not apply to commodities listed in Appendix A which:

(1) Are owned, at the time of importation, by any United States governmental department, agency, or corporation;

(2) Are shipped into the United States in transit from one point in Mexico to another point in Mexico or from one point in Canada to another point in Canada;

(3) Are shipments between points in the United States;

(4) Are commodities imported as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00.

(b) An authorization will not be required under section 2 with respect to any commodity followed by the designation (B) in Appendix A for its importation into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transhipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs.

Sec. 5. *Restrictions after importation.* No commodity listed in Appendix A which is imported under this order after the governing date shall be sold, delivered, processed, consumed, purchased or received except in accordance with the conditions and requirements imposed in any authorization issued for its importation, or amendments thereof, or otherwise imposed by the Director in the particular case to carry out the purposes of this order. Commodities so imported may otherwise be dealt with or disposed of without restriction under this order.

Sec. 6. *Changes of commodities listed in Appendix A and designations thereof.* The Administrator will from time to time add commodities to or remove commodities from the list in Appendix A, and designate listed commodities by designation (A) or (B), in accordance with determinations by the Secretary of Agriculture under section 104 of the act, or his own determinations under section 101 of the act.

Sec. 7. *Standards and Guides.* (a) In the issuance of authorizations for importations of commodities followed by the designation (B) in Appendix A, the Director shall allocate the authorizations granted by him on a fair and equitable basis among individual applicants, with due regard for the needs of small business enterprises. He shall also allocate such authorizations among foreign countries of origin if, in his opinion such allocation is necessary to assure such countries of an equitable portion of authorized imports. Authorizations will be issued in a manner to effectuate the purposes of the current determinations under the Act.

(b) Statements of the policies followed by the Director, in authorizing imports under (a) and of any changes in such policies, shall be currently published in the Federal Register.

Sec. 8. *Records and reports.* (a) No commodity followed by the designation (A) in Appendix A, which is imported after the governing date, including any commodity imported under the provisions of section 4, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. No commodity followed by the designation (B) in Appendix A which is imported after the governing date, including any commodity imported under the provisions of section 4, shall be entered through the United States Bureau of Customs for consumption, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order 3 (Agricultural Imports).

(b) A form as required in paragraph (a) of this section need not be filed in connection with a subsequent entry for any purpose of a commodity with respect to the original entry of which such form was previously filed in accordance with paragraph (a) of this section.

(c) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

Sec. 9. *Audits and inspections.* The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of commodities of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

Sec. 10. *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., Ref: Defense Food Order 3 (Agricultural Imports).

Sec. 11. *Suspension; revocation.* (a) Any import authorization issued under this order for any commodity listed in Appendix A may be revoked at any time by the Administrator upon his determination that the person to whom such authorization was issued has made substantial imports of any commodity listed in Appendix A which were not authorized under this order or has willfully violated any provision of this order and that such revocation is necessary or appropriate to effectuate the purposes of this order and the act. Pending action by the Administrator in such instances, the authorization may be suspended by the Director.

(b) All authorizations for any commodity listed in Appendix A may be suspended or revoked at any time by the Administrator without prior notice upon his determination that such action is necessary to effectuate the current determinations under sections 101 and 104 of the act.

Sec. 12. *Petitions for relief from hardship.* (a) Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director.

Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may appeal to the Production and Marketing Administration Defense Order Appeals Board, which may take such action as it deems appropriate. Such action shall be final. Procedure relating to hardship petitions is set forth in DFO–4 (16 F. R. 7568).

(b) The presence of a commodity in a free port or foreign trade zone, or in a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs, shall not be a basis for relief from hardship.

SEC. 13. *Delegation of authority.* The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order are hereby delegated to the Director. The Director is authorized to redelegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.

SEC. 14. *Violations.* Any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. Commodities imported by any person contrary to this order may be charged against any unused import quota held by such person for any commodity listed in Appendix A. The Director may direct the disposition and use of any commodity which is imported contrary to this order.

SEC. 15. *Effect on liability of removal of a commodity from order or change of designation.* The removal of any commodity from Appendix A or change in the designation for any commodity listed in Appendix A shall not be construed to affect in any way any liability for violations of this order which occurred prior to the date of such removal or change.

SEC. 16. *Effective date.* This order shall be effective immediately. With respect to violations, rights accrued, liabilities incurred, or appeals taken under or concerning Defense Food Order 3, as amended, prior to the effective date hereof, all provisions of said order shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, liability or appeal.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of July 1952.

[SEAL] ROY W. LENNARTSON,
Acting Administrator, Production and Marketing Administration.

APPENDIX A—ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

[The numbers listed after the following commodities are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of Aug. 1, 1950). Commodities are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control]

Commodity	Commerce import class No.	Governing date
Butter (A)	0044.000	Aug. 9, 1951
Butter oil (A)	1423.200	Do.
Milk, skimmed, dried (nonfat dried milk solids) (A)	0041.100	Do.
Malted milk and compounds, or mixtures of or substitutes for milk or cream (B)	0041.900	July 3, 1952
Casein or lactarene, and mixtures in chief value thereof, n. s. p. f. (B)	0043.000	Aug. 9, 1951
Italian cheese (B)	0046.010 through 0046.250 and 0046.940	Do.
Cheddar cheese (B)	0046.490	Do.
Blue mold cheese (B)	0046.600	Do.
Edam and Gouda cheese (B)	0046.750 and 0046.790	Do.
Varieties of cheese containing, or processed in whole or in part, from Cheddar, Blue Mold, Edam and Gouda (B)	0046.990	Do.
Registered or certified flaxseed for planting purposes (B)	2233.000	July 1, 1951
Other flaxseed (linseed) (A)	2233.000	Do.
Linseed oil, and combinations and mixtures, in chief value of such oil (A)	2254.000	Do.
Peanuts, blanched, roasted, prepared or preserved (A)	1380.080	Aug. 9, 1951
Peanuts, shelled (A)	1367.000	Do.
Peanuts, not shelled (A)	1368.000	Do.
Peanut oil (ground nut oil) (A)	1427.000	Do.
Registered or certified rice seed for planting purposes (B)	1051.000	July 1, 1951
Other rice:		
Paddy (A)	1051.000	Do.
Uncleaned or brown rice (A)	1051.100	Do.
Cleaned or milled rice (A)	1053.000	Do.
Patna rice, cleaned, for use in canned soups (A)	1054.000	Do.
Broken rice (includes brewers rice) (B)	1059.200	Do.

[F. R. Doc. 52–7541; Filed, July 7, 1952; 12:25 p. m.]

[Import Determination Re DFO–3, Revision 1]

DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074), it is hereby determined that imports (other than by the Government of the United States), during the period from July 1, 1952, through June 30, 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

This determination applies to:

Butter.[1]
Butter oil.[2]
Casein and lactarene, and mixtures in chief value thereof, n. s. p. f.[3]
The following types and varieties of cheese:
Italian.[4]
Cheddar.[5]
Blue Mold.[6]
Edam and Gouda.[7]
Varieties containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, and Gouda.[8]
Flaxseed (linseed).[9]
Linseed oil, and combinations and mixtures, in chief value of such oil.[10]
Malted milk and compounds, or mixtures of or substitutes for milk or cream.[11]
Skimmed, dried milk (nonfat, dried milk solids).[12]
Peanuts (blanched, roasted, prepared, preserved).[13]
Peanuts (shelled, not shelled).[14]
Peanut oil (ground nut oil).[15]
Paddy rice.[16]
Uncleaned or brown rice.[17]
Cleaned or milled rice.[18]
Cleaned Patna rice for use in canned soups.[19]
Broken rice.[20]

The foregoing determination applies to all types and varieties of the listed commodities and products except as otherwise specified.

Importations during the period from July 1, 1952 through June 30, 1953, of the following commodities and products, subject to Government regulation under the following conditions, will not have any of the effects specified in section 104

[1] Commerce Import Class No. 0044.000.
[2] Commerce Import Class No. 1423.200.
[3] Commerce Import Class No. 0043.000.
[4] Commerce Import Class No. 0046.010 through 0046.250 and 0046.940.
[5] Commerce Import Class No. 0046.490.
[6] Commerce Import Class No. 0046.600.
[7] Commerce Import Class No. 0046.750 and 0046.790.
[8] Commerce Import Class No. 0046.990.
[9] Commerce Import Class No. 2233.000.
[10] Commerce Import Class No. 2254.000.
[11] Commerce Import Class No. 0041.900.
[12] Commerce Import Class No. 0041.100.
[13] Commerce Import Class No. 1380.080
[14] Commerce Import Class No. 1367.000, 1368.000.
[15] Commerce Import Class No. 1427.000.
[16] Commerce Import Class No. 1051.000.
[17] Commerce Import Class No. 1051.100.
[18] Commerce Import Class No. 1053.000.
[19] Commerce Import Class No. 1054.000.
[20] Commerce Import Class No. 1059.200.

of the Defense Production Act, as amended.

(a) Casein or lactarene and mixtures in chief value thereof, n. s. p. f., in a quantity not in excess of 40,000,000 pounds;

(b) Cheddar cheese in a quantity not in excess of 8,500,000 pounds;

(c) Italian type cheese in original loaves in a quantity not in excess of 20,000,000 pounds;

(d) Blue Mold cheese in a quantity not in excess of 3,000,000 pounds;

(e) Edam and Gouda cheese in a quantity not in excess of 3,000,000 pounds;

(f) Varieties of cheese containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam, and Gouda, in a quantity not in excess of the quantity imported during the calendar year 1950;

(g) Malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order No. 3, as amended, to have none of the customary uses of butter;

(h) Registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(i) Brewer's rice;

(j) The listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00.

(k) Such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

This determination is made upon the basis of facts presently available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

This determination shall be effective upon issuance and shall supersede the determination of August 9, 1951 under section 104 of the Defense Production Act (16 F. R. 7937; 17 F. R. 5895), but said determination of August 9, 1951, shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued August 9, 1951, as amended (16 F. R. 7934, 8272; 17 F. R. 4490, 5829), prior to the effective date hereof.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interprets or applies Sec. 104, 64 Stat. 798, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2074)

Done at Washington, D. C., this 3d day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7542; Filed, July 7, 1952; 12:25 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Procedural Regulation 3]

RPR 3—PROCEDURES FOR ADJUSTMENTS, ADMINISTRATIVE REVIEW AND INTERPRETATIONS

This regulation is issued in order to provide for orderly procedures by prescribing the following rules for adjustments, administrative review and interpretations under the maximum rent regulations. There is excepted from this regulation all proceedings commenced before July 1, 1952, in which orders have been entered before July 1, 1952, pursuant to Rent Procedural Regulation 2.

Sec.
1. Purpose of this regulation.

LANDLORDS' PETITIONS, TENANTS' APPLICATIONS AND ACTION ON THE AREA RENT DIRECTOR'S INITIATIVE

2. Petitions and applications.
3. Method of filing, form, contents and service.
4. Response to landlord's petition or tenant's application and service.
5. Petitioner's or applicant's rebuttal.
6. Service of papers by landlords and tenants in proceedings in Area Rent Office.
7. Joint petitions and applications; consolidations.
8. Investigation by the Area Rent Director.
9. Action by the Area Rent Director on his own initiative.
10. Action by the Area Rent Director.
11. Evidence not subject to landlord's or tenant's control.
12. Oral testimony.

PROTESTS TO THE DIRECTOR OF RENT STABILIZATION

General Provisions

18. Right to protest.
19. Scope of protests.
20. Time and place of filing protests.
21. Form and contents of protests.
22. Service of papers by landlords and tenants in proceedings upon protest.
23. Assignment of docket number.
24. Joint protests; consolidation.
25. Stay of landlord's obligation to refund.
26. Stay of certificates relating to eviction.
27. Response to protests.

EVIDENCE AND BRIEFS

33. Submission of briefs.
34. Introduction of evidence into record of protest proceeding.
35. Receipt of oral testimony and evidence not subject to party's control.
36. Evidence in support of a rent regulation.

BOARDS OF REVIEW

39. Right to consideration by a board of review.
40. Composition of boards of review.
41. Where boards of review hear oral argument.
42. Notice of consideration by board of review.
43. Waiver of right to consideration in whole or part in protest proceedings.
44. Hearing of oral argument.
45. Action by boards of review at conclusion of their consideration of a protest.
46. Action by Director after receipt of board of review's recommendation.

ACTION BY THE DIRECTOR OF RENT STABILIZATION

52. Action by the Director of Rent Stabilization.
53. Relief where landlord's obligation to refund has been stayed.
54. Opinion denying protest in whole or in part.

INTERPRETATIONS

60. Interpretations.
61. Requests for interpretations; form and contents.
62. Interpretation to be written; authorized officials.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

65. Contemptuous conduct.
66. Continuance or adjournment of hearing.
67. Filing of notices, etc.
68. Service of papers.
69. Time limitations.
70. Official notice.
71. Subpoenas.
72. Witness fees.
73. Action by representatives.
74. Certifying Officer; office hours.
75. Confidential information; inspection of documents filed with Area Rent Director or Certifying Officer.
76. Appearance of employees and former employees.
77. Definitions.
78. Amendment to this regulation.
79. Saving provisions.

AUTHORITY: Sections 1 to 79 issued under sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894. Interpret or apply secs. 407, 408, 64 Stat. 807, 808, as amended; 50 U. S. C. App. Sup. 2107, 2108.

SECTION. 1. *Purpose of this regulation.* It is the purpose of this regulation to prescribe and explain the procedure of the Office of Rent Stabilization in making various kinds of determinations in connection with the establishment of maximum rents and the issuance of certificates relating to eviction.

(a) Sections 2 to 12 ("Landlords' petitions, tenants' applications and action on the Area Rent Director's initiative") deal with petitions by landlords and applications by tenants for adjustment of maximum rents, certificates relating to eviction, and other relief provided for by the maximum rent regulations. An adjustment in maximum rent or any other relief can be granted only if the applicable maximum rent regulation contains specific provision for the adjustment or other relief sought.

(b) Sections 18 to 54 ("Protests to the Director of Rent Stabilization") deal with protests. The procedure governing the filing and determination of protests is set forth in these sections.

(c) Sections 60 to 62 explain the way in which interpretations of the meaning or effect of provisions of the act or of maximum rent regulations are given by officers of the Office of Rent Stabilization.

(d) Sections 65 to 79 ("Miscellaneous provisions and definitions").

LANDLORDS' PETITIONS, TENANTS' APPLICATIONS AND ACTION ON THE AREA RENT DIRECTOR'S INITIATIVE

SEC. 2. *Petitions and applications.* A landlord's petition or a tenant's application for adjustment or other relief including a petition for a certificate relating to eviction, may be filed by any landlord or tenant who requests such adjustment or relief pursuant to a provision of the maximum rent regulation authorizing such action. Where a land-

lord is seeking a rental adjustment pursuant to the provisions of an applicable maximum rent regulation he must, with his petition, file upon a form prescribed by the Director of Rent Stabilization a certificate of maintenance of the services, furniture, furnishings and equipment which he is required to provide.

SEC. 3. *Method of filing, form, contents and service.* (a) A landlord's petition or tenant's application for adjustment or other relief provided by a maximum rent regulation shall be filed only with the Area Rent Director of the Office of Rent Stabilization for the defense-rental area within which the housing accommodations involved are located. Petitions and applications shall be filed upon forms prescribed by the Director of Rent Stabilization and pursuant to instructions stated on such forms and must be accompanied by affidavits or other documents setting forth all of the evidence upon which the petitioner or applicant relies in support of the facts alleged in his petition or application and by proof of service upon the other party or parties. A landlord's petition and tenant's application and all accompanying documents shall be filed in an original and one copy and shall be served upon the other party or parties in the manner prescribed by section 6, except as provided in paragraph (b) of this section.

(b) Notwithstanding any other provision of this regulation, the Area Rent Director, in appropriate cases involving petitions for rental adjustments, may require the landlord to file additional copies of the petition for adjustment with the area rent office and may dispense with the requirement that the petition and accompanying documents be served on the tenant prior to entry of an order thereon. If in such a case the petition is granted in whole or in part, the Area Rent Director shall serve copies of the petition and order on both the landlord and the tenant. Within 15 days after the issuance date of the order of increase the tenant may file with the area rent office a written request for revocation or modification, together with facts and evidence supporting such request. The tenant must serve a copy of such request and accompanying documents on the landlord within 7 days after he has filed it with the area rent office and the landlord shall be afforded a period of 7 days from the date of such service within which to file a reply.

SEC. 4. *Response to landlord's petition or tenant's application and service.* (a) Responding parties shall be afforded a period of seven (7) days from the date of service of the petition or application within which to serve and file written objections to the petition or application together with supporting evidence.

(b) The response must in all cases be limited to the grounds prescribed in the petition or application. The response shall be filed with the Area Rent Director in an original and one (1) copy. Any affected person who fails to file such a response, together with proof of service upon the other party or parties, in the manner provided by section 6 shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

SEC. 5. *Petitioner's or applicant's rebuttal.* (a) Parties shall be afforded a period of seven (7) days from the date of service of the copy of the response within which to file written rebuttal to the response, together with supporting evidence.

(b) The rebuttal must be strictly limited to the matters set forth in the response and must be filed with the Area Rent Director in an original and one (1) copy.

SEC. 6. *Service of papers by landlords and tenants in proceedings in area rent office.* (a) Wherever this regulation requires a landlord or tenant to serve a petition, application, response, affidavit, notice, or other document upon another party or parties in a proceeding in the area rent office, such service shall be made in the following manner:

(1) Where the proceeding involves four (4) or fewer tenants the landlord shall serve each tenant concerned by personal service, by leaving a copy of the document to be served at the tenant's residence, or by mail or telegraph addressed to the tenant at his residence.

(2) Where the proceeding involves more than four (4) tenants, the landlord may serve the document in the manner prescribed by subparagraph (1) of this paragraph. However, the landlord may, at his option, serve the document by posting and keeping posted for a period of 15 days a copy thereof in the common entrance to the premises or if there be more than one common entrance, in each common entrance or in one or more public places upon the premises accessible to all tenants concerned in the proceedings. If service is made by posting the landlord shall also serve upon each tenant concerned a notice of the nature of the document posted and the place of posting. The notice of posting shall be served in the manner prescribed by subparagraph (1) of this paragraph.

(3) Where a tenant is required to serve a document such service is required to be made only upon the landlord and may be made by personal service, by leaving a copy of the document at the landlord's residence or principal place of business, by mailing a copy thereof to the landlord at his residence or principal place of business in a properly addressed, postpaid envelope, or by telegraph.

(b) Service of a document shall be deemed to have been made when the document or notice of its posting is mailed in a properly addressed, post-paid envelope, delivered to a telegraph office, delivered to the party personally, or left at the party's residence or principal place of business.

(c) Service by a landlord or tenant in a proceeding in the area rent office may be proved by a post-office receipt for the mail, or by affidavit or certification of the facts of service by the person making such service. Proof of service must be annexed to the document at the time it is filed.

SEC. 7. *Joint petitions and applications; consolidations.* Two or more landlords or tenants may file a joint petition or application for adjustment or other relief where the grounds of the petition or application are common to all landlords or tenants joining therein. A joint petition or application shall be filed and determined in accordance with the provisions governing the filing and determination of petitions and applications filed severally. A petition or application may include as many housing accommodations as present common questions which can be expeditiously determined in one proceeding. Whenever the Area Rent Director deems it necessary or appropriate, he may order the filing of separate petitions or applications or consolidate separate petitions or applications presenting common questions which can be determined expeditiously in one proceeding. The Area Rent Director may, in the case of a tenant's application, when he deems it appropriate, join tenants of other units in the subject building.

SEC. 8. *Investigation by the Area Rent Director.* Upon the commencement of any proceeding, the Area Rent Director may make such investigation of the facts, hold such conferences, and require the filing of such reports, evidence in affidavit form or other material relevant to the proceeding, as he may deem necessary or appropriate for the proper disposition of the proceeding.

SEC. 9. *Action by the Area Rent Director on his own initiative.* (a) In any case, except as provided in paragraph (b) of this section, where the Area Rent Director pursuant to the provisions of a maximum rent regulation, deems it necessary or appropriate to enter an order on his own initiative, he shall, before taking such action, serve a notice upon the landlord and tenant of the housing accommodations involved stating the proposed action and the grounds therefor. The proceeding shall be deemed commenced on the date of issuance of such notice. Both parties shall be afforded a period of seven (7) days from the date of mailing within which to respond to the notice of proceeding. The response must in all cases be limited to the issues raised by the notice and shall be filed with the Area Rent Director in an original and one (1) copy. Any person so notified who fails to file such a response shall be deemed to have waived his right to become a party to the proceedings before the Area Rent Director except upon leave granted for good cause shown.

(b) In any case where the Area Rent Director proposes to reduce a maximum rent on his own initiative, and the case did not result from a tenant's application the tenant shall not be a party to such proceeding and notices in connection therewith need not be served upon the tenant. However, a copy of any order reducing a maximum rent shall be served upon the tenant as well as upon the landlord. If the tenant feels that a further reduction in maximum rent is warranted, his remedy shall be to file an application for reduction under the applicable maximum rent regulation rather

than a protest under this regulation: *Provided, however,* That if such further reduction is claimed upon the same grounds as that upon which the Area Rent Director's order of reduction was based, and the landlord filed a protest from such order, the tenant's application for reduction shall be forwarded to the Director of Rent Stabilization for consideration and determination as a part of the appeal proceeding.

SEC. 10. *Action by the Area Rent Director.* (a) At any appropriate stage of a proceeding the Area Rent Director may:

(1) Dismiss the petition or application if it fails substantially to comply with the provisions of the applicable maximum rent regulation or of this procedural regulation; or

(2) Grant or deny the petition or application in whole or in part or issue an appropriate order in proceedings commenced by him; or

(3) Serve upon or make available for inspection by the other party any relevant evidence presented by a landlord or tenant and not otherwise required to be served and afford an opportunity to file rebuttal thereto if in his discretion he deems such service or opportunity necessary; or

(4) Notice such proceeding for an oral hearing to be held in accordance with section 12; or

(5) Provide for the introduction into the record of such evidence as he may deem appropriate. Any evidence introduced into the record by the Area Rent Director must be served upon or made available for inspection by all parties to the proceeding who shall be afforded an opportunity to file evidence in response thereto; or

(6) Up to the date of entry of the order, accept for filing any evidentiary papers, even though not filed within the time limited; or

(7) Require any person to appear and testify or to produce documents, or both.

(b) An order entered by an Area Rent Director upon a petition or application for adjustment or other relief, or an order entered by an Area Rent Director on his initiative or upon remand of a proceeding to the Area Rent Director by the Director of Rent Stabilization pursuant to section 52 shall be effective and binding until changed by further order and shall be final subject only to protest. Unless a protest has been filed, an order entered by the Area Rent Director may be revoked or modified at any time: *Provided,* That due notice of the intention to revoke or modify was previously given to all persons subject to such order. This proviso shall not apply to proceedings under section 3 (b). A copy of an order entered by the Area Rent Director shall be served upon all parties to the proceedings.

(c) *Review by Local Advisory Board.* During the pendency of any proceeding before the Area Rent Director the landlord or the tenant may, pursuant to the procedures of the local rent advisory board, request a review of the proceeding. Any recommendation of the board based upon such a review shall be placed in effect by the Area Rent Director if it is in accordance with the act and regulations.

(d) Upon remand of a proceeding to the Area Rent Director by the Director of Rent Stabilization pursuant to section 52, the Area Rent Director shall proceed in accordance with the order of remand and consistent with the matters involved and at the conclusion of such proceedings shall issue an appropriate order.

SEC. 11. *Evidence not subject to landlord's or tenant's control.* In any proceeding before an Area Rent Director, the landlord or tenant may file a statement in affidavit form setting forth in detail the nature and sources of any evidence not subject to his control, upon which the landlord or tenant believes he can reply in support of the facts alleged by him. Such statement shall be accompanied by an application for assistance by way of interrogatories or otherwise, in obtaining documentary evidence or evidence of persons not subject to the control of the landlord or tenant showing in every instance what material facts would be adduced thereby. Such application, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents, shall specify such documents with sufficient particularity to enable identification for purposes of production. If the Area Rent Director deems the evidence necessary, he shall order its production. When such an application is denied written notice of such denial shall be served upon the parties.

SEC. 12. *Oral testimony—(a) Requests for oral hearing.* In most cases, evidence in proceedings before an Area Rent Director will be received only in written form, since this procedure is most conducive to the fair and expeditious disposition of such proceedings. However, the Area Rent Director may, upon his own initiative, direct the receipt of oral testimony or the landlord or tenant may request that oral testimony be taken. Such request shall be accompanied by a showing as to why the filing of affidavits, or other written evidence will not permit the fair and expeditious disposition of the proceeding. In the event that an oral hearing is ordered, notice thereof shall be served on the landlord and tenant not less than five (5) days prior to such hearing. The time and place of hearing shall be stated in the notice. A presiding officer shall be appointed by the Area Rent Director with all necessary powers to conduct the hearing. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. Where a request for oral hearing is denied, written notice of such denial shall be served upon the parties.

(b) *Stenographic report of oral hearing.* A stenographic report of the oral hearing shall be made in duplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office.

PROTESTS TO THE DIRECTOR OF RENT STABILIZATION

Introduction. Sections 18 to 54 deal with protests. A protest is the means provided by section 203 (a) of the act for landlords to make formal objections to a maximum rent regulation and for landlords or tenants to make formal objections to an order. Ordinarily, the filing of a protest is a prerequisite to obtaining judicial review by the Emergency Court of Appeals of the validity of a rent regulation or order. The other method available to landlords, only, to obtain judicial review is the filing of a complaint in the Emergency Court of Appeals after obtaining special leave to do so in an enforcement proceeding pursuant to law.

Those sections also contain provisions for consideration of protests by boards of review. A party is entitled to consideration of his objections by a board of review if he files a protest or response in accordance with the provisions of this regulation, making a specific request for consideration by a board of review in accordance with section 21 of this regulation.

GENERAL PROVISIONS

SEC. 18. *Right to protest.* (a) Except as provided in section 9 (b), any landlord subject to any provision of a maximum rent regulation or any landlord or tenant subject to an order issued by an Area Rent Director may file a protest in the manner set forth below: *Provided, however,* That in the case of an order entered pursuant to proceedings under section 3 (b) the tenant may file a protest only from the order entered in the proceedings had upon the tenant's request for revocation or modification.

(b) Any protest filed by a landlord or tenant not subject to the order or the provision protested, or otherwise not in accordance with the requirements of this regulation, may be dismissed by the Director of Rent Stabilization.

SEC. 19. *Scope of protest.* (a) A party who files a protest from an order issued by an Area Rent Director shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered on such a protest, except as authorized by paragraph (b) of this section. A protest against a maximum rent regulation may be accompanied by any relevant supporting evidence in affidavit form.

(b) A protestant may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

SEC. 20. *Time and place of filing protests.* (a) A protest may be filed against the provisions of a maximum rent regulation or amendment thereto issued and effective on or after July 1, 1952, within 6 months after the effective date of such regulation or amendment or within 6 months after new grounds arise there-

under and with respect to a regulation or amendment issued and effective prior to July 1, 1952, only within 6 months after new grounds arise thereunder.

(b) A protest directed against an order must be filed within six (6) months after the date of issuance of the order to be reviewed; or within six (6) months after new grounds arise thereunder.

(c) A protest shall be filed in an original and two (2) copies with the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C.: *Provided, however,* That where a protest is directed solely against a regulation a copy shall be filed with the Area Rent Director of the area out of which the protest arises and that where the protest is from an order of an Area Rent Director, a copy of the protest, accompanying documents and briefs, shall be filed with the Area Rent Director issuing the order being protested, and one (1) copy shall be served upon any landlord or tenant who is subject to the order, in the manner prescribed by section 22.

(d) Each copy of the protest, accompanying documents and briefs, shall be printed, typewritten, mimeographed or prepared by similar process and shall be plainly legible. Copies shall be double-spaced except that quotations shall be single-spaced and indented.

SEC. 21. *Form and contents of protests*—(a) *What each protest must contain.* There is no printed form for use in making a protest. However, every protest shall be clearly designated "Protest to the Director of Rent Stabilization" and shall set forth the following:

(1) The name and postoffice address of the person filing the protest, whether he is the landlord or tenant of the accommodations, the manner in which such person is subject to the provision of the maximum rent regulation or the order appealed from, the location, by postoffice address or otherwise, of all housing accommodations involved in the protest and the names and addresses of all other parties in the prior proceedings and in the case of a protest to an order, the names and addresses of all other persons subject to the order protested;

(2) The name and post office address of any person filing the protest on behalf of the landlord or tenant and the name and post office address of the person to whom all communications from the Office of Rent Stabilization, relating to the protest shall be sent;

(3) A complete identification of the provision or provisions protested, citing the number of the maximum rent regulation or the order, the section or sections thereof to which objection is made, the date of issuance thereof, and the name of the defense-rental area involved;

(4) A statement that a copy of the protest and all accompanying documents and briefs has been filed with the Area Rent Director, as provided in section 20 (c) and proof of service as prescribed by section 22 (c);

(5) A simple concise statement of objections pertinent to the provision or provisions protested, making known the precise grievance of the protestant; each such objection to be separately stated and numbered;

(6) A clear and concise statement based upon the record of the proceedings in the area rent office of all facts supporting each objection. The supporting facts must be limited to the objections specified;

(7) A statement of the relief requested and, if modification of a provision of a maximum rent regulation is sought, a statement of the specific changes which the landlord seeks to have made in this provision;

(8) A statement signed and sworn to (or affirmed) before an officer authorized to take oaths either by the person filing the protest personally, or, if a partnership, by a partner, or, if a corporation or association, by a duly authorized officer, that the protest and the documents filed therewith are prepared in good faith:

Provided, however, That in the case of protest directed against a regulation, the person filing the appeal shall file an oath or affirmation that the facts alleged are true to the best of his knowledge, information and belief. The person filing the protest shall specify which of the facts alleged are known to be true and which are alleged on information and belief. Where any statement is filed by a representative on behalf of the protestant, the statement must be accompanied by a power of attorney as provided in section 73.

(b) *Consideration by a board of review upon request by a party.* A party who wishes the protest considered by a board of review must specifically so request. If he also wishes to offer oral argument, he must so state, indicating the order of his preference as to (1) argument before a full board in Washington, D. C., or (2) argument before a subcommittee of the board at the nearest Regional Office or elsewhere as requested. A simple request for consideration of the protest by a board of review, without more, will be construed as a request for consideration without oral argument. Section 41 of this regulation sets forth the considerations which will be determinative in the decision as to where oral argument may be heard. The request for consideration by a board of review must be made either in the protest or in the response. Further provisions with respect to proceedings before a board of review are to be found in sections 39 to 46, inclusive, of this regulation.

SEC. 22. *Service of papers by landlords and tenants in proceedings upon protest.* (a) Wherever this regulation requires a landlord or tenant to serve a protest, response, rebuttal affidavit, notice, or other document upon another party or parties in proceedings upon protest to the Director of Rent Stabilization, such service shall be made in the following manner:

(1) Where the proceeding involves four (4) or fewer tenants the landlord shall serve each tenant concerned by personal service, by leaving a copy of the document to be served at the tenant's residence, or by mail or telegraph addressed to the tenant at his residence.

(2) Where the proceeding involves more than four (4) tenants, the landlord may serve the document in the manner prescribed by subparagraph (1) of this paragraph. However, the landlord may, at his option, serve the document by posting and keeping posted for a period of 15 days a copy thereof in the common entrance to the premises or if there be more than one common entrance, in each common entrance or in one or more public places upon the premises accessible to all tenants concerned in the proceedings. If service is made by posting, the landlord shall also serve upon each tenant concerned a notice of the nature of the document posted and the place of posting. The notice of posting shall be served in the manner prescribed by subparagraph (1) of this paragraph.

(3) Where a tenant is required to serve a document such service is required to be made only upon the landlord and may be made by personal service, by leaving a copy of the document at the landlord's residence or principal place of business, by mailing a copy thereof to the landlord at his residence or principal place of business in a properly addressed, post-paid envelope, or by telegraph.

(b) Service of a document shall be deemed to have been made when the document or notice of its posting is mailed in a properly addressed, postpaid envelope, delivered to a telegraph office, delivered to the party personally, or left at the party's residence or principal place of business.

(c) Service by a landlord or tenant in a proceeding upon protest to the Director of Rent Stabilization may be proved by a post-office receipt for the mail, or by affidavit or certification of the facts of service by the person making such service. Proof of service must be annexed to the document at the time it is filed.

SEC. 23. *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, and all further papers filed in the proceedings by either the appellant or other parties and all correspondence relating thereto shall contain on the first page thereof the docket number so assigned.

SEC. 24. *Joint protests; consolidation.* Two or more landlords or tenants may file a joint protest. Joint protests shall be filed and determined in accordance with the provisions governing the filing and determination of protests filed severally. A joint protest shall be verified in accordance with section 21 by each person joining in the protest. A joint protest may be filed only where at least one ground is common to all persons joining in the protest. Whenever the Director of Rent Stabilization deems it necessary or appropriate for the disposition of joint protests, he may treat such joint protests as several, and, in any event, he may require the filing of relevant materials by each person joining therein. Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Director of Rent Stabilization may consolidate such protests.

SEC. 25. *Stay of landlord's obligation to refund.* (a) Where the effect of an Area Rent Director's order is to require a landlord to make a refund to the tenant, the obligation to refund shall be stayed if the landlord, within twenty (20) days after the date of issuance of said order, duly files a protest together with a refund transmittal memorandum directed to the Director, Budget and Finance Branch, Office of Rent Stabilization, Washington 25, D. C., on forms prescribed by the Director of Rent Stabilization, accompanied by a certified check or money order in the amount of the refund payable to the U. S. Treasurer, and such additional information and documents as may be required. The money so deposited shall be distributed pursuant to the order of the Director of Rent Stabilization, or in accordance with the final disposition of the proceedings.

(b) Compliance with that portion of an order, issued by the Director of Rent Stabilization upon the final determination of a protest which specifies the manner in which the money deposited pursuant to this section shall be distributed to a tenant, shall be stayed for a period of thirty (30) days from the date of issuance of said order.

(c) Compliance with that portion of an order, issued by the Director upon the determination of a protest which specifies the manner in which the money deposited shall be distributed to a tenant, shall be further stayed if the protestant, within thirty days after the date of issuance of said order files a complaint in the United States Emergency Court of Appeals in accordance with law, objecting to the provisions of the order which requires the refund. In such event the money so deposited shall be distributed by order of the Director in a manner consistent with the ultimate disposition of the proceedings.

(d) If, within thirty days after entry of a judgment or order, interlocutory or final, by the United States Emergency Court of Appeals in a proceeding described in paragraph (c) herein, a petition for a writ of certiorari is filed in the Supreme Court of the United States, the distribution of the money deposited in escrow shall be stayed, and the funds shall thereafter be distributed by order of the Director in a manner consistent with the ultimate disposition of the proceedings.

SEC. 26. *Stay of certificates relating to eviction.* (a) Where a tenant files a protest from an order with respect to a certificate relating to his eviction within twenty (20) days after date of its issuance, the certificate shall be stayed until thirty (30) days after determination of the protest: *Provided, however,* That the waiting period, if any, provided by the certificate shall not be tolled by the stay and that the termination or expiration of a stay shall not operate to curtail such waiting period: *And provided, further,* That where the tenant's protest or objections are dilatory, frivolous, or not made in good faith, the stay of the certificate may be terminated.

(b) If the tenant files a complaint against the order in the United States Emergency Court of Appeals in accordance with law, the certificate shall be deemed suspended until entry of the final judgment of that Court and for a period of thirty (30) days thereafter. If within that period the tenant files a petition for certiorari to review such judgment in the Supreme Court of the United States, the certificate shall be deemed suspended until ultimate disposition of the proceeding. Where, pursuant to a judgment of that Court or of the Emergency Court of Appeals the proceeding is remanded to the Director, the certificate shall remain suspended during the further proceedings before the Director.

(c) Where the certificate relating to eviction is in suspension and where, upon complaint filed by the landlord in the Emergency Court of Appeals pursuant to law against an order involving such certificate, the determination complained of is set aside in whole or in part, or the proceedings remanded to the Director, the certificate shall be deemed suspended in the same manner provided for in paragraph (b) of this section as if the tenant had been the complainant.

SEC. 27. *Response to protests.* (a) Where an appeal from an order issued by an Area Rent Director has been filed by a landlord or tenant, the other party or parties shall be afforded a period of fifteen (15) days from the date of service of such appeal and documents within which to serve and file a response to the appeal. Such response shall be filed with the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C., in an original and two (2) copies, together with proof of service upon the other party or parties, as prescribed by section 22 (c). The response shall be limited to the presentation of briefs and arguments directed to the objections raised and the evidence presented in the prior proceedings. No new evidence or objections shall be presented, received, or considered in such response except as authorized by paragraph (b) of this section.

(b) A respondent may request leave to present further specified evidence or objections setting forth the reasons for the request. Such request will be granted only upon a showing that such evidence is newly discovered or a showing that prior presentation was not possible. Such evidence should not be submitted with the request and will be received only upon entry of an order authorizing its introduction into the record. The order may limit the evidence in any manner deemed necessary.

EVIDENCE AND BRIEFS

SEC. 33. *Submission of briefs.* The parties to a protest proceeding may serve and file briefs in support of their contentions only with the protest or response, as the case may be, unless leave is granted to serve and file a brief at some other time. An original and two (2) copies shall be filed separate and distinct from the protest, response, or evidential material.

SEC. 34. *Introduction of evidence into record of protest proceeding.* The Director of Rent Stabilization may, at any time, in his discretion, incorporate such evidence into the record of any protest proceeding or direct any party thereto to submit such evidence, in the form of affidavits or otherwise, as he deems appropriate. In the event any such new evidence is introduced into the record of the protest proceeding it must be served upon all parties to the proceeding or be made available for inspection by them and such parties shall be afforded a reasonable opportunity to file evidence in rebuttal thereto.

SEC. 35. *Receipt of oral testimony and evidence not subject to party's control.* (a) In cases of a protest from an order of an Area Rent Director, additional evidence will be received from the parties only where leave has been granted by the Director of Rent Stabilization in accordance with sections 19 and 27, or where the Director of Rent Stabilization, on his own initiative has determined that additional evidence is necessary for a proper determination.

(b) Evidence where permitted in protest proceedings will ordinarily be received only in written form because this procedure is most conducive to the fair and expeditious disposition of protests. However, a request for the receipt of oral testimony may be made in the circumstances set forth below. Such request shall be accompanied by a showing as to why the filing of affidavits or other written evidence will not permit the fair and expeditious disposition of the protest.

(c) In the event that the Director of Rent Stabilization orders the receipt of oral testimony, notice shall be served on all parties to the protest proceeding not less than five (5) days prior to the receipt of such testimony, which notice shall state the time and place of the hearing and the name of the presiding officer designated by the Director of Rent Stabilization. Any such oral hearing may be limited in such manner and to such extent as is deemed appropriate to the expeditious determination of the proceeding. If the Director of Rent Stabilization rejects the request for receipt of oral testimony he may, if he deems it appropriate, permit the filing of a request for written interrogatories, as provided in paragraph (d) of this section. Where a request for oral hearing is denied the order of such denial shall be served upon the parties.

(d) A request for the receipt of evidence not subject to the party's control may be made only upon a showing that such evidence is necessary to the disposition of the protest. Such request must be made in affidavit form setting forth in detail the nature and sources of any evidence, not subject to his control, upon which the party believes he can rely in support of the facts alleged in his protest. Such statement shall be accompanied by an application for assistance by way of interrogatories, or otherwise in obtaining the documentary evidence or evidence of persons not subject to the control of the party, showing in every instance what material facts would be adduced thereby. Such applications, if calling for the evidence of persons, shall specify the name and address of each person, and the facts to be proved by him, and if calling for the production of documents shall specify such documents with sufficient particularity to permit identification for purposes of production. Any order issued with respect to such request

shall be served upon all parties to the proceeding.

(e) Landlords who have filed a protest directed against a maximum rent regulation may request receipt of oral testimony and assistance in obtaining evidence not subject to their control in the manner set forth in paragraphs (b) (c) and (d) of this section. Landlords and tenants who are parties to a protest proceeding directed against an order issued by an Area Rent Director may request receipt of oral testimony and assistance in obtaining evidence not subject to their control only where: (1) Evidence has been introduced into the record by the Director of Rent Stabilization pursuant to section 34; (2) where such request was made in the prior proceedings and denied; or (3) where the request could not reasonably have been made at a prior stage of the proceedings.

(f) A stenographic report of the oral hearing shall be made in triplicate. A copy shall be available for inspection during business hours in the appropriate defense-rental area office.

SEC. 36. *Evidence in support of a rent regulation.* Any person affected by a maximum rent regulation may submit evidence in support of the regulation in the manner set forth in this section.

(a) *Written evidence in support of the regulation.* Any person affected by the provisions of a maximum rent regulation, may at any time after the issuance of such regulation submit to the Director of Rent Stabilization a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum rent regulation and may be accompanied by affidavits, and other data in written form. In the event that protest has been, or is subsequently, filed against a provision of a maximum rent regulation in support of which a statement has been submitted, the Director of Rent Stabilization may include such statement in the record of the proceedings taken in connection with such appeal. If such supporting statement is incorporated into the record and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon, or made available for inspection by the person filing the protest and he shall be given a reasonable opportunity to present evidence in rebuttal thereof.

(b) *Receipt of oral testimony in support of the regulation.* Ordinarily, material in support of the maximum rent regulation, like material in support of protests, will be received only in written form. Where, however, the Director of Rent Stabilization is satisfied that the receipt of oral testimony is necessary, he may, on his own motion, direct such testimony to be received.

BOARDS OF REVIEW

SEC. 39. *Right to consideration by a board of review.* (a) Under the law, a protest filed in accordance with this regulation, must, upon the protestant's or respondent's request, be considered by a board of review before it can be denied in whole or in part.

(b) Consideration of the record in protest proceedings by a board of review is undertaken for the purpose of reconsidering the provision or provisions of the maximum rent regulation or order protested and recommending action relative thereto to the Director. A board of review considers the protest upon the basis of the record which has been developed in the proceedings. Protestant and the respondent are accorded an opportunity to present oral argument to a board upon the basis of the objections raised and the evidence in the record, and are guided by the explanatory statement of the issues in the notice of consideration by a board of review.

SEC. 40 *Composition of boards of review.* A board of review is composed of one or more officers or employees of the Office of Rent Stabilization, designated by the Director to review the record of the proceedings on a particular protest and make recommendations to him as to its disposition. The number of members constituting a board will be determined in the light of the scope and complexity of the issues presented. When a board consists of more than one member, ordinarily at least one member shall be selected who has been directly responsible for the formulation or administration of the maximum rent regulation or order protested. The protestant and the respondent will be advised of the membership of a board considering the protest and, if the board consists of more than one member, of the member selected to preside, in the notice of consideration by a board provided for in section 42. When necessitated by incapacity of a member or other good cause, the Administrator may make substitutions in the membership of the board as originally constituted.

SEC. 41. *Where boards of review hear oral argument.* A board of review consisting of more than one member will ordinarily hear oral argument at the National Office in Washington, D. C., and only in exceptional cases and for good cause shown will the full board hold hearings elsewhere. A board consisting of only one member may hear argument at a Regional Office or elsewhere. Where it has been requested that oral argument be heard at some other place than the National Office and where the board consists of more than one member, a subcommittee thereof may be designated to hear argument at the place requested or at some other convenient place. A request for oral argument without specifying preference as to place of argument will be construed as a request for oral argument at the National Office in Washington, D. C.

SEC. 42. *Notice of consideration by board of review.* (a) Before denial in whole or in part of any protest as to which consideration by a board of review has been requested in accordance with section 21 (b) or (c) of this regulation, which request has not subsequently been waived, notice of consideration by a board of review will be sent by registered mail to the protestant and to the respondent. Sending of the notice marks a close of the evidential record in the proceedings. The notice will indicate the issues thought to be determinative and may serve as a guide in planning oral argument. The notice of consideration shall contain, or be accompanied by, the following items, as nearly as the circumstances permit:

(1) Information identifying the protest, including the maximum rent regulation or order being protested and the docket number;

(2) A list of the documents comprising the record of the proceeding;

(3) A brief statement of the issues involved;

(4) A statement of the time (which shall not be less than seven days from the date of the mailing of the notice) and place where the board of review or a subcommittee thereof will hear oral argument;

(5) A list of persons comprising the board of review which is thereby appointed to consider the protest, with their official titles and a designation of the presiding member if the board of review is composed of more than one person.

SEC. 43. *Waiver of right to consideration in whole or part in protest proceedings.* A party who has properly requested consideration by a board of review in accordance with section 21 may, if he so desires, waive his right to consideration by a board. A party who has requested both consideration by and oral argument before a board of review, or subcommittee thereof, may waive his right to oral argument only, or he may waive both oral argument and consideration by a board. Such waiver shall be in writing and shall constitute a part of the record of proceedings on the protest. Failure of a party to appear at a hearing of oral argument, which he has not waived in accordance with the foregoing, at the time and place specified in the notice of consideration shall, unless a reasonable excuse is shown, also constitute waiver of his right to consideration by a board. Unexcused failure to appear at a hearing of oral argument shall be noted on the record of proceedings. A waiver by less than all of a group of joint parties shall not affect the rights of a party who has made no waiver. The board shall, in any event, give consideration to the protest, unless both parties have waived their rights thereto as provided in this section.

SEC. 44. *Hearing of oral argument.* (a) Argument before a board of review shall ordinarily be limited to one hour except for good cause shown. Where the magnitude of the issues involved warrants more extended discussion or where the parties are numerous, the board may extend or limit the time of each in its discretion. A board may exclude specific argument deemed to be irrelevant to the objections set forth in the protest or unsupported by any evidence in the record. Hearings of argument will be open to the public. Where argument is to be heard by a board of review consisting of more than one member, a majority of such board shall constitute a quorum for the purpose of hearing argument. Presentation of oral argument may be accompanied by submission of a brief.

(b) A stenographic report of all hearings of oral argument by boards of review or subcommittees thereof may be taken. The report will be transcribed at the direction of the board if a transcription is desired to facilitate consideration of the protest. The report will ordinarily be transcribed if the argument is heard by a subcommittee of a board. If the report is transcribed a copy shall be available in the Office of Rent Stabilization, Washington, D. C. Any protestant or respondent, who wishes a copy of the report may obtain it by requesting the reporter at the hearing to make a copy for him and paying the cost thereof.

SEC. 45. *Action by boards of review at conclusion of their consideration of a protest.* Within a reasonable time after the hearing of oral argument or after the closing of the record, if such argument has been waived, a board of review shall submit its recommendations in writing to the Director as to the disposition of the protest. The recommendations of a majority of the members of a board shall constitute the recommendations of the board, but the disagreement of any member with the recommendations shall be expressly noted. The protestant and the respondent will be advised of the recommendations of the board in an appendix to the Administrator's opinion disposing of the protest or closing the docket. Copies of these documents, containing the board's recommendations, will be sent to the protestant and the respondent by mail. A board of review shall have authority to recommend to the Director that the protest be granted or denied in whole or in part. If it is the opinion of the board that the record in the proceedings should be expanded, it may refer the record of the proceedings to the Director in order that the Director may consider permitting the amendment of the protest or the receipt of additional evidence.

SEC. 46. *Action by Director after receipt of board of review's recommendations.* After receipt of a board of review's recommendations as to the disposition of the protest, the Director shall, within a reasonable time, grant or deny the protest in whole or in part.

ACTION BY THE DIRECTOR OF RENT STABILIZATION

SEC. 52. *Action by the Director of Rent Stabilization.* (a) Within a reasonable time after the filing of any petition in accordance with the regulation, but in no event more than 30 days after such filing, the Director shall:

(1) Dismiss any protest which does not conform in a substantial respect to the provision of this regulation; or strike from the record or reject any evidential material which does not conform to the requirements set forth in this regulation: *Provided, however,* That the failure to strike or reject such evidence submitted in contravention of section 19 shall not constitute acceptance thereof; or

(2) Terminate or reinstate a stay of a certificate relating to eviction; or

(3) Grant or deny such protest in whole or in part or, if considered necessary or appropriate, remand the proceedings to the Area Rent Director for further action not inconsistent with the determination of the Director of Rent Stabilization; or

(4) Notice such protest for an oral hearing to be held in accordance with section 35; or

(5) Serve upon or make available to the other party or parties for inspection any evidence presented by the landlord or tenant and not otherwise required to be served or made available, and afford an opportunity to file rebuttal thereto, if, in his discretion, he deems such opportunity necessary; or

(6) Provide for the introduction into the record of the protest proceeding of such evidence as he may deem appropriate, in accordance with section 34; or

(7) Require any person to appear and testify or to produce documents, or both.

(8) Notice such protest for hearing of oral argument by a board of review.

SEC. 53. *Relief where landlord's obligation to refund has been stayed.* In those cases where a stay of the obligation to refund has been obtained in accordance with section 25, the modification or revocation of the order by the Director of Rent Stabilization or by the Area Rent Director upon remand, as it affects the refund, shall be retroactive.

SEC. 54. *Opinion denying protest in whole or in part.* In the event that the Director denies any protest in whole or in part, the protestant and the respondent shall be informed of any economic data or other facts of which he takes official notice, the grounds upon which such decision is based, and (if the protest has been considered by a board of review) the recommendations of a board of review and, if any recommendation of such a board has been rejected, the reason for rejection. Any order entered in such protest proceedings shall be effective from the date of its issuance unless otherwise provided in such order, or in this regulation.

INTERPRETATIONS

SEC. 60. *Interpretations.* An interpretation given by the Director of Rent Stabilization or an officer of the Office of Rent Stabilization, with respect to any provisions of the act or any maximum rent regulation or order promulgated thereunder, will be regarded as official only if such interpretation was requested and issued in accordance with sections 61 and 62, or was issued as an interpretation of general applicability. An official interpretation shall be applicable only with respect to the particular person to whom, and to the particular factual situation with respect to which, it is given, unless issued as an interpretation of general applicability.

SEC. 61. *Requests for interpretations; form and contents.* Any person desiring an official interpretation of the Housing and Rent Act of 1947, as amended, or of any maximum rent regulation or order promulgated thereunder, shall make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall, so far as practicable, state the names and post office addresses of the persons and the location of the housing accommodations involved. If the inquirer has previously requested an interpretation on the same or substantially the same facts, his request shall so indicate and shall state the official or office to which his previous request was addressed. No interpretation shall be requested or given with respect to any hypothetical situation or in response to any hypothetical question.

SEC. 62. *Interpretation to be written; authorized officials.* Interpretations involving individual cases shall be in writing and signed by the Director of Rent Stabilization, or by one of the following officers of the Office of Rent Stabilization: The general counsel, any assistant general counsel, any regional attorney, or any chief rent attorney for a defense-rental area office. Interpretations of general applicability shall be issued only by the Director of Rent Stabilization, the general counsel or an assistant general counsel.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 65. *Contemptuous conduct.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing.

SEC. 66. *Continuance or adjournment of hearing.* Any hearing may be continued or adjourned to a later date or a different place by announcement at the hearing by the person who presides.

SEC. 67. *Filing of notices, etc.* All notices, reports, registration statements, notices of termination of leases and other documents which a landlord or tenant is required to file pursuant to the provisions of the act, any maximum rent regulation or this regulation shall be filed with the appropriate defense-rental area office or other specifically designated office, and shall be deemed filed on the date received by said office: *Provided, however,* That any such notice, report, registration statement, notice of termination of lease or other document properly addressed to and received by the appropriate office shall be deemed filed on the date of the post mark: *And provided further,* That when the last day for filing falls on a Saturday, Sunday or legal holiday, the document may be physically filed at the appropriate office on the next business day.

SEC. 68. *Service of papers.* (a) Except as otherwise specifically provided in this regulation, the following provision shall govern service and proof of service: Notices, orders, and other process and papers may be served personally or by leaving a copy thereof at the residence or principal office or place of business of the person to be served, or by mail, or by telegraph. When service is made personally or by leaving a copy at the residence or principal office or place of business, the verified return of the person serving or leaving the copy shall constitute sufficient proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall constitute sufficient proof of service. When service is by unregistered mail proof of service may be made by an affidavit of mailing or by any other acceptable proof or testimony. In any

proceeding under section 9, or in any proceeding to revoke or modify an order, any notice, order or other process or paper directed to the person named as landlord on the registration statement, filed pursuant to the registration section of the applicable maximum rent regulation at the mailing address given thereon, or where a notice of change of identity has been filed pursuant to said registration section, to the person named as landlord and at the address given in such notice of change of identity most recently theretofore filed, shall constitute notice to such landlord; except when service is made by landlord, notice to the tenant may be given by mailing to the "occupant" of the subject housing accommodations.

(b) In any proceeding under section 9 involving more than one tenant or in any proceeding involving public housing operated by the United States or by a State or any of its political subdivisions or by any agency of the foregoing the landlord may be required to serve notices, orders and other process and papers on the tenants affected in the manner prescribed by the Area Rent Director and to prepare and file such appropriate evidence of such service as may be required.

SEC. 69. *Time limitations.* All time limitations prescribed in this regulation shall be strictly observed by all parties to the proceedings and extensions or waivers will be afforded as a matter of right only upon a showing of good cause for inability to meet the time limitation.

SEC. 70. *Official notice.* The Area Rent Director or the Director of Rent Stabilization may take official notice of economic data and other facts, including facts found as a result of reports filed and studies and investigations made.

SEC. 71. *Subpoenas.* Subpoenas shall be issued only by the Director of Rent Stabilization and may require the production of documents or the attendance of witnesses at any designated place. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person or leaving a copy at his regular place of business or abode and by tendering to him the fees and mileage specified in section 206 (f) (3) of the act. When the subpoena is issued on behalf of the Office of Rent Stabilization, fees and mileage need not be tendered in advance. Any person 18 years of age or over may serve a subpoena. The person making the service shall make an affidavit thereof describing the manner in which service is made and return such affidavit on or with the original subpoena forthwith to the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C. In case of failure to make such service, the reasons for the failure should be stated on the original subpoena.

SEC. 72. *Witness fees.* Witnesses summoned to give testimony pursuant to section 71 shall be paid the fees and mileage specified by section 206 (f) (3) of the act. Such fees shall be paid by the party requesting the subpoena and on whose behalf it is issued. The Director of Rent Stabilization shall pay such fees only to witnesses summoned by him upon his own initiative.

SEC. 73. *Action by representatives.* Any action which by this regulation is required of, or permitted to be taken by, a landlord or tenant may, unless otherwise expressly stated, be taken on his behalf by any person whom the landlord or tenant has authorized to represent him. Such authority shall be given by written power of attorney where the action is in connection with protest. In such case the power of attorney, signed by the landlord or tenant, shall be filed at the time action on his behalf is taken.

SEC. 74. *Certifying Officer; office hours.* The Office of the Certifying Officer, Office of Rent Stabilization, Washington 25, D. C., shall be open on week days, except Saturday, from 9 a. m. to 5 p. m. and shall be closed on Saturdays. Any persons desiring to file any papers, or to inspect any documents filed with such office at any time other than the regular office hours stated, may file a written application with the Certifying Officer, requesting permission therefor.

SEC. 75. *Confidential information; inspection of documents filed with Area Rent Director or Certifying Officer.* Petitions, applications, protests and all papers filed in connection therewith are public records, open to inspection in the Area Rent Office or the Office of the Certifying Officer upon such reasonable conditions as the Area Rent Director or Certifying Officer may prescribe. Except as provided above, confidential information filed with the Office of Rent Stabilization, will not be disclosed unless in the judgment of the Director of Rent Stabilization the disclosure thereof is in the public interest.

SEC. 76. *Appearance of employees and former employees.* Appearance of employees and former employees of the Office of Rent Stabilization or of any predecessor agency, in a representative capacity before the Office of Rent Stabilization, shall be governed by any provision relating thereto promulgated by the Director of Rent Stabilization.

SEC. 77. *Definitions.* As used in this regulation, unless the context otherwise requires, the term:

(a) "Act" means the Housing and Rent Act of 1947, as amended;

(b) "Subject to." A landlord is "subject to" a provision of a maximum rent regulation or of an order only if such provision prohibits or requires action by him. A tenant is "subject to" an order if he is or was the tenant of the subject housing accommodations during any period of time concerned in the order.

(c) "Date of issuance" with respect to a maximum rent regulation, means the date on which such maximum rent regulation was or is filed with the Federal Register Division.

(d) "Federal Register" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), as amended.

(e) "Maximum rent regulation" means any regulation establishing a maximum rent.

(f) "Maximum rent" means the maximum rent established by any maximum rent regulation or order issued thereunder.

(g) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(h) "Landlord" includes an owner, lessor, sublessor, assignee or any other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(i) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(j) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(k) "Area Rent Director" means the person designated by the Director of Rent Stabilization as director of any defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Area Rent Director by the Director of Rent Stabilization.

(l) "Petition" when referring to a landlord's request for an adjustment of maximum rent shall include applications as well as petitions.

SEC. 78. *Amendment to this regulation.* Any provision of this regulation may be amended or revoked by the Director of Rent Stabilization at any time. Such amendment or revocation shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication unless otherwise specified therein.

SEC. 79. *Saving provisions.* (a) Rent Procedural Regulation 2, issued November 21, 1951, shall continue to apply to all cases where the maximum rent regulation or order was issued before July 1, 1952.

(b) This regulation shall apply to all protests against maximum rent regulations issued on or after July 1, 1952, and to protests against maximum rent regulations issued prior to that date where the protest is based upon new grounds arising on or after July 1, 1952. This regulation shall also apply to all cases involving orders issued on or after July 1, 1952.

Issued this 1st day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52-7380; Filed, July 1, 1952; 5:03 p. m.]

[Rent Regulation 2, Amdt. 13 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE RENTAL AREAS OR PORTIONS THEREOF

CALIFORNIA

Effective July 8, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 64 is added to Schedule B of Rent Regulation 2, reading as follows:

64. Provisions relating to the Townships of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area (Item 33a of Schedule A):

Decontrol of trailers and trailer spaces. The application of this regulation to housing accommodations in trailers and ground rented as trailer space is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item 64 of Schedule B.

[F. R. Doc. 52-7478; Filed, July 8, 1952; 8:53 a. m.]

[Rent Regulation 4, Amdt. 5 to Schedule B]

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE RENTAL AREAS OR PORTIONS THEREOF

CALIFORNIA

Effective July 8, 1952, Rent Regulation 4 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 3d day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 17 is added to Schedule B of Rent Regulation 4, reading as follows:

17. Provisions relating to the Townships of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area (Item 33a of Schedule A):

Decontrol of daily rates. The application of maximum daily rents established by this regulation for controlled rooms in motor courts is terminated.

All provisions of this regulation insofar as they are applicable to the territory to which this item of Schedule B relates are hereby amended to the extent necessary to carry into effect the provisions of this item 17 of Schedule B.

[F. R. Doc. 52-7479; Filed, July 8, 1952; 8:53 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter T—Sale, Lease, or Use, and Acquisitions

[Circular 1826]

PART 257—LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES

OFFERS TO LEASE PUBLIC LAND IN ALASKA IN TERMINATED LEASE

A new § 257.19a is added as follows:

§ 257.19a *Offers to lease public land in Alaska in terminated lease.* (a) When a small tract lease of public land in Alaska has terminated because of the expiration of the term for which it was issued, or where such a lease is canceled on relinquishment or for any other reason, the land during the remainder of the calendar month in which the lease expires and during the calendar month following such expiration, or during the remainder of the calendar month in which the notation of such cancellation is made on the land office tract books and during the calendar month following such notation, will not be subject to further application under the small tract laws except as follows:

(1) During the period from the 5th to the 15th, inclusive, of the month following the expiration of the lease, or the notation of the cancellation of the lease on the land office tract books, any qualified person may file in the proper office a "Lease Termination Drawing Card", Form 4-1215, describing the tract desired.

(2) If more than one card is received during the period mentioned in subparagraph (1) of this paragraph, all cards will be included in a drawing to be held at a subsequent date in the same month, the date to be fixed by the manager or other authorized officer. The drawing will determine priority and establish an adequate list of eligibles and of alternates entitled to file a lease offer for the land. If one card only is received, the land will be allocated to that applicant. An applicant may not file more than one card for each tract made available pursuant to this section. If pursuant to any such card any tract is allocated to an applicant, no additional allocation to him under any other such card will be made. A lease offer must be filed by a successful applicant within such time as may be allowed for that purpose by the manager or other authorized officer.

(b) On and after the first business day of the month following the drawing provided for in paragraph (a) of this section, the land, if not then included in a small tract lease, may be applied for under the small tract law by any qualified person as provided in § 257.7, subject, however, to the prior right to lease the land under that law acquired by any applicant by the filing of a Lease Termination Drawing Card, and also subject to the right of the prior lessee to remove his improvements, if any, as provided in § 257.19.

(c) Except in Alaska, small tract lease offers for lands in terminated small tract leases will be processed in the order in which they are filed after the lands become subject to appropriation. If conflicting lease offers are filed simultaneously, the rights of the applicants will be determined by a drawing, pursuant to 43 CFR 295.8.

(52 Stat. 609, as amended; 43 U. S. C. 682a)

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7392; Filed, July 7, 1952; 8:48 a. m.]

Appendix—Public Land Orders

[Public Land Order 848]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH YUMA TEST STATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands in the following-described areas in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Army in connection with the Yuma Test Station:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 19 W.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 2 N., R. 19 W.,
Secs. 6, 7, 18, 19, 30, and 31.
T. 1 N., Rgs. 20 and 21 W.
T. 2 N., Rgs. 20 and 21 W., unsurveyed.
T. 1 N., R. 22 W., unsurveyed.
Tps. 2 and 3 S., R. 14 W., unsurveyed.
Tps. 4 and 5 S., R. 14 W.
T. 6 S., R. 14 W.,
Secs. 1 to 21, inclusive;
Secs. 28, 29 and 30.
Tps. 5 and 6 S., R. 15 W.
T. 7 S., R. 15 W.,
Secs. 5, 6 and 7.
Tps. 5 and 6 S., R. 16 W.
T. 7 S., R. 16 W.,
Secs. 1 to 12, inclusive;
Secs. 14 to 20, inclusive.
T. 6 S., R. 17 W., unsurveyed.
T. 7 S., R. 17 W.,
Secs. 1 to 24, inclusive;
Secs. 26 to 30, inclusive;
Sec. 31, N½;
Sec. 32, N½.
T. 6 S., R. 18 W., unsurveyed.
T. 7 S., R. 18 W., part unsurveyed,
Secs. 1 to 33, inclusive;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½.
T. 8 S., R. 18 W., part unsurveyed,
Secs. 4 to 9, inclusive;
Sec. 17, N½;
Sec. 18.

T. 5 S., R. 19 W., unsurveyed,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
Tps. 6 and 7 S., R. 19 W., unsurveyed.
T. 8 S., R. 19 W.,
Secs. 1 to 18, inclusive, unsurveyed;
Sec. 19, N½, SE¼;
Secs. 20 to 23, inclusive;
Sec. 24, W½;
Sec. 27, N½;
Sec. 28, N½.
T. 1 S., R. 20 W.
Tps. 2, 3, 4, 5, and 6 S., R. 20 W., unsurveyed.
T. 7 S., R. 20 W., part unsurveyed,
Secs. 1 to 28, inclusive;
Sec. 29, N½;
Sec. 30, N½;
Sec. 33, E½;
Secs. 34, 35, and 36.
T. 8 S., R. 20 W., part unsurveyed,
Secs. 1 and 2;
Sec. 3, N½;
Sec. 11, N½, SE¼;
Sec. 12;
Sec. 13, N½, SE¼.
T. 1 S., R. 21 W.
Tps. 2, 3, and 4 S., R. 21 W., unsurveyed.
T. 5 S., R. 21 W.,
Secs. 1 to 6, inclusive;
Secs. 8 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 6 S., R. 21 W., part unsurveyed.
Secs. 1 to 5, inclusive;
Secs. 9 to 16, inclusive;
Secs. 21 to 28, inclusive;
Secs. 32 to 36, inclusive.
T. 7 S., R. 21 W.,
Secs. 1 to 4, inclusive;
Secs. 5, 8 and 17, those parts east of a line parallel to and ¼ mile east of Gila Canal;
Secs. 20 to 24, inclusive;
Secs. 9 to 16, inclusive;
Sec. 25, N½;
Sec. 26, N½;
Secs. 27, 28, 29, 32, 33 and 34.
Tps. 1, 2, and 3 S., R. 22 W., unsurveyed.
T. 4 S., R. 22 W.,
Secs. 1 to 30, inclusive;
Sec. 36.

The area described including both public and non-public lands aggregate approximately 892,570 acres.

This order shall take precedence over, but not otherwise affect, (1) the order of July 30, 1941, of the Secretary of the Interior establishing Arizona Grazing District No. 3, and (2) the orders of January 31, 1903, October 6, 1921, and March 14, 1929, of the Secretary of the Interior and the order of May 5, 1950 of the Bureau of Reclamation withdrawing lands for Reclamation purposes so far as such orders affect any of the above-described lands: *Provided, however*, That the Bureau of Reclamation shall have the right to construct and maintain storm water protective and drainage works on the lands withdrawn for reclamation purposes, and the Bureau of Reclamation or its permittees shall have the right to search for and remove construction materials on the lands withdrawn for reclamation purposes, subject to the prior written approval of the Commanding Officer of the Yuma Test Station.

It is intended the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7383; Filed, July 7, 1952; 8:45 a. m.]

[Public Land Order 849]

FLORIDA

RESERVING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES AND REVOKING PUBLIC LAND ORDER NO. 267 OF MARCH 16, 1945

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

TALLAHASSEE MERIDIAN

T. 32 S., R. 40 E.,
Sec. 20, lot 1, the east ten acres, as shown on plat of survey approved December 26, 1859.

It is intended that this land shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

Public Land Order No. 267 of March 16, 1945, reserving the above-described land for the use of the Navy Department for aviation purposes, is hereby revoked.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7384; Filed, July 7, 1952; 8:46 a. m.]

[Public Land Order 850]

ALASKA

RESERVING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH THE ALASKA COMMUNICATION SYSTEM

By virtue of the authority vested in the President by the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land is hereby withdrawn from sale or disposal and reserved for the use of the Department of the Army in connection with the Alaska Communication System:

FEDERAL ADDITION TO SEWARD TOWN SITE

Lot 3 block 3 as shown on plat of survey approved May 22, 1916, by the Commissioner of the General Land Office.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7385; Filed, July 7, 1952; 8:46 a. m.]

[Public Land Order 851]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT

By virtue of the authority vested in the President by the act of May 13, 1924, 43 Stat. 118, as amended by the act of August 19, 1935, 49 Stat. 660 (27 U. S. C. 277c) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described land in New Mexico is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of State in connection with the Rio Grande Canalization Project:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 4 W., Sec. 33.

The area described contains 640 acres.

This order shall be subject to the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 4, so far as such order affects the above-described land.

The Department of State and its permittees shall exercise reasonable care to avoid creating unnecessary hazards to livestock using the land.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7387; Filed, July 7, 1952; 8:47 a. m.]

[Public Land Order 852]

UTAH

WITHDRAWING PUBLIC LANDS FROM MINERAL LOCATION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the public lands within the following-described areas in Utah are hereby withdrawn from prospecting, location, entry, or purchase under the mining laws, and reserved under the jurisdiction of the Secretary of the Interior for administration or disposal as an automobile racing and testing ground:

SALT LAKE MERIDIAN

T. 2 N., R. 16 W.,
Sec. 31.
T. 1 N., R. 17 W.,
Secs. 19, 20 and 21;
Sec. 22, SW¼;
Sec. 27, W½E½ and W½;
Secs. 28, 29, 30, 31, and 33;
Sec. 34, W½E½ and W½.
T. 1 N., R. 18 W.,
Sec. 24, SE¼SE¼;
Sec. 25, E½.
T. 1 S., R. 17 W.,
Sec. 4, lots 2, 3, and 4, S½NW¼, and W½SW¼;
Secs. 5 and 6;
Sec. 7, N½NE¼;
Sec. 8, N½NW¼.

The areas described, including both public and non-public lands, aggregate 8,927.41 acres.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952

[F. R. Doc. 52-7389; Filed, July 7, 1952; 8:47 a. m.]

[Public Land Order 853]

MICHIGAN

POWER-SITE RESTORATION NO. 504, PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 30, 1915, ESTABLISHING POWER-SITE RESERVE NO. 470

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 30, 1915, reserving certain lands in Michigan for water-power sites as Power-Site Reserve No. 470, is hereby revoked so far as it affects the following-described lands:

MICHIGAN MERIDIAN

T. 26 N., R. 1 E.,
Sec. 5, N½NW¼.
T. 26 N., R. 3 E.,
Sec. 9, E½NE¼.
T. 26 N., R. 4 E.,
Sec. 14, NW¼.
T. 25 N., R. 5 E.,
Sec. 3, W½NE¼ and NE¼NW¼;
Sec. 4, W½NE¼;
Sec. 11, N½NE¼ and NE¼NW¼;
Sec. 27, W½SE¼;
Sec. 34, NW¼NE¼.
T. 26 N., R. 5 E.,
Sec. 27, SW¼NW¼.
T. 26 N., R. 1 W.,
Sec. 2, SE¼NW¼ and W½SE¼;
Sec. 4, NW¼SW¼;
Sec. 10, SW¼NW¼ and NW¼SW¼.

The areas described, including both public and non-public lands, aggregate 1,060.33 acres.

The lands in sec. 5, T. 26 N., R. 1 E., and in secs. 2 and 4, T. 26 N., R. 1 W., are patented lands. The remaining lands are within the Huron National Forest.

Effective on the date of publication of this order in the FEDERAL REGISTER, the public lands affected by this order shall be subject to application by the State of Michigan for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act as amended (16 U. S. C. 1946 ed., Supp. IV, 818).

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the ninety-first day after the date of this order.

This order shall be known as Power-Site Restoration No. 504.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 1, 1952.

[F. R. Doc. 52-7391; Filed, July 7, 1952; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—War Claims Commission

Subchapter A—Rules of Practice

PART 501—PRACTICE BEFORE THE COMMISSION

SCHEDULE OF FEES

Section 501.7 is hereby revised to read as follows:

§ 501.7 *Schedule of fees.* The schedule of fees is set forth as follows:

For assisting internees or evaders in the preparation and filing of an application for detention benefits * * * not in excess of 1 percent of the total amount awarded.

For assisting prisoners of war in the preparation and filing of an application for compensation * * * not in excess of 1 percent of the total amount awarded.

For assisting survivors of internees, evaders, or prisoners of war in the preparation and filing of an application for either detention benefits or compensation * * * not in excess of 2 percent of the total amount awarded.

For securing additional oral or written testimony, or in the preparation and presentation of an appeal under sections 5 and 6 of the act the Commission may authorize an additional fee, but said additional fee plus the fee previously allowed will not exceed 10 percent of the total amount awarded.

For assisting religious organizations or the personnel of religious organizations in the preparation and filing of an application for reimbursement under section 7 (a) of the act, not in excess of:

10 percent on the first $1,000 awarded.
7½ percent on the next $9,000 awarded.
5 percent on the next $40,000 awarded.
1 percent on all over $50,000 awarded.

For services rendered to religious organizations or the personnel of religious organizations in presenting a claim for compensation under section 7 (b) through (g) of the act, a fee agreed upon by the parties, but not in excess of:

10 percent on the first $100,000 awarded.
6 percent on the next $400,000 awarded.
4 percent on all over $500,000 awarded.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. Sup. 2001)

DANIEL R. CLEARY,
Chairman, War Claims Commission.

[F. R. Doc. 52-7415; Filed, July 7, 1952; 8:56 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—SQUAW CREEK NATIONAL WILDLIFE REFUGE, MISSOURI

STATE FISHING LAWS

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the existing prohibition against the use of trotlines for fishing in the waters of the Squaw Creek National Wildlife Refuge can be relaxed without interfering with the primary purpose for which the refuge was established.

Inasmuch as the following regulation is a relaxation of the existing restrictions regarding fishing within the refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 33.213 is revised to read as follows:

§ 33.213 *State fishing laws.* Any person while fishing within any areas of the refuge open to fishing must comply with all applicable State laws and regulations.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: July 1, 1952.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 52-7382; Filed, July 7, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71–78]

[Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

JUNE 27, 1952.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code, and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix as set forth below.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL] W. P. BARTEL, *Secretary.*

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.12 paragraph (b) (15 F. R. 8262, Dec. 2, 1950) (49 CFR 71.12, 1950 Rev.) to read as follows:

§ 71.12 *Export shipments by domestic carriers by rail and motor vehicles.* • • •

(b) Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 (15 F. R. 8263, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.	See §§ 73.88 (d), 73.330, 73.350.			
Magnesium scrap (borings, chunks, clippings, shavings, sheets or turnings).	F. S	73.153, 73.220	Yellow	100 pounds.
Monomethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Perchloro-methyl-mercaptan	Pois. B	73.345, 73.360	Poison	10 pounds.
Trimethylamine, anhydrous	F. G	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Add				
Aldrin	Pois. B	73.376	Poison	200 pounds.
Aldrin mixture, liquid	Pois. B	73.361	Poison	55 gallons.
Aldrin mixture, dry, with more than 20 percent aldrin.	Pois. B	73.376	Poison	200 pounds.
Carbon, activated. See Charcoal, activated.				
Chlorate and magnesium chloride mixture	Oxy. M	73.153, 73.229	Yellow	100 pounds.
Cyclotrimethylenetrinitramine, desensitized. See High explosives.				
Cyclotrimethylenetrinitramine, wet with not less than 10 percent of water. See High explosives.				
Illuminating projectiles fuzed or not fuzed, with expelling charges. See Special fireworks.				
Isopropyl percarbonate, stabilized	Cor. L	No exemption, 73.282.	White	Not accepted.
Isopropyl percarbonate, unstabilized	F. S	No exemption, 73.218.	Yellow	Not accepted.
Pressurized flammable liquid, n. o. s	F. L	No exemption, 73.142.	Red	10 gallons.
Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See Special fireworks.				
Smoke projectiles with bursting charges. See Explosive projectile.				
Smoke projectiles with expelling charge but without bursting charge. See Special fireworks.				
Cancel				
Carbopropoxide, stabilized	Cor. L	No exemption, 73.282.	White	Not accepted.
Carbopropoxide, unstabilized	F. S	No exemption, 73.218.	Yellow	Not accepted.
Illuminating projectiles fuzed and with expelling charges. See Explosive projectiles.				
Illuminating projectiles not fuzed and without expelling charges. See Special fireworks.				
Projectiles, illuminating, incendiary or smoke. See § 73.56 and Special fireworks.				

PART 73—SHIPPERS

Amend § 73.9 paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.9, 1950 Rev.) to read as follows:

§ 73.9 *Import and export shipments.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

• • • • • • •

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.29 paragraphs (c) and (d) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.29, 1950 Rev.) to read as follows:

§ 73.29 *Empty containers.* • • •

(c) Carboys previously used for the shipment of acids, corrosive liquids, or alkaline caustic liquids when offered to carriers for transportation as "empty" carboys, must have been thoroughly (completely) drained and securely stoppered. Whenever practicable they should not be loaded with valuable or perishable freight.

(d) Empty bottles previously used for the shipment of acids, corrosive liquids, or alkaline caustic liquids must be thoroughly (completely) drained and securely stoppered.

• • • • • • •

2. Amend § 73.33 paragraph (o) (15 F. R. 8282, Dec. 2, 1950) (49 CFR 73.33, 1950 Rev.) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with an approved suitable automatic excess-flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(Exception remains unchanged.)

(Subparagraphs (1) and (2) remain unchanged.)

(3) Filling and discharge lines shall be provided with manually operated shut-off valves located as close to the tank as is practicable, except where an automatic quick-closing internal valve is used, in which case the manually operated shut-off valve may be located anywhere in the line ahead of the hose connection. The use of so-called "Stop-Check" valves to satisfy with one valve the requirements of this rule and of paragraph (o) of this section is forbidden.

• • • • • • •

3. Amend § 73.34 Exception (k) (10) (15 F. R. 8284, Dec. 2, 1950) (49 CFR 73.34, 1950 Rev.) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) • • •

(10) ICC–9 cylinders must be tested in accordance with the requirements of §§ 78.63–13 (a) and 78.63–17 (a) (2) of this chapter.

• • • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.65 paragraphs (b) and (c) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(b) Ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite and cyclotrimethylenetrinitramine (desensitized), in dry condition, in addition to containers prescribed in paragraph (a) (1) to (5) of this section, may be shipped in containers complying with the following specifications:

(No change in subparagraphs (1) and (2).)

• • • • • • •

(c) Ammonium picrate, picric acid, urea nitrate, trinitrobenzene, trinitroresorcinol, trinitrotoluene and cyclotrimethylenetrinitramine when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in containers complying with the following specifications:

(1) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs. Not over 50 gallons nominal capacity.

(2) (See § 73.192 for shipments of wet ammonium picrate, wet picric acid and wet urea nitrate not in excess of 16 ounces and § 73.193 for shipment of wet picric acid and wet urea nitrate not in excess of 25 pounds.) (See § 73.212 for shipments of wet trinitrobenzene and wet trinitrotoluene not in excess of 16 ounces.)

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter.) Fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 200 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material which must be securely closed and then placed in the fiber drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

• • • • • • •

2. Amend § 73.69 paragraph (c) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.69, 1950 Rev.) to read as follows:

§ 73.69 *Detonating fuzes, boosters, or other detonating fuze parts containing an explosive.* • • •

(c) Each outside package must be plainly marked "Detonating Fuzes—Handle Carefully—Do Not Store or Load With Any High Explosive" or "Boosters (Explosive)—Handle Carefully."

• • • • • • •

3. Amend § 73.88 paragraph (d) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles and smoke projectiles fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives), and flash cartridges, consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

• • • • • • •

4. Amend § 73.100 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* • • •

(e) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 73.53 (g) (2)).

• • • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (b) to § 73.115 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.115, 1950 Rev.) to read as follows:

§ 73.115 *Flammable liquids; definition.* • • •

(b) A pressurized flammable liquid for the purpose of Parts 71–78 of this chapter is any mixture other than a compressed gas in which the gas is used as an expellant, if any one of the following occurs:

(1) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(2) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(3) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Add paragraph (c) (22) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(22) Pressurized flammable liquids.

3. Amend § 73.119 paragraph (a) (12) (16 F. R. 5323, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(12) Spec. 103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 104A–AL–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II,[1] ARA–III,[1] ARA–IV,[1] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.269,

78.284, 78.270, 78.285, 78.294, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274 or 78.289 of this chapter). Tank cars: For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

• • • • • •

4. Add paragraph (a) (3) to § 73.127 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(3) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet.

• • • • • •

5. Add § 73.142 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.142, 1950 Rev.) to read as follows:

§ 73.142 *Pressurized flammable liquids.* (a) Pressurized flammable liquids must be packed in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene.

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (c) (8) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(8) Isopropyl percarbonate, unstabilized.

• • • • • •

2. Amend § 73.158 paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) • • •

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container surrounded by asbestos or fire-resisting cushioning material which will protect contents with equal efficiency; net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

• • • • • •

3. Amend § 73.162 paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* (a) • • •

(1) Charcoal, activated or carbon, activated.

• • • • • •

4. Add paragraph (a) (6) to § 73.184 (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) • • •

(6) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for introcellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet.

• • • • • •

5. Amend § 73.193 paragraph (a) (1) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.193, 1950 Rev.) to read as follows:

§ 73.193 *Picric acid or urea nitrate, wet.* (a) • • •

(1) Spec. 15A (§ 78.168 of this chapter). Wooden box with inside containers of tightly closed glass or earthenware, cushioned, in outside container. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 73.65 (e) for shipment of wet picric acid and wet urea nitrate in excess of 25 pounds, and § 73.192 for exemption up to 16 ounces.)

6. Amend entire § 73.218 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.218, 1950 Rev.) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) Isopropyl percarbonate, unstabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by carrier by motor vehicle only.

7. Amend entire § 73.220 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.220, 1950 Rev.) to read as follows:

§ 73.220 *Magnesium scrap (borings, chunks, clippings, shavings, sheets, or turnings).* (a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight boxcars or tightly closed steel or wood covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of chunks, clippings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

8. Amend § 73.229 heading and introductory text of paragraph (a), and paragraph (c) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures when containing no other ingredient must be packed as follows:

• • • • • •

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other ingredient and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.244 paragraph (c) (13) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(13) Isopropyl percarbonate, stabilized.

• • • • • •

2. Add paragraph (a) (11) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(11) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

3. Amend § 73.262 paragraph (a) (1) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.262) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) • • •

(1) Spec. 1A, 1C, 1D, or 1E (§§ 78.1, 78.3, 78.4, or 78.7 of this chapter). Carboys in boxes, kegs or plywood drums.

• • • • • •

4. Add paragraph (a) (16) to § 73.264 (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(16) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys. Authorized for acid not over 60 percent strength.

• • • • • •

5. Amend § 73.265 paragraph (a) (2) (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.265, 1950 Rev.) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* (a) • • •

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers of natural rubber or ceresine.

• • • • • •

6. Add paragraph (a) (9) to § 73.271 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(9) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Authorized for phosphorus oxychloride only. Spec. 103A tanks must be of steel at least 10 percent nickel clad and Spec. 103A–W tanks must be of steel at least 20 percent nickel clad.

• • • • • •

7. Amend § 73.282 Heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.282, 1950 Rev.) to read as follows:

§ 73.282 *Isopropyl percarbonate, stabilized.* (a) Isopropyl percarbonate, stabilized, must be packed in specification containers as follows:

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.300 entire paragraph (b) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.300, 1950 Rev.) to read as follows:

§ 73.300 *Compressed gases; definition.* • • •

(b) Any compressed gas as defined in paragraph (a) of this section shall be classified as a flammable compressed gas if any one of the following occurs:

(1) If either a mixture of 13 percent or less (by volume) with air forms a flammable mixture (Note 2) or the flammability range (Note 2) with air is greater than 12 percent regardless of the lower limit.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 3), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 3), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 3), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. American Society for Testing Materials Method of Test for Vapor-Pressure of Petroleum Products (D–323).

NOTE 2. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Bureau of Explosives. The flammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms a flammable mixture.

NOTE 3. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Amend § 73.301 paragraph (g) (1) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.301, 1950 Rev.) to read as follows:

§ 73.301 *General requirements.* • • •

(g) • • •

(1) For cylinders which are not marked to show service pressure, the authorized service pressures are as follows:

I. C. C. specification marking:	*Authorized service pressure (pounds per square inch gauge*
ICC–3	1,800
ICC–3E	1,800
ICC–4	300
ICC–8	250
ICC–25	300
ICC–33	450
ICC–38	250
ICC–9	200
ICC–40	200
ICC–41	200

• • • • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (c)
Anhydrous ammonia	54	ICC–4; ICC–3A480; ICC–3AA480; ICC–3A480X; ICC–4A480; ICC–3.
Insecticide, liquefied gas. (See Note 8.)	§ 73.304 (a) and (b)	ICC–3A300; ICC–3AA300; ICC–3B300; ICC–4B300; ICC–4BA300; ICC–9; ICC–8; ICC–41.

• • • • • •

5. Amend § 73.315 paragraph (a) (1) Table and add Note 7 (15 F. R. 8330, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia	56	82 see Note 5	ICC–51, MC–330	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330	150.
Anhydrous monomethylamine	60	See Note 7	ICC–51, MC–330	150.
Anhydrous trimethylamine	57	See Note 7	ICC–51, MC–330	150.
Carbon dioxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3.
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC–330	See subpar. (b) (1) of this section
Nitrous oxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC–51	225.

• • • • • •

NOTE 7: Tanks must be filled by weight.

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.353 paragraphs (a) (3), (a) (5) and (b) (17 F. R. 1562, Feb. 20, 1952) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.353) to read as follows:

§ 73.353 *Methyl bromide.* (a) • • •

(3) Spec. 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, or 4BA225 (§§ 78.36, 78.37, 78.38, 78.42, 78.49, 78.50, or 78.51 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

(No change in Note 1.)

• • • • • •

(5) Spec. 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, or 106A800 (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, 78.289, 78.275, or 78.276 of this chapter). Tank cars.

3. Add paragraph (b) (2) to § 73.306 (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except gas in solution or poisonous gas.* • • •

(b) • • •

(2) Spec. 41 (§ 78.67 of this chapter). Cylinders in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications".

• • • • • •

4. Amend the entry "'Anhydrous ammonia" and the entry "Insecticide, liquefied gas" in paragraph (a) Table, § 73.308 and cancel Note 9 (16 F. R. 9376, Sept. 15, 1951) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.2[illegible], 78.273, 78.288, 78.274, or 78.289 of this chapter) at 105° F., spec. 106A500, 106A500X, or 106A800 (§§ 78.275 or 78.276 of this chapter) at 130° F.

• • • • • •

2. Add § 73.360 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.360, 1950 Rev.) to read as follows:

§ 73.360 *Perchloro-methyl-mercaptan.* (a) Perchloro-methyl-mercaptan in any quantity must not be packed with any other article. When offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(3) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums not over 33 gallons each.

3. Add § 73.361 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.361, 1950 Rev.) to read as follows:

§ 73.361 *Aldrin mixtures, liquid.* (a) Aldrin mixtures, liquid, must be shipped in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip). Drums with opening exceeding 2.3 inches in diameter authorized only for viscous mixtures or those which may become partially solid.

4. Amend entire § 73.376 (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.376, 1950 Rev.) to read as follows:

§ 73.376 *Aldrin and aldrin mixtures, dry.* (a) Aldrin and aldrin mixtures, dry, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(b) Dry mixtures containing not more than 20 percent aldrin and no other material classed as dangerous under these regulations must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (1) of this section.

(2) Spec. 36A or 36B (§§ 78.230 or 78.233 of this chapter). Triplex bags.

(3) Spec. 44B, 44C, or 44D (§§ 78.236, 78.237, or 78.238 of this chapter). Multiwall paper bags.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.414 note to label in paragraph (a) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) to read as follows:

§ 73.414 *Radioactive materials labels.* (a) • • •

NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 millioentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm or hard gamma rays of radium filtered by ½ inch of lead.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART D—UNLOADING FROM CARS

Amend wording of the 15th line on "Dangerous—Empty" placard in paragraph (c) § 74.563 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.563, 1950 Rev.) to read as follows:

§ 74.563 *"Dangerous—Empty" placard.* • • •

(c) • • •

having a handle at least 36 inches long.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Amend § 77.803 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.803, 1950 Rev.) to read as follows:

§ 77.803 *Import shipments by domestic carriers by motor vehicle.* • • •

(b) Import shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

2. Amend § 77.804 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.804, 1950 Rev.) to read as follows:

§ 77.804 *Export shipments by domestic carriers by motor vehicle.* • • •

(b) Export shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

SUBPART B—LOADING AND UNLOADING

1. Amend § 77.835 paragraph (f) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* • • •

(f) *Explosives vehicles, floors tight and lined.* Motor vehicles transporting class A or class B explosives shall have tight floors and shall either have that portion of the interior in contact with the load lined with smooth non-sparking material or with smooth non-ferrous material.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Add §§ 78.10 to 78.10–6 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.10–78.10–6, 1950 Rev.) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–1 *Compliance.* (a) Required in all details.

§ 78.10–2 *Capacity and marking of carboy.* (a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.10–3 *Polyethylene carboys.* (a) Carboys shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Carboys must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity	Minimum wall thickness	Minimum weight of bottles
Gallons 6½ 13	*Inch* 3/16 3/16	*Pounds* 4 8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning for 24 hours to at least —10° Fahr. or lower, onto solid concrete so as to strike diagonally on the bottom corner.

§ 78.10–4 *Outside containers.* (a) Plywood drums completely enclosing body of carboy or completely enclosing body and neck of carboy and constructed as follows:

(1) Lumber must be well seasoned, commercially dry, and free from decay, loose knots that interfere with nailing, and other defects that would materially lessen the strength. Plywood sections used in construction of this container shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

(2) Body shell must be of two 2-ply sections of good commercial box or sheathing grade hardwood veneer, each having a minimum thickness of 1/12 inch up to 6½ gallons and 1/11 inch up to 13 gallons, made up by telescoping one 2-ply shell with the outer shell. The body shall be butt-jointed and shall be fastened on the outside with a 28-gauge metal strip not less than 1½ inches in width and with staples of 17-gauge metal driven on each side of the outer joint and spaced not more than 1½ inches apart and clinched on inside of the outer body. The grain of outside ply should be parallel and grain of inner ply vertical to plane of the heads.

(3) Heads must be of at least three plies of good commercial box or sheathing grade hardwood veneer having a total minimum thickness of 3/8 inch up to 6½ gallons and 7/16 inch up to 13 gallons. The grain of alternate plies shall be at right angles. Each head shall be circled to fit snugly within the body shell.

(4) Hoops must be of three plies of good commercial box or sheathing grade hardwood veneer having a minimum of 5/24 inch thickness by 2½ inches width up to 6½ gallons and 5/10 inch thickness by 3 inches width up to 13 gallons. The grain of alternate plies shall be at right angles. Hoops shall butt or slightly gap and shall be fastened to the body sections with staples of 17-gauge metal spaced on not less than 3-inch centers and clinched on inner surface.

(5) Head liners must be of hardwood veneer having a minimum of 1/5 inch thickness and 5/8 inch width up to 6½ gallons and ¼ inch thickness by ¾ inch width up to 13 gallons. The top head liners shall be fastened to body shell with staples of 17-gauge metal on not less than 3-inch centers and clinched on inner surface. The bottom head liners shall be fastened the same as top head liners, or by 14-gauge metal staples driven through the head liner and body into outer hoop on not less than 4-inch centers.

§ 78.10–5 *Marking of outside container.* (a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with high pressure dies as follows:

(1) ICC–1F. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

§ 78.10–6 *Tests.* (a) Samples, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Compression test side to side against flat surfaces of at least 5,000 pounds without deflection of over 1 inch.

(2) One 4-foot drop onto solid concrete so as to strike diagonally on either chime.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

Amend § 78.23–1 paragraph (a) Table (15 F. R. 8380, Dec. 2, 1950) (49 CFR 78.23–1, 1950 Rev.) to read as follows:

§ 78.23–1 *Construction.* (a) • • •

Maximum weight of contents (pounds)	Minimum [1] weight (per 500 sheets 24" x 36") and strength			
	One sheet		Other sheet	
	Weight [1] (pounds)	Strength, Mullen test	Weight [1] (pounds)	Strength, Mullen test
2	20	30	20	30
6	50	50	40	40
12	60	60	50	50
25	70	70	60	60

[1] Footnote remains the same.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.43 heading and § 78.43–2 paragraph (a) (15 F. R. 8396, 8397, Dec. 2, 1950) (49 CFR 78.43, 78.43–2, 1950 Rev.) to read as follows:

§ 78.43 *Specification 3A480X; seamless steel cylinders.*

• • • • •

§ 78.43–2 *Type, size, and service pressure*—(a) *Type and size.* Seamless, having not more than 278 pounds nominal water capacity.

• • • • •

2. Add §§ 78.67 to 78.67–19 (15 F. R. 8432, Dec. 2, 1950) (49 CFR 78.67 to 78.67–19, 1950 Rev.) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless, welded, or brazed steel cylinders.*

§ 78.67–1 *Compliance.* (a) Required in all details.

§ 78.67–2 *Type, size, and service pressure*—(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 1.44 pounds or 40 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P = \frac{24{,}000(D^2 - d^2)}{(1.3D^2 + 0.4d^2)}$$

where

P is the pressure required for pressure testing of tubing by the tubing manufacturer.

(b) *Service pressure.* Service pressure must be 200 pounds per square inch.

§ 78.67–3 *Inspection by whom and where.* (a) By competent inspector of the manufacturer; or a disinterested inspection agency; chemical analysis and tests, as specified, to be made within limits of the United States.

§ 78.67–4 *Duties of inspector.* (a) Inspect all material and reject any not complying with requirements.

(b) Verify compliance with the requirements of § 78.67–5 of this specification by submitting copy of certified chemical analysis obtained from the steel manufacturer for each heat of steel (ladle analysis acceptable); or if such evidence is lacking, then a sample from each coil or sheet must be analyzed and results submitted.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify heat treatment as proper; select samples for all tests and for check chemical analyses; witness all tests; verify threads by gauge; report volumetric capacity (see report form) and minimum thickness of wall noted.

(d) Render complete report (§ 78.67–19) to purchaser, cylinder maker, and the Section of Explosives, Interstate Commerce Commission.

§ 78.67–5 *Steel.* (a) Open-hearth or electric steel of uniform quality. Content percent for the following not over: Carbon, 0.150; phosphorus, 0.045; sulphur, 0.055.

§ 78.67–6 *Identification of material.* (a) Required; any suitable method.

§ 78.67–7 *Defects.* (a) Material with seams, cracks, laminations, or other injurious defects, not authorized.

§ 78.67–8 *Manufacture.* (a) By proper appliances and methods; dirt and scale to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required. Seams must be as follows:

(1) Circumferential seams. Except as provided in subparagraph (2) of this paragraph by welding, or brazing. Heads attached by brazing must have a driving fit with the shell, unless the shell is crimped, swedged, or curled over the skirt or flange of the head, and be thoroughly brazed until complete penetration by the brazing material of the brazed joint is secured. Depth of brazing from end of shell must be at least four times the thickness of shell metal.

(2) A container of two hemispherical heads, each having an integral tangential cylindrical skirt portion assembled so that the two cylindrical skirt portions telescope one within the other is author-

ized but must meet the following additional requirements for the skirt portions; one be a driving fit within the other; they be of equal length and telescoped for their full length; the length of the overlap be not less than 8 nor more than 10 times the thickness of the thinner of the two skirts; the overlapping joint be brazed (not welded) so as to get complete penetration for the full length of the joint.

§ 78.67–9 *Wall thickness.* (a) The wall stress at 600 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder shall be 0.032 inch. For the container authorized in § 78.67–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

(b) Calculation must be made by the formula:

$$S=\frac{600(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
S = wall stress in pounds per square inch;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Calculation for thickness of hemispherical heads of containers authorized in § 78.67–8 (a) (2) must be made by the formula:

$$S=\frac{600D}{4tC}$$

where
t = thickness in inches;
C = 0.85 (design factor);
S and D have same significance as in paragraph (b) of this section. The minimum thickness of the head or skirt shall be 0.032 inch. The thickness of the skirt shall not be less than the thickness of the head.

§ 78.67–10 *Heat treatment.* (a) Body and heads must be uniformly and properly heat treated prior to tests.

§ 78.67–11 *Openings in cylinders.* (a) Each opening in cylinder, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by brazing, welding, or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean cut, even, without checks, and tapped to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(b) Closure must be adequate to prevent leakage.

§ 78.67–12 *Safety devices.* (a) Devices must be as required by the Interstate Commerce Commission's regulations that apply. (See §§ 73.34 (f) and 73.301 (f) of this chapter.)

§ 78.67–13 *Pressure tests.* (a) Each cylinder produced shall be tested at an internal pressure of at least 200 pounds per square inch and not exceeding 600 pounds per square inch, held for at least 30 seconds, and shall show no leak or other defect when inspected by suitable means. WARNING: Where air or gas pressure is used for testing, means designed to protect personnel is recommended.

(b) Or, each completed container filled for shipment must be heated until content reaches a minimum temperature of 130° F.; without evidence of leakage, distortion or other defect.

(c) One out of each 3,000 cylinders or less successively produced per day shall be hydrostatically tested to destruction and must not burst below 1,200 pounds per square inch. Each such 3,000 cylinders or less successively produced per day shall constitute a lot and if the test cylinder shall fail, then the entire lot must be rejected. All cylinders constituting a lot shall be of identical size, design, construction, heat treatment, finish and quality.

§ 78.67–14 *Flattening test.* (a) Between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; test 1 cylinder taken at random out of each lot of 3,000 or less successively produced per day. This flattening test is required and the test cylinder shall not have cracked when the outer surfaces of the walls are apart not more than a distance of six times the thickness of such walls.

§ 78.67–15 *Rejected cylinders.* (a) Reheat treatment authorized for lots failing to meet the requirements of § 78.67–14; such lots of cylinders after this treatment must pass all prescribed tests.

§ 78.67–16 *Repair of brazed, or welded seams.* Repair of seams is authorized only for cylinders that have been tested according to § 78.67–13 (a). Repairs must be made by the original method of manufacture and such cylinders must be retested and pass the test prescribed in § 78.67–13 (a).

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on valve end of cylinder before heat-treatment, the marks ICC–41 and registered symbol of manufacture.

(1) Other marks as prescribed in subparagraph (2) of this paragraph, must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67–13 and 78.67–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015" in depth.

(2) Inspector's official mark; lot number; date of test (such as 5–50 for May 1950); the words "Illegal to refill and transport".

§ 78.67–18 *Size of embossed marks.* (a) At least ¼ inch high.

§ 78.67–19 *Inspector's reports.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

Steel gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long.
Identification marks embossed on cylinders are: Specification ICC–41.
Identifying symbols (registered) _____
Other marks on cylinder are:
Inspector's official mark _____
Lot number _____
Test date _____
Illegal to refill and transport _____
These cylinders were made by process of _____

The steel used was identified by heat or analysis numbers as shown on the "Record of Chemical Analysis of Steel for cylinders" attached hereto.

The steel used was verified as to chemical analysis and record thereof is attached hereto.

All material was inspected and each cylinder was inspected both before and after closing; all accepted material and cylinders were found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the cylinder. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

A test cylinder of each lot was measured and had a minimum wall thickness and volumetric capacity as shown in table below:

Date of test	Lot No.	Number in lot	Minimum wall thickness (inches)	Volumetric capacity (cubic inches or pounds of water)

Such threads as were used were inspected and found to be clean cut, of proper length, and correct as to gauge.

One finished cylinder out of each lot was taken at random and burst by interior hydrostatic pressure with the following results:

Date of test	Lot No.	Pressure at which cylinder ruptures (pounds per square inch)

Each and every cylinder was subjected to an interior pressure of 200 pounds per square inch and showed no leak or other defect.

Hydrostatic tests, pressure tests, flattening tests, and other tests, as prescribed in Specification No. ICC–41 were made in the presence of the inspector and all material and cylinders were found to be in compliance with the requirements of that specification.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission's specification No. 41 except as follows:

Exceptions _____

(Signed) _____
(Inspector)

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR CYLINDERS

Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

Lot No.	Number in lot	Heat No.	Check analysis No.	Chemical analysis		
				C	P	S

The analyses were made by _____

(Signed) _____
(Inspector)

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.80–2 paragraph (a) (15 F. R. 8432, Dec. 2, 1950) (49 CFR 78.80–2, 1950 Rev.) to read as follows:

§ 78.80–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.80–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

2. Amend § 78.81–2 paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–2, 1950 Rev.) to read as follows:

§ 78.81–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.81–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity nor greater than rated capacity plus 2 percent plus 2 quarts.

3. Amend § 78.82–2 paragraph (a) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82–2, 1950 Rev.) to read as follows:

§ 78.82–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.82–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

4. Amend § 78.83–2 paragraph (a) and § 78.83–13 paragraph (a) (15 F. R. 8434, 8435 and 8436, Dec. 2, 1950) (49 CFR 78.83–2 and 78.83–13, 1950 Rev.) to read as follows:

§ 78.83–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.83–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.83–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

5. Amend § 78.84–2 paragraph (a), § 78.84–13 paragraph (a) and § 78.84–14 paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84–2, 78.84–13 and 78.84–14, 1950 Rev.) to read as follows:

§ 78.84–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.84–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.84–13 *Type tests.* (a) Sample containers, before lining is applied, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

§ 78.84–14 *Leakage test.* (a) Each container, with lining material applied, shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

6. Amend § 78.86–2 paragraph (a) and § 78.86–13 paragraph (a) (15 F. R. 8437, 8438, Dec. 2, 1950) (49 CFR 78.86–2 and 78.86–13, 1950 Rev.) to read as follows:

§ 78.86–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.86–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.86–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

7. Amend § 78.87–2 paragraph (a) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–2, 1950 Rev.) to read as follows:

§ 78.87–2 *Rated capacity.* (a) Rated capacity is marked, see § 78.87–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

8. Amend § 78.88–2 paragraph (a) and § 78.88–12 paragraph (a) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 78.88–2 and 78.88–12, 1950 Rev.) to read as follows:

§ 78.88–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.88–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.88–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

9. Amend § 78.90–2 paragraph (a) and § 78.90–12 paragraph (a) (15 F. R. 8440, 8441, Dec. 2, 1950) (49 CFR 78.90–2 and § 78.90–12, 1950 Rev.) to read as follows:

§ 78.90–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.90–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.90–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

10. Amend § 78.91–2 paragraph (a) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91–2, 1950 Rev.) to read as follows:

§ 78.91–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.91–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

11. Amend § 78.97–2 paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97–2, 1950 Rev.) to read as follows:

§ 78.97–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.97–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

12. Amend § 78.98–2 paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98–2, 1950 Rev.) to read as follows:

§ 78.98–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.98–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

13. Amend § 78.99–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99–2, 1950 Rev.) to read as follows:

§ 78.99–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.99–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

14. Amend § 78.100–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.100–2, 1950 Rev.) to read as follows:

§ 78.100–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.100–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

15. Amend § 78.101–2 paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101–2, 1950 Rev.) to read as follows:

§ 78.101–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.101–9 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

16. Add §§ 78.110 to 78.110–11 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.110, 1950 Rev) to read as follows:

§ 78.110 *Specification 42F; aluminum barrels or drums.* Removable heads.

§ 78.110–1 *Compliance.* (a) Required in all details.

§ 78.110–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.110–8 (a) (3). Actual capacity shall be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 1 gallon.

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness of material (inch)		Rolling hoops
			Body	Head	
50	450	Bilge	0.091	0.102	None

§ 78.110–6 *Closures.* (a) Adequate to prevent leakage; gaskets required.

(b) Closures must be of bolted ring type made of not less than 10 gauge carbon steel with drop forged threaded lugs and 5/8" minimum diameter cap screw.

§ 78.110–7 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of same composition as parts being repaired.

§ 78.110–8 *Marking.* (a) Marking on each container by embossing on head with raised marks as follows:

(1) ICC–42F***; stars to be replaced by the authorized gross weight (for example, ICC–42F450, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal, Brown and Sharpe, in thinnest part; rated capacity, in gallons; and year of manufacture (for example, 11–50–52). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 11/10–50–52 for body 11 gauge and head 10 gauge).

§ 78.110–9 *Size of markings.* (a) Size of markings (minimum): 1/2" high for 33 gallons or less, 3/4" for over 33 gallons.

§ 78.110–10 *Type tests.* (a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam to strike on other circumferential seam; also an additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

§ 78.110–3 *Composition.* (a) Body and heads of aluminum alloy 61S, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.110–4 *Seams.* (a) None. Body shall be seamless.

§ 78.110–5 *Parts and dimensions.* (a) Parts and dimensions as follows:

§ 78.110–11 *Leakage test.* (a) Each container shall be tested under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place, except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

17. *Amend* § 78.115–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.115–2, 1950 Rev.) to read as follows:

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

18. *Amend* § 78.116–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.116–2, 1950 Rev.) to read as follows:

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

19. *Amend* § 78.117–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.117–2, 1950 Rev.) to read as follows:

§ 78.117–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.117–11 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

20. Amend § 78.118–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.118–2, 1950 Rev.) to read as follows:

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

21. Amend § 78.119–2 paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.119–2, 1950 Rev.) to read as follows:

§ 78.119–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.119–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent, plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent; nor greater than rated capacity plus 2 percent plus 2 quarts.

22. Amend § 78.125–5 paragraph (a) Table (17 F. R. 4297, May 10, 1952) (49 CFR 1950 Rev., 1951 Supp., 78.125–5) to read as follows:

§ 78.125–5 *Parts and dimensions.* (a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
55	60	Straight side	No	26	26
	80	....do	No	24	24
	160	....do	No	22	22
	300	....do	No	20	20
	425	....do	No	19	19
	480	....do	Yes	19	19
	880	....do	Yes	18	18

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

Amend § 78.218–4 paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–4, 1950 Rev.) to read as follows:

§ 78.218–4 *Stitching staples.* (a) If used, shall be of steel wire, copper-coated or equivalent in nonsparking quality, at least $^{3}/_{32}$'' by 0.019'' or equivalent cross section formed into staples approximately $^{7}/_{16}$'' wide.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Add paragraph (c) to § 78.245–1 (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.245–1, 1950 Rev.) to read as follows:

§ 78.245–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it is constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.270 entire paragraph ICC–12 (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* • • •

ICC–12. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–12. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

2. Amend § 78.280 AAR–6 (j–1) Note 1 paragraph (b) (16 F. R. 11783, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.280) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks Class ICC–103–W.* • • •

AAR–6. *Nondestructive tests.* (j–1) • • •

NOTE 1: • • •

(b) Should the length of slag inclusions or cavities, if any, described in paragraph AAR–6 (j–12) be not greater than $^{9}/_{16}$ T, where T is the thickness of the weld, and the number of such imperfections is not in excess of one (1) for any fifteen (15) foot increment of radiographed longitudinal and circumferential fusion welded joint of all three tanks, then only the intersections of all longitudinal and circumferential fusion welded joints of all remaining tanks in the first group of twenty (20) covered by the same purchase order shall be radiographed.

• • • • • • •

3. Amend § 78.285 entire paragraph ICC–11 (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–104A–W.* • • •

ICC–11. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–11. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

4. Add § 78.294 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* This specification covers Class ICC–104A–AL–W tank cars having lagged fusion-welded aluminum tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e) Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward. The tank must be provided with a manhole nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and provide for the proper mounting of venting, loading, unloading, sampling, and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank prohibited, except those required for testing anchor rivets and their protective coverings.

ICC–1. (b) The tank shell and manhole nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahr. differential in temperature per hour. The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each pipe may be reduced in thickness equivalent to one-half that required for shell.

AAR–1. (a) See paragraph ICC–1 (b).

ICC–2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

AAR–2. (b) The opening in the tank for manhole nozzle must be reinforced so as to provide the required cross-sectional area as determined by formula shown on Figure 14–A.

ICC–4. *Thickness and width of plates.* (a) The minimum thickness of plates for heads, shell, and bottom must be $^{11}/_{10}$''.

AAR–5. (a–1) The tank heads must be ellipsoidal for pressure on the concave side.

AAR–5. (a–2) This paragraph does not apply.

AAR–5. (b–1) This paragraph does not apply.

ICC–6. (b) Manhole nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

ICC–9. *Expansion dome.* (a) Expansion dome prohibited.

ICC–9. (b) This paragraph does not apply.

ICC–9. (c) This paragraph does not apply.

AAR–9. (a) This paragraph does not apply.

AAR–9. (b) This paragraph does not apply.

AAR–9. (c) This paragraph does not apply.

AAR–9. (d) This paragraph does not apply. See paragraph AAR–2 (b).

ICC–10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, pressed, or fabricated aluminum alloy or other material not subject to rapid deterioration by the lading, at least 18'' inside diameter having approved wall thicknesses and dimensions.

ICC–10. (b) Manhole cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manhole cover must be attached to manhole nozzle by through bolts not entering tank.

ICC–10. (c) The shearing value of the bolts attaching protective housing to manhole cover must not exceed 70 percent of shearing value of bolts attaching manhole cover to manhole nozzle.

ICC–10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valve or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC–10. (e) Protective housing of cast, pressed, or fabricated steel or other approved materials must be bolted to manhole cover. Housing must be equipped with a cover that can be securely closed. Housing cover on tanks used for the transportation of flammable compressed gases must be provided with an opening equipped with an approved weatherproof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

AAR–10. *Manhole cover.* (a) For dimensions and tolerances of manhole covers see Figure 8 and 8–A.

ICC–11. *Venting, loading and discharging, gauging and sampling devices.* (a) These devices must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The venting and loading and discharging valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Thermometer well and sampling valve, if applied, must be closed with screw plugs or valves.

ICC–11. (b) The interior pipes of the liquid and gas discharge valves, except as prescribed in paragraph ICC–11 (c) may be equipped with check valves of an approved design.

ICC–11. (c) Tanks for the use in transportation of liquefied compressed flammable gases must have the interior pipes of the liquid and gas discharge valves equipped with check valves of an approved design.

ICC–11. (d) Gauging device, sampling valve, check valves, and thermometer well are not specification requirements on tanks used for the transportation of commodities other than those classed as liquefied compressed flammable gases.

ICC–12. (a) This paragraph does not apply.

AAR–12. (a) This paragraph does not apply.

ICC–13. (a) Bottom discharge outlet prohibited.

ICC–13. (b) This paragraph does not apply.

ICC–13. (c) This paragraph does not apply.

AAR–13. (a) This paragraph does not apply.

AAR–13. (b) This paragraph does not apply.

AAR–13. (c) This paragraph does not apply.

AAR–13. (d) This paragraph does not apply.

AAR–13. (e) This paragraph does not apply.

AAR–13. (f) This paragraph does not apply.

AAR–13. (g) This paragraph does not apply.

ICC–14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC–14. (b) This paragraph does not apply.

ICC–14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see paragraph ICC–18).

ICC–14. (d) This paragraph does not apply.

AAR–14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAR–14. (b) This paragraph does not apply.

ICC–15. *Fixtures, reinforcements, and attachments, not otherwise specified.* (a) Attachments, other than the anchorage and those mounted on manhole nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

AAR–15. (b) This paragraph does not apply.

ICC–16. *Plugs for openings.* (a) Plugs must be of approved type with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

ICC–17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity having a temperature which must not exceed 100° F. during test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves, must be in place while test is made.

ICC–17. (c) Tests of exterior heater systems not a specification requirement.

AAR–17. (b) See paragraph ICC–17 (a).

ICC–18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR–18. (a) This paragraph does not apply.

ICC–19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 5 years or less to a pressure as prescribed in paragraph ICC–17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; and safety valves must be retested to a pressure as prescribed in paragraphs ICC–14 (c) and ICC–18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC–21.

AAR–19. (a) See paragraph ICC–19 (a).

ICC–20. (b) ICC–104A–AL–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

ICC–20. (g) This paragraph does not apply.

ICC–20. (h) This paragraph does not apply.

ICC–20. (j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ¾ inch high into the metal of the tank immediately below the mark specified in paragraphs ICC–20 (c) and ICC–20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within three feet of the right or left side of ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: Water Capacity 000000 Pounds.

5. Add Figures 8A and 14A to Appendix C, Part 78, Subpart I (15 F. R. 8534, 8536, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:

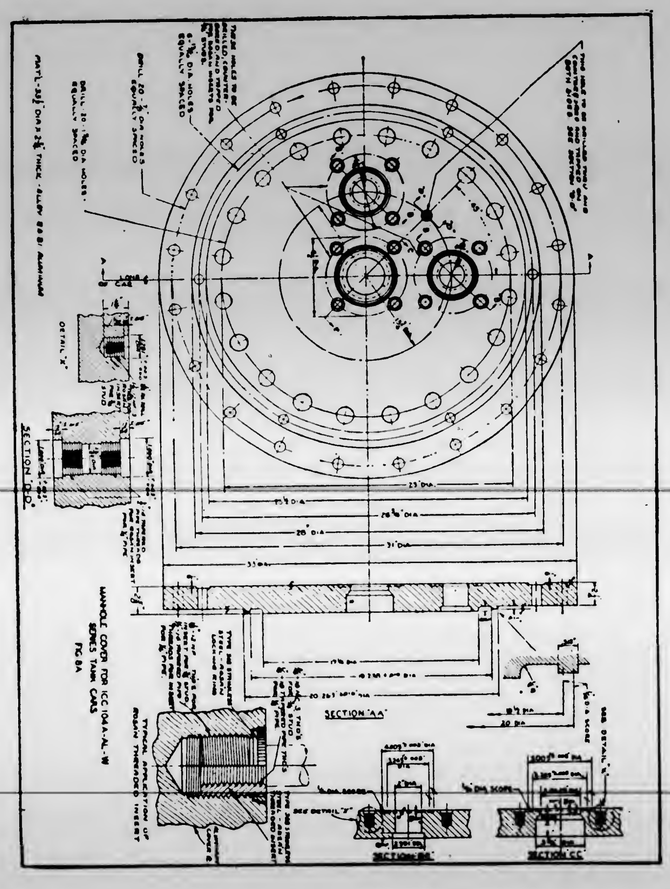

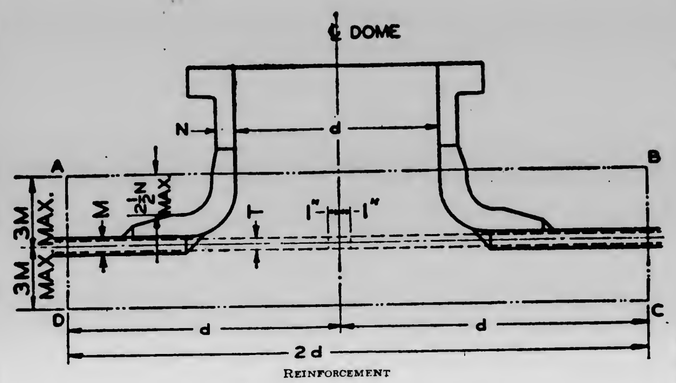

REINFORCEMENT

d = inside diameter of nozzle.
T = shell thickness required by specifications.
M = actual shell thickness.
N = nozzle thickness.

Cross-section area available equals actual area in rectangle *ABCD*. (Use $3M$ or $2\frac{1}{2}N$ whichever is less.) =
Area required equals $.27(d-1)$ =
Excess area over requirements =

FIGURE 14A—Nozzle reinforcement (ICC 104A-AL-W).

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Add paragraph (c) to § 78.336–1 (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.336–1, 1950 Rev.) to read as follows:

§ 78.336–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

APPENDIX

Section and reason for amendment

71.12 (b)—To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany such movements.

72.5 Commodity List—To provide for the transportation of cyclotrimethylenetrinitramine, desensitized; illuminating projectiles; smoke projectiles; aldrin; carbon, activated; pressurized flammable liquids; chlorate and magnesium chloride mixtures; and isopropyl percarbonate, stabilized and unstabilized.

Section and reason for amendment

73.9 (a)—To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany such movements.

73.29 (c) and (d)—To provide for adequate closure of "empty" carboys and acid bottles offered for transportation.

73.33 (o) and (o) (3)—To permit use of an improved type of automatic excess flow valve or quick closing internal valve on cargo tanks used for the transportation of liquefied compressed gases.

73.34 (k) (10)—To correct a section reference.

73.65 (b) and (e)—To provide specific requirements for the packing and packaging of cyclotrimethylenetrinitramine, and to correct an inconsistency in the regulations.

73.69 (c)—To clarify the marking requirements for containers of detonating fuzes and boosters (explosive).

73.88 (d)—To clarify as special fireworks illuminating projectiles, incendiary projectiles and smoke projectiles, fuzed or unfuzed, containing expelling charges but without bursting charges; hand or rifle grenades with ignition elements but not containing bursting charges.

73.100 (c)—To provide for the shipment of new military devices and to clarify the regulations.

73.115 (b)—To provide for the transportation of a newly developed type of flammable liquid.

73.118 (c) (22)—To exclude pressurized flammable liquids from exemptions for flammable liquids.

73.119 (a) (12)—To provide for the use of a new tank car for the transportation of flammable liquids.

73.127 (a) (3)—To provide a new aluminum drum for the transportation of nitrocellulose or collodion cotton or nitrostarch, wet.

73.142 entire section—To provide packing requirements for the transportation of pressurized flammable liquids.

73.153 (c) (8)—To exclude isopropyl percarbonate, unstabilized, from exemptions for flammable solids.

73.158 (a) (1)—To correct an inconsistency in the regulations.

73.162 (a) (1)—To provide for the transportation of activated carbon.

73.184 (a) (6)—To provide for the use of a new aluminum drum for the transportation of nitrocellulose, nitrostarch, or nitroguanidine, wet.

73.193 (a) (1)—To correct an inconsistency in the regulations.

73.218 entire section—To provide for the transportation of isopropyl percarbonate, unstabilized.

73.220 entire section—To provide packing requirements for the transportation of various types of magnesium scrap.

73.229 (a) and (c)—To provide packing requirements for chlorate and borate mixtures; and chlorate and magnesium chloride mixtures.

73.244 (c) (13)—To exclude isopropyl percarbonate, stabilized, from exemptions for corrosive liquids to provide for the transportation of acids or other corrosive liquids in rubber drums.

73.245 (a) (11)—To provide for the use of rubber drums for the transportation of acids or other corrosive liquids.

73.262 (a) (1)—To correct error in regulations.

73.264 (a) (16)—To provide for the use of a polyethylene carboy for the transportation of hydrofluoric acid.

73.265 (a) (2)—To provide a definite type of rubber to be used in the construction of inside containers for the transportation of hydrofluosilicic acid.

73.271 (a) (9)—To provide additional tank cars for the transportation of phosphorus oxychloride.

73.282 (a)—To provide packing requirements for the transportation of isopropyl percarbonate, stabilized.

73.300 (b)—To provide for the transportation of a newly developed type of flammable compressed gas.

73.301 (g) (1)—To designate authorized service pressure for ICC 41 cylinders.

73.306 (b) (2)—To provide for the use of a new cylinder for the transportation of insecticides.

Section and reason for amendment

73.308 (a) table cancel Note 9.—To provide for the permanent use of ICC 3A480X cylinders and to provide a new container for the transportation of insecticide, liquefied gas.

73.315 (a) (1) table—To provide for the transportation of anhydrous methylamines in cargo tanks and portable tanks.

73.353 (a) (3), (a) (5) and (b).—To correct a typographical error in the regulations and to provide for the transportation of methyl bromide.

73.360 entire section—To provide packing requirements for the transportation of perchloro-methyl-mercaptan.

73.361 entire section—To provide packing requirements for the transportation of aldrin mixtures, liquid.

73.376 entire section—To provide for the transportation of aldrin and aldrin mixtures, dry.

73.414 (a) note—To define a radiation unit.

74.563 (c)—To correct an inconsistency in the regulations.

77.803 (b)—To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany movements.

77.804 (b)—To require the placarding of motor vehicles transferring shipments of explosives and other dangerous articles in port areas and to require shipping papers to accompany movements.

77.835 (f)—To clarify the requirements for floor lining of motor vehicles transporting class A or class B explosives.

78.10 entire section—To provide a new specification for the construction of polyethylene carboys.

78.23–1 (a) table—To adjust minimum weight requirement of paper bags to present day standards.

78.43–2 (a)—To provide for the use of ICC–3A480X cylinders as permanent containers.

78.67 entire section—To provide a new specification for the construction of non-refillable cylinders.

78.80–2 (a)—To provide greater uniformity in the fabrication of ICC Spec. 5 drums.

78.81–2 (a)—To provide greater uniformity in the fabrication of ICC Spec. 5A drums.

78.82–2 (a)—To provide greater uniformity in the fabrication of ICC Spec. 5B drums.

78.83–2 (a) and 13 (a)—To provide greater uniformity in the fabrication of ICC Spec. 5C drums and to provide alternate method of testing.

78.84–2 (a), 13 (a) and 14 (a).—To obtain greater uniformity in the fabrication of ICC 5D drums; and to provide alternate method of testing; and to clarify leakage test requirements.

78.86–2 (a) and 13 (a)—To obtain greater uniformity in the fabrication of ICC 5G drums and to provide alternate method of testing.

78.87–2 (a)—To provide greater uniformity in the fabrication of ICC 5H drums.

78.88–2 (a) and 12 (a)—To obtain greater uniformity in the fabrication of ICC 5K drums and to provide alternate method of testing.

78.90–2 (a) and 12 (a)—To obtain greater uniformity in the fabrication of ICC 5M drums and to provide alternate method of testing.

78.91–2 (a)—To obtain greater uniformity in the fabrication of ICC 5X drums.

78.97–2 (a)—To obtain greater uniformity in the fabrication of ICC 6A drums.

78.98–2 (a)—To obtain greater uniformity in the fabrication of ICC 6B drums.

78.99–2 (a)—To obtain greater uniformity in the fabrication of ICC 6C drums.

78.100–2 (a)—To obtain greater uniformity in the fabrication of ICC 6J drums.

78.101–2 (a)—To obtain greater uniformity in the fabrication of ICC 6K drums.

78.110 entire section—To provide a new specification for the construction of aluminum barrels or drums.

78.115–2 (a)—To obtain greater uniformity in the fabrication of ICC 17C drums.

78.116–2 (a)—To obtain greater uniformity in the fabrication of ICC 17E drums.

78.117–2 (a)—To obtain greater uniformity in the fabrication of ICC 17F drums.

78.118–2 (a)—To obtain greater uniformity in the fabrication of ICC 17H drums.

78.119–2 (a)—To obtain greater uniformity in the fabrication of ICC 17X drums.

78.125–5 (a) table—To provide additional container of lighter gauge metal for shipments of light weight materials.

Section and reason for amendment	
78.218–4 (a)	To correct an error in the regulations.
78.245–1 (c)	To require uninsulated portable tanks of ICC Spec. 51 to be painted white, aluminum or similar reflecting color.
78.270 entire ICC–12	To eliminate the need for gauging device, sampling valve, and thermometer well on tank cars which are loaded by weight.
78.280 AAR–6 (j–1) Note 1 (b).	To correct a typographical error.
78.285 entire ICC–11	To eliminate the need for gauging device, sampling valve, and thermometer well on tank cars which are loaded by weight.
78.294 entire section	To provide for the construction of fusion-welded aluminum tank car.
Part 78, Appendix C, fig. 8A.	To provide manhole cover drawing for ICC–104A–AL–W tank cars.
Part 78, Appendix C, fig. 14A.	To provide nozzle reinforcement drawing for ICC–104A–AL–W tank cars.
78.336–1 (c)	To require every uninsulated cargo tank of ICC Spec. MC–330 to be painted all over a white, aluminum, or similar reflecting color.

[F. R. Doc. 52–7217; Filed, July 7, 1952; 8:45 a. m.]

[49 CFR Part 324]

UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

ACCOUNT 151: ACQUISITION ADJUSTMENT; MODIFICATION

JUNE 25, 1952.

Having under consideration the matter of recording the cost of intangible assets, such as operating rights and agreements, the Commission by Division 1 has approved modification of the text of account 151, Acquisition Adjustment, to provide for the inclusion of such costs and the creation of a new amortization reserve account which will be credited as the costs are amortized by charges to income.

Any interested person may on or before July 31, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the modification effective January 1, 1953.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–7402; Filed, July 7, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 982]

[Docket No. AO–238]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Central West Texas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and order was formulated, was conducted at Abilene, Texas, February 11 through 15, 1952, pursuant to notice thereof which was issued on January 16, 1952 (17 F. R. 661).

The material issues of record related to:

1. Whether the handling of milk produced for the marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;
2. Whether marketing conditions justify the issuance of a milk marketing agreement or order;
3. The extent of the marketing area;
4. Scope of regulation;
5. The classification and allocation of milk;
6. The determination and level of class prices;
7. Payments to producers; and
8. Administrative provisions.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Central West Texas marketing area is in the current of interstate commerce and directly burdens, obstructs or affects interstate commerce in the handling of milk and its products.

Substantial quantities of milk produced in states other than Texas are imported regularly to supply the needs of handlers in the Central West Texas area. Since the production area within the state does not furnish a sufficient supply, the importation of milk for fluid use is a normal part of the operations of several handlers in this area. One handler whose plant is located in Midland, Texas, is currently importing 3,000 gallons per day of milk produced in Missouri, which represents approximately 60 percent of his receipts. Another handler whose plant is located in San Angelo, Texas, imports from Missouri from 12 to 20 percent of his total receipts, or approximately 5,600 gallons per week. Other handlers also import milk from Wisconsin and Missouri.

Substantial volumes of milk are sold in Central West Texas by Dallas handlers subject to the North Texas milk marketing order. These handlers also receive milk from producers in states other than Texas. Such milk is sold in competition with that of handlers with plants located in cities of the Central West Texas area. There is also competition for sales between handlers of the Central West Texas area and handlers who receive milk from producers whose farms are located in New Mexico. The plant of one such handler is located in New Mexico.

2. *Need for regulation.* Marketing conditions in the Central West Texas marketing area justify the issuance of a marketing agreement and order.

The Central West Texas area is an extensive area in which the population of the principal cities has increased rapidly in recent years. At the same time the production of milk has declined, particularly under severe drought conditions of the past two years. As a consequence major handlers of the area have imported substantial quantities of milk throughout all months of the year. Local producers have nevertheless at times been paid surplus prices for their milk at the same time that handlers have been importing outside milk.

Producers delivering milk to the same plant are frequently paid different prices. The prices paid by handlers with plants located in the same city also differ from each other. One of the larger handlers operates five bottling plants located in five different cities of the area, and a receiving station at a sixth location. At his largest plant in Abilene, nearby producers who deliver their own milk are paid one price, while more distant producers, whose milk is picked up in cans at a collection point, are quoted a lower price at the collection point and also pay the hauling charge from the collection point to the Abilene plant. Thus, the milk picked up at the collection point actually costs the handler less than the direct delivered milk. As a result, some producers whose milk moves in their own cans to the Abilene plant receive 40 to 50 cents less per hundredweight for their milk, as delivered at Abilene, than do other producers delivering to the same plant. Inequitable costs to handlers for milk for fluid use also has resulted from this arrangement, since other handlers receiving milk at Abilene have paid prices equal to those paid by this handler for milk delivered direct to his plant. The same handler quotes prices for milk delivered to his Brownwood and Comanche plants which are less than his prices for milk delivered to his Midland, Abilene and San Angelo plants, and makes further deductions from payments to producers delivering milk to Brownwood and Comanche for movement of milk to such other plants. A San Angelo handler also is paying different prices for milk received at his plant to producers from different areas.

Handlers have refused to bargain with a cooperative association representing a substantial majority of the milk producers of the area with respect to the prices and conditions under which producers market their milk. With some few exceptions, handlers have not permitted the association to render to its members check testing and weighing services. For some time after the association was first organized in 1949, handlers by coercion and intimidation attempted to keep producers from joining the association. Handlers will not allow the association access to records to verify the use made of producer milk, and producers are not permitted to participate in the price-making functions of the market. They often learn of changes in price only at the time of payment for milk. This situation has prevented the development of an orderly system of establishing prices for milk produced for fluid consumption in this area. Such a system is needed to assure producers of fair and equitable prices, and equal costs of milk to handlers.

There is need for market-wide information concerning production and sales in order that producers may plan their production and marketing programs intelligently. The adoption of a classified price plan based on the audited utilization of handlers, and market-wide pooling of returns among producers, will provide, respectively, equal costs to handlers for milk used for like purposes, and a fair division among all producers of the returns from fluid sales in the market.

3. *Extent of the marketing area.* The Central West Texas marketing area should be defined to include the cities of Abilene, Ballinger, Big Spring, Breckenridge, Brownwood, Cisco, Coleman, Colorado City, Comanche, Eastland, Lamesa, Midland, Odessa, Ranger, San Angelo, Snyder, Stamford, Sweetwater, and Winters, all in the State of Texas.

It was proposed that the marketing area be defined to include all the area within 27 counties in Texas. The 19 cities herein decided as the marketing area comprise the principal centers of urban population of this area. These cities have a total population of approximately 220,000, ranging in size from 2,500 to 52,000 population. Defining the marketing area by city boundaries rather than by county boundaries will simplify administration of the order and provide equally effective regulation for the area. Population in the rural areas is widely scattered, and the smaller towns not included in the area are completely served by handlers of the named cities. Because of the relatively small volume of sales which may be expected in such smaller towns, and the distances separating them, unregulated handlers would find it impractical to establish business in the counties proposed without sales within the defined marketing area.

All milk sold for fluid consumption in the Central West Texas area is sold as Grade A milk. To be labeled "Grade A", milk must be produced and handled under the supervision of local health officers in accordance with the standards of the United States Public Health Service Milk Ordinance. These standards have been adopted by the Texas State Department of Health and are contained in the ordinances of the cities. Sanitarians of city-county health units enforce these standards with respect to milk received from producers by plants located in the area. These sanitarians accept the certification of each other and of other health authorities enforcing similar standards with respect to the quality of milk.

Milk moves freely within the defined area. Milk received and bottled at Abilene is sold in Breckenridge, Cisco, Eastland, Ranger, Snyder, Stamford and Winters. Milk received at Brownwood is sold in Comanche and Coleman in bottled form and is moved to Abilene, San Angelo and Midland for bottling. Milk received at Sweetwater is sold in Snyder. Milk received at a receiving station at Comanche is moved to Midland, where it is commingled with milk received at Midland and Big Spring and is sold in Midland and Odessa in competition with milk received from producers at another Midland plant. Such milk is also sold in Lamesa. Milk received at Big Spring is sold in Colorado City in competition with milk received at Midland and Sweetwater. Milk received at San Angelo is sold at Ballinger, Coleman, Big Spring, and at other points outside the marketing area in competition with milk received at plants in other cities of the area herein decided.

Milk is sold in these 19 cities from plants of handlers located in the cities of Abilene, Big Spring, Breckenridge, Brownwood, Lamesa, Midland, San Angelo, Stamford and Sweetwater, and by handlers whose plants are located in Dallas, Lubbock and Wichita Falls. The Dallas handlers are regulated under the North Texas marketing order. The Lubbock handler sells only a small portion of his total Class I sales in the cities of Lamesa and Snyder, and sells less milk in these cities than do handlers with plants in the marketing area. The sales by a Wichita Falls handler are in Stamford and are likewise not a large percentage of either his total sales or the total sales in that city. Provision is made in the proposed order to exempt from full regulation such outside handlers with relatively small sales in the area.

The Midland handler who imports 60 percent of his supplies from Missouri proposed that six counties which include Big Spring, Colorado City, Midland and Odessa be excluded from the proposed marketing area. The basis of his contention is that this is a separate deficit area for which both he and his competitor with two local plants in Big Spring and Midland must import a substantial portion of their milk supplies. The imports of this competitor are from his plants in Brownwood and Comanche. In fact all receipts at a Comanche plant are moved to Midland for processing, and this plant in fact serves as a receiving station for a Midland plant, although the producers supplying it hold Brownwood permits. It is doubtful if effective regulation of the milk received at Comanche would be provided unless the western towns are included in the marketing area, and the record shows conclusively that such milk should be subject to regulation. Should it be possible to devise effective regulation of this milk without including the western cities in the marketing area, milk would not be priced uniformly to handlers doing business there. Milk from a San Angelo plant is distributed there and the volume of milk sold there which is priced under the North Texas order is quite substantial. If these cities were excluded, and the Comanche milk priced under the order, then somewhat over half of the milk sold there would be priced under either the Central West Texas order or the North Texas order, and the handler proposing exclusion of these cities would be the only handler who would not have a substantial portion of his receipts priced under these two orders. These cities should be included in the marketing area so that effective regulation will be possible and producer receipts of all handlers will be priced uniformly.

4. *Scope of regulation.* The minimum class prices of the order should apply to Grade A milk produced under the regular inspection of the health authorities of the municipalities comprising the marketing area, which is received at milk bottling plants distributing milk in the marketing area, or at receiving stations supplying such bottling plants. The class prices should also apply to Grade A milk produced under the inspection of other health authorities whose certification is accepted by the appropriate health authorities of the marketing area, if such milk is received at a bottling plant from which a significant portion of the total Class I sales is on routes in the marketing area.

Milk sold in the marketing area is exclusively Grade A milk. The health authorities of the cities of the marketing area in which processing plants are located inspect the farms of and issue permits to those eligible producers whose milk is received at such plants. Health authorities of the marketing area also inspect farms and issue permits to producers whose milk is received at two receiving and cooling plants from which milk is regularly moved to bottling plants in the area. In addition, the farm and plant inspections of other authorities enforcing Grade A standards and requirements are recognized for both regular distribution and supplementary supplies.

In order to distinguish clearly what milk is to be subject to the order, which processors and distributors are to be subject to regulation, and which dairy farmers will participate in the market pool, it is necessary to include in the order definitions of "approved plant", "handler", "producer" and "other source milk."

"Approved plant" should be defined to include those Grade A milk plants under the routine inspection of health authorities of the marketing area from

which Class I milk (fluid milk items specifically named elsewhere in the order) is disposed of on routes in the marketing area, or which serve as receiving stations for plants with route disposition in the marketing area. "Approved plant" should also include those Grade A milk plants under the routine inspection of other health authorities from which at least 15 percent of the total disposition of Class I business is on routes in the marketing area. The definition thus will not include outside plants which furnish supplementary supplies to plants regularly supplying the area, nor will it include plants whose route disposition in the area is a minor portion of their total Class I business. To include such plants would involve pricing milk that is not primarily associated with the Central West Texas market. The record indicates that route disposition of less than 15 percent of total Class I disposition is now made in the marketing area by plants in Lubbock and Wichita Falls. The order does not regulate the prices to be paid dairy farmers by operators of plants having a major proportion of their Class I sales outside the Central West Texas marketing area and they remain free to compete for milk supplies without regard to the order. However with respect to the volume of Class I milk sold by such operators within the marketing area, there must be assurance that no competitive advantage accrues to the handler who purchases such milk from dairy farmers as compared to the handlers whose minimum price for milk is established by this regulation. The order provides for payments on such sales at a rate equal to the difference between the Class I and Class II prices of the order. This provides a wholly objective, uniform rate which will assure that the costs of milk for in-area sales from plants not qualifying as approved plants are at least equal to the order prices. Administrative assessments on the volume of Class I milk sold in the marketing area are also required to be paid by the operators of such plants.

"Handler" to whom the regulatory provisions of the order apply, should be defined as the operator of an approved plant in his capacity as such, the operator of an unapproved plant from which route disposition of Class I milk is made in the marketing area, or a cooperative association with respect to milk or producers diverted from an approved plant to an unapproved plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and for paying producers minimum prices. The operator of the unapproved plant from which route disposition of Class I milk is made in the marketing area should be defined as a handler in order that the status of his plant may be established and that the obligations described above may be imposed upon him. A cooperative association may need for short periods to divert producer milk from approved plants to unapproved plants. If the association is permitted to act as a handler for such milk, even though it may have no plant, the producers whose milk is so diverted will receive the uniform price of the order and their milk will be available for Class I use when needed.

"Producer" should be defined as any person, other than a producer-handler, who produces "approved milk" which is received at an approved plant or is diverted from an approved plant to an unapproved plant for the account of a handler. The definition should specify "approved milk" as that produced under a Grade A permit or rating issued by a health authority having jurisdiction in the marketing area, if such milk is received at (or diverted from) an approved plant under the regular inspection of such health authority, or that produced under a health authority whose certification is accepted by the local health authority if such milk is received at an outside bottling plant with route disposition in the marketing area equal to or in excess of 15 percent of total Class I sales. Provision should be made that any person whose milk is received by a handler subject to another Federal order will not be defined as a producer, since this would result in such person's milk being included in two pools.

The order does not propose to pool the Class I sales of a producer-handler, who is a person operating an approved plant who produces milk but receives no milk from producers. Any milk they sell to handlers is normally surplus to their own operations; to pool such milk without also pooling the Class I sales producer-handlers make directly would result in a preferential market to producer-handlers as compared with regular producers. Producer - handlers should therefore be excluded from the definition of producers, and the milk they deliver to buying handlers be treated as other source milk.

"Other source milk" should be defined to include all skim milk and butterfat other than that contained in producer milk. When received at an approved plant, such milk would be from dairy farmers not approved by health authorities in the marketing area for producing Grade A milk, or from a plant which has not qualified as an approved plant. Other source milk would not be priced under the order, but would be allocated to the lowest valued use in the handler's plant, to prevent its displacing from Class I producer milk, which constitutes the regular supply of the market.

5. *Classification of milk.* Milk should be classified in two classes. Class I milk should include all skim milk and butterfat disposed of as Grade A milk or milk products, and unaccounted for milk except for an allowance for plant loss or shrinkage. Class II milk should include all skim milk and butterfat used to produce products not required to be from Grade A milk, disposed of for livestock feed, allowable shrinkage, and inventory variations (plus or minus) of Class I products. The provisions adopted specify as Class I milk those products which the record shows are currently required to be from Grade A milk. A proposal to include products which may hereafter be required to be from Grade A milk should not be adopted, as the diversity of health authorities with jurisdiction in the marketing area makes it improbable that such requirements will be adopted simultaneously in all parts of the area.

Unaccounted for producer milk in excess of a reasonable allowance for plant loss should be Class I milk in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose. No limit need be placed on shrinkage of other source milk as Class II milk since such milk is deducted from the lowest use class under the allocation provisions. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

To prevent other source milk, which is unpriced, from displacing from Class I the producer milk regularly supplying the market, other source milk should be allocated to the lowest use in a handler's plant. In establishing the classification of milk, responsibility should be placed upon the handler who first receives milk from producers to account for all milk and milk products received, and to prove to the market administrator his claim that such receipts should be classified other than as Class I. The handler who first receives milk from producers is the person who is in position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk and making full payment for it. He must, therefore, maintain records to establish unquestionable proof of the utilization of all milk he receives.

Provision should be made to cover the classification of milk, skim milk and cream transferred to other milk plants. Transfers to approved plants of other handlers may be at classification agreed upon between the handlers, provided the transferee plant has use in the agreed class and the prior claim of producer milk over other source milk on Class I utilization is maintained. Transfers to a producer-handler should be Class I milk, since producer-handlers normally purchase from handlers only for fluid use. Transfers from approved plants to fluid milk plants within 300 miles should be Class I milk, unless it can be shown that the receiving plant did not have Class I use in excess of its receipts from the dairy farmers constituting its regular source of supply. Transfers to milk manufacturing plants within 300 miles should be Class II milk. Transfers to plants beyond 300 miles should be Class I if the milk so transferred is in the form of milk or skim milk. Transfers of cream to such plants should be Class I if under Grade A certification, and Class II if without such certification. Milk and skim milk cannot economically be transferred long distances for manufacturing use. The limit of 300 miles is established as an area within which there are manufacturing facilities sufficient to dispose of any prospective excess of producer milk. Cream often moves long distances for use in ice cream. Grade A certification is considered a reasonably accurate criterion for distinguishing that cream moved for fluid uses from that moved for manufacturing purposes.

6. *The determination and level of class prices.* The Class I milk price should be based on the Class I price established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, to which should be added 35 cents per hundredweight. The Class I price should be further adjusted for the location of approved plants, both within and without the marketing area, at which milk is received from producers.

A substantial volume of milk priced under the North Texas milk order is distributed on routes operated in almost every city of the Central West Texas marketing area. Between 15 and 25 percent of the total fluid milk sales in the area are from the plants of North Texas handlers in Dallas who distribute through vendors in this area. Cities of the Central West Texas marketing area are at distances from Dallas varying from 131 miles to either Breckenridge or Comanche up to 350 miles to Odessa. Distribution at such distances in competition with plants receiving milk within the area is feasible because production conditions in the Central West Texas area are difficult and farmers in this area cannot produce milk except at relatively high prices. The increase in population and decline in milk production in the area have created a demand for milk which could not be supplied from local production. As a consequence one North Texas handler in particular has established sales which are a significant factor in the milk trade of the area. There are also areas in which there is competition for producers between the Central West Texas area and the North Texas area, since the milksheds of the two areas overlap to some extent. North Texas handlers buy milk from producers in Erath, Eastland and Hamilton Counties. Central West Texas handlers also have producers in these counties. A handler from Abilene until recently purchased milk from producers in Parker County, which is included in the North Texas marketing area.

Under these circumstances, there is a very close relationship between prices in the North Texas area and those in the Central West Texas area. The level of prices in the Central West Texas area has changed at about the same time as that of the North Texas area, and in approximately the same amounts in the same direction. The competition for sales and production requires integration of changes in price for the two markets.

Proponents of the order proposed to accomplish this result by basing the Class I price upon a basic formula identical with that of the North Texas order plus differentials to bring about the proper difference in the Class I price. The North Texas order, however, provides for adjustment of the Class I price by the ratio of producer supplies to Class I sales. The evidence received at the hearing indicates the necessity for maintaining a constant difference between the prices of the orders. This may be accomplished by specific reference in the Central West Texas order to the Class I price of the North Texas order. Official notice is taken of the fact that since the hearing amendments have been made to the Class I pricing provisions of the North Texas order.

It is further necessary that the Class I price vary for locations in the marketing area. Production conditions, influenced largely by rainfall, vary considerably throughout the milkshed. The cities of the marketing area are separated by considerable distances, and the population is not distributed in proportion to the milk production. The most favorable production conditions are in counties nearer to Brownwood and Comanche than to other cities in which there are plants that receive milk from producers. Approximately 25 percent of the receipts of producer milk are at plants in Brownwood and Comanche, but less than 10 percent of the sales in the area are from these plants. Plants in Abilene and San Angelo receive milk from producers who could deliver their milk to Brownwood and Comanche at less cost. Abilene and San Angelo plants have customarily paid prices higher than those at Brownwood and Comanche in order to secure supplies. A majority of both producer receipts and sales from plants in the area are from plants in Abilene, San Angelo and Sweetwater, at which locations producer prices have usually been approximately the same. At Big Spring and Midland plants, however, producer receipts are less than 15 percent of the total for the area while sales are in excess of 30 percent of the total sales of the area. Milk received at Brownwood and Comanche in excess of the needs for fluid sales in that area is regularly moved to a Midland plant by tank truck. Another Midland plant requires outside supplementary supplies for approximately 60 percent of its sales. Milk received at a receiving station operated by a cooperative association at Windthorst, 125 or more miles from Abilene, is produced under permits of Abilene health authorities and moved regularly to the plants of Abilene handlers. Prices established for producer milk received at plants in different parts of the marketing area and without the area must be adjusted so as to permit milk to move to the plants at which it is needed for Class I sales.

The general trend of movement of milk is westward. Proponents of the order proposed that the Class I price for milk be established at 23 cents over the North Texas order price for milk received in certain counties in the eastern portion of the proposed 27-county area, that this be increased to 46 cents for milk received in a large group of counties in the central portion of the area, and to 69 cents for milk received in the far western counties proposed. The handler operating plants in each of these proposed districts proposed that these amounts should be 10, 33 or 35, and 63 or 65 cents respectively. An analysis of the past relationships between Dallas-Fort Worth prices and those for Abilene, San Angelo and Sweetwater indicates that the prices paid for milk received at these Central West Texas cities have generally ranged from 30 to 45 cents above the Dallas-Fort Worth prices. Prices at Midland are currently at about the same level but there is general agreement that they should be higher than the Abilene price.

It is concluded that the appropriate relationships to the North Texas order price should be 15 cents, 35 cents and 55 cents, respectively, more than such price, and that provision should be made that the Class I price applicable for milk received at Windthorst, and plants in the North Texas marketing area should be the North Texas order price. This is accomplished by establishing the Class I price as that applicable in the Abilene-San Angelo-Sweetwater area, and providing location adjustments of (1) an additional 20 cents for milk received within 70 miles of Midland, and (2) a reduction of 20 cents for milk received at points that are both more than 180 miles from Midland and also more than 70 miles from Abilene, with a further reduction of 15 cents for milk received at such points more than 110 miles from Abilene. This system of location adjustments will provide the same relative system of zoning for all plants within the areas as was proposed, with the exception of one small plant at Breckenridge at which the Abilene rather than the Brownwood price will apply. The record shows that there is little milk production in this area, and that milk received at Abilene is regularly sold there, while no milk received at Brownwood is sold in Breckenridge.

The Class II price should be based on 92-score butter prices in Chicago, and the average of the prices for spray and roller process nonfat dry milk solids f. o. b. Chicago area plants. Ice cream and cottage cheese are the primary uses made of Class II milk solids by Central West Texas milk dealers. Health authorities in the area permit use of ungraded milk in the manufacture of these products, for which most ingredients must be imported. A butter-powder formula price appears to provide the best available estimate of cost to handlers of obtaining suitable alternative butterfat and nonfat solids for use in ice cream and cottage cheese. Three cents should be subtracted from the butter quotation and 5.5 cents from the nonfat solids quotation as a reflection of the manufacturing and marketing margin. Yields of 1.2 and 8.16 should be applied respectively. An overrun of at least 20 percent is commonly experienced in churning butter. Also a yield of 8.5 pounds or more of powder can be expected from 100 pounds of skim milk in a reasonably efficient plant. Since 100 pounds of whole milk testing 4.0 percent contain 96 pounds of skim, a yield of 8.16 per 100 pounds of whole milk is provided. These yield factors are in line with general market experience, and are closely comparable with those used in many other federally regulated markets.

The recommended Class II pricing formula is the same as that used as an alternative price for Class II milk in the North Texas order. This record does not provide a basis for an alternative Class II price determined from the paying prices of Texas manufacturing plants for ungraded milk such as is used in the North Texas order.

The minimum prices which handlers would be required to pay are for milk testing 4.0 percent butterfat. These should be adjusted upward or downward

in accordance with variations from 4 percent in the butterfat content of the milk. The rate of adjustment for each class should be aligned with the respective class prices in order to properly apportion the value of butterfat and nonfat solids in these classes. This adjustment does not affect the class prices for milk of standard test.

It is concluded that extra butterfat above 4.0 percent in Class II milk should be priced at 1.15 times the Chicago 92-score butter price, and that such butterfat in Class I milk should be priced at 1.25 times such butter price. These figures should be converted and payment made on the basis of tenths of a pound. Deductions should be made at the same rate for milk testing less than 4.0 percent butterfat. These butterfat differentials are identical with those of the North Texas order and their use will preserve the comparability of prices in the two orders that is established by the class prices for milk of 4.0 percent butterfat content.

The parity price of all milk sold at wholesale in the United States, which is the applicable parity price under present legislation, was $4.84 per hundredweight as of March 15, 1952. Such price does not reflect what the record shows to be the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply and demand for milk or its products in the marketing area; nor would it insure a sufficient quantity of pure and wholesome milk for the marketing area, or be in the public interest.

7. *Payments to producers.* The "market-wide" type of pool with base-rating plan should be established in this order for the purpose of distributing among producers returns from the sale of their milk. Under this plan all producers receive the same uniform price for their milk (or when bases are applicable, a uniform price for base milk and a uniform price for milk in excess of base) irrespective of the utilization made of such milk by individual handlers.

The alternative to the market-wide pool is the individual-handler pool. Under this latter system producers delivering to each handler receive a uniform price based on each handler's utilization of milk. Because different handlers utilize different proportions of their milk as Class I and Class II, the uniform prices of individual handlers would vary one from the other. This might facilitate the distribution of the available supply of milk in accordance with handlers' needs in a marketing area of this size. On the other hand, the record shows that a cooperative association will be a handler for milk it receives from producer members at a receiving station and regularly moves to the plants of proprietary handlers. Another cooperative association representing the majority of all producers has proposed that the order be so written as to enable it to become a handler when necessary to market any milk of its members in excess of the needs for Class I milk. Under these circumstances an individual handler pool would result in an unequal sharing of the market among producers and would not be conducive to orderly marketing. The use of a market-wide pool will also facilitate the distribution among producers of any payments that may be required from handlers relieved from full regulation of the order because of minor distribution in the area or because they are subject to other milk orders.

A Midland handler advocated an individual handler pool on the basis that deliveries of producer milk at Midland plants are less than Class I sales from such plants, and producers delivering to these plants have not historically borne any of the burden of carrying reserve milk for the market. The class prices and location adjustments provided in the order should result in equitable returns to producers variously situated, when all such producers share proportionably in the total Class I sales of the market. The other handler receiving milk at Midland operates plants in other cities, and under an individual handler pool his payments to producers would be computed on the basis of receipts and utilization of milk at all such plants. The necessity for premium payments by this handler under a handler pool appears more probable than does the necessity for his competitor to make such payments under a market-wide pool.

In the computation of the value of producer milk, provision should be made for the inclusion of the value of milk classified in excess of reported receipts from producers, other handlers, and other sources. This provision is found in other milk orders and is necessary to account for differences between the reported and actual weights and tests of milk received from producers.

The butterfat differential to be used in making payments to producers should be fixed at one-tenth of the price of Grade A (92-score) butter on the Chicago market multiplied by 1.2. This differential is the same as that established under the North Texas order. The producer butterfat differential merely affects the proration of returns among producers, and it in no way affects handlers' costs for milk.

The distribution among producers of the returns from the sales of milk in the months of April, May and June should be made through the medium of a base-rating plan. The proposal for a base rating plan is supported by both the producers association and handlers in the market. Producers have become accustomed to the use of bases under the marketing plans in effect in the area.

The purpose of a base-rating plan is to encourage producers to level out seasonal variations in their milk deliveries and thus avoid seasonal shortages and surpluses. This is accomplished by assigning each producer a base equal to his average delivery during the months of short production (October through January) and making prior assignment of Class I sales of the market during the months of greatest production (April through June) to the deliveries that producers make within such bases. A uniform price for base milk is thus computed which is enhanced above the average for the market and a uniform price for excess milk (deliveries in excess of base milk) which is below the average for the market. The lower price applicable to excess milk tends to limit deliveries of such milk during the months of surplus production. Conversely, the value of a large base gives impetus to the delivery of milk in the season of short production. The influence of these two forces tends to cause a more even seasonal pattern of milk deliveries than if payments are made during all months of the year on a straight uniform price basis.

The record does not show clearly the seasonal pattern of milk deliveries for the entire area, nor have there been seasonal surpluses within the past year. If there is a deficit supply of milk in the months of April through June the uniform price for excess milk will be practically equal to that of base milk. The data available are, however, those for a period of severe drought and consequently cannot be considered representative of normal conditions. Seasonal surpluses are to be avoided in this area in view of the lack of adequate manufacturing facilities. The order for the North Texas market, with which the Central West Texas market is closely related, incorporates a base-rating plan. It is concluded that a base-rating plan similar to that of the North Texas order should be included even though the record indicates that there have been supply conditions under which such a plan is not normally effective.

Uniform prices to producers should vary with the locations of the approved plants at which their milk is received. With respect to the uniform prices for all milk and for base milk, the rate of adjustment should be identical with the rate of adjustment made with respect to the price for Class I milk to handlers. The uniform price for excess milk should be adjusted at such rates in proportion to the total volume of excess milk classified as Class I milk.

Although uniform prices are computed once a month, provision should be made to pay producers on a semi-monthly basis. The majority of producers on the market have customarily been paid twice a month and it concluded that this practice should be continued. The advance payment to be made on or before the 25th day of the month and covering receipts of producer milk during the first 15 days of the month should be at not less than the Class II price for the preceding month. Payment at this rate will largely eliminate the possibility of handlers making overpayments to producers who may leave the market before the end of the month. Final payment for milk received during each month should be made on or before the 15th day after the end of the month.

In the case of a qualified cooperative association, which so requests, the handler should make the advance and final payments sufficiently in advance of the date for payment to other producers to enable the cooperative association to pay its members at that date. The dates which have been provided for these various payments are so spaced that ample time is provided the handlers and the market administrator for the filing of reports, the computation of the various prices and the writing and mailing of checks.

8. *Administrative provisions.* Certain other provisions should be adopted to enable proper and efficient administration of the order.

(a) *Administrative assessment.* Each handler should be required to pay to the market administrator, as his pro rata share of the cost of administration of the order, 4 cents per hundredweight, or such lesser sum as the Secretary may from time to time prescribe, on all receipts at his approved plants within the delivery period of (1) milk from producers (including such handler's own production) and (2) other source milk which is classified as Class I.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order and the act provides that the administration of the order be financed through assessment against handlers. In view of the anticipated volume of milk on which the rate would apply it is concluded that a maximum rate of 4 cents per hundredweight is necessary at this time to guarantee sufficient administrative funds. In the event at a later date a lesser amount proves to be sufficient for proper administration, provision is made to enable the Secretary to reduce the assessment accordingly.

(b) *Deductions for marketing services.* Provision should be made for the dissemination of market information to producers and for the verification of weights and for the sampling and testing of milk received from producers for whom such services are not being rendered by a qualified cooperative association. This provision, including the assessing of producers in payment thereof, is specifically authorized by the act. Five cents per hundredweight or such lesser rate as the Secretary may determine should be deducted by handlers from the payment to producers and turned over to the market administrator to finance such services. This rate was proposed by producer groups who have had experience with check sampling, weighing, and testing programs in the marketing area. In the event any qualified cooperative association is determined to be performing such services for any producer, handlers should pay to the cooperative association such deductions as are authorized by such producer in lieu of the payment to the market administrator.

(c) *Other administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of the market administrator, define his powers and duties, prescribe the information to be reported by handlers each month and the length of time that records must be retained. A plan for liquidation of the order in the event of its suspension or termination should be provided.

Producer-handlers should be exempt from the regulatory provisions of the order except that they should be required to file reports as requested by the market administrator. Since a producer-handler may change his status from time to time, it is necessary that the market administrator have authority to require such reports as will enable him to verify the current status of a producer-handler and to supplement other market information.

A handler who operates an approved plant which is subject to the regulatory provisions of another milk marketing agreement or order issued pursuant to the act, and from which the Secretary determines that a greater volume of Class I milk is disposed of in such other marketing area than in this marketing area should be partially exempt from the provisions of this order. It would be impractical to attempt to regulate a handler under two separate orders with respect to the same milk. It appears reasonable that the effective regulation should be that of the area in which such a handler makes the greater portion of his sales. In order to insure equity between handlers, such a handler should not be permitted to purchase milk for sale as Class I in either area at less than the price paid by regulated handlers of the area. Therefore, it should be provided that if the price such handler is required to pay for Class I milk under the other order to which he is subject is less than the price provided in the proposed order, he should pay to the producer-settlement fund an amount equal to the difference between the two prices on all Class I milk disposed of within the area. The Class I price of this order applicable to plants receiving milk in the North Texas marketing area is the same as that of the North Texas order, so that no payments will be required on the milk marketed in the Central West Texas marketing area. Such handler should also be required to report to the market administrator regularly so that he may ascertain the amount of milk disposed of by such persons within the area.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444), covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of this decision.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Central West Texas Producers Association and the majority of the handlers who would be regulated. The briefs contained proposed findings of facts, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinafter set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

DEFINITIONS

§ 982.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 982.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 982.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 982.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 982.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 982.6 *Central West Texas marketing area.* "Central West Texas Market-

ing Area" hereinafter called the marketing area means all territory within the corporate limits of the following cities, all in the State of Texas:

Abilene.	Lamesa.
Ballinger.	Midland.
Big Spring.	Odessa.
Breckenridge.	Ranger.
Brownwood.	San Angelo.
Cisco.	Snyder.
Coleman.	Stamford.
Colorado City.	Sweetwater.
Comanche.	Winters.
Eastland.	

§ 982.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by and under the routine inspection of any health authority having jurisdiction in the marketing area:

(1) From which Class I milk labeled Grade A in consumer packages is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by a vendor and disposition from plant stores); or

(2) Which receives milk from producers as defined in § 982.10 (a) which serves as a receiving station by receiving, weighing and commingling producer milk, and from which such milk (i) is moved to a plant specified in subparagraph (1) of this paragraph during the month, or (ii) was moved to plant(s) specified in subparagraph (1) of this paragraph in an amount equal to 60 percent or more of total receipts of producer milk during the months of October through January immediately preceding any month of April, May or June during which no milk was moved to such a plant; or

(b) A milk plant approved by and under the routine inspection of a health authority other than one having jurisdiction in the marketing area from which Class I milk labeled Grade A in consumer packages is disposed of for fluid consumption in the marketing area on wholesale or retail routes (including routes operated by vendors and disposition from plant stores) in an amount equal to 15 percent or more of the total disposition of Class I milk from such plant during the month.

§ 982.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 982.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) Any person in his capacity as the operator of an unapproved plant from which Class I milk is disposed of during the month on wholesale or retail routes in the marketing area (including routes operated by vendors and disposition from plant stores); or

(c) Any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 982.10 *Producer.* "Producer" means any person other than a producer-handler:

(a) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by any health authority having jurisdiction in the marketing area, which milk is received at an approved plant described in § 982.7 (a); or

(b) Who produces milk under a dairy farm permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by a health authority whose certification is accepted by the appropriate health authority having jurisdiction in the marketing area, which milk is received at an approved plant described in § 982.7 (b).

"Producer" shall include any such person whose milk is regularly received at an approved plant, but whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 982.61.

§ 982.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by producers which is received by a handler, either directly from producers or from other handlers.

§ 982.12 *Other source milk.* "Other source milk" means all milk and butterfat other than that contained in producer milk.

§ 982.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 982.14 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of April through June which is not in excess of each producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 982.15 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 982.80.

MARKET ADMINISTRATOR

§ 982.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 982.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 982.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 982.98 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 982.97) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to § 982.30 to § 982.32, inclusive; or

(2) Made payments pursuant to § 982.90 to § 982.99, inclusive.

(i) On or before the 12th day after the end of each month, report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 982.50 and the Class I butterfat differential pursuant to § 982.52 (a), both for the current month, and the minimum price for Class II milk pursuant to § 982.51 and the Class II butterfat differential pursuant to § 982.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform prices computed pursuant to § 982.72 and § 982.73 and the butterfat differential computed pursuant to § 982.92, both applicable to milk delivered during the preceding month;

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(l) Furnish to a cooperative association the data furnished to the market administrator pursuant to § 982.31 (a) with respect to milk of its members.

REPORTS, RECORDS AND FACILITIES

§ 982.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows for each approved plant operated by him, or, in the case of a cooperative association, for producer milk diverted by it:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 982.31 *Payroll records.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds and the average butterfat test of milk received from each producer and cooperative association and, for the months of April through June, such producer's deliveries of base milk and excess milk;

(b) The amount of payment to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 982.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 982.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representatives during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 982.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 982.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 982.30 shall be classified by the market administrator pursuant to the provisions of §§ 982.41 to 982.46, inclusive.

§ 982.41 *Classes of utilization.* Subject to the conditions set forth in §§ 982.43 and 982.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog, aerated cream products and mixes for ice cream or other frozen dairy products) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers;

(4) In shrinkage of other source milk; and

(5) In inventory variations of milk, skim milk, cream or any product specified in paragraph (a) of this section.

§ 982.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 982.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if later disposed of (whether in original or other form) as Class I milk.

§ 982.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of another handler (except a producer-handler) except as:

(1) Utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) Classification as Class II milk does not decrease the total volume of producer milk assigned pursuant to § 982.46 to Class I in the two plants.

(b) As Class I milk, if transferred to a producer-handler in the form of milk, skim milk or cream.

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant more than 300 miles distance by the shortest highway distance, as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 300 miles distant and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant and from

which fluid milk is disposed of on wholesale or retail routes, unless the conditions in subparagraphs (1) and (2) are met:

(1) The market administrator is permitted to audit the records of such unapproved plant; and

(2) Such unapproved plant receives milk from dairy farmers who the market administrator determines constitutes its regular source of supply for Class I milk.

(3) If these conditions are met, the market administrator shall classify such milk as reported by the handler, subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant; and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 300 miles distant from which fluid milk is not disposed of on wholesale or retail routes.

§ 982.45 *Computation of the skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 982.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 982.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 982.41 (b) (3);

(2) Subtract from the remaining pounds of milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 982.41;

(3) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in other source milk;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 982.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I milk and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 982.50 *Class I milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class I milk shall be the price for Class I milk established under Federal Order No. 43 regulating the handling of milk in the North Texas marketing area, plus 35 cents.

§ 982.51 *Class II milk.* Subject to the provisions of §§ 982.52 and 982.53 the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be computed by adding together the plus values pursuant to paragraphs (a) and (b) of this section:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the mid-point of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(b) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

§ 982.52 *Butterfat differential to handlers* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 982.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 982.50 and 982.51, for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of one percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the appropriate month, by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 982.53 *Location adjustment to handlers.* For milk classified as Class I milk the price set forth in § 982.50 shall be subject to the following adjustments:

(a) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, such price shall be increased 20 cents;

(b) For milk received from producers at an approved plant located more than 180 highway miles from the United States Post Office in Midland, Texas, and also at the following highway distances from the United States Post Office in Abilene, Texas, such price shall be reduced as follows:

	Cents
More than 70 miles but less than 110 miles	20
110 miles or more	35

(c) If a handler operates two or more approved plants at which different Class I prices apply, the total milk received by such handler from producers and classified as Class I milk shall be assigned to the milk received from producers at each such plant in the following sequence:

(1) The Class I milk disposed of from each such plant shall be assigned to receipts from producers at such plant to the extent of such receipts;

(2) Class I milk disposed of from any such plant in excess of receipts from producers at such plant shall be assigned to milk received from producers at other approved plants of such handler pro rata to the volumes of producer milk moved to such plant from each such other plant to the extent that milk was so moved; and

(3) Any remaining milk received from producers and classified as Class I milk shall be assigned pro rata to receipts from producers to which Class I milk is not otherwise assigned.

APPLICATION OF PROVISIONS

§ 982.60 *Producer-handlers.* Sections 982.40 through 982.46, 982.50 through 982.53, 982.70 through 982.73, 982.80, 982.81 and 982.90 through 982.99 shall not apply to a producer-handler.

§ 982.61 *Handlers subject to other orders.* In the case of any handler who operates an approved plant which the Secretary determines disposes of a greater quantity of milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act than in this marketing area, the provisions of this subpart shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim-milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject. Such payment shall be made on or before the 15th day after the end of the month during which such Class I milk was disposed of in the marketing area.

§ 982.62 *Handler operating an unapproved plant from which Class I milk is disposed of in the marketing area.* In the case of any handler described in § 982.9 (b) who is not subject to the provisions of § 982.61, the reporting, pricing and payment provisions of this subpart shall apply only as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator pursuant to § 982.30 and shall allow verification of such reports pursuant to § 982.33;

(b) On or before the 13th day after the end of the month, the handler shall pay to the market administrator for the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk on routes in the marketing area an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price; and

(c) As his pro rata share of the expense of administration hereof, the handler shall pay to the market administrator, with respect to all Class I milk disposed of on routes in the marketing area, an amount per hundredweight and in the manner specified in § 982.98.

DETERMINATION OF UNIFORM PRICE

§ 982.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices and adding together the resulting amounts: *Provided*, That if the handler had overage of either skim milk or butterfat, there shall be added to the above values an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 982.46 by the applicable class prices.

§ 982.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 982.70 for all handlers who made the reports prescribed in § 982.30 and who made payments pursuant to §§ 982.90 and 982.94 for the preceding month;

(b) Subtract the aggregate of the values of all plus location adjustments to producers pursuant to § 982.91, and add the aggregate of the values of all such minus adjustments;

(c) Add not less than one-half of the unobligated cash balance on hand in the producer-settlement fund; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 982.92 and multiplying the resulting figures by the total hundredweight of such milk.

§ 982.72 *Computation of uniform price.* For each of the months of July through March the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received at an approved plant as follows:

(a) Divide the aggregate value computed pursuant to § 982.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 982.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices for hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, received from producers at an approved plant as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by (1) multiplying the hundredweight of such milk by the price for Class II milk of 4.0 percent butterfat content, and (2) adding to the result the amount, if any by which the value computed pursuant to paragraph (c) (1) of this section exceeds the value computed pursuant to paragraph (c) (2) of this section;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) The total value of base milk included in these computations shall be the lesser of:

(1) The aggregate value computed pursuant to § 982.71 less the value computed pursuant to paragraph (a) (1) of this section, or

(2) The hundredweight of such base milk multiplied by the price for Class I milk of 4.0 percent butterfat content plus 4 cents;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

DETERMINATION OF BASE

§ 982.80 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 982.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 982.81 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred only by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

PAYMENTS

§ 980.90 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 982.72 or 982.73, adjusted by the butterfat differential computed pursuant to § 982.92, subject to location adjustments to producers pursuant to § 982.91, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if by such date such handler has not received full payment pursuant to § 982.95, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received during the first 15 days of such month at not less than the Class II price of the preceding month.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the

sum of the individual payments otherwise payable to such producer. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 982.31.

§ 982.91 *Location adjustments to producers.* (a) In making payments to producers pursuant to § 982.90 the following adjustments shall apply to the uniform price for all milk computed pursuant to § 982.72 or to the uniform price for base milk computed pursuant to § 982.73 (e):

(1) For milk received from producers at an approved plant located within 70 highway miles of the United States Post Office in Midland, Texas, each handler shall add 20 cents;

(2) For milk received from producers at an approved plant located more than 180 highway miles from the United States Post Office in Abilene, Texas, each handler may deduct the applicable amounts set forth below:

	Cents
More than 70 miles but less than 110 miles	20
110 miles or more	35

(b) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total volume of Class I milk allocated to producer milk pursuant to § 982.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

§ 982.92 *Producer-butterfat differential.* In making payments pursuant to § 982.90 (a), there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month when such milk was received, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 982.93 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 982.61 (b), 982.62 (b), 982.94 and 982.96, and out of which he shall make all payments to handlers pursuant to §§ 982.95 and 982.96.

§ 982.94 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 982.70 is greater than the amount required to be paid producers by such handler pursuant to § 982.90.

§ 982.95 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 982.70 is less than the amount required to be paid producers by such handler pursuant to § 982.90: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 982.96 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 982.97 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 982.90 (a), shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 982.98 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers, including such handler's own production.

§ 982.99 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association or producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 982.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 982.101.

§ 982.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 982.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 982.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 982.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 982.111 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Issued as Washington, D. C., this 2d day of July 1952.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 52-7449; Filed, July 7, 1952; 9:01 a. m.]

[7 CFR Part 992]

IRISH POTATOES GROWN IN WASHINGTON

NOTICE OF BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 992.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $19,580.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR, Part 992).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of July 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7450; Filed, July 7, 1952; 9:01 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

RULES AND REGULATIONS UNDER SECURITIES EXCHANGE ACT OF 1934

BROKER OR DEALER EFFECTING TRANSACTIONS FOR PARTNER, OFFICER, DIRECTOR OR EMPLOYEE OF ANOTHER BROKER OR DEALER

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.10b-6 (Rule X-10B-6) under the Securities Exchange Act of 1934. In substance, this rule would make it unlawful for any broker or dealer to effect any securities transaction with or for any partner, officer, director or employee of another broker or dealer, either on or off an exchange, unless he gives actual notice of the transaction to the other broker or dealer in advance and then promptly sends the other broker or dealer a copy of the confirmation. The rule would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a).

A number of investigations conducted by the Commission in recent years have involved the misappropriation of securities or funds of customers of a broker-dealer firm by some person associated with the firm. Where securities are misappropriated, the wrongdoer usually tries to avoid detection and to realize the benefits of his wrongdoing by selling the securities through another firm. When the wrongdoer sells the securities, the customers whose securities are involved are usually subjected to the burden of proving their claims, in some cases through expensive and extended legal action. In some instances the ultimate losses to customers have been substantial. In addition, the broker-dealer by whom the wrongdoer is employed, and perhaps the broker-dealer through whom the transaction is effected, may be subject to civil liabilities even though they have no knowledge of wrongdoing. These liabilities, if substantial, might in some cases affect the financial condition of such brokers and dealers, and thus result in losses to their other customers.

The Commission also announced that it has disapproved, pending its further order, a proposed rule of the National Association of Securities Dealers, Inc., which was more limited in scope in that (1) it would have applied only to members of the Association and (2) it would have required notice only under limited conditions.

The text of the Commission's proposed rule follows:

§ 240.10b-6 *Broker or dealer effecting transactions for partner, officer, director or employee of another broker or dealer.* (a) It shall be unlawful for any broker or dealer, directly or indirectly, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, to do any act in

connection with the purchase or sale of any security, directly or indirectly, from, to or for any partner, officer, director or employee of another broker or dealer, unless:

(1) Before effecting such transaction he gives actual notice thereof to a general partner or officer of such other broker or dealer, or, if such other broker or dealer is a sole proprietor, to such proprietor; and

(2) Promptly after effecting such transaction he gives or sends a duplicate copy of the confirmation of such transaction to a general partner or officer of such other broker or dealer, or, if such other broker or dealer is a sole proprietor, to such proprietor.

(b) Where the transaction is effected for or with a general partner or officer of such other broker or dealer, the required notice shall be given and the required confirmation shall be given or sent to a general partner or officer other than the one for or with whom such transaction is to be or has been effected.

(c) This section shall not apply if the broker or dealer sustains the burden of proof that he did not know, and in the exercise of reasonable diligence could not have known, that the customer was a partner, officer, director or employee of another broker or dealer.

The text of the proposed rule of the National Association of Securities Dealers, Inc., which has been disapproved by the Commission pending further order, follows:

A member (herein called an "executing member") who knowingly executes a transaction for the purchase or sale of a security for the account of a partner, officer, registered representative or employee of another member (herein called an "employer member") shall use reasonable diligence to determine that the execution of such transaction will not adversely affect the interests of the employer member.

The obligations implicit in the preceding paragraph may be fulfilled by an executing member requesting instruction from an employer member at any time prior to the execution of such a transaction with respect to

(1) The giving of notice, or

(2) The mailing or delivery of duplicate confirmations or statements to such employer member relating to

(a) Such transaction individually, or

(b) To such transactions generally

which instructions shall be followed.

An executing member shall, prior to the execution of any such transaction, advise the person requesting such execution of the executing member's intent to give notice or information relating to such transaction to the employer member.

The text of the Commission's order disapproving the proposed rule of the National Association of Securities Dealers, Inc., and affording interested persons an opportunity to be heard is attached hereto.[1]

All interested persons are invited to submit their views and comments on the Commission's proposed rule in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on or before July 25, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

JUNE 30, 1952.

[F. R. Doc. 52-7394; Filed, July 7, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Petroleum Administration for Defense

NOTICE OF TERMINATION OF SECTION 3 AND SECTION 4 OF PAD INSTRUCTION NO. 2

Notice is hereby given that in accordance with section 10 of PAD Instruction No. 2, section 3 thereof entitled "Committee Organization" and section 4 thereof entitled "Committee Duties and Functions" are hereby terminated effective as of 12:01 a. m., e. s. t., July 7, 1952.

This notice of termination is issued this 2d day of July, 1952.

OSCAR L. CHAPMAN, *Secretary of the Interior and Petroleum Administrator.*

JULY 7, 1952.

[F. R. Doc. 52-7540; Filed, July 7, 1952; 12:13 p. m.]

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER RESERVING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ALASKA COMMUNICATION SYSTEM [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES, *Acting Secretary of the Interior.*

JULY 1, 1952.

[F. R. Doc. 52-7386; Filed, July 7, 1952; 8:46 a. m.]

NEW MEXICO

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF STATE IN CONNECTION WITH RIO GRANDE CANALIZATION PROJECT [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES, *Acting Secretary of the Interior.*

JULY 1, 1952.

[F. R. Doc. 52-7388; Filed, July 7, 1952; 8:47 a. m.]

UTAH

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FROM MINERAL LOCATION [2]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

R. D. SEARLES, *Acting Secretary of the Interior.*

JULY 1, 1952.

[F. R. Doc. 52-7387; Filed, July 7, 1952; 8:47 a. m.]

[1] See F. R. Doc. 52-7385, Title 43, Chapter I, Appendix, PLO 850, *supra*.

[1] See F. R. Doc. 52-7386, Title 43, Chapter I, Appendix, PLO 851, *supra*.

[1] See F. R. Doc. 52-7477, Securities and Exchange Commission, in the notices section, *infra*.

[2] See F. R. Doc. 52-7389, Title 43, Chapter I, Appendix PLO 852, *supra*.

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

MEMORANDUM OF AGREEMENT CONCERNING SCOPE OF TERM FARM EQUIPMENT AS USED IN EXECUTIVE ORDER 10161

1. The purpose of this memorandum is to set forth the understanding of the Production and Marketing Administration, United States Department of Agriculture, and of the National Production Authority, United States Department of Commerce, as to the scope of the term "farm equipment" as used in Executive Order 10161 (15 F. R. 6105) in order that the exact areas within which each agency is responsible for the exercise of priorities and allocation functions may be clearly defined. The National Production Authority exercises jurisdiction over the production of all machinery and equipment, including the allocation of materials for such production. It also exercises jurisdiction over the distribution of machinery and equipment other than "farm equipment." Under the Executive Order the Department of Agriculture has jurisdiction over the domestic distribution of farm equipment.

2. Under section 101 of Executive Order 10161, priorities and allocation functions of the President are delegated to the Secretary of Agriculture "with respect to * * * the domestic distribution of farm equipment." Executive Order 10200 (16 F. R. 61) continued the delegation made to the Secretary of Agriculture by Executive Order 10161. Section 901 (i) of Executive Order 10161 defines farm equipment as "equipment manufactured for use on farms in connection with the production or processing of food." However, there is need for a more precise definition of the term "farm equipment" since many items of equipment are used on farms although they are manufactured for a general market and some items having primarily a farm use are used elsewhere than on farms.

3. It is recognized that only when equipment is designed primarily for use on farms can it be said to have been "manufactured for use on farms" within the meaning of the definition of "farm equipment" contained in section 901 (i). In order to obviate any confusion as to what equipment is included within the term "farm equipment," it is hereby agreed by the Production and Marketing Administration, United States Department of Agriculture, and National Production Authority, United States Department of Commerce, that such term includes only those specific items of equipment set forth in Appendix A hereto attached; and the fact that an item of equipment not listed in Appendix A is used on a farm, or that an item of equipment listed in Appendix A is used other than on a farm, is immaterial in determining whether such equipment is within the meaning of the term "farm equipment" for the purposes of Executive Order 10161.

4. The functions of the Department of Commerce, referred to above, have been delegated to the Administrator of the National Production Authority by NPA Organizational Statement No. 1 (17 F. R. 4305) which sets forth the authority, organization, and functions of the National Production Authority. The functions of the Department of Agriculture, referred to above, have been delegated to the Administrator of the Production and Marketing Administration by Defense Food Delegation No. 1 (15 F. R. 6424; 16 F. R. 2446, 3311, and 3519).

PRODUCTION AND MARKETING ADMINISTRATION, DEPARTMENT OF AGRICULTURE, HAROLD K. HILL, *Acting Administrator.*

JUNE 18, 1952.

NATIONAL PRODUCTION AUTHORITY, DEPARTMENT OF COMMERCE, HENRY H. FOWLER, *Administrator.*

JUNE 26, 1952.

APPENDIX A

EQUIPMENT INCLUDED WITHIN THE DEFINITION OF THE TERM FARM EQUIPMENT FOR PURPOSES OF SECTION 101 OF EXECUTIVE ORDER 10161

Tractors, farm:
- Tractors, farm, wheel-type, under 70 h. p.
- Garden tractors.
- Motor tillers.

Plows and listers:
- Bedders.
- Listers.
- Middlebusters and middlebreakers.
- Plows, moldboard.
- Plows, disc.
- Plows, cylinder.
- Plows, subsoil.
- Plows, ditching.
- Plows, harrow.
- Plow stocks.
- Tillers, disc.
- Tillers, basin.
- Plows, cane-row.

Harrows, rollers, pulverizers, and stalk cutters:
- Harrows, disc.
- Harrows, spike-tooth.
- Harrows, spring-tooth.
- Rollers, land, excluding lawn rollers.
- Soil pulverizers and packers.
- Combination harrows and rollers.
- Rollers, seed-bed.
- Ridge busters.
- Field markers.
- Cutters, stalk.
- Cutters, weed, rotary blade, farm-type.
- Cutters, brush, tractor-drawn.
- Shredders, stalk.
- Pulverizers, stalk.
- Stubble shavers, cane.

Planting and seeding equipment:
- Planters, corn, cotton, and peanut.
- Planters, garden or vegetable.
- Planters, potato.
- Planters, cane.
- Planters, legume and grass.
- Transplanters.
- Drills, grain.
- Drills and planters, beet and bean.
- Seeders, broadcast.
- Cutters, potato.

Fertilizing equipment:
- Fertilizer distributors.
- Lime spreaders.
- Limestone pulverizers, farm-size, under 14 inches.
- Manure spreaders.
- Manure loaders.

Cultivators and weeders:
- Cultivators, drawn, mounted, and hand-wheel-type.
- Hillers, drawn or mounted.
- Hoes, rotary.
- Weeders, drawn or mounted.
- Weeders, rod.
- Weeders, cyclone.
- Choppers, cotton.
- Thinners, beet and vegetable.
- Cultivators, flame.

Sprayers and dusters, agricultural:
- Dusters.
- Sprayers, traction and power.
- Sprayers, hand, capacity 1 quart or over.
- Spray pumps.

Harvesting equipment:
- Combines, harvester-thresher.
- Binders, grain and rice.
- Binders, corn.
- Binders, hemp.
- Cutters and pullers, bean.
- Diggers and pickers, potato.
- Diggers, peanut.
- Harvesters, cotton, spindle-type.
- Harvesters, cotton, stripper-type.
- Harvesters, castor bean, stripper-type.
- Harvesters, potato.
- Harvesters, green pea.
- Harvesters, sweet corn.
- Harvesters, spinach.
- Harvesters, soya bean, one-row.
- Harvesters, broom corn.
- Harvesters, cranberry.
- Harvesters or cutters, corn, not binding.
- Harvesters or strippers, grass seed.
- Harvesting equipment, gum naval stores.
- Pickers, corn.
- Pickers, hop.
- Pullers, flax.
- Pullers and pickers, vegetable.
- Swathers.
- Windrowers.

Haying equipment:
- Mowers, excluding lawn mowers.
- Rakes, excluding hand rakes.
- Tedders.
- Loaders, loose hay.
- Loaders, baled hay, field.
- Balers, hay and straw.
- Crushers, hay.
- Forage harvesters, field, including basic unit, and ensilage (row-crop), grass, and field hay chopper attachments.
- Stackers, including combination stacker-loaders.

Machines for preparing crops for market or for use:
- Threshers, stationary.
- Pickers and threshers, peanut.
- Cutters, ensilage, silo fillers.
- Cutters, feed, hand and power.
- Shellers, corn, hand and power.
- Huskers and shredders, corn.
- Ballers, broom corn.
- De-seeders, broom corn.
- Grinders and crushers, feed, farm-type.
- Mixers, feed, farm-type.

Cleaners and graders, grain and seed, farm-type.
Sorters, graders, washers, and sackers, fruit, vegetable and potato, farm-type.
Hullers, graders, and sackers, nut, farm-type.
Toppers, vegetable.
Bunchers and tiers, vegetable.
Driers, grain, hay, and seed, farm-size.
Treaters, seed, farm-size.
Hullers and cleaners, castor bean, field-type.
Curers, tobacco.
Evaporators, cane and maple syrup.
Mills, cane, farm-size.
Cider mills and fruit presses.
Elevators and blowers, farm:
Elevators, grain, portable and stationary.
Blowers, grain and forage.
Transportation equipment, farm (not motor):
Wagons and trucks.
Trailers.
Sleighs, horse-drawn.
Buggies and spring wagons.
Wagons and carts, cane.
Trucks, tobacco.
Gears, wagon, truck, and trailer.
Boxes and racks, wagon, truck, and trailer.
Sulkies, farm.
Water supply equipment, farm except irrigation:
Water systems, domestic.
Pumps, pitcher, hand, and windmill.
Pump jacks.
Pump cylinders.
Windmills.
Irrigation distribution equipment:
Pipe or tubing and extensions (converted for portable irrigation systems).
Sprinklers, irrigation, excluding lawn sprinklers.
Gates, flood, irrigation, manually operated, farm-size.
Fittings, quick-coupling, irrigation.
Risers, irrigation.
Syphons, irrigation.
Earth-moving equipment, farm, not self-powered:
Land levelers.
Blade ditchers and terracers.
One disc terracers.
Corrugators.
Scrapers, farm-type.
Dozers, farm-type, under 5 feet blade length.
Dairy farm machines and equipment:
Milking machines and milker units.
Separators, cream, under 1,500 pounds per hour.
Coolers, milk, farm, all types including can coolers.
Butter-making equipment, farm.
Pails, milk.
Strainers, milk.
Stirrers, milk and cream.
Cans, cream-setter.
Tanks, sterilizing.
Tanks, dairy-washing.
Water heaters, dairy, excluding boiler and pressure-type heaters.
Racks, milk-can.
Pasteurizers, milk, farm-home-size.
Barn and barnyard equipment:
Carriers, feed and litter.
Trucks, feed.
Hay-unloading equipment.
Stalls, stanchions and pens, livestock.
Cups and bowls, livestock-drinking.
Tanks and troughs, livestock.
Tanks, livestock-dipping.
Feeders, livestock.
Waterers, hog.
Oilers, hog.
Cookers, feed.
Heaters, tank, livestock.
Rings and ringers, hog.
Dehorning equipment, cattle.
Kickers, anti-cow.
Staffs, bull.
Rings, bull.
Cattle prods.
Cleaners, barn gutter, mechanical.
Tags, identification, livestock.
Chains, halter.
Curry combs.
Applicators, insecticide, livestock.
Branding equipment, livestock.
Brooders, lamb and pig.
Clippers and shearing machines, power, livestock.
Weaners, calf.
Poultry farm equipment:
Incubators, poultry.
Brooders, poultry.
Batteries, growing and laying.
Feeders, poultry.
Waterers, poultry.
Heaters, fountain.
Nests, laying.
Baskets, egg.
Boxes, grit.
Bands, leg and wing.
Graders, egg.
Candlers, egg.
Scales, egg.
Washers, egg, farm-size.
Coolers, egg.
Equalizers, draft.
Caps, chimney.
Saddles, roof, poultry-house.
Saddles, turkey.
Punches, poultry.
Cones, killing.
Catchers, fowl.
Farm machines and equipment not elsewhere classified:
Beekeepers' supplies.
Controllers and accessories, electric-fence.
Shredders, soil, farm, stationary-type.
Bug catchers, tractor-mounted.
Diggers, post-hole, tractor-mounted, farm-type.
Post drivers and pullers, power, farm-type.
Stone pickers.
Stump pullers.
Burners, weed and pear.
Heaters, orchard, including smudge pots.
Wind-frost-protection machines.
Silos.
Unloaders, silo.
Wood-sawing machines, farm, including self-powered cross-cut and drag, 5 h. p. and less, but excluding chain saws.
Shoes, horse, mule, and oxen, wrought-iron.
Detasslers, corn.
Repair parts and attachments for farm equipment:
Repair and replacement parts and attachments, designed and manufactured specifically for use on farm equipment as defined herein.

[F. R. Doc. 52-7493; Filed, July 3, 1952; 4:35 p. m.]

SUGARCANE INDUSTRY; WAGE RATES AND PRICES

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 929; 7 U. S. C., Sup. 1131), notice is hereby given that a public hearing will be held at Thibodaux, Louisiana, in the Grand Theater, on July 31, 1952, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of said act, fair and reasonable wage rates for persons employed in the harvesting of the 1952 crop of sugarcane and in the planting and cultivation of sugarcane during the calendar year 1953 and (2), pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1952 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under said act. In order to obtain the best possible information, all interested persons are requested to appear to express their views and present appropriate data in regard to the foregoing matters.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Tom O. Murphy and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 2d day of July 1952.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Branch.

[F. R. Doc. 52-7452; Filed, July 7, 1952; 9:02 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC TRANSPORT LINES, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Pacific Transport Lines, Inc., and Pacific Argentine Brazil Line, Inc., and Pope & Talbot, Inc.:

Agreement No. 7846-1, between the above named companies modifies the basic Agreement No. 7846 by including Portland, Seattle and Los Angeles Harbor as additional ports of transhipment. Agreement 7846 covers the transportation of cargo from the Far East to specified ports in Puerto Rico, with transhipment at San Francisco and Oakland.

The Booth Steamship Company, Inc., and Lamport & Holt Line, Ltd., and Moore-McCormack Lines, Inc., et al.:

Agreement No. 7525-2 between the above named companies and the other parties to Agreement No. 7525 modifies said agreement by providing that the agreement shall be known as the "East Coast South America/New York Free Time Agreement" and by removing certain provisions from the agreement which are considered to be tariff provisions. It further provides for the designation of a chairman, holding of meetings, keeping minute records and the disposition of expenses of maintaining and carrying on the agreement.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 30, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-7413; Filed, July 7, 1952; 8:55 a. m.]

National Production Authority

MEMORANDUM OF AGREEMENT CONCERNING SCOPE OF TERM FARM EQUIPMENT AS USED IN EXECUTIVE ORDER 10161

CROSS REFERENCE: For the memorandum of agreement between the Production and Marketing Administration, United States Department of Agriculture, and the National Production Authority, United States Department of Commerce, as to the scope of the term "farm equipment" as used in Executive Order 10161, see F. R. Doc. 52-7493, Department of Agriculture, Production and Marketing Administration, *supra*.

CIVIL AERONAUTICS BOARD

[Docket No. 5067 et al.]

AIR TRANSPORT ASSOCIATES, INC., ET AL., PACIFIC-NORTHWEST-ALASKA TARIFF INVESTIGATION

NOTICE OF HEARING

In the matter of certain fares, rates, charges, routings, rules, and regulations between the vicinities of Portland, Oreg., and Seattle, Wash., on the one hand, and Anchorage and Fairbanks, Alaska, on the other, of Air Transport Associates, Inc., Alaska Airlines, Inc., Northwest Airlines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., United Air Lines, Inc., Western Air Lines, Inc., General Airways, Inc., Agent R. C. Lounsbury's (C. A. B. No. 124), All American Airways, Inc., American Air Export and Import Company, Aviation Corporation of Seattle, Argonaut Airways Corporation, Air Cargo Express, Inc., Blatz Airlines, Inc., California Air Charter, Inc., Coastal Cargo Co., Inc., Meteor Air Transport, Inc., Monarch Air Service, Peninsular Air Transport, S. S. W., Inc., Unit Export Company, Inc., World Airways, Inc., Modern Air Transport, Inc., Aero Finance Corporation, Air Services, Inc., Arctic-Pacific, Inc., Arnold Air Service, Inc., Federated Airlines, Inc., Freight Air, Inc., Great Lakes Airlines, Inc., Lavery Airways, Inc., Miami Airline, Inc., New England Air Express, Inc., Overseas National Airways, Pearson Alaska, Inc., Royal Air Service, Sourdough Air Transport, Southern Air Transport, Inc., Standard Air Cargo, Trans-Alaskan Airlines, Inc., Trans-Ocean Air Lines, known as the Pacific-Northwest-Alaska Tariff Investigation.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 403, 404, 411 and 1002 thereof, the above-entitled proceeding is assigned for hearing in two sessions, the first commencing on July 21, 1952, at 10:00 a. m., P. d. s. t., in the Board Room of the Portland Chamber of Commerce, 824 Southwest Fifth Avenue, Portland, Oreg., before Examiner Paul N. Pfeiffer. The second session is assigned for hearing on August 18, 1952, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C.

Without limiting the scope of the issues presented by the various pleadings filed in this proceeding, particular attention will be directed to the following questions:

1. The lawfulness, from the standpoint of reasonableness of level, of all cargo rates filed by all U. S.-Alaska air carriers affecting transportation of property between the vicinities of Seattle, Wash., and Portland, Oreg., on the one hand, and Anchorage and Fairbanks, Alaska, on the other.

2. The lawfulness, from the standpoint of reasonableness of level of all passenger fares filed by all U. S.-Alaska air carriers affecting transportation of persons between the vicinities of Seattle, Wash., and Portland, Oreg., on the one hand, and Anchorage and Fairbanks, Alaska, on the other.

3. Does the refusal of Alaska Airlines, Inc., to establish joint fares and equitable divisions thereof with Pan American World Airways, Inc., for connecting transportation of passengers by the two airlines between Seattle, Wash., and Anchorage, Alaska, via Fairbanks, Alaska, constitute a violation of sections 404 (a) and 411 of the act?

4. Are the common rates applicable to Seattle, Wash., and Portland, Oreg., and the common rates and fares applicable to Fairbanks and Anchorage, Alaska, filed by parties to this proceeding unduly prejudicial and/or unduly preferential to any locality, passenger, or shipper within the meaning of section 404 (b) of the act?

5. Are the standard passenger fares of Pan American World Airways, Inc., Alaska Airlines, Inc., and Northwest Airlines, Inc., the southbound space available rate on cargo flights of Pan American World Airways, Inc., and Alaska Airlines, Inc., and the fares on tourist flights of Northwest Airlines, Inc., unduly discriminatory within the meaning of section 404 (b) of the act?

6. Is the freighter class fare for the carriage of passengers on freighter type aircraft from Anchorage, Alaska, to Seattle, Wash., filed by Northwest Airline, Inc., unreasonably low?

7. To the extent that any of the foregoing fares, charges, rates, routings, and regulations are found to be unlawful what are the lawful tariff provisions which should be presented?

For further details of the issues involved in this proceeding the parties and interested persons are referred to Orders Serial Nos. E-5590, E-5591, E-5752, E-5801, E-5845, E-6140, E-6152, E-6164, E-6215, E-6263, E-6458, E-6464, E-6489, and E-6548, the Prehearing Conference Report served September 26, 1951, and the Second Prehearing Conference Report served May 22, 1951, as well as other material on file in the Dockets of this proceeding at the Civil Aeronautics Board.

Notice is further given that any persons other than parties of record desiring to be heard in this proceeding shall file with the Board on or before July 21, 1952 a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 2, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7446; Filed, July 7, 1952; 9:01 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VI, Redelegation of Authority No. 35, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437) this Revision 1 of Redelegation of Authority No. 35 (17 F. R. 4661), is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority is effective as of June 25, 1952.

A. H. ANDERSON,
Acting Regional Director, Region VI.

JULY 2, 1952.

[F. R. Doc. 52-7439; Filed, July 2, 1952; 4:52 p. m.]

[Region VII, Redelegation of Authority No. 21, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 52, Revision

1 (17 F. R. 5618), this redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria, and Springfield, Illinois; Green Bay and Milwaukee, Wisconsin; and Indianapolis, Indiana, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices mentioned above to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect on July 3, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JULY 2, 1952.

[F. R. Doc. 52-7440; Filed, July 2, 1952; 4:52 p. m.]

[Region VIII, Redelegation of Authority No. 26, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 52, Revision 1, dated June 20, 1952 (17 F. R. 5618), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the District Director's Office of Price Stabilization, Region VIII, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall take effect as of June 24, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JULY 2, 1952.

[F. R. Doc. 52-7441; Filed, July 2, 1952; 4:52 p. m.]

[Region VIII, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority 69, dated June 23, 1952 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of June 28, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JULY 2, 1952.

[F. R. Doc. 52-7442; Filed, July 2, 1952; 4:53 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

REGION V AND REGION XII

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on June 26, 1952.

REGION V

Jacksonville Order G1-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:19 p. m.

Jacksonville Order G2-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:20 p. m.

Jacksonville Order G3-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:20 p. m.

Jacksonville Order G3A-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G4-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

Jacksonville Order G4A-11, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:21 p. m.

REGION XII

Fresno Order G1-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G2-10, Amendment 4, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G4-10, Amendment 3, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:18 p. m.

Fresno Order G4A-10, Amendment 4, changes certain prices for retail sales of certain food items in the Fresno Area, filed 2:19 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7443; Filed, July 2, 1952; 4:53 p. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured mutual savings bank not a member of the Federal Reserve System, be, and hereby is required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1952, on Form 64 (Savings).[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)", June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 52-7417; Filed, July 7, 1952; 8:56 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, be it resolved that each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, be, and hereby is required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1952, on Form 64—Call No. 37.[1] Said report of condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," June 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 52-7418; Filed, July 7, 1952; 8:57 a. m.]

[1] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. G-1301]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION

JULY 1, 1952.

Take notice that on June 17, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal office in Houston, Texas, filed a petition pursuant to section 16 of the Natural Gas Act, to amend an order of the Commission issued June 21, 1950, granting a certificate of public convenience and necessity to Applicant authorizing the construction and operation of a meter station near Morehead, Kentucky, and the sale of natural gas on an interruptible basis to the City of Morehead for resale therein.

Applicant proposes to render service to the city of Morehead on a firm basis and supply 500 Mcf daily in accordance with the terms of a gas sales contract to be executed.

The petition recites service is now being rendered on an interruptible basis.

Protests or petitions to intervene should be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of July 1952. The petition is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7407; Filed, July 7, 1952; 8:53 a. m.]

[Project No. 659]

CRISP COUNTY, GEORGIA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JULY 1, 1952.

Public notice is hereby given that Crisp County, Georgia, of Cordele, Georgia, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 659 located on Flint River near Warwick in Crisp, Lee, Sumter, and Worth Counties, Georgia, to show certain changes which have been made in the project works consisting principally of the operation of the reservoir at elevation 531.0, present operating level; the reconstruction and relocation of the switchyard and substation from the powerhouse to the east embankment adjacent to the powerhouse and relocation of two 46 kv. transmission lines emanating from the switchyard; and the installation of a third generating unit with a capacity of 6,800 horsepower and to provide for construction of an emergency spillway channel to be located beyond the end of the west embankment and the minimum release of zero flow instead of 800 second-feet.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 5, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7408; Filed, July 7, 1952; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL REPRESENTATIVE AND REGIONAL ENGINEER, REGION 6

DELEGATION OF AUTHORITY WITH RESPECT TO DISASTER RELIEF PROGRAM

Pursuant to authority vested in me by the provisions of Executive Order 10221 of March 2, 1951 (16 F. R. 2051), relating to the furnishing of Federal assistance to States and local governments in major disasters under Public Law 875, 81st Congress (64 Stat. 1109, 42 U. S. C. 1855), as amended by Public Law 107, 82d Congress (65 Stat. 173), the Regional Representative for Region 6, Office of Administrator, Housing and Home Finance Agency, and the Regional Engineer for said Region 6, each is hereby authorized to execute proofs of loss and certificates of satisfaction on behalf of the United States with respect to any damages caused to insured trailers or related equipment thereof owned by the United States and provided for use in connection with the disaster relief program in said Region 6: *Provided, however,* That the authority delegated herein shall not include authority to compromise any such damage claims.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283, as amended by 64 Stat. 80, 12 U. S. C. 1701c)

This delegation shall be effective as of the 8th day of July 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-7414; Filed, July 7, 1952; 8:56 a. m.]

Public Housing Administration

CENTRAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II, *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Subparagraph 14 is added to paragraph j as follows:

14. The Director of the Insurance Branch, Management and Disposition Division, is hereby authorized to execute endorsements on behalf of the PHA on insurance company checks payable to the PHA and a Local Authority as joint payees.

Date approved: June 30, 1952.

[SEAL] JOHN TAYLOR EGAN,
Commissioner.

[F. R. Doc. 52-7393; Filed, July 7, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27195]

MERCHANDISE IN MIXED CARLOADS FROM EASTERN POINTS TO FLORIDA AND GEORGIA

APPLICATION FOR RELIEF

JULY 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A–936.

Commodities involved: Merchandise in mixed carloads.

From: Philadelphia, Pa., New York, N. Y., and points taking same rates, to St. Petersburg, Fla., and from Boston, Mass., and points taking same rates, and from Baltimore, Md., to Savannah and Port Wentworth, Ga.

Grounds for relief: Circuitous routes, competition with rail carriers, competition with motor carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A–936, supl. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7403; Filed, July 7, 1952; 8:52 a. m.]

[4th Sec. Application 27196]

PIG IRON FROM EASTERN POINTS TO NEW ENGLAND TERRITORY

APPLICATION FOR RELIEF

JULY 2, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff ICC A–744.

Commodities involved: Pig iron and articles taking same rates, carloads.

From: Baltimore, Md., and Philadelphia, Pa., and stations taking same rates, Camden, N. J., Chester-Marcus

Hook, Pa., Claymont and Wilmington, Del.

To: Points in New England territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: B. & O. tariff ICC No. 23611, supl. 31; P. R. R. tariff ICC No. 3156, supl. 11; Reading Co. tariff ICC No. 2342, supl. 7; W. Md. Ry. tariff ICC No. 8637, supl. 72.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7404; Filed, July 7, 1952; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 51; No. 404]

WILLISTON, NORTH DAKOTA AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JULY 7, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (l) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Williston, North Dakota, Area. (The area consists of Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota.)

Therefore, pursuant to section 204 (l) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7526; Filed, July 7, 1952; 10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1250]

PENNSYLVANNIA EDISON CO. ET AL.

ORDER APPROVING POST-EFFECTIVE AMENDMENT

JULY 1, 1952.

In the matter of Pennsylvania Edison Company, Pennsylvania Electric Company, Associated Electric Company, File No. 70-1250.

On July 2, 1946, Associated Electric Company ("Aelec"), a registered holding company, and two of its public-utility subsidiary companies, Pennsylvania Electric Company ("Penelec") and Pennsylvania Edison Company ("Pened"), consummated a plan, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 pursuant to which, among other things, (1) Pened was merged into Penelec and Pened was dissolved, (2) the holders of Pened's $5 series and $2.80 series preferred stock received the liquidation value of their preferred stocks provided they transmitted their stock certificates to a named paying agent prior to July 2, 1952, and (3) upon such payment, the paying agent overstamped the stock certificates with a legend indicating that payment of the liquidation value had been made and that holders of the overstamped certificates were entitled to receive such additional amounts, if any, as might thereafter be finally determined, provided such overstamped certificates were transmitted to the paying agent for payment within three years after such final determination; and

It having been finally determined on September 15, 1949, that the holders of certificates of Pened's $5 series and $2.80 series preferred stock were entitled to receive certain payments in addition to the liquidation value of their preferred stocks; and

Aelec and Penelec having filed a post-effective amendment to the section 11 (e) plan wherein it is proposed that the time be extended to September 30, 1952, within which holders of the stock certificates and the overprinted stock certificates of Pened's $5 series and $2.80 series preferred stock may surrender such certificates to the paying agent and receive final payment thereon; and

The Commission having considered such post-effective amendment and deeming it appropriate in the public interest and in the interest of investors that such post-effective amendment be approved:

It is ordered, That the said post-effective amendment be, and hereby is, approved.

It is further ordered, That jurisdiction be, and hereby is, reserved to take such further action as the Commission might deem appropriate in connection with the consummation of the plan.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7397; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2807]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME TO CONSUMMATE ISSUANCE AND SALE OF NOTES

JULY 1, 1952.

Public Service Company of New Hampshire ("New Hampshire"), a public utility subsidiary of New England Public Service Company, a registered holding company, which in turn is a subsidiary company of Northern New England Company, also a registered holding company, having filed an application, pursuant to the first sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the proposed issuance and renewal, from time to time up to and including June 30, 1952, of notes having a maturity of three months or less in a maximum amount not to exceed $7,500,000 at any one time outstanding (including notes then outstanding); and

The Commission by its order dated March 20, 1952 having granted said application, subject to the terms and conditions contained in Rule U-24; and

The applicants having notified the Commission that the aforementioned transactions have been partially consummated and that the amount of its outstanding short-term notes aggregates $5,825,000, and having requested that the Commission extend the period within which the transactions may be completely consummated to August 31, 1951; and

The Commission deeming it appropriate to grant such request:

It is ordered, That the period within which the aforesaid transactions may be consummated be, and it hereby is, extended to August 31, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7396; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2853]

GLOUCESTER GAS LIGHT CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING ISSUANCE AND SALE OF CAPITAL STOCK BY SUBSIDIARY TO PARENT

JULY 1, 1952.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary company, Gloucester Gas Light Company ("Gloucester"), having filed a joint application-declaration, with an amendment thereto, pursuant to sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Gloucester proposes to issue and sell, for a total consideration of $400,000 cash, 8,000 shares of additional capital stock, $50 par value, at a price of $50 per share. NEES, the sole stockholder of Gloucester, proposes to acquire such shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with the National City Bank of New York, Gloucester on May 14, 1952 had outstanding $400,000 principal amount of unsecured promissory notes, due April 1, 1953. Gloucester, in addition, has outstanding advances payable to NEES of $55,000 representing borrowings made for construction. The proceeds from the proposed issuance and sale of capital stock will be used by Gloucester to pay its outstanding note indebtedness under its loan agreement. The application-declaration states that Gloucester will effect savings in interest charges of $14,000 per annum as a result of the proposed transactions.

The application-declaration further states that the total expenses to Gloucester and NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $1,140 and $300, respectively.

The Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock and, according to the application-declaration, no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration, as amended, be and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7398; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2854]

CENTRAL MASSACHUSETTS GAS CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING ISSUANCE AND SALE OF SHARES OF CAPITAL STOCK BY SUBSIDIARY TO PARENT

JULY 1, 1952.

New England Electric System ("NEES"), a registered holding company, and its public utility subsidiary, Central Massachusetts Gas Company ("Central Mass."), having filed a joint application-declaration, with an amendment thereto, pursuant to sections 6 (b), 9 (a) and 10 of the act and Rules U-23 and U-42 (b) (2) promulgated thereunder, with respect to the following proposed transactions:

Central Mass. proposes to issue and sell, for a total consideration of $200,000 cash, 8,000 shares of additional capital stock, $25 par value, at a price of $25 per share. NEES, the sole stockholder of Central Mass., proposes to acquire such additional shares and will use available cash for such purpose.

Pursuant to a bank loan agreement with The National City Bank of New York, Central Mass. on May 1, 1952 had outstanding $600,000 principal amount of note indebtedness, due April 1, 1953. The application-declaration states that the proceeds from the proposed issuance and sale of capital stock will be used by Central Mass. to pay $200,000 principal amount of its note indebtedness and will effect savings in interest charges of $7,000 per annum as a result of the proposed transactions.

The application-declaration further states that the total expenses to Central Mass. and to NEES in connection with the proposed transactions, including services rendered by New England Power Service Company, an affiliated service company, at the actual cost thereof, are estimated at $820 and $300, respectively.

The application-declaration further states that the Department of Public Utilities of the Commonwealth of Massachusetts has approved the proposed issuance and sale of capital stock and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective upon issuance.

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said joint application-declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7395; Filed, July 7, 1952; 8:50 a. m.]

[File No. 70-2857]

GENERAL PUBLIC UTILITIES CORP.

SUPPLEMENTAL ORDER APPROVING SUBSCRIPTION PRICE AND OTHER TERMS RELATING TO SALE OF ADDITIONAL SHARES OF COMMON STOCK

JULY 1, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 ("the act") with respect to the issuance and sale of 531,949 additional shares of common stock through subscription warrants to its common stockholders on the basis of one share for each fifteen shares held on July 1, 1952 (the record date), with respect to the sale by GPU of the fractional interest shares (estimated at 25,000 full shares) for distribution of the net proceeds, and with respect to the acquisition and sale of GPU common stock for stabilization purposes, all as more fully set forth in the order entered herein on June 27, 1952; and

The Commission in said order having granted and permitted to become effective said application-declaration as amended, except that the proposed transactions were not to be consummated until certain specified information should be supplied by further amendment and a further order issued thereon, and subject to reservation of jurisdiction also over fees and expenses incurred in consummating the proposed transactions; and

GPU having filed a further amendment to the application-declaration setting forth: (a) the subscription price, which is to be $21 per share; (b) the compensation to be paid by GPU to participating dealers for the successful solicitation of the exercise of subscription warrants, which will be 30 cents per share, with a maximum of $250 with respect to any single stockholder; (c) the compensation to be paid by GPU to participating dealers or others with respect to the shares sold to them in accordance with the terms specified in the Participating Dealer Agreement, which will be 45 cents per share; (d) the fixed amount per share which is to be added to the last quoted asked price for GPU common shares on the New York Stock Exchange in order to determine the upper limit of the range within which GPU may determine the price applicable to sales of common stock by participating dealers or others and to sales of common stock by GPU to participating dealers or others under the Participating Dealer Agreement, which will be 20 cents per share; (e) the minimum price per right to be paid by GPU in effecting purchases of rights, as provided in said application-declaration as amended, which will be 5 cents per right; and

The Commission having examined said amendment and having considered the record herein, and finding no reason for imposing terms and conditions with respect to the detailed provisions aforesaid:

It is ordered, That the application-declaration as further amended be, and the same hereby is, granted and permitted to become effective forthwith.

subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, continued with respect to: (1) the price at which GPU will sell to the successful bidder the fractional interest shares, and the reoffering price of such shares; (2) all fees and expenses incurred in connection with the proposed transactions, except those proposed to be paid to the participating security dealers and others, as hereinabove set forth.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7399; Filed, July 7, 1952; 8:51 a. m.]

[File No. 812-792]

ATLAS CORP. AND NORTHEAST AIRLINES, INC.

NOTICE OF APPLICATION

JULY 1, 1952.

Notice is hereby given that Atlas Corporation (hereinafter called "Atlas"), a registered investment company, and Northeast Airlines, Inc. (hereinafter called "Northeast"), an affiliated person of Atlas, have filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act, the proposed purchase by Northeast from Consolidated Vultee Aircraft Corporation (hereinafter called "Consolidated"), also an affiliated person of Atlas, of one Convair Model 340 aircraft at a base price of $535,000 subject to an escalator clause relating to Consolidated's cost of manufacture which clause may increase the price of such aircraft from the aforesaid base price to not more than $575,000. In addition, notice is given that the applicants seek an order under section 17 (b) to the extent applicable in connection with the proposed purchase of radio equipment to be used in the aforesaid aircraft at an estimated cost of $15,000, of which approximately $13,000 will be purchased by Northeast from outside sources and the balance from Consolidated.

Atlas is registered under the Act as a closed-end, non-diversified, management, investment company. Northeast is engaged as a scheduled air carrier of persons, property and mail. Consolidated is engaged in the design, manufacture and sale of military and commercial aircraft.

As of June 2, 1952 Atlas owned 392,663 shares or approximately 47 percent of the 834,515 shares of outstanding common stock and 42,959 shares or approximately 98 percent of the 43,822 shares of outstanding convertible preferred stock of Northeast. Each share of such common stock and preferred stock is entitled to one vote per share so that Atlas owned approximately 49 percent of the outstanding voting stock of Northeast, which by reason of the provisions of section 2 (a) (3) (B) constitutes Northeast an affiliated person of Atlas. Also by reason of such ownership and section 2 (a) (9) of the act Atlas is presumed to control Northeast.

Atlas owns 430,300 shares, or approximately 18 percent of the 2,379,298 shares of outstanding voting stock of Consolidated, as a result of which Consolidated is an affiliated person of Atlas by reason of the provisions of section 2 (a) (3) (B) of the act. Also by virtue of an order of the Commission entered May 4, 1948, Atlas is deemed to control Consolidated.

In view of such control of both Northeast and Consolidated by Atlas, section 17 (a) (1) of the act would prohibit Consolidated from selling the aircraft and radio equipment to Northeast and section 17 (a) (2) of the act would prohibit Northeast from purchasing the aircraft and radio equipment from Consolidated in the absence of an order of the Commission pursuant to section 17 (b) of the act.

The application sets forth the following, among other facts, in support of the request for an order of exemption.

On May 28, 1951, Northeast filed with the Civil Aeronautics Board (hereinafter called "CAB") an application, dated May 24, 1951, for the approval of the purchase by Northeast from Consolidated of five Convair Model 340 aircraft, together with certain parts and equipment for use in connection therewith, at a price of $535,000 per aircraft. By order of the CAB dated June 29, 1951 (Docket No. 4956), the CAB found that the proposed purchase of such aircraft by Northeast does not appear to be contrary to the public interest nor in violation of the spirit of CAB Order No. E-1437 entered April 23, 1948. The order approved the purchase and provided that the purchase of any additional parts or equipment for use in or on said aircraft, or any repairs, alterations or reworking of said aircraft, by Consolidated, shall not require prior approval by the CAB.

After the entry of the order of the CAB, dated June 29, 1951, Northeast and Atlas filed with the Commission an application dated June 19, 1951, pursuant to section 17 (b) of the Investment Company Act of 1940, for an order exempting from the provisions of section 17 (a) of said act the purchase by Northeast from Consolidated of the five Convair Model 340 Aircraft, together with certain parts and equipment for use therein and thereon, at a price of $535,000 per aircraft. Thereafter Northeast determined to purchase only four such aircraft, and by Amendment No. 1 to its said application dated July 19, 1951, the request for exemption was amended to cover the purchase of four Convair Model 340 Aircraft, together with certain parts and equipment for use therein and thereon.

By order of the Commission dated October 22, 1951, the proposed purchase by Northeast from Consolidated of the four Convair Model 340 Aircraft at a price of $535,000 per aircraft and the proposed purchase by Northeast from Consolidated of the spare parts and equipment for said aircraft, described in the application at an estimated price of $724,550, were exempted from the provisions of section 17 (a) of the Investment Company Act of 1940.

Thereafter Northeast entered into a contract with Consolidated, dated December 4, 1951, for said aircraft and related parts and equipment.

An accidental landing in New York in January 1952 resulted in the total loss of one of Northeast's present fleet of Convair Model 240 Aircraft and, subject to the approval of the CAB and the Commission, Northeast determined to purchase a fifth Convair Model 340 Aircraft in replacement thereof.

By letter dated April 9, 1952, from the CAB to Northeast CAB stated its agreement that Northeast might contract for the purchase of a fifth Convair Model 340 Aircraft as authorized by its order of June 29, 1951. It was further stated that the Board understood that the contract would now be subject to an escalator clause relating to Consolidated's cost of manufacture with the maximum cost fixed at $575,000.

The application states that the purchase of the aforesaid fifth aircraft will be effected by an amendment to the contract with Consolidated, dated December 4, 1951, relating to the first four aircraft. It is proposed that the purchase price of the fifth aircraft will be paid on an installment basis comparable to that applicable to the other aircraft. Thus, it is proposed that $30,000 will be paid at the time of the execution of the amendment to the contract; $50,000 six months prior to the date fixed for the delivery of the first of the five aircraft and the balance on delivery of the aircraft which is presently scheduled for October 1953. The total cost of the fifth aircraft will include such additions as may be made to the base price of $535,000 in accordance with the escalator provisions but will not increase the price of that aircraft over $575,000.

The application states that the price to Northeast is the same as the price at which other aircraft of the same model are presently being offered for sale to others, and that Northeast's decision to acquire aircraft from Consolidated rather than from some other manufacturer has been reached independently by Northeast management and has not been influenced in any way by reason of the fact that Atlas is the controlling stockholder of both Northeast and Consolidated.

For a more detailed statement of the proposed transactions and the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after July 23, 1952, unless prior thereto a hearing upon the application is ordered by this Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 22, 1952, at 5:30 p. m., his views or any additional facts bearing upon the

application or the desirability of a hearing thereon, or a request to the Commission that a hearing be held thereon. Any such communication or request should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7400; Filed, July 7, 1952; 8:51 a. m.]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER DISAPPROVING PROPOSED RULE AND GIVING OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of June 1952.

The National Association of Securities Dealers, Inc., a registered securities association, having submitted to its members a proposed amendment to Article III of its Rules of Fair Practice, designated section 28, providing for notice under limited conditions to a member (the "employer member") before another member (the "executing member") knowingly executes transactions for the purchase or sale of a security for the account of a partner, officer, registered representative or employee of the employer member; and

The Association having filed said proposed amendment with the Commission on June 4, 1952; and

Subsection (j) of section 15A of the Securities Exchange Act of 1934 providing that any change in or addition to the rules of a registered securities association shall be disapproved by the Commission unless such change or addition appears to the Commission to be consistent with the requirements of subsection (b) of section 15A of said act; and

The Commission being unable to find that said proposed amendment is consistent with the requirements of subsection (b) of section 15A of the said act; and

The Commission having this day invited public comment on a proposed Rule X-10B-6 of its own on the same subject matter, which proposed rule is quoted in the release to which this order is appended,[1] and the Commission finding that notice and public procedure under section 4 (a) of the Administrative Procedure Act are impracticable and unnecessary prior to entering the present order (1) because of the opportunity for hearing which is here being afforded on the question whether the present order should be modified or vacated and (2) because the Commission deems it in the public interest to consider any comments which may be received on its own proposed rule before taking final action under subsection (j) of section 15A:

It is ordered, That said proposed amendment to Article III of the Rules of Fair Practice filed by the National Association of Securities Dealers, Inc., be, and the same hereby is, disapproved pending further order by the Commission; and

It is further ordered, That the National Association of Securities Dealers, Inc. or any interested person may file a written request with the Secretary of the Commission on or before July 25, 1952, for a hearing to determine whether the Commission's order disapproving the said proposed amendment to Article III of the Rules of Fair Practice of the National Association of Securities Dealers, Inc., should be modified or vacated; that a copy of this order and notice be served upon the National Association of Securities Dealers, Inc., forthwith; and that general notice of this order and of the opportunity for hearing be given.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7477; Filed, July 7, 1952; 8:48 a. m.]

[1] See F. R. Doc. 52-7394, Securities and Exchange Commission, in the Proposed Rule Making section, *supra*.

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18926]

AUGUST AHLSWEDE

In re: Estate of August Ahlswede, deceased. D 28-9428; E. T. Sec. 12607.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Anna Emma Queckenstedt, nee Brandmueller; Hermine Johnne Spormann, nee Brandmueller; Minna Emma Anna Becker, nee Kohlenberg, also known as Emma Becker; Guenther Kohlenberg; Hermann Kohlenberg; Herbert Kohlenberg; Karl August Hermann Kohlenberg; Heinrich August Hermann Kohlenberg; Rudolf Gustav Wilhelm Kohlenberg, also known as Gustav Kohlenberg; Karl Rudolf Heinrich Herman Ahlswede, also known as Rudolf Ahlswede; Karl Ahleswede; Martha Rebecka Margareta, also known as Martha Meyer Luehrs and as Martha Meyer; Heinrich Christian Meyer; and Carl August Meyer; whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of August Ahleswede, deceased, which is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7420; Filed, July 7, 1952; 8:58 a. m.]

[Vesting Order 18927]

HUGO FRIEDERICHS

In re: Rights of Hugo Friederichs under Insurance Contract. File No. F-28-31883-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Friederichs, whose last known address is 39 Graffring, Bochum, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 9011,768 issued by The Equitable Life Assurance

Society of the United States, New York, New York, to Joachim Friederichs, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Friederichs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7421; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18928]

AUGUST JUCHEM

In re: Estate of August Juchem, deceased. File No. D-28-13108; E. T. sec. 17226.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frieda Schmidt and Paula Freymann, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of August Juchem, deceased, presently being administered by Hyman Wank, as administrator, acting under the judicial supervision of the Surrogate's Court, Kings County, New York, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the persons named in subparagraph 1 hereof, nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as are persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7422; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18929]

MEINHARD JUERGEWITZ

In re: Estate of Meinhard Juergewitz, deceased. File No. D-28-13102.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Karl Juergewitz, Anna Ihmels, Franz Juergewitz, Friedrich Juergewitz, Ingeborg Thide, Hermann Juergewitz, Heinrich Juergewitz, Georg Juergewitz, Meinhard Juergewitz, and Paula Willms, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the Estate of Meinhard Juergewitz, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by The German Society of the City of New York, as Ancillary Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7423; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18930]

HANS KLEIN ET AL.

In re: Rights of Hans Klein and others under insurance contract. File No. F-28-31782-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hans Klein, Emilie Klein and Adam Klein, whose last known address is 3 West Str., Bonn, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees and distributees, names unknown, of Hans Klein, including but not by way of limitation Emilie Klein and Adam Klein, who there is reasonable cause to believe, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4 587 331 C issued by the Metropolitan Life Insurance Company, New York, New York, to Hans Klein, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons named in subparagraph 1 hereof and referred to in subparagraph 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7424; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18931]

FRED KOERBIT

In re: Estate of Fred Koerbit, also known as Fritz Koerbitz, deceased. File No. D-28-13008 G-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Henny Kuhn, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof, in and to the Estate of Fred Koerbit, also known as Fritz Koerbitz, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Henny Kuhn, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Ed Nattrass, as administrator, acting under the judicial supervision of the Superior Court of the State of Washington for Snohomish County;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7425; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18932]

FERDINAND HEINRICH KARL LUDEWIG

In re: Estate of Ferdinand Heinrich Karl Ludewig, also known as Karl Ludewig, deceased. File D-28-13104.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Elli Born, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and prior to January 1, 1947, was a national of a designated enemy country (Germany).

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Ferdinand Heinrich Karl Ludewig, also known as Karl Ludewig, deceased, which is in the process of administration by the Public Administrator of New York County, as Administrator, acting under the judicial supervision of the Surrogate's Court of New York County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7426; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18933]

MARTIN E. MALCHOW

In re: Estate of Martin E. Malchow, deceased. File No. D-28-13107; E. T. Sec. 17225.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Willie Malchow, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown, of Louis Karl Paul Malchow, deceased, and of John Ernst Malchow, deceased, who there is reasonable cause to believe are and on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Martin E. Malchow, deceased, presently being administered by Hyman Wank, as administrator, acting under the judicial super-

eference Room

vision of the Surrogate's Court, Kings County, New York, is property which is, and prior to January 1, 1947, was payable or deliverable to, or claimed by, the persons identified in subparagraphs 1 and 2 hereof, nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7427; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 18934]

CARL STROBACH

In re: Estate of Carl or Carl H. Strobach, deceased. File No. D-28-12652.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Marie Roettig Strobach, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1946, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Carl or Carl H. Strobach, deceased, which is in the process of administration by the Public Administrator of Kings County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Kings County, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7428; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 7831, Amdt.]

AUGUST AHLSWEDE

In re: Estate of August Ahlswede, deceased. D 28-9428; E. T. sec. 12607.

Vesting Order 7831 dated October 14, 1946, is hereby amended as follows and not otherwise:

1. By inserting, immediately preceding the name, Anna Voigt appearing in two places in said Vesting Order No. 7831, the words "Johanne Hermine Anna Voigt, nee Ahlswede, also known as".

2. By inserting, immediately preceding the name, Herman Ahlswede, appearing in two places in said Vesting Order No. 7831, the words "Heinrich Carl Hermann Ahlswede, also known as Hermann Ahlswede, also known as."

3. By inserting, immediately preceding the name, Heinrich Jacke, appearing in two places in said Vesting Order No. 7831, the words "August Wilhelm Heinrich Jacke, also known as".

All other provisions of said Vesting Order No. 7831 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7429; Filed, July 7, 1952; 8:59 a. m.]

[Vesting Order 14875, Amdt.]

MORRIS BITZ

In re: Estate of Morris Bitz, also known as Morris F. Bitz, and as Morris Ferdenand Bitz, deceased. Files: D-28-12812; E. T. sec. 16982.

Vesting Order 14875, dated July 14, 1950, is hereby amended as follows and not otherwise:

By deleting from subparagraph 2 of said Vesting Order 14875 the phrase "in and to the estate of Morris Bitz, also known as Morris F. Bitz and as Morris Ferdenand Bitz, deceased," and substituting therefor the phrase "in and to the estate of Moritz Bitz, also known as Moritz F. Bitz and as Moritz Ferdenand Bitz, deceased,"

All other provisions of said Vesting Order 14875 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7430; Filed, July 7, 1952; 8:59 a. m.]

Reference Room

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 17 NUMBER 133

Washington, Wednesday, July 9, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10370

DELEGATING CERTAIN AUTHORITY OF THE PRESIDENT TO THE SMALL DEFENSE PLANTS ADMINISTRATOR

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 *et seq.*), hereinafter referred to as the Act, and as President of the United States, it is ordered as follows:

SECTION 1. The authority vested in the President by section 708 of the Act relating to voluntary agreements and programs to further the objectives of the Act is hereby delegated to the Small Defense Plants Administrator to the extent that it may be exercised with respect to the approval of small-business production pools, including the conduct of consultation and encouragement, and the making of requests and findings, necessary in connection with such pools: *Provided*, that such delegation shall not be construed as limiting any other delegation of such authority heretofore made.

SEC. 2. The delegation of authority made by section 1 of this order shall be subject to the following conditions:

(a) The Small Defense Plants Administrator shall consult with the Attorney General and the Chairman of the Federal Trade Commission not less than ten days before making any request or finding under section 708 (b) of the Act.

(b) The Small Defense Plants Administrator shall obtain the approval of the Attorney General of any request under the said section 708 (b) before making the request.

SEC. 3. Subject to the limitations and conditions contained in the said section 708 of the Act, the Small Defense Plants Administrator may redelegate the authority delegated to him by section 1 of this order, and may authorize successive redelegations thereof, to any officer or agency of the Government.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 7, 1952.

[F. R. Doc. 52-7577; Filed, July 8, 1952; 9:59 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

TREASURY DEPARTMENT

NOTE: In Federal Register Document 52-7262, appearing on page 5933 of the issue for Wednesday, July 2, 1952, the date "June 30, 1952," in § 6.103 (i) (1) has been corrected to read "June 30, 1953".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5871]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CLINTON STUDIOS, INC., ET AL.

Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale and distribution of photographs or other similar merchandise in commerce, (1) representing, directly or by implication, that photographs which are not locally displayed are being taken for the purpose of exhibition or display in local studios; (2) representing, directly or by implication, that respondents will make refund of purchase price to dissatisfied customers upon request, when in fact respondents do not in all instances make refund upon demand; or, (3) representing, directly or by implication, that respondents will furnish oil paintings of the subjects photographed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clinton Studios, Inc., et al., Newark, N. J., Docket 5871, April 3, 1952]

In the Matter of Clinton Studios, Inc., a Corporation, and Edward J. Davis, and Ethel Davis, Individually and as Officers of Clinton Studios, Inc.

The proceeding was heard by Earl J. Kolb, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation as to the facts,

(Continued on p. 6143)

CONTENTS

THE PRESIDENT

Executive Orders Page
Delegating certain authority of the President to the Small Defense Plants Administrator 6141

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Aachen and Munich Fire Insurance Co. 6173
Benz, Albert, et al. 6178
Hahn, Carl, et al. 6174
N. V. International Perfumery Co. 6176
N. V. Schenker & Co. Internationale Expeditie 6177
Spitzmuller, William 6177
Stinnes, Hugo, Jr., et al. 6178
Thedieck, Mrs. Theodore, et al. 6178
Verlag, Julius Hoffman, et al. 6174

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; Treasury Department 6141

Commerce Department
See National Production Authority.

Defense Materials Procurement Agency
Notices:
General Services Administrator; delegation of authority to purchase manganese ores and concentrates of domestic origin 6169

Defense Mobilization, Office of
Notices:
Fremont-Wahoo, Nebraska, critical defense housing area; approval of extent of relaxation of credit controls 6166

Defense Production Administration
Notices:
Avon Store Fixture Co.; additional company accepting request to participate in operations of Woodworking Defense Production Pool 6169

FEDERAL REGISTER

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Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency — Page
See Price Stabilization, Office of.

Federal Communications Commission
Notices:
Hearings, etc.:
Farmers Broadcasting Service, Inc. (WELS) 6169
Helm Coal Co. (WNOW) 6170
KWEM, Inc. (KWEM) 6170
Proposed rule making:
Television broadcast services 6166
Rules and regulations:
Amateur radio service: Radio Amateur Civil Emergency Service 6156
Frequency allocations and radio treaty matters 6156
Industrial, scientific, and medical services; existing equipment 6163
Practice and procedure; multiple applications; broadcast service 6155
Radio broadcast services; noncommercial educational television broadcast stations 6156

Federal Power Commission
Notices:
Hearings, etc.:
Consolidated Water Power Co 6171
Northwest Natural Gas Co. et al 6171
Southern Utah Power Co 6171

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
American Business Counselors, Inc., and William Donald Dunkle 6144
Clinton Studios, Inc., et al 6141
Globe Machine Co. et al 6144

General Services Administration
Delegation of authority to Administrator to purchase manganese ores and concentrates of domestic origin (*see* Defense Materials Procurement Agency).
Rules and regulations:
Manganese regulations; domestic manganese purchase program 6154

Interior Department
See Petroleum Administration for Defense.

Internal Revenue Bureau
Rules and regulations:
Industrial alcohol; completely denatured alcohol formulae 6145

Interstate Commerce Commission
Notices:
Kansas Oil Field and Heavy Machinery Haulers; application for approval of agreement 6171
Rules and regulations:
Brokers of property; practices of property brokers 6164
Car service; minimum loading of carload transfer freight required 6164

Justice Department
See Alien Property, Office of.

Labor Department — Page
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Aluminum foil, converted; revocation (M–67) 6153
Power equipment and electric equipment: Production and delivery; factors in rescheduling (M–44) 6152
Steel distributors; earmarked stocks—aircraft quality alloy steel production; additional restrictions on sale and delivery (M–6A, Sched. 1, Dir. 1) 6153

Petroleum Administration for Defense
Notices:
Plan of Action No. 1 dated July 26, 1951, issued under voluntary agreement relating to supply of petroleum to friendly foreign nations; notice of termination 6166

Price Stabilization, Office of
Notices:
Redelegation of authority, Directors of District Offices:
Region I, Boston, Mass.; act under CPR 31 6167
Region II, New York, N. Y.:
Act under CPR 7 6167
Act under CPR 117 6167
Act under CPR 135 6167
Region VIII, Minneapolis, Minn.; act under CPR 23 6168
Region X, Dallas, Tex.; act under CPR 117 6167
Region XI, Denver, Colo.; act under CPR 7 6167
Region XII, San Francisco, Calif:
Act under CPR 31 6168
Act under CPR 117 6168
Region XIII, Seattle, Wash.:
Act under CPR 7 (2 documents) 6168, 6169
Act under CPR 117 6168
Rules and regulations:
Adjusted ceiling prices for manufacturers of certain glass containers; clarification of provisions relating to catsup and chili sauce bottling season (GCPR, SR 99) 6145
Ceiling prices:
Beef sold at wholesale (CPR 24):
Combination distributor and hotel supply house 6148
Wholesaler and intermediate distributor 6148
Lamb, yearling and mutton products sold at wholesale (CPR 92):
Combination distributor and hotel supply house 6150
Wholesaler 6150
Pork sold at wholesale (CPR 74):
Combination distributor and hotel supply house 6149
Wholesaler 6150

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Ceiling prices—Continued
Veal sold at wholesale (CPR 101):
Combination distributor and hotel supply house 6150
Wholesaler 6151
Exemption of certain sales by Federal agencies and instrumentalities (GOR 11) 6151
Exemptions relating to specified nonprofit organizations; sales by Volunteers of America (GOR 6) 6146
General ceiling price regulation; deletion of potatoes from agricultural commodities listed in section 11 (a) 6151
Iron and steel scrap; nickel alloy premiums (CPR 5) 6146
Manufacturers' general ceiling price regulation:
Deletion of potatoes from agricultural commodities listed in Appendix C of CPR 22 6147
Modifications and alternative provisions for manufacturers of chemicals; carbon tetrachloride, technical grade (CPR 22) 6147
Scrap rubber; exemption of sale of scrap tires and tubes by agencies of the U. S. Government to scrap rubber wholesale dealers (CPR 59) 6149

Production and Marketing Administration
Proposed rule making:
Joe Allison Stock Yards, Inc., respondent; notice of petition for modification of rate order 6165

Securities and Exchange Commission
Notices:
Hearings, etc.:
Asbestos Mfg. Co 6172
Consumers Co 6172
General Public Utilities Corp. 6172
National Investors Corp 6172

Small Defense Plants Administration
Delegating certain authority of the President to the Administrator (*see* Executive order).

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; miscellaneous amendments 6155

Wage and Hour Division
Notices:
Puerto Rico; Special Industry Committee No. 12; acceptance of resignations and appointment of new members 6169
Proposed rule making:
Minimum wage rates in the Rubber, Straw, Hair and Related Products Industry in Puerto Rico 6164

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10370	6141
Title 5	
Chapter I:	
Part 6	6141
Title 16	
Chapter I:	
Part 3 (3 documents)	6141, 6144
Title 26	
Chapter I:	
Part 182	6145
Title 29	
Chapter V:	
Part 708 (proposed)	6164
Title 32A	
Chapter III (OPS):	
CPR 5	6146
CPR 22	6147
CPR 22, SR 7	6147
CPR 24 (2 documents)	6148
CPR 59	6149
CPR 74 (2 documents)	6149, 6150
CPR 92 (2 documents)	6150
CPR 101 (2 documents)	6150, 6151
GCPR	6151
GCPR, SR 99	6145
GOR 6	6146
GOR 11	6151
Chapter VI (NPA):	
M–6A, Sched. 1, Dir. 1	6153
M–44, Dir. 1	6152
M–67	6153
Chapter XIV (GSA)	6154
Title 38	
Chapter I:	
Part 4	6155
Title 47	
Chapter I:	
Part 1	6155
Part 2	6156
Part 3	6156
Proposed rules	6166
Part 9	6156
Part 12	6156
Part 18	6163
Title 49	
Chapter I:	
Part 95	6164
Part 167	6164

whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondents might be taken as the facts in the proceeding and in lieu of evidence in support of, and in opposition to, the charges stated in the complaint, and that such statement of facts might serve as a basis for findings as to the facts and conclusion based thereon and order disposing of the proceeding, without presentation of proposed findings, conclusions, or oral argument.

Thereafter the proceeding regularly came on for final consideration by said hearing examiner, theretofore duly designated by the Commission, upon the complaint and stipulation as to the facts, which also provided that up on appeal to, or review by, the Commission, it might be set aside by it and the matter remanded for further proceedings under the complaint, and which had been approved by said hearing examiner, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,' conclusion drawn therefrom ' and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 3, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent Clinton Studios, Inc., a corporation, and its officers, and the respondents Edward J. Davis and Ethel Davis, individually and as officers of said respondent corporation and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of photographs or other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that photographs which are not locally displayed are being taken for the purpose of exhibition or display in local studios;

2. Representing, directly or by implication, that respondents will make refund of purchase price to dissatisfied customers upon request, when in fact respondents do not in all instances make refund upon demand;

3. Representing, directly or by implication, that respondents will furnish oil paintings of the subjects photographed.

By "Decision of the Commission and order to file report of compliance," Docket 5871, April 3, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 3, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary*.

[F. R. Doc. 52-7463; Filed, July 8, 1952; 8:48 a. m.]

[1] Filed as part of the original document.

[Docket 5885]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GLOBE MACHINE CO.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Producer status of dealer or seller—Manufacturer.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.1325 *Source or origin—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosures:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, withput clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; or, (2) representing, through the use in advertising of the word "manufacturer" or "manfacturers," or any other word or term of similar import or meaning, or in any other manner, that said respondents are the manufacturers of the sewing machine heads or sewing machines sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a manufacturing plant wherein said products are manufactured by them; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 45. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Leon Ettingoff et al., d. b. a. Globe Machine Co., Philadelphia, Pa., Docket 5885, April 4, 1952].

In the Matter of Leon Ettingoff, Edward Ettingoff, and Abraham Ettingoff, Co-partners Doing Business as Globe Machine Company

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' answer, and a substitute answer filed pursuant to motion so to do, in which respondents admitted all of the material allegations of fact set forth in the complaint, but in which they reserved the right and privilege to submit proposed findings, conclusions and order as provided by Rule XXI of the Commission's rules of practice, and also made certain other reservations.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and substitute answer, no proposed findings and conclusions having been submitted on behalf of any party to the proceeding, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said decision from becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 4, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Leon Ettingoff, Edward Ettingoff and Abraham Ettingoff, individually and as co-partners doing business as Globe Machine Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Representing, through the use in advertising of the word "manufacturer" or "manufacturers," or any other word or term of similar import or meaning, or in any other manner, that said respondents are the manufacturers of the sewing machine heads or sewing machines sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a manufacturing plant wherein said products are manufactured by them.

By "Decision of the Commission and order to file report of compliance," Docket 5885, April 4, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 4, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7491; Filed, July 8, 1952; 8:55 a. m.]

[Docket 5910]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN BUSINESS COUNSELORS, INC., AND WILLIAM DONALD DUNKLE

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Organization and operation: Size and extent.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 3.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1927 *Competitive contests and awards.* In connection with the offering for sale, sale and distribution in commerce, of respondents' merchandising plans or programs and of advertising and promotional material in connection therewith, (1) representing, directly or by implication, that an office is maintained by respondents in any city other than that in which an office or place of business is in fact maintained, occupied and used by respondents; or, (2) representing or supplying to others the means of representing, directly or by implication, that competitive contests are conducted by or at the instance of respondents to determine the relative quality or merit of products of different bakeries, or that any particular product has been awarded or other distinction in a competitive contest conducted by or at the instance of respondents; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, American Business Counselors, Inc., et al., Los Angeles, Calif., Docket 5910, March 20, 1952]

In the Matter of American Business Counselors, Inc., a Corporation, and William Donald Dunkle, Individually, and as President of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence (which were duly recorded and filed in the office of the Commission) were introduced before said examiner in support of and in opposition to the allegations of the complaint.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence, and oral argument of counsel (the filing of proposed findings and conclusions having been waived), and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on March 20, 1952.

The said order to cease and desist is as follows:

[1] Filed as part of the original document.

It is ordered, That the respondents, American Business Counselors, Inc., a corporation, and its officers, and William Donald Dunkle, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' merchandising plans or programs and of advertising and promotional material in connection therewith, do forthwith cease and desist from:

(1) Representing, directly or by implication, that an office is maintained by respondents in any city other than that in which an office or place of business is in fact maintained, occupied and used by respondents.

(2) Representing or supplying to others the means of representing, directly or by implication, that competitive contests are conducted by or at the instance of respondents to determine the relative quality or merit of products of different bakeries, or that any particular product has been awarded a prize or other distinction in a competitive contest conducted by or at the instance of respondents.

By "Decision of the Commission and order to file report of compliance", Docket 5910, May 9, 1952, which announced fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7464; Filed, July 8, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 3; T. D. 5917]

PART 182—INDUSTRIAL ALCOHOL

COMPLETELY DENATURED ALCOHOL FORMULAE

1. The appendix to Regulations 3, "Industrial Alcohol" (26 CFR Part 182; 7 F. R. 1858), as amended, is hereby amended as follows:

a. Completely Denatured Alcohol Formulae Nos. 12, 13, 14 and 15 are hereby revoked: *Provided*, That proprietors of denaturing plants who, on the effective date of this Treasury decision, have on hand supplies of denaturants CS-501 or Dehydrol-O approved by authorized chemists for use in Formulae Nos. 12, 14 or 15 may, on written application to the Commissioner, in triplicate, be authorized by him to continue the preparation of Completely Denatured Alcohol Formulae Nos. 12, 14 or 15 until such supplies of denaturants CS-501 or Dehydrol-O are exhausted.

b. The following formulae are authorized for the manufacture of completely denatured alcohol.

FORMULA NO. 16

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
4.0 gallons of ST-115 or a compound similar thereto,
.25 gallon of Pyronate or a compound similar thereto,
.25 gallon of acetadol (hydroxy-butyraldehyde)
1.0 gallon of kerosene.

FORMULA NO. 17

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
3.5 gallons of ST-115 or a compound similar thereto,
1.5 gallons of methyl isobutyl ketone,
1.0 gallon of kerosene.

FORMULA NO. 18

To every 100 gallons of ethyl alcohol of not less than 160° proof add:
2.50 gallons of methyl isobutyl ketone.
.25 gallon of Pyronate or a compound similar thereto,
.50 gallon of acetaldol (hydroxy-butyraldehyde)
1.50 gallons of kerosene.

c. The specifications for denaturant Dehydrol-O, listed immediately following the specifications for acetaldol in "The Specifications for Denaturants in Completely Denatured Alcohol," are revoked.

d. The following specifications for Pyronate are inserted in "The Specifications for Denaturants in Completely Denatured Alcohol," immediately following the specifications for methyl isobutyl ketone:

PYRONATE

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:

Color. The color shall not be darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparison shall be made in 4 oz. oil sample bottles, viewed crosswise.

Acidity. Not over 0.1% as acetic acid, determined as follows: Add 5.0 ml sample to 100 ml distilled water in an Erlenmeyer flask and titrate with N/10 NaOH to a bromothymol blue end-point.

Boiling range. One hundred ml shall be distilled according to the A. S. T. M. method for lacquer solvents (D268-49). Not over 5 ml shall boil below 70° C., not less than 50 ml below 160° C., and not less than 90 ml below 205° C.

NOTE: Any material submitted as Pyronate must agree in color, odor, taste and denaturing value with a standard sample as furnished by the Alcohol and Tobacco Tax Division, Bureau of Internal Revenue, to chemists authorized to examine samples of denaturants.

e. The list, "Denaturants Authorized for Completely and Specially Denatured Alcohol," is amended (1) by deleting therefrom the following:

Acetaldol ------- C. D. 12; 13.
Dehydrol-O ----- C. D. 12; 14.
Kerosene ------- C. D. 12; 13; 14.
Methyl isobutyl ketone. C. D. 12; 13; 14; S. D. 23-G; 23-H.
ST-115 --------- C. D. 12; 13.

and (2) by inserting therein the following:

Acetaldol ------- C. D. 16; 18.
Kerosene ------- C. D. 16; 17; 18.
Methyl isobutyl ketone. C. D. 17; 18; S. D. 23-G; S. D. 23-H.
Pyronate ------- C. D. 16; 18.
ST-115 --------- C. D. 16; 17.

2. The purposes of these amendments are (a) to revoke Formulae Nos. 12, 13, 14 and 15 authorized for the manufacture of completely denatured alcohol; (b) to authorize three new formulae, Nos. 16, 17 and 18, for the preparation of completely denatured alcohol; (c) to revoke specifications for denaturant Dehydrol-O; (d) to prescribed specifications for the denaturant Pyronate; and (e) to revise the list of authorized denaturants, and the formulae in which they may be used, to conform with the changes made in authorized formulae.

3. Due to discontinuance of the manufacture of denaturants Dehydrol-O and CS-501, required by current regulations for use in the manufacture of completely denatured alcohol, it has been found necessary to revoke existing formulae and to prescribe new formulae requiring different denaturants. Since this is the season when manufacturers produce antifreeze preparations, it is vital that these regulations be made effective immediately. It is, therefore, found contrary to the public interest to comply with the notice, public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.).

4. This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

(53 Stat. 375, 467; 26 U. S. C. 3176, 3791)

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

Approved: July 2, 1952.

THOMAS J. LYNCH, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-7492; Filed, July 8, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 2 to Supplementary Regulation 99]

GCPR, SR 99—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF CERTAIN GLASS CONTAINERS

AMDT. 2—CLARIFICATION OF PROVISIONS RELATING TO CATSUP AND CHILI SAUCE BOTTLING SEASON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 99 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued to clarify and correct a number of typographical

errors in Amendment 1. In addition, the definition of bottling season is changed to conform with trade practice and now includes the period from April 1 through December 31.

In view of the corrective and clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 4a of Supplementary Regulation 99 to the General Ceiling Price Regulation is amended to read as follows:

SEC. 4a. *Catsup and chili sauce bottles for bottling season.* If you manufacture glass containers for use in bottling catsup or chili sauce, your ceiling prices for such containers, delivered by you during the 1952 or subsequent bottling season, are your ceiling prices as adjusted under section 3 of this regulation plus 15 cents per gross (i. e., 104 percent of your GCPR ceiling price, plus 15 cents per gross). "Bottling season" means the period from April 1 through December 31, 1952, and April 1 through December 31 of each subsequent year. This section 4a applies only to your sales of such glass containers delivered during the bottling season. Your ceiling prices for similar glass containers delivered at any other time are those computed under section 3 of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7501; Filed, July 3, 1952; 4:57 p. m.]

[General Overriding Regulation 6, Amdt. 5]

GOR 6—EXEMPTIONS RELATING TO SPECIFIED NONPROFIT ORGANIZATONS

SALES BY VOLUNTEERS OF AMERICA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 6 is hereby issued.

STATEMENTS OF CONSIDERATIONS

This amendment to General Overriding Regulation 6 adds certain sales to those exempted by the regulation from any price regulations issued by the Office of Price Stabilization.

The sales here exempted are sales at retail of used and waste goods by the Volunteers of America, a group of nonprofit organizations which are affiliated with the National Society of the Volunteers of America and which operate throughout the United States for the purpose of providing rehabilitation, training and sheltered employment for handicapped persons.

These organizations receive donations from the public of various types of merchandise, such as apparel, furniture and household appliances, which are sold either in the condition received or as reconditioned by the beneficiaries of the program.

Generally, the considerations stated in support of General Overriding Regulation 6 are likewise applicable to the sales here referred to. In the judgment of the Director of Price Stabilization the exemption provided for by this amendment will not impair the carrying out of the requirements of the Defense Production Act of 1950, as amended, and it is accordingly not necessary for ceilings to be applied to these sales.

To the extent practicable under the circumstances, the Director has consulted with persons involved prior to the issuance of this amendment and has given consideration to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 6 is amended by adding a new section, numbered 8, to read as follows:

SEC. 8. *Sales by Volunteers of America.* No price regulation issued by the Office of Price Stabilization applies to sales at retail by organizations known as the Volunteers of America which are affiliated with the National Society of the Volunteers of America of used and waste goods donated by members of the public to those organizations and sold in the condition received or as reconditioned by the organizations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 6 shall become effective July 3, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 3, 1952.

[F. R. Doc. 52-7502; Filed, July 3, 1952; 4:57 p. m.]

[Ceiling Price Regulation 5, Amdt. 8]

CPR 5—IRON AND STEEL SCRAP

NICKEL ALLOY PREMIUMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 5, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes premiums for nickel bearing iron or steel scrap containing between 0.50 and 1 percent and between 5.25 and 7 percent nickel. Prior to the conservation orders of the National Production Authority and the development of boron bearing steels, the 1 percent minimum presently provided for in CPR 5 was consistent with the industry's metallurgical practices and enabled the steel mills to recover most of the scrap generated from the alloy steels which they produced. However, since this minimum of 1 percent now exceeds the nickel content of most of the alloy steels made under NPA conservation orders, which sharply reduced the amounts of nickel which could be used in steels produced for civilian uses, the scrap producer is not compensated for any segregation of scrap generated from such steel. As a result much of this scrap is mixed with and sold as carbon steel scrap thereby resulting in the irreparable loss of the vitally needed nickel. Indeed, such nickel may even introduce a detrimental element into the carbon steel melt in many cases. To alleviate this situation the NPA is requiring all scrap generators to segregate their nickel bearing scrap. By lowering the minimum to a currently more realistic figure of 0.5 percent, the generator will be at least partially compensated for the extra effort involved in such segregation and it is anticipated that most of such nickel bearing scrap, the bulk of which contains nickel in these lower amounts, will be returned to the alloy steel mills to augment the critically low supply of prime nickel.

Since this amendment merely reduces the minimum to which the nickel premium is applicable, it does not raise the previous premiums charged for scrap containing 1 percent or more nickel. The method of computation has been revised to allow payment to be made on the basis of the mill's analysis down to the nearest one-hundredth of one percent to more nearly accord with customary trade practice.

Previously, no provision was made for scrap containing over 5.25 percent nickel in CPR 5. Thus scrap containing, for example, 6 percent nickel and little or no chrome was not provided for in either CPR 29 (Nickel and Stainless Steel Scrap) or CPR 5. This gap caused some confusion and this amendment corrects the situation by raising the upper limit to 6.99 percent.

Since it is the intent of this amendment to encourage the conservation of nickel scrap and to compensate the generator for the added segregation required of him by the NPA, certain restrictions on the charging of the new premium have been provided. The premiums for nickel content varying from 0.5 to 1 percent may be charged only when such scrap is shipped directly from the industrial generator to a consumer who has received authorization from the OPS to pay such premiums.

The first of the two limitations, which require that scrap must be shipped directly from the industrial producer to qualify for the premium, is similar to the present restriction on alloy free turnings. As in the latter case, the average scrap dealer is not in a position to determine accurately the presence of such small amounts of nickel and only the manufacturer generating scrap from the new low nickel alloy steel is enabled by physical segregation at the production line to determine accurately the nature of his product.

The second restriction, which requires a consumer to get authorization from the OPS to pay the premiums on the lower alloy scrap, is necessary in order to achieve the objective sought by this amendment. While it is unlikely that consuming mills which do not require the alloying elements will be prompted to pay the higher premiums for contained nickel of over 1 percent, it is likely that such consumers, in order to insure a supply of scrap to their furnaces, would be willing to pay the lower premiums and thereby divert such scrap from those consumers who are in vital need of it, thereby defeating the purpose of this amendment. Accordingly, only those consumers who require it in their melt may apply for authorization to pay the premiums for such scrap containing between 0.5 and 1 percent nickel. The tonnages to be authorized in each case will be based upon the requirements data submitted by the NPA.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Section 17 (a) is amended to read as follows:

(a) *Nickel.* (1) A premium of 5 cents per gross ton for each .01% of nickel content may be charged and paid in addition to the ceiling price for the applicable grade of scrap, except as limited in subparagraph (2) of this paragraph, where the scrap contains not less than 0.5 percent and not over 6.99 percent nickel.

(2) The premium established by this paragraph for nickel content from 0.5 percent to 0.99 percent may be paid only where both of the following conditions are met:

(i) The material is shipped to a consumer directly from an industrial producer of such nickel alloy steel scrap; and

(ii) The material is purchased for use by a consumer who has received authorization from the Office of Price Stabilization, Washington 25, D. C., to pay the nickel premium. Such authorization will be granted only where it is shown that the metallurgical nature of the consumer's product requires such nickel alloy scrap. Any authorization pursuant to this subdivision will be granted upon the basis of information furnished by the National Production Authority on the metallurgical and tonnage requirements of the applicant.

Effective date. This amendment to Ceiling Price Regulation 5 shall become effective July 12, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7586; Filed, July 8, 1952; 11:52 a. m.]

[Ceiling Price Regulation 22, Amdt. 50]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

DELETION OF POTATOES FROM AGRICULTURAL COMMODITIES LISTED IN APPENDIX C OF CEILING PRICE REGULATION 22

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 50 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The Director of Price Stabilization, after consultation with the Secretary of Agriculture, has determined that, with respect to potatoes, the minimum requirements of the Defense Production Act of 1950, as amended, have been satisfied. The need, therefore, for the "raw material cost adjustment" provisions of section 21 of Ceiling Price Regulation 22 has ceased to exist. This amendment deletes potatoes from the agricultural commodities listed in Appendix C of Ceiling Price Regulation 22 under the heading of "Vegetables."

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. It is the judgment of the Director of Price Stabilization that the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISION

Appendix C of Ceiling Price Regulation 22 is amended by deleting the word "potatoes" from the list of agricultural commodities under the heading of "Vegetables."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7587; Filed, July 8, 1952; 11:52 a. m.]

[Ceiling Price Regulation 22, Amdt. 8 to Supplementary Regulation 7]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 7—MODIFICATIONS AND ALTERNATIVE PROVISIONS FOR MANUFACTURERS OF CHEMICALS

CARBON TETRACHLORIDE, TECHNICAL GRADE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 7 establishes ceiling prices for sales of carbon tetrachloride technical grade by manufacturers of that commodity. The ceiling prices established by this amendment are in lieu of the manufacturers' present individual ceiling prices determined in accordance with Ceiling Price Regulation 22.

Carbon tetrachloride is a colorless, non-inflammable liquid. It is an excellent solvent for fats, oils, waxes and a variety of other organic materials. It is used in the spotting and dry cleaning of fabrics, in the degreasing of metal parts, textiles and leather, in cleaning motors, printing equipment, and other apparatus, and as a general solvent in extraction and crystallizing operations. It is also used in organic syntheses, as an ingredient of fumigants, in the manufacture of Freon refrigerants, and as an important constituent of certain fire extinguishing fluids.

In the latest Defense Production Administration Report, No. 6 (Basic Materials and Alternates), issued May 1, 1952, carbon tetrachloride is listed as a critically short material. The increased production goal set by the Defense Production Administration on March 28, 1952, is 107,000,000 pounds per year at the end of 1952, and 331,000,000 pounds per year by January 1, 1955. Restoration of the industry's normal and customary use of a uniform price level has been represented to be conducive to the encouragement of production and the Director finds that this can be accomplished without any increase in the average selling price of the chemical.

In arriving at a uniform ceiling price for spot sales in tank car lots, the Director finds that the requirements of the Defense Production Act of 1950, as amended, can best be met by establishing a ceiling price of $7.72 per hundred pounds, which is the weighted average of current selling prices and slightly below the weighted average of the considerable range of CPR 22 ceiling prices for this product.

On the basis outlined above, the Director of Price Stabilization has established the ceiling price for spot sales by producers, in tank car lots, at $7.72 per hundred pounds, or $0.0772 per pound, in the eastern zone, minimum transportation to destination allowed. For other types of sales, for other volumes, and for delivery west of the eastern borders of Montana, Wyoming, Colorado and New Mexico, each seller must apply the same differentials which he had in effect for such sales during the period December 19, 1950, to January 25, 1951, inclusive. Sellers who did not sell in such volumes or in these western areas during the period December 19, 1950, to January 25, 1951, inclusive, will have ceiling prices for such sales established under the appropriate sections of Ceiling Price Regulation 22.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 7 to Ceiling Price Regulation 22 is amended by adding section 10, which reads as follows:

SEC. 10. *Carbon tetrachloride technical grade.* (a) This section applies to you if you manufacture carbon tetrachloride, technical grade, and establishes ceiling prices for your sales of that commodity. These ceiling prices replace the ceiling prices which you have other-

wise determined or which would be otherwise determinable under Ceiling Price Regulation 22.

(b) The ceiling price for your spot sales of carbon tetrachloride, technical grade, in tank car lots, with minimum transportation allowed east of the eastern borders of Montana, Wyoming, Colorado, and New Mexico, is $0.0772 per pound.

(c) For any sale other than spot sales, for a sale in less than tank car lots, or for a sale for delivery west of the eastern borders of Montana, Wyoming, Colorado, and New Mexico, your ceiling price is that determined by applying to the ceiling price set forth in paragraph (b) of this section the differential required or permitted by section 3 of Ceiling Price Regulation 22. If section 3 of Ceiling Price Regulation 22 cannot be applied in your case because you did not make such a sale in your base period or prior thereto, your ceiling price for such sale is the price determined in accordance with section 33 or section 34 of Ceiling Price Regulation 22. For the purposes of section 32, 33, or 34 of Ceiling Price Regulation 22 the ceiling prices established by this section shall be deemed to be ceiling prices established by Ceiling Price Regulation 22.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Supplementary Regulation 7 to Ceiling Price Regulation 22 is effective July 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7588; Filed, July 8, 1952; 11:52 a. m.]

[Ceiling Price Regulation 24, Amdt. 13]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 13 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations applies to Amendment 13 to Ceiling Price Regulation (CPR) 24, Amendment 8 to CPR 74, Amendment 7 to CPR 92 and Amendment 5 to CPR 101.

This amendment and the three other amendments to the other meat regulations carry out the recent change in the Defense Production Act of 1950, as amended. The act now prohibits the establishment of different ceiling prices for affiliated hotel supply houses than for independent hotel supply houses or of different ceiling prices for affiliated combination distributors than for independent combination distributors. Prior to this change, the four regulations had established lower ceiling prices for sales by the affiliated companies of certain cuts derived from meat obtained from affiliated sources than were provided for sales by these same companies of meat obtained from independent sources. The latter higher ceiling prices were established for sales of the same cuts by independent companies. The four amendments change the four meat regulations by establishing the latter ceiling prices for sales of the same cuts by affiliated companies, irrespective of their source of the meat.

In the formulation of Amendment 13 to CPR 24, Amendment 8 to CPR 74, Amendment 7 to CPR 92 and Amendment 5 to CPR 101, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, the provisions of each of these four amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 20, Special Adjustment (3) is amended to read as follows:

(3) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above.

If you are a ship supplier you may add $5.00 per hundredweight to the prices listed above, on sales to ship operators.

In all cases, you may not charge the additions permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment (4), is amended to read as follows:

(4) If you are a combination distributor, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.00 per hundredweight to the prices listed above.

In all cases, you may not charge the addition permitted in this special adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition (1) is amended to read as follows:

(1) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition (2) is amended to read as follows:

(2) If you are a combination distributor, you may add $2.00 per hundredweight to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7590; Filed, July 8, 1952, 11:52 a. m.]

[General Ceiling Price Regulation 24, Amdt. 14]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

WHOLESALER AND INTERMEDIATE DISTRIBUTOR

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 14 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Statement of Considerations applies to Amendment 14 to Ceiling Price Regulation (CPR) 24, Amendment 9 to CPR 74, Amendment 8 to CPR 92 and Amendment 6 to CPR 101.

This amendment and the similar amendments to the other meat regulations carry out the provisions of section 402 (m) of the Defense Production Act of 1950, as amended. That section, added to the act by the 1952 amendments, provides:

(m) No rule, regulation, order or amendment thereto shall be issued or maintained under this title, which shall deny to any hotel supply house or combination distributor, affiliated with any slaughterer or slaughtering establishment, or to any wholesaler so affiliated but whose affiliation does not amount to an interest or equity of more than 50 per centum, the same ceiling price or prices for meat accorded to hotel supply houses, combination distributors, or wholesalers which are not so affiliated.

Amendment 13 to CPR 24, Amendment 8 to CPR 74, Amendment 7 to CPR 92, and Amendment 5 to CPR 101 provided identical ceiling prices for affiliated and independent hotel supply houses and identical ceiling prices for affiliated and independent combination distributors, in accordance with section 402 (m). This amendment to CPR 24 and the similar amendments issued concurrently herewith provide wholesalers affiliated with a slaughterer or slaughtering establishment, but whose affiliation does not amount to an interest or equity of more than 50 percent, the identical ceiling prices established for wholesalers which are not so affiliated, by redefining the definition of the term "wholesaler". In view of this redefinition of "wholesaler", the definition of the term "intermediate distributor" in CPR 24 has also been amended to eliminate that portion of

that definition added by Amendment 9 to CPR 24.

In the formulation of this amendment, Amendment 9 to CPR 74, Amendment 8 to CPR 92 and Amendment 6 to CPR 101, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. In the judgment of the Director of Price Stabilization, the provisions of each of these four amendments are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

It is not believed that any of these four amendments will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes are compelled, they are necessary to prevent circumvention or evasion of the regulations to which these amendments apply.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 50 (u) (2) is amended to read as follows:

(2) Who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of cattle or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns nor controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person; and

2. Section 50 (w) is amended to read as follows:

(w) "Intermediate distributor" means a person (other than a hotel supply house, combination distributor, or peddler truck seller) who meets all of the requirements of the definition of "wholesaler" set forth in paragraph (u) of this section except that he does not operate or maintain a separate selling establishment equipped with the storage facilities as required by that definition.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7589; Filed, July 8, 1952; 11:52 a. m.]

[Ceiling Price Regulation 59, Amdt. 3]

CPR 59—SCRAP RUBBER

EXEMPTION OF SALE OF SCRAP TIRES AND TUBES BY AGENCIES OF THE U. S. GOVERNMENT TO SCRAP RUBBER WHOLESALE DEALERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Ceiling Price Regulation 59 is hereby issued.

STATEMENT OF CONSIDERATIONS

Among other things, Ceiling Price Regulation 59 establishes dollars and cents ceiling prices for sales of scrap tires and tubes to wholesale scrap rubber dealers, and consumers (as those terms are defined in the regulation), export sales, and sales for delivery F. A. S. port of exit. Sales of scrap tires and tubes to purchasers other than those mentioned are exempt from ceiling prices. Since ultimate sales of scrap rubber to tire splitters or reclaiming mills (consumers under CPR 59) are subject to the ceiling prices listed in CPR 59, prices for sales at the scrap collector and lower levels, tend to set themselves below such ceilings though they are exempt from the regulation.

Agencies of the United States Government customarily dispose of tires they no longer wish to use by offering them in relatively large lots for sale to the highest bidder. Because of practical difficulties not attending sales by scrap rubber industry the disposal depots for these Government agencies do not ordinarily segregate reusable, recappable and scrap tires, and sell them as so segregated in the manner customary to the industry, but dispose of their tires unsegregated and classified as "salvage". Section 15 of CPR 59, in defining "scrap rubber", provides that the presence of any scrap tires in a lot for sale causes the entire lot to be classed as scrap. As a result, disposals by these agencies to wholesale scrap rubber dealers are not exempt from the regulation but are subject to the ceiling prices fixed in the regulation, notwithstanding the fact that a particular lot may contain many tires more valuable than scrap tires. Any person exempt from the regulation can, however, bid more realistic prices for these lots and win the awards. A similar situation exists in the disposal, by those agencies, of scrap tubes which have different values because of their various types of rubber content.

This amendment is issued to permit wholesale scrap rubber dealers to bid for these lots without ceiling price limitations as do those already exempt under the regulation. This action exempts sales of scrap tires and tubes by agencies of the United States Government to wholesale scrap rubber dealers.

This amendment will not affect the general level of ceiling prices established under the regulation inasmuch as ultimate sales to scrap rubber consumers of scrap tires or tubes which were obtained from government agencies or any other source remain subject to the ceiling prices fixed in CPR 59. The reusable and recappable tires in such a mixed lot, when resold as such by the wholesaler also remain subject to the ceiling prices of other applicable regulations. It is therefore expected that the sales exempted by this amendment will be made at or below the ceiling prices applicable to the ultimate sales of the tires actually sold in the lot.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 59, section 1 (f) is amended by adding a new subparagraph to read as follows:

(3) The sale by the United States Government or any agency or instrumentality of the United States Government, of scrap tires and scrap tubes, if the person to whom such scrap tires or scrap tubes are sold is not a consumer, and if the sale is not a sale for delivery F. A. S. port of exit.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 59 is effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7599; Filed, July 8, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Amdt. 8]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 8 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 13 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 46 (b) is amended to read as follows:

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a hotel supply house, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subparagraphs (1), (3), or (4) of section 43 (a) as if you were a wholesaler.

2. Section 47 (b) is amended to read as follows:

(b) *Sales to other buyers.* You may not charge the additions permitted in this paragraph unless the cut sold was physically within the cooler of your selling establishment prior to delivery.

If you are a combination distributor, you may, on the sale of wholesale pork cuts to buyers other than purveyors of meals, add the additions specified in subparagraphs (1), (3) or (4) of section 43 (a) as if you were a wholesaler.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7591; Filed, July 8, 1952; 11:53 a. m.]

[Ceiling Price Regulation 74, Amdt. 9]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

WHOLESALER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment 9 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of the term "wholesaler".

This amendment parallels and is substantially identical with Amendment 14 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended by deleting Section 60 (z) (2) and substituting the following therefor:

(2) Who is not affiliated with any slaughtering plant or facilities, engaged in the slaughtering of hogs or pigs, or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation is meant the relationship between two persons where neither owns or controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person; and

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7592; Filed, July 8, 1952; 11:53 a. m.]

[Ceiling Price Regulation 92, Amdt. 7]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 7 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 13 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended in the following respects:

1. Section 20, Schedule 1, Special Adjustment 4 is amended to read as follows:

(4) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $6.00 per hundredweight to the prices listed above. If you are a ship supplier you may add to the prices listed above $6.00 per hundredweight on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule 1, Special Adjustment 5 is amended to read as follows:

(5) If you are a combination distributor, you may add $2.00 per hundredweight to the prices listed above, except on sales to purveyors of meals, in which case you may add $4.50 per hundredweight to the prices listed above. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7593; Filed, July 8, 1952; 11:53 a. m.]

[Ceiling Price Regulation 92, Amdt. 8]

CPR 92—LAMB, YEARLING AND MUTTON PRODUCTS SOLD AT WHOLESALE

WHOLESALER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 8 to Ceiling Price Regulation 92 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of the term "wholesaler".

This amendment parallels and is substantially identical with Amendment 14 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 92 is amended by deleting from the definition of wholesaler in section 50 the paragraph numbered (2), and substituting therefor a new paragraph numbered (2) reading as follows:

(2) Who is not affiliated with any slaughtering plant or facilities engaged in the slaughtering of lambs or sheep, or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns or controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person; and

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7594; Filed, July 8, 1952; 11:54 a. m.]

[Ceiling Price Regulation 101, Amdt. 5]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

COMBINATION DISTRIBUTOR AND HOTEL SUPPLY HOUSE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization General Order 5, Revision, this Amendment 5 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment revises certain ceiling prices for hotel supply house and combination distributor sales.

This amendment parallels and is substantially identical with Amendment 13 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 20, Schedule I, Special Adjustment 5 is amended to read as follows:

(5) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above in Schedule I (b) except on sales to purveyors of meals, in which case you may add $5.00 per hundredweight to the prices listed above in Schedule I (b). If you are a ship supplier you may add $5.00 per hundredweight to the ceiling prices listed above in Schedule I (b) on sales to ship operators. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

2. Section 20, Schedule I, Special Adjustment 6 is amended to read as follows:

(6) If you are a combination distributor, you may add to the prices listed above in Schedule I (b) $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. In all cases, you may not charge the additions permitted in this adjustment unless the item sold was physically within the cooler of your selling establishment prior to delivery.

3. Section 22, Schedule III, Special Addition 1 is amended to read as follows:

(1) If you are a hotel supply house, you may add $1.50 per hundredweight to the prices listed above, except on sales to purveyors of meals in which case you may add $5.00 per hundredweight to the prices listed above. If you are a ship supplier, you may add $5.00 per hundredweight to the prices listed above on sales to ship operators. In all cases, you may not charge the additions permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

4. Section 22, Schedule III, Special Addition 2 is amended to read as follows:

(2) If you are a combination distributor, you may add to the prices listed above $4.00 per hundredweight on sales to purveyors of meals and $2.00 per hundredweight on sales to all other buyers. In all cases, you may not charge the addition permitted in this Special Addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7595; Filed, July 8, 1952; 11:54 a.m.]

[Ceiling Price Regulation 101, Amdt. 6]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

WHOLESALER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization General Order 5, Revision, this Amendment 6 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of the term "wholesaler".

This amendment parallels and is substantially identical with Amendment 14 to Ceiling Price Regulation 24, issued concurrently herewith. The Statement of Considerations issued in connection with that amendment applies equally to this amendment and therefore is incorporated herein.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended by deleting section 50 (u) (2) and substituting the following therefor:

(2) Who is not affiliated with any slaughtering plant or facilities, engaged in the slaughtering of vealers or calves, or, if so affiliated, whose affiliation does not amount to an interest or equity of more than 50 percent. By such an affiliation which is not more than 50 percent is meant the relationship between two persons where neither owns or controls more than 50 percent of the other, and no more than 50 percent of either is owned or controlled by the same person; and

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7596; Filed, July 8, 1952; 11:54 a. m.]

[General Ceiling Price Regulation, Amdt. 31]

GENERAL CEILING PRICE REGULATION

DELETION OF POTATOES FROM AGRICULTURAL COMMODITIES LISTED IN SECTION 11 (a) OF THE GENERAL CEILING PRICE REGULATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 31 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The Director of Price Stabilization, after consultation with the Secretary of Agriculture, has determined that, with respect to potatoes, the minimum requirements of the Defense Production Act of 1950, as amended, have been satisfied. The need, therefore, for the "parity pass-through" provisions of section 11 of the General Ceiling Price Regulation has ceased to exist. This amendment deletes potatoes from the agricultural commodities listed in section 11 of the GCPR under the heading of "Vegetables."

In the formulation of this amendment special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. It is the judgment of the Director of Price Stabilization that the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 11 (a) of the GCPR is amended by deleting the word "potatoes" from the list of agricultural commodities under the heading of "Vegetables."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup 2154)

Effective date. This amendment shall become effective July 8, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7597; Filed, July 8, 1952; 11:54 a. m.]

[General Overriding Regulation 11, Revision 1]

GOR 11—EXEMPTION OF CERTAIN SALES BY FEDERAL AGENCIES AND INSTRUMENTALITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 11, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 11, Revision 1, exempts certain sales by Federal agencies and instrumentalities from ceiling price regulation.

Some exemptions have been granted primarily because the nature of the transaction or market conditions for the particular commodity are such that little danger exists of inflationary prices. Thus, if one Government agency sells to another the sale is exempt because the Government is both buyer and seller. Sales by a Government agency to a foreign government are similarly exempted for the additional reason that such sales are carried out in conformity with national foreign policy in which price and other economic considerations may be secondary. Sales to relief organizations for donation or export are exempt because there is little danger of inflationary prices and price itself is a secondary consideration.

Other transactions are exempted by this regulation to lessen the administrative difficulties of Government agencies in applying ceiling prices in areas in which inflationary pressures are unlikely to arise or will be insignificant. Sales of personal property, when sold together with an interest in land or buildings in a single transaction and for a single price are exempted because land and buildings are not subject to price control and ceiling prices established on other elements of the same transaction would be meaningless. Sales of all or substantially all the Government-owned contents of a factory or plant, to the owner, operator, or lessee, or to any other single purchaser buying for use in that

location are exempt because such sales are not in the ordinary course of business and the aggregate of the contents generally has a value greater than that possessed by the individual items involved.

Sales by the Veterans Canteen Service have been exempt since GOR 11 was issued on May 19, 1951. The reasons for this exemption set forth in the statements of considerations which accompanied such action are equally applicable to this action. Certain sales of scrap rubber and scrap tires are exempted for the reasons set forth in the statement of considerations of Amendment 3 to CPR 59.

Sales of sand, stone, gravel, yucca, gypsum, sulphur, and rock salt by the Department of the Interior under the Materials Act of July 31, 1947 are exempted because such sales are few in number, low in volume, and have little effect on the Nation's economy or the price structure of any particular industry. This law authorizes the Department of the Interior to dispose of such materials located on public lands of the United States if they are not of such quality and quantity as to be subject to the mining laws, and it is the practice of the Department of the Interior to award contracts to private concerns on the basis of a percentage of the in-place value of the deposit or a percentage of the resale price per unit. The relative importance of such sales does not justify the separate application to and the establishment by OPS of ceiling prices for each sale or type of sale of these materials made by the Department. Furthermore, the fact that resales of these materials by those who acquire them from the Department of the Interior and sales of products manufactured from them remain subject to applicable ceilings is considered a sufficient safeguard of the objectives of price stabilization in this instance.

In view of the fact that this regulation pertains to sales by Government agencies, consultations have been held with representatives of such agencies and consideration has been given to their recommendations.

REGULATORY PROVISIONS

ARTICLE I

Sec.
1. Exemptions.
2. Sales to certain purchasers.
3. Sales of certain commodities.
4. Sales of certain agencies.

ARTICLE II

20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I

SECTION 1. *Exemptions.* No ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization shall apply to the sales described in the following sections.

SEC. 2. *Sales to certain purchasers.* Sales by any Government agency:

(a) To another Government agency for use and not resale;

(b) To any foreign government or official agency thereof;

(c) To any relief organization for donation or export sale.

SEC. 3. *Sales of certain commodities.* Sales by any Government agency:

(a) Of personal property when sold together with an interest in land or buildings in a single transaction and for a single price;

(b) Of all or substantially all of the Government-owned contents of a factory or plant to the owner, lessee, or operator, or to any other single buyer purchasing for use in that location;

(c) Of scrap tires and scrap tubes if the person to whom such scrap tires or scrap tubes are sold is not a consumer and if the sale is not an export sale or a sale for delivery FAS port of exit, as these terms are defined in CPR 59.

SEC. 4. *Sales by certain Government agencies.* (a) Sales by the Veterans Canteen Service.

(b) Sales of sand, stone, gravel, gypsum, rock salt, yucca, and sulphur by the Department of the Interior under the Materials Act of July 31, 1947 (61 Stat. 681), as amended; 43 U. S. C. 1185–1188, provided the Department of the Interior notifies the purchaser in writing in advance of sale that the resale of such materials is subject to any applicable ceiling price regulation.

ARTICLE II

SEC. 20. *Definitions.* "Government agency" and "Government" means the United States Government and any department, commission, corporation, or other such instrumentality of the United States Government.

Effective date. General Overriding Regulation 11, Revision 1, shall become effective the 8th day of July 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7598; Filed, July 7, 1952; 11:55 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-44, Direction 1]

M-44—POWER EQUIPMENT AND ELECTRIC EQUIPMENT: PRODUCTION AND DELIVERY

DIR. 1—FACTORS IN RESCHEDULING

This direction to NPA Order M-44 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Lead time.
3. Rescheduling within lead time.
4. Approval of manufacturer's drawings.
5. Changes in purchaser's requirements or specifications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR 1951, Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* It is provided in section 4 of NPA Order M-44 that NPA may direct changes in the production or delivery schedules of manufacturers of power equipment and electric equipment. It is not intended by such provision to interrupt the orderly flow of production at a maximum rate, which has happened when changes have been made within lead time. Accordingly, this direction sets forth for the guidance of claimant agencies, manufacturers, and purchasers, certain factors which NPA will take into consideration in directing changes in production and delivery schedules of manufacturers of electric equipment listed on Table I of this direction.

SEC. 2. *Lead time.* The term "lead time" means the total time required by a manufacturer to engineer or design and to process or manufacture an item of electric equipment. Lead time is not to be confused with the promised or quoted delivery date given by a manufacturer to a purchaser since most manufacturers' backlogs of orders stretch out far beyond the lead times of particular items. Table I of this direction shows the normal months of lead time for each item of electric equipment.

SEC. 3. *Rescheduling within lead time.* NPA will not reschedule the time of delivery of an item of electric equipment listed on Table I from a scheduled shipping date beyond lead time to a date within lead time or from a scheduled shipping date within lead time to another date within lead time except in a case of an urgency affecting the national defense. For example: A purchaser places an order on June 1st for an item and the manufacturer quotes a delivery date of 14 months, i. e., August of the following year. The lead time for the item is 8 months. Assume an attempt to reschedule is justified; NPA will not attempt to reschedule during any period from June to December to a date closer than 8 months from the date rescheduling action is requested by the claimant agency (i. e., from a scheduled shipping date beyond lead time to a date within lead time) nor attempt to reschedule the item on any request received after December, since lead time commences to run 8 months before delivery date (i. e., from a scheduled shipping date within lead time to another date within lead time) except in a case of an urgency affecting the national defense.

SEC. 4. *Approval of manufacturer's drawings.* The time required for the approval by a purchaser of drawings submitted by the manufacturer has been taken into consideration in calculating lead time. Where a manufacturer submits drawings to a purchaser for approval and such purchaser does not approve and return such drawings to the manufacturer within the time specified by the manufacturer, which time should not exceed 30 days, unless a longer period of time is mutually agreed upon by the purchaser and the manufacturer, the manufacturer, after notifying NPA, may be authorized by NPA to reschedule delivery of the item.

SEC. 5. *Changes in purchaser's requirements or specifications.* Where a purchaser makes changes in his requirements or in his specifications after a manufacturer's drawings are completed and approved, the manufacturer shall notify the purchaser if such changes will result in a delay in production. If the purchaser nevertheless wishes the changes, the manufacturer will notify NPA so that NPA may authorize the appropriate rescheduling of the item.

This direction shall take effect July 7, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE I.—DIRECTION 1 TO NPA ORDER M-44—NORMAL LEAD TIME FOR CERTAIN ITEMS OF ELECTRIC EQUIPMENT

PART I

Item	Equipment rating		Type	Lead time	
	Voltage class	Interrupting capacity		Design not requiring drawing approval	Design requiring drawing approval
				Months	*Months*
Metal-clad switchgear	15,000	500,000 kv.-a. and below.	Indoor	7	10
Metal-clad switchgear	15,000	500,000 kv.-a. and below.	Outdoor	8	11
Metal-clad switchgear	5,000	500,000 kv.-a. and below.	Indoor	7	10
Metal-clad switchgear	5,000	500,000 kv.-a. and below.	Outdoor	8	11
Station cubicle switchgear	15,000 and above.	Above 500,000 kv.-a.	Indoor or outdoor.	10	13
Metal-enclosed or drawout switchgear.	750	100,000 amp. and below.	Indoor	7	10
Metal-enclosed or drawout switchgear.	750	100,000 amp. and below.	Outdoor	7	10
Power switchboards			Indoor	8	11
Small oil-circuit breakers	2,300 volts to 15 kv.		Indoor or outdoor.	6	9
Large oil-circuit breakers	23 kv. to 69 kv.		Outdoor	8	11
Large oil-circuit breakers	115 kv. and above.		Outdoor	11	14
Disconnecting switches	2,200 volts to 46 kv.		Outdoor	6	9
Disconnecting switches	60 kv. and above.		Outdoor	7	10

PART II

Item	Equipment rating		Tap changing under load	Lead time		
	Kv.-a.	High voltage		Duplicate design	New design not requiring drawing approval	New design requiring drawing approval
				Months	*Months*	*Months*
Power transformers	501 to 5,000	73,000 volts and below.	No	5	6	9
	501 to 5,000	73,000 volts and below.	Yes	6	8	11
	5,001 to 14,999	73,000 volts and below.	No	5	7	10
	5,001 to 14,999	73,000 volts and below.	Yes	6	8	11
	15,000 to 44,999	73,000 volts and below.	No	6	8	11
	15,000 to 44,999	73,000 volts and below.	Yes	6	8	11
	45,000 and larger	All voltages	No or yes	9	11	14
	501 to 5,000	Above 73,000 volts.	Yes	6	8	11
	5,001 to 44,999	Above 73,000 volts.	Yes	6	8	11
Electric furnace transformers.	501 kv.-a. and larger			7	9	12
Reactors	15 kv. and above			5	6	9

PART III

Item	Equipment rating, Kv.-a.	Cooled	Lead time		
			Duplicate design	New design not requiring drawing approval	New design requiring drawing approval
			Months	*Months*	*Months*
Synchronous condensers	7,500 to 30,000	Air	10	14	17
Synchronous condensers	Above 30,000	Air	12	16	19
Synchronous condensers	7,500 and larger	Hydrogen	12	16	19
Rectifiers	300 kw. and larger		8	10	13

[F. R. Doc. 52-7549; Filed, July 7, 1952; 8:04 p. m.]

[NPA Order M-6A, Schedule 1, Direction 1 of July 8, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 1—EARMARKED STOCKS—AIRCRAFT QUALITY ALLOY STEEL PRODUCTS

DIR. 1—ADDITIONAL RESTRICTIONS ON SALE AND DELIVERY

This direction under Schedule 1 to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

SECTION 1. (a) No person shall accept delivery of any item of aircraft quality alloy steel from a steel distributor if such person has, during the calendar month, received a total of 5,000 pounds or more of such item of aircraft quality alloy steel from all sources.

(b) No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver any item of aircraft quality alloy steel to any person unless such person furnishes the steel distributor with the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under Direction 1 to Schedule 1 of NPA Order M-6A.

This certification shall be required in addition to the certification provided for in section 5 of Schedule 1 and shall constitute a representation by the purchaser to the steel distributor and to NPA that he has not received a total of 5,000 pounds or more, from all sources, of the item of aircraft quality alloy steel which he orders, and that by the acceptance of delivery of the item ordered such receipts will not exceed a total of 5,000 pounds, during the calendar month in which delivery is received.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction shall take effect July 8, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7584; Filed, July 8, 1952; 11:40 a. m.]

[NPA Order M-67, Revocation]

M-67—ALUMINUM FOIL, CONVERTED

REVOCATION

NPA Order M-67 (17 F. R. 2762) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-67 as originally issued or as amended from time to time, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 14, 1952.

Issued July 8, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7585; Filed, July 8, 1952; 11:40 a. m.]

Chapter XIV—General Services Administration

MANGANESE REGULATIONS

DOMESTIC MANGANESE PURCHASE PROGRAM

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of the Program.
4. Participation in the Program.
5. Specifications.
6. Price, premiums and penalties.
7. Deliveries and acceptance.
8. Sampling and analysis.
9. Transportation charges.
10. Weight.
11. Payment.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* (a) The purpose of this regulation is to establish a Program to encourage expansion of domestic production of manganese by providing a uniform price scale for small domestic producers of metallurgical grade manganese ores and concentrates. Any small domestic producer whose total anticipated or actual production is less than 10,000 long dry tons per calendar year shall be eligible to participate under the provisions of this Program as hereinafter specifically set forth. Individuals or firms whose total production exceeds 10,000 long dry tons per year may negotiate with the Government for the purchase of their production.

(b) This regulation interprets and implements the authority of the Administrator of General Services, pursuant to delegation of authority from the Defense Materials Procurment Administrator of even date with this regulation, to purchase metallurgical grade manganese ores and concentrates, all of domestic origin, as authorized by the Defense Production Administration on May 9, 1952, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ores and concentrates for Government use and resale. In accordance with the Program set forth herein, the Administrator of General Services will buy domestically produced metallurgical grade manganese ores and concentrates conforming to the specifications, at the price, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* (a) "Administrator" means the Administrator of General Services.

(b) "Program" means the Program as set forth in the following paragraphs.

(c) "Shipping point" means the location at which the small domestic producer delivers material f. o. b. railroad cars.

(d) "Receiving point" means the location to which shipments shall be consigned.

(e) "Small domestic producer" means any individual or firm whose total anticipated or actual production of manganese ore or concentrates mined and milled in the continental United States annually is less than 10,000 long dry tons.

(f) The term "Continental United States" means the forty-eight (48) states and the District of Columbia.

(g) "Long ton unit" means one percent of 2,240 pounds avoirdupois dry weight, or 22.4 pounds of metallic manganese contained in manganese oxide or manganese carbonate.

(h) "Manganese ore or concentrates" means natural or sintered oxide ores or concentrates or sintered carbonate ores or concentrates, as defined in section 5 of this regulation, excluding battery and chemical grades and ores or concentrates containing manganese as manganese silicate in excess of ten percent.

(i) "Lot" means that quantity of ore and concentrates offered at one time. It shall consist of one or more railroad carloads. Fractions of a carload may not be offered.

(j) "Carload" means the quantity (carried in one railroad car) equalling or exceeding the minimum tonnage which can be moved at the lowest transportation rate.

SEC. 3. *Duration of the Program.* The Program shall terminate and be of no further force or effect at the close of business June 30, 1956, or when deliveries under the Program total 19,000,000 long dry ton units of manganese, whichever occurs first.

SEC. 4. *Participation in the Program.* Any small domestic producer desiring to participate in the Program shall make application to the nearest General Services Administration regional office in the form of a letter, postcard, or telegram, postmarked or dated by the telegraph office on or before June 30, 1953, stating (a) that applicant has read this regulation and accepts its terms and conditions, and (b) that applicant desires to participate in this Program, and will offer manganese ore or concentrates to the Government pursuant thereto. Such notification must be signed and a return address given. Receipt of this application will be acknowledged by the regional office which may request such additional information as may be necessary and will issue to those who qualify hereunder a certificate authorizing the applicant to make shipments under the Program.

SEC. 5. *Specifications—(a) Chemical requirements.* All shipments must meet the following chemical analysis:

	By weight (dry basis) (percent minimum)
Manganese (Mn)	40.0
Iron (Fe)	16.0
Silica plus Alumina (SiO_2 plus Al_2O_3)	15.0
Phosphorous (P)	.30
Copper plus lead plus zinc (Cu plus Pb plus Zn)	[1] 1.00

[1] Of which not more than 0.25 percent may be copper.

Analyses superior to the foregoing are desired.

(b) *Physical requirements.* Three types of material, according to physical characteristics, are covered by this specification. All offers shall stipulate the type covered and the following shall constitute the rejection limits of each type.

Type I—Lump ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Type II—Fine ore shall be natural ore, unprocessed except for grading, washing, or screening. Not more than 15 percent shall pass a Tyler standard 20 mesh screen.

Type III—Nodules or sinter shall be natural fines, or concentrates, densely agglomerated by the application of heat. Not more than 5 percent shall pass a Tyler standard 20 mesh screen.

Fine concentrates may be considered for acceptance under this program through special arrangement with the appropriate regional office. In such case, appropriate adjustments may be made in price and other terms and conditions.

SEC. 6. *Price, premiums, and penalties.* (a) The price to be paid for any carload lot of material will be determined in accordance with the base price and the premiums and penalties stated hereinbelow. Prices herein stated are f. o. b. railroad cars at the participant's shipping point.

(b) The base price shall be $2.30 per long dry ton unit for material of the following analysis:

	Percent
Manganese (Mn)	48.0
Iron (Fe)	6.0
Silica plus Alumina (SiO_2 plus Al_2O_3)	11.0
Phosphorus	.12

ores or concentrates containing more than 1 percent copper plus lead plus zinc (of which not more than 0.25 percent shall be copper) will not be accepted.

(c) For material which is superior or inferior to the above analysis, the following premiums and penalties shall be applied:

(1) Premiums: Manganese content above 48 percent (dry basis); ½ cent per unit for each 1 percent. Iron content below 6.0 percent (dry basis); ½ cent per unit for each 1 percent.

(2) Penalties: Manganese content below 48 percent (dry basis) 1 cent per unit for each 1 percent, down to and including 44.0 percent. Below 44.0 percent, 4 cents per unit plus 1½ cents per unit for each 1.0 percent down to and including 40 percent. Iron content above 6 percent (dry basis); 1 cent per unit for each 1.0 percent up to and including 8.0 percent. Above 8 percent; 2 cents per unit plus ¾ cent per unit for each 1.0 percent up to and including 16 percent. Silica plus alumina content above 11.0 percent (dry basis); 1 cent per unit for each 1.0 percent up to and including 15.0 percent. Phosphorus content above 0.12 percent (dry basis); ½ cent per unit for each 0.01 percent up to and including 0.30 percent.

SEC. 7. *Deliveries and acceptance.* (a) Participant shall advise the nearest General Services Administration regional office at least twenty (20) days prior to an intended date of shipment of each lot, giving full information as to shipping point, tonnage and analysis of the lot. The regional office will inform the participant of the receiving point and consignee within fifteen (15) days of receipt of notice, and participant shall deliver the lot, at his expense, f. o. b. railroad cars at his designated shipping point, consigned in accordance with such instructions. Shipment must be in lots of one or more carloads. Fractional carloads will not be accepted. The lot will be weighed, sampled and analyzed at the receiving point, and the cost of weighing, sampling and analysis will be at the expense of the Government. Upon receipt of analysis, participant will be informed as to the acceptability of the lot.

(b) If the lot fails to meet the specifications herein provided, the participant will be held responsible for the removal of the lot from the unloading site. Upon failure to remove the lot within fifteen (15) days after due notice, the Government may, at its option, remove such lot and the cost of such removal shall be for participant's account, or otherwise dispose of such lot without liability therefor. Lots delivered to the Government based on inaccurate information willfully furnished by the participant may be the basis for terminating participation in the Program.

SEC. 8. *Sampling and analysis.* Each lot will be sampled at the time of unloading at the receiving point by a sampler designated by the Government. Three pulp samples will be prepared from the sample taken, one each for the Government, participant, and umpire, and an analysis made for manganese, iron, silica, and alumina, and, if necessary, for phosphorus, copper, lead, and zinc. Usual provisions will be made for splitting limits and settlement by average of the Government's and participant's analyses, or by trade practice if samples are sent to umpire. Moisture samples will be taken in accordance with standard practice. The partcipant, at his own expense, may have a representative at the sampling.

SEC. 9. *Transportation charges.* Freight charges from shipping point to receiving point will be paid either by the Government or by its consignee. Participant shall be held accountable for freight charges and any other charges incurred by the Government with respect thereto on any lot failing to meet the specifications provided herein, and for any expense to the Government due to railway cars being loaded in excess of the maximum limit.

SEC. 10. *Weight.* The number of long dry tons in each lot shall be the net railroad-track-scale weight less moisture as determined by standard practice.

SEC. 11. *Payment.* Upon receipt by the appropriate regional office of applicable moisture and analysis determination and certified weight certificate with respect to each acceptable delivery under the terms of the program hereinabove stated, the participants shall be promptly paid for each such delivery in accordance with the price provisions of such program.

Dated: July 7, 1952.

JESS LARSON,
Administrator of General Services.

[F. R. Doc. 52-7544; Filed, July 7, 1952; 1:36 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 4.74, paragraph (c) is amended to read as follows:

§ 4.74 *Public No. 2 (act of March 20, 1933) and section 28, Public No. 141 (act of March 28, 1934), 73d Congress, as amended; Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note).* • • •

(c) *Peacetime service; Veterans Regulation 1 (a), Part II, as amended (38 U. S. C. ch. 12 note).* As to claims filed on or after July 30, 1942, the date of commencement of original awards of death compensation shall be the day following the date of death or July 30, 1942, whichever is the later, if application is filed within 1 year after the date of death, otherwise the date of filing application, but in no event prior to July 30, 1942 (section 4, Pub. Law 690, 77th Cong., act of July 30, 1942).

• • • • •

2. In § 4.77, paragraph (b) is amended to read as follows:

§ 4.77 *Death pension or compensation payable solely by virtue of certain amendatory laws.* • • •

(b) *Reservists and National Guardsmen—(1) Veterans Regulation 1 (a), Part I and Part II, as amended (38 U. S. C. ch. 12); Reservists.* Except as provided in subparagraph (2) of this paragraph, where payments have been made by the Bureau of Employees' Compensation, Department of Labor, based on service in the reserves and the claimant has elected to receive death compensation from the Veterans Administration, the commencing date of an award which is payable under the provisions of Veterans Regulation 1 (a), Part I or Part II, as amended, shall be the day following the date of last payment by the Bureau of Employees' Compensation. See § 3.1 (l) of this chapter and § 4.51 (d).

(2) *Public Law 108, 81st Congress; Reservists and National Guardsmen.* Where death occurred on or after June 20, 1949, the date of commencement of original awards of death compensation payable solely as a result of the provisions of Public Law 108, 81st Congress (act of June 20, 1949), shall be the day following the date of death or June 20, 1949, whichever is the later, if application is filed within 1 year after the date of death; otherwise from the date of filing application, but in no event prior to June 20, 1949. A claim pending on June 20, 1949, shall be considered a claim under this law. Where death occurred prior to June 20, 1949, the date of commencement of such awards shall be the day following the date of death or August 14, 1945, whichever is the later, without regard to the date of filing application. The amount of any benefits which may have been paid by the Veterans Administration or Bureau of Employees' Compensation shall be subtracted from any compensation which may be payable under this law.

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective July 9, 1952.

[SEAL] O. W. CLARK,
Deputy Administrator.

[F. R. Doc. 52-7431; Filed, July 8, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

MULTIPLE APPLICATIONS; BROADCAST SERVICE

In the matter of amendment of § 1.364 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June 1952;

The Commission having under consideration the provisions of § 1.364 of the Commission's rules and regulations; and

It appearing, that an amendment of this section is appropriate in order to make its provisions consistent with the interpretation that has been given to the section in connection with the processing of applications in the broadcast services;

It is ordered, Pursuant to the authority of sections 4 (i), (j) and 303 (r) of the Communications Act of 1934, as amended, that § 1.364 of the Commission's rules and regulations be and is amended to read as follows:

§ 1.364 *Multiple applications; broadcast service.* In the broadcast service, while there is one application for new or additional facilities pending for a standard, international, television, facsimile, FM, or experimental broadcast station,

the Commission will not accept another application for new or additional facilities for a station of the same class (as given above) to serve the same community, by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Two such applications may not be filed simultaneously.

In view of the fact that § 1.364 of the Commission's rules and regulations is procedural, notice of proposed rule making in accordance with section 4 of the Administrative Procedure Act is unnecessary and this amendment shall be effective immediately. It is expressly pointed out that this amendment does not in any way change the substantive provisions or policies of the Commission with respect to multiple ownership of broadcast stations.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7469; Filed, July 8, 1952; 8:50 a. m.]

[Docket No. 10177]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AERONAUTICAL SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of § 2.104 of Part 2 and amendment of § 9.511 of Part 9 of the Commission's rules to provide certain frequencies within the band 108.1–112.0 Mc for use by omni-directional radio ranges.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June 1952;

The Commission having under consideration the notice of proposed rule making in the above entitled matter, which contemplates making available for assignment additional frequencies for use by omni-directional radio ranges; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments of interested parties and the filing of comments or briefs in reply to original comments or briefs, was duly published in the FEDERAL REGISTER on April 26, 1952 (17 F. R. 3748) and that the period for filing comments has expired; and

It further appearing, that no comment with respect to the proposed amendments was received by the Commission;

It is ordered, Under the authority of sections 4 (i), 303 (b), (c) and (r) of the Communications Act of 1934, as amended, that, effective July 28, 1952, § 2.104 of Part 2 and § 9.511 of the Commission's rules, be and they are hereby amended in exact accordance with the amendments set forth in the notice of proposed rule making published in the FEDERAL REGISTER on April 26, 1952, and incorporated as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 2.104 *Frequency allocations* is amended as follows:

Delete the present allocation within the band 108.1–112.0 Mc, which appears in columns 10 and 11 of the tabulation of frequency allocations contained in that section, and substitute therefor the following:

Frequency (mc)	Nature of services (of stations
10	11
108.1	Localizer.
108.2	Omni-directional radio range.
108.3	Localizer.
108.4	Omni-directional radio range.
108.5	Localizer.
108.6	Omni-directional radio range.
108.7	Localizer.
108.8	Omni-directional radio range.
108.9	Localizer.
109.0	Omni-directional radio range.
109.1	Localizer.
109.2	Omni-directional radio range.
109.3	Localizer.
109.4	Omni-directional radio range.
109.5	Localizer.
109.6	Omni-directional radio range.
109.7	Localizer.
109.8	Omni-directional radio range.
109.9	Localizer.
110.0	Omni-directional radio range.
110.1	Localizer.
110.2	Omni-directional radio range.
110.3	Localizer.
110.4	Omni-directional radio range.
110.5	Localizer.
110.6	Omni-directional radio range.
110.7	Localizer.
110.8	Omni-directional radio range.
110.9	Localizer.
111.0	Omni-directional radio range.
111.1	Localizer.
111.2	Omni-directional radio range.
111.3	Localizer.
111.4	Omni-directional radio range.
111.5	Localizer.
111.6	Omni-directional radio range.
111.7	Localizer.
111.8	Omni-directional radio range.
111.9	Localizer.
112.0	Omni-directional radio range.

2. Section 9.511 (a) is amended to read as follows:

§ 9.511 *Frequencies available.* (a) Instrument Landing Localizer with simultaneous radiotelephone channel. The frequencies:

108.1	109.1	110.1	111.1
108.3	109.3	110.3	111.3
108.5	109.5	110.5	111.5
108.7	109.7	110.7	111.7
108.9	109.9	110.9	111.9

3. Section 9.511 (d) is amended to read as follows:

(d) Airway track guidance (ranges): 112.1 megacycles through 117.9 megacycles and the following frequencies in the 108–112 megacycles band:

108.2	109.2	110.2	111.2
108.4	109.4	110.4	111.4
108.6	109.6	110.6	111.6
108.8	109.8	110.8	111.8
109.0	110.0	111.0	112.0

[F. R. Doc. 52-7467; Filed, July 8, 1952; 8:49 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST STATIONS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 25th day of June 1952;

It appearing, that the Commission on April 14, 1952, issued its Sixth Report and Order in the above entitled proceedings, which among other things, reserved channels in certain communities for use by noncommercial educational television stations; and

It further appearing, that the Commission has adopted § 3.621 of its rules and regulations pertaining to the licensing and operation of noncommercial educational television broadcast stations; and

It further appearing, that additional information is required by the Commission in order to process applications for noncommercial educational television broadcast stations in light of the requirements of § 3.621;

It is ordered, That effective immediately pursuant to the authority of sections 4 (i) and (j), 301, 303 (a) (b) (c) (d) (g) and (r) of the Communications Act of 1934, as amended, FCC Form 301 "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Broadcast Station" is amended by the addition of page 6 entitled "Additional Information to be Supplied by Applicants for Noncommercial Educational Television Broadcast Stations," to section II (Legal Qualifications of Broadcast Applicant).[1]

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7471; Filed, July 8, 1952; 8:50 a. m.]

[Docket No. 10102]

PART 12—AMATEUR RADIO SERVICE

In the matter of providing a Radio Amateur Civil Emergency Service.

Memorandum opinion and order. In cooperation with other interested agencies of Federal Government, the Commission heretofore selected certain frequencies from the regularly allocated amateur frequency bands for use in providing for civil defense communication. Public announcement of the frequencies

[1] Filed as part of the original document.

chosen was made, simultaneously, by the Commission and the Federal Civil Defense Administration on January 17, 1951. Thereafter, a notice of proposed rule making, which contemplated establishment of a new radio service to be devoted exclusively to civil defense purposes, was adopted by the Commission and published in the FEDERAL REGISTER (17 F. R. 347, Jan. 11, 1952). Responsive to this notice, written comments were received from some 20 state, county, or city civil defense organizations. Comments also were received from the Association of Police Communications Officers and from the Federal Civil Defense Administration, as well as from some six individual amateurs, four amateur clubs, and from the American Radio Relay League. These comments expressed general approval of the rules as proposed, and changes suggested in individual sections of those rules were, with certain exceptions hereinafter noted, adopted in whole or in part.

Concern was expressed that the proposed service would interfere with the use of frequencies in the band 1750–1800 Kc., allocated to the Disaster Communications Service, but, since stations in the Radio Amateur Civil Emergency Service are not authorized to operate in that frequency band, no interference is anticipated to Disaster Communications operations. Nor would use of the new service interfere with or obstruct the orderly use of Disaster Communications stations for civil defense purposes. Under the rules provided, it would be permissible for a local civil defense organization to be the licensee of a Disaster Communications network and at the same time to utilize the communications of a Radio Amateur Civil Emergency network under the same communications plan.

Several persons and organizations expressed dissatisfaction with § 12.231, which sets forth frequencies available for this service and prescribes limitations under which they may be used, to the extent that it provides that frequency bands specified for use of the Radio Amateur Civil Emergency Service be jointly available to stations of the military service for training and tactical operations. It is to be noted, however, that such sharing is not provided for unless or until national conditions require discontinuance of regular amateur operation. At that time, frequencies allocated to amateur operation are to be used by the military forces. Hence, the agreement with the military that amateurs may continue to use certain segments of the amateur frequency bands for civil defense communications was predicated upon the understanding that the military forces would share such frequencies for training and tactical operations, subject to priority of civil defense communications during scheduled drills, tests, or actual civil defense emergencies. Editorial changes to clarify these conditions were made in the rules adopted.

Some comment indicated a need for more frequencies for long distance communication. However, frequency bands were selected for the Radio Amateur Civil Emergency Service after consideration of all factors known to be involved at this time, including frequency requirements of other radio services in time of war or national emergency. The extent to which the frequencies selected meet actual requirements for amateur participation in civil defense communications may be reviewed after a sufficient number of local communities have established appropriate civil defense plans, conducted communications drills, or otherwise accumulated data which will permit such review. At present, however, we cannot conclude that additional frequencies should be made available for this service.

It was suggested that type 6 A2 emission be provided in the frequency band 3990 to 4000 Kc., and that it be substituted for 2 A2 emission in all bands above 50 Mc., in order to permit use of audio frequency shift keying for radioprinter operation. The Commission followed this suggestion in part, but since it has been traditional practice to exclude operation with A2 emission in the lower amateur frequency bands, it appeared inconsistent and inadvisable to provide for use of A2 emission as suggested. Radioprinter operation is, however, provided for both in this and the 3500–3510 Kc. band by the inclusion of 1.1 F1 emission.

It was also suggested that since F–1 carrier shift is permitted in operation on frequencies from 3.5 to 4.0 Mc, the same emission should be provided in the frequency band 1800–2000 Kc for the reason that the 3.5 to 4.0 Mc band is not sufficiently large to furnish a day and night teletype circuit. This could not be followed for the reason that frequencies provided for the Radio Amateur Civil Emergency Service are authorized for use in exact accordance with the frequency allocations in Part 2 of the Commission's rules. Under these allocations the frequency band 1800–2000 Kc is reserved, primarily, for use of Loran, and F–1 emission is not authorized. Accordingly, to provide such emission in this service not only would upset the Commission's present allocation of that band but also could be expected to raise a question as to possible interference with Loran operations.

Several comments related to the provisions governing eligibility for a license in the Radio Amateur Civil Emergency Service. Some asserted that it would seem appropriate to authorize the state, county, or municipality concerned to operate such stations rather than to license individual amateurs. Reasons given for this conclusion were that local civil defense organizations were authorized to purchase certain radio equipment for communications purposes. Distribution of such equipment could be accomplished more efficiently if the civil defense organization or the local government were the licensee of the radio station or stations. It was further stated that control of the station could more readily be maintained by such a licensee. The rules adopted would not, however, prevent a city, county, or other civil defense organization from purchasing radio equipment to be operated in this service by one or more amateurs enrolled in such civil defense organization. Nor would the radio network serving a specified area necessarily become useless or unlicensed should the area lose the services of one or more licensed amateurs since station licensees will not specify the equipment to be operated and each authorization is intended to permit the use and operation of any and all radio equipment placed in charge of a particular licensee. In order to avoid a lapse of operating authority in the event the licensee of a Radio Amateur Civil Emergency station becomes unavailable for further civil defense duty, each civil defense organization may, under the rules adopted, arrange for several amateur licensees to serve the organization so that, should the services of one be lost, the remaining licensee or licensees can continue to use all of the available radio equipment.

Objection was expressed in respect to § 12.200 to the extent that it limits the duration of the Radio Amateur Civil Emergency Service to the period of the present national emergency as proclaimed by the President on December 16, 1950. Exception to this was on the ground that civil defense requirements for radio communications may well continue beyond this period and that federal, state, county, and municipal governments may be reluctant to expend large sums of money for radio equipment to operate on frequencies allocated to the Radio Amateur Civil Emergency Service if there were a possibility that civil defense operations might subsequently be moved from those frequencies. However, the Commission may, if conditions seem to warrant such action, extend the provisions of these rules to cover any continued use of the Radio Amateur Civil Emergency Service which would seem to be indicated.

The Commission was unable to adopt suggestions prescribing methods for determining the loyalty, reliability, and efficiency of civil defense radio officers and radio operators. The Commission has no facilities for making such determinations and, furthermore, it would seem inappropriate for such checks to be made by the Commission in the matter of persons in the service of the Federal Defense Administration, which is responsible for assigning suitable persons to the various tasks it undertakes. The Commission is interested in this matter, however, to the extent of being informed, reliably, that persons who will direct the use of radio stations, or operate them, have been approved as good security risks by the Federal Civil Defense Administration, and the rules adopted are designed for that purpose.

Under the rules herein provided, Part 12 is divided into two subparts, of which the first includes all present rules governing amateur radio service; the second or Subpart B, with which this report is primarily concerned, comprises new rules prescribing requirements for the use, under a separate or additional authorization, of amateur radio stations for civil defense communications. The rules are limited in their force and effect to the period of the present national emergency as proclaimed by the President on December 16, 1950. As provided, persons now holding amateur radio licenses would have to apply for

an additional authorization in order to operate in the new service and furnish proof that the operation proposed would be under and in accordance with approved civil defense plans. A station in this service may be comprised of one or of several transmitters of the fixed, base, or mobile class, or a combination of two or more of these. A network is a combination of all Radio Amateur Civil Emergency stations operating in one area under the same communications plan in conjunction with a single control station. Liaison among networks is intended. Local radio amateur civil emergency networks are to be organized by the civil defense authority of the area concerned, and shall be under the immediate direction of the Civil Defense Radio Officer. Stations in this service may intercommunicate or may exchange messages with stations in other services including stations operated by the United States Government. Communications may relate to any phase of civil defense work whether it be practice tests and drills or communications directly concerning safety of life, preservation of property, maintenance of law and order, or related emergency purposes. Unless the present national emergency intensifies to the extent that normal amateur communication must be suspended, operation of stations in this service, on the frequencies herein provided, must be upon a shared basis with normal amateur operation on the same or adjacent frequencies. The Commission expects, however, that all amateurs will give wholehearted cooperation to the civil defense effort and will respect any appropriate request to suspend operation on a particular amateur frequency or frequency band pending completion of bona fide civil defense drills where interference might otherwise be caused to civil defense communications.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 4 (i) and 303 (b), (1), and (r) of the Communications Act of 1934, as amended, *It is ordered*, This 26th day of June 1952, that the rules as set forth below are adopted to become effective August 15, 1952.

Released: June 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 12, "Amateur Radio Service", by dividing it into two subparts, to be called Subpart A and Subpart B. Subpart A shall include all present rules in this part, through and including § 12.162, preceding which is added the new subpart title. Subpart B provides for a new Radio Amateur Civil Emergency Service. The present Appendix to Part 12 shall follow the new Subpart B. The arrangement proposed, and the provisions of the new Subpart B read as follows:

SUBPART A—AMATEUR RADIO STATIONS AND OPERATORS

(All existing provisions of this part through § 12.162)

SUBPART B—RADIO AMATEUR CIVIL EMERGENCY SERVICE

GENERAL

Sec.
12.200 Temporary nature of this service.
12.201 Definitions.
12.202 Applicability of rules governing amateur radio stations and operators.

ORGANIZATION

12.211 Organization of networks.
12.212 Approval of civil defense communications plans.
12.213 Certification of Civil Defense Radio Officer.
12.214 Qualifications of Civil Defense Radio Officer.
12.215 Duties of Civil Defense Radio Officer.

STATION AUTHORIZATIONS

12.221 Station authorization required.
12.222 Eligibility for station authorization.
12.223 Filing of application.
12.224 Additional data required.
12.225 Single application for all equipment under one amateur station license.
12.226 Issuance of station authorization.
12.227 Term of station authorization.
12.228 Cancellation of station authorization.

TECHNICAL REQUIREMENTS

12.231 Frequencies available.
12.232 Classification of omissions.
12.233 Transmitter power.
12.234 Equipment requirements.
12.235 Alleviation of harmful interference.

OPERATING REQUIREMENTS

12.241 Operator requirements.
12.242 Operation at other than licensed location.
12.243 Availability of station authorization and operator license.
12.244 Radio station log.
12.245 Station identification.
12.246 Tactical call signs.

USE OF STATIONS

12.251 Limitations on use of station.
12.252 Hours of operation.
12.253 Points of communication.
12.254 Permissible communications.
12.255 Use of codes and ciphers.
12.256 Priority of communications.
12.257 Operating procedure.

AUTHORITY: §§ 12.200 to 12.257 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; 47 U. S. C. 303.

GENERAL

§ 12.200 *Temporary nature of this service.* (a) The Radio Amateur Civil Emergency Service provides a temporary phase of amateur operation for Civil Defense communications purposes only, and the rules are limited in their force and effect to the period of the present national emergency, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

(b) Pursuant to the provisions of section 4 (j) of the Communications Act of 1934, as amended, records relating to the Radio Amateur Civil Emergency Service shall not be open to general public inspection.

§ 12.201 *Definitions.* For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A temporary radio-communication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands under the direction of authorized local, regional, or federal civil defense officials pursuant to an approved civil defense communications plan.

(b) *Radio Amateur Civil Emergency Station.* An amateur radio station which is authorized to operate in the Radio Amateur Civil Emergency Service for the purpose of transmitting and receiving civil defense communications.

(c) *Civil defense communications.* Communications or signals essential to the conduct of civil defense activities of duly authorized civil defense organizations, including communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need and dissemination of warnings of enemy attack to the civilian population in case of actual or impending armed attack or in any disaster or other incident endangering the public welfare. Such communications may also include transmissions necessary to establishment and maintenance of the radio system and communications essential to the training of civil defense personnel.

(d) *Civil defense authority.* The legally appointed Director of Civil Defense, or his authorized alternate or representative, for the particular geographical area (city, county, etc.) which a proposed radio station is intended to serve, and who is responsible to local governmental authority for protection and aid to the civilian population in the event of armed attack or of any disaster or other incident endangering public safety.

(e) *Civil Defense Communications Officer.* The official of any duly constituted civil defense organization having direct responsibility under the Director of that organization for the provision, organization, maintenance, readiness, and utilization of all means of communication to be used by such civil defense organization in the performance of its lawful functions.

(f) *Civil Defense Radio Officer.* The duly designated official of a legally constituted civil defense organization who is directly responsible either to the Communications Officer or to the Director of such civil defense organization for the provision, organization, maintenance, readiness, and utilization of radio communications facilities for civil defense use.

(g) *Radio Amateur Civil Emergency Network.* All radio amateur civil emergency stations intended to be included in the civil defense communications plan of the area concerned and which operate, or are to operate, in conjunction with a single control station. Such network may be made up of several separately authorized radio amateur civil emergency stations or units of such stations, or may be made up of several units of the same station operated at different locations. In addition, the same radio amateur civil emergency station or any unit of such station may be a part of more than one network; e. g., the control station of one network may also be the control station or a member station of another network operated in conjunction therewith.

(h) *Control station.* The term "control station" or "net control station" means any authorized Radio Amateur Civil Emergency Station unit designated by the civil defense radio officer, with the approval of the Director of Civil Defense or the Civil Defense Communications Officer, to direct the use and operation of other station units of the same Radio Amateur Civil Emergency Network.

(i) *Civil defense communications plan.* A civil defense communications plan is the plan under which communications facilities are provided to all branches and phases of the civil defense organization in the area concerned and for all of its activities. Such plan may be drawn up in accordance with the needs of the particular area affected and the facilities, including licensed radio operators and stations, available in that particular area. Plans need not be uniform, but to be acceptable to the Commission they must comply with the following:

(1) The plan must be clearly described in writing, and it may include diagrams and sketches. It must include a general description of the facilities and personnel available to provide communications for civil defense purposes and the expected usage to be made thereof.

(2) The plan must have been approved by the state or territorial and federal civil defense authorities having jurisdiction of the area affected.

(3) The plan must include the name, address, official title, and a statement of the qualifications of the Civil Defense Radio Officer (and of any and all alternate Radio Officers) responsible for the organization, training, and utilization of the radio amateur civil emergency station networks under that plan, and the name, address, and official title of the civil defense official responsible for the coordination of all civil defense activities of the area concerned.

(4) The plan must include a general description of each radio amateur civil emergency station network under the jurisdiction of each respective Civil Defense Radio Officer, showing location of fixed installations, purpose, area of activity to be served, an estimate of the number of radio amateur stations and independent operating units of such stations intended to be used in the network, and a description, including the location and call sign, of its control station and any alternate control station or stations.

(5) The plan must include a general statement as to the frequency bands to be used by the radio amateur civil emergency station networks and the approximate number of stations, or units of such stations, to be operated in each such band, together with a description of the method which has been adopted for liaison and coordination of frequency usage with other similar networks in the same and adjacent areas.

(6) The plan must include a statement setting forth the facilities available to the area and the procedures to be followed in determining the loyalty and general reliabilty of all civil defense Radio Officers, amateur radio station licensees and radio operators intended to be utilized in the implementation of that plan. (See §§ 12.214 (b), 12.215 (c) and 12.241 (a) of this subpart.)

§ 12.202 *Applicability of rules governing amateur radio stations and operators.* In all cases not specifically covered by the regulations contained in this subpart, licensed amateur stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A of this part) which are not in conflict herewith. In any case of conflict, the rules governing the Radio Amateur Civil Emergency Service shall govern in respect to any station operated in that service.

ORGANIZATION

§ 12.211 *Organization of networks.* To supplement or extend other means of communication available to the civil defense organization or to provide necessary communications for which no other means exist, local radio amateur civil emergency station networks shall be organized by the civil defense authority of the area concerned and under the immediate direction of the Civil Defense Radio Officer. Such networks shall include all licensed amateur radio stations which are intended to be included in the civil defense communications plan of the area concerned. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, all such networks must share, under a single civil defense communications plan, the available frequencies in an efficient and orderly manner. The various networks in adjacent areas shall establish proper liaison and a description of the arrangements made shall become a part of their respective civil defense communications plans. Such arrangement shall provide for the efficient sharing of frequencies, plans for operating procedure designed to avoid mutual interference, and the exchange of communications facilities upon an inter-area basis where need for such exchange may arise.

§ 12.212 *Approval of civil defense communications plans.* (a) All civil defense communications plans which provide for the utilization of radio amateur civil emergency stations for civil defense purposes must be submitted to and approved by the responsible state (or territorial) and federal civil defense authorities before the licensed amateur stations intended to be used will be authorized to operate in the radio amateur civil emergency service.

(b) Material changes or modifications in such civil defense communications plans which alter the basic information required shall be submitted for approval in the same manner as the original plans.

(c) Written certification of approval by the competent state (or territorial) and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications, which are submitted to the Commission in accordance with the provisions of this part.

§ 12.213 *Certification of Civil Defense Radio Officer.* (a) Certification of the Civil Defense Radio Officer shall be made on FCC Form 482. Such form shall be executed by the civil defense authority responsible for the coordination of all civil defense activities of the area concerned and show: (1) The name, address, and area of responsibility of such civil defense radio officer, (2) statement by him that he has accepted such appointment and agrees to perform faithfully the duties of that office, including those prescribed by this subpart, (3) a certification by the responsible civil defense authority that he has satisfied himself that the named civil defense radio officer is fully qualified in accordance with the provisions of § 12.214, and (4) the effective date of the appointment of the civil defense radio officer and the name of any previous civil defense radio officer whose appointment is terminated.

(b) FCC Form No. 482, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state (or territorial) and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

§ 12.214 *Qualifications of Civil Defense Radio Officer.* No person shall be considered qualified as a civil defense radio officer until he shall have been found to satisfy the following minimum requirements:

(a) He shall hold either (1) a valid commercial radio operator's license of either first or second class (radiotelegraph or radiotelephone) issued by the Commission, or (2) a valid amateur operator license issued by the Commission, other than the Technician or Novice Class.

(b) A determination shall have been made as to his loyalty to the United States and his general reliability, in accordance with the procedures provided in the approved civil defense communications plan of the area concerned.

(c) It shall have been determined that his technical and administrative qualifications are adequate for the proper performance of his duties.

§ 12.215 *Duties of Civil Defense Radio Officer.* The duties of the Civil Defense Radio Officer shall include among such other duties as may be assigned or as may be required in accordance with the provisions of this subpart.

(a) The direction and supervision of all radio stations forming the radio amateur civil emergency networks in accordance with the approved civil de-

fense communications plan for the area involved.

(b) Provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against improper use of the radio stations and intentional or inadvertent transmissions which might jeopardize the defense or security of the United States.

(c) The recommendation to the Commission for the granting of authorizations to individual amateurs for operation in this service, and certification to the Commission as to the loyalty to the United States and reliability of such individuals and the certification required in accordance with § 12.223.

(d) The recommendation to the Commission for cancellation of any authorization previously recommended or certified whenever subsequent investigation or circumstances indicate that the original recommendation or certification should not have been made.

STATION AUTHORIZATIONS

§ 12.221 *Station authorization required.* No radio station may be operated in the Radio Amateur Civil Emergency Service except pursuant to an authorization for such operation issued by the Federal Communications Commission.

§ 12.222 *Eligibility for station authorization.* An authorization to operate a station in the Radio Amateur Civil Emergency Service will be issued only to a person who holds an amateur radio operator license, other than Technician or Novice Class, and an appropriate amateur radio station license.

§ 12.223 *Filing of application.* Each application for a station authorization shall be submitted on FCC Form 481–1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

§ 12.224 *Additional data required.* Each application for a station authorization in the Radio Amateur Civil Emergency Service shall be accompanied by the following data unless such material has already been submitted to the Commission, in which case the application shall clearly identify the material previously submitted:

(a) A copy of the approved communications plan (as defined in this part) for the civil defense communications network in which the station will operate, together with a copy of each approved amendment, change or modification of that plan.

(b) The official certification of the Civil Defense Radio Officer as provided in this subpart.

§ 12.225 *Single application for all equipment under one amateur station license.* Only one application need be filed for any one amateur station, including all transmitting equipment under the control of the licensee of that station, even though individual units of such station are capable of being operated and are intended to be operated independently at different locations, or as portable or mobile stations with no fixed locations. No distinction need be made between those units which are personally owned by the amateur station licensee and those units which are otherwise under his technical control for operation in this service.

§ 12.226 *Issuance of station authorization.* An authorization to operate in this service, will be issued in the discretion of the Commission upon satisfactory completion of all requirements of this subpart and proper certification that the requirements of the civil defense organization for which the station will be used have been or are being complied with. The station authorization (Form 481–2) will be forwarded to the Civil Defense Radio Officer for delivery to the applicant. Such authorization will be accompanied by a stub (Form 481–3) which may be retained by the civil defense radio officer for his records.

§ 12.227 *Term of station authorization.* (a) Authorization to operate an amateur station in the Radio Amateur Civil Emergency Service will be issued for a term running concurrently with the term of the amateur radio station license. Application for renewal of such authorization shall be filed concurrently with application for renewal of the basic amateur radio station license.

(b) Whenever, under rules contained in Subpart A of this part, modification of the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for a license in this service, application for modification of the Radio Amateur Civil Emergency station license shall be submitted concurrently therewith.

(c) Nothing in this section shall be construed to alter or amend the temporary nature of a station authorization in the Radio Amateur Civil Emergency Service and the Commission's authority to cancel or amend it in accordance with the applicant's agreement as indicated on the initial application for station authorization.

§ 12.228 *Cancellation of station authorization.* (a) Each authorization for operation in the Radio Amateur Civil Emergency Service shall be issued with the express provision that such authorization is subject to revocation or cancellation without hearing whenever, in the opinion of the Commission, the security of the United States or the proper functioning of the Radio Amateur Civil Emergency Service would be served thereby, or termination of the national emergency makes it unnecessary to continue the operation of stations in this service.

(b) The station authorization shall be submitted to the Commission (via the Civil Defense Radio Officer) for cancellation under the following circumstances:

(1) The station for which the authorization was issued becomes inactive for a period of three months or it is not planned to use the station in the radio amateur civil emergency network for a period of at least three months.

(2) The basic amateur radio station license of the station has expired and has not been renewed.

(3) In cases where the amateur radio station license and the radio amateur civil emergency station authorization have both been modified, the original authorization of the latter shall be submitted to the Commission immediately upon receipt by the licensee of a new or modified authorization.

TECHNICAL REQUIREMENTS

§ 12.231 *Frequencies available.* (a) The following tabulation indicates the frequency bands, within the regularly allocated amateur frequency bands, which are available for use by stations in the Radio Amateur Civil Emergency Service. These frequency bands may be used, on a non-exclusive basis, by the classes of radio amateur civil emergency stations or units of such stations indicated, and only with the types of omission shown in the right-hand column.

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency band:		*Authorized emission*
1800–1825 kc [1]	0.1	A1, 6 A3.
1875–1900 kc [1]	0.1	A1, 6 A3.
1900–1925 kc [1]	0.1	A1, 6 A3.
1975–2000 kc [1]	0.1	A1, 6 A3.
3500–3510 kc	0.1	A1, 1.1 F1.
3990–4000 kc	0.1	A1, 1.1 F1, 6 A3, 6 F3

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system or radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(2) For use by all authorized stations:

Frequency band:		*Authorized emission*
28.55–28.75 Mc	0.1	A1, 6 A3, 6 A4, 6 F3
29.45–29.65 Mc	0.1	A1, 1.1 F1, 6 A3, 6 A4, 40 F3.
50.35–50.75 Mc	0.1	A1, 6 A2, 6 A3, 6 A4, 6 F3.
53.35–53.75 Mc	0.1	A1, 1.1 F1, 6 A2, 6 F2, 6 A3, 6 A4, 40 F3
145.17–145.71 Mc	0.1	A1, 1.1 F1, 6 A2, 6 F2, 6 A3, 6 A4, 40 F3
146.79–147.33 Mc	0.1	A1, 1.1 F1, 6 A2, 6 F2, 6 A3, 6 A4, 40 F3
220–225 Mc	0.1	A1, 1.1 F1, 6 A2, 6 F2, 6 A3, 6 A4, 40 F3.

(b) The selection and use of specific frequencies within the authorized frequency bands by stations in the Radio Amateur Civil Emergency Service shall be in accordance with a coordinated local area and adjacent area civil defense communications plan and applicable rules of this part.

(c) At such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

§ 12.232 *Classification of emissions.* (a) For the purposes of this subpart, the authorized emissions, as contained in the table of § 12.231, are defined as follows:

0.1 A1—Continuous wave telegraphy.
1.1 F1—Frequency shift telegraphy.
6 A2—Telegraphy amplitude modulated at audio frequency.
6 F2—Telegraphy frequency modulated at audio frequency.
6 A3—Commercial quality amplitude modulated telephony.
6 F3—Narrow band frequency or phase modulated telephony.
40 F3—Wide band frequency or phase modulated telephony.
6 A4—Amplitude modulated facsimile.

(b) On frequencies where wide band frequency or phase modulated telephony (40 F3) is authorized, narrow band frequency or phase modulated telephony (6 F3) may also be employed; similarly, where commercial quality amplitude modulated telephony (6 A3) is authorized, single or double sideband amplitude modulated telephony, with or without carrier or with reduced carrier, may also be employed.

§ 12.233 *Transmitter power.* The transmitting equipment of a radio station in this service shall be adjusted in such manner as to produce the minimum radiation necessary to carry out the communications desired. No station operating in this service shall use a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of that permitted to be used by a licensed amateur radio station when operated on the same frequencies or in the same frequency bands in accordance with the provisions of the rules governing amateur radio stations and operators (Subpart A of this part).

§ 12.234 *Equipment requirements.* (a) Except under the conditions specified in paragraph (b) of this section, all stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be capable of receiving on the same frequencies or frequency bands utilized for transmission.

(b) When a station in this service is operated only on a single frequency or frequency band for cross-band operation in communication with a station or stations operating on another frequency or in another frequency band, or in other services, such station shall be capable of receiving the station with which it is communicating.

(c) The direct modulation of an oscillator with a frequency stability less than that obtainable with crystal control, or the radiation of a signal having simultaneous amplitude and frequency or phase modulation, is prohibited on frequencies below 220 Mc after December 31, 1952.

§ 12.235 *Alleviation of harmful interference.* (a) When emissions of stations in the Radio Amateur Civil Emergency Service, other than those necessary to carry on the desired communications, cause harmful interference to stations in this or any other service, the Commission may, in its discretion, require appropriate technical changes in the equipment to alleviate the interference.

(b) When the emissions of stations in the Radio Amateur Civil Emergency Service that are necessary to carry on the desired communications cause harmful interference to stations in other radio services, appropriate action shall be taken to alleviate such interference including, if necessary, the suspension (except during times of an actual state of civil emergency) of such emissions as cause the interference.

OPERATING REQUIREMENTS

§ 12.241 *Operator requirements.* (a) No person shall operate a station in the Radio Amateur Civil Emergency Service unless (1) that person holds a valid radio operator license of the proper grade, as described in this section, and (2) that person holds a valid written certification by the chief of the local, regional, or state Civil Defense organization of the area in which he serves that he has satisfied all federal, state, and local requirements for enrollment in the Civil Defense organization as a radio operator and is actually enrolled therein. Such certification shall clearly indicate that a determination has been made as to his loyalty to the United States and general reliability in accordance with the procedures described in the approved civil defense communications plan for the area concerned. (See §§ 12.201 (i) and 12.212).

(b) The person manipulating the key of a manually operated radio-telegraph transmitter of a station authorized to operate in this service shall hold either (1) any class of amateur operator license issued by the Commission, other than the Technician or Novice Class, or (2) any class of commercial radiotelegraph operator license issued by the Commission other than the Temporary Limited Radiotelegraph Second Class Operator License, together with the certification required in accordance with the provisions of paragraph (a) of this section.

(c) Except as specifically provided in paragraphs (a) and (b) of this section, any station in the Radio Amateur Civil Emergency Service may be operated by the holder of any class of amateur or commercial radio operator license issued by the Commission other than a Temporary Limited Radiotelegraph Second Class Operator License or an Aircraft Radiotelephone Operator Authorization: *Provided*, That, when such operation is performed by the holder of a Novice Class amateur operator license or by the holder of a commercial radiotelephone or radiotelegraph third class operator license or restricted operator permit: (1) such operator shall be prohibited from making any adjustments that may result in improper transmitter operation, (2) the equipment shall be so designed and installed that none of the operations necessary to be performed during the course of the normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station shall be regularly made by or under the immediate supervision and responsibility of the holder of either an amateur operator license other than the Novice class or a commercial radiotelephone or radiotelegraph first or second class operator license.

(d) All adjustments or tests during or coincident with the installation, servicing or maintenance of the transmitting equipment of a station in this service shall be made only by or under the immediate supervision and responsibility of the holder of either (1) an amateur operator license other than the Novice class or (2) a commercial radiotelephone or radiotelegraph first or second class operator license issued by the Commission, who in addition holds the certification required in accordance with the provisions of paragraph (a) of this section.

§ 12.242 *Operation at other than licensed location.* A station in this service, or any unit thereof, may be operated at any location in accordance with the approved civil defense communications plan for the area concerned, in the discretion of and as directed by the Civil Defense Radio Officer, without notice to the Commission and without limitation as to the length of time within which such operation takes place: *Provided*, That nothing in this section shall be construed to waive the necessity for modification of the authorization of a station in this service when the address of the licensee or the basic location of the station is changed, or for any other reason where, because of a change of the communications plan or other reason, the information heretofore furnished the Commission with the original application may be materially altered or changed.

§ 12.243 *Availability of station authorizations and operator licenses.* (a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located

at a place other than the transmitter location, it may be posted at the control position: *Provided*, That, whenever, a photocopy of the station authorization is utilized in compliance with the foregoing requirement, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758–F) in the case of the holder of a commercial radio operator license of the diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241 (a), shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station: *Provided*, That, whenever a verification card (FCC Form 758–F) is utilized in compliance with the foregoing requirement, the original operator license shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(c) When a licensed amateur station, or an independent unit of such station, is operated at a location other than that shown in its license in compliance with the provisions of this subpart, the basic amateur station license required by Subpart A of this part need not be readily available at the station or unit location, but shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

§ 12.244 *Radio station log.* (a) Except as otherwise expressly provided in this subpart, there shall be maintained at each radio amateur civil emergency station, or unit of such station, an accurate log of all operations. The following information shall be recorded in such station log:

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items, but the original entry and each change shall show the date on which the entry was made.

(2) The date and time of beginning and end of each period during which the station was operated, the purpose of such operation, and the frequencies or bands of frequencies on which the operation took place.

(3) The call signs or other identification of all stations or units of such stations with which communications are established or attempted during such period of operation.

(4) The signature of the licensed operator on duty and in charge of the operation of the station or unit of such station during each period of operation, and the signature of each licensed operator who manipulated the key of any manually operated radiotelegraph transmitter of such station or unit. The signature of the operator shall be entered with the date and time at the beginning and end of each period during which he performed the foregoing duties, and at least once on each page additional to the first page, covering the period for which he was the responsible operator. The signatures of any additional operators who operate the transmitter(s) during the regular watch of another operator and details to indicate the periods during which they operated the transmitter(s) shall be entered in the proper form.

(5) Upon completion of each period of operation for any purpose, there shall be entered in the log a summary of such operation describing the nature thereof and, if message traffic or other record communications were exchanged with other stations, an estimate of the amount of such traffic handled together with a report on any unusual delays which were experienced in the delivery of such messages.

(6) There shall be no erasure, obliteration, or destruction of any part of the log of any station or station unit. Corrections shall be made by striking out the erroneous portion and initialing and dating the corrections.

(b) Mobile radio amateur civil emergency stations or station units, and portable radio amateur civil emergency stations or station units, where not being operated at pre-determined fixed locations, shall be exempt from the requirements of maintaining a log to the extent that the entries required under the preceding paragraph of this section are substantially contained in the log of another station or stations operating in the same radio amateur civil emergency networks. All stations or station units operating in accordance with the provisions of this subpart shall be exempt from the requirements concerning station logs contained in Subpart A of this part whenever it is shown that compliance with these requirements would interfere with the expeditious handling of civil defense communications or communication drills.

(c) The current portion of the log shall be kept at the location of the operating or control position of the station or unit. Other portions of the log shall be retained by the licensee for a period of one year, at a place determined by the civil defense Radio Officer to be appropriate and advisable: *Provided*, That the logs of a station in this service shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That those portions of any log covering operation of a station in this service in connection with any actual condition jeopardizing the public safety or affecting the national defense or security shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

§ 12.245 *Station identification.* (a) Stations operating in the Radio Amateur Civil Emergency Service shall identify themselves in the same manner and under the same conditions as prescribed in the rules governing Amateur Radio Stations and Operators (Subpart A of this part), except that:

(1) Additional designators to indicate portable or mobile operation, or to indicate operation at a location other than that specified in the station license, shall not be used.

(2) When engaged in network operation, after a station or unit has been fully identified at least once, further identification by that station or unit may be accomplished by the use of abbreviated call signs or other distinctive signals prescribed by the civil defense Radio Officer in lieu of the call signs otherwise required to be transmitted by that station or unit. A record of such abbreviated call signs or other distinctive signals shall be maintained by the Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government.

(b) When two or more separate units of a station, which is authorized to be operated in the Radio Amateur Civil Emergency Service, are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign. When transmitting by telegraphy such additional identification shall immediately follow the basic call sign and to avoid confusion with portable or mobile indicators, shall not be separated therefrom by the use of the "slant" or fraction bar, or other punctuation mark or symbol.

§ 12.246 *Tactical call signs.* Stations operating in this service, and independent units of such stations, may be assigned tactical or secret call signs by the Commission or by competent civil defense authority, and may utilize such tactical call signs in lieu of the call signs appearing on the station licenses when such use is directed by competent civil defense authority: *Provided*, That a list of all such tactical call signs assigned stations under his direction shall be maintained by the civil defense Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That when such tactical call signs are intended to be used at times other than during communications in connection with actual or impending conditions which appear to jeopardize the defense or security of the United States, a list of such tactical call signs and the stations or units to which assigned shall be furnished the Commission prior to such use.

USE OF STATIONS

§ 12.251 *Limitations on use of stations.* (a) No station authorized to be operated in this service, other than a control station as defined in this subpart, shall be operated for the purpose of transmitting any signal, message, or other communications except with the permission and under the operational control of the control station of the network in which it is operating: *Provided*, That nothing in the foregoing shall be construed to prohibit the transmission by any station or unit of a station of such signals as may be necessary for the purpose of alerting or making contact with the control station of the network, or for the purpose of transmitting actual emergency civil defense communications if the control station is disabled or is otherwise inoperative.

(b) Nothing in this section shall be construed to prevent the operation of a station which is authorized to be operated in this service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Provided*, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(c) No station in this service shall be used to transmit or to receive messages for hire, nor to transmit communications for material compensation, direct or indirect, paid or promised.

§ 12.252 *Hours of operation.* Stations in this service may be operated at such times and under such conditions as may be prescribed by the Communications Officer or other responsible official of the civil defense organization having jurisdiction over the area which the station will serve: *Provided*, That the communications of such stations shall at all times be in accordance with the permissible communications authorized in this subpart.

§ 12.253 *Points of communication.* Stations in this service may communicate with each other, with stations in the Disaster Communications Service, and with stations of the United States Government which are authorized to exchange communications with stations in this service by the particular agency having control. In addition, stations in this service may communicate, for the purpose of exchanging civil defense communications, with any other station in any service provided by the Commission's rules, whenever such station is authorized to communicate with stations in the Radio Amateur Civil Emergency Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 12.254 *Permissible communications.* Stations in this service are authorized to transmit only the following types of civil defense communications:

(a) Communications for training purposes: Necessary drills and tests to insure establishment and maintenance of orderly and efficient operation of the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith for the conduct of civil defense communications, including communications directly concerned with the conduct of practice alerts, practice blackouts, practice mobilization, and other comparable situations as may be ordered or initiated by competent civil defense authority or by the United States governmental or military authority charged with the defense of the area concerned. All messages which are transmitted in connection with such drills and tests shall be clearly identified as such by the use of the words "Drill" or "Test" in the body of such messages.

(b) Communications when there is an impending or actual condition jeopardizing the public safety or affecting the national defense or security:

(1) Communications directly concerning the activation of the radio amateur civil emergency station networks or such other radio stations and networks as may be associated with the networks for the conduct of civil defense communications.

(2) Communications directly concerning the conduct of service by the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need, and combating of armed attack or sabotage.

(4) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other authorized governmental or relief agencies.

(5) Communications directly concerning the transaction of business essential to public welfare.

§ 12.255 *Use of codes and ciphers.* Any station in this service is authorized to transmit messages in codes and ciphers and to utilize any method of secret or coded authentication of its transmissions when such method of concealing the contents of messages or such authentication procedure is prescribed by the competent civil defense authority of the area served by the station and is approved by the cognizant federal civil defense authorities.

§ 12.256 *Priority of communications.* The order of priority of communications by stations in this service, when there is an impending or actual condition jeopardizing the public safety or affecting the defense or security of an area, shall be determined by the cognizant civil defense authority of the area concerned or his authorized representative.

§ 12.257 *Operating procedure.* The operating procedure, and the method of circuit control by the control station of each network, shall be determined by the responsible civil defense authority of the area concerned and shall, in general, conform as nearly as possible to the operating procedure normally followed in other services in the expeditious handling of message traffic by the method of transmission in use.

[F. R. Doc. 52-7472; Filed, July 8, 1952; 8:51 a. m.]

[Docket No. 10192]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICES

EXISTING EQUIPMENT

In the matter of amendment of § 18.51 of the Commission's rules and regulations,

1. This proceeding was instituted by the adoption on May 14, 1952 of a notice of proposed rule making which proposed to amend § 18.51 of the Commission's rules and regulations, in so far as it is applicable to medical diathermy equipment, the manufacture and assembly of which was completed prior to July 1, 1947, to change the date of the applicability of Part 18 of the rules from June 30, 1952 to June 30, 1953. The proceeding was instituted following receipt of a petition filed by the Council on Physical Medicine and Rehabilitation of the American Medical Association requesting that the applicability date be extended to December 31, 1953.

2. In addition to the petition of the Council on Physical Medicine and Rehabilitation, comments or briefs have been timely filed by the National Chiropractic Association, Inc.; General Electric Company; Raytheon Manufacturing Company; Physical Therapy Manufacturers' Association; the Veterans' Administration; and Shaw Supply Co., Inc. in support of the proposed extension of the date of applicability of Part 18 to medical diathermy equipment. These comments in substance refer to the hardship involved in replacing non-conforming diathermy equipment, and claim that production of new models has been necessarily curtailed by defense needs. It also appears from the comments that sufficient new equipment to replace non-conforming equipment may not be available at the present time.

3. The proposed extension has been opposed by Terma Electric Company, Inc., Paul Luckenbach and Company, Inc., and Nea Spears Company on the ground that the users of medical diathermy equipment have not proceeded diligently to replace non-conforming equipment and that a mere unconditional general extension of the date will invite further procrastination.

4. Upon careful consideration of all of the comments, it appears that a one year's extension will be in the public interest and that compliance by June 30, 1952 may have been prevented, at least in part, by non-availability of equipment. The proposed amendment will therefore be adopted. However, it also appears from the comments that a failure on the part of medical diathermy equipment users to act diligently over a period of time to replace non-conforming equipment has been a contributing cause to the present inability of manufacturers to meet the demand which would be occasioned by a complete replacement of non-conforming equipment in the immediate future. In view of this fact the Commission wishes to advise all interested parties that if further requests for extension of the applicability date are sought, it will give consideration to the advisability of acting upon such requests on an individual basis, taking into consideration the efforts made by the users of non-conforming equipment to replace it during the period for which the present extension is being granted.

5. *Accordingly, it is ordered*, This 25th day of June 1952, that pursuant to the authority contained in sections 4 (i), 301 and 303 (r) of the Communications

Act of 1934, as amended, § 18.51 of the Commission's rules and regulations is amended, effective immediately, to read as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1953 to diathermy equipment, and until June 30, 1952 to industrial heating equipment, the manufacture and assembly of which was completed prior to July 1, 1947, nor shall they be applicable until April 30, 1953 to miscellaneous equipment, the manufacture and assembly of which was completed prior to April 30, 1948: *Provided*, That the foregoing provisions of this section shall be applicable only if such steps as may be suitable under the circumstances are promptly taken to eliminate interference to authorize radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section.

[F. R. Doc. 52-7468; Filed, July 8, 1952; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 888]

PART 95—CAR SERVICE

MINIMUM LOADING OF CARLOAD TRANSFER FREIGHT REQUIRED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of July A. D. 1952.

It appearing, that the Defense Transport Administration has made representations to the Interstate Commerce Commission that the railroads are engaged in the practice of lightly loading transfer part-shipments in box cars at transfer points; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars which are urgently needed for the movement of certain essential defense materials. The Commission is of the opinion an emergency requiring immediate action exists in all sections of the country where this practice is permitted: It is ordered, that:

§ 95.888 *Minimum loading of carload transfer freight required.* (a) No common carrier by railroad, subject to the Interstate Commerce Act, shall permit carload shipments in box cars to be stopped-off in transit to partially unload under tariff provisions where the carrier will, at its convenience, or upon specific request of a shipper, transfer that portion of the shipment consigned to either the stop-off point, or points, or to the final destination, and forward shipment to stop-off point, or points, or the final destination in another box car unless the amount of such freight destined to the stop-off point, or points, equals or exceeds 15,000 pounds for each car. In the event that such car, or cars, is loaded with less than the minimum provided in this paragraph that shipment shall not be transported.

(b) Application: The provisions of this section shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This section shall become effective at 7:00 a. m., July 7, 1952.

(d) Expiration date: This section shall expire at 11:59 p. m., October 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(e) Rules and regulations suspended: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended.

(f) Announcement of suspension: Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7496; Filed, July 8, 1952; 8:55 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES OF PROPERTY BROKERS

Upon further consideration of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the effective date, as subsequently modified, of the order of December 27, 1951, and the prior order of May 16, 1949, as modified by the former order, be, and it is hereby, further postponed from June 30, 1952, to July 30, 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 30th day of June A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7494; Filed, July 8, 1952; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 708]

MINIMUM WAGE RATES IN RUBBER, STRAW, HAIR AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED DECISION

On December 12, 1951, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 417, appointed Special Industry Committee No. 11 for Puerto Rico (hereinafter called the "Committee") and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in the order, including the rubber, straw, hair and related products industry in Puerto Rico (hereinafter called the "industry"), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the industry, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the industry, the Committee filed with the Administrator a report containing (a) its recommendation that the industry be divided into separable divisions for the purpose of fixing minimum wage rates, (b) the titles and definitions recommended by the Committee for such separable divisions of the industry; and (c) its recommendations for minimum wage rates to be

paid employees engaged in commerce or in the production of goods for commerce in such divisions of the industry.

Pursuant to notice published in the FEDERAL REGISTER on March 15, 1952 (17 F. R. 2285-2288) and circulated to all interested persons, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, in Washington, D. C., on April 24, 1952, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding, and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that (1) the recommendation of the Committee for a minimum wage rate of 60 cents per hour for the rubber products division, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; (2) the recommendation of the Committee for a minimum wage rate of 37 cents per hour for the straw, hair and related products division, as defined, is not supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, would not, if approved carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled, "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 11 for Puerto Rico for Minimum Wage Rates in the Rubber, Straw, Hair and Related Products Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to approve the recommendations of the Committee for the rubber products division and to issue a wage order as set forth below to carry such recommendations into effect. Notice is also given that I propose to disapprove the minimum wage recommendation of the Committee for the straw, hair and related products division of the industry and to refer the matter of a minimum wage for this division to another special industry committee to be convened within the next several months. All interested parties will have an opportunity to be heard at that time.

Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.
708.1 Wage rate.
708.2 Notices of order.
708.3 Definitions of the rubber, straw, hair and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 708.1 to 708.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 708.1 *Wage rate.* (a) Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the rubber products division of the rubber, straw, hair and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

NOTE: Activities included within the straw, hair and related products division, as defined in § 708.3 (b), are and will, until further order of the Administrator, remain subject to the applicable minimum wage rates provided in the wage order contained in Part 674 of this chapter.

§ 708.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the rubber, straw, hair and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 708.3 *Definitions of the rubber, straw, hair and related products industry in Puerto Rico and its divisions.* (a) The rubber, straw, hair and related products industry in Puerto Rico to which this part shall apply, is hereby defined as follows: The manufacture of all products made wholly or chiefly of rubber, and the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers and similar materials: *Provided, however*, That this definition shall not include any product or activity included in the definition of the handicraft products industry, the needlework and fabricated textile products industry, the men's and boys' clothing and related products industry, the textile and textile products industry, the button, buckle, and jewelry industry, the decorations and party favors industry, the artificial flower industry, or the shoe manufacturing and allied industries, as defined in the wage orders for those industries in Puerto Rico.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Rubber products division.* This division consists of the manufacture of all products made wholly or chiefly from rubber.

(2) *Straw, hair and related products division.* This division consists of the manufacture of all products (except hand-made or hand-woven) made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristle, feathers and similar materials.

(See note following § 708.1 (a).)

Signed at Washington, D. C., this 2d day of July 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-7480; Filed, July 8, 1952; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 1598]

JOE ALLISON STOCK YARDS, INC.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on January 16, 1952 (11 A. D. 12) authorizing the respondent to file a new tariff establishing the rates and charges for stockyard services appearing in the tabulation below under the heading "Current Charges." That order became effective on January 22, 1952, and provided that it should remain in effect to and including April 1, 1953.

By a petition filed on June 26, 1952, respondent has requested an authorization to put into effect the rates and charges appearing under the heading "Proposed Charges" in the tabulation below.

CURRENT CHARGES

SELLING COMMISSIONS

	Commission	Yardage
Hogs bringing $30 or below	$0.40	0
Hogs bringing over $30 up to $75	.65	0
Hogs bringing over $75	.85	0
Cattle, per head (300 pounds and over)	1.00	$0.75
Calves, per head (under 300 pounds)	.75	.25
Sheep and lambs	.25	.15
Springing cows	1.50	1.00
Bulls	1.50	1.00
Cattle—special sales (4-H and FFA Club sales, pure bred and registered sales)	3.00	0
Hogs—special sales (4-H and FFA Club sales, pure bred and registered shows and sales)	1.00	0
On livestock held in yards for more than 24 hours, a feed charge of 25 cents per head, per day, will be assessed.		
Charge for no sales:		
Cattle (300 pounds and over) (per head)		.88
Calves (under 300 pounds) (per head)		.45
Hogs (per head)		.35
Sheep and lambs (per head)		.20

FEED

All feed charged for at cost to the petitioner per 100 pounds or per bale, plus 70 cents.

Corn, per hundredweight, cost plus 70 cents.

Hay, per bale, cost plus 70 cents.

Dairy feed, per hundredweight, cost plus 70 cents.

Straw, per bale, cost plus 70 cents.

PROPOSED CHARGES

Selling Commissions

	Commission	Yardage
Hogs	$0.60	$0.25
Cattle, per head (300 pounds and over)	1.25	.75
Calves, per head (under 300 pounds)	.75	.25
Sheep and lambs	.25	.15
Springing cows	1.50	1.00
Bulls	1.50	1.00
Cattle—special sales (4-H and FFA Club sales, pure bred and registered sales)	3.00	0
Hogs—special sales (4-H and FFA Club sales, pure bred and registered shows and sales)	1.00	0
Charge for no sales:		
Cattle (300 pounds and over) (per head)		.88
Calves (under 300 pounds) (per head)		.45
Hogs (per head)		.35
Sheep and lambs (per head)		.20

FEED

All feed charged for at cost to the petitioner per 100 pounds or per bale, plus 70 cents.

Corn, per hundredweight, cost plus 70 cents.

Hay, per bale, cost plus 70 cents.

Dairy feed, per hundredweight, cost plus 70 cents.

Straw, per bale, cost plus 70 cents.

If authorized, the proposed rates and charges will produce additional revenue for the respondent and increase the cost of marketing livestock. It appears, therefore, that this notice of the filing of the petition and its contents should be given to the public.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 3d day of July 1952.

[SEAL] AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 52-7499; Filed, July 8, 1952; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10225]

TELEVISION BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.606 Table of Assignments, Rules Governing Television Broadcast Stations; Docket No. 10225.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by Dr. Forbes Farms, Inc., on June 3, 1952, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the Table and is not within 15 miles of a city so listed nor would the proposed assignment require any other changes in the Table, it is proposed to amend § 3.606 *Table of assignments, rules governing television broadcast stations*, as follows:

Add to Table of Assignments under the State of California:

	Channel No.
Palm Springs	14

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before August 11, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 25, 1952.

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7476; Filed, July 8, 1952; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Petroleum Administration for Defense

VOLUNTARY AGREEMENT RELATING TO SUPPLY OF PETROLEUM TO FRIENDLY FOREIGN NATIONS

NOTICE OF TERMINATION OF PLAN OF ACTION NO. 1

Plan of Action No. 1 dated July 26, 1951, issued under the Voluntary Agreement Relating to the Supply of Petroleum to Friendly Foreign Nations, is hereby terminated at 12:01 a. m., e. s. t., July 8, 1952.

This termination does not relieve any participating company of any obligation, including the carrying out of approved schedules according to the terms, conditions or intent thereof, incurred under Plan of Action No. 1 as originally approved and issued; nor does it deprive such company of any rights received or accrued under said Plan of Action No. 1, including the right to carry out the transactions specified in any schedule approved heretofore; nor does it deprive the Administrator of the authority to change, modify, or amend any schedule heretofore approved, or the right of any such company to carry out transactions in accordance with any such change, modification, or amendment made by the Administrator.

This notice of termination is issued this 2d day of July 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and Petroleum Administrator for Defense.

JULY 7, 1952.

[F. R. Doc. 52-7557; Filed, July 7, 1952; 4:17 p. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 114]

FREMONT-WAHOO, NEBRASKA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated July 1, 1952, that the Fremont-Wahoo, Nebraska, area (this area consists of all of Saunders County and the Townships of Cotterell, Elkhorn, Maple, Nickerson, Platt, and Union including the Village of Nickerson and the City of Fremont in Dodge County; all in Nebraska) is a critical defense housing area, and in view of the defense housing program announced for the said area on April 29, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Fremont-Wahoo, Nebraska, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROSS SHEARER,
Acting Administrator.

JULY 3, 1952.

[F. R. Doc. 52-7550; Filed, July 7, 1952; 2:53 p. m.]

Office of Price Stabilization

[Region I, Redelegation of Authority No. 41, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES REGION I, BOSTON, MASSACHUSETTS

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. I, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437) this revision of Redelegation of Authority No. 41 (17 F. R. 5173) is hereby issued.

Authority to act under sections 5 and 6 of CPR 31. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect as of June 25, 1952.

JOHN A. FOX,
Acting Regional Director, Region I.

JULY 3, 1952.

[F. R. Doc. 52-7514; Filed, July 3, 1952; 4:59 p. m.]

[Region II, Redelegation of Authority No. 24 Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CEILING PRICE REGULATION 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 52 Revision 1 (17 F. R. 5618), this Revision 1 to Redelegation of Authority No. 24 is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse, and Albany, New York, and Newark and Trenton, New Jersey, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and Newark and Trenton, New Jersey, to issue orders pursuant to section 71 of Ceiling Price Regulation 117 Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect on July 3, 1952.

JAMES G. LYONS,
Regional Director, Region II.

JULY 3, 1952.

[F. R. Doc. 52-7512; Filed, July 3, 1952; 4:59 p. m.]

[Region II, Redelegation of Authority No. 32 Supplement 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 135, SUPPLEMENTARY REGULATION 1—SALES OF BAKERY ITEMS TO EATING AND DRINKING ESTABLISHMENTS LOCATED IN THE METROPOLITAN NEW YORK AREA

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 60 Supplement 1 (17 F. R. 5701), this Supplement 1 to Redelegation of Authority No. 32 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey:

(a) To receive reports under section 2 (c) of Ceiling Price Regulation 135, Supplementary Regulation 1.

(b) To fix ceiling prices upon application under paragraph (c) (4) of section 4 of Ceiling Price Regulation 135, Supplementary Regulation 1.

(c) To adjust ceiling prices under section 5 of Ceiling Price Regulation 135, Supplementary Regulation 1.

2. All authority heretofore redelegated by Redelegation of Authority No. 32 under provisions of Ceiling Price Regulation 135 which are not inconsistent with the provisions of Ceiling Price Regulation 135 Supplementary Regulation 1, continue to apply under this Supplement 1 to Redelegation of Authority No. 32. This includes the authority to:

(a) Request further information concerning any ceiling price reported pursuant to the provisions of Ceiling Price Regulation 135, Supplementary Regulation 1, or concerning any application for a ceiling price made pursuant to the provisions of Ceiling Price Regulation 135, Supplementary Regulation 1.

(b) Disapprove or reduce, at any time, ceiling prices determined, reported or proposed under Ceiling Price Regulation 135, Supplementary Regulation 1.

This redelegation of authority shall take effect on July 3, 1952.

JAMES G. LYONS,
Regional Director, Region II.

JULY 3, 1952.

[F. R. Doc. 52-7513; Filed, July 3, 1952; 4:59 p. m.]

[Region II, Redelegation of Authority No. 39]

DIRECTORS OF THE DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse, and Albany, New York; and Newark and Trenton, New Jersey, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect on July 3, 1952.

JAMES G. LYONS,
Regional Director, Region II.

JULY 3, 1952.

[F. R Doc. 52-7511; Filed, July 3, 1952; 4:59 p. m.]

[Region X, Redelegation of Authority No. 24, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTIONS 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 52, Revision 1 (17 F. R. 5618), this redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect on July 3, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

JULY 3, 1952.

[F. R. Doc. 52-7509; Filed, July 3, 1952; 4:58 p. m.]

[Region XI, Redelegation of Authority No. 45]

DIRECTORS OF THE DISTRICT OFFICES, REGION XI, DENVER, COLORADO

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7, RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of June 30, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

JULY 3, 1952.

[F. R. Doc. 52-7508; Filed, July 3, 1952; 4:58 p. m.]

[Region XII, Redelegation of Authority No. 49]

DIRECTORS OF THE DISTRICT OFFICES REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 66, Revision 1 (17 F. R. 5437), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Fresno, Sacramento, San Francisco, Los Angeles, and San Diego, California, Phoenix, Arizona, and Reno, Nevada, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect on July 7, 1952.

CRESSLYN L. TILLEY,
Acting Director of Regional Office No. XII.

JULY 3, 1952.

[F. R. Doc. 52-7506; Filed, July 3, 1952; 4:58 p. m.]

[Region XII, Redelegation of Authority No. 30, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 52, Revision 1 (17 F. R. 5618), this Revision of Redelegation of Authority No. 30 (17 F. R. 1640) is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Office of Price Stabilization located at Fresno, Sacramento, San Francisco, Los Angeles, and San Diego, California; Phoenix, Arizona; and Reno, Nevada, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Office of Price Stabilization located at Fresno, Sacramento, San Francisco, Los Angeles, and San Diego, California; Phoenix, Arizona; and Reno, Nevada, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall take effect on July 6, 1952.

CRESSLYN L. TILLEY,
Acting Director of Regional Office No. XII.

JULY 3, 1952.

[F. R. Doc. 52-7507; Filed, July 3, 1952; 4:58 p. m.]

[Region VIII, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINNESOTA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 63, Revision 1, dated June 25, 1952 (17 F. R. 5739), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by district offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of June 27, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

JULY 3, 1952.

[F. R. Doc. 52-7510; Filed, July 3, 1952; 4:59 p. m.]

[Region XIII, Redelegation of Authority No. 1, Revision 2]

DIRECTORS OF THE DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39a, 39b, 39c, 39d, 39e, 39f AND 39g OF CPR 7

By virtue of authority vested in the Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 5, Revised (17 F. R. 98, 17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane Offices of Price Stabilization, respectively, to act under sections 39a, 39b, 39c, 39d, 39e, 39f, and 39g of Ceiling Price Regulation 7.

This redelegation of authority shall be effective as of June 28, 1952.

EARL C. HALD,
Acting Regional Director, Office of Price Stabilization, Region XIII.

JULY 3, 1952.

[F. R. Doc. 52-7503; Filed, July 3, 1952; 4:57 p. m.]

[Region XIII, Redelegation of Authority No. 13, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 52, Revision 1 (17 F. R. 5618), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall become effective July 9, 1952.

EARL C. HALD,
Acting Regional Director, Office of Price Stabilization, Region XIII.

JULY 3, 1952.

[F. R. Doc. 52-7504; Filed, July 3, 1952; 4:58 p. m.]

[Region XIII, Redelegation of Authority No. 28]

DIRECTORS OF THE DISTRICT OFFICES REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall become effective July 10, 1952.

EARL C. HALD,
Acting Regional Director, Office of Price Stabilization, Region XIII.

JULY 3, 1952.

[F. R. Doc. 52-7505; Filed, July 3, 1952; 4:58 p. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 423]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 12

ACCEPTANCE OF RESIGNATIONS AND APPOINTMENT OF NEW MEMBERS

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C., and Sup., 201), I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, hereby accept the resignations of W. Willard Wirtz, as a public member and Fernando A. Villamil as an employer member of Special Industry Committee No. 12 for Puerto Rico, and appoint to serve on said Committee in their stead as public and employer members respectively, Rev. James L. Ferris of Guayama, Puerto Rico, and Armando Bras of San Juan, Puerto Rico.

Signed at Washington, D. C., this 2d day of July 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour Division.

[F. R. Doc. 52-7481; Filed, July 8, 1952; 8:53 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

[Delegation No. 14]

GENERAL SERVICES ADMINISTRATOR

DELEGATION OF AUTHORITY TO PURCHASE MANGANESE ORES AND CONCENTRATES OF DOMESTIC ORIGIN

1. Pursuant to the authority vested in me as Defense Materials Procurement Administrator by Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., and Pub. Laws 69, 96 and 429, 82d Cong.), and other applicable law, I hereby delegate to the Administrator of General Services the authority to purchase, for Government use and resale, manganese ores and concentrates, all of domestic origin, under the terms, conditions and policies set forth in regulations of even date herewith prescribed by the Administrator of General Services for the administration of the functions hereby delegated.

2. The functions delegated hereby shall be carried out in accordance with such policies as may be established by the Defense Materials Procurement Administrator.

3. The authority hereby delegated may be redelegated to officers and employees of the General Services Administration, with or without authority for further redelegation.

4. This delegation is effective as of the date hereof.

Dated: July 7, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-7543; Filed, July 7, 1952; 1:36 p. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 42—DPAV-37 (a)]

AVON STORE FIXTURE CO.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF WOODWORKING DEFENSE PRODUCTION POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the operations of the Woodworking Defense Production Pool, which request and original list of companies accepting such request were published June 3, 1952, on 17 F. R. 4990:

Avon Store Fixture Co., 194-8 Schenck Avenue, Brooklyn, N. Y.

(Sec. 708, 66 Stat. 296, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: July 7, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-7548; Filed, July 7, 1952; 2:50 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9996, 10202]

FARMERS BROADCASTING SERVICE, INC. (WELS)

MEMORANDUM OPINION AND ORDER CONTINUING HEARING

In re application of Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 9996, File No. BTC-1111; for transfer of control, and Farmers Broadcasting Service, Inc. (WELS), Kinston, North Carolina, Docket No. 10202, File No. BR-2524; for renewal of license.

1. The Commission has under consideration (1) a motion for continuance filed June 24, 1952, in which the above-entitled applicant requests the continuation of the hearing now scheduled for July 8, 1952, for a period of approximately 45 days from said date and (2) a motion to accept late appearance of counsel employed by the above-entitled applicant on or about June 4, 1952. Oral argument on both motions were heard by the undersigned Examiner on June 26, 1952, in the offices of the Commission in Washington, D. C. There was objection to the granting of the motion for continuance; no objection to the acceptance of late appearance of counsel.

2. Briefly stated, the facts discussed and referred to in the argument on the motion for continuance are as follows: On June 27, 1951, the Commission designated for hearing the application of Farmers Broadcasting Service, Inc., for Commission consent to transfer control of that corporation (File No. BTC-1111, Docket No. 9996), and specified seven issues to be developed at the hearing. Thereafter, Farmers Broadcasting Service, Inc., through its then employed Washington counsel was ably represented at several proceedings before the Commission. On May 21, 1952, the Commission designated for hearing the application of Farmers Broadcasting Service, Inc., for renewal of license of Station WELS and subsequent to that date Commission counsel sought to arrange for a hearing date in June. Before the hearing date could be agreed upon, Farmers Broadcasting Service on June 4, 1952, employed other Washington counsel who prior to such employment advise the applicant herein of the commitments he then had.

3. The Commission by order dated June 11, 1952, released June 13, 1952, scheduled the hearing to be held at Kinston, North Carolina on July 8, 1952, and in that order consolidated and restated the nine issues to be developed. Comparing the nine issues as stated in the

order of June 11, 1952, with the seven issues as originally stated by the Commission in the order of June 27, 1951, we find that five of the issues are the same as those originally specified, that two of the issues are substantially the same as those originally specified; and that while two newly numbered issues have been added, these two issues are based on and arise out of matters pertaining to the transfer of control of the applicant corporation and that the hearing now scheduled for July 8, 1952, is substantially the same hearing and will involve substantially the same evidence and testimony as could have been presented to the Commission had the transfer application gone to hearing at any time subsequent to June 27, 1951.

4. The first reason for the motion for continuance is stated to be that the present stockholders of Farmers Broadcasting Service, Inc. are taking steps to rescind the sale and transfer of stock which led to the alleged transfer of control of the corporation and that after the stock has been returned to the original owners and the status quo ante thereby achieved, a petition to dismiss the transfer of control application will be filed.

5. As a second reason for the motion for continuance, it is alleged that commitments of applicant's Washington counsel are such as will not permit him to devote adequate time to study the past history of the applicant corporation and prepare for the hearing.

6. Commission counsel in opposing the motion for continuance contends that the first reason for the request for continuance is to enable the applicant corporation to effect changes in stock ownership which will in no way affect the issues to be heard at the hearing; that while they were sympathetic to the pleadings of applicant's counsel for additional time, the matter of the alleged unlawful transfer of control has been pending before the Commission for almost a year; and that the present workload of Commission counsel is such that to continue the hearing beyond the week of July 14–18, 1952, would seriously affect the handling of other work to which he has been assigned.

7. Since June 27, 1951, Farmers Broadcasting Service, Inc. has been advised that the Commission desired full information relative to the matters covered by the issues specified in its order of that date. The issues to be heard at the hearing presently scheduled will require the presentation of substantially the same evidence and testimony as could have been presented to the Commission had this case gone to hearing at any time during the past 12 months. To continue the date of the hearing beyond the week of July 14–18, 1952, would not only prolong the date of the hearing but interfere with Commission assignment of work to its personnel. For many months subsequent to June 27, 1951, the applicant herein was ably represented before the Commission by Washington counsel and the applicant was informed by their present Washington counsel of his commitments at the time he was employed. Under those circumstances the Commission must conclude that the applicant was ready to continue to prosecute its applications for transfer of control and renewal of license and to proceed to hearing at a time which would not inconvenience other parties to the proceeding. Under the conditions herein stated we are forced to conclude that good cause has not been shown why the hearing now scheduled to begin on July 8, 1952, should be continued beyond the week of July 14–18, 1952.

It is ordered, This the 26th day of June 1952, that the motion for continuance be denied insofar as it requests a continuance of the hearing for a period of 45 days beyond July 8, 1952, but granted insofar as it requests a continuance for one week and the hearing now scheduled to begin July 8, 1952, is continued to July 15, 1952, beginning at 10:00 a. m. at Kinston, North Carolina, at a place to be subsequently designated.

It is further ordered, That the motion to accept late appearance of counsel for Farmers Broadcasting Service, Inc., be and it is hereby granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7473; Filed, July 8, 1952; 8:52 a. m.]

[Docket No. 10226]

HELM COAL CO. (WNOW)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of H. J. Williams, M. E. Cousler and Lowell W. Williams, doing business as the Helm Coal Company (WNOW) York, Pennsylvania, Docket No. 10226, File No. BP-8229; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June 1952;

The Commission having under consideration the above-entitled application requesting a construction permit to change facilities from 1250kc, 1kw, daytime only, to 1600kc, 1kw, unlimited time, with a directional antenna at night of Station WNOW, York, Pennsylvania.

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WNOW as proposed, but that the application may involve interference with one or more existing stations.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WNOW as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of Station WNOW as proposed would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of Station WNOW as proposed would involve objectionable interference with Station WWRL, New York, New York, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of Station WNOW as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That, Long Island Broadcasting Corporation, licensee of Station WWRL, New York, New York, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7474; Filed, July 8, 1952; 8:52 a. m.]

[Docket No. 10227]

KWEM, INC. (KWEM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of KWEM, Incorporated (KWEM), West Memphis, Arkansas, Docket No. 10227, File No. BML-1503; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June 1952;

The Commission having under consideration the above-entitled application of KWEM, Incoporated to change location of its main studio from West Memphis, Arkansas; to Memphis, Tennessee.

Is is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, said application is designated for hearing at a time and place to be specified by subsequent order, on the following issues:

1. To determine the needs of West Memphis, Arkansas, and Memphis, Tennessee, for radio service originating in each city or serving as a medium of expression for the city's inhabitants and to determine the degree to which Station KWEM has met those needs during the current license period.

2. To determine the future program policies of Station KWEM with particular reference to furnishing an outlet to legitimate needs for expression by West Memphis, Arkansas; and Memphis, Tennessee, inhabitants.

3. To determine whether, in the light of evidence adduced under issues 1 and 2 herein, the proposed move of main studio location would serve the public interest.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7475; Filed, July 8, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6435]

SOUTHERN UTAH POWER CO.

NOTICE OF ORDER ANTHORIZING ISSUANCE OF SHORT-TERM PROMISSORY NOTES

JULY 2, 1952.

Notice is hereby given that on June 27, 1952, the Federal Power Commission issued its order entered June 26, 1952, authorizing issuance of short-term promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7453; Filed, July 8, 1952; 8:46 a. m.]

[Project Nos. 1506, 1953; Docket No. DI-164—Wisconsin]

CONSOLIDATED WATER POWER CO.

NOTICE OF ORDERS IN VARIOUS MATTERS

JULY 2, 1952.

Notice is hereby given that on February 4, 1952, the Federal Power Commission issued its order entered January 31, 1952, in the above-entitled matters, dismissing the incomplete application for license (Major) and application for withdrawal in Project No. 1506; the declaration of intention under section 23 (b) of the Federal Power Act in Docket No. DI-164—Wisconsin, and issuing license (Major) in Project No. 1953.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7454; Filed, July 8, 1952; 8:46 a. m.]

[Docket Nos. G-996, G-1916, G-1917, G-1429, G-1908, G-1909, G-1526, G-1919, G-1920, G-1816, G-1817, G-1818, G-1918, G-1926, G-1927, G-1921, G-1922, G-1923, G-1924, G-1969]

NORTHWEST NATURAL GAS CO. ET AL.

ORDERS GRANTING MOTIONS FOR SEVERANCE OF CERTAIN PROCEEDINGS AND CONSOLIDATING WITH OTHER SEPARATE PROCEEDINGS

JULY 1, 1952.

In the matters of Northwest Natural Gas Company, Docket Nos. G-996, G-1916, G-1917; Pacific Northwest Pipe Line Corporation, Docket Nos. G-1429, G-1908, G-1909; Westcoast Transmission Company, Inc., Docket Nos. G-1526, G-1919, G-1920; Glacier Gas Company, Docket Nos. G-1816, G-1817, G-1818; Northern Natural Gas Company, Docket Nos. G-1918, G-1926, G-1927; Tennessee Gas Transmission Company, and Niagara Gas Transmission Limited, Docket No. G-1921; Tennessee Gas Transmission Company, Docket No. G-1922; Trans-Northwest Gas, Inc., Docket Nos. G-1923, G-1924; Tennessee Gas Transmission Company, Docket No. 1969.

By its order issued April 2, 1952, the Commission consolidated all of the above-entitled proceedings, with the exception of Docket No. G-1969, and fixed the date of June 16, 1952, for hearings to commence.

On June 17, 1952, during hearings in the consolidated proceedings, counsel for Northwest Natural Gas Company, moved on the record and later on the same date filed a written motion to sever from the other dockets, Docket Nos. G-1921 and G-1922. Basis of this motion was that opening statements in the consolidated proceedings had shown that the issues in Docket Nos. G-1921 and G-1922 were in no way related to or conditioned upon the other dockets and to allow them to remain consolidated would result in confusion and waste of time and money to all parties. On June 20, 1952, Tennessee Gas Transmission Company and Niagara Gas Transmission Limited, joint applicants in Docket No. G-1921, and Tennessee Gas Transmission Company, applicant in Docket No. G-1922, filed a motion to sever Docket Nos. G-1921 and G-1922 from the other proceedings on substantially the same grounds.

On June 27, 1952, National Coal Association, United Mine Workers of America, Fuels Research Council, Inc., Anthracite Institute,, Western States Fuel Policy Council, Montana Coal Operators Association, Utah Coal Operators Association, Coal Producers Association of Washington, Southern Wyoming Coal Operators Association, and Sheridan-Wyoming Coal Company, Inc. filed an answer opposing the foregoing motions to sever, alleging that the applications filed in Docket Nos. G-1921 and G-1922 involve questions of fact common to and related to the applications filed in Docket Nos. G-1526, G-1919 and G-1920.

Tennessee Gas Transmission Company filed on June 2, 1952, an application for a certificate of public convenience and necessity in Docket No. G-1969 for the construction and operation of facilities to be used in the transportation of natural gas proposed to be exported under authorization sought at Docket No. G-1921 and Presidential Permit sought at Docket No. G-1922. A motion was filed on June 2, 1952, concurrently with the Docket No. G-1969 application, that this proceeding be consolidated with the aforementioned consolidated proceedings. By motion filed June 20, 1952, Tennessee Gas Transmission Company now seeks to withdraw its June 2, 1952, motion and moves that the proceeding at Docket No. G-1969 be consolidated for purpose of hearing with those at Docket Nos. G-1921 and G-1922.

Upon consideration of all the foregoing matters, the Commission finds: It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the proceedings at Docket Nos. G-1921 and G-1922 be severed from the aforementioned consolidated proceedings and that said proceedings at Docket Nos. G-1921 and G-1922 be consolidated for purpose of hearing with Docket No. G-1969.

The Commission orders:

(A) The proceedings at Docket Nos. G-1921 and G-1922 be and the same are hereby severed from the consolidated proceedings in Docket Nos. G-996, G-1916, G-1917, G-1429, G-1908, G-1909, G-1526, G-1919, G-1920, G-1816, G-1817, G-1818, G-1918, G-1926, G-1927, G-1923, and G-1924.

(B) The proceedings at Docket Nos. G-1921, G-1922, and G-1969 be and the same are hereby consolidated for purpose of hearing.

(C) In addition to the hearings thus far completed with respect to Docket Nos. G-1921 and G-1922, and pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, a hearing with respect to the consolidated proceedings in Docket Nos. G-1921, G-1922, and G-1969 shall be held at a time and place to be fixed by further order of the Commission.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(E) The effective date of this order is July 1, 1952, notice of its adoption having been announced by request of the Commission during the hearings currently in progress in the foregoing consolidated proceedings.

Date of issuance: July 2, 1952.

By the Commission. Commissioner Smith dissenting.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7459; Filed, July 8, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 40]

KANSAS OIL FIELD AND HEAVY MACHINERY HAULERS

APPLICATION FOR APPROVAL OF AGREEMENT

JULY 3, 1952.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed June 30, 1952, by: R. C. Williams, Inc., Russell, Kans.; George D. Hutchins, Attorney-in-Fact, Kansas Motor Carriers Association, Inc., Room 301, 214 West 6th Street, Topeka, Kans.

Agreement involved: An agreement between and among motor common carriers, members of the Oil Field and Heavy Machinery Haulers Division, Kansas Motor Carrier Association, Inc., relating to rules and procedures for the joint consideration, initiation, or establishment of rates and charges and practices pertaining thereto governing the transportation in interstate or foreign commerce of oilfield, refinery, and pipeline machinery, materials, supplies and equipment, and of heavy machinery, and heavy or cumbersome commodities, between Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, Utah, West Virginia, and Wyoming.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7495; Filed, July 8, 1952; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1294]

ASBESTOS MANUFACTURING CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 1, 1952.

Asbestos Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its $1 Par Value Common Stock from registration and listing on the Midwest Stock Exchange.

The application for withdrawal alleges the following:

(1) On or about January 1, 1951, Thermoid Company of Trenton, New Jersey, a Delaware corporation, acquired approximately 379,000 shares, or about 87 percent, of the total of about 437,000 shares of common stock of Asbestos Manufacturing Company.

(2) As a consequence of such concentration of ownership, trading in the above security on the Midwest Stock Exchange became virtually non-existent, or in such small amounts as to be considered not significant.

(3) As a consequence of this concentration of ownership and of the limited amount of trading in this security on the above exchange, the management of Asbestos Manufacturing Company is of the opinion that the trading potential is too small to justify continuing the listing and registration of this security on an auction exchange market.

Upon receipt of a request, prior to July 31, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7455; Filed, July 8, 1952; 8:47 a. m.]

[File No. 1-3058]

NATIONAL INVESTORS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 1, 1952.

National Investors Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Capital Stock, $1 Par Value, from registration and listing on the Board of Trade of the City of Chicago.

The application for withdrawal alleges the following:

(1) Applicant is registered as a diversified open-end management investment company under section 8 (a) of the Investment Company Act of 1940.

(2) Continuance of the listing and registration of the above security on the Board of Trade of the City of Chicago is deemed to be inadvisable because of the lack of trading thereon, due to existing restrictive provisions of the Investment Company Act of 1940 and the rules of the National Association of Securities Dealers.

(3) Said provisions and rules make improbable the possibility of any future increase in exchange trading in this security.

Upon receipt of a request, prior to July 31, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7456; Filed, July 8, 1952; 8:47 a. m.]

[File No. 1-3144]

CONSUMERS CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

Consumers Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from registration and listing on the Midwest Stock Exchange.

The application for withdrawal alleges the following:

(1) On or about May 14, 1952, approximately 32,000 shares, or about 88 percent, of the approximately 36,000 issued and outstanding shares of the above security were held of record by twenty persons.

(2) During the year 1951 transactions were effected on the Midwest Stock Exchange in less than 600 shares of the above security.

(3) From January 1, 1952, until May 23, 1952, no transactions were effected on the Midwest Stock Exchange in the above security.

(4) The Midwest Stock Exchange, in a letter to the applicant dated May 21, 1952, expressed the opinion that the concentration of ownership of the above security "reduces the trading potential in publicly held shares to a point where a national securities exchange market is not warranted."

Upon receipt of a request, prior to July 31, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7457; Filed, July 8, 1952; 8:48 a. m.]

[File No. 70-2887]

GENERAL PUBLIC UTILITIES CORP.

SECOND SUPPLEMENTAL ORDER APPROVING TERMS OF SALE OF FRACTIONAL INTEREST SHARES AND RELEASING JURISDICTION AS TO CERTAIN FEES AND EXPENSES

JULY 2, 1952.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration, with amendments thereto, under the Public Utility Holding Company Act of 1935 ("the act") with respect to the issuance and sale of 531,949 additional shares of common stock through subscription warrants to its common stockholders; and

The Commission, by order entered herein on June 27, 1952, having granted and permitted to become effective said application-declaration as amended, subject to certain reservations of jurisdiction with respect to the terms of sale and with respect to fees and expenses; and

The Commission, by supplemental order entered herein on July 1, 1952, having approved the subscription price and certain other terms relating to such sale, reserving jurisdiction with respect to the price at which GPU will sell to the successful bidder the fractional interest shares (then estimated at not less than 20,000 nor more than 25,000 full shares) and with respect to fees and expenses except as approved for payment to participating dealers and others; and

GPU having filed a further amendment to the application-declaration as amended setting forth that the actual number of full shares represented by the fractional interest shares was found to be 24,613, and that, in response to invitations to seven investment banking houses to submit written proposals therefor, the following proposals were received:

Proposed by:	Price per share
The First Boston Corp	$22.815
Merrill, Lynch, Pierce, Fenner & Beane	22.468
Kidder Peabody & Co. and Laurence M. Marks & Co	22.401
Lehman Bros	22.39

GPU further stating that it has accepted the proposal submitted by The First Boston Corporation as above set out, whereunder GPU will receive the greatest amount for the fractional interested shares; and that the purchaser, The First Boston Corporation, has advised GPU that it would reoffer the shares at a price within the price range fixed for the sale to participating dealers of the shares covered by subscription rights purchased by GPU, as heretofore approved by the Commission—i. e., that the maximum price would be the last previous quoted asked price for GPU common stock on the New York Stock Exchange plus 20 cents per share, and the minimum price would be the higher of (a) the last previous quoted bid price or (b) the subscription price ($21 per share).

The record being also completed with respect to the compensation to be paid to the following: Naylon, Foster, Shepard & Aronson, special counsel for the purchaser of the fractional interest shares, whose legal fee of $1,750 plus expenses not exceeding $100 will be paid by said purchaser; the subscription agent, The Marine Midland Trust Company of New York, the lowest of seven bidders for such work, whose total charges, based on the estimated number of transactions, is stated at $38,500, subject to adjustment on the basis of the actual number of transactions; and the clearing agent, Merrill, Lynch, Pierce, Fenner & Beane, which will receive fees aggregating $4,500 for use of its wire system and telephone lines, the services of its out-of-town office managers and its Syndicate Department, and for computing and preparing confirmations, plus $2 per transaction for the services of its Cashier's Department in handling the delivery and processing of stock certificates to dealers, collecting the amount due, and remitting the proceeds to GPU; and

The Commission having examined said amendment and having considered the record herein, and finding no basis for imposing terms and conditions with respect to the price to be received by GPU for said fractional interest shares, or with respect to the reoffering price thereof; and the Commission also finding that the above-listed fees and expenses incurred and to be incurred in said transactions are not unreasonable, and that jurisdiction with respect to fees and expenses should now be released, excepting only the legal and accounting fees to be paid by GPU:

It is ordered, That the application-declaration as further amended be, and the same hereby is, granted and permitted to become effective forthwith; and that the jurisdiction heretofore reserved with respect to the selling and reoffering prices of the fractional interest shares and with respect to fees and expenses be, and the same hereby is, released, excepting only the legal and accounting fees to be paid by GPU; subject to the provisions of Rule U-24.

It is further ordered, That jurisdiction with respect to the legal and accounting fees to be paid by GPU herein be, and the same hereby is, retained pending the further order of the Commission.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7458; Filed, July 8, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18935]

AACHEN AND MUNICH FIRE INSURANCE CO.

In re: Securities owned by and debt owing to Aachen and Munich Fire Insurance Company.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Aachen and Munich Fire Insurance Company, the last known address of which is Aachen, Germany, is a corporation, which on or since December 11, 1941 and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany, and is and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain Philippine Government 4½ percent Gold Loan of 1922 Bonds, of $25,000 aggregate face value, presently in the custody of The Guaranty Trust Company of New York, 140 Broadway, New York City, in an account in the name of the "Insurance Commissioner of the Philippines, Account Aachen and Munich Fire Insurance Company", numbered 9855, together with any and all rights thereunder and thereto,

b. Seven (7) United States of America 1¼ percent Treasury Series B, 1951 Notes, said notes numbered and in the face amounts listed below:

10024/7 ---------- $1,000 each
22555/7 ---------- $10,000 each

presently in the custody of The Guaranty Trust Company of New York, 140 Broadway, New York City, in an account in the name of the "Insurance Commissioner of the Philippines, Account Aachen and Munich Fire Insurance Company", numbered 9855, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation of The Guaranty Trust Company of New York, 140 Broadway, New York City, arising out of an account entitled "Insurance Commissioner of the Philippines, Account Aachen and Munich Fire Insurance Company," numbered 9855, maintained with the aforesaid company, together with any and all rights to demand, enforce and collect the same,

subject, however, to any lawful claims of the Philippine Commissioner of Insurance, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Aachen and Munich Fire Insurance Company, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7482; Filed, July 8, 1952; 8:53 a. m.]

[Vesting Order 18936]

CARL HAHN ET AL.

In re: Bonds and bank account owned by Carl Hahn and others. F-28-2296.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

Carl Hahn, Leichlingen, Rheinland, Germany.

Anna Hillmann, Bassum near Bremen, Germany.

Else Wilmanns, also known as Else Wilmans, Sibyllenstr. 37, Germany.

Margarethe Vischer, also known as Margarete Vischer, Stuttgart O, Gaenscheidestr. 123, Germany.

Helene Hahn, Stuttgart O, Gaenscheidestr. 123, Germany.

on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) United States Government Series "F" bonds, registered in the name of Rudolf E. Hahn, Administrator of the Estate of Otto Hahn, Deceased, 66 Simpson Road, Ocean City, New Jersey, numbered, in the face amounts and dates of issue listed below:

Number	Amount	Date of Issue
M112472F	$1,000.00	March 1942
M437627F	1,000.00	April 1943
M437628F	1,000.00	Do.

said bonds presently in the custody of The First National Bank of Tuckahoe, Tuckahoe, New Jersey, together with any and all rights thereunder and thereto, and

b. That certain debt or other obligation of The First National Bank of Tuckahoe, Tuckahoe, New Jersey, arising out of an account entitled Estate of Otto Hahn, Deceased, Rudolf E. Hahn, Administrator, Ocean City, New Jersey, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7483; Filed, July 8, 1952; 8:53 a. m.]

[Vesting Order 18937]

JULIUS HOFFMANN VERLAG ET AL.

In re: Debts owing to Julius Hoffmann Verlag and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941 and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the enterprises whose names are set forth as owners in the aforesaid Exhibit A are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Julius Eulenstein, deceased; of Emilie Bauer, deceased; of Gustav A. Gussmann, deceased; of Elise Strauch, deceased; of Carry Boehme, deceased, and of Georg Hermann, deceased, also known as George Herman, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

4. That the persons whose names and last known addresses are listed below:

Name and Address

Luise Schuwirth, Stuttgart-O, Heidehorstr. 5, Germany;

Paul Lude, Gronau, Germany;

Elisabeth Lude, Gronau, Germany;

Carl Wieland, Ueberlingen, Bodensee, Aufkirch 1, Germany;

Friedrich Ellbrueck Asselheim/Pfalz, Holzweg 6, Germany;

Otto Hermann Moroff, Heidenheim/Brenz, Moerickestr. 12, Germany;

on or since December 11, 1941 and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

5. That Fraenkch'sche Verlagshandlg. W. Keller & Co. the last known address of which is Stuttgart-O, Pfizerstr. 5-7, Germany and Firma Louis Schneider, the last known address of which is Pforzheim, Lamaystr. 39, Germany, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941 and prior to January 1, 1947 were organized under the laws of and had their principal places of business in Germany, and are and prior to January 1, 1947 were nationals of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks described in Exhibits A and B, attached hereto and by reference made a part hereof, said checks owned by the persons identified therein as owners and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

b. That certain debt or other obligation evidenced by one (1) American Express Company Money Order numbered AK 2992362 in the amount of $25.00 dated November 4, 1939 payable to and owned by Luise Schuwirth, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said money order,

c. That certain debt or other obligation evidenced by one American Express Company Money Order numbered 6456019 in the amount of $10.00 dated March 6, 1941, payable to Kosmos Naturverein, said money order owned by Fraenkch'sche Verlagshandlg. W. Keller & Co., and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said money order,

d. Those certain debts or other obligations evidenced by two (2) American Express Company United States Dollar Travelers Cheques, numbered G 5301121 and G 5301122, each in the amount of $10.00, payable to Handels-und Gewerbebank Heilbronn A. G., said Travelers Cheques owned by Paul and Elisabeth Lude and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said cheques.

e. Those certain debts or other obligations evidenced by nine (9) Travellers' Cheques issued by the Banca Commerciale Italiana, New York Agency, said checks numbered and in the amounts listed below:

543820/1	£2	299422/2	£5
543820/3	£2	299422/3	£5
543820/4	£2	299422/4	£5
543820/5	£2	299422/5	£5
299422/1	£5		

payable to Deutsche Bank Filiale Heilbronn, owned by Carl Wieland and presently in the custody of the Attorney General of the United States together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

f. Those certain debts or other obligations evidenced by nineteen (19) American Express Company United States Dollar Travelers' Cheques, numbered F 6027760/9, and F 6027771/9, each in the amount of $10.00, said cheques owned by Friedrich Ellbrueck and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said cheques,

g. Those certain debts or other obligations evidenced by eleven (11) American Express Company United States Dollar Travelers' Cheques, three cheques numbered G 2201557 9, in the amount of $10.00 each, and eight cheques H 5353543 9 and H 3671188 in the amount of $20.00 each, all payable to Deutsche Bank Filiale Pforzheim, owned by Firma Louis Schneider and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all righs in, to and under said cheques, and

h. Those certain debts or other obligations evidenced by eight (8) Drafts in the amounts and dated as listed below:

$150.00	1- 2-30
$500.00	8-18-30
$500.00	1- 2-30
$500.00	7- 1-28
$1,000.00	2- 1-28
$1,000.00	5-14-27
$1,000.00	4- 3-26
$1,000.00	1- 3-29

said drafts payable to Otto Moroff, owned by Otto Hermann Moroff, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said drafts,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

7. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2 and 3 and named in subparagraphs 4 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Julius Hoffmann Verlag, Stuttgart-W., Roetestr. 16.	721	$24.00	10-23-39	Bankers Trust Co., New York.	Julius Hoffmann Verlag.
	503	20.00	12-5-40	National Boulevard Bank of Chicago.	Do.
Schwabenverlag A. G., Stuttgart-O., Landhausstr. 25.	2429	10.00	4-2-41	The First National Bank, New York.	The Schwabenverlag.
E. Schweizerbart'sche Verlagsbuchhandlung, Stuttgart-W., Johannesstr. 3-1.	40788	7.68	11-20-39	Messrs. Brown Bros. Harriman & Co., New York.	E. Schweizerbart'sche Verlagsbuchhandlung.
	29276	7.72	12-12-39	Kings County Trust Co., Brooklyn.	Erwin Nagele.
	4593	7.73	12-21-39	Brown Bros. Harriman & Co., New York.	E. Schweizerbarische Verlagsbuchhandlung.
	10753	67.85	4-6-40	Bankers Trust Co., New York.	E. Schweizerbart'sche Verlagsbuchhandlung.
Emil Fink, Kunstverlag, Stuttgart, Heidehofstr. 15.	10128	9.00	10-14-39	Corn Exchange Bank Trust Co., New York.	Verlag Emil Fink.
Stadtgemeinde Gaildorf, Germany.	TR 465223	83.85	3-15-40	Bank of the Manhattan Co., New York.	Albert Herrmann.
Fritz Carl, Verlagsbuchhandlung, Stuttgart-S, Muehlbrain 16.	9982	12.50	12-28-39	Lake View Trust & Savings Bank, Chicago.	Loewes Verlag Ferd. Carl.
Wilhelm Haselmaier, Stuttgart-Moehringen.	1202	22.50	10-24-39	Colonial Trust Co., New York.	Wilhelm Haselmeier.
Johann Hagmann and Marie Weeger, Germany.	2396	405.00	1-4-40	The New York Trust Co	Commerz- und Privat-Bank.
Mrs. Julie Hanz, also known as Julie Weigel Hanz, Gueckelbach, Kr. Vailingen-Enz.	Unnumbered	100.00	12-23-39	The First State Bank of Hebron.	Frau Julia Hanz.
G. Lufft Metallbarometerfabrik, GmbH, Stuttgart-S, Altenbergstr. 3.	1264	18.61	11-6-39	First National Bank in Yonkers.	G. Lufft.
Wilhelm Reuter, Stuttgart, Am Kraeherwald 159.	F1 464	10.12	3-1-40	Empire Trust Co., New York.	Fabrikant Wilhelm, Reutter.
Caroline Embardt, Stuttgart-Moehringen, Kalkentalerstr. 9.	D 554785	29.42	3-4-40	Guaranty Trust Co. of New York.	Caroline Embardt.
Grete Haller, Stuttgart, Parlerstr. 4.	F1-505	5.62	3-1-40	Empire Trust Co., New York.	Frau Grete Haller.
Bank Joseph Frisch, Stuttgart, Bueckstastr. 28.	F1-411	45.00	3-1-40	....do....	Bankhaus Joseph Frisch.
Barr, Moehring & Co., GmbH., Stuttgart-N, Wolframstr. 96.	5517	75.75	2-1-40	The National City Bank of New York.	Barr Moering & Co., G. m. b. H.
	00120	16.50	1-31-40	....do....	Barr, Moering Co. G. m. b. H.
Ferdinand Enke, Verleger, Stuttgart-W, Hasenbergstr. 3.	E14246	26.16	11-21-39	.....	Ferdinand Enke.
Mrs. Ethel Werlitz, Herrenberg, Silberstr. 2.	71129	10.30	12-18-39	Guaranty Trust Co. of New York.	Mrs. Ethel Werlitz.
Emma Oesterreicher, Stuttgart, Bad Cannstatt, Beutheneretr. 56.	282	25.05	12-18-40	Central-Penn National Bank, Philadelphia.	Gottfried Oesterreicher
	303	27.00	12-18-39	....do....	Do.
	464	11.69	12-18-40	....do....	Do.
	620	12.60	12-18-39	....do....	Do.
Dr. Otto Clauss, Mannheim, Prinz Wilhelmstr. 6.	11-250	3.15	5-20-40	Irving Trust Co., New York.	Hermann Clauss.
	67-775	2.92	8-20-40	....do....	Do.
	67-816	2.92	11-20-40	....do....	Do.
	160	2.92	2-20-41	....do....	Do.
	154	2.92	5-20-41	....do....	Do.
Internationales Transport-Kontor, GmbH., Karlsruhe, Moltkestr. 15a.	88398	28.00	11-15-39	The National City Bank of New York.	Internationales Transport-Kontor G. m. b. H.
Miss Hermine Darstein, Karlsruhe, Blumenstr. 6.	279698	10.00	12-7-38	.....	Hermine Darstein.
Miss Antonie Zeller, Schoental.	64391	100.00	12-22-39	Guaranty Trust Co. of New York.	M. F. Girten.
Schneider & Kern Niederndell Wttbg.	C 447363	59.66	12-14-39	The First National Bank of Chicago.	Schneider and Kern.
Miss Gertrud Balz, Untereisesheim, Kr. Heilbronn.	24	835.00	12-28-39	The National City Bank of New York.	Gertrud Baelz.

EXHIBIT A—Continued

Owners	Check No.	Amount	Date	Drawee	Payee
Personal representatives, heirs, next of kin, legatees and distributees of Elise Strauch, deceased.	S 344376 (dup. 1295)	$8.59	9-26-39 (2-2-40)	Lawyers Trust Co., New York.	Christina Becker.
	S 344377 (dup. 1296)	8.59	9-26-39 (2-2-40)	do	Andreas Schmidt.
	S 344408 (dup. 1285)	5.59	9-26-39 (2-2-40)	do	Frederick Winter.
	S 344409 (dup. 1287)	5.59	9-26-39 (2-2-40)	do	Margareta Schmidt.
	S 344410 (dup. 1294)	5.59	9-26-39 (2-2-40)	do	Julianna Wahl.
	S 344411 (dup. 1293)	5.59	9-26-39 (2-2-40)	do	Kunigunda Kruse.
	S 364905	12.06	1-20-40	do	Do.
	S 364906	12.06	1-20-40	do	Margareta Schmidt.
	S 364907	12.06	1-20-40	do	Frederick Winter.
	S 364911	12.06	1-20-40	do	Andreas Schmidt.
	S 364912	12.06	1-20-40	do	Julianna Wahl.
	S 364914	12.06	1-20-40	do	Christina Becker.
	3273	91.50	1-20-41	Corn Exchange Bank Trust Co., New York.	Eugen (Eugene) Hoerner.
Personal representatives, heirs, next of kin, legatees, and distributees of Carry Bockius, deceased.	3372	251.25	1-16-41	do	Do.
	75	300.70	2-8-40	Merchants Trust Co., Union City, N. J.	Marie Allen and Eugen Hoerner.
	76	254.10	2-8-40	do	Gunther Brehme and Eugen Hoerner.
	77	254.10	2-8-40	do	Lisa Brehme and Eugen Hoerner.
	78	296.70	2-8-40	do	Albert Bockme and Eugen Hoerner.
	79	126.30	2-8-40	do	Anna Brehme and Eugen Hoerner.
	80	126.90	2-8-40	do	Elsa Roeso and Eugen Hoerner.
	81	129.50	2-8-40	do	Fritz Brehme and Eugen Hoerner.
	82	480.70	2-8-40	do	Johanna M. H. Brehme and Eugen Hoerner.
Personal representatives, heirs, next of kin, legatees, and distributees of George Hertnan.	240	61.80	12-20-40	North Carolina Mortgage Corp.	George Hertnan.

[F. R. Doc. 52-7404; Filed, July 8, 1952; 8:54 a. m.]

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Rosanna Hahn, Mudau, Hauptstr. 12.	T253389	$45.00	12-13-39	City Bank Farmers Trust Co., New York.	Miss Rosanna Hahn.
	T259142	45.00	1-13-40	do	do
	T259958	45.00	2-13-40	do	do
	T260582	45.00	3-13-40	do	do
	T6121	45.00	4-13-40	do	do
	T7962	45.00	11-13-40	do	do
	T15769	45.00	12-13-40	do	do
	T22756	45.00	4-11-41	do	do
	Ag 489-970	10.00	Undated	National City Bank of New York.	Betty Heil.
Betty Taberhöf, also known as Betty Heil Taberhof, Philippshurg, Kronenwerkstr. 58.	F1-435	114.75	3-1-40	Empire Trust Co.	Fritz Jungeberle.
Fr. Jungeberle, Pforzheim-Haidach, Friedhofstr. No. 37.	1412	102.47	10-19-39	Lincoln Trust Co., Providence.	Gebr. Schneider.
Gebr. Schneider, Pforzheim, Friedenstr. 67.	4211	52.60	10-23-39	The Columbus National Bank of Columbus, Ohio	Gebr. Schneider Pforzheim, (Gebrüder Bischoff Dietlingen).
Firma Gebr. Bischoff, Dietlingen near Pforzheim.	67	20.00	11-7-39	Chase National Bank of New York.	Emma J. Fink.
Eugen Mayer, Pforzheim, Metzgerstr. 1.	61	480.00	8-6-36	Title Guarantee and Trust Co., Brooklyn.	Frau Dr. Milly Kleinmann.
Dr. Milly Kleinmann, Stuttgart-N., Am Gaurkopf 7.	F1-438	10.80	3-1-40	Empire Trust Co.	G. Fuchs.
Karl Heinz Brand, Bremen, Kielerstr. 8.	2967	400.00	5-13-41	The National City Bank of New York.	Ella M. Abele.
Mrs. Ella M. Abele, Stuttgart, Muehlstr. 8.	1450	30.84	4-5-40	Bankers Trust Co., New York.	Do.
	1190	23.52	1-2-40	do	Do.
	1572	20.47	1-11-41	do	Anna Marie Weeger.
Mrs. Marie Weeger, Germany.	D 25173	37.58	11-7-39	The Chase National Bank of the City of New York.	Bernard Enestler.
Bernhardt Enestler, Geislingen, Steige, Ledereasse 7.	D 25172	3.00	12-4-39	do	Do.
Richard T. Lang, Heidenheim/Brenz.	116	25.30	10-16-39	American Trust Co., San Francisco.	Richard T. Lang.
Mrs. Emma Henke, Giengen/Brenz.	X 1960	41.00	12-22-39	Citizens Trust Co. of Utica.	O. P. Martin
	15,415	41.00	11-29-39	Guaranty Trust Co. of New York.	Do.
	13,019	11.00	10-31-39	do	Do.
	11,788	11.00	10-31-39	do	Do.

EXHIBIT B

Owners	Check No.	Amount	Date	Drawee	Payee
Personal representatives, heirs, next of kin, legatees, and distributees of Julius Eisenstein, deceased.	P 30813	$500.00	12-28-39	Lawyers Trust Co., New York.	Julius Eisenstein.
	S 100416	130.62	11-20-40	do	Do.
	S 107087	22.50	1-3-41	do	Do.
Personal representatives, heirs, next of kin, legatees, and distributees of Emilie Bauer, deceased.	87543	11.25	1-2-40	The First National Bank of Boston.	Miss Emilie Bauer.
	30249	23.71	4-15-41	do	Emilie Bauer.
	35575	23.71	1-15-41	do	Do.
	35563	23.40	1-15-40	do	Do.
	35564	23.40	1-15-40	do	Do.
	81969	28.20	2-1-40	The First National Bank of the City of New York.	Miss Emilie Bauer.
	620-773	70.87	06-16-39	do	Do.
	626-670	70.87	1-15-40	do	Do.
	630-654	95.16	4-15-40	do	Do.
	C 1643-387	70.87	1-15-40	do	Do.
	21331	82.46	1-2-40	National City Bank of New York.	Emilie Bauer.
	373	13.50	1-22-40	Irving Trust Co.	Do.
	174215	100.00	10-13-39	The Fifth Ave. Bank of New York.	Gustav A. Grasemann.
Personal representatives, heirs, next of kin, legatees, and distributees of Gustav A. Grasemann, deceased.	B 5,349,188	20.00	11-17-41	American Express Co.	Württembergische Landesgenossenschaft.
	[illegible]	[illegible]	[illegible]	do	Do.
	[illegible]	[illegible]	[illegible]	do	Do.

[Vesting Order 18938]

N. V. INTERNATIONAL PERFUMERY CO.

In re: Debt owing to N. V. International Perfumery Co., also known as N. V. International Perfumerie Maatschappij. D-27-394; D-28-7012.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Supp. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Paul Peter Muelhens, deceased, also known as P. P. Mulhens, and is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Ferd. Mulhens, Inc., 25 West 45th Street, New York City, arising out of an account payable on the books of said Ferd. Mulhens, Inc. in the name of N. V. International Perfumerie Maatschappij, Amsterdam, Holland, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. V. International Perfumery Co., also known as N. V. International Perfumerie Maatschappij, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. International Perfumery Co., also known as N. V. International Perfumerie Maatschappij, is and prior to January 1, 1947, was, controlled by or acting for or on behalf of a designated enemy country (Germany) or persons within such country, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons referred to in subparagraph 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7404; Filed, July 8, 1952; 8:54 a. m.]

[Vesting Order 18939]

N. V. SCHENKER & CO., INTERNATIONALE EXPEDITIE

In re: Bank account owned by N. V. Schenker & Co. Internationale Expeditie. F-49-1785.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That N. V. Schenker & Co., G. m. b. H., the last known address of which is Berlin, Germany, is a corporation, partnership, association or other business organization, which on or since December 11, 1941, and prior to January 1, 1947 was organized under the laws of and had its principal place of business in Berlin, Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That N. V. Schenker & Co., Internationale Expeditie, is a corporation, partnership, association or other business organization, organized under the laws of The Netherlands, whose principal place of business is located in Rotterdam, and is or, since December 11, 1941, and prior to January 1, 1947 has been controlled by or a substantial part of the stock of which has been owned or controlled, directly or indirectly by the aforesaid N. V. Schenker & Co., G. m. b. H. and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, New York, arising out of a deposit account, entitled Mr. Joh. P. Van Dijk and/or Mrs. E. Th. M. Van Dijk nee van der Hart, Hoogeweg 1 Wassenaar, Holland, maintained with the aforesaid bank, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, N. V. Schenker & Co., Internationale Expeditie, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That N. V. Schenker & Co., Internationale Expeditie is and prior to January 1, 1947, was controlled by, or acted on behalf of a designated enemy country (Germany) or persons within such country and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

5. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7485; Filed, July 8, 1952; 8:54 a. m.]

[Vesting Order 18940]

WILLIAM SPITZMULLER

In re: Securities owned by and debt owing to William Spitzmuller. F-28-31911-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That William Spitzmuller, whose last known address is 14 A Schwenningen A/N, Wurttemberg, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of no par value common stock of Ward Leonard Electric Company, Mount Vernon, New York, a corporation organized under the laws of the State of New York, evidenced by certificate numbered E 305, registered in the name of William Spitzmuller, together with all declared and unpaid dividends thereon, and any and all rights under a plan of reorganization effective October 1944, and

b. That certain debt or other obligation of Ward Leonard Electric Company, Mount Vernon, New York, arising out of income and accumulations on the stock described in subparagraph 2-a hereof, including particularly but not limited to funds allocable to the said William Spitzmuller and charged to the Dividend Payable Account of the Ward Leonard Electric Company, together with any all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Spitzmuller, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined;

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7487; Filed, July 8, 1952; 8:54 a. m.]

[Vesting Order 18942]

MRS. THEODORE THEDIECK ET AL.

In re: Stock owned by Mrs. Theodore Thedieck, Mrs. Josephone Wassiack and Mrs. Theodore Winter. F-28-31906.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong. 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Theodore Thedieck, Mrs. Josephone Wassiack and Mrs. Theodore Winter, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Twenty-five (25) shares of Class "A" capital stock of Sidney Machine Tool Company, Sidney, Ohio, evidenced by a certificate or certificates registered in the name of Mrs. Theodore Thedieck together with all declared and unpaid dividends thereon,

b. Twenty-five (25) shares of Class "A" capital stock of Sidney Machine Tool Company, Sidney, Ohio, evidenced by a certificate or certificates, registered in the name of Mrs. Josephone Wassiack, together with all declared and unpaid dividends thereon, and

c. Twenty-five (25) shares of Class "A" capital stock of Sidney Machine Tool Company, Sidney, Ohio, evidenced by a certificate or certificates, registered in the name of Mrs. Theodore Winter, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Mrs. Theodore Thedieck, Mrs. Josephone Wassiack and Mrs. Theodore Winter, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7489; Filed, July 8, 1952; 8:54 a. m.]

[Vesting Order 18899, Amdt.]

ALBERT BENZ ET AL.

In re: Securities owned by Albert Benz, also known as Albert Bens, and others.

Vesting Order 18899, dated June 18, 1952, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached to and made a part of Vesting Order 18899, the name "Gustav Mahn" and substituting therefor "Julius Mahn, also known as Gustav Mahn".

All other provisions of said Vesting Order 18899 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7490; Filed, July 8, 1952; 8:55 a. m.]

[Vesting Order 18941]

HUGO STINNES, JR., ET AL.

In re: Securities owned by Hugo Stinnes, Jr., and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes and Hilde Fiedler, each of whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

2. That Clare Wagenknecht Stinnes, Sr., who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany is, and prior to January 1, 1947, was a national of a designated enemy country (Germany).

3. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by one hundred and four Hugo Stinnes Industries, Inc., 7 percent 20 year sinking fund gold debentures, due October 1, 1946, with an aggregate face value of $95,000.00, said debentures numbered and in the amounts listed below:

$500.00 each

D-447	D-334	D-802	D-278	D-845	D-87
D-279	D-397	D-640	D-751	D-748	D-788
D-619	D-7	D-472	D-517	D-808	D-47

$1,000.00 each

M-1078	M-10638	M-3299	M-5567	M-937	M-3064
M-3248	M-8899	M-3270	M-334	M-2696	M-2732
M-3699	M-5790	M-4310	M-7678	M-83	M-4813
M-8842	M-5449	M-10521	M-8484	M-4800	M-4615
M-8843	M-6893	M-10522	M-8479	M-9646	M-4624
M-8814	M-815	M-5136	M-9644	M-9645	M-4238
M-8845	M-814	M-1716	M-9691	M-6320	M-9196
M-8831	M-10544	M-1875	M-9692	M-8935	M-9250
M-3068	M-10545	M-3256	M-9772	M-7793	M-9251
M-10228	M-10546	M-3257	M-9773	M-7794	M-9646
M-5156	M-9152	M-1772	M-10547	M-911	M-4183
M-2234	M-3902	M-2288	M-1706	M-1666	
M-2235	M-3296	M-4323	M-429	M-1667	
M-1241	M-3267	M-4614	M-935	M-1668	
M-1242	M-3268	M-4620	M-936	M-1669	

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in and under said debentures,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hugo Stinnes, Jr., Ernst Stinnes, Otto Stinnes, Hilde Fiedler and Clare Wagenknecht Stinnes, Sr., the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7488; Filed, July 8, 1952; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 134

Washington, Thursday, July 10, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES[1]

On September 26, 1950, a notice of proposed rule making was published in the FEDERAL REGISTER (15 F. R. 6474) regarding United States Standards for Edible Sugarcane Molasses, and on May 17, 1951, a notice of revised proposed rule making was published in the FEDERAL REGISTER (16 F. R. 4620) regarding these standards. After consideration of all relevant matters presented, including the proposals and revised proposals set forth in the aforesaid notices, the following U. S. Standards for Grades of Edible Sugarcane Molasses are hereby promulgated to become effective thirty (30) days after date of publication in the FEDERAL REGISTER, under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The standards are as follows:

GENERAL

Sec.
44.1 Definition.

GRADES

44.2 Grades of edible sugarcane molasses.
44.3 Grade specifications.

DETERMINATION OF FACTORS

44.4 Quantitative determination of factors.
44.5 Preparation of basic solutions and ESM color standards[2]
44.6 Use of ESM color standards in determining color factor.

AUTHORITY: §§ 44.1 to 44.6 issued under 60 Stat. 1087; 7 U. S. C. 1621.

[1] Compliance with the requirements of these standards will not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] "ESM" is an abbreviation for edible sugarcane molasses.

GENERAL

§ 44.1 *Definition.* "Edible sugarcane molasses" means the liquid product obtained when any part of the commercially crystallizable sugar is extracted from sugarcane grown in the United States.

GRADES

§ 44.2 *Grades of edible sugarcane molasses.* The grades for edible sugarcane molasses are designated as follows:

(a) U. S. Fancy Edible Sugarcane Molasses.

(b) U. S. Choice Edible Sugarcane Molasses.

(c) U. S. Standard Edible Sugarcane Molasses.

(d) "Substandard" Edible Sugarcane Molasses.

§ 44.3 *Grade Specifications.* Specifications for each grade of edible sugarcane molasses are as follows:

(a) U. S. Fancy Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of fancy quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 63.5 percent; which has a sulfated ash content of not more than 6.75 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts of sample, and which possesses a color no darker than ESM Color Standard No. 1.

(b) U. S. Choice Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of choice quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 61.5 percent; which has a sulfated ash content of not more than 7.5 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per

(Continued on p. 6183)

CONTENTS

	Page
Agriculture Department	
See Commodity Credit Corporation; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Bischofliches Pfarrant Rankweil	6212
Caron, Martinus H.	6212
Gans, Clara	6212
Hopkins, Elli	6212
Jeschko, Wilhelm, et al.	6212
Societe de Produits Chimiques des Terres Rares	6212
Civil Service Commission	
Rules and regulations:	
Formal educational requirements for appointment to certain scientific, technical, and professional positions; plant quarantine inspector	6193
Commerce Department	
See Federal Maritime Board.	
Commodity Credit Corporation	
Rules and regulations:	
Tobacco; 1952 loan program	6193
Economic Stabilization Agency	
See Price Stabilization, Office of; Rent Stabilization, Office of.	
Executive Office of the President	
Notices:	
Organization and functions	6204
Federal Communications Commission	
Rules and regulations:	
Industrial, scientific and medical services; existing equipment	6199
Federal Maritime Board	
Notices:	
Annual review of bareboat charters	6205
Federal Power Commission	
Notices:	
Hearings, etc.:	
Arkansas Louisiana Gas Co.	6208
City Gas Co. of Phillipsburg, N. J., et al.	6206

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued Page

Notices—Continued
- Hearings, etc.—Continued
  - Idaho Power Co. 6206
  - Northern Natural Gas Co. 6208
  - Rauch, Fred R. 6208
  - United Natural Gas Co. and Montana-Dakota Utilities Co. 6208

Federal Trade Commission

Rules and regulations:
- Cease and desist orders:
  - American Tobacco Co. 6194
  - Hamilton Manufacturing Co. 6194

General Services Administration

Notices:
- Attorney General of the U. S.; delegation of authority to negotiate certain contracts and purchases without advertising 6208

Interior Department

See Land Management, Office of.

Internal Revenue Bureau

Proposed rule making:
- Excess profits tax; taxable years ending after June 30, 1950; effect of excess profits credit of loan to foreign subsidiary corporation 6201
- Income tax; taxable years beginning after December 31, 1941:
  - Computation of net income; inventories under elective method 6200
  - Deduction of State gasoline taxes 6200

Rules and regulations:
- Income tax; taxable years beginning after December 31, 1941; election as to recognition of gain in certain corporate liquidations 6195

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Crude sulphur from points in Louisiana and Texas to Nashville, Tenn. 6211
  - Grain and grain products from North and South Carolina to points in trunk-line and New England territories 6211
  - Liquefied petroleum gas between points in the Southwest 6211
  - Petroleum products from Chico, Tex., to points in the Southwest 6211
  - Pig iron from Daingerfield and Lone Star, Tex., to Greenville, S. C. 6211

Proposed rule making:
- Transportation of explosives and other dangerous articles 6201

Interstate Commerce Commission—Continued Page

Rules and regulations:
- Parts and accessories necessary for safe operations; busses, aisle seats prohibited; five-day suspension 6200

Justice Department

See Alien Property, Office of.

Delegation of authority to Attorney General to negotiate certain contracts and purchases without advertising (*see* General Services Administration).

Land Management, Bureau of

Notices:
- Alaska; filing of plat of survey 6205

Mutual Security Agency

Rules and regulations:
- Guaranties under the Economic Cooperation Act of 1948, as amended 6195

Price Stabilization, Office of

Notices:
- Basic prices and charges for new automobiles:
  - General Motors Corp. 6206
  - Kaiser-Frazer Corp. 6206
- Directors of the Regional Offices; delegation of authority to act under CPR 26, revised; correction 6206

Rules and regulations:
- Resellers' ceiling prices for machinery and related manufactured goods; refactory products (CPR 67) 6198
- Restaurants; current food cost per dollar of sales (CPR 11) 6197
- Retail ceiling price for certain consumer goods:
  - Free delivery of small parcels (CPR 7) 6196
  - Miscellaneous amendments (CPR 7) 6196
  - Special pricing methods for certain chain stores, mail order establishments and departmentalized establishments, consignors and consignee outlets (CPR 7, SR 1) 6197

Production and Marketing Administration

Proposed rule making:
- Milk handling in Minneapolis-St. Paul, Minn., marketing area 6201

Rules and regulations:
- Tobacco, fire-cured, dark air-cured, Virginia sun-cured; marketing quota regulations 1953–1954 marketing year 6184
- Milk handling in Sioux Falls-Mitchell, S. Dak., marketing area 6187
- Sugarcane molasses, edible; U. S. standards for grades 6181

CONTENTS—Continued

Rent Stabilization, Office of Page

Rules and regulations:
- Defense-rental areas in Georgia and Louisiana:
  - Hotels 6199
  - Housing (2 documents) 6198
  - Motor courts 6199
  - Rooms (2 documents) 6198, 6199

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - Bankers Securities Corp. 6209
  - United Gas Corp. 6209

State Department

Rules and regulations:
- Additional compensation in foreign areas; designation of differential posts 6193

Treasury Department

See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page

Chapter I:
- Part 24 6193

Chapter III:
- Part 325 6193

Title 6

Chapter IV:
- Part 664 6193

Title 7

Chapter I:
- Part 44 6181

Chapter VII:
- Part 726 6184

Chapter IX:
- Part 956 6187
- Part 973 (proposed) 6201

Title 16

Chapter I:
- Part 3 (2 documents) 6194

Title 22

Chapter II:
- Part 204 6195

Title 26

Chapter I:
- Part 29 6195
- (*Proposed rules*) (2 documents) 6200
- Part 40 (proposed) 6201

Title 32A

Chapter III (OPS):
- CPR 7 (2 documents) 6196
- CPR 7, SR 1 6197
- CPR 11 6197
- CPR 67 6198

Chapter XXI (ORS):
- RR 1 (2 documents) 6198
- RR 2 (2 documents) 6198, 6199
- RR 3 6199
- RR 4 6199

Title 47

Chapter I:
- Part 18 6199

CODIFICATION GUIDE—Con.

Title 49 Page

Chapter I:
- Part 71 (proposed) 6202
- Part 73 (proposed) 6202
- Part 77 (proposed) 6202
- Part 193 6200
- Part 197 (proposed) 6203

million parts of sample; and which possesses a color no darker than ESM Color Standard No. 2.

(c) U. S. Standard Edible Sugarcane Molasses consists of edible sugarcane molasses which possesses a flavor characteristic of edible sugarcane molasses of standard quality; which contains no excess of sediment; which is practically free of foreign matter; which has a Brix solids content of not less than 79 percent when corrected to 20° C. (68° F.); which has a total sugar (sucrose plus reducing sugars) content of not less than 58 percent; which has a sulfated ash content of not more than 9.0 percent; which contains not more than 200 parts of total sulfites, calculated as total SO_2, per million parts sample; and which possesses a color no darker than ESM Color Standard No. 3.

(d) "Substandard" is that quality of edible sugarcane molasses that fails to meet the requirements of U. S. Standard and is the quality of edible sugarcane molasses that may or may not meet the minimum standard of quality for edible sugarcane molasses issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(e) *Table of specifications for grades.* The specifications for the designated grades of edible sugarcane molasses are set forth in summary form in the table which follows:

TABLE I—TABLE OF SPECIFICATIONS FOR GRADES

Factors	Grades and specifications		
	U. S. Fancy Edible Sugarcane Molasses	U. S. Choice Edible Sugarcane Molasses	U. S. Standard Edible Sugarcane Molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 79 percent		
Total sugar (sucrose plus reducing sugars) content.	Not less than 63.5 percent.	Not less than 61.5 percent.	Not less than 58 percent.
Sulfated ash content	Not more than 6.75 percent.	Not more than 7.5 percent.	Not more than 9 percent.
Total sulfites (calculated as total SO_2) per million parts of sample.	Not more than 200.	Not more than 250.	Not more than 280.
Color	Not darker than ESM Color Standard No. 1.	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.

(f) *Tolerances for certification of officially drawn samples.* When certifying samples that have been officially drawn and which represent a specific lot of edible sugarcane molasses, the grade for such lot will be determined by averaging the factors of all the samples representing the lot: *Provided*, That not more than ⅙ of such samples shall fail to meet all the requirements of the grade specifications set forth in Table I: *And further provided*, That each of the samples which represent a specific lot of edible sugarcane molasses shall meet the limiting specifications set forth in Table II.

TABLE II—TABLE OF LIMITING SPECIFICATIONS

Factors	Grades and specifications		
	U. S. Fancy Edible Sugarcane Molasses	U. S. Choice Edible Sugarcane Molasses	U. S. Standard Edible Sugarcane Molasses
Brix solids content (corrected to 20° C. [68° F.]).	Not less than 78.5 percent		
Total sugar (sucrose plus reducing sugars) content.	Not less than 63 percent.	Not less than 61 percent.	Not less than 57 percent.
Sulfated ash	Not more than 7 percent.	Not more than 8 percent.	Not more than 10 percent.
Color	Not darker than ESM Color Standard No. 2.	Not darker than ESM Color Standard No. 3.	Darker than ESM Color Standard No. 3.

DETERMINATION OF FACTORS

§ 44.4 *Quantitative determination of factors.* Quantitative determination of the respective factors (other than color) of the grades may be on the basis of any method of analysis adopted by the Association of Official Agricultural Chemists. The results so obtained, however, are to be interpreted in terms of the results obtained when the determination of such factors is made by the methods (also adopted by the Association of Official Agricultural Chemists) set forth in this section for the respective factors:

(a) *Brix solids.* By Brix hydrometer, using the double-dilution method, corrected to 20° C. (68° F.).

(b) *Total sugars*—(1) *Sucrose.* By the Clerget, or double polarization method, using invertase as the inverting agent.

(2) *Reducing sugars.* By the Lane-Eynon volumetric method.

(c) *Sulfated ash.* By the sulfation method, with no deduction.

(d) *Total sulfites.* By the Monier-Williams method, calculated as total SO_2.

§ 44.5 *Preparation of basic solutions and ESM color standards.* Chemicals of reagent grade, at room temperature, are used in the preparation of the solutions described in this section.

(a) *Preparation of basic solution*—(1) *Solution A.* Dissolve 10 grams of

$CuCl_2 \cdot 2H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 100 milliliters.[1]

(2) *Solution B.* Dissolve 50 grams of $CuCl_2 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(3) *Solution C.* Dissolve 50 grams of $FeCl_3 \cdot 6H_2O$ in a sufficient quantity of 10 percent hydrochloric acid solution to make 500 milliliters.

(4) *ESM stock solution.* Mix 50 milliliters of Solution A and 485 milliliters of Solution B with 465 milliliters of Solution C.

(b) *Preparation of ESM color standards*—(1) *ESM Color Standard No. 1.* Dilute 40 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(2) *ESM Color Standard No. 2.* Dilute 75 milliliters of the ESM stock solution to 100 milliliters with 10 percent hydrochloric acid solution.

(3) *ESM Color Standard No. 3.* ESM stock solution undiluted.

§ 44.6 *Use of ESM color standards in determining color factor*—(a) *Containers required.* The containers needed to perform the visual color comparison test set forth in paragraph (d) of this section are:

(1) A container for a sample of edible sugarcane molasses for which the color factor is to be determined (such container hereinafter called "sample container"); and

(2) Containers for the respective ESM color standards.

(b) *Description of containers.* The sample container is made of colorless and transparent glass or plastic material and is of such shape and construction as to provide a flat ⅛-inch thickness of the sample to be viewed. The container for each ESM color standard is a colorless and transparent 2-ounce French square water sample bottle having outside base dimensions of 1½ by 1½ inches.

(c) *Comparator; viewing box.* The comparator or viewing box is divided into five compartments approximately 1½ inches square, with each compartment provided with openings approximately 1⅜ inches square in the two parallel sides. Compartments 1, 3, and 5 are adapted to receive the French square water sample bottles containing the ESM color standards and compartments 2 and 4 are adapted to receive the sample containers.

(d) *Visual comparison test.* A sample of edible sugarcane molasses is compared in the following manner with the ESM color standards to determine whether the sample is darker than one or more of such color standards:

(1) Place each of the ESM Color Standards Nos. 1, 2, and 3 in separate 2-ounce French square water sample bottles and place the bottles in compartments 1, 3, and 5 of the comparator;

(2) Place a sample container filled with a sample of edible sugarcane molasses successively in compartments 2 and 4 of the comparator; and

(3) Visually compare the color of the sample with each of the color standards by looking through them at a light colored background in diffuse light. The sample is viewed through its ⅛-inch thickness; and each ESM color standard is viewed at right angles to one of the sides of its container.

Issued this 3d day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7571; Filed, July 9, 1952; 8:59 a. m.]

[1] 10 percent hydrochloric acid is made by diluting 242.6 milliliters of reagent grade hydrochloric acid to one liter.

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Fire, Air, and Sun-53)-3]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

GENERAL

Sec.
726.411 Basis and purpose.
726.412 Definitions.
726.413 Extent of calculations and rule of fractions.
726.414 Instructions and forms.
726.415 Applicability of §§ 726.411 to 726.429.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

726.416 Determination of 1953 preliminary acreage allotments for old farms.
726.417 1953 old farm tobacco acreage allotment.
726.418 Adjustment of acreage allotments for old farms.
726.419 Reduction of acreage allotments for violation of the marketing quota regulations for a prior marketing year.
726.420 Reallocation of allotments released from farms removed from agricultural production.
726.421 Farms divided or combined.
726.422 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

726.423 Determination of acreage allotments for new farms.
726.424 Time for filing application.
726.425 Determination of normal yields.

MISCELLANEOUS

726.426 Determination of acreage allotments and normal yields for farms returned to agricultural production.
726.427 Approval of determinations made under §§ 726.411 to 726.426.
726.428 Application for review.
726.429 Transfer of farm acreage allotments.

AUTHORITY: §§ 726.411 to 726.429 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 726.411 *Basis and purpose.* The regulations contained in §§ 726.411 to 726.429 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for fire-cured, dark air-cured, and Virginia sun-cured tobacco. The purpose of the regulations in §§ 726.411 to 726.429 is to provide the procedure for allocating, on an acreage basis, the national marketing quota for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1953-54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 726.411 to 726.429, public notice (17 F. R. 4896) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 726.411 to 726.429 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 726.412 *Definitions.* As used in §§ 726.411 to 726.429, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that of any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old Farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Community cropland factor.* "Community cropland factor" means that percentage determined by dividing the total cropland for all old farms in the community in 1952 into the total of the 1952 tobacco acreage allotment for such old farms: *Provided*, That (1) if it is determined that the cropland factors for all communities in the county are substantially the same, the county committee, with the approval of the State committee, may consider the entire county as one community, and (2) if there is only one farm in the county on which tobacco is grown, the community cropland factor of the nearest community in which tobacco is grown shall be used in determining the acreage indicated by cropland.

(g) *Acreage indicated by cropland.* "Acreage indicated by cropland" means that acreage determined by multiplying the number of acres of cropland in the farm by the community cropland factor.

(h) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(i) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(j) *Tobacco.* "Tobacco" means each one of the kinds of tobacco listed below comprising the types specified, as classified in Service and Regulatory Announcements No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture:

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either fire-cured, dark air-cured or Virginia sun-cured tobacco shall be considered respectively, either fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

§ 726.413 *Extent of calculations and rules of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 726.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 726.415 *Applicability of §§ 726.411 to 726.429.* Sections 726.411 to 726.429 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953. The applicability of §§ 726.411 to 726.429 to Virginia sun-cured tobacco is contingent upon the proclamation of national marketing quota for such kind of tobacco by the Secretary and the approval thereof by growers voting in referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 726.416 *Determination of 1953 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the 1952 allotment with the following exceptions:

(a) If the acreage of tobacco harvested on the farm in each of the three years 1950–52 was less than 75 percent of the farm acreage allotment for each of such years, the preliminary allotment shall be the larger of (1) the largest acreage of tobacco harvested on the farm in any one of such three years, or (2) the average acreage of tobacco harvested on the farm in the five years 1948–52: *Provided*, That any such preliminary allotment shall not exceed the 1952 allotment for such farm or be less than 0.1 acre.

(b) If the county committee determines that failure to harvest as much as 75 percent of the acreage alloted to the farm during any one of the three years 1950–52 was due to (1) service in the armed forces on the part of labor regularly engaged in producing tobacco on the farm prior to entry into the armed forces, or (2) black shank infestation on the farm, the preliminary allotment for the farm shall be the 1952 allotment.

(c) If no 1952 allotment was established for the farm, the preliminary allotment shall be the smaller of (1) the average acreage of tobacco harvested on the farm in the five years 1948–52, or (2) the acreage obtained by multiplying the farm's average acreage for the five years 1948–52 by the ratio of the farm's actual yield to the 1951 county average yield: *Provided*, That such preliminary allotment shall not be less than 0.1 acre.

(d) If the acreage of tobacco harvested on the farm in 1952 exceeded the 1952 allotment by more than 10 percent, the preliminary allotment shall be the 1952 allotment plus the smaller of (1) one-fifth of the excess acres, or (2) the acreage obtained by multiplying one-fifth of the excess acreage by the ratio of the farm's actual yield to the 1951 county average yield.

(e) The preliminary allotments determined under subparagraph (c) or (d) of this paragraph shall not exceed the smaller of (1) the acreage indicated by cropland, or (2) the acreage capacity of curing barns located on the farm and suitable for curing tobacco: *Provided*, That no preliminary allotment shall be reduced below the 1952 allotment because of these factors or be less than 0.1 acre.

(f) The preliminary allotment shall not exceed 80 percent of the acreage of cropland on the farm.

§ 726.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 726.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 726.418 shall not exceed the State acreage allotment.

§ 726.418 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 726.416, except paragraph (f) thereof, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one-half of one percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year in the case of fire-cured and dark air-cured tobacco, and two percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year in the case of Virginia sun-cured tobacco.

§ 726.419 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in any marketing year as having been produced on the acreage allotment for any farm which in fact was produced on a different farm, the acreage allotments established for both such farms for 1953 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and, in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator estab-

lishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1953 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1953 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above. This section shall not apply if the allotment for any prior year was reduced on account of the same violation.

(d) The amount of reduction in the 1953 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 726.420 *Reallocation of allotments released from farms removed from agricultural production.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain, shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him, equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so required: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

(b) The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

§ 726.421 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall, if the farm to be divided for 1953 consists of two or more tracts which were separate and distinct farms before being combined within the past five years (1948–52), be apportioned among the tracts in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 allotment shall be the sum of the 1953 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1953 in settling an estate, the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable allotments.

§ 726.422 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1947–51, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 726.423 *Determination of acreage allotments for new farms.* (a) The acreage allotment other than an allotment made under §726.420, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices, and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions have been met:

(1) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested either as a share cropper, tenant, or as a farm operator during two of the past five years: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall live on and be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a fire-cured, dark air-cured or Virginia sun-cured tobacco allotment is established for the 1953–54 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One-half of one percent of the 1953 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 726.424 *Time for filing application.* An application for new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 726.425 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 726.426 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 726.411 to 726.425, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1953 or which was returned to agricultural production in 1952 too late for the 1952 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1953 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 726.427 *Approval of determinations made under §§ 726.411 to 726.426.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 726.411 to 726.426. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 726.428 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

§ 726.429 *Transfer of farm acreage allotments.* Notwithstanding the foregoing provisions of §§ 726.411 to 726.428 except § 726.427, the owner and operator of a farm for which both a fire-cured tobacco and a dark air-cured tobacco acreage allotment, or both a fire-cured tobacco and a Virginia sun-cured tobacco acreage allotment, are established under §§ 726.411 to 726.428 may voluntarily and permanently surrender in writing to the county committee not later than March 31, 1953, either of such farm acreage allotments. The acreage surrendered for each kind of tobacco shall, upon request in writing to the county committee not later than March 31, 1953, and in the order requested, be used by the county committee for equivalent increases in the acreage allotments for other farms producing such kind of tobacco which surrendered acreage to the county committee under this section. Such increase in the acreage allotment for any farm shall not exceed the acreage surrendered from such farm to the county committee. Acreage surrendered under this section shall, to the extent that it is not transferred hereunder, be returned to the farms from which it was surrendered.

Done at Washington, D. C., this 7th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7527; Filed, July 9, 1952; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 956—MILK IN THE SIOUX FALLS-MITCHELL, SOUTH DAKOTA, MARKETING AREA

ORDER REGULATING HANDLING OF MILK

Sec.
956.0 Findings and determinations.

DEFINITIONS

956.1 Act.
956.2 Secretary.
956.3 Department of Agriculture.
956.4 Person.
956.5 Cooperative association.
956.6 Sioux Falls-Mitchell, South Dakota, marketing area.
956.7 Approved plant.
956.8 Unapproved plant.
956.9 Handler.
956.10 Producer.
956.11 Producer milk.
956.12 Other source milk.
956.13 Producer-handler.
956.14 Delivery period.

MARKET ADMINISTRATOR

956.20 Designation.
956.21 Powers.
956.22 Duties.

REPORTS, RECORDS AND FACILITIES

956.30 Delivery period report of receipts and utilization.
956.31 Producer payroll.
956.32 Other reports.
956.33 Records and facilities.
956.34 Retention of records.

CLASSIFICATION

956.40 Skim milk and butterfat to be classified.
956.41 Classes of utilization.
956.42 Shrinkage.
956.43 Transfers.
956.44 Responsibility of handlers and reclassification of milk.
956.45 Computation of skim milk and butterfat in each class.
956.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

956.50 Class prices.
956.51 Emergency price provisions.

DETERMINATION OF UNIFORM PRICE

956.60 Computation of the value of milk.
956.61 Computation of uniform price.
956.62 Notification of handlers.

PAYMENTS

956.65 Time and method of payments.
956.66 Butterfat differentials.
956.67 Adjustment of errors in payment to producers.
956.68 Producer-settlement fund.
956.69 Payments to producer-settlement fund.
956.70 Payments out of the producer-settlement fund.
956.71 Adjustment of errors in payments.
956.72 Expense of administration.
956.73 Termination of obligations.

EFFECTIVE TIME SUSPENSION OR TERMINATION

Sec.
956.80 Effective time.
956.81 Suspension or termination.
956.82 Continuing obligations.
956.83 Liquidation.

MISCELLANEOUS PROVISIONS

956.90 Agents.
956.91 Separability of provisions.

AUTHORITY: §§ 956.0 to 956.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 956.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, supps., 900.1 et seq.), a public hearing was held at Sioux Falls, South Dakota, on August 27–30, 1951, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area. Such hearing was reopened on March 24, 1952 upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined herein, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment monthly as his pro rata share of such expense, four cents per hundredweight, or such amount not exceeding four cents per hundredweight as the Secretary may prescribe, by each handler who operates an approved plant with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk received by him during such delivery period which is classified as Class I, and by each handler who operates an unapproved plant with respect to all milk disposed of by him as Class I milk within the marketing area.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. It is hereby found and determined, in view of the aforesaid facts and circumstances that good cause exists for making §§ 956.1 through 956.14, 956.20 through 956.22 (h), 956.30 through 956.34, 956.40 through 956.46, 956.72, 956.73, 956.80 through 956.83, 956.90 and 956.91 effective on August 1, 1952 and §§ 956.22 (i), 956.50, 956.51, 956.60 through 956.62 and 956.65 through 956.71 effective on September 1, 1952; and that it would be contrary to the public interest to delay such effective dates to dates later than those specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Sioux Falls-Mitchell, South Dakota, marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practicable means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Sioux Falls-Mitchell, South Dakota, marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers, who during the determined representative period (March 1952) were engaged in the production of milk for sale in the Sioux Falls-Mitchell, South Dakota, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Sioux Falls-Mitchell, South Dakota, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 956.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 956.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 956.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 956.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 956.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

§ 956.6 *Sioux Falls-Mitchell, South Dakota, marketing area.* "Sioux Falls-Mitchell, South Dakota, marketing area," hereinafter called the "marketing area," means all the territory within the corporate limits of the cities of Sioux Falls, South Sioux Falls, and Mitchell, all in the State of South Dakota.

§ 956.7 *Approved plant.* "Approved plant" means a milk plant or other facilities which operate under a permit issued by the health authorities of Mitchell, or Sioux Falls, South Dakota, and which are under regular inspection by these local health authorities, and which are used in the preparation or processing of producer milk any part of which is sold or disposed of in the marketing area as Class I milk.

§ 956.8 *Unapproved plant.* "Unapproved plant" means any milk manufacturing, processing or bottling plant other than an approved plant.

§ 956.9 *Handler.* "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s).

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant, or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

§ 956.10 *Producer.* "Producer" means any person who produces Grade A milk under a farm permit or rating issued by local health authorities, which milk is (a) received at an approved plant, or (b) diverted from an approved plant to an unapproved plant for the account of a handler. Milk so diverted shall be deemed to have been received by the handler who caused it to be so diverted.

§ 956.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer, other

than a producer-handler, which is received by a handler either directly from producers or from other handlers.

§ 956.12 *Other source milk.* "Other source milk" means all skim milk and butterfat which is received by a handler other than that contained in producer milk.

§ 956.13 *Producer-handler.* "Producer-handler" means any person who produces milk which he distributes on wholesale or retail routes within the marketing area and who receives no milk from other producers: *Provided*, That the market administrator has determined that the maintenance, care and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging and distribution of the milk are the personal enterprise and personal risk of such person.

§ 956.14 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this subpart is in effect.

MARKET ADMINISTRATOR

§ 956.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 956.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 956.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 956.72 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to § 956.30, or (2) payments pursuant to §§ 956.65, 956.69, and 956.71;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to § 956.50 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to § 956.50 (b) for the preceding delivery period; and

(2) On or before the 8th day of each delivery period, the uniform price computed pursuant to § 956.61 and the butterfat differential computed pursuant to § 956.66, both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

§ 956.30 *Delivery period reports of receipts and utilization.* (a) On or before the 6th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, and all other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) On or before the 6th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his total disposition within the marketing area of Class I milk from such plant.

§ 956.31 *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

§ 956.32 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 956.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of butterfat and skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

§ 956.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 956.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to § 956.30 (a) shall be classified by the market administrator pursuant to §§ 956.41 to 956.45, inclusive.

§ 956.41 *Classes of utilization.* Subject to the conditions set forth in §§ 956.43 and 956.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) dis-

posed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) *Class II milk.* Except as provided in paragraph (c) of this section Class II shall be (1) all skim milk which is dumped or disposed of as livestock feed: *Provided*, That in the case of skim milk which is dumped the handler shall notify the market administrator in advance of his intention to dump such skim milk, and (2) all skim milk and butterfat (i) used to produce any milk product not specified in paragraph (a) of this section, (ii) in actual plant shrinkage supported by adequate plant records up to but not in excess of two percent of the total receipts of skim milk and butterfat in producer milk, other than that received from other handlers, (iii) in actual shrinkage of other source milk, and (iv) in inventory variations.

(c) *Class IIA.* Class IIA shall be all skim milk and butterfat which, during the months of February through July, both inclusive, is used to produce butter, American cheddar cheese, casein, animal feed or nonfat dry milk solids, and skim milk which is dumped: *Provided*, That the handler shall notify the market administrator in advance of his intention to dump such skim milk.

§ 956.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 956.43 *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided*, That, if the transferring handler, on or before the 6th day after the end of the delivery period during which the transfer or diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, or Class IIA such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk pursuant to § 956.46: *Provided further*, That, if other source milk has been received at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk or butterfat, when transferred or diverted from an approved plant to an unapproved plant located more than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(c) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 100 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II or Class IIA: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I: *Provided further*, That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Classes II and IIA is less than the amount stated to have been used, any amount in excess of such Class II use or Class IIA shall be classified as Class I.

(d) Skim milk or butterfat when transferred or diverted from an approved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

§ 956.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 956.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 956.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to § 956.30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

§ 956.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 956.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk determined pursuant to § 956.41 (b) (2) (ii);

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I. If any skim milk has been classified as Class II A, skim milk in other source milk shall be allocated to such Class II A use prior to allocation to other Class II use.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 956.43(a);

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production;

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk reported as having been received from producers; an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II: *Provided*, That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. Any amount so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 956.50 *Class prices.* Each handler shall pay at the time and in the manner set forth in § 956.65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section for the previous delivery period plus $1.25.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding $25.00 to the price computed pursuant to paragraph (b) (2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk containing 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(c) *Class II A milk.* (1) The price per hundredweight for Class II A milk containing 3.5 percent butterfat shall be the Class II price computed pursuant to paragraph (b) (1) of this section minus 25 cents.

(2) The price per hundredweight for butterfat in Class II A milk shall be computed by: (i) Determining the percentage that the price computed pursuant to § 956.50 (b) (1) is of the price computed pursuant to § 956.50 (b) (1), (ii) multiplying such percentage by 25 cents, (iii) subtracting the resulting figure from the price computed pursuant to § 956.50 (b) (1), and (iv) multiplying by 100.

(3) The price per hundredweight for skim milk in Class II A shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965 and (iv) adjusting to the nearest cent.

§ 956.51 *Emergency price provisions.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

§ 956.60 *Computation of the value of milk.* (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to § 956.46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has overage of either skim milk or butterfat, the market administrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to § 956.46, during the months of February through July, both inclusive, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

§ 956.61 *Computation of uniform price.* For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 956.60 for all handlers who filed reports pursuant to § 956.30 and who made the payments required pursuant to §§ 956.65 and 956.69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 956.66, and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Subtract during each of the delivery periods of May, June and July an amount equal to 8 percent of the resulting sum;

(d) Add during each of the delivery periods of September, October and November one-third of the total amount subtracted pursuant to paragraph (c) of this section;

(e) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(f) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

§ 956.62 *Notification of handlers.* On or before the 9th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 956.46 and 956.60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to § 956.61;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 956.65 and 956.71; and

(e) The amount to be paid by such handler pursuant to § 956.72.

PAYMENTS

§ 956.65 *Time and method of payments.* Each handler shall make payment for milk as follows:

(a) On or before the 15th day after the end of the delivery period during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed pursuant to § 956.61, subject to the butterfat differential computed pursuant to § 956.66.

(b) On or before the 12th day after the end of the delivery period during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to paragraph (a) of this section.

§ 956.66 *Butterfat differential.* If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in § 956.65, shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

§ 956.67 *Adjustment of errors in payment to producers.* Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses payment of an amount less than is required by § 956.65 the handler shall make

up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

§ 956.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 956.69 and 956.71 and out of which he shall make all payments to handlers pursuant to §§ 956.70 and 956.71: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 956.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 956.60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to § 956.65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to § 956.60 (b).

§ 956.70 *Payments out of the producer-settlement fund.* On or before the 11th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 956.65 is greater than the total value computed for him pursuant to § 956.60.

§ 956.71 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund made pursuant to §§ 956.69 and 956.70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 956.70 the market administrator shall, within 5 days, make such payment to such handler.

§ 956.72 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

§ 956.73 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 956.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 956.81.

§ 956.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 956.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 956.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 956.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 956.91 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Issued at Washington D. C., this 3d day of July 1952.

Sections 956.1 through 956.14, 956.20 through 956.22 (h), 956.30 through 956.34, 956.40 through 956.46, 956.72, 956.73, 956.80 through 956.83, 956.90 and 956.91 shall be effective on and after the 1st day of August 1952, and §§ 956.22 (i), 956.50, 956.51, 956.60 through 956.62, and 956.65 through 956.71 shall be effective on and after September 1, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7528; Filed, July 9, 1952; 8:50 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PLANT QUARANTINE INSPECTOR

Paragraph (a) of § 24.89 is amended to read as follows:

§ 24.89 *Plant Quarantine Inspector, GS-436-5*—(a) *Educational requirement.* Applicants must have successfully completed (1) or (2) of the following:

(1) A full 4-year course in an accredited college or university, leading to a bachelor's degree in biological science, with 20 semester hours in one or in any combination of entomology, botany, or plant pathology, including mycology. (Biological courses which are useful in forming the educational foundation for a career as a Plant Quarantine Inspector, such as plant nematology, plant bacteriology, plant virology, horticulture, and acarology, regardless of the course title, may be accepted toward the required study in biological sciences, as well as courses under the names listed above.)

(2) Courses in biological science, in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 20 semester hours in any one or a combination of the subjects shown under subparagraph (1) of this paragraph; plus additional appropriate experience which, when combined with the above 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 854)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-7552; Filed, July 9, 1952; 8:54 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.155]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JUNE 25, 1952.

Section 325.11, *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (a) is amended by the deletion of the following post:

Paramaribo, Surinam.

2. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (d) is amended by the deletion of the following posts:

Naval Station, Trinidad, B. W. I.
Port-of-Spain, Trinidad, B. W. I.
Reykjavik, Iceland.

3. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (b) is amended by the addition of the following posts:

Bogor, Indonesia.
Djogjakarta, Indonesia.
Paramaribo, Surinam.

4. Effective as of the beginning of the first pay period following July 5, 1952, paragraph (d) is amended by the addition of the following post:

Maddalena, Libya.

For the Secretary of State.

W. K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 52-7551; Filed, July 9, 1952; 8:53 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1952 TOBACCO LOAN PROGRAM

1952 CROP; FLUE-CURED TOBACCO, TYPES 11–14, ADVANCE SCHEDULE

Set forth below is schedule of advance rates, by grades, for the 1952 crop of types 11–14, flue-cured tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published May 22, 1952 (17 F. R. 4643).

§ 664.412 *1952 crop; flue-cured tobacco, Types 11–14, advance schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
A1L	74.12	H2F	66.12
A2L	71.12	H3F	63.12
A1F	72.12	H4F	58.12
A2F	68.12	H5F	53.12
A1R	65.12	H6F	41.12
A2R	60.12	H3R	50.12
B1L	67.12	H4R	45.12
B2L	66.12	H5R	38.12
B3L	61.12	H6R	30.12
B4L	57.12	C1L	72.12
B5L	52.12	C2L	71.12
B6L	41.12	C3L	70.12
B1F	65.12	C4L	69.12
B2F	62.12	C5L	65.12
B3F	58.12	C1F	71.12
B4F	53.12	C2F	70.12
B5F	43.12	C3F	69.12
B6F	33.12	C4F	68.12
B1R	57.12	C5R	63.12
B2R	54.12	C4LV	62.12
B3R	48.12	C5LV	58.12
B4R	39.12	C4K	56.12
B5R	32.12	C5K	50.12
B6R	26.12	C5KR	50.12
B3S	40.12	C4M	54.12
B4S	31.12	C5M	50.12
B5S	25.12	X1L	69.12
B6S	20.12	X2L	68.12
B4D	26.12	X3L	65.12
B5D	20.12	X4L	57.12
B6D	18.12	X5L	43.12
B3LV	58.12	X1F	68.12
B4LV	52.12	X2F	67.12
B5LV	45.12	X3F	63.12
B3FV	52.12	X4F	53.12
B4FV	45.12	X5F	38.12
B5FV	38.12	X3LV	55.12
B4K	44.12	X4LV	47.12
B5K	38.12	X3FV	52.12
B6K	27.12	X4FV	44.12
B4M	42.12	X4K	42.12
B5M	36.12	X5K	32.12
B6M	25.12	X3M	46.12
B4KR	43.12	X4M	39.12
B5KR	36.12	X5M	30.12
B4GL	47.12	X3G	40.12
B5GL	39.12	X4G	33.12
B6GL	34.12	X5G	24.12
B4GF	41.12	P3L	56.12
B5GF	35.12	P4L	47.12
B6GF	27.12	P5L	32.12
B4GR	27.12	P3F	53.12
B5GR	21.12	P4F	40.12
B6GR	18.12	P5F	28.12
H1L	69.12	P4G	26.12
H2L	67.12	P5G	20.12
H3L	66.12	N1L	17.12
H4L	63.12	N1R	17.12
H5L	57.12	N1GL	17.12
H6L	48.12	N1GR	17.12
H1F	67.12		

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 2, 59 Stat. 506, sec. 101, 63 Stat. 1051; 7 U. S. C. 1312n, 7 U. S. C. Sup. 1441)

Issued this 3d day of July 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

LIONEL C. HOLM,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7570; Filed, July 9, 1952; 8:59 a. m.]

[1] The advance rates quoted above are applicable to tied flue-cured tobacco. Rates for untied flue-cured tobacco are five dollars ($5.00) per hundred pounds less for each grade. The Cooperative Association through which the loans are made is authorized to deduct 12 cents per hundred pounds to apply against the overhead costs to the Association of the loan operation. Tobacco can be placed under loan only by the original producer and only if produced on a cooperating farm. Tobacco graded "W" (unsafe order), "U" (unsound), N2L, N2R, N2GL, N2GR, "Decayed", "Botched", "Nested", or "Off-type" will not be accepted under the regular loan program.

Special loans. Tobacco graded second quality nondescript will have a loan value of $15.00 per hundred pounds; all other nondescript grades and grades qualified by unrestricted special factors will have a loan value of $30.00 per hundred pounds.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 3944]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAMILTON MANUFACTURING CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices, designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, Hamilton Manufacturing Company, Minneapolis, Minn., Docket 3944, April 9, 1952]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondent's substitute answer thereto, in which answer said respondent admitted, with certain exceptions, all of the allegations of fact set forth in the complaint, and briefs and oral argument of counsel, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act, on September 7, 1950, issued its order to cease and desist; and

Respondent Hamilton Manufacturing Company, having filed in the United States Court of Appeals for the District of Columbia Circuit its petition to review and set aside the order to cease and desist issued herein, and that Court having heard the matter on briefs and oral argument, having fully considered the matter, and having, thereafter on February 27, 1952, entered its final decree modifying, and affirming and enforcing, as modified, the aforesaid order to cease and desist pursuant to its opinion announced on January 24, 1952; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord with the aforesaid opinion and final decree of the United States Court of Appeals for the District of Columbia Circuit;

It is hereby ordered, That the respondent, Hamilton Manufacturing Company, and said respondent's officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punch boards or other lottery devices which are designed or intended to be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That within the period of time allowed by the aforesaid final decree of the United States Court of Appeals for the District of Columbia Circuit, the respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: April 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7569; Filed, July 9, 1952; 8:58 a. m.]

[Docket 4827]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN TOBACCO CO.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products;* § 3.30 *Composition of goods;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts;* § 3.250 *Success, use or standing.* Subpart—*Disparaging competitors and their products—Competitor's products:* § 3.965 *Composition;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety;* § 3.1033 *Success, use or standing.* In connection with the offering for sale, sale, and distribution in commerce, of respondent's Lucky Strike brand of cigarettes, representing, by any means, directly or by implication, (1) that among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact; (2) that independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike cigarettes; (3) that Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (4) that Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes; (5) that Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing; or, (6) that Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Modified cease and desist order, American Tobacco Company, New York, N. Y., Docket 4827, April 9, 1952]

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the respondent's answer thereto, testimony and other evidence in support of and in opposition to the allegations of said amended complaint, the Trial Examiner's recommended decision and exceptions thereto, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act, and having issued an order to cease and desist; and

The American Tobacco Company, a corporation, the respondent, having filed in the United States Court of Appeals for the Seventh Circuit its petition to review and set aside the order to cease and desist issued herein; and thereafter counsel for respondent and the Commission having entered into a stipulation filed in said Court on March 10, 1952, providing that said petition to review shall be dismissed without hearing on the merits; that upon said dismissal the Commission shall modify said order to cease and desist by eliminating therefrom the words "and its officers, representatives, agents and employees" after the words *"It is ordered,* That the respondent, The American Tobacco Company, a corporation"; and that said voluntary dismissal of said petition to review shall be without prejudice to any subsequent application by respondent to the Commission for any modification of any other provisions of said order to cease and desist and shall not be construed by the Commission to limit its power to make any such modification pursuant to section 5 of the Federal Trade Commission Act and Rule XXVII of the Commission's rules of practice; and the Court having on March 11, 1952, entered an order dismissing the petition to review, without hearing upon the merits, in accordance with the terms of the stipulation of counsel; and

Thereafter, the Commission having reconsidered the matter, and being of the opinion that its order should be modified so as to accord with the aforesaid stipulation of counsel and order of the United States Court of Appeals for the Seventh Circuit;

It is ordered, That the respondent, The American Tobacco Company, a corporation, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its Lucky Strike brand of cigarettes, do forthwith cease and desist from representing, by any means, directly or by implications:

(1) That among independent tobacco experts, Lucky Strike cigarettes have twice as many smokers as all other brands of cigarettes combined; or that any greater proportion or number of independent tobacco experts or of any other group or class of people smoke Lucky Strike cigarettes than is the fact.

(2) That independent tobacco experts who smoke Lucky Strike cigarettes do so because of their knowledge of the grades or quality of the tobacco purchased by the respondent for use in the manufacture of Lucky Strike Cigarettes.

(3) That Lucky Strike cigarettes or the smoke therefrom contains less acid than do the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes.

(4) That Lucky Strike cigarettes or the smoke therefrom is less irritating to the throat than the cigarettes or the smoke therefrom of any of the other leading brands of cigarettes.

(5) That Lucky Strike cigarettes or the smoke therefrom is easy on one's throat or will provide any protection against throat irritation or coughing.

(6) That Lucky Strike cigarettes or the smoke therefrom contains less nicotine than do the cigarettes or the smoke therefrom of any of the four other leading brands of cigarettes.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this modified order, file with the Commission a report, in writing, showing in detail the manner and form in which it has complied with this order.

Issued: April 9, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-7568; Filed, July 9, 1952; 8:58 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—Mutual Security Agency

[MSA Reg. 4]

PART 204—GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948, AS AMENDED

Preamble. In furtherance of the purposes of the Mutual Security Act of 1951, as amended, in order to facilitate and maximize the use of private channels of trade, and pursuant to authority contained in sections 104 (f) and 111 (a) and (b) of the Economic Cooperation Act of 1948, as amended, supplemented and continued (hereinafter called the "act"), the following rules and regulations are prescribed for the making of guaranties of investments pursuant to section 111 (b) (3) of the act, other than guaranties of investments in enterprises producing or distributing informational media (hereinafter called "MSA guaranties").

Sec.
204.1 Scope of this part.
204.2 Application for guaranties and place of filing.
204.3 Designation of Export-Import Bank of Washington as agent.
204.4 Effect of making investment prior to issuance of guaranty.
204.5 Saving clause.

AUTHORITY: §§ 204.1 to 204.5 issued under sec. 104, 62 Stat. 138, as amended, Pub. Law 165, 82d Cong.; 22 U. S. C. Sup. 1503. Interpret or apply sec. 111, 62 Stat. 143, as amended; Pub. Law 165, 82d Cong.; 22 U. S. C. Sup. 1509.

§ 204.1 *Scope of this part.* This part shall cover MSA guaranties.

§ 204.2 *Applications for guaranties and place of filing.* Applications for MSA guaranties should be made in writing to the Industrial Guaranties Branch, Mutual Security Agency, Washington 25, D. C. There is no prescribed form of application, but published information on current policies of the guaranty program, including the contents of applications, may be obtained on request from the Mutual Security Agency. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 204.3 *Designation of Export-Import Bank of Washington as agent.* Export-Import Bank of Washington is hereby designated by the Director as his agent, upon such terms as may be specified by the Director, to issue in its name, and to administer, MSA guaranties.

§ 204.4 *Effect of making investment prior to issuance of guaranty.* The purpose of the guaranty provisions of the act is to stimulate private investment from the United States which contributes to the objectives of the Mutual Security Program. Ordinarily this purpose is not served by issuing a guaranty on an investment which has already been made. Accordingly, the making of an investment by an applicant prior to the issuance of a guaranty covering such investment shall be grounds on which the application may be denied. However, after an application has been filed and accepted as complete, the investor may obtain a statement in writing from the Mutual Security Agency which will permit him to proceed with the investment without prejudice to the application on the above grounds.

§ 204.5 *Saving clause.* The Director for Mutual Security may waive, withdraw, or amend at any time or from time to time any or all of the provisions of this part.

W. JOHN KENNEY,
Deputy Director for Mutual Security.

[F. R. Doc. 52-7522; Filed, July 9, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5918; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of section 316 of the Revenue Act of 1951, approved October 20, 1951, relating to election as to recognition of gain in certain corporate liquidations, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.112 (b) (7)–1 the following:

SEC. 316. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 112* (b) (7). Section 112 (b) (7) (relating to recognition of gain in certain corporate liquidations) is hereby amended by striking out in subparagraph (A) (ii) "1951" and by inserting in lieu thereof "1951 or 1952".

* * * * *

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1951.

PAR. 2. Section 29.112 (b) (7)–1, as amended by Treasury Decision 5856, approved September 14, 1951, is further amended as follows:

(A) By striking from the heading and from the section "in 1944 or 1951", wherever "in 1944 or 1951" appears therein, and by inserting in lieu thereof the following: "in 1944, 1951, or 1952".

(B) By inserting in the first and third sentences of paragraph (b) immediately after "in 1951", wherever "in 1951" appears therein, the following: "or 1952".

PAR. 3. Section 29.112 (b) (7)–2, as amended by Treasury Decision 5856, is further amended by inserting in the second parenthetical clause in the first sentence immediately after "in 1951", the following: "or 1952".

PAR. 4. Section 29.112 (b) (7)–4, as amended by Treasury Decision 5856, is further amended as follows:

(A) By inserting in the second parenthetical clause in the first sentence of paragraph (b) (2) immediately after "in 1951" the following: "or 1952".

(B) By striking from the second sentence of paragraph (b) (2) the date "August 15, 1951" and by inserting in lieu thereof the following: "August 15, 1950".

PAR. 5. Section 29.112 (b) (7)–5, as amended by Treasury Decision 5856, is further amended by inserting immediately after "in 1951", where it appears in paragraph (b) of such section, the following: "or 1952".

PAR. 6. There is inserted immediately preceding § 29.113 (a) (18)–1, the following:

SEC. 316. ELECTION AS TO RECOGNITION OF GAIN IN CERTAIN CORPORATE LIQUIDATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Basis of property.* Section 113 (a) (18) (relating to basis of property received in certain corporate liquidations) is amended by striking out "the Revenue Act of 1950" and by inserting in lieu thereof "any revenue act".

(c) *Effective date.* The amendments made by this section shall be applicable only to taxable years ending after December 31, 1951.

PAR. 7. Section 29.113 (a) (18)–1, as amended by Treasury Decision 5856, is further amended by inserting in paragraph (a) (2) (iii) immediately after "calendar year 1951", the following: "or 1952".

PAR. 8. Section 29.148–2, as amended by Treasury Decision 5856, is further amended as follows:

(A) By striking in the heading of paragraph (b) (2) and in the first sentence of such paragraph "1944 or 1951", wherever "1944 or 1951" appears therein, and by inserting in lieu thereof the following: "1944, 1951, or 1952".

(B) By inserting in the second parenthetical clause in paragraph (b) (2) (iii) immediately after "in 1951", the following: "or 1952".

PAR. 9. Section 29.148–3, as amended by Treasury Decision 5859, approved September 20, 1951, is further amended by striking from the second sentence of

paragraph (b) "1944 or 1951" and by inserting in lieu thereof the following: "1944, 1951, or 1952".

Inasmuch as this Treasury decision merely provides for the extension of the applicability of section 112 (b) (7) of the Internal Revenue Code to liquidations occurring in 1952 and makes a technical correction, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of the said act.

(53 Stat. 32, 457; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 7, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7567; Filed, July 9, 1952; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 21]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

FREE DELIVERY OF SMALL PARCELS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 21 to Ceiling Price Regulation 7 (16 F. R. 1897) is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 7 prohibits any act which directly or indirectly increases above the ceiling price the consideration paid for any article. Since the reduction or elimination of a service incidental to the sale of a commodity amounts to an indirect increase in price, diminutions in service are prohibited unless there is a commensurate reduction in the selling price of the commodity. This amendment relaxes that prohibition to the limited extent of permitting the retailer to make changes in his practice of delivering certain small parcels without extra charge. To compel retailers to reduce their prices commensurately with the reduction in such delivery services would be administratively impracticable since the amount of the price reduction would necessarily be minute. Moreover, the impact of this change upon the cost of living would be insignificant compared with the advantages afforded to retailers in enhancing their flexibility of management. Accordingly, by this action, retailers will be permitted to discontinue the practice of making free delivery of parcels provided that this change extends only to parcels which are sufficiently small or light in weight to be carried in hand from the store by purchasers.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISION

Section 55 of Ceiling Price Regulation 7 is amended to add an additional paragraph (g) thereto to read as follows:

(g) *Changing delivery practices.* It shall not be deemed a violation of this section for a retailer to discontinue a practice of delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment to Ceiling Price Regulation 7 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7640; Filed, July 9, 1952; 12:02 p. m.]

[Ceiling Price Regulation 7, Amdt. 22]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 22 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 7 makes several minor modifications in the provisions of the regulation relating to new sellers, provides an alternative method of chart preparation for sellers whose sales to their most numerous class of purchaser are accommodation sales and corrects certain clerical errors now appearing in the regulation.

Revisions in the new seller provisions have been made in footnote 13a to section 39, and in sections 39a, 39c, and 39d.

Footnote 13a affords sellers whose applications under section 39 made prior to December 31, 1951 had been denied "in whole or in part" the right to reapply under the new seller provisions set forth in Amendment 12 to CPR 7, effective December 31, 1951. This footnote has been amended to make it clear that these provisions may be invoked not only by sellers whose applications have been denied in whole or in part but by all sellers who filed reports or applications under the original section 39.

Sections 39a and 39c have been amended to insure greater speed in the processing of applications made under these sections. Sellers will henceforth be permitted to establish their ceiling prices under these sections upon receipt of OPS acknowledgment of their filed notifications. Heretofore, sellers were required to secure orders before proceeding.

Section 39d has been amended in two respects. The first extends eligibility to apply for markups on the basis of the past experience of managers of individually owned establishments and managers of businesses owned by partnerships. Heretofore, the past experience of managers had been limited to corporate managing officers. The second amendment to this section removes the present limitation on past experience which denies markups in excess of Appendix E if an applicant has operated at or below the prices permitted by Appendix E since the list date.

In view of the corrective and clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 7 is amended as follows:

1. Footnote 8 to section 17 of Ceiling Price Regulation 7 is amended to read as follows:

⁸ This will be the class containing the greatest number of purchasers. However, if your most numerous class of purchaser is one to whom accommodation sales are made, you may prepare your chart based on your offering prices to the most numerous class other than accommodation purchasers, but you must state in a footnote any differentials you have for your accommodation sales. If you have more than one class of purchaser, use a footnote to show the class of purchaser used in preparing your chart. Section 30 provides that other classes of purchasers must get their customary differentials.

2. The example to section 38b (b) (2) is amended by deleting the figure "$733.00" and substituting therefor the figure "$733.50."

3. Footnote 13a to section 39 which reads as follows:

13a. Any seller to whom an order was issued under section 39 prior to December 31, 1951 denying his application in whole of in part, shall be afforded an opportunity to reapply in accordance with sections 39a through 39d, is redesignated footnote "13b" and is amended to read as follows:

13b. Any seller who prior to December 31, 1951 filed a report or application pursuant to section 39 may apply or report in accordance with sections 39a through 39d inclusive and must add to any report or application otherwise required by these sections a notation that it intends its prior application, report or order to be superseded under whichever one of these sections it applies or reports.

4. Section 39a is amended by substituting for the word "approval" in the first paragraph the word "acknowledgment."

5. Section 39a (b) is amended by substituting for the word "approve" in the first sentence the word "acknowledge" and by substituting for the word "approval" in the second sentence the word "acknowledgment."

6. Section 39c is amended by substituting for the word "approval" in the first paragraph the word "acknowledgment."

7. Section 39c (b) is amended by substituting for the word "approval" the word "acknowledgment."

8. Section 39d (a) (3) is amended to read as follows:

(3) You (if you are an individually owned establishment) or any of the principal stockholders or partners actually engaged in the business or the manager of the business had previous merchandising experience as owner, officer, principal, or employee in an executive or managerial capacity in a business handling articles covered by CPR 7 at prices higher than those yielded by Appendix E markups (or if handling related articles not covered by CPR 7, at prices which for such articles are higher than average). For the purpose of this sub-paragraph, experience for more than a year as a route salesman or door-to-door salesman shall be considered the equivalent of managerial experience in processing applications to establish markups for that type of seller.

9. In section 39e (b) following the word "applicable" in the first sentence add the words "with your OPS office."

10. Footnote 16 to section 53 (a) (2) (i) is amended by substituting for the word "local" the word "district."

11. Footnote 17 to section 53 (b) (2) (i) is amended by substituting for the word "local" the word "district."

12. In section 59 the definition of "Director of Price Stabilization" is amended by substituting for the word "local" the word "district."

13. In Appendix B, Category 803—"Soft Surface Smaller Rugs," delete the words "or larger."

14. Appendix C is amended as follows:

a. In the column headed "Category you are pricing," insert "210'" between the figures "209" and "211."

b. In the column headed "Category you are pricing," between the figures "607" and "701," insert in vertical succession the following: "610'", "615'" and "620'."

c. Opposite "713" in the column headed "Category you are pricing," delete "707" from the column headed "Second" and substitute therefor "715." Delete "715" from the column headed "Third" and substitute therefor "709" and delete "709" from the column headed "Fourth."

d. Opposite "720" in the column headed "Category you are pricing," delete "707" from the column headed "Second" and substitute therefor "704" and delete "704" from the column headed "Third."

e. In the column headed "Category you are pricing," delete "1003" and all comparable categories appearing opposite that figure.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7641; Filed, July 9, 1952; 12:02 p. m.]

[Ceiling Price Regulation 11, Amdt. 7]

CPR 11—RESTAURANTS

CURRENT FOOD COST PER DOLLAR OF SALES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Ceiling Price Regulation 11 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment relaxes the requirement of CPR 11 that the current food cost per dollar of sales must coincide exactly with that for the base period. The amount by which the current food cost ratio will now be allowed to fall below the base period ratio is five percent.

Under the provisions of Section 3 of CPR 11, prior to this amendment, operators were required to use as their ceiling prices those prices which reflected a current food cost per dollar of sales no lower than their base period food cost per dollar of sales. Each operator was required to be in compliance with this standard at the end of each four month period.

Although maintenance of the food cost per dollar of sales does not impose unreasonable burdens on the majority of eating and drinking establishments subject to CPR 11, it has been found that even the most efficient operator may at times be faced with unforeseen developments, particularly near the end of his compliance period, which will cause his current food cost ratio to be lower than permitted by the regulation. Frequently, the extent of non-compliance may be rather slight. In recognition of this possibility and of the serious consequences which may ensue from it for operators having no intent to violate, this amendment establishes a margin of flexibility by providing that the operator will not be in violation even if his current ratio is reduced as long as the reduction does not go beyond the prescribed limit.

Specifically, section 3 (a) of this regulation is being amended to permit operators subject to this regulation a five percent leeway between their current and their base period food cost per dollar of sales.

In the formulation of this amendment, there has been consultation to the extent practicable with industry representatives, including trade association representatives and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended, and comply with all of the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 11 is amended in the following respects:

1. Section 3 (a) is amended to read as follows:

(a) *Determination of ceiling prices.* Your ceiling prices for meals, food items and beverages are those prices which reflect a current food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent). (Food cost per dollar of sales is defined in section 14.) You must fix your prices so as to maintain during each four month period (or during each sixteen week period if it was your established practice during your base period to keep your records on the basis of a thirteen period year rather than a twelve month year) beginning April 1, 1951, a food cost per dollar of sales no lower than your base period food cost per dollar of sales reduced by five percent (5 percent).

EXAMPLE: If your base period food cost per dollar of sales was 40 percent, you must now make sure that your food cost per dollar of sales for each four months period is no lower than 38 percent ($0.40 \times 0.05 = 0.02$; $40 - 2 = 38$ percent).

In computing your current food cost per dollar of sales you must use the same methods as those used in your base period. In computing your current food cost per dollar of sales you must treat taxes in the same way as in the base period. You may not add any item of expense in your food cost that you did not include in your base period. However, if it was your custom in the base period to include in your food cost some nominal non-food items such as ice, straws, and napkins you may continue to do so. If you kept separate records showing the cost and gross sales of alcoholic beverages in your base period your ceiling prices for alcoholic beverages must be fixed in accordance with paragraph (b) of this section.

2. Section 14 is amended by adding a new paragraph (e) to read as follows:

(e) "Food cost per dollar of sales" means the ratio between the total cost of food and the total sales. Food includes beverages, both alcoholic and non-alcoholic, unless you kept separate records showing the cost and gross sales of alcoholic beverages in your base period.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Ceiling Price Regulation 11 is effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7643; Filed, July 9, 1952; 12:03 p. m.]

[Ceiling Price Regulation 7, Amdt. 12 to Supplementary Regulation 1]

CPR 7—RETAIL CEILING PRICE FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES, MAIL ORDER ESTABLISHMENTS AND DEPARTMENTALIZED ESTABLISHMENTS, CONSIGNORS AND CONSIGNEE OUTLETS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No.

2 (16 F. R. 738), this Amendment 12 to Supplementary Regulation 1 to Ceiling Price Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Footnote 1 to section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7 states that any department in a departmentalized establishment to which an order was issued under Ceiling Price Regulation 7 prior to 1952, denying its application "in whole or in part" may apply the pricing rules set forth in section 8. This footnote has been amended to make it clear that the provisions of section 8 may be invoked not only by departments whose applications have been denied in whole or in part but by all departments who may elect to discontinue pricing pursuant to the rules of section 39 of CPR 7.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Supplementary Regulation 1 to Ceiling Price Regulation 7 is amended as follows:

1. Substitute the following footnote in lieu of footnote 1 to section 8 of Supplementary Regulation 1 to Ceiling Price Regulation 7 now appearing:

[1] Any departmentalized establishment which determined ceiling prices for any category in a department pursuant to section 39 of Ceiling Price Regulation 7 prior to December 31, 1951, or under sections 39a through 39d inclusive of Ceiling Price Regulation 7 prior to February 12, 1952 may continue to do so or, if it so elects, may apply the rules set forth in this section and must add to any report otherwise required by this section a notation that the method being used pursuant to this section is being used in lieu of its prior order or report and must identify the order or report being superseded.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment to Supplementary Regulation 1 to Ceiling Price Regulation 7 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7642; Filed, July 9, 1952; 12:03 p. m.]

[Ceiling Price Regulation 67, Amdt. 9]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

REFRACTORY PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment places refractory products under the coverage of the regulation. On February 7, 1952 the Office of Price Stabilization issued Ceiling Price Regulation 125—(Manufacturers of Refractory Products) and it is considered appropriate to include all such products in CPR 67 because the pricing practices of resellers of refractory products are similar to those of resellers of the products already covered by the regulation. Because of the similarity of these pricing practices, the Statement of Considerations involved in the issuance of the regulation is equally applicable to this amendment.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended by adding the following item to Appendix A:

Refractory products. (This term includes fire clay brick, Silica brick, insulating firebrick, ladle brick, hot top brick, sleeves, nozzles and runners, high alumina brick, basic brick, special refractory brick made from silicon-carbide, kyanite, alumina, zircon, spinel, olivine ormullite, and specialties such as mortars, plastic refractories and castables. It does not include graphite crucibles and accessory or related products of which natural graphite represents 15 percent or more of the total weight.)

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 67 shall become effective July 14, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7644; Filed, July 9, 1952; 12:03 p. m.]

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Georgia				
(76) Macon	B	Bibb and Houston	Apr. 1, 1941	July 1, 1942
	C	Houston County	Feb. 1, 1951	July 11, 1952
Louisiana				
(126) Alexandria-Leesville	B	The Parishes of Beauregard and Vernon	Jan. 1, 1941	July 1, 1942
	C	In Beauregard Parish, Wards 2, 3, 4, 5, 7, and 8; and Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
	C	In Beauregard Parish, Wards 1 and 6	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7553; Filed, July 9, 1952; 8:54 a. m.]

[Rent Regulation 1, Amdt. 63 to Schedule A]

RR 1—HOUSING

SCHEDULE A—DEFENSE-RENTAL AREAS

LOUISIANA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 1 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Louisiana				
(131) Lake Charles	B	Houston County	Feb. 1, 1951	July 11, 1952
	C	In Sugartown Parish, Wards 2, 3, 4, 5, 7, and 8, and Vernon Parish.	Aug. 1, 1950	Nov. 7, 1951
	C	In Beauregard Parish, Wards 1 and 6	Aug. 1, 1951	July 10, 1952
	C	Parish of Calcasieu	do	Do.

[F. R. Doc. 52-7556; Filed, July 9, 1952; 8:55 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 62 to Schedule A]

[Rent Regulation 2, Amdt. 60 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA AND LOUISIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Georgia				
(76) Macon	B	Bibb and Houston	Mar. 1, 1942	Apr. 15, 1943
	C	Houston County	Aug. 1, 1951	July 10, 1952
Louisiana				
(131) Lake Charles	B	Parish of Calcasieu	Mar. 1, 1942	Apr. 15, 1943
	C	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7554; Filed, July 9, 1952; 8:55 a. m.]

[Rent Regulation 2, Amdt. 61 to Schedule A]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

LOUISIANA

This amendment is issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 2 is amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Louisiana				
(131) Lake Charles	A	Parish of Calcasieu	Aug. 1, 1951	July 10, 1952

[F. R. Doc. 52-7555; Filed, July 9, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 71 to Schedule A]

[Rent Regulation 4, Amdt. 15 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

GEORGIA AND LOUISIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 10, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 7th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICES

EXISTING EQUIPMENT

In the matter of amendment of Part 18 of the Commission's rules and regulations.

The Commission has received various petitions and requests proposing that the effective date of Part 18 of the Commission's rules and regulations, insofar as it applies to industrial heating equipment manufactured prior to July 1, 1947, be suspended for a period of one year.

These petitions and requests allege that the necessary materials, equipment and qualified engineers are not immediately available to effect the necessary compliance with the rules within the rules within the period of time presently allocated.

The petitions and requests further state that the work necessary to effect compliance with the rules is being carried forward as rapidly as materials and man-power permit. Under the present conditions the petitions state that it is expected that a maximum period of one year will be required to permit general compliance with the certification requirement of the rules.

Upon consideration of the petitions and requests it appears that an extension of the effective date of Part 18 as applicable to industrial heating equipment manufactured prior to July 1, 1947, be warranted. However, it also appears that the inability to comply with the rules is, in some measure, the result of a lack of diligence over a period of time to take the necessary steps to effect compliance. In view of this fact, the Commission wishes to advise all interested parties that if further requests for extension are sought, it will give consideration to such requests on an individual basis, taking into consideration the efforts made by the user to achieve compliance.

Therefore, the Commission further advises all interested parties to effectuate certification at the earliest practicable date. In the event interference is caused to any authorized radio service, the operator of the equipment concerned shall take the steps necessary to certify the equipment at the time the interference is eliminated as required by § 18.51 of the rules, or within such period thereafter as the Commission may prescribe.

Because of the imminent effective date of Part 18 for industrial heating equipment manufactured prior to July 1, 1947, it is impractical to give notice and invoke the procedure set forth in section 4 of the Administrative Procedure Act.

Accordingly, it is ordered, This 25th day of June 1952, that pursuant to the authority contained in sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, § 18.51 of the Commission's rules and regulations, as amended by the report and order in Docket No. 10192, is further amended to read as follows:

§ 18.51 *Existing equipment.* The provisions of this part shall not be applicable until June 30, 1953 to diathermy equipment and industrial heating equipment, the manufacture and assembly of which was completed prior to July 1, 1947, nor shall they be applicable until April 30, 1953 to miscellaneous equipment, the manufacture and assembly of which was completed prior to April 30, 1948: *Provided,* That the foregoing provisions of this section shall be applicable only if such steps as may be necessary are promptly taken to eliminate interference to authorized radio services resulting from the operation of equipment manufactured prior to the respective dates set forth in this section. In the case of industrial heating equipment the operator of the equipment concerned

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shall take the steps necessary to certify the equipment at the time the interference is eliminated as required by this section, or within such period thereafter as the Commission may prescribe.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: June 26, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7470; Filed, July 8, 1952; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

BUSSES, AISLE SEATS PROHIBITED; 5-DAY SUSPENSION

Qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment (Ex Parte No. MC-40).

Upon consideration of a petition of National Association of Motor Bus Operators for a 5-day suspension of § 193.91 of the order heretofore approved April 14, 1952 (17 F. R. 4445), prohibiting the use of aisle seats in busses unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied;

It appearing, that the materials necessary for the construction of the type of folding aisle seats required by the section have not been available and are not now available, and that as a result the carriers which have been unable to obtain equipment of the prescribed type during the present heavy volume of holiday traffic will be forced to choose between requiring passengers to stand, in many cases for periods of several hours, or refusing their transportation, either of which alternative would result in a disservice to the traveling public;

It is ordered, That § 193.91 be, and it is hereby, suspended for the period July 3, 1952, to July 8, 1952, inclusive.

Dated at Washington, D. C., this 3d day of July A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7546; Filed, July 9, 1952; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

COMPUTATION OF NET INCOME; INVENTORIES UNDER ELECTIVE METHOD

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Section 29.22 (d)-1 of Regulations 111, as amended by Treasury Decision 5756, approved November 2, 1949, is further amended by striking the word "If" at the beginning of paragraph (b) of such section and by inserting in lieu thereof the words "For taxable years beginning before January 1, 1952, if".

[F. R. Doc. 52-7564; Filed, July 9, 1952; 8:57 a. m.]

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEDUCTION OF STATE GASOLINE TAXES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any date, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to the provisions of the act of May 12, 1951 (Public Law 29, 82d Congress), allowing the consumer of gasoline to deduct, for income tax purposes, State taxes on gasoline imposed on the wholesaler and passed on to the consumer, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (c)-1 the following:

PUBLIC LAW 29, 82D CONGRESS, APPROVED MAY 12, 1951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 23 (c) (3) of the Internal Revenue Code (relating to deduction of retail sales taxes) is hereby amended to read as follows:

(3) *Gasoline and retail sales taxes.* In the case of a tax imposed by any State, Territory, District, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, or upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his vendor such amount shall be allowed as a deduction in computing the net income of such consumer as if such amount constituted a tax imposed upon and paid by such consumer.

SEC. 2. The amendment made by this act shall apply to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.23 (c)-1, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended as follows:

(A) By revising the heading and subparagraph (1) of paragraph (b) thereof to read as follows:

(b) *State and local sales and gasoline taxes.* (1) Amounts representing sales or gasoline taxes paid by a consumer of services or tangible personal property are deductible by such consumer as taxes, provided they are not paid in connection with his trade or business. The fact that, under the law imposing it, the incidence of the sales or gasoline tax does not fall on the consumer is immaterial. The requirement of section 23 (c) (3) that the amount of the tax must be separately stated will be deemed complied with where it clearly appears that, at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purposes of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. Where the law imposing the sales or gasoline tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the sales or gasoline tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a gasoline tax imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

(B) By adding at the end of paragraph (b) thereof the following new subparagraphs (3) and (4):

(3) For taxable years beginning after December 31, 1950, the term "gasoline tax" means, for purpose of this section, a tax imposed by such authorities upon persons selling gasoline or other motor vehicle fuels either at wholesale or retail, which is measured by the gross sales price or the gross receipts from the sale, or which is a stated sum per unit of the gasoline or fuel sold; but such term does not exclude from the definition of "sales tax", for taxable years beginning before January 1, 1951, a tax imposed by such authorities upon persons selling such products at retail.

(4) In general, the term "consumer" means the ultimate user, consumer, or purchaser; it does not include a purchaser who acquires the property for resale, such as a retailer.

PAR. 3. The amendments hereby prescribed shall be applicable with respect to taxable years beginning after December 31, 1950.

[F. R. Doc. 52-7565; Filed, July 9, 1952; 8:57 a. m.]

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

EFFECT ON EXCESS PROFITS CREDIT OF LOANS TO FOREIGN SUBSIDIARY CORPORATION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Regulations 130 (26 CFR Part 40) are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding the last sentence of § 40.435-6 (b) (5) the following: "The reduction under section 435 (f) (1) (B) is required whether or not such other member of the controlled group is subject to the excess profits tax, for example, in a case in which such other member is a foreign corporation not engaged in trade or business within the United States."

PAR. 2. There is inserted at the end of § 40.435-7 (c) (5) the following: "The adjustment under section 435 (g) (7) is required whether or not such other corporation is subject to the excess profits tax, for example, in a case in which such other corporation is a foreign corporation not engaged in trade or business within the United States."

PAR. 3. There is inserted immediately after the third sentence of § 40.442-3 (d) (1) the following: "The exclusion from total assets of loans to a member of a controlled group of corporations of which the taxpayer is a member is required whether or not such other member of the controlled group is subject to the excess profits tax, for example, in a case in which such other member is a foreign corporation not engaged in trade or business within the United States."

[F. R. Doc. 52-7566; Filed, July 9, 1952; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 973]

[Docket No. AO-178-A3]

MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and orders, notice is hereby given of a public hearing to be held in Room 307, Federal Courts Building, 4th Street and Marquette Avenue, Minneapolis 2, Minnesota, beginning at 10 a. m., c. s. t., July 16, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, have been proposed by the Twin City Milk Producers Association as follows:

1. Amend § 973.50 (a) to read as follows:

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 for the preceding delivery period plus $0.60 during May and June; plus $1.10 during July, August, September, October and November; and plus $0.80 in all other delivery periods: *Provided*, That such Class I price differentials shall be increased or decreased by application of the supply-demand adjustment established under § 941.52 (a) of Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area for the same delivery period.

2. Amend § 973.50 (b) to read as follows:

(b) *For Class II milk.* The price shall be that determined by the market administrator as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture, during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiplying by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75.2 cents.

Copies of this notice of hearing may be obtained from D. F. Spencer, Market Administrator, 100 North 7th Street, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 2, 1952, at Washington, D. C.

[SEAL] F. R. BURKE,
Acting Assistant Administrator.

[F. R. Doc. 52-7572; Filed, July 9, 1952; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71, 73, 77, 197]

[Docket Nos. 3366, Ex Parte MC-8, MC-13; Notice 7]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

JULY 7, 1952.

In the matter of regulations for transportation of explosives and other dangerous articles, Docket 3666; regulations governing the transportation of explosives and other dangerous articles by motor vehicle, Docket Ex Parte MC-13; need for establishing reasonable requirements to promote safety of

operation of motor vehicles used in transporting property by private carriers, Docket Ex Parte MC–3.

The Commission, Division 3, of its own motion, pursuant to section 233 of the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), and Part II of the Interstate Commerce Act, on April 20, 1943 formulated and published two orders, one in Docket 3666 and the other in Ex Parte MC–13, 3666, and Ex Parte MC–3, amending its regulations governing the transportation of explosives and other dangerous articles by common and contract carriers engaged in interstate or foreign commerce by extending the application thereof (1) to the transportation of explosives and other dangerous articles in interstate or foreign commerce by private carriers, and (2) to the transportation of such articles in intrastate commerce by common, contract, or private carriers.

It appearing, that it is now desirable to vacate that portion of the orders of the Commission of April 20, 1943 (8 F. R. 6479) (8 F. R. 6481), as amended and extended by subsequent orders of June 14, 1943 (8 F. R. 8277), August 27, 1943 (8 F. R. 12143), December 31, 1943 (9 F. R. 540), June 24, 1944 (9 F. R. 7528), December 5, 1944 (9 F. R. 15006), December 30, 1944 (10 F. R. 120), October 8, 1945 (10 F. R. 12967), December 20, 1945 (11 F. R. 33), December 17, 1946 (11 F. R. 14729), May 6, 1947 (12 F. R. 3198), December 15, 1947 (12 F. R. 8868), December 28, 1948 (13 F. R. 9574), December 30, 1949 (15 F. R. 94), November 14, 1950 (15 F. R. 8120), and July 19, 1950 (15 F. R. 8261) (15 F. R. 8823), which made Parts 71–78 of the regulations governing the transportation of explosives and other dangerous articles applicable to every common, contract, and private carrier by motor vehicle engaged in intrastate commerce and also made Parts 190–196 of the Motor Carrier Safety Regulations, Revised, applicable to such carriers to the extent that the vehicles of such carriers were engaged in such transportation, with the exception that private carriers of property were not made subject to regulations governing the reporting of accidents.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of this notice; otherwise, the Commission may proceed to investigate and determine the matters involved, or may suspend action pending formal hearing in these dockets.

[SEAL] W. P. BARTEL,
Secretary.

PART 71—GENERAL INFORMATION AND REGULATIONS

1. Amend entire § 71.1 (15 F. R. 8261, Dec. 2, 1950) (49 CFR 71.1, 1950 Rev.) to read as follows:

§ 71.1 *Purpose and scope of the regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common, contract or private carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier and each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

(b) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be offered to and transported by common, contract or private carriers engaged in interstate or foreign commerce provided the articles are in proper condition for transportation, are as defined, and are packed, marked, labeled, certified, and otherwise as provided for in Parts 71–78 of this chapter. Articles must be loaded, stayed, and handled in transit according to regulations applying to service or services used, and otherwise as provided for in Parts 71–78 of this chapter. Shipments that do not comply with Parts 71–78 of this chapter must not be offered for transportation nor be accepted for transportation or transported.

(c) Methods of manufacture, packing and storage, insofar as they affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

(d) Regulations for equipment and operation of motor vehicles on the highways are published in separate issue of the Commission.

2. Add paragraph (b) to § 71.2 (15 F. R. 8261, Dec. 2, 1950) (49 CFR 71.2, 1950 Rev.) to read as follows:

§ 71.2 *Act of Congress.*

• • •

(b) The regulations in Parts 71–78 of this chapter are applicable to every common carrier subject to the regulatory provisions of section 835 of Public Law 772, 80th Congress (62 Stat. 738), to every contract carrier and private carrier by motor vehicle subject to the regulatory provisions of the Interstate Commerce Act with respect to transportation of explosives and other dangerous articles as defined in Parts 71–78 of this chapter, and to all shippers making shipments of explosives and other dangerous articles via any common, contract or private carrier engaged in interstate or foreign commerce by land or water.

3. Amend § 71.12 paragraph (a) (15 F. R. 8262, Dec. 2, 1950) (49 CFR 71.12, 1950 Rev.) to read as follows:

§ 71.12 *Export shipments by domestic carriers by rail and motor vehicles.* (a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common, contract or private carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations in Parts 71–78 of this chapter.

• • • • •

PART 73—SHIPPERS

1. Cancel first three paragraphs and Note 1 appearing under authority citation for Part 73 (15 F. R. 8275, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR 73, 1950 Rev.)

2. Amend § 73.1 paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.1, 1950 Rev.) to read as follows:

§ 73.1 *Purpose of the regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles by common, contract or private carriers engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for transportation purposes, to state the precautions that must be observed by the shipper in preparing them for shipment by rail freight, rail express, rail baggage, highway, or by carrier by water. It is the duty of each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. Cancel first four paragraphs and Note 1 appearing under authority citation for Part 77 (15 F. R. 8361, Dec. 2, 1950) (15 F. R. 8824, Dec. 13, 1950) (49 CFR 77, 1950 Rev.)

SUBPART A—GENERAL INFORMATION AND REGULATIONS

2. Amend §§ 77.800 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.800, 1950 Rev.) to read as follows:

§ 77.800 *Purpose of regulations in Parts 71–78 of this chapter.* (a) To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common, contract, and private carriers, by motor vehicle engaged in interstate or foreign commerce, the regulations in Parts 71–78 of this chapter are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

3. Amend § 77.801 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.801, 1950 Rev.) to read as follows:

§ 77.801 *Scope of regulations in Parts 71–78 of this chapter.* (a) Explosives and other dangerous articles, except such as may not be accepted and transported under Parts 71–78 of this chapter, may be accepted and transported by common, contract, and private carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with Parts 71–78 of this chapter, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives.

4. Amend § 77.802 paragraph (a) (15 F. R. 8361, Dec. 2, 1950) (49 CFR 77.802, 1950 Rev.) to read as follows:

§ 77.802 *Application of regulations in Parts 71–78 of this chapter.* (a) The regulations in Parts 71–78 of this chapter are applicable to every common carrier by motor vehicle subject to the regulatory provisions of section 835 of Public Law 772, 80th Congress (62 Stat. 738), and to every contract carrier and private carrier by motor vehicle subpect to the regulatory provisions of the Interstate Commerce Act, with respect to transportation of explosives and other dangerous articles as defined in Parts 71–78 of this chapter. When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c) of this section), rail baggage (see also paragraph (d) of this section), rail freight, or by water on board vessel, they must in addition to Parts 71–78 of this chapter, comply with the applicable regulations for the service by which they are to be transported.

• • • • •

5. Amend § 77.804 paragraph (a) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.804, 1950 Rev.) to read as follows:

§ 77.804 *Export shipments by domestic carriers by motor vehicle.* (a) Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common, contract, or private carrier by motor vehicle for domestic transportation unless in full accordance with Parts 71–78 of this chapter.

• • • • •

6. Amend § 77.807 paragraphs (a) and (a) (3) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.807, 1950 Rev.) to read as follows:

§ 77.807 *Emergency shipments.* (a) For the protection of the public against fire, explosion, or other or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common, contract, or private carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also §§ 77.853 to 77.870 for handling shipments in transit):

• • • • •

(3) Other like emergencies in which any common, contract, or private carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

• • • • •

7. Amend § 77.814 paragraph (a) Report Form (15 F. R. 8362, 8363, Dec. 2, 1950) (49 CFR 77.814, 1950 Rev.) to read as follows:

§ 77.814 *Accidents to be reported.* (a)

• • •

No. 3666

REPORT TO BUREAU OF SERVICE
INTERSTATE COMMERCE COMMISSION
WASHINGTON, D. C.

Fires, Explosions, and Leaking, Broken, or Seriously Damaged Containers

(That can be attributed in whole or in part to the transportation or storage of explosives or other dangerous articles)

Submitted by _____
(Name of carrier—corporate or business name)

_____, 19____,
(Date)

Address _____ _____
(Street and number) (City—town)

_____
(State)

Common carrier, I. C. C. certificate No. _____
Contract carrier, I. C. C. permit No. _____
Private carrier _____
Date of accident or discovery of damage _____;
place _____
Commodity and quantity _____;
quantity destroyed _____
What marking or placards were on motor vehicle? _____
If a tank motor vehicle, what sign or other marking to indicate contents? _____

Show package markings:
Name of contents _____;
I. C. C. Spec. No. _____
Label _____
Serial Nos. _____;
Code Nos. _____
If carboy, show box maker's name _____ and whether straight sided _____ or balloon shaped _____
Name and address of shipper _____
Name and address of consignee _____
T. L. or L. T. L. Shipment _____

Results of Accident

[State whether in transportation or storage]

Number of persons injured _____; killed____
Property loss:

Reporting-carrier's vehicle	$_____
Other vehicles	_____
Reporting-carrier's cargo	_____
Other cargoes	_____
Other property (describe)	_____
Total loss	_____

Give all essential facts and details of handling (use additional sheet if necessary), stating: (1) Part of package damaged or leaking, and what was done to stop leak, (2) rate of leakage, (3) probable cause of fire, explosion, or leaking, broken, or seriously damaged container, (4) distance between source of ignition and point of leakage of flammable liquid or vapor, (5) description of package, packing or cushioning material, and method of loading and bracing in vehicle, (6) for tank motor vehicle, speed of vehicle, condition of highway, degree and elevation of curve, if any, (7) any defective condition of vehicle likely to contribute directly to accident, and (8) specification number, type, or other identifying description of tank, and date built, if shown.

Is this accident also being reported to the Commission on Form BMC–50? _____
(Yes or no)

This report is required by § 77.814 of regulations in Docket 3666. Information furnished on this form will not be open to public inspection.

(Signed) _____

PART 197—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Amend § 197.01 paragraphs (a) and (b) (15 F. R. 8120, Nov. 28, 1950) (49 CFR, 1950 Supp., 197.01) to read as follows:

§ 197.01 *Application of regulations.* (a) The regulations in this part shall apply to every common carrier by motor vehicle, contract carrier by motor vehicle, and private carrier of property by motor vehicle, subject to the regulatory provisions of Part II of the Interstate Commerce Act, with respect to the transportation by motor vehicle of explosives and other dangerous articles, as defined in regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water including specifications and shipping containers.

(b) Parts 190 to 196, respectively, of this chapter shall also apply to all motor vehicles and drivers of all motor carriers designated in paragraph (a) of this section, whether or not operating wholly within a municipality or between contiguous municipalities or within a zone adjacent to and commercially a part of any such municipality or municipalities, to the extent that the motor vehicles and drivers of the aforesaid carriers are engaged in the transportation of explosives and other dangerous articles: *Provided, however,* That Part 194 of this chapter relating to the reporting of accidents shall not apply to any private carrier of property.

NOTE: Part 195—Accident Reports, was redesignated Part 194—Reporting of Accidents, in the revision of Motor Carrier Safety Regulations (Parts 190 to 196, inclusive of this chapter) contained in the Commission's order approved April 14, 1952, effective July 1, 1952.

[F. R. Doc. 52–7547; Filed, July 9, 1952; 8:53 a. m.]

NOTICES

EXECUTIVE OFFICE OF THE PRESIDENT

ORGANIZATION AND FUNCTIONS

The statement on Organization and Functions of the Executive Office of the President (14 F. R. 7856), as amended, is hereby amended to read as follows:

SECTION I. *Executive Office of the President in general.* The Executive Office of the President consists of the divisions listed below.

SEC. II. *The White House Office.* The White House Office includes the Secretaries to the President, the Assistant to the President, the Special Counsel to the President, the Executive Clerk, the Administrative Assistants to the President, and such other personnel as are required to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office.

SEC. III. *The Bureau of the Budget*—(a) *Organization.* The Bureau of the Budget, under the general supervision of its Director, serves the President in the preparation and administration of the budget, in the review of legislation and Executive orders, in the improvement of administrative management and organization, and in the coordination and improvement of Federal statistics. The Bureau consists of the Office of the Director, which includes a field service with offices in Chicago, Illinois; Dallas, Texas; Denver, Colorado; and San Francisco, California; four offices, which are the Office of Budget Review, the Office of Legislative Reference, the Office of Management and Organization, and the Office of Statistical Standards; and five divisions, which are the Military Division, the International Division, the Resources and Civil Works Division, the Commerce and Finance Division, and the Labor and Welfare Division.

(b) *Collection of information from the public.* The Federal Reports Act of 1942 (5 U. S. C. 139–139 (f)) provides that no Federal executive agency (except as noted in the act) shall conduct or sponsor the collection of information, upon identical items, from ten or more persons (individuals, business or other organizations, or State or local governments) without having submitted its proposed requests for information to the Director for his approval. Such requests for information include report forms, schedules, questionnaires, or other similar methods of obtaining information. The Director has delegated to the Assistant Director for Statistical Standards the authority conferred upon him by this act. Each approved request for information must include an approval number or a statement indicating the Bureau's approval. An Advisory Council on Federal Reports, composed of representatives of national business organizations, aids the Bureau in reducing the burden of government requests for information. The Assistant Director for Statistical Standards may grant any party having a substantial interest in the collection of information by a Federal agency an opportunity to be heard or to submit written statements on the necessity for collecting such information.

(c) *Restriction upon publication of statistical information.* On instruction by the President dated November 17, 1950, the Director maintains a continuous surveillance of the publication of statistical information by Federal executive agencies, and determines in any instance whether or not such publication would be compatible with the national security. If the Director finds that publication would endanger the national security, the information must be withheld. Unless release is explicitly forbidden, information thus withheld may be released to users authorized by the Director, who has delegated to the Assistant Director for Statistical Standards the authority conferred upon him by this instruction.

SEC. IV. *The Council of Economic Advisers.* The Council of Economic Advisers assists the President in the preparation of his annual and midyear Economic Report to the Congress; prepares for transmission to the Congress semiannual Economic Reviews; studies national economic developments and trends; appraises activities of the Federal Government bearing upon the Nation's economy; develops and recommends national economic policies to foster economic growth and stability; and furnishes the President and the Congress with other studies and reports relating to economic policies and conditions. The Council consults with and advises other Government agencies in matters affecting the national economy. It also consults with advisory committees representing industry, business and finance, agriculture, labor, consumers, State and local governments, and other groups.

SEC. V. *Liaison Office for Personnel Management.* The Liaison Office for Personnel Management, headed by an Administrative Assistant to the President as Liaison Officer for Personnel Management, assists the President in the execution of the duties imposed upon him by the provisions of the Constitution and the laws with respect to personnel management, especially the Civil Service Act of 1883 and the rules promulgated by the President under authority of that act. The Liaison Office also assists the President in maintaining closer contact with all agencies dealing with personnel matters insofar as they affect or tend to determine the personnel management policies of the executive branch of the Government.

SEC. VI. *The National Security Council.* The National Security Council advises the President with respect to the integration of domestic, foreign, and military policies relating to the national security. The statutory members of the Council are the President, the Vice President, the Secretary of State, the Secretary of Defense, the Director for Mutual Security, and the Chairman of the National Security Resources Board. The Council's staff is headed by a civilian Executive Secretary. The Central Intelligence Agency is under the Council's direction.

SEC. VII. *The National Security Resources Board.* The National Security Resources Board, under the general supervision of its Chairman, advises the President concerning the coordination of military, industrial, and civilian mobilization. The Board's activities in the field of resources mobilization planning are carried on by the Natural Resources Office, the Human Resources Office, the Production Resources Office, and the Special Security Programs Office.

SEC. VIII. *The Office of Defense Mobilization.* The Office of Defense Mobilization, under the Director of Defense Mobilization, directs, controls, and coordinates on behalf of the President all defense mobilization activities of the executive branch of the Government. The National Advisory Board on Mobilization Policy, chaired by the Director, advises the President with respect to the defense mobilization program and makes recommendations and reports to the President.

SEC. IX. *The Office of the Director for Mutual Security.* The Director for Mutual Security, on behalf of the President and subject to his direction, coordinates and supervises the military and technical assistance and defense support programs developed and administered by the Department of Defense, the Department of State, and the Mutual Security Agency. The Director gives continuous supervision and general direction to these programs to assure their integration and execution in harmony with the purposes of the Mutual Security Act of 1951 (22 U. S. C. 1651–1712). The Deputy Director for Mutual Security supervises the day-to-day operations of the Mutual Security Agency.

SEC. X. *The Telecommunications Advisor.* The Telecommunications Advisor to the President assist and advises him with respect to telecommunications functions, including the coordination of proposed policies and standards, the improvement of operations, and the assignment of radio frequencies to Government agencies. The Interdepartmental Radio Advisory Committee reports to the Telecommunications Advisor.

SEC. XI. *The Office for Emergency Management.* The Office for Emergency Management, when activated, assists the President in dealing with public emergencies.

WILLIAM J. HOPKINS,
Executive Clerk.

JULY 5, 1952.

[F. R. Doc. 52-7525; Filed, July 9, 1952; 10:21 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket Nos. M–14, M–50, M–43, M–42, M–11, M–31, M–24, M–30, M–27, M–32, M–20, M–51, M–52, M–9, M–21, M–35, M–37, M–36, M–10, M–27, M–26, M–34, M–45, M–33]

AMERICAN-FLAG OPERATORS

ANNUAL REVIEW OF BAREBOAT CHARTERS

1. In accordance with section 3 (e) (1) of Public Law 591, 81st Congress, an annual review has been made of the bareboat charters of Government-owned, war-built, dry-cargo vessels recommended for use by American-flag operators during the period June 30, 1951 to June 30, 1952, inclusive. On the basis of the foregoing review the Federal Maritime Board tentatively finds (subject to such finding becoming final as hereinafter provided) that conditions exist justifying the continuance of the following charters under the conditions previously certified by the Federal Maritime Board:

Charterer	Vessel	Docket No.	Date vessel delivered
Luckenbach-Gulf Steamship Co., Inc.	Pine Bluff Victory	M–14	3–28–51
	Wayne Victory	M–14	4–23–51
	Red Oak Victory	M–50	2–11–52
Pacific Atlantic Steamship Co.	Jeremiah S. Black	M–43	5– 1–51
	Elmer A. Sperry	M–43	2–15–51
	Thomas Nuttall	M–43	10–27–51
Pope & Talbot, Inc.	Pere Marquette	M–42	2–23–51
	Albert S. Burleson	M–42	4–10–51
	M. M. Guhin	M–42	4– 2–51
Alaska Steamship Co.	Coastal Monarch	M–11	8– 9–48
	Sailors Splice	M–11	4–27–49
	Coastal Rambler	M–11	8–18–48
	Lucidor	M–11	12–16–48
	Palisana	M–11	12–16–48
	Flemish Knot	M–11	7–26–48
	Square Knot	M–11	7– 6–48
	Square Sinnet	M–11	8– 1–48
	Ring Splice	M–11	1–14–49
	John H. Quick	M–31	6– 4–51
	George D. Prentice	M–31	7– 2–51
Coastwise Line	Tarleton Brown	M–24	4– 3–51
	John W. Barriger	M–24	4–13–51
American President Lines	Charles Crocker	M–30	5–28–51
	Lighting	M–27	4–16–51
	Shooting Star	M–32	5–23–51
	Anchorage Victory	M–20	6– 7–51
	Cuba Victory	M–51	2–20–52
Farrell Lines	Vanderbilt Victory	M–52	4–18–52
	Brigham Victory	M–52	4–22–52
Grace Line Inc.	Gunners Knot	M– 9	9–15–46
	Coastal Nomad	M– 9	2–21–46
	Coastal Adventurer	M– 9	1–21–47
	Anchor Hitch	M– 9	1– 3–47
Lykes Bros. S. S. Co.	Roswell Victory	M–21	10–31–51
	Cedar Rapids Victory	M–21	12– 5–51
	Denison Victory	M–35	10– 8–51
	Drake Victory	M–35	11– 2–51
	Barre Victory	M–37	11–30–51
Mississippi Shipping Co.	Cape Horn	M–36	9–14–51
Pacific Far East Line	Contest	M–10	4–27–47
	Flying Dragon	M–10	5– 8–47
	Surprise	M–10	12–29–48
	Trade Wind	M–10	1–29–49
	Fleetwood	M–10	12–27–48
	Flying Scud	M–10	12–10–48
	Sea Serpent	M–27	3–28–51
	Bucyrus Victory	M–26	8–17–51
Prudential S. S. Corp.	Lindenwood Victory	M–34	7–27–51
	Clarksville Victory	M–45	1–29–52
South Atlantic S. S. Line	Anniston Victory	M–33	7–18–51
	High Point Victory	M–33	8–30–51

2. Any interested party may request a hearing with respect to the tentative finding of the Federal Maritime Board made with respect to any charter herein reviewed by filing written objections thereto or for other good cause shown within fifteen (15) days from the date of publication of this notice.

3. Said finding will become final if no objection thereto or request for a hearing is filed, as above provided. If such hearing is granted, said finding will be the subject of a report by the Board.

4. Copies of this notice have been served upon all interested persons.

Dated: June 30, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-7545; Filed, July 9, 1952; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 30, 1952.

Notice is given that the plat of dependent resurvey and original survey of certain islands accepted April 30, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective on the date of this notice as to the dependent resurveyed lands and at 10:00 a. m. on the 35th day after the date of this notice; as to the following described surveyed islands:

SEWARD MERIDIAN

T. 17 N., R. 3 W.:
Sec. 20: Lot 27.
Sec. 28: Lot 11.
Sec. 29: Lots 12, 13, and 14.
Sec. 30: Lots 8, 9, 10, 11, and 12.
Sec. 31: Lot 6.

The area described contains 20.88 acres.

The lands are located on the western end of Fish Lake, approximately 19 miles west of Wasilla, Alaska, and are accessible by automobile over a road which terminates at the eastern end of the lake and thence by boat. The land may also be reached by seaplane directly or by land based aircraft on a nearby field, thence by boat over the lake. There are presently no public facilities in the area. Water for domestic use may be obtained from the lake or by sinking wells. Sewage disposal may be made by cess-pools or septic tanks.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of

service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

CHESTER W. MCNALLY,
Acting Manager.

[F. R. Doc. 52-7419; Filed, July 9, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 70]

DIRECTORS OF THE REGIONAL OFFICES.

DELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

EDITORIAL NOTE: In F. R. Doc. 52-7243, appearing at page 5917 of the issue for Tuesday, July 1, 1952, the section reference "5 (e) (3)" in the headnote of item 1 has been changed to "5 (c) (3)", so that the headnote now reads:

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.*

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 8]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced a new item of factory installed extra, special or optional equipment on its Buick new passenger automobiles and a wholesale ceiling price has been approved for this new item. Special Order 11 is, therefore, amended to include a charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11, is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

BUICK PASSENGER AUTOMOBILES

Custom Trim No. 78 (body style No. 72R)	$56.88

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Special Order 11 shall become effective July 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7645; Filed, July 9, 1952; 12:04 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 4]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. At the time Special Order 16 was issued three upholstery items whose wholesale ceiling prices have been approved were inadvertently omitted from the list of factory installed extra, special, or optional equipment. Special Order 16 is, therefore, amended to include the charges for these previously omitted items of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16, is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 16:

KAISER AUTOMOBILES

Upholstery Dinosaur Vinyl (all Kaiser models)	$125.00
Upholstery Leather Trim (all Kaiser models)	195.00
Upholstery Vinyl Sport Topping (all Kaiser models)	87.00

Effective date. This Amendment 4 to Special Order 16 shall become effective June 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JUNE 30, 1952.

[F. R. Doc. 52-7324; Filed, June 30, 1952; 4:33 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6855]

IDAHO POWER CO.

NOTICE OF ORDER EXTENDING TIME FOR CONSUMMATING TRANSACTION

JULY 3, 1952.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its order entered July 1, 1952, extending time for consummating transaction authorized by the Commission's order entered June 1, 1951 (16 F. R. 5505) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7519; Filed, July 9, 1952; 8:47 a. m.]

[Docket Nos. G-1694, G-1695, G-1699, G-1749, G-1777]

CITY GAS CO. OF PHILLIPSBURG, N. J., ET AL.

ORDER GRANTING PETITION TO REINSTATE PROCEEDINGS AND CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING

JULY 1, 1952.

In the matters of City Gas Company of Phillipsburg, New Jersey, Docket No. G-1694; the Manufacturers Light and Heat Company, Docket No. G-1695; Texas Eastern Transmission Corporation, Docket No. G-1699; Penn-Jersey Pipe Line Company (a de facto corporation), Docket No. G-1749; Allentown-Bethlehem Gas Company, Docket No. G-1777.

On March 13, 1952, the Commission issued an order in Docket No. G-1694 dismissing without prejudice the application of City Gas Company of Phillipsburg, New Jersey (City Gas) which was filed on May 25, 1951 pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity adjudging and ordering that the 1,700 Mcf of natural gas per day referred to in the Commission's Opinion No. 206 and accompanying order can be economically delivered to City Gas in the manner proposed in said application. Said application was dismissed without prejudice upon a finding that despite ample opportunity, well beyond 90 days after the issuance of said Opinion No. 206 and accompanying order on February 27, 1951, City Gas had failed to submit appropriate evidence to the Commission that the volumes of natural gas referred to in said Opinion can be economically delivered to it. In the same order the Commission dismissed without prejudice a petition seeking leave to intervene in Docket No. G-1694 filed by The Manufacturers Light and Heat Company (Manufacturers).

On March 13, 1952, the Commission issued an order in Docket No. G-1749, dismissing without prejudice the application of Penn-Jersey Pipe Line Co., a de facto corporation (Penn-Jersey), which was submitted for filing pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 6 miles of 6-inch pipe, or in part 8-inch pipe, between the facilities of Manufacturers and the distribution system of City Gas. Said application was dismissed without prejudice upon a finding, among others, that despite ample opportunity to do so, Penn-Jersey had not filed a supplement to its application containing Articles of Incorporation showing the corporation to be a de jure corporation qualified to make application pursuant to section 7 of the Natural Gas Act, and upon a further finding that the dismissal without prejudice of the application filed by City Gas in Docket No. G-1694, hereinbefore referred to, would make nugatory a hearing on the application submitted for filing by Penn-Jersey in Docket No. G-1749. In the same order, the Commission dismissed without prejudice a petition seeking leave to intervene in Docket No. G-1749 filed by Allentown-Bethlehem Gas Company (Allentown-Bethlehem).

On March 13, 1952, the Commission issued orders in Docket Nos. G-1699, and G-1695, dismissing without prejudice applications filed by Manufacturers and Texas Eastern Transmission Corporation (Texas Eastern) pursuant to section 7 of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale and delivery of natural gas by Texas Eastern to Manufacturers and the installation and operation by Manufacturers of a connection, meter, and regulator station for the receipt and delivery of natural gas to be transported and sold to City Gas; and an order in Docket No. G-1777, dismissing without prejudice an application filed by Allentown-Bethlehem pursuant to section 7 (b) of the Natural Gas Act for an order authorizing and approving the abandonment of its present natural-gas service to City Gas. In each of said orders the Commission found, among other findings, that the dismissal without prejudice of the application filed by City Gas in Docket No. G-1694, hereinbefore referred to, would make nugatory a hearing upon the application filed by Manufacturers in Docket No. G-1695, by Texas Eastern in Docket No. G-1699, and by Allentown-Bethlehem in Docket No. G-1777. In the same orders, the Commission dismissed without prejudice petitions seeking leave to intervene filed by Allentown-Bethlehem in Docket Nos. G-1695 and G-1699, and by City Gas in Docket Nos. G-1695, G-1699, and G-1777.

On March 24, 1952, City Gas and Penn-Jersey filed a joint petition in the above-entitled proceedings to have said orders of the Commission issued on March 13, 1952, vacated, and the applications and petitions to intervene in said proceedings reinstated.

In support of said petition, City Gas and Penn-Jersey state that the failure to file the supplement to the application submitted for filing by Penn-Jersey in Docket No. G-1749 was not due to lack of diligence on the part of said petitioners, but was due to causes beyond their control. Said petitioners state that the failure to file said supplement was caused by the pendency of an application filed on June 29, 1951, with the Pennsylvania Public Utility Commission for approval of the incorporation, organization, and creation of Penn-Jersey Pipe Line Company, upon which hearing by that Commission was held on October 24, 1951, and which application was, on January 21, 1952, refused. Thereafter, by applications filed on February 2, 1952, rehearing of said denial was requested, and the same was granted by the Pennsylvania Commission. Such rehearing was held on March 17, 1952.

On June 6, 1952, Penn-Jersey filed a supplement to the application submitted for filing in Docket No. G-1749, which supplement contains Articles of Incorporation showing Penn-Jersey to be a de jure corporation qualified to make application pursuant to section 7 of the Natural Gas Act.

The principal ground for dismissal of said applications and petitions seeking leave to intervene was the failure of Penn-Jersey to submit appropriate data to show that it is a proper applicant for the authorization requested in its application in Docket No. G-1749, and such failure rendered the proposed plan for economical delivery of the natural gas referred to in Opinion No. 206 to City Gas unfeasible. It now appears from additional information furnished to the Commission and the data submitted by Penn-Jersey, that the proposal of City Gas may constitute appropriate evidence that said volume of natural gas can be delivered to it economically.

It further appears that the proceedings in all the above-entitled Dockets involve substantially similar issues of law and fact.

On April 7, 1952, Manufacturers filed a petition in the above-entitled proceedings, requesting that the Commission reconsider its action in dismissing without prejudice the applications and petitions seeking leave to intervene herein, that said orders be vacated, and that said applications and petitions be reinstated.

On April 25, 1952, Allentown-Bethlehem filed a petition in the above-entitled proceedings, requesting that the Commission reconsider its action in dismissing without prejudice the application in Docket No. G-1777 and the Petition to Intervene in Docket No. G-1749, that said orders be vacated, and that said application and petition to intervene be reinstated.

On May 15, 1952, Texas Eastern filed a motion in the proceeding in Docket No. G-1699, requesting that the Commission reconsider its action in dismissing without prejudice the application in Docket No. G-1699, that it vacate its order therein, and that said application be reinstated.

The Commission finds:

(1) It is appropriate and in the public interest to grant the petitions filed, jointly, by City Gas and Penn-Jersey, and by Manufacturers, Allentown-Bethlehem, and Texas Eastern to reinstate the applications filed by City Gas, Manufacturers, Texas Eastern, and Allentown-Bethlehem, in Docket Nos. G-1694, G-1695, G-1699, and G-1777, and to permit the formal filing and docketing of the application submitted for filing by Penn-Jersey in Docket No. G-1749.

(2) It is appropriate and in the public interest to permit the reinstatement of the various petitions seeking leave to intervene filed in the above-entitled proceedings to which reference heretofore has been made.

(3) It is appropriate and in the public interest and orderly procedure requires that the above-entitled proceedings be consolidated for purpose of hearing.

(4) Although the Motion filed by Texas Eastern on May 15, 1952, was not filed within the time prescribed by the Commission's rules of practice and procedure, good cause exists to permit the late filing.

The Commission orders:

(A) The application filed by City Gas Company of Phillipsburg, New Jersey, on February 27, 1951, in Docket No. G-1694 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petition seeking leave to intervene in said docket filed on June 19, 1951, by the Manufacturers Light and Heat Company, be and the same hereby are reinstated.

(B) The application submitted for filing by Penn-Jersey Gas Company, a de facto corporation, on July 17, 1951, and tentatively assigned Docket No. G-1749, which was dismissed without prejudice by order of the Commission issued on March 13, 1952, be and the same hereby is accepted for filing as a formal application in Docket No. G-1749, and the petition seeking leave to intervene in said Docket No. G-1749, filed on August 24, 1951, by Allentown-Bethlehem Gas Company be and the same hereby is reinstated.

(C) The application filed by the Manufacturers Light and Heat Company on May 28, 1951, in Docket No. G-1695, together with the supplement thereto filed on June 5, 1951, which said application was dismissed without prejudice by order of the Commission issued on March 13, 1952, and the petitions seeking leave to intervene in said docket filed on June 26, 1951, by Allentown-Bethlehem Gas Company and on July 17, 1951, by City Gas Company of Phillipsburg, New Jersey, be and the same hereby are reinstated.

(D) The application filed by Texas Eastern Transmission Corporation on May 31, 1951, in Docket No. G-1699 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petitions seeking leave to intervene in said docket filed on June 26, 1951, by Allentown-Bethlehem Gas Company and on July 17, 1951, by City Gas Company of Phillipsburg, New Jersey, be and the same hereby are reinstated.

(E) The application filed by Allentown-Bethlehem Gas Company on August 24, 1951, in Docket No. G-1777 which was dismissed without prejudice by order of the Commission issued on March 13, 1952, together with the petition seeking leave to intervene in said docket filed on September 19, 1951, by City Gas Company of Phillipsburg, New Jersey be and the same hereby are reinstated.

(F) The proceedings in Docket Nos. G-1694, G-1695, G-1699, G-1749, and G-1777 be and the same hereby are consolidated for purpose of hearing, which hearing shall be held at a time and place

to be fixed by further order of the Commission.

(G) Public notice of this order be given, including publication in the FEDERAL REGISTER, and protests or petitions seeking leave to intervene may be filed in accordance with the rules of the Commission (18 CFR 1.8 or 1.10) on or before the 23d day of July 1952.

Date of issuance: July 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7518; Filed, July 9, 1952; 8:47 a. m.]

[Docket Nos. G-1854, G-1933]

UNITED NATURAL GAS CO. AND MONTANA-DAKOTA UTILITIES CO.

NOTICE OF FINDINGS AND ORDERS

JULY 3, 1952.

In the matters of United Natural Gas Company, Docket No. G-1854; Montana-Dakota Utilities Co., Docket No. G-1933.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its orders entered July 1, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7520; Filed, July 9, 1952, 8:48 a. m.]

[Docket No. G-1881]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT ON MOTION AND BRIEFS

JULY 3, 1952.

On June 26, 1952, Commission staff counsel filed a motion in the above-entitled proceedings to dismiss said proceedings to the extent that issues disposed of adversely to Northern Natural Gas Company's contentions in Opinion No. 228 and order issued June 11, 1952, are involved in Docket No. G-1881, without prejudice to submission by Northern of substitute tariff sheets based upon said Opinion No. 228 and order issued June 11, 1952, and the issues in Docket No. G-1881 which were not disposed of in that opinion and order. Additionally, staff counsel prayed that the motion be set for oral argument at the earliest possible date.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act that the motion of Commission staff counsel be set for oral argument and that Commission staff counsel and each party to the proceeding in Docket No. G-1881 be given an opportunity to file a memorandum of law or brief with respect to said motion as hereinafter ordered.

The Commission orders:

(A) The motion of Commission staff counsel filed June 26, 1952, be set for argument before the Commission and orally argued on July 17, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and that Commission staff counsel and each party to the proceeding may file a memorandum of law or brief with respect to said motion on or before July 14, 1952.

(B) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission on or before July 14, 1952, and of the time requested for presentation of their argument.

Date of issuance: July 3, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7517; Filed, July 9, 1952; 8:47 a. m.]

[Docket No. G-1979]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

JULY 3, 1952.

Take notice that on June 23, 1952, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal office in Shreveport, Louisiana, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of the following described natural-gas facilities:

(1) Approximately 6 miles of 12¾-inch O. D. welded pipe line parallel to existing Line LM-2 northwestwardly from existing Perla Regulating Station in Hot Spring County, Arkansas, together with necessary meter and scrubber facilities.

(2) New 7500 hp. Compressor Station (identified as Beirne Compressor Station) to be located in Clark County, Arkansas, approximately 2.5 miles southwest of Gurdon, Arkansas.

Applicant proposes by the use of the facilities described in (1) above to provide natural gas service to Arkansas Power and Light Company. Applicant also proposes to connect the facilities described in (2) above to its presently existing Line S at approximately Station 6608+34.

The application recites that Arkansas Power & Light Company is installing an additional electric generating unit at its Lake Catherine Steam Electric Generating Station, and has contracted with Applicant for an additional 38,000 Mcf daily. Line LM-2 is supplying 47,000 Mcf daily to Reynolds Metals Company and Arkansas Power & Light Company, with the major portion being used by Arkansas Power & Light Company.

The application further recites the present load and pressure conditions between Perla and Little Rock require the construction of the Beirne Station; and the proposed compressor station will increase average winter-day deliveries at Perla Regulating Station by approximately 25,000 Mcf per day, and peak-day deliveries to the Central Arkansas area by approximately 40,000 Mcf daily.

The estimated over-all capital cost of the proposed facilities is $2,353,116 (pipeline construction, $205,646; compressor station, $2,147,470). Pipeline construction will be financed in part from funds to be advanced by Arkansas Power & Light Company and refunded according to the terms of a "Fuel Contract" covering the sale and delivery of gas to Arkansas Power for use as fuel in 5 generating plants. Applicant's over-all 1952 construction program requires additional financing in the form of additional borrowing of $3,000,000 from the Guaranty Trust Company of New York.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of July 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7516; Filed, July 9, 1952; 8:46 a. m.]

[Docket No. ID-1176]

FRED R. RAUCH

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JULY 3, 1952.

Notice is hereby given that on July 2, 1952, the Federal Power Commission issued its order entered July 1, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7521; Filed, July 9, 1952; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS AND PURCHASES WITHOUT ADVERTISING

1. Pursuant to the authority vested in me by section 302 (a) of the Federal Property and Administrative Services Act of 1949, as amended (Pub. Laws 152 and 754, 81st Cong.), hereinafter called the act, authority is hereby delegated to the Attorney General to negotiate contracts and purchases, in accord with section 302 (c) (12) of the act, without advertising, for the purchase of 64 portable two-way radio sets and 50 FM transmitter and receiver units, provided that the Attorney General shall determine such material to be technical equipment, that such procurement without advertising is necessary in order to assure standardization of equipment and interchangeability of parts and that such standardization and interchangeability are necessary in the public interest.

2. This authority shall be exercised strictly in accordance with the act, particularly section 307 requiring written findings and preservation of data, and reports to the General Accounting Office.

3. The authority herein delegated may not be redelegated to any other person.

4. This delegation of authority shall be effective as of June 30, 1952.

Dated: July 2, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52-7515; Filed, July 9, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2889]

UNITED GAS CORP.

ORDER REGARDING SUBORDINATION OF LOANS

JULY 3, 1952.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof, with respect to the following proposed transactions:

Carthage Hydrocol, Inc. ("Hydrocol"), a Delaware corporation, has completed the construction of a plant near Brownsville, Texas, for the manufacture of gasoline from natural gas by a synthetic process known as the "Hydrocol Process." Hydrocol's capital structure consists of a loan in the approximate principal amount of $18,500,000 due the Reconstruction Finance Corporation ("RFC"), $28,000,000 principal amount of 6 percent Promissory Notes of various classes, and 241,875 shares of common stock. The 6 percent Promissory Notes are subordinate to the loan due the RFC. Of the outstanding securities of Hydrocol, United owns $3,747,000 principal amount of 6 percent Promissory Notes of various classes and 28,170¾ (11.62 percent) shares of common stock, all of which were acquired pursuant to previous authorizations of this Commission.

The proposed transactions involve the subordination by United and all other holders of the outstanding 6 percent Promissory Notes of Hydrocol to borrowings to be made by Hydrocol prior to August 1, 1952, in the aggregate principal amount of not to exceed $2,000,000. The proposed borrowings will be preferred as to payment of principal and interest over the outstanding 6 percent Promissory Notes.

The application states that Hydrocol's need for the funds which it proposes to borrow is immediate and urgent in order to enable it to continue its operations and to allow it sufficient time to work out a plan of reorganization.

Said application having been filed on June 9, 1952, an amendment having been filed on June 27, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act, that no conditions need be imposed in connection therewith, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to grant said application, as amended, said order to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and subject to the terms and conditions contained in Rule U-24, that said application, as amended, be and the same hereby is, granted, effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-7523; Filed, July 9, 1952; 8:49 a. m.]

[File No. 811-496]

BANKERS SECURITIES CORP.

NOTICE OF APPLICATION

JULY 3, 1952.

Notice is hereby given that Bankers Securities Corporation ("Bankers"), located at No. 1315 Walnut Street, Philadelphia 7, Pennsylvania, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act for an order of the Commission declaring that Bankers has ceased to be an investment company as defined by the act.

The application makes the following representations:

Bankers was incorporated under the laws of Pennsylvania on April 3, 1928, and registered under the act as a closed-end, non-diversified, management investment company on February 22, 1945. Bankers' capitalization consists of 200,000 shares of 6 percent participating preferred stock ($50 par value) of which 162,987 are issued and outstanding and 60,000 shares of common stock ($50 par value) are authorized, issued and outstanding. A total of 39,643 shares of common stock or 66.07 percent thereof are deposited in a voting trust of which A. M. Greenfield is the trustee and which expires in October 1952.

Albert M. Greenfield owns beneficially in his own name and through his wholly-owned subsidiary, Albert Co., 1.22 percent of the 6 percent participating preferred stock and 52.97 percent of the common stock (sole voting) issued and outstanding (including shares of the common stock deposited under the voting trust). In addition, Albert M. Greenfield & Co. (Delaware) and its wholly-owned subsidiary, Realty Owning Company (controlled companies of Albert M. Greenfield), own 5.67 percent of the preferred stock and 4.87 percent of the common stock issued and outstanding (including shares of the common stock deposited under the voting trust). All Continent Corporation, a Delaware corporation, not affiliated either with Bankers or Albert M. Greenfield & Co., except through the ownership of the equity securities of Bankers and except that its nominee, Mr. Murray C. Becker, is represented on the Board of Directors of Bankers and City Stores Company (a controlled company of Bankers), owns of record 36.44 percent of the preferred stock and 23.42 percent of the common stock issued and outstanding.

Section 8 (f) of the act provides, in part, that whenever the Commission finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Section 3 (a) of the act provides that investment company means any issuer which (1) is or holds itself out as being engaged primarily, or proposes to engage primarily in the business of investing, reinvesting, or trading in securities; (2) is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or (3) is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. As used in this section, investment securities includes all securities except (a) Government securities, (b) securities issued by employees' securities companies and (c) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

In its registration statement filed under the act on Form N-8B-1, Bankers stated that its investment policy was to invest primarily in department and retail store and real estate businesses and that it intended to concentrate a large part of its investments in such businesses and, further, to own and manage department and retail stores and real estate and mortgages and liens on and interests in the same. In subsequent annual reports filed by Bankers with the Commission, Bankers indicated no change in its investment policy.

(1) To remove the representation that Bankers is or holds itself out to be an investment company, the holders of a majority of its outstanding preferred and common stock, voting by classes adopted, pursuant to section 13 (a) of the act, a resolution at a regular meeting of stockholders held on May 26, 1952, authorizing Bankers to change the nature of its business so as to cease to be an investment company.

(2) Bankers is not engaged and does not propose to engage in the business of issuing face-amount certificates of the installment type nor has it been engaged in such business and does not have any such certificates outstanding.

(3) With respect to the business of investing, reinvesting, owning, holding or trading in securities, Bankers repre-

sents that as at December 31, 1951 a total of 55.23 percent of the total assets of Bankers at value were invested in majority or wholly-owned subsidiaries engaged in the mercantile and real estate businesses (including hotels), 22.31 percent of the total assets at value were invested in operating divisions engaged in the mercantile and real estate businesses (including hotels) and 5.06 percent of the total assets were invested in real estate owned in fee. At such date, a total of 17.22 percent of the total assets at value (including mortgages of companies not majority or wholly-owned) was invested in "investment securities" as defined in the act. (The term "value" as used herein represents value as computed in accordance with the definition of value contained in section 2 (a) (39) of the act. The phrase "total assets at value" represents all assets at value exclusive of government securities and cash items. See the table on the comparative classifications of Bankers' assets on an unconsolidated basis as at June 30, 1945 and as at December 31, 1951, attached hereto as "Exhibit A".)

During the year ending December 31, 1951, substantially all of Bankers' income exclusive of profits on sales of real estate and other assets was realized from its majority and wholly-owned subsidiaries and primary business activities. A total of 97.21 percent of Bankers' consolidated gross income for its last fiscal year exclusive of profits on sales was derived from Bankers' real estate and its investments in majority and wholly-owned subsidiaries and its operating divisions (including hotels) with only 2.10 percent being derived from investment securities as defined in the act.

With respect to its interest in the mercantile field, Bankers as at December 31, 1951 (through its majority or wholly-owned subsidiaries which were engaged in the mercantile business with a total investment at value of $31,609,090) controlled and operated a chain of 37 department and specialty stores (City Stores Company) and a department store with three units in New York State (Hearn Department Stores, Inc.). (As at May 1, 1952, Bankers owned a majority of the common stock of Hoving Corporation, a specialty holding company, thereby increasing slightly the percentage of assets at value invested in majority-owned subsidiaries and decreasing the percentage of assets invested in "investment securities" indicated above.) In addition, Bankers operated a mercantile division representing an investment at value of $10,035,454 including the department store known as "Snellenberg's" in Philadelphia, Pennsylvania. (On June 19, 1951, Bankers acquired all of the outstanding stock of Lousols-Philadelphia, a specialty store, including the real estate occupied thereby, which thereafter was operated as a part of its mercantile division and is carried under the caption of "mercantile division" in "Exhibit A" set forth below.)

Bankers represents that its investments in the mercantile field through majority and wholly-owned subsidiaries, all of which have been retained since acquisition, are permanent and not temporary investments. It has maintained its investment in City Stores Company for a period in excess of 17 years.

With respect to its real estate interests, Bankers, as at December 31, 1951 (through its majority or wholly owned subsidiaries which were engaged in the real estate business (including hotels) with a total investment at value of $5,890,755), controlled and operated two office buildings in Philadelphia, one office building in Atlantic City, New Jersey, two hotels in Philadelphia, a real estate mortgage company, an apartment house in Philadelphia (Touraine Apartments) and two real estate holding companies. Bankers also owned in addition to the real estate held in its hotel and mercantile divisions which included the Snellenburg warehouse, certain other real estate in fee amounting to $3,438,345 at value. This real estate included four office buildings, the apartment house (The Latham) and a half interest in the Rittenhouse-Plaza apartments in Philadelphia, Pennsylvania.

Bankers represents that such investments as it now has or may make other than in the mercantile and real estate fields will simply provide a means of realizing additional income through the utilization of cash resources not immediately required for the conduct or expansion of its primary businesses.

Bankers represents that it will continue its listing and registration under the Securities Exchange Act of 1934 of the 6 percent participating preferred stock and the common stock presently listed and registered on the Philadelphia-Baltimore Stock Exchange and that it will file reports with the Commission as required by such act and furnish periodic reports to stockholders.

All interested persons are referred to said application which is on file at the Washington, D. C. office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 24, 1952, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 22, 1952, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

EXHIBIT A

BANKERS SECURITIES CORP. COMPARATIVE CLASSIFICATION OF ASSETS (UNCONSOLIDATED)

	June 30, 1945		Dec. 31, 1951	
	Amount	Percent	Amount	Percent
All assets at value	$38,450,070		$72,087,531	
Less: Government securities and cash	1,506,524		4,194,365	
"Total assets at value"	36,943,546	100.00	67,893,166	100.00
Wholly and majority owned subsidiaries:				
Mercantile	19,192,316	51.95	31,609,090	46.56
Real estate	345,340	.93	3,156,878	4.65
Hotel	2,323,564	6.29	2,730,877	4.02
Other	383,949	1.04		
	22,245,169	60.21	37,499,845	55.23
Operating divisions:[1]				
Mercantile			10,035,454	14.78
Hotel			5,109,900	7.53
			15,145,354	22.31
Other balance sheet assets:				
Real estate in fee[2]	2,560,658	7.01	3,438,345	5.06
Mortgages[3]	553,326	1.50	861,086	1.27
Sundry	1,396,962	3.78	120,180	.18
	4,540,946	12.29	4,419,611	6.51
Investment securities[4]	10,157,531	27.50	10,828,356	15.96
Total	36,943,546	100.00	67,893,166	100.00

[1] Includes real estate and all other assets of the mercantile and hotel divisions other than cash and government securities.
[2] Includes ½ interest in jointly owned real estate and mortgages.
[3] Of the amount indicated, $3,254,591 was invested in the securities of mercantile companies and $1,740,[illegible] was invested in the securities of real estate companies.
[4] All of the securities owned by Bankers have a current market valuation except the securities of South[illegible] Market Co., Factors Corp. of America, Bonwit Teller Co. of Philadelphia, J. E. Caldwell & Co., Ritz-Carlton [illegible] Co. (Atlantic City, N. J.) and the common stock of Albert M. Greenfield & Co. (totalling $1,406,745 at value [illegible] Dec. 31, 1951) for which securities there are no current market quotations.

[F. R. Doc. 52-7524; Filed, July 9, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27197]

PETROLEUM PRODUCTS FROM CHICO, TEX., TO SOUTHWEST

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3585.

Commodities involved: Petroleum products, in carloads.

From: Chico, Tex.

To: Points in Arkansas, Kansas, Louisiana, Missouri and Oklahoma.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, ICC No. 3585, sup. 513.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7529; Filed, July 9, 1952; 8:50 a. m.]

[4th Sec. Application 27198]

CRUDE SULPHUR FROM POINTS IN LOUISIANA AND TEXAS TO NASHVILLE, TENN.

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3862.

Commodities involved: Sulphur (brimstone), crude (unground and unrefined), carloads.

From: Points in Louisiana and Texas.

To: Nashville, Tenn.

Grounds for relief: Competition with water, circuitous routes, additional rail routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3862, supl. 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7530; Filed, July 9, 1952; 8:50 a. m.]

[4th Sec. Application 27199]

LIQUEFIED PETROLEUM GAS FROM POINTS IN SOUTHWEST, KANSAS AND ILLINOIS TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to fourth section application No. 26917.

Commodities involved: Liquefied petroleum gas, in carloads.

From: Points in southwestern territory, Kansas and Illinois.

To: Points in the Southwest, including Mississippi River Crossings.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7531; Filed, July 9, 1952; 8:51 a. m.]

[4th Sec. Application 27200]

PIG IRON FROM DAINGERFIELD AND LONE STAR, TEX. TO GREENVILLE, S. C.

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield and Lone Star, Tex.

To: Greenville, S. C.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, ICC No. 3960, supl. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7532; Filed, July 9, 1952; 8:51 a. m.]

[4th Sec. Application 27201]

GRAIN AND GRAIN PRODUCTS FROM NORTH AND SOUTH CAROLINA TO POINTS IN TRUNK-LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1161.

Commodities involved: Grain, grain products, and feed, carloads.

From: Points in North Carolina and South Carolina.

To: Points in trunk-line and New England territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1161, supl. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7533; Filed, July 9, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

BISCHOFLICHES PFARRAMT, RANKWEIL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Bischofliches Pfarramt, Rankweil, also known as Catholic Church, Rankweil, Vorarlberg, Austria; Claim No. 42849; $441.00 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7558; Filed, July 9, 1952; 8:55 a. m.]

MARTINUS H. CARON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Martinus H. Caron, Rijswijk, Netherlands, Claim No. 25826; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to United States Patent Application Serial No. 395,671. Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent No. 2,290,313.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7559; Filed, July 9, 1952; 8:56 a. m.]

ELLI HOPKINS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elli Hopkins, 8 Lomond Street, Glen Iris, Melbourne SE 6, Australia; Claim No. 36175, Vesting Order No. 3125; $1,619.29 in the Treasury of the United States. All right, title, interest and claim of Julius Freund in and to the estate of Zdenko Freund, deceased.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7560; Filed, July 9, 1952; 8:56 a. m.]

CLARA GANS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Gans, Dornach, Canton of Solothurn, Switzerland; Claim No. 37691; $15,507.74 cash in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7561; Filed, July 9, 1952; 8:56 a. m.]

SOCIETE DE PRODUITS CHIMIQUES DES TERRES RARES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe de Produits Chimiques des Terres Rares, Paris, France; Claim No. 43693; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 1,940,620, 1,951,836, 1,957,283, 1,957,284, 2,091,639, 2,162,942, 2,166,702 and 2,233,410; property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942), relating to Patent Application Serial No. 270,928 (now United States Letters Patent No. 2,299,764) and property described in Vesting Orders Nos. 293 and 666, relating to Patent Application Serial No. 276,022 (now United States Letters Patent No. 2,294,931).

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7562; Filed, July 9, 1952; 8:56 a. m.]

WILHELM JESCHKO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wilhelm Jeschko, also known as William Jeschko, Bleiberg-Kreuth No. 328, Austria; Claim No. 41747; $869.93 in the Treasury of the United States.

Mary Trisko, also known as Mary Treschko, Heidenreichstein No. 57, Austria; Claim No. 41822; $869.92 in the Treasury of the United States.

Johanna Schoberl, also known as Hannah Schabel, Heidenreichstein, Jagergasse 3, No., Austria; Claim No. 42449; $869.93 in the Treasury of the United States.

Executed at Washington, D. C., on July 3, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7563; Filed, July 9, 1952; 8:56 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 135

Washington, Friday, July 11, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10371

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE TRANS WORLD AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Trans World Airlines, Inc., a carrier, and certain of its employees represented by the Flight Engineers' International Association, TWA Chapter, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Trans World Airlines, Inc., or its employees in the conditions out of which the said dispute arose.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 9, 1952.

[F. R. Doc. 52-7654; Filed, July 9, 1952; 2:39 p. m.]

EXECUTIVE ORDER 10372

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE NORTHWEST AIRLINES, INC., AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the Northwest Airlines, Inc., a carrier, and certain of its employees represented by the International Association of Machinists, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of employees or any carrier.

The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided in section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the Northwest Airlines, Inc., or its employees in the conditions out of which the said dispute arose.

In performing its functions under this order the Board shall comply with the requirements of section 502 of the Defense Production Act of 1950, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 10, 1952.

[F. R. Doc. 52-7673; Filed, July 10, 1952; 10:35 a. m.]

CONTENTS

THE PRESIDENT

Executive Orders Page

Creating an emergency board to investigate a dispute between:
Northwest Airlines, Inc., and certain of its employees 6213
Transworld Airlines, Inc., and certain of its employees 6213

EXECUTIVE AGENCIES

Agriculture Department
See Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Air Force Department
Correction of military or naval records; temporary approval of procedures (*see* Defense Department).

Army Department
See Engineers Corps.
Correction of military or naval records; temporary approval of procedures (*see* Defense Department).

Civil Aeronautics Administration
Notices:
Radar procedures for control of air traffic 6232

Civil Aeronautics Board
Notices:
Northwest Airlines, Inc.; temporary mail rate Trans-Pacific operations; notice of postponement of hearing 6233

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board; National Production Authority.

Defense Department
Notices:
Correction of military or naval records; temporary approval of procedures 6232

Defense Production Administration
Notices:
Motor Wheel Corp.; additional company accepting request to participate in the activities of an Army Ordnance Integration Committee on 4.2" Mortar Shell 6233

FEDERAL REGISTER

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Order from
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CONTENTS—Continued

Economic Stabilization Agency — Page
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Anchorage regulations; Los Angeles and Long Beach Harbors, Calif — 6216

Entomology and Plant Quarantine Bureau
Rules and regulations:
Overtime service relating to imports and exports; amendment of administrative instructions prescribing commuted travel time allowances — 6215

Federal Communications Commission
Rules and regulations:
Experimental and auxiliary broadcast service; miscellaneous amendments — 6230
Frequency allocations and radio treaty matters; general rules and regulations; miscellaneous amendments — 6229
Industrial, scientific and medical service; operation outside of assigned frequency bands — 6231
Practice and procedure; miscellaneous amendments — 6229
Radio broadcast service; miscellaneous amendments — 6230

Federal Maritime Board
Notices:
Notice of agreements filed with Board for approval; member lines of Trans-Pacific Freight Conference (Hong Kong) et al — 6232

Federal Power Commission
Notices:
Hearings, etc.:
El Paso Natural Gas Co — 6234
Gas Lateral Co — 6234
Penn-Jersey Pipe Line Co — 6233

Federal Trade Commission
Rules and regulations:
National College of Audiometry and Frank Keefe — 6229

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Ann Arbor Railroad Co. et al.; rerouting or diversion of traffic — 6237
Applications for relief:
Cheese in southern territory — 6236
Gypsum board from Kalamazoo, Mich., to Port Wentworth, Ga — 6236
Lime from West Stockbridge and Lee, Mass., to southern territory — 6236
Limestone from Austin, Tex., to Belleville, Ill — 6237
Pig iron from Daingerfield, Lone Star, and McCrossin, Tex., to Wisconsin — 6237
Pulpboard or fibreboard from Cheboygan, Mich., and West Carrollton, Ohio, to Birmingham, Ala — 6236

Labor Department — Page
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
General regulations applicable to mineral permits, leases, and licenses — 6216
Mineral deposits in acquired lands under rights-of-way — 6216
Oil and gas leases — 6216

National Production Authority
Rules and regulations:
Basic rules of the priorities system; rescheduling of deliveries under NPA directives affected by work stoppage in Steel Industry (Reg. 2, Dir. 5) — 6228

Navy Department
Correction of military or naval records; temporary approval of procedures (*see* Defense Department).

Price Stabilization, Office of
Notices:
List of community ceiling price orders; Region V and Region XII — 6233
Rules and regulations:
Ceiling prices for Western Red Cedar and Inter-Mountain poles and piling (CPR 155) — 6224
Fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field asesmbly or erection (CPR 156) — 6216
Gasolines, naphthas, fuel oils and liquefied petroleum products, natural gas, petroleum gas, casinghead gas and refinery gas; specific ceiling prices at West Coast points for automotive gasolines, kerosene, diesel fuels, furnace and stove oils (CPR 17, SR 11) — 6220

Production and Marketing Administration
Notices:
Bonding and net assets requirements under the United States Warehouse Act and under Commodity Credit Corporation authorizations; notice regarding unit prices — 6232
Wall Commission Co., Wall, S. Dak.; deposting of stockyard — 6232
Proposed rule making:
Posting of stockyards:
Alma Sale Barn, Alma, Nebr., et al — 6231
Peak and Hatcher Stockyards, Emporia, Kans — 6231
Rules and regulations:
Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia; fiscal period June 3, 1952, through January 1953 — 6215

Securities and Exchange Commission
Notices:
Hearings, etc.:
International Hydro-Electric System — 6234

CONTENTS—Continued

Securities and Exchange Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Standard Gas and Electric Co. and Philadelphia Co — 6235

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; miscellaneous amendments — 6216

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries (2 documents) — 6237, 6238

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10371	6213
10372	6213
Title 7	
Chapter III:	
Part 354	6215
Chapter IX:	
Part 983	6215
Title 16	
Chapter I:	
Part 3	6229
Title 32A	
Chapter III (OPS):	
CPR 17, SR 11	6220
CPR 155	6224
CPR 156	6216
Chapter VI (NPA):	
Reg. 2, Dir. 5	6228
Title 33	
Chapter II:	
Part 202	6216
Title 38	
Chapter I:	
Part 4	6216
Title 43	
Chapter I:	
Part 191	6216
Part 192	6216
Part 200	6216
Title 47	
Chapter I:	
Part 1	6229
Part 2	6229
Part 3	6230
Part 4	6230
Part 18	6231

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 354—OVERTIME SERVICE RELATING TO IMPORTS AND EXPORTS

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective May 5, 1951, as amended effective May 13, 1952 (7 CFR Supp. 354.1; 16 F. R. 3972, 17 F. R. 4317), administrative instructions (7 CFR Supp. 354.2; 17 F. R. 5055) issued May 23, 1952, to prescribe the commuted travel time that shall be included in each period of overtime duty are hereby amended to add Savannah, Georgia, to the "One Hour" list therein and to add St. Louis, Missouri, to the "Two Hour" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Bureau of Entomology and Plant Quarantine. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication.

This amendment shall be effective July 11, 1952.

(64 Stat. 561; 5 U. S. C. 576)

Done at Washington, D. C., this 30th day of June 1952.

[SEAL] W. L. POPHAM,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 52-7611; Filed, July 10, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 983—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

SUBPART—EXPENSES AND RATE OF ASSESSMENT

FISCAL PERIOD JUNE 3, 1952, THROUGH JANUARY 1953

In accordance with Marketing Agreement 112 and Order No. 83 (17 F. R. 4971, 5002, 5058; 7 CFR Part 983), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in the designated production area of Florida and Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the proposals and report thereon submitted by the Control Committee, established pursuant to said marketing agreement and order, with respect to its expenses and a proposed rate of assessment, it is hereby found and determined that:

§ 983.300 *Expenses and rate of assessment for the fiscal period June 3, 1952, through January 1953*—(a) *Expenses.* Expenses in the amount of $10,000 are reasonable and are likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period beginning June 3, 1952, and ending January 31, 1953, inclusive.

(b) *Rate of assessment.* The following rate of assessment which each handler shall pay, in accordance with the applicable provisions of the said marketing agreement and order, is hereby fixed as the respective handler's pro rata share of the aforesaid expenses: $2.00 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period beginning June 3, 1952, and ending January 31, 1953, inclusive.

(c) *Terms.* Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, in addition to the findings heretofore made with respect to the issuance of said Order No. 83 (effective June 3, 1952) and the rules and regulations (17 F. R. 5454, 5540) thereunder, (a) since the commencement of this regulatory program, the Control Committee has been performing its duties and functions and giving consideration to applications for handling certificates and exemption certificates, and the issuance thereof in eligible cases and expenses have been incurred in that regard; (b) the handling of tobacco is already under way in the production area; (c) the provisions hereof do not impose any obligation on a handler until such person handles tobacco; (d) according to the marketing agreement and order, assessments are applicable to tobacco handled during a fiscal period; and (e) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee to continue to perform its duties and functions in accordance with said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 8th day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7612; Filed, July 10, 1952; 8:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

LOS ANGELES AND LONG BEACH HARBORS, CALIF.

Pursuant to the provisions of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180, 258, and 318), the special anchorage Area A–2 in Los Angeles Harbor (Fish Harbor) is hereby modified and redefined as follows:

§ 202.100 *Los Angeles and Long Beach Harbors, Calif.* • • •

(b) *Area A–2.* Consisting of three parts in the outer basin of Fish Harbor, on the east and west sides of Fish Harbor Entrance Channel, described as follows:

(1) *Part 1.* Beginning at a point at the intersection of westerly side of Fish Harbor Entrance Channel and the outer jetty; thence southwesterly along the jetty about 900 feet to the shore; thence northerly about 500 feet; thence northeasterly about 650 feet, on a line parallel to jetty; thence southeasterly about 500 feet, along the westerly side of Fish Harbor Entrance Channel to the point of beginning.

(2) *Part 2.* Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and Fish Harbor mole (outer Fish Harbor); thence northwesterly along channel line about 850 feet to the southerly side of the Fairway; thence northeasterly and easterly along the southerly side of the Fairway, about 478 and 565 feet respectively to its intersection with Fish Harbor mole; thence southerly and southwesterly along the mole to the point of beginning.

(3) *Part 3.* Beginning at a point at the intersection of the east side of Fish Harbor Entrance Channel and the northerly side of the Fairway; thence along the northerly side of the Fairway about 565 feet; thence northerly about 129 feet; thence about 138 feet along a line perpendicular to the inner jetty; thence southwesterly along the inner jetty to the east side of Fish Harbor Entrance Channel; thence southeasterly along the east side of the channel to the point of beginning.

• • • • •

[Regs., June 19, 1952, 800.212 (Los Angeles-Long Beach Harbors, California)—ENGWO]
(54 Stat. 150; 33 U. S. C. 180, 258, 318)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–7600; Filed, July 10, 1952; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 52–7431, appearing at page 6155 of the issue for Wednesday, July 9, 1952, the signature should read: "H. V. STIRLING, *Deputy Administrator.*"

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1827]

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES, AND LICENSES

PART 192—OIL AND GAS LEASES

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

MISCELLANEOUS AMENDMENTS

The introductory paragraph of Circular No. 1821, as published in 17 F. R. 5566 of June 20, 1952, is hereby amended to read as follows:

The following amendments of certain sections of Part 200 are necessary to show in that part a change from the practice of issuing a noncompetitive lease for acquired lands on a form separate and distinct from the lease application, to a procedure by which a standardized noncompetitive oil and gas lease offer form for acquired lands becomes a lease when signed on behalf of the United States. The change will make the handling of noncompetitive leases for acquired lands substantially similar to that for public domain lands and will eliminate some of the steps now necessary in issuing such leases. In addition, certain minor changes are being made in Parts 191 and 192. The amendments of Parts 191 and 192 will become effective July 16, 1952. The amendments to Part 200 will not become effective until after a hearing has been held upon objections which have been offered to the regulations. The amendments are as follows:

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 8, 1952.

[F. R. Doc. 52–7578; Filed, July 10, 1952; 8:46 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 156]

CPR 156—FABRICATED STRUCTURAL STEEL, MISCELLANEOUS AND ORNAMENTAL IRON, AND VESSEL SHOP PRODUCTS FOR FIELD ASSEMBLY OR ERECTION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for fabricators of structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection. The regulation covers only products which are listed in its Appendix A and which are (1) fabricated principally from ferrous or non-ferrous structural shapes, plates, bars, sheets, pipe-mill products or tubing and (2) custom-engineered and custom-fabricated.

In general, the products covered by this regulation are the structural components of buildings, bridges, and other construction projects and large equipment and facilities used in various industrial processes. These products are important in the erection of industrial plants and atomic energy installations and in the operations of the chemical, iron and steel, petroleum, public utility, and other basic industries. All of the products included are "tailormade" to fit the plans of the individual project of which they are a part and all involve both shop fabrication and assembly or erection in the field.

There are about 2,500 fabricators engaged in the fabrication of structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection and the industry annually consumes over 6,000,000 tons of structural shapes, plates, bars, and related products. The industry is composed of firms ranging in size from small organizations employing only a few persons to large organizations with millions of dollars in assets and thousands of employees. A number of the larger fabricators are operating divisions or wholly owned subsidiaries of steel companies, but most fabricators are not so affiliated.

To a large extent, the products covered by this regulation are sold pursuant to contracts entered into on a competitive basis and which call for deliveries over months or even years. Selling prices are ordinarily determined by flexible formulas involving estimates of the cost of material and labor which may vary greatly from job to job. Because of the kind of equipment required and the necessity of maintaining engineering staffs to prepare plans to meet the individual requirements of each buyer, overhead is an unusually important factor in cost estimation and the long period of time involved in many projects sharply enhances the risk factor. Increases in costs, interruptions in production, adverse weather conditions, and other unforeseeable occurrences may sharply reduce and even eliminate the profit included in the original estimate of a particular job.

Heretofore fabricators covered by this regulation determined their ceiling prices under Ceiling Price Regulation 30—Machinery and Related Manufactured Goods, or, if they so elected, under the General Ceiling Price Regulation. Because of the nature of the products and the manner in which the industry ordinarily conducts its business, neither of these regulations provides appropriate pricing techniques. Since these products are fabricated to the individualized specifications of each buyer, there are no two products exactly alike and it is extremely difficult for a fabricator to apply the provisions of a regulation like the GCPR which requires that ceiling prices be determined by reference to prices charged during a base period. Although CPR 30 permits a fabricator to determine ceiling prices by reference to the pricing formula which he had in effect during a specified base period, this method also was not satisfactory. While most fabricators ordinarily have rather definite formulas by which they estimate costs, it cannot be said that these are pricing formulas because the amount included for profit is seldom if ever determined according to a fixed rule, but rather is established with respect to each project on the basis of its size, the kind of material and complexity of the fabrication involved, the extent to which the fabricator's plant is occupied with other projects, the competition involved, and other like elements entering into a business judgment as to the amount of the bid which should be made.

The ceiling price determining method set forth in this regulation is adapted to meet the needs of the industry covered. The regulation provides, in general, that a fabricator must determine his ceiling price for the product involved by estimating his costs (on the basis of prices and rates in effect at the time he submits his bid) and adding nine-tenths of the percentage markup for profit which he received for a comparable product during the base period. "Comparable product" is defined as that product with respect to which the fabricator submitted a bid, entered into a contract, or made delivery (in whole or in part) during the base period or for which he had an established pricing method in effect during the base period; which is in the same category as the product he is pricing; and which is most nearly like such product in terms of total unit costs.

The base period specified in this regulation is the period between July 1, 1950, and March 31, 1951, inclusive. Information submitted to the Office of Price Stabilization indicates that during the period preceding the outbreak of hostilities in Korea, operations in the fabricating industry covered by this regulation were at a relatively low level, in comparison with the operations of other similar industries, and that jobs were undertaken at little, and in some cases, no profit. The pre-Korea period, therefore, is considered unrepresentative for this industry. While it might have been possible to use some earlier period as a base period, this would have presented administrative difficulties because of the unavailability of records. Data has been received showing that the profit markups, during the base period selected were approximately equivalent to those prevailing in 1948, a year generally considered to be representative for this industry as a whole. Since the cost of labor and materials have risen somewhat since the beginning of the base period, the reduction in the base period percentage markup required by the regulation will generally limit fabricators to the dollar markups they received in the base period.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In formulating this regulation the Director consulted with industry representatives, including trade association representatives, and has given full consideration to their recommendations.

In particular the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices as affected by the pricing techniques and with respect to the coverage of this regulation and has in general adopted the recommendations of the Committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Contracts and bids made prior to the issuance of this regulation.
3. General pricing provisions.
4. Calculation of ceiling prices.
5. Applications for establishment of ceiling prices.
6. Petitions for amendment.
7. Adjustable pricing.
8. Excise, sales, and similar taxes.
9. Transfers of business.
10. Records
11. Interpretations.
12. Prohibitions.
13. Evasions.
14. Supplementary regulations.
15. Definitions.

AUTHORITY: Sections 1 to 15 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Persons covered.* (1) This regulation applies to you if you are a fabricator of the products covered by this regulation and if you are located in the 48 States of the United States, the District of Columbia, or in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands.

(i) The term "fabricator" means a person who produces fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection. The term includes persons who are engaged in the process of forming, shaping, and joining structural shapes, plates, bars and related products for field assembly or erection, as well as purchasing and integrating other products with the fabricated product. It also includes a parent, affiliate or wholly owned subsidiary of the producer of such products who performs the operations of field assembly or erection.

(2) This regulation also applies to you if you are a parent, affiliate, or wholly owned subsidiary of a person who fabricates any products covered by this regulation and if you perform the operations of field assembly or erection of such products produced by such fabricator.

(3) This regulation also applies, insofar as his purchases are concerned, to any person who participates as a buyer in any transaction covered by this regulation.

(b) *Transactions covered.* This regulation applies to the following transactions, including any such transactions which may be export sales:

(1) All sales by a fabricator of fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection. The term "fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products" is defined in Appendix A of this regulation;

(2) All sales of fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection by a parent, affiliate, or wholly owned subsidiary of the producer of such products;

(3) All sales by a fabricator of the service of fabricating structural steel, miscellaneous and ornamental iron, and vessel shop products for field assembly or erection.

SEC. 2. *Contracts and bids made prior to the issuance of this regulation.* If you so elect, you do not have to redetermine under this regulation the ceiling prices which you have established under the General Ceiling Price Regulation or Ceiling Price Regulation 30 for any transaction covered by this regulation undertaken pursuant to a written contract entered into prior to July 10, 1952, or pursuant to a written contract executed as the result of a written bid submitted prior to July 10, 1952.

SEC. 3. *General pricing provisions.*—(a) *Basic terms.* In order to understand this regulation, it will be necessary for you to become familiar with the way in which the following terms are used:

(1) *Base period.* This term refers to the period from July 1, 1950, to March 31, 1951, inclusive;

(2) *Base period markup.* This term refers to the percentage markup for profit and general overhead which you applied to the cost base in determining your price for the comparable product;

(3) *Base period profit markup.* This term refers to the portion of your "base

period markup" which was for profit only;

(4) *Comparable product.* This term refers to that product with respect to which you submitted a bid, entered into a contract, or made delivery (in whole or in part) during the base period or for which you had an established pricing method in effect during the base period; which is in the same category as the product you are pricing; and which is most nearly like such product in terms of total unit costs. Category means a group of products which you normally classify together for purposes of production, accounting, and sales;

(5) *Cost base.* This term refers to the group of costs to which you have customarily added your markup;

(6) *Current cost.* This term refers to the cost of:

(i) Direct shop labor and its overhead and expenses;

(ii) Engineering labor and its overhead and expenses;

(iii) Field labor and its overhead and expenses;

(iv) Material;

(v) Field equipment and equipment rental;

(vi) Sub-contract charges; and

(vii) Outgoing transportation, packing, and other necessary operating expenses you are required to incur in the fabrication and erection of your product, but excluding any direct or indirect costs included in or covered by your "base period markup".

(b) *Pricing instructions.* Section 4 of this regulation tells you how to calculate your ceiling price for any transaction covered by this regulation and in general provides that you do so by adding to your current costs your base period markup with the profit markup reduced by approximately 10 percent. In computing your ceiling price you must comply with the following provisions:

(1) In estimating costs and determining the cost base for any product, you must follow your customary base period practice;

(2) You must compute your current costs on the basis of the prices and rates in effect for you as of the date you submit your bid but they may not be in excess of applicable Wage Stabilization Board or OPS ceilings, or in excess of costs from your normal sources of supply. If you use material obtained from your own production facilities, you may not employ, in determining your current costs, a price in excess of the ceiling price applicable to the sale of such material to an independent fabricator;

(3) If as a result of any government allocation or similar order you are required to use materials from sources other than your normal sources of supply, you may add to the ceiling price otherwise established the amount by which the cost of the material used exceeds the estimated cost of material employed in computing such ceiling price pursuant to subparagraph (2) of this paragraph. If the cost of material from a source other than your normal source of supply is less than the cost of material used in computing your ceiling price, you must deduct the difference from such price;

(4) If the ceiling price of material or labor rates increase after you have submitted your bid but before you have completed delivery under a contract and such contract permits, you may add to the ceiling price otherwise established the amount by which the cost element for material or the cost element for labor computed on the basis of the increased prices or rates exceeds the cost of material or labor used in computing your ceiling price;

(5) In computing your ceiling price, you must use rates for overhead and burden computed in accordance with your customary base period practice.

SEC. 4 *Calculation of ceiling prices.* You must determine your ceiling price for any product or service covered by this regulation in accordance with the following provisions:

(a) Determine the cost base for the product or service you are pricing on the basis of your current costs calculated in accordance with section 3 (b) (2);

(b) Find your base period markup for the comparable product;

(c) Find a revised markup in accordance with the following provisions:

(1) If you are able to separate your base period markup into the portion representing profit and the portion representing recovery of general overhead, diminish your base period profit markup by 10 percent and add the figure so obtained to the overhead portion;

Example: Assume a base period profit markup of 5 percent and a markup for general overhead of 15 percent. 5 percent reduced by 10 percent equals 4.5 percent and this figure added to the markup for general overhead results in a total revised markup of 19.5 percent.

(2) If you are unable to separate your base period markup as provided in subparagraph (1) of this paragraph, diminish your base period markup by 10 percent;

Example: Assume a base period markup of 20 percent. This figure diminished by 10 percent results in a revised total markup of 18 percent.

(d) Multiply the cost base determined in accordance with paragraph (a) by the applicable percentage figure determined in accordance with paragraph (c) of this section;

(e) Add the figure obtained in paragraph (a) to the figure obtained in paragraph (d) of this section.

This is your ceiling price.

SEC. 5. *Applications for establishment of ceiling prices or pricing methods.*—(a) If you are a fabricator who was not in business during the base period (other than a transferee described in section 9), or if for any other reason you cannot determine a ceiling price under Section 4 of this regulation you must apply to OPS for establishment of a ceiling price or pricing method.

(b) Any application pursuant to this section must be filed by registered mail, return receipt requested, with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. and must contain the following information: Your name and address; a detailed description of the products and services you propose to sell; the address at which each of your plants is located; a statement of the reasons why you cannot determine a ceiling price under Section 4 of this regulation; your proposed ceiling price; a description of your proposed pricing method including all of the factors used and the manner in which they were determined and are to be applied.

(c) Any ceiling price or pricing method established by OPS pursuant to this section will be in line with the ceiling price or pricing methods otherwise established in this regulation.

(d) After receipt of an application pursuant to this section, OPS will by letter order approve or disapprove your proposed ceiling price or pricing method, establish a different ceiling price or pricing method, or request additional information. Pending any such action, you may submit bids or enter into contracts with respect to the product or services covered by your application at the ceiling price proposed therein provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price established by OPS. If OPS has not acted upon your application within 30 days after the receipt thereof, your proposed ceiling price shall be deemed to be established with respect to any contracts entered into between the date you mailed your application to OPS and the date of any letter order issued by OPS disposing of your application or with respect to any contracts entered into as the result of bids submitted between such dates.

(e) If you are required to file an application pursuant to paragraph (a) of this section and do not do so, OPS may issue an order establishing a ceiling price or pricing method for you. Any ceiling price provided for by such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all transactions for which a ceiling price was not otherwise established by this regulation, including transactions completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 6. *Petitions for amendment.* Any persons seeking an amendment of any provisions of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 7. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product or service covered by this regulation at (a) the ceiling price in effect at the time of delivery or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product or service at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 8. *Excise, sales, and similar taxes.* Any person may collect, in addition to the ceiling price established by this regulation, any excise, sales, or similar tax imposed upon him by reason of his sale of any product or service covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected and provided such separate statement and collection of the amount of tax is not prohibited by law.

SEC. 9. *Transfers of business.* If the business, assets or stock in trade of a fabricator are sold or otherwise transferred after the issuance of this regulation, and the transferee does not operate other fabricating plants producing similar products and carries on the business, or continues to deal in the same product, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those which his transferor would have been subject, if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 10. *Records*—(a) *Base period records.* You must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have computed your ceiling prices correctly, including but not limited to:

(1) Records showing the method for estimating costs used by you during the base period in pricing products covered by this regulation. These records must clearly establish the "cost base" you used in accordance with your regular base period accounting and estimating procedures;

(2) Records showing the percentage markup used by you in pricing such products during the base period. Where possible, these records should show the percentage of the markup used for profit and that representing recovery of general overhead expenses.

(b) *Current records.* You must keep for a period of two years records of all of your sales of products, or products and services, covered by this regulation showing: Your name, and address; the name and address of the buyer; date of sale; a description of the product, or product and service sold; the place where such product was fabricated, assembled, or erected; the price charged by you; the cost base showing the elements of cost as defined in Section 3 (a) (6); and the markup for profit and/or general overhead used in computing your price.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write the Division Counsel, Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information regarding the obtaining of official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 12. *Prohibitions.* No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), no person shall, regardless of any contract or other obligation, sell, deliver or negotiate the sale or delivery of any product and no person in the regular course of trade or business shall buy or receive any product at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provisions of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 13. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data. No seller shall require a purchaser to subdivide a requirement into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 14. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying this regulation as he deems appropriate.

SEC. 15. *Definitions.* When used in this regulation, the term:

(a) "Base period", "base period markup", "base period profit markup", "comparable products", "cost base", and "current cost" shall have the meaning set forth in Section 3 (a);

(b) "For field assembly or erection" refers to products which are shipped from a fabricator's plant in a condition which requires assembling or erecting operations in the field. The term does not include products which are substantially assembled at a fabricator's plant;

(c) "OPS" means the Office of Price Stabilization;

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(e) "You" means any person subject to this regulation.

Effective date. This regulation is effective July 15, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 10, 1952.

APPENDIX A—FABRICATED STRUCTURAL STEEL, MISCELLANEOUS AND ORNAMENTAL IRON, AND VESSEL SHOP PRODUCTS

The term "fabricated structural steel, miscellaneous and ornamental iron, and vessel shop products" includes any product in the following classifications which are (i) fabricated principally from ferrous or non-ferrous structural shapes, plates, bars, sheets, pipe-mill products or tubing and (ii) custom-engineered and custom-fabricated. It includes any such product even though other materials are added (i. e. brick to a coke oven, stirring mechanism to autoclave, etc.). It does not include sheet metal shop products such as sheet metal duct work, flues and breechings, gutters, downspouts, etc.

Annealing boxes and pots.
Autoclaves (excluding those for laboratory use).
Barges, river; commonly made by fabricators but excluding power driven ship structures and barges made in shipyards.
Bins and hoppers, for industrial storage but not including bins, hoppers, or batchers made by manufacturers of concrete and bituminous mixing and batching plants.
Boiler drums, shells and headers; industrial and marine, commonly made by fabricators, but excluding auxiliary equipment, packaged units and low pressure heating units, under 100 p. s. i. working pressure.
Breechings.
Buoys.
Cars, special purpose; commonly made by fabricators; including ladle and transfer, converter, jack bottom, scrap transfer, but excluding mine standard product lines and railroad rolling stock.
Chlorinators, excluding standard product lines and packaged units.
Collapsible tunnel forms.
Crane and derrick steelwork commonly made by fabricators.
Culverts.
Doors; airplane hangar, commercial, and industrial.
Elevated water towers.
Evaporators, commonly made by fabricators.
Fermenters, industrial.
Filters, steel work for industrial.
Furnace and oven steel work, industrial; including blast furnaces, electric furnaces, kiln, gas producers, annealing and open hearth furnaces, coke oven, etc., but excluding steel work for standard manufactured lines of furnaces and ovens.
Gas holders.
Gates; taintor, crest, fixed wheel, lock and such water control steelwork.
Head frames, mining, excluding operating machinery.
Heads, pressed or spun.
Heat exchangers, industrial, commonly made by fabricators, such as heat exchangers for refineries, power plants, paper mills, chemical, sugar and plastic plants.
Kettles, industrial.
Ladles, industrial, melting.
Mixers; hot metal.
Oil well derricks and platforms, commonly made by fabricators, excluding operating machinery and equipment.
Penstocks and siphons.
Piping and special fittings; including water and gas pipe, power and process plant piping; but excluding mill products and standard lines of manufactured fittings and valves.
Pots, melting and smelting.

Pressure vessels and process vessels, such as absorbers, accumulators, air receivers, anhydrous ammonia, bubble towers and trays, catalytic cracking, coke drums, columns (distilling and fractionating), contact towers, creosoting cylinders, digesters, fractionating towers, gas scrubbers, gas separators, process, regenerators, retorts, stills, stripping columns, synthesis converters.
Retorts, smelting.
Structural steel for bridges.
Structural steel for industrial, commercial, institutional, and residential buildings, power plants, sub-stations, permanent grandstands, airplane hangars, and other structures.
Structural steel, light, architectural and miscellaneous iron work; this includes angle irons, fire escapes, balconies, marques, stairs, bank fixtures, expansion joint or load transferring devices, ladders, walk-ways and platforms, railings.
Smoke stacks.
Stand pipes.
Surge tanks.
Tanks; pressure and non-pressure, such as accumulator, air receivers, anhydrous ammonia, barge and railroad car (excluding those made by railroad car and ship building companies), beer storage, blowdown, brine, butane and propane (L. P. gas), chemical processing, floating roof and roof expansion, gasoline and oil storage, processing and storage.
Towers; radio, radar, television and transmission, including galvanized towers.
Tunnel linings.
Steel work for turntables—commonly made by fabricators.
Weldments except when made as component of machinery by the machinery manufacturer.
Wind tunnels.

[F. R. Doc. 52-7697; Filed, July 10, 1952; 12:01 p. m.]

[Ceiling Price Regulation 17, Supplementary Regulation 11]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

SR 11—SPECIFIC CEILING PRICES AT WEST COAST POINTS FOR AUTOMOTIVE GASOLINES, KEROSENE, DIESEL FUELS, FURNACE AND STOVE OILS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 11 to Ceiling Price Regulation 17 (16 F. R. 3033), is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 17 establishes specific dollars and cents ceiling prices for tank wagon sales of automotive gasolines, kerosene, diesel fuels, furnace oil and stove oil at the majority of bulk plants and areas adjacent to such bulk plants in the States of California, Oregon, Washington, Arizona, and Nevada. It also establishes specific ceiling prices for bunker grade diesel fuel for delivery by pipe line into barges, or bunker tanks of ocean-going vessels at major bunkering ports in the States of California, Oregon, and Washington. It is issued to implement the previously announced intent of the Director of Price Stabilization to establish specific ceiling prices wherever possible and as quickly as possible.

Specific ceiling prices are administratively desirable because they are precise, easily understood, and readily enforceable. They result in substantial savings in manpower and cost of administration to government and to business. They help consumers readily to ascertain the ceiling prices of products. It is particularly appropriate to take this action in the aforementioned States where the impact of procurement of petroleum products for military use and for the general defense program is resulting in extreme economic pressures, and where there have been many requests for the establishment of specific ceiling prices.

To determine the specific ceiling prices enumerated in this regulation, the Office of Price Stabilization, with the assistance of the West Coast Petroleum Wholesale Industry Advisory Committee, undertook in June 1951 a survey of the wholesale ceiling prices for selected products and types of delivery in representative communities. It was anticipated that, by gathering complete information on a substantial portion of the market, data would be secured which could be used as a basis for determining ceiling prices at all bulk plants in the area. For this survey sixty-six communities were selected on the basis of population density, geographical and trade area significance, and importance as petroleum distribution points.

In furtherance of this survey, Office of Price Stabilization Public Form No. 68 was sent to the Pacific Coast wholesale petroleum marketers doing business at the communities selected. These marketers represented all types of wholesale seller, including refiner-marketers, brokers, jobbers, purchase and sale distributors, and heating oil distributors. The questionnaire asked for information on each product with respect to ceiling prices; the length of time such ceiling prices had been in effect; the current posted prices of reporting companies; and information on the current "going" prices if such "going" prices applied to more than 50 percent of the sales. Additionally, the marketers were requested to file their current posted prices and ceiling prices for all points where they sold the products surveyed.

To permit quantitative analyses of the sales volumes of each product and their relationship to ceiling prices, data as to the 1950 sales volumes were requested. The 1,100 reports received covered distribution of products of which 2,041,000,000 gallons were gasoline representing 42.1 percent of all motor gasoline sold in the five Western States during the year 1950.

From the analysis of the replies to the questionnaire it was concluded that the results of the survey were sufficient to establish the ceiling prices spelled out in this regulation. This was accomplished by an intensive review of the prices and sales volumes within the sixty-six points which conclusively indicated that ceiling prices could be spelled out on the basis of representative ceiling prices of certain marketers. Thus, the balance of the ceiling prices for all other bulk plant points was arrived at by analysis of the representative ceiling prices of the same marketers.

Ceiling prices are spelled out at those points only where evidence collected is adequate and is truly representative of specific ceiling prices. As further information is accumulated action will be taken in spelling out ceiling prices at other points.

Since sometime has elapsed between the accumulation of the information and its analysis, the ceiling prices enumerated do not include permissible transportation cost increases since September 1, 1951 but provision is made whereby these increases may be added to the specific prices. The Office of Price Stabilization will issue revised specific ceiling prices to reflect permissible transportation cost adjustments as soon as the necessary information is assembled. This supplementary regulation is not intended to roll back higher existing ceiling prices which reflect a customary differential over the market price. A provision is included to permit a seller having such a ceiling price which is higher than the specific ceiling price enumerated herein, to apply for the retention of such ceiling price. If such a ceiling is not reflective of a customary differential over the market it will be disapproved.

The issuance of this supplementary regulation will not result in increases in ceiling prices beyond increases already available to sellers under existing regulations. The primary purpose of this supplementary regulation is to eliminate the difficulties inherent in establishing ceiling prices by formula.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for motor gasoline, kerosene, premium automotive diesel fuel, regular diesel fuel, heating furnace oil and stove oil.
3. Ceiling prices for bunker grade diesel fuel.
4. Ceiling prices higher than specific prices.
5. Applicability of Ceiling Price Regulation 17.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SEC. 1. *What this supplementary regulation does.* This supplementary regulation spells out specific ceiling prices at certain bulk plant points located in the States of California, Washington, Oregon, Arizona, and Nevada for tank

wagon deliveries of motor gasoline, kerosene, premium automotive diesel fuel (P. S. 100), diesel fuel (P. S. 200), heating furnace oil (P. S. 200), and stove oil (P. S. 100). Also spelled out are specific ceiling prices for bunker grade diesel fuel (P. S. 200) at 4 points. These specific prices will be your ceiling prices subject to permissible adjustments made to reflect transportation increases effective after September 1, 1951. If your ceiling price prior to the effective date of this regulation was higher than the ceiling price set forth in this regulation, but your prior ceiling price reflects a customary differential over the market, you may apply to the Office of Price Stabilization for permission to retain such a higher ceiling price.

SEC. 2. *Ceiling prices for motor gasoline, kerosene, premium automotive diesel fuel, regular diesel fuel, heating furnace oil and stove oil.* (a) Your ceiling prices exclusive of all taxes in cents per gallon for tank wagon deliveries to all consumers and dealers at the points indicated and for the products listed shall be as follows:

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
Arizona						
Ajo	18.1	22.1	15.9	13.9	13.9	15.4
Amado	17.3	21.3	16.0	14.0	14.0	15.5
Apache Junction	18.3	23.1	16.1	14.1	14.1	15.6
Arivaca	17.6	23.4	16.1	14.1	14.1	15.6
Arizona City	17.3	26.3	16.1	14.1	14.1	15.6
Avondale	17.3	21.3	16.0	14.0	14.0	15.5
Bagdad	18.3	24.3	16.0	14.0	14.0	15.5
Bapchule	17.3	21.3	16.0	14.0	14.0	15.5
Bisbee	17.6	23.4	16.1	14.1	14.1	15.6
Black Canyon City	18.3	24.3	16.0	14.0	14.0	15.5
Bouse	18.1	22.1	16.1	14.1	14.1	15.6
Buckeye	17.3	21.3	16.0	14.0	14.0	15.5
Bylas	17.3	21.3	16.0	14.0	14.0	15.5
Camp Verde	18.3	24.3	16.0	14.0	14.0	15.5
Carefree	18.3	24.3	16.0	14.0	14.0	15.5
Casa Grande	18.1	22.1	16.1	14.1	14.1	15.6
Chandler	17.3	21.4	16.0	14.0	14.0	15.5
Clarkdale	17.7	23.4	16.0	14.0	14.0	15.5
Claypool	18.3	23.2	16.3	14.3	14.3	15.8
Clifton	18.3	24.3	16.0	14.0	14.0	15.5
Congress	17.3	22.7	16.0	14.0	14.0	15.5
Coolidge	18.1	22.1	16.1	14.1	14.1	15.6
Cottonwood	17.7	23.4	16.0	14.0	14.0	15.5
Dairyland	16.8	21.5	15.6	13.6	13.6	15.1
Douglas	17.4	23.5	16.1	14.1	14.1	15.6
Duncan	17.4	27.9	16.1	14.1	14.1	15.6
Flagstaff	19.0	23.1	17.2	15.2	15.2	16.7
Gila Bend	17.1	21.1	15.9	13.9	13.9	15.4
Gilbert	17.3	21.4	16.0	14.0	14.0	15.5
Glendale	17.3	21.3	16.0	14.0	14.0	15.5
Globe	18.3	23.2	16.3	14.3	14.3	15.8
Grand Canyon	19.4	26.1	17.5	15.5	15.5	17.0
Hayden	18.4	22.7	16.3	14.3	14.3	15.8
Holbrook	18.4	23.8	17.9	15.9	15.9	17.4
Kingman	17.4	21.4	15.5	13.5	13.5	15.0
Kirkland	17.7	23.3	16.0	14.0	14.0	15.5
Litchfield	17.3	21.3	16.0	14.0	14.0	15.5
Lowell	17.6	23.4	16.1	14.1	14.1	15.6
Maranna	18.1	22.1	16.1	14.1	14.1	15.6
Marinette	17.3	21.3	16.0	14.0	14.0	15.5
McNary	20.0	30.0	18.1	16.1	16.1	17.6
Mesa	17.3	21.3	16.0	14.0	14.0	15.5
Miami	18.3	23.2	16.3	14.3	14.3	15.8
Nogales	19.1	24.0	16.1	14.1	14.1	15.6
Parker	17.3	21.3	15.4	13.4	13.4	14.9
Patagonia	19.2	26.3	16.1	14.1	14.1	15.6
Peach Springs	17.7	23.4	15.5	13.5	13.5	15.0
Phoenix	17.3	21.3	15.9	13.9	13.9	15.4
Prescott	17.7	23.4	16.0	14.0	14.0	15.5
Ray	18.1	22.7	16.4	14.4	14.4	15.9
Safford	18.3	26.3	16.1	14.1	14.1	15.6
Salome	17.3	22.7	16.0	14.0	14.0	15.5
San Carlos	18.3	23.4	16.3	14.3	14.3	15.8
Sanders	19.0	28.7	18.1	16.1	16.1	17.6
Seligman	17.8	23.4	16.1	14.1	14.1	15.6
Show Low	20.0	30.0	18.1	16.1	16.1	17.6
Springerville	20.5	26.8	20.8	18.8	18.8	20.3
Superior	18.4	23.2	16.3	14.3	14.3	15.8
Tombstone	18.3	23.7	16.1	14.1	14.1	15.6
Tucson	18.1	22.1	16.1	14.1	14.1	15.6
Warren	17.6	23.4	16.1	14.1	14.1	15.6
Wellton	16.8	21.5	15.6	13.6	13.6	15.1
Wickenburg	17.3	22.7	16.0	14.0	14.0	15.5
Willcox	17.6	23.9	16.1	14.1	14.1	15.6
Williams	18.9	25.0	17.2	15.2	15.2	16.7
Winslow	18.8	23.4	17.7	15.7	15.7	17.2
Yuma	16.0	20.0	14.8	12.8	12.8	14.3

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
California						
Alhambra	14.0	18.0	12.4	10.4	10.4	11.9
Alturas	18.2	24.0	16.4	14.4	14.4	15.9
Alvarado	14.6	19.0	13.4	11.4	11.4	12.9
Amboy	16.9	20.3	14.7	12.7	12.7	14.2
Anaheim	14.0	18.3	12.4	10.4	10.4	11.9
Angels	16.4	20.9	14.2	12.2	12.2	13.7
Arbuckle	15.7	19.9	14.5	12.5	12.5	14.0
Arcata	16.4	21.8	13.8	11.8	11.8	13.3
Artesia	14.0	18.6	12.4	10.4	10.4	11.9
Arvin	14.8	18.8	13.1	11.1	11.1	12.6
Atascadero	16.2	20.9	14.7	12.7	12.7	14.2
Atlantic (Compton)	14.0	18.0	12.4	10.4	10.4	11.9
Auberry	16.2	22.4	14.4	12.4	12.4	13.9
Auburn	16.2	20.1	14.4	12.4	12.4	13.9
Avalon	16.0	20.0	14.4	12.4	12.4	13.9
Avila	16.4	20.9	14.8	12.8	12.8	14.3
Azusa	14.5	18.4	12.8	10.8	10.8	12.3
Baker	16.8	20.8	14.5	12.5	12.5	14.0
Bakersfield	14.5	18.6	12.9	10.9	10.9	12.4
Balboa	14.0	18.7	12.4	10.4	10.4	11.9
Banning	15.3	19.2	13.6	11.6	11.6	13.1
Barstow	15.9	19.9	13.7	11.7	11.7	13.2
Bass Lake	16.9	22.9	15.0	13.0	13.0	14.5
Beaumont	15.3	19.2	13.6	11.6	11.6	13.1
Bieber	18.2	23.6	16.4	14.4	14.4	15.9
Big Bear	15.7	21.4	13.9	11.9	11.9	13.4
Biola	15.7	19.8	13.8	11.8	11.8	13.3
Bishop	17.5	24.3	15.9	13.9	13.9	15.4
Blythe	17.1	21.1	14.8	12.8	12.8	14.3
Bradley	16.3	20.7	14.7	12.7	12.7	14.2
Brawley	16.7	20.6	15.1	13.1	13.1	14.6
Brea	14.0	18.8	12.4	10.4	10.4	11.9
Brentwood	15.1	19.4	13.5	11.5	11.5	13.0
Bridgeton	16.2	20.3	14.6	12.6	12.6	14.1
Burbank	14.0	18.0	12.4	10.4	10.4	11.9
Byron	15.1	19.4	13.5	11.5	11.5	13.0
Calabasas	16.7	20.8	15.1	13.1	13.1	14.6
Calipatria	16.7	20.6	15.1	13.1	13.1	14.6
Calistoga	15.3	19.2	13.6	11.6	11.6	13.1
Camarillo	15.2	19.2	13.4	11.4	11.4	12.9
Cambria	16.6	22.5	15.0	13.0	13.0	14.5
Canoga Park	14.0	18.0	12.4	10.4	10.4	11.9
Capistrano Beach	14.6	18.9	12.9	10.9	10.9	12.4
Caruthers	18.6	24.2	16.4	14.4	14.4	15.9
Centerville	15.2	19.3	13.4	11.4	11.4	12.9
Chico	16.6	20.5	14.8	12.8	12.8	14.3
Chowchilla	15.7	20.0	13.8	11.8	11.8	13.3
Chula Vista	15.0	19.6	13.2	11.0	11.0	12.7
Clarksburg	15.7	20.1	14.3	12.3	12.3	13.8
Clear Creek	15.2	19.4	13.6	11.6	11.6	13.1
Clearlake Highlands	15.8	20.2	14.3	12.3	12.3	13.8
Clovis	15.7	19.8	13.8	11.8	11.8	13.3
Coachella	15.9	19.8	14.2	12.2	12.2	13.7
Coalinga	15.7	19.8	13.8	11.8	11.8	13.3
Conse Gold	16.4	22.4	14.7	12.7	12.7	14.2
Colfax	16.5	20.7	14.7	12.7	12.7	14.2
Colton	14.8	18.8	13.0	11.0	11.0	12.5
Colusa	16.2	20.1	14.4	12.4	12.4	13.9
Concord	14.5	18.5	12.9	10.9	10.9	12.4
Corning	16.6	20.5	15.0	13.0	13.0	14.5
Corona	14.6	18.6	13.1	11.1	11.1	12.6
Corcoran	15.7	19.8	13.8	11.8	11.8	13.3
Costa Mesa	14.0	18.7	12.4	10.4	10.4	11.9
Courtland	15.7	19.8	13.8	11.8	11.8	13.3
Covelo	17.5	21.3	15.9	13.9	13.9	15.4
Covina	14.5	18.4	12.8	10.8	10.8	12.3
Crescent City	17.8	21.8	15.6	13.6	13.6	15.1
Crescent Mills	17.6	22.2	16.0	14.0	14.0	15.5
Crestline	15.3	19.2	13.9	11.9	11.9	13.4
Culver City	14.0	18.0	12.4	10.4	10.4	11.9
Davis	15.7	19.8	14.0	12.0	12.0	13.5
Delano	15.0	19.1	13.3	11.3	11.3	12.8
Desert Center	16.4	20.8	14.7	12.7	12.7	14.2
Dinuba	15.7	20.8	13.8	11.8	11.8	13.3
Dixon	15.7	19.8	13.7	11.7	11.7	13.2
Dorris	18.8	24.5	16.4	14.4	14.4	15.9
Dos Palos	15.7	19.8	13.8	11.8	11.8	13.3
Downey	14.0	18.0	12.4	10.4	10.4	11.9
Dunnigan	15.7	19.9	14.2	12.2	12.2	13.7
East Gridley	16.2	20.4	14.6	12.6	12.6	14.1
El Cajon	15.0	19.6	13.2	11.0	11.0	12.7
El Centro	16.7	20.8	15.1	13.1	13.1	14.6
Elk Grove	15.7	19.8	14.1	12.1	12.1	13.6
El Monte	14.0	18.0	12.4	10.4	10.4	11.9
El Portal	17.1	21.3	15.2	13.2	13.2	14.7
El Segundo	14.0	18.0	12.4	10.4	10.4	11.9
Elsinore	15.2	18.8	13.2	11.2	11.2	12.7
Escalon	15.7	19.8	13.8	11.8	11.8	13.3
Escondido	15.4	19.4	13.6	11.6	11.6	13.1
Esparto	15.7	19.8	14.0	12.0	12.0	13.5
Eureka	16.4	20.4	15.8	11.8	11.8	13.3
Fairfield	15.1	19.1	13.7	11.7	11.7	13.2
Fallbrook	15.4	19.4	13.6	11.6	11.6	13.1
Fall River Mills	18.1	23.6	16.4	14.4	14.4	15.9
Farmington	15.7	19.8	13.8	11.8	11.8	13.3
Feather Falls	16.9	21.3	15.3	13.3	13.3	14.8
Fields Landing	16.4	20.4	13.8	11.8	11.8	13.3

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
California—Con.						
Fillmore	15.2	19.2	13.4	11.4	11.4	12.9
Firebaugh	15.7	19.8	13.8	11.8	11.8	13.3
Fish Harbor	14.0	18.0	12.4	10.4	10.4	11.9
Folsom	16.2	19.9	14.4	12.4	12.4	13.9
Fort Bragg	17.2	23.2	15.8	13.8	13.8	15.3
Fort Jones	18.2	22.2	16.8	14.8	14.8	16.3
Fortuna	16.6	22.0	14.3	12.3	12.3	13.8
Fowler	15.7	20.6	14.0	12.0	12.0	13.5
Fresno	15.7	19.8	13.8	11.8	11.8	13.3
Fullerton	14.0	18.5	12.4	10.4	10.4	11.9
Garberville	17.1	22.3	14.7	12.7	12.7	14.2
Geyserville	15.3	19.9	13.9	11.9	11.9	13.4
Gilroy	15.7	19.4	13.8	11.8	11.8	13.3
Gonzales	16.4	19.8	14.6	12.6	12.6	14.1
Glendale	14.0	18.0	12.4	10.4	10.4	11.9
Gorman	15.4	19.4	13.6	11.6	11.6	13.1
Grapevine	15.4	19.2	13.6	11.6	11.6	13.1
Grass Valley	16.5	20.3	15.0	13.0	13.0	14.5
Gridley	16.2	20.4	14.6	12.6	12.6	14.1
Groveland	17.8	21.6	15.6	13.6	13.6	15.1
Guerneville	15.3	19.5	14.2	12.2	12.2	13.7
Half Moon Bay	15.5	19.4	13.9	11.9	11.9	13.4
Hanford	15.7	19.8	13.8	11.8	11.8	13.3
Hayward	14.6	19.0	13.4	11.4	11.4	12.9
Healdsburg	15.3	19.9	13.9	11.9	11.9	13.4
Henet	15.3	19.2	13.4	11.4	11.4	12.9
Hollister	15.9	19.5	14.1	12.1	12.1	13.6
Hollywood	14.0	18.0	12.4	10.4	10.4	11.9
Holtville	16.7	20.8	15.1	13.1	13.1	14.6
Hoopa	17.8	21.8	15.6	13.6	13.6	15.1
Huntington Beach	14.0	18.0	12.4	10.4	10.4	11.9
Huntington Park	14.0	18.0	12.4	10.4	10.4	11.9
Hyde Park	14.0	18.0	12.4	10.4	10.4	11.9
Indio	15.9	19.8	14.2	12.2	12.2	13.7
Inglewood	14.0	18.0	12.4	10.4	10.4	11.9
Inyokern	16.3	20.1	14.4	12.4	12.4	13.9
Ione	16.2	20.6	14.2	12.2	12.2	13.7
Irvine	14.6	18.3	12.4	10.4	10.4	11.9
Irvington	15.2	19.3	13.4	11.4	11.4	12.9
Jackson	16.2	20.6	14.2	12.2	12.2	13.7
Jacumba	16.6	21.1	14.5	12.5	12.5	14.0
Jamestown	16.4	20.4	14.8	12.8	12.8	14.3
Johannesburg	16.1	19.8	14.4	12.4	12.4	13.9
Julian	16.2	19.9	14.6	12.6	12.6	14.1
Kernville	15.5	20.7	14.0	12.0	12.0	13.5
Kettleman Hills	15.7	19.8	14.1	12.1	12.1	13.6
King City	16.6	20.1	14.7	12.7	12.7	14.2
Kingsburg	15.7	20.8	13.8	11.8	11.8	13.3
Knights Landing	15.7	19.9	14.1	12.1	12.1	13.6
Lake Arrowhead	15.3	19.2	13.9	11.9	11.9	13.4
Lakeport	16.3	20.1	14.7	12.7	12.7	14.2
Lakeside	15.0	19.6	13.2	11.0	11.0	12.7
La Mesa	15.0	19.6	13.2	11.0	11.0	12.7
Lancaster	15.4	19.2	13.6	11.6	11.6	13.1
Laws	17.5	24.3	15.9	13.9	13.9	15.4
Lemoore	15.7	19.8	13.8	11.8	11.8	13.3
Lewiston	18.2	25.2	16.7	14.7	14.7	16.2
Lincoln	16.1	19.9	14.3	12.3	12.3	13.8
Linden	15.7	19.8	13.8	11.8	11.8	13.3
Litchfield	17.9	22.7	16.3	14.3	14.3	15.8
Lindsay	15.7	21.1	13.8	11.8	11.8	13.3
Livermore	15.2	19.2	13.5	11.5	11.5	13.0
Livingston	15.7	19.8	13.8	11.8	11.8	13.3
Lodi	15.7	19.8	13.8	11.8	11.8	13.3
Lompoc	16.2	19.9	14.6	12.6	12.6	14.1
Long Beach	14.0	18.0	12.4	10.4	10.4	11.9
Lone Pine	16.9	21.8	15.2	13.2	13.2	14.7
Los Angeles	14.0	18.0	12.4	10.4	10.4	11.9
Los Gatos	15.3	19.5	13.6	11.6	11.6	13.1
Los Banos	15.7	19.8	13.8	11.8	11.8	13.3
Los Molinos	16.9	20.9	15.0	13.0	13.0	14.5
Los Olivos	16.2	20.3	14.6	12.6	12.6	14.1
Lower Lake	15.9	20.3	14.4	12.4	12.4	13.9
Loyalton	17.8	22.2	15.8	13.8	13.8	15.3
Ludlow	16.4	20.3	14.6	12.6	12.6	14.1
Mac Doel	18.5	24.5	16.4	14.4	14.4	15.9
Madera	15.7	19.8	13.8	11.8	11.8	13.3
Manteca	15.7	19.8	13.8	11.8	11.8	13.3
Mariposa	16.6	21.3	15.8	13.8	13.8	15.0
Martinez	14.5	18.5	12.9	10.9	10.9	12.4
Marysville	16.1	20.1	14.4	12.4	12.4	13.9
Maxwell	16.2	20.1	14.4	12.4	12.4	13.9
McCloud	18.1	23.2	16.4	14.4	14.4	15.9
McKittrick	15.0	20.4	13.3	11.3	11.3	12.8
Mendota	15.7	19.8	13.8	11.8	11.8	13.3
Merced	15.7	19.8	13.8	11.8	11.8	13.3
Meridian	16.2	20.1	14.4	12.4	12.4	13.9
Middletown	15.7	20.0	14.1	12.1	12.1	13.6
Modesto	15.7	19.8	13.8	11.8	11.8	13.3
Mojave	15.8	19.6	13.7	11.7	11.7	13.2
Monrovia	14.8	18.3	12.8	10.8	10.8	12.3
Monterey	16.1	20.1	14.4	12.4	12.4	13.9
Moorpark	15.2	19.0	13.4	11.4	11.4	12.9
Morgan Hill	15.7	19.4	13.8	11.8	11.8	13.3
Moss Landing	16.2	20.3	14.1	12.1	12.1	13.6
Mountain View	15.3	19.3	13.4	11.4	11.4	12.9
Mount Shasta	18.1	22.9	16.1	14.1	14.1	15.6

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
California—Con.						
Napa	15.0	19.0	13.4	11.4	11.4	12.9
Natoma	16.1	19.9	14.4	12.4	12.4	13.9
Needles	17.5	22.5	15.3	13.3	13.3	14.8
Newhall	14.4	18.6	12.8	10.8	10.8	12.3
Newman	15.7	19.8	13.8	11.8	11.8	13.3
Newport Beach	14.0	18.7	12.4	10.4	10.4	11.9
Norwalk	14.0	18.6	12.4	10.4	10.4	11.9
Oakdale	15.7	19.8	13.8	11.8	11.8	13.3
Oakland	14.5	18.5	12.9	10.9	10.9	12.4
Oceanside	15.1	19.0	13.5	11.5	11.5	13.0
Ojai	15.2	19.2	13.4	11.4	11.4	12.9
Oleum	14.5	18.5	12.9	10.9	10.9	12.4
Ontario	14.6	18.6	12.9	10.9	10.9	12.4
Orick	17.4	22.7	14.9	12.9	12.9	14.4
Orland	16.6	20.4	14.8	12.8	12.8	14.3
Oroville	16.4	20.4	14.6	12.6	12.6	14.1
Oxnard	15.2	18.9	13.4	11.4	11.4	12.9
Palm City	15.0	19.6	13.2	11.0	11.0	12.7
Palo Alto	14.8	19.3	13.3	11.3	11.3	12.8
Parlier	15.7	20.6	13.8	11.8	11.8	13.3
Pasadena	14.0	18.0	12.4	10.4	10.4	11.9
Paso Robles	16.2	21.3	14.7	12.7	12.7	14.2
Patterson	15.7	19.8	13.8	11.8	11.8	13.3
Pescadero	16.0	21.4	14.3	12.3	12.3	13.8
Petaluma	15.3	19.1	13.7	11.7	11.7	13.2
Pittsburg	14.9	18.9	13.3	11.3	11.3	12.8
Pixley	15.1	19.2	13.6	11.6	11.6	13.1
Placerville	16.4	20.4	14.5	12.5	12.5	14.0
Plymouth	16.2	20.6	14.2	12.2	12.2	13.7
Pt. Arena	17.2	21.5	15.6	13.6	13.6	15.1
Pt. Loma	15.0	19.0	13.2	11.0	11.0	12.7
Pt. Reyes	15.4	19.9	13.8	11.8	11.8	13.3
Pomona	14.6	18.6	12.9	10.9	10.9	12.4
Porterville	15.7	19.8	13.8	11.8	11.8	13.3
Portola	17.9	22.3	15.8	13.8	13.8	15.3
Quincy	17.6	22.2	15.9	13.9	13.9	15.4
Ramona	15.7	19.4	14.1	12.1	12.1	13.6
Red Bluff	16.9	20.9	15.1	13.1	13.1	14.6
Redding	17.3	21.4	15.3	13.3	13.3	14.8
Redlands	14.8	19.0	13.1	11.1	11.1	12.6
Redwood City	14.8	18.9	13.3	11.3	11.3	12.8
Reedley	15.7	20.8	13.8	11.8	11.8	13.3
Richmond	14.5	18.5	12.9	10.9	10.9	12.4
Rio Vista	15.7	19.8	13.8	11.8	11.8	13.3
Riverdale	15.7	19.8	13.8	11.8	11.8	13.3
Riverside	14.8	18.7	13.0	11.0	11.0	12.5
Robbins	15.7	19.9	14.1	12.1	12.1	13.6
Rocklin	16.1	19.8	14.3	12.3	12.3	13.8
Roseville	16.1	19.8	14.3	12.3	12.3	13.8
Running Springs	15.3	19.2	13.9	11.9	11.9	13.4
Sacramento	15.7	19.8	14.1	12.1	12.1	13.6
St. Helena	15.3	19.2	13.6	11.6	11.6	13.1
Salinas	16.1	19.5	14.4	12.4	12.4	13.9
San Andreas	16.2	20.2	14.2	12.2	12.2	13.7
San Bernardino	14.8	18.8	13.0	11.0	11.0	12.5
San Diego	15.0	19.0	13.2	11.0	11.0	12.7
San Fernando	14.0	18.0	12.4	10.4	10.4	11.9
San Francisco	14.5	18.5	12.9	10.9	10.9	12.4
Sanger	15.7	20.6	13.8	11.8	11.8	13.3
San Jacinto	15.3	19.2	13.4	11.4	11.4	12.9
San Joaquin	15.7	19.8	13.8	11.8	11.8	13.3
San Jose	15.3	19.3	13.4	11.4	11.4	12.9
San Juan Capistrano	14.6	18.9	12.9	10.9	10.9	12.4
San Luis Obispo	16.4	20.9	14.8	12.8	12.8	14.3
San Mateo	14.5	18.7	13.1	11.1	11.1	12.6
San Pedro	14.0	18.0	12.4	10.4	10.4	11.9
San Rafael	15.1	19.1	13.5	11.5	11.5	13.0
Santa Ana	14.0	18.3	12.4	10.4	10.4	11.9
Santa Barbara	15.2	19.2	13.4	11.4	11.4	12.9
Santa Cruz	16.1	19.9	13.9	11.9	11.9	13.4
Santa Maria	16.4	20.4	14.8	12.8	12.8	14.3
Santa Monica	14.0	18.0	12.4	10.4	10.4	11.9
Santa Paula	15.2	19.2	13.4	11.4	11.4	12.9
Santa Rosa	15.3	18.9	13.7	11.7	11.7	13.2
Sausalito	15.1	19.1	13.5	11.5	11.5	13.0
Sebastopol	15.3	19.5	13.7	11.7	11.7	13.2
Seguro	14.5	18.6	12.9	10.9	10.9	12.4
Shafter	15.0	19.1	13.3	11.3	11.3	12.8
Shoshone	17.3	23.8	15.6	13.6	13.6	15.1
Signal Hill	14.0	18.0	12.4	10.4	10.4	11.9
Solana Beach	15.3	19.3	13.3	11.5	11.5	13.0
Soledad	16.4	19.8	14.6	12.6	12.6	14.1
Sonoma	15.3	19.2	13.6	11.6	11.6	13.1
Sonora	16.4	20.4	14.8	12.8	12.8	14.3
South Dos Palos	15.7	19.8	13.8	11.8	11.8	13.3
South Fork	17.1	22.3	14.7	12.7	12.7	14.2
South Los Angeles	14.0	18.0	12.4	10.4	10.4	11.9
South San Francisco	14.5	18.5	13.1	11.1	11.1	12.6
Stockton	15.7	19.8	13.8	11.8	11.8	13.3
Stratford	15.7	19.8	13.8	11.8	11.8	13.3
Suisun	15.1	19.1	13.7	11.7	11.7	13.2
Susanville	17.9	22.7	16.3	14.3	14.3	15.8
Taft	15.0	19.1	13.3	11.3	11.3	12.8
Tahoe City	17.3	22.0	15.6	13.6	13.6	15.1
Tahoe Valley	17.3	22.0	15.6	13.6	13.6	15.1
Tehachapi	15.4	19.6	13.4	11.4	11.4	12.9
Terminal Island	14.0	18.0	12.4	10.4	10.4	11.9

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
California—Con.						
Tracy	15.7	19.8	13.8	11.8	11.8	13.3
Tranquillity	15.7	19.8	13.8	11.8	11.8	13.3
Trona	16.5	21.4	14.2	12.2	12.2	13.7
Trowbridge	16.1	20.2	14.3	12.3	12.3	13.8
Truckee	17.3	21.7	15.7	13.7	13.7	15.2
Tudor	16.1	20.2	14.3	12.3	12.3	13.8
Tulare	15.7	19.8	13.8	11.8	11.8	13.3
Tule Lake	18.3	23.5	16.4	14.4	14.4	15.9
Turlock	15.7	19.8	13.8	11.8	11.8	13.3
29 Palms	16.1	20.1	14.4	12.4	12.4	13.9
Ukiah	16.2	20.1	14.3	12.3	12.3	13.8
Vacaville	15.7	19.8	13.7	11.7	11.7	13.2
Vallejo	15.0	18.8	13.4	11.4	11.4	12.9
Van Nuys	14.0	18.0	12.4	10.4	10.4	11.9
Ventura	15.2	19.2	13.4	11.4	11.4	12.9
Victorville	15.4	19.4	13.2	11.2	11.2	12.7
Visalia	15.7	20.9	13.8	11.8	11.8	13.3
Walnut Creek	14.5	18.5	12.9	10.9	10.9	12.4
Walnut Grove	15.7	19.8	13.8	11.8	11.8	13.3
Wasco	15.0	19.1	13.3	11.3	11.3	12.8
Waterford	15.7	19.8	13.8	11.8	11.8	13.3
Watsonville	16.1	19.9	14.0	12.0	12.0	13.5
Watts	14.0	18.0	12.4	10.4	10.4	11.9
Weaverville	17.8	21.5	16.2	14.2	14.2	15.7
Weed	18.1	22.9	16.4	14.4	14.4	15.9
Westley	15.7	19.8	13.8	11.8	11.8	13.3
Westmorland	16.7	20.6	15.1	13.1	13.1	14.6
Westwood	17.9	22.7	16.3	14.3	14.3	15.8
Whittier	14.0	18.0	12.4	10.4	10.4	11.9
Williams	16.2	20.2	14.5	12.5	12.5	14.0
Willits	16.6	20.5	15.0	13.0	13.0	14.5
Willows	16.4	20.2	14.5	12.5	12.5	14.0
Willow Creek	17.8	21.8	15.6	13.6	13.6	15.1
Wilmington	14.0	18.0	12.4	10.4	10.4	11.9
Winters	15.7	19.8	13.7	11.7	11.7	13.2
Woodlake	15.7	20.9	13.8	11.8	11.8	13.3
Woodland	15.7	19.8	14.0	12.0	12.0	13.5
Yorba Linda	14.0	18.5	12.4	10.4	10.4	11.9
Yreka	18.2	22.2	16.5	14.5	14.5	16.0
Yuba City	16.1	20.1	14.4	12.4	12.4	13.9
Dunsmuir	18.1	22.9	16.4	14.4	14.4	15.9
Nevada						
Austin	20.1	26.9	19.2	17.2	17.2	18.7
Battle Mountain	19.0	26.9	17.5	15.5	15.5	17.0
Beatty	18.9	25.6	17.0	15.0	15.0	16.5
Boulder City	17.8	22.0	15.8	13.8	13.8	15.3
Caliente	19.0	26.0	16.5	14.5	14.5	15.9
Carlin	19.6	28.0	17.3	15.3	15.3	16.8
Carson City	17.2	24.0	16.1	14.1	14.1	15.6
East Ely	20.6	25.0	18.4	16.4	16.4	17.9
Elko	19.6	28.4	17.5	15.5	15.5	17.0
Eureka	20.0	27.7	19.2	17.2	17.2	18.7
Fallon	17.8	21.8	16.5	14.5	14.5	16.0
Fernley	17.4	23.0	16.3	14.3	14.3	15.8
Gerlach	18.2	22.2	16.5	14.5	14.5	16.0
Hawthorne	18.9	25.3	17.4	15.4	15.4	16.9
Las Vegas	17.8	23.5	15.5	13.5	13.5	15.0
Lovelock	17.9	24.2	17.0	15.0	15.0	16.5
McDermitt	19.5	28.5	18.8	16.8	16.8	18.3
McGill	20.6	25.2	18.4	16.4	16.4	17.9
Mesquite	19.4	26.0	17.2	15.2	15.2	16.7
Mina	18.8	25.2	17.8	15.8	15.8	17.3
Minden	17.4	24.3	16.2	14.2	14.2	15.7
Moapa	18.4	25.0	16.2	14.2	14.2	15.7
Montague	18.2	22.2	16.5	14.5	14.5	16.0
Montello	19.4	28.6	17.3	15.3	15.3	16.8
Pioche	19.2	26.3	16.5	14.5	14.5	15.3
Reno	17.1	21.1	15.8	13.8	13.8	15.3
Rio Tinto	20.7	33.6	20.1	18.1	18.1	19.6
Ruth	20.6	25.2	18.4	16.4	16.4	17.9
Tonopah	18.9	22.9	17.9	15.9	15.9	17.4
Wells	19.7	26.3	17.3	15.3	15.3	16.8
Winnemucca	18.4	25.2	17.0	15.0	15.0	16.5
Yerington	18.0	23.7	16.7	14.7	14.7	16.2
Oregon						
Albany	16.0	21.9	14.6	12.6	-----	-----
Arlington	16.4	23.7	15.2	13.2	-----	-----
Ashland	17.8	21.8	16.5	14.5	-----	-----
Astoria	15.5	21.6	13.4	11.4	-----	-----
Athena	16.7	25.0	15.5	13.5	-----	-----
Baker	17.7	26.7	16.7	14.7	14.7	16.2
Bandon	17.5	24.4	15.2	13.2	-----	-----
Bates	19.6	29.6	18.7	16.7	-----	-----
Beaverton	15.0	20.6	13.5	11.5	-----	-----
Bend	17.0	24.4	15.8	13.8	13.8	15.3
Bly	18.9	24.8	17.4	15.4	-----	-----
Bonanza	18.2	22.2	16.5	14.5	-----	-----
Brownsville	16.6	22.5	14.9	12.9	-----	-----
Burns	19.4	28.1	18.7	16.7	16.7	18.2
Canby	15.4	21.0	13.9	11.9	-----	-----
Cave Junction	18.2	25.4	16.4	14.4	-----	-----
Chemult	17.9	24.4	17.0	15.0	-----	-----
Chiloquin	18.2	24.3	17.0	15.0	-----	-----
Clatskanie	15.9	21.7	14.5	12.5	-----	-----
Condon	16.9	24.3	15.7	13.7	-----	-----
Coos Bay	16.9	22.5	14.4	12.4	12.4	13.9
Coquille	17.5	23.9	15.0	13.0	-----	-----
Cornelius	15.3	20.9	13.9	11.9	-----	-----

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
Oregon—Con.						
Corvallis	16.0	21.9	14.6	12.6	-----	-----
Cottage Grove	16.7	22.9	15.5	13.5	-----	-----
Crescent	17.9	24.4	17.0	15.0	-----	-----
Cushman	17.8	24.4	15.6	13.6	-----	-----
Dallas	15.7	21.5	14.3	12.3	-----	-----
De Lake	16.8	24.3	15.2	13.2	-----	-----
Drain	16.7	22.9	15.5	13.5	-----	-----
Elgin	17.2	26.4	16.2	14.2	-----	-----
Enterprise	17.7	27.1	16.9	14.9	-----	-----
Estacada	15.5	21.0	14.0	12.0	-----	-----
Eugene	16.6	22.1	15.1	13.1	-----	-----
Florence	17.8	24.4	15.6	13.6	-----	-----
Fossil	17.4	25.4	16.3	14.3	-----	-----
Freewater	16.7	25.0	15.5	13.5	-----	-----
Garibaldi	16.4	22.5	14.8	12.8	-----	-----
Gates	15.7	21.5	14.3	12.3	-----	-----
Glendale	17.0	24.2	15.8	13.8	-----	-----
Gold Beach	18.1	25.7	16.5	14.5	-----	-----
Grants Pass	17.4	23.0	16.4	14.4	-----	-----
Grass Valley	16.6	23.7	15.4	13.4	-----	-----
Gresham	15.0	20.5	13.5	11.5	-----	-----
Harrisburg	16.6	22.5	14.9	12.9	-----	-----
Hebo	16.4	23.1	14.9	12.9	-----	-----
Heppner	16.7	24.4	15.5	13.5	-----	-----
Hermiston	16.7	24.6	15.3	13.3	-----	-----
Hillsboro	15.3	20.9	13.9	11.9	-----	-----
Hines	19.1	28.9	18.7	16.7	-----	-----
Hood River	16.1	22.5	14.5	12.5	-----	-----
Huntington	18.2	27.8	17.8	15.8	-----	-----
Independence	15.7	21.5	14.3	12.3	-----	-----
Ione	16.7	24.3	15.6	13.6	-----	-----
John Day	19.0	29.1	17.7	15.7	-----	-----
Jordan Valley	18.5	29.9	19.2	17.2	-----	-----
Joseph	17.7	27.1	16.9	14.9	-----	-----
Junction City	16.6	22.5	15.1	13.1	-----	-----
Juntura	18.6	29.2	18.5	16.5	-----	-----
Kendall	15.0	20.5	13.5	11.5	-----	-----
Kent	16.6	23.7	15.4	13.4	-----	-----
Klamath Falls	18.2	22.2	16.5	14.5	14.5	16.0
La Grande	17.2	26.4	16.1	14.1	-----	-----
Lakeview	18.9	21.7	17.0	15.0	-----	-----
Lebanon	16.0	21.9	14.8	12.8	-----	-----
Lowell	16.6	22.1	15.1	13.1	-----	-----
Madras	16.6	24.3	15.4	13.4	-----	-----
Maupin	16.8	23.8	15.4	13.4	-----	-----
McMinnville	15.5	21.5	14.3	12.3	-----	-----
Medford	17.8	21.8	16.5	14.5	11.5	16.0
Merrill	18.2	23.5	16.5	14.5	-----	-----
Milton	16.7	25.0	15.5	13.5	-----	-----
Molalla	15.6	21.4	14.0	12.0	-----	-----
Monroe	16.5	22.5	14.9	12.9	-----	-----
Moro	16.6	23.8	15.2	13.2	-----	-----
Mount Vernon	18.4	27.4	17.6	15.6	-----	-----
Myrtle Creek	17.0	22.6	15.8	13.8	-----	-----
Myrtle Point	17.5	23.9	15.0	13.0	-----	-----
Newberg	15.4	21.1	13.9	11.9	-----	-----
Newport	17.0	23.3	15.2	13.2	-----	-----
North Bend	16.9	22.5	14.4	12.4	-----	-----
North Powder	17.6	26.7	16.7	14.7	-----	-----
North Portland	15.0	20.5	13.5	11.5	-----	-----
Nyssa	17.7	25.0	18.3	16.3	-----	-----
Oakland	16.7	23.3	15.6	13.6	-----	-----
Oakridge	17.0	23.1	15.3	13.3	-----	-----
Ontario	17.7	25.0	18.3	16.3	-----	-----
Oregon City	15.0	20.6	13.5	11.5	-----	-----
Pendleton	16.7	24.6	15.5	13.5	-----	-----
Pilot Rock	16.7	25.0	15.5	13.5	-----	-----
Portland	15.0	20.5	13.5	11.5	-----	-----
Prairie City	19.0	30.0	17.7	15.7	-----	-----
Prineville	17.0	24.4	15.8	13.8	-----	-----
Prospect	17.8	25.2	16.5	14.5	-----	-----
Rainier	15.5	21.7	14.1	12.1	-----	-----
Redmond	17.0	24.4	15.8	13.8	-----	-----
Reedsport	17.4	24.0	15.1	13.1	-----	-----
Riddle	17.0	22.6	15.8	13.8	-----	-----
Robinette	18.4	27.6	17.5	15.5	-----	-----
Roseburg	16.7	22.3	15.6	13.6	13.6	15.1
St. Helens	15.4	21.5	13.9	11.9	-----	-----
Salem	15.7	21.2	14.3	12.3	-----	-----
Seaside	16.0	22.6	14.2	12.2	-----	-----
Seneca	19.7	29.9	19.0	17.0	-----	-----
Sheridan	15.7	21.5	14.3	12.3	-----	-----
Silver Lake	19.3	27.7	17.7	15.7	-----	-----
Silverton	15.7	21.5	14.3	12.3	-----	-----
Stayton	15.7	21.5	14.3	12.3	-----	-----
Sublimity	15.7	21.5	14.3	12.3	-----	-----
Sutherlin	16.7	22.3	15.6	13.6	-----	-----
Taft	16.8	24.3	15.2	13.2	-----	-----
The Dalles	16.3	23.1	14.8	12.8	12.8	14.3
Tillamook	16.4	22.5	14.8	12.8	-----	-----
Toledo	17.0	23.3	15.2	13.2	-----	-----
Union	17.2	26.5	16.2	14.2	-----	-----
Vale	17.7	28.4	18.3	16.3	-----	-----
Vernonia	16.1	22.0	14.4	12.4	-----	-----
Waldport	18.0	25.4	15.7	13.7	-----	-----
Wallowa	17.7	27.1	16.3	14.3	-----	-----
Warrenton	15.5	21.7	13.4	11.4	-----	-----
Wasco	16.5	23.7	15.2	13.2	-----	-----
West Salem	15.7	21.2	14.3	12.3	-----	-----
West Stayton	15.7	21.5	14.3	12.3	-----	-----
Willamina	15.7	21.5	14.3	12.3	-----	-----
Willbridge	15.0	20.5	13.5	11.5	-----	-----
Woodburn	15.4	21.1	14.0	12.0	-----	-----

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
Washington						
Aberdeen	15.3	20.8	13.6	11.6	11.6	13.1
Almira	17.7	25.8	16.8	14.8	-----	-----
Anacortes	15.8	21.4	14.1	12.1	-----	-----
Arlington	15.7	21.3	14.4	12.4	-----	-----
Auburn	15.0	20.5	13.5	11.5	-----	-----
Bellingham	15.9	21.5	14.1	12.1	12.1	13.6
Bence	17.8	25.3	16.8	14.8	-----	-----
Bincen	16.1	22.5	14.8	12.8	-----	-----
Blaine	16.3	22.0	14.5	12.5	-----	-----
Bremerton	15.3	20.8	13.8	11.8	11.8	13.3
Brewster	17.7	23.9	16.8	14.8	-----	-----
Burton	15.3	21.3	14.1	12.1	-----	-----
Camas	15.1	20.7	13.6	11.6	-----	-----
Carlisle	15.9	21.5	14.2	12.2	-----	-----
Cashmere	17.2	23.4	15.7	13.7	-----	-----
Castle Rock	16.0	21.6	14.0	12.0	-----	-----
Cathlamet	16.2	22.1	14.1	12.1	-----	-----
Centralia	16.2	21.7	14.4	12.4	-----	-----
Chehalis	16.2	21.7	14.4	12.4	-----	-----
Chelan	17.7	23.9	16.3	14.3	-----	-----
Cheney	17.8	25.4	16.8	14.8	-----	-----
Chewelah	18.6	26.1	17.7	15.7	-----	-----
Clarkston	17.8	25.2	17.2	15.2	-----	-----
Cle Elum	16.7	22.7	15.6	13.6	-----	-----
Clinton	15.8	22.3	14.1	12.1	-----	-----
Clyde	17.2	24.2	16.1	14.1	-----	-----
Colfax	17.8	25.4	17.0	15.0	-----	-----
Colville	18.8	25.3	17.9	15.9	-----	-----
Concrete	16.3	21.9	15.0	13.0	-----	-----
Connell	17.2	24.2	15.8	13.8	-----	-----
Copalt's Crossing	15.9	21.5	14.2	12.2	-----	-----
Coulee City	17.7	24.6	16.8	14.8	-----	-----
Coulee Dam	17.7	25.8	16.8	14.8	-----	-----
Coupeville	15.8	22.2	14.1	12.1	-----	-----
Creston	17.7	24.7	16.8	14.8	-----	-----
Darrington	16.3	22.0	15.0	13.0	-----	-----
Davenport	17.8	25.0	16.8	14.8	-----	-----
Dayton	17.2	23.7	15.9	13.9	-----	-----
Deer Park	18.2	25.9	17.3	15.3	-----	-----
Deming	16.3	22.0	14.5	12.5	-----	-----
East Sound	15.8	22.4	14.1	12.1	-----	-----
East Stanwood	15.9	21.5	14.5	12.5	-----	-----
Eatonville	15.7	21.3	14.5	12.5	-----	-----
Edmonds	15.0	20.5	13.5	11.5	-----	-----
Elbe	16.3	22.5	14.7	12.7	-----	-----
Electric City	17.7	25.8	16.8	14.8	-----	-----
Ellensburg	16.8	22.9	15.6	13.6	-----	-----
Elma	15.8	21.7	13.8	11.8	-----	-----
Endicott	17.8	25.4	17.0	15.0	-----	-----
Enumclaw	15.7	21.3	14.5	12.5	-----	-----
Entiat	17.2	23.4	15.7	13.7	-----	-----
Ephrata	17.2	23.9	16.4	14.4	-----	-----
Everett	15.4	20.9	13.9	11.9	-----	-----
Everson	16.3	22.0	14.5	12.5	-----	-----
Fairfield	18.1	25.4	17.2	15.2	-----	-----
Forks	16.8	23.2	15.1	13.1	-----	-----
Friday Harbor	15.8	22.4	14.1	12.1	-----	-----
Garfield	18.1	25.4	17.2	15.2	-----	-----
Gig Harbor	15.3	21.3	13.8	11.8	-----	-----
Goldendale	16.4	22.6	15.1	13.1	-----	-----
Grandview	16.7	23.4	15.5	13.5	-----	-----
Grand Coulee	17.7	25.8	16.8	14.8	-----	-----
Granite Falls	15.6	21.3	14.4	12.4	-----	-----
Grayland	16.0	21.5	14.3	12.3	-----	-----
Greenacres	17.8	25.4	16.8	14.8	-----	-----
Harrington	17.8	25.0	16.8	14.8	-----	-----
Hoodsport	15.5	21.3	14.1	12.1	-----	-----
Houghton	15.0	20.5	13.5	11.5	-----	-----
Hoquiam	15.3	20.8	13.6	11.6	-----	-----
Ilwaco	15.9	22.7	14.5	12.5	-----	-----
Ione	19.1	26.1	18.3	16.3	-----	-----
Issaquah	15.1	20.7	14.1	12.1	-----	-----
Kahlotus	17.2	24.1	16.2	14.2	-----	-----
Kalama	15.6	21.2	14.0	12.0	-----	-----
Kelso	15.6	21.1	13.4	11.4	-----	-----
Kennewick	16.7	23.4	15.5	13.5	-----	-----
Kent	15.0	20.6	13.5	11.5	-----	-----
Kirkland	15.0	20.5	13.5	11.5	-----	-----
Klickitat	16.3	23.1	15.0	13.0	-----	-----
La Conner	15.9	21.5	14.5	12.5	-----	-----
La Crosse	17.8	24.9	16.8	14.8	-----	-----
Lamont	17.8	24.6	16.8	14.8	-----	-----
Langley	15.8	22.3	14.1	12.1	-----	-----
Leavenworth	17.2	23.4	15.7	13.7	-----	-----
Lind	17.2	25.2	16.2	14.2	-----	-----
Long Beach	15.9	22.7	14.5	12.5	-----	-----
Longview	15.6	21.1	13.4	11.4	-----	-----
Lynden	16.3	22.0	14.5	12.5	-----	-----
Mansfield	17.7	24.3	16.9	14.9	-----	-----
McKenna	15.8	21.4	14.3	12.3	-----	-----
Metaline Falls	19.1	26.1	18.3	16.3	-----	-----
Monroe	15.7	21.3	14.4	12.4	-----	-----
Montesano	15.8	21.7	13.6	11.6	-----	-----
Morton	16.9	22.6	15.2	13.2	-----	-----
Moses Lake	17.2	24.1	16.4	14.4	-----	-----
Mount Vernon	15.9	21.5	14.5	12.5	-----	-----
Naches	16.7	23.6	15.5	13.5	-----	-----
Neah Bay	15.8	26.1	14.1	12.1	-----	-----
Newport	18.5	25.3	17.6	15.6	-----	-----
Northport	19.3	27.0	18.5	16.5	-----	-----
Oakesdale	18.1	25.4	17.2	15.2	-----	-----
Oak Harbor	15.8	22.2	14.1	12.1	-----	-----
Odessa	17.7	24.7	16.7	14.7	-----	-----

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
Wash—Con.						
Okanogan	18.0	24.8	17.1	15.1	-----	-----
Olympia	15.3	20.8	13.8	11.8	-----	-----
Omak	18.0	24.8	17.1	15.1	-----	-----
Onalaska	16.2	21.9	14.6	12.6	-----	-----
Orcas	15.8	22.4	14.1	12.1	-----	-----
Oreville	18.5	25.0	17.6	15.6	-----	-----
Othello	17.2	24.1	16.3	14.3	-----	-----
Palouse	18.1	25.6	17.2	15.2	-----	-----
Parkland	15.0	20.5	13.5	11.5	-----	-----
Pasco	16.7	23.2	15.5	13.5	13.5	15.0
Pateros	17.7	23.9	16.8	14.8	-----	-----
Port Roberts	15.8	21.4	14.2	12.2	-----	-----
Port Wells	15.0	20.5	13.5	11.5	-----	-----
Pomeroy	17.8	24.6	16.7	14.7	-----	-----
Portage	15.3	21.3	14.1	12.1	-----	-----
Port Angeles	15.8	22.2	14.1	12.1	-----	-----
Port Gamble	15.3	23.2	13.8	11.8	-----	-----
Port Orchard	15.3	21.5	13.8	11.8	-----	-----
Port Townsend	15.8	22.0	14.1	12.1	-----	-----
Poulsbo	15.3	21.3	13.9	11.9	-----	-----
Prescott	17.2	23.6	15.8	13.8	-----	-----
Presser	16.7	24.7	15.5	13.5	-----	-----
Pullman	18.1	25.6	17.2	15.2	-----	-----
Puyallup	15.0	20.5	13.5	11.5	-----	-----
Quinalt	16.9	23.3	15.1	13.1	-----	-----
Quincy	17.2	23.9	16.4	14.4	-----	-----
Raymond	16.3	22.0	14.8	12.8	-----	-----
Reardan	17.8	25.4	16.8	14.8	-----	-----
Redmond	15.0	20.5	13.5	11.5	-----	-----
Renton	15.0	20.5	13.5	11.5	-----	-----
Republic	18.9	26.5	18.0	16.0	-----	-----
Richardson	15.8	22.4	14.1	12.1	-----	-----
Richmond Beach	15.0	20.5	13.5	11.5	-----	-----
Ridgefield	15.0	20.5	13.8	11.8	-----	-----
Ritzville	17.2	25.4	16.2	14.2	-----	-----
Rock Harbor	15.8	22.4	14.1	12.1	-----	-----
Rosalia	17.8	25.4	17.1	15.1	-----	-----
Ryderwood	16.2	21.9	14.3	12.3	-----	-----
St. John	17.8	25.4	17.1	15.1	-----	-----
San de Fuca	15.8	22.2	14.1	12.1	-----	-----
Seattle	15.0	20.5	13.5	11.5	-----	-----
Sedro Wooley	15.9	21.5	14.5	12.5	-----	-----
Sekia	15.8	25.9	14.1	12.1	-----	-----
Sequian	15.8	22.2	14.2	12.2	-----	-----
Shaw Island	15.8	-----	14.1	12.1	-----	-----
Shelton	15.5	21.3	14.1	12.1	-----	-----
Skamokawa	16.2	22.1	14.1	12.1	-----	-----
Snohomish	15.4	21.0	13.9	11.9	-----	-----
Snoqualmie	16.0	21.6	14.7	12.7	-----	-----

Location	Gasoline, second grade	Kerosene	Auto. Diesel	Diesel fuel	Furnace oil	Stove oil
Wash—Con.						
South Bend	16.8	22.0	14.8	12.8	-----	-----
South Tacoma	15.0	20.5	13.5	11.5	-----	-----
Spangle	17.8	25.4	17.1	15.1	-----	-----
Spokane	17.8	24.8	16.8	14.8	-----	-----
Spokane Valley	17.8	24.8	16.8	14.8	-----	-----
Sprague	17.8	25.4	16.8	14.8	-----	-----
Stevenson	15.9	21.5	14.5	12.5	-----	-----
Sunnyside	16.7	23.4	15.5	13.5	-----	-----
Tacoma	15.0	20.5	13.5	11.5	-----	-----
Tekoa	18.1	25.4	17.2	15.2	-----	-----
Toledo	16.2	21.9	14.7	12.7	-----	-----
Tonasket	18.2	24.8	17.4	15.4	-----	-----
Toppenish	16.7	23.1	15.5	13.5	-----	-----
Twisp	18.2	24.4	17.3	15.3	-----	-----
Uniontown	18.1	25.9	17.2	15.2	-----	-----
Vancouver	15.0	20.5	13.5	11.5	-----	-----
Vantage	17.2	23.4	16.0	14.0	-----	-----
Waitsburg	17.2	23.6	15.8	13.8	-----	-----
Walla Walla	16.7	23.3	15.5	13.5	13.5	15.0
Wapato	16.7	23.2	15.5	13.5	-----	-----
Washtucna	17.2	24.1	16.2	14.2	-----	-----
Waterville	17.7	24.6	16.4	14.4	-----	-----
Wenatchee	17.2	23.2	15.7	13.7	13.7	15.2
Westport	15.3	20.8	14.3	12.3	-----	-----
West Seattle	15.0	20.5	13.5	11.5	-----	-----
White Salmon	16.1	22.5	14.8	12.8	-----	-----
Wilbur	17.7	24.7	16.8	14.8	-----	-----
Willapa	16.3	22.0	14.8	12.8	-----	-----
Wilson Creek	17.7	24.4	16.5	14.5	-----	-----
Winlock	16.2	21.9	14.7	12.7	-----	-----
Winslow	15.3	21.3	13.8	11.8	-----	-----
Woodland	15.6	21.2	14.0	12.0	-----	-----
Yakima	16.7	23.1	15.5	13.5	13.5	15.0
Yelm	15.8	21.4	14.3	12.3	-----	-----

(b) All tank wagon prices specified herein are applicable only within each seller's customary free delivery zone at each point. For deliveries outside of such free delivery zones to points not specifically set out herein, sellers' customary delivery differentials shall apply.

(c) Quantity differentials that may be added and must be deducted are as follows:

	400 gallons and over	200–399 gallons	40–199 gallons	Under 40 gallons
Second grade gasoline.	Base price	Add 0.5 cent/gallon	Add 1 cent/gallon	Add 4 cents/gallon.
Kerosene	Deduct 4 cents/gallon	Deduct 3 cents/gallon	Base price	Do.
Premium automotive diesel.	Base price	Add 0.5 cent/gallon	Add 1 cent/gallon	Add 5 cents/gallon.
Diesel fuel	do	do	do	Do.
Furnace oil	do	do	do	Do.
Stove oil	do	do	do	Do.

(d) For premium grades of gasoline you shally apply your customary differential between regular and premium grades. For third grade gasoline you shall apply your customary differential between regular and third grade gasoline.

(e) The specific ceiling prices set forth in this section may be adjusted to reflect any increases in transportation costs occurring since September 1, 1951 in accordance with section 25 of Ceiling Price Regulation 17.

SEC. 3. *Ceiling prices for bunker grade diesel fuel.* Ceiling prices for pipeline deliveries into barges or bunkering tanks of ocean-going motor ships f. o. b. refineries or marine terminals for the enumerated localities shall be as follows:

	Excluding all taxes (per barrel)
Los Angeles Harbor	$3.44
San Francisco Harbor	3.65
Portland, Oreg	3.86
Seattle, Wash	3.86

To the above ceiling prices each seller may apply his customary differentials for quantity or method of delivery at facilities or points other than those enumerated. These ceiling prices shall not apply for cargo deliveries.

SEC. 4. *Ceiling prices higher than specific prices.* You may apply for a higher ceiling price if your ceiling price prior to the effective date of the regulation was higher than the ceiling price set forth in this regulation, and if such higher ceiling price reflects the maintenance of a customary differential over the market price. This application shall be filed with the Regional Office of the Office of Price Stabilization for that region in which is located the point where such higher ceiling price is applicable and shall include your name and address, product, the higher ceiling price, the delivery point and a showing that the differential over the market has been customarily applied by you at this point. Your application must be filed by regis-

tered mail, return receipt requested. When your application has been received by the appropriate Regional Office of the Office of Price Stabilization, as shown by your return postal receipt, you may continue to use such higher ceiling price until it is disapproved or modified by the Office of Price Stabilization.

SEC. 5. *Applicability of Ceiling Price Regulation 17.* Sellers subject to this supplementary regulation shall be subject to all the provisions of Ceiling Price Regulation 17, not inconsistent herewith.

Effective date. This supplementary regulation shall become effective July 15, 1952.

NOTE: The reporting and record keeping requirement of this regulation have been approved by the Bureau of the Budget in Accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 10, 1952.

[F. R. Doc. 52-7698; Filed, July 10, 1952; 4:00 p. m.]

[Ceiling Price Regulation 155]

CPR 155—CEILING PRICES FOR WESTERN RED CEDAR AND INTER-MOUNTAIN POLES AND PILING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 155 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes producers' dollar and cent ceiling prices for sales of untreated Western Larch and Inland Douglas Fir poles, piling, anchor logs, reinforcing stubs and short round material produced in the portion of the United States west of the 100th Meridian and east of the crest of the Cascade Mountains. It also establishes producers' ceiling prices for similar items of Western Red Cedar produced in the United States west of the 100th Meridian. Further, it provides a method for determining ceiling prices for the sales of those items after they have been preservatively treated.

Nature of the industry. Western Red Cedar pole production in the coast region is principally in the longer lengths, while production in the inland region is mainly in the shorter and intermediate lengths. Harvesting of the longer poles in the coast region, where the terrain is more rugged, requires greater care and heavier equipment than is necessary in the inland region. To maintain the historical differential between the prices of Western Red Cedar poles produced in the coast and inland regions, separate ceiling prices for each of those regions are established.

Poles and pilings are select peeled logs generally cut in longer lengths than saw logs. Poles are used to support telephone and electric distribution and transmission lines. Piling is used in the foundation of buildings, and in the construction of bridges, docks, and wharves. Specifications of the American Standards Association for poles and of the American Society for Testing Materials for piling require that these items be selected from trees that are free from defects and of a degree of straightness not required of saw logs. Because of these strict requirements, trees suitable for production into poles or piling are generally limited in number and scattered throughout a tract of timber. For this reason, and because poles and piling are cut and handled in longer lengths than saw logs, the entire operation of producing poles and piling is at every step more expensive than that involved in the production of saw logs. As a result, the prices paid for poles and piling normally are higher than those paid for saw logs.

An unusually small demand for poles and piling during the first half of 1950, accentuated by competition from light weight steel towers, served to depress the market price of poles and piling. The production of poles for 1950, in the principal production area, was only about two-thirds of the 1949 total.

A long period normally intervenes in this industry between the contract date and the delivery date. Hence, in the case of pole companies accounting for a major portion of the output, the freeze prices established by the General Ceiling Price Regulation, issued January 26, 1951, were generally the price quotations of the third and fourth quarters of 1950.

Because of the freeze of prices at the abnormally low level prevailing when the General Ceiling Price Regulation was issued, production of poles and piling has been less profitable than the production of saw logs. During 1951 production of poles, particularly of the longer lengths required for transmission lines, fell considerably below normal, and recently the sale of Western Red Cedar poles of the transmission lengths has almost stopped.

During the past year, the demand for transmission poles has increased because of the government's efforts to encourage substitution of wood poles for steel. Of late, the requirements are being met through use of pressure-treated Douglas Fir poles produced in the coast region, the ceiling prices of which were raised 20 to 40 percent above GCPR levels by Ceiling Price Regulation 126, issued February 21, 1952. Pressure-treated Douglas Fir poles are currently selling in the midwestern states, which constitute the normal market area for Western Red Cedar poles, at prices 40 to 50 percent higher than the ceilings for Western Red Cedar poles which meet the same specifications.

Nature of this regulation. This regulation partially restores the long-term relationship, in the area affected, between the prices of poles and piling and the prices of saw-logs. Ceiling prices for Western Larch and Inland Douglas Fir poles are established at the GCPR levels. Ceiling prices for Western Red Cedar of lengths through 50 feet are approximately the GCPR average prices prevailing in the coast and inland regions. The GCPR prices on transmission lengths, 55 feet and longer, are considered by the industry as being inadequate to obtain necessary production for essential users. For such lengths ceiling prices averaging 10 percent above the GCPR level are established. It is estimated that, on a weighted average basis, the ceiling prices established by this regulation for Western Red Cedar poles of all lengths are approximately three percent above the GCPR ceilings.

The basic ceiling prices established by this regulation are for untreated poles and piling, f. o. b. carload or boomed and rafted in towable waters. In addition, the regulation makes provision for delivered sales, with transportation charges computed on the basis of established weights set forth in the regulation. In recognition of industry practices, the regulation permits the use of basing points in calculating transportation charges on delivered sales.

Almost all untreated poles and piling are purchased by wood preserving plants, and are thereafter preservatively treated and resold before they are ultimately used. Thus, untreated poles and piling are the raw products from which the items actually used are produced. Therefore, if an adequate supply of poles and piling is to be made available to ultimate users, the prices for treated items must reflect, and be in line with, the prices of untreated items. To achieve this result, the regulation provides a method whereby sellers of treated items shall adjust their present ceiling prices to reflect the ceiling prices established by the regulation for untreated poles and piling.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting with the Intermountain Poles and Piling Industry Advisory Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale and distribution of poles and piling covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Explanation of ceiling prices.
4. Ceiling prices for untreated Inland Douglas Fir and Western Larch poles and piling.
5. Ceiling prices for untreated Western Red Cedar poles and piling.
6. General additions to basic ceiling prices in sections 4 and 5.
7. Ceiling prices for untreated anchor logs, reinforcing stubs, and short round material.
8. Additions for less than carload sales.
9. Inspection service.
10. Transportation charges.
11. Preservatively treated items.
12. Application for ceiling prices for untreated items.
13. Invoices.
14. Modification of proposed ceiling prices by the Director of Price Stabilization.
15. Petitions for amendment.
16. Adjustable pricing.
17. Records.
18. Interpretations.
19. Prohibitions and violations.
20. Evasions.
21. Definitions.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation establishes producers' ceiling prices for all sales of untreated Inland Douglas Fir and Western Larch poles, piling, anchor logs, reinforcing stubs, and short round material produced in the portion of the United States west of the 100th meridian and east of the crest of the Cascade Mountains. It also establishes producers' ceiling prices for all sales of the same items of Western Red Cedar produced in the entire portion of the United States west of the 100th meridian. Further, this regulation establishes ceiling prices for the sales by treaters of those items after they have been preservatively treated.

(b) Except as provided in section 11, this regulation supersedes the General Ceiling Price Regulation insofar as it pertains to the transactions covered by this regulation.

SEC. 2. *Geographical applicability.* The provisions of this regulation are applicable in the 48 States of the United States and the District of Columbia.

SEC. 3. *Explanation of ceiling prices.* (a) The basic ceiling prices for untreated Inland Douglas Fir, Western Larch, and Western Red Cedar poles, piling, anchor logs, reinforcing stubs and short round material set out in sections 4, 5, and 7 are f. o. b. carload ceiling prices at your normal loading out point, or are ceiling prices that apply when the items you sell are boomed and rafted in towable waters at your normal loading out point. The term "normal loading out point" means the siding or point on a railroad, or the booming and rafting grounds in towable waters, to which the items can be most cheaply transported from their place of production for shipment by rail or raft to the point of destination. If you make delivery beyond your normal loading out point, section 10 permits you to make certain transportation charges.

(b) *Reduction for nondelivery at normal loading out point and nonperformance of services.* (1) If you do not deliver your untreated items to a normal loading out point, the established ceiling prices are reduced by an amount equal to the sum of (i) the cost of transporting the untreated items from the place of delivery to a normal loading out point, and (ii) the cost of loading on cars or of booming and rafting the items involved. In computing the transportation cost, you must apply applicable commercial trucking or common carrier railroad rates; and in computing the loading or booming and rafting cost, you must apply applicable commercial rates for such services.

(2) If, when you deliver your items to a normal loading out point you do not load them on cars or boom and raft them, the established ceiling prices are reduced by an amount equal to the cost of the service or services you do not perform, computed by applying appropriate commercial rates.

SEC. 4. *Ceiling prices for untreated Inland Douglas Fir and Western Larch poles and piling.* (a) Basic Ceiling Price and Established Weight Table for Untreated Clean Peeled Inland Douglas Fir and Western Larch poles: (Specifications and dimensions are those shown in "American Specifications and Dimensions for Wood Poles 05.1—1948", published by American Standards Association, called A. S. A.)

Length in feet	Class	Established weight in pounds per pole: Inland Douglas Fir	Established weight in pounds per pole: Western Larch	Basic ceiling price per pole
40	1	1,515	1,590	$13.35
	2	1,340	1,410	13.05
	3	1,185	1,245	12.25
	4	995	1,045	11.50
	5	790	830	10.70
	6	690	730	10.00
	7	585	615	7.45
45	1	1,780	2,175	16.35
	2	1,585	1,935	15.90
	3	1,355	1,655	14.75
	4	1,160	1,415	14.10
	5	965	1,180	12.80
	6	815	990	9.20
	7	695	850	6.85
50	1	2,150	2,625	20.60
	2	1,850	2,255	20.15
	3	1,590	1,940	18.25
	4	1,375	1,680	17.15
	5	1,120	1,365	15.75
55	1	2,460	3,005	29.65
	2	2,130	2,600	27.60
	3	1,845	2,250	28.80
	4	1,590	1,945	20.90
	5	1,325	1,615	17.60
60	1	2,860	3,500	33.70
	2	2,425	2,960	32.20
	3	2,115	2,585	28.70
	4	1,755	2,140	25.65
	5	1,495	1,825	24.20
65	1	3,305	4,025	39.85
	2	2,795	3,410	36.80
	3	2,405	2,935	33.70
	4	2,010	2,455	30.25
	5	1,700	2,055	27.60
70	1	3,750	4,555	44.60
	2	3,130	3,820	37.25
	3	2,650	3,235	34.00
	4	2,225	2,720	30.30

NOTE.—A heavy duty pole having a minimum circumference 6 feet from the butt equal to that of a class 1 pole 15 feet longer may be priced at the same ceiling price and the established weight of a class 1 pole 15 feet longer.

(b) Piling: The ceiling prices and established weights for piling shall be the same as those set out in paragraph (a) for a pole of the same species and the nearest comparable measurement.

SEC. 5. *Ceiling price for untreated Western Red Cedar poles and piling.* (a) Basic Ceiling Prices and Established Weight Table for Untreated Clean Peeled Western Red Cedar Poles: Specifications and dimensions are those shown in American Specifications and Dimensions for Wood Poles, 05.1—1948, published by American Standards Association called A. S. A.)

Length in feet	Class	Established weight in pounds per pole	Basic ceiling price per pole produced in coast region	Basic ceiling price per pole produced in inland region
20	1	590	$4.40	$3.90
	2	455	3.55	3.30
	3	420	3.15	2.90
	4	380	2.70	2.50
	5	345	2.70	2.25
	6	300	2.05	1.90
	7	265	1.95	1.75
	8	225	1.75	1.60
	9	190	1.60	1.50
	10	170	1.45	1.35
25	1	670	6.05	5.60
	2	540	4.60	4.10
	3	515	4.60	3.95
	4	495	4.50	3.75
	5	450	4.10	3.15
	6	400	3.35	2.80
	7	355	3.20	2.40
	8	300	2.50	2.20
	9	260	2.45	2.00
	10	215	1.85	1.75
30	1	955	8.70	7.70
	2	800	8.50	7.10
	3	695	7.80	6.55
	4	595	7.50	4.75
	5	515	7.05	4.45
	6	440	6.10	3.90
	7	430	5.25	3.40
	8	385	4.70	2.90
	9	335	4.10	2.70
35	1	1,235	11.60	10.75
	2	1,085	11.00	10.50
	3	955	10.65	10.25
	4	750	10.15	9.75
	5	660	9.95	7.85
	6	570	8.20	7.15
	7	510	6.85	6.15
	8	480	6.45	4.75

Length in feet	Class	Established weight in pounds per pole	Basic ceiling price per pole produced in coast region	Basic ceiling price per pole produced in inland region
20	1	615	$5.90	$5.50
	2	550	5.60	5.30
	3	440	5.10	5.10
	4	350	5.00	4.00
	5	265	5.05	4.80
	6	200	3.90	3.75
	7	175	3.60	3.15
	8	160	3.30	2.80
	9	120	2.40	2.20
	10	90	1.95	2.00
25	1	750	6.80	6.80
	2	635	6.80	6.45
	3	580	6.30	5.70
	4	425	6.05	5.10
	5	350	5.60	4.55
	6	280	4.55	4.75
	7	220	4.00	4.45
	8	205	4.05	3.90
	9	180	4.15	3.40
	10	120	4.00	2.90
30	1	880	13.85	11.00
	2	750	13.45	10.75
	3	645	13.05	10.50
	4	540	11.70	10.25
	5	440	10.60	9.75
	6	370	9.25	7.85
	7	310	8.25	7.15
	8	295	7.50	6.15
	9	225	6.95	4.75

Length in feet	Class	Established weight in pounds per pole	Basic ceiling price per pole produced in coast region	Basic ceiling price per pole produced in inland region
35	1	1,055	18.75	$16.15
	2	880	17.90	15.65
	3	750	17.30	15.40
	4	660	16.30	14.95
	5	570	15.25	13.75
	6	495	12.35	11.00
	7	415	10.45	8.80
	8	445	8.25	8.05
40	1	1,320	21.85	18.25
	2	1,145	21.25	17.50
	3	970	20.50	16.75
	4	790	18.55	16.00
	5	705	16.80	15.00
	6	615	14.95	13.70
	7	615	13.00	13.00
45	1	1,585	28.10	21.40
	2	1,365	25.10	20.50
	3	1,145	23.90	19.15
	4	1,010	21.20	17.90
	5	880	18.70	16.05
	6	880	17.30	15.75
50	1	1,760	39.50	28.25
	2	1,595	32.00	27.00
	3	1,395	30.00	24.50
	4	1,230	25.00	22.00
	5	1,145	22.00	19.00
	6	1,145	18.25	18.25
55	1	2,025	58.95	51.15
	2	1,760	47.90	44.90
	3	1,540	45.05	37.10
	4	1,410	30.70	28.90
	5	1,410	28.75	27.10
60	1	2,200	66.75	59.25
	2	1,935	57.50	54.55
	3	1,760	54.95	46.70
	4	1,670	40.75	36.85
65	1	2,815	80.25	73.90
	2	2,200	67.60	64.60
	3	2,025	65.80	57.90
	4	1,935	49.60	46.65
70	1	3,170	97.80	87.65
	2	2,640	84.40	79.65
	3	2,375	73.10	68.50
	4	2,200	66.10	59.55
75	1	3,695	111.25	98.00
	2	3,170	96.85	91.85
	3	2,730	82.80	80.35
	4	2,640	75.20	70.05
80	1	4,400	138.45	127.55
	2	3,695	122.05	118.90
	3	3,170	106.35	106.35
	4	3,080	97.15	97.15
85	1	4,840	168.10	161.35
	2	3,960	149.00	147.70
	3	3,520	141.00	129.00
90	1	5,810	192.75	192.45
	2	4,930	187.95	183.80
	3	4,225	154.65	154.65

NOTE.—A heavy duty pole having a minimum circumference 6 feet from the butt equal to that of a class 1 pole 15 feet longer may be priced at the same ceiling price and established weight of a class 1 pole 15 feet longer.

(b) Piling: The ceiling prices and established weights for Western Red Cedar piling shall be the same ceiling prices and established weights as set out in paragraph (a) for a Western Red Cedar pole of the nearest comparable measurement.

SEC. 6. *General additions to basic ceiling prices in sections 4 and 5.* Under the circumstances indicated in this section, you may make the following additions to the basic ceiling prices for poles and piling set forth in sections 4 and 5:

(a) For specified length groups in four consecutive lengths of A. S. A. multiples, you may add as much as $0.01 per lineal foot.

(b) For specified length groups in three consecutive lengths of A. S. A. multiples, you may add as much as $0.02 per lineal foot.

(c) For specified length groups in two consecutive lengths of A. S. A. multiples, you may add as much as $0.03 per lineal foot.

(d) For two or more consecutive length groups requiring restricted loading, you may add an additional two-thirds of the appropriate additions permitted by paragraphs (a), (b), and (c).

(e) For specified single lengths, you may add as much as $0.04 per lineal foot.

NOTE: For specified length groups of five or more consecutive lengths in A. S. A. multiples, no addition is allowed.

(f) For clean peeled poles or piling which are produced during the winter peeling or bark stuck season (October 1st to May 1st, inclusive), you may add as much as $0.05 per lineal foot.

(g) For rough peeled poles or piling which are produced during the winter peeling or bark stuck season (October 1st to May 1st, inclusive), you may add as much as $0.035 per lineal foot.

(h) When a buyer's request exceeds your supply of a specific class and length of pole, you may fill the request by cutting off no more than five feet from a pole 45 feet or shorter of a lower class, and by cutting off no more than ten feet from a pole 50 feet or longer of a lower class. You may charge the ceiling price for the pole that was cut back without a deduction for the reduced footage. However, any additions for transportation on the cut-back poles shall be those additions applicable to the class and length of pole ordered by the buyer, and no addition may be made for labor involved in the cutting-back operations.

SEC. 7. *Ceiling prices for untreated anchor logs, reinforcing stubs, and short round material.* (a) Basic Ceiling Prices and Established Weight Table for Untreated Anchor logs, Reinforcing Stubs and Short Round Material of all Species covered by this regulation:

Minimum diameter in inches at small end	Minimum circumference in inches at small end	Established weight in pounds per lineal foot	Basic ceiling price per lineal foot or fraction thereof
			Cents
7	22	10	0.23
8	25	15	.30
9	28	20	.36
10	31	25	.40
11	34	30	.42
12	38	35	.46
13	41	40	.50
14	44	45	.52
15	47	50	.56
16	50	55	.60

SEC. 8. *Addition for less than carload sales.* On shipments of less than carload minimum weights (as defined by railroad tariffs), when the total established weight is less than 75 percent of applicable railroad car minimum weight, you may add a service charge of not more than 25 percent of the appropriate ceiling prices.

SEC. 9. *Inspection service.* When a buyer requests special inspection service to be furnished by an inspection agency designated by the buyer, you may add the actual cost to you of such service to the selling price of the item inspected.

SEC. 10. *Transportation charges.* If you make delivery beyond your normal loading out point, you may add to the ceiling prices established by this regulation a transportation addition determined as follows:

(a) *Common or contract carrier shipments.* (1) When established weights are used, multiply the applicable published rate (through or in transit, as the case may be) in effect at the time of shipment by the appropriate established weight. You should note that weights higher than those set forth in this regulation may not be used in making this computation.

(2) When established weights are not used, the amount added for transportation must not be more than the amount actually paid to the common or contract carrier.

(3) If an in transit rail rate is applicable which results in a lower total cost of transportation, the in transit rate must be used in computing the transportation addition authorized in this section.

(4) The transportation addition must be evened out to the nearest quarter cent per lineal foot, or five cents per pole, whichever is applicable.

(b) *Basing points.* You may compute the transportation addition on delivered sales by using one of the following basing points:

(1) On east bound shipments by rail of Western Red Cedar, the transportation addition may be computed by multiplying the appropriate established weight by the rail freight rate from Seattle, Washington, in effect at the time of shipment.

(2) On east bound shipments by rail of Western Larch and Inland Douglas Fir, the transportation addition may be computed by multiplying the appropriate established weight by the rail freight rate from Spokane, Washington, in effect at the time of shipment.

(3) On shipments of Western Red Cedar originating west of the crest of the Cascade Mountains, the transportation addition may be computed by multiplying the appropriate established weight by the rail freight rate from Bellingham, Washington, in effect at the time of shipment.

(c) *Private truck shipment.* When shipment is by truck, which you own or control, you may add as much as the published commercial transportation rates. If there is no published rate, the actual cost of transportation may be charged. This means your out-of-pocket cost.

SEC. 11. *Preservatively treated items.* (a) (1) You shall determine your ceiling prices for preservatively pressure or non-pressure treated items by taking your General Ceiling Price Regulation ceiling price for a purchaser of the same class for the treated item and adjusting it to reflect the dollar and cent difference between the highest price at which you contracted to purchase the item in its untreated form during the period from January 25 through February 24, 1951, and the ceiling price established by this regulation for the identical untreated item.

For example, assume that your General Ceiling Price Regulation ceiling price for a treated pole is $14.00 per pole, that your highest contract to purchase price of the pole in its untreated form was $9.50 per pole, and that the ceiling price for the identical untreated pole is $10.15 under this regulation. Your ceiling price for the treated pole is now $14.65 ($10.15−$9.50=$0.65; $0.65 added to $14.00=$14.65).

(2) If you did not contract to purchase an item in its untreated form during the period from January 25 through February 24, 1951, then you shall adjust your GCPR ceiling price for the item to reflect the dollar-and-cent difference between the highest price at which you contracted to purchase the nearest length untreated item of the same kind and the ceiling price established by this regulation for that nearest length untreated item. (The term "kind" refers to poles, piling, and the other items covered by this regulation. For poles, the term "same kind" means a pole of the same class; for piling, the term "same kind" means piling with the same minimum butt dimensions. "Class" has the meaning given in American Standard Specifications and Dimensions for Wood Poles, 05.1—1948.)

(3) In applying the provisions of paragraphs (1) and (2) of this section, if your contract to purchase price is higher than the ceiling price established by this regulation, you must adjust your GCPR ceiling price to reflect such decrease.

(b) Application for establishment of a ceiling price: If you cannot ascertain your ceiling price for a treated item under paragraph (a) of this section, you must apply by registered mail, return receipt requested, to the Director of Price Stabilization, Washington 25, D. C., for the establishment of a ceiling price. Your application must set forth the following:

(1) As complete a description as possible of the item. This should include the species, class, length, and specifications.

(2) A statement explaining why you are unable to ascertain a ceiling price under paragraph (a) of this section.

(3) The ceiling price of your most closely competitive seller ("Your most closely competitive seller" is the seller of treated items subject to this regulation with whom you are in most direct competition even though he may perform a different function with respect to the items he is selling).

(4) Your proposed ceiling price.

(5) A statement explaining why you believe your proposed ceiling price is in line with the level of ceiling prices established by this regulation.

(c) If you cannot determine a ceiling price under paragraph (a) of this section and file an application for the establishment of your ceiling price, you may not sell the item in question until the Director of Price Stabilization establishes a ceiling price for you. If the Director of Price Stabilization does not notify you to the contrary or request further information from you within 20 days after the date on the return receipt of your application, or within 15 days after the receipt of requested further information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later date.

(d) All provisions of the General Ceiling Price Regulation which are not inconsistent with the provisions of this section, remain in effect with respect to sellers of the preservatively treated items covered by this section.

SEC. 12. *Application for ceiling prices for untreated items.*—(a) *Application.* If you cannot ascertain a ceiling price for untreated items subject to this regulation, as for example, should you wish to sell items with specifications or other extras not specifically mentioned in this regulation, you must file an application with the Director of Price Stabilization, Washington 25, D. C., for approval of a ceiling price. Your application must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) As complete a description as possible of the untreated items for which the application is filed. This should include, the species, class, length, specifications, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(3) The most nearly comparable untreated item for which a ceiling price is established by this regulation.

(4) The proposed use to which the buyer will put the item for which you are proposing a special ceiling price.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your items at a price not higher than the ceiling price proposed in your application, provided that you agree to refund, and later refund, to the buyer, the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to non-retroactive disapproval or modification at a later time.

SEC. 13. *Invoices.* On all sales of items covered by this regulation you must submit an invoice to the buyer which as a minimum shows:

(a) The prices charged by you for each item, together with the quantity involved;

(b) A description of the item, including the species, class, length, and type of treatment, if any involved;

(c) Transportation charges, extras, and services that bear on the price charged by you (the charges need not be shown separately for such items);

(d) On delivered sales involving a rail or truck shipment, the point of destination of the shipment and the applicable rail or truck rate.

SEC. 14. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices proposed under sections 11 and 12 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 15. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 16. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver, or agree to deliver, at a price to be adjusted in accordance with any increase in ceiling prices after delivery.

SEC. 17. *Records.*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect and for two years thereafter, you shall maintain, and keep for examination by the Director of Price Stabilization, all your existing records relating to prices charged by you for the untreated and treated items covered by this regulation which you sold or contracted to sell during the period from December 19, 1950 through February 24, 1951, as well as all records pertaining to the untreated and treated items covered by this regulation which you were required to keep under the provisions of section 16 (a) of the General Ceiling Price Regulation. If you are a seller of treated items covered by this regulation, you must, in addition, maintain, and keep for examination of the Director of Price Stabilization, all your existing records relating to the prices at which you purchased or contracted to purchase untreated items covered by this regulation during the period from December 19, 1950 through February 24, 1951.

(b) *Current records.* After the effective date of this regulation, every person who sells and every person who, in the regular course of business, buys items subject to this regulation shall make and keep for inspection by the Director of Price Stabilization, for a period of two years after each sale, accurate records or invoices of each sale or purchase made in any month in which the seller sold or the buyer bought more than $1,000 worth of items subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) The kind of sales involved, i. e., delivered or f. o. b.;

(4) A description of the items sold or bought, including the species, class, length, specifications, and any extras involved.

(5) The prices charged or paid, including all additions, extras, and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

(c) *Compliance.* The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

SEC. 18. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon, and in conformity with a written official interpretation, will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 19. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 20. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 21. *Definitions.* (a) The terms used in this regulation shall be construed as follows:

(1) *Anchor logs.* This term means a peeled or unpeeled section of a tree longer than one foot in length, suitable for burying in the ground and to which a cable may be attached.

(2) *Coast region.* This term means the portion of the United States west of the crest of the Cascade Mountains.

(3) *Director of Price Stabilization.* This term extends to any official, including officials of Regional or District offices, to whom the Director of Price Stabilization, by order, delegates a function, power, or authority referred to in this regulation.

(4) *Inland region.* This term means the portion of the United States west of the 100th meridian and east of the crest of the Cascade Mountains.

(5) *Most closely competitive seller.* This term is defined in section 11.

(6) *Normal loading out point.* This term is defined in section 3.

(7) *Person.* This term means an individual, corporation, partnership, association, or any other organized group of persons, or the legal successors or representatives of the foregoing, and the United States and any other government or their political subdivisions or agencies.

(8) *Piling.* This term means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for driving in the ground to form a foundation for construction purposes, such as for wharves, bulkheads, and buildings.

(9) *Pole.* This term means any round, peeled or unpeeled, section of a tree longer than 14 feet, suitable for the support of transmission or communication lines at varying heights above the ground.

(10) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(11) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(12) *Reinforcing stub.* This term means a peeled or unpeeled section of a tree longer than four feet in length, suitable for reinforcing a pole at the ground line.

(13) *Sell.* This term includes sell, supply, dispose, barter, trade, lease, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchase" shall be construed accordingly.

(14) *Short round material.* This term means a peeled or unpeeled section of a tree longer than one foot in length, which may be used for miscellaneous purposes, including fence posts, corral posts, and highway guard rail posts.

(15) You. The pronoun "you" indicates a producer selling an untreated item, or a treater selling a treated item, subject to this regulation. The term "your" and "yours" shall be construed accordingly.

Effective date. This Ceiling Price Regulation 155 is effective July 15, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 10, 1952.

[F. R. Doc. 52-7699; Filed, July 10, 1952, 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, Direction 5 of July 10, 1952]

NPA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 5—RESCHEDULING OF DELIVERIES UNDER NPA DIRECTIVES AFFECTED BY WORK STOPPAGE IN STEEL INDUSTRY

This direction to NPA Reg. 2, as amended, is found necessary and appropriate to promote the National Defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Postponement of delivery date.
3. Rescheduling of delivery.
4. Notification to customers and to NPA.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction permits any producer of steel or of any other product containing steel to postpone, and requires him to reschedule, the delivery date specified in any NPA directive issued to him where his inability to meet the specified delivery date is due to the current work stoppage in the steel industry. The effect of this direction is thus to amend such NPA directives with respect to their delivery dates.

SEC. 2. *Postponement of delivery date.* Whenever any producer of steel or of any other product containing steel finds that, due to a shortage of steel resulting from the current work stoppage in the steel industry, he is unable to meet the delivery date specified in any NPA directive issued to him, he is hereby authorized to postpone such delivery date until such time as he is able to make delivery in accordance with section 3 of this direction.

SEC. 3. *Rescheduling of delivery.* As soon as practicable after resumption of steel production (in the case of steel producers) or after resumption of receipts of steel (in the case of producers of other products containing steel), each producer shall reschedule his operations in such a manner as to accomplish delivery on all orders covered by NPA directives in the sequence of their originally specified delivery dates.

SEC. 4. *Notification to customers and to NPA.* Upon determination of the rescheduled delivery dates on orders covered by NPA directives, the producer shall immediately give written notice of such rescheduled dates to his customers, specifying the NPA directive numbers. Copies of such notices shall be promptly forwarded to the National Production Authority, Washington 25, D. C. The giving of such notice shall have the effect of amending the NPA directives as to delivery date.

This direction shall take effect July 10, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7696; Filed, July 10, 1952; 11:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5917]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL COLLEGE OF AUDIOMETRY AND FRANK KEEFE

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Individual or private business as educational, religious or research institution: Non-profit character: Qualifications and abilities:* § 3.205 *Scientific or other relevant facts.* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution in commerce, of respondents' course of study and instruction, (1) representing by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard college or institution of higher learning; (2) using the word "college" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondents is a college or institution of higher learning; (3) representing, directly or by implication, that respondent Frank Keefe is the holder of any accredited and recognized academic degrees pertaining to the subject of audiometry; (4) representing that respondents' school is recognized and accepted or approved as a non-profit educational institution by the Treasury Department of the United States; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National College of Audiometry et al., Chicago, Ill., Docket 5917, April 7, 1952]

In the Matter of National College of Audiometry, a Corporation, and Frank Keefe, Individually and as Officer of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer, and a hearing at which a stipulation of facts, which was duly filed in the office of the Commission, and which provided that the facts set forth therein should constitute the statement as to the facts in the proceeding and be the basis for the findings as to the facts and conclusion and an order disposing of the proceeding, was entered into by counsel supporting the complaint and counsel for respondents and incorporated in the record.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, and stipulation, which had been approved by said examiner, and said examiner, counsel having elected not to submit proposed findings and conclusions for consideration by him or to argue the matter orally, after duly considering the matter and finding the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 7, 1952.

[1] Filed as part of the original document.

The said order to cease and desist is as follows:

It is ordered, That the respondents, National College of Audiometry, a corporation, and its officers, and Frank Keefe, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' course of study and instruction, do forthwith cease and desist from:

1. Representing by offering to grant or confer or through granting or conferring upon purchasers of respondents' course of home study and instruction through correspondence any so-called academic degrees, or by any other means, that corporate respondent is an accredited and standard college or institution of higher learning.

2. Using the word "college" or any abbreviation or simulation thereof, to designate, describe or refer to respondents' school; or otherwise representing, directly or by implication, that the business conducted by respondents is a college or institution of higher learning.

3. Representing, directly or by implication, that respondent Frank Keefe is the holder of any accredited and recognized academic degrees pertaining to the subject of audiometry.

4. Representing that respondents' school is recognized and accepted or approved as a non-profit educational institution by the Treasury Department of the United States.

By "Decision of the Commission and order to file report of compliance", Docket 5917, April 7, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 7, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-7608; Filed, July 10, 1952; 8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 1 of the Commission's rules by adding thereto §§ 1.301 (b) and 1.310 and

Amendment to Appendix A to Part 2 of the Commission's rules by listing therein a Treaty between the United States and Canada.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

The Commission having under consideration the above-captioned amendments of its rules for the purpose of listing therein the above Treaty and establishing a registration procedure thereunder:

It appearing, that a Treaty between the United States and Canada relating to mutual recognition of certain radio station and operator licenses issued by either country and providing for a certain registration procedure became effective on May 15, 1952; and

It further appearing, that the amendment to Part 2 of the Commission's rules is purely informative in nature and not subject to the rule making process prescribed by section 4 (a) of the Administrative Procedure Act, and that such process with respect to the amendment to Part 1 establishing a registration procedure would be contrary to the public interest because under the terms of the Treaty the Canadian radio station subject thereto may presently operate in the United States without registering or obtaining a permit from the Commission, since the registration provisions of the Treaty are not mandatory, and for the same reasons these amendments may be made effective immediately; and

It further appearing, that authority for these amendments is contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended, and in the previously mentioned treaty:

It is ordered, That effective immediately, Part 1 and Part 2 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend Part 1, rules relating to Practice and Procedure, as follows:

a. Add the following to the "Table showing forms currently in effect and where they are referred to in Part 1 of Rules and Regulations":

FCC Form 410---------- 1.310

b. Designate the first paragraph of § 1.301 under the title "General Requirements as to Applications", as "(a)" and add paragraph (b) as follows:

(b) Canadian licensees desiring to operate in the United States under the terms of Articles 2 and 3 of the Treaty between United States and Canada, effective May 15, 1952, are required to register and obtain a permit.

c. Add § 1.310 under the title "Rules relating to filing of applications and description of application forms", as follows:

§ 1.310 *FCC Form 410, Application of Canadian Radio Station Licensees for Registration and Permit to Operate in the United States.* For use of Canadian licensees applying for a permit for operation in the United States in accordance with the terms of the treaty between the United States and Canada relating to mutual recognition of certain radio station and operator licenses issued by either country.

2. Amend Appendix A of Part 2—Frequency Allocations and Radio Treaty Matters as follows:

a. Under the title of the Appendix, delete "as of April 15, 1952" and insert "as of May 15, 1952".

b. Add the following entry chronologically to the tabulation in paragraph 1:

1952 ---- Treaty with Canada effective May 15, 1952 relating to mutual recognition by the United States and Canada of certain radio station and operator licenses issued by either country. Not available from the Government Printing Office.

[F. R. Doc. 52-7621; Filed, July 10, 1952; 8:52 a. m.]

PART 3—RADIO BROADCAST SERVICES

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 3 and 4 of the Commission's rules and regulations and the Standards of Good Engineering Practice concerning Standard Broadcast and FM Broadcast Stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

The Commission having under consideration Part 3 (Radio Broadcast Services) and Part 4 (Experimental and Auxiliary Broadcast Services) of its rules and regulations and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations and the Standards of Good Engineering Practice Concerning FM Broadcast Stations, to the extent that such refer to the construction, marking and lighting of antenna structures; and

It appearing, that the Commission heretofore on December 13, 1950, adopted in Part 17 of its rules and regulations uniform requirements concerning the construction, marking and lighting of antenna structures for all radio stations licensed by the Commission, including stations licensed pursuant to the provisions of the above-entitled rules and engineering standards; and

It further appearing, that certain sections of the above-entitled rules and engineering standards are no longer necessary in light of the adoption of Part 17 of the rules; or are in some respects inconsistent therewith; and

It further appearing, that uniformity, clarity and consistency in the Commission's rules would be furthered by amendment of the above-entitled rules and engineering standards in order to reflect more accurately the provisions of Part 17 of the rules; and

It further appearing, that in light of the nature of the amendments adopted herein the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable, and that the amendment may be effective immediately; and

It further appearing, that authority for the amendments adopted herein is contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, Part 3 (Radio Broadcast Services) and Part 4 (Experimental and Auxiliary Broadcast Services) of the Commission's rules and regulations, and the Standards of Good Engineering Practice Concerning Standard Broadcast Stations, and the Standards of Good Engineering Practice Concerning FM Broadcast Stations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 3.45 is amended as follows:

Delete the parenthetical reference at end of paragraph (d) which reads: "(See Standard Lamps and Paints)" and substitute therefor: "(See Part 17 of Commission rules; Rules Concerning the Construction, Marking, and Lighting of Antenna Structures)."

2. Sections 3.65, 3.270, 3.570, 3.662, 3.768, 4.167, 4.267, 4.367, 4.466, 4.566 and 4.666 are amended as follows:

Delete present language and substitute the following:

Antenna structure, marking and lighting. Where an antenna structure(s) is required to be painted or lighted see § 17.29, *Inspection of tower lights and associated control equipment;* § 17.31, *Cleaning and repainting;* § 17.32, *Time when lights shall be exhibited;* § 17.33, *Spare lamps;* and § 17.34, *Lighting equipment;* of Part 17 of this chapter (rules concerning the construction, marking and lighting of antenna structures).

3. Sections 3.181 (c), 3.281 (c), 3.581 (c), 3.663 (c), 3.781 (d), 4.181 (b), 4.281 (b), 4.381 (b), 4.481 (b), 4.581 (b), 4.681 (b) are amended as follows:

Delete present language and substitute the following:

Where an antenna structure(s) is required to be illuminated see § 17.30, *Recording the tower light inspections in the station record,* of Part 17 of this chapter (rules concerning the construction, marking and lighting of antenna structures).

4. Section 4 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is amended as follows:

Delete present language of paragraph 23 which begins "Another factor to be considered * * *" and substitute the following:

23. Another factor to be considered is the relation of the site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of the Commission rules (rules concerning the construction, marking and lighting of antenna structures).

5. Section 6 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is amended as follows: Delete present section entirely.

6. Section 6 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations is amended as follows:

Delete the present language of subsection E and substitute the following:

E. Cognizance must of course be taken regarding the possible hazard of the proposed antenna structure to aviation and the proximity of the proposed site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of the Commission rules (rules concerning the construction, marking and lighting of antenna structures).

7. Section 7 of the Standards of Good Engineering Practice Concerning FM Broadcast Stations is amended as follows: In Subsection E delete second, third and fourth paragraphs.

[F. R. Doc. 52-7623; Filed, July 10, 1952; 8:52 a. m.]

[Docket No. 10180]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

OPERATION OUTSIDE OF ASSIGNED FREQUENCY BANDS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

It appearing, that on April 17, 1952, the Commission issued a notice of proposed rule making in the above entitled matter. Interested persons were given until May 17, 1952, to file comments. Comments were received from three interested parties.

It further appearing, that these comments favor adopting of the proposed amendment without change.

Accordingly it is ordered, That effective August 4, 1952, § 18.12 be and the same is hereby amended as follows:

a. In introductory paragraph of § 18.12 *Operation outside of assigned frequency bands*, change "required in paragraph (c) of this section" to read "required in paragraph (b) of this section".

b. In § 18.12 (a), change text to read as follows:

(a) The equipment used in such operation shall be provided with a rectified and filtered plate power supply, power line filters and shall be provided with sufficient shielding so that the emission of radio frequency energy generated by such operation, including spurious and harmonic emissions, shall not exceed a strength of fifteen microvolts per meter at a distance of 1,000 feet or more from the medical diathermy equipment on frequencies other than those specified in § 18.11 (a) under any conditions of operation.

c. Delete present § 18.12 (b).

d. Change present § 18.12 (c) to § 18.12 (b).

e. Change present § 18.12 (d) to § 18.12 (c).

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081; 47 U. S. C. 301; sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7622; Filed, July 10, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ALMA SALE BARN ET AL.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

NEBRASKA

Alma Sale Barn, Alma, Nebr.
Ericson Livestock Market, Ericson, Nebr.

WEST VIRGINIA

Spencer Live Stock Exchange Co., Spencer, W. Va.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 8th day of July 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-7613; Filed, July 10, 1952; 8:52 a. m.]

PEAK AND HATCHER STOCKYARDS

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Peak and Hatcher Stockyards, Emporia, Kansas, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 8th day of July 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-7615; Filed, July 10, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

CORRECTION OF MILITARY OR NAVAL RECORDS

TEMPORARY APPROVAL OF PROCEDURES

JUNE 30, 1952.

Except as otherwise provided herein the procedures set up by the Secretaries of the Army, Navy, and Air Force pursuant to section 207 of the act of August 2, 1946, prior to amendment of that act by Public Law 220, 82d Congress, are approved as of October 25, 1951, for the period of time required to develop new procedures, but in no event shall this approval extend beyond September 30, 1952.

The provisions of present regulations authorizing rejection of an application for correction of a military record on the ground there has been undue delay in filing such applications are not approved, and no application shall be rejected on this ground alone.

For the Secretary of Defense.

MARSHALL S. CARTER,
Brigadier General, U. S. Army,
Director, Executive Office of the Secretary.

[F. R. Doc. 52-7573; Filed, July 10, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

WALL COMMISSION CO.

DEPOSTING OF STOCKYARD

It has been ascertained that the Wall Commission Company, Wall, South Dakota, originally posted on June 6, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer is being operated as a public market. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer being operated as a public market and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall be made effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 8th day of July 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-7614; Filed, July 10, 1952; 8:52 a. m.]

BONDING AND NET ASSETS REQUIREMENTS UNDER THE UNITED STATES WAREHOUSE ACT AND UNDER COMMODITY CREDIT CORPORATION AUTHORIZATIONS

NOTICE REGARDING UNIT PRICES

Correction

In F. R. Doc. 52-7010, appearing at page 5738 of the issue for Thursday, June 26, 1952, the following change should be made:

For the last item in the list, Cottonseed, the unit price should be for a "ton" rather than a "bale".

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

RADAR PROCEDURES FOR CONTROL OF AIR TRAFFIC

Notice is hereby given that in order to expedite the flow of air traffic wherever radar facilities are operated by the Civil Aeronautics Administration, procedures may be established to utilize radar in controlling the flight paths of arriving and departing aircraft.

In operating radar facilities the Civil Aeronautics Administration will observe the following:

(a) Air traffic control will provide, by means of radar, a minimum of 3 miles horizontal separation between an aircraft arriving and/or departing on an IFR flight plan and all other known IFR traffic unless vertical, lateral, or longitudinal separation, as required by the ANC/PCAT Manual of Operations, exists.

(b) As additional services, insofar as practicable,

(1) An aircraft operating on an IFR flight plan will be provided essential traffic information on all observed targets unless the pilot advises that he does not wish the service. (The controller may initiate a call to the aircraft to determine if the flight conditions are such as to no longer require this service, or such information may be volunteered by the pilot.) Essential traffic information, as used herein, is defined as any aircraft target observed on the radar scope which, in the opinion of the controller, might constitute a hazard to the operation of the aircraft concerned. If, upon receipt of essential traffic information, the pilot requests radar separation the request shall be complied with, subject to the provisions of paragraphs (c) and (d) below and,

(2) An aircraft not operating on an IFR flight plan may request essential traffic information. The controller will supply such information subject to the provisions of paragraph (c) and (d) below.

(c) Many factors (such as limitations of radar, volume of traffic, controller's workload, and frequency congestion) may prevent the controller from providing the additional services mentioned in paragraph (b) above. The controller will have complete discretion in determining whether he is able to provide, or to continue to provide, these additional services in a specific case. His decision against providing, or continuing to provide, these services in a particular case will not be subject to question and need not be communicated to the aircraft. In other words, the provision of these additional services will be dependent entirely upon whether the controller believes he is in a position to provide them.

(d) In those areas where arriving aircraft are being positioned and spaced to establish an approach interval which requires the issuance of precise navigational guidance, it is not considered practicable to attempt to provide the additional services outlined in paragraph (b) above, if, in so doing, the primary function of separating known IFR aircraft would be compromised.

The locations where radar is installed and operated by the Civil Aeronautics Administration are listed in the Flight Information Manual and the Airman's Guide. When procedures are established for a particular radar facility, to provide the separation specified in paragraph (a) above, due notice will be given by the issuance of a Special Notice to Airmen advising the effective date and whether the procedures apply to arriving or departing aircraft or both.

This notice supersedes the notice entitled "Radar Procedures for Control of IFR Traffic departing from Washington Control Zone" published on January 5, 1952, in 17 F. R. 166.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics

[F. R. Doc. 52-7605; Filed, July 10, 1952; 8:49 a. m.]

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG ET AL.)

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Member Lines of the Trans-Pacific Freight Conference (Hong Kong) and China Navigation Company, Ltd., Bruusgaard Kiosteruds Skibs. A/S (China Siam Line), Indo-China Steam Navigation Company, Ltd.:

Agreement No. 7849 between the member lines of the conference and the companies named above covers the transportation of cargo under through bills of lading from Saigon, French Indo-China, to United States and Canadian Pacific Coast ports and to Honolulu, Hawaii, with transhipment at Hong Kong. Agreement No. 7849 was filed to cancel and supersede Agreement No. 7752.

Grace Line Inc., and Cia Sud-Americana de Vapores:

Agreement No. 7796-3 between the above mentioned parties modifies pooling Agreement No. 7796 in the trade between U. S. Atlantic ports and Chilean ports, to provide that prior to pooling a handling charge of $11.00 rather than $9.00, per revenue ton, is to be deducted from the gross freight earnings on all southbound pool tonnage, and a handling charge of $7.50 rather than $6.50, per revenue ton, is to be deducted from the gross freight earnings on all northbound pool tonnage.

Salen-Skaugen Line, Joint Service of: D S A/S Eikland, Rederi A. B. Pulp; Salamis A/S, Rederi A. B. Jamaica:

Agreement No. 7598-C between the above-named carriers provides for the cancellation of Agreement No. 7598 which covers the establishment and maintenance of a joint service (with limited passenger accommodations) under the trade name Salen-Skaugen Line, in the trade between United States Pacific, Atlantic and Gulf ports and Canadian Pacific and Atlantic ports and the Far East.

Concordia Line, Joint Service of: Dampskibsaktieselskabet Alaska, Aktiesaiskabet Atlas, Dampskibsaktieseiskabet Idaho, Skipsaksjeselskapet Hilda Knudsen, Skipsaksjeselskapet Samuel Bakke:

Agreement No. 7631-2 between the above-named carriers modifies the approved joint service agreement (No. 7631, as amended) by extending its geographical scope to include service between East Coast and Gulf ports of North America to the Persian Gulf, Red Sea, Gulf of Aden, India, Pakistan, Ceylon, and Burma.

Member Lines of the Trans-Pacific Freight Conference (Hong Kong) and China Navigation Company, Ltd., Bruusgaard Kiosteruds Skibs. A/ (China Siam Line), Indo-China Steam Navigation Company, Ltd.:

Agreement No. 7851 between the member lines of the conference and the companies named above covers the transportation of cargo under through bills of lading from Bangkok, Siam, and from Bangkok's outer harbor of Kohsichang, to United States and Canadian Pacific Coast ports and to Honolulu, Hawaii, with transhipment at Hong Kong. Agreement No. 7851 was filed to cancel and supersede Agreement No. 7751.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the [illegible] and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Martime Board.

Dated: July 8, 1952.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-7603; Filed, July 10, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2539 et al.]

NORTHWEST AIRLINES, INC.; TEMPORARY MAIL RATE TRANS-PACIFIC OPERATIONS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation from the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc., in its Trans-Pacific operations, for the period beginning January 1, 1952.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing on the Order to Show Cause, E-6077, in the above-entitled proceeding now assigned for hearing on July 9, 1952, is hereby indefinitely postponed.

Dated at Washington, D. C., July 7, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7604; Filed, July 10, 1952; 8:48 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D P. A. Request No. 20—DPAV-24 (b)]

MOTOR WHEEL CORP.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 4.2" MORTAR SHELL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the revised voluntary plan entitled "Plan and Regulations of Ordnance Corps Covering the Integration Committee on 4.2" Mortar Shell," dated August 13, 1951, which request and original list of companies accepting such request were published March 26, 1952, on 17 F. R. 2632. An additional company accepting the request was published June 12, 1952, on 17 F. R. 5353.

Motor Wheel Corporation, 735 East Saginaw Avenue, Lansing, Mich.

(Sec. 708, 66 Stat. 296, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.)

Dated: July 9, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-7695; Filed, July 10, 1952; 11:44 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

LIST OF COMMUNITY CEILING PRICE ORDERS

REGION V AND REGION XII

The following orders under General Overriding Regulation 24 were filed with the Division of the Federal Register on July 7, 1952.

REGION V

Jacksonville Order G1-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:24 a. m.

Jacksonville Order G2-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:24 a. m.

Jacksonville Order G3-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:24 a. m.

Jacksonville Order G3A-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:25 a. m.

Jacksonville Order G4-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:25 a. m.

Jacksonville Order G4A-12, establishing retail prices for certain grocery items sold in the Jacksonville Area, filed 10:25 a. m.

REGION XII

Fresno Order G1-11, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 10:25 a. m.

Fresno Order G2-11, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 10:26 a. m.

Fresno Order G4-11, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 10:26 a. m.

Fresno Order G4A-11, covering retail prices for certain dry grocery items sold in the Fresno Area, filed 10:26 a. m.

Copies of any of these orders may be obtained from the OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-7610; Filed, July 8, 1952; 4:55 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1743]

PENN-JERSEY PIPE LINE CO.

NOTICE OF APPLICATION

JULY 7, 1952.

Take notice that Penn-Jersey Pipe Line Co. (Applicant) address, Easton, Pennsylvania, submitted for filing on July 17, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities. By order issued March 13, 1952, and for reasons set forth therein, said application was dismissed without prejudice. On March 24, 1952, Applicant petitioned to have said order of March 13, 1952, vacated. On June 6, 1952, Applicant filed a supplement containing, among other things, a copy of Articles of Incorporation of Penn-Jersey Pipe Line Co. By order issued July 3, 1952, the Commission ordered that the foregoing application, as supplemented, be accepted for filing.

Applicant proposes to construct and operate approximately 6 miles of 6-inch

(or in part 8-inch) pipeline extending from a point of connection on the Coatesville-Port Jervis pipeline of The Manufacturers Light and Heat Company in Forks Township, Northampton County, Pennsylvania, to the distribution system of City Gas Company of Phillipsburg, New Jersey, at Phillipsburg.

Applicant proposes, by means of said facilities, to transport natural gas to be sold by The Manufacturers Light and Heat Company to City Gas Company of Phillipsburg, New Jersey, as part of the plan for delivery of a maximum daily volume of 1,700 Mcf of Natural gas authorized in Docket No. G–1012 to be made available by Texas Eastern Transmission Corporation to City Gas Company of Phillipsburg upon the condition that the latter submit evidence to the Commission that such volumes can be economically delivered to it.

Applicant states that it has been organized for the particular purpose of transporting natural gas between the facilities of The Manufacturers Light and Heat Company and the facilities of City Gas Company of Phillipsburg and proposes to render such service for a fixed fee to be computed upon actual cost of service.

The estimated total overall capital cost of the proposed facilities is $210,000. The proposed financing includes issuance of bonds, and bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of July 1952. The application, as supplemented, is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–7601; Filed, July 10, 1952; 8:47 a. m.]

[Docket No. G–1963]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 3, 1952.

On May 27, 1952, El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER of June 11, 1952 (17 F. R. 5333).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 24, 1952 at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–7576; Filed, July 10, 1952; 8:45 a. m.]

[Docket No. G–1986]

GAS LATERAL CO.

NOTICE OF APPLICATION

JULY 7, 1952.

Take notice that Gas Lateral Company (Applicant), an Illinois corporation, having its principal place of business at 134 East Main Street, Decatur, Illinois, filed on June 30, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of a 4-inch gas pipeline, approximately 1.6 miles in length, extending from a point of connection with the natural-gas pipeline of Texas Illinois Natural Gas Pipeline Company (Texas Illinois) near Monticello, Illinois, to a point of connection with the distribution system to be constructed by Illinois Power Company (Illinois Power) in Monticello, Illinois, all of the aforementioned facilities being more fully described in said application.

By means of the proposed facilities, Applicant proposes to transport natural gas from the pipeline of Texas Illinois to the facilities of Illinois Power for ultimate distribution by the latter in Monticello, Illinois. Applicant states that it does not propose to sell natural gas to or interchange natural gas with any other natural-gas company and will not render service except as stated.

Applicant estimates the total overall capital cost of constructing the proposed natural-gas line and related facilities will be approximately $20,610.00.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52–7602; Filed, July 10, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 55–94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION

JULY 7, 1952.

Notice is hereby given that Oliver R. Waite of Brickley, Sears & Cole, 1 Federal Street, Boston, Massachusetts, has filed with this Commission on application pursuant to Rule U-63 promulgated under section 11 (f) of the Public Utility Holding Company Act of 1935 ("the act") for approval of $10,000 as the maximum amount for which application may be made to the United States District Court for the District of Massachusetts for interim compensation for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, for the period from January 28, 1950, to March 31, 1951, inclusive.

All interested persons are referred to said application for a statement of the services rendered, which are summarized as follows:

By authorization of said Court, applicant has served as counsel to the Trustee of IHES continuously since May 19, 1947. Pursuant to prior orders of the Commission (Holding Company Act Release Nos. 8598, 10127) and of the Court, applicant has received compensation for his services from May 19, 1947, to January 27, 1950, inclusive. During the period covered by the instant application, Part II of the Trustee's Second Plan for the liquidation and dissolution of IHES was consummated, whereunder the IHES debentures were retired (Holding Company Act Release Nos. 9535, 9917, 10642); hearings were held and the record closed on Part III of said plan, relating to allocation of the residual estate of IHES between the preferred and the Class A stockholders; and on March 21, 1951 the Trustee filed an application to make quarterly payments in liquidation on the IHES preferred stock. Applicant states that in all said matters he participated as counsel to the Trustee. His detailed statement of recorded time indicates work on the registration statement of Gatineau Power Company, a subsidiary of IHES, the underwriting agreement relating to Gatineau shares, the bank loan agreement, various legal papers for presentation to the Commission and the Court, the preparation for and attendance upon hearings, and numerous conferences with interested persons.

Notice is further given that any interested person may, not later than July 17, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law raised by said application which he proposes to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted without public hearing; or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52–7606; Filed, July 10, 1952; 8:49 a. m.]

[File No. 54–191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF FILING OF AMENDMENTS TO PLAN; NOTICE OF AND ORDER REOPENING RECORD AND RECONVENING HEARING

JULY 7, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation ("Power"), also a registered holding company, having filed with the Commission an application for approval of a plan dated February 8, 1951, for compliance with sections 11 (b) (1) and 11 (b) (2) of the act; and

The Commission in its notice of filing and order for hearing issued March 1, 1951 (Holding Company Act Release No. 10413), having consolidated proceedings on said plan with certain prior proceedings and said order having contained a summary of the terms of said plan and a direction that Standard mail to its security holders a copy of said notice and order prior to the date set for hearing, and the Commission having ordered a hearing on Step I of such plan, and hearings having been held pursuant to said notice, at which all the various classes of security holders of Standard were represented, extensive testimony was taken and numerous exhibits were introduced; and

Subsequent to the closing of the record herein, representatives of Standard, Power and Standard's security holders having agreed to a compromise proposal with respect to a modification of the said plan, and the Division of Public Utilities of the Commission having indicated that it would support the compromise as to Step I of the plan and that, on the basis of the facts presently known to it, it would also support the proposed allocations under Step II of the plan;

Notice is hereby given that on July 7, 1952, Standard filed amendments to its plan, dated February 8, 1951, designed to modify Step I of such plan in accordance with the aforesaid compromise proposal. Such amendments state that Standard intends to amend Step II of the plan, in accordance with the compromise, at or about the termination of the hearings on Step I, as further amended, and that the separation of the plan into various steps is intended to expedite the dissolution of Standard and not to affect the investment value of any of Standard's outstanding securities.

All interested persons are referred to said amendments, which are on file at the offices of the Commission, for a full statement of the proposals contained therein which, insofar as they differ materially from the proposals contained in the plan filed February 8, 1951, are summarized as follows:

Under Step I of the plan, as now amended, the holders of each share of $7 Prior Preference Stock would receive 4.8 shares, approximately, of common stock of Wisconsin Public Service Corporation (instead of 4.3 shares previously proposed), 2.9 shares of common stock of Oklahoma Gas and Electric Company (the same amount heretofore proposed) and 2.1 shares of common stock of Duquesne Light Company (the same amount as before). The holders of each share of $6 Prior Preference Stock would receive 4.5 shares, approximately, of common stock of Wisconsin Public Service Corporation (instead of 4.0 shares), 2.6 shares of common stock of Oklahoma Gas and Electric Company (the same as before), and 1.8 shares of common stock of Duquesne Light Company (instead of 1.7 shares).

If Step I is consummated after October 31, 1952, the holders of Prior Preference Stock will also receive in cash an amount equal to the excess of (a) 90 percent of the aggregate dividends accruing after that date and until the date of consummation on the said common stocks to be distributed to the Prior Preference Stockholders, over (b) the Prior Preference Stock dividends accruing after that date and until the consummation date of the plan.

The additional shares of Wisconsin Public Service Corporation to be distributed, as aforesaid, to holders of the Prior Preference Stock are to be provided by the investment by Standard of $2,600,000 in the common stock of Wisconsin Public Service Corporation. That company will issue therefor 218,070 shares of its common stock or such lesser number of shares as the Wisconsin Public Service Commission may approve. If that Commission reduces the number of shares below 218,070, the shares to be distributed per share of Prior Preference Stock shall be reduced by a multiple of one-tenth of a share to the end that Standard will retain no undistributed shares of Wisconsin Public Service Corporation.

In connection with Step I of the plan, Standard and Philadelphia Company, on the one hand, propose to enter into agreements with Wisconsin Public Service Corporation and Duquesne Light Company and their respective subsidiaries, on the other hand, relating to the apportionment of Federal income and excess profits taxes, and refunds thereof, if any, covering the periods for which said companies filed consolidated Federal tax returns.

As indicated above, Standard intends to amend Step II in accordance with the compromise agreement. The amendment when filed will provide for the retirement of Standard's $4 Cumulative Preferred Stock by the delivery of 4 shares of common stock of Duquesne Light Company in exchange for each share thereof. The consummation of Step II will be timed in such a manner so that Standard or its subsidiary Philadelphia Company, also a registered holding company, will receive all dividends to and including the dividend payable on April 1, 1953, on the common stock of Duquesne ultimately distributable to the $4 Cumulative Preferred Stockholders under Step II. No dividends would be paid on the $4 Cumulative Preferred Stock of Standard pending its retirement.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the record in these proceedings be reopened and that the hearing be reconvened, but solely for the limited purposes hereinafter set forth:

It is ordered, That:

1. The record in these proceedings be and it hereby is reopened and a hearing shall be held, for the limited purposes hereinafter provided, on the 24th day of July 1952, at 10:00 a. m., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 193 will advise as to the room in which such hearing shall be held.

2. The evidence to be adduced at such reconvened hearing shall be limited to matters bearing upon the circumstances leading up to the aforesaid compromise proposal and to the filing by Standard of the amendments to the plan on July 7, 1952, and to the nature and consequences of the proposed tax agreements to be entered into among Standard and its subsidiary companies.

3. Any person desiring to be heard or otherwise wishing to participate in these proceedings and who has not previously been granted leave therefor shall notify the Commission to that effect in the manner provided in Rule XVII of the Commission's rules of practice on or before July 21, 1952.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the reconvened hearing in such matter. The officer so designated is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the matters contained herein by mailing forthwith a copy of this notice and order by registered mail to Standard and to all parties and persons

who were heretofore granted leave to be heard and to participate in these proceedings or to their respective counsel of record herein, and that notice shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act, and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

It is further ordered, That Standard shall give further notice of this hearing to all of its security holders (insofar as the identity of such security holders is known or available to it) by mailing to each of said persons a copy of this notice and order to his last known address at least 14 days prior to the date of the reconvened hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7607; Filed, July 10, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27202]

LIME FROM WEST STOCKBRIDGE AND LEE, MASS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff ICC No. 610.

Commodities involved: Lime, common, hydrated, quick or slaked, carloads.

From: West Stockbridge and Lee, Mass.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: I. N. Doe, Agent, ICC No. 610, supl. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7534; Filed, July 9, 1952; 8:51 a. m.]

[4th Sec. Application 27203]

GYPSUM BOARD FROM KALAMAZOO, MICH., TO PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4300, pursuant to fourth section order No. 9800.

Commodities involved: Paper, gypsum board, in rolls, carloads.

From: Kalamazoo, Mich.

To: Port Wentworth, Ga.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7535; Filed, July 9, 1952; 8:52 a. m.]

[4th Sec. Application 27204]

PULPBOARD OR FIBREBOARD FROM CHEBOYGAN, MICH. AND WEST CARROLLTON, OHIO TO BIRMINGHAM, ALA.

APPLICATION FOR RELIEF

JULY 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff ICC No. 4300, pursuant to fourth section order No. 9800.

Commodities involved: Paper, pulpboard or fibreboard, carloads.

From: Cheboygan, Mich., and West Carrollton, Ohio.

To: Birmingham, Ala.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7536; Filed, July 9, 1952; 8:52 a. m.]

[4th sec. Application 27205]

CHEESE IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to C. A. Spaninger's tariff ICC No. 1310.

Commodities involved: Cheese, in carloads.

From: Points in southern territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1310, supl. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7580; Filed, July 10, 1952; 8:46 a. m.]

[4th Sec. Application 27206]

PIG IRON FROM DAINGERFIELD, LONE STAR, AND MCCROSSIN, TEX., TO WISCONSIN

APPLICATION FOR RELIEF

JULY 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star, and McCrossin, Tex.

To: Points in Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3960, supl. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7582; Filed, July 10, 1952; 8:46 a. m.]

[4th Sec. Application 27207]

LIMESTONE FROM AUSTIN, TEX., TO BELLEVILLE, ILL.

APPLICATION FOR RELIEF

JULY 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3736.

Commodities involved: Limestone, ground or pulverized, carloads.

From: Austin, Tex.

To: Belleville, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3736, supl. 196.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7581; Filed, July 10, 1952; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 3]

ANN ARBOR RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Ann Arbor Railroad Company; the Chesapeake and Ohio Railway Company, Pere Marquette District; Grand Trunk Western Railroad Company; the Pennsylvania Railroad Company and the Wabash Railroad Company, because of work stoppage on the Lake Michigan and Detroit River car ferries, are unable to transport traffic routed over their lines across Lake Michigan and the Detroit River: *It is ordered*, That:

(a) Rerouting traffic: The Ann Arbor Railroad Company; the Chesapeake and Ohio Railway Company, Pere Marquette District; Grand Trunk Western Railroad Company; the Pennsylvania Railroad Company and the Wabash Railroad Company, being unable to transport traffic to points reached via Lake Michigan and Detroit River car ferries, because of work stoppage, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective 12:01 a. m., July 4, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., August 3, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 3, 1952.

INTERSTATE COMMERCE COMMISSION.
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-7583; Filed, July 10, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as

indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Bestform Foundations of Pennsylvania, Inc., Baumer and Cherry Streets, Johnstown, Pa., effective 6-25-52 to 6-24-53; 10 percent of the productive factory force (foundation garments).

Brookdale Corporation, 412 North Street, West Pittston, Pa., effective 6-25-52 to 6-24-53; 10 percent of the productive factory force (infants' and children's wear).

Ehrenreich's Sportswear, Inc., 701 Southeast First Avenue, Hallandale, Fla., effective 6-23-52 to 6-22-53; five learners (men's pants).

Fredericksburg Shirt Co., 404 Willis Street, Fredericksburg, Va., effective 6-25-52 to 6-24-53; 10 percent of the productive factory force (work shirts).

Hunter-Sadler Co., Tupelo, Miss., effective 7-16-52 to 7-15-53; 10 percent of the productive factory force (sport shirts).

Hunter-Sadler Co., Tupelo, Miss., effective 6-24-52 to 12-23-52; 20 learners for expansion purposes (sport shirts).

McNeer Dillion Co. (plant No. 2), 433½ Western Avenue, Statesville, N. C., effective 6-25-52 to 12-24-52; 50 learners for expansion purposes (shirt manufacturers).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa., effective 6-30-52 to 6-29-53; 10 percent of the productive factory force (ladies' undergarments).

H. A. Satin & Co., Inc., 2013 West Iowa Street, Evansville, Ind., effective 6-26-52 to 12-25-52; 15 learners for expansion purposes (cotton dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Park Knitting Co., Little Chute, Wis., effective 6-25-52 to 6-24-53; three learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Keyser Undergarment Co., Inc., Keyser, W. Va., effective 6-25-52 to 12-24-52; 25 learners for expansion purposes (ladies' undergarments).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The following special learner certificate was issued to the school operated industry listed below:

Auburn Academy, Auburn, Wash., effective 7-1-52 to 8-31-52; 40 learners. Industry: woodwork shop. Occupations: assembler (furniture), machine operator, furniture finisher helper, and related skilled and semi-skilled occupations, 250 hours at 55 cents; 250 hours at 60 cents, and 250 hours at 70 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 2d day of July 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-7574; Filed, July 10, 1952; 8:45 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Angelica Uniform Co., Marquand, Mo., effective 6-18-52 to 6-17-53; 10 learners (women's washable service apparel).

Blue Bell, Inc., Arab, Ala., effective 6-20-52 to 10-22-52; 50 learners for expansion purposes (dungarees) (supplemental certificate).

Carmella Dresses, Inc., 411 West Sixteenth Street, Hazleton, Pa., effective 6-19-52 to 6-18-53; 10 percent of the productive factory force or 10 learners, whichever is greater (dresses).

Colonial Shirt Corp., Woodbury, Tenn., effective 6-19-52 to 6-18-53; 10 percent of the productive factory force (men's cotton and dress shirts).

Edison Textiles, Inc., Edison, Ga., effective 6-23-52 to 6-22-53; eight learners (panties, slips, nightwear).

H. L. Friedlen & Co., 276 West Thirteenth Street and 325 West Sixteenth Street, Holland, Mich., effective 6-18-52 to 6-17-53; 10 percent of the productive factory force or 10 learners, whichever is greater (heavy outerwear, jackets for men, women, and boys).

Grafton Manufacturing Co., 912 West Main Street, Grafton, W. Va., effective 6-19-52 to 12-18-52; 100 learners for expansion purposes (shirts).

Jacobs Bros. Inc., Hancock, Md., effective 6-20-52 to 12-19-52; 10 learners for expansion purposes (nurses' uniforms).

Lanier Manufacturing Co., Easley, S. C., effective 6-20-52 to 12-19-52; 20 learners for expansion purposes (cotton and rayon sport shirts).

Mann Overall Co., Inc., 394 Chihuahua Street, El Paso, Tex., effective 6-23-52 to 6-22-53; 10 percent of the productive factory force (overalls and work shirts).

Mauston Manufacturing Co., Mauston, Wis., effective 6-20-52 to 6-19-53; 10 percent of the productive factory force (dresses).

Mode O'Day Corp., 401 West Twenty-third Street, Fremont, Nebr., effective 6-19-52 to 12-18-52; 20 learners for expansion purposes (cotton and rayon wash dresses).

Oberman & Co., Morrilton, Ark., effective 6-19-52 to 12-18-52; 55 learners for expansion purposes (single pants).

Regent Manufacturing Co., Inc., East Seventh and Locust Streets, Bloomsburg, Pa., effective 6-23-52 to 6-22-53; five learners (dresses).

S & R Manufacturing Co., Codorus, Pa., effective 6-20-52 to 6-19-53; 10 percent of the productive factory force (trousers and slacks).

Seamprufe, Inc., 314 Depot Street, Scranton, Pa., effective 6-19-52 to 6-18-53; 10 percent of the productive factory force (slips, gowns, and petticoats).

Seamprufe, Inc., 32 River Street, Carbondale, Pa., effective 6-19-52 to 6-18-53; 10 percent of the productive factory force (slips and lingerie).

Smith Bros. Manufacturing Co., Lamar, Mo., effective 6-19-52 to 12-18-52; 20 learners for expansion purposes (men's and boys' jeans, cossack coats).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 6-23-52 to 12-22-52; 35 learners for expansion purposes (overalls).

T & T Pants Co., Inc., 1101 Wyoming Avenue, Scranton, Pa., effective 6-20-52 to 6-19-53; 10 learners (men's and boys' trousers).

Weldon Manufacturing Co., Dushore, Pa., effective 6-23-52 to 6-22-53; 10 percent of the productive factory force (men's cotton pajamas).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Artcraft Co., Inc., Johnson City, Tenn., effective 6-24-52 to 6-23-53; 10 percent of the productive factory force engaged in the learner occupations (knit fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Acca Hosiery Mills, Henderson, N. C., effective 6-20-52 to 6-19-53; five learners.

Drexel Knitting Mills Co., Drexel, N. C., effective 6-17-52 to 6-16-53; 5 percent of the productive factory force.

The Batesville Co., Batesville, Miss., effective 6-18-52 to 6-17-53; 5 percent of the productive factory force.

Southdown Hosiery Mill, Chipley, Ga., effective 6-20-52 to 6-19-53; three learners.

Walridge Knitting Mills, Inc., Marvell, Ark., effective 6-24-52 to 2-20-53; 15 additional learners for expansion purposes (supplemental certificate).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Beeron Knitwear, Inc., Hickory Grove, S. C., effective 6-20-52 to 12-19-52; 38 learners for expansion purposes (knitted outerwear and underwear).

Narragansett Knitting Mills, Inc., 148 Bernon Street, Woonsocket, R. I., effective 6-19-52 to 6-18-53; 5 percent of the productive factory force (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Cherokee Togs Co., 6 Archer Street, Pryor, Okla., effective 6-20-52 to 6-19-53; 10 learners; Sewing machine operators; 240 hours at 65 cents per hour (garrison caps).

H. Daroff and Sons, Inc., 2500 Walnut Street, Philadelphia, Pa., effective 6-24-52 to 6-23-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's clothing).

France Neckwear Manufacturing Corp., Wilmington, N. C., effective 6-16-52 to 9-15-52; 10 additional learners for expansion purposes; machine operators (except cutting), pressers, handsewers; each 320 hours at 65 cents per hour (men's neckwear) (supplemental expansion certificate).

The following special certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Puerto Rico Precision Tool Corp., Vega Alta, P. R., effective 6-16-52 to 11-19-52; 60 learners; machine tenders, maintenance, mechanics, tool, gauge, machine repairman and inspector operators; 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour (filing card pockets).

St. Regis Paper & Bag Corp. of Puerto Rico, Ponce, P. R., effective 6-16-52 to 12-15-52; 10 learners; valving, sewing, sleeving operators; 300 hours at 41 cents per hour, 300 hours at 43 cents per hour (paper bags).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 24th day of June 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-7575; Filed, July 10, 1952; 8:45 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 136

Washington, Saturday, July 12, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER § 6.105 (l) (1) is amended to read as follows:

§ 6.105 *Department of the Army.*

* * *

(l) *Medical Department.* (1) Until June 30, 1953, the position of Technical Director of Research.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-7632; Filed, July 11, 1952; 8:48 a. m.]

Chapter II—The Loyalty Review Board

PART 210—THE OPERATIONS OF THE LOYALTY REVIEW BOARD

MISCELLANEOUS AMENDMENTS

1. Paragraph (g) of § 210.9 is amended to read as follows:

§ 210.9 *Action on appeals.* * * *

(g) *Review of decision of panel.* No review by this Board of a decision of a panel will be permitted except upon the concurrence of a majority of the members present at a duly called meeting of the Board.

2. Appendix A to Part 210; List of Organizations Designated by the Attorney General Pursuant to Executive Order No. 9835 is amended as follows:

a. Under the heading Communist—9, the item "American Russian Institute, New York—11" is amended to read as follows:

American Russian Institute, New York—11, also known as the American-Russian Institute for Cultural Relations with the Soviet Union—28.

b. Insert under the item "Communist Political Association—2, its subdivisions, subsidiaries and affiliates, including—14, 23; after the item "Florida Press and Educational League—14," the following:

Oklahoma League for Political Education—29.

c. Under the heading Subversive—9, insert under the item "Communist Political Association—2, its subdivisions, subsidiaries and affiliates, including—14, 23;" after the item "Florida Press and Educational League—14," the following:

Oklahoma League for Political Education—29.

d. Under the heading Organizations Which "Seek to Alter the Form of Government of the United States by Unconstitutional Means—9," insert under the item "Communist Political Association—2, its subdivisions, subsidiaries, and affiliates, including—14, 23;" after the item "Florida Press and Educational League—14," the following:

Oklahoma League for Political Education—29.

e. Under the heading Notes, add the following notes No. 28 and No. 29:

28. On April 23, 1952, the Department of Justice stated this is another name for the organization, which has used the two names interchangeably, and that the Attorney General's designation of the American-Russian Institute, New York (see note 11), covered the organization under any name by which it was known or self-described. Information disseminated April 30, 1952.

29. In his letter of May 22, 1952, disseminated May 28, 1952, the Attorney General referred to previous statements (see notes 25, 23, 14) that the designations of the Communist Party, U. S. A. and of the Communist Political Association include all subdivisions thereof; and stated that the Oklahoma League for Political Education which operated for a period of time as the subdivision in Oklahoma of the Communist Political Association was, therefore, designated within the same three categories as the parent organization.

(Part III, E. O. 9835, Mar. 21, 1947, 12 F. R. 1935; 3 CFR 1947 Supp.)

LOYALTY REVIEW BOARD,
UNITED STATES CIVIL SERVICE COMMISSION,
HIRAM BINGHAM,
Chairman.

[F. R. Doc. 52-7619; Filed, July 11, 1952; 8:46 a. m.]

CONTENTS

	Page
Agriculture Department	
See Forest Service; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Acker, Fritz	6292
Eggers, Gesine	6290
Hofmann, Frau Marie	6290
Housing and Realty Improvement Co., Berlin	6291
Lehmann, Selma	6291
Civil Aeronautics Board	
Notices:	
Transportes Aereos Nacionales, S. A.; proposal to designate San Pedro Sula as a coterminal point; notice of hearing	6285
Rules and regulations:	
Irregular air carrier and off-route rules; special operation rules for night VFR flights; flight plans	6244
Civil Service Commission	
Rules and regulations:	
Exceptions from the competitive service; Department of the Army	6241
Customs Bureau	
Notices:	
Tariff classification; extracts of chlorophyll or chlorophyll derivatives	6285
Economic Stabilization Agency	
See also Price Stabilization, Office of.	
Notices:	
Williston, N. Dak.; critical defense housing area; approval of extent of relaxation of credit controls	6285
Federal Civil Defense Administration	
Rules and regulations:	
Official Civil Defense Insigne	6248
United States Civil Defense Corps	6247
Federal Communications Commission	
Notices:	
Hearings, etc.:	
Key Broadcasting System, Inc. (WKBS)	6286
LaFollette Broadcasting Co., Inc	6286

FEDERAL REGISTER

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Order from

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CONTENTS—Continued

Federal Communications Commission—Continued — Page

Notices—Continued
Hearings, etc.—Continued
McLennan Broadcasting Co. — 6286
Mt. Pleasant Broadcasting Co. (KIMP) — 6286

Federal Power Commission
Notices:
Hearings, etc.:
Bonneville Project, Columbia River, Washington-Oregon — 6288
Frederick Gas Co., Inc. — 6287
Kansas City Power & Light Co. et al — 6286
Michigan Gas Storage Co. — 6288
Mountain States Power Co. — 6287
New York State Natural Gas Corp. — 6287
Pacific Gas and Electric Co. — 6288
Texas Eastern Transmission Corp. et al — 6287
Treasure State Pipe Line Co. (2 documents) — 6288

Forest Service
Rules and regulations:
Land uses; special use permits; rights-of-way for electric power transmission lines — 6270

Interior Department
See Reclamation Bureau.

Interstate Commerce Commission
Notices:
Brick from Gilchrist, Ill., to southern territory; application for relief — 6289
Rules and regulations:
Certificates and permits; motor-carrier operations involving traversal States — 6270

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Loyalty Review Board
Rules and regulations:
Operations of the Loyalty Review Board: miscellaneous amendments — 6241

Price Stabilization, Office of
Notices:
Playa Del Rey Field, Los Angeles County, Calif.; crude petroleum ceiling prices adjusted on an in-line basis — 6286
Rules and regulations:
Adjusted ceiling prices for manufacturers of certain glass containers; applicability of ceiling price increases to decorated and undecorated glass containers, and to shipping cartons (section 3) (GCPR, SR 99, Int. 1) — 6267
Beef sold at wholesale; ceiling prices of; miscellaneous amendments (CPR 24) — 6254
Certain foods sold at wholesale, ceiling prices of; dietetic food wholesalers, clarification of service fee wholesalers, miscellaneous provisions (CPR 14) — 6249

Price Stabilization, Office of—Continued — Page

Rules and regulations—Continued
Construction and related services and sales of installed materials (CPR 93):
Change from time and materials to lump-sum basis (section 37) (Int. 23) — 6254
Continued use of CPR 34 prices (section 5) (Int. 18) — 6266
Contracts in progress on November 20, 1951 (section 5 (a) and (c)) (Int. 19) — 6266
Distinction between lump-sum contracts and installed sales (sections 12 and 22) (Int. 20) — 6266
Exemption of "one-man shop":
Occasional employees (section 1 (b) as amended) (Int. 16) — 6265
Scope of exemption (section 1 (b)):
(Int. 14) — 6265
(Int. 17) — 6265
Violation of CPR 34 (section 1 (b)) (Int. 15) — 6258
Reporting requirement for installed sales (section 22) (Int. 22) — 6267
Sales of real property by building contractors (general) (Int. 13) — 6257
Trade association dues; recovery in hourly rate (sections 20 (b) (2), 21 and 45 (a) (12)) (Int. 21) — 6266
Eastern Wood Preserving Industry; ceiling prices for (CPR 157) — 6258
Paper, paperboard, converted paper and paperboard products, allied products and services; exemption of sales of paper garment patterns and pattern transfers (GOR 8) — 6268
Resellers of iron and steel products; ceiling prices of new steel products which have not been warehoused (CPR 98) — 6267
Services; service charges for banks (CPR 34) — 6251

Production and Marketing Administration
Proposed rule making:
Milk handling, marketing areas:
Chicago, Ill. — 6276
Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Mass. — 6271
Tulsa, Okla. — 6275
Rules and regulations:
Agricultural imports; statement of policies and procedures regarding import authorizations for certain commodities (DFO–3, SO 3) — 6269
Lemons grown in California and Arizona; limitation of shipments — 6243

Reclamation Bureau
Notices:
Kings River Division, Central Valley Project, California; first form reclamation withdrawal; revocation — 6285

CONTENTS—Continued

Securities and Exchange Commission — Page

Notices:
Hearings, etc.:
Boston Stock Exchange — 6289
Odell & Co. — 6289

State Department
Notices:
American nationals; claims under provisions of treaty of peace with Japan — 6284
Organization; miscellaneous amendments — 6284

Tariff Commission
Notices:
Edible tree nuts; extension of scope of public hearing ordered for July 28, 1952 — 6290

Treasury Department
See also Customs Bureau.
Rules and regulations:
Payments by banks and other financial institutions in connection with redemption of United States Savings Bonds; miscellaneous amendments — 6246

Wage and Hour Division
Rules and regulations:
Puerto Rico; minimum wage orders:
Construction, Business Service, Motion Picture, and Miscellaneous Industries — 6245
Lumber and Wood Products Industries — 6246
Records to be kept by employers — 6244

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 — 6241
Chapter II:
Part 210 — 6241

Title 7
Chapter IX:
Part 904 (proposed) — 6271
Part 906 (proposed) — 6275
Part 934 (proposed) — 6271
Part 941 (proposed) — 6276
Part 947 (proposed) — 6271
Part 953 — 6243
Part 996 (proposed) — 6271
Part 959 (proposed) — 6271

Title 14
Chapter I:
Part 42 — 6244

Title 29
Chapter V:
Part 516 — 6244
Part 672 — 6245
Part 675 — 6246

Title 31
Chapter II:
Part 321 — 6246

Title 32
Chapter XVII:
Part 1707 — 6247
Part 1708 — 6248

CODIFICATION GUIDE—Con.

Title 32A — Page
Chapter III (OPS):
CPR 14 — 6249
CPR 24 — 6254
CPR 34, SR 22 — 6251
CPR 93, Int. 13 — 6257
CPR 93, Int. 14 — 6265
CPR 93, Int. 15 — 6258
CPR 93, Int. 16 — 6265
CPR 93, Int. 17 — 6266
CPR 93, Int. 18 — 6266
CPR 93, Int. 19 — 6266
CPR 93, Int. 20 — 6266
CPR 93, Int. 21 — 6266
CPR 93, Int. 22 — 6267
CPR 93, Int. 23 — 6254
CPR 98 — 6267
CPR 157 — 6258
GCPR, SR 99, Int. 1 — 6267
GOR 8 — 6268
Chapter XVI (PMA):
DFO–3, SO 1 (see DFO–3, SO 3) — 6269
DFO–3, SO 2 (see DFO–3, SO 3) — 6269
DFO–3, SO 3 — 6269

Title 36
Chapter II:
Part 251 — 6270

Title 49
Chapter I:
Part 165a — 6270

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 443]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.550 *Lemon Regulation 443*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 9, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 13, 1952, and ending at 12:01 a. m., P. s. t., July 20, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meanings as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D. C. this 10th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: July 6, 1952]

DISTRICT NO. 2

[12:01 a. m. July 13, 1952, to 12:01 a. m. July 27, 1952]

Handler	*Prorate base (percent)*
Total	100.000
American Fruit Growers, Inc., Corona	.385
American Fruit Growers, Inc., Fullerton	.520
American Fruit Growers, Inc., Upland	.347

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Eadington Fruit Co	0.239
Ventura Coastal Lemon Co	2.179
Ventura Pacific Co	2.633
Glendora Lemon Growers Association	1.253
La Verne Lemon Association	.613
La Habra Citrus Association	1.323
Yorba Linda Citrus Association, The	.672
Escondido Lemon Association	2.617
Alta Loma Heights Citrus Association	.765
Etiwanda Citrus Fruit Association	.325
Mountain View Fruit Association	.260
Old Baldy Citrus Association	.852
San Dimas Lemon Association	.988
Upland Lemon Growers Association	6.119
Central Lemon Association	.953
Irvine Citrus Association	.976
Placentia Mutual Orange Association	.555
Corona Citrus Association	.340
Corona Foothill Lemon Co	3.278
Jameson Co	.751
Arlington Heights Citrus Co	.991
College Heights Orange & Lemon Association	2.657
Chula Vista Citrus Association, The	1.048
Escondido Co-operative Citrus Association	.223
Fallbrook Citrus Association	1.897
Lemon Grove Citrus Association	.371
Carpinteria Lemon Association	3.041
Carpinteria Mutual Citrus Association	2.947
Goleta Lemon Association	4.252
Johnston Fruit Co	5.641
Hazeltine Packing Co	.404
North Whittier Heights Citrus Association	.779
San Fernando Heights Lemon Association	.492
Sierra Madre-Lamanda Citrus Association	.467
Briggs Lemon Association	2.854
Culbertson Lemon Association	1.443
Fillmore Lemon Association	.960
Oxnard Citrus Association	5.909
Rancho Sespe	1.054
Santa Clara Lemon Association	3.422
Santa Paula Citrus Fruit Association	3.275
Saticoy Lemon Association	4.154
Seaboard Lemon Association	4.649
Somis Lemon Association	3.709
Ventura Citrus Association	1.110
Ventura County Citrus Association	.451
Limoneira Co	3.195
Teague-McKevett Association	.739
East Whittier Citrus Association	.585
Lemingwell Rancho Lemon Association	.724
Murphy Ranch Co	1.844
Chula Vista Mutual Lemon Association	.567
Index Mutual Association	.385
La Verne Co-operative Citrus Association	1.992
Orange Belt Fruit Distributors	.520
Ventura County Orange & Lemon Association	2.030
Whittier Mutual Orange & Lemon Association	.112
Allen, Floyd L	.000
Evans Bros. Packing Co	.000
Huarte, Joseph D	.000
Latimer, Harold	.034
MacDonald Fruit Co	.000
Paramount Citrus Association	.129
Torn Ranch	.001
Valdora, Albert	.000

[F. R. Doc. 52-7705; Filed, July 11, 1952; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-13]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL OPERATION RULES FOR NIGHT VFR FLIGHTS; FLIGHT PLANS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of July 1952.

At the present time Part 42 of the Civil Air Regulations requires neither the use of navigational aids nor the making of position reports for night VFR flights. Since the regulations do not prohibit off-airway flights, a correct track over the ground is especially important for such flights with respect to terrain clearance. On off-airway flights large deviations from the intended track are very possible due to the limited navigational facilities available which thereby increase the danger of flying into unexpected high terrain.

Although it was recently proposed to restrict night VFR flights in large passenger-carrying airplanes to civil airways and approved ADF routes, constructive comment received by the Board has indicated that such a regulation would be unduly restrictive. Accordingly, this amendment will allow the use of off-airway routes for which the Administrator has established minimum en route instrument altitudes, provided that flight is conducted at or above such established altitudes. In addition, the Administrator may authorize operations at airports not equipped with radio navigational aids when he finds that safe transition between the route and the airport may be made visually under specified weather minimums.

The Board considers that night operations in large passenger-carrying aircraft are sufficiently similar to instrument operations to justify requiring a radio listening watch to be maintained as well as position reports at designated reporting points. These requirements are also included in the new regulation.

An additional problem has been met with respect to the filing of flight plans for the operation of any large aircraft. Present § 42.61 does not prevent an IFR flight plan from being cancelled while en route without refiling a VFR flight plan. Accordingly this amendment will require either an IFR or VFR flight plan to be in effect during the entire flight. This, then, will insure that the proper personnel will be advised when a plane is overdue or missing so that search and rescue facilities may be alerted and dispatched with a minimum of delay.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) as follows, effective August 11, 1952:

1. By adding the following sentence at the end of § 42.61: "An IFR or VFR flight plan must thereafter be in effect for all portions of the flight."

2. By inserting a new § 42.63 to read as follows:

§ 42.63 *Night VFR operations for large passenger-carrying aircraft; special rules.* (a) Night VFR passenger operations in large aircraft shall be conducted only over civil airways or over off-airway routes for which the Administrator has established minimum en route instrument altitudes. Night VFR operations over such off-airway routes shall be conducted at or above such established altitudes. In addition, night VFR operations may be conducted only at airports equipped with satisfactory radio navigational facilities for which the Administrator has established approach procedures: *Provided*, That the Administrator may authorize operations at other airports upon finding that safe transition between the route and the airport may be made visually under weather minimums which he may establish, but which will in no case be lower than those provided in § 42.55 (a).

NOTE: Minimum en route instrument altitudes which have been established by the Administrator are published in the Flight Information Manual.

(b) During night VFR passenger operations in large aircraft the pilot-in-command of the aircraft shall ensure that a continuous watch is maintained on the appropriate radio frequencies and shall report by radio as soon as possible the time and altitude of passing each designated reporting point together with weather conditions and any other information which the pilot considers important to the safety of flight. In addition, in operations over off-airway routes the pilot-in-command shall report as soon as possible the time and altitude of passing over each check point specified in the flight plan.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-7672; Filed, July 11, 1952; 8:57 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER on March 20, 1952, of a proposal to amend the regulations contained in this part by adding certain provisions as to records to be kept with respect to minors whose employment may be subject to the child labor provision of the Fair Labor Standards Act. The notice pointed out that by virtue of the provisions of section 13 (c) of the act the child labor prohibitions of the act do not apply to any employee employed in agriculture "outside of school hours for the school district where such employee is living while so employed," and that experience in applying this exemption has demonstrated the need for maintenance of records which would show compliance or non-compliance with the conditions of the exemption. The notice invited interested persons to submit data, views or arguments pertaining to the proposed record-keeping requirements.

Following publication of this notice comments were received from a large number of individuals and groups interested in this matter. A number of submissions expressed opposition to the proposed record-keeping requirements, particularly the requirement of keeping a daily record of starting and stopping time of each period of work, on the ground that keeping of such detailed records would be burdensome to farmers, and that their practical effect would be to deny to many young workers the opportunity for occasional employment.

After consideration of all of the views and comments submitted, and after a thorough review of the existing record-keeping regulations as they affect employers of agricultural labor, the conclusion has been reached that those records which are currently required under § 516.15 for employees employed in agriculture are not essential to proper enforcement of the Fair Labor Standards Act and should therefore be eliminated. The elimination of this requirement will relieve farm employers of the obligation which they previously had for the maintenance of records for adult employees generally.

It has also been concluded that in regard to the proposed child labor record-keeping requirements contained in the FEDERAL REGISTER notice of March 20, 1952, adequate enforcement of the act can probably be achieved through employment records listing certain minimum data such as name, address and date of birth. The additional requirements, contained in the March 20 proposal, as to occupation, place of employment and starting and stopping time of each period of work, will not therefore be adopted.

Accordingly, by virtue of authority conferred by sections 11 (c) and 12 of the Fair Labor Standards Act, as amended (52 Stat. 1066; 29 U. S. C. 211), Reorganization Plan No. 6 of 1950 (64 Stat. 1236; 5 U. S. C. 1332-15) and Reorganization Plan No. 2 of 1946 (60 Stat. 1095) the regulations in this part are hereby amended as follows:

1. Section 516.15 is amended by deleting the reference to section 13 (a) (6) in both the section heading and the text.

2. A new section designated § 516.24 is added as follows:

§ 516.24 *Minors employed in agriculture—(a) Items required.* Every employer (other than a parent or guardian standing in the place of a parent employing his own child or a child in his custody) who employs in agriculture any minor under 18 years of age shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

(1) Name in full.

(2) Place where minor lives while employed. If the minor's permanent address is elsewhere give both addresses.

(3) Date of birth.

Provided, however, That such data need not be maintained for any minor employee who works only on days when school is not in session.

These amendments shall be effective 30 days from date of publication of this notice in the FEDERAL REGISTER.

(Sec. 11, 52 Stat. 1066; 29 U. S. C. 211)

Signed at Washington, D. C., this 1st day of July 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.
WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-7655; Filed, July 11, 1952; 8:54 a. m.]

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRIES IN PUERTO RICO, MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on June 21, 1952 (17 F. R. 5615) of my decision to approve the minimum wage recommendations of Special Industry Committee No. 11 for Puerto Rico for the Construction, Business Service, Motion Picture, and Miscellaneous Industries in Puerto Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of the notice.

No exceptions have been received within the 15-day period.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, and the wage order contained in this part is hereby revised to read as set forth in the June 21, 1952, issue of the FEDERAL REGISTER (17 F. R. 5615), and as set forth below, to become effective on August 11, 1952.

Sec.
672.1 Wage rates.
672.2 Notices of order.
672.3 Definitions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 672.1 *Wage rates.* (a) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the construction division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 55 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the motion picture division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the business service, and miscellaneous industries division of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 672.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 672.3 *Definitions of the construction, business service, motion picture, and miscellaneous industries in Puerto Rico and its divisions.* (a) The construction business service, motion picture, and miscellaneous industries in Puerto Rico to which this part shall apply is hereby defined as follows:

Construction of buildings, structures and other improvements (including designing; reconstruction; alteration; repair and maintenance; assembling and installation at the construction site of machinery and other facilities; and dismantling, wrecking or other demolition); the production and distribution of motion pictures; the production of photographs and blueprints; the activity carried on by any business or non-profit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the definitions of other industries in Puerto Rico for which wage orders have been issued:

Provided, however, That the definition shall not include (1) construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry, or (2) any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Construction division.* This division consists of the construction (except when carried on by persons, for their own use or occupancy, who are principally engaged in another industry) of buildings, structures, and other improvements, including, but without limitation, designing, reconstruction, alteration, repair and maintenance, assembling and installation at the construction site of machinery and other facilities, and dismantling, wrecking, or other demolition.

(2) *Motion picture division.* This division consists of the production and distribution of motion pictures.

(3) *Business service and miscellaneous industries divisions.* This division consists of the production of photographs and blueprints; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or the consumer; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued.

Signed at Washington, D. C., this 9th day of July 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-7656; Filed, July 11, 1952; 8:54 a. m.]

PART 675—LUMBER AND WOOD PRODUCTS INDUSTRIES IN PUERTO RICO, MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER June 18, 1952 (17 F. R. 5480-5481), of my decision to approve the minimum wage recommendations of Special Industry Committee No. 11 for the Lumber and Wood Products Industry in Puerto Rico, and the revised wage order for that industry which I proposed to issue to carry such recommendations into effect was published therewith. Interested parties were given an opportunity to submit exceptions within 15 days from the date of publication of notice.

Exceptions were filed by the United Furniture Workers of America (CIO). The exceptions raised no new matters which would require any change or modification of my previous decision.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201), the said decision is hereby affirmed and made final, the recommendations of the Committee for the Lumber and Wood Products Industry in Puerto Rico are hereby approved, and the wage order contained in this part is hereby revised to read as set forth in the June 18, 1952 issue of the FEDERAL REGISTER (17 F. R. 5480-5481), and as set forth below, to become effective August 11, 1952.

Sec.
675.1 Wage rates.
675.2 Notices of order.
675.3 Definitions of the lumber and wood products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 675.1 to 675.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 208. Interpret or apply sec. 5, 63 Stat. 911; 29 U. S. C. 205.

§ 675.1 *Wage rates.* (a) Wages at a rate of not less than 42 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the lumber and millwork division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 38 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the furniture, woodenware, and miscellaneous wood products division of the lumber and wood products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce.

§ 675.2 *Notices of order.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the lumber and wood products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed, from time to time, by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 675.3 *Definitions of the lumber and wood products industry in Puerto Rico and its divisions.* (a) The lumber and wood products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows:

Logging and the manufacture of all products made from lumber, wood and related materials, including but without limitation, sawmill and planning and plywood mill products; furniture and office and store fixtures; boxes and containers; cooperage; window and door screens and blinds; caskets and coffins; matches; wood preserving; trays, bowls and other wooden ware; excelsior, cork, bamboo, rattan, and willowware articles such as hampers, baskets, coasters, and table pads; and charcoal: *Provided, however,* That the definition shall not include any product or activity included in the rubber, straw, hair and related products industry (as defined in Administrative Order No. 417 (16 F. R. 12912) appointing Special Industry Committee No. 11 for Puerto Rico), or in the metal, plastics, machinery, instrument, transportation equipment, and allied industries; the handicraft products industry; the paper, paper products, printing, publishing, and related products industry; the construction, business service, motion picture, and miscellaneous industries; or the button, buckle, and jewelry industry (as defined in the wage orders for these industries in Puerto Rico).

(b) The separable divisions of the industry, as defined in paragraph (a) of this section, to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Lumber and millwork division.* This division consists of logging and the manufacture of sawmill and planing and plywood mill products; millwork including sash, doors, moldings, window frames, window and door screens and blinds, and similar building materials.

(2) *Furniture, woodenware and miscellaneous wood products division.* This division shall consist of the manufacture of all products in the lumber and wood products industry as defined in paragraph (a) of this section, except those products coming within the lumber and millwork division as defined in subparagraph (1) of this paragraph.

Signed at Washington, D. C., this 9th day of July 1952.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 52-7657; Filed, July 11, 1952; 8:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1952 Dept. Circ. 750, Revised, Amdt. 2]

PART 321—REGULATIONS GOVERNING PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

MISCELLANEOUS AMENDMENTS

JULY 7, 1952.

Sections 321.4 (b), 321.9 (a) and 321.12 (first sentence) of Department Circular No. 750, Revised, dated June 30, 1945, as amended (31 CFR 321), are hereby amended to read as follows:

§ 321.4 *Meaning of terms in this part.* • • •

(b) "Bond(s)" shall include only United States Savings Bonds of Series A, B, C, D or E, including bonds of Series E designated Defense Savings Bonds or War Savings Bonds. (Savings Bonds of Series F, G, H, J and K are not included.)

• • • • • •

§ 321.9 *Specific limitations of payment authority.* • • •

(a) If the bond is presented for payment less than two months from the issue date (the issue date should not be confused with the date appearing in the issuing agent's dating stamp). Any payment or advance to a bond owner before a bond is eligible for redemption is not authorized in any circumstance.

• • • • • •

§ 321.12 *Determination of redemption values and payment of bonds.* The redemption value of a bond is determined according to the period of time that it has been outstanding, and the table of redemption values applicable to each bond. • • •

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be impracticable and unnecessary with respect to this amendment since it is issued to conform with the savings bond regulations 17 F. R. 4871.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-7659; Filed, July 11, 1952; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle C—Other Regulations Relating to National Defense

Chapter XVII—Federal Civil Defense Administration

PART 1707—UNITED STATES CIVIL DEFENSE CORPS

The following regulations, which consist of Part 1707, United States Civil Defense Corps, are hereby issued.

Sec.
1707.1 Purpose.
1707.2 Definitions.
1707.3 Establishment of the United States Civil Defense Corps.
1707.4 Basic civil defense services.
1707.5 Eligibility.
1707.6 Registration, training, appointment and status.
1707.7 Suspension or termination of membership.
1707.8 Organization and command.
1707.9 Supplementary rules, regulations and orders.
1707.10 Certification of qualification.

AUTHORITY: §§ 1707.1 to 1707.10 issued under sec. 401, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253. Interpret or apply sec. 405, 64 Stat. 1256; 50 U. S. C. App. Sup. 2257.

§ 1707.1 *Purpose.* The purpose of the regulations in this part is to provide minimum standards for State and local civil defense organizations in order to achieve the degree of uniformity necessary for effective and coordinated civil defense planning and operations. State and local civil defense organizations meeting such standards will be known collectively as the United States Civil Defense Corps and such organizations and the members thereof will be eligible for such benefits as may derive from Federal civil defense legislation applicable thereto.

§ 1707.2 *Definitions.* The terms which appear in these regulations shall be construed in the following manner unless otherwise clearly required by the context:

(a) "Administrator" means the Federal Civil Defense Administrator.

(b) "Civil Defense Corps" means a civil defense organization meeting the standards prescribed in this part, duly established or authorized by a State or any political subdivision thereof.

(c) "Civil Defense Director" means the person or body having authority over a Civil Defense Corps and any duly authorized designee of such person or body. Such term shall refer to a State or local civil defense director, or both, depending upon the applicability of the reference under the State's laws or requirements thereunder.

(d) "Member" means a person who has been duly appointed to membership in a Civil Defense Corps and whose membership has not been suspended or terminated, or a person obligated to perform civil defense duties by reason of service or employment pursuant to State laws or requirements thereunder. A person who is a member of a Civil Defense Corps shall be deemed to be a member of the United States Civil Defense Corps.

(e) "Registrant" means a person who has registered for membership in a Civil Defense Corps, but who has not qualified and been appointed a member and whose registrant status has not been suspended or terminated.

(f) "State" means any State, Territory or possession of the United States and the District of Columbia.

(g) "The United States Civil Defense Corps" means the aggregate of the Civil Defense Corps and includes the individuals who are members of such Civil Defense Corps.

§ 1707.3 *Establishment of the United States Civil Defense Corps.* States empowered by State authority to establish civil defense organizations or forces are hereby authorized to qualify them pursuant to § 1707.10 as Civil Defense Corps, to be known collectively as the United States Civil Defense Corps.

§ 1707.4 *Basic civil defense services.* (a) The basic operational services of members may consist of the following:

(1) *Communications.* Operates civil defense attack warnings and communications systems.

(2) *Engineering.* Provides for the emergency restoration of facilities for essential utilities, transportation and other vital community services.

(3) *Fire.* Contains and extinguishes fires resulting from enemy attack.

(4) *Health.* Renders necessary civilian health and medical services in event of enemy attack; monitors, detects, identifies and measures the presence and minimizes the effect of atomic, radiological, chemical or biological agents and materials in attacked areas.

(5) *Police.* Protects life and property, maintains law and order; regulates and controls traffic to expedite the movement of emergency vehicles and personnel; detects, isolates and reports unexploded ordnance.

(6) *Rescue.* Removes entrapped and injured persons from damaged buildings and structures; administers necessary first-aid to victims.

(7) *Staff.* Performs executive and administrative functions of a Civil Defense Corps, and includes public affairs, training and education, and volunteer manpower.

(8) *Supply.* Executes program for procurement, warehousing and release of civil defense supplies, equipment and materials.

(9) *Transportation.* Mobilizes and utilizes transportation resources required for the movement of persons, materials and equipment necessary for civil defense emergency operations.

(10) *Warden.* Directs organized self-protection at the family and neighborhood level, and supports and supplements all other civil defense services.

(11) *Welfare.* Provides emergency feeding, clothing, bedding, shelter and rehabilitation aid; provides for welfare services in evacuation where required.

(12) *Other services.* Such other or supplementary civil defense services as may be authorized by the Civil Defense Director.

(b) *Related service of members.*

(1) *Ground Observer Corps.* Observes, detects and reports enemy aircraft. (Recruiting and administration of the Ground Observer Corps are functions of the Civil Defense Corps. Training and operational control of this service are under the control of the Department of the Air Force.)

(c) Detailed qualifications and duties, not inconsistent with the preceding general functional statements, may be prescribed by the Civil Defense Director for members engaged in the several civil defense services.

§ 1707.5 *Eligibility.* The Civil Defense Director may determine policies and issue regulations regarding eligibility for membership in a Civil Defense Corps: *Provided,* That:

(a) No person shall be considered ineligible for membership by virtue of race, color, creed or national origin.

(b) Membership in any other organization of any character shall not be a requirement of eligibility for membership.

(c) No person shall become a member solely by virtue of membership in any other organization, unless such person's organizational functions include civil defense responsibilities required by State law or requirements thereunder.

(d) No fee of any kind shall be required to be paid as a condition to registration or continued membership.

§ 1707.6 *Registration, training, appointment and status.* (a) Each person desiring membership in a Civil Defense Corps shall so indicate by registering and furnishing such information and data as may be required by the Civil Defense Director except those persons obligated to perform civil defense duties by reason of service or employment pursuant to State law or requirements thereunder.

(b) Each person who shall register for membership in a Civil Defense Corps shall, prior to entering upon duty or into a course of training or instruction, take an oath of the character and in the manner provided for in subsection 403 (b) of the Federal Civil Defense Act of 1950, as amended.

(c) Each person included in the Civil Defense Corps by reason of his service or employment shall take an oath of

the character and in the manner provided for in subsection 403 (b) of the Federal Civil Defense Act of 1950, as amended, unless the Civil Defense Director shall find that an oath of equivalent character has been taken by such person or a combination of an oath plus requirements of State law imposes on such person an obligation equivalent to that imposed by the oath contained in subsection 403 (b) of the Federal Civil Defense Act of 1950, as amended.

(d) Each registrant shall be given such training or instructions as may be prescribed and approved by the Civil Defense Director for the civil defense service for which he is registered, unless he shall have demonstrated his qualifications for such service in accordance with such standards as may be prescribed by the Director.

(e) Any registrant who has completed, in a manner satisfactory to the Civil Defense Director, the prescribed course of training or instruction for the civil defense service for which he is registered, or who has demonstrated to the satisfaction of such Civil Defense Director his qualifications for such service, shall be appointed, or, in the case of persons included in the Corps by virtue of their employment, deemed appointed, to membership in the Civil Defense Corps.

(f) A membership card, in form specified by the Civil Defense Director, may be issued to each member as his official identification. In the event of termination or suspension of membership, the membership card shall be returned to the issuing authority.

(g) Members shall take such additional training and instruction and shall participate in such drills and field training as may be required or authorized by the Civil Defense Director.

(h) No member, solely by reason of such membership, shall be deemed to be an appointee or employee of the United States.

(i) All registrations of persons for membership and all appointments of persons as members shall be made in accordance with these regulations after the date hereof, and all registrations and appointments heretofore made shall be deemed to have been made in accordance with these regulations upon compliance with paragraphs (a) through (e) of this section.

§ 1707.7 *Suspension or termination of membership.* (a) Any member or registrant who fails or refuses to comply with any applicable law, regulation, order or requirement made or issued by his State or local Civil Defense Director, or who fails or refuses faithfully to perform his duties, may have his membership or training status suspended or terminated.

(b) Procedures with respect to suspension or termination shall be in accordance with applicable law or regulations.

§ 1707.8 *Organization and command.* (a) Unless otherwise provided by State law or requirements thereunder, the organization and command of the Civil Defense Corps shall be as follows:

(1) A local Civil Defense Corps shall consist of members engaged in such of the basic civil defense operational services described in § 1707.4 as may be necessary to meet State and local civil defense requirements. It shall be under the authority of the local Civil Defense Director who shall have responsibility and authority for its operation and command.

(2) A State Civil Defense Corps shall include the local Civil Defense Corps of the State. It shall be under the authority of the State Civil Defense Director, who shall supervise and coordinate its activities and who may assume directional or operational control of any local Civil Defense Corps.

(b) The Administrator shall coordinate the civil defense activities of the several departments and agencies of the Federal Government with the activities of the United States Civil Defense Corps; shall assist and coordinate interstate and international civil defense planning and operations consistent with the provisions of compacts and laws relating thereto; and may, at the request of any State, assume operational control over the Civil Defense Corps of such State.

(c) Members of the Ground Observer Corps, which Corps is under the operational control of the Department of the Air Force, shall be exempt from the application of this section.

§ 1707.9 *Supplementary rules, regulations and orders.* Each Civil Defense Director may, consistent with State laws and requirements thereunder, issue such rules, regulations, orders, or requirements not inconsistent with this part, as may be appropriate to effectuate the purposes and provisions of this part.

§ 1707.10 *Certification of qualification.* A State or local civil defense organization shall be deemed to be a Civil Defense Corps and a component of the United States Civil Defense Corps within the meaning of this part upon certification by the State Civil Defense Director to the Administrator that such organization meets the standards prescribed in this part. Such certification shall be made in the manner to be prescribed by the Administrator.

These regulations shall be effective on July 12, 1952.

J. J. WADSWORTH,
Acting Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-7646; Filed, July 11, 1952; 8:51 a. m.]

PART 1708—OFFICIAL CIVIL DEFENSE INSIGNE

The following regulations, which consist of Part 1708, Official Civil Defense Insigne, are hereby issued.

Sec.
1708.1 Purpose.
1708.2 Definitions.
1708.3 Prescribed insigne.
1708.4 Official articles.
1708.5 Manufacture, reproduction and display of the prescribed insigne.
1708.6 Issuance, distribution and retail sale of the prescribed insigne.
1708.7 Prohibited use of the prescribed insigne.
1708.8 Violations.

AUTHORITY: §§ 1708.1 to 1708.8 issued under sec. 401, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253. Interpret or apply sec. 204, 64 Stat. 1251; 50 U. S. C. App. Sup. 2284.

§ 1708.1 *Purpose.* The purpose of the regulations in this part is to prescribe the official insigne of the United States Civil Defense Corps and to establish requirements for the reproduction, manufacture, sale, possession, and wearing thereof.

§ 1708.2 *Definitions.* Except as otherwise stated, the following terms shall have the following meanings when used in the regulations in this part:

(a) "Administrator" means the Federal Civil Defense Administrator.

(b) "Civil Defense Corps" means a civil defense organization meeting the standards prescribed in Part 1707 of this chapter, duly established or authorized by a State or any political subdivision thereof.

(c) "Civil Defense Director" means the person or body having authority over a Civil Defense Corps and any duly authorized designee of such person or body. Such term shall refer to a State or local civil defense director, or both, depending upon the applicability of the reference under the State's laws or requirements thereunder.

(d) "Member" means a person who has been duly appointed to membership in a Civil Defense Corps and whose membership has not been suspended or terminated, or a person obligated to perform civil defense duties by reason of service or employment pursuant to State laws or requirements thereunder. A person who is a member of a Civil Defense Corps shall be deemed to be a member of the United States Civil Defense Corps.

(e) "Official articles" means articles designated as such by the Administrator and embodying the prescribed insigne.

(f) "Organizational equipment" means equipment (other than personal equipment) which the Administrator determines is necessary to a civil defense organization for civil defense purposes and which is of such a nature as to require the contribution of Federal funds, but not including items of equipment which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirements of civil defense plans.

(g) "Registrant" means a person who has registered for membership in a Civil Defense Corps, but who has not qualified and been appointed a member and whose registrant status has not been suspended or terminated.

(h) "State" means any State, Territory, or possession of the United States and the District of Columbia.

(i) "The United States Civil Defense Corps" means the aggregate of the Civil Defense Corps, and includes the individuals who are members of such Civil Defense Corps.

§ 1708.3 *Prescribed insigne.* (a) The prescribed insigne shall be the design covered under Letters Patent A. D. 129797, October 7, 1941, consisting of the "CD" symbol in bright red, centered within a white equilateral triangle superimposed upon a dark blue circle.

(b) The prescribed insigne may be reproduced in the above colors, in black and white, or in the color of the surface upon which reproduced and one other color.

(c) Where appropriate, the name of the particular civil defense service, as designated in § 1707.4 of this chapter (United States Civil Defense Corps Regulations), shall be spelled out in block letters on a horizontal or curved line immediately above the prescribed insigne or across the apex of the triangle within the blue circle. The name of the state or city should appear, either immediately below the insigne or within the blue circle below the triangle. When it is desired to use both the name of the state and the name of the city or other civil defense organizational unit, one should appear immediately below the insigne and the other within the blue circle below the triangle.

(d) The dimensions of the components of the prescribed insigne when the blue circle is 3" in diameter will approximate the following: The triangle will be equilateral 2¼" on a side, each of the letters in the "CD" symbol will be $\frac{3}{16}$" in thickness and will occupy a circle $1\frac{1}{8}$" in diameter centered in the triangle. Other sizes of the prescribed insigne will be established by diameter of the blue circle only; to the extent that the diameter of the blue circle is greater or less than 3", the dimensions of the other components shall be proportionately increased or decreased.

§ 1708.4 *Official articles.* (a) Official articles shall consist of the following articles embodying the insigne:

(1) Arm bands.
(2) Badges.
(3) Hat bands.
(4) Helmets.
(5) Pennants, placards, plates or stickers for aircraft, vehicles or vessels.
(6) Membership cards.

(b) No person shall possess, display, wear, or use an official article unless he or she is a member of or registrant for membership in a Civil Defense Corps, and no person shall display, wear, or use such an article unless he or she has on his or her person a membership card or other identification evidencing such status: *Provided*, That during a period of emergency operations these prohibitions shall not apply to any person who is performing a civil defense function pursuant to instructions of a Civil Defense Director; *Provided further*, That this prohibition shall not apply to the possession or display of official articles by a manufacturer, wholesaler or retailer in the normal course of business, or to display of pennants, placards, plates or stickers on aircraft, vehicles or vessels designated for operational use by a Civil Defense Director.

§ 1708.5 *Manufacture, reproduction and display of the prescribed insigne.* (a) Any individual, association or business entity may manufacture the prescribed insigne and official articles in compliance with these regulations.

(b) The prescribed insigne may be manufactured, reproduced, and displayed only:

(1) On official articles.
(2) On organizational equipment.
(3) On items of identification issued by the Civil Defense Director to permit necessary movement of persons, vehicles and equipment during a period of emergency operations.
(4) On facilities and equipment designated for emergency operational use by the Civil Defense Director.
(5) On official letterheads, publications, posters, signs, advertisements, lapel pins, pennants, placards, flags and banners, used, issued, or authorized by a Civil Defense Corps or Director.
(6) In connection with articles or advertisements in newspapers, magazines or other publications, or in connection with television or other public information media, provided such use is not intended to discredit the Federal Civil Defense Administration or a Civil Defense Corps, or to mislead, confuse, misrepresent, defraud, or does not erroneously confer the impression of indorsement, approval or relationship to the Federal Civil Defense Administration or a Civil Defense Corps.
(7) On such other items, whether official articles or not, as may be designated or approved by the Administrator in writing.
(8) Without limitation of the foregoing, the reproduction of the prescribed insigne in connection with any publication or article used for political purposes is prohibited.

(c) No alteration or modification of the prescribed insigne may be made except as the Administrator may from time to time authorize.

§ 1708.6 *Distribution, issuance, and retail sale of the prescribed insigne.* No distribution, issuance, or retail sale of the prescribed insigne or official articles shall be made except upon the authorization of the Civil Defense Director.

§ 1708.7 *Prohibited use of the prescribed insigne.* No person shall possess or wear the prescribed insigne or any device in colorable imitation thereof with intent to deceive or mislead, or for the purpose of inducing the false impression that such person is engaged in the performance of an authorized civil defense service or activity.

§ 1708.8 *Violations.* The manufacture, possession, or wearing of the prescribed insigne or any device in colorable imitation thereof otherwise than in accordance with these regulations by any person shall be unlawful and shall subject such person to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

These regulations shall be effective on July 12, 1952.

J. J. WADSWORTH,
Acting Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-7647; Filed, July 11, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 15]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

DIETETIC FOOD WHOLESALERS, CLARIFICATION OF SERVICE FEE WHOLESALERS, MISCELLANEOUS PROVISIONS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 15 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts "health food wholesalers" and "health food departments" of wholesalers from the provisions of Ceiling Price Regulation 14. As a result, they will now be under the provisions of the General Ceiling Price Regulation. Further this amendment clarifies the definition of service fee wholesalers and changes the method they must use when computing their ceiling prices and when establishing net cost for their retailers. Finally, it corrects certain clerical errors and incorrect classification of commodities within Table A.

Following are the considerations supporting the more important changes made by this amendment.

1. Section 1 of CPR's 15 and 16 exempts "health food retail stores" or "health food departments" of retail stores from coverage by the provisions of these regulations. This was deemed advisable since historically these specialized stores or departments obtained markups substantially higher than those realized in regular grocery operations. This exemption followed the pattern set by the OPA, and OPA experience indicates that such operations were covered satisfactorily by the provisions of the General Maximum Price Regulation.

However, the same treatment was not accorded wholesalers whose business was primarily the sale of "health foods" or wholesalers who operated a separate "health food" department. While OPA was in existence, health foods were either distributed as a side line by regular food wholesalers or were distributed directly by processors to retailers. Further, at that time a large segment of the health food field was largely eliminated as a special line, since a considerable amount of canned fruits and vegetables were packed without sugar due to the sugar shortage. OPS has up to now followed the OPA pattern in regard to health food wholesalers.

It has now been brought to the attention of this Agency that there are a number of health food wholesalers whose entire business is in this specialized field, as well as a number of regular wholesalers who operate separate health food departments. Several of these operators, who represent a large portion of the total business in this field, have submitted financial data and other economic in-

formation which indicate that the margins provided for wholesalers in CPR 14 are far lower than those historically realized by this special group, and that the costs of operation of this group are not comparable to those of regular food wholesalers.

Accordingly, this amendment excludes wholesalers whose business is predominantly the sale of "health foods", and "health food departments" (when operated as separate departments) of regular food wholesalers, from the provisions of CPR 14 and places them under the GCPR.

2. This amendment also clarifies the definition of a service fee wholesaler and changes the method they must use when computing ceiling prices and when estimating new cost for their retailers. Section 26a of CPR 14 defines a service fee wholesaler as one, who among other things, makes a substantial part of his sales in dollar volume by delivery. It has been found that not all service fee wholesalers make delivery, and further, that the delivery term is not necessary to the definition of service fee wholesalers. It has also been found that the present pricing method for service fee wholesalers has raised some questions of interpretation. Therefore, this amendment makes the definition of a service fee wholesaler equally applicable to a wholesaler who does not make deliveries as well as one who does. It further provides a pricing method based on the wholesaler's delivery practice. This amendment also modifies Section 28a to permit wholesalers to take advantage of this change in definition of a service fee wholesaler. Of course, the new method for establishing ceiling prices and for estimating new cost to the retailer is applicable to all service fee wholesalers.

3. When this regulation was issued flour jobbers were exempted except for their sales of flour to retail stores. However, the limitation of the coverage of the regulation to the jobbers' sales of flour to retail stores was inadvertent. This amendment corrects that error and provides that all sales to retailers by flour jobbers of Table A commodities shall be subject to this regulation.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended. In the judgment of the Director of Price Stabilization, they also comply with all the applicable standards of the Defense Production Act of 1950, as amended. In formulating this amendment, the Director has consulted with representatives of industry, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 2, paragraph (a) is amended by changing the last sentence to read as follows:

This regulation does not apply, however, to "health food wholesalers" or "health food departments", "wagon wholesalers", Great Lakes marine suppliers, to sales by "flour jobbers" to commercial, industrial or institutional users, or to sales of "cookies, crackers, toast and crumbs" by "cookie and cracker wholesalers". (See sec. 33, Definitions.)

2. Section 7 is revised by substituting in the first sentence for the words "next cost" the words "net cost".

3. Section 26a is revised to read as follows:

SEC. 26a. *How a Service Fee Wholesaler figures his Ceiling Prices.* (a) You are a service fee wholesaler if, prior to April 5, 1951, and at the present time: (1) services are rendered through outside salesmen or fieldmen; (2) your selling prices to retail stores are figured by the addition to your cost of a stated service fee and charges for additional services rendered; and (3) your sales are made to retail stores only after the retail stores have agreed to become affiliated with your plan.

(b) If you are a service fee wholesaler, you shall figure your ceiling prices in accordance with sections 3 and 4 of this regulation for all items covered by this regulation by adding to your "net cost" as defined in Section 4, the fee and service charges (except optional charges) made by you during the month prior to the effective date of this regulation. These "fee and service charges" shall not include any charges optional to your retail customer, but shall include all stated fees and charges for services rendered which are a compulsory part of your plan of operation. However, during each consecutive four-week period after May 14, 1951, your "net cost" for all items subject to this regulation sold by you to any retail customer, plus the total of the fee and service charges made to that customer, may not exceed what your ceiling prices would have been if you had figured your ceiling prices by using Class 2 (cash-and-carry) markups where your delivery charge is optional or where you make no deliveries or by using Class 3 (service) markups where you have a compulsory charge for deliveries or where you make free delivery or if you are a Class 1 wholesaler (retailer-owned cooperative) by using Class 1 markups for all sales to members of your cooperative organization, provided that you must reduce to 1.10 all categories of commodities that have a markup above 1.10, except category 10 which shall be reduced to a markup of 1.19.

(c) On all sales made by you as a service fee wholesaler of items covered by this regulation you must furnish the retailer an estimated ceiling price for each item. This estimated ceiling price shall be what your ceiling price would have been if you had figured your ceiling price by adding to your "net cost", as defined in section 4 of this regulation, the markup provided for Class 2 wholesalers where your delivery charge is optional or where you make no delivery or the markup provided for Class 3 wholesalers where you have a compulsory charge for delivery or where you make free delivery or the markup provided for Class 1 wholesalers for sales to members of your cooperative organization, but reducing to 1.10 all categories of commodities that have a markup above 1.10 except category 10 which shall be reduced to a markup of 1.19. This information must be furnished to the retailer on the invoice or order form, or other written document furnished at or before the time of delivery of the items.

(d) You must notify the OPS district office for your area not later than May 31, 1951, of all fee and service charges used by you during the month prior to the effective date of this regulation which are a compulsory part of your plan of operation, and of all charges which are optional to the retailer, together with all information necessary to obtain a complete description of your type of operation. You may begin using the provisions of this section as soon as you have furnished your OPS district office for your area the information required by this section. This authority may be withdrawn if it is determined that you do not qualify for adjustment under this section.

(e) If you figure your ceiling prices for any items under this section, you must figure your ceiling prices for all sales of items covered by this regulation to retail stores affiliated with your plan in accordance with this section.

4. Section 28a is revised to read as follows:

SEC. 28a. *How certain wholesalers may apply for permission to operate as service fee wholesalers.* If you were not operating as a service fee wholesaler prior to April 5, 1951, or if you were so operating but were unable to qualify under section 26a prior to May 31, 1951, because you could not meet the delivery requirement of the former paragraph (a) (1) of section 26a, you may file an application for permission to operate as a service fee wholesaler. Your application must contain the following information:

(1) The names and addresses of the retailers who agree to become affiliated with your plan.

(2) A description of the services covered by your proposed fees and charges which you will offer to your retailers.

(3) A statement of your proposed fees and charges for the services which you will offer to your retailers.

(4) The number of salesmen or fieldmen that you plan to use.

(5) A complete description of your proposed type of operation, including your method of invoicing.

Your application must be filed in duplicate with the OPS district office for your area. You may not operate as a service fee wholesaler until you have received specific authorization from that OPS office. Applications for adjustments are governed by Price Procedural Regulation 1, Revised.

5. Section 33, paragraph (g), is revised by deleting from the second sentence the words "for flour".

6. Section 33, "Definitions", is further revised by adding a new paragraph (j) to read as follows:

(j) *Health food wholesalers.* A "health food wholesaler" or "health food department" is one whose sales to retailers consist principally of specially prepared dietetic foods. For the purpose of this regulation, a "health food department" is a separate and distinct department operated as a special unit for which separate records and accounts are maintained. "Specially prepared dietetic foods" are foods manufactured and sold for restricted diets and for dietetic purposes including, but not limited to, specially prepared foods for diabetic or arthritic conditions, or high blood pressure, specially prepared weight building, reducing and tonic foods, and vitamin or mineral supplements.

7. Section 33, "Definitions", is further revised by adding a new paragraph (k) to read as follows:

(k) *Canned.* "Canned" means processed and packaged in any container, whether or not hermetically sealed.

8. Section 35, paragraph (d) (4) is revised to read as follows:

(4) "Coffee". Excluded are: Imported coffee if imported in consumer size containers (2 lbs. or less) and coffee packed in bags, each containing only the amount necessary to make one ordinary cup of coffee.

9. Section 35, paragraph (b) (8) is amended by deleting the word "clams".

10. Section 35, paragraph (c) (8) is amended to read as follows:

(8) "Fish, processed". Excluded are Canned clams (except canned Maine whole soft shell clams); and kippered, marinated, dried or smoked fish and seafood (except sardines).

11. Section 35, paragraph (d) (8) is amended to read as follows:

(8) Excluded are: Canned Maine whole soft shell clams, frozen fish and seafood, fresh fish and seafood, canned clam juice, fish and seafood pates, pastes and purées, sauce containing fish and seafood, fish roe, caviar, fish and seafood hors d'oeuvres, and imported "fish, processed" if imported in consumer size containers, except tuna, crabmeat and salmon.

12. Section 35, paragraph (c) (10) is amended by deleting the words "frozen fish and seafood".

13. Section 35, paragraph (d) (10) is amended to read as follows:

(10) "Frozen foods". Excluded are: Frozen hollandaise sauce and frozen fish and seafood.

14. Section 35, paragraph (b) (12) is amended by deleting the words "'Canned' means processed and packaged in any container whether or not hermetically sealed".

15. Section 35, paragraph (b) (19) is amended by adding after the word "tamales" the word "enchiladas".

16. Section 35, paragraph (b) (32) is amended by deleting the words "'Canned' means processed and packaged in any container whether or not hermetically sealed".

17. Section 35, paragraph (d) (32) is amended by adding after the words "consumer size containers" the words "and canned artichoke products".

18. Section 35, paragraph (b) (33) is amended by deleting the words "'Canned' means processed and packaged in any container whether or not hermetically sealed".

19. Section 35, paragraph (b) (36) is amended by deleting the words "Tom and Jerry batter (bottled)" and the words "popcorn, not popped", and by adding after the words "date products" the words "Enchiladas (tins, jars, paper or corn wrapped)".

20. Section 35, paragraph (c) (36) is amended by deleting the words "Frozen fish and seafood".

21. Section 35, paragraph (c) (36) is amended by adding after the word "Eggs" the words "Egg-nog (non-alcoholic) bottled", by adding after the words "Tamales, bulk" the words "Tom and Jerry batter (bottled)", by deleting the words "Popcorn, popped", and changing the words "Fruit cake" to read "Fruit cake, except holiday fruit cake".

22. Section 35, paragraph (c) (36) is amended by deleting the words "Fresh fruits and vegetables" and inserting after the words "Potato chips" the words "Potatoes, white flesh".

23. Section 35, paragraph (c) (36) is amended by adding after the word "Wine" the word "Yogurt".

24. Section 35, paragraph (d) (36) is amended to read as follows:

(36) "Miscellaneous foods". Excluded are: Truffles, capers, canned snails, cane or beet sugar, rattlesnake meat, easter egg dye, olive oil, popcorn (popped or not), holiday fruit cake and fresh fruits and vegetables except white potatoes.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 16, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7776; Filed, July 11, 1952; 10:42 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 22]

CPR 34—SERVICES

SR 22—SERVICE CHARGES FOR BANKS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 22 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, adapts ceiling price regulation of bank service charges more nearly to the operations of the banking industry.

Generally, this regulation covers two classes of situations. First, it provides, to the extent consistent with fair treatment of small as well as large depositors, flexibility for changes in certain service charges within individual banks so long as the total revenue to the bank from service charges remains approximately the same as it was during the most recent fiscal year. More specifically, this regulation contains a provision for simplifying the method of determining earnings credit on depositors' checking accounts. It also permits a realignment of service charges and at the same time assures that the services which were available during the base period will remain available to all classes of depositors. Also included in this part of the regulation is a provision which will permit nonpar banks with an exchange charge system to change to par banks with a schedule of service charges in lieu of the exchange charges.

Secondly, this regulation provides a means for realigning service charges where such a realignment is necessary to permit the customary uniformity of ceiling prices and sound banking operation in certain cases where a bank has branch offices.

A provision is included in this part of the regulation to permit those banks which had a trial service charge in effect during the base period to price uniformly at all of their branch offices if those banks customarily had a substantially uniform system of pricing at all of their branch offices. Consideration has also been given to the special pricing problems of merging and consolidating banks and to new branch offices of old banks. With respect to the merger or consolidation situation, this supplementary regulation authorizes the smaller merging bank to adopt entirely, but not in part, the schedule of service charges of the larger merging bank where the larger bank is accountable for 66⅔ percent or more of their aggregate total time and demand deposits. If the necessary two-thirds ratio is not present, the merging or consolidating banks either may continue their individual lawful ceiling prices for service charges in effect at the time of the merger or may apply under section 4 of this supplementary regulation for an appropriate changed schedule of service charges. The provision for branch offices permits new bank branches to adopt the schedule of service ceiling charges in effect at the principal bank if the principal bank had a substantially uniform system of service charges during the base period or did not, prior to the base period, have any branch offices.

This supplementary regulation also states additional requirements and special factors to be taken into account in respect to banks which seek to qualify for and obtain a ceiling price adjustment under section 20 (a) of Ceiling Price Regulation 34, as amended.

There is nothing in this supplementary regulation which would prohibit any bank from determining its schedule of service charge ceilings pursuant to any of the provisions of Ceiling Price Regu-

lation 34, as amended. The provisions of this supplementary regulation are alternatives which a bank may utilize, if it wishes, in lieu of the otherwise applicable provisions of Ceiling Price Regulation 34.

In the formulation of this supplementary regulation there was consultation with representatives of the banking industry as well as members of bankers' trade associations and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Relationship to Ceiling Price Regulation 34.
3. Alternative methods of computing earnings credit on depositors' checking accounts.
4. Changing schedule of service charges on depositors' checking accounts.
5. Nonpar banks changing to par banks.
6. Base period trial service charges.
7. Mergers and consolidations.
8. New branch offices.
9. Applications for adjustment under section 20 (a) of Ceiling Price Regulation 34.
10. Definitions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Supp. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation to Ceiling Price Regulation 34 authorizes banks to institute a new method or to change their present method of computing depositors' earnings credits in connection with service charge ceilings on depositors' checking accounts. It permits banks to change their schedule of service charge ceilings if certain requirements are met. It also authorizes banks desiring to change from a nonpar check clearance system to a par check clearance system to institute service charges in lieu of exchange charges. It further provides a method by which banks may establish uniform service charge ceilings where two or more banks merge or consolidate and in certain other instances where banks operate branch offices.

This supplementary regulation also states additional requirements and special factors to be taken into account in respect to banks which seek to qualify for and obtain a ceiling price adjustment under section 20 (a) of Ceiling Price Regulation 34, as amended.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* The provisions of this supplementary regulation give banks the option to determine certain ceiling prices for service charges differently than permitted by the provisions of Ceiling Price Regulation 34, as amended. Except for such option, all provisions of Ceiling Price Regulation 34 remain in effect for service suppliers affected by this regulation.

SEC. 3. *Alternative methods of computing earnings credit on depositors' checking accounts.* This section applies to you if you are a bank and wish to modify your service charge ceilings by changing your present method of computing earnings credit on depositors' checking accounts. In this event you may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., for permission to change your method of computing the earnings credit on depositors' checking accounts from one of the following methods to another of the following methods: (a) An average daily balance for the month, with customary deductions for float and reserve; or (b) the depositors' minimum balance for the month, without deduction for float and reserve; or (c) by adding the highest balance appearing during a month and the lowest balance appearing during the same month, dividing the total by two, and making customary deductions for float and reserve. Your application under this section must contain an explanation of your present method (included in the foregoing list of alternatives) of computing earnings credit on depositors' checking accounts and a statement of which of the alternative methods provided for herein you propose to use in lieu of your present method. You may not change your method of computing your earnings credit on depositors' checking accounts under this section until you are advised in writing of OPS approval. Nothing in this section shall be construed to authorize any bank to lower the rate it allows to its depositors with respect to credit on depositors' checking accounts.

SEC. 4. *Changing schedule of service charges on depositors' checking accounts.* (a) Banks which now have a schedule of service charges on depositors' checking accounts may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., for permission to substitute another schedule therefor, provided:

(1) The aggregate proceeds that would have been received from the proposed schedule of service charges on depositors' checking accounts had that schedule been in effect during the last preceding fiscal year do not exceed the aggregate proceeds actually received from the service charges on depositors' checking accounts in effect during that period;

(2) The proposed schedule of service charges on depositors' checking accounts will not result in the discontinuance of any service rendered during the base period to any class of depositor; and

(3) The requested plan is fair and equitable to all classes of depositors and particularly that smaller depositors will not be subjected to an unreasonable increase in charges under the requested plan.

(b) If you are a bank applying for permission to change your schedule of service charges on depositors' checking accounts under this section, your application must contain the following information:

(1) An explanation of your present service charge plan, including rates on depositors' checking accounts of various categories.

(2) An explanation of the requested plan and rates of service charges on your depositors' checking accounts of various categories.

(3) A statement of (i) the total income actually received from the service charges on your depositors' checking accounts during the last preceding fiscal year, (ii) the total income actually received from service charges on your depositors' checking accounts in each of every third month of the last preceding fiscal year and (iii) the total income that you would have received from service charges on your depositors' checking accounts in each of the same months as in subdivision (ii) if the requested schedule of service charges described in paragraph (b) (2) of this section had been in effect. The statement of income required by this subparagraph must include an analysis of all established categories of depositors' checking accounts that would have been affected under the proposed schedule but must exclude income received from other service charges not included in the present or proposed service charge schedule.

(4) If you have ever been authorized to adjust your service charges by the Office of Price Stabilization, you must adequately identify the order in which you were authorized to make such adjustment.

(5) If you have changed from a nonpar bank to a par bank under section 5 of this regulation, you must adequately identify your application therefor, and any order issued with respect thereto.

You may not change the schedule of service charges on depositors' checking accounts under this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purposes of the Defense Production Act of 1950, as amended.

SEC. 5. *Nonpar banks changing to par banks.* (Substitution of a check clearance service charge to the maker in place of an exchange charge to the payee or endorser).

(a) If you are a bank which now imposes an exchange charge for check clearance on the payee or endorser of a check (nonpar system) and you now wish to impose a service charge on the maker of the check (par system), you may, under this section, apply to OPS for permission to change from the nonpar system to a system of service charges applicable to depositors' checking accounts. However, you must make a showing that the total calculated income from the application of proposed service charges to depositors' checking account, had they been in effect during the last preceding fiscal year, would not have exceeded the total income actually received from the service charges on depositors' checking accounts and exchange charges in effect during that fiscal year.

(b) Your application under this section must be submitted to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., and must contain the following information:

(1) An explanation of your present schedule of exchange charges and service charges on depositors' checking accounts, if any.

(2) An explanation of the service charge plan and schedules applicable to depositors' checking accounts which you propose to institute in lieu of the exchange charges.

(3) A statement of (i) the total income actually received from exchange charges and service charges on depositors' checking accounts, if any, during the last preceding fiscal year, (ii) the total income actually received from exchange charges and service charges on depositors' checking accounts, if any, in each of every third month of the last preceding fiscal year, and (iii) the total income that you would have received from service charges applicable to depositors' checking accounts in each of the same months as in subdivision (ii) if the requested plan described in subparagraph (2) of this section had been in effect, with an explanation, including wherever feasible, item counts of how you arrived at such totals.

(4) If you have ever been authorized to change your schedule of service charges on depositors' checking accounts under any section of Ceiling Price Regulation 34, as amended, or this supplementary regulation, you must adequately identify your application and any order issued with respect thereto.

If your application, under this section is approved by OPS as hereinafter provided you must discontinue your exchange charges before instituting your approved schedule of service charges. You may not change from a nonpar system to a system of service charges applicable to depositors' checking accounts under this section however, until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purposes of the Defense Production Act of 1950, as amended.

SEC. 6. *Base period trial service charges.* (a) If you have one or more branch offices and during the base period the prices for your service charges were centrally determined and had substantially uniform application in your principal bank and your branch offices, but during the base period you were supplying a service at a new charge (trial service charge) at your principal office or at a branch office to determine the feasibility of installing that charge in your other offices, you may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., for permission to supply such service at the trial service charge price established for its supply in all of your offices, provided you submit a statement indicating (1) that you price centrally out of your principal office, (2) during the base period the ceiling prices or pricing methods for all of your services were substantially uniform in all of your offices, (3) that the service was being supplied at the trial service charge price during the base period at an office which you shall identify by name and address, (4) a description of the service for which you are requesting permission to change your ceiling price and a statement of the present ceiling price and the base period trial charge therefor, and (5) that you desire to apply this trial service charge in all of your offices.

You may not institute the charge under this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purposes of the Defense Production Act of 1950, as amended.

SEC. 7. *Mergers and consolidations.* (a) Two or more banks which have merged or consolidated since January 25, 1951, may determine the ceiling prices for their services pursuant to this section if, during the base period, one of the banks involved in the merger or consolidation had a uniform schedule of service charges in all of its offices and on the next preceding June 30 or December 31, whichever date is closer to the date of the merger or consolidation, was alone or with its branches, as the case may be accountable for 66⅔ percent or more of the total time and demand deposits of the merging or consolidating banks. In such event, the bank resulting from the merger or consolidation may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., for permission to establish as the ceiling prices for its services, the ceiling prices which the bank accountable for 66⅔ percent or more of the total time and demand deposits had in effect on the date of the merger or consolidation.

(b) If you are a bank applying for permission to establish the ceiling prices for your services provided for in paragraph (a) of this section, your application must contain a statement showing how you are eligible to establish your ceiling prices as provided therein together with schedules of the service charges in effect at each of the merged or consolidated banks on the date of your application. You may not establish your ceiling prices under this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purposes of the Defense Production Act of 1950, as amended.

SEC. 8. *New branch offices.* (a) If during the base period, December 19, 1950 to January 25, 1951, inclusive, you had a branch office or offices with a substantially uniform schedule of service charges and subsequent to January 25, 1951, you open or plan to open a new branch office, you may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch, Washington 25, D. C., for permission to establish at the new branch office the uniform schedule of service charges in effect at your other branch office or offices during the base period.

(b) Banks without branch offices during the base period: If you are a bank which did not have any branch offices during the base period, December 19, 1950 to January 25, 1951, inclusive, and subsequent thereto you open or plan to open a new branch office, you may apply to the Director of Price Stabilization, Attention: Chief, Service Trades Branch Washington 25, D. C., for permission to charge in the new branch office the ceiling prices for services which the principal office charges for the same services supplied therein.

(c) If you are applying for permission to establish ceiling prices for your services under paragraph (a) or (b) of this section your application must contain a list of the addresses of the principal bank and all branch offices together with a schedule of the ceiling prices for services in effect at the principal office on the date of your application and if you have ever been authorized to adjust your service charges by the Office of Price Stabilization, you must adequately identify the order under which you were authorized to make such adjustment. You may not supply the services for which you are requesting a ceiling price under this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purpose of the Defense Production Act of 1950, as amended.

SEC. 9. *Application for adjustment under section 20 (a) of Ceiling Price Regulation 34.* If you are eligible for an adjustment under section 20 (a) of Ceiling Price Regulation 34, as amended, your application must contain in addition to the information required by OPS Public Form 43, Revised, a statement of the total demand and time deposits of the bank on the next preceding June 30 or December 31, whichever is closer to the date of application. OPS in granting relief under section 20 (a) will take into account in addition to the matters referred to in that adjustment provision: (1) The United States ratio of average percentage of service charge revenue to total income for banks of various sizes as measured by demand and time deposits; (2) whether your ratio of average percentage of service charge revenue to total income is more or less than the United States ratio on insured banks, as computed on the basis of the 1949 report of the Federal Deposit Insurance Corporation; and (3) the reasonable dollar amount of allowable increased revenue from service charges to offset, in whole or in part, impairment of your normal pre-Korean earnings to meet the needs of smaller banks and to cover costs of installing or modifying your service charge schedule.

SEC. 10. *Definitions.* (a) As used in this supplementary regulation: The term "bank" shall include any person, firm or corporation engaged in the business of receiving and paying deposits of money or its equivalent, and which is authorized or permitted to engage in such business by the laws of the United States or any State, Territory or District.

(b) The term "service charges" means those charges made by the banks for services which are subject to price regulation, including, but not limited to, service charges on depositors' checking accounts, safety deposit box rentals, bank money orders, cashiers' checks, and other miscellaneous services.

(c) The term "service charges on depositors' checking accounts" means only those charges which the bank imposes against its depositors for the services it renders the depositors in connection with the depositors' checking accounts.

(d) The term "uniform schedule of service charges" means that the same ceiling price is charged for the same services at all offices of a bank.

(e) The term "exchange" means the charge that nonpar banks deduct for paying checks drawn upon themselves when they are presented through the mails from out-of-town points for the service of remitting the proceeds of the checks to distant points.

(f) The term "par bank" refers to those banks which will remit in full items payable by them.

(g) The terms "merger and consolidation" refers to the combining of two or more banks under the charter of one of such banks or under a new charter with or without the dissolution of any such banks.

(h) The term "earnings credit" is the allowance to checking account depositors as a partial or full offset against certain service charges.

(i) The term "float" means items in transit which are in the process of collection but not actually collected.

(j) The term "reserve" means funds set aside by the bank as required by law and as deemed necessary by the bank to enable it to meet its depositors' demands.

(k) The term "new branch" means a bank which is established in a separate location from that of the principal office and any previously established branch office or offices. It does not include the previously established branch of a bank which has moved to a new location.

(l) The term "average daily balance" means the average amount of money that customer keeps on deposit, determined by adding the daily balances of his account for any given period and dividing the total by the number of days in such period.

Effective date. This Supplementary Regulation 22 to Ceiling Price Regulation 34 shall become effective July 11, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7778; Filed, July 11, 1952; 10:43 a. m.]

[Ceiling Price Regulation 93, Interpretation 23]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 23—CHANGE FROM TIME AND MATERIALS TO LUMP-SUM BASIS (SECTION 37)

Some contractors who, during the base period, set prices for their services on a time and materials basis have indicated a desire to discontinue this method of pricing and begin pricing on a lump-sum basis, thereby eliminating the necessity for reporting on OPS Form 101 under section 32. They have inquired whether this change is permissible in view of section 37.

A contractor may change to the lump-sum method of pricing if he makes application, as provided by section 16 for sellers without base period experience. However, if, by reason of the change from a time and materials to a lump-sum pricing basis, a service having the same general purpose which formerly was offered at a lower price would not now be available except at a higher price, the contractor may not thereafter refuse to sell on his former time and materials basis except under the circumstances permitted by section 37.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

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[Ceiling Price Regulation 24, Amdt. 15]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 15 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in CPR 24:

1. The requirements which have to be met in order to qualify for sales of prefabricated retail cuts have been somewhat liberalized in order to aid small independent stores, which do not have meat cutting facilities, in obtaining beef. This modification makes it possible for such a retailer to obtain a new source of supply where his customary source is no longer available or to obtain such prefabricated cuts for the first time if he has not done so before. At the same time sufficient safeguards are still provided to prevent the abuses which the original restrictions were designed to prevent.

Moreover, in order to enable the Office of Price Stabilization to deal equitably with exceptional situations, an adjustment provision has been added which sets forth a method whereby individual authorizations to buy and sell prefabricated retail cuts may be approved at the local level, subject to certain generally applicable standards and limitations, designed to keep under control the economic consequences of this relaxation of the restrictions on this type of sales.

2. Ceiling prices are established for sales of ungraded or improperly graded beef, and for unauthorized sales of any beef product, either by an unauthorized seller or to an unauthorized buyer. A new section is added, containing these ceiling prices as well as the provisions for ceiling prices for miscuts, which have been expanded so as to apply to all schedules. The purpose of all of these provisions is not, of course, to sanction any of these illegal sales, but merely to provide a yardstick for the measuring of damages under the provisions of the Defense Production Act of 1950, as amended.

3. The schedules for fabricated cuts have been amended so as to add two new items, namely, strip steaks (bone-in) and boneless strip loins or boneless strip steaks. New definitions have been added for these items which will permit considerably closer trim than was heretofore required. Concurrently, "club steak" has been redefined so as to permit this item to be made from an untrimmed portion of the short loin. These changes are made in response to request from the trade for authorization of a better quality steak than heretofore defined in this regulation. The Office of Price Stabilization has been advised by the industry that some sellers have historically sold steaks trimmed more finely than was previously required under the cutting standards incorporated in CPR 24. In order to accommodate these sellers who cater primarily to the banquet trade, the aforementioned changes have been made, which should have no effect on the prices of staple beef items bought by the average consumer. If there is any indication of an undue diversion of beef into these luxury items, the Office of Price Stabilization will reconsider this action.

4. Section 22, Schedule III, Boneless beef cuts, has been revised so as to permit sales of boneless cuts derived from the better grades of beef. This was done in response to a recommendation of the Industry Advisory Committee, in order to permit sellers in certain areas, particularly New England, to return to their historical practice of selling boneless beef cuts made from the top grades of beef. An exception has been made in the case of certain boneless beef cuts which are used predominantly by processors and which are customarily derived from the lower grades of beef. There are no counterparts of these cuts at the retail level. Moreover, in the case of those boneless items which, as a rule, do not bear the grademark and the value of which does not necessarily depend upon the grade of the carcass from which it was derived, such as flank steaks or skirt steaks, the same ceiling prices have been provided across the board for all grades.

An additional item has been added to Schedule III, namely, "peeled tenderloin". This was done in response to a request from the trade to permit sellers to supply, in the customary manner, certain segments of the restaurant trade which specialize in filets mignon or tenderloin steaks. This will permit these sellers to trim off all fat, sinew, and connective tissue, so as to allow the restaurants to utilize all the meat for steaks without a large additional amount of trimmings which can only be used for hamburger—for which these restaurants have only a limited outlet. A definition for "peeled tenderloin" has been added which provides that only the larger tenderloins may be used in their preparation. This meets the customary specifications of the major users of this product. In response to a recommendation by the Industry Advisory Committee, separate ceiling prices for tenderloins based on a weight breakdown have been established in the revised Schedule III. Also, in connection with special addition (3) to Schedule III, a revised definition of the term "independent frozen food distributor" has been added.

5. The title of Section 28 has been corrected to read *Specialty products, prefabricated, quick frozen, and packaged.* This conforms the title of this section with the terminology used in Appendix 8 (f), which contains the definitions for the items covered by section 28. It also conforms this title with the corresponding form used in CPR 25 and serves to avoid any unintentional confusion between the items listed in section 28 of this regulation and "specialty beef products" or "specialty steak products" as defined in section 50 (aa). While some of the items covered by section 28 may also comply with the requisites of section 50 (aa), others, like, e. g. ground beef patties, clearly do not. Accordingly, to avoid misunderstandings, a separate and distinct generic term "specialty products, prefabricated, quick frozen, and packaged" is used to distinguish the items covered by section 28 from any other product covered by this regulation.

Moreover, a new item, "flake steak", has been added to the schedule of prefabricated, quick frozen, and packaged specialty products. This adds to the products for which dollars-and-cents ceiling prices were heretofore established, a new and important item which constitutes a considerable portion of the total volume of sales of such products. A definition for this product is also added to Appendix 8.

6. A new modified definition has been provided for "oven-prepared rib", in response to requests by the trade, in order to provide for a more readily saleable product. In addition, minor clerical and language changes have been made in the course of the revision of various sections. These latter changes will have no effect on the substantive provisions of this regulation.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act, and are necessary and appropriate to promote the national defense.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the National Defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 11 (b) (1) is amended to read as follows:

(b) *Selling other than defined cuts.* (1) Regardless of any contract, agreement or other obligation, except for beef products, the ceiling prices of which are controlled by sections 3 (g), 3 (h), and 4 of this regulation, you shall not buy or receive in the regular course of trade or business and you shall not sell or deliver any beef product or any part or portion thereof unless such beef product is listed in Appendices 2 through 8, inclusive. Moreover, you shall not sell any prefabricated retail cut to a retail selling establishment unless (i) you have customarily sold prefabricated retail cuts to this establishment, or (ii) some other seller at wholesale has customarily sold prefabricated retail cuts to this establishment, or (iii) such selling establishment is a store which does not have adequate facilities for the preparation of retail cuts. Regardless of the foregoing, you shall not sell any prefabricated retail cut to a retail selling establishment unless in addition to qualifying under (i), (ii), or (iii) above, the retailer requests you in writing to sell him prefabricated retail cuts.

2. Section 11 (b) is amended by redesignating section 11 (b) (2) as section 11 (b) (3), and by adding the following new section 11 (b) (2):

(2) If you desire to sell prefabricated retail cuts as set forth in section 11 (b) (1) but you fail to meet one or more of the required qualifications, you may apply for special authorization, by writing to the appropriate District Office of Price Stabilization for the District in which your principal place of business is located, setting forth the following information: (i) the reasons why you desire to sell prefabricated retail cuts; (ii) the name and address of the retailer to whom you desire to sell; (iii) a statement, supported by such figures of proposed volume of sales, selling prices, and costs, as you may be able to supply, that the authorization requested will not cause an undue diversion of available meat supplies, and will not increase the overall cost of meat to this retailer; and (iv) a signed statement from this retailer that he joins in your application for such special authorization and that if the application is granted, he will not, as a result, apply thereafter to the Office of Price Stabilization for an increase in his ceiling prices.

The District Director of Price Stabilization may thereafter issue an order, authorizing you to sell prefabricated cuts to the designated retailer, subject to any appropriate conditions and limitations, provided the District Director finds that such authorization (i) will not cause an undue diversion of available meat supplies into prefabricated retail cuts; (ii) will not increase the overall cost of meat to such retailer or to ultimate consumers; and (ii) will not otherwise have any inflationary effect or produce economic results inconsistent with the provisions and purposes of this regulation. The District Director may, at any time thereafter, modify, suspend, or revoke such order, if he finds that any material information contained in the application was incorrect, or that the economic consequences of the authorization, upon actual operation, appear to be inflationary or otherwise inconsistent with the provisions or purposes of this regulation.

3. Section 11 (b) is further amended by adding the following new Section 11 (b) (4):

(4) This regulation establishes ceiling prices for unauthorized sales of these or other items either by unauthorized sellers or to unauthorized buyers. The purpose of the provision establishing such ceiling prices is not to sanction such unauthorized sale or to excuse the violation of this section 11, but simply to establish ceiling prices for the purpose of measuring damages under the provisions of the Defense Production Act of 1950, as amended. Such unauthorized sales violate this section 11 (b), and such unauthorized sales at prices higher than those prescribed by this regulation for corresponding authorized sales also violate section 11 (a).

4. Section 11 is amended by adding a new section 11 (f) to read as follows:

(f) *Selling ungraded (or improperly graded) beef.* (1) Regardless of any contract, agreement, or other obligation, you shall not buy or receive in the regular course of trade or business and you shall not sell or deliver any beef which does not clearly bear a correct grade mark, as required by Distribution Regulation 2, as amended.

(2) This regulation establishes ceiling prices for beef which does not clearly bear a correct grade mark, as required by Distribution Regulation 2, as amended. The purpose of the provision establishing ceiling prices for ungraded (or improperly graded) beef is not to sanction the sale of such ungraded (or improperly graded) beef or to excuse the violation of this section 11 (f) or of Distribution Regulation 2, but simply to establish ceiling prices for the purpose of measuring damages under the provisions

of the Defense Production Act of 1950, as amended.

The sale of ungraded (or improperly graded) beef violates this section 11 (f), and the sale of ungraded (or improperly graded) beef at prices higher than those prescribed by this regulation also violates section 11 (a).

5. Section 20, Schedule I is amended by deleting special adjustments (1) and (2), and by re-numbering special adjustments (3), (4), (5), and (6) as special adjustments (1), (2), (3) and (4), respectively. See section 29 for ceiling prices for miscuts and ungraded (or improperly graded) beef.

6. Section 21 is amended by deleting item 10—Strip loin (boneless) and item 30—Boneless strip steak and the prices for these items in Schedules II (a), II (b), II (c), and II (d), and substituting the following:

[Ceiling prices by grade, per hundredweight]

	Prime	Choice	Good	Commercial	Utility
Schedule II (a)					
10. Strip steaks (bone-in)	$233.00	$199.50	$166.00	$122.20	$120.90
30. Boneless strip loin or boneless strip steak	290.80	249.10	207.10	152.40	150.70
Schedule II (b)					
10. Strip steaks (bone-in)	226.50	194.00	161.50	118.80	117.40
30. Boneless strip loin or boneless strip steak	282.80	242.10	201.30	148.10	146.40
Schedule II (c)					
10. Strip steaks (bone-in)	220.10	188.50	156.70	115.20	113.80
30. Boneless strip loin or boneless strip steak	274.70	235.20	195.50	143.60	141.90
Schedule II (d)					
10. Strip steaks (bone-in)	210.80	181.00	150.40	110.50	109.20
30. Boneless strip loin or boneless strip steak	263.10	225.80	187.60	137.80	136.10

7. Section 22 is amended to read as follows:

SEC. 22. *Schedule III—Boneless beef cuts.* The ceiling prices for the boneless beef cuts listed in columns (7) and (8) apply to both bull meat and other beef. The prices listed in columns (3), (4), (5), and (6) do not apply to bull meat.

[All prices are on a dollars per hundredweight basis. The price for any fraction of a hundredweight shall be reduced proportionately. You may not add the additions set forth in sections 40, 43, 44, 47, and 48]

No.	Boneless cuts	Ceiling prices by grades: Prime	Choice	Good	Commercial	Utility	Cutter and canner	Zone differential allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Insides and knuckles	$84.00	$84.00	$84.00	$76.00	$74.00	$65.00	The zone differential for sales of boneless beef cuts listed in this sec. 22, shall be 1.1 times the zone differential listed in appendix 11 for the particular grade of beef sold. The zone differential shall be rounded to the nearest 10 cents per hundredweight.
2	Clods	77.50	77.50	77.50	72.00	72.00	63.00	
3	Strips				72.00	72.00	63.00	
4	Sirloin butts	88.00	82.00	76.00	71.00	70.00	63.00	
5	Regular rolls				100.00	100.00	76.00	
6	Tenderloin: [1]							
	a. Regular—Under 3 pounds				100.00	100.00	75.00	
	b. Regular—3 to 5 pounds				120.00	110.00	85.00	
	c. Regular—Over 5 pounds	120.00	140.00	130.00	130.00	120.00	95.00	
	d. Peeled				140.00	140.00	140.00	
7	Flank steak	65.00	65.00	65.00	65.00	65.00	65.00	
8	Chucks	67.00	67.00	67.00	62.00	62.00	57.00	
9	Rump	82.00	82.00	82.00	74.00	70.00	60.00	
10	Rounds	82.00	82.00	82.00	74.00	72.00	63.00	
11	Ground beef (bulk)[2]	55.00	55.00	55.00	55.00	55.00	55.00	
12	Ground beef in casings	56.00	56.00	56.00	56.00	56.00	56.00	
13	Ground beef patties	60.00	60.00	60.00	60.00	60.00	60.00	
14	Stewing beef	61.00	61.00	61.00	61.00	61.00	61.00	
15	Regular trimmings	47.00	47.00	47.00	47.00	47.00	47.00	
16	Sterilized trimmings	40.00	40.00	40.00	40.00	40.00	40.00	
17	Shank meat	58.00	58.00	58.00	58.00	58.00	58.00	
18	Tenderlion (military specifications)					115.00		
19	Lean ground beef (bulk)[2]	65.00	65.00	65.00	65.00	65.00	65.00	
20	Lean ground beef in casings	66.00	66.00	66.00	66.00	66.00	66.00	
21	Lean ground beef patties	70.00	70.00	70.00	70.00	70.00	70.00	
22	Outsides	82.00	82.00	82.00	74.00	72.00	63.00	
23	Skirt steaks	65.00	65.00	65.00	65.00	65.00	65.00	
24	Spencer rolls				85.00	85.00	70.00	
25	Plate and brisket trimmings (kosher and nonkosher)	34.00	34.00	34.00	34.00	34.00	34.00	

[1] Bull tenderloins shall be regarded as cutter and canner grade tenders for the purpose of pricing under Schedule III.
[2] If, at any time, a purchaser requests you to sell him ground beef (bulk) or ground beef patties, and you are unable to supply his demand, you may not sell him lean ground beef (bulk) or lean ground beef patties at a price in excess of the ceiling price for ground beef (bulk) or ground beef patties.

SPECIAL ADDITIONS

(1) If you are a hotel supply house, you may add $1.50 per cwt. to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(2) If you are a combination distributor, you may add $2.00 per cwt. to the prices listed above. You may not charge the amount permitted in this special addition unless the item sold was physically within the cooler of your selling establishment prior to delivery.

(3) If you are an independent frozen food distributor (as defined in section 50 (cc) of this regulation) and you sell frozen ground beef, frozen lean ground beef, or frozen lean ground beef patties, which you purchase already processed and packaged for resale, from an unaffiliated source, you may add $5.00 per cwt. to the ceiling prices listed above on sales to retailers and purveyors of meals only.

8. Section 28 is amended by changing the title thereof to read as follows:

SEC. 28. *Schedule IX—Specialty products, prefabricated, quick frozen and packaged.*

9. Section 28, Schedule IX is amended by adding a new item 7 as follows:

Item	Price per hundredweight in zone 1
7. Flake steaks:	
(a) 1 pound or less package	$93.40
(b) Over 1 pound package	88.40

10. Article II is amended by adding a new section 29 to read as follows:

SEC. 29. *Miscuts, ungraded (or improperly graded) beef, and unauthorized sales.* For the sole purpose of measuring the amount of damages in civil actions under the provisions of the Defense Production Act of 1950, as amended, for violations of Section 11 of this regulation involving sales of other than defined cuts (miscuts), sales of ungraded (or improperly graded) beef, or unauthorized sales (either by unauthorized sellers or to unauthorized buyers) the following ceiling prices shall apply:

(a) *Miscuts.* The ceiling price for any beef product or part or portion thereof which has not been prepared in accordance with the standards prescribed in Appendices 2 through 8, inclusive, is 50 percent of the ceiling price for the most nearly similar beef product listed in this regulation. If the miscut is of such nature as to render the product unidentifiable, the ceiling price is equal to that for "flank", as listed in Schedule I.

(b) *Ungraded (or improperly graded) beef.* The ceiling price for any beef product (other than tenderloins) listed in section 20, 21 or 22 of this regulation, which does not clearly bear a correct grade mark as required by Distribution Regulation 2, as amended, is the ceiling price established by this regulation for the lowest grade of such beef product.

(c) *Unauthorized sales.* The ceiling price for any beef product sold in violation of section 11 (b) by an unauthorized seller or to an unauthorized buyer, is 50 percent of the ceiling price applicable to the same or most nearly similar class of buyer.

The ceiling price for any grade of beef sold when no specific ceiling price for beef of this grade has been established by the regulation, is the ceiling price of the nearest lower grade of the same item for which a specific ceiling price has been established by this regulation. If no specific ceiling price has been established for any lower grade, the ceiling price is 50 percent of the ceiling price for the lowest grade of the same item for which a specific ceiling price has been established by this regulation.

11. Section 50 is amended by adding a new section 50 (cc) to read as follows:

(cc) *Independent frozen food distributor* means a person who, (1) sells a frozen food item which is packaged, (2) buys this item already processed and packaged from a person with whom he is not affiliated, and (3) is not a processor of this particular type of frozen food item.

12. Appendix 3 (a) is amended by changing the first paragraph thereof to read as follows:

(a) Boneless beef cut means any of the following cuts derived from any grade of beef:

12a. Appendix 3 (a) (6) is amended to read as follows:

(6) *Boneless beef tenderloin* shall be removed from the loin in the manner prescribed in Appendix 4 (a) (11), and the same specifications for trimming the tenderloin, as outlined in that paragraph shall apply. A peeled tenderloin shall be prepared only from tenderloins weighing more than 5 pounds each. All skin and fat and large blood vessels are to be removed. The strip of lean meat lying along the edge of the tenderloin is to be completely removed to within 4½ inches from the butt of the tenderloin. Knife-gashed and hook-torn tenderloins are to be completely trimmed free of rough ends and slivers of thin meat. The trimmed weight of the completely peeled tenderloin shall not be less than 2¾ pounds each.

13. Appendix 4 (a) (19) is amended to read as follows:

(19) *Oven-prepared rib* means that part of seven-bone rib remaining after the chine bone and short ribs have been removed. The chine bone, or bodies of the thoracic vertebrae, shall be entirely removed by cutting to the point at which they join the feather bones, exposing the lean meat, but leaving the feather bones attached to the rib cut. The short ribs shall be removed by a cut which begins at a point on the twelfth rib not more than 8 inches from the protruding edge of the twelfth thoracic vertebra and continuing in a straight line to a point on the sixth rib which is not more than 8 inches from the protruding edge of the sixth thoracic vertebra (chine bone). All the blade bone including the cartilage shall be removed.

14. Appendix 4 (a) (27) is amended to read as follows:

(27) *Club steak (bone-in)* means a steak cut from that portion of a short loin extending from a point opposite the juncture of the first and second lumbar vertebrae to the forward end of the short loin. The chine bone shall be removed by chopping or sawing through the inner extremity of the spinal cord groove. Only complete club steaks shall be made. Not more than one inch of fat shall remain on the outside skin surface.

15. Appendix 4 (a) (10) is amended to read as follows:

(10) *Strip steak (bone-in)* means a steak cut from the bone-in strip loin. No further cutting or trimming is required.

16. Appendix 4 (a) (30) is amended to read as follows:

(30) *Boneless strip loin or boneless strip steaks.* A boneless strip loin shall be prepared by removing all bones from a bone-in strip loin. The flank end of the loin shall be removed to a point measured two inches downward from the lower end of the eye muscle. Not more than one-half inch of fat shall remain on the outside skin surface. The backstrap and all fat lying on the inside of the loin shall be removed. Boneless strip steaks shall be cut from a boneless strip loin as prescribed herein. In trimming the fat from the outside surface, the grade mark shall not be removed.

17. Appendix 8 (f) is amended by adding the following new item:

7. *"Flake steak"* means a product prepared from unground boneless beef which has been thoroughly frozen at quick freezing temperatures; which has been flaked and molded into individual steaks; which does not have a fat content of more than 15 percent by chemical analysis; and which is packaged in the same manner as wafer steaks.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 16, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 11, 1952.

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[Ceiling Price Regulation 93, Interpretation 13]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 13—SALES OF REAL PROPERTY BY BUILDING CONTRACTORS (GENERAL)

Builders who sell both land and buildings which they have erected on such land have inquired as to when the construction services involved are exempt and when they are controlled by CPR 93.

"Prices or rentals for real property" are exempted from price control by the Defense Production Act, as amended (section 402 (1) (j)). On the other hand, sales of construction services are subject to price controls under CPR 93. In some instances, owners of land sell or contract to sell the land and also perform or contract to perform construction services in erecting buildings upon the land. In dealing with such situations OPS has interpreted the statute and regulation to mean that construction services which are rendered by a seller of land after he has transferred the legal title to the land to a purchaser are subject to price controls under CPR 93. In such a case a seller of land is treated like any other person who renders construction services in erecting buildings on land owned by another. On the other hand, where the seller transfers the land after he has erected a building thereon, the sale of the land and the building to a purchaser, is exempt from price control.

The following examples illustrate the application of the foregoing principle:

(1) A builder, who owns the land, enters into a contract with a purchaser to build a house upon the land. Title to the land and the building is to pass to the purchaser upon the completion of the house. The transaction is exempt from price control. The fact that equitable title to the land passed upon the making of the contract is immaterial.

(2) A builder owns land on which he has started construction of a house. He enters into a contract for the sale of both the house and land to the purchaser, title to pass at the completion of the construction. Questions have been raised as to the proper interpretation of the law if the contract is entered into at various stages of completion, to wit:

a. After the foundation is in.
b. After the house is roughed in.
c. After the first FHA inspection.
d. After the second FHA inspection.

In each of the aforementioned situations the builder is exempt from price control, since legal title to the property does not pass to the purchaser until the construction has been completed.

(3) A builder owns land upon which there has been no construction. He enters into a contract with a purchaser to construct a house upon the land. Under the contract, title to the land passes to the purchaser at the time the builder and the purchaser enter into the contract for construction. Since title to the land passes to the purchaser at the time of entrance into the contract for construction the builder is subject to CPR 93.

(4) A completed new house that has never been lived in is sold by the builder who owns the land and the house. The builder who owns land and did the construction work is exempt from price control when he sells the property.

(5) Where the land is owned by one who hires a builder to build a house on the land, the builder is performing a construction service and is required to comply with the provisions of CPR 93.

(6) X corporation is the owner of a parcel of land and Y corporation is a builder. X corporation and Y corporation are owned and controlled by the same individual. X corporation (the land owner) enters into a contract for construction with the purchaser, the construction services to be performed by Y corporation. When land is owned by one corporate entity or individual, and construction services are performed by another corporation or individual, the construction services are covered by CPR 93. In the absence of fraud or other facts which would justify "piercing the corporate veil" under the common law, the OPS will not pierce the corporate veil, even though both corporations are actually owned or controlled by one individual.

(7) The situation is the same as in (6) above, except that the purchaser enters into the contract for the purchase of the land with X corporation (the land owner) and enters into a separate contract to construct the building with Y corporation (the building corporation), instead of with X corporation (the landowning corporation). Y corporation is governed by CPR 93, since Y corporation does not itself own the land.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
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JULY 11, 1952.

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[Ceiling Price Regulation 93, Interpretation 15]

CPR 93—Construction and Related Services and Sales of Installed Materials

INT. 15—EXEMPTION OF "ONE-MAN SHOPS"—VIOLATION OF CPR 34 (SECTION 1 (B)), AS AMENDED

The exemption granted "one-man shops" went into effect November 20, 1951 when CPR 93 became effective. Acts which occurred prior to that date and which violated CPR 34 were not legalized by the issuance of CPR 93. The language of section 1 (b) "neither this regulation nor any other regulation heretofore or hereafter issued by OPS" is applied only prospectively. However, the "one-man shop" exemption of CPR 93 would apply to regulations previously issued.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

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[Ceiling Price Regulation 157]

CPR 157—Ceiling Prices for the Eastern Wood Preserving Industry

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 157 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for the service of preservatively treating forest products, by pressure or non-pressure processes, when the treatment is done in the part of the United States east of the 100th meridian, except North Dakota and South Dakota; it also establishes ceiling prices for sales by treaters of all preservatively treated forest products treated by pressure or non-pressure processes in the part of the United States east of the 100th meridian, except North Dakota and South Dakota.

The industry covered is essentially of the service type. No basic change in the form of the products treated is made; in each case the product is prepared, incident to treatment, and treated according to specifications set by the purchaser.

Forest products such as lumber, poles, piling, posts, bridge materials, railroad ties, railroad crossings, and wood block flooring are treated with a preservative or fire retardant to protect the wood against decay, insect damage, and fire hazard. Considerable quantities of these treated products are used in the Defense Program.

Pressure and non-pressure treatment processes are covered by this regulation. In the pressure process an oil or water borne preservative, or a fire retardant is forced into the material in a closed cylinder (retort) under pressure, the amount of preservative injected and left in the wood in each case being specified by the purchaser. In the non-pressure process, mainly an open tank or vat process, the products to be treated are immersed in a hot preservative; this is followed by immersion in a cold preservative, for varying lengths of time, depending on the degree of absorption which is desired.

According to statistics compiled by the U. S. Forest Service in cooperation with the American Wood Preservers' Association, there were on July 15, 1951, in the area covered by this regulation, 190 commercial treating plants. Of this total, 149 were pressure plants, 34 were non-pressure plants, and 7 were combined pressure and non-pressure plants. The U. S. Census of Manufacturers for 1947 indicated the value of the product shipped as approximately 250 million dollars annually.

The wood preserving industry has two classes of sales, (1), the sale of treated forest products in which the treater furnishes the untreated product as well as the treating service, and (2), the sale of the treating service only, referred to in the industry as "TSO", in which the customer provides the untreated forest products, and the treater provides the treatment service, including the preservative and miscellaneous services incidental to the treatment.

Under this regulation, ceiling prices are determined by treaters by the use of either the formula that they were using during the base period, January 25 through February 24, 1951, inclusive; or, if they were using an established price list or a contract listing prices during the base period, they must use such price list or contract listing prices, adjusted to reflect current costs for the untreated forest products supplied if any, and reflecting any changes in cost of the preservative up to July 11, 1952.

In using the formula method, producers apply their raw material, treatment, margin, and transportation factors in the same manner as they did during the base period reflecting current costs for untreated forest products and costs for preservatives incurred up to July 11, 1952.

The treatment factor cannot exceed costs during the base period for the elements comprising the treatment factor.

The margin factor is the base period margin, computed on a dollar and cent basis and converted to a rate per unit of material.

The transportation factor is determined by the actual transportation cost, if known; otherwise, it is determined by multiplying the established weights of the products by the applicable freight rate in effect at the time of shipment. If the untreated material originates at several loading out points, an average inbound or through freight rate may be used.

The ceiling prices established by this regulation may thus exceed the GCPR level to the extent of increases in the cost of raw materials and transportation costs since the GCPR base period. Current costs of preservatives are not generally higher than they were in the base period. The treating costs and margin factor are limited to the GCPR level.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

As far as practical, in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included two meetings with the Industry Advisory Committee for the Eastern wood preserving industry.

Every effort has been made to conform this regulation to business practices existing with respect to the treatment, sale, and distribution of preservatively treated forest products covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. What regulations are superseded.
3. Geographical applicability.
4. Base period.
5. Ceiling prices.
6. Established weights for treated forest products.
7. Ceiling prices for new treaters.
8. Adjustable pricing.
9. Records.
10. Application for approval of new formulas or factors.
11. Interpretations.
12. Modification of proposed ceiling prices by the Director of Price Stabilization.
13. Prohibitions and violations.
14. Evasions.
15. Petitions for amendment.
16. Definitions and explanations.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or Apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation establishes ceiling prices for the service of preservatively treating forest products, by pressure or non-pressure processes, when the treatment is done in the part of the United States east of the 100th meridian, except North Dakota and South Dakota; it also establishes ceiling prices for sales by treaters of all preservatively treated forest products treated, by pressure or non-pressure processes, in the part of the United States east of the 100th meridian, except North Dakota and South Dakota.

(b) The sales covered by this regulation fall into two divisions: (1) Sales of treatment services only, where the forest products are not supplied by the seller of the treatment; and (2) sales of treated forest products, where both forest products and treatment are supplied by the seller. Among the forest products covered by this regulation, but not limited thereto, are bridges, poles, piling, lumber, railroad crossings, railroad ties, and wood block flooring.

(c) Your ceiling prices are established by the application of the pricing method used by you during the base period of this regulation. If you used a price list, or a contract listing prices, or a formula during the base period, you must use the same method to determine your ceiling prices to each class of purchaser under this regulation. Limitations upon the use of these pricing methods are contained in section 5. Lower prices than those established by this regulation may be offered, charged, demanded, or paid.

SEC. 2. *What regulations are superseded.* This regulation supersedes the General Ceiling Price Regulation, Ceiling Price Regulation 34, Ceiling Price Regulation 126, Ceiling Price Regulation 155, and Supplementary Regulation 102 to the GCPR, insofar as they pertain to the transactions covered by this regulation.

SEC. 3. *Geographical applicability.* The provisions of this regulation shall apply within the forty-eight States of the United States and the District of Columbia.

SEC. 4. *Base period.* Your ceiling prices to each class of purchaser for the products and services covered by this regulation are ascertained by using your price list, or contract listing prices, or formula, in effect during the period from January 25, 1951, through February 24, 1951, hereinafter called the "base period".

SEC. 5. *Ceiling prices.*—(a) *Formula method.* If you use the formula method, it shall contain the following factors: Raw material, treatment, margin, and transportation. To establish a ceiling price for your product or service by the formula method, you apply these factors just as you would have done during the base period. However, in determining each factor, you shall comply with the following limitations:

(1) *Raw material factor.* (i) Except as provided in subdivision (ii) below, in calculating your raw material factor, you shall use the current actual cost to you of the untreated forest product from your normal source of supply and the highest cost to you from your normal source of supply between December 19, 1950 and July 11, 1952 for the preservative used by you, but such costs may not exceed applicable ceiling prices under Office of Price Stabilization regulations. Your raw material costs shall be calculated in your base period manner: If you used the practice of averaging your raw material costs during the base period, you shall continue such practice.

(ii) If you are a treater who is fully or partially owned or controlled by, or financially connected with your raw material supplier, your raw material factor with respect to your untreated forest product and the preservative used by you shall be based upon a transfer price computed in the same manner as during the base period using the same accounting method (for example, transfer the cost or the market price), classification, and quantity variation. However, the transfer price may not exceed either the highest transfer price of such raw materials during the base period, or, with respect to the untreated forest product, the supplier's current applicable ceiling price, or with respect to the preservative used by you, your supplier's ceiling price on July 11, 1952.

(iii) If you are a treater who is fully or partly owned or controlled by, or financially connected with your raw material supplier or suppliers, and you also purchase raw materials from a supplier or suppliers not fully or partially owned by, or not financially connected with you, you may, within the limitations set out in subdivisions (i) and (ii) above, compute your raw material factor just as you did during the base period.

(iv) If you included amounts for cullage and carrying charges in computing your raw material factor during the base period, you may continue to do so in your base period manner. However, you may not add more than the same percentage allowed during the base period, and you must subtract credits received from the sale or other disposition of culled material in the same manner in which such credits were subtracted during the base period.

(2) *Treatment factor.* Your treatment factor shall include charges for the actual treatment, as well as charges incident to the treatment of the product such as, but not limited to, yarding, framing, fabricating, kiln drying, incising, inspection, adzing, and boring. These charges may not exceed your actual costs during the base period for the elements that constitute your treating factor. The treatment factor for a product or service which was not offered or sold by you during the base period shall be determined in the same manner as you determined the treatment factor for the most comparable product or service contracted to be sold during the base period.

(3) *Margin factor.* (i) Your margin factor is the difference between your selling price f. o. b. shipping point and the sum of your raw material and treatment factors, as applied during the base period. Your margin factor for each group of products (such as poles, piling, or railroad ties) to each class of purchaser shall be the highest dollar and cents margin used by you on sales to that class of purchaser during the base period with respect to any item in that group of products, and converted to a rate per unit of material.

(ii) You shall continue to figure your margins by the same accounting and costing practices used by you during the base period, or you may change such practices provided a higher price does not result than that which would have resulted by the use of your base period practices.

(iii) If you were not engaged during the base period in treating or selling a group of products covered by this regulation, your margin shall not be greater than the margin determined under section 7 of this regulation.

(4) *Transportation factor.* You shall continue to sell f. o. b. original loading out point of the untreated material, f. o. b. treating plant, or on a delivered price basis, in accordance with your customary practices during the base period.

(i) *F. o. b. treating plant.* In such sales, if known, the actual transportation cost of the untreated forest product from loading out point to treating plant must be used; if unknown, the cost may be calculated by multiplying the weight (as established in the applicable Office of Price Stabilization regulation, or, if none is established by regulation, the estimated weight used by you during the base period) for the untreated material by the applicable freight rate in effect at the time of shipment. If the untreated material is received from several loading out points, an average inbound freight rate may be used.

(ii) *Sales on delivered basis.* (a) Where treating in transit rates are available, the transportation addition must be figured by multiplying the through freight rate from the original loading out point by the appropriate established weights in section 6. If the untreated forest product is received from several loading out points, an average through freight rate may be used. You may add the transit charge to the through freight charge. When transit privileges do not apply, the transportation addition is the freight charge from loading out point to treating plant (computed as provided in subdivision (i) of this subparagraph) plus the freight charges from the treating plant to the point of destination (calculated by multiplying the established weight of the treated material, as set forth in section 6, by the applicable freight rate in effect at the time of shipment).

(b) If shipment is by truck owned or controlled by you, a charge not in excess of the common carrier published rate may be made. If there is no published rate, the actual cost of transportation may be charged.

(c) When truck delivery follows a rail haul, as specified by the purchaser, the actual cost of truck delivery may be added. This may include the cost of unloading, handling, and reloading involved in the transfer from rail car to the truck and the cost of unloading the truck at the point of destination, if actually performed by you. When an all truck haul ends in delivery to a job site or a storage yard and the unloading is performed by you, you may add the actual cost of unloading.

(b) *Price list.* (1) If you used a price list for the sale of your services or products, or both, during the base period, which you published or circulated to the trade, you must use as the ceiling prices

to the class of purchaser involved, the prices contained in that list, subject to the discounts and allowances then in effect, but adjusted up or down to reflect (1) the dollar-and-cent difference between the highest price at which you contracted during the base period to purchase the untreated forest product supplied by you, if any, from your normal source of supply, and the current actual cost to you of such untreated forest product from your normal source of supply, and (2) the dollar-and-cent difference between the highest price at which you contracted during the base period to purchase the preservative used by you from your normal source of supply and the highest cost to you for such preservative between December 19, 1950 and July 11, 1952 from your normal source of supply. If you did not contract to purchase the untreated forest product during the base period, you use in making the adjustment, up or down, the dollar-and-cent difference between the highest price at which you contracted during the base period to purchase from your normal source of supply the most comparable untreated forest product for which you made a base period purchase contract and the current actual cost to you from your normal source of supply of such untreated forest product. Your current actual cost of untreated forest products may not exceed applicable ceiling prices under current OPS regulations and your highest cost for a preservative between December 19, 1950 and July 11, 1952 may not exceed the applicable ceiling price on July 11, 1952.

(2) The ceiling prices established by such a price list shall be subject to nonretroactive disapproval or adjustment, at any time, by the Director of Price Stabilization to bring said prices into line with the general level of ceiling prices established by this regulation.

(c) *Contract listing prices.* If you had a written contract listing prices for the sales of your services or products, or both, in effect during the base period, you may use as your ceiling prices to the class of purchaser involved, the prices contained in that contract, subject to the discounts and allowances then in effect, but adjusted up or down, in the same manner as prescribed in paragraph (b) of this section, to reflect differences between contract to purchase prices and costs of both the untreated forest product, supplied by you, if any, and the preservative used by you. The ceiling prices established by such contract shall be subject to nonretroactive disapproval or adjustment, at any time, by the Director of Price Stabilization to bring said prices into line with the general level of ceiling prices established by this regulation.

SEC. 6. *Established weights for treated forest products.* The following are the established weights in pounds, per piece or measure, as indicated, for preservatively treated products covered by this regulation.

(a) *Poles.*

TABLE I—DOUGLAS FIR POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					205	175	145	165	120	95
18			330	285	240	205	165	185	130	110
20	610	450	410	345	290	250	205	230	175	140
22	720	590	490	405	330	285	250	270	205	165
25	865	710	560	500	430	370	300	340	250	205
30	1,115	945	805	685	575	480	395	450	325	
35	1,370	1,170	1,010	855	750	650	542	610		
40	1,645	1,415	1,225	1,065	925	805	705			
45	1,940	1,670	1,470	1,260	1,110	970	850			
50	2,255	1,930	1,680	1,470	1,305	1,160	1,020			
55	2,610	2,240	2,020	2,030	1,500	1,365				
60	3,010	2,570	2,190	1,910	1,705	1,570				
65	3,505	2,915	2,455	2,140	1,950					
70	4,030	3,300	2,745	2,385	2,170					
75	4,535	3,695	3,060	2,635						
80	5,120	4,135	3,390	2,890						
85	5,700	4,595	3,750							
90	6,310	5,125	4,130							
95	7,140	5,820								
100	7,785	5,920								

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE II—JACK PINE AND RED (NORWAY) PINE POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					223	196	170	180	170	135
18			373	320	278	233	195	205	176	150
20	546	487	432	370	325	280	245	260	214	175
22	645	579	506	419	374	324	285	305	242	200
25	807	702	604	525	461	402	340	385	288	240
30	1,084	945	821	705	599	527	456	513	351	
35	1,373	1,192	1,041	900	807	684	612			
40	1,705	1,489	1,296	1,140	947	867	814			
45	2,043	1,773	1,544	1,269	1,121	968	852			
50	2,481	2,080	1,806	1,599	1,310	1,124				
55	2,785	2,379	2,048	1,741	1,488	1,254				
60	3,210	2,726	2,337	1,968	1,691	1,444				

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE III—LODGEPOLE PINE POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					186	160	131	150	109	87
18			302	254	218	186	159	167	129	103
20	564	448	371	313	262	220	180	202	160	128
22	655	535	444	368	317	270	226	244	185	
25	802	655	546	462	395	336	277	294	231	
30	1,083	890	739	630	529	441	363	403	315	
35	1,364	1,079	958	802	685	592	512	483	420	
40	1,529	1,302	1,129	970	844	735	638			
45	1,780	1,529	1,327	1,155	1,008	882	733			
50	2,075	1,764	1,537	1,336	1,184	1,046	920			
55	2,373	2,045	1,747	1,525	1,361	1,231				
60	2,755	2,357	1,963	1,730	1,537					
65	3,190	2,655	2,220							
70	3,670	2,985	2,470							
75	4,110	3,350								

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE VI—NORTHERN WHITE CEDAR POLES

[Established weight in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Classes	1	2	3	4	5	6	7	8	9	10
Top diameter										4"
Lengths (feet):										
16										95
18										110
20										140
22										165
25										205
30										
35										
40										
45										
50										
55										
60										
65										
70										
75										
80										
85										
90										
95										
100										

TABLE VII—WESTERN RED CEDAR POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Length (feet)	Heavy (lbs.)	Classes									
		1	2	3	4	5	6	7	8	9	10
16	1,200	1,000	800	700	600	500	400	350	300	250	200
18	1,350	1,125	900	788	675	563	450	394	338	281	225
20	1,500	1,250	1,000	875	750	625	500	438	375	313	250
22	1,650	1,375	1,100	963	825	688	550	481	413	344	275
25	1,875	1,563	1,250	1,094	938	781	625	547	469	391	313
30	2,250	1,875	1,500	1,313	1,125	938	750	656	563	469	375
35	2,625	2,188	1,750	1,531	1,313	1,094	875	766	656	547	438
40	3,000	2,500	2,000	1,750	1,500	1,250	1,000	875	750	625	500
45	3,375	2,813	2,250	1,969	1,688	1,406	1,125	984	844	703	563
50	3,750	3,125	2,500	2,188	1,875	1,563	1,250	1,094	938	781	625
55	4,125	3,438	2,750	2,406	2,063	1,719	1,375	1,203	1,031	859	688
60	4,500	3,750	3,000	2,625	2,250	1,875	1,500	1,313	1,125	938	750
65	4,875	4,063	3,250	2,844	2,438	2,031	1,625	1,422	1,219	1,016	813
70	5,250	4,375	3,500	3,063	2,625	2,188	1,750	1,531	1,313	1,094	875
75	5,625	4,688	3,750	3,281	2,813	2,344	1,875	1,641	1,406	1,172	938
80	6,000	5,000	4,000	3,500	3,000	2,500	2,000	1,750	1,500	1,250	1,000
85	6,375	5,313	4,250	3,719	3,188	2,656	2,125	1,859	1,594	1,328	1,063
90	6,750	5,625	4,500	3,938	3,375	2,813	2,250	1,969	1,688	1,406	1,125
95	7,125	5,938	4,750	4,156	3,563	2,969	2,375	2,078	1,781	1,484	1,188
100	7,500	6,250	5,000	4,375	3,750	3,125	2,500	2,188	1,875	1,563	1,250

TABLE IV—SOUTHERN YELLOW PINE POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					186	160	131	150	109	87
18			302	254	218	186	159	167	129	103
20	564	448	371	313	262	220	180	202	160	128
22	655	535	444	368	317	270	226	244	185	
25	802	655	546	462	395	336	277	294	231	
30	1,083	890	739	630	529	441	363	403	315	
35	1,364	1,079	958	802	685	592	512	483	420	
40	1,529	1,302	1,129	970	844	735	638			
45	1,780	1,529	1,327	1,155	1,008	882	733			
50	2,075	1,764	1,537	1,336	1,184	1,046	920			
55	2,373	2,045	1,747	1,525	1,361	1,231				
60	2,755	2,357	1,963	1,730	1,537					
65	3,190	2,655	2,220							
70	3,670	2,985	2,470							
75	4,110	3,350								

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE V—WESTERN LARCH POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16										
18										
20										
22										
25										
30										
35										
40										
45										
50										
55										
60										
65										
70										
75										

NOTE: The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

For example: (1) A pile measuring 12" 7' from the butt would be figured as follows:

	Inches
Diameter 7' from butt	12
7' exceeds 6' by 1' add for 1' (fraction of 10')	1
	13

Diameter 6' from butt

The weight is found under column headed 13" minimum butt which includes weight for 13" 6' from the butt.

(2) A 70' pile measuring 12" one-quarter of the length from the butt would be figured as follows:

	Inches
Diameter 17½' from the butt (1' of 70')	12
17½' exceeds 6' by 11½' add for 10'	1
Add for 1½' (fraction of 10')	
	13

Diameter 6' from butt

The weight is found under column headed 15" minimum butt, which includes weight for 14' 6' from the butt.

(3) For retention of preservative other than 10 pounds per cubic foot, add to or subtract from the weights for 10 pounds retention 1 pound per cubic foot for each pound variation in the retention of preservative specified.

TABLE II—SOUTHERN YELLOW PINE PILING

[Established weights in pounds per lineal foot for 12-pound final retention]

Lengths (feet)	9" minimum butt includes 8' 3" to 9' 3"	10" minimum butt includes 9' 4" to 10' 3"	11" minimum butt includes 10' 4" to 11' 3"	12" minimum butt includes 11' 4" to 12' 3"	13" minimum butt includes 12' 4" to 13' 3"	14" minimum butt includes 13' 4" to 14' 3"	15" minimum butt includes 14' 4" to 15' 3"	16" minimum butt includes 15' 4" to 16' 3"	17" minimum butt includes 16' 4" to 17' 3"	18" minimum butt includes 17' 4" to 18' 3"
15-17	33	39	46	53	61	69	78	87	97	107
18	35	41	48	56	64	73	82	92	102	113
19	36	43	50	58	67	76	86	96	107	118
20	38	45	52	61	70	80	90	101	112	124
21	40	47	55	64	73	83	94	105	117	129
22	41	49	57	66	76	87	98	110	122	135
23	43	51	60	69	79	90	102	114	127	140
24	45	53	62	72	82	94	106	119	132	146
25	46	55	64	75	86	97	110	123	137	151
26	48	57	67	77	89	101	114	128	142	157
27	50	59	69	80	92	105	118	132	147	162
28	51	61	72	83	95	108	122	137	152	168
29	53	63	74	86	98	112	126	141	157	173
30	54	65	76	88	101	115	130	146	162	179
31	56	67	79	91	104	119	134	150	167	184
32	58	69	81	94	108	122	138	155	172	190
33	59	71	83	97	111	126	142	159	177	195
34	61	73	86	100	114	130	146	164	182	201
35	62	75	88	102	117	133	150	168	187	206
36	64	77	90	105	120	137	154	173	192	212
37	66	79	93	108	123	140	158	177	197	217
38	67	81	95	110	126	144	162	182	202	223
39	69	83	97	113	129	147	166	186	207	228
40	70	84	99	116	133	151	170	191	212	234
41	72	86	102	119	136	155	174	196	217	240
42	74	88	104	122	139	158	178	200	222	245

Notes

(1) Where top diameter controls the size of the pile to be furnished, the butt diameter may be determined by adding to the minimum top of 10" the product of the number of feet in the length of the pile multiplied by 0.4" for each foot of length. For example, if a 50' pile is ordered measuring not less than 12" at the butt with a minimum top of 10", figuring a natural taper of 1" for each 10' of length, the butt diameter would be 10" top plus 4" or 14".

(2) To arrive at the weight for piling with a minimum diameter at a specified point more than 6' from the butt: Convert this specified diameter to a diameter 6' from the butt by adding 1" for each 10' or fraction thereof by which the length from the butt to the specified point exceeds 6'.

(3) Select the weight in the tables applicable to the diameter 6' from the butt determined in (2) above. For example:

(i) A pile measuring 12" 7 feet from the butt would be figured as follows:

	Inches
Diameter 7' from butt	12
7' exceeds 6' by 1' add for 1' (fraction of 10')	1
	13

Diameter 6' from butt

(ii) A 70' pile measuring 12" one-quarter of the length from the butt would be figured as follows:

	Inches
Diameter 17½' from the butt (1' of 70')	12
17½' exceeds 6' by 11½' add for 10'	1
Add for 1½' (fraction of 10')	
	13

Diameter 6' from butt

(4) For retention of preservative other than 12 pounds per cubic foot, add to or subtract from the weights for 12 pounds retention 1 pound per cubic foot for each pound variation in the retention of preservative specified.

(b) *Piling.*

TABLE I—DOUGLAS FIR PILING AND OTHER WEST COAST SPECIES

[Established weight in pounds per lineal foot for 10-pound final retention]

Lengths (feet)	9" minimum butt includes 8' 3" to 9' 3"	10" minimum butt includes 9' 4" to 10' 3"	11" minimum butt includes 10' 4" to 11' 3"	12" minimum butt includes 11' 4" to 12' 3"	13" minimum butt includes 12' 4" to 13' 3"	14" minimum butt includes 13' 4" to 14' 3"	15" minimum butt includes 14' 4" to 15' 3"	16" minimum butt includes 15' 4" to 16' 3"	17" minimum butt includes 16' 4" to 17' 3"	18" minimum butt includes 17' 4" to 18' 3"
15-17	30	36	42	49	56	64	72	81	90	100
18	32	38	44	52	59	68	76	85	95	105
19	33	39	46	53	61	70	79	89	99	109
20	34	41	48	56	64	73	83	93	103	114
21	36	43	50	59	67	77	87	97	108	120
22	37	45	53	61	70	80	90	101	113	125
23	39	47	55	64	73	83	94	106	118	130
24	41	49	57	66	76	87	98	110	122	135
25	42	50	59	69	79	90	102	114	127	140
26	44	52	61	72	82	94	106	119	132	146
27	45	54	64	74	85	97	110	123	137	151
28	47	56	66	77	88	101	114	128	142	157
29	48	58	68	80	91	104	118	132	147	162
30	50	60	70	83	94	108	122	137	152	168
31	51	61	72	85	97	111	126	141	157	173
32	53	63	75	88	100	115	130	146	162	179
33	54	65	77	91	103	118	134	150	167	184
34	56	67	79	94	106	122	138	155	172	190
35	57	69	81	96	109	126	142	159	177	195
36	59	71	84	99	112	129	146	164	182	201
37	61	73	86	102	115	133	150	168	187	206
38	62	75	88	105	118	136	154	173	192	212
39	64	77	91	108	121	140	158	177	197	217
40	65	78	93	111	124	144	162	182	202	223
41	67	80	95	113	127	147	166	186	207	228
42	69	82	97	116	130	151	170	191	212	234

Lengths (feet)	15" minimum butt includes 13' 1" to 14' 6"	16" minimum butt includes 14' 1" to 15' 6"	17" minimum butt includes 15' 1" to 16' 6"	18" minimum butt includes 16' 1" to 17' 6"	19" minimum butt includes 17' 1" to 18' 6"	20" minimum butt includes 18' 1" to 19' 6"	21" minimum butt includes 19' 1" to 20' 6"	22" minimum butt includes 20' 1" to 21' 6"	23" minimum butt includes 21' 1" to 22' 6"	24" minimum butt includes 22' 1" to 23' 6"
15-17	69	79	89	100	111	123	135	148	161	175
18	72	82	93	104	116	128	141	154	168	182
19	74	85	96	108	120	133	146	160	174	189
20	77	88	99	112	125	138	152	166	181	196
21	80	91	103	116	129	143	157	172	187	203
22	82	94	107	120	134	148	163	178	194	210
23	85	97	110	124	138	153	168	184	200	217
24	88	101	114	128	143	158	174	190	207	224
25	91	104	118	132	147	163	179	196	213	231
26	94	107	121	136	152	168	184	202	220	238
27	96	110	125	140	156	173	190	208	226	245
28	99	113	128	144	161	178	196	214	233	252
29	102	117	132	148	165	183	201	220	239	259
30	105	120	136	152	170	188	207	226	246	266
31	108	123	139	156	174	193	212	232	252	273
32	110	126	143	160	179	198	218	238	259	280
33	113	129	146	164	183	203	223	244	265	287
34	116	133	150	168	188	208	229	250	272	294
35	119	136	154	172	192	213	234	256	278	301
36	122	139	157	176	197	218	240	262	285	308
37	124	142	161	180	201	223	245	268	291	315
38	127	145	164	184	206	228	251	274	298	322
39	130	148	168	188	210	233	256	280	304	329
40	133	152	171	192	214	238	262	286	311	336
41	136	155	175	196	219	243	267	292	317	343
42	138	158	179	200	224	248	273	298	324	350

Notes

(1) Where top diameter controls the size of the pile to be furnished, the butt diameter may be determined by adding to the minimum top of 10" the product of the number of feet in the length of the pile multiplied by 0.4" for each foot of length. For example, if a 50' pile is ordered measuring not less than 12" at the butt with a minimum top of 10", figuring a natural taper of 1" for each 10' of length, the butt diameter would be 10" top plus 4" or 14".

(2) To arrive at the weight for piling with a minimum diameter at a specified point more than 6' from the butt: Convert this specified diameter to a diameter 6' from the butt by adding 1" for each 10' or fraction thereof by which the length from the butt to the specified point exceeds 6'.

(3) Select the weight in the tables applicable to the diameter 6' from the butt determined in (2) above. For example:

(i) A pile measuring 12" 7 feet from the butt would be figured as follows:

	Inches
Diameter 7' from butt	12
7' exceeds 6' by 1' add for 1' (fraction of 10')	1
	13

Diameter 6' from butt

(ii) A 70' pile measuring 12" one-quarter of the length from the butt would be figured as follows:

	Inches
Diameter 17½' from the butt (1' of 70')	12
17½' exceeds 6' by 11½' add for 10'	1
Add for 1½' (fraction of 10')	
	13

Diameter 6' from butt

(4) For retention of preservative other than 12 pounds per cubic foot, add to or subtract from the weights for 12 pounds retention 1 pound per cubic foot for each pound variation in the retention of preservative specified.

(c) *Plywood.*

TABLE I—DOUGLAS FIR PLYWOOD

[Established weights per 1,000 square feet; preservatively salt treated]

Thickness (inches)	Untreated weights as established by CPR 122	Additions to untreated weights in CPR 122: Shipped without kiln or air-dried after treatment	Additions to untreated weights in CPR 122: Shipped kiln or air-dried after treatment
⅛	640	150	50
3/16	640	200	75
¼	780	275	100
5/16	950	325	125
⅜	1,150	400	150
7/16	1,300	450	175
½	1,525	525	200
9/16	1,675	575	225
⅝	1,825	650	250
11/16	2,000	700	275
¾	2,225	775	300
13/16	2,375	825	325
⅞	2,550	900	350
15/16	2,700	950	375
1	3,000	1,050	400
1 1/16	3,175	1,075	425
1 ⅛	3,350	1,150	450

TABLE IA—DOUGLAS FIR PLYWOOD

[Established weights per MFBM, fire retardant treated]

Thickness (inches)	Untreated weights as established by CPR 122	Additions to untreated weights in CPR 122: Grade H and M treatment Shipped without kiln or air-dried after treatment	Grade H treatment Shipped kiln or air-dried after treatment	Grade M treatment kiln or air dried after treatment
⅛	400	225	125	100
3/16	640	300	200	150
¼	780	425	300	200
5/16	950	525	350	250
⅜	1,125	625	375	300
7/16	1,300	725	425	350
½	1,525	825	475	400
9/16	1,675	925	525	450
⅝	1,825	1,025	600	500
11/16	2,000	1,125	675	550
¾	2,225	1,225	725	600
13/16	2,375	1,325	800	650
⅞	2,550	1,425	850	700
15/16	2,700	1,525	900	750
1	3,000	1,600	950	800
1 1/16	3,175	1,700	1,025	850
1 ⅛	3,350	1,800	1,075	900

(d) *Posts.*

TABLE I—SOUTHERN PINE POSTS

Established weight in pounds [per post]

Lengths	Diameter at small end	Weight
5'	2½" Round	12
	3" Round	16
	3½" Round	22
	4" Round	27
	4½" Round	33
	5" Round	47
	6" Round	67
6'	2½" Round	13
	3" Round	18
	3½" Round	23
	4" Round	29
	4½" Round	36
	5" Round	54
	6" Round	79
7'	2½" Round	14
	3" Round	19
	3½" Round	25
	4" Round	32
	4½" Round	40
	5" Round	62
	6" Round	90
8'	2½" Round	15
	3" Round	21
	3½" Round	28
	4" Round	36
	4½" Round	45
	5" Round	69
	6" Round	101
9'	2½" Round	17
	3" Round	23
	3½" Round	31
	4" Round	40
	4½" Round	50
	5" Round	77
	6" Round	113
10'	2½" Round	19
	3" Round	25
	3½" Round	34
	4" Round	44
	4½" Round	56
	5" Round	85
	6" Round	124
11'	2½" Round	20
	3" Round	28
	3½" Round	37
	4" Round	48
	4½" Round	61
	5" Round	93
	6" Round	136
12'	2½" Round	22
	3" Round	30
	3½" Round	40
	4" Round	52
	4½" Round	67
	5" Round	101
	6" Round	147
13'	2½" Round	23
	3" Round	32
	3½" Round	43
	4" Round	56
	4½" Round	72
	5" Round	109
	6" Round	158
14'	2½" Round	25
	3" Round	34
	3½" Round	46
	4" Round	60
	4½" Round	77
	5" Round	117
	6" Round	170
15'	2½" Round	26
	3" Round	36
	3½" Round	49
	4" Round	64
	4½" Round	82
	5" Round	125
	6" Round	181
16'	2½" Round	28
	3" Round	38
	3½" Round	52
	4" Round	68
	4½" Round	87
	5" Round	133
	6" Round	192

(d) *Posts*—Continued

Lengths	Diameter at small end	Weight
5'—Continued	7" Round	119
	8" Round	151
6'	6" Round	160
	7" Round	133
	8" Round	169
	9" Round	210
10'	2½" Round	19
	3" Round	25
	3½" Round	34
	4" Round	44
	4½" Round	56
	5" Round	85
	6" Round	124
	7" Round	169
	8" Round	220
	9" Round	284
12'	2½" Round	22
	3" Round	30
	3½" Round	40
	4" Round	52
	4½" Round	67
	5" Round	101
	6" Round	147
	7" Round	200
	8" Round	261
	9" Round	337
14'	2½" Round	25
	3" Round	34
	3½" Round	46
	4" Round	60
	4½" Round	77
	5" Round	117
	6" Round	170
	7" Halves	98
	8" Halves	132
6'	4" Halves	18
	4½" Halves	23
	5" Halves	32
	6" Halves	46
	7" Halves	62
	8" Halves	81
6½'	4" Halves	19
	4½" Halves	24
	5" Halves	34
	6" Halves	49
	7" Halves	67
	8" Halves	87
7'	4" Halves	20
	4½" Halves	26
	5" Halves	36
	6" Halves	53
	7" Halves	72
	8" Halves	94
7½'	4" Halves	21
	4½" Halves	27
	5" Halves	38
	6" Halves	55
	7" Halves	76
	8" Halves	99
8'	4" Halves	22
	4½" Halves	29
	5" Halves	40
	6" Halves	58
	7" Halves	80
	8" Halves	106
8½'	4" Halves	23
	4½" Halves	30
	5" Halves	42
	6" Halves	61
	7" Halves	84
	8" Halves	111
9'	4" Halves	24
	4½" Halves	31
	5" Halves	44
	6" Halves	64
	7" Halves	88
	8" Halves	117
9½'	4" Quarters	24
	4½" Quarters	31
	5" Quarters	44
	6" Quarters	64
	7" Quarters	88
	8" Quarters	117
10'	4" Quarters	25
	4½" Quarters	32
	5" Quarters	45
	6" Quarters	66
	7" Quarters	91
	8" Quarters	120
10½'	4" Quarters	26
	4½" Quarters	33
	5" Quarters	47
	6" Quarters	68
	7" Quarters	93
	8" Quarters	123
11'	4" Quarters	27
	4½" Quarters	34
	5" Quarters	48
	6" Quarters	70
	7" Quarters	96
	8" Quarters	127
11½'	4" Quarters	28
	4½" Quarters	35
	5" Quarters	49
	6" Quarters	72
	7" Quarters	99
	8" Quarters	130
12'	4" Quarters	29
	4½" Quarters	36
	5" Quarters	51
	6" Quarters	74
	7" Quarters	101
	8" Quarters	134

NOTE: The weights in this table are based on treatment with a final retention of 9 pounds of creosote oil. For other retentions add to or subtract from the base weights 1 pound per cubic foot for each 1 pound variation in the retention of preservative specified.

(e) *Railroad ties.*

TABLE I—CROSS TIES

[Established weights in pounds per tie grouped according to American Railway Engineering Association specifications in effect on January 31, 1952]

Size	Group TA		Group TB		Group TC and TD	
	8'	8'6"	8'	8'6"	8'	8'6"
5	240	255	195	205	220	235
4	220	235	175	185	205	215
3A	200	215	160	170	185	200
3	180	195	145	155	170	180
2	175	190	140	150	160	175
1	170	180	135	145	155	170
8 Rail	200	215	160	170	185	200
8 Rail	170	180	140	150	160	175

TABLE IA—SWITCH TIES

[Established weights in pounds per MFBM for ties grouped according to American Railway Engineering Association specifications in effect on January 31, 1952]

Group TA	6,000
Group TB	4,800
Group TC and TD	5,400

NOTE: The above weights for cross ties and switch ties are based on the retention of 6 pounds of creosote oil per cubic foot. For other retentions add to or subtract from the base weights 1 pound per cubic foot for each 1 pound variation in the retention.

(f) *Reinforcing stubs, anchor logs and short round material.*

TABLE I—WESTERN RED CEDAR REINFORCING STUBS ANCHOR LOGS AND SHORT ROUND MATERIAL

[Established weight in pounds per lineal foot]

Minimum diameter at small end in inches	Minimum circumference at small end in inches	Weight
5	15	6
6	18½	8
7	22	10
8	25	15
9	28	20
10	31	25
11	34	30
12	38	35
13	41	40
14	44	45
15	47	50
16	50	55

TABLE II—YELLOW PINE REINFORCING STUBS AND ANCHOR LOGS 14 FEET AND SHORTER

[Established weights per lineal foot]

Minimum diameter at small end in inches	Weight
5	12
6	17
7	23
8	30
9	37
10	39
11	45
12	55
13	63
14	72
15	82
16	92

NOTE: The weights in this table are based on treatment with a final retention of 8 pounds of creosote oil per cubic foot. For other retentions add to or subtract from the base weights 1 pound per cubic foot for each 1 pound variation in the retention of preservative specified.

(g) *Lumber.* (1) *Preservative treatment.* (i) The established weight in the applicable ceiling price regulation for untreated lumber (rough green or surfaced green), may be increased by adding 50 pounds per MFBM for each pound retention per cubic foot of creosote, creosote mixture or oil mixture treatment.

(ii) For salt treatment 900 pounds per MFBM may be added to rough or surfaced green weights, when shipped wet from retort. When kiln or air dried after treatment, an addition of 225 pounds per MFBM may be made.

(2) *Fire retardment treatment.* (i) Grade H (5 to 6 pound retention), when shipped wet from the retort 1,500 pounds per MFBM may be added to the rough or surfaced green weights. When kiln or air dried after treatment an addition of 800 pounds per MFBM may be made to the rough or surfaced green weights.

(ii) Grade M (2½ to 3 pounds retention), when shipped wet from the retort 1,200 pounds per MFBM may be added to the rough or surfaced green weights. When kiln or air dried after treatment an addition of 600 pounds per MFBM may be made to the rough or surfaced green weights.

The established weights of treated products not specifically set out in this section are the estimated weights you used for such products during the base period.

SEC. 7. *Ceiling prices for new treaters.* (a) If you are a treater who started business after February 24, 1951, and before the effective date of this regulation, your ceiling prices shall be determined under the provisions of this regulation, except that, insofar as you are concerned, the term "base period" wherever used in this regulation shall refer to the thirty day period, or that part of that period, during which you operated your business immediately preceding the issuance of this regulation. You shall maintain a record of your formula under section 9 of this regulation, and you shall be subject to nonretroactive adjustment by the Office of Price Stabilization.

(b) If you are a treater who starts in business after the effective date of this regulation, you shall file a proposed formula conforming to section 5 (a) with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. When you file, you must itemize each step of the treating factor for the product treated, including items incident to the actual treatment such as yarding, framing, fabricating, incising, adzing and boring, computed according to monthly, hourly, or piece rate, or a combination of any of these in effect the date the plant started operations; you must also submit a complete range of margins to be employed in determining the ceiling prices of each product or service, as well as three sample estimates showing the application of your formula.

(c) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your products or services at a price not higher than the ceiling price proposed in your application: Provided, that you agree to, and later, refund to the buyer, the amount, if any, by which your price exceeds the ceiling price established by the Director of Price Stabilization.

(d) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(3) Approval of applications by the Director under this section are subject to a finding by the Director that the proposed ceiling prices are in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit you from making a contract or offer to sell a product or service covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver a product or sell a service covered by this regulation at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 9. *Records.*—(a) *Base period records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, you shall keep and preserve for examination by representatives of the Office of Price Stabilization, all your existing records relating to your prices for products or services which you contracted to sell at a definite price during the base period, or, if you were not in business during the base period, the period upon which your formula is based. These records shall include all information which would enable the Office of Price Stabilization to compute your raw material, treatment, margin, and transportation factors as set forth in section 5 of this regulation.

(b) *Formula records.* Within 45 days after the effective date of this regulation, you shall have on record in your office, for inspection by authorized representatives of the Office of Price Stabilization, your pricing formulas as determined under section 5 of this regulation. Records of such formulas shall be kept for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter.

(c) *Current records.* Every person who sells and every person who in the regular course of business buys the products or services covered by this regulation shall make and keep for inspection by representatives of the Office of Price Stabilization for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter accurate records or invoices of each sale or purchase made after the effective date of this regulation, showing (1) the date of the sale or purchase; (2) the name and address of the seller and purchaser; (3) the price charged or paid; (4) the quantity and description of the products or services sold. In addition thereto, you, the treater, shall also keep and maintain for two years your calculations by which you determine the ceiling price for each product or service sold by you under this regulation.

The retention by a buyer of an invoice furnished by a seller, which includes the factual information required to be made a matter of record by this section, shall be considered as compliance with the provisions of this section.

SEC. 10. *Application for approval of new formulas or factors.* (a) If you are a treater who was in business during the base period and who has subsequently installed new equipment or methods requiring new treatment or margin factors, you shall submit your proposed factors to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval, disapproval or adjustment.

(b) Your application for approval of a new treatment factor shall include (1) the hour or piece rates for similar hand or machine operations generally prevailing in your immediate competitive area during the base period, and (2) an explanation for any variance between such generally prevailing rate and the rate you now wish to apply.

(c) Your application for approval of a new margin factor shall include: (1) the location of your plants; (2) the type of equipment you use; (3) the capacity of your equipment; (4) a list of the products you intend to treat; (5) the range of margins proposed; and (6) a statement of the method you use to determine special differentials.

(d) After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your products or services at a price not higher than the ceiling price proposed in your application: *Provided*, that you agree to, and later, refund to the buyer, the amount, if any, by which your price exceeds the ceiling price established by the Director of Price Stabilization.

(e) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(f) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

(g) Approval of applications by the Director under this section are subject to a finding by the Director that the proposed ceiling prices are in line with the level of ceiling prices otherwise established by this regulation.

SEC. 11. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 12. *Modification of proposed ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization at any time may disapprove or reduce ceiling prices reported or proposed under sections 7 and 10 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 13. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at prices higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 14. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings as well as the omission from records of true data and the inclusion in records of false data.

SEC. 15. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 16. *Definitions and explanations.* The terms appearing in this regulation, unless the context clearly requires a different meaning, shall be construed as follows:

(a) *Base period.* This term means the period January 25, 1951, to February 24, 1951, inclusive.

(b) *Product.* This term means any item, object, material, article, commodity or supply covered by this regulation and includes the service rendered in connection therewith. Wherever in this regulation the word "product" or "products" is used, it means "product or service, or both" or "products or services, or both".

(c) *Contracted to be sold.* This term means the written or oral acceptance of any written or oral order.

(d) *Treatment.* This terms means the actual treating, and any hand or machine operation incident to the preservative treatment of forest products, such as, but not limited to, yarding, framing, fabricating, kiln-drying, incising, inspection, adzing, and boring.

(e) *Margin.* This term means the selling price f. o. b. shipping point minus the sum of your raw material and treatment factors.

(f) *Most comparable product or service.* This term is defined in section 5.

(g) *Office of Price Stabilization.* This term means the Director of Price Stabilization and also applies to any official (including officials of regional or district offices) to whom the Director of Price Stabilization delegates a function, power or authority referred to in this regulation.

(h) *Person.* This term includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

(i) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not be, based on the characteristic or distributive level of the buyer, for example, railroads, wholesalers, contractors, utilities, municipalities, government agencies. It may, but need not, be based on the location of the purchaser or the quantity of the item purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(j) *Rate per unit of material.* This term refers to the method adopted by the treater in computing the margin on each product. For example, per item, board feet, linear feet, cubic feet and square yards.

(k) *Raw materials.* This term means untreated forest products and all materials used in the treatment process to produce the finished treated product.

(l) *Records.* This term includes without limitation, books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers, documents, letters and correspondence.

(m) *Sell.* This term means sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "sold", "buy", "purchase", and "purchaser", shall be construed accordingly.

(n) *Services.* This term means any service rendered, or supplied, otherwise than as an employee, in connection with the treatment and processing of any of the forest products covered by this regulation.

(o) *Treater.* This term means (1) a person who impregnates forest products with a wood preservative, either by a pressure or non-pressure process; or (2) a person who supplies his own untreated forest products but contracts for the treating service and sells the product in its treated form.

(p) *You.* This term means a treater subject to this regulation.

Effective date. This regulation shall become effective July 16, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7791; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 93, Interpretation 14]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 14—EXEMPTION OF "ONE-MAN SHOP"—SCOPE OF EXEMPTION (SECTION 1 (B))

CPR 93, section 1 (b) as amended, provides that "Neither this regulation, nor any other regulation heretofore or hereafter issued . . . shall apply to the sale of construction services by an individual man or woman who neither employs or uses the construction services of one or more persons nor employs or uses the construction services of one or more subcontractors . . ." Inquiries have been received whether such sellers are exempt only from CPR 93 and still covered under the provisions of CPR 34. Section 1 (b) of CPR 93 provides for complete exemption from price control of sales of construction services by one who meets the requirements of this section and he is, therefore, not only exempt from the provisions of CPR 93 but also from those of CPR 34.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7781; Filed, July 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 93, Interpretation 16]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 16—EXEMPTION OF "ONE-MAN SHOP"—OCCASIONAL EMPLOYEES (SECTION 1 (b) AS AMENDED)

In the plumbing and heating branch of the construction industry, persons who customarily operate as "one man shops" and thus would be exempt from price control, occasionally utilize one or more employees for varied intervals. During the periods when such occasional employees are engaged the exemption from price control no longer applies, and ceiling prices for work done during such periods must be established under CPR 93.

Where a contract for construction services is entered into at a time when occasional employees are engaged, and thereafter, but before performance is completed, there is a reversion to the "one man shop" status, CPR 93 is no longer applicable. However, this does not have the effect of abrogating any contract already in existence.

On the other hand, where a contract is entered into while the "one man shop" has no occasional employees, and subsequently, before performance is completed, occasional employees are engaged, CPR 93 thereupon becomes applicable, including all applicable reporting and record keeping requirements, and the price provided in the contract must be recomputed to the extent that it is inconsistent with the applicable provisions of the regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7783; Filed, July 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 93, Interpretation 17]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 17—EXEMPTION OF "ONE-MAN SHOP"—SCOPE OF EXEMPTION (SECTION 1 (b))

Where a partnership of two or more individuals is engaged in a construction business, even though it has no employees or subcontractors, and all construction work is done by one or more members of the partnership, such operations are covered by CPR 93, since it is not a "one-man shop."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7784; Filed, July 11, 1952; 4:00 p. m.]

[Ceiling Price Regulation 93, Interpretation 18]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 18—CONTINUED USE OF CPR 34 PRICES (SECTION 5)

Section 5 (a) of CPR 93 permits a seller of construction services to continue to determine his ceiling prices for sales of those services under CPR 34 if his (higher) ceiling prices have been properly reported pursuant to CPR 34. A seller who desires to continue to use prices determined under CPR 34, must, among other things:

(a) Have filed the appropriate reports of CPR 34 ceiling prices with the proper district office of OPS.

(b) Have filed reports required by CPR 34 on or before the dates required by that regulation and before November 20, 1951 the effective date of CPR 93, for construction services which he desires to continue pricing under CPR 34. Unless the reports were filed prior to the applicable date, the seller may not retain his ceiling prices for such construction services under CPR 34.

(c) Have filed the reports required by section 32 of CPR 93. A seller who under section 5 of CPR 93 is accorded a right to continue pricing some construction services under CPR 34 may subsequently change to CPR 93 ceiling prices for such services. However, once he has put into effect prices under CPR 93 for such services he may not subsequently revert back to CPR 34 ceiling prices.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7785; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 93, Interpretation 20]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 20—DISTINCTION BETWEEN LUMP-SUM CONTRACTS AND INSTALLED SALES (SECTIONS 12 AND 22)

Questions have been raised as to how to distinguish lump-sum contracts, which are subject to section 12, from installed sales, which are subject to section 22 (a) or installed sales subject to section 22 (c).

Installed sales may be made on the basis of any of the methods prescribed in section 22, including section 22 (a), which is an installed sale on a lump-sum basis. There is no difference in the pricing method between a lump-sum contract as defined in section 12 and an installed sale on a lump-sum basis defined in section 22 (a). The differentiation between installed sales generally and the other types of transactions covered by CPR 93 is that an installed sale is primarily the sale of a commodity which becomes an integral part of the structure, such as a furnace or hot water heater together with the services required to install that commodity.

Installed sales subject to section 22 (c) are distinguished from lump-sum contracts and installed sales subject to section 22 (a) in that the price is not separately formulated for each sale and will consequently represent a generally offered or advertised price for a certain commodity on an installed basis.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7787; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 93, Interpretation 19]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 19—CONTRACTS IN PROGRESS ON NOVEMBER 20, 1951 (SECTION 5 (a) AND (c))

Section 5 (c) specifically provides that, with respect to jobs which were in progress on the effective date of CPR 93, sellers with ceiling prices established in accordance with CPR 34 are not required to change contract prices to comply with ceiling prices determined under CPR 93. The purpose of this provision is to make it clear that where a job is in progress pursuant to a contract, the seller is not required to change his prices and, in effect, change the contract. The seller may, however, change his prices to comply with CPR 93 prices if the other contracting parties agree. In other words the regulation does not contemplate overriding preexisting contractual obligations. Modification of an existing contract, in order to conform to ceiling prices under CPR 93, is conditioned upon the voluntary relinquishment of prior contractual rights.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7786; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 93, Interpretation 21]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 21—TRADE ASSOCIATION DUES—RECOVERY IN HOURLY RATE (SECTIONS 20 (b) (2), 21 AND 45 (a) (12))

OPS has received inquiries from persons who supply construction services on a time and materials or hourly rate basis as to whether trade association dues paid by sellers may be recovered as part of their hourly costs.

Such sellers compute ceiling prices by adding together their ceiling hourly charges for labor, ceiling charges for materials, expended, and ceiling charges for the use of construction equipment

Trade association dues may not be included in the ceiling hourly charges for labor. Hourly charges for labor are determined by adding together current wage rates, payroll costs, and the dollars and cents margin between labor hourly costs during the base period and current labor hourly costs. Payroll costs, an element in hourly costs, are defined in section 20 (b) (2) and section 45 (a) (12) as follows: "Payroll taxes; cost of pension and insurance plans; and premiums for compensation, labor, and other required insurance based upon your payroll; but do not include association dues even if based upon your payroll." It is thus expressly provided that trade association dues may not be included in payroll costs.

CPR 93 contemplates that the seller on a time and materials or hourly rate basis may recover the same dollars and cents margin over hourly costs that he recovered during the base period. If trade association dues were included in this margin during the base period they would at the present time be included in his current margin. To the extent, however, that these dues have increased, under CPR 93 he must now absorb any increases of these dues in his margin.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7788; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 93, Interpretation 22]

CPR 93—CONSTRUCTION AND RELATED SERVICES AND SALES OF INSTALLED MATERIALS

INT. 22—REPORTING REQUIREMENT FOR INSTALLED SALES (SECTION 22)

Sales which are subject to the provisions of section 22 (a) or 22 (b) do not require a report under section 32. Only those installed sales subject to the provisions of section 22 (c) need be reported on Form 103.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7789; Filed, July 11, 1952; 4:01 p. m.]

[Ceiling Price Regulation 98, Amdt. 4]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

CEILING PRICES OF NEW STEEL PRODUCTS WHICH HAVE NOT BEEN WAREHOUSED

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 98, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is designed to permit certain warehouse resellers of iron and steel products to charge their customary warehouse price for steel products under CPR 98 during the present steel strike even though as a result of the strike they are unable to perform completely the required warehousing operations.

A number of major steel producers distribute part of their output through their own distributive channels, and have organized separate warehousing outlets for this purpose. These warehousing outlets are subject to CPR 98 and under that regulation they are permitted a warehouse reseller's markup provided they perform certain steel warehousing operations. The steel strike has extended not only to the steel producers, but also to those warehousing outlets affiliated with them, thus making it impossible to perform some of these warehouse resellers functions.

Carload quantities of steel products that were in transit when the strike began are now on railroad sidings and in various yards. Consumers have expressed great need for the steel available. These consumers would ordinarily pay the warehouse price, and, requiring warehouse resellers to sell at mill price would upset their customary and historical price relations during this interim strike period.

In these emergency circumstances it is considered advisable to permit such warehouse resellers to charge their markup permitted under CPR 98 during the strike period even though the warehouse function is not fully performed.

In view of the emergency nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended in the following respect:

1. Section 16 (c) is amended to read as follows:

(c) *Emergency exceptions.* (1) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the Director of Price Stabilization may grant permission, upon application, to any warehouse reseller to charge ceiling prices determined in accordance with this regulation for new steel products which have not been put through the operations commonly known as the warehousing of iron or steel products where it is shown that all of the special circumstances set forth in subparagraphs (2) or (3) of this paragraph are present and that they are not being used as a means of circumventing the limitations of this regulation.

(2) In order to apply under this subparagraph, you must meet all of the following requirements:

(i) You propose to make delivery of new steel products from stock which you have stored at premises regularly maintained and operated for such storage by any person other than a producer or holder of excess stock.

(ii) Emergency circumstances do not permit you to receive and store material at premises which you regularly maintain and operate for the warehousing of iron or steel products.

(3) In order to apply under this subparagraph, you must meet all of the following requirements:

(i) You must be involved in a labor dispute, resulting in a strike by the employees at your warehouse;

(ii) The strike arising from the labor dispute must be in progress at the time you propose to charge ceiling prices determined in accordance with the regulation;

(iii) The new steel products for which you propose to charge ceiling prices determined in accordance with this regulation must be located at your railroad siding or must have been shipped to you and have been in transit between the mill and your warehouse before the beginning of the strike.

(4) Your signed application under this paragraph must be directed either by letter or telegram to the appropriate OPS office and must contain the following information:

(i) Your name and address and the name and location of your regularly maintained warehouse;

(ii) The name and address of the warehouse, if any, which you propose to use during the emergency;

(iii) A description of the emergency circumstances under subparagraphs (2) or (3), as the case may be, which make it impossible for you to put the material through your regularly established warehouse and a statement as to their expected duration, where you are applying under subparagraph (2).

(5) After receipt of your application the Director may grant or deny permission to charge a warehouse markup or request further information. Pending any such action, you may sell at a ceiling price determined in accordance with the provisions applicable to sales out of warehoused stock, provided that you agree with the purchaser to refund the amount, if any, by which such price exceeds the ceiling price applicable to sales of such material which have not been put through the warehousing operations should the Director deny your application. The Director will not grant such authorization, where the facilities you propose to use are outside of the trade area normally served by your regularly maintained warehouse or warehouses at which the emergency exists. The Director may revoke the permission granted hereunder when he finds that circumstances have so changed as to warrant such action.

Effective date. This amendment to Ceiling Price Regulation 98 shall become effective July 9, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 9, 1952.

[F. R. Doc. 52-7670; Filed, July 9, 1952; 4:40 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 99, Interpretation 1]

GCPR, SR 99—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF CERTAIN GLASS CONTAINERS

INT. 1—APPLICABILITY OF CEILING PRICE INCREASES TO DECORATED AND UNDECORATED GLASS CONTAINERS, AND TO SHIPPING CARTONS (SECTION 3)

It appears that prior to January 26, 1951, and since that date, certain glass container manufacturers delivered decorated or undecorated glass containers,

as ordered by their customers. Also, it was the base period practice and is the practice now of manufacturers of decorated and undecorated glass containers to package them in shipping cartons for delivery to purchasers. In some instances such shipping cartons were designed for local delivery of the bottles only. In other instances, the bottles were shipped in so-called "reshipping" cartons. These were used by the bottlers to ship their products after bottling was complete. In each instance a single price was quoted by the manufacturers, which included the glass containers, as ordered, and the particular type of shipping carton involved.

The question has now been raised whether in the case of decorated bottles the permissible 4 percent increase under SR 99 to the GCPR is 4 percent over the GCPR ceiling price of decorated or of undecorated bottles.

The question has also been raised whether the permissible 4 percent increase may be applied to the lump sum GCPR ceiling price which included the shipping carton or whether it must be applied to such ceiling price reduced by an appropriate amount to reflect the price of the particular carton.

The Statement of Considerations to SR 99 declares: "This regulation provides a uniform industry adjustment of 4 percent over GCPR ceilings for manufactured glass containers." Section 3 of SR 99 provides that the ceiling price of such manufacturers for the sale of any commodity manufactured by them and covered by the Supplementary Regulation shall be their GCPR ceiling price for such commodity, increased by 4 percent.

(1) Where the commodity sold is a decorated bottle and the manufacturer has a specific GCPR ceiling price for decorated bottles, he may apply the 4 percent increase to his GCPR ceiling price for that commodity. The application of decoration is considered as a part of the manufacturing process of the finished commodity.

(2) Similarly, where shipping cartons were furnished by the manufacturer as part of the unit price of the commodity, without a separately stated charge for the carton, the manufacturer's GCPR ceiling price covered the glass containers packed in shipping cartons as ordered by the customer. This would be true even though one price was quoted for glass containers in local delivery type cartons, and another price for containers in so-called "re-shipping" cartons. The increase permitted by SR 99 therefore applies to the lump sum ceiling price for the glass containers packed in shipping cartons as ordered by the customer.

Any contrary conclusion would defeat the expressed purpose of SR 99, as indicated in its Statement of Considerations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7792; Filed, July 11, 1952; 4:01 p. m.]

[General Overriding Regulation 8, Amdt. 5]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF SALES OF PAPER GARMENT PATTERNS AND PATTERN TRANSFERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from all price control the sales of paper garment patterns and pattern transfers.

Paper garment patterns and pattern transfers are copyrighted material consisting of printed and perforated instruction sheets of paper accompanied by printed assembly charts, all of which are enclosed in an envelope upon which is printed additional description and instructive matter. The paper garment pattern sheets and instruction sheets provide complete information for the making of the particular garment. The pattern transfers provide the same information with respect to accessories plus a paper sheet printed with a wax material for outlining embroidery or decorative designs on the accessories.

The production of paper garment patterns and pattern transfers calls for a highly specialized combination of creation, design and printing. Each of the seven firms constituting the Pattern Industry, which sells from 80 percent to 90 percent of all patterns sold in the United States (the other being sold through newspapers), produces on an average 35 new patterns a month. Although the creation and designing in the paper pattern industry is more a matter of statistics based on historic style trends than a matter of inspiration, pricing in this field is purely a matter of judgment and the usual technique of in-line pricing or pricing based on the costs of a comparable product are not applicable.

Sales of paper garment patterns and pattern transfers are closely connected with the magazines that feature the patterns. The magazines play the paramount part in the sale of the patterns and retail stores do not promote patterns primarily to sell materials but sell patterns as a service feature. The price of paper garment patterns and transfer patterns ranges from 15 cents to $2.50, with the overwhelming majority being priced under $1.00. These prices have been stable over a long period of time and it is not anticipated that exemption from price control will result in price increases to the consumer.

The exemption of paper garment patterns and pattern transfers cannot materially affect the cost of living nor add to the cost of the defense effort. Moreover, the nature of the product is such that the establishment of control would present administrative and enforcement difficulties for the Office of Price Stabilization out of all proportion to any possible gain from a stabilization viewpoint.

On the above-indicated grounds, it has therefore been determined that the sale of paper garment patterns and pattern transfers should be exempt from price control.

Accordingly, in consideration of the above facts, the Director of Price Stabilization finds that Amendment 5 to General Overriding Regulation 8 is generally fair and equitable and in his opinion is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended. In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Subparagraph (2) of section 1 (a) of General Overriding Regulation 8 is amended to read as follows:

(2) Sales of commodities whose primary value depends upon editorial content, expression of ideas or dissemination of information and the rates, fees, charges, or compensation for the services of printing, publishing, typesetting, platemaking, binding, or related services in connection with such commodities, including, but not limited to, books, magazines, periodicals, newspapers, material furnished for publication by any press association or feature service, pamphlets, leaflets, sheet music, music rolls, stamp albums, globes, maps, charts, catalogs, directories, programs, house organs, menus, advertising matter printed on paper (except such articles as containers, labels, and book matches, not including special reproduction book matches and the packaging thereof, the form of which serves a purpose other than that of advertising) time tables, tariffs, price lists, and paper garment patterns and pattern transfers.

2. Section 2 (a) is amended by the addition of subparagraph (7) which reads as follows:

(7) Paper garment patterns and pattern transfers involve copyrighted material and consist of printed or perforated instruction sheets of paper, some printed with a wax material for outlining embroidery or decorative designs on accessories, accompanied by printed assembly charts. Each of these patterns is enclosed in an envelope upon which is printed additional descriptions and instructive material.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 16, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 11, 1952.

[F. R. Doc. 52-7793; Filed, July 11, 1952; 10:44 a. m.]

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 3, Sub-Order 3]

DFO-3—AGRICULTURAL IMPORTS

SO 3—STATEMENT OF POLICIES AND PROCEDURES RE IMPORT AUTHORIZATIONS FOR CERTAIN COMMODITIES

Sub-Order 3 containing a statement of the policies and procedures relating to import authorizations for certain commodities under Defense Food Order 3, as amended (17 F. R. 6088) is hereby issued pursuant to the authority vested in me by said Defense Food Order 3, under sections 101, 104 and 704 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U. S. C. App. Sup. 2061 et seq.)

The Defense Production Act of 1950, as amended, was extended in effect on June 30, 1952. Defense Food Order No. 3 was amended on July 3, 1952 to effectuate the determinations under the act and to impose the import controls contemplated by the act. This Sub-Order 3 under the order must be issued promptly in order to inform affected persons as soon as possible concerning the policies and procedures relating to import authorizations under the order. This Sub-Order affects several segments of the economy and time is not available to permit consultation with all affected segments. Accordingly, consultation with industry representatives has been held only where feasible in the limited time available.

Sub-Order 3 under Defense Food Order 3, is hereby issued to read as follows:

Sec.
1. Policy statement re import authorizations.
2. Procedure re applications.
3. Procedure re use of authorizations.
4. Definitions.

AUTHORITY: Secs. 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply secs. 101 and 104, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071, 2074.

SECTION 1. *Policy statement re import authorizations.*—(a) *Malted milk and compounds, or mixtures of or substitutes for milk or cream.* Authorizations will be granted for the importation of malted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the Director to have none of the customary uses of butter. Applications for authorization to import any such product must be accompanied by a complete description of the product including its butterfat content and intended end-use or uses.

(b) *Casein or lactarene, and mixtures in chief value thereof, n. s. p. f.* Import authorizations will be issued for casein or lacterene, and mixtures in chief value thereof, n. s. p. f., as follows:

(1) Any importer who is desirous of securing import authorization for any such product and who imported such product during the base period July 1, 1950, through June 30, 1951, must, if he has not already done so, submit documentary evidence satisfactory to the Director showing imports of the product through customs made in his own name as the importer of record during the specified base period. The total quota for such products will be apportioned among individual importers on the basis of the proportion of total imports of such products which was imported in the base period by each importer and such other factors as must be considered to avoid inequities. Initial authorizations will be issued to each eligible importer, authorizing him to import an amount equal to his proportionate share of approximately one-third of the total annual quota. Subsequent authorizations will be issued in accordance with the same general policy to the extent that such policy is consistent with any revisions that may be made in Defense Food Order 3 or determinations under the Defense Production Act, as amended.

(2) Authorizations totaling not in excess of 100,000 pounds will be granted for the importation of these products prior to July 1, 1953 to small independent enterprises which are in the business of importing dairy products other than the one for which authorization is desired and which have not received any import authorization under subparagraph (1) of this paragraph. The amount authorized for any applicant under this subparagraph will not exceed 1,000 pounds. Applications for authorization under this subparagraph must state the product to be imported and must include a statement concerning the size and nature of the applicant's business enterprise.

(c) *Cheese.* Import authorizations will be issued for cheese as follows:

(1) Any importer who is desirous of securing import authorization for any type of cheese subject to control and who imported such cheese between January 1, 1948 and August 8, 1951, inclusive, must, if he has not already done so, submit documentary evidence satisfactory to the Director showing by country of origin the imports of such cheese through customs made in his own name as the importer of record during the period January 1, 1948 through December 31, 1950, or, if he did not import during such period, during the period January 1, 1951 through August 8, 1951. The total quota for each type of cheese subject to control will be apportioned among individual importers on the basis of the proportion of total imports in the 1950 calendar year which was imported by each importer, with allowances for any greater proportion which the importer may have imported during the two-year period 1949–1950 or the three year period 1948–1950, and such other factors as must be considered to avoid inequities. In the case of importers who did not begin importing cheese until after December 31, 1950, their imports during the period January 1, 1951 through August 8, 1951 will be treated as if they had occurred in 1950. Initial authorizations will be issued to each eligible importer, authorizing him to import an amount of each particular type of cheese equal to his proportionate share of approximately one-third of the total annual quota for such type. Subsequent authorizations will be issued in accordance with the same general policy to the extent that such policy is consistent with any revisions that may be made in Defense Food Order 3 or determinations under the Defense Production Act, as amended. Authorizations issued to any applicant in accordance with this subparagraph will specify the quantities which may be imported from each particular country of origin, and such quantities will be based upon the proportionate quantities imported by the applicant from such country during the relevant period prescribed in this subparagraph.

(2) Authorizations totaling not in excess of 100,000 pounds will be granted for importation of cheese from particular countries prior to July 1, 1953, to small independent enterprises which are in the business of importing dairy products other than cheese and which have not received any import authorizations under subparagraph (1) of this paragraph. The amount authorized for any applicant under this subparagraph will not exceed 1,000 pounds. Applications for authorization under this subparagraph must state the country from which the applicant intends to import the cheese and the type of cheese to be imported and must include a statement concerning the size and nature of his business enterprise.

(3) In the administration of this Sub-Order, each of the following classifications is considered to be a type of cheese:

Description	Commodity import class No.
Italian	0040.010 through 0040.250 and 0040.840.
Cheddar	0040.400.
Blue-Mold	0040.600.
Edam and Gouda	0040.750 and 0040.760.
Cheese containing, or processed in whole or in part from, Cheddar, Blue-Mold, Edam or Gouda.	0040.955.

(d) *Brewers rice.* Import authorizations will be issued as follows: Brewers rice shall be that broken rice which will pass readily through a metal sieve perforated with round holes five and one-half sixty-fourths of an inch in diameter. Authorizations will be granted for the importation thereof for domestic consumption upon the submission of evidence satisfactory to the Director that the applicant has a firm offer for the sale of a specified quantity of brewers rice for shipment to the United States within 90 days after the date of the offer. No authorization will be valid for more than 30 days after issuance unless during the period the authorization-holder submits evidence satisfactory to the Director that the brewers rice is under a firm purchase contract for shipment to the United States within 90 days after the date of the issuance of the authorization. No authorization will be issued for an amount in excess of the amount requested and actually covered by the firm offer and in no event in excess of 2,500 metric tons. Subsequent authorizations will be issued to the same applicant only after evidence satisfactory to the Director has been submitted to show that the previously authorized amount has been shipped.

(e) *Registered or certified flaxseed and rice seed for planting purposes.* Any importer who is desirous of securing import authorizations for importation of registered or certified flaxseed and rice seed, for planting purposes only, may make application to the Director. Authorizations will be granted to such importers upon receipt by the Director of satisfactory evidence that the flaxseed and rice seed are registered or certified and comply with applicable laws and regulations and will be used for planting purposes only.

(f) *Small plants.* Import authorizations for the commodities specified in paragraphs (a) through (e) of this section will be issued to small plants as required by section 714 of the Defense Production Act, as amended.

SEC. 2. *Procedure re applications.* (a) Applications for import authorizations for any of the products covered by this Sub-Order may be filed with the Director, Office of Requirements and Allocations, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. The application shall specify the point or points-of-entry through which it is desired to import the commodity covered by the application. If two or more points-of-entry are specified, the application should state the commodities and quantities thereof it is desired to import through each such point-of-entry.

(b) (1) The evidence required by section 1 (b) (1) for casein or lactarene, and mixtures in chief value thereof, or by section 1 (c) (1) for cheese, should be submitted as a part of applications for import authorization for such products under such subparagraphs, as follows: The applicant must submit a summary statement of his importations during the period specified in section 1 (b) (1) or (c) (1), as the case may be, of the particular product for which authorization is desired. This statement must show the following for each entry: The customhouse entry number, port of entry, date of entry, country of origin, name of steamer on arrival, and the quantity in net pounds, exclusive of the weight of the containers. In addition, summary statements listing importations of cheese must show the type of cheese that was imported. The applicant must sign the summary statement including a statement that is correct to the best of his knowledge and belief. A customhouse broker should also sign the summary statement, including a statement that the imports specified were made in the name of the applicant as the importer of record or by the customhouse broker for the account of the applicant. If such a certification is not obtained from a customhouse broker, other evidence concerning the applicant's importations must be submitted. The customs entry with receipt for duty paid will be acceptable for this purpose. If the customs entry and receipt are unavailable, the applicant may submit the consular or commercial invoice, his copies of the letters of credit and bills of lading, and his cancelled checks covering payments for the products involved, or other documentary evidence. These documents will be returned to the applicant.

(2) It will be unnecessary for importers who applied for authorizations to import cheese or casein or lactarene and mixtures in chief value thereof, n. s. p. f., during the period August 9, 1951–June 30, 1952, and who have furnished the evidence required by this paragraph, to do so again unless specifically requested by the Director.

SEC. 3. *Procedure re use of authorizations.* (a) Import authorizations will specify the point-of-entry through which importation is authorized. A "Customs Copy" of each import authorization will be sent by the Director to the Collector of Customs at the point-of-entry stated on the authorization. This copy of the authorization will be retained by the Collector to whom sent, unless otherwise requested by the Director.

(b) Importation may be made only at a point-of-entry within the jurisdiction of the Collector of Customs holding the "Customs Copy" of the import authorization, except that, upon prior notice to the Director by the person to whom the authorization was issued, arrangements will be made by the Director for importation at another point-of-entry.

(c) The Collector of Customs will record each importation in the spaces provided therefor on the reverse side of the "Customs Copy" of the import authorization and will not permit the importation of any quantity in excess of the authorized quantity.

SEC. 4. *Definitions.* Terms used in this Sub-Order shall have the same meaning as when used in Defense Food Order 3, as amended.

The purpose of this Sub-Order is to state the current policies and procedures relating to the issuance of authorizations for importation of certain commodities under Defense Food Order 3, as amended.

This Sub-Order shall be effective immediately and shall supersede Sub-Order 1, as amended (16 F. R. 7936, 8273) and Sub-Order 2, as amended (16 F. R. 11602), under Defense Food Order 3, as amended.

NOTE: All reporting requirements of DFO–3, Sub-Order 3, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 9th day of July 1952, effective immediately.

[SEAL] MARTIN SORKIN,
Acting Director, Office of Requirements and Allocations.

[F. R. Doc. 52–7796; Filed, July 11, 1952; 11:58 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 251—LAND USES

SPECIAL USE PERMITS; RIGHTS-OF-WAY FOR ELECTRIC POWER TRANSMISSION LINES

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551); the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), and the act of March 4, 1911 (36 Stat. 1253, 16 U. S. C. 523), as amended by the act of May 27, 1952 (Pub. Law 367, 82d Cong., 2d Sess., 66 Stat. 95), the following amendments to Title 36, Chapter II, Part 251, Code of Federal Regulations are promulgated, effective immediately:

1. Section 251.1 (c) (3) (Reg. U–10 (c) (3)) is amended to read:

(3) Easements for rights-of-way for poles and lines, including telephone and telegraph lines, for communication purposes, and for radio, television, and other forms of communication transmitting relay, and receiving structures and facilities, under the provisions of the act of March 4, 1911 (36 Stat. 1253, 16 U. S. C. 523), as amended by the act of May 27, 1952 (Pub. Law 367, 82d Cong., 2d Sess., 66 Stat. 95), subject to such payments as may be equitable and to such stipulations as may be required for the protection and administration of the national forests.

2. Section 251.50 (a) (Reg. E–1 (a)) is amended to read:

(a) "Act" means the act of March 4, 1911 (36 Stat. 1253, 16 U. S. C. 523), as amended by the act of May 27, 1952 (Pub. Law 367, 82d Cong., 2d Sess., 66 Stat. 95).

3. Section 251.50 (f) (Reg. E–1 (f)) is amended by striking the word and figure "twenty (20)" and substituting the words and figure "two hundred (200)".

4. In § 251.55 (b) (Reg. E–6 (b)) the headnote and that portion of the paragraph preceding subparagraph (1) is amended to read:

(b) *Location map.* A location map, original on tracing linen and four (4) prints conforming to the following:

(30 Stat. 35, as amended; 16 U. S. C. 551)

Issued this 8th day of June 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7633; Filed, July 11, 1952, 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 165a—CERTIFICATES AND PERMITS

MOTOR-CARRIER OPERATIONS INVOLVING TRAVERSAL STATES

EDITORIAL NOTE: Federal Register Document 52–7369, appearing at page 6047 of the issue for Friday, July 4, 1952, has been corrected to include the following paragraph:

It is further ordered, That this order shall become effective on August 8, 1952, and thereafter shall remain in effect until it is further ordered by the Commission.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO–14–A21; AO–83–A17; AO–203–A3; AO–204–A3; AO–113–A14–A11 RO]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDERS, AS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders were formulated was called by the Production and Marketing Administration, United States Department of Agriculture and opened in Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and in Boston on January 30 through February 1, 1952, pursuant to a notice duly published in the FEDERAL REGISTER (17 F. R. 91). This hearing was reopened to receive additional evidence on certain proposals at Boston, Massachusetts, May 12–15, 1952, pursuant to a notice published March 8, 1952 (17 F. R. 2063) and a revised notice published May 2, 1952 (17 F. R. 3888).

The material issues considered at the January 28–February 1 hearing on which recommendations are being made at this time and the issues raised at the May 12–15 hearing are concerned with the following:

1. The level and basis of pricing Class I milk in all five markets.

2. Proposals relating to handlers' obligations with respect to members of cooperative associations of producers in all five markets.

3. Modification of the classification provisions with reference to second transfers of milk between certain plants under Springfield, Worcester, and Lowell-Lawrence orders.

4. Extension of the zone differentials under the Boston order to reflect additional mileage distances.

5. Revision of the Boston and Worcester orders with respect to the classification of inter-market transfers of fluid milk products.

6. Modification of the nearby differential provisions of the Worcester order.

The following findings and conclusions are based upon the evidence introduced at the hearing including the reopened hearing and the record thereof.

1. *Class I price.* The principal issue at the January-February hearing and at the reopened hearing dealt with the current level of Class I prices in each of the five Massachusetts Federal order markets in relation to the standards for establishing prices set forth in the Agricultural Marketing Agreement Act and the selection of certain automatic adjustment factors which would modify such Class I prices in the future in accordance with changed circumstances. It is concluded that the Class I prices in each of these orders be related to a "New England basic Class I formula" price. The basic formula price should be determined by combining indexes of wholesale commodity prices, New England disposable income and a feed grain-farm wage rate index all related to a 1951 base and by applying to such basic formula price certain percentage adjustments to reflect above or below normal supplies of milk relative to Class I sales and a schedule of seasonal prices. The resultant price should continue to be expressed in intervals of 22-cent price change.

The Class I price in each of these Massachusetts markets is determined currently by a formula method which was adopted initially as a part of the Boston order, April 1, 1948. On the basis of the hearing record of January 28–February 1, certain changes in the formula were recommended and subsequently amendments carrying out those recommendations became effective April 1, 1952. By these amendments the formula was revised to make use of currently published indexes of wholesale prices and per capita disposable income in New England and the schedule of prices related to the index factors was adjusted to the current price level. The evidence presented at the May 12–15 hearing confirms the findings on the previous record that certain revisions should be made in the indexes used in the basic formula and that the current basic price level should be continued subject to changes in the relationship of milk receipts from producers to the total Class I sales.

The most important revision to the pricing formula recommended at this time is a proposed method of increasing or decreasing the formula Class I price according to a schedule which indicates whether the current supply relative to Class I sales is above or below normal. To measure the percentage of normal supply, the formula would make use of the latest published data on receipts from producers and Class I sales in the Federal order markets of Boston, Lowell-Lawrence, Springfield, and Worcester, Massachusetts. The orders regulating the handling of milk in each of these markets are generally similar in that they provide for market-wide pools and encourage handlers to operate their plants in the pool on a year round basis. The combined utilization of milk in these four markets represents a substantial part of the Class I sales in Massachusetts and the receipts from producers to supply those sales. Therefore, the ratio of the combined receipts to the combined sales should provide a good measure of the adequacy of the supply of milk in the region.

The exact figure at which the supply should be regarded as normal cannot be determined with pinpoint accuracy. There are a number of variables which affect both the supply of milk and the Class I sales so that any estimate of prospective requirements measured from even the most recent data available is subject to some degree of error. The evidence indicated that handlers who have city distributing business and who also receive milk at country plants consider it is necessary to have from 13 to 14 percent more milk in November than they utilize in Class I sales. This reserve is calculated to be necessary to allow for the daily variation in producer receipts and in Class I sales. The reserve estimate was made on the assumption that some inventory would be carried along to meet the usual weekly peak of daily sales. Other estimates of the margin of reserve necessary to supply Class I sales during the shortest supply month ranged as high as 20 percent. Most witnesses indicated that about 18 percent reserve is needed during November in order to be assured of having an adequate supply at all times. Because of the highly variable conditions of supply, it appears desirable to establish a goal which represents an ample rather than a scanty margin of reserve for Class I sales. It is concluded therefore that the optimum supply relative to sales should be established on the generous side with graduated price adjustments designed to direct the supply within that normal range. The normal supply relative to Class I sales for the four markets can be expressed according to this record in terms of 80 to 84 percent Class I during the month of November.

In order to relate percentages of Class I in other months of the year to the November standard, the normal pattern of seasonal variation in producer receipts and Class I sales for the four

markets must be recognized. A schedule of normal Class I percentages equivalent to 82 percent Class I in November should be used as the basis for measuring deviations from the normal during the most recent two months for which data are available. The record indicates that a two month average is more stable than a one month average and any longer period of time increases the necessary lag in the data used without adding appreciably to the accuracy of the prediction from such data.

The price adjustments for deviations from normal supply should amount to about a 2 percent price change for each change from the normal November Class I percent of 2 percentage points when the percent of normal supply (receipts divided by sales) varies from 95 to 105 percent. The 2 percent price adjustments should be related to a smaller change in the normal supply when the supply is outside this middle range. The schedule of price adjustments should extend to a 12 percent plus adjustment when the normal supply is 91½ percent or under and to a minus 12 percent when the supply is 112 percent or more of the normal rate. If the supply moves outside these limits or remains for any period of time in the outer adjustment brackets, the schedule of adjustments and the basic price should be reconsidered at a hearing.

The evidence at the hearing indicated that the seasonal adjustments to the price should be made in terms of percent to reflect changes in the price level, rather than in fixed amounts; and that the adjustments should be graduated over a wider seasonal range with less abrupt changes from month to month. The revised seasonal price schedule is designed to encourage producers to deliver a larger share of their annual milk production during the period from September through February.

The record indicates that price adjustments should be effected as soon as any of the various formula factors indicate the need for a price change. However, representatives of producers, handlers, and state milk control agencies testified at the hearing that they favored retarding price adjustments until their accumulated effect would bring about a change of 22 cents in the Class I price. Class I price changes in New England markets have been made in multiples of 20 or 22 cents for several years and the industry has become accustomed to such adjustments. Although the record indicates that such bracketed price adjustments have in the past brought about too late and too abrupt price changes, several revisions proposed in the pricing formula at this time reduce the lag and the precipitous effect of the price adjustments. The effect of the bracketed price changes on the operation of the revised formula may not seriously retard the necessary adjustments. It is concluded, therefore, that the pricing should be continued at this time on the basis of bracketed 22-cent price changes.

Certain witnesses at the May 12–15 hearing proposed that the formula indexes be related to 1950 as a base period and that a base price of $5.36 be constructed. If the New England disposable income factor had been used in the pricing formula in 1950, the price would have averaged for the year $4.92 instead of the actual average of $5.14. The witnesses who supported the substitution of the disposable income factor for the previously used department store sales index testified that the prices which would have resulted from the use of the disposable income factor were reasonable. It appears therefore that to adopt both the 1950 base and the disposable income factor, it would be necessary to consider the fact that the disposable income factor would have resulted in a 1950 price 22 cents lower than actually existed. In 1951 the substitution of the disposable income factor would have had very little effect on the average price for the year. It appears desirable therefore to adopt the 1951 base which is more up to date and which can be used with the base price computed on the same period. By adopting the 1951 base period, it is apparent that the basic price level would change in the future from the 1951 level in accordance with changes in the formula index and the percentage of normal supply. Since the measure of normal supply proposed at this time, during the first six months of 1952, was close to 100 percent, it appears that the prices in 1951 were about right to maintain a normal supply. If the evidence in future months indicates that the current price level is not maintaining the normal level of supply, the adjustment feature of the pricing formula would make the necessary change automatically.

Since the formula involves several complicated calculations, it is important to avoid any unnecessary computations. The record indicates that farm wage rates published for the New England region as a whole vary about the same as the rates for the individual states in the milkshed. Accordingly, the regional rates should be used to reflect the farm labor cost factor of the formula.

With the adoption of more frequent seasonal price changes, it is not likely that the proposed formula would produce price changes contrary to the desirable seasonal price pattern except during the months of November and December. It is concluded therefore that the order provide that the Class I formula price shall not be lower in the months of November and December than it was in the preceding month.

The record indicates that the basic Class I pricing formula should be the same for each of the five Massachusetts Federal order markets. The changes in Class I prices in each of these markets should take place at the same time and in the same amount in order to maintain the appropriate differentials between the prices established for the different markets and zone locations. The differentials between the five market Class I prices have been established at the present level for several years. There is no evidence in this record to support any change in the present market differentials.

A representative of the Massachusetts Milk Control Board urged at the hearing that the Class I pricing provisions make specific requirement for yearly hearings on the Class I price and the appointment of a committee to study the Class I pricing problem. Since the situations which may indicate the need for a hearing cannot be expected to occur at regular yearly intervals, there appears to be no basis for scheduling hearings in advance of some showing that an amendment to the order may be needed.

Interested persons have joined together voluntarily to prepare testimony and evidence to be presented at public hearings. The group which is known as the "Boston Class I Price Committee" is such an unofficial voluntary company of persons interested in milk pricing. Certain witnesses appear to have gained the impression that this voluntary group is commissioned by the Department of Agriculture to assume some responsibility in determining Class I pricing methods suitable for these New England Federal order markets. To formalize the committee's organization would appear to encourage this impression. Since the responsibility for determining prices which will effectuate the declared policy of the Act rests with the Department of Agriculture, such an impression would be misleading. Therefore, it does not appear desirable to provide for a permanent and formalized committee as a part of the order regulation.

2. *Obligations with respect to members of cooperative associations.* The present order provisions of the five New England orders should be revised to require a handler to supply to an association of producers information on quantities of milk delivered to the handler by each member of the association whose name the association has previously furnished the handler. The orders presently provide that handlers make dues deductions and pay the amount deducted to the association for whom such deduction was made. Since an association would have no basis for checking the correctness of the deductions without information as to the pounds of milk delivered by each of its producer members, it is concluded that such information should be supplied promptly after producer payments are made. The proponents further requested that the order provisions be so written as to require handlers to allow an association access to receiving records, butterfat tests, and samples of its producer members. The record shows that State laws presently require that such information be made available to individual producers or the producer's authorized agent. Accordingly, it is unnecessary that such a provision be included in the orders.

The addition of a definition of an "association of producers" under the Boston order will facilitate writing the language of the other order provisions. The term is common to Federal milk marketing orders and is presently included in the secondary market orders. Section 75 of the Boston order which refers to the collection of membership dues should refer to the new definition of "association of producers."

3. *Classification of milk transferred from second plant.* The classification provisions of the Lowell-Lawrence, Springfield, and Worcester marketing orders dealing with milk transferred to a second unregulated plant should be revised to permit the classification of milk moved through two unregulated plants in a class other than Class I. Under the present provisions, pool milk moved out of a regulated plant of a nonpool handler or out of an unregulated plant in the form of any fluid milk product except cream, is automatically classified as Class I milk. This same situation presently exists in the Boston order. However, the recommended decision of the Assistant Administrator issued April 13, 1952, proposed that the order provide that classification be followed through the second plant movement in the case of plants which are not regulated plants of pool handlers and which are located within the New England States and New York. The same reasoning set forth in this decision with reference to Boston is equally applicable to Lowell-Lawrence, Springfield, and Worcester and accordingly corresponding changes should be made in these orders.

4. *Boston zone price differentials.* No change should be made in the provisions of the Boston order establishing differentials for milk received at different zone locations. A handler currently operating in the Boston market indicated his intention of extending country plant operations to an area located more than 400 miles from Boston and proposed that the table of differentials be extended to distances up to 450 miles.

The information in this record is not sufficient to form a basis for reappraising the table of price differentials. Since the handler has not yet acquired a plant at the more distant location, there is no urgency to reach a decision. Accordingly, no change in the zone price schedule should be made on the basis of this record.

5. *Classification and pricing of products transferred between Worcester and Boston.* The present provisions of the Worcester order dealing with the computation of the uniform price should be amended to deduct any amounts which a Worcester handler is required to pay into the Boston pool for milk disposed of to consumers in the Boston marketing area.

Receipts at a Boston pool plant from a Worcester handler are presently considered as receipts of outside milk and are assigned to Class II without regard to the specific use of such receipts. Class I products disposed of by a Worcester handler directly to consumers in the Boston marketing area, on the other hand, are subject to a payment into the Boston pool of the difference between the Boston Class I and Class II prices. In addition the Worcester handler must account to the Worcester pool at the full Class I price for such sales. The resulting charge is excessive since it totals more than the Class I price on the quantity of milk sold in such a manner.

The record indicates that milk transferred from the Worcester market to Boston pool plants is usually seasonal surplus milk in Worcester and that during the short production season Worcester handlers depend on the Boston pool for supplementary milk supplies to meet the Class I needs of the market.

Because of the present generally short supply of milk received from producers for the Worcester market in relation to the Class I sales in that area, it is unlikely that Worcester producers could regularly supply all of the Class I requirements of additional customers located in the Boston marketing area. Therefore, it is possible that such sales direct to consumers in the Boston marketing area might be regarded as surplus to the Worcester pool since Worcester producers would have only enough milk over their own market requirements to fill such sales during the flush production season.

Although the record of the reopened hearing indicates that there is some possibility that the Boston pool may receive double Class I sales in some instances in which milk was transferred from a Boston pool plant to a Worcester plant and then to a second Worcester plant from which sales were made in the Boston marketing area, the arguments for establishing equal cost of Class I milk regardless of the order source are more compelling than the avoidance of such a possibility. If the quantity of milk disposed of by Worcester handlers direct to consumers in the fringe territory of the Boston marketing area amounts to a considerable part of the sales in such territory at any time in the future, a re-examination of the area boundaries or a review of this decision to credit the Worcester pool with Class II value on such sales should be made.

Certain witnesses at the hearing contended that the present provisions of the Boston and Worcester orders give an unreasonable advantage to Boston producers and handlers at the expense of Worcester producers and handlers and they proposed that the order of treatment be reversed to the advantage of the Worcester producers and handlers. The record indicates, however, that the Worcester pool under this plan of assignment suffers no loss of Class I sales which Worcester producers could supply on a year around basis.

6. *Location differentials under the Worcester order.* No changes should be made at this time in the nearby location differentials under the Worcester order. A handler operating a country plant under the Worcester order contended that during each month of the period November 1951 through February 1952, his country blend price ran under the Boston blend for competing plants and as a result he experienced considerable difficulty in holding his producers. He proposed that the order be amended to provide that the country plant price never be allowed to go below the Boston blend at that point and that whenever this would otherwise occur the nearby differential be reduced by the amount necessary to equalize the country plant prices.

The pricing plan should provide a Worcester blend price at least equivalent to the Boston blend at such points on an annual basis in view of the relatively higher proportion of Class I milk in the Worcester market. The evidence concerning lower Worcester prices for a few months does not mean, however, that the Worcester price is tending to run lower than the Boston price on an annual basis in the same zone. Under normal circumstances the seasonal pattern of blend prices in the Boston and Worcester markets varies so that the Worcester price tends to run higher than the Boston price in the flush production season and lower in the short production season.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested persons. The briefs contained suggested findings of facts, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended Marketing Agreements and Orders. The following amendments to the respective orders are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as amended, and as proposed here to be further amended.

Boston, Lowell-Lawrence, Fall River, Springfield, Worcester:

1. Amend Parts 904, 934, 947, 996, and 999 to include new §§ 904.48, 934.48, 947.48, 996.48, and 999.48. Each section designated above reads as follows:

NEW ENGLAND BASIC PRICE FORMULA

Computation of New England Class I formula basic price. The New England Class I formula basic price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the

market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the formula index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the most recent available data on National and Regional per capita income payments as published by the United States Department of Commerce, establish the current percentage relationship of New England per capita income to the National per capita income, such percentage to be known as the "New England adjustment percentage." Multiply by the New England adjustment percentage the latest available quarterly figures showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.17 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average weighted by the indicated factors of the following wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index of 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the formula index.

(b) Multiply the formula index by $5.61 and divide by 100 to determine the formula index price.

(c) Determine the annual level of the basic price by applying to the formula index price a supply-demand adjustment as follows:

(1) Combine into separate monthly totals the receipts from producers for each of the markets listed below and the Class I producer milk for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

Boston.
Lowell-Lawrence.
Springfield.
Worcester.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months calculated pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month and compute a simple average of the resulting percentages rounded to 3 decimal figures.

	Normal class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) Compute an annual level of the basic price by multiplying the formula index price by the applicable supply-demand adjustment in the following table. To determine the applicable adjustment, locate the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply.

Normal supply factor:	*Supply-demand adjustment*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(d) Compute the seasonally adjusted price by multiplying the annual level of the basic price by the applicable seasonal factor as follows:

January	1.04
February	1.04
March	1.00
April	.92
May	.88
June	.88
July	.96
August	1.00
September	1.04
October	1.08
November	1.08
December	1.03

(e) If the resultant price computed pursuant to paragraph (d) of this section falls within 11 cents of $5.87, the New England basic Class I formula price shall be $5.87 and if the resultant price is more than $5.98 or less than $5.76, the New England basic Class I formula price shall be that price above or below $5.87 by multiples of 22 cents which is nearest to the resultant price.

(f) Notwithstanding the provisions of (a) through (e) of this section, the basic formula price for November or December of each year shall not be lower than the basic formula price for the immediately preceding month.

Lowell-Lawrence, Springfield, and Worcester:

2. Delete §§ 934.40, 996.40, and 999.40 of Parts 934, 996, and 999 and for each deletion substitute the following section in each part:

Class I price at city plants. The Class I price per hundredweight for milk received at city plants shall be the New England Class I formula basic price per hundredweight determined for each month pursuant to section 48 of this part plus 52 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201-210 miles, inclusive, as published in the New England Joint Tariff No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

3. In Parts 934, 996, and 999, delete the present language of §§ 934.16 (e), 996.16 (e), and 999.16 (e), following the comma after the word "orders" and substitute in each case therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

4. Amend § 934.70 and §§ 996.71 and 999.71 by deleting the period at the end of the section and substituting therefor the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

Boston:

5. Amend § 904.2 by renumbering paragraphs (f) through (k) as paragraphs (g) through (l) respectively and by adding a new paragraph (f) as follows:

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

6. Delete § 904.40 and substitute:

§ 904.40 *Class I prices.* The Class I price per hundredweight for milk received at plants located in the 201–210 mile zone shall be the New England Class I formula basic price per hundredweight determined for each month pursuant to § 904.48.

7. Revise § 904.75 of the Boston order by deleting the present language and substituting therefor the following:

§ 904.75 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

Fall River:

8. Delete § 947.50 and substitute:

§ 947.50 *Class I prices.* Each handler shall pay producers or cooperative associations for Class I milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the New England Class I formula basic price per hundredweight determined for the month plus 81 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

9. Amend § 947.72 by adding a sentence at the end of the section as follows: "Such payment shall be accompanied by a statement showing the pounds of milk delivered by each producer for whom such deduction was made."

Worcester:

10. Amend § 999.50 by adding a new paragraph (g) as follows:

(g) Substract any amount which the handler is required to pay on such milk pursuant to § 904.66 (b) of this subchapter.

Issued at Washington, D. C., this 8th day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-7635; Filed, July 11, 1952; 8:49 a. m.]

[7 CFR Part 906]

[AO-210-A2]

HANDLING OF MILK IN TULSA, OKLAHOMA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ball Room, Hotel Tulsa, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., July 29, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area were proposed, as enumerated below.

Proposed by Pure Milk Producers Association of Tulsa:

1. Delete § 906.51 (a) and substitute in lieu thereof the following:

(a) *Class I milk.* The basic formula price plus $1.65 during the months of April, May, and June, and plus $2.05 during all other months: *Provided*, That for each of the months of September, October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months April, May, and June, such price shall not be more than that for the preceding month.

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies	Months used in computation	Standard utilization percentage
January	November-December	110
February	December-January	110
March	January-February	114
April	February-March	107
May	March-April	112
June	April-May	100
July	May-June	100
August	June-July	139
September	July-August	135
October	August-September	162
November	September-October	119
December	October-November	110

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July, and August; 2 cents in April, May, and June; 4 cents in September, October, November, and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July, and August; 4 cents in April, May, and June; and 2 cents in September, October, November, and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend the provisions of § 906.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b) both for the previous month; and

3. Insert a new § 906.62 to read as follows:

§ 906.62 *Handlers doing less than 20 percent of their business in the marketing area.* In the case of any handler (except a handler who would be covered under § 906.61) who the Secretary determines disposes of less than 20 percent of his milk, qualified for distribution as Grade A milk in the marketing area, as Class I milk in the marketing area, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butter fat, make reports to the market administrator at such time and in such manner as the market administrator shall require and shall allow verification of such reports by the market administrator pursuant to § 906.33;

(b) Pay to the market administrator for deposit into the producer-settlement fund, with respect to all skim milk and butterfat disposed of as Class I milk with the marketing area, an amount equal to the difference between the Class I and Class II value of such skim milk or but-

terfat as computed pursuant to this subpart;

(c) As his pro-rata share of the expense of administration hereof, such handler shall pay to the market administrator on each hundred weight of milk disposed of as Class I milk in the marketing area the amount per hundredweight in the manner specified in § 906.88.

Proposed by the Tulsa Handlers:

4. Delete § 906.6 and substitute therefor the following:

§ 906.6 *Tulsa, Oklahoma, marketing area.* Tulsa, Oklahoma, Marketing Area means all the territory within the boundaries of Tulsa, Creek, Mays and Rogers counties, that part of Wagoner County along and north of State Highway No. 51, that part of Delaware County which is west of State Highway No. 10 including the towns of Jay and Grove, that part of Ottawa County which lies west and south of State Highway No. 10 and including the towns of Quapaw, Picher, Cardin, Commerce and Miami, that part of Craig County that lies south of State Highway No. 10 and that part of Nowata County that lies south of State Highway No. 10 and the town of Lenapah, that part of Washington County that lies south of the town of Copan, that part of Osage County that lies south of State Highway No. 60 and east of State Highway No. 99 that part of Pawnee County that lies east and south of State Highway No. 99, and that part of Payne County that lies east of State Highway No. 40, including all the towns located on or adjacent to these highways in these counties within these given limits, all in the state of Oklahoma.

5. Add to § 906.44: "to provide that other source milk that is received by a handler to supplement the supply of producer milk during a period of short supply shall be credited to Class I sales if the Market Administrator determines that a sufficient quantity of producer milk was not available, at the time the other source milk was received, even though the total sales of Class I for the entire month is less than total producer milk delivered during that month."

6. Amend § 906.51 (a) as follows:

(a) *Class I milk.* The basic formula price plus $1.45 during the months of April, May, June, July and August and plus $1.85 during all the other months.

7. Add to § 906.53 paragraph (c) as follows:

(c) Is moved to an unapproved plant located outside the Marketing Area in the form of milk, skim milk, or cream, after the Market Administrator has been given notice of such intention and he has determined that such milk is not needed in the Marketing Area for Class I usage, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows, etc.:

8. In § 906.41 (a) delete the following: "aerated products containing milk or cream,".

9. That the basic fat test be 3.5 percent and all provisions of the order pertaining to basic test be changed to 3.5 percent instead of 4.0 percent.

10. In § 906.65 *Computation of daily average base,* include the following proviso: "*Provided,* That if producer receipts are less than 12 percent in excess of Class I sales during October, November, or December of each year bases for new producers entering the Market after October 2, will be determined by dividing their total deliveries during such month or months by the number of days in that period and *Provided further,* That if Class I usage is less than 12 percent in excess of producer receipts during the months of January or February bases for new producers entering the Market during that time will be determined by the amount of their milk that is needed to increase producer receipts to an amount that is 12 percent in excess of Class I usage, but such producer's base shall not be more than 90 percent of his average daily deliveries."

11. § 906.88 *Expense of administration:* That the handler assessment be reduced to 3 cents per hundredweight.

Proposed by Dairy Branch, Production and Marketing Administration:

12. Make such other changes as are necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the market administrator, 2635 East 11th Street, Royal Theatre Building, Tulsa, Oklahoma, or from the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 9, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-7671; Filed, July 11, 1952; 8:57 a. m.]

[7 CFR Part 941]

[Docket No. AO 101-A 14]

HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on proposed amendments to the order was held by the Production and Marketing Administration, United States Department of Agriculture, on April 14-17, 1952. Proposals to amend the order were submitted by the Associated Milk Dealers, Inc., Baldwin Cooperative Creamery et al., Beatrice Foods Company, Central Dairy Company et al., Consolidated Badger Cooperative et al., Chicago Milk Producers Council, Dean Milk Company, Ice Cream Manufacturer's Association of Cook County, Pure Milk Products Cooperative, and the Dairy Branch, Production and Marketing Administration.

The major issues presented on the record of the hearing and covered by this decision were whether the order should be amended to provide for:

(1) Revision of location adjustments to producers and handlers:

(2) Reclassification of (a) ice cream, ice cream mix, and (b) powdered ice cream mix, powdered cream, and (c) frozen concentrated milk;

(3) Expansion of the "surplus milk manufacturing area;"

(4) Classification of condensed or concentrated milk of from 2 to 12 percent butterfat disposed of in bulk outside the surplus milk manufacturing area as Class I milk;

(5) Revision of the basic formula price provisions and the introduction of a new price formula applicable to milk used in cheese;

(6) Modification of the method of pricing Class IV milk by the introduction of a "labor coal" index factor for automatically adjusting the "make allowance" in the formula;

(7) Consolidation of Order 91 with Order 41;

(8) Modification of the pool plant provisions;

(9) Revision of the rules governing the transfer or diversion of milk and cream during work stoppages;

(10) Substitution of price quotations on cheese at Wisconsin primary markets for Wisconsin Cheese Exchange quotations presently used in computing the basic formula and Class III milk prices;

(11) Expansion of the marketing area;

(12) Modification of the provision relating to the classification and pricing of milk subject to more than one Federal order; and

(13) Certain changes of an administrative character.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) No change should be made in the rates of location adjustments to handlers or to producers.

The present provisions of Order 41 provide that location adjustment shall be allowed handlers on all milk classified as Class I milk and all milk moved as fluid milk or fluid skim milk to a bottling plant located less than 70 miles from the City Hall in Chicago. These location adjustments are at the rate of 2 cents per hundredweight for each 15 miles or fraction thereof that the pool plant at which such milk was received from producers is located more than 70 miles from the City Hall in Chicago.

With respect to location adjustments to producers, the present order provides that handlers shall pay to producers the uniform price announced for the 55 to 70 mile zone less 2 cents per hundredweight for each 15 miles or fraction thereof that the pool plant at which the producers' milk is received is located more than 70 miles from the City Hall in Chicago. The order further provides that milk received from producers at plants located outside of the marketing area but less than 55 miles from the City Hall in Chicago shall have 2 cents per hundredweight added to the announced price, and milk received directly from producers at plants located within the marketing area shall be paid for at the announced uniform price plus 10 cents.

There was one proposal to change the location adjustments to handlers. It would increase the adjustment per hundredweight of Class I milk from the present 2 cents to 3 cents for each 15 miles or fraction thereof that the plant is located more than 70 miles from the Chicago City Hall. Proponents submitted evidence of quoted rates for truckers hauling milk from a number of plants in the Chicago milkshed to Chicago. They did not show the hauling rates for plants within the 70 mile area nor were any comparisons made of the differences between rates per hundredweight of milk shipped from plants on the 70-mile zone perimeter and the plants for which rates were quoted. Location adjustments to handlers have been based on distances greater than the 70-mile zone and this policy was not questioned by proponents of the changed rates. Additional evidence was presented by other interested parties which quoted trucking rates from plants in the milkshed including several located in the 70-mile zone. These data as well as those presented by the proponents indicate that the zone difference in cost of moving fluid milk or fluid skim milk from points throughout the milkshed continues to approximate 2 cents per hundredweight. No evidence was presented regarding the rates of shipping cream in the Chicago market. It is concluded that a change in the location adjustments to handlers is not warranted on the record.

Two proposals were presented that would change the location adjustments used in adjusting producer payments. One would increase the rate per hundredweight of milk from 2 cents to 3 cents for each 15 miles or fraction thereof that the plant at which the milk is received is located more than 70 miles from the City Hall in Chicago. This proposal was made in conjunction with the proposal that location adjustments to handlers per hundredweight of Class I milk be increased from 2 cents to 3 cents per zone. In effect, the proponents would continue to base the location adjustments to producers at the same rate per hundredweight of milk as is allowed handlers as a location adjustment. This principle underlies the location adjustment to producers presently contained in Order 41. Inasmuch as it is concluded that the evidence does not warrant a change in the location adjustments to handlers neither is a change in the location adjustments to producers from 2 cents to 3 cents per hundredweight of milk per zone supported by the testimony.

The second proposal would change the present location adjustment rate to producers from 2 cents per hundredweight of milk per zone to a lesser amount. This amount was not specified but in principle would be based on a combination of location adjustments allowed handlers on milk and cream. This proposal is essentially the same as one which was under consideration at a hearing held in November 1949. At that time it was found that the facts did not bear out the contention that producers in the most distant areas of the milkshed would be at a disadvantage compared to nearby producers as a result of the producer location adjustment provisions recommended at that time. The location adjustments on producer milk adopted as a result of the November 1949 hearing are the provisions presently contained in the Chicago order.

In the decision issued February 8, 1950, preceding such amendment, it was pointed out that a rate of location adjustment on producer milk less than the rate used to determine location adjustments to handlers for fluid milk would: (1) Encourage further expansion of the milk supply at distant points and further reduce milk production in nearby areas by giving distant producers more favorable prices relative to producers nearer the market, (2) at certain times result in uniform prices to producers at distant points in the milkshed greater than the Class I price at the same point which would permit plants to draw money from the pool even when all of its milk was utilized in Class I, (3) increase the seasonal surplus problem by encouraging greater production in the far out zones where the seasonal pattern of production is greater than in the nearby areas. Official notice of such decision is taken. The evidence bearing on these points in the present record does not warrant a change in the rate of location adjustments on producer milk established as a result of the November 1949 hearing. It is concluded that no change be made.

(2) (a) Milk and milk products derived from Grade A milk as defined in the order which are used in the manufacture of ice cream, ice cream mix, and other frozen dessert mixes should be classified as Class II milk.

The present provisions of Order 41 classify milk and milk products derived from Grade A sources and used in the manufacture of ice cream, ice cream mix, and frozen dessert mixes as Class II milk, while unapproved or Grade B mix, and frozen dessert mixes as Class products is classified as Class III milk when its use is not in violation of an appropriate health authority having jurisdiction in the marketing area.

It was proposed that approved milk and milk products used in the manufacture of ice cream and ice cream mix continue to be classified as Class II milk when these products are disposed of within the city limits of Chicago but that milk and milk products used in ice cream and ice cream mix disposed of outside of the city of Chicago be classified as Class III milk.

Proposals essentially the same as this proposal have been considered at previous hearings to amend Order 41, the most recent of which was a hearing held during January 1951. On the basis of the evidence given at that time it was determined that all approved milk and milk products used in ice cream and ice cream mix should be classified as Class II milk because (1) pricing milk and cream used in ice cream manufacture at the Class III price would return less money to producers than they receive for milk used to make Class III manufactured products at country plants due to the reduction in value that would result from location adjustments being allowed on this milk when moved to the marketing area, and (2) prices to producers for Grade A milk should be designed to bring forth an adequate but not burdensome market supply for those uses requiring high quality milk, but should not be designed to provide a regular supply of Grade A milk for uses not requiring milk of such quality.

Although the present record discloses the additional point that by recent development ice desserts using vegetable fat in lieu of butterfat have become a competitive factor in the disposition of ice cream by ice cream plants, a review of the present record does not reveal evidence on this point that could lead to a different conclusion than was reached as a result of previous hearings. This substitution of vegetable fat exists both within and outside the city limits of Chicago and is related to the problem of the level of the price for all ice cream made from inspected milk rather than to the pricing of that portion of the local production disposed of outside the city. A decision stating the considerations involved in establishing the level of the Class II price was issued by the Secretary on June 13 following the hearing held in March of this year. Official notice is taken of such decision. There was no new evidence advanced as a basis for altering the terms of such decision on this point. It is concluded that all milk and milk products derived from approved sources and used in the manufacture of ice cream, ice cream mix, and other frozen dessert mixes be classified and priced as Class II milk.

(b) "Powdered cream" and "powdered ice cream mix" should not be reclassified and the Class II definition should not be modified to exempt these products disposed of in bulk to plants located outside the "surplus milk manufacturing area."

One handler proposed that "powdered cream" and "powdered ice cream mix" should be classified in Class III milk to be priced competitively with whole milk powder. It was pointed out that such powdered milk products are sold nationwide and may be manufactured from non-Grade A milk although some Grade A milk is used in their manufacture. In further support of this proposal the proponent testified that Grade A milk which is used in manufacturing channels is excess milk and that handlers who carry excess milk should be permitted a choice in manufacturing those milk products which enable them to recover at least part of the cost involved in handling such excess.

The record does not establish that this product can be made from unapproved milk if sold in the main segments of the marketing area. In this connection official notice is taken of the decision for Order 41 issued April 27, 1951, in which the issue herein described was discussed. The present record does not disclose any appreciable change in the circumstances which prevailed at the time such decision was made. In view of the foregoing it is concluded that an adequate basis for revising the order in accordance with the present proposal is not provided by the record.

(c) Frozen concentrated milk should not be reclassified.

A handler proposed that frozen concentrated milk (if and when sold in the marketing area) should be reclassified from Class I milk to Class III milk and that the definition of frozen concentrated milk should be revised to include such product only if it is put out in hermertically sealed cans. The request for reclassification as pointed out by the proponents is made on the ground that frozen concentrated milk is not directly competitive with fresh fluid milk but rather is competitive with manufactured products such as evaporated milk and powdered milk. It was further contended that the present classification restricts the promotion of this product.

The record indicates, however, that frozen concentrated milk is primarily intended for use as a beverage regardless of any other uses to which it might be put. It is not evident that it may be made from unapproved milk if disposed of in the principal communities of the marketing area. It is concluded that frozen concentrated milk should not be reclassified to Class III milk on the basis of the information presented.

(3) Knox County, Illinois, should be added to the surplus milk manufacturing area and Shelby County, Illinois, should be eliminated from the surplus milk manufacturing area.

The surplus milk manufacturing area generally approximates the milk supply area of the Chicago market and is intended to include the locations of unregulated plants that normally serve as outlets for reserve milk diverted from the Chicago market. It serves the purpose of placing a reasonable limit upon the area in which reserve milk may be disposed and still be classified on the basis of the purpose for which it is used rather than according to the form in which it is disposed. Any milk moved outside this area as fluid milk or fluid skim milk automatically is classified as Class I milk and any cream so moved is automatically Class II milk.

It was proposed that the surplus milk manufacturing area be enlarged by the addition of eight counties. These counties are Knox, Coles, Macon, Sangamon, and Vermilion Counties in the State of Illinois; Montgomery and Knox Counties in the State of Indiana; and Dubuque County in the State of Iowa. Another suggestion made would eliminate Shelby County, Illinois, from such area.

The handler representative proposing enlargement of the surplus milk manufacturing area testified that while his company had subsidiary fluid operations located in each of these counties, it likewise maintained some manufacturing facilities at these locations which would be helpful additions to the manufacturing facilities available to all Order 41 handlers, as well as to his company.

The proponent's need for additional manufacturing facilities in the surplus milk manufacturing area was supported by testimony only in respect to Knox County, Illinois. These facilities have been used in the past to process surplus milk from fluid milk operations regulated by the order, and the record indicates that these facilities would normally be used for the disposal of surplus milk if Knox County, Illinois, were included in the surplus milk manufacturing area.

With respect to the other seven counties, the record contains no evidence to support their being added to the surplus milk manufacturing area other than a statement that manufacturing facilities are located in these counties which would be available to the market if needed. Considerable testimony relating to all eight of these counties dealt with competitive procurement problems regarding milk used for fluid purposes. However, the expansion of the surplus milk manufacturing area for reasons other than those directly related to the disposal of reserve milk is unwarranted. Therefore, only Knox County, Illinois, should be added to the surplus milk manufacturing area.

Shelby County, Illinois, is presently a part of the surplus milk manufacturing area. Its inclusion in the area was warranted by the fact that prior to February 1, 1952, a pool plant under the order was located in the county. Since that time however the plant has ceased to operate as a pool plant under Order 41. There is no evidence in the record to the effect that Shelby County should continue to be included in the surplus milk manufacturing area and therefore it is excluded.

(4) Milk moved as condensed or concentrated milk in bulk containing not less than 2 percent nor more than 12 percent of butterfat from a regulated plant to a plant located outside the surplus milk manufacturing area should be classified as Class I milk.

Order 41 presently provides that condensed milk moved from a regulated plant to a plant located outside the surplus milk manufacturing area shall be classified in the form in which it leaves the plant, i. e., as Class III (a) milk.

Testimony was given to the effect that administrative difficulties arise in distinguishing between condensed milk which is Class III (a) under the order and that concentrated milk which is defined as Class I milk. Further evidence was given to the effect that over the past few years there has been practically no condensed whole milk processed by Order 41 handlers and that milk which is condensed or concentrated and moved outside the surplus milk manufacturing area is intended primarily for ultimate reconstitution and use in fluid form.

A proposal was submitted to provide that such milk be classified as Class I milk rather than be given a Class III (a) classification. In consideration of the foregoing and in further view that the present order does not provide a satisfactory method of dealing with this situation, it is concluded that condensed or concentrated milk containing not less than 2 percent or more than 12 percent butterfat moved from a regulated plant to a plant outside the surplus milk manufacturing area should be classified as Class I milk. No adverse testimony on this proposal was presented.

(5) A milk price formula based on Cheddar cheese price quotations should be adopted to replace the butter-cheese formula as one of the basic formula prices in the Chicago order; milk utilized in the manufacture of cheese (other than cottage cheese) should continue to be priced under the present Class IV (butter-nonfat dry milk solids) price formula.

The basic formula price used to determine Class I and Class II prices is presently the higher of either the Class III or Class IV prices as computed for the preceding month. Specifically, this may be one of three formula prices which are: The average condensery pay price, the butter-nonfat dry milk milk solids formula, or the butter-cheese formula. Class I and Class II prices for the month are determined by adding to this basic formula price the appropriate Class I and II price differentials subject to an adjustment based on changes in the supply-demand relationship.

The present provisions of Order 41 classify all milk used in the manufacture of cheese other than cottage cheese as Class IV milk and as such its price is established each month by the butter-nonfat dry milk solids formula.

There were two proposals submitted relating to a cheese price formula. One producer association proposed that the formula be 2.75 times the simple average, as published by the Department, of prices per pound for "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, with the result multiplied by 2.5. It was proposed that the price resulting from the formula be substituted for the butter-cheese formula as a basic formula price and that in addition it be used to price milk utilized in Class IV for the manufacture of cheese. The second proposal was made by another producer association and in effect stated that in the event that milk used in cheese were to be classified and priced separately such milk should be priced by the following formula: 9.745 times the average price of Cheddars on the Wisconsin Cheese Exchange as now published by the market administrator plus 0.28 times the average price of 92-score butter at Chicago plus 85 percent of the price per hundredweight for whey reported for the month by the Western Condensing Company at Appleton, Wisconsin. From this amount substract $0.494 per hundredweight and the result would be the price per hundredweight, on a 3.5 percent butterfat basis, for milk utilized in cheese.

The record shows that the first proposal is designed to produce a price level which will correspond closely to the average of prices paid to dairy farmers by Wisconsin cheese factories for milk used in the manufacture of cheese. It was stated that the factor 2.75 is intended to be a figure which when multiplied by the Wisconsin Cheese Exchange quotation for Cheddars will approximate the price per pound of butterfat paid to farmers by cheese factories. Considerable evidence was submitted for the record which related this formula price to the average price paid farmers by Wisconsin cheese factories as reported by the Department and by the Wisconsin State Department of Agriculture. In essence this formula is designed to measure the value of milk used for cheese from the standpoint of competitive "pay" prices as differentiated from the "cost and yield" method.

Reduced to its simplest form this formula is 9.625 times the average Cheddar cheese price (3.5 times 2.75=9.625). The average paying price of Wisconsin cheese factories as reported by the Department for 1950 and 1951 divided by the average cheese price quotation on the Wisconsin Exchange for those two years gives a factor of 9.45 compared to the 9.625 that was proposed. Inasmuch as this formula is designed to reflect average pay prices it is concluded that the factor of 9.45 should be used in place of 9.625.

The second cheese formula is designed to measure the value of milk used in the manufacture of Cheddar cheese by the use of a cost and yield method. Evidence submitted by the cooperative proposing this formula included cost data from its own plant to substantiate a $0.494 per cwt. manufacturing allowance. At the same time proponents testified that they were not proposing to substitute their formula to lower the Class IV price if the present Class IV formula could continue as the basis for pricing milk utilized in cheese manufacture. Their formula was offered for consideration in the event it were decided that milk used for cheese should be classified and priced separately from milk used for butter and other Class IV milk products. The proponents of this formula offered no criticism of pricing milk used for cheese at the butter-nonfat dry milk solids formula price than that market fluctuations in prices between butter and cheese cause returns from a cheese operation to fluctuate widely in some months when the milk is so priced.

An analysis of evidence in the record indicates that the difference between the gross value of the cheese, whey cream, and whey in one hundred pounds of 3.5 percent milk and the Class IV price for the period March 1950 to date has averaged $0.41 (with a median difference of $0.38). Taking the same gross returns from cheese, whey cream, and whey and subtracting the cheese formula price set forth herein (9.45 times the average Cheddar price) gives an average difference of $0.364 per hundredweight of 3.5 percent milk. It can reasonably be concluded from this comparison that the latter formula provides a manufacturing allowance for Cheddar cheese closely approximating that experienced since the Class IV formula was last amended effective March 1950.

Since the production of cheese has been increasing in recent years and represents a major use of milk in the Chicago supply area, it is concluded that a formula based on Cheddar cheese would be appropriate as one of the basic price formulas under the Chicago order. Under current conditions the butter-cheese formula does not fully reflect the value of milk utilized by cheese factories in the production area. However, the pricing of milk under the order which is utilized in the manufacture of cheese using this formula presents certain other problems, the most important of which is the pricing of milk used for cheeses not of the Cheddar type. At present all cheese other than cottage cheese is classified as Class IV milk and is priced at the butter-nonfat dry milk solids formula price. While the present record contains evidence pertaining to Cheddar cheese, it is concluded that the method of pricing other cheeses of the specialty type which represent an important part of the total quantity of cheese made from Order 41 milk should be given more consideration at a subsequent hearing before any change in the pricing of milk going into cheese can be made.

It is concluded therefore that a cheese price formula computed by multiplying the monthly average price per pound of Cheddar cheese as reported for Wisconsin primary markets by 9.45 (2.7 x 3.5) be substituted as a basic price formula in place of the present butter-cheese formula but that no change should be made at this time in the formula applicable to Order 41 milk used for cheese.

(6) The formula for pricing Class IV milk should not be revised to provide a "labor-coal" index as a means of automatically adjusting the operating allowance in such formula.

The proposal made for the inclusion of a "labor-coal" index in connection with the Class IV price formula as a means of effecting automatic adjustments in the operating allowance as manufacturing costs of butter and nonfat dry milk solids change was similar to that considered at the hearing on order amendments held January 22-31, 1951. The general basis for the proposal as presented at the current hearing also was similar to that given at the January 1951 hearing although at the recent hearing supporting data were presented in somewhat more detail and with certain refinements of application. The additional information presented, however, does not provide a basis for altering the conclusions reached in the decision of the Secretary issued June 12, 1951, official notice of which has been taken. It is concluded, therefore, that the labor-coal index should not be made a part of the Class IV price formula.

(7) Order No. 91 regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area should not be merged with the Chicago order.

Proponents of the merger of Orders 91 and 41 testified to the overlapping of the Chicago and Rockford-Freeport milksheds and to the fact that Chicago handlers are distributing milk in cities of Rockford and Freeport to the extent of approximately 50 percent of the total quantity of milk sold in these cities. It was also pointed out that the difference in the utilization patterns of Rockford-Freeport and Chicago has resulted in different uniform prices and at times has encouraged a shift of producers from one market to the other. However, proponents testified that their primary interest in securing a merger of the two orders is to eliminate the expense of "duplicate" hearings. It was contended that since the two markets are closely related a hearing on proposed changes in the order regulating one market ordinarily requires an immediate hearing to consider the same types of change for the other market.

It appears, however, that the important issue is whether equity among producers and among handlers more orderly marketing would be promoted through consolidation rather than the cost of duplicate hearings. The record discloses that although the two markets are closely related the problems of each market in relation to the other may not necessarily be met simply by consolidation. Both markets have several separate and distinct problems resulting, for example, from such things as: (1) The difference in their size, (2) differences in the types and volumes of milk products made from inspected milk, and (3) differences in the cost of transporting the necessary supplies of milk and cream to the urban outlet. There was considerable disagreement as to the basis on which Order 91 producers should share in the market-wide pool following consolidation. Whether the expense of hearings would be minimized by a merger of the orders is at least debatable. Producer opponents of the merger expressed the belief that they would be forced to incur additional expense if the consolidation were to be made. Even if the orders remain separate, hearings may be held jointly if interested parties so desire and there are no compelling reasons for separate hearings. It may not be concluded from the testimony that orderly marketing would be promoted by consolidation under present circumstances concerning differences in the markets and the methods of regulation employed. The record indicates further that a large majority of Order 91 producers are opposed to consolidation.

A decision recommending certain amendments to the Rockford-Freeport order issued June 13, 1952, of which official notice is taken should ameliorate many of the marketing problems which

have arisen under Order 91 in relation to the Chicago market and Order No. 41. In view of the above, it is concluded that Order 91 should not be merged with Order 41 at this time.

(8) The "pool plant suspension" provisions of the order should be modified.

The "pool plant" provisions were first incorporated into the order July 1, 1951 as a result of the public hearing held in January 1951. The purpose of and reason for their inclusion were discussed at length in the decision of the Secretary issued June 12, 1951. Official notice is taken of such decision. Since its enactment, one season of operation under the amendment has passed. The revisions under consideration are a result of problems and situations which arose in the administration of the present provisions and are also an attempt to place some of the requirements on a more definitive basis.

It was recognized at the time the provisions governing plant suspension were first adopted that the requirements stated therein were susceptible of refinement but it was felt that some experience should be gained before an attempt should be made to more precisely distinguish pool and non-pool plants. The proposed modifications for the most part are a result of that experience.

Some difficulty has been experienced by the market administrator in completing audits of the necessary records for the fall delivery periods, particularly for November, to determine whether a plant has complied with the provisions in time to use February as the start of the suspension period. It is felt that some additional time should be provided for audit purposes, and therefore March is designated as the first month to which suspension should apply.

The record shows that such shortages as have occurred in the past have been with respect to milk and that the market has never been short of cream. Therefore, it is felt that the privilege accorded to pool plants of offering to ship either milk or cream in order to avoid suspension should be confined to milk only and that the privilege of offering to ship cream should be withdrawn.

There are some pool plants which dispose of considerable amounts of condensed skim milk to ice cream manufacturers in the marketing area. Inasmuch as the offer to ship is being confined to milk only, it is felt that the opportunity to comply by shipping milk should be expanded to include shipments of fluid skim milk and condensed skim milk. As a result of this addition and because the amount of butterfat in skim milk is negligible, the requirements for complying with the percentage provisions should be changed so that percentages can be computed on either a butterfat or product pound basis.

Several changes were proposed to meet certain problems which have been encountered by the market administrator in the administration of the present provisions. One of the most frequent problems concerned the written notices which pool plants are required to send to the market administrator indicating their willingness to ship certain amounts of milk or cream. In many cases such notice included offers to ship on days prior to the date the notice was mailed. Inasmuch as additional time would be consumed before the notice would be received by the market administrator and before the market administrator could make the offer public by transmitting it to handlers in the market, it is evident that such notices with respect to milk or cream offered on days prior to the date of mailing of the notice by the pool plant did not serve the purpose of the provision. It is provided therefore that only the milk which is offered for sale on days that are at least nine full days after the date on which the notice is postmarked shall be included in computing the amount offered. Although a seven day period was suggested by the proponents of the amendment, it appears from the testimony that a nine day period will be more workable.

Some difficulty has been experienced by the market administrator in attempting to determine from the wording used in the notice from the pool plant how much milk was being offered. Also, in computing amounts of milk or cream shipped and that offered for sale, it was felt that duplication should be avoided so that the same milk or cream could not be counted twice. Only such amount of butterfat or product pounds which is sold on any day as is in excess of the amount offered for sale on such day should be counted as the amount actually sold on such day, but the entire amount sold should be considered if such sale occurs on a day on which no offer is made. Appropriate language has been included in the proposal to meet these problems.

The present provision is silent as to what action, if any, should be taken with respect to offers which are not complied with after acceptance. Such offers would be meaningless and should not be counted in determining compliance with this provision. A provision is included which outlines specific procedure to be followed in such event. A proposal was made at the hearing that acceptance of an offer should be given at least 4 days prior to the date on which the milk is available for purchase. This time limit appears reasonable and should be adopted.

Provision also has been made to establish a specific method to be followed in computing required percentages of product pounds where the items involved are concentrated milk or condensed skim milk.

Inasmuch as application of the pool plant provision is on an individual plant basis and in order to prevent any evasion of the order by a suspended plant, a provision has been included under which suspension of a plant is not to be terminated or otherwise affected by transfer of ownership or operation.

To eliminate unnecessary language, the third proviso of § 941.66 (c) is deleted. This portion of paragraph (c) was effective only for the period from July 1 until September 1, 1951, and it is apparent that the necessity for this proviso no longer exists.

(9) The classification provisions should be revised to provide that in certain instances and under certain conditions milk diverted to unregulated plants outside the surplus milk manufacturing area be classified according to its utilization at the latter plant.

At the present time Order 41 provides that any milk moved as milk or skim milk in fluid form from a regulated plant to any plant located outside the surplus milk manufacturing area should be classified as Class I milk. It was proposed by a handlers' organization that during a period of work stoppage due to a labor dispute between employer and employee, milk or skim milk may be diverted to plants located outside the presently defined surplus milk manufacturing area, and at the request of the handler involved the market administrator should audit the utilization of such milk or skim milk and classify it according to its utilization at the unregulated plant.

The record shows through the testimony of a dealer witness that from time to time there occurs in the processing and bottling plants serving the Chicago market, work stoppages caused by or due to employer and employee labor disputes which interfere with the usual disposition of milk in the market. At times this may cause an almost total cessation of such distribution. As a rule these occurrences take place during the flush period of the year, for it is then that new contracts are negotiated between the handlers and unions representing the employees. Because of the large volume of milk which comes into the market in this period it is difficult to find a substitute outlet. The surplus facilities which are available and which are generally considered part of the market are not always situated to take care of the large quantities of extra reserve milk.

During these periods milk has had to be diverted in certain instances to plants outside the surplus milk manufacturing area. In such cases it has been the practice to find a place for the milk as close to the market as possible in order to save on transportation costs which the regulated plant must pay. While it is unusual for all processing and bottling plants in the Chicago market to be simultaneously affected so that there is a complete stoppage of work in all such plants, there are times when all the plants in the Chicago market are affected, if not on the same day, within days that are so close together as to make the problem of disposition acute. There are approximately 65 plants in the Chicago area operating under the same labor contracts. Proponents of the amendments agreed that it should only be effective if at least 50 percent of the Class I milk packaged by all bottling plants is represented in plants that have such work stoppages and no counter suggestions were made for the record.

There are bottling plants outside the city of Chicago which also operate under labor contracts. However these contracts are usually local in character and terminate at different times; hence, work stoppages in such plants, if and when they occur, do not generate the same problems as confront the Chicago bottling plants as the volume of milk involved in each case is such that the plants do not experience the same difficulty in disposing of it. Separate consideration for such plants is not necessary.

It was suggested that the market administrator should make the determination as to when the required percentage of milk is affected and for what period, and that the plant to which such milk might be diverted must make its books and records available to the market administrator for audit to determine utilization of the milk. Otherwise, the diverted milk should be classified as Class I milk regardless of its utilization. Such provisions are appropriate and are adopted.

No adverse testimony was submitted at the hearing and it appears at this time the relief requested through the proposed amendment with certain modifications should be granted.

(10) The average wholesale price of cheese (cheddars) at Wisconsin primary markets as computed and reported by the Department should be substituted for the average wholesale price of cheese (Cheddars) on the Wisconsin Cheese Exchange in the computation of the basic formula and Class III milk prices.

It was testified that price quotations are reported four days a week (excluding Friday) for "Wisconsin primary markets" which are based on actual sales of cheese. There have been only a few instances in the past several years when sufficient sales have not been made on the Wisconsin primary markets on which to base a report. The Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the other hand meets each Friday so that a quotation is available for only one day of each week. The volume of cheese sold on the Wisconsin Exchange is small in relation to the total volume of cheese sold on Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange and at times such condition has existed for a considerable period. It has been necessary therefore to use prices for weeks when no sales were reported which were derived from either bids or offers rather than from actual sales. For the purposes of the order the price of cheese at Wisconsin primary markets is the more representative report to use in reflecting prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese quotations discussed above are based are similar—both are for the same type of cheese and are for cheese loaded for shipping at assembly points. The quotations differ, however, in that the price at primary markets includes a charge for certain services, such as paraffining and assembly, which is not included in the Exchange price but is made as a separate charge to the purchaser. Over the past two years the primary markets' price has averaged higher than the Exchange price by approximately 1.3 cents per pound and deduction of this amount should be made in adopting the primary market price.

Testimony in opposition to using the Wisconsin primary market data indicated that such price quotations might give undue weight to one sale since the highest price quoted by a handler could represent the sale of only one car of cheese, whereas the low price of that same handler might represent ten cars. While such a transaction could happen it is also true that the reverse could take place. Over a period of time such transactions should average out, particularly on the primary markets where there is a greater volume of cheese sales. It is concluded that the proposal should be adopted.

(11) The Chicago milk marketing area should not be expanded to include the township of Grafton.

It was proposed by one handler that the township of Grafton be included in the Chicago marketing area. In this connection it was testified that of the 90 milk producers in Grafton township under the Chicago order, 22 producers ship milk directly to Chicago marketing area plants while the other producers do not. It was contended that the 22 producers receive an extra 6 cents as an inner zone differential from the Chicago pool while handlers have to pay a "premium" of 6 cents to the other 68 producers (in order to maintain their milk supply) thus resulting in an inequitable situation. It was testified by other handlers that milk procurement in this area is highly competitive and that there are numerous milk plants located in at least five other townships adjacent to or in juxtaposition to Grafton township and competing for milk in the same general area. Producers are intermingled in the several townships close to Grafton township. It was further pointed out that if Grafton township is included in the marketing area the other townships should be included too, since without their inclusion there would be no substantial change in the problem described. In a decision issued April 27, 1951, the reasons justifying the extra payment for direct shipped milk and payments out of the pool were fully explained. To the extent that decision is applicable to the issue here described official notice is taken.

An extension of the marketing area would automatically qualify an added volume of milk for the inner zone differential which was established when Orders 69 and 41 were consolidated. The circumstances then existing and the history of the two orders which at that time justified such differential do not support an extension of the marketing area. It is concluded in view of the foregoing that the Chicago marketing area should not be expanded at this time.

(12) The provision (§ 941.68 (a)) requiring a plant that receives milk subject to the class price provisions of a marketing agreement or order for another marketing area to make payments into the producer-settlement fund under certain circumstances should be eliminated.

At the present time Order 41 provides in § 941.68 (b) for a method of determining under which order milk received by a plant from which Class I or Class II milk is sold in the Order 41 marketing area as well as one or more other Federal milk marketing areas shall be priced. If the Secretary determines that such milk is subject to the pricing provisions of an order other than Order 41, then, with one exception, the pricing provisions of the latter order do not apply. If Class I or Class II milk is disposed of in the Chicago marketing area and the applicable class price under the other order is less than the applicable Order 41 price, the difference must be paid into the producer-settlement fund.

There are sizeable quantities of Class I and Class II milk moving from plants serving the Chicago marketing area to other milk markets some of which are regulated by Federal milk marketing orders while others are not. Both packaged and bulk sales are made by Order 41 handlers to markets near Chicago and bulk sales are made to markets at greater distances. Of the nearby markets under Federal orders, Milwaukee, Wisconsin; Rockford-Freeport, Illinois; and South Bend, Indiana, receive substantial quantities of Class I and Class II milk from handlers under Order 41. On the other hand, handlers under the Chicago order are competing for milk supplies with handlers regulated by such three other orders. In addition, the extensive Chicago milk shed overlaps to some degree with the Quad Cities, Iowa; Dubuque, Iowa; and Minneapolis-St. Paul, Minnesota, milksheds. The latter markets also are regulated by Federal orders and at times have obtained supplies of Class I or Class II milk from Chicago handlers. These intermarket relationships have raised questions as to the application of the pooling, pricing and classification provisions under the various orders involved and as to the specific prices which should apply when milk is sold from one market to another.

Several other factors, such as processing and transportation costs (which are not covered by order provisions), in addition to class prices under the order, enter into a handler's cost of milk when sold in a different market. A reasonably close alignment of class prices under the orders concerned, taking into account the approximate cost of moving milk between markets, will maintain equity between the handlers affected. The provision in Order 41 that requires payment of money into the Chicago producer fund when the Chicago prices are higher than those under the federal order where the milk order where the milk originated is not necessary to this end and is deleted.

At the hearing it was proposed further that any milk shipped by an Order 41 handler to another Federal order market be priced at the applicable price in the receiving market when the price under the other order is higher than the Order 41 price. The added return would go to Chicago producers; in other words the Order 41 handler would be required to pay the Order 41 price or the other price whichever was higher.

In view of the considerations stated above such provision is not being adopted. Chicago handlers will continue to be required to pay the Order 41 price to Chicago producers for milk sold to other markets. If uneconomic shifts in sales or supplies of milk result there may be need for reexamining the provisions of the respective orders for the purpose of

bringing about closer alignment between them by amendment of either or both.

(13) (a) Revision should be made in the provisions that pertain to payments for other source milk and "overrun" to clarify the application of such provisions.

The order contains provisions requiring payments with respect to other source milk and "overrun" under certain circumstances. Under such provisions there is the possibility that other source milk which appears in the plant of a handler who buys milk only from other plants could fall under either of the two payment provisions. The rates of payment applicable under the two provisions are different. One rate is the applicable class price while the other rate is the difference between the price of the class in which the milk is found and the lowest class price announced by the market administrator. The administrative problem may be removed by providing that if no specific source is shown by the handler on his report with respect to other source milk received it shall be considered as overrun and the handler shall be so charged.

As a corollary change, the provision relating to net pool obligations of handlers should be revised to make it clear that under certain conditions a handler who does not buy milk directly from producers may have a "net pool obligation", as well as a handler who buys milk directly from producers.

(b) Milk moved to an unregulated bottling plant located inside the surplus milk manufacturing area which receives milk, skim or cream only from regulated plants, should be Class I when moved as fluid milk or skim milk and Class II when moved as fluid cream, except that any milk or milk product so moved that is in excess of the unregulated plant's Class I and Class II disposition as defined in the order shall be classified according to its utilization when adequate records are made available to the market administrator by the unregulated plant.

The order at present provides that any milk or milk product moved from a regulated plant to an unregulated plant not engaged in the manufacture of butter, cheese, evaporated milk, condensed milk or skim milk, whole milk powder, nonfat dry milk solids, casein, or ice cream powder shall be classified as Class I milk when moved in the form of fluid milk or fluid skim milk and as Class II milk when moved in the form of fluid cream.

It was proposed that when unregulated bottling plants which are inside the surplus milk manufacturing area and not engaged in processing manufactured dairy products receive only milk and milk products from regulated sources, the milk so moved be classified according to its utilization in the unregulated plant when adequate records of use are available. Testimony was given stating that there are several plants not under the regulation of the order which receive their entire supply of milk and cream for bottling purposes from Chicago approved plants. Under the present terms of the order, any milk moved to these plants is Class I milk even though some of this milk is normally returned from routes and has to be used in a lower class of use. It appears reasonable to liberalize the effect of the present requirement. The record contains no evidence or testimony contrary to this proposal. It is concluded that when an unregulated bottling plant inside the surplus milk manufacturing area receives its entire supply of milk, cream, and skim milk from a regulated plant, such products should be classified according to use at the unregulated plant.

(c) A definition of a commercial food processor should be included in the order.

The term "commercial food processor" is currently used in the language of Order 41 where it is intended to specify plants that do not process manufactured dairy products such as butter, cheese, condensed, evaporated, or dry milk products but that do use milk and milk products in the manufacture of processed foods. The order provides that milk and milk products moved to the establishment of a commercial food processor shall be classified as Class III or Class III (a) milk.

It is proposed that a specific definition be given the term "commercial food processor" which would read as follows: "Commercial food processor" means any person engaged in processing food other than milk or cream in fluid form or ice cream. It was pointed out in the testimony that the term commercial food processor was sufficiently broad to be construed to encompass firms engaged in bottling fluid milk and cream or the manufacture of ice cream. Inasmuch as milk and milk products defined as Class III and Class III (a) products in the order are allowed in those classes when moved to the establishment of a commercial food processor but are classified in the ultimate class of use when moved to a regulated bottling plant or ice cream plant, a definition of a commercial food processor should be specifically set forth in the order. In order to avoid possible confusion as to what constitutes a commercial food processor, it is concluded that the proposed definition be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of the Associated Milk Dealers, Inc., Baldwin Cooperative Creamery et al., The Borden Company of Fond du Lac, Wisconsin, The Borden Company of Chicago, Illinois; Beatrice Foods Company, Central Dairy Company et al., Consolidated Badger Cooperative et al., Ice Cream Manufacturers' Association of Cook County, Lake to Lake Dairy Cooperative, Midwest Dairymen's Company, Stephenson County Pure Milk Association and Pure Milk Products Cooperative. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out: The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

1. Add the following as § 941.17:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any person engaged in processing food other than milk or cream in fluid form or ice cream.

2. Delete in § 941.40 the phrase "paragraph (b) of this section" and substitute therefor the reference "§ 941.41".

3. Delete § 941.40 (b) and substitute therefor the following:

(b) Any milk moved as milk or skim milk in fluid form, or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat, from a regulated plant to any plant located outside the following area, referred to in this subpart as the "surplus milk manufacturing area", shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: The State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, and Knox, in the State of Illinois; the counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkart, in the State of Indiana; the counties of Ottawa, Kent, Allegan, Berry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass and Berrien, in the State of Michigan; and the county of Van Wert in the State of Ohio: *Provided*, That any handler who causes producer milk received to be delivered to a plant located outside the surplus milk manufacturing area during the period of a work stoppage at the regulated plant due to a labor dispute between employer and employee, may request the market administrator in writing to classify such milk according to its utilization at the unregulated plant and the milk so delivered shall be classified under § 941.41 according to its utilization at the latter plant if (1) the market administrator determines that not less than 50 percent of the volume of the Class I milk packaged by all pool plants as described in § 941.66 (a) is affected by such work stoppage, and (2) the unregulated plant makes its books and records of milk utilization available to the market administrator for audit verification purposes and the market administrator determines to his satisfaction that utilization of the milk so delivered can be established on the basis of adequate daily records. If the conditions described under subparagraphs (1) and (2) of this paragraph do not prevail the milk so delivered shall be classified as Class I milk.

4. Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk: *Provided*, That if such unregulated plant receives no milk, skim milk or cream from sources other than a regulated plant(s) and if satisfactory proof is furnished to the market administrator that any such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk items, respectively (as defined in § 941.41) at the latter plant, such excess shall be classified according to its utilization.

5. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to in this subpart as Class III (a) milk);

6. Delete § 941.50 and substitute therefor the following:

§ 941.50 *Basic formula price.* The basic formula price to be used in computing the prices for Class I milk and Class II milk for each delivery period shall be the highest of the prices resulting from the formula set forth in paragraph (a) of this section and those set forth in paragraphs (c) and (d) of § 941.52 as computed for the delivery period next preceding.

(a) From the simple average of the daily prices paid per pound, using the mid point of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the United States Department of Agriculture for the trading days during the delivery period, subtract 1.3 cents, and then multiply by 2.7;

(ii) Multiply such result by 3.5.

6a. Delete from § 941.52 (c) the word "highest" and substitute therefor the word "higher".

6b. Delete from § 941.52 (c) the words "subparagraphs (1) and (2) of this paragraph" and substitute therefor the words "subparagraph (1) of this paragraph".

6c. Delete § 941.52 (c) (2).

7. Delete in § 941.61 the reference "§ 971.70" and substitute therefor the reference "§ 941.70".

8. Replace the period (.) at the end of § 941.61 with a colon (:) and add the following proviso: "*Provided*, That if no source is indicated by the handler which may be verified by the market administrator, the other source milk shall be deemed to be 'overrun' and subject to the provisions of § 941.62 rather than to the conditions of this section."

9. Delete the third proviso of § 941.66 (c).

10. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October and November is (i) shipped as milk, skim milk or cream in fluid form to a regulated plant(s), or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October and November, it is willing to ship an amount of milk in fluid form to any regulated plant(s) which together with such amount of milk, skim milk and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall include not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided*, That

(i) Said notice shall contain at least the following information: the specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; and the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 9 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk as is in excess of the amount offered for sale on said day by said notice shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

(3) Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

(4) Any handler who desires to accept an offer shall notify the offering plant, or the person whom the offering handler has designated as his agent to receive acceptance, of his willingness to accept such offer at least 4 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a regulated plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(5) In computing required percentages of milk, skim milk and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this

section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise.

11. Delete § 941.68 and substitute therefor the following:

§ 941.68 *Milk under more than one Federal order.* (a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions of this order or to §§ 941.80 through 941.88.

12. Delete that portion of § 941.70 prior to paragraph (a) and substitute the following:

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk shall be computed for each handler (based upon his reports as corrected), as follows:

Filed at Washington, D. C., this 8th day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-7634; Filed, July 11, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 108]

ORGANIZATION

MISCELLANEOUS AMENDMENTS

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), Public Notice 34 (15 F. R. 1461) regarding the central organization of the Department of State is amended as follows:

(a) The function performed by the Deputy Under Secretary as the Department's National Security Council consultant is transferred to the Counselor.

(b) The Counselor is no longer a member of the Department's Policy Planning Staff.

(c) The position of Director, Mutual Defense Assistance Program (Public Notice 49 (15 F. R. 3668)) is abolished and there is established the position of Special Assistant to the Secretary for Mutual Security Affairs, who: (1) Coordinates all activities within the Department relating to programs authorized by the Mutual Security Act of 1951.

(2) Serves as principal representative of the Department in matters relating to the Mutual Security Program and in dealings with the Director for Mutual Security.

(3) Represents the Department in preparation and presentation to Congress of the Mutual Security Program legislation.

(4) Assures that the Department's work relating to the Mutual Security Program is properly performed.

(5) Assures the establishment and maintenance of effective working relationships with other Government agencies on matters relating to the Mutual Security Program.

(d) The title of the Office of Consular Affairs is changed to Office of Security and Consular Affairs.

(e) The Office of International Trade Policy is abolished, and there are established under the Assistant Secretary for Economic Affairs (1) the Office of International Materials Policy with responsibilities for the formulation of policy with respect to the import and export of commodities affecting foreign policy and foreign relations, and (2) the Office of Economic Defense and Trade Policy with responsibility for economic defense, security, and general and emergency international trade policies.

(f) The United States International Information and Educational Exchange Program (USIE) is redesignated the United States International Information Administration (USIIA). The new organization is headed by an Administrator who is accountable directly to the Secretary and Under Secretary for the planning and execution of the Department's programs under the Smith-Mundt Act (Public Law 402, 80th Congress) and other foreign information activities for the administration of which the Secretary is responsible, and who: (1) Serves as Chairman of the Psychological Operations Coordinating Committee.

(2) Directs the development of international information and educational exchange policies.

(3) Directs the planning and execution of all International Information Administration programs at home and abroad.

(g) By a redefinition of his functions, the Assistant Secretary for Public Affairs: (1) Participates in the formulation of policy from a standpoint of public opinion factors.

(2) Develops policies on public information and directs the execution of programs designed to keep the United States public informed on international affairs.

(3) Serves as the staff officer to the Secretary responsible for the approval of major International Information Administration policy guidances.

(4) Develops policies for and supervises the conduct of a program of research on American policy.

(5) Develops policies on substantive matters relating to United States participation in UNESCO, subject to review by the Bureau of United Nations Affairs.

(6) Assures the maintenance of liaison with American mass communications industries.

Issued: June 25, 1952.

For the Secretary of State.

WALTER K. SCOTT,
Deputy Assistant Secretary.

[F. R. Doc. 52-7628; Filed, July 11, 1952; 8:47 a. m.]

[Public Notice 109]

AMERICAN NATIONALS

CLAIMS UNDER PROVISIONS OF TREATY OF PEACE WITH JAPAN

Notice is hereby given that under Article 15 (a) of the peace treaty between the Allied Powers and Japan, which came into force on April 28, 1952, the Japanese Government is required to return all property of Allied Powers and their nationals within the present territorial limits of Japan, and in cases where such property was within Japan on December 7, 1941, and cannot be returned or has been damaged, to provide compensation to property owners for their loss or damage sustained as a result of the war within Japan in accordance with terms of the Allied Powers Property Compensation Law (Japanese Law No. 264 of 1951).

In order to assist American nationals who desire to file applications under the treaty for the return of their property in Japan or, in appropriate instances, claims for compensation under the Allied Powers Property Compensation Law, the Department of State has prepared, after consultation with authorities of the Japanese Government, a memorandum regarding the manner in which such applications or claims should be prepared and filed. A copy of the memorandum is being sent to all American nationals who, on the basis of information available to the Department of State have indicated a desire to file applications for the return of property or claims for compensation. American nationals who desire to file such applications or claims but have not previously communicated with the Department may obtain copies of the memorandum from the Office of the Legal Adviser, Department of State, Washington 25, D. C.

Applications for the return of property must be submitted by this Government to the Japanese Government on or before January 28, 1953. Claims for compensation must be submitted by this Government to the Japanese Government on or before October 28, 1953. However, to insure proper consideration of applications for restitution of property and claims for compensation, they should be filed with the Department of State with the least possible delay.

Issued: July 1, 1952.

For the Acting Secretary of State.

JACK B. TATE,
Acting Legal Adviser.

[F. R. Doc. 52-7629; Filed, July 11, 1952; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[466.23]

EXTRACTS OF CHLOROPHYLL OR CHLOROPHYLL DERIVATIVES

TARIFF CLASSIFICATION

JULY 2, 1952.

It appears probable that a correct interpretation of paragraph 5, Tariff Act of 1930, requires that certain extracts of chlorophyll and extracts of chlorophyll derivatives be classified under paragraph 5 as chemical compounds dutiable at the modified rate of 12½ percent ad valorem rather than dutiable at the modified rate of 7½ percent ad valorem under paragraph 38.

Information received by the Bureau indicates that water soluble forms of chlorophyll and chlorophyllin are chiefly used for deodorizing and for medicinal and therapeutic purposes. Accordingly, pursuant to § 16.10a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such and similar merchandise under paragraph 38 as extracts and preparations of vegetable origin used for dyeing, coloring, staining, or tanning is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 52-7658; Filed, July 11, 1952; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

KINGS RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL; REVOCATION

JUNE 16, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke First Form Reclamation Withdrawal order of February 19, 1952 (17 F. R. 1904), insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 29 E.,
Sec. 1, NE¼SE¼, SW¼SE¼;
Sec. 11, E½SE¼;
Sec. 12, NW¼NE¼, NE¼NW¼, SW¼NW¼.

The above area aggregates 280 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted.

The lands described were reserved by the act of March 4, 1940 (54 Stat. 41) as part of the Kings Canyon National Park.

WILLIAM ZIMMERMAN, Jr.,
Associate Director.

JULY 8, 1952.

[F. R. Doc. 52-7616; Filed, July 11, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5595]

TRANSPORTES AEREOS NACIONALES, S. A.; PROPOSAL TO DESIGNATE SAN PEDRO SULA AS A COTERMINAL POINT

NOTICE OF HEARING

In the matter of the application of Transportes Aereos Nacionales, S. A., for amendment of its foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, so as to designate San Pedro Sula, Honduras, as a coterminal point on its foreign route.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on July 21, 1952, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the application particular attention will be directed to the following questions:

1. Will it be in the public interest to amend the foreign air carrier permit held by Transportes Aereos Nacionales, S. A., so as to designate San Pedro Sula, Honduras, as a coterminal point on its foreign route?

2. Will the requested authorization be consistent with the obligations assumed by the United States in any treaty, convention or agreement that may be in force between the United States and Honduras or any other foreign country?

For further details as to the requested amendment and the issues in connection therewith reference is made to the application on file with the Civil Aeronautics Board.

Notice is further given that any person other than a party of record desiring to be heard in this proceeding must file with the Board on or before July 21, 1952, a statement setting forth the pertinent issues of fact or law which he desires to controvert or support, and said person then may appear and participate at the hearing under the provisions of § 302.6 (a) of the Board's Procedural Regulations.

Dated at Washington, D. C., July 8, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7620; Filed, July 11, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination No. 115]

WILLISTON, NORTH DAKOTA; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Pub. Law 95; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated July 7, 1952, that the Williston, North Dakota, area (this area consists of Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota), is a critical defense housing area, and in view of the defense housing program announced for the said area on June 20, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Williston, North Dakota, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

JULY 10, 1952.

[F. R. Doc. 52-7763; Filed, July 11, 1952; 10:37 a. m.]

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 19]

PLAYA DEL REY FIELD, LOS ANGELES COUNTY, CALIFORNIA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Playa Del Rey Field, Los Angeles County, California.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Playa Del Rey Field, Los Angeles County, California. During the base period there was a lack of competitive factors and as a result, the crude petroleum produced from this field was sold at a lower price than that paid for crude petroleum of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the adjusted price will be in line with the ceiling price of comparable crude petroleum produced in this same area. This price is :

Gravity	*Price*	*Gravity*	*Price*
17-17.9 ------	$1.78	21-21.9 ------	$1.98
18-18.9 ------	1.83	22-22.9 ------	2.02
19-19.9 ------	1.88	23-23.9 ------	2.08
20-20.9 ------	1.93	24-24.9 ------	2.14

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, it is ordered:

1. That the ceiling price at the lease receiving tank for crude petroleum produced from the Playa Del Rey Field, Los Angeles County, California shall be:

Gravity	*Price*	*Gravity*	*Price*
17-17.9 ------	$1.78	21-21.9 ------	$1.98
18-18.9 ------	1.83	22-22.9 ------	2.02
19-19.9 ------	1.88	23-23.9 ------	2.08
20-20.9 ------	1.93	24-24.9 ------	2.14

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified, or revoked at any time by the Director of Price Stabilization.

Effective date. This special order shall become effective on July 9, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 8, 1952.

[F. R. Doc. 52-7600; Filed, July 8, 1952; 4:55 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10144]

LAFOLLETTE BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re application of LaFollette Broadcasting Company, Inc., LaFollette, Tennessee, Docket No. 10144, File No. BP-8033; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on February 27, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., August 7, 1952, in Washington, D. C.

Released: July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7626; Filed, July 11, 1952; 8:46 a. m.]

[Docket No. 10181]

MCLENNAN BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of L. E. Richards, doing business as McLennan Broadcasting Company, Waco, Texas, Docket No. 10181, File No. BP-8031; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on April 17, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., August 4, 1952, in Washington, D. C.

Released, July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7625; Filed, July 11, 1952; 8:46 a. m.]

[Docket No. 10195]

MT. PLEASANT BROADCASTING CO. (KIMP)

ORDER SCHEDULING HEARING

In re application of Winston O. Ward, doing business as Mt. Pleasant Broadcasting Company (KIMP), Mt. Pleasant, Texas, Docket No. 10195, File No. BP-8039; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on May 14, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., August 14, 1952, in Washington, D. C.

Released: July 3, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7627; Filed, July 11, 1952; 8:47 a. m.]

[Docket No. 10228]

KEY BROADCASTING SYSTEM, INC. (WKBS)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re Application of Key Broadcasting System, Inc. (WKBS), Oyster Bay, New York, File No. BML-1502; Docket No. 10228, for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of July 1952:

The Commission having under consideration the above-entitled application of Key Broadcasting System, Incorporated, for modification of the license for Station WKBS to change station location from Oyster Bay, New York to Oyster Bay, New York-Stamford, Connecticut;

It appearing, that Key Broadcasting Company, Inc. is legally, technically, financially, and otherwise qualified to operate Station WKBS as proposed, but that the proposed operation of WKBS may not comply with the requirements of the Commission rules and Standards of Good Engineering Practice with particular reference to the coverage of the city of Stamford, Connecticut.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issue:

1. To determine whether the operation of Station WKBS as proposed would furnish satisfactory coverage to the city of Stamford, Connecticut, in compliance with § 3.30 of the Commission rules and related provisions of the Standards of Good Engineering Practice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-7624; Filed, July 11, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. E-6428, E-6429]

KANSAS CITY POWER & LIGHT CO. ET AL

NOTICE OF ORDERS AUTHORIZING AND APPROVING DISPOSITION AND MERGER OF FACILITIES

JULY 8, 1952.

In the matters of Kansas City Power & Light Company and Eastern Kansas Utilities, Inc., Docket No. E-6428; Kansas Gas and Electric Company and Eastern Kansas Utilities, Inc., Docket No. E-6429.

Notice is hereby given that on July 7, 1952, the Federal Power Commission issued its orders entered July 3, 1952, authorizing and approving disposition and merger or consolidation of facilities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7638; Filed, July 11, 1952; 8:51 a. m.]

[Docket No. E-6442]

MOUNTAIN STATES POWER CO.

NOTICE OF APPLICATION

JULY 8, 1952.

Take notice that on July 7, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Mountain States Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Idaho, Oregon, Montana, and Wyoming, with its principal business office at Albany, Oregon, seeking an order authorizing the issuance and sale of 200,000 shares of Common Stock, par value $7.25 per share, at competitive bidding by publicly inviting sealed written proposals for the purchase of all such shares. Applicant proposes to issue said Common Stock approximately 7 days after acceptable bid for same; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 22d day of July 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7648; Filed, July 11, 1952; 8:52 a. m.]

[Docket Nos. G-1473, G-1649, G-1693, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF OPINION

JULY 8, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

Notice is hereby given that on July 3, 1952, the Federal Power Commission issued its opinion and order entered July 3, 1952 in the above-entitled matters issuing certificates of public convenience and necessity to Texas Eastern Transmission Corporation, Docket No. G-1693 and Shippensburg Gas Company, Docket No. G-1727; and denying applications by Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; and Consumers Gas Company, Docket No. G-1737.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7637; Filed, July 11, 1952; 8:50 a. m.]

[Docket No. G-1944]

FREDERICK GAS CO., INC.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

JULY 8, 1952.

On April 22, 1952, Frederick Gas Company, Inc. (Applicant), a Maryland corporation having its principal place of business in the City of Frederick, Maryland, filed an application for a certificate of convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on May 8, 1952 (17 F. R. 4248). Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)).

On May 20, 1952, the Washington Gas Light Company of Maryland, Inc., filed a petition to intervene in the above-entitled matter. No answer or protest has been filed by the Applicant. By separate order of this date, the petition of Washington Gas Light Company of Maryland, Inc., is being granted.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request of Frederick Gas Company, Inc., that its application in Docket No. G-1944 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on July 23, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7636; Filed, July 11, 1952; 8:50 a. m.]

[Docket No. G-1980]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JULY 8, 1952.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York City, New York, filed on June 25, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following described natural-gas facilities:

(1) 20 miles of 16-inch pipeline (designated the "Driftwood Line") to extend from the southerly end of Applicant's Line No. 280 near the Leidy Compressor Station, Leidy Township, Clinton County, Pennsylvania, in a southwesterly direction to a point in or near the Driftwood Gas Field in Gibson Township, Cameron County, Pennsylvania.

(2) 75 miles of 20-inch pipeline (designated the "Driftwood-Valley Gate Line") to extend from the southerly end of the Driftwood line to a point in Valley Township, Armstrong County, Pennsylvania, known as Valley Gate, at which it will connect with Applicant's principal dual line transmission system.

(3) 970 feet of 20-inch pipeline to connect the Sabinsville Compressor Station with transmission lines No. 2, 4 and 34.

The application recites that the lines proposed constitute the major part of a new looping program and is intended to supersede a substantial part of a looping program authorized In the Matter of New York State Natural Gas Corporation, Docket No. G-1824. Applicant claims the proposed facilities will enable it to meet the estimated 1954 requirements of its customers. Additionally it is claimed that the proposed facilities will make available to Applicant prospective supplies of gas developed in the area traversed by the facilities.

The total over-all capital cost of the facilities described as estimated to be $5,332,506, which Applicant plans to finance by the sale of its securities to its parent, Consolidated Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 28th day of July 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7649; Filed, July 11, 1952; 8:52 a. m.]

[Docket No. G-1982]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATION

JULY 8, 1952.

Take notice that Treasure State Pipe Line Company (Applicant), a Montana corporation, address, Great Falls, Montana, filed on June 27, 1952, an application for permit pursuant to section 3 of the Natural Gas Act, authorizing the exportation of natural gas from the United States into the Dominion of Canada.

Applicant, a wholly owned subsidiary of Hard Rock Oil Co., proposes to export natural gas produced in the Cut Bank Field in Glacier and Toole Counties, in Montana, and purchased from its parent, Hard Rock Oil Company, into Canada for sale to Coutts Gas Company, Limited, to be resold and distributed in the town of Coutts, Alberta, Canada. Applicant proposes to install a valve connection and meter on its existing facilities at a point on the international boundary for the delivery of natural gas to Coutts Gas Company, Limited. Applicant states that the estimated total number of meter connections possible in the town of Coutts, Alberta is 95.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7650; Filed, July 11, 1952; 8:53 a. m.]

[Docket No. G-1983]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATION

JULY 8, 1952.

Take notice that Treasure State Pipe Line Company (Applicant), a Montana Corporation, address, Great Falls, Montana filed, on June 27, 1952, an application for a Presidential Permit pursuant to Executive Order No. 8202, dated July 13, 1939, authorizing the construction, maintenance, operation, and connection at the international boundary of facilities for the exportation of natural gas from the United States into the Dominion of Canada.

Applicant, a wholly owned subsidiary of Hard Rock Oil Co., proposes to construct, maintain and operate a valve connection and meter at a point on its existing pipeline facilities along the international boundary where said facilities will connect with the distribution facilities of Coutts Gas Company, Limited, and at that point to sell and deliver natural gas produced in the Cut Bank Gas Field of Montana, for resale and distribution in the town of Coutts, Alberta, Canada. Applicant proposes to purchase the natural gas to be exported from its parent, Hard Rock Oil Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7651; Filed, July 11, 1952; 8:53 a. m.]

[Docket No. G-1989]

MICHIGAN GAS STORAGE CO.

NOTICE OF APPLICATION

JULY 8, 1952.

Take notice that Michigan Gas Storage Company (Applicant), a Michigan corporation with its principal place of business at Jackson, Michigan, filed on June 30, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to make charges against the following customers of Panhandle Eastern Pipe Line Company: (1) Battle Creek Gas Company, Battle Creek, Michigan; (2) Michigan Gas Utilities Company, Coldwater, Michigan; (3) Albion Gas Light Company, Albion, Michigan; (4) Southeastern Michigan Gas Company, Port Huron, Michigan; (5) Albion Malleable Iron Company, Albion, Michigan; (6) Michigan Seamless Tube Company, South Lyon, Michigan; (7) Mueller Brass Company, Port Huron, Michigan, and (8) Corning Glass Company, Albion, Michigan, for proportionate part of cost of operation of Applicant's Freedom Junction Compressor Station.

The application recites that Consumers Power Company now bears all compressor costs for all gas deliveries through the Freedom Junction Station of Applicant, and that since Consumers Power Company will continue to bear all compression costs for gas delivered through Freedom Station either (a) for storage company or (b) for delivery to Consumers Power Company it is proposed to eliminate charges to Consumers Power Company for compression costs involved in delivering gas to others by making a flat rate charge of 1.33 cents per Mcf of gas delivered through Freedom Station to or for the account of others than Applicant, or its requirements customer, Consumers Power Company. Applicant states it proposes to have made effective a proposed schedule of charges to be designated as Rate Schedule T-1 to apportion the entire actual cost of compression developed at Freedom Station among the various gas utilities and other customers of Panhandle benefiting therefrom.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 28th day of July 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7652; Filed, July 11, 1952; 8:54 a. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF ORDER CONFIRMING AND APPROVING RATE SCHEDULE

JULY 8, 1952

Notice is hereby given that on July 3, 1952, the Federal Power Commission issued its order entered July 1, 1952, confirming and approving revised rate schedule in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7639; Filed, July 11, 1952; 8:51 a. m.]

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 8, 1952

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has made application for license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791-825r) for a proposed hydroelectric project, designated as Project No. 2105, on North Fork Feather River and on Butt Creek, one of its tributaries, in Plumas County, California, and affecting lands of the United States in Plumas and Lassen National Forests. The proposed project, to be known as the Butt Valley—Caribou No. 2 Project, would consist of an intake structure each at Lake Almanor Reservoir (Intake No. 1A) and at Butt Valley Reservoir (Intake No. 2A); a pressure tunnel (Tunnel No. 1A) about 11,000 feet long from Lake Almanor Intake No. 1A to the Butt Valley Powerhouse penstock; a pressure tunnel (Tunnel No. 2A) about 9,200 feet long from Butt Valley Reservoir Intake No. 2A to Caribou No. 2 Powerhouse penstock; a penstock leading into each powerhouse; a surge tank for each conduit system; Butt Valley Powerhouse, at head of Butt Valley Reservoir, to house one vertical turbine-generator unit of 48,000 kva capacity; Caribou No. 2 Powerhouse, on right bank of North Fork of Feather River, to house two vertical turbine-generator units each of 63,000 kva capacity; a substation and switchyard at each powerhouse; one 220 kv transmission line about 8 miles long to extend from Butt Valley plant to the Caribou No. 2 plant; a short 220 kv tap line to extend from Caribou No. 2 Powerhouse to applicant's transmission system; miscellaneous hydraulic and electrical appurtenances and project works including a cross-connection, near Lake Almanor intakes, between existing pressure Tunnel No. 1 and proposed pressure Tunnel No. 1A, and a bypass pipe from pressure Tunnel No. 1A to Butt Creek.

Any protest against the approval of this application or request for any action thereon, with the reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 26, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7653; Filed, July 11, 1952; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27208]

BRICK FROM GILCHRIST, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 9, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff ICC No. 736.

Commodities involved: Brick and refractories and related articles, carloads.

From: Gilchrist, Ill.

To: Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 736, supl. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7630; Filed, July 11, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

ODELL & CO.

MEMORANDUM OPINION AND ORDER PERMITTING WITHDRAWAL OF REGISTRATION AND DISCONTINUING PROCEEDING

JULY 3, 1952.

In the matter of Herbert N. Odell d b a Odell & Co., 75 Federal Street, Boston, Massachusetts, and 57 Hyde Street, Newton Highlands, Massachusetts.

This is a proceeding under section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the broker-dealer registration of Herbert N. Odell, doing business as Odell & Co., should be revoked.[1]

The proceeding was instituted by a notice and order for hearing which alleges that registrant violated section 17 (a) of the act and Rule X-17A-5 adopted thereunder in that he did not file with us the required reports of his financial condition.

A copy of the notice and order was sent by registered mail to 75 Federal Street, Boston, Massachusetts, the address designated in registrant's application for registration for the receipt of notices to him, and was also published in the FEDERAL REGISTER. The mailed copy was returned to us by the Post Office Department bearing the notation, "Unknown," and registrant did not appear at the scheduled hearing. However, subsequent thereto a representative of this Commission succeeded in communicating directly with him and advised him of the institution of these proceedings. Thereafter registrant by letter advised that he has not been engaged in the securities business since 1942 and requested that his registration be withdrawn.

Registrant's registration as a broker-dealer became effective January 1, 1936, and has not been withdrawn, cancelled, suspended or revoked. On November 28, 1942, we promulgated Rule X-17A-5 under section 17(a) of the act. That rule provides, among other things, that commencing January 1, 1943, every registered broker and dealer must file with this Commission during each calender year a report of his financial condition. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the public press, and by distribution to the mailing list.

Registrant did not file the required reports in 1951 and in a number of preceding years. We find that by his failure to file such reports he willfully violated section 17 (a) of the act and Rule X-17A-5.[2] However, we do not consider that under the facts of the case revocation, rather than withdrawal of his registration, is in the public interest. While the withdrawal of registration after the institution of revocation proceedings is not a matter of right, it may be permitted in our discretion if it appears to us that such withdrawal would be consistent with the public interest and the protection of investors.[3] As noted, registrant has not been actively engaged in the securities business since 1942. Under these circumstances and in view of the nature of the violation we have found, we are of the opinion that the public interest and the protection of investors are adequately served by permitting withdrawal of registrant's broker-dealer registration.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that withdrawal of the registration as a broker and dealer of Herbert N. Odell, doing business as Odell & Co., be and it hereby is permitted to become effective forthwith, and that this proceeding under section 15 (b) of the act be and it hereby is discontinued.

By the Commission (Chairman Cook and Commissioners McEntire and Adams, Commissioner Rowen being absent and not participating).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 52-7617; Filed, July 11, 1952; 8:45 a. m.]

BOSTON STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on June 30, 1952, by the Boston Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 for the disposal of all applications, reports and documents filed with that Exchange prior to January 1, 1947, pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections; except that the Exchange proposes to keep on file for an indefinite period the original applications for registration under the Securities Exchange Act of 1934. The Exchange intends to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective. The plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file with the Exchange more than five years.

Information contained in the material proposed to be disposed of pursuant to the plan of the Boston Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Boston Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections

[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if its finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision of the Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder * * * Any registered broker or dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission."

[2] See Sidney Ascher, Securities Exchange Act Release No. 4474 (July 27, 1950); Henry Leach, Securities Exchange Act Release No. 3877 (November 7, 1946).

[3] Monroe Marks, 9 S. E. C. 659 (1941); Henry Leach, *supra*, note 1.

17 (a), 23 (a), and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before July 28, 1952.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

JULY 3, 1952.

[F. R Doc. 52-7618; Filed, July 11, 1952; 8:45 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 4]

EDIBLE TREE NUTS

NOTICE OF EXTENSION OF SCOPE OF HEARING

Public notice of extension of scope of public hearing ordered for July 28, 1952 on edible tree nuts.

Investigation No. 4 under section 22 of the Agricultural Adjustment Act, as amended.

On June 19, 1952, the United States Tariff Commission ordered a public hearing in the above-entitled investigation for the purpose of receiving information and views from interested parties as to programs of the United States Department of Agriculture which will be in operation for the crop year 1952–53 with respect to almonds, filberts, walnuts, or pecans, and on the question as to what action, if any, should be taken under section 22 with respect to imports of almonds, filberts, walnuts, Brazil nuts, or cashews (17 F. R. 5711).

As was indicated in the above-mentioned announcement, a Presidential proclamation was issued on December 10, 1951 giving effect to the Commission's recommendation for the imposition of a fee, in addition to the duties imposed under the Tariff Act of 1930, of 10 cents per pound on imports of shelled almonds, and blanched, roasted, or otherwise prepared or preserved almonds entered, or withdrawn from warehouse, for consumption during the period October 1, 1951 to September 30, 1952, inclusive, in excess of an aggregate quantity of 4,500,000 pounds, provided that not more than 500,000 pounds of this fee-free quota may consist of blanched, roasted, or otherwise prepared or preserved almonds.

The Commission has received a request from the Imported Nut Section, Association of Food Distributors, Incorporated, dated June 16, 1952, for the modification of the existing proclamation to remove the limitation therein on the quantity of prepared almonds which may be included in the fee-free aggregate quota of 4,500,000 pounds. In view of this request, the Commission on July 7, 1952, ordered that, at the hearing scheduled for July 28, 1952, it will receive the views of interested parties on the question of whether any change should be made in the 500,000-pound limitation on blanched, roasted, or otherwise prepared or preserved almonds which may be included in the fee-free aggregate quota of 4,500,000 pounds for the year ending September 30, 1952, provided for in the President's proclamation of December 10, 1951.

The request of the Imported Nut Section, Association of Food Distributors, Inc., is available for public inspection at the office of the Secretary, United States Tariff Commission, Washington, D. C., and in the New York office of the Tariff Commission located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I hereby certify that the above extension of the scope of hearing was ordered by the United States Tariff Commission on the 7th day of July 1952.

Issued: July 9, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-7668; Filed, July 11, 1952; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18943]

GESINE EGGERS

In re: Estate of Gesine Eggers, deceased. File No. D-28-1895.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gesche Bischoff, Meta Wilkens, Henrich Wilkens and Gesine Wilkens, his wife, and Marie Ringen, whose last known address is Germany, on or since December 11, 1941 and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under the will of Gesine Eggers, deceased, is property which is and prior to January 1, 1947 was within the United States, owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Raymond Reisler, Trustee, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7660; Filed, July 11, 1952; 8:55 a. m.]

[Vesting Order 18944]

FRAU MARIE HOFMANN

In re: Stock owned by Frau Marie Hofmann, also known as Frau Marie Hell Hofmann. F-28-22096.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frau Marie Hofmann, also known as Frau Marie Hell Hofmann, whose last known address is Munchen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Ten (10) shares of Class B stock of American Bemberg Corporation, New York City, evidenced by a certificate numbered CB4001, registered in the name of and presently in the custody of Kidder, Peabody & Co., 17 Wall Street, New York, New York, in an account in the name of "Messrs. Gebruder Bethman, Frankfurt A M, Germany", together with all declared and unpaid dividends thereon, and any and all rights of exchange thereunder,

subject to any lien against, or other security interest in the aforesaid property held by Kidder, Peabody & Co., is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frau Marie Hofmann, also known as Frau Marie Hell Hofmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to

January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7661; Filed, July 11, 1952; 8:55 a. m.]

[Vesting Order 18945]

HOUSING AND REALTY IMPROVEMENT CO.

In re: Bank accounts owned by Housing and Realty Improvement Company, Berlin, also known as Wohnhaus-Grundstücks-Verwertungs-Aktiengesellschaft AM Lehniner Platz. F-28-6541; A-1

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Housing and Realty Improvement Company, Berlin, also known as Wohnhaus-Grundstücks-Verwertungs-Aktiengesellschaft AM Lehniner Platz, the last known address of which is 59 Cicerostrasse, Berlin, Germany, is a corporation, partnership, association or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, in the amount of $507.50, as of August 14, 1951, arising out of funds held by the aforesaid J. & W. Seligman & Co., as Fiscal Agent, for payment of coupons, maturing on May 15, 1931, November 15, 1932, May 15, 1933 and November 15, 1933, detached from and or appurtenant to the Housing and Realty Improvement Company, Berlin, First (Closed) Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, due November 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said J. & W. Seligman & Co., against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

b. That certain debt or other obligation of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, in the amount of $383.25, as of August 14, 1951, arising out of funds held by the aforesaid J. & W. Seligman & Co., as Fiscal Agent, for payment of coupons, maturing on May 15, 1934, detached from and or appurtenant to the Housing and Realty Improvement Company, Berlin, First (Closed) Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, due November 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said J. & W. Seligman & Co., against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

c. That certain debt or other obligation of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, in the amount of $27,852.75, as of August 14, 1951, arising out of funds held by the aforesaid J. & W. Seligman & Co., as Fiscal Agent, in a Reserve Fund account, entitled Housing and Realty Improvement Company, Berlin, First (Closed) Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, due November 15, 1946, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said J. & W. Seligman & Co., against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

d. That certain debt or other obligation of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, in the amount of $94.46, as of August 14, 1951, arising out of funds held by the aforesaid J. & W. Seligman & Co., as Fiscal Agent, in a redemption account, entitled Housing and Realty Improvement Company, Berlin, First (Closed) Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, due November 15, 1946, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same, less all lawful charges, by the said J. & W. Seligman & Co., against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended, and

e. Those certain debts or other obligations of J. & W. Seligman & Co., 65 Broadway, New York 6, New York, in the respective amounts of $1.25 and $4.57, as of August 14, 1951, arising out of funds held by the aforesaid J. & W. Seligman & Co., as Fiscal Agent, in a coupon and general account respectively, entitled Housing and Realty Improvement Company, Berlin, First (Closed) Mortgage Twenty Year Sinking Fund 7 Percent Gold Bonds, due November 15, 1946, together with any and all accruals thereto, and all lawful charges, by the said J. & W. Seligman & Co., against the said account, accrued or made and heretofore or hereafter licensed under Executive Order 8389, as amended,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Housing and Realty Improvement Company, Berlin, also known as Wohnhaus-Grundstücks-Verwertungs-Aktiengesellschaft AM Lehniner Platz, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7662; Filed, July 11, 1952; 8:55 a. m.]

[Vesting Order 18946]

SELMA LEHMANN

In re: Claim owned by Selma Lehmann, also known as Selma Schein Lehmann. D-28-8305-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Selma Lehmann, also known as Selma Schein Lehmann, whose last known address is 104 West End Alle, Berlin-Charlottenburg, Germany, on or since December 11, 1941, was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State

Reference Room

of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller of the following: That sum of money previously held by Postal Life Insurance Company, 511 Fifth Avenue, New York, New York, and representing the interest of Selma Lehmann, also known as Selma Schein Lehmann, as the beneficiary of a contract of life insurance, policy number 238010, issued November 19, 1929 to Rudolf Schein who died November 28, 1939 at Miami, Florida, which sum was deposited on or about September 22, 1947, with the Comptroller of the State of New York in accordance with the provisions of Section 700 Chapter 697 of the Abandoned Property Law (1943) of the State of New York,

and any and all rights to file, demand, enforce and collect the aforesaid claim,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Selma Lehmann, also known as Selma Schein Lehmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7663; Filed, July 11, 1952; 8:56 a. m.]

FRITZ ACKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Fritz Acker, Gluckensteinweg 8, Bad Homburg, Germany; Claim No. 43067; Vesting Orders Nos. 2571 and 10117; $4,383.88 in the Treasury of the United States. All right, title, interest and claim of Fritz Acker in and to the Estate of Rosalie Reinhart, deceased.

Executed at Washington, D. C., on July 7, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7665; Filed, July 11 1952, 8:56 a. m.]

Reference Room

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 137

Washington, Tuesday, July 15, 1952

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5657]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MALLEABLE CHAIN MANUFACTURERS INSTITUTE ET AL.

Subpart—*Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Selling and quoting on systematic price matching bases:* § 3.2193 *Zone, freight equalization and other delivered price systems.* In, or in connection with, the offering for sale, sale and distribution of malleable iron chain in commerce, and on the part of respondent Institute, its directors, officers and members; of the members of its Classification Committee, of its Factors Committee, of its Committee on List Prices, or of any other Committee or Committees, the purpose, function, or operation of which is to do any of the things prohibited by the terms of the instant order; of four individual respondents, individually or as officers of respondent Institute; and of eight corporations, members of respondent Institute, and their respective officers, etc.; entering into, continuing, cooperating in or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents or between any one or more of said respondents and another or others not parties hereto, to (1) quote or sell at prices calculated or determined pursuant to, or in accordance with, any zone delivered price system; or quote or sell at prices calculated or determined pursuant to, or in accordance with, any other system or formula which produces identical price quotations or prices, or which prevents purchasers from finding any advantages in price in dealing with one or more of the respondents as against any of the other respondents; (2) establish, fix, or maintain prices, discounts, terms or conditions of sale or adhering to any prices, discounts, terms or conditions of sale; (3) formulate, devise, adopt, or use uniform list prices or uniform delivered prices for malleable iron chain; (4) establish or maintain geographical areas or zones wherein purchasers are quoted uniform prices, discounts or terms of sale; (5) establish or maintain price differentials or discount differentials between different geopraphical areas; (6) file, exchange, distribute, or relay among the corporate respondents, or any of them, or any of their representatives, or through respondent Malleable Chain Manufacturers Institute, or through any other medium or central agency, price information showing current or future prices or conditions of sale of any particular respondent, or bid or price quotation submitted or to be submitted on any prospective piece of business, other than in particular single transactions involving the sale of malleable iron chain by one corporate respondent to another corporate respondent where neither the price to be charged by either respondent to the ultimate customer, nor the identity of such customer, is specified; (7) file, exchange, distribute or relay among the corporate respondents, or any of them or any of their representatives, or through respondent Malleable Chain Manufacturers Institute, or through any other medium, central agency or publication, information concerning prices charged particular customers or information concerning volume of production, sales or shipments where the identity of the purchaser can be determined from such information and which has the capacity or tendency of aiding in securing compliance with announced prices, terms, or conditions of sale; (8) collect, compile, circulate, or exchange between or among respondents or any of them rates or transportation charges used or to be used in computing prices or price quotations; or use, directly or indirectly, any such information so collected, compiled, or received, in computing price quotations; (9) adopt, use, or in any way follow any price quotations announced by particular respondents, or any of them, whereby quotations are made uniform or matched; (10) establish standards or specifications when the action taken or information exchanged is for the purpose of fixing or maintaining prices or has the tendency to fix or maintain prices or otherwise secure compliance with announced prices, terms, or conditions of sale; or, (11) do or cause any

(Continued on p. 6295)

CONTENTS

Agriculture Department Page
See Commodity Credit Corporation; Production and Marketing Administration.
Alien Property, Office of
Notices:
Wolfe, Joel B.; vesting order--- 6424
Civil Aeronautics Board
Notices:
Hearings, etc.:
Accident occurring at Dallas, Tex---------- 6418
Northwest Airlines, Inc., et al.; Portland-Seattle service case---------- 6418
Civil Service Commission
Rules and regulations:
Formal education requirements for appointment to certain scientific, technical, and professional positions; school superintendent, instructor, school activities, Army and Navy civilian schools---------- 6401
Commerce Department
See International Trade, Office of.
Commodity Credit Corporation
Notices:
Sales of certain commodities at fixed prices; July 1952 domestic and export price lists- 6419
Defense Department
See Navy Department.
Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas- 6419
Economic Stabilization Agency
See Price Stabilization, Office of.
Federal Trade Commission
Rules and regulations:
Malleable Chain Manufacturers Institute, et al.; cease and desist order---------- 6293
Foreign and Domestic Commerce Bureau
See International Trade, Office of.
Indian Affairs Bureau
Delegation of authority to Bureau (see Interior Department).

FEDERAL REGISTER

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CFR SUPPLEMENTS

(For use during 1952)

The following Supplements are now available:

Title 43 ($0.75)

Titles 47–48 ($2.00)

Title 49: Parts 1–70 ($0.20)

Parts 71–90 ($0.35)

Parts 91–164 ($0.35)

Part 165 to end ($0.35)

Title 50 ($0.40)

Previously announced: Title 3 (full text) ($3.50); Titles 4–5 ($0.45); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75); Parts 210–899 ($2.25); Part 900 to end ($2.75); Title 8 ($0.50); Title 9 ($0.35); Titles 10–13 ($0.35); Title 14: Parts 1–399 ($2.25); Part 400 to end ($1.00); Title 15 ($0.60); Title 16 ($0.55); Title 17 ($0.30); Title 18 ($0.35); Title 19 ($0.35); Title 20 ($0.45); Title 21 ($0.70); Titles 22–23 ($0.40); Title 24 ($0.60); Title 25 ($0.30); Title 26: Parts 1–79 ($1.00); Parts 80–169 ($0.30); Parts 170–182 ($0.55); Parts 183–299 ($1.75); Part 300 to end, Title 27 ($0.45); Titles 28–29 ($0.75); Titles 30–31 ($0.45); Title 33 ($0.60); Titles 35–37 ($0.35); Title 38 ($1.50); Title 39 ($0.65); Titles 40–42 ($0.35); Titles 44–45 ($0.50); Title 46: Parts 1–145 ($0.60); Part 146 to end ($0.85)

Order from

Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Interior Department Page

Notices:
- Bureau of Indian Affairs; delegation of authority ... 6418

International Trade, Office of

Rules and regulations:
- Denial or suspension of export privileges ... 6341, 6399
- Export regulations, revision ... 6396
- General orders ... 6347, 6399
- Licensing policies and related special provisions ... 6315, 6399
- Positive list of commodities and related matters ... 6360, 6400
- Provisions for individual and other validated licenses ... 6305, 6399

Justice Department

See Alien Property, Office of.

Labor Department

See Public Contracts Division.

Navy Department

Rules and regulations:
- Naval Reserve; miscellaneous amendments ... 6410
- Payment of fair compensation under defective informal and quasi contracts; revocation of part ... 6411
- Proceedings in civil courts; revision ... 6410

Price Stabilization, Office of

Notices:
- Ceiling prices at retail and wholesale:
  - Crown Fasteners Corp. ... 6424
  - Sunbeam Corp., Electric Appliance Division ... 6424
- Directors of the Regional Offices; delegation of authority to act under CPR 134 ... 6424

Rules and regulations:
- Beef, ceiling price sold at wholesale; correction (CPR 24) ... 6415
- Certain food and restaurant commodities, exemptions and suspensions; statutory decontrol (GOR 7) ... 6412
- Manufacturers' general ceiling price regulation; translation of f. o. b. into delivered ceiling prices for certain consumer durable goods (CPR 22, SR 30) ... 6413
- Sales of used passenger automobiles; establishing ceiling prices in territory of Alaska (CPR 94) ... 6416
- Services; power laundries in the Greater Cincinnati, Ohio, trading area (CPR 34, SR 21) ... 6415
- Suspension of sawmill logs produced in Alaska (GCPR, SR 55) ... 6416
- Territories and possessions; correction (CPR 9, Rev. 1) ... 6413

Production and Marketing Administration

Rules and regulations:
- Fruits and berries, canned; canned sour cherry purchase program ... 6401
- Pears, fresh Bartlett, plums, and Elberta peaches grown in California; regulation by grades and sizes (13 documents) ... 6401–6410

Public Contracts Division Page

Rules and regulations:
- Regular dealer in petroleum under the Public Contracts Act ... 6417

Securities and Exchange Commission

Notices:

Hearings, etc.:
- Appalachian Electric Power Co. and American Gas and Electric Co. ... 6423
- Burlington Mills Corp. et al. ... 6420
- Georgia Power Co. ... 6421
- Niagara Hudson Power Corp. ... 6420
- Ohio Power Co. and American Gas and Electric Co. ... 6422
- Public Service Co. of New Hampshire ... 6421
- Selected Cumulative Shares ... 6423

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page

Chapter I:
- Part 24 ... 6401

Title 6

Chapter IV:
- Part 619 ... 6401

Title 7

Chapter IX:
- Part 936 (13 documents) ... 6401–6410

Title 15

Chapter III:
- Parts 370–371 ... 6296
- Parts 372–373 (2 documents) ... 6305, 6399
- Parts 374–381 ... 6327
- Part 382 (2 documents) ... 6341, 6399
- Part 383 ... 6346
- Part 384 (2 documents) ... 6347, 6399
- Parts 385–398 ... 6349
- Part 399 (2 documents) ... 6360, 6400

Title 16

Chapter I:
- Part 3 ... 6293

Title 32

Chapter VI:
- Part 713 ... 6410
- Part 720 ... 6410
- Part 738 ... 6411

Title 32A

Chapter III (OPS):
- CPR 9 ... 6413
- CPR 22, SR 30 ... 6413
- CPR 24 ... 6415
- CPR 34, SR 21 ... 6415
- CPR 94 ... 6416
- GCPR, SR 55 ... 6416
- GOR 7 ... 6412

Title 41

Chapter II:
- Part 201 ... 6417

of the things listed in the preceding prohibitions (1) to (10), the causing or doing of which is forbidden in the instant order through action of respondent Malleable Chain Manufacturers Institute, or any subdivision or committee of said Institute, or any other individual, corporation, or organization; prohibited, subject to the provision, however, that nothing contained in the order shall be construed as prohibiting the establishment or maintenance of any lawful bona fide agreements, discussions, or other action solely between any corporate respondent and its directors, officers and employees, or between the officers, directors, agents or employees of any corporate respondent and relating solely to the carrying on of that corporation's sole and separate business, or between any corporate respondent and any of its wholly-owned subsidiaries, when not for the purpose or with the effect of restraining trade and when for the purpose and effect of promoting competition.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Malleable Chain Manufacturers Institute, Chicago, Ill., Docket 5657, April 10, 1952]

In the Matter of Malleable Chain Manufacturers Institute, an Unincorporated Trade Association, Its Officers, A. C. Fellinger, Chairman; L. E. Brill, Vice Chairman; Mark Patterson, Secretary; Gorton Fauntleroy, Treasurer; and Their Successors; Link-Belt Company, The Jeffrey Manufacturing Company, Chain Belt Company, Webster Manufacturing Company, Inc., Badger Malleable & Manufacturing Company, Peoria Malleable & Castings Company, Moline Malleable Iron Company, Deere & Company, Trading as Union Malleable Iron Works of Deere & Company, Corporations, Their Officers and Directors

This proceeding was instituted by complaint, which charged respondents with the use of unfair methods of competition and unfair or deceptive acts and practices in violation of the provisions of section 5 of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" of acceptance of consent settlement, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on April 10, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusions,[1] reads as follows:

It is ordered, That respondents, Malleable Chain Manufacturers Institute, an unincorporated trade association, its directors, its officers, and its members; the members of its Classification Committee, the members of its Factors Committee, the members of its Committee on List Prices, or the members of any other Committee or Committees, however named, designated, or described, the purpose, function, or operation of which is to do any of the acts or things which are prohibited by the terms of this order; A. C. Fellinger, L. E. Brill, Mark Patterson, Gorton Fauntleroy, individually or as officers of respondent Institute, and Link-Belt Company, The Jeffrey Manufacturing Company, Chain Belt Company, Webster Manufacturing, Inc., referred to in the complaint as Webster Manufacturing Company, Inc., Badger Malleable and Manufacturing Company, Peoria Malleable Castings Company, Moline Malleable Iron Company, Deere & Company, trading as Union Malleable Iron Works of Deere & Company, corporations, and their respective officers, representatives, agents and employees, in, or in connection with, the offering for sale, sale and distribution of malleable iron chain in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, understanding, agreement, combination or conspiracy between any two or more of said respondents, or between any one or more of said respondents and another or others not parties hereto, to do or perform any of the following things:

1. Quoting or selling at prices calculated or determined pursuant to, or in accordance with, any zone delivered price system; or quoting or selling at prices calculated or determined pursuant to, or in accordance with, any other system or formula which produces identical price quotations or prices, or which prevents purchasers from finding any advantages in price in dealing with one or more of the respondents as against any of the other respondents;

2. Establishing, fixing, or maintaining prices, discounts, terms or conditions of sale or adhering to any prices, discounts, terms or conditions of sale;

3. Formulating, devising, adopting or using uniform list prices or uniform delivered prices for malleable iron chain;

4. Establishing or maintaining geographical areas of zones wherein purchasers are quoted uniform prices, discounts or terms of sale;

5. Establishing or maintaining price differentials or discount differentials between different geographical areas;

6. Filing, exchanging, distributing, or relaying among the corporate respondents, or any of them, or any of their representatives, or through respondent Malleable Chain Manufacturers Institute, or through any other medium or central agency, price information showing current or future prices or conditions of sale of any particular respondent, or bid or price quotation submitted or to be submitted on any prospective piece of business, other than in particular single transactions involving the sale of malleable iron chain by one corporate respondent to another corporate respondent where neither the price to be charged by either respondent to the ultimate customer, nor the identity of such customer, is specified;

7. Filing, exchanging, distributing or relaying among the corporate respondents, or any of them or any of their representatives, or through respondent Malleable Chain Manufacturers Institute, or through any other medium, central agency or publication, information concerning prices charged particular customers or information concerning volume of production, sales or shipments where the identity of the purchaser can be determined from such information and which has the capacity or tendency of aiding in securing compliance with announced prices, terms, or conditions of sale;

8. Collecting, compiling, circulating or exchanging between or among respondents or any of them rates or transportation charges used or to be used in computing prices or price quotations; or using, directly or indirectly, any such information so collected, compiled, or received, in computing price quotations;

9. Adopting, using, or in any way following any price quotations announced by particular respondents, or any of them, whereby quotations are made uniform or matched;

10. Establishing standards or specifications when the action taken or information exchanged is for the purpose of fixing or maintaining prices or has the tendency to fix or maintain prices or otherwise secure compliance with announced prices, terms, or conditions of sale;

11. Doing or causing any of the things listed in the preceding paragraphs (1) to (10) and the doing of which is forbidden in this order through action of respondent Malleable Chain Manufacturers Institute, or any subdivision or committee of said Institute, or any other individual, corporation or organization;

Provided, however, That nothing contained in this order shall be construed as prohibiting the establishment or maintenance of any lawful bona fide agreements, discussions, or other action solely between any corporate respondent and its directors, officers and employees, or between the officers, directors, agents or employees of any corporate respondent and relating solely to the carrying on of that corporation's sole and separate business, or between any corporate respondent and any of its wholly-owned subsidiaries, when not for the purpose or with the effect of restraining trade and when for the purpose and effect of promoting competition.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: April 23, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[1] Filed as part of the original document.

[F. R. Doc. 52-7701; Filed, July 14, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th General Rev. of Export Regs.]

REVISION OF EXPORT REGULATIONS

Introductory statement and explanations. The purpose of this Sixth General Revision is to codify the regulations relating to the control of exports continued or issued under the authority of the Export Control Law of 1949, Public Law 11, 81st Congress, 63 Stat. 7, as extended by Public Law 33, 82d Congress, 65 Stat. 43. This revision supersedes the Fifth General Revision of Export Regulations issued May 9, 1950, published in 15 F. R. 2703 et seq., as amended by Amendments No. 1 through 113, and Amendments P. L. No. 1 through 90, with the exception of saving clauses which may still be operative contained in any such amendments. The export control regulations are also published in the Comprehensive Export Schedule and Current Export Bulletins issued by the Office of International Trade. The Comprehensive Export Schedule, issued March 31, 1952, and the Current Export Bulletins No. 663 to 669, contain the regulations included in this revision.

In making this revision, certain obsolete provisions of the export regulations have been deleted, minor revisions have been made in the text, and other material of the regulations for the purpose of clarification.

Copies of all forms required by the export regulations are filed with the Division of the Federal Register.

Part
370 Scope of export control by Department of Commerce.
371 General licenses.
372 Provisions for individual and other validated licenses.
373 Licensing policies and related special provisions.
374 Project licenses.
375 BLT (Blanket) license.
376-378 [Reserved.]
379 Export clearance.
380 Amendments, extensions, transfers.
381 Enforcement provisions.
382 Denial or suspension of export privileges.
383 Appeals.
384 General orders.
385-397 [Reserved.]
398 Priority ratings and supply assistance.
399 Positive List of Commodities and related matters.

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Sec.
370.1 Definitions.
370.2 Prohibited exportations.
370.3 Shipments to Canada for reexportation to another foreign country.
370.4 Deleted, effective August 3, 1950.
370.5 Arms, ammunition, and implements of war; helium.
370.6 Gold and narcotics.
370.7 Exportation of commodities subject to Atomic Energy Act.
370.7a Vessels, other than vessels of war.
370.8 Shipments to territories, dependencies, and possessions of the United States.
370.9 In-transit shipments without unloading.
370.10 Shipments entering foreign trade zones.
370.11 Reexportation under license previously granted.

AUTHORITY: §§ 370.1 to 370.11 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 370.1 *Definitions.* When used in Parts 370 to 399, inclusive, of this subchapter:

(a) *Person.* "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(b) *The United States.* "The United States" shall, unless otherwise specifically stated, be construed to include the District of Columbia, the Canal Zone, and all territories, dependencies, and possessions of the United States.

(c) *Export control law.* "Export control law" means Export Control Act of 1949 and includes section 6 of the act of July 2, 1940, 54 Stat. 714, as amended.

(d) *Department of Commerce.* "The Department of Commerce" shall be construed to refer to and include the Office of International Trade of the Department of Commerce.

(e) *Schedule B numbers.* "Department of Commerce Schedule B numbers" is defined as numbers so designated, appearing in the Department of Commerce publication, "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States," issued January 1, 1949.

(f) *Commodity.* "Commodity" means any article, material, or supply except technical data.

(g) *Positive List of Commodities.* "Positive List of Commodities" means the list of commodities incorporated in § 399.1 of this subchapter.

"RO commodities" means commodities included on the Positive List of Commodities and identified by the symbol "RO" in the column headed "Validated License Required."

"R commodities" means commodities included on the Positive List of Commodities and identified by the symbol "R" in the column headed "Validated License Required."

(h) *Validated license.* "Validated license" means an individual or other type of export license or any other document authorizing exportation, granted or issued by or under the authority of the Department of Commerce. The term also includes the phrase "licenses granted or issued upon application" and words of similar import and, unless the context otherwise indicates, the phrase "export license."

(i) *License application.* "Application for license" and "license application" and words of similar import mean an application for a validated license.

(j) *General license.* "General license" means a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in Parts 370 and 399, inclusive, of this subchapter.

(k) *Port of Exit; Collector of Customs; Export Declaration.* "Port of exit" includes, in the case of an exportation by mail, the place of mailing; "Collector of Customs" includes postmasters unless the context otherwise indicates; and "Shipper's Export Declaration" includes any declaration required under regulations of the Department of Commerce and other Government departments or agencies in connection with exportations.

(l) *Exporting carrier.* "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

(m) *Consignee.* "Consignee" includes ultimate consignee or purchaser.

(n) *Accepted order.* "Accepted order" means an accepted order for export as described in § 373.1 (b) of this subchapter and includes, when accepted, an order of the kind described in § 372.1 (e) of this subchapter.

(o) *Export control document.* "Export control document" means a validated export license, an authenticated shipper's export declaration based upon such a license or used to effect a shipment under general license, a dock receipt or bill of lading issued by any carrier upon the basis of such validated license or export declaration, or any other document provided under these regulations to be evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license.

"Export control document" also means the following documents: Customs Form 3139, Application for Identification Card of Authorized Forwarding Agent or Exporter; Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof; and Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit when used for Transportation and Exportation (T. & E.) or an Immediate Exportation entry (I. E.).

(p) *Parties.* "Parties" in connection with any export control document and any exportation means (1) the licensee named in the export control document (identified in shipper's export declaration forms as "principal or seller"), who shall be the exporter; (2) the purchaser or ultimate consignee named in the export control document, who (i) shall be the person to whom the licensee is authorized to export, whether by sale, consignment or otherwise, and (ii) shall be situated in the country of ultimate destination named in the same document; and (3) the intermediate consignee named in the export control document (also identified in Form IT-419), to whom the commodities may be consigned for the purpose of effecting delivery to the purchaser or ultimate consignee.

§ 370.2 *Prohibited exportations—(a) General provisions.* The exportation from the United States of all commodities and the exportation from the United States of all technical data as defined in § 371.19 of this subchapter, except to Canada (including Newfoundland and Labrador) or for the official use of or consumption by the United States armed forces when shipped by or consigned to any branch thereof, is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce.

NOTE: Export licenses or authority for export are not required from the Department of Commerce for exportation of arms, ammunition, implements of war or helium exported pursuant to authority of the Department of State; gold or narcotics exported pursuant to authority of the Treasury Department; or source material or facilities for the production of fissionable material exported pursuant to authority from the Atomic Energy Commission. Exports of vessels, other than vessels of war, are subject to the authority of the U. S. Maritime Administration.

(b) *Positive List of Commodities.* The commodities set forth on the Positive List of Commodities (incorporated in § 399.1 of this subchapter) may not be exported from the United States to any destination unless and until a license authorizing the exportation shall have been applied for and granted or issued by the Department of Commerce, except where exportation of such commodities is authorized by the provisions of an established general license, as set forth in Part 371 of this subchapter, and except where authorized with respect to certain commodities by the provisions of a footnote on the Positive List of Commodities, and where not subject as provided in paragraph (a) of this section to the general prohibition set forth therein.

NOTE: RO commodities require validated licenses for export to all destinations except Canada. R commodities require validated licenses for export to destinations in Country Group R only. (See § 371.3 of this subchapter for definition of Country Groups O and R.)

Where the commodity description of a Schedule B number on the Positive List mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List. (For an example, refer to Part 399 of this subchapter, paragraph (a) of the General Notes to Appendix A.)

§ 370.3 *Shipments to Canada for reexportation to another foreign country.* The exportation from the United States of all commodities and all technical data as defined in § 371.19 of this subchapter to Canada (including Newfoundland and Labrador) with the knowledge or intention that they are to be reexported therefrom to another foreign destination is hereby prohibited unless there has been established or granted upon application a license authorizing the exportation thereof to the country of ultimate destination.

§ 370.4 *Prohibited exportations to certain consignees.* [Deleted, effective August 3, 1950.]

§ 370.5 *Arms, ammunition, and implements of war; helium.* Regulations promulgated by the Secretary of State on June 2, 1942 (7 F. R. 4216 et seq.), shall continue to govern the exportation of arms, ammunition, and implements of war, and helium, except that no export license shall be issued where the proposed exportation would be contrary to the foreign policy of the United States.

NOTE: 1. *Arms, ammunition, and implements of war.* (a) Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document "International Traffic in Arms." Copies of this publication are furnished by the Department of State upon request.

(b) An application to export any of the following articles, which are listed in Proclamation 2776, effective April 15, 1948, should be made on the license form obtainable from the Department of State.

(c) Any inquiries as to the applicability of Proclamation 2776 to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Munitions Division, Department of State, Washington 25, D. C.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns (using ammunition of caliber .22 or over); barrels, mounts, breech mechanisms and stocks therefor.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, and rocket launchers (of all calibers), military flame throwers, military smoke, gas, or pyrotechnic projectors; barrels, mounts, and other components thereof.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated under I and II above; cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun); projectiles and other missiles; percussion caps, fuses, primers, and other detonating devices for such ammunition.

CATEGORY IV—BOMBS, TORPEDOES AND ROCKETS

Bombs, torpedoes, grenades, rockets, mines, guided missiles, depth charges, and components thereof; apparatus and devices for the handling, control, discharge, detonation or detection thereof.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control equipment, range, position, and height finders, spotting instruments, aiming devices (gyroscopic, optic, acoustic, atmospheric or flash), bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, armed or armored vehicles, armored trains, artillery and small arms repair trucks, military half tracks, tank recovery vehicles, tank destroyers; armor plate turrets, tank engines, tank tread shoes, tank bogie wheels and idlers therefor.

CATEGORY VII—POISON GASES AND TOXICOLOGICAL AGENTS

All military toxicological and lethal agents and gases; military equipment for the dissemination and detection thereof and defense therefrom.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII; military high explosives.

CATEGORY IX—VESSELS OF WAR

Vessels of war of all kinds, including amphibious craft, landing craft, naval tenders, naval transports and naval patrol craft, armor plate and turrets therefor, submarine batteries and nets, and equipment for the laying, detection, and detonation of mines.

CATEGORY X—AIRCRAFT

Aircraft; components, parts and accessories therefor.

CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Military radar equipment, including components thereof, radar countermeasures and radar jamming equipment; (b) military stereoscopic plotting and photo interpretation equipment; (c) military photo theodolites, telemetering, and Doeppler equipment; (d) military super-high speed ballistic cameras; (e) military radiosondes; (f) military interference suppression equipment; (g) military electronic computing devices; (h) military miniature and subminiature vacuum tubes and photoemissive tubes; (i) military armor plate; (j) military steel helmets; (k) military pyrotechnics; (l) synthetic training devices for military equipment; (m) military ultrasonic generators; (n) all other material used in warfare which is classified from the standpoint of military security.

2. *Helium gas—(a) General regulations.* Regulations governing the exportation of helium gas may be found in the document "International Traffic in Arms," published by the Department of State.

(b) *Legislative authority.* Helium gas is licensed for export under the authority of the act of September 1, 1937. Application blanks for the exportation of this commodity are also furnished by the Munitions Division, Department of State.

§ 370.6 *Gold and narcotics—(a) Gold.* The gold regulations promulgated by the Secretary of the Treasury under the authority of the Gold Reserve Act of 1934 (31 CFR Part 54), as amended, shall govern the exportation of gold except that the exportation of fabricated gold (as defined in said regulations, except dental gold) of which not more than 80 percent of the total domestic value is attributable to the gold content thereof shall also be subject to Parts 370 to 399, inclusive, of this subchapter.

NOTE: The exportation of "fabricated gold," as defined in the Gold Regulations issued by the Treasury Department (sec. 54.4) under the Gold Reserve Act of 1934, is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are not included on the Positive List may be exported to any destination, except Subgroup A destinations, Hong Kong, and Macao, under Department of Commerce general license *GRO.* (See § 371.8 of this subchapter.) For the export of any gold other than "fabricated gold," an application for a license to export must be filed with the Treasury Department.

Exporters are cautioned that "semi-processed gold" (as defined by the Gold Regulations) presented for export as "fabricated gold" is subject to seizure.

(b) *Narcotics.* The regulations contained in Parts 370 to 399, inclusive, of this subchapter shall not govern the exportation of narcotic drugs and marihuana subject to the Narcotics Drugs Import and Export Act (21 U. S. C. 171 et seq.) and Marihuana Tax Act of 1937 (26 U. S. C. 2590, 3230 et seq.), as amended, respectively, and regulations promulgated thereunder, administered by the Treasury Department, Bureau of Narcotics.

NOTE: Under the provisions of the Narcotics Drugs Import and Export Act, as amended, and the federal marihuana law, the authority to control exports and imports of narcotic drugs, which are listed below, is vested in the Treasury Department, Bureau of Narcotics:

(1) Opium and its derivatives.
(2) Coca leaves and their derivatives.
(3) Marihuana or cannabis.
(4) Isonipecaine (Demerol).
(5) Amidone or Methadon (Adanon and Dolophine—trade names).
(6) Any medicine or preparation containing any quantity of the foregoing drugs or their derivatives.

§ 370.7 *Exportation of commodities subject to Atomic Energy Act.* Regulations promulgated by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1946 (11 CFR Parts 40 and 50), or as the same may be amended from time to time, shall govern the exportation of "source material" and "facilities for the production of fissionable material" as defined and described in said act and regulations.

NOTE: 1. *Definitions*—(a) *Source materials.* As used in the Atomic Energy Act of 1946, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time. On March 17, 1947, in the regulations cited, the Atomic Energy Commission defined "source material" to mean any material, except fissionable material, which contains by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(b) *Facilities for the production of fissionable material.* As defined in the Atomic Energy Act of 1946, the term "facilities for the production of fissionable material" is to be construed to mean (1) any equipment or device capable of such production and (2) any important component part especially designed for such equipment or devices as determined by the Commission. Such facilities are classified as either Class I or Class II facilities in the regulations cited and are listed therein.

2. *License applications.* Applications for license to export source materials and facilities for the production of fissionable material should be made directly to the United States Atomic Energy Commission in the manner prescribed in the regulations cited. Copies of the regulations, together with forms and instructions for making license applications, may be obtained from the following addresses:

For source materials (Part 40):

U. S. Atomic Energy Commission,
P. O. Box 30, Ansonia Station,
New York 23, N. Y.

For facilities for the production of fissionable material (Part 50):

U. S. Atomic Energy Commission,
Attention: Director of Production,
Washington 25, D. C.

§ 370.7a *Vessels, other than vessels of war.* The export of vessels, other than vessels of war, shall be governed under authority of Sections 9 and 37 of the Shipping Act, 1916, as amended (46 CFR Part 221), by the U. S. Maritime Administration.

§ 370.8 *Shipments to territories, dependencies, and possessions of the United States*—(a) *Territories, dependencies, possessions.* No license is required for shipments from the United States to any territory, dependency, or possession of the United States, as listed in Schedule C of the Bureau of the Census (see page x of Schedule B).

(b) *Trust Territory of the Pacific Islands.* For the purpose of export control, the Trust Territory of the Pacific Islands (i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands, except Guam, which is an island possession of the United States) shall be accorded the same treatment as the territories and possessions of the United States and, accordingly, an export license is not required for shipments of commodities thereto.

§ 370.9 *In-transit shipments without unloading.* Commodities shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Department of Commerce: *Provided*, That, while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters, and: *Provided further*, That they are not originally manifested to the United States.

NOTE: Any commodity which is excepted from the provisions of General In-Transit License GIT (§ 371.9 (c) of this subchapter) and which is manifested to the United States requires a validated license for on-forwarding to all destinations, regardless of whether unladen from a vessel in waters subject to the jurisdiction of the United States.

Commodities which are not so excepted (unless originating in Japan or Canada pursuant to § 371.9 (b) of this subchapter) may be on-forwarded under the provisions of § 371.9 of this subchapter to all destinations except Subgroup A countries, Hong Kong, and Macao, as provided in §§ 384.5, 384.6, and 384.9 of this subchapter.

§ 370.10 *Shipments entering foreign trade zones*—(a) *General provisions.* Except for the commodities listed in § 371.9 (c) of this subchapter, commodities wholly of foreign origin and for which no customs entry has been made with a collector of customs may be exported from a foreign trade zone without a license from the Department of Commerce, to all destinations other than those in Subgroup A, Hong Kong, and Macao, as provided in Part 384 of this subchapter.

(b) *Shipments originating in Japan.* Shipments of Positive List commodities (§ 399.1 of this subchapter) originating in Japan (excluding the commodities listed in § 371.9 (c) of this subchapter) and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce only when exported to the country of ultimate destination named in the bill of lading covering the shipment from Japan or when exported to a country of ultimate destination to which the same commodity could be exported from the United States under general license GO. In every such case, the exporter shall submit, and the United States collector of customs shall require production of, either an original or true copy of the bill of lading covering the shipment from Japan to establish that the shipment is exportable from the foreign trade zone without a license. The exporter also must state on the Shipper's Export Declaration For In Transit Goods (Commerce Form 7513) or on the Shipper's Export Declaration (Commerce Form 7525-V), in items 9 to 10, the fact that the shipment originated in Japan.

§ 370.11 *Reexportation under license previously granted.* Shipments properly presented and cleared for exportation and exported which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally cleared without the procurement of a new license: *Provided*, That satisfactory evidence of the validity of the original clearance is submitted to a United States collector of customs.

NOTE: Such evidence may consist of a copy of the original export declaration or the exporting carrier's outward manifest, or such other evidence as the collector may require. If the commodities are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Department of Commerce regarding the specific commodity.

PART 371—GENERAL LICENSES

Sec.
371.1 Definition.
371.2 General provisions.
371.3 General license country groups.
371.4 Reexportation from country of destination.
371.5 Consignee control under general license.
371.6 Consignor control under general license.
371.7 Country group general license GO.
371.8 General license GRO.
371.9 General in-transit license GIT.
371.10 Shipments of limited value GLV.
371.11 Personal baggage and tools of trade.
371.12 Dunnage.
371.13 Ship and plane stores, supplies, and equipment; crew's effects.
371.14 General license GUS.
371.15 General license GLC.
371.16 Deleted, effective June 14, 1951.
371.17 Commodities sold at auction by Bureau of Customs GCC.
371.18 Return of certain commodities imported into the United States GLR.
371.19 Technical data.
371.20 Deleted, effective August 3, 1950.
371.21 Deleted, effective July 15, 1950.
371.22 Deleted, effective August 3, 1950.
371.23 General license for gift parcels.
371.24 General license GTF, goods imported for trade fairs.
371.25 General license GMC, unmanufactured cotton.
371.26 General license G-PUB, exportation of certain publications.
371.27 Deleted, effective April 24, 1952.

AUTHORITY: §§ 371.1 to 371.27 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.

§ 371.1 *Definition.* A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in Parts 370 to 399, inclusive, of this subchapter.

§ 371.2 *General provisions*—(a) *Export declarations.* No exportation may be made pursuant to any general license established in this part unless prior to said exportation, whenever required by Parts 370 to 399, inclusive, of this subchapter or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, a shipper's export declaration describing the commodity or commodities to be exported has been filed with the collector of customs at the port of exit or with the postmaster at the place of mailing; or, unless at the time of said exportation, whenever the filing of a shipper's export declaration is not required, an oral export declaration describing the commodity or comodities is made to a collector of customs at the port of exit.

(b) *Use of general license symbol.* A person exporting any commodity pursuant to any general license established in this part shall enter on the shipper's export declaration, when such declaration is required, the designation or symbol of the general license authorizing the exportation. In the case of exportations by mail, the designation or symbol of the general license shall be written in ink on the address side of the wrapper of the parcel and shall be followed by the words, "Export License Not Required." The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

Example. If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the export declaration the symbol GUS to indicate that the exportation is licensed.

(c) *Applicability — (1) Prohibited shipments.* No general license set forth in this part may be used to effect an exportation to a destination for which such general license has been suspended or revoked.

NOTE: All general licenses authorizing exportations to North Korea have been suspended (see § 384.3 of this subchapter). See Part 384 of this subchapter for other destinations (Subgroup A, Hong Kong, and Macao) to which particular general licenses have been suspended or revoked.

(2) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used.

(3) *Exportations to foreign vessels in foreign ports.* Except as provided in the Note below, commodities may not be exported under the provisions of any general license to a foreign vessel located in a foreign port unless such general license is applicable to both the country in which such port is located and to the country under whose laws such vessel is registered. These regulations are set forth in Parts 370 through 399 of this subchapter.

NOTE: The exportation of commodities under the provisions of General Licenses Ship Stores, § 371.13 (a), or Registered Ship Stores, § 371.13 (b), is not affected by this provision.

§ 371.3 *General license country groups*—(a) *Grouping of countries.* Two general license country groups are hereby designated: Group R and Group O. (Since exportations to U. S. territories, dependencies, and possessions, Trust Territory of the Pacific Islands, and Canada do not require export licenses from the Department of Commerce, these destinations are not included in these country groups.)

(1) Country Group O consists of the following countries and other destinations:

NORTH AMERICA

Northern area:
Greenland.
Miquelon and St. Pierre Islands.
Southern area:
Mexico (including Cozumel and Revilla Gigedo Islands).
Central America:
Guatemala.
British Honduras.
El Salvador.
Honduras (including the Bay Islands).
Nicaragua.
Costa Rica.
Panama, Republic of.
Bermuda and Caribbean:
Bermuda.
Bahamas.
Cuba (including Isle of Pines).
Jamaica.
Haiti (including Gonave and Tortue Islands).
Dominican Republic.
Leeward and Windward Islands.
Barbados.
Trinidad and Tobago.
Curacao (Netherlands West Indies).
French West Indies.

SOUTH AMERICA

Northern area:
Colombia.
Venezuela.
British Guiana.
Surinam (Netherlands Guiana).
French Guiana (including Inini).
Western area:
Ecuador (including the Galapagos Islands).
Peru.
Bolivia.
Chile (including the Islands Sala-y-Gomes, Juan Fernandes, San Felix, San Ambrosio, and Easter Island).
Eastern area:
Brazil (including the Islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
Uruguay.
Paraguay.
Argentina.
Falkland Islands.

(2) Country Group R includes and consists of all countries and other destinations not included in Country Group O, except Canada (including Newfoundland and Labrador). Within Country Group R there is established Subgroup A, which includes and consists of the following countries and other destinations:

Albania.
Bulgaria.
China, including the provinces of Suiyuan, Chahar, Ningsia, and Jehol (sometimes referred to as Inner Mongolia); the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia; but excluding Manchuria, and excluding Taiwan (Formosa).
Czechoslovakia.
Estonia.
Germany (Russian Occupied Zone only).
Hungary.
Latvia.
Lithuania.
Manchuria, including the former Kwantung Leased Territory. (The present Port Arthur Naval Base Area and the Liaoning Province).
North Korea.
Poland and Danzig.
Rumania.
Union of Soviet Socialist Republics.

NOTE: Licenses issued by the Department of Commerce to export R commodities to Tangier (including the International Zone), French Morocco, or Spanish Morocco are valid for shipment or transshipment of such commodities to any of the following destinations: Tangier (including the International Zone), French Morocco, or Spanish Morocco. Exporters filing license applications for the export of R commodities to these three destinations may indicate "Morocco" as the country of ultimate destination.

(b) *Applicability to individual countries.* When a commodity is exportable under general license to a particular country group, it may, subject to the provisions of Parts 370 to 399, inclusive, of this subchapter, be exported to any country or destination in that group.

§ 371.4 *Reexportation from country of destination*—(a) *Prohibited reexportations.* No exportation may be made under any type of general license with the knowledge or intention that the commodities so exported are to be reexported from the country of destination unless the reexportation has been authorized by the Department of Commerce, except as provided in paragraph (b) of this section.

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination: *Provided*, That the commodities to be reexported, at the time of reexportation, may be exported directly from the United States to the new country of destination under general license GO or GRO.

NOTE: This provision applies to commodities exported from the United States to the original country of destination under either a general or validated license. See § 372.14 of this subchapter.

§ 371.5 *Consignee control under general license*—(a) *Revocations and suspensions.* General licenses may be revoked or suspended as to any person in any destination.

(b) *Consignees.* Shipment under a general license may be made, subject to the provisions thereof, to any consignee in any country of destination except to any person as to whom the general license has been revoked or suspended.

§ 371.6 *Consignor control under general license.* General licenses may be revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 382 of this subchapter.

§ 371.7 *Country group general license GO*—(a) *Scope of license.* A general license designated GO is hereby established, subject to the other provisions of this section, authorizing the exportation of R commodities to destinations in Country Group O as listed in § 371.3 (a).

(b) *Footnotes on positive list.* If reference is made to a footnote on the Positive List of Commodities which modifies or alters the general license established in this section, the provisions specified in such footnote shall govern, notwithstanding any other provision.

NOTE: To determine if a commodity may be exported to a specific destination under this general license, the exporter should consult the provisions regarding country groups in § 371.3. If the destination is included in Group O, he should then consult the Positive List (§ 399.1 of this subchapter). If the commodity is listed and identified by the symbol "R" in the column headed "Validated License Required," it is an R commodity, and the exportation may be made under general license GO. (Exporters in doubt as to the proper classification of the commodities which they handle should consult the Department of Commerce publication, "Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.")

EXAMPLE NO. 1

An exporter desiring to ship cast iron pressure pipe to Venezuela finds that Venezuela is included in Country Group O (§ 371.3). Turning to the Positive List (§ 399.1 of this subchapter), he finds that cast iron pressure pipe, Schedule B No. 601211, is listed and followed by the symbol "R" in the column headed, "Validated License Required." It is, therefore, an R commodity, and the exportation may be made under this general license by use of the symbol GO on the export declaration.

EXAMPLE NO. 2

An exporter desiring to ship cast iron pressure pipe to Spain consults the country list (§ 371.3) and finds that Spain is a Country Group R destination. The shipment cannot be made under general license GO, and an application must be filed for a validated export license if the value of the shipment exceeds that specified in the column headed "GLV Dollar Value Limits."

EXAMPLE NO. 3

An exporter desiring to ship copper scrap, Schedule B No. 641300, to Venezuela finds this commodity on the Positive List, followed by the symbol "RO" in the column headed "Validated License Required." The exportation, therefore, cannot be made under general license GO.

§ 371.8 *General license GRO*—(a) *Scope of license.* (1) A general license designated GRO is hereby established authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1 of this subchapter), subject to the limitations set forth in this section.

(2) No exportations may be made under this general license to Subgroup A countries. In addition, no such exportations ultimately destined to Hong Kong or Macao may be made except fresh fruits (Schedule B Nos. 130100 through 131990), fresh vegetables (Schedule B Nos. 120710 through 122490), and cut flowers (Schedule B No. 259910). In every such case, the exporter shall at the time of clearing the shipment, present to the collector of customs an extra (fourth) copy of the shipper's export declaration for authentication, and, immediately after its authentication, the exporter shall send the authenticated (fourth) copy of the declaration to the Office of International Trade, Department of Commerce, Washington 25, D. C., Attention: Agricultural Products Division.

NOTE: *Gift parcels.* Gifts parcels containing commodities not on the Positive List may be shipped under general license GRO. Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as GIFT (see § 371.23), GO (see § 371.7) or GLV (see § 371.10).

(b) *Quarternary ammonium compound.* When clearing shipments of commodities classified under Schedule B No. 828890 under the provisions of general license GRO to any destination in Country Group R, the exporter must include on the shipper's export declaration covering such shipment the following statement:

This shipment contains no quaternary ammonium compound.

§ 371.9 *General in-transit license GIT*—(a) *General provisions*—(1) *Scope.* There is hereby established a general license, designated GIT, authorizing, subject to the other provisions of this section, the exportation from the United States of commodities which originate in and are destined to any foreign country except Subgroup A destinations, Hong Kong, and Macao: *Provided*, That such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(2) *Exception from foreign-origin requirement.* Notwithstanding the provisions of subparagraph (1) of this paragraph, automobile manufacturers located in Canada may export, under the provisions of this general intransit license GIT, automotive replacement parts of U. S. origin which were originally exported from the United States to Canada as stock parts for new vehicles of Canadian manufacture, and which are moving from Canada in transit through the United States to a foreign destination: *Provided, however*, That such automotive replacement parts are for repair or replacement only for passenger cars and commercial trucks not exceeding 10,000 pounds gross vehicle weight, and not for assembly of new vehicles outside of Canada.

(b) *Special provisions*—(1) *Shipments originating in Canada.* The provisions of this general license GIT are not applicable to shipments of commodities originating in Canada and moving in transit through the United States unless the exportation from the United States is in accordance with the Canadian Export Permit or the Canadian Customs Entry B13B as approved by the Export Permit Branch of the Department of Trade and Commerce, Ottawa, Canada. United States collectors of customs may, in any case, require production of copies of either the Canadian Export Permit or the Canadian Customs Entry B13B or other proof, as provided in § 379.1 (e) of this subchapter, sufficient to establish that the shipment is exportable under the provisions of this general license.

(2) *Shipments originating in Japan.* The provisions of this general license GIT are not applicable to shipments of Positive List commodities (§ 399.1 of this subchapter) originating in Japan and moving in transit through the United States unless the exportation from the United States is to the country of ultimate destination named in the bill of lading covering the shipment from Japan. In every such case, the exporter shall submit, and the United States collector of customs shall require production of, either an original or true copy of the bill of lading covering the shipment from Japan to establish that the shipment is exportable under the provisions of this general license. The exporter also must state on the Shipper's Export Declaration For In-transit Goods (Commerce Form 7513) or on the Shipper's Export Declaration (Commerce Form 7525-V), in items 9 to 10, the fact that the shipment originated in Japan.

NOTE: (1) Shipments of Positive List commodities which originate in Japan require a validated license for export from the United States unless exportable under the provisions of this general license GIT or of general license GO. (See § 373.1 of this subchapter.) For exportations of such commodities from foreign trade zones, see § 370.10 of this subchapter.

(2) This general license GIT is not applicable to shipments to Subgroup A destinations, Hong Kong, and Macao, as provided in Part 384.

(3) The general in-transit license GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Department of Commerce.

The provisions of this general license in no way affect the restrictions applicable to importation for transshipment of commodities controlled by the Agriculture-Import Order issued by the United States Department of Agriculture.

(4) See § 370.9 of this subchapter, and Note following that section, regarding shipments moving in transit via the United States without unloading from the carrier.

(c) *Commodities excepted from the provisions of this general license.* Commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by means of a star (*) following the Schedule B number may not be exported to any destination under this general license.

NOTE: All shipments of merchandise for which the shipper's export declaration for in-transit goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of "Schedule B." Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States", obtainable without charge from the Bureau of the Census, Washington 25, D. C.

§ 371.10 *Shipments of limited value GLV*—(a) *Purpose and symbol.* There is hereby established a general license designated *GLV* authorizing the exportation from the United States of shipments within certain specified dollar-value limits.

(b) *Definitions and interpretations.* The following definitions and interpretations are applicable to this section:

(1) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier, except that not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one importer.

(2) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(3) "One importer" is interpreted as follows: For exportation under the provisions of this section, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(c) *General provisions*—(1) *Positive List.* Subject to the special provisions as designated and set forth below in this section, commodities included on the Positive List of Commodities (§ 399.1 of this subchapter) which have a dollar-value limit specified may be exported under this general license to all destinations, as follows: R commodities may be exported to Group R destinations, and RO commodities may be exported to Group R or Group O destinations, where, in a single shipment, the net value of the commodities classified in a single entry on the Positive List does not exceed the specified dollar value limit in the column headed "GLV Dollar Value Limits."

(2) *Prohibited shipments.* The following shipments may not be made under the provisions of this general license:

(i) Positive List commodities in any quantity destined for Subgroup A destinations (see § 371.3 (a)), Hong Kong, and Macao.

(ii) Commodities licensed by agencies of the U. S. Government other than the Department of Commerce.

(iii) Commodities with the word "none" in the column in the Positive List headed "GLV Dollar Value Limits."

(iv) Shipments designed as a device to evade the requirement of a validated export license. Such devices include, but are not limited to, (a) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment, (b) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits, but which have a combined value in excess thereof.

NOTE: R commodities may be exported to Group O destinations without dollar-value limit under the provisions of General License GO (§ 371.7).

Except as prohibited by the provisions of Part 384, commodities not included on the Positive List of Commodities may be exported to any destination, except Subgroup A destinations, Hong Kong, and Macao, without dollar-value limit under the provisions of General License GRO (§ 371.8).

(3) *Asterisk.* Where an asterisk precedes the dollar value limit for any commodity on the Positive List of Commodities, all forms, conversions, and derivatives of such commodity, even though not covered by the Schedule B number for the entry, are included in the value specified.

(d) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

(e) *Special provisions for Mexico*—(1) *Limitations on commodities under quantitative quotas.* Commodities subject to quantitative quotas which have been announced in Current Export Bulletins and which are being exported to Mexico by or on behalf of the same exporter to or for the account of the same ultimate consignee are restricted to one "single shipment" (as defined in paragraph (b) of this section) per calendar week when such exports are transported otherwise than by common carrier or by mail.

(2) *Certification required.* The shipper's export declaration covering any exportation to Mexico which is authorized by general license GLV but which is restricted by the terms of subparagraph (1) of this paragraph shall contain the following additional certification.

The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of general license GLV by the undersigned exported to the consignee named herein during the current calendar week.

(Signed)

(3) *Hardship or emergency cases.* In any case where the collector of customs determines that the limitations in subparagraph (1) of this paragraph would create an undue hardship, or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license: *Provided*, That the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(4) *Collectors authorized to limit shipments.* Collectors of customs are authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

§ 371.11 *Personal baggage and tools of trade*—(a) *Personal baggage general license*—(1) *General provisions.* A general license designated BAGGAGE is hereby established, authorizing a person leaving the United States, but not including members of crews on vessels and aircraft, to export as personal baggage, accompanied and unaccompanied, the following classes of commodities:

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

NOTE: As used in the regulation, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage.

Consequently, where a traveler desires to include, under the baggage general license, food in such quantities as to be obviously used for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

Provided, That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; shall be in his possession at the time of or prior to his departure from the United States for a foreign country; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(2) *Definition of "accompanied" and "unaccompanied."* The provisions of general license BAGGAGE are applicable to accompanied and unaccompanied personal baggage, which is defined as follows:

(i) *Accompanied.* All commodities exported under this general license on the same carrier on which the passenger departs.

(ii) *Unaccompanied.* All other shipments of commodities under this general license. Unaccompanied shipments under this category shall be clearly marked "BAGGAGE." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States.

(3) *Special provisions.* No more than 3 firearms and no more than 500 cartridges, subject to the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by the Department of State, may be exported under general license BAGGAGE.

NOTE: Tobacco in quantities greater than 300 cigarettes (or 50 cigars and 1 pound of tobacco) may not be imported as baggage into the American or British Zones of Germany, upon penalty of confiscation, unless an import permit has been issued for such importation.

(b) *Tools of trade general license.* A general license designated TOOLS OF TRADE is hereby established authorizing a person leaving the United States

to export usual and reasonable kinds and quantities of implements, instruments, and tools of trade, occupation or employment, and their containers: *Provided*, That the above-indicated tools of trade (1) shall include only such articles as are owned by such person; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

NOTE: *Validated license requirements.* Proposed exports of personal effects, household effects, vehicles, and tools of trade that are not authorized for export to the country of destination under general license BAGGAGE or general license TOOLS OF TRADE, or under any other general license, must be authorized by a validated license in accordance with § 372.1 (c) of this subchapter.

(c) *Requirement for filing shipper's export declaration.* A shipper's export declaration must be filed in accordance with § 379.1 (b) of this subchapter whenever a shipment is exported under general license BAGGAGE or general license TOOLS OF TRADE when shipped under a bill of lading.

NOTE: § 379.1 (b) of this subchapter also requires the filing of a shipper's export declaration for authentication whenever a shipment is exported under a validated license.

A shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) of this subchapter, whenever a shipment is exported under general license BAGGAGE or general license TOOLS OF TRADE except when shipped under a bill of lading. As stated in § 371.2 (a), whenever the filing of a shipper's export declaration is not required by Parts 370 through 399 of this subchapter of the Comprehensive Export Schedule or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an oral declaration describing the commodity or commodities shall be made to a collector of customs at the port of exit.

Export declaration filing with manifest. Bureau of Customs regulations provide that whenever any commodities for which shipper's export declarations are required to be filed, are to be exported, the person in command of the exporting carrier,[1] or the owner or agents thereof on his behalf, shall deliver to the collector of customs all authenticated shipper's export declarations presented to the exporting carrier for the purpose of facilitating or effecting the exportation of such commodities.

(d) *Customs authority to limit or prohibit shipments.* Collectors of customs shall limit or prohibit the export of any commodity or commodities under general license BAGGAGE or general license TOOLS OF TRADE whenever the kind or quantity is in excess of the limitations set forth in this section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

§ 371.12 *Dunnage.* A general license designated GLD is hereby established, authorizing the exportation of usual and reasonable kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unlading in a foreign country and not exported under a bill of lading.

NOTE: *Validated license requirements.* Proposed exports of dunnage that are not authorized for export to the country of destination under general license GLD or under any other general license must be authorized by a validated license in accordance with § 372.1 (c) of this subchapter.

Export declaration filing for authentication. A shipper's export declaration must be filed in accordance with § 379.1 (b) of this subchapter whenever a validated license is required for the export of dunnage. The shipper's export declaration may be executed and filed by the person in command of the exporting carrier[1] or the owner or agents thereof on his behalf. A shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) of this subchapter, whenever a shipment is exported under general license GLD. (See § 371.2 (a).)

Export declaration filing with manifest. Bureau of Customs regulations provide that whenever any dunnage is to be exported for which shipper's export declarations are required to be filed, the person in command of the exporting carrier[1], or the owner or agents thereof on his behalf, shall deliver to the collector of customs at the port of clearance all authenticated shipper's export declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such dunnage.

§ 371.13 *Ship and plane stores, supplies and equipment; crew's effects*—(a) *Ship stores, supplies, and equipment general license.* A general license designated SHIP STORES is hereby established authorizing exportation on vessels of registry of any country departing from the United States, of usual and reasonable kinds and quantities of (1) bunker fuel, (2) deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements, (3) medicinal and surgical supplies, (4) food stores, (5) slop chest articles, and (6) saloon stores or supplies, for use or consumption on board during the outgoing and any immediate return voyage, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the vessel when necessary for proper operation of such vessel, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

(b) *United States and Canadian registered vessels: Ship stores, supplies and equipment general license.* A general license designated REGISTERED SHIP STORES is hereby established authorizing exportation of articles described in paragraph (a) of this section for use by or on a vessel of United States or Canadian registry located at other than a United States or Canadian port: *Provided*, That such articles are (1) shipped as cargo under a bill of lading on an exporting carrier of United States or Canadian registry; (2) in usual and reasonable kinds and quantities; (3) ordered by the person in command of the vessel to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel; (4) not intended for unlading in a foreign country except for transshipment and delivery to the vessel to which they are consigned; and (5) covered by such shipper's export declarations as are required to be filed by § 379.1 (b) of this subchapter.

In addition, commodities may be exported to vessels of United States or Canadian registry located at a port other than a United States or Canadian port pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship are located.

(c) *Plane stores, supplies and equipment general license.* A general license designated PLANE STORES is hereby established authorizing the exportation in planes of registry of any country departing from the United States of usual and reasonable kinds and quantities of (1) fuel, (2) deck, engine, and steward department stores, provisions, and supplies, (3) medicinal and surgical supplies, (4) food stores, and (5) saloon stores or supplies, for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts when necessary for the proper operation of such planes, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

NOTE: The provisions of § 371.13 do not authorize the exportation of any equipment or spare parts for vessels of war or for aircraft which are licensed for export by the Department of State. (See § 370.5 of this subchapter.) The provisions of § 371.13 relate only to those commodities under the export control authority of the Department of Commerce.

(d) *Crew's effects general license.* A general license designated CREW is hereby established, authorizing members of crews on exporting carriers[1] to export among their effects usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, medicinal supplies, toilet articles, food, souvenirs, games, hand tools, and similar personal effects and their containers: *Provided*, That such commodities are (1) owned by such crew member; (2) are necessary and appropriate for his use or that of his immediate family; (3) are intended for his use or that of his immediate family; (4) are not intended for sale; and (5) are not exported under a bill of lading as cargo.

NOTE: *Validated license requirements.* Proposed exports of all ship and plane stores, supplies and equipment, and all commodities to be exported by a crew member among his effects that are not authorized for export to the country of destination under general license SHIP STORES, REGISTERED SHIP STORES, PLANE STORES, or CREW, or are not authorized for export under any other general license must be authorized by a validated license in accordance with § 372.1 (c) of this subchapter. Whenever a validated license is required for the export of ship stores, supplies, and equipment, license applications shall be prepared as set forth in § 372.5 of this subchapter.

Export declaration filing for authentication. Whenever a shipment is exported under general license SHIP STORES, PLANE STORES, or CREW, a shipper's export declaration need not be filed, despite the provisions of § 379.1 (b) of this subchapter. (See § 371.2 (a).) Whenever a validated license is required for the export of commodities, a shipper's export declaration must be filed in accordance with the provisions of § 379.1 (b) of this subchapter. Insofar as ship and plane stores, supplies and equipment are concerned, the shipper's export declaration may be executed and filed by the master of the exporting vessel, the commander of the exporting plane, or the owner or agents of such vessel or plane.

Export declaration filing with manifest. Bureau of Customs regulations provide that whenever any commodities for which shipper's export declarations are required to be filed are to be exported, the person in command of the exporting carrier,[1] or the owner or agents thereof on his behalf, shall deliver to the collector of customs at the port of clearance all authenticated shipper's export declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such commodities.

§ 371.14 *General license GUS.* A general license designated GUS is hereby established authorizing exportations as follows:

(a) *To members of the United States armed services.* Commodities in quantities sufficient solely for the personal use of the consignees and their immediate families; articles for personal use may include household effects, food, beverages, and daily necessaries.

(b) *To representatives of the United States*—(1) *For personal use.* Exportations for the personal use of the consignee, and/or his immediate family and/or employees; articles for personal use may include household effects, food, beverages, and daily necessaries.

(2) *For office use.* Exportation of equipment and supplies for the office use of the representative or for use by the representative or his employees in the performance of their official duties. Under this general license the following classes of commodities are included: Stationery supplies, typewriters, adding machines, office furniture, and other comparable office equipment; cleaning supplies, mechanical and electrical supplies and other building maintenance supplies; uniforms, motor cars and trucks, and automobile parts; flags, foodstuffs, books, professional and scientific instruments, apparatus and supplies; medicinals, medical supplies and vaccines; photographic equipment, including unexposed film, plates, and paper.

NOTE: Cigarettes and other tobacco products may not be sent in any amount under this general license to individuals located in Germany.

§ 371.15 *General license GLC.* A general license, designated GLC, is hereby established authorizing the exportation of trucks, busses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries: *Provided*, That such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

[1] "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

§ 371.16 *Export of certain vessels VMC.* [Deleted, effective June 14, 1951.]

§ 371.17 *Commodities sold at auction by Bureau of Customs GCC.* A general license designated GCC is hereby established authorizing the exportation to all destinations, except Subgroup A countries, Hong Kong, and Macao, of commodities which are refused entry into the United States and are sold at auction by the Bureau of Customs for export only: *Provided*, That a certified customs bill and/or receipt (Form 5117A) is presented to the collector of customs at the port of exit or the postmaster at the place of mailing as evidence of the purchase at such auction.

§ 371.18 *Return of certain commodities imported into the United States GLR.* A general license designated GLR is hereby established authorizing exportations as follows:

(a) *Machinery, or parts of machinery.* Machinery, or parts of machinery, shipped to the United States for repair purposes may be returned to the country of origin, as well as replacement or rebuilt parts which are substituted when the identical parts imported are not returned.

The provisions of this paragraph do not apply to:

(1) Destinations in Subgroup A, Hong Kong, and Macao; and

(2) The following commodities: Precision instruments; tools or devices incorporating diamonds, including such tools or devices when shipped as an integral part of a machine.

(b) *Commodities from Republic of Panama.* All articles and materials which have been imported into the Panama Canal Zone from the Republic of Panama for the purpose of being repaired or processed may be returned to the Republic of Panama.

(c) *Containers returned empty.* Metal drums, gas cylinders, bags and other containers used in shipping articles and materials to the United States from any destination may be returned empty to any destination other than Subgroup A countries, Hong Kong, and Macao.

(d) *Newsprint cores.* Newsprint cores made of any kind of material, whether imported into the United States separately or as a part of the packing of imported newsprint paper, may be returned to any destination from which imported except Subgroup A countries, Hong Kong, and Macao.

(e) *Commodities entitled to drawback of customs duties.* Commodities on which customs duties were paid upon importation into the United States, and which upon exportation in accordance with the provisions of subsection (c), section 313 of the Tariff Act of 1930, as amended,[2] entitle the exporter to the drawback of customs duties paid, may be exported to the country from which imported: *Provided*, Such commodities do not conform to sample or specifications and are in the same condition in which imported.

§ 371.19 *Technical data*—(a) *Definition of technical data.* Technical data is hereby defined as any professional, scientific, or technical information, including any model, design, photograph, photographic negative, document, or other articles or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, or reconstruction of articles or materials.

(b) *Security provisions for certain types of technical data*—(1) *Scope.* Technical data in connection with:

(i) Advanced developments, technology, information, and "know-how,"

(ii) Prototypes,

(iii) Special installations, and

(iv) Those items listed in Proclamation 2776 (§ 370.5 of this subchapter) which do not have a security classification,

whenever they have significance to the common security and defense, are included in the scope of the security provisions for technical data.

NOTE: Advertising catalogs or pamphlets, assembly and operating directions, or other technical information generally available to the trade, users of equipment, or to the public, are not included in the scope of the security provisions for technical data. Also excluded are technical data which are not classified by the U. S. Government and which will be used purely for educational or scientific research.

(2) *Substance.* Before completing arrangements to export or release for foreign use any technical data included in the scope of the security provisions, exporters should request an official opinion from the U. S. Government through the Office of International Trade as to the desirability of exporting or releasing the technical data.

NOTE 1. *Presentation of requests.* All requests for an official opinion of the U. S. Government should be submitted by letter, in duplicate, to the Office of International Trade, Department of Commerce, Washington 25, D. C. (Ref: Technical Data, IT-1245). In addition, those who wish to discuss a problem personally will readily be given specific appointments.

2. *Information to be furnished.* Requests should include as much information as possible regarding the technical data which it is proposed to export or furnish for export. As a minimum, the following questions should be answered:

(1) To whom in the U. S. and or in the foreign country is the technical information to be furnished?

(2) What is the name of the country in which the technical information will be used?

(3) For what purpose will the technical information be used?

(4) What is the subject matter of the technical information to be furnished?

(5) Is the technical data classified by an agency of the U. S. Government?

(6) How will the information be furnished? (i. e. blueprints? specifications? training in the U. S. of foreign specialists?

[2] 46 Stat. 694, 19 U. S. C. 1313 (c). "Upon the exportation of merchandise not conforming to sample or specifications upon which duties have been paid and which have been entered or withdrawn for consumption and, within thirty days after release from customs custody, returned to customs custody for exportation, the full amount of the duties paid upon such merchandise shall be refunded as drawback, less one per centum of such duties."

personal services by engineers and specialists sent abroad?)

(7) For how long a period will technical information be furnished under a contract or agreement?

3. *Confidential nature of information.* All information submitted in the requests will be treated in confidence in order not to disturb competitive relationships.

4. *Acknowledgments and replies.* All requests for opinions will be acknowledged upon receipt. Immediately, the Department of Commerce will consult with interested departments and agencies of the U. S. Government. Consistent with that obligation, a full reply to each request will be forwarded promptly, so that negotiations with foreign users of the technical data will not be delayed.

5. *Limitation regarding opinions.* The official opinion which will be furnished by the U. S. Government through the Department of Commerce is purely advisory; it constitutes no commitment on the part of the U. S. Government to issue an export license should an emergency or other circumstances develop which make it essential that the export of certain technical information be subjected to export license requirements.

(c) *Authorization and use of general licenses GTD and GTDA*—(1)—*General license GTD.* A general license designated GTD is hereby established authorizing the exportation of technical data to any destination except those in Subgroup A: *Provided*, (i) That no officer or agency of the United States Government has assigned to it a security classification (e. g., "restricted," "confidential," "secret," etc.) or (ii) That if such classification exists, the exporter has obtained duly authorized permission in writing from the agency of the U. S. Government which assigned the security classification; or (iii) That the Department of Commerce has not revised, suspended, or revoked this general license in any manner as to any person within or without the United States so as to prohibit shipment thereunder by the exporter.

(2) *General license GTDA.* A general license designated GTDA is hereby established authorizing the exportation to Subgroup A destinations, except North Korea,[1] of technical data in published form: *Provided*, That publications containing such technical data are (i) sold at newsstands or bookstores; (ii) are available by subscription or purchase to any individual without restriction; (iii) have been granted second-class mailing privileges by the U. S. Government; or (iv) are freely available at public libraries.

NOTE: Where the Department of Commerce determines in any case that shipment of technical data should be prohibited, notice of such determination will be given to the exporter in the official opinion requested by him, wherever possible.

(3) *Designation on wrapper.* Any person exporting under these general licenses shall mark conspicuously on the envelope or outside wrapper "General License GTD" or "General License GTDA," as appropriate.

(4) *Prohibited exportations.* No exportation may be made under general license GTD of classified technical data with the knowledge or intention that the technical data so exported are to be reexported from the country of destination to which permission was granted.

NOTE: *Export of patent applications and amendments*—1. *Inventions made in foreign country.* Technical data contained in papers relating to patent applications based on inventions made in a foreign country which are to be exported for informational purposes or for the purpose of filing in a foreign country may, if otherwise qualified, be exported under general license GTD.

2. *Inventions made in U. S.* Patent applications based on inventions made in the United States, amendments thereto, or other papers relating thereto, which are to be exported for the purpose of filing in a foreign country or which may become the basis of an application or an amendment to an application already filed in a foreign country, are subject to regulations of the Commissioner of Patents, and, after permission is obtained from the Commissioner of Patents, are exportable under general license GTD.

3. Applications for licenses to export patent applications and amendments thereto should be submitted to the Commissioner of Patents, Department of Commerce, Washington 25, D. C. Patent attorneys and others who contemplate exporting technical data pertaining to patent applications, amendments, or information for use in the prosecution thereof, or applications for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, should direct their inquiries regarding such exportations to the Commissioner of Patents.

§ 371.20 *Gift parcels to enemy prisoners of war.* [Deleted, effective August 3, 1950.]

§ 371.21 *Exportation of relief shipments RLS.* [Deleted, effective July 15, 1950.]

§ 371.22 *Exportations by citizens of foreign countries serving in the United States Armed Forces GAF.* [Deleted, effective August 3, 1950.]

§ 371.23 *General license for gift parcels*—(a) *Scope of license.* A general license is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and air express, addressed to individuals or to religious, charitable, or educational organizations residing in all destinations except Mainland China (including Manchuria) and North Korea:[2] *Provided*, That such exportations are made in accordance with the following provisions of this section.

NOTE: The establishment of this procedure does not alter in any respect the provisions of any other general license or other procedure of the Office of International Trade authorizing the exportation of commodities.

Multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country do not fall within the provisions of this general license. Such shipments, unless authorized by one of the other general licenses set forth in this part, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of Parts 370 through 399 of this subchapter.

(b) *Definition.* The term "gift parcel" as used in this section means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual or a religious, charitable, or educational organization in a foreign destination (the donee) for the use of the donee or the donee's immediate family in the case of an individual, and for use by the organization in the case of a religious, charitable, or educational organization.

(c) *Commodity, weight, and other limitations*—(1) *Manner of mailing.* A gift parcel sent under this general license must be mailed directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, regardless of whether mailed by him or by a forwarding service.

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing (other than military), toilet articles, and medicinals and drugs obtainable through regular retail druggists without prescription and bearing directions on the labeling for their use by the lay public. Specifically excluded are military wearing apparel (new and used), Schedule B No. 999930, and all medicinals and drugs requiring prescriptions, including all antibiotics, sulfonamides, and medicinals and drugs intended only for professional use.

(3) *Dollar-value limitations.* The combined total domestic retail value of all commodities included in a single parcel shall not exceed twenty-five dollars ($25).

(4) *Postal, size, and weight limitations.* Gift parcels sent via parcel post under this general license shall conform with applicable Post Office regulations as to size, weight, and permissible contents. Gift parcels sent via air cargo or air freight are not limited as to size or weight by the provisions of this general license.

(5) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(6) *Excluded destinations.* Exportations under the authority of this general license may not be made to North Korea, China (including Manchuria but not including Taiwan (Formosa)), Outer Mongolia, and Tibet, as described in Schedule C of the Bureau of the Census.

(d) *General license designation.* In addition to bearing the name and address of both the donor and the donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs or shipper's export declarations.

NOTE: The sending of merchandise as gifts is also subject to the import regulations of the receiving country. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, as well as the reduced postage rate arranged by the Mutual Security Agency for gift shipments, the sender also should show the words "U. S. A. Gift Parcel" on the addressee side of the package and on any required customs declaration.

Senders of gift parcels who wish information regarding the import regulations of a foreign country should write to the nearest

[1] Includes any territory controlled by the Government of North Korea.

regional or district office of the Department of Commerce, or the Assistant Director for Economic Affairs, Office of International Trade, Department of Commerce, Washington 25, D. C.

§ 371.24 *General license GTF, goods imported for trade fairs*—(a) *Return to country from which imported.* A general license designated GTF is hereby established, authorizing exportation to the country from which imported of commodities which have been entered under bond or which have been permitted temporary free importation under bond providing for their exportation, for exhibition at trade or similar fairs: *Provided*, That such commodities are being exported in accordance with the terms of such bonds.

(b) *Export to other destinations.* Commodities described in paragraph (a) of this section which are not listed as exceptions to the general in-transit license GIT provisions (§ 371.9 (c)) may be exported to destinations other than that from which imported, except North Korea.[1]

§ 371.25 *General license GMC, unmanufactured cotton.* A general license designated GMC is hereby established, authorizing the exportation, to all destinations except Subgroup A countries, Hong Kong, and Macao, of cotton linters, Schedule B Nos. 300402, 300403, 300405, and 300406, of the growth of any North or South American country (other than the United States), as listed in Schedule C of the Bureau of the Census: *Provided*, Such cotton linters are exported from U. S. Bureau of Customs custody and no consumption entry therefor has been officially accepted at a United States customhouse.

§ 371.26 *Exportation of certain publications G-PUB*—(a) *Authorization.* A general license designated G-PUB is hereby established authorizing the exportation to all destinations, except to destinations in North Korea,[1] of the publications listed in paragraph (b) of this section: *Provided*, That the publications do not contain technical data as defined in § 371.19.

(b) *Publications exportable.* The following commodities are exportable under the authority of General License G-PUB:

Schedule B Number	Commodity
912120–912400	Motion picture films, developed.
970000	Bound educational textbooks.
970100	Bibles and Testaments.
970200	Dictionaries and encyclopedias, including yearbooks.
970300	Literature, fictional and nonfictional.
970500	Other bound books.
970600	Unbound books in sheets.
970800	Catalogs and pamphlets.
970900	Music in books and sheets.
980000	Newspapers, current, except overissue (report nonexempt newspapers [issued prior to six months of the time of export] and overissue newspapers under 4c/kg; old newspapers enhanced in value under 9c/000).
980500	Periodicals, current, except overissue (report nonexempt periodicals [issued prior to six months of the time of export] and overissue periodicals under 4c/kg; old periodicals enhanced in value under 9c/000).
990000	Calendars (printed or unprinted).

[1] Includes any territory controlled by the Government of North Korea.

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Sec.
372.1 Applicability and general provisions.
372.2 Applications for licenses.
372.3 How to file an application for export license.
372.4 License applications for in-transit shipments.
372.5 Ship stores, plane stores, supplies, and equipment.
372.6 Commodities exported for relief or charity.
372.7 Unit-process applications.
372.8 Disclosure of prior action on the shipment.
372.9 Documents accompanying applications for validated licenses.
372.10 Additional information.
372.11 Issuance and use of export licenses.
372.12 Weight and volume tolerance.
372.13 Port of exit.
372.14 Reexportation from country of destination.
372.15 Duplicate licenses.
372.16 Return of revoked, expired, or unused licenses.
372.17 Reports.

AUTHORITY: §§ 372.1 to 372.17 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 372.1 *Applicability and general provisions*—(a) *Definition of "validated license".* Wherever reference is made in this part to application for licenses or to licenses granted or issued upon application, the reference is to validated licenses as distinguished from the general licenses established in Part 371 of this subchapter. The term "validated license" means an individual or other type of export license or any other document authorizing exportation granted or issued by or under the authority of the Department of Commerce.

(b) *Applicability of provisions.* (1) The provisions of this part (and insofar as consistent with the provisions of this part, all of the other provisions of Parts 370 to 399, inclusive, of this subchapter) shall apply to applications for and individual licenses issued by the Department of Commerce. An individual license is a validated license authorizing the exportation of the quantity of those commodities described therein from a designated licensee to a designated consignee.

(2) The provisions of this part shall also apply equally to other types of validated licenses, and applications therefor, insofar as consistent with the provisions of Parts 374 to 399 of this subchapter, inclusive, relating to such other types of validated licenses.

NOTE: In addition to the individual license, there are the following types of validated licenses:

1. *Blanket license.* The blanket (BLT) license authorizes the exportation of all R and certain RO commodities on the Positive List to two or more specifically named consignees at a given destination. (See Part 375 of this subchapter.)

2. *Project licenses.* Two types of project licenses, special project (SP) and dollar limit (DL), are used for authorizing exportations of all commodities required for a specific project or enterprise for a specific period. (See Part 374 of this subchapter.)

(c) *Exportations requiring license.* (1) The commodities included on the Positive List of Commodities (§ 399.1 of this subchapter) may not be exported to foreign destinations other than Canada (including Newfoundland and Labrador) except pursuant to general, individual, or other type of license granted or issued upon application or established by the Department of Commerce.

(2) No exportation of any commodity (R or RO) included on the Positive List of Commodities may be made to any destination in Country Group R, as defined in § 371.3 (a) of this subchapter, no exportation of any RO commodity may be made to any destination in Country Group O, as listed in § 371.3 (a) of this subchapter, and no exportation of any commodity, regardless of whether included on the Positive List of Commodities, may be made to any destination in Subgroup A, as listed in § 371.3 (a) of this subchapter, Hong Kong, and Macao, unless and until a validated license therefor has been granted or issued upon application by the Department of Commerce, except where authorized by the provisions of an established general license as set forth in Part 371 of this subchapter or under other provisions permitting the exportation without license.

NOTE: No license from the Department of Commerce is required for the export of commodities subject to export license by other agencies of the Government. (See §§ 370.5, 370.6, 370.7, and 370.7a of this subchapter.)

(d) *Special provisions for certain commodities.* Special provisions for certain commodities are set forth in Part 373 of this subchapter.

(e) *Representations in license applications; orders and evidence thereof; and record-keeping requirements*—(1) *Orders and other material facts.* No application for an export license shall be made unless and until the applicant has, supported by documentary evidence in his possession,

(i) An order for export for the commodities covered by the application.

(ii) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application, Form IT–419: (See note following § 372.3, How to File an Application for Export License.)

Country of ultimate destination;

Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives or other agents through whom the order was received;

Quantity and description of the commodities to be exported;

End use of the exportation;

ECA authorization if known and applicable.

(2) *Definitions*—(i) *Order.* The term "order" as used herein means an order for export placed with an exporter in the United States by an importer in a foreign country which, if accepted by the exporter, will result in a binding contract between the exporter and the

importer. Conversely, however, an exporter's offer alone is not a basis for an application. While the terms of the order may be conditioned, such terms must be ascertainable and certain; for example, (a) the terms of payment may provide a price dependent upon the market price at the time of delivery; (b) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed. Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Department of Commerce or the issuance to the importer of an import permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(ii) *Evidence of an order.* Evidence of an order as used herein means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(iii) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which substantiate the material statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(3) *Shipments involving other than normal purchase and sale contracts.* Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "order" as used herein does not apply, the applicant shall attach to his application a full description of the nature of the transaction.

NOTE: Where an exporter ships supplies or equipment to his foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, documentary evidence of an order is not required. The applicant must, however, submit a full statement of the nature of the transaction or arrangement, explaining the end uses of the commodities involved. When commodities are to be exported under any other arrangement, a full statement of the nature of the transaction must likewise be submitted.

(4) *Retention of documents.* The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined herein, or other transaction referred to in subparagraph (3) of this paragraph, must be kept available for inspection, upon demand, by the Office of International Trade for three years from the date of receipt of the application, as shown on the acknowledgment card, Form IT–116.

NOTE: The Office of International Trade may request either the originals of the documents constituting the evidence, or photostatic or other copies thereof. The time and manner of submission will be made known to the applicant at the time the request for submission is made. Photostatic or other copies must be certified by the applicant to be true copies of the originals, as provided in § 372.9 of this subchapter.

All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

(5) *Changes in orders or facts relating to the purchase or other transaction.* Answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Office of International Trade, whether a license has been granted or the application is still under consideration. If a license has been granted, such change shall be reported immediately to the Department of Commerce, in accordance with the provisions of Part 380 of this subchapter, even though shipments against the license may be partially or wholly completed.

NOTE: Change in intermediate consignee must be reported on shipper's export declaration, and in certain cases an amendment to the export license is required. (See item 5 of the Interpretive Statement following § 372.2, and § 380.2 (f) of this subchapter.)

Changes in facts relating to MSA authorization should be reported if such authorization was indicated in application; otherwise such disclosure should be made in the fourth copy of the shipper's export declaration, if required by terms of the license. (See § 379.1 (c) of this subchapter.)

(6) *Export licenses related to complete applications.* Although the export licenses issued by the Department of Commerce may not set forth all the facts relating to the export transaction that are contained in the license application and supporting documents, any validated export license issued is valid for use only with respect to the specific export transaction described in the license application and supporting documents, unless otherwise provided by the export license.

§ 372.2 *Applications for license*—(a) *Who may apply.* License applications may be made by any person subject to the jurisdiction of the United States, who is in fact the exporter, or by his duly authorized agent. In either instance, the exporter must be shown as the applicant.

NOTE: Applications may be made by any person, including a corporation or partnership, who is in fact the exporter. However, no application of any person not subject to the jurisdiction of the United States will be considered unless such application is made on his behalf by an authorized agent in the United States. The agent authorized to file the application then becomes the applicant. Any applicant to whom an export license is issued becomes the licensee and will be held strictly accountable for use of the license, whether as a principal exporting for his own account or as an agent acting for the account of a principal or foreign importer who is not subject to the jurisdiction of the United States. The designation of an agent as licensee in no way lessens the responsibility of his foreign principal as a party in interest to the transaction.

INTERPRETIVE STATEMENT REGARDING APPLICANTS, LICENSEES, AND PARTIES

1. *Requirement to disclose parties in interest.* The policies of export control require the fullest disclosure by the applicant of all parties in interest in order that decisions on applications may be made with the fullest knowledge of all relevant facts and that the identity and whereabouts of the persons who know most about the transactions may be easily ascertained in the event of inquiry.

2. *Information required on license applications.* There must be shown on applications for licenses all parties who are concerned in the proposed exportation, participating on their own account: the applicant, as exporter, the ultimate consignee, the intermediate consignee, and the purchaser, all as herein defined. If the application is filed for an account other than that of the applicant, the agent, as applicant, must disclose the name of his foreign principal for whose account the exportation is to be made. The true parties in interest as known to the applicant must be disclosed.

It is realized that there may be cases in which more than one person in a transaction may fairly be described as being a principal. However, in such cases, the application should be accompanied by a statement giving the names and addresses of such other persons and their roles in the transaction in question. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose, a separate statement attached to the application will be acceptable.

The Note following § 372.3 contains detailed instructions for preparing applications for licenses (Form IT–419), including provisions for identifying the persons participating in a transaction.

3. *Applicant: licensee.* The applicant for a license should be that person who, as the principal party in interest in the transaction of exportation, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter. For this purpose it is the identity of the applicant, and his role in the transaction, and not the terms of sale, in which the Office of International Trade is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant; if, on the other hand, he does not assume such responsibility, he is not a proper applicant.

If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter; but, in such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation, in which case the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for a license, he must disclose the name of his principal.

4. *Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the exportation for the designated end use must be named as the ultimate consignee. In all cases, the address of the ultimate consignee must be in the country of destination specified for the proposed exportation. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the ultimate consignee.

5. *Intermediate consignee.* The bank, forwarding agent, or other intermediary (if any) who participates in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee must be named on the application, if known.

In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used must be ascertained and set forth on the shipper's export declaration, whether or not named on the license application or validated license. (See § 379.2 (a) (2) of this subchapter.)

Amendment of the export license is required if the intermediate consignee to be used in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license. (See § 380.2 (f) of this subchapter.)

The name and address of the intermediate consignee need not be shown on the commercial invoice. However, pursuant to the destination control provisions of § 381.4 (d) (1) of this subchapter, a copy of the commercial invoice or bill of lading containing the destination statement provided thereunder must be sent to any intermediate consignee.

6. *Purchaser.* The person abroad who has entered into the export transaction with the applicant to purchase the articles or materials for delivery to the ultimate consignee must be named as the purchaser. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as the purchaser.

7. *Responsibility of licensee.* Any person obtaining a license, whether as a principal exporting for his own account or as an agent of a foreign principal, thereby assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all of its terms and conditions. Ordinarily, therefore, a seller who delivers commodities in this country to a foreign buyer or to the latter's forwarder or other agent would not be in a position to assume such responsibility and so would not be a proper applicant.

This would normally be the situation where the sale is made f. o. b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

8. *Legal liability for violations.* Insofar as legal liability for any violation of the export-control law and regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the formal applicant for the export license. In any particular transaction, for example, whoever, whether acting as principal (seller or buyer) or as agent for the seller or buyer, such as a freight forwarder, purchasing agent for a foreign buyer, broker, or any employee of such persons, knowingly facilitates an unlawful exportation may be held accountable as though he were the exporter. Any attempt to export commodities differing in any way from those licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress.

(b) *Separate applications for each commodity.*[1] A separate and complete application must be submitted for each commodity to each consignee in each country of destination except as otherwise specifically provided by the other provisions of Parts 370 to 399, inclusive, of this subchapter.

(c) *Single applications for related commodities.* (1) A single application for an individual license may include a group of related commodities. Related commodities are commodities which have the same processing code symbol and the same number following such symbol on the Positive List of Commodities (§ 399.1 of this subchapter). Unless the processing code symbol is followed by a number, the commodity is excluded from any related commodity grouping.

(2) RO commodities may not be included on the same application with R commodities.

(3) The application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole, and either approved or rejected in its entirety.

(4) Additional sheets listing related commodities must be attached securely to the application form.

NOTE: For example, any of the rubber and manufactures, Schedule B Nos. 200100–209800, which have the processing code RUBR 2 may be combined on one application form, but not with commodities having a different symbol or number.

(d) *Applications to cover partial or periodic shipments.* Where partial or periodic shipments of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of commodities to be so exported.

(e) *Applications for separate or additional licenses for making partial shipments by mail*—(1) *Partial shipments expected when application is submitted.* Where an exporter, at the time of applying for an export license, expects to make one or more partial shipments by parcel post against one order, he may submit one application to obtain separate licenses for each anticipated partial shipment by mail against such order. In such case, the applicant shall indicate in the commodity description column of the application the quantity of each partial shipment and note across the bottom of the column "Anticipated Partial Shipments by Mail Against One Order."

(2) *Partial shipment made after license is issued.* Where an exporter has not anticipated he would make partial shipments and is required to surrender an outstanding validated export license to a postmaster in order to make a partial shipment by mail of the quantity covered by the export license (see § 379.1 (f) (1) of this subchapter), he may obtain a duplicate(s) of such license covering the quantity of the unshipped balance, by submitting to the Office of International Trade a letter setting forth the following information:

(i) That the original license assigned Case No. ------ and License No. ------ issued to ----------
(Name and address of licensee)
has been surrendered to the postmaster at ---------- on ----------
(Address) (Date of shipment)
when partial shipment was made.

(ii) The quantity of commodities that have been shipped under the original license.

(iii) The number of separate shipments to be made against the unshipped balance of the original license, and the quantities to be included in each such shipment.

(f) *Second applications.* A second application covering the same proposed exportation shall not be submitted pending action on the first application.

NOTE: When an application has been returned without action to the applicant and is being resubmitted, a new application should not be filled out unless the necessary alterations on the old application would be too difficult to make or illegible. In those instances where a new application is submitted, the original OIT case number should be typed or written in ink on the new application Form IT–419, in the space provided for previous OIT case number. When a new application is submitted, the original application must be attached to the new application.

When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

§ 372.3 *How to file an application for export license*—(a) *Time of submission.* Specific filing dates are established for certain Positive List commodities.[2] Applications for licenses to export such commodities shall be submitted at such times or during such periods as are announced in Current Export Bulletins. Applications for licenses to export commodities for which no specific filing dates are announced may be submitted at any time.

(b) *Form and manner of filing.* Application for a license shall be made on the form or forms and in the manner prescribed by the Department of Commerce. All terms, conditions, provisions, and instructions, including the applicant's certificate, contained in such form or forms are hereby incorporated as a part of the regulations in Parts 370 to 399, inclusive, of this subchapter. The return post card furnished with each application must be filled in and submitted to the Department of Commerce with the application.

(c) *Information required.* The following general provisions shall govern all

[1] See § 372.7 for submission of related applications for unit consideration.

[2] § 373.51 of this subchapter.

applications for export licenses submitted on Form IT–419 (whether the applicant uses Form IT–419 (Revised August 1949 and August 1950), or the Form IT–419 (Revised September 10, 1951)):

The applicant must state, among other things, for each item listed, (1) the quantity to be shipped, (2) a description in sufficient detail to permit accurate identification, including its Schedule B number and (3) the total selling price of the item and its price per unit.

NOTE: 1. *Application forms.* Applications for validated licenses must be submitted on Form IT-419 (revised August 1949), Application for Export License, accompanied by Form IT-116 (revised August 1949), Acknowledgment Card. An application is incomplete and will be returned to the applicant unless accompanied by the acknowledgment card.

Application forms IT-419 and IT-116 may be obtained by writing to any Field Office of the Department of Commerce.

Exporters may print facsimiles of Form IT-419 with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, ink color, and typographic arrangement.

2. *Preparation of Form IT-419 (Revised August 1949 and August 1950).* The following instructions apply to the preparation of applications, Form IT-419 (Revised August 1949 and August 1950), for all types of validated export licenses issued by the Department of Commerce, except as modified by special licensing procedures and provisions contained in Parts 372 through 375 of this subchapter.

A separate application must be filed for each entry on the Positive List, except when two or more entries have the same processing code and related commodity group number. (See § 372.2 (b) and (c).)

Applications should be typewritten, but will be accepted if written legibly in ink.

Only the original (green ink) copy need be submitted. The duplicate (applicant's file copy) may be retained by the applicant.

Item 1, name of applicant (exporter): Enter the name and address of the corporation, partnership, or individual who is in fact the exporter. The name of an agent for the applicant may not be shown except when the exporter in fact is not subject to the jurisdiction of the United States and the application is being filed in his behalf by his authorized agent in the United States. (See § 372.2 (a).)

Item 2, date of application: Enter the date of the application.

Item 3, country of ultimate destination: The country of final destination is to be entered, not a country through which the exportation may travel in transit to its final destination. This destination must be the same as that shown as the address of the ultimate consignee in item 8 (a). (See §§ 372.2 (a); 381.1 (b); 381.4 of this subchapter.) (See exception in § 372.5.)

Item 4 (a), applicant's reference number: This item is for applicant's use for identifying the application and material concerning it in his files. If a reference number is used, it should appear on Form IT–116 and all documents which accompany the application. If applicant has no reference number, he may leave this space blank.

Item 4 (b), previous OIT case number: This item should be answered only when a previous application covering the same transaction has been returned without action or rejected, and a new application form is being submitted. (See §§ 372.2 (f); 383.1 (f) of this subchapter.)

Item 5, import license or authorization number: Answer this item only when specifically required by current regulations.

Item 6, MSA authorization: If the exportation is to be made under the Mutual Security Program, enter the number and symbol of the procurement or loan authorization under which foreign purchaser is importing. If such number and symbol are unknown or not assigned at the time application is filed, state "unknown," or "not yet assigned."

Item 7, name of principal: If the applicant named in item 1 is acting as an agent for the true exporter who is not subject to the jurisdiction of the United States, enter the name and address of the principal for whose account the exportation is to be made. Describe the facts of the case, using a separate sheet if more space is necessary. (See § 372.2 (a).)

Item 8 (a), ultimate consignee in foreign country: Enter the name and address of the firm or person who is actually to receive the articles or materials for the end use set forth in item 10. If such firm or person is not also the purchaser, the name of the purchaser should not be entered in this space but should appear in item 8 (c). The address shown for the ultimate consignee must be the same country as the final destination (item 3). Do not enter the name of a forwarding agent, freight forwarder, or other intermediate consignee in this space. (See § 372.2 (a).) (See exception in § 372.5.)

Item 8 (b), intermediate consignee in foreign country: Enter the name and address of the bank, forwarding agent, freight forwarder, or other intermediary, if any, in a foreign country who is to act as an agent of either the exporter, the ultimate consignee, or the purchaser, in effecting delivery of the exportation to the ultimate consignee. If no intermediary is to be used, applicant should state "none"; or if same as ultimate consignee, "same." If, at the time the application for export license is submitted, the intermediate consignee is not known, the applicant may state "unknown."

In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee must be ascertained and set forth on the shipper's export declaration, whether or not named on the license application or validated license. (See § 379.2 (a) (2) of this subchapter.) (For situations where amendment of license is required prior to clearance in respect to intermediate consignee, see § 380.2 (f) of this subchapter.)

Item 8 (c), purchaser in foreign country: Enter the name and address of the firm or person abroad who has entered into the transaction with the applicant to purchase the articles or materials for delivery to the ultimate consignee. If such firm or person is the same as the ultimate consignee, state "same." (See § 372.2 (a).)

Item 9 (a), quantity to be shipped: Enter the total number of units of the material to be exported, using the unit of quantity shown in the Positive List of Commodities (§ 399.1 of this subchapter), and also in trade units, where different; where no unit of quantity is shown, show the unit commonly used in the trade. (See § 372.11 (c).) (Variations in the net quantity specified are permitted only within the tolerance limits described in § 372.12.)

Item 9 (b), commodity description: Describe the articles or materials in terms which correspond with the commodity descriptions shown for them in Schedule B (revised January 1952). Furnish additional details to the extent necessary for identification of the specific items classified under a particular Schedule B number on the Positive List. (Include composition, type, size, gauge, grade, horsepower, etc., where applicable; show brand or trade names, catalog numbers, or other trade characteristics which will aid in exact identification of the commodities.) If there are reasons or specifications which make the commodities unusable or unsalable in the United States, so state.

The foregoing general provisions regarding commodity descriptions are modified and supplemented by special provisions governing applications covering certain stated commodities. (See Part 373 of this subchapter.)

Item 9 (c), Schedule B number, processing code, and related commodity group: Enter the Schedule B number for each commodity, as shown on the Positive List of Commodities; also the processing code and related commodity group number (the numeral following the processing code), if any. The processing code (and related commodity group number, if any) should be followed by a dash and the letters "RO" if the commodity to be exported is an "RO" commodity; if an "R" commodity, the letter "R" should be shown. A separate application must be filed for each entry on the Positive List except for two or more entries having the same processing code and related commodity group number. (See §§ 372.2 (b), (c) and 372.6; also § 399.1 of this subchapter; General Notes to Appendix A, paragraph (f).)

Item 9 (d), selling price and point of delivery: Enter the total price to be received for each commodity shown on the application, specifying the particular form of quotation, such as f. o. b. (factory) f. a. s. (named port), etc., and naming the point of delivery. The unit price should also be shown except where a large variety of products within a single Schedule B classification makes the break-down impracticable. In such cases, only the total price need be shown, but the applicant must be prepared, upon request of the Office of International Trade, to submit a detailed statement of unit selling prices.

For applications covering certain RO commodities on the Positive List, the price stated must be the export contract price, and the point of delivery must be clearly indicated. Where normal trade practices for a given commodity make it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated. Do not use general statements such as "market price at time of delivery or shipment." (See § 373.1 (a) of this subchapter.)

Item 10, end use: Intended end use, an important factor in determining issuance of a license, must be fully and explicitly set forth in this item. Select from the following general statements of end use the one(s) which apply to the proposed exportation, entering in item 10 the letter(s) which correspond with the statement(s):

(a) For purchaser's own use.

(b) For resale in the open market or for conversion into goods to be so marketed, stating what will be produced or manufactured.

(c) For a service to be rendered, indicating how the item(s) described will be used in the service.

(d) For new construction or expansion.

(e) For maintenance, repair, or operation of existing facilities.

(f) To enable the purchaser to produce and export needed materials.

(g) To be reexported, and, if so, to what country.

(h) To fill a specific need endorsed as of high priority by the government of the receiving country, stating the need and the nature of the endorsement.

(i) Other (specify).

The general statement(s) corresponding with the letters entered in item 10 should be supplemented with a detailed description of the specific use of the proposed exportation and its ultimate significance in the economy of the country of destination. The applicant should state what will be produced or manufactured, the nature of the service to be rendered, and the urgency of the need of the materials to be exported in accomplishing the stated purpose. The particular industry, mine, shipyard, etc., where the end use will be accomplished should be identified.

Item 11, availability of material to be exported: Only applicable parts of item 11 need be answered. For example, a producer or manufacturer of the materials to be exported need answer only part (a). A nonproducer should answer such parts of this item as will indicate the exact status of his procurement of the commodities to be exported, giving the name of his supplier and the approximate delivery date. Licenses to export certain commodities will be granted only when answers to this item indicate that the commodities are actually available to the applicant from the named supplier within the date covered by the validity period of the license. (See part 373 of this subchapter.)

Item 12, addressee to whom license is to be sent: If the applicant wishes the license, if issued, to be sent to an agent, to whom he has delegated authority to receive and sign the license, the name and address of such agent should be entered in this item. (See part 379 of this subchapter; also § 381.3 of this subchapter.)

Item 13, signature: The name of the applicant, as it appears in item 1, must be entered on the designated line to the left. The signature of the applicant, or his officer or duly authorized agent, must appear in ink on the center line as indicated. The name and title of the person who signs must be typed or printed legibly on the designated line to the right.

Unsigned applications will be returned to the applicant without action.

3. *Preparation of Form IT-419 (Revised September 10, 1951).* The following instructions apply to the preparation of applications on Form IT-419 (Revised September 10, 1951) for all types of validated export licenses issued by the Department of Commerce, except as modified by special licensing procedures and provisions contained in Parts 372 through 375 of this subchapter. (See Note 2 above.)

Item 1: The name and address of the applicant must be entered in Item 1. (See § 372.2 (a), Who May Apply.)

Item 2. The address of the collector of customs through whom shipment is to be made must be entered in this space. Give name of port; if unknown, state "Unknown." If export is to be by mail, so state.

Item 3: The person named as purchaser should be the person abroad who has entered into the export transaction with the applicant. If such person is the same as the ultimate consignee, applicant should state "Same."

Item 4. The name and address of the applicant or person authorized by the applicant to receive the license, if issued, should be entered in this space.

Item 5: The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. Transshipment or diversion of commodities from country of final (ultimate) destination are violations and punishable by imprisonment or fine, unless authorized by OIT.

Item 6: Enter the import permit number or MSA authorization number, if required by specific regulations. If application is related to the Mutual Security Program, the identification number and symbol of the procurement authorization or loan authorization under which the foreign customer is entitled to import should be inserted, if known; if unknown or not yet assigned, so indicate.

Item 7: The person named as ultimate consignee should be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as the intermediate consignee. A statement of ultimate destination and prohibition against diversion must be placed on shipper's export declaration, bills of lading and commercial invoices for various export shipments as provided by § 381.4 of the Comprehensive Export Schedule.

Item 8: The intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. If no intermediary is to be used, state "None;" if unknown at time of application, state "Unknown." In all cases the actual intermediate consignee (name and address) must be ascertained and disclosed on shipper's export declaration filed before exportation. In certain cases amendment of the license also is required.

Item 9 (a): Give the quantity to be shipped, using units specified in the 1952 edition of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States[3] (unless otherwise specified in the Comprehensive Export Schedule) and also in trade units, where different.

Item 9 (b): Commodities must be described in terms which correspond with the commodity descriptions in Schedule B. Additional details must be furnished to the extent necessary for identification of the specific items so classified. (Include basic ingredients, composition, type, size, gauge, grade, horsepower, etc., where applicable. Show brand or trade names, catalog numbers, or other trade characteristics which will aid in exact identification of commodities.)

Item 9 (c): The Schedule B number, processing code, and related commodity group number, if any, must be shown in this column. (Unless the processing code is followed by a related commodity group number, a separate application must be filed for each entry on the Positive List of Commodities.)

Item 9 (d): Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified. If accepted order is involved, the price stated must be the export contract price, and point of delivery must be clearly indicated. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price, at the time of delivery of shipment" or other such general statement of price, will not be acceptable.

Item 10: If the applicant is exporting for other than his own account, the name and address of the foreign principal must be shown and an explanation of the transaction given in full. (See Interpretive Statement Regarding Applicants, Licensees, and Parties following paragraph (a) of § 372.2.)

Item 11: This item relates to the availability to the applicant of the material to be exported. If not the producer, applicant must show status of delivery by answering (b) or (c).

Item 12: End use of commodities covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as required by the regulations. Applicant should indicate clearly the end use for which material is to be exported, e. g.:

For purchaser's own personal use;

For resale in country of ultimate destination and consumption in that country;

For a service to be rendered, indicating how the item(s) described herein will be used in this service;

For new construction or expansion;

For maintenance, repair, or operation of existing facilities;

To enable the purchaser to produce the following needed materials or products for export to (insert country);

To be reexported and, if so, to what country;

To fill a specific need endorsed as of high priority by the government of the receiving country, stating the need and the nature of the endorsement;

However, end-use statements consisting of brief outlines (such as above) are not considered sufficient in themselves. A complete and detailed description of end use is required.

Item 13: The date of the application must be shown.

Item 14: The applicant's reference number may be used for applicant's convenience.

Item 15: If a previous application covering this same transaction has been submitted, the OIT case number must be entered in this space (see § 372.2(f) and note thereto). (To be answered only when the application covers the same transaction for which a previous application was returned without action, or rejected, by OIT. Exporters must *not* submit a duplicate application to cover any transaction for which an application for export license is still pending before OIT.)

Item 16: Application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.) The name of the applicant and the name and title of person who signs the application must also be typed or printed legibly in the space provided. Sign the original copy.

4. *Preparation of Form IT–116.* An acknowledgement card, Form IT–116 (revised), with both portions completely and correctly filled out, must accompany each license application.

This card must be made out in the name of the applicant, as shown in item 1 of Form IT–419 (revised). Upon receipt of the application, the Office of International Trade will enter on the card the case number assigned to the application, and the date of receipt, detaching and returning to the applicant the return portion (applicant's copy).

If the application is submitted by an agent, or if the applicant wishes an agent to receive an acknowledgment card, the upper portion only (applicant's copy) of an additional acknowledgment card may be filled out in the name of the agent and submitted with the application.

The date of application, applicant's reference number (if any), country of destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form IT–419 (revised). Only a brief commodity description is required to be shown on Form IT–116.

5. *Assembly and submission of applications.* All documents or correspondence accompanying the license application, bearing the applicant's reference number, if any, should be firmly stapled together in the upper left-hand corner.

Form IT–116 (revised), typed side up, should be attached with a paper clip (not stapled) to the upper left-hand corner of Form IT–419 (revised). The two portions of Form IT–116 should not be separated.

Applications should be submitted (preferably by mail) to the Office of International Trade, Washington 25, D. C.

[3] For sale by Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., and at all field offices of the Department of Commerce.

Applications which omit essential information will be returned without action.

6. *Inquiries and correspondence.* Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of 4 weeks after receipt of returned acknowledgement card, Form IT–116, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

Requests for information concerning the application of regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

When inquiries are made concerning the status of applications, the following reference information is required:

(a) Name of applicant.
(b) Case number assigned on return postcard.
(c) Date of application.
(d) Country of destination.
(e) Name of consignee.
(f) Name, quantity, and value of commodity shown on application. (Specific information is essential for identification.)
(g) Schedule B number.
(h) Processing code.

Information as to the probable action of the Office of International Trade respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

A supporting letter should give additional information only for the application to which it is attached.

When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, postal zone number, and State, must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of these requests by the telegraph companies.

Telegraphic replies will be made at the expense of the inquirer.

7. *Clearance by teletype.* In case of emergency, the Office of International Trade will, upon approving an application for export license, authorize clearance by teletype or telephone call to the appropriate collector of customs. In such cases, the license is not sent to the licensee, but to the collector of customs with whom the clearance has been authorized by OIT.

(d) *Data supplementing the license application*—(1) *Scope.* The provisions of this paragraph apply to all proposed shipments for which validated export licenses are required where the country of ultimate destination is a country in Group R, unless the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) The application for license to export the proposed shipment is covered by an import certificate submitted in accordance with § 373.34 of this subchapter.

(ii) The total value of the shipment, as shown on the license application, is less than $500 and the shipment is not covered by a multiple-transaction statement submitted in accordance with § 372.3 (d) (3).

(iii) Shipment will be made under a project license issued or to be issued as set forth in Part 374 of this subchapter.

(iv) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser (if different from the ultimate consignee) is also a foreign government or a foreign government agency.

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, Department of State, to a member agency in the foreign country.

NOTE: These facts and representations set forth in subparagraph (2) of this paragraph need not be made by the ultimate consignee where the license applicant is the same person as the ultimate consignee in the country of ultimate destination provided the applicant furnishes on his license application all the applicable information required in subparagraph (2) of this paragraph. This condition is not present where the applicant and consignee are separate entities, such as parent and subsidiary, or affiliated or associated firms.

(2) *Statement from ultimate consignee.* The applicant must attach to each license application to export any commodity to a Group R destination a true copy of a statement or order manually signed by a responsible official of the ultimate consignee named in his application, certifying the following facts with respect to each commodity. Such statements may be submitted on Form IT–842, or in the form of a letter, wire or cable.[1] Statements from the ultimate consignee by wire or cable may be accepted even though not signed manually.

(i) The ultimate destination of the commodity or commodities described in the application (items 9 and 10 of Form IT–842[1]).

(ii) The end use of such commodity or commodities, which must be a detailed description of the specific use to which the commodity or commodities will be put in the country of ultimate destination. If the ultimate consignee intends to distribute or resell, such statement must either contain assurance that distribution and resale will be made only in the country named as ultimate destination or must name all of the other countries in which resale or distribution will be made. The ultimate consignee must also describe the types of customers to whom the resale or distribution will be made and the specific end use to be made of the commodity by such customers. If the ultimate consignee or his customers will use the commodity to produce other end products, these must be named and the country or countries in which such end products will be distributed must also be named, if these facts are known (items 7 and 10 of Form IT–842[1]).

(iii) A description of the export transaction sufficient to identify it as the same transaction described in the application (items 1, 2, 3, 4 and 5 of Form IT–842[1]).

(iv) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in his statement which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement, he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 12 of Form IT–842[1]).

(v) An undertaking that the commodity or commodities covered by the statement, and any final products thereof, will not be sold or distributed by the person making the statement, or by his customers in any country or countries not named in the statement (items 9 and 10 of Form IT–842[1]).

NOTE: United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for all license applications to be submitted in connection with the importer's order.

(3) *Multiple transaction statement from ultimate consignee.* As an alternative to subparagraph (2) of this paragraph, which provides that each application for license shall be accompanied by a separate statement specifically covering the proposed exportation described in each application, the following procedure is authorized:

Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same kind of commodities to the same destinations and for the same end uses, may submit to the Office of International Trade the original or a copy of a statement on Form IT–843[1][2] manually signed by a responsible official of the ultimate consignee covering all proposed exportations of such commodities for any part or all of the year beginning July 1, 1952, and ending June 30, 1953. If this procedure is used, the exporter shall also submit two copies[3] of the statement, plus an additional copy for each OIT processing code to which the statement applies. When submitting such statements, the exporter must attach a list of the processing codes to which the statement applies.

All applications for licenses submitted on the basis of a multiple transaction statement under this procedure must contain the following:

This application is supported by the statement dated ---------- from the named consignee to this applicant.

The statement must be signed by the ultimate consignee, and must contain the following representations and certify as to the following facts:

(i) That the statement shall be considered a part of every application for license filed by the named applicant for export of the commodity or commodities described in the statement (item 4 of Form IT–843[1]).

(ii) That the ultimate consignee will promptly send a supplemental statement to the United States exporter of any change of facts or intentions set forth in the statement which occurs after the statement has been prepared and forwarded; and that, with respect to any shipment which he proposes to dispose of contrary to the representations made in the statement, he will notify the U. S. exporter and will secure approval of the Office of International Trade through the U. S. exporter prior to such disposition (item 13 of Form IT–843[1]).

(iii) The nature of the ultimate consignee's business, including whether he is the user, seller, etc., of the commodities described in the application (item 6 of Form IT–843[1]).

(iv) The nature of the consignee's business relationship with the applicant, and how long the relationship has existed (item 7 of Form IT–843[1]).

(v) The nature and scope or extent of the ultimate consignee's operations by country and type of customer, including the method of distribution and redistribution, if any, of the commodities covered by the statement or products thereof (items 9, 10, and 11 of Form IT–843[1]).

(vi) The specific commodities regularly ordered by the ultimate consignee and the respective end uses thereof. The end-use information shall be set forth in as much detail as is known to the consignee in the course of his trade (items 5 and 8 of Form IT–843[1]).

(vii) If the ultimate consignee regularly sells or distributes a commodity or commodities described in the statement to a particular customer or type of customer, the ultimate consignee shall also describe the kind of products to be produced from the commodity or commodities, and to the extent known, the countries in which such products are produced and distributed (item 11 of Form IT–843[1]).

(viii) The country or countries where the commodity or commodities covered by the statement, and any final products thereof, will be sold or distributed by the person making the statement, or by his customers (items 10 and 11 of Form IT–843[1]).

(4) *Statement from foreign purchaser.* If a purchaser named in any such application is a different person from the named ultimate consignee, the purchaser must either sign the statement from the ultimate consignee or the applicant must also attach to the application the additional statement or order (or wire or cable) executed by such purchaser covering the same subject matter as that required to be furnished by the ultimate consignee.

[1] Forms IT–842 and IT–843 may be obtained at all Department of Commerce Field Offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms IT–842 and IT–843 from their United States exporters or from any United States Diplomatic and Consular Office abroad.

[2] Use of this form becomes mandatory on and after July 1, 1952. Multiple-transaction statements accepted by the Office of International Trade before this date in accordance with provisions in effect prior to March 13, 1952, will remain valid only through June 30, 1952.

[3] See footnote to subparagraph (2) of this paragraph.

[4] The U. S. exporter may submit the original statement in lieu of one true copy if desired. Each copy submitted but not originally signed by the consignee or purchaser must be certified to be a true copy of the original, as provided in § 372.9.

EXPLANATORY STATEMENT AND INTERPRETATIONS

1. Q. What is the multiple-transactions procedure?

A. Many exporters have a continuing and regular relationship with certain of their foreign consignees involving recurring orders for the same kinds of commodities to the same ultimate destinations and for the same end uses. Such cases include, but are not limited to, firms having foreign branches or subsidiaries or franchised distributors. With respect to such transactions, it is recognized that the requirement of individual "ultimate consignee" statements with each application may be unnecessarily repetitious and possibly burdensome. To meet this problem, the multiple-transactions procedure has been established by which the Office of International Trade will accept a single statement from the ultimate consignee covering the information required by the regulation.

Under the multiple-transactions procedure, the single statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, or if the date is December 31, 1951, or March 31, 1952, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1952. If there is any future change in the matters set forth in the statement, the consignee must promptly send the applicant a supplemental statement reflecting such change. The statement must be signed by a responsible official of the ultimate consignee who may be located either in the United States or abroad.

Under the multiple-transaction procedure, the statement (Form IT–843) will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until the date shown on the statement as its expiration date. However, if the statement does not contain any date for expiration, the statement will be treated as a part of every application filed by the applicant for export of a commodity to the consignee until June 30, 1953.

2. Q. What is the purpose of the Ultimate Consignee Statement Regulation?

A. Applicants have always been required to submit on their applications information regarding the ultimate destination and end use of the commodities to be exported. It had been OIT practice to rely largely upon the applicant's own representations in this regard, supplemented, in proper cases, by direct inquiries here and abroad to verify such representations. Many applicants have regularly been obtaining information of this character from their customers to provide assurance to themselves for the representations which they have been required to make in their applications. Moreover, such information has been readily made available to OIT by applicants and foreign consignees in specific instances.

The regulation is intended simply to regularize these practices and, more specifically, to make more certain that foreign consignees are fully aware of their responsibility not only for the representations made to OIT but also for the proper disposition of the licensed commodities in the foreign country. In addition, it should facilitate the processing of applications and curtail the expensive and time-consuming supplementary inquiries now often necessary.

3. Q. To what cases does this requirement apply?

A. This statement is required only in connection with applications for validated licenses to ship commodities to Group R destinations (except project licenses, for which such information is already required).

4. Q. From whom is the statement required?

A. The statement must be furnished by the firm or individual that will be named as ultimate consignee on the application and also from the firm or individual that will be named as purchaser on the application, if not the same as the named ultimate consignee.

5. Q. Is any particular form of statement required by OIT?

A. Statements submitted under the multiple procedure must be on Form IT–843. Individual statements may be submitted on Form IT–842, or in the form of a letter, wire, cable, or other statement provided that all the required information is supplied. No form of notarial or other government certification is necessary.

6. Q. Must all the specified items of information be covered in the statement?

A. Yes, to the extent they are pertinent. This is an information-seeking requirement and, therefore, is satisfied by the furnishing of all applicable information. Of course, if applicable information is unknown, that fact should also be disclosed.

7. Q. What is the liability of the ultimate consignee or purchaser for misrepresentations, failure to disclose facts or for disposition of commodities contrary to representations made in the required statement?

A. Depending upon the particular circumstances, such ultimate consignee or purchaser may be subject to administrative action by OIT, looking to suspension or revocation of licensing privileges and denial of other participation in U. S. exports.

8. Q. Will submission of the required information in a statement from the consignee assure the approval of a particular license application?

A. Favorable action is, of course, not assured by the submission of the end-use and destination statement from the consignee. While information regarding end use and destination are essential, other criteria and policies will have to be considered in connection with the issuance of licenses.

9. Q. When the ultimate consignee is a foreign government does this regulation apply?

A. Where the ultimate consignee named in the application is a government or government agency, no statement by such consignee as to end use and destination will be required. However, if a purchaser other than the foreign government or government agency is named on the application in such a transaction, a statement from the purchaser will be required.

10. Q. When exportations are financed by U. S. or International agencies, such as MSA, Export-Import Bank, International Bank, MDAP, etc., will the statement of end-use and destination be required?

A. Yes, because government financing generally is not made with reference to specific transactions.

11. Q. If the foreign party placing the order with the U. S. applicant is a reseller, from whom is the consignee statement required?

A. (a) When the foreign consignee who placed the order with the U. S. supplier is a reseller of goods to whom the U. S. supplier ships directly, the reseller is properly designated as the "ultimate consignee," and a statement from him is required designating the end use as "resale," plus the other pertinent facts required by the regulation.

(b) If the U. S. exporter ships directly to the customer of the foreign reseller, the reseller must be designated as the purchaser, and the customer of the reseller as ultimate consignee. An end-use and destination statement will be required from each of these parties. For example:

If a foreign distributor of automobiles orders and receives delivery of a shipment

from his U. S. supplier, such a distributor shall be designated as the ultimate consignee and a statement of end use and destination from him is required. However, if the foreign distributor places the order with his U. S. supplier with instructions to ship directly to his customer, then the foreign distributor's customer must be designated as ultimate consignee. A statement from each of these parties is required.

In the case of highly strategic commodities and other commodities licensed principally on the basis of end use, the OIT, after receipt of the application, may require additional information (in accordance with the provisions of § 372.10) regarding the use to be made of the commodity by the actual user or consumer, when such additional information is deemed necessary to a proper consideration of the application. This may also include a requirement for a written statement from the actual end user.

12. Q. Who can sign the ultimate consignee statement?

A. A responsible official of the ultimate consignee who can bind the person or firm to its commitments. This official may be located in the United States or in a foreign country.

(5) *Applications filed without statements.* Applications not supplemented by statements (where required) from the ultimate consignee or purchaser will be returned without action to the applicants. However, an applicant who can show to the satisfaction of the Department of Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Department of Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement.

(6) *Statement; commodities added to Positive List.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statement during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee and end use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and the consignee, or other documents from such consignee.

NOTE: 1. *Purchase order.* The statement from the ultimate consignee and purchaser may cover more than one purchase order and one purchase order may involve several commodities; however, the statement shall relate only to purchase orders placed by a single ultimate consignee and a single purchaser with a single United States exporter.

2. *Submission of statements covering several applications.* Where the statement covers commodities for which more than one export license application must be submitted, a true copy of the statement shall be attached to each application to which it is equally applicable. Any application to which a true copy of the statement is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same statement.

3. *True copies and translation requirements.* "True copies" are photostatic or other copies of an original document which are certified by the applicant to be a true copy, either on the face of the photostatic or other copy or on an attachment which identifies the statement. All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service but, if not, must be certified by the applicant to be a correct translation. Exporters may provide their foreign customers with Forms IT-842 and IT-843 translated into the foreign language of the customers. Copies of Forms IT-842 and IT-843 in foreign languages will not be provided by the Office of International Trade. (See § 372.9.)

4. *Applicant's responsibility for full disclosure.* In submitting statements from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.1 of this subchapter, the applicant also shall bring to the attention of the Department of Commerce any change in the facts which were set forth in the first or any such supplementary statements from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser subsequent to the date the statement was made.

5. *Distribution or resale.* If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized.

(c) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination or end-use of the commodities described in the application.

§ 372.4 *License applications for in-transit shipments.*[8] License applications for commodities moving in transit through the United States which may not be exported under the general license GIT must include the name and address of the original consignor, as well as that of the applicant, and bear the notation "In-Transit Shipment" in the commodity description column of the application form.

§ 372.5 *Ship stores, plane stores, supplies, and equipment*—(a) *Exportations requiring validated license.* The provisions of § 371.13 of this subchapter establish general licenses for the exportation of ship stores, plane stores, supplies, and equipment under the conditions prescribed. Where such commodities are not authorized for export by § 371.13 of this subchapter, or where such commodities are not authorized to be exported under any other general license, the exportation must be authorized by a validated license.

NOTE: See § 371.13 (b) of this subchapter on exports to vessels located at foreign ports.

(b) *Preparation of license applications.* Applications for licenses to export ship stores, plane stores, supplies, and equipment shall be prepared on Form IT-419 (Revised) in the manner described in § 372.3 and the Note following § 372.3, with the following modifications:

(1) In the space for applicant, show legal name of applicant (U. S. firm supplying the ship stores, owner of vessel, charterer, or agent, whoever is the exporter). The applicant must be subject to the jurisdiction of the United States.

(2) In the space for ultimate destination, show country of registry of the vessel on which the commodities will be used (even when the vessel is of United States or Canadian registry).

(3) In the space for ultimate consignee, show name and location of the vessel on which the commodities will be used.

(4) In the commodity description column, show name and address of owner of the vessel (or charterer; where vessel is under charter) on which the commodities described in this item will be used, where such person is not the purchaser named in the space for purchaser.

§ 372.6 *Commodities exported for relief or charity.* Applications for validated licenses to export commodities for relief or charity must show not only the appropriate relief category Schedule B number but also the specific Schedule B number established for the commodity when shipped commercially.

§ 372.7 *Unit-process applications*[9]—(a) *Description.* A unit-process procedure is established whereby several applications for individual export licenses covering diverse commodities to be used together and to be shipped to the same consignee, purchaser, and ultimate user may be filed together for the purpose of unit consideration.

(b) *Application requirements.* Under this procedure, applications shall be submitted in accordance with the following provisions:

(1) Each application must be submitted on Form IT-419.

(2) The consignee must be the same on all applications.

(3) The purchaser must be the same on all applications.

(4) The ultimate consumer, distributor-wholesaler, or user must be the same for all applications. (The "user" is the consumer if the licensed material is to be sold to a single buyer; retailer if the commodities are to be sold jointly at retail.)

(5) All the commodities must be intended for use together, the lack of any one rendering the others useless.

(6) The entire group of applications must be firmly stapled together in a single binder clearly marked "Unit Process."

(7) Each such group of applications must be accompanied by an acknowledgment card, Form IT-116.

§ 372.8 *Disclosure of prior action on the shipment*—(a) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Office of International Trade for an export license, who shall know or have reasonable cause to believe that a collector of customs has detained commodities which would be exportable under such license, if granted, shall disclose to the Department of Commerce at the time of applying for such license the fact that the collector of customs has detained the commodities. Any license obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

(b) *Prior exportation without a license.* No export license application shall be submitted to the Office of International Trade covering a shipment that is already laden aboard the exporting carrier or exported. In such cases where the shipment should have been authorized by a validated license, the exporter should send a letter or wire to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C., Attn: IT-1230, explaining why a validated license was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the license application. The Office of International Trade will inform the exporter of its action and instructions to him in the matter by letter. Any license covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

NOTE: See §§ 380.2 (d) and 380.4 (c) of this subchapter with respect to amendments to licenses and extensions of validity periods of licenses to authorize shipments described in this section.

§ 372.9 *Documents accompanying applications for validated licenses*[10]—(a) *Copies may be submitted.* Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, applicants need not submit original documents which they may subsequently require, but in lieu thereof photostatic or other copy of an original document may be submitted, provided the applicant certifies, either on the face of the copy or in an attachment thereto (incorporating such copy by appropriate reference), as follows:

Certified to be a true copy of the original.

(Official title, if any)

Date ---

(b) *Originals must be available.* The Department of Commerce may demand the originals of any copies of documents submitted in support of applications. Such originals must be kept available for inspection, upon the Department's request, for 3 years from the date of receipt of the license application by the Department of Commerce, as shown on the acknowledgment card, Form IT-116.

(c) *Documents submitted with applications.* Documents which are submitted with an application and which will ultimately become a part of the license, such as proposed lists of consignees, or a listing of donors and donees, must be submitted in duplicate, affixed to the application. Such documents will become a part of the license, if issued, and must remain affixed thereto. Other documents submitted in support of an application which will not become a part of the license, such as evidence of accepted orders or evidence of availability of the commodity, need be submitted in one copy only and should be attached to the application.

(d) *Coded terms, foreign languages.* In the case of originals and certified copies of documents all abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

§ 372.10 *Additional information.* Every person applying for an individual or other type of validated license shall, in addition to the information called for in Parts 370 to 399, inclusive, of this subchapter, in connection with such type of license or in the form on which the application is made, furnish such information with respect to such application as may be required by the Department of Commerce.[11]

§ 372.11 *Issuance and use of export licenses*—(a) *Issuance of license document.* When an application for an export license, except in the case of a project license, is duly approved by the Department of Commerce, an export license is issued on a separate document (Form IT-628) authorizing, subject to the provisions of Parts 370 to 399 of this subchapter, and to the terms and provisions of such license, the exportation of the quantity of those commodities described therein. (See §§ 372.3, 372.14, and 381.4.)

NOTE: The fact that the license may indicate the licensee to be an agent of a named principal or foreign importer not subject to the jurisdiction of the United States in no way lessens the responsibility of the agent as licensee or that of his foreign principal as a party in interest to the transaction. (See also Note following § 372.2 (a).)

(b) *Unit-process licenses.* When a unit-process application is approved, each individual export license application in such group will be validated. If any one of the individual applications in the group cannot be approved, the entire unit-process application will be rejected.

NOTE: 1. *Case number.* Each application when received by the Department of Commerce is given a number (the OIT case number) for identification purposes. The number does not indicate whether the application has been rejected or has been validated as a license. The OIT case number appears in the upper right corner.

2. *Validation of IT-628.* Except for project licenses for foreign projects and programs, which are issued on Form IT-419, when an application for export license is approved the license will be issued in the following manner:

(a) Form IT-628 will be prepared, validated, and issued by the Department of Commerce upon approval of a license application for the exportation of commodities to any destination. The license will be validated and identified by a license number in the upper right corner of the document. The license number is composed of a letter and a series of numerals following the validating symbol; for example, A0-2-8-04051, or B01031-33031. The digits immediately following the letter indicate the year, month, and day of validation; the last half of the number is the validating sequence. (A0-2-8 signifies a validating action in the year 1950 (0), in the month of February (2), on the eighth day of the month (8). B01031 signifies a validating action in the year 1950, in the month of October, on the last day of the month.)

(b) The license number of a project license, which is issued on Form IT-419 (see Part 374 of this subchapter), is the number appearing in the upper right corner, the case number originally assigned, as explained in paragraph (1), which becomes the license number when the Form IT-419 is validated and issued as a license.

(c) The perforation stamp previously used for validating export licenses will continue to be used for validating attachments to licenses, such as lists of consignees, donors, donees, etc.

3. *Use of license number.* Exporters are cautioned to use the complete license number (letter, digits indicating date of validation, and digits indicating validating sequence) when preparing shipper's export declarations and other export documents, and when communicating with or requesting services from the Department of Commerce.

(c) *Units of quantity.* Where no unit of quantity is shown in the column on the Positive List headed "Unit" (§ 399.1 of this subchapter), the quantity of such commodities authorized for export is licensed by the Department of Commerce in terms of the total dollar value shown on the licenses. For purposes of consideration of license applications, the Department of Commerce requires that the unit of quantity commonly used in the trade must be shown on the license application for export of such commodities; and although the units of quantity commonly used in the trade may be shown on the export license issued, the quantity of commodities authorized for export by the license is limited entirely by the total dollar value shown on the license.

(d) *Partial shipments.* Partial shipments may be made against a validated export license; however, when shipped by mail, only one shipment, whether complete or partial, may be made.

NOTE: The procedures for obtaining separate or additional licenses when making

[8] For in-transit shipments under general license, see § 371.9 of this subchapter.

[9] See § 372.11 (b) for issuance of unit-process licenses.

[10] See also interpretation following § 373.1 (b) of this subchapter.

[11] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

partial shipments by mail are set forth in § 372.2 (e). The procedures for making shipments by mail are set forth in § 379.1 (f) of this subchapter.

(e) *Validity of licenses.* (1) Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(2) Individual export licenses will be issued for a validity period of 6 months from the date of validation, unless otherwise stated on the face of the license.

NOTE: Refer to Part 373 of this subchapter to determine if the special provisions for a commodity include any particular terms regarding the validity period of the individual export license.

(f) *Shipments against expiring licenses—(1) Commodities ready for loading or laden.* Commodities which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may clear with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities may be cleared for export without an extension of the validity period of the license, if in the judgment of the collector of customs undue hardship would otherwise result.

(2) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be cleared for export except by extension of the validity period of the license by the Department of Commerce.

§ 372.12 *Weight and volume tolerance—(a) 10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

Commodities	Tolerance (percent)
Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales)	2
Sulfur, crude (containing 85% or more sulfur), crushed, ground, refined, sublimed, and flowers (Schedule B Nos. 571410 and 571500)	1
Medicinal and pharmaceutical preparations with processing codes DRUG and ACID, other than radium salts and compounds, Schedule B No. 813593 (Schedule B Nos. 811100 through 818000)	1

(b) *Unit of quantity covered.* (1) This tolerance is allowed only when the unit of quantity called for on the license is in the following weight or volume terms:

Avoirdupois ounce.	Hundredweight (100 pounds).
Bale.	Linear foot.
Barrel.	Linear yard.
Content pound.	Long ton (2,240 pounds).
Cubic foot.	M (1000) board feet.
Gallon.	Milligram.
Gram.	Oxford unit.
	Pound.
	Proof gallon.
	Short ton (2,000 pounds).
	Square foot.
	Square yard.
	Troy ounce.
	U. S. P. unit.

(2) The weight and tolerance provisions of § 372.12 shall not apply to the following units of quantity:

Carat.	Pack.	Roll.
Cell.	Pair.	Round.
Dozen.	Pencil gross.	Set.
Gross.	Piece.	Square.
Number.	Ream.	

(c) *Maximum tolerance allowed.* In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed 10 percent of such quantity.

For example: (1) If the quantity shown on the license is "100,000 pounds," not more than 110,000 pounds may be exported.

(2) If the quantity shown on the license is "100,000 pounds 10 percent more or less," not more than 110,000 pounds may be exported.

(3) If the quantity shown on the license is "approximately 100,000 pounds," not more than 110,000 pounds may be exported.

(d) *Commodities licensed in both container and weight or volume units.* Where commodities are licensed in terms of both standard-size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed: *Provided*, That the number of standard-size container units shall not be increased over the number thereof stated in the license.

For example: If the license authorized the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

(e) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the license remains valid only for the unshipped balance of the licensed commodity plus 10 percent of such balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent shall be applicable as provided in paragraph (c) of this section, regardless of whether partial shipments are made. In the case of raw cotton, except linters, the tolerance shall be 2 percent of the actual quantity stated on the license.

NOTE: When there is a discrepancy in weight or volume within the tolerance allowance between the amount shown on the license and the amount actually shipped, the amount actually shipped shall be noted on the license by the collector of customs at the final port of exit before the license is returned to the Department of Commerce.

When shipments are cleared against a BLT license, the applicable tolerance may be applied to the quantity approved for export to each single consignee, provided, however, that the total amount shipped against the license does not exceed the total amount approved for export plus 10 percent. In other words, the tolerance provisions may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

§ 372.13 *Port of exit*[12]*—(a) Shipments leaving United States before final exportation from United States port.* Commodities which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Department of Commerce shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the collector of customs having possession of the license, through arrangements with the collector of customs at the other port or ports of exit, as provided by the Department of Commerce.

§ 372.14 *Reexportation from country of destination—(a) General provisions.* No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license application as the country of ultimate destination, unless the reexportation has been specifically authorized by the Department of Commerce, except as provided in paragraphs (b) and (c) of this section.

If it is stated in a consignee's statement or on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. Authorization will be granted or withheld by an appropriate statement on the face of the license, as follows:

(a) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(b) "Distribution or resale of the commodities listed above is permitted in (name of country of destination), and (names of other approved countries)."

(b) *Tangier to Morocco.* Validated licenses covering R commodities which permit exportation to Tangier (including the International Zone), French Morocco, or Spanish Morocco are valid for shipment or transshipment of such commodities to Tangier (including the International Zone), French Morocco, or Spanish Morocco.

(c) *Reexportations.* Any commodity that has been exported from the United States may be reexported from any destination to any other destination: *Provided*, That the commodities, at the time of reexportation, may be exported directly from the United States to the

[12] The manner of effecting export clearance from ports of exit is set forth in § 379.1 of this subchapter.

new country of destination under general license GO or GRO.

§ 372.15 *Duplicate licenses.* Where a license is lost or destroyed, a duplicate of such license may be obtained by the licensee by submitting to the Office of International Trade a letter certifying:

(a) That the original license assigned Case No. _____ and License No. _____ (if known) issued to_____

_____
(Name and address of licensee)

has been lost or destroyed.

(b) The circumstances under which it was lost or destroyed.

(c) The quantity of commodities, if any, that have been shipped under the original license and at what port the license was filed.

(d) If the original license is found, the licensee agrees to return the original or duplicate license to the Department of Commerce.

NOTE: Where partial shipments have been made, the duplicate license issued by the Office of International Trade will be mailed directly to the collector's office at the port where the license had been filed.

§ 372.16 *Return of revoked, expired, or unused licenses.* If the license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Department of Commerce, with a covering letter explaining the reason for such return. If the license is not in his possession, the licensee shall so notify the Department of Commerce.

§ 372.17 *Reports.* Any person to whom a validated license has been issued shall file with the Department of Commerce such reports as said Department shall, from time to time, require.[13]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

Sec.
373.1 Export licensing general policy.
373.2 Special provisions for iron and steel.
373.3 Special provisions for manila or sisal fibers.
373.4 Deleted, effective June 1, 1950.
373.5 Special provisions for chemicals and medicinals.
373.6 Special provisions for wet cattle hides.
373.7 Special provisions for machinery and parts.
373.8 Special provisions for certain petroleum products.
373.9 Special provisions for diamonds.
373.10 Deleted, effective September 21, 1950.
373.11 Special provisions for commodities containing certain metals.
373.12 Deleted, effective April 20, 1950.
373.13 See § 380.2 (f).
373.14 Special provisions for certain commodities originating in Japan.
373.15 Deleted, effective December 6, 1951.
373.16 Special provisions for certain commodities; evidence of availability.
373.17 Deleted, effective October 11, 1951.
373.18 Deleted, effective September 17, 1951.
373.19 Export licensing policy for materials covered by NPA M (Materials) orders.
373.20 Special provisions for military wearing apparel.
373.21 Special provisions for commodities containing cobalt.
373.22 Special provisions for exportations to Switzerland.
373.23 Special provisions for exportations to Sweden and the Belgian Congo.
373.24 Statement of past participation in exports for certain commodities.
373.25 Deleted, effective January 31, 1952.
373.26 Special provisions for applications covering commodities for which supply assistance is requested.
373.27 Deleted, effective June 6, 1952.
373.28 Special provisions for exports to serialized mines, smelters and mineral prospecting operations abroad.
373.29 Special provisions for certain totally allocated commodities.
373.30 Deleted, effective April 24, 1952.
373.31 Deleted, effective May 23, 1952.
373.32 Licensing policies for tinplate.
373.33 Deleted, effective May 29, 1952.
373.34 Confirmation of country of ultimate destination and verification of actual delivery.
373.35 Special provisions for plumbers' brass goods.
373.36 Special provisions for human blood plasma.
373.37 Special provisions for cryolite.
373.38 Special provisions for copper under the Controlled Materials Plan.
373.39 Special provisions for tobacco and tobacco products destined to Hong Kong.
373.51 Supplement 1: Time Schedules for Submission of Applications.

AUTHORITY: §§ 373.1 to 373.51 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 373.1 *Export licensing general policy.* The following general, but not exclusive, policy for export licensing and related procedures are hereby established for certain commodities, set forth in paragraph (h) of this section.

(a) *Price—(1) Excessive prices.* Price will be applied as one of the licensing criteria only when the export price for the specific commodity is obviously excessive.

Commodity advisory panels or commodity advisory committees will be consulted whenever possible in determining what constitutes obviously excessive prices.

(2) *Price stated on license applications.* The price to be stated on the export license application must be the export contract price, and the point of delivery must be clearly indicated. If point of delivery is other than the intended port of exit, the intended port of exit must also be shown. The exportation may not be made or invoiced at a price in excess of that stated on the validated license.

(3) *Where firm contract price not set.* Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price, at time of delivery or shipment" or other such general statement of price will not be acceptable.

(b) *Accepted orders; evidence and certification—(1) Accepted order.* Exporters are required to hold, in connection with each license application for commodities set forth in paragraph (h) of this section, an accepted order covering the transaction between the applicant and the foreign buyer. Such transactions may, nevertheless, be conditioned upon satisfactory payment arrangements or upon the issuance of an export license, import permit, exchange permit, or such other government document as may be required.

(2) *Evidence of accepted order.* Evidence of an accepted order may take the form of an original or photostatic copy of either the contract signed by both the exporter and the importer, or of letters, telegrams, cables, or other documents resulting in a contract between the applicant and the foreign buyer. Such evidence must be kept available for inspection upon demand by the Office of International Trade for 3 years from the date of receipt of the application.

(3) *Certification as to accepted order.* (i) With respect to license applications covering diffusion pump oils (Schedule B No. 829980) and all the commodities listed in paragraph (h) of this section, an applicant shall certify in the following form that he holds an accepted order for the commodities covered in the application and that he will keep and will on demand make available to the Office of International Trade the relevant documents or records.

As a material representation in connection with this application _____,
(Applicant's reference No.)
I (we) certify that it represents a request to export commodities which, subject only to conditions beyond the control of either the applicant or named purchaser, the named purchaser has contracted to buy from the applicant, and the applicant has contracted to sell to the named purchaser. This application accurately reflects the terms of this contract. The documents or records evidencing this contract will be kept by this applicant for 3 years from the date of receipt of the application and will be made available to the Office of International Trade upon demand.

The foregoing certification must be made on the license application by executing the form on Form IT-419 (Revised), or on an attachment thereto. The certification must be signed by the applicant, his officer or duly authorized agent in the same manner as the application itself.

(ii) Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the prescribed certification is inapplicable, the applicant should submit a full description of the nature of such transaction in writing to the Assistant Director for Export Supply, Office of International Trade, Washington 25, D. C., with a request for permission to substitute a proposed certification to fit the particular situation.

(4) *Representations; changes in accepted orders.* The answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the contracts as reflected in the application or any certification made in connection therewith, whether a license

[13] Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

has been granted or the application is still under consideration, shall be promptly reported to the Office of International Trade.

INTERPRETATION—EVIDENCE OF AN ACCEPTED ORDER

The following interpretation of § 373.1, Export Licensing General Policy, is issued concerning paragraph (b), Accepted Orders: Evidence and Certification:

1. *Definition.* Evidence of an accepted order means evidence of a contract which binds the exporter to sell and the importer to buy, but which may be conditioned as provided in § 373.1 (b). This contract may take the form of one document signed by both parties, or it may consist of an offer in definite terms made by either party and accepted in those same terms by the other party. Sometimes several documents have to be exchanged before all terms of a contract are agreed upon, and in such a case the documents which embody the agreement would be the evidence of the contract.

2. *Examples of documents which constitute evidence of an accepted order.* The following are examples of documents which ordinarily would constitute evidence of an accepted order:

(a) A contract signed by both exporter and importer.

(b) Telegrams, cables, letters or other documents exchanged between exporter and importer.

3. *Originals and copies of documents.* Originals need not be submitted; but if photostatic or other copies of documents are submitted, they must be certified by the applicant to be true copies of the originals, as provided in § 372.9 of this subchapter. The Department of Commerce may demand the originals of any copies of documents submitted in support of applications.

Applicants may also submit originals or certified copies of any other documents, such as letters of credit, to clarify the terms and conditions of the contract.

All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service but, if not, must be certified by the applicant to be a correct translation.

4. *Shipments to foreign subsidiaries or distributors.* Where an exporter ships supplies or equipment to its foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, evidence of accepted orders need not be submitted. The exporter must, however, submit a full statement of the nature of the transaction or arrangement, together with originals or certified copies of requisitions or other pertinent documents, explaining in such statement the end uses of the commodities involved.

5. *Shipments under other arrangements.* Where the exporter desires to ship commodities abroad under any other arrangement, a full statement of the nature thereof must likewise be submitted, in the manner outlined in paragraph 4 above.

(c) *End use.* Where commodities are licensed for export on the basis of the specific end use to which the material will be applied abroad, applications will be considered for approval only if they conform to appropriate end uses.

(d) *Historical basis for granting export licenses.* A controlling factor in the granting of export licenses covering certain specified commodities (see § 373.24) is the historical basis, whereby the bulk of export quotas is reserved for exporters who have participated in exports of such commodities during a representative base period. Except for such commodities, the historical basis will not be the predominating factor in licensing commodities subject to the provisions of this section; it may, however, be taken into consideration, together with other criteria, when quotas are oversubscribed in order to ensure, insofar as possible, a fair and equitable distribution of available quotas. More particularly, it aids in accomplishing one of the underlying considerations in licensing; namely, the maintenance of a normal pattern of export trade.

(e) *Foreign government recommendations.* The Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose license applications should be approved.

(f) *U. S. and foreign government procurement*—(1) *U. S. Government.* For such purchases as may be made by agencies of the United States Government, licenses, where required, will be issued to the United States purchasing agency or its designee making the export shipment, but such exports will be authorized only where it is evident that the use of private trade channels is inappropriate.

(2) *Foreign governments.* Procurement by foreign governments will be subject to continuous review in line with the announced policy of the United States to maximize the restoration of private trade, and in every instance the foreign government will be requested, before it buys any commodity, to establish the competitive nature of its procurement.

(g) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

(h) *Commodities subject to this export licensing policy.* The export licensing policy set forth in the preceding paragraphs of this section shall be applicable to the following commodities:

(1) All RO commodities with the following processing code symbols of the Department of Commerce:

ACID	NONF	PLAT
DRUG	ORGN	RESN
FERT	PETR	SALT
MINL		

CCTA (except diffusion pump oils, Schedule B No. 829980)

(2) The following additional Positive List commodities:

Commodity	Schedule B No.
Cattle hides, dry	020102
Cattle hides, wet	020104
Calf skins, dry	020602
Calf skins, wet (including slunk skins)	020604
Kip skins, dry	020702
Kip skins, wet	020704
Manila or abaca (including tow)	320515
Sisal	320519
Coke, except petroleum coke	500400
Diamond grinding wheels, sticks, hones, and laps	540805
Diamond powder	540910
Diamonds suitable only for industrial use, n. e. c.	599005
Diamonds, rough or uncut, suitable for cutting into gem stones	599010
Diamond bearings	599998
Iron and steel scrap (except tin plated and terne plated)	601010-601090
Secondary tinplate	604010
Tinplate circles, cobbles, strips, and scroll-shear butts	604120
Tinplate, hot-dipped	604110
Tinplate, electrolytic coated	604150
Tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints	604170
Tools incorporating industrial diamonds, n. e. c.	617901
Core drills, mounted or unmounted	730840
Rock drill bits, core drill bits, and reamers, containing diamonds	730875
Diamond dies for power-driven metalworking machinery (state size)	745503
Diamond penetrators and parts	760990
Diamond disk points and other dental instruments containing diamonds	915000

§ 373.2 *Special provisions for iron and steel*—(a) *Iron and steel products with processing code STEE.* The provisions of this paragraph are applicable to all iron and steel products on the Positive List with the processing code STEE, whether or not subject to the export licensing general policy set forth in § 373.1.

(1) *Applications.* Applications for licenses to export iron and steel products are subject to the individual license procedure. However, for those STEE commodities which are subject to the provisions of the BLT (Blanket) license procedure (see Part 375 of this subchapter), the exporter may use either the BLT (Blanket) license or the individual license procedure.

(2) *Export price.* The export price may be shown on the application form in terms of either the total price, including price per unit, or the supplier's price plus a specified mark-up. This latter method may be used only where the supplier has filed, or files, with the Department of Commerce his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Department of Commerce promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

(b) *Iron and steel commodities subject to export licensing general policy.* All iron and steel products with the processing code STEE which are subject to the export licensing general policy set forth in § 373.1 will be licensed for export in accordance with the following special provisions:

(1) *Evidence of availability of material.* Applicants for licenses to export the iron and steel products described above must submit evidence of availability of the material as provided in § 373.16.

(2) *Time for submission and action on application.* (i) Export license applications must be submitted in accordance with any applicable time schedule.

License applications will be returned without action to the applicant if time schedules for submission are provided but not observed by the applicant; such applications may be resubmitted during the appropriate periods.

(ii) It is the intention of the Office of International Trade to complete licensing iron and steel commodities within 15 days after the closing date for the submission of applications for such commodities, where such closing dates are specified.

(3) *Applications in excess of quotas; refiling.* Applications for which quota is exhausted will be returned without action (RWA) immediately and may not be refiled prior to the date shown on the RWA form. If the letter of acceptance or commitment originally filed is more than 90 days old at the time of refiling of such an application, the letter must be reconfirmed or a new letter must be submitted at the time of refiling.

NOTE: In order to facilitate the consideration of license applications covering proposed exports of iron and steel products, exporters are requested to utilize the BLT (blanket) export license procedure to the fullest extent possible for those iron and steel products which are specifically subject to this procedure. The use of this procedure reduces the number of applications filed for consideration against a given calendar quarter, with a consequent speeding up of licensing operations within the Office of International Trade.

With respect to BLT applications covering such iron and steel products, the Office of International Trade will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more iron or steel out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

(c) *Silicon steel sheets.* In addition to the general provisions contained in paragraph (a) of this section, all license applications to export silicon steel sheets (commonly called electrical sheets), Schedule B No 603595, must, in the commodity description column of Form IT-419, set forth a complete description of the sheets to be exported. The specifications appearing on license applications must agree with those on the supporting documents. The description on the license applications must include: specific grades, such as armature, electric, dynamo, or transformer; core loss for each grade and gauge, expressed in watts per pound at a flux density of 10,000 gausses and at 60 cycles per second. If the core loss appears on the customer's order in metric units or at a flux density of 15,000 gausses, or at 50 cycles, it should be converted and shown in terms of watts per pound at a flux density of 10,000 gausses and at 60 cycles per second.

(d) *Alloy, tool, and stainless steel.* All applications for licenses to export alloy, tool, or stainless steel mill products (bars, rods, sheets, plates, etc.) having the processing code STEE must contain, in the commodity description column of Form IT-419, the following information (in addition to the general description and the Schedule B number, e. g., Alloy Tool Steel Bars, 602650):

(1) Where such steel product is a "standard" grade, the AISI, SAE, or NE number, or any other recognized designation, as may be appropriate; or

(2) Where such steel product cannot be described by a recognized designation, a detailed statement of the percentages of alloying elements present.

(e) *CMP carbon steel, including steel plates and structurals, but not including tinplate.* Applications submitted for licenses to export carbon steel, including steel plates and structurals, but not including tinplate, will be considered for approval by the Office of International Trade only where the end use is:

(1) Essential to direct military production of the United States or of a friendly foreign nation; or

(2) Essential to the production abroad of strategic materials for shipment to the United States or to a friendly nation; or

(3) Essential to direct defense supporting industry, including the facilities required for the production described in either of the two first-named criteria; or

(4) Urgent and essential for the maintenance of basic civilian activities and public services of friendly nations.

§ 373.3 *Special provisions for manila or sisal fibers*—(a) *Application requirements.* All applications to export any manila or sisal raw fibers, Schedule B Nos. 320515 and 320519, must include a statement of the grades of fiber sought to be exported.

(b) *Shipper's export declarations.* All shipper's export declarations covering exportations of manila or sisal raw fibers must include a statement of the grades of fiber to be exported. This description must correspond with the description on the license.

§ 373.4 *Special provisions for unexposed dental X-ray film.* [Deleted, effective June 1, 1950.]

§ 373.5 *Special provisions for chemicals and medicinals*—(a) *General.* All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Bismuth salts and compounds.* All applications for licenses to export bismuth salts and compounds (bulk), Schedule B No. 813583, shall include (in addition to the total net weight of the commodity) the weight in pounds of bismuth contained in the commodity. This information shall be entered in the commodity description column of Form IT-419

(c) *Radioactive isotopes, radium salts and compounds, and radium emanation (radon).* A validated license is required for the export of all commodities containing any form of (1) radioactive isotopes or preparations thereof, (2) radium salts and compounds, or (3) radium emanation (radon), whether for industrial or medicinal purposes, to any foreign destination except Canada. All license applications must contain a description of the type of compound and radium content, if ascertainable. This information shall be entered in the commodity description column of Form IT-419. Such commodities are to be classified under Schedule B No. 829940; except that paints containing radium are to be classified under Schedule B No. 843800, and ferrous or nonferrous commodities containing radium are to be classified under the appropriate Schedule B number in accordance with the provisions of § 373.11 (b).

§ 373.6 *Special provisions for wet cattle hides.* Applications for licenses to export wet cattle hides, Schedule B No. 020104, must show, in the commodity description column of Form IT-419, the number of hides weighing less than 58 pounds each. If no hides weighing less than 58 pounds are included in the proposed shipment, the applicant must so state in the commodity description column.

§ 373.7 *Special provisions for machinery and parts*—(a) *Information required with license applications to export machinery in parts.* All license applications to export machinery, including replacement and repair parts, with the processing codes GLEQ, TRAN, CONS, TOOL, and ELME must include the following information:

(1) A copy or abstract of that part of the contract of sale or sales specification describing the commodity for which the export license is requested. Where there is no contract of sale, or where the contract of sale does not completely describe the commodity, a complete description must be furnished showing, for example, type, trade name, trade symbol, model number, serial number, capacity, type and horsepower of drive, operating pressure and temperature, composition of special metals.

(2) Where reference to a manufacturer's catalog or bulletin is essential to full identification, a copy must be furnished if not previously filed.

(3) With respect to replacement parts, applications must state the range of or specific sizes and types of the units of equipment for which the parts are required, the dollar value and quantity. A detailed list of the parts is required only with respect to automotive replacement parts proposed for export to certain destinations set forth in paragraph (d) of this section.

(4) The MSA authorization number, where known, if machinery or parts have been purchased under Mutual Security Agency authorization.

(b) *Power-generating and other heavy machinery involving long-term production periods*—(1) *Submission of license applications where production time exceeds 1 year.* (i) When submitting license applications to export power-generating and other heavy machinery where production cannot be completed within the original 1-year validity period for the export license, the applicant should advise the Office of International Trade of this fact by attaching to his application a letter requesting that his application be considered in the light of the fact that an extension of the original validity period of the license may be required. This letter of request should include a statement of the present production status and the proposed delivery

dates of the major components which cannot be shipped within 12 months.

(ii) When such a letter does accompany the application, a statement to this effect should be placed in the commodity description column of Form IT-419. The letter will be retained in the files of the Office of International Trade for reference in the event a request for extension is subsequently submitted by the licensee.

(iii) When such a letter of request establishes the merit of a longer validity period for the license, the Office of International Trade will stamp on the face of the validated license the following statement:

> While the Office of International Trade does not as a matter of policy issue export licenses for a validity period greater than 1 year, the Office of International Trade has at present no information which would preclude the extension of this license for an additional period.

(2) *Submission of requests for extension of validity period.* In the event that the exporter is not able to effect shipment of heavy power-generating and other heavy machinery within the validity period of a license issued pursuant to provisions set forth in paragraph (b) (1) of this section, a request for an extension should be made in accordance with procedure set forth in § 380.4 of this subchapter.

In addition, the letter requesting an extension must set forth the current status of production and the proposed delivery dates of major components, as called for in the letter of request described in paragraph (b) (1) of this section.

(3) *Granting of requests for extension.* Requests for extensions of licenses issued under the foregoing procedure authorizing the exportation of heavy power-generating and other heavy machinery will be accorded as favorable consideration by the Office of International Trade as the conditions existing at the time of the requested extension will permit; also such requests will, whenever possible, be given precedence over new license applications covering similar heavy machinery.

(c) *Pumps, compressors, blowers, exhausters, fans, and parts.* (1) In addition to the other information required by paragraph (a) of this section, applications for licenses to export pumping equipment and parts, Schedule B Nos. 770900 through 770990, must include the following information:

(i) Designed delivery pressure at pump discharge in pounds per square inch (for deep well turbine pumps under Schedule B No. 770910, reported pressure is to be the designed delivery pressure at pump discharge as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe);

(ii) Designed working temperature in degrees Fahrenheit for continuous operation;

(iii) Whether fabricated of or lined with any of the corrosion-resistant materials as defined in the "General Notes to Appendix A" (Part 399 of this subchapter.)

(2) In addition to the other information required by paragraph (a) of this section, applications for licenses to export compressors, blowers, exhausters, or fans (classified within Schedule B Nos. 771150 or 770400 through 770775) must include the following information:

(i) Designed working pressure in pounds per square inch, gauge reading;

(ii) Intake capacity in cubic feet per minute;

(iii) Delivery pressure in pounds per square inch, gauge reading, for ejector compressors, centrifugal and mixed flow types of compressors, rotary blowers, and exhausters;

(iv) Whether fabricated of or lined with any of the corrosion-resistant materials, as defined in the "General Notes to Appendix A" (Part 399 of this subchapter).

Applications for licenses to export parts for such compressors, blowers, exhausters, or fans must set forth the specific information described in subdivisions (i) through (iv) of this subparagraph for each compressor, blower, exhauster, or fan for which the parts are intended.

(d) *Automotive replacement parts.* In addition to the information required by paragraph (a) of this section, license applications covering automotive replacement parts for export to certain destinations, as set forth in subparagraphs (1) and (2) of this paragraph, must be filed in accordance with the provisions set forth in subparagraph (3) of this paragraph.

(1) *Commodities.* The provisions of this paragraph are applicable to applications for licenses to export the following commodities to the destinations set forth in subparagraph (2) of this paragraph:

Schedule B No.	Commodity
847400	Carbon brushes for starting, lighting, and ignition equipment (automotive only).
706220	Starting, lighting, and ignition equipment, n. e. c., and specially fabricated parts and accessories, n. e. c. (automotive only) (report spark plugs in 706930).
706100	Ball bearings and specially fabricated parts, except balls (automotive only).
706200	Roller bearings and specially fabricated parts, except rollers (automotive only).
706310	Balls for bearings (automotive only).
706315	Rollers for bearings (automotive only).
	Replacement parts for commercial automobiles, trucks, and buses:
791240	Engines: Diesel and semi-Diesel.
791220	Gasoline.
	Bodies:
791260	Truck and bus.
791270	Automobile.
791275	Knee-action springs (helical or coil).
791280	Leaf springs and spring leaves.
792920	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components (except accessories).

(2) *Destinations.* The provisions of this paragraph are applicable to applications for licenses to export the commodities set forth in subparagraph (1) of this paragraph to any of the following destinations:

British Malaya (including the Colony of Singapore, the Federation of Malaya, the Colony of North Borneo (including Brunei and Labuan), the Colony of Sarawak, and other insular possessions).
Burma.
Ceylon.
Indochina (Vietnam, Laos, Cambodia).
Indonesia.
Republic of the Philippines.
Thailand (Siam).

(3) *Additional application requirements.* In addition to the provisions of paragraph (a) of this section and other applicable requirements, applications for licenses to export automotive replacement parts listed in subparagraph (1) of this paragraph to the destinations set forth in subparagraph (2) of this paragraph must be accompanied by a statement containing the following information:

(i) The total dollar value of all the commodities (in the aggregate) listed in subparagraph (1) of this paragraph exported by the applicant to the named ultimate consignee (or purchaser, if different) during the years 1950 and 1951; if none, so state.

(ii) Whether a letter of credit has been established for the proposed shipment; if so, give the number, dollar value, expiration date, and name and address of person by whom established. If no letter of credit has been established, state what method of financing will be used for the proposed shipment.

(e) *Metalworking machines*—(1) *Commodities.* The provisions of this paragraph are applicable to certain metalworking machines (including machine tools), appearing on the Positive List of Commodities under Schedule B Nos. 740005 through 744319, 744410 through 744700, 745990, and 766993, as defined and listed in detail in NPA Order M-41, as amended.

(1) *Commodities.* The provisions of this paragraph are applicable to metalworking machines (including machine tools) classified under Schedule B Nos. 740005 through 744319, inclusive; 744410 through 745298; 745509, and 745990.

(2) *Additional application requirements.* In addition to the provisions of paragraph (a) of this section and other applicable requirements, applications for licenses to export the metalworking machines (including machine tools) described in subparagraph (1) of this paragraph must be accompanied by one of the following:

(i) A statement that a DO rating has been assigned as set forth in § 398.4 of this subchapter.

(ii) Form IT-835 (Request for Special Supply Assistance), executed in accordance with the provisions of § 398.4 (c) of this subchapter; or, where the exportation is to be made to a country for which the Mutual Security Agency is claimant agency (see § 398.1 (c) of this subchapter), a statement that the request for supply assistance has been submitted through the Washington mission of the country of destination to the Mutual Security Agency, Washington 25, D. C.

(iii) Evidence of availability as required by § 373.16, where the supplier is not a producer of the machines.

NOTE: Commodities covered in this paragraph are defined and listed in detail in NPA Order M-41, as amended. Copies of this order may be obtained from any field office of the Department of Commerce and from the Distribution Office, National Production Authority, Department of Commerce, New GAO Building, Fourth and G Streets NW., Washington 25, D. C.

§ 373.8 *Special provisions for certain petroleum products*—(a) *Application requirements.* (1) Applications to export lubricating oils, Schedule B Nos. 503300, 503400, 503510, 503520, 503800, 503910, 503920, 503940, 503990, 504005, 504030, 504050, 504090, and 504095, must, in the commodity description column of Form IT-419, set forth a complete description of the lubricating oils, including the Saybolt viscosity at 130° F. or 210° F.; pour point; flash point; and any other descriptive information which will enable the Office of International Trade to make an exact identification of the commodity for which an export license is requested. The quality (high, medium, or low) of the lubricating oil must be stated.

(2) Applications to export lubricating greases, Schedule B No. 504100, must, in the commodity description column of Form IT-419, set forth the quality (high, medium, or low) of the greases.

(3) Applications to export lubricating oils and greases described above must set forth detailed information regarding the proposed end use. The applicant should identify the end use by the particular industry or government activity (e. g., railroads, marine, motor transportation, and other public utility, agricultural machinery, mining, etc.) and, where possible, by specific function (e. g., aviation motors, motor cars, trucks and tractors, Diesel engines, transformers, compressors, open bearings, etc.).

(4) Applications to export petroleum products, Schedule B Nos. 501400 through 505900, to Burma, Ceylon, Taiwan, Indochina, Hong Kong, India, Macao, Federation of Malaya, Republic of Indonesia, Pakistan, Republic of the Philippines, Singapore, or Thailand, shall be accompanied by a statement attached to the application, setting forth the following information:

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) Quantity of such commodities the ultimate consignee expects to receive from all sources other than the license applicant within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

(b) *Processing of applications.* Applications which do not contain sufficient detailed information for an exact identification of the commodities involved and complete information regarding the end use will not be considered but will be returned to the applicant without action.

(c) *Time for submission of applications.* Applications for licenses to export lubricating oils and greases, Schedule B Nos. 503300 through 504100, to the destinations set forth in paragraph (a) (4) of this section must be submitted in accordance with the time schedules set forth in § 373.51.

§ 373.9 *Special provisions for diamonds*—(a) *Definitions.* The commodities covered by this section are more particularly described and defined as follows:

(1) *Loose diamonds.* "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material.

(i) "Industrial diamonds" are industrial-purpose diamonds in any form, unmounted, including ballas, carbonados, crushing bort, other uncrushed diamonds and diamond fragments, and diamond dust or powder.

(ii) "Cuttable diamonds" are diamonds suitable for cutting into gems and not reserved for industrial use.

(2) *Tools incorporating diamonds.* "Tools incorporating diamonds" are any tools or industrial devices, including metal slugs, which contain diamonds. "Tools incorporating diamonds" specifically include any machine containing as an integral part thereof a tool or device incorporating diamonds. A validated license is required for the export of such machines to any foreign destination except Canada.

(3) *Machines.* Machines containing as an integral part thereof a tool or device incorporating diamonds.

(b) *Basis of licensing.* License applications will be approved in accordance with the general licensing policy set forth in § 373.1.

(c) *Application requirements*—(1) *Schedule B classifications.* Separate license applications (Form IT-419) must be submitted for each Schedule B classification of loose diamonds and tools and devices incorporating diamonds and must contain a complete description of each named commodity or commodities, including any customary trade subclassifications.

(2) *Loose diamonds.* Loose diamonds, industrial and cuttable, must be listed on the application by one of the following methods:

(i) Separately, giving trade description and the respective carat weight and value of each diamond listed.

(ii) In groups by packets, giving the number of diamonds, the total carat weight, total value and average value per carat for each group.

(iii) By quantity (as in the case of small sizes, sand, powder, etc.), give total carat weight, total value, and average value per carat.

(3) *Tools incorporating industrial diamonds.* (i) Tools, tool parts, or devices (including metal slugs) must be listed separately on license applications, or by groups of identical tools, giving the name and type of tool and approximate carat weight of diamonds and or diamond powder or dust contained therein.

(ii) License applications to export rock drill bits, core drill bits, and reamers containing diamonds, Schedule B No. 730875, which have been shipped to the United States for reprocessing or resetting must include the following information:

The approximate carat weight of the diamonds inserted in the reprocessing of each type or size of drill bit listed, exclusive of the diamonds shipped to the United States with the tool.

(iii) License applications to export diamond grinding wheels, sticks, hones and laps, classified under Schedule B No. 540905, must include a statement as to quantity (number) and size of each commodity and carat weight of diamond content.

(iv) Diamond dies must be listed on the license applications as unmounted or encased, and the size of hole, carat weight, and the unit value per die must be given.

(4) *Machines.* When a tool or device incorporating diamonds is to be shipped as an integral part of a machine, the machine may be listed together with tools and devices incorporating diamonds in a single license application. However, when the tools or devices incorporating diamonds are not an integral part of the machine but shipped as spares or extras separate license applications must be submitted.

NOTE: The term "machine containing as an integral part thereof a tool or device incorporating diamonds" does not include the following commodities, since the tools or devices incorporating diamonds that are used with the following commodities are readily detachable and not integral parts. Therefore, diamond drill bits or any other tool or device incorporating diamonds may not be listed on the same license application with the following commodities:

Schedule B No.	Commodity description
730810	Specialized mining machines and equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.
730840	Core drills, mounted or unmounted.
730881-732000	Well drilling machines, and parts.

A validated license must be obtained prior to exportation of any tool or device incorporating diamonds, whether such tool or device accompanies the shipment of other commodities or not.

(5) *End use.* The application must also include a detailed statement regarding the end use of the commodity.

(d) *Export clearance of loose diamonds.* (1) Every shipment of loose diamonds in any form (except cut gem diamonds), not including tools incorporating diamonds, regardless of the means of exportation or the port of exit, must be inspected by the U. S. Appraiser of Merchandise at New York.

(2) The Appraiser will compare the contents of the shipment with the description on the shipper's export declaration authenticated by the collector of customs. If the contents and description on the authenticated shipper's export declaration agree, the Appraiser shall place his seal on the package or parcel.

(3) If the contents of the shipment do not agree with the description set forth on the authenticated export declaration, the Appraiser will submit the authenticated shipper's export declaration, together with a statement of his findings, to the Department of Commerce via the collector of customs.

(4) Post offices will not accept packages or parcels containing such commodities for mailing to a foreign destination unless they have been inspected

by the U. S. Appraiser of Merchandise at New York, and the unbroken seal of that official appears on each package or parcel.

(e) *Return of loose industrial diamonds and diamond dust, or powder without license.* Notwithstanding the foregoing provisions of this section (which relate only to diamond exports which require a license), the provisions of § 371.9 (c) of this subchapter (which relate to exceptions from the general license GIT for intransit shipments), and the provisions of § 370.10 of this subchapter (which permit certain exports from foreign trade zones without license), any person in the United States to whom loose industrial diamonds, Schedule B No. 599005, or diamond dust or powder, Schedule B No. 540910, are consigned by a foreign supplier, with the privilege of selection and purchase or return, may return to such foreign supplier such of those diamonds or such dust or powder as are not selected for purchase, without securing an export license therefor, provided the following procedure and conditions are observed:

(1) *Deposit in New York Foreign Trade Zone.* The entire consignment to such person from his foreign supplier, upon arrival in the United States and prior to opening or inspection, must be taken directly from Customs custody into the New York Foreign Trade Zone and must be continuously kept there while inspection and selection are made and, with respect to those diamonds or such dust or powder not selected for purchase and to be returned to the foreign supplier, until released for immediate exportation to the foreign supplier.

(2) *Examination by Federal Supply Service.* The Federal Supply Service, General Services Administration, must be given an opportunity to examine and purchase the diamonds or dust or powder proposed to be returned and, after having purchased any which it desires to purchase, must furnish to the New York Foreign Trade Zone Operators, Inc., its certificate, in duplicate, to the effect that it has been afforded such opportunity and that, with respect to those diamonds or such dust or powder remaining for return to the foreign supplier (which must be sufficiently identified by lot number, quantity, weight, description, etc.), it has elected not to purchase them.

(3) *Certificates required for release from Zone.* The New York Foreign Trade Zone Operators, Inc., shall not release the diamonds or dust or powder from the Zone unless and until the above-mentioned certificate has been furnished, and, at the time of such release, there shall be attached to the original thereof a duly executed Certificate of Constructive Transfer, Zone Form C, Revised (i. e., the official document by which commodities are released from the Zone). Both certificates will be delivered to the proposed exporter.

(4) *Export clearance.* No collector of customs shall authenticate any declaration for the export of loose industrial diamonds or diamond dust or powder pursuant to this procedure unless the certificate of the Federal Supply Service and the attached Certificate of Constructive Transfer, Zone Form C, Revised, provided for above, shall accompany the declaration filed with the collector.

NOTE: The use of the procedure set forth in paragraph (e) of § 373.9 will be expedited if diamond dealers desiring to use the facilities of the New York Foreign Trade Zone will make such arrangements as soon as they know when a consignment of diamonds or diamond dust or powder is due to arrive. Persons using the procedure are also responsible for notifying the Federal Supply Service when a proposed shipment is ready for inspection.

§ 373.10 *Special provisions for nitrogenous fertilizer materials and certain industrial chemicals containing nitrogen.* [Deleted, effective September 21, 1950.]

§ 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products—(a) Containing lead, molybdenum, and vanadium.* All applications for licenses to export ores, concentrates, or unrefined products included on the Positive List of Commodities, containing lead, molybdenum, and vanadium, and classified under Schedule B Nos. 650406, 664550, and 664584, respectively, must include a statement of the weight in pounds of each such element, except for vanadium, which shall be on the basis of the V.O. content.

(b) *Containing radium.* All applications for licenses to export any ferrous or nonferrous commodities, including ores, concentrates, smelter and refinery residues, or unrefined products, containing radium must include a statement of the weight in grams of such radium regardless of the amount.

(c) *Containing copper.* All applications for licenses to export insulated wire and cable, Schedule B Nos. 709810–709885, must include (in addition to the total net weight of the commodity) a statement of the weight, in pounds, of the copper contained in the commodity.

NOTE: The required information should be entered on Form IT-419 in the following manner:

Quantity to be shipped (pounds)	Commodity description	Schedule B No.
10,000	Appliance wire, insulated (copper content 6,000 pounds).	709885

(d) *Nonferrous metal alloys.* The following provisions are applicable to all nonferrous metal alloys (including bimetals, thermometals, etc.) on the Positive List with the processing codes NONF and MINL: applications for licenses to export such commodities must contain, in the commodity description column of Form IT-419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity (such as are published in "Engineering Alloys" by the American Society for Metals).

(e) *Copper and copper-base alloy scrap.* Each application covering copper and copper-base alloy scrap, new and old, Schedule B Nos. 641300 and 644000, shall include in the commodity description the code specification of the National Association of Waste Material Dealers (NAWMD) applicable to each commodity.

(f) *Zinc Scrap.* All applications for licenses to export zinc scrap (including ashes, dross, skimmings, and residues), Schedule B No. 657050, shall include (in addition to the total net weight of the commodity) the weight in pounds of the zinc content of the commodity. Also, the proportion of other significant elements contained in the material should be stated. This information shall be entered in the commodity description column of Form IT-419.

§ 373.12 *Special provisions for ores, concentrates, smelter and refinery residues, unrefined products.* [Deleted, effective April 20, 1950. Refer to § 373.11, paragraphs (a) and (b).]

§ 373.13 *Special provisions for commodities to be exported to Taiwan (Formosa); intermediate consignees.* [Transferred to § 380.2 (f) of this subchapter.]

§ 373.14 *Special provisions for certain commodities originating in Japan.* Shipments of Positive List commodities (§ 399.1 of this subchapter) which originate in Japan and are not exportable from the United States under general in-transit license GIT, or general license GO, or under the provisions of § 370.10 of this subchapter, relating to shipments from foreign trade zones, require a validated license for export. Applicants for licenses to export such commodities must disclose, in the commodity description column of Form IT-419, that the commodities originated in Japan; and the application must be accompanied by a true copy of the bill of lading covering the shipment of the commodities from Japan.

§ 373.15 *Special provisions for sugar.* [Deleted, effective December 6, 1951.]

§ 373.16 *Special provisions for certain commodities: evidence of availability—(a) Evidence of availability.* (1) Applicants for licenses to export any of the commodities described in paragraph (b) of this section must submit an acceptance or commitment letter from the supplier, evidence of ownership (such as a bill of sale, invoice, or photostatic copy thereof), or other proof that the amount of material covered by the application is in fact available to him.

(2) The letter of commitment by the supplier must be dated and must show the quantity accepted or committed. letters of commitment which are more than 90 days old when the application is received by the Department of Commerce (or, where applicable, letters for commodities subject to time-table licensing which will be more than 90 days old on the last day for filing applications for the calendar quarter) will not be accepted.

(3) If the evidence of availability is from a supplier who is not a producer, the applicant shall furnish a statement from the supplier certifying that the material is actually in his possession or that the material will be made available to him.

(4) If the commitment letter has been previously submitted in support of other license applications, the applicant also should state the case number and date of such applications; or, if the commitment letter is used in support of several applications being submitted at the same time, this action together with reference numbers, should be stated in an accompanying letter.

NOTE: Applicants are cautioned that the submission of such proof of availability of material does not guarantee that applicant will receive a license for the full amount or any portion thereof which he may be able to procure.

(b) *Commodities.* The requirements of this section are applicable to the following Positive List commodities:

Sulfur, crude, ore, crushed, ground, refined, sublimed, and flowers: Schedule B Nos. 571410, 571500, and 596098.

All iron, steel, and nonferrous products with the processing codes STEE and NONF, except controlled materials (identified on the Positive List by the letter "C" in the column headed "Commodity Lists").

Wood pulp, special alpha and dissolving grades, bleached, sulfite, and sulfate; sulfite wood pulp, bleached and semibleached, n. e. c.; sulfite wood pulp, unbleached; sulfate wood pulp, unbleached; sulfate wood pulp, bleached and semibleached, n. e. c.; and wood pulp and screenings, n. e. c.: Schedule B Nos. 461110 through 461900.

Hot-dipped or electrolytic coated tinplate, unassorted as to temper, Schedule B Nos. 604110 and 604150. In the case of this tinplate, the commitment letter must also (1) identify the commodities by lot number or other designation identifying the particular lot, and (2) name all the export license applicants to whom the supplier has made a commitment to supply the same lot or lots of commodities (where the supplier has made such a commitment to more than one export license applicant).

Tinplate circles, strips, cobbles, and scroll-shear butts' waste-waste tinplate; unmended menders, mill accumulations; and lithographic misprints: Schedule B Nos. 604010, 604020, 604110, 604150, and 604170.

Construction, excavating and conveying machinery: Schedule B Nos. 720112–720240; 720410, and 721510–723080.

Tractors, tracklaying type, and parts: Schedule B Nos. 787310 through 787560, and 788991.

Crude asbestos and spinning fibers, unmanufactured: Schedule B No. 545110.

Plumbers' brass goods: Schedule B No. 618867.

(Under the conditions set forth in § 373.7 (e) (2)) Metalworking machines (including machine tools): Schedule B Nos. 740005 through 744319; 744410 through 744700; 745990, and 766993.

§ 373.17 *Special provisions for cotton mill waste.* [Deleted, effective October 11, 1951.]

§ 373.18 *Special provisions for raw cotton.* [Deleted, effective September 17, 1951.]

§ 373.19 *Export licensing policy for materials covered by NPA M (materials) orders.* Under the authority of the Defense Production Act of 1950, the National Production Authority has issued numerous orders limiting production of commodities or restricting the uses to which commodities may be put. The purpose of these orders is to conserve the supply and channel production into essential uses for national defense.

In general, it will be the policy of the Office of International Trade, in considering export license applications covering commodities subject to such orders, to limit approvals to end uses consistent with end uses permitted in the domestic economy.

In order to administer this policy, it may be necessary for the Office of International Trade to return license applications to the applicants for the purpose of obtaining a more detailed and comprehensive statement of end use, which will enable the Office of International Trade to consider the application in the light of the domestic restrictions. Applications covering shipments for resale, further distribution, or fabrication in the foreign country should specify particularly the end use to which the commodities will be put by the ultimate consumer, in order to expedite the consideration of such applications.

§ 373.20 *Special provisions for military wearing apparel—(a) Application requirements.* (1) All applications for licenses to export military wearing apparel, new and used, Schedule B No. 999930, must contain a statement fully describing the apparel covered by the application, including the type of apparel, color, and material.

(2) If the wearing apparel has been dyed, the statement must so indicate and specify the color in which the apparel has been dyed. If otherwise altered, the exact nature of the alterations also must be described.

(b) *End use.* In general, applications for licenses covering U. S. Army and Marine Corps outer wearing apparel, for males (excluding boots and shoes) which has not been dyed or otherwise altered will be considered only where exportation is to be made to a foreign government for use by or under the direction of an agency thereof. Applications covering other types of U. S. military wearing apparel will be considered even though not limited to such use.

§ 373.21 *Special provisions for commodities containing cobalt.* All applications for licenses to export the following cobalt-containing products shall include (in addition to the total net weight of the commodity) the weight in pounds of the cobalt contained in the commodity. This information shall be entered in the commodity description column of Form IT-419.

Commodity	Schedule B No.
Cobalt reagents	829970
Cobalt compounds	839750, 839900
Cobalt-containing pigments	842900
Cobalt-containing paint and varnish driers	843600

§ 373.22 *Special provisions for exportations to Switzerland.* License applications for export of commodities to Switzerland must be accompanied by the original blue import certificate issued the Swiss importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the blue import certificate covers commodities for which more than one export license application must be submitted, the original of the certificate shall be attached to one application and a true copy of the certificate shall be attached to each additional application to which it is equally applicable. Any application to which the certificate or a true copy is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same certificate.

Applicants submitting a license application for export of commodities to Switzerland must make one of the following certifications on the face of the license application:

I (we) certify that I (we) have submitted no other applications against the attached Swiss blue import certificate No. _____.

I (we) certify that I (we) have not submitted applications against the attached Swiss blue import certificate No. _____ in excess of the total quantity authorized thereon.

NOTE: The Swiss blue import certificate provides that the Swiss importer has pledged himself directly to import the commodities into the Swiss customs territory and that any reexportation of these goods is prohibited. (See § 372.9 of this subchapter with respect to submission of true copies of documents to the Office of International Trade.)

This requirement for submission of Swiss certificates does not alter the requirement for statements from the Swiss ultimate consignee (and purchaser, if different from the ultimate consignee) in accordance with § 372.3 of this subchapter. In addition, shipments to Switzerland remain subject to § 381.4 of this subchapter requiring a statement on the shipper's export declaration, bill of lading, and commercial invoice, to the effect that the commodities are licensed by the United States for ultimate destination Switzerland and that diversion contrary to U. S. law is prohibited.

If the Swiss importer is unable to obtain the commodities covered by a blue import certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, the Office of International Trade will return the certificate to the U. S. exporter (applicant), for forwarding to the Swiss importer, whenever an application for export of commodities to Switzerland is rejected or is approved in a reduced quantity. In such cases the U. S. exporter should forward the certificate to the Swiss importer as soon as he determines that the certificate will not be used with a new or resubmitted license application, or an appeal. Appropriate notation will be made on the certificate by the Office of International Trade indicating such facts.

§ 373.23 *Special provisions for exportations to Sweden and the Belgian Congo.* Each applicant for a license to export commodities to Sweden or the Belgian Congo shall show, in the space provided on the application, Form IT-419, the number of the import license or other import authorization upon which his application is based.

§ 373.24 *Statement of past participation in exports for certain commodities—(a) Statement of past participation—(1) General.* (i) Oversubscription of export quotas for an increasing number of commodities in short supply indicates a greater use of the historical pattern of exports as a factor in the granting of export licenses in order to obtain a more equitable distribution of available quo-

tas. More particularly, it aids in accomplishing one of the underlying considerations in licensing; namely, the maintenance of a normal pattern of export trade. Under this method of license issuance, the bulk of export quotas is reserved for those firms who have participated in exports during a representative base period. However, licensing on the historical basis does not preclude participation by exporters who do not have a record of past participation in exports during the base period since a certain portion of the quota is also reserved for those exporters within this category. Where necessary, a portion of the quota will also be set aside for especially urgent needs, such as military or defense-supported requirements.

(ii) This section sets forth the general provisions for submission by exporters of a statement of past participation in exports for the indicated commodities.

(2) *Requirement to file.* Applicants for licenses to export any commodities described in paragraph (b) of this section are required to submit to the Office of International Trade a statement of past participation in exports of that commodity on Form IT–821, in duplicate, excluding exports specified in subparagraph (5) of this paragraph. This information shall be filed only once by an applicant, unless there is a change in the name of the reporting firm or in its relation with other firms. At the time of such change, a new Form IT–821 shall be submitted which refers to the original form and contains the new information. In order to be considered in relation to a specific quota, the completed Form IT–821 must be received in the Office of International Trade prior to the termination date for filing applications under that quota. The submission of this information does not guarantee that the applicant will receive a license for the full amount or any portion of the commodities covered by his license application.

(3) *Restrictive quota participation.* A single firm shall be entitled to only one participation in each quota established for each category of commodities specified in paragraph (b) of this section. The filing of dual applications or the claiming of an additional participation through any device whatsoever may result in the denial of export licensing privileges to all persons concerned.

(4) *Form IT–821.* The following information, in addition to other information specified on the form, shall be submitted on Form IT–821:

(i) On separate Forms IT–821 for each category of commodities, the total quantity of exports, excluding shipments covered by subparagraph (5) of this paragraph, from the United States to all foreign countries other than Canada (unless otherwise specified in paragraph (b) of this section) shipped in the exporter's name, i. e., for his own account, during each of the calendar years indicated in paragraph (b) of this section.

(ii) The names of each exporter, dealer, manufacturer, or other business organization (whether an individual, partnership, association, corporation, or other type of business organization) engaged in the export of the particular commodity being reported which is directly or indirectly owned or controlled by the applicant or which directly or indirectly owns or controls the applicant's operations. The date (month and year) when each such firm or organization was established and its relationship to the applicant's operations shall also be included.

(5) *Exports excluded from report.* Unless specifically requested, exportation of any commodity described in paragraph (b) of this section under conditions indicated below shall not be included in this report. Those exporters who previously filed Form IT–821 and included thereon exports shipped under such conditions shall file an amended Form IT–821 excluding these shipments.

(i) Shipments to territories, dependencies and other possessions of the United States and Trust Territory of the Pacific Islands, i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands.

(ii) Toll shipments.

(iii) In-transit shipments.

(iv) Shipments under project licenses.

(v) Shipments to Canada.

(6) *Successors in interest.* A successor firm which has acquired the business interest of a predecessor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm's position as an historical exporter, provided that the predecessor is not entitled to claim the same past participation in exports. Such successor firm may submit Form IT–821 for consideration by the Office of International Trade and set forth thereon, or on an attached statement, a full explanation of the association between the entities concerned and including the following signed statement:

> The terms of acquisition of the business interests of (name of predecessor firm) by (name of successor firm) precludes the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

NOTE: In the absence of a report on Form IT–821, OIT will assume that the applicant's total exports for each commodity were less in each of the specified calendar years than the established minimum amount (as shown in paragraph (b) of this section) for submission of Form IT–821, and his application for an export license will be considered under a portion of the export quota reserved for exporters in this category.

(b) *Commodities requiring statement of past participation.* Form IT–821 shall be submitted by applicants for export licenses, other than project licenses, for the following categories of commodities:

(1) *Truck and bus casings, passenger car casings, off-the-road casings, farm tractor and implement casings, and industrial casings, Schedule B Nos. 206000, 206210, 206430, 206440, 206460, and 206490.* Separate reports on Form IT–821 shall be submitted reflecting the quantity, in number of units of exports from the United States, made during each of the calendar years 1948, 1949, and 1950 to the following countries. This report shall be submitted only where the total of such exports to all of these countries was $10,000 or more during any one year for either (i) passenger car casings, Schedule B No. 206210 or for (ii) total of casings classified under Schedule B Nos. 206000, 206430, 206440, 206460, and 206490.

Belgian Congo.	Lebanon.
Belgium.	Malaya.
Finland.	Philippine Islands.
France.	Singapore.
French Morocco.	Sweden.
Indonesia.	Switzerland.
Iran.	Syria.
Iraq.	Thailand.
Israel.	

(2) DDT (*dichlorodiphenyl trichloroethane*), *including preparations thereof containing 25 percent or more DDT (100 percent basis), Schedule B. No. 820580.* The report on Form IT–821 shall cover the quantity (shown in the technical (100 percent) DDT equivalent) of exports from the United States made to any one country during each of the calendar years 1949 and 1950 where the total of such exports to that country was $250 or more for either year.

(3) *All controlled materials and certain additional commodities with processing code NONF:*

Corrugated aluminum sheet, Schedule B No. 630301;
Refined copper in cathodes, billets, ingots, wire bars, and other crude forms, Schedule B No. 641200; copper bars (except wire bars), Schedule B No. 642400;
Copper scrap, Schedule B No. 641300;
Brass and bronze scrap, new and old, Schedule B No. 644000; brass and bronze ingots, Schedule B No. 644100;
Lead pigs, bars, and anodes (include blocks and ingots), Schedule B No. 650750;
Zinc slab, Schedule B Nos. 657101, 657103, 657125, 657198;
All controlled materials (identified on the Positive List by the letter "C" in the column headed "Commodity Lists").

A separate report on Form IT–821 shall be filed for each Schedule B number and shall cover the quantity in Schedule B units of exports from the United States made during each of the calendar years 1949 and 1950 where the total of such exports for each commodity was $5,000 or more for any one year.

(4) *Plumbers' brass goods, Schedule B No. 618857.* The report on Form IT–821 shall cover the quantity by weight of exports from the United States during each of the calendar years 1949 and 1950, and during the first 6 months of the calendar year 1951 where the total of such exports was 1,000 pounds or more for any 1 year and 500 pounds or more during the first 6 months of 1951.

(5) *Paper base stocks, Schedule B Nos. 460110, 460200, 460400, 460800, 461010, and 461900.* The report on Form IT–821 shall cover the quantity (air dry weight) for exports from the United States during each of the calendar years 1947, 1948, 1949, and 1950 where the total of such exports during any 1 year was 100 short tons or more.

(6) *Copper sulfate (Schedule B No. 820100).* The report on Form IT–821 shall cover the quantity of exports from the United States made to any one country during each of the calendar years 1949 and 1950 where the total of

such exports to that country was $250 or more for either year.

§ 373.25 *Special provisions for wool waste and wool yarns.* [Deleted, effective January 31, 1952.]

§ 373.26 *Special provisions for applications covering commodities for which supply assistance is requested.* Special provisions for certain license applications covering commodities for which supply assistance is requested at the same time the license application is filed with the Office of International Trade, are set forth in Part 398 of this subchapter.

§ 373.27 *Special provisions for cotton duck.* (Deleted, effective June 6, 1952.)

§ 373.28 *Special provisions for exports to serialized mines, smelters and mineral prospecting operations abroad.* License applications filed for export of commodities to any foreign mine (other than petroleum, solid fuels, uranium and natural gas), a nonferrous smelter, or mineral prospecting operation that has had a serial number assigned thereto by the Defense Materials Procurement Agency (formerly Defense Minerals Administration), shall plainly show such serial number in the commodity description column of the license application, Form IT–419.

§ 373.29 *Special provisions for certain totally allocated commodities*—(a) *Commodities included.* The following commodities, as described in the relevant National Production Authority orders, are subject to this section. The NPAF forms required to be submitted with respect to each commodity or group of commodities covered by an NPA order are specified in each order and for the convenience of exporters are also set forth below:

Commodity [1]	Relevant NPA Order	Required NPAF Form
Tin	M–43	7
Stainless	M–9	110
Copper refinery shapes (not CMP shapes) and brass and bronze ingots	M–16	85
Copper scrap and copper base alloy scrap	M–16	85
Tungsten ores	M–80	114
Tungsten, except pure	M–80	114
Molybdenum, pure	M–80	114
Molybdenum, except pure	M–80	114
Sulfur [2]	M–56	115
Selenium	M–64	116

[1] Commodities covered are described in detail in the applicable NPA order.

NOTE: The term "totally allocated commodities" includes those commodities for which the user, purchaser, or seller must hold an allocation authorization or release from the National Production Authority prior to his use, purchase, or sale thereof.

Since the commodities covered by this section are under total allocation by the National Production Authority, the fact that an exporter holds a validated export license does not in itself permit him to deliver such commodities or accept delivery from a supplier. Under NPA regulations in effect as of October 4, 1951, he must file a separate application for an individual allocation authorization (using the appropriate NPAF form).

However, under this section, the required National Production Authority form (NPAF form) will be filed together with the export license application with the Office of International Trade, and the approval of the allocation request will be integrated with and will depend upon action on the export license application.

Consequently, when an allocation request is approved, the approved NPAF form will be returned to the applicant either (1) by the OIT with the validated license, or (2) by the NPA immediately after the OIT has approved the license application, in which case the exporter will receive his validated license from the OIT at about the same time. The procedure set forth in this section will save time for the exporter and will assure that he may accept and make delivery for export of material against his export license covering such commodities.

(b) *How to prepare NPAF forms.*[1] The NPAF forms should be filled out in accordance with the requirements of the relevant NPA order, since official action on the allocation requests will be taken by NPA after the requests are submitted to the Office of International Trade. However, where the applicant is instructed on the form or in the order to file for his requirements covering a specified period of time (e. g., a month or a quarter), exporters shall, in each case, file separate NPAF forms to cover only the quantity specified in each individual export license application (or each validated license to export the commodities for which an allocation is requested). In addition, exporters need not necessarily answer items on the NPAF forms which are inapplicable, or for which information is unavailable, such as "periodic inventory reports," or "analysis of rated orders."

NOTE: 1. *NPA orders and instructions.* Exporters should become familiar with the NPA "M" orders and the NPAF forms mentioned in paragraph (a) of this section for instructions in filling out these forms and for understanding their responsibilities under the orders.

2. *NPA inventory form.* Attention of exporters is directed to the fact that the filing of the inventory form required by various NPA orders covering the commodities listed in paragraph (a) of this section is not applicable in the case of exporters. Allocation requests submitted together with or in connection with export license applications or licenses need not be accompanied by any inventory forms.

(c) *Submission of NPAF forms with license applications*—(1) *New applications.* With the exceptions set forth in subparagraph (4) of this paragraph, all license applications covering the commodities listed in paragraph (a) of this section must be accompanied by the appropriate NPAF form, requesting an allocation. License applications covering such commodities will be returned to the applicant without action unless the appropriate NPAF form is attached and properly prepared. If the license application is approved, the approved allocation request (NPAF) form, bearing an assigned certification number which will authorize the licensee to accept or make delivery of the material in the quantity specified on the license will be returned to the applicant either by the Office of International Trade with the validated license, or under separate cover from the NPA. If the NPAF form has already been filed with the National Production Authority, the applicant shall submit with the export license application a copy of such NPAF form to the Office of International Trade, marked "Copy," regardless of whether NPA has acted on the allocation request. If NPA has acted on the allocation request, the applicant shall indicate the action taken by NPA on the face of the NPAF form copy sent to the Office of International Trade.

(2) *Pending applications.* Except as provided in subparagraph (4) of this paragraph, for all license applications covering the commodities added to the list in paragraph (a) of this section that are pending before the Office of International Trade on the effective date when the new commodity is added, and for which the NPAF form has not been filed with the National Production Authority, the applicant shall immediately file the appropriate NPAF form with the Office of International Trade; if the applicant has already filed such form with the NPA, he shall send a copy of such NPAF form to the Office of International Trade, marked "Copy," regardless whether NPA has acted on the allocation request. In all cases, the applicant shall note on the copy of the NPAF form the OIT case number, if known; the applicant's reference number; the Schedule B number(s), and country of destination. If NPA has acted on the allocation request, the action taken by NPA shall be noted on the face of the NPAF form copy sent to the Office of International Trade.

(3) *Outstanding validated licenses.* For all outstanding validated licenses covering commodities listed in paragraph (a) of this section, and for which the NPAF form has not been filed with National Production Authority, the licensee shall immediately file the appropriate NPAF form with the Office of International Trade; if the licensee has already filed such form with NPA, but no allocation has been granted, he shall send a copy of such NPAF form to the Office of International Trade, marked "Copy." In either case, the applicant shall note on the copy of the NPAF form the OIT case number, the export license number, the date of issuance, the Schedule B number(s), and country of destination. If partial shipment has been made, he shall indicate the quantity shipped, the unshipped balance, and the collector of customs with whom the license has been deposited.

NOTE: Requests for approval of the NPAF form filed pursuant to this section will be considered within the quotas established for the current quarter or allocation period.

(4) *Exception.* The procedure set forth in this section is not applicable in the case of materials purchased for export under the "small-user" provisions of the relevant "M" orders. In such cases, a signed statement from the applicant (in lieu of the NPAF form) must accompany the export license application. This statement should conform substantially with the following certification:

[1] Copies of NPAF forms may be secured from the Department of Commerce and NPA field offices and from the Distribution Office, National Production Authority, Department of Commerce, New GAO Building, Fourth and G Streets NW., Washington 25, D. C.

The undersigned certifies, subject to penalties provided by law or regulation, that the material covered by the attached export license application was procured in conformity with "small-user" provisions contained in paragraph -------- of NPA Order No. M--------- and that all provisions of this order have been or will be complied with.

Signature ----------
Title ----------

(5) *Time for filing NPAF forms and "small-user" certification with OIT.* Allocation requests for commodities listed in paragraph (a) of this section must be submitted to the Office of the International Trade as follows:

(i) Allocation requests with new license applications shall be submitted at any time the license application may be submitted (see § 372.3 (a) of this subchapter and § 373.51).

(ii) Allocation requests for commodities covered by outstanding licenses and license applications pending in the Office of International Trade when the commodities are added to the list in § 373.29 (a), shall be submitted within 20 days after the effective date when the new commodities are added to the list.

Allocation requests received after these dates cannot be considered for approval.

§ 373.30 *Special provisions for coal and coke.* (Deleted, effective April 24, 1952.)

§ 373.31 *Special provisions for synthetic rubber (GR–S).* (Deleted, effective May 23, 1952.)

§ 373.32 *Licensing policies for tinplate.* Tinplate, Schedule B Nos. 604010, 604020, 604110, 604150, and 604170, will be licensed for export in accordance with the provisions of § 373.1 and the licensing policies and special provisions set forth in this section.

(a) *Specification production plate.* Specification production plate: Tinplate, hot-dipped and electrolytic, primes and seconds, and tinplate decorated, embossed, lithographed, lacquered, or otherwise advanced, Schedule B Nos. 604110, 604150, and 604170, will be licensed for export in accordance with the following special provisions of this paragraph:

(1) *Consignee and end uses.* In general, applications for licenses will be considered for approval by the Office of International Trade only where the foreign consignee is a regular user of tinplate and where the end use is for the preservation of perishable essential foods or the packaging of petroleum products.

(2) *Time for submission of applications.* Applications for licenses shall be submitted to the Office of International Trade in accordance with the time schedules set forth in § 373.51.

(3) *CMP allotments.* The Controlled Materials Plan (CMP) governing the distribution of certain metals, as established by the National Production Authority, effective July 1, 1951, is applicable to all the tinplate commodities covered by this section. If an export license is issued, the Office of International Trade will assign a CMP allotment in accordance with § 398.5 of this subchapter. Tinplate will be licensed against export quotas established quarterly.

(b) *Tinplate secondary products.* Tinplate secondary products:

Unassorted and mixed tempers—Schedule B Nos. 604110, 604150.
Unmended menders—Schedule B No. 604010.
Mill accumulations—Schedule B Nos. 604110, 604150.
Waste-waste—Schedule B No. 604010.
Circles, strips, cobbles, and scroll-shear butts—Schedule B No. 604020.
Lithographic misprints—Schedule B No. 604170.

will be licensed for export in accordance with the following special provisions of this paragraph:

(1) *Consignee and end uses.* In general, applications for licenses will be considered for approval by the Office of International Trade only where the foreign consignee is a regular user or recognized distributor of tinplate and where the end use is for the preservation of perishable essential foods, the packaging of petroleum products, or for other meritorious end uses. (As to other meritorious end uses, see Note 1 following this paragraph.)

(2) *Time for submission of applications.* Applications for licenses shall be submitted to the Office of International Trade in accordance with the time schedules set forth in § 373.51.

(3) *Evidence of availability.* Evidence of availability, as prescribed by § 373.16, must be submitted with the license applications.

(4) *CMP allotments.* The Controlled Materials Plan (CMP) governing the distribution of certain metals, as established by the National Production Authority, effective July 1, 1951, is applicable to all the tinplate commodities covered by this section. If an export license is issued, the Office of International Trade will assign a CMP allotment where necessary in accordance with § 398.5 of this subchapter. Tinplate will be licensed against export quotas established quarterly.

NOTE: 1. *NPA orders and their applicability to exports.* National Production Authority Orders M–8, M–24, M–25, and M–26 regulate the use of tin and tinplate in the domestic market.[2] These orders are applied by the Office of International Trade in licensing exports, as described in § 373.19.

2. *Consignee information.* Information concerning the consignees (regular users and recognized distributors) in foreign countries is obtained by the Office of International Trade for licensing all tinplate covered by this section from two sources: (a) United States Embassies in the respective countries, and (b) the foreign embassies and/or trade missions in the United States. These two sources will also inform the Office of International Trade concerning any supplier preference indicated by the consignee.

3. *Quotas established for tinplate.* The following separate export quotas are established quarterly against which each grade of tinplate will be licensed:

(a) Primes and seconds (specification production plate):
(1) For food packing.
(2) For petroleum packaging.
(b) Unassorted and mixed tempers.
(c) Unmended menders.
(d) Mill accumulations.
(e) Waste-waste (including terneplate waste-waste).

[2] NPA orders may be obtained from field offices of the Department of Commerce upon request.

(f) Circles, strips, cobbles, scroll-shear butts, and lithographic misprints.

(c) *Definitions.* For the purposes of this section the following definitions and explanations are given as to various grades of tinplate:

(1) *Specification production plate.* Specification production plate includes hot-dipped and electrolytic primes and seconds, and tinplate decorated, embossed, lithographed, lacquered, or otherwise advanced. Specification production plate is that plate made according to specifications of the purchaser, and is to be distinguished from the other grades of tinplate that are referred to generically as "secondary products."

(2) *Unassorted and mixed tempers.* Unassorted and mixed tempers tinplate means primes, seconds, or unassorted tinplate arising in the production of hot-dipped or electrolytic tinplate which has been packaged without regard to temper.

(3) *Unmended menders.* Unmended menders means tinplate arising in the production of electrolytic tinplate which has been set aside by the producer by reason of surface appearance which disqualifies such tinplate from sale as primes, seconds, or unassorted.

(4) *Mill accumulations.* Mill accumulations tinplate is plate arising as the result of overruns in the manufacture of specification production plate and is so identified when sold, manifested, or shipped.

(5) *Waste-waste.* Waste-waste tinplate means hot-dipped or electrolytic tin-coated steel sheets which have been rejected during processing by the producer because of imperfections which disqualify such sheets from sale as prime, seconds, or unassorted.

(6) *Strips, circles, cobbles, lithographic misprints, and other miscellaneous secondary products.* This tinplate consists of off-falls (failure of cutting machines to completely utilize tinplate sheets for the manufacture of cans or other tinplate items) accumulated in the producing mills, the can manufacturing plants, and in lithographing operations, and includes other secondary products not otherwise classified.

§ 373.33 *Special provisions for exportations of certain commodities to Japan and Ryukyu Islands (including Okinawa).* (Deleted, effective May 29, 1952.)

§ 373.34 *Confirmation of country of ultimate destination and verification of actual delivery.*—(a) *Scope.*—(1) *General.* The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities and Schedule B numbers subject to the provisions of this section are those commodities on the Positive List of Commodities (§ 359.1 of this subchapter) that are identified by the letter "A" in the column headed "Commodity Lists."

(ii) *Countries.* Belgium, Denmark, France, Italy, Luxembourg, Norway, Portugal, United Kingdom, Western Germany, Netherlands.

(2) *Exemptions.* The provisions of this section shall not apply to any shipments or applications for export licenses covering any shipments to be made under project licenses, nor to applications for licenses to export commodities where the value shown on the license is less than $500, or to applications for licenses to export commodities to a foreign government or government agency as ultimate consignee and user.

(b) *Definitions.* As used in this section, the terms "import certificate" and "delivery verification" refer to documents issued by governments of countries listed in paragraph (a) of this section to importers in such countries and are the equivalent documents to the United States Declaration of Destination, Form IT–826, and Landing Certificate, Customs Form 3227, respectively (see § 368.1 of this subchapter.)

(c) *Submission of import certificates.* (1) Except as shown in Note 4 below, The applicant must attach to his license application, covering proposed exportations described in paragraph (a) of this section, the original copy of the import certificate, issued or certified by the government of the importing country, to the ultimate consignee and covering commodities described by the export license application.

(2) Where the import certificate covers commodities for which more than one export license application must be submitted, the original copy of the import certificate shall be attached to the first such application and a true copy of the import certificate shall be attached to each subsequent application to which it is equally applicable. Any application to which a true copy of the import certificate is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to all other applications submitted at any time against the same import certificate.

NOTE: 1. *Purchase order.* The import certificate may cover more than one purchase order and one purchase order may involve several commodities; however, the import certificate shall relate only to purchase orders placed by a single importer (who shall be the ultimate consignee) located in a single foreign country, with a single United States exporter.

2. *Applicant's responsibility for full disclosure.* In submitting import certificates from the ultimate consignee, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the import certificate. In accordance with the provisions of § 381.1 of this subchapter, the applicant also shall, by means of supplementary statements from the ultimate consignee, notify the Department of Commerce of any change that is brought to his notice by the ultimate consignee subsequent to the date the import certificate is issued or certified by the government of the country of ultimate destination.

3. *Import certificates as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any licenses shall be issued covering commodities for which foreign governments have issued import certificates. The Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose license applications should be approved. Import certificates will be used by the Office of International Trade as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

4. *Substitution for import certificate.* For an interim period only, the Office of International Trade will continue to accept an ultimate consignee statement in lieu of an import certificate provided only that all of the following conditions are complied with:

(i) The ultimate consignee has attempted to obtain an import certificate, but has been unable to obtain such import certificate.

(ii) The applicant enters the following certification in Item 9 of Form IT–419, Application for Export License: "The applicant has been advised by the ultimate consignee named herein that the said consignee has attempted to obtain an import certificate covering commodities specified in this application, but was unable to obtain such import certificate."

(iii) The ultimate consignee statement is submitted pursuant to all of the requirements shown in § 372.3 (d).

(d) *Submission of delivery verifications.* When notified to do so by the Office of International Trade, persons issued licenses covering shipments within the scope of this section shall, within a reasonable time after clearance of last exportation made under the license: (1) Obtain from the ultimate consignee a verification of delivery which has been issued to the ultimate consignee by his government, covering the commodities described on the particular export license, or so much thereof (in the case complete shipment against the license will not be made) as the licensee will have shipped; and (2) send the original copy of the delivery verification to the Office of International Trade. If a delivery verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a delivery verification for each partial shipment and retain them in his files until all delivery verifications respecting shipments against the license have been received by him, and then send the original copy of all such delivery verifications to the Office of International Trade in one parcel.

NOTE: 1. *Delivery verifications.* It will be the policy of the Office of International Trade to require delivery verifications on a selective basis where import certificates are required. In the event a delivery verification must be submitted, the licensee will be so notified when the export license is issued.

2. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Where the commodity description is in a foreign language, the document must be accompanied by an accurate English translation of the commodity description. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this subchapter.)

(e) *Effective dates.* Whenever the scope of this section is extended by adding additional commodities or countries to those described in paragraph (a) of this section, such changes shall become effective 45 days from the time such new commodities or countries are added.

(f) *Relationship to ultimate consignee statements.* The requirement for submission of consignee statements specified in § 372.3 (d) of this subchapter shall not be applicable wherever import certificates are submitted pursuant to the requirements of this section.

(g) *Requests for exception.* (1) Any license applicant affected by the provisions of paragraph (c) of this section may file a request for exception upon the ground that this procedure is inapplicable to the transaction, i. e., the shipment will not be imported for consumption into the named country of destination. Each request shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C. The letter request must, among other things, state the nature and duration of the relationship between the applicant and the ultimate consignee shown on the license application, a statement as to the country or countries in which the commodities will be used, and the reasons why this regulation is inapplicable in connection with the particular transaction. The applicant must attach to his letter request, or have on file in the Office of International Trade, a statement from the consignee and purchaser in accordance with § 372.3 (d) of this subchapter. No request will be considered or granted unless such statement is submitted or is on file in the Office of International Trade.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a true copy of the request shall be attached to each additional application to which it is equally applicable. Any application to which the true copy of the request is attached shall contain a reference (OIT case number, if known, or applicant's reference number) to the application to which the original letter request was attached.

NOTE: (1) In general, requests for exceptions set forth in paragraph (g) of this section will be granted only where the commodities in the particular export transaction covered by the license application are exported to distributors or other foreign importers for resale and are not entered for consumption into the customs territory of the country of destination shown on the license. Requests for exception will be considered, however, where there is no dealership arrangement between the U. S. exporter and his consignee, or where the transaction described in the license application is one for which a single consignee (and purchaser) statement is submitted to the Office of International Trade. In all cases, the letter request for exception shall contain the pertinent facts in detail, as set forth in § 373.34 (g).

(2) The Office of International Trade can give no assurance that an export license will be issued for any exportation where an exception to this section is requested. It must be recognized that delay will usually be present in processing such applications, although the Office of International Trade will process the applications as quickly as possible.

§ 373.35 *Special provisions for plumbers' brass goods.* Applications for licenses to export plumbers' brass goods

(copper-base alloy plumbing fixtures and fittings and specially fabricated parts), Schedule B No. 618857 (formerly Schedule B Nos. 645600, 646900, and 669198), must state, in pounds, the total amount of such commodities manufactured in foreign countries and imported into the United States. If all of such commodities were manufactured in the United States, that fact shall be stated specifically on the application.

§ 373.36 *Special provisions for human blood plasma.* During the first and second calendar quarters, 1952, human blood plasma, Schedule B No. 812100, will be licensed for export in accordance with the following special provisions:

(a) *Licensing criteria.* The total quantity of commercial human blood plasma which will be licensed each quarter will not exceed the quarterly average of exports during 1949 and the first six months of 1950. Applications submitted for licenses to export human blood plasma will be considered for approval by the Office of International Trade only where the end use and quantity involved meet one of the following criteria:

(1) Certified requirements of facilities abroad, such as mining and oil operations, which are directly contributing to the defense effort.

(2) Reasonable quantities for armed forces of friendly nations which are actively in conflict with Communist forces and which are dependent on the United States for dried plasma to support this action.

(3) Reasonable quantities for friendly foreign governments and internationally recognized health organizations for distribution in public health programs.

(4) Reasonable quantities to friendly countries for the supply of hospitals, local clinics, or other local health organizations where there are assurances by the ministries of health as to the need, end use and distribution; or for the needs of Americans residing abroad or for American companies operating abroad where similar assurances have been provided as to the need, end use and distribution.

(5) Minimum quantities required by exporters for registry with foreign governments but only where consistent with subparagraphs (1) through (4) of this paragraph.

No export licenses will be granted for the export of human blood plasma for purely advertising and sales promotion purposes. No export licenses will be granted for the export of human blood plasma to Subgroup A destinations.

(b) *Justification of end use.* (1) Where the human blood plasma is to be used at facilities abroad which, like mining and oil operations, are directly contributing to the defense effort, the applicant for the export license must certify on the license application, or on an attachment thereto, that the quantities covered by the license application are not in excess of the average quarterly requirements of the facility abroad, and furnish evidence to substantiate such requirements by showing previous U. S. exports to the particular facility and its average quarterly consumption.

(2) Where the human blood plasma is to be used for the supply of hospitals, local clinics, or other local health organizations, the applicant shall attach to the license application a statement from the foreign ministry of health setting forth the need, end use, and distribution of the blood plasma covered by the license application.

(3) Where the human blood plasma is to be used for the needs of Americans residing abroad or for American companies operating abroad, the applicant shall attach to the license application a statement prepared by the applicant, the consignee, or medical personnel retained by the consignee setting forth the need, end use, and distribution of the blood plasma covered by the license application.

(4) Where the human blood plasma is to be exported to friendly foreign governments by U. S. exporters for purposes of registering or maintaining the registry of the blood plasma with the foreign government, the license applicant shall so certify on the license application.

§ 373.37 *Special provisions for cryolite.* Cryolite, natural and artificial, Schedule B No. 596012, will be licensed for export in accordance with the provisions of §373.19 and the following special provisions:

(a) *Requests for purchase authorization.* National Production Authority Order M–99 provides that commencing March 1, 1952, no person shall purchase cryolite for export without specific authorization from NPA and that the application for export license to the Office of International Trade shall constitute a request for such NPA authorization. The licensing action of the Office of International Trade will be coordinated with the granting of the purchase or other specific authorization by the National Production Authority so that at the time an export license is issued it will be accompanied by the necessary National Production Authority authorization.

(b) *Outstanding licenses.* If an exporter needs a purchase or other specific authorization for cryolite covered by an outstanding validated export license, he may request such authorization by letter to the Office of International Trade, Washington 25, D. C. The letter should either include the export license or the following information: OIT case number, license number, applicant's reference number, name and address of licensee, and a statement that the authorization is requested.

§ 373.38 *Special provisions for copper under the Controlled Materials Plan*—(a) *Licensing policy.* Applications for licenses to export copper under the Controlled Materials Plan will be considered for approval only where the end use is essential to:

(1) The direct military production of the United States or a friendly foreign nation.

(2) The production abroad of strategic materials for shipment to the United States or to a friendly foreign nation.

(3) The maintenance and development of direct defense-supporting industry, including facilities required to accomplish either of the two objectives mentioned in subparagraphs (1) or (2) of this paragraph.

(4) The maintenance and development of the basic economy, civilian activities, and public services of the United States or of a friendly foreign nation, including essential facilities for transportation, communication, electric power, public welfare, and industrial production (such as steel mills, food processing manufactures, textile mills, and sugar mills).

(b) *Statement of essentiality.* Applications for licenses to export copper under the Controlled Materials Plan must state specifically the detailed end use for which the commodity will be utilized by the ultimate consignee. Any supplementary evidence available to the exporter concerning the essentiality of the end use for which the copper is intended should accompany the application.

(c) *Applications returned without action or disapproved.* Applications for licenses to export copper for any end use other than those set forth in paragraph (a) of this section will be returned without action and should not be resubmitted until a revised licensing policy is officially announced by the Office of International Trade. Applications for licenses which are eligible for approval under the current licensing policy may, nevertheless, be returned without action or disapproved if export quotas are inadequate.

§ 373.39 *Special provisions for tobacco and tobacco products destined to Hong Kong*—(a) *Licensing of exports for consumption in Hong Kong.* Applications for licenses to ship tobacco and tobacco products of United States origin for sale, and consumption in Hong Kong (the local duty-paid Hong Kong market) will be considered each quarter in total quantities not to exceed one fourth of the total amount of such commodities sold for consumption in Hong Kong during the calendar year 1951. The amount licensed to any individual applicant generally will be based upon the proportion of that applicant's participation in the sales for consumption in Hong Kong during the combined calendar years 1949 and 1950. In addition, a small portion of the quota will be reserved for exporters who did not participate in sales for consumption in Hong Kong during the established period.

(b) *Licensing of exports for transshipment or reexportation through Hong Kong to other destinations*—(1) *Resale from stock in Hong Kong warehouses.* Applications for licenses to export tobacco and tobacco products of United States origin to Hong Kong for storage in warehouses, resale, and reexportation to one or more authorized destinations other than the Hong Kong consumers market will be considered in quantities not to exceed the minimum inventory requirements of the Hong Kong consignee, provided the following is shown on the application or an attachment to it:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

SECOND AND THIRD QUARTERS, 1952

Dept. of Commerce Schedule B No.	Commodity	Submission dates: Second quarter 1952	Third quarter 1952
	Metals and manufactures—Continued		
	Commodities other than controlled materials: All commodities with processing code NONF under the following headings:		
651712	Aluminum and manufactures	Feb. 1–Feb. 15, 1952	May 1–May 15, 1952
651811	Copper and manufactures		
651812	Lead, including pig and manufactures		
651817	Bullion metal	do	Do.
651831	Cadmium metal, alloy, dross, flue dust, residues, and manufactures		
619409	Cobalt: Cobalt, including dental alloys		
644524	Cast cobalt-chromium dental alloys		
52950	Cobalt reagents for laboratory use (includes cobalt chloride for laboratory test)		
52959	Cobalt: Salts of organic compounds (includes cobalt oxalate)	May 1–May 15, 1952	
59564	Cobalt compounds, except chemical pigments		
59566	Cobalt containing paint and varnish driers		
59596	Metal alloys and products containing cobalt		
	Medicinal and pharmaceutical preparations		
812100	Human blood plasma	May 1–May 14, 1952	

FOURTH QUARTER 1952, AND FIRST QUARTER 1953

Dept. of Commerce Schedule B No.	Commodity	Submission dates: Fourth quarter 1952	First quarter 1953
	Petroleum and products		
72100 through 72110; 64100	Lubricating oils and greases (for shipments to Burma, Ceylon, Eastern Hemisphere Trade Area, Malaya, Federation of, Malaya, Republic of, India, Pakistan, Republic of the Philippines, Singapore, and Thailand (see § 373.5))	On or before Aug. 15, 1952	
	Metals and manufactures[1]		
65857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (using pipe sizes with working pressure not exceeding 125 lbs W.O.G. ratings), and specially fabricated parts, n.e.c. (specify Controlled materials):		
	Commodities with processing code STEEL	May 15–May 30, 1952	
	Commodities with processing code NONF	do	
	Specification production plate	June 16–July 18, 1952	

[1] Applications for permits to export commodities for which no specified filing dates are mentioned may be submitted at any time. (See § 373.2(a) regarding applications for licenses to export commodities not listed in Schedule B.)

[2] The submission dates for these commodities are also applicable to prebuy license applications (see § 373.12 (f) and § 373.5 (b) of this subchapter) and to production quota licenses (see § 373.5 (a) of this subchapter).

Last Note following § 373.5.

[3] See § 399.5 (b) (5) for exception to these dates under certain conditions.

PART 374—PROJECT LICENSES

Sec.	
374.1	Project licenses.
374.2	Dollar limit (DL) licenses.
374.3	SP (Special Project) licenses.
374.4	Amendments to licenses.
374.5	Extension of validity period.
374.6	Export clearance requirements.
374.7	Other applicable provisions.

AUTHORITY: §§ 374.1 to 374.7 issued under 64 Stat. 7, as amended; 50 U. S. C. App. 2023.

E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp. E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.

§ 374.1 *Project licenses.*—(a) *General.* Under the provisions of this part, there is established a procedure for the export-[illegible] of commodities required for specific project or program. Pursuant to this procedure, application may be made for a project license which, if issued, can

be used to effect export clearance of commodities requiring validated license to export.

(1) A "project" is a new foreign operation, or the expansion of an existing foreign operation, for which commodities are required; in other words, a capital expenditure.

(2) A "program" is the maintenance, repair or operation, and production requirements of commodities for a foreign operation.

Two types of project licenses have been established: The Dollar Limit (DL) license, and the Special Project (SP) license. The form of the project license will be a validated Application for Export License (Form IT–419) with supplemental validated documents as required. The validated Form IT–419 constitutes the general approval and authorization of the project; however, export clearance of commodities for such project may be effected only under the appropriate supplemental validated documents. The validated Form IT–419 may cover a project or program for a validity period of one year which may be renewable for a similar period on the request of the licensee in accordance with § 374.5. Supplemental documents will be valid for the period indicated thereon.

An exporter holding a project license (SP or DL License) shall not apply for, nor will the Office of International Trade issue, an individual or blanket (BLT) license for a transaction involving a project whose requirements are covered by an outstanding SP or DL license, except where the shipment is to be made by mail under the provisions of § 374.6.

(b) *Bases for consideration of project license applications.* In order to be considered under this procedure, a foreign project or program must have annual requirements for materials sufficient in quantity or variety to justify the use of the DL or SP procedure. Save for exceptional circumstances, applications for project licenses will be granted only for commodities not intended for resale.

(1) *DL licenses.* Applications for a DL license must meet one or more of the following conditions:

(i) The project or program will contribute significantly to supporting, maintaining, or increasing the production of materials strategic to or in short supply in the United States, and will benefit supply conditions of these materials in the United States or in areas in which the United States has a significant interest.

(ii) It will implement the Mutual Security Act or will implement loans granted foreign countries by the Export-Import Bank.

(iii) In the opinion of an appropriate agency of the U. S. Government (including the Office of International Trade), it merits licensing under the DL procedure.

(2) *SP licenses.* (i) Project license applications will be considered for SP licenses which are suited administratively to the project licensing technique, but where the foreign project or program does not possess elements of United States interest to justify the approval of a DL license under the provisions of subparagraph (1) of this paragraph. Annual requirements for materials must be sufficient in quantity and variety to justify the use of the SP procedure rather than individual license applications or unit-process license applications.

(ii) The use of the SP (Special) license procedure shall be mandatory for all large petroleum construction operations in which the total cost of controlled materials from the United States is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more. For such projects priority assistance is requested on Form PAD–26A (revised March 1952). If, at the time Form PAD–26A is submitted requesting priority assistance for such an operation, the applicant holds an SP license which is identical in coverage with the large construction operation, no new SP license will be issued and no application therefor need be filed. Reference to the outstanding SP license should be made on Form PAD–26A or in a letter attached thereto. In all other cases, however, application for SP license on Form IT–419 covering only the large construction operation under consideration must accompany Form PAD–26A. If in these circumstances an applicant under PAD–26A holds an outstanding SP license, which either includes as a component part the construction operation for which supply assistance is requested or covers it in part, the outstanding SP license must be amended to delete that portion involving the large construction operation. Such an application for amendment must be filed simultaneously with the application for a new SP license covering the large construction operation.

NOTE: 1. *Project License Identification.* If a project license is issued, it will be given a license number with either the prefix "SP" (if approved as a Special Project license) or with the prefix "DL" (if approved as a Dollar Limit license). Project licenses issued in connection with the approval of Form PAD–26A, for large petroleum construction operations in which the total cost of controlled materials from the United States is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more, will be given a license number with the prefix "SP 26."

2. *Consultations with OIT.* All applicants for new project licenses are advised that, before submitting an application, they should consult with the Office of International Trade, to the end that a determination may be made whether the use of the project license procedure is justified.

3. *Holders of SP project licenses.* Holders of outstanding SP project licenses, as well as other applicants, may apply for Dollar Limit licenses. If requirements for a project or program now authorized for export by an outstanding SP project license are approved for export under a Dollar Limit license, the SP project license will be canceled.

§ 374.2 *Dollar limit (DL) licenses*—(a) *License application form.* Applications for DL licenses must be submitted on Form IT–419, in duplicate, and must be accompanied by the additional statements and documents described in this section.

(b) *Preparation of application form.* In preparing the application, Form IT–419, with respect to the particular items specified below, the applicant shall enter:

(1) In the commodity description column, the following:

Articles and materials set forth on the attached statement of estimated requirements constitute the requirements for not more than 1 year for (insert name of project or program) of commodities requiring validated export license beginning (insert date, beginning with a calendar quarter). We hereby certify that if a license is granted in response to this application, no such commodities will be exported under the license unless specifically required for the project or program, and after exportation the commodities will not be disposed of or used for any purpose other than that stated in this application.

(2) In the value column, the total or aggregate dollar value of the commodities set forth in the statement of estimated requirements.

(3) In the space for signature, the signature of the person who has authority to bind the applicant organization to its commitments in the license application. In the case of an individual, the application shall be signed by that individual applicant; in the case of a partnership, it shall be signed by a partner; in the case of a corporation, it shall be signed by an officer; in the case of other applicants, it shall be signed by a comparable official.

(c) *Letter of explanation.* A letter, in duplicate, giving full details as to the nature of the project or program for which the commodities are required.

NOTE: The degree of adequacy of the information submitted in justification of the project or program has a direct bearing upon the period of time required for processing the application and the action taken. Additional information, if needed, will be requested by the OIT.

(d) *Statement of estimated requirements.* A statement, in duplicate, of the estimated commodity requirements requiring validated export license for one year, or less if the project or program is of shorter duration. Except for the restricted commodities described in paragraph (e) of this section, such statements shall be made in terms of broad descriptive categories, within which commodities are found on the Positive List, such as "steel mill products," "construction, excavating, and conveying machinery," or "industrial chemicals." The total dollar value of the requirements for each category of commodities shall also be shown. With respect to the restricted commodities described in paragraph (e) of this section, a separate statement of requirements, in duplicate, shall be made, stated in terms of the specific commodity description, Schedule B number and the unit of quantity shown for that commodity entry on the Positive List, as well as in terms of the total dollar value for each commodity.

NOTE: Commodities which do not require a validated license for export to the country in question should not be listed on the statement of estimated requirements.

(e) *Restricted commodities.* Commodities which, at the time of exportation, are identified on the Positive List of Commodities by the letter "B" in the column headed "Commodity Lists" may not be exported under a DL license unless, prior to export, a Form IT–375, SP (Special) License Application Materials Requirements List, has been submitted to and validated by the Department of Commerce in accordance with paragraph (f) of this section.

The foregoing limitation applies to any unshipped balance against outstanding DL licenses.

(f) *Submission of Form IT–375*—(1) *Manner of submission.* Where required in accordance with paragraph (e) of this section, Form IT–375 must be submitted, in duplicate, for each restricted commodity, except that related commodities having the same processing code symbol and number may be included on one set of Form IT–375. Commodities which do not have the same processing code symbol and number must be submitted on separate IT–375 forms.

In addition to furnishing all the other information requested, Form IT–375 must include a statement of firm requirements for the calendar quarter, stated in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity entry on the Positive List, as well as in terms of total dollar value.

NOTE: A statement of the essentiality of the particular commodity in relation to the project will be helpful in expediting action on the application.

(2) *Time of submission.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT–375 when so provided in the announcement. In all other cases Form IT–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported, except that where a commodity is placed under restricted commodity control invalidating the license with respect to that commodity less than 30 days prior to a calendar quarter, Form IT–375 may be submitted immediately.

NOTE: The commodities for which Form IT–375 must be submitted during particular periods are identified by a footnote reference in § 373.51 of this subchapter, "Time schedules for submission of applications for licenses to export certain Positive List commodities."

(g) *Authorizations required by other government agencies.* The applicant must also submit with the application any special authorization required by other agencies of the United States Government as to the commodities or matters covered by the application.

NOTE: The requirements of the special provisions set forth in Part 373 with respect to particular commodities must be fulfilled as a part of making application for the export of such commodities under a project license.

§ 374.3 *SP (Special) project licenses*—(a) *License application form.* Applications for SP (Special) Project licenses for a project or program shall be submitted on Form IT–419, in duplicate, and must be accompanied by the additional statement and documents described in this section.

NOTE: 1. These supplementary documents include Form IT–375, SP (Special) License Application Material Requirements List, which will be used for all other projects except petroleum; Form IT–824, Application for Export License and/or Supply Assistance for Foreign Petroleum Operations; and Form PAD–26A (revised March 1952), which will be used only for petroleum construction projects in which the total cost of controlled materials from the United States is $10,000 or more, or in which the total cost of all materials from all sources is $50,000 or more.

2. Authorizations to export as well as authorizations to use allotment symbols and priority ratings which have been issued previously will remain valid for the fourth quarter of 1951 and will expire only on the dates indicated on the respective Forms IT–419 and IT–375. As of September 15, 1951, however, Form IT–824 shall be used in lieu of Form IT–375 for future amendments to outstanding SP or DL licenses for foreign petroleum operations.

(b) *Preparation of application form.* In preparing the application, Form IT–419, with respect to the particular items specified below, the applicant shall enter:

(1) In the commodity description column, the following legend:

Articles and materials set forth on the attached Form IT–375, or for foreign petroleum projects Form IT–824 or PAD–26A, as appropriate, constitute the total known requirements for (insert name of project) or requirements for one year for (insert name of program) of commodities requiring validated export license beginning (insert date, beginning with a calendar quarter). We hereby certify that if a license is granted in response to this application, no such commodities will be exported under the license unless specifically required for the project or program, and after exportation the commodities will not be disposed of or used for any purpose other than that stated in this application.

(2) In the value column, the total or aggregate dollar value of the commodities to be exported, as shown on the IT–375, or for petroleum projects Form IT–824 or PAD–26A, as appropriate.

(3) In the space for signature, the signature of the person who has authority to bind the applicant organization to its commitments in the license application. In the case of an individual, the application shall be signed by that individual applicant; in the case of a partnership, it shall be signed by a partner; in the case of a corporation, it shall be signed by an officer; in the case of other applicants, it shall be signed by a comparable official.

(c) *Letter of explanation.* A letter, in duplicate, giving full details as to urgency of need of the commodities and the nature of the operation for which they are required. In the case of foreign petroleum construction operations in which the total cost of controlled materials from the United States is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more, the application must be accompanied by Form PAD–26A (revised March 1952) in lieu of the letter of explanation. For all other petroleum projects, the application must be accompanied by a statement in quintuplicate setting forth the specific information required by the Office of International Trade.

NOTE: The degree of adequacy of the information submitted in justification of the project has a direct bearing upon the period of time required for processing the application and the action taken. Additional information, if needed, will be requested by the OIT.

(d) *Commodity requirements for other than petroleum projects or programs, Form IT–375*—(1) *Estimate of total or yearly requirements.* A copy of Form IT–375, SP (Special) License Application Material Requirements List, in duplicate, must accompany each copy of application Form IT–419 and should be attached thereto. In addition to furnishing all the other information requested, Form IT–375 must include an estimate of the quantity of each commodity required. Such estimates must cover:

(i) In the case of projects, the total requirements thereof set forth by calendar quarter;

(ii) In the case of programs, the requirements for a full 12-month period set forth by calendar quarter.

(2) *Firm requirements by calendar quarters.* For the beginning and each successive calendar quarter, a separate Form IT–375, in duplicate, must be submitted for each commodity for which validated license is required, except that related commodities on the Positive List having the same processing code symbol and number may be included on one set of Form IT–375. Commodities which do not have the same processing code symbol and number must be submitted on separate IT–375 forms.

In addition to furnishing all the other information requested, Form IT–375 must include the following:

(i) A statement of firm requirements for the calendar quarter, stated in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value;

(ii) The estimated date on which the commodities listed on each Form IT–375 will become available to the applicant.

NOTE: Commodities which do not require a validated license to export to the country of destination should not be listed on Form IT–375.

(3) *Time of submission of firm requirements.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT–375 covering quarterly firm requirements when so provided in the announcement. In all other cases Form IT–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported.

NOTE: The commodities for which Form IT–375 must be submitted during particular periods are identified by a footnote reference in § 373.51 of this subchapter, "Time schedules for submission of applications for licenses to export certain Positive List commodities."

(e) *Commodity requirements for petroleum projects and programs*—(1) *Large construction projects.* Form PAD–26A (revised March 1952), in quintuplicate, must accompany each license application. Form IT–419, involving construction operations in which the total cost of controlled materials from the United States is $10,000 or more, or in which the total cost of all materials from

all sources to be used is $50,000 or more. Form PAD–26A shall set forth the total requirements of the materials specified therein by calendar quarters for the complete project for which application is being made. This form need be filed only once, except to effect changes in delivery dates or quantity of material required. In addition, Form IT–419 must be accompanied by Form IT–824 in quintuplicate setting forth the requirements of materials to be used in the construction operation which do not appear on Form PAD–26A but which must be licensed for export. Applicants filing Form PAD–26A must list in section IV–A of Form PAD–26A all requirements of manufactured machinery or equipment under specific controls and must list in section IV–B all other machinery and equipment requirements, including those items with a value under $3,000. For such materials the requirements set forth on Forms PAD–26A and IT–824 shall be described in sufficient detail to identify clearly each item in terms of the Positive List of Commodities and shall be the total requirements of the complete project for which application is being made. Form IT–824 need be filed only once when used in connection with large construction projects, except to effect changes in the quantity of material required.

(2) *All other foreign petroleum projects.* Applications for licenses for all other foreign petroleum projects must be accompanied by a statement, in quintuplicate, of the estimated commodity requirements requiring validated export licenses for one year, or less if the project or program is of shorter duration. The commodity must be stated in terms of the specific commodity description, Schedule B number, and the unit of quantity shown for that commodity entry on the Positive List, as well as in terms of the total dollar value for each commodity.

(i) In the case of projects, the total requirements thereof set forth by calendar quarter;

(ii) In the case of programs, the requirements for a full 12-month period set forth by calendar quarter;

(iii) Firm requirements by calendar quarters. For the beginning and each successive calendar quarter, a separate Form IT–824, in quintuplicate, must be submitted for each commodity for which validated license is required, except that related commodities on the Positive List having the same processing code symbol and number may be included on one set of Form IT–824. However, not more than three such related commodities shall be included on one set of the forms. Commodities which do not have the same processing code symbol and number must be submitted on separate IT–824 forms.

In addition to furnishing all the other information requested, Form IT–824 must include the estimated date on which the commodities listed on each Form IT–824 will become available to the applicant.

(3) *Time of submission of firm requirements.* Requirements shall be submitted in accordance with the provisions of § 398.8 (e) of this subchapter.

(4) *Priority assistance.* Form IT–824 or PAD–26A may be used to request priority assistance for foreign petroleum projects and programs in accordance with Part 398 of this subchapter.

(f) *Authorizations required by other Government agencies.* The applicant must also submit with the application any special authorization required by other agencies of the United States Government as to the commodities or matters covered by the application.

NOTE: The requirements of the special provisions set forth in Part 373 of this subchapter with respect to particular commodities must be fulfilled as a part of making application for the export of such commodities under a project license.

§ 374.4 *Amendments to licenses—(a) Conditions under which amendments will be made.* Subject to the provisions of § 374.1 (b) and of the other provisions of this section, amendments to project licenses may be granted to provide for special requirements of commodities by reason of changes in specifications, omissions, or unforeseen contingencies arising from emergencies or breakdowns.

(b) *Information required.* Requests for amendments of project licenses must include the following;

(1) With respect to a request for amendment of an SP (Special) Project license, except petroleum projects, a supplementary Materials Requirements List (Form IT–375) in duplicate, showing in detail the additional necessary commodities and the statement of the firm requirements for the beginning calendar quarter, as provided in § 374.3 (d). For foreign petroleum projects, Form IT–824 or PAD–26A as appropriate must be submitted in quintuplicate, as provided in § 374.3 (e); and

(2) With respect to a request for amendment of a DL (Dollar Limit) license, a supplementary statement, in duplicate, of estimated new or additional requirements for the project or program, prepared in detail as set forth in §374.2 (d). If the additional commodity or commodities required fall within the restricted commodities described in § 374.2 (e), a Form IT–375, in duplicate, must be submitted in accordance with the provisions of § 374.2 (f).

§ 374.5 *Extension of validity period.* Extensions of the validity period of project licenses will not be granted unless the extension is justified under the provisions of § 374.1 (b).

(a) *Submission of requests.* Requests for extension must be submitted by letter, in duplicate, and must set forth (1) the approximate percentage of completion of the project; (2) the approximate unshipped balances of commodities included on the Positive List which are covered by the license, and (3) the approximate date shipment will be completed.

(b) *Notification.* If the request is granted, a notification letter will be sent to the licensee for attachment to the license and all collectors of customs will be notified.

§ 374.6 *Export clearance—(a) Presentation of license.* When clearing shipments for export under any project license, the licensee must present, upon demand of the collector of customs at the port of exit, either the original or a photostatic copy of the license, and any supplementary validated documents.

Shipment under any project license cannot be made by mail unless the shipper has applied for and obtained an individual export license covering the particular commodities to be exported by mail. Application should be made on Form IT–375 in the usual way, except that the license holder should indicate on the face of the form that shipment of the commodities listed is to be made by mail. An individual license will be issued on the safety paper license form (Form IT–628). Clearance against such individual license must be effected in accordance with the procedures for shipments by mail outlined in § 379.1 (f) of this subchapter.

(b) *Shipper's export declaration.* When clearing shipments under a project license, licensees shall file with the collector of customs an additional (fourth) copy of the shipper's export declaration (Commerce Form 7525–V). The licensee shall also enter the license symbol DL or SP, as the case may be, and the license number on the declaration. Where exportation is made under an SP license, or where a restricted commodity is being exported under a DL license, the amendment number of the particular IT–375, IT–824, or PAD–26A, as appropriate, shall be shown.

Commodities exported under a DL license shall be described on the shipper's export declaration as they are described on the Positive List, including the processing code. It is not sufficient to describe such commodities in terms of Schedule B listings or by broad commodity categories.

NOTE: For example, when shipping pile hammers (Diesel-powered), and parts, Schedule B No. 722045, the exporter must describe such commodity in the terms used on the Positive List, a description of such commodity as "construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c.," is not acceptable. The provisions of § 379.3 (a) of this subchapter shall govern, except that a detailed description shall be given of all commodities within any "basket" classification.

§ 374.7 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399 of this subchapter shall apply equally to applications for and licenses issued under this part.

PART 375—BLT (BLANKET) LICENSE

Sec.
375.1 BLT (Blanket) license.
375.2 Commodities subject to procedure.
375.3 Application requirements.
375.4 Export clearance.
375.5 Validity period.
375.6 Other applicable provisions.

AUTHORITY: §§ 375.1 to 375.6 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 375.1 *BLT (Blanket) license.* Under the provisions of this part there is established a procedure for the exportation of all R and certain RO commodities as set forth in this part. Pursuant to this procedure, application may be made for a BLT (Blanket) license which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country of destination.

§ 375.2 *Commodities subject to procedure.* The following commodities are subject to the BLT (Blanket) license procedure:

Commodity	Schedule B No.
All R commodities.	
All RO commodities with processing code S.T.L.E.	
Aluminum sheets, corrugated	690901
Other aluminum plates and sheets, flat and coiled, including strips (.006 inch and over in thickness)	690301
Plastics and resin materials:	
Synthetic resins, n.e.c., including film, monofilaments and bristles:	
Molding and extrusion compounds, including scrap:	
Polytetrafluoroethylene (Teflon)	825910
Polytrifluorochloroethylene (Kel-F)	825910
Polyethylene (specify whether virgin or scrap)	825910
All other unfinished forms, including scrap:	
Polytetrafluoroethylene (Teflon)	825950
Polytrifluorochloroethylene (Kel-F)	825950
Polyethylene (specify whether virgin or scrap)	825950
Other unfinished forms, n.e.c.	825950
Other laminated and molded plastics, including all shapes made therefrom:	
Polytetrafluoroethylene (Teflon)	829450
Polytrifluorochloroethylene (Kel-F)	829450
Polyethylene (specify whether virgin or scrap)	829450
Polyacrylic	829450
Synthetic resins and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. c.	829450
Cellulose acetate electrical insulating material	829450
Potassium bichromate and chromate	825700
Sodium bichromate and chromate	825600
Chemical pigments:	
Carbon black, contact (including channel) (specify grade)	842310
Carbon black, furnace (specify grade)	842350
Lithopone chromate	842500
Cadmium pigments	842600
Cobalt-containing pigments	842900
Cobalt-containing paint and varnish driers	843000
Polytetrafluoroethylene (Teflon) finishes and enamels	849800
Polytrifluorochloroethylene (Kel-F) dispersion	849800

§ 375.3 *Application requirements—(a) Application form and consignee list.* Applications for BLT (Blanket) export licenses shall be submitted on Form IT–419 with acknowledgment card (Form IT–116) attached, and must be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each. This list shall be attached to and will become a part of the license, if issued. In preparing such list, applicants shall leave ample space between listings in order to provide collectors of customs with sufficient space for entering quantities shipped to each named consignee.

(b) *Orders—(1) Commodities not subject to export licensing general policy.* With respect to commodities not specifically subject to the export licensing general policy set forth in § 373.1 of this subchapter, the applicant must hold orders from each of the consignees listed in at least the quantity applied for.

(2) *Commodities subject to export licensing general policy.* With respect to commodities included under this part which are subject to the export licensing general policy as set forth in § 373.1 (b) of this subchapter, the applicant must hold accepted orders from each of the consignees listed in at least the quantity applied for.

Applications covering any BLT commodities subject to the export licensing general policy must be accompanied by the certification that accepted orders are held, as prescribed by § 373.1 (b) (3) of this subchapter.

(c) *Preparation of application.* In preparing an application the applicant shall write the words "BLT License" in the commodity description column, and enter:

(1) In the column normally used to list ultimate consignees, "See attached list of consignees";

(2) In the quantity column, the total quantity of material to be exported;

(3) In the value column, the unit price and the aggregate value of the material to be exported. Any variation in price for different consignees must be explained.

(d) *Submission of applications.* BLT (Blanket) license applications may be submitted at any time: *Provided*, That if the commodities covered by the BLT license application are commodities for which individual license applications must be submitted during specified periods of each calendar quarter, the BLT license applications must be submitted within the periods specified.

NOTE: The OIT will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

§ 375.4 *Export clearance—(a) Presentation of license to customs.* When clearing shipments for export under any BLT (Blanket) license, the licensee must present the license to the collector of customs at the port of exit. The total amount shipped against such license shall not exceed the total quantity approved for export, and the total quantity shipped to a single consignee must not exceed the quantity specified for the respective consignee.[1]

(b) *Shipper's export declaration.* A person exporting any commodity pursuant to a BLT (Blanket) license shall enter the symbol "BLT" and the number of the license on each shipper's export declaration filed with the collector of customs at the port of exit at the time of each exportation under each license.

§ 375.5 *Validity period.* BLT (Blanket) licenses will generally be issued for the same validity period as an individual license for the same commodity, unless otherwise stated on the face of the license.

§ 375.6 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of Parts 370 to 399, inclusive, of this subchapter shall apply equally to applications for the licenses issued under this part.

[1] See Note following § 372.12 of this subchapter for application of tolerance provisions.

PART 376–378—[RESERVED]

PART 379—EXPORT CLEARANCE

Sec.
379.1 Presentation for export.
379.2 Authenticated shipper's export declaration.
379.3 Shipper's export declaration; miscellaneous.

AUTHORITY: §§ 379.1 to 379.3 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 379.1 *Presentation for export—(a) Commodities; use of license or other authorization for export shipments—(1) Requirements for presentation.* No commodities, the exportation of which is prohibited or curtailed pursuant to the Export Control Act of 1949, shall be loaded or carried onto an exporting carrier for export by water or by air or presented to such an exporting carrier for loading or presented to the collector of customs for inspection and clearance for exportation until a license therefor, or such other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this subchapter, has been presented to the collector of customs at the port at which the commodity is to be so loaded, carried, or presented. No commodity shall be mailed for exportation until a license or such other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this subchapter, has been presented to the postmaster at the post office where the commodity is to be mailed. If the commodity is to be exported by any means of export other than by water, air, or mail, such license or other export control document or export authorization as may be provided for in Parts 370 to 399, inclusive, of this subchapter, need not be presented to the collector of customs prior to loading, carrying onto, or presentation to the exporting carrier, but must be presented to the collector of customs at the port of exit from the United States prior to inspection by the customs inspectors or other export inspection officials at that port, and at all events prior to exportation. Upon specific authorization to a collector of customs or postmaster by the Department of Commerce, the presentation of a license may be waived.

(2) *Filing of validated license at time of first shipment.* All validated licenses, except project licenses, must be presented to and filed with the collector of customs or postmaster, as the case may be, when the first shipment is cleared for exportation against that license.

(3) *Subsequent shipments from port where validated license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the collector until complete shipment is made.[1] On any subsequent shipments under that license from the same port, duly exe-

[1] Only one shipment, whether complete or partial, may be made against an export license if exportation is to be made by mail. (See §§ 372.11 (d) and 379.1 (f) of this subchapter.)

cuted shipper's export declarations shall be presented, as provided in this section and § 379.2, for clearance of the shipment.

(4) *Clearance of subsequent shipments from other ports.* If part of the licensed shipment is to be made from another port, the licensee shall request the collector holding the license to transmit to the collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed shipper's export declarations shall be presented, as provided in this section and § 379.2, for clearance of the shipment. In case full or partial shipment is not to be made from such intended port (in accordance with such approval), the licensee or his agent may initiate action for the modification or deletion of the collector's endorsement of such intended shipment. Such action may be initiated in the following manner:

(i) If the license is still in the possession of the collector (whether or not the license would have been completed by the intended shipment), the licensee or his agent shall request the collector to whom the approval was sent to notify the collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) If the license has been returned by the collector to the Office of International Trade, an application for license may be submitted to the Office of International Trade covering the quantity not shipped, together with a letter requesting issuance of a new license for such quantity, explaining the facts, and identifying the collector to whom the approval was sent.

However, as an alternative to the notification procedure set forth above, the collector holding the license is authorized to transmit the license by mail to the collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

The procedure set forth above in this subparagraph shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

(5) *Signatures on licenses.* Export license documents, Form IT–628, presented to collectors of customs or postmasters must bear on the reverse side thereof the following signatures:

(i) At the top left, on the line reading "Signature of licensee," the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(ii) At the top right, on the line reading "Signature of person presenting license," the signature of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the shipper's export declaration accompanying such licenses. This signature may be affixed in the presence of the collector or outside the customhouse, notwithstanding the instructions on the license.

(b) *Presentation of shipper's export declarations.* (1) In every case, as provided above in paragraph (a) of this section, where a validated export license is required to be presented[2] to and filed with a collector of customs or postmaster, as the case may be, a duly executed shipper's export declaration (in the number of copies provided in paragraph (c) of this section) also shall be presented at the same time. In the case of shipments made pursuant to general license or pursuant to an unexpired validated export license on file with a collector of customs, a duly executed declaration (in the number of copies provided in paragraph (c) of this section) shall be presented to the collector of customs or postmaster, as the case may be, at the same time and in the same manner as provided for in the first sentence of this paragraph.

(2) Shipper's export declarations duly executed on Commerce Form 7525–V (revised November 1948) must be presented on and after January 1, 1949, where such type of declaration is applicable to the exportation.

(c) *Additional copies of shipper's export declaration; other special provisions*—(1) *General requirements.* For the purpose of export control, and in addition to the number of copies of shipper's export declarations required by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, issued by the Bureau of the Census, an additional copy of the declaration shall be presented to the collector of customs at the port of exit, except in the cases of shipments to Canada and between the United States and its territories and possessions. The Office of International Trade and the collector of customs also may require, for the purpose of export control, the presentation of other additional copies of the declaration.

(2) *MSA shipments.* Licensees under particular validated licenses may be required to furnish to the Office of International Trade, through collectors of customs, at the time of presentation of the shipper's export declaration for authentication, information specified by a typed legend on the face of the particular validated licenses as to whether, to the best of the licensee's knowledge, the shipment is or is not financed by the Mutual Security Agency.

(3) *Special requirements.* Licensees under particular validated licenses bearing on the face thereof a requirement that specified documents or information (additional to that furnished at the time of application) be furnished, shall at the time of clearing the shipment with a collector of customs write on or attach to the copies of the shipper's export declaration such specified information or documents.

(4) *Manner of submission; conformance of copies.* Information required by subparagraphs (2) and (3) of this paragraph shall be furnished on the three copies of the declaration presently required for submission to collectors of customs and, in addition, on a fourth copy of the declaration. Documents required shall be attached to a fourth copy of the declaration and need be submitted in one copy only. The fourth copy of the declaration required herein shall conform to the three copies presently required and be filed with the collector at the same time as such other copies are filed for authentication.

NOTE: Although such information and documents may often not be available to an exporter at the time of applying for a validated license, they are or can reasonably be expected to be available at the time of exportation.

The required information must be set out in columns (9) to (15) on four copies of the shipper's export declaration (Form 7525–V) to be filed with the collector at the time of presentation for authentication. The required documents need be furnished in one copy only and must be attached to the fourth copy of the declaration. Such documents may be either originals or certified copies. All statements required to be included in, and all documents required to be attached to, the declaration in such cases will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Office of International Trade in any export control matter (§ 381.1 (b) of this subchapter).

Collectors will refuse to authenticate a declaration in any case where the exporter fails to comply with the special requirements of a validated export license or does not possess the information or documents requested unless, prior to presentation of the declaration, the exporter has informed the Office of International Trade of the specific reason for his inability to comply, and, for good cause shown, the Office of International Trade has in writing waived the requirement. The licensee shall attach to the license any letter of waiver in order to effect clearance of the shipment through Customs.

(d) *Use of license symbols on shipper's export declaration or parcel.* The use by any exporter of a license symbol or other designation, or both, on a shipper's export declaration or parcel when such marking is required by the provisions of Parts 370 to 399, inclusive, of this subchapter for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions and conditions of the license involved have been met.

NOTE: Exporters are cautioned to use the complete license number when entering the required information in column (10) of the shipper's export declaration (Form 7525–V). Collectors of customs will not authenticate shipper's export declarations for licensed exportations where an incomplete export license number is shown. When the number of a Form IT–628 export license is correctly entered on the shipper's export declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11 of this subchapter, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form IT–628 export license: A0–2–1–02341; B01021–33031; C0–212–64451.)

The license number of an export license issued on Form IT–419 is the number appearing in the upper right corner of the document. The date of issuance appears in the lower right corner, in the space marked "For Official Use Only."

A separate entry is necessary to show the expiration date of the license on the shipper's export declaration form.

(e) *Authority of collectors and postmasters in clearing shipments.* (1) Collectors of customs and other customs officials, as well as postmasters and other post office officials, are authorized to take appropriate action to assure observance of the provisions of Parts 370 to 399, inclusive, of this subchapter and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data, at any time prior to departure of the exporting carrier.

(2) Without limitation of the provisions of subparagraph (1) of this paragraph, upon presentation of any validated export license or a shipper's export declaration in connection with a shipment under either a general or validated license for the purpose of effecting exportation, or at any time thereafter, the collector of customs or postmaster, as the case may be, may require the licensee or his forwarding agent to produce documents for inspection and copying and furnish other information bearing upon the particular exportation and the identity and relationships of all participants therein. These may include invoices, orders, letters of credit, inspection reports, packing lists, shipping documents and instructions, correspondence, as well as any other relevant information or documents.

(f) *Shipments via mail*—(1) *Export clearance.* In exporting merchandise by surface or air parcel post, the sender (exporter) must (i) present a validated license to the postmaster whenever a validated license is required, or (ii) place the appropriate general license symbol on the address side of the wrapper, followed by the words "Export License Not Required." The general license symbol and the phrase will constitute certification to the postmaster and the Office of International Trade that a validated export license is not required for the shipment.

Only one shipment may be made against a validated export license if exportations is by mail. In all cases the sender must surrender his license to the postmaster at the time of shipment.

(2) *Postal regulations.* All exportations via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc.

NOTE: If the sender is shipping a gift parcel under provisions of the general license for gift parcels, he must place the words "Gift—Export License Not Required" on the address side of the wrapper and the word "Gift" on the customs declaration tag. In this instance, the word "Gift" is the general license symbol. (See § 371.23 of this subchapter.)

[2] Paragraph (b) of this section requires declarations to be presented to customs officials before the time that goods are first deposited on a dock or pier or other place of lading for loading onto an exporting carrier. This reflects an interpretation of the phrase contained in paragraph (a) in this section, "presented • • • for loading," as meaning deposit on pier or dock for the purpose of loading onto an exporting carrier.

Only one shipment per calendar week may be made by parcel post or mail under General License GLV by one exporter to one importer. (See § 371.10 (b) (1) of this subchapter.)

It is the responsibility of the shipper in each case to determine whether exportation of his parcel is permissible under a general license or whether a validated license is required.

The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.2 (e) of this subchapter.

§ 372.2 *Authenticated shipper's export declaration*—(a) *Procedure for authentication*—(1) *Authentication.* All copies of shipper's export declarations which are required to be presented to collectors of customs must be authenticated by the collector of customs at the port of exit (see § 379.1). No collector shall authenticate a declaration unless he is satisfied, after comparing it with the applicable validated export license or general license, as the case may be, and with such other relevant information as he may have, that (i) exportation of the commodity or commodities described in such declaration is authorized under such license; (ii) that the statements in such declaration are identical in all respects with the contents of the validated export license, or the terms, provisions and conditions of the general license; and (iii) that the statements in such declaration are set forth in such manner as to permit all collectors of customs or other authorized officials or persons to whom the declaration may thereafter be exhibited or delivered in connection with the exportation to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions and conditions of the general license.

(2) *Information required on declaration.* No shipper's export declaration shall be authenticated by a collector of customs unless there are set forth in such declaration, and in all copies thereof required to be presented to the collector:

(i) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license.

(ii) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(iii) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license. Where amendment to the validated license is required in respect to intermediate consignee, the name and address on the declaration must conform with that shown on the amendment.

NOTE: In those cases where, prior to the departure of the exporting carrier, United States exporters of fresh fruit or vegetables are unable to determine the country of ultimate destination, the exporter may name on the shipper's export declaration, as the country of ultimate destination, optional ports of discharge even when more than one foreign country is involved.

Immediately after the United States shipper ascertains the identity of his customer in one of these foreign destinations, he should file a Correction Form 7401 with the collector of customs at the port of exit where the original shipper's export declaration was filed, specifying the name and address of the buyer to whom delivery is made and the name of the country in which such buyer takes delivery for distribution.

In no event does the aforementioned procedure apply to any shipment destined to a Subgroup A country, Hong Kong or Macao, whether directly or in transit to such areas. This interpretation does not, in any way, change or modify the provisions of § 384.5 of this subchapter relating to the export of fresh fruits and vegetables to Hong Kong or Macao.

Amendment of the export license is required in respect to intermediate consignee, as provided in § 380.2 (f) of this subchapter.

(iv) All of the other data required to be shown on the declaration form.

NOTE: On an export declaration (Commerce Form 7525–V, revised November 1948) covering exportations under a validated license, the answer to item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form IT–419. However, the answer to item 3 of Form 7525–V may correspond to the name of the foreign principal shown on Form IT–419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States. In the absence of such identity, the export license does not cover the proposed exportation.

(3) *Forwarding agent as true agent.* Unless the exporter shall otherwise state in writing in the power of attorney set forth in the shipper's export declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the collector of customs, the forwarding agent named by the exporter in said power of attorney or other form shall be deemed to be the true agent of the exporter for export control and customs purposes.

(4) *Definition of "forwarding agent."* For the purpose of § 379.1, and of this section, a "forwarding agent" shall be a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities described in the declaration, such as preparing the declaration, attending to clearance of the shipment by submission of documents to the collector of customs or export control officers, securing cargo space, or delivering the commodities to the exporting carrier, obtaining bills of lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents; but such "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(5) *Signature on declaration.* The signature of the person making the declaration set forth on the shipper's export declaration form and taking the oath shown on said form (where oath is required) shall be that of the exporter or the forwarding agent named in the declaration, or a duly authorized officer or employee of either. The signature of such person (whether oath is or is not required) and whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements

made and all information set forth in such declaration, are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

Additional copies of the shipper's export declaration or copies of the continuation sheet form for such declarations may be used where more space is required to prepare fully a shipper's export declaration (Form 7525–V). In all such cases, the declaration need be signed and the oath taken (where required) on only one shipper's export declaration form. The additional copies or sheets must be numbered in sequence and securely attached to the executed declaration form; and the following legend must be inserted between columns (9) and (15) on the executed declaration form: "This declaration consists of this sheet and ------ continuation sheets." No portion of any form attached as a continuation sheet shall be torn off or removed.

(6) *Statements on declaration.* In all cases where a shipper's export declaration is presented to a collector of customs or postmaster the exporter shall be deemed thereby to represent (i) that all statements made and information set forth in the declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the export regulations; (ii) that the exportation of the commodity or commodities described in such declaration is authorized under the general or validated export license therein identified; (iii) that the statements contained in such declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and (iv) that all of the other terms, provisions and conditions of Parts 370 to 399, inclusive, of this subchapter, applicable to the exportation have been met.

(7) *Who may submit declaration for authentication.* No person shall submit to the collector of customs for authentication any shipper's export declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(8) *Rejection of declarations.* Collectors of customs shall reject all shipper's export declarations which do not comply with the foregoing provisions of § 379.1 and this section.

(9) *Procedures for presentation of export declaration for authentication.* (i) Any collector of customs may, with the prior approval of the Office of International Trade, institute and maintain any procedure for the presentation for authentication of shipper's export declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such declarations and who appear before the collector for such purpose.

(ii) Collectors of customs are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting declarations to the collector:

(a) *Identification cards.* An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate collector of customs an identification card, as herein described, for each of his officers or employees who submit or present shipper's export declarations or licenses. Where a forwarding agent is employed by an exporter the forwarding agent shall similarly apply for and obtain an identification card for each of his officers or employees who submit or present shipper's export declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in subparagraph (7) of this paragraph, deliver executed declarations without specific authorization therefor, shall similarly apply for and obtain such identification cards. Applicants for identification cards shall be responsible for all shipper's export declarations executed and submitted in their names to collectors of customs through use of the identification card. Such card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, "Application for Identification Card of Authorized Forwarding Agent or Exporter" and the identification card to be issued shall be Customs Form 3141, "Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof".

(b) *Waiver of identification card requirement.* In the case of exporters not regularly engaged in making exportations, collectors of customs may waive the identification card requirement where they are otherwise satisfied that the person submitting or presenting the shipper's export declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

(c) *Identification cards and power-of-attorney forms.* Wherever the identification card procedure is instituted and maintained it shall supersede any existing requirement of the collector of customs for filing a form of power of attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to or submit declarations.

(10) *Changes, alterations, amendments of export declaration prior to authentication.* Collectors of customs shall not, except in case of hardship or emergency, authenticate any shipper's export declaration showing evidence of change, alteration, or amendment, but shall require clean copy. Where demonstrated cases of hardship or emergency exist in which collectors of customs find it desirable to make exception, collectors may approve on the face of the declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the declaration.

(b) *Use of authenticated shipper's export declaration—(1) Use.* When duly authenticated by the collector of customs at the port of exit, a shipper's export declaration shall be deemed to be a document, issued pursuant to Parts 370 to 399, inclusive, of this subchapter evidencing the existence of a validated export license or permission for an exportation under an applicable general license; and such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity or commodities requiring a validated or general export license under the regulations issued pursuant to the export control law.

(2) *Changes, alterations, amendments of authenticated declarations.* No shipper's export declaration, used or intended to be used in connection with any exportation of any commodity or commodities requiring a validated or general export license, which shall have been authenticated by any collector of customs shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated declaration by the said collector of customs: *Provided, however,* That where for any reason an exporting carrier designated in an authenticated declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company or other person issuing bills of lading or similar documents of carriage for the carrier originally named if due and timely notice of such change is given to the collector of customs prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person. No change, alteration or amendment may be authorized in any authenticated export declaration which would have the effect of authorizing shipment after the validity period of the applicable validated or general export license has expired or which would otherwise vary the terms, provisions and conditions of such license.

(3) *Declarations showing unauthorized changes.* No person to whom any authenticated shipper's export declaration showing evidence of change, alteration, or amendment shall be exhibited for the purpose of facilitating any exportation, without the production of written authorization therefor by the collector of customs, shall take any action toward such facilitation, but shall promptly report the facts to the nearest collector of customs and shall, where such authenticated declaration is in his or its possession, surrender same to such collector of customs.

(4) *Correction form.* Without prior approval of the collector, any item of information contained on an authenticated shipper's export declaration previously filed with the collector of customs can be corrected by noting such correction on the Correction Form (FT–7403). The Correction Form for shipper's export declarations (i) may be used to make corrections on an authenticated declaration in the possession of the collector of customs, and (ii) must be used to make corrections on an authenticated declaration previously filed with and forwarded by the collector to the Bureau of the Census. The Correction Form (FT–7403), used as herein provided, must be executed by the exporter or his duly authorized forwarding agent and must be submitted to collectors in the same manner as provided with respect to shipper's export declarations.

(5) *Return of unused copies of authenticated declarations.* All copies of authenticated shipper's export declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the collector of customs making the authentication.

(6) *Limitation of effective period of declaration.* No shipper's export declaration shall be authenticated and no authenticated shipper's export declaration shall be used for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license.

NOTE: The validity period of an export license includes any extension provided by any saving clause or regulation. The above subparagraph makes no change in the provisions of § 372.11(f) of this subchapter.

(c) *Other applicable laws and regulations.* Nothing contained in §§ 379.1 and 379.2 shall relieve any person from complying with the applicable provisions of any other law of the United States and rules and regulations issued thereunder, governing shipper's export declarations and manifests.

EXPLANATORY STATEMENT

1. *Responsibility of licensee and agent.* Under the export-control regulations (Parts 370 through 399 of this subchapter, as amended), the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. And this responsibility continues even when he acts through a freight forwarder or other forwarding agent. Experience in the administration of export controls indicated, however, that it was often difficult to establish that relationship as a matter of record and fix responsibility when violations occurred. The provisions of § 379.1 and 379.2 and the OIT form, "Power of Attorney—Designation of Forwarding Agent," were designed to remedy that situation.

2. *Power-of-attorney forms; purpose and use; alternatives.* The form, which was prepared for this purpose, was not mandatory but only suggested. Power-of-attorney terminology was used to accord with common business practice in establishing agency relationships, and by way of interpretation considerable flexibility was permitted. Nevertheless, there are situations where firms have found compliance with some of the required formalities in the execution of a general power of attorney, such as corporate seal, special resolution of the board of directors, etc. to be unduly onerous.

Accordingly, the regulations have been amended, as above set forth, to permit, alternatively to the power-of-attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power of attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

3. *Carriers.* In addition, specific reference to carriers has been made in those parts of the regulations dealing with the submission of the shipper's export declaration in order to make clear that carriers, not otherwise acting as forwarding agents, may deliver executed declarations without specific authorization thereto. The privilege of making certain specified insertions or corrections in the declaration prior to authentication is also extended to such carriers.

4. *Summary of interpretations—Applicability of §§ 379.1 and 379.2:*

1. Q. Do the provisions of the export control regulations with respect to presentation of additional copies of shipper's export declarations, and with respect to procedure for authentication of declarations, filing of powers of attorney or other forms of designations of forwarding agent, and use of authenticated declarations, apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a license is required, and the shipment is via Canada.

2. Q. Do the foregoing provisions of the regulations apply to general license shipments?

A. Yes. General license shipments have always been subject to Customs scrutiny and are covered by the new regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the export control regulations contained in §§ 379.1 and 379.2 applicable to exportations regulated by United States governmental agencies other than the Office of International Trade, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the shipper's export declaration an "export control document?"

A. A shipper's export declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the additional export control regulations in this respect has been to bring shipper's export declarations under the export control laws as well as under the laws of the United States relating to Government documents generally and shipper's export declarations in particular.

Powers of Attorney or Other Forms of Designation of Forwarding Agent

5. Q. Is the use of a power-of-attorney form mandatory?

A. As now provided in § 379.2 (a) (3), it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power of attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers of attorney or authorization for any and all of the forwarding agents whom they employ.

7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in this country), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance in designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is, therefore, suggested that the form of designation on the shipper's export declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (See statement following § 372.2 (a) and Note following § 372.11 (a) of this subchapter.)

8. Q. Must an exporter use the OIT form of power of attorney designating a forwarding agent, or may he give such authority by other and more limited powers of attorney?

A. The language of the OIT form of power of attorney is not mandatory. It is specifically provided that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power of attorney set forth in the shipper's export declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgment set forth in the OIT forms of power of attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgment forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to declarations and to present them to collectors of customs for authentication by executing the designation appearing on the face of the shipper's export declarations?

A. Yes. The exporter may execute the designation appearing on the shipper's export declaration, which is applicable only to the transaction referred to in the declaration. The power of attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the declaration for each transaction.

Who Should Execute

11. Q. Who is deemed to be a "duly authorized officer or employee" for the purpose of signing and swearing to shipper's export declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of

any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will, in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a declaration and to sign and swear to such declarations.

Proof of Authority

12. Q. Under what circumstances must Customs be furnished with supporting evidence of authority of persons executing powers of attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power of attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

Miscellaneous

13. Q. Must a forwarding agent have an office at the port of exporation or otherwise be known to the collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the collector at such port his power of attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the declaration to the collector an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to declarations and to present declarations for authentication at such port?

A. Yes; provided that the power of attorney or other authorization from the exporter permits such redelegation or there is presented to the collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power of attorney or other authorization filed with a collector in one port, must he file additional original documents with collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on declarations after authentication?

A. In general, the export control regulations permit certain types of amendments and insertions to be made in declarations before and after authentication, as set forth in § 379.2. A forwarding agent, however, designated on the declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors of customs are empowered to permit such amendments upon written authorization therefor by the collectors set forth on such authenticated declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a declaration into one for a substantially different shipment, however, a new declaration will have to be prepared. Unless otherwise limited by the exporter, the power of attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute declarations reflecting such changes.

§ 379.3 *Shipper's export declaration; miscellaneous*—(a) *Certain commodity descriptions.* A detailed description shall be set forth on the applicable shipper's export declaration for commodities falling within Department of Commerce Schedule B commodity basket classifications, in addition to all other data required to be shown on such declaration. As used herein, "basket classification" means those Schedule B commodity classifications in the 1952 edition of Schedule B, as amended, which call for the shipper to "specify by name," "specify by type," etc., the items included in the shipment under these commodity numbers. In those cases where there are a substantial number of items included in a single export shipment under one basket classification, exporters may set forth the detailed descriptions of only five of the items which represent the greatest proportion of the total dollar value under this single Schedule B basket classification. Separate dollar value, net quantity, and shipping weight information for individual items reported under one Schedule B basket classification are not required on the shipper's export declaration.

(b) *In-transit goods.* The following additional information shall be set forth on Shipper's Export Declaration for In-transit Goods, Commerce Form 7513:

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1–6:

(2) Underneath the name and address of the intermediate consignee, also within columns 1–6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign merchandise:

The merchandise described herein is of foreign origin.[3]

(ii) For in-transit shipments of domestic (U. S.) merchandise:

The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) In-transit shipments of commodities of U. S. origin excepted under § 371.9 (a) (2) of this subchapter:

The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9 (a) (2) of this subchapter.

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number, as well as in terms of Schedule S. The Schedule B number shall be entered in column 4 immediately underneath the Schedule S number.

NOTE: All shipments of merchandise for which the shipper's export declaration for in-transit goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Washington 25, D. C.

[3] For definition of foreign origin see § 371.9 (a) of this subchapter.

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Sec.
380.1 Transfer of licenses.
380.2 Amendments or alterations of licenses.
380.3 Price amendments on pending license applications.
380.4 Extension of licenses.

AUTHORITY: §§ 380.1 to 380.4 issued under 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 380.1 *Transfer of licenses*—(a) *Official authorization required.* Export licenses shall not be transferred except by prior written authorization of the Department of Commerce.

(b) *Information from transferor.* (1) Transfer of export licenses may be effected only by amendment to the original license and only upon request of the original licensee.

(2) In requesting transfer of an outstanding license, the licensee must submit a completed Form IT–763, Request for and Notice of Amendment Action (revised April 1951), in triplicate, together with the original license if it is being held by him, and also a signed letter from the person to whom the license is to be transferred, giving supporting information as requested under paragraph (c) of this section. When setting forth the reasons for the requested transfer in item 10 of Form IT–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in item 12 of Form IT–763.

(3) If the original license is being held by a collector of customs at the time the licensee submits request for transfer, he must show in item 11 of Form IT–763 the address of the collector of customs with whom the original license has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT–763, "Notice to Applicant," showing in item 4 of one copy the name and address of the original licensee and on the other copy the name and address of the person to whom the license is to be transferred. This extra triplicate (yellow) copy of Form IT–763 will be used for notifying the transferee of the action taken.

(c) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a signed letter from the person to whom transfer is to be made stating:

(1) That if transfer is approved, the transferee will assume all the transferor's responsibility to the Department of Commerce under the license and export regulations.

(2) Whether any consideration has been or will be paid for the transfer.

(3) That the transferee has an order (or an accepted order, where the commodity is subject to the accepted order requirement) from the foreign purchaser named on the license for the commodities described thereon.

(d) *When transfer may be granted.* A transfer of license may be granted in the following cases:

(1) Where the corporate or firm name of the licensee has been changed or the license is desired for use by a subsidiary corporation of the licensee.

(2) Where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred.

(3) In exceptional cases, where there is proof that actual hardship will result to the holder of the license or to the purchaser in the foreign country if the request for transfer is disapproved.

Only one transfer of the same license will be approved.

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses.* No amendments or alterations of export licenses may be made except by the Department of Commerce or by collectors of customs or postmasters acting under specific instructions from the Department of Commerce.

(b) *Where to file*—(1) *General.* All requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph also may be submitted to field offices of the Department of Commerce which are located in the following cities, provided the exportation will be cleared through a port located in the same city in which the field office is located or through a port located in a specified city nearby, as indicated below:

Baltimore.	Miami (Port Everglades, West Palm Beach).
Boston.	
Chicago.	
Cleveland (Toledo).	New Orleans (Baton Rouge, Morgan City, La.).
Detroit (Port Huron).	
El Paso.	New York.
Houston (Galveston; Laredo)	Philadelphia.
	Portland, Oreg.
Jacksonville.	San Francisco.
Los Angeles.	Seattle (Tacoma).

(2) *Amendment requests on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the Department of Commerce field offices listed in subparagraph (1) of this paragraph, are authorized to take action on requests for amendment of licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of obvious errors in the license, such as mistakes in typing in name and address.

(iii) Change of quantity or dollar value required as result of factors beyond the control of the licensee, such as unforeseen overruns of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of the licensee's address.

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the following conditions. All such requests shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C.

(i) Licenses covering exportations to Subgroup A countries, Hong Kong, or Macao unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(ii) Requests for amendment of licenses involving shipments to be cleared from any port other than as authorized in subparagraph (1) of this paragraph, or where the intended port of exit is not known to the licensee.

(4) *Duplicate requests covering same license.* Requests for amendment shall not be submitted to or acted upon by any field office of the Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Washington office of the Office of International Trade, or by any other field office.

(c) *Procedure for submitting requests for amendments*—(1) *Number of copies.* Requests for amendments shall be submitted on Form IT–763, Request for and Notice of Amendment Action (revised April 1951), in triplicate. However, when such requests are filed with one of the above-named field offices, a fourth copy must be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required.* All numbered items shown on IT–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in answer to item 10. In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply (a) with the provisions of § 372.3 (d) of this subchapter regarding a statement from the ultimate consignee (purchaser) if the shipment is destined to an R country; and (b) with the provisions of § 373.1 (b) of this subchapter regarding evidence and certification of accepted orders, if applicable to the commodity being exported. Such certification may be made on the back of Form IT–763 or on a sheet attached thereto.

Where the request for amendment involves a change in the country of destination as well as a change in the purchaser or ultimate consignee, the applicant must explain fully the circumstances which prevented shipment to the original country of destination, in item 10 of Form IT–763.

(ii) The address of the collector of customs with whom the license has been or will be deposited must be entered in item 11. If the exporter has not deposited his license with the collector at the intended port of exit, he must do so at the time of submitting his request for an amendment. The licensee must not retain the license when submitting an amendment request. If the exporter does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT–763; in which case, the applicant shall enter the word "Unknown" in answer to item 11.

(iii) In completing item 12, "Amend license to read as follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, must be placed on the original and duplicate copies in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, attorney, or any other individual so authorized, he must sign the request by entering the licensee's name and underneath his own signature prefixed by the word "By" and followed by his own title.

For example: JOSEPH ALOYSIUS JONES,
By: HAMILTON NEWBOLD,
Agent.

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be teletyped to the collector of customs. In such instances, the telegram must include the same information required to complete Form IT–763, and, in addition, full information as to the necessity for such type of service, including deadline dates. If the request is submitted by mail on Form IT–763, but emergency clearance by teletype is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request.

NOTE: Requests for amendments by telephone or by letter will not be accepted.

1. *Licenses held by collectors—Amendment action by OIT, Washington, D. C.* On an approved request, the Office of International Trade will validate all copies of Form IT–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation; the duplicate copy will be forwarded as the official notice of amendment to the collector of customs designated in item 11; the triplicate copy will be forwarded to the individual named in item 4 of IT–763. If the request is rejected, or returned without action, the reasons therefor will be indicated in the upper right-hand corner, and the triplicate copy returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant and (in the case of approved requests) by teletype to the collector of customs; copies of Form IT–763 then will be mailed in the usual manner and serve as confirmation of wire advices.

Amendment action by field offices. Amendments approved by field offices will be validated differently from those approved by the Washington office. In place of the facsimile of the Department of Commerce seal and a five-digit number representing the date of the validation, the name of the field office making the amendment will be inserted in the space headed validation. To complete the validation process, the amending officer will insert a serial number in the space provided, sign and date the IT–763, and check the space indicating approval. The original will then be forwarded to the Washington office of the Office of International Trade; the duplicate will be sent to the appropriate collector of customs as the official notice of amendment; and the triplicate (confirmation) copy will be sent to the individual named in item 4 of IT–763. On requests which are rejected or returned without action, the triplicate copy will be returned to the applicant.

2. *Licenses sent to OIT.* In those cases where the intended port of exit is unknown and the license accompanies Form IT-763, the Office of International Trade, on an approved request, will prepare a new license and forward it to the individual named in item 4 of Form IT-763. However, if the amendment requested is for an extension of validity period, such amendment will be made by typing a new expiration date on the face of the original license.

3. *Where to obtain Form IT-763.* Form IT-763 is set up in pads of quadruplicates so as to provide a copy for the applicant's file. Sets of the forms may be obtained by writing to any field office of the Department of Commerce.

(d) *Disclosure on amendment requests of prior action on the shipment*—(1) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Office of International Trade for an amendment of an export license, who shall know or have reasonable cause to believe that a collector of customs has detained commodities which would be exportable under such license, as amended, shall disclose to the Office of International Trade at the time of applying for such amendment the fact that the collector of customs has detained the commodities. Any amendment obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

(2) *Prior exportation without a license.* No request for amendment to an export license shall be submitted to the Office of International Trade covering a shipment that is already laden aboard the exporting carrier or exported. In such cases where the shipment should have been authorized by a validated license, or amendment thereto, the exporter should send a letter or wire to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C., Attn: IT-1230, explaining why a validated license (or amendment thereto) was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the Request for and Notice of Amendment Action, Form IT-763. The Office of International Trade will inform the exporter of its action and instructions to him in the matter by letter. Any amendment obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

NOTE: See § 372.8 of this subchapter and § 380.4 (d) with respect to license applications and requests for extensions of validity periods of licenses to authorize shipments described in paragraph (d) of this section.

(e) *Price amendments*—(1) *Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

(2) *Necessary amendments to show price changes.* Export licenses must be amended to show any upward change in unit prices or total value on the license if the commodity covered by the license is at the time of export clearance subject to the general licensing policy set forth in § 373.1 of this subchapter, except:

(i) Where the licensee avails himself of permissible weight and volume tolerances. In such cases, the total value for the commodity shown on the shipper's export declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased.

(ii) Where price increases can be justified before the collector of customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(iii) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

(3) *Price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total price under the following circumstances:

(i) Where the license covers an R commodity; or

(ii) Where the license covers an RO commodity which at the time of export clearance is not subject to the general licensing policy set forth in § 373.1 of this subchapter; or

(iii) Where the change involves a reduction in prices:

Provided, That when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the shipper's export declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declarations.

NOTE: Where the Positive List does not indicate a unit of quantity for a specific commodity, the commodity shall be deemed to be licensed in quantities determined by dollar value only, even though a unit of quantity is shown on the license.

In such instances any increase in total dollar value must be made by amendment as provided for under § 380.2 (e) (2). Shipments against such licenses will be charged in terms of dollars as shown on the shipper's export declaration and the value shown on the shipper's export declaration shall not exceed the total value shown on the license.

When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation and warehousing charges, etc. occurring between the date of validation of the license and the date of the export declaration may have the effect of reducing the physical quantity which may be exported.

(f) *Intermediate consignee amendments.* Amendment of the export license is required if the intermediate consignee to be used or designated in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license.

§ 380.3 *Price amendments on pending license applications.* Requests for amendment of a pending license application to effect a change in price may be submitted at any time, except that if a time schedule for submission of the license application has been established, the request may be submitted only during such period. The amendment procedure set forth in § 380.2 shall be followed with respect to these requests. Letters or telegrams requesting amendment of prices shall also state the applicant's reference number, date of application, commodity, country of destination, OIT application number (if known) for the purpose of identifying the application, the revised price, and reasons for the price change.

§ 380.4 *Extension of licenses*—(a) *Time for submission of requests.* Licensees may submit requests for extension of the validity periods of licenses which expire before shipment has been made. It is essential that the request for extension be submitted sufficiently in advance of the expiration date to allow the Office of International Trade to send an advice of amendment by regular mail to the licensee and the collector of customs holding the license before the license expires. However, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, requests for extension will be considered if received within 21 days after the expiration date shown on the license.

(b) *Procedure and justification for requesting extension.* Requests for extension of the validity period of licenses must be submitted in the same manner as provided in § 380.2, and shall be accompanied by the expiring license unless it has been filed with a collector of customs. Where the license has been deposited with a collector of customs, notification of the filing of such request shall be given to the collector with whom the license has been deposited. Where the expiring license does not accompany the request for extension, the applicant shall also include the following information on the face of Form IT-763:

(1) In item 10, state why shipment was not or will not be made before expiration date of license, stating facts to assure that shipment can be effected during the extended validity period requested. If partial shipment has been made, indicate quantity and value.

(2) In item 12, state whether license has been previously extended. If so, give date(s) and duration of such extension(s), and office by which extension was issued.

The foregoing information must also be included when request for extension is submitted by telegram in cases of extreme emergency as provided under § 380.2 (c) (4).

NOTE: If granted, the extension will be made in the same manner as other amendments. (See Note following § 380.2 (c).)

When a collector of customs who is holding an expiring license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the collector will hold the license for an additional 30 days after the original expiring date. If the approved extension has not been received within 30 days, he will return the license to the Office of International Trade.

(c) *Disclosure of prior action on the shipment.* The provisions of § 380.2 (d) with respect to disclosure of prior action on the shipment in the case of requests for amendments to licenses shall apply equally to requests for extensions of validity periods of licenses.

PART 381—ENFORCEMENT PROVISIONS

Sec.
381.1 Violations.
381.2 Revocation of licenses.
381.3 Export control documents: Trafficking, advertising, misuse, and unauthorized amendment.
381.4 Destination control.
381.5 Return or unloading of cargo at direction of Department of Commerce.

AUTHORITY: §§ 381.1 to 381.5 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 381.1 *Violations*—(a) *General*—(1) *Violations.* Violations, by any person, of the export-control law and any proclamation, order, rule, or regulation issued thereunder are punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. Violations are also subject to administrative action of suspension, revocation, or denial of licenses and licensing privileges granted pursuant to the authority of the export control law.

(2) *False or misleading statements.* The submission of false or misleading statements is a violation hereunder punishable under the export control law, and other applicable statutes. In addition, commodities attempted to be, or being, or intended to be, exported or shipped from or taken out of the United States in violation of the export control law or any proclamation, order, rule, or regulation issued thereunder are subject to seizure.

(3) *Licensee accountable.* With respect to licenses, the applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license.

(b) *Misrepresentations*—(1) *General provisions.* (i) All representations, statements, and certifications made by any licensee or any other person for the purpose of effecting or causing to be effected an exportation of any commodity or commodities from the United States shall be deemed to constitute representations, statements, and certifications made in respect of matters relating to the jurisdiction of the Office of International Trade and the Bureau of Customs under the statutes, proclamations, Executive orders, and regulations relating to export control and orders or licenses issued thereunder.

(ii) It shall be unlawful under Parts 370 to 399, inclusive, of this subchapter and the export control law, in addition to the provisions of any other law, for any person knowingly to make or cause to be made any false representation, statement or certification, or to falsify or conceal any material fact, for the purpose of effecting or causing to be effected an exportation of any commodity or commodities from the United States.

(2) *Persons liable.* Every person, whether or not situated in the United States, and whether or not the purchaser or ultimate consignee, who shall make any representation, whether directly to the Office of International Trade or any collector of customs or indirectly through any applicant for or holder of any export license, authenticated shipper's export declaration, or other export control document, for the purpose of effecting or inducing the issuance, or maintenance in effect, of any export license, shipper's export declaration, or other export control document, shall be subject to Parts 370 to 399, inclusive of this subchapter.

(3) *Types of misrepresentation.* Without limitation of the foregoing or of any other provisions of the law or Parts 370 to 399, inclusive, of this subchapter no such person shall:

(i) *Country of destination.* Falsely state the country of ultimate destination intended, or divert commodities in violation of the terms, provisions, and conditions of any export control document to any country other than that of the destination named in the document, or attempt or conspire to do the same.

(ii) *Consignee.* Falsely describe the true ultimate consignee or purchaser to, or conceal his true identity from, the applicant or licensee, or from the Office of International Trade or any collector of customs.

(iii) *Orders.* Submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, with the intention not to abide by such order or commitment, or not perform the terms thereof, whether or not the applicant or licensee is aware of such intention. Unless notice of change in intention is communicated and received by the Office of International Trade prior to exportation, in time to permit revocation or amendment, all parties will be deemed to represent continuously to the Office of International Trade that the intention continues to be that of abiding by the order or commitment and of performing the same.

(iv) *End use.* Falsely state the end use to be served by the exportation in question.

(4) *Denial of licensing privileges.*[1] In addition to the application of other provisions of law and of Parts 370 to 399, inclusive, of this subchapter, any person who shall violate any of the foregoing provisions of this section may be declared ineligible by the Office of International Trade to be a party to any licensed exportations, and it shall be unlawful for any person knowingly to apply for or obtain any license, shipper's export declaration, or other export control document relating to any exportation of commodities to or for such person so declared ineligible without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

§ 381.2 *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation without notice.

§ 381.3 *Export control documents: Trafficking, advertising, misuse, and unauthorized amendments*—(a) *Unauthorized use and alterations.* Except as otherwise specifically authorized in Parts 370 to 399, inclusive of this subchapter, or in writing by the Office of International Trade, it shall be unlawful for any person, whether or not the licensee, to receive, use, alter, assist in or permit the use or alteration of, any export control document, for the purpose of facilitating or effecting any exportation other than that set forth in such document or except in accordance with all the terms, provisions and conditions thereof.

(b) *Trafficking and advertising.* Without limitation of the foregoing or of any other provisions of law or of Parts 370 to 399, inclusive, of this subchapter, it shall be unlawful without prior written approval of the Office of International Trade with respect to any exportation under any outstanding export control document:

(1) *Transfers or changes of ownership.* For the licensee to effect, or to attempt to effect, any transfer of, or other change of ownership in, such document whether by sale, gift, loan, or otherwise, to any other person, or to permit any other person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of ownership of, or otherwise to use, an export control document, or to attempt the same, except for the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect, or to attempt to effect, any change of, substitution for, or addition to, the parties named in an export control document, or any transfer, receipt or purchase, or creation of any interest or participation whatsoever in the transaction described in any export control document.

(3) *Unlawful advertising.* To offer or solicit by written advertisement or circular any transfer of an export control document or any interest therein hereinabove declared unlawful. An advertisement or circular shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Office of International Trade of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, offering or soliciting the sale for exportation of any commodities the advertisement indicates that the proposed seller of such commodities holds or will furnish a license or other export control document for the exportation of such commodities;

(iii) Where, offering or soliciting the purchase for exportation of any commodities, such advertisement is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities.

(4) *Agent for licensee.* For the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, ex-

[1] See Part 382 of this subchapter, entitled "Denial or Suspension of License Privileges."

cept under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other contractual agreement between the licensee and the purchaser or ultimate consignee of such commodity.

INTERPRETIVE STATEMENT REGARDING §§ 381.1 AND 381.3

The purpose of the foregoing regulations is to state in detail those practices which are prohibited in the use of export control documents and to clarify the liabilities for false representations.

1. *Use of documents.* Section 381.3 emphasizes the fact that a license or authenticated shipper's export declaration or other export control document is not a subject for trafficking and that, except as specifically authorized by the Office of International Trade, no interest therein can be lawfully transferred or created. Particular attention is called to the fact that this regulation prohibits advertising of any nature whatever of offers or solicitations which might involve transfers of export control documents.

Where a licensed transaction has failed of accomplishment, the license cannot without special authorization be used for any other transaction. Amendments of consignors and consignees will be permitted only under the strict provisions of the regulations.

2. *Unlawful practices.* The regulation makes it unlawful for a licensee or other person holding an export control document to sell, or for any person to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit or for "account" of any person other than the licensee, regardless of the device or fiction employed; or for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose or for the named consignee to act "for the account" of a new unlicensed consignee.

3. *Dock receipts, bills of lading, liens.* The regulation will not be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding, or transporting commodities.

However, where the foreclosure of any lien or other security title or interest or the exercise of any rights by the holder of the lien or other security title or interest contemplates an exportation under the license, by someone other than the licensee or to someone other than the purchaser or ultimate consignee designated in the license, the holder of the lien or other security title or interest must apply for an amendment or for a new license as a new party in accordance with the regulation on amendments.

§ 381.4 *Destination control*—(a) *Scope and definitions.* (1) The provisions of this section apply to all shipments of cargo made under validated licenses and all shipments of Positive List commodities made under either validated or general licenses.

(2) The provisions of this section shall not apply with respect to shipments of cargo effected under General License GO to ports of ultimate destination in Country Group O (North or South America, as listed in Schedule C of the Bureau of the Census).

(3) As used in this section "bill of lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* (1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this section at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated shipper's export declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Office of International Trade to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Office of International Trade to the carrier or its agent: (i) divert any cargo to any country of ultimate destination other than that named in the authenticated shipper's export declaration or in the bill of lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Office of International Trade.

(4) No carrier of such cargo shall issue a bill of lading providing for delivery to the ultimate consignee named in the authenticated shipper's export declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or declaration, unless written authorization has been granted by the Office of International Trade. However, where the authenticated shipper's export declaration provides for delivery of cargo consisting of commodities subject to this section to optional intermediate consignees located in ports in different countries, the carrier may issue a bill of lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on declaration, bill of lading and commercial invoice.* (1) (i) No shipment of cargo subject to the provisions of this section may be made unless the licensee or his forwarding agent shall place the following statement (filling in the blank space with the name of the country of ultimate destination set forth in the shipper's export declaration) on all copies of the shipper's export declaration presented to the collector of customs at the port of exit for authentication:

These commodities licensed by U. S. for ultimate destination (name of country). Diversion contrary to U. S. law prohibited.

(ii) If the validated export license authorizes distribution or resale of the named commodities in a country or countries other than the named country of ultimate destination, the following statement (in lieu of the preceding statement) shall be set forth on all copies of the shipper's export declaration:

These commodities licensed by U. S. for ultimate destination (name of country) and for distribution or resale in (name of other approved countries as shown on validated license). Diversion contrary to U. S law prohibited.

(2) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a bill of lading covering an exportation of a commodity with respect to which a shipper's export declaration has been authenticated by a collector of customs containing the statement set forth in subparagraph (1) of this paragraph, unless all copies of such bill of lading, including all non-negotiable and office copies, shall contain the same statement.

(3) No licensee, shipper, consignor, exporter, or agent thereof, or any other person shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the statement set forth in subparagraph (1) of this paragraph.

(d) *Notice of prohibition against diversion.* (1) Whenever a commercial invoice shall be issued containing the statement prescribed in paragraph (c) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated shipper's export declaration, (ii) the intermediate consignee and (iii) any other persons named in the invoice who are located in a foreign country. Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and bills of lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or in lieu of a copy of the commercial invoice, may send a copy of the bill of lading containing the statement prescribed in paragraph (c) of this section.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) of this section, whether by such invoice or bill of lading or by any other means, divert or cause to be diverted any of the commodities described in such bill of lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Office of International Trade, evidence of the sending of such invoice or bill of lading or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the regulations in this part shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated shipper's export declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's bill of lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Office of International Trade. This report shall consist of a copy of the manifest of such diverted cargo together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Office of International Trade of such diversion, promptly, and within 10 days, notify the Office of International Trade of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Office of International Trade. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated shipper's export declaration without such prior approval

(g) *Indication of shipper's export declaration number on ship's manifest.* The carrier or its agent shall, on all copies of that manifest which is filed with the U. S. collector of customs, indicate thereon, with respect to each shipment, the applicable shipper's export declaration number assigned to each such shipment by the collector of customs.

INTERPRETATIONS

I. Q. Who other than the shipper is authorized to insert the ultimate destination control statement on the export declaration, the bill of lading and the commercial invoice, as provided by § 381.4?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 381.4 (c) (1) on the bill of lading, shipper's export declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If carrier prepares the bill of lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., an authenticated shipper's export declaration or a validated license, or a properly executed shipper's export declaration given to the carrier for submission to collectors for authentication containing the statement.

2. Q. If shippers or their agents located in inland cities forward to carriers at ports of exit export declarations, bills of lading, and commercial invoices without having inserted the ultimate destination control statement, is it necessary for the carrier to return the documents to the shipper or his agent?

A. If shipper's export declaration presented to the carrier does not contain the ultimate destination control statement, the carrier cannot add such statement to the declaration unless specifically authorized by exporter, nor can the carrier issue a bill of lading containing the statement until exporter or his authorized forwarding agent has placed the statement on the declaration and the declaration has been authenticated by the collector. The carrier may not insert the statement on any shipper's export declaration or commercial invoice accompanying the shipment, unless authorized by designation as provided in case of forwarding agents.

3. Q. Is the collector responsible for checking as to the ultimate destination control statement on the bill of lading and on invoices, as well as on the export declaration?

A. Collectors of customs have the responsibility for checking as to the ultimate destination control statement on all shipper's export declarations submitted for authentication, and should ascertain that the inscription has been placed on any bills of lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, collectors may, wherever they deem it appropriate, to assure compliance with the regulations, check the bill of lading or commercial invoices as to the ultimate destination control statement or other matters.

4. Q. Do the destination control provisions apply to Positive List commodities exported under such general licenses as GLV, BAGGAGE and TOOLS OF TRADE?

A. The provisions of § 381.4 apply to GLV shipments and to shipment of Positive List commodities under any other general license where an export declaration is required. However, no ultimate destination control statement is required on declarations of commodities exported under general license BAGGAGE.

5. Q. Does this regulation apply to in-transit shipments?

A. The ultimate destination control statement is not required for shipments made under general license GIT, but is required for intransit shipments of commodities excepted from GIT (§ 371.9 (c) of this subchapter), and for commodities moving in transit to Subgroup A, Hong Kong, and Macao.

6. Q. Does paragraph 381.4 (g) apply only to ship's manifest?

A. The paragraph applies only to customs outward foreign manifest.

§ 381.5 *Return or unloading of cargo at direction of Department of Commerce*—(a) *Exporting carriers.* (1) Any exporting carrier which has departed from the United States with any commodity on board which has not been cleared for export in accordance with the provisions of § 379.1 (a) (1) of this subchapter, or with any commodity on board as to which any other violation of export control regulations (Parts 370 through 399 of this subchapter) has occurred, and which is in possession or control of such commodity, shall, as may be directed by the Office of International Trade, either (i) return such commodity to the United States or cause such commodity to be so returned, or (ii) unload such commodity at a port of call and take steps to assure that such commodity is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Office of International Trade.

(2) The provisions of § 381.4 (f) relating to reporting, notification to the Office of International Trade, and the prohibition against unauthorized delivery or entry of the commodity into a foreign country, shall apply also to commodities directed to be unloaded at a port of call, as provided in this section.

(b) *Agents of the carrier or vessel.* The agent of the carrier or vessel having such commodity aboard or which is in possession or control of such commodity, as provided in paragraph (a) of this section, shall notify the master of the vessel immediately upon discovery of such export control violation.

NOTE: This section in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under U. S. Code, title 46, sections 91 and 92).

Commodities returned to the United States pursuant to this section are required by customs regulations to be removed from the dock or pier where deposited within 48 hours, or the commodities will be placed in storage with charges leviable against the commodities.

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

Sec.
382.1 Authority to deny export privileges.
382.2 Compliance Commissioners.
382.3 Institution of proceedings.
382.4 Default.
382.5 Answer.
382.6 Subpoenas.
382.7 Hearings.
382.8 Report of Compliance Commissioner.
382.9 Disposition.
382.10 Consent orders.
382.11 Temporary suspensions.
382.12 Rehearings.
382.13 Appeals.
382.14 Proceedings confidential.
382.51 Table of compliance orders currently in effect denying export privileges.

AUTHORITY: §§ 382.1 to 382.51 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 382.1 *Authority to deny export privileges.* Any person who violates any law or regulation relating to export control may be denied the privilege of exporting, receiving, or otherwise participating in any exportation of any commodity, or of technical data, from the United States to any foreign destination, including Canada; and of financing, transporting, or other servicing of such exports. Such denial of export privileges shall take the form of an order issued in the name and under the authority of the Assistant Director for Export Supply of the Office of International Trade and shall be effective for such period of time and on such terms and conditions as may be deemed appropriate and prescribed therein. Such an order may be made applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control, or other connection in the conduct of export trade. Any statute, proclamation, Executive order, regulation, or order applicable to any conduct involved in obtaining or using an export license or other export control document shall be deemed to be a "law or regulation relating to export control."

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of export control regulations not only may result in denial of export privileges but also are punishable by a fine of not more than $10,000, or by imprisonment for not more than 1 year, or both. Any submission of false information, whether in connection with license applications, export declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both.

§ 382.2 *Compliance Commissioners.* The Director of the Office of International Trade will designate one or more persons to act as Compliance Commissioners, who shall have the powers and duties provided herein. Persons attached to the Export Supply Divisions or Investigation Staff of the Office of International Trade shall not be qualified to act as Compliance Commissioners.

§ 382.3 *Institution of proceedings.* The Chief, Export Control Investigation Staff, may, with the approval of the Office of the General Counsel, initiate proceedings for the denial of export privileges of any person who he has reason to believe has violated any law or regulation relating to export control. Such proceedings shall be initiated by sending a notification (to be known as a charging letter) either by telegraph or by registered mail to each person against whom proceedings are brought (to be known as a respondent) at his last known address. The charging letter shall set forth the specific violations charged, including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have committed the alleged violations, his export privileges may be denied. The charging letter shall inform the respondent that he may submit his answer in writing or, if he so requests, may be accorded an oral hearing at a time and place to be subsequently fixed, but that, unless either his written answer or his written request for an oral hearing is received by the Chief, Export Control Investigation Staff, within 10 days after receipt of the charging letter by respondent, he will be held in default and an order denying his export privileges may be entered forthwith. Charges may be amended from time to time upon reasonable notice.

§ 382.4 *Default.* If the respondent does not answer the charges or request an oral hearing within the time prescribed in § 382.3, he shall be held in default. In such case the evidence of violation shall be informally presented to the Compliance Commissioner, but the proceedings shall otherwise be the same as in contested cases. Failure of a respondent to receive a charging letter addressed and transmitted to him as provided in § 382.3 shall not prevent or invalidate such default but a respondent who has not received the charging letter may at any time move to vacate or modify any order issued pursuant to such charging letter. Proceedings on such a motion, including a hearing if requested, shall be conducted as provided in § 382.11 (c) with respect to motions to vacate or modify a temporary suspension order.

§ 382.5 *Answer.* The respondent may answer the charges or request an oral hearing within the time prescribed in § 382.3 by submitting his written answer or request in duplicate to the Chief, Export Control Investigation Staff, Office of International Trade, Department of Commerce, Washington 25, D. C. If the respondent so desires, he may waive the oral hearing and have the case considered by the Compliance Commissioner on the basis of his written answer, in which event final disposition of the case shall be made without formal hearing. In lieu of such a hearing, the evidence of violation shall be informally presented to the Compliance Commissioner, who shall consider it, together with the answer, but the proceedings shall otherwise be the same as in other cases. If the respondent desires to present his answer at an oral hearing, he shall be accorded an opportunity to do so at a time and place to be fixed by the Director, Export Control Investigation Staff, on at least 10 days' notice, provided the respondent has requested such hearing within the time prescribed in § 382.3. The date of hearing may be advanced upon request, and hearings may be postponed or continued from time to time upon reasonable notice.

§ 382.6 *Subpoenas.* The Compliance Commissioner may issue subpoenas, returnable before him, at the request of any party to a proceeding before him, requiring the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

§ 382.7 *Hearings.* Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The exclusionary rules of evidence prevailing in courts of law shall not apply, but all evidence relevant and material to the inquiry shall be received and given appropriate weight. The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceedings shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondent shall have an opportunity of examining the transcript and of obtaining a copy upon payment of proper costs. Any party to the proceedings may file a bill of exceptions to the transcript with the Compliance Commissioner within 5 days after a copy of the transcript is made available to him, or within such other time as the Compliance Commissioner may prescribe. The Compliance Commissioner shall rule upon such exceptions in making the report for which provision is made in § 382.8. Any bill of exceptions so filed shall henceforth accompany the transcript.

§ 382.8 *Report of Compliance Commissioner.* The Compliance Commissioner shall consider the record, including any bill of exceptions filed thereto, and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, exhibits, and bills of exceptions, if any, shall be transmitted to the Assistant Director for Export Supply.

§ 382.9 *Disposition.* The Assistant Director for Export Supply shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. If the Compliance Commissioner has found that a violation has been committed, his recommendations shall be advisory only, and the Assistant Director for Export Supply may issue such order as he deems appropriate. If the Compliance Commissioner has found that no violation has been committed, the Assistant Director for Export Supply shall enter an order dismissing the charges. A certified copy of the order, together with a copy of the Compliance Commissioner's report, shall be sent to the respondent by registered mail. Any such order denying export privileges shall be published in the FEDERAL REGISTER as soon as practicable after issuance.

§ 382.10 *Consent orders.* The Director, Export Control Investigation Staff, and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and for this purpose may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case. If he does not approve the proposal, he shall so notify the respondent and the Director, Export Control Investigation Staff, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Assistant Director for Export Supply. The Assistant Director for Export Supply may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

§ 382.11 *Temporary suspensions*—(a) *Suspension by charging letter.* A charging letter may by its terms suspend, from and after the date of its issuance, the respondent's privilege to obtain or use validated export licenses and may revoke and require the return for cancellation of outstanding validated licenses but shall not otherwise suspend the respondent's export privileges. Such latter privileges, however, may be suspended as provided below in paragraph (b) of this section.

(b) *Temporary suspension orders.* (1) The export privileges of any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be suspended summarily, without prior notice or opportunity for hearing, where and to the extent such suspension is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary suspension order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

(2) An application for such a temporary suspension order shall be made by the Director, Export Control Investigation Staff, to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Director, Export Control Investigation Staff, by memorandum, and no further action shall be taken upon it; but if he approves it, he shall send his recommendation, together with the application and accompanying documents to the Assistant Director for Export Supply, who may issue such temporary suspension order as he shall deem appropriate. A certified copy of the order shall be sent to the respondent by registered mail.

(c) *Motions to vacate or modify.* The respondent may at any time move to vacate or modify any temporary suspension contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest possible date. The Compliance Commissioner shall consider the evidence presented and shall submit his report and recommendations thereon to the Assistant Director for Export Supply. The latter may issue such order disposing of the motion as he shall deem appropriate, and a certified copy thereof shall be promptly communicated to the respondent.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this section, no export license application filed by any person shall be returned without action, held without action, or rejected, by reason of the fact that such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary suspension order issued under paragraph (b) of this section.

§ 382.12 *Rehearings.* The Compliance Commissioner may upon written request grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Assistant Director for Export Supply for final action in the same manner as provided for the original proceedings.

§ 382.13 *Appeals*—(a) *Grounds of Appeal.* The respondent may appeal from a suspension or denial of export privileges upon the ground (1) that the findings of violation are not supported by any substantial evidence, (2) that prejudicial error of law was committed or (3) that the provisions of the order are arbitrary, capricious, or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.

(b) *Filing of appeals.* An appeal must be in writing and must be filed with the Appeals Board, Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington 25, D. C. An appeal from a temporary suspension by charging letter or order may not be filed unless the respondent has unsuccessfully moved to vacate or modify such temporary suspension as provided in § 382.11 (b) and, in addition, unless such temporary suspension has remained in effect for at least 60 days. An appeal from a final order denying export privileges must be filed within 10 days after receipt of a copy of the order. The provisions of Part 383 of this subchapter shall govern the procedure and disposition of appeals except as otherwise provided in this section.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall not constitute a trial *de novo*, but the appeal shall be considered upon the basis of the record, consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner, including any bills of exceptions thereto, the report of the Compliance Commissioner, the order of the Assistant Director for Export Supply, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeal.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be promptly transmitted to the respondent and published in the FEDERAL REGISTER.

§ 382.14 *Proceedings confidential.* All proceedings prior to the issuance of an order by the Assistant Director for Export Supply shall be confidential. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any government agency having a proper interest therein.

§ 382.51 *Table of compliance orders currently in effect denying export privileges*—(a) *Contents.* (1) This table contains orders issued by the Office of International Trade which currently revoke, suspend, or deny export privileges. Suspension orders which by their terms have ceased to operate are not included. Temporary suspensions by order or charging letter are likewise not included. (Until a formal compliance order is issued the proceedings in compliance cases are kept confidential.)

(2) The Table of Compliance Orders will be amended to list additional compliance orders which may be issued and to delete listed orders whenever they expire.

(3) The Table contains the name and address of all United States and foreign persons, corporations, and firms denied export privileges by compliance orders based on findings of violations of the laws and regulations relating to export control, effective date of order, expiration date of order, export privileges affected and the volume and page of the FEDERAL REGISTER in which the complete text containing the factual and legal basis for each cited order can be found.

(4) Orders denying export privileges are issued not only for violations involving unauthorized transshipments of strategic commodities but also for other types of violations relating to export control. Therefore, to ascertain the grounds for any order, reference should be made to the cited issue of the FEDERAL REGISTER for the text of the order.

NOTE: License denial orders usually contain a provision making them applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control, or other connection in the conduct of export trade. Accordingly, reference should be made to the text of the order in any particular case to ascertain whether it is applicable to related persons (see § 382.1).

Section 381.1 (b) (4) of this subchapter makes it unlawful for any person knowingly to apply for or obtain any license, shipper's export declaration, bill of lading or other export control document relating to any prohibited exportation of commodities to or for a suspended person, firm, or corporation without first disclosing this fact to the Office of International Trade and obtaining specific authorization where necessary.

(b) *Table of compliance orders:*

Name and address	Effective date order	Expiration date order	Export privileges affected	Federal Register citation
Ahern, C. F., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
American Hellenic Corp., 17 Battery Pl., New York, N. Y.	10-14-48	Duration	General and validated licenses, all commodities, any destination.	13 F. R. 6126, 10-20-48.
American Industrial Products Co., 111 Broadway, New York, N. Y.	8-8-51	2-8-53	General and validated licenses, Positive List commodities, any destination; also exports to Canada.	16 F. R. 8097, 8-15-51.
American Moroccan Products Exchange, 12 Rue du Capcral, Grebert, Casablanca, French Morocco, and 10 Calle Francisco, Victoria, Tangier.	6-16-51	6-15-53	General and validated licenses, all commodities, any destination.	16 F. R. 6001, 6-23-51
Arnholz, Thomas A., 1 Hanson Pl., Brooklyn, N. Y.	1-18-52	7-18-52	Validated licenses, all commodities, any destination, and general licenses, Positive List commodities only, any destination.	17 F. R. 670, 1-22-52.
Bellmex Corp., 116 Broadway, New York, N. Y.	8-3-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 4913, 8-9-49
Benedetti, Nicholas R., 602 Broderick St., San Francisco, Calif.	5-31-49	do	do	14 F. R. 1689, 4-8-49.
Berk, Milton 1457 Le Jeune Rd., Coral Gables, Miami, Fla.	5-25-49	do	do	1 F. R. 2882, 6-1-49.
Beyelouu, Busan M., 58-60 London House, Loveday St., POB 5502, Johannesburg Union of South Africa.	4-24-51	do	do	16 F. R. 3671, 4-28-51.
Blalock, William E., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2137, 3-12-52.
Bilik, John, Jr., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	No participation all commodities, general or validated licenses, as carrier, forwarder, exporter, or otherwise.	17 F. R. 1633, 2-18-52.
Brandes, Ralph Harry, 16 Boerson Strass, Zurich, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination.	16 F. R. 10088, 10-3-51.
Cecioro, Edward, Jr., Chrysler Bldg., 405 Lexington Ave., New York, N. Y.	8-15-51	8-14-53	do	16 F. R. 8297, 8-21-51.
Carney, Chesney M., 1 Wall St., New York, N. Y., and Clarksburg, W. Va.	6-12-51	6-12-54	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Chien, C. F., 1 Wall St. New York, N. Y.	6-12-51	6-12-54	do	16 F. R. 5845, 6-19-51.
Chao, C. H., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	do	16 F. R. 5845, 6-19-51.
Cohn, John, 116 Broadway, New York, N. Y.	8-3-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 4913, 8-9-49
Corti, Dante, Via Orefici, 2/27, Genoa, Italy, and Viale Montegrappa 24, Prato, Italy	4-11-52	do	do	17 F. R. 3361, 4-15-52.
Cosmopolitan Supply Co., Inc., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Croton Trading Co., 136 Liberty St., New York, N. Y.	3-7-52	9-7-52	Validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2137, 3-12-52.
Croton Trading Co., Inc., 136 Liberty New York, N. Y.	3-10-50	Duration	do	17 F. R. 2137, 3-12-52.
De Fiori, Enrica L., 1564 Broadway, New York, N. Y.	3-10-50	do	General and validated licenses, all commodities, any destination.	15 F. R. 1494, 3-16-50.
De Fiori, Victor E., 1564 Broadway, New York, N. Y.	3-10-50	do	do	15 F. R. 1494, 3-16-50.
Dualea Steamship Co., International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	Until further notice.	No participation all commodities, general or validated licenses, as carrier, forwarder, exporter, or otherwise.	17 F. R. 1633, 2-18-52.
Dudeck, Marion, International Trade Mart, 124 Camp St., New Orleans, La.	2-13-52	do	do	17 F. R. 1633, 2-18-52.
Dunlap, Archibald S., 342 West 71st St., New York, N. Y.	4-7-52	Duration	General and validated licenses, all commodities, any destination	17 F. R. 3241, 4-12-52.
Edelman, M. H., Manning Maxwell & Moore, Inc., 405 Lexington Ave., New York, N. Y.	8-15-51	8-14-53	do	16 F. R. 8297, 8-21-51.
Electra Commodity & Barter Corp., 3 East 48th St., New York, N. Y.	5-28-51	Duration	do	16 F. R. 5295, 6-5-51.
Franer, Adolphi, 12 Rue Du Capcral, Grebert, Casablanca, French Morocco, and 10 Calle Francisco, Victoria, Tangier.	6-6-51	6-15-53	do	16 F. R. 6001, 6-23-51
Gambaro, A. G., Lucerne, Switzerland.	4-20-51	Duration	do	16 F. R. 3670, 4-28-51.
Gambaro, Corp., Construction Co., Lucerne, Switzerland.	4-20-51	do	do	16 F. R. 3670, 4-28-51.
Gambaro, Hans, Lucerne, Switzerland.	4-20-51	do	do	16 F. R. 3670, 4-28-51.
Gambaro, Johann, Lucerne, Switzerland.	4-20-51	do	do	16 F. R. 3670, 4-28-51.
Gitrol Trust, Reg., Hauptstrasse 33, Vaduz, Liechtenstein.	1-2-52	12-31-52	do	17 F. R. P. 167 1-5-52.
A. Givatowsky, Etablissements due Gres, Ninety-four Ave., Louise, Brussels, Belgium.	1-2-52	12-31-52	do	17 F. R. 167 1-5-52.
Grote, Rolf G., 1482 York Ave., New York, N. Y.	7-3-50	Duration	General and validated licenses, Positive List Commodities, any destination.	15 F. R. 4523, 7-7-50.
Hartung, Marvin F., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	do	16 F. R. 5845, 6-19-51.
Hutmacher, Dr. Georg, 16 Boersen Strass, Zurich, Switzerland.	9-24-51	Duration	General and validated licenses, all commodities, any destination.	16 F. R. 10088, 10-3-51.
Industrial Specialty Co., Ltd., 18 Buckingham Gate, London, SW. 1, England.	12-8-50	do	do	15 F. R. 8868, 12-14-50.
Industriale Commerciale Cotoni Alfini, Societa (S. I. C. C. A.) Viale Montegrappa 24, Prato, Italy.	1-14-52	do	do	17 F. R. 3361, 4-15-52.
International Marketers, Ltd., 56 George St., London, W. 1, England.	3-25-52	1-31-53	do	17 F. R. 2792, 3-29-52.
Italiana Gestione Immobiliari, Societa (S. I. G. I.), Via Montegrappa 24, Prato, Italy.	1-14-52	Duration	do	17 F. R. 3361, 4-15-52.
Jackson, George, 18 Buckingham Gate, London, SW. 1, England.	12-8-50	do	do	15 F. R. 8868, 12-14-50.
Janik, Carl Lohman, 346 Sound Beach Ave., Old Greenwich, Conn. (formerly 9 Rockefeller Plaza, New York, N. Y.)	12-26-50	do	do	15 F. R. 9531, 12-30-50.
Havana Trading Corp., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Kazantzis, Theodore E., 17 Battery Pl., New York, N. Y.	10-15-48	Duration	General and validatede licenses, all commodities, any destination.	13 F. R. 6126, 10-20-48.
Kedros, Chem. 11 Via Trento, Trieste, Free Territory of Trieste.	12-5-50	do	General and validated licenses, Positive List commodities, any destination.	15 F. R. 8866, 12-14-50.
Kedros, Theodore E. 204 Franklin St., New York, N. Y.	7-28-50	do	do	15 F. R. 4679, 8-4-50.
Klein, Aaron, 221 East 56th St., New York, also 138-17 225th St., Laurelton, N. Y.	8-26-49	do	General and validated licenses, all commodities, any destination.	14 F. R. 5460 8-31-49.

Name and address	Effective date order	Expiration date order	Export privileges affected	Federal Register citation
Kolisch, Leopold L., Veerhaven 17, Rotterdam, Holland	9-24-51	Duration	General and validat d licenses, all commodities, any destination.	16 F. R. 10088, 10-3-51.
Krasnow, Anna, 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 3423, 4-17-52.
Krasnow, William S., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	do	17 F. R. 3423, 4-17-52.
Krasnow Wool Stock Co., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	do	17 F. R. 3423, 4-17-52.
Kung, L. K., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	General and validated licenses Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Kung, Shin Co., Hong Kong	1-28-52		General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 964, 2-1-52.
La Rapida Shipping & Trading Co., 15rd Broadway, New York, N. Y.	3-10-50	Duration	General and validated licenses, all commodities, any destination.	15 F. R. 1494, 3-16-50.
Lee, Ching Sen, 111 Broadway, New York, N. Y.	8-8-51	2-8-53	General and validated licenses, Positive List commodities, any destination; also exports to Canada.	16 F. R. 8097, 8-15-51.
Lickermann, Bernard, 116 Broadway, N. Y., also 10 Rue Ravenstein, Brussels, Belgium.	8-3-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 4913, 8-9-49.
Lincoln, Donald, 1 Wall St., New York, N. Y.	6-12-51	6-12-54	General and validated licenses, Positive List commodities, any destination	16 F. R. 5845, 6-19-51.
Lohman, Carl, 9 Rockefeller Plaza, New York, N. Y.	12-26-50	Duration	General and validated licenses, all commodities, any destination.	15 F. R. 9531, 12-30-50.
Lynch, Thomas A., 111 Broadway, New York, N. Y.	8-8-51	2-8-53	General and validated licenses, Positive List commodities, any destination; also exports to Canada.	16 F. R. 8097, 8-15-51.
Lynch, Thomas P., 280 Kenneth St., Brisbane, Calif., also 21 Bridge St., New York 4, N. Y.	8-15-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 5207, 8-19-49.
Marton Distributors, Inc., 1266 47th St., Brooklyn 19, N. Y.	3-25-52	12-25-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2793, 3-29-52.
Marton, Irving, 1266 47th St., Brooklyn 19, N. Y.	3-25-52	12-25-52	do	17 F. R. 2793, 3-29-52.
Marton, Olga H., 1266 47th St., Brooklyn 19, N. Y.	3-25-52	12-25-52	do	17 F. R. 2793, 3-29-52.
Martinac May, Inc., 76 Beaver St., New York, N. Y.	1-28-52	10-28-52	do	17 F. R. 964, 2-1-52.
Maurice May, Ltd., 20 Peck Seah St., Singapore.	1-28-52	10-28-52	do	17 F. R. 964, 2-1-52.
McGinnis, George W., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Metropolitan Trading Corp., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	do	16 F. R. 5845, 6-19-51.
Nederlands Transport Bureau, Veerhaven 15, Rotterdam, Holland.	9-24-51	Duration	General and validated licenses, all commodities, any destination (company same as Van Uden's N. V. Transport-Bureau, which see).	16 F. R. 10088, 10-3-51.
Nelson, A., 172 Orchard St., New York, N. Y.	3-23-49	do	General and validated licenses, all commodities, any destination.	14 F. R. 1399, 3-29-49
Nelson, A., & Co., 172 Orchard St., New York, N. Y.	3-23-49	do	do	14 F. R. 1399, 3-29-49.
Nelson, Mrs. Danielle L. (nee Leder Jacot), New York, N. Y.	3-23-49	do	do	14 F. R. 1399, 3-29-49.
Nelson, Murray M., New York, N. Y.	3-23-49	do	do	14 F. R. 1399, 3-29-49.
Nelson, Murray M., Inc., New York, N. Y.	3-23-49	do	do	14 F. R. 1399, 3-29-49.
Nelson's Trading House, New York, N. Y.	3-23 49	do	do	14 F. R. 1399, 3-29-49
Netherlands Transport Bureau, Veerhaven 15, Rotterdam, Holland.	9-24-51	do	General and validated licenses, all commodities, any destination (company same as Van Uden's N. V. Transport-Bureau, which see).	16 F. R. 10088, 10-3-51.
New York Export Agency Co., 280 Kenneth St., Brisbane, Calif., and 21 Bridge St., New York, N. Y.	8-15-49	do	General and validated licenses, all commodities, any destination.	14 F. R. 5207, 8-19-49.
Nyegaard, Albert, Charlottenlund, Denmark.	3-31-52	3-31-53	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 2937, 4-4-52.
Oceanic Express Co., 108 West 23d St., New York, N. Y.	3-24-50	Duration	General and validated licenses, all commodities, any destination.	15 F. R. 1821, 3-30-50.
Oleynick, L., & Co., 1151 East 165th St., New York, N. Y.	3-23-49	do	do	14 F. R. 1339, 3-29-49.
Oleynick, Leah, 1151 East 165th St., New York, N. Y.	3-23-49	do	do	14 F. R. 1399, 3-29-49
Painchaud, John Braithwaite, 18 Buckingham Gate, London, SW. 1, England.	12-8-50	do	do	15 F. R. 8868, 12-14-50.
Painchaud, Gerald Stanley, 18 Buckingham Gate, London, SW 1, England.	12-8-50	do	do	15 F. R. 8868, 12-14-50.
Pan Continental Trading Corp., 1 Wall New York, N. Y.	12-8-50	6-12-51	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Pan Pacific Trading Co., 602 Broderick St., San Francisco, Calif.	3-31-49	Duration	General and validated licenses, all commodities, any destination.	14 F. R. 1689, 4-8-49.
Rentzepetris, John, 108 West 23d St., New York, N. Y.	3-24-50	do	do	15 F. R. 1821, 3-30-50.
Sato, A. G. 16 Boersen Strass, Zurich, Switzerland	9-24-51	do	do	16 F. R. 10088, 10-3-15.
Semadis, & Co., 641 8th Ave., New York, N. Y.	3-24-49	do	do	14 F. R. 1605, 4-5-49
Semadis, Peter K., 641 8th Ave., New York, N. Y.	3-24-49	do	do	14 F. R. 1605, 4-5-49.
Shen, C. P., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Shu, Frank M. 76 Beaver St. New York, N. Y., and 20 Peck Seah St., Singapore.	1-28-52	10-28-52	General and validated licenses, all commodities, any destination; also export to Canada.	17 F. R. 964, 2-1-52.
Siegel Chemical Co., Inc., 1 Hanson Pl. Brooklyn 17, N. Y.	1-18-52	7-18-52	Validated licenses all commodities, any destination and general licenses, Positive List commodities only, any destination.	17 F. R. 670, 1-22-52.
Siegel, Robert, 1 Hanson Pl., Brooklyn 17, N. Y.	1-18-52	7-18-52	do	17 F. R. 670, 1-22-52.
Smith, Kingsley R., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
Sobers, Madeline, 76 Beaver St., New York, N. Y.	1-28-52	10-28-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 964, 2-1-52.
Soong, E. Y., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	General and validated licenses, Positive List commodities, any destination.	16 F. R. 5845, 6-19-51.
S. A. Comptoir N. V., Paul Stevens & Co., Stevens, Paul, Manager 10 rue de Kroloff, Antwerp, Belgium.	9-17-51	Duration	General and validated licenses, all commodities, any destination.	16 F. R. 9667, 9-21-51.
Stonehill, C. A., 18 Buckingham Gate, London, SW1, England.	12-8-50	do	do	15 F. R. 8868, 12-14-50
Stuwadoors, Opslar, Controle en Expeditiebedrijf "Rijnhaven" N. V., Veerhaven 14-15, Rotterdam, Netherlands.	9-24-51	do	do	16 F. R. 10088, 10-3-51.
Trakakis, Emanuele, 11 Via Trento, Trieste, Free Territory of Trieste.	12-5-50	do	General and validated licenses, Positive List commodities, any destination.	15 F. R. 8866, 12-14-50.
Van Uden's N. V., Transport-Bureau, Veerhaven 15, Rotterdam, Holland.	9-24-51	do	General and validated licenses, all commodities, any destination.	16 F. R. 10088, 10-3-51.
Wang, Y. P., 1 Wall St., New York, N. Y.	6-12-51	6-12-54	do	16 F. R. 5845, 6-19-51.
Wormser, Paul, Nuschelerstrasse 10, Zurich, Switzerland.	5-19-50	Duration	do	15 F. R. 3194, 5-25-50.
Wormser, Paul & Co., Nuschelerstrasse 10, Zurich, Switzerland.	5-19-50	do	do	15 F. R. 3194, 5-25-50.
Yangtze, Trading Corp., 1 Wall St., New York, N. Y.	6-12-51	6-12-51	do	16 F. R. 5845, 6-19-51.
Zetland, David (also uses the following names: Davis or David Zetlin, Davis or David Zetland), 46 Cedar St., New York, N. Y.	5-28-51	Duration	do	16 F. R. 5295, 6-5-51.
Zetland, David, Corp., 46 Cedar St., New York, N. Y.	5-28-51	do	do	16 F. R. 5295, 6-5-51.

PART 383—APPEALS

§ 383.1 *General procedure for appeals*—(a) *Purpose.* This section provides the general procedure for appeals, except as otherwise noted below.

(b) *Appealability of regulations and administrative actions.* Any person may appeal, upon the grounds set forth in paragraph (e) of this section, from:

(1) Any regulation issued by the Department of Commerce under the export control law or delegated authority relating thereto.

(2) Any administrative action of the Department of Commerce or duly authorized employees thereof, taken under the aforementioned authority, including appeals from compliance actions as provided for by § 382.13 of this subchapter.

Provided, That problems of an over-all nature, affecting exporters as a group, will not be considered within this appeals procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1 of this subchapter.

(c) *Definitions.* For purposes of this section:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action taken by the Department of Commerce or duly authorized employees thereof under a regulation with respect to a particular person, and covers all actions taken on license applications, including return without action.

(3) "Appeal" means a request for relief as provided in this section from the provision of a regulation or of an administrative action, and includes an initial review.

(4) "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(5) "Appellant" means a person filing an appeal.

(d) *Establishment of appeals board.* The Appeals Board of the Bureau of Foreign and Domestic Commerce has been established as an impartial body to consider appeals. The Board consists of a Chairman, who is designated by the Assistant Secretary for Foreign and Domestic Commerce, and two other members.

(e) *Who may file and upon what grounds.* Any person affected by a regulation or administrative action of the kind described in paragraph (b) of this section may file an appeal on the ground that:

(1) The regulation or administrative action works an exceptional and unreasonable hardship upon him; or

(2) The regulation or administrative action improperly discriminates against him.

(f) *Preparation of appeals.* (1) Appeals must be in writing. All appeals and accompanying material shall be filed in triplicate, unless otherwise indicated below. If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed. Appeals must be clearly marked "Ref: Appeals," followed by a reference to the regulation (or administrative action thereunder) appealed from, and shall be in letter form.

(2) All appeals must clearly state (i) the provisions of the regulation or the administrative action appealed from, (ii) the grounds for the appeal, and (iii) the relief requested by the appellant. The various grounds for the appeal should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) A request for an oral presentation before the Appeals Board, as provided in paragraph (h) (1) of this section, must be in writing and should be filed with the appeal.

(4) An appeal not prepared or filed substantially as provided in this section may be returned to the appellant without action.

(5) In addition to the above-described appeals letter, the following papers must be included with appeals of the kind hereinafter described in this paragraph.

(i) Appeals from rejection of license applications must include (*a*) the Notification of Rejection (Form IT-204A), (*b*) a new original copy of the license application (IT-419) on which should be entered the Department of Commerce old case number in the space provided, and (*c*) an acknowledgment card (IT-116) showing the old case number.

(ii) Appeals from license applications returned without action must include (*a*) the returned-without-action license application (IT-419), and (*b*) an acknowledgment card (IT-116) showing the old case number.

(iii) Appeals from multiple commodities or multiple consignee applications disallowed in part must include (*a*) a certified or photostatic copy of the original application, (*b*) a complete new application covering only the rejected items, and (*c*) the appropriate acknowledgment card.

(iv) Appeals from rejection of request for extension of licenses must include the license unless it has been previously surrendered to the Department of Commerce or a collector of customs.

(v) Appeals from denial of request to transfer export licenses must include (*a*) letters of request for transfer in triplicate from the transferor and transferee, and (*b*) the original license unless the license is on file with the Department of Commerce.

(vi) Appeals from rejection of unit-process applications must be for the group comprising such applications and must include (*a*) the Notification of Rejection (Form IT-204A), (*b*) new original copies of the license application (IT-419), on which should be entered the Department of Commerce old case numbers, and (*c*) an acknowledgment card (Form IT-116) showing the old case numbers.

(g) *When and where to file appeals other than appeals from suspension orders.*[1] Appeals may be filed not later than 20 days after the publication date of a regulation, or the date of transmittal of written notification of administrative action, or of a determination upon the initial review.[2] All appeals shall be filed with and addressed to the Department of Commerce, Washington 25, D. C.

(h) *Consideration of appeals.*[3] All appeals, except appeals from denial of the privilege of obtaining or using export licenses, will be considered and reviewed initially by appropriate officials of the Office of International Trade prior to submission of the appeals to the Appeals Board. The Appeals Board will consider only those appeals in which the appellant expressly requests in writing that his appeal be considered by the Appeals Board. An appellant may request consideration of his appeal by the Appeals Board at the time of original submission or after determination upon the initial review of his appeal by appropriate officials of the Office of International Trade as set forth in this paragraph.

(1) *Oral presentations.* In exceptional cases, where the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D. C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation. Such presentation will be heard informally; generally no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. Appellants need not be represented by counsel unless they so wish.

(2) *Records.* Records concerning each appeal will be maintained by the Office of International Trade and may be made available for inspection and copying by persons properly concerned, upon written application. Such application must be addressed to the Appeals Board, and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purpose for which it is sought.

(i) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Determinations by the Appeals Board shall be final. The determination of an appeal will be communicated to the appellant in writing.

(63 Stat. 7, as amended; 50 U. S. C. App., 2023. E. O 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

[1] The procedure for filing appeals from suspension orders and denials of license privileges is set forth in § 382.13.

[2] A rejection of an export license application on the ground that the proposed exportation is contrary to the national interest may be appealed. Such an appeal is appropriate, for instance, if appellant believes he has not furnished sufficient information as to the nature, characteristics, and possible end-use of the commodity in question, and that an appeal may lead to favorable reconsideration. In such cases, upon request and the showing of sufficient justification, the Appeals Board may waive the time limitation.

[3] The basis for consideration of appeals from suspension orders and denials of licensing privileges is set forth in § 382.13 of this subchapter.

PART 384—GENERAL ORDERS

Sec.
384.1 Commodity advisory panels and committees.
384.2 Conduct of business and practice before Office of International Trade.
384.3 Order suspending licenses to North Korea.
384.4 Order revoking validated licenses to Manchuria and China.
384.5 Order revoking certain general licenses to Mainland of China (including Manchuria), Hong Kong and Macao.
384.6 Order extending validated license requirements to in-transit shipments to certain destinations.
384.7 Order suspending validated licenses to Hong Kong and Macao.
384.8 Orders modifying validity of certain export licenses.
384.9 Order revoking certain general licenses to Subgroup A destinations.
384.10 Deleted, effective March 31, 1952.
384.11 Deleted, effective March 31, 1952.
384.12 Order relating to certain licenses for steel.

AUTHORITY: §§ 384.1 to 384.12 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 384.1 *Commodity advisory panels and committees*[1]—(a) *Purpose.* The purpose of this section is to establish a procedure whereby the export trade may consult with and give information and advice to the Office of International Trade of the Department of Commerce concerning export licensing policies and procedures under the export-control law.

(b) *Organization of the panels and committees*—(1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the export trade handling different commodities (or groups of commodities) will be represented by separate panels. To handle specific matters, committees will be organized from among the members of the commodity panel. The panels and committees are selected by the Office of International Trade.

(2) *Standards of selection.* As the purpose of such commodity advisory panels and commodity advisory committees thereof is to give advice to the Office of International Trade affecting segments of the export trade, the members of the panels and committees will be selected in an effort to obtain advice which will represent the viewpoint of all parts of the export trade involved. The panels will be formed of the minimum number of persons necessary to represent a fair cross-section of the export trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small companies, (ii) geographical distribution, (iii) trade association membership, and (iv) segments of the export trade involved—e. g., by levels of the export trade (such as manufacturers, suppliers of exporters, and various types of distributors, including independent or merchant exporters), by degrees of integration (such as manufacturing-exporters), by types of commodities, etc. The foregoing standards will be also adhered to in the formation of the committees.

(3) *Representation of small business.* In forming commodity advisory panels and committees the Office of International Trade will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive departments and agencies of December 12, 1947 with respect to the representation of small business on Government committees.

(4) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees*—(1) *Authorized.* The functions of a commodity advisory panel formed by the Office of International Trade under this section are to furnish information, to give advice and make recommendations through one or more commodity advisory committees to the Office of International Trade, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Office of International Trade will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* No other activities by these commodity advisory panels and committees or by their members are sponsored or authorized by the Department of Commerce or the Office of International Trade under this section. The panels and committees are not authorized to determine policies for the export trade nor are they authorized to compel or coerce any person to comply with any request or order or regulation made by the Department of Commerce or Office of International Trade.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Office of International Trade in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(2) *Agenda and presiding officer.* The agenda of the meeting will be prepared by the Office of International Trade. Representatives of interested agencies of the Government will be invited by the Office of International Trade. A representative of the Office of International Trade will preside at every panel meeting and every committee meeting.

(3) *Minutes.* The Office of International Trade will keep minutes of each meeting and where practicable will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

§ 384.2 *Conduct of business and practice before the Office of International Trade*—(a) *Activities of persons appearing before the Office of International Trade in connection with export control matters*—(1) *Who may be excluded.* Any person, whether acting on his own behalf or on behalf of another, who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards may be excluded from (denied) export privileges on his own behalf or may be excluded from practice before the Office of International Trade on behalf of another, in connection with any export control matter, or both, as provided in § 382.1 of this subchapter. Among the grounds for such exclusion are the following:

(i) Inducing or attempting to induce by gifts, promises, bribes, or otherwise any officer or employee of the Office of International Trade or any Customs or Post Office official to take any action with respect to the issuance of licenses or any other aspects of the administration of the export control law, whether or not in violation of any regulation.

(ii) Offering or making gifts or promises thereof to any such official or employee for any other reason.

(iii) Soliciting by advertisement or otherwise the handling of business before the Office of International Trade on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of that Office.

(iv) Charging or proposing to charge for any service performed in connection with the issuance of any license any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties, provided that the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated.

(v) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the exportation of commodities, including the making of or inducing another to make any false representations to facilitate any exportation in violation of the export control law or any order or regulation issued thereunder.

(2) *Definition.* As used in this paragraph, the term "practice before the Office of International Trade" includes (i) the submission on behalf of another of applications for export license or other documents required to be filed with the Office of International Trade, or the execution of the same; (ii) conferences or other communications on behalf of another with officers or employees of the

[1] This section incorporates without change the provisions of "Order Establishing Commodity Advisory Panels and Commodity Advisory Committees" dated March 25, 1948 (13 F. R. 1616).

Office of International Trade for the purpose of soliciting or expediting approval by the Office of International Trade of applications for export licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of the Office of International Trade; (iii) participation on behalf of another in any proceeding pending before the Office of International Trade; (iv) the submission to a Customs official on behalf of another of a license or export declaration or other export-control documents.

(3) *Proceedings.* All proceedings under this section shall be conducted in the same manner as provided in Part 382 of this subchapter.

(b) *Former employees.* (1) No person shall appear or be permitted to appear before the Office of International Trade, Department of Commerce, as the agent, attorney, or representative of any individual, corporation, partnership, or any group or body of persons, other than the United States or agency thereof, or public international organizations, as designated by Executive Order (including the United Nations and its specialized agencies), if such person:

(i) Is, or at any time within one year prior thereto was, a full-time or part-time, compensated or uncompensated officer or employee of the Office of International Trade and such relationship or employment was terminated subsequent to May 24, 1951; or

(ii) Has at any time been officially associated with the specific transaction or matter to which such appearance relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Office of International Trade or any of its predecessor or constituent agencies.

(2) Notwithstanding the prohibition contained in this paragraph, the Office of International Trade may, in exceptional cases and upon receipt of a sworn written application setting forth the facts, grant to a former officer or employee disqualified under this section, written permission to appear before the Office of International Trade on behalf of another person for a specific or limited purpose, where in its opinion such permission is necessary to prevent injustice or unnecessary hardship.

(3) As used in this paragraph, the term "appear before the Office of International Trade" shall have the same meaning as the definition in paragraph (a) (2) of this section.

§ 384.3 *Order suspending licenses to North Korea.* Effective 4:00 p. m., eastern daylight time, June 28, 1950, all export licenses, both validated and general, authorizing exportation of any commodity, whether or not included on the Positive List of Commodities (§ 399.1 of this subchapter), or technical data, to North Korea, are suspended.

This order shall not apply to exportations to that destination which have been laden aboard the exporting carrier prior to its effective date.

§ 384.4 *Order revoking validated licenses to Manchuria and China.* Effective 4:00 p. m., eastern daylight time, July 20, 1950, all outstanding validated licenses issued prior to the effective date hereof authorizing exportation of any commodity to Manchuria (including the Port Arthur Naval Base Area and Liaoning Province) and China (including the provinces of Suiyuan, Chahar, Ningsia and Jehol, sometimes referred to as Inner Mongolia; the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia), as described in Schedule C of the Bureau of the Census, are revoked.

Holders of such outstanding validated licenses shall immediately return them to the Office of International Trade, Department of Commerce, Washington 25, D. C.

This order shall not apply to exportations to the above destinations which have been laden aboard the exporting carrier prior to its effective date.

§ 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong, and Macao.* General licenses GRO, GLR, GMC, and GCC, authorizing exportation of any commodity, whether or not included on the Positive List of Commodities (§ 399.1 of this subchapter), are revoked to the following destinations: Manchuria (including the Port Arthur Naval Base Area and Liaoning Province), and China (including the provinces of Suiyuan, Chahar) Ningsia, and Jehol, sometimes referred to as Inner Mongolia; the provinces of Chinghai (Tsinghai) and Sikang; Sinkiang; Tibet; and Outer Mongolia), and Hong Kong and Macao, but excluding Taiwan (Formosa) as described in Schedule C of the Bureau of the Census.

This order also applies to shipments through United States foreign trade zones to the foregoing destinations. It shall apply to all shipments whether or not laden on exporting carrier. Validated licenses are required for all commodities to these destinations if exporting carrier has not obtained clearance from the final port of departure in the United States for a foreign port, or after receiving final clearance transits the Panama Canal Zone. Shipments not licensed must be off-loaded prior to final clearance or proceeding through Canal Zone.

However, exportations of fresh fruits, fresh vegetables, and cut flowers ultimately destined to Hong Kong and Macao may be made under General License GRO in accordance with § 371.8 of this subchapter.

NOTE: Shipment of all commodities under General License GRO may be transshipped at Hong Kong without the necessity of obtaining a validated license, *Provided* (1) Such transshipments are made under a through bill of lading to a destination outside of Subgroup A, Hong Kong, or Macao, and (2) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times.

§ 384.6 *Order extending validated license requirements to in-transit shipments to certain destinations.* (a) Notwithstanding any other provision of the export regulations, except § 371.9 (b) (1) of this subchapter, shipments of Positive List commodities originating in any foreign country moving in transit through the United States, or using the facilities of a foreign trade zone, or manifested to the United States, may not be exported to any destination in Subgroup A (§ 371.3 of this subchapter), Hong Kong, or Macao, without a validated export license.

(b) Shipments of all commodities, whether or not on the Positive List, moving in transit through the United States, or using the facilities of a foreign trade zone, or manifested to the United States, may not be exported to China, Manchuria, Hong Kong, or Macao without a validated export license. This provision shall apply to in-transit shipments to such destinations if vessel has not obtained clearance from the final port of departure in the United States for a foreign port.

§ 384.7 *Order suspending validated licenses to Hong Kong and Macao.* Effective 9:00 p. m., eastern standard time, December 8, 1950, all outstanding validated export licenses authorizing exportation of any commodity to Hong Kong or Macao are suspended.

This order applies to commodities laden aboard the exporting carrier but not departed from final United States port of call.

§ 348.8 *Orders modifying validity of certain export licenses*—(a) *Raw cotton.* The validity period of all outstanding licenses authorizing the exportation of raw cotton, Schedule B Nos. 300005 through 300312, issued for shipment on and after August 1, 1951, except those which were "hand processed" (those which were issued with a validity period of 30 days or less), is extended through July 31, 1952.

(b) *Extension of validity period for exportations from Atlantic Coast ports.* [Deleted, effective March 31, 1952.]

(c) *Coal.* [Deleted, effective March 31, 1952.]

§ 384.9 *Order revoking certain general licenses to Subgroup A destinations.* (a) Effective 12:01 a. m., March 2, 1951, General Licenses GRO, GLR, GMC, GCC, GIT, and GTD, authorizing exportation of any commodity, whether or not included on the Positive List of Commodities (§ 399.1 of this subchapter), or technical data, are revoked for exports to Subgroup A destinations.

(b) This order also applies to shipments through United States foreign trade zones to Subgroup A destinations; and the provisions of § 384.6 concerning intransit shipments of Positive List commodities to Subgroup A destinations shall apply to shipments of non-Positive List commodities to such destinations.

(c) Shipments of any commodities removed from general license to Subgroup A destinations as a result of changes set forth in this order which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., March 2, 1951, may be exported under the previous general license provisions up to and including 12:00 midnight, March 31, 1951. Any such shipment not laden aboard the exporting carrier before 12:00 midnight, March 31, 1951, requires a validated license for export.

§ 384.10 *Revocation of certain licenses for copper, steel, and aluminum.* [Deleted, effective March 31, 1952.]

§ 384.11 *Revalidation of certain revoked licenses.* [Deleted, effective March 31, 1952.]

§ 384.12 *Order relating to certain licenses for steel.* (a) Effective 12:01 a. m., e. d. t., June 11, 1952, exportations under validated licenses of all steel commodities in the forms and shapes indicated in Schedule I of CMP Regulation No. 1 (those steel items on the Positive List identified by the Processing Code STEE and the letter C) may not be made where the steel to be exported was acquired on or after the effective date of this order by the exporter from a steel distributor, as defined in NPA Order M-6A (or is being exported by such a steel distributor) and, where it is to be used in the manufacture abroad of products identified by the DPA allotment symbol V followed by a digit, as set forth in the NPA "Official CMP Class B Product List and Product Assignment Directory", issued May 1, 1952, by the National Production Authority of the Department of Commerce (Section III, CMP Class B Product Class Codes—by NPA Divisions, Pages 32A through 36A). For export shipments not prohibited by the terms of this order, exporters shall make the following certification on the shipper's export declaration covering the proposed exportation of all commodities identified on the Positive List by the Processing Code STEE and the letter C:

I certify to the Office of International Trade that, to the best of my knowledge and belief, this exportation is in accordance with the terms of OIT Order, § 384.12.

(b) This order shall not apply to steel acquired by or from a steel distributor which was on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this order.

(c) This order shall not apply to licenses bearing an OIT waiver of its requirements validated on the face of the license or on an amendment thereto after the effective date.

PARTS 385–397—[RESERVED]

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

Sec.

398.1 DO (priority) ratings for foreign aircraft.
398.2 Serial numbers for mines, smelters and mineral processing plants abroad.
398.3 DO-MRO priority ratings for maintenance, repair, and operating supplies for export.
398.4 Special supply assistance for essential export requirements.
398.5 CMP. Export allocations and procedures.
398.6 Deleted, effective January 31, 1952.
398.7 Supply assistance for foreign mining operations: MRO and capital additions.
398.8 Supply assistance for foreign petroleum operations.

AUTHORITY: § 398.1 to 398.8 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2023, E. O. 9919, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 398.1 *DO (priority) ratings for foreign aircraft*—(a) *Delegation of authority.* The Civil Aeronautics Administration has delegated to the Office of International Trade, Department of Commerce, the right to assign DO ratings to purchase orders covering replacement parts and materials as described in paragraph (b) of this section, for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in paragraph (c) of this section. This rating authority will be exercised in accordance with a program authorized by the National Production Authority, and limited in total dollar value for each calendar quarter.

(b) *Replacement parts and materials.* The Office of International Trade will consider requests to assign DO ratings to purchase orders for the following replacement parts and materials:

(1) Airframe fabricated parts, including structural parts.
(2) Airframe accessories and parts, including landing gear, wheels, brakes, shock struts, retract struts, radiators, superchargers, refrigeration equipment, batteries, hydraulic system, interior seats, heaters, and related equipment.
(3) Aircraft hardware and fittings.
(4) Engines and parts.
(5) Engine accessories and parts, including starters, generators, carburetors, magnetos, and fuel pumps.
(6) Propellers, propeller accessories, and parts.
(7) Aircraft instruments and parts.
(8) Tires and other aircraft rubber parts.
(9) Radio equipment and parts (airborne).
(10) Electrical supplies other than aircraft accessories (airborne), including wire, relays, circuit breakers, switches, bulbs, fuses, and conduit.
(11) Raw materials to repair and maintain aircraft, including aluminum, steel, copper, brass, textiles, lumber, and plastics.
(12) Ground equipment and supplies for aircraft maintenance, including starting equipment, ramps, and specialized hand tools.
(13) Paints and chemicals for aircraft maintenance.
(14) Miscellaneous airborne equipment, including emergency equipment, life rafts, life jackets, seat belts, blankets, and galley equipment.

(c) *Ratings not assigned by OIT.* Requests for DO ratings on purchase orders for delivery of replacement parts and materials to foreign civil air carriers registered in any of the following countries shall be submitted to the Mutual Security Agency, Washington 25, D. C.

Austria.
Belgian Overseas Territories:
  Belgian Congo.
  Ruanda-Urundi.
British Overseas Territories:
  Gibraltar.
  Malta and Gozo.
  Cyprus.
  British West Africa:
    Nigeria.
    Gold Coast and Territories.
    Gambia, Togoland, British Cameroons.
    Sierra Leone.
  Northern Rhodesia.
  Southern Rhodesia.
  British East Africa:
    Kenya.
    Uganda.
    Tanganyika, Nyasaland.
    Zanzibar and Pemba.
    Somaliland.
  Batsutoland, Bechuanaland, Swaziland.
  St. Helena, Ascension Islands, Mauritius and Dependencies.
  Seychelles.
  Aden (Colony and Protectorate).
  Bahrein, Kuwett, Quatar and Trucial Omen.
  Indian Ocean Islands.
  British Malaya.
  Borneo (British) and Sarawak.
  Hong Kong.
  Fiji Islands.
  Other British Islands of the Pacific.
  Bermuda.
  British West Indies.
  Bahamas.
  Jamaica and Dependencies.
  Windward Islands.
  Leeward Islands (including Dominion).
  Barbados.
  Trinidad and Tobago.
  British Honduras.
  British Guinea.
  Falkland Islands and Dependencies.
Belgium-Luxemburg Economic Union.
Burma.
Canada (including Newfoundland and Labrador).
Denmark.
France (including the Saar).
Federal Republic of Germany.
French Overseas Territories:
  Tunisia.
  Algeria.
  Morocco.
  Somaliland.
  French West Africa.
  Togoland.
  French Equatorial Africa.
  The Cameroons.
  Madagascar and Comoro.
  Saint Pierre and Miquelon.
  New Caledonia and Dependencies.
  French Oceania.
  French East Indian Possessions.
  Reunion Island.
  Guadeloupe.
  Martinique.
  French Guinea.
Greece.
Iceland.
Indochina.
Indonesia, United States of.
Ireland.
Italy.
Korea, Republic of.
Netherlands.
Netherlands Overseas Territories:
  Netherlands East Indies.
  Surinam.
  Curacao.
Norway.
Portugal.
Portuguese Overseas Territories:
  Angola (Port. West Africa).
  Mozambique (Port. East Africa).
  Cape Verde Islands and Portuguese Guinea.
  Sao Thome.
  Timor.
  Macao.
  Portuguese East India.
Sweden.
Switzerland.
Taiwan (Formosa).
Thailand.
Trieste, Free Territory of.
Turkey.
United Kingdom (including Channel Islands).

(d) *Submission of requests for assignment of DO ratings.* Requests to the Office of International Trade to assign DO ratings to purchase orders shall be by letter, addressed to the Producers Equipment Division, Office of International Trade, Department of Commerce,

Washington 25, D. C. The following information and documents must be attached to the letter:

(1) Duplicate copies of the bill of materials or purchase order, containing the following information:

(i) The name of the foreign airline for which materials are required;

(ii) The supplier's name;

(iii) Purchase order number;

(iv) Class of materials according to the classes set forth in paragraph (b) of this section, by dollar value for each class;

(v) Total dollar value; and

(vi) End delivery date.

(2) A statement that the supplier will not be able to deliver the material without a DO rating and that the air carrier cannot obtain the material from any other source.

(3) A statement as to whether any of the material covered by the order requires a validated export license from either the Department of State or the Department of Commerce. (See § 370.5 of this subchapter.) If so, a statement as to whether such licenses have been applied for or granted, giving the application numbers or license numbers.

Suppliers may also request DO ratings on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air carrier or its representative, in writing, that request for DO rating has been made and send a copy of such notification to the Producers Equipment Division, Office of International Trade, Department of Commerce, Washington 25, D. C.

§ 398.2 *Serial numbers for mines, smelters and mineral processing plants abroad*—(a) *Delegation of authority.* Pursuant to Mineral Order 7 of the Defense Materials Procurement Agency (formerly Defense Minerals Administration), the Office of International Trade, Department of Commerce, is authorized to assist any person operating a mine (other than petroleum, solid fuels and natural gas), a nonferrous smelter, or mineral processing plant, located in any foreign country other than those listed in § 398.1 (c), to obtain a serial number therefor.

NOTE: The purpose of Mineral Order 7 of the Defense Materials Procurement Agency is to provide, by serialization of mines (other than petroleum, solid fuels and natural gas), non-ferrous smelters, and mineral processing plants, the requisite information to enable the Defense Materials Procurement Agency adequately to provide priority and allocation assistance under its programs relating to the maintenance and acquisition of facilities, machinery, equipment, and operating supplies by the mining industry. Serial numbers will be assigned to those mines, smelters and mineral processing plants which have a significant interest to the United States.

(b) *Definitions.* For purposes of this section:

(1) "Person" means any individual, corporation, partnership, or association, and includes any agency of the United States, or any other government or citizen thereof.

(2) "Producer" means any person operating a mine (other than petroleum, solid fuels and natural gas), a nonferrous smelter, or mineral processing plant.

(3) "Mine" means an operation (whether underground, open-pit, quarry, or dredging), conducted for the primary purpose of extracting minerals (except solid fuels, petroleum and natural gas), and includes prospecting enterprises for the discovery, exploration or development of new or additional mining projects.

(4) "Smelter" means a mill producing non-ferrous metals by smelting or refining.

(5) "Mineral processing plant" means a plant engaged in the beneficiation or concentration of ores.

(c) *Submission of requests, content.* Producers operating mines, smelters, and mineral processing plants located in foreign countries, except Canada and countries for which the Mutual Security Agency is claimant agency (listed in § 398.1 (c), shall file directly or through an exporter or other person in the United States, a request for serialization. The request for serialization need be submitted only once. The request shall consist of the following:

(1) The information described in Defense Materials Procurement Agency Form MF–100, in quadruplicate. In lieu of filing information required under items 8, 9, and 12 of Form MF–100, the producer may submit copies of his latest published financial report. Producers of 50 tons or less per week of crude ore need answer only items 1, 3, 10, and 16 in Form MF–100, or, in lieu thereof, may submit the following information by letter:

(i) What are the chief mine, mill, or smelter products? What are the by-products, if any?

(ii) For each mine, mill, smelter, refinery, pit, quarry, and drilling operation, give the distance and direction from nearest town and shipping point.

(iii) Production:

Item	Kind of product	1948 total	1949 total	1950 total	Present average monthly
Quantity of product mined or quarried (short, long, metric tons, barrels, pounds, etc.)					
Quantity of product processed (specify unit of measure and type of process)					
Quantity and grade of product sold or shipped (specify units of measure)					

(iv) State number and classes of labor (miners, muckers, millmen, etc.) of men employed during a recent representative payroll period.

(2) A statement, in quadruplicate, of the actual distribution, to the United States and to each foreign country (domestic deliveries within the country of origin and foreign shipments), of the production from the mine, smelter, or mineral processing plant, by plant, by weight, grade, metal or mineral content, or other specifications, for each product for the years 1949, 1950, and the first three months of 1951, and the estimated distribution during the last nine months of 1951.

(3) A statement, in quadruplicate, of the pertinent facts which determine why the production from the mine, smelter, or mineral processing plant has been so distributed and will be so distributed as set forth in subparagraph (2) of this paragraph. (For example: need for dollar exchange; international distribution or trade agreements; requirements of producing country for distribution of stated quantities therein; etc.)

NOTE: Persons exporting commodities to mines, smelters, and mineral processing plants are requested to notify such producers of DMA Mineral Order 7 and these provisions. To avoid duplication, the producers should be advised that they need submit this information only once, either directly or through one person in the United States.

Copies of DMA Mineral Order 7 and DMA Form MF–100 may be obtained from any field office of the Department of Commerce or the Bureau of Mines, Department of the Interior, or from such agencies in Washington 25, D. C., and from the Mutual Security Agency, Washington 25, D. C.

(d) *Where to submit requests.* Requests for serialization shall be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C., if the mine, smelter, or mineral processing plant is located in a foreign country other than Canada and countries for which the Mutual Security Agency is claimant agency (listed in § 398.1 (c)). If located in a country for which MSA is the claimant agency, producers should consult with the Mutual Security Agency, Washington 25, D. C. If located in Canada, producers should consult with the Canadian Division of the National Production Authority, Department of Commerce, Washington 25, D. C.

(e) *Action on requests received by OIT.* Requests for serialization received by the Office of International Trade, Department of Commerce, will be presented to the Defense Material Procurement Agency, together with the recommendations of the OIT as to the appropriate action on the request. The Office of International Trade will notify persons requesting a serial number of the action taken on their requests. The Mutual Security Agency will take corresponding action for the area of its responsibility.

(f) *Serialization number required on export license applications.* As provided in § 373.28 of this subchapter, license applications filed for export of commodities to any foreign mine (other than petroleum, solid fuels, uranium and natural gas), a nonferrous smelter, or mineral prospecting operation that has had a serial number assigned thereto by the Defense Materials Procurement Agency, shall plainly show such serial number in the commodity description column of the license application, Form IT–419.

§ 398.3 *DO–MRO priority ratings for maintenance, repair, and operating supplies for export*—(a) *Authority.* The procedure described in this section is authorized by National Production Authority Order M–79 which sets forth the manner and extent to which exporters may apply the DO–MRO priority rating to assist them in securing certain maintenance, repair, and operating supplies for export and use abroad for stated purposes.

(b) *Manufacturing Exporters.* (1) The NPA order mentioned in paragraph (a) above assigns and establishes a quarterly MRO export quota for every manufacturer of maintenance, repair and operating supplies, as defined by such order, who, in 1950 [1] delivered for export (i. e., exported directly or through others or delivered to others for export) to any country, other than Canada and Subgroup A countries, a quantity of such supplies of his own manufacture having an aggregate sales value in excess of $10,000. This quarterly quota equals 30 percent of the dollar value of all such MRO supplies so delivered in the year 1950. However, if a manufacturer elects to figure his quota on a seasonal basis, his quota each quarter is 120 percent of the dollar value of all such MRO supplies so delivered during the corresponding season (quarter) of the year 1950. Every such manufacturer is required to make available for export during each calendar quarter the full amount of his MRO export quota. The manufacturer may make this MRO export quota available for export either by making direct export sales, by selling through one or more designated sales representatives, by selling to non-manufacturing exporters, or by any combination of these methods. NPA and OIT expect, however, that the manufacturer's customary pattern of distribution will be followed.

(2) On or before September 1, 1951, or within 30 days after this order (or any other NPA regulation or order mentioned in section 3 of M–79) is amended so as to first bring him under M–79, or so as to change the MRO items thereafter to be included in computing his MRO export quota, each manufacturer for whom a quarterly MRO export quota is assigned and established by NPA Order M–79 shall prepare and submit to the Office of International Trade a signed report in duplicate, on Form IT–833. Revised Forms IT–833 must be filed within the specified 30-day period whenever a manufacturer's quota under the order is so altered. If the change is such as to remove a manufacturer entirely from the scope of M–79, he shall within the 30-day period notify the Office of International Trade by letter to this effect. All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT–833 are hereby incorporated as a part of this regulation with the same force and effect as if set forth in full herein.

Special note should be made that a manufacturer in computing his base period deliveries for export must not include any items delivered for use abroad for personal or household purposes or, insofar as replacement parts are concerned, any items delivered for use abroad for other than replacement purposes. Where precise knowledge as to foreign end-use is lacking, estimates may be made, but in such cases the manufacturer must include in his report a statement showing what estimates he has made, what were his total sales for export of the category in question, and the basis upon which his estimates are made. Each manufacturer should notice also that in computing his base period deliveries for export orders and in making charges currently against his M–79 quota, all export deliveries of the items listed in Sec. 2 (b) of M–79 must be included whether for replacement purposes or not.

(3) Under the terms of NPA Order M–79, effective August 9, 1951, any manufacturer for whom a quarterly MRO export quota is assigned and established under such order has the right to use the DO–MRO priority rating to the full dollar value of such quota each quarter without further authorization, unless and until notified to the contrary by the National Production Authority or the Office of International Trade. (Such notification may be by return to the manufacturer of his Form IT–833 revised by OIT, or by letter, or by amendment of the regulations.)

(c) *Exporters other than manufacturers.* The National Production Authority has authorized exporters who are not manufacturers (as defined in section 4 of the order), and who have obtained an order from a foreign customer for an MRO item which is demonstrably needed for other than personal or household purposes, but find that they are unable without a rating to secure such item from sources available to them, to apply to the Office of International Trade for priorities assistance. In such cases, the exporter shall prepare and submit to the Office of International Trade a Form IT–834, in duplicate. One copy will be returned to the exporter, indicating the action taken on his request. If approved, the authenticated form will assign to the exporter the right to apply a DO–MRO rating to procure the materials specified on the form up to the dollar value shown thereon. Section 7 of NPA Order M–79 explains the manner in which the DO–MRO rating is to be applied by the exporter. All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT–834 are hereby incorporated as a part of this regulation with the same force and effect as if set forth in full herein.

(d) *Export license requirements.* Section 12 of NPA Order M–79 warns exporters that the authority granted by the Order to apply the DO–MRO rating to any item requiring an export license does not imply assurance that the needed license can be granted. Exporters and manufacturers are reminded that it is advisable to secure the license before use of the DO–MRO rating on export orders under the M–79 quota.

(e) *Requests by manufacturers for inclusion under the order.* A manufacturer who is excluded from the provisions of M–79 because his annual MRO export deliveries in the base period were not in excess of $10,000, may submit a request by letter in triplicate to the Office of International Trade, asking for the establishment of a quota under M–79. All pertinent facts justifying the request should be included.

(f) *Manufacturers may not exceed their M–79 quotas.* Attention of manufacturers is specially directed to section 8 of the Order, entitled "Manufacturers' quota not to be exceeded," which stipulates that manufacturers subject to Order M–79 quotas may not for a particular quarter make export MRO deliveries in excess of their M–79 quotas. This "ceiling limit" is effective whether or not the manufacturer applies the DO–MRO rating to export orders as permitted by M–79.

(g) *Requests by manufacturers for adjustments or exceptions.* A manufacturer requiring an increase in his M–79 quota, or other adjustment or exception to the order may, as provided in section 15 of the order, file such a request with the Office of International Trade. Each request shall be submitted by letter, in triplicate, and shall set forth all pertinent facts justifying the request in full detail.

(h) *Scope.* Attention of manufacturers and exporters is called to the fact that the definition of MRO supplies contained in NPA Order M–79 is somewhat different from the description of MRO set forth in National Production Authority's CMP Regulation 5. Sections 2, 3, and 10 of NPA Order M–79 explain specifically which items are included therein and also lists items which are specifically excluded. Special attention is called to the fact that the items are included only as far as the end-use abroad is for other than personal or household purposes. For the convenience of exporters, a listing of all items specifically excluded from the terms of the order as now written is given below. This list is, of course, subject to change from time to time. The order, among other things, excludes controlled materials; exporters desiring to export controlled materials or CMP Class A products for MRO use abroad should file applications for priority assistance as provided in § 398.5.

Many of the MRO end-items included under M–79 are, of course, CMP Class B products and may be included in a manufacturer's M–79 quota. However, it should be noted that the use of the DO–MRO rating granted to manufacturers is specifically limited under section 10 of the order. A manufacturer may not extend this rating to obtain:

(1) Class A or Class B products (as defined in CMP Regulation 1 of the National Production Authority) to be incorporated into the MRO item he is manufacturing for export; or

(2) Any production material for the manufacture of any MRO Class A or Class B product he is manufacturing for export under his M–79 quota; or

(3) Any controlled material.

[1] In the case of manufacturers of parts for machine tools under section 2 (a) of Order M–79, use of an alternative base period (the last six months of the calendar year 1951) is permitted. (Refer to section 4 (d) of M–79 as amended.)

These materials are secured by a manufacturer in accordance with his normal procedures (for domestic as well as export orders, for MRO as well as other end-uses) specified under CMP Regulation Nos. 1 and 3 of the National Production Authority. The DO–MRO rating may, however, be extended by the manufacturer to procure component materials other than those listed above.

EXCLUDED ITEMS (SPECIFICALLY LISTED IN NPA ORDER M–79)

All MRO supplies for personal or household use.

Materials listed in List A of NPA Reg. 2 as such list may be amended or supplemented from time to time.

Excluded items: List A, NPA Reg. 2 as amended September 13, 1951:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, sub-bituminous, and lignitic coals, and coke and its by-products.
Gas and gas pipelines: Natural gas, manufactured gas, and pipelines, for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (refer to List A itself for further definition).
Transportation services (domestic) storage and port facilities.
Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:
(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.
Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952).

Excluded Items: (Direction 3 to NPA Reg. 2, as amended January 8, 1952):

Chemicals.
Primary paper or paperboard.

Excluded items: Schedule I of CMP Reg. 5 as amended December 20, 1951:

All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end-products not customarily sold as chemicals.
Products appearing in List A of NPA Order M–47A, as that order may be amended from time to time (except in item 28 of sec. VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M–18, as that order may be amended from time to time).

NOTE: This very lengthy list encompasses mainly "consumers' goods" incorporating metals, and not does such items as Metal and Wood Household Furniture, Store Fixtures, Office Furniture, Partitions, Shelving, Lockers and Fixtures, Household Appliances, Machines and Equipment, Utensils and Cutlery, Radios, Television, and Phonographs, Transportation equipment, etc.

Nylon fibers and yarns.
Packaging materials and containers except steel nails, steel wire and steel strapping used for packaging purposes.
Paint, lacquer, and varnish.
Paper and paper products.
Paperboard and paperboard products.
Printed matter.
Photographic film.
Pneumatic tires and tubes.
Waterfowl feathers.

Controlled materials as defined in section 2 (c) of CMP Reg. No. 1 as such regulation may be amended or supplemented from time to time. (For specific listing, refer to items coded "C" in the column of the Positive List headed "Community Lists.")

Farm equipment.
Parts and accessories for aircraft or for ground equipment for servicing aircraft, and any components of either.
Parts and assemblies of parts, and accessories, for automotive vehicles, including all passenger carriers, trucks (on or off the highway), truck trailers, and motorized fire equipment.

Repair and replacement parts for construction machinery given in List A of NPA Order M–43, as such list may be amended or supplemented from time to time.

Items made wholly of rubber, leather, textiles, or any combination of such materials.

Excluded items: List A of M–43 as amended March 2, 1951:

Bituminous equipment:
Asphalt plants.
Bituminous mixing plants.
Dryers.
Patching plants.
Pavers.
Distributors.
Spreaders and finishers.
Compressors: Portable air compressors.
Crushing equipment:
Crushers.
Conveyors.
Screens.
Concrete equipment:
Batching plants.
Mixers.
Truck mixers.
Pavers.
Spreading and finishing machines.
Cranes, shovels, and excavators (commercial sizes, from ⅜ cubic yard to 2½ cubic yards):
Large shovels.
Dredges.
Hoists and derricks.
Buckets.
Trenchers.
Drills:
Air.
Portable well.
Earth-boring machines.
Deep-well drills.
Loaders:
Bucket.
Front end.
Motor graders: Any and all.
Pumps: Pumps, contractors.
Rollers and compactors: Any and all.
Scrapers: Scrapers, hauling.
Tractors: All tractors for construction.
Tractor allied equipment:
Dozers.
Front-end attachments.
Power control units.
Snow plows.
Trucks and trailers: Trucks and trailers, off-highway hauling equipment.

NOTE: 1. Attention of manufacturers is especially called to section 8 of NPA Order M–79, which establishes the rules for making charges against their quarterly MRO export quotas. Section 9 explains the manner in which a manufacturer may apply the DO–MRO rating authorized by the order.

2. Copies of all forms of the Office of International Trade may be obtained from the Department of Commerce Field Offices and from the Office of International Trade, Washington 25, D. C.

3. The procedure described in § 398.4 may be employed to apply for supply or priorities assistance with regard to certain maintenance, repair, and operating supplies that are excluded from NPA Order M–79, until such time as specific programs may be established to meet export needs for certain of the excluded items. Special provisions are contained in § 298.2 for MRO supplies for foreign serialized mines, and in § 3681 for foreign civil-commercial aircraft.

QUESTIONS AND ANSWERS ON MRO UNDER ORDER M–79

1. Q. How do manufacturers proceed to handle their foreign orders when their aggregate export sales for 1950 were $10,000 or less?

A. A manufacturer whose exports of products of his own manufacture in 1950 amounted to $10,000 or less may ship freely—subject only to OIT's export licensing restrictions—without using a rating and without establishing a quota; or, if he desires to establish a quota under M–79 (presumably in order to qualify for a DO–MRO rating), he may file IT–833 with the Office of International Trade, accompanied by a letter in triplicate giving full explanation and justification for his request.

2. Q. May a non-manufacturing exporter establish a quarterly quota with OIT in order to avoid repeated filings of IT–834 to cover many different orders?

A. No. It should be noted that the entire approach of M–79 is quite different from the Direction 2 formerly in effect. It contemplates that manufacturers, being obliged under the order to "make available" for export 120 percent of their 1950 shipments, will accept orders filed by non-manufacturing exporters; and under Sec. 9 of the order the manufacturer may apply the DO–MRO rating to such orders, himself, and must charge them to his quota. Only on rare occasions need an IT–834 be filed by a non-manufacturing exporter because he could not locate a supplier who had not yet filled his current M–79 quota; or because, perhaps, he needed material of particular specification made only by one manufacturer, who did not have a quota under M–79, and who had so many domestically-rated orders that he could not accept the export order proffered without a rating.

The Office of International Trade may be of assistance to a non-manufacturing exporter in locating suppliers who may not have their current quotas filled, as the quarterly quotas of manufacturers are on file with the Office of International Trade.

3. Q. Are replacement parts delivered with new equipment counted by the manufacturer as part of his base period shipments and also chargeable to his current quotas?

A. No.

4. Q. Under section 3 (d), (e), (f) and (g), which exclude parts for automotive vehicles, construction machinery, etc., it is the intention to exclude general-purpose parts which may be used equally well in the excluded types of machines and in various other machines still included under M–79?

A. No. It was intended to exclude from the order only specially-fabricated replacement parts manufactured especially to go into automotive vehicles, construction machinery and the other excluded items listed. It would not be practical to require manufacturers of general-purpose parts to distinguish among foreign end uses in this way.

5. Q. May a manufacturer ship additional MRO supplies above and beyond his M–79 quota in the event his production is not fully taken up by rated orders?

A. No; the quota established by section 4 and as specifically explained in section 8 (fourth sentence) is both a minimum and a maximum. A manufacturer falling under the jurisdiction of the order may not accept export orders in excess of his quota.

6. Q. How may a manufacturer who finds his quota as established by M–79 to be inadequate to take care of his current MRO orders file a request for increase?

A. He may file his IT–833 with OIT, accompanied by letter in triplicate, as specified in section 15, giving full explanation of why the increase is needed. It may be helpful if he will state how much of his total business is rated, what his position in regard to production materials is, describe the nature of his export business, the end-use of his product, principal markets by country, and also, he may wish to state his total annual MRO export shipments (as defined by M–79) for each of the years 1946–1949. A five year base period may be more representative in his case than the calendar year 1950. NPA is consulted on these requests for increases, and action taken as expeditiously as possible.

7. Q. May a manufacturer apply the DO–MRO rating, within his quarterly quota, to items not included in the Positive List?

A. Yes; the question whether or not a product is on the Positive List is irrelevant, under M–79.

8. Q. How does a manufacturer compute his quota under section 4 if he himself makes some of the MRO items which he exports, but he also purchases some of his MRO exports from outside manufacturers?

A. In figuring his M–79 quota, he includes only the items which he himself manufactures. However, if he purchases on the outside MRO items (as defined in M–79) or any other components but incorporates them (in his plant) into a fabricated MRO item (as defined in M–79), then the manufacturer does include the assembled MRO product in calculating his M–79 quota.

For example, hand pump replacement parts for a hand pump which a manufacturer purchases on the outside are not counted, to the extent that he merely purchases them and ships them as parts for the pumps. (In this case the "outside" parts manufacturer includes this indirect export sale in figuring his quota.)

But if the manufacturer assembles the hand pump himself, he does include all exports of the pumps in arriving at his quota; the outside parts manufacturer should figure his deliveries of the parts as a domestic sale, in this case.

9. Q. If a manufacturer does not receive sufficient rated orders to fill his quota during a particular quarter, must he add the unfilled amount to his quota for the subsequent quarter and thus fill a larger export quota during the second quarter?

A. No, he need not "carry over" the unfilled portion; and in fact may not do so.

10. Q. Can a manufacturer charge to his quota rated export orders which he receives which have been rated under NPA Orders M–46A, M–70, and M–78?

A. To the extent those items fall under his M–79 quota he must charge such deliveries to his quota. However, if a manufacturer receives orders rated under M–46A, M–70 and M–78 after his quota is exhausted and for items chargeable to his M–79 quota, he must accept those rated orders in accordance with the rules applicable generally to rated orders.

11. Q. Are pipe fittings included under M–79?

A. Yes, to the extent used for commercial maintenance and repair purposes. (Items are never MRO when used as production material or a component in manufacturing a product.)

12. Q. Should an exporter file an IT–834 to secure a DO–MRO rating when his supplier states he cannot fill the exporter's order unless it is a DO–MRO rated order to enable him to secure additional amounts of steel?

A. No. If the manufacturer makes B products, he secures all his controlled material for both domestic and export orders via his quarterly filing with NPA of his CMP Form 4–B. He should include on his 4–B his materials requirements for both export and domestic orders. The production schedule approved by NPA for him is his total authorized production schedule, and there is no provision for him to secure additional controlled material in any other way. He may, however, self rate his export orders whether they come from abroad or from an exporter in this country, and may show this as rated business on his CMP 4–B forms.

13. Q. May the DO–MRO ratings assigned under M–79 be extended by the manufacturer to secure component materials other than controlled materials to be incorporated into his MRO product?

A. Yes; except that they may not be extended to secure an A or B product for incorporation into the MRO item. They may be extended to secure materials and items not containing steel, copper, or aluminum.

14. Q. Are export orders placed by operators of non-serialized mines (not covered by M–78) chargeable to a manufacturer's M–79 quota?

A. Yes, to the extent provided by the order. (Refer to Question 11.)

15. Q. How many IT–834's have been approved to date?

A. Only a few. Under the basic concept of the order it is anticipated that, with self-rating of export orders by a manufacturer within his quota, non-manufacturing exporters should in most cases be able to place their MRO orders without difficulty.

16. Q. If a non-manufacturing exporter must place his order with a particular manufacturer (say, for a specially-made part available from only one firm) and that manufacturer has no M–79 quota, should the exporter file an IT–834?

A. Yes; unless the manufacturer intends to request establishment of a quota under M–79 in a manner similar to that described in the answer to question 1.

17. Q. May a company file two separate IT–833's if it has two different departments which operate more or less independently?

A. Yes. OIT would for certain cases agree to separate submissions although it would point out that a single submission would allow much greater flexibility and "freedom of movement" to the company.

18. Q. Might a manufacturer with a quota established under M–79 ever file an IT–834 to secure a rating on MRO supplies which it purchases on the outside?

A. Yes, if the MRO supplies are shipped as such, and under the exceptional conditions alluded to under (11) and (15) above.

19. Q. May a manufacturer charge shipments of "minor capital equipment" of value up to $750 to his quota and may he include such shipments in calculating his quota?

A. Sec. 2 states what the order covers. These items are included regardless of whether they are carried as MRO or as a capital item for accounting purposes.

20. Q. Are repair parts for ships included under M–79?

A. Where the MRO supplies as defined in M–79 are exported as such for foreign-flag or U. S. vessels for installation abroad, yes.

Ratings to secure MRO items for foreign-flag or U. S. vessels to be repaired in a U. S. port are not covered by M–79 but by M–70.

21. Q. Are Class B products which are defined as MRO under M–79 excluded from the order (see Sec. 9)?

A. No. Section 10 does not make the DO–MRO inapplicable to export orders for Class B products, but merely prevents the manufacturer from extending a rating to obtain Class A or Class B products or steel, copper and aluminum to be incorporated therein.

22. Q. Must a manufacturer wait until receiving an approved IT–833 from OIT before he may use the DO–MRO rating under his M–79 quota?

A. No. Immediately upon filing the IT–833 with OIT, the manufacturer may apply the DO–MRO rating to export orders within his quota. OIT will not return or take any action on the IT–833 unless it is found necessary to revise the quota reported therein, in which case OIT will notify the manufacturer.

23. Q. If a manufacturer does not require a rating on his export orders, is he bound to adhere to the M–79 quota?

A. Yes. Regardless of whether the manufacturer qualifying under Sec. 4 needs or applies a DO–MRO rating as permitted by the order, he is required to establish his quota, file IT–833 with OIT and make the required quantities available to fill export orders each quarter. The quota also is binding upon him as a ceiling on his exports of the items covered by the order.

24. Q. If a manufacturer of replacement parts for machine tools had filed his IT–833 with OIT under M–79 as originally issued last August—and he does not elect to use the alternative base period permitted such manufacturers by M–79 as amended March 6th—must he now file a new IT–833?

A. M–79 as amended March 6th (section 5) stipulates that whenever M–79 or other NPA order as mentioned in section 3 is amended so as to affect a manufacturer's M–79 quota in any way, he must file a new IT–833 with OIT within 30 days after issuance of the amended order. However, in this case if the manufacturer's original quota still stands, OIT would be willing to accept a letter from the manufacturer which reinstates his original M–79 quota on machine tool parts.

25. Q. May a manufacturer of chucks, die heads, grinding wheels and cutting tools (as defined in section 2 (b) of M–79) avail himself of the alternate base period permitted by section 4 (d)?

A. No. This section applies only to manufacturers of replacement parts for machine tools as covered in section 2 (a). The items listed above are considered to be accessories, and fall into a different category.

26. Q. Is wire rope still included under section 2 (b) of M–79?

A. No. It was automatically excluded from M–79 on the day CMP Reg. 1 (see section 3 (c) of M–79) was amended to include wire rope as a controlled material. This of course applies to all similar changes, and it should be noted that no specific amendment to M–79 is required.

It should also be noted that when a manufacturer's M–79 quota is altered—not only by reason of amendment to M–79 itself but also by amendment of any of the orders referred to in section 3—he is required to file a revised IT–833 within 30 days, with OIT.

If CMP Reg. 1 should be amended to delete a certain item from the list of controlled materials, it might then become a Class B Product; and to the extent it is exported for MRO use as defined in M–79, would then have to be included in the manufacturer's M–79 quota—again requiring recomputing of his quota and re-filing of a new IT–833 with OIT.

§ 398.4 *Special supply assistance for essential export requirements.*—(a) *Establishment of procedure.* This action establishes a procedure whereby exporters may request special supply assistance to meet essential export requirements of friendly foreign countries other than Canada, where priority assistance is not provided for otherwise in this part.

(b) *Essentiality of end use.* Requests for supply assistance submitted under this section will be considered for approval on the basis of whether and to what extent the commodities involved will contribute to the following programs or objectives:

(1) Military production of the free world, and direct support for the expansion or improvement thereof;

(2) Promotion of increased supplies of all materials essential to strengthening the free world, and in particular the production and acquisition of those materials required for the current mobilization effort of the United States (including military reserves and immediately necessary additions to stockpiles) and for similar mobilization efforts of nations actively associated with the United States in the defense of the free world;

(3) Maintenance and necessary expansion of essential services and production facilities, and maintenance of minimum essential civilian consumption requirements, in the free nations and in areas which they control;

(4) Direct progress toward reduced future dependence upon military and economic assistance from the United States;

(5) Lessened dependence of the free nations upon supplies from areas or countries within the Soviet bloc;

(6) Prevention of political deterioration in nations or areas essential to the combined strength of the free world.

(c) *Submission of requests; copies.* Requests for supply assistance submitted under this section shall be made on Form IT–835. Requests submitted to the Office of International Trade shall be submitted in quadruplicate; two copies shall be signed by the applicant. Requests covering a proposed exportation for which a validated license is required must include a license application prepared in accordance with Parts 370 through 399 of this subchapter unless a license application has been submitted already or an export license is outstanding covering the exportation. (For requests submitted to the Office of International Trade the request shall be accompanied by the license application; for requests submitted to the Mutual Security Agency, the applicant shall submit the license application to the Office of International Trade at the same time he submits the request to MSA.)

NOTE: Requests submitted to the Mutual Security Agency for special supply assistance described in this section shall be made on Form IT–835; nine copies should be submitted, two copies of which should be signed.

(d) *Where to submit requests.* (1) Where the exportation is to be made to a foreign country other than a country listed in § 398.1 (c), the request for supply assistance should be addressed to the Office of International Trade, Department of Commerce, Washington 25, D. C.:

(i) Where the request is submitted directly to the Office of International Trade by the exporter, it should be addressed to the attention of the licensing division responsible for the commodity on which supply assistance is requested; in case the exportation is to a project or program covered by an outstanding project license, to the attention of the Projects and Technical Data Division or the Petroleum Division. If the responsible licensing division is unknown, requests may be addressed to the attention of the processing code for such commodities. (Processing codes for all commodities are set forth in § 399.3, Appendix C of this subchapter.)

(ii) Where the request is submitted to the Office of International Trade through a representative of the foreign government or agency thereof, the request should be addressed to the attention of the geographic division having responsibility for the foreign country in question.

(2) Where the exportation is to be made to a country for which the Mutual Security Agency is claimant agency (listed in § 398.1 (c)), the request for supply assistance should be submitted through the Washington mission of the country of destination to the Mutual Security Agency, Washington 25, D. C.

(3) Where the exportation is to be made to Canada, the request for supply assistance should be submitted through the Priorities Division, Department of Defense Production, Ottawa, Canada, to the National Production Authority, Department of Commerce, Washington 25, D. C. (Ref. NPA Reg. 3), in accordance with National Production Authority Regulation 3.

§ 398.5 *CMP: Export allocations and procedures*—(a) *Controlled Materials Plan as applied to exports*—(1) *Controlled Materials Plan.* A Controlled Materials Plan (CMP) governing the distribution of certain metals has been established by the National Production Authority, effective July 1, 1951. This Plan operates under a series of NPA regulations identified as "CMP Regulations"[1] (numbered serially as "CMP Regulation 1," "CMP Regulation 2," etc.).

(2) *Applicability of CMP to exports.* CMP regulations govern the distribution of controlled materials to all consumers, i. e., exporters as well as domestic United States producers using controlled materials. This section sets forth the supplementary rules and procedures which will be followed by the Office of International Trade and exporters in connection with exports of controlled materials (including controlled materials for the manufacture of CMP Class A products as defined in paragraph (a) (2) (iii) of this section) to all destinations except Canada.

Most of the provisions of Controlled Materials Plan regulations are applicable to exports, and a full understanding of these regulations is essential to any exporter handling materials affected by the Controlled Materials Plan. It is especially important that each exporter understand the following terms, which are constantly referred to in connection with CMP:

(i) "Controlled material" means steel, copper and aluminum in the shapes identified on the Positive List by a "C" in the column headed "Commodity Lists." (Schedule I to CMP Regulation 1[1] specifies the shapes of steel, copper and aluminum designated as controlled materials. This information is translated into Schedule B and Positive List terms through the "C" notation referred to in this subdivision.)

(ii) "Class B product" means any product so designated in the current "Official CMP Class B Product Lists"[1] issued by the National Production Authority.

(iii) "Class A product" means any product containing steel, copper and aluminum which is not designated as a Class B product.

(3) *Allotment symbol for controlled materials.* In order to assure, as nearly as possible, maximum fulfillment of essential export demand for controlled materials within established quotas, the Office of International Trade assigns exporters the right to apply allotment symbols for the procurement of controlled materials and Class A products licensed for export.

The authority to assign allotment symbols is delegated to the Office of International Trade by the National Production Authority, and is limited to quantities not in excess of established export quotas. The manner of assignment of such allotment symbols is set forth in detail in § 398.5 (b) (3) and (4). While the Office of International Trade has authority to assign allotment symbols to the limit of the applicable export quota, no allotment symbol is assigned in connection with a licensed exportation of controlled materials already in the possession of the exporter, since the allotment symbol is granted only to assist in procurement. (However, licenses issued for material available to the exporter without an allotment also are charged against export quotas.)

(4) *Export quotas for controlled materials.* The total amounts of controlled materials moving into export (to destinations other than Canada) are limited by quarterly export quotas announced in Current Export Bulletins. Charges are made against controlled materials quotas when licenses are granted for the export of controlled materials and for controlled materials required for the manufacture of Class A products licensed for export.

Established export quotas are ceilings on exports of controlled materials. The Office of International Trade cannot approve export license applications beyond the limits of such quotas. Thus, in general, when the quota for a particular quarter has been exhausted, the Office of International Trade cannot approve further applications for export in such quarter even though the controlled materials are available to the exporter and no supply assistance is required.

[1] CMP regulations are issued by the NPA and may be obtained from Department of Commerce field offices and from the Distribution Office, National Production Authority, Department of Commerce, New GAO Building, Fourth and G Streets NW., Washington 25, D. C.

[1] The "Class B Product List" is issued by the National Production Authority, and is subject to change from time to time. It is suggested that exporters become acquainted with this document; copies may be secured for 15 cents each from the same sources indicated in footnote 1 above.

(b) *Procedures governing applications to export controlled materials*—(1) *Identification of controlled materials.* As indicated in paragraph (a) (2) (i) of this section, controlled materials are identified in the Positive List by a "C" in the column headed "Commodity Lists." The provisions of this paragraph relate exclusively to applications for licenses to export controlled materials in the shapes thus identified in the Positive List.

(2) *How and when to apply for export licenses.* Application for license to export controlled materials will be filed in accordance with the provisions prescribed in Parts 370 to 399, inclusive, of this subchapter. Applications must be filed in accordance with time schedules for filing established in § 373.51 of this subchapter.

(3) *Assignment of allotment symbols.* On all licenses approved for commodities designated as controlled materials under the NPA Controlled Materials Plan, the Office of International Trade assigns to the applicant the right to apply a specified allotment number and symbol to procure the material covered by the license. The CMP allotment symbols designated by the National Production Authority for export are as follows:

CMP allotment symbol	*Claimant agency*
W–2	OIT
W–4	MSA

The allotment symbol will be assigned by the Office of International Trade by endorsing the validated license (or other appropriate document) with the following or similar legend:

By authority of the NPA, the exporter herein named is assigned the right to apply the symbol (e. g. W–2–4Q52) to procure the above described materials.

(4) *Requests for conversion of CMP allotments.* If a licensee holding a validated license for controlled materials is unable to place his order during the quarter specified on the face of the license, or for any other reason requires a change in his allotment symbol, he may request conversion of his CMP allotment symbol to a symbol valid for a subsequent quarter (re-allotment), by submitting to the Office of International Trade, Washington 25, D. C., Form IT–763, "Request for and Notice of Amendment Action," in accordance with the provisions of § 380.2 of this subchapter. In addition to the information required on Form IT–763, each request for conversion of the allotment symbol shall include:

(i) The statement "CMP Re-Allotment from _____ to _____ quarter."

(ii) The amount of material for which conversion of allotment symbol is requested.

(iii) If applicable, a request for extension of expiration date of the export license.

(iv) A list of suppliers with whom the licensee has attempted unsuccessfully to place his order during the quarter specified on the export license, with a statement describing such attempts, including dates thereof, with respect to each such supplier, or copies of correspondence with such suppliers which substantiates the licensee's unsuccessful attempts to place his order during such period.

NOTE: Quantities of controlled materials covered by those re-allotment requests which are approved by OIT must be charged against current quotas. A reserve may be held by OIT for consideration of these requests, but no assurance can be given that all such requests will be approved. Such re-allotment requests as the licensee must file should be submitted to OIT as soon as it becomes evident that the order cannot be delivered in the quarter originally authorized.

(5) *Exceptions to time schedules for commodities with the processing code STEE.* Section 373.51 of this subchapter establishes time schedules for submission of applications for licenses to export controlled materials. Under the conditions set forth herein, an exception to these time schedules is granted. If an applicant has in his possession or at his command controlled materials with the processing code STEE that he wishes to export and they are ready for prompt shipment, or will be ready within the current or immediately succeeding quarter, an application may be submitted to the Office of International Trade at any time. In each such instance, the applicant must clearly indicate on the face of his application (i) that the material is ready for export and that an allotment is not required or (ii) that there is mill space which will be made available to the applicant upon issuance of a CMP allotment on a mill schedule for the current or next succeeding quarter. Applicant must submit appropriate documentary evidence (letters, telegrams, invoices, bills of sale, mill notice of availability, or other documents, as may be applicable) to substantiate the statements that (i) the material is in his possession or at his command and is ready for export or will be ready for export within the current or immediately succeeding quarter and that an allotment is not required or (ii) that there is mill space which will be made available to the applicant upon issuance of a CMP allotment on a mill schedule for the current or next succeeding quarter. Acceptance of applications meeting these conditions is not to be construed as assurance of approval by the Office of International Trade, since quota considerations or end-use restrictions may make this impossible.

(c) *Applications for exportation of Class B products.* As indicated in paragraph (a) (2) (ii) of this section, a Class B product means any product so designated in the current "Official Class B Product List" issued by NPA. Manufacturers of Class B products obtain allotments for controlled materials for the manufacture of such products in accordance with the procedures prescribed in CMP Regulations issued by the National Production Authority. Such allotments cover the manufacturer's requirements for Class B products to be consumed domestically, and Class B products to go into export. Applications for licenses to export Class B products are handled in accordance with the procedures covering the products themselves. No special procedures with regard to applications for licenses are established in this section for the export of Class B products.

(d) *Applications for exportation of Class A products.*—(1) *Definition of Class A products.* As noted in paragraph (a) (2) (iii) of this section, Class A products are any products containing steel, copper and aluminum not designated as a Class B product.

(2) *How and when to apply for license.* Applications for licenses to export Class A products will be filed in accordance with the provisions prescribed in Parts 370 to 399, inclusive, of this subchapter. These applications may be filed at any time.

License applications for Class A products must be accompanied by four copies of CMP Form 4A[2] signed by the manufacturer and prepared in accordance with the NPA "Instructions for Preparing Form CMP–4A," with these modifications:

(i) Item 2: Show name of customer (normally, this will be the applicant for the accompanying export license).

(ii) Item 3: Show customer's purchase order number.

(iii) Item 4: Name and address of manufacturer (whether or not he is also the exporter).

(iv) Section 1: Show proposed production schedule only for the order covered by the license application.

In the event an exporter requires supply assistance for a Class A product for which a validated license is not required for export to the proposed foreign country of destination, the CMP Form 4A should be filed in accordance with the instructions outlined above, accompanied by a letter of transmittal from the exporter, but without an export license application.

(3) *Assignment of allotment symbols.* On all licenses approved for commodities designated as Class A products under the NPA Controlled Materials Plan, the Office of International Trade assigns, on Form CMP–10 or other appropriate document, to the manufacturer who signed the Form CMP–4A, the right to apply a specified allotment number and symbol to procure the controlled material needed to manufacture the "A" product covered by the export license. The CMP allotment symbols designated by the National Production Authority for export are as follows:

CMP allotment symbol	*Claimant agency*
W–2	OIT
W–4	MSA

The allotment symbol authorizing procurement of the controlled material needed to manufacture the Class A product will be assigned to the manufacturer directly on CMP Form 10. In addition, the manufacturer will be given the right to apply a DO rating to secure production materials (other than controlled materials) needed in the manufacture of the Class A product in accordance with section 21 of CMP Regulation 1. The legend entered on CMP Form 10

[2] CMP Form 4A may be obtained from Department of Commerce field offices and from the Distribution Office, National Production Authority, Department of Commerce, New GAO Building, Fourth and G Streets NW., Washington 25, D. C.

assigning this right to the manufacturer will be similar to the following:

By authority of the NPA, the manufacturer herein named is assigned the right to apply the rating (e. g. DO–W–2) for the procurement of other production materials and components as defined in section 21 of CMP Regulation 1, including containers and packaging materials, required for the manufacture of the Class A product referred to herein.

(4) *Replacement of lost CMP–10.* Where Form CMP–10 has been validated and issued to manufacturer and becomes lost, a duplicate of such Form CMP–10 may be obtained by the manufacturer by submitting to the Office of International Trade a letter certifying:

(i) That the validated CMP–10 covering export application submitted by (name and address of applicant) and bearing OIT case No. ------, has been lost or destroyed;

(ii) As to the circumstances under which it was lost or destroyed;

(iii) That if the originally validated Form CMP–10 is found, the manufacturer agrees to return the original or duplicate of such Form CMP–10 to the Department of Commerce.

(5) *Requests for conversion of allotments—CMP Class A products.* If a licensee holding a validated license and NPA Form CMP–10 is unable to place his order for CMP Class A products for delivery during the quarter specified by the Office of International Trade (on Form CMP–10 or other appropriate document), or for any other reason requires a change in his allotment symbol, and a conversion of that right or allocation to a subsequent quarter is desired, the exporter or the manufacturer shall return the validated Form CMP–10 or other appropriate document to the Office of International Trade, accompanied by a letter stating why a conversion is necessary. If request is granted, a new validated NPA Form CMP–10 will be issued.

(e) *Special procedures in connection with project licenses.* The procedures laid down in paragraphs (a) through (d) of this section relate to applications for export licenses filed on Form IT–419 in accordance with Part 372 of this subchapter. Applications for controlled materials for Class A products under project licenses will be subject to the same special procedures, except that CMP Form 4A is not required for petroleum project licenses and the application forms prescribed for project licenses and requests for conversion of allotment (IT–375, IT–824, and PAD–26A) will be used rather than IT–419 or IT–763 for submission of applications. Further, applications for petroleum project licenses will be filed in accordance with the time schedules established for such applications in § 398.8 (e) rather than the special time schedules prescribed in § 373.51 of this subchapter.

(f) *Controlled materials used as MRO.* The procedure granting supply assistance for the export of maintenance, repair and operating supplies (§ 398.3) based upon NPA Order M–79 specifically excludes controlled materials. License applications for any controlled materials identified in the Positive List by a "C" in the column headed "Commodity Lists," or for CMP Class A products, shall be filed in accordance with the provisions of this section, whether intended for use abroad as MRO or for other purposes. However, in the case of controlled materials or Class A products destined for MRO use in foreign commercial aircraft, application should be filed in accordance with § 398.1.

§ 398.6 *DO (priority) assistance by Office of International Trade for dichlorodiphenyl trichloroethane (DDT).* [Deleted, effective January 31, 1952.]

§ 398.7 *Supply assistance for foreign mining operations: MRO and capital additions*—(a) *Authority.* Pursuant to National Production Authority's Order M–78, the Office of International Trade, Department of Commerce, is authorized to assist producers of metals and minerals whose mines (1) have received serial numbers under DMA Order MO–7, and (2) are located in a foreign country other than those listed in 398.1 (c), by securing allotment numbers and priority ratings to permit the procurement of needed materials in quantities greater than the established quotas for MRO purposes and for capital additions.

(b) *Scope.* Supply assistance is available pursuant to this section and as authorized by NPA Order M–78 to meet the requirements of foreign serialized mines for the following commodities and purposes:

(1) Maintenance; repair and operating supplies, as defined in section 2 (b), (c), and (d) of the Order M–78;

(2) Minor capital additions not in excess of $2,000, as set out in section 2 (e) of the Order M–78;

(3) Major capital additions (costing over $2,000) as defined in section 2 (i) and section 15 of NPA Order M–78 for which application may be made to secure limited supply assistance as set forth in paragraph (f) of this section.

Under the terms of the order, the allotment symbol W–2 may be used to obtain controlled materials, and the rating DO–W–2 for materials other than controlled materials required by foreign serialized mines. However, the allotment symbol and rating may not be applied to obtain any of the materials listed in Schedule I of CMP Regulation No. 5 as it may be amended from time to time (except those products listed as items 1 and 10 of Schedule I) or in List A of NPA Regulation No. 2. (Refer to § 398.3 for complete listing of such excluded items.)

In addition, the allotment symbol and rating may not be applied by a producer to obtain, in any quarter (calendar or fiscal), materials for minor capital additions exceeding, in the aggregate, 10 percent of his quarterly MRO quota, or $2,000, whichever is greater.

In his use of the allotment symbol to procure rails and in his use of the rating to procure track accessories and chemicals, the producer is limited to an amount not to exceed the ratio of consumption by weight to his production by weight for the average of the three years 1948 through 1950.

(c) *Who may apply.* "Foreign producers" whose mines have been assigned serial numbers under § 398.2 and are located in: (1) Countries other than Canada and (2) other than countries for which the Mutual Security Agency acts as claimant agency, must submit requests for supply assistance under this section to the Office of International Trade, Washington 25, D. C. A "foreign producer" is defined in NPA Order M–78 as any person actually engaged, outside the United States, its territories and possessions in the activities mentioned in paragraph (h) of Order M–78, who is under the jurisdiction of the United States and who has been assigned a serial number pursuant to the provisions of § 398.2. Foreign producers not subject to the jurisdiction of the United States may file through an authorized agent under U. S. jurisdiction.

NOTE: Producers whose mines are located in countries for which the Mutual Security Agency is claimant agency shall file requests for supply assistance described in this section with the Mutual Security Agency, Washington, D. C., in accordance with instructions issued by that agency. (For a list of such countries, refer to § 398.1 (c).)

Producers located in Canada should consult with the Canadian Division of the National Production Authority, Department of Commerce, Washington 25, D. C.

(d) *Establishment of quarterly quotas to cover MRO and minor capital additions and required report to OIT.* (1) Any foreign producer, as defined in Order M–78, may, without the necessity of filing any applications, establish his quarterly MRO quota amounting to 120 percent of the dollar value of all MRO expenditures made by him in the United States in the calendar year 1950 (or at his election, his last fiscal year ending prior to March 1, 1951, if he operated on a fiscal year basis prior to that date). He must exclude from his calculation materials listed in List A of NPA Reg. 2 and capital additions. Section 7 (e) of Order M–78 describes the manner in which a seasonal quota may be established by a producer if he so elects.

(2) However, any producer who establishes a quarterly MRO quota in excess of $10,000 must, within 30 days after he first applies the relevant allotment symbol or the rating under the quota, as permitted by Order M–78, notify the Office of International Trade in writing of the quota he has established, the base period he has used, the method he used in computing his quota, and the corrections he made for seasonal or other factors. Such notification shall be filed in quadruplicate on DMA Form MF–460.

(3) Section 8 of Order M–78 explains how charges are made by the producer against his quota.

(e) *Submission of requests for increased quotas to cover MRO supplies and minor capital additions.* (1) In cases where a foreign producer's essential needs for MRO supplies and minor capital additions cannot be met within his established quarterly quota described in paragraph (d) of this section, for the reason that production in his mines has increased, he may file application in quadruplicate on DMA Form MF–400, with the Office of International Trade, Washington, D. C., requesting the necessary increase in his quota. In such cases, producers shall set forth in an accompanying letter (also in quadruplicate) all pertinent facts and justification to support the request for increase.

(2) Where such requests for increases are approved, the OIT will return one authenticated copy of the Form MF–400, on which the producer will be assigned the right to use the allotment number and to apply the priority rating to the full extent of the increased quota.

(3) When a foreign producer's quarterly quota is thus increased, he may continue to operate with the increased quota as his established quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. Any increase granted shall not be retroactive.

(f) *Requests for supply assistance in obtaining materials for major capital additions (costing over $2,000).* Requests of foreign producers for supply assistance in obtaining major capital additions may be filed from time to time with the Office of International Trade, Washington 25, D. C., but for the present these requests must be limited to requests for assistance in obtaining Class B products listed in NPA's Official CMP Class B Product List consisting of machinery and equipment comprising major capital additions. Application shall be made by letter in triplicate giving the following information:

(1) Serial number assigned pursuant to § 398.2;

(2) Description of machinery and equipment required;

(3) Manufacturer or supplier; model, purchase order number (if any); required delivery date; and approximate dollar value;

(4) Need for machinery or equipment and expected results.

Applications for assistance on Class B products for major capital additions which the Office of International Trade feels should be recommended will be referred to the Defense Materials Procurement Agency and/or the National Production Authority for their consideration and action.

(g) *Application for CMP Class A products.* In the event any CMP Class A products are included in the foreign producer's request, he should attach to his application four copies of the relevant Form CMP 4A, signed by the manufacturer, for each Class A product required.

Definition of Class A product and method of filing Form CMP 4A are described in § 398.5.

(h) *Assignment and use of allotment symbols and DO ratings.* (1) Upon establishing his quarterly quota as described in paragraph (d) of this section, a foreign producer automatically—without filing any request—has the right, under the terms of Order M–78, and within the quota as established, to use the allotment symbol W–2 to procure controlled materials and to apply the priority rating DO–W–2 to procure other than controlled materials intended for use as MRO or for minor capital additions, for export to countries for which OIT is claimant agency. (For purposes of applying this allotment symbol and priority rating, OIT is considered to be claimant agency for all foreign countries other than Canada and countries for which MSA is claimant.) This right is

subject, however, to the limitations set out in paragraph (b) of this section and in sections 6 and 11 of Order M–78.

(2) To the extent increased quotas for MRO and minor capital additions are approved on the Form MF–400, the Office of International Trade will specifically assign to the applicant the right to use the allotment symbol W–2 to obtain controlled materials, and the right to apply the rating DO–W–2 to obtain materials other than controlled materials, subject to the limitations set out in paragraph (b) of this section. Instructions as to the manner in which the producer places his delivery order, and the certification which he must make are contained in sections 3, 4 and 14 of NPA Order M–78.

(3) The method for using the allotment number and for applying the priority rating together with the required certification is described in section 14 of Order M–78.

(i) *Relation to other NPA orders.* Rated orders filled by a manufacturer under this regulation, for MRO supplies as defined in NPA Order M–79, are chargeable to his quarterly MRO export quota established in Order M–79, if M–79 applies to him.

§ 398.8 *Supply assistance for foreign petroleum operations*—(a) *Authority.* National Production Authority Order M–46A and Delegation 12 assist operators of foreign petroleum projects by authorizing allotment symbols and priority ratings to expedite the procurement of materials needed for these projects.

(b) *Definitions.* (1) "Construction operation" means, for the purposes of this section, any use of material for construction, expansion, improvement or reconstruction, incident to any branch of the petroleum industry other than production but shall include, however, the following uses of material incident to production:

(i) A use of material for a vacuum plant or facility; a cycling plant or facility; a plant or facility used for stabilizing of crude oil; a plant or facility for the accumulation and storage of crude oil; a plant or facility for the extraction or recovery of natural gasoline or associated hydrocarbons; or for other treatment, processing, or compression of natural gas; (ii) a use of material in a secondary recovery production operation by water flooding or by utilization of gas; or (iii) a use of material for production offices or camp and related facilities.

(2) "Large construction operation" means, for the purposes of this section, a complete construction operation in which the total cost of controlled materials from the United States to be used is $10,000 or more, or in which the total cost of all materials from all sources to be used is $50,000 or more.

(c) *Scope.* Order M–46A applies to any persons who are engaged in the petroleum industry (as defined in section 2 of the order) outside of the United States, its territories or possessions, or the Dominion of Canada; such persons will hereafter be referred to as "operators." Two procedures are established by the order, whereby priority assistance is made available to petroleum operators, to cover the following requirements:

(1) Materials to be used in a "large construction operation";

(2) Material required for any other use than in a large construction operation; that is, for use in production, small construction operations, maintenance, repair, operating supplies, and laboratory equipment.

(d) *Who may apply.* Any operator or his authorized agent who qualifies under the provisions of § 372.2 of this section may file applications for priority assistance or export licenses or both under this section.

(e) *When to apply.* Form PAD–26A (revised March 1952) should be filed as far as possible in advance of the time an allotment of controlled materials and priority assistance is required by an operator; this applies also to any amendments filed on Form PAD–26A. No specific dates are fixed for filing in either case.

The following filing dates for Form IT–824 are hereby established:

(1) For controlled materials only: 180 days prior to the first day of the quarter in which the materials are required as indicated in item 10 of the form;

(2) For all other materials: In accordance with the time schedules set forth in § 373.51 (Supplement 1: Time schedules);

(3) For emergency or interim assistance as defined in section 7 of Order M–46A, or for any other special purpose, no submission date is stipulated.

NOTE: Form IT–824 may be obtained from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from the Department of Commerce field offices. Form PAD–26A may be obtained from the Petroleum Administration for Defense, Washington 25, D. C.

(e) *Instructions for Forms PAD–26A and IT–824.* (1) All of the terms, conditions, provisions and instructions contained in Forms PAD–26A and IT–824 are hereby incorporated as a part of the regulations in Parts 370 to 399, inclusive, of this subchapter, as though set forth in this subchapter.

(2) In filling out Sections III–B and III–C of Form PAD–26A covering controlled materials and Class A products respectively, applicants should omit the OIT Reference Code. However, with regard to Class A products, Section III–C of the form must identify the controlled material components by furnishing the appropriate Schedule B numbers (instead of OIT Reference Code) for the component material. Thus, both the Class A product and each CMP component required to manufacture the Class A product must be identified by Schedule B numbers.

(3) Similarly, in item 11 (a) of Form IT–824, exporters should omit the OIT Reference Code in filing for controlled materials and Class A products. Items 11 (d), (e), and (f) are to be filled in only with respect to controlled materials (identified on the Positive List by the letter "C" in the column headed "Commodity Lists"). The inventory information required under item 11 (d) of Form IT–824 is to be as of 30 days prior to the deadline date for the submission of Forms IT–824 covering controlled

materials. (See § 398.8 (e) for filing dates.)

(4) Item 11 (e) calling for the quantity of the materials used is to be filled in to show the quantity used by the project or program during the three-month period beginning 10 months prior to the beginning of the calendar quarter specified in item 10 of Form IT–824.

(5) Items 18 and 19 on Form IT–824 calling for license number and amendment number, respectively, are to be filled in by the applicant when Form IT–824 is filed against an outstanding SP or other validated license.

(g) *Large construction operations.* (1) A petroleum operator desiring priority assistance for materials required for use in a large construction operation for a foreign project located in a country other than Canada must file five (5) copies of Form PAD–26A with the Office of International Trade.

(2) Where the Form PAD–26A is approved, one copy will be returned to the applicant, bearing the authentication of the Office of International Trade and authorizing the use of an appropriate allotment symbol and rating (as explained in paragraph (j) of this section) for the procurement of specific amounts and types of materials listed in the form and attachments. Rated orders or authorized controlled materials orders may *not* be placed by the applicant for materials needed for the large construction operation until he has received the approved copy of the PAD–26A.

(3) Simultaneously with the Form PAD–26A, the operator must, when appropriate, apply for an SP license on Form IT–419, in accordance with instructions set forth in § 374.3 (a), (b), and (c) of this subchapter; except that instead of certifying the materials requirements for a period of one year, they should be certified for the particular single project for which application is being filed. Accompanying the Form IT–419 (or Form PAD–26A where Form IT–419 is not required) the applicant must file the OIT acknowledgement card, Form IT–116, prepared in accordance with § 372.3 of this subchapter, except that under the space for Schedule B number on the card, applicant should show "PAD–26A"; under the space for processing code, "PETR"; and under the space for commodity description, the name of the project.

(4) Form PAD–26A should not be used by applicants requiring:

(i) Materials for use in any one complete construction operation in which the total cost of controlled materials from the United States is less than $10,000, or in which the total cost of all materials from all sources to be used is less than $50,000.

(ii) Oil country tubular goods or other materials for use in drilling and completing oil and gas wells; and

(iii) MRO materials.

(5) Form IT–824 must be used for such purposes pursuant to NPA Order M–46A and as explained in paragraph (h) of this section.

(6) Form PAD–26A should not be used to apply for assistance in procuring used material or equipment, or any materials or equipment obtainable without priority assistance.

(7) Where the Form PAD–26A includes materials not obtainable through the allotment symbols and priority ratings authorized in Order M–46A (e. g., items which are under specific allocation control of NPA or some other Government agency), the applicant (in addition to itemizing the material in Section IV–A of Form PAD–26A) should file with the form executed copies of the individual application forms required to secure the material in accordance with special instruction (usually an M– order issued by NPA) promulgated by the agency. As part of the project approval, arrangements for processing the special applications with the appropriate agency will be made.

NOTE: The special provisions for including controlled materials and "A" products, which are contained in the instructions for filing Form PAD–26A, should be carefully observed by applicants, who should in this connection review the provisions of § 398.5.

(h) *Other Than Large Construction Operations (Materials for Use in Production, Small Construction Operations, Maintenance, Repair, Operating Supplies, and Laboratory Equipment)*—(1) *General.* A petroleum operator desiring priority assistance for materials required for use in other than a large construction operation as outlined in paragraph (g) of this section must file, for each quarter, five (5) copies of Form IT–824 with the Office of International Trade. Application is to be filed in accordance with paragraph (f) of this section and instructions printed on the form. Included on the form will be all materials requirements of the operator for the quarter for which the form is filed, except materials covered in separate applications filed on PAD–26A as explained in paragraph (g) of this section.

In the event an applicant holds no validated export license at the time he seeks priority assistance for materials on the Positive List, the five copies of Form IT–824 must be attached to the Form IT–419. If the commodities for which supply assistance is requested have already been licensed, this fact shall be shown on the face of Form IT–824 with reference to the export license number and the amendment number.

The Office of International Trade will return one copy of the Form IT–824, indicating the extent of its approval and the appropriate allotment symbol and priority rating for the procurement of specific amounts and types of materials as listed in the form and attachments.

However, any applicant holding a program letter from the Petroleum Administration for Defense may automatically, and without securing prior approval of his Form IT–824 from the Office of International Trade, use the appropriate priority rating to obtain any materials other than those listed in Schedule II of Order M–46A. (A "program letter" means a letter from the Petroleum Administration for Defense to an applicant, approving an operating program to be carried out by the applicant.) To obtain items listed in Schedule II of the order, the applicant may not use an allotment symbol or a priority rating until his Form IT–824 has been returned to him by the Office of International Trade indicating the extent of its approval and specifically authorizing the use of the appropriate symbols on the Schedule II items. A listing of all items included in Schedule II of Order M–46A is shown in § 398.51 (Supplement 1). An applicant not holding the program letter may not use a priority rating in advance of his receipt of the approved IT–824 from OIT.

Even if an applicant has a program letter and no Schedule II items are involved, he must obtain an export license, where required by Parts 370 through 399 of this subchapter. SP or DL license holders must file on Form IT–824, since this form, validated by OIT, is an export license. Other applicants must file for an export license on Form IT–419.

NOTE: It should be noted that Schedule II is subject to amendment from time to time, and that, in advance of formal amendment of Order M–46A, the Petroleum Administration for Defense may give notice by letter of such prospective amendment to all operators to whom a program letter has been issued. Operators receiving such notice may not, after the effective date specified in the notice, use priority ratings to secure any items being added to Schedule II, until and unless specific approval has been obtained through receipt of an approved Form IT–824.

(2) *Special provisions for applying for supply assistance for oil country tubular goods on Form IT–824.* When oil country tubular goods (casing, tubing, and drill pipe), Schedule B Nos. 606210, 606230, 606240, and 606260, are to be included in the IT–824, the following specific information must be furnished by the applicant. This is in addition to the information required by the instructions printed on the form itself. Supplemental sheets may be attached to the form as required.

(i) In Item 11 (d), Quantity in Transit and in Inventory: By individual Schedule B number, list separately all casing, tubing, and drill pipe, showing quantity of each size and grades. In the case of drill pipe, show new drill pipe separately, and immediately below this entry, list used drill pipe that has drilled less than 50,000 feet of hole.

These in-transit and in-inventory figures must be stated as of the date 30 days prior to the deadline date for submission of Form IT–824; state the exact calendar date.

(ii) In Item 11 (e), Quantity Used: Show by Schedule B numbers and by sizes and grades, the quantities of casing and tubing used during the quarter immediately preceding the date on which the application is submitted; state specifically the quarter covered. In addition, show the wells completed, by fields, where the casing was used.

(If this information has been submitted previously to any other U. S. Government agency, the same form and terminology used in this prior submission should be continued.)

(iii) In Item 12, Quantity Required: Supply the following information for each Schedule B number:

(a) Requirements of casing, tubing, and drill pipe, by size and grade;

(b) Number of wells, by fields, where this casing, tubing, and drill pipe is to be used;

(c) Surface acres of well and tonnage per well;

(d) State whether each well is a wildcat or exploitation well; if exploitation, indicate the MER.

(3) *Special provisions for applying for supply assistance for seamless line pipe and welded line pipe on Form IT–824.* When seamless line pipe, Schedule B No. 606270, and welded line pipe, Schedule B No. 606280, are to be included in the IT–824, the following information must be furnished by the applicant. This is in addition to the information required by the instructions printed on the form itself. Supplemental sheets may be attached to the form as required. For new construction only, where size information is requested in this subparagraph, line pipe sizes may be grouped into two categories: "16 inches and over," and "under 16 inches."

(i) In Item 11 (d), Quantity in Transit and in Inventory: By individual Schedule B number, show separately quantity of all pipe in stock and in transit by sizes as of 30 days prior to the date of submission of Form IT–824; show exact calendar date used.

(ii) In item 11 (e), quantity used: By Schedule B number and by size, show quantities of line pipe used during the quarter immediately preceding the date on which the application is submitted; state specifically the quarter covered.

(iii) In item 12, quantity required: For each Schedule B number, state quantity required, by size; and as nearly as possible, where the pipe is to be used.

(4) *Special requirement for oil country tubular goods, Schedule B Nos. 606210, 606230, 606240, and 606260.* Within forty-eight (48) hours after placing orders covering oil country tubular goods, Schedule B Nos. 606210, 606230, 606240, and 606260, bearing allotment symbols issued pursuant to authorization received on Form IT–824 from the Office of International Trade, applicant must submit to the Petroleum Division of OIT one legible copy of each purchase order. In addition, at least 60 days prior to the beginning of the quarter for which use of the allotment symbol was authorized, each operator must advise the Petroleum Division of OIT by letter, in duplicate, of any quantities authorized for which purchase orders have not been placed and accepted for delivery during the designated quarter.

(i) *Amendments.* Form PAD–26A need be filed only once for a complete operation although it may be used as an amendment form to effect changes in delivery dates or quantities of material required for use in the project covered by the original form. Where the form is used as an amendment, reference must be made to the original authorized document and requested adjustments must be specifically set forth.

In addition to the quarterly required filing of Form IT–824, this form may also be used to request priority assistance where the operator requires materials not included on his current Form IT–824 or requires material in greater quantities or on earlier dates than shown on his current Form IT–824. In filing this form for such emergency or interim assistance, the operator need itemize only those items in these quantities on which assistance is being requested. Reference must be made in this supplemental request to the current Form IT–824 which the operator holds.

(j) *Assignment and use of allotment symbols and DO ratings.* (1) Upon returning an approved Form PAD–26A or Form IT–824, the Office of International Trade will authorize the applicant to use the following allotment symbols and priority ratings to purchase the quantities and types of materials specifically listed in the forms and their attachments:

	MSA countries[1]	Other (except Canada)
Controlled materials and "A" products	W–4	W–2
Other	DO–W–4	DO–W–2

[1] Listed in § 398.1 (c).

(2) The allotment symbol for controlled materials and "A" products, as authorized, will include a quarterly designation (e. g. W–4–1Q52) and will be used in this form by the applicant in placing his purchase order. This quarterly designation represents the calendar quarter of the year during which the operator is permitted to take delivery in the United States of authorized quantities of controlled material, as set forth in section 2 (d) of Order M–46A.

(3) In order to use any of the four symbols listed in subparagraph (1) of this paragraph, the applicant must endorse on or attach to each delivery order the appropriate symbol as well as a certification in the following form:

Certified under NPA Order M–46A.

(4) The priority ratings DO–W–4 and DO–W–2, for the appropriate countries as designated above, may be used by holders of program letters to procure material other than that listed in Schedule II of Order M–46A as amended from time to time without securing prior approval of his Form IT–824 from the Office of International Trade as set forth in paragraph (h) of this section. However, this advance authority does not exist for large construction operations referred to in paragraph (g) of this section.

(5) Any operator who is eligible to obtain priority assistance under the provisions of Order M–46A is not permitted to use any form of priority assistance otherwise made available, to the extent that such assistance is available through M–46A. (This provision of the order, however, does not prevent the re-rating of any delivery pursuant to applicable regulations or procedures, or the use of priority assistance otherwise granted where specific directions to this effect have been issued.)

(k) *Revocation or denial.* If an export license is revoked or an application for a license is denied, any symbol authorized by M–46A for material covered by such export license or license application is simultaneously revoked. The operator must then notify his supplier(s) of the revocation or denial and may take no delivery of material ordered by use of such symbol. The operator must also promptly notify the Office of International Trade and the Petroleum Administration for Defense of the cancellation of any orders for any affected Schedule II item or any item designated as a Schedule II item.

NOTE: The National Production Authority has ruled that orders rated under this regulation, for MRO supplies as defined in NPA Order M–79, which are filled by a manufacturer having a quota established under M–79, must be charged to his M–79 quota to the extent provided in that order.

§ 398.51 *Supplement 1: Items included in Schedule II of NPA Order M–46A.*

ITEMS INCLUDED IN SCHEDULE II OF NPA ORDER M–46A

Controlled materials as defined in Section 2 (c) of CMP Regulation No. 1 as such regulation may be amended or supplemented from time to time (for specific listing, refer to items coded "C" in the column of the Positive List headed "Commodity Lists"; and Class A products.

Any item the procurement of which by the use of rating symbols is limited by NPA Regulation 2, as the same may be amended from time to time. List A of NPA Regulation 2 is reprinted below:

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Certain transportation services, as defined in List A.
Waste paper.
Water.
Wood pulp.
Solid fuels: All forms of anthracite, bituminous, subbituminous, and lignitic coals, and coke and its byproducts.
Gas and Gas pipelines: Natural gas, manufactured gas, and pipelines for the movement thereof.
Petroleum and petroleum pipelines: Crude oil, synthetic liquid fuel, their products and associated hydrocarbons, including pipelines for the movement thereof.
Electric power: All forms of electric power and energy.
Radioisotopes, stable isotopes, source and fissionable materials.
Farm equipment.
Fertilizer, commercial: In form for distribution to users.
Food, except in certain cases where used industrially (Refer to List A itself for further definition).
Transportation services (domestic) storage and facilities.
Products (production and distribution) used in the petroleum industry and listed in NPA Delegation 9 (February 26, 1951) as follows:
(1) Tetraethyl lead fluid.
(2) Petroleum cracking catalysts.
(3) Special inhibitors used in gasoline.
(4) Lubricating oil additives.
(5) Fluids and additives made especially for oil and gas drilling, and demulsifiers.
Ores, minerals, concentrates, residues, and other products (until processing is completed) listed in NPA Delegation 5 (January 29, 1952)

Items on Schedule I to CMP Regulation No. 5, as such Schedule may be amended from time to time:

(1) All basic, organic, or inorganic chemicals, their intermediates and derivatives other than compounded end products not customarily sold as chemicals.

(2) Products appearing in List A of NPA Order M-47A, as that order may be amended from time to time (except in item 28 of Section VIII of List A), or in List B of said order (except painters' and industrial brushes, as defined in NPA Order M-18, as that order may be amended from time to time).
(3) Nylon fibers and yarns.
(4) Packaging materials and containers, except steel nails, steel wire, and steel strapping used for packaging purposes.
(5) Paint, lacquer, and varnish.
(6) Paper and paper products.
(7) Paperboard and paperboard products.
(8) Printed matter.
(9) Photographic film.
(10) Pneumatic tires and tubes.
(11) Waterfowl feathers.

Items listed in Exhibit A of NPA Order M-41 (metal-working machines) as such exhibit may be amended from time to time:

Ammunition machinery.
Balancing machines.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sewing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

Items on List A of NPA Order M-43 (construction machinery), as such list may be amended from time to time:

Bituminous Equipment:
  Asphalt plants.
  Bituminous mixing plants.
  Dryers.
  Patching plants.
  Pavers.
  Distributors.
  Spreaders and finishers.
Compressors:
  Portable air compressors.
Crushing Equipment:
  Crushers.
  Conveyors.
  Screens.
Concrete Equipment:
  Batching plants.
  Mixers.
  Truck mixers.
  Pavers.
  Spreading and finishing machines.
Cranes, Shovels, and Excavators (commercial sizes, from three-eighths cubic yard to two and one-half cubic yards):
  Large shovels.
  Dredges.
  Hoists and derricks.
  Buckets.
  Trenchers.
Drills:
  Air.
  Portable well.
  Earth-boring machines.
  Deep well drills.
Loaders:
  Bucket.
  Front end.
Motor Graders:
  Any and all.
Pumps:
  Pumps, contractors.
Rollers and Compactors:
  Any and all.
Scrapers:
  Scrapers, hauling.
Tractors:
  All tractors for construction.
Tractor Allied Equipment:
  Dozers.
  Front-end attachments.
  Power control units.
  Snow plows.
Trucks and Trailers:
  Trucks and trailers, off-highway hauling equipment.

Items on Schedule A of NPA Order M-44 (power and electric equipment), as such Schedule may be amended from time to time (see Schedule A for precise definition):

Coal pulverizers.
Electric generators.
Oil circuit breakers.
Air circuit breakers.
Power switchgear.
Metal-clad switchgear.
Transformers.
Reactors.
Rectifiers.
Steam turbines.
Hydraulic turbines.
Synchronous condensers.
Internal combustion engines.
Steam turbine generator sets.
Steam condensers.
Gas turbines.
Gas turbine generator sets.
Gears, turbine.
Hydraulic turbine generator.
Steam generators.

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Sec.
399.1 Appendix A—Positive List of Commodities.
399.2 Appendix B—Commodity Interpretations.
399.3 Appendix C—Commodity Processing Codes.

AUTHORITY: §§ 399.1 to 399.3 issued under 63 Stat. 7, as amended; 50 U. S. C. App., 2203. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp., E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.

§ 399.1 *Appendix A—Positive List of Commodities.*

GENERAL NOTES TO APPENDIX A

(a) *Commodity description.* Where the commodity description of a Schedule B number on the Positive List of Commodities mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List.

Example. The commodity description in Schedule B under No. 385900 reads "Man-made (synthetic) textile manufactures, n. e. c." On the Positive List, nylon rope is the only commodity shown under this Schedule B number. Other man-made (synthetic) textile manufactures classified under this number in Schedule B are, therefore, not on the Positive List.

(b) *Quantity classifications.* The quantity classification given for each commodity in the column headed "Unit" must be shown on export license applications. If there is no entry in the Unit column, the application should show the unit of quantity commonly used in the trade.

(c) *GLV dollar-value limits.* The column headed "GLV Dollar-value Limits" has reference to the value limits under the general license. Shipments of Limited Value GLV, established by § 371.10 of this subchapter.

(d) *Commodity processing codes.* The commodity processing codes, referred to in the column headed "Processing Code and Related Commodity Group," are used to facilitate the routing and processing of export license applications. Related commodities are commodities which have the same processing code symbol and the same number following such symbol.

(e) *Abbreviation "n. e. c."* The abbreviation "n. e. c." appearing in the various entries on the Positive List of Commodities means "not elsewhere classified."

(f) *Validated license required.* The column headed "Validated License Required" is used to indicate whether a commodity is identified as an R or RO commodity. A validated license is required for the exportation of RO commodities to destinations in both Country Groups R and O. A validated license is required for exportations of R commodities to Country Group R destinations only. However, a validated license is not required if the exportation can be made under one of the general licenses, as set forth in Part 371 of this subchapter, or under other provisions permitting the exportation without license.

(g) *Definitions.* As used in the Positive List of Commodities, the term "corrosion-resistant materials" means (1) metals or alloys containing 10 percent or more of chromium and/or nickel and/or silicon; 75 percent or more of copper; 85 percent or more of aluminum; or 90 percent or more of zinc, tin, cadmium, indium, lead, silver, titanium, molybdenum, tantalum, or zirconium, either separately or in combination; (2) glass, ceramics, carbon, graphite, or other nonmetallic materials of mineral origin; (3) rubber (natural or synthetic), plastics, or synthetic resins; and (4) any other newly developed corrosion-resistant materials.

NOTE: The Positive List of Commodities includes all commodities which require a validated export license from the Department of Commerce for shipment to any destination, whether to Country Group R and O destinations or to Country Group R destinations only. (All commodities, whether or not on the Positive List, require validated licenses for export to Subgroup A, Hong Kong, and Macao. See Part 384 of this subchapter.) (Commodities licensed by other agencies of the Government are described in §§ 370.5, 370.6, and 370.7 of this subchapter.)

Each commodity is identified (in the column headed "Validated License Required") either as an R or an RO commodity, indicating the respective country groups for which

validated licenses must be obtained, as explained in paragraph (f) of the "General Notes to Appendix A."

Commodities are listed in numerical order by Schedule B numbers, which appear in the first column of the table. These numbers correspond with those shown in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States, and must be shown on all export license applications.

The column headed "Commodity Lists" is used to identify, by code letters, commodities for which license applications are subject to special requirements. The letter "A" in this column, for example, indicates that applications covering commodities in the entry so identified must conform with the requirements of § 373.34 of this subchapter regarding import certificate and delivery verification. The letter "B" in the column indicates that the commodities so identified are restricted for shipment under a Dollar-Limit (DL) license without prior approval (see § 374.2 (e) of this subchapter). The letter "C" indicates that the commodities so identified are controlled materials (see § 398.5 of this subchapter).

Section references are given in the Commodity column where other special provisions apply to the item regarding the submission of applications, quantities available for export, information to be shown on the application, and special licensing policies.

For each commodity there is a four-letter code index (GIEQ, STEE, TRAN). This processing code, followed by a dash and the letters "RO" must be shown on all license applications covering RO commodities on the Positive List. Applications for licenses to export R commodities must show the appropriate processing code for each commodity, followed by a dash and the letter "R."

RO commodities may not be entered on the same license application with R commodities.

A number follows the processing code in many instances. It is the related commodity group number and indicates that all commodities having the same processing code and number may be entered on a single application for individual export license when they are destined to one consignee. For example, all commodities coded RUBR 2 may be entered on one application. Those having different codes (RUBR 2 and RUBR 3 or RUBR 2 and ELME 2) must be listed on separate applications. (See § 372.2 (c) of this subchapter for complete information on the export of related commodities on individual license).

(A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column)

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Rubber (natural, allied gums, and synthetics) and manufactures (See Special Provisions, §§ 373.24, 373.31, 373.34)					
200100	Crude natural rubber and allied gums (report compounded or semi-processed in 200800)	Lb.	RUBR 2	250	RO	----------
	Crude rubber (report natural liquid latex in terms of total dry latex solids TDLS)					
	Synthetic rubber (report synthetic liquid latex in terms of total dry latex solids TDLS) (report compounded or semi-processed in 200800):					
200901	S-type (copolymers of butadiene and styrene) (see Special Provisions, §§ 373.24, 373.31)	Lb.	RUBR 14	100	RO	----------
200903	Butyl (copolymers of isobutylene and isoprene, or other diolefins)	Lb.	RUBR 2	100	RO	A B
200904	Neoprene (polymers of chloroprene)	Lb.	RUBR 2	100	RO	A B
200905	N-type (copolymers of butadiene and acrylonitrile)	Lb.	RUBR 2	100	RO	A B
200906	Thiokol (organic polysulfides) (formerly 200900)	Lb.	RUBR 2	25	RO	A B
200908	Other synthetic rubber (specify by name) (formerly 200900), and 200960)	Lb.	RUBR 2	100	RO	A B
201100	Rubber, reclaimed	Lb.	RUBR 9	100	R	----------
201200	Rubber scrap	Lb.	RUBR 9	100	R	----------
206000	Tires, tire casings and inner tubes (report scrap tires and tire casings under 201200): Truck and bus casings: all sizes, combat or run-flat construction; all 9.00-13, 9.00-16 and 10.50-16; all sizes with 12.00 cross section or over; all sizes of 10.00 to, but not including, 12.00 cross section with 12-ply rating and over; and all sizes of 7.00 to, but not including 10.00 cross-section with 12-ply rating and over.	No.	RUBR 10	100	RO	A
206000	Other truck and bus casings	No.	RUBR 9	250	RO	A
206010	Industrial casings (formerly 206200)	No.	RUBR 3	100	R	----------
206400	Other tire casings (formerly 206200 and implement); all sizes, combat or run-flat construction; all 9.00-13, 9.00-16 and 10.50-16; all sizes with 12.00 cross section and over; all sizes of 10.00 to, but not including, 12.00 cross section with 12-ply rating and over; and all sizes of 7.00 to, but not including 10.00 cross-section with 12-ply rating and over.	No.	RUBR 10	100	RO	A
206450	Other off-the-road casings (except farm tractor and implement)	No.	RUBR 9	250	RO	A
206440	Farm implement casings (formerly 206450)	No.	RUBR 9	250	RO	----------
206490	Industrial casings, all sizes with 12.00 cross section and over; all sizes of 10.00 to, but not including, 12.00 cross section with 14-ply rating and over; and all sizes of 9.00 to, but not including, 10.00 cross-section with 12-ply rating and over.	No.	RUBR 10	100	RO	A
206100	Other industrial casings	No.	RUBR 9	250	RO	A
206520	Inner tubes:					
206530	Truck and bus, puncture or bullet seal; and multiple chamber; and all sizes of 12.00 cross section and over; and all 9.00-13, 9.00-16, and 10.50-16	No.	RUBR 3	25	R	A
	Other truck and bus inner tubes	No.	RUBR 10	100	RO	A
206570	Farm tractor and implement inner tubes (except jet seal; and multiple chamber; and all sizes of 1200 cross section and over; and all 9.00-13, 9.00-16 and 10.50-16)	No.	RUBR 9	100	R	A
	Other farm tractor and implement inner tubes	No.	RUBR 9	100	RO	A

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Hides and skins, raw, except furs (See Special Provisions, §§ 373.1, 373.6)					
020102	Cattle hides, dry	No.	LEAT	100	RO	B
020101	Cattle hides, wet	No.	LEAT	100	RO	B
020402	Calf skins, dry	No.	LEAT	100	RO	B
020401	Calf skins, wet (include shank skins)	No.	LEAT	100	RO	B
020504	Kip skins, dry	No.	LEAT	100	RO	B
020503	Kip skins, wet	No.	LEAT	100	RO	B
020600	Hides and skins, raw, n.e.c. (include whole skins and parts thereof):					
020608	Cattle hide parts (including, but not limited to, bellies, croupons, shoulders, butts, and splits)	Lb.	LEAT	100	RO	B
	Other inedible animals and animal products					
	Feathers, crude, not dressed:					
092600	Down, and waterfowl feathers, 3 inches in length and under	Lb.	TEXT	100	RO	B
	Feathers, dressed, and manufactures of feathers except waste:					
092640	Down, and waterfowl feathers, 3 inches in length and under, and the following manufactures of such feathers: down comforters, down-filled coats and jackets, feather pillows, sleeping bags, and sleeping robes	----------	TEXT	100	RO	B
092650	Other feathers, dressed, or prepared (except waste)	Lb.	TEXT	100	RO	B
	Sugar and related products					
155100	Sugar	Lb. (fal	SUBT	250	RO	B
155200	Molasses, inedible (report edible molasses in 165100)	Gal.	SUBT	250	RO	B

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Rubber (natural, allied gums, and sythentics) and manufactures—Continued					
206600	Tire sundries and repair material: Camelback	Lb.	RUBR 9	100	RO	---
208625	Rubber or balata belts and belting: V-belts, except home appliance (report automotive in 2086201 (formerly 206610).	Lb.	RUBR 11	25	R	---
208670	Conveyor and elevator belts and belting	Lb.	RUBR 11	250	R	---
208910	Rubber hose and tubing (report surgical tubing in 204100): Molded braided hose, neoprene and N-type only, except automotive and garden (formerly 208900).	Lb.	RUBR 11	250	R	---
208920	High-pressure rotary drilling hose (formerly 208900).	Lb.	RUBR	25	RO	A
208920	Other wrapped and hand-built hose, neoprene and N-type only, except automotive and garden (specify whether 5 inches and over, or under 5 inches) (formerly 208900).	Lb.	RUBR 11	250	R	---
208960	Other hose and tubing, neoprene and N-type only, except automotive and garden (specify kind) (formerly 208900).	Lb.	RUBR 11	250	R	---
209310	Rubber sheet packing, neoprene and N-type only (specify kind) (formerly 209300).	Lb.	RUBR 11	250	R	---
209320	Rubber packing, except sheet, neoprene and N-type only (specify kind) (formerly 209300).	Lb.	RUBR 11	250	R	---
209800	Compounded or semi-processed natural and/or synthetic rubbers (dry or liquid latex) and allied gums, for further manufacture (specify type): Masterbatch	Lb.	RUBR 13	100	RO	A B
209800	Phoflim	Lb.	RUBR 13	25	R	---
209800	Liquid rubber compounds; and liquid rubber, drum compounded.	Lb.	RUBR	25	RO	B
	Naval stores, gums, and resins					
211710	Naval stores: Pine oil	Gal.	AGCH	500	RO	---
211720	Pine tar (formerly 211800)	Lb.	AGCH	500	RO	---
218600	Shellac, dry (report shellac varnish in 844210)	Lb.	AGCH	25	R	---
	Vegetable oils, fats, and waxes, crude					
224900	Vegetable oils (except essential) and fats, crude: Castor oil, commercial (report medicinal grade in 911100).	Lb.	FATS	250	RO	---
224910	Tung oil, crude	Lb.	FATS	250	RO	---
	Cotton, unmanufactured					
300402★ 300403★	Linters (specify grade) (see § 371.25): Grades 1 to 4, inclusive (U. S. Official Standard) (Motes included).	Lb. Running bale.	TEXT	100	RO	B
300405★ 300406★	Grades 5 to 7, inclusive (U. S. Official Standard) (Cottonseed hull fiber included).	Lb. Running bale.	TEXT	100	RO	B
	Cotton semimanufactures					
	(See Special Provisions § 373.34)					
300600	Cotton pulp	Lb.	TEXT	100	RO	A B
300850	Other used cotton: Used or reclaimed linters (formerly 319900)	Lb.	TEXT	100	RO	---

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Cotton manufactures					
302000	Cotton cloth, duck and tire fabric (including mixed fabrics, cotton chief weight): Unbleached (gray) cloth: Cord tire fabric (report tire cord in 301700)	Sq. yd	TEXT	50	RO	---
303950	Airplane cloth and balloon fabric (formerly 303900).	Sq. yd.	TEXT	50	RO	---
	Vegetable fibers and manufactures					
320515	Vegetable fibers, unmanufactured: Manila or abaca (including tow) (see §§ 373.1, 373.3)	L. ton	TEXT 1	25	RO	---
320519	Sisal or henequen (including tow) (see §§ 373.1, 373.3).	L. ton	TEXT 1	25	RO	---
341100	Cordage, except of cotton or jute (report cotton in 301800 and jute in 321100): Binder twine (report baler twine in 341400, 341909, and 341998).	Lb.	TEXT 1	1,000	RO	---
341400	Manila cordage, cord, and twine (including manila baler twine) (report binder twine in 341100).	Lb.	TEXT 1	25	RO	---
341909	Hard-fiber cordage, cord, and twine (including sisal and henequen) (report binder twine in 341100).	Lb.	TEXT 1	25	RO	---
349909	Hard-fiber yarns (including sisal, henequen, and manila yarns).	Lb.	TEXT	100	RO	---
	Wool, unmanufactured					
360903	Carpet wools (report estimated weight of clean content as net quantity).	C. lb.	TEXT	250	RO	---
360906	Other wools (report estimated weight of clean content as net quantity): Finer than 58's (formerly 360905 and 360907)	C. lb.	TEXT	250	RO	---
[illegible]	Not finer than 58's (formerly 360905 and 360907)	C. lb.	TEXT	250	RO	---
360911	Wool-like specialty hair (report estimated weight of clean content as net quantity): Angora goat (mohair) and alpaca	C. lb.	TEXT	250	RO	---
	Wool semimanufactures					
362600	Wool semimanufactures, wholly or in chief weight wool and/or wool-like specialty hair: Noils, waste, except noils of cashmere goat, camel, and vicuna.	Lb.	TEXT	250	RO	---
	Silk and manufactures					
370400	Silk noils and waste, *except* silk rags, new and used, and silk stockings, used (formerly 379800).	Lb.	TEXT	100	RO	B
	Man-made (synthetic) fibers and manufactures					
384022	Filament yarn (except thrown yarn) of man-made (synthetic) fibers on cones, warps, beams or other winding cores (report value of cones, warps and other winding cores, except beams, with the value of the yarn. Exclude the weight of such winding cores in reporting net quantity) (report beams separately in 754900): Viscose high-tenacity rayon yarn and cord: Singles (including tire yarn) (formerly 384013)	Lb.	TEXT	100	RO	---
384025	Plied (including tire cord), untreated, treated or dipped but not woven (report woven rayon tire fabric in 384994) (formerly 384013).	Lb.	TEXT	100	RO	---
384026	Nylon (including monofilaments 20 denier and finer) (formerly 383005).	Lb.	TEXT	100	RO	B
384029	Orlon (formerly 384098)	Lb.	TEXT	100	RO	B

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Man-made (synthetic) fibers and manufactures—Con.					
384032	Thrown yarns (crepe, voile and combination twists and plied yarns, n.e.c.): Nylon and orlon (formerly 384005 and 384098)	Lb.	TEXT	100	RO	B
384052	Monostrands, monofilaments and extruded bands and strips (not woven) for the manufacture of textiles: Nylon and orlon (formerly 384005 and 384098) (report nylon monofilament yarn 20 denier and finer in 3840260).	Lb.	TEXT	100	RO	B
384062	Spun yarns of staple and of waste (including singles and plied): Nylon and orlon (formerly 384005 and 384098)	Lb.	TEXT	100	RO	B
384079	Staple and tow: Nylon (formerly 383005)	Lb.	TEXT	100	RO	B
384095	Waste and partially manufactured man-made (synthetic fiber, including tops, sliver and roving: Nylon tops, sliver and roving of staple and of waste (formerly 383005).	Lb.	TEXT	100	RO	---
384985	Broadwoven plastic fabrics based on vinyl or vinylidene chloride resins and copolymers thereof (e. g. Saran woven sheeting) (formerly 825420 and 825450).	Sq. yd.	TEXT	100	R	---
384985	Nylon parachute cloth (formerly 384952–384953)	Sq. yd.	TEXT 18	100	R	---
384994	Cord-tire and fuel-cell fabrics (untreated, treated, dipped and/or rubberized, of rayon, nylon or other man-made (synthetic) fiber (report tire cord in 384023) (formerly 384925–384926).	Lb.	TEXT	100	RO	---
384998	Nylon webbing for parachute harness (formerly 385850).	---	TEXT	100	RO	B
385900	Nylon rope	---	TEXT 18	100	R	---
	Wood, unmanufactured					
401700	Logs, bolts, and hewn timber: Port Orford cedar logs (including Lawson's cypress)	M. bd. ft.	LUMB	100	RO	---
	Sawmill products					
405720	Softwood lumber, new (including rough-sawed, dressed, worked, or patterned lumber and softwood flooring) (shippers report thickness and grade where indicated): Port Orford cedar (including Lawson's cypress) (state grade).	M. bd. ft.	LUMB	100	RO	---
	Wood manufactures					
429450	Port Orford cedar battery separators, blanks and separator veneers (report four separators to one square foot of veneer).	M	CDGS	50	RO	---
	Paper base stocks					
	(See Special Provisions, §§ 373.16, 373.34)					
460110	Wood pulp (air-dry weight): Special alpha and dissolving grades, bleached, sulfite, and sulfate (specify kind) (formerly 460100 and 461000).	S. ton	PULP	1,000	RO	A B
460200	Sulfite wood pulp, bleached and semibleached, n. e. c. (report special alpha and dissolving grades in 460110).	S. ton	PULP	1,000	RO	B
460400	Sulfite wood pulp, unbleached	S. ton	PULP	1,000	RO	B
460800	Sulfate wood pulp, unbleached	S. ton	PULP	1,000	RO	B
461010	Sulfate wood pulp, bleached and semibleached, n. e. c. (report special alpha and dissolving grades in 460110).	S. ton	PULP	1,000	RO	B
461900	Wood pulp and screenings, n. e. c. (specify by name) (formerly 460000, 461800 and 461900).	S. ton	PULP	1,000	RO	---
469200	Rags for paper stock: New cotton cuttings, valued $150 or over per ton (formerly 469000).	S. ton	TEXT	150	RO	---

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Paper, related products, and manufactures					
	(See Special Provisions, § 373.34)					
481500	Fine paper: Capacitor tissue; electrical insulating tissue; coil paper; electrolytic condenser tissue, Kraft; Kraft condenser tissue; other paper for dielectric use, coated or uncoated.	Lb.	PULP	None	RO	A
482700	Special industrial paper: Cable filling, electrical; cable, paper stock; coil-winding paper; electrical insulating paper, other than fine paper; other paper for dielectrical use, coated or uncoated.	Lb.	PULP	None	RO	A
484000	Battery board; electrical insulation board, except wet machine (formerly 482700).	Lb.	PULP	None	RO	---
484400	Wet machine board, electrical insulation only	Lb.	PULP	None	RO	---
484550	Copper-armored sisalkraft (formerly 643998)	Lb.	PULP	100	RO	---
486400	Converted paper and board products: Wrapping paper products: Laminated waterproof paper, wire-wrapping only (formerly 486300).	Lb.	PULP	None	RO	---
489900	Paper, paperboard, and products, n. e. c. (specify by name): Cable paper; electrical paper and cloth, gummed; paper sleeving, treated; rope paper tape, electrical insulating; and paper, paperboard, and tissue for dielectric use, coated or uncoated, n. e. c. (formerly 489200 and 489900).	Lb.	PULP	None	RO	---
	Coal and related fuels					
500400	Coke, except petroleum coke (report petroleum coke, including petroleum coke flour, in 504800).	S. ton	COAL 1	100	RO	B
	Petroleum and products					
	(See Special Provisions, §§ 373.1, 373.8, 373.34)					
501100	Petroleum, crude (bbl. of 42 gal.)	Bbl.	PETR 1	1,000	RO	A
501200	Natural gasoline (bbl. of 42 gal.)	Bbl.	PETR	[1] 25	RO	A
501350	Unfinished oils for further refining: Topped crude (bbl. of 42 gal.)	Bbl.	PETR	1,000	RO	A
501390	Other unfinished oils for further refining (bbl. of 42 gal.).	Bbl.	PETR	1,000	RO	A
501400	Refined oils: Motor fuel and gasoline (report octane rating): Blending agents or antiknock compounds, of petroleum origin (specify by name) (report antiknock compounds, except of petroleum origin, in 829910).	Gal.	PETR 1	100	RO	A
501610★	Aviation motor fuels (report jet fuels in 829920): 100 or over octane number (bbl. of 42 gal.)	Bbl.	PETR 1	[1] 25	RO	A B
501620★	Under 100, not under 90 octane number (bbl. of 42 gal.).	Bbl.	PETR 1	[1] 25	RO	A B
501640★	Under 90 octane number (bbl. 42 gal.)	Bbl.	PETR 1	[1] 25	RO	A B
501700	Automotive and other motor fuels and gasoline (bbl. of 42 gal.).	Bbl.	PETR 1	[1] 25	RO	A
501900	Cyclohexane; and isooctanes (formerly 501400) (bbl. of 42 gal.).	Bbl.	PETR	100	RO	A
501900	Normal heptane; normal hexane; and Sovasol formerly 505900) (bbl. of 42 gal.).	Bbl.	PETR	25	RO	A
501900	Napthn, mineral spirits, solvents and other finished light products, n.e. c. (bbl. of 42 gal.).	Bbl.	PETR	[1] 25	RO	A
502700	Kerosense, except distillate fuel oil (bbl. of 42 gal.) (Report jet fuel in 829920)	Bbl.	PETR 1	[1] 25	RO	A
503000	Gas oil and distillate fuel oil (bbl. of 42 gal.)	Bbl.	PETR 1	[1] 25	RO	A
503100	Residual fuel oil (bbl. of 42 gal.)	Bbl.	PETR 1	1,000	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[1] This GLV dollar-value limit is applicable to all Country Group R destinations, except those in Subgroup A, Hong Kong, and Macao; and to all Country Group O destinations, except Mexico. The GLV dollar-value limit for shipments to Mexico is $1,000.

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Petroleum and products—Continued					
	Refined oils—Continued					
	Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 503900; hydraulic oils, except of petroleum origin in 829984) (see § 373.8):					
	Industrial, except cutting oils (report cutting oils in 504095):					
503300	Red and pale oils (including all red or pale lubricating oils, except those oils intended for use in internal combustion engines) (see 503910 and 504030) (bbl. of 42 gal.).	Bbl.	PETR 23	25	RO	A
503400	Black oils (including all black and dark green oils, except those intended for use in steam cylinders) (bbl. of 42 gal.).	Bbl.	PETR 24	25	RO	A
503510	Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more) (bbl. of 42 gal.).	Bbl.	PETR 24	25	RO	A
503520	Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock) (bbl. of 42 gal.).	Bbl.	PETR 24	25	RO	A
503800	Insulating or transformer oils	Gal.	PETR 24	25	RO	A
503910	Industrial engine lubricating oils: Diesel engine lubricating oils (report diesel fuel oil in 503900) (bbl. of 42 gal.) (formerly 503950).	Bbl.	PETR 23	25	RO	A
503920	Turbine lubricating oil (bbl. of 42 gal.) (formerly 503960).	Bbl.	PETR 23	25	RO	A
503940	Other industrial engine lubricating oil (bbl. of 42 gal.) (specify by name) (formerly 503950).	Bbl.	PETR 23	25	RO	A
503990	Industrial lubricating oils, n.e.c. (bbl. of 42 gal.) (specify by name) (formerly 503950).	Bbl.	PETR 24	25	RO	A B
504005★	Aviation engine lubricating oils (bbl. of 42 gal.) (formerly 504001 and 504003).	Bbl.	PETR 24	25	RO	A
504030	Automotive engine lubricating oils (bbl. of 42 gal.) (formerly 504020).	Bbl.	PETR 24	25	RO	A
504050	Automotive gear oils (bbl. of 42 gal.) (specify by kind and grade) (formerly 504020).	Gal.	PETR 24	25	RO	A
504060	Lubricating oils, n.e.c., except in containers of 4 oz. or less (specify by name).	Gal.	PETR 23	25	RO	A
504095	Cutting oils and compounds, petroleum base (report cutting oils and compounds, except petroleum base in 825000) (specify by name) (formerly 503900).	Lb.	PETR	25	RO	A
504100	Lubricating greases, except graphite lubricants (report graphite lubricants in 548098).	Lb.	PETR	25	RO	
504200	Petrolatum and petroleum jelly (all grades)	Lb.	PETR	100	RO	
504400	Microcrystalline wax	Lb.	PETR	25	RO	
504500	Emulsion wax, chief value paraffin wax; Indrolatum; and slop wax (formerly 505900).	Lb.	PETR	25	RO	
504600	Benowax; and Pennwax (formerly 504200); Cabax Wax; Diax—O—Wax; and Velatrum wax (formerly 505900).	Lb.	PETR	25	RO	
	Petroleum asphalt (report natural asphalt in 547000 and 547100):					
504710	Unmanufactured	L. ton	PETR	100	RO	A
504720	Manufactures, n.e.c. (report asphalt tile in 546000) (specify by name).		PETR	100	RO	A
504800★	Petroleum coke, including petroleum coke flour	L. ton	COAL 1	100	RO	A B
505900	Petroleum products, n.e.c., (specify by name) (report finished petroleum sprays in 829590 and 829600; finished blended gasolines in 501610–501700, and jet fuels in 829620).	Lb. or Gal.	PETR	25	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Glass and products					
	(See Special Provisions, § 373.34)					
521700	Bullet-proof glass		BLDG	None	R	
523110	Optical instrument glass and glass blanks, except synthetic crystals.	No. and Lb.	SATE 52	100	RO	A
523130	Ophthalmic glass and glass blanks	No. and Lb.	SATE	250	R	
529300	Glass tubing for acid-resisting tanks, tanks, vats, kettles, piping, and fixtures.		CDGS	25	RO	A
	Clay and products					
	Pottery (china, porcelain, earthenware, and stoneware included):					
533510	Electrical porcelain, dry process, for 6600 volts and over (formerly 533600).	Lb.	ELME 1	500	R	
533610	Electrical porcelain, wet process, for 6600 volts and over (formerly 533600).	Lb.	ELME 1	500	R	
	Refractories, except graphite (report graphite refractories in 548050):					
536100	Chrome and chrome-magnesite brick and shapes	M	BLDG 31	25	R	
536200	Magnesite and magnesite-chrome brick and shapes	M	BLDG 31	25	R	
536650	High alumina brick and shapes, 50% Al_2O_3 and over, (report fused alumina in 536810).	M	BLDG 31	100	R	
536810	Firebrick and shapes, except plastic, n. e. c. (specify by name).	M	BLDG 31	100	R	
536830	High-temperature refractory cements or bonding mortars, except of chrome; magnesite; silica; or of fireclay composition of less than 50% Al_2O_3.	Lb.	BLDG 31	100	R	
536856	Plastic refractories (including firebrick shapes, and ramming mixtures), except of chrome; magnesite; silica; or of fireclay composition of less than 50% Al_2O_3.	Lb.	BLDG 31	100	R	
536890	Refractories, n. e. c. (specify by name) except of chrome; magnesite; silica; or of fireclay composition of less than 50% Al_2O_3.		BLDG 31	100	R	
	Other nonmetallic minerals (precious included)					
	(See Special Provisions, §§ 373.1, 373.11, 373.34, 373.37)					
	Abrasives:					
540905★	Diamond grinding wheels, sticks, hones, and laps (see §§ 373.1, 373.9).	Lb.	TOOL 1	None	RO	A B
540910★	Diamond powder (see §§ 373.1, 373.9)	Carat	CDGS 2	None	RO	A B
540940	Corundum	Lb.	MINL	100	R	A
541110	Fused aluminum oxide, crude and in grains	Lb.	MINL	100	RO	A
541120	Fused silicon carbide, crude and in grains	Lb.	MINL	100	RO	A
541140	Manufactured abrasives, n. e. c.		MINL	100	RO	A
541210	Abrasive products: Manufactured grinding wheels, of silicon carbide or aluminum oxide composition, including corundum.	Lb. or No.	TOOL	250	R	
542010	Iron and steel shot, chilled (see § 373.2)	Lb.	STEE	100	RO	B
	Asbestos:					
545110	Unmanufactured: Crude asbestos and spinning fibers (specify by grade) (see § 373.16).	L. ton	MINL	100	RO	A B
545120	Non-spinning fibers	L. ton	MINL	100	RO	
545150	Waste and refuse	Lb.	BLDG	100	R	
545510	Textiles and yarn	Lb.	TRAN	500	R	
545600	Brake lining, molded and semimolded	Lin. ft.	TRAN	500	R	
545700	Brake lining, woven	No.	TRAN	500	R	
545800	Clutch facing, molded, semimolded and woven including clutch lining.					
	Graphite, natural:					
547210★	Amorphous (specify carbon content and country of origin).	Lb.	MINL	100	RO	B
547220	Crystalline flake, lump, or chip	Lb.	MINL	100	RO	
547290	Other natural graphite					

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other nonmetallic minerals (precious included)—Con.					
	Carbon or graphite products (natural and artificial):					
547300★	Electrodes for furnace or electrolytic work (specify size).	Lb.	MINL	None	RO	A B
547400★	Carbon brushes for motors, and for starting, lighting, and ignition equipment (see § 373.71.		ELME 2	50	RO	A B
547490★	Other brushes and brush stock in the form of blocks, plates, and rods, carbon and artificial graphite.		ELME 2	None	RO	A B
547800	Lighting carbons	No.	FILM	25	RO	
548050★	Refractory crucibles, retorts, and stoppers	No.	MINL	None	RO	A B
548098	Graphite greases and lubrints, including, but not limited to, alemite, aquadag, grelag, and oildag.	Lb.	PETR	25	RO	A
548098★	Carbon or artificial graphite electrodes other than for furnace or electrolytic work (specify size) (report electrodes for furnace or electrolytic work in 547300).	Lb	MINL	None	RO	A B
548098★	Carbon and graphite products (including artificial), n. e. c. (specify by name).	Lb.	MINL	None	RO	A B
	Mica:					
551000	Unmanufactured (muscovite and phlogopite): Block, film and splittings, which conform to ASTM or India—Calcutta standards.	Lb.	MINL	100	RO	A
551300	Manufactures, n. e. c., except peep hole covers, stove windows, and elements for heating appliances (specify by process and item) (report ground or pulverized in 551200).	Lb.	MINL	100	R	
571410	Sulfur, crude (containing 85 percent or more sulfur) (formerly 571400) (report sulfur ores or crude sulfur of less than 85 percent sulfur content in 596098). (See § 373.16).	L. ton	SALT 36	25	RO	A B
571500	Sulfur, crushed, ground, refined, sublimed and flowers (See § 373.16).	Lb.	SALT 36	25	RO	A B
573600	Magnesium silicate (talc, steatite and soapstone), crude and ground.	L. ton	MINL	100	RO	A
573700	Magnesium silicate (talc, steatite, and soapstone) manufactures, except soapstone slabs.	Lb.	MINL	100	RO	A
595050	Quartz crystal, raw		RARA	10	RO	A
595090	Quartz crystal plates (See § 399.2)		RARA	10	RO	A
596012	Cryolite, natural and artificial (See § 373.37)	Lb.	MINL	100	R	B
596065	Kyanite and allied minerals, crude, ground or calcined	L. ton	MINL	100	RO	B
596098	Iron pyrites		MINL	None	R	
596098	Cuprous pyrites		MINL	None	R	
596098	Crude sulfur, of less than 85 percent sulfur content; and sulfur ores (formerly 571400).	L. ton	SALT 36	25	RO	A
596005★	Diamonds suitable only for industrial use n. e. c. (See §§ 373.1, 373.9).	Carat	CDGS 1	None	RO	A B
596010★	Diamonds, rough or uncut, suitable for cutting into gem stones. (See §§ 373.1, 373.9.)	Carat	CDGS 1	None	RO	A B
596098★	Diamond bearings (See §§ 373.1, 373.9)		CDGS 1	None	RO	A B
596098	Jewel bearings, except diamond		CDGS	None	R	
	Pig iron					
	(See Special Provisions, §§ 373.2, 373.16)					
600700	Pig iron, all grades (specify grade)	S. ton	STEE	1,000	RO	B
	Iron and steel scrap					
	(See Special Provisions, §§ 373.1, 373.2, 373.16, 373.24, 373.34)					
	Scrap, except tin plate and terne plated scrap:					
601010	Melting steel scrap (No. 1 heavy and No. 2) (formerly 601020 and 601030).	S. ton	STEE 19	100	RO	A B
601040	Baled sheet melting scrap	S. ton	STEE 19	100	RO	A B
601050	Borings, shovelings, axle turnings (steel melting scrap) (formerly 601060)	S. ton	STEE 19	100	RO	A B
601070	Iron scrap	S. ton	STEE 19	100	RO	A B
601090	Other scrap (specify type)	S. ton	STEE 19	100	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Iron and steel scrap—Continued					
601150	Tin plated scrap (not detinned) except tin cans, old, crushed (formerly 601100) (report detinned or rusted scrap in 601040 and 601090).	S. ton	TNPL	1,000	RO	A B
601170	Rerolling material (formerly 601550) report relaying rails in 605300)	S. ton	STEE	1,000	RO	A B C
	Iron bars, skelp and pipe					
	(See §§ 373.2, 373.16, 373.24, 373.33)					
601201	Iron bars (formerly 602100)	Lb.	STEE	1,000	RO	B C
601203	Skelp, wrought iron (formerly 603200)	Lb.	STEE	1,000	RO	B C
	Iron pipe:					
601205	Wrought iron pipe, welded, black (formerly 607100)	Lb.	STEE 18	100	RO	B C
601207	Wrought iron pipe, welded, galvanized (formerly 607300).	Lb.	STEE 18	1,000	RO	B C
601211	Cast iron pressure pipe (formerly 606705)	Lb.	STEE 20	1,000	R	
	Steel mill products—semifinished					
	(See Special Provisions, §§ 373.2, 373.16, 373.24, 373.33, 373.34)					
	Steel ingots, blooms, billets, slabs, sheet bars, and tin-plate bars:					
	Carbon steel:					
601602	Ingots (formerly 601605)	S. ton	STEE 2	1,000	RO	B C
601604	Billets, projectile and shell steel (formerly 601606)	S. ton	STEE 2	1,000	RO	B C
601608	Billets (except projectile and shell steel), blooms, slabs, sheet bars, and tin plate bars (formerly 601606 and 601609).	S. ton	STEE 2	1,000	RO	B C
	Alloy steel including stainless:					
601702	Ingots, alloy steel, except stainless (formerly 601705).	S. ton	STEE	100	RO	A B C
601702	Ingots, stainless steel (formerly 601705)	S. ton	STEE	100	RO	A B C
601704	Billets, projectile and shell steel (formerly 601706)	S. ton	STEE	100	RO	A B C
601708	Billets (except projectile and shell steel), blooms, slabs, sheet bars and tin-plate bars, alloy steel, (except stainless) (formerly 601706 and 601709.	S. ton	STEE	100	RO	A B C
601708	Billets, blooms, slabs, and sheet bars, stainless steel (formerly 601706 and 601799).	S. ton	STEE	100	RO	A B C
601810	Tube rounds, carbon steel (formerly 601800)	S. ton	STEE	100	RO	B C
601810	Other semi-finished material for seamless pipe tubing, carbon steel (formerly 601606).	S. ton	STEE 2	1,000	RO	B C
601810	Semi-finished material for seamless pipe and tubing, alloy steel, except stainless (formerly 601706 and 601800).	S. ton	STEE	100	RO	A B C
601810	Semi-finished material for seamless pipe and tubing, stainless steel (formerly 601706 and 601800).	S. ton	STEE	100	RO	A B C
601910	Wire rods, carbon steel (formerly 602900)	Lb.	STEE	100	RO	B C
601910	Wire rods, alloy steel, except stainless (formerly 602900).	Lb.	STEE	100	RO	A B C
601910	Wire rods, stainless steel (formerly 602900)	Lb.	STEE	100	RO	A B C
601950	Skelp, carbon steel (formerly 603200) (report skelp, wrought iron in 601203).	Lb.	STEE	1,000	RO	B C
601950	Skelp, alloy steel, except stainless (formerly 603200)	Lb.	STEE	1,000	RO	A B C
601950	Skelp, stainless steel (formerly 603200)	Lb.	STEE	1,000	RO	A B C
	Steel mill products, rolled and finished					
	(See Special Provisions, §§ 373.2, 373.16, 373.24, 373.32, 373.33, 373.34)					
	Steel bars, including bar size shapes:					
	Bars, cold finished (all cold drawn or cold rolled):					
	Bars, rounds, or special sections in coils or cut lengths):					
602010	Die steel bars, carbon steel	Lb.	STEE 10	100	RO	B C
602010	Other carbon steel bars	Lb.	STEE 10	1,000	RO	B C
602050	Stainless	Lb.	STEE 10	100	RO	A B C
602090	Alloy, except stainless	Lb.	STEE 10	100	RO	A B C

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Steel mill products, rolled and finished—Continued					
602210	Bars, concrete reinforcement (all concrete reinforcing bars, whether plain, deformed, round, or square and rolled from new billet steel, rail steel, or axle steel, in coils of cut lengths) (formerly 602100, 602200 and 602300).	Lb.	STEE	1,000	RO	B C
	Bars, hot-rolled, except tool and hollow drill steel bars (all regular bars and special sections and bar shapes under 3 inches) (report tool steel bars in 602650 and hollow drill steel bars in 602670):					
	Carbon steel:					
602310	Bars, projectile and shell steel (formerly 602300)	Lb.	STEE	1,000	RO	B C
602350	Die steel bars (formerly 602300)	Lb.	STEE 7	100	RO	B C
602330	Other carbon steel bars (formerly 602300)	Lb.	STEE	1,000	RO	B C
602500	Stainless steel	Lb.	STEE	100	RO	A B C
	Alloy steel, except stainless:					
602610	Bars, projectile and shell steel (formerly 602600)	Lb.	STEE	100	RO	A B C
602630	Bars, except projectile and shell steel (formerly 602600).	Lb.	STEE	100	RO	A B C
	Tool steel bars:					
602650	Carbon steel (formerly 602300)	Lb.	STEE 7	1,000	RO	B C
602650	Alloy steel (formerly 602600)	Lb.	STEE	100	RO	A B C
	Hollow drill steel bars:					
602670	Carbon steel (formerly 602300)	Lb.	STEE 7	1,000	RO	B C
602670	Alloy steel (formerly 602600)	Lb.	STEE	100	RO	A B C
	Steel plates, including boiler plate (hot or cold-rolled), not fabricated: [1]					
603125	Carbon steel (formerly 603120 and 603130)	Lb.	STEE 5	1,000	RO	B C
603135	Stainless steel (include stainless-clad plates) (formerly 603140 and 603160).	Lb.	STEE 9	100	RO	A B C
603145	Alloy steel, except stainless (formerly 603170 and 603180).		STEE 9	100	RO	A B C
	Steel sheets, black, ungalvanized (including painted):					
	Carbon steel (including black iron sheets) (report tin-mill black plate in 603910):					
603525	Hot-rolled (formerly 603520 and 603600)	Lb.	STEE 8	1,000	RO	B C
603535	Cold-rolled (formerly 603530 and 603600)	Lb	STEE 8	1,000	RO	B C
	Stainless steel:					
603540	Hot-rolled	Lb.	STEE 3	100	RO	A B C
603560	Cold-rolled	Lb.	STEE 3	100	RO	A B C
	Alloy steel, except stainless:					
603570	Hot-rolled	Lb.	STEE 3	100	RO	A B C
603580	Cold-rolled	Lb.	STEE 3	100	RO	A B C
	Steel sheets, galvanized (all steel grades):					
603591	Corrugated and formed galvanized sheets, including roofing, corrugated, V-crimp, and channel drain; ridge roll, valley, and flashing (except flat); siding, corrugated and brick (formerly 603350, 603390, 603450 and 603490).	Lb.	STEE 6	1,000	RO	B C
603592	Flat galvanized sheets, including flashing (formerly 603390 and 603490).	Lb.	STEE	1,000	RO	B C
603594	Steel sheets, coated, except galvanized (all steel grades) (formerly 603520, 603530 and 604200).	Lb.	STEE	1,000	RO	B C
603595	Electrical (steel) sheets, and strip, transformer grades	Lb.	STEE	100	RO	A B C
603595	Other electrical (steel) sheets, and strip	Lb.	STEE	1,000	RO	A B C
603595	Steel sheets for enameling (all steel grades) (formerly 603520 and 603530).	Lb.	STEE 8	1,000	RO	B C
	Steel strip, coated or uncoated, except electrical (report electrical steel strip in 603595):					
603710	Cold-rolled carbon steel strapping	Lb.	STEE	100	RO	B
603710	Other cold-rolled carbon steel, gilding metal clad	Lb.	STEE	100	RO	A B C
603710	Other cold-rolled carbon steel	Lb.	STEE 11	100	RO	B C
603730	Cold-rolled stainless steel	Lb.	STEE	100	RO	A B C
603790	Cold-rolled alloy steel, except stainless	Lb.	STEE	100	RO	A B C
603810	Hot-rolled carbon steel strapping	Lb.	STEE	100	RO	B
603810	Other hot-rolled carbon steel, gilding metal clad	Lb.	STEE	100	RO	A B C
603810	Other hot-rolled carbon steel	Lb.	STEE 11	100	RO	B C
603850	Hot-rolled stainless steel	Lb.	STEE	100	RO	A B C
603890	Hot-rolled alloy steel, except stainless	Lb.	STEE	100	RO	A B C

[1] Armor plate, classified in Schedule B No. 603165, requires export authorization from the Department of State. See § 370.5, Note 1.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Steel mill products, rolled and finished—Continued					
603910	Tin mill black plate (formerly 603520 and 603530)	Lb.	STEE 5	1,000	RO	B C
	Tin mill products:					
	Tin plate (see §§ 373.1, 373.16, 373.32):					
604010	Secondary tinplate (formerly 604000, 604110, and 604150).	Lb.	TNPL	1,000	RO	A B C
604020	Circles, cobbles, strip, and scroll shear butts (formerly 601300).	Lb.	TNPL	1,000	RO	A B C
604110	Hot dipped	Lb.	TNPL	1,000	RO	A B C
604150	Electrolytic coated	Lb.	TNPL	1,000	RO	A B C
604170	Tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints.	Lb.	STEE	1,000	RO	B C
604180	Short terneplate (formerly 604200 and 620098) (report long terne sheets in 603594).	Lb.	STEE	1,000	RO	C
604190	Terneplate, decorated, embossed, lithographed, lacquered, or otherwise advanced, including lithographic misprints (formerly 604200).	Lb.	STEE	1,000	RO	C
	Structural shapes and piling:					
	Structural shapes, not fabricated:					
604510	Carbon steel (formerly 604500)	S. ton	STEE	1,000	RO	B C
604530	Stainless steel (formerly 604500)	S. ton	STEE	1,000	RO	A B C
604580	Alloy steel, except stainless (formerly 604500)	S. ton	STEE	1,000	RO	B C
605000	Sheet piling (all steel grades)	Lb.	STEE	1,000	RO	B C
	Rails, trackwork and track accessories:					
	Standard tee rails, over 60 pounds per yard (report relaying rails in 605300):					
605110	Carbon steel (formerly 605100)	S. ton	STEE 18	1,000	RO	A B C
605110	Alloy steel (formerly 605100)	S. ton	STEE 18	1,000	RO	A B C
	Rails except standard tee rails (report relaying rails in 605300):					
605210	Carbon steel (formerly 605200)	S. ton	STEE 18	1,000	RO	A B C
605230	Alloy steel, including stainless (formerly 605100 and 605200).	S. ton	STEE	1,000	RO	A B C
605300	Relaying rails (report rerolling rails in 601170; rail scrap in 601060).	S. ton	STEE	1,000	RO	A B C
	Rail joints and splice bars:					
605420	Carbon steel (formerly 605410)	Lb.	STEE 14	100	RO	B C
605430	Alloy steel, including stainless (formerly 605410)	Lb.	STEE 14	100	RO	B C
605450	Tie plates	Lb.	STEE 14	100	RO	B C
	Switches, frogs, and crossings:					
605510	Carbon steel (formerly 605500)	Lb.	STEE	100	RO	B
605530	Alloy steel, including stainless (formerly 605500)	Lb.	STEE	100	RO	B
605800	Track spikes	Lb.	STEE	100	RO	B C
605900	Railway bolts, nuts, washers, and lock nuts	Lb.	STEE	100	RO	B
	Trackwork and track accessories, n.e.c.:					
605950	Rail bonds, wire (formerly 609198)	Lb.	STEE	500	RO	B
605950	Other trackwork and track accessories, n.e.c. (formerly 605490 and 620909).	Lb.	STEE 14	100	RO	B
	Pipe, tubes, and tubing, n. e. c. (pipe assemblies specially fabricated for particular machines or equipment should be reported as parts of such machines or equipment:					
	Pressure tubes and tubing (including boiler tubes and tubing):					
606010	Carbon steel, seamless (formerly 606000 and 607705).	Lb.	STEE 12	100	RO	A B C
606030	Carbon steel, welded (formerly 606100 and 607705)	Lb.	STEE 12	100	RO	B C
606110	Alloy steel, except stainless, seamless (formerly 606000 and 607705) (report stainless in 607800).	Lb.	STEE 12	100	RO	A B C
606130	Alloy steel, except stainless, welded (formerly 606100 and 607705) (report stainless in 607500).	Lb.	STEE 12	100	RO	A B C
	Oil country pipe (including drill pipe, casing and tubing) (see § 399.2):					
606210	Seamless, carbon steel (formerly 606250)	Lb.	STEE 15	100	RO	A B C
606230	Seamless, alloy steel, except stainless (formerly 606250).	Lb.	STEE 15	100	RO	A B C
606240	Welded, carbon steel (formerly 606350)	Lb.	STEE 16	100	RO	A B C
606260	Welded, alloy steel, except stainless (formerly 606350).	Lb.	STEE 16	100	RO	A B C

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Steel mill products, rolled and finished—Continued					
	Pipe, tubes, and tubing, n. e. c. (pipe assemblies specially fabricated for particular machines or equipment should be reported as parts of such machines or equipment—Continued					
	Line pipe, carbon and alloy steel, except stainless (See § 399.2):					
606270	Seamless, carbon steel (formerly 606200)	Lb.	STEE 15	100	RO	A B C
606270	Seamless, alloy steel, except stainless (formerly 606200).	Lb.	STEE 15	100	RO	A B C
606280	Welded, carbon steel (formerly 606350)	Lb.	STEE 16	100	RO	A B C
606280	Welded, alloy steel, except stainless (formerly 606350).	Lb.	STEE 16	100	RO	A B C
	Standard pipe, carbon and alloy steel, except stainless.					
606310	Seamless, black (formerly 606400)	Lb.	STEE	100	RO	B C
606370	Seamless, galvanized (formerly 607705)	Lb.	STEE 17	100	RO	B C
606360	Welded, black (formerly 607000)	Lb.	STEE	100	RO	B C
606380	Welded, galvanized (formerly 607300)	Lb.	STEE	1,000	RO	B C
607410	Mechanical tubing, carbon steel (formerly 607400)	Lb.	STEE 17	100	RO	B C
607430	Mechanical tubing, alloy steel, except stainless (formerly 607300)	Lb.	STEE 17	100	RO	A B C
607500	Pipe and tubing, stainless steel	Lb.	STEE 17	100	RO	A B C
607710	Pipe and tubing, carbon steel, n. e. c. (formerly 607705 and 630698)	Lb.	STEE 17	100	RO	B C
607710	Pipe and tubing, alloy steel, except stainless, n. e. c. (formerly 607705 and 630698).	Lb.	STEE 17	100	RO	A B C
	Steel wire, n.e.c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810–709885)					
608120	Uncoated wire, carbon steel (formerly 608100)	Lb.	STEE	100	RO	B C
608130	Uncoated wire, alloy steel, except stainless (formerly 608100)	Lb.	STEE	100	RO	A B C
608150	Uncoated wire, stainless steel (formerly 608100)	Lb.	STEE	100	RO	A B C
608200	Galvanized wire (all steel grades) (report fencing and netting in 619047, barbed and twisted wire in 608300; and wire strand in 619065).	Lb.	STEE	100	RO	B C
	Coated wire, except galvanized (all steel grades):					
608210	Carbon steel (formerly 609109)	Lb.	STEE	1,000	RO	B C
608210	Alloy steel, except stainless (formerly 609109)	Lb.	STEE	100	RO	A B C
608210	Stainless steel (formerly 609109)	Lb.	STEE	100	RO	A B C
608300	Barbed and twisted wire	Lb.	STEE	100	RO	B C
	Steel wire, n.e.c.:					
609190	Musical instrument wire; and spring wire, piano grade (formerly 609198)	Lb.	STEE	100	RO	B C
609190	Other steel wire, n.e.c. (formerly 609198)	Lb	STEE	500	RO	B C
	Casting and forgings					
	(See Special Provisions, §§ 373.2, 373.16, 373.24, 373.34)					
	Castings, iron and steel, rough and semifinished:					
610350	Locomotive wheel tires (formerly 610518)	Lb.	STEE 13	500	RO	B C
610350	Other railway car wheels (chilled iron wheels) (formerly 610515).	Lb.	STEE 13	100	RO	B C
610410	Cast carbon steel grinding balls	Lb.	STEE	500	RO	B
610410	Other carbon steel castings	Lb.	STEE	500	RO	B C
610491	Cast alloy steel grinding balls, except stainless (formerly 610490).	Lb.	STEE	100	RO	A B
610491	Other alloy steel castings, except stainless (formerly 610490)	Lb.	STEE	100	RO	A B C
610492	Stainless steel grinding balls (formerly 610490)	Lb.	STEE	100	RO	A B
610492	Other stainless steel castings (formerly 610490)	Lb.	STEE	100	RO	A B C
	Forgings, rough and semi-finished:					
610493	Carbon steel grinding balls, rough or polished (formerly 610500)	Lb.	STEE 1	100	RO	B
610493	Other carbon steel (formerly 610700)	Lb.	STEE 1	100	RO	B C
610495	Alloy steel grinding balls, rough or polished, including stainless (formerly 610860).	Lb.	STEE 1	100	RO	A B
610495	Other alloy steel, including stainless (formerly 610800).	Lb.	STEE 1	100	RO	A B C

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Railway car and locomotive wheels, tires, and axles (rolled and forged)					
	(See Special Provisions, §§ 373.2, 373.16, 373.24, 373.34)					
	Wheels, without axles (if alloy, specify and give analysis) (report chilled iron wheels in 610050):					
610516	Railway car wheels, including trolley, carbon steel (formerly 610515).	Lb.	STEE 13	100	RO	B C
610516	Railway car wheels, including trolley, alloy steel, (formerly 610515).	Lb.	STEE 13	100	RO	B C
610516	Railway car wheels, including trolley, iron (formerly 610515).	Lb.	STEE 13	100	RO	B
610518	Locomotive wheels, carbon steel	Lb.	STEE	500	RO	A B C
610518	Locomotive wheels, alloy steel	Lb.	STEE	500	RO	A B C
	Axles, without wheels (if alloy, specify and give analysis):					
610525	Railway car axles, without wheels, carbon steel	Lb.	STEE 13	100	RO	B C
610525	Railway car axles, without wheels, alloy steel	Lb.	STEE 13	100	RO	B C
610528	Locomotive axles, without wheels, carbon steel	Lb.	STEE	500	RO	A B C
610528	Locomotive axles, without wheels, alloy steel	Lb.	STEE	500	RO	A B C
	Wheels and axles, mounted (if alloy, specify and give analysis):					
610535	Railway car axles, fitted with carbon steel wheels; and railway car axles, carbon steel, fitted with iron wheels.	Lb.	STEE 13	100	RO	B C
610535	Railway car axles, fitted with alloy steel wheels; and railway car axles, alloy steel, fitted with iron wheels.	Lb.	STEE 13	100	RO	B C
610538	Locomotive axles, fitted with carbon steel wheels	Lb.	STEE	500	RO	A B C
610538	Locomotive axles, fitted with alloy steel wheels	Lb.	STEE	500	RO	A B C
	Metal manufactures					
	(See Special Provisions, §§ 373.1, 373.2, 373.16, 373.24, 373.34, 373.35, 373.38)					
	Table flatware and specially fabricated parts, n. e. c.:					
611930	Platinum and platinum allied metals (specify type of metal) (formerly 692905 and 692998).	----------	CDGS	None	RO	----------
611940	Aluminum, copper, brass and bronze (specify type of metal) (formerly 630998, 643998, and 647998).	----------	CDGS	100	RO	B
611940	Other nonferrous metals, except precious (specify type of metal) (formerly 699198).	----------	CDGS	25	RO	----------
	Hollow ware, solid or plated, and specially fabricated parts, n. e. c.:					
611970	Platinum and platinum allied metals (specify type of metal) (formerly 692905 and 692998).	----------	CDGS	None	RO	----------
611990	Aluminum (formerly 630700)	Lb.	CDGS	100	RO	B
611990	Copper, brass and bronze (specify type of metal) (formerly 643998 and 647998).	----------	CDGS	100	RO	B
611990	Other metals, except iron, steel, and precious (specify type of metal) (formerly 699198).	----------	CDGS	25	RO	B
	Cooking, kitchen, and hospital utensils, and specially fabricated parts, n. e. c.:					
	Stamped and spun:					
612050	Aluminum (formerly 630700)	Lb.	CDGS	100	RO	B
612150	Copper, brass and bronze (specify type of metal) (formerly 643998 and 647998).	Lb.	CDGS	100	RO	B
612150	Other nonferrous metals, except precious (specify type of metal) (formerly 699198).	Lb.	CDGS	25	RO	----------
612380	Tin cans (packers or cannery type) finished or unfinished, and specially fabricated parts, n. e. c. (formerly 612300)	Lb.	TNPL	1,000	R	----------
	Wire springs (all steel grades):					
613810	Bed and cushion springs, except complete bed springs (formerly 609198).	Lb.	STEE	500	RO	B
613830	Wire springs, n. e. c., and specially fabricated parts n. e. c. (formerly 609198). (See § 399.2)	Lb.	STEE	500	RO	B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Tools (all metals) n. e. c.:					
617450	Hacksaw blades, power (formerly 744381)	No.	TOOL	100	O	A
617920	Diestocks, brass and bronze; and bushings, brass and bronze, specially fabricated for hand-operated tools (formerly 647901).	Lb.	CDGS	200	RO	
617000	Drills and bits, hard-surfaced steel and tungsten-carbide types (formerly 617720) (report types for power-driven tools in 744381).		CDGS	None	R	A
617898	Jacks, hand-operated, and parts, with lifting capacity of 10 tons or more (including hand-operated hydraulic jacks) (report jacks for construction and maintenance in 722045; jacks for garage use in 793185).		CDGS	25	R	
617901★	Tools incorporating industrial diamonds, n. e. c. (include slugs containing diamonds) (formerly 615405 and 617891). (See §§ 373.1, 373.7, 373.9).	No.	TOOL	None	RO	A B
	Tool bit blanks:					
617903	Containing tungsten carbide (formerly 663900)	Lb.	MINL	25	RO	A
617905	Molybdenum tool bit blanks (formerly 669198)	Lb.	MINL	25	RO	A
617905	Other tool bit blanks, not ground (formerly 620907)	Lb.	STEE	100	RO	A B C
	Basic hardware:					
	Hinges and butts:					
18150	Aluminum; copper; and zinc (formerly 630998, 643998 and 658998).	Doz. pr.	BLDG	100	RO	
618150	Brass and bronze (formerly 646900)	Doz. pr.	BLDG	300	RO	
618150	Other metals, except iron and steel (formerly 669198).	Doz. pr.	BLDG	25	RO	
	Wood screws:					
618230	Brass and bronze (formerly 646900)	Gross	BLDG	300	RO	
618230	Other copper-base alloy (formerly 669198)	Gross	BLDG	25	RO	
618230	Copper (formerly 633998)	Gross	BLDG	100	RO	
618230	Other nonferrous metal except aluminum (specify type of metal) (formerly 669198) (report iron and steel wood screws in 618210).	Gross	BLDG	25	RO	
	Bolts, screws, nuts, rivets, and washers, n.e.s., not specially fabricated for particular machines or equipment (specify by name):					
618261	Iron and steel (formerly 606900) (report railway track construction and maintenance hardware 605900).	Lb.	STEE	300	RO	B
618263	Brass and bronze (formerly 647998)	Lb.	BLDG	100	RO	
618263	Phosphor bronze and other copper-base alloys (formerly 669198).	Lb.	BLDG	25	RO	
618265	Aluminum, except wire bolts, wire screws, and wire rivets (formerly 630900 and 630998) (include aluminum explosive rivets).	Lb.	BLDG	100	RO	A B
618265	Copper; lead; and zinc (formerly 643998, 651598, and 658998).	Lb.	BLDG	100	RO	B
618265	Other nonferrous metals (formerly 669198)	Lb.	BLDG	25	RO	
	Nails, staples, spikes, and tacks:					
618267	Wire nails, staples, and spikes (all nails, staples and spikes made from wire): Iron and carbon steel, except staples for office use (formerly 606900).	Lb.	STEE 20	100	RO	B C
618267	Other steel, except staples for office use (formerly 606900).	Lb.	STEE 20	100	RO	B C
618269	Copper, brass and bronze, except staples for office use (formerly 643998 and 647998).	Lb.	BLDG	100	RO	B
618269	Other nonferrous metals, except staples for office use, and except aluminum and aluminum-base alloy nails, staples and spikes (formerly 669198).	Lb.	BLDG	25	RO	B

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Basic hardware—Continued					
	Nails, staples, spikes, and tacks:					
	Nails, staples, and spikes, except wire:					
618271	Cut nails (formerly 609600)	Lb.	STEE 20	100	RO	B C
618271	Other iron and carbon steel (formerly 609600)	Lb.	STEE 20	100	RO	B
618271	Other steel (formerly 609600)	Lb.	STEE 20	100	RO	B
618273	Copper, brass and bronze (formerly 643998 and 647998).	Lb.	BLDG	25	RO	
618273	Other nonferrous metals (formerly 669198)	Lb.	BLDG	100	RO	
618274	Tacks, copper, brass and bronze, except thumbtacks (formerly 643998 and 647998).	Lb.	BLDG	25	RO	
618274	Tacks, other nonferrous metals, except thumbtacks (formerly 669198).					
	Builders' hardware, n.e.c., and specially fabricated parts, n.e.c. (specify by name):					
618310	Copper-base alloys except brass and bronze (formerly 669198).		BLDG	25	RO	
618350	Aluminum; copper; lead; and zinc (formerly 630998, 643998, 651598 and 658998).		BLDG	100	RO	
618350	Other nonferrous metals (specify type of metal) (formerly 669198) (report iron and steel builders' hardware, n.e.c., in 618360).		BLDG	25	RO	
	Furniture hardware and specially fabricated parts, n.e.c. (specify by name):					
618430	Brass and bronze (formerly 646900)		BLDG	300	RO	B
618430	Other copper-base alloys (formerly 669198)		BLDG	25	RO	
618460	Aluminum; copper; lead; and zinc (formerly 630998, 643998, 651598 and 658998).		BLDG	100	RO	
618460	Other nonferrous metals (specify type of metal) (formerly 669198).		BLDG	25	RO	
	Car and marine hardware, n.e.c., and specially fabricated parts, n.e.c. (specify by name):					
618630	Brass and bronze anchor units and cabin hooks (formerly 647998).		BLDG	100	RO	B
618630	Other copper-base alloy car and marine hardware, n.e.c., (including brass and bronze) (formerly 646900).		BLDG	300	RO	
618650	Car and marine hardware, n. e. s., of: aluminum; copper; lead; and zinc (formerly 630998, 643998, 651598, and 658998).		BLDG	100	RO	
618650	Other nonferrous metal car and marine hardware, n. e. c. (formerly 669198) (report iron and steel car and marine hardware, n. e. c. in 618610).		BLDG	25	RO	
618830	Hardware, n. e. c. (specify by name): Brass and bronze cable clamps; eyelets (except shoe and clothing); plumbers' furnaces; section brackets; turnbuckles; and valve gaskets (formerly 647998).		BLDG	100	RO	B
618830	Other brass and bronze hardware, n. e. c. (formerly 646900).		BLDG	300	RO	
618830	Other copper base alloy (formerly 669198)		BLDG	25	RO	
618840	Aluminum; copper; and zinc (formerly 630998, 643998, and 658998).		BLDG	100	RO	
618840	Other nonferrous metals (formerly 669198) (report iron and steel hardware, n. e. c. in 618610).		BLDG	25	RO	
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (including pipe valves with working pressure not exceeding 125 PSI W. O. G. rating), and specially fabricated parts, n. e. c. (specify by name) (formerly 646900, 646900, and 669198) (report pipe valves with working pressures over 125 PSI W. O. G. rating in 774460) (see §§ 373.16, 373.35).	Lb.	CDGS	25	RO	B
618859	Zinc plumbing fixtures and fittings, and specially fabricated parts, n. e. c. (formerly 658998).		CDGS	100	RO	

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Pipe fittings not specially fabricated for particular machines or equipment (see § 399.2):					
	Iron pipe fittings:					
618910	Cast-iron pressure pipe fittings (formerly 606708)	Lb.	STEE	100	R	
618930	Malleable iron screwed pipe fittings (formerly 606500).	Lb.	STEE	100	R	
618930	Malleable iron pipe fittings, except screwed (formerly 607708).	Lb.	STEE	100	RO	B
618940	Iron pipe fittings, n. e. c. (specify by name) (formerly 606900 and 607798) (report cast-iron soil pipe fittings in 618920).	Lb.	STEE	100	RO	B
618981	Steel pipe fittings (specify by name and grade of steel) (formerly 607798).	Lb.	STEE	100	RO	A B
618957	Copper-base alloy pipe fittings (including brass and bronze) (specify by name) (formerly 645430).	Lb.	NONF	100	RO	A B
618959	Pipe fittings of: aluminum; copper; lead; and zinc (formerly 630998, 643998, 651598, and 658998).	Lb.	NONF	100	RO	A B
618959	Other metal pipe fittings (specify by name) (formerly 669198).	Lb.	CDGS	25	RO	A B
	Fabricated steel products:					
618961	Towers and poles, fabricated (specify by name) (formerly 604600).	S. ton	STEE	1,000	RO	A B
618961	Other structural shapes, fabricated (specify by name) (formerly 604600).	S. ton	STEE	1,000	RO	A B C
618963	Plates, fabricated, punched or shaped, n. e. c. (formerly 604790 and 620998).	Lb.	STEE	100	RO	A B C
618964	Perforated sheets, carbon steel (formerly 620998)	Lb.	STEE	1,000	RO	A B
618964	Perforated sheets, alloy steel (formerly 620998)	Lb.	STEE	100	RO	A B
618965	Penstock for conducting water (sections fabricated from rolled steel plate) (formerly 604750).	Lb.	STEE	1,000	RO	B C
618967	Storage tanks, unlined (all steel grades) (specify type), welded or bolted, completely fabricated, shipped as such, or bolted tanks, field erected for petroleum (formerly 604300).	Lb.	STEE	1,000	RO	A B
618967	All other storage tanks, unlined (all steel grades) (specify type), field erected (formerly 604300) (report tanks as shipping containers in 619012, 619022).	Lb.	STEE	1,000	RO	A B C
618971	Steel tanks, lined, n. e. c. for storage of gas or lower hydrocarbons, capable of withstanding pressures over 300 lbs. per square inch (see § 373.2) (formerly 620915).[1]	Lb.	STEE	100	RO	A B
618971	Other steel tanks, lined, n. o. c. (see § 373.2) (formerly 620915).	Lb.	STEE	100	R	A B
618973	Culverts and sections, corrugated or plain, coated or uncoated, with or without accessories (formerly 603350 and 603450).	Lb.	STEE	1,000	RO	B
618974	Fence posts, iron and steel (formerly 629905)	Lb.	BLDG	1,000	RO	B
618975	Steel pipe, lined (formerly 607705)	Lb.	STEE 17	100	RO	A B C
	Buildings, prefabricated and knockdown, with or without appurtenances:					
618976	Iron and steel (specify by name) (formerly 604600)	No.	STEE	1,000	RO	B
618979	Bridges, portable and knockdown, and specially fabricated parts, n. e. c. (all metals) (formerly 604600 and 999999).	Lb.	STEE	1,000	RO	B
	Construction materials:					
	Sash, sections, and frames, door and window:					
618984	Aluminum (formerly 630910)	Lb.	NONF	100	RO	B
618985	Brass and bronze (formerly 647998) (report iron and steel in 618983).	Lb.	NONF	100	RO	
	Construction materials, n. e. c.:					
618987	Aluminum (specify by name) (formerly 630910)	Lb.	NONF	100	RO	B
618988	Other metals (specify by name and type of metal) (formerly 643998, 647998, 651598, and 658998) (report iron and steel construction materials, n. e. c. in 618980).	Lb.	NONF	100	RO	
	Venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.:					
618992	Aluminum (formerly 630998)		NONF	100	RO	
618993	Brass and bronze (formerly 647998) (report steel venetian blinds and parts in 618991).		NONF	100	RO	

[1] The pressure ratings stamped on metal drums and containers are the working pressures. Any containers which do not have a pressure rating stamped thereon are not pressure containers.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Chains, n. e. c., and specially fabricated parts, n. e. c.:					
618096	Brass and bronze (formerly 647998) (report iron and steel chains in 618604 and 618695).	Lb.	CDGS	100	RO	
	Shipping containers for oil, gas, and other liquids and solids (all metals) (report storage tanks in 618967 and 618971):					
	Filled shipping containers of any size capable of withstanding internal pressures over 300 pounds per square inch and filled shipping containers with a capacity of 5 or more gallons, fabricated of, or lined with, any corrosion-resistant materials (report only quantity and value of such containers under 619011 and 619012; include weight with gross weight of their contents) (the gross weight and value of other filled metal shipping containers should be included under the Schedule B number applicable to the contents):[1][2]					
619011	Gas cylinders (formerly 620520)	No.	STEE	100	RO	A B
619012	Other (formerly 620520)	No.	STEE	100	RO	A B
619021	Unfilled gas cylinders capable of withstanding pressures over 300 lbs. per square inch; not including drums and containers fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix "A" (see §§ 371.18, 373.2) (formerly 620540).[2]	Lb.	STEE	100	RO	A B
619021	Unfilled gas cylinders of 5 or more gallons capacity, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (see §§ 371.18, 373.2) (formerly 620540).[2]	Lb.	STEE	100	RO	A B
619022	Unfilled steel drums and containers capable of withstanding pressures over 300 lb. per square inch; not including drums and containers fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (see §§ 371.18, 373.2) (formerly 620540).[2]	Lb.	STEE	100	RO	A B
619022	Unfilled steel drums and containers of 5 or more gallons capacity, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (see §§ 371.18, 373.2) (formerly 620540).[2]	Lb.	STEE	100	RO	A B
619022	Unfilled shipping containers, metal other than steel (formerly 630998).	Lb.	NONF	100	RO	A
	Welding rods and wires:					
619031	Covered tubular steel electrodes or ceramic electrodes infused with steel (chief value steel) for underwater cutting (formerly 620998).	Lb.	STEE	None	RO	B
619031	Iron and steel, electric (formerly 608800)	Lb.	STEE	100	RO	A B
619033	Iron and steel, nonelectric (formerly 608900)	Lb.	STEE	100	RO	A B
619034	Brazing solder (spelter type) (formerly 643998)	Lb.	NONF	100	RO	
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze) (formerly 645700).	Lb.	NONF	25	RO	B
619034	Phosphor copper brazing rods and wires (formerly 669198).	Lb.	NONF	25	RO	A B
619037	Manganese (formerly 669198)	Lb.	MINL	25	RO	B
619038	Molybdenum (formerly 664945)	Lb.	MINL	None	RO	A B
619039	Cobalt (containing 15 percent or more cobalt by weight) (formerly 663900 and 669925).	Lb.	NONF	None	RO	B
619039	Tin (formerly 656998)	Lb.	NONF	25	RO	B
619039	Copper (formerly 612500)	Lb.	NONF	50	RO	A B
619039	Tungsten, including tungsten carbide (formerly 663900).	Lb.	MINL	None	RO	A B
619039	Other welding rods and wires (formerly 630910, 651200, 654998, and 658998).	Lb.	NONF	100	RO	A

†Applicable to containers only and not to contents.

[1] Corrosion resistant materials are defined in the "General Notes to Appendix A," § 399.1.

[2] The pressure ratings stamped on metal drums and containers are the working pressures, which nearly allow maximum safety margins. The actual pressure capacity is approximately five times the working pressure. (Any containers under this Schedule B number which do not have a pressure rating stamped thereon are not pressure containers and are not subject to the validated license control imposed by this Positive List entry.)

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Wire products, n. e. c. (report wire nails, staples, and spikes in 618267-618269):					
619047	Chain link fence (formerly 608500)	Lb.	STEE	1,000	RO	B
619047	Other fencing and netting (all metals) (formerly 608500)	Lb.	STEE	1,000	RO	B C
	Wire cloth:					
	Insect screen cloth:					
619052	Aluminum (formerly 630600)	Sq. ft.	NONF	25	RO	B
619054	Vinylresin (formerly 825420)	Sq. ft.	BLDG	100	R	
	Other wire cloth:					
619057★	Nickel woven wire mesh composed of wire containing 95 percent or more nickel (formerly 606900)	Sq. ft.	CDGS	None	RO	▲
	Wire-reinforcing fabric:					
619058	Iron and steel welded fabric; and iron and steel welded mesh (formerly 609198)	Lb.	STEE	500	RO	B C
	Wire rope and cord, except insulated (report insulated rope and strand in 709810-709875):					
619061	Picture cord (formerly 609198)	Lb.	STEE	500	RO	B C
619061	Other uninsulated iron and steel wire rope and cord (formerly 608710)	Lb.	STEE	100	RO	A B C
	Wire strand, including guard rail cable (report strand wire in 608200):					
619065	Picture cord (formerly 609198)	Lb.	STEE	500	RO	B C
619065	Other iron and steel wire strand (formerly 608750)	Lb.	STEE	100	RO	A B C
619067	Bag and bale ties (all metals) (formerly 609101)	Lb.	STEE	100	RO	B C
619069	Wire products, n. e. c., not specially fabricated for particular machines or equipment (specify by name and type of metal) (formerly 609198)	Lb.	STEE	500	RO	B
	Metal powders:					
619110	Carbonyl iron powder (for use in the manufacture of magnetic cores for radio and other electrical equipment, and also in pyrotechnics) (formerly 620933) (see § 373.2)	Lb.	STEE	10	RO	A B
619120	Other carbonyl iron powder (formerly 620933)	Lb.	STEE	10	RO	A B
619130	Aluminum or aluminum-bronze powders and pastes (aluminum content) (formerly 630850)	C. lb.	NONF	25	RO	A B C
619140★	Beryllium copper (formerly 664905)	Lb.	NONF	None	RO	B C
619140	Phosphor copper (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	B C
619140	Other copper and copper-base alloys (specify type of metal and copper content (formerly 643998 and 647998)	Lb.	NONF	100	RO	B C
619151★	Beryllium and beryllium alloys, except beryllium copper (formerly 664905)	Lb.	MINL	None	RO	B
619152	Magnesium (formerly 669103)	Lb.	MINL	25	RO	A B
619157	Molybdenum (formerly 664945)	Lb.	MINL	None	RO	A B
619155	Tantalum (formerly 664990)	Lb.	MINL	None	RO	A B
619157	Tungsten (formerly 663900)	Lb.	MINL	None	RO	A B
619159	Nickel-chrome-boron powder (formerly 669198)	Lb.	NONF	25	RO	
619159	Selenium (specify selenium content and grade) (formerly 669198)	Lb.	NONF	None	RO	B
619159	Dutch metal; gilding; gold bronze; lead; and nickel flakes (formerly 647998, 651598, and 654998)	Lb.	NONF	100	RO	
619159	Other metal powders (specify type of metal) (formerly 656598 and 669198)	Lb.	NONF	25	RO	
	Foil and leaf (less than .006 inch in thickness) (report paper-backed foil in 486100):					
619230	~~Aluminum (formerly 630600)~~	Lb.	NONF	None	RO	B
619230★	Beryllium foil (formerly 669198)	Lb.	NONF	100	RO	A C
619250	Copper or copper-base alloy foil and leaf (formerly 643998)	Lb.	NONF	25	RO	B
619250	Tin foil (formerly 656503)	Lb.	NONF	100	RO	A B
619250	Other foil and leaf, except gold and silver (specify type of metal) (see § 370.6.)	Lb.	NONF	25	RO	
619850	Type, for printing (report type metal in 651510) (formerly 667000)	Lb.	NONF	25	RO	

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metal manufactures—Continued					
	Metal signs, except electric (report electric signs in 709998):					
619863	Aluminum (formerly 630998)	No.	NONF	100	RO	
619865	Other metals (specify type of metal) (report iron and steel signs in 619861) (formerly 669198)	No.	NONF	25	RO	
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2):					
	Iron and steel (specify by name):					
619910	Punchings (including stampings), except electrical steel (formerly 620920) (report electrical steel punchings, including stampings, in 709920)	Lb.	STEE	100	RO	B
619910	Steel shot (formerly 629998)		STEE	100	RO	B
619910	Flexible tubing, except electrical (formerly 629998)		STEE	1,000	RO	B
619910	Packing, stainless steel (formerly 629998)		STEE	100	RO	B
619910	Tubular steel scaffolding equipment (formerly 629998)		STEE	1,000	RO	B
	Other metals, except precious (specify by name and type of metal):					
619950	Aluminum and aluminum-base alloy manufactures (formerly 639998)		NONF	100	RO	
619950	Anti-friction manufactures (formerly 669198)		CDGS	25	RO	
619950	Antimony manufactures (formerly 669198)		CDGS	25	RO	
619950	Babbitt metal manufactures (formerly 669198)		CDGS	25	RO	
619950★	Beryllium copper manufactures (formerly 669198)		NONF	None	RO	B
619950★	Other beryllium and beryllium alloy manufactures		MINL	None	RO	B
619950	Bimetallic brake linings (formerly 669198)		CDGS	25	RO	
619950	Bimetallic clutch facings (formerly 669198)		CDGS	25	RO	
619950	Bimetallic friction material (formerly 669198)		CDGS	25	RO	
619950	Brass or bronze lawn sprinklers (formerly 646800)		CDGS	300	RO	
619950	Brass or bronze bushings and shims (formerly 647901)	Lb.	NONF	25	RO	
619950	Brass or bronze manufactures, n. e. c. (formerly 647998)		NONF	100	RO	
619950	Copper manufactures (formerly 643998)		NONF	100	RO	
619950	Copper manufactures (formerly 643998)		CDGS	25	RO	
619950	Invar metal manufactures (formerly 669198)		NONF	100	RO	
619950	Lead manufactures (formerly 651598)	Lb.	CDGS	25	RO	
619950	Monel metal manufactures (formerly 669198)		NONF	100	RO	B
619950	Nickel manufactures (formerly 654998)	Lb.	MINL	10	RO	B
619950	Selenium metal and metal composition manufactures, n. e. c. (specify selenium content and grade) (formerly 669198)		NONF	100	RO	B
619950	Tin collapsible tubes (formerly 656502)	Lb.	NONF	25	RO	B
619950	Tin manufactures, n. e. c. (formerly 656598)		NONF	100	RO	
619950	Zinc manufactures (formerly 658998)		MINL	25	RO	B
619950	Other manufactures n. e. c. of metals other than iron, steel, or precious metals (formerly 669198)					
	Ferroalloys (See Special Provisions, §§ 373.1, 373.11, 373.34)					
621303	Ferromanganese (specify manganese content)	Lb.	MINL	100	RO	B
621305	Spiegeleisen	Lb.	MINL	500	R	
622850	Ferrochrome (specify chrome content)	Lb.	MINL	100	RO	A B
622885	Ferromolybdenum (specify molybdenum content)	Lb.	MINL	None	RO	A B
622887	Ferrovanadium (specify vanadium content)	Lb.	MINL	None	RO	A B
622888	Ferrophosphorus (specify phosphorous content)	Lb.	MINL	500	R	
622892	Ferrosilicon (specify silicon content)	Lb.	MINL	None	RO	A B
622895	Ferrotitanium and ferro-carbon-titanium (specify titanium content)	Lb.	MINL	None	RO	A B
622896	Ferrotungsten (specify tungsten content)	Lb.	MINL	None	RO	A B
622898	Ferrocolumbium (specify columbium content)	Lb.	MINL	None	RO	A B
622898	Ferrocolumbium-tantalum (specify alloy content)	Lb.	MINL	None	RO	A B
622898	Ferrozirconium (specify zironium content)	Lb.	MINL	None	RO	A
622898	Other ferroalloys (specify by name and alloy content)	Lb.	MINL			

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Aluminum ores, concentrates, scrap, and primary forms (See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24)					
	Aluminum ores and concentrates:					
630010	Bauxite and other aluminum ores (formerly 629000)	L. ton	NONF	1,000	RO	B
630010	Bauxite concentrates, alumina included (formerly 629500)	L. ton	NONF	500	RO	B
630050	Aluminum scrap (new and old) (formerly 630110 and 630070)	Lb.	NONF	25	RO	B
630070	Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs) (formerly 630000)	Lb.	NONF	25	RO	A B C
630301	Aluminum sheets, corrugated	Lb.	NONF	50	RO	A B
630301	Other aluminum plates and sheets, flat and coiled, including strips (.006 inch and over in thickness) (see § 373.24)	Lb.	NONF	50	RO	A B
630310	Aluminum bars and rods, rolled or drawn (¾ inch and over) (report extruded bars and rods in 630320) (formerly 630305)	Lb.	NONF	100	RO	A B C
630320	Aluminum extruded shapes and tubes (drawn and extruded) (specify by name) (formerly 630500)	Lb.	NONF	100	RO	A B C
630340	Aluminum castings and forgings, rough and semifinished (formerly 630500)	Lb.	NONF	100	RO	A B C
630610	Aluminum wire and cable, bare (including aluminum cable, steel reinforced—ACSR) except welding rods and wire (specify by name) (formerly 639000) (report welding rods and wire in 619620)	Lb.	NONF	100	RO	A B C
630650	Aluminum primary forms, n.e.c. (specify by name) (formerly 630500)	Lb.	NONF	100	RO	A B
	Copper ores, concentrates, scrap and primary forms (See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29, 373.34, 373.38)					
640100	Copper matte, regulus, unrefined copper as blister or converter copper (copper content)	Lb.	NONF	100	RO	A B
640100	Copper ore and concentrates (copper content)	Lb.	NONF	500	RO	A
641200	Refined copper in cathodes, billets, ingots wire bars and other crude forms (include anodes, formerly 640100) (report copper bars except wire bars in 642400.)	Lb.	NONF	100	RO	A B
641300	Copper scrap (new and old) (see § 373.11 (e))	Lb.	NONF	100	RO	A B
642200	Copper pipe and tubing	Lb.	NONF	100	RO	A B C
642300	Copper plates, sheets, and strips, including nickel-plated	Lb.	NONF	100	RO	A B C
642400	Copper rods and bus bars (report copperweld rods in 642510; and wire bars in 641200.)	Lb.	NONF	100	RO	A B C
642510	Copper wire and cable, bare, for electrical conduction only (formerly 642500) (report electrical insulated copper wire in 709810 to 709885)	Lb.	NONF	50	RO	A B C
642510	Copper wire and cable, bare, other than for electrical conduction (formerly 642500) (report welding rods and electrodes in 619620)	Lb.	NONF	50	RO	A B C
642900	Copper primary forms rough forgings and castings (formerly 649200)	Lb.	NONF	100	RO	A C
64290	Other copper primary forms, n. e. c. (specify by name) (formerly 649998)	Lb.	NONF	100	RO	A
	Copper base alloys (including brass and bronze), scrap, and primary forms (See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29, 373.34, 373.38)					
644000	Copper-base alloy scrap (new and old) (formerly 644000, 661000, 669198, and 664998). (See § 373.11 (e).)	Lb.	NONF	100	RO	A B
644100	Brass, bronze and nickel silver, or German silver, ingots (formerly 644100 and 661000)	Lb.	NONF	100	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Copper-base alloys (including brass and bronze), scrap, and primary forms—Continued					
644100	Other copper-base alloy ingots (formerly 664998)	Lb.	NONF	50	RO	A B
644900★	Beryllium copper bars, rods, and other crude shapes (extruded, rolled and drawn) (specify copper content) (formerly 664905)	Lb	NONF	None	RO	A B C
644900	Phosphor copper rods and bars (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
644900	Brass, bronze and nickel silver, or German silver, bars, rods, and other crude shapes (extruded, rolled and drawn) (formerly 644900 and 661000)	Lb.	NONF	100	RO	A B C
644900	Other copper-base alloy bars, rods, and other crude shapes (extruded, rolled and drawn) (formerly 664998)	Lb.	NONF	50	RO	A B C
645000	Brass and bronze blanks (formerly 647998)	Lb.	NONF	100	RO	B C
645000	Brass and bronze circles (formerly 647998)	Lb.	NONF	100	RO	B C
645000★	Beryllium copper plates, sheets, and strips (specify copper content) (formerly 664905)	Lb.	NONF	None	RO	A B C
645000	Phosphor copper plates, sheets, and flat or coiled strip; and cupro-nickel strip (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
645000	Brass, bronze and nickel silver, or German silver, plates, sheets, and strips (formerly 645000 and 661000)	Lb.	NONF	100	RO	A B C
645000	Other copper-base alloy plates, sheets, and strips (formerly 664998)	Lb.	NONF	50	RO	A B C
645300	Brass and bronze pipes and tubes (pipe coils included)	Lb.	NONF	100	RO	A B C
645300	Phosphor copper pipes and tubes (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
645300★	Beryllium copper pipes and tubes (specify copper content) (formerly 669198)	Lb.	NONF	None	RO	A B C
645300	Seamless cupro-nickel pipes and tubes (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
645300	Other copper-base alloy pipes and tubes (pipe coils included) (formerly 664998)	Lb.	NONF	25	RO	A B C
645700	Cupro-nickel resistance wire; Dumet wire; and thermocouple wire (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
645700	Phosphor copper wire; cupro-nickel wire other than resistance wire; and nickel-silver wire (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
645700★	Beryllium copper wire, bare (specify copper content) (formerly 664905)	Lb.	NONF	None	RO	A B C
645700	Brass and bronze wire, bare (including phosphor bronze)	Lb.	NONF	25	RO	A B C
647913	Brass and bronze castings and forgings, rough and semi-finished	Lb.	NONF	100	RO	A C
647913★	Beryllium copper castings, rough and semi-finished (specify copper content) (formerly 669198)	Lb.	NONF	None	RO	A B C
647913	Other copper-base alloy castings and forgings, rough and semi-finished (specify copper content) (formerly 669198)	Lb.	NONF	25	RO	A B C
647950	Brass and bronze in primary forms, n.e.c. (specify by name) (formerly 647998)	Lb.	NONF	100	RO	A B
647950	Other copper-base alloy primary forms, n. e. c. (specify by name) (formerly 664998)	Lb.	NONF	50	RO	A B
	Lead ores, concentrates, scrap, and primary forms (See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29, 373.34)					
650106	Lead ore, concentrates, matte, and base bullion (lead content)	C. lb.	NONF	200	RO	A
650500	Lead scrap (new and old)	Lb.	NONF	100	RO	A
650580	Lead pigs, bars and anodes (include blocks and ingots)	Lb.	NONF	100	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Lead ores, concentrates, scrap, and primary forms—Continued					
650800	Lead sheets, strips, and pipe (include bends)	Lb.	NONF	100	RO	B
650810	Lead plate, including battery plate, not assembled as complete battery units (formerly 651537).	Lb.	NONF	100	RO	B
651510	Type metal	Lb.	NONF	100	RO	B
651515	Antimonial lead	Lb.	NONF	25	RO	B
651517	Babbitt metal (except scrap and dross) (formerly 662000).	Lb.	NONF	100	RO	A B
651519	Lead and lead base alloy primary forms, n.e.c. (specify by name) (formerly 651598).	Lb.	NONF	100	RO	A B
	Nickel ores, concentrates, scrap, and primary forms					
	(See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.34)					
654501	Nickel ore, concentrates, and matte	Lb.	NONF	300	RO	A B
654503	Nickel metal in ingots, bars, rods, sheets, strips, and other crude forms, including scrap (formerly 654509).	Lb.	NONF	None	RO	A B
654507	Nickel alloy metals in ingots, bars, rodes, sheets, strips, and other crude forms, including scrap (report nickel silver in 644000–645000) (formerly 654505).	Lb.	NONF	100	RO	A B
654508	Nickel-chrome electric resistance wire (formerly 663000).	Lb.	NONF	None	----------	A B
654509	Nickel and nickel alloy primary forms, n. e. c. (specify by name and nickel content) (formerly 654998 and 669198) (report cupro-nickel wire in 645700).	Lb.	NONF	25	RO	A B
	Tin ores, concentrates, scrap, and primary forms					
	(See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29)					
656501	Tin ore (formerly 664598)	Lb.	NONF	25	RO	B
656504	Tin alloy scrap (new and old) (including babbitt metal dross and scrap) (formerly 655508 and 664598).	Lb.	NONF	25	RO	----------
656507	Tin metal in ingots, pigs, bars, blocks, anodes, cathodes, slabs, and other crude forms (see § 373.1).	Lb.	NONF	25	RO	B
656519	Tin pipe, plates, sheets, tubes, and other primary forms (specify by name) (formerly 656502 and 656598) (report collapsible tubes in 619950).	Lb.	NONF	25	RO	B
	Zinc ores, concentrates, scrap, and primary forms					
	(See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29)					
657010	Zinc ore and concentrates (zinc content) (see § 373.11 (f))	C. lb.	NONF	500	RO	----------
657050	Zinc scrap (zinc content)	C. lb.	NONF	100	RO	B
657070	Zinc dust (zinc content) (formerly 658600) (see § 373.11 (f)).	C. lb.	NONF	25	RO	B
657101	Zinc cast in slabs, pigs, or blocks: Special high grade, containing not over 0.007% lead, not over 0.005% iron, not over 0.005% cadmium, no aluminum, and at least 99.99% zinc.	Lb.	NONF	300	RO	B
657103	High grade, containing not over 0.07% lead, not over 0.02% iron, not over 0.05% cadmium, no aluminum, and at least 99.90% zinc.	Lb.	NONF	300	RO	B
657105	Prime western, containing not over 1.60% lead and not over 0.08% iron.	Lb.	NONF	300	RO	B
657198	Other zinc cast in slabs, pigs, or blocks (formerly 657106, 657111, 657129, and 657198).	Lb.	NONF	100	RO	B
657208	Zinc rolled in sheets, plates, and strips (formerly 657206 and 657209).	Lb.	NONF	100	RO	B
657305	Zinc alloys, except brass and bronze	Lb.	NONF	100	RO	B
657307	Zinc die castings, unfinished	Lb.	NONF	100	RO	B
658801	Battery shells, and parts, unassembled	Lb.	NONF	100	RO	B
658905	Zinc and zinc alloy primary forms, n. e. c. (excluding zinc-coated iron and steel products) (specify by name) (formerly 658998).	----------	NONF	100	RO	B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other nonferrous ores, concentrates, scrap and primary forms (except precious)—Continued					
	Molybdenum—Continued					
664553	Molybdenum wire (formerly 669108)	Lb.	MINL	None	RO	A B
664554	Primary forms, n. e. c. (specify by name) (formerly 664945).	Lb.	MINL	None	RO	A B
664557★	Radium metal (radium content) (formerly 664950)	C. mgm	MINL	None	RO	B
	Tantalum:					
664561★	Ores, concentrates, metals and alloys in crude form, and scrap (formerly 664560 and 664960).	Lb.	MINL	None	RO	A B
664563	Tantalum rings and tantalum wire (formerly 669198)	Lb.	MINL	None	RO	A B
664565★	Other primary forms, n. e. c. (specify by name) (formerly 664960).	Lb.	MINL	None	RO	A B
	Titanium, ilmenite, and rutile:					
664570	Ores and concentrates	Lb.	MINL	None	RO	B
664571	Metal and alloys in crude form, and scrap (formerly 664998).	Lb.	MINL	None	RO	A B
664573	Primary forms, n. e. s. (specify by name) (formerly 664998).	Lb.	MINL	None	RO	A B
	Tungsten:					
664580	Ores and concentrates	Lb.	MINL	None	RO	B
664581	Tungsten metal and alloys in crude form, and scrap (specify by name and tungsten content) (formerly 663900).	Lb.	MINL	None	RO	A B
664583	Tungsten carbide die inserts (specify tungsten content) (formerly 663900).	Lb.	TOOL	35	RO	A B
664585	Other tungsten metal and alloys in primary forms, n. e. c. (specify by name and tungsten content) (formerly 663900).	Lb.	MINL	None	RO	A B
	Vanadium:					
664584	Ores and concentrates, vanadic oxide (pentoxide V_2O_5 content) (formerly 663700) (see § 373.11).	C. lb.	MINL	None	RO	A B
664585	Vanadium flue dust (formerly 669198)	Lb.	MINL	25	RO	A B
664585	Metal and alloys in other crude form, and scrap (formerly 664960).	Lb.	MINL	None	RO	A B
664589	Primary forms, n. e. c. (specify by name) (formerly 664960).	Lb.	MINL	None	RO	A B
	Zirconium:					
664595★	Ores and concentrates (including sand)	Lb.	MINL	None	RO	B
664596★	Metal and alloys in crude form, and scrap (formerly 664995).	Lb.	MINL	None	RO	A B
664597★	Primary forms, n. e. c. (specify by name) (formerly 664995).	Lb.	MINL	None	RO	A B
	Nonferrous ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates for industrial use in 839000):					
664598	Strontium	Lb.	MINL	None	RO	A B
664598	Selenium (specify selenium content and grade)	Lb.	MINL	10	RO	B
664598★	Europium rare earth	Lb.	MINL	None	RO	B
664598★	Gadolinium rare earth	Lb.	MINL	None	RO	B
664598★	Lanthanum rare earth	Lb.	MINL	None	RO	B
664598★	Praseodymium rare earth	Lb.	MINL	None	RO	B
664598★	Samarium rare earth	Lb.	MINL	None	RO	B
664598★	Other rare earths, n. e. c.	Lb.	MINL	None	RO	B
664598	Other ores and concentrates, n. e. c. (except rare earths).	Lb.	MINL	None	RO	
	Nonferrous metal and alloys in primary forms, n. e. c. (specify by name):					
664998	Selenium metal (specify selenium content and grade).	Lb.	MINL	10	RO	B
664998	Calcium metal	Lb.	MINL	10	RO	A
664998★	Gallium metal	Lb.	MINL	None	RO	B
664998	Germanium metal	Lb.	MINL	None	RO	A
664998★	Hafnium metal	Lb.	MINL	None	RO	B
664998★	Lanthanum metal	Lb.	MINL	None	RO	B
664998★	Indium metal	Lb.	MINL	None	RO	B
664998★	Rubidium metal	Lb.	MINL	None	RO	B
664998	Strontium metal	Lb.	MINL	10	RO	A
664998	Other rare metals, n. e. c.	Lb.	MINL	None	RO	A
664998	Other metals and alloys in primary forms, n. e. c.	Lb.	MINL	None	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other nonferrous ores, concentrates, scrap and primary forms (except precious)					
	(See Special Provisions, §§ 373.1, 373.11, 373.16, 373.24, 373.29, 373.34)					
664501	Antimony: Ores and concentrates (including antimony matter containing lead).	Lb.	MINL	50	RO	B
664502	Metal and alloys in crude form (including regulus, needle or liquidated antimony, and antimony-bearing scrap metal) (formerly 664901).	Lb.	MINL	25	RO	B
664503	Primary forms, n. e. c. (specify by name) (formerly 664901).	----------	MINL	25	RO	B
	Beryllium:					
664505★	Ores and concentrates	Lb.	MINL	None	RO	B
664506★	Metal and alloys (except beryllium copper) in crude form, and scrap (report beryllium copper in 644900) (formerly 664905).	Lb.	MINL	None	RO	B
664509★	Primary forms, n. e. c. (specify by name) (formerly 664905) (report beryllium copper primary forms in 644000–647950).	Lb.	MINL	None	RO	B
	Bismuth:					
664510★	Matte, slimes, residues, and abse bullion	Lb.	MINL	50	RO	A B
664512★	Metals and alloys (formerly 664910)	Lb.	MINL	1	RO	A B
664514★	Cadmium dross, flue dust, residues, and scrap (formerly 664515).	Lb.	NONF	None	RO	A B
664514★	Cadmium metals (metallic shapes included) (formerly 664915).	Lb.	NONF	1	RO	A B
664514★	Cadmium alloys (formerly 664917)	Lb.	NONF	50	RO	A B
664517★	Cerium: Ores, metals, and alloys (formerly 664598 and 664918).	Lb.	MINL	None	RO	B
	Chromium or chromite:					
664520	Ores and concentrates	Lb.	MINL	300	RO	B
664522	Metal and chromium-bearing alloys in crude form, and scrap (formerly 664920).	Lb.	MINL	25	RO	B
664523	Primary forms, n. e. c. (specify by name) (formerly 664520).	Lb.	MINL	25	RO	B
	Cobalt:					
664526	Ores, concentrates, metal in crude form, and cobalt-bearing scrap metal (including cobalt alloys and scrap containing 15 percent or more of cobalt by weight) (formerly 664525 and 664925).	Lb.	MINL	None	RO	A B
664529	Primary forms, n. e. c. (specify by name) (formerly 664925).	Lb.	MINL	None	RO	A B
	Columbium or niobium:					
664530	Ores and concentrates	Lb.	MINL	None	RO	A B
664533	Metals and alloys in crude form (formerly 664930)	Lb.	MINL	None	RO	A B
664535	Primary forms, n. e. c. (specify by name) (formerly 664930).	Lb.	MINL	None	RO	A B
	Manganese:					
664540	Ores and concentrates, containing 10 percent or more manganese.	Lb.	MINL	300	RO	B
664541	Manganese copper in crude form, and scrap (formerly 664998).	Lb.	NONF	25	RO	A B
664541	Other manganese metal and alloys in crude form, and scrap (containing 10 percent or more manganese) (formerly 664940).	Lb.	MINL	None	RO	A B
664543	Primary forms, n. e. c. (specify by name) (formerly 664940).	Lb.	MINL	None	RO	B
	Magnesium:					
664547	Metal and alloys in crude form, and scrap (formerly 663800).	Lb.	MINL	None	RO	A B
664549	Primary forms, n. e. c. (specify by name) (formerly 669103).	Lb.	MINL	25	RO	A B
	Molybdenum:					
664550	Ore and concentrate (molybdenum content) (formerly 663900) (see § 373.11).	C. lb.	MINL	None	RO	A B
664551	Metal and alloys in crude form, and scrap (formerly 664945).	Lb.	MINL	None	RO	A B

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Precious metals and plated ware, n. e. c.[1]					
	(See Special Provisions, §§ 373.1, 373.34)					
	Platinum and allied metals:					
692000	Platinum ore and concentrates	T. oz.	MINL	None	RO	B
692205	Platinum and alloys in ingots, bars, sheets, anodes and other forms, including scrap.	T. oz.	MINL	None	RO	A B
692209	Palladium, rhodium, iridium, osmiridium, ruthenium, and osmium metal, and alloys.	T. oz.	MINL	None	RO	B
692950	Platinum manufactures, n. e. c. (including platinum-plated manufactures and platinum catalysts) (specify by name and platinum content) (formerly 692905).	T. oz.	MINL	None	RO	A B
692990	Platinum allied metal manufactures, n. e. c. (including plated) (specify by name and platinum allied metal content) (formerly 692998).	T. oz.	MINL	None	RO	A
	Electrical machinery and apparatus					
	(See Special Provisions, §§ 373.7, 373.34)					
	Generators, n. e. c. and parts, n. e. c. (report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 709210–709220; generators for electric propulsion motors in 704330):					
700000	Direct current generators, n. e. c.	No.	ELME 1	None	R	A
700100	Alternating current generators, n. e. c.	No.	ELME 2	None	RO	A A
700150	Parts and accessories, n. e. c., specially fabricated for generators (specify by name) (formerly 700000).	----------	ELME 1	100	R	A
	Steam turbine generator sets (turbogenerators):					
700610	Under 500 kilowatts	No.	ELME 1	None	R	A
700805	500 kilowatts up to and including 7,500 kilowatts	No.	ELME 1	None	R	A
700807	Over 7,500 kilowatts	No.	ELME 1	None	R	A
	Welding sets:					
701012	Arc welders: Rotating generator type	No.	ELME 1	None	R	A
701022	Nonrotating type	No.	ELME 1	None	R	A
701032	Resistance welding sets	No.	ELME 1	None	R	A
701105	Electrical generating sets powered by Diesel engines (report switchgear equipment in 703110–703900).	No.	ELME 2	None	RO	A
701140	Self-contained generating sets, except Diesel, ¾ kilowatt and under.	No.	ELME 1	None	R	----------
701150	Self-contained generating sets, except Diesel, over ¾ kilowatt.	No.	ELME 1	None	R	----------
701300	Automotive storage batteries, 6- and 12-volt, lead-acid type.	No.	TRAN	500	R	----------
701910	Power capacitors (static condensers) for power factor corrections (formerly 701900 and 709998).	No.	ELME 1	100	R	----------
	Transforming and converting apparatus, n. e. c., and parts, n. e. c.:					
	Power and distribution transformers:					
702110	Over 100, but not over 500 kilovolt amperes (formerly 702200).	No.	ELME 1	None	R	----------
702150	Over 500 kilovolt amperes (formerly 702100)	No.	ELME 1	None	R	----------
702300	Instrument transformers (specify by name)	No.	ELME 1	None	R	----------
702320	Regulators (specify by name) (formerly 702410)	No.	ELME 1	100	R	----------
702380	Specialty transformers n. e. c. (specify by name) (formerly 702410).	No.	ELME 1	100	R	----------
702420	Parts and accessories, n. e. c., specially fabricated for transformers and regulators included on the Positive List under Schedule B Nos. 702110 through 702380 (formerly 709098).	----------	ELME 1	None	R	----------
702600	Mercury power rectifiers (50 kilowatts and over) (report mercury rectifiers under 50 kilowatts in 702810).	No.	ELME 1	None	R	----------
	Rotating converters:					
702718	Under 150 kilowatts (formerly 702710)	No.	ELME 1	None	R	----------
702725	150 kilowatts and over (formerly 702710 and 702720).	No.	ELME 1	None	R	----------
702810	Selenium battery chargers and other selenium rectifiers, except automotive shop types of 12-volt capacity or less.	No.	ELME 1	None	R	----------

[1] See § 370.6 (a) for exportations of gold requiring authorization from the Treasury Department.

[1] Export authorization for thorium metals and alloys and uranium metal classified under Schedule B No. 664998 is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.7.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Electrical machinery and apparatus—Continued					
	Transmission and distribution apparatus:					
	Switchgear:					
703110	Primary switchboards and panels, and specially fabricated parts, n. e. c. (report oil circuit breakers and oil switches in 703200; other power switches and circuit breakers in 703300).	----------	ELME 1	100	R	----------
703200	Oil circuit breakers and oil switches	No.	ELME 1	100	R	----------
703300	Power switches and power circuit breakers, n. e. c., and specially fabricated parts, n. e. c.	----------	ELME 1	100	R	----------
	Electrical quantity measuring and testing instruments, and parts:					
703620	Ammeters, ohmmeters, microammeters, multimeters, and voltmeters, all standards (formerly 703620 and 919098).	No.	ELME 2	None	RO	----------
703620	Other electrical quantity indicating instruments, nonrecording, n. e. c., except battery testers, battery testing voltmeters, and cell testers (specify by name) (formerly 703620 and 919098).	No.	ELME 2	None	RO	▲
703700	Electrical quantity recording instruments, n. e. c. (specify by name) (formerly 703700 and 919098).	No.	ELME 2	None	RO	----------
703825	Bridges for measuring impedance, capacitance and resistance (formerly 919098).	No.	ELME	200	R	----------
703825	Spectrum analyzers, for laboratory use (formerly 919098).	No.	ELME	None	RO	▲
703825	Other electrical testing instruments, n. e. c., except instruments of laboratory standards (specify by name) (formerly 703820).	No.	ELME 2	None	RO	▲
703850	Specially fabricated parts, n. e. c., for bridges for measuring impedance, capacitance and resistance (specify by name) (formerly 919098).		ELME	None	R	----------
703850	Other parts, n. e. c., specially fabricated or integrating meters, *except watt-hour*, electrical quantity indicating and recording instruments, and electrical testing instruments, except laboratory standard (specify by name) (formerly 703820 and 709098).		ELME 2	None	RO	▲
	Motors and controls, n. e. c., and parts (report autosyns, selsyns and other synchronous transmission systems in 709998);					
	Motors, except electric propulsion motors for land transportation vehicles:					
704200	Motors, 5 up to and including 200 horsepower	No.	ELME 1	100	R	----------
704300	Motors, reversible type, over 1,000 horsepower	No.	ELME 2	None	RO	A
704300	Other motors over 200 horsepower	No.	ELME 1	None	R	A
704330	Electric propulsion motors, generators, and controls for land transportation vehicles, and specially fabricated part and accessories, n. e. c. (specify by name) (formerly 704530).		TRAN	500	R	----------
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts:					
704810	Steel mill and other materials handling equipment controls for reversible-type electric motors over 1,000 horsepower, and accessories and parts therefor (formerly 704800).		ELME 2	100	RO	A
704810	Other steel mill and materials handling equipment controls, for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).		ELME 1	100	R	▲
704820	Special-purpose controls, n. e. c., for reversible-type electric motors over 1,000 horsepower, and accessories and parts therefor (formerly 704800).		ELME 2	100	RO	▲
704820	Other special-purpose controls, n. e. c., for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).		ELME 1	100	R	▲
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts:					
704850	Industrial motor controls, n. e. c., for reversible-type electric motors over 1,000 horsepower, and accessories and parts therefor (formerly 704800).	----------	ELME 2	100	RO	▲

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Electrical machinery and apparatus—Continued					
	Motors and controls, n. e. c., and parts (report autosyns, selsyns and other synchronous transmission systems in 709998)—Continued					
	Industrial motor controls (consisting of starting, speed regulating, stopping and protecting devices), and parts—Continued					
704850	Other industrial motor controls, n. e. c. for motors, 5 horsepower and over; and specially fabricated parts, n. e. c. (formerly 704800).	----------	ELME 1	100	R	▲
705500	Accessories and parts for reversible-type electric motors over 1,000 horsepower.	----------	ELME 2	100	RO	A
705500	Accessories and parts for other electric motors, 5 horsepower and over.	----------	ELME 1	100	R	A
705560	Electric mining and industrial locomotives (formerly 704510).	No.	ELME 2	None	RO	A
	Electric bulbs and tubes (lamps), and parts (report bulb and tube blanks in 529300 and 529400):					
706590	Molybdenum filaments (see § 373.1)	----------	MINL	None	RO	A B
706590	Tungsten contacts and filaments (see § 373.1)	----------	MINL	None	RO	A B
706600	Searchlights and airport beacons (specify by name)	No.	ELME 1	100	R	----------
707415★	Electric industrial melting and refining furnaces (specify by name) (formerly 707410).	No.	ELME 2	None	RO	▲ B
707425	Electric industrial heat-treating furnaces (specify by name) (formerly 707420).	No.	ELME 2	100	RO	▲
707435★	Parts, n. e. c., specially fabricated for electric industrial melting and refining furnaces (formerly 707410).	----------	ELME 2	None	RO	A B
707435	Parts, n. e. c., specially fabricated for electric industrial heat-treating furnaces (formerly 707420).	----------	ELME 2	100	RO	A
707505★	X-ray apparatus, and parts, n. e. c.: Medical and dental X-ray tubes 1,000 PKV and over; medical and dental X-ray tubes under 1,000 PKV with effective focal spots 4 mm. square or less (except those 50 PKV to, but not including, 140 PKV) (formerly 707510).	No.	SATE	None	RO	A B
707507★	Industrial X-ray tubes 1,000 PKV and over; industrial X-ray tubes under 1,000 PKV with effective focal spots 4 mm. square or less (except those 50 PKV to, but not including, 140 PKV) (formerly 707510).	No.	SATE	None	RO	A B
707509	Beryllium windows (formerly 707550)	----------	SATE	None	RO	----------
707550★	X-ray diffraction units and specially fabricated parts, n. e. c.	----------	SATE	None	RO	A B
707550	Tungsten X-ray targets (see § 373.1)	----------	MINL	None	RO	----------
707590	Short wave diathermy units, 500 megacycles and over and specially fabricated parts, n. e. c.	----------	SATE	None	RO	----------
707590	Short wave diathermy units, under 500 megacycles and specially fabricated parts, n. e. c.	----------	SATE	None	R	----------
	Radio and television apparatus:					
707607	Radio and television broadcast station transmitting equipment, and specially fabricated parts and accessories, n.e.c. (formerly 707615 and 707628).	----------	RARA 500	100	R	----------
	Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707607; automobile and home-type radio receivers in 707635-707719):					
707613	Radio receiver sets, communication-type, shipborne (formerly 707720).	No.	RARA 51	200	R	----------
707613	Shipborne (maritime mobile) transmitters and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n. e. c. (formerly 707615 and 707628).	----------	RARA 50	100	R	----------
707617	Land-type radio communication transmitters and transceivers (transmitter-receivers), and specially fabricated parts and accessories, n. e. c. (formerly 707615 and 707628).	----------	RARA 50	100	R	----------
707617	Radio receiver sets, communications-type, except airborne and shipborne (formerly 707720).	No.	RARA 51	200	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Electrical machinery and apparatus—Continued					
	Radio and television apparatus—Continued					
707625	Radio beacon (beam) transmitters, under 500 megacycles, and specially fabricated parts and accessories, n. e. c. (formerly 707640).	----------	RARA 50	None	RO	A
707625	Radio beacon (beam) transmitters, 500 megacycles and over, and specially fabricated parts and accessories, n. e. c. (formerly 708400).	----------	RARA	None	RO	A
707805	Radio and television receiving type tubes (specify by name) (report television picture receiving tubes in 707815) (formerly 707800).	No.	RARA 51	None	R	A
707810	Radio and television transmitting type tubes (specify by name) (report television camera tubes in 707812) (formerly 707612).	No.	RARA 50	None	RO	A
707812	Television camera tubes (cathode ray) (specify by name) (formerly 709095).	No.	ELME	None	RO	A
707815	Television picture receiving tubes (cathode ray), having short-image life phosphor, types P-1 and P-4 (formerly 707918).[1]	No.	RARA 51	None	R	----------
707905	Capacitors (condensers) (specify by name) (formerly 707628 and 707902).	No.	RARA 51	100	R	A
707910	Resistors (specify by name) (formerly 707628 and 707904).	No.	RARA 51	100	R	A
707915	Inductors (including transformers, coils and chokes), for radio transmitter sets, and transmitter-receiver sets (formerly 707628).	No.	RARA 50	100	R	A
707915	Chokes and transformers for radio receiver sets (formerly 707907).	No.	RARA 51	200	R	----------
707916	Parts, n. e. c., specially fabricated for radio transmitter set and transmitter-receiver set capacitors (condensers), resistors, inductors, transformers, and coils (formerly 707628).	----------	RARA 50	100	R	----------
708100	Radio and television receiving set accessories, and parts, n. e. c. (specify by name).	----------	RARA 51	200	R	A
708410	Hydrophones (formerly 707720)	No.	RARA	200	RO	----------
708410	Other radar signaling and detection apparatus, and specially fabricated parts, n. e. c. (specify by name) (formerly 708400 and 708450) (see § 370.5).	----------	RARA	None	RO	A
708460	Carrier current equipment (hich frequency wire transmitting and receiving apparatus), n. e. c., and specially fabricated parts, n. e. c., except telemetering equipment (formerly 708500 and 708700)	----------	ELME 1	None	R	----------
708500	Telegraph apparatus (wire) n. e. c., and specially fabricated parts, n. e. c. (specify by name).	----------	ELME 1	None	R	----------
	Telephone apparatus (wire):					
708600	Telephone instruments	No.	ELME 1	None	R	----------
708700	Telephone equipment, n. e. c., and specially fabricated parts and accessories, n. e. c. (specify by name).	----------	ELME 1	None	R	----------
708850	Magnetic recorders, disk, tape, and wire, and specially fabricated parts and accessories, n. e. c. (specify by name) (report motion picture sound recording and reproducing equipment in 901000-901100; spare and replacement tubes in 707805, 707810 and 709007) (formerly 708800, 709998, and 777905).	----------	ELME 1	None	R	----------
709030	Spark plugs, automobile, bus, tractor, truck, and industrial engine type (formerly 715000, 788601, 788605, 791200 and 792100).	No.	TRAN	500	R	----------
709220	Starting, lighting, and ignition equipment, n. e. c., and specially fabricated parts and accessories, n. e. c.: Automobile, bus, tractor, truck, and industrial engine type (specify by name) (formerly 709200) (report spark plugs in 709030) (see § 374.7).	----------	TRAN	100	RO	B

[1] These commodities prior to Oct. 10, 1950, required export authorization from the Department of State. All outstanding licenses for the exportation of these commodities issued by the Department of State remain valid until they expire or are revoked.

[2] Other television picture tubes classified under Schedule B No. 707815 require export authorization from the Department of State. See § 370.5.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity list (see headnote)
	Electrical machinery and apparatus—Continued					
	Insulated wire and cable (see §§ 373.1, 373.11 (c), 373.16, 373.24, 373.38):					
709810	Building wire and cable	Lb.	NONF	100	RO	B C
709830	Weatherproof and slow-burning wire	Lb.	NONF	100	RO	B C
709855	Communication and signal wire and cable (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709860	Rubber and/or synthetic rubber-sheathed portable cord, wire and cable (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709865	Rubber and/or synthetic rubber-insulated wire and cable (except building wire and cable), with plain, braided, leaded, or armored finishes (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709870	Varnished-cambric insulated wire and cable, with braided, leaded, or armored finishes (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709875	Paper-insulated power cable, with leaded or armored finishes (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709885	Insulated wire and cable, n. e. c. (specify by name) (formerly 709850).	Lb.	NONF	100	RO	B C
709903	Cathode-ray tubes, n. e. c. (report television cathode-ray tubes in 707812 and 707815) (formerly 709095).	No.	ELME	None	RO	A
709907	Diathermy tubes (formerly 709905)	No.	SATE 52	None	R	----------
709907	Other electronic tubes, n. e. c., commercial and industrial (formerly 709905).	No.	ELME	None	RO	A
709909	Getters (formerly 709198)	----------	RARA	None	RO	A
709909	Tantalum rings, for radio transmitter and radio receiver tubes (formerly 707628 and 707919) (see § 373.1).	----------	MINL	None	RO	A B
709909	Other parts, n. e. c., specially fabricated for radio transmitter tubes (formerly 707628).	----------	RARA 50	100	RO	A
709909	Parts, n. e. c., specially fabricated for electronic and cathode-ray tubes, n. e. c., except parts for radio transmitter tubes, radio receiver tubes, and television picture tubes (formerly 709905).	----------	ELME	None	RO	A
709920	Electrical steel punchings, transformer grades (formerly 603595) (see § 373.2).	Lb.	STEE	100	RO	B C
709920	Other electrical steel punchings (formerly 603595) (report iron and steel punchings except electrical in 619910) (see § 373.2).	Lb.	STEE	1,000	RO	B C
	Electrical apparatus and parts, n. e. c.:					
709998	Arc welding set parts	----------	ELME 1	100	R	A
709998	Butt welding set parts	----------	ELME 1	100	R	A
709998	Coefficient resistors, negative temperature	----------	ELME 1	None	R	A
709998	Dynamotor parts	----------	ELME 1	100	R	----------
709998	Electrolysis equipment, except metal finishing, and parts therefor (report metal finishing in 744850).	----------	ELME 1	100	R	----------
709998	Electronic amplifiers for use in experimental laboratories (report audio-amplifying in 708800).	----------	ELME 2	None	RO	A
709998	Frequency converter parts	----------	ELME 1	100	R	----------
709998	Magnets	----------	ELME 1	100	R	----------
709998	Mercury power rectifier parts	----------	ELME 1	None	R	----------
709998	Phase converter parts	----------	ELME 1	None	R	----------
709998	Searchlight mirrors	----------	ELME 2	None	RO	----------
709998	Searchlight parts	----------	ELME 2	None	RO	----------
709998	Searchlight equipment parts	----------	ELME 2	None	RO	----------
709998	Selsyns, auto syns, and synchro-motors	----------	ELME 1	None	R	----------
709998	Welding machine contacts	----------	ELME 1	100	R	A
709998	Welding set brushes (report carbon or graphite brushes in 547400).	----------	ELME 1	100	R	A
709998	Welding set hoods	----------	ELME 1	100	R	▲
	Engines, turbines, and parts, n. e. c. (See Special Provisions, §§ 373.7, 373.34)					
	Steam engines and turbines, n. e. c., and parts, n. e. c.:					
711310	Steam turbines (formerly 711300)	No.	GIEO	None	RO	A
711410	Water wheels and water turbines (formerly 712500)	No	ELME 1	None	R	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Engines, turbines, and parts, n. e. c.—Continued					
	Steam engines and turbines, n. e. c. and parts, n. e. c.—Continued					
711510	Gas turbines, except aircraft (formerly 719900)	No.	GIEQ	None	R	A
711900	Parts, n. e. c., specially fabricated for steam turbines, 300 horsepower and over (formerly 712900).	----------	GIEQ	100	R	A
711900	Parts, n. e. c., specially fabricated for water wheels, and water turbines (formerly 719900).	----------	ELME I	None	R	----------
	Power boilers (rated capacity, over 15 pounds pressure per square inch) and parts:					
713200	Fire-tube, Scotch type, 3,000 sq. ft. heating surface and over.	Sq. ft.	GIEQ	None	RO	----------
713300	Water-tube, 3,000 sq. ft. heating surface and over	Sq. ft.	GIEQ	None	RO	A
713920	Parts, n. e. c., specially fabricated for power boilers, except diffusors, drop plugs, fusible plugs, and steam traps (formerly 713900) (report boiler tubes shipped as spares or replacements under tubular products according to material).	----------	GIEQ	250	RO	A
	Internal-combustion engines, n. e. c., and parts, n. e. c.:					
	Gasoline:					
714220	Outboard motors detachable, over 50 horsepower (formerly 714210).	No.	TRAN	None	RO	A
714260	Watercraft engines, n. e. c., over 100 horsepower (formerly 714250).	No.	TRAN	None	RO	A
714320	Tractor engines, 10 brake horsepower and under (specify brake horsepower) (formerly 714310).	No.	TRAN	200	R	----------
714340	Other, including tractor engines, over 10, up to and including 50 brake horsepower (specify brake horsepower) (formerly 714410).	No.	TRAN	250	R	A
714360	Other, including tractor engines, over 50 brake horsepower (specify brake horsepower) (formerly 714410).	No.	TRAN	250	RO	A
	Diesel and semi-Diesel:					
714500	Marine, 200 brake horsepower and under (at normal speed), injection type (specify brake horsepower).	No.	TRAN	750	R	----------
714620	Marine, over 200, up to and including 500 brake horsepower (at normal speed), injection type (specify brake horsepower) (formerly 714600).	No.	TRAN	None	R	----------
714640	Marine, over 500, up to and including 1,000 brake horsepower (at normal speed), injection type (specify brake horsepower) (formerly 714660)	No.	TRAN	None	R	----------
714660	Marine, over 1,000 brake horsepower (at normal speed), injection type (specify brake horsepower) (formerly 714660).	No.	TRAN	None	RO	A
	Other, including tractor engines (specify brake horsepower):					
714710	200 brake horsepower and under (at normal speed), injection type	No.	TRAN	None	RO	A
714720	Over 200, up to and including 500 brake horsepower (at normal speed), injection type (formerly 714810).	No.	TRAN	None	RO	A
714740	Over 500, up to and including 1,000 brake horsepower (at normal speed), injection type (formerly 714810).	No.	TRAN	None	RO	A
714760	Over 1,000 brake horsepower (at normal speed), injection type (formerly 714810).	No.	TRAN	None	RO	A
714910	Kerosene engines: Outboard motors, over 50 horsepower; and other watercraft engines, over 100 horsepower (formerly 714210 and 714250).	No.	TRAN	None	RO	A
714910	Tractor engines, not over 10 horsepower (formerly 714310).	No.	TRAN	200	R	----------
714910	Other kerosene engines, over 10 horsepower including tractor engines (formerly 714410).	No.	TRAN	250	RO	A
715000	Marine engine accessories, and specially fabricated parts (specify Diesel or gasoline).	----------	TRAN	250	RO	A
715000	Other parts and accessories, n. e. c., specially fabricated for internal combustion engines, n. e. c. (report tractor engine parts in 700600, 709220, 788801, and 788805).	----------	TRAN	500	RO	----------
715000	Parts, n. e. c., specially fabricated for internal combustion locomotive engines (report 11 F and 11 M engines requiring parts).					

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Construction, excavating, mining and related machinery					
	(See Special Provisions, §§ 373.7, 373.9, 373.16, 373.28, 373.34)					
	Construction power cranes and shovels, new (report used in 720160):					
720112	Crawler or walker mounted, full revolving, convertible, 2½ cu. yd. dipper capacity and under, or 50 net tons maximum rated crane capacity and under, new (formerly 720110).	No.	CONS	None	RO	----------
720117	Crawler or walker mounted, full revolving, convertible, over 2½ cu yd. dipper capacity or over 50 net tons maximum rated crane capacity, new (formerly 720120).	No.	CONS	None	RO	B
720122	Rubber tired mounted, including truck or wagon mounted, full revolving, convertible, new (formerly 720115).	No.	CONS	None	RO	----------
720127	Other, full revolving, unmounted, new (formerly 720150).	No.	CONS	None	RO	----------
720132	Other, except full revolving, mounted and unmounted, new (formerly 720150).	No.	CONS	None	R	----------
720137	Trenchers and ditchers, new (report used in 720160) (formerly 720130).	No.	CONS	None	R	----------
720142	Loaders (loading machines), excavating, new (formerly 720030) (report used in 720160; nonexcavating in 720240).	No.	CONS	None	R	----------
720147	Dredging machines, new (specify by name) (formerly 720500) (report used in 720160; dredges fully equipped as vessels in 796100).	No.	MINE	100	RO	A
	Power excavators and dredging machines, used and rebuilt (report new in 720112–720147):					
720160	Construction power cranes and shovels, full revolving, mounted and unmounted, used and rebuilt (formerly 720110, 720115, 720120, and 720150).	No.	CONS	None	RO	----------
720160	Construction power cranes and shovels, not full revolving, mounted and unmounted, used and rebuilt (formerly 720150).	No.	CONS	None	R	----------
720160	Trenchers, ditchers, and excavating-type loaders, used and rebuilt (formerly 720130).	No.	CONS	None	R	----------
720160	Dredging machines, used and rebuilt (formerly 720500).	No.	MINE	100	RO	A
720210	Parts, accessories and attachments, n. e. c., specially fabricated for power excavators included on the Positive List under Schedule B Nos. 720112 through 720142, and 720160, for which validated license is required to R and O country destinations (specify by name) (formerly 720200).	----------	CONS	100	RO	A
720210	Parts, accessories and attachments, n. e. c., specially fabricated for dredging machines (specify by name) formerly 720200).	----------	MINE	100	RO	A
720210	Parts, accessories and attachments, n. e. c., specially fabricated for power excavators included on the Positive List under Schedule B Nos. 720112 through 720142, and 720160, for which validated license is required to R country destinations only (specify by name) (formerly 720200).	----------	CONS	250	R	----------
720240	Loaders (loading machines), nonexcavating, new and used, and specially fabricated parts, n. e. c. (formerly 720130) (report excavating loaders in 720142).	----------	CONS	None	R	----------
720310	Crushing, pulverizing and screening machines (construction and mining types), and parts (report other types in 775890): Crushers (formerly 732200)	No.	MINE	None	RO	----------
720350	Grinders, pulverizers, and granulators (specify by name) (formerly 732105 and 732200).	No.	MINE	None	RO	----------
720390	Screening machines for sizing, scalping, and dewatering (formerly 733065).	No.	MINE	None	RO	----------
720410	Aggregate crushing-screening outfits (prefabricated or unitized), capacity not exceeding 175 tons per hour, mobile and semi-portable only (formerly 772810).					

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Construction, excavating, mining and related machinery—Continued					
	Crushing, pulverizing and screening machinery (construction and mining types), and parts (report other types in 775890)—Continued					
720490	Parts, attachments, and accessories, n.e.c., specially fabricated for crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits (specify by name) (formerly 772890 and 733990).	----------	MINE	100	RO	----------
721510	Bituminous mixing equipment, stationary, mobile, and semi-portable; bituminous paving-mix spreaders; bituminous pavers, and bituminous mixer-paver combinations (formerly 772810).	No.	CONS	None	RO	B
721530	Bituminous combination batching-mixing outfits (prefabricated or unitized, mobile, portable, and semi-portable) capacity not exceeding 175 tons per hour (report outfits of greater capacity under classifications applicable to individual components (formerly 722810).	No.	CONS	None	RO	----------
721535	Concrete pavers, paving spreaders, and finishers (formerly 721500).	No.	CONS	None	RO	----------
721535	Contractors' concrete-placing machines, including pump, screw, and compressed-air types (formerly 721000).	----------	CONS	250	R	----------
721535	Concrete mixers (stationary and portable, including truck- and trailer-mounted), and concrete transport truck-mounted agitators, 18 cu. ft. capacity and over (formerly 721500).	No.	CONS	None	RO	----------
721535	Concrete mixers (stationary and portable, including truck- and trailer-mounted), and concrete transport truck-mounted agitators, under 18 cu. ft. capacity (formerly 721500).	No.	CONS	None	R	----------
721540	Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under Schedule B Nos. 721510 through 721535 for which validated license is required to R and O country destinations (formerly 722890).	----------	CONS	100	RO	----------
721540	Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under Schedule B Nos. 721510 through 721535 for which validated license is required to R country destinations (formerly 722890 and 723100).	----------	CONS	100	R	----------
722010	Scrapers, self-propelled (formerly 722610)	No.	CONS	None	RO	----------
722012	Scrapers, pull or push type (formerly 722620)	No.	CONS	None	RO	----------
722015	Graders, self-propelled (formerly 722200)	No.	CONS	None	RO	----------
722020	Soil compacters, pneumatic-tired, 10 tons and over net vehicle weight (formerly 722000).	No.	CONS	None	RO	A
722020	Soil compacters, pneumatic-tired, under 10 tons net vehicle weight (formerly 722000).	No.	CONS	None	R	----------
722020	Road rollers, self-propelled, steel-tired types (formerly 722800)	No.	CONS	None	R	----------
722022	Parts and accessories, n. e. c., specially fabricated for: scrapers, graders; and pneumatic-tired soil compacters, 10 tons and over net vehicle weight (formerly 722890).	----------	CONS	100	RO	A
722022	Parts and accessories, n. e. c., specially fabricated for: pneumatic-tired soil compacters, under 10 tons net vehicle weight; and self-propelled, steel-tired road rollers (formerly 722890).	----------	CONS	250	R	----------
722024	Contractors' wheel-type tractors (formerly 722900)	No.	CONS	None	RO	A
722025	Parts and accessories, n. e. c., specially fabricated for contractors' wheel-type tractors (formerly 723100).	----------	CONS	250	R	----------
722027	Off-the-road haulage vehicles (formerly 723000) (report tractors separately under appropriate Schedule B numbers).	No.	CONS	100	RO	B
722030	Attachments, n. e. c., for track-laying or wheel-type tractors, or trucks (specify by name): Angle dozers, brush cutters; brushrakes; bulldozers, ripper attachments; rooter attachments; snowplow attachments; trailbuilders, and treedozers (formerly 722700 and 722810).	No.	CONS 1	None	R	----------

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Construction, excavating, mining and related machinery—Continued					
	Attachments, n. e. c., for track-laying or wheel-type tractors, or trucks (specify by name)—Con.					
722030	Clamshell attachments; conveying attachments, excavating attachments; hydraulic and cable controls for track-laying tractors; loading attachments; pipe layers; trenching attachments; and winches for track-laying tractors (formerly 723100 and 788901).	No.	CONS 1	250	R	----------
722030	Hydraulic and cable controls for wheel-type tractors; and winches for wheel-type tractors (formerly 788905).	No.	AGMT	250	R	----------
722035	Parts and accessories, n. e. c., specially fabricated for: angle dozers; brush cutters; brushrakes; bulldozers; clamshell attachments; ditching attachments; excavating attachments; hydraulic controls for track-laying tractors; loading attachments; ripper attachments; rooter attachments; snowplow attachments; trailbuilders; treedozers; trenching attachments; and winches for track-laying tractors (formerly 722890, 723100, 788901, and 788905).	----------	CONS	250	R	----------
722035	Parts and accessories, n. e. c., specially fabricated for: hydraulic controls for wheel-type tractors; and winches for wheel-type tractors (formerly 788905).	----------	AGMT	250	R	----------
	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name):					
722045	Pile hammers (Diesel-powered), and parts (formerly 723100).	----------	CONS	250	R	----------
722045	Power jacks, with lifting capacity of 10 tons or more, and specially fabricated parts (formerly 723100 and 775098).	----------	CONS	25	R	----------
722045	Subgraders and finegraders (formerly 722810)	No.	CONS	None	RO	----------
722045	Logging arches and sulkies; and rotary snowplows (formerly 722700 and 722810).	No.	CONS	None	R	----------
722045	Specially fabricated parts for: contractor's trucks, dump wagons, quarry trailers, and other off-the-road haulage vehicles; subgraders (formerly 722890, and 723100).	----------	CONS	100	RO	----------
722045	Specially fabricated parts for: logging arches and sulkies; and rotary snowplows (formerly 722890).	----------	CONS	250	R	----------
	Materials handling equipment, and parts:					
723010	Railway cranes (including industrial yard, locomotive and wrecking types) (formerly 723410).	No.	CONS	None	RO	----------
723020	Cranes, overhead, electric traveling (elevated track, gantry, and semi-gantry types) (formerly 723510).	No.	CONS	None	RO	----------
723040	Whirley cranes, including revolving and rotary cranes, 30 net tons and over maximum rated capacity (including, but not limited to portal, tower, hammerhead, pintle, and whirley types) (formerly 723410).	No.	CONS	None	RO	----------
723040	Whirley cranes, including revolving and rotary cranes, 10 tons and under 30 tons maximum rated capacity (including, but not limited to portal, tower, hammerhead, pintle, and whirley types) (formerly 723410).	No.	CONS	None	R	----------
723070	Pillar cranes, 30 net tons and over maximum rated capacity (formerly 723410).	No.	CONS	None	RO	----------
723070	Pillar cranes, 10 tons and under 30 tons maximum rated capacity (formerly 723410).	No.	CONS	None	R	----------
723080	Specially fabricated parts, n. e. c., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070 for which validated license is required to R and O country destinations (formerly 723100).	----------	CONS	100	RO	----------
723080	Specially fabricated parts, n. e. c., for cranes included on the Positive List under Schedule B Nos. 723010 through 723070 for which validated license is required to R country destinations only (formerly 723100).	----------	CONS	250	R	----------

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Construction, excavating, mining and related machinery—Continued					
723125	Electric hoists, n. e. c., 50 up to but not including 200 horsepower except overhead hoists (formerly 724100) (report slope and shaft mine hoists in 730700).	No.	MINE	None	R	
723125	Electric hoists, n. e. c., 200 horsepower and over except overhead hoists (formerly 724100) (report slope and shaft mine hoists in 730700).	No.	MINE	None	RO	
724905	Oscillating conveyors and feeders, underground mine types, including all-electric vibrating pans and tubes; and live (powered) roll conveyors (formerly 729100).	No.	MINE	250	R	
724905	Other chain, belt and shaking conveyors, underground mine types (specify by name) (include en masse or chain-in-casing type for transporting loose, bulk materials) (formerly 724900).	No.	MINE	None	R	
724910	Parts, n. e. c., specially fabricated for underground mine type chain, belt and shaking conveyors included on the Positive List under Schedule B No. 724905 (formerly 729100) (specify by name).		MINE	250	R	
724915	Pneumatic tube conveyors for handling loose, bulk materials; and specially fabricated parts therefor (formerly 729000).		MINE	250	R	
724920	Overhead trolley conveyors (formerly 724900)	No.	MINE	None	R	
724920	Specially fabricated parts for overhead trolley conveyors (formerly 729100) (specify by name).		MINE	250	R	
724925	Excavators, shack line and tower (formerly 730135)	No.	MINE	None	R	
724925	Tower-suspended or aerial ropeway bucket lines; and specially fabricated parts therfor (formerly 729100).		MINE	250	R	
724925	Specially fabricated parts and accessories, n. e. c., for shack line and tower excavators (formerly 729300).		MINE	250	R	
724965	Specially fabricated parts, n. e. c., for: chain and belt conveyors; bucket elevators; conveying stackers; feeders; loading and unloading systems; en masse or chain-in-casing type, and bridges and booms (formerly 729000).		MINE	250	R	
724965	Chain and belt conveyors (stationary, traveling, and portable); bucket elevators; conveying stackers; feeders; loading and unloading systems; en masse or chain-in-casing type for transporting loose, or bulk materials; and bridges and booms (formerly 724900) (report underground mine type in 724905).		MINE	None	R	
724965	Oscillating conveyors and feeders, including all-electric vibrating pans and tubes, and specially fabricated parts; and live (powered) roll conveyors, and specially fabricated parts (formerly 729100) (report underground mine type in 724905).		MINE	250	R	
724965	Magnetic pulleys and drums 30 inches in diameter and over, either induced or primary, and specially fabricated parts (formerly 729100).		MINE	None	RO	
	Industrial type trucks, tractors, trailers, and stackers (specially designed for materials handling in and around industrial plants, depots, docks, terminal and similar installations), and parts:					
	Industrial type trucks, fully powered:					
725003	Straddle lumber carriers (formerly 725000)	No.	CONS	500	RO	
725005	Internal-combustion engine powered trucks, except straddle lumber carriers (formerly 725000).	No.	CONS	500	RO	
725015	Electric-powered trucks (formerly 725000)	No.	CONS	500	RO	
725017	Other industrial type trucks, partially powered (formerly 725000).	No.	CONS	500	RO	
725020	Industrial type tractors (formerly 725020) (report standard tractors in 787710–787890).	No.	CONS	500	RO	
725050	Parts, accessories, and attachments, n.e.c., specially fabricated for fully- or partially-powered industrial trucks and tractors.		CONS	250	RO	
	Specialized mining machines and equipment, n.e.c., and parts, n.e.c.:					
730500	Coal cutting machines	No.	MINE	None	RO	
730500	Underground loading machines (formerly 730900) (report underground mine conveyors in 724905).	No.	MINE	None	RO	
730850	Combination coal cutting-loading machines (formerly 730500).	No.	MINE	None	RO	

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Construction, excavating, mining and related machinery—Continued					
730750★	Ore dressing and coal separating, concentrating and cleaning machines (specify by name): Electromagnetic separators of the following types: (a) cross-belt, all types; (b) revolving disc or ring types; (c) induced roll type, either induced or primary; (d) magnetic pulleys and drums 30 inches in diameter and over, induced or primary (formerly 733105).	No.	MINE	None	RO	B
730750★	Electrostatic separators having a voltage of more than 1,000 volts across the air gap (formerly 733105).	No.	MINE	None	RO	A B
730750	Coal washing machines; filters, and mechanical coal-cleaning machines, wet and dry (formerly 733910).		MINE	None	R	
730750	Other ore dressing and coal separating, concentrating and cleaning machines, except those electromagnetic or electrostatic separators below the standards described on the Positive List under this Schedule B number (specify by name) (formerly 733105).		MINE	None	RO	
730760	Electric mine hoists, 50 to 200 horsepower (formerly 731500).	No.	MINE	None	R	
730760	Electric mine hoists, 200 horsepower and over (formerly 731500).	No.	MINE	None	RO	
730760	Steam-driven mine shaft and slope hoists, 500 horsepower and over (formerly 731500).	No.	MINE	None	R	
730780	Mine shuttle cars (formerly 733910)	No.	MINE	None	RO	
730810	Specialized mining machines and equipment, n. e. c. and specially fabricated parts and accessories, n. e. c. (specify by name): Specialized mining machines and equipment, n. e. c. (formerly 733940) (see § 373.9).		MINE	None	R	
730810★	Specially fabricated parts for separators, electrostatic and electromagnetic types described under Schedule B No. 730750 (formerly 733940).		MINE	None	RO	A B
730810	Specially fabricated parts for specialized mining machines included on the Positive List under Schedule B Nos. 730500 through 730810 for which validated license is required to R and O country destinations (formerly 733990).		MINE	100	RO	
730810	Specially fabricated parts for specialized mining machines included on the Positive List under Schedule B Nos. 730500 through 730810 for which validated license is required to R country destinations only (formerly 733990).		MINE	100	R	
730840★	Earth and rock drilling machines, n. e. c., and parts, n. e. c.: Core drills, mounted or unmounted (formerly 731100) (see §§ 373.1, 373.9).	No.	MINE	None	RO	A B
730870	Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers): Bits and reamers containing tungsten carbide (formerly 731150).	No.	MINE	None	RO	A B
730875★	Bits and reamers containing diamonds (formerly 731150) (see §§ 373.1, 373.9).	No.	MINE	None	RO	A B
730880	Other bits and reamers, suitable for well drilling (specify kind) (formerly 731150).	No.	MINE	None	RO	A
730890	Parts and accessories, n. e. c., specially fabricated for the earth and rock drilling machines included on the Positive List under Schedule B Nos. 730840 through 730880 (formerly 733990).		MINE	100	RO	A
	Well drilling machines, and parts (see § 373.9):					
730900	Rotary drill rigs (including truck or trailer-mounted) (formerly 731200 and 734240).	No.	MINE	None	RO	A
731000	Cable tool drill rigs (including truck or trailer-mounted) (formerly 731200 and 734240).	No.	MINE	None	RO	A
732000	Parts and accessories, n. e. c., specially fabricated for well drilling machines (specify by name) (formerly 733950 and 734240).		MINE	100	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

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	Construction, excavating, mining and related machinery—Continued					
733950	Petroleum field production equipment, n. e. c., and specially fabricated parts, n.e.c. (specify by name) (formerly 734270).		MINE	100	RO	A
	Machine tools					
	(See Special Provisions, §§ 373.7, 373.9, 373.16, 373.34)					
	Power-driven metalworking machine tools (nonportable), and parts:					
740005	Engine lathes, except bench and light duty types (specify by name).	No.	TOOL	500	RO	A B
740205	Vertical turret lathes	No.	TOOL	None	RO	A B
740212	Turret lathes, n. e. c., except bench type (specify by name) (formerly 740200).	No.	TOOL	None	RO	A B
740305	Automatic chucking and between-center lathes	No.	TOOL	None	RO	A B
740308	Gun-boring lathes; cartridge-case trimming lathes; cartridge-head finishing lathes; and shell lathes (specify by name).	No.	TOOL	None	RO	A B
740308	Special spinning lathes for bombs (formerly 740307)	No.	TOOL	None	RO	A
740315	Automatic screw (bar) machines (formerly 740600)	No.	TOOL	None	RO	A B
740325	Vertical boring and turning mills, except vertical turret lathes (formerly 740407).	No.	TOOL	None	RO	A B
740390	Lathes, n. e. c. (specify by name) (formerly 740311)	No.	TOOL	500	RO	A B
740909	Jig boring machines; special boring machines for aircraft bomb nose and tail; and all precision boring machines.	No.	TOOL	None	RO	A B
740409	Cylinder reboring machines, and other reboring machines for garage use (formerly 793180).	No.	TOOL	100	R	
740604	Shell tappers	No.	TOOL	500	RO	A B
740607	Pipe and/or nipple-threading machines	No.	TOOL	None	RO	A B
740607	Tapping machines, vertical multiple spindle, adjustable joint.	No.	TOOL	500	RO	A B
740700	Knee-type milling machines	No.	TOOL	None	RO	A B
740800	Milling machines, n. e. c.:					
	Bed-type milling machines	No.	TOOL	None	RO	A B
740803	Combination miller and planer, with double housing and open side, 48 inches and over.	No.	TOOL	None	RO	A B
740805	Die-sinking machines	No.	TOOL	None	RO	A B
740809	Plano-milling machines, n. e. c.	No.	TOOL	None	RO	A B
740809	Profiling and duplicating machines, except propeller.	No.	TOOL	None	RO	A B
740809	Propeller-profiling machines (cutter and grinder)	No.	TOOL	500	RO	A B
740809	Spar-milling machines	No.	TOOL	500	RO	A B
740809	Thread-milling machines	No.	TOOL	None	RO	A B
741100	Gear cutting machines: All straight-tooth type gear-cutting and/or generating machines.	No.	TOOL	None	RO	A B
741100	Gear generators and gear-cutting machines, spiral bevel.	No.	TOOL	None	RO	A B
741100	Gear hobbers	No.	TOOL	None	RO	A B
741100	Gear shapers	No.	TOOL	None	RO	A B
742000	Drilling machines, upright type, multiple spindle	No.	TOOL	250	R	A B
742100	Radial drilling machines, plain and traversing type, 15-inch column or over.	No.	TOOL	None	RO	A B
742300	Drilling machines, n. e. c. (specify by name) (report rifle drilling machines in 744310): Other deep-hole drills and drilling machines; automatic multiple spindle drilling and/or tapping machines (consisting of a cluster of spindles driven from one power unit); and armor-plate-drilling machines.	No.	TOOL	None	RO	A B
742303	Drilling machines, unit head and way type or vertical, inverted spindle type.	No.	TOOL	None	RO	A B
742600	Planers, over 72 inches	No.	TOOL	None	RO	A B
742680	Plate planers, double housing and open side, 48 inches and over, and rotary planers, double housing and open side, 48 inches and over.	No.	TOOL	None	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Machine tools—Continued					
	Power-driven metalworking machine tools (nonportable), and parts—Continued					
742600	Plate edge planers	No.	TOOL	None	RO	A B
742700	Shapers (including slotters) (report gear shapers in 741100).	No.	TOOL	500	RO	A B
743500	Surface grinding machines, gap gauge	No.	TOOL	None	RO	A
743500	Automatic single spindle surface grinders	No.	TOOL	None	RO	A B
743500	Surface grinding machines, multiple spindle type	No.	TOOL	None	RO	A B
743900	External cylindrical universal grinding machines (formerly 744207) (report universal tool and cutter grinders in 744305).	No.	TOOL	None	RO	A B
744000	External cylindrical grinding machines, except universal. (Report universal in 743900.)	No.	TOOL	None	RO	A B
744100	Internal grinding machines	No.	TOOL	None	RO	A B
744205	Broach grinders; and gear-cutter grinders	No.	TOOL	None	RO	A B
744303	Gear-tooth grinding machines	No.	TOOL	None	RO	A B
744305	Honing and lapping machines, except gear	No.	TOOL	250	RO	A B
744306	Thread-grinding machines	No.	TOOL	None	RO	A B
744308	Automatic oscillating race radial grinders; cam grinders; contour profile grinders; jig grinders; and spline grinders.	No.	TOOL	None	RO	A B
744308	Other metal-grinding machines, except bench-type and pedestal grinders valued under $250.	No.	TOOL	None	RO	B
744313	Horizontal boring-drilling-milling machines (combination units).	No.	TOOL	None	RO	A B
744315	Broaching machines	No.	TOOL	None	RO	A B
744316	Rifle drilling machines; and gun reaming and drilling machines (formerly 742300).	No.	TOOL	None	RO	A B
744316	Other rifling and rifle-working machines (formerly 744310).	No.	TOOL	250	RO	A B
744317	Gear-honing, lapping and gear-finishing machines, n. e. c. (specify by name).	No.	TOOL	None	RO	A B
744319	Contour bandsawing and/or filing machines	No.	TOOL	None	R	A
744319	Shaving machines (except gear)	No.	TOOL	250	RO	A B
744319	Other power-driven metalworking machine tools, n.e.c.	No.	TOOL	250	R	
744340	Parts for metalworking machinery included on the Positive List, classified in Schedule B numbers 740005 through 744319, for which validated license is required to R and O country destinations.		TOOL	250	RO	▲
744340	Parts for metalworking machinery included on the Positive List, classified in Schedule B numbers 740005 through 744319, for which validated license is required to R country destinations only.		TOOL	250	R	▲
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)					
	(See Special Provisions, §§ 373.7, 373.9, 373.16, 373.34)					
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.:					
744371	Chucks for machine tools	No.	TOOL	100	RO	A B
744381	Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation (not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 745703): Broaching-cutting; gear-cutting; lapping; forming roll sets; all carbide, carbide-tipped, hard-surface steel, and tungsten carbide types; and all other metal-cutting tools (not incorporating industrial diamonds) for use on machines included on the Positive List and classified in Schedule B numbers 740005 through 744319.		TOOL	100	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
	Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.—Continued					
	Accessories and attachments, n. e. c., for machine tools and specially fabricated parts, n. e. c.:					
744383	Collets; arbors; boring bars 4 inches in diameter and over; screw machine tool holders; indexing face plates; and dividing heads.		TOOL	100	RO	A B
744383	Jigs and fixtures, military type		TOOL	None	RO	A B
744383	Parts for military-type jigs and fixtures		TOOL	None	RO	A B
744383	Other accessories and attachments for use on machine tools machinery included on the Positive List and classified in Schedule B numbers 740005 through 744319 except bench centers; parallels; vee blocks; tool holders; miscellaneous centers; drill pads and crotch centers; work driving dogs; tee bolts; clamps; and mandrels.		TOOL	100	RO	A B
744410	Metalworking presses, and specially fabricated parts, n. e. c., except hand-powered presses (formerly 744405).		TOOL	None	RO	A
744450	Sheet and plate metalworking machines (except presses), n. e. c., and specially fabricated parts, n. e. c. (formerly 744405 and 744498).		TOOL	100	RO	A B
	Forging machinery, and specially fabricated parts, n. e. c.:					
744700	Forging presses, heavy-duty		TOOL	None	RO	A B
744700	Forging rolls; and swaging machines		TOOL	None	RO	A B
744700	Drop hammers, and forging hammers, air, steam, or mechanical.		TOOL	None	RO	A B
744700	Headers and forging machines (upsetters)		TOOL	None	RO	A B
744700	Nut-forging machinery		TOOL	100	RO	A B
744700	Special forging machines, bomb nose and tail		TOOL	None	RO	A B
744700	Parts for special forging machines, bomb nose and tail, and heavy-duty forging presses.		TOOL	None	RO	A B
744700	Parts for other forging machinery included on the Positive List under Schedule B No. 744700.		TOOL	None	RO	A
744800	Rolling mill machines, and specially fabricated parts, n. e. c.		TOOL	None	RO	A B
744850	Automatic continuous electrolytic tinning units and specially fabricated parts (formerly 775098).		TOOL	50	RO	A
744850	Electroplating equipment, and specially fabricated parts (formerly 775098).		TOOL	100	R	
	Foundry equipment, and parts:					
745000	Molding machines: rollover type; or jolting and jarring type.	No.	TOOL	None	R	
745000	Core-making machines (formerly 745298)	No.	TOOL	250	R	
745050	Die-casting machines, and specially fabricated parts, n. e. c. (formerly 745505).		TOOL	25	RO	A
745060	Centrifugal casting machines, and specially fabricated parts, n. e. c. (formerly 745298).		TOOL	50	RO	A
745110	Blast cleaning and tumbling machines for castings (formerly 745100).	No.	TOOL	300	R	
745298	Machinery, and parts, for continuous casting of semi-finished steel.		TOOL	250	RO	A
745298	Parts and accessories for: Molding machines, rollover type; or jolting and jarring type; and core-making machines.		TOOL	250	R	
745503★	Diamond dies for power-driven metalworking machines (state size). (See §§ 373.1, 373.9.)	No.	TOOL 1	None	RO	A B
745509	Machinery for drawing wire and tubing		TOOL	None	RO	A
745509	Parts and accessories for machinery for drawing wire and tubing.		TOOL	250	RO	A
745805	Gas welding machines, except hand-operated		TOOL	None	R	
745805	Parts and accessories for gas welding machines		TOOL	250	R	
745805	Machines for flame hardening		TOOL	None	RO	A
745990	Automatic balancing and correcting machines (formerly 745501).	No.	TOOL	None	RO	A B
745990	Dynamic balancing machines for balancing metal parts (formerly 745501).	No.	TOOL	None	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)—Continued					
746010	Parts for dynamic balancing machines for balancing metal parts (formerly 745598).		TOOL	250	RO	A
746010	Horizontal multiple-slide wire and strip forming machines, and specially fabricated parts, n. e. c. (formerly 745598).		TOOL	25	RO	A
746010	Portable machine tools so designed that they must be attached to the work to operate (formerly 745598).		TOOL	None	R	A
746010	Specially fabricated parts and accessories, n. e. c. for portable machine tools so designed that they must be attached to the work to operate (formerly 745598).		TOOL	250	R	A
	Textile, sewing, and shoe machinery					
	(See Special Provisions, §§ 373.7, 373.34)					
	Textile machinery:					
750800	Spinning and twisting machinery, rayon yarn (report filament spinning machinery and spinnerettes for synthetic fibers in 750850).		GIEQ	None	R	A
750850	Rayon filament extrusion and spinning machines; and spinning pumps (formerly 754800).		GIEQ	None	RO	A
750850	Other rayon filament and band forming machinery, and parts, except spinnerettes (formerly 754800).		GIEQ	50	R	A
750850	Spinnerettes for yarns of 150 denier and greater (formerly 754800).		GIEQ	None	RO	A
	Other industrial machines and parts					
	(See Special Provisions, §§ 373.7, 373.34)					
	Food and beverage processing machines, and parts:					
	Cannery machines, and specially fabricated parts, n. e. c.:					
761250	Piping specially fabricated for cannery machines, and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."		GIEQ	25	RO	A
	Vegetable-oil mill machines, and specially fabricated parts, n. e. c.:					
761600	Piping specially fabricated for vegetable-oil mill machines, and made of or lined with any corrosion-resistant material as defined in the "General Note to Appendix A."		GIEQ	25	RO	A
	Food-processing machinery, and parts, n. e. c.:					
761950	Piping specially fabricated for food and beverage processing machines, n. e. c., and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."		GIEQ	25	RO	A
763030	Rubber tire and tube building machines (specify by name) (formerly 763000).	No.	GIEQ	500	RO	A
763040	Rubber tire repairing, recapping and retreading machines, n. e. c. (specify by name) (formerly 763000).	No.	GIEQ	500	RO	
763050	Parts, n. e. c., specially fabricated for rubber tire and tube building, tire repairing, recapping and retreading machines (specify by name) (formerly 763000).		GIEQ	500	RO	A
763060	Rubber insulating machines, and specially fabricated parts, n. e. c. (formerly 775098).		GIEQ	100	R	
763060	Other rubber processing, rubber-working, and rubber products manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (formerly 763000).		GIEQ	500	RO	A
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated):					
764650	Reciprocating compressor units, over 10 HP, fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A."	No.	GIEQ	None	RO	A
764650	Reciprocating compressor units, over 10 hp., designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute.	No.	GIEQ	None	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
	Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline and kerosene operated)—Continued					
764710	Centrifugal refrigerating units incorporating compressors, rotary blowers, exhausters or fans fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A."	No.	GIEQ	None	RO	A
764710	Centrifugal refrigerating units designed for delivery pressure of 2 atmospheres or more.	No.	GIEQ	None	RO	A
765710	Self-contained air conditioners, under 2-ton capacity, except window-mounted types.	No.	GIEQ	100	RO	A
765750	Self-contained air conditioners, 2-ton capacity or over.	No.	GIEQ	100	RO	A
766010	Auxiliary and accessory equipment, commercial, n. e. c. *except humidifiers*, and specially fabricated parts, n. e. c.		GIEQ	100	R	A
766030	Parts, n. e. c., specially fabricated for types of air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 764650 through 765650—for foreign assembly or manufacture of air conditioning and refrigeration equipment.		GIEQ	100	RO	A
766050	Parts, n. e.c., specially fabricated for types of air-conditioning and refrigerating equipment included on the Positive List under Schedule B Nos. 764650 through 765750—for replacement in air conditioning and refrigeration equipment.		GIEQ	25	RO	A
	Controls, regulators, indicators, meters, and timers, n. e. c., and specially fabricated parts, n. e. c., for commercial and domestic central and space heating, ventilating, air conditioning and air cooling equipment (specify by name):					
766950	Temperature regulators, electric (formerly 709098)		GIEQ	100	R	
766950	Temperature regulators, except electric; and specially fabricated parts (formerly 774098).		GIEQ	None	R	
766950	Thermometers, bimetallic and glass remote bulb; and specially fabricated parts (formerly 774098).		GIEQ	None	R	
766950	Controls, regulators, indicators, meters, and timers, for ventilating, air conditioning and air cooling equipment; and specially fabricated parts, n. e. c. (formerly 766010).		GIEQ	100	R	
	Industrial process indicating (measuring) recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name):					
766970	Gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter) (formerly 774098).		GIEQ	25	RO	A
766970	Parts specially fabricated for gauges for measuring pressures in excess of 100 atmospheres (gauge pressures of 1,470 pounds per square inch or 103 kilograms per square centimeter) (formerly 774098).		GIEQ	None	RO	A
766970★	Impulse registers or counters (over 20 counts per second), and specially fabricated parts (formerly 919098).		GIEQ	None	RO	A B
766970	Optical pyrometers (formerly 919098)		GIEQ	None	RO	A
766970	Radiation pyrometers (formerly 919098)		GIEQ	None	RO	A
766970	Stroboscopes, electronic (formerly 919098)		GIEQ	None	RO	
766970	Thermocouples manufactured from platinum or platinum alloys (formerly 919098).		GIEQ	None	RO	A
766970★	Vacuum gauges, ionization types, for laboratory use (formerly 919098).		GIEQ	None	RO	B
766970	Vacuum gauges, ionization types, except for laboratory use (formerly 774098).		GIEQ	None	RO	

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
	Industrial process indicating (measuring) recording, and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name)—Continued					
766970	Vacuum measuring gauges, for laboratory use, and specially fabricated parts (formerly 919098).		GIEQ	None	RO	
766970	Other indicating, recording, or controlling instruments for pressure, flow, temperature, humidity, or gas analysis, for laboratory use, and specially fabricated parts (formerly 919098).		GIEQ	100	R	
766970	Other industrial indicating, recording, or controlling instruments for pressure, flow, temperature, humidity, or gas analysis; and specially fabricated parts, n. e. c. (formerly 774098).		GIEQ	None	R	
	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.:					
766990★	Diamond penetrators (see §§ 373.1, 373.9 (formerly 774020).	No.	GIEQ	None	RO	A B
766990★	Parts specially fabricated for diamond penetrators (see §§ 373.1, 373.9) (formerly 775098).		GIEQ	None	RO	A B
766990	Dynamometers: hydraulic, electric, and torsion types and specially fabricated parts (formerly 774098).		GIEQ	50	RO	
766990	Electric strain gauge equipment assemblies for measuring, indicating or recording strains electrically (formerly 774020).	No.	GIEQ	None	RO	
766990	Electric strain gauges (formerly 774020)	No.	GIEQ	100	R	
766990	Inspection apparatus, magnetic (formerly 709098)		GIEQ	None	R	
766990	Knock-test engine and motor fuel test units (formerly 919098).		GIEQ	None	R	
766990★	Leak-detecting instruments, for laboratory use; and specially fabricated parts (formerly 919098).		GIEQ	50	RO	A B
766990	Leak-detecting instruments, for industrial use (formerly 774020).	No.	GIEQ	50	RO	A
766990★	Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales) (formerly 774020).	No.	GIEQ	None	RO	A B
766990★	Parts and accessories specially fabricated for metal hardness testers which incorporate or are adapted to the incorporation of diamond penetrators (indenters-brales) (formerly 775098).		GIEQ	None	RO	A B
766990	Rflectoscopes, ultrasonic or supersonic (formerly 774020).	No.	GIEQ	None	RO	
766990	Parts specially fabricated for ultrasonic or supersonic reflectoscopes (formerly 775098).		GIEQ	None	RO	
	Size measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c. (specify by name):					
766993	Dial indicators (formerly 617890)	No.	TOOL	100	R	
776993	Angle computers, mechanics'; calipers; dividers; feeler gages; micrometers, nonelectric; pitch gages; thickness gages, except for measuring and inspecting precision parts; and specially fabricated parts therefor (formerly 617895).		TOOL	100	R	
766993	Micrometers, with unit value over $50, for measuring or inspecting precision parts used in the metal-working industries (formerly 775012).	No.	TOOL	50	R	
766993	Micrometer parts, specially fabricated, for micrometers with unit value not over $50 (for measuring or inspecting precision parts used in the metal-working industries) (formerly 775098).		TOOL	50	R	
[illegible]	Geophysical and mineral prospecting equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (formerly 734000).		MINE	None	RO	A
769100	Alloy steel ball bearings, and specially fabricated parts, except balls (see § 373.7).		GIEQ 3	25	RO	A
769100	Carbon steel ball bearings, and specially fabricated parts, except balls (see § 373.7).		GIEQ 1	25	R	

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
769200	Alloy steel roller bearings, and specially fabricated parts, except rollers (see § 373.7).	----------	GIEQ 3	25	RO	A
769200	Carbon steel roller bearings, and specially fabricated parts, except rollers (see § 373.7).	----------	GIEQ 4	25	R	----------
769310	Alloy steel balls for bearings	----------	GIEQ 3	25	RO	A
769310	Carbon steel balls for bearings	----------	GIEQ 4	25	R	----------
769315	Alloy steel rollers for bearings	----------	GIEQ 3	25	RO	A
769315	Carbon steel rollers for bearings	----------	GIEQ 4	25	R	----------
	Plain bearings, n. e. c. (specify by name):					
769320	Water-lubricated bearings, rubber (formerly 209990)	----------	RUBR	250	RO	A
769320	Brass and bronze bearings (formerly 647901)	Lb.	GIEQ	200	RO	B
769320	Other nonferrous metal bearings (formerly 609199)	----------	GIEQ	25	RO	----------
	Air compressors:					
770400	Stationary, capacity not over 25 cubic feet: Axial flow and positive displacement types of compressors not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formally 764100, 775050, and 775098).	No.	CONS	None	RO	A
770400	Centrifugal and mixed flow types of compressors, designed for delivery pressure of 2 atmospheres or more (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770400	Reciprocating compressors, axial flow, centrifugal, mixed flow or positive displacement types of compressors fabricated of or lined with any corrosion-resistant materials as defined as the "General Notes to Appendix A" (formerly 770400, 764100, 775050, and 775098)	No.	CONS	None	RO	A
770400	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading (formerly 770400, 775050, and 775098).	No.	CONS	None	RO	A
770500	Stationary, capacity over 25 cubic feet: Axial flow and positive displacement types of compressors not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770500	Centrifugal and mixed flow types of compressors, designed for delivery pressure of 2 atmospheres or more (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770500	Compressors specially designed for wind tunnels (formerly 764100).	No.	CONS	None	RO	A
770500	Reciprocating compressors, axial flow, centrifugal, mixed flow or positive displacement types of compressors fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 770500, 764100, 775050, and 775098).	No.	CONS	None	RO	A
770500	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute (formerly 770500, 775050 and 775098).	No.	CONS	None	RO	A
770610	Portable, capacity under 60 cubic feet: Axial flow and positive displacement types of compressors *not* fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770610	Centrifugal and mixed flow types of compressors, designed for delivery pressure of 2 atmospheres or more (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770610	Reciprocating compressors, axial flow, centrifugal, mixed flow or positive displacement types of compressors fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 770610, 764100, 775050, and 775098)	No.	CONS	None	RO	A
770610	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading (formerly 770610, 775050 and 775098)	No.	CONS	None	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
	Air compressors—Continued					
770615	Portable, capacity 60 cubic feet, and over: Axial flow and positive displacement types of compressors not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770615	Centrifugal and mixed flow types of compressors, designed for delivery pressure of 2 atmospheres or more (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770615	Reciprocating compressors, axial flow, centrifugal, mixed flow or positive displacement types of compressors fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 770615, 764100, 775050, and 775098).	No.	CONS	None	RO	A
770615	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute (formerly 775050 and 775098).	No.	CONS	None	RO	A
	Gas compressors, n. e. c.:					
770625	Axial flow and positive displacement types of compressors not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 775050 and 775098).	No.	CONS	None	RO	A
770625	Centrifugal and mixed flow types of compressors, designed for delivery pressure of 2 atmospheres or more (formerly 775050 and 775098).	No.	CONS	None	RO	A
770625	Reciprocating compressors, axial flow, centrifugal, mixed flow or positive displacement types fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 775050 and 775098).	No.	CONS	None	RO	A
770625	Reciprocating compressors designed for delivery pressure greater than 150 pounds per square inch, gauge reading, and/or with intake capacity greater than 190 cubic feet per minute (formerly 775050 and 775098).	No.	CONS	None	RO	A
	Blowers, n. e. c., turboblowers, and parts:					
770700	Centrifugal blowers, except turboblowers, fabricated of or lined with any corrosive-resistant materials as defined in the "General Notes to Appendix A" (formerly 764100 and 775098).	No.	CONS	None	RO	A
770700	Centrifugal blowers, except turboblowers, designed for delivery pressure of 2 atmospheres or more (formerly 764100, 775050 and 775098).	No.	CONS	None	RO	A
770700	Centrifugal blowers, except turboblowers, specially designed for wind tunnels (formerly 764100).	No.	CONS	None	RO	A
770710	Axial blowers, except turboblowers, fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 764100, 775050, and 775098).	No.	CONS	None	RO	A
770710	Axial blowers, except turboblowers, specially designed for wind tunnels (formerly 764100).	No.	CONS	None	RO	A B
770720★	Turboblowers (specify type) (formerly 764100, 764710 and 775098).	No.	CONS	None	RO	A B
770775	Specially fabricated parts for types of blowers included on the Positive List under Schedule B Nos. 770700 through 770775 (formerly 764100, 775050 and 775098).	----------	CONS	100	RO	A
770790★	Electric precipitators, for air and gas cleaning and purification; and specially fabricated parts (formerly 764100).	----------	GIEQ	None	RO	A B
	Mechanical-vacuum pumps:					
770820★	Mechanical vacuum pumps capable of producing a vacuum of 2 millimeters or less mercury pressure absolute (specify millimeter of mercury pressure absolute which pump is capable of producing).	No.	GIEQ	None	RO	A B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
	Mechanical-vacuum pumps—Continued					
770840	Mechanical-vacuum pumps capable of producing a vacuum less than atmospheric pressure but not as low as 2 millimeters mercury pressure absolute (specify millimeter of mercury pressure absolute which pump is capable of producing; and specify whether pump is fabricated of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A").	No.	GIEQ	None	RO	A
770850	Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet).	No.	GIEQ	None	RO	A
770870★	Diffusion vacuum pumps, 5 inches in diameter up to but not including 12 inches in diameter (diameter measured inside the barrel at the inlet jet).[1]	No.	GIEQ	None	RO	A B
770900†	Pumping equipment, n. e. c., and parts: Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735500).	No.	CONS	None	RO	A B
770900	Centrifugal pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735500).	No.	CONS	None	R	----------
770910	Turbine pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735700).	No.	CONS	None	RO	A
770910	Turbine pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive bowl assembly without intervening column pipe; (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735700 and 736000).	No.	CONS	None	R	----------
770920	Pumping equipment, n. e. c., and parts—Continued Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735600).	No.	CONS	None	RO	A
770920	Rotary pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735600).	No.	CONS	None	R	----------
770930	Diaphragm pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 736100).	No.	CONS	None	RO	A
770931	Diaphragm pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 736100).	No.	CONS	None	R	----------
770940	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735800).	No.	CONS	None	RO	A
770940	Reciprocating steam pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 735800).	No.	CONS	None	R	----------
770950	Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 736100).	No.	CONS	None	RO	A

†Centrifugal pumps described in this Positive List entry which are fabricated of, or lined with, stainless steel are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[1] Export authorization for diffusion vacuum pumps 12 inches and larger in diameter, classified under Schedule B number 770870, is under the exclusive jurisdiction of the Atomic Energy Commission. See § 370.7.

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
770950	Pumping equipment, n. e. c., and parts—Con. Other reciprocating power pumps (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 736100).	No.	CONS	None	R	----------
770980	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 pounds per square inch and over; (b) designed to operate continuously at temperatures of 220° F. and over; (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" (formerly 736910).	No.	CONS	None	RO	A
770980	Pumps, n. e. c. (delivering liquids separately or in combination with solids and/or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 pounds per square inch; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A."	No.	CONS	None	R	----------
770990	Parts, n. e. c., specially fabricated for air compressors included on the Positive List under Schedule B Nos. 770400 through 770615 (formerly 775096).	----------	CONS	100	R	----------
770990★	Parts, n. e. c., specially fabricated for pumps classified under Schedule B Nos. 770900 through 770950, and 770980, irrespective of delivery pressures, operating temperatures and materials used in their fabrication (formerly 736990).	----------	CONS	100	RO	A B
770990	Parts, n. e. c., specially fabricated for mechanical vacuum pumps and diffusion vacuum pumps included on the Positive List under Schedule B Nos. 770820 through 770870 for which validated license is required to R or O country destinations (formerly 775098).	----------	GIEQ	None	RO	A
771100	Jet ejectors and condensers (steam, oil, or gas), 4 stages and over, and specially fabricated accessories and parts, n. e. c. (specify by name) (formerly 770880).	----------	GIEQ	None	RO	A
771150	Ejector compressors, under 4 stages, designed for delivery pressure of 2 atmospheres or more, and specially fabricated parts, n. e. c. (specify by name) (formerly 713500).	----------	GIEQ	None	RO	A
771150	Ejector compressors, under 4 stages, fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes" to Appendix A," and specially fabricated parts, n. e. c. (formerly 713500).	----------	GIEQ	100	RO	A
771150	Condensers, under 4 stages, delivering liquids or gases at 300 pounds per square inch or more (formerly 713500).	----------	GIEQ	Noue	RO	A
771150	Other jet ejectors and condensers (steam, oil, or gas), under 4 stages, and specially fabricated accessories and parts, n. e. c. (specify by name) (formerly 713500).	----------	GIEQ	None	RO	A
771200	Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name): Boiler superheaters, and specially fabricated parts, n. e. c. (formerly 713500).	----------	GIEQ	100	RO	A
771200	Feedwater heaters, for boilers of 3,000 square feet heating surface or over (formerly 713500).	----------	GIEQ	100	R	A
771200	Tubular heat exchangers for industrial processes, and specially fabricated parts, n. e. c. (formerly 713500, 734300, 775050, and 775098).	----------	GIEQ	100	RO	----------
	Other industrial machines and parts—Continued					
771300	Cooling towers, and specially fabricated parts, n. e. c., for petroleum refinery installations (formerly 734000).	----------	GIEQ	100	RO	A
771300	Cooling towers, and specially fabricated parts, n. e. c., for refrigeration or air conditioning installations, or chemical or pharmaceutical machinery installations (formerly 766010 and 775050).	----------	GIEQ	100	R	----------
774370	Lead scale weights (formerly 775098)	----------	CDGS	25	RO	----------
774450★	Manually operated pipe valves and parts: Iron or steel: Valves designed for working pressures of 300 or more pounds per square inch.	No.	GIEQ	None	RO	A B
774450★	Valves and cocks with pressure parts wholly fabricated of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A."	No.	GIEQ	25	RO	A B
774460★	Brass, bronze, or other nonferrous metals, n. e. c.: Valves designed for working pressures of 300 or more pounds per square inch.	No.	GIEQ	None	RO	A B
774460★	Valves and cocks with pressure parts wholly fabricated of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A."	No.	GIEQ	25	RO	A B
774480★	Nonmetal valves: Valves designed for working pressures of 300 or more pounds per square inch.	No.	GIEQ	None	RO	A B
774480★	Valves and cocks with pressure parts wholly fabricated of, or lined with, any corrosion-resistant material as defined in the "General Notes to Appendix A."	No.	GIEQ	25	RO	A B
774490★	Automatic control or regulating valves, n. e. c. (any pipe valve having partially or wholly integral with it a mechanism which automatically regulates or controls its operation): Automatic control valves except (a) check, non-return and float valves, (b) pressure relief valves designed for working pressures of less than 300 pounds per square inch, and (c) automatic valves specifically designed for milking machines or for household refrigerators and home freezers (specify whether pressure parts are made of or wholly lined with corrosion-resistant material as defined in the "General Notes to Appendix A").	No.	GIEQ	None	RO	A
775002	Extrusion, injection, and other molding machines for plastics (formerly 775008).	----------	GIEQ	None	RO	A
775004	Parts, n. e. c., specially fabricated for extrusion, injection, and other molding machines for plastics (formerly 775008).	----------	GIEQ	None	RO	
775030	Vacuum coating units for optical lenses (formerly 775098).	----------	GIEQ	100	RO	A B
775030★	Glass-working lathes	----------	GIEQ	100	RO	A B
775030★	Vacuum-tube (glass blank) making machinery. (Report other vacuum-tube manufacturing machinery in 775035).	----------	GIEQ	100	RO	A
775030	Optical curve generators (grinders, surfacers and polishers) and parts, capable of producing toric, cylinder, spherical surfaces on glass or other material without the use of mating surfaces or laps.	----------	GIEQ	100	RO	
775030	Optical curve generators, cylinder and spherical surfacing (grinding) and polishing machines, and parts, which use laps or mating surfaces; lap truing machines, and parts; flat grinders, surfacers and polishers, and parts.	----------	GIEQ	100	RO	A
775030	Optical centering, edging and drilling machines, and parts, all types, when incorporating diamonds.	----------	GIEQ	100	RO	A B
775035★	Electronic fluorescent and incandescent bulb and tube (lamp) manufacturing and assembling machines (formerly 775098) (report bulb and tube glass blank making machines in 775030).	----------	GIEQ	100	RO	A
775043	Petroleum refining equipment, n. e. c., and parts: Bubble towers and distillation columns (formerly 734300).	No.	MINE	100	RO	A
775046	Pipe assemblies, specially fabricated for petroleum refining equipment (formerly 734300).	Lb.	MINE	100	RO	A

★Parts for centrifugal pumps fabricated of, or lined with, stainless steel are excepted from the provisions of General In-Transit License GIT. See § 371.9 (e).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
775049	Petroleum refining equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (formerly 734300).	----------	MINE	100	RO	A
775052	Soap manufacturing machines, n. e. c., and specially fabricated parts, n. e. c.) formerly 775098).	----------	GIEQ	100	R	
775055	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 774870; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415): Acid concentrating equipment, and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ 2	None	RO	A
775055	Ammonia oxidation equipment (formerly 775050)	----------	GIEQ 2	100	RO	A
775055	Destructive distillation equipment and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ	None	R	A
775055	Driers specially fabricated for chemical processes of the following types: continuous screen; cylinder; drum; rotary; spray; vacuum; and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ	25	R	----------
775055	Equipment especially designed for the extraction of natural sulfur (formerly 775050).	----------	GIEQ 1	100	RO	A
775055	Equipment especially designed for the production of gaseous and liquid chlorine (formerly 775050).	----------	GIEQ 1	100	RO	A
775055	After-treating equipment for filament rayon cake (formerly 775050).	----------	GIEQ	None	RO	A
775055	Steeping presses (formerly 775050)	----------	GIEQ	None	RO	A
775055	Xanthation units (flotation churns) (formerly 775050).	----------	GIEQ	None	RO	A
775055	Colloid mills (formerly 775050)	----------	GIEQ	100	R	----------
775055★	Electrolytic cells for production of elemental fluorine (fluorine cells) (formerly 775050).	----------	GIEQ 2	None	RO	B
775055	Equipment for the production or refining of hydrocarbons other than petroleum by processes involving alkylation, thermal or catalytic cracking, isomerization, and hydroforming methods formerly 775050).	----------	GIEQ 2	100	RO	A
775055	Fractionating, rectifying and dephlegmation columns, and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ	None	R	A
775055	Gas- (including air) liquefying equipment and specially fabricated equipment for handling liquefied gases (formerly 775050).	----------	GIEQ 2	100	RO	A
775055	Hydrogen-producing equipment (water gas, electrolytic, gas-cracking, or gas-extraction processes) (formerly 775050).	----------	GIEQ 2	100	RO	A
775055	Hydrogenation equipment designed to operate under pressure of over 50 pounds per square inch (formerly 775050).	----------	GIEQ 2	100	RO	A
775055	Methanol oxidation equipment (formerly 775050)	----------	GIEQ 2	100	RO	A
775055	Multiple-effect evaporators (formerly 775050)	----------	GIEQ 1	100	R	----------
775055	High vacuum freeze-drying equipment, and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ	None	RO	A
775055	Nitrators (formerly 775050)	----------	GIEQ 2	100	RO	A
775055	Oxygen-production equipment, and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ	100	RO	----------
775055	Penicillin and streptomycin production equipment (formerly 775050).	----------	GIEQ 2	100	RO	A
775055	Pyrites roasters (formerly 775050)	----------	GIEQ 1	None	RO	A
775055	Sulfur burners (formerly 775050)	----------	GIEQ	None	RO	A
775055	Piping specially fabricated for chemical and pharmaceutical processing and manufacturing machines and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (formerly 775050).	----------	GIEQ	None	RO	A
775055	Vacuum stills (report operating vacuum in millimeters mercury pressure absolute) (formerly 775050).	----------	GIEQ 1	None	R	A
	Other industrial machines and parts—Continued					
775055	Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 775030; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 707415)—Continued Other chemical and pharmaceutical processing and manufacturing machines, and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ 1	100	RO	A
775075	Concrete block machines, high speed (capacity of 200 blocks or more per hour), and specially fabricated parts (formerly 721100).	----------	CONS	100	R	----------
775080	Industrial water-treatment equipment	----------	MINE	100	RO	A
775090	Lubrication equipment, n. e. c., and specially fabricated parts, and accessories, n. e. c.: Grease cups, lubricators, nozzles and oil cups, brass and bronze (formerly 647998).	----------	GIEQ	100	RO	----------
775100	Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 702415 707402): Sintering furnaces (formerly 733105)	No.	MINE	None	RO	A
775115	Metal melting furnaces, nonelectric, industrial type, for laboratory use (formerly 775022).	No.	MINE	100	R	----------
775120	Metal heat treating furnaces, nonelectric, industrial type, for laboratory use (specify type) (formerly 775022).	No.	MINE	100	R	----------
775140	Nonelectric industrial furnaces, n. e. c., industrial type, for laboratory use (specify by name) (formerly 775025).	No.	MINE	100	R	----------
775140	Horizontal rotary cylindrical kilns (formerly 775025).	No.	MINE	100	R	----------
775140	Rotary kilns, for original cement- and lime-making machinery installations (formerly 775027).	No.	MINE	1,000	R	----------
775150	Pressure top equipment for blast furnaces (formerly 775098).	----------	TOOL	None	RO	A
775150	Parts specially fabricated for rotary kilns, for original cement- and lime-making machinery installations (formerly 775027).	----------	MINE	1,000	R	----------
775150	Parts spcally fabricated for horizontal rotary cylindrical kilns (formerly 775025).	----------	MINE	100	R	----------
775310	Mixing machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Colloid mills (formerly 775050)	----------	GIEQ	100	R	----------
775330	Processing vessels, non-agitated, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Processing vessels, non-agitated, n. e. c., for laboratory use, operating at pressures over 500 pounds per square inch (formerly 919998).	----------	GIEQ	100	RO	A
775330	Pressure vessels and vacuum vessels, for industrial use (formerly 775098).	----------	GIEQ	100	RO	A
775330	Tanks, vats, kettles and allied fixtures made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A" (formerly 761250, 761900, 761950, 775050 and 775098).	----------	GIEQ	None	RO	----------
775330	Distillation equipment made of copper, and designed for gauge pressures of less than 50 pounds per square inch or vacuums less than 50 mm. of mercury absolute (formerly 775098).	----------	GIEQ	100	R	A
775330	Other processing vessels, non-agitated, n. e. c., for industrial use, operating at pressures over 200 psi, and specially fabricated parts, n. e. c. (formerly 761250, 761900, 775050, and 775098).	----------	GIEQ	None	RO	A
775360	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Centrifugal counter-current solvent extractors, and specially fabricated parts, n. e. c. (formerly 761950, 775050, and 775098).	----------	GIEQ	None	RO	A

★The commodities described in this Positive list entry are excepted from the provisions of General In-Transit License GIT. See § 371. (e

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Other industrial machines and parts—Continued					
	Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name)—Continued					
775360★	Centrifuge bowls, stainless steel (formerly 620998, 759300, 761100, 761400, 761600, 761950, 775050, and 775098).	----------	GIEQ	None	RO	B
775360★	Centrifuges, electric, stainless steel, solid-bowl types (formerly 761100, 761400, 761600, 761950, 775050, and 775098).	----------	GIEQ	None	RO	B
775360	Electromagnetic separators of the following types: (a) cross-belt types; (b) revolving disc or ring types; (c) induced roll types, either induced or primary; (d) magnetic pulleys or drums 30 inches in diameter and over, either induced or primary; and specially fabricated parts, n. e. c. (formerly 775070 and 775098).	----------	GIEQ	100	RO	----------
775360★	Electrostatic precipitators, for blowing and ventilating machinery, and specially fabricated parts, n. e. c. formerly 764100).	----------	GIEQ	None	RO	A B
775360	Electrostatic precipitators, except for blowing and ventilating machinery, and specially fabricated parts, n. e. c. (formerly 709998, 762500, and 775050).	----------	GIEQ	None	RO	A
775360	Electrostatic separators having a voltage of more than 1,000 volts across the air gap; and specially fabricated parts, n. e. c. (formerly 775098).	----------	GIEQ	None	RO	A
775360	Filters, acid-resisting, and chemical (formerly 775050).	----------	GIEQ 1	100	R	----------
775360	Liquid solvent extraction equipment for processing chemicals and pharmaceuticals, except centrifugal counter-current solvent extractors; and specially fabricated parts, n. e. c. (formerly 775050).	----------	GIEQ 1	100	R	----------
775360	Solvent-recovery machinery for vegetable-oil mills; and specially fabricated parts, n. e. c. (formerly 761960).	----------	GIEQ	None	R	----------
775360	High vacuum freeze-drying equipment, and specially fabricated parts, n.e.c. (formerly 775098).	----------	GIEQ	100	RO	A
775380	Crushing, pulverizing and screening machines, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Crushers and grinders (formerly 775027, 775050, 775070, and 775098).	----------	GIEQ	100	R	----------
775380	Specially fabricated parts for crushers and grinders for cement- and lime-making machinery installations (formerly 775027).	----------	GIEQ	25	R	----------
775380	Specially fabricated parts for other crushers and grinders (formerly 775050, 775070, and 775098).	----------	GIEQ	100	R	----------
775400	Variable speed transmissions (formerly 775098)	----------	GIEQ	100	R	----------
775998	Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Tablet machines (for compressing tablets and pills (formerly 775050).	----------	GIEQ 1	100	R	----------
775998	Piping specially fabricated for industrial manufacturing and service-industries machines, n. e. c., and made of or lined with any corrosion-resistant material as defined in the "General Notes to Appendix A."	----------	GIEQ	None	RO	A
775998	Fertilizer-manufacturing machinery and specially fabricated parts, n. e. c. (formerly 775098).	----------	GIEQ	100	R	----------
	Agricultural machines, implements, and parts					
	Insecticide sprayers and dusters (report parts in 787190):					
780730	Power sprayers, including traction type (formerly 780800).	No.	AGMT	100	R	----------
780770	Power dusters, including traction type (formerly 780800).	No.	AGMT	100	R	----------
787005	Portable and semi-portable irrigation systems, farm type (including specially fabricated pipe, sprinklers, nozzles, and connections), and specially fabricated parts, n. e. c. (formerly 787150 and 787190) (report pumps in 770900–770980) (see § 399.2, Int. 5).	----------	AGMT	100	RO	B
	Tractors, parts, and accessories					
	(See Special Provisions, §§ 373.7, 373.16, 373.34)					
	Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska Maximum Test or manufacturers' equivalent) (report contractors' wheel type in 722024; industrial type in 725020):					
	Tracklaying tractors, new:					
787310	Under 35 drawbar horsepower	No.	CONS 1	None	R	----------
787440	35 under 50 drawbar horsepower	No.	CONS 1	None	RO	A
787490	50 under 70 drawbar horsepower	No.	CONS 1	None	RO	A B
787540	70 under 95 drawbar horsepower	No.	CONS 1	None	RO	A B
787560	95 and over drawbar horsepower					
	Track-laying tractors, used and rebuilt:					
787593	Under 50 drawbar horsepower	No.	CONS 1	None	R	----------
787593	50 under 95 drawbar horsepower	No.	CONS 1	None	RO	A
787597	95 and over drawbar horsepower	No.	CONS 1	None	RO	A
	Wheel-type tractors, new:					
	Row-crop type tractors, new:					
787610	8 under 15 belt horsepower	No.	AGMT	None	R	----------
787630	15 under 25 belt horsepower	No.	AGMT	None	R	----------
787660	25 under 30 belt horsepower	No.	AGMT	None	R	----------
787680	30 under 35 belt horsepower	No.	AGMT	None	R	----------
787700	35 under 60 belt horsepower	No.	AGMT	None	RO	A
787709	60 and over belt horsepower					
	Standard wheel type tractors, new:					
787710	8 under 20 belt horsepower	No.	AGMT	None	R	----------
787740	20 under 25 belt horsepower	No.	AGMT	None	R	----------
787760	25 under 35 belt horsepower	No.	AGMT	None	R	----------
787790	35 under 45 belt horsepower	No.	AGMT	None	R	----------
787795	45 under 60 belt horsepower	No.	AGMT	None	RO	A
787795	60 and over belt horsepower					
	Row-crop and standard wheel type tractors, used:					
787890	Under 60 belt horsepower	No.	AGMT	None	RO	A
787890	60 and over belt horsepower	No.	CONS 1	250	R	----------
788901	Parts and accessories, n. e. c., specially fabricated for track-laying tractors (report engines in 714320–714360 and 714710–714910; attachments in 722030).	----------	AGMT	250	R	----------
788905	Parts and accessories, n. e. c., specially fabricated for wheel type tractors, except garden tractors (report engines in 714320–714360 and 714710–714910; attachments in 722030; contractors' and industrial type tractor parts in 722025 and 725050).	----------	AGMT	250	R	----------

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit license GIT. See § 371.9 (c).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment					
	(See Special Provisions, §§ 373.7, 373.34)					
	Motor trucks and truck chassis, including truck tractors (new), n. e. c. (G. V. W. or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety under normal conditions of operation) (specify type of body, if mounted):					
	Gasoline (new):					
	5,000 lb. G. V. W. and under:					
790013	Commercial, front and rear axle drive, or multiple rear axle drive	No.	TRAN 2	None	RO	A B
790017	Military, front and rear axle drive, or multiple rear axle drive.	No	TRAN 5	None	RO	A B
	5,000 to 10,000 lb. G. V. W.:					
790023	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790027	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	10,001 to 14,000 lb. G. V. W.:					
790033	Commercial, single rear axle drive only	No.	TRAN 1	None	R	----------
790033	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790037	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790037	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	14,001 to 16,000 lb. G. V. W.:					
790043	Commercial, single rear axle drive only	No.	TRAN 1	None	R	----------
790043	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790047	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790047	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	16,001 to 19,500 lb. G. V. W.:					
790053	Commercial, single rear axle drive only	No.	TRAN 1	None	R	----------
790053	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790057	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790057	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	19,501 lb. G. V. W., and over:					
790063	Commercial, single rear axle drive only	No.	TRAN 1	None	R	----------
790063	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790067	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790067	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	Diesel and semi-Diesel (new):					
	19,500 lb. G. V. W., and under:					
790083	Commercial, single rear axle drive only	No.	TRAN 3	None	R	----------
790083	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A B
790087	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790087	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	19,501 lb. G. V. W., and over:					
790093	Commercial, single rear axle drive only	No.	TRAN 3	None	R	----------
790093	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A B
790097	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790097	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	Motor busses and bus chassis (new) (specify passenger capacity of body, if mounted):					
	Gasoline (new):					
790553	Commercial, single rear axle drive only	No.	TRAN 1	None	R	----------
790553	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 2	None	RO	A B
790557	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790557	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	Diesel and semi-Diesel (new):					
790563	Commercial, single rear axle drive only	No.	TRAN 3	None	R	----------
790563	Commercial, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 4	None	RO	A B
790567	Military, single rear axle drive only	No.	TRAN 5	None	R	----------
790567	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN 5	None	RO	A B
	Motor trucks, busses, and chassis, including truck tractors (used):					
790603	Commercial, all diesel and all gasoline, powered over 10,001 lb. G. V. W., with single rear axle drive only.	No.	TRAN	None	R	----------
790603	Commercial, all diesel and all gasoline, powered with front and rear axle drive, or multiple rear axle drive.	No.	TRAN	None	RO	A
790607	Military, single rear axle drive only	No.	TRAN	None	R	----------
790607	Military, front and rear axle drive, or multiple rear axle drive.	No.	TRAN	None	RO	A
	Passenger cars and chassis (new):					
790763	Nonmilitary, front and rear axle drive only (formerly 790750).	No.	TRAN	None	RO	A B
790767	Military, front and rear axle drive only (formerly 790750).	No.	TRAN	None	RO	A
	Passenger cars and chassis (used):					
790773	Nonmilitary, front and rear axle drive only (formerly 791100).	No.	TRAN	None	RO	A
790777	Military, front and rear axle drive only (formerly 791100).	No.	TRAN	None	RO	A
	Special-purpose vehicles, n. e. c.:[1]					
	Maintenance and repair trucks (new):					
791103	Commercial, single rear axle drive (formerly 790013–790573).	No.	TRAN	None	R	----------
791103	Commercial front and rear axle drive, or multiple rear axle drive (formerly 790013–790573).	No.	TRAN	None	RO	A B
791107	Military, single rear axle drive (formerly 790630)	No.	TRAN	None	R	----------
791107	Military, front and rear axle drive, or multiple rear axle drive (formerly 790630).	No.	TRAN	None	RO	A B
791137	Special-purpose commercial vehicles, n. e. c. (new) single rear axle drive (formerly 790750).	No.	TRAN	None	R	----------
791137	Special-purpose commercial vehicles, n. e. c. (new) front and rear axle drive or multiple rear axle drive (formerly 790750).	No.	TRAN	None	RO	A B
791140	Special-purpose military vehicles, n. e. c. (new), single rear axle drive, except armored vehicle[1] (formerly 790630).	No.	TRAN	None	R	----------
791140	Special-purpose military vehicles, n. e. c. (new), front and rear axle drive or multiple rear axle drive, except armored vehicles[1] (formerly 790630).	No.	TRAN	None	RO	A B
791153	Used commercial special-purpose vehicles, n. e. c., single rear axle drive (formerly 791100).	No.	TRAN	None	R	----------
791153	Used commercial special-purpose vehicles n. e. c. front and rear axle drive, or multiple rear axle drive (formerly 791100).	No.	TRAN	None	RO	A
791167	Used military special-purpose vehicles n. e. c., single rear axle drive, except armored vehicles[1] (formerly 790630).	No.	TRAN	None	R	----------
791167	Used military special-purpose vehicles, n. e. c., front and rear axle drive, or multiple rear axle drive, except armored vehicles[1] (formerly 790630).	No.	TRAN	None	RO	A

[1] See § 370.5, Note 1, for ordnance vehicles classified in Schedule B nos. 791107–791197 requiring export authorization from the Department of State.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Automobiles, trucks, busses and trailers, parts, accessories, and service equipment—Continued					
791173	Commercial trailers, n. e. c., truck or truck-tractor type, capacity 5 tons or over (new and used) (formerly 793191).	No.	TRAN 8	None	R	----------
791193	Parts, n. e. c., specially fabricated for commercial trailers (formerly 793198).	----------	TRAN 8	100	R	----------
791197	Military trailers (new and used) (formerly 799630)	No.	TRAN	None	R	----------
791205	Parts and accessories specifically ordered and invoiced as original equipment for passenger, commercial, and military vehicles previously shipped (include only normal and usual parts and accessories for which no additional charge is being made—such items having been either in short supply or inadvertently omitted at the time of the original shipment of the vehicles).	----------	TRAN	500	R	----------
	Parts for commercial automobiles, trucks, and busses:					
	Engines for assembly:					
	Motor truck and bus engines:					
791210	Diesel and semi-Diesel (formerly 792830)	No.	TRAN	None	RO	A
791220	Gasoline (formerly 792850)	No.	TRAN	None	R	----------
791220	Gasoline and kerosene, over 10 horsepower (formerly 714410).	No.	TRAN	250	R	----------
791230	Passenger car engines (formerly 792900)	No.	TRAN	None	R	----------
	Engines for replacement:					
791240	Diesel and semi-Diesel (formerly 793130) (see § 373.7).	No.	TRAN	None	RO	A
791250	Gasoline (formerly 793150) (see § 373.7)	No.	TRAN	None	R	----------
791250	Gas and kerosene, over 10 horsepower (formerly 714410).	No.	TRAN	250	R	----------
791255	Bodies, truck and bus, for assembly (formerly 791200).	No.	TRAN	500	R	----------
791260	Bodies, truck and bus, for replacement (formerly 792305) (see § 373.7).	No.	TRAN	500	R	----------
791265	Bodies, automobile, for assembly (formerly 791200)	No.	TRAN 6	500	R	----------
791270	Bodies, automobile, for replacement (formerly 792305) (see § 373.7).	Lb.	TRAN 6	500	R	----------
791275	Knee-action springs (helical or coil), for replacement (formerly 792305) (see § 373.7).	Lb.	TRAN 6	500	R	----------
791280	Leaf springs, and spring leaves, for replacement (formerly 792120) (see § 373.7).	----------	TRAN	500	R	----------
792610	Parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks; fog lights; heaters; horns; hub caps; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; tarieub meters; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (formerly 791200) (excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments).	----------	TRAN 6	500	R	----------
792620	Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks; horns; hub caps; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signs, road traffic; stop lights; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items (formerly 792305) (see § 373.7).	----------	TRAN	100	R	----------
792730	Parts and accessories, n. e. c., specially fabricated, for military automobiles, trucks, busses, and trailers (formerly 799670).	----------	TRAN	100	R	----------
793185	Jacks for garage use, with lifting capacity of 10 tons or more; and specially fabricated parts (formerly 793180).	----------	CONS	25	R	----------
	Aircraft, parts, and accessories					
	(See Special Provisions, §§ 373.2, 373.7, 373.34)					
794960	Landing mats, aircraft (see § 373.2)	----------	STEE	100	RO	A
794960	Test kits for aircraft instruments	----------	ELME 1	100	R	----------
794960	Test sets for ignition harnesses	----------	ELME 1	100	R	----------
794960	Other aircraft training, ground handling and maintenance equipment.[1]	----------	TRAN	100	R	----------
	Watercraft					
	(See Special Provisions, §§ 373.7, 373.34)					
795155	Parts specially fabricated for recreational watercraft, whether or not engine-equipped, 18 feet in length and over; and parts specially fabricated for other watercraft, 18 feet in length and over (including but not limited to tankers, tank barges, and whaling factories) (formerly 799998).	----------	TRAN	100	RO	A
795165	Parts and accessories, n. e. c., specially fabricated, for military watercraft, except converted (formerly 795899).[2]	----------	TRAN	25	R	----------
795170	Propeller shafts (formerly 715900)	Lb.	TRAN	250	R	----------
795170	Boat propellers, brass or bronze, of 12 inch diameter and over, and blades for such propellers (formerly 799983).	Lb.	TRAN	None	RO	▲
795170	Boat propellers, metal, except brass or bronze, for watercraft 18 feet in length and over, and blades for such propellers (formerly 799988).	Lb.	TRAN	100	RO	▲
	Railway transportation equipment					
	(See Special Provisions, §§ 373.7, 373.34)					
	Locomotives, railroad service, except switching type (include combination road and switching type) (report electrical mining and industrial locomotives in 705560):					
796102	Steam, new (formerly 711400)	No.	TRAN	None	RO	A B
796104	Straight electric, new (formerly 704520)	No.	TRAN	None	RO	A B
796106	Diesel, nonelectric, new (formerly 714100)	No.	TRAN	None	RO	A B
796108	Diesel-electric, new (formerly 714100)	No.	TRAN	None	RO	A B
796109	Other, new (specify type) (formerly 714000)	No.	TRAN	None	RO	A B
796111	Locomotives, railroad service, switching type, new (formerly 704520, 711400, 714000, and 714100).	No.	TRAN	None	RO	A B
796112	Locomotives, industrial, including surface mine (except electric), new (formerly 711400, 714000, and 714100).	No.	MINE	None	RO	A B
796114	Underground mine locomotives, steam, new (formerly 711400).	No.	MINE	None	R	A
796114	Other underground mine locomotives (except electric) new (formerly 733910).	No.	MINE	None	R	A
796117	Used and rebuilt underground mine locomotives, except steam and electric (formerly 733910).	No.	TRAN	None	RO	A
796117	Other used and rebuilt locomotives, n. e. c. (formerly 704520, 711400, 714000, and 714100).	No.	TRAN	100	R	----------
796124	Self-propelled street, rapid transit, and interurban cars, new, n. e. c. (specify type) (formerly 796110) (report passenger cars, electric, in 796118; and trackless trolley coaches in 796122).	No.	TRAN	100	R	----------
796126	Railway motor coaches, self-propelled, new (formerly 796110).	No.	TRAN	100	R	----------

[1] Link-type trainers and two targets and parts require export authorization from the Department of State. See § 370, Note 1.

[2] Turrets for naval vessels; armor plate for naval vessels, mine layer parts and accessories; mine sweeper parts and accessories; and mine trawler parts and accessories require export authorization from the Department of State. See § 370.5, Note 1.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Railway transportation equipment—Continued					
796128	Maintenance-of-way and yard cars, self-propelled, new (formerly 796200).	No.	TRAN	None	R	----------
796132	Self-propelled railway cars (except street, rapid transit and interurban cars), new, n. e. c. (specify type) (formerly 796110).	No.	TRAN	None	R	----------
796133	Used and rebuilt: self-propelled street, rapid transit, and interurban cars, except electric passenger cars and trackless trolley coaches; railway motor coaches, self-propelled; and other self-propelled railway cars, except maintenance-of-way and yard cars, street, rapid transit, and interurban cars (formerly 796110).	No.	TRAN	100	R	----------
796133	Used and rebuilt maintenance-of-way and yard cars (formerly 796200).	No.	TRAN	None	R	----------
796134	Passenger-train cars, and express-train cars, new (formerly 796120).	No.	TRAN	None	R	----------
796136	Freight cars, railroad, new (formerly 796600 and 796750).	No.	TRAN	None	RO	A B
796138	Maintenance-of-way and yard cars, new, except self-propelled (formerly 796200).	No.	TRAN	None	R	----------
796140	Street, rapid transit and interurban trail cars, new (formerly 796120).	No.	TRAN	None	R	----------
796142	Industrial and mine rail cars, new, except self-propelled (formerly 796600 and 796750).	No.	TRAN	None	RO	A B
796144	Railway cars (except self-propelled), new, n. e. c. (specify type) (formerly 796120).	No.	TRAN	None	R	----------
796148	Used and rebuilt mine, industrial, and other freight cars, except self-propelled (formerly 796600 and 796750).	No.	TRAN	None	RO	A
796148	Other used and rebuilt railway cars, except self-propelled (specify type) (formerly 796120 and 796200).	No.	TRAN	None	R	----------
	Parts, for locomotives and railway cars (report electric propulsion motors, generators and controls in 704350; wheels and axles in 610515–610538).					
796154	Frames, cradles, bolsters, or beds, for locomotives and other railway rolling stock (specify by name) (formerly 712000).	----------	TRAN	100	RO	A B
796168	Air-brake equipment, and specially fabricated parts, n. e. c., (formerly 796800).	----------	TRAN	100	RO	B
796172	Parts, and accessories, n. e. c., specially fabricated for steam locomotives (specify by name) (formerly 711500).	----------	TRAN	500	RO	A B
796172	Parts, and accessories, n. e. c., specially fabricated for diesel, diesel-electric, and other internal combustion locomotives (specify by name) (formerly 715900).	----------	TRAN	500	R	A
796172	Parts, and accessories, n. e. c., specially fabricated for underground mine locomotives, except steam and electric (specify by name) (formerly 733900).	----------	MINE	100	R	A
796182	Parts, and accessories, n. e. c., specially fabricated for railway cars, except: dashlights and parts, for railway motor cars; illuminating lights and parts; pinlock brakes and parts; and release handles and parts (specify by name) (formerly 796800).	----------	TRAN	500	RO	A B
796186	Railway signals and specially fabricated attachments and parts, n. e. c. (specify by name) (formerly 797000).	----------	TRAN	100	RO	B
	Coal-tar products (including similar cyclic products derived from petroleum, natural or other sources)					
	(See Special Provisions, §§ 373.1, 373.5, 373.34)					
801100	Benzol or benzene	Gal.	COTA	500	RO	B
801100	Toluene or toluol	Lb.	COTA 60	100	RO	A
802065	Naphthalene (crude and refined)	Lb.	COTA	5,000	RO	----------
	Crude coal-tar products, unmixed, n. e. c., except coal-tar acids (specify by name):					
802090	Xylene (xylol)	Lb.	COTA 60	100	R	----------
	Coal-tar acids, crude and intermediate:					
802300	Phenol or carbolic acid	Lb.	COTA	100	RO	A
	Other coal-tar acids (specify by name):					
802400	Adipic	Lb.	COTA 60	25	R	----------
	Coal-tar products (including similar cyclic products derived from petroleum, natural or other sources)—Continued					
	Coal-tar intermediates, except coal-tar acids:					
802510	Aniline oil and salts	Lb.	COTA 60	100	R	----------
802550	Dimethylaniline	Lb.	COTA 61	100	RO	A
802570	Diphenylamine	Lb.	COTA 61	100	RO	A
802581	Phthalic anhydride	Lb.	COTA	100	RO	----------
	Phthalate esters:					
802583	Dibutyl phthalate	Lb.	COTA	100	R	----------
802584	Dioctyl phthalate (formerly 802585)	Lb.	COTA	100	R	----------
802585	Glycol phthalate	Lb.	COTA	100	RO	A
802585	Other phthalate esters	Lb.	COTA	100	R	----------
	Other coal-tar intermediates (specify by name):					
802590	Aminophenol, para type only	Lb.	COTA 61	100	RO	A
802590	Monochlorobenzene	Lb.	COTA 61	100	RO	A
802590	Dibutyl sebacate; and dibenzyl sebacate	Lb.	COTA	100	RO	B
802590	Dichlorostyrene	Lb.	COTA 61	100	RO	A
802590	Dinitrophenol	Lb.	COTA 60	100	R	----------
802590	Dinitrotoluene solids and oils	Lb.	COTA 61	100	RO	A
802590	Ethyl benzene	Lb.	COTA 61	100	RO	A
802590	Methyl cyclohexanol	Lb.	COTA 60	100	R	----------
802590	Nitrobenzene	Lb.	COTA 60	100	R	----------
802590	Para nitroaniline	Lb.	COTA 60	100	R	----------
802590	Para phenylenediamine	Lb.	COTA 60	100	R	A
802590	Phenyl naphthylamine	Lb.	COTA 61	100	RO	A
802590	Picric acid (formerly 802490)	Lb.	COTA 61	100	RO	A
802590	Resorcinol (resorcin; meta-dihydroxybenzene)	Lb.	COTA	25	RO	B
802590	Styrene	Lb.	COTA 61	100	RO	A
802590	Xylidine	Lb.	COTA 60	100	R	----------
	Rubber compounding agents of coal-tar origin:					
802810	Accelerators	Lb.	COTA 61	100	RO	A
802850	Antioxidants	Lb.	COTA 61	100	RO	A
802890	Other rubber compounding agents of coal-tar origin, n. e. c. (specify by name).	Lb.	COTA 61	100	RO	----------
	Photographic chemicals of coal-tar origin:					
806930	Hydroquinone	Lb.	COTA	100	RO	▲
	Finished coal-tar products, n. e. c., exclusive of medicinals (specify by name):					
806998	Ethyl centralite (formerly 860700)	Lb.	RESN	None	RO	A
806998	Methyl centralite (formerly 860700)	Lb.	RESN	None	RO	A
806998	Tricresyl phosphate (formerly 802560)	Lb.	COTA 60	100	R	----------
	Medicinal and pharmaceutical preparations					
	(See Special Provisions, §§ 373.1, 373.5, 373.34, 373.36)					
811100	Castor oil, medicinal grade (report commercial grade in 224901).	Gal.	DRUG	250	RO	----------
811300	White mineral oil, medicinal grade (report commercial grade in 303300).	Gal.	PETR	100	RO	----------
	Biologics (all forms):					
812000	For animal and veterinary use	----------	DRUG	25	R	----------
812100	Human blood plasma (report blood plasma for relief in 995800) (see § 373.36).	----------	DRUG	None	RO	----------
812100	Other serums, antitoxins, and toxoids for human use	----------	DRUG	25	R	----------
812200	Vaccines for human use	----------	DRUG	25	R	----------
812310	Agar-agar (culture medium)	----------	DRUG	25	R	----------
812390	Adreno cortico tropic hormone, all forms (ACTH, etc.).	----------	DRUG	25	R	----------
812390	11-dehydro-17-hydroxycorticosterone, all forms Cortisone, Cortone, Cortogen, etc.).	----------	DRUG	25	R	----------
812390	Other biologic products, n. e. c., (include synthetic forms of insulin by name).	----------	DRUG	500	R	----------
	Medicinal chemicals, including U. S. P. and N. F., bulk (dosage forms excluded except as indicated):					
	Sulfonamide drugs, all forms:					
813551	Sulfanilamide, including dosage forms	Lb.	DRUG 1	100	RO	----------
	Sulfathiazole and derivatives:					
813552	Bulk	Lb.	DRUG 1	100	RO	----------
813554	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing).	Lb.	DRUG 1	100	RO	----------

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Medicinal and pharmaceutical preparations—Con.					
	Medicinal chemicals, including U. S. P. and N. F. bulk (dosage forms excluded except as indicated)—Con.					
	Sulfonamide drugs, all forms—Continued					
	Sulfadiazine and derivatives:					
813556	Bulk	Lb.	DRUG 1	100	RO	----------
813558	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing).	Lb.	DRUG 1	100	RO	----------
813560	Sulfaguanidine, including dosage forms (specify by name) (formerly 813567).	Lb.	DRUG 1	100	RO	----------
813562	Sulfonamide drugs, n. e. c., including dosage forms (specify by name) (formerly 813569).	Lb.	DRUG 1	100	RO	----------
	Antibiotics, derivatives and preparations, all forms:					
	Penicillin (reported in statistics in 100,000 oxford units):					
813564	Bulk (formerly 813576)	Oxford units	DRUG	100	RO	----------
813566	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing) (formerly 813576).	Oxford units	DRUG	100	RO	----------
	Streptomycin:					
813568	Bulk (formerly 813577)	Gram	DRUG	100	RO	----------
813570	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing) (formerly 813577).	Gram	DRUG	100	RO	----------
	Dihydrostreptomycin:					
813571	Bulk (formerly 813577)	Gram	DRUG	100	RO	----------
813572	Dosage forms (including all forms not requiring further processing, regardless of type and size of packing) (formerly 813577).	Gram	DRUG	100	RO	----------
813574	Antibiotics, n. e. c., including dosage forms (specify by name) (formerly 813579).	Gram	DRUG	100	RO	----------
813575	Compounds or mixtures containing antibiotics and/or sulfonamide drugs, all forms (formerly 812400, 812790, 813591, 813595 and 814300) (report feed supplements containing antibiotics in 814300).	----------	DRUG	100	RO	----------
813583	Bismuth salts and compounds, bulk (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for parenteral solutions or ampoules).	Lb.	DRUG	None	RO	A B
	Alkaloids, their salts, derivatives and preparations, medicinal:					
	Alkaloids of cinchona bark, their salts, derivatives and preparations, all forms, except parenteral solutions or ampoules (report parenteral solutions or ampoules in 813591):					
813587	Quinine sulfate and quinine hydrochloride	Av. oz.	DRUG	25	RO	----------
813588	Quinidine alkaloid and quinidine salts and compounds.	Av. oz.	DRUG	None	RO	----------
813589	Other alkaloids of cinchona bark, their salts, derivatives, and preparations (specify by name).	Av. oz.	DRUG	25	RO	----------
	Inorganic medicinal chemicals, n. e. c., bulk (specify by name) (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for ampoules):					
813593	Licenses are also required within this classification for those commodities for which export controls on other grades are indicated on the Positive List.	----------	DRUG	(1)	----------	----------
	Organic medicinal chemicals, n. e. c., bulk (coal tar origin included) (specify by name) (report dosage forms in 812400 for liquids, 812790 for solids, 813591 for ampoules):					
813595	Licenses are required within this classification for those commodities for which export controls on other grades are indicated on the Positive List.	----------	DRUG	(1)	----------	----------

(1) The GLV limit applicable to each chemical within this classification, except as indicated, is the value stated elsewhere on the list for the same chemical. A single GLV shipment hereunder may include two or more chemicals, each up to its GLV limit.

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Medicinal and pharmaceutical preparations—Con.					
814300	Feed supplements containing antibiotics (formerly 813579).	----------	DRUG	100	RO	----------
815700	Proprietary medicinal preparations for human use:					
	Malaria, chill, and fever remedies	----------	DRUG	25	RO	----------
	Chemical specialties					
	(See Special Provisions, §§ 373.1, 373.5, 373.21, 373.34)					
820100	Copper sulfate or blue vitriol	Lb.	AGCH	100	RO	B
820580	Agricultural insecticides containing 25 percent or more D. D. T. (dichlorodiphenyl trichloroethane) (report as net quantity the weight of the D. D. T. content) (see § 373.24).	C. lb.	AGCH	100	RO	B
820585	Benzene hexachloride formulations, containing one per cent or more gamma isomer of benzene hexachloride and 20 percent or more sulphur (report sulphur content in percent; report weight of the gamma isomer content as the net quantity) (formerly 820590) (see § 373.24).	C. lb.	AGCH	100	RO	----------
	Agricultural insecticides, fungicides, and similar preparations and materials, dry or liquid basis, n. e. c. (specify by name):					
820590	Agricultural fungicides containing: zinc dimethyl dithiocarbamate; tetramethylthiuram disulfide.	Lb.	AGCH	100	RO	A
820595	Sulfur and formulations thereof containing 20 percent or more sulfur.	Lb.	AGCH	100	RO	A B
820600	Naphthalene balls and flakes	Lb.	COTA	1,000	RO	----------
	Plastics and resin materials:					
	Synthetic resins in all unfinished forms, except laminated (report laminated plastics in 826010 and 826050):					
	Ester gums (reaction products of rosin or modified rosins with glycerine or other alcohols):					
825100	Pentaerythritol abietate (rosin ester of pentaerythritol) (including Pentalyn).	Lb.	RESN	100	RO	----------
	Styrene polymer and copolymer resins containing 60 percent or more styrene (report butadiene-styrene copolymers of less than 60 percent styrene in 200601):					
825210	Polystyrene molding and extrusion compositions including scrap (formerly 825200) (report other unfinished forms in 825250).	Lb.	RESN	25	RO	----------
825230	Styrene copolymer molding and extrusion compositions, including scrap (formerly 825250) report, other unfinished forms in 825250).	Lb.	RESN	25	RO	----------
825250	Other unfinished forms, including protective coating resins, resin emulsions, extrusions, scrap, and sheets (formerly 825200) (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985).	Lb.	RESN	25	RO	----------
	Alkyd resins, unmodified and modified:					
825320	Phthalic anhydride type	Lb.	RESN	100	R	----------
825340	Maleic anhydride type (formerly 825350)	Lb.	RESN	100	R	----------
825350	Other alkyd resins, including polyester type resins.	Lb.	RESN	100	R	----------
	Vinyl and vinylidene polymer and copolymer resins:					
825421	Vinyl chloride, vinylidene chloride, and copolymers thereof in powder, flake, lump, granular, and liquid forms (without plasticizers, fillers, or other added ingredients) (formerly 825420) (report vinyl and vinylidene chlorides and their copolymers with plasticizers, fillers, or other added ingredients in 825425).	Lb.	RESN 66	100	R	----------

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Chemical specialties—Continued					
	Plastics and resin materials—Continued					
	Synthetic resins in all unfinished forms, except laminated (report laminated plastics in 826010 and 826050)—Continued					
	Vinyl and vinylidene polymer and copolymer resins—Continued					
825423	Compounds in granular, diced, or other unfinished forms, based on vinyl or vinylidene chloride resins and their copolymers, plasticized or unplasticized (i. e. extrusion, molding, and calendering compounds, dispersions and solutions) (formerly 825420).	Lb.	RESN 66	100	R	----------
825425	Film and sheeting, plasticized or unplasticized, based on vinyl or vinylidene chloride resins and copolymers thereof, including printed, embossed, planished, or otherwise treated surface, in any form (formerly 825420) (report manufactured plastic products in 981510 and 981590 and woven fabrics in 384600-384985).	Lb.	RESN 66	100	R	----------
825427	Other unfinished forms of vinyl chloride, vinylidene chloride and copolymers of vinyl chloride, including extrusions (tubing [except laminated]), bristles, monofilaments, etc., moldings, castings, etc. (specify form) (formerly 825420) (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985).	Lb.	RESN 66	100	R	----------
825465	Other vinyl resins (including polyvinyl acetate polyvinyl alcohol, polyvinyl ethers, etc.), in all unfinished forms, including resins and compounds (formerly 825450) (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985).	Lb.	RESN 66	100	R	----------
825470	Vinyl resin scrap, in any form (formerly 825420 and 825450).	Lb.	RESN 66	100	R	----------
	Synthetic resin, n. e. c., including film, monofilaments, and bristles (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384050 and 384052; woven fabrics in 384600-384985) (specify by name):					
	Molding and extrusion compounds, including scrap:					
825910	Plastic-type nylon	Lb.	RESN	25	RO	B
825910★	Polytetrafluoroethylene (Teflon)	Lb.	RESN	1	RO	A B
825910★	Polytrifluorochloroethylene (Kel-F)	Lb.	RESN	1	RO	A B
825910	Polyethylene (specify whether virgin or scrap).	Lb.	RESN 68	25	RO	A B
825910	Polyacrylic	Lb.	RESN 66	100	R	A
825910	Other molding compositions, except para coumarone and silicone molding compositions, resins, and adhesives.	Lb.	RESN 66	100	R	----------
	All other unfinished forms:					
825950★	Polytetrafluoroethylene (Teflon)	Lb.	RESN	1	RO	A B
825950★	Polytrifluorochloroethylene (Kel-F)	Lb.	RESN	1	RO	A B
825950	Polyethylene (specify whether virgin or scrap).	Lb.	RESN 68	25	RO	A B
825950	Polyacrylic	Lb.	RESN 66	100	R	A
825950	Other unfinished forms, n. e. c.	Lb.	RESN 66	100	R	A B
	Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder:					
826010	Phenol formaldehyde and cresol formaldehyde laminated sheets, plates, strips, rods, tubes, and other shapes solely made therefrom, excluding decorative laminates used for table tops, counters, wall panels, ice cream fountains, etc. (formerly 826000) (report decorative laminates in 826050).	Lb.	RESN 66	100	RO	----------

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Chemical specialties—Continued					
	Plastics and resin materials—Continued					
	Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder—Continued					
	Other laminated and molded plastics, including all shapes solely made therefrom:					
826050★	Polytetrafluoroethylene (Teflon) (formerly 826000).	Lb.	RESN	1	RO	A B
826050★	Polytrifluorochloroethylene (Kel-F) (formerly 826000).	Lb.	RESN	1	RO	A B
826050	Polyethylene (specify whether virgin or scrap) (formerly 826000).	Lb.	RESN 68	25	RO	A
826050	Polyacrylic (formerly 826000)	Lb.	RESN 66	100	RO	A
826050	Synthetic gums and resins, laminated (sheets, plates, strips, rods, and tubes), n. e. c. (formerly 826000).	Lb.	RESN 66	100	RO	----------
	Cellulose plastic materials (report manufactured plastic products in 981510 and 981590):					
826150	Ethyl cellulose in all unfinished forms (formerly 832990).	Lb.	RESN	100	RO	A
	Cellulose nitrate (nitrocellulose; pyroxylin):					
826200	Scrap and film scrap	Lb.	RESN 66	100	R	A
826350	Sheets, rods, tubes and similar forms, including film support (formerly 826300 and 826400).	Lb.	RESN 66	100	R	A
	Cellulose acetate, cellulose acetate-butyrate, cellulose acetate-propionate, and other cellulose esters:					
826505	Molding and extrusion compositions (report cellulose acetate flake and powder, and cellulose acetate-butyrate flake and powder in 832810).	Lb.	RESN 66	100	R	A
	For other uses (including film support and base) in sheets, rods, tubes, continuous sheeting, cut pieces, and other unfinished forms (formerly 826520):					
826550	Cellulose acetate electrical insulating material (formerly in 826520 and 826590).	Lb.	RESN	1	RO	A
	Organic surface-active agents:					
	Organic surface-active agents, n. e. c. (report weight of active organic ingredient as net quantity) (report compounds principally employed as detergents in 828810-828840):					
828890	Quaternary ammonium compounds (formerly 828800).	Lb.	PLAT	100	RO	A
	Specialty cleaning and washing compounds, n. e. c. (specify by name) (report organic surface-active agents in 828810-828890; soaps in 871310-872990):					
828950	Rifle cleaning compounds	Lb.	PLAT	1	RO	----------
	Polishes:					
	Leather dressings, oils, polishes and stains (specify by name):					
829200	Castor oil, sulfonated	Lb.	LEAT	250	RO	B
	Organic rubber compounding agents not of coal-tar origin (report rubber compounding agents of coal-tar origin in 802810-802890):					
829810	Accelerators	Lb.	COTA	100	RO	A
829850	Antioxidants	Lb.	COTA	100	RO	A
829890	Rubber compounding agents, n. e. c. (specify by name).	Lb.	COTA	100	RO	----------
829910	Antiknock compounds except of petroleum origin (report compounds of petroleum origin in 501400).	Lb.	PETR	25	RO	A
829920	Jet fuels, all types (bbl. of 42 gal.)	Bbl.	PETR 1	25	RO	A
829930	Liquid gum inhibitors for treating petroleum distillates.	----------	ORGN	100	RO	A
829940★	Radioactive isotopes, compounds and preparations thereof, radium emanation (Radon), and radium salts and compounds, all forms (including radium needles and radium ore concentrate) (state radium content) (report paints containing radium in 843800). See § 373.5 (e).	----------	DRUG	None	RO	B

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Chemical specialties—Continued					
	Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only) (specify by name) (formerly 814500):					
829570	Sodium bismuthate	Lb.	DRUG	None	RO	A
829570	Licenses are also required for those reagent chemicals for which export controls on other grades are indicated on this list (see § 373.21).	.....	ORGN	(1)	.....	.....
829580★	Diffusion pump oils (oils enabling the attainment of vacuum of 10^{-6} millimeters of mercury pressure absolute in a single stage diffusion pump). (Include silicone diffusion pump fluids.)	Gal.	COTA	25	RO	B
829584	Hydraulic fluids and oils, except of petrolum origin (report hydraulic fluids and oils of petrolum origin in 505900).	Gal.	SALT	100	RO	A
	Chemical specialty compounds, n. e. c.:					
829660	Cadmium plating salts	.....	ORGN	25	RO	A
829690	Additives, motor oil; including all agents added to motor oils, engine oils and greases which act as: oxidation inhibitors; anticatalysts; rust preventatives; inhibitor detergents; viscosity-index improvers; pour depressants; stringiness agents; antifoam agents; antiwear and corrosion inhibitors, film-strength improvers; extreme pressure agents; and metal deactivators.	.....	ORGN	100	RO	A
829690	Catalysts for petrolum refining	.....	ORGN	100	R	.....
829690	Napalm	.....	ORGN	None	RO	B
829690	Plasticizers containing compounds of sabacic acid (plasticizers containing butyl benzyl sebacate, dibenzyl sebacate, dibutyl sebacate, diethylhexyl sebacate, dihexyl sebacate, dimethyl sebacate, dioctyl sebacate, and other sebacate esters).	.....	ORGN	100	RO	B
829690	Platinum liquids, for decorating china and glass	.....	SALT 62	None	RO	
829690	Platinum plating solutions	.....	SALT 62	None	RO	
829690★	Polytrifluorochloroethylene (Kel-F) grease, oil, or wax	.....	ORGN	1	RO	A B
829690	Silica gel	.....	ORGN	25	R	.....
829690	Mixtures of diphenyl and diphenyl oxide (Dowtherm).	.....	ORGN	25	R	.....
829690	Silicone grease compounds (compounds of organosilicone material) of the following types only: Silicone high-vacuum greases; and stopcock greases, both high-vacuum and regular.	.....	ORGN	None	RO	A
829690	Licenses are required for any commodity classified under this Schedule B number if it contains 80 percent or more by quantity of any item or items specified elsewhere on the Positive List.	.....	ORGN	100	R	A
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.)					
	(See Special Provisions, §§ 373.1, 373.5, 373.21, 373.34)					
	Acids and anhydrides:					
830010	Acetic acid, over 80 percent	Lb.	ORGN	100	R	.....
830010	Acetic anhydride	Lb.	ORGN	100	RO	A
830090	Naphthenic acid	Lb.	ORGN	None	RO	B
830090	Sebacic acid	Lb.	ORGN	None	RO	B
	Inorganic:					
830410	Chromic	Lb.	SALT	100	RO	.....
830450	Nitric	Lb.	ACID	100	R	A
830450	Sulfuric acid, all grades	Lb.	ACID	100	RO	A B
	Inorganic acids and anhydrides, n. e. c. (specify by name):					
830490★	Anhydrous hydrofluoric acid	Lb.	ACID	100	RO	B
830490	Catalyst phosphoric acid	Lb.	ACID	100	RO	A
830490	Hydrofluoric acid	Lb.	ACID	100	RO	.....
830490	Perchloric acid	Lb.	ACID	100	R	.....
830490	Tungstic acid and anhydride	Lb.	ACID	25	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

1 The GLV limit applicable, to each chemical within this classification except as indicated, is the value stated elsewhere on the list for the same chemical. A single GLV shipment hereunder may include two or more chemicals, each up to its GLV limit.

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.)					
	Acids and anhydrides—Continued					
	Inorganic—Continued					
	Inorganic acids and anhydrides, n. e. c. (specify by name)—Continued					
830980	Vanadic acid	Lb.	ACID	25	RO	A
830980	Vanadic anhydride	Lb.	ACID	25	RO	A
	Alcohols (report jet fuels in 829920):					
831000	Methanol	Gal.	ORGN 67	100	R	.....
831100	Ethylene glycol	Lb.	ORGN	100	RO	A
831450	Glycerine, crude and refined (report weight of glycerol content only as net quantity).	C. lb.	ORGN	100	RO	B
831520	Propyl alcohol, secondary (isopropanol; isopropyl alcohol) (formerly 831500).	Lb.	ORGN 67	100	R	.....
	Alcohols, n. e. c. (glycols, except ethylene glycol, included):					
831590	Furfuryl alcohol (furyl carbinol) (formerly 831500).	Lb.	ORGN	100	RO	A
831590	Lauryl alcohol (formerly 831500)	Lb.	ORGN 67	100	R	.....
831590	Pentaerythrite (pentaerythritol) (formerly 831500).	Lb.	ORGN	100	RO	A
831590	Tetrahydrofurfuryl alcohol (formerly 831500)	Lb.	ORGN	100	RO	A
831590	Glycols, n. e. c. (formerly 831500)	Lb.	ORGN 67	100	R	A
831600	Acetone	Lb.	ORGN 67	100	R	.....
832001	Formaldehyde or formalin, 40 percent solution by volume, 37 percent by weight.	Lb.	ORGN	100	RO	A
832500	Synthetic collecting reagents for concentration of ores, metals, or minerals.	Lb.	RESN 66	100	R	.....
832700	Cellulose nitrate lacquer base, wet down or plasticized (formerly 826800 and 826900).	Lb.	RESN	25	R	.....
832810	Cellulose acetate flake and powder and cellulose butyrate flake and powder (excluding molding compositions) (formerly 832800).	Lb.	RESN	25	R	.....
832890	Cellulose acetate and cellulose acetate-butyrate in waste or scrap form (formerly 832800).	Lb.	RESN	25	R	.....
832920	Camphor, natural and synthetic	Lb.	ORGN	500	RO	.....
	Organic chemicals (not of coal-tar origin, n. e. c. (specify by name):					
832990	Amine acetates	Lb.	ORGN	100	RO	A
832990	Butyl benzyl sebacate; diethylhexyl sebacate; dihexyl sebacate; dimethyl sebacate; dioctyl sebacate; and other sebacate esters.	Lb.	ORGN	100	RO	B
832990	Ethyl cellulose	Lb.	ORGN	100	RO	A
832990	Ethylene glycol monoethyl ether (including cellosolve).	Lb.	ORGN	100	RO	A
832990★	Fluorocarbons (completely fluorinated materials)	.....	ORGN	1	RO	B
832990	Furfural	Lb.	ORGN 67	100	RO	A
832990	Glycol compounds	Lb.	ORGN	100	RO	A
832990	Hexamethylenetetramine	Lb.	ORGN	100	RO	A
832990	Methyl isobutyl ketone (hexone)	Lb.	ORGN	500	RO	B
832990	Methylene chloride	Lb.	ORGN	100	R	.....
832990	Paraformaldehyde, solid	Lb.	ORGN 67	100	R	.....
832990	Tributyl phosphate	Lb.	ORGN 67	100	R	.....
832990	Vinyl acetate monomer	Lb.	ORGN	100	RO	A
833000	Aluminum compounds, n. e. c. (specify by name):					
833900	Aluminum chloride, anhydrous	Lb.	SALT	100	RO	A
833900	Aluminum fluoride	Lb.	SALT	100	RO	.....
834100	Calcium carbide	Lb.	SALT	100	R	.....
834400	Cadmium bromide and bromate	Lb.	SALT	25	RO	A
834400	Ethylene dibromide	Lb.	SALT	100	RO	A
834401	Other bromine, bromides, and bromates	Lb.	SALT	100	R	.....
834600	Iodine, iodides and iodates	Lb.	SALT	25	RO	.....
834900	Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):					
835700	Potassium bichromate and chromate	Lb.	SALT	25	RO	.....
835900	Potassium compounds, n. e. c. (specify by name):					
835900	Potassium chlorate	Lb.	SALT	100	R	.....
835900	Potassium fluoride	Lb.	SALT	100	RO	.....
835900	Potassium nitrate	Lb.	SALT	100	R	A
835900	Potassium perchlorate and mixtures	Lb.	SALT	100	RO	.....
835900	Potassium permanganate	Lb.	SALT	100	RO	A
835900	Potassium persulfate	Lb.	SALT	100	RO	A
835900	Potassium tetroxide	Lb.	SALT	None	RO	A

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Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.)—Continued					
836230	Boron trifluoride	Lb.	SALT	100	RO	.....
	Sodium compounds:					
836500	Sodium carbonate, calcined or soda ash	Lb.	SALT	1,000	R	.....
836600	Causticized soda ash	Lb.	SALT	1,000	R	.....
836800	Sodium bichromate and chromate	Lb.	SALT	100	RO	.....
836880	Sodium cyanide	Lb.	SALT	100	RO	A
	Sodium hydroxide or caustic soda, except in packages of less than 50 pounds (report packages of less than 50 pounds in 837530):					
837310	Solid	Lb.	SALT	1,000	R	.....
837320	Liquid (report dry weight content as net quantity).	C. lb.	SALT	1,000	R	.....
837690	Sodium azide (formerly 890700)	Lb.	RESN	None	RO	A
837690	Sodium chlorate and perchlorate	Lb.	SALT 65	100	R	.....
837690	Sodium fluoride	Lb.	SALT	100	RO	.....
837690	Sodium nitrate, except as explosive or fertilizer or medicinal (report explosives in 890100–890700); fertilizer in 850700; and medicinal in 813580).	Lb.	FERT	300	RO	.....
837690	Sodium peroxide	Lb.	SALT 65	100	R	A
837690	Sodium persulfate	Lb.	SALT	100	RO	A
838100	Tin compounds	Lb.	SALT	50	RO	.....
	Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100):					
838400	Ammonium nitrate	Lb.	FERT	100	RO	A
	Ammonium compounds, n. e. c. (specify by name):					
838500	Ammonium molybdate	Lb.	SALT	25	RO	A
838500	Ammonium perchlorate	Lb.	SALT	100	R	.....
838500	Ammonium phosphate	Lb.	FERT	300	RO	.....
838500	Ammonium sulfate	Lb.	FERT	300	RO	.....
838500	Ammonium persulfate	Lb.	SALT	100	RO	A
838500	Dicyanodiamide	Lb.	SALT	100	R	.....
838500	Guanidine nitrate	Lb.	SALT	100	RO	A
838500	Hydrazine, hydrazine hydrate, and hydrazine salts.	Lb.	SALT	None	RO	A
838500	Nitroguanidine (formerly 890700)	Lb.	RESN	None	RO	A
838500	Urea	.....	FERT	300	RO	.....
	Gases, compressed, liquefied, and solidified, except liquefied petroleum gases (report liquefied petroleum gases in 504300):					
	Gaseous refrigerants (specify by name):					
839100★	Trichloromonofluoromethane (Freon 11); and dichlorodifluoromethane (Freon 12).	Lb.	SALT 1	100	RO	A
839100★	Other chlorofluoromethanes (Freons)	Lb.	SALT 1	25	RO	A B
839400	Methyl chloride	Lb.	SALT	500	RO	B
	Military gases: [1]					
839520★	Genetrons	.....	SALT	25	RO	B
	Antimony salts and compounds:					
839610	Antimony oxides (tri-, tetra-, penta-)	Lb.	SALT	100	RO	.....
839610	Antimony sulfide	Lb.	SALT	100	RO	.....
839610	Other antimony salts and compounds, except sodium metaantimonate.	Lb.	SALT	100	RO	.....
839730	Hydrogen peroxide or dioxide (over 50% strength)	Lb.	SALT 64	None	RO	A
	Metal salts of organic compounds (specify by name):					
839750	Cadmium acetate (formerly 832990)	Lb.	SALT	25	RO	A
839750	Other cadmium salts of organic compounds (formerly 839900).	Lb.	SALT	25	RO	A
839750	Cerium oxalate (formerly 839900)	Lb.	SALT 64	None	RO	.....
839750	Cobalt tallate (formerly 832990) (see § 373.21)	Lb.	SALT	None	RO	A B
839750	Other cobalt salts of organic compounds (formerly 839900) (see § 373.21)	Lb.	SALT	None	RO	A
839750	Naphthenates of all metals, and mixtures containing such naphthenates (formerly 831900 and 839900).	Lb.	SALT	None	RO	B
839750	Nickel salts of organic compounds (formerly 839900)	Lb.	SALT 65	100	RO	A
839750	Strontium oxalate (formerly 839900)	Lb.	SALT 64	100	RO	A

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

1 Report value of metal shipping containers separately in commodity numbers 619011 or 619012, but include weight of containers with gross weight of their contents.

1 Many of the gases classified under Schedule B No. 839520 require export authorization from the Department of State. See § 370.5 and Note.

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. & N. F.)—Continued					
	Other industrial chemicals:					
839900★	Actinium-bearing salts and compounds	.....	SALT	None	RO	B
839900	Barium nitrate	.....	SALT 64	100	RO	A
839900★	Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate).	.....	SALT	None	RO	B
839900	Cadmium salts and compounds	.....	SALT	25	RO	A
839900	Calcium molybdate	Lb.	MINL	25	RO	A
839900	Calcium permanganate	.....	SALT 64	100	RO	A
839900	Cerium compounds	.....	SALT 64	None	RO	.....
839900★	Chemicals containing artificial radioactive isotopes	.....	DRUG	None	RO	B
839900	Chlorates and perchlorates, n. e. c.	.....	SALT	100	R	.....
839900	Chromium compounds	.....	SALT	100	R	.....
839900	Cobalt compounds (report cobalt salts of organic compounds in 839750; cobalt-containing pigments in 842900; and cobalt-containing paint and varnish driers in 843600).	.....	SALT	100	RO	.....
839900	Copper sulfate (including basic and tribasic copper sulfate) (report copper sulfate for agricultural use in 820100).	Lb.	AGCH	100	RO	.....
839900★	Deuterium and deuterium compounds, including heavy water.	.....	SALT	None	RO	B
839900	Didymium carbonate	.....	SALT	None	RO	.....
839900★	Gallium salts and compounds	.....	SALT	None	RO	B
839900	Lanthanum ammonium nitrate	.....	SALT	None	RO	.....
839900	Lanthanum oxide	.....	SALT	None	RO	.....
839900	Lead azide (formerly 889700)	Lb.	RESN	None	RO	A
839900	Lead thiocyanate	.....	SALT 64	25	RO	A
839900	Mercury (mercuric) fulminate	.....	SALT 64	25	RO	A
839900	Molybdenum salts and compounds, n. e. c.	Lb.	SALT 64	25	RO	A B
839900	Metal naphthenates, and mixtures containing such naphthenates (report lead and zinc naphthenates in 839900, and naphthenic acid salts and mixtures containing such salts in 839750).	.....	SALT	None	RO	B
839900	Nickel compounds	.....	SALT 65	100	RO	A
839900	Phosphor powder	.....	SALT 65	100	R	.....
839900	Phosphor tungstate	.....	SALT 65	100	R	.....
839900	Phosphor zinc silicate	.....	SALT 65	100	R	.....
839900	Phosphor zinc silicate zinc-cadmium sulfide	.....	SALT 65	100	R	.....
839900	Phosphorous, except red	.....	SALT 65	100	RO	A
839900	Platinum salts and compounds	.....	SALT 62	None	RO	.....
839900★	Polonium-bearing salts and compounds	.....	SALT	None	RO	B
839900	Rare earth compounds, n. e. c.	.....	SALT 64	None	RO	.....
839900	Rhodium chloride	.....	SALT 65	100	R	.....
839900	Strontium compounds	.....	SALT 64	100	RO	A
839900	Tantalum compounds	.....	SALT 65	25	RO	A
839900	Thallium bromo iodide	.....	SALT 65	100	RO	A
839900	Titanium tetrachloride	.....	SALT 65	100	RO	A
839900	Tungsten chlorides, oxides, salts, and all compounds	.....	SALT 65	25	RO	A B
839900	Vanadium compounds	.....	SALT 65	25	RO	A
839900★	Zirconium oxides in all forms	.....	SALT	1	RO	A B
839900★	Zirconium silicates	.....	SALT	1	RO	A B
839900	Other zirconium compounds	.....	SALT 64	1	RO	A
	Pigments, paints, and varnishes					
	(See Special Provisions, § 373.1, 373.21)					
	Chemical pigments:					
842310	Carbon black, contact (including channel)	Lb.	PLAT 72	100	RO	A
842350	Carbon black, furnace (specify grade)	Lb.	PLAT 72	100	RO	A B
	Chemical pigments, n. e. c.:					
842900	Barium chromate	Lb.	SALT	100	RO	A
842900	Cadmium pigments	Lb.	SALT	25	RO	A
842900	Chromium oxide, green	Lb.	SALT	100	R	.....
842900	Cobalt-containing pigments (see § 373.21)	Lb.	SALT	None	RO	A B
842900	Lead chromate, content 60%	Lb.	SALT	100	R	.....
842900	Zinc chromate	Lb.	SALT	100	R	.....
843600	Cobalt-containing paint and varnish driers (see § 373.21).	Lb.	PLAT	None	RO	A B

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Pigments, paints, and varnishes—Continued					
843800★	Paints containing radium	Gal.	PLAT 0	None	RO	B
843800	Antifouling paints, including all paints containing cuprous oxide.	Gal.	PLAT 100		R	----------
843800	Polytetrafluoroethylene (Teflon) finishes and enamels.	Gal.	PLAT	1	RO	A B
843800	Polytrifluorochloroethylene (Kel-F) dispersion	Gal.	PLAT	1	RO	▲
	Fertilizers and fertilizer materials (See Special Provisions, § 373.1, 373.34)					
	Nitrogenous fertilizer materials (report nitrogenous phosphatic types in 854100, 854900):					
	Nitrogenous chemical materials:					
850500	Ammonium sulfate	Lb.	FERT	300	RO	----------
850700	Sodium nitrate, n. e. c.	Lb.	FERT	300	RO	A
850800	Ammonium nitrate	Lb.	FERT	300	RO	A
850900	Nitrogenous chemical materials, n. e. c. (specify by name and state percentage of nitrogen).	Lb.	FERT	300	RO	----------
	Phosphatic Fertilizer materials:					
851901	Normal (standard) superphosphate, containing not more than 25% available phosphoric acid (state percentage of P_2O_5).	Lb.	FERT	300	RO	B
851902	Concentrated superphosphate, containing more than 25% available phosphoric acid (state percentage of P_2O_5).	Lb.	FERT	300	RO	B
852000	Potassium chloride	Lb.	FERT	300	RO	B
853100	Potassium sulfate	Lb.	FERT	300	RO	B
	Nitrogenous phosphatic types:					
854100	Ammonium phosphates (state percentage of N and P_2O_5).	Lb.	FERT	300	RO	----------
854900	Nitrogenous phosphatic types, n. e. c. (specify by name and state percentage of N and P_2O_5).	Lb.	FERT	300	RO	----------
855100	Prepared fertilizer mixtures (specify by name and state percentage of N, K_2O, and P_2O_5).	Lb.	FERT	300	RO	----------
	Explosives, fuses, and blasting caps (See Special Provisions, §§ 373.1, 373.34					
	Explosives:					
860400	Dynamite	Lb.	ORGN	100	R	A
860500	Nitroglycerin explosives, except dynamite (formerly 860500) (report dynamite in 860400).	Lb.	ORGN	100	R	A
860700	Explosives, n. e. c. (including blasting agents) (specify by name).[1]	Lb.	ORGN	None	RO	----------*
	Photographic and projection goods					
900900	Accessories and parts, n. e. c., specially fabricated for photomicrographic, oscillograph, and similar cameras.	----------	FILM	100	R	----------
	Motion-picture films, unexposed:					
911720	Sensitized, 35 mm.: Negative film	Lin. ft.	FILM	25	R	----------
911740	Sensitized, 16 mm.: Negative film	Lin. ft.	FILM	25	R	----------
911760	Sensitized, 8 mm.: Negative film	Lin. ft.	FILM	25	R	----------
912500	Other sensitized films, unexposed: Cartridge or rolls	Sq. ft.	FILM	25	R	----------
912600	X-ray film, all types (medical, dental, or industrial) sheet, pack, or roll	Sq. ft.	FILM	25	R	----------

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[1] See § 370.5, Note 1, for military supersonic generators classified in Schedule B, No. 919070 and ordnance fire-control equipment classified in Schedule B No. 919050 requiring export authorization from the Department of State.

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Scientific and professional instruments, apparatus, and supplies, n. e. c. (See Special Provisions, §§ 373.1, 373.34)					
	Microscopes, and specially fabricated accessories and parts, n. e. c.:					
914950★	Metallographs and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	A B
914950★	Metallurgical microscopes and specially fabricated parts, n. e. c.; electron microscopes, and specially fabricated parts, n. e. c.	----------	SATE	None	RO	A B
914950	Other microscopes, specially fabricated parts and accessories, n. e. c., except diamondscopes, microprojectors, and microscope slides.[2]	----------	SATE	None	R	----------
	Dental instruments, equipment, supplies, and parts:					
915000★	Diamond disk points and other dental instruments containing diamonds. (See §§ 371.1, 373.9)	----------	CDGS	None	RO	A B
915590	Dental alloys and amalgams containing cobalt (see § 371.1).	Lb.	MINL	None	RO	----------
915610	Autoclaves for operation at pressures over 100 pounds per square inch.	----------	SATE	100	RO	A
	Surgical and medical instruments and parts:					
915740	Warburg apparatus for the examination of living tissue and specially fabricated parts, n. e. c. (formerly 915730 and 919098).	----------	SATE	None	RO	A
916025	Map reproduction equipment; stereoscopic plotting and photo interpretation equipment and specially fabricated parts, n. e. c.	----------	SATE 52	None	R	----------
916050	Depth recorders and fathometers and specially fabricated parts, n. e. c. (formerly 949000).[3]	----------	SATE	None	RO	A
919010	Meteorological sounding balloons (formerly 919098)	----------	RUBR	None	RO	A
919010	Other meteorological instruments and specially fabricated parts, n. e. c., and specially fabricated parts (formerly 919098).	----------	SATE	100	R	----------
919060★	Spectrophotometers, and specially fabricated parts, n. e. c. (including spectroscopes, spectrometers (including X-ray types), diffraction gratings (primary standards), and infra-red absorption meters) (formerly 919098).	----------	SATE	None	RO	A B
919068★	Analytical balances, including semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances, and electronic balances (formerly 917500).	No.	SATE	None	RO	A B
	Basic research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:					
919070	Automatic fractionation apparatus and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	B
919070★	Betatrons and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	200	R	----------
919070	Colorimeters and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	A B
919070★	Densitometers and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	A B
919070★	Electrometers, and specially fabricated parts, n. e. c., except student type (formerly 919098).	----------	SATE	None	RO	A
919070	Electronic computers and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	R	----------
919070	Electrophoresis apparatus and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	B
919070★	Fluorophotometers and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	----------
919070	Microphotometers, and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	R	----------
919070	Refractometers and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	A B
919070★	Spectrographs; mono-chromators; and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	A B

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Scientific and professional instruments, apparatus, and supplies, n. e. c.—Continued					
	Basic research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.—Continued					
919070	Supersonic generators for operation at 17,000 cycles per second or over (except military types) and specially fabricated parts, n. e. c. (formerly 919098).[1]	----------	SATE	None	RO	----------
919070★	Synchrotrons and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	None	RO	B
	Secondary research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.:					
919080	Laboratory centrifuges, electric, stainless steel, solid bowl type (formerly 919098).	----------	SATE	200	RO	----------
919080	Centrifuge bowls, stainless steel, specially fabricated for laboratory centrifuges (formerly 919098).	----------	SATE	None	RO	----------
919080	Laboratory furnaces of the following types only: muffle furnaces; combustion furnaces; and crucible furnaces, and specially fabricated parts, n. e. c. (formerly 707492 and 919098).	----------	SATE	None	R	----------
919080★	Parts specially fabricated for analytical balances (including parts for semi-micro balances, micro-chemical balances, assay balances, quartz fiber micro-balances, and electronic balances (formerly 919098).	----------	SATE	None	RO	A B
919080	pH meters, noncontinuous and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	100	RO	A
919080	Viscosimeters, noncontinuous and specially fabricated parts, n. e. c. (formerly 919098).	----------	SATE	200	R	----------
	Ordnance and pyrotechnics (See Special Provisions, §§ 373.1, 373.34)					
	Parts and accessories, n. e. c., specially fabricated for small arms:					
947450	Gun part fabrications, brass and bronze	----------	NONF	100	RO	A
947550	Parts and accessories, n. e. c., specially fabricated for artillery and naval guns, mortars, rocket and missile launchers, except self-propelled: Gun part fabrications, brass and bronze	----------	NONF	100	RO	A
948160	Components and parts, n. e. c., specially fabricated for small arms ammunition: Brass and bronze manufactures for munitions components, n. e. c.	----------	NONF	100	RO	A
948160	Cartridge belt link fabrications, brass and bronze	----------	NONF	100	RO	A
948160	Rolled cartridge strips, brass	----------	NONF	100	RO	A
	Components and parts, n. e. c., specially fabricated for artillery, naval gun and mortar ammunition:					
948250	Anvils for shell fabrication, brass and bronze	----------	NONF	100	RO	A
948250	Brass and bronze manufactures for munitions components, n. e. c.	----------	NONF	100	RO	A
948250	Copper rotating bands for shells, and other copper munitions components.	----------	NONF	None	RO	A
948250	Gas checks, copper	----------	NONF	100	RO	A
	Miscellaneous commodities, n. e. c. (See Special Provisions §§ 373.1 373.20 373.34)					
	Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment (report plastics and resin materials in unfinished forms in 850100-850800):					
981490★	Manufactures of polytetrafluoroethylene (Teflon) (formerly 981390) (see § 373.1).	----------	COTA	1	RO	A B
981590★	Manufacture of polytrifluorochloroethylene (Kel-F) (formerly 981360) (see § 373.1).	----------	COTA	1	RO	A B

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c).

[A = Import certificate. B = DL restrictions. C = Controlled material. Note following "General Notes to Appendix A" for explanation of symbols in this column]

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required	Commodity lists (see headnote)
	Miscellaneous commodities, n. e. c.—Continued					
982501	Paint brushes, all types, using hog bristles in lengths longer than 2⅝ inches.	Doz.	CDGS	10	RO	B
	Commodities exported for relief or charity by individuals and private agencies (the following classifications are not used for exports for relief or charity by governmental agencies (United States, foreign, and international) except for exports of used clothing by such agencies, which are reported under 999882). All other exports (including new clothing) by governmental agencies are reported under their specific Schedule B numbers):					
999810	Food					
999820	Clothing					
999830	Blankets and bedding					
999840	Drugs and biological supplies		Exports controls applicable to each commodity under these classifications are those which apply to the commodity when exported commercially under its individual Schedule B number.			----------
999850	Surgical, sanitary, and hospital supplies, equipment and parts.					
999860	Ambulances and other motor equipment, and parts (specify by name).					
999890	Commodities exported for relief or charity by individuals and private agencies, n. e. c. (specify by name).					
999910	General merchandise valued at less than $25					
	This commodity number is applied to: (a) All single items of Schedule B commodities valued at less than $25. (b) All totals of Schedule B commodities, single items to which are valued at less than $25, including shipments to postmasters or other agents for distribution at destination.		Export controls applicable to each commodity under this classification are those which apply to the commodity when exported under its individual Schedule B number.			----------
999930	Military apparel of all types and materials, including insignia, and footwear (new and used) (see § 373.20).	----------	TEXT	None	RO	----------
999960	Miscellaneous military and naval equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name).	----------	CDGS	None	RO	----------

§ 399.2 *Appendix B—commodity interpretations.*

The commodity interpretations set forth herein are for use in determining (1) the appropriate Schedule B number under which certain commodities are classified, or (2) the validated license requirements for these commodities. They are intended to clarify the question of control where it has been demonstrated that such clarification may prove helpful to the export community, and where such control is not apparent from the Positive List and the regulations.

INTERPRETATION 1: PIPE: OIL COUNTRY OR LINE FOR PUMP INSTALLATION PURPOSES

A maximum of 250 feet of oil country pipe or line pipe, classified in Schedule B Nos. 606210–606280, may be exported under general license, except to Subgroup A, Hong Kong, and Macao (see Parts 371 and 384 of this subchapter); provided such pipe accompanies the pump requiring its use for installation purposes, and also provided such pipe is of appropriate size and type for use with that pump. A validated license is required for any quantity in excess of 250 feet. If, however, the pipe is being shipped separately from the pump, a validated license is required for the full amount of the shipment if it exceeds the GLV value of the commodity.

INTERPRETATION 2: EXPORT OF MACHINES CONTAINING A TOOL OR DEVICE INCORPORATING DIAMONDS

(1) Machines containing as an integral part thereof a tool or device incorporating diamonds are included on the Positive List, and a validated license is required for export of such a machine to any foreign destination.

(2) This interpretation in no way changes the special provisions for diamonds set forth in § 373.9 of this subchapter.

INTERPRETATION 3: BALL AND ROLLER BEARINGS AND SPECIALLY FABRICATED PARTS

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to

shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 769100–769315 (ball and roller bearings and specially fabricated parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

INTERPRETATION 4: THERMOMETERS

[Deleted April 1, 1952.]

INTERPRETATION 5: PORTABLE AND SEMI-PORTABLE IRRIGATION SYSTEMS, FARM TYPE

Commodity	Schedule B No.
Portable and semiportable irrigation systems, farm type, including specially fabricated pipe [1] (not to exceed 8 inches in diameter) and specially fabricated fittings.	787005
Pipe as spares or replacements:	
Specially fabricated [1]	787005
Not specially fabricated	Report in tubular products according to material (e. g., aluminum, 630320).
Fittings as spares or replacements:	787005
Specially fabricated for irrigation systems	Report as "pipe fittings," according to type and material (e. g., aluminum, 618959).
Not specially fabricated for irrigation systems:	
If identifiable as pipe fittings	Report as "manufactures," according to material (e. g., aluminum, 619950).
If not identifiable as pipe fittings	Report in appropriate pump classification (770900–770980).
Pumps, whether or not shipped with the irrigation system	

[1] At least one of the following descriptions shall be applicable in describing portable and semiportable irrigation pipe in order to consider it "specially fabricated": (1) Permanently attached handles for easy handling; (2) attached quick-action couplings; (3) punched, drilled, beaded and/or cupped pipe ends for special adapters; (4) 10 percent or more of pipe area perforated.

INTERPRETATION 6: MACHINERY AND PARTS

(1) *Where an assembled machine or unit of equipment is being exported.* Where one or more assembled machines or units of equipment are being exported, the individual component parts which are physically incorporated into the machine or equipment do not require a separate validated export license. The validated license or the general license under which the complete machine or unit of equipment is exported will also cover its component parts, provided that: No special provisions or interpretations obtain (for example, as in the case of certain tools containing diamonds); that the parts are normal and usual components of the machine or equipment being exported; or the physical incorporation is not used as a device to evade the requirement for a validated export license.

(2) *Where parts are exported as spares, replacements, for resale, or for stock.* Where parts are exported as spares, replacements, for resale, or for stock, a validated export license is required if the particular part is on the Positive List to the intended destination.

INTERPRETATION 7: PARACHUTES, PARTS, AND FITTINGS

Parachutes, parts and fittings are considered implements of war and exportations thereof are controlled by the Department of State and not the Department of Commerce (see § 370.5 of this subchapter). These include complete parachutes, canopies (parachutes with the shroud lines removed), shroud lines, pilot chutes, containers, harnesses, or parts and fittings therefor. Export licenses issued by the Secretary of State are required for such exportations, including those sent as gifts.

INTERPRETATION 8: QUARTZ CRYSTAL PLATE

Quartz crystal plate is a piece of quartz crystal cut in such a way as to be active piezo-electrically. It may or may not be mounted with metal electrodes applied to its surfaces.

All quartz crystal plates, mounted or unmounted, are classified under Schedule B No. 595090, and are subject to the export control regulations applicable thereto.

INTERPRETATION 9: STEEL SPRINGS

Commodity	Schedule B No.
Steel springs, specially fabricated: [1]	
Spare or replacement parts for a machine	Report in Schedule B class provided for "parts" for the specific machine.
Spare or replacement parts for an article other than a machine.	Report in Schedule B class provided for "parts" of the specific commodity. If no such class is provided, report in 613839.

[1] A "specially fabricated" spring is one which has been so constructed as to be usable with only one machine or type of machine for which a single classification is provided in Schedule B, or for a well-defined group of the same type of machines, involving more than one Schedule B classification.

§ 399.3 *Appendix C — Commodity Processing Codes.*

The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses:

Schedule B No.	Commodity group	Processing Code
	Animals, edible	
001000–001900		MEAT
001910–001990		DAPF
002000–003800		MEAT
003901		DAPF
003905–003990		MEAT
004010–004050		DAPF
004500–004998		MEAT
	Animal oil and fats, edible	
005000–005600		FATS
	Dairy products	
006000–006998		DAPF
	Fish and fish products	
007000–008999		DAPF
	Other edible animal products	
009200–009390		DAPF
009400–009999		MEAT
	Hides and skins raw, except furs	
020102–025698		LEAT
	Leather	
030050–035000		LEAT
	Leather manufactures	
060000–069999		LEAT
	Furs and manufactures	
071300–075000		TEXT
	Animal and fish oils and greases, inedible	
080300–085898		FATS
	Other inedible animals and animal products	
090000–090998		MEAT
092300–093590		TEXT
094205–094298		CDGS
099905		NATS
099920–099950		DAPF
099998		MEAT
	Grains and preparations	
101100	(Barley for seed)	SEED
101100	(Barley, except for seed)	CERL
101200–101900		CERL
102100	(Buckwheat for seed)	SEED
102100	(Buckwheat, except for seed)	CERL
103150		CERL
103170		SEED
103179		CERL
103210–103900		SEED
104100	(Oats for seed)	CERL
104100	(Oats, except for seed)	CERL
104300–104990		SEED
105500	(Paddy or rough rice for seed)	CERL
105500	(Paddy or rough rice, except for seed)	CERL
105710–105750		SEED
106100	(Rye for seed)	CERL
106100	(Rye, except for seed)	SEED
107100	(Wheat for seed)	CERL
107100	(Wheat, except for seed)	CERL
107300–109990		
	Fodders and feeds n. e. c.	
110100–119998		CERL
	Vegetables and preparations, edible	
120120–120140		VEGT
120150		SEED
120213	(Cowpeas for seed)	VEGT
120213	(Cowpeas, except for seed)	SEED
120215	(Chickpeas for seed)	VEGT
120215	(Chickpeas, except for seed)	VEGT
120220–120230		SEED
120250		VEGT
120710–121000		SEED
121100	(Potatoes, white, for seed)	VEGT
121100	(Potatoes, white, except for seed)	VEGT
121300–122490		SEED
122470	(Sweet potatoes, for seed)	VEGT
122470	(Sweet potatoes, except for seed)	VEGT
122490–125900		CERL
125011–125015		VEGT
125020–125998		
	Fruits and preparations	
130100–135998		VEGT
	Nuts and preparations	
137400		SUBT
137510	(Peanuts, shelled, for seed)	SEED
137510	(Peanuts, shelled, except for seed)	SUBT
137550	(Peanuts, not shelled, for seed)	VEGT
137550	(Peanuts, not shelled, except for seed)	SUBT
137910–137995		SUBT
	Vegetable oils, fats, and waxes, refined	
142010–145999		FATS
	Cocoa, coffee, tea, and substitutes	
150100–151899		SUBT
	Spices	
154001–154998		SUBT
	Sugar and related products	
161905–163700		SUBT
	Beverages	
170100–179000		SUBT
	Rubber (natural, allied gums, and synthetics) and manufactures	
200100–209900		RUBR

Schedule B No.	Commodity group	Processing Code
	Naval stores, gums, and resins	
211000–212550		AGCH
218000		SUBT
218600–218998		AGCH
	Drugs, herbs, leaves, and roots, crude	
220100–220904		DRUG
220930		AGCH
220988		DRUG
	Oilseeds	
221000–222098		FATS
	Vegetable oils, fats, and waxes, crude	
223000–224998		FATS
226800–227998		DRUG
229000		FATS
	Vegetable dyeing and tanning extracts	
233100–233998		LEAT
	Seeds, except oilseeds	
240100–247500		SEED
	Nursery and floral stock	
259903–259998		SEED
	Tobacco and manufactures	
260110–262950		TOBC
	Miscellaneous vegetable products, inedible	
293100		TEXT
295100		SUBT
299998		VEGT
	Cotton, unmanufactured	
300005–300406		TEXT
	Cotton semimanufactures	
300900–301320		TEXT
	Cotton manufactures	
301510–319900		TEXT
	Vegetable fibers and manufactures	
320505–349098		TEXT
	Wool, Unmanufactured	
350903–350911		TEXT
	Wool semimanufactures	
352300–353990		TEXT
	Wool manufactures	
354290–358998		TEXT
	Hair and manufactures, n. e. c.	
360370–360900		TEXT
	Silk and manufactures	
370200–379000		TEXT
	Man-made (synthetic) fibers and manufactures	
384020–385800		TEXT
	Miscellaneous textile products	
390100–390599		TEXT
390699		CDGS
390700–399000		TEXT
	Wood, unmanufactured	
400100–443000		LUMB
	Sawmill products	
405111–415920		LUMB
	Wood manufactures	
416000–418000		LUMB
419101–420600		CONT
421601–422850		CDGS
423000–424070		BLDG
424100–429000		CDGS
	Cork and manufactures	
430000–450000		CORK
	Paper base stocks	
460000–462000		PULP
462581		TEXT
469803–469998		PULP
	Paper, related products and manufactures	
480100–486400		PULP
487110–487550		CONT
487800–489000		PULP
	Coal and related uels	
500100–500400		COAL
	Petroleum and products	
501100–504720		PETR
504801		COAL
505000		PETR
	Stone, hydraulic cement and lime	
510100–517000		BLDG
517100		AGCH
	Glass and products	
521210–522010		BLDG
522098		CDGS
523110–523130		SATE
523150		BLDG
523210–523600		CONT
523710–529100		CDGS
529200		ELME
529300–529900		CDGS
	Clay and products	
530300–532912		MINL
532910–532979		CDGS
533210–533400		BLDG
533500–533610		ELME
533700–533800		CDGS
536100–537600		BLDG
537800		CDGS
	Other nonmetallic minerals (precious included)	
540000–540095		TOOL
540010		CDGS
540020–540040		MINL
540050		CDGS
540060–541140		MINL
541150		CDGS
541210–541220		TOOL
541400–542000		CDGS
542010		STEE
545110–545150		MINL
545400–545550		BLDG
545600–545910		TRAN
545960–546000		BLDG
547000		MINL
547100		BLDG
547210–547300		MINL
547400		ELME
547800		FILM
548050		MINL
548095	(Graphite presses and lubricants)	PETR
548098	(Other carbon and graphite products)	MINL
548350–549030		BLDG
551000–551300		MINL
571410–571599		SALT
572250		MINL
572400		SUBT
575000–575700		MINL
585000		CDGS
595050–595084		RARA
596012–596020		MINL
599025		COAL
599031–599095		MINL
599098	(Iron pyrites; cupreous pyrites; crude sulfur of less than 85% sulfur content, and sulfur ore)	SALT
599098	(Other nonmetallic mineral products)	MINL
599610–599998		CDGS
	Iron ore and concentrates	
600100		STEE
	Pig iron	
600700		STEE
	Iron and steel scrap	
601010–601090		STEE
601150–601170		TNPL
601170		STEE
	Iron bars, skelp and pipe	
601201–601211		STEE
601213		BLDG
	Steel mill products, semifinished	
601612–601950		STEE
	Steel mill products, rolled, finished	
602010–603010		STEE
604010–604170		TNPL
604180–604190		STEE
604710–606195		STEE
	Castings and forgings	
610000–610495		STEE
	Railway car and locomotive wheels, tires, and axles (rolled and forged)	
610516–610538		STEE
	Metal manufactures	
611200–612370		CDGS
612580		TNPL
612910–613710		CDGS
613810–613830		STEE
614310–615298		BLDG
615310–615350		CDGS
615450–615820		TOOL
615908–617898		CDGS
617901		TOOL
617903–617905		MINL
617910–618150		BLDG
	Metal manufactures—Continued	
618210		STEE
618230–618250		BLDG
618261		STEE
618263–618265		BLDG
618267		STEE
618269		BLDG
618271		STEE
618273–618855		BLDG
618857–618859		CDGS
618910		STEE
618920		BLDG
618930–618951		STEE
618957		NONF
618959	(Aluminum, copper, lead, and zinc)	NONF
61859	(Other metal)	CDGS
618961–618973		STEE
618974		BLDG
618975–618976		STEE
618977		BLDG
618979		STEE
618981–618983		BLDG
618984–618985		NONF
618986		BLDG
618987–618988		NONF
618991		CDGS
618992–618993		NONF
618994		GIEQ
618995–618996		CDGS
619011		STEE
619012	(Milk cans)	CONT
619012	(Other filled shipping containers)	STEE
619021		STEE
619022	(Milk cans)	CONT
619022	(Steel shipping containers, unfilled, except milk)	STEE
619022	(Other shipping containers, unfilled)	NONF
619031–619033		STEE
619034		NONF
619037–619039		MINL
619047		STEE
619061		BLDG
619062–619063		NONF
619064–619065		BLDG
619066		GIEQ
619067		CDGS
619068		STEE
619069		CDGS
619081		STEE
619083		CDGS
619085		STEE
619086		CDGS
619087–619089		STEE
619091–619129		BLDG
619130–619140		NONF
619151–619157		MINL
619159–619650		NONF
619661		BLDG
619663–619805		CDGS
619910	(Punchings, iron and steel, except electrical steel, steel shaft flexible tubing, except electrical; stainless steel packing, and tubular steel scaffolding equipment)	STEE
619910	(Other iron and steel manufactures)	CDGS
619950	(Anti-friction manufactures, antimony manufactures, babbitt metal manufactures, bimetallic brake linings, clutch facings, and friction material; brass or bronze lawn sprinklers; Invar metal manufactures; and monel metal manufactures)	CDGS
619950	(Aluminum and aluminum-base alloy manufactures; beryllium copper manufactures, brass or bronze manufactures, n. e. c.; copper manufactures; lead manufactures; nickel manufactures; tin manufactures; and zinc manufactures)	NONF
619950	(Other metal manufactures, except precious metals)	MINL
	Ferroalloys	
621501–622098		MINL
	Aluminum ores, concentrates, scrap, and primary forms	
630010–630050		NONF
	Copper ores, concentrates, scrap, and primary forms	
640100–642999		NONF
	Copper base alloys (including brass and bronze), scrap and primary forms	
64000	647950	NONF
	Lead ores, concentrates, scrap, and primary forms	
650405–651519		NONF
	Nickel ores, concentrates, scrap, and primary forms	
654501–654999		NONF
	Tin ores, concentrates, scrap, and primary forms	
656501–656519		NONF
	Zinc ores, concentrates, scrap, and primary forms	
657010–658005		NONF

Schedule B No.	Commodity group	Processing Code
	Other nonferrous ores, concentrates, scrap and primary forms (except precious)	
664501–664512		MINL
664514		NONF
664517–664540		MINL
664541	(Manganese copper)	NONF
664541	(Other manganese metal and alloys)	MINL
664543–664581		MINL
664583	(Tungsten carbide die inserts)	TOOL
664583	(Other tungsten metal and alloys in primary forms, n. e. c.)	MINL
664584–664598		MINL
	Precious metals and plated ware, n. e. c.	
681900–681980	(Licensed by Treasury Department).	MINL
692000–692990		CDGS
693610–699710		
	Electrical machinery and apparatus	
700000–701200		ELME
701300		TRAN
701400		ELME
701600–701800		CDGS
701910–702300		ELME
702310		CDGS
702320–703300		ELME
703330		TRAN
703810–705705		ELME
705715–706555		CDGS
706560		MINL
706590		ELME
706900		CDGS
706912–707380		ELME
707395–707492		SATE
707505–707569		MINL
707550	(Tungsten X-ray targets)	SATE
707550	(Other X-ray apparatus)	SATE
707590		RARA
707607–707810		ELME
707812		RARA
707815–708410		ELME
708460–708900		
709020	(Licensed by State Department)	TRAN
709030		
709210	(Licensed by State Department)	TRAN
709220		BLDG
709419–709490		ELME
709495		BLDG
709500–709605		CDGS
709910		BLDG
709920		CDGS
709930		ELME
709940		CDGS
709990		NONF
706810–709885		ELME
709903		SATE
709907	(Diathermy tubes)	ELME
709907	(Other electronic tubes n.e.c.)	RARA
709909	(Getters)	MINL
709909	(Tantalum rings)	
709909	(Other parts, n.e.c. for radio transmitter tubes)	RARA
709909	(Parts, n.e.c. for other electronic and cathode-ray tubes n.e.c.)	ELME
709920		STEE
709998		ELME
	Engines, turbines and parts, n.e.c.	
711110–711310		GIEQ
711410		ELME
711510		GIEQ
711900	(Parts for steam turbines)	GIEQ
711900	(Parts for turbines and water wheels)	ELME
713200–713920		GIEQ
714220–715900		TRAN
716000		GIEQ
	Construction, excavating, mining, and related machinery	
720112–720142		CONS
720147		MINE
720160	(Power excavators, used and rebuilt)	CONS
720160	(Dredging machines, used and rebuilt)	MINE
720210	(Parts, accessories and attachments for power excavators)	CONS
720210	(Parts, accessories and attachments for dredging machines)	MINE
720240		CONS
720310–720490		MINE
721510–722027		CONS
722030	(Attachments for wheel-type tractors)	AGMT
722030	(Attachments for trucks and track-laying tractors)	CONS
722035	(Parts and accessories for wheel-type tractor attachments)	AGMT
722035	Parts and accessories for truck and track-laying tractor attachments)	CONS
722040		GIEQ
722045–723080		CONS
723090		TOOL
723125–724920		MINE
724925	(Slack-line and tower excavators and parts)	CONS
724925	(Other cableways and parts)	MINE
724935–724965		MINE

Schedule B No.	Commodity group	Processing Code
	Construction, excavating, mining, and related machinery—Continued	
725003–725020		CONS
725035		GIEQ
725050		CONS
730500–733950		MINE
	Machine tools and parts	
740005–746010		TOOL
	Textiles, sewing, and shoe machinery	
750050–754900		GIEQ
755105–755107		CDGS
755205–757500		GIEQ
	Other industrial machines and parts	
760010–763500		GIEQ
764005		CDGS
764015–766990		GIEQ
766993		TOOL
766995		MINE
767100–769920		GIEQ
770400–770775		CONS
770790–770870		GIEQ
770900–770970		CONS
770975		TRAN
770980		CONS
770990	(Parts for mechanical vacuum pumps and diffusion vacuum pumps)	GIEQ
770990	(Parts for measuring and dispensing pumps)	TRAN
770990	(Parts for other pumps and compressors)	CONS
771100–774200		GIEQ
774300–774370		CDGS
774450–775000		GIEQ
775043–775049		MINE
775052–775060		GIEQ
775075		CONS
775080		MINE
775090		GIEQ
775100–775140		MINE
775150	(Pressure top equipment for blast furnaces)	TOOL
775150	(Other parts and accessories for non-electric industrial furnaces, kilns, lehrs and ovens)	MINE
775210–775998		GIEQ
	Office machines and parts	
776010–777990		CDGS
	Printing and bookbinding machinery	
779000–779510		PRIN
	Agricultural machines, implements and parts	
780130–787190		AGMT
	Tractors, parts and accessories	
787310–787597		CONS
787610–787980		AGMT
788501		CONS
788905		AGMT
	Automobiles, trucks, busses and trailers, parts accessories, and service equipment	
790013–792730		TRAN
793185	(Jacks for garage use)	CONS
793185	(Other automobile, truck, bus, and truck-tractor service appliances and parts)	TRAN
	Aircraft parts and accessories	
793210–794950	(Licensed by State Department.)	STEE
794960	(Landing mats, aircraft)	
794960	(Test kits for aircraft instruments; and test sets for ignition harnessers)	ELME
794960	(Other aircraft training, ground handling and maintenance equipment)	TRAN
	Watercraft	
795100–795150	(Export authorization required by Maritime Commission.)	TRAN
795155		
795160	(Licensed by State Department.)	
795165	(Turrets, armor plate; mine layer parts and accessories; mine sweeper parts and accessories; licensed by State Department)	TRAN
795165	(Other parts and accessories for naval craft)	TRAN
795170		TRAN
	Railway transportation equipment	
796102–796112		TRAN
796114		MINE
796117	(Underground mine locomotives, used and rebuilt)	MINE
796117	(Other locomotives, used and rebuilt)	TRAN
796118–796168		TRAN

Schedule B No.	Commodity group	Processing Code
	Railway transportation equipment—Continued	
796172	(Parts and accessories for underground mine locomotives)	MINE
796172	(Parts and accessories for other locomotives)	TRAN
796182–796198		TRAN
	Other vehicles and parts	
797100–797105		CDGS
797110–797130		TRAN
799010–799999		CDGS
	Coal-tar products	
800500–800600		COTA
800700		COAL
801000–809998		COTA
	Medicinal and pharmaceutical preparations	
811100		DRUG
811300		PETR
811910–818000		DRUG
	Chemical specialties	
820010–820090		AGCH
820200		COTA
820400		AGCH
820900		CERL
822300–822600		SALT
822100–827210		RESN
827300–829000		PLAT
829100		CDGS
829200		LEAT
829300–829400		PLAT
829510–829530		ORGN
829540		NATS
829555–829950		SUBT
829700		SALT
829810–829890		COTA
829910–829920		PETR
829930		ORGN
829950		NATS
829960		DRUG
829970	(Sodium bismuthate)	ORGN
829970	(Other reagent chemicals)	COTA
829980		SALT
829984		SALT
829990		ORGN
	Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)	
830010–830300		ORGN
830700		ACID
830910		SALT
830930–830980		ACID
831000–832500		ORGN
832700–832890		RESN
832910–832970		ORGN
832980		SALT
832990		ORGN
833000–837950		SALT
837990	(Sodium nitrate)	FERT
837990	(Other sodium compounds, n. e. c.)	SALT
838100		SALT
838400		FERT
838500	(Ammonium phosphate; ammonium sulfate; and urea)	FERT
838800	(Other ammonium compounds, except fertilizers, n.e.c.)	SALT
839000–839750		SALT
839600	(Calcium molybdate)	MINL
839600	(Chemicals containing artificial radioactive isotopes; radium ore concentrates; and radium salts and compounds)	DRUG
839600	(Other industrial chemicals)	SALT
	Pigments, paints, and varnishes	
840100–840500		PLAT
841100–841400		SALT
841900–842750		PLAT
842800–842980		SALT
843000–844500		PLAT
	Fertilizers and fertilizer materials	
850500–855100		FERT
	Explosives, fuses, and blasting caps	
860100–862800		ORGN
	Soap and toilet preparations	
871100–872000		FATS
873400–877000		DRUG
	Photographic and projection goods	
900050–914000		FILM
	Scientific and professional instruments, apparatus and supplies, n. e. c.	
914200–914998		SATE
915000		CDGS
915200–915550		SATE
915560		MINL
915610–916050		SATE
916010	(Meteorological sounding balloons)	RUBB
919010	(Other meteorological instruments, and parts)	SATE
919650–919980		SATE

Schedule B No.	Commodity group	Processing Code
	Musical instruments, parts and accessories	
921000–926700		CDGS
	Miscellaneous office supplies	
930310–939900		CDGS
	Toys, athletic and sporting goods	
940000–949000		CDGS
	Ordnance and pyrotechnics	
947000–947220	(Licensed by State Department.)	CDGS
947231	(Licensed by State Department.)	
947240	(Gun part fabrications, brass and copper)	NONF
947250	(Other parts and accessories for small arms licensed by State Department.)	
947260	(Gun part fabrications, brass and copper)	NONF
947270	(Other parts and accessories for artillery and naval guns, mortars, rocket and missile launchers; licensed by State Department)	NONF
947600–947970	(Licensed by State Department.)	CDGS
948162	(Licensed by State Department)	
948164	(Gun part fabrications for munitions components)	NONF
948169	(Other components and parts for small arms ammunition; licensed by State Department.)	
948200	(Licensed by State Department.)	
948250	(Artwork for shell fabrications, brass and bronze; brass and bronze manufactures for munitions components, n.e.c.; copper, other than electrolytic, and copper manufactures for munitions components)	NONF
948250	(Other components and parts, n. e. c. for artillery, naval guns, and mortar projectiles; licensed by State Department.)	
948310–949010	(Licensed by State Department.)	
949050		CDGS
	Books, maps, pictures, and other printed matter, N. E. C.	
950100–950500		PRIN
	• *Miscellaneous commodities, N. E. C.*	
957000–963500		CDGS
963610		CONT
963615		CDGS
963620		CONT
967104–968000		CDGS
968700–968905		CDGS
968910		SATE
968915		CDGS
968920		CDGS
968930		TRAN
968940		CDGS
968950		TRAN
968960		CDGS
968970		CDGS
968980		CDGS
968990		CDGS

(processing code TNFL), the tolerance of 10 percent, and, in the case of raw cotton, except linters, a tolerance of two percent, is allowed on the basis of the actual quantity stated in the license. Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

c. The note following paragraph (e) *Partial shipments* remains unchanged.

This part of the amendment shall become effective as of June 12, 1952.

2. Section 373.1 *Export licensing general policy* is amended in the following particular:

Paragraph (b) *Commodities subject to this export licensing policy*, subparagraph (2) is amended by deleting therefrom the following entry:

Commodity:	Schedule B No.
Core drills, mounted or unmounted	730840

This part of the amendment shall become effective as of June 12, 1952.

3. Section 373.9 *Special provisions for diamonds*, paragraph (c) *Application requirements* is amended in the following particular:

Subdivision (iii) of subparagraph (3) *Tools incorporating industrial diamonds* of paragraph (c) is amended to read as follows:

(iii) Applications for licenses to export diamond grinding wheels, sticks, hones and laps, Schedule B No. 540905, must state the quantity and size of each commodity, the carat weight of the diamond content of each unit, the size of the grit or grain, the type of bond, and the concentration.

This part of the amendment shall become effective as of June 19, 1952.

4. Section 373.23 *Special provisions for exportations to Sweden and the Belgian Congo* is amended to read as follows:

§ 373.23 *Special provisions for exportations to Austria, the Belgian Congo or Sweden.* Each applicant for a license to export commodities to Austria, the Belgian Congo or Sweden, shall show in the space provided on the application, Form IT–419, the number of the import certificate or other import authorization upon which the application is based.

This part of the amendment shall become effective as of August 4, 1952.

5. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particular:

Paragraph (b) *Commodities requiring statement of past participation*, subparagraph (3) *All controlled materials and certain additional commodities with processing code NONF* is amended by adding thereto the following entry:

Commodity	Submission dates	
	Third quarter 1952	Fourth quarter 1952
Other nonmetallic minerals (precious included)		
Sulfur, crushed, ground, refined, sublimed and flowers.	July 1–July 31, 1952	Oct. 1–Oct. 31, 1952.
Industrial chemicals		
Sulfuric acid, all grades	do	Do.

6. Section 373.35 *Special provisions for plumbers' brass goods* is hereby deleted.

This part of the amendment shall become effective as of June 19, 1952.

7. Section 373.51 *Supplement I: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. The following entries and related submission dates for the Third and Fourth Quarters 1952 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates	
		Third quarter 1952	Fourth quarter 1952
	Other nonmetallic minerals (precious included)		
571500	Sulfur, crushed, ground, refined, sublimed and flowers.	July 1–July 31, 1952	Oct. 1–Oct. 31, 1952.
	Industrial chemicals		
839900	Sulfuric acid, all grades	do	Do.

[1] For exportations to Austria, the applicant must show the Austrian Import identification number.

Schedule B No.	Commodity group	Processing Code
	Miscellaneous commodities, N. E. C.—Con.	
999930		TEXT
999940–999990		CDGS

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

JULY 7, 1952.

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[6th Gen. Rev. of Export Regs., Amdt. 1[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 384—GENERAL ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 372.12 *Weight and volume tolerance* is amended in the following particulars:

a. Paragraph (c) *Maximum tolerance allowed* is amended by adding thereto the following unnumbered subparagraph:

Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

b. Paragraph (e) *Partial shipments* is amended to read as follows:

(e) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the 10 percent tolerance is allowed only on the unshipped balance, except that in the case of shipments of iron and steel products (processing code STEE), and tin plate

[1] Parts 1, 2, 5, and 8 of this amendment were published in Current Export Bulletin No. 670, dated June 12, 1952. Parts 3, 4, 6, and 9 in Current Export Bulletin No. 671, dated June 19, 1952. Part 7 was published partly in Current Export Bulletin No. 670 and partly in No. 671.

Kong" as port of discharge or "Hong Kong in-transit to Singapore", or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

Thereafter, effective February 14, 1952, the above instructions were modified to provide that shipment of all commodities under General License GRO may be transshipped at Hong Kong without the necessity of obtaining a validated license, provided (1) such transshipments are made under a through bill of lading to a destination outside of Subgroup A, Hong Kong, or Macao, and (2) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times.

Effective June 19, 1952, the instructions are further modified to provide that, subject to the provisions shown above in (1) and (2), commodities shipped under a license validated for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Office of International Trade on the validated license.

For purposes of this note, a through bill of lading includes a contract of carriage with a carrier for transportation from the United States of the commodities to the country of ultimate destination named on the authenticated shipper's export declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

This part of the amendment shall become effective as of June 19, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-7666; Filed, July 14, 1952; 8:46 a. m.]

b. The following corrected entry is substituted for the corresponding entry presently shown:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Stuyvadorp, Opslag, Controle en Expeditiebedrijf "Symhoven N.V.", Veerhaven 14-16, Rotterdam, Netherlands.	9-24-51	Duration	General and validated licenses, all commodities, any destination (formerly related to Leopold L. Kolisch, which see).	16 F. R. 10085, 10-5-51.

9. The note following § 384.5 *Order revoking certain general licenses to mainland of China (including Manchuria), Hong Kong, and Macao* is amended to read as follows:

NOTE: The Office of International Trade issued instructions to collectors of customs, effective January 5, 1951, as follows: General and validated license shipments, which are manifested for Singapore or other ports outside Subgroup A, Hong Kong, and Macao and which proceed through Hong Kong only for the purpose of exchanging bills of lading so as to obtain a bill of lading from Hong Kong to Singapore, etc., but which are not to be discharged, offloaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong provided they are manifested to and Singapore, etc. Bills of lading called for discharge at Singapore, etc. to permit discharge only at an unrelated port by the use of a statement to be cleared without bond. However, shipments which are either manifested or under bills of lading calling for "Hong Kong" as port of discharge or "Hong Kong in-transit to Singapore", or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

Thereafter, effective February 14, 1952, the above instructions were modified to provide that shipment of all commodities under General License GRO may be transshipped at Hong Kong without the necessity of obtaining a validated license, provided (1) such transshipments are made under a through bill of lading to a destination outside of Subgroup A, Hong Kong, or Macao, and (2) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times.

Effective June 19, 1952, the instructions are further modified to provide that, subject to the provisions shown above in (1) and (2), commodities shipped under a license validated for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Office of International Trade on the validated license.

For purposes of this note, a through bill of lading includes a contract of carriage with a carrier for transportation from the United States of the commodities to the country of ultimate destination named on the authenticated shipper's export declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

This part of the amendment shall become effective as of June 19, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-7666; Filed, July 14, 1952; 8:46 a. m.]

b. The following submission dates for the Third Quarter 1952 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission Dates Third Quarter 1952
664529 915500	Cast cobalt-chromium dental alloys..... Dental alloys and amalgams containing cobalt.....	June 30-July 11, 1952. Do.

c. The submission dates for the Third Quarter 1952 for Secondary tinplate products (Controlled Materials) are amended to read as follows:

June 2-July 18, 1952.

This part of the amendment shall become effective as of June 12, 1952, for the commodities under Schedule B Nos. 571500 and 830960, and as of June 19, 1952, for the commodities under Schedule B Nos. 664529 and 915590, and secondary tinplate products.

8. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following orders are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Ellam, H. & Co., 32 Broadway, New York, N. Y. Lachant & Co., 230 Broadway, New York, N. Y. Lachant, Jacques, 230 Broadway, New York, N. Y. Lachant, Norman, 230 Broadway, New York, N. Y. Lachant, Rita, 230 Broadway, New York, N. Y. Weidlinger, Sidney, 153 East Beach St., Long Beach, N. Y.	5-16-52 6- 1-52 6- 1-52 6- 1-52 6- 1-52 5-21-52	7-15-52 9- 1-52 9- 1-52 9- 1-52 9- 1-52 5-21-53	General and validated licenses, all commodities, any destination. Validated licenses, all commodities, any destination. .....do..... .....do..... .....do..... General and validated licenses, all commodities, any destination.	17 F. R. 4723, 5-23-52. 17 F. R. 4722, 5-23-52. 17 F. R. 4722, 5-23-52. 17 F. R. 4722, 5-23-52. 17 F. R. 4722, 5-23-52. 17 F. R. 4826, 5-27-52.

b. The following orders are added:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and resulting commodity group	GLV dollar value limits	Validated license required
	Secondary research laboratory apparatus and equipment, n. e. s., and specially designed parts, accessories, and subassemblies thereof, n. e. s.:				
900980★	Laboratory glassware (except optical glass) and specially fabricated parts, n. e. s.	----------	64PB	None	RO

★ The commodities described in the Positive List entry are exempted from the provisions of General In-Transit License GIT, section 371.9 (c), of this chapter.

The commodities covered by this Positive List entry require import certificate (see § 373.34 of this chapter.)

[1] Part 1 of this amendment was published in Current Export Bulletin No. 670, dated June 12, 1952. Parts 2 and 3 were published in Current Export Bulletin No. 671, dated June 19, 1952.

This part of the amendment shall become effective as of 12:01 a. m., June 26, 1952. Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Parts 2 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., June 26, 1952, may be exported under the previous general license provisions up to and including July 19, 1952. Any such shipment not laden aboard the exporting carrier on or before July 19, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-7667; Filed, July 14, 1952; 8:46 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

SCHOOL SUPERINTENDENT, INSTRUCTOR, SCHOOL ACTIVITIES, ARMY AND NAVY CIVILIAN SCHOOLS

Section 24.13 is amended to read as follows:

§ 24.13 *School Superintendent, GS-1710-12, Instructor, School Activities (Principal, GS-9; High School Teacher, GS-5-7; Elementary Teacher, GS-5), GS-1710-5-9, Army and Navy Civilian Schools*—(a) *Educational requirement.* The educational requirements for these positions are the current educational requirements of the States in which the positions are located.

(b) *Duties.* The duties of these positions are to serve as school superintendent or principal or as elementary or high school teacher in Army or Navy schools for children or personnel of the armed forces.

(c) *Knowledge and training requisite for performance of duties.* The enrollment in schools maintained by the Army and the Navy Departments is extremely transient because of the frequent shifting of Army and Navy personnel from one assignment to another. In order that students may transfer from these schools without loss of educational credits, the Army and Navy schools must have approval or certification from the State Board of Education in which the school is located. (There is reciprocity between the States in the acceptance of students from an approved or certified school.) Qualifications of superintendents, principals, and teachers in these schools must, therefore, be the current requirements of the State in which the school is located.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860. Interprets or applies sec. 5, 58 Stat. 388; 5 U. S. C. 853)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-7686; Filed, July 14, 1952; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 619—FRUITS AND BERRIES, CANNED

SUBPART—CANNED SOUR CHERRY PURCHASE PROGRAM TMP 96A1

§ 619.1 *Canned sour cherries, program TMP 96a1.* In order to encourage the domestic consumption of sour cherries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Production and Marketing Administration will offer to purchase canned sour cherries from United States processors on the offer and acceptance basis and will accept offers to the extent that industry marketing needs require, subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Specifications of the purchase will be contained in announcements which will be issued by the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C., during the period July 7, 1952, to and including July 30, 1952.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 9th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7688; Filed, July 14, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 5, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Tragedy plums grown in the State of California.

b. It is therefore ordered as follows: The provisions of paragraph (b) (2) of § 936.427 (Plum Order 5; 17 F. R. 5635) are hereby amended to read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size that will pack a 5 x 6 standard pack, as aforesaid. The aforesaid 5 x 6 standard pack and 6 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time hereof, may arise in connection with any provisions of said Plum Order 5; or (2) as releasing or extinguishing any violation of said Plum Order 5 which has occurred or which, prior to the effective time hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1952, to become effective at 12:01 a. m., P. s. t., July 10, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7690; Filed, July 14, 1952; 8:47 a. m.]

[Plum Order 7, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Duarte plums grown in the State of California.

b. It is, therefore, ordered as follows: The provisions in paragraph (b) (2) of § 936.429 (Plum Order 7; 17 F. R. 5636) are hereby amended to read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 7; or (2) as releasing or extinguishing any violation of said Plum Order 7 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1952, to become effective at 12:01 a. m., P. s. t., July 10, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7691; Filed, July 14, 1952; 8:48 a. m.]

[Plum Order 8, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Burbank plums grown in the State of California.

b. It is therefore ordered as follows: The provisions of paragraph (b) (1) (i) of § 936.430 (Plum Order 8; 17 F. R. 5637) are hereby amended to read as follows:

(i) such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

c. Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 8, or (2) as releasing or extinguishing any violation of said Plum Order 8, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1952, to become effective at 12:01 a. m., P. s. t., July 10, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7692; Filed, July 14, 1952; 8:48 a. m.]

[Plum Order 10, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Gaviota plums grown in the State of California.

b. It is therefore ordered as follows: The provisions of paragraph (b) of § 936.432 (Plum Order 10; 17 F. R. 5638) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 10, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Gaviota plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{15}/_{16}$ inches in diameter, (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time hereof, may arise in connection with any provisions of said Plum Order 10; or (2) as releasing or extinguishing any violation of said Plum Order 10 which has occurred or which, prior to the effective time hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1952, to become effective at 12:01 a. m., P. s. t., July 10, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7693; Filed, July 14, 1952; 8:48 a. m.]

[Plum Order 12, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Wickson plums grown in the State of California.

b. It is, therefore, ordered as follows: The provisions in paragraph (b) (2) of § 936.434 (Plum Order 12; 17 F. R. 5806) are hereby amended to read as follows:

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed fifty (50) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of Plum Order 12; or (2) releasing or extinguishing any violation of said Plum Order 12 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1952, to become effective at 12:01 a. m., P. s. t., July 10, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7694; Filed, July 14, 1952; 8:48 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.436 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation there-

for which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 6 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third (33⅓) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 5 standard pack, as aforesaid. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{3}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7807; Filed, July 14, 1952; 9:31 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.437 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Late Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerance permitted for such grade: *Provided*, That gum spots which do not cause serious damage shall not be considered a grade defect with respect to such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 6 x 6 standard pack in a standard basket if said quantity does not exceed twenty-five (25) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 5 x 6 standard pack, as aforesaid. The aforesaid 5 x 6 standard pack and 6 x 6 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 5 x 6 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{3}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{1}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7808; Filed, July 14, 1952; 9:31 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.438 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to

make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7809; Filed, July 14, 1952; 9:32 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.439 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7810; Filed, July 14, 1952; 9:32 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.440 *Plum Order 17*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is herefy further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952 no shipper shall ship from any shipping point during any day any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7811; Filed, July 14, 1952; 9:35 a. m.]

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.441 *Plum Order 18*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third ($33^{1}/_{3}$) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will

pack 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7812; Filed, July 14, 1952; 9:36 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.442 *Plum Order 19*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952 and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack in a standard basket if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diamter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diamter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7813; Filed, July 14, 1952; 9:36 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.443 *Plum Order 20*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum

Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 15, 1952. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until July 8, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on July 8, 1952, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1952, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 15, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack in a standard basket if said quantity does not exceed thirty-three and one-third ($33\frac{1}{3}$) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid. The aforesaid 4 x 5 standard pack and 5 x 5 standard pack are defined more specifically in subparagraphs (4) and (5), respectively, of this paragraph.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) During the period set forth in subparagraph (1) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed state-

ment to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(7) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-7814; Filed, July 14, 1952; 9:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 713—NAVAL RESERVE

MISCELLANEOUS AMENDMENTS

1. Section 713.4106 is amended to read as follows:

§ 713.4106 *Transfers of enlisted personnel between classes of naval reserve.* (a) Commandants of Naval Districts, Potomac River Naval Command, and the Chief of Naval Air Reserve Training are authorized to transfer enlisted personnel from one class to another for which qualified subject to the following restrictions:

(1) Transfers to Class 01, 02, V1, and V2 shall be made only within authorized allowances and quotas.

(2) Enlisted men of Classes 02 and V2 must qualify by physical examination for aviation duties as required by the Manual of the Medical Department for unclassified personnel ordered to duty involving flying.

(3) Personnel of other classes whose computed age (see § 713.2402 (d)) is over the age limit for enlistment in Classes 01, 02, V1, or V2 shall not be transferred to these classes unless they have had previous active Naval or Coast Guard service, and their calendar age is under 40 years.

(4) Personnel originally enlisted in another class in a rate higher than that normally authorized for first enlistment in the Organized Reserve may be transferred to Classes 01, 02, V1, or V2 with the condition that retention in the Organized Reserve is dependent upon satisfactory completion of substantiating examinations in military and professional requirements for the rate held within a period of one year. Personnel who were enlisted in Class V8 under provisions of § 713.2411 and who are transferred to the Organized Reserve before their rates have been substantiated by examination shall be required to fulfill this condition except that they may be examined for advancement to a rate within the limits prescribed in § 713.2411.

(b) Enlisted personnel of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to other classes of the Reserve without special authority from the Bureau of Naval Personnel.

2. Section 713.5401 (a) is amended to read as follows:

§ 713.5401 *U. S. Naval Correspondence Course Center.* (a) The U. S. Naval Correspondence Course Center is established by the Secretary of the Navy to administer naval correspondence courses and to assist the Bureau of Naval Personnel in the preparation and evaluation of correspondence courses.

(Sec. 9, 52 Stat. 1177, as amended; 34 U. S. C. 853g)

DAN A. KIMBALL,
Secretary of the Navy.

JULY 8, 1952.

[F. R. Doc. 52-7677; Filed, July 14, 1952; 8:46 a. m.]

PART 720—PROCEEDINGS IN CIVIL COURTS

REVISION

Part 720 is revised to read as follows:

Sec.
720.1 Delivery when personnel beyond territorial limits of the State.
720.2 Delivery when personnel within territorial limits of the State.
720.3 Agreement required prior to delivery to State authorities.
720.4 Form of agreement as to expenses.
720.5 Delivery of personnel to Federal authorities.
720.6 Agreement not required of Federal authorities.
720.7 Personnel released by civil authorities on bail.
720.8 Naval prisoners as witnesses or parties in civil courts.
720.9 Service of subpoena or other civil process upon persons in the Navy.
720.10 Leave of absence to be granted persons subpoenaed or otherwise served with process.

AUTHORITY: §§ 720.1 to 720.10 issued under R. S. 161; 5 U. S. C. 22.

NOTE: §§ 720.1 to 720.10 are also contained in Chapter VII Naval Supplement to the Manual for Courts Martial, United States, effective May 31, 1951.

§ 720.1 *Delivery when personnel beyond territorial limits of the State.* In all cases in which the delivery of any person in the Navy or Marine Corps is wanted by State or Local civil authorities for trial, and such person is not attached to or serving at a Naval or Marine Station or other Naval or Marine place within the State, or aboard a ship within the territorial waters of said State, a requisition for the delivery of the person must be made by the Governor or Chief Executive of such State, addressed to the Secretary of the Navy, showing that the person desired is charged with a crime in that State for which he could be extradited under the Constitution of the United States, the enactments of Congress, or the laws of the State desiring his delivery. Such requisition should be forwarded to the Secretary of the Navy (Judge Advocate General) for examination, together with the appointment of the agent of the State to whom delivery is to be made. If the papers allege that the person is a fugitive from the justice of that State and that he is charged with an extraditable crime, as aforesaid, and the papers are otherwise found to be in due form, the Secretary of the Navy will send the necessary authorization to the designated agent permitting him to take the person into custody upon compliance with § 720.3.

§ 720.2 *Delivery when personnel within territorial limits of the State.* In cases in which the delivery of any person in the Navy or Marine Corps is requested by civil authorities within the Continental United States, Alaska, Hawaii, the Canal Zone or Puerto Rico, and such person is attached to or serving at a Naval or Marine Station or other Naval or Marine place within a State, Territory or Possession, or aboard a ship within the territorial waters of such State, Territory or Possession, commanding officers are authorized to deliver such person when a proper warrant is presented. Warrants reciting that the individual is a fugitive from another State or jurisdiction (commonly known as fugitive warrants) are considered an attempt to circumvent the procedure described in § 720.1 and are not "proper warrants" within the meaning of this section; delivery will be refused upon presentation thereof.

§ 720.3 *Agreement required prior to delivery to State authorities.* In every case in which the delivery of any person in the Navy or Marine Corps to the civil authorities of a State, for trial, is authorized, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that he will be informed of the outcome of the trial and that the person so delivered will be returned to the naval authorities at the place of his delivery or issued transportation to the nearest receiving ship or station (or marine barracks in the case of Marines) without expense to the United States or to the person delivered immediately upon the completion of his trial for the alleged misconduct which occasioned his delivery to the civil authorities, in the event that he is acquitted, or immediately upon satisfying the sentence of the court in the event that he is convicted and a sentence imposed, or upon other disposition of his case: *Provided*, That the naval authorities shall then desire his return.

§ 720.4 *Form of agreement as to expenses.* (a) The following is suggested as a form of agreement acceptable to the Department in the cases referred to in § 720.3:

In consideration of the delivery of _____, United States Navy (or United States Marine Corps), to _____, at _____, for trial upon the charge of _____, I hereby agree, pursuant to the authority vested in me as _____, that the commanding officer of the _____ will be informed of the outcome of the trial and that said _____ will be returned to the naval authorities at the aforesaid place of his delivery or issued transportation to the nearest receiving ship or station (or marine barracks, in the case of Marines) without expense to the United States or the person delivered immediately upon the completion of his trial, or immediately upon satisfying the sentence of the court in the event that he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return.

(b) The Department considers this agreement substantially complied with when the man is furnished transportation back to his station and necessary cash to cover his incidental expenses en route thereto, and the Navy Department so informed.

§ 720.5 *Delivery of personnel to Federal authorities.* Commanding officers are authorized to deliver personnel to Federal authorities on presentation of a proper warrant in all cases except where disciplinary proceedings are pending or the person is undergoing a sentence of a court martial or when in the opinion of the commanding officer unusual circumstances exist which warrant reference of the matter to the Secretary of the Navy (Judge Advocate General).

§ 720.6 *Agreement not required of Federal authorities.*—(a) *Expenses when personnel are delivered to Federal authorities.* An agreement as to expenses will not be exacted as a condition to the delivery of personnel to Federal authorities for trial. Men desired by Federal authorities for trial will be called for and taken into custody by a United States marshal or deputy marshal. If the man is not convicted, or if the case if dismissed, or, provided naval authorities desire his return, immediately upon satisfying the sentence of the court in the event he has been convicted and sentenced, the man will be returned to the naval service and the necessary expenses paid from an appropriation under the control of the Department of Justice.

(b) *Payment of expenses of witnesses appearing in Federal court under official orders.* When naval personnel are required to appear as witnesses in Federal court, under official orders, the charge for this type of temporary additional duty travel will be borne by the activity to which the serviceman is attached. If the required witness is to appear in a case where the Department of the Navy is not a party in interest, the Navy will be reimbursed by the Department of Justice upon submission of reimbursement form 1080 prepared in accordance with NAVCOMP Notice 710 of May 9, 1951. Payments to witnesses will be as provided by the Joint Travel Regulations and U. S. Navy Travel Instructions.

§ 720.7 *Personnel released by civil authorities on bail.* Where a person in the Navy or Marine Corps is arrested by Federal or State authorities for trial and returns to his ship or station on bail, the commanding officer shall normally grant him leave of absence to appear for trial on the date set, upon verification of the attending facts, date of trial and approximate length of time that should be covered by the leave of absence; provided, such absence will not prejudice the interest of the naval service.

§ 720.8 *Naval prisoners as witnesses or parties in civil courts.* If Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case pending in a civil court, upon the submission of such a request to the Secretary of the Navy, authority will be given in a proper case for the production of the man in court without resort being had to a writ of habeas corpus ad testificandum. The Department, however, will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department will allow the deposition of such naval prisoner to be taken in the case.

§ 720.9 *Service of subpoena or other civil process upon persons in the Navy.*—(a) *Within the jurisdiction.* Commanding officers afloat or ashore are authorized to permit, and under normal conditions shall permit, service of subpoena or other civil process of Federal, State, Territorial or Local courts upon naval personnel or civilians named therein and located within the jurisdiction of the court out of which the process issues, but such service should not be allowed without the permission of the commanding officer first being obtained. (Personnel serving aboard vessels located within the territorial waters of the State out of which the process issues are considered within the jurisdiction of the court for the purpose of service of process.) In cases wherein the exigencies of the service would jeopardize or limit personnel from defending themselves in litigation, service of process will not be allowed until conditions permit. The commanding officer shall permit the service of process except in unusual cases where compliance with the mandate of the process would seriously prejudice the public interest. Where service is refused, reports of such refusal and the reasons therefor shall be forwarded by letter to the Office of the Judge Advocate General. Where practicable, commanding officers will require that the process be served in their presence, or that of an officer designated by them. Where service of process by mail is legally sufficient, however, the process may be mailed to the person named therein. In all cases commanding officers will insure that the nature of the process is explained to the man concerned.

(b) *Beyond the jurisdiction.* Where a person in the naval service, or a civilian, is beyond the jurisdiction of the court issuing process against him, the commanding officer will permit service or delivery of the process under the same conditions as noted in paragraph (a) of this section for whatever legal effect it may have. At the same time he will advise the person being served that he is not required to indicate acceptance of service in writing, or otherwise, although he may do so voluntarily, and further advise him to consult legal counsel. Where process is forwarded to a commanding officer with the request that it be delivered to a person within his command, he may deliver it to the person named therein provided he voluntarily accepts it. In such cases the commanding officer will insure that the serviceman or civilian is informed that he is not required to accept service of the process but may do so voluntarily. The commanding officer is not required to act as a process server, and when the person named in the process does not voluntarily accept the process it should be returned to the forwarder with advice that the person named therein refuses to accept it.

(c) *Suits against the United States.* Where it appears that a subpoena relates to a suit against the United States under the Public Vessels Act dispatch advice shall be requested of the Judge Advocate General in view of the requirements of section 784, Title 46, U. S. Code. Similar action shall be taken in case of suit against the United States under any other act.

§ 720.10 *Leave of absence to be granted persons subpoenaed or otherwise served with process.* In such cases the commanding officer is authorized and will normally grant leave of absence to the person subpoenaed or upon whom the process is served in order to permit him to obey the same, unless the public interest would be seriously prejudiced by his absence, in which case full report of the matter should be made to the Department.

DAN A. KIMBALL,
Secretary of the Navy.

JULY 8, 1952.

[F. R. Doc. 52-7678; Filed, July 14, 1952; 8:46 a. m.]

Subchapter D—Procurement, Property, Patents, and Contracts

PART 738—PAYMENT OF FAIR COMPENSATION UNDER DEFECTIVE INFORMAL AND QUASI CONTRACTS

REVOCATION OF PART

1. The following part of Subchapter D is hereby revoked:

a. Part 738—Payment of Fair Compensation Under Defective Informal and Quasi Contracts.

(R. S. 161; 5 U. S. C. 22)

DAN A. KIMBALL,
Secretary of the Navy.

JULY 3, 1952.

[F. R. Doc. 52-7676; Filed, July 14, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 7, Amdt. 2 to Revision 1]

GOR 7—Exemptions and Suspensions of Certain Food and Restaurant Commodities

STATUTORY DECONTROL

Pursuant to the Defense Production Act of 1950, as amended, and Economic Stabilization Agency General Order No. 2, this Amendment 2 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

The Congress of the United States has enacted the Harrison Amendment to the Defense Production Act which exempts fruits and vegetables in fresh or processed form from price controls. This amendment to General Overriding Regulation 7 adds a new article to that regulation which will be used to implement this mandate of Congress.

In respect of certain products, the decontrol amendment has a clear and unequivocal meaning. The exact limits of the amendment, however, are not clearly defined and questions have arisen as to the point at which Congress intended to draw the line of decontrol. The Office of Price Stabilization is currently studying the decontrol amendment in order to ascertain its scope. In the meantime, and for the convenience of those who are affected by the decontrol amendment, the Office of Price Stabilization has decided to add an article to GOR 7 by this amendment which contains a list of products clearly and unequivocally within the coverage of the decontrol amendment.

For the sake of clarity and in order to avoid any misunderstanding, it was deemed necessary to repeat in this list certain products which have been decontrolled in part by earlier amendments to GOR 7. For example, all canned plums, except purple prune plums, were decontrolled by Amendment 1 to GOR 7, Revision 1. Rather than list purple prune plums alone in this amendment, it was decided to list all canned plums with no exceptions.

The inclusion of products in the list of this Article IV to GOR 7 does not relieve sellers of their responsibility to maintain the records they have established for these products for the period of time specified in the regulations which formerly governed them.

It is realized that this action may result in higher prices for a number of items which play an important part in the cost of living, but, under the terms of the Harrison Amendment, the agency has no alternative but to remove ceilings from the products covered.

Special circumstances have made it impracticable to consult with industry representatives, including trade association representatives, before the issuance of this amendment. In the judgment of the Director of Price Stabilization, this amendment is necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by adding Article IV to read as follows:

ARTICLE IV—STATUTORY DECONTROL

SEC. 30. *Processed fruits and vegetables removed from price control pursuant to section 402 (d) (3) of the Defense Production Act of 1950, as amended.* On and after July 1, 1952, no ceiling price regulation issued by the Office of Price Stabilization shall apply to the following processed fruits and vegetables which are removed from price control in accordance with the provisions of section 402 (d) (3) of the Defense Production Act of 1950, as amended. This section applies to sales of the products listed which were heretofore subject to price control at the manufacturing or processing level under the specific ceiling price regulation listed below, the General Ceiling Price Regulation and supplementary regulations thereto, or under the Manufacturers' General Ceiling Price Regulation (CPR 22). This section also applies to all sales of the listed products at wholesale or retail governed by Ceiling Price Regulations 14, 15 or 16, the General Ceiling Price Regulation and supplementary regulations thereto. Finally, it also applies to all sales of the commodities listed below and governed by Ceiling Price Regulations 31 and 61.

(a) The following canned vegetable products covered by Ceiling Price Regulation 42:

(1) Canned asparagus.

(b) The following canned vegetable products covered by Ceiling Price Regulation 55:

(1) Canned beans, lima.
(2) Canned beans, snap (green and wax).
(3) Canned beets.
(4) Canned carrots.
(5) Canned corn, sweet.
(6) Canned fresh field peas and fresh shelled beans (all varieties).
(7) Canned mixtures of vegetables.
(8) Canned mushrooms.
(9) Canned okra.
(10) Canned onions.
(11) Canned peas, fresh green.
(12) Canned peppers.
(13) Canned pimientos.
(14) Canned potatoes, white.
(15) Canned potatoes, sweet.
(16) Canned pumpkin.
(17) Canned spinach.
(18) Canned squash.
(19) Canned succotash.
(20) Canned tomatoes.
(21) Canned turnip greens.
(22) Canned vegetable juices and mixtures thereof.

(c) The following canned fruits and berries (including mixtures of fruits) covered by Ceiling Price Regulation 56:

(1) Canned apples.
(2) Canned applesauce.
(3) Canned apricots.
(4) Canned berries (all varieties).
(5) Canned cherries, sweet.
(6) Canned cherries, sour.
(7) Canned cranberries.
(8) Canned figs.
(9) Canned fruit cocktail.
(10) Canned fruit for salad (including canned fruit mixtures).
(11) Canned fruit and berry juices and mixtures thereof.
(12) Canned peaches (all varieties).
(13) Canned pears (all varieties).
(14) Canned plums.
(15) Canned prunes (fresh).

(d) The following frozen vegetables covered by Ceiling Price Regulation 81:

1. All frozen vegetables, including frozen cooked squash and frozen cooked pumpkin, but excluding French fried, diced or whipped white potatoes. (As to French fried, diced or whipped white potatoes, see paragraph (g) of this section.)

(e) The following frozen fruits and berries covered by Ceiling Price Regulation 82:

1. All frozen fresh fruits or berries but excluding frozen citrus fruits. (As to frozen citrus fruits, see paragraph (f) of this section.)

(f) The following fruits, berries and vegetables covered by the General Ceiling Price Regulation or supplementary regulations thereto:

1. All of the products listed under paragraphs (b) and (c) of this section for which the processor has previously elected, under section 1 (a) of CPRs 55 or 56, to remain under the General Ceiling Price Regulation.
2. All canned and frozen citrus fruits, juices and concentrates (including mixtures thereof) and all other frozen fruit and berry concentrates.
3. All dried fruits (including mixtures thereof).
4. Canned pineapple and pineapple juice.
5. The following canned baby or junior foods:
(i) Applesauce.
(ii) Apricot-applesauce.
(iii) Beets.
(iv) Carrots.
(v) Green beans.
(vi) Peas.
(vii) Peaches.
(viii) Pears.
(ix) Pears and pineapple.
(x) Prunes.
(xi) Spinach.
(xii) Squash.
(xiii) Sweet potatoes.

(g) The following fruits, berries and vegetables covered by the Manufacturers' General Ceiling Price Regulation (CPR 22):

1. Frozen French fried, diced or whipped white potatoes.
2. Peeled, whole or sliced chemically treated white potatoes.
3. Shoestring and julienne potatoes and potato chips.
4. Sauerkraut and sauerkraut juice.
5. Cherries in brine.

(h) The following fruits, berries and vegetables covered by Ceiling Price Regulation 31:

1. Pineapple.
2. Cherries in brine.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

[F. R. Doc. 52-7823; Filed, July 14, 1952, 9:29 a. m.]

[Ceiling Price Regulation 9, Revision 1, Correction]

CPR 9—Territories and Possessions

CORRECTION

Reference is made in paragraph (c) (2) of section 3 of Ceiling Price Regulation 9, Revision 1, to "section 15" in which the term "category" is defined. This is a clerical error. Reference should be to "section 16", so that the last line of the first paragraph of paragraph (c) (2) of section 3 should read: "The term 'category' is defined in section 16 of this regulation."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

[F. R. Doc. 52-7849; Filed, July 14, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 30]

CPR 22—Manufacturers' General Ceiling Price Regulation

SR 30—TRANSLATION OF F. O. B. INTO DELIVERED CEILING PRICES FOR CERTAIN CONSUMER DURABLE GOODS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 22 provides a method whereby manufacturers of certain consumer durable goods items may apply to have ceiling prices established under CPR 22 for sales on an f. o. b. shipping point basis translated into ceiling prices for sales on a delivered basis.

The need for this supplementary regulation has arisen from the fact that under Ceiling Price Regulation 22, which is the Manufacturers' General Ceiling Price Regulation, each manufacturer is frozen to the terms and conditions of sale he had in effect during his base period. His base period is the period April 1 through June 24, 1950, or any previous calendar quarter ended not earlier than September 30, 1949 which he elects to use. This means that if a manufacturer prior to Korea sold exclusively on an f. o. b. shipping point basis he must continue to do so under CPR 22. This requirement has meant that manufacturers who, for reasons totally unrelated to price control, had shifted from an f. o. b. shipping point basis to a delivered basis in the long interval between the outbreak of hostilities in Korea and the time CPR 22 became effective as to them were forced by CPR 22 to revert to the method of doing business which they had deliberately discarded. It has also meant that other manufacturers who may have desired to make a change from an f. o. b. shipping point basis to a delivered basis have not been able to do so. Particularly in those industries where sales on a delivered basis are the most common this restriction has been productive of considerable hardship.

In order that the manufacturer's freedom of action shall be limited to the least extent compatible with price control this regulation provides a method whereby manufacturers of certain consumer durable goods items who have established ceiling prices under CPR 22 or under one of the supplementary regulations to CPR 22 may calculate and apply for ceiling prices for sales made on a delivered basis. This regulation is limited at present to those areas where relief appears to be most greatly needed and where the method of calculation provided by this regulation can be used. New areas will be included within this supplementary regulation as need for relief in such areas is shown and as additional methods of calculation are developed.

Any application under this supplementary regulation must cover all commodities within a single category.

A manufacturer who wishes to convert f. o. b. ceiling prices to delivered ceiling prices under this supplementary regulation first calculates what it would have cost him per hundredweight during a previous twelve month period to ship the category for which he is applying to the particular zone or area in which he wishes to establish a uniform delivered price. If the number of points to which he shipped within the zone or area are so numerous as to make this calculation too difficult he is permitted to use a sampling technique.

If the manufacturer has established his ceiling prices under CPR 22 he makes his calculations on the basis of the freight rates in effect on March 15, 1951. This date is used because sellers who sold on a delivered basis during the CPR 22 base period may reflect in their ceiling prices increases in transportation cost only up to that date. Consequently, if a later date were employed, the seller who was now first applying for delivered ceiling prices under CPR 22 would be placed in a better position than sellers who had already established delivered ceiling prices. If the applicant, however, has established his f. o. b. ceiling prices under either SR 17 to CPR 22 or SR 18 to CPR 22 (the Capehart regulations), he makes his calculations upon the basis of the freight rates in effect on July 26, 1951. He is permitted this later date to place him in an equal position with sellers who have already established delivered ceiling prices under these regulations.

After the manufacturer has calculated what his freight bill would have been for a twelve month period preceding the application, on the basis of the rates in effect on whatever date he is required to use, he divides this amount by the weight of the commodities in the category sold during the period. This will give him a dollar-and-cents amount per hundredweight. He multiplies this amount by the weight of the commodity for which he is establishing a ceiling price to find the amount which, when added to his f. o. b. ceiling price for the commodity, will convert it to a delivered ceiling price.

If a manufacturer elects to avail himself of the relief provided by this supplementary regulation he must thereafter make all sales of commodities in the same category on a delivered basis.

FINDINGS OF THE DIRECTOR

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives to the extent practicable, and has given full consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director to be necessary to prevent circumvention or evasion of this regulation.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. How you apply for delivered ceiling prices.
3. How you calculate delivered ceiling prices.
4. Alternate method for calculating delivered ceiling prices.
5. Modification of ceiling prices by the Director of Price Stabilization.
6. Application.
7. Records.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a method by which you may calculate and apply for delivered ceiling prices to replace your present f. o. b. ceiling prices established under CPR 22, or under any supplementary regulation to CPR 22, for the consumer durable goods items listed in Appendix A. After you have sold any commodity at a delivered ceiling price exceeding your former f. o. b. ceiling price, you may not thereafter sell any commodity in the same category on an f. o. b. shipping point basis.

SEC. 2. *How you apply for delivered ceiling prices.* (a) You apply for delivered ceiling prices under this supplementary regulation by making the calculations described in section 3, or those approved under section 4, and by mailing the application required by section 6 to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C. Your application must cover a category. A "category" is defined in

section 5 of CPR 22. This application must be sent by registered mail, return receipt requested.

(b) Thirty days after the Office of Price Stabilization has received your report, as shown by your return postal receipt, you may sell at the delivered ceiling prices you have calculated unless the Office of Price Stabilization has notified you not to do so or has asked for additional information. If, within this thirty day period, OPS has asked you for more information you may not sell at your delivered ceiling prices until thirty days after the Office of Price Stabilization has received the requested information. You must mail the information by registered mail, return receipt requested.

(c) The Director of Price Stabilization may, in writing, permit you to use your delivered ceiling prices before the expiration of the thirty day waiting period after receipt of your application.

SEC. 3. *How you calculate delivered ceiling prices.* (a) You calculate delivered ceiling prices under this section upon the basis of your sales experience during a past twelve month period. For convenience, the period is referred to as your "transportation base period." Use as your transportation base period the last twelve month period preceding your application (ending not earlier than December 31, 1950) for which you have records. You will be unable to use this section for any category not dealt in by you during the entire transportation base period. If you wish to establish delivered ceiling prices for a category which is different from any dealt in by you during the entire transportation base period you will have to establish delivered ceiling prices under section 4.

(b) The first step in calculating a uniform delivered ceiling price is to determine each zone or area within which you wish to establish a uniform delivered price. A zone or area is a single integrated geographical area. It may encompass the entire United States or any part thereof. You will have to repeat the calculations outlined in the next paragraph for each zone or area within which you wish to establish a uniform delivered price.

(c) If all the commodities in the category have the same rate of transportation you perform the following steps only once for each zone or area. However, if the commodities in the category have different rates of transportation you will have to make a calculation for each group of commodities within the category which carries the same rate of transportation.

(d) The second step, after you have determined an area or zone within which you wish to establish a uniform delivered price, is to find the total number of receiving points within the zone or area to which you sent shipments during the transportation base period of commodities having the same rate of transportation per hundredweight in the category for which you wish to establish a delivered ceiling price. A "receiving point" is the city, town or village in which is located the unloading terminal of the common carrier which received the shipment. If the total number of these receiving points is 25 or less you have completed this second step. If the total number of these points is 26 or more you may, for ease of calculation, if you so desire, drop some of these receiving points from your calculations. You do so as follows: List and number these points in alphabetical order. If the total number of receiving points is between 26 and 50, inclusive, strike from the list every fifth receiving point starting with the number 5. If the total number of receiving points is between 51 and 100, inclusive, strike every other receiving point starting with the number 2. If the total number is between 101 and 300, inclusive, leave on the list every third receiving point starting with the number 1 and strike all other receiving points. If the total number is between 301 and 500, inclusive, leave on the list every fifth receiving point starting with the number 1 and strike all other receiving points. If the total number is more than 500 leave on the list every tenth receiving point starting with the number 1 and strike all other receiving points.

(e) The third step, after you have made your list of receiving points under Step 2, is to find the total weight of the commodities having the same rate of transportation per hundredweight, which you sent to each receiving point on the list during the transportation base period, in the category for which you wish to establish a delivered ceiling price.

(f) You are now ready for the fourth step. If you have established your ceiling price under CPR 22, multiply the weight sent to each receiving point on your list during the transportation base period by the lowest common carrier rate per hundredweight, including transportation tax, in effect on March 15, 1951, between that receiving point and the plant or warehouse used by you as a shipping point which has the lowest rate of transportation to that receiving point. If you have established your ceiling prices under either SR 17 to CPR 22 or SR 18 to CPR 22, make the same calculation but substitute July 26, 1951 for March 15, 1951. In making this calculation exclude any charge for services, such as consolidation, breaking, bulk, loading, unloading, warehousing, or any other service in connection with or identical to the transportation. Add the amounts calculated under this paragraph.

(g) For the fifth step, divide the total dollar-and-cents amount found under the preceding paragraph by the total weight sent to all the receiving points on your list. This will give you a dollar-and-cents amount. This dollar-and-cents amount is your adjustment per hundredweight for all commodities having the same rate of transportation per hundredweight in the category for which you wish to establish delivered ceiling prices.

(h) You are now ready for the last step. Find your CPR 22 ceiling price (or your SR 17 or your SR 18 ceiling price, if you are using one of these regulations to establish your ceiling prices) f. o. b. shipping point for the commodity for which you wish to establish a delivered ceiling price. Use the shipping point which has the lowest transportation cost to the zone or area within which you are establishing a uniform delivered price. Multiply the dollar-and-cents amount found under the preceding step by the number of hundredweight or fraction thereof of the commodity. Add this amount to the f. o. b. ceiling price of the commodity. The result is a uniform delivered ceiling price for that commodity within the zone or area for which you are establishing a uniform delivered price.

Example. You wish to calculate delivered ceiling prices for the category "refrigerators". You have established adjusted ceiling prices under SR 17 to CPR 22. Your first step is to find the area or zone within which you wish to establish a uniform delivered ceiling price. In this example the zone is the entire United States. The following table shows how you determine your adjustment per hundredweight for refrigerators.

Second step: Receiving points in United States (A)	Third step: Total hundredweight sent each receiving point (B)	Carlot freight rate per hundredweight as of July 26, 1951, including transportation tax (C)	Fourth step: (B×C)
Atlanta	15,000	$1.39	$22,[illegible]
Chicago	25,000	[illegible]	24,[illegible]
Dallas	20,000	2.11	42,200
Los Angeles	20,000	2.95	295,200
New York	65,000	1.73	112,450
Total	195,000		408,200

Fifth step: $\frac{\$408.200}{195,000 \text{ cwt.}} = \$2.09$ per cwt.

Sixth step: Your ceiling price for Model 100, a new model refrigerator, calculated under section 17 of SR 17 to CPR 22, f. o. b. your factory, which is your only shipping point in the United States, is $150. This model weighs 300 pounds. Three times $2.09 is $6.27. Therefore, the uniform delivered ceiling price for your Model 100 refrigerator throughout the United States is $156.27.

SEC. 4. *Alternate method for calculating delivered ceiling prices.* (a) If you find that you are unable to calculate delivered ceiling prices under the previous section for any commodity covered by this supplementary regulation you may apply to the Consumer Durable Goods Division, Office of Price Stabilization, Washington 25, D. C., for permission to use another method. Your application should be sent by registered mail and should be identified as filed under this supplementary regulation and this section.

(b) State in your application the reasons why you cannot calculate delivered ceiling prices under this supplementary regulation and describe in detail the method by which you propose to calculate delivered ceiling prices. Do not use the proposed method until you are notified in writing by the Director of Price Stabilization that you may do so. Before approving or disapproving your proposed method, the Director of Price Stabilization may request additional information.

SEC. 5. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise ceiling prices proposed to be used or being used under this supplementary regulation so as to bring them in line with the level of ceiling prices otherwise established by CPR 22, by any regulation supplementary thereto, or by any other applicable regulation.

SEC. 6. *Application.* (a) An application for delivered ceiling prices calculated under section 3 must contain the following information:

(1) The names of the commodity or commodities for which you are calculating delivered ceiling prices.

(2) A description of the geographical limits of each zone or area within which you wish to establish uniform delivered ceiling prices.

(3) Your ceiling price f. o. b. each plant or warehouse having the lowest rate of transportation on the cut-off date (March 15 or July 26, 1951) to each zone or area named in subparagraph (2) of this paragraph, for each commodity covered by your application, to your largest buying class of purchaser. This term is defined in section 47, CPR 22.

(4) The period you have used as the transportation base period.

(5) Your calculations under section 3 shown in the detail given in the example at the end of that section.

(6) Your delivered ceiling price, to your largest buying class of purchaser, in each zone or area for each commodity covered by your application.

(b) If you have applied under section 4 for an alternate method to calculate delivered ceiling prices and have received approval of that method from the Director of Price Stabilization, your application must contain all the information called for in subparagraphs (1), (2), (3) and (6) of paragraph (a) of this section and your calculations of your delivered ceiling prices.

(c) Applications filed under either paragraph (a) or (b) of this section must be filed by the person subject to the ceiling price regulation, personally, if an individual; if a partnership, by a partner; or if an association or corporation, by a duly authorized officer. The person signing the application must certify that the information contained therein is true to the best of his knowledge or of his information and belief.

SEC. 7. *Records.* In addition to all records required by CPR 22 and other applicable OPS regulations, every manufacturer who establishes a delivered ceiling price under the provisions of this supplementary regulation shall keep for inspection by the Director of Price Stabilization for a period of two years the worksheets showing how he calculated his delivered ceiling prices.

Effective date. This supplementary regulation is effective July 14, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

APPENDIX A

Refrigerators.
Home Freezers.

[F. R. Doc. 52-7853; Filed, July 14, 1952; 4:00 p. m.]

[Ceiling Price Regulation 24, Amdt. 11, Corr.]

CPR 24—CEILING PRICE OF BEEF SOLD AT WHOLESALE

CORRECTION

Due to a clerical error, Amendment 11 to CPR 24 issued June 12, 1952, contains a misprint in Appendix 11, at page 3.

Accordingly, Appendix 11 is corrected by substituting the numerals 0.70 for the symbol (1) in the column headed Commercial, Utility, Canner, and Cutter, for St. Louis, and St. Louis County, Missouri.

ELLIS ARNALL,
Director of Price Stabilization.

[F. R. Doc. 52-7848; Filed, July 14, 1952; 11:13 a. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 21]

CPR 34—SERVICES

SR 21—POWER LAUNDRIES IN THE GREATER CINCINNATI, OHIO, TRADING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 21 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 21 to Ceiling Price Regulation 34 permits an increase in ceiling prices for power laundry services supplied by power laundries situated in the Greater Cincinnati, Ohio, Trading Area. This supplementary regulation does not permit the increase to be applied to the diaper supply, linen supply and dry cleaning services of such laundries.

An OPS study of the operating costs and profit margins of a representative number of the power laundries in the Greater Cincinnati, Ohio, Trading Area accounting for over 88 percent of the total sales of these services which, it is estimated, amounted to about 5 million dollars in 1951, reveals that increased labor and material costs incurred between June 24, 1950 and January 1, 1952 have impaired the pre-Korean earnings of such laundries. In addition, in April 1952 a one year wage contract was entered into with labor unions representing the employees of these laundries granting substantial wage increases to production workers. These wage increases all have received WSB approval or are within the formula of Wage Stabilization Board regulations; with the result that the earnings of the laundries will be further impaired. The increase in ceiling prices granted herein has been determined to be the minimum necessary to maintain the financial stability of these laundries and to assure a continued supply of these essential services. The action taken herein with respect to the group of power laundry operators gives effect to the standards for individual adjustments of section 20 (a) of CPR 34.

Under the provisions of this supplementary regulation, ceiling prices of such power laundries may be increased by not more than 7 percent, such adjustment to be applied to the total amount of each invoice rendered to the customer and identified as the "OPS permitted price increase." If this method is used to apply the amount of the increase, the seller need not make the supplementary filing required by section 18 (c) of CPR 34. At the option of the individual laundry, however, the ceiling price for each article may be increased by not more than 7 percent. Adjusted ceiling prices must within ten days after their determination be filed with the appropriate Office of Price Stabilization district office.

In the future, power laundries subject to this supplementary regulation may not obtain an adjustment of their ceiling prices for power laundry services under section 20 of CPR 34. In addition, adjustments previously granted any of them under that section are automatically revoked by this supplementary regulation.

In the formulation of this supplementary regulation, the Director has consulted insofar as practicable with representative suppliers of these services, including representatives of trade associations, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the increase permitted by this supplementary regulation is generally fair and equitable and necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Relationship to Ceiling Price Regulation 34.
3. Adjustment of ceiling prices.
4. Application of section 20 of Ceiling Price Regulation 34.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *Purpose.* This supplementary regulation permits power laundries whose plants are located in the Greater Cincinnati, Ohio, Trading Area to increase their ceiling prices for power laundry services by 7 percent. This supplementary regulation shall not apply to the diaper supply, linen supply and dry cleaning services of power laundries.

SEC. 2. *Relationship to Ceiling Price Regulation 34.* All provisions of Ceiling Price Regulation 34, as amended, except as affected by the provisions of this supplementary regulation, shall remain in effect.

SEC. 3. *Adjustment of ceiling prices.* You may, to the extent you supply power laundry services from plants located in the Greater Cincinnati, Ohio, Trading Area, increase your ceiling prices by 7 percent for power laundry services, except diaper supply, linen supply and dry cleaning services, thus supplied, by either of the following methods:

(a) You may apply such an adjustment to the total amount of each invoice rendered to the customer, provided you

shall clearly write or stamp on each such invoice the words "OPS permitted price increase". If you use this method of applying your price increase, you need not make the supplementary filing required by section 18 (c) of Ceiling Price Regulation 34.

(b) You may, in lieu of the method provided in paragraph (a) of this section, increase by 7 percent the ceiling prices of each power laundry services article, except a diaper supply, linen supply and dry cleaning services article. Within ten days after your prices are established under this paragraph you must prepare and file with your district office of the Office of Price Stabilization a supplemental statement as required under section 18 of Ceiling Price Regulation 34. You may not establish prices under paragraph (a) of this section once you have elected to establish prices under this paragraph.

(c) If the price increase computed in paragraphs (a) or (b) of this section results in a fraction of a cent, the price increase must be decreased to the next lower cent if the fractional cent is less than one-half cent, or may be increased to the next higher cent if the fraction is one-half cent or more.

SEC. 4. *Application of section 20 of Ceiling Price Regulation 34.* No seller subject to this supplementary regulation may, after the effective date of this supplementary regulation, apply for an adjustment of any of his ceiling prices for power laundry services except diaper supply, linen supply and dry cleaning services under section 20 of Ceiling Price Regulation 34, as amended. All orders establishing ceiling prices for any power laundry subject to this supplementary regulation issued under either section 20 (a), 20 (b) or 20 (c) of Ceiling Price Regulation 34 are hereby revoked, upon the effective date of this regulation.

SEC. 5. *Definitions.* (a) "Power laundry" or "power laundries" as used in this regulation are laundries which in the laundry trade are customarily known and designated as such, and do not include hand laundries, launderettes or laundries using home-type laundry equipment to supply laundry services.

(b) "The Greater Cincinnati, Ohio, Trading Area", as used in this regulation is the area comprising Hamilton County in the State of Ohio and the Counties of Boone, Kenton and Campbell in the State of Kentucky.

Effective date. This Supplementary Regulation 21 to Ceiling Price Regulation 34 shall become effective July 19, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

[F. R. Doc. 52-7852; Filed, July 14, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 55, Revision 1]

GCPR, SR 55—SUSPENSION OF SAWMILL LOGS PRODUCED IN ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 to Supplementary Regulation 55 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Revision 1 of Supplementary Regulation 55 extends indefinitely the exemption of sawmill logs established by Supplementary Regulation 55, as amended, to the General Ceiling Price Regulation. Supplementary Regulation 55, as amended, exempts from the provisions of the General Ceiling Price Regulation, until June 30, 1952, the sale and purchase in Alaska of sawmill logs produced and used in Alaska.

As the Office of Price Stabilization pointed out in the Statement of Considerations accompanying Amendments 1 and 2 to this supplementary regulation, the reversion of sawmill logs to the control of the General Ceiling Price Regulation would create a chaotic condition in the industry. New contracts have been entered into by the sawmills and loggers and are based upon prices in effect under this suspension and, therefore, somewhat above the General Ceiling Price Regulation level. The Office of Price Stabilization is not yet ready to take final action in this matter inasmuch as the prevailing practice of establishing prices by negotiation, as in the past, has served to keep the price level considerably below that prevailing in the Pacific northwest.

In the judgment of the Director of Price Stabilization, the action taken in this revision is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization has given due consideration to the National defense efforts to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended.

In the formulation of this regulation, there has been consultation with industry representatives and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Suspension.
3. Geographic applicability.
4. Records.
5. Definitions.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* The purpose of this supplementary regulation is to suspend indefinitely from the provisions of the General Ceiling Price Regulation sales and purchases in Alaska of sawmill logs produced and used in Alaska.

SEC. 2. *Suspension.* The provisions of the General Ceiling Price Regulation shall not apply to sales and purchases of sawmill logs produced in Alaska: *Provided,* That such sawmill logs are delivered during the period in which this supplementary regulation is effective to a lumber mill situated in Alaska for manufacture into lumber.

SEC. 3. *Geographic applicability.* This supplementary regulation is applicable in Alaska.

SEC. 4. *Records.* Records of sales and purchases made pursuant to this supplementary regulation shall be maintained in the manner provided in section 16 of the General Ceiling Price Regulation.

SEC. 5. *Definitions.* When used in this supplementary regulation, the terms:

(a) "Sawmill log" means a tree of any species which has been severed from the stump in Alaska, trimmed of its branches, and cut into lengths suitable for manufacture into lumber.

(b) "Delivered" means receipt by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Effective date. This Revision 1 of Supplementary Regulation 55 to the General Ceiling Price Regulation is effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

[F. R. Doc. 52-7851; Filed, July 14, 1952; 4:00 p. m.]

[Ceiling Price Regulation 94, Amdt. 4]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

ESTABLISHING CEILING PRICES IN TERRITORY OF ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 94 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 4 to Ceiling Price Regulation 94 changes that regulation so that it also establishes ceiling prices for the sale of used passenger automobiles in the Territory of Alaska.

Sales of used automobiles in the Territory of Alaska have been covered by the General Ceiling Price Regulation which established ceiling prices based on the highest price charged during the base period December 19, 1950, to January 25, 1951, and Ceiling Price Regulation 9 for the sale of used automobiles purchased in the continental United States for resale in Alaska, which established ceiling prices based on the percentage markup used during the same base period. This period is not representative, as the used automobile business in Alaska is almost dormant during this period due to the severe cold weather which usually necessitates the storage of automobiles for protection. Used automobiles therefore, are not usually sold during this period and prices for the few sales that were made during the base period of the General Ceiling Price Regulation are not representative. In addition, a considerable number of used automobiles are sold by individual owners, who, of course, have no base period on which to base their ceiling prices.

This Amendment 4 to Ceiling Price Regulation 94 utilizes the ceiling prices established under Ceiling Price Regulation 94, as amended, for the sale of a used automobile in Region C of the continental United States and provides an allowance for transportation to Alaska which may be added to those ceiling prices in computing the ceiling price for the sale of a used automobile in Alaska.

The used automobile business in Alaska urgently needs the stabilization which would be brought about by the establishment of this method of fixing ceiling prices due to the lack of uniformity in the existing ceiling prices for used automobiles in Alaska. This amendment will establish a uniform graduated ceiling price pattern for Alaskan used automobile sellers.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 1 is amended by changing paragraph (a) to read as follows:

(a) This regulation applies to you if you sell a used passenger automobile in the continental United States, the District of Columbia or the Territory of Alaska, whether as a retail dealer, wholesaler, or as an individual. The provisions of this regulation supersede, in their entirety, those provisions of the General Ceiling Price Regulation, Supplementary Regulation 5 to the General Ceiling Price Regulation and Ceiling Price Regulation 9 covering the sale of used passenger automobiles.

2. Section 2 is amended by changing paragraph (a) to read as follows:

(a) (1) Ceiling prices for the sale of used automobiles established by this regulation are set forth in Appendix A for the geographic regions of the continental United States specified. This appendix also specifies the amount that may be added to the price of the automobile for automatic transmissions or drives. Your ceiling price for any used automobile in the region in which you are selling the automobile is the price specified in Appendix A for that region for that make, model, line, or series and body style. It includes all standard equipment on the automobile, radio, heater, and other items of equipment except automatic transmissions or drives, or the air-conditioning unit specified in paragraph (f) of this section, when such equipment is installed on the automobile at the time the seller has received title to the automobile.

(2) The ceiling price for the sale of any used automobile in the Territory of Alaska is the price specified in Appendix A for Region C for that particular make, model, line, or series and body style, plus the appropriate allowance for transportation to Alaska listed in Appendix B.

3. Ceiling Price Regulation 94 is amended by inserting following Appendix A the following new Appendix B.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 94 is effective July 19, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

APPENDIX B—ALLOWANCE FOR TRANSPORTATION TO ALASKA

If the current cost of shipping the automobile from Seattle, Wash., to the locality in Alaska where you are offering the vehicle for sale is between—	Your allowance for transportation to Alaska will be found in the table below. Select the appropriate figure considering the age of the vehicle									
	Age in model years of vehicle—									
	1	2	3	4	5	6	7	8	9	10 and over
$60 and $70	$50	$45	$40	$35	$30	$25	$20	$15	$10	$5
$70 and $80	60	54	48	42	36	30	24	18	12	6
$80 and $90	70	63	56	49	42	35	28	21	14	7
$90 and $100	80	72	64	56	48	40	32	24	16	8
$100 and $110	90	81	72	63	54	45	36	27	18	9
$110 and $120	100	90	80	70	60	50	40	30	20	10
$120 and $130	110	99	88	77	66	55	44	33	22	11
$130 and $140	120	108	96	84	72	60	48	36	24	12
$140 and $150	130	117	104	91	78	65	52	39	26	13
$150 and $160	140	126	112	98	84	70	56	42	28	14
$160 and $170	150	135	120	105	90	75	60	45	30	15
$170 and $180	160	144	128	112	96	80	64	48	32	16
$180 and $190	170	153	136	119	102	85	68	51	34	17
$190 and $200	180	162	144	126	108	90	72	54	36	18
$200 and $210	190	171	152	133	114	95	76	57	38	19
$210 and $220	200	180	160	140	120	100	80	60	40	20
$220 and $230	210	189	168	147	126	105	84	63	42	21
$230 and $240	220	198	176	154	132	110	88	66	44	22
$240 and $250	230	207	184	161	138	115	92	69	46	23
$250 and $260	240	216	192	168	144	120	96	72	48	24
$260 and $270	250	225	200	175	150	125	100	75	50	25
$270 and $280	260	234	208	182	156	130	104	78	52	26
$280 and $290	270	243	216	189	162	135	108	81	54	27
$290 or over	280	252	224	196	168	140	112	84	56	28

NOTES

1. How to use Appendix B—This schedule is to be used in conjunction with Appendix A of this regulation to compute OPS ceiling prices of used passenger automobiles offered for sale in Alaska. The seller should locate the proper listed prices for the used passenger automobile in Appendix A, compute the current price by reducing that figure by 2 percent for each quarter which has elapsed since this regulation became effective, (beginning with Jan. 1, 1952) and adding the appropriate figure found in Appendix B to the resultant figure.
2. It will be necessary for each seller covered by this regulation, to ascertain freight charges by the most direct route from Seattle, Washington, to area of sale in the Territory of Alaska for each used passenger automobile being priced.
3. The allowance for transportation to Alaska is limited to the highest figure shown on this table. For used passenger automobiles the age of which is more than 10 years, the allowance specified in the column headed, 10 and over, should be used.
4. Example of computing age of used passenger automobiles: If you price a 1946 model during the calendar year 1952, the vehicle will be considered to be 6 years old for the entire 1952 calendar year. On January 1, 1953, the vehicle will be considered 7 years of age for the purpose of this regulation, and will be considered so for the entire calendar year 1953. This system of aging will continue as long as this regulation is in effect. A current year model used passenger automobile shall not be considered as being one year of age until the end of the current calendar year.

[F. R. Doc. 52-7850; Filed, July 14, 1952; 4:00 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 201—GENERAL REGULATIONS

REGULAR DEALER IN PETROLEUM UNDER THE PUBLIC CONTRACTS ACT

Section 201.101 contains a definition of regular dealer in terms of one who "owns, operates, or maintains a store, warehouse or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business." In addition to this general definition of regular dealer, a number of special types of regular dealers are also defined in this section.

Having found that the general method of operation of dealers in the petroleum distribution industry requires a special definition applicable to such dealers notice is hereby given that § 201.101 is amended by adding a new subparagraph designated § 201.101 (b) (7) to read as follows:

§ 201.101 *Manufacturer or regular dealer.* • • •

(b) • • •

(7) A regular dealer in petroleum may be a person who owns, operates, or maintains petroleum distribution equipment and a store, warehouse, or other place of business in which petroleum products of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such petroleum products.

This amendment to be effective upon publication in the FEDERAL REGISTER.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 9th day of July 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-7675; Filed, July 14, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order No. 2508, Amdt. 5]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

1. In section 13 *Lands and minerals*, paragraph (h) is revised to read as follows:

(h) The approval and certification of applications for allotments on the public domain under authority of the act of February 8, 1887 (25 U. S. C. sec. 334), or the acts of February 28, 1891 and June 25, 1910 (25 U. S. C. sec. 336), and in the national forests pursuant to the act of June 25, 1910 (25 U. S. C. sec. 337).

2. The following is added to Section 13, *Lands and minerals:*

(u) The approval of assignments and the issuance of certificates of assignment to Minnesota Mdewakanton Sioux Indians of land acquired by the United States pursuant to the acts of March 2, 1889 (25 Stat. 992) and August 19, 1890 (26 Stat. 349).

(v) Soil and moisture conservation operations on Indian lands, pursuant to the President's Reorganization Plan No. IV, of 1940 (54 Stat. 1235), and the Soil Conservation Act of April 27, 1935 (16 U. S. C. sec. 590a), and subject to the coordination and general supervision of the Office of the Secretary.

3. Section 25 *Subdelegation* is amended to read as follows:

SEC. 25. *Redelegation.* The authority conferred upon the Commissioner in the preceding sections of this order may be redelegated by him to the Associate Commissioner, Assistant Commissioners, Executive Officer, Director, Division of Program, Chief Counsel, Associate Chief Counsel, Assistant Chief Counsel, Branch Chiefs, Area Directors, Superintendents or Officers in Charge of Agencies and Local Facilities, and such other officers of the Bureau of Indian Affairs as are designated by him. The Commissioner may also redelegate to such officials the authority conferred upon him by the general regulations appearing in Title 25, Code of Federal Regulations, insofar as such authority relates to action in individual cases. The Commissioner may authorize officials who may have a redelegation of authority under this section to redelegate such authority to employees of the Bureau designated by them. Appeal from an action taken by the Superintendent or other officer of an agency pursuant to a redelegation of authority under this section shall be taken to the Area Director and thence to the Commissioner. Appeal from an action taken by any other officer of the Bureau of Indian Affairs pursuant to a redelegation of authority under this section shall be taken to the Commissioner. Appeals from the Commissioner shall be taken to the Secretary of the Interior.

(5 U. S. C. 1946 ed., sec. 22; 25 U. S. C. 1946 ed., secs. 1a, 2, 2a; sec. 2, Reorg. Plan No. 3 of 1950, 15 F. R. 3174)

4. The following new section 27 *Withdrawal and restoration of authority*, is added:

SEC. 27. *Withdrawal and restoration of authority.* The Commissioner, or any Area Director with the approval of the Commissioner, may upon written notice to a Superintendent or other official withdraw from such official any authority directly delegated to him under the general regulations appearing in Title 25, Code of Federal Regulations, and thereafter the authority so withdrawn shall be exercised by the Area Director or such other official as may be designated in writing by or with the approval of the Commissioner. The authority so withdrawn from a Superintendent or other official may be restored by the Commissioner, or the Area Director with the approval of the Commissioner.

5. The following new section 28 *Action as duly authorized representative*, is added:

SEC. 28. *Action as duly authorized representative.* The Commissioner is authorized to take any action which under the general regulations appearing in Title 25, Code of Federal Regulations, may be taken by the Secretary of the Interior or his duly authorized representative, and which is not otherwise authorized by a delegation of authority to the Commissioner.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 9, 1952.

[F. R. Doc. 52-7674; Filed, July 14, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2901 et al.]

NORTHWEST AIRLINES, INC., ET AL., PORTLAND-SEATTLE SERVICE CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on August 11, 1952, at 10:00 a. m., P. d. s. t., in Room 414, U. S. Courthouse, Seattle, Washington, before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented in this proceeding particular attention will be directed to the following matters:

1. Do the public convenience and necessity require the alteration, amendment or modification of the following certificates in the manner indicated:

(a) Northwest's certificate for Route No. 3 so as to authorize air transportation between the points, Seattle, Washington, and Portland, Oregon?

(b) United's certificate for Route No. 1 to include Spokane, Washington, as an intermediate point on segment 1 thereof between the intermediate point Pendleton, Oregon, and the intermediate point Boise, Idaho, so as to allow the provision of direct service (including nonstop service) between Spokane, on the one hand, and Seattle, Portland, Boise, and other points on segment 1 of Route No. 1, on the other hand, without the necessity of making the compulsory stop now required at Pendleton?

(c) Western's certificate for Route No. 63 so as to eliminate therefrom the restriction that flights between Portland and Seattle shall originate or terminate at Oakland or San Francisco, or a point south thereof?

2. If the public convenience and necessity require the alteration, amendment, or modification of Northwest's, United's, and Western's certificates of public convenience and necessity for Routes 3, 1, and 63, respectively, are these air carriers fit, willing, and able to perform the services contemplated in (a), (b), and (c) above?

3. In the event the public convenience and necessity require any or all of the proposed services, what terms and conditions should be imposed with respect to the conduct of such services?

For further details of the services proposed and the route modifications requested interested parties are referred to the prehearing conference report of the Examiner, the Board's orders, the applications and other pleadings which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties on record desiring to be heard in this proceeding must file with the Civil Aeronautics Board on or before August 11, 1952, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., this 10th day of July 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7703; Filed, July 14, 1952; 8:45 a. m.]

[Docket No. SA-261]

ACCIDENT OCCURRING AT DALLAS, TEX.

NOTICE OF HEARING

In the matter of investigation of accident involving air collision between aircraft of United State Registry N-90650 and N-3858K at Dallas, Texas, June 28, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, July 15, 1952, at 9:00 a. m. (local time) in the Auditorium, Mercantile Bank Building, 106 South Ervay Street, Dallas, Texas.

Dated at Washington, D. C., July 8, 1952.

[SEAL] EVERETT S. BOSWORTH,
Presiding Officer.

[F. R. Doc. 52-7702; Filed, July 14, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 60]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

JULY 14, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Corning-Painted Post, New York Area: (The area consists of the towns of Thurston, Campbell, Hornby, Rathbone, Addison, Erwin, Corning, Woodhull, Tuscarora, Lindley and Caton, the City of Corning and the Villages of Painted Post, Woodhull, Addison, Riverside and South Corning, all in Steuben County, New York.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7846; Filed, July 14, 1952; 10:55 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DOMESTIC AND EXPORT PRICE LISTS FOR JULY 1952

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

JULY 1952 DOMESTIC PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Nonfat dry milk solids, in carload lots only, 1951 production, 2,000,000 pounds; 1952 production, 10,000,000 pounds.	Spray process, U. S. Extra Grade, 1951 production, 17 cents per pound; 1952 production, 18 cents per pound. Prices apply "in store" at location of stock in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer).
Cottonseed oil, bleachable prime summer yellow, 85,000,000 pounds.[1]	Market price or 17¾ cents per pound, whichever is higher, f. o. b. tank cars at points of storage locations.
Linseed oil, raw, 198,000,000 pounds	Market price on date of sale. (See note on Ceiling Price Certification at the end of this price list.)
Dry edible beans:	
Pinto, bagged, 640,000 per hundredweight.	On all beans, for areas other than those shown below, adjust prices upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the price listed will apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable.
Great Northern, bagged, 745,000 per hundredweight.	No. 1 Grade, 1949[1] crop: $8.21 per 100 pounds, basis f. o. b. Denver rate area; $7.81 per 100 pounds, basis f. o. b. Idaho area.
Baby Lima, bagged, 460,000 per hundredweight.	No. 1 Grade 1948[1], 1949, 1950, and 1951 crops: $8.22 per 100 pounds, basis f. o. b. Twin Falls, Idaho, area; $8.59 per 100 pounds, basis f. o. b. Morrill, Nebr., area.
Cranberry beans, bagged, 13,000 per hundredweight.	No. 1 Grade 1949[1] crop: $7.39 per 100 pounds, basis f. o. b. California area.
Small Red, bagged, 18,000 per hundredweight.	No. 1 Grade 1949 crop: $9.66 per 100 pounds, basis f. o. b. Michigan area.
Small White, bagged, 100,000 per hundredweight.	No. 1 Grade 1951 crop: $9.12 per 100 pounds basis f. o. b. Portland, Oreg., area.
Pink, bagged, 171,000 per hundredweight.	No. 1 Grade 1951 crop: $8.96 per 100 pounds basis f. o. b. California area.
Tea, bagged, 1,000,000 per hundredweight.	No. 1 Grade 1951 crop: $9.06 per 100 pounds basis f. o. b. Portland, Oreg., and California areas.
Austrian winter pea seed, bagged, 2,163,000 per hundredweight.	No. 1 Grade 1950[1] and 1951 crop: $8.80 per 100 pounds f. o. b. Michigan area.
Austrian winter peas, bagged, not certified for purity or germination, 1,736,000 per hundredweight.[1]	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Blue Lupine seed, bagged 1,142,000 per hundredweight.	In Portland, Oreg., and San Francisco areas only. The domestic market price for feed but not less than $3.50 per 100 pounds, f. o. b. point of storage, plus paid-in freight, as applicable. Purchaser must certify that commodity will be used for feed purposes only.
Common and Willamette vetch seed, bagged; 130,000 hundredweight.	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red Clover seed (uncertified), bagged, 58,000 hundredweight.	$7 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Red Clover seed (certified), bagged: Cumberland, 1,000 hundredweight; Kenland, 30 hundredweight; Midland, 1,530 hundredweight.	37.05 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
Ladino Clover seed, bagged, certified, 40,000 hundredweight.	$42.30 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable.
White Clover seed, bagged, 20 hundredweight.	$105.32 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Hubam Sweet Clover seed, bagged, 50 hundredweight.	$32.80 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable; New Orleans PMA Commodity Office.
Crimson Clover seed, bagged, 200 hundredweight.	$10.80 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Mixed Biennial Sweet Clover seed, bagged, 5,640 hundredweight.	$18 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Alfalfa seed (certified), bagged, registered African, 6,702 pounds, certified Hairy Peruvian, 10,878 pounds.	$9.75 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Smooth Bromegrass (Manchar certified), bagged, 110 hundredweight.	$23.40 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Mountain Bromegrass (Bromar certified), bagged, 330 hundredweight.	$21.33 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Sudan grass seed, bagged, 7 hundredweight.	Do.
Hairy Vetch seed, bagged, 70,000 hundredweight.	$3.93 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable: Chicago PMA Commodity Office.
Birdsfoot Trefoil seed, bagged, 140 hundredweight.	$15.75 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Rough Pea seed, bagged, 8 hundredweight.	$79.05 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels[1]	$7 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable: Portland, Oreg., PMA Commodity Office.
	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 18 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge.
	Examples of minimum prices, per bushel: Kansas City, No. 1 HW, ex rail or barge, $2.02; Minneapolis, No. 1 HDNS, ex rail or barge, $2.05; Chicago, No. 1 RW, ex rail or barge, $2.06.
Oats, bulk, 4,700,000 bushels[1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate plus: (1) 8 cents per bushel if received by truck, or (2) 6 cents per bushel if received by rail or barge. At other points, the foregoing plus average paid-in freight.
	Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, 97 cents; Minneapolis, No. 3 or better, ex rail or barge, 92 cents.
Barley, bulk, 8,000,000 bushel[1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 12 cents per bushel if received by truck or, (2) 8 cents per bushel if received by rail or barge.
	Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.50; San Francisco, No. 1 Western Barley, ex rail or barge, $1.54.
Grain Sorghums, bulk, 1,000,000 hundredweight.	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location, plus: (1) 20 cents per hundredweight if received by truck, or (2) 15 cents per hundredweight if received by rail or barge.
	Examples of minimum prices per hundredweight: Kansas City, No. 2 Grain Sorghums, ex rail or barge, $2.99, ex truck $3.01.

JULY 1952 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Corn, bulk, 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 yellow plus: (1) 27 cents per bushel if received by truck, or (2) 24 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.99; St. Louis, No. 3 yellow, $2.01; Minneapolis, No. 3 yellow, $1.90; Omaha, No. 3 yellow, $1.92; Kansas City, No. 3 yellow, $1.97; for other classes, grades, and quality, market differentials will apply.
Rice, rough, bagged, 163,000 hundredweight.	Per 100 pounds—$0.40 plus 105 percent of 1951 support price for class, grade and yield plus-paid-in freight and for bags, if applicable.

[1] These same lots also are available at export sales prices announced today.

Ceiling price certification. Any purchaser from CCC of raw linseed oil, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

JULY 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow, 85,000,000 pounds.[1]	Market price f. o. b. tank cars at points of storage locations.
Dry edible beans	
Pea, bagged, 1950 crop, 11,000 hundredweight.[1 2]	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below. For export to Western Hemisphere countries—$6.50 per 100 pounds East Coast ports; for export to other than Western Hemisphere countries—$5.50 per 100 pounds, East Coast ports.
Great Northern, bagged, 1948 crop, 265,000 hundredweight.[1 2]	$6.60 per 100 pounds, U. S. Gulf ports (see note below).
Baby Lima, bagged, 1949 crop, 490,000 hundredweight. [1]	$4 per 100 pounds, San Francisco Bay area.
Pinto, bagged, 1949 crop, 640,000 hundredweight.[1 2]	$6.90 per 100 pounds Portland, Oreg., and Gulf ports; $7 per 100 pounds Mexico border points.
	NOTE: Available at PMA commodity offices at: (1) Portland, Oreg., for West Coast shipments and Mexico border points, Nogales and Points West; (2) Dallas, Tex. for Mexico border-Nogales to El Paso, inclusive; (3) Kansas City, Mo., for Texas-Mexico border points and Gulf ports.
	NOTE: "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans. Any excess freight will be for account of the buyer.
	Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1; appropriate discounts will also be given for "off-color" beans.
	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of 1948 beans o. the type and grade desired are exhausted.
Austrian winter peas, bagged, not certified for purity or germination 1,708,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only, the domestic market price for feed but not less than $1.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,700,000 bushels [1]	Do.
Barley, bulk, 8,000,000 bushels [1]	Do.
Corn, bulk, 50,000,000 bushels [1]	Do.

[1] These same lots are available at domestic sales prices announced today.

[2] Ceiling Price Certification. Any purchaser from CCC of Pinto or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his usual suppliers for the commodity in the quantity and at the place and season that delivery is made.

Issued July 9, 1952.

[SEAL] HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7689; Filed, July 14, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1432, 7-1433, 7-1434]

BURLINGTON MILLS CORP. ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 8th day of July A. D. 1952.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Burlington Mills Corporation, Common Stock, $1 Par Value, 7-1432; Minnesota Mining & Mfg. Co., Common Stock, No Par Value, 7-1433; Northern States Power Company (Minn.), Common Stock, $5 Par Value, 7-1434.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $1 Par Value, of Burlington Mills Corporation, listed and registered on the New York Stock Exchange; the Common Stock, No Par Value, of Minnesota Mining & Mfg. Co., listed and registered on the New York Stock Exchange; and the Common Stock, $5 Par Value, of Northern States Power Company (Minn.), listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 5, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7679; Filed, July 14, 1952; 8:46 a. m.]

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

INTERIM ORDER APPROVING PAYMENT OF A FEE

JULY 8, 1952.

The Commission having on August 25, 1949 issued its order approving plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, providing for the consolidation of Niagara Hudson's three major subsidiaries into a single new operating utility company, Niagara Mohawk Power Corporation ("Niagara Mohawk"), and for the dissolution of Niagara Hudson; and

Said order having reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by Niagara Hudson in connection with the plans and the transactions incident thereto; and Niagara Hudson having been dissolved pursuant to said plans and Niagara Mohawk having assumed the liabilities of Niagara Hudson; and

Applications for fees and expenses having been filed by various participants in the proceedings, hearings having been held and the Division of Public Utilities having filed its recommendation for findings and opinion to be issued by the Commission with respect to such fee applications; and

E. Ralph Sterling, financial adviser to the Committee for First Preferred Stockholders of Niagara Hudson, having amended his application for a fee for services rendered in the proceedings to reduce the requested amount from $12,500 to $10,000 in accordance with the recommendations of the Division of Public Utilities, and having requested that an order be entered directing the payment of such fee; and

All other fee applicants having objected to the recommendations of the Division of Public Utilities and having filed briefs in support thereof; and

The Commission having considered the record including a statement from Niagara Mohawk agreeing to pay this fee at this time, and finding that the services rendered by E. Ralph Sterling were necessary and of a benefit to the estate of Niagara Hudson and that the requested fee in the amount of $10,000 is not unreasonable:

It is ordered, That the payment by Niagara Mohawk of the fee of E. Ralph Sterling in the amount of $10,000 be, and hereby is, approved, and said company, be, and hereby is, authorized and directed to make payment of such amount to E. Ralph Sterling:

It is further ordered, That jurisdiction is reserved with respect to all other fees and expenses to be paid in connection with this proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7681; Filed, July 14, 1952; 8:46 a. m.]

[File No. 70-2882]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

MEMORANDUM OPINION AND ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF PREFERRED STOCK AND GRANTING EXEMPTION FROM RULE U-50

JULY 9, 1952.

On June 16, 1952, this Commission issued its order (Holding Company Act Release No. 11322) granting an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), of Public Service Company of New Hampshire ("Public Service"), a public-utility subsidiary of New England Public Service Company, a registered holding company, for exemption from the provisions of sections 6 (a) and 7 of the act of the issuance and sale by Public Service at competitive bidding pursuant to Rule U-50 of 50,000 shares of its cumulative -- percent preferred stock, $100 par value. Our order contained the condition, among others, that the sale should not be consummated until the results of the competitive bidding had been made a matter of record herein and a further order issued in connection therewith.

Public Service has now filed an amendment to its application proposing the sale of such preferred stock privately through negotiated dealings and requesting that the Commission exempt such issuance and sale from the competitive bidding requirements of Rule U-50. The Commission by order dated July 3, 1953, directed that a hearing be held on the application as amended. Having considered the record, the Commission makes the following findings:

Pursuant to the authorization granted by our order of June 16, 1952, Public Service duly published invitations for the submission of sealed bids, to be opened on June 23, 1952, for the purchase of said 50,000 shares of preferred stock. Prior to that date, two underwriting syndicates, one headed by Kidder, Peabody & Co. and Blyth & Co., Inc. and the other by R. W. Pressprich & Co. and Spencer, Trask & Co., ("Pressprich Group"), qualified with the company in accordance with the invitations for bids. However, the only bid received was submitted by the syndicate headed by Kidder, Peabody & Co. and Blyth & Co., Inc. That bid specified a price to Public Service of $100.02 per share of its preferred stock and a dividend rate therefor of 5.60 percent, resulting in a cost of money of 5.599 percent. After opening the bid, Public Service rejected it, deeming it to be unsatisfactory.

On May 20, 1952, prior to the invitation for sealed bids for the purchase of Public Service's preferred stock, the New Hampshire Public Utilities Commission (State Commission) authorized Public Service in a pending rate proceeding, to submit for consideration and approval revised rate schedules designed to produce, on the basis of 1951 consumption, additional gross revenues of $1,344,750.[1] The State Commission order also provided for a temporary surcharge designed to permit recovery by the Company of $320,871 and certain other amounts to be approved by that Commission. On June 9, 1952 Public Service submitted revised rates to the State Commission and on the following day the Commission approved such rates to become effective as of June 9, 1952.

Counsel for the State of New Hampshire, for the Office of Price Stabilization and certain industrial customers filed motions for rehearing on June 6, 1952, which motions were denied by the State Commission on June 16, 1952, the day preceding the publication of invitations for bids for Public Service's preferred stock. On June 20, 1952, the State of New Hampshire, among others, filed an appeal to the Supreme Court of New Hampshire from the order of the State Commission and requested the Supreme Court to exercise its authority to suspend the rate order pending determination of the appeal.

After being informed of the rate litigation the Pressprich Group informed Public Service that it probably would not submit a bid.

Subsequent to its decision to reject the bid, Public Service requested authorization from this Commission to conduct negotiations for the sale of the stock, and the Commission informally authorized such negotiations, other than with Public Service's financial adviser, The First Boston Corporation.

The record shows that following our informal authorization, Public Service conducted conversations looking to a negotiated sale of its preferred stock with representatives of the two syndicates which had qualified with the company. Both groups indicated to Public Service their general price ideas as a basis for negotiations. The views expressed by the Pressprich Group were, in the management's opinion, more favorable to the company. Public Service so informed the Kidder-Blyth group and continued negotiations with the Pressprich Group. The agreement reached by Public Service with the latter group provides that the price to be paid to the company for preferred stock with a dividend rate of 5.40 percent will be $100.20 a share plus accrued dividends, resulting in a cost of money to the company of 5.3892 percent. The agreement also provides that the stock will be offered to the public at a price of $102.85 a share, resulting in an underwriting spread of $2.65 a share.

Orders have been issued by the New Hampshire Public Utilities Commission and the Vermont Public Service Commission authorizing the issuance and sale of the preferred stock in the manner and under the terms now proposed.

In view of the particular circumstances of this case, including pendency of rate litigation and the evidence adduced by Public Service to demonstrate that competitive conditions have been maintained, we are of the opinion that the requested exemption from the competitive bidding requirements of Rule U-50 should be granted.

In our order of June 16, 1952, we reserved jurisdiction over all legal fees and expenses of counsel for Public Service and the underwriters in connection with the sale of the preferred stock. The record now shows that the estimated legal fees and expenses to be incurred and paid by Public Service in this transaction aggregates $12,775, including a fee of $9,000 payable to Ropes, Gray, Best, Coolidge & Rugg, and $2,100 payable to Sulloway, Jones, Hollis, and Godfrey; and that a legal fee of $4,000 is to be paid by the purchasers of the preferred stock to their counsel, Choate, Hall & Stewart. These fees and expenses do not appear to be unreasonable.

On the basis of the record herein we conclude that the application, as amended, should be granted effective forthwith without the imposition of terms or conditions, other than those specified in Rule U-24:

Wherefore it is ordered, That the jurisdiction heretofore reserved with respect to fees and expenses be, and the same hereby is, released, and that, pursuant to the applicable provisions of the act, said application, as amended, including the request for exemption from the competitive bidding requirements of Rule U-50, be and it hereby is granted effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7685; Filed, July 14, 1952; 8:47 a. m.]

[File No. 70-2881]

GEORGIA POWER CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF BIDDING IN SALE OF BONDS AND OVER FEES AND EXPENSES

JULY 9, 1952.

Georgia Power Company ("Georgia"), a public utility subsidiary of the Southern Company, a registered holding com-

[1] This figure includes, and in effect made permanent from the effective date of the new rates, a temporary rate increase of $703,736 which has been in effect since November 30, 1951.

pany, having filed an application, with amendments thereto, pursuant to section 6 (b) of the act, with respect to the issuance and sale by Georgia, pursuant to the competitive bidding requirements of Rule U-50, of $20,000,000 principal amount of First Mortgage Bonds __ Percent Series, due 1982; and

The Commission having, by order dated June 26, 1952, granted said application, as amended, except that the issuance and sale of the bonds were not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record in this proceeding and a further order issued, for which purpose jurisdiction was reserved; and

Jurisdiction also having been reserved in said order of June 26, 1952, with respect to all fees and expenses incurred in connection with the proposed transactions; and

Georgia having filed a further amendment to the application in which it is stated that, in accordance with the permission granted by the said order of the Commission dated June 26, 1952, it offered such bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Bidder	Annual interest rate (percent)	Price to company 1 (percent of principal)	Annual cost to company (percent)
The First Boston Corp...	3⅛	100.4199	3.3527
Union Securities Corp. and Equitable Securities Corp.	3⅛	100.19	3.3649
Halsey, Stuart & Co., Inc.	3⅛	100.067	3.3714
Harriman Ripley & Co., Inc.	3½	102.27	3.3790
Lehman Bros.	3½	101.9059	3.3982
Shields & Co. and Salomon Bros. & Hutzler	3½	101.88	3.3996
Kuhn, Loeb & Co., Blyth & Co., Inc., and Kidder, Peabody & Co.	3½	101.71	3.4085

1 Plus accrued interest from July 1, 1952, to the date of delivery of and payment for the bonds.

Said amendment having further stated that Georgia has accepted the bid of the First Boston Corporation for the purchase of the bonds, as set forth above, and that the bonds will be offered for sale to the public at a price of 101.039 percent of the principal amount thereof, plus accrued interest from July 1, 1952, resulting in an underwriter's spread of 0.6191 percent of the principal amount of the bonds, or an aggregate amount of $123,820; and

The record having been completed with respect to the fees and expenses incurred in connection with the proposed transactions, which are estimated as follows:

Federal original issue tax	$22,000.00
S. E. C. filing fee	2,060.00
Charges of trustee	12,000.00
Listing on New York Stock Exchange	2,400.00
Cost of temporary and definitive bonds	11,000.00
Printing	20,000.00
Recording supplemental indentures	4,000.00
Winthrop, Stimson, Putnam & Roberts, counsel:	
Fee	$10,000.00
Expenses	100.00
Arthur Andersen & Co., accountants:	
Fee	5,985.00
Expenses	75.00
Southern Services, Inc., mutual service company	6,000.00
Miscellaneous	3,000.00
	98,620.00

It appearing that the proposed fee and estimated expenses of Simpson Thacher & Bartlett, counsel for the purchaser of the bonds, which are to be paid by said purchaser, are $7,000.00 and $350.00 respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received by Georgia for the bonds, the interest rate, the underwriter's spread, or otherwise; and it appearing to the Commission that the above fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses, be released:

It is ordered, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved with respect to the results of competitive bidding, and over the fees and expenses incurred in connection with the proposed transactions, be and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7684; Filed, July 14, 1952; 8:47 a. m.]

[File No. 70-2892]

OHIO POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER CONCERNING ISSUANCE OF NOTES TO BANKS AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JULY 8, 1952.

American Gas and Electric Company ("American Gas"), a registered holding company, and its electric utility subsidiary, the Ohio Power Company ("Ohio"), having filed a joint application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, and 10 thereof with respect to the following proposed transactions:

Ohio proposes to issue and sell, and American Gas proposes to purchase, 300,000 shares of Ohio's no par value common stock for a cash consideration of $14,500,000. The funds proposed to be used by American Gas for this purpose will be derived from the proceeds of its sale of common stock and debentures (File No. 70-2878).

Ohio has established a line of credit with six banking institutions pursuant to which Ohio proposes to borrow not to exceed $18,000,000 from time to time prior to March 31, 1953. Such borrowings will be evidenced by the issuance and sale of promissory notes by Ohio bearing interest from the date thereof at the then current prime credit rate and maturing 270 days after the date of such issuance.

Of the $18,000,000 proposed to be borrowed, Ohio had, as of March 31, 1952, borrowed $5,000,000 from such banks and had issued its notes in evidence thereof. It is further stated that additional borrowings of not to exceed $6,000,000 may be made prior to the effective date of the declaration. These borrowings are stated to be exempt from the provisions of section 6 (a) by reason of the provisions of section 6 (b).

The application-declaration states that at least five days prior to each borrowing or renewal made subsequent to the effective date of the joint application-declaration, an amendment will be filed setting forth the amount of said proposed borrowing and the annual rate of interest thereon. Ohio requests that such amendment or amendments become effective five days after the filing thereof provided no action is taken with respect thereto within such five-day period by the Commission.

The application-declaration further states that the notes may be repaid from time to time in whole or in part without premium.

Proceeds from the proposed sale of securities will be used by Ohio in connection with its construction program which, it is presently estimated, will require the expenditure of approximately $47,500,000 in 1952 and $51,000,000 in 1953.

Said application-declaration having been filed on June 12, 1952, an amendment thereto having been filed on June 27, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of securities by Ohio are for the purpose of financing the business of Ohio as a public utility company, that the issuance and sale of the common stock has been authorized by the Public Utilities Commission of Ohio, the State in which Ohio is organized and doing business, the Commission finding that the proposed transactions are in accordance with the applicable standards of the act, and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that the said application-declaration, as amended, should be granted and permitted to become effective without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions

contained in Rule U-24 that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7682; Filed, July 14, 1952; 8:46 a. m.]

[File No. 70-2893]

APPALACHIAN ELECTRIC POWER CO. AND AMERICAN GAS AND ELECTRIC CO.

ORDER CONCERNING ISSUANCE OF NOTES TO BANKS AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT

JULY 8, 1952.

American Gas and Electric Company ("American Gas"), a registered holding company, and its electric utility subsidiary, Appalachian Electric Power Company ("Appalachian"), having filed a joint application-declaration, and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6, 7, and 10 thereof with respect to the following proposed transactions:

Appalachian proposes to issue and sell, and American Gas proposes to purchase, 300,000 shares of Appalachian's no par value common stock for a cash consideration of $9,000,000. The funds proposed to be used by American Gas for this purpose will be derived from the proceeds of its sale of common stock and debentures (File No. 70-2878).

Appalachian has established a line of credit with four banking institutions pursuant to which Appalachian proposes to borrow not to exceed $25,000,000 from time to time prior to May 31, 1953. Such borrowings will be evidenced by the issuance and sale of promissory notes by Appalachian bearing interest from the date thereof at the then current prime credit rate and maturing 270 days after the date of such issuance.

Of the $25,000,000 proposed to be borrowed, Appalachian had, as of May 31, 1952, borrowed $8,000,000 from such banks and had issued its notes in evidence thereof. It is further stated that additional borrowings of not to exceed $4,500,000 may be made prior to the effective date of the declaration. These borrowings are stated to be exempt from the provisions of section 6 (a) by reason of the provisions of section 6 (b).

The application-declaration states that at least five days prior to each borrowing or renewal made subsequent to the effective date of the joint application-declaration, an amendment will be filed setting forth the amount of said proposed borrowing and the annual rate of interest thereon. Appalachian requests that such amendment or amendments become effective five days after the filing thereof provided no action is taken with respect thereto within such five-day period by the Commission.

The application-declaration further states that the notes may be repaid from time to time in whole or in part without premium.

Proceeds from the proposed sale of securities will be used by Appalachian in connection with its construction program which, it is presently estimated, will require the expenditure of approximately $42,000,000 in 1952 and $37,000,000 in 1953.

Said application-declaration having been filed on June 13, 1952, an amendment thereto having been filed on June 27, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the issuance and sale of securities by Appalachian are for the purpose of financing the business of that company as a public utility company, that the transactions have been approved by the State Corporation Commission of the State of Virginia, the State in which Appalachian is organized and one of the States in which it is doing business, that the transactions have not as yet been authorized by the Public Service Commission of West Virginia and the Tennessee Railroad and Public Utilities Commission, the State Commissions of the other States in which Appalachian does business; the Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder; and the Commission deeming it appropriate that said application-declaration, as amended, be granted and permitted to become effective upon the granting of the requisite authorization by the appropriate State Commissions and notification of such authorizations to this Commission:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions contained in Rule U-24, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective upon notification to this Commission of appropriate authorizations by the Public Service Commission of West Virginia and the Tennessee Railroad and Public Utilities Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7683; Filed, July 14, 1952; 8:46 a. m.]

[File No. 811-52]

SELECTED CUMULATIVE SHARES

NOTICE OF APPLICATION

JULY 8, 1952.

Notice is hereby given that Selected Cumulative Shares of Chicago has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that it has ceased to be an investment company within the meaning of the act.

Upon consideration of the application, it appears to the Commission that Selected Cumulative Shares was organized under and pursuant to a trust agreement, dated as of June 30, 1931, by and between Selected Shares Corporation, as depositor, the Central Republic Bank and Trust Company, as trustee, and the bearers from time to time of the certificates of Selected Cumulative Shares, under which City National Bank and Trust Company of Chicago thereafter became successor trustee; that Selected Cumulative Shares is registered under the Investment Company Act of 1940 as a unit investment trust and has not offered its shares to the public since July 1933.

It further appears that in accordance with the provisions of said trust agreement, Selected Cumulative Shares expired by its terms on July 1, 1951, and the trustee proceeded to sell the trust property and completed the liquidation of the assets within the time limitation; that shareholders were notified by the trustee of said termination and liquidation and were requested to present and surrender their certificates for their pro rata amount of the proceeds amounting to $15.500537 per share; that as of June 5, 1952, certificate holders of 12,550 shares out of the 13,610 outstanding shares have presented their certificates to the trustee for payment, and 1,060 shares remain outstanding representing less than 7 percent of the total outstanding at the date of termination; that the trustee will hold in trust the sum of $16,431.50 required for the payment of the remaining outstanding shares pending presentation and surrender of outstanding certificates.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 28, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 25, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7680; Filed, July 14, 1952; 8:46 a. m.]

Reference Room

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Special Order 756, Amdt. 1]

SUNBEAM CORP., ELECTRIC APPLIANCE DIVISION

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. Special Order 756 under section 43, Ceiling Price Regulation 7, established retail and wholesale ceiling prices for toasters, mixers, waffle irons, coffee makers, egg cookers, irons, bottle warmers, hedge trimmers, sprinklers and animal clippers manufactured by Sunbeam Corporation, Electric Appliance Division and having the brand name "Sunbeam".

This amendment establishes new retail ceiling prices for certain of the applicant's branded articles. It appears that the ceiling prices requested are in line with those already granted and are no higher than the level of ceiling prices under Ceiling Price Regulation 7. The retail ceiling prices are established by incorporating into the special order the amended application dated March 4, 1952.

Amendatory provisions. Special Order 756 under Section 43 of Ceiling Price Regulation 7 is amended in the following respects:

1. In paragraph 1, after the words "in its application dated November 12, 1951," insert the words "as supplemented and amended by its application dated March 4, 1952".

2. Insert following paragraph 1 now appearing in the special order the following:

The prices listed in the manufacturer's supplemental application dated March 4, 1952 shall become effective on receipt of a copy of the notice for such articles, but in no event later than July 15, 1952.

Effective date. This amendment shall become effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7445; Filed, July 2, 1952; 4:53 p. m.]

[CPR 7, Section 43; Revocation of Special Order 457, as amended]

CROWN FASTENERS CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 457, as amended, issued under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of slide fasteners manufactured by the Crown Fasteners Corporation, Warren, Rhode Island, having the brand name "Crown." Amendment 2 to Special Order 457 modified the marking and tagging requirements of section 43 to permit the Crown Fasteners Corporation to use until June 30, 1952, a label, tag or ticket stating the retail ceiling price of the "Crown" brand slide fastener without the additional statement required by section 43, "OPS—Sec. 43—CPR 7." This amendment provided, however, that on and after June 30, 1952, no retailer may offer or sell any "Crown" brand slide fastener at the ceiling price established by Special Order 457 unless it is marked or tagged as required by section 43 of CPR 7.

The Crown Fasteners Corporation has now informed the Director of Price Stabilization that it will not be practicable for it to change its labels, tags or tickets on and after June 30, 1952, or at any later date, so as to meet the requirements of section 43 of CPR 7. In view of these facts the Crown Fasteners Corporation requests that Special Order 457, as amended, be revoked. In the judgment of the Director such a revocation should be granted.

Revocation. 1. For the reasons set forth in the Statement of Considerations and pursuant to the request of the Crown Fasteners Corporation, Special Order 457, as amended, issued to Crown Fasteners Corporation under section 43 of Ceiling Price Regulation 7, effective August 17, 1951, establishing ceiling prices for sales at retail of slide fasteners having the brand name "Crown," is hereby revoked.

2. Within 30 days after the effective date of this order of revocation, the Crown Fasteners Corporation must send a copy of this order of revocation to all purchasers for resale to whom it has given notice of Special Order 457, as amended.

Effective date. This order shall become effective July 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 2, 1952.

[F. R. Doc. 52-7444; Filed, July 2, 1952; 4:53 p. m.]

[Delegation of Authority No. 61, Revision 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2, as amended (16 F. R. 738, 11626), this revised Delegation of Authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby delegated to the Directors of the Regional Offices, Office of Price Stabilization, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This revised delegation of authority shall take effect on July 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 14, 1952.

[F. R. Doc. 52-7847; Filed, July 14, 1952; 11:13 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Supplemental Vesting Order 18948]

JOEL B. WOLFE

In re: Trust under will of Joel B. Wolfe, deceased. File No. D-66-110; E. T. sec. 1893.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Rudolf Udo Slattery, whose last address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, and is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust created under the will of Joel B. Wolfe, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by the United States Trust Company of New York, as trustee, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the person named in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7631; Filed, July 14, 1952; 8:45 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 138

Washington, Wednesday, July 16, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10373

AMENDING EXECUTIVE ORDER NO. 10161 WITH RESPECT TO REAL ESTATE CREDIT

By virtue of the authority vested in me by the Constitution and statutes, including the Defense Production Act of 1950, as amended, and as President of the United States, it is ordered that Executive Order No. 10161 of September 9, 1950, 15 F. R. 6105-6108, as amended, shall be, and it is hereby, further amended by adding the following at the end of Part V thereof:

"SEC. 503. (a) Except as otherwise provided in section 503 (b) of this Executive order, the functions conferred upon the President by section 607 of the Defense Production Act of 1950, as amended, are hereby delegated to the Board of Governors of the Federal Reserve System. The Board shall perform the functions delegated by this subsection subject to the concurrence of the Housing and Home Finance Administrator and upon the basis of estimates made pursuant to section 503 (b) of this Executive order.

"(b) The Secretary of Labor shall, pursuant to section 607 of the Defense Production Act of 1950, as amended, make estimates of the number of permanent, non-farm, family dwelling units the construction of which has been started during each calendar month, and, on the basis of such estimates, make estimates of the annual rate of construction starts during each such month, after making reasonable allowance for seasonal variations in the rate of construction. The Secretary shall transmit the said estimates to the Board of Governors of the Federal Reserve System.

"(c) The concurrence of the Housing and Home Finance Administrator specified in section 501 (b) of this Executive order shall not be necessary to the prescribing, changing, or suspending of the provisions of any regulation of the Board of Governors of the Federal Reserve System issued pursuant to section 501 hereof with respect to extensions of credit during any 'period of residential credit control relaxation' announced pursuant to the said section 607, and the requirements of section 502 (b) hereof shall not be applicable during any such period."

HARRY S. TRUMAN

THE WHITE HOUSE,
July 14, 1952.

[F. R. Doc. 52-7912; Filed, July 15, 1952; 12:28 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY; ORDNANCE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER § 6.105 (m) (1) is amended to read as follows:

§ 6.105 *Department of the Army.* • • •

(m) *Ordnance Department.* (1) Until June 30, 1953, the positions of Technical Director of Research and Development; Technical Director, Metallurgical Laboratory; Production Manager, Detroit Arsenal; Technical Director, Explosives Laboratory; and Technical Director of the Research and Development Center, Frankford Arsenal.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-7775; Filed, July 15, 1952; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PROCEDURE FOR CONSOLIDATING ASSOCIATIONS

Sections 11.30 to 11.33, inclusive, of Chapter I, Title 6 of the Code of Federal

(Continued on p. 6427)

CONTENTS

THE PRESIDENT

Executive Order — Page

Amending E. O. 10161 with respect to real estate credit 6425

EXECUTIVE AGENCIES

Agriculture Department

See Entomology and Plant Quarantine Bureau; Farm Credit Administration; Production and Marketing Administration; Rural Electrification Administration.

Air Force Department

Alaska; withdrawing public lands for use of the Department for military purposes (*see* Land Management, Bureau of) (2 documents).

Alien Property, Office of

Notices:
Vesting orders, etc.:
Ahrens, Tiene and William 6455
Couzinet, Rene Alexandre Arthur 6453
Eckert, Betty 6455
Mueller, Josef, et al 6453
Stage, Otto 6452
Von Rosenthal, Clara Bauer 6452

Civil Aeronautics Administration

Rules and regulations:
Danger areas; alterations 6428

Civil Aeronautics Board

Notices:
Scheduled air service to Monte Vista, Colo.; hearing 6447
Rules and regulations:
Maintenance, repair and alteration of airframes, power plants, propellers, and appliances 6428
Mechanic and repairman certificates 6428
Repair station certificates 6428

Civil Service Commission

Rules and regulations:
Exceptions from the competitive system; Department of the Army, Ordnance Department 6425

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Commerce Department Page
See Civil Aeronautics Administration; International Trade, Office of; National Production Authority.

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area; Savannah River, Georgia-South Carolina, area (2 documents) 6450

Defense Production Administration
Notices:
Northeastern Engineering, Inc.; additional company accepting request to participate in operations of Consolidated Industries Defense Production Pool, Inc 6448

Economic Stabilization Agency Page
See Price Stabilization, Office of.

Entomology and Plant Quarantine Bureau
Proposed rule making:
Packing materials; flag smut 6432
Pink bollworm of cotton; foreign cotton lint; cottonseed products from all foreign countries 6434

Farm Credit Administration
Rules and regulations:
National Farm Loan Associations; procedure for consolidating associations 6425

Federal Power Commission
Notices:
Hearings, etc.:
Graff, Elizabeth H., et al 6449
Michigan-Wisconsin Pipe Line Co 6448
Nebraska Mid-State Reclamation District 6448
Northern Natural Gas Co 6449
Pacific Gas and Electric Co 6449

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See also Land Management, Bureau of; Reclamation Bureau.
Notices:
Alaska; filing objections to withdrawing public lands for use of Department of the Air Force for military purposes 6440

International Trade, Office of
Rules and regulations:
General orders; orders modifying validity of certain export licenses 6429

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Alaska:
Filing of plat of survey 6439
Small tract classification 6439
Rules and regulations:
Alaska; withdrawing public lands for use of Department of the Air Force for military purposes 6432

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan; restrictions on steel shipments and acceptance of deliveries (CMP Reg. 1, Dir. 12) 6430
Use of controlled materials in certain consumer durable goods (M-47B) 6431

Post Office Department
Rules and regulations:
Postal service, international: Treatment of mails; postage refunds; international reply coupons; disposition of foreign dead matter 6432

Price Stabilization, Office of Page
Notices:
Directors of District Offices, redelegation of authority:
Denver, Colo.; act on applications for ceiling prices and to prescribe uniform maximum case and container charges 6447
San Francisco, Calif.; act under CPR 101 6447
General Motors Corp.; basic prices and charges for new passenger automobiles 6447
Rules and regulations:
Air freight during strike emergency on shipments to Hawaii (GOR 31) 6429
Retail ceiling prices for certain consumer goods:
Company selling through door-to-door salesmen (CPR 7, Int. 3) 6429
Coverage of auctioneers (CPR 7, Int. 1) 6429
Pricing of job lot merchandise (CPR 7, Int. 2) 6429

Production and Marketing Administration
Rules and regulations:
Oil, castor (DFO-1, SO 1) 6431
Sugar and sugarcane products; standards 6427
Tobacco; fire-cured, dark air-cured, and Virginia sun-cured; marketing quota regulations, 1953-54 marketing year; correction 6428

Reclamation Bureau
Notices:
Tucumcari Irrigation Project, New Mexico; annual water rental charges 6440

Renegotiation Board
Rules and regulations:
Mandatory exemptions from renegotiation; miscellaneous amendments 6429

Rural Electrification Administration
Notices:
Allocations of funds for loan (2 documents) 6442, 6444
Loan announcements:
Alaska 6445
Arizona 6443
Arkansas (2 documents) 6441, 6443
Colorado (2 documents) 6444, 6446
Florida 6443
Illinois 6443
Indiana 6441
Iowa (3 documents) 6441, 6442, 6445
Kansas 6444
Kentucky (2 documents) 6442, 6444
Louisiana (2 documents) 6441, 6442
Michigan (2 documents) 6443, 6446
Minnesota (2 documents) 6440, 6444
Missouri 6441
Nevada 6441
New York 6443
North Carolina (3 documents) 6441, 6444, 6445
Ohio (3 documents) 6441, 6442, 6445
Oklahoma 6445
Oregon 6442

CONTENTS—Continued

Rural Electrification Administration—Continued Page
Notices—Continued
Loan announcements—Con.
South Carolina (4 documents) 6442, 6443, 6446
South Dakota 6444
Tennessee (2 documents) 6441, 6445
Texas (10 documents) 6441, 6443–6446
Utah 6442
Vermont 6445
Virginia (2 documents) 6442, 6444
Washington 6443
Wisconsin 6445

Securities and Exchange Commission
Notices:
Hearings, etc.:
Attleboro Steam and Electric Co. et al 6450
Brewster, Edward Leroy, et al 6452
New England Power Co 6451
United Corp 6450

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; contested claims 6432

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries 6446

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10161 (amended by EO 10373) 6425
10373 6425

Title 5
Chapter I:
Part 6 6425

Title 6
Chapter I:
Part 11 6425

Title 7
Chapter I:
Part 44 6427
Chapter III:
Part 319 (proposed) (2 documents) 6432, 6434
Part 321 (proposed) 6434
Chapter VII:
Part 726 6428

Title 14
Chapter I:
Part 18 6428
Part 24 6428
Part 52 6428
Chapter II:
Part 608 6428

Title 15
Chapter III:
Part 384 6429

Title 32
Chapter XIV:
Part 1453 6429

CODIFICATION GUIDE—Con.

Title 32A Page
Chapter III (OPS):
CPR 7, Int. 1 6429
CPR 7, Int. 2 6429
CPR 7, Int. 3 6429
GOR 31 6429
Chapter VI (NPA):
CMP Reg. 1, Dir. 12 6430
M-47B 6431
Chapter XVI (PMA):
DFO-1, SO 1 6431

Title 38
Chapter I:
Part 4 6432

Title 39
Chapter I:
Part 114 6432
Part 127 6432

Title 43
Chapter I:
Appendix (Public land orders):
854 6432

Regulations, are hereby amended to read as follows:

§ 11.30 *Action by directors.* The board of directors of each association to be consolidated shall take appropriate action to authorize the execution of a consolidation agreement and articles of association for each association to be created as a result of the agreement. The board may designate one or more of its members to serve with representatives of each of the boards of the other associations involved as an organization committee for the formation of the new association or associations. Each board of directors, or the representatives of each association on the organization committee pursuant to authority by the association board of directors, shall execute on behalf of such associations the agreement of consolidation and articles of association on forms prescribed by the Commissioner and shall appoint not less than five or more than seven qualified persons to serve as directors for each association to be created as a result of the agreement, who will constitute the board of directors for the period intervening from the date of organization to the date fixed in the bylaws for the first annual meeting of stockholders or until their successors are elected and have qualified.

§ 11.31 *Action by members.* Meetings of association members shall be called in accordance with the provisions of the bylaws of the association. Notices of the meetings, containing a brief statement of the proposal shall be mailed to each stockholder of record. A favorable vote of a majority of the members present and voting at each separate meeting shall be necessary for the approval of the proposed consolidation, and such members shall adopt resolutions ratifying and approving the execution of the agreement of the consolidation and articles of association in the name of the association. The secretary-treasurer shall certify to the action taken at the meetings of members and his certificate shall set out the resolution adopted by the members ratifying the execution of the consolidation agreement.

§ 11.32 *Completing consolidation.* Upon completion of the association action, one set of organization papers for each association being organized, with the bank's recommendation, and a financial statement for each constituent association and each consolidated association being created as a result of the agreement, shall be submitted to the Commissioner for consideration. Upon approval by the Commissioner, notice of such approval and the effective date of the consolidation will be sent to the bank and each consolidated association, and a charter will be issued to the new association or associations which will be forwarded to the association or associations through the bank. Upon receipt of the approval notice, the bank should provide assistance in transferring all assets in accordance with the consolidation agreement, setting up the new books and establishing such other procedures as may be found necessary. The transfer of assets should be made the day following the effective date of the consolidation, if possible. The secretary-treasurer of each new association should take appropriate action to effect changes in stock issues, and should notify promptly each of the members that the consolidation has been approved. The charters of the constituent associations should be surrendered and sent to the Administration for cancelation. The Administration should be notified by the bank of the completion of the consolidation upon the issuance of new bank stock to the new association or associations in exchange for the stock held by the constituent associations.

§ 11.33 *Legal reserve requirement.* The legal reserve requirement for the new association or associations at the time of completion of the consolidation shall be the total of the unimpaired legal reserves of the constituent associations.

(Sec. 29, 39 Stat. 381; 12 U. S. C. 965)

[SEAL] J. R. ISLEIB,
Land Bank Commissioner.

[F. R. Doc. 52-7795; Filed, July 15, 1952; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 44—STANDARDS FOR SUGAR AND SUGARCANE PRODUCTS

EDITORIAL NOTE: In Part 44, appearing at 16 F. R. 5842, 8735, 17 F. R. 136, 6181, the part heading is changed to read as set forth above, and the part is divided into subparts as follows:

SUBPART A—EDIBLE SUGARCANE MOLASSES
§§ 44.1–44.6
SUBPART B—SUGARCANE SIRUP
§§ 44.21—44.26
SUBPART C—REFINERS' SIRUP
§§ 44.41–44.46

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Fire, Air, and Sun—53)-3]

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

MARKERING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

Correction

In F. R. Doc. 52-7527, appearing at page 6184 of the issue for Thursday, July 10, 1952, the following changes should be made:

1. In the last sentence of § 726.420 (a), the phrase "for the farm so required" should read "for the farm so acquired".

2. In § 726.423 (b), the phrase 'have been met" should read "has been met".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-383]

PART 18—MAINTENANCE, REPAIR AND ALTERATION OF AIRFRAMES, POWER PLANTS, PROPELLERS, AND APPLIANCES

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

PART 52—REPAIR STATION CERTIFICATES

SPECIAL CIVIL AIR REGULATION; LIMITED MECHANIC CERTIFICATE WITH PROPELLER OR AIRCRAFT APPLIANCE RATING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of July 1952.

Special Civil Air Regulation SR-365, which expires on July 31, 1952, was designed to provide for the certification of limited mechanics with propeller or aircraft appliance ratings as an interim measure until Parts 18, 24, and 52 of the Civil Air Regulations could be revised. Revisions of these parts were recently promulgated and became effective June 15, 1952. These revised parts, among other things, (1) allow a manufacturer to rebuild or alter products for which he holds a type or production certificate, or which are manufactured by him in accordance with appropriate specifications approved by the Administrator without holding a repair station certificate or employing certificated mechanics, (2) establish a new classification of airman known as a "repairman" who may be certificated to perform propeller and aircraft appliance work for an air carrier or certificated repair station, and (3) require the reinspection of all existing repair stations with provision for reissuance of the repair station certificate if compliance with present regulations is shown.

As a result of these revisions, there is now no need for such limited mechanic certificates with respect to manufacturers or certificated repair stations. However, since the reinspection of any particular repair station may not take place until June 15, 1953, and since, until reinspected, such repair station will continue to operate in accordance with Part 52 as it existed immediately prior to the recent revision, it is considered appropriate to extend to June 15, 1953, the authority granted by SR-365 insofar as it provides certification for limited mechanics employed by certificated repair stations. This will, in addition, lighten the administrative burden of issuing the new repairman certificates.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amended regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation effective immediately:

A mechanic certificate with a propeller or aircraft appliance rating, excepting a parachute rating, may be issued by the Administrator of Civil Aeronautics to an individual who is employed and designated by the holder of a repair station certificate with a propeller or aircraft appliance rating. The individual must be in direct charge of the inspection, overhaul, or repair of propellers or aircraft appliances, and his experience and employment record must indicate that he is competent to engage in such activity. The individual to whom a certificate is issued shall exercise the privileges of his certificate only with respect to work performed for such repair station and through the use of facilities provided by the repair station.

This regulation supersedes Special Civil Air Regulation SR-365, and shall terminate June 15, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011; 49 U. S. C. 551, 552, 557)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-7816; Filed, July 15, 1952, 8:52 a. m.]

Chapter II—Civil Aeronautical Administration, Department of Commerce

[Amdt. 32]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.12, the Wilcox Dry Lake, Arizona, area, published on July 16, 1949 in 14 F. R. 4288, and amended on January 24, 1952 in 17 F. R. 715, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 32°14'00" N, long. 109°39'00" W; due S to lat. 32°07'00" N; W to lat. 32°07'30" N, long. 110°00'30" W; due N to lat. 32°14'00" N; due E to lat. 32°14'00" N, long. 109°39'00" W, point of beginning."

2. In § 608.14, a Camp San Luis Obispo, California (D-416), area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
CAMP SAN LUIS OBISPO (D-416) (San Francisco Chart).	N. boundary: lat. 35°22'42" N; S. boundary: lat. 35°20'00" N; E. boundary: long. 120°41'00" W; W. boundary: long. 120°46'00" W.	Surface to 2,000 feet above terrain.	0500 to 2400 daily.	6th Army.

3. In § 608.14, a Knoxville, California (D-414), area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
KNOXVILLE (D-414) (Sacramento Chart).	A circular area having a radius of 4 nautical miles centered at lat. 38°47'00" N, long. 122°23'09" W.	Surface to unlimited.	Continuous...	12th Naval District.

4. In § 608.18, the Tyndall Air Force Base, Panama City, Florida, Area I, published on May 26, 1950 in 15 F. R. 3212, amended on August 7, 1951 in 16 F. R. 7696, and on November 28, 1951 in 16 F. R. 11954, is further amended by changing the "Time of Designation" column to read: "Continuous, sunset to sunrise. Only Instrument Flight Rule conditions from sunrise to sunset."

5. In § 608.36, the Fallon, Nevada, area 2, Target No. 18 (D-268), published on May 20, 1952 in 17 F. R. 4558, is amended by changing the "Description by Geographical Coordinates" column to read: "2. Target No. 18 (D-268): A circular area having a radius of 5 miles centered at lat. 39°19'00" N, long. 118°53'30" W, excluding that portion lying north of a line connecting lat. 39°22'30" N, long. 118°50'00" W and lat. 39°23'00" N, long. 118°56'00" W." This area is amended also by changing the "Designated altitudes" column to read: "Surface to unlimited", and by changing the "Using agency" column to read: "Commander Naval Air Bases, 12th Naval District (Admin)".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 15, 1952.

[SEAL] F. B. LEE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 52-7826; Filed, July 15, 1952; 8:54 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[0th Gen. Rev. of Export Regs., Amdt. 2]

PART 384—GENERAL ORDERS

ORDERS MODIFYING VALIDITY OF CERTAIN EXPORT LICENSES

Section 384.8 *Orders modifying validity of certain export licenses* is amended by adding a new paragraph (d) to read as follows:

(d) *Steel products.* The validity period of all export licenses covering steel products identified on the Positive List by the Processing Codes "STEE" and "TNPL", having an expiration date on or after June 2, 1952, is hereby extended for the duration of the steel strike plus 90 days. This order applies to all such licenses whether or not the exporter's source of supply is involved in the work stoppage.

This action is not applicable to the use or extension of any rating or allotment authority granted under the Controlled Materials Plan or any other supply assistance program in connection with such licenses and exportations.

This order shall be effective as of July 10, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON, *Acting Director, Office of International Trade.*

[F. R. Doc. 52-7687; Filed, July 15, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

The Renegotiation Board hereby adopts the proposed amendment of § 1453.2 (d) which was published on April 5, 1952 (17 F. R. 3000 to 3001), with the following changes:

1. In subparagraph (3) (ii), the word "purchases" appearing in the third sentence is changed to read "purchase".

2. In subparagraph (7), the word "contents" appearing in the second sentence is changed to read "contract".

3. In subparagraph (7), delete the word "Since" in the next to the last sentence and insert the words "Assuming that".

4. Add a new subparagraph (8) to read as follows:

(8) *Procedure.* A contractor who claims that a portion of its profits attributable to the increment in value of excess inventory should be excluded from consideration in determining whether or not it has received excessive profits shall give notice to the Board of such claim at the time of or before such contractor completes the filing of the Standard Form of Contractor's Report (RB Form 1B). The Regional Board to which the contractor is assigned for renegotiation will request the contractor to substantiate its claim before conclusion of the renegotiation if it appears that, without regard to the provisions of this paragraph, excessive profits exist.

(Sec. 109, Pub. Law 9, 82d Cong.)

Dated: July 10, 1952.

JOHN H. JOSS, *Acting Chairman, The Renegotiation Board.*

[F. R. Doc. 52-7797; Filed, July 15, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Interpretation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 1—COVERAGE OF AUCTIONEERS

An auctioneer who operates a used household furniture and furnishings, antiques and bric-a-brac store is subject to CPR 7 as to articles covered by that regulation if he holds title to the merchandise when he sells it, providing that he buys and sells it in substantially the same form and is not exempted under sections 2 and 3. If the auctioneer does not have title to the merchandise when he sells it, but merely acts as an agent for another, sales of articles covered by CPR 7 are governed by that regulation only if the owner is subject to it.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

JULY 15, 1952.

[F. R. Doc. 52-7891; Filed, July 15, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Interpretation 2]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 2—PRICING OF JOB LOT MERCHANDISE (SECTIONS 30 THROUGH 39)

A retailer who purchases quantity job lots for a lump sum determines his ceiling prices under CPR 7 by allocating the total cost of the purchase in any reasonable manner among the articles included in the job lot. A notation should be made on the invoice or other cost record indicating how the total cost of the job lot has been allocated. The job lot purchased merchandise may then be priced by applying the pricing rules in sections 30 through 39 of CPR 7.

If all of the retailer's merchandise in a category has been purchased in job lots, he may not use such purchases as the basis for establishing markups for that category on his pricing chart. He must determine the ceiling prices for such articles by applying either sections 36, 37 or 39 (e).

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

JULY 15, 1952.

[F. R. Doc. 52-7892; Filed, July 15, 1952; 4:00 p. m.]

[Ceiling Price Regulation 7, Interpretation 3]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 3—COMPANY SELLING THROUGH DOOR-TO-DOOR SALESMEN

A company sells a commodity through house-to-house "dealers" who pocket the deposits as commission, whereupon the company delivers the merchandise, collecting and retaining the balance. The questions are raised as to whether, on such sales to ultimate consumers, the company is subject to CPR 7, and, if so, how the offering price is computed.

If the article in question is covered by CPR 7, the company is subject to CPR 7, unless it meets the requirements for exemption contained in sections 2 or 3 of that regulation. The relationship between the company and its "dealers" would appear to be that of principal and agent; the so-called "dealer" does not buy the articles from the company and sell them, but rather it appears that the company itself sells the articles through salesmen.

The offering price for the article is the full price at which the article was sold by the salesmen on the list date, with no deduction allowed for the commission.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

JULY 15, 1952.

[F. R. Doc. 52-7893; Filed, July 15, 1952; 4:00 p. m.]

[General Overriding Regulation 31]

GOR 31—AIR FREIGHT DURING STRIKE EMERGENCY ON SHIPMENTS TO HAWAII

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

The continuation of the maritime strike on the west coast has caused a shortage of vaccines and serums for animals and fowls in the Territory of Hawaii. The Governor's Emergency Committee, established for the purpose of considering such problems, has recommended that these items be brought into the Territory by air freight and that the Office of Price Stabilization permit sellers of these items to add air freight dead to their present ceiling price. The Office of Price Stabilization has carefully considered this recommendation and has determined that it is appropriate to permit sellers of vaccines and serums for animals and fowls to add to their ceiling prices otherwise established, the increased costs of shipping these vaccines and serums by air freight as provided in this regulation.

This general overriding regulation has been so drafted that other critical items may be added to its coverage if the need should arise, but it should be noted that the Office of Price Stabilization will include additional commodities only in cases of critical necessity.

The Office of Price Stabilization contemplates that this regulation will be revoked as soon as the strike is settled as to all commodities not actually delivered or in transit at that time.

Because of the nature of this general overriding regulation, consultation with the industry affected, including trade representatives, has not been practicable.

REGULATORY PROVISIONS

Sec.
1. Freight increases.
2. Invoices.
3. Applicability of other regulations.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Freight increases.* (a) If you sell any commodity listed in Appendix A to this General Overriding Regulation and if the commodity, at the time there is a binding agreement to buy and sell, is located in the Territory of Hawaii and if, because of the maritime strike on the west coast of the United States, you incurred air freight charges and charges for special packaging for air shipment of the commodity, you must determine your ceiling price for the commodity under the applicable ceiling price regulation as if transportation had been by normal means. You may then charge the buyer, in addition to such ceiling price, an amount not to exceed the difference between the cost of transportation by normal means and the air freight and special packaging charges actually incurred by you for the commodity, provided that such additional amount which you charge the buyer is shown on your invoice, for all sales except sales at retail, as the amount of air freight and special packaging charges passed on by you, as required by section 2.

(b) If you sell any commodity listed in Appendix A to this General Overriding Regulation and if the commodity, at the time there is a binding agreement to buy and sell, is located in the Territory of Hawaii and if, because of the maritime strike on the west coast of the United States, air freight and charges for special packaging are passed on to you by your supplier under this regulation, you must, in determining your ceiling price for the commodity under the applicable ceiling price regulation, exclude from your direct cost the amount listed on your supplier's invoice to you as the amount of air freight and special packaging charges passed on to you for the commodity. You may then charge the buyer, in addition to such ceiling price, an amount not to exceed the amount of air freight and special packaging charges passed on to you by your supplier as shown by your supplier's invoice for the commodity, provided that such additional amount which you charge the buyer is shown on your invoice, for all sales except sales at retail, as the amount of air freight and special packaging charges passed on by you, as required by section 2.

SEC. 2. *Invoices.* If you sell any commodities under this general overriding regulation, you must furnish each purchaser, except a retail purchaser, an invoice stating separately for each commodity the amount of the air freight and special packaging charges passed on by you under this general overriding regulation. This information may be included on the invoice you customarily furnished or which you are required to furnish under any other applicable OPS regulation.

SEC. 3. *Applicability of other regulations.* All of the provisions of all other applicable regulations except as modified by this general overriding regulation continue in full force and effect.

Effective date. This General Overriding Regulation 31 is effective July 15, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 15, 1952.

APPENDIX A

1. Vaccines and serums for animals and fowls.

[F. R. Doc. 52-7890; Filed, July 15, 1952; 11:21 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 12 as Amended July 15, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 12—RESTRICTIONS ON STEEL SHIPMENTS AND ACCEPTANCE OF DELIVERIES

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Prohibition on shipments and acceptance of deliveries.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to reduce disruption to the national defense program resulting from the work stoppage in the steel producing industry. This will be accomplished by prohibiting shipments and acceptance of deliveries of specified kinds of steel controlled materials for certain less essential uses.

SEC. 2. *Prohibition on shipments and acceptance of deliveries.* From the effective date of this amended direction until a date to be specified in a further amendment to or by revocation of this direction, no person shall accept delivery of steel controlled materials in the forms and shapes indicated in Schedule I of this direction from a steel distributor as defined in NPA Order M-6A, if such steel (a) was ordered pursuant to an authorized controlled material order bearing the program identification V followed by a digit, or (b) is to be used in the manufacture of products pursuant to authorized production schedules bearing the program identification V followed by a digit: *Provided, however,* That nothing in this section shall be construed to prohibit the shipment, acceptance of delivery, or use of such steel if ordered pursuant to an authorized controlled material order identified by the suffix program identification B–5. No person shall make shipment of such steel if he knows or has reason to believe that its acceptance will constitute a violation of the provisions of this section.

This direction, as amended, shall take effect July 15, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF DIRECTION 12 TO CMP REGULATION NO. 1

FORMS AND SHAPES OF STEEL CONTROLLED MATERIALS

Carbon steel:
- Bar, hot-rolled (round, 1½ inches or larger).
- Bar, cold-finished (round, 1½ inches or larger).
- Electrical sheet and strip (high-grade [1]).
- Tin plate, hot-dipped.
- Tin plate, electrolytic.
- Structural shapes (wide-flanged sections [2]).
- Pressure tubing—seamless and welded.
- Mechanical tubing—seamless.

Alloy steel:
- Bar, hot-rolled (round, 1¼ inches or larger).
- Bar, cold-finished (round, 1¼ inches or larger).
- Pressure tubing—seamless and welded.
- Mechanical tubing—seamless.

Stainless steel (nickel-bearing): All forms and shapes.

[1] AISI—M17, M15, M14, and oriented.

[2] Wide flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Grey mill, in sizes ranging in depth from 4 to 36 inches.

[F. R. Doc. 52-7894; Filed, July 15, 1952; 11:21 a. m.]

[NPA Order M-47B, Amdt. 1 of July 14, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

REVISED SCHEDULE I

This amendment to NPA Order M-47B is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

NPA Order M-47B, as amended April 15, 1952, is hereby further amended by deleting Schedule I of the order and by substituting therefor a new Schedule I to read as follows:

SCHEDULE I OF ORDER M-47B

(Note: Listings are in accordance with the official CMP Class B Product List of February 1, 1952)

Product class code	
2342091	Corset and allied garment accessories.
2392	Housefurnishings, fabric (containing controlled materials).
23940	Canvas products.
24930	Frames for mirrors and pictures.
2511	Wood household furniture, except upholstered.
2512091	Dual-purpose sleeping equipment.
2512092	Wood household furniture, upholstered, n. e. c.
25130	Reed and rattan furniture (including bassinets).
2514	Metal household furniture.
2531092	Public building furniture, n. e. c.
25412	Cases, cabinets, counters, and other fixtures.
25620	Window shades and accessories.
2563	Venetian blind parts and accessories.
25910	Restaurant furniture.
2599092	Furniture and fixtures, n. e. c.
34211	Cutlery, scissors, shears, and trimmers.
34292	Furniture hardware.
3429391 3429392	Vacuum bottles and jugs, 1-quart and over.
3429691	Specialized hardware, fireplace equipment only.
3429699	Harness and saddlery hardware.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
34611	Vitreous-enameled cooking and kitchen utensils, except hospital utensils.
3463794	Ice cube trays and lunch boxes, metal; aluminum ice cube trays only.
3463795	Stamped or pressed metal end products, n. e. c.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking, kitchen, and hospital utensils, and commercial baking pans.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3499294	Bed rails, metal.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
3581291	Household ironers.
3581292	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household mechanical refrigerators.
35852	Home and farm freezers.
3589292	Household machines, n. e. c.
36211	Electric fans, except industrial-type.
3621393	Electric razors and dry shavers.
3621394	Small household electric appliances, except fans.
36214	Household ranges, electric.
3699392	Electrical products, n. e. c., Christmas tree lighting outfits only.
37511	Motorcycles and parts, except repair parts.
=39120	Jewelers' findings and materials.
3914091	Flatware, commercial and domestic.
3914092	Silverware, hollow ware and plated ware.
39310	Pianos.
39320	Organs.
39410	Games and toys, except dolls and children's vehicles.
39420	Dolls and stuffed toy animals.
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39520	Lead pencils.
39540	Artists' materials and equipment.
=39610	Costume jewelry and novelties, except precious metal.
39630	Metal buttons and parts, civilian-type.
3964093	Apparel fasteners.
3964094	Household needles, pins, similar notions, n. e. c., civilian-type.
=39860	Jewelry cases and instrument cases.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39970	Soda fountain and beer-dispensing equipment.
3999494	Miscellaneous fabricated products, n. e. c.
5012	Specialty products, n. e. c.
8921	Religious goods, n. e. c.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7863; Filed, July 14, 1952; 2:02 p. m.]

= See section 5 (a) NPA Order M-47B.

Chapter XVI—Production and Marketing Administration, Department of Agriculture

[Defense Food Order 1, as Amended, Sub-Order 1]

DFO-1—CASTOR OIL

SO 1—AMENDMENT OF APPENDIX A

It is hereby found and determined that the provisions of this order are necessary and appropriate to promote the national defense; and it is, therefore, made effective pursuant to the authority vested in me by Defense Food Order 1, as amended (17 F. R. 401). In the formulation of this order there has been consultation with industry representatives, and consideration has been given to their recommendations. Consultation with representatives of trade associations in the formulation of this order has been rendered impracticable inasmuch as there is no trade association, as such, with respect to the castor oil industry and this order applies to numerous trades.

SUMMARY OF SUB-ORDER

Under Defense Food Order 1, as amended, the Director of the Fats and Oils Branch, Production and Marketing Administration, is authorized to amend Appendix A to Defense Food Order 1. This sub-order indicates the new maximum amount of castor oil that may be used in certain specified class uses by setting forth amended percentages for the respective class uses listed in Appendix A. The changes effected by this order are designed to give recognition to the improved castor oil supply situation by allowing users of castor oil to benefit from such situation and are in keeping with the Department's policy of easing controls whenever the supply and demand picture is such as to allow this action.

Definitions. Terms used in this sub-order shall have the same meaning as when used in Defense Food Order 1, as amended (17 F. R. 401).

Appendix A. Commencing with the calendar quarter beginning on July 1, 1952, Appendix A to Defense Food Order 1 is amended to read as follows:

APPENDIX A TO DEFENSE FOOD ORDER 1

Class use	*Percent*
Medicinal and pharmaceutical preparations	100
Protective linings for the inside of food containers	100
Demulsification of petroleum products	100
Synthetic, foam and natural rubber	100
Rubber factice	100
Hydraulic fluid	100
Lubricating grease	100
Electrical insulation	100
Leather	100
Sebacic acid	100
Textiles	80
Imitation leather and coated fabrics	80
Brake lining	80
Paint, varnish, lacquer, resins, and paint vehicles	80
Pigment and dye	80
Plastics	80
All other	50

Effective date. This sub-order shall become effective July 1, 1952.

With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 1, as amended, prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 1, as amended, shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154.)

Done at Washington, D. C., this 10th day of July 1952.

[SEAL]

GEORGE L. PRICHARD,
Director, Fats and Oils Branch, Production and Marketing Administration.

[F. R. Doc. 52-7862; Filed, July 14, 1952; 12:31 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

CONTESTED CLAIMS; SCOPE OF TERM

In § 4.55, paragraph (a) is amended to read as follows:

§ 4.55 *Contested claims*—(a) *Scope of term.* The provisions of this section are applicable to claims filed by two or more persons for the same benefit where the allowance of one claim would necessitate disallowance of the other claim. This includes claims alleging legal widowhood, and claims of two or more persons alleging to have been the last in the same parental line to have stood in place of a parent to the veteran.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective July 16, 1952.

[SEAL]

H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-7820; Filed, July 15, 1952; 8:54 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

1. § 114.22 *Foreign matter* (17 F. R. 480) amend the first sentence of paragraph (a) *Delivery of*, to read as follows: "On receipt of foreign matter at the office of address it shall be delivered in the same manner as domestic mail matter, except as otherwise provided".

2. a. In § 127.271 *Guadeloupe.* (Including the Islands of Desirade, Les Saintes, Marie Galante, Petite Terre, St. Bartholomew (Barthelemy), and the French port of St. Martin) amend paragraph (b) (1) by adding subdivision (ii), to read as follows:

(ii) Air parcels.

Rates: $0.65 first 4 ounces; $0.20 each additional 4 ounces, or fraction.

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b)).

b. In § 127.301 *Martinique* amend paragraph (b) (1) by adding subdivision (ii), to read as follows:

(ii) Air parcels.

Rates: $0.65 first 4 ounces; $0.25 each additional 4 ounces, or fraction.

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-7770; Filed, July 15, 1952; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 854]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 E.,
Sec. 3, NW¼ and NW¼SW¼;
Sec. 4, W½SE¼.

The areas described aggregate 280 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 10, 1952.

[F. R. Doc. 52-7764; Filed, July 15, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 319]

PACKING MATERIALS; FLAG SMUT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 160), is considering amending 7 CFR Part 319 in the following respects:

1. Section 319.69 (a) would be amended by inserting a footnote referring to the restrictions on importations of wheat straw, hulls, and chaff contained in 7 CFR 319.59 et seq.;

2. Section 319.69 (b) would be amended to provide that wheat straw, hulls, and chaff, used as packing materials, shall not be permitted conditional entry into the United States when imported from Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cyprus, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen; and

3. Section 319.59, the notice of quarantine relative to flag smut, would be revised and new regulations would be promulgated thereunder, as follows:

NOTICE OF QUARANTINE NO. 59, REVISED

§ 319.59 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, has determined that an injurious plant disease known as the flag smut disease of wheat, caused by the fungus Urocystis tritici Koernicke, not heretofore widely prevalent or distributed within or throughout the United States, is known or believed to exist in various foreign countries, listed below, and that the unrestricted importation from such foreign countries of the products listed below may result in the entry into the United States of the flag smut disease. Therefore, pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 160), the Secretary of Agriculture, in order to prevent the introduction into the United States of the flag smut disease, forbids the importation into the United States from Aden Protectorate, Afghanistan, Australia, Bulgaria, Caucasus (including Azerbaidzhan, South Russia, and Transcaucasia), Chile, China, Cyprus, Egypt, Germany, Greece, India, Iran, Iraq, Israel, Italy, Japan, Netherlands, Oman, Pakistan, Palestine, Portugal, Saudi Arabia, Sinai Peninsula, Spain, Syria, Trans-Jordan, Tunisia, Turkestan, Turkey, Union of South Africa, and Yemen of (a) all species and varieties of wheat (Triticum, spp.), (b) wheat straw, hulls, and chaff, (c) wheat products of the milling process, such as bran, shorts, thistle sharps, and pollards, (d) seeds of Melilotus indica, and seeds of any field crop that have been separated from wheat during the process of screening, and (e) containers of the foregoing products not otherwise provided for in any other subpart,[1] except as provided in the regulations supplemental to this quarantine.

REGULATIONS

§ 319.59–1 *Definitions.* Words used in the singular form in the regulations in this subpart shall be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of the regulations in this subpart the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act.

(d) *Person.* Any individual, firm, corporation, company, society, association, or other organized group of any of the foregoing.

(e) *Importer.* The permittee, agent of the permittee, or other person bringing to the United States plant material which is subject to the quarantine and regulations in this subpart.

(f) *Flag smut.* The fungus disease known as the flag smut disease of wheat (Urocystis tritici Koern.), in any stage of development.

(g) *Wheat straw, hulls, or chaff.* Straw, hulls, or chaff of wheat, whether imported independently or in connection with or attached to any other importation.

(h) *Used bags.* Used bags of gunny or any other fabric, not otherwise provided for in any other subpart, that are being used as containers for enterable products.

(i) *Imported.* Brought to the United States from a country or locality designated in § 319.59, whether directly from such country or via another country.

(j) *Permit.* An authorization allowing the importation of enterable products in accordance with the regulations in this subpart.

§ 319.59–2 *Products prohibited entry.* Wheat, and wheat products, except such wheat products as have been so milled or so processed as to have destroyed all flag smut spores, are prohibited entry.

§ 319.59–3 *Enterable products and conditions for their entry.* (a) Wheat flour may be imported without complying with any of the requirements of this subpart.

(b) Upon compliance with the requirements for permit in § 319.59–5 and notice of arrival in § 319.59–6, the following products may be imported under the conditions stated:

(1) *Wheat products other than flour.* Wheat products, other than wheat flour, may be imported after it has been determined by an inspector that they have been so milled or so processed as to have destroyed all flag smut spores that may have been present.

(2) *Wheat straw, hulls, and chaff, field crop seeds, and containers thereof.* Wheat straw, hulls, and chaff, and seeds of Melilotus indica and seeds of any other crop that have been separated from wheat during the screening process, and containers thereof not otherwise restricted, may be imported subject to treatment upon arrival.

§ 319.59–4 *Treatment.* All products enterable under § 319.59–3 (b) (2) shall be treated upon arrival in the United States by the application of 5 percent ethyl mercury phosphate dust, or other chemical or method found by the Chief of the Bureau to be substantially as effective as 5 percent ethyl mercury phosphate dust in eliminating flag smut infection; or shall be processed or utilized as authorized by the inspector in a manner to destroy such infection. Any such processing or utilization of containers shall be in conformity with § 319.8–9 (e). The schedule of treatment or method of processing or utilization of enterable products shall be according to a method selected by the inspector in accordance with administratively authorized procedures known to be effective under the applicable conditions and with due recognition of any health hazards involved. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment. Treated seeds should be planted without delay in order to avoid reduced germination. All costs of such treatments, other than the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be paid by the importer.

§ 319.59–5 *Applications for and issuance of permits.* Any person desiring to import enterable products, other than wheat flour, shall first submit to the Bureau an application stating the name and address of the importer, the approximate quantity and kinds of products it is desired to import, the country where grown (country of origin in the case of containers referred to in § 319.59), the port of entry into the United States, the name and address of the agent, if any, representing the importer, and the means of transportation to be employed. Such enterable material may be imported only after a permit has been issued.

§ 319.59–6 *Notice of arrival.* A notice shall be submitted by the importer, in duplicate, through the United States Collector of Customs, to the United States Department of Agriculture, immediately upon arrival at a port of entry of any shipment of products, other than wheat flour, enterable under this subpart. Such a notice is to be submitted on a form provided for that purpose by the Bureau (Form EQ–368) and shall contain the information called for by that form.

§ 319.59–7 *Shipments for experimental and scientific purposes.* Articles subject to the requirements of the regulations in this subpart may be imported by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of Bureau. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau.

The proposed amendments would add a footnote to § 319.69 (a) of the regulations supplementary to the Packing Materials Quarantine referring to the restrictions on importations of wheat straw, hulls, and chaff contained in the Flag Smut Disease Quarantine and supplementary regulations and would amend § 319.69 (b) of the regulations supplementary to the Packing Materials Quarantine so as to provide that wheat straw, hulls and chaff, used as packing materials, shall not be permitted conditional entry into the United States when imported from certain designated countries. These wheat products might also introduce the flag smut disease.

The proposed amendments to § 319.59, the notice of quarantine relating to the flag smut disease, would extend the quarantine to include Afghanistan, Bulgaria, Caucasus (including Azerbaidzhan, South Russia, and Transcaucasia), Chile, Cyprus, Egypt, Germany, Greece, Iran, Israel, Netherlands, Pakistan, Palestine, Portugal, Tunisia, Turkestan, and Turkey, in which flag smut is known to occur, as well as Aden Protectorate, Iraq, Oman, Saudi Arabia, the Sinai Peninsula, Syria, Trans-Jordan, and Yemen. The latter eight countries are surrounded by countries where flag smut disease is known to occur. No reports are available concerning the existence of the disease in these eight countries. It is believed, however, that if adequate flag smut surveys were made there the disease would be found. It is therefore proposed that these countries also be included in the quarantine.

The proposed amendments to said Notice of Quarantine add to the quarantined products a number of by-products of the wheat screening and milling processes that might introduce the flag smut disease. Bags or other containers that might be contaminated with disease spores, and not already regulated in an-

[1] Section 319.8–9 restricts the importation from countries where the flag smut disease is known to occur of bags or parts of bags that have been used as containers of wheat or wheat products not so processed as to have destroyed all flag smut disease spores, or have been used as containers of field seeds separated from wheat during the process of screening.

other subpart, would similarly be added to the quarantined articles.

Provision would be made in the proposed supplementary regulations for the importation of certain by-products of the wheat screening and milling processes upon adequate treatment.

All of these proposals are in accordance with unopposed recommendations of the Department of Agriculture made at the March 30, 1951 public hearing on this subject.

All persons who desire to submit written data, views, or arguments in connection with these proposals should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 7, 37 Stat. 316, 317; 7 U. S. C. 159, 160)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-7794; Filed, July 15, 1952; 8:49 a. m.]

[7 CFR Parts 319, 321]

PINK BOLLWORM OF COTTON; FOREIGN COTTON LINT; COTTONSEED PRODUCTS FROM ALL FOREIGN COUNTRIES

NOTICE OF PROPOSED RULE MAKING

On February 8, 1951, there was published in the FEDERAL REGISTER (16 F. R. 1204) a notice concerning a public hearing to consider revising the various quarantines, orders, and regulations concerning the importation into the United States and the movement between the territories and possessions and the mainland of the United States of cotton, cotton products, and cotton wrappings. These matters were discussed at a public hearing in Washington, D. C., on March 28, 1951. Study of the testimony at the hearing and all other available information has resulted in a decision to propose that the existing order restricting the entry of cottonseed oil from Mexico be revoked and that such other quarantines, orders, and regulations affecting imports be revised and combined into one quarantine, with supplemental regulations.

Accordingly, notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 5 and 7 of the Plant Quarantine Act (7 U. S. C. 159, 160), is considering revoking the order restricting the entry of cottonseed oil from Mexico into the United States (7 CFR 321.202); and further, is considering revising and combining into one quarantine, with supplementary regulations, under a new subpart heading "Foreign Cotton," the foreign pink boolworm of cotton quarantine and regulations (7 CFR 319.8, 319.8-1 et seq.), the order regulating the admission into the United States of foreign cotton lint (7 CFR 321.101), the regulations governing the importation of cotton and cotton wrappings into the United States (7 CFR 321.102 et seq.), the order restricting the admission into the United States of cottonseed cake, cottonseed meal, and all other cottonseed products except cottonseed oil (7 CFR 321.201), and the regulations governing the importation into the United States of cottonseed cake, cottonseed meal, and other cottonseed products (7 CFR 321.203 et seq.), said proposed revised and combined quarantine and regulations to read substantially as follows:

§ 319.8 *Notice of quarantine.* The Secretary of Agriculture having previously prohibited the importation for any purpose of cotton lint, baled, or unbaled; cotton and cotton wrappings; cottonseed and cottonseed hulls; and cottonseed cake, meal, and all other cottonseed products, except oil, from all foreign localities and countries, with certain exceptions as provided in the respective orders and notice of quarantine and regulations supplemental thereto, now determines that the finding in foreign countries of additional pests of cotton and pests associated with the movement of cotton and certain other commodities makes it necessary to amend and consolidate the said orders and notice of quarantine, and supplemental regulations.

Under authority conferred by section 5 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 159), and having given the public hearing required thereunder, the Secretary of Agriculture, in order to prevent the introduction into the United States of the pink bollworm of cotton (Pectinophora gossypiella (Saund.)), the golden nematode of potatoes (Heterodera rostochiensis Wr.), the flag smut disease (Urocystis tritici Koern.), and other injurious insect pests and plant diseases, hereby prohibits the importation into the United States, including the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, of (a) all parts and products of plants of the genus Gossypium, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber; cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste; and all other unmanufactured parts of cotton plants; and (b) second-hand burlap and other fabric which have been used, or are of the kinds ordinarily used for wrapping or containing cotton, or for containing or transporting grains, field seeds, agricultural roots, rhizomes, tubers, or other underground crops; except as provided in the regulations supplemental to this quarantine: *Provided*, That, whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that existing conditions as to the pest risk involved in the importation of any of the above designated parts or products of cotton plants or second-hand burlap or other fabric to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective.

REGULATIONS

§ 319.8-1 *Definitions.* For the purposes of the regulations in this subpart, the following words shall be construed, respectively, to mean:

(a) *Cotton.* Parts and products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters and other forms of unmanufactured cotton fiber; cottonseed hulls, cake, meal, and other cottonseed products, except oil; cotton waste; and all other unmanufactured parts of cotton plants.

(b) *Cottonseed.* Cottonseed from which the lint has been removed.

(c) *Seed cotton.* Cotton as it comes from the field.

(d) *Lint.* All forms of raw or unmanufactured ginned cotton, either baled or unbaled, except linters and waste.

(e) *Linters.* All forms of unmanufactured cotton fiber separated from cottonseed after the lint has been removed, excluding so-called "hull fiber" which shall be considered in the same category as waste.

(f) *Waste.* All forms of cotton waste derived from the manufacture of cotton lint, in any form or under any trade designation, including gin waste; and waste products derived from the milling of cottonseed.

(g) *Clean waste.* Waste that has been manufactured or processed in such a manner as to remove all uncrushed cottonseed or to have destroyed all insect life.

(h) *Bale covers.* Second-hand burlap and other fabric which have been used, or are of the kinds ordinarily used, for wrapping or containing cotton, or for containing or transporting grains, field seeds, agricultural roots, rhizomes, tubers, or other underground crops. Burlap and other fabric, when new or unused, are excluded from this definition.

(i) *Uncompressed cotton.* Cotton which has not been compressed, sometimes referred to as "gin" bales or "flat" bales.

(j) *Compressed cotton.* Cotton which has been compressed.

(k) *High density cotton.* Baled cotton compressed to a density of 28 or more pounds per cubic foot.

(l) *Contamination, contaminated.* Containing an admixture of whole cottonseed or seed cotton, or containing material which may carry golden nematode of potatoes or the flag smut disease.

(m) *Samples.* Samples of lint, linters, waste, cottonseed cake, and cottonseed meal, of the amount and character usually required for trade purposes.

(n) *North, northern.* When used to designate ports of arrival, the terms mean the port of Norfolk, Virginia, and all Atlantic Coast ports north thereof, ports along the Canadian border, and Pacific Coast ports in the States of Washington and Oregon. When used in a geographic sense to designate areas or locations, the terms mean the area comprised of States in which cotton is not grown commercially: *Provided*, That when cotton is grown commercially in certain portions of a State as in the case in Illinois, Kansas, and Missouri, the terms include only those portions of such State as may be administratively designated by the Chief of Bureau as remote from the main area of cotton production.

(o) *Contiguous areas of Mexico.* The cotton producing areas of Mexico contiguous to cotton-producing areas in that part of the United States designated as regulated area in Federal pink boolworm regulations (7 CFR Supp. 301.52-2).

(p) *West Coast of Mexico.* The State of Sinaloa and the State of Sonora, except that part of the Imperial Valley lying between San Luis Mesa and the Colorado River.

(q) *Imperial Valley, Mexico.* The Imperial Valley in the State of Baja California, including that portion of the Valley in the State of Sonora, Mexico, lying between San Luis Mesa and the Colorado River.

(r) *Treatment.* Procedures administratively approved by the Chief of Bureau for destroying infestations or infections of the insect pests or plant diseases referred to in § 319.8, such procedures to include fumigation, application of chemicals or dry or moist heat, and processing, utilization, or storage.

(s) *Permit.* A form of authorization to allow the importation of cotton in accordance with the regulations in this subpart.

(t) *Approved.* Approved by the Chief of Bureau.

(u) *Authorized.* Authorized by the Chief of Bureau.

(v) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(w) *Bureau.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

(x) *Inspector.* Any person authorized by the Secretary of Agriculture to enforce the provisions of the Plant Quarantine Act.

(y) *Person.* Any individual, firm, corporation, company, society, association, or any organized group of any of the foregoing.

CONDITIONS OF ENTRY OF COTTON AND BALE COVERS

§ 319.8-2 *Application for and issuance of permits.* (a) Except as otherwise provided for in § 319.8-15, permits shall be obtained for importations of all cotton and bale covers. Persons desiring to import such material shall, in advance of departure of such material from a foreign port, submit to the Bureau an application[1] stating the name and address of the importer, the country from which such material is to be imported, and the kind of cotton or bale covers it is desired to import. In respect to cottonseed, the application shall also state the approximate quantity and the proposed United States port of entry. In respect to lint, linters, and waste, the application shall state whether such materials are compressed or uncompressed.

(b) When entry of lint, linters, or waste is requested at a port other than one in the North or on the Mexican Border, the application shall also specify whether the commodity is compressed to high density.

(c) Applications to import cotton or bale covers from contiguous areas of Mexico, the West Coast of Mexico, or the Imperial Valley of Mexico, shall state the place of origin.

(d) If through no fault of the importer a shipment of cotton or bale covers arrives at a United States port in advance of the issuance of a permit, it may be held, under suitable safeguards prescribed by the inspector at the port, in Customs custody at the risk of the importer, pending issuance of a permit, for a period not exceeding 20 days.

(e) Applications for permits may be made orally or on forms provided for the purpose by the Bureau, or may be made by a letter or telegram containing all the information required by this section.

(f) Upon receipt and approval of such application by the Bureau, a permit will be issued authorizing the importation and specifying the port of entry and the conditions of entry. A copy of the permit will be supplied to the importer.

(g) Upon receipt of an application to import unfumigated lint, linters, waste, or bale covers, for utilization or processing under agreement as defined in § 319.8-6 (a)-(2), an investigation will be made by an inspector to determine that the receiving mill is satisfactorily located geographically, is equipped with all necessary safeguards, and is apparently in a position to fulfill all precautionary conditions to which it may agree. Upon determination by the inspector that these qualifications are fulfilled, the mill may sign an agreement specifying that the required precautionary conditions will be maintained, whereupon a permit will be granted for the entry and utilization of such materials.

§ 319.8-3 *Refusal of permits.* (a) Permits for the importation of cotton and bale covers from contiguous areas of Mexico as authorized in § 319.8-10 may be refused and existing permits canceled (1) if, in the opinion of the Chief of Bureau, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into such contiguous areas of cotton and bale covers from parts of Mexico infested by the pink bollworm of cotton or from countries other than the United States, or (2) if the cotton and bale covers have not been produced and handled under conditions paralleling those required by § 301.52-1 et seq. of this chapter, for like products originating in parts of the United States designated as regulated areas in § 301.52-2 of this chapter or amendments thereof.

(b) Permits for the importation of lint or linters from the West Coast of Mexico as authorized in § 319.8-11 may be refused and existing permits canceled (1) if, in the opinion of the Chief of Bureau, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the West Coast of Mexico of cotton and bale covers from other parts of Mexico infested by the pink bollworm of cotton or from countries other than the United States, or (2) if it has been determined by the Bureau that the pink bollworm of cotton exists in the area comprising the West Coast of Mexico.

(c) Permits for the importation of cotton and bale covers from the Imperial Valley of Mexico as authorized in § 319.8-12 may be refused and existing permits canceled (1) if, in the opinion of the Chief of Bureau, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the State of Baja California of cotton and bale covers from other parts of Mexico or from countries other than the United States, (2) if it has been determined by the Bureau that the pink bollworm of cotton exists in the Imperial Valley of Mexico, or (3) if cottonseed is moved to the Territory of Baja California from areas of Mexico infested with the pink bollworm of cotton or from countries other than the United States, or other pest hazards are discovered or allowed to develop therein which in the opinion of the Chief of Bureau would increase the risk of pest introduction into the United States by the continued operation of § 319.8-12.

§ 319.8-4 *Notice of arrival.* Immediately upon arrival of any shipment of restricted cotton or bale covers at a port of entry the importer shall submit in duplicate, through the United States Collector of Customs and for the United States Department of Agriculture, a notice of such arrival, on a form provided for that purpose (Form EQ-368) and shall give such information as is called for by that form.

§ 319.8-5 *Marking of containers.* Every bale or other container of lint, linters, waste, or bale covers offered for entry shall be plainly marked with a bale number or other mark to distinguish it from other bales or containers.

ADDITIONAL CONDITIONS FOR ENTRY OF COTTON AND BALE COVERS FROM COUNTRIES OTHER THAN MEXICO

§ 319.8-6 *Lint, linters, and waste—(a) Compressed to high density.* (1) Entry of lint, linters, and waste from countries other than Mexico, compressed to high density, will be authorized, subject to vacuum fumigation, at any port where approved vacuum fumigation facilities are available or may hereafter be made available and where there are inspectors at the port to supervise such fumigation.

Such importations of lint, linters, and waste, other than clean waste, arriving at a northern port where there are no approved vacuum fumigation facilities may be entered for transportation to another northern port where such facilities are available, for fumigation.

Lint, linters, and waste other than clean waste, arriving at a port in the State of California, will be released at such port only after they have been given vacuum fumigation in an approved plant located thereat. If there are no approved vacuum fumigation facilities at

[1] Applications for permits should be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J.

the port of arrival, entry of such materials is authorized only for immediate transportation by all-water route to a port where approved vacuum fumigation facilities are available, there to receive the required fumigation before release.

(2) Entry of lint, linters, and waste from countries other than Mexico, when compressed to high density, will be authorized without vacuum fumigation at any northern port, subject to movement to an approved mill or plant the owner or operator of which has executed an agreement with the Bureau to the effect that, in consideration of the waiving of vacuum fumigation as a condition of entry and the substitution of approved utilization therefor:

(i) The lint, linters, and waste so entered will be consumed at the mill or plant in a manufacturing process and until so consumed will be retained at the mill or plant, unless written authority is granted by the Bureau to move the material to another mill or plant;

(ii) Sanitary measures satisfactory to the Bureau will be taken with respect to the collection and disposal of any waste, residues, and bale covers, including the collection and disposal of refuse from railroad cars, trucks, or other carriers used in transporting the material to the mill or plant;

(iii) Inspectors of the Bureau will have access to the mill or plant at any reasonable time to observe the methods of handling the material, the disposal of refuse, residues, waste, and bale covers, and otherwise to check compliance with the terms of the agreement;

(iv) Such reports of the receipt and utilization of the material, and disposal of waste therefrom as may be required by the inspector will be submitted to him promptly;

(v) Such other requirements as may be necessary in the opinion of the Chief of Bureau to assure retention of the material, including all wastes and residues, at the mill or plant and its utilization or disposal in a manner that will eliminate all pest risk, will be complied with.

(3) Failure to comply with any of the conditions of the agreement may be cause for immediate cancellation of the agreement by the inspector.

(4) Agreements may be executed with owners or operators of mills or plants located in States in which cotton is not grown commercially and at locations in such other States as may be administratively designated by the Chief of Bureau after due consideration of possible pest risk involved and the proximity of growing cotton.

(b) *Uncompressed or compressed below high density.* (1) Entry of lint, linters, and waste, uncompressed or compressed below high density, from countries other than Mexico, will be authorized, subject to vacuum fumigation, through any northern port, through any port in the State of California, and through any port on the Mexican Border, where approved vacuum fumigation facilities are available, or may hereafter be made available, and where there are inspectors at the port to supervise such fumigation.

Such importations arriving at a northern port where there are no approved vacuum fumigation facilities may be entered for immediate transportation in bond to a northern port where such facilities are available, for fumigation.

Such importations of lint, linters, and waste other than clean waste, arriving at a port in the State of California, are eligible for release at such port only after they have been given vacuum fumigation in an approved plant located thereat. If there are no approved vacuum fumigation facilities at the port of arrival, entry of such materials will be authorized only for immediate transportation by all-water route to any port in California or any northern port where approved vacuum facilities are available, there to receive the required vacuum fumigation before release.

(2) Entry without vacuum fumigation is authorized for compressed lint, linters, and waste from all countries other than Mexico, and for uncompressed waste derived from cotton milled in non-cotton-producing countries, arriving at a northern port, subject to movement to an approved mill or plant the owner or operator of which has executed an agreement with the Bureau as described in § 319.8–6 (a) (2).

(c) *Manufactured or processed.* Vacuum fumigation will not be required for lint, linters, clean waste, and other forms of cotton imported from countries other than Mexico when the inspector can determine that such lint, linters, waste, and other forms of cotton have been so manufactured, or so processed by bleaching, dyeing or other means, as to have removed all seed or to have destroyed all insect life.

Fumigation of hull fiber imported from countries other than Mexico will not be required when an inspector has determined that such hull fiber is free of cottonseed.

§ 319.8–7 *Cottonseed cake and cottonseed meal.* Entry of cottonseed cake and cottonseed meal from countries other than Mexico may be authorized through any port at which the services of an inspector are available, subject to examination by an inspector for freedom from contamination. If found to be free of such contamination, importations of such cottonseed cake and cottonseed meal may be released from further plant quarantine entry restrictions. If found to be contaminated such importations will be refused entry or subjected as a condition of entry and release to such safeguards as the inspector may prescribe, according to a method selected by him from administratively authorized procedures known to be effective under the conditions under which the safeguards are applied.

§ 319.8–8 *Cottonseed or seed cotton for experimental or scientific purposes.* Entry of small quantities of cottonseed or seed cotton for experimental or scientific purposes may be authorized through such ports as may be named in the permit, and shall be subject to such special conditions as shall be set forth in the permit to provide adequate safeguards against pest entry.

§ 319.8–9 *Bale covers.* (a) Except as otherwise noted in this section, entry may be authorized, subject to vacuum fumigation, through such northern ports, ports in the State of California, or Mexican Border ports as may be named in the permits, of bale covers which have been used with foreign cotton; or entry may be authorized without vacuum fumigation at such northern or California ports subject to movement of the bale covers to an approved mill or plant the owner or operator of which has executed an appropriate agreement with the Bureau similar to that described in § 319.8–6 (a) (2).

(b) Bale covers requiring vacuum fumigation as a condition of entry, which arrive at a port other than a northern port, at which port approved vacuum fumigation facilities are not available, may be entered only for immediate transportation by all-water route to a northern port, or to a California port where such facilities are available, for vacuum fumigation or forwarding to an approved mill for utilization, provided that such forwarding may not be made overland from a northern port to a California mill.

(c) Second-hand burlap or other fabric (under whatever trade name or trade designation) of the kinds ordinarily used for wrapping or containing cotton, grain, or root crops but which has not been so used, and American cotton bagging, commonly known as coarse gunny, which has been used to cover cotton grown in the United States only, may enter at any port under permit, without vacuum fumigation or other treatment.

(d) Bags or parts of bags that have been used for root crops, which arrive in the United States from a country where the golden nematode of potatoes is known to occur, and bags or parts of bags, regardless of their source, if found to be contaminated with such pest, may be entered subject to immediate treatment at the port of arrival in such manner and according to such method as the inspector may select from administratively authorized procedures known to be effective under the conditions under which the treatment is applied.

(e) Bags or parts of bags that have been used as containers of wheat or wheat products that have not been so processed as to have destroyed all flag smut disease spores, or have been used as containers of field seeds separated from wheat during the process of screening, arriving in the United States from a country where the flag smut disease[2] is known to occur, and intended for reuse here as grain containers, may be entered subject to immediate treatment at the port of arrival. Such bags and parts of bags imported for approved utilization may enter subject to paragraph (a) of this section.

(f) Bags or parts of bags that have been used for grains exported from the United States and returned thereto empty without use abroad, may be entered without restriction upon presentation to an inspector of satisfactory

[2] Regulations applicable to the entry of other products from countries infected with the flag smut disease are found in §§ 319.59, 319.59–1 et seq.

evidence of their origin and subsequent handling.

(g) The finding in a bale of fabric of a kind specified in this section will subject the entire bale to the requirements of this section applicable to the fabric found. The finding in a shipment of one bale that contains fabric of a kind specified in this section will subject all bales in the shipment to the requirements of this section applicable to the fabric found in the one bale. In the case of American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only, if there appear attached to such material patches of the finer burlaps or other fabrics which, in the opinion of the inspector, are strictly in the nature of patches and represent such an inconsiderable proportion as not to affect the character of the bale as a whole, treatment is not required. This provision does not apply, however, to bales of a mixed character which contain both American cotton bagging or coarse gunny which has been used to cover cotton grown in the United States only, and the finer fabrics, whether these latter have or have not been used as cotton wrappings.

ADDITIONAL CONDITIONS FOR ENTRY OF COTTON AND BALE COVERS FROM MEXICO

§ 319.8–10 *From contiguous areas of Mexico*—(a) *Lint, linters, and waste.* (1) Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into contiguous areas of Mexico of cotton and bale covers from other parts of Mexico infested with the pink bollworm of cotton or from countries other than the United States, the entry of lint, linters, and waste that have been certified by an inspector as having been produced in the contiguous areas of Mexico and as having been handled under sanitary conditions paralleling those required by § 301.52–1 et seq. of this chapter, for like products originating in comparable parts of the United States designated as pink bollworm regulated areas in § 301.52–2 or amendments thereof, will be authorized through ports named in the permits for movement into such regulated areas of the United States. Upon arrival at such ports, the lint, linters, and waste will be released from further plant quarantine entry restrictions, and will immediately become subject to the requirements of § 301.52–1 et seq. of this chapter, applicable to like products produced in the area into which the importation is made.

(2) In the event that effective quarantines are not so maintained by Mexican officials, or should an inspector be unable to certify lint, linters, or waste as specified in subparagraph (1) of this paragraph, the entry of such lint, linters, and waste from contiguous areas of Mexico shall be subject to the requirements of this subpart applicable to the importation of such material from countries other than Mexico.

(b) *Cottonseed cake and meal.* Entry of cottonseed cake and cottonseed meal from contiguous areas of Mexico may be authorized through any port at which the services of an inspector are available, subject to examination by an inspector for freedom from contamination. If found to be free from such contamination, the importation will be released from further plant quarantine entry restrictions. Importations of such cottonseed cake or cottonseed meal, found to be contaminated, will be refused entry or subjected as a condition of entry and release to such safeguards as the inspector may prescribe, including treatment in accordance with a method selected by him from administratively authorized procedures known to be effective under the conditions under which the safeguards are applied.

(c) *Cottonseed and cottonseed hulls.* (1) Entry of cottonseed is authorized when certified by an inspector as having been produced in a contiguous area of Mexico, as having been treated by a method satisfactory to the Chief of Bureau, and as having been subsequently protected from contamination.

(2) Entry of cottonseed hulls is authorized when certified by an inspector as having been produced from seed that was treated in a contiguous area of Mexico by a method satisfactory to the Chief of Bureau, and as having been subsequently protected from contamination.

(3) Upon arrival in the United States such cottonseed or cottonseed hulls shall be released from further plant quarantine entry restrictions and shall immediately become subject to the requirements of § 301.52–1 et seq. of this chapter, applicable to cottonseed and cottonseed hulls produced in the area into which the importation is made.

(d) *Bale covers.* Entry of bale covers from contiguous areas of Mexico is authorized under the same conditions as those prescribed in § 319.8–9 for bale covers from countries other than Mexico.

§ 319.8–11 *From West Coast of Mexico*—(a) *Lint and linters.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the West Coast of Mexico of cotton and bale covers grown or handled in parts of Mexico infested with the pink bollworm of cotton or in countries other than the United States, and upon continued freedom of this area from infestation with the pink bollworm of cotton, compressed lint and linters originating in the West Coast of Mexico may be entered through such ports on the Mexican Border as are specified in the permits. In the event that either of these contingencies cannot be met, lint and linters originating in the area comprising the West Coast of Mexico shall be subject to the requirements of this subpart applicable to the importation of such material from countries other than Mexico. Vacuum fumigation at an approved plant may be substituted for compression.

(b) Uncompressed lint and linters from the West Coast of Mexico may be entered for immediate transportation to a port designated by the inspector and by a route selected by him from a list of administratively approved ports and routings available to him, for compression or vacuum fumigation or such material may be entered for movement in customs custody to an approved mill or plant the owner or operator of which has executed an agreement with the Bureau as described in § 319.8–6 (a) (2).

§ 319.8–12 *From Imperial Valley, Mexico.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the State of Baja California, Mexico of cotton and bale covers grown or handled in other parts of Mexico or in countries other than the United States, and upon continued freedom of that State from infestation with the pink bollworm of cotton, cotton and bale covers originating in the Imperial Valley of Mexico may be entered through such ports as are specified in the permits. In the event that either of these contingencies cannot be met, or if conditions are found to exist in the Territory of Baja California which in the opinion of the Chief of Bureau would increase the risk of pest introduction into the United States by a continued operation of this section, cotton and bale covers originating in the Imperial Valley of Mexico shall be subject to the requirements of this subpart applicable to the importation of cotton and bale covers from countries other than Mexico.

§ 319.8–13 *From other parts of Mexico.* Entry of Mexican cotton and bale covers not otherwise specifically provided for in §§ 319.8–10 to 319.8–12, inclusive, shall be subject to the requirements of this subpart applicable to the importation of cotton and bale covers from countries other than Mexico.

MISCELLANEOUS PROVISIONS

§ 319.8–14 *Reentry into United States of cotton exported therefrom.* (a) Cotton and bale covers grown, produced, or handled in the United States, and in the original bales or other containers in which such material was exported therefrom, may reenter the United States at any port under permit, without vacuum fumigation or restriction as to utilization, upon compliance with §§ 319.8–2, 319.8–4, and 319.8–5, and upon the submission of evidence satisfactory to the inspector that such material was grown, produced, or handled in the United States and does not constitute a risk of introducing the pink bollworm of cotton.

(b) Cotton and bale covers of foreign origin imported into the United States in accordance with this subpart and exported therefrom, when in the original bales or other original containers, may reenter the United States under the conditions outlined in paragraph (a) of this section.

§ 319.8–15 *Samples.* (a) Samples of lint, linters, waste, cottonseed cake, and cottonseed meal may be entered without further permit other than the authorization contained in this section, but subject to inspection and such treatment as the inspector may adjudge necessary.

(b) Samples of cottonseed or seed cotton may be entered subject to the conditions and requirements outlined in §§ 319.8–2, 319.8–4, and 319.8–8.

(c) Bales or other containers of cotton shall not be broken or opened for sampling, nor shall samples be withdrawn until the inspector has so authorized and has prescribed the conditions and safeguards under which such samples shall be obtained.

§ 319.8–16 *Treatment.* (a) Vacuum fumigation as specified in this subpart shall consist of fumigation in a vacuum fumigation plant approved by the Chief of Bureau, under the supervision of an inspector and to his satisfaction. Continued approval of the plant will be contingent upon the granting by the operator thereof, to the inspector, of access to all parts of the plant at all reasonable hours for the purpose of supervising sanitary and other operating conditions, checking the efficacy of the apparatus and chemical operations, and determining that wastage has been cleaned up and disposed of in a manner satisfactory to the inspector; and upon the maintenance at the plant of conditions satisfactory to the inspector.

After cotton and bale covers have been vacuum fumigated they shall be so marked under the supervision of an inspector. Such material may thereafter be distributed, forwarded, or shipped without further plant quarantine entry restriction.

Cotton and bale covers held by an importer for vacuum fumigation must be stored under conditions satisfactory to the inspector.

(b) An inspector may authorize the substitution of processing, utilization, or other form of treatment for vacuum fumigation when in his opinion such other treatment, selected by him from administratively authorized procedures, will be effective in eliminating infestation of the pink bollworm of cotton.

§ 319.8–17 *Release of cotton and bale covers after 18 months' storage.* Cotton and bale covers, the entry of which has been authorized subject to vacuum fumigation or other treatment because of the pink bollworm only, and which have not yet received such treatment but have been stored for a period of 18 months or more in a port in the north or in a location within a pink bollworm regulated area designated in § 301.52–2 of this chapter, will be released from further plant quarantine entry restrictions.

§ 319.8–18 *Collection and disposal of waste.* (a) Importers shall handle imported, unfumigated cotton and bale covers in a manner to avoid waste. If waste does occur, the importer or his agent shall collect and dispose of such waste in a manner satisfactory to the inspector.

(b) If, in the judgment of an inspector, it is necessary as a safeguard against risk of pest dispersal to clean railway cars, lighters, trucks, and other vehicles used for transporting such cotton or bale covers, or to clean piers, warehouses, fumigation plants, mills, or other premises, the importer or his agent shall perform such cleaning, in a manner satisfactory to the inspector.

(c) All costs incident to such collection, disposal, and cleaning other than the services of the inspector during his regular tour of duty, shall be borne by the importer or his agent.

§ 319.8–19 *Importation for exportation, and importation for transportation and exportation.* (a) Importation of cotton and bale covers for exportation, or for transportation and exportation in accordance with the quarantine and regulations of this subpart shall also be subject to §§ 352.1 to 352.8, inclusive, of this chapter, and amendments thereof.

(b) Importation of unfumigated lint, linters, waste, cottonseed cake, cottonseed meal, and bale covers for cotton only at northern ports, for exportation or for transportation and exportation through another northern port, may be authorized by the inspector if, in his judgment, such procedures can be authorized without risk of introducing the pink bollworm of cotton.

(c) Importation of lint, linters, and waste from Mexico for transportation and exportation may be authorized under permit if such material is compressed before, or immediately upon entry into the United States, or is compressed while enroute to the port of export at a compress specifically authorized in the permit. The ports of export which may be named in the permit shall be limited to those that have been administratively approved for such exportation.

(d) Importation of uncompressed lint, linters, and waste from Mexico may be authorized under permit at Brownsville, Texas for exportation. Importation of such material may also be authorized at such other ports and under such conditions as may be designated in the permits for transportation to and exportation from the designated ports.

§ 319.8–20 *Ports of entry or export.* When ports of entry or export are not specifically designated in the regulations in this subpart but are left to the judgment of the inspector, the inspector shall designate only such ports as have been administratively approved for such entry or export.

§ 319.8–21 *Costs and charges.* The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer. The Bureau will not assume responsibility for any costs or charges, other than those indicated in this section, in connection with the entry, inspection, treatment, conditioning, storage, forwarding, or any other operation of any character incidental to the physical entry of an importation of a restricted material.

§ 319.8–22 *Material refused entry.* Any material refused entry for noncompliance with the requirements and conditions of this subpart shall be promptly removed from the United States or abandoned by the importer for destruction, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector may prescribe. If such material is not promptly safeguarded by the importer, removed from the United States, or abandoned for destruction to the satisfaction of the inspector it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U. S. C. 164a). Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, cartage, labor, chemicals, or other expenses incidental to the safeguarding or disposal of material refused entry by the inspector, nor will the Department of Agriculture or the inspector assume responsibility for the value of material destroyed.

§ 319.8–23 *Importations by the Department of Agriculture.* Cotton and bale covers may be imported by the Department of Agriculture for experimental or scientific purposes under such conditions as may be prescribed by the Chief of Bureau, which conditions may include clearance through the Division of Plant Exploration and Introduction of the Bureau of Plant Industry, Soils, and Agricultural Engineering.

§ 319.8–24 *Applicability of Mexican Border Regulations.* The quarantine and regulations in this subpart in no way affect the applicability of Part 320 of this chapter, the Mexican Border Regulations, to the entry from Mexico of railway cars or other vehicles that may contain cotton or bale covers or be contaminated therefrom.

The purposes of the proposed action are to rescind the present restrictions on the importation of cottonseed oil from Mexico; to include as a basis for quarantine action the hazards of introducing the golden nematode of potatoes and the flag smut disease in used bagging; and to consolidate, revise, and systematize the quarantine and the several orders and regulations relating to the importation of cotton lint, (baled or unbaled), cotton and cotton wrappings, and cottonseed cake, meal, and all other cottonseed products, except oil. Conditional importation under safeguards of unfumigated cotton and cotton products would be allowed when such products are destined to an approved mill operating under an agreement to utilize or process the products in a manner to eliminate all possibility of pest introduction. Unfumigated cotton that has been stored in certain geographical areas in the United States for a period of 18 months would be released without further treatment. The proposed regulations would also revise certain established procedures to conform to current experiences and to knowledge acquired as to hazards of pest introduction involved.

The proposed revision would supersede 7 CFR 319.8, 319.8–1 et seq., effective November 11, 1944, as amended effective February 6, 1948; 7 CFR 321.101, effective July 1, 1915; 7 CFR 321.102 to 321.114, inclusive, effective August 1, 1917, as revised effective December 11, 1937, July 1, 1938, and February 2, 1945; 7 CFR 321.201, effective July 16, 1917; and 7 CFR 321.203 to 321.208, inclusive, effective July 16, 1917, as amended effective August 7, 1925; as well as all administrative instructions supplementary thereto.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 7, 37 Stat. 316, 317; 7 U. S. C. 159, 160)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7793; Filed, July 15, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

JULY 7, 1952.

Notice is given that the plat of original survey of the following described lands, accepted March 12, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

U. S. SURVEY No. 3099 ALASKA

Spruce Cape Small Tract Group, embracing lots 1 to 30, inclusive; located in latitude 57°48'07" North, longitude 152°22'15" West.

The area described contains 39.04 acres.

The lands are included in the withdrawal made by Executive Order No. 8344 of February 10, 1940, from settlement, location, sale or entry for classification and in aid of legislation.

Anyone having a settlement or other right to any of these lands initiated prior to the date of the withdrawal of the lands should assert the same within three months from the date on which the plat is officially filed by filing application under the appropriate public land laws, setting forth all facts relative thereto.

CHESTER W. MCNALLY,
Acting Manager.

[F. R. Doc. 52–7767; Filed, July 15, 1952; 8:46 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 60

JULY 9, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

KENAI AREA

SEWARD MERIDIAN

For lease and sale—for home sites.

T. 6 N., R. 12 W.,
Unit No. 3A, sec. 14: E½.
Unit No. 3B, sec. 23: NE¼.
T. 6 N., R. 11 W.,
Unit No. 4A, sec. 33: S½SW¼NE¼; N½SE¼ except N½NW¼NE¼SE¼ and NW¼NE¼NE¼SE¼.
Unit No. 4B, sec. 34: S½NE¼NE¼NE¼; SE¼NW¼NE¼NE¼; NE¼SW¼NE¼NE¼; S½S½N½NE¼ except SW¼SW¼NW¼NE¼; W½SE¼NW¼; E½SW¼NW¼ except NW¼NE¼SW¼NW¼; SW¼SW¼NW¼ except NW¼SW¼SW¼NW¼; SW¼ except N½NE¼NE¼SW¼; W½SE¼ except NW¼NW¼NW¼SE¼; W½NE¼SE¼ except SE¼SW¼NE¼SE¼; N½NE¼NE¼SE¼; NW¼NW¼SE¼SE¼.

The above described lands comprise 391 tracts aggregating approximately 977.5 acres.

2. The lands are located near the village of Kenai, Alaska, on the west side of the Kenai Peninsula. Units No. 3A and 3B lie from 3½ to 5 miles north and west of the village of Kenai and are accessible by the North Kenai Farm Road which traverses the west edge of the units. Units No. 4A and 4B lie from 1½ to 3 miles east of Kenai and are accessible by the Kenai Junction to Kenai Road which traverses the units in an east-west direction. Situated for the most part on well-drained minor uplands, the lands support a vegetative cover of mixed stands of spruce, birch, and aspen. Adequate water for domestic purposes may be obtained from wells and sewage disposal may be made by the use of cesspools or septic tanks. No public utilities are available in the unit at the present time; however, such services as religious, educational, commercial, and transportation are obtainable in Kenai. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate of interior Alaska.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on July 29, 1952. At that time the land shall, subject to valid existing rights, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on July 29, 1952, to close of business October 27, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the Act of September 27, 1944, (58 Stat. 747, 43 U. S. C. Secs. 279, 282) as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veteran filed on July 9, 1952, or thereafter, up to and including 10:00 a. m. on July 29, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on October 28, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on October 8, 1952, or thereafter, up to and including 10:00 a. m. on October 28, 1952, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall

be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts of 2.5 acres each, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts, where possible, are made to conform in description with the rectangular system of survey, in compact units.

8. Lessees must locate any well or sewage disposal facility according to the regulations and laws of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, along section and/or quarter section lines and 33 feet in width along other tract boundaries, as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, county, or municipality, or any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief, Division of Land Planning.

[F. R. Doc. 52-7766; Filed, July 15, 1952; 8:46 a. m.]

Bureau of Reclamation

[No. 9]

TUCUMCARI IRRIGATION PROJECT, NEW MEXICO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

JUNE 20, 1952.

1. *Water rental.* Pursuant to Article 10 of the contract of December 27, 1938, irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1953, where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

Entire project irrigable area embracing all units from 1 through 7—water to be furnished beginning about April 1, 1953.

Irrigable lands shall be as designated by the Secretary under date of October 5, 1951, and described in detail in the "Tabulation of Irrigable Areas" dated January 2, 1951. Any qualified water user wishing to ascertain the irrigability of any tract of land may do so by examining copies of this designation in the office of the Arch Hurley Conservancy District.

2. *Charges and terms of payment.* (a) The minimum water rental charge for irrigable land within the boundaries of the Arch Hurley Conservancy District, as above described, shall be $3.75 per irrigable acre, payment of which will entitle the water user to one acre-foot of water per irrigable acre, or so much thereof as may be available in the event of pro-ration. Additional water will be furnished during the irrigation season, if available, at the rate of $2.00 per acre-foot. In the event applications received are for an amount of water in excess of the available supply all deliveries will be subject to pro-ration to the extent deemed necessary.

(b) All charges shall be payable by the District to the United States in advance of the delivery of water, minimum water rental charges payable for irrigable lands which do not apply for water shall be due on or before June 1, 1953.

3. Water will be delivered and measured by Government Forces at the nearest measuring device to the individual farm.

4. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388), and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in Article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in case of ownership of excess land, as provided for in Articles 30 (a) and 32 of said contracts.

5. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

6. The above water rental procedure will be followed since it has been determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season 1953 as contemplated in Article 8 of the contract.

H. E. ROBBINS,
Regional Director.

[F. R. Doc. 52-7768; Filed, July 15, 1952; 8:46 a. m.]

Office of the Secretary

ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES [1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 10, 1952.

[F. R. Doc. 52-7765; Filed, July 15, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-7764, Title 43, chapter I, Appendix, *supra*.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order T-131]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 24, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Perham Telephone Co., Minnesota 563-A	[1] $353,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7706; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-132]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 25, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Grand River Mutual Telephone Corp., Missouri 533-A	[1] $896,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7707; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-133]

TENNESSEE

LOAN ANNOUNCEMENT

APRIL 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Concord Telephone Exchange, Inc., Tennessee 525-A	$150,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7708; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-134]

OHIO

LOAN ANNOUNCEMENT

APRIL 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
The Arthur Mutual Telephone Co., Ohio 503-A	[1] $100,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7709; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-135]

TEXAS

LOAN ANNOUNCEMENT

MAY 8, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Southwest Texas Telephone Cooperative, Inc., Texas 561-A	[1] $261,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7710; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-136]

NEVADA

LOAN ANNOUNCEMENT

MAY 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Lincoln County Telephone System, Nevada 501-A	$242,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7711; Filed, July 15, 1952; 8:45 a. m.]

[Administrative Order T-137]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 14, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Southwest Arkansas Telephone Cooperative, Inc., Arkansas 514-A	[1] $423,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7712; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-138]

INDIANA

LOAN ANNOUNCEMENT

MAY 14, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Daviess-Martin County Rural Telephone Corp., Indiana 516-A	$467,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7713; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-139]

LOUISIANA

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936 as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
LaSalle Telephone Co., Inc., Louisiana 504-B	$400,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7714; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-140]

IOWA

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Winnebago Cooperative Telephone Association, Iowa 510-B	$372,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7715; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-141]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Old Town Telephone System, Inc., North Carolina 502-A	[1] $250,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7716; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-142]

VIRGINIA

LOAN ANNOUNCEMENT

MAY 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Buggs Island Telephone Cooperative, Virginia 511-A	[1] $200,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7717; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-143]

UTAH

LOAN ANNOUNCEMENT

MAY 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Emery County Farmers Union Telephone Association, Inc., Utah 501-B	$103,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7718; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-144]

LOUISIANA

LOAN ANNOUNCEMENT

MAY 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Star Telephone Co., Louisiana 509-A	$110,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7719; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-145]

IOWA

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Griswold Cooperative Telephone Co., Iowa 511-B	$144,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7720; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order T-146]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 5, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Williston Telephone Co., South Carolina 508-B	$73,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7721; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3661]

ALLOCATION OF FUNDS FOR LOANS

APRIL 25, 1952.

Inasmuch as (1) Howell-Oregon Electric Cooperative, Inc., has transferred certain of its properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed in part the indebtedness of Howell-Oregon Electric Cooperative, Inc., to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended; and (2) Howell-Oregon Electric Cooperative, Inc., with the consent of United States of America, has assigned to Sho-Me Power Corporation, and Sho-Me Power Corporation has accepted the assignment of certain rights and obligations of Howell-Oregon Electric Cooperative, Inc., arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1267, dated May 2, 1947, by changing the project designation appearing therein as "Missouri 49M Howell" in the amount of $785,000 to read "Missouri 59 Cole (Missouri 49M Howell)" in the amount of $615,633.48 and "Missouri 59F Cole" in the amount of $169,366.52.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7722; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3662]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 54W Wayne	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7723; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3663]

OHIO

LOAN ANNOUNCEMENT

APRIL 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Ohio 30N Marion	$152,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7724; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3664]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 29, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 34K Newberry	$115,500

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7725; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3665]

OREGON

LOAN ANNOUNCEMENT

APRIL 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oregon 4N Lincoln	$1,550,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7726; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3666]

WASHINGTON

LOAN ANNOUNCEMENT

MAY 1, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 14H King	$80,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-7727; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3667]

MICHIGAN

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 43K Chippewa	$1,200,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7728; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3668]

NEW YORK

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New York 23D Chautauqua	$20,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7729; Filed, July 15, 1952; 8:46 a. m.]

[Administrative Order 3669]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 10U Pulaski	$1,315,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7730; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3670]

ARIZONA

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 23D Greenlee	$50,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7731; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3671]

TEXAS

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 96W Victoria	$135,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7732; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3672]

TEXAS

LOAN ANNOUNCEMENT

MAY 6, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 83W Fisher	$310,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7733; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3673]

ILLINOIS

LOAN ANNOUNCEMENT

MAY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Illinois 27M Edgar	$135,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7734; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3674]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 36L Barnwell	$560,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7735; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3675]

FLORIDA

LOAN ANNOUNCEMENT

MAY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 25M Lee	$225,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7736; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3676]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 48V Anoka	$66,250

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7737; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3677]

ALLOCATION OF FUNDS FOR LOANS

MAY 8, 1952.

Inasmuch as (1) Twin Valleys Electric Membership Association has transferred all of its properties and assets to Twin Valleys Public Power District, and Twin Valleys Public Power District has assumed all of the indebtedness of Twin Valleys Electric Membership Association to United States of America arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Twin Valleys Electric Membership Association with the consent of United States of America, has assigned to Twin Valleys Public Power District, and Twin Valleys Public Power District has accepted the assignment of certain rights and obligations of Twin Valleys Electric Membership Association arising out of loans contracted to be made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 838, dated June 6, 1944, by changing the project designation appearing therein as "Nebraska 4082A1 Furnas" in the amount of $565,000 to read "Nebraska 98TP1 Furnas District Public (Nebraska 4082A1 Furnas)" in the amount of $565,000;

(b) Administrative Order No. 1115, dated August 1, 1946, by changing the project designation appearing therein as "Nebraska 82B Furnas" in the amount of $438,000 to read "Nebraska 98TP1 Furnas District Public (Nebraska 82B Furnas)" in the amount of $438,000; and

(c) Administrative Order No. 1950, dated March 25, 1949, by changing the loan designation appearing therein as "Nebraska 82C, D Furnas" in the amount of $1,769,000 to read "Nebraska 98TP1 Furnas District Public (Nebraska 82C, D Furnas)" in the amount of $1,472,337.50 and "Nebraska 98TA1 Furnas District Public (Nebraska 82C, D Furnas)" in the amount of $296,662.50.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7738; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3678]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

MAY 12, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 26E Gregory	$395,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7739; Filed, July 15, 1952; 8:47 a. m.]

[Administrative Order 3679]

KENTUCKY

LOAN ANNOUNCEMENT

MAY 12, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 26T Todd	$1,460,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7740; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3680]

VIRGINIA

LOAN ANNOUNCEMENT

MAY 13, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 28U Lancaster	$370,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7741; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3681]

KANSAS

LOAN ANNOUNCEMENT

MAY 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 28M Norton	$105,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7742; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3682]

TEXAS

LOAN ANNOUNCEMENT

MAY 15, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 77N Johnson	$105,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7743; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3683]

COLORADO

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 29R Phillips	$760,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7744; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3684]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 63D Hyde	$25,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7745; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3685]

TEXAS

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 60R Lynn	$1,700,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7746; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3686]

WISCONSIN

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 25U Monroe	$25,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7747; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3687]

TENNESSEE

LOAN ANNOUNCEMENT

MAY 16, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tennessee 16P Madison	$760,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7748; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3688]

ALASKA

LOAN ANNOUNCEMENT

MAY 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alaska 8F Chugach	$3,000,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7749; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3689]

IOWA

LOAN ANNOUNCEMENT

MAY 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 69M Henry	$628,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7750; Filed, July 15, 1952; 8:48 a. m.]

[Administrative Order 3690]

OKLAHOMA

LOAN ANNOUNCEMENT

MAY 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 16T Pontotoc	$800,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7751; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3691]

TEXAS

LOAN ANNOUNCEMENT

MAY 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 91P San Patricio	$260,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7752; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3692]

OHIO

LOAN ANNOUNCEMENT

MAY 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 33N Auglaize	$165,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7753; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3693]

VERMONT

LOAN ANNOUNCEMENT

MAY 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Vermont 7Y Orleans	$24,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-7754; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3694]

TEXAS

LOAN ANNOUNCEMENT

MAY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 149C Gillespie	$1,350,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7755; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3695]

TEXAS

LOAN ANNOUNCEMENT

MAY 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 76Z Blanco	$330,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-7756; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3696]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 34R Anson	$850,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7757; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3697]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 29G Ontonagon	$214,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7758; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3698]

TEXAS

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 47T Deaf Smith	$495,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7759; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3699]

COLORADO

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 31M Larimer	$690,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7760; Filed, July 15, 1952; 8:49 a. m.]

[Administrative Order 3700]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 3, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 28T Williamsburg	$575,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7761; Filed, July 15, 1952; 8:50 a. m.]

[Administrative Order 3701]

TEXAS

LOAN ANNOUNCEMENT

JUNE 5, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 44H Hunt	$40,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-7762; Filed, July 15, 1952; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C., effective 7-7-52 to 1-6-53; 25 learners for expansion purposes (cotton work shirts and pants).

Barson and Bishop, Franklin Street, Weissport, Pa., and Annex-Railroad Street, Lehighton, Pa., effective 7-3-52 to 7-2-53; 10 percent of the productive factory force (ladies' blouses).

Carbondale Products Co., Inc., 21-23 Dundaff Street, Carbondale, Pa., effective 7-3-52 to 7-2-53; five learners (ladies' undergarments).

Carter Dress Co., 40 West Main Street, Plymouth, Pa., effective 7-7-52 to 7-6-53; 10 learners (dresses).

The Essex Manufacturing Co., 620-6 Franklyn Avenue, Essex, Baltimore 21, Md., effective 7-3-52 to 7-2-53; 10 percent of the productive factory force (cotton work pants).

Eugenia Sportswear, 801 James Street, Hazleton, Pa., effective 7-3-52 to 7-2-53; two learners (children's jackets).

Flushing Shirt Manufacturing Co., Hardwick and Front Streets, Belvidere, N. J., effective 6-30-52 to 6-29-53; 10 learners (men's shirts).

Joseph's Manufacturing Co., 1807 Main Street, Springfield, Mass., effective 6-30-52 to 6-29-53; five learners (cotton frocks and aprons).

Industrial Garment Manufacturing Co., 201 East Oak Street, Palestine, Texas, effective 7-2-52 to 7-1-53; 10 percent of the productive factory force (work pants).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa., effective 7-3-52 to 7-2-53; five learners; learners to be engaged at subminimum wage rates in the manufacture of women's underwear and sleeping wear made from woven materials only (ladies' slips and nightgowns).

Pelion Manufacturing Co., Pelion, S. C., effective 6-30-52 to 6-29-53; five learners (sports shirts).

Pioneer Manufacturing Co., Inc., 83 Waller Street, Wilkes-Barre, Pa., effective 7-3-52 to 1-2-53; 25 learners for expansion purposes (infants' and children's dresses and playtops).

Rita's Fashions, Lincoln Street, Moscow, Pa., effective 7-4-52 to 7-3-53; five learners (ladies' blouses and children's dresses).

Susquehanna Manufacturing Co., 456 Main Street, Edwardsville, Pa., effective 7-5-52 to 7-4-53; six learners (dresses and blouses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Texas Knitting Mills, Inc., Mineral Wells, Texas, effective 7-9-52 to 7-8-53; five learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa., effective 7-3-52 to 7-2-53; five learners; learners to be engaged at subminimum wage rates in the manufacture of women's underwear and sleeping wear made from knitted materials only (knitted underwear).

Stratford Knitting Mills, Inc., Linfield, Pa., effective 7-18-52 to 7-17-53; five learners (knitted undergarments).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

St. Clair Shoe Manufacturing Corp., St. Clair, Mo., effective 7-15-52 to 1-14-53; 50 learners for expansion purposes.

Texas Boot Manufacturing Co., Inc., Forest Avenue, Lebanon, Tenn., effective 7-1-52 to 12-31-52; 50 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Frederick Tailoring Co., Inc., Pasteur and Queen Streets, New Bern, N. C., effective 7-8-52 to 7-7-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's slacks and suit trousers).

Harvard Clothes, Inc., Twelfth Avenue South, Wisconsin Rapids, Wis., effective 7-7-52 to 7-6-53; 7 percent of the productive factory force; sewing machine operators, handsewers, pressers; each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (suits, topcoats, overcoats).

Soboroff Sons Co., 1500 North Ogden Avenue, Chicago 10, Ill., effective 7-8-52 to 7-7-53; 10 percent of the productive factory force; machine operator (except cutting), pressers, handsewers; each 240 hours at 65 cents per hour (men's and boys' cloth hats and caps).

Sparta Pipes, Inc., Sparata, N. C., effective 7-18-52 to 1-17-53; 10 percent of the productive factory force; pipe makers; 240 hours at 65 cents per hour (smoking pipes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 8th day of July 1952.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 52-7769; Filed, July 15, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5513]

SCHEDULED AIR SERVICE TO MONTE VISTA, COLO.

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 404, 1001, and 1002 thereof that a hearing in the above-entitled proceeding is assigned to be held on August 6, 1952, at 10:00 a. m. (Rocky Mountain standard time) in the City Hall, Monte Vista, Colorado, before Examiner F. Merritt Ruhlen.

Without limiting the scope of the issues presented in this proceeding particular attention will be directed to the question whether scheduled air service to the City of Monte Vista, Colorado, should be provided through the Monte Vista Airport.

For more detailed information with respect to the issues involved herein attention is directed to the pleadings on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding must file with the Civil Aeronautics Board on or before August 6, 1952, a statement setting forth the issues of fact or law he desires to controvert.

Dated at Washington, D. C., this 10th day of July 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-7815; Filed, July 15, 1952; 8:52 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region XI, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF ALL DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1, MALT BEVERAGES

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 52, Revision 1 (17 F. R. 5618), this redelegation of authority is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region XI to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect as of June 30, 1952.

DELBERT M. DRAPER, *Regional Director, Region XI.*

JULY 11, 1952.

[F. R. Doc. 52-7800; Filed, July 11, 1952; 3:39 p. m.]

[Region XII, Redelegation of Authority No. 33, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 38, as amended (16 F. R. 12299; 17 F. R. 1784; 17 F. R. 5045), Redelegation of Authority No. 33, as amended, heretofore issued by me on March 13, 1952 (17 F. R. 2347; 17 F. R. 6015), is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 12 of CPR 101, as amended.

2. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under sections 7, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), and 49 (a) of CPR 101.

3. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under section 4 (d) of CPR 101, as amended.

This amendment shall take effect as of June 29, 1952.

JOHN H. TOLAN, Jr., *Director of Regional Office No. XII.*

JULY 11, 1952.

[F. R. Doc. 52-7801; Filed, July 11, 1952; 3:40 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 9]

GENERAL MOTORS CORPORATION

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced a new item of factory installed extra, special or optional equipment on its Buick new passenger automobiles and a wholesale ceiling price has been approved on series 70 Buick passenger automobiles. The General Motors Corporation now desires to add this same item on series 50 Buick passenger automobiles. Accordingly, the same wholesale ceiling price has been established for this item. Special Order 11 is, therefore, amended to include a charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11 is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

BUICK PASSENGER AUTOMOBILES	
Power Drive (Series 50)	$185.00

Effective date. This Amendment 9 to Special Order 11 shall become effective July 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 15, 1952.

[F. R. Doc. 52-7889; Filed, July 15, 1952; 11:20 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 39—DPAV-32 (a)]

NORTHEASTERN ENGINEERING, INC.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF CONSOLIDATED INDUSTRIES DEFENSE PRODUCTION POOL, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has accepted the request to participate in the operations of the Consolidated Industries Defense Production Pool, Inc., which request and original list of companies accepting such request were published May 2, 1952, on 17 F. R. 3893:

Northeastern Engineering, Inc., Manchester, N. H.

(Sec. 708, 66 Stat. 296, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: July 11, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-7864; Filed, July 14, 1952; 2:02 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6414]

NEBRASKA MID-STATE RECLAMATION DISTRICT

NOTICE OF DECLARATION OF INTENTION

JULY 9, 1952.

Public notice is hereby given that the Nebraska Mid-State Reclamation District of Grand Island, Nebraska, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric development and irrigation project (Docket No. E-6414) on the Platte River and certain of its tributaries in Dawson, Gosper, Buffalo, Hall and Merrick Counties, Nebraska. The proposed project will consist of: A diversion dam across the Platte River about 6 miles west of Overton, Nebraska, with a supply canal about 15.5 miles long extending Northeasterly therefrom to control works on the westerly end of the Elm Creek Reservoir System to be formed by a series of dams and dikes across ravines and draws and interconnected by short canals. Water from Elm Creek Reservoir System will be diverted through the proposed Odessa Power Plant located about 1½ miles North of the town of Odessa to the Kearney Canal. Additional water will be diverted from the Elm Creek Reservoir System through the proposed Wood River Plant No. 1 into the proposed Riverdale Reservoir to be located to the east in the Wood River Watershed. Water from the Riverdale Reservoir will be diverted through the proposed Wood River Power Plant No. 2 to be located about 6½ miles North of the town of Odessa to the proposed Wood River Reservoir, forming a part of the proposed Staghorn Reservoir System. Water from the proposed Wood River Reservoir will then be diverted through the Wood River Plant No. 3 into Wood River. Wood River Reservoir will be connected to four other reservoirs of the Staghorn System to be formed by a series of dams and dikes across ravines and draws. The total power installation of the Elm Creek Reservoir and Staghorn Reservoir System will be approximately 30,700 kilowatts, which energy will be connected with the Nebraska Public Power System for distribution by it.

The Commission will investigate the proposed project and determine whether a license under the Federal Power Act is required or whether the project may be constructed upon compliance within the State Laws only. Any objection or comments concerning this matter should be communicated or submitted within 30 days from the date of publication of this notice to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7817; Filed, July 15, 1952; 8:53 a. m.]

[Docket Nos. G-1678, G-1996]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULE, POSTPONING HEARING, CONSOLIDATING PROCEEDINGS FOR HEARING, AND SPECIFYING DATE OF HEARING AND PROCEDURE FOR CONSOLIDATED PROCEEDINGS

JULY 10, 1952.

On June 11, 1952, Michigan-Wisconsin Pipe Line Company (Michigan-Wisconsin) filed its Second Revised Sheet No. 5 to its FPC Gas Tariff, comprising its Rate Schedule G-1, providing for an increase in the rate of 31½ cents per Mcf of natural gas presently in effect under bond to 35 cents per Mcf, effective July 12, 1952. The proposed additional increase would result in increased payments by Michigan-Wisconsin's resale customers amounting to approximately $3,871,000 annually, or 11.1 percent based on estimated sales for the twelve-month period ending July 31, 1953.

The present rate of 31½ cents per Mcf, contained in Michigan-Wisconsin's First Revised Sheet No. 5, which the filing of June 11, 1952, would supersede, was suspended by order issued April 25, 1951, in Docket No. G-1678, but became effective under bond on October 1, 1951, when the proceedings in that docket were not completed at the end of the maximum suspension period of five months. The rate of 31½ cents per Mcf superseded a rate of 28 cents per Mcf and represented an increase of approximately $3,771,775, annually, or 12½ percent.

From the cost data submitted by Michigan-Wisconsin in purported justification of the further increase of the rate from 31½ cents per Mcf to 35 cents per Mcf it appears that the proposed increase is based upon a working capital allowance which, among other things, ignores the availability of tax accruals for working capital purposes; upon a 6½ percent rate of return for which no support or explanation has been submitted although the rates presently in effect under bond are based, in part, on a 6 percent rate of return; upon anticipated increased purchase gas costs reflecting the proposed increased rate; and upon contemplated wage increases which have not been granted.

In view of the foregoing, and because of other items of a questionable nature appearing in the data submitted by Michigan-Wisconsin, it does not appear that the proposed increase in rates has been supported as required by section 4 (e) of the Natural Gas Act, and such increase may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

As required by § 154.16 of the Commission's regulations Under the Natural Gas Act, a copy of said Second Revised Sheet No. 5 to Michigan-Wisconsin's EPC Gas Tariff was sent to each customer which would be affected thereby, and also to various State, county, and municipal authorities.

The Public Service Commissions of Michigan and Wisconsin, and the Cities of Milwaukee, Wisconsin, and Detroit, Michigan, filed objections to the proposed second increased rate, and have requested that such Second Revised Sheet No. 5 be suspended and a hearing held with respect to the reasonableness of the increased rate therein proposed.

Comments were also received from the Wisconsin Power and Light Company, Wisconsin Michigan Power Company, Wisconsin Natural Gas Company, Wisconsin Public Service Corporation, Keokuk Gas Service Company, Wisconsin Fuel and Light Company, Madison Gas and Electric Company, Michigan Gas Utilities Company, Milwaukee Gas Light Company, Fort Madison Gas Company, Michigan Gas & Electric Company, Iowa Southern Utilities Company, and Iowa Electric Company, each of which is a customer of Michigan-Wisconsin. Most of these customer companies oppose the proposed increased rate and request suspension of said Second Revised Sheet No. 5.

Hearings have been held, but have not been completed, in Docket No. G-1678 respecting the 31½ cents per Mcf rate which is presently in effect under bond. At such hearings, after Michigan-Wisconsin presented its justification, the hearings were recessed subject to further order of the Commission. By order issued June 11, 1952, the hearings are to resume on July 21, 1952. It appears that the proposed increase filed June 11, 1952 and the rate which is the subject of the hearings in Docket No. G-1678 should be consolidated for hearing and the hearings in Docket No. G-1678 postponed to a date when the consolidated proceedings may go forward.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in § 4 (e) of such Act, concerning the lawfulness of Michigan-Wisconsin's FPC Gas Tariff, Second Revised Sheet No. 5, and that said Second Revised Sheet No. 5 and the rate schedule therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

(2) Good cause exists for consolidating the proceedings in Docket Nos. G-1678 and G-1996 for the purpose of hearing, and for postponement of the hearings in Docket No. G-1678 as hereinafter ordered.

(3) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the consolidated proceedings.

The Commission orders:

(A) The proceedings in Docket Nos. G-1678 and G-1996 be and the same are hereby consolidated for the purpose of hearing.

(B) The hearings in Docket No. G-1678 be and the same are hereby postponed to September 16, 1952, on which date a public hearing be held at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., in the consolidated proceedings concerning the lawfulness of the rates, charges, and classifications contained in the First and Second Revised Sheets No. 5 to Michigan-Wisconsin Pipe Line Company's FPC Gas Tariff.

(C) Pending such hearing and decision on Second Revised Sheet No. 5 to Michigan-Wisconsin Pipe Line Company's FPC Gas Tariff, said Second Revised Sheet No. 5 be and the same is hereby suspended and the use thereof deferred until December 12, 1952, and until such further time as said Second Revised Sheet No. 5 may be made effective in the manner prescribed by the Natural Gas Act.

(D) At the hearings on September 16, 1952, Michigan-Wisconsin shall present its justification, in accordance with the provisions of section 4 (e) in support of the rate hereby suspended in Docket No. G-1996. After Michigan-Wisconsin has completed this presentation, other parties, including Commission Staff Counsel shall proceed with and conclude their cross-examination in Docket Nos. G-1678 and G-1996: *Provided, however,* That in the event that a request is made for a recess to permit preparation for cross-examination in the latter docket, the hearing shall be recessed by the Presiding Examiner for no more than two weeks for that purpose.

(E) Interested State Commissions may participate in Docket No. G-1996, as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: July 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7798; Filed, July 15, 1952; 8:50 a. m.]

[Docket No. G-1881]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 10, 1952.

On July 2, 1952, the City of St. Paul, Minnesota, an intervenor in the above-entitled proceeding, and on July 9, 1952, the City of Waseca, Minnesota, and the Western States Utilities Company, intervenors herein, filed motions paralleling the motion to dismiss filed by Commission staff counsel in these proceedings on June 26, 1952, which motion, by Commission order issued July 3, 1952, was set for oral argument and the time fixed for the filing of memoranda of law or briefs.

The Commission finds: It is appropriate to carry out the provisions of the Natural Gas Act that the motions of the Cities of St. Paul and Waseca, Minnesota, and The Western States Utilities Company, be set for oral argument and that said motions be argued together with the motion of Commission staff counsel.

The Commission orders: The motions of the Cities of St. Paul and Waseca, Minnesota, and The Western States Utilities Company be set for argument before the Commission and orally argued together with the motion of Commission staff counsel, on July 17, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and that Commission staff counsel, and each party to the proceeding may file a memorandum of law or brief with respect to the motions on or before July 14, 1952.

Date of issuance: July 10, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7799; Filed, July 15, 1952; 8:50 a. m.]

[Project No. 1144]

ELIZABETH H. GRAFF ET AL.

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE

JULY 9, 1952.

In the matter of Elizabeth H. Graff, John H. Graff and Elizabeth Graff Knight.

Public notice is hereby given that John H. Graff and Elizabeth Graff Knight, of Seattle, Washington, for herself and as executrix of the will of Elizabeth H. Graff (deceased) have filed application under the Federal Power Act (16 U. S. C. 791a–825r) for surrender of the license for water-power Project No. 1144, located on Lowell Creek in the vicinity of Seward in the Third Judicial Division, Alaska.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before August 18, 1952, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7818; Filed, July 15, 1952; 8:53 a. m.]

[Project No. 2104]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION FOR LICENSE

JULY 8, 1952.

Public notice is hereby given that Pacific Gas and Electric Company, of San Francisco, California, has made application for license pursuant to the provisions of the Federal Power Act (16 U. S. C. 791–825r) for a proposed hydroelectric project, to be known as Pit No. 6 Project, and designated as Project No. 2104, on the Pit River near Redding in Shasta County, California, and affecting lands of the United States within Shasta National Forest. The proposed project would consist of: (a) a concrete gravity dam across Pit River, about 230 feet in height above the streambed, with top of crest at Elevation 1391 and normal operating surface at Elevation 1430, equipped with two 60 x 40-foot and one 22½ x 15-foot radial gates, and one 15-foot diameter gate-controlled sluice pipe; (b) a reservoir extending upstream to Pit No. 5 plant, with an effective capacity of approximately 4,500 acre-feet between normal operating water surface (Elevation 1430) and minimum normal operating water level (Elevation 1422) and a total storage of about 36,200 acre-feet at normal water surface (Elevation 1430); (c) water conduits to consist of two penstocks each 180 inches in diameter and about 160 feet long, to extend through the dam from a roller-gate controlled intake structure to the powerhouse; (d) a powerhouse immediately downstream from the dam, to house two vertical turbine-generator units of 36,000-kva., each (total 72,000 kva., 0.9 power factor, initial and ultimate capacity); (e) a substation and switchyard adjacent to the powerhouse to contain necessary switching and transforming equipment; (f) two 220,000-volt transmission lines about 3 miles long each, extending from the switchyard at Pit No. 6 plant to the junction with the applicant's interconnected primary transmission system; and miscellaneous hydraulic and electric appurtenances.

Any protest against the approval of this application or request for any action thereon, with the reason for such protest or request, and the name and address of the party or parties so protesting or requesting, should be submitted on or before August 25, 1952, to the Federal Power Commission at Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7819; Filed, July 15, 1952; 8:53 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 61]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (PUB. LAW 139, 82D CONG.)

JULY 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale, Barnwell and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, and McDuffie Counties, and District 81-Wrens (Including Wrens Town) in Jefferson County, all in Georgia.)

This supersedes certification under Docket No. 1 dated March 21, 1952.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7898; Filed, July 15, 1952; 12:05 p. m.]

[RC 52; No. 362]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA, AREA

DETERMINATION AND CERTIFICATION OF A CRITICAL DEFENSE HOUSING AREA

JULY 15, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Savannah River, Georgia-South Carolina, Area. (The area consists of Aiken, Allendale, Barnwell, and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, McDuffie Counties, and District 81-Wrens (Including Wrens Town), in Jefferson County, all in Georgia.)

This supersedes certification under Docket No. 1 dated March 21, 1952.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

WILLIAM C. FOSTER,
Acting Secretary of Defense.
JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7897; Filed, July 15, 1952; 12:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2885]

UNITED CORP.

SUPPLEMENTAL ORDER CONCERNING SALE OF COMMON STOCK OF SUBSIDIARY COMPANY

JULY 9, 1952.

The United Corporation ("United"), a registered holding company, having filed a declaration pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder with respect to the sale by it, pursuant to the competitive bidding requirements of Rule U-50, of 154,230 shares of common stock of South Jersey Gas Company, representing approximately 28.25 per cent of the voting securities of that company; and

The Commission having, by order dated June 24, 1952, permitted said declaration to become effective, subject to the condition, among others, that the proposed sale of common stock shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and

United having on July 9, 1952, filed a further amendment to said declaration in which it is stated that it has offered the common stock for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidding group headed by—	*Price per share to United*
The First Boston Corp.	$15.379
Lehman Bros., Bear Stearns & Co., and A. C. Allyn & Co., Inc.	14.805
Kidder, Peabody & Co. and Allen & Co.	13.35

The amendment further stating that United has accepted the bid of the group headed by the First Boston Corporation for the common stock as set forth above and that the purchasers intend to offer 92,230 of the shares to be purchased to a limited number of persons at a price of $15,629 per share, resulting in an underwriters' spread of $.25 per share; the record indicating that of the remaining 62,000 shares, the First Boston Corporation and Wertheim & Co. will each retain 25,000 shares for temporary investment only, and 12,000 shares will be retained by Gas Industries Fund, Inc.; and

The First Boston Corporation and Wertheim & Co., having filed a statement agreeing that so long as they retain any of the said shares, they will not (a) participate as underwriter in financing by South Jersey Gas Company on a negotiated basis or (b) attempt to place a representative or nominee on the Board of Directors of South Jersey Gas Company; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for the common stock, and the underwriters' spread with respect thereto:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said common stock be, and the same hereby is, released, and that the said declaration, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7774; Filed, July 15, 1952; 8:48 a. m.]

[File No. 70-2896]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUANCE BY SUBSIDIARIES TO PARENT COMPANY OF PROMISSORY NOTES

JULY 10, 1952.

In the matter of Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Gloucester Electric Company, Northern Berkshire Gas Company, Norwood Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70-2896.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its above named public-utility subsidiary companies, hereinafter individually referred to as "Attleboro", "Beverly", "Gloucester", "Northern Berkshire", "Norwood", "Quincy", "Southern Berkshire", "Weymouth" and "Worcester County" and collectively referred to as "the borrowing companies", have filed applications-declarations, pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-23, U-43 (a), and U-45 (a) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to NEES, from time to time but not later than September 30, 1952, additional unsecured promissory notes in an aggregate amount up to but not exceeding $1,540,000. Said notes will mature December 1, 1952, and will bear interest at the prime interest rate charged by banks on similar notes at the time said notes are issued to NEES. It is stated in the applications-declarations that at the present time the prime interest rate paid by banks on notes similar to those proposed to be issued is 3 percent per annum. It is further stated that if said prime interest rate is in excess of 3¼ percent at the time of the proposed notes are to be issued, NEES and the borrowing company will file an amendment to this filing at least five days prior to the proposed issue date of such note. Such amendment will set forth the amount of the note proposed to be issued and the proposed rate of interest thereof. NEES and the borrowing companies request that unless the Commission notifies it and the applicable borrowing company or companies to the contrary within said five day period, the amendment shall become effective at the end of such period. The applications-declarations further state that the proposed notes may be prepaid, in whole or in part, without premium.

The following table shows for each of the borrowing companies the notes payable to NEES at June 30, 1952, and the aggregate maximum amount of such notes proposed to be issued during the period from July 1, 1952, to September 30, 1952.

Company	Notes payable to NEES at June 30, 1952	Aggregate maximum borrowings during period July 1, 1952, to Sept. 30, 1952
Attleboro	$325,000	$100,000
Beverly	2,125,000	150,000
Gloucester	555,000	100,000
Northern Berkshire	1,150,000	150,000
Norwood	280,000	90,000
Quincy	680,000	100,000
Southern Berkshire	805,000	50,000
Weymouth	650,000	100,000
Worcester	2,600,000	700,000
	6,960,000	1,540,000

The applications-declarations further state that the proceeds of the notes proposed to be issued are to be used by the borrowing companies for construction costs, cost of conversion to natural gas and to reimburse their treasuries for prior construction expenditures. The applications-declarations further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for NEES and each of the borrowing companies, or an aggregate of $2,000. The applications-declarations further state that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than July 23, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the applications-declarations, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7771; Filed, July 15, 1952; 8:48 a. m.]

[File No. 70-2897]

NEW ENGLAND POWER CO.

NOTICE OF FILING REGARDING PROPOSED NOTE ISSUES

JULY 10, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by New England Power Company ("NEPCO"), a public-utility subsidiary company of New England Electric System, a registered holding company. NEPCO has designated sections 6 (a) and 7 of the act and Rule U-23 thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration indicates that NEPCO presently has outstanding $5,400,000 principal amount of promissory notes, due April 1, 1953, issued pursuant to a bank loan agreement with five banks, namely, the First National Bank of Boston ($2,970,000), the Chase National Bank of the City of New York ($702,000), the Hanover Bank ($702,000), Irving Trust Company ($702,000) and the New York Trust Company ($324,000). Under its bank loan agreement, NEPCO proposes to issue to the above mentioned banks, from time to time, but not later than December 31, 1952, $6,000,000 of additional unsecured promissory notes all of which will mature April 1, 1953. The proceeds of the new notes will be used for construction expenditures during the period from July 1, 1952 to December 1, 1952, and to reimburse NEPCO's treasury for prior construction expenditures.

The declaration states that each new note issued prior to October 1, 1952 will bear interest to that date at the six month prime commercial rate generally being charged by banks in Boston on the fifth business day prior to the issuance thereof, but in no event less than 3 percent per annum nor more than 3¼ percent per annum and will bear interest from October 1, 1952 to April 1, 1953, at said rate on October 1, 1952, but in no event less than 3 percent nor more than 3½ percent per annum. The declaration further states that each new note issued after October 1, 1952, will bear interest to April 1, 1953, at said rate on the fifth business day prior to the issuance thereof, but in no event less than 3 percent per annum nor more than 3½ percent per annum. The bank loan agreement under which the proposed notes will be issued provides for the payment of a commitment fee of ¼ percent per annum from the effective date of the agreement to December 31, 1952, on the average daily difference between $7,000,000, the amount of the banks' unborrowed commitment, and the additional amount borrowed under the agreement. Subject to certain restrictions, the proposed notes may be prepaid, in whole or in part, without premium.

According to the declaration, NEPCO expects that its note indebtedness will be financed through the issuance of capital stock and first mortgage bonds in approximately equal amounts late in 1952 or early in 1953 and, in this connection, NEPCO proposes that the proceeds of any permanent financing, except financing (including the assumption of indebtedness of Connecticut River Power Company) for the acquisition of properties of Connecticut River Power Company, done before the maturity of the notes proposed to be issued, will be applied in reduction of, or in total payment of notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues, will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. The bank loan agreement provides that NEPCO will reimburse the First National Bank of Boston, as Agent for the five lending banks, for out-of-pocket expenses and NEPCO expects such expenses to be nominal.

The declaration indicates that the New Hampshire Public Utilities Commission has approved the proposed issuance and sale of the additional notes and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEPCO requests that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than July 23, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the

nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7773; Filed, July 15, 1952; 8:48 a. m.]

E. L. BREWSTER ET AL.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATIONS

JULY 9, 1952.

In the matter of Edward Leroy Brewster, d/b/a E. L. Brewster, 127 Colony Street, Meriden, Connecticut; The Three Brooks, Inc., North Street, Greenwich, Connecticut; Wilmer R. Chance, d/b/a W. R. Chance & Co., 141 Milk Street, Boston 9, Massachusetts; Clyde F. Frost, d/b/a Clyde F. Frost Co., 24 Federal Street, Boston 10, Massachusetts; Ross & Company, Inc., 507 Service Building, Rutland, Vermont.

These are proceedings pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether the registrants named above, who are registered as broker and dealer, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, if so, whether it is in the public interest to revoke their registrations.[1]

The proceedings were instituted by the issuance of separate notices and orders for hearing, copies of which were sent by registered mail to the addresses last furnished us by the registrants in their registration applications or amendments thereto. These registered notices were returned to us by the Post Office Department with notations indicating that the registrants could not be found at the addresses given.[2] None of the registrants appeared in person or was represented by counsel on the date set for hearing.

On November 28, 1942, we promulgated Rule X-17A-5 under section 17 (a) of the act, which provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year commencing with the year 1943. Promulgation of the rule was announced by publication in the FEDERAL REGISTER, by release to the press, and by distribution to persons on our mailing list.

The registrations of the registrants have not been withdrawn, cancelled, revoked or suspended, and as of the institution of the proceedings were in full force and effect. Our records show that the registrants failed to file the required reports for 1951 and a number of years preceding.

Upon review of the records in these proceedings, we have concluded that each of the registrants violated section 17 (a) of the act and Rule X-17A-5 thereunder as a result of failure to file such reports. We conclude also that such violations were willful within the meaning of section 15 (b).[3]

On the basis of the foregoing, we are of the opinion that it is necessary in the public interest to revoke the registration of each of the registrants.

Accordingly, it is ordered, That the registrations of Edward Leroy Brewster, doing business as E. L. Brewster; The Three Brooks, Inc.; Wilmer R. Chance, doing business as W. R. Chance & Co.; Clyde F. Frost, doing business as Clyde F. Frost Co.; Ross & Company, Inc., be, and they hereby are, revoked.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7772; Filed, July 15, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18951]

OTTO STAGE

In re: Claim owned by Otto Stage also known as Otto Stege. F-28-31905.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Otto Stage, also known as Otto Stege, whose last known address is 65 Benzerstrasse, Walsrode, Hannover, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the Treasurer of Lucas County, State of Ohio, the County Commissioner of Lucas County and or the State Superintendent of Banks, Columbus, Ohio, arising out of the collection and receipt by the Treasurer of the County of Lucas, State of Ohio, of the following: Those certain dividends payable to Otto Stage representing the sixth, seventh, eighth, ninth and final dividends in an aggregate amount of $297.44 arising out of a bank account numbered 2164, maintained with the Commerce Guardian Trust and Savings Bank, Toledo, Ohio, in the name of Otto Stage and identified by claim numbered S 4001, said sum presently on deposit with the Treasurer of Lucas County, Ohio, and any and all rights to file, demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Otto Stage, also known as Otto Stege, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-7804; Filed, July 15, 1952; 8:52 a. m.]

CLARA BAUER VON ROSENTHAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Bauer von Rosenthal, Frankfurt Main, Germany, and Engelberg, Switzerland; Claim No. 41679; $3,275.31 in the Treasury of the United States.

Executed at Washington, D. C., July 10, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7805; Filed, July 15, 1952; 8:52 a. m.]

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[1] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order • • • revoke the registration of any broker or dealer if it finds that such • • • revocation is in the public interest and that (1) such broker or dealer • • • (D) has willfully violated any provision • • • of this title, or of any rule or regulation thereunder."

[2] Our orders and notices instituting these proceedings provided that the same be published in the FEDERAL REGISTER not later than 15 days prior to April 28, 1952, the date set for hearings of the matters. Pursuant to this provision the orders and notices were published in the FEDERAL REGISTER of April 9, 1952, 17 F. R. 70, pp. 3131-3.

[3] See Sidney Ascher, Securities Exchange Act Release No. 4474 (July 27, 1950).

RENE ALEXANDRE ARTHUR COUZINET

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rene Alexandre Couzinet, Paris, France; Claim No. 41767; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to U. S. Letters Patent Nos. 1,811,304; 1,811,305; 1,842,858; 1,842,859 and 2,195,025.

Executed at Washington, D. C., on July 10, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 52-7806; Filed, July 15, 1952; 8:52 a. m.]

[Vesting Order 18947]

JOSEF MUELLER ET AL.

In re: Debts owing to Josef Mueller and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and addresses are listed as owners on Exhibit A attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That enterprises whose names are listed on the aforesaid Exhibit A are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Helene Weintraud, deceased, of Maria Suhr, deceased, also known as Maria Bausch Suhr, and of Adolf Convert, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were, residents of Germany are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That Kern & Birner, Buchdruckerei & Verlagsanstalt, the last known address of which is Frankfurt/M Holbeinstr. 42, Germany, that VDO Tachometer A. G., the last known address of which is Frankfurt/Main, Graefstr. 103, Germany, and that Emil Pinkau & Co., the last known address of which is Leipzig, Germany, are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

5. That the persons whose names and last known addresses are listed below:

Ernst Toennies, Frankfurt Main, Germany.

Walter Werz, Wiesbaden, Dambachtal 20, Germany.

Berthold H. Gottschalk, c/o Allgemeine Finanzierungs, G. m. b. H., Ruesselsheim Main, Germany.

Gebr. Klingspor, Offenbach Main, Germany.

on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

6. That the persons who own the property described in subparagraph 7 (f) and (g) hereof who, if individuals, there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947 were residents of Germany, and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947 were organized under the laws of and had their principal places of business in Germany, are, or prior to January 1, 1947 were, nationals of a designated enemy country (Germany).

7. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks and drafts described in Exhibits A and B, attached hereto and by reference made a part hereof, said checks and drafts owned by the persons listed therein as owners and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks and drafts,

b. That certain debt or other obligation evidenced by an American Express Company money order numbered AJ 9700061 in the amount of $5.00, dated November 10, 1939 payable to and owned by Kern & Birner, Buchdruckered & Verlagsanstalt and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

c. That certain debt or other obligation evidenced by an American Express Company money order numbered AK 3215598 in the amount of $10.60 dated November 20, 1939, payable to and owned by VDO Tachometer A. G., and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said money order,

d. Any and all rights and interests in, to and under a receipt issued by W. J. Conroy for the Chamberlin of the City of New York, said receipt numbered 16555 in the amount of $2,639.81, dated March 7, 1940 and owned by Ernst Toennies and presently in the custody of the Attorney General of the United States,

e. Those certain debts or other obligations evidenced by six (6) bills of exchange, payable at the Amalgamated Bank of New York, dated, in the amounts and payable to the persons listed below:

Amount	Dated	Payee
$102.80	May 25, 1939	Emil Pinkau
$102.80	July 27, 1939	Emil Pinkau G. m. b. H.
$100.00	Sept. 2, 1939	Do.
$104.00	do	Do.
$110.70	Oct. 24, 1939	Do.
$104.00	do	Do.

said bills of exchange owned by Emil Pinkau & Co. and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bills of exchange.

f. That certain debt or debt or other obligation evidenced by a check drawn on The Hackley Union National Bank, Muskegon, Michigan, said check numbered 34, in the amount of $50.00, dated April 25, 1945, payable to Frau Clara Hager, owned by the persons referred to in subparagraph 6 hereof, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

g. That certain debt or other obligation evidenced by a check, numbered D 39312, in the amount of $10.00, dated May 20, 1940, drawn on the Manufacturers Trust Company, payable to Freida Vainer, said check owned by the persons referred to in subparagraph 6 hereof and

presently in the custody of the Attorney General of the United States together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

h. Any and all rights and interests in, to and under a Foreign Money Order Receipt, Numbered 5848947 in the amount of $86.25, dated October 19, 1940, payable to Gustel Werz and owned by Walter Werz, and presently in the custody of the Attorney General of the United States,

i. Two (2) shares of $10 par value common stock of General Motors Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered WC 131–680 and WC 176–565 for one share each, registered in the name of and owned by Berthold H. Göttschalk, and presently in the custody of the Attorney General of the United States, together with all declared and unpaid dividends thereon, and

j. That certain debt or other obligation evidenced by an American Express Company money order numbered AL 1878273 in the amount of $20.00 dated November 8, 1939 payable to and owned by Gebr. Klingspor, and presently in the custody of the Attorney General of the United States together with any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said money order,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

8. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 3 and 6 and named in subparagraphs 4 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Josef Mueller, Kolkheim-Muenster, Kirchplatz 4.	755	$189.00	3-14-40	The Chemical Bank & Trust Co., New York.	Joseph Muller.
	63-239	175.35	12-14-40	....do	Do.
	Dup. D 2440	189.00	1-27-41	....do	Do.
	98887	351.09	1-27-41	....do	Do.
I. G. Farbenindustrie A. G., Frankfurt/Main, Mainzer, Landstr. 28.	24799	44.30	11-13-39	The Chase National Bank of the City of New York.	I. G. Farbenindustrie A. G.
F. B. Auffarth, Frankfurt/Main, Moerfelderlandstr. 108a.	516617	9.82	12-27-39	Guaranty Trust Co. of New York.	F. B. Auffarth.
Miss Elise Holz, Frankfurt/Main, Rotlintstr. 96.	15	125.00	1-2-40	The Chase National Bank of the City of New York.	Elise Holz.
	20	125.00	2-1-40	....do	Do.
Mrs. Kathi Best, Frankfurt/Main, Rotlintstr. 96.	8	83.33	11-1-39	....do	Kathi Best.
	12	83.37	12-1-39	....do	Do.
	18	83.33	2-1-40	....do	Do.
Dr. R. Wirth and Dr. W. Schalk, Patentanwaelte, Frankfurt/Main, Friedr. Ebertstr. 22.	18319	45.00	10-3-40	Guaranty Trust Co. of New York.	Dr. R. Wirth.
Frankfurter Verlag und Druckerei GmbH., Frankfurt/Main, Gr. Eschenheimerstr. 54.	D 36473	8.25	10-18-39	Manufacturers Trust Co., New York.	Frankfurter Zeitung.
	38128	6.00	1-2-40	The National City Bank of New York.	Do.
	L 18021	12.00	1-18-40	The Fifth Third Union Trust Co. of Cincinnati.	Frankfurter Zeitung Vertrieb.
	82	9.00	10-27-39	The Hibernia Savings & Loan Society, San Francisco.	Frankfurter Zeitung.
	15272	11.20	11-17-39	Guaranty Trust Co. of New York.	Das Illustrierte Blatt.
	145497	5.00	1-9-40	The Chase National Bank of the City of New York.	Frankfurter Zeitung.
	3174	5.00	3-25-40	The Chemical Bank & Trust Co., New York.	Do.
	34941	12.00	1-8-40	The National City Bank of New York.	Do.
	53351	6.03	1-3-40	The First National Bank of the City of New York.	Do.
	196580	18.00	1-15-40	The First National Bank of Chicago.	Do.
	6913	12.00	4-1-40	Central Hanover Bank & Trust Co., New York.	Do.
	H 19708	9.00	2-28-40	....do	Do.
	33667	9.00	11-7-39	Northwestern National Bank, Philadelphia.	Do.
	1058	6.00	1-4-40	Liberty National Bank & Trust Co. of Louisville.	Do.
Mrs. Else Pfeifer, Frankfurt/Main, Forsthausstr. 102.	8111	10.00	1-3-41	National Newark & Essex Banking Co., Newark.	Johannes Alt.
	54250	11.74	1-23-40	The First National Bank, New York.	Do.
Mrs. Irma Pagenstecher, Allnerb/Hennefa. d. Sieg.	001864	90.00	1-2-40	Irving Trust Co., New York.	Kurhessische Hausstiftung.
	001878	135.00	3-1-40	....do	Do.
	001894	125.25	12-2-40	....do	Do.
	001899	83.50	12-27-40	....do	Do.
	001908	125.25	6-2-41	....do	Do.
Supinator Compagnie, Frankfurt/N-Roedelheim, Roedelheimer Landstr. 129.	6552	6.00	11-8-39	Germantown Trust Co., Philadelphia.	Supinator-Compagnie.
I. L. Schlingloff, Hanau/Main.	F. A. 44776	594.52	8-25-39	The Chase National Bank of the City of New York.	Dresdner Bank.
Prof. Dr. Hans Wahl, Weimar, Goethe National Museum.	18069	360.00	6-13-39	The New Haven Bank	Direktor Das Goethe, National Museum.
Alfred Toepelmann, Verlagsbuchhaendler, Giessen, Bismarckstr. 1.	6554	7.73	4-4-40	University State Bank, Chicago.	Alfred Toepelmann.
Heinrich Steuernagel, Nieder-Bessingen, Hauptstr. 15.	58305	28.62	11-18-39	Lafayette National Bank of Brooklyn in New York.	Henry Steuernagel.
	62718	26.95	2-23-40	....do	Do.
Carl Press, Langenhain, (Taunus) Gartenfeldstr. 11.	17840	6.00	1-12-40	City National Bank, South Bend.	Carl Press.
Miss Nora Fries, Niederwalluf/Rhein, Bahnhofstr. 9.	1645	100.00	11-8-39	Bankers Trust Co., New York.	Mr. Otto Fries.
Miss Marie Wellmann, Bad Homburg, v. d. H., Elisabethenstr. 47.	UD 46682	100.00	11-1-40	The Chase National Bank of the City of New York.	Marie Wellmann.
Jos. Endres & Co., Wiesbaden, Bahnhofstr. 16.	2-489	28.39	3-20-41	The First National Bank of the City of New York.	Jos. Endres & Co.
Mrs. Crezsenzia Scheller, Wiesbaden, Ruedesheimerstr. 20.	2-275	135.00	1-4-40	The Chase National Bank of the City of New York.	Nassauische Landes Bank.
Mrs. Ida Burkard, Wiesbaden, Adelheidstrasse 31 p.	478	20.28	3-15-41	Sterling National Bank & Trust Co. of New York.	Louise B. Stern.
	2021	87.50	1-2-40	The National City Bank of New York.	Do.
August Heinrich Lonin, Oberursel/Taunus, Neufeldstr. 1.	551	123.75	12-29-39	Lincoln-Alliance Bank & Trust Co.	August H. Lonin.
	542	123.75	4-1-40	....do	Do.
Mrs. Berta Barsen, Wiesbaden, Pagenstecherstr. 5 II.	A 462939	125.00	6-27-40	Guaranty Trust Co. of New York.	Geheimrat William Barsen.
Viktor Blass, Fuerth i. Odenwald, Hoppenheimerstrasse, Haus Starkenburg.	D 211730	11.25	10-25-39	Irving Trust Co., New York.	Viktor Blass.
	D 425069	29.25	12-20-39	....do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
E. Merck, Chemische Fabrik, Darmstadt.	S 271835	5.21	2-17-40	The National City Bank of New York.	E. Merck.
	5708	180.22	1-19-40		Commerz und Privat Bank A. G.
	5227	5.79	10-26-39		Do.
Marie Moeller also known as Marie Meyer Moeller, Alsfeld/Oberhessen, Mainzergasse 23.	1025	80.00	12-15-39	The Bank of California National Association.	Mrs. Marie Moeller.
	1919	40.00	3-15-40	....do	Do.
	1027	40.00	11-15-40	....do	Do.
Mrs. Anna Storch	SA 526478	20.00	12-29-39	Guaranty Trust Co. of New York.	Anna Storch.
Neuhof-Neustadt Nr. 56	SA 957498	20.00	1-29-41	....do	Do.
	SA 865977	20.00	4-29-40	....do	Do.
	SA 856132	20.00	3-29-40	....do	Do.
	SA 849288	20.00	2-29-40	....do	Do.
	SA 830276	20.00	1-29-40	....do	Do.
	Div. A 351870	11.42	2-19-40	....do	Do.
Alwine Ulitzka	38156	10.00	6-21-48	The National City Bank of New York.	Alwine Ulitzka.
Alten Gronau	(Orig. and dup.)				
Louis Braubach, Butzbach, Faerbgasse 9.	UX 41552	21.70	1-4-40	Banker's Trust Co., New York.	Louis Braubach.
	UX 42470	10.70	1-4-41	....do	Do.
Mrs. Greta Heil, Butzbach, Wetzlarerstr. 33.	106708	28.35	1-31-40	Bank of America, San Francisco.	Grata Heil.
	187750	26.30	1-31-41	....do	Do.
	148320	13.50	12-30-39	....do	Do.
	28313	13.50	3-30-40	....do	Do.
Ilse Kuelp, Hatler, Kreis Gelnhausen, Gelnhaeuserstr. 114.	B 463167	912.48	2-5-40		Natalie Bierstedt.
Deutsche Gold- und Silberscheideanstalt vormals Roessler, Zweigniederlassung, Hanau, Platinschmelze G. Siebert, Hanau.	A 33652	153.84	7-24-39	The Bank of the Manhattan Co., New York.	G. Siebert G.m.b.H.
Mrs. Jos. Reinhard, Frankfurt Main, Heidderichstrasse 128.	Unnumbered	100.00	5-19-17	Bank of America National Trust & Savings Association.	Josephine Reinhard.
Joseph Mueller, Kelkheim/Taunus (Taunus) Kirchplatz 4.	429	175.35	3-14-41	The Chemical Bank & Trust Co., New York.	Joseph Mueller.
Dechema, Frankfurt Main, Theaterstr. 10.	4255	8.05	12-28-39	Union National Bank of Reading.	Dechema Geschaftsstelle.
Otto Thenne, Spanenberg, A. Bahnhof, Bezirk Kassel.	4380	5.85	5-22-42	Savings Bank Trust Co., New York.	Mary Thenne.
Gebr. Klingspor, Offenbach Main.	3962	22.00	1-13-40	The National City Bank of New York.	Gebr. Klingspor.
Ludwig Krumm A. G., Vereinigte Lederwarenfabriken Ludwig Krumm Gebr. Langhardt, Offenbach Main, Kaiserstrasse 30-34.	74305	113.20	11-5-41	The Chase National Bank of the City of New York.	Ludwig Krumm A. G.
Werner Nelle, Karlshafen a. W. Gartenstadt.	613947	7.07	11-12-39	The National City Bank, New York.	Werner Nelle.
	644416	10.38	12-12-39	....do	Do.
	671483	10.67	1-12-40	....do	Do.
	700557	9.49	2-12-40	....do	Do.
	722709	9.12	3-12-40	....do	Do.
	748148	9.23	4-12-40	....do	Do.
	784749	5.96	12-12-40	....do	Do.
	023743	6.70	1-12-41	....do	Do.
	044315	5.64	2-12-41	....do	Do.
	063000	5.27	3-12-41	....do	Do.
	088980	6.25	4-12-41	....do	Do.
	108198	6.00	5-12-14	....do	Do.
Marie Jordan, Landau, Waldeck	T 240999	15.34	10-17-39	City Bank Farmers Trust Co., New York.	Frau Marie Jordan.
	T 267613	45.81	4-17-40	....do	Do.
	T 283573	14.12	10-16-40	....do	Do.
Willy Engelbrecht, Hohenkirchen.	27359	426.46	11-13-39	Continental Illinois National Bank & Trust Co., Chicago.	Maria Elisabeth Engelbrecht.
Johannes Burghardt, Hohenkirchen.	27358	426.47	11-13-39	....do	Jakob Burghardt.
Elsa Heyse, Heinebach/Kreis, Meisungen.	1393	5.00	12-9-39	Chemical Bank & Trust Co., New York.	Elsa Heyse.
Max Zill, Lispenhausen	66109	6.90	12-28-39	The Chase National Bank of the City of New York.	Max Zill.
Hedwig Strassberger, Niederstein, Bez Kassel, Haus Ehrig.	26857	274.38	1-15-40	Hudson Trust Co., Hoboken.	Hedwig Strassberger.
Marie Pfannkuch, Niedermoellrich.	110	5.00	11-26-41	First National Bank & Trust Co., New Canaan, Conn.	Marie Pfannkuch.

EXHIBIT B

Owners	Check No.	Amount	Date	Drawee	Payee
Personal representatives, heirs, next of kin, legatees and distributees of Helene Weintraud, deceased.	2-590	$28.39	Undated	The Chase National Bank of the City of New York.	Jos. Endres & Co.
Personal representatives, heirs, next of kin, legatees and distributees of Mrs. Maria Suhr, deceased also known as Maria Bausch Suhr.	64567	93.94	4-5-41	Central Hanover Bank & Trust Co., New York.	Frankfurter Bank.
	61019	93.94	1-6-41	....do	Do.
	57478	93.94	10-5-40	....do	Do.
	50990	101.25	4-5-40	....do	Do.
	46825	101.25	1-5-40	....do	Do.
Personal representatives, heirs, next of kin, legatees and distributees of Adolf Convert, deceased.	J 505	11.34	1-15-41	City National Bank & Trust Co. of Chicago.	Dr. Herman Rumpf.

[F. R. Doc. 52-7664; Filed, July 11, 1952; 8:56 a. m.]

[Vesting Order 18950]

BETTY ECKERT

In re: Bank account owned by Betty Eckert. F-28-23634-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Betty Eckert, whose last known address is Rheinstrasse, Baden Baden, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Betty Eckert, by Central Savings Bank, 2100 Broadway, New York 23, New York, arising out of a savings account, account number 64,161, entitled Betty Eckert, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or which is evidence of ownership or control by, Betty Eckert, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person named in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7803; Filed, July 15, 1952; 8:51 a. m.]

[Vesting Order 18949]

TIENE AND WILLIAM AHRENS

In re: Interest in real property and property insurance policies owned by the

Reference Room

personal representatives, heirs, next of kin, legatees and distributees of Tiene Ahrens, deceased, and William Ahrens, deceased, also known as Wilhelm Ahrens, deceased, also known as Wilhelm Ahrens F–28–31917.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Tiene Ahrens, deceased, and of William Ahrens, deceased, also known as Wilhelm Ahrens, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-sixth (1/6th) interest in real property situated in the Borough and County of Middlesex, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title and interest of the persons referred to in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 1 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–b hereof.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

EXHIBIT A

All that certain lot, piece or parcel of land situate, lying and being in the Borough and County of Middlesex, State of New Jersey, as follows: Lot Number Sixty-nine (69) Block 267, known and designated on a certain Amended Map of Beechwood Heights, New Jersey, made by H. M. Herbert, C. E. and on file in the Middlesex County Clerk's office.

[F. R. Doc. 52–7802; Filed, July 15, 1952; 8:51 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 139

Washington, Thursday, July 17, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10374

ENLARGING THE NICOLET AND CHEQUAMEGON NATIONAL FORESTS, WISCONSIN

WHEREAS the United States has acquired through exchange under the authority of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525), as amended (7 U. S. C. 1010–1013), certain lands lying within the present boundaries of the Nicolet National Forest and the Chequamegon National Forest, in Wisconsin; and it is contemplated that the United States will from time to time hereafter acquire through exchange under the said authority additional lands lying within the present boundaries of the said forests; and

WHEREAS the United States has also acquired through exchange under the authority of the said Title III, as amended, or the act of March 1, 1911, 36 Stat. 963, as amended, certain lands adjacent to or in an area adjacent to the said forests; and it is contemplated that the United States will from time to time hereafter acquire through exchange under the said authority additional lands lying within the said area; and

WHEREAS certain of the public lands which were reserved for lighthouse purposes by Executive order of July 21, 1871, and which have been declared surplus to the needs of the Lighthouse Service and transferred to the Department of Agriculture for the use of the Forest Service, are adjacent to the Chequamegon National Forest; and

WHEREAS it appears that the above-described lands are suitable for national-forest purposes and that it would be in the public interest to reserve such lands as parts of the Nicolet National Forest or the Chequamegon National Forest, as hereinafter indicated:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103 (16 U. S. C. 471), section 1 of the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473), and section 11 of the act of March 1, 1911, 36 Stat. 963 (16 U. S. C. 521), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

SECTION 1. All lands within the present boundaries of the Nicolet and Chequamegon National Forests which have been acquired by the United States through exchange under the authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended, are hereby added to and reserved as parts of the respective national forests within which they are situated; and all such lands hereafter acquired by the United States in the manner and under the authority stated shall likewise be added to and reserved as parts of the said forests immediately upon acquisition of title thereto by the United States.

SEC. 2. The following-described land, which has been acquired by the United States under the authority of the said act of March 1, 1911, as amended, and which is adjacent to the Nicolet National Forest, is hereby added to and reserved as a part of the said forest:

FOURTH PRINCIPAL MERIDIAN

Beginning at the northwest corner of sec. 3, T. 38 N., R. 11 E., thence by metes and bounds:

East, 160 feet, approximately, to the shore line of Laurel Lake.

Southwesterly, along shore line of Laurel Lake to intersection of the west boundary line of sec. 3.

North, along west boundary line of sec. 3, to point of beginning.

The tract described contains approximately 0.75 acre.

SEC. 3. The exterior boundaries of the Chequamegon National Forest are hereby extended to include the following-described area, and all lands within such area which have been acquired by the United States under the authority of Title III of the Bankhead-Jones Farm Tenant Act, as amended, or the said act of March 1, 1911, as amended, are hereby added to and reserved as parts of the Chequamegon National Forest; and all such lands hereafter acquired by the United States under such authority shall likewise be added to and reserved as parts of the said forest immediately upon acquisition of title thereto by the United States:

FOURTH PRINCIPAL MERIDIAN

T. 47 N., R. 6 W.,
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Secs. 8 and 17.

(Continued on p. 6459)

CONTENTS

THE PRESIDENT

Executive Orders Page

Enlarging the Nicolet and Chequamegon National Forests, Wis. 6457

Restoring lands comprising the Round Top Military Reservation and rights-of-way thereto to the jurisdiction of the Territory of Hawaii 6459

EXECUTIVE AGENCIES

Agriculture Department

See also Entomology and Plant Quarantine Bureau; Farm Credit Administration; Production and Marketing Administration.

Notices:

Chief, Forest Service; revocation of delegation of authority with respect to withdrawal of lands 6570

Army Department

Rules and regulations:

Army procurement procedure; miscellaneous amendments 6550

Civil Aeronautics Administration

Rules and regulations:

Air traffic rules; certificates of waiver issued for air shows 6460

Civil Aeronautics Board

See also Civil Aeronautics Administration.

Notices:

Hearings, etc.:

Continental Air Lines, Inc.; Wichita Falls-Dallas service 6570

Robin Airlines, Inc. 6570

Service to Melbourne, Fla. 6570

Coast Guard

Notices:

Equipment:

Approval 6568

Termination of approval, correction to prior document and change in name of manufacturer 6567

Rules and regulations:

Regulations governing use of dangerous articles as ships' stores and supplies on board vessels 6460

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Coast Guard—Continued Page
Rules and regulations—Con.
Transportation or storage of explosives or other dangerous articles or substances, and combustible liquids on board vessels ---- 6460

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

Customs Bureau
Rules and regulations:
Measurement of vessels; Liberian admeasurement rules ---- 6460

Defense Department
See Army Department; Navy Department.

Entomology and Plant Quarantine Bureau Page
Proposed rule making:
Corn, Indian, or maize, broomcorn and related crops ---- 6563

Farm Credit Administration
Rules and regulations:
Federal Land Bank of Columbia; release of personal liability fees ---- 6460

Federal Power Commission
Notices:
Hearings, etc.:
Cities Service Gas Co. (2 documents) ---- 6572
East Tennessee Natural Gas Co ---- 6571
Iowa-Illinois Gas and Electric Co ---- 6571
Ohio Fuel Gas Co ---- 6572
Pacific Gas and Electric Co. and Arkansas - Missouri Power Co ---- 6571
Southern Natural Gas Co. (2 documents) ---- 6571, 6573
Transcontinental Gas Pipe Line Corp. et al ---- 6571
Treasure State Pipe Line Co ---- 6572

Forest Service
Revocation of delegation of authority to the Chief with respect to withdrawal of lands (*see* Agriculture Department).

Housing and Home Finance Agency
See Public Housing Administration.

Interior Department
See Land Management, Bureau of.

Internal Revenue Bureau
Proposed rule making:
Tax, income, taxable years beginning after Dec. 31, 1941; filing of joint return after separate returns has been filed ---- 6561

Interstate Commerce Commission
Notices:
Applications for relief:
Coke refuse and coke dust from Illinois and Indiana to Virginia, Minn ---- 6576
Rubber, crude, from Texas and Louisiana to New Jersey, New York and Pennsylvania ---- 6576
Rules and regulations:
Car service:
Control of tank cars; appointment of agent ---- 6558
Demurrage on cars held under load at Great Lakes ports ---- 6560
Demurrage on freight cars ---- 6558
Movement of import ores restricted; appointment of agent ---- 6559
Movement of iron ore restricted; appointment of agent ---- 6559
Requirements for loading canned goods and foodstuffs ---- 6559

Interstate Commerce Commission—Continued Page
Rules and regulations—Con.
Car Service—Continued
Requirements for loading lumber and lumber products ---- 6559
Requirements for loading of grain products and by-products ---- 6559
Commercial zones and terminal areas ---- 6560

Land Management, Bureau of
Notices:
Montana:
Filing objections to order withdrawing public lands for stock driveway purposes ---- 6570
Withdrawal of lands for stock driveway purposes ---- 6570

National Production Authority
Rules and regulations:
Basic rules of the controlled materials plan; who are producers of Class A and Class B products (CMP Reg. 1, Int. 1) ---- 6557
Steel distributors; earmarked stocks, oil country casing, oil country tubing, and oil country drill pipe; additional restrictions on delivery of oil country casing and tubing (M-6A, Sch. 2, Dir. 1) ---- 6558

Navy Department
Rules and regulations:
Disposition of property ---- 6555

Production and Marketing Administration
Proposed rule making:
Milk handling in Milwaukee, Wis., marketing area ---- 6563

Public Housing Administration
Notices:
Field organization; description of agency and programs and final delegations of authority ---- 6573

Securities and Exchange Commission
Notices:
Hearings, etc.:
American & Foreign Power Co. Inc ---- 6575
Columbia Gas System, Inc., and Manufacturers Light and Heat Co ---- 6575
Consolidated Natural Gas Co. et al ---- 6574
Investment Bond and Share Corp. et al ---- 6573
Providence Investment Co ---- 6573
Proposed rule making:
Definitions of terms used in the act, form and content of prospectuses ---- 6565

Tariff Commission
Notices:
Hard fiber cords and twines; investigation ---- 6576
Tuna fish; hearing ---- 6576

Treasury Department
See Coast Guard; Customs Bureau; Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
July 21, 1871 (revoked in part by EO 10374)	6457
978 (see EO 10375)	6459
4667 (see EO 10375)	6459
5931 (see EO 10375)	6459
6948 (see EO 10375)	6459
10374	6457
10375	6459
Title 6	
Chapter I:	
Part 23	6460
Title 7	
Chapter III:	
Part 319 (proposed)	6563
Chapter IX:	
Part 907 (proposed)	6563
Title 14	
Chapter I:	
Part 60	6460
Title 17	
Chapter II:	
Part 230 (proposed)	6565
Title 19	
Chapter I:	
Part 2	6460
Title 26	
Chapter I:	
Part 29 (proposed)	6561
Title 32	
Chapter V:	
Part 590	6550
Part 591	6554
Part 600	6554
Part 601	6554
Part 602	6555
Chapter VI:	
Part 736	6555
Title 32A	
Chapter VI (NPA):	
CMP Reg. 1, Int. 1	6557
M-6A, Sched. 2, Dir. 1	6558
Title 46	
Chapter I:	
Part 146	6460
Part 147	6460
Title 49	
Chapter I:	
Part 95 (8 documents)	6558–6560
Part 170	6560

T 48 N., R. 6 W.,
Secs. 12, 13, and 24.

The tract described contains approximately 4.160 acres.

SEC. 4. Except as to the following-described lands and right-of-way, all public lands in fractional section 7, T. 52 N., R. 4 W., and fractional section 12, T. 52 N., R. 5 W., Fourth Principal Meridian, Wisconsin, aggregating approximately 109 acres, which were reserved for lighthouse purposes by Executive order of July 21, 1871, are hereby added to and reserved as parts of the Chequamegon National Forest; and the said Executive order of July 21, 1871, is hereby revoked so far as it affects such lands:

TRACT NO. 1

Beginning at a point on the west shore of Sand Island in lot 1, sec. 12, T. 52 N., R. 5 W., from which a point on the shore line intersected by a line extended due west from the center of old light tower which is attached to a dwelling, bears south 15 feet; thence due east, approximately 530 feet to the east shore line of lot 1; thence northwesterly, westerly and southwesterly along the shore line of lot 1 to point of beginning. This tract contains approximately 1.03 acres.

TRACT NO. 2

Beginning at a point on the west shore of lot 2, sec. 12, T. 52 N., R. 5 W., from which a point on the south boundary of lot 1, sec. 12 is due north approximately 530 feet, and from which the present boathouse bears north 100 feet, thence by metes and bounds:
East 200 feet
North 200 feet
West 340 feet, approximately, to shore line,
Southerly along shore line to point of beginning.
This tract contains approximately 0.902 acre.

RIGHT-OF-WAY

A right-of-way 25 feet in width, connecting Tracts Nos. 1 and 2, described above, the center line of which is described as follows:

Beginning at a point on the north boundary of Tract No. 2, from which the northeast corner of said tract bears east approximately 160 feet; thence on an approximate bearing and distance of N. 1° 30" E., 1320 feet to the south boundary of Tract No. 1.

SEC. 5. All lands to which this order is applicable which have been or may hereafter be acquired under authority of the said Title III of the Bankhead-Jones Farm Tenant Act, as amended, shall be administered under the laws, rules, and regulations applicable to national-forest lands acquired under the said act of March 1, 1911, as amended.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 15, 1952.

[F. R. Doc. 52-7923; Filed, July 15, 1952; 4:28 p. m.]

EXECUTIVE ORDER 10375

RESTORING LANDS COMPRISING THE ROUND TOP MILITARY RESERVATION AND RIGHTS-OF-WAY THERETO TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands known as Round Top Military Reservation and rights-of-way thereto, located at Honolulu, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were reserved for military purposes of the United States by Executive Order No. 978 of November 24, 1908, as modified by Executive Orders No. 4667 of June 13, 1927, No. 5931 of October 8, 1932, and No. 6948 of January 17, 1935; and

WHEREAS such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described tract of land comprising the Round Top Military Reservation and the rights-of-way thereto, located on the Island of Oahu, Territory of Hawaii, are hereby restored to the jurisdiction of the Territory of Hawaii:

1. Beginning at a monument No. 1 which is a concrete post with a brass plate set in top from which the azimuth (measured clockwise from true south) and distance to Ualakaa Triangulation Station is 41° 33' 30" 99.90 feet thence running by true azimuths and distances as follows:
323° 58' 20" 179.80 feet to a concrete monument No. 8;
44° 32' 00" 294.94 feet to a concrete monument No. 7;
53° 32' 00" 157.63 feet to a concrete monument No. 6;
74° 10' 00" 87.26 feet to a concrete monument No. 5;
149° 51' 00" 225.12 feet to a concrete monument No. 4;
194° 36' 30" 148.92 feet to a concrete monument No. 3;
211° 00' 30" 133.30 feet to a concrete monument No. 2;
266° 23' 30" 319.38 feet to the point of beginning, containing an area of 3.68 acres, more or less.

2. *Right of Way to Tantalus Road:* Beginning at a concrete monument No. 5 of the Round Top Military Reservation boundary from which the azimuth and distance to U. S. C. & G. Triangulation Station Punchbowl is 89° 35' 48.3" 2662.12 feet thence running by true azimuths and distances as follows:
17° 07' 20" 453.23 feet to a concrete monument No. 3;
17° 07' 20" 288.00 feet to a concrete monument No. 2c;
57° 11' 20" 7.32 feet to a concrete monument No. 2b;
60° 11' 00" 22.39 feet to a concrete monument No. 2a;
197° 07' 20" 301.20 feet to a concrete monument No. 2;
197° 07' 20" 480.49 feet to a concrete monument No. 1;
339° 51' 00" 27.21 feet to the point of beginning, containing an area of 0.355 acre, more or less.

3. *Right of Way to Sugar Loaf Military Reservation:* This right of way is a strip of land 10 feet wide extending from Round Top Military Reservation to Sugar Loaf Military Reservation, extending 5 feet on each side of the center line which is described as follows:

Beginning at monument No. 1 of Round Top Military Reservation, which is a concrete post with a brass plate set in top, from which the true azimuth (measured clockwise from true south) and distance to U. S. Coast and Geodetic Survey triangulation station "Ualakaa" is 41° 33' 30", 99.90 feet, as shown on Government Survey Registered Map 2338; thence from said initial point by true azimuths and distances as follows:
236° 11' 846.1 feet to a pipe on top of Round Top Ridge;
198° 19' 30" 1,152.5 feet to a pipe marking the end of course No. 1 of the Round Top Forest Reserve near turn in Tantalus Heights Road;
211° 50' 1,016.7 feet to monument No. 7, marking the end of course No. 5 of the Sugar Loaf Military Reservation, from which the true azimuth and distance to Territorial

Survey triangulation station "Kakea" is 208° 10' 261.9 feet, containing an area of 0.69 acre, more or less.

4. *Right of Way to Awapuhi Street:* This right of way is 10 feet wide extending from Round Top Military Reservation to Awapuhi Street, Manoa. The center line of this right of way is described as follows:

Beginning at a point (not marked) on the boundary of Round Top Military Reservation between the monuments Nos. 7 and 8, from which the azimuth and distance to a concrete monument No. 8 of Round Top Military Reservation is 224° 32' 00" 5.29 feet, thence running by true azimuth and distance 295° 11' 30" 1429.80 feet, to a point (not marked) located in the center of north terminus of Awapuhi Street, containing an area of 0.328 acre, more or less.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 15, 1952.

[F. R. Doc. 52-7924; Filed, July 15, 1952; 4:28 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter C—Regulations Issued by the Federal Land Banks

PART 23—FEDERAL LAND BANK OF COLUMBIA

FEES

1. Section 23.2 of Title 6, Code of Federal Regulations, is revoked.

2. Section 23.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 23.5 *Release of personal liability fees.* The following fees shall be charged in connection with applications for release of personal liability if an appraisal is made in connection therewith:

Federal Land Bank Loan	$10.00
Land Bank Commissioner Loan	10.00
Joint Federal Land Bank and Land Bank Commissioner Loan	10.00

3. Section 23.7 of Title 6, Code of Federal Regulations, is revoked.

(Sec. 13 "Ninth," 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 49 Stat. 48, as amended; 12 U. S. C. and Supp. 781 "Ninth," 723, 1016) [6 CFR 19.322 and 19.326, Res. Bd. Dir. June 19, 1952]

THE FEDERAL LAND BANK OF COLUMBIA,
[SEAL] JULIAN H. SCARBOROUGH,
President.

[F. R. Doc. 52-7855; Filed, July 16, 1952; 8:53 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 15]

PART 60—AIR TRAFFIC RULES

CERTIFICATES OF WAIVER ISSUED FOR AIR SHOWS

1. Section 60.1-1 (b) provides that "no certificate of waiver will be issued for any 'air race', 'air meet', or similar aeronautical demonstration which includes • • • acrobatics not under direct radio control provided by the holder of the certificate of waiver." This supplement modifies the foregoing policy by permitting the use of means other than radio in the control of acrobatics. The Administrator intends to provide positive control of acrobatics and yet not limit the control to radio methods and thereby exclude ground signals and other methods.

2. Section 60.1-1 (b), published on September 27, 1951, in 16 F. R. 9802, is hereby amended by deleting the word "radio".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective August 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-7825; Filed, July 16, 1952; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53044]

PART 2—MEASUREMENT OF VESSELS

LIBERIAN ADMEASUREMENT RULES

The Government of the Republic of Liberia has advised the Government of the United States that the admeasurement rules set forth in part 2, Customs Regulations of 1943 (19 CFR Part 2), have been adopted as the standard for the measurement of vessels under the Liberian flag. Accordingly, the first sentence of § 2.63, Customs Regulations of 1943 (19 CFR 2.63), is amended by the insertion of "Liberia" immediately after "Latvia" and preceding "the Netherlands."

(R. S. 161, 4154, as amended, sec. 3, 23 Stat. 119; 5 U. S. C. 22, 46 U. S. C. 3, 81. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR 1946 Supp., ch. IV; Reorg. Plan No. 26 of 1950; 3 CFR 1950 Supp., ch. III)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 11, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7867; Filed, July 16, 1952; 8:56 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 52-8]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed changes in the regulations governing the transportation of explosives, compressed gases, and poisonous articles was published in the FEDERAL REGISTER, dated August 16, 1951, 16 F. R. 8136-8139, as Items X, XI, and XII, on the agenda to be considered by the Merchant Marine Council and a public hearing was held by the Merchant Marine Council on September 18, 1951, in Washington, D. C. All the comments submitted were considered and where practicable were incorporated into the regulations.

The purpose of the amendments to 46 CFR 146.01-4, 146.02-8, 146.02-13 to 146.02-16, inclusive, 146.05-15, 146.05-17, 146.20-1 to 146.20-300, inclusive, 146.24-1 to 146.24-100, inclusive, 146.25-1 to 146.25-400, inclusive, 146.28-1, 146.28-2, 146.28-22, 146.29-1, 146.29-3, 146.29-6, 146.29-23, and 146.29-100, is to revise and bring up to date the requirements governing the transportation of explosives, compressed gases, and poisonous articles. This revision permits a number of new explosives, new hazardous articles in the form of compressed gases, and new poisonous articles, all of which have become commercially important, to be shipped by water in increasing quantities. The new requirements also allow the use of a number of new containers when transporting certain commodities by water. All the changes in requirements are in agreement with the Interstate Commerce Commission's regulations insofar as it is practicable for water transportation. Because they have served their purpose, 46 CFR 146.28-3, 146.28-5, 146.28-9 to 146.28-12, inclusive, 146.28-16, 146.28-18, and 146.28-19 are canceled.

The purpose of the amendment to 46 CFR 147.05-100, regarding *Table S—Classification: Ships' stores and supplies of a dangerous nature*, is editorial in nature and revises the requirements governing transportation of ships' signal and emergency equipment to agree with changes made in lifesaving appliances now required on board merchant vessels, which were considered at previous public hearings held by the Merchant Marine Council. The descriptive terminology has been changed to agree with terms now used in other regulations in 46 CFR Parts 33, 59, 60, 76, 94, and 113, as well as by industry.

It is hereby found necessary in the interests of National Defense to continue in effect certain temporary

amendments to regulations in 46 CFR 146.28-1, 146.28-2, 146.28-6, to 146.28-8, inclusive, 146.28-13 to 146.28-15, inclusive, 146.28-17, and 146.28-20 to 146.28-22, inclusive, for the duration of the National Emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 CFR 1950 Supp.). These regulations are supplementary and amendatory to the regulations in 46 CFR Part 146.

The requirements in 46 CFR 146.20-1 to 146.20-300, inclusive, regarding transportation of explosives, have been completely revised and brought up to date by this document and follow the requirements of the Interstate Commerce Commission insofar as it is practicable for water transportation. Many of these requirements do not provide the safety necessary for the bulk transportation of military explosives and, therefore, the special requirements in 46 CFR 146.29-1 to 146.29-100, inclusive, as amended, are hereby found necessary in the interests of National Defense to be continued in effect. These regulations will apply to the transportation of military explosives during the National Emergency proclaimed by the President on December 16, 1950 (Proc. 2914, 3 CFR 1950 Supp.), or during a war in which the United States may be engaged, or during any other National Emergency proclaimed by the President.

The detailed regulations governing the transportation of explosives, compressed gases, and poisonous articles have been completely revised and the sections renumbered to allow for future expansion, if necessary. For convenience a table showing the old section number and the new section number assigned is printed below and the asterisk before a section number indicates that section has been revised or added:

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old section No.	*New section No.*
———	*146.20-1
———	*146.20-3
*146.20-1	*146.20-5
*146.20-2	*146.20-7
*146.20-3	*146.20-9
*146.20-4	*146.20-11
*146.20-5	*146.20-13
146.20-7	146.20-15
146.20-8	146.20-17
146.20-9	146.20-19
*146.20-10	*146.20-21
*146.20-11	*146.20-23
146.20-12	146.20-25
146.20-13	146.20-27
*146.20-14	*146.20-29
*146.20-15	*146.20-31
146.20-16	146.20-33
146.20-17	146.20-35
146.20-18	146.20-37
*146.20-19	*146.20-39
*146.20-20	*146.20-41
146.20-21	146.20-43
146.20-22	146.20-45
146.20-23	146.20-47
146.20-24	146.20-49
*146.20-25	*146.20-51
146.20-26	146.20-53
146.20-27	146.20-55
146.20-28	146.20-57
146.20-29	146.20-59
146.20-30	146.20-61
146.20-31	146.20-63
146.20-32	146.20-65
146.20-33	146.20-67

*Indicates that text of section has been revised or added.

COMPARISON OF OLD SECTION NUMBERS WITH NEW SECTION NUMBERS

Old section No.	*New section No.*
146.20-34	146.20-69
146.20-35	146.20-71
146.20-36	146.20-73
146.20-37	146.20-75
146.20-38	146.20-77
146.20-39	146.20-79
146.20-40	146.20-81
146.20-41	146.20-83
*146.20-42	*146.20-85
*146.20-43	*146.20-87
*146.20-50	*146.20-90
*146.20-100	*146.20-100
———	*146.20-200
———	*146.20-300
146.24-1	146.24-1
146.24-2	146.24-5
———	146.24-10
*146.24-3	*146.24-15
———	*146.24-20
146.24-4	146.24-25
*146.24-5	*146.24-30
*146.24-6	*146.24-35
146.24-7	146.24-40
146.24-8	146.24-45
146.24-9	146.24-50
*146.24-10	*146.24-55
146.24-11	146.24-60
146.24-12	146.24-65
146.24-13	146.24-70
146.24-14	146.24-75
*146.24-15	*146.24-80
146.24-16	146.24-85
*146.24-100	*146.24-100
*146.25-1	*146.25-1
*146.25-2	*146.25-5
*146.25-3	*146.25-10
*146.25-4	———
146.25-5	146.25-15
———	*146.25-20
———	*146.25-25
———	*146.25-30
*146.25-6	*146.25-35
146.25-7	146.25-40
*146.25-8	*146.25-45
*146.25-9	*146.25-50
*146.25-10	*146.25-55
146.25-11	146.25-60
*146.25-100	*146.25-100
———	*146.25-200
———	*146.25-300
———	*146.25-400

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER:

SUBPART—PREFACE

1. Section 146.01-4 is amended to read as follows:

§ 146.01-4 *Classifications.* Explosives or other dangerous articles or substances, and combustible liquids are classified in the regulations in this part according to their principal characteristics and properties as follows:

Explosives:
- Class A—Dangerous explosives.
- Class B—Less dangerous explosives.
- Class C—Relatively safe explosives.

Inflammable liquids.
Inflammable solids and oxidizing materials.
Corrosive liquids.
Compressed gases.
Poisons:
- Extremely dangerous poison, Class A.
- Less dangerous poison, Class B.
- Tear gases or irritating substances, Class C.

Radioactive materials, Class D.
Combustible liquids.
Hazardous articles.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

SUBPART—GENERAL REGULATIONS

2. Section 146.02-8 is amended to read as follows:

§ 146.02-8 *U. S. Government shipments.* (a) Shipments of explosives or other dangerous articles or substances offered by or consigned to the Departments of the Army, Navy, or Air Force of the United States Government shall be packed, including limitations of weight, in accordance with the Interstate Commerce Commission regulations for the transportation of explosives or other dangerous articles in effect at the time of shipment, or in containers of equal or greater strength and efficiency as required by the regulations of these Departments.

(b) Shipments of radioactive materials, made by the Atomic Energy Commission, or under its direction or supervision, which are escorted by personnel specially designated by the Atomic Energy Commission, are exempt from the regulations in this part.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

3. Section 146.02-13 is amended to read as follows:

§ 146.02-13 *Report fires.* (a) The master of any ocean-going vessel having on board explosives or other dangerous articles or substances as cargo and about to enter a port of the United States shall make or cause to be made an inspection immediately prior to entering such port. If the inspection discloses the presence of fire or any other hazardous condition, such condition shall immediately be reported to the District Commander of the United States Coast Guard or his authorized representative having supervision over the port or place to which the vessel is bound and the master or person in charge of such vessel shall comply with the instructions given by the District Commander or his authorized representative as to the procedure to be followed in entering the port or place.

(b) In the event of wreck, fire, or other disaster involving radioactive materials, other than low activity ores, or that part of a vessel where radioactive material, other than low activity ores, is stowed, safety precautions shall be observed in accordance with §§ 146.25-1 to 146.25-400, inclusive, pertaining to the care following leakage or sifting of radioactive materials.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

4. Section 146.02-14 is amended to read as follows:

§ 146.02-14 *Damaged containers.* (a) Any outside container that is suffi-

ciently damaged as to permit the escape of the contents therein, or shows marks of having leaked, or the securing means give evidence of failure to properly contain the package, shall not be accepted on board any vessel for transportation or stowage, nor shall such damaged containers be on board any vessel entering the navigable waters of the United States except in accordance with the provisions of § 146.02–15.

(b) Any damaged outside containers, as described in paragraph (a) of this section, except those containing radioactive materials, other than low activity ores, when restored or repaired to the satisfaction of the owner or master of the vessel may be accepted. Special attention shall be given to containers of substances that are required by the regulations to be shipped "wet" to be certain that any escaped liquid is replaced before the restored container is accepted.

(c) Damaged, leaking or insecure outside containers in which radioactive materials, other than low activity ores, are packed shall be handled in accordance with the safety precautions set forth in §§ 146.25–1 to 146.25–400, inclusive, pertaining to the care following leakage or sifting of radioactive materials. This provision shall be complied with by all vessels to which the regulations in this part apply when upon the navigable waters of the United States.

(d) Damaged, leaking or insecure outside containers which it is not feasible to restore shall be refused and promptly reported by the owner or master of the vessel to the nearest District Commander of the United States Coast Guard or his authorized representative. This provision shall be complied with by all vessels to which the regulations in this part apply when upon the navigable waters of the United States.

(e) Containers of a particular type that frequently show damage, leakage or other failure shall also be reported to the District Commander of the United States Coast Guard or his authorized representative for the district in which the cargo was laden. Such information as will assist in correcting faults of such containers should be included in this report.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

5. Sections 146.02–15 and 146.02–16 are amended to read as follows:

§ 146.02–15 *Emergency shipments.* (a) In event of a casualty occurring to or on board a vessel involving explosives or other dangerous articles or substances on board the vessel as cargo, the master or person in charge of the vessel is authorized to adopt such procedure as will, in his judgment, provide a maximum safety to the vessel, its passengers and crew. When such a casualty results in damaged containers or the emergency use of unauthorized containers, such containers upon arrival at a port shall not be offered to any forwarding carrier for transportation. The vessel, owner, agent, charterer, master or other person in charge of the vessel shall report immediately to the nearest District Commander of the United States Coast Guard or his authorized representative and request instructions as to disposition of the damaged or unauthorized containers.

(b) Explosives or other dangerous articles or substances found on board a vessel in an unsafe condition may be disposed of by jettisoning or otherwise destroyed or rendered innocuous or may be continued in transportation to the nearest port whichever course may, in the judgment of the master or person in charge, provide maximum safety to the vessel, its passengers and crew. If such substance is brought into port, delivery shall not be made to the consignee or any forwarding carrier and a report shall immediately be made to the nearest District Commander of the United States Coast Guard or his authorized representative with a request for instructions as to disposition of the substance. A report shall likewise be made covering the disposition by jettisoning or otherwise of dangerous substances.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, when radioactive materials, other than low activity ores, are involved, the safety precautions set forth in §§ 146.25–1 to 146.25–400, inclusive, pertaining to the care following leakage or sifting of radioactive materials shall be followed whenever practicable.

§ 146.02–16 *Shipments in violation.* (a) Shipments of explosives or other dangerous articles or substances found by a vessel's owner, agent, charterer, master, or person in charge to have been tendered or delivered for transportation on board a vessel under a false or deceptive descriptive name, marking, invoice, shipping paper or other declaration, or without the shipper furnishing information in writing of the true character thereof at or before the time of delivery, shall be refused transportation and the District Commander of the United States Coast Guard or his authorized representative, for the district in which such cargo was offered shall promptly be notified, in writing, of all the facts in connection with such violation.

(b) When any such shipments are found in transit the master of the vessel is authorized to adopt such procedure as will in his judgment provide maximum safety to the vessel, its passengers and crew. If brought into port, delivery shall not be made to the consignee or any forwarding carrier and a report shall immediately be made to the nearest District Commander of the United States Coast Guard or his authorized representative, with a request for instructions as to disposition of the shipment.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

6. Section 146.05–15 is amended by changing paragraph (d) (5) and paragraph (g) to read as follows:

§ 146.05–15 *Marking and labeling applying to domestic shipments only.*

* * *

(d) * * *

(5) Each outside container of samples of explosives when offered for transportation on board vessels shall bear the "red label for samples of explosives" and each outside container of special fireworks in addition to the markings prescribed shall bear the "red label for special fireworks", as described and illustrated in § 146.05–17 (t) and (s).

* * * * *

(g) Each package containing "Any Other Dangerous Article" as defined by the regulations in this part shall be conspicuously labeled by the shipper as follows except as otherwise provided:

(1) "Red label" as described and illustrated in § 146.05–17 (f) on containers of inflammable liquids, except when exempted by the regulations in this part.

(2) "Yellow label" as described and illustrated in § 146.05–17 (g) on containers of inflammable solids and oxidizing materials, except when exempted by the regulations in this part.

(3) "White label" as described and illustrated in § 146.05–17 (h) on containers of acids, except when exempted by the regulations in this part.

(4) "White label" as described and illustrated in § 146.05–17 (j) on containers of corrosive liquids, except when exempted by the regulations in this part.

(5) "White label" as described and illustrated in § 146.05–17 (k) on containers of alkaline caustic liquids, except when exempted by the regulations in this part.

(6) "Red label" as described and illustrated in § 146.05–17 (l) on containers of inflammable compressed gases, except when exempted by the regulations in this part.

(7) "Green label" as described and illustrated in § 146.05–17 (m) on containers of nonflammable compressed gases, except when exempted by the regulations in this part.

(8) "Poison gas label" as described and illustrated in § 146.05–17 (n) on containers of class A poisons.

(9) "Poison label" as described and illustrated in § 146.05–17 (o) on containers of class B poison liquids, or solids, except when exempted by the regulations in this part.

(10) "Tear gas label" as described and illustrated in § 146.05–17 (p) on containers of class C poisons.

(11) "Radioactive materials label" as described and illustrated in § 146.05–17 (q) on containers of group I and group II radioactive materials.

(12) "Radioactive materials label" as described and illustrated in § 146.05–17 (r) on containers of group III radioactive materials.

(13) "Empty label" as described and illustrated in § 146.05–17 (u) shall be applied to empty containers when such application is required by the regulations in this part.

(14) "Bung label" as described and illustrated in § 146.05–17 (v) on metal barrels or drums containing inflammable liquids with vapor pressure exceeding 16 pounds per square inch, absolute.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

7. Section 146.05–17 is amended to read as follows:

§ 146.05–17 *Labels.* (a) Shippers shall furnish and attach the labels prescribed for their packages.

(b) Labels shall not be applied to packages containing articles which are not subject to the regulations in this part.

(c) Shippers shall not apply labels which by their size, shape and color, may readily be confused with standard caution labels prescribed in this part.

(d) Labels shall conform to standard as required by the Interstate Commerce Commission regulations.

(e) A combination diamond-shaped label-tag of proper size and color, bearing on one side the shipping information and on the reverse side the wording prescribed in this section will be permitted.

(f) Red label for inflammable liquids.

(Reduced size)

(Black printing on red)

(g) Yellow label for inflammable solids and oxidizing materials.

(Reduced size)

(Black printing on yellow)

(h) White label for acids.

(Reduced size)

(Black printing on white)

(j) White label for corrosive liquids.

(Reduced size)

(Black printing on white)

(k) White label for alkaline caustic liquids.

(Reduced size)

(Black printing on white)

(l) Red label for inflammable gases.

(Reduced size)

(Black printing on red)

(m) Green label for nonflammable gases.

(Reduced size)

(Black printing on green)

(n) Poison gas label.

(Reduced size)

(Red printing on white)

(o) Poison label.

(Reduced size)

(Red printing on white)

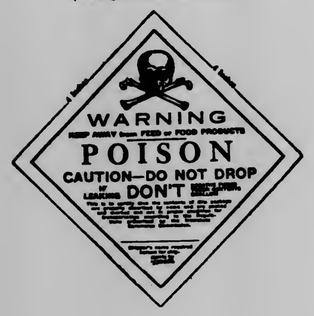

(p) Tear gas label.

(Reduced size)

(Red printing on white)

(q) Radioactive materials, Group I or II.

(Reduced size)

(Red printing on white)

(r) Radioactive materials, Group III.

(Reduced size)

(Blue printing on white)

(s) Red label for special fireworks.

(Reduced size)

(Black printing on red)

(t) Red label for samples of explosives.

(Reduced size)

(Black printing on red)

(u) Empty label (white) for empty containers.

(Reduced size)

(Black printing on white)

(v) Bung label.

(Reduced size)

(Black printing on white)

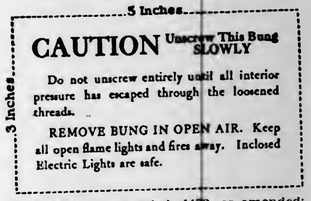

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App. 1275)

8. Sections 146.20–1 to 146.20–300, inclusive, are amended to read as follows:

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

Sec.
146.20–1 An explosive.
146.20–3 Prohibited or not permitted explosives.
146.20–5 Acceptable explosives.
146.20–7 Class A explosives.
146.20–9 Class B explosives.
146.20–11 Class C explosives.
146.20–13 Samples of explosives and explosive articles for laboratory and examination purposes.
146.20–15 Stowage of explosives.
146.20–17 Stowage of explosives in holds containing coal.
146.20–19 On deck stowage of explosives.
146.20–21 Stowage of fireworks.
146.20–23 Stowage of explosives in magazines adjacent to other dangerous articles.
146.20–25 Stowage of explosives and non-dangerous cargo.
146.20–27 Stowage and dunnaging of containers of explosives.
146.20–29 Preparation of magazines, decks, hatches and holds before handling explosives.
146.20–31 Loading and unloading explosives.
146.20–33 Constructing of magazines.
146.20–35 Handling explosives.
146.20–37 Cargo working equipment.

Sec.
146.20–39 Installation of loading chute.
146.20–41 Lights, tools and equipment.
146.20–43 Fires.
146.20–45 Smoking.
146.20–47 Liquor or drugs.
146.20–49 Damaged or leaking containers of explosives.
146.20–51 Containers found damaged or leaking on board vessels.
146.20–53 Magazine vessels storing explosives.
146.20–55 Lighting in stowage compartments.
146.20–57 Handling explosives; magazine vessels.
146.20–59 Living quarters on magazine vessels.
146.20–61 Lamp box on magazine vessels.
146.20–63 Storage of other dangerous articles.
146.20–65 Magazine vessels' stores.
146.20–67 Matches.
146.20–69 Firearms.
146.20–71 Fire extinguishing equipment.
146.20–73 Supervision of magazine vessels.
146.20–75 Unauthorized persons on magazine vessels.
146.20–77 Repacking of explosives on board magazine vessels.
146.20–79 Work boat.
146.20–81 Life preservers.
146.20–83 Fenders.
146.20–85 Authorization to load or discharge explosives.
146.20–87 Permits for Class A explosives.
146.20–90 Stowage and storage chart of explosives and other dangerous articles.
146.20–100 Table A—Classification: Class A; dangerous explosives.
146.20–200 Table B—Classification: Class B; less dangerous explosives.
146.20–300 Table C—Classification: Class C; relatively safe explosives.

AUTHORITY: §§ 146.20–1 to 146.20–300 issued under R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. 1275.

SUBPART—DETAILED REGULATIONS GOVERNING EXPLOSIVES

§ 146.20–1 *An explosive.* For the purpose of the regulations in this subchapter an explosive is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i. e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified in the regulations in this part.

§ 146.20–3 *Prohibited or not permitted explosives.* The offering of the following explosives for transportation, carriage, conveyance, storage, stowage, or use on board vessels is forbidden:

(a) Fulminates or other detonating compounds in bulk in dry condition.

(b) Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(c) Explosives containing an ammonium salt and a chlorate.

(d) Liquid nitroglycerin, diethylene glycol dinitrate, or other liquid explosives not authorized by the Commandant of the Coast Guard.

(e) Explosives condemned by the Bureau of Explosives (except properly packed samples for laboratory examinations). Appeal may be made to the Interstate Commerce Commission from such condemnations.

(f) Leaking or damaged packages of explosives.

(g) Condemned or leaking dynamite shall not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of, or with the written consent of, an inspector, or with the written authority of the chief inspector of the Bureau of Explosives.

(h) Firecrackers, flash crackers or salutes, the explosive contents of which exceed 12 grains each in weight.

(i) Fireworks that combine an explosive and a detonator or blasting cap.

(j) Fireworks containing an ammonium salt and a chlorate.

(k) Fireworks containing yellow or white phosphorus.

(l) Fireworks or fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.).

(m) Fireworks, properly condemned by the Bureau of Explosives, except properly repacked samples for laboratory examinations.

(n) Toy torpedoes, the maximum outside dimension of which exceeds ⅞ inch, or toy torpedoes containing a mixture of potassium chlorate, black antimony and sulfur with an average weight of explosive composition in each torpedo exceeding 4 grains.

(o) Toy torpedoes containing a cap composed of a mixture of red phosphorus and potassium chlorate exceeding an average of one-half (0.5) grain per cap.

(p) Fireworks containing copper sulfate and a chlorate.

§ 146.20–5 *Acceptable explosives.* (a) Acceptable explosives are divided by the Interstate Commerce Commission regulations into three classes according to degree of hazard in transportation, as follows:

Class A explosives, detonating or otherwise of maximum hazard.
Class B explosives, inflammable hazard.
Class C explosives, minimum hazard.

(b) Acceptable explosives are defined by the Interstate Commerce Commission regulations as set forth in this subpart, and such definitions are binding upon all shippers making shipments of any explosives by common carrier vessels engaged in interstate or foreign commerce by water. Such definitions are accepted and adopted and form part of the regulations in this subchapter applying to all shippers making shipments of explosives by any vessel and shall apply to the owners, charterers, agents, masters or persons in charge of vessels and to other persons transporting, carrying, conveying, storing, stowing or using explosives on board any vessel.

§ 146.20–7 *Class A explosives.* Class A explosives are defined as:

(a) *Type 1.* Solid explosives which can be caused to deflagrate by contact with sparks or flame such as produced by safety fuse or an electric squib, but cannot be detonated[1] by means of a No. 8 test blasting cap.[2] Examples: Black powder, low explosives, and certain types of propellant explosives.

(b) *Type 2.* Solid explosives which contain a liquid explosive ingredient, and which, when unconfined,[3] can be detonated by means of a No. 8 test blasting cap;[2] or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus[4] under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Examples: Commercial dynamite containing a liquid explosive ingredient and certain types of propellant explosives.

(c) *Type 3.* Solid explosives which contain no liquid explosive ingredient and which can be detonated, when unconfined,[3] by means of a No. 8 test blasting cap;[2] or which can be exploded in at least 50 percent of the trials in the Bureau of Explosives' Impact Apparatus[4] under a drop of 4 inches or more, but cannot be exploded in more than 50 percent of the trials under a drop of less than 4 inches. Examples: Commercial dynamite containing no liquid explosive ingredient, trinitrotoluene, amatol, tetryl, picric acid, urea nitrate, pentolite and commercial boosters.

(d) *Type 4.* Solid explosives which can be caused to detonate, when unconfined,[3] by contact with sparks or flame such as produced by safety fuse or an electric squib; or which can be exploded in the Bureau of Explosives' Impact Apparatus[4] in more than 50 percent of the trials under a drop of less than 4 inches. Examples: Initiating and priming explosives, lead azide, fulminate of mercury, etc.

(e) *Type 5.* Desensitized liquid explosives are explosives which may be detonated separately, or when absorbed in sterile absorbent cotton, by a No. 8 test blasing cap;[2] but which cannot be exploded in the Bureau of Explosives' Impact Apparatus[4] by a drop of less than 10 inches. The desensitizer must not be significantly more volatile than nitroglycerin and the desensitized explosive must not freeze at temperatures above minus 10° F. Example: Desensitized nitroglycerin.

(f) *Type 6.* Liquid explosives that can be exploded in the Bureau of Explosives' Impact Apparatus[4] under a drop of less

[1] The detonation test is performed by placing the sample in an open-end fiber tube which is set on the end of a lead block approximately 1½ inches in diameter and 4 inches high which, in turn, is placed on a solid base. A steel plate may be placed between the fiber tube and the lead block.

[2] A No. 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a cap of equivalent strength.

[3] "Unconfined" as used in this section does not exclude the use of a paper or soft fiber tube wrapping to facilitate tests.

[4] The Bureau of Explosives impact apparatus is a testing device designed so that a guided 8-pound weight may be dropped from predetermined heights so as to impact specific quantities of liquid or solid materials under fixed conditions. Detailed prints may be obtained from the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y.

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than 10 inches. Example: Nitroglycerin. See "Prohibited or not permitted explosives" in § 146.20–3.

(g) *Type 7.* (1) Blasting caps[5] are small tubes, usually made of an alloy of either copper or aluminum, closed at one end and loaded with a charge of initiating or priming explosives, class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps[5] which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps.

(2) Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosive, all assembled in a suitable envelope. The total weight of explosives is more than 150 grains per unit.

(3) Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope.

(h) *Type 8.* (1) Any solid or liquid compound, mixture or device which is not specifically included in any of the above types, and which under special conditions may be so designated and approved by the Bureau of Explosives. Example: Shaped charge, commercial.

(2) A shaped charge, commercial, consists of a plastic, paper, or other suitable container comprising a charge of not to exceed 8 ounces of a high explosive containing no liquid explosive ingredient and with a hollowed out portion (cavity) lined with a rigid material. This device shall not contain a detonator.

(i) *Ammunition for cannon.* Ammunition for cannon is fixed, semifixed, or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(j) *Ammunition for cannon with projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, or shell, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, or shell, fuzed or unfuzed. Detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(k) *Explosive projectiles.* Explosive projectiles are shells or projectiles loaded with explosives or bursting charges, with or without other materials, for use in cannon, guns, or mortars.

(l) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge. When shipped without explosives or bursting charges, see "Chemical ammunition, class A or B poisons," as set forth in §§ 146.25–100 and 146.25–200. For tear gas grenades see § 146.25–300.

(m) *Explosive bombs.* Explosive bombs are metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

(n) *Explosive mines.* Explosive mines are metal containers filled with a high explosive.

(o) *Explosive torpedoes.* Explosive torpedoes, such as are used in warfare, are metal devices containing a means of propulsion and a quantity of high explosives.

(p) *Rocket ammunition.* Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar. It consists of an igniter and propelling charge, commonly described as a motor, and explosive projectile, gas projectile, smoke projectile, incendiary projectile, or illuminating projectile, fuzed or unfuzed.

(q) *Ammunition for small arms with explosive bullets or explosive projectiles.* Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles is fixed ammunition to be used in machine guns or similar fire arms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile with or without detonating fuze, the component parts necessary for one firing being all in one assembly. Detonating fuzes, tracer fuzes, explosive or ignition devices or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(r) *Chemical ammunition.* Chemical ammunition used in warfare is all kind of explosive chemical projectiles, shells, bombs, grenades, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent; also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.

(s) *Boosters.* Boosters consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze.

(t) *Jet thrust units (jato), Class A.* Jet thrust units (jato), Class A, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

§ 146.20–9 *Class B explosives.* Class B explosives are defined as those explosives which in general function by rapid combustion rather than detonation and include some explosive devices such as special fireworks, flash powders, some pyrotechnic signal devices and solid propellant explosives which include some smokeless powders. These explosives are further specifically described as:

(a) Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, or shell, is fixed ammunition assembled in a unit consisting of a cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer or recoilless rifle.

(b) Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar. It consists of an igniter and propelling charge, commonly described as a motor, and empty projectile, inert-loaded projectile or solid projectile, or without projectiles.

(c) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See Class C explosives for "fireworks, common.") Examples of special fireworks are: toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles not fused and without expelling charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see "Black powder and low explosives" for shipments made as low explosives), and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

(d) Jet thrust units (jato), Class B, are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off.

(e) Propellant explosives are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke, and some may also be sensitive to detonation. The rate of combustion is controlled by composition, size and form of grain. Propellant explosives include smokeless powder for small arms, smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder, and propellant explosives as prepared for shipment that are also sensitive to detonation, are Class A explosives as defined in § 146.20–7. Fire extinguisher charges containing not to exceed 50 grains of propellant explosives per unit are exempt from the regulations in this part.

[5] Blasting caps, blasting caps with safety fuse, or electric blasting caps in quantities of 1,000 or less are classified as Class C explosives.

§ 146.20–11 *Class C explosives.* Class C explosives are defined as certain types of manufactured articles which contain Class A, or Class B explosives, or both, as components but in restricted quantities, and certain types of fireworks. These explosives are further specifically described as:

(a) Small-arms ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than 0.75, or blank remover cartridges fired from catapults and canopies, is fixed ammunition consisting of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives.

(b) Explosive cable cutters are used for cutting cables, etc. They consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound.

(c) Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 110 grains per linear foot, overspun with yarns, tapes and waterproofing compounds. Wire countering is permissible.

(d) Percussion fuzes, combination fuzes, and time fuzes are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles.

(e) Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(f) Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder.

(g) Igniters consist of fiberboard, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

(h) Delay electric igniters consist of small metal tubes containing a wire bridge in contact with a small quantity of ignition compound. The ignition compound is in contact with or in close proximity to a short piece of safety fuse.

(i) Electric squibs consist of small tubes or blocks containing a small quantity of ignition compound in contact with a wire bridge.

(j) Fuse lighters and fuse igniters are small cylindrical hollow pasteboard or metal tubes containing an igniting composition in one end, the other end being open to permit it to be placed on safety fuse.

(k) Safety squibs are small paper tubes containing a small quantity of black powder. One end of each tube is usually twisted and tipped with sulfur.

(l) Instantaneous fuse is cotton yarn impregnated with meal powder. Each outside container shall be plainly marked "Instantaneous Fuse".

(m) Primers are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. For small-arms ammunition, the primers are "small-arms primers" or "percussion caps".

(n) Safety fuse consists of a core of black powder overspun with yarns, tapes, and/or waterproofing compounds. Each outside container shall be plainly marked "Safety Fuse".

(o) Toy paper caps, consisting of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.15 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ⅛ inch in height. Unless greater weight of composition is approved by the Bureau of Explosives, the number of caps in these inside packages shall be limited so that not more than 10 grains of explosive composition shall be packed into 1 cubic inch of space and not exceeding 17.5 grains of the explosive composition of toy caps shall be packed in any inside container. These inner containers must be packed in outside containers as specified in § 146.20–300.

(p) Explosive rivets, each containing not more than 75 milligrams of explosive composition, are exempt from specification packaging and labeling requirements when packed in pasteboard or other inside boxes in securely closed strong wooden boxes, fiberboard boxes or metal containers. Each outside container must be marked "Explosive Rivets".

(q) Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Common fireworks must be in the finished state exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed in this paragraph which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnic composition in excess of 2 grains in weight. Fireworks other than those specifically enumerated below are classed as special fireworks (see Class B explosives):

(1) Roman candles not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition in each candle not to exceed 20 grams in weight.

(2) Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The rocket sticks must be securely fastened to the casing.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed 60 grams in weight, for each driver unit, but there may be any number of drivers on any one wheel. The inside bore of driver tubes shall not be over ½ inch.

(7) Railway fusees, truck flares, hand ship distress signals, smoke pots, smoke candles, smoke signals, and illuminating torches. Total pyrotechnic composition of illuminating torches not to exceed 100 grams each in weight.

(8) Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed 5 grams.

(9) Colored box and cone fire, total pyrotechnic composition not to exceed 100 grams each in weight.

(10) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

(11) Firecrackers and salutes with casings, the external dimensions of which do not exceed 1½ inches in length or ¼ inch in diameter, total pyrotechnic composition not to exceed 2 grains each in weight.

(r) Igniter cord consists of a wire uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile thread which, when ignited, burns at various rates according to design. Each outside container shall be plainly marked "Igniter Cord".

§ 146.20–13 *Samples of explosives and explosive articles for laboratory and examination purposes.* (a) New explosives, including fireworks and explosive devices, must be examined and approved by the Bureau of Explosives as safe for transportation before being offered for shipment, except that a sample of such explosives, fireworks and explosive devices, not to exceed 5 pounds net weight, may be offered for transportation on board cargo vessels subject to the regulations in this subchapter for the purpose of this examination. Samples of explosives, except liquid nitroglycerin, other than new explosives not exceeding 5 pounds net weight may for purposes of laboratory examination be offered for transportation by cargo vessels subject to the regulations of this subchapter. For the purposes of the regulations in this part a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

(b) Before being offered for shipment, explosive articles in the experimental state must be made safe by removal of ignition elements or otherwise.

(c) Shipments of samples of explosives, fireworks and explosive devices must be packed, marked and described as required by the Interstate Commerce Commission regulations in effect at the time of shipment for the explosive contained therein.

(d) *Label.* Each outside package containing samples of explosives for laboratory examination will have securely and conspicuously attached to it a square red label as shown under subpart pertaining to shipper's requirements.

§ 146.20-15 *Stowage of explosives.* (a) All articles of cargo classified as explosives by the regulations in this part shall be stowed on board a vessel in conformity with the conditions specified for the individual articles as set forth in the table shown in this section. Mixed stowage of explosives with other explosives or other dangerous articles or substances or combustible liquids shall be in conformity with the loading and stowage chart, § 146.20-90. Specifications governing the construction and location of magazines and lockers used in stowage of explosives are detailed in §§ 146.09-1 to 146.09-6.

(b) Vessels engaged in transfer of explosives between receiving points and delivery points within the harbors, bays, sounds, lakes and rivers including the explosive anchorages on the navigable waters may, when transporting explosives, stow such cargo "On deck in open", "On deck under cover," or "Under deck." Explosives stowed "On deck in open" shall after loading and during transportation be covered by tarpaulins securely lashed in place.

NOTE: §§ 146.20-15 to 146.20-51, 146.20-85, 146.20-90, 146.20-100, 146.20-200, 146.20-300 are inapplicable to the transportation of military explosives. See § 146.29-1.

§ 146.20-17 *Stowage of explosives in holds containing coal.* Unless especially authorized by the U. S. Coast Guard, explosives shall not be stowed in a hold containing coal, nor shall explosives be stored in a hold above or adjacent to a hold containing coal.

(See note to § 146.20-15.)

§ 146.20-19 *On deck stowage of explosives.* (a) Articles classified as explosives, the stowage of which is permitted "On deck" by the regulations in this part, shall be properly secured. Such security may be obtained by using existing vessel's structures such as bulwarks, hatch coamings, shelter deck and poop bulkheads as part boundaries and effectively closing in the cargo by fitting angle bar closing means secured by bolting to clips or other parts of the ship's structure. Lashing of deck stowage permitted, provided eye pads are fitted to carry such lashings. Guard rails shall not be used to secure such lashings.

(b) Bulky articles may be secured by lashing with individual wire rope lashings.

(c) Shoring of such bulky articles of cargo shall be in addition to the foregoing means of securing.

(d) Explosives stowed "On deck" shall be so stowed as to provide safe access to the crew's quarters and to all parts of the deck required to be used in the navigation and necessary working of the vessel.

(e) Airing spaces for the crew shall be maintained free and clear of the stowed cargo.

(f) When runways for use of crew are built over stowed cargo, they shall be so constructed and fitted with rails and lifelines as to afford complete protection to the crew when in use.

(g) Explosives permitted by the regulations in this part to be stowed "On deck" shall not be stowed on or under a bridge deck or within a distance, in a horizontal plane, of 25 feet of an operating or embarkation point of any lifeboat.

(h) "On deck" cargoes of explosives shall not be stowed nearer than 25 feet in a horizontal plane to the access means provided for crew quarters.

(j) Fire plugs, sounding pipes, and access to same shall be maintained free and clear of explosive cargo stowed on deck.

(k) Of the open deck space available after allowing for above restrictions for the stowage of explosives "On deck", not more than 50 percent of such available deck space shall be occupied by the stowage of these articles or explosives.

(See note to § 146.20-15.)

§ 146.20-21 *Stowage of fireworks.* (a) Fireworks that can be "exploded en masse" shall not be offered or accepted for transportation except as high explosives and shall be stowed in magazines. Magazines may be of a portable type as detailed in § 146.09-6.

(b) Fireworks (other than the type that can be "exploded en masse") shall, when permitted to be transported on passenger vessels, be stowed in metal lockers, such metal lockers to be located either "On deck under cover" or "Tween decks readily accessible".

(See § 146.09-5 for specifications of locker.)

(c) Fireworks shall not be stowed in the same hold in which magazines containing explosives are located.

(d) All containers packed with permissible special fireworks acceptable for transportation on board vessels in accordance with these regulations shall have attached the (red) special fireworks label as shown in § 146.05-17 (s).

(See note to § 146.20-15.)

§ 146.20-23 *Stowage of explosives in magazines adjacent to other dangerous articles.* (a) Magazines containing explosives that are required to be stowed in such magazines by the tables contained in §§ 146.20-100 to 146.20-300, inclusive, shall not be located in the same holds or holds adjacent to those in which inflammable liquids, inflammable solids or oxidizing materials are stowed, nor shall such magazines be located in holds below such substances stowed "On deck."

(b) On vessels transporting explosives and inflammable compressed gases, the requirements as to separation of these two substances shall be as set forth in §§ 146.24-1 to 146.24-100, inclusive.

(c) Magazines containing explosives shall not be located in the same hold or a hold below one in which corrosive liquids are stowed.

(d) Magazines containing explosives shall not be located in the same hold with poisonous articles, combustible liquids, or hazardous articles.

(See note to § 146.20-15.)

§ 146.20-25 *Stowage of explosives and nondangerous cargo.* Magazines in which explosives are stowed shall be protected from damage by heavy nondangerous cargo stowed in the same hold. Shafting, steel bar, steel shapes, pipe, heavy machinery and similar types of cargo shall, if stowed within the same hold, be so isolated or dunnaged or secured as to prevent damage to magazine under any conditions likely to be encountered during the voyage.

(See note to § 146.20-15.)

§ 146.20-27 *Stowage and dunnaging of containers of explosives.* (a) Containers of explosives shall be so stowed and dunnaged as to prevent movement in any direction.

(b) Boxes of explosives marked "This Side Up" shall be so stowed.

(c) Kegs of black powder shall be stowed in an upright position, the bungs up, and each tier shall be completely dunnaged.

(d) The top tier of boxes and kegs shall be so braced and blocked that no displacement of any package can occur, either upwardly or laterally.

(e) Containers of explosives shall be so braced that they shall not be liable to be pierced by the dunnaging or crushed by superimposed weight.

(See note to § 146.20-15.)

§ 146.20-29 *Preparation of magazines, decks, hatches and holds before handling explosives.* (a) The floors of all magazines and holds shall be cleared of all rubbish and discarded dunnage, and be swept broom clean before commencing to load any explosive items of cargo. Bilges shall be examined and any residue of previous cargo removed therefrom.

(b) All decks, gangways and hatches over or through which explosives must be passed or handled in loading or unloading, shall be freed of all loose material and shall be swept broom clean both before and after loading or unloading.

(c) The hatches and cargo ports opening into a compartment in which explosives are stowed shall be kept closed at all times, except during loading or unloading of the compartment. When closed the hatches shall be covered with tarpaulins securely battened.

(See note to § 146.20-15.)

§ 146.20-31 *Loading and unloading explosives.* No Class A dangerous explosives or Class B less dangerous explosives except special fireworks shall be loaded on board any vessel until all other cargo has been placed on board the vessel. This applies to vessels moving from ports where cargo of explosives originate. At intermediate ports or at port of destination explosives shall not be loaded or unloaded at the same time that other cargo is being loaded or unloaded.

(See note to § 146.20-15.)

§ 146.20-33 *Constructing of magazines.* All work in connection with the constructing of a magazine, or other conditioning of holds, decks, or hatches, shall be completed before the actual loading of explosives is undertaken.

(See note to § 146.20-15.)

§ 146.20-35 *Handling explosives.* (a) All explosives must be handled carefully. Packages of explosives must not be thrown, dropped, rolled, dragged or slid over each other or over the decks.

(b) In transferring explosives from a pier or another vessel the packages must be handled by hand or by using a regulation chute and mattress. If the difference in elevation between the vessels or a vessel and the loading dock, or conditions of weather render it difficult to safely load or unload by hand or chute, mechanical hoists, crates, rope net slings or basket may be used. The maximum load handled in crates, rope net slings or baskets per draft shall not exceed 2,400 pounds. No containers of explosives shall be loaded above the side of any crate or basket nor shall rope net slings be so loaded as to prevent the sling from encompassing the entire load on its top side. Explosives shall not be handled roughly. They must be hoisted and lowered carefully and only deposited or lowered onto a mattress.

(c) Blasting caps, detonating fuzes, fulminate of mercury and other initiating or priming explosives as defined in these regulations shall be considered as constituting a distinct class of dangerous explosives and because of the hazard involved they shall be handled with extreme care.

(d) "Can" hooks shall not be used for raising or lowering a barrel, drum, or other container of explosives. Metal bale hooks shall not be used in handling packages of explosives.

(e) Transfer trucks equipped with "electric motor" means of propulsion shall not be used in handling any high explosive, low explosive, black powder or propellant explosives on board vessels.

(See note to § 146.20-15.)

§ 146.20-37 *Cargo working equipment.* (a) Before explosives are loaded or unloaded on or from a vessel the master or other person in charge of the vessel shall be required to ascertain by examination the condition and working order of all slings, crates, baskets, boxes, chutes, mattresses, tackle and other equipment to be used in the transfer operation.

(b) Any and all equipment which in the judgment of the master or other person in charge of the vessel is not in safe working condition shall be rejected and he shall prohibit its use and take such precautions as he may deem necessary to be certain such rejected equipment is not used for the purpose of loading or unloading explosives. The master or other person in charge of the vessel shall keep watch of all equipment used during the transfer of explosives and if any part of the equipment shows any defect or is damaged in use, work shall be stopped and the damaged or defective equipment repaired or replaced before permitting the loading or unloading to continue.

(c) This inspection of cargo working equipment shall apply to the vessel's equipment and to stevedores or other contractor's equipment.

(See note to § 146.20-15.)

§ 146.20-39 *Installation of loading chute.* The incline of the chute to be used in loading explosives shall be such that the velocity of the packages sliding will not be great enough to cause violent shock when coming in contact with other packages on the chute, or when reaching the bottom of the chute. If otherwise, men shall be stationed alongside the chute to retard and control the velocity of the packages. Chutes shall be carefully wiped down with waste moistened with machine oil before packages of explosives are transferred.

(See note to § 146.20-15.)

§ 146.20-41 *Lights, tools and equipment.* (a) No artificial light except electric lights or electric lamps or floodlights shall be used while loading or unloading explosives.

(b) Flashlights of a non-spark type shall be provided by the vessel owner or operator for persons required to enter holds in which explosives are stowed.

(c) Members of the crew of the vessel and other persons permitted on board the vessel to aid and assist in loading or unloading explosives, shall not be permitted to have or carry on their persons, firearms, matches, bale hooks or metallic tools.

(d) No person engaged in loading Class A dangerous explosives or Class B less dangerous explosives shall wear boots or shoes shod or strengthened with iron nails or other metal, unless such boots or shoes are covered with rubber, leather, felt or some such non-sparking material.

(See note to § 146.20-15.)

§ 146.20-43 *Fires.* (a) No unnecessary fire shall be permitted on docks, lighters or vessels, while loading or unloading explosives.

(b) Fires deemed necessary must be properly safeguarded and left in constant charge of some competent person assigned for that purpose by the master for the entire period of cargo transfer.

(c) A line of fire hose of sufficient length to cover the area of loading operations and connected with an adequate water supply shall be laid ready for use.

(See note to § 146.20-15.)

§ 146.20-45 *Smoking.* Smoking is prohibited on or near any vessel loading or unloading explosives. "NO SMOKING" warning signs shall be posted during operations of loading and unloading such cargo. One such "NO SMOKING" sign shall be located on the pier at a safe distance from the vessel when such loading or unloading is taking place at a pier.

(See note to § 146.20-15.)

§ 146.20-47 *Liquor or drugs.* No person who, in the judgment of the master or other person in charge of the vessel, may be considered as being under the influence of liquor or of drugs, shall be permitted on board a vessel while loading, unloading or transporting explosives.

(See note to § 146.20-15.)

§ 146.20-49 *Damaged or leaking containers of explosives.* (a) Any container of explosives showing evidence of damage or leakage of a liquid ingredient shall not be accepted for transportation or storage on board any vessel.

(b) Any container of an explosive when offered for transportation, or storage, showing excessive dampness or which is moldy or shows outward signs of any oil stain or other indications that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part of the explosive is greater than the absorbent can carry, shall not be accepted for transportation. The shipper must substantiate any claim that a stain is due to accidental contact with grease, oil, or similar substance. In case of doubt the container shall be refused.

(See note to § 146.20-15.)

§ 146.20-51 *Containers found damaged or leaking on board vessels.* (a) Any container of explosives found damaged or leaking while on board a vessel shall either be repacked or removed from the vessel, whichever course appears advisable within the judgment of the master. If the master elects to jettison the container such jettisoning shall not be accomplished within any area adjacent to the coast line nor in shallow water.

(b) If upon arrival at a foreign port it is found that a container has been damaged or is leaking, the master should consult the local port authorities and request instructions as to disposition of the insecure package.

(c) The owner, charterer, agent, master, or person in charge of a vessel shall report in writing the occurrence of damaged or leaking containers of explosives to the District Commander of the United States Coast Guard or his authorized representative for the district in which the substance was taken on board the vessel setting forth a description of the container; the damage sustained; when possible, a reason for the damage; the name and address of the consignor and consignee (or shipping mark); and a statement of the disposition of the container.

(d) When the failure of a container of explosives results in a casualty involving loss of life, personal injury or damage to the vessel, no report other than those required by the provisions of §§ 136.05-1 to 136.05-10, inclusive, of this chapter, shall be made.

(See note to § 146.20-15.)

§ 146.20-53 *Magazine vessels storing explosives.* (a) For the purposes of the regulations in this part, a magazine vessel storing explosives is defined as follows: A magazine vessel is any type of water-borne craft used for the receiving, storing or dispensing of explosives, but not transporting same.

(b) Permitted type of magazine vessels: Single deck vessels with or without house on deck shall be the only acceptable type for use in the storage of explosives.

(c) Stowage on board magazine vessels: Class A dangerous explosives and Class B less dangerous explosives in excess of 5,000 pounds stored in any magazine vessel shall be stowed below deck. No amounts of such explosives shall be stowed above deck unless the vessel is fitted with a deck house the stowage area of which conforms with the requirements of the regulations in this part for the stowage of explosives. Blasting caps and electric blasting caps in excess of 1,000 shall not be stored on the same magazine vessel with Class A dangerous explosives or Class B less dangerous explosives.

(d) The compartment on board a magazine vessel used for stowage of explosives shall be ceiled with wood throughout in such manner as will provide a smooth interior surface. Any metal stanchions within such compartment shall be boxed in the same manner as the compartment is ceiled. Overhead ceiling need not be fitted when the over deck is weather tight. All nail and bolt heads shall be countersunk and all exposed metal shall be covered with wood.

(e) Initiating and priming explosives of the Class A dangerous explosives group when stowed on board magazine vessels at the same time as high explosives are being stowed shall be stowed in a compartment separate from other explosives. Blasting caps and electric blasting caps shall be stowed in a location on board the magazine vessel that shall be separated from the other explosives on board the vessel by a horizontal distance of at least 25 feet from any bulkhead or partition forming a boundary of a compartment in which other explosives are stowed.

(f) Magazine storage vessels having a dry storage space capable of being used for any purpose whatsoever shall have a cofferdam of the minimum width of 24 inches fitted between such dry storage space and the adjacent explosive stowage compartment. This cofferdam may be of wood or steel and be formed by two tight thwartship bulkheads extending from the skin of the vessel to the overdeck. A watertight hatch shall be fitted in the weather deck if such compartment extends thereto for access to such cofferdam.

§ 146.20–55 *Lighting in stowage compartments.* No artificial means of lighting shall be fitted within a compartment used for the storage of explosives. The use of oil or chemical burning lamps or lanterns is prohibited on board a magazine vessel except for required navigation, anchorage, warning lights and living quarters. Battery supplied, self-contained unit electric lanterns or hand flashlights are the only means of artificial light permitted in such storage compartments.

§ 146.20–57 *Handling explosives; magazine vessels.* In receiving and dispensing explosives on or from magazine vessels such explosives shall be handled is accordance with the regulations as set forth in §§ 146.20–1 to 146.20–300.

§ 146.20–59 *Living quarters on magazine vessels.* Living quarters of magazine vessels shall be fitted on the inside with asbestos board or other fire resistant material. Only bracketed ship's lamps shall be allowed in the living quarters. Stoves for heating or cooking shall be mounted not closer than 6 inches to the deck or sides of the house and shall be well and securely fastened. Smoke pipe for such stoves where passed through top of the house shall be kept clear from any woodwork a distance of not less than 3 inches all around and protected by a layer of asbestos, an air space of at least 1 inch, and a metal collar constructed of not less than No. 16 gauge sheet metal and so formed as to be secured only on the weather side at the top of house. No openings shall be permitted from any living quarters into the stowage compartments of the magazine vessel.

§ 146.20–61 *Lamp box on magazine vessels.* A metal lamp box constructed of sheet metal of not less than No. 16 U. S. standard gauge shall be provided and secured in place in an isolated location on the deck. All permitted portable oil lights and the oil supply for same shall, when not in use, be stowed therein.

§ 146.20–63 *Storage of other dangerous articles.* Magazine vessels having explosives stowed therein shall not be used for the stowage of other dangerous articles of cargo.

§ 146.20–65 *Magazine vessels' stores.* Articles for use as stores on board magazine vessels shall conform to the conditions as set forth in Part 147 of this subchapter.

§ 146.20–67 *Matches.* Safety matches requiring a prepared surface for ignition shall be the only type of matches permitted on board a magazine vessel. They shall be kept in a metal box or can with a metal cover and stowed in the custodian's living quarters.

§ 146.20–69 *Firearms.* No fire arms or ammunition for same (except as cargo) shall be permitted on board magazine vessels.

§ 146.20–71 *Fire extinguishing equipment.* No explosive shall be received or stored on or dispensed from any magazine vessel, unless four (4) 2½-gallon extinguishers of the soda-acid type and four (4) 2-gallon pails filled with dry sand shall be distributed in strategic location about the vessel. In locations where extinguishers are continuously exposed to a temperature lower than 40° F. such extinguishers shall be of the anti-freeze type.

§ 146.20–73 *Supervision of magazine vessels.* Magazine vessels in which explosives are stored shall at all times be in charge of a custodian employed for that purpose by the owner or owners of the magazine vessel.

§ 146.20–75 *Unauthorized persons on magazine vessels.* Custodian of a magazine vessel shall not permit unauthorized persons to come on board a magazine vessel except in an emergency tending to preservation of life.

§ 146.20–77 *Repacking of explosives on board magazine vessels.* No explosives shall be repacked on board a magazine vessel. Broken or damaged packages shall be placed in an open box and conveyed to a safe location for repacking or other disposition.

§ 146.20–79 *Work boat.* For purposes of safety, a work boat shall be part of the equipment of each magazine vessel.

§ 146.20–81 *Life preservers.* One approved type life preserver shall be provided for each person employed upon a magazine vessel.

§ 146.20–83 *Fenders.* Magazine vessels shall be fitted with fenders in such number and size as will prevent any vessel tying up alongside from actually coming in contact hull to hull.

§ 146.20–85 *Authorization to load or discharge explosives.* Shipments of Class A explosives in amounts exceeding 500 pounds net weight, or over 250,000 "Blasting Caps" or "Electric Blasting Caps" shall not be laden on or discharged from any vessel at any point or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization for such loading or discharging has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the United States Coast Guard, or his authorized representative.

(See note to § 146.20–15.)

§ 146.20–87 *Permits for class A explosives.* (a) Before permits to load or discharge class A explosives in amounts exceeding 500 pounds net weight, or over 250,000 "Blasting Caps" or "Electric Blasting Caps" are granted in accordance with § 146.20–85, the requirements of this section shall be met.

(b) Where loading or discharge operations take place in designated explosive anchorages, the following requirements shall be determined:

(1) The requested amount of explosives to be loaded or discharged shall not exceed limits set by the applicable anchorage regulation of the Secretary of the Army in regard to the quantity of class A explosives which a vessel may have on board.

(2) The vessel shall comply in all respects with the regulations in this subchapter.

(3) Conditions within the anchorage shall offer no more than normal acceptable hazards to the vessel or its cargo.

(4) If there are Department of Defense installations, such as a Navy or Army Depot, navy yard, naval anchorage, etc., in the vicinity of an explosive anchorage, the Commanding Officer of the installation should be apprised of the proposed movement of explosives and if opposition is raised the permit shall be withheld.

(c) Where loading or discharge operations take place in civilian establishments outside designated explosive anchorages, the following requirements shall be determined:

(1) The District Commander of the United States Coast Guard, together with the cognizant Captain of the Port, shall be furnished a written permit or document having comparable legal effect from the municipal, state, or port authority authorizing the vessel to use a designated waterfront facility for explosives loading or discharge.

(2) The vessel shall comply in all respects with the regulations in this subchapter.

(3) The facility shall offer no more than normal acceptable hazards to the vessel or its cargo.

(4) The proposed loading or discharge facility shall offer isolation and remoteness from populous areas which compare favorably with the distance required by the American Table of Distances for inhabited buildings, unbarricaded, even though permission has been obtained for its use from local authorities.

NOTE: Under the exemption contained in § 146.10–4 railroad carfloats transporting railroad vehicles to vessel's side for the purpose of transferring their cargo to the vessel will not be required to obtain a permit as required by § 146.20–85. However, the Captain of the Port has the authority under 33 U. S. C. 471 to require a permit for such carfloats to enter an explosives anchorage. A permit is also required under § 146.20–85 for the transfer of explosives from the carfloats to the vessel.

(d) Where loading or discharge operations take place in the establishments under direct control of the Department of Defense, the following requirements shall be determined:

(1) The vessel shall comply in all respects with the regulations in this subchapter.

(2) Commercial vessels loading or discharging military explosives shipped by or consigned to the Department of Defense of the United States Government at facilities under its direct control such as a Navy or Army depot, arsenal, navy yard, port of embarkation, etc., where transfer of the explosives is supervised by Army, Navy or Air Force personnel, shall comply with the United States Coast Guard regulations pertaining to the safe handling, transportation, conveyance, stowage, or use of explosives or other dangerous articles or substances on board vessels.

§ 146.20–90 *Stowage and storage chart of explosives and other dangerous articles.* The table entitled "Stowage and storage chart of explosives and other dangerous articles" shows the explosives and other dangerous articles which must not be loaded or stowed together. Cyanides or cyanide mixtures must not be stowed or stored with acids or corrosive liquids. Consult detailed regulations of other dangerous articles for provisions regarding "on deck stowage" of such articles on board vessels transporting explosives. The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stowed together, for example: Detonating fuzes, boosters (explosive), horizontal column (7), must not be loaded or stowed with high explosives, vertical column (2). The provisions of this table are not applicable to barges. Stowage on board barges shall be in accordance with the provisions of §§ 146.10–1 to 146.10–50, inclusive.

(See note to § 146.20–15.)

STOWAGE AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stowed together.

Class A Explosives		1 Low explosives or black powder	2 High explosives	3 Initiating or priming explosives, wet: diazodinitrophenol, nitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosomannitan, pentaerythrite tetranitrate, tetrazene.	4 Blasting caps, with or without safety fuze (including electric blasting caps), detonating primers	5 Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles	6 Explosive rivets, small explosive bolts, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato) Class A	7 Detonating fuses, boosters (explosive)	See footnotes at end of table.
1	Low explosives or black powder		X	X	X	X	X	X	
2	High explosives	X	X	X	X	X	X	X	
3	Initiating or priming explosives, wet: diazodinitrophenol, fulminate of mercury, guanyl nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosomannitan, pentaerythrite tetranitrate, tetrazene	X	X	X	X	X	X	X	
4	Blasting caps, with or without safety fuze (including electric blasting caps), detonating primers [1]	X	X	X	X	X	X	X	
5	Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles; ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles	X	X	X	X	X	X	X	
6	Explosive rivets, small explosive bolts, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato) Class A [1]	X	X	X	X	X	X	X	
7	Detonating fuses, boosters (explosive)	X	X	X	X	X	X	X	
8	Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty, projectiles, inert-loaded or solid projectiles or without projectiles								
9	Propellant explosives or jet thrust units (jato), Class B			X					
10	Fireworks, special			X	X	X	X	X	
11	Small arms ammunition			X					
12	Primers for cannon or small arms, empty cartridge bases—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets.			X					
13	Percussion fuzes, tracer fuzes or tracers			X					
14	Time or combination fuzes			X					
15	Certain detonant fuze, safety squibs, fuze lighters, fuze igniters, delay electric igniters, electric squibs or instantaneous fuze								
16	Fireworks, common			X	X	X	X	X	
17	Flammable liquids or compressed flammable gases			X	X	X	X	X	
18	Flammable solids or oxidizing materials			X	X	X	X	X	
19	Acids or corrosive liquids			X	X	X	X	X	
20	Compressed nonflammable gases			X	X	X	X	X	
21	Poisonous gases or liquids, in cylinders, projectiles or bombs			X	X	X	X	X	
22	Radioactive materials (Class D poisons)			X	X	X	X	X	
23	Combustible liquids			X	X	X	X	X	
24	Hazardous articles			X	X	X	X	X	

STOWAGE AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES—Continued

The letter X at an intersection of horizontal and vertical columns shows that these articles must not be loaded or stowed together.

		1 Low explosives or black powder	2 High explosives	3 Initiating or priming explosives, wet: diazodinitrophenol, dinitroresorcinol, mercury (mannityl) nitrosamino guanylidene hydrazine, lead azide, lead styphnate, nitro mannite, nitrosoguanidine, pentaerythritic tetranitrate, tetrazene	4 Blasting caps, with or without safety fuze (including electric blasting caps), detonating primers [1]	5 Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles or shell, ammunition for small arms with explosive projectiles, or rocket ammunition with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles or illuminating projectiles [2]	6 Explosive projectiles, bombs, torpedos, or mines, rifle, or hand grenades (explosive), jet thrust units (jato), Class A [2]	7 Detonating fuzes, boosters (explosive)	8 Ammunition for cannon with empty, inert-loaded or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles	9 Propellant explosives or jet thrust units (jato), Class B	10 Fireworks, special	11 Small arms ammunition	12 Primers for cannon or small arms, empty cartridge bags—black powder igniters, empty cartridge cases, primed, empty grenades, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets	13 Percussion fuzes, tracer fuzes or tracers	14 Time or combination fuzes	15 Cordean detonant fuze, safety squibs, fuze lighters, fuze igniters, delay electric igniters, electric squibs or instantaneous fuze	16 Fireworks, common	17 Flammable liquids or compressed flammable gases	18 Flammable solids or oxidizing materials	19 Acids or corrosive liquids	20 Compressed nonflammable gases	21 Poisonous gases or liquids, in cylinders, projectiles or bombs	22 Radioactive materials (Class D poisons)	23 Combustible liquids	24 Hazardous articles
	Class B Explosives																								
	Ammunition for cannon with empty, inert-loaded, or solid projectiles, or without projectiles, or rocket ammunition with empty projectiles, inert-loaded or solid projectiles or without projectiles			X																					
9	Propellant explosives or jet thrust units (jato), Class B			XX																			X	X	
10	Fireworks, special	X	X	X	X	X	X	X															XX	XX	X
	Class C Explosives																								
11	Small arms ammunition			X																					
12	Primers for cannon or small arms, empty cartridge bags-black powder igniters, empty cartridge cases, primed, combination primers or percussion caps, toy caps, explosive cable cutters, explosive rivets			XXX																					
13	Percussion fuzes, tracer fuzes or tracers			XXX																					
14	Time or combination fuzes			XXX																					
15	Cordean detonant fuze, safety squibs, fuze lighters, fuze igniters, delay electric igniters, electric squibs or instantaneous fuze			XX	[1] X	X	X	X															X	X	
16	Fireworks, common	X	X	XX																					
	Other Dangerous Articles																								
17	Flammable liquids or compressed flammable gases	X	X	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										X	X	
18	Flammable solids or oxidizing materials	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX	X	
19	Acids or corrosive liquids	XXXX	XXXX	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		
20	Compressed nonflammable gases	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		
21	Poisonous gases or liquids, in cylinders, projectiles or bombs	XXXX	XXXX	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		
22	Radioactive materials (class D poisons)	XXXX	XXXX	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		
23	Combustible liquids	XXXX	XXXX	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		
24	Hazardous articles	XXXX	XXXX	XXXX	[1] XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX										XX		

[1] Blasting caps or electric blasting caps in quantities not exceeding 1000 caps may also be stowed or stored with articles named in columns (16), (20), (23), and (24).

[2] Explosives, class A, and explosives, class B, must not be loaded or stowed with chemical ammunition containing incendiary charges either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges may be loaded and stowed together.

§ 146.20–100 *Table A—Classification: Class A; dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammunition for cannon with explosive projectiles. Ammunition for cannon with gas projectiles. Ammunition for cannon with smoke projectiles. Ammunition for cannon with incendiary projectiles. Ammunition for cannon with illuminating projectiles.	Ammunition for cannon is all fixed, semi-fixed, or separate-loading ammunition fired from a cannon, mortar, gun, howitzer, or recoilless rifle as distinguished from ammunition fired from a device such as a pistol, revolver, rifle, shotgun or similar firearm. Fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectile, or shell, fuzed or unfuzed. ICC packing regulations require that detonating fuzes, tracer fuzes, explosive or ignition devices, or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the U. S. Government or unless of a type approved by the Bureau of Explosives. Each outside package must be plainly marked with the appropriate descriptive name of the contents as: "Ammunition for cannon with explosive projectiles," "Ammunition for cannon with gas projectiles," "Ammunition for cannon with smoke projectiles," "Ammunition for cannon with incendiary projectiles" or "Ammunition for cannon with illuminating projectiles."	No label required except "Ammunition for cannon with gas projectiles" loaded with a poisonous gas or liquid, Class A, and an explosive charge must bear the white "Poison gas" label.	Stowage: magazine. Outside containers: Strong wooden or metal containers.	Not permitted.	Not permitted.	Not permitted.
Ammunition for cannon, nonexplosive.	Material relating to ammunition for cannon, but containing no explosive, or other dangerous article, such as cartridge cases, "dummy" or "drill" cartridges, etc., sand-loaded projectiles, sand-loaded bombs, empty projectiles, empty mines, empty bombs, solid projectiles, or empty torpedoes.	----------	Not subject to regulations in this subpart.	Not subject to regulations in this subpart.	Not subject to regulations in this subpart.	Not subject to regulations in this subpart.

UNIVERSITY OF MICHIGAN LIBRARIES

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammunition—Projectiles, grenades, bombs, mines and torpedoes:						
Explosive projectiles	Shells or projectiles loaded with explosives or bursting charges for use in cannon, guns, or mortars.	No label required except bombs, grenades, projectiles, or other containers loaded with a poisonous gas or liquid, Class A, and an explosive charge, either boxed or unboxed, must bear the white "Poison gas" label.	Stowage: Magazine or in a compartment entirely allotted for stowage of these articles, which compartment may be located: "On deck under cover," "Tween decks," or "Under deck."	Not permitted	Not permitted	Not permitted
Explosive hand grenades.	Small metal or other containers designed to be thrown by hand or projected from a rifle.		Outside containers: Strong wooden or metal boxes. Gross weight of a box containing more than 1 projectile, grenade, bomb or mine must not exceed 250 lb.			
Explosive rifle grenades.	They are filled with an explosive or a liquid gas or solid material, such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge.		Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 lb. in weight may be accepted without being boxed only when shipped by, for or to the Departments of the Army, Navy, or Air Force of the U. S. Government.			
Explosive bombs	Metal or other containers filled with explosives.					
Explosive mines	Metal containers filled with a high explosive.					
Explosive torpedoes	Metal devices containing a means of propulsion and a quantity of high explosives.					
	ICC packing regulations require that detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein must not be assembled in explosive projectiles, explosive grenades, explosive bombs, explosive mines, explosive torpedoes, or included in the same outside package with these articles unless shipped by, for or to the Departments of the Army, Navy, or Air Force of the U. S. Government or unless of a type approved by the Bureau of Explosives.					
	Each outside package or each projectile, bomb, mine or torpedo that is shipped unbored must be plainly marked with the appropriate descriptive name of the contents as: "Explosive projectile," "Explosive torpedo," "Explosive mine," "Explosive bomb," "Hand grenades," or "Rifle grenades."					

Table A—Classification: Class A: dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammunition, chemical, explosive:	Chemical ammunition used in warfare is all kind of explosive chemical projectiles, shells, bombs, grenades, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent; also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.		When these articles are shipped assembled with their ignition elements, bursting charges, detonating fuzes, or explosive components, they must be shipped in conformity with the regulations prescribed for "Explosive projectiles", "Explosive hand grenades," "Explosive rifle grenades," "Explosive bombs," "Explosive mines," or "Explosive torpedoes."			
Includes such explosive ammunition as: gas projectiles, smoke projectiles, incendiary projectiles, illuminating projectiles, gas bombs, smoke bombs, incendiary bombs, gas grenades, smoke grenades, and incendiary grenades.	These articles must be shipped in accordance with the requirements for "*Ammunition—Projectiles, grenades, bombs, mines and torpedoes.*"		For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see "*Chemical ammunition (containing Class A poisons, liquids, or gases.)*" "*Chemical ammunition (containing class B poisons, liquids, or gases.)*" or "*Chemical ammunition (containing class C poisons, liquids, gases, or solids).*"			
Also miscellaneous apparatus, such as: cloud-gas cylinders, smoke generators, etc., used to project chemicals.						
Ammunition for small arms with explosive bullets.	Fixed ammunition to be used in machine guns or similar firearms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile, with or without detonating fuze, the component parts necessary for one firing being all in one assembly.		Stowage: Magazine	Not permitted	Not permitted	Not permitted.
Ammunition for small arms with explosive projectiles.	ICC packing regulations require that detonating fuzes, tracer fuzes, explosive or ignition devices or fuze parts with explosives contained therein must not be assembled in ammunition or included in the same outside package unless shipped by, for or to the Departments of the Army, Navy, or Air Force of the U. S. Government or unless of a type approved by the Bureau of Explosives.		Outside containers: Strong wooden or metal containers. The gross weight of the outside package must not exceed 150 lb.			
	Each outside package must be plainly marked: "Ammunition for small arms with explosive bullets," or "Ammunition for small arms with explosive projectiles."					

UNIVERSITY OF MICHIGAN LIBRARIES

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Black powder Low explosives. May include: Black blasting powder. Black pellet powder. Black rifle powder. *Blasting powder.* *Flash powder cartridges exceeding 72 grains each.* *Flash powder in inner units exceeding 2 ounces each.* *Flash powder sheets in bulk.* Low blasting explosives. *Rifle powder.* *Spreader cartridges exceeding 72 grains each.* *Sporting powder.*	Black powder and low explosives are solid explosives which can be caused to deflagrate by contact with sparks or flame such as produced by a safety fuse or an electric squib, but cannot be detonated by means of a No. 8 test blasting cap Flash powder sheets in bulk, flash powders packed in inner units exceeding 2 ounces each, and flash powder or spreader cartridges exceeding 72 grains each are classed as low explosives Observe "This Side Up" stowage of boxes bearing such legend. Each outside package must be plainly marked with the appropriate descriptive name of the contents as "Black powder" or "Low explosives," and may also show "Blasting," "Rifle" etc. as "Black blasting powder," "Black rifle powder," "Low blasting explosive," or "black pellet powder." Boxes with inside containers packed filling holes up must be marked "This Side Up."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10 B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not less than 7 inches long and not less than 0.34 lb net wt. nor over 150 lb. net wt. Bundles of metal kegs (ICC-13) firmly tied together with rope and strong burlap, canvas or similar material, securely sewed and roped, not over 100 lb. net wt. Wooden boxes: (ICC-14) WIC, not over 140 lb. gr. wt. (ICC-15A, 16A) WIC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) WIC, not over 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives	See various types of high explosives as described in this section.		Not permitted	Not permitted	Not permitted	Not permitted.
High explosives (*when containing more than 75% liquid explosive ingredient*, except blasting gelatin and gelatin dynamite). High explosives (*when containing not more than 75% liquid explosive ingredient*) Also: (*Blasting gelatin*). (*Gelatin dynamite*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous." The top of boxes must be marked "This Side Up." Observe "This Side Up" stowage.	No label required	Stowage: Magazine Outside containers: Wooden boxes (ICC-14, 15A, 16A) not exceeding 75 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) WIC, not exceeding 65 lb. gr. wt. Authorized only for "High explosives (*when containing not more than 75% liquid explosive ingredient*)": Fiberboard boxes (ICC-23G) not exceeding 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*when containing 10% or less of a liquid explosive ingredient*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous." The tops of boxes must be marked "This Side Up." Observe "This Side Up" stowage.	No label required	Stowage: Magazine Outside containers: Wooden boxes (ICC-14, 15A, 16A) not exceeding 140 lb. gr. wt. Fiberboard boxes (ICC-23F, 23G, 23H) not exceeding 65 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*containing no liquid explosive ingredient*).	Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous." Each keg, drum, or barrel must be marked on both ends: "High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10 B) not over 200 lb. gr. wt. Wooden boxes, (ICC-14, 15A, 16A) WIC, not over 140 lb. gr. wt. Fiberboard boxes (ICC-23F, 23G, 23H) not over 65 lb gr wt.	Not permitted	Not permitted	Not permitted.

Table A—Classification: Class A: dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
High explosives (*containing no liquid explosive ingredient not any chlorate*) *Amatol.* *Shaped charges, commercial.*	Each outside box must be plainly marked on top and and on one side or end "High explosives—Dangerous." Each keg, drum, or barrel must be marked on both ends: "High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10 B) not over 200 lb. gr. wt. (not permitted for "Shaped charges commercial"). Wooden boxes (ICC-14, 15A, 16A) WIC, not over 140 lb. gr. wt. Fiberboard boxes: (ICC-23F, 23H) not over 65 lb. gr. wt. (ICC-23G) not over 65 lb. gr. wt. (Not permitted for "Shaped charges, commercial.") Amatol when cast in a solid block or column may also be shipped in steel barrels or drums (ICC-14A) not over 50 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*in dry condition*) Including: *Ammonium picrate.* *Nitroguanidine.* *Nitrourea.* *Picrolite.* *Picric acid.* *Tetryl.* *Trinitroresorcinol.* *Trinitrotoluene* *Urea nitrate.* NOTE.—Some of the above substances may be shipped as "Drugs, chemicals, medicines or cosmetics" in securely closed glass bottles of quantity not exceeding 4 oz. in one outside package.	Each outside box must be plainly marked on top and on one side or end "High explosives—Dangerous." Each keg, drum, or barrel must be marked on both ends: "High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10 B) not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 16A) not over 50 lb. net wt. For trinitrotoluene and pentolite only, the gr. wt must not exceed 140 lb. Fiberboard boxes (ICC-23F) not over 65 lb. gr. wt. Fiber drums (ICC-21A, 21B) not over 200 lb net wt.	Not permitted	Not permitted	Not permitted.
High explosives (*wet with not less than 10 pound of water to each 90 pounds of dry material*). Including: *Ammonium picrate.* *Picric acid.* *Trinitrobenzene.* *Trinitroresorcinol.* *Trinitrotoluene.* *Urea nitrate.* NOTE.—For shipments of some of the above materials in small quantities in a wet condition see §146.22-100.	Each keg or barrel must be marked on both ends: "High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers: Wooden barrels or kegs (ICC-10B) not over 50 gal. cap.	Not permitted	Not permitted	Not permitted.
High explosives (*nitrocellulose—guncotton and negative cotton—when shipped in dry condition*).	Each outside box must be plainly marked on top and on one side or end—"High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers: Wooden boxes (ICC-14, 15A, 16A) not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*nitrostarch when shipped in dry condition*)	Each outside box must be plainly marked on top and on one side or end "High explosives—Dangerous."	No label required	Stowage: Magazine Outside containers. Wooden boxes (ICC-14, 15A, 16A) not over 75 lb. gr. wt.	Not permitted	Not permitted	Not permitted.
High explosives (*fireworks that can be exploded en masse*).	Fireworks that can be exploded en masse by dropping the completed shipping package from a height of 6 feet or by the impact of a rifle bullet, if found safe for transportation.	No label required	Stowage: Magazine Outside containers. Wooden boxes (ICC-14, 15A, 16A) not over 140 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

UNIVERSITY OF MICHIGAN LIBRARIES

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
High explosives (propellant explosives, Class A).	Propellant explosives, Class A, are those propellant explosives which can be caused to deflagrate by contact with sparks or flame such as produced by safety fuse or an electric squib; or which contain a liquid explosive ingredient and which, when unconfined, can be detonated by means of a No. 8 test blasting cap, or which can be exploded, in at least 50% of the trials in the Bureau of Explosives' impact apparatus under a drop of 4 inches or more but cannot be exploded in more than 50% of the trials under a drop of less than 4 inches. Each keg or barrel must be marked on both ends: "High explosives—Dangerous." Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous."	No label required.	Stowage: Magazine. Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) at least 8 inches long, not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13) roped, wrapped in burlap, canvas or similar materials, securely sewed or roped, not over 100 lb. net wt. Tight metal containers not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases not over 200 lb. gr. wt. Wooden boxes (ICC-14, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Initiating or priming explosives.	Solid explosives which can be caused to detonate, when unconfined, by contact with sparks or flame such as produced by safety fuse or an electric squib; or which can be exploded in the Bureau of Explosives' impact apparatus in more than 50% of the trials under a drop of less than 4 inches.					
Blasting caps—more than 1,000. Blasting caps with safety fuse—more than 1,000. Electric blasting caps—more than 1,000.	Blasting caps are small tubes, usually made of an alloy of either copper or aluminum, closed at one end and loaded with a charge of initiating or priming explosives. Class A—Type 4, either with or without other suitable explosives. The total weight of explosives per unit shall not exceed 150 grains. Blasting caps which have been provided with a means of firing by an electric current, and sealed, are known as electric blasting caps. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time as high explosives are being loaded. Each outside box must be plainly marked with the appropriate descriptive name of the contents as: "(number) Blasting caps—Handle carefully," "(number) Electric blasting caps—Handle carefully," "(number) Blasting caps with safety fuse—Handle carefully." In addition each box must bear the marking "Do not stow or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Wooden boxes, (ICC-14, 15A, 16A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) WIC, not over 75 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Boosters (explosive). Detonating fuses.	Boosters consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope. Do not stow boosters or detonating fuzes with any high explosive. Do not load at the same time as high explosives are being loaded. Each outside container must be plainly marked "Detonating fuzes—Handle carefully" or "Boosters (Explosive)—Handle carefully—Do not store or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Strong tight wooden boxes, not over 100 lb. gr. wt. for detonating fuzes. Not over 300 lb. gr. wt. for boosters.	Not permitted.	Not permitted.	Not permitted.
Detonating primers.	Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope. The total weight of explosives is more than 150 grains per unit. Do not stow detonating primers with any high explosive. Do not load at the same time as high explosives are being loaded. Each outside container must be plainly marked "Detonating primers—Handle carefully."	No label required.	Stowage: Magazine. Outside containers: Wooden boxes (ICC-14, 15A, 16A), not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) WIC, not over 75 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives *(in bulk in dry condition).*	----------	----------	Transportation prohibited.	Transportation prohibited.	Transportation prohibited.	Transportation prohibited.
Initiating explosives *(dinitrodiazodinitrophenol wet with not less than 40% by weight of water).*	For safety in transportation these substances are packed wet with water. Therefore, observe outside containers for signs of leakage. Reject leaking containers or ones showing signs of having leaked. Do not handle these substances at the same time as high explosives are being loaded. In handling and in stowage, avoid exposure to shock, friction, heat, and open flame. Sufficient outage in outside containers must be allowed to prevent rupture of container in freezing weather, or a mixture of denatured ethyl alcohol and water may be used to prevent freezing in transit. Each outside barrel, drum, or keg must be plainly marked "Initiating Explosives—Dangerous. Do not store or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums (ICC-5, 5D), WIC, not over 220 lb. net dry wt. Wooden barrels or kegs (ICC-10B), WIC not over 220 lb. net dry wt.	Not permitted.	Not permitted.	Not permitted.

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Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Initiating explosives (*fulminate of mercury wet with not less than 25% by weigh of water.*)	For safety in transportation these substances are packed wet with water. Therefore, observe outside containers for signs of leakage. Reject leaking containers or ones showing signs of having leaked. Do not handle these substances at the same time as high explosives are being loaded. In handling and in stowage, avoid exposure to shock, friction, heat, and open flame. Sufficient outage in outside containers must be allowed to prevent rupture of container in freezing weather, or a mixture of denatured ethyl alcohol and water may be used to prevent freezing in transit. Each outside barrel, drum, or keg must be plainly marked "Initiating Explosive—Dangerous—Do not store or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 150 lb. dry wt. (ICC-17H) STC, WIC, not over 150 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 150 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*guanyl nitrosamino guanylidene hydrazine wet with not less than 50% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) not over 75 lb. dry wt. (ICC-17H) STC, WIC, not over 75 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 75 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*lead azide, detrinated type only, wet with not less than 20% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 150 lb. dry wt. (ICC-17H) STC, WIC, not over 150 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 150 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*lead styphnate, lead trinitroresorcinate—wet with not less than 20% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 150 lb. dry wt. (ICC-17H) STC, WIC, not over 150 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 150 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*nitromannite wet with not less than 40% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums (ICC-5, 5B) WIC, not over 100 lb. net dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 100 lb. net dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*nitrosoguanidine wet with not less than 10% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 75 lb. dry wt. (ICC-17H) STC, WIC, not over 75 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 75 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.

Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Initiating explosives (*pentaerythrite tetranitrate wet with not less than 25% by weight of water*).	For safety in transportation these substances are packed wet with water. Therefore, observe outside containers for signs of leakage. Reject leaking containers or ones showing signs of having leaked. Do not handle these substances at the same time as high explosives are being loaded. In handling and in stowage, avoid exposure to shock, friction, heat, and open flame. Sufficient outage in outside containers must be allowed to prevent rupture of container in freezing weather, or a mixture of denatured ethyl alcohol and water may be used to prevent freezing in transit. Each outside barrel, drum, or keg must be plainly marked "Initiating Explosive—Dangerous—Do not store or load with any high explosive."	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums (ICC-5, 5B) WIC, not over 300 lb. net dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 300 lb. net dry wt.	Not permitted.	Not permitted.	Not permitted.
Initiating explosives (*tetrazene (guanyl nitrosamino guanyl tetrazene) wet with not less than 30% by weight of water*).	do.	No label required.	Stowage: Magazine. Outside containers: Steel barrels or drums: (ICC-5, 5B) WIC, not over 75 lb. dry wt. (ICC-17H) STC, WIC, not over 75 lb. dry wt. Wooden barrels or kegs (ICC-10B) WIC, not over 75 lb. dry wt.	Not permitted.	Not permitted.	Not permitted.
Jet thrust units (*jato*) Class A.	Metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. ICC regulations require that igniters must not be shipped assembled in the units unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the U. S. Government. Each outside package must be plainly marked "Jet thrust units Class A."	No label required.	Stowage: Magazine or in a compartment entirely allotted for stowage of this article, which compartment may be located: "On deck under cover," "Tween decks," or "Under deck." Outside containers: Strong wooden containers.	Not permitted.	Not permitted.	Not permitted.

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Table A—Classification: Class A; dangerous explosives—Continued

Descriptive name of article	Characteristic properties cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Rocket ammunition with explosive projectiles. Rocket ammunition with gas projectiles. Rocket ammunition with smoke projectiles. Rocket ammunition with incendiary projectiles. Rocket ammunition with illuminating projectiles.	Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device, consisting of an igniter and propelling charge commonly described as a motor, and explosive projectile, gas projectile, smoke projectile, incendiary projectile, or illuminating projectile, fuzed or unfuzed. **IOO packing regulations require that detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons or fuze parts with explosives contained therein, must not be assembled in ammunition or included in the same outside package unless shipped by, for or to the Departments of the Army, Navy, or Air Force of the U. S. Government, or unless of a type approved by the Bureau of Explosives.** Each outside package must be plainly marked with the appropriate descriptive name of the contents as: "Rocket ammunition with explosive projectiles," "Rocket ammunition with gas projectiles," "Rocket ammunition with smoke projectiles," "Rocket ammunition with incendiary projectiles," or "Rocket ammunition with illuminating projectiles."	No label required except "Rocket ammunition with gas projectiles loaded with a poisonous gas or liquid, Class A, and an explosive charge must bear the white "Poison gas" label.	Stowage: Magazine. Outside containers: Strong wooden or metal containers.	Not permitted.	Not permitted.	Not permitted.
Unstable explosives: Explosive compositions that ignite spontaneously. *Explosive compositions that undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 167° F.* *Explosive compositions containing an ammonium salt and a chlorate.*			Transportation prohibited.	Transportation prohibited.	Transportation prohibited.	Transportation prohibited.

(See note to § 146.20-15.)

§ 146.20-200 *Table B—Classification: Class B; less dangerous explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ammunition for cannon with nonexplosive projectile. Ammunition for cannon with empty projectile. Ammunition for cannon with inert-loaded projectile. Ammunition for cannon with solid projectile. Ammunition for cannon without projectile.	Ammunition for cannon with empty projectile, inert-loaded projectile, solid projectile, or without projectile, or shell, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectile, or without projectile or shell, which is fired from a cannon, mortar gun or howitzer. Each outside package must be plainly marked with the appropriate descriptive name of the contents as "Ammunition for cannon with empty projectile," "Ammunition for cannon with inert-loaded projectile," "Ammunition for cannon with solid projectile," "Ammunition for cannon without projectile."	No label required.	Stowage: "On deck under cover" "Tween decks." "Under deck." Outside containers: Strong wooden or metal containers.	Not permitted.	Not permitted.	Not permitted.
Fireworks, forbidden. The following fireworks or fireworks compositions shall not be offered for transportation: Firecrackers, flash crackers or salutes, exceeding 12 grains of explosive content. Fireworks combining an explosive with a detonator or blasting cap. Fireworks containing an ammonium salt and a chlorate. Fireworks containing yellow or white phosphorous. Fireworks or fireworks compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C., (167° F.). Fireworks properly condemned by the Bureau of Explosives, except properly repacked samples for laboratory examinations. Toy torpedoes exceeding ⅝ in. diameter or containing a mixture of potassium chlorate, black antimony and sulfur exceeding 4 grains average weight of such explosive composition. Toy torpedoes containing a cap composed of red phosphorous and potassium chlorate exceeding ½ gram per cap.	Fireworks or fireworks compositions described here are, for the purposes of safety in transportation, forbidden to be offered or transported because of instability or risk of premature ignition or detonation.		Not permitted.	Not permitted.	Not permitted.	Not permitted.

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Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fireworks, special (*photographic flash powder*).	Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See "Fireworks common" under Class C explosives.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles not fuzed and without expelling charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each, and flash cartridges, consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in 1 piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked: "Special fireworks—Handle carefully—Keep fire away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.)	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." NOTE: Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available. Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.)	Ferry stowage (AA). Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.)	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 500 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 500 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. (not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.)
Fireworks, special (*flash or spreader cartridges not exceeding 72 grains of flash powder each*).	----do----------	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 500 cartridges to an outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 500 cartridges to an outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 500 cartridges to an outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 500 cartridges to an outside box. Fiberboard boxes (ICC-12B) WIC not over 65 lb. gr. wt.
Fireworks, special (*flash cartridges consisting of a paper cartridge shell, small arms primer and flash composition not exceeding 180 grains each, all assembled in one piece ready for firing*).	----do----------	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 144 cartridges in 1 outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 144 cartridges in 1 outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 144 cartridges in 1 outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 144 cartridges in 1 outside box. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fireworks, special (*flash sheets*).	----do----------	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.

Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fireworks, special (*photographic flash powder*).	Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Each outside container will be plainly marked: "Special fireworks—Handle carefully—Keep fire away." Do not stow in same compartment with any inflammable liquid or solid, inflammable compressed gas or combustible organic material.	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fireworks, special (*trail away torpedoes, track torpedoes*).	----do----------	Special fireworks.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 125 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 125 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 125 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 125 lb. net wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) not over 65 lb. gr. wt.
Fireworks special (*Toy torpedoes*).	...do..... Each outside package must be marked "Toy torpedoes" in addition to the regular marking of "Special fireworks—Handle carefully—Keep fire away." Do not pack with other fireworks. Stow in an accessible location where shipment may be readily observed and with fire extinguishing equipment easily available.	Special fireworks.	Stowage: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt.	Stowage in metal lockers located: "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) WIC, not over 65 lb. gr. wt.
Jet thrust units (*Jato*) Class B.	Metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Igniters must not be shipped assembled in the units unless shipped by, for, or to the Departments of the Army, Navy, or Air Force of the U. S. Government. Each outside package must be plainly marked "Jet Thrust Units, Class B."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden containers.	Not permitted.	Not permitted.	Not permitted.

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Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propellant explosives	Propellant explosives are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. Propellant explosives include smokeless powder for cannon, smokeless powder or solid propellant for rockets, jet thrust units or other devices. Propellant explosives as prepared for shipment that are also sensitive to detonation are class A explosives and are covered under "High explosives," § 146.20-100. Black powder is not classified as a propellant explosive (see Black powder—Low explosives, § 146.20-100). Each outside package must be plainly marked "Propellant explosives."	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-10B) not over 200 lb. gr. wt. Metal kegs (ICC-13) not over 150 lb. gr. wt. Bundles of metal kegs (ICC-13) roped, wrapped in burlap, canvas or similar materials, securely sewed and roped, not over 100 lb. net wt. Tight metal containers, not over 200 lb. gr. wt. Tight wooden boxes with tight inside metal cases, not over 200 lb. gr. wt. Wooden boxes (ICC-14A, 15A, 15B, 15C) with ICC approved inside containers, not over 200 lb. gr. wt. Fiberboard boxes (ICC 23F, 23H) with ICC approved inside containers, not over 65 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Propellant explosives in water (*smokeless powder for cannon or small arms*).	For propellant explosives shipped wet with water observe containers carefully for signs of leakage. Reject containers which are leaking or which show signs of having leaked. Each outside package must be plainly marked "Propellant explosives in water."	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. capacity. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. capacity. Wooden boxes (ICC-15A) WIML ICC 2F, not over 200 lb. gr. wt.	Not permitted.	Not permitted.	Not permitted.
Propellant explosives in water, unstable, condemned, or deteriorated (*smokeless powder for cannon or small arms*).	For propellant explosives shipped wet with water observe containers carefully for signs of leakage. Reject containers which are leaking or which show signs of having leaked. Each outside package must be plainly marked "Propellant explosives in water."	No label required.	Stowage—magazine or: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Steel barrels or drums (ICC 5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. capacity. Wooden barrels or kegs (ICC-10A, 10B) not over 50 gal. capacity. Wooden boxes (ICC 15A) WIMC ICC 2F, not over 200 lb. gr. wt. Tank cars (ICC-103, 103W).	Not permitted.	Not permitted.	Not permitted.

Table B—Classification: Class B; less dangerous explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Rocket ammunition with empty projectiles. Rocket ammunition with inert-loaded projectiles. Rocket ammunition with solid projectiles. Rocket ammunition without projectiles.	Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device, consisting of an igniter and propelling charge, commonly described as a motor, and empty projectile, inert-loaded projectile, solid projectile, or without projectile. Each outside package must be plainly marked with the appropriate descriptive name of the contents as "Rocket ammunition with empty projectiles," "Rocket ammunition with inert-loaded projectiles," "Rocket ammunition with solid projectiles," or "Rocket ammunition without projectiles."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden or metal containers.	Not permitted.	Not permitted.	Not permitted.

(See note to § 146.20-15.)

§ 146.20-300 *Table C—Classification: Class C; relatively safe explosives*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Blasting caps—1,000 or less. Blasting caps with safety fuse—1,000 or less caps. Electric blasting caps—1,000 or less.	Blasting caps are small tubes, usually made of an alloy of either copper or aluminum, closed at one end and loaded with a charge of initiating or priming explosives, Class A—Type 4, either with or without other suitable explosives. The total weight of explosives shall not exceed 150 grains. Blasting caps which have been provided with a means for firing by an electric current, and sealed, are known as electric blasting caps. Do not stow blasting caps with any high explosive. Do not handle blasting caps at the same time high explosives are being loaded. Each outside box must be plainly marked with the appropriate descriptive name of the contents as "(number) Blasting caps—Handle carefully." "(number) Electric blasting caps—Handle carefully." "(number) Blasting caps with safety fuse—Handle carefully." In addition each box must bear the marking "Do not stow or load with any high explosive."	No label required.	Stowage—portable magazines or metal lockers. Outside containers: Wooden boxes (ICC-14, 15A, 15A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-23F, 23H) WIC, not over 75 lb. gr. wt. NOTE: Blasting caps in any quantity shall not be stowed in the same magazine with any other explosive or in any locker in which fireworks are stowed. They may be stowed in portable magazines or metal lockers provided such are located in cargo carrying compartments away from all sources of heat and in which no inflammable liquids, inflammable solids or oxidizing materials, corrosive liquids or inflammable compressed gases are stowed.	Not permitted.	Not permitted.	Not permitted.

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Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cordeau detonant fuse	Cordeau detonant fuse is a fuse containing a core of pentaerythrite tetranitrate or cyclotrimethylene trinitramine not exceeding 110 grains per linear foot, overspun with yarns, tapes, and waterproofing compounds. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container must be plainly marked: "Cordeau detonant fuse—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes not over 150 lb. gr. wt. Strong fiberboard boxes not over 65 lb. gr. wt.
Explosive cable cutters	Explosive cable cutters consist of a metal device containing a knife-edged component which is propelled by a small charge of an explosive compound. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container will be plainly marked: "Explosive cable cutters—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes, not over 150 lb. gr. wt.
Explosive rivets	Metal rivets each containing not more than 75 milligrams of explosive composition placed in one end. Do not stow in same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside container will be plainly marked: "Explosive rivets."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong metal or wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong metal or wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong metal or wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong metal or wooden boxes, not over 150 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
Fireworks, common: Fireworks other than those specifically enumerated here are classed as special fireworks (see Class B explosives).	Common fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Common fireworks must be in the finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. No component part of any article listed here which is designed to produce an audible effect (other than propelling or expelling charges) shall contain pyrotechnical composition in excess of 2 grains in weight.					

Table C—Classification. Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fireworks, common: *(Colored "bee" and cone fire, total pyrotechnic composition not to exceed 100 grams each in weight.)* *(Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight.)* *(Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed ¾ inch.)* *(Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight.)* *(Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 60 grams each in weight.)* *(Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The rocket sticks must be securely fastened to the casing.)* *(Roman candles, not to exceed ten balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight.)* *(Sparklers and dipped sticks total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed five grams.)* *(Wheels, total pyrotechnic composition not to exceed 50 grams in weight, for each driver wheel, but there may be any number of drivers on any one wheel. The inside bore of driver tubes shall not be over ½ inch.)*	Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible organic material. Each outside container must be plainly marked: "Common fireworks—Handle carefully—Keep fire away." Fireworks, such as sparklers or fuses, with match tip or head, or similar igniting point or surface, must have each individual tip, head, or similar igniting point or surface entirely covered and securely protected against accidental contact or friction.	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
	Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible organic material. Each outside container must be plainly marked: "Common fireworks—Handle carefully—Keep fire away."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden barrels (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
	Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible organic material. Each outside container must be plainly marked: "Common fireworks—Handle carefully—Keep fire away." Fireworks, such as sparklers or fuses, with match tip or head, or similar igniting point or surface, must have each individual tip, head, or similar igniting point or surface entirely covered and securely protected against accidental contact or friction.	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.

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Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Fireworks, common—Continued (*Firecrackers and salutes, with casings, the external dimensions of which do not exceed one and one half inches in length or one-quarter inch in diameter, total pyrotechnic composition not to exceed 2 grams each in weight.*)	Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible organic material. Each outside container must be plainly marked "Common fireworks—Handle carefully—Keep fire away."	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt. Firecrackers, Chinese, may also be shipped in the package in which they are imported, provided these packages consist of wooden boxes, or fiberboard boxes (ICC 12B) in good condition completely covered with strong matting, and do not weigh more than 100 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden barrels or kegs (ICC-11B) not over 100 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.
(*Hand ship distress signals.*) (*Illuminating torches.*) (*Railway fusees.*) (*Smoke candles.*) (*Smoke pots.*) (*Smoke signals.*) (*Truck flares.*) Total pyrotechnic composition of illuminating torches not to exceed 100 grams each in weight.	Do not stow in the same compartment with any inflammable liquid or solid, inflammable compressed gas, or combustible, organic material. Each outside container must be plainly marked: "Common fireworks—Handle carefully—Keep fire away." Fireworks such as sparklers or fusees, with match tip or head, or similar igniting point or surface, must have each individual tip, head or similar igniting point or surface entirely covered and securely protected against accidental contact or friction.	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A), not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt.	Ferry stowage (AA). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A), not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A), not over 200 lb. gr. wt. Wooden boxes (ICC-15C) WIMC, not over 200 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Mailing tubes (ICC-29) not over 5 lb. gr. wt.
Fuzes. Percussion fuzes. Combination fuzes. Time fuzes. Tracer fuzes. Tracers.	Percussion fuzes, combination fuzes, and time fuzes are devices used to ignite the powder charges of ammunition or the black powder bursting charges of projectiles. Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of the projectiles at night. Do not stow in the same compartment with any inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids, or inflammable compressed gases. Each outside box will be plainly marked with the appropriate descriptive name of the contents as: "Percussion fuzes—Handle carefully." "Combination fuzes—Handle carefully." "Time fuzes—Handle carefully." "Tracer fuzes—Handle carefully." "Tracers—Handle carefully."	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden boxes not over 150 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden boxes not over 150 lb. gr. wt.	Ferry stowage (AA). Outside containers: Strong wooden boxes not over 150 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden boxes not over 150 lb. gr. wt.

Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Igniter cord	Igniter cord consists of a wire uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile thread which, when ignited, burns at various rates according to design. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside package must be plainly marked "Igniter cord."	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
Igniters. Cartridge bags, empty, with black powder igniters. Delay electric igniters. Electric squibs. Fuse lighters or fuse igniters. Igniters. Safety squibs.	Cartridge bags, empty, with black powder igniters consist of empty bags having attached thereto an igniter composed of black powder. Delay electric igniters consist of small metal tubes containing a wire bridge in contact with a small quantity of ignition compound. Electric squibs consist of small tubes or blocks containing a small quantity of ignition compound in contact with a wire bridge. Fuse lighters or fuse igniters are small, cylindrical pasteboard or metal tubes containing an igniting composition in one end, the other end being open to permit insertion of safety fuse. Igniters consist of fiberboard, paper, or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition. Safety squibs are small paper tubes containing a small quantity of black powder. One end of each tube is usually twisted and tipped with sulfur. Each outside box must be plainly marked with the appropriate descriptive name of the contents as: "Cartridge bags, empty, with black powder igniters," "Delay electric igniters," "Electric squibs," "Fuse lighters and fuse igniters," "Igniters," or "Safety squibs."	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Metal barrels or drums. Strong wooden barrels or strong wooden boxes, not over 150 lbs. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt. Note: Shall not be stowed in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Metal barrels or drums. Strong wooden barrels or strong wooden boxes, not over 150 lbs. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt. Note: Shall not be stowed in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases.	Ferry stowage (AA). Outside containers: Metal barrels or drums. Strong wooden barrels or strong wooden boxes, not over 150 lbs. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Metal barrels or drums. Strong wooden barrels or strong wooden boxes, not over 150 lbs. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
Instantaneous fuse	Instantaneous fuse is cotton impregnated with meal powder. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids, or inflammable compressed gases. Each outside box will be marked: "Instantaneous fuse."	No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels or strong wooden boxes not over 150 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden barrels or strong wooden boxes not over 150 lb. gr. wt.	Ferry stowage (AA). Outside containers: Strong wooden barrels or strong wooden boxes not over 150 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden barrels or strong wooden boxes not over 150 lb. gr. wt.

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Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Primers Cannon primers. Combination primers. Empty cartridge cases, primed. Grenades, empty, primed. Percussion caps. Small-arms primers.	Primers are devices used to ignite the powder charges of ammunition or the black powder bursting charge of projectiles. For small-arms ammunitions the primers are "small arms primers" or "percussion caps." Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside box must be plainly marked with the appropriate descriptive name of the contents as: "Cannon primers—Handle carefully," "Combination primers—Handle carefully," "Empty cartridge cases, primed—Handle carefully," "Grenades, empty, primed—Handle carefully," "Percussion caps Handle carefully," "Small-arms primers—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong tight wooden boxes WIC, not over 150 lb. gr. wt. Empty cartridge cases, primed, may also be shipped in strong, tight, outside fiberboard boxes. Small-arms primers may also be shipped in (ICC-12B) fiberboard boxes, with inside containers, not over 5,000 primers shall be packed in each outside package.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong tight wooden boxes WIC, not over 150 lb. gr. wt. Empty cartridge cases, primed, may also be shipped in strong, tight, outside fiberboard boxes. Small-arms primers may also be shipped in (ICC-12B) fiberboard boxes, with inside containers, not over 5,000 primers shall be packed in each outside package.	Ferry stowage (AA) Outside containers: Strong tight wooden boxes WIC, not over 150 lb. gr. wt. Empty cartridge cases, primed, may also be shipped in strong, tight, outside fiberboard boxes. Small-arms primers may also be shipped in (ICC-12B) fiberboard boxes, with inside containers, not over 5,000 primers shall be packed in each outside package.	Ferry stowage (BB). Outside containers: Strong tight wooden boxes WIC, not over 150 lb. gr. wt. Empty cartridge cases, primed, may also be shipped in strong, tight, outside fiberboard boxes. Small-arms primers may also be shipped in (ICC-12B) fiberboard boxes, with inside containers, not over 5,000 primers shall be packed in each outside package.
Safety fuse	Safety fuse consists of a core of black powder overspun with yarns, tapes, and or waterproofing compounds. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside package must be plainly marked "Safety fuse."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Strong wooden barrels, strong metal containers, strong wooden boxes, not over 200 lb. gr. wt. Strong fiberboard boxes, not over 65 lb. gr. wt.
Small-arms ammunition Small-arms ammunition, tear gas cartridges.	Small-arms ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or by the hand and shoulder, or machine guns of caliber less than .75, or blank remover cartridges fired from catapults and canopies, is fixed ammunition consisting of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet or shot, tear gas material, tracer components, or incendiary compositions or mixtures, but not including bullets loaded with high explosives. Do not stow small-arms ammunition in any compartment in which are stowed inflammable liquids, inflammable solids or oxidizing materials or inflammable compressed gases. Each outside package will be plainly marked: "Small-arms ammunition." In addition to the above, packages containing cartridges with tear gas material will be marked "Tear gas cartridges" and will be labeled with "Tear Gas" label.	No label required.	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes WIC. Fiberboard boxes WIC. Metal containers. When packed with nonexplosive or noninflammable articles, or with small arms primers or percussion caps in quantity not to exceed 5 pounds, the following weight limitations apply: Wooden boxes, not over 75 lb. net wt. Fiberboard boxes, not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes WIC. Fiberboard boxes WIC. Metal containers. When packed with nonexplosive or nonflammable articles, or with small arms primers or percussion caps in quantity not to exceed 5 pounds, the following weight limitations apply: Wooden boxes, not over 75 lb. net wt. Fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes WIC. Fiberboard boxes WIC. Metal containers. When packed with nonexplosive or nonflammable articles, or with small arms primers or percussion caps in quantity not to exceed 5 pounds, the following weight limitations apply: Wooden boxes, not over 75 lb. net wt. Fiberboard boxes, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes WIC. Fiberboard boxes WIC. Metal containers. When packed with nonexplosive or nonflammable articles, or with small arms primers or percussion caps in quantity not to exceed 5 pounds, the following weight limitations apply: Wooden boxes, not over 75 lb. net wt. Fiberboard boxes, not over 65 lb. gr. wt.

Table C—Classification: Class C; relatively safe explosives—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Toy caps	Toy paper caps, consist of paper cap ammunition for toy pistols, in sheets, strips, rolls, or individual caps. Observe cautions in accepting shipments of toy paper caps. Shipper should be required to assure carrier the paper caps are packed in compliance with Interstate Commerce Commission regulations. Do not stow in the same compartment with inflammable liquids, inflammable solids and oxidizing materials, corrosive liquids or inflammable compressed gases. Each outside package will be plainly marked: "Toy caps—Handle carefully."	No label required.	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (ICCC-15A, 15B, 16A, 19A) not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) not over 65 lb. gr. wt.

(See note to § 146.20-15.)

9. Sections 146.24-1 to 146.24-100, inclusive, and sections 146.25-1 to 146.25-400, inclusive, are amended to read as follows:

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

Sec.

146.24-1 Definition of compressed gases.
146.24-5 Compressed gas defined.
146.24-10 Mixtures of compressed gas and poisonous materials.
146.24-15 Containers.
146.24-20 Exemptions for compressed gases.
146.24-25 Stowage on board vessels.
146.24-30 "On deck" stowage.
146.24-35 "Under deck" stowage.
146.24-40 Stowage clearance, ocean going vessels.
146.24-45 Stowage clearance, vessels on inland waters.
146.24-50 Stowage securing means.
146.24-55 Stowage of compressed gas and explosives.
146.24-60 Stowage of cylinders containing chlorine.
146.24-65 Instructions regarding lights and smoking.
146.24-70 Leaking cylinders not accepted.
146.24-75 Report of leaking or damaged cylinders.
146.24-80 Liquid chlorine in bulk.
146.24-85 Anhydrous ammonia in bulk.
146.24-100 Table G—Classification: Compressed gases.

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

146.25-1 Definition of poisonous articles.
146.25-5 Extremely dangerous poisons, Class A, poison gas label.
146.25-10 Less dangerous poisons, Class B, liquids and solids, poison label.
146.25-15 Tear gas or irritating substances, Class C, tear gas label.
146.25-20 Radioactive materials, Class D, radioactive materials label.
146.25-25 Exemptions for radioactive materials.
146.25-30 Packing and shielding of radioactive materials.
146.25-35 Stowage and handling on board vessels.
146.25-40 Limitation of "On deck" stowage.
146.25-45 Limitation on all stowage.
146.25-50 Care following leakage or sifting of poisonous articles.
146.25-55 Exemptions for poisons, Class B.
146.25-60 Cylinder valve protection.
146.25-100 Table H—Classification: Class A; extremely dangerous poisons.
146.25-200 Table H—Classification: Class B; less dangerous poisons.
146.25-300 Table H—Classification: Class C; tear gas or irritating substances.
146.25-400 Table H—Classification: Class D; radioactive materials.

AUTHORITY: §§ 146.24-1 to 146.25-400, inclusive, issued under R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. 1976.

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

§ 146.24-1 *Definition of compressed gases.* A compressed gas is defined by the Interstate Commerce Commission regulations as set forth in § 146.24-5, and such definition is binding upon all shippers making shipments of compressed gases by common carrier vessels engaged in interstate or foreign commerce by water. This definition is accepted and adopted and forms part of the regulations in this subchapter applying to all shippers making shipments of compressed gases by any vessel, and shall apply to the owners, charterers, agents, master, or other person in charge of a vessel and to other persons, transporting, carrying, conveying, storing, stowing or using compressed gases on board any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), and the regulations in this subchapter.

§ 146.24-5 *Compressed gas defined.* (a) A compressed gas for the purposes of the regulations in this part is defined as any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or both; or any liquid inflammable material having a Reid [1] vapor pressure exceeding 40 pounds per square inch absolute at 100° F. (See §§ 146.25-1 to 146.25-400, inclusive, for gases defined and classified as poisonous.)

(b) Any compressed gas, as defined in paragraph (a) of this section, shall be classified as an inflammable compressed gas if either:

(1) A mixture of 13 percent or less (by volume) with air forms an inflammable mixture; [2] or,

(2) The inflammability range [2] with air is greater than 12 percent regardless of the lower limit.

§ 146.24-10 *Mixtures of compressed gas and poisonous materials.* Any compressed gas mixtures containing poisonous articles Class A, Class B, or Class C in such proportion that the mixture would be classed as a poisonous article under §§ 146.25-1 to 146.25-15, inclusive, must be shipped in cylinders and in accordance with the regulations prescribed for such poisonous mixtures.

§ 146.24-15 *Containers.* (a) Compressed gases shall not be offered or ac-

[1] American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D-323). Copies of this specification are available for reading purposes at U. S. Coast Guard Headquarters, Washington 25, D. C. This specification may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pa.

[2] These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Interstate Commerce Commission (Bureau of Explosives). The inflammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms an inflammable mixture.

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cepted for transportation except when contained in metal cylinders unless otherwise specifically permitted in drums, tanks, motor vehicles, tank cars, or other containers as shown in the table for compressed gases, in § 146.24–100.

(b) Only containers that comply with Interstate Commerce Commission specifications and are charged in accordance with Interstate Commerce Commission regulations shall be accepted, except that foreign cylinders, which are permitted under conditions shown in paragraph (c) of this section, may be accepted on board vessels for export shipment.

(c) Cylinders of foreign manufacture received from foreign countries for charging with compressed gas may be accepted for transportation as indicated in the table for the particular character vessels involved provided such cylinders are retested and recharged in accordance with the Interstate Commerce Commission regulations applying to such cylinders and the compressed gas involved. The bill of lading or other shipping paper shall, when possible, identify the cylinder and shall carry the following certification:

These cylinders have been retested and refilled in accordance with the Interstate Commerce Commission requirements for export.

(d) The regulations in this part require that cylinders offered for transportation on board vessels shall have their valves protected by one of the following methods:

(1) By metal caps securely attached to the cylinders and of sufficient strength to protect the valve from injury during transit.

(2) By having the valves recessed into the cylinders or otherwise protected so that they will not be subject to a blow if the cylinder is dropped on a flat surface.

(3) By enclosing the cylinder in a box or crate of substantial construction so as to give proper protection to the valves. These outside containers shall be marked "Inside Packages Comply With Prescribed Specifications", and the appropriate label shall be affixed thereto.

(e) All containers partially or completely filled with a compressed gas shall have the proper label attached except as the regulations in this part may specifically exempt such labeling requirements.

§ 146.24–20 *Exemptions for compressed gases.* Compressed gases, except poisonous gases as defined by the regulations in this part, are exempt from specification packaging, marking other than name of contents, and labeling requirements as follows:

(a) In cylinders or tubes not exceeding 2-inch outside diameter, and of not more than 4-fluid-ounce capacity.

(b) Metal containers not over 1 quart capacity charged to not over 170 pounds per square inch at 70° F., or containers not over 30 gallons capacity charged to not over 75 pounds per square inch at 70° F., filled with nondangerous material to not over 90 percent capacity at 70° F., and then charged with nonflammable, nonliquefied gas. Each container must be tested before shipment to 3 times the gas pressure at 70° F., and, when refilled and reshipped, must be retested at this pressure before each shipment.

(c) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and nonflammable and of capacity not to exceed 30 cubic inches (16.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.

(d) Carbonated beverages.

(e) Foodstuffs, soaps, or cosmetics, in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 105 pounds per square inch absolute at 70° F., or 140 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of 2 times the pressure of the contents at 70° F., or 1½ times the pressure of the contents at 130° F., whichever is greater.

(f) Refrigerant gases, except poisonous and inflammable gases as defined by the regulations in this subchapter, may be shipped in ICC–2P inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container shall not exceed 85 pounds per square inch, absolute, at 70° F. Each completed metal container filled for shipment shall be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect. Each outside shipping container shall be plainly marked "Inside containers comply with prescribed ICC specifications."

§ 146.24–25 *Stowage on board vessels.* All compressed gases permitted for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the table forming § 146.24–100, and the detailed requirements for stowage shown therein.

§ 146.24–30 *"On deck" stowage.* Compressed gases which are permitted any type of "On deck" stowage by the provisions of the table forming § 146.24–100, shall be properly secured, when so stowed, in a manner satisfactory to the master or other person in charge of the vessel consistent with the following conditions:

(a) That the vessel has open spaces on deck suitable for such purposes of stowage.

(b) That the vessel has sufficient freeboard to afford structural protection from seas or adequate protection and security by bulwarks.

(c) Cylinders shall be stowed on their sides unless racks are provided for vertical stowage.

(d) Cylinders shall not be carried "On deck" over holds containing coal.

(e) When stowed "On deck protected" the cylinders shall be protected from the direct rays of the sun by means of structural erections or awnings. Tarpaulins covering cylinders and in contact therewith are not considered adequate protection. Protection by use of wood dunnage is permitted.

§ 146.24–35 *"Under deck" stowage.* (a) Cylinders stowed "Under deck" shall be stowed in cool compartments or holds either capable of being ventilated or constructed gas tight, protected from open flame and any source of artificial heat, clear of living spaces, either crew or passenger, and readily accessible from hatches or cargo holds.

§ 146.24–40 *Stowage clearance, ocean going vessels.* Containers of inflammable compressed gas stowed either "On deck" or "Under deck" on board vessels on ocean voyages shall be stowed at least 8 feet clear of the ship's side; containers of non-inflammable compressed gas shall be stowed at least 3 feet clear of the ship's side.

§ 146.24–45 *Stowage clearance, vessels on inland waters.* Containers of inflammable compressed gas stowed either "On deck" or "Under deck" on board vessels on inland water voyages, including lakes, bays, sounds, rivers, and the Great Lakes, shall be stowed at least 3 feet clear of the vessel's side.

§ 146.24–50 *Stowage securing means.* In the stowage of all cylinders of compressed gases, securing means shall be such as to prevent any movement. Wooden or metal cradles or racks securely stopped, coir rope matting, rope grommets or squared metal shoes fitted at each end of each cylinder are types of acceptable means for stowage. Cylinders packed in squared wooden boxes need not be stowed in cradles or racks. When cylinder stowages are not provided with locking means, shoring or lashing with wire cable shall be provided to prevent movement. Dunnage shall be provided under the first tier of all cylinders so they shall not rest directly on a steel or iron deck. Lashings shall be secured to pad eyes or other permanent structural parts of the vessel. Pipe rails shall not be used to secure lashings.

§ 146.24–55 *Stowage of compressed gas and explosives.* (a) Cylinders containing an inflammable compressed gas shall not be transported or stored on any vessel carrying explosives unless:

(1) When carried "on deck" on vessels having machinery spaces amidship, the engine and boiler room spaces intervene between the holds which contain the explosive and the spaces over which the cylinders are stowed.

(2) When carried "on deck" on vessels having machinery spaces aft, the bridge structural erections shall intervene between the holds which contain the explosives and the spaces over which the cylinders are stowed. This stowage shall not be allowed unless it provides a distance between the stowages of at least one complete hold space.

(3) When carried "Under deck", the engine and boiler room spaces, or one complete hold free of any explosives or inflammable liquid shall intervene between the stowage of the explosives and the cylinders containing the gases.

(b) Inflammable compressed gases shall not be stowed in the same compartment in which inflammable liquids are stowed, nor shall they be stowed above, below, or adjacent to a compartment in which inflammable liquids in excess of 1 ton are stowed, except that small vessels, having only 2 holds adjacent to each other, may stow inflammable liquids and inflammable compressed gases in adjacent holds, provided such are separated from each other by the maximum horizontal distance available.

(c) Cylinders shall not be overstowed with other dangerous articles of cargo.

§ 146.24–60 *Stowage of cylinders containing chlorine.* Cylinders or other containers of chlorine shall not be stowed in the same compartment with sodium metallic, potassium metallic, phosphorus, copper or brass leaf or sheets, powdered antimony, turpentine, ammonia, finely divided organic material, nor with the following compressed gases: coal gas, hydrogen, or acetylene.

§ 146.24–65 *Instructions regarding lights and smoking.* Instructions shall be given by the master or other person in charge of the vessel to all members of the crew regarding the hazards of inflammable gases. The use of open flame lights and smoking is prohibited in the vicinity of deck cargoes of inflammable compressed gases. The master or other person in charge of this vessel shall cause "NO SMOKING" warning signs to be posted in this vicinity of such deck cargoes.

§ 146.24–70 *Leaking cylinders not accepted.* A leaking cylinder or other container of compressed gas shall not be accepted for transportation.

§ 146.24–75 *Report of leaking or damaged cylinders.* (a) The owner, charterer, agent, master or person in charge of a vessel shall report in writing each occurrence of leaking or damaged cylinders of compressed gas to the District Commander of the United States Coast Guard or his authorized representative, for the district in which the substance was taken on board the vessel, setting forth a description of the container, and specification markings appearing thereon, the damage sustained, when possible a reason for the damage, the name and address of the consignor and consignee (or shipping mark) and a statement relative to the disposition of the container.

(b) When the failure of a cylinder of compressed gas results in a casualty involving loss of life, personal injury or damage to the vessel no report other than those required by the provisions of §§ 136.05–1 to 136.05–20, inclusive, of this chapter, shall be made.

§ 146.24–80 *Liquid chlorine in bulk.* (a) Liquid chlorine may be transported in bulk on board Class "AA", "BB", or "BC" cargo barges when loaded in Class I arc-welded steel tanks (pressure vessel type), which are independent of the structure of the vessel.

(b) (1) New or existing barges proposed to be used for the transportation of chlorine in bulk shall be approved. Detail plans showing the design and construction of the barges shall be submitted for such approval. An approved barge shall be maintained in accordance with the provisions of the initial approval, normal wear and wastage excepted. Failure to maintain such physical condition may result in the withdrawal of said approval.

(2) Tanks shall be fabricated, constructed and tested in accordance with the applicable provisions of the regulations in Subchapter F (Marine Engineering) of this chapter, which are also published in a pamphlet entitled "Marine Engineering Regulations and Material Specifications" by the U. S. Coast Guard. In addition to other markings required to be shown upon the tank, the water capacity of the tank in pounds shall also be stamped and stenciled thereon. Plans shall be submitted when requesting approval.

(c) Tanks shall be designed for an allowable working pressure of not less than 300 pounds per square inch and the safety valves shall be set at the maximum allowable working pressure of the tank. Each tank shall be provided with a manhole nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading and safety valves. Other openings in the tank are prohibited.

(d) A protective housing of approved design shall be provided over the manhole cover and the valves and other openings in said cover, and so constructed as to provide that any leakage of the lading occurring around the cover, valves, gaskets, safety devices, etc., can readily be discharged into the water alongside the barge.

(e) Independent tanks shall be so fitted on board the barge as to provide sufficient space for visual inspection around the tanks and any adjacent fixed structural part of the barge, or in lieu thereof the installation shall be such as to make it practicable to move said tanks for the inspection of the structure of the barge and the tanks.

(f) The design indicative of the manner in which the tanks are to be installed, supported, and secured on board the barge shall be approved prior to installation. Tanks shall be supported in steel cradles and secured in place by means of base anchorages or steel bands. No appendages shall be welded to a tank after said tank has been stress relieved.

(g) The maximum weight of chlorine loaded into a tank shall not exceed 1.25 times the fresh water capacity of the tank. When more than one tank is installed in a barge, said tanks shall not be interconnected, either directly or by a manifold. When a tank is being filled or discharged no other of the barge's cargo tanks shall be connected to said filling or discharge line. Filling and discharge pipe connections shall be kept disconnected at the cargo tank, except when actually loading or unloading the lading of the cargo tank and the outlet valves on the tank shall, when the filling or discharge line is disconnected, be completely plugged or blanked off.

(h) Because of the importance of the requirement that tanks shall not be loaded with chlorine in excess of 1.25 times the water capacity (weight basis) the following procedure is required to be followed:

(1) The cargo tank to be filled shall be inspected to insure that it is empty and free from foreign matter. After being again made tight the tank shall be evacuated to at least 20 inches of mercury and then loaded with chlorine through a direct pipe line from a shore tank that is mounted on scales so that a predetermined weighted amount of chlorine is loaded into a cargo tank on board the barge. Any vapor vented during the loading operation shall be ignored in calculating the safe carrying capacity of the cargo tank.

(2) After the loading operation is completed the vapor above the liquid chlorine shall be analyzed and if it should contain less than 80 percent chlorine, vapors shall be withdrawn through the vent line until the vapor content in the cargo tank shows at least 80 percent chlorine. The arsenious oxide or the potassium iodide methods of analysis shall be used in determining the percentage of chlorine in the vapor.

(3) Upon completion of the loading of a cargo tank and after filling connections are removed, the cover plate gasket and fittings attached to the cover plate shall be tested for leakage of chlorine. This shall be done by using the aqua ammonia method.

(4) The chlorine shall be unloaded by taking advantage of its vapor pressure to force the liquid out of the tank. If desired, compressed air may be used, provided it has been dried by passing it over activated aluminum oxide, silica gel, or other approved drying agent. The compressed air system shall contain a safety valve arranged and set so that the air pressure in the cargo tank cannot exceed 150 pounds per square inch gauge.

(5) A flexible metal connection, of a design to be approved, shall be fitted in each filling discharge, and return pipe line to compensate for movement of the barge during the operation of filling or discharge.

(6) A diagrammatic sketch of filling and discharge systems shall be submitted when requesting approval. Complete information shall be indicated by legends shown on the sketch.

(7) Alternate methods of filling or discharging the lading may be submitted for approval for use.

(i) [Reserved]

(j) Cargo tanks shall be examined and retested every 2 years in the presence of an inspector of the Coast Guard. The examination shall consist of a thorough internal and external inspection. The hydrostatic test shall be at a pressure of 450 pounds per square inch. The relief valve or valves shall be dismantled, overhauled, and reset at the time of this biennial inspection. Said valve or valves may be dismantled, overhauled, and reset at such other times as is the desire of the carrier; provided such dismantling, overhauling, and resetting are made with the cognizance of and under such conditions as are agreed upon with the Officer in Charge, Marine Inspection. Upon

satisfactory conclusion of test at the time of the biennial inspection, the inspector shall stamp upon the tank the date and other identification necessary to indicate authority for continued use of the cargo tanks and relief valves. When a carrier finds it necessary to replace a relief valve, he shall report the change in writing to the Officer in Charge, Marine Inspection, in the district where the change took place or at the first port of call. The replacement shall be the same size, capacity, and material as the replaced valve and shall be set to relieve at the safe working pressure of the tank.

(k) [Reserved.]

(l) (1) No other kind of cargo except liquid caustic soda shall be on board any barge at the same time that chlorine in either liquid or vapor form is present in a cargo tank

(2) Chlorine tanks shall not be installed within liquid caustic soda tanks.

(3) Barges used for the transportation of chlorine and liquid caustic soda shall be of steel construction.

(m) The following substances shall not be used as stores on board barges transporting chlorine in bulk: Hydrogen, methane, liquefied petroleum gases, acetylene, ammonia, methyl ether, ethyl phosphine, turpentine, compounds containing such substances, metallic powders, finely divided metals or finely divided organic material.

(n) Repairs involving the use of welding or burning equipment shall not be undertaken on the barge while chlorine in either liquid or vapor form is present in the tanks, except in an emergency involving the safety of the barge.

(o) During the time chlorine cargo is laden in the tanks the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(p) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when chlorine is laden in the tanks. A placard shall be posted approximately midship on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards will be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

(q) The word "approved" when used in this section shall mean approved by the Commandant, U. S. Coast Guard.

§ 146.24-85 *Anhydrous ammonia in bulk.* (a) Anhydrous ammonia may be transported in bulk on board Class "AA", "BB", or "BC" cargo barges and cargo vessels when loaded in unfired pressure vessel type tanks independent of the structure of the vessel.

(b) New or existing barges and cargo vessels proposed to be used for the transportation of anhydrous ammonia in bulk shall be constructed or altered in accordance with the applicable regulations in this chapter.

(c) The cargo tanks shall meet the requirements for Class II arc-welded unfired pressure vessels and shall be fabricated, inspected, and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(d) (1) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure of not less than 250 pounds per square inch gauge.

(2) Where cargo tanks are lagged as required by paragraph (1) (1) of this section, the tanks shall be designed for a pressure of not less than 225 pounds per square inch gauge.

(3) Refrigerated cargo tanks, in which the temperature of the liquid ammonia is maintained below the normal atmospheric temperatures, shall be designed for a pressure of not less than the vapor pressure corresponding to the temperature of the liquid at which the system is to be maintained, but in no case shall the design pressure be less than 90 pounds per square inch gauge.

(e) Each tank shall be provided with not less than a 12" x 16" or a 15" diameter manhole fitted with a cover located above the maximum liquid level and as close to the top of the tank as possible.

(f) (1) Independent tanks shall be arranged in the barge or vessel so as to provide a minimum clearance of not less than 24 inches from the vessel's side and not less than 15 inches from the vessel's bottom. Where more than one tank is installed in a vessel, the distance between such tanks shall be not less than 15 inches. Alternate provisions may be made for moving such tanks to provide adequate inspection and maintenance of the vessel's structure and the tanks.

(2) The design shall show the manner in which the tanks are to be installed, supported, and secured in the barge or vessel and shall be approved prior to installation. Tanks shall be supported in steel saddles and securely anchored in place. If the tanks are required to be stress-relieved no appendages shall be welded to the tanks after they have been stress-relieved.

(3) Tanks may be located in dry cargo holds or in liquid cargo tanks and may be installed "on deck" or "under deck" with the tank protruding above deck. On installation where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck except that vessels operating on protected inland waters may have tanks located in the holds of hopper type barges without the watertightness of the deck being maintained. All tanks shall be installed with the manhole opening located above the weather deck.

(4) Sides of cargo barges shall be provided with suitable guards as an added protection against the cargo tanks becoming damaged as a result of collision.

(5) The anhydrous ammonia tanks may be installed in the bulk liquid cargo tanks provided the liquid surrounding the anhydrous ammonia tanks complies with the following chemical and physical properties:

(i) Boiling point above 125° F. at atmospheric pressure.

(ii) Inert to ammonia at 100° F. at atmospheric pressure.

(iii) Noncorrosive in the liquid and vapor phase to the ammonia tanks and piping.

(g) (1) Upon satisfactory completion of tests and inspection, the following marking, at least ⅜ inch high, shall be stamped into the metal of the tank or stamped into a noncorrodible name plate permanently attached to the tank by means of welding.

Name and address of fabricator

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p. s. i. Design pressure | p. s. i. Shop test pressure

Inspector's number, initials, and CG symbol

Manufacturer's serial number

Date of manufacture | U. S. gallons Water capacity

(2) In addition to the markings required to be stamped on the tank, the legend, "Anhydrous Ammonia Only", shall be stenciled or painted in black letters approximately 4 inches high upon the dome or upper portion of the tank.

(3) All tank inlet and outlet connections, except safety relief valves, liquid level gauging devices, and pressure gauges shall be labeled to designate whether they communicate with the vapor or liquid space. Labels of noncorrosive material may be attached to valves.

(4) All tank markings shall be permanently and legibly stamped in a readily visible position. If the tanks are lagged, the markings attached to the tank proper shall be duplicated on the outside jacket of the lagging.

(h) (1) All valves, flanges, fittings, and accessory equipment shall be of a type suitable for use with anhydrous ammonia, and shall be made of forged steel, in accordance with the requirements in Part 51 of this chapter (Subchapter F—Marine Engineering). Valves shall be fitted with noncorrosive material suitable for ammonia service. Valves, flanges, and pipe fittings shall be of the square or round ammonia tongue and groove type or raised-face American Standard Association 300-pound standard, fitted with suitable soft gasket material. Welded fittings shall be used wherever possible, and the number of pipe joints shall be held to a minimum. Nonferrous materials, such as copper, copper alloys, and aluminum alloys, and ferrous materials, such as cast iron and Grade B cupola malleable iron shall not be used in the construction of valves, fittings, or accessory equipment.

(2) Piping shall be of seamless drawn steel designed for the maximum pressure to which the system may be subjected but in no case shall pipe of thickness less than American Standards Association Schedule 40 be employed. In case of piping on the discharge side of the liquid pumps or vapor compressors, the design shall be for a pressure of not less than the pump or compressor relief valve setting, or provided the piping is not fitted with relief valves, the design pressure shall not be less than the total discharge head of the pump or compressor.

(3) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety valves, liquid level gauging devices, thermometer well, and pressure gauges which shall be grouped in the smallest practicable space and shall be suitably protected against mechanical damage. Other openings in tanks, except as specifically permitted in the regulations in this section are prohibited.

(4) All liquid and vapor connections to tanks, except safety relief valves and liquid level gauging devices and pressure gauges described in subparagraphs (7) and (8) of this paragraph, shall be equipped with automatic excess flow valves, or in lieu thereof, may be fitted with quick closing internal stop valves. The control mechanism for such valves shall be provided with a secondary control which will cause the internal stop valves to close automatically in case the liquid or vapor line is broken. The excess flow or internal stop valve shall be located on the inside of the tank or outside where the piping enters the tank; in the latter case, installation shall be made in such a manner that any undue strain will not cause breakage between the tank and the excess flow or internal stop valve.

(5) Liquid level gauging devices shall be of the following types: magnetic, rotary tube, slip tube, fixed tube, automatic float, or such other suitable type as may be approved by the Commandant.

(6) All liquid level gauging devices shall be designed to indicate the maximum level to which the tank may be filled with liquid at temperatures between 20° F. and 130° F.

(7) Gauging devices that require bleeding of the product to the atmosphere, such as rotary tube, fixed tube, and slip tube, shall be so designed that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with an excess flow valve.

(8) Pressure gauge connections need not be equipped with excess flow valves if the openings are not larger than a No. 54 drill size.

(9) Where possible, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Special consideration will be given for packless type expansion joints. Slip type expansion joints are prohibited.

(10) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings.

(i) (1) Each tank shall be fitted with two or more approved safety relief valves of either the internal or external spring-loaded type suitable for ammonia service.

(2) Each safety relief valve shall be set to discharge at a pressure not in excess of the design pressure of the tank. The combined relieving capacities of the safety relief valves shall be such as to prevent a rise of pressure in the tank of more than 10 percent above the maximum allowable pressure.

(3) The minimum required rates of discharge of the safety relief valves for each tank expressed in terms of cubic feet per minute of free anhydrous ammonia at 60° F. and atmospheric pressure shall be determined by converting the actual free discharge area for anhydrous ammonia, as calculated by Fetterly's formula [1] to discharge capacities using the orifice flow formula [2] and employing the physical properties of the gas (molecular weight, ratio of specific heats and absolute temperature) at a maximum relieving pressure of 5 percent in excess of the set pressure of the safety relief valve.

(4) Prior to the approval of safety relief valves by the Commandant, manufacturers shall have tests conducted or submit satisfactory evidence that such tests have been conducted and approved by the Underwriters Laboratories, Inc., or by a properly supervised and inspected testing laboratory acceptable to the Commandant relative to determining the actual relieving capacity at various pressures of three representative samples for each size of each design or type of safety relief valve submitted for approval. The actual relieving capacity shall be determined by flow tests at a rated pressure of 5 percent in excess of the set pressure of the valve. A table of relieving capacities for each size of valve for which approval is requested shall be submitted, indicating actual capacities in cubic feet per minute of anhydrous ammonia gas and equivalent rates of discharge for free air corrected to 60° F. and atmospheric pressure.

(5) Safety relief valves shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valves, except manifolds for mounting multiple safety relief valves may be fitted with acceptable interlocking 3-way valves so arranged at all times as to permit at any position of the 3-way valve an unrestricted flow of vapors through at least one port. When two safety relief valves are mounted in parallel on both the upper outlets of the 3-way valve, the arrangement shall be such as to permit at least one safety relief valve to be operative at all times.

(6) (i) Each safety relief valve installed on a cargo tank shall be connected to a branch vent of a venting system which shall be constructed so that the discharge of gas will be directed vertically upward to a point at least 10 feet above the weather deck or above the top of any tank or house located above the weather deck. The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header and upon their total safety relief valve orifice discharge areas as provided for in the following table:

Number of cargo tanks:	Percent of total discharge area
1 or 2	100
3	90
4	80
5	70
6 or more	60

(ii) In addition to the requirement specified in subdivision (i) of this subparagraph, the size of the branch vents or vent holders shall be such that the back pressure in the relief valve discharge lines, shall not be more than 10 percent of the safety relief valve setting.

(iii) Return bends and restrictive pipe fittings are not permitted. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(iv) The vent discharge riser shall be so located as to provide protection against mechanical injury and such discharge pipes shall be fitted with loose raincaps.

(v) No valve of any type shall be fitted in the vent pipe between the safety relief valve and the vent outlets. Suitable provision shall be made for draining the discharge pipe.

(7) Each safety relief valve shall be marked with data as follows:

(i) Name of manufacturer.

(ii) Size of valve.

(iii) Pressure rating of valve and set pressure.

(iv) Actual rate of discharge in cubic feet per minute of the gas at 60° F. and atmospheric pressure.

(8) Each safety relief valve shall be tested in the presence of an inspector before being placed in service. The tests shall satisfactorily indicate that the safety relief valve will start to discharge at a pressure not in excess of the design pressure of the tank.

(j) The filling density, or the percent ratio of the liquefied gas that may be loaded in the tank to the weight of the water the tank will hold at 60° F., shall

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[1] Fetterly's formula:

$$A=\frac{[(DU\times 3.1416)-2E]\times C\times t_2-t_1}{L\times P\times 50}\sqrt{\frac{W_2}{W_1}}$$

Where:

A = free discharge area of the safety relief valve, in square inches.
D = outside diameter of tank, in feet.
U = overall length of tank, in feet.
E = area of end of tank, in square feet.
$C=\frac{t_1-t_2}{62.5+20t}$, B. t. u. transmitted to contents of the tank per square foot of tank surface per hour per degree Fahrenheit temperature difference between 1,200° F. and the temperature of the contents.
t_1 = flame temperature at outside of the tank, in degrees Fahrenheit (1,200° F.-1,000° F.).
t_2 = temperature of the liquid contents in the tank corresponding to pressure P, in degrees Fahrenheit.
t = thickness of tank, in inches.
P = relieving pressure of the safety relief valve, 105 percent of the set pressure of the safety relief valve plus 14.7, in pounds per square inch absolute.
L = latent heat of vaporization of the liquid portion of the gas at pressure P, in B. t. u. per pound.
W_2 = density of steam at pressure P, in pounds per cubic foot.
W_1 = density of the gas at pressure P, in pounds per cubic foot.

Fetterly's formula may be modified for tank sizes above a DU value of 160 by proportionately reducing the flame temperature t_1, from 1,200° F. to 1,000° F. until a DU value of 500 is reached, above which the flame temperature shall remain constant at 1,000° F.

[2] The expression for orifice flow corresponds to the maximum adiabatic flow of an ideal gas through a frictionless orifice (coefficient of discharge of unity) when the back-pressure on the discharge side is less than the critical pressure. Allowance should be made for deviations from the ideal gas laws at the relieving pressure P.

not exceed 50 percent for unlagged tanks and 57 percent for lagged or refrigerated tanks.

(k) (1) The cargo tanks shall be loaded or unloaded by the pressure differential method. Alternate methods of filling or discharging the lading may be submitted for approval.

(2) Where cargo barges or vessels are provided with compressors for maintaining the pressure differential between the shore storage tanks and cargo tanks, the following procedure for unloading and loading the tanks shall be followed:

(i) In loading cargo tanks, the compressor shall be connected to the vapor suction line on the cargo tank and discharge to the vapor line on the shore storage tank. The connection between the liquid line on the shore storage tank and the unloading line on the barge may be made by wire braided armored rubber hose or other type of suitable hose. The hose shall be designed for a bursting pressure of five times the safety relief valve setting and be hydrostatically tested to twice the setting of the safety relief valve.

(ii) During loading operations, the pressure differential between the high and low side of the compressor shall be not more than 50 p. s. i. gauge.

(iii) When the pressure differential has dropped to between 5 and 10 p. s. i. indicating that all of the liquid has been removed from the shore tanks, the compressor suction and discharge shall be reversed in order to remove the remaining gas from the shore tanks.

(iv) An oil separator, relief valve, and pressure gauge shall be installed on each side of the compressor.

(v) For unloading the cargo tanks, the connections shall be reversed and the compressor shall take suction on the shore tanks and discharge through the vapor lines to the cargo tanks.

(3) A diagrammatic sketch of filling and discharge systems shall be submitted for approval.

(l) (1) Lagged tanks shall be covered with a nonflammable insulation material of a thickness to provide a thermal conductance of not more than 0.075 B. t. u. per square foot per degree Fahrenheit differential in temperature per hour. The entire insulation shall be covered with a sheet metal jacket of not less than 0.083" thickness and efficiently flashed around all openings so as to be weathertight.

(2) Where unlagged tanks are installed in insulated holds or 'tween-deck spaces such tanks shall be considered lagged provided the thermal conductance of the insulation is not less than that required by subparagraph (1) of this paragraph.

(m) (1) Where refrigerated systems are installed to maintain the temperature of the liquid below atmospheric, at least two complete refrigeration plants automatically started and stopped by pressure variations within the tanks shall be provided, each to be complete with the necessary auxiliaries for proper operation. The capacity of each refrigeration compressor shall be sufficient to maintain the vapor pressure in the tanks during peak atmospheric temperature conditions below the pressure for which the tanks are designed.

(2) An alternate arrangement may consist of three compressors, any two of which shall be capable of maintaining the vapor pressure in the tanks during peak atmospheric temperature conditions below the pressure for which the tanks are designed, the third compressor acting as a stand-by unit.

(3) Refrigerated tanks shall be covered with a suitable insulant to prevent sweating of the tank surfaces.

(n) (1) Cargo tanks shall be examined and retested at least every 4 years in the presence of an inspector. The examination shall consist of a thorough internal and external examination, except as noted in subparagraph (4) of this paragraph. The hydrostatic test shall be equal to twice the design pressure of the tank.

(2) The safety relief valves shall be dismantled, overhauled, and reset at the time of the 4-year inspection. Said valves may be dismantled, overhauled, and reset at such other times as is the desire of the carrier; provided such work is done with the cognizance of and under such conditions as are agreed upon with the Officer in Charge, Marine Inspection.

(3) Upon satisfactory completion of the test at the time of the 4-year inspection, the inspector shall stamp upon the tank the date and other identification necessary to indicate authority for continued use of the cargo tanks and safety relief valves. When a carrier finds it necessary to replace a safety relief valve, he shall report the change in writing to the Officer in Charge, Marine Inspection, in the district where the change took place or at the first port of call. The replacement shall be the same size, capacity, and material as the replaced valve and shall be set to relieve at no more than the design pressure of the tank.

(4) In addition to the test prescribed in subparagraph (1) of this paragraph, each lagged tank shall be subject to an external inspection at least once every 8 years by having the jacket and lagging removed. If the jacket, and lagging are not removed during the 4-year test, the tank shall hold the prescribed hydrostatic pressure for at least 20 minutes without any pressure drop.

(o) Each cargo tank shall be electrically grounded to the hull. The cargo barge or vessel shall be electrically connected to the shore piping prior to connecting the cargo hose.

(p) Repairs involving the use of welding or burning equipment shall not be undertaken on the anhydrous ammonia tanks or liquid or vapor piping while the lading in either liquid or vapor form is present in the tanks.

(q) During the time anhydrous ammonia is laden in the tanks the barge or vessel shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(r) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when anhydrous ammonia is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall be posted at each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

§ 146.24-100 *Table G—Classification: Compressed gases.*

Descriptive name of article	Characteristic properties, caution marks, markings required	Label required	Cargo vessel	Required conditions for transportation: Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetylene	*Inflammable gas. Violently explosive when in the range of mixture with air (3 to 72% for pure acetylene.) Slightly lighter than air. Pressure usually less than 400 lb. per square inch at 130° F.*	Red gas.	Stowage: "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "'Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (A-A). Ferry stowage (A-A).	Ferry stowage (BB). Ferry stowage (BB).
Air, compressed	*Non-inflammable gas. Pressure usually about 2,250 lb. per square inch at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "'Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "'Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (A-A).	Ferry stowage (BB).
Anhydrous ammonia. Ammonia, anhydrous.	*Noninflammable gas. Toxic; irritating fumes in air. Odor noticeable at less than 1%. Pungent odor gives warning of dangerous quantities in air. Liquid is corrosive. Weakly inflammable and explosive with about 16 to 27% in air, when ignited in a fire at a temperature about 1,100° F. Lighter than air. Pressure about 515 lb. per square inch at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-105A500, 105A300, 105A300W). Tanks (ICC-105A500, 106A500X). Tank motor vehicle complying with ICC motor carrier regulations.	Ferry stowage (A-A).	Not permitted.
Argon	*Noninflammable gas. Noncombustible, but excessive quantities in confined space may cause suffocation. Odorless. Heavier than air. Pressure usually about 2,250 lb. per square inch at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "'Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-107A).	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (A-A).	Not permitted.
Boron trifluoride	*Noninflammable gas. Suffocating. Strongly irritating to lungs. Possess easily detectable odor. Heavier than air. Boiling point at 149° F. Pressure usually about 2,250 lb. per square inch at 130° F.*	Green gas.	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "'Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted.	Not permitted.
Butadiene, inhibited	*Inflammable gas. A hydrocarbon liquid or compressed gas with distinct odor. Forms explosive or inflammable mixtures in air. Inhibited liquid is stable for 24 hours. Pressure usually about 25 lb. per square inch at 130° F. Heavier than air.*	Red gas.	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-104A, 104A-W).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted.	Not permitted.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Carbon dioxide Liquefied carbon dioxide.	*Noninflammable gas* *Will cause suffocation if breathed in excessive quantities.* *Odorless.* *Heavier than air.* *Pressure usually about 2,280 lb. per square inch at 130° F.* Do not stow with cyanides.	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A500, 105A500W, 105A600, 105A600W.) Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected" or "On deck under cover." Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (Fixed length dip tube gauging devices are not acceptable).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible" Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A500, 105A500W, 105A600, 105A600W). Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected" or "On deck under cover." Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Carbon dioxide-nitrous oxide mixture.	*Noninflammable gas* *A mixture of carbon dioxide and nitrous oxide.* *Heavier than air.* *See individual gases for hazards.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders
Carbon dioxide—oxygen mixture.	*Noninflammable gas* *Colorless, odorless gas.* *Main hazard is that of oxygen present. Hazard decreases with increase of carbon dioxide.* *Heavier than air.* *See individual gases for hazards.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders. (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders. (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders. (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Carbon monoxide	*Inflammable gas* *Poisonous, even in small quantities (much less than 1%).* *Inflammable and explosive with about 12 to 74% in air.* *Odorless.* *About as heavy as air.* *Pressure usually about 2,200 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Chlorine	*Noninflammable gas* *Poisonous; pungent odor; gives warning of dangerous quantities in air.* *Even in small quantities has a choking, smothering effect and is very injurious to membranes and tissues.* *Much heavier than air.* *May cause combustion of acetylene, turpentine, and finely divided organic material.* *Pressure about 210 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck in open." "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X). Tanks (ICC–106A500, 106A500X).	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.	Not permitted except in an emergency involving life or health, and upon application made to the Commandant of the Coast Guard, limited shipments of chlorine may be made under such conditions as the said Commandant in his judgment may authorize.
Compressed gases, N. O. S.	*Inflammable gas or noninflammable gas.*	Red gas or green gas (appropriate one).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Crude nitrogen fertilizer solution.	*Noninflammable gas*	Green gas	Stowage: "On deck." "Under deck away from heat." Containers: Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X).	(Shipped only in tank cars)	(Shipped only in tank cars)	Ferry stowage (BB). Containers: Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X)
Cyclopropane	*Inflammable gas* *Inflammable and explosive with about 2 to 10% in air.* *Anesthetic.* *Much heavier than air.* *Pressure about 300 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Dichlorodifluoromethane	*Noninflammable gas* *Nonpoisonous but excessive quantities in an enclosed space may cause suffocation.* *Odorless.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X, 110A500W). Tanks (ICC–106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A500, 106A500X).	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A500, 106A500X).	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X, 110A500W). Tanks (ICC–106A500, 106A500X).
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Hazards similar to "Dichlorodifluoromethane." See above.	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X). Tanks (ICC–106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A500, 106A500X).	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A500, 106A500X).	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X). Tanks (ICC–106A500, 106A500X).
Difluoroethane (ethylene fluoride).	*Inflammable gas* *Colorless and practically odorless.* *Chemically and thermally stable.* *Forms flammable mixtures with air but will not ignite spontaneously.* *Nonpoisonous but may be suffocating.* *Much heavier than air.* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–106A500, 106A500X).
Difluoromonochloroethane	*Inflammable gas* *Colorless and practically odorless.* *Chemically and thermally stable.* *Forms flammable mixtures with air but will not ignite spontaneously.* *Non-poisonous but may be suffocating.* *Much heavier than air* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–106A500, 106A500X).
Dimethylamine, anhydrous.	*Inflammable gas* *Colorless gas with a strong ammonia odor.* *Forms explosive and inflammable mixtures with air* *Heavier than air.* *Very soluble in water, forming a strongly alkaline solution.* *Low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X).	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dimethyl ether	*Inflammable gas* *Inflammable and explosive with about 3 to 30% in air.* *Anesthetic.* *Heavier than air.* *Pressure about 170 lb. per sq. inch at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-105A300, 105A300W, 106A500, 106A500X).	Not permitted	Not permitted	Not permitted.
Dispersant gas, N. O. S.	*Noninflammable gas* *A noninflammable gas or mixture of gases such as the freons which are used as propellants, etc.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-106A500, 106A500X).
Ethane	*Inflammable gas* *Inflammable and explosive with about 3 to 12% in air.* *Odorless and about as heavy as air.* *Pressure usually about 2,500 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Ethylene	*Inflammable gas* *Inflammable and explosive with about 2 to 28% in air.* *Anesthetic.* *About as heavy as air.* *Pressure usually about 2,500 lb. per sq. inch at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Fertilizer, ammoniating solution, *containing free ammonia.*	*Noninflammable gas*	Green gas	Stowage: "On deck." "Under deck away from heat." Containers: Tank cars (ICC-105A300, 105A300W, 106A500, 106A500X).	(Shipped only in tank cars)	(Shipped only in tank cars)	Ferry stowage (BB). Containers: Tank cars (ICC-105A-300, 105A300W, 106A500, 106A-500X).
Fire extinguishers	*Fire extinguishers containing non-liquefied gas for the purpose of expelling fire extinguishing contents.* *This applies only to fire extinguishers the gas content of which possesses a gauge pressure exceeding 25 lb. per sq. in. at 70° F.*	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Stout wooden boxes. Fiberboard boxes.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Stout wooden boxes. Fiberboard boxes.	Ferry stowage (AA) Containers: Stout wooden boxes. Fiberboard boxes.	Ferry stowage (BB). Containers: Stout wooden boxes. Fiberboard boxes.
Fluorine	*Inflammable gas* *Colorless, odorless gas.* *Extremely reactive chemically.* *Combines with moist air to form a dangerous, corrosive and irritating vapor.* *Will start fires if a jet of fluorine impinges on combustible material.* *Poisonous.* *Heavier than air.* *Shipped as a low pressure gas.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Helium	*Noninflammable gas* *Nonpoisonous, but in excessive quantities in an enclosed space may cause suffocation.* *Very much lighter than air.* *Pressure usually about 2,200 lb. per sq. inch at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-107A****). Tanks (ICC-107A****).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-107A****) Tanks (ICC-107A****).
Helium-oxygen mixture	*Noninflammable gas* *Colorless odorless gas having some oxidizing properties depending upon proportion of oxygen in mixture.* *Lighter than air in most proportions.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Hydrocarbon gas, liquefied. Liquefied hydrocarbon gas.	*Inflammable gas* *May be a definite gas or mixtures of any of the liquefiable gases.* *Vapors heavier than air.* *Mixtures of vapor with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars.	Not permitted	Not permitted	Not permitted.
Hydrocarbon gas, non-liquefied. Non-liquefied hydrocarbon gas.	*Inflammable gas* *May be a definite gas or mixtures of nonliquefiable hydrocarbon gases.* *Mixtures of vapor with air in certain proportions will be inflammable and explosive. Vapors heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Hydrogen	*Inflammable gas* *Inflammable and violently explosive with about 4 to 75% in air.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Very much lighter than air.* *Pressure usually about 2,200 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-107A****) Tanks (ICC-107A****)	Not permitted	Not permitted	Not permitted.
Hydrogen bromide Hydrobromic acid, anhydrous.	*Noninflammable gas* *Colorless gas with strong penetrating odor.* *Very corrosive if moisture is present.* *Fumes strongly when exposed to moist air.* *Irritating to mucous membrane.* *Soluble in water.* *Heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Hydrogen chloride	*Noninflammable gas* *Incipient oil leakage fumes which are irritating in contact with mucous membrane will be formed. With moisture present it is likely the fumes will show in the form of a vapor cloud. A weak muriatic acid solution which will attack iron and steel with evolution of hydrogen gas may be formed.* *Miscible with water.* *Heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." "Cargo hatch trunkway." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Hydrogen sulfide	*Inflammable gas.* *Inflammable and explosive with about 4 to 5% in air.* *Foul odor gives warning of dangerous quantities in air.* *Poisonous even in small quantities (much less than 1%).* *Slightly heavier than air.* *Pressure about 550 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–106A800, 106A800X).	Not permitted	Not permitted	Not permitted.
Insecticide, liquefied gas	*Nonin flammable gas.* *Mixtures of insecticides such as D, D, T., Pyrethrum, etc., in liquefied propellant gases.* *These mixtures are usually noninflammable.* *May be toxic on continued or prolonged exposure to fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Liquefied nonin flammable gas charged with nitrogen, carbon dioxide, or air. Liquefied nonflammable gases charged with nitrogen, carbon dioxide or air.	*Nonin flammable gas* *Nonin flammable gases such as freons, etc., which are pressured with nitrogen, carbon dioxide or air.* *Principal hazard is pressure.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Liquefied petroleum gas (pressure not exceeding 75 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–106A500, 106A500X). Tanks (ICC–106A500, 106A500X). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–106A500, 106A500X). Tanks (ICC–106A500, 106A500X).
Liquefied petroleum gas (pressure not exceeding 450 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A600, 105A–600W). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers. Cylinders. Tank cars (ICC–105A600, 105A–600W).
Liquefied petroleum gas (pressure not exceeding 375 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A500, 105A–500W). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A500, 105A–500W).

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Liquefied petroleum gas (pressure not exceeding 300 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–105A400, 105A400W). Special tank containers (Approval required.) Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A400, 105A400–W).
Liquefied petroleum gas (pressure not exceeding 225 lb. per sq. in. at 105° F.)	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane) butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) *Tank cars (ICC–105A300, 105A–300W). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC–105A300, 105A300–W).
Liquefied petroleum gas (pressure not exceeding 75 lb. per sq. in. at 105° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Steel drums (ICC–5, 5F) not over 11 gal. cap. when authorized by ICC regulations. Tank cars (ICC–104A, 104A–W). Special tank containers (approval required). Tank motor vehicle (complying with ICC motor carrier regulations).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With washed heads.) (Boxed.) Steel drums (ICC–5, 5F) not over 11 gal. cap. when authorized by ICC regulations.	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Steel drums (ICC–5, 5F) not over 11 gal. cap. when authorized by ICC regulations.	Ferry stowage (BB). Containers: Cylinders. Steel drums (ICC–5, 5F) not over 11 gal. cap. when authorized by ICC regulations. Tank cars (ICC–104A, 104A–W).
Liquefied petroleum gas (pressure not exceeding 250 lb. per sq. in. at 115° F.).	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Not permitted	Not permitted	Ferry stowage (BB). Containers: Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Liquefied petroleum gas (pressure exceeding 250 lb. per sq. in. at 115° F.). NOTE: Gases with vapor pressure exceeding 250 lb. per sq. in. at 115° F. shall be placed in tanks with design working pressure increased above 250 lb. per sq. in. by increments of 62.5 lb. per sq. in.	*Inflammable gas* *Predominant components are generally propane, propylene, butanes (normal butane or isobutane), butylenes and butadiene.* *Heavier than air.* *Mixtures with air in certain proportions will be inflammable and explosive.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Portable tanks (ICC–51), not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Not permitted	Not permitted	Ferry stowage (BB). Containers: Portable tanks (ICC–51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Machine or apparatus assembled for shipment containing not over 15 lb. weight of gas or liquid for their operation).		No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (nonspecification).	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (nonspecification).	Ferry stowage (AA). Containers: Wooden boxes or crates (nonspecification).	Ferry stowage (BB). Containers: Wooden boxes or crates (nonspecification).

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Methane	*Inflammable gas.* *Nonpoisonous, but in excessive quantities in a closed space will cause suffocation.* *Forms an explosive mixture with about 5 to 14% in air.* *Nonliquefied hydrocarbon gas.* *Lighter than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinder: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.
Methyl chloride	*Inflammable gas.* *Inflammable and explosive with about 8 to 20% in air.* *Evolves hydrochloric acid fumes when burned.* *Faintly sweet odor, like ether.* *Pressure about 105 lb. per sq. in. at 130° F.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A500X, 105A300, 105A300W). Tanks (ICC-106A500, 106A500X).	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-106A500, 106A500X, 105A300, 105A300W). Tanks (ICC-106A500, 106A500X).
Methyl mercaptan	*Inflammable liquid or gas with a strong offensive odor.* *Boiling point 45.7° F.* *Vapor pressure 24.5 lb. per sq. in. at 68° F.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A500X).	Not permitted	Not permitted	Not permitted.
Monochlorodifluoromethane	*Noninflammable gas.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless and colorless.* *Much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-105A300, 105A-300W, 106A500, 106A500X, 110A-500W. Tanks (ICC-106A500, 106A-500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap. (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-105A300, 105A-300W, 106A500, 106A500X, 110A-500W). Tanks (ICC-106A500, 106A500X).
Monochlorotetrafluoroethane	*Noninflammable gas.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless and colorless.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A-500X). Tanks (ICC-106A500, 106A-500X).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC-106A500, 106A500X).	Ferry stowage (BB). Containers: Cylinders: (With valve protection cap.) Tank cars (ICC-106A500, 106A-500X). Tanks (ICC-106A500, 106A500X).
Monochlorotrifluoromethane	*Noninflammable gas.* *Colorless and practically odorless.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Very much heavier than air.* *Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Monomethylamine, anhydrous	*Inflammable gas.* *Pungent, suffocating gas, like ammonia.* *Slightly heavier than air.* *Pressure about 110 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-106A500, 106A500X, 105A300, 105A300W).	Stowage: "On deck protected." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-106A500, 106A-500X, 105A300, 105A300W).
Neon gas	*Noninflammable gas.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *Odorless.* *Lighter than air.* *Pressure usually about 2,200 lb. per sq. inch at 70° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Nitrogen	*Noninflammable gas.* *Nonpoisonous, but excessive quantities in an enclosed space may cause suffocation.* *About as heavy as air.* *Pressure usually about 2,200 lb. per sq. in. at 70° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween deck readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-107A ****). Tanks (ICC-107A ****).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-107A ****). Tanks (ICC-107A ****).
Nitrosyl chloride	*Noninflammable gas.* *Corrosive to iron. If shipped in nickel cylinder only.* *This gas involved in a fire (at high temperatures) will form chlorine and one of the oxides of nitrogen as products of decomposition.* *Pressure usually about 130 lb. per sq. in. at 130° F.* *Much heavier than air.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: Tank cars ((ICC-105A300W).	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Cargo hatch trunkway." Containers: Cylinders.	Ferry stowage (AA). Containers: Cylinders.	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-105A300W).
Nitrous oxide	*Noninflammable gas.* *Will support combustion.* *Anesthetic.* *Odorless and sweet tasting.* *Heavier than air.* *Pressure usually about 850 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected." "On deck under cover." Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank motor vehicles complying with ICC motor carrier regulations. Authorized only for stowage: "On deck protected." "On deck under cover." Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable).
Oxygen	*Noninflammable gas.* *Strong supporter of combustion. Accelerates fires.* *May cause self-ignition of easily oxidized and other hydrocarbon material when oxygen is released in gaseous form.* *Colorless, odorless and tasteless.* *Slightly heavier than air.* *Pressure usually about 2,200 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC-107A****).	Stowage: "On deck protected." "On deck under cover." "Tween decks." "Cargo hatch trunkway." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA). Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders. Tank cars (ICC-107A****).

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Propylene	*Inflammable gas.* *Inflammable and explosive with about 2 to 11% in air.* *Anesthetic.* *Heavier than air.* *Pressure about 310 lb. per sq. in. at 130° F.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Ferry stowage (AA)	Ferry stowage (BB). Containers: Cylinders. Ferry stowage (BB).
Refrigerator machines (*of the self-contained type containing not over 25 lb. weight of gas or of the remote-control type, consisting of separate units shipped separatel and each containing not orer 25 lb. weight of gas*).		No label required	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Stowage: "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Wooden boxes or crates (non-specification).	Containers Wooden boxes or crates (non-specification).	Containers: Wooden boxes or crates (non-specification).
Sulfur dioxide	*Noninflammable gas.* *Pungent odor gives warning of dangerous quantities in air.* *Toxic and suffocating even in small quantities less than 1%).* *Much heavier than air.* *Pressure about 125 lb. per sq. in. at 130° F.*	Green gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (I C C - 105 A 300, 105 A 300 W, 106 A 500, 106A500X). Tanks (ICC-106A500, 106A500X) Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable.)	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank motor vehicles complying with ICC motor carrier regulations.	Ferry stowage (BB). Containers: Cylinders. Tank cars (I C C - 105 A 300, 105 A 300 W, 106 A 500, 106A500X). Tanks (ICC-106A500, 106A500X). Tank motor vehicles complying with ICC motor carrier regulations. Portable tanks (ICC-51) not over 8,000 lb. gr. wt. (fixed length dip tube gauging devices are not acceptable.)
Sulfur hexafluoride	*Noninflammable gas* *Colorless and practically odorless gas.* *Stable under normal conditions.* *Not very corrosive or toxic.* *Very much heavier than air.* *Very slightly soluble in water.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage. "On deck protected." "On deck under cover." "Tween decks readily accessible." Containers Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed)	Ferry stowage (BB). Containers: Cylinders.
Tetrafluoroethylene, inhibited.	*Noninflammable gas* *Colorless gas shipped with an inhibitor to prevent polymerization in transit.* *Much heavier than air.* *Insoluble in water.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.
Trifluorochloroethylene	*Noninflammable gas* *Colorless gas.* *Reasonably stable.* *Very much heavier than air.* *Decomposes in water.*	Green gas	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck away from heat." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (AA) Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Ferry stowage (BB). Containers: Cylinders.

Table G—Classification: Compressed gases—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Trimethylamine, anhydrous.	*Inflammable gas* *Colorless gas with a fishy, ammoniacal odor.* *Much heavier than air.* *Soluble in water.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (I C C - 106A500, 106A500X, 105A300, 105A300W).	Not permitted	Not permitted	Not permitted.
Vinyl chloride, inhibited.	*Inflammable gas* *Colorless gas having organic odor.* *Inflammable and explosive with about 4 to 22% in air.* *Susceptible to dangerous polymerization if not inhibited.* *Much heavier than air.* *Slightly soluble in water*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (I C C 106A500, 106A500X, 105A300, 106A500W).	Not permitted	Not permitted	Not permitted.
Vinyl methyl ether, inhibited.	*Inflammable gas* *Chemically active.* *Inflammable and explosive with air.* *Susceptible to dangerous polymerization if not inhibited.* *Slightly soluble in water.* *Heavier than air.*	Red gas	Stowage: "On deck protected." "On deck under cover." Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.)	Not permitted	Not permitted	Not permitted.

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

§ 146.25-1 *Definition of poisonous articles.* (a) Poisonous articles are divided by the Interstate Commerce Commission regulations into four classes according to degree of hazard in transportation. These are:

Extremely dangerous poisons—Class A.
Less dangerous poisons—Class B.
Tear gases or irritating substances—Class C.
Radioactive materials—Class D.

(b) These poisonous articles are defined by the Interstate Commerce Commission regulations as set forth in §§ 146.25-5, 146.25-10, 146.25-15, and 146.25-20, and such definitions are binding upon all shippers making shipments of poisonous articles by common carrier vessels engaged in interstate or foreign commerce by water. These definitions are accepted and adopted and form part of the regulations in this subchapter and apply to all shippers making shipments of poisonous articles by any vessel and shall apply to owners, charterers, agents, master or other person in charge of a vessel and to other persons, transporting, carrying, conveying, storing, stowing, or using poisonous articles on board vessels subject to R. S. 4472, as amended (46 U. S. C. 170), and the regulations in this subchapter.

§ 146.25-5 *Extremely dangerous poisons, Class A, poison gas label.* Poisonous gases or liquids of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life. This class includes the following:

Bromacetone.
Cyanogen.
Cyanogen chloride containing less than 0.9 percent water.
Diphosgene.
Ethyldichlorarsine.
Hydrocyanic acid.[1]
Lewisite.
Methyldichlorarsine.
Mustard gas.
Nitrogen peroxide (tetroxide).
Phenylcarbylamine chloride.
Phosgene (diphosgene).

§ 146.25-10 *Less dangerous poisons, Class B, liquids and solids, poison label.* (a) Poisonous liquids or solids (including pastes and semi-solids), other than Class A, C, or D poisons, which are known to be so toxic to man as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man because they fall within any one of the following categories when tested on laboratory animals:

(1) *Oral toxicity.* Those which produce death within 48 hours in half or more than half of a group of 10 or more white laboratory rats weighing 200 to 300 grams at a single dose of 50 milligrams or less per kilogram of body weight, when administered orally.

(2) *Toxicity on inhalation.* Those which produce death within 48 hours in half or more than half a group of 10 or more white laboratory rats weighing 200 to 300 grams, when inhaled continuously for a period of 1 hour of less at a concentration of 2 milligrams or less per liter of vapor, mist, or dust, provided such concentration is likely to be encountered by man when the chemical product is used in any reasonable foreseeable manner.

(3) *Toxicity by skin absorption.* Those which produce death within 48 hours in half or more than half of a group of 10 or more rabbits tested at a dosage of 200 milligrams or less per kilogram body weight, when administered by continuous contact with the bare skin for 24 hours or less.

(b) The foregoing categories shall not apply if the physical characteristics or the probable hazards to humans as shown by experience indicate that the substances will not cause serious sickness or death. Neither the display of danger or warning labels pertaining to use nor the toxicity tests set forth above shall prejudice or prohibit the exemption of any substances from the provisions of the regulations in this part.

§ 146.25-15 *Tear gas or irritating substances, Class C, tear gas label.* Tear gases are liquid or solid substances which upon contact with fire or when exposed to air give off dangerous or intensely irritating fumes, such as brombenzylcyanide, chloracetophenone, diphenylamine-chlorarsine, and diphenylchlorarsine, but not including any poisonous article, Class A.

§ 146.25-20 *Radioactive materials, Class D, radioactive materials label.* (a) Radioactive material is any material or combination of materials that spontaneously emits ionizing radiation. For the purpose of the regulations in this part radioactive materials are divided into 3 groups according to the type of rays emitted at any time during transportation, as follows:

[1] Dilute solutions of hydrocyanic acid of not exceeding 5 percent strength are classed as poisonous articles, Class B.

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(1) *Group I.* Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays.

(2) *Group II.* Radioactive materials that emit neutrons and either or both types of radiation characteristic of Group I materials.

(3) *Group III.* Radioactive materials that emit electrically charged corpuscular rays only, i. e., alpha or beta, etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens[1] per 24 hours at any time during transportation.

§ 146.25-25 *Exemptions for radioactive materials.* (a) Radioactive materials are exempt from prescribed packaging, marking other than the name of the contents, and labeling requirements, provided they fulfill all of the following conditions:

(1) The package must be such that there can be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The package must contain not more than 0.1 millicuries[2] of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second.

(3) The package must be such that no significant alpha, beta, or neutron radiation is emitted from the exterior of the package, and the gamma radiation at any surface of the package must be less than 10 milliroentgens per 24 hours.

(b) Manufactured articles other than liquids, such as instrument or clock dials of which radioactive materials are a component part, and luminous compounds, when securely packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements provided the gamma radiation at any surface of the package is less than 10 milliroentgens per 24 hours.

(c) Radioactive materials, such as ores, residues, etc., of low activity, packed in strong tight containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation on board vessels only if the gamma radiation or equivalent at any point in any space or area continuously occupied by passengers, crew, or shipments of animals, will not exceed 40 milliroentgens per 24 hours at any time during transportation.

§ 146.25-30 *Packing and shielding of radioactive materials.* (a) Not more than 2,000 millicuries of radium, polonium, or other members of the radium family of elements, and not more than that amount of any other radioactive substance which disintegrates at a rate of 100,000 million (10^{11}) atoms per second may be packed in one outside container for transportation on board vessels, except by special arrangements and under conditions approved by the Commandant of the Coast Guard.

(b) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (i. e., radium, plutonium, and radioactive strontium, etc.) must, in addition to the packing prescribed in this subpart, be packed in inside metal containers (ICC specification 2R) or other containers approved by the Bureau of Explosives, and authorized by the Commandant of the Coast Guard.

(c) All radioactive materials must be so packed and shielded that the degree of fogging of undeveloped film under conditions normally incident to transportation (24 hours at 15 feet from the package) will not exceed that produced by 11.5 milliroentgens of penetrating gamma rays of radium filtered through ½ inch of lead.

(d) The design and preparation of the package must be such that there will be no significant radioactive surface contamination of any part of the container.

(e) The smallest dimension of any outside shipping container for radioactive materials must not be less than 4 inches.

(f) All outside shipping containers must be of such design that the gamma radiation will not exceed 200 milliroentgens per hour or equivalent at any point of readily accessible surface. Containers must be equipped with handles and protective devices when necessary in order to satisfy this requirement.

(g) The outside shipping container for radioactive material unless specifically exempt by § 146.25-25 (a), (b), or (c), must be a wooden box (ICC specification 15A or 15B), fiber drum (ICC specification 21A), or a fiberboard box (ICC specification 12B), except that equally efficient containers may be used when approved by the Bureau of Explosives and authorized by the Commandant of the Coast Guard.

(h) Radioactive materials, Group I, liquid, solid, or gaseous, must be packed in suitable inside containers completely surrounded by a shield of lead or other suitable material of such thickness that at any time during transportation the gamma radiation will not exceed 10 milliroentgens per hour at a distance of one meter (39.3 inches). The shield must be so designed that it will not break or open under conditions incident to transportation. The minimum shielding must be sufficient to prevent the escape of any primary corpuscular radiation to the exterior of the outside shipping container.

(i) (1) Radioactive materials, Group II, liquid, solid, or gaseous, must be packed in suitable inside containers completely shielded so that at any time during transportation the radiation measured at right angles to any point on the long axis of the shipping container will not exceed the following specified limits:

(i) Gamma radiation of 10 mrhm.

(ii) Electrically charged corpuscular radiation which is the physical equivalent[1] of 10 mrhm. of gamma radiation.

(iii) Neutron radiation which is the physical equivalent of 2 mrhm. of gamma radiation.

(iv) If more than one of the types of radiation named in subdivisions (i) (ii), and or (iii) of this subparagraph is present, the radiation of each type must be reduced by shielding so that the total does not exceed the equivalent of subdivision (i) (ii), or (iii) of this subparagraph.

(2) The shielding must be designed so as to maintain its efficiency under conditions normally incident to transportation and must provide personnel protection against fast or slow neutrons and all other ionizing radiation originating in the radioactive materials or any part of the aggregate constituting the complete package.

§ 146.25-35 *Stowage and handling on board vessels.* (a) Containers of poisonous articles offered for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in §§ 146.25-100 to 146.25-400, inclusive, and with the detailed regulations for stowage in this subpart.

(b) All containers of radioactive materials stowed on board a vessel must be efficiently lashed, chocked, or braced to prevent sifting or leakage by movement of the containers in any direction.

(c) No person shall remain unnecessarily in a hold or compartment or close to a hold, compartment, or deck cargo space containing radioactive materials and the shipper must furnish the carrier with such information and equipment as is necessary for the protection of the carrier's employees, stevedores, or other persons engaged in the handling of such cargo. In no instance shall any person who must necessarily remain in a hold, compartment, or in the proximity of a hold, compartment, or deck cargo space containing radioactive material be exposed to a total of more than 300 milliroentgens of gamma radiation or equivalent in any 7-day period.

(d) All containers of radioactive material (red label) must be carried by the handles when handles are provided.

§ 146.25-40 *Limitation of "On deck" stowage.* When "On deck in open" stowage is permitted for any substances by §§ 146.25-100 to 146.25-400, inclusive, it shall apply only to the waterproof containers in which such substances are packed.

§ 146.25-45 *Limitation on all stowage.* (a) Containers of poisonous articles shall be stowed well away from living quarters, refrigerated cargo and foodstuffs of any description.

[1] In determining compliance with requirements of these regulations, all measurements of radiation must be made with a Landsverk-Wollan Electrometer Model L-100, or equally efficient standardized meter.

[2] For purposes of the regulations in this part 1 millicurie is that amount of any radioactive material which disintegrates at the rate of 37 million atoms per second.

[1] For the purposes of the regulations in this part the "Physical Equivalent" of a roentgen is that dose of any ionizing radiation which results in the absorption in tissue of ionizing energy equivalent to 93 ergs per gram of tissue. This is approximately the dose which is imparted to soft tissue by 1 roentgen of gamma or X-rays but it may be imparted by corpuscular radiation which is not measured in terms of roentgens.

(b) Cyanides, or cyanide mixtures shall not be stowed with corrosive liquids.

(c) Enclosed compartments in which are stowed any extremely dangerous poisons, Class A, or radioactive materials, Class D, shall not be left open to entrance by persons unfamiliar with the type of cargo being transported.

(d) No radioactive materials, Groups I, II, or III, shall be stowed on board a vessel in any hold, compartment, or deck space so that the total gamma radiation or equivalent in any space or area continuously occupied by passengers, crew, or shipments of animals will exceed 40 milliroentgens per 24 hours at any time during transportation. Any hold, compartment, or enclosed deck space containing radioactive materials shall be so ventilated that there will be no accumulation of radioactive gases in that hold, compartment, or enclosed deck space.

(e) A container of radioactive materials, red label (Groups I and II), must not be placed closer than 15 feet to any package containing undeveloped film. If more than one such container is present, the distance must be computed from the table in paragraph (f) of this section by adding the number of units shown on the labels on the packages.

(f) The distance in the table of this paragraph must be measured from the nearest point of the radioactive material container or containers. One unit equals 1 milliroentgen per hour at a distance of 1 meter (39.3 inches) for hard gamma radiation or the amount of radiation which has the same effect on film as 1 milliroentgen per hour per meter of hard gamma rays or radium of filtered by ½ inch of lead.

Distances for Stowage

Total number of units	*Minimum distance in feet to nearest undeveloped film*
1 to 10	15
11 to 20	20
21 to 30	25
31 to 40	30

(g) Not more than 40 units of radioactive materials, red label (Groups I and II), shall be stowed together in any 1 area or place. If the shipment exceeds 40 units, a distance of at least 60 feet must separate increments of not more than 40 units each.

§ 146.25-50 *Care following leakage or sifting of poisonous articles.* (a) Compartments or holds in which have been stowed packages containing arsenic or arsenical compounds, calcium cyanide, potassium cyanide, or sodium cyanide, or radioactive ores of low activity shall, in the event any leakage or sifting from the containers has occurred, be thoroughly cleaned after the cargo is unloaded and before the hold is used for stowage of other cargo.

(b) In the event of breakage of containers of radioactive materials, other than the ores of low activity referred to in § 146.25-25 (c), or should any radioactive material, other than the ores of low activity referred to in § 146.25-25 (c), be found on board during or after discharge, the section of the vessel containing this cargo must be isolated as far as possible from danger of human contact. No persons shall be allowed to handle the material or to remain in the vicinity until qualified personnel are present to supervise. Great care must be exercised to prevent radioactive material from entering the body through contact, inhalation, or by any other means. The shipper and the District Commander of the United States Coast Guard or his authorized representative having supervision over the port or place where the vessel is located or bound should be notified immediately.

(c) Holds, compartments, decks, equipment, or any other areas of the vessel contaminated by Class D Poisons, other than ores of low activity, through breakage, fire, etc., must not be used again until decontaminated by qualified personnel.

§ 146.25-55 *Exemptions for poisons, Class B.* (a) Poisonous liquids, Class B, as defined in this subpart, except aniline oil, chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisons, liquid, Class A; hydrocyanic acid solutions; methyl bromide; motor fuel antiknock compound; parathion; phenyldichlorarsine; tetraethyl lead; and thiophosgene; in tightly closed inside containers securely cushioned when necessary to prevent breakage, and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In glass or earthenware containers not over 1 quart capacity each, or in metal containers not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

(2) In glass or earthenware containers not over 1 pint capacity each, or in metal containers not over 1 quart capacity each, packed in strong outside fiberboard boxes.

(b) Poisonous solids, Class B, except cyanides, other than those specified in paragraph (c) of this section, and beryllium metal powder, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In inside glass, earthenware or composition bottles or jars or metal containers or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each, or chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes or wooden barrels or kegs. Net weight of contents of outside container not over 100 lbs.

(2) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 5 of these cartons shall be packed in any outside container.

(c) Cyanides, when packed and described as follows, are exempted from specification packaging and labeling requirements:

(1) Cyanides or cyanide mixtures in tightly closed glass, earthenware or metal inside containers not over 1 pound each, securely cushioned when necessary to prevent breakage, and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container not over 25 pounds.

(2) Cyanide mixtures in tightly closed glass, earthenware, or metal inside containers, securely cushioned when necessary to prevent breakage, and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 5 pounds.

(3) Cyanides of copper, zinc, lead and silver.

(d) Such limited quantity shipments may be accepted on board all vessels subject to the regulations in this part provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.25-60 *Cylinder valve protection.* Cylinders containing a Class A extremely dangerous poison, Class B less dangerous poison or Class C tear gas or irritating substance when offered for transportation on board vessels shall be fitted with valve protection caps or be of dished head design of construction with the valve recessed into the cylinders or otherwise protected, or if of a design other than "valve cap" or "dished head" the cylinder shall be boxed. It is not required that such outside box be a specification container. If the box be of solid construction such box shall be marked "Inside Packages Comply With Prescribed Specifications", and the appropriate label shall be affixed thereto. Cylinders constructed with valves protruding need not be fitted with valve protection caps when such cylinders are shipped boxed.

§ 146.25-100 *Table H—Classification: Class A; extremely dangerous poisons.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Bromacetone, liquid	*A clear colorless liquid produced by the action of bromine on acetone.* *The vapors of this liquid are extremely irritating to the eyes.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and from all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection extension ring or when without extension ring in specification boxes or barrels or in non-specification boxes. Outside containers must be marked "Inside Packages Comply With Prescribed Specifications." Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 24 lb. net wt.	Not permitted	Not permitted	Not permitted.
Chemical ammunition (containing Class "A" poisons, liquids or gases), nonexplosive. May only be shipped by, for, or to the Departments of the Army, Navy and Air Force of the U. S. Government. NOTE: When chemical ammunition is shipped having ignition elements, bursting charges or detonating fuzes assembled, such shipments shall conform to the regulations prescribed for "Ammunition, Chemical Explosive," under Class "A" Dangerous Explosives.	Consists of projectiles, shells, bombs, and grenades containing Class "A" poisonous gases or liquids, but not equipped or packed with ignition elements, bursting charges, detonating fuzes or explosive components. Marking: Packages will be labeled with the "Poison gas" label and marked "Nonexplosive" and carry the name of the contents. Outside containers and additional requirements as to marking, as set forth by the Department of the Army, Navy, or Air Force regulations, shall be conformed with before shipment.	Poison gas.				
Chlorpicrin and methyl chloride, mixtures.	*Chlorpicrin is a colorless, oily liquid. Its vapors are very irritating and extremely poisonous.* *Methyl chloride is a propelling gas.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and from all sources of artificial heat. Keep cool. Spillage or leakage may be decontaminated by flushing the area with copious quantities of a water solution of a sulfite (i. e. sodium sulfite). In event of leakage, avoid the ignition of methyl chloride vapors in air.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-3A, 3AA, 3B, 3C, 3D, 3P, 4A, 4B, 4C, 33) with valve protection cap. Note: Cylinders less than 18" in length or less than 2" in diameter shall be packed in boxes or crates, and marked with the prescribed name of contents, prescribed label, and the words "This side up", and the notation "Inside Packages Comply With Prescribed Specifications."	Not permitted	Not permitted	Not permitted.
Cyanogen chloride containing less than 0.5 percent water.	*A colorless, volatile liquid or poisonous gas.* *Extremely poisonous.* *Boiling point about 56° F.* *Soluble in water.* Stow away from living quarters and in space not easily accessible to any persons. Protect from direct rays of sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-3A, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class A; extremely dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Cyanogen, gas	*A colorless gas with a pungent penetrating odor.* *Extremely poisonous.* *It is also inflammable.* *Miscible with water.* Stow away from living quarters and in space not easily accessible to any persons. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in non-specification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Ethyldichlorarsine	*Colorless, mobile liquid with fruit-like odor becoming yellowish on exposure to light and air.* *Extremely poisonous.* Stow away from living quarters and in space not easily accessible to any persons. Protect from direct rays of sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in non-specification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Gas identification sets	*Such sets contain poisonous liquids and gases, class "A" and poisonous articles class "C" or contain poisonous liquids or gases, class "A" and class "C" and chlorine.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover". "On deck under cover". Outside containers: Wooden boxes (ICC-15A, 15B) WIC, not over 100 grams or mls. or a combination of both packed in each outside box.	Not permitted	Not permitted	Not permitted.
Hexaethyl tetraphosphate and compressed gas mixture (must not contain more than 10 percent hexaethyl tetraphosphate by weight).	*Light straw to amber colored liquid and propellant gas.* *May be absorbed through the skin; through digestive organs; or from vapor through respiratory organs.* *Extremely poisonous.* *Miscible with water.* Stow away from living quarters and in space not easily accessible to any persons. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Cylinders boxed (ICC-3AA300, 3AA300, 3B300, 4A300, 4B240, 4BA240) charged with not more than 5 lbs. of the mixture and to a maximum filling density of 80 percent of the water capacity. Not more than 12 cylinders in one outside wooden box, nor more than 4 cylinders in 1 outside fiberboard box.	Not permitted	Not permitted	Not permitted.
Hydrocyanic acid (prussic) liquid. Hydrocyanic acid liquefied.	*A colorless, volatile liquid having an odor, and taste of bitter almonds.* *Both the acid and its vapors are intensely poisonous.* *Vapors are inflammable and form explosive mixtures in air.* *Miscible with water.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in non-specification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications." Steel cylinders (ICC-3A480, 3AA480) with valve protection cap. Wooden boxes (ICC-15A) with inside metal containers, having the liquid acid completely absorbed in inert material, not over 60 lb. net wt.	Not permitted	Not permitted	Not permitted.
Hydrocyanic acid (prussic), unstabilized.			Not permitted	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class A; extremely dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lewisite	*A colorless to brown or violet colored liquid having a geranium-like odor.* *Very irritant.* *Decomposed by water.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Methyldichlorarsine	*A colorless, mobile liquid having an agreeable odor.* *Very irritant.* *Decomposed by water.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Monochloracetone, unstabilized.			Not permitted	Not permitted	Not permitted	Not permitted.
Mustard gas	*A colorless oily liquid with a faint mustard odor.* *Vapors of this liquid are extremely poisonous and have a blistering effect on the skin.* *Extreme danger exists due to absence of marked odor and the fact that poisonous and irritating effects are not immediately apparent.* Stow well away from all living quarters and in a space not easily accessible to any persons. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Nitrogen dioxide, liquid. Nitrogen peroxide (tetroxide.)	*A yellow liquid at ordinary temperatures. Boils at about 71° F. Liquid evaporates rapidly in air, even at lower temperatures.* *Vapors in air are toxic, but not explosive or inflammable.* *Has corrosive action in contact with skin.* *Soluble in water producing nitric acid.* Stow well away from all living quarters and in a space not easily accessible to any persons. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover" Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications." Steel cylinders (ICC—3A480, 3AA480, 25) with valve removed; valve opening closed by a solid metal plug covered with gastight valve protection cap. Tank cars (ICC-106A500, 106A500X).	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class A; extremely dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Parathion and compressed gas mixture (must not contain more than 10 percent parathion by weight).	*A deep-brown to yellow liquid and compressed gas mixture.* *Slightly soluble in water.* *Extremely poisonous.* *May be absorbed through the skin; through digestive organs; or from vapor through respiratory organs.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover" Outside containers: Cylinders boxed (ICC-3AA300, 3AA300, 3BA300, 4AA300, 4BA240, 4BAA240) charged with not more than 5 lbs. of the mixture and to a maximum filling density of 80 percent of the water capacity. Not more than 12 cylinders in one outside wooden box, nor more than 4 cylinders in 1 outside fiberboard box.	Not permitted	Not permitted	Not permitted.
Phenylcarbylamine chloride.	*A pale yellow, oily liquid having an onion-like ordor.* *Very irritant.* *Immiscible in water.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in nonspecification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Phosgene (*Diphosgene*). Diphosgene.	*A colorless gas with a stifling, choking effect.* *Extremely poisonous.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and from all sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in non-specification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up," and the notation "Inside packages comply with prescribed specifications." Not more than 180 lb. of phosgene may be carried in each cylinder.	Not permitted	Not permitted	Not permitted.
Poisonous liquid or gas, N. O. S.	*May be any poisonous liquid or gas so classified in accordance with the definition for Class "A" poisons contained herein.* Stow well away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and all sources of artificial heat. Keep Cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Steel cylinders (ICC-33, 3D) with valve protection cap or when without cap in non-specification strong wooden boxes marked with prescribed name of contents, prescribed label and the words "This side up", and the notation "Inside packages comply with prescribed specifications."	Not permitted	Not permitted	Not permitted.
Police grenades, poison gas, Class A.	*Loaded or charged devices designed to eject poisons.* *These devices are commonly so constructed that when they function the contents are ejected but there is no projection of the grenade or any portion of the grenade such as to cause physical injury.* Stow well away from living quarters. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes, metal strapped (ICC-15A, 15B, 15C) with inside containers (ICC-2C) not over 24 grenades nor 75 lb. gr. wt. in any outside container.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class A; extremely dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl pyrophosphate and compressed gas mixture (must not contain more than 10 percent tetraethyl pyrophosphate by weight).	*A tight, straw colored, mobile liquid and compressed gas mixture.* *Miscible with water.* *Extremely poisonous.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* Stow away from living quarters and in space not easily accessible to any persons. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison gas	Stowage: "On deck under cover." Outside containers: Cylinders, boxed (ICC-3AA300, 3AA300, 3B300, 4A300, 4B240, 4BA240) charged with not more than 5 lb. of mixture and to a maximum filling density of 80 percent of the water capacity. Not more than 12 cylinders in one outside wooden box, nor more than 4 cylinders in 1 outside fiberboard box.	Not permitted	Not permitted	Not permitted.
Tetraethyl dithio pyrophosphate and compressed gas mixture (must not contain more than 10 percent tetraethyl dithio pyrophosphate by weight).	*Mixtures of the organic phosphate with methyl chloride as the propellant.* Areas contaminated by spillage or leakage should be isolated and flushed with copious quantities of water or dilute alkali solution. Avoid breathing fumes and avoid contact with human tissue.	Poison gas	Stowage: "On deck under cover." Outside containers: Cylinders, boxed (ICC-3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240) charged with not more than 5 lb. of the mixture and to a maximum filling density of 80 percent of the water capacity. Not more than 12 cylinders in one outside wooden box, nor more than 4 cylinders in 1 outside fiberboard box.	Not permitted	Not permitted	Not permitted.

NOTE: § 146.25-100 is inapplicable to the transportation of military explosives. See § 146.29-1.

§ 146.25-200 *Table H—Classification: Class B; less dangerous poisons.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Acetone cyanhydrin	*A clear, colorless to pale yellow liquid.* *May decompose into acetone and hydrogen cyanide if not stabilized.* *Very soluble in water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Alcohol, allyl, liquid Allyl alcohol.	*A clear, colorless liquid having an unpleasant, irritating odor somewhat resembling mustard oil.* *Violent effect on the eyes.* *Inflammable with a flashpoint about 70° F.* *Mixed in certain proportions with air, its vapors are explosive.* *Immiscible with water.* Protect from direct rays of the sun and all sources of artificial heat. Stow away from living quarters and food stuff.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.
Ammonium arsenate, solid.	*White crystals, or powder.* *Becomes powder upon exposure to air, giving off ammonia fumes.* *Dangerous. In event of breakage or sifting of containers do not breathe dust given off.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Aniline oil, liquid	*A liquid varying in color from almost colorless to brown. Its vapors will produce a yellow stain on wood. Poisonous by absorption through the skin; through digestive organs; in form of vapor and dust through the respiratory organs; into the digestive canal by contaminated food. Will contaminate foodstuffs and damage textiles. Slightly miscible with water.* Stow well away from living quarters. Protect from direct rays of the sun and sources of artificial heat. Note: Examine packages carefully for signs of leakage and reject any showing such signs. Marking: A returnable package notice will be shellacked in places upon the head of returnable drums.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 915 lb. net wt. (ICC-17C) STC, not over 55 gal. cap. (ICC-17E) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Tank cars, (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.
Arsenic acid, liquid	*A concentrated, aqueous solution. Has considerable corrosive effect on iron and steel. Will contaminate foodstuffs. Miscible with water.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 13 gal. cap. Carboys in kegs, glass (ICC-1C) not over 15 gal. cap. Carboys boxed, glass (ICC-1D) not over 6½ gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Arsenic chloride (arsenous), liquid Arsenic trichloride, liquid.	*Fuming colorless oily liquid. Caustic and corrosive. Do not breathe fumes. Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with corrosive liquids (white label).	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks readily accessible." Outside containers: Carboys, boxed, glass (ICC-1A) not over 5 gal. cap. Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Arsenic, solid	*Steel-gray, brittle, metal-like crystalline mass. Odorless and tasteless. Is poisonous but in this form is not particularly dangerous unless involved in a fire or brought in contact with strong acids. Insoluble in water.* Stow away from acids (white label).	Poison.	Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C), not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Arsenic trioxide, solid Arsenic, white, solid Arsenous acid, solid.	*White, transparent, glassy amorphous lumps or white powder. Odorless, tasteless. Poisonous if taken internally. Care shall be taken not to breathe air laden with fine powder. Will contaminate foodstuffs. Soluble in water.* Stow away from living quarters.	Poison.	Note: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrels having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ⅞ in. thick throughout, with inside sift-proof cloth container.	Note: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrel having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ⅞ in. thick throughout, with inside sift-proof cloth containers.	Note: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrels having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ⅞ in. thick throughout, with inside sift-proof cloth containers	Note: For import shipments of Arsenic (arsenic trioxide) the following non-specification containers may be accepted: Strong outside wooden barrels having strong, tight, metal drums enclosed, or strong, tight, metal-strapped, wooden boxes of material not less than ⅞ in. thick throughout, with inside sift-proof cloth containers.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenic bromide, solid	*Yellowish-white hygroscopic crystals.* *Melts at about 86° F.* *Vapors when inhaled are poisonous.* *Decomposed by water forming Hydrogen Bromide Vapors.* *Care should be taken not to breathe air laden with vapor or the fine powder of this substance.* Stow well away from foodstuffs and living quarters. Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Ferry stowage (BB)
Arsenic iodide, solid	*In the form of finely divided orange-red scales or powder.* *Is odorless.* *Decomposed by sunlight.* *Poisonous if taken internally.* *Care should be taken not to breathe the air laden with fine powder of this substance.* *Will contaminate foodstuffs.* Stow away from living quarters.	Poison.				
Arsenic pentoxide, solid	*Is a white amorphous material not inflammable or corrosive, but highly poisonous.* *Will dissolve gradually and become liquid by absorbing moisture from the air.* *Soluble in water.* Stow well away from living quarters. Do not stow with acids (white label). Keep dry.	Poison.				
Arsenic sulfide (powder), solid	*May be red, or the yellow arsenic sulfide, in the form of an amorphous powder or solid.* *Will contaminate foodstuff.* *Insoluble in water.* Stow away from living quarters. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lbs gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenical compound or mixtures, N. O. S., solid	*In general these substances are in the form of finely divided powder.* *Are poisonous if taken internally.* *Care shall be taken not to breathe air laden with fine powder of this substance.* *Will contaminate foodstuffs.* Stow away from living quarters. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A), not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A), not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Arsenical compounds or mixtures, N. O. S., liquid.	*These substances are in the form of liquids or liquid paste.* *Poisonous if taken internally.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. (ICC-37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC not over, 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. (ICC-37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. (ICC-37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. (ICC-37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Arsenical dip, liquid (sheep dip).	*A liquid compound containing arsenic.* *Poisonous.* *Miscible with water.* Stow away from foodstuffs.	Poison.				
Arsenous and mercuric iodide solution, liquid.	*Solutions of arsenous iodide and mercuric iodide in water.* *Also known as "Donovan's solution."* *Poisonous if taken internally.* Stow away from foodstuffs and living quarters.	Poison.				
Bordeaux arsenites, liquid.	*Poisonous when taken into the digestive canal as by contaminated food or in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison.				
Beryllium metal powder.	*A grey-white metal powder.* *Chemically active, burns in air.* *Poisonous.* *Do not breath air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and food stuffs. Do not stow with acids (white label). Keep dry.	Poison.	Stowage: "On deck in open". "On deck under cover". "Tween decks". "Under deck". Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. cap. Steel drums (ICC-17H, 37D, 37H) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIMC, not over 65 lb. gr. wt.	Stowage: "On deck in open". "On deck under cover". "Tween decks". Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. cap. Steel drums (ICC-17H, 37D, 37H) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIMC, not over 65 lb. gr. wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal. cap. Steel drums (ICC-17H, 37D, 37H) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIMC, not over 65 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums (ICC-5, 5A, 5B, 6A, 6B, 6C) not over 55 gal.cap. Steel drums (ICC-17H, 37D, 37H) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIMC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B, 12C) WIMC, not over 65 lb. gr. wt.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Bordeaux arsenites, solid.	*Insecticide.* *Poisonous when taken into the digestive canal as by contaminated food, in the form of vapors through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for calcium arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.
Brucine, solid (dimethoxy strychnine).	*White crystaline powder.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Cacodylic acid, solid (dimethylarsenic).	*Colorless, odorless crystals.* *Will gradually liquefy in air.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Calcium arsenate, solid.	*White powder, decomposes on heating.* *Very slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Calcium arsenite, solid.	*White, amorphous or granular powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Carbolic acid (phenol) liquid. Phenol, liquid (liquid tar acid containing over 50% benzophenol).	*Dark, viscous liquid having a distinctive odor.* *Will attack and burn skin and flesh.* *Poisonous by absorption through the skin and through the digestive organs.* *Soluble in water.* Stow away from foodstuffs, and living quarters.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween odeks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal cap. (ICC–37D) STC, not over 10 gal. cap. (ICC–37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Carboys, bored, glass (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass (ICC–1C) not over 15 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Tank cars (ICC–103, 103A, 103W, 103A–W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. (ICC–37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. (ICC–37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B) not over 55 gal. cap. (ICC–17C, 17E) STC, not over 55 gal. cap. (ICC–37D) STC, not over 10 gal. cap. (ICC–37E) STC, not over 5 gal. cap. Wooden barrels or kegs: (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC–12B) WIC not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Carboys, bored, glass (ICC–1A) not over 13 gal. cap. Carboys, in kegs, glass (ICC–1C) not over 15 gal. cap. Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap. Tank cars (ICC–103, 103A, 103W, 103A–W).
Carbolic acid (phenol) solid. Carbolic acid, fused solid. Phenol, solid.	*White crystalline mass which turns pink or red if not perfectly pure or under influence of light.* *Absorbs water from the air and liquefies.* *Sharp burning taste; distinctive odor.* *Strong corrosive poison.* *Melting point 109° F.* *Soluble in water.* *Do not breathe fumes.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H) STC, not over 475 lb. net wt. (ICC–37D) STC, not over 475 lb. net wt. (ICC–37H) STC, not over 200 lb. net wt. (ICC–37G) STC, securely cushioned in outside wooden barrels, not over 250 lb. net wt. Aluminum barrels or drums (ICC–42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC–15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC–16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12D) WIC, not over 75 lb. gr. wt. Tank Cars, (ICC–103, 103A, 103W, 103A–W, 103AL–W, 103A–AL–W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 6B, 6C) not over 1, 760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H) STC, not over 475 lb. net wt. (ICC–37D) STC, not over 475 lb. net wt. (ICC–37H) STC, not over 200 lb. net wt. (ICC–37G) STC, securely cushioned in outside wooden barrels, not over 250 lb. net wt. Aluminum barrels or drums (ICC–42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC–15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC–16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12D) WIC, not over 75 lb. gr. wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H) STC, not over 475 lb. net wt. (ICC–37D) STC, not over 475 lb. net wt. (ICC–37H) STC, not over 200 lb. net wt. (ICC–37G) STC, securely cushioned in outside wooden barrels, not over 250 lb. net wt. Aluminum barrels or drums (ICC–42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC–15A, 15B, 15C) WIC, not over 250 lb. gr. wt. (ICC–16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12D) WIC, not over 75 lb. gr. wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 6B, 6C) not over 1,760 lb. gr. wt. (ICC–6A) not over 880 lb. gr. wt. (ICC–17E, 17H) STC, not over 475 lb. net wt. (ICC–37D) STC, not over 475 lb. net wt. (ICC–37H) STC, not over 200 lb. net wt. (ICC–37G) STC, securely cushioned in outside wooden barrels, not over 250 lb. net wt. Aluminum barrels or drums (ICC–42B, 42C) not over 1,760 lb. gr. wt. Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes: (ICC–15A, 15B, 15C), WIC, not over 250 lb. gr. wt. (ICC–16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes: (ICC–12B) WIC, not over 65 lb. gr. wt. (ICC–12D) WIC, not over 75 lb. gr. wt. Tank Cars, (ICC–103, 103A, 103W, 103A–W, 103AL–W, 103A–AL–W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Chemical ammunition containing Class "B" poisons, liquids or gases, (nonexplosive). NOTE: When chemical ammunition is shipped having ignition elements, bursting charges, detonating fuzes or other explosive components, such shipments shall conform to the regulations prescribed for "Ammunition, chemical, explosive" under Class "A" Dangerous Explosives.	Consisting of projectiles, shells, bombs, grenades, and other containers filled with gases, liquids, or chemicals, class B, without ignition elements, bursting charges, detonating fuzes, or other explosive components. Marking: Packages will be labeled as prescribed by these regulations for gases, liquids, or chemicals contained therein, and marked with the name of the contents.	Poison	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.	See correct shipping name of article contained therein for stowage and containers.
Chlorpicrin, absorbed	*Chlorpicrin absorbed in an efficient absorbing material.* *Properties and hazards same as chlorpicrin, liquid.*	Poison	Stowage: "On deck under cover." Outside containers: Wooden boxes metal strapped (ICC–15A) WIC which must be hermetically sealed metal cans of not over 1 quart capacity each. Not over 24 lb. of chlorpicrin in any outside container.	Not permitted	Not permitted	Not permitted.
Chlorpicrin, liquid. Chlorpicrin, mixtures (containing no compressed gas or poisonous liquid, Class A).	*A colorless, oily liquid. Vapors are very irritating and extremely poisonous.* *Mixtures of chlorpicrin with non-poisonous liquids.* Stow away from living quarters and in a space not easily accessible to any persons. Protect from direct rays of the sun and from all sources of artificial heat. Keep cool. Spillage or leakage may be decontaminated by flushing the area with copious quantities of a water solution of a sulfite (i. e., sodium sulfite).	Poison	Stowage: "On deck under cover." Outside containers: Wooden boxes, (ICC–15A, 15B, 15C, 16A) WIC, not over 24 lb. net wt. Fiberboard boxes (ICC–12B) WIC, not over 12 lb. of liquid in any outside container. Authorized only for chlorpicrin mixtures, in addition to the above containers: Steel drums (ICC–5A) not over 33 gal. cap. Steel cylinders.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
					Ferry stowage (AA)	Ferry stowage (BB).
Coccilus, solid (*fishberry*)	*Dried, ripe fruitberry; used in medicine and as an insecticide.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B), WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for Paris green and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3): Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.
Copper [illegible]rsenite, solid	*Emerald green amorphous powder.*	Poison				
Paris green, solid	*Insoluble in water.* Do not stow with acids (white label) or ammonia, liquid or anhydrous. Stow well away from living quarters and foodstuffs.					
Copper arsenite, solid	*Fine light green amorphous powder.* *Decomposes on heating.* *Insoluble in water.* Do not stow with acids (white label), stow away from heat. Stow away from living quarters and foodstuffs.	Poison				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
					Ferry stowage (AA)	Ferry stowage (BB).
Cyanides or cyanide mixtures, dry.	*When containing the cyanogen equivalent of 10% or more of potassium cyanide.* *May be powder, crystalline or lump in form.* *Cyanides are deadly poisons if taken internally or if dust or fumes are inhaled.* *Soluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep dry.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37D) STC, not over 100 lb. net wt. (ICC-37H) STC, not over 245 lb. gr. wt., hermetically sealed when used with calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lbs. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Bulk: In water-tight railroad cars. Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.	Stowage: "On deck in open." "On deck undercover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37D) STC, not over 100 lb. net wt. (ICC-37H) STC, not over 245 lb. gr. wt., hermetically sealed when used with calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-37D) STC, not over 100 lb. net wt. (ICC-37H) STC, not over 245 lb. gr. wt., hermetically sealed when used with calcium cyanide. Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums, lined or coated: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Bulk: In water-tight railroad cars. Authorized only for sodium cyanides of globular or pellet form: Bags (cloth and paper lined) (ICC-45B) not over 100 lb. net wt.
Barium cyanide solid	*Colorless crystals.* *Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of calcium, solid. Calcium cyanide solid.	*White or grayish powder.* *Decomposes on heating.* *Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of potassium, solid. Cyanide of sodium, solid. Potassium cyanide. Sodium cyanide.	*White amorphous or crystalline mass, with an odor of bitter almonds.* *Gradually liquefies in air.* *Extremely poisonous.* *Do not handle with bare hands.* *In the presence of moisture and carbon dioxide will decompose and give off hydrocyanic acid gas which is poisonous and rapidly fatal when present in the air even in small amounts.* *Soluble in water.* Do not stow with acids (white label). Do not stow with carbon dioxide cylinders. Stow away from living quarters and foodstuffs. Keep dry.	Poison.				
Mercuric cyanide, solid. Mercury cyanide, solid.	*White or colorless crystals or powder.* *Decomposes on heating.* *Soluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Nickel cyanide, solid	*Apple green plates or powder.* *Decomposes on heating.* *Insoluble in water.* Hazards and precautions same as "cyanides dry" above.	Poison.				
Cyanide of copper			No restrictions	No restrictions	No restrictions	No restrictions.
Cyanide of lead			No restrictions	No restrictions	No restrictions	No restrictions.
Cyanide of silver			No restrictions	No restrictions	No restrictions	No restrictions.
Cyanide of zinc			No restrictions	No restrictions	No restrictions	No restrictions.
Cyanide of potassium, liquid. Cyanide of sodium, liquid.	*Colorless liquid, extremely poisonous having an odor of bitter almonds.* *Vapors are poisonous. In the event of leakage and exposure to air, hydrocyanic acid gas can be evolved which is poisonous and rapidly fatal when present in the air even in small amounts.* *Do not allow to contact the skin.* Do not stow with acids (white label). Do not stow with carbon dioxide. Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) without galvanizing inside, not over 110 gal. cap. (ICC-17E, 37D) STC, not over 30 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Dinitrobenzol, liquid	*Colorless to pale yellow liquid.* *Flashpoint variable depending on solvent, may be low.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Sto'wage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 110 gal. cap. and not exceeding 1,760 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W). Ferry stowage (BB).
Dinitrobenzol, solid	*A yellow crystalline solid.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-laden air.* *Slightly soluble in water.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 300 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A).
Dinitrochlorbenzol solid (*Dinitrochlorbenzene*).	*A colorless or yellow crystalline solid which melts at agout 100° F.* *Poisonous when taken internally and also when in contact with the skin.* *Do not breathe dust-loden air or vapors.* *Insoluble in water.* Do not stow near living quarters. Do not stow with acids (white label).	Poison.	Do not stow with foodstuffs or near living quarters. Do not stow with acids (white label).			

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Drugs, chemicals, medicines or cosmetics, N. O. S. (liquid). See § 146.25-55 regarding "Exemptions for poisons, Class B" for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters, and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lbs. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap. and not exceeding 880 lbs. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Drugs, chemicals, medicines or cosmetics, N. O. S. (solid). See § 146.25-55 regarding "Exemptions for poisons, Class B," for limited quantity shipments.	*A unit substance or a compound classified as a less dangerous poison, Class B, in accordance with the definition contained herein, when prepared, packed and offered to the trade as drugs, chemicals, medicines or cosmetics.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lbs. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E) STC, 18 gauge only, for materials fused solid in the drum, not over 880 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel drums or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Ferric arsenate, solid	*Green amorphous powder.* *Decomposes on heating.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, net over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Ferrous arsenate (*Iron arsenate*), solid.	*Greenish or yellowish-brown powder.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison.				
Hydrocyanic acid solutions (solution of not over 5% strength in glass bottles not over 1 pound capacity) (solution of not over 2% strength in glass bottles not over 5 pounds capacity).	*Colorless volatile liquid.* *Vapors intensely poisonous.* *Strong characteristic odor.* *Soluble in water.* Stow well away from living quarters and foodstuffs. Protect from direct rays of the sun and sources of artificial heat. Keep cool.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Insecticide, dry	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breathe air laden with dust of this substance.* *Do not allow in contact with the skin.* Stow away from foodstuffs and living quarters. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 60 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, net over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes(ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W.) Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Tripiex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags: (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. (ICC-44C, 44D) not over 50 lb. net wt.
Insecticide, liquid	*Generally contains more or less of some highly poisonous substance, often an arsenic compound.* *Do not breathe air containing vapors of this substance.* *Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15 C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15 C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Lead arsenate, solid. Arsenate of lead.	*White crystalline powder. Highly poisonous. Decomposes on heating. Poisonous if taken internally. Care should be taken not to breathe air laden with fine powder. Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lbs. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15 B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tanks cars (ICC-103, 103A, 103W, 103A-W). Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15 B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lbs. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15 B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Ferry stowage (AA).	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15 B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W). Authorized only for lead arsenate and arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3). Triplex bags (ICC-36A, 36B) not over 100 lb. net wt. Paper bags (ICC-44B) with inside paper bags, ICC-2D, not over 50 lb. net wt. Ferry stowage (BB).
Lead arsenite, solid.	*White powder. Poisonous if taken internally. Care should be taken not to breathe air laden with fine powder. Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
London purple, solid.	*Arsenic compound in powder form. Major constituent arsenic trioxide. Do not breathe dust. Poisonous if taken internally. Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Magnesium arsenate, solid.	*Ivory-colored, finely divided powder. Do not breathe dust. Poisonous if taken internally. Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Mercuric iodide, solution.	*Colorless to yellow-colored liquid. Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercury compounds, solid.	*Dangerous if taken internally, or in the form of vapor through the respiratory organs. Do not breathe air laden with the dust of these compounds. Do not allow excessive contact with the skin.* Stow away from living quarters and foodstuffs. Stow in a cool, dry place. Do not stow with acids (white label). *The following mercury compounds possess generally the same characteristic hazards and the same precautions shall be observed in handling and stowage:*	----------	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (103, 103A, 103W, 103A-W).
Mercuric acetate.	*White crystals or crystalline powder. Soluble in water. Decomposes on heating.*	Poison.				
Mercuric-ammonium chloride, solid.	*White powder or lumps. Insoluble in water.*	Poison.				
Mercuric benzoate, solid.	*White crystalline powder. Slightly soluble in water.*	Poison.				
Mercuric bromide, solid.	*White crystals. Slightly soluble in water.*	Poison.				
Mercuric iodide, solid.	*Red or yellow crystals. Insoluble in water.*	Poison.				
Mercuric oleate, solid.	*Yellowish to red liquid, semi-solid or solid mass. Insoluble in water.*	Poison.				
Mercuric oxide (red), solid.	*Heavy, bright, orange-red powder very poisonous. Decomposes on heating. Slightly soluble in water.*	Poison.				
Mercuric oxide (yellow), solid.	*Light amorphous, orange-yellow powder. Odorless. Decomposes on heating. Slightly soluble in cold water.*	Poison.				
Mercuric oxycyanide, solid.	*White crystalline powder. Explodes on heating. Moderately soluble in water.*	Poison.				
Mercuric-potassium cyanide, solid.	*Colorless crystals, very poisonous. Soluble in water.*	Poison.				
Mercuric potassium iodide, solid.	*Yellow deliquescent crystals. Decomposes in water.*	Poison.				
Mercuric salicylate, solid.	*White, with yellow or pink tinge powder. Odorless. Almost insoluble in water.*	Poison.				
Mercuric subsulfate, solid.	*Heavy, lemon yellow powder or bright yellow scales. Slightly soluble in water.*	Poison.				
Mercuric sulfate, solid.	*White crystalline powder. Insoluble in water. Decomposes on heating.*	Poison.				
Mercuric sulfocyanate, solid.	*White powder. Decomposes on heating. Insoluble in water.*	Poison.				
Mercuricyanamid, solid.	*A mixture of an organic mercury compound and cadmium oxide.*	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Mercurol (mercury nucleate), solid.	*Colorless or brownish-white powder. Soluble in water.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA)	Ferry stowage (BB).
Mercurous bromide, solid.	*White powder, white fibrous mass or small colorless crystals. Slightly soluble in water.*	Poison.			Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. net wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (103, 103A, 103W, 103A-W).
Mercurous gluconate, solid.	*Metal-organic compound in powder form. Slightly soluble in water.*	Poison.				
Mercurous iodide, solid.	*Bright yellow, amorphous powder. Odorless. Sublimes at 140° C. Decomposes in light. Insoluble in water.*	Poison.				
Mercurous nitrate, solid.	*Short, prismatic crystals. Effloresces and becomes anhydrous in dry air. Decomposes in water.*	Poison.				
Mercurous oxide, black, solid.	*Black to grayish-black powder. Insoluble in water. Decomposes at 100° C.*	Poison.				
Mercurous sulfate, solid.	*White crystalline powder. Almost insoluble in water. Decomposes on heating.*	Poison.				
Mercury acetate, solid.	*White crystalline powder. Decomposes on heating. Soluble in water.*	Poison.				
Mercury bichloride, solid.	*White crystals or powder. Very poisonous. Soluble in water.*	Poison.				
Mercury bisulfate, solid.	*White crystalline powder. Decomposed by water.*	Poison.				
Mercury compounds, N. O. S. (solid).	*Any compound of mercury that classifies as a Less Dangerous Poison, Class B, in accordance with these regulations.*	Poison.				
Methyl bromide, liquid (*bromomethane*).	*Colorless, transparent, volatile liquid. Chloroform-like odor. Noninflammable. Exists as gas under usual temperatures. Liquid form has boiling point of 40° F.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: ~~"On deck protected."~~ "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Tank cars (ICC-104A, 104A-W, 106A500, 106A500X).	Stowage: ~~"On deck protected."~~ "On deck under cover." Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates.	Ferry stowage (AA)	Ferry stowage (BB).
					Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates.	Outside containers: Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) with inside metal cans containing not over 1 lb. each. Outside containers not over 100 lb. net wt. Fiberboard boxes (ICC-12B) with inside metal cans containing not over 1 lb. each. Outside containers not over 50 lb. net wt. Cylinders (ICC-3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, 4BA225). NOTE: Cylinders having a wall thickness of less than 0.08 in. must be packed in boxes or crates. Tank cars (ICC-104A, 104A-W, 106A500, 106A500X).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Motor fuel antiknock compound.	*A mixture of tetraethyl lead and ethylene dibromide and ethylene dichloride. This liquid is poisonous due to the presence of tetraethyl lead. Absorption of this liquid through the skin or inhalation of its vapors are dangerous. Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-105A300, 105A-300W) stenciled on both sides "For Motor Fuel Antiknock Compound Only."	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
					Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-105A300, 105A-300W) stenciled on both sides "For Motor Fuel Antiknock Compound Only."
Nicotine hydrochloride.	*White deliquescent crystals. Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA)	Ferry stowage (BB).
Nicotine, liquid.	*Water-white oily liquid turning dark brown or black with age. Volatile at ordinary temperature. Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.			Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net. wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Nicotine sulfate, liquid.	*Colorless solution having odor resembling tobacco. Miscible with water.* Stow away from living quarters and foodstuffs.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nicotine salicylate	*White, odorless, crystals.* *Melts at about 117° to 118° C.* *Very soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Nicotine sulfate, solid	*White crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Nicotine tartarate	*White to reddish-white crystals.* *Melts at about 88° to 90° C.* *Very soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Nitrobenzol, liquid (oil of mirbane).	*A heavy, oily liquid, yellow or brownish color, having the odor of bitter almonds.* *Ignites at a temperature of about 203° F. Gives off inflammable vapor.* *Is in the form of bright yellow crystals below a temperature of about 48° F.* *The vapors given off by this liquid are poisonous when inhaled.* *Is a powerful narcotic poison when induced into the digestive organs.* *May also be poisonous by absorption into the skin.* *Will contaminate foodstuffs.* *Slightly soluble in water.* Stow away from living quarters and foodstuffs. Protect from direct rays of the sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Woolen boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) (WIC) not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted.	Not permitted.	Not permitted.
Nitrochlorbenzene, ortho, liquid.	*A heavy, oily, yellow liquid.* *Immiscible with water.* Hazards and precautions similar to "Nitrobenzol" above.	Poison.				

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Nitrochlorbenzene, meta or para, solid.	*Pale yellow crystalline mass.* *Dangerous if taken internally, or in the form of vapors through the respiratory organs.* *Do not breathe air laden with the dust of these substances.* *Do not allow excessive contact with the skin.* *Insoluble in water.* *Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. For paranitraniline, solid only, not over 385 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. For nitrochlorbenzene para and paranitraniline, 400 lb. gr. wt. allowed. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted.	Not permitted.	Not permitted.
Paranitraniline, solid	*Yellow crystalline powder.* *Very slightly soluble in water.* Protect from direct rays of sun and any sources of artificial heat. Keep cool and dry.	Poison.				
Nitroxylol	*Colorless or yellow liquid or crystals, becoming reddish brown upon exposure.* Stow away from living quarters and foodstuffs. Protect from direct rays of sun and all sources of artificial heat. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open". "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Woolen boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Parathion, liquid	*A deep brown to yellow liquid. Slightly soluble in water. Extremely poisonous. May be absorbed through the skin; through digestive organs; or from vapor through respiratory organs.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums (ICC-5, 5A, or 5B) not over 55 gal. cap. Steel drums (ICC-17C) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. net wt. Authorized only for parathion, liquid: Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Parathion mixtures, liquid (*containing more than 50% parathion by weight*)	Liquid parathion mixtures (solutions, emulsions or emulsifiable liquids) containing more than 50% parathion by wt. Properties same as those listed above.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B) not over 55 gal. cap. Steel drums (ICC-17C) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIMC, not over 100 lb. gr. wt. Steel drums (ICC-17E) STC, not over 55 gal. cap. authorized only for mixtures which are nonflammable. NOTE: Mixtures containing not more than 25% by wt. parathion, in inside metal containers not over 8 fluid ounces capacity each packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage are exempt from specification packaging, marking other than name of contepts, and labeling requirements.	Stowage: "On deck in open." "On deck under cover." "Tween decks."	Ferry stowage (AA)	Ferry stowage (BB).
Parathion mixtures, liquid (*containing not more than 50% parathion by wt.*)	*Liquid parathion mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 50% parathion by wt.* Hazards and precautions similar to "parathion, liquid" above. Stow away from living quarters and food stuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums (ICC-5, 5A, 5B) not over 55 gal. cap. Steel drums (ICC-17C) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIMC, not over 100 lb. gr. wt. Steel drums (ICC-17E) STC, not over 55 gal. cap. authorized only for mixtures which are nonflammable. NOTE: Mixtures containing not more than 25% by wt. parathion, in inside metal containers not over 8 fluid ounces capacity each packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage are exempt from specification packaging, marking other than name of contents, and labeling requirements.	Outside containers: Steel barrels or drums (ICC-5, 5A, 5B) not over 55 gal. cap. Steel drums (ICC-17C) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIMC, not over 100 lb. gr. wt. Steel drums (ICC-17E) STC, not over 55 gal. cap. authorized only for mixtures which are nonflammable. NOTE: Mixtures containing not more than 25% by wt. parathion, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage are exempt from specification packaging, marking other than name of contents, and labeling requirements. Ferry stowage (AA).	Outside containers: Steel barrels or drums (ICC-5, 5A, 5B) not over 55 gal. cap. Steel drums (ICC-17C) STC, not over 55 gal. cap. Wooden boxes (ICC-15A, 15B, 15C) WIMC, not over 100 lb. gr. wt. Steel drums (ICC-17E) STC, not over 55 gal. cap. authorized only for mixtures which are nonflammable. NOTE: Mixtures containing not more than 25% by wt. parathion, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage are exempt from specification packaging, marking other than name of contents, and labeling requirements. Ferry stowage (BB).
Parathion mixtures, dry	*Parathion mixtures in which the liquid is absorbed in concentrations greater than 2% but not exceeding 5% in a dry inert material so as to form a dry mixture. Poisonous. Do not breath air laden with this substance. Do not allow in contact with the skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums (ICC-17C, 17H) STC, not over 55 gal. cap. Steel drums (ICC-37H) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt. NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums (ICC-17C, 17H) STC, not over 55 gal. cap. Steel drums (ICC-37H) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt. NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.	Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums (ICC-17C, 17H) STC, not over 55 gal. cap. Steel drums (ICC-37H) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt. NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.	Outside containers: Fiberboard boxes (ICC-12B, 12C) WIC, not over 65 lb. gr. wt. Wooden boxes (ICC-15A, 15B) WIC, not over 150 lb. gr. wt. Steel barrels or drums (ICC-5, 5B, 6A, 6C) not over 55 gal. cap. Steel drums (ICC-17C, 17H) STC, not over 55 gal. cap. Steel drums (ICC-37H) STC, not over 100 lb. net wt. Fiber drums (ICC-21A, 21B) not over 200 lb. net wt. NOTE: Dry mixtures containing not more than 2% by weight of parathion, and in which the liquid is absorbed in an inert material, are exempt from specification packing, marking other than name of contents, and labeling requirements.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Perchloro-methyl-mercaptan	*An orange-red heavy liquid. Volatile when exposed to sun or heat. Non-inflammable. Gives off vapors that are irritating and suffocating. May be poisonous by skin absorption. Not affected by light, but fumes on exposure to moist air. Insoluble in water. Do not breathe vapors or allow liquid to contact the skin.* Stow well away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool.	Poison	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden barrels or kegs (ICC-11A, 11B) WIC, not over 100 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 100 lb. net wt.	Not permitted	Not permitted	Not permitted.
Phenyldichlorarsine, liquid	*A poisonous material used in warfare. Irritating to the lungs. Do not breathe vapors.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open" Outside containers: Steel barrels or drums (ICC-5A) not over 30 gal. cap.	Not permitted	Not permitted	permitted
Poisonous liquids, N. O. S.	*May be any liquid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such liquid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. Wooden barrels or kegs: (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous solids, N. O. S.	*May be any solid classifying as a Less Dangerous Poison, Class B, in accordance with the definitions contained in these regulations, provided such solid is not otherwise specified by name in these regulations.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label). Keep cool and well away from all sources of artificial heat.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lbs. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb net wt. (ICC-21B) not over 200 lb net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E) STC 18 gauge only, for materials fused solid in the drum. Not over 880 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes, (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Potassium arsenate, solid.	*Odorless crystals.* *Poisonous if taken internally.*	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb net wt. (ICC-21B) not over 200 lb net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Sodium arsenate, solid.	*Soluble in water.* Stow away from living quarters and foodstuffs.					
Potassium arsenite, solid.	*White powder.* *Decomposes on exposure to air.* *Poisonous if taken internally.* *Cars should be taken not to breathe air laden with fine dust.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Sodium cacodylate, solid (*sodium dimethylarsenate*).	*White, odorless crystals or granular powder.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Strontium arsenite, solid.	*White, odorless powder.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison.				
Strychnine and salts thereof, solid	*In the form of small, hard crystals or white crystalline powder.* *Poisonous if taken internally.* *Care should be taken not to breathe air laden with dust.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label).	Poison.	(ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt.	Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Sodium arsenite (solution), liquid.	*Solution of arsenic trioxide and sodium carbonate or hydroxide.* *Poisonous if taken internally.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A), WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Sodium aside	*White hexagonal crystals.* *Decomposes when heated.* *Soluble in water.* *In contact with moist air and acids, will give off poisonous gas.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Wooden boxes (ICC-15A) WIC with securely closed paper bag inside ICC-2J. Not over 100 lb. net wt.	Not permitted.	Not permitted.	Not permitted.
Tetraethyl lead, liquid.	*Colorless liquid.* *Absorption of this liquid through the skin or inhalation of the vapors is poisonous.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA). Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage Outside containers: Steel barrels or drums (ICC-5, 5A) not over 110 gal. cap. Wooden boxes (ICC-15A) with inside glass or earthenware containers of not over 1 pint capacity each or metal cans within ICC-2A. Outside container not over 100 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Tetraethyl pyrophosphate, liquid. Tetraethyl pyrophosphate, mixture, liquid. Tetraethyl dithio pyrophosphate, liquid. Tetraethyl dithio pyrophosphate, mixture, liquid. Hexaethyl tetraphosphate, liquid. Hexaethyl tetraphosphate, mixture, liquid.	*Water-white to amber colored liquids.* *Miscible with water.* *Extremely poisonous.* *May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.* Stow away from living quarters and food stuffs.	Poison	Stowage: "On deck in open". "On deck under cover". "Tween decks". "Under deck". Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open". "On deck under cover". "Tween decks". Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene.	Ferry stowage (AA).	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal. cap. and not exceeding 880 lb. gr. wt. (ICC-17C, 17E) STC, not over 55 gal. cap., and not exceeding 880 lb. gr. wt. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 cal. cap., and not exceeding 600 lb. net wt. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).
Tetraethyl pyrophosphate, mixture, dry. Tetraethyl dithio pyrophosphate, mixture, dry. Hexaethyl tetraphosphate, mixture, dry.	*Dry mixtures in which the liquid is absorbed in a dry inert material.* *Poisonous.* *Do not breath air laden with this substance.* *Do not allow in contact with skin.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open". "On deck under cover". "Tween decks". "Under deck". Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open". "On deck under cover". "Tween decks". Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry Stowage (AA).	Ferry Stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Thallium salts, solid	*In the form of crystals, needles, or powder, some of which are soluble in water others insoluble.* Stow away from living quarters and foodstuffs.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits, (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes, (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA).	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes. (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits. (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes. (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W).
Thallium sulfate, solid	*White or colorless powder or crystals.* *Soluble in water.* Stow away from living quarters and foodstuffs.	Poison				
Thiophosgene (*thiocarbonylchloride*).	*Red colored liquid with sharp penetrating toxic fumes.* Areas contaminated by leakage should be flushed with copious quantities of water and scrubbed with strong soap. Addition of a small quantity of lye to the wash water is desirable.	Poison	Stowage: "On deck protected." "On deck under cover." Outside containers: Wooden boxes. (ICC-15A, 15B) WIC, not over 100 lb. net wt. Fiberboard boxes. (ICC-12B) WIC, not over 50 lb. net wt.	Not permitted	Not permitted	Not permitted.
Xylidene	*Colorless or yellow, oily liquid, becoming darker on exposure.* *Ignites at temperatures of about 206° F.* *Poisonous by absorption of the liquid throught the skin or inhalation of the vapors.* *Dangerous poison if taken internally.* *Very slightly soluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B) not over 55 gal cap. (ICC-17C, 17E) STC, not over 55 gal. cap. (ICC-37D) STC, not over 10 gal. cap. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 50 gal. cap. (ICC-11A, 11B) WIC, not over 200 lb. gr. wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. gr. wt. Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt. Cylinders as prescribed for any compressed gas except acetylene. Tank cars (ICC-103, 103A, 103W, 103A-W).	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class B; less dangerous poisons—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Zinc arsenate	*Colorless crystals or powder.* *Decomposes on heating.* *Insoluble in water.* Stow away from living quarters and foodstuffs. Keep cool.	Poison	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums, (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W.)	Stowage: "On deck in open." "On deck under cover." "Tween decks." "Under deck." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (AA) Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt.	Ferry stowage (BB). Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt. (ICC-6A) not over 880 lb. gr. wt. (ICC-17E, 17H, 37D) STC, not over 300 lb. gr. wt. (ICC-37H) STC, not over 200 lb. net wt. Wooden barrels or kegs: (ICC-10A, 10B, 10C) not over 600 lb. net wt. (ICC-11A) not over 115 lb. net wt. Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt. Wooden kits (ICC-18B) WPL, not over 30 lb. net wt. Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt. Fiber drums: (ICC-21A) not over 225 lb. net wt. (ICC-21B) not over 200 lb. net wt. Plywood drums (ICC-22A) not over 115 lb. net wt. Tank cars (ICC-103, 103A, 103W, 103A-W.)
Zinc arsenite, solid	*Colorless powder* *Insoluble in water.* Stow away from living quarters and foodstuffs.	Poison.				

NOTE: § 146.25-200 is inapplicable to the transportation of military explosives. See § 146.29-1.

§ 146.25-300 *Table II—Classification: Class C; tear gas or irritating substances.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Brombenzyl cyanide, liquid.	*A dark brown viscous liquid which solidifies at about 75° F., forming white or yellowish crystals.* *Vapors are heavier than air.* *The vapors given off by this material are intensely irritating to the eyes and have a strong corrosive action on the throat and lungs.* Stow well away from living quarters and in a space not easily accessible to any persons. Keep cool.	Tear gas	Stowage: "On deck protected." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 110 gal. cap. (ICC-6A) not over 55 gal. cap. (ICC-17C) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15 B) WIMC, not over 8 liquid gallons and not over 80 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Chemical ammunition containing Class "C" poisons, liquids, gases or solids (nonexplosive). NOTE: When shipped with ignition elements, bursting charges, detonating fuzes or other explosive components, such shipments shall conform to the regulations prescribed for "Ammunition, chemical explosive" under Class "A" dangerous explosives.	*Consists of projectiles, shells, bombs, and other containers, except grenades, filled with gases, liquids, or chemicals, Class "C" without ignition elements, bursting charges, detonating fuses, or other explosive components.* Boxes must be marked with name of contents and labeled as prescribed by these regulations for the gases, liquids, or chemicals contained therein.	Tear gas.				
Chloracetophenone, gas, liquid, or solid.	*In solid form is a crystalline body of pale yellow color with a pungent odor.* *Melts at about 138° F.* *Is also shipped in liquid form or in the form of gas.* *Vapors intensely irritating to the eyes.* *Insoluble in water.* Stow well away from living quarters. Keep cool.	Tear gas	Stowage: "On deck in open." "On deck under cover." "Tween decks readily accessible." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 110 gal. cap. (ICC-6A) not over 55 gal. cap. (ICC-17C) STC, not over 5 gal. cap.	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums (ICC-6A, 6B, 6C) not over 30 gal. cap. and not over 480 lb. gr. wt.	Not permitted	Not permitted.
Diphenylaminechlorarsine, gas, liquid or solid.	*A yellow crystalline substance.* *In solid form, capable of giving off irritating vapors.* *Is also shipped in liquid form or in the form of gas.* Stow well away from living quarters. Keep cool.	Tear gas.	Wooden boxes (ICC-15A, 15B) WIMC, not over 8 liquid gallons and not over 80 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Wooden boxes (ICC-15A, 15B) WIMC, not over 8 liquid gallons and not over 80 lb. net wt.		
Diphenylchlorarsine solid.	*A white crystalline substance giving off irritating vapors.* Stow well away from living quarters. Keep cool.	Tear gas.				
Monochloracetone, stabilized.	*A clear liquid with pungent odor irritating to the eyes.* *Soluble in water.* Stow well away from living quarters.	Tear gas	Stowage: "On deck protected." "On deck under cover." Outside containers: Metal barrels or drums: (ICC-5, 5A) not over 5 gal. cap. (ICC-17C) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B, 15C, 16A) WIC, not over 24 lb. net wt. of liquid.	Not permitted	Not permitted	Not permitted.

Table H—Classification: Class C; tear gas or irritating substances—Continued

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Poisonous liquids, N. O. S.	*Any liquid classifying as a poison, Class "C", in accordance with these regulations.* Stow well away from living quarters. Keep cool.	Tear gas	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 110 gal. cap. and not over 1760 lb. gr. wt. (ICC-6A) not over 55 gal. cap. and not over 880 lb. gr. wt. (ICC-17C) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 8 liquid gallons and not over 80 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Poisonous solids, N. O. S.	*Any solid classifying as a poison, Class "C", in accordance with these regulations.* Stow well away from living quarters. Keep cool.	Tear gas.				
Tear gas grenades. Tear gas candles.	*Devices containing lachrymatory (tear producing) substances. These devices are commonly so constructed that when they function, the contents are ejected, but there is no projection of any portion of the grenades which might cause physical injury.* Stow well away from living quarters. Keep cool. NOTE: Grenades or other similar devices may be shipped completely assembled when shipments are made by, for, or to the National Military Establishment of the United States Government, providing the functioning element is so packed that it cannot accidentally function.	Tear gas	Stowage: "On deck in open." "On deck under cover." Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Steel barrels or drums (ICC-37D) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt.	Stowage: "On deck in open." Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Steel barrels or drums (ICC-37D) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt.	Ferry stowage (AA) Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Steel barrels or drums (ICC-37D) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt.	Ferry stowage (BB). Outside containers: Wooden boxes (metal strapped) (ICC-15A, 15B, 15C) not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt. Steel barrels or drums (ICC-37D) STC, not more than 24 grenades and 24 functioning devices, nor over 75 lb. gr. wt.
Tear gas material, liquid or solid, N. O. S.	*May be any liquid or solid material used as a tear-producing gas.* Stow well away from living quarters. Keep cool.	Tear gas	Stowage: "On deck in open." "On deck under cover." Outside containers: Steel barrels or drums: (ICC-5, 5A, 5B, 6B, 6C) not over 110 gal. cap. and not over 1760 lb. gr. wt. (ICC-6A) not over 55 gal. cap. and not over 880 lb. gr. wt. (ICC-17C) STC, not over 5 gal. cap. Wooden boxes (ICC-15A, 15B) WIMC, not over 8 liquid gallons and not over 80 lb. net wt. Cylinders as prescribed for any compressed gas except acetylene.	Not permitted	Not permitted	Not permitted.
Xylyl bromide	*A colorless liquid or crystals producing a gas having lachrymatory effects. Used for military purposes. Insoluble in water.* Stow well away from living quarters. Keep cool.	Tear gas.				

NOTE: § 146.25-300 is inapplicable to the transportation of military explosives. See § 146.29-1.

§ 146.25-400 *Table H—Classification: Class D: radioactive materials.*

Descriptive name of article	Characteristic properties, cautions, markings required	Label required	Required conditions for transportation: Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
Radioactive materials, groups I and II.	Group I: Radioactive materials that emit gamma rays only or both gamma and electrically charged corpuscular rays. Group II: Radioactive materials that emit neutrons and either or both gamma and electrically charged corpuscular rays. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials group I or group II: Red.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
Radioactive materials, group III.	Group III: Radioactive materials that emit electrically charged corpuscular rays only, i.e., alpha or beta, etc., or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 10 milliroentgens per 24 hours at any time during transportation. Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs, or with undeveloped films. Observe instructions and safety precautions as set forth in this subpart.	Radioactive materials, group III: Blue.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (AA) Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.	Ferry stowage (BB). Outside containers: Wooden boxes (ICC-15A, 15B) WIC. Fiberboard boxes (ICC-12B) WIC. Fiber drums (ICC-21A) WIC. Other approved containers. Packaging and shielding requirements of this subpart must be complied with.
Radioactive materials as described under § 146.25-25 (a) and (b).	Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles or bombs. Observe instructions and safety precautions as set forth in this subpart.	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Ferry stowage (AA) Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Ferry stowage (BB). Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.
Radioactive materials as described under § 146.25-25 (c).	Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids, in cylinders, projectiles, or bombs. Observe instructions and safety precautions as set forth in this subpart.	No label required.	Stowage: "On deck protected." "On deck under cover." "Tween decks readily accessible." "Under deck." Outside containers: Strong outside containers with or without inside container, meeting the applicable requirements of § 146.25-25.	Not permitted	Not permitted	Not permitted.

10. Sections 146.28–1 and 146.28–2 are amended to read as follows:

§ 146.28–1 *Scope.* The regulations contained in the sections under the heading "Subpart—Temporary Amendments to Regulations" are supplementary and amendatory to the regulations in this part and are effective for the duration of the National Emergency proclaimed by the President on December 16, 1950 (Proclamation 2914, 3 CFR, 1950 Supp.), except as hereafter modified or rescinded.

§ 146.28–2 *Reused single-trip containers.* Notwithstanding the provisions of § 146.05–10 (h), single-trip containers may be, for the duration of the National Emergency proclaimed by the President on December 16, 1950 (Proclamation 2914, 3 CFR, 1950 Supp.), reused if retested and approved for service in accordance with the regulations of the Interstate Commerce Commission in effect at the time of shipment.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

11. Section 146.28–3 *The Captain of the Port to establish conditions for loading and unloading cargo* is canceled.

12. Section 146.28–5 *Additional containers for cyanides* is canceled.

13. Section 146.28–9 *Additional containers for poisonous solids* is canceled.

14. Section 146.28–10 *Additional containers for blasting caps* is canceled.

15. Section 146.28–11 *Additional containers for airplanes flares* is canceled.

16. Section 146.28–12 *Additional containers for empty cartridge cases primed* is canceled.

17. Section 146.28–16 *Additional containers for sodium hydrosulfite* is canceled.

18. Section 146.28–18 *Additional containers for batteries, electric, wet* is canceled.

19. Section 146.28–19 *Additional containers for nitrogen dioxide, liquid (nitrogen peroxide, nitrogen tetroxide)* is canceled.

20. Section 146.28–22 is amended to read as follows:

§ 146.28–22 *Increase of weight limitation for Class B poisonous solids.* Class B poisonous solids other than such poisonous solids for which special requirements are prescribed may be accepted for transportation on board vessels when packed in metal drums (ICC–17E, 17H, and 37D) having a gross weight not over 375 pounds in lieu of 300 pounds now specified.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

21. The center heading following § 146.28–22 "Subpart—Transportation of Military Explosives on Board Vessels During Present Emergency" is changed to read "Subpart—Transportation of Military Explosives on Board Vessels During National Emergency or War."

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

22. Section 146.29–1 is amended to read as follows:

§ 146.29–1 *Regulations declared inapplicable.* Sections 146.02–11, 146.02–21, 146.03–3, 146.06–9, 146.06–19, 146.09–1 to 146.09–6, inclusive, 146.10–6 (b), 146.20–15 to 146.20–51, inclusive, 146.20–85, 146.20–90, 146.20–100 to 146.20–300, inclusive, 146.23–4 (d), 146.23–7 (a), (b), and (c); 146.24–55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "Chemical ammunition containing Class 'B' poisons, liquids or gases," and "Chemical ammunition containing Class 'C' liquids, gases or solids," appearing in sections 146.25–100, 146.25–200, and 146.25–300, 146.27–3 to 146.27–6, inclusive, and 146.27–100 are hereby declared inapplicable to the transportation of military explosives during the National Emergency proclaimed by the President on December 16, 1950 (Proclamation 2914, 3 CFR, 1950 Supp.), or during a war in which the United States may be engaged, or during any other National Emergency proclaimed by the President.

(R. S. 4405, as amended, 4472, as amended, 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

23. Section 146.29–3 is amended to read as follows:

§ 146.29–3 *Effective date.* The regulations contained in this subpart are hereby declared effective during the National Emergency proclaimed by the President on 16 December 1950 (Proclamation 2914, 3 CFR, 1950 Supp.), or during a war in which the United States may be engaged or during any other National Emergency proclaimed by the President.

(R. S. 4405, as amended, 4472, as amended, 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

24. Section 146.29–6 is amended by changing paragraph (a) and subparagraph (b) (6) to read as follows:

§ 146.29–6 *Definitions and abbreviations.* • • •

(a) *Military explosives.* Military explosives consist of all Interstate Commerce Commission's Classes A, B, and C explosives shipped by, for, or to the Departments of the Army, Navy, or Air Force of the United States Government, or similar types of explosives shipped by, for, or to the government of any country whose defense is deemed vital to the defense of the United States. These explosives are divided into two classes, as follows:

(1) *Ammunition.* Ammunition consists of all types of shells, projectiles, cartridges, grenades, bombs, mines, torpedoes, torpedo warheads, propellant powder charges, pyrotechnics, rockets, chemical, smoke or incendiary ammunition, or other "made up" explosive devices that are utilized by the armed forces in the prosecution of a war.

(2) *Explosives in bulk.* Explosives in bulk consist of any high explosives, black powder, and low explosives or smokeless powder in accordance with the definitions in §§ 146.20–1, 146.20–7, and 146.20–9, when such substances are shipped in containers other than containers such as shells, bombs, grenades, mines, torpedoes, powder bags in individual containers, cartridges, fuzes, detonators, caps, primers, and similar "made up" ammunition devices.

• • •

(b) *Related terms.* • • •

(6) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids see §§ 146.21–1 and 146.21–5;

(ii) Inflammable solids and oxidizing materials see §§ 146.22–1, 146.22–2, and 146.22–3;

(iii) Corrosive liquids see §§ 146.23–1 and 146.23–2;

(iv) Compressed gases see §§ 146.24–1 and 146.24–5;

(v) Poisons, Class A, see § 146.25–5, Class B, see § 146.25–10, Class C, see § 146.25–15;

(vi) Combustible liquids see §§ 146.26–1 and 146.26–2; and,

(vii) Hazardous articles see §§ 146.27–1 and 146.27–2.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

25. Section 146.29–23 is amended by changing paragraph (1) to read as follows:

§ 146.29–23 *Handling and slinging of explosives.* • • •

(1) Wire rope or wire rope assemblies, including splices or fittings thereof, used in handling ammunition and explosives shall be kept bare to permit ready inspection of its safe working condition. Mechanical type endings may be used in lieu of hand splices provided such endings have a minimum breaking strength equal to the catalog strength of wire rope from which it is made.

(R. S. 4405, as amended, 4472, as amended, 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

26. Section 146.29–100 is amended by changing the description of small arms ammunition (Class I), and requirements regarding "jato units" as follows:

(A) The "description" for Class I (small-arms ammunition w/o explosives bullets, mechanical time fuze w/o booster and like items) is amended by changing it to read as follows:

§ 146.29–100 *Military ammunition and explosives in bulk.* • • •

DESCRIPTION

Small arms ammunition is fixed ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand, or by the hand and shoulder, or machine guns of caliber less than .75, or blank remover cartridges for pilot seat ejectors and canopy removing catapults, and consists of a metallic or paper cartridge case, a primer and a propelling charge, with or without bullet, shot, tear gas material, tracer components or incendiary compositions or mixtures, but not including bullets loaded with high explosives.[1] (For small arms ammunition with explosive bullets or projectiles see Class IV–B).

[1] The U. S. Army and Navy definition is based on tactical considerations. This Coast Guard definition shall take precedence in all cases involving transportation, handling and stowage as cargo on board merchant vessels which are subject to the regulations in this part.

27. Section 147.05–100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended by changing the requirements for "ships' signal and emergency equipment" as follows:

Table S—Classification: Ships' stores and supplies of a dangerous nature

Description name of article	Characteristic properties, cautions, required, markings required	Label required	Required conditions for transportation		
			Passenger vessel	Ferry vessel, passenger or vehicle	R. R. car ferry, passenger or vehicle
•	•	•	•	•	•
Ships' signal and emergency equipment. Cartridges for line throwing appliances.	A metallic case containing primer and powder in one unit and discharged by percussion. *The hazard of such cartridges is nil.* Protect from fire.	No label required.	Stowage: Within the box containing the line throwing appliance and its equipment, and stowed at the discretion of the master.	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries.
Distress signal rockets.	Rockets or shells throwing stars of any color or description.	No label required.	Stowage: Vessel's portable magazine chest.[1]	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries.
Parachute flare distress signal cartridges.	Approved parachute flare distress signals when in metal containers with screw cap contained in a portable watertight case.	No label required.	Stowage: In place in the emergency and motor lifeboats. Additional signals may be stowed in a location discretionary with the master.	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries.
Powder charges for line throwing appliances (mounted-type gun).	Powder charges used in projecting lines when mounted but not more than 5 ounces of powder enclosed in a fabric bag.	No label required.	Stowage: Vessel's portable magazine chest. Container: Metal cans having tight top closing means.	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries.
Self-igniting pilot lights (flare).	A flare signal light used for signaling a pilot.	No label required.	Stowage: Vessel's portable magazine chest.	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries.
Signals, distress: (Combination flare and smoke.) (Floating lights.) (Red flares.) (Smoke signals.)	Distress signals furnished as equipment in lifeboats, life rafts and in pilothouse or navigating bridge.	No label required.	Stowage: In place within the lifeboat or life raft or buoyant apparatus. Additional lights may be stowed in the pilothouse or navigating bridge. Container: The container shall be constructed in accordance with Specification requirements of the Commandant of the Coast Guard.	Not carried as emergency equipment on ferry vessels.	Not carried as emergency equipment on car ferries. Stowage: In place within the lifeboat, life raft and pilothouse. Container: The container shall be constructed in accordance with Specification requirements of the Commandant of the Coast Guard.
Water lights: (Buoy lights.) (Life raft lights.)	A cylinder constructed in accordance with the requirements of the Commandant of the Coast Guard, loaded with a composition of calcium carbide and calcium phosphide designed to produce a brilliant white light without explosion when in contact with water.	No label required.	Stowage: In place attached to ring buoys, life rafts, and buoyant apparatus as required by Commandant of the Coast Guard. Spares shall be stowed in vessel's portable magazine chest. Containers: Cylinders built to specifications of, and approved by Commandant of the Coast Guard.	Stowage: In place attached to ring buoys, life rafts, as required by Commandant of the Coast Guard. Spares shall be stowed in vessel's portable magazine chest. Containers: Cylinders built to specifications of, and approved by Commandant of the Coast Guard.	Stowage: In place attached to ring buoys, life rafts, as required by Commandant of the Coast Guard. Spares shall be stowed in vessel's portable magazine chest. Containers: Cylinders built to specifications of, and approved by Commandant of the Coast Guard.

Other items of ammunition or component parts of ammunition having similar hazard characteristics to small arms ammunition are also included in this class.

(B) Under Class X, "Explosive bombs, mines, torpedoes, etc.", at the end of the description under the heading *"Includes but is not limited to—"* the items "Jato assist take-off units" is deleted.

(R. S. 4405, as amended, 4472, as amended. 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. 1275)

(C) At the end of the description under Class X, "Explosive bombs, mines, torpedoes, etc.", the note regarding "jet units" and "Jet thrust units (Jato)" are added.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. 1275)

[1] Containers: The container shall be constructed of copper of not less than No. 22 B. W. G. thickness, or No. 23 B. W. G. copper, or equal monel or nickel alloy, with seams locked, jointed and soldered. The cover or top may be of cast brass not less than ⅛" thickness, or of reinforced copper of not less than ¼" thickness. The cover shall have a fitted gasket, together with threaded means, clamps or dogs to provide a W. T. seal (bayonet type closures are not permitted). The cover shall be easily removable without recourse to tools. The case shall have a capacity of not less than 6 cubic feet.

(R. S. 4405, as amended, 4472, as amended; 46 U. S. C. 375, 170. Interpret or apply sec. 5, 55 Stat. 244, as amended; 50 U. S. C. App.

Dated: July 9, 1952.

A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52–7700; Filed, July 16, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter G—Procurement

ARMY PROCUREMENT PROCEDURE

MISCELLANEOUS AMENDMENTS

The following amendments to Subchapter G are issued.

PART 590—GENERAL PROVISIONS

Part 590 is amended as indicated below:

1. Section 590.305 (c) is rescinded and the following substituted therefor:

§ 590.305 *Specifications; general.*

* * *

(c) *Description in lieu of specifications.* (1) A Federal or Military Specification or Standard will not be prepared when it is not in the best interest of the Government to do so. Instances where such a determination may be economically sound occur when the volume of procurement is not sufficient to justify the preparation of a specification or standard; when the character of the item is of minor significance and purchasing offers no problem; or for spare parts, components, or materials required for repair or maintenance of existing equipment; or for similar items required for maintenance and operation of existing facilities or installations.

(2) The exceptions outlined in subparagraph (1) of this paragraph may be described in proposals or contracts by use of a purchase description, provided it adequately specifies all of the essential requirements of the item or items. When the product cannot be adequately described because of its technically involved construction or composition, the name of one or preferably more commercial products may be used, followed by the words "or equal," so as not to limit competition to the particular make or makes specified. Such references to manufacturers' brand names and numbers are intended to be descriptive, but not restrictive, and are for the sole purpose of indicating to prospective bidders the requirements that must be met.

(3) Heads of Procuring Activities will insure that necessary discretion is exercised in preparation of purchase descriptions, evaluation of bids, and award of contracts when such descriptions are used. Repeated use of a purchase description for large dollar volume purchases of any item other than one of minor significance indicates a need for a specification. In these instances, necessary action will be taken to provide for issuance of adequate Military or Federal Specifications as appropriate. Special precaution will be exercised to prevent the phrase "or equal" being used to procure proprietary products under the guise of competitive bidding procedures, to the exclusion of other similar products at least of equal quality and performance that meet the actual needs. Use of the phrase "or equal" is not intended as a device to substantiate a determination that no other product is equal in quality and performance to the product or products specifically listed in the invitation for bids or request for proposal. In instances where a proper determination has been made that one, and only one, supplier can furnish the required item or items, procurement should be accomplished by negotiation in accordance with Part 402 of this title and Part 592 of this chapter. In any case of rejection of low bidder offering products "as equal" to the specific product or products listed in an invitation for bid or request for proposal followed by "or equal," determination of "equality" will be based on factual data.

2. Subpart H is rescinded and the following substituted therefor:

SUBPART H—PROCUREMENT ACTION REPORTING

§ 590.800 *Scope of subpart.* This subpart sets forth (a) instructions for the preparation of the Procurement Action Report and (b) reference to Munitions Board requirements regarding actions taken under the authority of Title II, First War Powers Act, 1941, as amended. It implements the Armed Services Procurement Regulation generally rather than a specific part or section thereof.

§ 590.801 *General.* To conform with the provisions of Public Law 413, 80th Congress, Armed Services Procurement Act of 1947, and with instructions of the President of the United States, and to provide the Assistant Chief of Staff, G–4, Department of the Army, with management data essential to staff control over Army procurement, procurement action reports will be prepared on the forms and submitted at the times prescribed in this subpart. Heads of Procuring Activities (as defined in § 400.201–4 of this title) may issue implementing instructions, as required, to their Contracting Officers. A copy of each such implementation will be forwarded, as issued, to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch.

§ 590.802 *Data to be included.* Data reported will cover all procurement actions (see § 590.807) transacted under the provisions of the Armed Services Procurement Regulation and this procedure by all Contracting Officers of the Army Establishment. Procurement actions for civil functions, such as Engineers Civil Works and Alaskan Communications System, are not included in this reporting requirement.

§ 590.803 *Forms.* Reports will be prepared on DA Form 337 (Procurement Action Report, Monthly Summary) and DD Form 350 (individual Procurement Action Report) (Reports Control Symbol CSGLD–525). Supply of forms will be requisitioned through normal publications supply channels.

§ 590.804 *Number of copies and routing.* (a) The original of each DD Form 350 will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, in all cases except where the head of a technical service required the original of the report for coding purposes. In cases where the original of the report is forwarded to the head of the technical service, a copy of the report will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. Heads of Procuring Activities may require extra copies of DD Form 350 to be furnished by their Contracting Officers. The original of DA Form 377 will be forwarded to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, and a copy of the report will be forwarded to the appropriate Heads of Procuring Activities. Letters of transmittal to accompany submission of both the individual and monthly reports will not be used.

(b) For each unclassified or restricted procurement action having a value of over $10,000 and subject to the Walsh-Healey Public Contracts Act (Subpart F, Part 411 of this title), two additional copies of the top portion of DD Form 350 (first 13 items) will be prepared by the installation which effects the procurement and forwarded direct to Department of Labor, Washington 25, D. C., Attn: Wage, Hour and Public Contracts Division. These additional copies will not be prepared for actions bearing a security classification higher than restricted.

(c) One additional copy of DD Form 350 will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, when the dollar value of the action reported is $500,000 or more.

(d) One additional copy of DD Form 350 will be submitted to the Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch, in the case of each action involving Mutual Security Assistance funds, including purchases made within or outside the United States with such funds.

(e) A supplementary report will be prepared for each contract or amendment involving new procurement for $1,000,000 or more to be performed in labor shortage areas (those classified in Group I by the Department of Labor). Four copies of this supplementary report will be appended to the four additional copies of DD Form 350 and forwarded to Assistant Chief of Staff, G–4, Department of the Army, Attn: Chief, Purchases Branch. The supplementary report will contain the following information:

(1) Manpower requirements (on basis of information obtained from contractor).

(i) Current total employment (number of persons) of contractor at place of manufacture shown in item 6 of DD Form 350. Indicate month.

(ii) Estimated employment at the same facility for work solely on the new contract during the peak month of operation on that contract. State month and year.

(iii) Net additional manpower required (actual new hires) at the same facility for work on new contract to attain employment shown in subdivision (ii) of this subparagraph. (This figure cannot be larger than the figures noted in subdivision (i) of this subparagraph but may in some instances be smaller due to transfer of employees from other military or civilian work which is phasing out.)

(2) If the entry in subparagraph (1) (iii) of this paragraph is 200 or more:

(i) A brief statement of information and advice furnished by local Employment Service Office.

(ii) A brief explanation of the overriding factors which made placement of the contract in the labor shortage area necessary or advisable despite adverse manpower conditions. (In the case of formally advertised procurements, the making of an award, pursuant to existing procurement directives, to a Contractor located in a Group I area will be considered as a sufficient overriding factor for this purpose.)

§ 590.805 *Frequency and due dates.* The procurement action reporting forms (DD Form 350 and DA Form 377) will be submitted as follows:

(a) Class I installations and activities will forward the original DA Form 377 and the original of each DD Form 350 at the same time. These forms for the completed calendar month will be forwarded not later than the 5th day of the following month.

(b) Class II installations and activities will prepare DD Form 350 for each reportable procurement action and forward this form within four working days after the date an individual action as described in § 590.807 is transacted. DA Form 377 will be forwarded not later than the 10th day of the following month. (See § 590.809 (a).)

(c) Oversea Purchasing Offices will prepare DD Form 350 for each reportable procurement action and forward this form within four working days after the date an individual action as described in § 590.807 is transacted. DA Form 377 will be forwarded not later than the 10th day of the following month. (See § 590.809 (a).)

(d) As soon as practicable after an individual procurement action is transacted, the additional copies of DD Form 350 with attached four copies of supplementary report required by § 590.804 (e), will be forwarded by procuring installations of the Army establishments in the continental United States to the Assistant Chief of Staff, G–4, Department of the Army (Chief, Purchases Branch). However, submission of these extra copies and the attached report will not be allowed to delay transmission of the other copies of DD Form 350 within the required period.

(e) Negative DA Forms 377 will be submitted by all reporting activities when appropriate.

§ 590.806 *Reporting activities.* The Procurement Action Report (DA Form 377 and DD Form 350) will be prepared by all Contracting Officers of the Army Establishment in the continental United States, its Territories and possessions, major oversea commands, attachés and foreign missions), designated as such pursuant to § 590.450, transacting purchases, procurements or executing contracts payable from appropriated funds (§ 590.251).

§ 590.807 *Procurement actions to be reported.* (a) A "procurement action" means any type of agreement or order for the procurement of supplies or services which obligates funds as set forth in § 590.806. It includes, by way of description and without limitation, awards and notices of awards; contracts of a fixed-price, cost, cost-plus-a-fixed-fee, exchange, or time and material; delivery orders, job orders, task orders or task letters issued against open end or indefinite quantity contracts; letter orders, letters of intent, and purchase orders. It includes modifications (amendments, change orders, and supplemental agreements) with respect to any of the foregoing (Subpart D, Part 402 of this title). It also includes the purchasing, renting, leasing, or otherwise obtaining supplies or services from either private sources or Governmental agencies outside the Department of Defense. (For interdepartmental procurement see §590.808, Item 15.) It includes requisitions transferring supplies or services within, or between the military departments or the joint procurement agencies of the Department of Defense. (For interservice procurement, see § 590.808, Item 15.)

(b) Term contracts, open-end contracts, indefinite quantity contracts, or agreements for obtaining supplies, which do not include specific quantities or total dollar value, will not be reported by the activity which executes such contract. Activities which execute individual purchase instruments or orders against such contracts will report each individual action of $10,000 or over on DD Form 350 and will report the sum of all purchases irrespective of dollar value on DA Form 377. Similarly, job orders against Army Establishment manufacturing installations will not be reported, but contracts for materials necessary to accomplish the job order will be reported.

(c) Except as indicated in paragraph (d) of this section DD Form 350 will be submitted for individual procurement actions where the dollar value is $10,000 or more. Except as indicated in paragraph (d) of this section DD, Form 350 will be submitted for each modification (amendment, change order, or supplemental agreement) increasing or decreasing the value of a contract by $10,000 or more, regardless of value of basic contract and regardless of whether basic contract was executed prior to effective date of Public Law 413, 80th Congress (May 19, 1948).

(d) The following procurement actions or modifications thereto will be reported in every instance without regard to any dollar value limitation:

(1) Action negotiated under section 2 (c) (1) which prior to the declaration of the National Emergency would have been negotiated under sections 2 (c) (11) and 2 (c) (16) of Public Law 413;

(2) All procurement actions involving MSA funds;

(3) All letter contracts;

(4) Definitive contracts superseding letter contracts regardless of whether additional funds are obligated.

§ 590.808 *Instructions for preparation of DD Form 350 (Individual Procurement Action Report)*—(a) *Item 1; report number.* This number will represent the serial number of DD Form 350 submitted by each office, installation, activity, or individual within the current fiscal year, suffixed by the last two digits of the fiscal year. The report covering the first procurement action taken in fiscal year 1953 by each office will bear the number "1–53," and consecutively thereafter for subsequent procurement actions. The report covering the first procurement action taken in each succeeding fiscal year, beginning July 1, will again bear the number "1," followed by the last two digits of the fiscal year. The numbering will be in accordance with the date of the report, Item 39, and not according to the date of the procurement action, Item 11. If the report covers a modification (amendment, change order, or supplemental agreement) with respect to a procurement action previously reported, also enter the number of the most recent procurement action report number related to the contract involved.

(b) *Item 2; department.* Enter "Army" if not so pre-printed.

(c) *Item 3; bureau, technical service, or command.* Enter the name of the Procuring Activity having responsibility for the procurement action; such as Quartermaster Corps, European Command, Third Army, National Guard, etc. (See § 590.809 (d).)

(d) *Item 4; procuring office and address.* Enter title, address, and station number in sufficient detail to establish readily the identity of the office, installation, activity, or individual preparing the report.

(e) *Item 5a; contractor name and business address.* Enter the name and business address, including street or post office box, of the contractor or vendor with whom the procurement action was transacted.

(f) *Item 5b; division of.* In cases where the contractor or vendor identifies himself as a division of a parent company, enter the name of the present company concerned.

(g) *Item 6; place of manufacture.* Enter the actual location of the vendor's place of business from which the items will be supplied or the plant in which the items will be produced. If the items are to be supplied from a vendor or plant to which the contractor subcontracts the order, or for which the contractor acts as a broker or factor, the name and location of the vendor or plant from which the items will be supplied will be entered. In case of construction and design contracts, enter actual site of construction and design. If more than one location is entered, and one of the locations is a surplus labor area, the surplus labor area must be listed first. (See Item 17.) If the supply or production source is unknown, not available, or identical with Item 5a, so indicate.

(h) *Item 7; contractual instrument number.* Enter the complete number of the contract to which this report pertains in accordance with § 590.803.

(i) *Item 8; kind of procurement action.* Place an "X" mark in the appropriate box to show whether:

(1) Action is a preliminary instrument such as a letter of intent or letter contract;

(2) Action is a new definitive contract (includes Purchase Order and notice of award);

(3) Action is a definitive contract superseding a preliminary instrument, if this is the case, record under item 10 only the change (debit or credit) from value reported for preliminary instrument; (if there is no change in dollar value from the preliminary instrument, the report must still be prepared and submitted, but no entry will be made in Item 10);

(4) Action is an order other than Purchase Order such as Job Order, Task Order, or Delivery Order against open-end contracts;

(5) If the action is a modification, place another "X" mark in the appropriate box to show whether it is an amendment,

(6) Change order or,

(7) Supplemental agreement, and enter the number thereof.

(j) *Item 9a; item number.* For identification of item numbers in block 25 on all procurements involving MSA funds.

(k) *Item 9b; description of commodity or service and end use of commodity.* Enter a brief, explicit description of the major items being procured. This description must be in sufficient detail to permit identification of the commodity for determining purchase assignment. In making this determination, the use of the commodity is frequently a deciding factor, especially in the case of spare parts for trucks, for radios, for clocks, etc. Accordingly, the use of the commodity will be indicated, where applicable, in addition to the brief description of the item. Heads of Procuring Activities may require, by supplemental instructions, detailed lists of all the separate items to be appended. If the description of the item bears a security classification, enter only the word "classified."

(l) *Item 9c; unit.* Enter, if practicable, the unit of measure of the item being procured: viz, each, ton, square feet, etc.

(m) *Item 9d; quantity.* Enter, if practicable, the quantity of the item being procured. In case of amendments or supplemental agreements enter only the increase or decrease in quantity.

(n) *Item 9e; unit price.* Insert unit price which appears in the contract.

(o) *Item 9f; commodity code or class.* Use first two digits of the Standard Commodity Code Classification, Volume No. 1, 1946.

(p) *Item 9g; DDCP No.* A notation will be made in item 9g showing the Department of Defense Claimant Program Code Number (applicable to use of DO ratings); this may be abbreviated as DDCP 04, etc.

(q) *Item 10; value of procurement action.* Enter the total value (in whole dollars only omitting cents) of the procurement action being reported on the form. If the action is a modification (amendment, change order, or supplemental agreement), enter for this item only the value of the specific action being reported. If an increase, indicate by the symbol DD (for debit), if a decrease, indicate by the symbol CR (for credit). Contracts terminated for any reason will be reported as decreases. The new contract or purchase against a defaulting contractor will then be reported in the usual manner.

(r) *Item 11; date of procurement action.* Enter the day, month, and year the procurement action (as defined in § 590.807 (a)) was taken. This should be the date upon which a binding agreement was reached.

(s) *Item 12; estimated completion date.* Enter month and year provided in the contract for the completion of the contract or, if such date is not included in the contract, an estimated date on which performance under the contract is expected to be completed.

(t) *Item 13; contract subject to Walsh-Healey Act.* Place an "X" mark in appropriate box to show whether contract is subject to Walsh-Healey Public Contracts Act in accordance with Subpart F, Part 411 of this title. If contract is subject to Walsh-Healey Public Contracts Act, place an "X" in appropriate box to show whether contractor is manufacturer or regular dealer in accordance with § 400.201–9 of this title and § 590.201–9. Generally, the Walsh-Healey Public Contracts Act is not applicable to procurement effected outside the United States, its territories and possessions (see § 601.602 of this chapter).

(u) *Item 14; appropriation identification.* Enter the appropriation identifications limited to the following serial numbers and in the exact order specified in this paragraph. Enter opposite each appropriation identification the corresponding dollar obligation. Where more than five different appropriation symbols are involved, enter only the five against which the largest obligations are being made. However, all MSAP obligations will be listed regardless of the number of obligations. When there is insufficient space to enter the appropriation identification in Item 14, the space provided in Item 24 "Remarks," may be used.

(1) Appropriation number.
(2) Project number.
(3) Object class.
(4) Operating agency.

Do not include any other numbers such as special limitations, allotment serial numbers, special codes, etc., unless specifically directed by the Head of the Procuring Activity concerned.

(v) *Item 15; contract placement.* Place an "X" mark in appropriate box to show whether action is:

(1) *Interservice.* The term "interservice" refers to procurements within the Department of Defense only. It covers:

(i) Orders placed by one military Department against contracts entered into by another military Department.

(ii) Orders placed by activities of one military Department against contract entered into by other activities of the same military Department.

(iii) Orders placed against contracts entered into by joint procuring agencies, viz: ASPPA, ASMPA.

(2) *Interdepartmental.* The term "interdepartmental" refers to procurements from or through Federal departments, agencies, institutions and corporations other than those of the Department of Defense. It covers:

(i) Orders placed by a military Department or agencies thereof, against contracts entered into by any Federal department, agency, institution, or corporation outside the Department of Defense.

(ii) Contracts placed by a military Department, or agency thereof, with any Federal department, agency, institution, or corporation outside the Department of Defense. If subparagraph (1) *Interservice*, or (2) *Interdepartmental* of this paragraph has been checked in Item 15, do not fill out remainder of form except for date of report and signature, Item 39.

(3) *Advertised.* Secured on bids as a result of formal advertising. (See § 401.101 of this title.)

(4) *Negotiated.* Negotiated in accordance with the exceptions authorized by Public Law 413, 80th Congress, and described in §§ 402.201 through 402.217 of this title and §§ 592.201 through 592.217 of this chapter.

(5) Modification authorized by existing contract, which was advertised.

(6) Modification authorized by existing contract, which was negotiated. Unless the modifying action being reported is authorized by the provisions of the basic contract and has been transacted pursuant to such provisions (viz, change order authorized by changes clause), do not check either subparagraph (5) of this paragraph or this subparagraph.

(w) *Item 16; negotiated under exception P. L. 413.* All negotiated procurement for the duration of the present emergency will be accomplished under § 402.201 of this title and contracts will cite as authority section 2 (c), (1) Armed Services Procurement Act of 1947 and Presidential Proclamation 2419.

(x) *Item 17; was contract placed for performance in a surplus labor area?* The surplus labor areas referred to are those certified by Office of Defense Mobilization for preferential treatment in accordance with ODM Defense Manpower Policy No. 4. If Item 17 (a) 1 is checked, one of the entries in item 6 must be a surplus labor area. If Item 17 (a) 1 is checked, specify the notification number of the area. If Item 17 (b) 1 is checked, one of the following entries will be made including both the numerical designation and the type of preferential treatment:

(1) Meeting the price.
(2) Set-aside.
(3) Price differential.

(y) *Item 18; small business.* (a) Check (1) or (2) in accordance with the opinion of the contracting officer.

(b) If the contractor represents that the aggregate number of employees of the contractor and its subsidiaries and affiliates is more than 500 check (1) if less than 500 check (2).

(c) Check (1) if preferential treatment was given. Check (2) if preferential treatment was not given.

(d) If (c) (1) has been checked, one of the following entries will be made including both the numerical designation and the type of preferential treatment:

(1) Joint determination.
(2) Set-aside.
(3) Price differential.

(z) *Item 19; type of contract.* Place an "X" mark in appropriate box to show whether contract is:

(1) Fixed price, including price escalation clause in accordance with § 596.151 of this chapter;

(2) Fixed price, including price redetermination clause in accordance with § 596.152–1 or § 596.152–3 of this chapter;

(3) Fixed price, with downward revision only in accordance with § 596.152–2 of this chapter;

(4) Fixed price;

(5) Incentive fixed price (ceiling ----------);

(6) Incentive cost-plus-a-fixed-fee;

(7) Cost;

(8) Cost-plus-a-fixed-fee;

(9) Time and material.

(aa) *Item 20; contract purpose.* Place an "X" mark in the appropriate box to show purpose of contract in accordance with listing. Descriptions of the general purposes of different types of contracts are given in this paragraph, but such examples are not to be construed as being restrictive to the matter set forth, as they include other purposes than those related to the general classification outlined in this paragraph. It is left to the discretion of the Contracting Officer to determine and check the most applicable purpose if two or more purposes are involved.

(1) *Supply.* Applies when procurement is for supplies and is accomplished with appropriated funds.

(2) *Architectural, engineering.* Applies to contracts for the performance of architectural and engineering services.

(3) *Construction (real property).* Applies to the construction, alteration or repair of buildings, bridges, roads, or other real property.

(4) *Lease.* Applies to the lease of personal property which involves the expenditure of appropriated funds.

(5) *Maintenance, buildings and ground.* Applies to supplies and nonpersonal services, involving maintenance of buildings and grounds.

(6) *Maintenance, equipment.* Applies to maintenance of equipment, munitions and supplies excluding construction. Also applies to ship repair.

(7) *Industrial mobilization.* For application, see § 402.216 of this title and § 592.216 of this chapter.

(8) *Research and development.* For application, see §§ 402.205 and 402.211 of this title and §§ 592.205 and 592.211 of this chapter.

(9) *Personal services.* For application see § 402.204 of this title and § 592.204 of this chapter.

(10) *Nonpersonal services.* Applies to laundry, dry cleaning, etc.

(11) *Transportation.* Applies to tug services, stevedoring, freight handling, drayage, ocean transportation, motor van services, repair of railroad equipment, towage, lighterage, truck services, salvage services, and lumber handling. Does not apply to Government bills of lading, transportation services procured by transportation request, various forms of transportation agreements which do not involve receipt of or expenditure of funds such as switching agreements, rate and traffic agreements, track and interchange agreements, participation in railroad codes and rules and acceptance of quotations under section 22 of the Interstate Commerce Act.

(12) *Utilities.* Applies to electric power, water, gas, etc.

(13) *Facilities (industrial).* Applies to facilities type contract.

(14) *Other (specify).* Any procurement with appropriated funds which does not fall in any of the above categories will be listed under this purpose and specified.

(bb) *Item 21; procurement under Buy American Act.* Place an "X" mark in appropriate box to show if procurement was or was not made under an exception to the Buy American Act in accordance with Subpart A, Part 405 of this title.

(cc) *Item 22; contractor estimates that.* Approximate percentage will be subcontracted. Subcontract means: Any contract, purchase order, or any other document entered into by the prime contractor for the acquisition of supplies, materials, or services used directly in the performance of the prime contract. (To be filled in only on contracts of $25,000 and over.)

(dd) *Item 23; security classification of Procurement Action.* Place an "X" mark in appropriate box to show the security classification of the contract described. The security classification indicated herein will correspond to the highest classification appearing on the Security Requirement Check List (DD Form 254).

(ee) *Item 24; remarks.* (1) When procurement action is effected under Mutual Security Assistance Program, the following information will be entered under this item (i) MSAP Procurements; (ii) the dollar value of the MSAP procurement value of the contract being reported (Item 10) includes procurement for requirements other than MSAP.

(2) Letter contracts for obligation or payment of funds will be identified in Item 24 by a remark showing the approving authority (by title), the estimated contract cost and the expiration date of the letter contract (day, month, year).

(3) Information regarding the approving authority should be reported in Item 24 for the following negotiated contracts:

(i) Construction and Rehabilitation at Installations: When contract exceeds $100,000 enter remark as follows: "Negotiated Award (CRI) approved by ----------" title.

(ii) Architect - engineer contracts: When such contract is otherwise required to be reported on DD Form 350 enter remark as follows: "Negotiated Award (AE) approved ----------" title.

(iii) Research and Development Contracts: When contract exceeds $25,000 enter remark as follows: "Negotiated Award (R&D) approved by ----------" title.

(iv) Negotiated Contracts in General: When contracts exceed $100,000 enter remark as follows: "Negotiated Award (Gen) approved by ----------" title.

(4) Enter any other comments to supplement or amplify the information shown in the body of the report which are considered essential to a proper understanding of the report. This space may also be used for additional data when required by Heads of Procuring Activities or major oversea commanders.

(ff) *Item 25; delivery schedule.* Enter date schedule of first delivery and partial deliveries thereafter through contract completion for all procurement involving MSA funds.

(gg) *Item 26; pricing.* Includes transportation—self-explanatory.

(hh) *Item 27; contractor represents that.* Place an "X" mark in appropriate box to show whether contractor represents that he has employed or retained a company or person (other than a full-time employee) to solicit or secure this contract.

(ii) *Item 28.* Omit unless Head of Procuring Activity requires item to be reported.

(jj) *Item 29.* Enter percent of profit or fee charged by the prime contractor. Applies to negotiated contracts only.

(kk) *Item 30; planning status.*

1. *Planned Producer—Planned Item.* (To be used when contractor is supplying a planned item for which he is the planned producer).

3. *Planned Producer—Not Planned Item.* (To be used when item is not a planned item being made by a planned producer).

5. *Not Planned Producer—Planned Item.* (To be used when the contractor is supplying a planned item for which he is not the planned producer).

7. *Not Planned Producer—Not Planned Item.* (To be used when item is not a planned item and producer is not a planned producer).

(ll) *Item 31; total prior to this action.* Insert total amounts previously obligated on this contract. Applicable only in case of modifications to the contract.

(mm) *Item 32; total including this action.* Insert total amount of all funds obligated on the contract including the amount now being reported.

Items 33 through 36 are to be filled in only for those fixed price supply contracts over $300,000 which contain a price redetermination clause, and all reportable modifications thereto. Insert percent of the total amount of the contract will be used for:

(nn) *Item 33.* Purchase of materials.

(oo) *Item 34.* Payment of direct labor.

(pp) *Item 35.* Payment of overhead.

(qq) *Item 36.* Payment of General and Administrative Expense.

(rr) *Item 37.* (This item will be filled in only upon direction of the Head of the Procuring Activity concerned as it is not required by Office, Assistant Chief of Staff, G–4.) Enter a statement to the effect that the procurement is or is not exempt from the General Ceiling Price Regulation, issued by the Economic Stabilization Agency, and if not exempted, to indicate, when applicable, if the procurement was made under the emergency or hardship provisions of section 9 or 13 respectively of Supplemental Regulation 1 to the General Ceiling Price Regulation.

(ss) *Item 38.* Reserved for future use.

(tt) *Item 39; date of report.* (1) Enter the day, month, and year on which the report is prepared.

(2) The form will be signed by the Contracting Officer or his authorized representative and name of signing individual typed in spaces provided therefor.

(uu) *Security classification of DD Form 350.* DD Form 350 will be stamped in the upper and lower margins with the appropriate security classification in accordance with Army Regulations. The security classification so stamped need not necessarily correspond to the security classification of the contract (Item 23) but is rather a matter for the discretion of the preparing officer and is dependent upon the information appearing on the form.

§ 590.809 (Regarding the preparation of DA Form 377 will be promulgated at an early date.)

§ 590.810 *Retention of procurement action reports.* Individual Procurement Action Report (DD Form 350) and Procurement Action Report—Monthly Summary (DA Form 377) or comparable forms submitted by contracting officers to higher headquarters indicating the status of Procurement Actions may be destroyed after 6 months. Such material is considered nonrecord material under paragraph 22, SR 345–250–90.

§ 590.811 *Reports in connection with actions taken under the authority of Title II, First War Powers Act, 1941, as amended.* Reports referred to in headnote will be submitted as required in § 590.918. Such reports are additional to reporting requirements otherwise set forth in this subpart.

3. Section 590.903–3 (c) is rescinded and the following substituted therefor:

§ 590.903–3 *To Assistant Chief of Staff, G–4, Department of the Army.* • • •

(c) To redelegate all or part of the authority delegated to the Head of a Procuring Activity, as defined in § 400.201–4 of this title: *Provided, however,* That such authority shall not be delegated below the level of the head of a Procuring Activity, or Acting Head of a Procuring Activity in the official absence of the Head of a Procuring Activity, without specific approval of the Under or Assistant Secretary for procurement.

PART 591—PROCUREMENT BY FORMAL ADVERTISING

Part 591 is amended by adding paragraph (a) (3) and (4) to § 591.405 as follows:

§ 591.405 *Mistakes in bids*—(a) *Submission to higher authority.* • • •

(3) The Contract Officer's statement of findings and recommendations required under § 401.405–2 (b) (iv) of this title will be submitted so as to reach the Assistant Chief of Staff, G–4, Washington 25, D. C., Attn: Chief, Purchases Branch, in duplicate.

(4) The status of contract awards and performance is an essential consideration in determining appropriate action in mistake in bid cases. Accordingly, the Contracting Officer's statement, or other papers in the file, will clearly indicate whether or not an award has been made for the supplies involved in an alleged mistake in bid; and in the event an award has been made, the status of performance and payments under the contract will be shown.

PART 600—FEDERAL, STATE, AND LOCAL TAXES

Part 600 is amended as indicated below:

1. Section 600.401 (c) is added as follows:

§ 600.401 *Fixed-price contracts.* • • •

(c) The following clauses are applicable only overseas and are to be included in all fixed-price contracts to be performed in foreign countries in which tax agreements have been executed:

(1) *Clause for use in fixed-price contracts between the Government of the United States and foreign contractors (except foreign governments).*

TAXES

(a) The contractor warrants that the contract prices, including the prices in subcontracts hereunder, do not include any tax or duty which the Government of the United States and the Government of ---------- have agreed shall not be applicable to expenditures in ---------- by the United States or any tax or duty from which the contractor, or any subcontractor hereunder, is exempt under the laws of ----------. If any such tax or duty has been included in the contract prices through error or otherwise, the contract prices shall be correspondingly reduced.

(b) If for any reason after the contract date, the contractor is relieved in whole or in part from the payment or the burden of any tax or duty included in the contract prices, the contract prices shall be correspondingly reduced.

(2) *Clause for use in fixed-price contracts between governments.*

TAXES

(a) The contract prices, including the prices in subcontracts hereunder, do not include any tax or duty which the Government of the United States and the Government of ---------- have agreed shall not be applicable to expenditures in ---------- by the United States, or any other tax or duty not applicable to this contract under the laws of ----------. If any such tax or duty has been included in the contract prices through error or otherwise, the contract prices shall be correspondingly reduced.

(b) If, after the contract date, the Government of the United States and the Government of ---------- shall agree that any tax or duty included in the contract prices shall not be applicable to expenditures in ---------- by the United States, the contract prices shall be reduced accordingly.

2. Section 600.402 is added as follows:

§ 600.402 *Cost-type contracts.* The following clauses are applicable only overseas and are to be included in all cost-type contracts to be performed in foreign countries in which tax agreements have been executed:

(a) *Clause for use in cost-type contracts between the Government of the United States and foreign contractors (except foreign governments).*

TAXES

Any tax or duty from which the United States Government is exempt by agreement with the Government of ----------, or from which the contractor or any subcontractor hereunder is exempt under the laws of ----------, shall not constitute an allowable cost under this contract.

(b) *Clause for use in cost-type contracts between governments.*

TAXES

Any tax or duty from which the United States Government is exempt by agreement with the Government of ----------, or from which any subcontractor hereunder is exempt under the laws of ----------, shall not constitute an allowable cost under this contract.

PART 601—LABOR

Part 601 is amended as indicated below:

1. Section 601.450 is rescinded and the following substituted therefor:

§ 601.450 *Predeterminations of prevailing wage rates.* The Secretary of Labor requires a separate request for wage rates for each contract to be awarded by a contracting agency, except with respect to issuance of wage predeterminations for certain military construction or except where it can be shown that unusual circumstances make it impractical to obtain a wage predetermination for each contract. With respect to wage predeterminations for military construction, the Secretary of Labor will issue "installation" or "54–A predeterminations," which may be used for a period of not to exceed 90 days and will be applicable to all contracts awarded at the installation within that period. During the 90-day period, the Secretary of Labor may review and modify any existing predetermination. Modifications expire on the expiration date of the original predetermination. With respect to the unusual circumstances' exception, it will be necessary to explain fully the circumstances which make it necessary to request an area predetermination.

(a) *Responsibility for obtaining predeterminations.* The Chief of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the Procuring Activity upon request all predeterminations of prevailing wage rates under the Davis-Bacon Act required in connection with the awarding of contracts of the Army Establishment.

(b) *Responsibility for requesting predeterminations.* The office responsible for the preparation of specifications or the negotiation of contracts for projects in excess of $2,000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. The preparing office will forward such request to the Chief of Engineers, Attn: Legal Division, through appropriate Division Engineer offices, unless direct communication is authorized by appropriate authority. The Chief of Engineers will obtain the predetermination of wage rates from the Secretary of Labor, and forward such predetermination to the requesting office through channels. When contract specifications are prepared, they should include a current wage predetermination. If the wage predetermination is not available when invitations for bid are issued, the specifications will contain a statement that wage rates will be supplied by addendum to the specifications. Contracting Officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested predetermination of wage rates has been incorporated in the specifications. No

negotiated contract, either preliminary (letter contract) or definitives, will be executed until the applicable wage determinations have been obtained.

(c) *Manner of requesting predeterminations.* Requests for predetermination of wage rates will be made as follows:

(1) Request will be forwarded on Form DB–11, in triplicate, leaving date, first two lines, and signature block blank. (These forms may be obtained from the appropriate Division Engineer's office.)

(2) Classifications requested will be limited to those which it is reasonably sure will be used.

(3) In emergencies, requests may be made by teletype or telephone direct to Chief of Engineers, Attn: Legal Division, stating reason why special handling is necessary. Appropriate Division Engineer offices will be furnished copies or records of such direct communications.

(4) A request for a review of a predetermination must be made if bids are not opened or if an award is not made by the expiration date of the predetermination. Predeterminations expire 90 days after the date of the original predetermination. Requests for review will be processed and forwarded in the same manner as requests for original predeterminations.

(5) All requests should be forwarded so as to reach the Chief of Engineers, Attn: Legal Division, at least 30 days prior to advertising or expiration date.

(d) *Enforcement responsibility.* Reference is made to § 411.404 (c) of this title, which places on the Contracting Officer the responsibility for obtaining from contractors weekly payroll records so that such records shall be available for determination as to whether the contractor has complied with the statute.

(e) *Copies of payrolls.* Contracting Officers will obtain copies of these payrolls and check the payrolls at such times and to the extent necessary for the purpose of assuring that all contractors and subcontractors are complying with the applicable laws.

(f) *Contracting officers visits.* Contracting officers also will make such visits to the project and make such checks as are necessary to assure that the contractor is not violating the Davis-Bacon Act by misclassification, disproportionate use of apprentices, or other means. Reference to the above standards should be incorporated in the specifications of the contract. Examples: Use of men classified laborers and receiving laborer's wage rates to do journeymen's work; and the employment of an unusually large number of apprentices as compared to journeymen, with the apprentices actually doing journeymen's work. With regard to apprentices, attention is directed to the fact that the Secretary of Labor is now issuing wage determinations setting up the following-prescribed standards for the employment of apprentices for the various building trades, and by direction of the Assistant Secretary (R&M), the following clause will be inserted in all applicable contracts:

Apprentices employed pursuant to this determination of wage rates must be registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Federal Committee on Apprenticeship, U. S. Department of Labor; or if no such recognized agency exists in a State, it shall mean a program registered with the Bureau of Apprenticeship, U. S. Department of Labor.

(g) *Notification of contractor.* In the event misclassification of mechanics or laborers is discovered which results in workers receiving less than the prescribed minimum rates of wage for the work actually being performed, the contractor will be notified immediately of the corrective action to be taken and the Contracting Officer will make a report on Standard Form 1093 (Schedule of Deductions from Payments to Contractor) executed as completely as possible from his records to the Disbursing Officer. The amounts to be withheld will be equal to the estimated corrective payments required. Such funds will be withheld until evidence satisfactory to the Contracting Officer is furnished showing that corrective payments have been made to the mechanics or laborers involved.

(h) *Cooperation with the Department of Labor.* In the event an investigation of the work being performed under any contract is made by the Department of Labor and thereafter it is indicated to the Contracting Officer that violations of the Davis-Bacon Act, Copeland Act, and/or Eight-Hour Law have been discovered, the Contracting Officer will cooperate to the fullest extent practicable with the representative of the Department of Labor in initiating necessary and appropriate corrective action as outlined herein to insure that such violations will not continue.

2. Section 601.603 is rescinded and the following substituted therefor:

§ 601.603 *Responsibilities of contracting officers*—(a) *Publications to be furnished contracting officers.* The Secretary of Labor has published a document entitled "Walsh-Healey Public Contracts Act, Rulings and Interpretations No. 3, October 1, 1945." This publication, as amended, contains a compilation of the text of the act, the regulations of the Secretary of Labor relating thereto, and pertinent rulings and interpretations. Amendments to this document are published from time to time. The Heads of the Procuring Activities are responsible for furnishing these publications to each of their Contracting Officers.

(b) *Forms.* Contracting Officers, when the Walsh-Healey Act is applicable, will be responsible for forwarding to the contractor at the place of manufacture Department of Labor Forms PC 12 (Rev. 3/49) and PC 13 (Rev. 1/50). These forms may be requisitioned from the adjutant general depots in the same manner as the DD Forms 350 (Rev. 53). (See § 590.804 (b) of this chapter.)

(c) *Report of violations of the act.* Report of any violation of representations or stipulations required by the Walsh-Healey Act will be made through channels to The Judge Advocate General for transmission to the Department of Labor.

PART 602—GOVERNMENT PROPERTY

Part 602 is amended by adding paragraph (a) (3) to § 602.602–4 as follows:

§ 602.602–4 *Reporting for screening.* (a) • • •

(3) Items concerned are eligible for replacement under standards established by appropriate regulation for Government-wide application. Example: General Services Administration Personal Property Management Regulation No. 18, Revised.

[Proc. Cir. 14, June 24, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup., 151–161)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F R Doc 52–7824; Filed, July 16, 1952; 8:45 a. m.]

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Patents, and Contracts

PART 736—DISPOSITION OF PROPERTY

Part 736 is revised to read as follows:

CROSS REFERENCE: For joint procurement regulations of the Armed Forces, see Chapter IV of this title.

Sec.
736.1 General.
736.2 Dispositions under contracts.
736.3 Sale of personal property.
736.4 Disposition of real property.
736.5 Disposition of real and personal property under special statutory authority.
736.6 Certification prior to disposition.

AUTHORITY: §§ 736.1 to 736.6 issued under 22 Stat. 296, as amended, 599, 29 Stat. 133, as amended, 38 Stat. 771, 47 Stat. 751, 54 Stat. 717, as amended, 55 Stat. 839, as amended, 60 Stat. 858, 61 Stat. 675, as amended, 61 Stat. 774, as amended, 63 Stat. 377; 34 U. S. C. 544, 492, 5 U. S. C. 150p, 34 U. S. C. 549–550, 546d, 50 U. S. C. App. 1172, 611, 34 U. S. C. 546h, 553a, 522a, 41 U. S. C. 201. Interpret or apply 22 Stat. 296, as amended, 599, 26 Stat. 194, 38 Stat. 406, as amended, 38 Stat. 1064, 44 Stat. 836, 1096, 45 Stat. 1430, 49 Stat. 885, as amended, 53 Stat. 811, as amended, 54 Stat. 681, as amended, 57 Stat. 69, as amended, 60 Stat. 897, 61 Stat. 774, as amended, 62 Stat. 647; 34 U. S. C. 544, 492, 543, 551, 31 U. S. C. 686, 34 U. S. C. 551a, 546a, 546b, 40 U. S. C. 304a, 50 U. S. C. 98a, 34 U. S. C. 546e, 50 U. S. C. App. 1301–3, 34 U. S. C. 546f–k, 522a, E. O. 9262, Nov. 5, 1942, 7 F. R. 9105, 3 CFR, 1943 Cum. Supp.; E. O. 9986, Aug. 16, 1948, 13 F. R. 4755, 3 CFR, 1948 Supp.; E. O. 10210, Feb. 2, 1951, 16 F. R. 1049; 3 CFR, 1951 Supp.

§ 736.1 *General.* Real and personal property of the Navy, exclusive of battleships, aircraft carriers, destroyers, and submarines, may be disposed of under the authority contained in the Federal Property and Administrative Services Act of 1949, as amended. 63 Stat. 377; 41 U. S. C. 201) (hereinafter referred to as the "Federal Property Act"). The authority to dispose of battleships, aircraft carriers, destroyers, and submarines is contained in the acts of August 5, 1882 (22 Stat. 296; 34 U. S. C. 491) and March 3, 1883 (22 Stat. 599; 34 U. S. C. 492), and Executive Order 9986 dated August 16, 1948. The Federal Property

Act, as amended, places the responsibility for the disposition of excess and surplus property located in continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands with the Administrator of General Services, and for such property located in foreign areas, with the head of each executive agency. Accordingly, in disposing of its property, the Navy Department is subject to implementing regulations of the Administrator of General Services and the Secretary of Defense. In general, property of the Navy which becomes excess to its needs, may not be disposed of to the general public until it has been determined to be surplus after screening such property with the other military departments of the Department of Defense and all other agencies of the Government, and after it has been offered for donation to the educational institutions.

(a) The Navy Department is authorized to sell by competitive bid its surplus personal property under the authority of the Federal Property Act, and the act of March 3, 1883 (22 Stat. 599; 34 U. S. C. 492), and to transfer real property excess to the needs of the Navy and under its control to the General Services Administration for ultimate disposition by that Agency. The Navy Department is also authorized to transfer real and personal property to other departments or agencies of the Government, and to sell, transfer and otherwise dispose of vessels and other personal property under special statutory authority.

(b) This part sets forth the general procedures and authority with respect to the disposition of property under the control of the Navy Department except disposition of property to foreign governments under the authority of such statutes as the Aid to American Republics Act (54 Stat. 396; 22 U. S. C. 521), the Greece, Turkey Aid Act (61 Stat. 103, as amended; 22 U. S. C. 1401–1409), and the Mutual Defense Assistance Control Act of 1951 (65 Stat. 644).

(c) The Navy Property Redistribution and Disposal Regulations issued by the Department cover the disposition of all Naval property including disposition under the Federal Property Act, as amended. The Bureau of Supplies and Accounts Manual contains information for the guidance of field personnel and will be revised to reflect current changes. These publications will be available through the Office of Naval Material, Washington 25, D. C., and at the offices of the Commandants of the several Naval Districts.

§ 736.2 *Dispositions under contracts.* (a) Property in which the Government has an interest in connection with any procurement contract, other than property referred to in paragraph (b) of this section, may be sold to the contractor or otherwise disposed of in accordance with the terms and conditions set forth in the contract, and in paragraph 405.3 of Navy Property Redistribution and Disposal Regulation No. 1 (August 1, 1951), either upon termination of the contract for the convenience of the Government or upon completion of the contract.

(b) Facilities, plant equipment and material provided by the Government to a contractor incident to the procurement of supplies or materials for the Navy, may, subject to applicable statutory authority, be disposed of in accordance with the terms and conditions of the contract in respect of providing such facilities, plant equipment and material.

§ 736.3 *Sale of personal property.* (a) The sale to the general public of personal property determined to be excess to the needs of the Navy is authorized by the Federal Property Act, as amended, the act of March 3, 1883 (22 Stat. 599; 34 U. S. C. 492) and regulations of the Administrator of General Services (see § 736.1 (a).) The following authorized selling activities will conduct sales under competitive bid procedures after it has been determined the personal property to be sold is excess to the needs of the Navy and is also not required by other departments or agencies of the Government or for donation to educational institutions:

NAVAL SHIPYARDS

Portsmouth, N. H.
Brooklyn, N. Y.
Philadelphia, Pa.
Mare Island, Vallejo, Calif.
San Francisco, Calif.
Naval Base, Charleston, S. C.
Bremerton, Wash.
Boston, Mass.
Pearl Harbor, T. H.

NAVAL SUPPLY CENTERS

Oakland, Calif.
Norfolk, Va.
Pearl Harbor, T. H.

NAVAL SUPPLY DEPOTS

Newport, R. I.
Bayonne, N. J.
Mechanicsburg, Pa.
San Diego, Calif.
Scotia, N. Y.
Clearfield, Ogden, Utah.
Seattle, Wash.
San Pedro, Calif.
Great Lakes, Ill.
Guantanamo Bay, Cuba.
Guam, Marianas Islands.

NAVAL AIR STATIONS

Quonset Point, R. I.
Corpus Christi, Tex.
Alameda, Calif.
Seattle, Wash.
Lakehurst, N. J.
Miami, Fla.
Jacksonville, Fla.
Pensacola, Fla.
San Diego, Calif.
Dallas, Tex.
Olathe, Kans.
Memphis, Tenn.

NAVAL AMMUNITION DEPOTS

Crane, Ind.
McAlester, Okla.
Hastings, Nebr.

NAVAL STATIONS

Key West, Fla.
Orange, Tex.
New Orleans, La.
Astoria, Oreg.
Bermuda.
San Juan, P. R.
Trinidad, British West Indies.
Balboa, Rodman, Canal Zone.
Kodiak, Alaska.
Adak, Alaska.
Subic Bay, Luzon, Philippines.
Sangley Point, Luzon, Philippines.
Argentia, Newfoundland.

MARINE CORPS AIR STATIONS DESIGNATED BY COMMANDANT OF THE MARINE CORPS

Naval Supply Officer, Marine Corps Air Station, Cherry Point, N. C.
Naval Supply Officer, Marine Corps Air Station, El Toro, Calif.

AUTHORIZED SELLING ACTIVITIES MARINE CORPS

Marine Corps Depot of Supplies, Philadelphia, Pa.
Marine Corps Depot of Supplies, San Francisco, Calif.
Marine Corps Recruit Depot, Parris Island, S. C.
Marine Corps School, Quantico, Va.
Marine Corps Supply Depot, Camp Lejeune, N. C.
Marine Corps Supply Depot, Camp Joseph H. Pendleton, Oceanside, Calif.

OTHER NAVAL ACTIVITIES

Naval Academy, Annapolis, Md.
Naval Submarine Base, New London, Conn.
Naval Aviation Supply Depot, Philadelphia, Pa.
Naval Training Center, Bainbridge, Md.
Naval Advance Base Supply Depot, Port Hueneme, Calif.
Naval Gun Factory, Washington, D. C.
Naval Supply Activity, Brooklyn, N. Y.
Naval Ordnance Plant, Louisville, Ky.
Naval Ordnance Plant, Forest Park, Ill.
Naval Advance Base Supply Depot, Davisville, R. I.
Headquarters Support Activities, Naples, Italy.
Naval Advanced Base, Bremerhaven, Germany.
U. S. Fleet Activities, Sasebo, Japan.
U. S. Fleet Activities, Yokosuka, Japan.
Naval Ordnance Plant, York, Pa.

The following selling activities are authorized to sell contractor inventory, in which the Navy has an interest, located in private contractor plants, which has been determined to be surplus and which is not retained or disposed of by the contractor concerned:

CHIEF OF NAVAL RESEARCH, NAVY DEPARTMENT, WASHINGTON, D. C.

Supervising Inspectors of Naval Material at:
Atlanta, Ga.
Boston, Mass.
Brooklyn, N. Y.
Chicago, Ill.
Cleveland, Ohio.
Houston, Tex.
Los Angeles, Calif.
San Francisco, Calif.
Seattle, Wash.
Upper Darby, Pa.

(b) Sale by the above listed activities are by competitive bid, invitations being solicited orally, by sales letter or by sales catalog. A deposit, generally 25 percent of the amount bid, is required of each bidder. Each selling activity maintains individual bidder's lists for purposes of soliciting invitations to bid. In addition to selling property at its own location, each of the above listed activities also sells property located at non-selling activities in the general vicinity of the selling activity.

(c) In foreign areas, property is sold as above but such sales must conform to the foreign policy of the United States and also have no adverse effect on the economic conditions of the country in which the property is located. In addition, property in foreign areas is sold with the stipulation that it cannot be imported into the United States unless

the Secretary of Agriculture (in the case of agricultural commodities, food or cotton or woolen goods), or the Secretary of Commerce (in the case of any other property) has determined that the importation of such property would relieve domestic purchases or otherwise be beneficial to the economy of the United States. The Chief of the Bureau of Supplies and Accounts may authorize the disposal of foreign excess property without competitive bids where such negotiated sale is most practicable and most advantageous to the Government because of the nature of the property, its location, and the potential market, or for other reasons.

§ 736.4 *Disposition of real property.* Real property determined to be excess to the needs of the Navy shall be transferred to the General Services Administration for disposition under the Federal Property Act, as amended, except for certain leasehold interests and buildings located on land owned or controlled by the Navy which land is not surplus or expected to become surplus. The latter type of real property may be disposed of by the Navy.

§ 736.5 *Disposition of real and personal property under special statutory authority.* In addition to the authority to sell personal property to the general public and to transfer real property to the General Services Administration under the provisions of §§ 736.3 and 736.4 the Navy Department has further authority to dispose of personal and real property as hereinafter described.

(a) *Disposition to other government agencies.* The Navy Department is authorized to transfer real and personal property to other governmental departments or agencies under statutes applicable to particular agencies, the act of June 30, 1932 (sec. 601, 47 Stat. 417; 31 U. S. C. 686), and, as to certain personal property, under directives of the General Services Administration.

(b) *Dispositions in the public interest or in the interest of national defense.* Real and personal property under the control of the Navy Department not excess to its needs and not for the time being required for public use may be leased, when the Secretary of the Navy shall deem it to be advantageous to the Government, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Such leases shall be for a period of not exceeding five years unless the Secretary determines that a longer period will promote the national defense or will be in the public interest. Such leases are authorized by the act of August 5, 1947 (61 Stat. 774; 34 U. S. C. 522a). The Navy Department may also transfer, sell, or otherwise dispose of certain real and personal property where such transfer, sale or other disposition has been determined to be in the interest of national defense, under the authority of the act of July 2, 1940 (54 Stat. 712; 50 U. S. C. App. 1171), as made applicable to the Navy Department by Executive Order 9262 dated November 5, 1942 (7 F. R. 9105). Leases of Government-owned real property where the estimated annual rental is in excess of $25,000 must be cleared with the Armed Services Committees of Congress in accordance with the act of September 28, 1951 (Pub. Law 155, 82d Cong.).

(c) *Disposition of strategic materials.* Strategic materials may be disposed of by the Navy Department under the authority described in § 736.3 only when such property is excess to the needs of the Navy and when the Munitions Board determines that the amounts of such material to be disposed of are so small as to make transfer thereof under the act of July 23, 1946 (60 Stat. 596; 50 U. S. C. 98a) economically impractical, or such materials are not necessary for stockpile requirements determined in accordance with section 2 of said act.

(d) *Disposition of vessels.* Vessels may be sold by the Navy Department under the authority of the acts of August 5, 1882 (22 Stat. 296; 34 U. S. C. 491), March 3, 1883 (22 Stat. 599; 34 U. S. C. 492) and Executive Order 9986 (3 CFR, 1948 Supp.) but subject to the provisions of the act of March 10, 1951 (65 Stat. 4). Vessels may be sold for scrapping or for use under such authority or, if such sale is not feasible, the Bureau of Ships may arrange for the demolition of a vessel and sale of the resulting materials by an authorized selling activity as set forth in § 736.3. Vessels subject to the act of December 17, 1943 (57 Stat. 604; 34 U. S. C. 498c–12), shall be transferred by the Navy Department to the U. S. Maritime Administration, and vessels may be so transferred upon the request of the Administration under the act of June 24, 1948 (62 Stat. 647).

(e) *Exchange or sale of property for replacement purposes.* Under the authority of section 201 (c) of the Federal Property Act, as amended, and regulations of the General Services Administration, the Navy Department is authorized in the procurement of new equipment, to exchange and sell similar items which are not excess to its needs, and apply the exchange allowance or proceeds of sale in whole or part payment for the items procured. Under such authority, sales may be made separately and the proceeds applied to the purchase of new equipment.

(f) *Donations and loans of personal property.* (1) Certain personal property of the Navy, including vessels, which become surplus, may be donated or loaned under the authority contained in the Federal Property Act and the act of August 7, 1946 (60 Stat. 897; 34 U. S. C. 546f) to:

(i) Schools of special interest to the Armed Services listed below which have been designated as service educational activities by the Secretary of Defense:

Culver Military Academy, Culver, Ind.
Boles School, Jacksonville, Fla.
Tabor Academy, Marion, Mass.
Admiral Billard Academy, New London, Conn.
Admiral Farragut Academy, Pine Beach, N. J.
Admiral Farragut Academy, St. Petersburg, Fla.
Maine Maritime Academy, Castine, Maine.
California Maritime Academy, Vallejo, Calif.
Massachusetts Maritime Academy, State Pier, Buzzard's Bay, Mass.
New York State Maritime Academy, Fort Schuyler, Bronx, New York, N. Y.

Boy Scouts of America and their affiliated organizations, including the Air Explorers Division and the Sea Scouts.
Civil Air Patrol.

(ii) Accredited schools, colleges and universities and educational institutions which have been exempted from taxation under section 101 (6) of the Internal Revenue Code, and to State Departments of Education for use by tax exempt educational institutions. Applications for donation shall be approved by Federal Security Administration and the Administrator of General Services and may be filed with the field representative of the Federal Security Agency located nearest the applicant.

(iii) States, territories, or possessions of the United States and political subdivisions, municipal corporations, veterans associations, soldiers' monument associations, state museums, and non-profit educational museums, subject to the approval of the Curator for the Navy, and as to loans or donations under the act of August 7, 1946 (secs. 1 and 2, 60 Stat. 897; 34 U. S. C. 546f and 546g) subject to objection by a concurrent resolution of the Congress.

(2) Applications other than those to be filed with the field representative of the Federal Security Agency shall be filed with the Navy Department and referred to the cognizant Bureau for action except applications for vessels and district craft shall be referred to the Chief of Naval Operations, applications for boats to the Bureau of Ships, and applications for barges, floating drydocks, and other floating construction equipment to the Bureau of Yards and Docks. Detailed instructions with respect to such applications are set forth in Navy Property Redistribution and Disposal Regulations.

§ 736.6 *Certification prior to disposition.* The transfer, sale, exchange, or other disposition of naval weapons, ships, boats, aircraft, munitions, supplies or equipment shall not be made unless and until the Chief of Naval Operations, in accordance with the act of June 28, 1940 (sec. 14, 54 Stat. 681 as amended; 34 U. S. C. 546e), has certified that such material is not essential to the defense of the United States.

Dated: July 10, 1952.

DAN. A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-7844; Filed, July 16, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Interpretation 1 of July 16, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

INT. 1—WHO ARE PRODUCERS OF CLASS A AND CLASS B PRODUCTS

The following interpretation is issued to CMP Regulation No. 1, including the amendments and directions thereto:

1. A person is deemed to be the producer or manufacturer of a Class A

product or of a Class B product only if he performs the manufacturing operations which result in the conversion of controlled material or of another Class A product into such Class A product or Class B product. A person who subcontracts or otherwise delegates the complete production of a Class A product or a Class B product is not deemed to be the producer or manufacturer of such product, even if he designs the product, provides the material and equipment for its production, finances and supervises such production, and distributes the finished product under his own trade name or trade-mark. A person who is not a producer or manufacturer, within the meaning of this interpretation, is not entitled to apply for or receive an authorized production schedule or allotment. Neither may such a person avail himself of the self-authorization privileges conferred upon producers of Class B products by Direction 1 to CMP Regulation No. 1.

2. Nothing in this interpretation shall be construed to prohibit a producer from authorizing a production schedule and making an allotment, in the manner and subject to the conditions prescribed in CMP Regulation No. 1, for the production of a Class A product by a secondary consumer producing such Class A product for him.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued July 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7935; Filed, July 16, 1952; 11:13 a. m.]

[NPA Order M-6A, Schedule 2, Direction 1 of July 16, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 2—EARMARKED STOCKS—OIL COUNTRY CASING, OIL COUNTRY TUBING, AND OIL COUNTRY DRILL PIPE

DIR. 1—ADDITIONAL RESTRICTIONS ON DELIVERY OF OIL COUNTRY CASING AND TUBING

This direction under Schedule 2 to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* Schedule 2 prohibits deliveries of oil country casing, tubing, and drill pipe by steel distributors except pursuant to authorized controlled material orders. Because of the work stoppage in the steel producing industry, there is need to protect existing stocks of oil country casing and tubing for emergency purposes. The purpose of this direction is to provide that during this period of work stoppage, no oil country casing and tubing shall be delivered by a steel distributor except pursuant to authorized controlled material orders bearing the allotment symbols A, B, C, or E, and a digit, Z-2, or H-2E. The allotment symbol H-2E is the symbol used by petroleum and gas operators to procure emergency requirements of oil country casing and tubing, and its use is authorized by the Petroleum Administration for Defense under NPA Order M-46.

SEC. 2. *The direction.* From the effective date of this direction until a date to be specified by revocation of this direction, no steel distributor (except steel distributors located in the Dominion of Canada) shall make delivery of, nor shall any person accept delivery from any steel distributor of, any oil country casing or tubing unless such delivery is made pursuant to an authorized controlled material order bearing the allotment symbol A, B, C, or E, and a digit, Z-2, or H-2E.

This direction shall take effect July 16, 1952.

Issued July 16, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-7936; Filed, July 16, 1952; 11:14 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 865-E]

PART 95—CAR SERVICE

DEMURRAGE ON FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Service Order No. 865 (15 F. R. 6197, 6256, 6330, 6452, 7800; 16 F. R. 320, 819, 1131, 2040, 2894, 3619, 5175, 6184, 7359, 8583, 9901, 10994, 11313, 12096, 13102; 17 F. R. 896, 1857, 2850, 3166, 3886, 4169, 4823, 4824, 5193, 5467, 5771, 5772, 5953), and good cause appearing therefor: It is ordered, that:

Section 95.865 *Demurrage on freight cars*, of Service Order No. 865 be, and it is hereby suspended until 7:00 a. m., August 1, 1952.

It is further ordered, that this order shall become effective at 7:00 a. m., July 16, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7880; Filed, July 16, 1952; 9:00 a. m.]

[S. O. 873, Amdt. 3]

PART 95—CAR SERVICE

CONTROL OF TANK CARS; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July, A. D. 1952.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482), and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent*, of Service Order No. 873 be, and it is hereby amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., January 15, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., July 15, 1952, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Comission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7873; Filed, July 16, 1952; 8:58 a. m.]

[Rev. S. O. 874-A]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING OF GRAIN PRODUCTS AND BY-PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Revised Service Order No. 874 (16 F. R. 2040, 3133, 9249; 17 F. R. 2132), and good cause appearing therefor: It is ordered, that:

Section 95.874 Revised Service Order No. 874, *Requirements for loading of grain products and by-products* be, and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., July 15, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7875; Filed, July 16, 1952; 8:59 a. m.]

[Rev. S. O. 876-A]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING LUMBER AND LUMBER PRODUCTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Revised Service Order No. 876 (16 F. R. 3620, 4276, 9900; 17 F. R. 2765), and good cause appearing therefor: It is ordered, that:

Section 95.876 Revised Service Order No. 876, *Requirements for loading of lumber and lumber products* be, and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., July 15, 1952; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7878; Filed, July 16, 1952; 8:59 a. m.]

[S. O. 878-B]

PART 95—CAR SERVICE

REQUIREMENTS FOR LOADING CANNED GOODS AND FOODSTUFFS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Service Order No. 878 (16 F. R. 5768, 6135, 12096; 17 F. R. 4950), and good cause appearing therefor: It is ordered, that:

Section 95.878 Service Order No. 878, *Requirements for loading canned goods and foodstuffs*, be, and it is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., July 15, 1952; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7877; Filed, July 16, 1952; 8:59 a. m.]

[S. O. 885, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194, 5466, 5954), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent*, of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., July 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7879; Filed, July 16, 1952; 9:00 a. m.]

[S. O. 884, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193, 5466, 5953), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent*, of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 11:59 p. m., July 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7876; Filed, July 16, 1952; 8:59 a. m.]

[S. O. 886, Amdt. 3]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of July A. D. 1952.

Upon further consideration of Service Order No. 886 (17 F. R. 5194, 5467, 5954), and good cause appearing therefor: It is ordered, that:

Section 95.886 *Demurrage on cars held under load at Great Lakes ports*, of Service Order No. 886 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., July 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 15, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7874; Filed, July 16, 1952; 8:58 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-37]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 9th day of July A. D. 1952.

Section 202 (c) of the Interstate Commerce Act (49 U. S. C. 302 (c)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or within a zone adjacent to, and commercially a part of, any such municipality, being under consideration, and good cause appearing therefor:

It is ordered, (1) That the above-entitled proceeding insofar as it relates to the terminal areas of motor carriers of passengers be and it is hereby discontinued, and (2) that the order entered in this proceeding on February 11, 1952, promulgating §§ 170.35, 170.37, 170.41, 170.45 and 170.48 (17 F. R. 1726) is hereby vacated insofar as it relates to motor carriers of passengers and set aside and the following revision, is hereby substituted in lieu thereof:

§ 170.35 *Operating authority to serve particular municipality, construction.* A certificate or permit issued by the Commission to any motor carrier of property pursuant to the provisions of Part II of the Interstate Commerce Act or to any freight forwarder under Part IV of the act, authorizing service at a particular municipality, shall be construed as authorizing service at all points or places which are within the commercial zone of that municipality as defined by the Commission and not beyond the territorial limits, if any, fixed in such certificate or permit on the authority granted except that this finding shall not apply in the case of a certificate or permit authorizing service by a motor carrier of property or freight forwarder at any municipality at which the commercial zone exemption provided by section 203 (b) (8) of the act has been removed in whole or in part by this Commission.

§ 170.37 *Operating authority to serve particular municipality, construction.* A certificate or permit issued by the Commission to any motor carrier of property pursuant to the provisions of Part II of the Interstate Commerce Act or to any freight forwarder under Part IV of the act, authorizing service at a particular municipality, at which the commercial zone exemption, provided by section 203 (b) (8) of the act, has heretofore been removed, or is hereafter removed if such removal takes place prior to issuance of said certificate or permit, shall be construed as authorizing service at all places within such municipality and also at all points (not beyond the territorial limits, if any, fixed in such certificate or permit on the authority granted) within the zone within which, and to the same extent to which, local operations may still be conducted under the exemption provided by section 203 (b) (8) of the act: *Provided, however*, That this finding shall not apply to certificates or permits authorizing a motor carrier of property to serve any municipality in Los Angeles County, Calif., New York, N. Y., or any municipality in Westchester or Nassau Counties, N. Y., or any municipality in New Jersey any part of which is within 5 miles of New York City.

§ 170.41 *Operating authority to serve particular unincorporated community, construction.* A certificate of permit issued to a motor carrier of property pursuant to the provisions of Part II of the Interstate Commerce Act (49 U. S. C. 301 et seq.) or to any freight forwarder under Part IV of the act (49 U. S. C. 1001 et seq.) authorizing service at a particular unincorporated community having a post office of the same name shall be construed as authorizing service at all points which are within the United States and not beyond the territorial limits, if any, fixed in such certificate or permit on the authority granted, as follows: (a) All points within 2½ miles of the post office in such unincorporated community if it has a population of less than 2,500, within 4 miles if it has a population of 2,500 but less than 25,000; and within 5½ miles if it has a population of 25,000 or more, (b) at all points in any municipality any part of which is within the limits described in (a) of this section and (c) at points in any municipality wholly surrounded, or so surrounded except for a water boundary, by any municipality included under the terms of paragraph (b) of this section.

§ 170.45 *Terminal areas of motor carriers and freight forwarders at municipalities served.* The terminal area within the meaning of section 202 (c) of the Interstate Commerce Act (49 U. S. C. 302 (c)) of any motor carrier of property subject to Part II or of any freight forwarder subject to Part IV thereof, at any municipality authorized to be served by such motor carrier of property or freight forwarder, within which transportation by motor vehicle in the performance of transfer, collection, or delivery services may be performed by, or for, such motor carrier of property or freight forwarder without compliance with the provisions, other than those in section 204 (49 U. S. C. 304) relative to qualifications and maximum hours of service of employees and safety of operation and equipment, of Part II of the act consists of and includes all points or places which are (a) within the commercial zone, as defined by this Commission, of that municipality, and (b) not beyond the limits of the operating authority of such motor carrier of property or freight forwarder.

§ 170.48 *Terminal areas of motor carriers and freight forwarders at unincorporated communities served.* The terminal area within the meaning of section 202 (c) of the Interstate Commerce Act (49 U. S. C. 302 (c)) of any motor carrier of property subject to Part II (49 U. S. C. 301 et seq.) or any freight forwarder subject to Part IV thereof (49 U. S. C. 1001 et seq.), at any unincorporated community having a post office of the same name which is authorized to be served by such motor carrier of property or freight forwarder, within which transportation by motor vehicle in the performance of transfer, collection, or delivery services may be performed by, or for, such motor carrier of property or freight forwarder without compliance with the provisions, other than those in section 204 (49 U. S. C. 304) relating to qualifications and maximum hours of service of employees and safety of operations and equipment, of Part II of the act, consists of (a) all points or places in the United States which are located within the limits of the operating authority of the motor carrier of property or freight forwarder involved, and within 2½ miles of the post office at such authorized unincorporated point if it has a population less than 2,500, within 4 miles if it has a population of 2,500 but less than 25,000, or within 5½ miles if it has a population of 25,000 or more; (b) all of any municipality any part of which is included under (a) of this section; and (c) any municipality wholly surrounded by any municipality included under paragraph (b) of this section, or so wholly surrounded except for a water boundary.

NOTE: In the application of the foregoing §§ 170.35 to 170.48, inclusive, distances and population data shall be determined in the same manner as provided in § 170.17.

It is further ordered, That this order shall become effective July 15, 1952, and shall remain in effect until modified or revoked in whole or in part by further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy hereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 543, as amended; 49 U. S. C. 302)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7861; Filed, July 16, 1952; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

FILING OF JOINT RETURN AFTER SEPARATE RETURN HAS BEEN FILED

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62; 3791).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

In order to conform Regulations 111 (26 CFR Part 29) to section 312 of the Revenue Act of 1951, approved October 20, 1951, relating to the filing of a joint return after a separate return has been filed, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.51-1, the following:

SEC. 312. JOINT RETURN AFTER FILING SEPARATE RETURN (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Change of election.* Section 51 of the Internal Revenue Code (relating to making of individual returns) is hereby amended by adding at the end thereof the following new subsection:

(g) Joint return after filing separate return—

(1) *In general.* If an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under subsection (b) of this section, and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may nevertheless make a joint return for such taxable year. A joint return filed by the husband and wife in such a case shall constitute the return of the husband and wife for such taxable year, and all payments, credits, refunds, or other repayments made or allowed with respect to the separate return of either spouse for such taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid.

(2) *Payments required before joint return can be made.* A joint return can be made under paragraph (1) only if there is paid in full at or before the time of the filing of the joint return—

(A) All amounts previously assessed with respect to either spouse for such taxable year;

(B) All amounts shown as the tax by either spouse upon his separate return for such taxable year; and

(C) Any amount determined, at the time of the filing of the joint return, as a deficiency with respect to either spouse for such taxable year if, prior to such filing, a notice under section 272 (a) of such deficiency has been mailed.

(3) *Time for making joint return.* A joint return cannot be made under paragraph (1)—

(A) After the expiration of three years from the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse);

(B) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 272 (a), if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in such section;

(C) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(D) After either spouse has entered into a closing agreement under section 3760 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 3761.

(4) *Elections made in separate return.* If a joint return is made under this subsection, any election (other than the election to file a separate return) made by either spouse in his separate return for such taxable year with respect to the treatment of any income, deduction, or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made.

(5) *Death of spouse.* If a joint return is made under this subsection after the death of either spouse, such return with respect to the decedent can be made only by his executor or administrator.

(6) *Additions to the tax.* Where the amount shown as the tax by the husband and wife on a joint return made under this subsection exceeds the aggregate of the amounts shown as the tax upon the separate return of each spouse—

(A) *Negligence.* If any part of such excess is attributable to negligence or intentional disregard of rules and regulations (but without intent to defraud) at the time of the making of such separate return, then 5 per centum of the total amount of such excess shall be assessed, collected, and paid in the same manner as if it were a deficiency;

(B) *Fraud.* If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, then 50 per centum of the total amount of such excess shall be so assessed, collected, and paid, in lieu of the 50 per centum addition to the tax provided in section 3612 (d) (2).

(7) *Rules for application of sections 275 and 291.* For the purposes of section 275 (relating to period of limitations upon assessment and collection), and for the purposes of section 291 (relating to delinquent returns), a joint return made under this subsection shall be deemed to have been filed—

(A) Where both spouses filed separate returns prior to making the joint return—on the date the last separate return was filed (but not earlier than the last date prescribed by law for filing the return of either spouse);

(B) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than $600 of gross income for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(C) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of $600 or more for such taxable year—on the date of the filing of such joint return.

(8) *Rule for application of section 322.* For the purposes of section 322 (relating to refunds and credits), a joint return made under this subsection shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year (determined without regard to any extension of time granted to either spouse).

(9) *Additional time for assessment.* If a joint return is made under this subsection, the period of limitations provided in sections 275 and 276 on the making of assessments and the beginning of distraint or a proceeding in court for collection shall with respect to such return include one year immediately after the date of the filing of such joint return (computed without regard to the provisions of paragraph (7) of this subsection).

(10) *Rule for application of section 3809 (a).* For the purposes of section 3809 (a) (relating to criminal penalties in the case of fraudulent returns) the term "return" includes a separate return filed by a spouse with respect to a taxable year for which a joint return is made under this subsection after the filing of such separate return.

(b) *Effective date.* The amendment made by subsection (a) shall be applicable only with respect to taxable years beginning after December 31, 1950.

PAR. 2. Section 29.51-1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended as follows:

(A) By striking therefrom the second undesignated paragraph of (b) (1),

commencing "A joint return may not be made", and inserting in lieu thereof the following:

With respect to taxable years beginning prior to January 1, 1951, a joint return may not be made by a husband and wife for a taxable year if a separate return has been filed by one of the spouses for such year and the time for filing the return of such spouse has expired. For taxable years beginning after December 31, 1950, see subparagraph (3) of this paragraph. For any taxable year where a joint return has been filed, separate returns may not be made by the spouses after the time for filing the return of either has expired. See, however, subparagraph (2) of this paragraph for the right of an executor to file a late separate return for a deceased spouse and thereby disaffirm a timely joint return made by the surviving spouse.

(B) By inserting in the first sentence of (b) (2), after "except as provided by section 51 (b), as amended by the Revenue Act of 1948," the following: "or by section 51 (g), as added by the Revenue Act of 1951,".

(C) By inserting immediately preceding the last sentence of the first undesignated paragraph of (b) (2), which sentence begins "For the purposes of this subparagraph", the following: "Section 51 (g), as added by the Revenue Act of 1951, provides, for taxable years beginning after December 31, 1950, that a joint return may be made, under certain conditions, after separate returns have been filed even though the time prescribed by law for filing the return for such year has expired. See § 29.51–1 (b) (3). A joint return made under section 51 (g) after the death of either spouse shall, with respect to the decedent, be made only by his executor or administrator. Thus where no executor or administrator has been appointed, a joint return cannot be made under section 51 (g)."

(D) By adding immediately after (b) (2) the following new subparagraph:

(3) *Joint return after filing separate return*—(i) *In general.* Section 51 (g), as added by the Revenue Act of 1951, provides, for taxable years beginning after December 31, 1950, where an individual has filed a separate return for a taxable year for which a joint return could have been made by him and his spouse under section 51 (b), and the time prescribed by law for filing the return for such taxable year has expired, such individual and his spouse may, under conditions hereinafter set forth, make a joint return for such taxable year. The joint return filed pursuant to section 51 (g) shall constitute the return of the husband and wife for such year, and all payments, credits, refunds, or other repayments, made or allowed with respect to the separate return of either spouse are to be taken into account in determining the extent to which the tax based on the joint return has been paid.

For the purpose of this section, the determination whether an individual is married at any time during the taxable year shall be made in accordance with the provisions of section 51 (b) (5). See § 29.51–1 (b) (1). The fact that the taxpayer and his spouse are divorced or legally separated at any time after the close of the taxable year for which separate returns are filed shall not deprive them of their right to file a joint return for such taxable year pursuant to section 51 (g).

(ii) *Payments required before joint returns can be made.* A joint return may not be made under section 51 (g) for a taxable year unless at or before the time of the filing of such joint return the following amounts are paid:

(a) All amounts previously assessed with respect to either spouse for such taxable year;

(b) All amounts shown as the tax by either spouse upon his separate return for such taxable year; and

(c) Any amount determined, at the time of the filing of the joint return, as a deficiency with respect to either spouse for such taxable year if, prior to such filing, a notice under section 272 (a) of such deficiency has been mailed.

(iii) *Time for making joint return.* A joint return may not be made under section 51 (g) with respect to a taxable year:

(a) After the expiration of 3 years from the last day prescribed by law for filing the return for such taxable year determined without regard to any extension of time granted to either spouse. Thus where an extension of time for filing returns has been granted by the Commissioner or his representative in accordance with section 53 (a), the extension shall be disregarded in determining the last day upon which a joint return may be filed after separate returns have been filed.

(b) After there has been mailed to either spouse, with respect to such taxable year, a notice of deficiency under section 272 (a), if the spouse, as to such notice, files a petition with the Tax Court of the United States within the time prescribed in section 272 (a), that is, within 90 days (or 150 days if notice is addressed to taxpayer outside the States of the Union and the District of Columbia) after the mailing of the notice, excluding Saturday, Sunday or a legal holiday in the District of Columbia as the ninetieth day;

(c) After either spouse has commenced a suit in any court for the recovery of any part of the tax for such taxable year; or

(d) After either spouse has entered into a closing agreement under section 3760 with respect to such taxable year, or after any civil or criminal case arising against either spouse with respect to such taxable year has been compromised under section 3761.

(iv) *Elections made in separate return.* If a joint return is made under section 51 (g), any election, other than the election to file a separate return, made by either spouse in his separate return for the taxable year with respect to the treatment of any income, deduction or credit of such spouse shall not be changed in the making of the joint return where such election would have been irrevocable if the joint return had not been made. Thus, if one spouse has made an irrevocable election to adopt and use the elective inventory method under section 22 (d), this election may not be changed upon making the joint return under section 51 (g).

(v) *Additions to the tax.* Where the amount shown as the tax by the husband and wife on a joint return made under section 51 (g) exceeds the aggregate of the amounts shown as tax on the separate return of each spouse, and such excess is attributable to negligence, intentional disregard of rules and regulations, or fraud at the time of the making of such separate returns, there shall be assessed, collected, and paid in the same manner as if it were a deficiency an additional amount as provided in the two succeeding sentences. If any part of such excess is attributable to negligence, or intentional disregard of rules and regulations, at the time of the making of such separate return, but without any intent to defraud, this additional amount shall be 5 percent of the total amount of the excess. If any part of such excess is attributable to fraud with intent to evade tax at the time of the making of such separate return, this additional amount shall be 50 percent of the total amount of the excess. The latter addition is in lieu of the 50 percent addition to the tax provided in section 3612 (d) (2).

(vi) *Rules for application of sections 275 and 291.* For the purpose of section 275, relating to the period of limitations upon assessment and collection, and section 291, relating to delinquent returns, a joint return made under section 51 (g) shall be deemed to have been filed, giving due regard to any extension of time granted to either spouse, on the following dates:

(a) Where both spouses filed separate returns, prior to making the joint return under section 51 (g), on the date the last separate return of either spouse was filed for the taxable year, but not earlier than the last date prescribed by law for the filing of the return of either spouse;

(b) Where only one spouse was required and did file a return prior to the making of the joint return under section 51 (g), on the date of the filing of the separate return, but not earlier than the last day prescribed by law for the filing of such return; and

(c) Where both spouses were required to file a return, but only one spouse did so file, on the date of the filing of the joint return under section 51 (g).

(vii) *Rule for application of section 322.* For the purpose of section 322, relating to refunds and credits, a joint return made under section 51 (g) shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year, determined without regard to any extension of time granted to either spouse for filing the return or paying the tax.

(viii) *Additional time for assessment.* In the case of a joint return made under section 51 (g), the period of limitations provided in sections 275 and 276 shall include 1 year immediately after the date of the actual filing of such joint return. The expiration of the 1 year is to be determined without regard to the rules provided in subdivision (vi) of this subparagraph, relating to the application of sections 275 and 291 with respect to a joint return made under section 51 (g).

(ix) *Rule for application of section 3809 (a).* For the purposes of section 3809 (a), relating to criminal penalties in the case of a fraudulent return, the term "return" includes a separate return filed by a spouse for the taxable year for which a joint return is subsequently made under section 51 (g).

PAR. 3. Section 29.275–1, as amended by Treasury Decision 5516, approved May 27, 1946, relating to the period of limitation upon assessment of tax, is further amended by inserting at the end thereof the following:

(r) In the case of a joint return made under section 51 (g), the period of limitations shall include 1 year immediately after the date of the actual filing of such return, computed without regard to the provisions of section 51 (g) (7).

PAR. 4. Section 29.275–2, relating to the period of limitation upon collection of tax, is amended by inserting at the end thereof the following:

(f) In the case of a joint return made under section 51 (g), the period of limitations shall include 1 year immediately after the date of the actual filing of such return, computed without regard to the provisions of section 51 (g) (7).

PAR. 5. Section 29.322–7, as amended by Treasury Decision 5837, approved April 5, 1951, relating to limitations upon the crediting and refunding of taxes paid, is further amended by inserting immediately preceding the last paragraph of (a) the following: "In the case of a filing of a joint return under section 51 (g), the joint return shall be deemed to have been filed on the last date prescribed by law for filing the return for such taxable year, determined without regard to any extension of time granted to either spouse for filing the return or paying the tax. See § 29.51–1 (b) (3)."

[F. R. Doc. 52–7868; Filed, July 16, 1952; 8:57 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 319]

INDIAN CORN OR MAIZE, BROOMCORN, AND RELATED CROPS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the authority conferred by section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), is considering the amendment of § 319.41–3 of the regulations supplemental to Notice of Quarantine No. 41 relating to Indian corn or maize, broomcorn, and related crops (7 CFR 319.41–3) by deleting from the first sentence of the second paragraph thereof the phrase "to the five months' period between October 1 of any year and the end of February of the succeeding year, both dates inclusive," and substituting therefor the phrase "to those shipments accompanied by on-board bills of lading dated within the period September 15 through February 15 of the succeeding year, both dates inclusive," so that the paragraph read as follows:

For broomcorn and brooms and similar articles made of broomcorn, permits will be issued by the Chief of the Bureau of Entomology and Plant Quarantine for such ports as may be designated therein, except that permits will be issued for the entry of broomcorn originating in countries other than those in the North or South American Continents or the West Indies only through the ports of Baltimore, Boston, and New York, or through other northeastern ports which may from time to time be designated in the permit, and at which facilities for treatment of infested material may be available, such entry to be limited to those shipments accompanied by on-board bills of lading dated within the period September 15 through February 15 of the succeeding year, both dates inclusive. Permits will not be issued for the entry of broomcorn from any source through ports on the Pacific coast.

The purpose of this amendment would be to eliminate the possibility that now exists of a boat shipment of foreign broomcorn arriving ahead of schedule or being unavoidably delayed, so that it arrives prior to or after the inclusive dates during which such entry is authorized. Instead of limiting entry to a 5-month period each year, the amendment would provide for a 5-month period during which on-board bills of lading covering such shipments must be dated. Date of departure from a foreign port would be the qualifying condition rather than the date of arrival in the United States. Such dates of departure can be controlled by exporters and importers. In the ordinary course these shipments would then arrive during the period now specified, with no penalties involved for earlier or later arrival due to unforseeable conditions on the voyage. This would permit a more orderly scheduling of purchases by American importers. It would relieve foreign exporters of uncertainty as to whether their shipments would meet entry deadlines, with the possibility of having shipments refused entry upon arrival. In effect, this would be a relaxation of restrictions now in effect and would be to the advantage of both American importers and foreign exporters.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52–7854; Filed, July 16, 1952; 8:52 a. m.]

Production and Marketing Administration

[7 CFR Part 907]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area.

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 12th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing on proposed amendments to the order was held by the Production and Marketing Administration, United States Department of Agriculture, on May 19–20, 1952, pursuant to notice thereof which was issued on May 8, 1952 (17 F. R. 4353). Proposals to amend the order were submitted by the Milwaukee Cooperative Milk Producers Association, the Pure Milk Products Cooperative, the Blochowick Dairy et al., Wern Farms, and the Dairy Branch, Production and Marketing Administration.

The material issues of record related to:

1. Revision of the price differentials over the basic formula price for Class I milk and Class II milk;

2. Revision of the "supply-demand price adjustment" provision;

3. Revision of the alternate basic price formula which employs market prices of butter and cheddar cheese;

4. Adoption of a new price formula to be applicable to milk used in cheese (Class IV milk);

5. Revision of the provisions relating to milk priced under another marketing agreement or order and disposed of within the marketing area;

6. Inclusion of a "bracket schedule" for Class I and Class II milk prices;

7. Revision of the provisions relating to transfers of milk, skim milk and cream from a handler to the plant of a producer-handler;

8. Adoption of a rule under which a handler shall have the option to pay producers on either base and excess prices or a blended price for all de-

liveries for the months of April, May and June;

9. Several proposed changes in order language for clarity and administrative purposes; and

10. The emergency character of marketing conditions and the need for immediate change in the order provisions.

Issues numbered (1), (2), (4), (6), (9), and (10) above were discussed in a decision of the Secretary issued June 13, 1952. The remaining issues are decided herein. Findings and conclusions with respect to issues (3), (5), (7), and (8) are set forth below:

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) A milk price formula based on Cheddar cheese price quotations for Wisconsin primary markets should be adopted to replace the "butter-cheese" formula as one of the basic price formulas in the order (issue No. 3).

The basic formula price used to determine Class I and Class II prices is currently the highest of three formula prices computed for the preceding month. The formulas involved are: the average condensary pay price, the butter-nonfat dry milk solids formula, and the butter-cheese formula. Class I and Class II prices for the month are determined by adding to this basic formula price the appropriate Class I and Class II price differentials subject to an adjustment based on changes in the supply-demand relationship. A proposal was made to introduce an additional basic price formula based on cheese price quotations as follows: 2.75 times the simple average, as published by the Department, of prices per pound for "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, with the result multiplied by 3.5.

The record shows that the proposal is designed to produce a formula which will correspond to competitive prices paid by Wisconsin cheese factories for milk used in the manufacture of cheese. It was stated that the factor 2.75 is intended to be a figure which when multiplied by the Wisconsin Cheese Exchange quotation for Cheddars will approximate the price per pound of butterfat paid to farmers by competitive cheese factories. Considerable evidence was submitted for the record which related this formula price to the average price paid farmers by Wisconsin cheese factories as reported by the Department and by the Wisconsin State Department of Agriculture. In essence this formula is designed to measure the value of milk used for cheese from the standpoint of competitive "pay" prices as differentiated from a "cost and yield" method.

Reduced to its simplest form this formula is 9.625 times the average Cheddar cheese price (3.5 times 2.75= 9.625). The average paying price of Wisconsin cheese factories as reported by the Department for 1950 and 1951 divided by the average cheese price quotation on the Wisconsin Exchange for those two years gives a factor of 9.45 compared to the 9.625 that was proposed. Inasmuch as this formula is designed to reflect average pay prices it is concluded that the factor of 9.45 should be used in place of 9.625.

Since the production of cheese has been increasing in recent years and represents a major use of milk in the State of Wisconsin and the Milwaukee supply area, it is concluded that a formula based on Cheddar cheese would be appropriate as one of the basic price formulas under the Milwaukee order. A similar formula has been recommended for Order 41 and the inclusion of the formula in Order 7 will assist also in keeping a close alignment of class prices between the two markets. Under current conditions the butter-cheese formula does not fully reflect the value of milk utilized by cheese factories in the production area. In view of the adoption of the new cheese price formula the butter-cheese formula should be deleted.

In connection with the adoption of the new cheese formula, price quotations for cheese from Wisconsin primary markets should be used instead of Wisconsin Exchange prices at Plymouth. It was testified that price quotations are reported four days a week (excluding Friday) for "Wisconsin primary markets" which are based on actual sales of cheese. There have been only a few instances in the past several years when sufficient sales have not been made on the Wisconsin primary markets on which to base a report. The Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the other hand meets each Friday so that a quotation is available for only one day of each week.

The volume of cheese sold on the Wisconsin Exchange is small in relation to the total volume of cheese sold on Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange and at times such condition has existed for a considerable period. It has been necessary therefore to use prices for weeks when no sales were reported which were derived from either bids or offers rather than from actual sales. For the purposes of the order the price of cheese at Wisconsin primary markets is the more representative report to use in reflecting prices actually received by manufacturers of cheese.

The types of transaction on which the two cheese quotations discussed above are based are similar—both are for the same type of cheese and are for cheese loaded for shipping at assembly points. The quotations differ, however, in that the price at primary markets includes a charge for certain services, such as paraffining and assembly, which is not included in the Exchange price but is made as a separate charge to the purchaser. Over the past two years the primary markets' price has averaged higher than the Exchange price by approximately 1.3 cents per pound and deduction of this amount should be made in adopting the primary market price.

(2) Neither the provisions which specify the conditions for determining the order under which a handler shall operate when he makes sales in two or more marketing areas as defined in the several milk orders, nor the provisions to require a plant that receives milk subject to the class price provisions of the Chicago order to make payments to producers under this order by the amounts the Milwaukee Class I and Class II prices exceed the zone prices for comparable classifications under the Chicago order should be adopted (issue 5).

A proposal was made to amend the order on the question of which order shall apply to a handler when sales are made under two or more orders, and on the question of prices to be charged under such conditions. Concerning the first feature of the proposal, which deals with a method to determine the milk marketing order to be applied to a handler making sales in several markets in which marketing orders are effective, no supporting testimony was offered nor argument made on behalf of the proposal. The problem to which this proposal is directed was dealt with originally by a provision in the order suspended January 1, 1952. The lack of information in this record on both the problem and the proposed solution permits no recommendation to be made on this matter.

Milk is distributed regularly in the Milwaukee marketing area from two plants subject to Order 41 for the Chicago marketing area. Class I and Class II prices applicable to milk at such plants are comparable. After giving effect to zone location adjustments, to prices for similar classifications under the Milwaukee order, Milwaukee handlers contend that other plants under the Chicago order, if located in any zone beyond zone 3 as established under such order, are required to pay lesser class prices than Milwaukee handlers because of increased location allowances as the distance of the plants from Chicago increases, and that any such Chicago plant would have a price advantage over local plants if milk therefrom were to enter the Milwaukee market on wholesale or retail routes. It was proposed that any such difference in prices in favor of the Chicago plant be paid by the plant operator to the market administrator of Order 7 for distribution to producers under the latter order.

Intermarket relationships such as this raise questions as to the application of cooling, pricing, and classification provisions under the orders involved and as to the specific requirements to be imposed when milk sold from one market into another. It may be noted in this connection, however, that factors other than class prices, such as transportation and processing costs (which are not covered by order provisions), enter into an outside distributor's cost of milk sold in competition with local handlers. In the interest of equity to both the outside distributor and local handlers, it is necessary under present circumstances to maintain a reasonably close alignment of class prices under the orders concerned, taking into account the approximate cost of moving milk between markets. In the present instance the record does not indicate that the location adjustments allowed handlers under the Chicago order will serve to give undue competitive advantage to Chicago handlers who may choose to enter the Milwaukee market from a location beyond zone 3 and thus work undue hardship on handlers regulated by the Milwaukee order. In view of the above it is concluded that the second feature of the proposal, which deals with the pricing of milk between markets, should not be adopted.

(3) The classification provisions relating to transfers of milk, skim milk and cream from a handler to the plant of a producer-handler should be revised (issue 7).

The order provides that milk or skim milk transferred by a handler to the plant of a producer-handler shall be Class I milk and cream transferred shall be Class II milk. It was proposed that this rule of classification be modified to permit classification according to actual use if the buyer and seller mutually agree that a Class III or Class IV use was made.

A producer-handler with specialty milk sales in the marketing area also operates an ice cream manufacturing business and purchases skim milk and cream occasionally from a Milwaukee handler for ice cream purposes. Milk meeting the health standards for regular bottled milk is not eligible for bottling in the plant of such producer-handler. At least one handler regulated by the order disposes of temporary excesses of producer milk in his plant to such producer-handler as an outlet for milk not needed for Class I and Class II milk operations. Such milk is utilized in the manufacture of ice cream which is a Class III milk use according to order classification. In view of the above circumstances it is not necessary to distinguish, for classification purposes, between transfers to other handlers and to producer-handlers. It is concluded, therefore, that the special rule governing transfers to producer-handlers should be eliminated and that milk transferred to the plant of a producer-handler may be classified according to actual use if utilization other than Class I or Class II is mutually indicated in writing by both buyer and seller, with the proviso (which applies to all handlers) that the amount reported as Class III or Class IV milk shall not exceed the total use in such class in the transferee plant after the subtraction therefrom of other source milk in such plant.

(4) The proposal that handlers should have the option of paying producers in April, May, and June on either the base and excess plan or a "blended" price should not be adopted.

It was proposed that handlers be given the option of paying producers on either the base and excess plan or a "blended" price in the months of April, May, and June. In support the proponent handler stated that the requirement of payment on the base and excess plan has made it difficult to compete with the Chicago handlers in procuring additional milk supplies. It was testified that such procurement is retarded by (a) prospective producers expressing objection to producing under a base-excess plan, and (b) offers of premiums by Chicago handlers over and above the minimum uniform price announced under the Chicago order.

The reasons for the base-excess plan of payment for milk in the Milwaukee market were set forth in detail in the decision of the Secretary at the time of original promulgation of the order. Notice of such decision, which was issued September 27, 1950, is taken. The present record does not indicate with any certainty that the procurement difficulties related on the record have been caused by the existence of the base-excess plan rather than by the payment of premiums by Chicago handlers, or that such problem has seriously affected total market supplies. It may be noted that bases are in effect only during the three months named above. The majority of handlers, as well as major producer groups, contend that the base-excess plan continues to be of advantage to the market in the encouragement it gives to a better adjusted milk supply. Average returns to Milwaukee producers are fully comparable to those of Chicago producers. In view of these circumstances and the general basis for the plan set forth in the decision of September 27, 1950, which is not disturbed by evidence contained in the present record, it is concluded that the base-excess plan should be retained as provided in the order.

General findings. (a) The proposed, marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on briefs. Briefs were filed on behalf of certain Milwaukee producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following proposed amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed amendments to the marketing agreement are not included because the regulatory provisions thereof would be the same as those contained in the proposed amendments to the order:

1. Add to the introductory language of § 907.33 (preceding paragraph (a)) following the word "handler" the phrase, "including any producer-handler."

2. Delete from § 907.45 (a) the phrase "except a producer-handler" and substitute therefor the phrase "including a producer-handler."

3. Delete § 907.45 (c).

4. Delete § 907.50 (b) and substitute therefor the following:

(b) The price per hundredweight computed from the following formula:

(1) From the simple average of the daily prices paid per pound, using the mid-point of any price as one price, for Wisconsin State Cheddars in cars or truck loads, f. o. b. Wisconsin assembling points, as reported by the U. S. D. A. for the trading days during the month, subtract 1.3 cents, and then multiply by 2.7.

(2) Multiply such result by 3.5.

5. Delete the period at the end of § 907.90 and add the following: "except where the text of such section(s) of the order indicate that such section(s) should apply."

6. Delete the semicolon and the word "or" at the end of § 907.91 (a) (1) and substitute in lieu thereof a period.

Filed at Washington, D. C., this 11th day of July 1952.

Dated: July 11, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-7856; Filed, July 16, 1952; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITIONS OF TERMS USED IN THE ACT; FORM AND CONTENT OF PROSPECTUSES

NOTICE OF PROPOSED RULE MAKING

For some years the Commission has been exploring the advisability of recommending appropriate amendment of the Securities Act of 1933 in order better to achieve its basic purpose of affording investors a maximum of timely disclosure in an understandable form. It seems clear that the two basic problems are (1) devising some means, consistent with the statutory prohibition of selling effort before the effective date of the registration statement, for achieving more widespread dissemination of information during the waiting period, and (2) obtaining a statutory prospectus which is reasonably concise and readable.

The Commission has tentatively concluded that it would not be justified in recommending new legislation to the Congress until it has done everything possible to achieve these two results under its existing powers. This approach also has the advantage of permitting a degree of flexibility and experimentation. If the suggestions which the Commission now offers for public comment are adopted, actual experience may indicate modifications from time to time. Moreover, the proposals now offered are not necessarily a substitute for new legislation. In the event legislative action seems desirable, all parties concerned should be in a better position to consider statutory amendment in the light of the experience with the administrative changes now proposed.

These proposals, as announced in this release, consist partly of new rules and partly of a new statement of policy with reference to acceleration of the registration statement.

In 1950 the Commission announced that it was considering a proposal to amend its rules under the Securities Act of 1933 to do two things (a) permit the circulation to investors of "identifying statements" containing certain limited information taken from registration statements and prospectuses, and (b) facilitate and encourage advance distribution of proposed prospectuses (so-called "red herring prospectuses"). See Securities Act Release No. 3396 (November 14, 1950). No amendment was adopted at that time. The present proposals contain certain modifications. The Commission has the comments submitted in 1950 and invites any further comments that interested persons may wish to make. The proposals and the factors prompting their consideration are described in full below so as to make reference to the earlier release unnecessary.

In the absence of an exemption, the Securities Act prohibits the use of the mails or interstate facilities to make any sale or attempt to dispose of a security prior to the effective date of a registration statement, and requires the inclusion of material information in prospectuses used after that date. However, it does not prohibit the dissemination of information as such. Indeed, the concept of the waiting period is based on the premise that information will in fact be disseminated.

The report of the Committee on Interstate and Foreign Commerce on the bill that became the Securities Act (H. R. Rep. No. 85, 73d Cong., 1st Sess., pp. 12–13) stated that underwriters who wished to inform dealers of the nature of a security to be offered for sale after the effective date of the registration statement would be free to circulate the offering circular (prospectus) itself, if clearly marked in such a manner as to indicate that no offers to buy should be sent or would be accepted until the effective date of the registration statement. This practice is expressly permitted by Rule 131 under the Securities Act, relating to the circulation of the so-called "red herring prospectus" before the effective date, and it is not proposed to change this rule.

In Releases 464 and 802 under the Securities Act the Commission's General Counsel early expressed the opinion that the definitions of the terms "sale" and "sell" in section 2 (3), and hence the prohibitions of section 5, did not extend to certain summaries of salient information contained in registration statements—provided, among other conditions, that the material did not attempt to dispose of the security in process of registration and was not used after the effective date unless accompanied or preceded by a copy of the statutory prospectus. The proposed action would not affect the status of such summaries.

I. The proposed Rule 132 is designed to permit, under certain conditions, the use of a brief "identifying statement" which would set forth generally the nature of the security to be offered. Certain categories of information would be required and certain additional categories would be permitted. Among other things, the identifying statement would set forth "the general type of business of the issuer"; it is contemplated that this statement regarding the nature of the business would not exceed a line or two. The identifying statement would be intended for use as a screening device to locate persons who might be interested in receiving a "red herring prospectus" or final prospectus and not to facilitate solicitations in advance of the effective date. The proposed rule would be in the form of a definition of the terms "sale" and "offer" for purposes of section 5. The anti-fraud provisions would not be affected.

The rule would require that the identifying statement include a form for requesting copies of prospectus. Persons requesting prospectuses before the effective date of the registration statement could be given the "red herring prospectus" provided for in the present Rule 131.

Rule 132 would condition use of the identifying statement upon the filing of a form of such statement as a part of the registration statement ten days in advance, unless the Commission accelerated the period. Any person using the identifying statement would add to this form his name and (after the effective date) the price of the security. The identifying statement could be circulated or published by the issuer or by underwriters and dealers either before or after the effective date of the registration statement. In order to make certain that a form of identifying statement would always be available for use by dealers, the Commission would amend its various registration forms to require that each registration statement be accompanied by a form of identifying statement.

II. In Securities Act Release No. 3177, issued on December 5, 1946, at the time of the adoption of Rule 131 on "red herring prospectuses," the Commission referred to its power under section 8 (a) to accelerate the effectiveness of a registration statement where adequate information respecting the issuer has been available to the public. That release states:

The Commission, in considering requests for acceleration of the effective date of registration statements, will consider whether adequate dissemination has been made of copies of the proposed form of prospectus, as permitted by the rule. The determination of what constitutes adequate dissemination must, of course, remain a question of fact in each case after consideration of all pertinent factors. It would, however, involve as a minimum the distribution, a reasonable time in advance of the anticipated effective date, of copies of such proposed form of prospectus to all underwriters and dealers who may be invited to participate in the distribution of the security.

In connection with the present proposals, the Commission, in determining whether to grant acceleration, would consider also (1) whether the identifying statement has been made available to all underwriters and dealers who might be invited to participate in the distribution and (2) whether copies of the "red herring prospectus" had been made available in reasonable quantity to such underwriters and dealers, taking into consideration the number of requests that they might expect to receive from customers and the amount of securities that might be available to them for distribution.

III. In order to facilitate the use of proposed prospectuses in the pre-effective period and to avoid the necessity of duplicating the information contained in them at a later date, it is proposed to amend Rule 431 to provide generally that a final prospectus meeting the requirements of the act may consist of the latest proposed prospectus under Rule 131 plus a document containing such additional information that both together contain all the information required by the Act. The amendment would remove a provision which now limits the rule to offerings by an issuer to its existing stockholders.

IV. The proposals outlined above are designed to assist distributors in locating persons interested in receiving the prospectus and to make prospectuses more readily available to prospective investors. A related problem is that a prospectus may not be useful to an investor if it is unduly long and complex. As a part of the present proposal, the Commission is therefore considering the adoption of a policy of refusing acceleration where it is satisfied that there has been no bona fide effort to make the prospectus reasonably concise and readable.

The text of the proposed rule and amendment follows:

§ 230.132 *Definition of "offer to sell," "offer for sale," "attempt or offer to dispose of," and "solicitation of an offer to buy" as used in section 2 (3) in connection with certain identifying statements.* (a) For purposes of section 5 only, sending or giving to any person or publishing, after the filing of a registration statement under the Securities Act, a copy of an identifying statement as defined in paragraph (b) of this section shall not in itself constitute an "offer to sell," "offer for sale," "attempt or offer to dispose of," or "solicitation of an offer to buy" as used in section 2 (3) of the act: *Provided*, That:

(1) The identifying statement is not used until ten days after it has been filed as a part of the registration statement, unless the Commission notifies the issuer that it may be used earlier.

(2) When used before the effective date of the registration statement, the identifying statement contains the following legend in type as large as that used generally in the body thereof:

The offer of these securities is subject to the registration and prospectus requirements of the Federal Securities Act. Information about the issuer, the securities, and the circumstances of the offering is contained in the registration statement and prospectus required by that act. The registration statement is not yet effective. No offer to buy or sell the securities should be made and no offer to purchase the securities will be accepted until the registration statement has become effective.

(3) When used after the effective date of the registration statement, the identifying statement contains the following legend in type as large as that used generally in the body thereof;

The offer of these securities is subject to the registration and prospectus requirements of the Federal Securities Act. Information about the issuer, the securities, and the circumstances of the offering is contained in the registration statement and prospectus required by that act.

(4) The identifying statement indicates from whom copies of the prospectus (or of a proposed prospectus used pursuant to § 230.131 (Rule 131)) may be obtained and includes a detachable form for use in requesting such copies, which form shall be substantially as follows:

Please send me a copy of the prospectus (or proposed prospectus) relating to ------
Name ----------
Address ----------

(b) For the purposes of this section, the term "identifying statement" means a written communication or advertisement which contains the information specified in subparagraphs (1) to (6) inclusive of this paragraph, to the extent that those clauses are applicable, and in addition briefly states no more than the information specified in subparagraphs (7) to (12) inclusive of this paragraph:

(1) The title of the security;

(2) The name of the issuer;

(3) The general type of business of the issuer;

(4) The price of the security;

(5) The price at which, the conditions upon which, and the time when, the security may be redeemed or converted or exchanged or, if the security is a right or warrant or is offered by means of a right or warrant, the terms of such right or warrant with respect to price and the conditions and time of exercise;

(6) Whether the security is being offered in connection with a financing by the issuer or a distribution by a person directly or indirectly controlling or controlled by the issuer, or under direct or indirect common control with the issuer;

(7) The stated rate of return or the yield or both if the security has a fixed interest or dividend provision and if the issuer's earnings for the past three full fiscal years will reasonably support a conclusion as to yield;

(8) Whether the security is listed on any securities exchange;

(9) Whether, in the opinion of counsel, the security is a legal investment for savings banks, fiduciaries, insurance companies, or other similar investors under the laws of any State or Territory or the District of Columbia;

(10) The extent to which the issuer has agreed to pay any tax with respect to the security or measured by the income therefrom;

(11) Whether the issue represents new financing or a refunding operation;

(12) The title and number of shares or other units or (in the case of debt securities) principal amount of each class of outstanding securities.

(c) The identifying statement as filed need not state from whom prospectuses or proposed prospectuses may be obtained, or contain any information as to price, even though such information is available. The information specified in this paragraph shall be inserted by the person who sends, gives or publishes the statement if it is then on file with the Commission.

(d) This section shall not apply to the sending or giving or publishing of any identifying statement if, at the time such identifying statement is sent or given or published, the registration statement is the subject of pending proceedings under section 8 (b), 8 (d), or 8 (e) of the act, or of an order entered under any of such sections.

§ 230.431 *Prospectuses supplementing preliminary material supplied previously.* A prospectus may consist of a copy of the latest proposed form of prospectus meeting the requirements of § 230.131 (Rule 131) and a document containing such additional information that both together contain all of the information required to be included in a prospectus for registered securities: *Provided*, That:

(a) The proposed form of prospectus is sent or given before the effective date of the registration statement;

(b) The proposed form of prospectus is incorporated by reference into and made a part of the document; and

(c) The document is attached to the proposed form of prospectus or is sent or given within ten days after the sending or giving of the proposed form of prospectus.

All interested persons are invited to submit views and comments on these proposals in writing to the Securities and Exchange Commission at its principal office, 425 Second Street NW., Washington, D. C., on or before August 4, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 10, 1952.

[F. R. Doc. 52-7845; Filed, July 16, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 52-39]

TERMINATION OF APPROVAL OF EQUIPMENT, CORRECTION TO PRIOR DOCUMENT, AND CHANGE IN NAME OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950, 15 F. R. 6521, and in compliance with the authorities cited below, the following approvals of equipment are terminated because the items of equipment covered are no longer being manufactured for marine service or the company has gone out of business, and the following corrections in FEDERAL REGISTER Volume 17, Number 117 of the issue for Saturday, June 14, 1952, shall be made, and the following change in address of manufacturer of approved equipment shall be made:

LIFE PRESERVERS, CORK (JACKET TYPE)

Termination of Approval No. A-293, Model 31, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Western Canvas Products Co. (formerly Western Sportswear Mfg. Co.), 417 East Pine Street, Seattle 22, Wash. (Approved by Coast Guard letter dated May 8, 1945, to Western Sportswear Mfg. Co.)

Termination of Approval No. A-294, Model 35, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Western Canvas Products Co. (formerly Western Sportswear Mfg. Co.), 417 East Pine Street, Seattle 22, Wash. (Approved by Coast Guard letter dated May 8, 1945, to Western Sportswear Mfg. Co.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275, 46 CFR 25.4-1, 33.3-1, 59.55, 76.52, 94.52, 113.44, 160.003)

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: When buoyancy fillers are not removed from envelope covers during cleaning process.

Termination of Approval No. 160.006/10/0, Western Canvas cleaning process for kapok life preservers, as outlined in attachment to letter dated October 14, 1947, from Western Canvas Products Co., 417 East Pine Street, Seattle 22, Wash. (Approved FEDERAL REGISTER dated November 19, 1947.)

(R. S. 4405, 4417a, 4426, 4492, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, 245, as

amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/50/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Armond's, 3709–3711 Winchester Avenue, Atlantic City, N. J. (Approved FEDERAL REGISTER dated July 31, 1947.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

CORRECTION TO PRIOR DOCUMENT

In FEDERAL REGISTER Volume 17, Number 117 of the issue for Saturday, June 14, 1952, the following corrections shall be made:

1. Under the heading "Flashlights, Electric, Hand," Approval No. 161.008/10/0, shall be corrected by changing the number of the assembly dwg. from "G-1108" to "C-1108."

2. Under the heading "Structural Insulation," Approval No. 164.007/6/1, shall be corrected by changing the term "BX Spuntex" to "BX Spintex."

CHANGE IN NAME OF MANUFACTURER

The name of the Hillsboro Transportation Company, Hillsboro, Ohio, has been changed to R-Way Mfg. Co., Hillsboro, Ohio, for Coast Guard Approval No. 160.007/82/0 published in the FEDERAL REGISTER dated June 23, 1949, for standard kapok buoyant cushions.

CONDITIONS OF TERMINATION OF APPROVALS

The termination of approvals of equipment made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval on any item of equipment, such equipment manufactured before the effective date of termination of approval may be used on merchant vessels so long as it is in good and serviceable condition.

Dated: July 10, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 52-7865; Filed, July 16, 1952; 8:55 a. m.]

[CGFR 52-37]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are prescribed and shall be effective for a period of five years from date of publication in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority:

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/118/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Elvin Salow Co., Boston, Mass., for Brunal Supply Co., 30 Edgar Road East, Linden, N. J.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 25.4–1, 160.007)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Approval No. 160.009/40/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by George Broom & Sons, Twenty-seventh Avenue and Commodore Way, Seattle, Wash.

(R. S. 4405, 4417a, 4426, 4462, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.4–1, 33.01–5, 33.40–1, 59.56, 60.49, 76.53, 94.53, 113.46, 160.009)

WINCHES, LIFEBOAT

Approval No. 160.015/53/0, Type C–70A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 5,500 pounds pull at the drums (2,750 pounds per fall), identified by arrangement dwg. No. 3325 dated February 20, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.015/54/0, Type A–150AH lifeboat winch, approval is limited to mechanical components and for a maximum working load of 15,000 pounds pull at the drums (7,500 pounds per fall), identified by arrangement dwg. No. 2917–24, dated February 14, 1950, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.015/58/0, Type G. W. lifeboat winch, approval is limited to mechanical components and for a maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall), identified by arrangement dwg. No. 1494–1 revised May 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

Approval No. 160.015/59/0, Type A–190A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 19,000 pounds pull at the drums (9,500 pounds per fall), identified by arrangement dwg. No. 3340 dated August 11, 1950, and revised March 21, 1951, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.015/61/0, Type A–54A lifeboat winch, approval is limited to mechanical components and for a maximum working load of 5,400 pounds pull at the drums (2,700 pounds per fall), identified by arrangement dwg. No. 3341 dated August 8, 1950 and revised May 21, 1951, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.10–5, 59.3a, 60.21, 76.15a, 94.14a, 160.015)

DAVITS, LIFEBOAT

Approval No. 160.032/129/0, gravity davit, type 30–70, approved for maximum working load of 20,500 pounds per set (10,250 pounds per arm) using 2 part falls, identified by general arrangement dwg. No. DG-301–1 dated June 5, 1951, and revised June 6, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.032/130/0, gravity davit, type G. D. 30–72–7.6, approved for maximum working load of 22,000 pounds per set (11,000 pounds per arm) using 2 part falls, identified by general arrangement dwg. No. 1497–1 dated May 8, 1951, and revised May 13, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

HAND PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/6/1, Double Gear Type hand propelling gear identified by arrangement dwg. No. 1857 dated November 4, 1940, revised April 17, 1952, submitted by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.034/6/0 published in the FEDERAL REGISTER, July 31, 1947.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245 as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 33.15–1, 33.15–5, 59.11, 160.034)

LIFEBOATS

Approval No. 160.035/11/2, 16.0' x 5.7' x 2.3' steel oar-propelled lifeboat, 12-person capacity, identified by general arrangement dwg. No. G–1612 dated June 12, 1951, and revised May 5, 1952, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/11/1 published in the FEDERAL REGISTER, October 4, 1951.)

Approval No. 160.035/279/0, 30.0' x 10.0' x 4.13' aluminum hand propelled lifeboat, 70-person capacity, identified by construction and arrangement dwg. No. 30–1B dated December 15, 1950, and revised June 5, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. 1275; 46 CFR 33.01–5, 59.13, 76.16, 94.15, 113.10, 160.035)

KITS, FIRST-AID

Approval No. 160.041/3/0, First-aid Kit, Model No. 600 M, dwg. No. 100A dated February 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, Ill.

(R. S. 4405, 4417a, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.041)

BOILERS, HEATING

Approval No. 162.003/1/1, AGITAIR hot water heating boiler, forced circulation coil type, dwg. No. WH–102, revision III, dated May 27, 1952, WH–103A, revision IV dated May 27, 1952, and WH–100 revised May 29, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Air Devices, Inc., 17 East Forty-second Street, New York 17, N. Y. (Supersedes Approval No. 162.003/1/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/4/1, Class "OB" steel plate hot water heating boiler, dwg. Nos. G–260 dated October 30, 1951, G–262 dated May 28, 1952, and G–412 dated November 9, 1951, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Bethlehem Foundry & Machine Company, Bethlehem, Pa. (Supersedes Approval No. 162.003/4/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/23/1, Model No. 29M2, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/23/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/24/1, Model No. 29M3, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/24/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/25/1, Model No. 29M4, steel plate steam heating boiler, dwg. No. 266.091, revision F, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/25/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/37/1, Model No. 33M1, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/37/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/38/1, Model 33M2, steel plate steam heating boiler dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/38/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/39/1, Model No. 33M3, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/39/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/40/1, Model No. 33M4, steel plate steam heating boiler, dwg. No. 264.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/40/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/41/1, Model No. 40M1, steel plate steam heating boiler, dwg. No. 265.091, revision E, dated May 20, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by Pacific Steel Boiler Division, United States Radiator Corporation, Detroit 31, Mich. (Supersedes Approval No. 162.003/41/0 published in the FEDERAL REGISTER, July 31, 1947.)

Approval No. 162.003/128/0, Series U. S.–2 Capital Sunray cast iron steam or hot water heating boiler, dwg. No. G. S.–82, dated January 6, 1949, and G. S.–360, dated February 4, 1949, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/129/0, Series U. S.–12 cast iron steam or hot water heating boiler, dwg. No. G. S.–414 dated January 20, 1950, and G. S.–415 dated January 20, 1950, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/130/0, Series U. S.–20 cast iron steam or hot water heating boiler, dwg. No. G. S.–73, dated January 12, 1949, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/131/0, Series U. S.–21 cast iron steam or hot water heating boiler, dwg. No. G. S.–438, dated July 20, 1950, and G. S.–437, dated July 20, 1950, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/132/0, Series U. S.–25 cast iron steam or hot water heating boiler, dwg. No. G. S.–236, dated January 20, 1947, and G. S.–237, dated December 7, 1948, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/133/0, Series U. S.–28 cast iron steam or hot water heating boiler, dwg. No. G. S.–434, dated July 17, 1950, and G. S.–435, dated July 18, 1950, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/134/0, Series U. S.–46 cast iron steam or hot water heating boiler, dwg. No. G. S.–382, dated June 7, 1949, and G. S.–383, dated June 7, 1949, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the United States Radiator Corporation, Detroit 31, Mich.

Approval No. 162.003/135/0, Size 1924–8C, steel plate hot water heating boiler, dwg. No. H–200, dated March 17, 1952, and H–207, dated June 13, 1952, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by the Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON DIOXIDE TYPE

Approval No. 162.005/44/0, Alfite Speedex–15A, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. No. 28X–1744, Rev. D, dated July 15, 1949, name plate dwg. No. 28X–844, Rev. M, dated March 26, 1951, manufactured by American-LaFrance-Foamite Corporation, Elmira, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.5–1, 26.3–1, 27.3–1, 34.25–1, 61.13, 77.13, 95.13, 114.15)

VALVES, SAFETY (FOR STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig. 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators, dwg. No. S4785, dated Feb. 27, 1952, approved for a maximum pressure of 30 p. s. i. in the following sizes:

Size (inches)	Capacity (pounds/hour)	
	At 15 p. s. i.	At 30 p. s. i.
¾	88	148
1	143	240
1¼	231	387
1½	264	443
2	407	688
2½	653	983
3	880	1,475

manufactured by the Lunkenheimer Co., P. O. Box. 360, Annex Station, Cincinnati 14, Ohio.

(R. S. 4405, 4417a, 4418, 4426, 4433, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 375, 391a, 392, 404, 411, 489, 367, 1333, 50 U. S. C. 1275; 46 CFR 52.65)

DECK COVERING

Approval No. 164.006/41/0, "Plastic-Stone", Magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1840: FP3139, dated May 20, 1952, approved for use without other insulating material to meet Class A–60 requirements in a 2 inch thickness, manufactured by E. A. Mortrude & Co., 8701 Fifteenth Avenue NW., Seattle 7, Wash.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 369, 375, 391a,

404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.006)

Dated: July 10, 1952.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 52-7866; Filed, July 16, 1952; 8:56 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MONTANA

ORDER PROVIDING FOR WITHDRAWAL OF LANDS FOR STOCK DRIVEWAY PURPOSES; NO. 18 AMENDED

JULY 9, 1952.

Notice of the order providing for withdrawal of lands for public stock watering and stock driveway purposes, Montana No. 19 dated April 18, 1952 (17 F. R. 3804), is amended in its entirety to read as follows:

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management in § 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The following described public lands in Montana are hereby classified as necessary and suitable for stock driveway purposes, and are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal Montana No. 18:

MONTANA PRINCIPAL MERIDIAN

T. 23 N., R. 22 E.,
Sec. 20, lot 2.
Sec. 21, lots 1, 3, 4.

The area described above aggregates 118.81 acres.

The withdrawal made by this order shall be subject to provisions of prior Power Site Reserves No. 500 dated July 19, 1915, and No. 757 dated February 7, 1922, and Power Site Classification No. 301 dated August 31, 1937, so far as such orders affect the above described lands.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52-7871; Filed, July 16, 1952; 8:58 a. m.]

MONTANA

NOTICE OF FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR STOCK DRIVEWAY PURPOSES; NO. 18

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MAX CAPLAN,
Acting Regional Administrator.

[F. R. Doc. 52-7872; Filed, July 16, 1952; 8:58 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CHIEF, FOREST SERVICE

REVOCATION OF DELEGATION OF AUTHORITY WITH RESPECT TO WITHDRAWAL OF LANDS

By virtue of the authority vested in the Secretary of Agriculture, I, Charles F. Brannan, Secretary of Agriculture, do hereby cancel the delegation to the Chief, Forest Service, dated December 16, 1949 (14 F. R. 7674), respecting withdrawal of lands under his jurisdiction. The authority vested in me by Executive Order No. 10355, dated May 26, 1952, to approve or concur in public land orders issued by the Secretary of the Interior under said Executive Order respecting the withdrawal and reservation of lands under the jurisdiction of this Department will be exercised by the Under Secretary and the Assistant Secretary pursuant to the delegation of authority to such officers to perform the duties and exercise the powers and functions of the Secretary of Agriculture, dated April 25, 1941 (6 F. R. 2204).

(5 U. S. C. 22; E. O. 10355 (17 F. R. 4831))

Done at Washington, D. C., this 11th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7857; Filed, July 16, 1952; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SR-6-427]

NORTH CONTINENT AIRLINES

NOTICE OF ORAL ARGUMENT

In the matter of C. F. Horne, Administrator of Civil Aeronautics, complainant v. Robin Airlines, Inc., d/b/a North Continent Airlines, respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 29, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

The order of appearances and time allotments are as follows:

Party	Time allotted (minutes)
Respondent: Robin Airlines, Inc., d/b/a North Continent Airlines	45
Complainant: Administrator of Civil Aeronautics	45

Counsel for the Respondent may reserve not to exceed 15 minutes of his allotted time for rebuttal.

Dated at Washington, D. C., July 11, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7827; Filed, July 16, 1952; 8:46 a. m.]

[Docket No. 4163]

SERVICE TO MELBOURNE, FLA.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of the City of Melbourne, Florida, under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for an authorization to be included as an intermediate stop on the route of a certificated airline.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding, assigned to be heard on July 22, 1952 is postponed to July 30, 1952, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., July 14, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7869; Filed, July 16, 1952; 8:57 a. m.]

[Docket No. 3094 et al.]

CONTINENTAL AIR LINES, INC.; WICHITA FALLS-DALLAS SERVICE

NOTICE OF HEARING

In the matter of the applications of Continental Air Lines, Inc., for amendment of its certificate of public convenience and necessity for route No. 29 which propose extension of service from Wichita Falls, Texas, to Dallas, Texas, via Fort Worth, Texas.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 402 (h) and 1001 of said act, the above-entitled proceeding is assigned for hearing on September 4, 1952, at 10:00 a. m., e. d. s. t., in Room 5859, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applications, particular attention will be directed to the following matters:

1. Whether public convenience and necessity require amendment of the certificate of public convenience and necessity held by Continental Air Lines, Inc., for route No. 29 so as to authorize air transportation from Wichita Falls, Texas, to Dallas, Texas, via Fort Worth, Texas;

2. Whether public convenience and necessity require amendment of the certificate of public convenience and necessity held by Mid-Continent Airlines, Inc., for route No. 26 so as to authorize air transportation from Tulsa, Oklahoma, to Fort Worth and Dallas, Texas, as coterminal points;

3. Whether public convenience and necessity require amendment of the certificate of public convenience and necessity held by Braniff Airways, Inc., for route No. 9 so as to eliminate the restriction which requires that Wichita Falls, Texas, and Lubbock, Texas, shall not be served by the same flight; and

4. Whether Continental Airlines, Inc., Mid-Continent Airlines, Inc., and Braniff Airways, Inc., each are fit, willing and able to conduct properly the air transportation proposed by them and to conform to the provisions of the Act and the requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested parties are referred to the applications, orders of the Civil Aeronautics Board and the Prehearing Conference Report which are on file with the Docket Section of the Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before September 4, 1952, a statement setting forth the issues of fact or law upon which he desires to controvert.

Dated at Washington, D. C., July 14, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7870; Filed, July 16, 1952; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. 1277, 1621, 1633, 1650, 1713, 1747, 1800]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

JULY 11, 1952.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650, G-1713; Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747; The Manufacturers Light and Heat Company, Docket No. G-1633; United Fuel Gas Company, Docket No. G-1800.

Notice is hereby given that on July 10, 1952, the Federal Power Commission issued its order entered July 8, 1952, in the above-entitled matters, permitting withdrawal of application in Docket No. G-1713.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7832; Filed, July 16, 1952; 8:48 a. m.]

[Docket No. G-1721]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JULY 11, 1952.

Notice is hereby given that on July 9, 1952, the Federal Power Commission issued its order entered July 8, 1952, amending order (16 F. R. 12107) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7833; Filed, July 16, 1952; 8:48 a. m.]

[Docket Nos. G-1892, G-1900]

PACIFIC GAS AND ELECTRIC CO. AND ARKANSAS-MISSOURI POWER CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

JULY 11, 1952.

In the matters of Pacific Gas and Electric Company, Docket No. G-1892; Arkansas-Missouri Power Company, Docket No. G-1900.

Notice is hereby given that on July 9, 1952, the Federal Power Commission issued its orders entered July 8, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7834; Filed, July 16, 1952; 8:49 a. m.]

[Docket No. G-1941]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 10, 1952.

On April 18, 1952, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation having its principal place of business at Knoxville, Tennessee, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1952 (17 F. R. 4247).

(2) It is reasonable and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 22, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7828; Filed, July 16, 1952; 8:46 a. m.]

[Docket No. G-1971]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 10, 1952.

On June 4, 1952, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER of June 17, 1952 (17 F. R. 5441).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on July 29, 1952 at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7835; Filed, July 16, 1952; 8:49 a. m.]

[Docket No. G-1984]

TREASURE STATE PIPE LINE CO.

NOTICE OF APPLICATION

JULY 11, 1952.

Take notice that Treasure State Pipe Line Company (Applicant), a Montana corporation, address, Great Falls, Montana, filed, on June 27, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction, and operation, of certain natural-gas facilities for the exportation of natural gas from the United States into the Dominion of Canada, as hereinafter described.

Applicant, a wholly-owned subsidiary of Hard Rock Oil Co., proposes to construct, and operate a valve connection and meter at a point on its existing pipeline facilities along the international boundary where said facilities will connect with the distribution facilities of Coutts Gas Company, Limited, and at that point to sell and deliver natural gas produced in the Cut Bank Gas Field of Montana, for resale and distribution in the town of Coutts, Alberta, Canada. Applicant proposes to purchase the natural gas to be exported from its parent, Hard Rock Oil Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 C. F. R. 1.8 or 1.10) on or before the 30th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7836; Filed, July 16, 1952; 8:49 a. m.]

[Docket No. G-1985]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

JULY 11, 1952.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on June 30, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities required in connection with the expansion of underground storage of natural gas by conversion of six natural gas producing pools to storage use, including a storage compressor station with 6,000 horsepower in gas engine compressor units, approximately 78.2 miles of storage project well and gathering lines ranging in size from 3½-inch to 20-inch pipe, approximately 14.2 miles of 20-inch, 4.6 miles of 8⅝- and 10¾-inch connecting lines, and appurtenant facilities. Applicant also proposes to abandon approximately 75.3 miles of existing well and gathering lines ranging in size from 2⅜-inch to 12¾-inch pipe.

Applicant proposes to convert one natural gas producing pool in Ashland and Richland Counties, in Ohio, to storage use as a part of its existing Weaver Storage Area, to provide an additional 6,000,000 Mcf of storage capacity above existing reserves estimated to be 500,000 Mcf. Applicant also proposes to develop a new storage area in Holmes, Wayne, and Ashland Counties, in Ohio, to be known as its Holmes Storage Area, by conversion of four existing natural gas producing pools having an estimated 4,400,000 Mcf of remaining reserves into storage pools having an estimated 20,500,000 Mcf of storage capacity above existing reserves. Applicant proposes also, to develop a new storage area in Guernsey and Coshocton Counties, in Ohio, to be known as its Guernsey Storage Area, by conversion of one existing natural gas producing pool having an estimated 1,500,000 Mcf of remaining reserves into a storage pool having an estimated 4,600,000 Mcf of storage capacity above existing reserves. Applicant estimates the potential storage capacity of the proposed storage pools will be approximately 31,100,000 Mcf making a total of 143,350,000 Mcf of capacity in all of its storage areas.

The total estimated capital cost of the proposed construction is $4,880,000. Applicant proposes to finance the cost of construction with funds from its parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of July 1952.

The application is on file with the commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7837; Filed, July 16, 1952; 8:50 a. m.]

[Docket No. G-1987]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JULY 10, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed on June 30, 1952, pursuant to section 7 (b) of the Natural Gas Act, an application for approval and permission to abandon the following described natural-gas facilities:

Approximately 9.2 miles of 6-inch and 8-inch gas pipeline beginning near the center of Section 15, Township 26 South, Range 5 East, and extending Southwesterly to the southwest quarter (SW¼) of Section 23, Township 27 South, Range 4 East; also, five (5) miles of 3-inch gas pipeline beginning at above 6-inch line in the Northeast Quarter (NE¼) of Section 13, Township 27 South, Range 4 East and extending Easterly and Southerly to the Northeast Quarter (NE¼) of Section 22, Township 27 South, Range 5 East, all in Butler County, Kansas.

The application recites that the 6-inch and 8-inch pipeline was installed in 1906; that the facilities to be reclaimed have been maintained for a number of years between Augusta and El Dorado to provide a gas supply for the oil production operations of City Service Oil Company in the Haverhill Field. City Service Oil Company has advised Applicant it is electrifying its operations in said field, and no longer will need gas.

Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7829; Filed, July 16, 1952; 8:47 a. m.]

[Docket No. G-1988]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

JULY 10, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business in Oklahoma City, Oklahoma, filed on June 30, 1952, an application for (1) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2,700 feet of 8-inch pipeline from a point on its 26-inch pipeline in Ford County, Kansas, to a point on the 26-inch and/or 24-inch gas pipeline of Natural Gas Pipeline Company of America in Ford County, Kansas, together with a meter, regulator station and appropriate appurtenances at a convenient point on said 8-inch gas pipeline estimated to cost $15,200, and (2) authorization to make a temporary sale of natural gas to Natural Gas Pipeline Company of America through facilities described in (1) above.

The application recites that reduction of well-allowables in the Guymon-Hugoton Field, Texas County, Oklahoma, has reduced deliveries to Natural Gas Pipeline Company of America from a contract quantity of 76,000 Mcf daily to 40,000 Mcf daily, creating a temporary, acute shortage of gas supply for that company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of July 1952.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7830; Filed, July 16, 1952; 8:48 a. m.]

[Docket No. G-1993]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 10, 1952.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation, address P. O. Box 2563, Birmingham 2, Alabama, filed on July 3, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipe-line facilities hereinafter described.

Applicant proposes to construct and operate a 3,300 horsepower compressor station consisting of three 1,100 horsepower units and appurtenances to be located at a point on Applicant's Logansport supply line in DeSoto Parish, Louisiana. Purpose of the facilities is to permit the taking of gas at the declining wellhead pressures existent in the Logansport Gas Field of Shelby and Panola Counties, Texas and DeSoto Parish, Louisiana, and the delivery of such gas to Applicant's Perryville compressor station in Ouachita Parish, Louisiana.

The estimated cost of the proposed facilities is $1,021,500, and such cost is proposed to be financed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of July 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-7831; Filed, July 16, 1952; 8:48 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

FIELD ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section III *Field organization and final delegations of authority*, is amended as follows:

Subparagraph e 1 (g), delegating authority to General Housing Managers, Housing Managers, and their Assistants and Management Aides when acting as General Housing Manager or Housing Manager, to accept service of process pursuant to attachment or garnishment proceedings, is hereby revoked.

Date approved: July 9, 1952.

[SEAL] JOHN TAYLOR EGAN, *Commissioner.*

[F. R. Doc. 52-7838; Filed, July 16, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

PROVIDENCE INSURANCE CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 11th day of July 1952.

In the matter of Providence Investment Company, Suite 2A, 139 North Virginia Street, Reno, Nevada.

I. The Commission's public official files disclose that Providence Investment Company, a corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1950 and 1951, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof on the 18th day of August 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the secretary of the Commission on or before August 11, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to August 18, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7839; Filed, July 16, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

[File No. 54-198, 59-98]

INVESTMENT BOND AND SHARE CORP. ET AL.

ORDER APPROVING PLAN AND PERMITTING DECLARATION TO BECOME EFFECTIVE

JULY 11, 1952.

In the matter of Investment Bond and Share Corporation and its subsidiaries

and William J. Walsh, Edwin Joseph Smail, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Smail, Edwin W. Smail, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., respondents, File No. 59–98; and Investment Bond and Share Corporation and its subsidiaries, File No. 54–198.

Investment Bond and Share Corporation ("IBS"), a registered holding company, having filed a plan and amendments thereto pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") designed to effect compliance with section 11 (b) of the act;

Jacksonville Gas Corporation ("Jacksonville"), a public utility subsidiary of IBS, having filed a declaration regarding the acquisition from IBS of certain outstanding shares of common stock of Jacksonville and having agreed that the condition hereinafter recited might be imposed by the Commission;

The Commission having instituted a proceeding pursuant to section 11 (b) of the act, among others, with respect to IBS, Baker, Walsh & Co. and William J. Walsh, Edwin Joseph Smail, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Smail, Edwin W. Smail, Barbara S. Johnson, Wallace D. Johnson; and

Public hearings having been held after appropriate notice, and the Commission having considered the record and having issued its findings and opinion on July 10, 1952, finding said plan, as amended, to be necessary to effectuate the provisions of section 11 (b) of the act and, if modified in certain respects, to be fair and equitable to the persons affected thereby, and having found that the declaration of Jacksonville satisfies the applicable provisions of the act; and

IBS on July 11, 1952, having filed an amendment to said plan containing the modifications suggested by the Commission in its findings and opinion dated July 10, 1952, and

The Commission having considered said amendment and deeming it appropriate and in accordance with the Commission's findings and opinion dated July 10, 1952:

It is ordered, Pursuant to section 11 (e) that said plan, as now amended, be and it hereby is, approved.

It is further ordered, That the declaration of Jacksonville regarding the acquisition of its common stock from IBS be, and the same hereby is, permitted to become effective, forthwith, subject to the following condition:

Except to the extent this condition may subsequently be removed by the Commission, all of Jacksonville's capital surplus and all except $100,000 of Jacksonville's earned surplus as of December 31, 1951 (after giving effect to the repurchase of not more than 4,460 shares of common stock) shall be restricted against payment of any cash dividends or other cash distributions to holders of common stock of Jacksonville for a period of three years from the effective date of the Plan, and thereafter shall be restricted against payment of such dividends or other cash distributions to holders of common stock except after giving the Florida Railroad and Public Utilities Commission at least thirty days notice of intention to make such payment and after obtaining the affirmative vote of holders of not less than two-thirds of the outstanding common stock of Jacksonville.

It is further ordered, That jurisdiction is reserved with respect to all fees and expenses that may have been or may be incurred in connection with this proceeding and that jurisdiction is continued with respect to the proceeding instituted by the Commission pursuant to, among others, section 11 (b) of the act and is reserved for the purpose of entertaining such further proceedings and entering such further orders as may be necessary or appropriate to ensure that the determinations herein made and the action herein ordered are duly accomplished in a manner consistent with the provisions of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7840; Filed, July 16, 1952; 8:50 a. m.]

[File No. 70-2891]

CONSOLIDATED NATURAL GAS CO. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF COMMON STOCK AND PROMISSORY NOTES BY SUBSIDIARIES TO PARENT COMPANY

JULY 11, 1952.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the Peoples Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company; File No. 70–2891.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its public utility subsidiaries, the East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), the Peoples Natural Gas Company ("Peoples"), and the River Gas Company ("River"), and its non-utility subsidiary, New York State Natural Gas Corporation ("New York Natural"), having filed a joint application-declaration pursuant to sections 6 (b), 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-43 promulgated thereunder with respect to the following proposed transactions:

East Ohio proposes to issue and sell to Consolidated 30,000 shares of its $100 par value capital stock for an aggregate consideration of $3,000,000. Such stock is to be issued from time to time within the twelve-month period ending June 30, 1953, as financing is required by East Ohio in the carrying out of its construction program.

Hope proposes to borrow from Consolidated an aggregate amount of $5,000,000 on notes maturing as follows: $500,000 on March 31, 1964, and $500,000 on each March 31 thereafter to and including March 31, 1973.

Peoples proposes to borrow from Consolidated an aggregate amount of $5,000,000 on notes maturing as follows: $500,000 on March 31, 1954, and $500,000 on each March 31 thereafter to and including March 31, 1963.

New York Natural proposes to borrow from Consolidated an aggregate amount of $15,000,000 on notes maturing as follows: $500,000 on March 31, 1957, and $500,000 on each March 31 thereafter to and including March 31, 1963; $1,000,000 on March 31, 1964, and $1,000,000 on each March 31 thereafter to and including March 31, 1973; $500,000 on March 31, 1974; $500,000 on March 31, 1975; and $500,000 on March 31, 1976.

River proposes to borrow from Consolidated an aggregate amount of $100,000 on notes maturing as follows: $10,000 on March 31, 1954, and $10,000 on each March 31 thereafter to and including March 31, 1963.

All of such notes to be issued by the subsidiary companies to Consolidated will bear interest at the rate of 3¼ percent per annum, will be non-negotiable, and will be issued from time to time within the twelve-month period ending June 30, 1953, as financing is required by such subsidiaries in carrying out their construction program.

The Public Utilities Commission of Ohio by Order dated June 10, 1952, approved the proposed issuance and sale of common stock by East Ohio. The Pennsylvania Public Utility Commission by order dated June 30, 1952, approved the proposed issuance and sale of notes by Peoples.

The record not having been completed with respect to the proposed issuance and sale of notes by Hope, and the issuance and sale of notes by River; and

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective, subject to a reservation of jurisdiction with respect to the proposed issuance and sale of notes by Hope, and the issuance and sale of notes by River:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration with respect to the issuance and sale by East Ohio of 30,000 shares of its common stock to Consolidated, the issuance and sale of $5,000,000 principal amount of notes by Peoples to Consolidated, and the issuance and sale of $15,000,000 principal amount of notes by New York Natural to Consolidated be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

It is further ordered, That jurisdiction be, and it hereby is, reserved over the issuance and sale of $5,000,000 principal amount of notes by Hope to Consolidated, and the issuance and sale of $100,000 principal amount of notes by River to Consolidated until a further order shall have been issued with respect thereto by this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7841; Filed, July 16, 1952; 8:51 a. m.]

[File No. 70-2898]

AMERICAN & FOREIGN POWER CO., INC.

NOTICE OF FILING CONCERNING LOAN AGREEMENT

JULY 11, 1952.

Notice is hereby given that American & Foreign Power Company, Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a), 7 and 12 (c) thereof and Rule U-42 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Foreign Power previously entered into a loan agreement with certain banks under which Foreign Power had authority to borrow $15,000,000. Pursuant to that agreement, Foreign Power borrowed the amount of $10,000,000 prior to the year 1952 and on June 30, 1952, exercised its right to borrow the remaining $5,000,000. These loans have been evidenced by promissory notes bearing interest at the rate of 3½ percent per annum, and maturing serially up to 1954. By reason of repayments, there is now outstanding $12,500,000 due by Foreign Power to the banks under that agreement.

Foreign Power proposes to enter into a new agreement with the banks to refund the $12,500,000 principal amount of loans presently outstanding into a new loan, and to have the right to borrow an additional $5,000,000 prior to July 1, 1953. The promissory notes evidencing the principal amount of $12,500,000 will be dated as of June 30, 1952, will bear interest at the rate of 3¾ percent per annum payable quarterly and are to be repaid in ten equal installments payable semi-annually on December 31 and June 30 of each year commencing on December 31, 1952, and ending on June 30, 1957.

Loans made pursuant to the right to borrow the additional $5,000,000 will be evidenced by promissory notes, dated as of the date of such issuance, maturing at the same time as the refunding loan, and bearing interest at the rate which will be ¾ of 1 percent above the prime rate of Bankers Trust Company to commercial borrowers for ninety days maturities in effect at the time of the borrowing, but not less than 3¾ percent nor more than 4 percent per annum. Loans made pursuant to this agreement may be utilized solely for advances by Foreign Power to its subsidiaries for construction purposes or to be used for the purpose of property additions of Foreign Power's subsidiaries. With respect to the unused balance under the loan agreement, a commitment fee of ½ of 1 percent will be payable while the commitment is in effect.

The proposed new agreement would eliminate the present restriction on the payment of dividends by Foreign Power which provides that if Foreign Power pays any dividend on its capital stocks it must apply an amount equal to at least 50 percent of such dividends to prepayment of installments of principal on the loans then outstanding. The new agreement provides that if Foreign Power pays a dividend on its capital stock aggregating in excess of $5,722,168.80 in any one twelve month period ending on June 30, it will apply an amount equal to at least 50 percent of the amount of such excess to prepayments of installments of principal of the promissory notes then outstanding, such prepayments to be in inverse order of their maturities. This provision will terminate when the total amount outstanding under the loan agreement is not in excess of $5,000,000.

The promissory notes in the amount of $12,500,000 are to be secured by $18,750,000 aggregate principal amount of First and Refunding Mortgage Bonds 4¼ percent Dollar Series, due 1980, of Cuban Electric Company, a subsidiary of Foreign Power. Prior to each additional borrowing by Foreign Power, it will deposit as additional security an aggregate principal amount of mortgage bonds of Cuban Electric Company equal to 150 percent of the aggregate principal amount of such additional borrowing. The agreement also contains certain provisions for substitution of this collateral.

Notice is further given that any interested person may, not later than July 25, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after July 25, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7842; Filed, July 16, 1952; 8:51 a. m.]

[File No. 70-2867]

COLUMBIA GAS SYSTEM, INC. AND MANUFACTURERS LIGHT AND HEAT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY AND CAPITAL CONTRIBUTION BY PARENT COMPANY TO SUBSIDIARY

JULY 11, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and The Manufacturers Light and Heat Company ("Manufacturers"), a subsidiary company of Columbia, having filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6 (b), 9, 10 and 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, with respect to the following proposed transactions:

Manufacturers proposes to issue and sell and Columbia proposes to acquire $11,000,000 principal amount of 3⅝ Percent Installment Promissory Notes. Manufacturers represents that the proceeds in the amount of $11,000,000 to be derived from Columbia would be used to finance, in part, its construction program estimated to cost $14,840,479. Manufacturers states that such 3⅝ percent notes would be issued at such times and in such amounts as are necessary, not to exceed in the aggregate $11,000,000 principal amount, and that none of such notes would be sold subsequent to March 31, 1953.

Such 3⅝ percent notes to be issued by Manufacturers would be registered and the principal amounts thereof would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount of said notes would be payable semi-annually on February 15 and August 15.

In addition, Columbia proposes to make a capital contribution to Manufacturers by forgiving $11,000,000 principal amount of 2¾ percent open account loans owing to Columbia and due June 1, 1952. Columbia would increase its investment in the common stock of Manufacturers by $7,999,800.40 and would charge $199.60 (the amount of the contribution which is applicable to the minority interest) to operating expense. Manufacturers would credit $8,000,000 to its capital surplus.

The Pennsylvania Public Utility Commission having expressly authorized the proposed issuance and sale of the notes by Manufacturers; and

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested or ordered by the Commission; and the Commisison finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declara-

Reference Room

tion, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7843; Filed, July 16, 1952; 8:51 a. m.]

UNITED STATES TARIFF COMMISSION

TUNA FISH

NOTICE OF HEARING

On July 1, 1952, the United States Tariff Commission announced that it had instituted a general investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the domestic tuna industry including the effect of imports of fresh or frozen tuna fish on the livelihood of American fishermen (17 F. R. 6059).

On the 10th day of July 1952 the Tariff Commission ordered that a public hearing be held in connection with this investigation, beginning at 10 a. m. on November 17, 1952, in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., at which all interested parties will be given opportunity to appear and to be heard with respect to the subject matter of the investigation.

Request to appear at the hearing. Interested parties desiring to appear and to be heard at the public hearing should notify the Secretary of the Commission in writing at its offices in Washington, D. C. in advance of the date set for the hearing.

I hereby certify that the above hearing was ordered by the United States Tariff Commission on the 10th day of July 1952.

Issued: July 11, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-7821; Filed, July 16, 1952; 8:45 a. m.]

[Investigation No. 17]

HARD FIBER CORDS AND TWINES

NOTICE OF INVESTIGATION

The United States Tariff Commission, on the 11th day of July 1952 under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 1005 (b)	Cords and twines (whether or not composed of three or more strands, each strand composed of two or more yarns), tarred or untarred, single or plied, wholly or in chief value of manila (abaca), sisal, henequen, or other hard fiber.

Inspection of application. An application for an investigation under section 7 with respect to hard fiber wrapping twine classifiable under paragraph 1005 (b) of the Tariff Act of 1930, as modified, was filed July 7, 1952, in behalf of the Cordage Institute, New York, N. Y., and others. The application is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Customhouse, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 11th day of July 1952.

Issued: July 11, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-7822; Filed, July 16, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27209]

COKE REFUSE AND COKE DUST FROM SOUTH CHICAGO, ILL., AND STOCKTON, IND. TO VIRGINIA, MINN.

APPLICATION FOR RELIEF

JULY 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff ICC No. 416.

Commodities involved: Coke refuse and coke dust, carloads.

From: South Chicago, Ill., and Stockton, Ind.

To: Virginia, Minn.

Grounds for relief: Competition with rail carriers, competition with water, or water-rail carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 416, supl. 181.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7858; Filed, July 16, 1952; 8:54 a. m.]

[4th Sec. Application 27210]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO POINTS IN NEW JERSEY, NEW YORK AND PENNSYLVANIA

APPLICATION FOR RELIEF

JULY 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC Nos. 3967 and 3906.

Commodities involved: Crude rubber, artificial, synthetic or neoprene, carloads.

From: Baytown, Borger, Houston and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Points in New Jersey, New York and Pennsylvania.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967, supl. 139; F. C. Kratzmeir, Agent, ICC No. 3906, supl. 132.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7859; Filed, July 16, 1952; 8:54 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 17 NUMBER 140

Washington, Friday, July 18, 1952

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs. Serial No. ER-172]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

SPECIAL ECONOMIC REGULATION; TEMPORARY EXEMPTION OF AIR TAXI OPERATORS FROM LIMITATION ON SCOPE OF SERVICE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 14th day of July 1952.

By notice of proposed rule-making issued concurrently herewith the Board is circulating for public comment a proposal of the National Air Taxi Conference that § 298.7 (d) of the Economic Regulations be rescinded or modified so as to permit operations by air taxi operators between points between which air transportation service by helicopter is rendered by a holder of a certificate of public convenience and necessity authorizing such service. This proposal was contained in a petition filed with the Board on June 12, 1952, by National Air Taxi Conference, which also alleged that the action of the Board in promulgating Part 298 did not comply with section 4 of the Administrative Procedure Act, to the extent that adequate notice of the prohibition contained in § 298.7 (d) was not given. While the Board is not convinced that the notice was legally insufficient, particularly in view of the fact that the restriction was inserted as a result of comment received, it believes that, in this case where the general purpose of the proposed regulation was to liberalize the rules affecting air taxi operators, it would have been desirable to have called specific attention to the possibility that existing authority might be curtailed.

The Board believes that absolute fairness to all parties requires that, during the pendency of the rule-making proceeding above referred to, air taxi operators be placed in the same position they occupied in this regard prior to the adoption of Part 298 and that they be so placed promptly without the delays occasioned by following the notice and public procedure provisions of the Administrative Procedure Act.

Accordingly, the Board finds that the enforcement of § 298.7 (d), to the extent that it prohibits irregular operations by air taxi operators over the routes by certificated air carriers by helicopter during the pendency of such rule-making proceeding before the Board, (1) would be an undue burden on air taxi operators whose operations would be so restricted because of the limited extent of the operations of such air taxi operators and the unusual circumstances involved in the manner in which the prohibition of § 298.7 (d) was imposed, and (2) is not in the public interest. The Board further finds that for the reasons set forth herein notice and public procedure on the temporary exemption hereinafter set forth are contrary to the public interest. Since such temporary exemption is a rule relieving restriction it may be made effective immediately.

In view of the foregoing, the Board hereby makes and promulgates the following Special Economic Regulation effective immediately.

Notwithstanding the provisions of § 298.7 (d) of the Economic Regulations, Air Taxi Operators may, pending final action by the Board in the above mentioned rule-making proceeding and subject to all other pertinent terms, conditions, and restrictions of Part 298, offer and perform irregular service between points between which scheduled helicopter service is provided by the holder of a certificate of public convenience and necessity authorizing such service. Restrictions on regularity identical to those provided in § 298.7 (b) shall apply to such operations.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-7928; Filed, July 17, 1952; 8:58 a. m.]

CONTENTS

	Page
Agriculture Department	
See also Production and Marketing Administration.	
Notices:	
Sale of mineral interests; revised area designation	6597
Army Department	
See also Engineers Corps.	
Rules and regulations:	
Claims against the U. S.; payment for arrest and delivery of members absent without leave, deserters and escaped military prisoners	6582
Civil Aeronautics Board	
Notices:	
Braniff Airways, Inc.; final mail rates, domestic operations	6597
Proposed rule making:	
Air taxi operators; operations over certificated helicopter routes	6596
Rules and regulations:	
Classification and exemption of air taxi operators; temporary exemption of an air taxi operator from limitation on scope of service	6577
Commerce Department	
See Federal Maritime Board.	
Defense Department	
See Army Department.	
Delegation of authority to the Secretary with respect to application of Southern Counties Gas Co. for approval of increased gas rates (*see* General Services Administration).	
Defense Mobilization, Office of	
Notices:	
Finding and determination of critical defense housing areas; Hibbing-Grand Rapids, Minn., area and Virginia, Minn., area	6599
Economic Stabilization Agency	
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.	
Engineers Corps	
Rules and regulations:	
Anchorage regulations; San Francisco Bay, Calif.	6584

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

	Page
Engineers Corps—Continued	
Rules and regulations—Con.	
Bridge regulations; Mobile River and Chickasaw Creek, Ala.	6594
Navigation regulations; Mississippi River	6594
Federal Maritime Board	
Notices:	
Coastwise Line and Northern Commercial Co.; approval of agreement	6597
Federal Power Commission	
Notices:	
Hearings, etc.:	
Mississippi Valley Gas Co. and Mississippi Gas Co.	6598
New York State Natural Gas Corp.	6598
Federal Security Agency	
See Food and Drug Administration.	
Food and Drug Administration	
Rules and regulations:	
Antibiotic and antibiotic-containing drugs, miscellaneous amendments:	
Certification of batches	6579
Tests and methods of assay	6579
General Services Administration	
Notices:	
Secretary of Defense; delegation of authority with respect to application of Southern Counties Gas Co. for approval of increased gas rates	6599
Housing and Home Finance Agency	
Rules and regulations:	
Relaxation of residential controls; regulation governing processing and approval of exceptions and terms for critical defense housing areas	6585
Internal Revenue Bureau	
Rules and regulations:	
Inducements furnished to retailers	6581
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Cement:	
From Giant, S. C., to North Carolina	6601
From Kansas and Oklahoma to Florida and Georgia	6602
Coal briquettes from Milwaukee, Wis., to Dubuque Iowa	6602
Foreign woods from South Carolina to Louisiana	6603
Iron and steel articles from North Atlantic ports to central and Illinois territories and Wisconsin	6602
Logs from Kingsport, Tenn., to Wurno, Va.	6601
Mixed carloads of merchandise:	
From Ohio and Georgia to Florida and Georgia	6601
From Peoria and Chicago, Ill., to Georgia and Florida	6604
Motor-rail-motor rates between Boston and Springfield, Mass., and Harlem River, N. Y.	6603
Ore, spodumene, from Kings Mountain, N. C., to Vineland, N. J.	6601
Pipe, steel or wrought iron from Texas to Illinois	6602
Soybean cake and meal from Missouri to southwestern territory	6603
Scrap paper from Baton Rouge, La., to Port Huron, Mich.	6603
Interstate Commerce Commission—Continued	
Notices—Continued	
Middle Atlantic territory; application for approval of agreement	6601
Post Office Department	
Rules and regulations:	
Postal service, international; miscellaneous amendments	6595
Price Stabilization, Office of	
Notices:	
Ceiling prices for export sales and sales of export of sulphur produced by Western Sulphur Industries, Inc.	6597
Massingill-Papalote Field, Bee County, Texas; crude petroleum ceiling prices adjusted on an in-line basis	6597
Packard Motor Car Co.; basic prices and charges for new passenger automobiles	6598
Rules and regulations:	
Adjustment of ceiling prices for materials to the minimum prices fixed by State laws (GOR 32)	6583
Area milk price adjustments; Los Angeles District (other than Los Angeles County marketing area) (GCPR, SR 63, AMPR 11)	6582
Production and Marketing Administration	
Proposed rule making:	
New Holland Sales Stables; posting of stockyard	6596
Peas, fresh, and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado; budget and rate of assessment	6596
Rent Stabilization, Office of	
Rules and regulations:	
Defense-rental areas; Indiana:	
Hotels and motor courts	6593
Housing and rooms	6593
Salary Stabilization Board	
Rules and regulations:	
Relation of GSSR 2 to certain stock purchase plans (Int. 13)	6585
Securities and Exchange Commission	
Notices:	
Hearings, etc.:	
Brewing Corp. of America	6599
Equity Corp. et al.	6600
Massachusetts Investors Trust	6600
Milwaukee Electric Railway & Transport Co. and Wisconsin Electric Power Co.	6599
Proposed rule making:	
Solicitations of proxies	6595
Rules and regulations:	
General rules and regulations, Securities Exchange Act of 1934, exemption of certain transactions; errata	6579
Treasury Department	
See Internal Revenue Bureau.	

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter IX:	
Part 910 (proposed)	6596
Title 14	
Chapter I:	
Part 298	6577
Proposed rules	6596
Title 17	
Chapter II:	
Part 240	6579
Proposed rules	6595
Title 21	
Chapter I:	
Part 141	6579
Part 146	6579
Title 27	
Chapter I	
Part 6	6581
Title 32	
Chapter V:	
Part 536	6582
Chapter VII:	
Part 836 (see Part 536)	6582
Title 32A	
Chapter III (OPS):	
GCPR, SR 63, AMPR 11	6582
GOR 32	6583
Chapter IV:	
Subchapter A (SSB):	
Int. 13	6565
Chapter XVII (HHFA):	
CR 3	6585
Chapter XXI (ORS):	
RR 1	6593
RR 2	6593
RR 3	6593
RR 4	6593
Title 33	
Chapter II:	
Part 202	6594
Part 203	6594
Part 207	6594
Title 39	
Chapter I:	
Part 127	6595

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN TRANSACTIONS FROM SECTION 16 (b)

Due to a clerical error the percentage figure in § 240.16b–7 (Rule X-16B–7) appeared as "95" instead of as "85." The figure "85" should be substituted wherever the figure "95" appears.

The foregoing action shall be effective June 9, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 8, 1952.

[F. R. Doc. 52–7885; Filed, July 17, 1952; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 146; 17 F. R. 2600) are amended as indicated below:

1a. In § 141.1 *Sodium penicillin • • •; potency*, paragraph (c) *Working standard*, third sentence, change the words "use for 1 day only" to "use for 2 days only."

b. Section 141.1, paragraph (e) *Preparation of plates*, fourth sentence is changed to read: "The test organism is M. pyogenes var. aureus (P. C. I. 209–P or American Type Culture Collection 6538P)."

2. Section 141.35 (a) (2) is amended to read:

§ 141.35 *Penicillin-streptomycin ointment • • •* (a) *Potency • • •*

(2) *Streptomycin content.* Proceed as directed in § 141.101, except paragraph (k) of that section, and in lieu of the directions in § 141.101 (e) prepare the sample as follows: To assay by the cup-plate method, accurately weigh the container and contents and place 0.5 to 1.0 gram into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Reweigh the container to obtain the weight of the ointment used in the test. Shake ointment and ether until homogenous. Shake with a 20-milliliter portion of buffer solution at *p*H 8.0. Remove the buffer layer and repeat the extraction with three 20-milliliter quantities of buffer. Combine the extracts and make up to 100 milliliters with buffer. To a 5.0-milliliter aliquot add sufficient penicillinase and let stand for ½ hour at 37° C. to inactivate penicillin. After inactivation make the proper estimated dilutions in buffer at *p*H 8.0. To assay by the turbidimetric method, accurately weigh 1.0–2.0 grams of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake ointment and ether until homogeneous. Shake with a 20-milliliter portion of distilled water. Remove the aqueous layer and repeat the extraction with three 20-milliliter quantities of distilled water. Combine the extracts and make to an appropriate measured volume. Remove an aliquot, and if the ratio of the content of penicillin to the content of streptomycin is equal to or greater than one unit for each microgram add sufficient penicillinase to completely inactivate the penicillin used in the test. Dilute an aliquot to 30.0 micrograms per milliliter with distilled water and place 1-milliliter amounts of this in tubes for assay. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram of ointment that it is represented to contain.

3. Section 141.36 (a) (2) and (3) are amended to read:

§ 141.36 *Penicillin-streptomycin bougies • • •* (a) *Potency • • •*

(2) *Streptomycin content.* Using 12 bougies, proceed as directed in § 141.101 except paragraph (k) of that section, and in addition to the directions for the preparation of the sample in § 141.101 (e), if the cup-plate method is used, add sufficient penicillinase to the solution under test to completely inactivate the penicillin present. If the turbidimetric method is used, inactivation with penicillinase is not necessary unless the ratio of the content of penicillin to the content of streptomycin is equal to or greater than 1.0 unit for each microgram. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as a standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

4. Section 141.39 (c) is amended to read:

§ 141.39 *Penicillin and streptomycin • • •*

(c) *Toxicity.* Proceed as directed in § 141.4, using as a test dose 0.5 milliliter of a solution of the sample containing 1.0 milligram of streptomycin or dihydrostreptomycin per milliliter.

5. Section 141.46 (c) is amended to read:

§ 141.46 *Procaine penicillin in streptomycin sulfate solution • • •*

(c) *Toxicity.* Proceed as directed in § 141.4, using as a test dose 0.5 milliliter of a solution of the sample containing 1.0 milligram of streptomycin or dihydrostreptomycin per milliliter.

6. Section 141.101 *Streptomycin sulfate* • • • is amended as follows:

a. In paragraph (d) *Standard curve,* the first two sentences are changed to read: "Prepare daily in 0.10 M potassium phosphate buffer (pH 7.8 to 8.0) from the stock solution described in § 141.101 (c) concentrations of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 micrograms per milliliter solutions."

b. In paragraph (f) *Preparation of spore suspension,* change the figures "32° C.–35° C." to read "37° C.".

c. In paragraph (g) *Preparation of plates,* delete the last sentence.

d. In paragraph (h) *Plate assay,* last sentence, change the figures "32° C.–35° C." to read "37° C.".

e. In paragraph (j) *Turbidimetric assay,* subparagraphs (1), (2), and (3) are amended to read as follows:

(1) Employ the agar described in paragraph (b) of this section (adjusted to a final *p*H 7.0) for maintaining the test organism, which is Klebsiella pneumoniae (P. C. I. 602) noncapsulated. Transfer stock cultures every 2 weeks for test purposes. Transfer the organism to fresh agar slants and incubate overnight at 37° C. Suspend the growth from two or three of these slants in sterile distilled water and add approximately 5 milliliters of culture suspension to each of two Roux bottles containing the agar described in paragraph (b) of this section. Incubate the bottles overnight at 37° C., harvest the growth, and suspend in sufficient sterile distilled water to give a light transmission reading of 65 percent, using a filter at 6,500 Angstrom units in a photoelectric colorimeter. Keep the resulting suspension of organisms in the refrigerator and use for a period not to exceed 2 weeks. Prepare a daily inoculum by adding 6.0 milliliters of this suspension to each 100 milliliters of the nutrient broth prepared as directed in § 141.1 (b) (3), cooled to a temperature of approximately 15° C.

(2) *Working standard solutions.* Add the amounts tabulated below of a 1,000 micrograms per milliliter solution prepared from the stock solution described in paragraph (c) of this section to 100-milliliter volumetric flasks containing sterile distilled water and bring to volume to give the working stock solutions tabulated below. These 9 flasks are well stoppered and maintained at approximately 15° C. for 1 month. Prepare the final dilutions daily by adding 4.2 milliliters of each of these 9 working stock solutions to 9.6 milliliters of sterile distilled water. Add 1.0 milliliter of each final dilution to each of six 14 x 124 millimeter tubes (total 54 tubes). Add 9.0 milliliters of inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 4 hours. The final concentration of streptomycin per milliliter of broth is also included in the table below.

Amount of standard solution (1,000 micrograms/ml.)	Working concentration/ml. (also percent concentration)	Final concentration (micrograms/ml.) after addition of distilled water and broth
Ml.	*Micrograms*	*Micrograms*
6.0	60	1.5
7.0	70	2.1
8.0	80	2.4
9.0	90	2.7
10.0	100	3.0
11.0	110	3.3
12.0	120	3.6
13.0	130	3.9
14.0	140	4.2

(3) *Preparation of sample.* Dilute the sample under test with sterile distilled water to contain 100 micrograms per milliliter (estimated). To 4.2 milliliters of the sample add 9.6 milliliters sterile distilled water. Add 1.0 milliliter of this dilution to each of six 14 x 124 millimeter tubes. Add 9.0 milliliters of the inoculated broth described in subparagraph (1) of this paragraph to each tube and place immediately in a 37° C. water bath for 4 hours. A control tube containing 1.0 milliliter of distilled water and 9.0 milliliters of the inoculated broth is similarly incubated. After incubation, add 4 drops of formalin to each tube and read the light transmission in a photoelectric colorimeter, using a broad band filter having a wave length of 5,300 Angstrom units.

7. In § 141.201 *Aureomycin hydrochloride,* subparagraph (8) of paragraph (a) *Potency* is amended as follows:

a. In subparagraph (8) (i), third sentence, change the figures "32° C. –35° C." to read "37° C.".

b. In subparagraph (8) (ii) change the third, fourth, and fifth sentences to read: "To prepare solutions for the standard curve, make further dilutions of the stock solution to contain 0.1 microgram per milliliter in phosphate buffer solution. To a triplicate series of 18 x 105 millimeter tubes add 0.1, 0.2, 0.3, 0.4, 0.5, 0.6, 0.7, 0.8, 0.9, and 1.0 milliliter, respectively, of the 0.1 microgram per milliliter solution. Adjust volumes of all tubes to 1.0 milliliter with the buffer solution."

c. In subparagraph (8) (ii), eighth sentence, change the figures "32° C. –35° C." to read "37° C.".

d. In subparagraph (8) (iii), fourth sentence, change the figures "32° C.–35° C." to read "37° C.".

8. Section 141.401 (a) (1) is amended to read:

§ 141.401 *Bacitracin*—(a) *Potency*—(1) *Plate assay.* Using the standard curve technique, proceed as directed in § 141.1 (h), with the following exceptions:

(i) Use the bacitracin working standard and dissolve in 1-percent phosphate buffer to make an appropriate stock solution. The stock solution when refrigerated may be used for 2 weeks. The stock solution may also be preserved for at least 2 months by freezing in small aliquots. Each aliquot should be sufficient for 1 day's use only. Make all dilutions of the stock solution for the assay with 1-percent phosphate buffer.

(ii) Dissolve the sample to be tested in 1-percent phosphate buffer and make dilutions with the same solvent to one unit per milliliter (estimated).

(iii) The test organism is Micrococcus flavus, which is maintained at refrigerator temperature on slants of nutrient agar prepared as directed in § 141.1 (b) (1). Inoculate a Roux bottle containing this agar from a stock slant of the organism and incubate 18 hours at 32° C.–35° C. Wash off the growth in 25 milliliters of sterile physiological saline solution. If an aliquot of this bulk suspension, when diluted 1:50 in physiological saline solution, gives 75 percent light transmission in a suitable photoelectric colorimeter equipped with a filter having a wave length of 6,500 Angstrom units, the bulk suspension is satisfactory for use. It may be necessary to adjust the bulk suspension by dilution so that an aliquot of the adjusted suspension diluted 1:50 gives 75 percent light transmission. (The adjusted bulk suspension only, and not the 1:50 dilution of it, is used in preparing the seed layer.) Add 0.3 to 0.5 milliliter of the adjusted bulk suspension to 100 milliliters of agar which has been melted and cooled to 48° C.

9. In § 141.410 *Bacitracin - neomycin tablets,* paragraph (b) *Neomycin used in making the tablets,* the first sentence of subparagraph (1) (v) is changed to read: "The test organism is M. pyogenes var. aureus (P. C. I. 209–P or American Type Culture Collection 6538P) which is maintained on agar described in § 141.1 (b) (1)."

10. In § 146.402 *Bacitracin ointment,* subparagraph (1) (iv) of paragraph (c) *Labeling,* change the figure "18" to read "24".

11. In § 146.409 *Bacitracin-polymyxin ointment,* paragraph (a) (4) is amended by changing the period at the end of the subparagraph to a comma and adding the clause: "except that if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for 18 months at room temperature such drug as prepared by him complies with the standards of identity, strength, quality, and purity prescribed for the drug, the blank shall be filled in with the date which is 18 months after the month during which the batch was certified."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

This order, which provides for minor revisions in the tests and methods of assay for penicillin, penicillin-streptomycin ointment, penicillin-streptomycin bougies, and streptomycin, aureomycin, bacitracin, and bacitracin-neomycin tablets; for a change in the toxicity test for penicillin and streptomycin and procaine penicillin in streptomycin sulfate solution; for a change in the expiration date for bacitracin ointment from 18 to 24 months; and for a change in the expiration date for bacitracin-polymyxin ointment from 12 to 18 months if the person who requests certification has proved that this drug as prepared by him is stable for such period of time, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the changes set forth above.

Dated: July 14, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-7917; Filed, July 17, 1952; 8:54 a. m.]

TITLE 27—INTOXICATING LIQUORS

Chapter I—Bureau of Internal Revenue, Department of the Treasury

[Regs. 6]

PART 6—INDUCEMENTS FURNISHED TO RETAILERS

PREAMBLE. 1. These regulations, "Regulations No. 6—Inducements Furnished to Retailers" (27 CFR Part 6) are a republication of Regulations No. 6, 1936 edition (27 CFR Part 6).

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register regulations (13 F. R. 5929).

3. These regulations shall, on and after July 1, 1952, supersede Regulations No. 6, 1936 edition (27 CFR Part 6).

4. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

5. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C. 1001, et seq.), and the notice and public hearing requirements of the Federal Alcohol Administration Act (27 U. S. C. 201, et seq.) is unnecessary in connection with the issuance of the regulations in this part for the reason that the changes made are of a technical and clarifying nature and do not adversely affect the legitimate industry.

SUBPART A—SCOPE OF REGULATIONS

Sec.
6.1 Inducements furnished to retailers.

SUBPART B—DEFINITIONS

6.5 Meaning of terms.
6.6 Retailer.
6.7 Retail establishment.
6.8 Industry member.
6.9 Product.
6.10 Other terms.

SUBPART C—UNLAWFUL INDUCEMENTS AND EXCEPTIONS

UNLAWFUL INDUCEMENTS

6.20 Application.

EXCEPTIONS

6.21 General.
6.22 Equipment.
6.23 Signs.
6.24 Supplies.
6.25 Coil cleaning service.
6.26 Advertising service.
6.27 Consumer advertising specialties.
6.28 Retailer advertising specialties.
6.29 Samples.
6.30 Newspaper cuts.
6.31 Merchandise.

AUTHORITY: §§ 6.1 to 6.31 issued under 53 Stat. 375; 26 U. S. C. 3176. Interpret or apply sec. 5, 49 Stat. 981 as amended; 27 U. S. C. 205.

SUBPART A—SCOPE OF REGULATIONS

§ 6.1 *Inducements furnished to retailers.* The regulations in this part, issued pursuant to section 5 of the Federal Alcohol Administration Act (27 U. S. C. 205), contain the substantive requirements relative to the furnishing of inducements to retailers of distilled spirits, wine and malt beverages. No procedural requirements are prescribed.

SUBPART B—DEFINITIONS

§ 6.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 6.6 *Retailer.* "Retailer" shall mean any person engaged in the sale of distilled spirits, wine or malt beverages to consumers.

§ 6.7 *Retail establishment.* "Retail establishment" shall mean any premises where distilled spirits, wine or malt beverages are sold or offered for sale to consumers, whether for consumption on or off the premises where sold.

§ 6.8 *Industry member.* "Industry member" shall mean any person engaged in business as a distiller, brewer, rectifier, blender, or other producer, or as an importer or wholesaler, of distilled spirits, wine or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, but shall not include an agency of a State or political subdivision thereof, or an officer or employee of such agency.

§ 6.9 *Product.* "Product" shall mean distilled spirits, wine or malt beverages, as defined in the Federal Alcohol Administration Act.

§ 6.10 *Other terms.* Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the meaning assigned to it by such act.

SUBPART C—UNLAWFUL INDUCEMENTS AND EXCEPTIONS

UNLAWFUL INDUCEMENTS

§ 6.20 *Application.* Except as provided in this part, it is unlawful for any industry member to induce, by furnishing, giving, renting, lending, or selling any equipment, fixtures, signs, supplies, money, services, or other thing of value, directly or indirectly or through an affiliate, any retailer to purchase any products from such industry member to the exclusion in whole or in part of such products sold or offered for sale by other industry members in interstate or foreign commerce, if such inducement is made in the course of interstate or foreign commerce or if such industry member engages in the practice of using such means to such an extent as substantially to restrain or prevent transactions in interstate or foreign commerce in any such products, or if the direct effect of such inducement is to prevent, deter, hinder, or restrict other industry members from selling or offering for sale any such products to such retailer in interstate or foreign commerce: *Provided,* That in the case of malt beverages, this part shall apply to transactions between a retailer in any State and a brewer, importer, or wholesaler of malt beverages outside such State only to the extent that the law of such State imposes requirements similar to the requirements of section 5 (b) of the Federal Alcohol Administration Act (27 U. S. C. 205 (b)), with respect to similar transactions between a retailer in such State and a brewer, importer, or wholesaler of malt beverages in such State, as the case may be: *Provided further,* That this part shall not operate to exempt any person from the requirements of any State law or regulation.

EXCEPTIONS

§ 6.21 *General.* An industry member may furnish to a retailer, under the conditions and within the limitations prescribed, the equipment, signs, supplies, services, or other things of value specified in §§ 6.22–6.31: *Provided,* That such furnishing is not conditioned directly or indirectly on the purchase of distilled spirits, wine, or malt beverages.

§ 6.22 *Equipment.* Tapping accessories, such as rods, vents, taps, hoses, washers, couplings, vent tongues, and check valves may be sold to a retailer and installed in his establishment if such tapping accessories are sold at a price not less than the cost thereof to the industry member selling the same, and if the price thereof is collected within 30 days of the date of sale.

§ 6.23 *Signs.* Signs, posters, placards, designs, devices, decorations or graphic displays, bearing advertising matter and for use inside a retail establishment, may be furnished, given, rented, loaned, or sold to a retailer if they have no value to the retailer except as advertisements and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does not exceed $10: *Provided,* That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation. The value of such materials shall include all expenses incurred directly or indirectly by any industry member in connection with the purchase, manufacture, transportation,

assembly, and installation of such materials and of accessories thereto.

§ 6.24 *Supplies.* Carbonic acid gas or ice may be sold to a retailer, if sold in accordance with the reasonable open market price thereof in the locality where sold, and if the price thereof is collected within 30 days of the date of sale.

§ 6.25 *Coil cleaning service.* Coil cleaning service may be furnished, given, or sold to a retailer of malt beverages.

§ 6.26 *Advertising service.* The names and addresses of retailers selling the products of any industry member may be listed in an advertisement of such industry member, if such listing is the only reference to any retailer in the advertisement and is relatively inconspicuous in relation to the advertisement as a whole.

§ 6.27 *Consumer advertising specialties.* Consumer advertising specialties, such as ash trays, bottle or can openers, corkscrews, paper shopping bags, matches, printed recipes, wine lists, leaflets, blotters, post cards, and pencils, which bear advertising matter, may be furnished, given, or sold to a retailer for unconditional distribution by him to the general public, if the retailer is not paid or credited in any manner directly or indirectly for such distribution service.

§ 6.28 *Retailer advertising specialties.* Retailer advertising specialties, such as trays, coasters, beer mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, tap markers, thermometers, clocks, and calendars, which bear advertising matter, and which are primarily valuable to the retailer as point of sale advertising media, may be furnished, given, or sold to a retailer if the aggregate cost to any industry member of such retailer advertising specialties furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed $10.

§ 6.29 *Samples.* Not more than 2 gallons of any brand of malt beverages, and not more than 1 pint of any brand of distilled spirits or wine, may be furnished or given as a sample to a retailer who has not previously purchased that particular product: *Provided*, That 2 quarts of any brand of distilled spirits or wine, may be furnished or given as a sample to any agency of a State or political subdivision thereof which has not purchased that particular product.

§ 6.30 *Newspaper cuts.* Newspaper cuts, mats, or engraved blocks for use in retailers' advertisements, may be furnished, given, rented, loaned, or sold by an industry member to a retailer selling his products.

§ 6.31 *Merchandise.* Merchandise, such as groceries and drugs, may be sold to a retailer, without limit as to quantity or value, by an industry member who is also engaged in business as a bona fide vendor of such merchandise, if such merchandise is sold in accordance with the reasonable open market price thereof in the locality where sold, and if such merchandise is not sold in combination with distilled spirits, wine, or malt beverages and is itemized separately on the industry member's invoices and other records: *Provided*, That equipment, fixtures, signs, supplies, and consumer and retailer advertising specialties may be furnished only as provided elsewhere in this part.

6. These regulations shall be effective as of July 1, 1952.

[SEAL] DWIGHT E. AVIS,
Deputy Commissioner of Internal Revenue.

Approved: June 26, 1952.

JOHN B. DUNLAP,
Commissioner of Internal Revenue.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7922; Filed, July 17, 1952; 8:56 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

PAYMENT FOR ARREST AND DELIVERY OF MEMBERS ABSENT WITHOUT LEAVE, DESERTERS, AND ESCAPED MILITARY PRISONERS

Section 536.32 is rescinded and the following substituted therefor:

§ 536.32 *Payment for arrest and delivery of service members absent without leave, deserters, and escaped military prisoners—*(a) *Services or expenses for which payment will be made.* Agencies or persons who return absentees and deserters to military control, when authorized by the appropriate military authority, will be reimbursed reasonable expenses incurred incident to the return of the absentee or deserter not to exceed $50. Reasonable expenses will include reimbursement:

(1) For travel performed by privately owned conveyance at a rate not to exceed 7 cents a mile from place of apprehension or civil police headquarters to place of return to military control and return to place of apprehension or civil police headquarters.

(2) Of actual and necessary expenses including taxicab fare or bus fare when necessary for travel performed by citizen or officer and prisoner.

(3) For cost of all necessary meals consumed by the prisoner, not to exceed the normal rate for meals for the area concerned, upon presentation of proof that the cost was actually incurred by the delivering or apprehending officer.

(4) For telephone and telegraph communication costs in connection with the apprehension and delivery of the prisoner to military authority.

(5) For damages to the apprehending officer's property whenever such damages are caused directly by the absentee and result from the apprehension.

(6) For any other reasonable expenses incurred in the actual delivery of the prisoner as may be deemed justifiable and reimbursable by the certifying officer.

(b) *Official vehicles and personal services.* Reimbursement will not be made for transportation performed by official vehicles or for personal services of delivering officer.

(c) *Cost of confinement of military prisoners in nonmilitary facilities.* Civil agencies which confine military prisoners, when authorized by the appropriate military authority, may be reimbursed for cost of all necessary meals consumed by the prisoner while in confinement, not to exceed the normal rate for meals for the area concerned upon presentation of proof that the cost was actually incurred by the civil agency.

(d) *Payment procedure—*(1) *To whom paid.* (i) Payments mentioned in paragraphs (a) and (b) of this section will be made to the person or persons actually making the arrest of an absentee, a deserter, or an escaped military prisoner and the turn-over or delivery of the service member arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the absentee, deserter, or escaped military prisoner surrenders or is apprehended. Payment will not be made merely for information leading to an arrest, or for an arrest not followed by the return to military control of the service member arrested.

(ii) Payments mentioned in paragraph (c) of this section will be made to the civil agency having jurisdiction over the nomilitary facility in which the military prisoner is confined.

(2) *By whom paid.* (i) Payments mentioned in paragraph (a) and (b) of this section will be made by finance officers or their class B agent officers, and will be in full satisfaction of all expenses of arresting and delivering the absentee, deserter, or escaped military prisoner.

(ii) Payments mentioned in paragraph (c) of this section will be made by finance officers or their class B agent officers, and will be in full satisfaction of the expense incurred for the cost of meals consumed by the prisoner while he is confined in a nonmilitary facility.

(R. S. 161; 5 U. S. C. 22) [AR 35-1570, June 30, 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-7921; Filed, July 17, 1952; 8:56 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 2 to Area Milk Price Regulation 11]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 11—LOS ANGELES DISTRICT (OTHER THAN LOS ANGELES COUNTY MARKETING AREA)

ADDITION OF APPENDIX COVERING INYO-MONO MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Area Milk Price Regulation 11 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 2 to Area Milk Price Regulation 11 is issued to establish and adjust ceiling prices for sales of fluid milk and certain milk products in the Inyo-Mono Marketing Area, which consists of Inyo and Mono counties in the State of California. The amendment extends the coverage of AMPR 11 to these counties and adds Appendix III to provide ceiling prices for sales of fluid milk and other milk products.

Although Mono County falls within the Reno OPS District, Inyo County, which comprises the major part of the marketing area, lies within the Los Angeles OPS District. Section 17 of GCPR, SR 63 provides that the District Director of the Office of Price Stabilization in whose district is located the major part of a milk marketing area will have authority to issue area milk price regulations adjusting ceiling prices for milk in such marketing area. It is appropriate, therefore, that the prices of milk in the Inyo-Mono Marketing Area be adjusted by an order of the Los Angeles District Director.

Prior to this amendment, ceiling prices for fluid milk sold in the Inyo-Mono area were governed by the provisions of the GCPR and therefore frozen at the levels of December 19, 1950 to January 25, 1951, plus increases based upon increased prices paid to producers.

On February 1, 1952, the State of California Bureau of Milk Control issued Inyo-Mono Order No. 10, which adjusted minimum prices, as well as margins, on fluid milk in the area above the levels of the GCPR. These adjusted minimum prices and margins were inoperative until the issuance of this amendment to AMPR 11 which permits sellers in the area to charge prices corresponding to the state minimum prices.

The adjustment granted by this amendment is in accordance with provisions of section 402 of the Defense Production Act of 1950, as amended. This section provides that ceiling prices for sales of fluid milk shall not be less than the minimum prices established by a state regulatory body.

Studies and information available to the District Director indicate the advisability of effecting at this time increases in the ceiling prices of fluid milk by-products. This amendment, therefore, also accomplishes increases in the ceiling prices of these fluid milk items.

In the formulation of this amendment, the District Director of the Office of Price Stabilization has consulted with local industry representatives to the extent practicable, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

AMENDATORY PROVISIONS

Area Milk Price Regulation 11 is amended by adding thereto Appendix III—Inyo-Mono Marketing Area, which appears hereafter.

APPENDIX III

INYO-MONO MARKETING AREA

This appendix provides ceiling prices for milk and cream (excluding sour cream) in the Inyo-Mono Marketing Area, which comprises Inyo and Mono Counties, California.

1. For standard milk (including homogenized) ceiling prices are as follows.

Size of container	Wholesale f. o. b. purchaser's business location	Retail, store, carry-out	Retail, home-delivered
10 gallons or more bulk, per gallon	$0.73		
1 gallons and less than 10 gallons, bulk, per gallon	.74		
1 gallon and less than 5 gallons, bulk, per gallon	.75		
Gallon bottle	.79	$0.88	$0.92
Half-gallon container (fiber or glass)	.395	.44	.46
Quart container (fiber or glass)	.1975	.22	.23
Pint container (fiber or glass)	.11	.12	.13
Third-quart or ½-pint container (fiber or glass)	.074		
Half-pint container (fiber or glass)	.06		

2. For the following items the ceiling price is the base period price plus the following additions.

Type of sale	Container size				
	Per gallon bulk or package	½ gallon	Quart	Pint	½ pint
Half and half	$0.06	$0.03	$0.015	$0.01	$0.005
Table cream	.08	.04	.02	.01	.005
All-purpose cream	.16	.08	.04	.02	.01
Whipping cream	.16	.08	.04	.02	.01
Other retail sales of standard milk (including homogenized)	.08	.04	.02		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 20 cents per quart or the retail home-delivered base period price was in excess of 21 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in subdivision 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk. Ceiling prices so determined under this subdivision shall be reported in accordance with section 3 of this regulation.

4. The prices herein provided are based upon a producer paying price of $1.63 per pound of butterfat for Class I fluid milk purchased f. o. b. processor's plant. This price is set forth in Inyo-Mono Order No. 9 issued by the State of California Bureau of Milk Control, effective February 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This amendment is effective as of July 10, 1952.

GEORGE J. SEROS,
District Director, Los Angeles District Office.

JULY 16, 1952.

[F. R. Doc. 52-7947; Filed, July 16, 1952; 4:40 p. m.]

[General Overriding Regulation 32]

GOR 32—ADJUSTMENT OF CEILING PRICES FOR MATERIALS TO THE MINIMUM PRICES FIXED BY STATE LAWS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 32 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes a method, pursuant to section 402 (1) of the act, as amended, for the adjustment of ceiling prices for materials to the minimum sales price fixed by an applicable State minimum price law (other than a fair trade law) or regulation.

In certain of the States, laws have been enacted establishing or authorizing the establishment of minimum prices for sales or deliveries within the State of certain materials. In a few cases the minimum prices established by these laws are higher than the ceiling price established by the appropriate regulations or orders of the Director of Price Stabilization. The Congress has provided in its recent amendments to the act that, "No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect or regulation issued pursuant to such law." In explanation of this provision the Senate Committee on Banking and Currency stated, "This new subsection, therefore, provides that ceiling prices for materials sold or delivered in any State shall not be below the minimum prices of such materials as fixed by that State's minimum price law which is now in effect. General so-called fair trade laws have been excepted from this amendment. Under this new provision the President shall adjust ceiling prices in a given State to make them not less than the level of prices established by such

State's minimum price laws where it is shown that the ceilings are less than the minimum price level."

The Conference Report stated, with respect to this provision, that "It was the intent of the conferees that this provision apply only to State minimum price laws which are presently enforced and in effect, and not to State minimum price laws which are not now enforced or which are dormant". Accordingly, this adjustment only applies where the State law was enforced and in effect on June 30, 1952. This regulation, therefore, requires certification from an appropriate State official as to whether the State law, on which reliance is placed for adjustment of ceiling prices, was enforced and in effect on June 30, 1952.

This general overriding regulation permits the filing of applications for adjustment by individual sellers of materials subject to a minimum price under a State minimum price law or regulation. Because of the interest which a State may have in the maintenance of a minimum level of prices for certain materials sold or delivered in the State, it is further provided that an application for the adjustment of the ceiling prices of certain materials, to which a State minimum price law or regulation is applicable may be filed by a State official responsible for its enforcement, or administration.

In the formulation of this regulation, special circumstances have rendered consultation within industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Who may apply.
3. Where to apply; form of application.
4. What the application shall contain.
5. Action on application.
6. When adjustment may be put into effect.
7. Definitions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation provides a procedure whereby ceiling prices may be adjusted to the minimum price established by any State minimum price law (other than a fair trade law), which was enforced and in effect on June 30, 1952, and which is in effect at the time an application is filed under this regulation, or by a regulation issued pursuant to such a State law and currently in effect. These adjustments will apply only to commodities sold or delivered in the particular State to which the law or regulation applies.

SEC. 2. *Who may apply.* If your ceiling price for a material is below the level of minimum prices established for that material by a State's minimum price law (other than a fair trade law) enforced and in effect on June 30, 1952, and in effect at the time of your application, or by a regulation issued pursuant to such a State law and currently in effect, you may file an application requesting that your ceiling price for that material, when sold or delivered in that State, be raised to the minimum level of prices established for this material by the State law or regulation. Also, any State official responsible for the enforcement or administration of a minimum price law or regulation may file an application requesting that the ceiling prices for sale or delivery in a State of any material be raised to the minimum level of prices established for that material by that State's law (other than a fair trade law) in effect on June 30, 1952, and in effect at the time of the filing of the application, or by a regulation issued pursuant to such a State law and currently in effect.

SEC. 3. *Where to apply; form of application.* The application shall be submitted in an original and one copy, and shall be signed by the seller or the appropriate State official, as the case may be. It shall be filed with the Office of the Recording Secretary of the Office of Price Stabilization, Washington 25, D. C.

SEC. 4. *What the application shall contain.* The application shall contain:

(a) *Whether filed by an individual or State official.* (1) A certified copy of the applicable State law (other than a fair trade law) and, if the minimum price is established by a regulation, a certified copy of the regulation. If a copy of such law or regulation has been furnished in connection with one application filed under this general overriding regulation, the certifying official may merely refer to the former application with which the copy was furnished.

(2) A certificate, from the appropriate State official that this law was enforced and in effect on June 30, 1952, and that the law, and where appropriate, a regulation issued pursuant to that law, are currently in effect. If a minimum price level is established by regulation, the certificate shall also include a statement that the regulation was authorized by law and lawfully adopted and issued. Moreover, there should be furnished a certificate by the appropriate State official that the law, and where applicable, the regulation, have not been held invalid by the decision of any court of competent jurisdiction. If an appropriate State official has furnished any of this information in connection with one application filed under this general overriding regulation and the information has remained full and correct, as to that information the appropriate State official may merely refer to the former application with which the information was furnished.

(3) An identification of the material, for which an adjustment is sought under this regulation.

(4) If the established minimum price is a single dollars-and-cents price per defined unit, for example, 10 cents per pound, the amount of that price in dollars-and-cents per defined sales unit of the material.

If the minimum price is computed in accordance with a prescribed formula, the minimum price level per defined sales unit of the material computed under that formula and an explanation of how that minimum price level was computed. If there has been any change in the minimum price or minimum price levels since June 30, 1952, the price or price level as of June 30, 1952 and as of the date of the application.

(5) If the established minimum price or minimum price level varies with the type of seller involved, for example, chain store, independent store, wholesaler, retailer, etc., the information requested in (4) above should state the class of sellers to which the applicant belongs or the several sellers on whose behalf the State official is applying belong. Moreover, in that case, the application should contain sufficient information descriptive of the particular seller or groups of seller involved to enable the Director to determine which minimum price or price level is applicable to the particular seller or group of sellers for whom ceiling price increases are sought.

(6) The ceiling prices requested in the application.

(b) *If filed by an individual seller.* (1) The seller's name and address.

(2) The seller's current ceiling prices for sales or deliveries in that State of the material in question.

(c) *If filed by a State official.* (1) His name, title and his authority in the enforcement or administration of the minimum price law or regulation.

(d) *Additional information.* The Director may request additional information if he deems it necessary or appropriate.

SEC. 5. *Action on application.* If it is proved, to the satisfaction of the Director of Price Stabilization, that the ceiling prices for the specific material or materials in a State of the particular seller or group of sellers involved in the application are below the minimum level of prices established for them by the State law or regulation in effect on June 30, 1952 and as of the date of the application, he will issue an order permitting the particular seller or group of sellers to raise their ceiling prices to that level.

SEC. 6. *When adjustment may be put into effect.* A seller may not use for any material an adjusted ceiling price proposed under this regulation, until the Director of Price Stabilization has specifically authorized such adjusted ceiling price.

SEC. 7. *Definitions.* As used in this regulation, unless the context otherwise requires, the term:

(a) "Director of Price Stabilization" includes any official to whom the Director of Price Stabilization delegates any function, power or authority referred to in this regulation.

(b) "Material" includes any raw material, article, commodity, product, supply, component, technical information and process.

(c) "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date: This General Overriding Regulation 32 is effective July 17, 1952.

NOTE: The reporting requirements of this general overriding regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 17, 1952.

[F. R. Doc. 52-7968; Filed, July 17, 1952; 11:16 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 13]

INT. 13—RELATION OF GSSR 2 TO CERTAIN STOCK PURCHASE PLANS

This interpretation deals with the relation of General Salary Stabilization Regulation 2 (Profit-sharing and Other Bonuses) to stock offerings by employers to their employees at a price below the fair market value of the stock.

1. Q. May a corporation pay its employees bonuses in the form of corporate stock?

A. Yes. See paragraph 2.05 of Interpretation 3.

2. Q. May a corporation, which during the period from 1946 to 1950, inclusive, had a practice of offering to its employees at a net price below the fair market value of the stock, consider as a bonus payment: (a) The difference between the net price and the fair market value of the stock offered to any participating employee; or (b) employer contributions toward the purchase of the stock by an employee, in lieu of or in addition to offering the stock at a net price below the fair market value?

A. Yes.

3. Q. May bonus payments of the type referred to in paragraph 2, which were made during the years 1946 to 1950, inclusive, be considered part of the "base period bonus fund" defined in section 2 of General Salary Stabilization Regulation 2?

A. No. Such bonus payments constitute a special base period bonus fund available only for use in connection with further stock offerings to employees of the corporation in accordance with the corporation's past practice.

4. Q. What is the amount of the special base period bonus fund for such bonus payments?

A. The amount of the special base period bonus fund may be either of the following:

(a) The amount representing the difference between the aggregate fair market value of all the stock offered during the calendar year 1950 and the aggregate offering price of such stock on the date of the offering in the calendar year 1950, together with the aggregate of any contributions made by the employer toward the purchase of stock in such calendar year; or

(b) The amount representing one-third of the total difference between the aggregate fair market value of all the stock offered during any three of the five calendar years 1946 to 1950 and the aggregate offering price of such stock on the date of the offering during the years selected, together with the aggregate of any contributions made by the employer during the years selected.

5. Q. What is the maximum amount of such bonus payments which can be paid in a current calendar year?

A. The amount of the special base period bonus fund.

6. Q. How is the amount of such bonus payments which may be paid during a current calendar year computed?

A. In the same manner as the amount of such bonus payments was computed in previous calendar years for purposes of determining the special base period bonus fund (see paragraph 4).

7. Q. Is there any limitation upon the maximum bonus payment which may be made to an individual employee in a current calendar year?

A. Yes. The maximum bonus payment to any individual employee may not exceed the highest amount (either in the form of the difference between the purchase price of stock and the fair market value thereof or of employer contributions towards the purchase of stock, or both) paid to any individual employee during any of the calendar years used in the computation of the special base period bonus fund.

8. Q. Must the amount of the special base period bonus fund be adjusted in order to take account of increases or decreases during the current calendar year in the number of employees eligible to participate in the offering?

A. The special base period bonus fund may be increased, and must be decreased, by the percentage by which the number of employees eligible to participate in the offering exceeds, or is less than, the average number of employees eligible to participate in offerings made during the calendar year or calendar years used in determining the special base period bonus fund.

9. Q. What documents or reports should a corporation, making bonus payments of the type referred to in paragraphs 2 to 8 of this interpretation, file with the Office of Salary Stabilization?

A. The corporation, within thirty days after the first date of a stock offering, should file a copy of its current stock purchase plan and of any stock purchase plan under which an offering was made during the five calendar years 1946 to 1950. If the corporation increases its special base period bonus fund because of increases in the number of employees eligible to participate in an offering, it should file a report setting forth the pertinent facts in the manner provided in paragraph (b) of section 10 of General Salary Stabilization Regulation 2.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on July 11, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-7975; Filed, July 17, 1952; 11:51 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 3]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

The following amended regulation (HHFA Regulation CR 3, originally issued at 16 F. R. 3835, May 2, 1951, and last previously amended at 16 F. R. 11731, November 20, 1951) is issued pursuant to sections 601 through 605 and section 704 of Pub. Law 774, 81st Cong. (64 Stat. 813, 814, 815, 816), as amended, sections 501, 502, and 902 of Executive Order 10161, September 9, 1950 (15 F. R. 6106), sections 101, 102, and 611 of Pub. Law 139, 82d Cong. (65 Stat. 293), paragraph number 3 of Executive Order 10296, October 2, 1951 (16 F. R. 10103) and the approval and authorization by the Board of Governors of the Federal Reserve System of HHFA Regulation CR 1 (16 F. R. 3834, May 2, 1951):

GENERAL

Sec.
1. Statement of purpose.
2. What this regulation does.
3. Geographical areas affected.
4. Type of housing eligible.
5. Programming by HHFA.
6. Beginning of construction; time limit.
7. Definitions.

HOUSING TO BE HELD FOR RENT

8. Who may apply for exception from credit restrictions.
9. Where and how builders should apply.
10. Standards for approving applications.
11. Rules and conditions applicable.
12. Eligibility for tenancy.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

13. Who may apply for exception from credit restrictions.
14. Where and how applications should be made.
15. Standards for approving applications.
16. Rules and conditions applicable.
17. Eligibility for purchase.

SPECIAL CREDIT EXCEPTIONS FOR PURCHASERS OF OTHER HOUSING

18. Approval of special credit exceptions.
19. Conditions and requirements.

SPECIAL CREDIT EXCEPTIONS FOR PERSONS DISPLACED BY DEFENSE ACTIVITIES

20. Special credit exceptions for persons displaced by acquisition of land for defense purposes.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816 as amended; Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Title VI, 64 Stat. 812, as amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2131-2135, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp., E. O. 10296, Oct. 2, 1951, 16 F. R. 10103; 3 CFR, 1951 Supp.

GENERAL

SECTION 1. *Statement of purpose.* In order to reduce serious inflationary pressures and to assist in limiting the volume of new residential construction to a level which can be maintained with the materials and labor available in the light of national defense requirements,

restrictions on residential real estate credit" (applicable where construction was started after noon of August 3, 1950) have been imposed, with the concurrence of the Housing and Home Finance Administrator, by Regulation X (chapter XV of this title) issued by the Board of Governors of the Federal Reserve System (hereinafter called the "Board"). Related credit restrictions (applicable to both new and old residential property) are contained in regulations of the Federal Housing Commissioner and the Administrator of Veterans' Affairs. Actions restricting residential credit were taken under the authority of Title VI of the Defense Production Act of 1950, approved September 8, 1950, and amendments thereto and of Executive Order 10161, issued September 9, 1950. In order to assist the provision of housing needed for in-migrant defense workers or military personnel and their families where the failure to provide such housing would impede national defense activities, residential credit restrictions were relaxed or modified in critical defense housing areas designated by the Housing and Home Finance Administrator.

In addition thereto, and pursuant to the provisions of Title I of the Defense Housing and Community Facilities and Services Act of 1951, approved September 1, 1951, and of Executive Order 10296, dated October 2, 1951, the Director of Defense Mobilization is authorized, upon a finding that certain conditions set forth in the Defense Housing and Community Facilities and Services Act of 1951 exist, to designate specified areas as critical defense housing areas. The Housing and Home Finance Administrator is also authorized under said Defense Housing and Community Facilities and Services Act of 1951 and under paragraph number 3 of Executive Order 10296, upon such a finding and designation by the Director of Defense Mobilization, to suspend or relax residential real estate credit restrictions imposed under the authority of the Defense Production Act of 1950, as amended. Residential credit controls in such areas continue to be administered by the Board with respect to real estate credit which is subject to said Regulation X and by the Federal Housing Administration and the Veterans' Administration, respectively, with respect to real estate credit assisted under the programs of those two agencies. However, such credit controls of the Board, the Federal Housing Administration and the Veterans' Administration are suspended or relaxed by those agencies with respect to housing for which the Housing and Home Finance Administrator approves exceptions from credit restrictions.

It is the purpose of this regulation, issued by the Housing and Home Finance Administrator, to prescribe uniform conditions and procedures under which exceptions from credit restrictions are made available in the designated critical defense housing areas in order to assure that the housing for which such exceptions are granted (whether or not such housing is financed with Government assistance) will meet the needs of the in-migrant defense workers or military personnel and their families. This procedure for granting exceptions from credit restrictions is in addition to other programs of the Housing and Home Finance Agency designed to assist in meeting such needs in critical defense housing areas. The approval of an application under this regulation (or under Housing and Home Finance Agency Regulation CR 2) is hereby required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX (National Defense Housing Insurance) of the National Housing Act, as amended. With respect to housing for which mortgage insurance assistance is provided under Title IX of the National Housing Act, as amended, all applicable requirements, conditions and restrictions imposed by or pursuant to this regulation are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

This regulation does not supersede or in any way modify HHFA Regulation CR 2, which concerns exceptions from credit terms for areas affected by the Savannah River, Paducah (Kentucky), and Idaho Reactor Testing Station installations of the Atomic Energy Commission.

SEC. 2. *What this regulation does.* This regulation lists critical defense housing areas and prescribes, among other things, who may apply for exceptions from residential credit restrictions in such areas; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent or sale to persons engaged in national defense activities and with respect to rents or sales prices which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing for which exceptions from credit restrictions have been granted.

SEC. 3. *Geographical areas affected.* The special exceptions from residential credit restrictions which are authorized under this regulation will be applicable only to credit with respect to residential property located in "critical defense housing areas" as that term is defined in section 7 of this regulation. A critical defense housing area will be designated as such by the Housing and Home Finance Administrator for purposes of this regulation only where such area has been determined by proper authority to be a "critical defense housing area" within the meaning of the Defense Housing and Community Facilities and Services Act of 1951 or the Housing and Rent Act of 1947, as amended.

SEC. 4. *Type of housing eligible.* The special exceptions from residential credit restrictions which are authorized under this regulation for critical defense housing areas will be applicable only to credit with respect to family dwellings which are suitable and intended for year-round occupancy. Only single-family dwellings may be financed pursuant to the exceptions for sales housing and other housing to be built for owner-occupancy referred to in sections 13 through 17 of this regulation. Housing to be held for rent and to be financed pursuant to the exceptions governing rental housing set out in sections 8 through 12 of this regulation may be of any type which meets the requirements of the first sentence of this section. Thus, it may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two-family structures, or structures containing three or more family dwelling units.

SEC. 5. *Programming by HHFA.* Exceptions from residential real estate credit restrictions will be programmed for each critical defense housing area by the Housing and Home Finance Agency on the basis of housing market field surveys, and such exceptions will be approved in accordance with area program schedules of housing needed from time to time to serve in-migrant defense workers or military personnel employed or stationed at defense plants or installations in the area. Detailed area programs will be announced for each critical defense housing area. Such programs will relate to the location of the housing within such critical defense housing area, the number and types of rental or sales units required, the size (by number of bedrooms) of such units, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons for whom it is intended and similar factors. Exceptions from credit restrictions will be approved pursuant to the detailed procedures, standards, and conditions set out below.

SEC. 6. *Beginning of construction; time limit.* When an application for an exception from credit restrictions is approved under sections 6 through 12 or sections 13 through 17 of this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. This approval automatically expires unless construction is begun either (a) within such sixty-day period or (b) within any extension of that period which shall have been approved by the local office of the Federal Housing Administration, and is continued with reasonable diligence. Applicants are required to furnish, with respect to units for which an application is approved under this regulation, such information concerning the beginning, progress, and completion of construction as may be requested by the Government.

SEC. 7. *Definitions.* As used in this regulation, the following words, terms, and phrases shall have the meaning set out in this section:

(a) *Beginning of construction.* For the purposes of this regulation, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been incorporated into the site in a permanent form (for example, when footings or other foundations have been poured or placed).

(b) *Completion of construction.* For the purposes of this regulation a dwelling unit shall be deemed to be completed when, in conformity with general practice in the community, it is ready for occupancy.

(c) *Family dwelling.* A "family dwelling" means a house or apartment designed for residential occupancy by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or used either for transient accommodations or for occupancy by single persons or by non-family groups.

(d) *Critical defense housing area.* A "critical defense housing area" (for purposes of this regulation) means an area designated as such by the Housing and Home Finance Administrator in the appendix to this regulation. This designation does not necessarily determine where housing for which credit exceptions will be granted may be located within the designated critical defense housing area. More specific information with respect to the location of such housing may be found in the area programs referred to in section 5 of this regulation. Thus, these area programs may specify geographical places (such as a city, county, or township) within the critical defense housing area where such housing may be located or may set out a minimum standard for determining where such housing may be located, based on reasonable daily commuting distance from the defense plants or installations appearing in the "defense activity list" for the area.

(e) *Defense activity list.* The "defense activity list" means the list of defense plants or installations or defense-supporting service activities for each critical defense housing area appearing in the area program published in the FEDERAL REGISTER or on file in the FHA office for the district in which the area is located.

(f) *Eligible defense worker.* An "eligible defense worker" means (1) a civilian or a member of the Armed Forces employed or stationed at a defense plant or installation listed on the defense activity list for the particular critical defense housing area who is an in-migrant as defined herein and who requires and is without adequate family housing; or (2) a person engaged in a defense-supporting service activity (as defined herein), which defense-supporting service activity appears on the defense activity list for the particular critical defense housing area and who is an in-migrant as defined herein and who requires and is without adequate family housing. However, a member of the Armed Forces otherwise eligible is an eligible defense worker notwithstanding the date when he brought or moved his family from beyond practicable commuting distance. Notwithstanding the foregoing requirement that an eligible defense worker be an in-migrant, a person otherwise eligible who is not an in-migrant but who has since December 19, 1950, been evicted from the family dwelling unit occupied by him or his family or is in receipt of a bona fide notice to remove and surrender possession of such family dwelling unit within a period of 90 days or less, is an eligible defense worker hereunder. Such eviction or notice to surrender possession must be for reasons other than the breach of any of the conditions of tenancy by such defense worker. Exceeding a maximum income limitation in any tenancy agreement, however, shall not be deemed for this purpose a breach of a condition of the tenancy by such defense worker. An "eligible defense worker" employed or stationed in one critical defense housing area shall be deemed an "eligible defense worker" within any contiguous critical defense housing area if the area programs (referred to in section 5 of this regulation) for the respective contiguous critical defense housing areas so prescribes.

(g) *In-migrant.* An "in-migrant" is a person (1) whose residence is beyond maximum practicable commuting distance from his place of work or military station or (2) who has since December 19, 1950 (or such other date as may be announced for the critical defense housing area), brought or moved his family from beyond the maximum practicable commuting distance from his place of work.

(h) *Maximum practicable commuting distance.* "Maximum practicable commuting distance" means a distance within which it is possible to commute daily to the place of employment by established common carrier or by private transportation at a cost per person of not more than $1.00 per round trip and with normal traveling time of not more than three hours per round trip, unless another cost or time shall have been announced for the critical defense housing area.

(i) *Sales price.* "Sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as closing costs and brokerage fees or commissions or charges, which buyers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale.

(j) *Public offer.* To "publicly offer" dwellings for rental or sale means that the owner will (1) for the period of offer required by this regulation take such affirmative steps as are customary in the community for making a public offering of family dwellings which will give reasonable notice to eligible defense workers, including members of the armed forces, that such dwellings are available for rental or sale, and (2) during construction and until the dwelling units are initially occupied or sold (or, where 4 or more units are involved, until at least 75 percent of the units are initially occupied or sold), maintain in a conspicuous location at the site a sign not less than 2½ feet by 4 feet specifying in words legible at a reasonable distance, the rents or range of rents, or the sales price or range of sales prices, as the case may be, and containing the following language:

Privately Built
Defense Housing
HHFA No. -----

(k) *Defense-supporting service activity.* A defense-supporting service activity as used in this regulation, means any activity (other than activities of defense plants or installations referred to in numbered clause (1) of paragraph (f) of this section) which is directly or indirectly concerned with the activities of defense plants or installations appearing on the defense activity list and which is essential to the efficient operation of such listed defense plants or installations. Defense-supporting service activities may include such activities as police and fire protection, health and educational activities, and the furnishing of transportation and communication services and other public utility services, including installation, operation, and maintenance necessary for such services.

HOUSING TO BE HELD FOR RENT

SEC. 8. *Who may apply for exception from credit restrictions.* With respect to housing programmed by the Housing and Home Finance Administrator for rental occupancy, application for a special defense exception from residential credit restrictions may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as prescribed below. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 9. *Where and how builders should apply.* Application for an exception from credit restrictions with respect to housing to be held for rental should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H-1052. (Local offices of the Federal Housing Administration, which is a constituent agency of the Housing and Home Finance Agency, will receive and process such applications on behalf of the Housing and Home Finance Administrator without regard to whether or not the housing in question will be financed with the aid of FHA mortgage insurance.) An original and three signed copies of the application form must be submitted for each application. Each application must contain a statement that the applicant has a commitment or other assurance in writing from a lending institution or other lender that such lender intends, if the application is approved, to provide the financing for the residential property, including the proposed improvements, described in the application. If the application is approved, two copies of the application form will be returned to the

applicant endorsed to indicate that an exception from the credit restrictions has been approved. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not be the lending institution or proposed lender referred to in the application. The applicant will also be notified if the application is rejected. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (HHFA Form H-1052) is not transferable or assignable.

SEC. 10. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 8 through 12 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for rental housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The rentals proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the accommodations proposed and the proposed rentals;

(c) The capacity of the applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 11. *Rules and conditions applicable.* (a) In the event that an application for an exception from credit restrictions is approved pursuant to sections 8 through 12 of this regulation, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling units described in the application is begun and when such dwelling units are completed. In such event, the applicant is also hereby required for a period of two years after their completion in the case of structures containing one or two family dwelling units, and a period of four years after their completion in the case of structures containing three or more family dwelling units (unless the applicable period is sooner terminated by the Housing and Home Finance Administrator) to:

(1) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the dwelling unit described in the application has been completed and for a period of at least thirty calendar days after such unit subsequently becomes vacant, to eligible defense workers unless the unit is sooner rented to such a worker;

(2) Require, upon the renting of any such dwelling unit to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H-1054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a landlord's certificate on HHFA Form No. H-1056 in case such dwelling unit has been publicly offered in good faith for rent to eligible defense workers as required by subparagraph (1) of this paragraph, but subsequently rented to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy shall be retained by the applicant or any subsequent owner making such certificate);

(4) Charge not more than the rent or rents and utility and service charges specified in the approved application or not more than such higher rents and utility and service charges as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant or subsequent owner;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) prior permission to sell is granted in writing by the Housing and Home Finance Agency, or (iii) a period of at least sixty calendar days has elapsed after the dwelling unit or units described in the application have been completed or after the unit has subsequently become vacant, and the public offer of such unit for rent at the approved rental during said sixty days has not produced a tenant;

(6) Comply with any agreements or conditions made a part of the application HHFA Form No. H-1052, as approved; and

(7) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph, made within the period referred to above during which this paragraph is applicable by the first and all successive purchasers for investment purposes.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section) shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser is himself eligible for occupancy of a dwelling pursuant to section 12 of this regulation or unless such occupancy is pursuant to paragraph (c) of this section.

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 8 through 12 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(e) Written notifications required by this section to be given to the Federal Housing Administration shall be deemed to be given as of the date they are received by the FHA or, if mailed, as of the date they are postmarked.

(f) All requirements, conditions and restrictions with respect to holding for rent, rental charges and utility charges imposed by or pursuant to this regulation are in addition to any applicable requirements, conditions and restrictions which may, under certain circumstances, be imposed with respect to the same housing by or pursuant to the Housing and Rent Act of 1947, as amended, or the National Housing Act, as amended. (Note that rental ceilings approved under this regulation are based primarily on market surveys of needs of eligible defense workers for housing classified by number of rooms and approximate rental rather than on detailed plans and specifications of the housing to be constructed. Rental limitations which may be imposed under certain circumstances by the Office of Rent Stabilization or the Federal Housing Administration are based primarily on the actual accommodations provided or to be provided. Therefore rental limitations imposed under this regulation may in individual cases, be higher or lower than rental limitations imposed under other legal authority. In such event, persons affected by more than one rental limitation or requirement governing the same dwelling unit must comply with whichever one is more restrictive.)

(g) Notwithstanding the requirement in section 11 of this regulation, as in effect on any earlier date, imposing certain obligations for a five-year period, any person affected by such five-year requirement or by like requirements in any form, certificate, or agreement entered into under this regulation, need comply with such obligations only during the two- or four-year period, as the case may be, presently prescribed in paragraph (a) of this section for the type of structure involved.

SEC. 12. *Eligibility for tenancy.* Except as otherwise provided in section 11 or section 20 of this regulation, during the period in which a dwelling unit is required to be held for rent under section 8 through 12 of this regulation, no person other than an "eligible defense worker" as defined in paragraph (f) of section 7 of this regulation, or his family shall be eligible for tenancy or occupancy of such dwelling unit.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

SEC. 13. *Who may apply for exception from credit restrictions.* With respect to housing in a critical defense housing area which may be programmed by the Housing and Home Finance Administrator for sale to, or construction by, prospective owner-occupants, application for a special defense-area exception from residential credit restrictions may, except as provided in section 20, be made only by (a) an "eligible defense worker" (as defined in paragraph (f) of section 7 of this regulation) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling for his own occupancy or (b) a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling or dwellings for sale to eligible defense workers. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 14. *Where and how applications should be made.* Application for an exception from credit restrictions by a builder with respect to a single-family dwelling or single-family dwellings to be erected for sale to eligible defense workers should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H-1053. Application for an exception from credit restrictions by an "eligible defense worker" with respect to a single-family dwelling to be erected and occupied by the applicant should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H-1053-A. Procedures for the submission, processing and subsequent disposition of such applications will be the same as those set forth in section 9 of this regulation for applications for exceptions from credit restrictions with respect to housing to be held for rental. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (HHFA Form H-1053 or H-1053-A, as the case may be) is not transferrable or assignable.

SEC. 15. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 13 through 17 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for sales-type housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The sales prices proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the proposed type of construction and special features and the proposed sales prices;

(c) The capacity of applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 16. *Rules and conditions applicable.* (a) Sales housing: In any case where an application for an exception from credit restrictions is approved pursuant to sections 13 through 17 of this regulation, with respect to the erection of a dwelling or dwellings for sale, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwellings described in the application is begun and when such dwellings are completed, and to:

(1) Publicly offer such dwelling for sale for a period of at least sixty calendar days after the dwelling described in the application has been completed, to eligible defense workers unless the dwelling is sooner purchased by such a worker;

(2) Require, upon the sale of any such dwelling to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H-1054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a seller's certificate on HHFA Form No. H-1057 in case any such dwelling has been publicly offered in good faith for sale to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently sold on excepted credit terms to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy retained by the applicant);

(4) Charge not more than the sales price or prices specified in the approved application for such dwelling or dwellings or such higher price or prices as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant;

(5) Comply with any agreements or conditions made a part of the application, HHFA Form No. H-1053, as approved; and

(6) Require the purchaser to agree in writing that, if such purchaser or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), (i) he will give advance notification in writing to the local office of the FHA that he proposes to sell such dwelling and (ii) he will abide by all the provisions and conditions set forth in this regulation (including this subparagraph) which shall be applicable to all successive sales of said dwelling until it has been occupied for ninety consecutive days after completion by any purchaser or his family. For the purpose of this subparagraph references elsewhere in the regulation to an "applicant" shall be deemed to include subsequent owners and reference to a sixty-day period of public offer after completion of a dwelling shall be deemed to include any subsequent sixty-day period of public offer.

(b) Other housing to be built for owner-occupancy: In any case where an application for an exception from credit restrictions is approved pursuant to sections 13 through 17 with respect to a single-family dwelling to be erected and occupied by an "eligible defense worker", the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling is begun and when it is completed and to comply with any agreements or conditions made a part of the application, HHFA Form No. H-1053-A, as approved. If the "eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), he is hereby further required to give advance notification in writing to such local office of the FHA that he proposes to sell such dwelling, to certify to such office in writing the actual cost of the dwelling, and thereafter to comply with all requirements of paragraph (a) of this section except that for the purposes of this paragraph, the reference in subparagraph (a) (5) of this section to HHFA Form No. H-1053 shall be deemed to be a reference to HHFA Form No. H-1053-A and the reference in subparagraph (a) (4) of this section to the sales price specified in the approved application shall be deemed to be a reference to the actual cost of the dwelling. Nothing contained in the preceding sentence shall require an applicant with respect to a single-family dwelling to be built for his own occupancy to certify the actual cost of his dwelling or to comply with the sales-price restriction contained in subparagraph (a) (4) of this section if his application for an exception from credit restrictions has been received by the Federal Housing Administration on or before November 20, 1951. If the eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to rent such dwelling, he is hereby further required to give advance notification in writing to such local office

of the FHA that he proposes to rent such dwelling, and thereafter, for a period of two years after such notification or after the completion of the dwelling, whichever is later, to publicly offer such dwelling for rent, for a period of at least thirty calendar days after its completion and for a period of at least thirty calendar days after it subsequently becomes vacant, to eligible defense workers (and only to eligible defense workers) unless the dwelling is sooner rented to such a worker.

(c) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(d) Written notifications required by this section to be given to the FHA shall be deemed to be given as of the date they are received by the Federal Housing Administration, or, if mailed, as of the date they are postmarked.

(e) Notwithstanding the requirement in section 16 of this regulation, as in effect on any earlier date, imposing certain obligations for a five-year period, any person affected by such five-year requirement or by like requirements in any form, certificate, or agreement entered into under this regulation, need comply with such obligations only during the time or times prescribed in this section for the circumstances involved.

SEC. 17. *Eligibility for purchase.* Except as otherwise provided in section 16 or section 20 of this regulation, no person other than an "eligible defense worker" as defined in paragraph (f) of section 7 of this regulation shall be eligible for purchase of a dwelling for which an exception from credit restrictions has been issued under the provisions of sections 13 through 17 of this regulation.

SPECIAL CREDIT EXCEPTIONS FOR PURCHASERS OF OTHER HOUSING

SEC. 18. *Approval of special credit exceptions.* In addition to the exceptions from credit restrictions approved on the application of builders in accordance with the preceding sections of this regulation, the Housing and Home Finance Agency may, under special circumstances in some areas, program or approve exceptions from credit restrictions for the purchase, by eligible defense workers, of housing which shall have been built in a critical defense housing area without such approved applications by builders. This will be limited to cases where the Housing and Home Finance Agency determines that the housing needs of such defense workers cannot otherwise be met within the time required and that such exceptions will not result in undue inflationary pressures upon the prices of existing housing in the area or in a material volume of other housing programmed for the area under this regulation being made available to persons other than defense workers.

SEC. 19. *Conditions and requirements.* Any relaxation of credit restrictions under the special circumstances referred to in section 18 shall be approved in accordance with such procedures and subject to such conditions and requirements as shall be determined by the Housing and Home Finance Agency to be consistent with the provisions of this regulation and announced for the critical defense housing area, and compliance with conditions and requirements imposed pursuant to this section is hereby required.

SPECIAL CREDIT EXCEPTIONS FOR PERSONS DISPLACED BY DEFENSE ACTIVITIES

SEC. 20. *Special credit exceptions for persons displaced by acquisition of land for defense purposes.* Whenever the Housing and Home Finance Administrator finds that the acquisition of real property in a critical defense housing area as herein defined for the use of a defense plant or installation, whether existing or proposed, has resulted or will result in the displacement of persons from their dwellings, whether owned or rented by them, the Housing and Home Finance Agency may, on the basis of such a finding, consider the housing needs of such persons, along with the housing needs of in-migrant defense workers and military personnel, in preparing the area program schedules referred to in section 5 of this regulation. For purposes of this section 20, a defense plant or installation means any existing or proposed plant or installation in an area for which the Housing and Home Finance Administrator has made the finding referred to in the preceding sentence, which plant or installation (a) appears on a "defense activity list"; or (b) is owned by, or operated by or on behalf of, a military department, the Atomic Energy Commission, or any other Federal department or agency directly, or indirectly and substantially, concerned with national defense; or (c) directly, or indirectly and substantially, serves (through manufacturing, mining, industrial processing of food or other products, transportation, power production, or public or municipal utility services) operations and activities of a military department, the Atomic Energy Commission, or any other Federal department or agency directly, or indirectly and substantially, concerned with national defense. Any person displaced from his home, whether owned or rented by him, as a result of the acquisition on and after June 27, 1950 (by purchase or condemnation) of real property in a critical defense housing area for the use of a defense plant or installation shall for all purposes of this regulation be treated as though he were an eligible defense worker except that with respect to any such person (and with respect to housing occupied or proposed to be occupied by any such person for which an exception from credit restrictions is granted under this regulation) any reference in this regulation to HHFA Form No. H–1054 (Certificate of Eligibility for Occupancy of Defense Housing under Relaxation of Credit Restrictions) shall be deemed to be a reference to HHFA Form No. H–1054–A.

The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

In the formulation of the aforegoing, consultation with industry representatives was impracticable because special circumstances, namely, that the foregoing was drafted to accomplish purely technical changes and to provide relaxations of earlier regulatory requirements including eligibility standards, caused such consultation to serve no material purpose.

This regulation, as herein amended, is effective as of the 18th day of July 1952.

[SEAL] B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

APPENDIX TO CR 3

NOTE: See paragraph (d) of sec. 7 of Regulation.

CRITICAL DEFENSE HOUSING AREAS

Area, Including Geographical Description and Date Designated

1 through 3.[1]

4. San Diego and Oceanside, California (that part of San Diego County west of the San Bernardino meridian), May 2, 1951.

5. Wright-Patterson Air Force Base, Dayton, Ohio. (All of Greene and Montgomery Counties; the Townships of Pike, German, Moorefield, Springfield, Greene, Mad River, Bethel, and the City of Springfield, in Clark County), August 11, 1951.

6. Solano County, California (Solano County), June 29, 1951.

7. Star Lake, New York (the towns of Fine and Clifton in St. Lawrence County), May 23, 1951.

8. Davenport, Iowa; Rock Island, East Moline and Moline, Illinois. Quad Cities (Rock Island County, Illinois, and Scott County, Iowa), June 29, 1951.

9. Lone Star, Texas, Area. (All of Camp and Morris Counties; Precincts 1, 2, and 8, including Hughes Springs, Linden, and Avinger, in Cass County; Precincts 1, 2, 3, and 6, including Jefferson City, in Marion County; Precincts 1, 4, 5, 6, and 7, including Mt. Pleasant, in Titus County; and Precincts 2, 6, and 8, including Ore City, in Upshur County), August 3, 1951.

10. Brazoria County, Texas (Brazoria County), July 3, 1951.

11. Norfolk-Portsmouth, Virginia (Norfolk and Princess Anne Counties and the independent cities of Norfolk, South Norfolk, and Portsmouth), August 11, 1951.

12. Newport News, Virginia (Elizabeth City, Warwick, and York Counties, and the independent cities of Newport News and Hampton), October 3, 1951.

13. Borger, Texas (Hutchison County), July 13, 1951.

14. Wichita, Kansas (Sedgewick County), July 25, 1951.

15. Colorado Springs, Colorado (El Paso County), May 8, 1951.

16. Camp Roberts-Camp Cooke, California (San Luis Obispo County; and judicial townships numbers 4, 5, 8, and 9 in Santa Barbara County), July 3, 1951.

17. Fort Leonard Wood, Rolla, Missouri (Laclede, Phelps and Pulaski Counties), May 23, 1951.

18. Tooele, Utah (that portion of Tooele County lying east of the Great Salt Lake Desert, and precinct 4 in Salt Lake County), July 3, 1951.

19. Las Cruces, New Mexico (precincts 2, 3, 4, 5, 6, 13, 15, 20, 21, 23, 25, 26, 28, and 29 in Dona Ana County, including Las Cruces

[1] Numbers 1 through 3 are reserved for the areas affected by the three Atomic Energy Commission installations of Savannah River (S. C. and Ga.), Paducah (Ky.) and the Idaho Reactor Testing Station (Idaho) for which exceptions from residential credit restrictions are governed by Regulation CR 2 of the Housing and Home Finance Agency. These areas are not affected by this Regulation CR 3.

town and such other villages as are included in such precincts), July 17, 1951.

20. Dover, Delaware (Kent County; and that portion of the city of Milford located in Sussex County), August 3, 1951.

21. Imperial County, California (townships 2 and 3 in Imperial County, including El Centro city and Imperial city), July 13, 1951.

22. Hanford-Kennewick-Pasco, Washington (Benton County; the precincts of Eltopia, Ringold, Fishook, Riverview, and all Pasco precincts in Franklin County; the principals of Burbank, Attalia, Wallula in Walla Walla County; the precincts of Beima, Byron, Mabton, Mabton Rural, North Grandview, South Grandview, Sunnyside 1, 2, 3, Sunnyside Rural 1, 2, 3, 4, Wanita and Wendell Phillips in Yakima County), July 3, 1951.

23. Bremerton, Washington (Kitsap County), June 8, 1951.

24. Patuxent, Maryland (St. Mary's County), August 3, 1951.

25. Valdosta, Georgia (all of Lowndes and Lanier Counties), June 20, 1951.

26. Camp Atterbury, Indiana, area. (The area consists of Bartholomew, Brown, Johnson, Morgan, Shelby and Jackson Counties; the Townships of Clay, Washington, Marion, San Creek and Jackson in Decatur County, all in Indiana), July 25, 1951.

27. Camp Lejeune, North Carolina (Onslow, Carteret, Craven and Jones Counties), August 3, 1951.

28. Sampson Air Force Base, New York (Seneca County; the towns of Geneva, Seneca, Phelps, Manchester, Canandaigua, Hopewell, Gorham, and the city of Geneva, all in Ontario County; the towns of Middlesex, Potter, Benton, Milo, and Torrey in Yates County; and the towns of Arcadia, Galen, Lyons, and Palmyra in Wayne County), August 11, 1951.

29. Florence-Killeen, Texas (Bell and Coryell Counties; and precincts 4 and 5 in Williamson County, including Florence town), August 3, 1951.

30. Mineral Wells-Weatherford, Texas (Palo Pinto and Parker Counties), July 17, 1951.

31. Huntsville, Alabama (Madison County), July 13, 1951.

32. Barstow, California, Area. (Barstow Township and the area within the United States Marine Corps Depot Military Reservation, all in San Bernardino County), July 3, 1951.

33. Lancaster, California (Antelope township in Los Angeles County, judicial township 11 in Kern County), August 11, 1951.

34. Alamogordo, New Mexico (precincts 1, 2, and 3, including Alamogordo town and Tularosa village in Otero County), July 17, 1951.

35. Indianapolis, Indiana (the counties of Marion, Hancock, and Hamilton), October 3, 1951.

36. Sanford, Florida (Seminole County), October 3, 1951.

37. Sidney, Nebraska (Cheyenne County), October 3, 1951.

38. Kingsville, Texas (precincts 1, 2, and 3, including Kingsville city in Kleberg County; precincts 1, 4, 6, and 7, including Alice City and Premont town in Jim Wells County; precincts 3, 4, 5, and 8, including Bishop town and Robstown city in Nueces County), October 3, 1951.

39. Wichita Falls, Texas (Wichita County), October 3, 1951.

40. Presque Isle—Limestone, Maine (the towns of Ashland, Caribou, Castle Hill, Easton, Fort Fairfield, Limestone, Mapleton, Mars Hill, Van Bureu, Washburn, Westfield, the Plantations of Caswell and Hamlin, and the city of Presque Isle, all in Aroostook County), October 3, 1951.

41. Bucks County (Bristol-Morrisville), Pennsylvania (the townships of Bensalem, Bristol, Falls, Middletown, Lower Makefield, Upper Makefield, Newton, Northampton, Wrightstown, the boroughs of Bristol, Newtown, Hulmeville, Langhorne, Langhorne Manor, South Langhorne, Morrisville, Penndel, Tulleytown, and Yardley, all in Bucks County), October 3, 1951.

42. Hartford, Connecticut (the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, and Windsor in Hartford County and the town of Bolton in Tolland County), October 23, 1951.

43. Camp Pickett, Virginia (Nottaway County, Lunenburg County, the districts of Red Oak, Sturgeon, and Totaro in Brunswick County, and the district of Darvills in Dinwiddie County), October 23, 1951.

44. Camp Polk, Louisiana (Vernon Parish and wards 2, 3, 4, 5, 7, and 8, including Merryville town and De Ridder city in Beauregard Parish), October 23, 1951.

45. Camp Breckinridge, Kentucky (Union and Henderson Counties), October 23, 1951.

46. Fort Dix, New Jersey (the townships of Bordentown, Burlington, Chesterfield, Cinnaminson, Delanco, Delran, Eastampton, Edgewater Park, Evesham, Florence, Hainesport, Lumberton, Mansfield, Mapleshade, Medford, Moorestown, Mount Holly, Mount Laurel, New Hanover, North Hanover, Pemberton, Riverside, Southampton, Springfield, Westampton and Willingboro, the cities of Beverly, Bordentown, and Burlington; and the boroughs of Fieldsboro, Medford Lakes, Palmyra, Pemberton, Rivertown, Wrightstown in Burlington County; the townships of Plumsted, Jackson, Lakewood, Brick, Manchester, Berkeley and Dover, and the boroughs of Lakehurst, South Toms River, Beachwood, Pine Beach, Ocean Gate, and Island Heights in Ocean County), October 23, 1951.

47. Camp Rucker, Alabama (Dale County, Coffee County, and Houston County), October 23, 1951.

48. Topeka, Kansas (Shawnee County), October 23, 1951.

49. Benton, Arkansas (Saline County), October 23, 1951.

50. Cocoa-Melbourne, Florida (Brevard County), October 23, 1951.

51. Babbitt, Minnesota (the townships of Argo, Morese, and township 61, ranges 12 and 13, inclusive, and including Ely City in St. Louis County), October 23, 1951.

52. Lorain, Ohio (Lorain County), October 23, 1951.

53. Rapid City-Sturgis, South Dakota township 1 north and township 2 north in ranges 7 east to 9 east, both inclusive, and township 1 south in ranges 7 and 8 east, including Rapid City in Pennington County; and that part of Meade County lying west of the Black Hills Guide Meridian), October 29, 1951.

54. Aberdeen, Maryland (Harford County), October 29, 1951.

55. Bainbridge-Elkton, Maryland (Cecil County), October 29, 1951.

56. Astoria, Oregon (the precincts of Alderbrook, Astoria 1 through 7, Astoria 9 through 17, Hammond, Warrentown, Gearheart, Clatsop, Lewis and Clark, Stanley Acres, and Seaside 1 through 4 all in Clatsop County), November 15, 1951.

57. Inyokern-Ridgecrest-China Lake, California (townships 1 and 10 in Kern County), November 15, 1951.

58. Braidwood (Joliet), Illinois (Will County and the village of Steger in Cook County), November 15, 1951.

59. Tucson, Arizona (districts 1 and 2 of Pima County, including Tucson city), November 15, 1951.

60. Mountain Home, Idaho (Mountain Home precincts 1 and 2, including the village of Mountain Home, in Elmore County), November 15, 1951.

61. Marysville-Yuba, California (Yuba County; the township of Yuba and the town of Yuba city in Sutter County; and the townships of Grass Valley and Nevada, and the cities of Grass Valley and Nevada City in Nevada County), November 15, 1951.

62. Fort Campbell, Kentucky (Christian County, Kentucky, and Montgomery County, Tennessee), November 15, 1951.

63. Fort Sill, Lawton, Oklahoma (Comanche County), November 15, 1951.

64. Camden-Shumaker, Arkansas (Ouachita and Calhoun Counties), November 15, 1951.

65. Camp Stewart, Georgia, Area (Long, Liberty, Tattnall, and Wayne Counties), November 15, 1951.

66. Fort Benning, Georgia, Chattahoochee and Muscogee Counties in Georgia, and precinct 1 in Russell County, Alabama), November 15, 1951.

67. Rantoul (Chanute Air Force Base), Illinois (Champaign and Vermilion Counties), November 15, 1951.

68. Indiantown Gap, Pennsylvania (county of Lebanon), November 15, 1951.

69. Fort Knox, Kentucky (magisterial districts 1, 4, 5, and 6 in Hardin County, magistrial districts 1, 2, 3, and 4 in Meade County, and magisterial districts 1 and 4 in Bullitt County), November 15, 1951.

70. Gulfport-Biloxi-Pascagoula, Mississippi (Jackson and Harrison Counties), November 15, 1951.

71. Alexandria, Louisiana (Parish of Rapides), November 15, 1951.

72. Lake Charles, Louisiana (Calcasieu Parish and wards 1 and 6 of Beauregard Parish), November 15, 1951.

73. Frederick, Maryland (County of Frederick), November 15, 1951.

74. Marietta, Georgia (County of Cobb), November 15, 1951.

75. Fort Bragg, North Carolina (Cumberland and Hoke Counties), November 15, 1951.

76. Fort Meade-Laurel, Maryland (districts 10 and 14 in Prince Georges County and districts 4 and 5 in Anne Arundel County), November 15, 1951.

77. Anniston, Alabama (Calhoun County), November 16, 1951.

78. Pensacola, Florida (Escambia and Santa Rosa Counties), November 16, 1951.

79. Bryan, Texas (Brazos County), November 16, 1951.

80. Key West, Florida (Monroe County), November 16, 1951.

81. Allentown-Bethlehem, Pennsylvania (Northampton and Lehigh Counties in Pennsylvania; and the townships of Greenwich, Lopatcong, Pahatcong, the borough of Alpha and the township of Philipsburg in Warren County, New Jersey), November 16, 1951.

82. New London, Connecticut, Area. (The towns of East Lyme, Goton, Ledyard, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Salem, Stonington and Waterford in New London County), December 7, 1951.

83. Whidbey Island, Washington (Island County; and the election precincts of Conway, Dewey, Fidalgo, Fir, Harmony, Milltown, Mount Vernon 1 through 9 inclusive, North Avon, North La Conner, South Avon, South La Conner, Swinomish, and Whitney, and the city of Anacortes, in Skagit County), December 7, 1951.

84. Tullahoma, Tennessee (Bedford, Coffee, Franklin, and Moore Counties), June 20, 1951.

85. San Marcos, Texas (Caldwell, Comal, Guadalupe, and Hayes Counties), June 8, 1951.

86. Othello, Washington (Othello election precinct in Adams County), August 11, 1951.

87. Corona, California (the township of Temescal and Corona City in Riverside County), May 8, 1951.

88. Camp McCoy, Wisconsin (Monroe County), December 7, 1951.

89. Pine Bluff, Arkansas (Jefferson County), December 7, 1951.

90. Bridgeport, Connecticut (the towns of Bridgeport, Easton, Fairfield, Monroe, Strat-

ford and Trumbull in Fairfield County; and the town of Milford in New Haven County), December 7, 1951.

91. Chincoteague, Virginia (Accomac County, Virginia; and election districts 1 and 8 in Worcester County, Maryland), December 7, 1951.

92. Dover-Danville, New Jersey (Morris County), December 7, 1951.

93. Clovis-Portales, New Mexico (Curry County; and election precincts 1, 3, 7, and 13 in Roosevelt County), December 7, 1951.

94. Monterey-Fort Ord, California (the townships of Alisal, Castorville, Gonzales, Monterey, Pacific Grove and Pajaro, including the cities of Carmel, Monterey, Pacific Grove and Salinas, in Monterey County; and the township and city of Watsonville in Santa Cruz County; and the townships of Hollister and San Juan, including the cities of Hollister and San Juan, in San Benito County), December 7, 1951.

95. Hondo, Texas (Medina County), December 7, 1951.

96. La Porte, Indiana (La Porte and Starke Counties), December 7, 1951.

97. Bainbridge, Georgia (Decatur County), December 7, 1951.

98. Carlsbad-Artesia, New Mexico (Eddy County), December 7, 1951.

99. Oxnard-Fort Hueneme, California (Ventura County), December 7, 1951.

100. Pleasanton-Livermore-Haywood, California (the townships of Eden, Murray and Pleasanton, including the cities of Haywood, Livermore, Pleasanton and San Leandro, all in Alameda County), December 7, 1951.

101. Pittsburg, Camp Stoneman, California (townships 5, 6, 8, 9, 13, 16, and 17, including the cities of Antioch, Concord, and Pittsburg, all in Contra Costa County), December 7, 1951.

102. Parris Island, South Carolina, Area (Beaufort County and that part of the town of Yemassee in Hampton County), December 28, 1951.

103. Herlong, California, Area (the township of Honey Lake in Lassen County), December 28, 1951.

104. Brunswick, Maine, Area (Sagadahoc County; and the towns of Brunswick, Freeport, and Harpswell, all in Cumberland County), December 28, 1951.

105. Pioche, Nevada, Area (the townships of Pioche, Caliente, and Panaca in Lincoln County), December 28, 1951.

106. Umatilla-Hermiston, Oregon, Area, (Precincts 28, 29, 30, 31, 32, 32-A, 33, 33-A, 34, 37, 38, and 41, including the Cities of Stanfield, Hermiston, Umatilla and Echo, all in Umatilla County), December 28, 1951.

107. Big Spring, Texas, Area (all of Howard County), December 28, 1951.

108. Utica-Rome, New York, Area (Oneida County; and the towns of Schuyler, Frankfort, Litchfield and Newport in Herkimer County), December 28, 1951.

109. Winter Harbor, Maine, Area (the towns of Gouldsboro and Winter Harbor in Hancock County), December 28, 1951.

110. Hawthorne, Nevada, Area (Hawthorne Township in Mineral County), December 28, 1951.

111. Ishpeming-Negaunee, Michigan, Area (the townships of Ishpeming, Negaunee, Humbolt, Tilden, Ely and Richmond, and the cities of Ishpeming and Negaunee, all in Marquette County), December 28, 1951.

112. Palatka, Florida, Area (Putnam County in northeastern Florida), December 28, 1951.

113. Soda Springs, Idaho, Area (the precincts of Grace Springs 1 and 2, and Soda Springs, all in Caribou County), December 28, 1951.

114. Fort Huachuca, Arizona, Area (District 1, including the cities of Bisbee and Tombstone, in Cochise County), December 28, 1951.

115. Salina Kansas, Area (Saline County), December 28, 1951.

116. Quantico, Virginia, Area (Prince William and Stafford Counties and the independent city of Fredericksburg), December 28, 1951.

117. Kinston, North Carolina, Area (Lenoir County), December 28, 1951.

118. Green Cove Springs, Florida, Area (Clay County), December 28, 1951.

119. Victoria, Texas, Area (Victoria County), December 28, 1951.

120. Flagstaff, Arizona, Area (that part of supervisorial district 1 south of 36° latitude and that part of supervisorial district 2 north of 35° latitude, in Coconino County), January 16, 1952.

121. Yuma, Arizona, Area (that part of Yuma County, Arizona, lying west of 114° longitude and south of 33° latitude), January 16, 1952.

122. Edgemont, South Dakota, Area (the townships of Craven, Cottonwood, Dudley, Plain and Provo, in Fall River County), January 16, 1952.

123. Knob Noster (Sedalia Air Force Base), Missouri, Area. (Johnson County; Pettis County; and the Township of Windsor and the City of Windsor in Henry County), January 16, 1952.

124. Victorville, California, Area (Victor Township, including the town of Victorville, and Oro Grande Township, all in San Bernardino County), January 16, 1952.

125. Midland, Pennsylvania, Area. ((1) That part of Beaver County north and east of the Ohio River, except the following: the townships of Economy and Harmony, the boroughs of Ambridge, Baden and Conway and that portion of the borough of Ellwood City which lies within Beaver County; and (2) the townships of Potter and Center and the borough of Monaca, Beaver County), January 16, 1952.

126. Great Falls, Montana, Area (school districts 1, 5, 8, 9, 10, 17, 24, 25, 29, 48, 50, 52, 71, 72, 73, 74, 85, and 93, including the cities of Great Falls and Belt, all in Cascade County), January 16, 1952.

127. Port Townsend, Washington, Area (the precincts of Center, Chimacum, Coyle, Gardiner, Hadlock, Irondale, Leland, Nordland, Port Discovery, Port Ludlow, Quilcene, Tarboo, Woodman, and all of Port Townsend precincts, in Jefferson County), January 16, 1952.

128. Anaconda, Montana, Area (all of Deer Lodge County), January 16, 1952.

129. Reno, Nevada, Area (the townships of Reno, Sparks, and Verdi, including the cities of Reno and Sparks, all in Washoe County), January 16, 1952.

130. Monmouth County, New Jersey, Area (all of Monmouth County, except the boroughs of Allentown and Roosevelt and the townships of Upper Freehold and Millstone), January 16, 1952.

131. Moultrie, Georgia, Area (Colquitt County in south central Georgia), January 16, 1952.

132. Dahlgren, Virginia, Area (all of King George County and the Washington magisterial district of Westmoreland County), January 30, 1952.

133. Ardmore, Oklahoma, Area (all of Carter County), January 30, 1952.

134. Eglin Air Force Base, Florida (Okaloosa County), January 30, 1952.

135. Townsville, North Carolina, Area (Townsville township, Vance County), January 30, 1952.

136. Wenatchee, Washington (the election precincts of Appleyard, Canyon, Lewis and Clark, Lincoln, Malaga, Millendale, Monitor, Sunny Slope, Suburban, and all Wenatchee City election precincts, in Chelan County; and the election precincts of Cascade, East Wenatchee, Highline, Majestic, North Bridge, Rock Island, South Bridge and Valley in Douglas County), January 30, 1952.

137. Sumter, South Carolina, Area (Sumter County), January 30, 1952.

138. Brady, Texas Area (all of McCulloch County), January 30, 1952.

139. Warner Robins, Georgia, Area (Houston County), January 30, 1952.

140. Baraboo, Wisconsin, Area (Sauk County; and the towns of Arlington, Caledonia, Dekorra, Fort Winnebago, Lewiston, Lodi, Newport, West Point, Pacific and the cities of Lodi, Portage and Wisconsin Dells and the village of Poynette, in Columbia County), January 30, 1952.

141. Trona, California, Area. (Trona Township, including the towns of Trona and West End, San Bernardino County), February 14, 1952.

142. Smyrna, Tennessee, Area. (Districts 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 16, 17, 19, 21, 22, all in Rutherford County including the Cities of Murfreesboro and Smyrna), February 14, 1952.

143. Altus, Oklahoma, Area. (All of Jackson County) February 27, 1952.

144. Rockdale, Texas, Area. (All of the County of Milam), March 15, 1952.

145. Parsons, Kansas, Area. (All of Labette County), March 15, 1952.

146. Arlington, Washington, Area. (Census Divisions 2 and 3 in Snohomish County), March 15, 1952.

147. Charleston, South Carolina, Area (The Townships of Christ Church, First St. James Goose Creek, Folly Island, James Island, Johns Island, St. Andrews, St. Michael and St. Philip, St. Paul, Second St. James Goose Creek, Sullivans Island and Wadmalow, the City of Charleston and the towns of Mount Pleasant, Hollywood, Meggett, Ravenel and Lincolnville in Charleston County; the Townships of St. Denniss and St. Thomas, and Second St. James Goose Creek in Berkeley County; the Townships of Collins and Dorchester, and the Town of Summerville and the unincorporated community of Pinehurst-Sheppard Park in Dorchester County), March 15, 1952.

148. Orlando, Florida, Area. (Orange County, and Commissioner's Districts 2 and 3 in Osceola County, including the City of Kissimmee), March 15, 1952.

149. Bedford, Massachusetts, Area. (The Towns of Bedford, Billerica, Burlington, Carlisle, Concord, Lexington and Lincoln and the Cities of Waltham and Woburn in Middlesex County), March 15, 1952.

150. Del Rio, Texas, Area. (Justice precinct 1 in Val Verde County), March 15, 1952.

151. Cobalt, Idaho, Area. (The Election Precinct of Forney, including the town of Cobalt in Lemhi County), March 15, 1952.

152. Newport, Rhode Island, Area. (The City of Newport and the Towns of Middletown, Portsmouth and Tiverton, all in Newport County), March 15, 1952.

153. Oscoda, Michigan, Area. (The Townships of Au Sable and Oscoda in Iosco County), March 15, 1952.

154. Indian Head, Maryland, Area. (Charles County), March 15, 1952.

155. Gary-Hammond-East Chicago, Indiana. (All of Lake County, Indiana, except the Townships of Cedar Creek, Eagle Creek and West Creek), March 15, 1952.

156. Lawrence-Olathe, Kansas, Area (Douglas County, including the Cities of Baldwin, Eudora and Lawrence; the Townships of Olathe, Monticello, Spring Hill, Gardner, McCamish and Lexington, including the Cities of DeSoto, Edgerton, Gardner, Olathe and Spring Hill, all in Johnson County, and the City of Bonner Springs, and Delaware Township, including the City of Edwardsville, in Wyandotte County), March 15, 1952.

157. Laredo Air Force Base, Texas, Area. (That portion of Webb County within a 10-mile radius of the Administration Building of the Laredo Air Force Base, including the City of Laredo), March 29, 1952.

158. Port Lavaca, Texas, Area. (All of Calhoun County), March 29, 1952.

159. Yerington, Nevada, Area. (Mason Valley Township including Yerington City, in Lyon County), March 29, 1952.

160. Williamsport, Pennsylvania, Area. (The townships of Anthony, Armstrong, Bastress, Brady, Clinton, Eldred, Fairfield, Hepburn, Limestone, Loyalsock, Lycoming, Mifflin, Mill Creek, Muncy, Muncy Creek, Nippenose, Old Lycoming, Piatt, Porter, Susquehanna, Upper Fairfield, Washington, Watson, Wolf and Woodward; also the borough of Duboistown, Hughesville, Jersey Shore, Montgomery, Montoursville, Muncy, Picture Rocks, Salladasburg, and South Williamsport; and the city of Williamsport, all in Lycoming County), March 29, 1952.

161. New Brunswick-Perth Amboy, New Jersey, Area. (The townships of Piscataway, Raritan, Woodbridge, East Brunswick and North Brunswick; the boroughs of Dunellen, South Plainfield, Middlesex, Matuchen, Highland Park, Carteret, South River, Milltown, and Sayreville; the cities of Perth Amboy, New Brunswick, and South Amboy, all in Middlesex County), March 29, 1952.

162. Bangor, Maine, Area. (The cities of Bangor and Brewer, the town of Orono including the unincorporated community of Orono; also the town of Veazie, all in Penobscot County), March 29, 1952.

163. Harlingen, Texas, Area. (Justice Precincts 3, 4, 6 and 7 in Cameron County, and Justice Precinct 1 in Hidalgo County), April 23, 1952.

164. Cascade, Idaho, Area. (The precincts of Cascade and Alpha in Valley County), April 23, 1952.

165. Condon, Oregon, Area. (The election precincts of East Condon and West Condon, including the city of Condon, in Gilliam County), April 23, 1952.

166. Fremont-Wahoo, Nebraska, Area. (Saunders County; and the Townships of Cotterell, Elkhorn, Maple, Nickerson, Platt, and Union, including the Village of Nickerson and the City of Fremont, in Dodge County), May 8, 1952.

167. Ely, Nevada, Area. (Ely Township, White Pine County), May 8, 1952.

168. Ephrata-Moses Lake, Washington. (Census Divisions 6, 7, 10, 11, and 12 in Grant County), May 8, 1952.

169. Farmington, New Mexico, Area. (The County of San Juan), May 8, 1952.

170. Bridgeport, Washington, Area. (Census Division 2, including the Town of Bridgeport in Douglas County; and Census Division 8, including the Towns of Brewster and Pateros in Okanogan County), May 8, 1952.

171. Republic-Curlew, Washington, Area. (Census County Divisions 2 and 3, including the unincorporated village of Curlew and the Town of Republic in Ferry County), May 8, 1952.

172. Sioux City, Iowa, Area. (Sioux City and the Townships of Woodbury and Liberty all in Woodbury County), May 22, 1952.

173. Lea County, New Mexico, Area (Lea County), May 22, 1952.

174. Poughkeepsie, New York, Area. (The City of Poughkeepsie and the Towns of Poughkeepsie, Hyde Park, Pleasant Valley, La Grange, Wappinger, and East Fishkill, all in Dutchess County), June 14, 1952.

175. Grosse Ile, Michigan, Area. (The Island of Grosse Ile in the Detroit River, Wayne County), June 14, 1952.

176. Bagdad, Arizona, Area. (That part of Supervisorial District 2 lying west of 113° longitude, in Yavapai County), June 14, 1952.

177. Milan, Tennessee, Area. (Carroll, Gibson and Madison Counties), June 14, 1952.

178. Portsmouth, New Hampshire-Kittery, Maine, Area. (Strafford County; the Towns of Brookfield and Wakefield in Carroll County; the Town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham, in Rockingham County, all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine), June 28, 1952.

179. Williston, North Dakota, Area. (Williams County and that part of McKenzie County north of the south line of Township 150, all in North Dakota), June 28, 1952.

180. Reedsport, Oregon, Area. (The Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport and West Reedsport, including the City of Reedsport, all in Douglas County), June 28, 1952.

181. Butte, Montana, Area. (The area consists of Silver Bow County, Montana), July 18, 1952.

182. Roseburg, Oregon, Area. (Precincts of Brown, Edenbower East 1 and 2, Edenbower West 1 and 2, Garden Valley, Green, Mill, Parrott and Wilbur, including the City of Roseburg, all in Douglas County), July 18, 1952.

183. Twenty-nine Palms, California, Area. (All of the Township of Twenty-nine Palms in San Bernardino County), July 18, 1952.

184. Coos Bay-Coquille, Oregon, Area. (Election Precincts 1, 2, 3, 4, 7 through 22, 24, 25, 29, 30, 31, 33, 34, 38, 40, 41, 44, 47, 50, and 59, including the Cities of Coos Bay, North Bend, Empire, Eastside and Coquille; all in Coos County), July 18, 1952.

185. Waverly-Camden, Tennessee, Area. (Benton and Humphreys Counties), July 18, 1952.

186. Corning-Painted Post, New York Area. (The towns of Thurston, Campbell, Hornby, Rathbone, Addison, Erwin, Corning, Woodhull, Tuscarora, Lindley and Caton, the City of Corning and the Villages of Painted Post, Woodhull, Addison, Riverside and South Corning, all in Steuben County, New York), July 18, 1952.

[F. R. Doc. 52-7915; Filed, July 17, 1952; 8:53 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 64 to Schedule A]

[Rent Regulation 2, Amdt. 62 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 17, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense rental area under regulation	Maximum rent date	Effective date of regulation
Indiana				
(97) Columbus	R	Bartholomew	Mar. 1, 1942	Sept. 1, 1942
	R	Jackson	do	Dec. 1, 1942
	C	Bartholomew and Jackson	Aug. 1, 1950	Oct. 15, 1951
	A	Brown, Johnson and Shelby	do	Do.
	A	Morgan	Jan. 1, 1952	July 17, 1952

[F. R. Doc. 52-7913; Filed, July 16, 1952; 9:00 a. m.]

[Rent Regulation 3, Amdt 72 to Schedule A]

[Rent Regulation 4, Amdt. 16 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

INDIANA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective July 17, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of July 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(97) Columbus, Ind.	Indiana	Bartholomew, Brown, Jackson, Johnson and Shelby.	Aug. 1, 1950	Oct. 15, 1951
		Morgan	Jan. 1, 1952	July 17, 1952

[F. R. Doc. 52-7914; Filed, July 16, 1952; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

SAN FRANCISCO BAY, CALIF.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471) § 202.224 is hereby amended by redesignating Anchorage No. 1 (Temporary) as Anchorage No. 1 (General) and Anchorage No. 7 (General) as Anchorage No. 7 (Temporary) and modifying the limits of Anchorage No. 1 (General) by the elimination of the northerly portion of the area and the establishment of a 1000-foot wide cable area extending bayward from the foot of Fillmore Street, and enlargement of Anchorage No. 7 (Temporary) as follows:

§ 202.224 *San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, San Joaquin River, and connecting waters, Calif.*—(a) *San Francisco Bay*—(1) *Anchorage No. 1 (General).* (i) That portion of San Francisco Bay bounded by the north shore of the City of San Francisco and lines joining points which are the following bearings and distances from Alcatraz Island Light: 201° 40', 2,670 yards; 220° 20', 1,800 yards; 251°, 4,210 yards; 234° 30', 4,410 yards.

(ii) All of this area is a general anchorage with the exception of a 1,000-foot wide cable area, the center line of which extends due north through the anchorage area from a point on the sea wall of the Marina Park, in line with the west curb line of Fillmore Street, San Francisco, within which cable area vessels will not be allowed to anchor.

• • • • • •

(7) *Anchorage No. 7 (Temporary).* (i) That portion of San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly corner of Treasure Island at a point bearing 89°, 4,135 yards, from Alcatraz Island Light; thence to points which are the following bearings and distances from Alcatraz Island Light: 73° 30' 3,100 yards, 117° 40', 2,087 yards; 122° 30', 3,730 yards; 101° 40', 4,783 yards.

(ii) This anchorage is a temporary anchorage reserved for the use of vessels entering port while undergoing examination by quarantine, customs, immigration, Coast Guard, and other Government authorities. Upon completion of these examinations, vessels shall promptly move out of this anchorage.

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(38 Stat. 1053; 33 U. S. C. 411) [Regs., July 1, 1952, 800.212-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7918; Filed, July 17, 1952; 8:55 a. m.]

PART 203—BRIDGE REGULATIONS

MOBILE RIVER AND CHICKASAW CREEK, ALA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.491, prescribing special sound signals to govern passage through the Alabama State Highway bridge across Mobile River and the Louisville and Nashville Railroad bridge across Chickasaw Creek at Mobile, Alabama, is prescribed as follows:

§ 203.491 *Mobile River and Chickasaw Creek, Ala.; Alabama State Highway bridge across Mobile River and Louisville and Nashville Railroad Company bridge across Chickasaw Creek at Mobile, Alabama*—(a) *Sound signals for vessels.* (1) For vessels proceeding up or down Mobile River and requiring an opening of the highway bridge only, the vessel will give a signal of three long blasts.

(2) For vessels coming down Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of the railroad bridge, the vessel will give a signal of one long blast, followed after a one minute interval by three long blasts.

(3) For vessels coming up Mobile River and intending to proceed up Chickasaw Creek, requiring an opening of both bridges, the vessel will give a signal of three long blasts, a one minute interval, and one long blast followed by three long blasts.

(4) The owners of or agencies controlling the bridges shall keep a legible copy of these regulations posted conspicuously on both the upstream and downstream sides of the bridges.

(28 Stat. 362; 33 U. S. C. 499) [Regs., June 27, 1952, 823.01-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7920; Filed, July 17, 1952; 8:55 a. m.]

PART 207—NAVIGATION REGULATIONS

MISSISSIPPI RIVER

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and section 5 of the River and Harbor Act of March 3, 1909 (35 Stat. 818; 33 U. S. C. 2), § 207.200 governing navigation of the Mississippi River below the mouth of the Ohio River, including South and Southwest Passes, is amended by changing in subparagraph (c) (1) the stages for the operation of the high water traffic control lights, by a redesignation of subparagraphs (c) (4) and (5) as subparagraphs (c) (5) and (6), and the addition of subparagraph (c) (4) concerning minor changes in the river stages, and amending subparagraph (d) (1) by increasing the safety distance required before a ship may enter either South or Southwest Passes from the Gulf of Mexico, as follows:

§ 207.200 *Mississippi River below mouth of Ohio River, including South and Southwest Passes; use, administration, and navigation.* • • •

(c) *Movement of vessels in vicinity of Algiers Point, New Orleans Harbor*—(1) *Control lights.* When the Mississippi River reaches 10 feet on the Carrollton Gage on a rising stage, and until the gage reads 12 feet on a falling stage, the movement of all tugs with tows and all ships, whether under their own power or in tow, and excluding tugs or towboats without tows or river craft of comparable size and maneuverability operating under their own power, in the vicinity of Algiers Point shall be governed by red and green lights designated and located as follows: Governor Nicholls Light located on the left descending bank at the downstream end of Governor Nicholls Street Wharf, New Orleans, approximately 94.4 miles above Head of Passes; and Gretna Light located on the right descending bank on top of the levee at the foot of Ocean Avenue, Gretna, approximately 96.6 miles above Head of Passes. Governor Nicholls Light has lights visible from both upstream and downstream, and Gretna Light has lights visible from upstream, all indicating by proper color the direction of traffic around Algiers Point. From downstream, Gretna Light always shows green. All lights oscillate through 60 degrees, sweeping the entire width of the river every five seconds. A green light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is clear and the vessel may proceed. A red light displayed ahead of a vessel (in the direction of travel) indicates that Algiers Point is not clear and the vessel shall not proceed. Absence of lights shall be considered a danger signal and no attempt shall be made to navigate through the restricted area.

• • • • • •

(4) *Minor changes.* The District Engineer is authorized to waive operation or suspension of the lights whenever prospective river stages make it appear that the operation or suspension will be required for only a brief period of time or when river stages will rise or fall below the critical stage which is established for operation or suspension by only a few tenths on the Carrollton Gage.

(5) *Underpowered vessels.* • • •

(6) *Towing.* • • •

(d) *Navigation of South and Southwest Passes.* (1) No vessel, except tugs, all craft and towboats and tugs without tows, shall enter either South Pass or Southwest Pass from the Gulf until after any descending vessel which has approached within two and one-half (2½) miles of the outer end of the jetties and visible to the ascending vessel shall have passed to sea.

• • • • • •

(35 Stat. 818, 40 Stat. 266; 33 U. S. C. 1, 2) [Regs., June 27, 1952, 800.211-ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7919; Filed, July 17, 1952; 8:55 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.229 *Ceylon* amend paragraph (a) (4) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.69 for first two ounces and $0.49 for each additional two ounces or fraction."

b. In § 127.258 *French settlements in India (Chandernagore, Karikal Mahe, Pondichery and Yanaon)* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.65 for first two ounces and $0.45 for each additional two ounces or fraction."

c. In § 127.298 *Madeira Islands* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.44 for first two ounces and $0.24 for each additional two ounces or fraction."

d. In § 127.306 *Morocco (French)* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.47 for first two ounces and $0.27 for each additional two ounces or fraction."

e. In § 127.333 *Portuguese East Africa (Mozambique)* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.69 for first two ounces and $0.49 for each additional two ounces or fraction."

f. In § 127.334 *Portuguese India* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.65 for first two ounces and $0.45 for each additional two ounces or fraction."

g. In § 127.336 *Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince's Island)* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards to Angola only, $0.63 for first two ounces and $0.43 for each additional two ounces or fraction."

h. In § 127.348 *Saudi Arabia (Kingdom of)* amend paragraph (a) (5) by adding the following sentence: "Postage rates for articles in the Postal Union (regular) mails other than letters, letter packages, and post cards, $0.60 for first two ounces and $0.40 for each additional two ounces or fraction."

i. In § 127.76 *Group shipments* amend paragraph (b) by deleting "Indonesia (limited to three parcels)" from the list of countries therein.

j. In § 127.278a *Indonesia (Bali, Banka, Billiton, Netherlands Borneo, Celebes, Java, Little Soenda (Sunda), Madoera, Moluccas (Moloques), Rhio (Rioux), Sumatra, and Netherlands Timor)* make the following changes:

1. Amend the section headnote to read as follows:

§ 127.278a *Indonesia (Alor Is., Amboina, Aru Is., Babar, Bali, Banda, Banka, Batjan, Bawean, Bengkalis, Billiton, Bintan, Borneo (Kalimantan), Bura, Buton, Celebes (Sulawesi), Ceram, Flores, Geser, Halmahaira, Java (Djawa), Kai Is., Kalimantan (Borneo), Kangean, Karimun, Kisar, Kundur, Laut, Lombok, Madura, Morotai, Muna, Roti, Salajar, Salibabu, Sambu, Sangir Is., Saparua, Sapudi, Siantan, Siau, Singkep, Sula Is., Sulawesi (Celebes), Sumatra, Sumba, Sumbawa, Tanimbar Is., Tarakan, Tebingtinggi, Ternate, Timor (formerly Netherlands Timor), and Weh).*

2. Delete subparagraph (7) of paragraph (a).

3. Amend subparagraph (8) (ii) of paragraph (a) to read as follows:

(ii) Parasites and predators of harmful insects intended for the control of such insects are admitted only if addressed to the Chief of the Phyto-pathological Institute at Bogor.

4. In paragraph (b) (1) strike out the item "Group shipments: Limited to three parcels." in the tabulated information following the parcel-post rates and insert in lieu thereof "Group shipments: No.".

5. Amend paragraph (b) (5) to read as follows:

(5) *Observations.* (i) Service is restricted to gift parcels.

(ii) The customs declarations must show both the gross and the net weight. In the case of foodstuffs, etc., the gross weight of the whole parcel and the net weight of each kind of merchandise must be indicated.

(iii) Addressees in Indonesia are required to obtain import licenses for all gift parcels exceeding 40 gold francs (about $13) in value. Addressees are also required to obtain special authorization to receive gift parcels which contain any articles which are considered as luxury items by the Indonesian authorities.

6. Amend subdivision (ii) of paragraph (b) (6) to read as follows:

(ii) *For sanitary reasons.* Dry white lead is admitted only for scientific or professional use, or if specially authorized by the President of Indonesia.

7. Add the following paragraph to paragraph (b) (6) (iv):

(c) Sarongs and all cloth bearing batik designs.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-7926; Filed, July 17, 1952; 8:57 a. m.]

PROPOSED RULE MAKING

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

SOLICITATION OF PROXIES

PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the following proposal for the amendment of its proxy rules under the Securities Exchange Act of 1934.

It is proposed to amend Schedule 14A of the proxy rules by adding thereto a new item calling for information as to the previous vote on any proposal to be acted upon which has been submitted to a record vote of security holders within the past three years. The purpose of the new item would be to inform security holders as to the total number of votes for or against each such proposal and the number of such votes represented by proxy ballots not marked by security holders.

The text of the proposed new item reads as follows:

Item 22. Vote on proposals previously submitted. If the solicitation is to be made on behalf of the management, furnish the following information as to any proposal to be acted upon, other than the election of directors, if substantially the same proposal has been submitted to a vote of security holders within three years prior to the meeting for which proxies are to be solicited:

(a) The total number of affirmative votes and the total number of negative votes cast in regard to such proposal at the time of its

latest previous submission to a vote of security holders; and

(b) The number of such affirmative votes and the number of such negative votes cast pursuant to proxies in which security holders did not specify a choice either for or against such proposal.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before August 11, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JULY 10, 1952.

[F. R. Doc. 52-7886; Filed, July 17, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

NEW HOLLAND SALES STABLES

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the New Holland Sales Stables, New Holland, Pennsylvania, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 14th day of July 1952.

[SEAL] H. E. REED, *Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 52-7927; Filed, July 17, 1952; 8:57 a. m.]

[7 CFR Part 910]

FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the Administrative Committee, established pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910) regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla and Saguache Counties in Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 910.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to Marketing Agreement No. 67 and Order No. 10, as amended, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, as amended during the fiscal year ending May 31, 1953, will amount to $2,000.00.

(b) The rate of assessment to be paid by each handler who first ships fresh peas or cauliflower shall be one-half of one cent ($0.005) per bushel of peas or per crate of cauliflower, or the respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal year; and

(3) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 14th day of July 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-7888; Filed, July 17, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regs. Draft Release No. 55]

AIR TAXI OPERATORS; OPERATIONS OVER CERTIFICATED HELICOPTER ROUTES

NOTICE OF PROPOSED RULE MAKING

JULY 14, 1952.

By petition filed with the Board on June 12, 1952, the National Air Taxi Conference, on behalf of seventy-two air taxi operators engaged in air taxi service, has requested the Board to initiate rule-making proceedings looking to the repeal of paragraph (d) of § 298.7 of the Economic Regulations or to the amendment of Part 298 insofar as it currently prohibits irregular air taxi service between points served through helicopter passenger service. Section 298.7 (d) now provides in substance that no service whatever shall be offered or performed by an air taxi operator between any two points between which scheduled helicopter passenger service is provided by the holder of a certificate of public convenience and necessity authorizing such service. Repeal of § 298.7 (d) without more would authorize regular services by air taxi operators between such points.

Section 4 (d) of the Administrative Procedure Act requires the Board to accord to any interested person the right to petition for the issuance, amendment or repeal of a rule, and the Board's Procedural Regulation 302.38 makes provision for such petition. The Board believes that the petition of the National Air Taxi Conference discloses sufficient reasons in support thereof to justify the institution of public rule-making procedures on such petition and an examination de nova of the extent to which operations by air taxi operators between points also served by certificated helicopter operations should be permitted. Accordingly, notice is hereby given that the Board will consider the promulgation of an amendment to Part 298 of the Economic Regulations (14 CFR 298.7), the effect of which, if adopted, would be to grant the relief requested, either in whole or in part. Although no specific proposal for amendment, other than the complete deletion of § 298.7 (d) was made by petitioners, the Board considers that the issues involved in this rule-making proceeding are whether air taxi operators as a class should be permitted to operate, without restriction as to number, flights between points between which certificated helicopter service is rendered, or whether such operations should be permitted upon an infrequent and irregular basis or be otherwise limited, restricted or conditioned, or whether such operations should be entirely prohibited.

Interested persons may participate in the proposed rule-making through the submission of three copies of written data, views, or arguments pertaining thereto, addressed to the Secretary, Civil Aeronautics Board, Washington, D. C. All relevant matter received on or before August 18, 1952, will be considered by the Board before taking action on the proposed rule.

Meanwhile, by special regulation issued concurrently herewith the Board has authorized continuance of irregular operations by air taxi operators between points served for passengers by certificated helicopter service to the same extent as would have been permitted by small irregular operators under Part 291.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52 7925; Filed, July 17, 1952; 8:57 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS

REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Oklahoma, in alphabetical order, add the county "Choctaw."

In Schedule B, under Oklahoma, delete the county "Choctaw."

(Sec. 3, Pub Law 769, 81st Cong.)

Done at Washington, D. C., this 17th day of July 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-7970; Filed, July 17, 1952; 11:32 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COASTWISE LINE AND NORTHERN COMMERCIAL CO.

NOTICE OF APPROVAL OF AGREEMENT BY THE BOARD

Notice is hereby given that the Board by order dated July 10, 1952, approved the following described agreement pursuant to section 15 of the Shipping Act, 1916, as amended.

Agreement No. 7858 between Coastwise Line and Northern Commercial Company covers the transportation of cargo under through bills of lading between Seattle and Tacoma, Washington, and Kotlik, Hamilton, Mountain Village, Pilot Station, Pitkas Point, Marshall, Fortuna Ledge, Kwiguk, Alakanok and Saltery, Alaska, with transhipment at St. Michael (anchorage).

Interested parties may obtain copies of this agreement at the Regulation Office, Federal Maritime Board, Washington, D. C.

Dated: July 15, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-7916; Filed, July 17, 1952; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5142]

BRANIFF AIRWAYS, INC.; FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 28, 1952, at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 15, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-7887; Filed, July 17, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 20]

MASSINGILL-PAPALOTE FIELD, BEE COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Massingill-Papalote Field, Bee County, District II, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Massingill-Papalote Field, Bee County, District II, Texas. The two wells comprising this field were reperforated in the same zone and the subsequent production is Refugio Heavy type crude. This crude petroleum is now sold at a lower price than that paid for crude petroleum of comparable quality produced in the same general area. Due to this change in the type of crude, this differential should no longer be imposed.

From the information available to this Office, it appears that the adjusted price will be in line with the ceiling price of comparable Refugio type crude petroleum produced in this same area. This price is $2.90 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40 degrees.

Special provisions: For the reasons set forth in the statement of considerations and pursuant to the provisions of Section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for Refugio crude petroleum produced from the Massingill-Papalote Field, Bee County, Texas shall be: $2.90 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40 degrees.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on July 10, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

JULY 9, 1952.

[F. R. Doc. 52-7669; Filed, July 9, 1952; 4:40 p. m.]

[Ceiling Price Regulation 61, Supplementary Regulation 3, Special Order No. 1]

PRODUCED BY WESTERN SULPHUR INDUSTRIES, INC.

CEILING PRICES FOR EXPORT SALES AND SALES FOR EXPORT OF SULPHUR

Statement of considerations. In accordance with the provisions of Supplementary Regulation 3 to Ceiling Price Regulation 61, the applicant named in this Special Order, Western Sulphur Industries of Boston, Massachusetts, has applied for the establishment of a ceiling price for sales for export of sulphur produced and sold by Western Sulphur Industries. The applicant has also requested that the Director of Price Stabilization adjust its ceiling price for its export sales of sulphur produced by the applicant and also that the Director establish a ceiling price for export sales of its sulphur by merchant exporters.

The applicant has admitted the information required by Section 3 of Supplemenatry Regulation 3 to Ceiling Price Regulation 61 and has produced evidence which in the judgment of the Director sufficiently satisfies the requirements of this Section of the Regulation.

Upon the basis of the information submitted, it appears that the applicant cannot reasonably be expected to continue to produce sulphur from its deposit for export sales and for sales for export at ceiling prices which are now applicable to such sales. It further appears that the sulphur which the applicant produces is needed for the world market.

It is the opinion of the Director that the ceiling price which is being established by this Special Order for sales for export by the applicant accurately reflects the estimated cost of producing and selling the sulphur. It is also the opinion of the Director that the ceiling price which is being established by this special order for export sales by the applicant and by merchant exporters accurately reflects the estimated cost of producing the sulphur plus a markup which is customary in the export trade.

This special order, therefore, by Section 1, below, establishes a ceiling price of $104.00 per long ton of 2240 pounds for 99½ percent sulphur, in bulk, f. o. b. Sulphurdale, Utah, for sales for export

of sulphur produced by the applicant when sold by the applicant, Western Sulphur Industries.

This special order also, therefore, by section 2, below, establishes a ceiling price of $114.00 per long ton for 99½ percent sulphur in bulk, f. o. b. Sulphurdale, Utah, for export sales by the applicant, Western Sulphur Industries, and for export sales by merchant exporters of sulphur produced by the applicant.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to Supplementary Regulation 3 to Ceiling Price Regulation 61, this special order is hereby issued:

1. The ceiling price for sales for export by Western Sulphur Industries of Boston, Massachusetts, of non-Frasch mined sulphur produced by it, be and hereby is established at $104.00 per long ton of 2240 pounds for 99½ percent sulphur in bulk.

2. The ceiling price for export sales by Western Sulphur Industries and for export sales by merchant exporters of non-Frasch mined sulphur produced by Western Sulphur Industries, be and hereby is established at $114.00 per long ton of 2240 pounds for 99½ percent sulphur in bulk.

3. On or before September 30, 1952, Western Sulphur Industries shall execute and file with the Office of Price Stabilization, Washington 25, D. C., the report required by section 4 (c) of SR 3 to CPR 61.

4. This special order or any provision thereof may be revoked, suspended or amended by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective July 11, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 10, 1952.

[F. R. Doc. 52-7704; Filed, July 10, 1952; 4:47 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 1, Amdt. 2]

PACKARD MOTOR CAR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 1 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Packard Motor Car Company. Subsequent to the issuance of Special Order 1 the Packard Motor Car Company has introduced new items of factory installed extra, special or optional equipment on its Packard new passenger automobiles and a wholesale ceiling price has been approved for these new items. Special Order 1 is, therefore, amended to include the charges for the new items listed in paragraph numbered 1 below of extra, special or optional equipment when installed at the factory, and for the new items listed in paragraph numbered 2 below of extra, special or optional equipment when installed at the factory and when the customer takes delivery at the factory.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 1, is hereby issued.

1. The following charges for extra, special or optional equipment when installed at the factory are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 1:

PACKARD PASSENGER AUTOMOBILES	
Top Boot and Bag (Convertible only)	$40.17
Rear Lamp Extension Equipment (200 and 200 DeLuxe series)	21.87

2. The following charges for extra, special or optional equipment when installed at the factory and when the customer takes delivery at the factory are added to the list of extra, special or optional equipment contained in paragraph 3 of Special Order 1:

PACKARD PASSENGER AUTOMOBILES	
License Plate Frame (all lines and series)	$4.04
Saron Plastic—Sealtuft Seat Covers:	
Touring sedan (2592 and 2562)	45.30
Touring sedan (2572 and 2552)	46.17
Club sedan (2595 and 2565)	45.01
Visor, outside (all lines and series)	22.92

Effective date. This Amendment 2 to Special Order 1 shall become effective July 17, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 17, 1952.

[F. R. Doc. 52-7967; Filed, July 17, 1952; 11:15 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1990]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

JULY 14, 1952.

Take notice that New York State Natural Gas Corporation (Applicant), a New York corporation with its principal office in New York City, New York, filed on July 2, 1952, an application pursuant to section 7 of the Natural Gas Act for (1) a temporary certificate of public convenience and necessity forthwith, and a permanent certificate in due course authorizing the emergency sale of natural gas on an interruptible basis to Iroquois Gas Corporation (Iroquois), of 3,600 Mcf of natural gas daily, for a period beginning about July 1, 1952, and ending September 15, 1952.

The application recites that Iroquois is making extensive changes in its pipeline system making necessary the purchase of 3,600 Mcf of natural gas daily in addition to volumes now purchased on a firm basis. No new facilities will be required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7895; Filed, July 17, 1952; 8:47 a. m.]

[Docket No. G-1992]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI GAS CO.

NOTICE OF APPLICATION

JULY 14, 1952.

Take notice that Mississippi Valley Gas Company (Mississippi Valley), a Mississippi corporation, address Jackson, Mississippi, and Mississippi Gas Company (Mississippi Gas), a Delaware corporation, address Meridian, Mississippi, filed on July 2, 1952, a joint application (1) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Mississippi Valley to acquire by purchase and operate and to acquire by lease and operate certain transmission pipe-line facilities presently owned or leased and operated by Mississippi Gas, and (2) for authorization pursuant to section 7 (b) of the Natural Gas Act for Mississippi Gas to abandon by sale or assignment of lease said transmission pipe-line facilities and to abandon the service rendered therefrom.

The facilities involved consist of Mississippi Gas' gas transmission pipeline system in the Mississippi counties of Clay, Monroe, Chickasaw, and Lee; certain related storage facilities in the Amory gas field of Monroe County, Mississippi; and the gas transmission pipeline system operated by Mississippi Gas in the counties of Winston, Choctaw, Webster, Calhoun, Oktibbeha, and Chickasaw, under lease from North Central Natural Gas District.

The above described facilities are used to transmit natural gas from the pipe line of Southern Natural Gas Company, of which Mississippi Gas is a wholly-owned subsidiary, to a number of towns in the State of Mississippi. Mississippi Valley proposes to continue the same service now rendered by Mississippi Gas.

The purchase price to be paid by Mississippi Valley to Mississippi Gas is $3,300,000, such price to be subject to closing adjustments according to the sales agreement. Mississippi Valley proposes to finance the acquisition by means of a $1,150,000 bank loan to be paid off in installments during the years 1953 to 1956 and a $2,250,000 short-term bank loan to be refinanced under Mississippi Valley's Mortgage and Deed of Trust, as supplemented.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 1st day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7896; Filed, July 17, 1952; 8:47 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF SOUTHERN COUNTIES GAS COMPANY FOR APPROVAL OF INCREASED GAS RATES; CALIFORNIA P. U. C., APPLICATION NO. 33341

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Southern Counties Gas Company for Approval of Increased Gas Rates, before the Public Utilities Commission of the State of California, Application No. 33341, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of the date hereof.

Dated: July 14, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-7937; Filed, July 17, 1952; 9:16 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 62]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (PUB. LAW 139, 82D CONG.)

JULY 16, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Hibbing-Grand Rapids, Minnesota, Area. (The area consists of that portion of the State of Minnesota bounded as follows: Beginning at the northeast corner of Great Scott Township and the eastern boundary of range 19 in St. Louis County, and thence directly west along the northern boundary line of township line 59 to the northwest corner of Marcell township in Itasca County; thence directly south along the western boundary line of range 27 to the southwest corner of township 52, range 27 in Aitkin County; thence east along the southern boundary line of township 52 to the southeast corner of Ness Township in St. Louis County; thence north along the eastern boundary line of range line 19 to the northeast corner of Great Scott Township in St. Louis County including Buhl Village, Chisholm City, Fraser City, Hibbing Village, Kinney Village, Meadowlands Village, Orr Village, Hill City, Grand Rapids Village, La Prairie Village, Calumet Village, Marble Village, Taconite Village, Keewatin Village, Nashwauk Village, Warba Village, Zemple Village, Cooley Village, Coleraine Village, Cohasset Village, Bovey Village and Big Fork Village except lands in State and National Forests, all in Aitkin, Itasca and St. Louis Counties, Minnesota.)

Virginia, Minnesota, Area. (The area consists of the following Townships: Biwabik, Owens, T-62-R-17, T-62-R-16, Breitung, Angora, T-61-R-17, Vermillion Lake, Kugler, T-61-R-14, T-60-R-18, Sandy, Pike, Embarrass, Wassa, T-59-R-18 (PT), Wouri, T-59-R-16 (PT), White Mesaba, T-58½-R-17, Missabe Mountain, T-58-R-14, Clinton, Fayal, T-57-R-16, T-57-R-14, McDavitt, T-56-R-17, T-56-R-16, Colvin, T-56-R-14, T-55-R-18, Ellsburg, T-55-R-15, T-55-R-14, Kelsey, Cotton, T-54-R-15, T-54-R-14, Payne, Northland, T-53-R-16, T-53-R-15, Nichols, including Aurora Village, Biwabik City, Iron Junction Village, Eveleth City, Franklin Village, Gilbert City, McKinley Village, Leonidas Village, Virginia City, and Mountain Iron Village, except lands in State and National Forests; all in St. Louis County, Minnesota.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-7939; Filed, July 16, 1952; 2:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-941]

BREWING CORP. OF AMERICA

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JULY 11, 1952.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Stock, $15 Par Value, of Brewing Corporation of America.

The application alleges that the reasons for striking this security from listing and registration on this exchange are as follows:

(1) As a result of acquisition by Canadian Breweries Limited and acquisition by Canadian Breweries, Inc., its wholly owned subsidiary, of shares of the above security by means of exchange offers and by means of cash purchases, on April 23, 1952, there remained outstanding in the hands of the public only approximately 5,000 shares of the above security having an approximate aggregate market value of $181,000.

(2) The above security is no longer suitable for trading on applicant exchange in view of the reduced number of shares outstanding in the hands of the public after deduction of concentrated holdings, and in view of the inadequate distribution when considered in the light of the indicated aggregate market value of the shares outstanding in the hands of others than Canadian Breweries Limited and its wholly owned subsidiary.

Upon receipt of a request, prior to August 12, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7884; Filed, July 17, 1952; 8:45 a. m.]

[File No. 70-1542]

MILWAUKEE ELECTRIC RAILWAY & TRANSPORT CO., AND WISCONSIN ELECTRIC POWER CO.

ORDER PERMITTING WITHDRAWAL OF JOINT APPLICATION AND DECLARATION

JULY 10, 1952.

The Milwaukee Electric Railway & Transport Company ("Transport") and its parent, Wisconsin Electric Power Company ("Electric"), a registered holding company, having filed on June 2, 1947, a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the general rules and regulations promulgated thereunder wherein it was proposed that Transport would redeem the then outstanding balance of its First Mortgage 4 percent bonds held by Electric, the cash proceeds for such redemption to be provided from the proposed sale by Transport of its transportation properties; and

The Commission having on June 26, 1947, issued its order granting the application and permitting the declaration to become effective; and

The Commission having granted successive extensions of time to June 30,

1948, for carrying out these proposals; and

Applicants-declarants, on June 19, 1952, having requested that they be permitted to withdraw said application and declaration for the reason that the transactions were not carried out as proposed, and the Commission deeming it appropriate to grant such request:

It is ordered, That the joint application-declaration filed herein be, and the same hereby is, permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7882; Filed, July 17, 1952; 8:45 a. m.]

[File No. 812-789]

EQUITY CORP. ET AL.

NOTICE OF APPLICATION

JULY 14, 1952.

In the matter of The Equity Corporation, Industrial Insurance Company and State-Wide Insurance Agency, Inc., File No. 812-789.

Notice is hereby given that the Industrial Insurance Company, (Industrial), 103 Park Avenue, New York, New York, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940, requesting an order exempting from section 17 (e) (1) of the act a proposed amendment to its agency agreement pursuant to which State-Wide Insurance Agency, Inc. (State-Wide), 800 East Main Street, Richmond, Virginia, and its agents and employees receive commissions arising from the sale of insurance policies by State-Wide as agent for Industrial.

The Equity Corporation (Equity), 103 Park Avenue, New York, New York, a registered investment company, through indirect stock ownership controls both Industrial and State-Wide. Section 17 (e) (1) of the act makes it unlawful for State-Wide, or any person affiliated with it, acting as agent, to accept from any source any compensation for the purchase or sale of any property to or for Industrial or any controlled company of Equity, unless an exemption therefrom is granted pursuant to section 6 (c) of the act. Such an exemption was granted by the Commission on April 27, 1951 with respect to the existing agency contract between State-Wide and Industrial. The present application requests an exemptive order with respect to a proposed amendment to such agency contract. Pursuant to the proposed amended agency arrangement, which will be effective as of April 1, 1952, State-Wide will receive a straight commission of 15 percent of net premiums payable at the time of risk placement. State-Wide will no longer receive a commission representing 10 percent of annual premiums earned, but will receive an additional compensation representing an amount equal to the sum by which loss experience (including adjustment expense) is less than 70 percent of earned premiums, as compared with 60 percent of such premiums as now provided under the existing contract.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part, and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after July 25, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 23, 1952, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views on any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7883; Filed, July 17, 1952; 8:45 a. m.]

[File No. 812-796]

MASSACHUSETTS INVESTORS TRUST

NOTICE OF APPLICATION

JULY 14, 1952.

Notice is hereby given that Massachusetts Investors Trust (hereinafter called "MIT"), 200 Berkeley Street, Boston 16, Massachusetts, an open-end diversified management investment company registered under the Investment Company Act of 1940, has filed an application under Rule N-17D-1 promulgated under the act with respect to two proposed amendments to its Agreement and Declaration of Trust (hereinafter called the "Indenture"). The application indicates that these proposed amendments, along with other proposed amendments not relevant to this application, will be submitted to shareholders' vote if the application is granted.

The Indenture provides: "The Trustees shall from time to time determine the remuneration to be paid to each Trustee for his services, the retirement pay to be paid to each retired Trustee, and the remuneration to be paid to each member of the Advisory Board." The Indenture now provides that the aggregate of all such payments for any one calendar quarter shall not exceed 5 percent of the gross earnings for that quarter, excluding capital gains and losses, subject to decrease depending upon the number of shares outstanding in excess of 6,000,000. It is proposed that this limitation be changed to provide that the aggregate of all such payments shall not exceed a sum computed under a new formula which is based upon a percentage of average asset value and a percentage of gross earnings, excluding capital gains and losses, without reference to the number of shares outstanding. This proposed amendment also provides that the Trustees shall have the right to establish a reserve to provide for retirement pay to retired Trustees and, from time to time, to credit to such reserve such amounts as they may determine, and to determine what amounts, if any, shall be charged against and paid out of such reserve to retired Trustees; however, the aggregate of payments and credits which shall be subject to the limitation computed under the new formula in any quarter shall include any credits made to such reserve in such quarter, but shall not include any payments charged against said reserve in such quarter.

The other proposed amendment relevant to this application is an amendment to change the retirement age of female employees, which does not include Trustees and members of the Advisory Board, from sixty-five (65) to sixty (60) years of age.

Rule N-17D-1 provides, in part, that "No affiliated person of any registered investment company, or of any company controlled by any such registered company, shall participate in, or effect any transaction in connection with, any bonus, profit-sharing or pension plan or arrangement in which any such registered or controlled company is a participant unless an application regarding such plan or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or arrangement to security holders for approval, or prior to the adoption thereof, if not so submitted."

All interested persons are referred to said application which is on file at the Washington, D. C. office of the Commission, for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after July 25, 1952 unless prior thereto a hearing upon the application is ordered by the Commission, as provided by Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 23, 1952, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the

issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7881; Filed, July 17, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a, Application 41]

MIDDLE ATLANTIC TERRITORY; SECTION 22 AGREEMENT

APPLICATION FOR APPROVAL OF AGREEMENT

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed July 11, 1952, by: C. M. Carter, Attorney-in-Fact, 2111 E Street NW., Washington, D. C.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, classifications, allowances and charges or rules and regulations pertaining thereto governing the transportation of property for the United States Government pursuant to the provisions of section 22 of the Interstate Commerce Act, between points in Middle Atlantic territory, and between points in that territory, on the one hand, and points in New England and Canada, on the other, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7899; Filed, July 17, 1952; 8:48 a. m.]

[4th Sec. Application 27211]

SPODUMENE ORE FROM KINGS MOUNTAIN, N. C., TO VINELAND, N. J.

APPLICATION FOR RELIEF

JULY 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1188.

Commodities involved: Spodumene ore or concentrates, carloads.

From: Kings Mountain, N. C.

To: Vineland, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1188, supl. 50.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7860; Filed, July 16, 1952; 8:55 a. m.]

[4th Sec. Application 27212]

MIXED CARLOADS OF MERCHANDISE FROM CINCINNATI, OHIO, TO YUKON, FLA., AND FROM ATLANTA TO SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1305.

Commodities involved: Merchandise in mixed carloads.

From: Cincinnati, Ohio, to Yukon, Fla., and from Atlanta, Ga., to Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1305, supl. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7900; Filed, July 17, 1952; 8:48 a. m.]

[4th Sec. Application 27213]

LOGS FROM KINGSPORT, TENN., TO WURNO, VA.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Carolina, Clinchfield and Ohio Railway and Norfolk and Western Railway Company.

Commodities involved: Logs, native wood, in carloads.

From: Kingsport, Tenn.

To: Wurno, Va.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1298.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7901; Filed, July 17, 1952; 8:48 a. m.]

[4th Sec. Application 27214]

CEMENT FROM GIANT, S. C., TO GOLDSBORO AND SELMA, N. C.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Giant, S. C.

To: Goldsboro and Selma, N. C., and points grouped therewith.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7902; Filed, July 17, 1952; 8:48 a. m.]

[4th Sec. Application 27215]

CEMENT FROM POINTS IN KANSAS AND OKLAHOMA TO FLORIDA AND GEORGIA

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3844.

Commodities involved: Cement and related articles, carloads.

From: Chanute, Kans., and other points in Kansas, and Dewey, Okla.

To: Points in Florida, Valdosta and Tifton, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3844, supl. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7903; Filed, July 17, 1952; 8:49 a. m.]

[4th Sec. Application 27216]

IRON AND STEEL ARTICLES FROM NORTH ATLANTIC PORTS TO POINTS IN ILLINOIS, WISCONSIN AND CENTRAL TERRITORIES

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent C. W. Boin's tariff ICC No. A-961.

Commodities involved: Manufactured iron and steel articles, carloads (Import traffic).

From: North Atlantic ports.

To: Points in central and Illinois territories, and extended Zone C in Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula, to maintain port rate relations.

Schedules filed containing proposed rates: C. W. Boin, Agent, ICC No. A-961.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7904; Filed, July 17, 1952; 8:49 a. m.]

[4th Sec. Application 27217]

COAL BRIQUETTES FROM MILWAUKEE, WIS., TO DUBUQUE, IOWA

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Burlington & Quincy Railroad Company, and Chicago and North Western Railway Company.

Commodities involved: Coal briquettes, carloads.

From: Milwaukee, Wis.

To: Dubuque, Iowa.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. & N. W. Ry. tariff ICC No. 10876, supl. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7905; Filed, July 17, 1952; 8:49 a. m.]

[4th Sec. Application 27218]

PIPE, STEEL OR WROUGHT IRON FROM POINTS IN TEXAS TO BUCKINGHAM AND HERSCHER, ILL.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3967.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston and Orange, Tex.

To: Buckingham and Herscher, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967, supl. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7906; Filed, July 17, 1952; 8:49 a. m.]

[4th Sec. Application 27219]

SCRAP PAPER FROM BATON ROUGE, LA., TO PORT HURON, MICH.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1257.

Commodities involved: Paper, scrap or waste, carloads.

From: Baton Rouge, La.

To: Port Huron, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1257, supl. 8.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7907; Filed, July 17, 1952; 8:49 a. m.]

[4th Sec. Application 27220]

SOYBEAN CAKE AND MEAL FROM MISSOURI TO POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3972.

Commodities involved: Soybean cake and meal, carloads.

From: Points in southeastern Missouri.

To: Points in southwestern territory (on traffic accorded transit privileges at St. Louis, Mo., and Decatur and Taylorville, Ill.).

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3972, supl. 10.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7908; Filed, July 17, 1952; 8:50 a. m.]

[4th Sec. Application 27221]

FOREIGN WOODS FROM SOUTH CAROLINA TO LOUISIANA

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1226.

Commodities involved: Lumber, logs, flitches and piling of foreign woods, dimension stock, built-up woods, veneer, and carpenter's moulding, carloads.

From Conway, Darlington, Kingstree, Orangeburg, and Sumpter, S. C.

To: Baton Rouge, Bogalusa and New Orleans, La.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, ICC No. 1226, supl. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7909; Filed, July 17, 1952; 8:50 a. m.]

[4th Sec. Application 27223]

MOTOR-RAIL-MOTOR RATES BETWEEN BOSTON AND SPRINGFIELD, MASS., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Sommer's Motor Lines, Inc.

Commodities involved: All commodities.

Between: Boston and Springfield, Mass., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7911; Filed, July 17, 1952; 8:50 a. m.]

Reference Room

[4th Sec. Application 27222]

MIXED CARLOADS OF MERCHANDISE FROM PEORIA AND CHICAGO, ILL., TO POINTS IN GEORGIA AND FLORIDA

APPLICATION FOR RELIEF

JULY 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff ICC No. 752.

Commodities involved: Merchandise in mixed carloads.

From: Peoria, Ill., and Chicago, Ill., and points grouped therewith.

To: Specified points in Georgia and Florida.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 752, supl. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7910; Filed, July 17, 1952; 8:50, a. m.]

TITLE 3—THE PRESIDENT

PROCLAMATION 2981

UNITED NATIONS DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the founding of the United Nations has given the people of the world an organization through which nations may resolve their differences without resort to war and has made possible greater international cooperation in the economic, political, and cultural fields; and

WHEREAS the United Nations continues to be the only existing international organ which offers mankind a hope for ultimate world peace; and

WHEREAS the realization by citizens of other nations that the overwhelming majority of Americans support the United Nations and its great purposes would help to speed the day when there will in fact be peace on earth, good will toward men; and

WHEREAS the General Assembly of the United Nations has declared that October 24, the anniversary of the entry into force of the United Nations Charter, shall be dedicated each year to the dissemination of information concerning the aims and accomplishments of the United Nations:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby urge the citizens of this Nation to observe Friday, October 24, 1952, as United Nations Day by sending greetings to friends, relatives, and associates in other countries which are members of the United Nations, and by expressing their confidence in the United Nations, their friendship for other peoples, and their faith in the ultimate demonstration throughout the world of the brotherhood of man.

I also call upon the officials of the Federal, State, and local Governments, the National Citizens' Committee for United Nations Day, representatives of civic, educational, and religious organizations, agencies of the press, radio, television, motion pictures, and other communications media, and all citizens to cooperate in appropriate observance of this day throughout our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of July in the year of our Lord nineteen hundred and fifty-two, [SEAL] and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON, *Secretary of State.*

[F. R. Doc. 52-8038; Filed, July 18, 1952; 12:14 p. m.]

PROCLAMATION 2982

TERMINATING THE TURKISH TRADE AGREEMENT PROCLAMATIONS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, under the authority vested in him by section 350(a) of the Tariff Act of 1930, as amended by the Act of June 12, 1934, entitled "An Act to amend the Tariff Act of 1930" (48 Stat. 943), which amending Act was extended by Joint Resolution of Congress, approved March 1, 1937 (50 Stat. 24), the President of the United States entered into a trade agreement with the President of the Turkish Republic on April 1, 1939 (54 Stat. 1871), and proclaimed such trade agreement by proclamations of April 5, 1939 (54 Stat. 1870), and November 30, 1939 (54 Stat. 1896);

2. WHEREAS the Government of the United States of America and the Government of the Republic of Turkey have agreed to terminate the said trade agreement, effective August 4, 1952;

3. WHEREAS the said section 350(a) of the Tariff Act of 1930 authorities the President to terminate in whole or in part any proclamation carrying out a trade agreement entered into under such section:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of

(Continued on p. 6607)

Reference Room

THE NATIONAL ARCHIVES
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CONTENTS

THE PRESIDENT

Proclamations — Page
Terminating the Turkish Trade Agreement Proclamations 6605
United Nations Day, 1952 6605

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration; Soil Conservation Service.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Brummer, Wilhelm 6675
Certain unknown German nationals 6675
Knorr & Hirth K. G. et al 6676
Pardave Joaquin and Repertorio Wagner 6680

Civil Aeronautics Board
Notices:
Hearings, etc.:
Cuba Aeropostal, S. A., investigation 6673
Robin Airlines, Inc.; revocation of letter of registration 6672

Commerce Department
See International Trade, Office of.

Defense Department
Notification of placement of procurement with the Apparel Industry (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of
Notices:
Placement of procurement with Apparel Industry; notification to Department of Defense and General Services Administration 6675
Rules and regulations:
Tax amortization certificates, policy directive; definition of extent to which accelerated amortization can be allowed as a cost in negotiated contract pricing 6657

Federal Power Commission
Notices:
Hearings, etc.:
Allentown-Bethlehem Gas Co. et al 6673

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Cities Service Gas Co. — 6674
Citizens Utilities Co. — 6673
Texas Eastern Transmission Corp. — 6674
Foreign and Domestic Commerce Bureau
See International Trade, Office of.
General Services Administration
Notification of placement of procurement with Apparel Industry (*see* Defense Mobilization, Office of).
Internal Revenue Bureau
Rules and regulations:
Excise taxes; miscellaneous — 6639
International Trade, Office of — Page
Rules and regulations:
Amendments, extensions, transfers — 6635
Licensing policies and related special provisions — 6635
Positive list of commodities and related matters — 6638
Priority ratings and supply assistance assigned by OIT — 6635
Justice Department
See Alien Property, Office of.
National Production Authority
Rules and regulations:
Basic rules of the priorities system; restrictions upon use of ratings (Reg. 2, Dir. 3) — 6669
Cans; emergency packing of perishable food products (M–25, Dir. 4) — 6670
Iron and steel scrap (M–20) — 6669
Lighting fixtures; limitations on use of copper; revocation (M–97) — 6670
Price Stabilization, Office of
Rules and regulations:
California redwood lumber, ceiling prices (CPR 158) — 6660
Certain food and restaurant commodities, exemptions and suspensions; bulk distilled spirits (GOR 7, Rev. 1) — 6668
Gasolines, naphthas, fuel oils and liquefied petroleum gases, natural gas, petroleum gas, casinghead gas and refinery gas; specific ceiling prices for middle distillates on the East Coast; clarifying amendment (CPR 17, SR 10) — 6659
Milk sold in Juneau, Alaska, ceiling prices (CPR 159) — 6667
Pork sold at wholesale, ceiling prices; miscellaneous amendments (CPR 74) — 6658
Veal sold at wholesale, ceiling prices; adjustment of prices of hindsaddles and foresaddles (CPR 101) — 6665
Western pine and associated species of lumber; correction (CPR 152) — 6660
Production and Marketing Administration
Proposed rule making:
Milk handling in Neosho Valley and Tulsa, Okla., marketing areas — 6671
Rules and regulations:
Corn; 1952 loan and purchase agreement program — 6607
Honey; 1952 price support program — 6610
Hops grown in Oregon, California, Washington, and Idaho and hop products produced therefrom in these States — 6626
Lemons grown in California and Arizona; limitation of shipments — 6625
Peas, fresh, and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado; regulation by grades and sizes — 6625
Production and Marketing Administration—Continued — Page
Rules and regulations—Con.
Plums, canned, U. S. Standards for grades; revision — 6615
Prune, dried, and raisin export program — 6607
Tobacco:
Cigar-filler and cigar-filler and binder; marketing quota regulations, 1953–54 marketing year — 6619
Maryland; marketing quota regulations 1953–54 marketing year — 6622
Official standards for flue-cured — 6610
Securities and Exchange Commission
Notices:
Washington Mutual Investors Fund, Inc. and Johnston, Lemon & Co.; hearing — 6674
Soil Conservation Service
Rules and regulations:
Functions and procedure; sale of farm units — 6618
Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter I (Proclamations):
April 5, 1939 (terminated by Proc. 2982) — 6605
November 30, 1939 (terminated by Proc. 2982) — 6605
2981 — 6605
2982 — 6605
Title 6
Chapter IV:
Part 518 — 6607
Part 601 — 6607
Part 624 — 6610
Title 7
Chapter I:
Part 29 — 6610
Part 52 — 6615
Chapter VI:
Part 600 — 6618
Chapter VII:
Part 723 — 6619
Part 727 — 6622
Chapter IX:
Part 906 (proposed) — 6671
Part 910 — 6625
Part 928 (proposed) — 6671
Part 953 — 6625
Part 956 — 6626
Title 15
Chapter III:
Part 373 — 6635
Part 380 — 6635
Part 398 — 6635
Part 399 — 6638
Title 26
Chapter I:
Part 182 — 6639
Part 183 — 6639
Part 184 — 6639

CODIFICATION GUIDE—Con.

Title 26—Continued — Page
Chapter I—Continued
Part 185 — 6639
Part 189 — 6639
Part 190 — 6639
Part 197 — 6639
Title 32A
Chapter I (ODM):
DMO 11 — 6657
Chapter III (OPS):
CPR 17, SR 10 — 6659
CPR 74 — 6658
CPR 101 — 6665
CPR 152 — 6660
CPR 158 — 6660
CPR 159 — 6667
GOR 7 — 6668
Chapter VI (NPA):
M–20 — 6669
M–25, Dir. 4 — 6670
M–97 — 6670
Reg. 2, Dir. 3 — 6669

the authority vested in me by the Constitution and the statutes, including the said section 350 (a) of the Tariff Act of 1930, as amended, do hereby proclaim that the said proclamations dated April 5, 1939, and November 30, 1939, shall terminate August 4, 1952.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of July, in the year of our Lord nineteen hundred and fifty-two
[SEAL] and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52–8039; Filed, July 18, 1952; 12:14 p. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 2]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

DRIED PRUNE AND RAISIN EXPORT PROGRAM SMX 95b

1. Section 518.330 is hereby amended by deleting the entire section and inserting in lieu thereof the following:

§ 518.330 *General statement.* In order to encourage the exportation from the United States of dried fruit, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, hereby announces a Dried Prune and Raisin Export Program, pursuant to which he will make payments to exporters upon the terms and conditions set forth in § 518.331 to § 518.351, inclusive, to United States exporters who comply therewith: *Provided*, That, no export payment will be made if the foreign buyer, in purchasing the dried prunes or raisins exported, makes payment therefor, wholly or in part, with funds appropriated by the Congress of the United States for the fiscal year July 1, 1952, through June 30, 1953, and any export payment so made to any exporter shall be subject to recovery, by the Secretary, if the foreign purchaser has paid for such purchases, in part or in whole, with funds so appropriated.

2. Section 518.333 is hereby further amended to read as follows:

§ 518.333 *Firm sales contracts.* The exporter must, on or after the effective date of this program and prior to 12 o'clock midnight, d. s. t., July 16, 1952, have entered into a firm sales contract (see § 518.331 (g)) covering the sale of dried fruit, as defined in § 518.331 (b), for exportation to an approved country as described in § 518.337: *Provided*, That, with respect to any raisins designated as, or which become, surplus tonnage raisins pursuant to the provisions of Marketing Agreement No. 109 and Order No. 89 (7 CFR Part 989) regulating the handling of raisins produced from raisin variety grapes grown in California, a firm sales contract must have been entered into on or after the effective date of this program and prior to 12 o'clock midnight, d. s. t., August 31, 1952.

3. Section 518.343 (b) is hereby amended by deleting the entire paragraph and inserting in lieu thereof the following:

§ 518.343 *Proof of claim.* • • •

(b) Each sales contract shall show the date of sale, the gross sales price per unit of weight (showing f. a. s. United States port, c. i. f. foreign port, or other basis of such price), the payment to be made to the exporter by the Secretary, the net price per unit of weight to the foreign buyer, the quantity (net weight) of the dried prunes or raisins sold, the country of destination, and shall contain thereon or have attached thereto a signed statement by the exporter that payment by the foreign buyer for the dried fruit does not involve the use of funds appropriated by the Congress of the United States for the fiscal year July 1, 1952, through June 30, 1953. For dried prunes in any pack of mixed dried fruit, each sales contract shall show the information required in the preceding sentence for dried prunes in the mixture.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Effective date. This amendment shall become effective 12 o'clock midnight, d. s. t., July 16, 1952.

Dated this 16th day of July 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52-7950; Filed, July 18, 1952; 8:50 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1952 crop of corn. The 1952 C. C. C. Grain Price Support Bulletin 1, (17 F. R. 3521), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1952, is supplemented as follows:

Sec.
601.1601 Purpose.
601.1602 Availability of price support.
601.1603 Eligible corn.
601.1604 Warehouse receipts.
601.1605 Determination of quantity.
601.1606 Determination of quality.
601.1607 Maturity of loans.
601.1608 Determination of support rates.
601.1609 Warehouse charges.
601.1610 Settlement.

AUTHORITY: §§ 601.1601 to 601.1610 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421.

§ 601.1601 *Purpose.* This subpart states additional specific requirements which, together with the general requirements contained in the 1952 C. C. C. Grain Price Support Bulletin 1, (17 F. R. 3521), apply to loans and purchase agreements under the 1952-Crop Corn Price Support Program.

§ 601.1602 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever corn is grown in the continental United States except that farm-storage loans will not be available in areas where the PMA State committee determines that corn cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the PMA county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through May 31, 1953: *Provided*, That in areas where it

is determined by the PMA State committee that producers are not in a position to store corn safely for the full storage period because of infestation by angoumois moths or other insects, adverse climatic conditions, or other factors affecting the safe storage of corn the final date of availability of loans and purchase agreements shall be such earlier date as may be determined by the PMA State committee. Such earlier date shall be not later than thirty days prior to the first day of the 10-day delivery period established in accordance with the provisions of § 601.1607. The PMA State committee shall notify producers in the area through public announcement sufficiently in advance of such date in order to allow producers a reasonable period of time in which to place their corn under loans or purchase agreements. The applicable documents must be signed by the producer and delivered to the PMA county committee not later than the final date of availability of loans and purchase agreements in the area.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing corn in 1952 as landowner, landlord, tenant, or sharecropper.

§ 601.1603 *Eligible corn.* At the time the corn is placed under loan or delivered under a purchase agreement, it must meet the following requirements:

(a) The corn must be of the classes Yellow Corn (Class I), White Corn (Class II), or Mixed Corn (Class III) and must have been produced in the continental United States in 1952 by an eligible producer.

(b) The corn must be ear or shelled corn: *Provided*, That irrespective of the provisions of the mortgage supplement relating to delivery of ear corn upon payment of the cost of shelling, the corn must be shelled before delivery is made under loans or purchase agreements.

(c) (1) The beneficial interest in the corn must be in the person tendering the corn for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the corn was harvested, or, such corn must have been purchased by an eligible producer who will operate a different farm in 1953 from that operated in 1952. In the latter case the number of bushels being placed under loan or purchase agreement must not be in excess of the total number of bushels produced by the producer on the farm operated by him in 1952.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the corn was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall make determinations concerning succession.

(d) Corn placed under loan must, except for moisture content, grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must meet the following moisture requirements: For ear corn placed under a farm-storage loan, the moisture content must not exceed 20.5 percent if the corn is tendered for loan from time of harvest through February 1953; 19.0 percent if tendered for loan during March 1953; 17.5 percent if tendered for loan during April 1953; and 15.5 percent if tendered for loan during May 1953. For corn placed under a warehouse-storage loan, and for shelled corn placed under a farm-storage loan, the moisture content must not exceed 13.5 percent irrespective of when the corn is tendered for loan.

(e) Corn placed under loan must not grade "weevily."

(f) Corn delivered under a purchase agreement must grade No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better. Corn delivered from farm storage under a purchase agreement must not contain in excess of 17.5 percent moisture. Corn represented by warehouse receipts tendered to CCC under a purchase agreement must not contain in excess of 13.5 percent moisture and must not grade "weevily."

§ 601.1604 *Warehouse receipts.* Warehouse receipts, representing corn in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the corn is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, (5) moisture, and (6) any other grading factor(s) when such factor(s), and not test weight or moisture, determine the grade. In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by a licensed grain inspector.

(c) In the case of warehouse receipts issued for corn delivered by rail or barge, CCC will accept inbound weight and inspection certificates properly identified with the corn covered thereby in lieu of the information required by paragraph (b) of this section.

(d) A separate warehouse receipt must be submitted for each grade and class of corn.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 601.1609.

§ 601.1605 *Determination of quantity.* (a) The quantity of corn placed under farm-storage loan may be determined either by weight or by measurement. The quantity of corn placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When determined by measurement, a bushel of ear corn shall be 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. An adjustment in the number of bushels of ear corn will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content (percent):	*Adjustment factor (percent)*
15.6 to 16.5, both inclusive	98
16.6 to 17.5, both inclusive	96
17.6 to 18.5, both inclusive	94
18.6 to 19.5, both inclusive	92
19.6 to 20.5, both inclusive	90
Above 20.5	No loan

(c) A bushel of shelled corn, when determined by measurement, shall be 1.25 cubic feet of shelled corn testing not more than 13.5 percent in moisture content.

(d) In determining the quantity of sacked corn by weight, a deduction of ¾ of a pound for each sack will be made.

(e) Since dockage is not a grade factor in the case of corn, the quantity of corn will be determined without reference to dockage.

§ 601.1606 *Determination of quality.* The class, grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Corn, whether or not such determinations are made on the basis of an official inspection.

§ 601.1607 *Maturity of loans and delivery prior to maturity.* (a) Loans mature on demand but not later than July 31, 1953.

(b) Corn may be delivered under purchase agreements and in satisfaction of farm storage loans after maturity in accordance with § 601.1518, 1952 CCC Grain Price Support Bulletin 1: *Provided, however*, That in areas where it is determined by the PMA State committee that producers are not in a position to store corn safely for the full storage period (for the reasons set forth in paragraph (d) of § 601.1602) the PMA State committee may establish an earlier delivery period for corn in farm storage under loans and purchase agreements which shall be the first 10 days of either April, May, June, or July, 1953. CCC will accept deliveries of corn during such 10-day period, provided the producer notifies the PMA county committee of his intention to deliver at least 10 days prior to the first day of the 10-day delivery period. The 10-day delivery period may be extended if it is determined by the county committee that more time is needed for the acceptance of deliveries.

(c) Corn under farm-storage loan may be delivered at any time prior to maturity with the approval of the county committee, if the farm is sold or there is

a change of tenancy, or if the corn is going out of condition, or threatened with damage by flood or other conditions which are beyond the control of the producer.

§ 601.1608 *Determination of support rates.* Basic county support rates for corn will be set forth in 1952 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn. The support rate for corn placed under a loan shall be the applicable basic support rate adjusted in accordance with the provisions of this section.

(a) *County support rates.* (1) Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the corn is stored.

(2) Basic support rates per bushel will be established for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, for the respective States and counties.

(b) *Premiums and discounts*—(1) *Farm storage.* In the case of eligible corn delivered from farm storage under purchase agreements and in the case of farm-storage loans, the applicable premiums and discounts shown in the "Schedule of Premiums and Discounts," in this paragraph, except for eligible corn under loan grading "mixed," shall be applied to the basic rate at the time of settlement. In the case of eligible corn grading "mixed" placed under a farm-storage loan, the discount shall be applied to the basic rate at the time the loan is completed.

(2) *Warehouse storage.* In the case of warehouse-storage loans, the applicable premiums and discounts for eligible corn shown in the "Schedule of Premiums and Discounts" in this paragraph shall be applied to the basic support rate at the time the loan is completed. In the case of eligible corn represented by warehouse receipts tendered to CCC under a purchase agreement, the applicable premiums and discounts shall be applied to the basic support for the approved point of delivery at the time of settlement. The discounts for weevily and for moisture content are not applicable since corn in approved warehouse storage which grades weevily or contains in excess of 13.5 percent moisture is not eligible.

(3) *Schedule of premiums and discounts.*

PREMIUMS

Grade No.:	*Cents per bushel*
1	1
2	½

DISCOUNTS

Moisture content (percent):	*Cents per bushel*
0–14.0	0
14.1–15.5	1
15.6–16.0	2
16.1–16.5	3
16.6–17.0	4
17.1–17.5	5
Weevily	2
Mixed	2

§ 601.1609 *Warehouse charges.* (a) Warehouse receipts and the corn represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the corn is deposited in the warehouse for storage.

(b) Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing corn stored in warehouses operating under the Uniform Grain Storage Agreement is on or before July 31, 1953, the amount of the loan or purchase price shall be discounted by the applicable storage charges per bushel shown in the following table:

Date of deposit:	*Amount of deduction (cents per bushel)*
Prior to Aug. 6, 1952	13
Aug. 6–Sept. 14, inclusive	12
Sept. 15–Oct. 24, inclusive	11
Oct. 25–Dec. 3, inclusive	10
Dec. 4, 1952–Jan. 12, 1953, inclusive	9
Jan. 13–Feb. 21, inclusive	8
Feb. 22–Mar. 13, inclusive	7
Mar. 14–Apr. 2, inclusive	6
Apr. 3–Apr. 22, inclusive	5
Apr. 23–May 12, inclusive	4
May 13–June 1, inclusive	3
June 2–June 21, inclusive	2
June 22–July 11, inclusive	1
July 12–July 31, inclusive	0

(c) Warehouse receipts and the corn represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission.

(d) For corn stored in approved warehouses operated by Eastern common carriers, the amount of the loan or purchase price, except as provided in paragraph (c) (2), of § 601.1610, shall be discounted by the amount of the approved tariff rates for storage (not including elevation) which will accumulate from the date storage charges begin to the program maturity date. The county committee shall request the PMA commodity office to determine the amount of such charges.

§ 601.1610 *Settlement*—(a) *Farm-storage loans*—(1) *Settlement at basic rate.* Settlement on corn delivered to CCC under farm-storage loans grading No. 3, or better, or No. 4 on the factor of test weight only but otherwise grading No. 3, or better, shall be made at the support rate for the approved point of delivery for the grade and quality of the total quantity of corn delivered subject to premiums and discounts shown in the "Schedule of Premiums and Discounts" in paragraph (b) of § 601.1608.

(2) *Settlement value of other corn.* If the corn, upon delivery, grades sour or heating or otherwise does not meet the requirements set forth in the "Schedule of Premiums and Discounts" or is of a quality for which no support rate has been established, the settlement value shall be the support rate established for the grade and or quality of the corn placed under loan, less the difference, if any, at the time of delivery, between the market price of the grade and/or quality placed under loan and the market price of the corn delivered, as determined by CCC.

(b) *Warehouse-storage loans.* (1) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through July 31, 1953, $_____," a refund in an amount of the smaller of (i) the storage charges prepaid by the producer or (ii) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(2) For corn stored in approved warehouses operated by Eastern common carriers, if the warehouse loan is not redeemed and the supplemental certificate and delivery order contains a statement in substantially the following form: "Full storage charges paid through July 31, 1953, $_____," a refund will be made to the producer by the PMA county office of the amount of storage deducted at the time the loan was completed plus any elevation charge which was prepaid by the producer.

(c) *Purchase agreement.* (1) (i) Corn delivered to CCC under a purchase agreement must meet the requirements of eligible corn as specified in paragraph (f) of § 601.1603. The purchase rate per bushel of eligible corn shall be the basic support rate established for the approved point of delivery subject to the discount of warehouse charges in accordance with § 601.1609, except as provided in subparagraph (2) of this paragraph, and subject to premiums and discounts as shown in the "Schedule of Premiums and Discounts" in paragraph (b) of § 601.1608.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, CCC Form 25, if the warehouse receipt or the accompanying supplemental certificate representing corn stored in the warehouse contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through July 31, 1953, $_____," the producer shall be given credit for the smaller of (a) the storage charges prepaid by the producer or (b) the amount of the warehouse-storage charges determined according to the time of deposit as specified in § 601.1609, at the time the settlement value of the corn delivered is determined.

(2) For corn stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing corn stored in the warehouse contains a statement in substantially the following form, "Full storage charges paid through July 31, 1953, $_____," no discount for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for

the amount of any elevation charge prepaid at the time the settlement value of the corn delivered is determined, if he presents evidence showing such prepayment.

(d) *Charges for early delivery.* (1) If corn is delivered to CCC before July 31, 1953, in accordance with § 601.1607 (b), or in accordance with § 601.1607 (c), except as provided in subparagraph (2) of this paragraph, a charge shall be made against the producer at the time of settlement at the rate of 1/20 of a cent per bushel a day from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county committee, whichever is earlier, through July 31, 1953, to compensate CCC for the carrying charges incurred because of early delivery.

(2) No such charge shall be made for early delivery when the delivery is made in accordance with § 601.1607 (c) because the corn is threatened with damage by flood or other conditions which are beyond the control of the producer, or when the delivery is made on demand by CCC and such demand is not due to negligence on the part of the producer.

(e) *Track loading.* A track-loading payment of 2 cents per bushel shall be made to the producer on corn delivered to CCC on track at a country point.

Issued this 16th day of July 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7948; Filed, July 18, 1952; 8:50 a. m.]

[1952 Honey Bulletin 1, Amdt. 2]

PART 624—HONEY

SUBPART—1952 HONEY PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3698 and 17 F. R. 4285 containing the requirements with respect to the 1952 Honey Price Support Program are hereby amended as follows:

The last sentence of § 624.301 *Administration*, with respect to the modifying or waiving of any of the provisions of the program by State and county committees is hereby amended as follows: "State and county committees and PMA commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto, except that the language of the forms specified for use in obtaining loans and purchase agreements may be changed by State committees when necessary in order to conform to State law."

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421)

Issued this 16th day of July 1952.

[SEAL] ELMER F. KRUSE,
Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-7949; Filed, July 18, 1952; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

SUBPART C—OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO (U. S. TYPES 11, 12, 13, AND 14)

OFFICIAL STANDARDS FOR FLUE-CURED TOBACCO

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 731; 7 U. S. C. 511 et seq.), I prescribe and promulgate the following grades for flue-cured tobacco of Types 11, 12, 13, and 14 to be known as the Official Standard Grades for Flue-cured Tobacco, to be in force and effect on July 21, 1952. These official standard grades shall supersede the present standard grades for flue-cured tobacco promulgated on August 7, 1936 (1 F. R. 1045), and amended November 28, 1947 (12 F. R. 8041).

It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making, and to postpone the effective date of these standards until 30 days after publication hereof in the FEDERAL REGISTER for the following reasons: (1) The marketing season for flue-cured tobacco is scheduled to open on the 21st day of July 1952, and it is imperative that this amendment be effective on said date; (2) that the Department's Price Support Program for flue-cured tobacco is to be based upon the revised grades issued herein; (3) there will be no hardship imposed upon the tobacco industry thereby; and (4) sufficient time exists under the circumstances for the industry to comply with the revised standards. Therefore, the revised Official Standards for Flue-cured Tobacco shall become effective on July 21, 1952.

The revised standards are as follows:

OFFICIAL STANDARD GRADES FOR FLUE-CURED TOBACCO

(U. S. Types 11, 12, 13, and 14)

WRAPPER GRADES (A-GROUP)

Sec.
29.301 General specifications.

LEAF GRADES (B-GROUP)

29.302 General specifications.

CUTTER GRADES (C-GROUP)

Sec.
29.303 General specifications.

CUTTING LUG GRADES (X-GROUP)

29.304 General specifications.

GRANULATING LUG GRADES (X-GROUP CONT.)

29.305 General specifications.

NONDESCRIPT AND SCRAP (N & S GROUPS)

29.306 Nondescript (N & S groups).
29.307 Scrap (N & S groups).

DEFINITIONS

29.308 Terms defined.
29.309 Airdried.
29.310 Body.
29.311 Botched.
29.312 Chief.
29.313 Class.
29.314 Clean.
29.315 Color.
29.316 Condition.
29.317 Crude.
29.318 Cured.
29.319 Cutters (C).
29.320 Damaged.
29.321 Decayed.
29.322 Dun or walnut (D).
29.323 Flue-cured.
29.324 Foreign matter.
29.325 Form.
29.326 Grade.
29.327 Green (G).
29.328 Greenish (V).
29.329 Group.
29.330 Injury.
29.331 Leaf-scrap.
29.332 Lemon (L).
29.333 Lot.
29.334 Lugs (X).
29.335 Mahogany or Second Red (S).
29.336 Major.
29.337 Mixed (M).
29.338 Nested.
29.339 Nondescript (N).
29.340 Off-type.
29.341 Orange (F).
29.342 Order (Case).
29.343 Package.
29.344 Packing.
29.345 Premature.
29.346 Primings (P).
29.347 Quality.
29.348 Raw.
29.349 Red (R).
29.350 Resweated.
29.351 Scrap.
29.352 Semicured.
29.353 Side.
29.354 Smoking-leaf (H).
29.355 Sound.
29.356 Special factor.
29.357 Steamdried.
29.358 Stem.
29.359 Stemmed.
29.360 Stems.
29.361 Strips.
29.362 Subgrade.
29.363 Subgroup.
29.364 Sweated.
29.365 Sweating.
29.366 Tips.
29.367 Tobacco.
29.368 Tobacco products.
29.369 Type.
29.370 Type 11.
29.371 Type 12.
29.372 Type 13.
29.373 Type 14.
29.374 Under-size.
29.375 Undried.
29.376 Uniformity.
29.377 Unsound (U).
29.378 Unstemmed.
29.379 Variegated (K).
29.380 Waste.
29.381 Web.
29.382 Web-scrap.

Sec
29.383 Web-yield.
29.384 Wet (W).
29.385 Yield.

RULES

29.386 Rules.
29.387 Rule 1.
29.388 Rule 2.
29.389 Rule 3.
29.390 Rule 4.
29.391 Rule 5.
29.392 Rule 6.
29.393 Rule 7.
29.394 Rule 8.
29.395 Rule 9.
29.396 Rule 10.
29.397 Rule 11.
29.398 Rule 12.
29.399 Rule 13.

AUTHORITY: §§ 29.301 to 29.399 issued under sec. 14, 49 Stat. 734; 7 U. S. C. 511m.

WRAPPER GRADES (A-GROUP)

§ 29.301 *General specifications.* All grades of the A group must be clean, sound, ripe, firm, strong, and over 18" long, must have an open weave, light to true color shade, clear to bright finish, and small to medium size and blending fibers, and must not exceed the tolerances specified with respect to injury.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
A1L	Choice Quality Wrapper in Lemon Color. Very silky, very fine texture, very elastic, oily, thin to medium body, spready, uniform. Tolerance, 30 percent leaves of a quality not lower than B3 or C3, and 5 percent injury of a nature affecting wrapper yield.
A1F	Choice Quality Wrapper in Orange Color. Very oily, medium to fleshy body, otherwise same as A1L.
A1R	Choice Quality Wrapper in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A1L.
A2L	Fine Quality Wrapper Pickers in Lemon Color. Silky, fine texture, elastic, oily, thin to medium body, fairly spready, harmonizing. Tolerance, 50 percent leaves of a quality not lower than B3 or C3, and 10 percent injury of a nature affecting wrapper yield.
A2F	Fine Quality Wrapper Pickers in Orange Color. Very oily, medium to fleshy body, otherwise same as A2L.
A2R	Fine Quality Wrapper Pickers in Red Color. Rich in oil, fleshy to heavy body, otherwise same as A2L.

LEAF GRADES (B-GROUP)

§ 29.302 *General specifications.* All grades of the B group must be clean, sound, medium to heavy body, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent undersized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
B1L	Choice Quality Leaf in Lemon Color. Very smooth, very good texture, oily, ripe, firm, medium body, strong, fairly spready, open weave, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
B1F	Choice Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B1L.
B1R	Choice Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B1L.
B2L	Fine Quality Leaf in Lemon Color. Smooth, good texture, oily, ripe, firm, medium body, strong, normal width, open weave, fairly light color shade, clear finish, emerging fibers, harmonizing, over 20" long. Tolerance, 10 percent injury.
B2F	Fine Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B2L.
B2R	Fine Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B2L.
B3L	Good Quality Leaf in Lemon Color. Fairly smooth, fair texture, oily, ripe, firm, medium body, fairly strong, normal width, fairly open weave, true color shade, fairly clear finish, similar, over 18" long. Tolerance, 15 percent injury.
B3F	Good Quality Leaf in Orange Color. Very oily, medium to fleshy body, otherwise same as B3L.
B3R	Good Quality Leaf in Red Color. Rich in oil, fleshy body, otherwise same as B3L.
B3S	Good Quality Leaf in Mahogany Color. Rich in oil, heavy body, otherwise same as B3L.
B4L	Fair Quality Leaf in Lemon Color. Unrough, fairly oily, fairly ripe, fairly firm, medium body, normal strength, not narrow, fairly true color shade, normal finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
B4F	Fair Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B4L.
B4R	Fair Quality Leaf in Red Color. Fleshy body, otherwise same as B4L.
B4S	Fair Quality Leaf in Mahogany Color. Heavy body, otherwise same as B4L.
B4D	Fair Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B4L.
B4K	Fair Quality Variegated Leaf. Average quality of B4 or better in variegated colors corresponding to the general shades of lemon, orange, or light red.
B4M	Fair Quality Mixed Leaf. Average quality of B4 or better.
B4G	Fair Quality Leaf in Green Color. Quality of B4, except maturity.
B5L	Low Quality Leaf in Lemon Color. Fairly ripe, medium body, not weak, not stringy, dusky color shade, dull finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
B5F	Low Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B5L.
B5R	Low Quality Leaf in Red Color. Fleshy body, otherwise same as B5L.
B5S	Low Quality Leaf in Mahogany Color. Heavy body, otherwise same as B5L.
B5D	Low Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B5L.
B5K	Low Quality Variegated leaf. Average quality of B5 or better in variegated colors corresponding to the general shades of lemon, orange, or light red.
B5M	Low Quality Mixed Leaf. Average quality of B5 or better.
B5G	Low Quality Leaf in Green Color. Quality of B5, except maturity.
B6L	Poor Quality Leaf in Lemon Color. Fairly ripe, medium body, not tender, dark color shade, dingy finish, unmixed. Tolerance, 40 percent total injury of which not over 20 percent may be waste or other badly injured tobacco.
B6F	Poor Quality Leaf in Orange Color. Medium to fleshy body, otherwise same as B6L.
B6R	Poor Quality Leaf in Red Color. Fleshy body, otherwise same as B6L.
B6S	Poor Quality Leaf in Mahogany Color. Heavy body, otherwise same as B6L.
B6D	Poor Quality Leaf in Dun or Walnut Color. Medium to heavy body, otherwise same as B6L.
B6K	Poor Quality Variegated Leaf. Average quality of B6 or better in variegated colors corresponding to the general shades of lemon, orange, or light red.
B6M	Poor Quality Mixed Leaf. Average quality of B6 or better.
B6G	Poor Quality Leaf in Green Color. Quality of B6, except maturity.

CUTTER GRADES (C-GROUP)

§ 29.303 *General specifications.* All grades of the C group must be clean, sound, thin to medium body, must have an open weave and small to medium size fibers, and must not exceed the tolerances specified with respect to waste and other injury. General tolerance, 20 percent under-sized leaves.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
C1L	Choice Quality Cutters in Lemon Color. Fairly silky, fine texture, oily, ripe, firm, thin body, fairly strong, broad, light color shade, very clear finish, blending fibers, uniform, over 20" long. Tolerance, 5 percent injury.
C1F	Choice Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C1L.
C2L	Fine Quality Cutters in Lemon Color. Very smooth, very good texture, oily, ripe, firm, thin body, fairly strong, spready, light color shade, very clear finish, blending fibers, harmonizing, over 20" long. Tolerance, 10 percent injury.
C2F	Fine Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C2L.
C3L	Good Quality Cutters in Lemon Color. Smooth, good texture, fairly oily, ripe, fairly firm, thin body, normal strength, fairly spready, fairly light color shade, clear finish, emerging fibers, similar over 18" long. Tolerance, 15 percent injury.
C3F	Good Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C3L.
C3K	Good Quality Variegated Cutters. Average quality of C3 or better.
C3M	Good Quality Mixed Cutters. Average quality of C3 or better.
C4L	Fair Quality Cutters in Lemon Color. Smooth, fair texture, lean, ripe, not flimsy, thin body, normal strength, normal width, true color shade, fairly clear finish, unmixed. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
C4F	Fair Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C4L.

U. S. Grade	
C4K	Fair Quality Variegated Cutters. Average quality of C4 or better.
C4M	Fair Quality Mixed Cutters. Average quality of C4 or better.
C5L	Low Quality Cutters in Lemon Color. Fairly smooth, lean, fairly ripe, not flimsy, thin body, not weak, not narrow, fairly true color shade, normal finish, unmixed. Tolerance, 30 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
C5F	Low Quality Cutters in Orange Color. Fairly thin to medium body, otherwise same as C5L.
C5K	Low Quality Variegated Cutters. Average quality of C5 or better.
C5M	Low Quality Mixed Cutters. Average quality of C5 or better.

CUTTING LUG GRADES (X-GROUP)

§ 29.304 *General specifications.* All grades of the Cutting Lugs must be clean, sound, thin to medium body, and must not exceed the tolerances specified with respect to waste and other injury.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
X1L	Choice Quality Cutting Lugs in Lemon Color. Smooth, good texture, fairly oily, ripe, fairly firm, thin body, not weak, normal width, open weave, fairly light color shade, fairly clear finish, emerging fibers, similar. Tolerance, 20 percent total injury of which not over 5 percent may be waste or other badly injured tobacco.
X1F	Choice Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X1L.
X2L	Fine Quality Cutting Lugs in Lemon Color. Smooth, fair texture, lean, ripe, not flimsy, thin body, not weak, not narrow, open weave, true color shade, normal finish, unmingled. Tolerance, 25 percent total injury of which not over 10 percent may be waste or other badly injured tobacco.
X2F	Fine Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X2L.
X3L	Good Quality Cutting Lugs in Lemon Color. Fairly smooth, lean, fairly ripe, not flimsy, thin body, not tender, not stringy, fairly open weave, fairly true color shade, dull finish, unmixed. Tolerance, 40 percent total injury of which not over 20 percent may be waste or other badly injured tobacco.
X3F	Good Quality Cutting Lugs in Orange Color. Fairly thin to medium body, otherwise same as X3L.
X3K	Good Quality Variegated Cutting Lugs. Over 18" long, otherwise average quality of X3 or better.
X3M	Good Quality Mixed Cutting Lugs. Average quality of X3 or better.
X3G	Good Quality Cutting Lugs in Green Color. Quality of X3, except maturity.

GRANULATING LUG GRADES (X-GROUP CONTINUED)

§ 29.305 *General specifications.* All grades of Granulating Lugs must be clean, sound, tissuey to thin body, porous, and must not exceed the tolerances specified with respect to waste. Any tissuey to thin bodied tobacco in lemon, orange, or variegated colors which will not meet the specifications of the lowest grade of leaf, smoking-leaf, cutters, or cutting lugs and which does not contain over 40 percent of waste and is not defined as nondescript or scrap may be classified as granulating lugs or granulators.

GRADE DESCRIPTION, SPECIFICATIONS, AND TOLERANCES

U. S. Grade	
X4L	Fair Quality Granulators in Lemon Color. Unrough, fairly ripe, thin body, dusky color shade, cloudy finish, unmixed. Tolerance, 30 percent waste.
X4F	Fair Quality Granulators in Orange Color. Fairly thin to medium body, otherwise same as X4L.
X4K	Fair Quality Variegated Granulators. Over 16" long, otherwise average quality of X4 or better.
X4M	Fair Quality Mixed Granulators. Average quality of X4 or better.
X4G	Fair Quality Granulators in Green Color. Quality of X4, except maturity.
X5L	Low Quality Granulators in Lemon Color. Fairly ripe, thin body, dark color shade, dingy finish, unmixed. Tolerance, 40 percent waste.
X5F	Low Quality Granulators in Orange Color. Fairly thin to medium body, otherwise same as X5L.
X5K	Low Quality Variegated Granulators. Average quality of X5 or better.
X5M	Low Quality Mixed Granulators. Average quality of X5 or better.
X5G	Low Quality Granulators in Green Color. Quality of X5, except maturity.

NONDESCRIPT AND SCRAP (N & S GROUPS)

§ 29.306 *Nondescript (N & S groups).*

U. S. Grade	SPECIFICATIONS
N	Nondescript, as defined in § 29.339.

§ 29.307. *Scrap (N & S groups).*

U. S. Grade	SPECIFICATIONS
S	Scrap, as defined in § 29.351.

DEFINITIONS

§ 29.308 *Terms defined.* For the purposes of §§ 29.301 to 29.399, the terms appearing in §§ 29.309 to 29.385 shall be construed as explained.

§ 29.309 *Airdried.* The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.310 *Body.* The thickness and density of leaf or weight per unit of surface.

§ 29.311 *Botched.* Any lot of unnested tobacco offered for inspection which has not been sorted (or graded) in a manner which is customary in the type district, or the grade of any tobacco which does not reasonably conform to the common and accepted practices in the type district of preparing tobacco for market, including: (a) Extreme mixtures, such as Lugs and Primings intermingled with Leaf, or lemon and orange colored tobacco intermingled with dark mahogany or walnut, or tobacco of very poor quality or badly injured tobacco intermingled with good quality tobacco which is not materially injured, et cetera; (b) any unsorted tobacco, or tobacco which has been sorted in an unskilled, careless, or bungling manner; (c) tobacco which clearly and obviously contains an abnormal quantity of foreign matter such as strings, sand, muddy, or extremely dirty leaves; (d) tobacco prepared in a disorderly or tangled manner, such as not being packed reasonably straight in layers or flakes with the butts of the leaves or the heads of the bundles in the same direction; and (e) tobacco tied with abnormally large or long heads so that it cannot be properly redried in the customary manner.

§ 29.312 *Chief.* The Chief of the Standards and Technical Research Division, Tobacco Branch, Production and Marketing Administration.

§ 29.313 *Class.* A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the method of cultivation, harvesting, or curing.

§ 29.314 *Clean.* Normally free of dirt and other foreign matter.

§ 29.315 *Color.* A subdivision of a group based on the relative hues, saturations, and brilliances common to the group and on certain elements of quality, such as body and maturity, which are closely related to color.

§ 29.316 *Condition.* The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation, such as Undried, Airdried, Steamdried, Sweating, Sweated, and Resweated.

§ 29.317 *Crude.* Any very immature leaf of which one-fifth or more of its surface has a positive green color; or any tobacco containing 30 percent or more crude leaves.

§ 29.318 *Cured.* Tobacco thoroughly dried of its sap by either natural or artificial processes.

§ 29.319 *Cutters (C).* A group of tobacco which is spready and very thin to medium in body as compared with the average width and body of the type and which has the characteristics of cutting lugs, except with respect to injury, finish, and length.

§ 29.320 *Damaged.* The effect of mold, must, rot, black-rot, or other fungous or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

§ 29.321 *Decayed.* Any tobacco which is damaged to the extent of 20 percent or more.

§ 29.322 *Dun or Walnut (D).* Tobacco which is chiefly composed of leaves having a very dull or dingy finish and a very dusky or dark shade of brown color and which is not crude, green, or mixed.

§ 29.323 *Flue-cured.* Tobacco cured under artificial atmospheric conditions by a process of regulating the heat and ventilation without allowing smoke or fumes from the fuel to come in contact with the tobacco; or tobacco cured by some other process which accomplishes the same results.

§ 29.324 *Foreign matter.* Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

§ 29.325 *Form.* The stage of preparation of tobacco, such as Unstemmed and Stemmed.

§ 29.326 *Grade.* A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

§ 29.327 *Green (G).* (a) Any leaf of which one-fifth or more of its surface is predominantly green in color; or (b) any lot of tobacco containing 20 percent or more green leaves; or (c) any lot of tobacco which is not crude but which contains 20 percent of green and crude combined.

§ 29.328 *Greenish (V).* (a) Any leaf of which one-fifth or more of its surface has a decided greenish tinge or cast; or (b) any lot of tobacco containing 30 percent or more greenish leaves; or (c) any lot of tobacco which is not green but which contains 30 percent of green and greenish leaves combined.

§ 29.329 *Group.* A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

§ 29.330 *Injury.* Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, hailcut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing deformed leaves; or tobacco hurt by insects; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frenching, sand-drown, or other similar diseases.

§ 29.331 *Leaf-scrap.* Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

§ 29.332 *Lemon (L).* Tobacco which is chiefly yellow in color and which is not crude, green, mixed, or variegated.

§ 29.333 *Lot.* A pile, basket, bulk, bale, case, hogshead, tierce, package, or other definite unit.

§ 29.334 *Lugs (X).* A group of tobacco which in the better qualities consists of cutting lugs and in the lower qualities consists of granulated lugs. Cutting lugs are normally under 16" long and have the characteristics of cutters except for a somewhat narrower width, less injury and waste, a duller finish, and less tensile strength. Granulating lugs have a material amount of waste and injury of the kind characteristic of leaves grown near the ground and include variegated leaves which are too badly injured, discolored, or have too much waste or other badly injured tobacco to be classified as cutters or cutting lugs.

§ 29.335 *Mahogany or Second Red (S).* Tobacco which is chiefly of a dark red or mahogany color and which is not crude, green, or mixed.

§ 29.336 *Major.* The principal or leading kind of tobacco of which a lot consists; or the kind of tobacco which constitutes the largest percentage of a lot.

§ 29.337 *Mixed (M).* A lot of tobacco which contains 30 percent or more leaves of distinctly different quality or color from the major or run of the lot, and which has not been botched and which contains less than 30 percent of variegated leaves and less than 20 percent of green.

§ 29.338 *Nested.* Any tobacco which has been loaded, packed, or arranged in such a manner as to conceal foreign matter or tobacco of inferior grade, quality, or condition. Specifically, the grade "Nested" shall include: (a) Any lot of tobacco which contains damaged, injured, tangled, or other inferior tobacco, or an abnormal quantity of sand or other foreign matter, which cannot be readily detected upon inspection due to the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands, or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are so placed or arranged as to conceal from view relatively inferior quality leaves on the inside of the hands, or which contains wet tobacco or tobacco of relatively lower quality in the heads under the tie leaves; (d) any lot of tobacco consisting of distinctly different grades, qualities, or conditions which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers.

§ 29.339 *Nondescript (N).* Except as may be designated by a special factor, nondescript shall include: (a) Any tobacco which does not meet the minimum specifications of the lowest grade of any other group; (b) any wet, semicured, or unsound tobacco; (c) any tobacco which has wasted or contains waste to the extent of 40 percent or more; or (d) any tobacco defined as botched, crude, decayed, off-type, or nested.

§ 29.340 *Off-type.* Any tobacco which cannot be properly classified in any other grade of the type normally sold on the markets of a given type due to its distinctly different characteristics; or any tobacco which for any reason is distinctly foreign to the grades of an established type. Specifically, "Off-type" shall cover any kind of tobacco which is not ordinarily sold on the markets at which it is offered for inspection and shall include any smutty or smoked tobacco, tobacco having an odor foreign to the type, or tobacco showing the effects of smoke or fumes from open fires.

§ 29.341 *Orange (F).* Tobacco which is chiefly orange in color and which is not crude, green, mixed, or variegated.

§ 29.342 *Order (Case).* The state of tobacco with respect to its moisture content.

§ 29.343 *Package.* A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.344 *Packing.* A lot of tobacco consisting of a certain number of packages submitted for sampling or inspection as one definite unit and represented to contain the same grade and kind of tobacco and having a common identification number or mark on each package.

§ 29.345 *Premature.* A low degree of maturity, but having the appearance of being ripe.

§ 29.346 *Primings (P).* A subgroup of lugs composed of very thin or tissuey, pale, silky, and premature leaves which are low in oil and wax and which have a dull or dingy finish.

§ 29.347 *Quality.* A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco, construed in relation to the type as a whole unless otherwise specifically restricted, as in the element "Color shade" which is restricted to a given color.

§ 29.348 *Raw.* Freshly harvested tobacco, or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.349 *Red (R).* Tobacco which is chiefly of a light or bright red color and which is not crude, green, mixed, or variegated.

§ 29.350 *Resweated.* The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or refermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.351 *Scrap.* A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of loose, untied, and unstemmed leaves or the web portions of leaves, which accumulate in warehouses, packing and conditioning plants, and stemmeries; or tobacco which has been reduced to scrap by any process.

§ 29.352 *Semicured.* Tobacco in the process of being cured, or tobacco which is partially, but not thoroughly cured, including tobacco which contains fat-stems, wet-butts, swell-stems, or stems which have not been thoroughly dried in the curing process.

§ 29.353 *Side.* Any distinct characteristic of tobacco, or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

§ 29.354 *Smoking-leaf (H).* A subgroup of leaf: Composed of relatively thin, nonelastic, mellow, very grainy, and porous leaves; being low in oil; having prominent ribs (considering the rib size in relation to the thickness of the leaf); and characterized by a somewhat duller finish than the corresponding colors of the leaf group. Some of the lower grades of smoking-leaf have a

considerable amount of injury of the kind normally found in very grainy or overripe tobacco.

§ 29.355 *Sound.* Free of damage.

§ 29.356 *Special factor.* A symbol or term authorized to be used with specified grades to designate a certain side or characteristic of importance, varying from or not covered by the specifications of the grades.

§ 29.357 *Steamdried.* The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.358 *Stem.* A midrib of a tobacco leaf.

§ 29.359 *Stemmed.* A form of tobacco from which the stems or midribs have been removed, which may consist of either strips or web-scrap.

§ 29.360 *Stems.* A tobacco by-product composed of the midribs of tobacco leaves.

§ 29.361 *Strips.* The two whole sides of a tobacco leaf from which the stem has been removed; or a lot of tobacco composed of strips.

§ 29.362 *Subgrade.* Any grade modified by a special factor or subgroup symbol.

§ 29.363 *Subgroup.* A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

§ 29.364 *Sweated.* The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

§ 29.365 *Sweating.* The condition of tobacco in the process of fermentation.

§ 29.366 *Tips.* A subgrade of leaf tobacco of which 25 percent or more of its leaves are under 16" in length. Tips normally consist of relatively narrow, sharp pointed, and heavy bodied leaves, under 16" long, which grow on the top or upper part of the plant but may consist of any short leaf tobacco having the characteristics of tips.

§ 29.367 *Tobacco.* Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in this subpart, does not include any raw tobacco, manufactured products, stems which have been removed from leaves, cuttings, clippings, trimmings, or shorts (fine siftings).

§ 29.368 *Tobacco products.* Products manufactured from tobacco which are subject to internal revenue taxes, including: Cigarettes, cigars, and smoking, chewing, and snuff tobaccos.

§ 29.369 *Type.* A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.370 *Type 11.* That type of flue-cured tobacco commonly known as Western Flue-cured or Old Belt and Middle Belt Flue-cured; and produced principally in the Piedmont sections of Virginia and North Carolina and the district extending eastward to the coastal plains region. That portion of this type known as Old Belt Flue-cured, normally characterized by a heavier body and darker color shade and produced principally in the Piedmont sections of Virginia and North Carolina, may be classified as Type 11a; and that portion of the type known as Middle Belt Flue-cured, normally characterized by a thinner body and lighter color shade and produced principally in a section lying between the Piedmont and coastal plains regions of Virginia and North Carolina, may be classified as Type 11b.

§ 29.371 *Type 12.* That type of flue-cured tobacco commonly known as Eastern Flue-cured, New Belt of North Carolina Flue-cured, or Eastern Carolina Flue-cured; and produced principally in the coastal plains section of North Carolina, north of the South River.

§ 29.372 *Type 13.* That type of flue-cured tobacco commonly known as South-eastern Flue-cured, South Carolina Flue-cured, or New Belt of South Carolina; and produced principally in the coastal plains section of South Carolina, and the southeastern counties of North Carolina, south of the South River.

§ 29.373 *Type 14.* That type of flue-cured tobacco commonly known as Southern Flue-cured or New Belt of Georgia, Florida, and Alabama; and produced principally in the southern section of Georgia and to some extent in Florida and Alabama.

§ 29.374 *Under-size.* Tobacco which is shorter than the minimum size established for a particular group or grade of a type.

§ 29.375 *Undried.* The condition of unfermented tobacco which has not been airdried or steamdried.

§ 29.376 *Uniformity.* One of the elements of quality in tobacco having reference to the consistency of a lot, as ordinarily sorted and prepared for market, with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a distinctly different group, quality, or color from the major or principal kind of which a lot consists: (a) Alike or very uniform, less than 5 percent; (b) Uniform, less than 10 percent; (c) Harmonizing or fairly uniform, less than 15 percent; (d) Similar, less than 20 percent; (e) Unmingled, less than 25 percent; (f) Unmixed or mingled, less than 30 percent; and (g) Mixed, 30 percent or more. When uniformity with respect to quality is specified it includes uniformity with respect to group, but when uniformity with respect to color is specified it does not include uniformity with respect to group or quality.

§ 29.377 *Unsound (U).* Damaged under 20 percent.

§ 29.378 *Unstemmed.* A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

§ 29.379 *Variegated (K).* Having a diversity of contrasting colors or tints, other than green, within a leaf; or leaves which are in part distinctly gray, mottled, bleached, stained or doty-faced; or leaves which in part have been badly discolored in the curing process by scalding, scorching, et cetera; or leaves which do not blend with the normal colors of lemon, orange, red, mahogany, or walnut established for the type. Any lot of tobacco containing 30 percent or more of such leaves is classified as variegated.

§ 29.380 *Waste.* That portion or portions of the web of tobacco leaves which has been lost or rendered unserviceable for use in tobacco products, including: (a) Portions which have decomposed or largely decomposed by field diseases, field firing, pole-burning, bulk-burning, or scorching; and (b) portions which are dead, lifeless, and do not have sufficient strength or stability to hold together in the normal manufacturing process due to excessive injury of any kind.

§ 29.381 *Web.* That portion of a tobacco leaf expanded from the midrib, as distinguished from the stem or midrib; or that portion of a tobacco leaf from which the midrib has been removed; or a lot of tobacco consisting of the web of tobacco leaves; or any unmanufactured tobacco which does not contain stems.

§ 29.382 *Web-scrap.* Stemmed scrap or stemless scrap which is a by-product from stemming tobacco or handling strips, consisting chiefly of portions of strips; or a lot of tobacco from which the stems have been removed by thrashing or other means which breaks the web or sides of the leaves into small pieces.

§29. 383 *Web-yield.* The ratio of the weight of granulated and clean web which is normally serviceable and useable in reputable tobacco products to the weight of the original unstemmed tobacco.

§ 29.384 *Wet (W).* Any sound tobacco containing excessive moisture to the extent that it is in an unsafe or doubtful keeping state for the condition or purpose the tobacco is to be used, handled, or stored. Wet shall apply to any semicured tobacco or other tobacco which is not damaged, but which is likely to damage on account of excessive moisture if treated in the customary manner or unless unusual precaution is taken.

§ 29.385 *Yield.* The potential quantity or percentage of a given product which can be produced, per unit, from a lot or packing of tobacco.

RULES

§ 29.386 *Rules.* The application of §§ 29.301 to 29.385 shall be in accordance with the rules appearing in §§ 29.387 to 29.399.

§ 29.387 *Rule 1.* Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

§ 29.388 *Rule 2.* The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

§ 29.389 *Rule 3.* In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.390 *Rule 4.* In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than twelve inches from the top of the package and one, not more than twelve inches from the bottom of the package and all breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three of the breaks so made and, from these draws, a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.391 *Rule 5.* Tobacco damaged under 20 percent shall be classed as unsound and treated as a subgrade by placing the special factor letter "U" after or above the grade mark. For example: A lot of unsound tobacco which otherwise meets the specifications of B4M shall be graded B4M–U.

§ 29.392 *Rule 6.* When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

§ 29.393 *Rule 7.* Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

§ 29.394 *Rule 8.* Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

§ 29.395 *Rule 9.* The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

§ 29.396 *Rule 10.* If at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

§ 29.397 *Rule 11.* Any special factor symbol, approved for the purpose by the Chief of the Standards and Technical Research Division, Tobacco Branch, Production and Marketing Administration, may be used after a grade mark to show a peculiar side or characteristic of the tobacco. Interpretations on the application of these standards, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief. The use of any grade may be restricted by the Chief, during any marketing season, when he finds that the grade is not needed or appears in insufficient volume to justify making the grade.

§ 29.398 *Rule 12.* All qualities of leaf in L, F, and R colors which have the characteristics of Smoking-leaf shall be made a subgroup of Leaf by substituting the letter "H" for the group letter "B" in the grade symbol.

§ 29.399 *Rule 13.* Lugs of the third, fourth, and fifth qualities in L, F, and G colors which have the characteristics of Primings shall be made a subgroup of Lugs by substituting the letter "P" for the group letter "X" in the grade symbol.

Issued at Washington, D. C., this 17th day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7866; Filed, July 18, 1952; 8:52 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

CANNED PLUMS; REVISION

On April 29, 1952 a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 3799) regarding a proposed revision of the United States Standards for Grades of Canned Plums. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Plums are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.573 *Canned plums.* Canned plums (including prune plums) are the properly ripened fresh fruit of the plum tree (Prunus domestica), are prepared by stemming and washing, are packed in water with or without sweetening ingredients, may be packed with the addition of suitable ingredients for "dietetic pack", and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Varieties of canned plums.* (1) Purple plum groups.

(2) Green gage plum groups.

(3) Yellow egg plum groups.

(b) *Styles of canned plums.* (1) "Whole" canned plums are whole, unpeeled, unpitted plums.

(2) "Halved" canned plums are unpeeled, pitted plums, cut or separated longitudinally into approximate halves.

(c) *Grades of canned plums.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned plums that possess similar varietal characteristics; that are practically free from defects; that possess a normal flavor and odor; and that are of such quality with respect to color, uniformity of size, and character as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of canned plums that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably free from defects; that possess a normal flavor and odor; and that are of such quality with respect to uniformity of size and character as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color; that may or may not be fairly uniform in size; that are fairly free from defects except that there is no limit on crushed or broken units; that may or may not possess a fairly good character; and that possess a normal flavor and odor.

(5) "Substandard" is the quality of canned plums that fails to meet the requirements of either U. S. Grade C or U. S. Standard or U. S. Grade D, or both.

(d) *Recommended designations of liquid media and Brix measurements for canned plums.* "Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned plums have the following "cut-out" Brix measurement for the applicable designation, which designations include, but are not limited to:

Designation	Brix measurement
"Extra heavy syrup"	26° or more but not more than 35°.
"Heavy syrup"	21° or more but less than 26°.
"Light syrup"	16° or more but less than 21°.
"In water"	Packed in water.

(e) *Recommended fill of container for canned plums.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned plums be filled with plums as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

(f) *Recommended minimum drained weight.* The minimum drained weight recommendations for the applicable styles in Table I and Table II of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned plums is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404×414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(g) *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned plums is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations, for the applicable styles, if in:

(1) Whole style:

(i) The average of the drained weights from all of the containers meets the average of the recommended drained weights for the counts from the containers examined;

(ii) One-half or more of the containers meet the recommended drained weight for the respective count found; and

(iii) The drained weights from the containers which do not meet the recommended drained weight for the count found are within the range of variability for good commercial practice.

(2) Halved style:

(i) The average drained weight from all the containers meets the recommended drained weight;

(ii) One-half or more of the containers meet the recommended drained weight; and

(iii) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR WHOLE CANNED PLUMS

Range of count of whole plums per container	In any syrup; or in any other liquid medium including declared "dietetic packs" whether or not packed "in water"						
	Metal containers					Glass containers	
	8 Z tall (211 x 304)	No. 1 tall (301 x 411)	No. 303 (303 x 406)	No. 2 (307 x 409)	No. 2½ (401 x 411)	No. 303	No. 2½
	Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
10 or less	4¼	9	9	10½	15½	9	15
11 to 20	4¼	9	9	10½	15⅝	9	15
17 to 22				11	16		15½
23 and over					16½		15½

Range of count of whole plums per container	Whole style, in No. 10 (603 x 700) cans	
	In any syrup; or in any other liquid medium including declared "dietetic packs" whether or not packed "in water"	Other than declared "dietetic packs" packed "in water"
Any count	60 ounces	65 ounces

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR HALVED CANNED PLUMS

Container designation (metal, unless otherwise stated)	Container size (over-all dimensions)		Any grade in any syrup or other liquid medium
	Width	Height	
	Inches	*Inches*	*Ounces*
8 ounce tall	2¹³⁄₁₆	3⁸⁄₁₆	4¼
8 ounce glass			4¾
No. 1 tall	3¹⁄₁₆	4¹³⁄₁₆	9⅜
No. 303	3⅛	4⁵⁄₁₆	9¾
303 glass			9¾
No. 2	3⁷⁄₁₆	4⁷⁄₁₆	12
No. 2½	4⅛	4¹³⁄₁₆	16¼
No. 2½ glass			16
No. 10	6⅝	7	63

(h) *Ascertaining the grade.* (1) The grade of canned plums is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
(i) Color	20
(ii) Uniformity of size	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(3) "Normal flavor and odor" means that the canned plums are free from objectionable flavors and objectionable odors of any kind.

(i) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* The factor of color refers to the color of the background skin and any exposed flesh typical for the varietal group and to the intensity and brightness of such characteristic color. Characteristic mottling on the skin for the varietal group is considered as typical color and not as lacking in uniformity of color.

(i) Canned plums that possess a good color may be given a score of 18 to 20 points. "Good color" means that the plums possess a practically uniform, bright color typical of well-matured plums of a single varietal group which have been properly processed; that any exposed flesh is reasonably bright; and that not more than 10 percent by count of the units may possess a reasonably good color, including the over-all "dead-brown" color of canned purple plums. To score in this classification canned purple plums shall be surrounded by a practically clear and highly colored purple liquid.

(ii) If the canned plums possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the plums possess a reasonably uniform, reasonably bright color typical of reasonably well-matured plums of a single varietal group which have been properly processed; that any exposed flesh may be only fairly bright; and that not more than 15 percent by count of the units may possess a fairly good color. To score in this classification canned purple plums shall be surrounded by a reasonably clear and reasonably high-colored liquid.

(iii) If the canned plums possess a fairly good color, a score of 14 or 15 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or Standard or U. S. Grade D, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the plums possess a color typical of at least fairly well-matured plums of a single varietal group which have been properly processed; that such characteristic color may be markedly variable including the over-all "dead-brown" color of canned purple plums but is not off color for any reason.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size.* Any plums of halved style that are not cleanly divided into halves shall be separated into two approximately equal halves before ascertaining uniformity of size.

(i) Canned plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that:

(*a*) In containers with less than 20 units, the weight of the largest unit does not exceed the weight of the second smallest unit by more than 50 percent, or

(*b*) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit does not exceed the weight of the smallest unit by more than 50 percent.

(ii) If the canned plums are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that:

(*a*) In containers with less than 20 units, the weight of the largest unit does not exceed the weight of the second smallest unit by more than 75 percent, or

(*b*) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit does not exceed the weight of the smallest unit by more than 75 percent.

(iii) If the canned plums are fairly uniform in size, a score of 14 or 15 points may be given. "Fairly uniform in size" means that:

(*a*) In containers with less than 20 units, the weight of the largest unit is not more than twice the weight of the second smallest unit, or

(*b*) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit is not more than twice the weight of the smallest unit.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from crushed or broken units; from pits or loose pits for the applicable style; from damaged and seriously damaged units; and from any other defects which detract from the appearance or edibility of the product.

(i) A "unit", in whole style, means a whole or substantially whole plum and, in halved style, any whole or partially whole plum is separated into two approximately equal halves and each half therefrom is considered a "unit."

(ii) "Harmless extraneous material" means any vegetable substance (including, but not limited to, a leaf or stem or significant portions thereof) that is harmless.

(iii) "Crushed or broken" means that a unit bears marks of crushing or is otherwise crushed or broken not due to ripeness. In whole style, plums that possess broken skins or that are split to the pit cavity are not considered crushed or broken unless the entire pit cavity is exposed or the unit is mutilated to the extent that it is not intact as a whole or substantially whole plum. In halved style, halves of plums that are slightly split are not considered crushed or broken unless the unit is seriously mutilated.

(iv) A "pit" means a whole pit or any portion thereof. In whole style, only "loose pits" are considered as defects. In halved style, pits are considered as defects whether loose or attached to a unit.

(v) "Damaged" means any injury which, singly or in the aggregate on a unit or in a unit (except for internal gummosis), materially affects the appearance of the unit and includes, but is not limited to:

(*a*) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area exceeding that of a circle $^{3}/_{16}$ inch in diameter and not extending into the fruit tissue;

(*b*) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area equivalent of, or less than, that of a circle $^{3}/_{16}$ inch in diameter and extending into the fruit tissue so that the flesh is materially discolored or toughened;

(*c*) Abnormalities, such as "doubles" and growth cracks, but not "shriveled" areas;

(*d*) External gummosis.

(vi) "Seriously damaged" means damaged to the extent that the appearance or edibility of the unit is seriously affected.

(vii) Canned plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned plums are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(*a*) 1 small stem or 1 small leaf for each 64 ounces of net weight; and no harmless extraneous material;

(*b*) No crushed or broken units;

(*c*) 1 loose pit for each 32 ounces of net weight in whole style and no pits in halved style;

(*d*) A total of 10 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 3 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be damaged or one unit in a single container is permitted to be seriously damaged if any of such units exceed the respective allowances of 10 percent and 3 percent by count, provided that in all containers comprising the sample such damaged and seriously damaged units do not exceed an average of 10 percent by count of the total number of units or that such seriously damaged units do not exceed an average of 3 percent by count of the total number of units.

(viii) If the canned plums are reasonably free from defects, a score of 24 to 26 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned plums are reasonably free from any defects not specifically mentioned that affect materially the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(*a*) 1 small stem or 1 small leaf for each 32 ounces of net weight; and no other harmless extraneous material;

(*b*) 5 percent by count of the units may be crushed or broken;

(*c*) 1 loose pit for each 16 ounces of net weight in whole style and no pits in halved style; and

(*d*) A total of 15 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 5 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be damaged or one unit in a single container is permitted to be seriously damaged if any of such units exceed the respective allowances of 15 percent and 5 percent by count, provided that in all containers comprising the sample such damaged and seriously damaged units do not exceed an average of 15 percent by count of the total number of units or that such seriously damaged units do not exceed an average of 5 percent by count of the total number of units.

(ix) If the canned plums are fairly free from defects, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned plums are fairly free from any defects not specifically mentioned that affect materially the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(*a*) 1 small stem or 1 small leaf for each 16 ounces of net weight and 1 piece of other harmless extraneous material for each 96 ounces of net weight;

(*b*) 10 percent by count of the units may be crushed or broken;

(*c*) 3 loose pits for each 32 ounces of net weight in whole style and 1 pit for each 32 ounces of net weight in halved plums; and

(*d*) A total of 20 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 10 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be seriously damaged if such unit exceeds 10 percent by count, provided that in all containers comprising the sample such seriously damaged units do not exceed an average of 10 percent by count of the total number of units.

(x) Canned plums that fail to meet the requirements of subdivision (ix) of this subparagraph with respect to requirements in (*b*) of said subdivision (or only with respect to crushed or broken units) may be given a score of 0 to 20 points and shall not be graded

above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(xi) Canned plums that fail to meet the requirements of subdivision (ix) of this subparagraph with respect to requirements other than (b) of said subdivision (or other than for crushed and broken units) may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the texture and condition of the flesh in relation to ripeness or maturity, to the tenderness and firmness of the canned plums, and to shriveled areas of the skin.

(i) Canned plums that possess a good character may be given a score of 27 to 30 points. "Good character" means that the units are thick-fleshed, are tender and may be soft but hold their apparent original conformation, and otherwise possess a good texture of both skin and flesh characteristic of canned plums that have been properly processed from well-ripened or well-matured plums; and that not more than a total of 10 percent by count of the canned plums may possess a reasonably good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(ii) If the canned plums possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the units may be slightly lacking in thickness of flesh, may be variable in texture from soft to slightly firm, and otherwise possess a reasonably good texture of both skin and flesh characteristic of canned plums that have been properly processed from reasonably well-ripened or reasonably well-matured plums; and that not more than a total of 20 percent by count of the canned plums may possess a fairly good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(iii) If the canned plums possess a fairly good character, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units may be more than slightly lacking in thickness of flesh, possess a fairly good texture of both skin and flesh characteristic of canned plums that have been properly processed from fairly well-ripened or fairly well-matured plums, may be variable in texture from very soft to slightly tough but are not so soft as to show material disintegration, and may possess shriveled areas that materially affect, but do not seriously affect, the appearance of the canned plums.

(iv) Canned plums that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

(j) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned plums, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(k) *Score sheet for canned plums.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Count	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	
Style (whole) (halves)	

Factors	Score points	
I. Color	20	(A) 18-20 (B) 16-17 (C) and (D) [1] 14-15 (SStd) 0-13
II. Uniformity of size	20	(A) 18-20 (B) 16-17 (C) 14-15 (D) and (SStd) 10-13
III. Absence of defects	30	(A) 27-30 (B) [1] 24-26 (C) [1] 21-23 (D) and (SStd) 10-20
IV. Character	30	(A) 27-30 (B) 24-26 (C) [1] 21-23 (D) and (SStd) 10-20
Total score	100	

Normal flavor and odor

Grade

[1] Indicates limiting rule.

(l) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Plums (which is the fourth issue) contained in this section will become effective 30 days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Plums which have been in effect since August 15, 1946.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 15th day of July, 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-7951; Filed, July 18, 1952; 8:51 a. m.]

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTIONS AND PROCEDURE

SALE OF FARM UNITS

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237, 238; 5 U. S. C. 1002), and the authority vested in me by order dated June 28, 1945 (10 F. R. 7959), paragraph (d) of § 600.6 (7 CFR 600.6 (d)) of Chapter VI, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 600.6 *Water conservation and utilization.* * * *

(d) Acquired project lands will be sold insofar as practicable in family-size farm units as determined by Regional Directors. Prior to the time project lands have been developed for irrigation and irrigation water is available, land acquired by the Government may be leased to qualified operators upon application to the project supervisor. After acquired lands have been developed for irrigation and irrigation water is available, Regional Directors will advertise the number of family-size farm units on projects which will be available for sale and the number which will be available for lease, with option to purchase, at any specified time, except that no advertisement will be made as to units to be sold to persons to whom commitments to purchase were made prior to September 11, 1946, and who have been approved by the Family Selection Committee, and units occupied by tenants who are veterans of World War II as defined in the Surplus Property Act of 1944 (58 Stat. 765, as amended, 50 U. S. C. App. 1611-1646), or who have served in the active service in the Armed Forces, which term includes the Army, Navy, Air Force, Marine Corps, and Coast Guard of the United States, for 90 days or more during the period beginning on June 27, 1950, and ending on such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress, and have been discharged or released from such active service under conditions other than dishonorable and are not currently in the active service, if such tenants meet the requirements of purchasers, and wish to acquire the farm units on which they reside. For a period of 90 days after farm units have been advertised for sale or lease, preference in the sale or lease of such farm units will be given to qualified veterans as defined above. Application forms, for showing the applicant's qualifications, and information concerning the purchase of project farms may be obtained from the respective project supervisors or Regional Directors. Prospective tenants and purchasers must, insofar as practicable, be in need of a family-type farm; be citizens of the United States; have had previous experience in farming where the major portion of the family income was from the farm; have a satisfactory credit reputation; and own or be in a position to secure necessary equipment and livestock to operate the land for which application is being made. In addition, prospective purchasers must be free from permanent infectious diseases or disabilities that are likely to obstruct the fulfillment of their obligations incident to the purchase of the farm. Applicants will be considered and passed upon by a Family Selection Committee composed of seven persons residing in the community or county in which the project is located. The applicants will be notified of the action taken by the Family Selection Committee.

(Sec. 4, 49 Stat. 164, sec. 32, 50 Stat. 525, 56 Stat. 725; 7 U. S. C. 1011, 16 U. S. C. 590d)

Done at Washington, D. C., this 11th day of July 1952.

[SEAL] ROBT. M. SALTER,
Chief, Soil Conservation Service.

[F. R. Doc. 52-7955; Filed, July 18, 1952; 8:52 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-Leaf-53)-3]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

GENERAL

Sec.
723.411 Basis and purpose.
723.412 Definitions.
723.413 Extent of calculations and rule of fractions.
723.414 Instructions and forms.
723.415 Applicability of §§ 723.411 to 723.428.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

723.416 Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.
723.417 1953 old farm tobacco acreage allotment.
723.418 Adjustment of acreage allotments for old farms.
723.419 Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.
723.420 Reallocation of allotments released from farms (a) removed from agricultural production or (b) shifted from production of cigar-filler and binder (types 42-55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.
723.421 Farms divided or combined.
723.422 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

Sec.
723.423 Determination of acreage allotments for new farms.
723.424 Time for filing application.
723.425 Determination of normal yields.

MISCELLANEOUS

723.426 Determination of acreage allotments and normal yields for farms (a) returned to agricultural production or (b) shifted from production of shade-grown cigar-leaf (type 61) wrapper tobacco to production of cigar-filler and binder (types 42-44, 51-55) tobacco.
723.427 Approval of determinations made under §§ 723.411 to 723.426.
723.428 Application for review.

AUTHORITY: §§ 723.411 to 723.428 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.411 *Basis and purpose.* The regulations contained in §§ 723.411 to 723.428 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for cigar-filler and binder tobacco. The purpose of the regulations in §§ 723.411 to 723.428 is to provide the procedure for allocating, on an acreage basis, the State acreage allotment for cigar-filler and binder tobacco for the 1953-54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.411 to 723.428, public notice (17 F. R. 4895) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.411 to 723.428 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.412 *Definitions.* As used in §§ 723.411 to 723.428, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means (1) type 42 tobacco—that type of cigar-leaf tobacco commonly known as Gebhardt, Ohio Seedleaf, or Ohio Broadleaf, produced principally in the Miami Valley section of Ohio and extending into Indiana; (2) type 43 tobacco—that type of cigar-leaf tobacco commonly known as Zimmer, Spanish, or Zimmer Spanish, produced principally in the Miami Valley section of Ohio and extending into Indiana; (3) type 44 tobacco—that type of cigar-leaf tobacco commonly known as Dutch, Shoestring Dutch, or Little Dutch, produced principally in the Miami Valley section of Ohio; (4) type 51 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Broadleaf or Connecticut Broadleaf, produced primarily in the Valley area of Connecticut; (5) type 52 tobacco—that type of cigar-leaf tobacco commonly known as Connecticut Valley Havana Seed, or Havana Seed of Connecticut and Massachusetts, produced primarily in the Connecticut Valley area

of Massachusetts and Connecticut; (6) type 53 tobacco—that type of cigar-leaf tobacco commonly known as York State Tobacco, or Havana Seed of New York and Pennsylvania, produced principally in the Big Flats section of New York, extending into Pennsylvania and in the Onondaga section of New York State; (7) type 54 tobacco—that type of cigar-leaf tobacco commonly known as southern Wisconsin cigar-leaf or southern Wisconsin binder type, produced principally south and east of the Wisconsin River; and (8) type 55 tobacco—that type of cigar-leaf tobacco commonly known as Northern Wisconsin cigar-leaf or Northern Wisconsin binder type, produced principally north and west of the Wisconsin River, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested, including trash.

§ 723.413 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out §§ 723.411 to 723.428. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.415 *Applicability of §§ 723.411 to 723.428.* Sections 723.411 to 723.428 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953. The applicability of §§ 723.411 to 723.428 is contingent upon the proclamation of a national marketing quota for tobacco by the Secretary of Agriculture and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.416 *Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the average of the 1952 farm acreage allotment determined pursuant to §§ 723.316 to 723.328, inclusive, given a weight of four, and the acreage harvested on the farm in 1952, given a weight of one. The base acreage for an old farm may be increased or decreased if the community and county committees find that such increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102%) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (1) increased above the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (2) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1951 and 1952 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; or (3) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 723.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.416 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.418 shall not exceed the State acreage allotment.

§ 723.418 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.416, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed one percent of the total acreage allotted to all tobacco farms in the State for the 1952–53 marketing year.

§ 723.419 *Reduction of acreage allotment for violation of the marketing quota regulations for a prior marketing year.* (a) If tobacco was marketed or was permitted to be marketed in the 1951–52 marketing year as having been produced on the acreage allotment for any farm in fact was produced on a different farm, the acreage allotments established for both such farms for 1953 shall be reduced, as hereinafter provided, except that such reduction for any such farm shall not be made if the county committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing.

(b) The operator of the farm shall furnish complete and accurate proof of the disposition of all tobacco produced on the farm at such time and in such manner as will insure payment of the penalty due at the time the tobacco is marketed and in the event of failure for any reason to furnish such proof, the acreage allotment for the farm shall be reduced, except that if the farm operator establishes to the satisfaction of the county and State committees that failure to furnish such proof of disposition was unintentional on his part and that he could not reasonably have been expected to furnish accurate proof of disposition, reduction of the allotment will not be required if the failure to furnish proof of disposition is corrected and payment of all additional penalty is made.

(c) Any such reduction shall be made with respect to the 1953 farm acreage allotment, provided it can be made at least 30 days prior to the beginning of the normal planting season for the county in which the farm is located as determined by the State committee. If the reduction cannot be so made effective with respect to the 1953 allotment, such reduction shall be made with respect to the farm acreage allotment next established for the farm where the reduction can be made within the time specified above.

(d) The amount of reduction in the 1953 allotment shall be that percentage which the amount of tobacco involved in the violation is of the respective farm marketing quota for the farm for the year in which the violation occurred. Where the amount of such tobacco involved in the violation equals or exceeds the amount of the farm marketing quota the amount of reduction shall be 100 percent. The amount of tobacco determined by the county committee to have been falsely identified or for which satisfactory proof of disposition has not been furnished shall be considered the amount of tobacco involved in the violation. If the actual production of tobacco on the farm is not known, the county committee shall estimate such actual production, taking into consideration the condition of the tobacco crop during production, if known, and the actual yield per acre of tobacco on other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar: *Provided*, That the estimate of such actual production of tobacco on the farm shall not exceed the harvested acreage of tobacco on the farm multiplied by the average actual yield on farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar. The actual yield of tobacco on the farm as so estimated by the county committee multiplied by the farm acreage allotment shall be considered the farm marketing quota for the purposes of this section. In determining the amount of tobacco for which satisfactory proof of disposition has not been shown in case the actual production of tobacco on the farm is not known, the amount of tobacco involved in the violation shall be deemed to be the actual production of tobacco on the farm, estimated as above, less the amount of tobacco for which satisfactory proof of disposition has been shown.

(e) If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be applied to that portion of the allotment for which a reduction is required under paragraph (a) or (b) of this section.

(f) If the farm involved in the violation has been divided prior to the reduction, the reduction shall be applied to the allotments for the divided farms as required under paragraphs (a) and (b) of this section.

§ 723.420 *Reallocation of allotments released from farms (a) removed from agricultural production or (b) shifted from production of cigar-filler and binder (types 42–55) tobacco to production of shade-grown cigar-leaf (type 61) wrapper tobacco.* (a) The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm. The provisions of this paragraph shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of tobacco from the farm or by the owner of the farm at the time of its acquisition by the Federal, State, or other agency; (2) any tobacco produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next to be established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of tobacco produced on or marketed from such farm.

(b) The allotment determined or which would have been determined for any land which has been used for the production of cigar-filler and binder (types 42–44, 51–55) tobacco but which will be used in 1953 for the production of cigar wrapper (type 61) tobacco shall be placed in a State pool and shall be available to the State committee to establish allotments pursuant to § 723.426.

§ 723.421 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee and with State committee approval and agreement of the interested parties in writing, the tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts (1) in the same proportion as the five-year average acreage of tobacco harvested on each such tract during the years 1948-52 bore to the five-year average acreage of tobacco harvested on the entire farm during 1948-52 or (2), if the farm to be divided in 1953 consists of two or more tracts which were separate and distinct farms, or distinct portions of such farms, before being combined for 1952, in the same proportion that each contributed to the farm acreage allotment: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 acreage allotment determined for the entire farm with corresponding increases or decreases made in the acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 allotment shall be the sum of the 1953 allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1953 in settling an estate the allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.422 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1946–51 for which data are available, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.423 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.420, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section, a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a cigar-filler and binder (types 42–44 and 51–55) tobacco allotment is established for the 1953–54 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1953 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.424 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.425 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is nor-

mal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.426 *Determination of acreage allotments and normal yields for farms (a) returned to agricultural production or (b) shifted from production of shade-grown cigar leaf (type 61) wrapper tobacco to production of cigar-filler and binder (types 42–44, 51–55) tobacco.* (a) Notwithstanding the foregoing provisions of §§ 723.411 to 723.425, the acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production in 1953 or which was returned to agricultural production in 1952 too late for the 1952 allotment to be established, shall be determined by one of the following methods:

(1) If the land is acquired by the original owner, any part of the acreage allotment which was or could have been established for such farm prior to its retirement from agricultural production which remains in the State pool (adjusted to reflect the uniform increases and decreases in comparable old farm allotments since the farm was acquired) may be established as the 1953 allotment for such farm by transfer from the pool, and if any part of the allotment for such land was transferred by the original owner through the State pool to another farm now owned by him, such owner may elect to transfer all or any part of such allotment (as adjusted) to the farm which is returned to agricultural production.

(2) If the land is acquired by a person other than the original owner, or if all of the allotment was transferred through the State pools to another farm and the original owner does not now own the farm to which the allotment was transferred, the farm returned to agricultural production shall be regarded as a new farm.

(b) Nothwithstanding the foregoing provisions of §§ 723.411 to 723.425, an allotment may be established by the county and State committees for a farm which in 1952 was producing shade-grown cigar-leaf (type 61) wrapper tobacco but on which cigar-filler and binder (types 42–44, 51–55) tobacco will be produced in 1953. The acreage used for such purpose will be limited to that placed in the State pool pursuant to § 723.420 (b). Any allotment established pursuant to this paragraph shall, to the extent of available acreage in such pool, be determined by the county and State committees so as to be fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Allotments established pursuant to this paragraph are eligible for consideration for adjustments under § 723.418.

(c) The normal yield for any such farm, under paragraph (a) or (b) of this section, shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§723.427 *Approval of determinations made §§ 723.411 to 723.426.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 723.411 to 723.426. All acreage allotments and yields shall be approved by the State committee and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 723.428 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

Done at Washington, D. C., this 17th day of July 1952. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7965; Filed, July 18, 1952; 8:52 a. m.]

[1023 (Maryland-53)-3]

PART 727—MARYLAND TOBACCO

MARYLAND TOBACCO MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

GENERAL

Sec.
727.411 Basis and purpose.
727.412 Definitions.
727.413 Extent of calculations and rule of fractions.
727.414 Instructions and forms.
727.415 Applicability of §§ 727.411 to 727.429.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

727.416 Determination of harvested acreage for old farms.
727.417 Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.
727.418 1953 old farm tobacco acreage allotment.
727.419 Adjustment of acreage allotments for old farms.
727.420 Determination of harvested acreage for divided or combined farms.
727.421 Reallocation of allotments released from farms removed from agricultural production.
727.422 Farms divided or combined.
727.423 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

727.424 Determination of acreage allotments for new farms.
727.425 Time for filing application.
727.426 Determination of normal yields.

MISCELLANEOUS

727.427 Determination of acreage allotments and normal yields for farms returned to agricultural production.
727.428 Approval of determinations made under §§ 727.411 to 727.427.
727.429 Application for review.

AUTHORITY: §§ 727.411 to 727.429 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.411 *Basis and purpose.* The regulations contained in §§ 727.411 to 727.429 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.411 to 727.429 is to provide the procedure for allocating on an acreage basis, the State marketing quota for Maryland tobacco for the 1953–54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.411 to 727.429, public notice (17 F. R. 4896) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 727.411 to 727.429, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 727.412 *Definitions.* As used in §§ 727.411 to 727.429, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 727.413 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 727.414 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 727.415 *Applicability of §§ 727.411 to 727.429.* Sections 727.411 to 727.429 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953. The applicability of §§ 727.411 to 727.429 is contingent upon the proclamation of a national marketing quota for Maryland tobacco by the Secretary, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.416 *Determination of harvested tobacco acreage for old farms.* The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the years 1948–52. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions, and plant bed and other diseases.

§ 727.417 *Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1948–52, except that if the five-year average is in excess of the three year, 1950–52, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 90 percent of the average acreage of tobacco harvested on the farm in the past three years 1950–52; or

(3) 50 percent of the acreage of tobacco harvested on the farm in 1952.

The base acreage for an old farm may be increased or decreased if the community and county committees find that such increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, or other diseases; land, labor, and equipment available for the production of tobacco: crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102%) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (i) increased above the smaller of the average acreage of tobacco produced on the farm during the three highest of the years 1948–52, inclusive, or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (ii) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1951 and 1952 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm without the written permission of the farm operator; or (iii) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 727.418 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.417 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 727.419 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) the acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 727.419 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 727.418, the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed 2 percent of the 1953 State acreage allotment.

§ 727.420 *Determination of harvested acreage for divided or combined farms.* (a) If land operated as a single farm in any of the five years 1948–52 has since been divided into two or more tracts, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except

that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm may be apportioned among the tracts in the same proportion as the average acreage of tobacco harvested on each such tract bore to the average of the acreage of tobacco harvested on the entire farm in such years.

(b) If land operated as two or more farms in any of the five years 1948–52 has since been combined into one farm, the harvested acreage of tobacco for the farm shall be the sum of the harvested acreage on the separate tracts.

§ 727.421 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 727.422 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1948–52 five-year average acreage of tobacco harvested on each such tract bore to the 1948–52 five year average acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 preliminary allotment shall be the sum of the 1953 preliminary allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1953 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 727.423 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946–51 for which data are available, (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.424 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 727.421, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Maryland tobacco allotment is established for the 1953–54 marketing year; and

(4) The farm will not have a 1953 allotment for any kind of tobacco other than that for which application is made under this part.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1953 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.425 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.426 *Determination of normal yields.* The normal yield per acre for a new farm shall be that which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.427 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.411 to 727.426, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1948–52 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1948–52, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.428 *Approval of determinations made under §§ 727.411 to 727.427.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 727.411 to 727.427. All acreage allotments and yields shall be approved by the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 727.429 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, with fifteen days after mailing of the official notice of farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (Part 711 of this chapter) which are available at the office of the county committee.

Done at Washington, D. C., this 17th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-7964; Filed, July 18, 1952; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Cauliflower Order 1-1952]

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

REGULATION BY GRADES AND SIZES

§ 910.317 *Cauliflower Order 1-1952*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Administrative Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of cauliflower, in the manner set forth in this section, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period July 10, 1952 to October 15, 1952, both dates inclusive, no handler shall handle cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in the State of Colorado that does not meet the requirements of the U. S. No. 1, or better grade, 4 inches, or larger diameter.

(2) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910) or the U. S. Standards for Cauliflower (7 CFR 51.171), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 16th day of July 1952, to be effective July 20, 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-7954; Filed, July 18, 1952; 8:52 a. m.]

[Lemon Reg. 444]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.551 *Lemon Regulation 444*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 16, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 20, 1952 and ending at 12:01 a. m., P. s. t., July 27, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 600 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 443 (17 F. R. 6243) and made a part of this section by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8009; Filed, July 18, 1952; 9:04 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SUBPART—ORDER, AS AMENDED, REGULATING HANDLING

Sec.
986.0 Findings and determinations.

DEFINITIONS

986.1 Secretary.
986.2 Act.
986.3 Person.
986.4 Hops.
986.5 Hop product.
986.6 Grower.
986.7 Dealer.
986.8 Grower-dealer.
986.9 Brewer.
986.10 Handler.
986.11 Handle.
986.12 Consumptive demand.
986.13 Marketing season.
986.14 Federal-State inspection service.
986.15 Part and subpart.

HOP CONTROL BOARD

986.20 Establishment.
986.21 Designation of original members and alternates.
986.22 Nomination and selection of successor members and alternates.
986.23 Vacancies.
986.24 Compensation.
986.25 Powers.
986.26 Duties.
986.27 Procedure.
986.28 Funds and other property.

GROWERS ALLOCATION COMMITTEE

986.35 Members.
986.36 Procedure.
986.37 Alternates.

GROWERS ADVISORY COMMITTEES

986.40 Establishment and membership.
986.41 Original members.
986.42 Election of successor members.
986.43 Washington Advisory Committee.
986.44 California Advisory Committee.
986.45 Oregon-Idaho Advisory Committee.
986.46 Changes in districts.
986.47 Alternates.
986.48 Vacancies.
986.49 Expenses.
986.50 Functions.

CONTROL OF QUALITY

986.60 Minimum standards of quality and grading and inspection requirements.
986.61 Inspection and certification.
986.62 Regulations.

CONTROL OF SURPLUS

986.70 Application.
986.71 Determination of salable quantity.
986.72 Increase of salable quantity.
986.73 Conversion ratios.
986.74 Determination of total production.
986.75 Computation of growers' allotments.
986.76 Preliminary and supplementary allotments.
986.77 Joint allotment.
986.78 Revision of allotments.
986.79 Certification.
986.80 Limitation of handling to certificated hops or hop products.
986.81 Diversion privilege.
986.82 Supervision of disposition of uncertificated hops.

EXPENSES AND ASSESSMENTS

986.90 Expenses.
986.91 Assessments.
986.92 Refunds.

COMPLIANCE WITH PROVISIONS OF AGREEMENT AND ORDER

986.95 Compliance.

REPORTS, BOOKS, AND RECORDS

Sec.
986.101 Books and records.
986.102 Reports by handlers.
986.103 Reports by growers.

MISCELLANEOUS PROVISIONS

986.105 Amendments.
986.106 Agents.
986.107 Effective time, suspension, and termination.
986.108 Duration of immunities.
986.109 Separability.
986.110 Derogation.
986.111 Right of the Secretary.
986.112 Liability of Control Board members.
986.113 Effect of termination or amendment.

AUTHORITY: §§ 986.1 to 986.113, issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 986.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* (1) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance of the marketing agreement and order (14 F. R. 3660); and said previous findings and determinations are hereby ratified and confirmed except the finding with respect to the base period for the parity determination, and except insofar as such findings and determinations may be in conflict with the findings set forth herein.

(2) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The order, as hereby amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(4) There are no differences in the production and marketing of hops in the production area covered by this order, as herein amended, which make necessary different terms applicable to different parts of such area.

(b) *Additional findings.* It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this amended order until 30 days after its publication in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.). The amended order makes substantial changes in the existing regulation. Important actions of the Control Board are required to be taken thereunder not later than August 1. Harvesting of hops usually begins during the first half of August. As much time as is practicable before August 1 will be needed by the Control Board for it to prepare for the submission of appropriate recommendations and the taking of other necessary actions for the regulation of hops and hop products during the coming marketing season. In these circumstances, it is necessary that the amended order be made effective on the date of its publication in the FEDERAL REGISTER. The provisions of the amended order are well known to the growers and handlers of hops, since the public hearing on the amendments was held in March 1952, and the Recommended Decision and the Decision were published in the FEDERAL REGISTER on June 6, 1952 (17 F. R. 5163) and July 2, 1952 (17 F. R. 5955), respectively; and all known interested parties have been furnished copies of this amended regulation. Therefore compliance with the provisions of the amended order will not require any advance preparation by any interested persons, since they have already had ample opportunity to make such preparations.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, which included the amendments upon which the aforesaid public hearing also was held, has been executed by handlers (excluding cooperative associations of producers which are not engaged in processing, distributing, or shipping hops or hop products covered by this amended order) who handled not less than 50 percent of the volume of such hops and hop products covered by this amended order;

(2) The issuance of this amended order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1951, through June 30, 1952), were engaged, within the States of Oregon, California, Washington, and Idaho, in the production for market of hops; and

(3) The issuance of this amended order is favored or approved by producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, produced for market at least two-thirds of the volume of hops represented in such referendum and produced within the States of Oregon, California, Washington, and Idaho.

Order relative to handling. It is, therefore, ordered, that the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall, from the effective time of this amended order, be in conformity to, and in compliance with, the terms and conditions of this amended order:

DEFINITIONS

§ 986.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to perform the duties of the Secretary under the act.

§ 986.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 61 Stat. 208, 707).

§ 986.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 986.4 *Hops.* "Hops" means, except as otherwise specifically indicated in this subpart, the pistillate cones, either in the green or the dried state, of the vine Humulus lupulus or Humulus americanus grown in the States of Oregon, California, Washington, or Idaho.

§ 986.5 *Hop product.* "Hop product" means any substance which is (a) derived, either in whole or in part, from hops, including, but not limited to, any form of lupulin, lupulin sweepings, hop oil, or hop extracts or concentrates, and (b) capable of being used for a purpose for which hops are used.

§ 986.6 *Grower.* "Grower" is synonymous with "producer," and means any person who or which is engaged in a proprietary capacity in the commercial production of hops, and who or which is an individual, partnership, corporation, association, or any other business unit who or which: (a) Owns and farms land, resulting in his or its ownership of the hops produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the hops produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the hops produced thereon. Ownership of, or leasehold interest in land, and the acquisition, in any manner other than as set forth in this section, of legal title to hops grown thereon shall not be deemed to result in such owners or lessees becoming producers. For the purpose of this definition, the term "partnership" shall be deemed to include a husband and wife, and any others, with respect to land the title to which, or the leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property.

§ 986.7 *Dealer.* "Dealer" means any person, other than a grower or brewer, who is a handler of hops or hop products for his or its own account.

§ 986.8 *Grower-dealer.* "Grower-dealer" means any grower, other than a brewer, who is a handler for his or its own account of any hops or hop products other than those of his or its own production: *Provided*, That handling transactions pursuant to § 986.81 shall not be within this definition.

§ 986.9 *Brewer.* "Brewer" means any person who uses hops or any hop product in manufacturing any malt beverage for commercial purposes.

§ 986.10 *Handler.* "Handler" means any person who, either personally or through another person, handles hops or any hop product: *Provided*, That a person who handles hops which have been previously certificated and handled by another person shall not thereby be deemed to be a handler with respect to such hops.

§ 986.11 *Handle.* "Handle" means, except as provided in § 986.81, (a) to market, ship, or transport (except as a common or contract carrier for others) to or for market, or to use, any hops or hop product, or (b) to purchase, take consignment of, accept delivery of (except as a common or contract carrier) in connection with a purchase or sale or otherwise acquire, within the States of Oregon, California, Washington, or Idaho, hops or any hop product from a grower or any other person.

§ 986.12 *Consumptive demand.* "Consumptive demand" means that quantity of hops and hop products (expressed in terms of dried hops) which it is anticipated will be required in all trade outlets, both domestic and foreign, during the period September 1 of the respective year through the following August 31.

§ 986.13 *Marketing season.* "Marketing season" means the 12 months from August 1 to the following July 31, both dates inclusive.

§ 986.14 *Federal-State inspection service.* "Federal-State inspection service" means that inspection service on hops or hop products which is performed within the States of Oregon, California, Washington, or Idaho by the United States Department of Agriculture or by said Department under a cooperative arrangement with any of such States pursuant to authority contained in any act of Congress.

§ 986.15 *Part and subpart.* "Part" means the order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States shall be a "subpart" of such part.

HOP CONTROL BOARD

§ 986.20 *Establishment.* A Control Board consisting of eighteen members, with an alternate member for each such member, is hereby established to administer the terms and provisions of this subpart, of whom, with their respective alternates, nine shall represent growers of hops, two shall represent grower-dealers, three shall represent dealers, and four shall represent brewers. The grower members of the Control Board shall be growers of hops who are not grower-dealers, of whom three shall be growers of hops in and residents of the States of Oregon or Idaho, three shall be growers of hops in and residents of the State of California, and three shall be growers of hops in and residents of the State of Washington. One of the grower-dealer members of the Control Board shall be a grower-dealer having his or its principal office in that regard in the States of Oregon, California, Washington, or Idaho, and the other grower-dealer member shall be a grower-dealer having his or its principal office in that regard outside of such States. Each of the four brewer members of the Control Board shall be a brewer. Each of the three dealer members of the Control Board shall be a dealer in hops. An officer, agent, or employee of a business unit other than an individual person shall be eligible for membership or alternate membership on the Control Board in the category in which such business unit belongs pursuant to the provisions of this section. No person shall be selected as a member or alternate member of the Control Board who is not actively engaged, as his principal business occupation, in the business of the group which he represents, and may be an officer, agent, or employee of a business unit engaged in such business.

§ 986.21 *Designation of original members and alternates.* The original members of the Control Board, and their respective alternates, shall be selected by the Secretary, subject to the requirements as to district representation, occupation, and residence which are set forth in § 986.20, and shall serve for a term ending on March 31, 1950, except that, if the respective successor to such original member or alternate member has not been selected and qualified by March 31, 1950, such original member or alternate member shall serve until his respective successor has been selected and has qualified. For the consideration of the Secretary in making such selection, nominations for original members and alternate members of the Control Board may be submitted to him not later than the date on which this subpart is issued by the Secretary, but may be submitted prior thereto. Nominations for the original nine grower members and their alternates may be made by any grower, or by any association or other group of growers. Nominations for the original two grower-dealer members and their alternates may be made by any grower-dealer, or by any group of grower-dealers. Nominations for the original four brewer members and their alternates may be made by any brewer, or by any organization of brewers. Nominations for the original three dealer members and their alternates may be made by any dealer, or by any group of dealers. However, the Secretary, in making his selection of the original members and their alternates shall not be bound to make such selections from nominations thus received, but he shall make such selections in his discretion.

§ 986.22 *Nomination and selection of successor members and alternates*—(a) *General.* Members and alternates of the Control Board selected for terms commencing April 1, 1950, and thereafter, shall serve for terms of two years ending March 31 or until such time thereafter as their successors have been selected and have qualified. Selection of successor members of the Control Board and their alternates shall be made by the Secretary for each of the aforementioned groups from the nominations submitted for that purpose by the respective groups and or from among other qualified persons. Such nominations for each respective group shall be made to the Secretary on or before March 1 of each election year in the manner described in this section.

(b) *Grower members.* Each of the growers Advisory Committees, established pursuant to § 986.40, shall nominate to the Secretary the names of three qualified persons as grower members, and three qualified persons as their alternates, from the State or States represented by the respective committee. The persons receiving in consecutive order the highest number of votes for members

shall be the nominees for members of the respective committees, and a corresponding provision shall apply to nominees for alternate members.

(c) *Grower-dealer member, Western.* The grower-dealers whose principal offices are within the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as the grower-dealer member, and one qualified person as his alternate.

(d) *Grower-dealer member, Eastern.* The grower-dealers whose principal offices are outside the States of Oregon, California, Washington, or Idaho, shall nominate to the Secretary, by means of an election in which all (and only) such grower-dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular grower-dealer during the next preceding marketing season, one qualified person as grower-dealer member, and one qualified person as his alternate.

(e) *Dealer members.* The dealers shall nominate to the Secretary by means of elections in which all (and only) dealers shall be entitled to participate on the basis of one vote for each full bale of hops (including hop products expressed in terms of dried hops) handled by the particular dealer, as the first handler thereof, other than a grower, and for that dealer's own account, during the next preceding marketing season, three qualified persons as dealer members and three qualified persons as their alternates. Nominations for one of such members and his alternate shall be made by each of the following categories of dealers: (1) Those handling less than 10,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; (2) those handling between 10,000 and 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season; and (3) those handling over 25,000 bales of hops (including hop products expressed in terms of dried hops) during the next preceding marketing season.

(f) *Brewer members.* Of the four qualified persons to be nominated by the brewers for selection as brewer members of the Control Board, and their respective alternates, two of such nominations for members and their respective alternates may be made to the Secretary by the United States Brewers Foundation, Inc., whose present office address is 21 East Fortieth Street, New York, N. Y., and two such nominations for members, and their respective alternates, may be made by the Small Brewers' Association, whose present office address is 188 West Randolph Street, Chicago, Ill. However, nominations may also be made by any individual brewer or by any other associations or groups of brewers.

(g) *Elections of nominees for membership.* Each election for the purpose of nominating grower, grower-dealer and dealer members or alternates of the Control Board to succeed those whose terms of office expire on March 31 of any year, shall be held on or before the preceding March 1, and shall be conducted and supervised by the Control Board. Regulations prescribing the method or methods for, and the rules governing the election of nominees as provided for in this section, and which shall assure to all persons eligible to take part in such elections reasonable opportunity to select candidates and to vote for nominees, shall be adopted by the Control Board and submitted to the Secretary on or before November 1, 1949; and such regulations as shall be approved by the Secretary shall govern each such election. Reports of the results of elections of nominees shall be submitted to the Secretary by the Control Board.

(h) *Time limitation on nominations.* In the event any of the group nominations are not submitted to the Secretary within twenty days after the time specified in paragraph (a) of this section, the Secretary may select each such member or alternate without waiting for the nomination or nominations to be made. If no qualified person is available from any category in any such group, the Secretary may appoint such member or alternate from another category within such group.

(i) *Qualification of members and alternates.* Each person selected as a member or alternate of the Control Board, including original members and alternates, shall promptly qualify by filing with the Secretary a written acceptance of the appointment. The failure of an appointee to qualify within twenty days after the appointment of such person shall be cause for the Secretary to appoint another person in his stead.

(j) *Qualifications requirements for alternates.* Each alternate shall meet the same qualifications, be nominated and selected in the same manner, and hold office for the same term, as the member for whom he is an alternate. An alternate for a member of the Control Board shall, in the event of that member's absence, act in the place and stead of that member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for such member shall act in the place and stead of said member until a successor for the unexpired term of said member has been selected.

(k) *Substitutes for members or alternates.* In the event any member of the Control Board and his alternate are both unable or fail to attend a meeting of the Control Board, any alternate for any other member of the same group as that represented by the absent member may be designated by the absent member to serve in the stead of the absent member, or pending such designation the Secretary may designate such temporary substitute.

§ 986.23 *Vacancies.* To fill any vacancy which occurs by reason of the failure of any person, selected as a member of the Control Board or as an alternate member thereof, to qualify, or the death, removal, resignation, or disqualification of any qualified member or alternate member of the Control Board, a successor for his unexpired term of office shall be nominated and selected (insofar as is appropriate) in the manner specified in this subpart, for the nomination and selection of successors to the initial members and alternate members of the Control Board representing the same industry group as was represented by the respective member or alternate member thus to be succeeded. In the event such nomination for vacancy is not made within thirty days after the beginning of the vacancy, the Secretary may select a person to fill such vacancy without waiting for the nomination to be made.

§ 986.24 *Compensation.* The members of the Control Board, and their respective alternates, shall serve without compensation, but shall be reimbursed for expenses necessarily incurred in the performance of their duties under this part.

§ 986.25 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with their terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments of this subpart.

§ 986.26 *Duties.* The duties of the Control Board shall be, among others, as follows:

(a) *Intermediary.* To act as intermediary between the Secretary and any grower, handler, dealer, grower-dealer, or brewer;

(b) *Minutes, books and records.* To keep minutes, books, and other records which will clearly reflect all of its acts and transactions, and which shall be subject at any time to examination by the Secretary or his designated representative;

(c) *Scientific studies and research.* To provide, subject to prior approval by the Secretary, for the making of scientific and other studies and for the conducting of research appropriate in connection with the performance of its official duties;

(d) *Assembling data.* To gather and assemble data on the growing, handling, shipping and marketing conditions relative to hops and hop products, appropriate or desirable in connection with the performance of its official duties;

(e) *Information.* To furnish to the Secretary such available information with respect to hops as the Board may deem appropriate or as the Secretary may request;

(f) *Audit.* To cause the books and other records of the Control Board to be audited by one or more competent accountants at least once each marketing season and at such other times as the Control Board may deem necessary, or as the Secretary may request, and to file with the Secretary a copy of each audit report made;

(g) *Managing agent.* To employ a managing agent who, during his employment as such, shall not be a grower, dealer, grower-dealer, or brewer, nor in the employment thereof or financially interested in the production of, dealing in, or use of hops and hop products, and who shall serve as the Secretary of the Control Board and the secretary of the Growers Allocation Committee and shall have such other duties as are specified for him herein or by the Control Board; and to employ or retain such other employees, agents, and representatives as the Control Board may deem necessary; and to determine the salaries and define the duties of such managing agent, employees, agents and representatives;

(h) *Notice to Secretary of meetings.* To give to the Secretary the same notice of meetings of the Control Board as is given to the members of the Control Board; and

(i) *Issuance of necessary regulations.* To issue, with the approval of the Secretary, any regulations which are necessary and appropriate for the carrying out of the provisions of this subpart in accordance with their terms.

§ 986.27 *Procedure—*(a) *Rules and officers.* The Control Board shall adopt rules governing the performance of its powers and duties under this part, and shall select a chairman and such other officers as it may deem advisable.

(b) *Quorum.* A quorum shall consist of twelve members, or alternate members or substitutes then serving in the place and stead of any members, in attendance at the meeting, and all decisions of the Control Board shall be made by not less than ten affirmative votes.

(c) *Permissive methods of voting.* The Control Board may vote by mail or telegraph upon due notice to all members and when any proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Control Board.

§ 986.28 *Funds and other property—*(a) *Uses.* All funds received by the Control Board pursuant to this subpart shall be used solely for the purposes specified in this subpart; and the Secretary may require the Control Board and its members to account for all receipts and disbursements.

(b) *Accountability of members.* Whenever any person ceases to be a member or alternate member of the Control Board, such person shall account for all receipts and disbursements under this subpart and deliver all property, funds, books, and other records (in his possession or control) of the Control Board, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all of the property, funds or claims vested in such manner.

(c) *Legal action for collection of assessments.* The Control Board, with the approval of the Secretary, may maintain in its own name, or in the names of its members, a suit against any handler subject to the provisions of this subpart for the collection of such handler's pro rata share of expenses.

GROWERS ALLOCATION COMMITTEE

§ 986.35 *Members.* The grower members and the grower-dealer members of the Control Board shall constitute the Growers Allocation Committee. Said committee shall have such duties and powers as are expressly specified in this subpart for that committee and such other duties and powers as may be incident thereto. The Growers Allocation Committee may incur only such expenses as from time to time are authorized by the Control Board.

§ 986.36 *Procedure.* The Growers Allocation Committee shall select one of its members as its chairman and such other officers as it may deem advisable. It shall keep proper records of all its proceedings, and shall adopt regulations governing its procedure. It may provide for voting by mail or telegraph upon due notice to all members and when any such proposition is submitted for polling by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the Growers Allocation Committee.

§ 986.37 *Alternates.* The alternate of each grower member or grower-dealer member of the Control Board shall have the same right to serve in lieu of a member of the Growers Allocation Committee as such alternate has to serve in lieu of a member of the Control Board.

GROWERS ADVISORY COMMITTEE

§ 986.40 *Establishment and membership.* A Growers Advisory Committee of 12 members is hereby established for each of the States of Washington and California, and of 13 members for the combined States of Oregon and Idaho. Each of the said committees shall consist of members who shall be growers or grower-dealers, or officers or employees of growers or grower-dealers, engaged in growing hops in and shall be residents of the State or States for which the respective committee is established; one of the members of the Advisory Committee for the States of Oregon and Idaho shall be a grower or an officer or employee thereof, engaged in growing hops in and a resident of the State of Idaho.

§ 986.41 *Original members.* The original members of the Growers Advisory Committees shall be the members of the existing advisory committees organized by the United States Hop Growers Association, an association of hop growers whose present address is Mills Building, San Francisco, California. Each of the original members shall serve for a term ending on January 31, 1950, and in the event that the respective person's successor has not been selected by February 1, 1950, such person shall serve until his successor has been selected.

§ 986.42 *Election of successor members.* Successor members of Growers Advisory Committees, beginning with those elected for terms beginning on and after February 1, 1950, shall serve a two year term ending January 31. Election shall be at meetings held under the supervision of the Managing Agent or his designated representative by the growers and grower-dealers in each of the designated districts in this subpart. In such election each grower and each grower-dealer residing or producing hops in the district shall have an opportunity to participate, and at such election shall, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, cast only one vote to fill the vacancy or vacancies occurring in his district. No grower or grower-dealer shall vote in more than one district in any one State. Voting shall be by ballot; there shall be no voting by proxy. The nominee having the highest number of votes shall be the member for the district or, in the districts electing more than one member, the nominees receiving in consecutive order the highest number of votes shall be the members for that district. In the case of a tie vote, where vacancies are insufficient to give membership to each, a runoff election shall be held on the vacancy in question.

§ 986.43 *Washington Advisory Committee.* The State of Washington is hereby delimited into four election districts, as follows:

District No. 1. That portion of Yakima County lying east of the Yakima River and north of Parker Ridge, and all counties of the State of Washington not delineated in other districts.

District No. 2. Benton County, Klickitat County, and that portion of Yakima County lying south of Parker and Ahtanum Ridges.

District No. 3. That portion of Yakima County lying north of Ahtanum Ridge and west of the Yakima River.

District No. 4. All counties of the State of Washington lying west of Districts 2 and 3, or lying west of the Cascade Mountains.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district three members of the Advisory Committee.

§ 986.44 *California Advisory Committee.* The State of California is hereby delimited into three election districts, as follows:

District No. 1. Sacramento County and all other counties of the State of California not delineated in other districts.

District No. 2. Sonoma, Napa and Marin Counties.

District No. 3. Mendocino and Lake Counties.

Growers and grower-dealers who reside or produce hops in any such district shall be entitled to vote for and select for that district four members of the Advisory Committee.

§ 986.45 *Oregon-Idaho Advisory Committee.* The States of Oregon and Idaho are hereby delimited into twelve election districts, as follows:

District No. 1 (Grants Pass). Douglas, Jackson, Josephine, Coos, and Currie Counties.

District No. 2 (Eugene, etc.). Lane County and that portion of Linn County not delineated in District 3.

District No. 3 (Albany, Corvallis, etc.). Benton County and those areas of Marion and Linn Counties described as follows: Beginning at Jefferson, Oregon, thence north along U. S. Highway 99 East to a point east of Tice Island in the Willamette River,

thence due west along a straight line to Tice Island, thence south along the meanderings of the Willamette River to the confluence of the Luckiamute and Willamette Rivers, thence due southwest to the northeast corner of Benton County, thence south along the boundary of Benton and Linn Counties to a point due west of Brownsville, Oregon, thence in an easterly direction to Brownsville to include all growers operating hop yards in the Brownsville area, thence continuing to the eastern boundary of Linn County to include all growers operating yards in Linn County north of the line as described.

District No. 4 (Independence, Dallas, etc.). All of Polk County not delineated in District 6, all of that portion of Marion County adjacent to Independence and not delineated in Districts 3, 5 and 6, and that portion of Yamhill County not delineated in Districts 10 and 11.

District No. 5 (Silverton, etc.). Beginning at the North Howell Grange building in Marion County, Oregon, thence due south along a straight line to Stayton, Oregon, thence due east along a straight line to the headwaters of the Abiqua River, thence following the meanderings of the Abiqua River in a northwesterly direction to a point due east of the North Howell Grange, thence due west along an imaginary line to point of beginning.

District No. 6 (Salem, etc.). Beginning at Rickreall, Oregon, thence north along west side of U. S. Highway 99W, to a point due west of Wheatland, thence due east along a straight line to Wheatland to include all growers in the area in the vicinity of Wheatland, Oregon, thence northeast along a straight line to Fairfield, thence east following the Fairfield road to Aral Corners, thence due north from Aral Corners to the St. Louis Road to the corner of the "Old Miller Place," thence east to the Southern Pacific Railway and continuing east to U. S. Highway 99 East, thence south following U. S. Highway 99 East, to the intersection of U. S. Highway 99 East and the Parkersville Road, known as the "Manning Corner," thence east to Parkersville, thence south to the Central Howell School, thence due south following a straight line to the Santiam River, thence north and west following the meanderings of the Santiam River to Jefferson, thence due north following U. S. Highway 99 to Sunnyside, thence due west following a straight line to the Willamette River to a point south of Roberts' Station, thence north following the meanderings of the Willamette River to Salem, thence west following the Dallas-Salem Highway to Rickreall, point of beginning.

District No. 7 (Wilder, Ontario, etc.) The State of Idaho and Malheur County in the State of Oregon.

District No. 8 (Mount Angel, etc.). Beginning at the North Howell Grange, thence south and east following the meanderings of the Abiqua River to the foothills of the Cascade Mountains to a point due south of Molalla, thence due north following a straight line to Molalla, thence west following the Woodburn-Molalla highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence south from Gervais to the Manning Corner, thence east to Parkersville, thence south to the North Howell Grange, the place of beginning.

District No. 9 (Donald, Woodburn, Aurora, etc.). Beginning at Oregon City, thence south along the Oregon City-Molalla highway to Molalla to include all growers operating hop yards within a one-mile radius of Mulino, thence west following the Woodburn-Molalla Highway to its intersection with U. S. Highway 99 East, thence south following U. S. Highway 99 East to Gervais, thence west following the direct highway to St. Louis, thence north following the meanderings of Champoeg Creek to its confluence with the Willamette River, thence in a northerly direction following the meanderings of the Willamette River to Wilsonville, thence continuing in a north and easterly direction along the meanderings of the Willamette River to the place of beginning.

District No. 10 (St. Paul, etc.). Beginning at Wilsonville, thence north following U. S. Highway 99 West to Jurgens Park on the Tualatin River, thence northwesterly following a straight line to the southwest corner of Multnomah County, thence southwesterly following a straight line to Laurel, thence southwest following a straight line to McMinnville, thence south following the west side of U. S. Highway 99 West to a point due west of Wheatland, thence due east following a straight line to Wheatland, thence northeast to Fairfield, thence continuing east to Aral Corners, thence north to Champoeg Creek, thence continuing in a northerly direction and following the meanderings of Champoeg Creek to the Willamette River, thence continuing in a northeasterly direction following the meanderings of the Willamette River to Wilsonville, the point of beginning.

District No. 11 (Millsboro, Forest Grove, etc.). Beginning at the southwest corner of Multnomah County, thence in a southwesterly direction following a straight line to Laurel, thence southwesterly following a straight line to McMinnville, thence west following a straight line to the western boundary of Yamhill County. Close any short gap by a straight line and follow County line to the point of beginning.

District No. 12 (Portland, Hermiston, etc.), Umatilla, Morrow, Gilliam, Sherman, Wasco, Hood River and Multnomah Counties, and that portion of Clackamas County described as follows: Beginning at Sellwood, Oregon, thence south following the meanderings of the Willamette River to Oregon City, thence south following the Oregon City-Molalla Highway to Lewis Station due east of Canby thence due east along a straight line to the Cascade Mountains, thence north along the eastern boundary of Clackamas County to the northern boundary of Clackamas County, thence due west to place of beginning and all other Counties or portion of Counties of Oregon not delineated in other districts.

Growers and grower-dealers who reside or produce hops in the district which includes the State of Idaho shall be entitled to vote for and select for that district two members of the Advisory Committee, one of whom shall be a grower of hops in the State of Idaho; and growers and grower-dealers who reside or produce hops in any of the other districts shall be entitled to vote for and select for that district one member of the Advisory Committee.

§ 986.46 *Changes in districts.* The number of districts or the area covered by each in any State or States may be changed by the Secretary in an equitable manner giving consideration to quantity of hops produced, number of growers, geographical characteristics or other factors and upon recommendation of the Control Board or of the Advisory Committee for such State or States.

§ 986.47 *Alternates.* Each member of an Advisory Committee may designate, in writing, addressed to the managing agent, an alternate having the same membership qualifications as are applicable to the member. Such alternate may act at any meeting of the Advisory Committee at which the member is not present.

§ 986.48 *Vacancies.* A vacancy in the membership of an Advisory Committee shall be filled, for the balance of the term of the member whose place is vacant, by a person of the membership qualifications of the former member, selected by majority vote of the remaining members of that committee.

§ 986.49 *Expenses.* The members of each Advisory Committee may be reimbursed by the Control Board for all travel and other expenses necessarily incurred in the performance of their duties.

§ 986.50 *Functions*—(a) *Nomination of successor Control Board members.* Each Advisory Committee shall promptly nominate to the Secretary a successor to any grower from that State whose term on the Control Board as a member or alternate shall expire or whose place on the Control Board for any reason may become vacant. Grower members of an Advisory Committee, as well as other growers, shall be eligible for nomination by that Advisory Committee to serve on the Control Board.

(b) *Officers and other functions.* Each Advisory Committee shall select from its membership a chairman and such other officers as the respective committee may deem advisable, and shall keep proper records of all of its proceedings. It shall hold meetings after notice to its members, upon the call of four members, or upon the call of its chairman, or the Control Board, or the Managing Agent. Each Advisory Committee shall serve the Control Board in an advisory capacity concerning the administration hereof in the State or States for which such committee is established, and in general shall perform such ministerial functions as the Control Board may, from time to time, specify. Each Advisory Committee may incur only such expenses as are authorized by the Control Board.

CONTROL OF QUALITY

§ 986.60 *Minimum standards of quality and grading and inspection requirements*—(a) *Establishment.* In order to effectuate the declared policy of the act, the Secretary shall, after consideration of the Control Board's recommendations, prescribe minimum standards of quality for hops with respect to their leaf and stem content or other factors of quality and maturity for which grading and inspection procedure has been developed by the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, and is in general use; and shall prescribe grading and inspection requirements therefor. The term "leaves and stems," as used in this subpart, shall include all leaves and stems of the hop plant, except the stems (petioles) which bear the individual cones, and all extraneous matter. Hop seeds which are naturally within the hops under inspection shall not be considered as extraneous matter. To aid the Secretary in prescribing minimum standards and requirements, the Control Board shall furnish to the Secretary the information upon which it acted in recommending such standards and requirements, and shall furnish such other available data pertaining thereto as the Secretary shall request.

(b) *Initial standards and requirements.* Until such time as other standards and requirements for leaf and stem content are prescribed under this section, no hops shall be deemed merchantable or entitled to certification which contain over fifteen percent, by weight, of leaves and stems as defined in this section and as determined by the Federal-State inspection service.[1]

(c) *Operation irrespective of price.* The provisions of this section relating to minimum standards of quality and maturity, and to grading and inspection requirements, within the meaning of section 2 (3) of the act, and any other provisions pertaining to the administration and enforcement thereof, shall continue in effect irrespective of whether the season average price for hops is in excess of the parity level specified in section 2 (1) of the act.

§ 986.61 *Inspection and certification.* Each grower shall be entitled, upon application to the Control Board or its representative, and subject to the meeting by him of any applicable provisions of § 986.60 and §§ 986.70 through 986.81, to the certification of hops harvested after the effective date of this subpart: *Provided*, That such hops have been inspected by the Federal-State Inspection Service within the States of Oregon, California, Washington, or Idaho, and their official certificate presented by such grower showing such hops to meet said standards and requirements. No person shall handle any hops harvested after the effective date of this subpart unless such hops have been so certificated by the Control Board.

§ 986.62 *Regulations.* Such certification as to minimum quality shall be based on information on a Federal-State Inspection Certificate and shall include substantially the following wording: "Hops covered by this certificate are of the ---------- crop and are covered (year) by Federal-State Inspection Certificate No. -------- as meeting minimum standards of quality prescribed pursuant to applicable Federal-Marketing Agreement and Order." Such certification shall be executed by authorized representatives of the Control Board, the grower and the handler. The bale or other container shall also be marked or tagged to furnish proper identification as to producer and lot. Such marking or tagging shall comply with the requirements for marking included in § 986.79. This method of marking may be changed by the Control Board, subject to the approval of the Secretary.

CONTROL OF SURPLUS

§ 986.70 *Application.* The provisions of §§ 986.70 through 986.81 shall apply only during marketing seasons in which the estimated season average price of hops to growers is at or below the parity level specified in section 2 (1) of the act.

§ 986.71 *Determination of salable quantity*—(a) *Total carryover.* As early in the respective year as it shall find it to be feasible, but not later than August 1, the Control Board shall ascertain or estimate the total carryover, within the United States, of hops and hop products, expressed in terms of dry hops, produced in or outside the area covered hereby prior to that year and which, if produced within such area, are eligible for handling pursuant to the terms of this section.

(b) *Consumptive demand.* At the same time, the Control Board shall estimate the total consumptive demand for hops produced during the respective year. In estimating such consumptive demand, there shall be included the quantity of such hops estimated to be used as hops and the quantity estimated to be used in the form of hop products.

(c) *Recommendation by Control Board.* Immediately thereafter, and based upon its aforesaid estimates and findings, the Control Board shall make and transmit to the Secretary its recommendation of the maximum quantity of hops (net dry weight), produced during that respective year which should, in order to effectuate the declared policy of the act, be handled in the form of hops or in the form of any hop product, and, with such recommendation, shall transmit to the Secretary its estimates and findings on which its recommendation is based.

(d) *Determination by Secretary of salable quantity.* On the basis of the aforesaid estimates, data, and recommendations of the Control Board submitted pursuant to this section, and such other pertinent information as the Secretary may have, the Secretary shall determine, fix, and announce such maximum quantity of hops produced during that respective year which may be handled in the form of hops and in the form of any hop product. Such maximum quantity of hops which shall be fixed by the Secretary as aforesaid shall be known, and is referred to hereinafter, as the salable quantity of that respective year's crop of hops.

§ 986.72 *Increase of salable quantity.* The Secretary may at any time increase the salable quantity for the crop of any year in which the continued withholding of surplus would result in a season average price to growers in excess of the parity level specified in section 2 (1) of the act, or upon due consideration of either the needs of brewers or a recommendation of the Control Board that the salable quantity be increased. The Secretary may not decrease said salable quantity.

§ 986.73 *Conversion ratios.* In computing the hops equivalent of hop products, and unless changed as provided in this section, one pound of lupulin shall be considered equivalent to 20 pounds of dry hops and one pound of hop oil to 400 pounds of dry hops. In the case of hop extracts or concentrates for which conversion ratios are not established in this section, the Control Board, or its authorized representative may temporarily establish such conversion ratios for a period not exceeding 90 days. Conversion factors referred to in this section may be changed by regulation of the Control Board, subject to approval of the Secretary.

§ 986.74 *Determination of total production*—(a) *Determination by Growers Allocation Committee.* As the basis for apportioning equitably among growers the salable quantity of each year's crop, the Growers Allocation Committee each year as early as practicable during or after harvest, shall determine, or cause to be determined under its supervision, the total quantity of hops (net dry weight) produced by growers during that year which meet the requirements of § 986.60. Such determination shall include, for each grower, his harvested, unharvested, and total production. Such determination shall also include the quantity, if any, of such hops found to have been converted into hop products, except that lupulin sweepings shall be included in the computation only to the extent of the pounds of lupulin found to be in such quantity of lupulin sweepings. Unharvested hops shall be included only if grown to maturity and remaining unharvested on living vines which remain strung or trained, and from which hops have not been picked, and which have not been removed from the wires or poles. Such unharvested hops shall be determined by the Growers Allocation Committee on the basis of the amount of hops (net dry weight) which would have been yielded if such unharvested hops had been picked, dried, and baled or otherwise processed and packaged for market. In the event any grower does not permit the Growers Allocation Committee, or its representatives, access to any hops grown by that grower, or to any product thereof, or shall fail or refuse to make available to said committee, or its representatives, information relative to such hops or hop products which the Growers Allocation Committee finds to be desirable in order properly to make such determination in accordance with the provisions of this section, the Growers Allocation Committee shall determine, or cause to be determined, on the basis of an estimate of the grower's acreage, the average crop conditions in the area, the probable yield per acre on the grower's acreage, and from such other information as is available to it, the respective grower's production as aforesaid. After completing its determination of production by each individual grower, as aforesaid, the Growers Allocation Committee shall, by means of addition, compute the harvested, unharvested, and total production by all growers.

(b) *Preliminary estimates.* The Growers Allocation Committee each year, prior to the start of harvest, or as soon thereafter as practicable, shall determine, or cause to be determined under its supervision, a preliminary estimate of said total quantity of hops which will be produced by all growers from that year's crop. Said preliminary estimate shall be based upon the then current Federal or Federal-State crop estimates, as the case may be, and upon such other relevant data as are available.

(c) *Determinations for and protests by members of committee.* The determinations pursuant to paragraph (a) of this section for each member or alter-

[1] In a supplemental order (16 F. R. 6715) issued by the Secretary of Agriculture on July 6, 1951, and made effective August 1, 1951, such maximum leaf and stem content was fixed at 10 percent.

nate member of the Growers Allocation Committee shall not be made by any member or alternate member of such committee, but shall be made, and reported in writing to the Secretary and to the Growers Allocation Committee, by such other qualified person or persons as the Control Board or its authorized representatives shall designate for that purpose. Any protest by a member or alternate member of the Growers Allocation Committee concerning such determination shall be made directly to, and be determined by, the Secretary.

(d) *Notice to growers.* The Growers Allocation Committee shall cause to be mailed to each grower notice of the determination pursuant to paragraph (a) of this section of the respective grower's production for the respective year, and also, the computation of the total quantity determined, pursuant to paragraphs (a) and (b) of this section, respectively, produced by all growers during that year. The committee shall also publicly announce said computations of said total quantity, both estimated and final.

(e) *Protests by growers.* Any grower who may be dissatisfied with the determinations pursuant to § 986.74 (a) or § 986.75, may protest in writing to the Growers Allocation Committee within 10 days of the date of mailing of the notice and if dissatisfied with the decision in regard to such protest may appeal in writing to the Secretary.

(f) *Determination by Secretary.* Upon expiration of the time for protest specified in paragraph (e) of this section, and after completion of action by that committee upon all protests, the Growers Allocation Committee shall report to the Secretary all findings, determinations, and computations made by or for it pursuant to paragraph (a) of this section, together with the data on which the same were based. On the basis of such findings, determinations, computations, data and other pertinent information which the Secretary may have, the Secretary shall determine and notify the Growers Allocation Committee of the harvested, unharvested, and total quantity of hops (net dry weight) meeting the requirements of § 986.60 which were produced by each grower during that year: *Provided*, That such determinations shall include the quantity, if any, of such hops converted into hop products except that insofar as lupulin sweepings are concerned there shall be included, in the computation, only the pounds of lupulin in such quantity of lupulin sweepings, and insofar as unharvested hops are concerned, shall include (net dry weight) only hops of that respective year's crop grown to maurity and remaining unharvested on the living vines. The Secretary, after having determined each grower's production, as aforesaid, shall, by means of addition, determine the production by all growers; the total production by all growers is referred to in this subpart as the "aggregate production" for that respective year. Immediately upon receipt of notice thereof from the Secretary, the Growers Allocation Committee shall publicly announce the aforesaid determination by the Secretary.

§ 986.75 *Computation of growers' allotments*—(a) *Salable percentage.* (1) The "salable percentage" of the aggregate production, determined pursuant to § 986.74, shall be computed by dividing the salable quantity of that year's crop, determined pursuant to § 986.71, by the aforesaid aggregate production, and multiplying the quotient by 100. After computing such salable percentage on this basis, it shall be adjusted to the nearest tenth of a percent. Each grower's maximum allotment of the salable quantity of that year's crop shall be that same salable percentage applied to his production as determined pursuant to § 986.74, except that if any such grower fails to harvest a quantity from that crop equal to such maximum salable allotment so computed for him, his salable allotment shall be the quantity which he actually harvested: *Provided*, That, if prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the harvested quantity exceeds the salable quantity, but, nevertheless, the aforementioned salable percentage will not result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop, such percentage may be established by the Secretary at an amount necessary to result in the availability in marketing channels of the salable quantity of hops fixed for that year's crop: *And provided also*, That, if, prior to the determination by the Secretary of the aggregate production of hops by all growers in any year, the Growers Allocation Committee finds that the aggregate quantity of hops harvested from that year's crop, and meeting the minimum standards of quality prescribed in this subpart, will be less than the salable quantity fixed for such year's crop, such salable percentage shall, with the approval of the Secretary, be increased to 100 for that year's crop: *And provided further*, That, in lieu of the aforementioned method of computing growers' maximum allotments, the Secretary may make effective, at the beginning of any marketing season, the following procedure pursuant to a recommendation of the Control Board to that effect (such recommendation of the Board to be pursuant to and in accordance with a prior recommendation to it by the Growers Allocation Committee): Each grower's allotment of the maximum salable quantity of that year's crop shall be computed by first subtracting from said grower's poundage of credited production, the leaf and stem content thereof and applying the salable percentage to the remainder, then dividing the resulting quantity by the average percentage of clean hops (hops exclusive of leaf and stem content) in the aggregate production of hops for the preceding marketing season. The quotient will be the grower's maximum allotment of the salable quantity, in pounds of hops as prepared for market by him. The Board shall include in any recommendation pursuant to this proviso full information and data on which such recommendation is based. Said recommendation shall specify in regard to the "percentage of clean hops" to be used in the computation, whether such percentage shall be computed and applied for the production area as a whole or separately by States, and the Secretary if he approves the Board's recommendation shall state in his approval which procedure in regard thereto, shall be followed: *And provided further*, That, if this substitute method of computing growers maximum allotments is made effective, the Board may recommend (following a recommendation to it by the Growers Allocation Committee) to the Secretary the readoption of the original method at the beginning of any subsequent marketing season, supplying full information and data upon which such recommendation is based, and the Secretary may make such original method again effective.

(2) In any year in which the salable percentage, determined pursuant to this section, exceeds 98 percent, each grower's allotment shall be the total quantity harvested by such grower, determined pursuant to § 986.74. Each allotment determined under this subpart shall be expressed in pounds, net dry weight of hops, and shall be known as the respective grower's "maximum salable allotment" of that respective year's crop.

§ 986.76 *Preliminary and supplementary allotments*—(a) *Preliminary.* In order to assist growers to avoid delays in their individual harvesting and marketing, the Control Board, or its authorized representative, each year shall compute an "estimated salable percentage" of estimated aggregate production and shall compute and issue, or cause to be computed and issued, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a preliminary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 50 percent of that grower's estimated salable allotment for that year's crop. Said estimate shall be based upon physical examination of the hop yard, or yards, upon the historical production thereof, upon official crop estimates, and upon such other relevant data as are available.

(b) *Supplementary, 80 percent basis.* The Control Board, or its authorized representative, shall each year issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportions of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 80 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon adequate, but not complete, crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to bale count data or other reasonably accurate information as to such grower's hop production for that year.

(c) *Supplementary, 90 percent basis.* The Control Board, or its authorized representative, shall issue, prior to the issuance of final allotments applicable to that year's crop, to any grower who applies therefor to the Growers Allocation Committee, a supplementary allotment representing such proportion of that grower's total production of hops during that year as the Growers Allocation Committee, or its authorized representatives, shall determine will not be in excess of 90 percent of that grower's probable salable allotment for that year's crop: *Provided*, That any such supplementary allotment shall be based upon complete crop production information available to the Growers Allocation Committee, or its authorized representatives, including, but not limited to complete weight data on such grower's harvested hop production and the recommended determination by the Growers Allocation Committee, or its authorized representatives, as to any unharvested hop production for that year, and Federal-State Inspection Service evidence of the meeting of all minimum standard requirements for quality provided for in § 986.60 by all harvested hops of such grower for that year.

(d) *Eligibility for certification.* After issuance to a grower of such preliminary or supplemental allotment, the hops covered thereby, and any hop product derived from such hops, shall be eligible for certification, marking, and handling as though the final allotment had been issued, and subject to the same terms, conditions, and regulations as are applicable to such certification, marking, and handling of hops and hop products under a final salable allotment.

(e) *Notice to growers.* The Growers Allocation Committee shall mail to each grower who has requested a preliminary or supplementary allotment (either or both) notice thereof, and to each grower notice of his final salable allotment computed by that Committee as provided in this subpart. A list of the salable allotments of all growers for each year's crop shall be compiled and maintained by the Growers Allocation Committee at each of its offices, where the same shall be available during all reasonable hours for inspection by any interested person.

§ 986.77 *Joint allotment*—(a) *Joint ownership.* In the event that more than one grower shall participate jointly in the production of hops, whether as landlord and tenant, as partners, or otherwise, and said growers report that fact to the Growers Allocation Committee, then a single salable allotment shall cover such joint production. In the event that thereafter the interests of those growers in the crop produced or being produced are segregated, the Growers Allocation Committee, or its authorized representative, upon written application signed by all of said interested growers shall segregate and distribute said salable allotment among said growers in accordance with their respective segregated interests in the crop.

(b) *Associations.* Upon application of any bona fide incorporated cooperative association of growers which is authorized to market hops or hop products included within the salable allotments of those of its members who have authorized the association to sell and pool their hops for them, the individual salable allotments of such members shall be pooled and hops produced by those members during that season, and hop products derived from such hops, may be certificated and handled by that association without regard to the limits of the individual allotments of the members: *Provided*, That, (1) any such application is made in writing by the association to the Growers Allocation Committee prior to determination of the salable allotments to which it is to apply, (2) such application is signed by the duly authorized officers of the association, (3) such application is accompanied by satisfactory evidence that the submission of it has been approved by the membership of the association, by official action at a meeting or otherwise during the particular calendar year, and (4) such application is also accompanied by satisfactory evidence that each of the individual members who will be affected by the pooling arrangement has authorized the association to handle his hops under such a pooling arrangement.

§ 986.78 *Revision of allotments*—(a) *Revisions and new allotments.* In the event that at the normal time, no determination, pursuant to § 986.74, has been made as to a particular grower entitled thereto pursuant to the provisions of this subpart, or a previous determination as to a particular grower is substantially in error, the Growers Allocation Committee shall make the determination or correct the erroneous determination, or shall cause such determination or correction to be made. The same requirements of determination and approval by the Secretary, notice to the grower and rights of protest and appeal, shall be effective with respect to such determination, as in the case of a timely or original determination.

(b) *Correction of clerical errors.* In the event that the Growers Allocation Committee or the Managing Agent shall find, at any time, that the salable allotment previously issued to a grower was incorrectly computed or is erroneous by reason of mathematical or clerical error, the Growers Allocation Committee or the Managing Agent shall correct and revise said allotment to the extent found to be proper, and shall notify the respective grower and the Secretary of such correction.

§ 986.79 *Certification*—(a) *Hops harvested during effective period of order.* Each grower for whom a salable quantity is determined may, upon application to the Control Board or its representative and subject to the limitations of §§ 986.60 through 986.62, have the eligible quantity of hops or hop products certificated for handling. Such certification shall consist of the indelible marking of each bale or other container of such hops or hop products by an authorized representative of the Control Board and the issuance and delivery of a "handling certificate." Such marking shall be placed on the bale cover or other container or on a tag securely attached to such other container, and shall show the year of production, the handling certificate number, and the words "Certificated, Hop Control Board." This method of marking may be changed by the Control Board, subject to the approval of the Secretary. Such handling certificate shall certify that pursuant to the provisions of this section a specified quantity of hops or hop products has been duly certificated, for the grower and handler named in said certificate, as being eligible for handling pursuant to the terms of this subpart, and shall be executed by authorized representatives of the Control Board, the grower, and the handler. Such certification may exceed any grower's salable quantity by not over 100 pounds, provided such excess quantity is included entirely within the weight of the last bale or container certificated for said quantity.

(b) *Hops harvested prior to effective date of this subpart.* Any person who owns or is in the possession of hops harvested or hop products from hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, is entitled upon application, within 30 days after such date, to the Control Board or its representatives, to have such hops or hop products certificated free of charge without regard to any salable quantity, or minimum standard of quality. The Control Board may extend such time for good cause.

§ 986.80 *Limitation of handling to certificated hops or hop products.* No person, as principal, agent, broker, legal representative, or otherwise, shall handle any hops harvested or hop products from hops harvested subsequent to 12:01 a. m., P. s. t., July 2, 1949, unless: (a) Prior to such handling, the Control Board shall have issued a "handling certificate" pursuant to § 986.79 applicable to such hops or hop products; and (b) each bale or other container of said hops or hop products shall have been duly marked or tagged as prescribed in this subpart, for the purpose of identifying such hops or hop products as being covered by a duly issued salable allotment or as being properly certificated. However, hops harvested prior to 12:01 a. m., P. s. t., July 2, 1949, and hop products produced from such hops may be certificated for handling without regard to the salable allotment or the quality restriction

§ 986.81 *Diversion privilege.* In the event harvested hops in the control of the respective grower thereof, are destroyed or are so damaged or so deteriorated as, in the judgment of the grower to be unmarketable, or, if, because of quality or type, such hops are unsatisfactory to the grower, such grower may replace such hops (if the lupulin has not been removed therefrom) within the limits of his salable allotment for that year's crop, by acquiring uncertificated harvested hops of that year's crop from the growers thereof: *Provided*, That such purchasing grower shall first submit a written statement to the Growers Allocation Committee, setting forth the year of production, the location, and the quantity of hops he desires so to replace, (and, if the hops to be replaced have been destroyed, the time, place, and

cause of such destruction, together with proof of such destruction satisfactory to the Growers Allocation Committee, or its authorized representatives), and the name and address of each grower from whom he proposes to acquire uncertificated hops for that purpose, and makes arrangements with the Growers Allocation Committee, or its authorized representatives, whereby the unmarketable, or unsatisfactory hops which are thus to be replaced will be effectively diverted from or disposed of out of the normal channels of trade, and such disposal or diversion shall be in such manner as may be prescribed by the Control Board: *And provided further*, That, any hops so diverted shall not be diverted or disposed of as hop products as defined in § 986.5. The selling grower shall not be regarded as handling such hops within the meaning of this subpart, nor shall the hops sold be considered a part of such selling grower's salable allotment. The Growers Allocation Committee shall prepare, and from time to time shall revise, a list of the names and addresses of growers who report to the Growers Allocation Committee that they have uncertificated hops for sale pursuant to this section; and a list of the names and addresses of growers who report to the Growers Allocation Committee that they desire to purchase or acquire uncertificated hops pursuant to this section. The Growers Allocation Committee shall make such lists available to any grower or handler of hops at each office of the Control Board.

§ 986.82 *Supervision of disposition of uncertificated hops.* Any grower who desires to dispose of any uncertificated hops or hop products in his possession or control shall first arrange with the Growers Allocation Committee, or its authorized representatives, for supervision of such disposition. The Growers Allocation Committee, or its authorized representatives, shall thereupon provide such supervision at the mutual convenience of such grower and of the Committee, or its authorized representatives. The requirements set forth in this section shall apply to all such dispositions of uncertificated hops and hop products except (a) cases where such dispositions are accidental or are due to causes beyond the control of the particular growers, or (b) cases where such dispositions are made pursuant to the provisions of § 986.81.

EXPENSES AND ASSESSMENTS

§ 986.90 *Expenses.* The Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each marketing season for the maintenance and functioning by it and for such purposes as the Secretary may, pursuant to the provisions of this subpart determine to be appropriate. Such expenses shall be paid from the funds acquired pursuant to § 986.91. The recommendation of the Control Board as to its expenses for each such marketing season, or a portion thereof, together with all data supporting such recommendation, shall be submitted to the Secretary on or before September 15 of the marketing season for which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 986.91.

§ 986.91 *Assessments*—(a) *Requirement for payment.* Each handler shall pay to the Control Board the assessment provided in paragraph (b) of this section with respect to all hops and hop products which are handled or to be handled by that handler as the first handler thereof, except (1) such hops or hop products as are duly certificated pursuant to § 986.79 and (2) such hop products as have been derived from duly certificated hops with respect to which such assessment previously had been paid: *Provided, however*, That any grower who markets or transports to market within the State of production hops produced by that grower, or any hop product produced by that grower from hops produced by that grower, or hops acquired pursuant to § 986.81 or hop products produced from such hops, shall not be deemed to be the first handler thereof insofar only as payment of assessments pursuant to the provisions of this paragraph may be concerned. The person who handles such hops or hop products next following such handling by said grower shall be considered the first handler thereof within the provisions of this section. Said assessment shall be paid to the Control Board prior to or at the time of such handling, or at such subsequent time as the Control Board may specify.

(b) *Rate of assessment.* The aforesaid assessment shall be at the rate of one-fourth of one cent per pound, net dry weight, of hops handled, and said rate shall continue in effect until changed by the Control Board with the approval of the Secretary; and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.73.

§ 986.92 *Refunds.* Any money collected as assessments during any marketing season and not expended in connection with that season's operations, may be used by the Control Board during a period of five months subsequent to such marketing season in paying the expenses of the Control Board incurred in connection with the new marketing season. The Control Board shall, however, from funds on hand, including assessments collected during the new marketing season, credit or upon request make available, within six months after the beginning of the new marketing season, the aforesaid excess carried into the new season, to each handler from whom an assessment was collected in the preceding marketing season, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said preceding marketing season.

COMPLIANCE WITH PROVISIONS

§ 986.95 *Compliance.* Each handler shall comply strictly with all provisions of this subpart and all regulations duly effective under this subpart. No handler shall handle any hops or any hop product in violation of any of the provisions of this subpart or in violation of any regulation effective pursuant to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 986.101 *Books and records.* Each handler and each subsidiary or affiliate thereof shall keep books and other records which will clearly show the details of its handling of hops and hop products.

§ 986.102 *Reports by handlers.* To enable the Control Board, the Growers Allocation Committee, and each Advisory Committee to perform its functions under this subpart, each handler shall furnish to the Managing Agent, (a) on June 1, or as of that date and within 15 days thereafter or on any other date or dates which the Control Board may specify, complete information as requested by the Control Board relating to the total quantity of hops and hop products owned by the respective handler; and (b) on or before December 1, or on any other date or dates which the Control Board may specify, complete information relating to (1) the volume of hops and hop products handled during the next preceding marketing season; (2) the names and addresses of the growers and other persons from whom such hops or hop products were acquired; and (3) the quantity of hops grown by that handler during such period. Such information furnished to the Managing Agent shall be confidential and shall not be disclosed to any person (including members of the Control Board as well as other persons) except to the Secretary at his request, or to such person as the Secretary may specify: *Provided*, That the Managing Agent may compile such information in such form as will not reveal the identity of individual informants and may make such compilations available to the Control Board, Growers Allocation Committee, any Advisory Committee, or to the public. The Managing Agent shall not disclose any information acquired under this section, except as expressly authorized in this section.

§ 986.103 *Reports by growers.* Each grower shall report to the Growers Allocation Committee, prior to June 15 of each marketing season, the quantities (by years of production stated separately) and locations of all uncertificated hops and hop products owned or controlled by him as of the preceding June 1, and each grower shall also furnish to the Growers Allocation Committee reports containing such information as of such other date or dates as the Growers Allocation Committee may specify.

MISCELLANEOUS PROVISIONS

§ 986.105 *Amendments.* Amendment of this subpart may from time to time be proposed by the Control Board or by the Secretary.

§ 986.106 *Agents.* The Secretary may, by a designation in writing, name any person, including but not being limited to, any officer or employee of the United States Department of Agriculture, or any Division thereof, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 986.107 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force unless terminated or suspended in one of the ways specified in this section, so long as the provisions of the act authorizing the same are in effect.

(b) *Termination or suspension.* (1) The Secretary may, at any time, terminate or suspend the provisions of this subpart whenever he finds that the provisions hereof obstruct or do not tend to effectuate the declared policy of the act; and such notice of the termination or suspension shall be given as the Secretary deems proper.

(2) The Secretary shall terminate the provisions of this subpart whenever he finds that such termination is favored by the majority of the growers of hops who, during such representative period as may be determined by the Secretary, have been engaged in the production of hops within said States for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of hops produced for market in said area during such period. Such termination shall become and be effective on and after the first day of July subsequent to the announcement thereof by the Secretary.

(3) The provisions of this subpart shall terminate in any event whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* Upon the termination of the provisions of this subpart the members of the Control Board then functioning shall continue as trustees (for the purpose of liquidating the affairs of said Control Board) of all funds and property then in the possession or under the control of the Control Board, including but not being limited to claims for any funds unpaid or property not delivered at the time of such termination: But the procedural rules governing the activities of said trustees; including, but not limited to, the determination as to whether action may be taken by only a majority vote of the trustees, shall be prescribed by the Secretary. Said trustees shall continue in such capacity until discharged by the Secretary, and from time to time shall account for all receipts and disbursements, and deliver all funds and property on hand, together with all books and records of the Control Board and the trustees, to such person as the Secretary may direct, and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds or claims vested in the Control Board or the trustees pursuant to this section. Any funds collected for expenses pursuant to §§ 986.90 through 986.92 and held by such trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the trustees or such other person, in the performance of their duties under this subpart, shall, as soon as practicable after the termination of the provisions of this subpart, be disbursed among the handlers pro rata in proportion to their contributions pursuant to this section. Any person to whom funds, property, or claims have been delivered by the Control Board or its members, upon direction of the Secretary as provided in this section shall be subject to the same obligations and duties with respect to said funds, property, or claims as are hereinabove imposed upon the members of said Board or upon said trustees.

§ 986.108 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this subpart shall cease upon termination of this subpart, except with respect to acts done under and during the existence of this subpart; and the benefits, privileges, and immunities conferred hereby upon any party signatory hereto shall cease upon the termination of this subpart as to such party except with respect to acts done under and during the existence of this subpart.

§ 986.109 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 986.110 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 986.111 *Right of the Secretary.* Each member of the Control Board, Growers Allocation Committee, and Growers Advisory Committee, including successors and alternates, and any agent, representative or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each regulation, decision, determination, or other act of the Control Board, Growers Allocation Committee, or any Growers Advisory Committee, shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 986.112 *Liability of Control Board members.* No member of the Control Board, Growers Allocation Committee, or any Advisory Committee, nor any agent, representative, or employee, shall be held liable individually in any way whatsoever to any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member, employee, representative, except for acts of dishonesty. The liability of the parties hereunder is several and not joint, and no party shall be liable for the default of any other party.

§ 986.113 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Issued at Washington, D. C., this 16th day of July 1952 to be, and become, effective on the date of the publication hereof in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-7953; Filed, July 18, 1952; 8:51 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 3[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.9 *Special provisions for diamonds* is amended in the following particulars:

a. Paragraph (a) *Definitions*, subparagraph (1) *Loose diamonds* is amended to read as follows:

(1) *Loose diamonds.* "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material.

(i) "Industrial diamonds" (Schedule B Nos. 599005 and 540910), are unmounted industrial-purpose diamonds in any form, including ballas, carbonados, crushing bort, and diamond fragments, as well as diamond powder, dust and compounds.

(ii) "Cuttable diamonds" (Schedule B No. 599010) are diamonds suitable for cutting into gems and not reserved for industrial use.

b. Paragraph (d) *Export clearance of loose diamonds*, subparagraph (1) is amended to read as follows:

(1) Every shipment of loose industrial diamonds in any form must be inspected by the U. S. Appraiser of Merchandise at New York, regardless of the means of exportation or the port of exit.

[1] This amendment was published in Current Export Bulletin No. 672, dated July 3, 1952.

(iii) The validity period of licenses

2. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation* is amended in the following particulars:

a. Subparagraph (1) is amended to read as follows:

(1) *Truck and bus casings, off-the-road casings, farm tractor and implement casings, and industrial casings, Schedule B Nos. 206000, 206430, 206440, 206460, and 206490.* Separate reports on Form IT–821 shall be submitted reflecting the quantity, in number of units of exports from the United States, made during each of the calendar years 1948, 1949, and 1950 to the following countries. This report shall be submitted only where the total of all such exports to all of these countries was $10,000 or more during any one year for casings classified under Schedule B Nos. 206000, 206430, 206440, 206460, and 206490.

Belgian Congo.	Lebanon.
Belgium.	Malaya.
Finland.	Philippine Islands.
France.	Singapore.
French Morocco.	Sweden.
Indonesia.	Switzerland.
Iran.	Syria.
Iraq.	Thailand.
Israel.	

b. Subparagraph (3) *All controlled materials and certain additional commodities with processing code NONF* is amended by deleting therefrom the following commodities:

Lead pigs, bars, and anodes (include blocks and ingots), Schedule B No. 650750.

Zinc slab, Schedule B Nos. 657101, 657103, 657125, 657198.

3. Section 373.29 *Special provisions for certain totally allocated commodities* is amended in the following particulars:

Paragraph (a) *Commodities included* is amended by deleting therefrom the following entries:

Commodity	Relevant NPA Order	Required NPAF Form
Slab zinc	M–9	110
Soft pig lead	M–76	115

4. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. The following entries and related submission dates for the Fourth Quarter 1952 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates fourth Quarter 1952
	METALS AND MANUFACTURES[1]	
	Commodities Other Than Controlled Materials:	
	Copper and manufactures:	
618957	Copper-base alloy pipe fittings (including brass and bronze)	
618959	Copper pipe fittings	
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze)	
619034	Phosphor copper brazing rods and wire	
619039	Copper welding rods and wires	
	Aluminum and manufactures:	
618959	Aluminum pipe fittings	
618964	Aluminum sash, sections, and frames, door and window	
618967	Aluminum construction materials, n. e. c.	
618992	Aluminum venetian blinds (including slats and strip) and specially fabricated parts, n. e. c.	
619022	Unfilled shipping containers, aluminum	
619039	Aluminum welding rods and wires	
619052	Aluminum insect screen cloth	
619059	Aluminum and aluminum-base alloy manufactures	Sept. 1–Sept. 15, 1952.
630010	Aluminum ores and concentrates	
630050	Aluminum scrap (new and old)	
630301	Aluminum sheets, corrugated	
	Nickel and manufactures:	
619039	Nickel welding rods and wires	
619159	Nickel-chrome-boron powder	
619959	Nickel manufactures	
654501 through 654509	Nickel ores, concentrates, scrap, and primary forms	
	Tin and manufactures:	
619039	Tin welding rods and wires (including solder)	
619159	Tin metal powders	
619959	Tin collapsible tubes and tin manufactures, n. e. c.	
656501 through 656519	Tin ores, concentrates, scrap, crude and primary forms	
681817	Babbitt metal (except scrap and dross)	

[1] The submission dates for these commodities are also applicable to project license applications (see §§ 374.2 (f) and 374.3 (d) of this subchapter), and to petroleum project licenses, as provided in § 388.5 (c) of this subchapter.

b. The following submission dates for the First Quarter 1953 are added thereto:

Dept. of Commerce Schedule B No.	Commodity	Submission dates first quarter 1953
.....	Controlled materials: Commodities with processing code NONF	Aug. 15–Aug. 30, 1952.

5. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. Paragraph (b) *Where to file*, subparagraph (1) *General* is amended to read as follows:

(1) *General.* All requests for amendments to licenses may be filed with the Office of International Trade, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph may be requested from those field offices of the Department of Commerce listed below:

(i) *Delegation of authority.* Authority to amend export licenses (Form IT–628), subject to the limitations set forth in subparagraph (2) of this paragraph, is delegated to the following field offices of the Department of Commerce:

Baltimore.	Miami.
Boston.	Mobile.
Chicago.	New Orleans.
Cleveland.	New York.
Detroit.	Philadelphia.
El Paso.	Portland, Oreg.
Houston.	San Francisco.
Jacksonville.	Savannah.
Los Angeles.	Seattle.

(ii) *Shipments which are to clear through customs.* Within the limits of the authority delegated, the above designated field offices may approve amendments to licenses for shipments which are to be cleared through collectors of customs at ports located in the same customs district as the field office. Additional authority is delegated to the Houston field office to approve amendments to licenses for shipments which are to be cleared through collectors of customs at the ports of Laredo, Brownsville, and Eagle Pass, and to the Los Angeles field office for shipments through Tecate, Calexico, and San Ysidro.

(iii) *Shipments which are to clear through United States mail.* Within the limits of the authority delegated, the above designated field offices may approve amendments to licenses for shipments by mail which are to be cleared through a post office located in the same customs district as the field office. In these cases, the license must be submitted to the field office with the amendment request and may not be deposited with the postmaster pending action on the amendment request.

b. Paragraph (b) *Where to file*, subparagraph (2) *Amendment requests on which field offices may take action*, subdivision (ii) is amended to read as follows:

(ii) Correction of certain types of obvious errors due to mistakes in typing licenses, such as misspelled words, errors in price extension or computation, and errors in unit of quantity (provided the correction does not change the total quantity).

c. Paragraph (b) *Where to file*, subparagraph (3) *Amendment requests on which field offices may not take action* is amended by adding thereto the following subdivisions:

(iii) The validity period of licensees for totally allocated commodities (as defined in the Note to § 373.29 (a) of this subchapter), and CMP items (identified on the Positive List by the letter "C" in the column headed "Commodity Lists") may not be extended unless the licensee submits evidence showing that the commodities are in his possession and a certification that the material was purchased in accordance with the provisions of the applicable NPA regulations.

(iv) Requests for conversion of CMP allotment or priority rating symbols from one quarter to another. (See § 398.5 (b) (4) and (d) (5) of this subchapter).

(v) Requests for amendment action on shipments which have already been laden aboard the exporting carrier or exported. (See paragraph (d) (2) of this section.)

d. Paragraph (c) *Procedure for submitting requests for amendments*, subparagraph (2) *Information required*, subdivision (ii) is amended to read as follows:

(ii) *The licensee must not in any case retain the license when submitting a request for amendment.* Where shipments are to be made through customs, the address of the collector of customs with whom the license has been deposited must be entered in item 11 of Form IT–763. If the exporter does not know the intended port of exit, he shall return his license to the Office of International Trade with his request for amendment on Form IT–763; in which case, the applicant shall enter the word "Unknown" in answer to item 11. A postmaster or post office address, from which a shipment will be made by mail, is not an acceptable entry for item 11. Where shipment is to be made by mail, the license must accompany the request for amendment.

e. The Note following paragraph (c) *Procedure for submitting requests for amendments*, subparagraph (4) *Telegraphic requests* is amended in the following particulars: The second unnumbered paragraph of Note 1 *Licenses held by Collectors*, is amended to read as follows:

Amendment action by field offices. Amendments approved by field offices will be validated in a different manner than those approved by the Washington office. In place of the facsimile of the Department of Commerce seal and a five-digit number representing the date of the validation, the name of the field office making the amendment will be inserted in the space marked "Validation". To complete the validation process, the amending officer will insert in the space provided, a serial number preceded by an appropriate abbreviation of the city where the field office is located, sign and date Form IT–763, and check the space indicating approval. The collector's copy of the approved form will be sent to the appropriate collector of customs as the official notice of amendment. A confirmation copy of approval, rejection, or return without action will be sent to the individual named in item 4 of Form IT–763.

When an amendment request involves shipment by mail, the field office shall return to the applicant (a) the validated duplicate (collector's) copy of Form IT–763; (b) the triplicate (applicant's copy); and (c) the export license (Form IT–628). It will be the responsibility of the licensee or his authorized agent to present the license and the validated Form IT–763 to the postmaster at the time of mailing.

6. Section 398.7 *Supply assistance for foreign mining operations: MRO and capital additions* is amended to read as follows:

§ 398.7 *Supply assistance for foreign mining operations; MRO and capital additions*—(a) *Authority.* Pursuant to National Production Authority's Order M–78 (32A CFR Chapter VI), as amended, the Office of International Trade, Department of Commerce, is authorized to assist producers of metals and minerals whose mines (1) have received serial numbers under DMPA Order 7, and (2) are located in a foreign country other than those listed in § 398.1 (c), by securing allotment numbers and priority ratings to permit the procurement of needed materials for MRO purposes and for capital additions.

(b) *Scope.* Supply assistance is available pursuant to this section and as authorized by NPA Order M–78, as amended, to meet the requirements of foreign serialized mines for the following commodities and purposes:

(1) Maintenance, repair and operating supplies, as defined in section 2 (b), (c), and (d) of the Order M–78, as amended;

(2) Minor capital additions not in excess of $5,000, as set out in section (2) (e) of the Order M–78, as amended;

(3) Major capital additions (costing over $5,000) as defined in section 2 (f) and section 15 of NPA Order M–78, as amended, for which application may be made to secure limited supply assistance as set forth in paragraph (f) of this section.

Under the terms of the order, the allotment symbol W–2 may be used to obtain controlled materials, and the rating DO–W–2 for materials other than controlled materials required by foreign serialized mines. However, the allotment symbol and rating may not be applied to obtain any of the materials listed in Schedules I or II of CMP Regulation No. 5 as it may be amended from time to time.

In addition, the allotment symbol and rating may not be applied by a producer to obtain, in any quarter (calendar or fiscal), materials for minor capital additions exceeding, in the aggregate, 20 percent of his quarterly MRO quota, or $5,000, whichever is greater. However, no limit is placed upon a producer's acquisition of additional products or materials, (other than controlled materials) for minor capital additions without the use of an allotment number or rating.

(c) *Who may apply.* A "foreign producer" is defined in NPA Order M–78, as amended, as any person actually engaged, outside the United States, its territories and possessions and Canada, in the activities mentioned in paragraph (i) of Order M–78, as amended, who has been assigned a serial number under the procedure described in § 398.2 and who has a duly authorized agent within the United States, its territories or possessions responsible for the producer's compliance with the provisions of Order M–78, as amended. Foreign producers may file requests for supply assistance as prescribed in this section.

NOTE: Producers whose mines are located in countries for which the Mutual Security Agency is claimant agency shall file requests for supply assistance described in this section with the Mutual Security Agency, Washington, D. C., in accordance with instructions issued by that agency. (For a list of such countries, refer to § 398.1 (c).)

Producers located in Canada should consult with the Canadian Division of the National Production Authority, Department of Commerce, Washington 25, D. C.

(d) *Required application to DMPA for establishment of quarterly quotas to cover MRO and minor capital additions.* (1) In calculating his MRO base, to be reported on Form DMPA–28, a producer shall include all expenditures made by him in the base period for MRO except materials included in List A of NPA Reg. 2. Expenditures for capital additions are not be included. The standard base period is the calendar year 1950, and the standard quota is 30 percent of the producer's quota base. Establishment of alternate fiscal and seasonal quotas is described in (c) and (e) of section 7 of Order M–78, as amended.

(2) Any foreign producer who has received a serial number under DMPA Mineral Order–7 must file with DMPA on Form DMPA–28 (formerly MF–400) an application to establish an MRO quota if he has not already filed for such a quota. Such application must be made within 60 days of the receipt of such serial number.

(3) Section 8 of Order M–78, as amended, explains how charges are made by the producer against his quota.

(e) *Submission of requests for increased quotas to cover MRO supplies and minor capital additions.* (1) In cases where a foreign producer's essential needs for MRO supplies and minor capital additions cannot be met within his established quarterly quota described in paragraph (d) of this section, he may file application in quadruplicate on Form DMPA–28, with DMPA, requesting the necessary increase in his quota.

These requests must be filed prior to the expiration of the quarter for which adjustment is requested, and the established base quota must not be exceeded unless and until the DMPA–28 application is approved.

(2) When a foreign producer's quarterly quota is thus increased, he may continue to operate with the increased quota as his established quota unless the increase is granted on a temporary or seasonal basis or is otherwise restricted by the terms of the authorization. Any increase granted shall not be retroactive.

(3) Also, to the extent increased quotas for MRO and minor capital additions are approved on Form DMPA–28, DMPA will specifically assign to the applicant the right to use the allotment symbol W–2 and the rating DO–W–2 for the quantities approved.

(f) *Requests for supply assistance in obtaining materials for major capital additions or other equipment costing more than $5,000.* Requests of foreign producers for supply assistance in obtaining (1) major capital additions or (2) any other items of machinery or equipment costing more than $5,000

(whether they are for replacement, addition, or improvement) must be filed with the Office of International Trade (except for countries for which the Mutual Security Agency acts as claimant). Such applications are filed with OIT on Form IT–835 in accordance with the procedure specified in § 398.4; except where the applications form part of a large new construction or expansion project, in which case applicants should consult with the nearest field office of the Department of Commerce, or with the Office of International Trade, Washington 25, D. C., to ascertain the proper procedure.

Applications for assistance under this Section which the Office of International Trade feels should be recommended will be referred to the Defense Materials Procurement Agency and/or the National Production Authority for their consideration and action.

(g) *Assignment and use of allotment symbols and DO ratings.* (1) A foreign producer may not use the allotment symbol W–2 to procure controlled materials or the priority rating DO–W–2 to procure other than controlled materials intended for use as MRO or for minor capital additions, under the terms of Order M–78, as amended, until he has received authorization from DMPA on Form DMPA–28.

(2) The limitations on the use of the allotment symbol, and instructions as to the manner in which a producer places his delivery order are contained in sections 4, 5, 6, 10, and 11 of the Order M–78, as amended. The certification required when a producer places a delivery order for controlled materials or a rated order for other products is set forth in section 14.

(h) *Relation to other NPA orders.* Rated orders filled by a manufacturer under this regulation, for MRO supplies as defined in NPA Order M–79, as amended, are chargeable to his quarterly MRO export quota established in Order M–79, as amended, if M–79 applies to him.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of July 3, 1952, with the exception of Part 5 which shall become effective as of July 10, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52–7933; Filed, July 18, 1952; 8:46 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 2 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
201100	Rubber, reclaimed.
201200	Rubber, scrap.
206210	Tires, tire casings and inner tubes (report scrap tires and tire casings with both beads cut through or at least one bead removed from the casings, or the casings made discontinuous by being completely cut through or the carcass broken completely through for a length equal to at least the cross-sectional width, and inner tubes completely lacerated or cut cross-sectionally into two separate pieces, under 201200): Passenger car casing (formerly 206200).
206520	Inner tubes: Passenger car.
206935	Tire sundries and repair material: Camelback.
309005	Carpet wools (report estimated weight of clean content as net quantity).
309045	Other wools (report estimated weight of clean content as net quantity): Finer than 58's (formerly 309005 and 309007).
309908	Not finer than 58's (formerly 309045 and 309047).
362911	Wool-like specialty hair (report estimated weight of clean content as net quantity): Angora goat (mohair) and alpaca.
362920	Wool semimanufactures, wholly or in chief weight wool and/or wool-like specialty hair: Noils, except noils of cashmere goat, camel, and vicuna.
381079	Staple and tow: Nylon (formerly 381005).
381095	Waste and partially manufactured man made (synthetic) fiber, including tops, sliver and roving: Nylon tops, sliver and roving of staple and of waste (formerly 381005).
400200	Rags for paper stock:
775080	New cotton cuttings, valued $150 or over per ton (formerly 600000). Stationary industrial water-treatment equipment for drinking water.[1]

[1] By this amendment the entry presently on the Positive List under Schedule B No. 775080 is revised to read as follows: "Industrial water-treatment equipment, except stationary, for drinking water."

This part of the amendment shall become effective as of July 3, 1952.

2. The following are changed from R to RO commodities:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
617000	Tools (all metals) n. e. c.: Drills and bits, hard-surfaced steel and tungsten-carbide types (formerly 617720, (report types for power-driven tools in 744851)).	.....	CDGS	None	RO
617598	Jacks, hand-operated, and parts, with lifting capacity of 10 tons or more (including hand-operated hydraulic jacks) (report jacks for construction and maintenance in 722045; jacks for garage use in 763185).	.....	CDGS	25	RO
700000	Generators, n. e. c. and parts, n. e. c. (report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 700210–700220, generators for electric propulsion motors in 704350): Direct current generators, n. e. c.[1]	No.	ELTE 1	None	RO
700150	Parts and accessories, n. e. c., specially fabricated for generators (specify by name) (formerly 700000).[1]	.....	ELTE 1	100	RO
722045	Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name): Power jacks, with lifting capacity of 10 tons or more and specially fabricated parts (formerly 723100 and 775085).	.....	CONS	25	RO
763185	Jacks for garage use, with lifting capacity of 10 tons or more; and specially fabricated parts (formerly 763180).	.....	CONS	25	RO

[1] The commodities covered by this Positive List entry require import certificate (see § 373.34).

This part of the amendment shall become effective as of 12:01 a. m., July 10, 1952.

3. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar value limit
481500	Fine Paper: Capacitor tissue; electrical insulating tissue; coil paper; electrolytic condenser tissue, Kraft: Kraft condenser tissue; other paper for dielectric use, coated or uncoated	[illegible]
482000	Special industrial paper: Cable filling, electrical; cable, paper stock; coil-winding paper, electrical insulating paper, other than fine paper; other paper for dielectric use, coated or uncoated	[illegible]
483000	Battery board; electrical insulation board, except wet-machine (formerly 482000)	[illegible]
481100	Wet machine board, electrical insulation only	[illegible]
486400	Converted paper and board products: Wrapping paper products: Laminated waterproof paper, wire-wrapping only (formerly 486000)	15
489000	Paper, paperboard, and products, n. e. c. (specify by name): Cable paper, electrical paper and cloth, gummed; paper sleeving, treated; rope paper tape, electrical insulating; and paper, paperboard, and tissue for dielectric use, coated or uncoated, n. e. c. (formerly 489300 and 489000)	15

This part of the amendment shall become effective as of 12:01 a. m., July 3, 1952.

4. The following revisions are made in commodity descriptions. These revisions include changes in validated license control.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
540905★	Abrasives: Diamond grinding wheels, sticks, hones, and laps (report loose industrial diamonds in 599005; diamond powder or dust, including compounds, in 599010) (see §§ 373.1, 373.9 of this subchapter).[1]	Lb.	TOOL 1	None	RO
618509	Pipe fittings not specially fabricated for particular machines or equipment (see § 399.2): Aluminum pipe fittings (formerly 620998)[2]	Lb.	NONF	100	RO
618509	Copper pipe fittings (formerly 643988)[2]	Lb.	NONF	100	RO
618509	Lead pipe fittings (formerly 651598)[2]	Lb.	NONF	100	RO
618509	Zinc pipe fittings (formerly 658998)[2]	Lb.	NONF	100	RO
619009	Welding rods and wires: Aluminum and aluminum base alloys (formerly 620200)[3]	Lb.	NONF	100	RO
619009	Lead and lead base (specify by name and metal content) (formerly 651200)[3]	Lb.	NONF	100	RO
619039	Nickel and nickel alloy (specify by name and metal content) (formerly 654988)[3]	Lb.	NONF	100	RO
619039	Zinc (specify by name) (formerly 658998)[3]	Lb.	NONF	100	RO
619062	Wire cloth: Insect screen cloth: Aluminum (formerly 620000)[4]	Sq. ft. and lb.	NONF	25	RO
641000★	Beryllium-copper ingots (formerly 661998)[5]	Lb.	NONF	None	RO
641100	Other copper-base alloy ingots (formerly 641000, 661000, and 661998).[5]	Lb.	NONF	50	RO
706865	Insulated wire and cable: Automotive ignition wire in coils, reels, or spools in lengths of 100 feet or less (formerly 706850).[6]	Lb.	TRAN	100	RO
706865	Other rubber and/or synthetic rubber-insulated wire and cable (except building wire and cable), with plain, braided, leaded, or armored finishes (specify by name) (formerly 706850).[6]	Lb.	NONF	100	RO
809500	Acids and anhydrides: Sulfuric acid, all grades (in addition to the actual weight, specify strength as percentage H_2SO_4).[7]	Lb.	ACID	100	RO

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See §371.9 (c) of this subchapter.

[1] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 540905. The effect of this revision is to clarify the description without making a substantive change.

[2] The above four entries are substituted for the first entry presently on the Positive List under Schedule B No. 618509. The effect of this revision is to establish a GLV dollar-value limit of $100 for pipe fittings of each of the metals named, and to delete the "B" (DL Restriction) from lead and zinc pipe fittings.

[3] The above four entries are substituted for the fifth entry presently on the Positive List under Schedule B No. 619009. The effect of this revision is to establish a GLV dollar-value limit of $100 for welding rods and wires of each of the metals named; to show that welding rods and wires of aluminum and nickel, or alloys of either, are subject to a DL restriction by showing "B" in the "Commodity list" column opposite those entries; and to omit the "A" opposite the fourth substituted entry under Schedule B No. 619039, as zinc welding rods and wires are not subject to the IC/DV procedure (see §373.34 of this subchapter).

[4] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 619062. The effect of this revision is to require applicants for export licenses to state the quantity of this commodity to be shipped in terms of pounds as well as in square feet.

[5] The above two entries are substituted for the two entries presently included on the Positive List under Schedule B No. 644100. The effect of this revision is to change the GLV dollar-value limit for brass, bronze and nickel-silver, or German silver, ingots from $100 to $50, and beryllium copper ingots from $50 to none.

[6] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 706865. The effect of this revision is to list separately automotive ignition wire in coils, reels, or spools, in lengths of 100 feet or less and to change the processing code from NONF to TRAN and remove the letters "B" and "C" in the column headed "Commodity Lists" for such wire.

[7] This entry makes no substantive change in validated license control. The effect of the revision is to require that, in addition to the actual weight, the percentage of H_2SO_4 strength be shown on the application.

This part of the amendment shall become effective as of 12:01 a. m., July 10, 1952, except for the revision of the entry under Schedule B No. 540905 (diamond grinding wheels, etc.) which shall become effective as of July 3, 1952.

5. The following commodities are made subject to the IC DV procedure (see § 373.34 of this subchapter). Accordingly, the Positive List is amended by adding opposite the commodity entries listed below the letter "A" in the column headed "Commodity Lists". The commodity descriptions therefor are also amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
206270	Tires, tire casings and inner tubes (report scrap tires and tire casings with both beads cut through or at least one bead removed from the casings or the casings made discontinuous by being completely cut through or the carcass broken completely through for a length equal to at least the cross-sectional width, and inner tubes completely lacerated or cut cross-sectionally into two separate pieces, under 201200) (See Special Provisions, §§ 373.24, 373.34 of this subchapter) Inner tubes: Other off-the-road and industrial inner tubes.[1]	No.	RUBR 9	100	R
206270	Farm tractor and farm implement inner tubes.[1]	No.	RUBR 9	100	R
618305	Basic hardware: Bolts, screws, nuts, rivets, and washers, n. e. c., not specially fabricated for particular machines or equipment (specify by name): Aluminum, except wire bolts, wire screws, and wire rivets (formerly 620505).[2]	Lb.	BLDG	100	RO
618305	Aluminum explosive rivets (formerly 630600)[2]	Lb.	BLDG	100	RO

[1] The above two entries are substituted for the second entry presently on the Positive List under Schedule B No. 206270. The effect of this revision is to eliminate a portion of the former listing from the IC/DV procedure (see § 373.34 of this subchapter).

[2] The above two entries are substituted for the first entry presently on the Positive List under Schedule B No. 618305. The effect of this revision is to eliminate a portion of the former listing from the IC/DV procedure (see § 373.34 of this subchapter).

This part of the amendment shall become effective as of July 10, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced as a result of changes set forth in Parts 2 and 4 (with the exception of the revision of the entry under Schedule B No. 540905) of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., July 10, 1952, may be exported under the previous general license provisions up to and including August 2, 1952. Any such shipment, not laden aboard the exporting carrier on or before August 2, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52–7934; Filed, July 18, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 3–5, 10, 11, 15, 29; T. D. 5919]

PART 182—INDUSTRIAL ALCOHOL

PART 183—PRODUCTION OF DISTILLED SPIRITS

PART 184—PRODUCTION OF BRANDY

PART 185—WAREHOUSING OF DISTILLED SPIRITS

PART 189—BOTTLING OF TAX-PAID DISTILLED SPIRITS

PART 190—RECTIFICATION OF SPIRITS AND WINES

PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS

EXTENSION OF USE OF DISTILLED SPIRITS EXCISE TAX STAMPS FOR REMOVALS OF DISTILLED SPIRITS AND ALCOHOL

1. In order to facilitate the taxpayment of distilled spirits removed in tank cars and tank trucks from registered distilleries, fruit distilleries and internal revenue bonded warehouses, and of alcohol removed by pipe line and in tank cars and tank trucks from industrial alcohol plants and industrial alcohol bonded warehouses, the regulations are amended to authorize the use of distilled spirits excise tax stamps, in lieu of certificates of taxpayment, Form 1595. The amendments provide that where distilled spirits excise tax stamps are used for the taxpayment of distilled spirits and alcohol removed in tank cars and tank trucks, a wholesale liquor dealer's stamp shall be affixed to the conveyance (in lieu of Form 1595) as evidence of taxpayment. The distilled spirits excise tax stamps can be purchased in advance and wholesale liquor dealer's stamps can be obtained from

the storekeeper-gauger at the plant. Taxpayment can thus be accomplished immediately following the gauging of the distilled spirits or alcohol and the delay incident to obtaining a certificate of taxpayment from the collector after the distilled spirits or alcohol are gauged will be obviated. Distilled spirits excise tax stamps were originally prescribed by Regulations 10 (26 CFR Part 185), effective September 1, 1950, for the taxpayment of distilled spirits bottled in bond. Subsequently, their use was extended by Treasury Decision 5806 (15 F. R. 174), effective September 8, 1950, for the taxpayment of distilled spirits transferred by pipe line from registered and fruit distilleries and internal revenue bonded warehouses to contiguous rectifying plants and taxpaid bottling houses, and for distilled spirits taxpaid in bulk gauging tanks in internal revenue bonded warehouses and drawn into packages to which wholesale liquor dealer's stamps are to be affixed; and by Treasury Decision 5809 (15 F. R. 198), effective October 12, 1950, for the taxpayment of spirits contained in rinsings from packages dumped at rectifying plants and tax-paid bottling houses.

2. Other purposes of the amendments are as follows:

(a) To authorize an optional method, to be followed by the proprietor, of canceling distilled spirits excise tax stamps, and rectified spirits stamps used for the payment of rectification tax on distilled spirits in bottling tanks in a rectifying plant, by perforating, in lieu of stamping, the data required by regulations, and to permit partial advance cancellation of such stamps for identification in the event of subsequent loss, by theft or otherwise;

(b) To provide for the issuance of wholesale liquor dealer's stamps by storekeeper-gaugers, in lieu of collectors of internal revenue, for affixing to tank cars and tank trucks where taxpayment is by use of distilled spirits excise tax stamps, and for affixing to wholesale liquor dealer packages of unrectified spirits filled at rectifying plants (the issuance by storekeeper-gaugers (in lieu of collectors) of wholesale liquor dealer's stamps for affixing to packages filled from bulk gauging tanks in internal revenue bonded warehouses was authorized by Regulations 10 (26 CFR Part 185)); and

(c) To authorize the retention of the registry number when a registered distillery, fruit distillery, internal revenue bonded warehouse, tax-paid bottling house or rectifying plant is moved to another location within the same State or when an industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant is moved to another location within the United States.

3. Regulations 3 (26 CFR Part 182; 7 F. R. 1858), "Industrial Alcohol," as amended, are amended as follows:

(a) Sections 182.305, 182.569, 182.570, 182.571, 182.572, 182.574, 182.574e, 182.574g and 182.643a are amended; and

(b) Sections 182.566a, 182.568a, 182.574a–1, 182.574d–1, 182.574h, 182.574i, 182.574j, 182.574k, 182.574l, 182.574m, 182.574n, 182.574o, 182.574p, 182.574q, 182.574r, 182.574s, 182.574t and 182.648c are added.

ACTION BY COMMISSIONER

ORIGINAL ESTABLISHMENT

* * * * * * *

§ 182.305 *Registry and permit numbers.* Upon request therefor by district supervisors the Commissioner will assign registry and permit numbers to industrial alcohol plants, bonded warehouses and denaturing plants. Such plants will be numbered serially, irrespective of States or districts. Symbols and numbers for basic permits will be assigned as provided in § 182.291. Registry and permit numbers previously assigned to discontinued alcohol plants, bonded warehouses, and denaturing plants will not be reassigned to other such plants. The same registry number will be continued whenever there is a change of proprietorship. In the case of a change in location of the premises, the same registry number may be retained. A new basic permit number will be assigned when there is a change of proprietorship. The same registry and permit number will be assigned to an industrial alcohol plant, bonded warehouse, and denaturing plant, or any combination of such plants on the same premises.

(53 Stat. 358, 360, 364; 26 U. S. C. 3105 3114, 3124)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

* * * * * * *

TAX-PAID WITHDRAWALS IN TANK CARS OR TANK TRUCKS

* * * * * * *

§182.566a *Methods of taxpayment.* The tax on alcohol to be removed in a tank car or tank truck will be paid by the proprietor (a) by use of a certificate of taxpayment, Form 1595, issued pursuant to application on Form 1594, or (b) by use of distilled spirits stamps prescribed by § 182.574h. Where alcohol which is to be removed by tank car or tank truck is taxpaid by use of distilled spirits stamps, a wholesale liquor dealer's stamp will be affixed to the tank car or tank truck. Where taxpayment is by use of a certificate of taxpayment, Form 1595, the certificate will be procured and used in accordance with §§ 182.567, 182.568 and 182.569 to 182.571. Where taxpayment is by use of distilled spirits stamps, such stamps will be procured in accordance with §§ 182.574h to 182.574j and used in accordance with § 182.568a. Where distilled spirits stamps are used for taxpayment of alcohol removed by tank car or tank truck, a wholesale liquor dealer's stamp will be procured in accordance with § 182.574o.

(53 Stat. 298 as amended, 358, 360, 364; 26 U. S. C. 2800, 3105, 3112, 3124, 3172)

§ 182.568a *Use of distilled spirits stamps.* Where alcohol is to be taxpaid by use of distilled spirits stamps, the proprietor, upon receipt of the copies of Form 1440 from the storekeeper-gauger pursuant to § 182.566, will cancel the necessary number of stamps in the exact amount of the tax due by perforation as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the date of Form 1440; for example, "John Doe Industries, Incorporated, Industrial Alcohol Bonded Warehouse No. 63, New Jersey, Form 1440 June 1, 1952." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The date of Form 1440 must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Ind. Inc. IABW63–NJ–1440–6–1–52." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The proprietor will then attach the canceled distilled spirits stamps to one copy of Form 1440 and return all copies of that form to the Government officer. The Government officer, after determining that the cancelled stamps are in the proper amount of the tax shown due on the Form 1440, will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp and will execute a certificate on all copies of Form 1440 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The canceled distilled spirits stamps will be securely attached to a copy of Form 1440 by means of a staple, eyelet, or similar device. Such copy of Form 1440 will be attached to the board on the weighing tank and remain thereon until the alcohol covered by such stamps has been removed. A wholesale liquor dealer's stamp for attachment to the conveyance will be procured by the proprietor in accordance with §§ 182.574o and 182.574p. Form 1440 will be disposed of in accordance with § 182.571.

(53 Stat. 298 as amended, 358, 360, 364 368, 26 U. S. C. 2800, 3105, 3112, 3124, 3172, 3175, 3300)

§ 182.569 *Bill of lading.* The proprietor shall incorporate in the bill of lading, if any, a description of Form 1595 as follows:

Form 1595, Serial No. ——, Owner and No. of Car (or truck) ——, Vendor ——, Address ——, Vendee ——, Address ——.

Where a wholesale liquor dealer's stamp is used in lieu of Form 1595, the proprietor shall incorporate in the bill of lading, if any, a description of the stamp showing the kind of stamp and its serial number.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.570 *Storekeeper-gauger's verification.* If taxpayment is by means of a certificate of taxpayment (Form 1595), the proprietor shall give the certificate, the bill of lading, if any, and all copies of Form 1440 to the storekeeper-gauger. The storekeeper-gauger will verify the contents of the tank car or tank truck and the description of Form 1595 in the bill of lading, if any, determine the security of the route board, and, if no discrepancies are found, he will note the serial number of the certificate on Form 1440, and date and sign the certificate in the space provided therefor. The proprietor shall then affix the certificate to the route board in the presence of the storekeeper-gauger. The certificate must be securely affixed to the route board with a good adhesive and with a tack in each corner, whereupon it will be cancelled in the same manner as a tax-paid stamp after attachment to a package. The certificate will then be covered with a coating of transparent shellac, lacquer or varnish, to prevent its easy removal or alteration. If taxpayment is by means of distilled spirits stamps and evidenced by a wholesale liquor dealer's stamp, the proprietor shall give the bill of lading, if any, to the storekeeper-gauger who shall verify the contents of the tank car or tank truck, the description of the wholesale liquor dealer's stamp on the bill of lading, if any, and determine the security of the route board. If no discrepancies are found, the proprietor shall affix the wholesale liquor dealer's stamp to the route board in the presence of the storekeeper-gauger. The wholesale liquor dealer's stamp shall be affixed, cancelled and protected in the same manner as a certificate of taxpayment, Form 1595.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.571 *Release of tank car or tank truck.* When the certificate of taxpayment (Form 1595), or wholesale liquor dealer's stamp, has been affixed to the route board and cancelled, and the conveyance locked or sealed by the proprietor (who shall furnish the necessary locks or seals), the storekeeper-gauger will return the bill of lading, if any, to the proprietor and release the tank car or tank truck for shipment. The storekeeper-gauger will forward one copy of Form 1440 to the district supervisor and deliver two copies to the proprietor, who will forward one copy to the vendee, and retain the remaining copy as a permanent record in accordance with § 182.643h. Where distilled spirits stamps have been used to taxpay the alcohol, the copy of Form 1440 to which cancelled stamps are attached will be forwarded to the district supervisor.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.572 *Procedure when tank car or tank truck is emptied.* When the vendee receives tax-paid alcohol in a tank car or tank truck he shall, at the time the car or truck is emptied, dispose of the certificate of taxpayment, Form 1595, or wholesale liquor dealer's stamp, as the case may be, in accordance with the procedure prescribed by Regulations 11 (Part 189 of this subchapter), Regulations 15 (Part 190 of this subchapter) or Regulations 29 (Part 197 of this subchapter). The district supervisor will investigate any discrepancy which may be found respecting the shipment in accordance with such regulations.

(53 Stat. 358, 360, 364; 26 U. S. C. 3105, 3112, 3124)

§ 182.574 *Comparison of sealed certificate or wholesale liquor dealer's stamp with application.* The district supervisor will compare the cut out portion of the certificate or wholesale liquor dealer's stamp with the copy of the application, Form 1594 or Form 92, as the case may be, and investigate any discrepancy.

(53 Stat. 358, 360, 364; 26 U. S. C. 3105, 3112, 3124)

TAX-PAID WITHDRAWALS BY PIPELINE TO RECTIFYING PLANT OR TAX-PAID BOTTLING HOUSE

* * * * * * *

§ 182.574a–1 *Methods of taxpayment.* The tax on alcohol to be removed by pipeline to a contiguous rectifying plant or tax-paid bottling house will be paid by the proprietor (a) by use of a certificate of taxpayment, Form 1595, issued pursuant to application on Form 1594, or (b) by use of distilled spirits stamps prescribed by § 182.574h. Where taxpayment is by use of a certificate of taxpayment, Form 1595, the certificate will be procured and used in accordance with §§ 182.574b to 182.574d and 182.574e. Where taxpayment is by use of distilled spirits stamps, they will be procured in accordance with §§ 182.574h to 182.574j.

(53 Stat. 298 as amended, 358, 360, 364, 374; 26 U. S. C. 2800, 3105, 3112, 3124, 3172)

§ 182.574d–1 *Use of distilled spirits stamps.* Where taxpayment is to be by use of distilled spirits stamps, the proprietor, upon receipt of the copies of Form 1440 from the storekeeper-gauger pursuant to § 182.574a, will cancel the necessary number of stamps, in the exact amount of the tax due, in the manner prescribed by § 182.568a. The proprietor will attach the canceled distilled spirits stamps to one copy of Form 1440 and return all copies of that form to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 1440, and will then further cancel and deface the stamps in the manner prescribed by § 182.568a and will execute a certificate on all copies of Form 1440 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps for the amount of tax due. The canceled distilled spirits stamps will be securely attached to the copy of Form 1440 by means of a staple, eyelet, or similar device, such copy of Form 1440 will be attached to the Board on the weighing tank and remain thereon until the alcohol covered by such stamps has been removed. Form 1440 will be disposed of in accordance with § 182.574e.

(53 Stat. 298 as amended, 358, 360, 364, 375, 398; 26 U. S. C. 2800, 3105, 3112, 3124, 3172, 3175, 3300)

§ 182.574e *Transfer of alcohol.* When a certificate of taxpayment has been affixed to the weighing tank and canceled, or when the Form 1440 to which the canceled distilled spirits stamps are attached has been attached to the weighing tank, the storekeeper-gauger will unlock the outlet valve and permit the proprietor to transfer the alcohol by pipe line to the rectifying plant or tax-paid bottling house. The alcohol shall be transferred only under the immediate supervision of the storekeeper-gauger at the industrial alcohol plant or bonded warehouse and the storekeeper-gauger at the rectifying plant or tax-paid bottling house who shall verify by weight or measure the quantity received. After the alcohol has been transferred, the storekeeper-gauger will forward one copy of Form 1440 with the canceled Form 1595, or the canceled distilled spirits stamps, as the case may be, to the district supervisor and deliver two copies of Form 1440 to the proprietor who will deliver one copy of such form to the rectifier or bottler.

(53 Stat. 357, 358, 360, 364, 374; 26 U. S. C. 3101, 3105, 3112, 3124, 3172)

§ 182.574g *Comparison of canceled certificate with application.* The district supervisor will compare the canceled certificate with the copy of the application, Form 1594, and the report of gauge, Form 1440, as to the number of gallons of alcohol, the amount of tax, etc., and investigate any discrepancy.

(53 Stat. 358, 360, 364; 26 U. S. C. 3105, 3112, 3124)

DISTILLED SPIRITS STAMPS FOR REMOVALS BY PIPE LINES, TANK CARS AND TANK TRUCKS

§ 182.574h *Distilled Spirits Excise Tax stamps.* The tax on alcohol removed in tank cars or tank trucks, or by pipeline, may be paid by Distilled Spirits Excise Tax stamps (Series of 1950). Such stamps may be purchased in various denominations by the proprietor from the collector of internal revenue of the district in which the industrial alcohol plant or industrial alcohol bonded warehouse is located. The stamps may be purchased in advance of actual needs, in order to be readily available when needed. The stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Proprietors shall not sell or transfer stamps, except that they may (a) transfer such stamps to other premises operated by themselves as provided in § 182.574k pursuant to the prior approval of the district supervisor, or (b)

return such stamps for redemption in accordance with § 182.574l. Distilled spirits stamps for taxpayment of alcohol as authorized by this part, used or unused, may not be purchased, sold, or possessed, except as specifically authorized by this part.

(53 Stat. 298 as amended, 358, 360, 364, 374, 398, 399; 26 U. S. C. 2800, 3105, 3112, 3124, 3172, 3300, 3304)

§ 182.574i *Form 427–D.* With each purchase of stamps the proprietor will submit to the collector Form 427–D, in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427–D, return one copy to the proprietor with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427–D will be filed in the collector's office so that all purchases of stamps may be varified at any time. The collector will refuse to sell stamps when such form is not submitted.

(53 Stat. 298 as amended, 358, 364, 374; 26 U. S. C. 2800, 3105, 3124, 3172)

§ 182.574j *Remittance; delivery.* All orders for stamps must be accompanied by proper remittance in a sum equal to the value of the stamps. Unless the stamps are called for by the proprietor or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the proprietor. When the stamps are not called for in person the proprietor will specify on Form 427–D the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered sent by ordinary mail, the proprietor shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage. If the stamps are ordered sent by registered mail, the proprietor shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash, the sum to cover the postage, registry fee, or surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect."

(53 Stat. 298 as amended, 358, 364, 374, 447 as amended; 26 U. S. C. 2800, 3105, 3124, 3172, 8656)

§ 182.574k *Transfer to other premises.* A proprietor operating other plants on the same or contiguous premises may transfer stamps to such plants from time to time pursuant to prior approval of the district supervisor. When the alcohol plant or bonded warehouse is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other premises in which the stamps could be used, he may transfer such stamps to such other premises for use thereat pursuant to prior approval of the district supervisor. If the premises to which the stamps are to be transferred is located in another supervisory district, the supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving premises is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving premises of the authority to receive the stamps. A report of all transfers of stamps must be made on Form 1697, as provided in § 182.648c.

(53 Stat. 298 as amended, 358, 364, 374, 375; 26 U. S. C. 2800, 3105, 3124, 3172, 3175)

§ 182.574l *Redemption of distilled spirits stamps.* Distilled spirits stamps, for taxpayment of alcohol to be removed in a tank car or tank truck or by pipeline, may be redeemed pursuant to section 3304, Internal Revenue Code, which reads as follows:

Redemption of stamps—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claims for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decision.* The findings of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

(53 Stat. 358, 364, 399; 26 U. S. C. 3105, 3124, 3304)

§ 182.574m *Claim to collector.* Proprietors desiring to have distilled spirits stamps, described in § 182.574l, redeemed under the provisions of section 3304, I. R. C., must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

(53 Stat. 298 as amended, 358, 364, 374, 399; 26 U. S. C. 2800, 3105, 3124, 3172, 3304)

§ 182.574n *Unredeemable stamps.* Distilled spirits stamps may not be redeemed while alcohol on which the stamps can be used in taxpayment, remains on hand and while the alcohol plant or bonded warehouse remains in a qualified status unless it is shown that the manner of taxpaying alcohol thereat is such that the stamps may not be used. When an alcohol plant or bonded warehouse is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other premises at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat in accordance with § 182.574k. Notation of the transfer must be made on Form 1697 for both premises.

(53 Stat. 298 as amended, 358, 364, 374, 399; 26 U. S. C. 2800, 3105, 3124, 3172, 3304)

WHOLESALE LIQUOR DEALER'S STAMPS FOR TANK CARS AND TANK TRUCKS

§ 182.574o *Application for stamps, Form 92.* Where alcohol, taxpaid by use of distilled spirits stamps authorized by § 182.566a, is to be removed by tank car or tank truck, the proprietor will make application to the storekeeper-gauger on Form 92, properly modified, for a wholesale liquor dealer's stamp to be affixed to such container. Form 92 will be prepared in quadruplicate for intra-district shipments and in quintuplicate for inter-district shipments. All information indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. All copies of the Form 92 will be submitted to the storekeeper-gauger in charge of the premises. If the alcohol is correctly described on Form 92 and has been properly taxpaid, the storekeeper-gauger will sign all copies and return the Form 92 to the proprietor. The proprietor will execute his certificate on Form 92, entering therein, in appropriate columns, the name of the owner of the car or truck and the car or truck number, the net weight, proof, and proof gallons of the alcohol as shown on the Form 1440 covering taxpayment, and the statement "Consigned to:" followed by the name and address of the consignee. When application is being made for a wholesale liquor dealer's stamp for alcohol which will be shipped to a tax-paid bottling house or rectifying plant, there shall also be entered on the Form 92 a notation showing the material from which the alcohol was produced, such as, "Alcohol-grain," "Alcohol-cane," "Alcohol-fruit," "Alcohol-distilled from grain," "Alcohol-distilled from cane," or "Alcohol-distilled from fruit." All copies of Form 92 will be given to the storekeeper-gauger in charge.

(53 Stat. 298 as amended, 357, 358, 360, 364, 374, 375; 26 U. S. C. 2800, 3101, 3105, 3112, 3124, 3172, 3175)

§ 182.574p *Issuance of wholesale liquor dealer's stamps.* Upon receipt of Form 92 with the application for the wholesale liquor dealer's stamps duly executed, the storekeeper-gauger will issue a wholesale liquor dealer's stamp, and enter the serial number thereof on all copies of Form 1440 and in part 4 on all copies of Form 92. When issuing the stamps, the storekeeper-gauger will enter on each all the information called for and sign each stamp in the space provided therefor, using only such ink as will neither fade nor blur.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.574q *Disposition of Form 92.* When the wholesale liquor dealer's stamp has been issued and the serial number thereof recorded on Form 92, the storekeeper-gauger shall return two copies of Form 92 to the proprietor with the stamp, forward one copy of the form to the district supervisor and retain one copy. The storekeeper-gauger shall place his retained copy of Form 92 in a permanent file as authority for issuance of the stamp. The proprietor will forward one copy of Form 92 to the vendee. Where the vendee is located in a different supervisory district, the storekeeper-gauger will send the remaining copy of Form 92 to the supervisor of the district in which the vendee is located.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.574r *Stamp stub.* The storekeeper-gauger shall enter on the stub connected with each wholesale liquor dealer's stamp data similar to that entered on the stamp, to preserve a perfect record of the detached stamp.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.574s *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of industrial alcohol plants or bonded warehouses where such stamps are used with such quantities of stamps as may be required. When all the stamps in a book have been issued the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

§ 182.574t *Record and report of wholesale liquor dealer's stamps.* Storekeeper-gaugers having custody of wholesale liquor dealer's stamps at industrial alcohol plants or bonded warehouses will keep a record of such stamps received and used on part 1 of Form 118, properly modified for the purpose, and as required by instructions on the form or as issued in respect thereto. The record will be kept in bound form available for inspection by other Government officers. The storekeeper-gauger will prepare his monthly report on part 2 of Form 118, properly modified and in duplicate, retain one copy and furnish one copy to the district supervisor.

(53 Stat. 357, 358, 360, 364; 26 U. S. C. 3101, 3105, 3112, 3124)

FORM 1440

* * * * * *

§ 182.643a *Application for withdrawal.* When the proprietor desires to withdraw alcohol from the bonded warehouse for any lawful purpose and has complied with all the requirements of the law and the regulations in this part respecting the particular withdrawal, he will make application on the back of each copy of Form 1440, covering the withdrawal, to the storekeeper-gauger in charge for permission to withdraw the alcohol. If withdrawal is to be made upon tax-payment, the proprietor shall present to the storekeeper-gauger the prescribed tax-paid stamps, distilled spirits stamps, or certificate of tax-payment covering the alcohol to be withdrawn. If the alcohol is to be transferred in bond to another bonded warehouse or shipped to a denaturing plant or withdrawn for export or other lawful tax-free purpose, the proprietor will present to the storekeeper-gauger the necessary permit authorizing such withdrawal. The storekeeper-gauger will examine the taxpaid stamps, distilled spirits stamps, certificate of tax-payment, or the permit authorizing transfer in bond or tax-free withdrawal, and if he finds that the tax has been paid or, in the case of transfer in bond or tax-free withdrawal, that proper withdrawal permit is held by the proprietor, the storekeeper-gauger will sign the authorization on Form 1440 for the withdrawal of the alcohol.

(53 Stat. 357, 358, 360, 364, 373, 374; 26 U. S. C. 3101, 3105, 3112, 3124, 3171, 3172)

RECORDS AND REPORTS OF PROPRIETOR

* * * * * *

§ 182.648c *Distilled spirits stamp report, Form 1697.* Every proprietor of an industrial alcohol plant or bonded warehouse who taxpays alcohol by use of distilled spirits stamps shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at his alcohol plant or bonded warehouse. Entries will be made thereon and the report submitted in accordance with the headings of the various lines and columns on the form and the instructions printed thereon or issued in respect thereto and as required by this part. When distilled spirits stamps are surrendered for redemption, in accordance with §§ 182.574 and 182.574m, or are transferred to, or received from other premises operated by the proprietor, as authorized by § 182.574k, a report thereof must be made on Form 1697, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

(53 Stat. 298 as amended, 358, 360, 364, 374; 26 U. S. C. 2800, 3105, 3112, 3124, 3172)

4. Regulations 4 (26 CFR Part 183; 15 F. R. 5334), "Production of Distilled Spirits," as amended, are amended as follows:

(a) Sections 183.301, 183.546, 183.549, 183.550, 183.551, 183.552, 183.553 and 183.554 are amended;

(b) Sections 183.546a, 183.548a, 183.554a, 183.554b, 183.554c, 183.554d, 183.554e, 183.554f, 183.554g, 183.554h, 183.554i, 183.554j, 183.554k, 183.554l, 183.554m and 183.554n are added; and

(c) Section 183.552a is revoked.

SUBPART N—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

* * * * * *

§ 183.301 *Registry numbers.* Registered distilleries will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new distilleries will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued distilleries will not be reassigned to other distilleries. In the case of a successor taking over the distillery, the same registry number will be retained. In the case of a change in location of the distillery within the same State, the same register number may be retained.

SUBPART W—TAX-PAYMENT, REMOVAL, AND TRANSFER OF DISTILLED SPIRITS FROM CISTERN ROOM

* * * * * *

TAX-PAYMENT FOR REMOVAL BY PIPE LINE OR IN TANK CARS OR TANK TRUCKS

§ 183.546 *Application, Form 179.* Whenever the distiller desires to tax-pay and remove distilled spirits direct from the cistern room by approved pipe lines to contiguous premises, or in tank cars or tank trucks, he shall execute application therefor on Form 179, in quadruplicate. The distiller shall state, in addition to other applicable data on the form, the approximate quantity to be withdrawn and whether such removal will be by pipe line, or by tank car or tank truck. If the spirits are to be removed in a tank car or tank truck, the number thereof, and the name or symbols of the owner, shall also be stated on the Form 179. All copies of Form 179 shall be delivered to the storekeeper-gauger, whereupon such spirits will be run into a weighing tank and gauged for removal. The storekeeper-gauger shall enter the details of the gauge on Form 1520, in quintuplicate. The proof at which the spirits were distilled, and in the case of tank car or tank truck shipments, the number and name or symbols of the owner of the tank car or tank truck, shall be noted on Form 1520 by the storekeeper-gauger. The storekeeper-gauger will execute his report on each copy of Form 179 and will return all copies thereof, with four copies of Form 1520 attached, to the distiller, who will enter in the space provided therefor on each copy of Form 179, the description of the spirits gauged.

(53 Stat. 298 as amended, 335 as amended, 492; 26 U. S. C. 2800, 2883, 4015)

§ 183.546a *Methods of taxpayment.* The tax on distilled spirits to be removed by pipeline to a contiguous rectifying plant or taxpaid bottling house or to be removed in a tank car or tank truck will be paid by the distiller (a) by use of a certificate of taxpayment, Form 1595, issued pursuant to application on Form 1594, or (b) by use of distilled spirits stamps prescribed by § 183.554a. Where distilled spirits which are to be removed

by tank car or tank truck are taxpaid by use of distilled spirits stamps, a wholesale liquor dealer's stamp will be affixed to the tank car or tank truck. Where taxpayment is by use of a certificate of taxpayment, Form 1595, the certificate will be procured and used in accordance with §§ 183.547 and 183.548 and §§ 183.549 to 183.553. Where taxpayment is by use of distilled spirits stamps, they will be procured in accordance with §§ 183.554a to 183.554c and used in accordance with § 183.548a. Where distilled spirits stamps are used for taxpayment of distilled spirits removed by tank car or tank truck, a wholesale liquor dealer's stamp for affixing thereto will be procured in accordance with §§ 183.554i and 183.554j.

(53 Stat. 298 as amended, 335 as amended, 374; 26 U. S. C. 2800, 2883, 3172)

§ 183.548a *Use of distilled spirits stamps.* Where spirits are to be taxpaid by use of distilled spirits stamps, the distiller, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 183.546, will cancel the necessary number of stamps in the exact amount of the tax due by perforation, as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the distillery, and the serial number of Form 179; for example, "John Doe Distilling Company, Registered Distillery No. 63, New Jersey, Form 179 Serial No. ------." Prior to use in taxpayment, the distiller, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The serial number of the Form 179 must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the distiller, if adequate for identification; for example, "J. D. Dist. Co. RD 63–NJ–179 S/N ------." The distiller's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the distiller's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The distiller will then attach the canceled distilled spirits stamps to one copy of Form 179 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer, after determining that the canceled stamps are in the proper amount of the tax shown due on the Form 179, will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border of each stamp and will execute a certificate on all copies of Form 179 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The serial number of the Form 179 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 by means of a staple, eyelet, or similar device. Such copy of Form 179, and the accompanying copy of Form 1520, will be attached to the board on the weighing tank and remain thereon until the spirits covered by such stamps have been removed. Where removal is to be by tank car or tank truck, the distiller will procure a wholesale liquor dealer's stamp to be affixed thereto in accordance with §§ 183.554i and 183.554j. Forms 179 and 1520 will be disposed of in accordance with § 183.552 or § 183.553, as the case may be.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2833, 3172, 3175, 3300)

§ 183.549 *Route board.* Tank cars and tank trucks used for the transportation of taxpaid distilled spirits must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 or a wholesale liquor dealer's stamp can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car or tank truck by roundheaded or carriage bolts, nutted and riveted, battered or welded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 183.550 *Bill of lading.* The distiller shall incorporate in the bill of lading, if any, a description of Form 1595, as follows:

Form 1595, Serial No. ------
Owner and No. of Car (or Truck) ------
Vendor ------
Address ------
Vendee ------ Address ------

Where no bill of lading is issued, as in the case of transfer of a tank car between plants by switching arrangements, the distiller shall incorporate in Form 1520 such description of Form 1595. Where a wholesale liquor dealer's stamp is used in lieu of Form 1595, the distiller shall incorporate in the bill of lading, if any, a description of the stamp, showing the kind of stamp and the serial number.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 183.551 *Storekeeper-gauger's verification.* If taxpayment is by means of a certificate of taxpayment (Form 1595), the distiller shall give the certificate, the bill of lading, if any, and all copies of Form 179 and Form 1520 to the storekeeper-gauger. The storekeeper-gauger will transcribe the serial number of the certificate, Form 1595, to his retained copy of Form 1520 and will verify the contents of the weighing tank and the description of Form 1595 in the bill of lading or on Form 1520, as the case may be, and will date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank. If taxpayment is by means of distilled spirits stamps and evidenced by a wholesale liquor dealer's stamp (tank car or tank truck removals only), the distiller shall give the bill of lading, if any, to the storekeeper-gauger at the distillery who will verify the description of the wholesale liquor dealer's stamp on the bill of lading, if any.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

RELEASE OF SPIRITS FOR TRANSFER

§ 183.552 *By pipeline to contiguous premises.* When the certificate of taxpayment, Form 1595, has been affixed to the weighing tank, in the case of pipeline transfers to contiguous premises, it will be canceled in the same manner as the taxpaid stamp on a package. If taxpayment has been by means of distilled spirits stamps, in lieu of Form 1595, the copy of Form 179 to which the canceled stamps are attached and the accompanying Form 1520 shall be affixed to the weighing tank. The storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the spirits by pipeline to the contiguous premises. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger who, after release of the spirits, will execute his statement of the date of withdrawal on the three copies of Form 179, forwarding one copy each of Form 179 and Form 1520 with the canceled Form 1595, or the canceled distilled spirits stamps, as the case may be, attached thereto, to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller. The distiller will deliver immediately, one copy of Form 1520 to the proprietor of the contiguous establishment.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 183.553 *By tank car or tank truck.* When spirits are to be transferred to a tank car or tank truck for shipment the storekeeper-gauger, after the certificate of taxpayment, or the Form 179 with the distilled spirits stamps attached thereto, has been affixed to the weighing tank, shall unlock the outlet valve and permit the spirits to be transferred to the tank car or tank truck. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger. If a certificate of taxpayment, Form 1595, is used, the distiller, upon deposit of the spirits in the tank car or tank truck, will remove the certificate from the weighing tank and affix it securely to the route board on the tank car or tank truck, whereupon it will be canceled in the same manner as the tax-paid stamp on a package and then covered with a coating of transparent shellac, lacquer, or varnish. If distilled spirits stamps are used and a wholesale liquor dealer's stamp issued to evidence taxpayment, the wholesale liquor dealer's stamp shall be similarly affixed to the tank car or tank truck, canceled and protected. The storekeeper-gauger will verify the contents of the tank car or tank truck, release same for shipment, execute his statement of the date of withdrawal on the three copies of Form 179, and note on all copies of Form 1520 the date of the release. When the tank car or tank truck is released, the storekeeper-gauger will forward one copy each of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of Form 1520 together with the bill of lading, if any, to the distiller. Where distilled spirits stamps have been used to taxpay the spirits, the copy of Form 179 to which the canceled stamps are attached will be forwarded to the district supervisor. The distiller will forward immediately one copy of Form 1520 to the vendee.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

PROCEDURE WHEN TANK CAR OR TANK TRUCK IS EMPTIED

§ 183.554 *Requirements.* When the vendee receives tax-paid distilled spirits in a tank car or tank truck, he shall, at the time the car or truck is emptied, dispose of the certificate of taxpayment, Form 1595, or wholesale liquor dealer's stamp, as the case may be, in accordance with the procedure prescribed by Regulations 11 (Part 189 of this subchapter), Regulations 15 (Part 190 of this subchapter) or Regulations 29 (Part 197 of this subchapter). The district supervisor will investigate any discrepancy which may be found respecting the shipment in accordance with such regulations.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

DISTILLED SPIRITS STAMPS FOR REMOVALS BY PIPE LINES, TANK CARS AND TANK TRUCKS

§ 183.554a *Distilled Spirits Excise Tax stamps.* The tax on distilled spirits removed in tank cars or tank trucks, or by pipe line, may be paid by Distilled Spirits Excise Tax stamps (Series of 1950). Such stamps may be purchased in various denominations by the proprietor from the collector of internal revenue of the district in which the distillery is located. The stamps may be purchased in advance of actual needs, in order to be readily available when needed. The stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Distillers shall not sell or transfer stamps except that they may (a) transfer such stamps to other premises operated by themselves as provided in § 183.554d pursuant to the prior approval of the district supervisor; or (b) return such stamps for redemption in accordance with § 183.554e. Distilled spirits stamps for taxpayment of distilled spirits as authorized by this part, used or unused may not be purchased, sold, or possessed, except as specifically authorized by this part.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398, 399; 26 U. S. C. 2800, 2883, 3172, 3175, 3300, 3304)

§ 183.554b *Form 427–D.* With each purchase of stamps the distiller will submit to the collector Form 427–D, in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427–D, return one copy to the distiller with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427–D will be filed in the collector's office so that all purchases of stamps may be verified at any time. The collector will refuse to sell stamps when such form is not submitted.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 183.554c *Remittance; delivery.* All orders for stamps must be accompanied by proper remittance in a sum equal to the value of the stamps. Unless the stamps are called for by the distiller or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the distiller. When the stamps are not called for in person the distiller will specify on Form 427–D the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered sent by ordinary mail, the distiller shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage. If the stamps are ordered sent by registered mail, the distiller shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash the sum to cover the postage, registry fee, or surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect."

(53 Stat. 298 as amended, 374, 447 as amended; 26 U. S. C. 2800, 3172, 3656)

§ 183.554d *Transfer to other premises.* A proprietor operating other plants on the same or contiguous premises may transfer stamps to such plants from time to time pursuant to prior approval of the district supervisor. When the distillery is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other premises in which the stamps could be used, he may transfer such stamps to such other premises for use thereat pursuant to prior approval of the district supervisor. If the premises to which the stamps are to be transferred is located in another supervisory district, the supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving premises is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving premises of the authority to receive the stamps. A report of all transfers of stamps must be made on Form 1697, as provided in § 183.554h.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 183.554e. *Redemption of distilled spirits stamps.* Distilled spirits stamps for taxpayment of distilled spirits to be removed by pipeline or in tank cars or tank trucks may be redeemed pursuant to section 3304, Internal Revenue Code, which reads as follows:

Redemption of stamps—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claims for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decision.* The findings of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

(53 Stat. 399; 26 U. S. C. 3304)

§ 183.554f *Claim to collector.* Distillers desiring to have distilled spirits stamps described in § 183.554e redeemed under the provisions of section 3304, I. R. C., must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 183.554g *Unredeemable stamps.* Distilled spirits stamps may not be redeemed while distilled spirits on which the stamps can be used in taxpayment, remain on hand and while the distillery remains in a qualified status unless it is shown that the manner of taxpaying spirits thereat is such that the stamps may not be used. When a distillery is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other premises at which the stamps could be used. In such cases the stamps will be transferred

and name or symbols of the owner of the

to the other premises for use thereat in accordance with § 183.554d. Notation of the transfer must be made on Form 1697 for both premises.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 183.554h *Distilled spirits stamp report, Form 1697.* The distiller shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at his distillery. Entries will be made thereon and the report submitted in accordance with the headings of the various lines and columns on the form and the instructions printed thereon or issued in respect thereto and as required by this part. When distilled spirits stamps are surrendered for redemption, in accordance with §§ 183.554e and 183.554f, or are transferred to, or received from other premises operated by the distiller, as authorized in § 183.554d, a report thereof must be made on Form 1697, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

(53 Stat. 298 as amended, 335 as amended, 374; 26 U. S. C. 2800, 2883, 3172)

WHOLESALE LIQUOR DEALER'S STAMPS FOR TANK CARS AND TANK TRUCKS

§ 183.554i *Application for stamps, Form 92.* Where distilled spirits, taxpaid by use of distilled spirits stamps authorized by § 183.546a, are to be removed by tank car or tank truck, the distiller will make application to the storekeeper-gauger on Form 92, properly modified, for a wholesale liquor dealer's stamp to be affixed to such container. Form 92 will be prepared in quadruplicate for intra-district shipments and in quintuplicate for inter-district shipments. All information indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. All copies of the Form 92 will be submitted to the storekeeper-gauger in charge of the distillery. If the spirits are correctly described on Form 92 and have been properly taxpaid, the storekeeper-gauger will sign all copies and return the Form 92 to the distiller. The distiller will execute his certificate on Form 92, entering therein, in appropriate columns, the kind of spirits, the name of the owner of the car or truck and the car or truck number, the net weight, proof, and proof gallons of the spirits as shown on the Form 1520 covering taxpayment, and the statement "Consigned to:" followed by the name and address of the consignee. All copies of Form 92 will be given to the storekeeper-gauger in charge.

(53 Stat. 298 as amended, 301, 335 as amended, 374; 26 U. S. C. 2800, 2802, 2883, 3172)

§ 183.554j *Issuance of stamps.* Upon receipt of Form 92 with the application for the wholesale liquor dealer's stamp duly executed, the storekeeper-gauger in charge will issue a wholesale liquor dealer's stamp for the tank car or tank truck, as the case may be, and enter the serial number thereof on all copies of Form 1520 and in part 4 on all copies of Form 92. When issuing the stamps, the storekeeper-gauger will enter on each all the information called for and sign each stamp in the space provided therefor, using only such ink as will neither fade nor blur.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 183.554k *Disposition of Form 92.* When the wholesale liquor dealer's stamp has been issued and the serial number thereof recorded on Form 92, the storekeeper-gauger shall return two copies of Form 92 to the distiller with the stamp, forward one copy of the form to the district supervisor and retain one copy. The storekeeper-gauger shall place his retained copy in a permanent file as authority for issuance of the stamp. The distiller will forward one copy of Form 92 to the vendee. Where the vendee is located in a different supervisory district, the storekeeper-gauger will send the remaining copy of Form 92 to the supervisor of the district in which the vendee is located.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 183.554l *Stamp stub.* The storekeeper-gauger shall enter on the stub connected with each wholesale liquor dealer's stamp data similar to that entered on the stamp, to preserve a perfect record of the detached stamp.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 183.554m *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of registered distilleries where such stamps are used with such quantities of stamps as may be required. When all the stamps in a book have been issued the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 183.554n *Record and report of wholesale liquor dealer's stamps.* Storekeeper-gaugers having custody of wholesale liquor dealer's stamps at registered distilleries will keep a record of such stamps received and used on part 1 of Form 118, properly modified for the purpose, and as required by instructions on the form and as issued in respect thereto. The record will be kept in bound form available for inspection by other Government officers. The storekeeper-gauger will prepare his monthly report on part 2 of Form 118, properly modified and in duplicate, retain one copy and furnish one copy to the district supervisor.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

5. Regulations 5 (26 CFR Part 184; 15 F. R. 5552), "Production of Brandy," as amended, are amended as follows:

(a) Sections 184.51, 184.334, 184.587, 184.590, 184.591, 184.592, 184.593 and 184.594 are amended;

(b) Sections 184.587a, 184.589a, 184.594a, 184.594b, 184.594c, 184.594d, 184.594e, 184.594f, 184.594g, 184.594h, 184.594i, 184.594j, 184.594k, 184.594l, 184.594m and 184.594n, are added; and

(c) Section 184.593a is revoked.

SUBPART C—EXTENSION OF FRUIT DISTILLERS FROM CERTAIN PROVISIONS OF LAW

EXEMPTIONS

* * * * * *

§ 184.51 *Section 2878 (a) and 2883, I. R. C.* Fruit distillers are exempted from the provisions of sections 2878 (a) and 2883, I. R. C., to the extent that brandy of any desired proof may be drawn from receiving tanks and (a) removed from the distillery in packages or by pipeline or in tank cars or tank trucks in the manner prescribed in this part, or (b) stored in the brandy deposit room of the distillery temporarily as provided in this part.

(53 Stat. 316 as amended; 26 U. S. C. 2825)

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

* * * * * *

§ 184.334 *Registry numbers.* Fruit distilleries will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new distilleries will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinue distilleries will not be reassigned to other distilleries. In the case of a successor taking over the distillery, the same registry number will be retained. In the case of a change in location of the distillery within the same State, the same registry number may be retained.

SUBPART X—TAX-PAYMENT, REMOVAL AND TRANSFER OF BRANDY FROM DISTILLERY

* * * * * *

TAXPAYMENT FOR REMOVAL BY PIPELINE OR IN TANK CARS OR TANK TRUCKS

§ 184.587 *Application, Form 179.* Whenever the distiller desires to taxpay and remove brandy from the distillery by approved pipelines to contiguous premises, or in tank cars or tank trucks, he shall execute application therefor on Form 179, in quadruplicate. The distiller shall state, in addition to other applicable data on the form, the approximate quantity to be withdrawn and whether such removal will be by pipeline, tank car or tank truck. If the brandy is to be removed in a tank car or tank truck, the number thereof, and the name or symbols of the owner, shall also be stated on the Form 179. All copies of Form 179 shall be delivered to the storekeeper-gauger, whereupon such brandy will be run into a weighing tank and gauged for removal. The storekeeper-gauger shall enter the details of the gauge on Form 1520, in quintuplicate. The proof at which the brandy was distilled, and in the case of tank car or tank truck shipments, the number and name or symbols of the owner of the tank car or tank truck, shall be noted on Form 1520 by the storekeeper-gauger. The storekeeper-gauger will execute his report on each copy of Form 179 and will return all copies thereof, with four copies of Form 1520 attached, to the distiller, who will enter in the space provided therefor on each copy of Form 179, the description of the brandy gauged.

(53 Stat. 298 as amended, 333, 335 as amended, 492; 26 U. S. C. 2800, 2878, 2883, 4017)

§ 184.587a *Methods of taxpayment.* The tax on brandy to be removed by pipe line to a contiguous rectifying plant or tax-paid bottling house or to be removed in a tank car or tank truck will be paid by the distiller (a) by use of a certificate of taxpayment, Form 1595, issued pursuant to application on Form 1594, or (b) by use of distilled spirits stamps prescribed by § 184.594a. Where brandy which is to be removed by tank car or tank truck is taxpaid by use of distilled spirits stamps, a wholesale liquor dealer's stamp will be affixed to the tank car or tank truck. Where taxpayment is by use of a certificate of taxpayment, Form 1595, the certificate will be procured and used in accordance with §§ 184.588, 184.589 and 184.590 to 184.594. Where taxpayment is by use of distilled spirits stamps, they will be procured in accordance with §§ 184.594a to 184.594c and used in accordance with § 184.589a. Where distilled spirits stamps are used for taxpayment of brandy removed by tank car or tank truck, a wholesale liquor dealer's stamp will be procured in accordance with §§ 184.594i and 184.594j.

(53 Stat. 298 as amended, 335 as amended, 374; 26 U. S. C. 2800, 2883, 3172)

§ 184.589a *Use of distilled spirits stamps.* Where brandy is to be taxpaid by use of distilled spirits stamps, the distiller, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 184.587, will cancel the necessary number of stamps in the exact amount of the tax due by perforation as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the distillery, and the serial number of Form 179; for example, "John Doe Distilling Company, Fruit Distillery No. 63, New Jersey, Form 169 Serial Number _____." Prior to use in taxpayment, the distiller, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The serial number of the Form 179 must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the distiller if adequate for identification; for example, "J. D. Dist. Co. FD 63-NJ-179 S/N _____." The distiller's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the distiller's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The distiller will then attach the stamps to one copy of Form 179 and 1520 to the Government officer. The Government officer, after determining that the canceled stamps are in the proper amount of the tax shown due on the Form 179, will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp and will execute a certificate on all copies of Form 179 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The serial number of the Form 179 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 by means of a staple, eyelet, or similar device. Such copy of Form 179, and the accompanying copy of Form 1520, will be attached to the board on the weighing tank and remain thereon until the brandy covered by such stamps has been removed. Where removal is to be by tank car or tank truck, the distiller will procure a wholesale liquor dealer's stamp to be affixed thereto in accordance with §§ 184.594i and 184.594j. Forms 179 and 1520 will be disposed of in accordance with § 184 593 or § 184.594, as the case may be.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 184.590 *Route board.* Tank cars and tank trucks used for the transportation of tax-paid brandy must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 or a wholesale liquor dealer's stamp can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car or tank truck by roundheaded or carriage bolts, nutted and riveted, battered, or welded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.591 *Bill of lading.* The distiller shall incorporate in the bill of lading, if any, a description of Form 1595 as follows:

Form 1595, Serial No. _____
Owner and No. of Car (or Truck)_____
Vendor _____ Address _____
Vendee _____ Address _____

Where no bill of lading is issued, as in the case of transfer of a tank car between plants by switching arrangements, the distiller shall incorporate in Form 1520 such description of Form 1595. Where a wholesale liquor dealer's stamp is used in lieu of Form 1595, the distiller shall incorporate in the bill of lading, if any, a description of the stamp, showing the kind of stamp and its serial number.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 184.592 *Storekeeper-gauger's verification.* If taxpayment is by means of a certificate of taxpayment (Form 1595), the distiller shall give the certificate, the bill of lading, if any, and all copies of Form 179 and Form 1520 to the storekeeper-gauger at the distillery. The storekeeper-gauger will transcribe the serial number of the certificate, Form 1595, to his retained copy of Form 1520 and will verify the contents of the weighing tank and the description of Form 1595 in the bill of lading or on Form 1520, as the case may be, and will date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank. If taxpayment is by means of distilled spirits stamps and evidenced by a wholesale liquor dealer's stamp (tank car or tank truck removals only), the distiller shall give the bill of lading, if any, to the storekeeper-gauger at the distillery who will verify the description of the wholesale liquor dealer's stamp on the bill of lading, if any.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

RELEASE OF BRANDY FOR TRANSFER

§ 184.593 *By pipeline to contiguous premises.* When the certificate of taxpayment, Form 1595, has been affixed to the weighing tank, in the case of pipeline transfers to contiguous premises, it will be canceled in the same manner as the tax-paid stamp on a package. If taxpayment has been by means of distilled spirits stamps, in lieu of Form 1595, the copy of Form 179 to which the canceled stamps are attached and the accompanying Form 1520 shall be affixed to the weighing tank. The storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the brandy by pipeline to the contiguous premises. The brandy shall be transferred only under the immediate supervision of the storekeeper-gauger who, after release of the brandy will execute his statement of the date of withdrawal on the three copies of Form 179, forward one copy each of Form 179 and Form 1520 with the canceled Form 1595, or the canceled distilled spirits stamp, as the case may be, attached thereto, to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller. The distiller will deliver immediately one copy of Form 1520 to the proprietor of the contiguous establishment.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800, 2883)

§ 184.594 *By tank car or tank truck.* When brandy is to be transferred to a tank car or tank truck for shipment the storekeeper-gauger, after the certificate of taxpayment or the Form 179 with the

distilled spirits stamps attached thereto, has been affixed to the weighing tank, shall unlock the outlet valve and permit the brandy to be transferred to the tank car or tank truck. The brandy shall be transferred only under the immediate supervision of the storekeeper-gauger. If a certificate of taxpayment, Form 1595, is used, the distiller, upon deposit of the brandy in the tank car or tank truck, will remove the certificate from the weighing tank and affix it securely to the route board of the tank car or tank truck whereupon it will be canceled in the same manner as the tax-paid stamp on a package and then covered with a coating of transparent shellac, lacquer or varnish. If distilled spirits stamps are used and a wholesale liquor dealer's stamp issued to evidence taxpayment, the wholesale liquor dealer's stamp shall be similarly affixed to the tank car or tank truck, canceled and protected. The storekeeper-gauger will verify the contents of the tank car or tank truck, release same for shipment, execute his statement of the date of withdrawal on the three copies of Form 179, and note on all copies of Form 1520 the date of the release. When the tank car or tank truck is released, the storekeeper-gauger will forward one copy each of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of Form 1520 together with the bill of lading, if any, to the distiller. Where distilled spirits stamps have been used to taxpay the brandy, the copy of Form 179 to which the canceled stamps are attached will be forwarded to the district supervisor. The distiller will forward immediately one copy of Form 1520 to the vendee. When the vendee receives tax-paid brandy in a tank car or tank truck, he shall, at the time the car or truck is emptied, dispose of the certificate of taxpayment, Form 1595, or wholesale liquor dealer's stamp, as the case may be, in accordance with the procedure prescribed by Regulations 11 (Part 189 of this subchapter), Regulations 15 (Part 190 of this subchapter), or Regulations 29 (Part 197 of this subchapter). The district supervisor will investigate any discrepancy which may be found respecting the shipment in accordance with such regulations.

(53 Stat. 298 as amended, 335 as amended; 26 U. S. C. 2800. 2883)

DISTILLED SPIRITS STAMPS FOR REMOVALS BY PIPELINES, TANK CARS AND TANK TRUCKS

§ 184.594a *Distilled Spirits Excise Tax stamps.* The tax on brandy removed in tank cars or tank trucks, or by pipeline, may be paid by Distilled Spirits Excise Tax stamps (Series of 1950). Such stamps may be purchased in various denominations by the proprietor from the collector of internal revenue of the district in which the distillery is located. The stamps may be purchased in advance of actual needs, in order to be readily available when needed. The stamps may not be purchased by one proprietor from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Distillers shall not sell or transfer stamps, except that they may (a) transfer such stamps to other premises operated by themselves as provided in § 184.594d pursuant to the prior approval of the district supervisor; or (b) return such stamps for redemption in accordance with § 184.594e. Distilled spirits stamps for taxpayment of brandy as authorized by this part, used or unused, may not be purchased, sold, or possessed, except as specifically authorized by this part.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398, 399; 26 U. S. C. 2800, 2883, 3172, 3175, 3300, 3304)

§ 184.594b *Form 427–D.* With each purchase of stamps the distiller will submit to the collector Form 427–D, in triplicate, properly filled out. The collector will stamp the date of sale on all copies of Form 427–D, return one copy to the distiller with the stamps and send one copy to the appropriate district supervisor. The remaining copy of Form 427–D will be filed in the collector's office so that all purchases of stamps may be verified at any time. The collector will refuse to sell stamps when such form is not submitted.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 184.594c *Remittance; delivery.* All orders for stamps must be accompanied by proper remittance in a sum equal to the value of the stamps. Unless the stamps are called for by the distiller or his agent in person, they will be sent to him by ordinary mail, registered mail, or express, at the expense of the distiller. When the stamps are not called for in person the distiller will specify on Form 427–D the means (ordinary mail, registered mail, or express) by which he desires the stamps sent to him. If the stamps are ordered sent by ordinary mail, the distiller shall enclose with his order sufficient postage stamps, or a separate remittance to cover the postage. If the stamps are ordered sent by registered mail, the distiller shall include the postage and registry fee and any required registry surcharge, as provided by the postal laws and regulations. If the remittance is other than cash the sum to cover the postage, registry fee, or surcharge must not be included in the remittance covering the cost of the stamps. The local postmaster should be consulted relative to the amount of the registry fee and surcharge required. Stamps forwarded by express will be sent "collect."

(53 Stat. 298 as amended, 374, 447 as amended; 26 U. S. C. 2800, 3172, 3656)

§ 184.594d *Transfer to other premises.* A proprietor operating other plants on the same or contiguous premises may transfer stamps to such plants from time to time pursuant to prior approval of the district supervisor. When the distillery is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other premises in which the stamps could be used, he may transfer such stamps to such other premises for use thereat pursuant to prior approval of the district supervisor. If the premises to which the stamps are to be transferred is located in another supervisory district, the supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving premises is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving premises of the authority to receive the stamps. A report of all transfers of stamps must be made on Form 1697, as provided in § 184.594h.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 184.594e *Redemption of distilled spirits stamps.* Distilled spirits stamps for taxpayment of brandy to be removed by pipe line or in tank cars or tank trucks may be redeemed pursuant to section 3304, Internal Revenue Code, which reads as follows:

Redemption of stamps—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claims for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decision.* The findings of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

(53 Stat. 399; 26 U. S. C. 3304)

§ 184.594f *Claim to collector.* Distillers desiring to have distilled spirits stamps, described in § 184.594e, redeemed under the provisions of section 3304, I. R. C., must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 184.594g *Unredeemable stamps.* Distilled spirits stamps may not be redeemed while brandy on which the stamps can be used in taxpayment, remains on hand and while the distillery remains in a qualified status unless it is shown that the manner of taxpaying brandy thereat is such that the stamps may not be used. When a distillery is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other premises at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat in accordance with § 184.594d. Notation of the transfer must be made on Form 1697 for both premises.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 184.594h *Distilled spirits stamp report, Form 1697.* The distiller shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at his distillery. Entries will be made thereon and the report submitted in accordance with the headings of the various lines and columns on the form and the instructions printed thereon or issued in respect thereto and as required by this part. When distilled spirits stamps are surrendered for redemption in accordance with §§ 184.594e and 184.594f, or are transferred to, or received from other premises operated by the distiller, as authorized in § 184.594d, a report thereof must be made on Form 1697, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrended, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

(53 Stat. 298 as amended, 374, 26 U. S. C. 2800, 3172)

WHOLESALE LIQUOR DEALER'S STAMPS FOR TANK CARS AND TANK TRUCKS

§ 184.594i *Application for stamps, Form 92.* Where brandy, taxpaid by use of distilled spirits stamps authorized by § 184.587a, is to be removed by tank car or tank truck, the distiller will make application to the storekeeper-gauger on Form 92, properly modified, for a wholesale liquor dealer's stamp to be affixed to such container. Form 92 will be prepared in quadruplicate for intra-district shipments and in quintuplicate for inter-district shipments. All information indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. All copies of the Form 92 will be submitted to the storekeeper-gauger in charge of the distillery. If the brandy is correctly described on Form 92 and has been properly taxpaid, the storekeeper-gauger will sign all copies and return the Form 92 to the distiller. The distiller will execute his certificate on Form 92, entering therein, in appropriate columns, the kind of brandy, the name of the owner of the car or truck and the car or truck number, the net weight, proof, and proof gallons of the brandy as shown on the Form 1520 covering taxpayment, and the statement "Consigned to:" followed by the name and address of the consignee. All copies of Form 92 will be given to the storekeeper-gauger in charge.

(53 Stat. 298 as amended, 301, 335 as amended, 374; 26 U. S. C. 2800, 2802, 2883, 3172)

§ 184.594j *Wholesale liquor dealer's stamps.* Upon receipt of Form 92 with the application for the wholesale liquor dealer's stamp duly executed, the storekeeper-gauger will issue a wholesale liquor dealer's stamp for the tank car or tank truck, as the case may be, and enter the serial number thereof on all copies of Form 1520 and in part 4 on all copies of Form 92. When issuing the stamps, the storekeeper-gauger will enter on each all the information called for and sign each stamp in the space provided therefor, using only such ink as will neither fade nor blur.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 184.594k *Disposition of Form 92.* When the wholesale liquor dealer's stamp has been issued and the serial number thereof recorded on Form 92, the storekeeper-gauger shall return two copies of Form 92 to the distiller with the stamp, forward one copy of the form to the district supervisor and retain one copy. The storekeeper-gauger shall place his retained copy in a permanent file as authority for issuance of the stamp. The distiller will forward one copy of Form 92 to the vendee. Where the vendee is located in a different supervisory district, the storekeeper-gauger will send the remaining copy of Form 92 to the supervisor of the district in which the vendee is located.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 184.594l *Stamp stub.* The storekeeper-gauger shall enter on the stub connected with each wholesale liquor dealer's stamp data similar to that entered on the stamp, to preserve a perfect record of the detached stamp.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 184.594m *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of plants where such stamps are used with such quantities of stamps as may be required. When all the stamps in a book have been issued the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 184.594n *Record and report of wholesale liquor dealer's stamps.* Storekeeper-gaugers having custody of wholesale liquor dealer's stamps at fruit distilleries will keep a record of such stamps received and used on part 1 of Form 118, properly modified for the purpose, and as required by the instructions on the form and as issued in respect thereto. The record will be kept in bound form available for inspection by other Government officers. The storekeeper-gauger will prepare his monthly report on part 2 of Form 118, properly modified, and in duplicate, retain one copy and furnish one copy to the district supervisor.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

6. Regulations 10 (26 CFR Part 185; 15 F. R. 5233), "Warehousing of Distilled Spirits," as amended, are amended as follows:

(a) Sections 185.311, 185.626, 185.626a, 185.631, 185.633, 185.654, 185.655, 185.656, 185.657, 185.658, 185.670, 185.672, 185.675, 185.676, 185.677, 185.678, 185.679 and 185.680 are amended; and

(b) Sections 185.653a, 185.653b, 185.653c and 185.675a are added.

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

* * * * *

§ 185.311 *Registry numbers.* Internal revenue bonded warehouses will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new warehouses will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued warehouses will not be reassigned to other warehouses. In the case of a successor taking over the warehouse, the same registry number will be retained. In the case of a change in location of the warehouse within the same State, the same registry number may be retained.

(53 Stat. 352; 26 U. S. C. 2873)

SUBPART CC—TAXPAID WITHDRAWALS BY GAUGE TANK

* * * * *

§ 185.626 *Release of spirits from gauging tank.* When the certificate of taxpayment has been affixed to the gauging tank, and canceled when required, the storekeeper-gauger will unlock the outlet valve to permit the removal of the spirits. The removal of spirits from the gauging tank must be under the immediate supervision of the storekeeper-gauger. When the spirits have been removed, the storekeeper-gauger will execute his statement of the date of withdrawal on the three copies of Form 179. If the spirits are transferred by pipeline, the storekeeper-gauger will forward one copy each of Forms 179 and 1520 and the canceled Form 1595 to the district supervisor, retain one copy each of Forms 179 and 1520 and deliver one copy of Form 179 and two copies of Form 1520 to the warehouseman who will immediately deliver one copy of Form 1520 to the vendee. If the spirits are to be drawn into packages from the gauging tank for transfer to bottling premises, the procedure prescribed in §§ 185.627 to 185.636 will be followed and when

all spirits have been drawn into packages, the storekeeper-gauger will dispose of Forms 179, 1520, and 1595 in the manner provided in this section for removals by pipeline. If the spirits are to be removed by tank car or tank truck the procedure will be in accordance with the applicable provisions of §§ 185.653a to 185.659.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.626a *Taxpayment by stamps.* Distilled spirits stamps prescribed by § 185.672 may be used, in lieu of a certificate of taxpayment (Form 1595), to taxpay spirits to be removed by pipe line to a contiguous rectifying plant or taxpaid bottling house, or to be drawn into packages, tank cars, or tank trucks, to which wholesale liquor dealer's stamps will be affixed. When spirits are to be so tax-paid, the proprietor, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 185.622, will cancel the necessary number of stamps in the exact amount of the tax due by perforation (as prescribed by § 185.675a), or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the serial number of Form 179; for example, "John Doe Distilling Company, Internal Revenue Bonded Warehouse 63, New Jersey, Form 179, Serial Number ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only as authorized by § 185.675. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor if adequate for identification; for example, "J. D. Dist. Co. IRBW 63–NJ–179 S/N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The proprietor will then attach the canceled distilled spirits stamps to one copy of Form 179 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 179 and will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp, and will execute a certificate on all copies of Form 179 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The serial number of the Form 179 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp, as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 by means of a staple, eyelet, or similar device. Such copy of Form 179 and the accompanying copy of Form 1520 will be attached to the board on the gauging tank and remain theron until the spirits covered by the stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 185.626.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 185.631 *Issuance of wholesale liquor dealer's stamps.* Upon receipt of Form 92 with the application for wholesale liquor dealer's stamps duly executed, the storekeeper-gauger in charge will issue a wholesale liquor dealer's stamp for each package listed on the form. When issuing the stamps, the storekeeper-gauger will enter on each stamp all the information called for and sign the stamps in the space provided therefor. The storekeeper-gauger may enter his signature by means of a facsimile stamp, provided care is taken to use only such ink as will neither fade nor blur. Where an appreciable number of wholesale liquor dealer's packages will be filled, the warehouseman must provide the storekeeper-gauger in charge with suitable rubber stamps for the insertion of information common to all wholesale liquor dealer's stamps to be used by him. The total gallonage for which wholesale liquor dealer's stamps are issued shall in no case exceed the taxable gallons shown on Form 179 unless due to normal variations in gauge.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

§ 185.633 *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of bonded warehouses where such stamps are used with such quantities of stamps as may be required. When all the stamps in a book have been isued, the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 301, 329; 26 U. S. C. 2802, 2863)

SUBPART DD—TAXPAID WITHDRAWALS IN TANK CARS AND TANK TRUCKS

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§ 185.653a *Taxpayment by stamps.* Distilled spirits stamps prescribed by § 185.672 may be used, in lieu of a certificate of taxpayment (Form 1595), to taxpay spirits to be removed by tank car or tank truck to which a wholesale liquor dealer's stamp will be affixed. When spirits are to be so taxpaid, the proprietor, upon receipt of the copies of Forms 179 and 1520 from the storekeeper-gauger pursuant to § 185.651, will cancel the necessary number of stamps in the exact amount of the tax due by perforation (as prescribed by § 185.675a) or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the serial number of Form 179; for example, "John Doe Distilling Company, Internal Revenue Bonded Warehouse 63, New Jersey, Form 179, Serial No. ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only as authorized by § 185.675. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Dist. Co. IRBW 63–NJ–179 S/N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The proprietor will then attach the canceled distilled spirits stamps to one copy of Form 179 and 1520 to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 179 and will then cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp, and will execute a certificate on Form 179 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of the tax due. The serial number of the Form 179 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp, as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 by means of a staple, eyelet, or similar device. Such copy of Form 179, and the accompanying Form 1520, will be attached to the board on the gauging tank and remain thereon until the spirits covered by the stamps have been removed. Forms 179 and 1520 will be disposed of in accordance with § 185.657.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 185.653b *Form 92.* When the Form 179 to which the canceled stamps are attached, and Form 1520 have been attached to the board on the gauging tank, the proprietor will make application to the storekeeper-gauger on Form 92, properly modified, for a wholesale liquor dealer's stamp to be affixed to the tank car or tank truck. Form 92 will be prepared in quadruplicate for intra-district shipments and in quintuplicate for inter-district shipments. All information indicated by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this part, shall be furnished. All copies of the Form 92 will be submitted to the storekeeper-gauger in charge of the warehouse. If the spirits are correctly described on Form 92 and have been properly taxpaid, the storekeeper-gauger will sign all copies and return the Form 92 to the warehouseman. He will then release the spirits for transfer to the tank car or tank truck. The warehouseman will execute his certificate on Form 92, entering therein in appropriate columns, the kind of spirits, the name of the owner of the car or truck and the car or truck number, the net weight, proof, and proof gallons of the spirits as shown on the Form 1520 covering taxpayment, and the statement "Consigned to:" followed by the name and address of the consignee. All copies of Form 92 will be given to the storekeeper-gauger in charge of the warehouse.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 185.653c *Wholesale liquor dealer's stamp.* Upon receipt of Form 92 with the application for the wholesale liquor dealer's stamp duly executed the storekeeper-gauger in charge will issue a wholesale liquor dealer's stamp for the tank car or tank truck, as the case may be, in accordance with the applicable provisions of §§ 185.631 and 185.632 except that a facsimile signature will not be placed on the wholesale liquor dealer's stamp issued for such tank car or tank truck. He will enter the number of the wholesale liquor dealer's stamp on all copies of Form 1520 and part 4 of Form 92, and return two copies of Form 92 and the wholesale liquor dealer's stamp to the warehouseman.

(53 Stat. 301, 335 as amended; 26 U. S. C. 2802, 2883)

§ 185.654 *Route board.* Tank cars and tank trucks used for the transportation of taxpaid distilled spirits must be equipped with a route board at least 10 by 12 inches in size, to which Form 1595 or wholesale liquor dealer's stamp can be attached. Such board shall be of substantial material and shall be affixed permanently and securely to the tank car or tank truck by roundheaded or carriage bolts, nutted and riveted, battered, or welded.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.655 *Bill of lading.* The proprietor shall incorporate in the bill of lading, if any, a description of Form 1595 as follows:

Form 1595, Serial Number ------,
Owner and Number of Car (or Truck) ------
Vendor ------ Address ------
Vendee ------ Address ------

Where no bill of lading is issued, as in the case of transfer of a tank car between plants by switching arrangement, the warehouseman shall incorporate in Form 1520 such description of Form 1595. Where a wholesale liquor dealer's stamp is used in lieu of Form 1595, the proprietor shall incorporate in the bill of lading, if any, a description of the stamp, showing the kind of stamp and its serial number.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.656 *Storekeeper-gauger's verification.* If taxpayment is by means of a certificate of taxpayment (Form 1595), the proprietor shall give the certificate, the bill of lading, if any, and all copies of Form 179 and Form 1520, to the storekeeper-gauger. The storekeeper-gauger will verify the contents of the tank car or tank truck, and the description of Form 1595 on the bill of lading or Form 1520, as the case may be, determine the security of the route board, and, if no discrepancies are found, he will note the serial number of the certificate, on his retained copy of Form 1520, and date and sign the certificate in the space provided therefor. The proprietor shall then affix the certificate to the route board in the presence of the storekeeper-gauger. The certificate must be securely affixed to the route board with a good adhesive and with a tack in each corner, whereupon it will be canceled in the same manner as a tax-paid stamp after attachment to a package. The certificate will then be covered with a coating of transparent shellac, lacquer, or varnish, to prevent its easy removal or alteration. If taxpayment is by means of distilled spirits stamps and evidenced by a wholesale liquor dealer's stamp, the proprietor shall give the bill of lading, if any, to the storekeeper-gauger who shall verify the contents of the tank car or tank truck, the description of the wholesale liquor dealer's stamp on the bill of lading, if any, and determine the security of the route board. If no discrepancies are found, the proprietor shall affix the wholesale liquor dealer's stamp to the route board in the presence of the storekeeper-gauger. The wholesale liquor dealer's stamp shall be affixed, canceled, and protected in the same manner as a certificate of taxpayment, Form 1595.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

§ 185.657 *Release of tank car or tank truck.* When the certificate of taxpayment (Form 1595) or wholesale liquor dealer's stamp has been affixed to the route board and cancelled, and the tank car or tank truck sealed by the proprietor, the storekeeper-gauger will return the bill of lading, if any, to the proprietor, release the tank car or tank truck for shipment, execute his statement of withdrawal on the three copies of Form 179, and note on all copies of Form 1520 the date of the release of the tank car or tank truck. The storekeeper-gauger will forward one copy of Form 179 and Form 1520 to the district supervisor, retain one copy of each form, and deliver one copy of Form 179 and two copies of Form 1520 to the proprietor, who will forward one copy of Form 1520 to the vendee and retain the remaining copy. Where taxpayment is by means of distilled spirits stamps, the storekeeper-gauger will forward to the district supervisor the Form 179 with the stamps attached and the accompanying Form 1520 and one copy of Form 92. The storekeeper-gauger will retain one copy of Form 92 in a permanent file as authority for issuance of the wholesale liquor dealer's stamp. Where the vendee is located in a different supervisory district, the storekeeper-gauger will send the extra copy of Form 92, prepared in accordance with § 185.653b, to the supervisor of the district in which the vendee is located.

(53 Stat. 335 as amended, 373 as amended; 26 U. S. C. 2883, 3170)

PROCEDURE WHEN TANK CAR OR TANK TRUCK IS EMPTIED

§ 185.658 *Scalping certificate or wholesale liquor dealer's stamp.* When the vendee receives tax-paid distilled spirits in a tank car or tank truck he shall, at the time the car or truck is emptied, dispose of the certificate of taxpayment, Form 1595, or wholesale liquor dealer's stamp, as the case may be, in accordance with the procedure prescribed by Regulations 11 (Part 189 of this subchapter), Regulations 15 (Part 190 of this subchapter) or Regulations 29 (Part 197 of this subchapter). The district supervisor will investigate any discrepancy which may be found respecting the shipment in accordance with such regulations.

(53 Stat. 335 as amended; 26 U. S. C. 2883)

SUBPART EE—TAXPAID WITHDRAWALS IN CASES

§ 185.670 *Application, Form 1519.* Application for taxpayment and withdrawal of distilled spirits in cases bottled in bond shall be made by the warehouseman on Form 1519, in triplicate. Each withdrawal will be made on a separate Form 1519, except that two or more withdrawals on the same day of spirits produced by the same distiller at the same distillery may be made on one form. The storekeeper-gauger will inspect the cases to be removed, and if any case bears evidence of unusual loss that cannot be satisfactorily explained, or of tampering, such case will be detained by him pending further investigation in accordance with the applicable provisions of §§ 185.480 to 185.496. The warehouseman will cancel the necessary stamps in the exact amount of the tax due in the manner provided by § 185.675. He will then attach the stamps to Form 1519 and submit all copies to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 1519 and will then complete the cancellation of the stamps as provided by § 185.675 and execute the certificate on Form 1519 certifying to the receipt and cancellation of stamps for the amount of taxes due.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

DISTILLED SPIRITS STAMPS FOR REMOVALS IN CASES, TANK CARS, TANK TRUCKS AND BY PIPELINE

§ 185.672 *Distilled Spirits Excise Tax stamps.* The tax on distilled spirits removed in cases, tank cars, tank trucks and by pipelines may be paid by Distilled Spirits Excise Tax stamps (series of 1950). Such stamps may be purchased in various denominations by the warehouseman from the collector of internal revenue of the district in which the internal revenue bonded warehouse is located. The stamps may be purchased in advance of actual needs, in order to be readily available when needed. The stamps may not be purchased by one warehouseman from another, nor may they, except in cases of emergency, be purchased from collectors of other districts. Warehousemen shall not sell or transfer stamps, except that they may (a) transfer such stamps to other premises operated by themselves as provided in § 185.676 pursuant to the prior approval of the district supervisor; or (b) return such stamps for redemption in accordance with § 185.677. Distilled spirits stamps for taxpayment of distilled spirits as authorized by this part, used or unused may not be purchased, sold,

or otherwise transferred except as provided in this part.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.673 *Application for Distilled Spirits Excise Tax stamps.* Application for Distilled Spirits Excise Tax stamps shall be made on Form 1520 by the proprietor of the bonded warehouse in which the spirits are stored. Application may be made for stamps in advance of actual needs, in order to be readily available when needed. Application may be made for stamps of any denomination, but the total amount of stamps applied for shall not exceed the amount of tax due on the spirits to be withdrawn. Application may be made for stamps to be affixed to packages of spirits to be withdrawn for export, but such stamps will be canceled by the storekeeper-gauger.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.674 *Delivery of stamps.* Distilled Spirits Excise Tax stamps will be delivered to the proprietor of the bonded warehouse by the collector of internal revenue of the district in which the internal revenue bonded warehouse is located.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.675 *Cancellation of stamps.* Distilled Spirits Excise Tax stamps shall be canceled by the storekeeper-gauger by perforation (as prescribed by § 185.675a), or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the warehouse, and the serial number of Form 179 or Form 1519; for example, "John Doe Distilling Company, Internal Revenue Bonded Warehouse 63, New Jersey, Form 179, Serial Number ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only as authorized by this section. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor if adequate for identification; for example, "J. D. Dist. Co. IRBW 63–NJ–179 S/N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The proprietor will then attach the canceled distilled spirits stamps to one copy of Form 179 or Form 1519 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 179 or Form 1519 and will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp, and will execute a certificate on all copies of Form 179 or Form 1519 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The serial number of the Form 179 or Form 1519 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp, as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 or Form 1519 by means of a staple, eyelet, or similar device. Such copy of Form 179 or Form 1519 and the accompanying copy of Form 1520 will be attached to the board on the gauging tank and remain theron until the spirits covered by the stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 185.657.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 185.675a *Perforation of stamps.* Perforation of Distilled Spirits Excise Tax stamps shall be made by the use of a machine which will perforate the stamps with the letters "CANCELED" and the number of the warehouse, and the serial number of Form 179 or Form 1519; for example, "CANCELED John Doe Distilling Company, Internal Revenue Bonded Warehouse 63, New Jersey, Form 179, Serial Number ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only as authorized by § 185.675. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor if adequate for identification; for example, "J. D. Dist. Co. IRBW 63–NJ–179 S/N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The proprietor will then attach the canceled distilled spirits stamps to one copy of Form 179 or Form 1519 and submit all copies of Forms 179 and 1520 to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax shown due on the Form 179 or Form 1519 and will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp, and will execute a certificate on all copies of Form 179 or Form 1519 (using the certificate of the collector, properly modified) certifying to the receipt and further cancellation of stamps in the amount of tax due. The serial number of the Form 179 or Form 1519 will be entered on Form 1520 in the column provided for the kind and serial number of the stamp, as an indication that taxpayment was by use of distilled spirits stamps. The canceled distilled spirits stamps will be securely attached to a copy of Form 179 or Form 1519 by means of a staple, eyelet, or similar device. Such copy of Form 179 or Form 1519 and the accompanying copy of Form 1520 will be attached to the board on the gauging tank and remain theron until the spirits covered by the stamps have been removed. The release of the spirits from the tank and the disposition of the forms will be in accordance with the provisions of § 185.657.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 185.676 *Removal of stamps.* Distilled Spirits Excise Tax stamps may be removed from the bonded warehouse by the proprietor thereof only for the purpose of (a) transfer to other premises operated by himself as provided in § 185.676 pursuant to the prior approval of the district supervisor; or (b) return for redemption in accordance with § 185.677.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.677 *Redemption of stamps.* Distilled Spirits Excise Tax stamps may be redeemed by the collector of internal revenue of the district in which the internal revenue bonded warehouse is located, upon the return of such stamps by the proprietor of the bonded warehouse, if the stamps are returned intact and in their original packages, and if the proprietor has not used, sold, or otherwise disposed of the spirits to which the stamps were affixed. Application for redemption of stamps shall be made on Form 1520 and shall be accompanied by the stamps to be redeemed. Stamps will be redeemed only in the amount of the tax due on the spirits withdrawn from the bonded warehouse.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.678 *Loss of stamps.* Any loss of Distilled Spirits Excise Tax stamps shall be reported immediately by the proprietor of the bonded warehouse to the collector of internal revenue of the district in which the internal revenue bonded warehouse is located, and to the district supervisor. The report shall be made in duplicate and shall contain a statement of the circumstances of the loss, the number of stamps lost, and the amount of tax due on the spirits to which the stamps were affixed. The district supervisor will investigate the loss and will report his findings to the collector.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

§ 185.679 *Destruction of stamps.* Distilled Spirits Excise Tax stamps which are damaged, destroyed, or rendered unfit for use shall be destroyed by the proprietor of the bonded warehouse in the presence of the storekeeper-gauger in charge. The proprietor shall report the destruction of the stamps to the collector of internal revenue of the district in which the internal revenue bonded warehouse is located, and to the district supervisor. The report shall be made in duplicate and shall contain a statement of the circumstances of the destruction, the number of stamps destroyed, and the amount of tax due on the spirits to which the stamps were affixed. The district supervisor will investigate the destruction and will report his findings to the collector.

(53 Stat. 298 as amended; 26 U. S. C. 2800)

or possessed, except as specifically authorized by this part.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398, 399; 26 U. S. C. 2800, 2883, 3172, 3175, 3300, 3304)

§ 185.675 *Manner of cancelling stamps.* At the time of delivery of the stamps to the Government officer for payment of the distilled spirits tax on distilled spirits bottled-in-bond, the warehouseman shall cancel the stamps by perforation (as prescribed by § 185.675a) or by legibly writing or stamping on each stamp with indelible (India) ink, his name, registry number, and the serial number of Form 1519; for example, "John Doe Distilling Company, Internal Revenue Bonded Warehouse No. 63, New Jersey, Form 1519, Serial No. ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The serial number of the withdrawal form must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Dist. Co. IRBW 63–NJ–1519 S. N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The Government officer, after determining that the canceled stamps are in the proper amount, will further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border of each stamp.

(53 Stat. 298 as amended, 335 as amended, 374, 375, 398; 26 U. S. C. 2800, 2883, 3172, 3175, 3300)

§ 185.675a *Manner of perforating stamps.* If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined, either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified.

(53 Stat. 298 as amended, 399; 26 U. S. C. 2800, 3303)

§ 185.676 *Transfer to other premises.* A proprietor operating other plants on the same or contiguous premises may transfer stamps to such plants from time to time pursuant to prior approval of the district supervisor. When the internal revenue bonded warehouse is permanently discontinued, or the proprietor has no use for the stamps thereat and the proprietor operates other premises in which the stamps could be used, he may transfer such stamps to such other premises for use thereat pursuant to prior approval of the district supervisor. If the premises to which the stamps are to be transferred is located in another supervisory district, the district supervisor granting authority to transfer the stamps will advise the district supervisor of the other district so that he may know that the receiving premises is entitled to receive the stamps. The latter district supervisor will also inform the Government officer assigned to the receiving premises of the authority to receive the stamps. A report of all transfers of stamps must be made on Form 1697, as provided in § 185.680.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

§ 185.677 *Redemption of distilled spirits stamps.* Distilled spirits stamps for taxpayment of distilled spirits bottled in bond or to be removed by pipeline or in tank cars or tank trucks, may be redeemed pursuant to section 3304, Internal Revenue Code, which reads as follows:

Redemption of stamps—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claims for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decision.* The findings of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

(53 Stat. 399; 26 U. S. C. 3304)

§ 185.678 *Claim to collector.* Proprietors of internal revenue bonded warehouses desiring to have distilled spirits stamps, described in § 185.677, redeemed under the provisions of section 3304, I. R. C., must make claim on Form 843 to the collector of internal revenue. The stamps, for which redemption is claimed, must be attached to the claim, and the number and denominations thereof must be listed on the claim or on a sheet of paper attached thereto. Where the stamps have been destroyed, evidence satisfactory to the Commissioner establishing such destruction must accompany the claim.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 185.679 *Unredeemable stamps.* Distilled spirits stamps may not be redeemed while distilled spirits on which the stamps can be used in taxpayment remain on hand and while the internal revenue bonded warehouse remains in a qualified status unless it is shown that the manner of taxpaying spirits thereat is such that the stamps may not be used. When an internal revenue bonded warehouse is discontinued and stamps remain on hand, such stamps are not redeemable if the proprietor operates other premises at which the stamps could be used. In such cases the stamps will be transferred to the other premises for use thereat in accordance with § 185.676. Notation of the transfer must be made on Form 1697 for both premises.

(53 Stat. 298 as amended, 374, 399; 26 U. S. C. 2800, 3172, 3304)

§ 185.680 *Stamp report.* The proprietor of the internal revenue bonded warehouse shall make a report on Form 1697 of all distilled spirits stamps received and used at his warehouse. Entries will be made thereon and the report submitted in accordance with the headings of the various lines and columns on the form and the instructions printed thereon or issued in respect thereto and as required by this part. When distilled spirits stamps are surrendered for redemption, in accordance with §§ 185.677 and 185.678, or are transferred to, or received from, other premises operated by the proprietor, as authorized in § 185.676, a report thereof must be made on Form 1697, giving the reason for such surrender, transfer, or receipt, the date thereof, and the denominations of the stamps surrendered, transferred, or received, and, in cases of transfer or receipt, the name, registry number, and location of the premises to which the stamps were transferred or from which they were received.

(53 Stat. 298 as amended, 374; 26 U. S. C. 2800, 3172)

7. Regulations 11 (26 CFR Part 189; 15 F. R. 4581), "Bottling of Tax-Paid Distilled Spirits," as amended, are hereby amended as follows:

(a) Sections 189.132, 189.167, 189.168, 189.169, 189.186, 189.189, 189.203, 189.204a and 189.376 are amended; and

(b) Section 189.204b is added.

SUBPART M—ACTION BY DISTRICT SUPERVISOR

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§ 189.132 *Registry numbers.* Taxpaid bottling houses will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new tax-paid bottling houses will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued tax-paid bottling houses will not be reassigned to other tax-paid bottling houses. In the case of a successor taking over the tax-paid bottling house, the same registry number will be retained. In the case of a change in location of the tax-paid bottling house within the same State, the registry number may be retained.

(53 Stat. 303 as amended, 331; 26 U. S. C. 2803, 2871)

SUBPART R—RECEIPT OF DISTILLED SPIRITS

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FROM PREMISES OTHER THAN RECTIFYING PLANTS

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§ 189.167 *Certificate of tax-payment, Form 1595, or wholesale liquor dealer's stamp.* When distilled spirits are received in a tank car or tank truck at a tax-paid bottling house, the proprietor shall at the time the car or truck is emptied scalp the certificate of tax-payment, Form 1595, or the wholesale liquor dealer's stamp, as the case may be, by cutting out all of that portion of the certificate or stamp within the border. The proprietor shall then send the cut-out portion of the certificate or stamp to the supervisor of the district in which the proprietor is located, and shall obliterate the remainder of the certificate or stamp.

(53 Stat. 303 as amended, 331, 335 as amended; 26 U. S. C. 2803, 2871, 2883)

§ 189.168 *Absence of Form 1595 or wholesale liquor dealer's stamp to be reported.* If the tank car or tank truck is received without the certificate or wholesale liquor dealer's stamp attached thereto, the proprietor shall note such fact on the bill of lading, if any, or on Form 1520 or 1440, as the case may be, covering such tank car or tank truck and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car or truck as he may deem appropriate. Where a tank car or tank truck with the certificate or wholesale liquor dealer stamp missing is received at a tax-paid bottling house, the storekeeper-gauger will furnish a complete report to the district supervisor.

(53 Stat. 303 as amended, 331, 335 as amended; 26 U. S. C. 2803, 2871, 2883)

§ 189.169 *Comparison of scalped certificate or wholesale liquor dealer's stamp with application.* The district supervisor will compare the cut-out portion of the certificate of tax-payment, Form 1595, with the copy of the application therefor, Form 1594, forwarded to him by the collector at the time Form 1595 was issued. The certificate and the application will be compared as to serial number, names of vendor and vendee, number of gallons, amount of tax, etc., and any discrepancy will be investigated. If a wholesale liquor dealer's stamp has been used in lieu of a certificate, Form 1595, the district supervisor will compare the cut-out portion of the stamp with the copy of the application, Form 92, forwarded to him at the time the stamp was issued. The stamp and the application will be compared as to serial number, consignor, number of gallons, etc., and any discrepancy will be investigated.

(53 Stat. 303 as amended, 331, 335 as amended; 26 U. S. C. 2803, 2871, 2883)

SUBPART S—DUMPING AND BOTTLING

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§ 189.186 *Distiller's original or wholesale liquor dealer's packages.* Where the spirits to be dumped are contained in distiller's original packages, the proprietor will cut out with a sharp instrument that portion of each tax-paid stamp upon which is shown the serial number of the stamp, the date, the name of the distiller or warehouseman, the proof gallons, and the serial number of the package. In the case of wholesale liquor dealer's packages, that portion of each stamp extending from the top to the bottom and embracing the entire width between the borders of the stamp will be cut out. The cut-out portions of the stamps will be securely attached by means of a staple, eyelet, or similar device, to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely attached to the original Form 230.

(53 Stat. 303 as amended, 329, 331; 26 U. S. C. 2803, 2863, 2871)

§ 189.189 *Unstamped spirits.* When a stamp has been lost or mutilated so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. When spirits are received in a tank car or tank truck bearing a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp, or when spirits are received by pipeline, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ------, dated ------------, heretofore submitted," or "wholesale liquor dealer's stamp, Serial No. ------, dated ------------, heretofore submitted," or "Form 1520, dated ------------, pipeline transfer on Form 1595, Serial No. ------," or "Form 1440, dated ------------, pipeline transfer on Form 1595, Serial No. ------," or "See Form 230, Serial No. ------, dated ------------," or "See Form 237, Serial No. ------, dated ------------," or "In Stamped Bottles," as the case may be. If the spirits received by pipeline were tax-paid by the use of distilled spirits stamps, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as, "Distilled spirits stamps, Form 1520, dated ------------," or "Distilled spirits stamps, Form 1440 dated ------------," as the case may be.

(53 Stat. 303 as amended, 329, 331, 335 as amended; 26 U. S. C. 2803, 2863, 2871, 2883)

§ 189.203 *Destruction of stamps, marks, and brands.* When packages of spirits are dumped for bottling, all stamps, except the cut-out portions attached to Form 230, and all marks and brands which such packages are required by law to bear, must be completely effaced and obliterated. This should be done immediately upon completion of the dumping, draining, and rinsing of the packages. Certificates of tax-payment or wholesale liquor dealer's stamps affixed to tank cars or tank trucks of distilled spirits, except the portion thereof scalped for submission to the district supervisor, must likewise be immediately destroyed when such cars or trucks are emptied. When packages of wines are emptied by any person, all stamps and marks which such packages are required by law and regulations to bear must be destroyed by scraping or obliterating immediately the packages are emptied. All labels and stamps affixed to tank cars, tanks, tank trucks, or similar containers of wine indicating tax-payment of the contents must also be scraped or obliterated immediately such containers are emptied.

(53 Stat. 329, 330, 331, 335 as amended, 398; 26 U. S. C. 2863, 2866, 2871, 2883, 3301)

§ 189.204a *Taxpayment of rinsings.* In lieu of the procedure prescribed in § 189.204 concerning the rinsings of packages, the proprietor may rinse and save the rinsings from packages, to any extent desired, which were not rinsed in the internal revenue bonded warehouse at the time of taxpayment and are so marked in accordance with the provisions of Regulations 10 (Part 185 of this subchapter): *Provided*, That the rinsings are run into a closed, locked tank for taxpayment of the proof gallon contents. Such rinsings may be used for reduction purposes in the tax-paid bottling house, or in a contiguous rectifying plant in the manufacture of rectified spirits or products subject to the rectification tax. When used for reduction, the rinsings must be used in similar spirits. When used in the manufacture of rectified spirits or products, the rinsings may be used with any other appropriate spirits. The tank into which the rinsings are run will be mounted on accurate scales, or equipped with a suitable measuring device whereby the contents can be accurately determined. Upon completion of the rinsing of the packages, the contents of the tank will be gauged by the Government officer and the proof gallon contents determined. The gauge of the tank will be made by weight (where the tank is mounted on scales) or by measure. The Government officer will prepare Form 1520, in triplicate, governing the gauge of the tank showing the proof gallons, and the kind and age of the spirits from which the rinsings were obtained and will deliver all copies to the proprietor. The proprietor will cancel the necessary number of distilled spirits stamps prescribed by Regulations 10 (Part 185 of this subchapter) for the taxpayment of distilled spirits bottled-in-bond, in the exact amount of the tax due, in the manner prescribed by § 189.204b. The proprietor will then attach the stamps to the original copy of Form 1520 and submit it with all copies of Form 1520 to the Government officer. The Government officer, after determining that the canceled stamps are in the proper amount of the tax due, will then further

cancel the stamps in the manner prescribed by § 189.204b, and will execute a certificate on the back of Form 1520, certifying to the receipt and further cancellation of stamps for the amount of tax due. The canceled distilled spirits stamps will be securely attached to the copy of Form 1520 by means of a staple, eyelet, or similar device. The storekeeper-gauger will attach the copy of Form 1520 to which the canceled stamps are attached to the tank, and then release the rinsings for reduction purposes or for transfer by pipeline to a contiguous rectifying plant for use in rectification, as authorized herein. The Government officer will give one copy of Form 1520 to the proprietor and retain the remaining copy. To identify properly the spirits in the tank, Form 1520 to which the stamps are attached will continue to remain on the tank until all the rinsings covered by such stamps have been removed, at which time such form, with the stamps attached, will be forwarded to the district supervisor. Where the rinsings are transferred by pipeline to a contiguous rectifying plant, an additional copy of Form 1520 will be forwarded to the Government officer assigned to such plant. When so transferred, the rinsings will be accounted for in the rectifying plant in the same manner as other spirits received for rectification. Packages of imported spirits may similarly be rinsed and the rinsings saved if taxpaid in accordance with this procedure. The proprietor shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at the tax-paid bottling house for taxpayment of rinsings authorized by this section. The form shall be disposed of in accordance with instructions printed thereon.

(53 Stat. 298 as amended, 303 as amended, 331, 335 as amended; 26 U. S. C. 2800, 2803, 2871, 2883)

§ 189.204b *Manner of cancelling stamps used to taxpay rinsings.* At the time of delivery of the stamps to the Government officer for payment of the distilled spirits tax, the proprietor shall cancel the stamps by perforation as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the tax-paid bottling house, and the date of the Form 1520; for example, "John Doe Distilling Company, Tax-paid Bottling House No. 63, New Jersey, Form 1520, dated June 1, 1952." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The date of the Form 1520 must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Dist. Co. TPBH 63–NJ–1520–6–1–52." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and the figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The Government officer, after determining that the canceled stamps are in the full amount of the tax due, will further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp.

(53 Stat. 298 as amended, 399; 26 U. S. C. 2800, 3303)

SUBPART GG—DUTIES OF STOREKEEPER-GAUGERS

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§ 189.376 *Degree of supervision.* The storekeeper-gauger, who supervises the operations of a tax-paid bottling house in addition to his other duties, will maintain such supervision as will enable him to know that no unauthorized mingling of spirits occurs; that only lawfully tax-paid spirits are bottled; and that the requirements of this part in other respects are being observed by the proprietor. He will, insofar as his other duties permit, examine tank cars or tank trucks of spirits before they are unloaded to determine that the seals are intact and that each bears a collector's certificate of tax-payment or wholesale liquor dealer's stamp, as the case may be; supervise the receipt of spirits by pipeline; examine packages of spirits to be dumped for bottling to determine whether they bear proper evidence of tax-payment; examine storage tanks from which spirits are to be removed for bottling to determine whether the contents correspond with the record on Form 703–A, 1440 or Form 1520 attached to the tank; verify cases filled; supervise the bottling and storing of distilled spirits and wines especially for export, with benefit of drawback, in accordance with Regulations 28 (Part 176 of this subchapter); inspect bottles used for packaging spirits to determine whether the provisions of Regulations 13 (Part 175 of this subchapter) are being complied with; inspect labels to determine whether the provisions of Subpart U are being observed; determine whether proper use is made of strip stamps; and determine whether proper records are kept by the proprietor of the receipt, dumping, bottling, and disposition of spirits. The required supervision may be accomplished by observations made at such times as the storekeeper-gauger must necessarily visit the bottling house for the examination of packages of spirits to be dumped for bottling, the verification of cases filled, the issuance of stamps, etc., and by inspection made at irregular intervals from time to time as his duties at the distillery, bonded warehouse, or rectifying plant permit.

(53 Stat. 303 as amended, 331; 26 U. S. C. 2803, 2871)

8. Regulations 15 (26 CFR Part 190; 15 F. R. 4790), "Rectification of Spirits and Wines," as amended, are amended as follows:

(a) Sections 190.312, 190.409, 190.410, 190.429, 190.432, 190.441, 190.443a, 190.687, 190.718, 190.735, 190.740, 190.742, 190.743, 190.744, 190.745 and 190.746 are amended;

(b) Sections 190.443b, 190.718a, 190.734a and 190.747a are added; and

(c) Sections 190.734 and 190.741 are revoked.

SUBPART O—ACTION BY DISTRICT SUPERVISOR

ORIGINAL ESTABLISHMENT

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§ 190.312 *Registry numbers.* Rectifying plants will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained, and new rectifying plants will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued rectifying plants will not be reassigned to other rectifying plants. In the case of a successor taking over the rectifying plant, the same registry number may be retained. In the case of a change in location of the rectifying plant within the same State, the same registry number may be retained.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

SUBPART W—RECEIPTS OF SPIRITS

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§ 190.409 *Certificate of taxpayment or wholesale liquor dealer's stamp.* When distilled spirits are received in a tank car or tank truck at a rectifying plant, the rectifier shall at the time the car or truck is emptied scalp the certificate of taxpayment, Form 1595, or the wholesale liquor dealer's stamp, as the case may be, by cutting out all of that portion of the certificate or stamp within the border. The rectifier shall then send the cut-out portion of the certificate or stamp to the supervisor of the district in which the rectifier is located, and shall obliterate the remainder of the certificate or stamp. If the tank car or tank truck is received without the certificate or wholesale liquor dealer's stamp attached thereto, the rectifier shall note such fact on the bill of lading (if any) or on Form 1520 or 1440, as the case may be, covering such tank car or tank truck and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car or truck as he may deem appropriate. Where a tank car or tank truck with the certificate or wholesale liquor dealer stamp missing is received at a rectifying plant, the storekeeper-gauger will furnish a complete report to the district supervisor.

(53 Stat. 300 as amended, 335 as amended; 26 U. S. C. 2801, 2883)

§ 190.410 *Comparison of scalped certificate or wholesale liquor dealer's stamp with application.* The district supervisor will compare the cut-out portion of the certificate of tax-payment, Form 1595, with the copy of the application therefor, Form 1594, forwarded to him by the collector at the time Form 1595 was issued. The certificate and the application will be compared as to serial number, names of vendor and vendee, number of gallons, amount of tax, etc., and any discrepancy will be investigated. If a wholesale liquor dealer's stamp has been used in lieu of a certificate, Form 1595, the district supervisor will compare the cut-out portion of the stamp with the copy of the application, Form 92, forwarded to him at the time the stamp was issued. The stamp and the application will be compared as to serial number, consignor, number of gallons, etc., and any discrepancy will be investigated.

(53 Stat. 300 as amended, 335 as amended; 26 U. S. C. 2801, 2883)

SUBPART X—GAUGING AND DUMPING SPIRITS FOR RECTIFICATION

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§ 190.429 *Wholesale liquor dealer's packages.* Where spirits contained in wholesale liquor dealer's packages are to be dumped, that portion of each wholesale liquor dealer's stamp extending from the top to the bottom and embracing the entire width between the borders of the stamp will be cut out and attached to Form 122 in the same manner as tax-paid stamps.

(53 Stat. 300 as amended, 310, 329; 26 U. S. C. 2801, 2813, 2863)

§ 190.432 *Notation on Form 122.* When spirits are received in a tank car or tank truck bearing a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp, or where spirits are received by pipe line, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the descriptions of stamps on Form 122, as "Form 1595, Serial No. ------, dated ----------, heretofore submitted," or "Wholesale liquor dealer's stamp, Serial No. ------, dated ----------, heretofore submitted," or "Form 1520, dated ----------, pipeline transfer on Form 1595, Serial No. ------," or "Form 1440, dated ----------, pipeline transfer on Form 1595, Serial No. ------," or "In stamped bottles," as the case may be. If the spirits received by pipeline were taxpaid by the use of distilled spirits stamps, an explanatory statement will be made in the columns provided for the description of stamps on Form 122, as "Distilled spirits stamps, Form 1520 dated ----------," or "Distilled spirits stamps, Form 1440 dated ----------," as the case may be.

(53 Stat. 310, 335 as amended; 26 U. S. C. 2813, 2883)

§ 190.441 *Destruction of certificate or wholesale liquor dealer's stamp.* Certificates of tax-payment, or wholesale liquor dealer's stamps, affixed to tank cars or tank trucks of distilled spirits, except the portion thereof scalped for submission to the district supervisor, must likewise be immediately destroyed when such cars or trucks are emptied.

(53 Stat. 300, 335 as amended; 26 U. S. C. 2801, 2883)

§ 190.443a *Taxpayment of rinsings.* In lieu of the procedure prescribed in section 190.443 concerning the rinsing of packages, the proprietor may rinse and save the rinsings from packages, to any extent desired, which were not rinsed in the internal revenue bonded warehouse at the time of taxpayment and are so marked in accordance with the provisions of Regulations 10 (Part 185 of this subchapter): *Provided*, That the rinsings are run into a closed, locked tank for taxpayment of the proof gallon contents. Such rinsings may be used for reduction purposes, or in the manufacture of rectified spirits or products subject to the rectification tax. When used for reduction, the rinsings must be used in similar spirits. When used in the manufacture of rectified spirits or products, the rinsings may be used with any other appropriate spirits. The tank into which the rinsings are run will be mounted on accurate scales, or equipped with a suitable measuring device whereby the contents can be accurately determined. Upon completion of the rinsing of the packages, the contents of the tank will be gauged by the Government officer and the proof gallon contents determined. The gauge of the tank will be made by weight (where the tank is mounted on scales) or by measure. The Government officer will prepare For 1520, in triplicate, covering the gauge of the tank showing the proof gallons, and the kind and age of the spirits from which the rinsings were obtained and will deliver all copies to the proprietor. The proprietor will cancel the necessary number of distilled spirits stamps prescribed by Regulations 10 (Part 185 of this subchapter) for the taxpayment of distilled spirits bottled in bond, in the exact amount of the tax due, in the manner prescribed by § 190.443b. The proprietor will then attach the stamps to the original copy of Form 1520 and submit it with all copies of Form 1520 to the Government officer. The Government officer will determine that the canceled stamps are in the full amount of the tax due, and will then further cancel the stamps in the manner prescribed by § 190.443b, and will execute a certificate on the back of Form 1520 certifying to the receipt and further cancellation of stamps for the amount of tax due. The canceled distilled spirits stamps will be securely attached to the copy of Form 1520 by means of a staple, eyelet, or similar device. The storekeeper-gauger will attach the copy of Form 1520 to which the canceled stamps are attached to the tank, and then release the rinsings for reduction purposes or for use in rectification, as authorized herein. The Government officer will give one copy of Form 1520 to the proprietor and retain the remaining copy. To identify properly the spirits in the tank, Form 1520 to which the stamps are attached will continue to remain on the tank until all rinsings covered by such stamps have been removed, at which time such form, with the stamps attached, will be forwarded to the district supervisor. Packages of imported spirits may similarly be rinsed and the rinsings saved if taxpaid in accordance with this procedure. The proprietor shall make a report on Form 1697, properly modified, of all distilled spirits stamps received and used at the rectifying plant for taxpayment of rinsings authorized by this section. The form shall be disposed of in accordance with the instructions printed thereon.

(53 Stat. 298 as amended, 300, 335 as amended; 26 U. S. C. 2800, 2801, 2883)

§ 190.443b *Manner of canceling stamps.* At the time of delivery of the stamps to the Government officer for payment of the distilled spirits tax, the rectifier shall cancel the stamps by perforation as prescribed herein, or by legibly writing or stamping on each stamp with indelible (India) ink, his name, the registry number of the rectifying plant, and the date of the Form 1520; for example, "John Doe Company, Rectifying Plant No. 63, New Jersey, Form 1520, dated June 1, 1952." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The date of the Form 1520 must not be entered on the stamp in advance of actual use in taxpayment. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Co. R. P. 63–NJ–1520–6–1–52." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. If the proprietor's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified. The Government officer, after determining that the canceled stamps are in the full amount of the tax due, will further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp.

(53 Stat. 298 as amended, 300, 399; 26 U. S. C. 2800, 2801, 3303)

SUBPART FF—BOTTLING OF UNRECTIFIED SPIRITS AND WINES

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§ 190.637 *Unstamped spirits.* Where the stamp on a package of spirits to be dumped for bottling without rectification has been lost or mutilated, so that

the required portion thereof cannot be returned, or where spirits received in tank cars or tank trucks bearing certificate of tax-payment, Form 1595, or a wholesale liquor dealer's stamp, or where spirits are received by pipeline from premises other than a rectifying plant, or where spirits in stamped bottles, or wines, are to be dumped for bottling without rectification, the same procedure will be followed as that prescribed in §§ 190.430 to 190.433 in the case of the dumping of spirits or wines from such containers for rectification. When spirits are received by pipeline from a rectifying plant, an explanatory statement will be made in the column provided for the description of stamps on Form 230, as "see Form 230, Serial No. ------, dated ----------."

(53 Stat. 300 as amended, 329, 335 as amended; 26 U. S. C. 2801, 2863, 2883)

SUBPART GG—STAMPS

RECTIFIED SPIRITS STAMPS (FOR BOTTLING TANKS)

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§ 190.718 *Manner of canceling stamps.* At the time of delivery of the stamps to the Government officer for payment of the rectified spirits tax, the rectifier shall cancel the stamps by perforation (as prescribed by § 190.718a) or by legibly writing or stamping on each stamp with indelible (India) ink, his name, registry number, and the serial number of Form 237; for example, "John Doe Company, Rectifying Plant No. 63, New Jersey, Form 237 Serial No. ------." Prior to use in taxpayment, the proprietor, if he so desires, may partially precancel the stamps to the extent of showing his name and registry number only. The serial number of the Form 237 must not be entered on the stamp in advance of actual use in payment of the rectification tax. The district supervisor may, in his discretion, approve a suitable abbreviation of the required information for cancellation, including the initials for the name of the proprietor, if adequate for identification; for example, "J. D. Co. RP 63–NJ–237–S/N ------." The proprietor's cancellation must be made on the lower portion of the stamp below the figures and words indicating the denomination of the stamp. The Government officer, after determining that the canceled stamps are in the proper amount of the tax due, will then further cancel and deface the stamps by cutting a hole one-half inch square in the upper right-hand corner, and wholly within the border, of each stamp.

(53 Stat. 300 as amended; 26 U. S. C. 2801)

§ 190.718a *Manner of perforating stamps.* If the rectifier's cancellation is made by perforation, each letter and figure of the cancellation must be not less than one-fourth of an inch in height and of proportionate width and suitably spaced for legibility and distinctness, and must be clearly and sharply outlined either (a) by perforation through the substance of the stamp, and not merely puncturing it, each perforation to be not less than one thirty-second of an inch in width or diameter; or (b) by perforations in the form of incisions through the stamp of at least one thirty-second of an inch in width, cutting out the form of the letters and the figures from the substance of the stamp, which letters and figures must be of the size, spacing, and distinctness as above specified.

(53 Stat. 300 as amended, 399; 26 U. S. C. 2801, 3303)

WHOLESALE LIQUOR DEALER'S STAMPS

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§ 190.734a *Wholesale liquor dealer's stamp books.* Wholesale liquor dealer's stamps will be furnished by collectors to district supervisors upon request. District supervisors will supply storekeeper-gaugers in charge of rectifying plants where such stamps are used with such quantities as may be required. When all the stamps in a book have been issued, the storekeeper-gauger in charge will return the stub book to the district supervisor.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.735 *Application to package.* Rectifiers desiring to draw distilled spirits into wholesale liquor dealer's packages of 5 wine gallons or more, as authorized in § 190.733, will make application therefor on Form 92, in quadruplicate, giving all of the information called for by the form. Where the spirits to be so packaged have been dumped from the stamped containers in which received, the application shall show, in addition to other applicable data, the date and number (122 or 230) of the form pursuant to which the spirits were dumped. If the spirits were received in a tank car or tank truck, the application shall show, in addition to other applicable data, the date the certificate of tax-payment (Form 1595) or wholesale liquor dealer's stamp, as the case may be, was submitted to the district supervisor. Should the spirits, which it is permissible to transfer to wholesale liquor dealer's packages under § 190.733, be contained in stamped packages, the stamps thereon must be cut out and the cut-out portion securely attached by means of a staple, eyelet, or similar device, to a slip of paper in such manner that the data thereon may be readily examined, and such slip of paper bearing the cut-out portions of the stamps will be securely attached to one copy of the application.

(53 Stat. 300 as amended, 329; 26 U. S. C. 2801, 2863)

§ 190.740 *Application for stamps.* When the spirits have been properly packaged and the details of the gauge thereof entered on Form 92, the rectifier will make application on such form for the issuance of wholesale liquor dealer's stamps for the packages and deliver all copies of the form to the storekeeper-gauger.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.742 *Issuance of stamps.* Upon receipt of Form 92 with application for wholesale liquor dealer's stamps duly executed, the storekeeper-gauger in charge will issue a wholesale liquor dealer's stamp for each package listed on the form. When issuing the stamps, the storekeeper-gauger will enter on each stamp all the information called for and sign the stamps in the space provided therefor. The storekeeper-gauger may enter his signature by means of a facsimile stamp, provided care is taken to use only such ink as will neither fade nor blur. Where an appreciable number of wholesale liquor dealer's packages will be filled, the rectifier must provide the storekeeper-gauger in charge with suitable rubber stamps for the insertion of information common to all wholesale liquor dealer's stamps to be used by him.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.743 *Stamp stub.* The storekeeper-gauger in charge shall enter on the stub connected with each wholesale liquor dealer's stamp data similar to that entered on the stamp, to preserve a perfect record of the detached stamp.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.744 *Disposition of Form 92.* The storekeeper-gauger in charge will enter the serial numbers of the wholesale liquor dealer's stamps in the proper column on each Form 92, opposite the description of the package for which the stamp is issued. He will then return two copies of Form 92 to the rectifier with the stamps, forward one copy of the form to the district supervisor and retain the remaining copy. The storekeeper-gauger in charge shall place his retained copy in a permanent file as authority for issuance of the stamps. The rectifier will forward one copy of Form 92 to the vendee.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.745 *Wholesale liquor dealer's stamps for rectified spirits.* Storekeeper-gaugers may not furnish wholesale liquor dealer's stamps in lieu of and in exchange for stamps for rectified spirits, unless the package covered by the stamp for rectified spirits is to be broken into smaller packages.

(53 Stat. 300 as amended, 301, 329; 26 U. S. C. 2801, 2802, 2863)

§ 190.746 *Affixing and canceling of stamps.* Upon receipt from the storekeeper-gauger in charge of Form 92 and the accompanying stamps, the rectifier will affix the stamps to the packages and cancel the same under the supervision of the Government officer. The stamps will be affixed and canceled in the same manner as rectified spirits stamps are required in this subpart to be affixed and canceled.

(53 Stat. 300 as amended, 398; 26 U. S. C. 2801, 3301)

§ 190.747a *Record and report of wholesale liquor dealer's stamps.* Storekeeper-gaugers having custody of wholesale liquor dealer's stamps at rectifying plants will keep a record of such stamps received and used on part 1 of Form 118, properly modified for the purpose, and as required by instructions on the form or as issued in respect thereto. The record will be kept in bound form available for inspection by other Government officers. The storekeeper-gauger will prepare his monthly report on part 2 of Form 118, properly modified and in duplicate, retain one copy and furnish one copy to the district supervisor.

(53 Stat. 300 as amended, 301; 26 U. S. C. 2801, 2802)

9. Section 197.24 (b) and 197.24 (c) of Regulations 29 (26 CFR Part 197; 7 F. R. 9111), "Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products," as amended, are amended as follows:

CLAIMS FOR DRAWBACK

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§ 197.24 *Supporting data.* Each claim will be accompanied by statements of supporting data which shall be prepared in duplicate. One copy shall be attached to the original and one copy shall be attached to the duplicate of the claim.

(a) Data with respect to payment of special tax: A statement showing (1) serial number of special tax stamp, (2) denomination, (3) fiscal year for which issued, (4) date of issuance, and (5) collection district where issued.

(b) Data with respect to taxpayment and receipt of the distilled spirits on which the drawback is claimed:

(1) If the distilled spirits were received in tank cars, a statement showing date of receipt, the name and address of the vendor, whether taxpayment was evidenced by a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp, the serial number of the certificate of taxpayment (Form 1595), or the wholesale liquor dealer's stamp, the date of issuance of the certificate or wholesale liquor dealer's stamp, and the name of the producer, kind, quantity, and proof of the spirits. (When a tank car or tank truck is emptied, the certificate of taxpayment, Form 1595, or the wholesale liquor dealer's stamp, as the case may be, affixed thereto shall be scalped by cutting out all of that portion of the certificate or stamp within the borders and the cut-out portion of the certificate or stamp shall be immediately forwarded to the district supervisor. If the tank car or tank truck is received without the certificate or stamp attached thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 1440 or 1520, as the case may be, and immediately notify the district supervisor who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate.)

(2) If the distilled spirits were received in containers, such as barrels, drums, cans, or cases, bearing taxpaid or wholesale liquor dealer's stamps, a statement showing the date of receipt, the name and address of the vendor, the serial number of the taxpaid or wholesale liquor dealer's stamp affixed to the container, the date of issuance appearing on the stamp, the serial number, if any, of the container, and the name of the producer, kind, quantity, and proof of the spirits. (When the package is emptied, the stamp shall be scalped and attached to the next claim filed for drawback on the spirits which were in such package. The scalped stamp will be retained by the district supervisor with the claims record of the claimant.)

(3) If the distilled spirits were received in bottles, a statement showing the date of receipt, the name and address of the vendor, the serial number of the strip stamp affixed over the mouth and neck of the bottle, and the name of the bottler, kind, quantity, and proof of the spirits.

(c) Data with respect to use of distilled spirits upon which drawback is claimed in the manufacture of non-beverage products:

(1) A statement showing the name, description, and formula number, if any, of each nonbeverage product in the manufacture of which distilled spirits were used, the alcoholic content by volume of each such product, the number of proof gallons and kind of distilled spirits used in manufacture thereof, and the quantity produced.

(2) [Reserved.]

(3) Manufacturers intending to file drawback claims covering distilled spirits used in the manufacture of nonbeverage products shall submit quantitative formulas covering all such preparations direct to the Deputy Commissioner, Alcohol and Tobacco Tax Division, Washington 25, D. C., on Form No. 1678, in triplicate; except that quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the American Institute of Homeopathy, and such products are identified in the supporting data by name and followed by the letters "U. S. P.," "N. F." or "A. I. H.," as the case may be. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product. A series of numbers will be given the formulas commencing with number 1 and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly.

(4) Formulas for nonbeverage products shall be submitted to the Deputy Commissioner, Alcohol and Tobacco Tax Division, Washington 25, D. C., before or at the time of manufacture of the products. Upon receipt by the Deputy Commissioner, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, they will be approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. One copy of each formula will be retained by the Deputy Commissioner, one copy returned to the manufacturer, and one copy will be sent to the district supervisor for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. The copies sent to district supervisors shall likewise be filed in serial order, available for examination by drawback clerks and laboratory chemists.

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(53 Stat. 467; 26 U. S. C. 3791)

10. It is found that compliance with the notice and public rule-making procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), is unnecessary in connection with the issuance of these amendments for the reason that the changes made are of a liberalizing character.

11. These regulations shall be effective upon publication in the FEDERAL REGISTER.

(53 Stat. 298 as amended, 300 as amended, 301, 303 as amended, 310, 316 as amended, 329, 330, 331, 332, 338, 385 as amended 357, 358, 360, 364, 373 as amended 373, 374, 375, 398, 399, 447 as amended 467 452; 26 U. S. C. 2800, 2801, 2802, 2803, 2813, 2825, 2852, 2866, 2871, 2873, 2878, 2883, 3101, 3105, 3122, 3114, 3124, 3170, 3171, 3172, 3175, 3176, 3300, 3301, 3303, 3304, 3656, 3791, 4017)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 16, 1952.

E. H. FOLLY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-7944; Filed, July 18, 1952; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 11, Amdt. 1]

DMO 11—POLICY DIRECTIVE GOVERNING ISSUANCE OF TAX AMORTIZATION CERTIFICATES UNDER SECTION 124A OF THE INTERNAL REVENUE CODE, AND DEFINING EXTENT TO WHICH ACCELERATED AMORTIZATION CAN BE ALLOWED AS A COST IN NEGOTIATED CONTRACT PRICING

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in me by Executive Order No. 10161 as amended, and Executive Order No. 10193, it is hereby ordered as follows:

1. Paragraph 6 of DMO–11 dated August 14, 1951, is revised as follows:

6. For the purpose of cost computations in negotiated contract pricing, true depreciation, which includes any extraordinary obsolescense reasonably assignable to the emergency period, is allowable. Any accelerated amortization of depreciation which is in excess of true depreciation, regardless of whether such excess is included in tax amortization certificates, is not allowable as an element of cost in negotiated contract pricing.

2. Paragraph 7 of DMO–11 is rescinded; paragraph 8 of DMO–11 becomes paragraph 10.

3. The following paragraphs 7, 8, and 9 are added:

7. It is recognized that cost determination in negotiated contract pricing is a function of the procurement agency concerned. It is also recognized that the Defense Production Administration, in determining the amount or rate of amortization for tax certificate purposes, gives consideration to many factors including the probable economic usefulness of the facility after five years or the probable true depreciation of the facility during the 5-year emergency period. (See DPA Regulation 1 as amended February 14, 1952.) Procurement agencies desire the benefit of such considerations in connection with their negotiations in contract pricing; however, they may also need to consider changed conditions, or other relevant factors that may be subsequently disclosed.

8. With respect to facilities to be used in the performance of negotiated contracts, for which certificates are issued on or after the effective date of this order, the Defense Production Administration will for a specific facility or facilities, upon the request of the procurement agency concerned, make an estimate of true depreciation for the procurement agency. In such cases, the procurement agency concerned shall furnish the Defense Production Administration with such information as it has or is readily available to it which may be useful to the Defense Production Administration in making such estimates. Such estimate will be made at the same time as the processing of the certificate insofar as possible, but the issuance of the certificate and, consequently, the applicant's acquisition or construction of facilities will not be delayed awaiting such estimate.

9. With respect to such facilities for which certificates have heretofore been issued, procurement agencies concerned will, to the extent required for the purpose of cost computations in connection with the negotiation of contract prices, have responsibility for determining true depreciation. However, in special or unusual cases, the Defense Production Administration will, on request, furnish the procurement agency concerned with such information as it has or is readily available to it which would have been pertinent to such an estimate of true depreciation.

4. This amendatory order shall take effect on July 21, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-8013; Filed, July 18, 1952; 9:37 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 74, Amdt. 10]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 10 to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 74 makes several substantive changes.

1. This amendment modifies the limitations on the sales of prefabricated retail cuts of pork, permitting the seller of such cuts to sell them to any class of buyer if he is not prohibited from selling prefabricated retail pork cuts by section 14 (b) of the regulation. Thus, he is no longer limited to selling such cuts to certain types of buyers only. Consequently, he is relieved of the task of determining the individual buyers to whom the item was historically sold. The seller is also relieved of the provision that he must secure a written request from the buyer on such sales.

2. CPR 74 formerly permitted the sale of prefabricated retail cuts only by sellers who customarily sold such cuts prior to September 25, 1951. This amendment modifies this restriction by permitting a seller who meets the requirements set forth in section 5 to apply for permission to produce and sell prefabricated retail pork cuts.

3. This amendment also establishes the ceiling price for non-producing sellers of a dried (other than aged, dry cured) pork or specialty pork product, on which the producer's ceiling price has been established by letter order issued pursuant to section 5.

4. A number of changes have been made in section 40 to compensate for the general freight rate increases that have been approved by the Interstate Commerce Commission. These increases affect the freight rates of live hogs, fresh meat and packing house products.

The changes provided in this amendment increase the fixed differentials now in effect for Zones 2, 3, and 4, so that they will be equitable when compared with the automatic increases which have been permitted in Zones 5 and 6 under the provisions of CPR 74. As a result of these changes the ceiling price levels of pork at wholesale will be increased 10 cents per cwt. in Zones 2 and 3, and 15 cents per cwt. in Zone 4.

Also the fixed differential of 50 cents per cwt. heretofore provided for Zone 5 has been increased to 60 cents per cwt. This increase of 10 cents per cwt. will maintain the relationship which has existed between Zone 5 and Zone 2 under this regulation. No change has been made in the provision for Zone 1, which does not permit any zone differential to be added for the reasons set forth in the Statement of Considerations accompanying Ceiling Price Regulation 74, as originally issued. Also, no change is necessary in the differential for Zone 6 since this provides for automatic adjustment to reflect any changes in freight rates.

5. The production of hogs in certain portions of Florida is very low. Slaughterers located there have historically purchased live hogs from production areas which are located at great distances from their slaughtering establishments. Because this portion of Florida is a resort area, the consuming public demands a firm pork product which can only be obtained from hogs produced in grain feeding areas. Consequently, this portion of the State of Florida is provided with the local slaughter addition established for Region E to compensate for the additional costs borne by slaughterers in this area.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 5 is amended by deleting paragraphs (c) (1) and (2) and by substituting therefor a new paragraph, designated (c), to read as follows:

(c) *Prefabricated retail cuts.* If you are not prohibited by section 14 (b) of this regulation from selling prefabricated retail cuts, your ceiling prices for the sales of such cuts are your ceiling prices therefor established under the General Ceiling Price Regulation.

2. Section 5 is also amended by redesignating paragraph (d) as paragraph (e) and by adding a new paragraph, designated (d), to read as follows:

(d) (1) If you desire to produce and sell a prefabricated retail cut which you did not produce and sell prior to September 25, 1951, you must apply in writing to the Office of Price Stabilization, Food and Restaurant Division, Washington 25, D. C., for authority to produce and sell this cut. Your signed application must contain the following information:

(i) Your name and address;

(ii) Your proposed ceiling price for this cut under the General Ceiling Price Regulation;

(iii) Dates of purchase, amount of the investment in, and a description of, the facilities, equipment or supplies which were acquired for the specific purpose of producing and selling this cut;

(iv) A statement to the effect that the facilities, equipment or supplies cannot be utilized in any other manner than to produce and sell prefabricated retail cuts;

(v) Percent of your total volume of meat sales expected to be represented by the sale of this cut.

(2) The Director of Price Stabilization may authorize you to produce and sell such prefabricated retail cut and establish your ceiling price therefor under the General Ceiling Price Regulation provided the information you are required to furnish establishes:

(i) That you have made a substantial financial investment prior to September 25, 1951, which you cannot utilize except in the production and sale of prefabricated retail cuts;

(ii) That your production and sale of this cut will not divert an abnormal amount of pork from low to high cost items; and

(iii) That the approval of your application will be generally fair and equitable, will not adversely affect the price structure established by this regulation, and will not otherwise have an inflationary effect.

3. Section 5 is further amended by adding a new paragraph, designated (f), to read as follows:

(f) *Others.* (1) If you purchase a dried (other than aged, dry cured) pork or specialty pork product, on which the ceiling price of the producer of the item is established by letter order, issued pursuant to this section 5, your ceiling price for the sale of the item shall be the producer's ceiling price, plus any applicable additions provided for your sale of this product in Article IV.

4. Section 14 is amended by deleting paragraph (b) (1) and by substituting therefor a new paragraph, designated (b) (1), to read as follows:

(b) *Selling or buying other than defined cuts.* (1) Regardless of any contract, agreement, or other obligation, except for dried (other than aged, dry cured) pork, specialty pork products, and prefabricated retail cuts, the ceiling prices of which are established by section 5, you shall not sell or deliver, and you shall not, in the regular course of trade or business, buy or receive any pork unless such pork is defined in Appendix 2 of this regulation or unless such pork is sold to a defense procurement agency and meets the specifications of that agency. You may not produce and sell a dried (other than aged, dry cured) pork or a speciality pork product after May 17, 1952, unless you have, prior to May 18, 1952, filed the report required by section 5 (a). Moreover, if you produce a prefabricated retail pork cut you shall not sell such cut unless you have customarily sold it prior to September 25, 1951, or unless the Director of Price Stabilization has, by letter order pursuant to section 5 (d), authorized you to sell that cut.

5. Sections 40 (b) through 40 (e), inclusive, are amended to read as follows:

(b) *Zone 2.* The amount to be added as a zone differential where the distribution point is located in Zone 2 shall be 60 cents per cwt.

(c) *Zone 3.* The amount to be added as a zone differential where the distribution point is located in Zone 3 shall be 80 cents per cwt.

(d) *Zone 4.* The amount to be added as a zone differential where the distribution point is located in Zone 4 shall be $1.15 per cwt.

(e) *Zone 5*—(1) *Green wholesale pork cuts.* For green wholesale pork cuts the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 125 percent the lowest fresh meat carload freight rate from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 60 cents per cwt.

(2) *Cured or processed wholesale pork cuts.* For cured or processed wholesale pork cuts, the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 125 percent the lowest classified carload freight rate for packing house products or semi-sterile canned meat products, whichever is applicable, from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 60 cents per cwt.

(3) *Dressed hogs.* For dressed hogs, the amount to be added as a zone differential where the distribution point is located in Zone 5 shall be determined by multiplying by 115 percent the lowest dressed hog carload freight rate from Chicago, Illinois, or East St. Louis, Illinois, to the distribution point, whichever is lower, adjusted to the nearest 10 cents per cwt. and by adding to that amount 60 cents per cwt.

6. Appendix 1 (b) (5) is deleted and the following substituted therefor:

(5) *Region E* means the areas described as follows: The entire States of Washington, Oregon and California; and that portion of Florida east, southeast and south of, and including, the counties of Pinellas, Hillsborough, Polk, Osceola, Orange, Seminole, and Volusia.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 18, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8021; Filed, July 18, 1952; 10:55 a. m.]

[Ceiling Price Regulation 17, Amdt. 1 to Supplementary Regulation 10]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM GASES, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINING GAS

SR 10—SPECIFIC CEILING PRICES FOR MIDDLE DISTILLATES ON THE EAST COAST

CLARIFYING AMENDMENT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Supplementary Regulation 10 to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 10 to Ceiling Price Regulation 17, establishing specific ceiling prices for No. 2 heating oil at certain East Coast points, permitted 0.15 cents per gallon to be added to the specific ceilings on all sales other than to bulk plant operators. The intention was to allow addition of this 0.15 cents in those instances where the seaboard terminal or refinery makes any sales direct to consumers. This was plainly set forth in the Statement of Considerations as well as in section 1 of the supplementary regulation. However, because of certain language contained in section 2 (d) (2), some sellers have raised the question whether the 0.15 cents may be added on consumer tank-car sales as described above. To remove any doubt or possible ambiguity, this amendment rewords section 2 (d) (2) so as to make it clear that the 0.15 cents may be added on any sales to consumers, but that the 0.15 cents may not be added by refinery or terminal operators on sales to bulk plant operators, nor by bulk plant operators on sales to other bulk plant operators.

AMENDATORY PROVISIONS

Section 2 (d) (2) of Supplementary Regulation 10 to Ceiling Price Regulation 17 is amended to read as follows:

(2) To the ceiling prices set forth in sections 2 (a), (b) and (c), 0.15 cents per gallon may be added by operators of such terminals or refineries and by bulk plant operators receiving product from these terminals or refineries, when making sales of these products to other than bulk plant operators, including consumers. In no case may the price to the ultimate consumer be increased more than the amount of the adjustment provided for in the appropriate ceiling price set forth in paragraph (a) of this section, plus 0.15 cents per gallon.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 18, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8032; Filed, July 18, 1952; 10:55 a. m.]

[Ceiling Price Regulation 152, Corr.]

CPR 152—Western Pine and Associated Species of Lumber

CORRECTION

Through inadvertence, ceiling prices for the item "No. 3 and Better, including 15 percent No. 4", was omitted from Table 3B, Ponderosa Pine 11/16" Common Boards Surface Measure (on Grade).

Accordingly, the following correction is made:

1. Table 3B—11/16" Common Boards Surface Measure (on Grade) is corrected by inserting after the fifth item, "No. 5", under the headings indicated, the following:

R. L. S.'s, S1S2E, S2S or S4S to 11/16"	11/16" by 4" and wider	11/16" by 4"	11/16" by 6"	11/16" by 8"	11/16" by 10"	11/16" by 12"
No. 3 and Better, including 15 percent No. 4	$72.00	$67.00	$72.00	$71.00	$73.00	$73.00

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Ellis Arnall,
Director of Price Stabilization.

July 18, 1952.

[F. R. Doc. 52-8028; Filed, July 18, 1952; 10:54 a. m.]

[Ceiling Price Regulation 158]

CPR 158—Ceiling Prices for California Redwood Lumber

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 158 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollars and cents ceiling prices for manufacturers' sales of California Redwood lumber produced in any plant or mill located in California or Oregon.

Production of Redwood lumber is concentrated mostly in the northern part of California. The output of the industry for the year 1951 was estimated to be 1 billion board feet, valued at approximately 105 million dollars.

Redwood lumber is light, but strong, and is widely used in housing and industrial construction. It is in great demand for use as mud sills, siding, tank stock and for other purposes where high resistance to insect attack and to weather and other moisture conditions is important. It is sold throughout the United States and is a basic material of prime importance to both the civilian economy and the defense program.

The manufacturing of finished Redwood lumber requires a large investment in equipment and facilities because of the enormous size of the trees and the 18-month period usually required for drying the lumber before it is marketed. The industry is composed of a relatively small number of large integrated firms and numerous small companies. The integrated companies manufacture finished lumber partly from their own timber and partly from green lumber purchased from small mills. The small companies primarily produce rough green lumber.

The coverage of this regulation is limited in scope to manufacturers' sales of Redwood lumber produced in California and Oregon. Manufacturers of the lumber covered by the regulation customarily sell their lumber f. o. b., f. a. s., or on a delivered basis. Accordingly, although the basic ceiling prices set forth in the regulation are f. o. b. prices, provision is also made for f. a. s. and delivered sales.

Specific ceiling prices for almost all of the many basic items produced by the industry are listed in the ceiling price tables of this regulation. Following industry custom, footnotes are included, which provide methods for determining the ceiling prices of non-standard items. To insure uniform grade and measurement standards, the regulation adopts the grade and size standards and the pattern numbers set forth in grade and pattern books published by the California Redwood Association. The standards of that Association are generally accepted and used by the manufacturers in the production area covered by the regulation.

The provision in the regulation permitting an addition for commission-type sales is similar to provisions contained in several other lumber regulations already issued by OPS. However, some question has been raised as to the justification for this provision. OPS is giving the matter further study and will consult further with industry representatives regarding it. If any changes are found to be necessary they will be made simultaneously with respect to all lumber regulations.

Prices of certain items covered by the regulation rose in various degrees between June 1950, and January 1951, and these increases varied substantially among the different firms in the industry. A distorted price pattern resulted and it was this pattern that was frozen by the General Ceiling Price Regulation. The present Redwood regulation restores the industry's generally prevailing price pattern by establishing a schedule of dollars and cents ceiling prices that reflects the price differentials that customarily exist among the items covered. The general level of ceiling prices established by this regulation is approximately equal to the level that prevailed during the period of December 19, 1950, through January 24, 1951, the base period of the General Ceiling Price Regulation, and to the level that prevailed during the period from January 25 to February 24, 1951, inclusive.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

So far as practical in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; to those prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included three meetings with the Industry Advisory Committee for Redwood lumber, and four conferences with representatives of that Committee.

Every effort has been made to conform this regulation to business practices existing with respect to the production, sale, and distribution of Redwood lumber covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

COVERAGE

Sec.
1. What this regulation does.
2. What regulation is superseded.
3. What products are covered.
4. What transactions are covered.
5. Geographical applicability.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, PRICING RULES, AND CASH DISCOUNTS

10. General explanation of ceiling prices.
11. Delivered sales; general.
12. Delivered sales; shipment by common or contract carrier.
13. Delivered sales; shipment by private truck.
14. Delivered sales; Eureka basing point rate.
15. F. A. S. water shipments.
16. Mixed car or mixed truck shipments.
17. Stop-over car loadings; addition to f. o. b. ceiling prices.
18. Retail-type sales.
19. Commission-type sales.
20. Pricing rules.
21. Discount for cash.

MISCELLANEOUS PROVISIONS

30. Ceiling prices for special transactions.
31. Modification of proposed ceiling prices by Director of Price Stabilization.
32. Exports.
33. Petitions for amendment.
34. Adjustable pricing.
35. Records.
36. Invoices.
37. Interpretations.
38. Prohibitions and violations.
39. Evasions.
40. Definitions.

CEILING PRICE TABLES

45. F. O. B. ceiling prices.

Authority: Sections 1 to 45 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

COVERAGE

Section 1. *What this regulation does.* This regulation establishes dollars and cents ceiling prices for manufacturers' sales of California Redwood lumber.

Sec. 2. *What regulation is superseded.* This regulation supersedes the General Ceiling Price Regulation insofar as it pertains to the transactions covered by this regulation.

Sec. 3. *What products are covered.* This regulation covers California Redwood (Sequoia Sempervirens) lumber, including lath and battens, produced in a plant or mill located in California or Oregon.

Sec. 4. *What transactions are covered.* This regulation applies to all manufacturers' sales of lumber covered by this regulation. It thus applies when a manufacturer sells his lumber to a wholesaler, retailer, industrial user, or to any other reseller or consumer, whether or not the sale is made directly or through a lumber commission man. (Section 19 of this regulation provides an addition to cover the services of a lumber commission man. Supplementary Regulation 87 to the General Ceiling Price Regulation establishes a formula for determining wholesalers' and other resellers' markups which may be added to manufacturers' selling prices.)

Sec. 5. *Geographical applicability.* Every manufacturer's sale for delivery (f. o. b., f. a. s., or on a delivered basis) in the 48 States of the United States or in the District of Columbia, is subject to this regulation, whether or not the sale of the lumber is made in the United States.

BASIC CEILING PRICES, ADDITIONS, COMMISSION-TYPE SALES, AND PRICING RULES

Sec. 10. *General explanation of ceiling prices.* The basic ceiling prices established by this regulation are f. o. b. ceiling prices. They apply to sales made: f. o. b. car at mill, f. o. b. car at mill's customary rail shipping point in the case of an off-rail mill, f. o. b. truck at mill, or f. o. b. scow or barge alongside a mill dock. These basic f. o. b. ceiling prices are set forth in section 45.

Sections 11 through 19 explain how the the basic f. o. b. ceiling prices are modified under certain circumstances, as, for example, when you sell your lumber on a delivered basis, when you make a mixed car or mixed truck shipment, or when you sell your lumber through a lumber commission man.

Sec. 11. *Delivered sales, general.* This regulation permits you to sell your lumber on a delivered basis, as well as on an f. o. b. basis. On sales on a delivered basis, you may add to the f. o. b. ceiling price an appropriate transportation addition, as explained in sections 12, 13 and 14.

A sale "ceiling delivered" or "f. o. b. mill with freight paid, allowed, or included, to a given destination" will be considered, for the purpose of this regulation, a sale on a delivered basis.

Sec. 12. *Delivered sales; shipment by common or contract carrier.* When you sell on a delivered basis and you ship your lumber by common or contract carrier, the delivered ceiling prices are the f. o. b. ceiling prices set forth in section 45 plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in section 45 by the applicable common or contract carrier freight rate in effect at the time of shipment. Where trucking to a yard or job site after a rail haul is required, the transportation addition may also include the actual charge for making the truck delivery as well as the actual charge for transferring the lumber from rail car to truck. However, where a part of the transportation to the buyer is by means of water shipment, no addition to the f. o. b. prices may be made for transportation that occurs before the lumber is placed aboard a vessel except as specifically authorized elsewhere in this regulation. You should note that when you sell on a delivered basis, the delivered price need not thereafter be revised or adjusted even if the amount actually charged by the carrier for carrying your lumber is different from the addition for transportation included in your delivered price.

Note: The provisions of this section do not apply to retail-type sales of the kind described in section 18.

Sec. 13. *Delivered sales; shipment by private truck.* (a) When you sell on a delivered basis, shipping your lumber in a truck which you own or hire, the delivered ceiling prices are the f. o. b. ceiling prices set forth in section 45, plus an addition determined as follows:

(1) For distances of 10 miles or less, not more than $3.00 per M'BM.

(2) For a distance greater than 10 miles and as far as 20 miles, not more than $4.00 per M'BM.

(3) For a distance greater than 20 miles and as far as 30 miles, not more than $5.00 per M'BM.

(4) When the distance is greater than 30 miles, as much as an addition computed in the manner set forth in section 12, using applicable common or contract carrier truck rates.

(b) *"Distance" defined.* As used in this section, the term "distance" refers to the actual mileage from your mill or plant to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your mill or plant. The term "point of destination" includes a yard or job site.

Note: The provisions of this section do not apply to retail-type sales of the kind described in section 18.

Sec. 14. *Delivered sales; Eureka basing point rate.* Notwithstanding the provisions of sections 12 and 13, when you sell on a delivered basis, shipping your lumber by common or contract carrier or by private truck, and the shipment originates at a mill or plant in California located outside the boundaries of the counties of Humboldt, Mendocina, Del Norte, and Sonoma, you may compute an addition for transportation, which may be added to the f. o. b. ceiling prices set forth in section 45, by multiplying the appropriate established weight by the applicable rail freight rate in effect at time of shipment from Eureka, California, to the point of final destination.

Note: The provisions of this section do not apply to retail-type sales of the kind described in section 18.

Sec. 15. *F. A. S. water shipments.* (a) *Ceiling prices.* If you sell lumber f. a. s. for water shipment, your basic ceiling prices are the same as the f. o. b. ceiling prices set forth in section 45, to which you may add the appropriate service charges provided in paragraph (b) of this section.

(b) *Service charges.* On sales made f. a. s. for water shipment, you may make the following service charges:

(1) If you own or lease deep water dock facilities which are used in loading your lumber aboard a vessel, you may add as much as $3.50 per M'BM to the f. a. s. ceiling prices.

(2) If you are required by circumstances beyond your control to transfer your lumber from a deep water dock, upon which it has been placed preparatory to loading aboard a vessel, to another loading point, you may add to the f. a. s. ceiling price the actual cost of making the transfer.

Sec. 16. *Mixed car or mixed truck shipments.*—(a) *Addition to f. o. b. ceiling prices.* When you make a mixed car or mixed truck shipment as defined in paragraph (b) of this section, the otherwise applicable ceiling prices are increased $3.50 per M'BM.

(b) *Meaning of terms.*—(1) *Mixed car shipment.* A mixed car shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least one thousand board feet of lumber.

(2) *Mixed truck shipment.* A mixed truck shipment consists of four or more of the items shown in subparagraph (3) of this paragraph, each of which contains at least 250 board feet of lumber. You will note that you may make no addition to the f. o. b. ceiling prices set forth in section 45, if you make a mixed cargo shipment by boat. However, in the latter case, you may apply in the manner provided in section 30 for a special ceiling price if you believe that circumstances warrant the authorization of an increased ceiling price.

(3) *Item.* Each of the following-numbered groups of lumber products constitutes a separate item for the purposes of a mixed car or a mixed truck shipment under this section. In this connection there is no requirement that all the lumber products listed within a numbered group be involved in a particular shipment:

(i) Common boards and strips (any working not listed below) Dimension, Plank, and Small Timbers.

(ii) Surfaced Finish, Surfaced Thick Clears, and Surfaced Shop.

(iii) Rough Finish, Rough Thick Clears, and Rough Shop.

(iv) Casing, Base, Mouldings.

(v) Resawn Sidings.

(vi) Lumber run to pattern, including ceiling, partition, flooring, etc.

(vii) All other items.

Sec. 17. *Stop-over car loadings; addition to f. o. b. ceiling prices.* If you do not charge for making a mixed car or mixed truck shipment (see section 16),

you may add as much as $2.00 per M'BM to the f. o. b. ceiling prices set forth in section 45 whenever you load lumber on a railroad car partially loaded with another seller's lumber which has been stopped in transit to enable you to load your lumber.

SEC. 18. *Retail-type sales*—(a) *Increased ceiling prices.* Your ceiling prices on retail-type sales as defined in paragraph (b) are determined by adding $9.00 per M'BM to the f. o. b. ceiling prices set forth in section 45. If you determine your ceiling price for a retail-type sale under this section, you may not make any of the additions provided in sections 11 through 17.

(b) *Definitions and limitations.* As used in this section, a retail-type sale is a sale of less than 20,000 F BM delivered by truck to a buyer who is a contractor or ultimate consumer and who will use the lumber for construction or maintenance; it is not a sale to a commercial or industrial user for use in manufacturing; nor is it a sale to a buyer who purchases the lumber for resale. The total quantity of lumber involved in a single transaction or sale, between you and a retail buyer, without regard to the quantities involved in single deliveries pursuant to such transaction or sale, shall determine whether or not a sale qualifies as a retail sale within the meaning of this section.

If you determine your ceiling price for a retail-type sale as allowed in paragraph (a), you must:

(1) Deliver the lumber to a job site at such time and in such manner as the buyer specifies; and

(2) Give the buyer the privilege of exchanging and returning unused lumber; and

(3) Rectify promptly any short deliveries from stocks you keep on hand for this purpose.

SEC. 19. *Commission-type sale.* When a sale of your lumber is brought about by the efforts of a lumber commission man, your ceiling price is the otherwise applicable ceiling price on the lumber sold plus 3% of the f. o. b. ceiling price. However, the amount which you may charge the buyer pursuant to this section that is over and above the otherwise applicable ceiling price, may not exceed the actual commission which you pay the lumber commission man. The term "lumber commission man" is defined in section 40.

SEC. 20. *Pricing rules.* You must apply the following rules in determining ceiling prices under this regulation:

(a) When an order does not specify a particular grade of lumber, you may not ship, or charge for, lumber graded higher than construction heart, and your charge shall be only for the grade or grades actually shipped.

(b) When a shipment is made which contains a greater percentage of short lengths than that permitted by this regulation for random lengths, you must price the excess short lengths separately at no more than their appropriate ceiling prices in order to sell the balance as random lengths.

(c) In all random length shipments, you may not charge more than the appropriate ceiling prices for the average length shipped.

SEC. 21. *Discount for cash.* If the buyer pays cash, your ceiling prices determined under other provisions of this regulation are reduced by the amount of the discount which, during the period from January 25, 1951, through February 24, 1951, you allowed a purchaser of the same class for the payment of cash within the same period of time. If you were not in business between January 25 and February 24, 1951, your ceiling prices determined under other provisions of this regulation are reduced by 2 percent for cash payment within 10 days from date of invoice or date of bill of lading, whichever is later.

MISCELLANEOUS PROVISIONS

SEC. 30. *Ceiling prices for special transactions.* (a) *Application.* If you cannot ascertain a ceiling price for lumber or a differential pertaining to lumber subject to this regulation under any other provision of this regulation, as, for example, should you wish to sell lumber with special workings, specifications, services, or other extras not specifically mentioned in this regulation, you must file an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for approval of a special ceiling price. Your signed application must be made by registered letter, return receipt requested, and must set forth the relevant facts, including the following:

(1) As complete a description as possible of the lumber for which the application is filed. This should include the species, grade, condition, measurements, and quantity of the lumber, together with a detailed description of the workings, specifications, services, or other extras involved.

(2) Your proposed ceiling price, together with a statement indicating why you believe it is in line with the level of ceiling prices established under this regulation.

(3) Your ceiling prices to your largest buying class of purchaser, under the General Ceiling Price Regulation, both for the item in your application and for the most comparable item for which a specific ceiling price is established in this regulation.

(4) The proposed use to which the buyer will put the lumber for which you are proposing a special ceiling price.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may sell your lumber at a price not higher than the ceiling price proposed in your application: *Provided,* That you agree to, and later, refund to the buyer the amount, if any, by which your price exceeds the ceiling price established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed ceiling price, will request additional information about it, or will establish a different ceiling price for the item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of your application, or within 15 days after the receipt of requested additional information, your proposed ceiling price shall be deemed to have been approved, subject to nonretroactive disapproval or modification at a later time.

Approval of applications by the Director under this section is subject to a satisfactory showing that proposed ceiling prices are in line with the level of ceiling prices otherwise established by this regulation.

SEC. 31. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under section 30 of this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 32. *Exports.* The ceiling prices for export sales and sales for export of lumber covered by this regulation are controlled by Ceiling Price Regulation 61 issued by the Office of Price Stabilization.

SEC. 33. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1.

SEC. 34. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell lumber subject to this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 35. *Records*—(a) *Current records.* On and after the effective date of this regulation, every person who sells and every person who in the regular course of business buys products covered by this regulation, shall make and keep for inspection by the Director of Price Stabilization, for a period of two years, accurate records or invoices of each sale or purchase made in any month in which the seller sold, or the buyer bought, 20,000 board feet or more of lumber subject to this regulation. The records must show:

(1) The dates of sales or purchases;

(2) The names and addresses of the sellers and buyers;

(3) The kind of sales involved, i. e., delivered, f. o. b., f. a. s.;

(4) A description (i. e., the grade, condition, dressing, quantity, etc.) of the lumber sold or bought;

(5) The prices charged or paid, including all additions, extras, and discounts;

(6) The point of origin and point of destination of the shipment, the means of transportation used, the amount of any additions for transportation, and the basing point, if any, upon which the transportation addition may have been computed.

The retention by a buyer of an invoice furnished by a seller, or the retention by a seller of an invoice or settlement sheet furnished by a buyer, which includes the factual information required to be made a matter of record by this paragraph, shall be considered as compliance with the provisions of this paragraph.

(b) *Existing records.* You shall also continue to preserve, for the applicable periods indicated in section 16 of the General Ceiling Price Regulation, all records which you made and kept under the provisions of section 16 of the General Ceiling Price Regulation.

SEC. 36. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description of the lumber. Any working, specification, extras, or services which bear upon the price charged for your lumber must be separately set forth on the invoice, but the invoice need not separately show the charge of such items.

(b) For sales made on an f. o. b. or f. a. s. basis, in addition to the information required by paragraph (a), your invoice must show the f. o. b. or f. a. s. price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a), your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail, truck, or water carrier freight rate.

SEC. 37. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 38. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep, make, and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages. Prices lower than the ceiling prices may be charged, paid, or offered.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligations to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 39. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. The prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 40. *Definitions.* (a) This regulation and the terms which appear in it shall be construed in the following manner:

(1) *Air-seasoned commons.* This term means common grades of California Redwood lumber dried to the point where weight does not exceed 75 percent of the appropriate established green weight set forth in this regulation.

(2) *Director of Price Stabilization.* This term extends to any official (including officials of Regional or District offices) to whom the Director of Price Stabilization, by order, delegates a function, power, or authority, referred to in this regulation.

(3) *Dry lumber.* This term means California Redwood lumber of any grade which, when shipped, does not exceed by more than five percent the appropriate established weight for dry lumber set forth in this regulation.

(4) *Green lumber.* This term means California Redwood lumber, of any grade which, when shipped, is not "dry" or "partially dry" lumber, and for which appropriate established weights are set forth in the regulation.

(5) *Lumber commission man.* This term means a person who customarily initiates the sale of, and sells lumber in carload quantities for two or more manufacturers, who receives his compensation from the manufacturer in the form of a commission based on the amount of lumber sold, and who operates independently of both buyer and seller.

(6) *Manufacturer.* This term means any person who produces or concentrates lumber subject to this regulation. The verb "manufacture" shall be construed accordingly. A lumber concentrator receives rough green lumber from small producers, and prepares it for commercial shipment.

(7) *Person.* This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of the foregoing, and the United States and any other Government or their political subdivisions or agencies.

(8) *Partially dry lumber.* This term means California Redwood lumber, of any grade, dried to the point where weight does not exceed 75 percent of the appropriate established green weight set forth in this regulation.

(9) *Purchaser of the same class.* The meaning of this term is determined by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may, but need not, be based on the characteristics or distributive level of the buyer; for instance, manufacturer, wholesaler, individual retail store, retail chain, government agency, or public institution. It may, but need not, be based on the location of the purchaser or the quantity or kinds of lumber purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

(10) *Records.* This term includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(11) *Retail-type sale.* This term is defined in Section 18.

(12) *Sell.* This term includes sell, supply, dispose, barter, trade, exchange, lease, transfer, deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

(13) *You.* The pronoun "you" indicates any person who manufactures lumber subject to this regulation. The terms "your" and "yours" shall be construed accordingly.

CEILING PRICE TABLES

SEC. 45. *F. O. B. ceiling prices*—(a) *Nomenclature.* All grade terms, size terms, and pattern numbers appearing in this section refer to, and have the meanings given in, either "Standard Specifications for Grades of California Redwood Lumber" published by the California Redwood Association, effective August 1, 1951; or "Standard Patterns of Worked Redwood Lumber, Pattern Book 738", published by the California Redwood Association, issued May, 1933 and Revised May, 1941; or "Standard Patterns of Worked Redwood Lumber, Pattern Book 948", published and adopted by the California Redwood Association on September 21, 1945.

(b) *Ceiling prices and established weights.* The following are the f. o. b. ceiling prices per one thousand feet board measure, or other measure where indicated, and the established weights per thousand feet board measure or other measure where indicated, for the sale of lumber covered by this regulation:

TABLE 1—ROUGH GREEN 2" AND THINNER

[Ceiling prices shown are per M feet b. m.]

Size	Lengths	Add for Dry on Uppers only	Clear All Heart	"A"	Select Heart	Utility	Construction Heart	Sap Common	No. 3 Common
1 x 2"	6/20' R/L	$25	$135	$120	$105	$90	$77	$66	$56
1 x 3"	6/20' R/L	25	135	120	105	90	77	66	56
1 x 4"	6/20' R/L	25	135	120	105	90	77	66	56
1 x 5"	6/20' R/L	25	180	165	115	100	81	69	59
1 x 6"	6/20' R/L	25	150	135	110	95	79	67	59
1 x 8"	6/20' R/L	25	170	155	115	100	81	69	59
1 x 10"	6/20' R/L	25	180	165	115	100	81	69	59
1 x 12"	6/20' R/L	25	190	175	120	105	86	74	64
Established weights in pounds:									
Green Rough			4,500	4,500	4,500	4,500	4,000	4,000	4,000
Green Surfaced			3,300	3,300	3,300	3,300	2,900	2,900	2,900
Dry Rough			2,400	2,400	2,400	2,400	2,100	2,100	2,100
Dry Surfaced			1,800	1,800	1,800	1,800	1,600	1,600	1,600
5/4 and 6/4 x 2"	6/20 R/L	$30	$147	$132	$117				
5/4 and 6/4 x 3"	6/20 R/L	30	147	132	117				
5/4 and 6/4 x 4"	6/20 R/L	30	162	147	122				
5/4 and 6/4 x 6"	6/20 R/L	30	182	167	127				
5/4 and 6/4 x 8"	6/20 R/L	30	195	180	130				
5/4 and 6/4 x 10"	6/20 R/L	30	205	190	135				
5/4 and 6/4 x 12"	6/20 R/L								
Established weights in pounds:									
Green Rough			4,500	4,500	4,500				
Green Surfaced			3,500	3,500	3,500				
Dry Rough			2,500	2,500	2,500				
Dry Surfaced			2,000	2,000	2,000				
2 x 2"	6/20 R/L	$35	$130	$115	$100		$76	$65	$50
2 x 3"	6/20 R/L	35	130	115	100		76	65	56
2 x 4"	6/20 R/L	35	175	160	110		77	65	59
2 x 5"	6/20 R/L	35	145	130	105		76	65	56
2 x 6"	6/20 R/L	35	165	150	110		77	65	56
2 x 8"	6/20 R/L	35	175	160	110		77	65	56
2 x 10"	6/20 R/L	35	185	170	115		82	70	61
2 x 12"	6/20 R/L								
Established weights in pounds:									
Green Rough			4,500	4,500	4,500		4,000	4,000	4,000
Green Surfaced			3,700	3,700	3,700		3,000	3,000	3,000
Dry Rough			2,600	2,600	2,600		2,600	2,600	2,600
Dry Surfaced			2,100	2,100	2,100		2,100	2,100	2,100

TABLE 2—ROUGH GREEN, 3" AND THICKER

[Ceiling prices shown are per M feet b. m.]

Size	Lengths	Add for Dry on Uppers only	Clear All Heart	"A"	Select Heart	Construction Heart	Sap Common	No. 3 Common
3 x 4"	6/20' R/L	$40	$157	$142	$115	$86	$65	$57
3 x 6"	6/20' R/L	40	175	160	115	84	65	56
3 x 8"	6/20' R/L	40	175	160	115	84	65	56
3 x 10"	6/20' R/L	40	175	160	115	84	65	56
3 x 12"	6/20' R/L	40	175	160	115	84	65	56
4 x 4"	6/20' R/L	45	162	147	115	90	70	62
4 x 6"	6/20' R/L	45	180	165	115	85	70	60
4 x 8"	6/20' R/L	45	180	165	115	85	70	60
4 x 10"	6/20' R/L	45	180	165	115	85	70	60
4 x 12"	6/20' R/L	45	180	165	115	85	70	60
Established weights in pounds:								
Green Rough			4,500	4,500	4,500	4,000	4,000	4,000
Green Surfaced			3,300	3,300	3,300	3,000	3,000	3,000
Dry Rough			2,400	2,400	2,400	2,400	2,400	2,400
Dry Surfaced			2,400	2,400	2,400	2,400	2,400	2,400
6 x 6"	6/20' R/L		$180	$165	$120	$90	$75	$62
6 x 8"	6/20' R/L		180	165	120	90	75	62
6 x 10"	6/20' R/L		180	165	120	90	75	62
6 x 12"	6/20' R/L		185	170	120	90	75	62
8 x 8"	6/20' R/L		185	170	120	90	75	62
8 x 10"	6/20' R/L		190	175	120	90	75	62
8 x 12"	6/20' R/L		195	180	120	90	75	62
10 x 10"	6/20' R/L		200	185	120	90	75	62
10 x 12"	6/20' R/L		205	190	120	90	75	62
12 x 12"	6/20' R/L							
Established weights in pounds:								
Green Rough			4,500	4,500	4,500	4,000	4,000	4,000
Green Surfaced			3,900	3,900	3,900	3,300	3,300	3,300

TABLE 3—ROUGH GREEN, WIDE STOCK

[Ceiling prices shown are per M feet b. m.]

Size	Lengths	Add for Dry	Clear All Heart	"A"
1 x 14"	6/20' R/L	$30	$205	$190
1 x 16"	6/20' R/L	30	210	195
1 x 18"	6/20' R/L	30	215	200
1 x 20"	6/20' R/L	30	220	205
1 x 22 and 24"	6/20' R/L	30	225	210
Established weights in pounds:				
Green Rough			4,500	4,500
Green Surfaced			3,500	3,500
Dry Rough			2,400	2,400
Dry Surfaced			1,900	1,900
5/4 and 6/4 x 14"	6/20' R/L	$35	$230	$215
5/4 and 6/4 x 16"	6/20' R/L	35	235	220
5/4 and 6/4 x 18"	6/20' R/L	35	240	225
5/4 and 6/4 x 20"	6/20' R/L	35	245	230
5/4 and 6/4 x 22 and 24".	6/20' R/L	35	250	235
Established weights in pounds:				
Green Rough			4,500	4,500
Green Surfaced			3,700	3,700
Dry Rough			2,500	2,500
Dry Surfaced			2,100	2,100
2 x 14"	6/20' R/L	$40	$195	$180
2 x 16"	6/20' R/L	40	200	185
2 x 18"	6/20' R/L	40	205	190
2 x 20"	6/20' R/L	40	210	195
2 x 22 and 24"	6/20' R/L	40	215	200
Established weights in pounds:				
Green Rough			4,500	4,500
Green Surfaced			3,900	3,900
Dry Rough			2,500	2,500
Dry Surfaced			2,300	2,300

NOTE: For thicker than 2", add $20.00 per M to 2" ceiling price; and use 2" established weights. (This addition is applicable only to ceiling prices shown above in Table 3.)

NOTES (Applicable to Tables 1, 2 and 3 above)

The additions shown below may be made, and the subtraction shown below must be made, to the basic ceiling prices:

1. *Lengths and Widths.*

Standard random lengths are:
Rough lumber 6/20'.
Surfaced lumber 6/20'.
Pattern items 3/20'.

For lengths shorter than 10', deduct $6.00 per M.
To eliminate 6' and shorter, add $5.00 per M.
To eliminate 8' and shorter, add $10.00 per M.
For specified or restricted R/L 10 through 20', add $10.00 per M.
For restricted R/L, 6 through 14', use R/L price.
For 3 through 20' R/L in worked lumber, except resawn sidings and pattern items, deduct $1.00 per M.
For specified lengths 22 and 24', add $15.00 per M.
For specified lengths 26 and 28', add $25.00 per M.
For specified lengths 30 and 32', add $35.00 per M.
For specified lengths 34 through 40', add $45.00 per M.
When specified average lengths are stipulated exceeding 14' average, add $5.00 per M on commons and $7.50 per M on uppers.
When specified average widths are stipulated exceeding 7" average width, add $5.00 on commons and $7.50 on uppers.

2. *Surfacing and Standard Patterns.*

(a) Upper Grades:
For S1S, S2S, S2S1E, S4S, and running to standard pattern (not including resawn sidings):
(1) 2" and thinner x 2", add $15.00 per M.
2" and thinner x 3 and 4", add $12.00 per M.
2" and thinner x 6 through 12", add $10.00 per M.
(2) 3" and thicker, add $12.00 per M on all widths through 12".
(3) Widths 14 through 24", all thicknesses, add $15.00 per M.
(b) Common Grades:
For S1S, S2S, S2S1E, S4S, add $5.00 per M.
For Standard Patterns, add $7.00 per M.
(c) All Grades:
For surfacing standard rough sizes to finished sizes greater than standard add $1.00 per M to the surfaced standard size price for each additional 1/16" or fraction in thickness and $1.00 for each additional 1/4" or fraction in width.
For working non-standard patterns add $2.00 per M to standard pattern charge.

3. *Non-Standard Widths and Thicknesses.*

For odd widths not listed compute footage on basis next greater standard width and add $8.00 per M. For odd thicknesses not listed compute footage on basis next greater standard thickness and add $8.00 per M.
For fractional widths not listed, compute footage on basis next greater standard width and add $11.00 per M. For fractional thicknesses not listed, compute footage on basis next greater standard thickness and add $11.00 per M.

4. *Working (when not otherwise provided).*

(a) Grooving for spline, or shiplap, or T & G, add $12.50 per M.
(b) Resaw, add $15.00 per M.
(c) Straight rip: 4" and narrower, add $6.00 per M; 5" and wider, add $4.00 per M.
(d) Bevel Sill, add $12.00 per M to rough prices, size and grade specified.
(e) Cross-cutting to nominal length: 6" and under cross section, add $10.00 per M; over 6", add $5.00 per M.
(f) Square butting to exact lengths: 6" and under cross section, add $20.00 per M; over 6", add $10.00 per M.

5. *Selection of Grain and Texture.*

For Expansion Joint, add $10.00 per M.
For Pattern Lumber, add $10.00 per M.

6. *Additional Grades not on Tables.*

Select All Heart Structural, add $20.00 to Select Heart.
Dense Select Structural, price same as Clear All Heart.
Foundation, add $10.00 to Select Heart.
Irrigation Heart, add $10.00 to Select Heart.
Bench Grade, add $10.00 to No. 3 Common.
Industrial Clear, price same as Clear All Heart.
Tank Stock, price same as Clear All Heart.
No. 4, all widths and thicknesses, flat price of $30.00 per M.
For 5/4 and 6/4" Commons not priced use 1" prices.

7. *Seasoning.*

For air-seasoned common lumber, and partially dry uppers, add $15.00 per M to the rough green ceiling price, for the appropriate grade.
(To determine delivered ceiling prices, use 75 percent of the established green weight.)

TABLE 4—THIN FINISH, S2S DRY

[Ceiling prices shown are per M feet SM]

Size	A & Btr. 5/16"	A & Btr. 9/16"
3 & 4" x R/L	$124	$142.75
6" x R/L	140	152.00
8" x R/L	154	167.75
10" x R/L	162	180.50
12" x R/L	172	190.25
Random 3" through 12" x R/L	144	171.75
Weights	1,100	1,400

NOTES (Applicable only to Table 4)

For rough 3 and 4", deduct $12.00 per M from above.
For rough 6 through 12", deduct $10.00 per M from above.
For straight A, deduct $7.50 per M feet S. M.
For straight Clear, add $7.50 per M feet S. M.
For Utility, deduct $22.50 from A & Btr.

TABLE 5.—RESAWN SIDING, BEVEL AND BUNGALOW STANDARD PATTERNS, DRY

[Ceiling prices shown are per M feet S. M.]

Size	VG Clear	FG Clear	VG "A"	FG "A"
5/8 x 4" 3/20' R/L	$100	$85	$95	$80
5/8 x 6" 3/20' R/L	125	115	120	110
5/8 x 8" 3/20' R/L	138	130	134	126
5/8 x 10" 3/20' R/L	148	140	144	136
3/4 x 4" 3/20' R/L	103	88	98	83
3/4 x 6" 3/20' R/L	128	118	123	113
3/4 x 8" 3/20' R/L	145	137	140	132
3/4 x 10" 3/20' R/L	155	147	150	142
3/4 x 4" 3/20' R/L	140	133	135	128
3/4 x 6" 3/20' R/L	160	150	155	145
3/4 x 8" 3/20' R/L	193	180	188	175
3/4 x 10" 3/20' R/L	207	195	202	190
3/4 x 12" 3/20' R/L	212	198	207	192
Established weights in pounds:				
5/8" Patterns 320, 322, 323				700
5/8" Patterns 400, 362, 363				850
5/8"				850
3/4				1,000

NOTES: (Applicable only to Table 5)

For 4 through 20' random lengths add $1.00.
For 4 through 20' random lengths add $2.00.
For 8 through 7' random lengths deduct $10.00.
For 8 through 9' random lengths deduct $5.00.

TABLE 6—SHOP LUMBER, ROUGH DRY

[Ceiling prices shown are per M feet b. m.]

Size	Deduct for Green	No. 1 Shop
1 x 4" through 12"	$25	$107
5/4 x 4" through 12"	25	132
6/4 x 4" through 12"	25	132
2 x 4" through 12"	20	115
3" and thicker x 4 through 12"	45	130

ESTABLISHED WEIGHTS IN POUNDS

	Green Rough	Green Surfaced	Dry Rough	Dry Surfaced
1 x 4" through 12"	4,000	3,000	2,400	1,800
5/4 and 6/4 x 4" through 12"	4,000	3,200	2,500	2,000
2 x 4" through 12"	4,000	3,200	2,400	2,000
3 x 4" through 12"	4,000	3,200	2,800	2,200

NOTES (Applicable only to Table 6)

For Heart Shop, add $10.00 per M to No. 1 Shop price on size specified.
For specified or restricted widths, add $5.00 per M.
For surfacing, add $5.00 per M.
For running to pattern, add $10.00 per M.
For vertical grain, add $10.00.
For Thin Shop, use 75 percent of price and weight of 1" Shop.

TABLE 7—REDWOOD SAWN TIES

[Ceiling prices shown are per M feet b. m.]

Size	No. 1	No. 2
6 x 8"—6'	$115	$90
6 x 8"—7'	115	90
6 x 8"—8'	115	90
7 x 9"—8'	120	95
Switch Ties	120	100
Weight in pounds	5,000	5,000

TABLE 8—A & BTR. PICKETS

	Length	Price per M feet b. m.
1" x A W	3'	$135
	3½'	137
	4'	139
Weight in pounds		1,400

TABLE 9—LATH

[Ceiling prices shown are per M pieces]

Size	A & Btr.	All Heart	Weights
3/8 x 1½"—4'	$12.50	$25.00	750
3/8 x 1½"—6'	25.00	38.75	1,125
3/8 x 1½"—8'	37.00	55.00	1,500
3/8 x 2"—4'	16.50	55.00	1,000
3/8 x 2"—6'	33.00	77.50	1,500
3/8 x 2"—8'	49.00	100.00	2,000
Grids 1" x 2"—6'		122.00	3,500

TABLE 10—BATTENS, S2S2E OR S4S

[Ceiling prices shown are per M feet S. M.]

3/8"-3/20' R/L:

Dry—Clear All Heart	$97.50
Green—Clear All Heart	92.50
Dry—A & Btr.	90.00
Green—A & Btr.	85.00
Dry—A	82.50
Green—A	77.50
Green—Select Heart	74.50
Green—Construction Heart	56.00
Green—Sap Common	50.00
Green—No. 3 Common	45.00

Established weights in pounds:

Green	1,400
Dry	700

For green A & Btr. Battens, deduct $5.00 per M.
For Clear All Heart, add $7.50 per M to A & Btr. price.
For A, deduct $7.50 per M.

TABLE 11—COMMON SHIMS #3 & BTR., ROUGH, RANDOM WIDTHS

[Ceiling prices shown are per M feet S. M.]

½ x 3 through 12"—6/20' R/L	$30.00
¾ x 3 through 12"—6/20'	40.00
¾ x 3 through 12"—6/20'	60.00

ESTABLISHED WEIGHTS IN POUNDS

	½"	⅝"	¾"
Surface & Pattern	1,900	2,250	2,700
Rough	2,000	2,500	3,000

TABLE 12—MISCELLANEOUS ITEMS

Log Cabin Siding.
Add $12.00 per M feet b. m. to rough prices on size and grade specified. Weight 3,000 pounds.

Gutter.
Add $30.00 per M feet b. m. to rough prices on size and grade specified. Weight 2,000 pounds.

GENERAL NOTES—Additions applicable to all basic ceiling prices:

1. For stencilling or hammer marking, when ordered, add $3.00 per M.
2. Cleating ends, when ordered, add $5.00 per M.
3. Bundling, with other than metal, when ordered and not standard, add $5.00 per M.
4. Crating four sides and metal strapped, when ordered, add $30.00 per M.
5. Marking with one paint splash on end, when ordered, add $2.00 per M per end.
6. Wire or metal strapping, when ordered, add $8.00 per M.
7. Stakes and straps in loading open cars add $10.00 per C/L.
8. Bulkheading box cars add $15.00 per C/L.

Effective date. This Ceiling Price Regulation 158 is effective July 23, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8026; Filed, July 18, 1952; 10:52 a. m.]

[Ceiling Price Regulation 101, Amdt. 7]

CPR 101—CEILING PRICES OF VEAL SOLD AT WHOLESALE

ADJUSTMENT OF CEILING PRICES OF "VEAL" HINDSADDLES AND FORESADDLES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture to the Economic Stabilization Agency with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 7 to Ceiling Price Regulation 101 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes the following changes in CPR 101:

1. An adjustment has been provided which will have the effect of widening the spread now existing between the ceiling prices of "veal" hindsaddles and foresaddles. This modification is specifically limited to meat officially graded as "veal" and does not apply to meat graded "calf." Moreover, the adjustment applies only to veal of prime, choice, and good grades. The purpose of this change is to provide an interim modification of existing ceiling prices, pending a major revision of

this regulation which is now contemplated.

When CPR 101 was first issued, it was recognized that while both "veal" and "calf" are obtained from immature animals of the bovine species, there are appreciable differences between these two types of meat, both with respect to the weight and muscular structure of the animals from which they are obtained and the coloring and texture of the meat itself. The customary manner of cutting "veal" has differed in some respects from "calf" cutting practices. In addition, and even more important, there has normally been a variation between the price relationships of "veal" cuts and "calf" cuts.

The spread between the prices of hindsaddles and foresaddles of "veal" has customarily been greater than that heretofore provided by CPR 101, while in the case of "calf" the spread has in many instances been narrower. At the time of issuance of CPR 101 these relationships were fully recognized, but, in order to simplify the administration of the regulation, a compromise formula was adopted with the concurrence of the industry advisory committee. It was hoped that this pricing technique would satisfy the requirements of sellers of both types of meat derived from immature bovine animals. During the operation of CPR 101, the Office of Price Stabilization kept a close check on the impact of this pricing technique on sales of "veal" and "calf". As a result of data collected by the Office of Price Stabilization and based upon more recent renewed consultations with the affected industry, it appears that it will be necessary to revise this regulation so as to recognize more fully the variations between these two types of meat.

Such a revision, of course, requires careful study and collection of numerous data to provide the economic basis for new price schedules. This work is now being undertaken by the Office of Price Stabilization. Pending completion of this work this amendment provides an interim measure of adjustment which, particularly in the light of current price relationships, should be amply sufficient to correct the difficulties referred to above at least for the immediate future.

Identical adjustments are provided by this amendment for both primal and fabricated cuts derived from "veal" fores, and for primal and fabricated cuts derived from "veal" hinds. In the case of fabricated cuts, this should provide a sufficiently balanced overall adjustment for the time being. In determining the amount of this adjustment, the assumption has been made that in breaking veal carcasses the trade will generally use the 2-rib hindsaddle which is authorized by this amendment.

Sellers who customarily handle "calf" rather than "veal" have indicated that the ceiling price relationships between "calf" cuts, now contained in CPR 101, are not substantially out of line with historical relationships. It is therefore unnecessary to take any action on these price relationships in this interim amendment.

The amount of the adjustments for "veal" provided by this amendment were calculated as shown in the example below for prime and choice grades. The yields used in these tests were obtained from data submitted by the industry as well as from tests supervised by OPS personnel:

Item	New ceiling prices			Old ceiling prices		
	Yield	Price	Realization	Yield	Price	Realization
	Pct.			Pct.		
Carcass	100.00	$55.50	$55.50	100.00	$55.50	$55.50
Hindsaddle	51.50	68.00	35.02	58.25	64.40	31.72
Foresaddle	48.50	42.30	20.52	50.75	46.00	23.80
Total			55.54			55.52

The amounts of the adjustments were obtained by taking the difference between the new and the old ceiling prices for hindsaddles and foresaddles as follows:

New hindsaddle ceiling price	$68.00
Old hindsaddle ceiling price	64.40
Adjustment	3.60
Old foresaddle ceiling price	46.90
New foresaddle ceiling price	42.30
Adjustment	4.60

2. A related problem, originating from the same basic differences between meat of the "veal" type and meat of the "calf" type, has been recognized with respect to the permissible method of cutting hindsaddles from carcasses which are graded "veal". Because of the differences above referred to between the two types of animals, their weight and body structure, historical differences have existed between the methods of preparing a hindsaddle from each type of animal. Normally, "veal" was cut so that two rib bones were left on the hindsaddle, whereas "calf" was cut with only a single rib bone remaining on the hindsaddle. When CPR 101 was issued, a 1-rib hindsaddle was decided upon, after consultation with the industry, as an acceptable compromise.

However, as a corollary to the recognition of the greater historical spread between "veal" fores and hinds, this interim amendment permits an optional method of breaking the carcass, by permitting sellers to prepare either a one-rib or two-rib hindsaddle of "veal". Permission for this optional method of cutting is provided by an exception to the prohibition against miscuts. In conformance with this optional 2-rib "veal" hindquarter, allowance has also been made for preparation of other related cuts derived from the "veal" carcass.

3. A clarifying change has been made in section 7 of this regulation, which deals with the election of a seller's addition between various classes of sellers. Specifically, the packer branch house addition has been eliminated from the list of those various additions among which any given seller must make a permanent choice. This is because it was the intent of this regulation to permit packer branch houses to take the unaffiliated wholesaler's addition on those items which they obtained from a source not affiliated with them, without at the same time preventing these branch houses from charging the packer branch house addition on meat obtained from their affiliates. By requiring an election, the language of section 7 heretofore was contrary to this contemplated result. The change made by this amendment will permit packer branch houses to operate as originally envisaged. At the same time, a further change makes it clear that a packer branch house may not pyramid the unaffiliated wholesaler or other special seller's addition on top of the packer branch house addition, but in any specific instance may only apply the specific addition for which the sale qualifies.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, as far as practicable and has given full consideration to their recommendations. In the judgment of the Director of Price Stabilization, the ceiling prices established by this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title I and Title IV of the Defense Production Act of 1950 as amended, and comply with all the applicable standards of that act and are necessary and appropriate to promote the national defense.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 101, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of veal, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 101, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 101 is amended in the following respects:

1. Section 13(c) is redesignated section 13 (c) (1) and a new section 13 (c) (2) is added to read as follows:

(2) *Optional cutting of 2-rib hindsaddles from "veal" (not "calf") carcasses.* Notwithstanding the definitions of veal carcasses and cuts in Appendices 2 through 4 of this regulation, any veal carcass graded as "veal" by an official grader of the United States Department of Agriculture and marked "veal" (not "calf") by such grader in such manner that the word "veal" appears at least once on each of the cuts listed in section 20, Schedule I(b), of this regulation, may be so cut as to leave 2 ribs in the hindsaddle or hindquarter and 11 ribs in the foresaddle or forequarter.

Accordingly, the following cuts shall not be considered miscuts under the provisions of this regulation if they have been derived from carcasses graded and

marked "veal" (not "calf") by an official U. S. grader as set forth above:

(i) The following cuts of veal, named in Schedule I (b) of this regulation:

Hindsaddles or hindquarters of "veal" (not "calf") which contain the 12th and 13th ribs;

Foresaddles or forequarters of "veal" (not "calf") which contain the 1st through 11th ribs, inclusive;

Hotel racks or ribs of "veal" (not "calf") which contain the 6th through 11th ribs, inclusive;

Full loins and short loins of "veal" (not "calf") which contain the 12th and 13th ribs.

(ii) The following cuts of veal, named in Schedule II of this regulation:

Loin, trimmed, and loin steaks which include the 12th and 13th ribs when derived from the loin listed in section 13 (c) (2) (i).

Hotel rack (chine removed, blade bone out) which includes the 6th through the 11th ribs, inclusive, when derived from the hotel rack or rib listed in section 13 (c) (2) (i).

NOTE: The veal shoulder must contain the 1st through the 5th ribs, inclusive, and all cuts of veal must be made in conformity with the definitions in the appendices to this regulation except as specifically exempted above.

2. Section 7 is amended by deleting the words "packer branch houses" and the comma immediately following those words, so that section 7, as amended, now reads as follows:

SEC. 7. *Election of seller's classification.* If you qualify for more than one of the additions provided for in Articles II and IV, for hotel supply houses, combination distributors, wholesalers, peddler truck sellers, or intermediate distributors, you must elect which one of these additions you will add through December 31, 1951. This election must be made within 15 days after the effective date of this regulation. Once you have made this election, you are bound by it until after December 31, 1951. You may change your election once after December 31, 1951, and once after each successive December 31 and June 30 thereafter. In each instance, after you have made your election, you may not thereafter add any of the additions listed above, except the addition which you elected, until you have changed your election in accordance with this section. Each election must be made by notifying your District Office of Price Stabilization of your election by a statement in writing. Any change of election must be made between January 1 and 10 or July 1 and 10 of each year and shall become effective five days after you have mailed or delivered the written statement to your District Office.

3. Section 20 is amended by adding a new special adjustment 8 to Schedule I, to read as follows:

8. After July 22, 1952 and until further notice, on sales of veal forequarters, foresaddles, hindquarters, or hindsaddles which have been derived from veal carcasses that have been graded and marked "veal" (not "calf") by an official grader of the United States Department of Agriculture in such manner that the word "veal" appears at least once on each cut listed in Section 20, Schedule I (b) and on sales of any cut derived from such forequarters, foresaddles, hindquarters, or hindsaddles, you shall apply the following adjustment:

On sales of prime or choice grade hindsaddles, hindquarters, or any cuts derived therefrom you may add $3.60 per cwt. to the prices listed above.

On sales of prime or choice grade foresaddles, forequarters, or any cuts derived therefrom you shall deduct $4.60 per cwt. from the prices listed above.

On sales of good grade hindsaddles, hindquarters, or any cut derived therefrom you may add $2.60 per cwt. to the prices listed above.

On sales of good grade foresaddles, forequarters, or any cut derived therefrom you shall deduct $3.60 per cwt. from the prices listed above.

These adjustments do not apply on the sale of the veal back of any grade.

4. Section 21 is amended by adding the the following sentence immediately after the title thereof:

After July 22, 1952 and until further notice, on sales of cuts made from veal foresaddles, forequarters, hindsaddles, or hindquarters, derived from veal carcasses that have been graded and marked "veal" (not "calf") by an official grader of the United States Department of Agriculture in such manner that the word "veal" appears at least once on each cut listed in Section 20, Schedule I (b), of this regulation, you shall apply the following adjustment:

On sales of cuts derived from the hindsaddle or hindquarter you may add $3.60 per cwt. for prime and choice grades and $2.60 per cwt. for good grade to the prices listed in Schedule II.

On sales of cuts derived from the foresaddle or forequarter you shall deduct $4.60 per cwt. for prime and choice grades and $3.60 per cwt. for good grades from the prices listed in Schedule II.

5. Section 49 (b) is amended by deleting the period at the end of the section and adding, immediately following the words "• • • prior to the sale", the following:

; or

(3) Is sold by you for an amount which includes any of the seller's additions listed in any of the following sections of this regulation:

(i) Special adjustments 5 and 6 of section 20.

(ii) Special additions 1 and 2 of section 22.

(iii) Special additions 4 and 5 of section 24.

(iv) Section 42 (b), Addition for certain affiliated wholesalers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8027; Filed, July 18, 1952; 10:54 a. m.]

[Ceiling Price Regulation 159]

CPR 159—CEILING PRICES FOR MILK SOLD IN JUNEAU, ALASKA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 159 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices at the wholesale and retail level for sales of milk in Juneau, Alaska, and a radius of ten miles from the city limits, superseding those established under the General Ceiling Price Regulation, which established ceilings at the highest prices charged during the base period, December 19, 1950 to January 25, 1951.

The price of milk in the Juneau area was last advanced in the spring of 1948. Since that time wages and freight rates have advanced steadily, thus increasing operating costs of dairies. In addition, dairies in Juneau must import practically all feed for the herds from the continental United States as very little feed is raised in the Juneau area. Rising costs of feed have also increased operating costs with a corresponding drop in earnings. These cost increases have placed the Juneau area milk producers in a hardship position.

While, in the judgment of the Director, a formal industry earnings survey is not warranted in this case, evidence submitted by the affected producers indicates that a four cent increase in the price of milk at wholesale and retail (the existing retail price is thirty cents) would be consistent with the requirements of the industry earnings standard and would relieve the hardship position in which these producers currently find themselves.

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including representatives of the cooperative association, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical application.
3. Ceiling prices.
4. Petitions for amendment.
5. Notification and posting.
6. Interpretations.
7. Prohibitions and violations.
8. Evasions.
9. Definitions and explanations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices for fresh milk at the wholesale and retail levels of distribution. The ceiling prices established by this regulation supersede, after the effective date of this regulation, ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization.

SEC. 2. *Geographical application.* The provisions of this regulation shall apply only in the city of Juneau, Territory of Alaska, and a radius of ten miles from the city limits.

SEC. 3. *Ceiling prices.* Ceiling prices for fresh milk are established as follows:

Commodity	Sales at wholesale	Sales at retail
Milk, homogenized:		
Quarts	$0.29	$0.34
Gallons	1.16	1.36
Milk, selected: Quarts	.33	.38

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 5. (a) *Notification to retailers.* On and after the effective date of this regulation every person selling the commodities listed herein, except at retail, shall with each delivery supply the purchaser with a statement of the ceiling prices of the commodities at time of delivery as follows: "The Office of Price Stabilization has established fixed ceiling prices for this commodity at $------ on sales at wholesale; and at $------ on sales at retail."

(b) *Posting.* On and after the effective date of this regulation every person offering to sell the listed commodities at retail shall mark the ceiling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling price may be marked on the commodity itself or may be posted at the place in the establishment where the commodity is offered for sale. The ceiling price shall be indicated in the form of "Ceiling price $------" or "Our ceiling $------"

SEC. 6. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel, Office of Price Stabilization, Juneau, Alaska. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, [Revised].

SEC. 7. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records and reports required by this regulation.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the OPS for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 8. *Evasions.* Any means or devices which result in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up grading, tie-in agreements, trade understandings, change in the quality of the product, except when such change in quality takes place in compliance with a regulation issued by an agency of the United States or the Government of Alaska, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 9. *Definitions and explanations.* (a) "Milk" as the term is used in this regulation, means fresh cow's milk.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or their legal successors or representatives, and the United States or any agency thereof, or any other government or its political subdivisions or agents.

(c) "Sale at wholesale" means a sale to a retailer or to a commercial, industrial, institutional or governmental user. A person who in the regular course of trade or business makes sales at wholesale is a wholesaler.

(d) "Sale at retail" means a sale to an ultimate consumer. A person who in the regular course of trade or business makes sales at retail is a retailer.

(e) A "listed commodity" means any commodity the ceiling price of which is fixed by this regulation.

(f) The pronoun "you", as used in this regulation, indicates the person subject to the regulation.

Effective date. This Ceiling Price Regulation 159 is effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8029; Filed, July 18, 1952; 10:55 a. m.]

[General Overriding Regulation 7, Revision 1 Amdt. 3]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

BULK DISTILLED SPIRITS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation (GOR) 7, Revision 1, among other things, suspended the application of all ceiling price regulations for sales of imported and domestic bulk whiskey. The prices of all bulk distilled spirits are tied to the relative supplies and prices of bulk whiskey and the economic conditions of the entire bulk distilled spirits industry is currently similar to those conditions prevailing for bulk whiskey. In other words the selling prices of all bulk distilled spirits are below ceiling prices, it is not expected that those selling prices will rise above the ceiling prices in the forseeable future, and there are large inventories of bulk distilled spirits. Therefore, in accordance with the policy of suspending price controls on commodities whose selling prices are substantially below ceilings and are not expected to reach ceiling prices in the forseeable future, GOR 7, Revision 1, is amended so as to suspend the application of all ceiling price regulations to bulk distilled spirits generally. However, all records which were required to be prepared and preserved under applicable ceiling price regulations in effect prior to this suspension must continue to be preserved.

Controls on all bulk distilled spirits will be reimposed when the prices of bulk whiskey rise to a level which calls for recontrol of bulk whiskey, as indicated in the Statement of Considerations to Revision 1 of GOR 7.

Finally, the wording of section 10 (b) is changed to make it clear that price controls on all distilled spirits and wines are suspended in the territories and possessions as well as in the continental United States.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended in the following respects:

1. The first sentence of section 10 (a) is amended to read as follows: "On and after June 23, 1952 the application of all ceiling price regulations, heretofore or hereafter issued by the Office of Price Stabilization, to sellers for off-premise consumption of imported and domestic distilled spirits and wines, both in bulk and packaged, is suspended."

2. Section 10 (b) is amended to read as follows:

(b) Definitions of terms used in this section 10 are contained in Article III of Ceiling Price Regulation 78, as amended, except that the term "domestic" (as used in this section) means anything produced in the continental United States, its territories and possessions, and the term "imported" (as used in this section) means anything produced outside of and introduced into the continental United States, its territories and possessions.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 18, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8030; Filed, July 18, 1952; 10:55 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, Direction 3 as amended, July 18, 1952]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 3—RESTRICTIONS UPON USE OF RATINGS

This amended direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives, including trade association representatives, has been rendered impracticable by the fact that this direction applies to all trades and industries.

REGULATORY PROVISIONS

SECTION 1. (a) No rating shall be applied or extended to obtain any of the materials or products listed in any numbered item of Appendix A of this direction on or after the date set forth opposite such numbered item, unless the rating bears a program identification consisting of the letter A, B, C, or E, and one digit, or the program identification Z-1 or Z-2.

(b) These restrictions shall not affect the status of ratings applied or extended to obtain any item listed in Appendix A of this direction prior to the date set forth opposite each such numbered item.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction as amended, shall, except as otherwise provided herein, take effect July 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF DIRECTION 3 TO NPA REG. 2

Material or product	Effective date
1. Any basic, organic, or inorganic chemicals, their intermediates and derivatives, other than compounded end products not customarily sold as chemicals.	Sept. 25, 1951
2. Any primary paper or paperboard (this does not include paper or paperboard processed beyond the primary or base stock stage).	Jan. 15, 1952
3. Waterfowl feathers (goose or duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length; except flight feathers having no natural curl).	May 12, 1952
4. Pigs' or hogs' bristles, and brushes and bristle products containing pigs' or hogs' bristles.	June 13, 1952
5. High-tenacity rayon (yarn of 250 denier or coarser and having an average tenacity of 3 grams per denier or higher).	July 18, 1952
6. Pig iron	July 18, 1952

[F. R. Doc. 52-8034; Filed, July 18, 1952; 12:04 p. m.]

[NPA Order M-20, as amended July 18, 1952]

M-20—IRON AND STEEL SCRAP

This order as amended is found necessary and appropriate to promote the National Defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the issuance of this amended order, consultation with industry representatives has not been practicable.

This order as hereby amended affects NPA Order M-20 dated January 30, 1952, by deleting the reference to automobile wrecker and NPA Order M-92 contained in paragraph (c) of section 8, and by changing the date appearing in paragraph (e) of section 8 from the tenth of the month to the fifteenth.

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on shippers.
4. Restrictions on consumers.
5. Allocations and directives.
6. Request for adjustment or exception.
7. Communications.
8. Records and reports.
9. Violations.

AUTHORITY: Sections 1 and 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order establishes inventory limitations for iron and steel scrap and subjects such scrap to allocation to assure its distribution in the interest of national defense. (The delivery and acceptance of used rails and used axles is also subject to the provisions of NPA Order M-64.)

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes any agency of the United States or any other government.

(b) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is the principal component, which are the waste of industrial fabrication or objects that have been discarded on account of obsolescence, failure, or other reasons, including therein iron and steel rails and axles for rerolling purposes.

(c) "Shipper" means any person engaged in the business of scrap dealer or scrap broker, and any person (except a person engaged in demolition, shipbreaking, or other similar long-term projects) engaged in any business in the course of which scrap results, accumulates, or is generated or produced.

(d) "Consumer" means any person who melts scrap in the course of manufacture of iron, steel, or ferro-alloys, and includes persons engaged in the operating of blast furnaces or in the rerolling of iron or steel rails or axles. If the business of any consumer is carried on in or by more than one operating unit, each operating unit shall constitute a consumer within the meaning and intent of this order.

(e) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on shippers.* (a) No shipper, in any 60-day period, may receive delivery of any scrap the total of which will have the effect of increasing his inventory working position beyond a practicable minimum working inventory or beyond the average of his inventory position during the last preceding 60-day period, whichever is the lesser: *Provided, however,* That the prohibition set forth in this section shall not extend to those engaged in normal seasonal accumulation of scrap for subsequent water shipments.

(b) No shipper shall accept an order for, sell, or deliver scrap which, or any part of which, he knows or has reason to believe will be accepted, received, held, or used in violation of any provision of this order.

SEC. 4. *Restrictions on consumers.* NPA may from time to time establish, with respect to the scrap inventory of consumers, limitations either greater or less than the limitations established by the provisions of NPA Reg. 1. The permissible scrap inventory of a consumer which is subject to a limitation established under this section and differing from the limitation established by the provisions of NPA Reg. 1 shall, for the purposes of this section, be known as an emergency inventory. No consumer may receive or accept delivery of scrap if his inventory thereof is, or by such receipt would become, more than a practicable minimum working inventory, or, if NPA shall have established with respect to such consumer an emergency inventory, more than such emergency

inventory as of the date of the proposed receipt. In figuring his inventory a consumer must include all scrap in his possession or held for his account by others, but not that held by him for the account of others.

SEC. 5. *Allocations and directives.* NPA may from time to time allocate scrap and specifically direct the manner and quantities in which deliveries to particular persons or classes of persons or for particular uses or classes of uses shall be made or suspended; and from time to time may issue specific directives to any person as to the source, destination, consignee, or amount of scrap to be delivered or acquired by such person.

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref.: M-20.

SEC. 8. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of NPA, at the usual place of business where maintained.

(c) Not later than the tenth day of each calendar month, and unless otherwise directed by NPA, a person (except a consumer and a person who files Form NPAF-33) who purchased and received, or sold and delivered, 100 gross tons or more of scrap during the preceding monthly period, shall report to NPA in the manner prescribed by Form NPAF-32.

(d) Not later than the tenth day of each calendar month, and unless otherwise directed by NPA, a person (except a person who files Form NPAF-32) who generated 100 gross tons or more of scrap during the preceding monthly period, shall report to NPA in the manner prescribed by Form NPAF-33.

(e) Not later than the fifteenth day of each calendar month, a consumer who used any scrap during the preceding monthly period, shall report to NPA in the manner prescribed in Bureau of the Census Form M21C.

(f) Persons subject to this order shall make such records and submit such other reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect July 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8037; Filed, July 18, 1952; 12:04 p. m.]

[NPA Order M-25, Direction 4 as amended July 18, 1952]

M-25—CANS

DIR. 4—EMERGENCY PACKING OF PERISHABLE FOOD PRODUCTS

This amended direction to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been found to be impracticable because of the need for immediate action.

EXPLANATORY

This amended direction revises Direction 4 of June 30, 1952, to NPA Order M-25, by deleting the words "so far as practicable" from section 4.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Suspension of can material specifications for perishable food products.
4. Direction to can manufacturers.
5. Duration of this direction.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* For the purpose of applying, so far as practicable, all stocks of tin plate currently available or to become available to the packing of perishable food products, this direction suspends can material specifications for packing such products and requires can manufacturers to give perference (subject to direct defense requirements) to orders for cans for packing such products.

SEC. 2. *Definition.* "Perishable food product" means any food product for human consumption which by trade custom and to prevent spoilage is canned quickly after its first separation from its natural source.

SEC. 3. *Suspension of can material specification for perishable food products.* Any packer may pack any perishable food product listed in Schedule I of NPA Order M-25 without regard to the can material specifications prescribed for that product by that schedule.

SEC. 4. *Direction to can manufacturers.* Subject to the provisions of section 8 of NPA Order M-25, every can manufacturer shall schedule his operations (including the use of all tin plate in his possession, and his ordering of any such plate) so as to insure preference in the filling of orders for cans for packing perishable food products.

SEC. 5. *Duration of this direction.* This direction shall continue in effect until the National Production Authority shall by order, by direction, or by revocation of this direction, otherwise provide.

This amended direction shall take effect July 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8036; Filed, July 18, 1952; 12:04 p. m.]

[NPA Order M-97, Revocation]

M-97—LIGHTING FIXTURES: LIMITATIONS ON USE OF COPPER

REVOCATION

NPA Order M-97 (17 F. R. 1127) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-97, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; U. S. C. App. Sup. 2154)

This revocation is effective July 18, 1952.

Issued: July 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8035; Filed, July 18, 1952; 12:04 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 906, 928]

[AO-227-A1]

HANDLING OF MILK IN NEOSHO VALLEY AND TULSA, OKLAHOMA, MARKETING AREAS

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Collegiate Room, Hotel Besse, Pittsburg, Kansas, beginning at 10:00 a. m., c. s. t., August 4, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, regulating the handling of milk in the Neosho Valley marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order regulating the handling of milk in the Neosho Valley marketing area and the Tulsa, Oklahoma, marketing area were proposed, as enumerated below.

Proposed by K. M. O. Grade A Milk Producers Association:

1. Delete § 928.51 (a) and insert in lieu thereof the following:

(a) *Class I milk.* The price of Class I milk shall be the basic formula price plus the following amounts per hundredweight: $1.20 during the delivery periods April through June, and $1.65 during the delivery periods of July through March: *Provided*, That for each of the delivery periods of September through December, such price shall not be less than that for the preceding delivery period, and that for each of the delivery periods of April through June such price shall be not more than that for the preceding delivery period.

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers and sales by producer-handlers and handlers partially exempt from this order pursuant to this section) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage:

(2) Compute a "net utilization percentage" by algebraically subtracting from the Class I utilization percentage computed pursuant to subparagraph (1) of this paragraph, the standard utilization percentage shown below:

Month for which price applies—	Months used in computation	Standard utilization percentage
January	November-December	110
February	December-January	110
March	January-February	114
April	February-March	116
May	March-April	118
June	April-May	130
July	May-June	136
August	June-July	139
September	July-August	135
October	August-September	122
November	September-October	119
December	October-November	110

(3) For each minus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be increased 3 cents in January, February, March, July and August; 2 cents in April, May and June; 4 cents in September, October, November and December; and for each plus percentage point in excess of 2 in the "net utilization percentage" the Class I price shall be decreased 3 cents in January, February, March, July and August; 4 cents in April, May and June; and 2 cents in September, October, November and December: *Provided*, That in no event shall an adjustment made pursuant to this subparagraph exceed 50 cents per hundredweight.

2. Amend the provisions of § 906.22 (j) (1) to read as follows:

(1) On or before the 10th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a) and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b) both for the previous month.

3. Add to following as § 928.90 (c):

(c) Each handler shall make a weight ticket daily or for each delivery, showing the can number and pounds of milk delivered. This weight ticket shall be available to the producer or his agent daily at the handler's plant.

4. Section 928.96 *Marketing services.* Delete paragraph (a) of this section and insert in lieu thereof the following:

(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 928.90 shall deduct 8 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the Market Administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the Market Administrator to sample, test and check the weights of milk received from producers and to provide producers with market information.

Proposed by the Neosho Valley Cooperative Creamery Association, Inc.:

5. Amend § 928.41 to read as follows:

§ 928.41 *Classes of utilization.* Subject to the conditions set forth in §§ 928.43 and 928.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form (except as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture of cream and milk or skim milk (except bulk ice cream mix, eggnog and aerated cream), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat accounted for (1) as having been used to produce any products other than those specified in paragraph (a) of this section, (2) as disposed of for livestock feed, (3) in actual plant shrinkage of skim milk and butterfat in producer milk, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively: *Provided*, That during the months of April, May and June such maximum shrinkage allowance on skim milk shall be not in excess of 5 percent, (4) in actual plant shrinkage of skim milk and butterfat in other source milk, and (5) in inventory variations of skim milk and butterfat.

6. Amend § 928.44 (a) to read as follows:

§ 928.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified: (a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream, to the approved plant of any other handler unless a transfer of Class II milk is indicated in writing to the market administrator by the transferor-handler on or before the 7th day after the end of the delivery period within which such transaction occurred: *Provided*, That if the transferee-handler makes a Class I utilization of any Class II milk so transferred, the transferee-handler shall account to the market administrator for the difference between the Class I price and the Class II price for all milk so transferred and utilized in Class I: *And provided*, That in no event shall the amount of the skim milk or butterfat so assigned to Class II exceed the total utilization of skim milk or butterfat, respectively, in the plant of the transferee-handler: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants to give priority to producer milk in the allocation of Class I utilization.

7. Delete § 928.46 (a) (2).

8. Amend § 928.51 (b) to read as follows:

§ 928.51 *Class prices.* • • •

(b) *Class II milk.* The price for Class II milk shall be the arithmetic average

of the basic, or field, prices reported to have been paid or to be paid per hundredweight for ungraded milk of 4.0 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the delivery period by the companies indicated below:

Pet Milk Co., Iola, Kans.
Hawks Dairy, Tulsa, Okla.
DeCoursey's, Wichita, Kans.
Bennett Ice Cream Co., Ottawa, Kans.

9. Amend § 928.97 to read as follows:

§ 928.97 *Expenses of administration.* As his pro rata share of the expenses of administration of this subpart, each handler, as hereinafter indicated, shall pay to the market administrator on or before the 15th day after the end of the month 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts within the delivery period of: (a) By the handler for milk from such handler's producers including such handler's own production, and (b) by the handler responsible for the classification of other source milk which is classified as Class I.

Proposed by:

Quality Dairy, Nevada, Mo.
Cedar Lawn Grade "A" Dairy Products, Nevada, Mo.
Beatrice Foods Co., Parsons, Kans.
The Page Milk Co., Coffeyville, Kans.
Feess Paramount Dairy, Parsons, Kans.
Batten's Dairy, Fort Scott, Kans.
Puritan Dairy Co., Pittsburg, Kans.
Community Dairy Products Co., Joplin, Mo.
Radley Creamery Co., Iola, Kans.
Gateway Creamery Co., Joplin, Mo.
Premium Dairy Foods, Inc., Independence, Kans.
Banner Dairy Products, Fort Scott, Kans.
Willson's Dairy, Parsons, Kans.

10. That the price basis be changed from milk of 4.0 percent butterfat to milk of 3.5 percent butterfat.

11. That the order define a "pool plant" as a handler who (a) does not dispose of more than twenty percent (20%) of the producers milk received by it, in bulk sales of Class I milk out of area during any delivery period of January, February, March, July, August, September, October, November and December and (b) who does not dispose of more than seventy-five percent (75%) by such sales during any delivery period of April, May and June. That only pool plants shall receive payments out of the producer settlement fund as provided in § 928.94.

12. That § 928.51 (b) be changed by substituting for the companies there named for determining the Class II price the following: DeCoursey Dairy, Wichita, Kansas; American Foods Co., Miami, Oklahoma; Hawk Dairies, Tulsa, Oklahoma; Pet Milk Co., Iola, Kansas.

13. That § 928.6 be changed by adding to the marketing area there described the county of McDonald in the State of Missouri.

14. That an emergency milk provision be inserted in the order permitting handlers to pro-rate up to 115 percent of producer milk, that is, permitting a handler to pro-rate on a basis of usage an amount of other source milk not to exceed 15 percent of producer milk received.

15. That § 928.41 (a) be changed so that Class I products in inventory at the end of a delivery period shall not be classed as utilized in Class I for that period.

16. That § 928.50 be changed by deleting the use of the price of Class II milk as one of the methods of determining the basic formula price.

17. That § 928.90 be changed to provide that the payment for the milk delivered the first 15 days of the delivery period be made not later than the 5th day of the following delivery period and that the payment for the delivery period, less the first half payment and the deductions, be made not later than the 20th day after the end of the delivery period. That § 928.31 be amended to provide for the payroll report on or before the 25th day of the delivery period for the previous delivery period. That § 928.22 (j) (2) be changed to specify the 12th day of the delivery period for the administrator's announcement of the uniform price for the preceding delivery period.

18. That changes be made by the Secretary to all sections necessary to properly and equitably effectuate the changes here requested.

Proposed by Producers Creamery Company of Springfield, Springfield, Missouri:

19. That present § 928.6 be rescinded and a new section substituted therefor, reading as follows:

§ 928.6 *Neosho Valley marketing area.* "Neosho Valley marketing area," hereinafter called the "marketing area" means all of the territory within the counties of Allen, Bourbon, Cherokee, Crawford, Labette, Montgomery, Neosho and Wilson, all in the State of Kansas.

20. That present § 928.61 be rescinded and a new section be substituted therefor, reading as follows:

§ 928.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another market area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply.

21. That allowance of location differentials common to all handlers, both within and without the area, be considered.

Proposed by Dairy Branch, Production and Marketing Administration:

22. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments that may result from this hearing.

Copies of this notice of hearing and of the order now in effect, may be procured from the market administrator, 28 West Main St., Chanute, Kansas, or from the Hearing Clerk, Room 1353 South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 16, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-7952; Filed, July 18, 1952; 8:51 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

[Docket No. 5475]

ROBIN AIRLINES, INC.; REVOCATION OF LETTER OF REGISTRATION

NOTICE OF HEARING

In the matter of the revocation and/or termination of Letter of Registration Number 1745 issued to Robin Airlines, Inc.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401 (a), 1002 (b), 1002 (c), 1005 (e) of said act, and sections 291.18 and 291.20 of the Economic Regulations, a hearing in the above-entitled proceeding is assigned to be held on September 15, 1952, at 10:00 a. m., P. s. t., in Room 810, United States Court House, Los Angeles, California, before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Has Respondent violated or is Respondent violating sections 401 (a) and 1005 (e) of the Civil Aeronautics Act of 1938, as amended, §§ 291.18 and 291.20 of the Board's Economic Regulations, and/or the provisions of Order E-3754, or any of them in the manner alleged by the Order to Show Cause herein?

(a) If any such violations are established, were and are each of such violations knowing and willful?

(b) If any such violations are established, whether knowing or willful or otherwise, should the Board issue an order to cease and desist or other order to compel compliance with applicable provisions of the Act and the requirements thereunder?

(c) If any such knowing and willful violations are established, should the Letter of Registration issued to Respondent by the Board be revoked?

2. Has Respondent violated or is Respondent violating the terms and conditions prescribed by the Board in Order E-3754 in the manner alleged by the Order to Show Cause herein?

(a) If any such violations are established, whether knowing or willful or otherwise, should the Board issue an order finding that the authority conferred by the Letter of Registration heretofore issued to Respondent by the Board has terminated as a result of such violations?

For further details of the issues involved in this proceeding and the position of the parties, interested persons are referred to the Board's Order to Show Cause, Serial No. E-6232, the Prehearing Conference Report, the Supplemental Prehearing Conference Report and other documents filed in this proceeding with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before September 15, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 15, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7945; Filed, July 18, 1952; 8:49 a. m.]

[Docket No. 5487]

CUBA AEROPOSTAL, S. A., INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation of Cuba Aeropostal, S. A.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 402 (a), and 1002 of said act, a public hearing is assigned to be held in the above-entitled proceeding on August 25, 1952, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Constitution Avenue between Sixteenth and Seventeenth Streets NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by this proceeding, particular attention will be directed to the following matters and questions:

1. Whether Cuba Aeropostal, S. A., violated or is violating section 402 (a) of the Civil Aeronautics Act of 1938, as amended; and

2. Whether if such violation is established the Board should issue an order directing Cuba Aeropostal, S. A., to cease and desist from engaging in foreign air transportation or other such order to compel compliance with section 402 (a) of the act.

For further details of the issues involved in this proceeding and the position of the parties, interested persons are referred to the Board's order instituting the investigation adopted on March 26, 1952, Serial No. E-6252, and the prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before August 25, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 15, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7946; Filed, July 18, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6443]

CITIZENS UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

JULY 15, 1952.

Notice is hereby given that pursuant to the provisions of section 202 (e) of the Federal Power Act, U. S. C. 824a, Citizens Utilities Company (Applicant) on July 10, 1952, filed with the Federal Power Commission an application, for authorization by the Commission to export energy, over the facilities of the Applicant, from a point of proposed interconnection to serve the office building and residence of National Revenue, Customs and Excise Division, Canadian Government near the international boundary between the United States and Canada, at Newport Town, Vermont, in quantities approximating 5,000 kilowatt hours annually.

Any person desiring to be heard or to make any protest with reference to the application should, on or before August 4, 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7929; Filed, July 18, 1952; 8:45 a. m.]

[Docket No. G-1910]

ALLENTOWN-BETHLEHEM GAS CO. ET AL.

NOTICE OF AMENDMENT TO APPLICATION

JULY 15, 1952.

In the matter of the joint application of Allentown-Bethlehem Gas Company, Consumers Gas Company, The Harrisburg Gas Company, Lancaster County Gas Company and The United Gas Improvement Company pursuant to section 7 of the Natural Gas Act; Docket No. G-1910.

Take notice that on the 11th day of July 1952, the above-named companies filed an amendment to their initial application filed on March 6, 1952, pursuant to section 7 of the Natural Gas Act. (Notice of original application published in the FEDERAL REGISTER on March 27, 1952, 17 F. R. 2699-2700.) The application as amended recites that the following facilities and services will be transferred by Applicants, Allentown-Bethlehem Gas Company (Allentown-Bethlehem), Consumers Gas Company (Consumers), The Harrisburg Gas Company (Harrisburg), Lancaster County Gas Company (Lancaster) to Applicant, The United Gas Improvement Company (U. G. I.).

Allentown-Bethlehem Gas Company. Line from the 14-inch natural gas line of The Manufacturers Light and Heat Company to Allentown's distribution plant at Didier, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G-1255.

Lines from the distribution plant at Didier to Easton, Nazareth, Bethlehem, Butztown, Bath, Allentown, Northampton, Greenawalds, Sterlingworth, Wescoesville, Emmaus, Macungie, Old Zionsville, Vera Cruz, Hellertown, Center Valley, Richlandtown, Quakertown, Trumbauersville, Sellersville, Perkasie, and Silverdale.

Lines from the distribution plant at Easton to the center of the bridge crossing the Delaware River through which gas is supplied to City Gas Company at Phillipsburg, New Jersey. The gas carried by such lines is sold by Allentown-Bethlehem Gas Company to City Gas Company of Phillipsburg, N. J., for resale by the latter company.

Consumers Gas Company. Line from the natural gas line of The Manufacturers Light and Heat Company near Millway to Consumers' distribution plant at Reading, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G-1256.

Lines from the distribution plant at Reading to Temple, Fleetwood, Kutztown, Topton, Wernersville, Womelsdorf, Mohnton, Baumstown, Birdsboro, and Douglassville.

Lines from Wamelsdorf to connection points with the lines of the Lebanon Valley Gas Company at the Lebanon County-Berks County line.

Line from Douglassville to the connection point with the line of the Philadelphia Electric Company near Pottstown.

The Harrisburg Gas Company. Line from the natural gas line of The Manufacturers Light and Heat Company near Billmeyer to Harrisburg's distribution plant at Steelton, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G-1254.

Lines from the distribution plant at Steelton to Hainton, Colonial Park, Harrisburg, Heckton, Enola, Shiremanstown, Mechanicsburg, Carlisle, New Market, Middletown, Royalton, Elizabethstown, and Marietta.

Line from Steelton to the connection point with the line of the Lebanon Valley Gas Company at the Dauphin County-Lebanon County line.

Lebanon Valley Gas Company. Lines from the connection point with the line of The Harrisburg Gas Company at the Dauphin County-Lebanon County line

to Hummelstown, Palmyra, Campbellstown, Annville, Lebanon, and Avon.

Lines from the connection points with the lines of Consumers Gas Company at the Lebanon County-Berks County line to Myerstown, Richland, and Sheridan.

Lancaster County Gas Company. Line from the natural gas lines of Texas Eastern Transmission Corporation to Lancaster, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G–1253.

Line from the natural gas lines of Texas Eastern Transmission Corporation to Columbia, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G–1253.

Line from the natural gas lines of The Manufacturers Light and Heat Company to Mount Joy, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G–1253.

Line from the natural gas lines of The Manufacturers Light and Heat Company to Manheim, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G–1253.

Line from the natural gas lines of The Manufacturers Light and Heat Company ot Lititz, which line was certificated by the Federal Power Commission in Order No. 188, Docket No. G–1253.

The application recites that the U. G. I. will continue to operate the facilities described above in exactly the same manner as they are presently being operated.

The above named Applicants, namely Allentown-Bethlehem, Consumers, Harrisburg and Lancaster, all being subsidiaries of U. G. I. will be merged into U. G. I. under the latter company's plan of acquisition, pursuant to the provisions of the Pennsylvania Consolidation and Merger Act of 1909 as amended.

Applicants and U. G. I. request that their joint application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of Practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 4th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7930; Filed, July 18, 1952; 8:45 a. m.]

[Docket No. G–1960]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

On May 22, 1952, Texas Eastern Transmission Corporation (Texas Eastern) a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 24-inch pipeline crossing of the Arkansas River at a point near Little Rock, Arkansas, as more fully described in said application on file with the Commission and open to public inspection.

Due notice of the filing of such application has been given, including publication in the FEDERAL REGISTER on June 13, 1952 (17 F. R. 5378).

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held on July 29, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 15, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7931; Filed, July 18, 1952; 8:45 a. m.]

[Docket No. G–1968]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

On June 2, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 18, 1952 (17 F. R. 5487).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on August 4, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a nontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: July 15, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7932; Filed, July 18, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-797]

WASHINGTON MUTUAL INVESTORS FUND, INC., AND JOHNSTON, LEMON & CO.

NOTICE OF APPLICATION

JULY 14, 1952.

Notice is hereby given that Washington Mutual Investors Fund, Inc. (hereinafter referred to as the Fund), a registered, open-end, investment company and Johnston, Lemon & Co., the principal underwriter for the shares of the Fund, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 22 (d) of the act, the offering of the Fund's shares at reduced public offering prices based on quantity purchases under the circumstances hereinafter described.

The offering price of the Fund's shares to the public will be computed at net asset value at time of purchase plus selling commissions, as a percentage of the offering price, as follows: 6¾ percent on each unit sale under $10,000; 4 percent on that portion of each unit sale which exceeds $10,000 but is less than $25,000; 3 percent on that portion of each unit sale which exceeds $25,000 and is less than $50,000; and 2 percent of that portion of each unit sale which exceeds $50,000.

The application seeks to permit a charitable, religious, educational, and other corporation, fund or foundation exempt from taxation under section 101 (6) of the Internal Revenue Code and an employees' trust exempt from taxation under section 165 of the Internal Revenue Code, to buy shares of the Fund at the net asset value at time of purchase, plus a selling commission, as a percentage of the offering price, of 3 percent for the first $50,000 purchased and 2 percent on that portion of each individual purchase exceeding $50,000.

Since the proposal, in the manner set forth, may result in varying prices to members of the public of the Fund's shares and thus contravene the policy, purposes and provisions of section 22 (d) of the act, applicants seek an order of exemption under section 6 (c) of the act to the extent necessary to permit the offering to such charitable, religious, educational and other non-profit organizations on the basis proposed.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission on or at any time after July 30, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may submit to the Commission in writing, not later than July 28, 1952, at 5:30 p. m., e. d. s. t., his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-7938; Filed, July 18, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy 4, Notification 53]

PLACEMENT OF PROCUREMENT WITH APPAREL INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its recommendations in the matter of placement of procurement with the apparel industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference in the placement of Government contracts to the apparel industry in accordance with the attached recommendations of the Committee and the provisions of Defense Manpower Policy No. 4.

The Surplus Manpower Committee is continuing to study factual data in order to determine whether further recommendations should be made in the interest of obtaining a more effective utilization of the manpower skills and facilities of the men's tailored clothing portion of the apparel industry than would otherwise be the case. A communication regarding the Committee's further study will be addressed to the Department of Defense and the General Services Administration within thirty days.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on September 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

RECOMMENDATIONS OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE APPAREL INDUSTRY UNDER DEFENSE MANPOWER POLICY NO. 4

In accordance with section III, Paragraph 8 of Defense Manpower Policy No. 4, a Panel of the Surplus Manpower Committee held public hearings on the apparel industry. After consideration of the report of that panel, the Committee makes the following recommendations in the interest of promoting a greater utilization of the manpower skills and facilities of the entire industry than would otherwise be the case:

1. The Department of Defense should continue testing the feasibility of considering relative cutting efficiency in procurement and report the results of progress thereon to the Office of Defense Mobilization within 90 days.

2. Whenever feasible, under the same invitation, bids should be requested for jackets or coats and trousers as separate items, in order that if so desired bidders may bid in combinations of units, and, to the extent that requirements warrant, at least an equal amount of trousers should be included.

3. The Quality Clause in its present form should be retained and carefully administered.

4. No contracts should be allocated on an area basis in the apparel industry.

5. No price differentials should be paid on any procurement items in the apparel industry.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman, Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-7986; Filed, July 17, 1952; 1:33 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18952]

WILHELM BRUMMER

In re: Stock owned by Wilhelm Brummer. F-28-24137-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Brummer, whose last known address is Grashoffstrasse 7, Leuna, Kreis Merseburg, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Six (6) shares of no par value capital stock of Transamerica Corporation, 4 Columbus Avenue, San Francisco, California, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered SFA–73098, dated May 20, 1933, and registered in the name of Wilhelm Brummer, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Wilhelm Brummer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7940; Filed, July 18, 1952; 8:47 a. m.]

[Vesting Order 18953]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: United States Currency owned by unknown German nationals.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive

3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Bank Deutscher Laender, Frankfurt on the Main, Germany, on or about May 16, 1952, shipped to the Federal Reserve Bank of New York, United States currency in the aggregate amount of $31.00, which property had been released by the French High Commissioner for Germany for the purpose of such shipment;

2. That the persons who own the property described in subparagraph 3 hereof, who if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: United States currency in the aggregate amount of $31.00, shipped on or about May 16, 1952, by the Bank Deutscher Laender, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7941; Filed, July 18, 1952; 8:47 a. m.]

[Vesting Order 18954]

KNORR & HIRTH K. G. ET AL.

In re: Debts owing to Knorr & Hirth K. G. and others. F-28-31048.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and addresses are listed as owners on Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the enterprises listed as owners on Exhibit A, are corporations, partnerships, associations, or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of and had their principal place of business in Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Ernst Keller, deceased, and of Dr. Walther Fahrenhorst, deceased, referred to in Exhibit B, attached hereto and by reference made a part hereof, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

4. That Ina Weltz, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

5. That the persons whose names and last known addresses are listed below:

Names and Addresses

Arnold Panse, Uffing 124, b. Murnau.
Hedwig Soehn, Muenchen Adalbertstr. 72/2.
Dr. Rudolf Kreutzer, Nuernberg, Gervinusstr. 34.
Walter Kreutzer, Alois Wohlmuthstr. 19, Muenchen.
Emil Georg Bayer, Augsburg von Radstr. 2.
Otto Ziegler, Aidhausen, Kresl Hofheim.
Bertrand Panzer, Kitzingen, Zeppelinstr. 4.
Franz Karl Walther, Hof i. Bay, Muensterstr. 5.
Dr. Sigmund Haffner, Neuendettelsau, Anstaltstr. 11.
Johann Stroehl, also known as John Stroehl, Roettingen.

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

6. That Franz Eher Nachf. GmbH, the last known address of which is Muenchen 22, Thierschstr. 11, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

7. That the personal representatives, heirs, next of kin, legatees and distributees of Elise Krippner, deceased, of Maria Krippner, deceased, and of Andres Krippner, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

8. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks and drafts described in Exhibits A and B, attached hereto and by reference made a part hereof, and owned by the persons identified therein as owners, said checks and drafts presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks and drafts,

b. Those certain debts or other obligations evidenced by two (2) Cheques drawn by the Savings Investment & Trust Company numbered 1624298 and 1624326, dated January 4, 1940, and April 2, 1940, respectively, each in the amount of $49.25, payable to and owned by Ina Weltz and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said cheques,

c. That certain debt or other obligation evidenced by two (2) American Express Company United States Dollar Traveller's Cheques, numbered H 8, 164,970 and H 7,639,869, each in the amount of $20.00, owned by Arnold Panse and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said cheques,

d. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) promissory notes, numbered 2728 and 2194 in the amounts of $100.00 and $400.00, respectively, both dated August 1, 1928, issued by Swartzell, Rheem & Hensey Co., Washington, D. C., and secured by first deeds of trust conveying Lots 14, 15, 16 and parts of Lots 17 and 3, Square 219, as described in Deed of Trust dated August 1, 1928, said promissory notes owned by Hedwig Soehn, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory notes,

e. Those certain debts or other obligations, matured or unmatured, evidenced by the promissory notes, said notes numbered, in the amounts, and due on the dates listed below:

Number	Amount	Date
9	$200.00	June 30, 1942
11	200.00	Dec. 31, 1942
14	200.00	June 30, 1943
15	200.00	Dec. 31, 1943
17	200.00	June 30, 1944
19	200.00	Dec. 31, 1944

said notes payable to Theodore W. Richie, owned by Dr. Rudolf Kreutzer and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights in, to and under said promissory notes,

f. That certain debt or other obligation, matured or unmatured, evidenced by one (1) duplicate promissory note, numbered 21, due June 30, 1945, in the amount of $200.00, payable to and owned by Dr. Rudolf Kreutzer, said promissory note presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory note,

g. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) promissory notes numbered, in the amounts, and due on the dates listed below:

Number	Amount	Date
10	$200.00	June 30, 1942
12	200.00	Dec. 31, 1942
14	200.00	June 30, 1943
16	200.00	Dec. 31, 1943
18	200.00	June 30, 1944
20	200.00	Dec. 31, 1944

said notes payable to Theodore W. Richie, owned by Walter Kreutzer, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory notes,

h. That certain debt or other obligation, matured or unmatured evidenced by a duplicate promissory note numbered 22, in the amount of $200.00, due June 30, 1945, payable to and owned by Walter Kreutzer and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory note

i. Those certain debts or other obligations evidenced by four (4) checks drawn by the Anderson Hotel Company on the Chicago City Bank and Trust Company, said checks numbered, in the amounts and dated as listed below:

Number	Amount	Date
193	$ 5.00	Nov. 30, 1943
184	10.00	Nov. 30, 1944
167	10.00	Nov. 30, 1945
158	20.00	Nov. 15, 1946

said checks owned by the personal representatives, heirs, next of kin, legatees and distributees of Elise Krippner, deceased, of Maria Krippner, deceased, and of Andres Krippner, deceased, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said checks,

j. Those certain debts or other obligations evidenced by four (4) American Express Company United States Dollar traveller's cheques numbered D 6086215 8, each in the amount of $50.00 and owned by Emil Georg Bayer and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to, and under said cheques,

k. One (1) The United States of America Adjusted Service Certificate, numbered 1472685, in the amount of $254.00, issued January 1, 1925, and owned by Otto Ziegler and presently in the custody of the Attorney General of the United States, together with any and all rights thereunder and thereto,

l. That certain debt or other obligation, matured or unmatured, evidenced by one (1) promissory note in the amount of $100.00, dated October 13, 1931, issued by Paul Herrling, payable to and owned by Bertrand Panzer and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to, and under said promissory note,

m. Those certain debts or other obligations matured or unmatured, evidenced by three (3) promissory notes numbered, in the amounts and dated as listed below:

Number	Amount	Date
1	$120.00	Nov. 14, 1932
2	120.00	Do.
3	118.00	Do.

said notes payable to Keramisch Chemische L. G. & Farber, owned by Franz Karl Walther, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory notes,

n. Those certain debts or other obligations evidenced by twenty-nine (29) American Express Company United States Dollar Traveller's Cheques, numbered and in the amounts listed below:

Number:	*Amount*
G 2990244/63	$10.00 each
H 3672566/72	$20.00 each
P 8419942 3	$50.00 each

said cheques owned by Dr. Sigmund Haffner, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said cheques.

o. Those certain debts or other obligations, matured or unmatured, evidenced by four (4) promissory notes payable at the State National Bank, El Paso, Texas, said notes numbered, dated, in the amounts, and due on the dates listed below:

Number	Date	Amount	Due
I	Sept. 6, 1930	$5,000.00	Mar. 6, 1931
III	Sept. 12, 1930	166.66	Mar. 12, 1931
IV	Oct. 20, 1930	1,166.00	Apr. 20, 1931
V	Oct. 20, 1930	2,083.00	Apr. 20, 1935

said promissory notes owned by Dr. Sigmund Haffner, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory note.

p. Those certain debts or other obligations evidenced by eight (8) drafts, each in the amount of $20.00, issued by the Mutual Life Insurance Company of New York, said drafts numbered and dated as follows:

Number:	*Date*
53942	May 1, 1940
43955	Apr. 1, 1940
33923	Mar. 1, 1940
22502	Feb. 1, 1940
016415	Jan. 1, 1940
92662	Sept. 1, 1939
112393	Nov. 1, 1939
129455	Dec. 1, 1939

said drafts payable to John Stroehl, and owned by Johann Stroehl, also known as John Stroehl, and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said drafts, and

q. That certain debt or other obligation evidenced by one (1) American Express Company United States Dollar Traveler's Cheque No. F 8756641, in the amount of $10.00, payable to Verlag Franz Eher Nachf. GmbH., owned by Franz Eher Nachf. GmbH., and presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said cheque,

is property which is and prior to January 1, 1947, was within the United States

owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

9. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2, 3 and 7, and named in subparagraphs 4, 5 and 6 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Knorr & Hirth K. G., Muenchen, Sendlingerstr. 80.	122	$25.00	1-30-40	Bank of America National Trust & Savings Association, San Diego, Calif.	R. C. Letcher.
	22-35015	75.00	12- 1-39		Knorr and Hirth G. m. b. H.
Ludwig Kilger, Krailling, Margaretenstr. 54	1401	8.25	2- 1-40	Colonial Trust Co., Pittsburgh, Pa.	Louis Kilger.
	924	8.25	11- 1-39	do	Do.
	903	22.00	12-18-39	do	Do.
Gebr. Wetsch, Muenchen 19, Arnulfstr. 71	21704	29.00	10-23-39	The Chase National Bank of the City of New York.	Gebr. Wetsch.
Gerda Fliesstach, Ottobrunn near Muenchen, Prinz-Alfons Str. 1.	12875	10.00	12-11-39	Harris Trust & Savings Bank, Chicago, Ill.	Mrs. Clara Hoffmann.
Kurt Weingierl, Muenchen 8, Krumbadstr. 58	7457	12.00	11-25-39	First National Bank, New York	Herrn Peter Killer.
Dr. Paul Krieger, Muenchen 23, Alte Heidestr. 5d.	2075	18.22	9-27-40	The Ohio National Bank of Columbus, Ohio.	Paul L. Krieger.
Joseph Bartlsperger, Neuoetting, Ludwigstr. 6f.	11211	10.00	5- 9-41	Continental Illinois National Bank & Trust Co. of Chicago.	Joseph Bartlsperger.
Berta Reubel, Torstadt 73, Gde. Obing, Obb.	(dup.) A 77944	160.00	3-19-41	Corn Exchange National Bank & Trust Co., Philadelphia, Pa.	Bertha Reubel.
Otto Perutz GmbH., Muenchen	69835	12.22	12-29-39	The National City Bank of New York	Otto Perutz Broekenplattenfabrik Muenchen G. m. b. H.
Prof. Dr. Emil Praetorius, Krottenmuehl/Obb.	17584	12.09	1-25-40	Bank of the Manhattan Co., New York	Emil Praetorius.
	19205	7.14	1-27-41	do	Do.
Hermann Gottschalk, Muenchen, Ismaningerstr. 92.	O26196	9.90	2-28-40	State Street Trust Co., Boston, Mass.	Hermann Gottschalk.
Elizabeth Kronast, Muenchen 8, Kraiburgerstr. 19.	T246884	41.45	10-18-39	City Bank Farmers Trust Co	Mrs. Elizabeth Kronast.
Dr. Alex. Wacker, Gesellschaft f. elektrochemische Industrie mbH.	21031	307.22	2- 3-40		Dr. Alexander Wacker.
Kurt Reuter, Muenchen, Muehlhauserstr. 5	P85795	76.60		National Bank of Detroit, Mich.	Kurt Reuter.
Heinrich Ruf, Puchheim, Lochhauserstr. 79	D348943	10.00	12-22-39	First National Bank of Philadelphia, Pa	Henry Ruf.
	D348956	10.00	3-30-40	do	Do.
	D2003595	10.00	12-23-40	do	Do.
Herwarth v. d. Decken, Berg a. Starnbergersee, Waldstr. 68.	T217178	2254	3-25-40	City Bank Farmers Trust Co	Herwarth von der Decken.
	T247159	394.44	10-26-39	do	Mr. Herwarth von der Decken.
	874.807	392.61	11- 8-39	Herwarth von der Decken.	
	772	220.17	11-21-39	United States Treasury Department	Helene Koch.
		50.00	10-14-39	Guaranty Trust Company of New York	
Helene v. Koch, Obermenzing b. Muenchen, Verdistr. 126.	412	43.62	2-24-40	Manufacturers Trust Co., New York	Aktiengesellschaft Hackerbraeu.
Hacker-Braeu A. G., Munchen, Bayerstr. 34	D356075	10.00	9-30-40	First National Bank of Philadelphia, Pa	Henry Ruf.
Heinrich Ruf, Puchheim, Lochhauserstr. 79	D2003595	10.00	12-23-40	do	Do.
	2254	7.50	3-25-40	Lake View Trust & Savings Bank, Chicago, Ill	Joseph Bartlesperger and Anny Bartlesperger.
Mrs. Anni Bartlsperger, Neuoetting, Ludwigstr. 6f.	2109	5.00	12-19-39	do	Do.
Schenker & Co. GmbH., Muenchen, Westendstr. 165.	36301	19.40	11-22-39	The Chase National Bank of the City of New York.	Schenker & Co. G. m. b. H.
Alpenverein Sektion Muenchen 2, Residenzstr. 74 II.	36997	6.00	1-23-40	do	Alpenvereinszweig Muenchen.
Carl Huss, Patentanwalt, Garmisch-Partenkirchen, Rathausstr. 14.	K 12526	8.00	3-19-40	City National Bank & Trust Co. of Chicago	C. Huss.
Messrs. R. Oldenbourg K. G., Muenchen, Lotzbeckstr. 2 b.	14309	5.21	11-15-39	Corn Exchange Bank Trust Co., New York	Verlag R. Odenbourg.
	10561	6.64	2- 5-40	National Builders Bank of Chicago	R. Oldenbourg Verlag.
	6638	6.25	12-20-40	Continental Illinois National Bank & Trust Co., Chicago.	R. Oldenbourg.
Preiss & Co., Muenchen 27, Fritjofstr. 2	65788	428.86			Preiss & Co.
Deutscher Automobilklub, Muenchen 22, Koeniginstr. 11.	6066	25.40	11- 6-39	Guaranty Trust Co. of New York	Der Deutsche Automobilklub eV.
Karl Preissinger c/o Evgl. Erloesergemeinde, Muenchen 23, Germaniastr. 2	113636	79.06	1-11-40	The National City Bank of New York	Evangelischen Lutherische Erloser-Kirche.
	10055	40.78	3-18-41	Central Hanover Bank & Trust Co., New York	Do.
Messrs. Koesel-Pustet, Muenchen	8035	7.00	1-11-40	Fort Wayne National Bank, Fort Wayne Ind.	Verlag Kosel-Pustet.
Dr. Alfons Faulhaber, Kunstverlag, Muenchen, Schellingstr. 26.	70	229.66	10-31-39	The Terminal National Bank of Chicago	Gesellschaft fur Christliche Kunst.
Mrs. Bina Birkhofer, Muenchen, Frundsbergerstr. 37.	55 5502547	30.37	1-20-40	Guaranty Trust Co. of New York	Mrs. Bina Birkhofer.
Loewenbraeu, Muenchen, Nymphenburgerstr. 4.	54 5402671	30.37	10-20-39	do	Do.
	6617	4,227.18	12- 1-39	The National City Bank of New York	A. G. Zum Loewenbrau.
	6619	2,025.00	12- 1-39	do	Do.
	6638	16,668.64	1- 2-40	do	Do.
	6698	4,500.35	1- 9-40	do	Do.
Dr. Alfons Faulhaver, Kunstverlag, Muenchen, Schellingstr. 26.	1264	8.50	10-24-39	Colonial Trust Co., New York	Christliche Kunst.
Miss Hedwig Soehm, Muenchen, Adalbertstr. 72/II.	87439	62.00	2-27-40	The Chase National Bank of the City of New York.	Hedwig Sohn.
Hermine Stock, Muenchen, Donnersbergerstr. 7 I.	V 11042	18.00	5-15-41	National Newark & Essex Banking Co	Hermine Stock.
Dir. Alois Hennerfeind, Muenchen 19, Wirtstr. 17.	2075	10.00	8-14-47	The National Bank & Trust Co. of Connellsville, Pa.	Monsignor Hennerfeind.
Knorr & Hirth K. G., Muenchen, Sendlingerstr. 80.	33908	6.75	11-7-39	Northwestern National Bank, Philadelphia, Pa.	Knorr & Hirth G. m. b. H.
Lucie Wilms-Posen, also known as Lucie Hagedorn Wilms-Posen; Gertrud Frey, also known as Gertrud Hasedorn Frey, and Alex Hagedorn, Rheda/Westf.	PTS 22789	110.00	1- 4-40	The Chase National Bank of the City of New York.	Harry W. Renkl.
	PTS 22788	100.00	1- 4-40	do	Do.
	PTS 22820	100.00	1- 4-40	do	Do.
	PTS 20771	17.38	12-28-39	do	Do.
	PTS 20849	13.88	12-28-39	do	Do.
	PTS 18588	60.73	12-18-39	do	Do.
	PTS 20032	10.80	12-22-39	do	Do.
	PTS 21316	11.88	12-30-39	do	Do.
Fred Baumann Billinghausen 70, b/Wuerzb.	98	15.75	12-15-39	Continental Illinois National Bank & Trust Co. of Chicago.	Fred Baumann.
Bischoeflicher Stuhl Kloster Zell, on behalf of Phillipp Englert'sche Stiftung, Wuerzburg.	400	14.40	12-20-39	The Commercial National Bank & Trust Co. of New York.	Joseph Swissiger.
	234	7.20	12-20-39	do	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Hermann Frey, Wuerzburg, Mainleitenweg 7	12 G-40050	$8.77	12-16-40	Guaranty Trust Co. of New York	Hermann Frey.
	771 E-38103	9.45	12-15-39	do	Do.
Hilde Mathes, Wuerzburg, Langemarckstr. 3	285	250.00	6- 3-32	Corn Exchange Bank Trust Co., New York	Niko Heusler.
Mrs. Kunigunde Sauer also known as Kunigunde Senger Sauer, Pausdorf 16, b/Bamberg.	129	266.67	12-15-39	Manufacturers Trust Co., New York	Kunigunda Sauer.
Bamberger Verlagshaus Meissenbach & Co., Bamberg, Karolinenplatz 2.	1086	5.00	10-16-39	The Public National Bank & Trust Co. of New York.	Die Schaulade.
Christoph Wild, Bayreuth, Brandenburgerstrasse 23.	(dup.) 13/2227	17.15	8-19-39	The National City Bank of New York	Chriftoph Wild.
Konrad Poshner, Sanatorium, Herzoghoehe, Bayreuth.	29930	105.30	10-20-39	do	Sanatorium Maximschlob und Herzoghohe G.m.b.H.
	25803	104.65	11-20-39	do	Do.
Konrad Helbig, Pommelsbrunn, Altersheim	39	50.00	8-26-30	The First State Bank, Scotch Plains, N. J.	Mrs. Julia Helbig.
Lyra Bleistiftfabrik, Nuernberg	89194	62.05	9-27-39	Central Hanover Bank & Trust Co., N. Y.	Johann Froeschels Lyra Bleistift Fabrik.
Josephine Weingaertner, Lauf/Pegnitz, Weigmannstr. 19.	(dup.) 65672	135.00	10-20-39		Dresdner Bank of Nurnberg, A/C Josefine Weingartner.
Mrs. Susanne Kurkowski, Ludersheim 26 ueber Feucht, b, Nuernberg.	(dup.) 65784	270.00	11-17-39		Do.
	93515	48.38	12-21-39	Lawyers Trust Co., New York	Susi Weingartner.
	103893	29.02	1-23-40	do	Luise Weingartner.
	120475	17.43	3-11-40	do	Do.
	129	150.00	12-30-39	Sterling National Bank & Trust Co. of New York.	Do.
	6843	19.70	12-30-39	Trust Co. of North America, New York	Do.
	6844	19.70	12-30-39	do	Susi Weingartner.
	960	49.50	12-30-39	Bank of the Manhattan Co., New York	Do.
	(dup.) 65968	648.00	10-20-39		Dresdner Bank of Nurnberg, A/C Luise Weingartner.
Paula Deinhardt Koehler, Lauf-Heuchling	(dup.) 65795	1,421.00	11-17-39		Do.
	65670	67.50	10-20-39		Paula Deinhardt Kohler.
	65763	135.00	11-17-39		Do.
Mrs. Maria Frommholz, Nuernberg, Neustaetterstr. 22.	21573	15.00	12- 7-39	The Chase National Bank of the City of New York.	Maria Frommholz.
Eberhard Faber, K. G. Neumarkt	1800	171.95	4- 8-40	The National City Bank of New York	Eberhard Faber.
Staub & Co., Nuernberg, Ostendstr. 124.	123	15.00	11-22-39	The Chase National Bank of the City of New York.	Staub & Co.
Wilhelm Harlander, Rottach a, Tegernsee, Hauptstr. 27.	106187	18.00	2- 1-40	Continental Illinois National Bank & Trust Co. of Chicago.	Mrs. Marie Harlander.
	181511	16.79	2- 1-41	do	Do.
	62400	36.00	10-31-39	do	Frau Marie Harlander.
Fa. Paul Andrien, Regenstauf	3061	37.07	11-13-39	Corn Exchange Bank Trust Co., New York	Paul Andrien.
Magdalene Kuna, Ingolstadt, Traenktorstrasse, 8.	32	10.00	10-17-46	The Chemical Bank & Trust Co., New York.	Magda Kuna.
Deutsche Umsiedlungs-Treuhand, GmbH, Langepiaid.	02167	100.00	3-18-40	Bank of Montreal, New York	Adelheid Messdrea.
	02168	100.00	3-18-40	do	Adelheid Mesdrea.
	02237	100.00	4-22-40	do	Do.
	02238	100.00	4-22-40	do	Do.
Frances Lederer, Landshut, Johannisstr. 1.	22824	5.00	1- 2-40	Federal Reserve Bank of Chicago, Ill.	Catherine Barna.
	641 824	28.35	10-16-39	The First National Bank of the City of New York.	Miss Frances Lederer.
Karl Feilner, Riederau am, Ammersee 66	638-650	28.35	1-15-40	do	Do.
	634352	7.20	12-14-39	American National Bank & Trust Co., of Chicago.	Karl Feilner.
H. Weissenborn & Cie, Augsburg, Bahnhofstrasse 21.	80320	20.00	1-16-40	Harris Trust & Savings Bank, Chicago, Ill.	Do.
	94439	20.00	12-31-40	do	Do.
Constantin Rachor, Lohr/Main	21706	7.75	10-23-39	The Chase National Bank of the City of New York.	H. Weissenborn & Cie.
John Berwind, Grossmannsdorf, Hauptstr. 7	22144	159.38	5-25-39	The Chemical Bank & Trust Co., New York.	Dr. Anton Mayer.
Fannie Wehner, Muedesheim 58	S367013	247.50	2-29-40	Lawyers Trust Co	John Berwind.
	858	90.00		Central-Penn National Bank, Philadelphia, Penn.	Fannie Wehner.
Mrs. Else Decken, Miltenberg/Main, Graubergstr.	A23920	20.56	11-30-39	Bank of Hawaii	Else Decken.
	A29212	9.53	8-31-40	do	Do.
	A31121	11.44	11-30-40	do	Do.
Verlag des "Sprechsaal" Mueller & Schmidt, Coburg, Mauer 2.	14681	11.69	12-15-39	Corn Exchange Bank Trust Co., New York	Verlag Muller & Schmidt.
Messrs. H. H. Ulistein, Paper Refining Works Liebtengerz 2, Oberfranken.	66608	327.50	12-27-39		H. H. Ulistein.
Mrs. Louise von Watzdorf, Allendorf (Distr. of Marburg).	O3109	18.00	12-21-39	The National City Bank of New York	Bankhaus Eichborn & Co.
Messrs. Heinrich & Co., Selb i. B.	110499	9.00	3-25-40	do	Do.
Mrs. Auguste Oleschmann, Kulmbach, Kohlenbachgasse 9.	U20259	18.70	12-12-39		Heinrich & Co.
	J39118	51.36		Messrs. Laidlaw & Co., New York	Bayerische Vereinsbank Filiale Kulmbach.
	J40000	75.00		do	Do.
	J42410	52.95		do	Do.
Messrs. D. Leonard Kurz, Friedrichstr. 5, Fuerth (Bavaria).	3674	430.20	11- 9-39	Central Hanover Bank & Trust Co., New York	Konrad Kurz.
Mathilde Staehlin, Leutershausen, Bahnhofstr. 281.	160200	50.00	12- 6-39	The Chase National Bank of the City of New York.	Emma Stahlin.
Elise Borgendoerfer, Ansbach, Brauhausstr, 22	1099	17.40	4-21-40	Bank of the Manhattan Co., Jamaica, New York.	Elise Birkler.
Pinselfabrik Hans Bieringer & Co., Bechhofen	4808	171.89	11-14-39	Corn Exchange Bank Trust Co., New York	Hans Bieringer & Co.
Dr. Eugen Ribot, Elisabeth Ribot, Fritz Ribot, Benjamin Ribot, Schwabach, Nuernbergerstr. 10	5012	261.85	11-24-39	do	Do.
	008810	2.92	1-15-41	Philadelphia National Bank	Benjamin Ribot.
	008811	4.38	1-15-41	do	Elizabeth Ribot.
	008812	2.92	1-15-41	do	Dr. Eugen Ribot.
	008813	2.92	1-15-41	do	Fritz Ribot.
Hedwig Grief Eichstaett/Bayern, Romerberg 33½.	PTS10091	41.67	11- 1-39	The Chase National Bank of the City of New York.	Hedwig Grief.
Curt Kirsch, Mammersreuth near Waldsassen/Opf.	PTS19579	41.67	1- 2-40	do	Do.
	10166	47.25	10- 2-39	Continental Illinois National Bank & Trust Co. of Chicago.	Curt Kirsch.
	10207	47.25	1- 2-40	do	Do.
	10182	47.25	4- 1-40	do	Do.
	10580	43.84	1- 2-41	do	Do.
Maria Scherm/Schabel, Weiherhammer near Weiden Opf., Hauptstr. 12.	5110	15.00	4-15-47	The First National Bank of Chicago, Ill.	Martha Scherm Schabel.
	2470	20.00	11-29-40	do	Mrs. Martha Scherm Schabel.
	3232	20.00	11-17-41	do	Do.
	2402	10.00	11- 1-39	do	Mrs. Marta Scherm Schabel.
	2583	10.00	1-15-40	do	Do.
Heinrich Mack Nachf., Illertissen/Bayern	11433	209.10	1- 9-40	Genesee Valley Trust Co., Rochester, New York.	Heinrich Mack Nachf.
Mrs. Olga Schenk, Inzell 57, near Traunstein	404141	76 31	11-22-40	Chemical Bank & Trust Co., New York	Olga Schenk.
	414689	76 31	1-22-41	do	Do.
	419807	76 31	2-22-41	do	Do.
	424916	76 31	3-22-41	do	Do.
	430199	76 31	4-22-41	do	Do.
	435492	76 31	5-22-41	do	Do.

Reference Room

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Johann Stroehl Roettingen	V170674	$6.12	11- 1-40	The First National Bank of the City of New York.	John Stroehl.
Dr. Paul Haus, Roettingen Maria Hofmann, Bad Aibling, Mangfallstr. 379.	159149 3-4	5.00 133.18	3- 6-41 3-15-40	Guaranty Trust Co. of New York Clinton Trust Co., New York	Paul Haus. Maria B. Hofmann.

EXHIBIT B

Name and address of owner	Check No.	Amount	Date	Drawee	Payee
Personal representatives, heirs, next of kin, legatees, and distributees of Ernst Keller, deceased.	11026	$60.00	11-25-40	New York Trust Co.	Ernst Keller.
Personal representatives, heirs, next of kin, legatees, and distributees of Dr. Walther Fahrenhorst, deceased.	224649	18.00	1-16-40	The Chase National Bank of the City of New York.	Walther Fahrenhorst.

[F. R. Doc. 52-7942; Filed, July 18, 1952; 8:48 a. m.]

JOAQUIN PARDAVE AND REPERTORIO WAGNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Joaquin Pardave, No. 851 Calzada de La Piedad, Mexico, F. D., Mexico; Claim No. 38474; $2,561.54 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the musical composition Negra Consentida (My Pet Brunette) as listed in Exhibit A to Vesting Order No. 1758 effective July 1, 1943, as amended, to the extent owned by Joaquin Pardave of Mexico City, Mexico, immediately prior to the vesting thereof by Vesting Order No. 1758, as amended.

Fifty percent of all royalties pertaining to Negra Consentida accrued or to accrue to Repertorio Wagner, S. A., Mexico City, Mexico, being twenty-five percent of the total royalties collected by Edward B. Marks Music Corporation, New York, New York, under an agreement concluded between this firm and A. Wagner Y Levien Sucs. S. en C., of Mexico City, Mexico, on January 21, 1932.

Repertorio Wagner, Sociedad Anonima, 28 Venustiano Carranza St., Mexico City, Mexico; Claim No. 31673; $2,856.16 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the musical compositions Cancion Mixteca, Donde Estas Corazon, Hastio, Negra Consentida, Noche Azul, Orticinas, La Perjura, Violetas and Palmera, as listed in Exhibit A to Vesting Order No. 1758 effective July 1, 1943, as amended, to the extent owned by Repertorio Wagner, S. A., Mexico City, Mexico, immediately prior to the vesting thereof by Vesting Order No. 1758, as amended.

Fifty percent of all royalties pertaining to Negra Consentida accrued or to accrue to Repertorio Wagner, S. A., Mexico City, Mexico, being twenty-five percent of the total royalties collected by Edward B. Marks Music Corporation, New York, New York, under an agreement concluded between this firm and A. Wagner Y. Levien Sucs. S. en C., of Mexico City, Mexico, on January 21, 1932.

All royalties pertaining to Cancion Mixteca, Donde Estas Corazon, Hastio, Noche Azul, Orticinas, La Perjura, Violetas and Palmera accrued or to accrue to Repertorio Wagner, S. A., Mexico City, Mexico, being fifty percent of the total royalties collected by Edward B. Marks Music Corporation, New York, New York, on the basis of the agreements named below: Agreement of November 28, 1934, between Edward B. Marks Music Corporation and A. Wagner Y. Levien Sucs. S. en C., of Mexico City, Mexico, relating to Palmera and Hastio; Agreement of January 21, 1932, between Edward B. Marks Music Corporation and A. Wagner Y. Levien Sucs. S. en C., relating to Noche Azul, Donde Estas Corazon and Orticinas; Letter agreement of February 1, and February 6, 1940, between Edward B. Marks Music Corporation and Repertorio Wagner, S. A., relating to Violetas and La Perjura.

Executed at Washington, D. C., on July 14, 1952.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 52-7943; Filed, July 18, 1952; 8:49 a. m.]

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 142

Washington, Tuesday, July 22, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10376

PROVIDING FOR PERMANENT APPOINTMENTS IN THE FIELD SERVICE OF THE POST OFFICE DEPARTMENT

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States (5 U. S. C. 631), it is hereby ordered as follows:

SECTION 1. Notwithstanding the provisions of section 1 (a) of Executive Order No. 10180 of November 13, 1950, and to the extent authorized by law, appointments to positions in the field service of the Post Office Department for which salary rates are fixed by the act of July 6, 1945, 59 Stat. 435, as amended and supplemented, shall be made on a permanent basis.

SEC. 2. (a) Under such conditions as the Civil Service Commission may prescribe, and to the extent permitted by law, employees serving under indefinite appointments in the field service of the Post Office Department whose salary rates are fixed by the said act of July 6, 1945, as amended and supplemented (hereinafter referred to as employees), and who were appointed by selection in regular order from competitive civil-service registers established subsequent to February 4, 1946, or who normally would have been appointed by selection in regular order from such registers, shall have their appointments converted to probational or permanent appointments as of the effective date of this order: *Provided*, that such employees have served continuously (or without a break in service of more than ninety days) since they were appointed: *Provided further*, that the number of employees whose appointments may be converted under this section shall not exceed the number of vacancies in the authorized complement of permanent positions (consisting of regular positions and positions within the authorized quota of substitutes) existing on the effective date of this order: *And provided further*, that employees shall be selected for conversion of their appointments in the order in which they were or would have been within reach for appointment from such registers. Employees in excess of the number required to fill vacancies in the authorized complement of permanent positions shall have their names entered on appropriate competitive registers and thereafter shall be eligible for probational appointment in accordance with civil-service regulations.

(b) Employees who left positions in the field service of the Post Office Department to enter the armed forces of the United States and are reemployed therein after the effective date of this order pursuant to application for reemployment made within ninety days after honorable discharge, or after hospitalization continuing after discharge for not more than one year, shall have their former indefinite appointments converted to probational or permanent appointments in accordance with this section.

SEC. 3. This order shall become effective thirty days after the date hereof.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 18, 1952.

[F. R. Doc. 52-8090; Filed, July 21, 1952; 10:19 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-filler-53)-3]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER TOBACCO MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

GENERAL

Sec.
723.471 Basis and purpose.
723.472 Definitions.
723.473 Extent of calculations and rule of fractions.
723.474 Instructions and forms.
723.475 Applicability of §§ 723.471 to 723.488.

(Continued on p. 6683)

CONTENTS

THE PRESIDENT

Executive Orders Page
Providing for permanent appointments in the Field Service of the Post Office Department 6681

EXECUTIVE AGENCIES

Agriculture Department
See Forest Service; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders:
Certain unknown German nationals (2 documents) ... 6728
Godron, Catherine A. 6727

Army Department
See also Engineers Corps.
Rules and regulations:
Reserve Officers' Training Corps; miscellaneous amendments 6690

Canal Zone
Rules and regulations:
Operation and navigation of Panama Canal and adjacent waters; miscellaneous amendments 6712

Civil Aeronautics Administration
Rules and regulations:
Designation of:
Civil airways; miscellaneous amendments 6688
Control areas, control zones, and reporting points; miscellaneous amendments ... 6688
Minimum en route instrument altitudes; miscellaneous amendments 6689

Civil Aeronautics Board
Notices:
Compania Cubana de Aviacion, S. A.; amendment of foreign air carrier permit; notice of hearing 6719

Commerce Department
See Civil Aeronautics Administration; National Production Authority.

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department Page
Delegation of authority to Secretary with respect to Pullman fares and charges (*see* General Services Administration). 6718
Notification to Department and General Services Administration of placement of procurement in areas (2 documents) (*see* Defense Mobilization, Office of).
Notices:
Secretaries of Army, Navy, and Air Force; delegation of authority for submitting loyalty certifications of civilian personnel assigned to United States missions to Greece and Turkey 6718

CONTENTS—Continued

Defense Mobilization, Office of Page
Notices:
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951 6726
Notification to Department of Defense and General Services Administration of placement of procurement in areas:
Point Pleasant, W. Va. 6727
Tacoma, Wash. 6726

Economic Stabilization Agency
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Bridge regulations; Fox River and Portage Canal, Wisconsin 6711
Danger zone regulations; Vieques Passage in vicinity of Point Cascajo, Puerto Rico 6711

Federal Credit Unions Bureau
Proposed rule making:
Organization and operation of Federal Credit Unions; fee for supervision 6717

Federal Power Commission
Notices:
Hearings, etc.:
Citizens Gas Co 6722
Colorado Interstate Gas Co 6722
El Paso Natural Gas Co 6722
Tegen, Albert F 6722

Federal Security Agency
See Federal Credit Unions Bureau.

Forest Service
Rules and regulations:
Use of "Smokey Bear" symbol 6712

General Services Administration
Procurement, placement of in certain areas; notification to Administration (2 documents) (*see* Defense Mobilization, Office of).
Notices:
Secretary of Defense; Pullman fares and charges 6724

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Commodity rates to and from Krannert, Ga. 6722
Electrodes from Niagara Falls and Suspension Bridges, N. Y., to Hopewell, Va. 6723
Liquefied chlorine gas from Baton Rouge, and North Baton Rouge, La., to Kingsport, Tenn. 6723
Phosphate rock from points in Florida to:
Dayton and Middleton, Ohio 6724
Durant and Lecox, Okla. 6724
Sand from:
Chicago, Ill., to Memphis, Tenn. 6723
Essex, Ill., to Memphis, Tenn. 6724

CONTENTS—Continued

Interstate Commerce Commission—Continued Page
Notices—Continued
Applications for relief—Con.
Various commodities from:
Points in trunk-line territory to southern territory 6723
Southern territory to points in official and southern territories 6723
Committee on Legislation and Rules; combination of committees 6722

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; small tract classification Order No. 61 6718
California; notice of filing of plat survey 6718
Idaho; order providing for opening of public lands 6719
Utah; air-navigation site withdrawal No. Utah R–IV–2 6719

National Production Authority
Rules and regulations:
Tin (M–8) 6704

Post Office Department
Providing for permanent appointments in the Field Service of the Department (*see* Executive orders).

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegation of authority:
Region VII, Chicago, Ill.; act under CPR 7 6720
Region IX, Kansas City, Mo.:
Act under CPR 7 6721
Act under CPR 23 6721
Act under CPR 26 6721
Act under CPR 31 6721
Act under CPR 74 6720
Act under CPR 98 6720
Act under CPR 101 6720
Act under CPR 117 6720
Region XI, Denver, Colo.; act under CPR 98 6721
Region XII, San Francisco, Calif.; act under CPR 7 6722
Region XIII, Seattle, Wash.:
Act under CPR 23 6722
Act under CPR 26 6722
Rules and regulations:
Area milk price adjustments; District of Columbia milk marketing area, Washington, D. C., and parts of nearby Maryland and Virginia (GCPR, SR 63, AMPR 26) 6699
Ceiling prices for:
Pacific Northwest logs (CPR 97) 6694
Used steel drums sold in Alaska and for the service of reconditioning (CPR 160) 6696
Exemption of certain sales by State and Federal agencies and instrumentalities (GOR 11) 6702
Excepted services; additional excepted services (GOR 14) 6704

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Con.
Excepted and suspended services; miscellaneous amendments (GOR 14) 6703
Fair distribution of livestock and meat; changes required by Defense Production Act amendments of 1952 (DR 1) 6698
Food products sold in the Territory of Hawaii; small lot sales of green Kona coffee (CPR 69) 6693
Machinery and related manufactured goods (CPR 30) 6691
Resellers' ceiling prices for machinery and related manufactured goods; use of section 4 where manufacturer has changed his discounts since June 24, 1950, and miscellaneous amendments (CPR 67) 6692
Retail ceiling prices for certain consumer goods (CPR 7):
Combination of retail sellers (Int. 4) 6690
Pricing for going store purchased by owner of another store (section 42) 6690
Special pricing methods for certain chain stores and mail order establishments (SR 1):
Combination of retail sellers (Int. 2) 6691
Pricing for going store purchased by owner of another store (Int. 1) 6691
Tidewater coal dock dealers; transportation cost increased (GCPR, SR 4) 6698

Production and Marketing Administration
Proposed rule making:
Florida oranges; U. S. Standards for 6713
Rules and regulations:
Cigar-filler tobacco, and cigar-filler and binder tobacco; cigar-filler tobacco marketing quota regulations, 1953–54 marketing year 6681
Puerto Rico; proportionate shares for sugarcane farms for 1952–53 crop 6686

Securities and Exchange Commission
Notices:
United Public Service Corp.; notice of filing and notice of and order for hearing on plan 6725

Social Security Administration
See Federal Credit Unions Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
10180 (see EO 10376) 6681
10376 6681

CODIFICATION GUIDE—Con.

Title 7 Page
Chapter I:
Part 51 (proposed) 6713
Chapter VII:
Part 723 6681
Chapter VIII:
Part 857 6686

Title 14
Chapter II:
Part 600 6688
Part 601 6688
Part 610 6689

Title 32
Chapter V:
Part 562 6690

Title 32A
Chapter III (OPS):
CPR 7, Int. 4 6690
CPR 7, Int. 5 6690
CPR 7, SR 1, Int. 1 6691
CPR 7, SR 1, Int. 2 6691
CPR 30 6691
CPR 67 6692
CPR 69 6693
CPR 97 6694
CPR 160 6696
GCPR, SR 4 6698
GCPR, SR 63, AMPR 26 6699
DR 1 6698
GOR 11 6702
GOR 14 (2 documents) 6703, 6704
Chapter VI (NPA):
M–8 6704

Title 33
Chapter II:
Part 203 6711
Part 204 6711

Title 35
Chapter I:
Part 4 6712

Title 36
Chapter II:
Part 271 6712

Title 45
Chapter III:
Part 301 (proposed) 6717

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

Sec.
723.476 Determination of harvested acreage for old farms.
723.477 Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.
723.478 1953 old farm tobacco acreage allotment.
723.479 Adjustment of acreage allotments for old farms.
723.480 Reallocation of allotments released from farms removed from agricultural production.
723.481 Farms divided or combined.
723.482 Determination of normal yields.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

723.483 Determination of acreage allotments for new farms.
723.484 Time for filing application.
723.485 Determination of normal yields.

MISCELLANEOUS

723.486 Determination of acreage allotments and normal yields for farms returned to agricultural production.
723.487 Approval of determinations made under §§ 723.471 to 723.486.
723.488 Application for review.

AUTHORITY: §§ 723.471 to 723.488 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, as amended, 47, as amended, 63; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 723.471 *Basis and purpose.* The regulations contained in §§ 723.471 to 723.488 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1953 farm acreage allotments and normal yields for cigar-filler tobacco. The purpose of the regulations in §§ 723.471 to 723.488 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for cigar-filler tobacco for the 1953–54 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 723.471 to 723.488, public notice (17 F. R. 4896) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 723.471 to 723.488, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 723.472 *Definitions.* As used in §§ 723.471 to 723.488, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State Committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1953 for the first time since 1947.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1948 through 1952.

(e) *Cropland.* "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means cigar-filler tobacco, type 41, that type of cigar-leaf tobacco commonly known as Pennsylvania Seedleaf, Pennsylvania Broadleaf, Pennsylvania filler type, or Lancaster and York County filler type, and produced principally in Lancaster County, Pennsylvania, and the adjoining counties, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the United States Department of Agriculture. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco. The term "tobacco" shall include all leaves harvested including trash.

§ 723.473 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 723.474 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out §§ 723.471 to 723.488. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 723.475 *Applicability of §§ 723.471 to 723.488.* Sections 723.471 to 723.488 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1953. The applicability of §§ 723.471 to 723.488 is contingent upon the proclamation of a national marketing quota for cigar-filler tobacco by the Secretary of Agriculture, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 723.476 *Determination of harvested tobacco acreage for old farms.* The county committee shall determine from the best available data the acreage of tobacco harvested on each old tobacco farm for each of the years 1948–52. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, due allowance shall be made for drought, flood, hail, other abnormal weather conditions and plant bed and other diseases.

§ 723.477 *Determination of 1953 base acreages and 1953 preliminary acreage allotments for old farms.* (a) The base acreage for an old farm shall be the largest of the following:

(1) The average acreage of tobacco harvested on the farm in the five years 1948–52, except that if the five-year average is in excess of the three year, 1950–52, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average;

(2) 80 percent of the average acreage of tobacco harvested on the farm in the past three years 1950–52; or

(3) 45 percent of the acreage of tobacco harvested on the farm in 1952.

The base acreage for an old farm may be increased or decreased if the community and county committees find that such increase or decrease is necessary to establish a base acreage for such farm which is fair and equitable in relation to the base acreages for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, or other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the total of the base acreages, as increased or decreased, for all old tobacco farms in the county shall not exceed one hundred and two percent (102%) of the total of the base acreages for all old tobacco farms in the county prior to the making of any such increase or decrease: *And provided further*, That no base acreage shall be (i) increased above the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; (ii) decreased below the smaller of the average acreage of tobacco harvested on the farm during the years 1950, 1951 and 1952 or the acreage capacity of shed space which is in usable condition and available for curing tobacco produced on the farm; or (iii) less than 0.1 acre.

(b) The preliminary acreage allotment for any old farm shall be the base acreage for the farm, as increased or decreased under paragraph (a) of this section.

§ 723.478 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 723.477 shall be adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 723.479 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 723.479 *Adjustment of acreage allotments for old farms.* Notwithstanding the limitations contained in § 723.478 the farm acreage allotment for an old farm may be increased if the community and county committees find that such increase is necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available for increasing allotments under this section shall not exceed 2 percent of the 1953 State acreage allotment.

§ 723.480 *Relocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been determined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in the State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 723.481 *Farms divided or combined.* (a) If land operated as a single farm in 1952 will be operated in 1953 as two or more farms, the 1953 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland available for the production of tobacco in each such tract in such year bore to the total number of acres of cropland available for the production of tobacco on the entire farm in such year, except that, upon recommendation of the county committee, and with State committee approval and agreement of the interested parties in writing, the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the 1948–52 five-year average acreage of tobacco harvested on each such tract bore to the 1948–52 five-year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee and with the written agreement of all interested persons, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1953 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1952 are combined and operated in 1953 as a single farm, the 1953 preliminary allotment shall be the sum of the 1953 preliminary allotments determined for each of the farms comprising the combination.

(c) If a farm is to be divided in 1953 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee determines will result in equitable farm allotments.

§ 723.482 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1946–51 for which data are available; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 723.483 *Determination of acreage allotments for new farms.* (a) The acreage allotment, other than an allotment made under § 723.480, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

(b) Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(1) The farm operator shall have had experience during two of the past five years in the kind of tobacco for which an allotment is requested and such experience shall have been for the entire crop year beginning with the preparation of the plant bed and extending through preparation of the tobacco for market: *Provided*, That a farm operator who was in the armed services after September 16, 1940, shall be deemed to have met the requirements hereof if he has had such experience during one year either within the five years immediately prior to his entry into the armed services or within the five years immediately following his discharge from the armed services and if he files an application for an allotment within five crop years from date of discharge.

(2) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(3) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a cigar-filler (type 41) tobacco allotment is established for the 1953–54 marketing year.

(c) The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1953 national marketing quota shall, when converted to an acreage allotment by use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 723.484 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1953, unless the farm operator was discharged from the armed services subsequent to December 31, 1952, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 723.485 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 723.486 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 723.471 to 723.485, the preliminary acreage allotment for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1948–52 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1948–52, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 723.487 *Approval of determinations made under §§ 723.471 to 723.486.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 723.471 to 723.486. All acreage allotments and yields shall be approved by the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 723.488 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 17th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8008; Filed, July 21, 1952; 8:55 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.5]

PART 857—PUERTO RICO

1952–53 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 857.5 *Proportionate shares for sugarcane farms in Puerto Rico for the 1952–53 crop*—(a) *Farm proportionate share.* A proportionate share shall be established for the farm, as constituted November 1, 1952, in terms of sugar, 96° basis, in the manner provided in this paragraph and such share shall be used on that basis until converted to its raw value equivalent in accordance with paragraph (b) of this section for the purpose of computing the payment for the farm.

(1) *Old farms.* The proportionate share for the farm (except those farms covered by subparagraph (2) of this paragraph) shall be determined by applying to the farm base established under subparagraph (4) of this paragraph, an adjustment factor to be computed (i) by subtracting from 1,100,000 short tons, the production required from the 1952–53 crop under section 302 (a) of the act, the estimated amount of marketings resulting from the application of subparagraphs (2) and (3) of this paragraph, (ii) by dividing the result by the estimated total of the bases for all farms to which this subparagraph applies (the foregoing amounts shall be expressed in terms of sugar raw value), and (iii) by reducing the quotient by the percentage by which the total amount of sugar, 96° basis, produced in Puerto Rico from the 1949–50, 1950–51, and 1951–52 crops is less than the total raw value equivalent of such sugar. The adjustment factor so computed will be published by amendment to this determination.

(2) *Small farms.* The proportionate share for any farm for which a base is established pursuant to subparagraph (4) of this paragraph shall not be less than the smaller of (i) the actual 1952–53 production on the farm or (ii) 10 short tons of sugar, 96° basis.

(3) *New farms.* The proportionate share for any farm from which no sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar during the base period specified in subparagraph (4) of this paragraph (herein referred to as "new" farm) shall be the smaller of (i) the actual 1952–53 production on the farm or (ii) 10 tons of sugar, 96° basis, except that for any such farm on which sugarcane of the 1952–53 crop was planted prior to January 11, 1952, and the yield will be more than 10 tons of sugar, the proportionate share shall be the larger of 10 tons of sugar, 96° basis, or 30 percent of the amount of sugar recoverable therefrom as appraised by the Caribbean Area Office of the Production and Marketing Administration, San Juan 21, Puerto Rico (herein referred to as "Area Office").

(4) *Farm bases.* A base shall be established for each farm from which sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar from any of the 1947–48, 1948–49, 1949–50, 1950–51 and 1951–52 crops (herein referred to as the "base period") by adding (i) 40 percent of the highest production of sugar, raw value, from sugarcane marketed (or processed) from the farm from any crop in the base period and (ii) 60 percent of the result obtained by dividing by 4 the total production of sugar, raw value, for the farm for the other 4 years of the base period.

(5) *Transfer of farm bases.* The farm base established or which would have been established for any land which is removed from sugarcane production because of acquisition by purchase or lease by any Federal, Insular, or other agency having a right of eminent domain shall be available for use in providing an equitable farm base for land owned, purchased, or leased by the owner of the land so acquired by any of such agencies. Upon application to the Area Office, within five years from the date of such acquisition, any such owner shall be entitled to a farm base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so acquired: *Provided*, That neither the farm base nor the combined farm bases shall exceed the production capacity for the farm so owned, purchased, or leased as determined by the Caribbean Area Committee of the PMA (herein referred to as "Committee").

(6) *Reallotment of deficits.* If the proportionate share established in accordance with the foregoing provisions for any farm is not filled, the proportionate shares for all other farms within the same sugar mill area which can supply additional sugar shall be increased by prorating the aggregate amount of such deficits among such farms on the basis of their proportionate shares established under the other provisions of this paragraph.

(7) *Tolerances.* The requirements of section 301 (b) of the act with respect to the amount of sugarcane grown and marketed (or processed) from the farm shall be deemed to have been met if the amount of sugar recovered therefrom does not exceed the proportionate share for such farm by more than the applicable tolerance in the table below: *Provided, however*, That any amount of sugar within the applicable tolerance shall be excluded in computing the amount of sugar on which payment is made with respect to such farm under section 302 (a) of the act.

[Short tons of sugar, 96° basis]

Proportionate shares:	Tolerance
Not more than 15	1.0
More than 15 but not more than 25	1.5
More than 25 but not more than 40	2.0
More than 40 but not more than 65	2.5
More than 65 but not more than 100	3.0
More than 100 but not more than 150	3.5
Proportionate shares:	Tolerance
More than 150 but not more than 300	4.0
More than 300 but not more than 750	4.5
More than 750	(1)

[1] 5.0 or ¼ of 1 percent of the proportionate share, whichever is larger.

(8) *Delegation.* Farm bases and farm proportionate shares shall be established and reallotment of deficits shall be made by the Director of the Area Office (herein referred to as "Director") in accordance with this determination and instructions issued by the Assistant Administrator for Production, PMA.

(9) *Appeals.* The producer of sugarcane on any farm who is subjected to an undue hardship by reason of the proportionate share established for his farm pursuant to this determination may, not later than 15 days after notice thereof is forwarded to him, file an appeal with the Committee, c/o the Area Office. The Committee may adjust such proportionate share by an amount deemed to be equitable, after consideration of the interest of such producer as related to the interests of all other producers, and shall notify such producer of its decision in writing as soon as practicable, but not later than 30 days after receipt of his appeal. If the producer is dissatisfied with the decision of the Committee he may, within 15 days after such decision is forwarded to him, appeal in writing to the Secretary of Agriculture, or the Secretary may, on his own initiative, within such 15-day period review the decision of the Committee. In either case, the Secretary may make such adjustment in the proportionate share as he deems necessary.

(b) *Sugar for payment.* For the purpose of determining payments pursuant to Title III of the act, the proportionate share established in accordance with this determination and the amount of sugar recoverable, 96° basis, from sugarcane of the 1952–53 crop marketed from the farm shall be converted to raw value on the basis of the average polarization of the sugar produced from 1952–53-crop sugarcane at the mill or mills where the sugarcane was processed. Such conversion shall be made in accordance with section 101 (h) of the act. The payment will be based on the amount of sugar recoverable, raw value, within the proportionate share.

(c) *Share tenant and share cropper protection.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or share croppers engaged in the production of sugarcane of the 1952–53 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or share croppers would be entitled if their

leasing or cropping agreements for the previous crop were in effect.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary, of the total quantity of sugarcane required to be processed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or share croppers.

General. Proportionate shares for sugarcane farms must be established for each crop since the marketing of sugarcane within such shares by producers constitutes one of the conditions for payment under the act. Restrictive proportionate shares are required in any area when the indicated production will be greater than the quantities needed to fill the quota and provide a normal carryover inventory for such area.

Production of sugarcane in Puerto Rico has increased significantly since World War II. The five prewar crop years, 1937–38 through 1941–42, averaged about one million tons of sugar while the five postwar crop years, 1946–47 through 1950–51, averaged about 1,200,000 tons. This latter average is about 200,000 tons in excess of the annual basic quotas for Puerto Rico during this period. The production from the 1951–52 crop is currently estimated at approximately 1,360,000 tons.

Restrictions on the 1949–50 and 1950–51 crops appeared necessary and the initial determinations issued for these crops provided the mechanism for limiting the marketing of sugarcane. However, restrictions were not required because unusual marketing outlets developed, quota deficits occurred in other areas and the demand for sugar increased rapidly after the outbreak of hostilities in Korea. During the first half of 1951, world market prices of raw sugar rose sharply, reaching a high point in June of $8.05 per 100 pounds, f. a. s. Cuba, as compared with $5.80 for U. S. quota sugar and threatened to endanger our supplies. This situation together with continued unsettled international conditions made it advisable to maintain domestic sugar supplies at higher levels than would have been considered necessary otherwise. Although the supply and demand situation changed in the fall of 1951, it was too late then to restrict the 1951–52 crop.

Situation indicated for 1953. The major portion of the sugar extracted from sugarcane crops in Puerto Rico is normally marketed in the year in which it is produced, with the balance being carried over into the following year. The carryover on January 1, 1952, of approximately 120,000 tons and the estimated production from the current crop of 1,360,000 tons provide a supply of 1,480,000 tons for marketing in 1952. The marketing of the basic quotas for Puerto Rico for 1952 of 1,010,000 tons (910,000 tons mainland quota and 100,000 tons local quota), together with currently reported sales of about 135,000 tons in non-quota markets, leave a prospective carryover into 1953 of 335,000 tons. Such a carryover would tend to be further increased if the crop exceeds 1,360,000 tons and it will tend to be reduced by any prorations of deficits in quotas for other areas and any additional sales in non-quota markets in 1952. Although the exact amounts of production, deficit prorations and sales to non-quota markets will not be known until later in the year, the balances now anticipated appear to furnish a reasonable guide.

Even though the Sugar Act as recently amended, increases the mainland quota for Puerto Rico by 170,000 tons beginning in 1953, unrestricted production from the 1952–53 crop would likely result in stocks of sugar on January 1, 1954, considerably in excess of the quantity deemed to be a normal carryover. Under these conditions restrictions are required by the Sugar Act to bring sugar production and stocks to more appropriate levels.

1952–53 crop production. Obviously, if carryover stocks are to be reduced to normal levels, sugar production must be kept below marketing quotas. In view of the foregoing, a production of 1,100,000 tons from the 1952–53 crop would enable Puerto Rico to meet its quotas (and provide a normal carryover of sugar) for the calendar year 1953. It seems desirable to give producers the benefit of the estimated curtailment in sugar production which will be required for their farms, so that they may make plans to the best possible advantage. The formula provided by this determination for the establishment of farm proportionate shares requires the use of some data that will not be available until later in the year, thereby necessitating the use of estimates. It is estimated that the farm bases, except for small farms, calculated pursuant to the formula provided for herein, will be subject to an adjustment factor of 0.85. When more accurate data become available later in the year, a definite adjustment factor will be announced.

Public hearing. Since any curtailment of the marketing of sugarcane is of vital importance to the industry, an informal public hearing was held in San Juan, Puerto Rico on February 7, 1952, to call attention to the situation in that area and to obtain the views of all interested persons on the subject. The Department announced on January 11, 1952, a tentative method for the establishment of proportionate shares for sugarcane farms and this plan was also presented at the hearing. More than 100 persons attended the hearing, 15 of whom presented testimony. In addition, several briefs have been submitted within the time limit specified at the hearing. The majority of those testifying were in general agreement with the method suggested by the Department. However, recommendations to vary the formula included (a) the selection of the highest production for the farm for any one of the crops within the base period instead of the highest of the 3 most recent crops, (b) the use of 80 percent of the normal yield instead of the actual production if the actual production from any crop from the farm in the base period was below 80 percent of the normal yield established by applicable determinations of the Secretary and such farm qualified for a deficiency payment, and (c) a change in the weightings to be given to the standards of past production and ability to produce, particularly with respect to farms which have only recently been engaged in the production of sugarcane.

It seemed to be generally realized by those attending the hearing that the stocks of sugar at the end of 1953 would likely be substantially in excess of a desirable carryover for the area. The testimony indicated that a gradual reduction in these stocks should be made rather than a drastic curtailment of sugar production immediately.

Determination. Consideration has been given to the testimony presented at the hearing and to briefs filed within the time prescribed. The method adopted is the one presented at the hearing, except that the measure of "ability to produce" has been modified to conform to the recommendations received at the hearing. The method provides for the use of a 5-year base period comprised of the crops 1947–48 through 1951–52. The farm base will be established by adding the results obtained by (a) assigning a weight of 40 percent to the highest production from the farm for any one of the crops in the base period as the measure of "ability to produce" and (b) assigning a weight of 60 percent to the result obtained by dividing by 4 the total production from the farm for the other four years in the base period as the measure of "past production." A higher percentage weighting has been assigned to "past production" than to "ability to produce", since the highest year of production is used as the measure for ability, whereas four years are used for measuring past production. The proportionate shares for farms for which bases are established will be computed by applying a uniform adjustment factor. This factor will be determined by subtracting the estimated 1952–53 crop production

for small and new farms from 1,100,000 tons and by dividing the result by the estimated total of the farm bases to be determined by the formula provided in this determination. An estimated adjustment factor has been included herein only as a guide.

The proportionate share for any small farm which produced sugar in the base period will be 10 tons of sugar or the actual production, whichever is the smaller. While more than half of the farms produce less than 10 tons of sugar, this production accounts for only about 5 percent of the total. To curtail the production from these farms would result in hardships for many of the producers.

New farms will be limited to 10 tons of sugar, except for those on which sugarcane was planted prior to the announcement of the hearing regarding restrictions. The proportionate share for such a farm will be the larger of 30 percent of the appraised production or 10 tons. Sugarcane of the 1947–48 crop was harvested from about 13,600 farms and for the 1951–52 crop the number of farms will exceed 17,000, or an increase of 20 percent. The number of farms has increased in about the same ratio as the production of sugar during the base period.

Marketing tolerances have been provided which range from 1 ton of sugar for farms having proportionate shares of 15 tons or less to 5 tons or ¼ of 1 percent, whichever is larger, for farms with shares in excess of 750 tons. Such tolerances are needed because yields of sugar cannot be determined in advance with accuracy. The prorations of deficits in proportionate share marketings to other farms in the same mill area will tend to assure that the production objective will be attained. Provision has also been made for consideration by the local farmer Committee of hardships that may arise under the program. Because of the possibility of the acquisition of sugarcane land by Agencies having the right of eminent domain, a provision has been included to provide for the transfer of the farm bases applicable to such land to other land owned, purchased, or leased by the owners of the land so acquired. Share tenant and share cropper protection remains unchanged from previous determinations.

A recommended provision for the substitution of 80 percent of the calculated normal yield for the actual production in establishing farm bases for farms qualifying for crop deficiency payments has not been adopted. It is believed that the use of a 5-year base period and the selection, as a measure of ability, of the highest production from any crop during such period will tend to provide equitable treatment without adjustments for production not actually attained. The principle of using 5-year moving base periods in determining normal yields for farms has been adopted for all sugarcane areas. A provision for adjusting the production only for those farms receiving crop deficiency payments would exclude a number of farms which also had deficiencies in production below 80 percent of normal, but did not receive such payments because they were not located in an approved deficiency area.

In any restrictive crop program there are necessarily many conflicting interests which must be considered. The problem has been made more difficult because of the substantial increase in the number of farms in recent years. However, it is believed that the method adopted is the most equitable basis for establishing proportionate shares.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the Sugar Act of 1948.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup., 1132)

Issued this 17th day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8011; Filed, July 21, 1952; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 71]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 600 is amended as follows:

1. Section 600.6002 is amended by changing the caption to read: "*VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)*" and by adding the following first portion to read: "From the Seattle, Wash., omnirange station to the Ellensburg, Wash., omnirange station."

2. Section 600.6004 is amended by changing the caption to read: "*VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)*", and by changing the first portion to read: "From the Seattle, Wash., omnirange station via the Ellensburg, Wash., omnirange station; intersection of the Ellensburg omnirange 191° True and the Yakima omnirange 304° True radials; Yakima Wash., omnirange station, excluding those portions which overlap danger areas; Pendleton, Oreg., omnirange station;"

3. Section 600.6025 is amended by changing the caption to read: "*VOR civil airway No. 25 (Oakland, Calif., to Ellensburg, Wash.)*", and by adding the following last portion to read: "From the Yakima, Wash., omnirange station via the intersection of the Yakima omnirange 304° True and the Ellensburg omnirange 191° True radials to the Ellensburg, Wash., omnirange station, excluding those portions which overlap danger areas."

4. Section 600.6103 is amended to read:

§ 600.6103 *VOR civil airway No. 103 (Pendleton, Oreg., to Spokane, Wash.).* From the Pendleton, Oreg., omnirange station to the Spokane, Wash., omnirange station.

5. Section 600.6111 is added to read:

§ 600.6111 *VOR civil airway No. 111.* [Unassigned.]

6. Section 600.6112 is added to read:

§ 600.6112. *VOR civil airway No. 112 (Portland, Oreg., to Pendleton, Oreg.).* From the Portland (Manor), Oreg., omnirange station via the The Dalles, Oreg., omnirange station; intersection of the The Dalles omnirange 096° True and the Pendleton omnirange 254° True radials to the Pendleton, Oreg., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., July 22, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8015; Filed, June 21, 1952. 8:59 a. m.]

[Amdt. 77]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required. Part 601 is amended as follows:

1. Section 601.6002 is amended by changing the caption to read: "*VOR civil airway No. 2 control areas (Seattle, Wash., to Boston, Mass.).*"

2. Section 601.6004 is amended by changing the caption to read: "*VOR civil airway No. 4 control areas (Seattle, Wash., to Washington, D. C.).*"

3. Section 601.6025 is amended by changing the caption to read: "*VOR civil airway No. 25 control areas (Oakland, Calif., to Ellensburg, Wash.).*"

4. Section 601.6103 is amended to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Pendleton, Oreg., to Spokane, Wash.).* All of VOR civil airway No. 103.

5. Section 601.6111 is added to read:

§ 601.6111 *VOR civil airway No. 111 control areas.* [Unassigned.]

6. Section 601.6112 is added to read:

§ 601.6112 *VOR civil airway No. 112 control areas (Portland, Oreg., to Pendleton, Oreg.).* All of VOR civil airway No. 112.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., July 22, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8016; Filed, July 21, 1952; 8:59 a. m.]

[Amdt. 16]

PART 610—MINIMUM EN ROUTE INSTRUMENT ALTITUDES

ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable. Part 610 is amended as follows:

1. The footnote to § 610.5 *Minimum en route IFR altitudes along particular routes* is amended as follows:

The Union intersection is altered to read: "Union intersection: The intersection of the South Bend, Indiana, 76° true radial and the Goshen, Indiana, 22° true radial."

2. Section 610.6002 *VOR Civil Airway No. 2* is amended by adding:

From—	To—	Minimum altitude
Seattle, Wash. (VOR)..	Ellensburg, Wash. (VOR).	8,000

3. Section 610.6004 *VOR Civil Airway No. 4* is amended to eliminate:

From—	To—	Minimum altitude
Portland (Manor), Oreg. (VOR).	The Dalles, Oreg. (VOR).	8,000
The Dalles, Oreg. (VOR).	Pendleton, Oreg. (VOR).	4,000

4. Section 610.6004 *VOR Civil Airway No. 4* is amended by adding:

From—	To—	Minimum altitude
Seattle, Wash. (VOR)..	Ellensburg, Wash. (VOR).	8,000
Ellensburg, Wash. (VOR).	Int. Ellensburg, Wash. (VOR) rad. 191° true & Yakima, Wash. (VOR) rad. 304° true.	5,500
Int. Ellensburg, Wash. (VOR) rad. 191° true & Yakima, Wash. (VOR) rad. 304° true.	Yakima, Wash. (VOR).	4,500
Yakima, Wash. (VOR).	Pendleton, Oreg. (VOR).	5,000

5. Section 610.6011 *VOR Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (VOR).	Fort Wayne, Ind. (VOR).	2,200

6. Section 610.6012 *VOR Civil Airway No. 12* is amended by adding:

From—	To—	Minimum altitude
Daggett, Calif. (VOR)..	Needles, Calif. (VOR)	9,000
Needles, Calif. (VOR)..	Prescott, Ariz. (VOR).	10,000
Prescott, Ariz. (VOR)..	Winslow, Ariz. (VOR).	10,000
Winslow, Ariz. (VOR).	Zuni, N. Mex. (VOR)	10,000

7. Section 610.6023 *VOR Civil Airway No. 23* is amended by adding:

From—	To—	Minimum altitude
Red Bluff, Calif. (VOR).	Fort Jones, Calif. (VOR).	11,000
Redding, Calif. (FM)..	Red Bluff, Calif. (VOR) (southbound only).	3,000
Fort Jones, Calif. (VOR).	Medford, Oreg. (VOR) [1].	10,000

[1] 8,500'—minimum crossing altitud at Medford (VOR), south-bouud.

8. Section 610.6025 *VOR Civil Airway No. 25* is amended by adding:

From—	To—	Minimum altitude
Ellensburg, Wash. (VOR).	Int. Ellensburg, Wash. (VOR) rad. 191° true & Yakima, Wash. (VOR) rad. 304° true.	5,500
Int. Ellensburg, Wash. (VOR) rad. 191° true & Yakima, Wash. (VOR) rad. 304° true.	Yakima, Wash. (VOR).	4,500

9. Section 610.6051 *VOR Civil Airway No. 51* is amended to read in part:

From—	To—	Minimum altitude
Nabb (INT), Ind.....	Int. Louisville, Ky. 356° true rad. & Indianapolis, Ind. 137° true rad.	4,800

10. Section 610.6066 *VOR Civil Airway No. 66* is amended by adding:

From—	To—	Minimum altitude
Columbus, N. Mex. (VOR) N. alternate.	El Paso, Tex. (VOR) N. alternate.	9,200

11. Section 610.6103 *VOR Civil Airway No. 103* is added to read:

From—	To—	Minimum altitude
Pendleton, Oreg. (VOR).	Spokane, Wash. (VOR).	5,500

12. Section 610.6112 *VOR Civil Airway No. 112* is added to read:

From—	To—	Minimum altitude
Portland (Manor), Oreg. (VOR).	The Dalles, Oreg. (VOR).	7,000
The Dalles, Oreg. (VOR).	Pendleton, Oreg. (VOR).	4,000

13. Section 610.19 *Green Civil Airway No. 9* is amended to read in part:

From—	To—	Minimum altitude
South Port Allen (INT).	Makai (DNT): East-bound.....	2,000
	West-bound.....	1,000

14. Section 610.101 *Amber Civil Airway No. 1* is amended to read in part:

From—	To—	Minimum altitude
Fort Jones, Calif. (LFR).	Medford, Oreg. (LFR) [1].	10,000

[1] 8,000'—minimum crossing altitude at Medord (LFR), south-bound.

15. Section 610.644 *Blue Civil Airway No. 44* is amended to read in part:

From—	To—	Minimum altitude
Indianapolis, Ind. (LFR).	Kokomo, Ind. (RBN)..	2,200

16. Section 610.669 *Blue Civil Airway No. 69* is amended to read in part:

From—	To—	Minimum altitude
Jerseyville (INT), Mo..	Quincy, Ill. (LF/RBN).	2,000
Quincy, Ill. (LF/RBN)..	Int. 323° true bearing from Quincy, Ill. (LF/RBN) & SW crs. Burlington, Iowa (LFR).	2,500
Int. 323° true bearing from Quincy, Ill. (LF/RBN) & SW crs. Burlington, Iowa (LFR).	Ottumwa, Iowa (LF/RBN).	2,000
Ottumwa, Iowa (LF/RBN).	Des Moines, Iowa (LFR).	2,200

TITLE 32A—NATIONAL DEFENSE,

the procedure in section 7 of SR 1 to CPR volume, as provided in section 42 (c) of section 8 as it originally appeared in the

17. Section 610.1002 *Direct routes; Southeast United States,* is amended by adding:

From—	To—	Minimum altitude
Albany, Ga. (LFR).....	Lawson AFB (LFR), Columbus, Ga.	1,600

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 22, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8014; Filed, July 21, 1952; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

The first sentence of § 562.27 (a) is amended, and § 562.35 is revised, as follows:

§ 562.27 *Training of students ineligible for enrollment.* (a) When desired by institutional authorities, male students who for any reason cannot be enrolled in the ROTC may be permitted to pursue the ROTC course without expense to the Government. • • •

§ 562.35 *Transfer between Army ROTC, Navy ROTC, and Air Force ROTC and from other Army ROTC units to Medical Corps ROTC units.* (a) Students may be transferred, at their own request, between the Navy ROTC, the Air Force ROTC, and the Army ROTC under the following conditions:

(1) Students may transfer between the Army ROTC and the Air Force ROTC at any time prior to admission to the advanced course with the approval of the professor of military science and tactics and the professor of air science and tactics concerned.

(2) Advanced course students who are under contract with the Army, the Navy, or the Air Force must obtain the approval of the proper authorities of the service in which enrolled and with which the contract was made before the contract may be terminated and request for transfer to an ROTC unit of another service is approved. The proper authorities for approval of termination of contracts in connection with such request for transfer are as follows:

(i) *Army ROTC students.* Approval must be obtained from the professor of military science and tactics and the army commander.

(ii) *Air Force ROTC students.* Approval must be obtained from the professor of air science and tactics and the Air Force commander.

(iii) *Contract students of Navy ROTC.* Approval must be obtained from the professor of naval science and the Bureau of Naval Personnel.

(3) In all instances, transfers will be limited to exceptional cases. The professor of military science and tactics, after careful consideration of the effect such tranfers will have on the percentage distribution necessary to achieve the procurement objective of each service, will approve only those requests for transfer to the Army ROTC when it has been determined that the student concerned will complete the entire program of instruction which, in the case of advanced course students, will include ROTC training camp. Credit may be granted for that part of the course which the student successfully completed in the Navy or the Air Force ROTC which, in the opinion of the professor of military science and tactics, is substantially equivalent to the curriculum prescribed for the branch in which the student will enroll in the Army ROTC.

(4) Requests for interservice ROTC transfers should contain an indorsement from the officer in charge of the unit to which transfer is being requested, indicating tentative approval of transfer, contingent upon approval of the proper authorities of the service from which the student is requesting transfer.

(b) Students may be transferred, at their own request, from other Army ROTC units to the Medical Corps ROTC units in the following manner:

(1) Basic course students may transfer to a Medical Corps ROTC unit from other Army ROTC units at any time prior to admission to the advanced course with the approval of the professor of military science and tactics concerned.

(2) Advanced course students under contract who transfer their academic subjects to the field of medicine may transfer to a Medical Corps ROTC unit with the approval of the professor of military science and tactics and the army commanders concerned.

(3) Basic and advanced course students may receive hour-for-hour credit on a subject-for-subject basis for previous basic course training as determined by the professor of military science and tactics of the Medical Corps unit.

(c) Discharge of students for the purpose of accomplishing transfers under the provisions of this paragraph will be for the convenience of the Government Reimbursement by the student of funds paid under the old contract will not be required.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 41 Stat. 778; 10 U. S. C. 354, 381-388, 441) [C6, AR 145-350, July 3, 1952]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52-7956; Filed, July 21, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Interpretation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 4—COMBINATION OF RETAIL SELLERS (SECTIONS 39, 39 (a), 42 (c))

The question has been raised as to whether two merchants who had operated independently of each other on the list date and thereafter combined their operations under a new corporate name may price uniformly.

Two such sellers may combine and become a "single seller", pricing uniformly and centrally for their existing stores, by following the procedure set forth in section 7 of SR 1 to CPR 7 for the preparation and filing of a master chart.

If they combine their physical stocks in one store, however, they must adopt the chart of the store having the greater volume, as provided in section 42 (c) of CPR 7. For the purposes of this regulation the coverage of section 42 (c) is strictly limited to the situation where there has been actual physical integration, as contemplated by the use of the phrase "one seller." It should be noted that this is a narrower concept than that of the "single seller" in section 7 of SR 1, which may include a centrally-owned chain of physically separate establishments.

Any additional stores opened by the corporation thereafter must follow section 39 of CPR 7. Such new units may price centrally and uniformly with the existing units in the circumstances described in section 39 (a).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel, Office of Price Stabilization.

JULY 21, 1952.

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[Ceiling Price Regulation 7, Interpretation 5]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 5—PRICING FOR GOING STORE PURCHASED BY OWNER OF ANOTHER STORE (SECTION 42 OF CPR 7)

A retailer who already operates one store and purchases a second which is a going concern may not determine the ceiling prices for the newly acquired store merely by applying to it the ceiling prices of his old establishment. He is as to the newly acquired store a transferee subject to section 42 of CPR 7, and must continue to use the chart of his transferor for determining ceiling prices for articles sold in that store. He may become a single seller and determine uniform prices for both stores by following the procedure in section 7 of SR 1 to CPR 7 for preparing and filing a master chart.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel, Office of Price Stabilization.

JULY 21, 1952.

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[CPR 7, Supplementary Regulation 1, Interpretation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

INT. 1—PRICING FOR GOING STORE PURCHASED BY OWNER OF ANOTHER STORE (SECTION 7 OF SR 1 TO CPR 7)

A retailer who already operates one store and purchases a second which is a going concern may not determine the ceiling prices for the newly acquired store merely by applying to it the ceiling prices of his old establishment. He is as to the newly acquired store a transferee subject to section 42 of CPR 7, and must continue to use the chart of his transferor for determining ceiling prices for articles sold in that store. He may become a single seller and determine uniform prices for both stores by following the procedure in section 7 of SR 1 to CPR 7 for preparing and filing a master chart.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel, Office of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8107; Filed, July 21, 1952; 11:51 a. m.]

[Ceiling Price Regulation 7, Supplementary Regulation 1, Interpretation 2]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 1—SPECIAL PRICING METHODS FOR CERTAIN CHAIN STORES AND MAIL ORDER ESTABLISHMENTS

INT. 2—COMBINATION OF RETAIL SELLERS (SECTION 7 OF SR 1 TO CPR 7)

The question has been raised as to whether two merchants who had operated independently of each other on the list date and thereafter combined their operations under a new corporate name may price uniformly.

Two such sellers may combine and become a "single seller", pricing uniformly and centrally for their existing stores, by following the procedure set forth in section 7 of SR 1 to CPR 7 for the preparation and filing of a master chart.

If they combine their physical stocks in one store, however, they must adopt the chart of the store having the greater volume, as provided in section 42 (c) of CPR 7. For the purposes of this regulation the coverage of section 42 (c) is strictly limited to the situation where there has been actual physical integration, as contemplated by the use of the phrase "one seller." It should be noted that this is a narrower concept than that of the "single seller" in section 7 of SR 1, which may include a centrally-owned chain of physically separate establishments.

Any additional stores opened by the corporation thereafter must follow section 39 of CPR 7. Such new units may price centrally and uniformly with the existing units in the circumstances described in section 39 (a).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel, Office of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8108; Filed, July 21, 1952; 11:51 a. m.]

[Ceiling Price Regulation 30, Amdt. 34]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

CEILING PRICES FOR MODIFIED COMMODITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 34 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment provides a method for determining ceiling prices for commodities which have been substantially modified by the manufacturer.

Section 8 of Ceiling Price Regulation 30, as originally written, established a procedure by which base period prices were established for modified commodities. Since the issuance of Ceiling Price Regulation 30 it has become apparent that many manufacturers were experiencing some difficulty in establishing base period prices for modified items.

Manufacturers for whom subcontracted parts, subassemblies, and subcontracted services constitute substantial elements of costs find it burdensome to determine the cost of such items as of a given date. Many such manufacturers have confirmed that in such cases they have been forced to use section 10 which excludes the cost of such items from the cost adjustment calculations permitted by the regulation.

In addition, it has been brought to the attention of the Office of Price Stabilization that much difficulty is encountered in applying Supplementary Regulation 4 to modified commodities due to the fact that proper allocation of factory overhead and general administrative and selling expenses which were incurred in the pre-Korea period is almost impossible with respect to a commodity which was not produced during that period. Furthermore, it has been determined that a strict application of section 8 as it originally appeared in the regulation very often produces price distortions, particularly in the case of manufacturers who have used the alternative method of determining ceiling prices provided for in Supplementary Regulation 1.

This amendment revises section 8 and provides for a one-step calculation of ceiling prices rather than base period prices. It permits an adjustment of the ceiling price for the original commodity to reflect the modifications by subtracting the computed current total manufacturing cost of the operations or materials no longer going into the product and adding the current manufacturing cost of the new operations or materials involved in the modification. The resulting price is adjusted by applying thereto your customary class of purchaser differentials to determine the ceiling prices for those various classes of purchasers.

This amendment also changes the language of section 23 to make it clear that this section may not be used when there is a substitution of materials occurring after the dates specified in the regulation.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

1. The third sentence of section 3 (a) is amended to read as follows: "Sections 4, 5, 6, 7 and 9 tell you how to obtain your base period price; section 8 tells you how to obtain ceiling prices for modified commodities."

2. The third and fourth sentences of section 4 are amended to read as follows: "There is an exception in the case of a commodity for which you cannot establish a base period price under sections 7 or 9 during the base period you select. In that case, you may use for that commodity any other base period permitted under this section during which you can establish a base period price under the provisions of sections 7 or 9."

3. The introductory paragraph of section 6 is amended to read as follows:

SEC. 6. *How to obtain your base period price.* Sections 7 and 9 tell you how to establish your base period price. Section 8 tells you how to obtain a ceiling price for a modified commodity. You must use the first of these sections which is applicable to the commodity being priced. You should note in particular that you may use section 9 only in the event that it is impossible for you to obtain a base period price under the provisions of section 7 or a ceiling price under section 8 of this regulation. The following provisions of this section must be applied to every base period price.

4. Sec. 8 is amended to read as follows:

SEC. 8. *Ceiling prices for modified commodities*—(a) *Applicability.* This sec-

tion applies to a commodity (new and unused) for which you are able to find a base period price under section 7, or for which you have established a ceiling price under any other section of this regulation or any supplementary regulation to this regulation, but which you have substantially modified subsequent to the end of the base period, or subsequent to the establishment of a ceiling price under any other section of this regulation, or any supplementary regulation thereto. You are not obligated to recompute a ceiling price for any commodity modified before July 26, 1952, but, if you recompute a price for any commodity modified before that date you must recompute ceiling prices for all commodities modified on or after the date the commodity for which you did recompute was modified. If the modification constitutes only a minor change in design or construction which does not substantially affect unit manufacturing costs or materially alter the services given by the commodity, your ceiling price for the modified commodity shall be the same as your ceiling price for the commodity before modification.

(b) *Method for determining ceiling price.* The ceiling price for a modified commodity shall be computed in accordance with the following method:

(1) Using the costs as of the date of the modification in each calculation, figure the increases or decreases, attributable to the modification, of the following costs:

(i) Direct (factory) labor costs before and after modification of those portions which are modified, in each case using straight time labor rates in effect at your plant at the time of the modification.

(ii) In the same manner, the costs of materials, parts, subassemblies and components, not exceeding the applicable ceiling prices of your customary suppliers for your purchases in like quantities.

(iii) In the same manner, the costs of subcontracted services, not exceeding the applicable ceiling prices of your customary suppliers of subcontracted services, including the cost of transportation paid by you for shipment to you from your subcontractors, on the basis of rates in effect on the same date for your purchases in like quantities.

(iv) Royalty payments, if any, determined at the rates you pay on the date of the modification.

(v) Factory overhead, determined on the basis of the unit allocations in effect on the date of the modification.

(2) You then add or subtract the net increase or decrease in the cost calculated under the provisions of subparagraph (1) of this paragraph to or from your ceiling prices for the sale of the commodity before modification to your largest buying class of purchaser, then adjust the resulting price by applying thereto your customary class of purchaser differentials to determine your ceiling prices to those various classes of purchasers.

6. The introductory paragraph of section 9 is amended to read as follows:

SEC. 9. *Base period prices computed by formula.* This section is applicable only to a commodity for which you cannot determine the base period price under section 7 or a ceiling price under section 8 of this regulation. You determine your base period price for such a commodity or service by using either the price determining method which you last had in effect during your base period, or if you had no price determining method in effect during your base period, by using a price determining method approved by the Director of Price Stabilization. You use this price determining method to determine a base period price for the commodity or service to your largest buying class of purchaser.

7. Section 10 is amended to read as follows:

SEC. 10. *Computation of ceiling price where you are unable to determine your base period cost.* This section is applicable if you are unable to determine your base period cost of any material, part, subassembly, subcontracted service, or expendable tool, die, jig, fixture, mould, pattern or work-holding device, which you use in the production of a commodity for which you must obtain a base period price under section 9. This material, part, subassembly, subcontracted service, or expendable tool, die, jig, fixture, mould, pattern or work-holding device will be referred to in this section as the "item".

(a) You compute the base period price of the commodity in accordance with your base period price determining method or your price determining method approved by the Director, as the case may be, but you disregard the cost of the "item" in computing your base period price.

(b) Using the figure you derive under paragraph (a) as your base period price, you compute your ceiling price under section 3(a).

(c) You determine your current cost, not in excess of the applicable ceiling price, of the "item" you disregarded in the computation under paragraph (a) of this paragraph and add to this your mark-up over factory costs (total costs, less selling and general administrative expense) used in the price determining method you used in paragraph (a).

(d) You add the totals found under paragraphs (b) and (c). This is your ceiling price for the new commodity.

8. Section 23 is amended to read as follows:

SEC. 23. *How to compute net cost as of the applicable prescribed dates where you are using a substitute material not used during the base period.* In the case of a substitute material not used by you during the base period (or used in lesser quantities or proportions) in the manufacture of the commodity being priced, you must, if you are using Methods 2, 3 or 4 for calculating the "materials cost adjustment", compute the net cost to you as of the end of your base period of the physical amounts of the materials normally used by you in your base period and the net cost to you as of December 31, 1950, March 15, 1951, or August 1, 1951, whichever date is applicable, of the physical amounts of the materials normally used by you on those prescribed dates. The physical amounts of those materials normally used by you in your base period and the applicable prescribed date must relate to the same quantity of production of the commodities being priced in the case of Method 4, to a unit of the commodity being priced in the case of Method 2, and to a unit of the best selling commodity in the case of Method 3. Since this calculation cannot be made accurately under Method 1 (section 17), you may not use that method for any unit of your business in which you, on the applicable prescribed date, were using significant quantities of a substitute material whose unit cost on that date was lower than the unit cost on that date of the material used by you during the base period. However, if the unit cost on the applicable prescribed date of the substitute material was the same or higher than the unit cost on that date of the material used by you during the base period, you may use Method 1 but without making any allowance for the higher cost of the substitute material.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 26, 1952.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8109; Filed, July 21, 1952; 11:51 a. m.]

[Ceiling Price Regulation 67, Amdt. 10]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

USE OF SECTION 4 WHERE THE MANUFACTURER HAS CHANGED HIS DISCOUNTS SINCE JUNE 24, 1950, AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 10 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes several changes in Ceiling Price Regulation 67, which are, for the most part, of a clarifying nature.

The first of these changes is the addition of a provision requiring that a reseller must determine his ceiling prices on the basis of his most recent net invoice or delivered cost, if during the period April 1 through June 24, 1950, he determined his selling prices on the basis of manufacturers' published list prices, but may not now use this list price to determine his ceiling price because the manufacturer has changed his discounts since June 24, 1950. These resellers determine their ceiling prices by applying to their most recent net invoice or delivered cost the highest percentage markup that they received on a sale of the same commodity or of the most comparable commodity to a purchaser of the same class during the period April 1 through June 24, 1950. Since these resellers were not actually using this method of determining selling prices during the period April 1 through June 24, 1950, but were rather using manufacturers' published list prices as a basis for determining selling prices, they must ascertain if their selling prices during this period were in fact based upon net invoice or delivered cost. The reason for this change is that CPR 67 presently requires such resellers to apply for methods of determining ceiling prices, and it is felt that the same result can be obtained more expeditiously in this manner.

This amendment also changes the definition of "net invoice cost" in order to make it clear that manufacturers' excise taxes may be included as a part of net invoice cost only in the event that the reseller included such taxes as a part of his net invoice cost during the period April 1 through June 24, 1950. Amendment 4 to Ceiling Price Regulation 67, which redefined the term net invoice cost to include manufacturers' excise taxes was intended to accomplish this result.

A further clarifying change is included in this amendment which points out that the cost used by a reseller, who determines his ceiling prices on the basis of net invoice or delivered cost, must be the cost of the commodity being priced when purchased from his normal source of supply or a customary source of supply for the same class of resellers of the same commodity. The normal source of supply for a retail reseller would be a wholesaler but not another retail reseller; and for a wholesale reseller, a distributor or a manufacturer but not another wholesale reseller of the same class.

In addition, this amendment changes the invoicing requirements of the regulation to provide that the invoice given to purchasers must include the brand or trade name only for a commodity whose selling price exceeds $10.00.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended in the following respects:

1. The introductory paragraph to section 4 is amended to read as follows:

SEC. 4. *Commodities not priced by the use of the manufacturer's published list price.* This section is applicable to commodities for which the manufacturer has not issued a published list price which he has determined under the applicable OPS regulation. Also, if during the period April 1 through June 24, 1950, the manufacturer had a published list price for the commodity you are pricing, or a commodity of the same type and you did not determine the selling price for these commodities by using the manufacturer's published price, you determine your ceiling price for these commodities under this section and not under section 3 of this regulation. In addition, if during the period April 1 through June 24, 1950, you determined your selling prices on the basis of the manufacturer's published list price but since June 24, 1950, the manufacturer has changed his discounts, you determine your ceiling prices under this section instead of section 3 unless the change in discounts has been approved in accordance with the applicable ceiling price regulation. You determine your ceiling price for a commodity covered by this section by multiplying your cost of the commodity, determined under paragraph (a) of this section, by your percentage markup determined under paragraphs (b) and (c) of this section. You use paragraph (b) to determine your percentage markup when, during the period April 1 through June 24, 1950, you determined your selling price for the commodity you are pricing (or a commodity of the same type) by applying a percentage markup to the net invoice cost of the commodity to you, or if you use this section instead of section 3 where the manufacturer has changed his discounts, since June 24, 1950, if your selling price during the period April 1 through June 24, 1950, was in fact your net invoice cost increased by a percentage markup. You use paragraph (c) to determine your percentage markup, when, during the period April 1 through June 24, 1950, you determined your selling price for the commodity you are pricing (or a commodity of the same type) by applying a percentage markup to your delivered cost, or if you use this section instead of section 3 where the manufacturer has changed his discounts since June 24, 1950, if your selling price during the period April 1 through June 24, 1950, was in fact your net invoice cost increased by a percentage markup. An explanation of the terms "net invoice cost" and "delivered cost" is contained in section 17 (*Definitions*). You may use this section only if you have written records of your sales and purchases of the commodity you are pricing, or a commodity of the same type, during the period April 1 through June 24, 1950.

2. Section 4 (a) is amended to read as follows:

(a) *Cost of the commodity.* The cost of the commodity that you must use in determining your ceiling price shall be your most recent net invoice cost or your most recent delivered cost (depending upon whether during the period April 1 through June 24, 1950, you applied your percentage markup to net invoice cost or delivered cost) not in excess of the applicable ceiling price. For the purposes of this section, if you receive a written statement from your supplier that the price charged you does not exceed the applicable ceiling price and you have no reason to doubt the validity of his statement, the price certified by your supplier shall be deemed not to be in excess of the ceiling price. A statement that "prices in this invoice do not exceed OPS ceiling prices" will be acceptable. The net invoice or delivered cost you use under this section is the cost of the commodity being priced when purchased from your normal source of supply or a customary source of supply for resellers of the same class of the same or a similar commodity. For example, if you are a retail reseller your normal or customary source of supply would be a wholesaler, distributor or jobber and not another retail reseller.

3. Section 12 (c) is amended to read as follows:

(c) *An identification of each commodity sold.* If the sales price of any commodity exceeds $10.00 per unit this identification must include its brand or trade name.

4. Section 17 (j) is amended to read as follows:

(j) *Net invoice cost.* This term refers to your invoice cost, less any discount you took or could have taken. It does not include separately stated charges, such as freight, taxes, etc., except that manufacturers excise taxes may be included if it was the seller's practice to include these taxes as a part of net invoice cost during the period April 1 through June 24, 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 26, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8110; Filed, July 21, 1952; 11:52 a. m.]

[Ceiling Price Regulation 69, Amdt. 3 to Revision 1]

CPR 69—FOOD PRODUCTS SOLD IN THE TERRITORY OF HAWAII

SMALL LOT SALES OF GREEN KONA COFFEE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 69, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 69, Revision 1, provides ceiling prices for small lot sales of green Kona coffee by roaster-wholesalers in Hawaii by permitting a percentage markup over miller's ceiling prices.

Investigation shows that it has been customary for roaster-wholesalers of Kona coffee in the islands to sell green coffee beans to the grocery trade in small lots for resale to small roasters and to consumers at a price above that charged by the miller. The volume of each such sale has been from a maximum of 300 pounds to a minimum of one pound. The over-all annual volume in this type of sale is very small and

small lot sales are made almost entirely by the roaster-wholesalers in Honolulu. The absence of a provision in CPR 69, Revision 1, setting forth special ceiling prices for such sales has deterred the roaster-wholesaler from making small lot sales to small roasters. This omission also eliminated a practice enjoyed by the roaster-wholesalers in supplying a demand from the trade for resale as well as a demand at retail.

In formulating this regulation, the Director has consulted with the members of the industry who are affected and full consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 6.3 of Ceiling Price Regulation 69, Revision 1, is amended to include a new paragraph designated as (f), to read as follows:

(f) *"Small lot sales" of clean, green Kona coffee by roaster-wholesalers.* If you are a roaster-wholesaler and you sell green Kona coffee in quantities of more than 100 pounds and not more than 300 pounds, your ceiling prices shall be the prevailing miller's ceiling prices as set forth in this section plus 5 percent; in quantities of more than 10 pounds and not more than 100 pounds, your ceiling prices shall be the prevailing miller's ceiling prices as set forth in this section plus 10 percent; in quantities of 10 pounds or less, your ceiling prices shall be the prevailing miller's prices as set forth in this section plus 20 percent: *Provided*, That, in no instance shall you sell a greater quantity of green Kona coffee in each of the aforementioned small lots than you did during the calendar year 1951, and provided you do not sell in smaller lots than you customarily sold in 1951. Before you sell any green Kona coffee in small lots in accordance with this paragraph, you must make a report to the Territorial Director of the Office of Price Stabilization stating the following:

(1) Your name and address.

(2) An estimate of the quantity of green Kona coffee that you sold during the year 1951 in lots from 101 pounds to 300 pounds, inclusive.

(3) An estimate of the quantity of green Kona coffee that you sold during the year 1951 in lots of 11 to 100 pounds, inclusive.

(4) An estimate of the quantity of green Kona coffee that you sold during the year 1951 in lots of 1 to 10 pounds, inclusive.

2. Section 6.4 (b) of Ceiling Price Regulation 69, Revision 1, is amended to read as follows:

(b) *Roasted Kona coffee, unground beans.* Your ceiling prices, per pound, for roasted unground Kona coffee beans are as follows:

Grade	In Kona	In Hilo	In Honolulu
No. 1 Extra Prime	$0.7354	$0.7397	$0.7450
Extra Prime			
Peaberry	.6998	.6950	.7001
Prime	.6126	.6170	.6217
No. 3X	.4822	.4866	.4912
No. 3			

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.)

Effective date. This Amendment 3 to Ceiling Price Regulation 69, Revision 1, is effective July 26, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8111; Filed, July 21, 1952; 11:52 a. m.]

[Ceiling Price Regulation 97, Amdt. 8]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 8 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes certain changes and corrections in Ceiling Price Regulation 97. Specifically it provides the following:

Lincoln and Tillamook counties, Oregon, are removed from the Columbia River district and set up as a separate district. This change is made in recognition of historical differences in prices that have prevailed in these counties for the different species and grades. To reflect the historical differentials, the ceiling prices provided for logs in the Lincoln-Tillamook district are from $2.50 to $10.00 per M'BM lower than those established for logs in the Columbia River district. The amendment specifies delivery points and the grading and scaling rules that are applicable in the Lincoln-Tillamook district.

The western portion of Lane County, Oregon, is removed from the Oregon-California district and added to the Lane-Douglas district. This change is made because it appears that, as indicated by members of the industry doing business in this area, prices in the area normally are in line with those established for the Lane-Douglas district rather than those established for the Oregon-California district.

The classification of "Red Fir Logs" is removed from the list of logs covered by the regulation, because, as the term is used locally, it is synonymous with the "Douglas Fir logs" covered by the regulation. Ceiling prices for Cottonwood logs are established by this amendment at the same level as ceiling prices for Alder logs for similar scales and grades because it is customary for logs of these species to sell at the same level.

This amendment changes the provisions of CPR 97 relating to the delivery of logs to inland mills in the Puget Sound, Willapa Bay-Grays Harbor and Columbia River districts by providing that the established ceiling prices need be reduced for non-delivery in towable waters only when delivery costs to the nearest towable waters, plus booming and rafting costs, would exceed the delivery costs to the place of actual delivery.

This amendment establishes for each district a fixed amount as the booming and rafting cost which is to be used in making the reductions specified in the regulation.

The Brereton Log Scale, which is commonly used by the industry for shipments on ocean-going cargo ships, is approved by this amendment for shipment of logs to buyers in foreign countries other than Canada.

The amendment also provides that buyers and sellers who act in good faith will not be held responsible for inaccurate grades and scales of United States Forest Service graders and scalers.

Other minor clarifications of CPR 97 are also found in this amendment.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting with the Pacific Northwest Log Industry Advisory Committee.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is amended in the following respects:

1. Section 3 is amended by deleting the words "Red Fir" after the words "Douglas Fir", and inserting the words "and Cottonwood" after the word "Alder", so that section 3 reads as follows:

SEC. 3. *What logs are covered.* This regulation covers Douglas Fir, White Fir, Noble Fir, Western Hemlock, Western Red Cedar, Sitka Spruce, White Pine, Alder and Cottonwood logs produced in Washington, Oregon and California.

2. Section 4 is amended to read as follows:

SEC. 4. *Delivery districts.* (a) This regulation is controlling when you deliver logs described in section 3 of this regulation within specified areas of the United States or when you export logs to a foreign country. Export sales are treated in section 20 of this regulation. The delivery areas in the United States are situated in the western portions of Oregon and Washington and in the extreme northwest portion of California and have been subdivided into six geographical districts. The districts are explained in paragraph (b) of this section.

(b) *Explanation of districts.* The delivery districts referred to in this regulation have the following meanings:

(1) Puget Sound district means that part of Washington west of the crest of the Cascade Mountains, except Grays Harbor, Pacific, Wahkiakum, Cowlitz, Clark and Skamania Counties.

(2) Willipa Bay-Grays Harbor district means the counties of Grays Harbor and Pacific in Washington.

(3) Columbia River district consists of Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties in Washington; and Benton, Clackamas, Clatsop, Columbia, Hood River, Linn, Marion, Multnomah, Polk, Wasco, Washington, and Yamhill Counties in Oregon.

(4) Lincoln-Tillamook district consists of Lincoln and Tillamook Counties in Oregon.

(5) Lane-Douglas district consists of Lane County, Oregon, and the portion of Douglas County, Oregon, east of the crest of the Coast Range Mountains having as a southern boundary a line running due east from Rice Hill, Oregon, to the western boundary of Lane County, Oregon, and running due west from Rice Hill, Oregon, to the crest of the Coast Range Mountains.

(6) Oregon-California district consists of the portion of Douglas County, Oregon, which is not included in the Lane-Douglas district; Coos, Curry, Josephine, and Jackson Counties in Oregon; Del Norte, Humbolt, and Mendocino Counties in California; and the portion of Siskiyou and Trinity Counties in California which are west of the crest of the Coast Range Mountains.

3. Section 10 is amended to read as follows:

SEC. 10. *Ceiling prices.* The ceiling prices per 1,000 feet, Spaulding or Revised Scribner Decimal C Log Scales, for logs covered by this regulation when delivered in the indicated districts, are as follows:

Type of log	Districts: Lincoln-Tillamook district	Puget Sound district	Columbia River district	Willapa Bay-Grays Harbor district	Lane-Douglas district	Oregon-California district
Douglas fir:						
Peeler No. 1	$100.00	$110.00	$110.00	$110.00	$100.00	$90.00
Peeler No. 2	90.00	100.00	100.00	100.00	85.00	75.00
Peeler No. 3	70.00	85.00	80.00	80.00	75.00	65.00
Sawmill No. 1	55.00	65.00	65.00	65.00	52.50	50.00
Sawmill No. 2	45.00	60.00	52.50	52.50	42.50	40.00
Sawmill No. 3	37.50	50.00	42.50	42.50	37.50	35.00
Camp Run—saw logs						42.00
Douglas fir special growth:						
Sawmill No. 2	45.00	52.50	50.00	50.00	40.00	37.50
Sawmill No. 3	35.00	42.50	40.00	40.00	35.00	32.50
Western hemlock:						
Peelable	55.00	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	47.50	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	37.50	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	35.00	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs						37.00
White fir:						
Peelable	55.00	60.00	57.50	57.50	55.00	55.00
Sawmill No. 1	47.50	55.00	52.50	52.50	47.50	45.00
Sawmill No. 2	37.50	42.50	42.50	42.50	37.50	35.00
Sawmill No. 3	35.00	40.00	40.00	40.00	32.50	30.00
Camp Run—saw logs						37.00
Noble fir:						
Peelable	62.50	75.00	65.00	65.00	55.00	55.00
Sawmill No. 1	55.00	60.00	60.00	52.50	47.50	45.00
Sawmill No. 2	37.50	50.00	42.50	42.50	37.50	35.00
Sawmill No. 3	35.00	45.00	40.00	40.00	32.50	30.00
Red cedar:						
No. 1		115.00		60.00		
No. 2		60.00		60.00		
No. 3		40.00		45.00		
Lumber	80.00		87.50			
Shingle	45.00		45.00			
Sitka spruce:						
Select	75.00	85.00	85.00	85.00		
Sawmill No. 1	50.00	60.00	60.00	60.00		
Sawmill No. 2	37.50	45.00	45.00	45.00		
Sawmill No. 3	35.00	42.50	42.50	42.50		
White pine:						
Peelable		60.00	70.00	70.00		
Sawmill No. 1		70.00	60.00	60.00		
Sawmill No. 2		55.00	50.00	50.00		
Sawmill No. 3		50.00	40.00	40.00		
Alder and cottonwood	45.00	45.00	45.00	45.00		
Wood logs	20.00	20.00	20.00	20.00	20.00	

4. Section 11 is amended to read as follows:

SEC. 11. *Additions for long lengths on sawmill logs.* For long lengths of all species of sawmill logs, except Western Red Cedar, the ceiling prices set forth in section 10 are increased as follows:

	Per 1,000 feet log scale
42 to 50 feet	$1.00
52 to 60 feet	2.00
62 to 70 feet	3.00
72 to 80 feet	4.00

5. Section 14 is amended to read as follows:

SEC. 14. *General explanation of log delivery in connection with established ceiling prices.* The ceiling prices established by this regulation are delivered prices. Under the regulation you are permitted to deliver logs to a buyer at a number of places, but in order to charge an established ceiling price you must deliver your logs at a designated locality, and, depending upon the locality that is chosen, you may be required to perform a related service. Three localities are designated for the Lincoln-Tillamook, Lane-Douglas, and Oregon-California districts; one locality is designated for the Puget Sound, Willapa Bay-Grays Harbor, and Columbia River districts. Section 15 shows the designated locality of delivery and a related service for the latter three districts; it also prescribes reductions in established ceiling prices which apply when you do not deliver your logs at the designated locality or when you do not perform the related service. Section 16 shows the three designated localities and a related service for the Lincoln-Tillamook, Lane-Douglas, and Oregon-California districts, and in like manner prescribes a number of reductions in established ceiling prices.

6. Section 15 (b) is amended to read as follows:

(b) *Reductions for delivery at nondesignated locality and nonperformance of services.* (1) If you do not deliver your logs in towable waters as prescribed in paragraph (a) of this section, and the cost of transporting the logs from the point of origin to the point of actual delivery is less than the cost of transporting the logs from the point of origin to the nearest towable waters plus the cost of booming and rafting the logs, as set forth in subparagraph (3) of this paragraph, the established ceiling prices are reduced by the amount by which the cost of transporting the logs from the point of origin to the nearest towable waters plus the cost of booming and rafting the logs exceeds the cost of transporting the logs from the point of origin to the point of actual delivery. For example, the cost of transporting the logs to the place of actual delivery is $7.00 and the cost of transporting the logs to towable waters plus the cost of booming and rafting is $10.00. The established ceiling price is reduced $3.00. If, however, the cost of transporting the logs from the point of origin to the point of actual delivery is equal to or greater than the cost of transporting the logs from the point of origin to the nearest towable waters plus the cost of booming and rafting the logs, as set forth in subparagraph (3) of this paragraph, the established ceiling prices need not be reduced. In computing the transportation cost, you must apply appropriate commercial trucking or common carrier railroad rates.

(2) If, when you deliver your logs in towable waters as prescribed in paragraph (a) of this section, you do not boom and raft the logs, the established ceiling prices are reduced by an amount equal to the applicable booming and rafting cost set forth in subparagraph (3) of this paragraph.

(3) For purposes of subparagraphs (1) and (2) of this paragraph, the cost of booming and rafting logs in the Puget Sound and Columbia River districts shall be $2.00 per M'BM, and the cost of booming and rafting logs in the Willapa Bay-Grays Harbor district shall be $1.75 per M'BM.

7. Section 16 is amended to read as follows:

SEC. 16. *Delivery in the Lincoln-Tillamook, Lane-Douglas and Oregon-California districts—(a) Designated localities and related services.* In order to charge a ceiling price established by this regulation when you deliver your logs in the Lincoln-Tillamook, Lane-Douglas, or Oregon-California districts, you must deliver your logs at one of the following designated localities and, where indicated, you must also perform the related services that are shown:

(1) In towable waters as defined in section 33, in which case you must boom and raft the logs.

(2) At a common carrier railroad shipping point agreed upon by you and the buyer.

(3) At the buyer's mill.

(b) *Reductions for delivery at non-designated localities and non-performance of services.* The ceiling prices established by this regulation are reduced as shown below when you elect to deliver your logs at a locality which is not designated in paragraph (a) of this section, or when you do not perform the related services:

(1) If you do not deliver your logs at a designated locality, the established ceiling prices are reduced by an amount equal to the cost of (i) transporting your logs from the place of actual delivery to the nearest towable waters, or to the nearest railroad shipping point, or to the buyer's mill, whichever is closest to the place of actual delivery, and (ii) the cost of booming and rafting your logs, as set forth in subparagraph (3) of this paragraph, if the transportation cost is computed to the nearest towable waters. In computing the transportation cost, you must apply appropriate commercial trucking or common carrier railroad rates in effect at the time of delivery.

(2) If, when you deliver logs in towable waters, you do not boom and raft the logs, the established ceiling prices are reduced by an amount equal to the booming and rafting cost set forth in subparagraph (3) of this section.

(3) For purposes of subparagraphs (1) and (2) of this paragraph, the cost of booming and rafting logs in the Lincoln-Tillamook, Lane-Douglas and Oregon-California districts shall be $2.00 per M'BM.

8. Section 18 (a) (3) is amended by inserting the words "the Lincoln-Tillamook district" after the words "the Columbia River district", so that section 18 (a) (3) reads as follows:

(3) If you deliver the logs in the Columbia River district, the Lincoln-Tillamook district, or the Lane-Douglas district, the logs must be graded and scaled in accordance with the rules, in effect when this regulation is issued, of the Columbia River Log Scaling and Grading Bureau, Portland, Oregon.

9. Section 19 (a) is amended by inserting the words "or by a United States Forest Service grader and scaler when logs or stumpage are purchased from the United States Government" after the words "accredited grader and scaler" in the second sentence thereof, so that section 19 (a) reads as follows:

SEC. 19. *Accredited graders and scalers.* (a) The Director of Price Stabilization will append to this regulation a list of accredited graders and scalers who have been found by the Director of Price Stabilization to be qualified to grade and scale logs subject to this regulation. When logs are graded and scaled by an accredited grader and scaler, or by a United States Forest Service grader and scaler when logs or stumpage are purchased from the United States Government, neither you nor a purchaser from you will be held responsible for inaccurate grades or scales if it appears that you, or the purchaser, have acted in good faith in relying upon the grades or scales presented. When, however, logs are graded or scaled by a grader and scaler who has not been accredited, and a rescale or check scale shows more than 5 percent variation in value from the original grade or scale, both you and a purchaser from you will be liable for the incorrect grading or scaling and will be subject to the penalties provided for violation of this regulation. When logs are graded or scaled by an accredited bureau, the grading and scaling will not be deemed to have been performed by an accredited grader or scaler unless the individual who performed the grading or scaling is himself listed as an accredited employee of the named bureau.

10. Section 19 (b) (1) is amended by adding after the third sentence thereof the sentence: "If an accredited grader and scaler should become an agent or employee of a log buyer or seller, the named Regional Director shall declare him to be no longer accredited," and by inserting at the end of the section the sentence: "In applying for listing as an accredited grader and scaler, you may use OPS Public Form 125", so that section 19 (b) (1) reads as follows:

(1) Any person may apply to the Regional Director, Office of Price Stabilization, Seattle, Washington, for listing as an accredited grader and scaler. An application must set forth the applicant's qualifications, such as his grading and scaling experience, his familiarity with grading and scaling rules and practices, and his familiarity with species characteristics and lumber products. It must also contain a statement setting forth that the applicant, if accredited, will act independently of all log buyers and sellers and not as an employee or agent of any buyer and seller. If an accredited grader and scaler should become an agent or employee of a log buyer or seller, the named Regional Director shall declare him to be no longer accredited. Upon receiving an application, the named Regional Director will request either the Puget Sound Log Scaling and Grading Bureau, the Grays Harbor Log Scaling and Grading Bureau, the Columbia River Log Scaling and Grading Bureau or the Southern Oregon Log Scaling and Grading Bureau to examine into the applicant's qualifications for listing as an accredited grader and scaler, and to submit to him its findings with respect to the applicant's experience and qualifications. If, on the basis of such an investigation, and whatever other information is brought to his attention, the named Regional Director is of the opinion that the applicant has the necessary qualifications to perform a reasonably satisfactory job of log grading and scaling under this regulation, he shall cause the applicant's name to be added to the list of accredited graders and scalers. In applying for listing as an accredited grader and scaler, you may use OPS Public Form 125.

11. Section 20 (b) is amended to read as follows:

(b) *Grading and scaling.* The provisions of section 17, 18, and 19 of this regulation are applicable to export sales of logs, subject, however, to the qualifications that:

(1) Exported logs shall be graded in accordance with the rules of whichever of the scaling and grading bureaus that may apply to the district in which the logs are produced; and

(2) Logs exported to buyers in foreign countries other than Canada may be scaled in accordance with the Brereton Log Scale. For example, if you make an export sale of logs produced in the Puget Sound district and ship the logs to a buyer in Canada the logs must be graded in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau, and the logs must be scaled in accordance with either the Spaulding or Revised Scribner, Decimal C Log Scales. If, however, you ship these logs to a buyer in a foreign country other than Canada, the logs must be graded in accordance with the rules, in effect when this regulation is issued, of the Puget Sound Log Scaling and Grading Bureau, but they may be scaled in accordance with either the Spaulding, the Revised Scribner Decimal C, or the Brereton Log Scales.

12. Section 33 (a) is amended by the addition of a new subparagraph (17) at the end thereof, which reads as follows:

(17) *Lincoln-Tillamook district.* This term is explained in section 4.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Ceiling Price Regulation 97 shall become effective July 26, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8112; Filed, July 21, 1952; 11:52 a. m.]

[Ceiling Price Regulation 160]

CPR 160—CEILING PRICES FOR USED STEEL DRUMS SOLD IN ALASKA AND FOR THE SERVICE OF RECONDITIONING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 160 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar-and-cent ceiling prices at all levels of distribution for certain used steel drums sold in the Territory of Alaska, and for the service of reconditioning such drums. Ceiling prices for these drums have, until the issuance of this regulation, been established by CPR 9 and the GCPR.

The average maximum life of a steel drum is two years, during which period it is used eight to ten times. Ordinarily, after each use a drum requires some reconditioning, the extent of which depends upon the use to which it has been put, its condition, and the use to which it is to be put. This reconditioning may consist of washing, scraping, painting, drying, inspection for leaks, and replacement of jackets. It may also include such operations as removing dents, sandblasting, and chaining or tumbling.

The use of steel drums in the Territory of Alaska is extensive, particularly in the petroleum industry, where a sizable portion of deliveries are made in steel drums which have seen prior usage. For the most part these drums have been shipped into Alaska from the Continental United States filled with some commodity, emptied of their contents and then reused. A critical situation may arise in the petroleum industry if the present steel drum situation in the United States becomes tight by reason of steel shortages, or for other reasons.

Alaska has no commercial steel drum reconditioning industry operating at the present time. Consequently, drum reconditioning is limited to the work performed by the industrial companies or individuals reusing empty drums in their businesses. This reconditioning work, however, is limited to functions such as inside and outside washing, rinsing, syphoning, scraping, external painting where necessary, inspection for leaks, and replacement of bung gaskets.

This regulation deals with drums of 40 to 58 gallon capacity, fabricated of 16 to 20 gauge steel, inclusive. The regulatory provisions coverage will encompass approximately 90 percent of the used steel drum business in Alaska, will provide uniform enforceable ceiling prices, and in a large measure will promote the continuance of the normal flow of drums through proper channels and discourage hoarding. The ceiling prices established by this regulation are at the current price level.

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices, or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director to be necessary to prevent circumvention or evasion of the regulation. In his judgment, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Ceiling prices.
4. Petitions for amendment.
5. Invoicing requirements.
6. Taxes.
7. Prohibitions.
8. Enforcement.
9. Definitions.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices at all levels of distribution for (a) empty raw and reconditioned used steel drums of 40 to 58 gallon capacity, inclusive, fabricated of 16 to 20 gauge steel, inclusive, and (b) the service of reconditioning raw steel drums covered by this regulation. This regulation supersedes Ceiling Price Regulation 9 and the General Ceiling Price Regulation for all such sales.

SEC. 2. *Geographical applicability.* This regulation applies only in the Territory of Alaska.

SEC. 3. *Ceiling prices*—(a) *Empty raw used steel drums and empty reconditioned used steel drums.* The ceiling price, f. o. b. point of sale, for sales of empty raw used steel drums and empty reconditioned used steel drums of specified capacities are as follows:

Type of drums	Capacities	Price per drum
Empty raw used steel drums..	40 to 58 gallons, inclusive.	$3.00
Empty reconditioned used steel drums.	do	4.50

When delivery is made by a seller's conveyance, an amount not in excess of the lowest common carrier freight charge for transporting used steel drums from the shipping point to destination may be charged and paid.

(b) *Service of reconditioning raw steel drums.* The ceiling price for the service of reconditioning raw steel drums covered by this regulation is $1.50 per drum.

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 5. *Invoicing requirements.* Every person making a sale in excess of $10.00 of the products covered by this regulation shall give to the purchaser an invoice for each sale setting forth the following: Each type of drum sold; delivery charges, if any; the price charged; and the quantity of each size or type sold. The seller must also show on each invoice whether the drums were raw or reconditioned, and the invoice must bear the words "These prices do not exceed the ceiling prices established by Ceiling Price Regulation 160."

SEC. 6. *Taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of the products or service covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 7. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, on and after the effective date of this regulation, no person shall sell or deliver any of the drums covered by this regulation or furnish the service covered by this regulation at a price in excess of the applicable ceiling price set forth in this regulation; and no person shall buy or receive, in the regular course of trade or business, any such drums or service at a price in excess of such applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(b) *Against tie-in transactions.* No person shall sell any of the products or service covered by this regulation on condition (1) that the buyer purchase from any person any commodity or service, other than the product in the drum and usually marketed in such a container, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any of the products or service covered by this regulation shall participate in any such tie-in transactions. Nothing in this paragraph shall be construed to prohibit any person from selling a product shipped in a steel drum on condition that the buyer shall resell such drum to the shipper. Any such resale, however, shall be subject to the provisions of this regulation. Furthermore, nothing in this paragraph shall be construed to prohibit a person selling a product shipped in a steel drum on condition that the buyer shall return such drum to the shipper on penalty of forfeiture of a deposit.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the drums or service covered, alone or in conjunction with any other product, or by way of any commission, service, excessive deposit charges, or transportation charge, or discount, premium, or other privilege, or by up-grading, trade understanding, or otherwise.

SEC. 8. *Enforcement.* Persons violating any of the provisions of this regulation shall be subject to criminal penalties, enforcement action, and action for damages.

SEC. 9. *Definitions.* When used in this regulation the term: (a) "Reconditioning" means subjecting a drum to all of the following services to make it suitable for use as a shipping container: Inside and outside washing (or burning), rinsing, syphoning, scraping where necessary, exterior painting, drying, inspection for leaks and replacement of all bung gaskets. In the case of an open head drum these services shall include the cleaning and painting of cover and ring.

(b) "Drum" means any single-walled cylindrical or bilged steel shipping package, liquid tight, having a welded side seam, with a capacity of 40 or 58 gallons inclusive, constructed of steel sheets of 16–20 U. S. Standard gauge, inclusive.

(c) "Empty" means containing not more than 1 inch of residue in the bottom of the drum.

(d) "Raw used steel drum" means a drum which has been used for the shipment of any commodity and which has not been reconditioned.

(e) "Reconditioned used steel drum" means a drum which has been reconditioned.

SEC. 10. *Effective date.* This regulation shall become effective July 26, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8113; Filed, July 21, 1952; 11:52 a. m.]

[Ceiling Price Regulation 161]

CPR 161—CEILING PRICES FOR USED STEEL DRUMS SOLD IN HAWAII AND FOR THE SERVICE OF RECONDITIONING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes dollar-and-cent ceiling prices at all levels of distribution for certain used steel drums sold in the Territory of Hawaii, and for the service of reconditioning such drums. Ceiling prices for these drums have, until the issuance of this regulation, been established by CPR 9 and the GCPR.

The average maximum life of a steel drum is two years, during which period it is used eight to ten times. Ordinarily, after each use a drum requires some reconditioning, the extent of which depends upon the use to which it has been put, its condition, and the use to which it is to be put. This reconditioning may consist of washing, scraping, painting, drying, inspection for leaks, and replacement of jackets. It may also include such operations as removing dents, sandblasting, and chaining or tumbling.

The use of steel drums in the Territory of Hawaii is extensive, particularly in the petroleum industry, where a sizable portion of deliveries are made in steel drums which have seen prior usage. For the most part these drums have been shipped into Hawaii from the Continental United States filled with some commodity, emptied of their contents and then reused. A critical situation may arise in the petroleum industry if the present steel drum situation in the United States becomes tight by reason of steel shortages, or for other reasons.

Hawaii has no commercial steel drum reconditioning industry operating at the present time. Consequently, drum reconditioning is limited to the work performed by the industrial companies or individuals reusing empty drums in their businesses. This reconditioning work, however, is limited to functions such as inside and outside washing, rinsing, syphoning, scraping, external painting where necessary, inspection for leaks, and replacement of bung gaskets.

This regulation deals with drums of 40 to 58 gallon capacity, fabricated of 16 to 20 gauge steel, inclusive. The regulatory provisions coverage will encompass approximately 90 percent of the used steel drum business in Hawaii, will provide uniform enforceable ceiling prices, and in a large measure will promote the continuance of the normal flow of drums through proper channels and discourage hoarding. The ceiling prices established by this regulation are at the current price level.

In formulating this regulation, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and full consideration has been given to their recommendations. Every effort has been made to conform this regulation to existing business practices, cost practices, or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director to be necessary to prevent circumvention or evasion of the regulation. In his judgment, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical applicability.
3. Ceiling prices.
4. Petitions for amendment.
5. Invoicing requirements.
6. Taxes.
7. Prohibitions.
8. Enforcement.
9. Definitions.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices at all levels of distribution for (a) empty raw and reconditioned used steel drums of 40 to 58 gallon capacity, inclusive, fabricated of 16 to 20 gauge steel, inclusive, and (b) the service of reconditioning raw steel drums covered by this regulation. This regulation supersedes Ceiling Price Regulation 9 and the General Ceiling Price Regulation for all such sales.

SEC. 2. *Geographical applicability.* This regulation applies only in the Territory of Hawaii.

SEC. 3. *Ceiling prices*—(a) *Empty raw used steel drums and empty reconditioned used steel drums.* The ceiling price, f. o. b. point of sale, for sales of empty raw used steel drums and empty reconditioned used steel drums of specified capacities are as follows:

Type of drums	Capacities	Price per drum
Empty raw used steel drums..	40 to 58 gallons, inclusive.	$3.00
Empty reconditioned used steel drums.	do	4.50

When delivery is made by a seller's conveyance, an amount not in excess of the lowest common carrier freight charge for transporting used steel drums from the shipping point to destination may be charged and paid.

(b) *Service of reconditioning raw steel drums.* The ceiling price for the service of reconditioning raw steel drums covered by this regulation is $1.50 per drum.

SEC. 4. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 5. *Invoicing requirements.* Every person making a sale in excess of $10.00 of the products covered by this regulation shall give to the purchaser an invoice for each sale setting forth the following: Each type of drum sold; delivery charges, if any; the price charged; and the quantity of each size or type sold. The seller must also show on each invoice whether the drums were raw or reconditioned, and the invoice must bear the words "These prices do not exceed the ceiling prices established by Ceiling Price Regulation 161."

SEC. 6. *Taxes.* Any person may collect, in addition to the ceiling prices established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sales of the products or service covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected.

SEC. 7. *Prohibitions*—(a) *Against transactions above ceiling prices.* Regardless of any contract or other obligation, on and after the effective date of this regulation, no person shall sell or deliver any of the drums covered by this regulation or furnish the service covered by this regulation at a price in excess of the applicable ceiling price set forth in this regulation; and no person shall buy or receive, in the regular course of trade or business, any such drums or service at a price in excess of such applicable ceiling price. No person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower prices than those set forth in this regulation may be charged, demanded, paid, or offered.

(b) *Against tie-in transactions.* No person shall sell any of the products or service covered by this regulation on condition (1) that the buyer purchase from any person any commodity or service, other than the product in the drum and usually marketed in such a container, or (2) that the buyer sell to any person any commodity or service. No person who in the regular course of trade or business buys any of the products or service covered by this regulation shall participate in any such tie-in transactions. Nothing in this paragraph shall be construed to prohibit any person from selling a product shipped in a steel drum on condition that the buyer shall resell such drum to the shipper. Any such resale, however, shall be subject to the provisions of this regulation. Furthermore, nothing in this paragraph shall be construed to prohibit a person selling a product shipped in a steel drum on condition that the buyer shall return such drum to the shipper on penalty of forfeiture of a deposit.

(c) *Against evasion.* No person shall evade or circumvent the provisions of this regulation by direct or indirect methods in connection with the sale, purchase, delivery, or transfer of the drums or service covered, alone or in conjunction with any other product, or by way of any commission, service, excessive deposit charges, or transportation charge, or discount, premium, or other privilege, or by up-grading, trade understanding, or otherwise.

SEC. 8. *Enforcement.* Persons violating any of the provisions of this regulation shall be subject to criminal penalties, enforcement action, and action for damages.

SEC. 9. *Definitions.* When used in this regulation the term: (a) "Reconditioning" means subjecting a drum to all of the following services to make it suitable for use as a shipping container: Inside and outside washing (or burning), rinsing, syphoning, scraping where necessary, exterior painting, drying, inspection for leaks and replacement of all bung gaskets. In the case of an open head drum these services shall include the cleaning and painting of cover and ring.

(b) "Drum" means any single-walled cylindrical or bilged steel shipping package, liquid tight, having a welded side seam, with a capacity of 40 or 58 gallons inclusive, constructed of steel sheets of 16–20 U. S. Standard gauge, inclusive.

(c) "Empty" means containing not more than 1 inch of residue in the bottom of the drum.

(d) "Raw used steel drum" means a drum which has been used for the shipment of any commodity and which has not been reconditioned.

(e) "Reconditioned used steel drum" means a drum which has been reconditioned.

SEC. 10. *Effective date.* This regulation shall become effective July 26, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8114; Filed, July 21, 1952; 11:52 a. m.]

(c) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative or any of the foregoing and includes the United States Government or any agency thereof, or any other government, or any of its political subdivisions or any agency of any of the foregoing.

(d) "Raw steel drum" means a used steel drum which has been emptied but has not been reconditioned for reuse after the last emptying, or an unused drum which has been damaged or deteriorated to such an extent as to require reconditioning before it can be used as a shipping container.

(e) "Reconditioned steel drum" means a raw steel drum which has been reconditioned, as defined by this regulation, to make the raw drum suitable for use as a shipping container.

(f) "Point of sale" means the location of the drum at the time the sales transaction is accomplished, regardless of where such sales transaction is completed.

Effective date. This regulation shall become effective July 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8113; Filed, July 21, 1952; 11:52 a. m.]

[Distribution Regulation 1, Revision 1, Amdt. 3]

DR 1—FAIR DISTRIBUTION OF LIVESTOCK AND MEAT

CHANGES REQUIRED BY DEFENSE PRODUCTION ACT AMENDMENTS OF 1952

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 3 to Distribution Regulation 1, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies Distribution Regulation 1, Revision 1 to conform with the requirements of the recent amendment to section 101 of the Defense Production Act of 1950, as amended. As amended, that section now reads in part as follows:

> Nor shall any restriction or other limitation be established or maintained upon the species, type, or grade of livestock killed by any slaughterer, nor upon the types of slaughtering operations, including religious rituals, employed by any slaughterer; nor shall any requirements or regulations be established or maintained relating to the allocation or distribution of meat or meat products unless, and for the period for which, the Secretary of Agriculture shall have determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor:

By this amendment the statement of policy contained in the regulation is modified to reflect the Congressional mandate. Provisions compelling sales of meat to institutional users are limited to periods during which meat is certified by the Secretary of Agriculture to be in short supply. In addition, this amendment removes from the regulation the requirements for separate registration by species. There were previously no specific restrictions in the regulation upon the slaughter of any type or grade of livestock, nor upon the types of slaughtering operations, including religious rituals, employed by slaughterers.

CONCLUSIONS

The provisions of this amendment modify the policy of the Office of Price Stabilization under this regulation only to the extent required by the recent amendments to the Defense Production Act of 1950. Since this amendment merely implements the mandate of Congress, the Director of Price Stabilization has not consulted in its formulation with industry representatives. The Director finds that special circumstances which caused this amendment have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director, the provisions of this amendment are necessary and appropriate to promote the national defense, generally fair and equitable, and necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Distribution Regulation 1, Revision 1, is amended in the following respects:

1. Section 1 is amended by adding at its end a new section 1 (c) to read as follows:

(c) Notwithstanding any other provisions of this regulation to the contrary, if you are permitted to slaughter any species of livestock you are permitted to slaughter all species of livestock; and if you are permitted to have any species of livestock slaughtered for you, you are permitted to have all species of livestock slaughtered for you. Nevertheless, you must continue to observe such limitations regarding weight and transfers as may govern your registration.

2. Section 3 is amended to read as follows:

SEC. 3. *Policy of this revised regulation.* It is the policy of this revised regulation to maintain the normal distribution channels of the livestock industry and (during times of inadequate supply) of the meat industry, in order to promote the national defense by facilitating the production and orderly distribution of livestock and meat. The policy of this revised regulation requires that the slaughter of livestock be maintained in normal channels. That policy also requires that, during times when the overall supply of meat and meat products is inadequate to meet the civilian or military needs therefor, meat must be distributed from the slaughtering plant through the normal classes of customers within geographical areas. All slaughterers, wholesalers, processors, and industrial users may be required to reflect a pattern of distribution of meat based on all or any part of the period beginning January 1, 1950.

3. Section 18 is amended by adding at its end a new section 18 (h) to read as follows:

(h) The provisions of this section are effective for any period for which the Secretary of Agriculture has determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor, and at no other time.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8114; Filed, July 21, 1952; 11:53 a. m.]

[General Ceiling Price Regulation, Amdt. 3 to Supplementary Regulation 4]

GCPR, SR 4—TIDEWATER COAL DOCK DEALERS

TRANSPORTATION COST INCREASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 3 to Supplementary Regulation 4 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Twice during 1951 the Office of Price Stabilization issued amendments to SR 4 to the GCPR, each of which permitted tidewater coal dock dealers to pass through transportation cost increases resulting from decisions of the Interstate Commerce Commission in Ex Parte 175. The latest amendment had a cut-off date of January 1, 1952. A description of the condition of the industry was contained in the statements of consideration which accompanied Amendments 1 and 2, which were issued on May 1, 1951, and October 12, 1951, respectively, and is incorporated herein by reference. It was noted that losses in volume, in combination with increased costs of dock operation, made it impossible for the industry to absorb any increased transportation costs without serious financial hardship.

The Interstate Commerce Commission issued an order in Ex Parte 175, effective May 2, 1952, increasing rates on coal generally by an additional 6 percent subject to certain maximum rates. Transportation costs constitute an extremely high portion of the cost of acquisition of solid fuels to the tidewater dock operator, varying from 30 percent to 50 percent according to the kind and size of coal purchased. The same situation obtains with respect to the cost of coal purchased by retail coal dealers. Recognizing the relationship between raw material cost and transportation cost, the Office of Price Stabilization on May 24, 1952, permitted retail coal dealers to pass through the above transportation cost increases by the provisions of Amendment 6 to SR 2, Revision 1, to the GCPR. Tidewater coal dock dealers often act as distributors of solid fuel in a dual capacity. Their sales may be made both as retail coal dealers, subject to the provisions of SR 2, Revision 1, and as tidewater dock dealers subject to SR 4 to the GCPR. The provisions of the retail amendment permit the tidewater dock dealers to pass through transportation cost increases on their retail sales, whereas the tidewater dock regulation permits no pass-through after January 1, 1952. This amendment by eliminating the cut-off date in Amendment 2, SR 4, permits tidewater dock dealers to pass through such transportation cost increases in the same manner as is now authorized for retail coal dealers.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 4 to the GCPR, as amended, is hereby further amended in the following respect:

1. Section 3 (d) is amended by deleting "and on or before January 1, 1952" so that the paragraph will read as follows:

(d) Each tidewater coal dock dealer may also increase the ceiling prices of each size and grade of any coal he sells and delivers under this supplementary regulation by the exact amount of increase in transportation costs, rail and/or water that have or may become effective since January 1, 1951: *Provided*, Such increased transportation costs were authorized by the Director, or by an order of the Interstate Commerce Commission or any other agency of the Government of the United States, or of any regulatory body of a State, territory or possession of the United States: *And provided further*, That the authority to increase the ceiling prices of each size or kind of coal by the exact amount of increase in transportation costs shall be effective only upon receipt by the tidewater coal dock dealer of a carrier's invoice, freight bill or other statement of transportation charges, for each such size or grade of coal, reflecting the increased freight charges required to be paid by the tidewater coal dock dealer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Supplementary Regulation 4 to the General Ceiling Price Regulation shall become effective July 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8115; Filed, July 21, 1952; 11:53 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 26]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 26—DISTRICT OF COLUMBIA MILK MARKETING AREA, WASHINGTON, D. C., AND PARTS OF NEARBY MARYLAND AND VIRGINIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation (hereinafter referred to as GCPR) issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustment of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the District of Columbia marketing area on sales of certain fluid milk products within the area by processors and distributors. Sales of pot, bakers' cheese and other dairy products not covered by this regulation and sales by retail stores remain subject to the provisions of the GCPR. Sales by receiving plants are not covered by this regulation. Sales of products processed within the area and sold outside of the area are not covered by this regulation.

The marketing area was determined after considering all relevant factors such as places where milk is processed and utilized, the places where milk in the area originates, and local ordinances or state statutes dealing with health standards in the localities involved. In general, this milk marketing area was based upon past and present milk marketing patterns.

The uniform adjustment method is used in this regulation instead of the method of establishing uniform dollar-and-cents ceiling prices because selling prices in the area historically have not been completely uniform. Under such circumstances the establishment of a dollars-and-cents ceiling price is not feasible. It was thought best to maintain these individual price differences in establishing ceilings.

In general, a seller determines his ceiling prices to a class of purchaser under this regulation by applying a uniform adjustment to his GCPR base period prices for all fluid milk and milk products. For certain items a uniform adjustment is specifically listed. For certain other items a uniform adjustment is determined by using the uniform adjustment listed for the basic container size of the most similar listed product.

Calculations were based on data submitted by a representative number of processors and distributors. This regulation is a result of petitions received from six processors and distributors in the area. These processors and distributors represent approximately 85 percent of the total volume of milk sold in the area. They also represent small, medium and large dealers. The approximate area in percent of the three areas involved in this regulation are respectively 49 percent each for Maryland and Virginia, and 2 percent for the District of Columbia. Spot checks have been made to determine the accuracy of cost, sales and volume figures contained in the petitions.

This area covers parts of the territorial areas of three of the District offices in Region 4, namely: Baltimore, Washington, D. C., and Richmond. None of the territorial areas comprising the District of Columbia milk marketing area has a majority of the area covered by this regulation. Accordingly, this regulation is issued by the Regional Director of the Office of Price Stabilization.

This regulation provides uniform adjustments for ceiling prices determined under the GCPR. These adjustments have been determined by taking prices in effect during the period January 1–June 30, 1950 and adding increases and deducting decreases in cost per sales point of (1) raw milk and other agricultural commodities or products processed therefrom which are ingredients of milk products, (2) direct labor (including distribution labor and commissions) and (3) containers, cans and cases. Where an increased price was taken by the dealers between June 30, 1950, and the "freeze" prices under GCPR, this increase was deducted from the increased cost of raw materials between January–June, 1950, and the current (June, 1952) month. This was done in order to prevent "pyramiding" of price increases. The regulation was issued on the basis of data found to be representative of the operations in the marketing area.

This regulation indicates the price for raw milk (and for certain other ingredients of milk products) upon which the adjustments in ceiling prices are based. These prices are to be the bases for computing future parity adjustments.

Milk sold in the District of Columbia and that part of Maryland included in this regulation is not controlled by any Federal or State Milk Marketing Order. The Virginia State Milk Commission fixes minimum producer and resale prices for the Arlington-Alexandria area,

of an unlisted type or size, or an unlisted type and size, shall be the ceiling price

SEC. 6 *Use of competitor's ceiling prices to establish your ceiling prices—*

under sections 4, 5 or 6, you must apply to the Regional Director of the Office of

which is included in the territory covered by this regulation. Notwithstanding this circumstance, the buying plan for milk and the classification of milk are uniform for at least 85 percent of the total volume of sales of milk by the producers in the area covered by this regulation. The said 85 percent of the volume of sales are by the Maryland-Virginia Milk Producers Association, Inc.

Every effort has been made to conform this regulation to existing business practices, to cost practices or methods, and to means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items for processors and distributors.
5. Ceiling prices of unlisted items for processors and distributors.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Producer prices.
9. Rounding of fractions.
10. Special conditions of sale.
11. Transfer of business or stock in trade.
12. Prohibitions.
13. Violation.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1 *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (hereinafter referred to as GCPR), provides uniform adjustments of ceiling prices determined under the GCPR. These adjustments are for the listed milk products in designated types and sizes of containers sold in the District of Columbia Milk Marketing Area to all classes of purchasers. It also provides a method for determining ceiling prices for the listed products sold in containers of other types and sizes, as well as ceiling prices of unlisted products.

SEC. 2 *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the District of Columbia Milk Marketing Area described as follows:

The District of Columbia Milk Marketing Area includes all of the City of Washington, District of Columbia and the adjacent territories in the states of Maryland and Virginia within the following boundaries:

Maryland: Beginning at the junction of the northwest boundary line of the District of Columbia and the Potomac River, thence follow the Potomac River to Route 112, thence along Route 112 to Route 28, thence along Route 28 to Route 118, thence along Route 118 to Route 240, thence along Route 240 to Routes 426 and 124, thence along Route 124 to Route 108, thence along Route 108 to Route 29, thence along Route 29 to the Patuxent River, thence follow the Patuxent River to Chesapeake Bay, thence follow Chesapeake Bay to the Potomac River, thence follow the Potomac River to the northwest boundary line of the District of Columbia.

Virginia: Beginning at the junction of the northwest boundary line of the District of Columbia and the Potomac River, thence follow the Potomac River to a point directly east of Leesburg, Virginia, thence directly west to Route 15, thence along Route 15 to Route 7, thence along Route 7 to Route 690, thence along Route 690 to Routes 626 and 245, thence along Route 245 to Route 17, thence along Route 17 to Route 608, thence along Route 608 to the Potomac River, thence follow the Potomac River to the northwest boundary line of the District of Columbia.

The approximate extent of each of the above described regions comprising the District of Columbia Milk Marketing Area is: Maryland—1,576 square miles (about 49 percent of the total area); Virginia—1,574 square miles (about 49 percent of the total area), and the District of Columbia—66 square miles (about 2 percent of the total area). The total area covered by this regulation is approximately 3,216 square miles.

SEC. 3 *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption, cream and cottage cheese, by processors and distributors. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to GCPR. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area unless the products are resold inside the area.

SEC. 4 *Ceiling prices of listed items for processors and distributors.*—(a) *How you determine your ceiling prices.* Your ceiling prices for the listed items, both for delivery and non-delivery sales, shall be your GCPR base period prices plus the following uniform adjustments:

RETAIL AND WHOLESALE (CENTS)

Products	Butterfat, percent	Gallons	½ gallons	Quarts	Pints	½ pints
Milk, glass	4.0	.....	3.0	1.5	0.75	0.375
Milk, paper	4.0	.....	3.0	1.5	.75	.375
Milk, bulk, gallons	4.0	6.0	.....	.....	.....	.....
Milk, homogenized, glass	3.8	.....	3.0	1.5	.75	.375
Milk, homogenized, paper	3.8	.....	3.0	1.5	.75	.375
Milk, homogenized, vitamin D, glass	3.8	.....	3.0	1.5	.75	.375
Milk, homogenized, vitamin D, paper	3.8	.....	3.0	1.5	.75	.375
Milk, concentrated, fresh	10.5	.....	.....	4.5	.....	.....
Milk, half and half	12.0	24.0	12.0	6.0	3.00	.....
Milk, chocolate	3.5	6.0	3.0	1.5	.75	.375
Drink, chocolate	2.0	6.0	3.0	1.5	.75	.375
Buttermilk, plain	1.5	6.0	3.0	1.5	.75	.375
Skim, fluid	.....	6.0	3.0	1.5	.75	.375
Skim, vitamin D and minerals added	.....	6.0	3.0	1.5	.75	.375
Milk, dispenser, bulk	4.0	6.0	.....	.....	.....	.....
Cream, light	20.0	32.0	16.0	8.0	4.00	2.00
Cream, heavy	40.0	56.0	28.0	14.0	7.00	3.50
Cream, sour	20.0	32.0	16.0	8.0	4.00	2.00
Milk, golden Guernsey	4.5	.....	.....	1.5	.75	.375

	Butterfat, percent	Miscellaneous units
Cottage cheese (12 oz.)	5.0 to 6.0	1.0
Cottage cheese, bulk (lb.)	5.0 to 6.0	1.5
Cream, aerated mixture (7-oz. can)	30.0	2.5

(b) *Reporting of ceiling prices.* You shall report the ceiling prices resulting from the application of the uniform adjustments specified in section 4 (a) to the Region 4 Office of the Office of Price Stabilization, 900 North Lombardy Street, Post Office Box 1458, Richmond 20, Virginia, by registered mail, return receipt requested, within five days after the effective date of this regulation. The report shall be filed on OPS Public Form 124, which may be obtained from the aforementioned office or your appropriate OPS District Office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section 4 until the Office of Price Stabilization has received the report required by this paragraph (b) as shown by your return postal receipt.

SEC. 5 *Ceiling prices of unlisted items for processors and distributors.*—(a) *Listed products in unlisted types or sizes, or unlisted types and sizes of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, or an unlisted type and size, shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the dollar-and-cents differential which existed between your ceiling prices, determined pursuant to section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar, first as to size, and second, as to type and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Unlisted products.* Your ceiling price for a product which is not listed in section 4 shall be the ceiling price determined pursuant to section 4 for a comparison item, adjusted by the differential which you customarily used in the GCPR base period between the price of your comparison item and the price of the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product most similar in composition as to butterfat and other ingredients to the item for which you are determining a ceiling price, packed in the container most similar, first as to size and second as to type, and delivered to the same class of purchaser.

(c) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from, among others, discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(d) *Reporting of differentials and prices resulting therefrom.* You shall report the ceiling prices computed pursuant to sections 5 (a) through 5 (c) and the differentials used in determining these ceiling prices to the Region 4 Office of the Office of Price Stabilization, 900 North Lombardy Street, Post Office Box 1458, Richmond 20, Virginia, by registered mail, return receipt requested, within five days after the effective date of this regulation. The report shall be filed on OPS Public Form 123 which may be obtained from the aforementioned office or from your appropriate District Office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section 5 until the Office of Price Stabilization has received the report required by this paragraph (d) as shown by your return postal receipt.

(e) *Modification of proposed ceiling prices by the Region 4 Director of Price Stabilization.* The Regional Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section 5 so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6 *Use of competitor's ceiling prices to establish your ceiling prices.*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5, your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the Regional Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling price.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and if so, the trade name and address of each such establishment. Your report should also include the following:

(1) *If you are a processor:* A description of the product you are pricing; the processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) *If you are a distributor:* A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section 6 may be filed on OPS Public Form 122, which may be obtained from the Regional Director of the Office of Price Stabilization who issued this regulation.

SEC. 7 *Sellers who cannot price under other sections of this regulation.*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5 or 6, you must apply to the Regional Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c) (1) or (2) of this regulation; a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The following prices are current (June 30, 1952) prices for raw milk on which are based the uniform adjustments specified in, or determined pursuant to sections 4 and 5, of this area milk price regulation:

Use	Price per hundredweight	Test (butterfat, per cent)	F. o. b.
Class I	$6.60	3.5	Processing plant.
Class II	3.76	3.5	Do.

(b) The producer prices which each processor paid for milk or products processed therefrom, in the month of June 1952, are to be used as a basis of computing parity adjustments due to changes in the prices of such commodities or products. Adjustment computations shall be made in accordance with section 8 of Supplementary Regulation 63 to GCPR.

(c) After the determination of your ceiling price under either section 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary pur-

SEC. 4 *Sales of commodities by the*

chase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9 *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10 *Special conditions of sale.* Deposit charges for all types of containers must be made in conformity with General Interpretation 2, dated August 2, 1951.

SEC. 11 *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 12 *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 13 *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective July 18, 1952.

NOTE. The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

W. F. BAILEY,
Regional Director,
Office of Price Stabilization.

JULY 18, 1952.

[F. R. Doc. 52-8063; Filed, July 18, 1952; 5:03 p. m.]

[General Overriding Regulation 11, Revision 2]

GOR 11—EXEMPTION OF CERTAIN SALES BY STATE AND FEDERAL AGENCIES AND INSTRUMENTALITIES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 11, Revision 2, is hereby issued.

STATEMENT OF CONSIDERATIONS

In the Defense Production Act Amendments of 1952 extending the Defense Production Act of 1950, Congress specifically exempted from price control rates, fees, and charges for materials or services supplied directly by the States, Territories, and possessions of the United States, and their political subdivisions and municipalities, the District of Columbia, and any agency of the foregoing. This action revises OPS regulations to conform to the amended act.

Accordingly, this General Overriding Regulation 11, Revision 2, continues the exemptions from price control presently in effect under this regulation, and in addition exempts from ceiling price regulations sales of commodities directly by local Governments and their agencies. It also continues the present exemption under General Overriding Regulation 14, as amended, for the supply of services directly by such governments and agencies, eliminating the prior restriction as to the supply of services incidental to or related to or connected with the sale of a commodity.

Although the Defense Production Act Amendments of 1952 do not exempt services supplied directly by the United States and its agencies, as distinct from those supplied by local Governments and their agencies, this revision of GOR 11 continues the present exemption under General Overriding Regulation 14 of such services supplied by the United States and its agencies. This revised regulation does not, however, make any corresponding over-all exemption with respect to sales of commodities by the United States or its agencies, since such sales are in many cases of sufficient volume and importance to have a significant effect on prices. The provisions of the General Ceiling Price Regulation are, however, suspended with respect to certain sales of commodities by Federal agencies by Supplementary Regulation 72 to the General Ceiling Price Regulation.

This revision does not exempt any sale of a commodity or service by a private person, even though he may be a contractor, lessee, licensee or concessionaire of a Government or agency covered by this regulation.

In the formulation of this revised regulation, and in view of its nature, the Director has found that consultation with industry representatives is not necessary or practicable.

REGULATORY PROVISIONS

ARTICLE I

Sec.
1. Exemptions.
2. Sales of services by Federal, State, and local Governments and their agencies.
3. Sales of commodities by State and local Governments and their agencies.
4. Sales of commodities by the Federal Government and its agencies.

ARTICLE II

20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I

SECTION 1. *Exemptions.* No ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization shall apply to the sales described in the following sections.

SEC. 2. *Sales of services by Federal, State, and local Governments and their agencies.* Sales of any service supplied directly by the United States, the States, Territories, and possessions of the United States, and their political subdivisions and municipalities, the District of Columbia, or any agency of the foregoing.

SEC. 3. *Sales of commodities by State and local Governments and their agencies.* Sales of any commodity sold directly by the States, Territories, and possessions of the United States, and their political subdivisions and municipalities, the District of Columbia, or any agency of the foregoing.

SEC. 4. *Sales of commodities by the Federal Government and its agencies*—(a) *Sales to certain purchasers.* Sales by the United States and its agencies:

(1) To another United States agency for use and not resale;

(2) To any foreign government or official agency thereof;

(3) To any relief organization for donation or export sale.

(b) *Sales of certain commodities.* Sales by the United States or its agencies:

(1) Of personal property when sold together with an interest in land or buildings in a single transaction and for a single price;

(2) Of all or substantially all of the United States Government-owned contents of a factory or plant to the owner, lessee, or operator of such factory or plant, or to any other single buyer purchasing for use in that location;

(3) Of scrap tires and scrap tubes if the person to whom such scrap tires or scrap tubes are sold is not a consumer and if the sale is not an export sale or a sale for delivery FAS port of exit, as these terms are defined in Ceiling Price Regulation 59.

(c) *Sales by certain Federal agencies.* (1) Sales by the Veterans' Canteen Service.

(2) Sales of sand, stone, gravel, gypsum, rock salt, yucca, and sulphur by the United States Department of the Interior under the Materials Act of July 31, 1947 (61 Stat. 681), as amended; 43 U. S. C. 1185–1188, provided the Department of the Interior notifies the purchaser in writing in advance of sale that the resale of such materials is subject to any applicable ceiling price regulation.

ARTICLE II

SEC. 20. *Definitions.* "Agency" means any department, commission, corporation, or other such instrumentality of the governments referred to in Article I.

Effective date. This Revision 2 to General Overriding Regulation 11, shall become effective the 21st day of July 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8116; Filed, July 21, 1952; 11:53 a. m.]

[General Overriding Regulation 14, Amdt. 18]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 18 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

In the Defense Production Act Amendments of 1952 extending the Defense Production Act of 1950, Congress specifically exempted sales of certain services from price control. Some of these services had previously been exempted from price control by this regulation, but its provisions require modification in some respects to comply with the Congressional action. Other services had not previously been exempted and are now added to the exemptions under this regulation.

Congress exempted sales of commodities and services by State and local governments and their agencies, and this exemption is now contained in General Overriding Regulation 11, Revision 2. Accordingly, subparagraphs (46) and (65) of section 3 (a) have been deleted because they are now incorporated in GOR 11, Revision 2, and subparagraph (89) has been amended to refer to the exemption now available under that regulation.

The Congress made certain changes in section 402 (e) (v) of the Defense Production Act, which originally exempted from price control only the rates of common carriers and other public utilities. The Congress has now added to the exemption rates charged by all persons subject to the Shipping Act of 1916. The Shipping Act, as amended principally by the Transportation Act of 1940, gives the Federal Maritime Board broad rate regulatory authority over common carriers by water in foreign commerce, in commerce between the United States and its territories and possessions, and in commerce within the territories. It also gives the Board authority to prevent those persons rendering terminal services in connection with such common carriers by water or in connection with common carriers by water in interstate commerce from employing unreasonable or discriminatory business practices. Common carriers by water subject to the Shipping Act have been exempt from price control by virtue of the original exemption of common carriers contained in section 402 (e) (v) of the Defense Production Act. Therefore they are not included in this amendment. The Congress has now exempted the rates of those persons subject to the Shipping Act rendering terminal services in connection with such carriers. This exemption is now added to GOR 14. The exemption defines the persons it covers in terms substantially the same as the terms used in section 1 of the Shipping Act itself. These terms are as precise as feasible for language designed to embrace a broad group of businesses. Furthermore, there are several decisions of the United States Maritime Commission, now the Federal Maritime Board, and the Supreme Court of the United States which interpret these terms and thus provide a reasonable touchstone for making decisions as to the applicability of the exemption to a particular seller.

The Congress also amended section 402 (e) (v) of the Defense Production Act to exempt certain charges made or paid by common carriers for services which are not themselves common carriage, but which are interwoven with and incidental to common carriage. The charges made by common carriers which are exempt are those for the use of transportation equipment, for the use of washroom and toilet facilities in terminals and stations, for the use of parking facilities operated in connection with common carrier operations, and for the repair of transportation equipment. The charges paid by common carriers which are exempt are those for the performance of part of their transportation service rendered to the public, including pick-up and delivery and local transfer services and the use of equipment owned by others than common carriers, and charges for protective service against heat or cold to property transported. These new statutory exemptions are added.

This action also adds to GOR 14 the new statutory exemption relative to prices charged by bowling alleys for a game of bowling.

In view of the nature of this action, special circumstances have made consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

1. Subparagraph (46) of paragraph (a) of section 3 is deleted.

2. Subparagraph (65) of paragraph (a) of section 3 is deleted.

3. Subparagraph (68) of paragraph (a) of section 3 is amended to read as follows:

(68) Charges made by a common carrier for the repair of cars or other transportation equipment; charges for railroad car repair services performed by a railroad car owner who is a party to the freight and passenger car interchange rules agreement of the Association of American Railroads in effect at the time of performance, when the charges for such services (including the furnishing of repair parts incidental thereto) are prescribed by the Code of Rules of the Association of American Railroads governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic.

4. Subparagraph (89) of paragraph (a) of section 3 is amended to read as follows:

(89) Services supplied directly by the United States, the States, Territories and possessions of the United States, their political subdivisions and municipalities, the District of Columbia, and any agency of the foregoing, to the extent that such services are exempted by General Overriding Regulation 11.

5. Subparagraph (99) of paragraph (a) of section 3 is amended to read as follows:

(99) Charges made by a common carrier for the use by others of its cars or other transportation equipment; charges paid by a common carrier for the use of cars or other transportation equipment owned by a person other than a common carrier; charges paid by a common carrier to others for protective service against heat or cold to property transported or to be transported, charges for per diem, mileage allowance and protective services in connection with the use of railroad cars between railroads, and between railroads and private rail-

6. Paragraph (b) of section 8 is

sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.

road car owners, who are participants in and operate under the car service rules and per diem rules of the Code of the Association of American Railroads, or are parties to and operate under the rules, regulations and charges of Mileage Tariff No. 7–N, L. C. Schuldt, Agent, I. C. C. No. 3924, or as hereafter amended or revised.

6. Paragraph (a) of section 3 is amended by adding at the end thereof the following subparagraphs:

(104) Rates charged by any person subject to the Shipping Act of 1916, Public Law 260, Sixty-fourth Congress, as amended, with respect to his business of furnishing forwarding, wharfage, dock, warehouse or other terminal facilities in connection with a common carrier by water as the term "common carrier by water" is defined in section 1 of that act.

(105) Charges made by a common carrier for (i) the use of washroom and toilet facilities operated directly by it in its terminals and stations; (ii) the use of parking facilities operated directly by it in connection with its common carrier operations.

(106) Charges paid by a common carrier to others for (i) the performance of a part of its transportation services to the public; (ii) pickup and delivery and local transfer services.

(107) Prices charged for the game of bowling. This exemption does not extend to the supply of any other service or the sale of any commodity by the operator of a bowling alley.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 18 to General Overriding Regulation 14 is effective July 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52–8117; Filed, July 21, 1952; 11:54 a. m.]

[General Overriding Regulation 14, Amdt. 19]

GOR 14—EXCEPTED SERVICES

ADDITIONAL EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 19 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 19 to General Overriding Regulation 14 extends the list of exemptions contained in that regulation to include fees of corporate directors and charges for admission to exhibits and various entertainment activities presented by certain non-profit organizations.

After consultation with other government agencies it has been determined that the fees charged by corporate directors for their services as representatives of the corporation, including attendance at meetings and participation in board of directors' meetings, may possibly be subject to the jurisdiction of the Office of Price Stabilization. However, in line with the policy of OPS to exempt services which have minor significance and slight effect upon the cost of living and services which cannot practicably be controlled, it is considered advisable to exempt fees charged by corporate directors acting in their capacity as directors of the corporation.

Also exempted are rates, fees and charges for admission to various cultural, educational, agricultural and industrial exhibits such as museums, historical restorations, etc., when operated solely and exclusively by a non-profit organization. The exemption also includes admission charges for special events of relatively short duration conducted exclusively by such non-profit organizations. Such special events include bazaars, carnivals, sports and entertainment activities when the special events conducted by the non-profit organization do not occur more than 30 days in any one calendar year. Generally, these special events are one or two day affairs and rarely do they continue more than two weeks.

The exemption, however, is limited to services rendered directly by non-profit organizations where no part of the receipts inures to the benefit of any private shareholder, and does not extend to services rendered on behalf of these non-profit organizations by persons supplying such services in a private capacity, such as subcontractors, lessors, lessees, licensors, licensees, concessionaires or promoters.

The exemption does not apply to sales of services incidental to or related to sales of commodities subject to OPS regulation, even though such services are rendered directly by a non-profit organization.

The limited applicability of these amendments and the varied and widespread nature of the services rendered has made formal consultation with industry representatives impracticable. However, informal conferences have been held with representatives of organizations affected by this regulation, and consideration has been given to their proposals and recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended in the following respects:

Paragraph (a) of section 3 is amended by adding at the end thereof the following:

(108) Compensations paid to corporate directors acting in their capacity solely as directors of the corporation when such compensation is not subject to regulation by the Salary Stabilization Board. This exemption, therefore, does not extend to such matters as compensation paid corporate directors acting as employees of a corporation or in any capacity other than as director of a corporation.

(109) Admission charges to cultural, educational, agricultural and industrial exhibitions when operated directly by a non-profit organization where no part of the receipts inures to the benefit of any private shareholders or similar beneficiaries; or to bazaars, carnivals and other occasional or special entertainment or sport events conducted directly by such non-profit organization when such events do not occur for more than 30 days in any one calendar year. This exemption does not extend to the rates, fees, or charges for services which are incidental or related to or connected with the sale of any commodity subject to ceiling price regulation by any such non-profit organization, or to the rates, fees and charges of sub-contractors, lessors, lessees, licensors, licensees, concessionaires, promoters or other persons supplying services related to such exhibitions or special events conducted by any such non-profit organizations.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 19 to General Overriding Regulation 14 shall be effective July 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52–8118; Filed, July 21, 1952. 11:54 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M–8, as Amended July 21, 1952]

M–8—TIN

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this order as amended has been rendered impracticable by the fact that the order affects a large number of different trades and industries.

EXPLANATORY

This order as amended revises NPA Order M–8 as amended April 9, 1952, by making certain changes, among which are the following:

1. Section 1 is amended by deleting the reference to List A.

2. Paragraph (1) of section 2 is amended by deleting the reference to item 13 of Schedule VII.

3. Section 4 is amended by deleting paragraph (c), and by redesignating paragraph (d) as paragraph (c).

4. Section 5 is amended by including a reference to Schedule VIII.

5. The certification set out in paragraph (a) of section 8 is amended by adding the words "and within the quantities" to follow the words "only for the purposes."

6. Paragraph (b) of section 8 is amended by amending subparagraph (3), by deleting subparagraph (4), and by adding a new subparagraph designated subparagraph (4).

7. The tabulation included in paragraph (a) of section 11 is amended by deleting the specific reference to "lead-base alloys."

8. Subparagraph (3) of paragraph (a) of section 14 is amended by substituting the word "duplicate" for the word "triplicate."

9. List A is deleted.

10. Item (8) of Part A of Schedule I is redesignated item (9), and an additional item, designated item (8), is added to Part A of Schedule I.

11. Items (3) and (4) of Part B of Schedule I are amended by deleting the reference to List A.

12. Schedule II has been substantially revised to reflect an increase in the permissible tin content of solder for certain applications.

13. Item (1) of Schedule IV has been amended to abolish the distinction between new fluid milk shipping containers and all other dairy equipment, and to permit the use of pig tin to plate, coat, or retin dairy equipment.

14. Subdivision (ix) of item (7) of Schedule IV is amended to include "Spiral binding wire for stenographic and school note books."

15. Item (9) of Schedule IV is amended by changing "7 percent" to "12 percent."

16. An additional item, "Sterilizing equipment," to be designated item (12), is added to Schedule IV.

17. Schedule VI has been substantially revised, primarily for the purpose of liberalizing restrictions on the use of tin oxide.

18. Items (1), (2), and (12) of Schedule VII have been amended to permit greater freedom in the use of tin and certain materials containing tin.

19. A new schedule is added, designated Schedule VIII, which permits the quarterly use of secondary tin (or of pig tin, if secondary tin cannot be used) in the processes or for the manufacture of the items included in such schedule in quantity not exceeding 25 percent by weight of the average quarterly base-period usage of total tin.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Application of order.
4. Restrictions on use of pig tin and alloys and other materials containing tin.
5. Limitations on use of pig tin.
6. Maintenance, repair, and operating supplies.
7. Allocation of pig tin.
8. Certification.
9. Defense orders for items containing tin.
10. Exemption.
11. Inventories.
12. Export certificates.
13. Importation of pig tin.
14. Records and reports.
15. Request for adjustment or exception.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VIII. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It prohibits the private importation of pig tin and places pig tin under allocation by prohibiting, subject to limited exceptions, any deliveries not covered by allocation authorizations to be issued monthly by the National Production Authority. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Base period" means the 6-month period ending June 30, 1950.

(c) "Manufacture" means to melt, put into process, machine, fabricate, cast, roll, turn, spin, coat, extrude, or otherwise alter pig tin, alloys containing tin, or other materials containing tin, by physical or chemical means and includes the use of tin and alloys and other materials containing tin in plating, and in chemical compounding and processing. It does not include the use of tin contained in any "in process" materials or any other materials not actually to be incorporated into the items to be manufactured, such "in process" materials and other materials being included under paragraphs (d) and (e) of this section.

(d) "Maintenance" means the minimum upkeep necessary to continue a building, machine, piece of equipment, or facility in sound working condition, and "repair" means the restoration of a building, piece of equipment, or facility to sound working condition when the same has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like: *Provided, however,* Neither maintenance nor repair includes the improvement of any such item with material of a better kind, quality, or design.

(e) "Operating supplies" means any tin or alloy or other material containing tin normally carried by a person as operating supplies according to established accounting practice and not included in his finished product, except that materials included in such product which are normally chargeable to operating expense may be treated as operating supplies.

(f) "Import" means to transport in any manner into the continental United States from areas outside the continental United States, including territories and possessions. It includes shipments into foreign-trade zones, customs bonded warehouses, and customs custody, except when such shipments are merely in transit through the continental United States, to destinations outside the continental United States, as shown by the bills of lading or other shipping documents. However, if any such material in transit is halted or diverted to a destination in the continental United States or subjected to processing or manufacture in the continental United States, it becomes an "import" for the purposes of this order.

(g) "Pig tin" means metal containing 95 percent or more by weight of the element tin, in shapes current in the trade, including anodes, small bars, and ingots, but excluding the products specifically listed in section IV of report Form NPAF–7.

(h) "Secondary tin" means any alloy, produced from scrap, which contains less than 95 percent but not less than 1.5 percent by weight of the element tin.

(i) For the purpose of the reporting requirements relating to imports stated in section 14 (b) of this order, "tin" means pig tin and tin in any raw, semi-finished, or scrap form, and any alloys, compounds, or other materials containing tin (where tin is of chief value) in any raw, semifinished, or scrap form. This includes, but is not limited to, the following:

Babbitt metal and solder	6506.100
Alloys and combinations of lead, not in chief value lead (including lead, antimony, and white metal)	6506.900
Type metal	6507.000
Tin bars, blocks, pigs, grained or granulated	6551.300
Tin metallic scrap (except alloyed scrap)	6551.500
Tin alloys, chief value tin, n. s. p. f. (including alloyed scrap)	6551.900
Tin dross, skimmings, and residues	6740.170
Tin foil less than 0.006 inch thick	6790.710
Tin powder, flitters, and metallics	6790.720
Tin bichloride, tin tetrachloride, and other chemical compounds, mixtures, and salts, tin chief value (including tin oxide)	8380.920

NOTE: The numbers listed in the second column are commodity numbers taken from Schedule A, Statistical Classification of Imports into the United States, issued by the U. S. Department of Commerce (August 1, 1950 edition).

(j) "Copper-base alloy" for the purpose of this order means any alloy containing tin in the composition of which the percentage of copper metal by weight equals or exceeds 40 percent of the total weight of the alloy.

(k) "Scrap" means all materials or objects which are the waste or by-products of industrial fabrication or which have been discarded for obsolescence, failure, or other reason, and

which contain tin or alloys or other materials containing tin in a form making such scrap suitable for industrial use.

(l) "Soldering" means joining with solder. This term does not include dipping or solder-coating in which the joining operation is not performed simultaneously with such dipping or coating. (For dipping or coating see Schedule IV.)

(m) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to aircraft, ammunition, armaments, weapons, ships, tanks, military vehicles, and radio and radar equipment), and any parts, assemblies, or materials to be incorporated in any of these items. This term does not include facilities or equipment used to manufacture the items described above nor does it include any "in process" or any other materials not actually to be incorporated into the items described above.

SEC. 3. *Application of order.* Subject to the exemption stated in section 10, this order applies to all persons who produce tin or alloys or other materials containing tin, or who use tin or alloys or other materials containing tin, in manufacture, processing, or construction, or for maintenance, repair, or operating supplies. In addition, the reporting provisions stated in section 14 of this order apply to persons who produce, distribute, or hold in their possession pig tin, or who import tin.

SEC. 4. *Restrictions on use of pig tin and alloys and other materials containing tin.* Subject to the exemption in section 10 of this order, or unless specifically directed by the National Production Authority:

(a) No person shall use pig tin for any purpose where secondary tin can be used.

(b) No person shall use any pig tin, secondary tin, solder, babbitt, copper-base alloy, or other alloy containing 1.5 percent or more tin, or other materials containing 1.5 percent or more tin, in the manufacture, treatment, installation, or construction of any item or product, or in any process, or for any purpose, except those set forth in the attached schedules and to the extent permitted thereby. Uses not expressly authorized by said schedules are prohibited.

(c) In addition to the restrictions set forth in the attached schedules, no person shall use: (1) In the manufacture of any product or for any purpose as to which the attached schedules limit tin content, any alloys or other materials having a tin content greater than that being used by such person in such manufacture or for such purpose on January 27, 1951; (2) in the coating of any item, a heavier coating in terms of tin content than that being used by such person for such purpose on January 27, 1951; or (3) any metal to which pig tin has been added to produce any product or perform any process for which the use of pig tin is not permitted in the schedules.

SEC. 5. *Limitations on use of pig tin.* Subject to the restrictions in section 4 of this order, or unless specifically directed by the National Production Authority, during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, no person shall use in the manufacture, processing, installation, construction, or treating of any item or product a total quantity by weight of pig tin in excess of 90 percent of his average quarterly use of pig tin for such purposes during the base period except as modified in Schedule IV, Schedule VI–B, and Schedule VIII of this order: *Provided, however,* That such use in any one month shall not exceed 40 percent of the permitted quarterly use.

SEC. 6. *Maintenance, repair, and operating supplies.* Unless specifically directed by the National Production Authority, no person shall use for maintenance, repair, and operating supplies during the calendar quarter commencing July 1, 1951, or any calendar quarter thereafter, a quantity by weight of pig tin in excess of 100 percent of his average quarterly use of pig tin for such purposes during the base period: *Provided, however,* That his use of pig tin for such purposes shall be in accordance with, and only to the extent permitted in, the attached schedules, and that no pig tin shall be used for such purposes where secondary tin can be used.

SEC. 7. *Allocation of pig tin.* (a) No person shall deliver pig tin or accept delivery of pig tin for any purpose in any month except in accordance with the terms of an allocation authorization issued for such month by the National Production Authority. An allocation authorization will be sent by the National Production Authority to the appropriate supplier and the purchaser will be notified of the issuance thereof. The authorization will permit the supplier to make delivery pursuant to the purchaser's order within the limitations of the authorization. The National Production Authority may specifically direct the purposes for which a person may use pig tin in the manufacture, processing, installation, treating, or construction of any item or product, whether or not such pig tin has been directly allocated to such person. A person who has received pig tin pursuant to an allocation for the purpose of resale may dispose of such pig tin only by resale. The issuance of an allocation authorization by the National Production Authority shall not dispense with the necessity of complying with the requirements of section 8 of this order with regard to certification.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF–7 not later than the twentieth day of the month preceding the month in which delivery is sought, and such application shall separately indicate the quantity of pig tin requested for use and the quantity requested for resale.

(c) No person shall deliver any pig tin if he knows or has reason to believe that the person requesting delivery is not permitted to receive it under the inventory limitations of section 11 of this order, or that such tin will be used for purposes not permitted by this order or in excess of the quantity limitations on use contained in section 5 of this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) delivery of pig tin to the Reconstruction Finance Corporation or the General Services Administration for the stockpile of strategic materials; (2) delivery of pig tin pursuant to specific directives of the National Production Authority; (3) delivery of pig tin to any person whose total receipts during the month in which such delivery occurs are and by such delivery will remain less than 6,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that receipt of this shipment of pig tin in the month requested will not be in violation of the inventory provisions of section 11 of NPA Order M–8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that his total receipt of pig tin in that month, including that covered by this order, will not exceed 6,000 pounds; that his total use of pig tin in that month will not exceed his permitted use of pig tin pursuant to section 5 of NPA Order M–8; and that the pig tin herein ordered will be used only for the purposes permitted by NPA Order M–8 (Schedule ------, item -------) as follows:[1]

(Specify end use)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

SEC. 8. *Certification.* (a) No person shall sell or deliver and no person shall purchase or accept delivery of any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes and within the quantities permitted by NPA Order M–8 (Schedule-----, item-----) or as permitted by special authorization from the National Production Authority as follows: [1]

(Specify end use)

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), and that such use is not prohibited by other applicable orders or regulations of the National Production Authority.

[1] In cases coming within the exemption stated in section 10, substitute the phrase "implements of war" for the reference to schedule and item. Where the tin or tin products are purchased for resale without change in form (other than packaging), substitute the phrase "for resale upon proper certification."

(b) This certification shall not be required in connection with the delivery of: (1) tin to the General Services Administration for the stockpile of strategic materials; (2) tin or tin-bearing items or products pursuant to a specific authorization of the National Production Authority; (3) solder for joining purposes containing no more than 40 percent tin by weight; (4) tin chemicals (excluding tin oxide) produced from secondary tin or scrap, provided that such secondary tin or scrap has an impurity content too high for use in the production of other items permitted in the attached schedules; (5) babbitt for bearing purposes containing 10 percent or less tin; (6) babbitt for bearing purposes of any specifications in lots of 5 pounds or less; (7) printing plates and type metal containing tin for use by the printing, publishing, and related services industries; (8) liquor-finished wire; or (9) copper-base alloy scrap containing not more than 6 percent tin by weight when delivered to a scrap dealer, brass mill, or smelter. Such scrap when delivered to any other person and all other scrap containing 1.5 percent or more tin by weight may be delivered only upon proper certification by the purchaser.

(c) No person giving a certification under this section may receive, use, or dispose of the materials obtained upon such certification contrary to its terms.

SEC. 9. *Defense orders for items containing tin.* Notwithstanding the provisions of NPA Reg. 2 which establishes a priorities system, rated orders calling for items containing tin are subject to the provisions of sections 4, 5, 6, and 8 of this order unless within the exemption provided in section 10 or unless otherwise directed by the National Production Authority.

SEC. 10. *Exemption.* The restrictions of section 4 of this order shall not apply to the manufacture of "implements of war" produced for the Department of Defense, Atomic Energy Commission, United States Coast Guard, and the National Advisory Committee for Aeronautics, provided that the use of tin contrary to these restrictions is required either by the latest applicable specifications or drawings, or by letter or contract issued by any such government agency for which the "implements of war" are being produced.

SEC. 11. *Inventories.* In addition to the inventory provisions of NPA Reg. 1, it is considered that a more exact requirement applying to users of pig tin or alloys or other materials containing tin (excluding ores and concentrates) is necessary.

(a) No person obtaining any such materials for use in manufacture, processing, or construction, or for maintenance, repair, or operating supplies, shall receive or accept delivery of a quantity of the materials listed in Column A below from domestic sources, if his inventory of such materials is, or by such receipt would become, more than the smallest quantity which will be required by his scheduled method and rate of operation to be put into use for such purposes during the next succeeding period specified in Column B below, or (except for pig tin) in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less:

Column A	*Column B*
Pig tin for tin plate	120 days.
Pig tin for all other uses	60 days.
All other materials and alloys containing 1.5 percent or more tin	60 days.

For the purpose of this section, any such materials in which only minor changes or alterations have been effected shall be included in inventory.

(b) Section 10 of NPA Reg. 1, entitled "Imported materials" will continue to apply. The other provisions of that regulation will continue to apply except as modified by this section.

(c) No scrap dealer shall accept delivery of any form of scrap defined in section 2 of this order, unless, during the 60 days immediately preceding the date of such acceptance, he shall have made delivery or otherwise disposed of scrap to an amount at least equal in weight to his scrap inventory on the date of such acceptance, exclusive of the delivery to be accepted.

SEC. 12. *Export certificates.* Any purchaser of an item included in the attached schedules who intends to export such item from the United States, its territories or possessions, or from Canada, shall include in the certification required under section 8 of this order the words "for export" as well as the number of the export license applicable to such item. No item may be produced for export unless its manufacture is permitted under the provisions of section 4 of this order.

SEC. 13. *Importation of pig tin.* Commencing on the effective date of this order, no person other than the Reconstruction Finance Corporation acting for and in behalf of the General Services Administration, shall import into the United States, its territories or possessions, any quantity of pig tin in bars, blocks, pigs, grain or granulated (Item 6551.300 Statistical Classification of Imports into the United States, dated August 1, 1950), except as specifically authorized in writing by the National Production Authority: *Provided, however,* That this prohibition shall not apply to any private importation pursuant to a contract executed prior to the effective date of this order, which is reported to and approved by the National Production Authority on or before March 23, 1951. The report of such contracts shall be by letter in duplicate addressed to the National Production Authority, Washington 25, D. C. (Ref: M–8), stating the date of execution of the contract, the parties thereto, the approximate date or dates of arrival, and the quantity and brand or brands of the material to be imported.

SEC. 14. *Records and reports.* (a) *Reports on pig tin.* (1) Any person using 1,000 pounds or more of pig tin in any calendar month must complete and file report Form NPAF–7 with the National Production Authority on or before November 20, 1950, and on or before the twentieth day of each succeeding month with respect to such use during the preceding month.

(2) Any person who on any day of any calendar month has in his possession or under his control 1,000 pounds or more of pig tin must complete and file report Form NPAF–7 with the National Production Authority on or before November 20, 1950, and on or before the twentieth day of each succeeding month with respect to such possession or control on the last day of the preceding month.

(3) Any person who produces, imports, or distributes any pig tin must report his production, entries, receipts, deliveries, inventories, balance of entries, and all other transactions in pig tin either by completing and filing report Form NPAF–7, or by letter in duplicate with the National Production Authority, on or before November 20, 1950, with respect to all such operations and transactions during October 1950, and on or before the tenth day of each succeeding month with respect to all such operations and transactions during the preceding month.

(b) *Reports on customs entry.* No tin, including without limitation, tin imported by or for the account of the Reconstruction Finance Corporation, or any other United States governmental department, agency, or corporation, shall be entered through the United States Collectors of Customs, unless the person making the entry shall complete and file, with the Collector of Customs, Form NPAF–8. The filing of such form a second time shall not be required upon any subsequent entry of the same material through the United States Collectors of Customs; nor shall the filing of such form a second time be required upon the withdrawal of such material from bonded custody of the United States Collectors of Customs, regardless of the date when such material was first transported into the continental United States. Form NPAF–8 will be transmitted by the Collectors of Customs to the National Production Authority.

(c) *Records.* (1) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(2) All records required by this order shall be made available for inspection and audit by duly authorized representa-

tives of the National Production Authority at the usual place of business where maintained.

(3) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

(d) *Submission of reports.* All reports required by this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8, together with such number of copies as may be specified in the report form.

SEC. 15. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–8.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Except as otherwise provided herein, this order as amended shall take effect July 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULES OF NPA ORDER M–8

(See section 4)

SCHEDULE I—BRASS AND BRONZE

Alloys containing 1.5 percent or more by weight of tin may be processed for the following purposes only	*Maximum permissible tin content of alloys (percent by weight)*
A. CAST COPPER-BASE ALLOYS	
(1) Piston rings for locomotives and for airbrake equipment	(1) 20.
(2) Bridge trunnion bearings, bridge bearing plates, railroad and bridge turntable bearing discs, mill stand screw down nuts.	(2) 18.
(3) Jack nuts, feed nuts, and elevating nuts	(3) 14.
(4) High ratio worm gears, fire engine pump gears, thrust washers or discs, machine tool spindle bearings.	(4) 12.
(5) Hydraulic pump bodies and ends for gear pumps, grinder spindle sleeve bearings, step bearings, internal parts of industrial centrifugal pumps and injectors, collector rings, bearings, bushings, and chemical process valves.	(5) 10.
(6) Bearings produced by the process of powder metallurgy	(6) 10.
(7) Steam industrial and aircraft valves, fittings, and specialties.	(7) 6.5.
(8) Tablets, markers, and memorials	(8) 4.
(9) All other castings	(8) 6.
B. WROUGHT ALLOYS	
(1) Condenser tubes, engine beater bars, jordan bars, ductor blades, fourdrinier wire, and screen plates.	(1) 8.
(2) Manufacture of discs and diaphragms for industrial control instruments, bronze welding rods, and rifle nuts in air hammers.	(2) 10.
(3) For use as bearings, spectacle wire, and functional parts in all other items.	(3) 5.5.
(4) All other	(4) 2.
C. COPPER NICKEL ALLOYS	
(1) Seats, discs, and bearing surfaces of steam and industrial valves.	(1) 13.

SCHEDULE II—SOLDERS

Pig or secondary tin may be used to make solder to be used for the following purposes only. (See definition of "soldering" in section 2. Solder coating is covered by Schedule IV.)	*Maximum permissible tin content of solder (percent by weight)*
(1) For soldering side seams in the manufacture of cans made with either lock or lap side seams or with a combination of lock or lap seams.	(1) 5.
(2) For soldering end seams of all solder seam cans and for the sealing of milk cans	(2) 30.
(3) For a filler or smoother for the repair of automobile or truck bodies or fenders or for similar repair purposes.	(3) 30.
(4) Radiators	(4)
(i) Average per radiator	(i) 30.
(ii) Wire solder not over 5/32 inch in diameter for the hand repair of radiators.	(ii) 40.
(5) For all soldering on the following: railroad car and truck refrigeration; refrigeration equipment inside refrigeration compartments; aluminum refrigeration condensers; aircraft motors; Diesel and electric generators; electric-traction motors; generators for railroads, street cars, mine locomotives, railway locomotives, and busses (including the dipping of commutator segments).	(5) Unlimited.
(6) Electrical precision instruments; meters, recording and indicating; dairy equipment; food processing equipment; and hospital and sterilizing equipment.	(6) 50.
(7) Tin-zinc solders for soldering aluminum foil condensers, and tin-lead solders for soldering printed circuits.	(7) 60.
(8) For soldering operations not specified above	(8) 40.

SCHEDULE III—BABBITT

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:	*Maximum permissible tin content of babbitt (percent by weight)*
(1) For manufacture, repair, maintenance, or replacement of multivane crosshead linings in locomotives or for lining aluminum crossheads, and for bonding of precision bearings and all bearings included under items (2) and (3) below.	(1) Unlimited.
(2) For manufacture, repair, maintenance, or replacement of connecting rods or main engine bearings for trucks, tractors, bulldozers, or busses.	(2) 90.

SCHEDULE III—BABBITT—Continued

Pig or secondary tin may be used to make babbitt metal or alloys used as babbitt, cast or plated, for the following purposes only:	*Maximum permissible tin content of babbitt (percent by weight)*
(3) For manufacture, repair, maintenance, or replacement of Diesel engines; turbines; locomotive connecting rod or coupling rod bearings; irrigation water pumping engines and equipment; industrial engines, generators, and motors; compressors; pumps; vessels or other ship facilities; electric locomotives; electric traction motor and generator bearings; stone crusher bearings; saw mill, planing mill, paper mill machinery; and roll neck bearings 8 inches in diameter or larger.	(3) 90.
(4) For any other bearing purpose	(4) 10.

SCHEDULE IV—PLATING AND COATING

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only:	*Permitted use of pig tin or alloys containing tin*
(1) **Dairy equipment.**	(1) Plate, coat, or retin.
(2) **Equipment** for preparing and handling food, including kitchen utensils, galley and mess equipment.	(2) Coat or retin only such parts as are designed to come in actual contact with food.
(3) **Cutlery and flatware.**	(3) Plate or coat.
(4) Copper or brass pipe and fittings:	(4)
(i) Tubing or fittings to dispense beverages or distilled water.	(i) Coat.
(ii) Tubing or fittings used as refrigeration tubing or in contact with beverages or drinking water in beverage or drinking water equipment.	(ii) Electro tin or chemically tin.
(5) **Snap** fasteners and hooks and eyes	(5) Tin or tin chemicals may be used for barrel plating or chemical plating.
(6) **Copper** and copper-base alloy wire and strip:	(6)
(i) Wire—0.032 inch nominal diameter or finer.	(i) Coat.
(ii) Wire—larger than 0.032 inch nominal diameter.	(ii) Coat with alloy containing not more than 12 percent tin by weight.
(iii) Strip—0.0270 inch thick or thinner where solderable coating is required for electrical connection.	(iii) Coat. Coating limited to 0.0004 inch in thickness.
(iv) Strip—where solderable coating is required for radiators and heat exchangers.	(iv) Coat with an alloy containing not more than 15 percent tin by weight.
(7) **Steel** wire, for following purposes:	(7) Coat for purposes indicated.
(i) Liquor-finishing process of fine steel bright wire.	
(ii) Armature binding wire and wire for all electrical equipment and aircraft parts including aircraft wire and cable.	
(iii) Wire having ultimate tensile strength of 100,000 pounds per square inch for manufacture of stranded cable (not including picture wire, fishing leaders, and like items), but including musical instrument strings.	
(iv) Spring steel wire for use as springs where prime function of the wire is a spring and alternative coatings cannot be used. (This does not include wire for spiral binding and like applications.)	
(8) Tin plate and terneplate	(8) Pig or secondary tin may be used to coat tin plate only when and to the extent specifically authorized in writing by NPA. Only secondary tin may be used to produce terne metal for coating terneplate. Terne metal containing not more than 15 percent tin may be used for coating short ternes and roofing ternes. Terne metal containing not more than 10 percent tin may be used for coating all other long ternes. All uses of tin plate and terneplate shall be in accordance with the specification limits stated in NPA Order M–24.

SCHEDULE VII—MISCELLANEOUS—Continued

SCHEDULE VI.—TIN CHEMICALS AND TIN OXIDE—Continued

Pig or secondary tin or scrap may be used for the production of chemicals as follows:

B. TIN OXIDE

Production	*Permitted use*
Tin oxide may be produced only as specifically authorized in writing by NPA.	(1) For the production of green, pink, yellow, and red colors in amounts in any one quarter not in excess of 60 percent of the average quarterly use for such purposes during the base period. (2) For the production of earthenware plumbing fixtures. (3) Laboratory agents and medicinals. (4) For polishing, provided that no person shall use for this purpose in any calendar quarter more than 50 percent of his average quarterly use for this purpose during the base period.

SCHEDULE VII—MISCELLANEOUS

Except where otherwise stated, pig or secondary tin may be used to make the following items, for permitted uses as shown:

Items	*Permitted use*
(1) Aluminum alloys containing not more than 7 percent tin by weight.	(1) For any purpose.
(2) Tin pipe, sheet, and fittings	(2) To repair or maintain beverage dispensing units and their parts, including soda fountain carbon dioxide tanks. Where such repairs require the purchase of more than 50 pounds of tin, the purchaser must return to the supplier a quantity of scrap tin having the same tin content as the material supplied.
(3) Tin pipe or tubes	(3) Where required, for conducting chemically pure distilled water.
(4) Bolster metal	(4) In the manufacture of surgical instruments if the tin content of the bolster metal does not exceed 35 percent of tin by weight. For all other cutlery, if the tin content of the bolster metal does not exceed 10 percent of tin by weight and provided such bolster metal is produced from secondary tin only.
(5) Pipe organs for religious and educational institutions.	(5) May be manufactured, rebuilt, or repaired with secondary tin taken from the inventories of organ builders or acquired from old organs.
(6) Dental amalgam alloys	(6) No restriction on tin content.
(7) Detonators and blasting caps (including electric blasting caps).	(7) Pig or secondary tin may be used to make the detonators and blasting caps and all necessary parts and accessories.
(8) Collapsible tubes	(8) Pig or secondary tin may be used in accordance with the specification limits stated in NPA Order M-27.
(9) Printing plates and type metal containing tin.	(9) May be made for use by the printing, publishing, and related services industries without certification.
(10) Terne metal	(10) Terne metal containing not more than 15 percent of tin may be produced if made from secondary tin only.

SCHEDULE IV—PLATING AND COATING—Continued

Pig tin or alloys containing tin may be used to plate or coat solely for protective or functional purposes in the following items only	*Permitted use of pig tin or alloys containing tin*
(9) Sheet (other than tin plate, terneplate, or tin mill black plate), tubing, wire, foundry chaplets, etc.	(9) Lead-base alloys containing not more than 12 percent of tin may be used to coat, if the alloys are derived from secondary tin only.
(10) Steel-bearing shells	(10) Pig or secondary tin may be used to electro-tin to a thickness not exceeding 0.00006 inch.
(11) Electrotype shells	(11) Pig or secondary tin may be used to electro-plate, electrotype shells only where such installations were operating on or before January 27, 1951.
(12) Sterilizing equipment	(12) Plate or coat.

SCHEDULE V—FOIL

Pig or secondary tin may be used to make foil for the following purposes only	*Maximum permissible tin content of foil (percent by weight)*
(1) Electrotypers' foil	(1) 30.
(2) Soft babbit for the preparation of industrial metallic packing.	(2) 1½.
(3) Condenser foil of dimensions 0.00035 inch by 1 inch or less.	(3) 50.
(4) Condenser foil for all other condensers	(4) 15.
(5) Foil for aircraft magnetos	(5) 50.
(6) Cap liner foil for packing medicinal, pharmaceutical, and biological preparations containing chloroform or other highly volatile chemicals; and preparations containing an equivalent alcohol content in excess of 50 percent, and for which other types of liners cannot be used.	(6) Unlimited.
(7) Dental foil	(7) Unlimited.
(8) Lead-base foil for burglar alarm systems	(8) 4½.

SCHEDULE VI—TIN CHEMICALS AND TIN OXIDE

Pig or secondary tin or scrap may be used for the production of chemicals as follows:

A. TIN CHEMICALS (OTHER THAN TIN OXIDE)

Types of tin chemicals	*Permitted use*
(1) Tin chemicals (excluding tin oxide).	(1) May be used only as or for: Laboratory reagents, medicinals, or plating (to the extent permitted in other schedules).
(2) Tin chemicals (excluding tin oxide) produced from secondary tin or scrap, provided that such secondary tin or scrap has an impurity content too high for use in the production of other items permitted in the attached schedules.	(2) May be used for any purpose without certification.

SCHEDULE VII—MISCELLANEOUS—Continued

Except where otherwise stated, pig or secondary tin may be used to make the following items, for permitted uses as shown:

Items	*Permitted use*
(11) Fusible alloys and dry pipe seat rings:	(11)
(i) Dry pipe seat rings	(i) Pig or secondary tin may be used to the extent required to meet performance specifications.
(ii) Fusible alloys for safety purposes only.	(ii) Pig or secondary tin may be used to the extent required to meet minimum code requirements with respect to the operation of the product in which the alloy is to be contained.
(12) Linings for chromium plating tanks and lead anodes for chromium plating.	(12) Lead-base alloys containing not more than 7 percent tin may be used if the alloys are derived from secondary tin only.
(13) Bismuth alloys. Pig or secondary tin may be used for the production of bismuth alloys.	(13) For items permitted elsewhere in these schedules or as specifically authorized in writing by the National Production Authority.
(14) Clutch and brake facings when produced by the process of powder metallurgy.	(14) Not more than 10 percent by weight of tin powder.
(15) Carbon brushes when produced by the process of powder metallurgy.	(15) Tin powder up to 12 percent of the copper content by weight.
(16) Hammer metal, die-proofing metal, and filling and sealing metal.	(16) Lead-base alloys containing not more than 5 percent tin may be used if the alloys are derived from secondary tin only.

SCHEDULE VIII

Pig or secondary tin may be used by any person in the following processes or in the production of the following items, provided that such usage in any calendar quarter shall not exceed 25 percent of his average quarterly usage of tin (total weight of pig and secondary tin) for such purpose during the base period, and that no pig tin is used where secondary tin can be used. Solder for joining purposes may be used without limit in the production of these items. The usage of tin under this schedule is subject to the specification limitations set forth in any other applicable schedule and in section 4 (c) of this order.

1. Advertising specialties.
2. Art objects.
3. Britannia metal, pewter metal, or other similar tin-bearing alloys.
4. Buckles.
5. Buttons.
6. Chimes and bells.
7. Coated paper.
8. Emblems and insignia.
9. Fasteners as follows: Book match clips and staples, paper clips, spiral binders for advertising purposes, office staples, and paper fasteners.
10. Jewelry.
11. Novelty souvenirs and trophies.
12. Ornaments and ornamental fittings.
13. Hollow ware.
14. Plating and coating for decorative purposes.
15. Powder for decorative purposes.
16. Refrigerator trays or shelves (all types).
17. Seals and labels.
18. Slot, game, and vending machines.
19. Tin oxide (except for the purposes and to the extent set forth in Schedule VI).
20. Toys and games.
21. Zinc galvanizing.
22. All other ornamental or decorative purposes.

[F. R. Doc. 52-8067; Filed, July 21, 1952; 9:52 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

FOX RIVER AND PORTAGE CANAL, WISCONSIN

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.643 is amended; paragraph (b) is redesignated as paragraph (c) and regulations are hereby prescribed as paragraph (b) to govern the operation of the highway bridge across the Fox River and U. S. Canal at De Pere, Wisconsin, as follows:

§ 203.643 *Fox River and Portage Canal, Wisconsin.* • • •

(b) *Bridge (highway) at De Pere, Wis.* (1) The owner of or agency controlling the bridge will not be required to keep draw tenders in constant attendance or maintain a signal device at this bridge.

(2) For the purpose of this paragraph the bridge tender and the acting clerk of the City of De Pere, Wisconsin, are designated as authorized representatives of the owner.

(3) The bridge shall be opened promptly upon the call signal of three distinct blasts of a whistle or horn for the passage of any vessel unable to pass safely under the closed draw span from 10:00 a. m. to 8:00 p. m., c. s. t., on all days of the regular navigation season. In case the draw cannot be opened immediately when the signal is given, a red flag or a ball by day, or a red light by night, shall be conspicuously displayed.

(4) At all other times during the regular navigation season, whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 2 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge. Upon receipt of such advance notice, the representative shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(5) The owner of or agency controlling such bridge shall provide arrangements whereby the representative specified in subparagraph (2) of this paragraph can be reached readily by telephone or otherwise at any time, and shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such a manner that it can be read easily at any time, a copy of these regulations together with a notice stating exactly how he may be reached.

(c) *Bridges at or between Berlin and Portage, Wis.* • • •

(28 Stat. 362; 33 U. S. C. 499) [Regs., July 1, 1952, 823.01–ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-7958; Filed, July 21, 1952; 8:45 a. m.]

PART 204—DANGER ZONE REGULATIONS

VIEQUES PASSAGE IN THE VICINITY OF POINT CASCAJO, PUERTO RICO

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.232, establishing a danger zone and governing navigation within an Army antiaircraft artillery and water-borne target gunnery range in the waters of Vieques Passage between Puerto Rico and Vieques Island is hereby prescribed, effective on and after its publication in the FEDERAL REGISTER due to the urgency of the training program and the wide publicity already given, as follows:

§ 204.232 *Waters of Vieques Passage in the vicinity of Point Cascajo, Puerto Rico; antiaircraft artillery and water-borne target range, United States Army Forces Antilles and Military District of Puerto Rico*—(a) *The danger zone.* (1) All waters of Vieques Passage off the east coast of Puerto Rico, within the sector of a circle, bounded by radii of 25,000 yards bearing 156° 09′ 57″ and 226° 48′ 46″, respectively, from latitude 18°12′24″, longitude 65°37′54″, and the included arc.

NOTE: All bearings are referred to true meridian.

(2) The outer boundaries of the danger zone will not be marked but signs will be posted at conspicuous places on the shore to warn against trespassing on the area. Aircraft and watercraft will be presumed to know the location of the danger zone by its principal landmark.

(b) *The regulations.* (1) The danger zone shall be open to navigation at all times except when antiaircraft artillery and water-borne target practice firing or both are being conducted. At such times, no vessel or other craft except those engaged in the patrol of the area, or in antiaircraft artillery and water-borne target firing practice, shall enter or remain within the area.

(2) The fact that antiaircraft artillery and water-borne target firing practice, or both are to take place over the designated area will be advertised to the public through the usual media for the dissemination of such information. Inasmuch as such practice is to be carried on throughout the year, without regard to season, such advertising will be re-

peated at intervals not exceeding three months, and at more frequent intervals when, in the opinion of the Commanding General responsible for the use of the area, such frequent repetition is advisable in the interest of the public safety.

(3) Prior to conducting each anti-aircraft artillery or water-borne target firing practice, or both, the entire danger zone will be patrolled to insure that no watercraft are within the danger zone. Any watercraft found in the vicinity will be warned that such practice is about to take place. Any such watercraft shall, upon being so warned, leave the danger zone immediately and shall not return until such practice shall have been terminated and notification to that effect shall have been given by the patrol craft.

(4) This section shall be enforced by the Commanding General, United States Army Forces Antilles and Military District of Puerto Rico, and such agencies as he may designate.

(40 Stat. 266, 892; 33 U. S. C. 1, 3) [Regs., July 7, 1952, 800.2121–ENGWO]

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52–7967; Filed, July 21, 1952; 8:45 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MISCELLANEOUS AMENDMENTS

1. Pursuant to the authority vested in me by Rules 9 and 12 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, §§ 4.20 and 4.21a of Title 35 of the Code of Federal Regulations are hereby amended in the following respects.

2. In § 4.20, in the tabular listing of documents required, the number of required copies of item (f) in both columns is changed from 4 to 2; of item (g) in the second column is changed from 8 to 4; and of item (k) in the second column is changed from 4 to 2. Note 1 under this section is amended to read as follows:

NOTE 1: *Documents required at ports.* In case a vessel takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents to the number indicated in the second column are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents to the number indicated in the second column will be required at the first port and, in addition, one copy each of documents (f), (g), (h), and (i), and document (k) to the number indicated in the second column, will be required at the second port.

3. In § 4.21a the word "Six" and the word "six", wherever they appear, are amended to read "Two" and "two", respectively.

(E. O. 4314, Sept. 25, 1925)

Issued at Balboa Heights, Canal Zone, June 30, 1952.

J. S. SEYBOLD,
Governor of the Canal Zone.

[F. R. Doc. 52–7903; Filed, July 21, 1952; 8:54 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 271—USE OF "SMOKEY BEAR" SYMBOL

Pursuant to authority vested in me by the act of May 23, 1952, 66 Stat. 92, 18 U. S. C. 711 there are hereby prescribed the following regulations governing the manufacture, reproduction or use of "Smokey Bear."

Sec.

271.1 Definitions.
271.2 Present use.
271.3 Non-commercial license.
271.4 Commercial license.
271.5 Interim commercial use.
271.6 Review of licenses.
271.7 Power to revoke.
271.8 Consultation with Association of State Foresters and the Advertising Council.

AUTHORITY: §§ 271.1 to 271.8 issued under 66 Stat. 92; 18 U. S. C. 711.

§ 271.1 *Definitions.* (a) the term "Smokey Bear" as used in this part means the character "Smokey Bear" originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and The Advertising Council, or any facsimile thereof, or the name "Smokey Bear", or any name or designation sufficiently similar as to suggest the character "Smokey Bear".

(b) The term "Chief" means the Chief of the Forest Service, United States Department of Agriculture, or person designated to act for him.

(c) The term "Association of State Foresters" means the national organization of State Foresters.

(d) The term "the Advertising Council" is the Advertising Council Inc., organized under the laws of the State of New York.

§ 271.2 *Present use.* Materials heretofore or hereafter produced and released as part of the nation-wide cooperative forest fire prevention program and approved jointly by the Advertising Council, the Association of State Foresters, and the United States Department of Agriculture, may continue to be used without express approval. These include glossy prints, mats, cuts, and other official campaign materials.

§ 271.3 *Non-commercial license.* The Chief may authorize the use of "Smokey Bear" for non-commercial educational purposes without charge under such conditions as will contribute to purposes of education and information concerning the prevention of forest fires.

§ 271.4 *Commercial license.* The Chief may authorize the commercial manufacture, reproduction, or use of "Smokey Bear" upon the following findings:

(a) That the use to which the article or published material involving "Smokey Bear" is to be put shall contribute to public information concerning the prevention of forest fires.

(b) That the proposed use is consistent with the status of "Smokey Bear" as the symbol of forest fire prevention and does not in any way detract from such status.

(c) That a use or royalty charge which is reasonably related to the commercial enterprise has been established.

Such other conditions shall be included as the Chief deems necessary in particular cases.

§ 271.5 *Interim commercial use.* The Chief may authorize the manufacture, reproduction or use of "Smokey Bear" without regard to the requirements of § 271.4, for periods not to exceed 180 days in any case, subject to the following limitations:

(a) It shall be determined that such persons, because of plans or commitments made prior to the enactment of 18 U. S. C. 711 would suffer substantial loss if denied such authorization.

(b) Such continued manufacture, reproduction or use will not detract from the symbolic status of "Smokey Bear."

(c) Reasonable use charge or royalty shall be made for this privilege, unless in the judgment of the Chief such charge would be unreasonable, in view of the prior plans or commitments of the licensee.

(d) No license granted under this section shall be effective after May 22, 1953.

§ 271.6 *Review of licenses.* The Chief will cooperate with the Association of State Foresters and the Advertising Council, and for this purpose may review with these organizations from time to time the nature and status of licenses granted under these regulations.

§ 271.7 *Power to revoke.* It is the intention of this part that the Chief, in exercising the authorities delegated hereunder, will at all times consider the primary purpose of fostering public information in the prevention of forest fires. All authorities and licenses granted under this part shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the purpose of forest fire prevention, is offensive to decency or good taste, or for similar reasons in addition to any other limitations and terms contained in the licenses.

§ 271.8 *Consultation with Association of State Foresters and the Advertising Council.* This part has been issued after consultation with the Association of State Foresters and the Advertising Council.

It is to the benefit of the public that these regulations be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these regulations effective less than thirty days after publication.

The foregoing regulations shall be effective July 22, 1952.

Done at Washington, D. C., this 17th day of July 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–7969; Filed, July 21, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

STANDARDS FOR FLORIDA ORANGES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of proposed separate United States Standards for Florida Oranges and the deletion of all reference to Florida under the present effective Standards for Oranges (14 F. R. 6831), issued November 15, 1949. This action is being taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m. e. s. t. on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.302 *Standards for Florida oranges*—(a) *General* (1) The standards in this section apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. The standards in this section do not apply to tangerines for which separate U. S. Standards are issued.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(ii) If any lot of U. S. Fancy Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Oranges of the early and mid-season varieties shall be fairly well colored.

(ii) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(iii) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(iv) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See Tolerances for Defects).

(i) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects).

(i) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(7) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each orange of this grade shall be reasonably well colored.

(ii) In this grade not more than one-half of the surface, in the aggregate,

may be affected with discoloration. (See Tolerances for Defects.)

(iii) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(8) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(9) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(10) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See Tolerances for Defects.)

(ii) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(c) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping points: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Bright and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 1 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(8) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination.

None of the foregoing tolerances shall apply to wormy fruit.

(e) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(f) *Standard pack for oranges except Temple variety.* (1) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container are outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
96's	3 6/16	3 13/16
126's or 128's	3 3/16	3 10/16
150's	3	3 7/16
176's or 176's	2 14/16	3 3/16
200's	2 13/16	3 1/16
216's	2 10/16	3
252's	2 8/16	2 14/16
288's or 294's	2 7/16	2 12/16
324's	2 6/16	2 10/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 4/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

(3) "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Mature" means the same as that term is set forth for oranges other than Temple oranges in sections 19 and 20, chapter 25149 and for Temple oranges, in sections 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

(6) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(7) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit;

(ii) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(iii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(iv) Scars which are depressed, not smooth, or which detract from the appearance of the friut to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(v) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(8) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(9) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(10) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose;

(ii) Creasing, when causing the skin to be materially weakened;

(iii) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(iv) Green spots or oil spots, when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange of 200-size. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on a 200-size orange;

(v) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture;

(vi) Scale, when occurring as a blotch and its size exceeds the area of a circle five-eights inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on a 200-size orange;

(vii) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(viii) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(ix) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury

which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(xi) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(11) "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

(12) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

(13) "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

(14) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

(15) "Slightly rouugh texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

(16) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(iii) Creasing, when so deep or extensive that the skin is seriously weakened;

(iv) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(v) Green spots or oil spots, when seriously affecting the appearance of the individual fruit;

(vi) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(vii) Scale, when it seriously affects the appearance of the individual fruit;

(viii) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(ix) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(x) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xi) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(xiii) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed;

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(iii) Bird pecks, when not healed;

(iv) Caked melanose, when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(vi) Creasing, when so deep or extensive that the skin is very seriously weakened;

(vii) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(viii) Scab, when aggregating more than 25 percent of the surface of the fruit;

(ix) Scale, when covering more than 20 percent of the surface of the fruit;

(x) Split navels, when not healed or the fruit is seriously weakened;

(xi) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(xii) Sunburn, when seriously affecting more than one-third of the fruit surface;

(xiii) Thorn punctures, when not healed or the fruit is seriously weakened; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(20) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(h) *Standards for internal quality of common sweet oranges (Citrus Sinensis (L) Osbeck)*—(1) *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(2) *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(i) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(i) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* (1) For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table II together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE II

Total soluble solids average percent	Maximum anhydrous citric acid average percent	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50-1
9.1	.953	9.45-1
9.2	.979	9.40-1
9.3	.995	9.35-1
9.4	1.011	9.30-1
9.5	1.027	9.25-1
9.6	1.043	9.20-1
9.7	1.060	9.15-1
9.8	1.077	9.10-1
9.9	1.094	9.05-1
10.0	1.111	9.00-1
10.1	1.128	8.95-1
10.2	1.146	8.90-1
10.3	1.164	8.85-1
10.4	1.182	8.80-1
10.5	1.200	8.75-1
10.6	1.218	8.70-1
10.7	1.237	8.65-1
10.8	1.256	8.60-1
10.9	1.275	8.55-1
11.0	1.294	8.50-1
11.1	1.306	8.50-1
11.2	1.318	8.50-1
11.3	1.329	8.50-1
11.4	1.341	8.50-1
11.5	1.353	8.50-1
11.6	1.365	8.50-1
11.7	1.376	8.50-1
11.8	1.388	8.50-1
11.9	1.400	8.50-1
12.0	1.412	8.50-1
12.1	1.424	8.50-1
12.2	1.435	8.50-1
12.3	1.447	8.50-1
12.4	1.459	8.50-1
12.5	1.471	8.50-1
12.6	1.482	8.50-1
12.7	1.494	8.50-1
12.8	1.506	8.50-1
12.9	1.517	8.50-1
13.0	1.530	8.50-1
13.1	1.541	8.50-1
13.2	1.553	8.50-1
13.3	1.565	8.50-1
13.4	1.576	8.50-1
13.5	1.588	8.50-1
13.6	1.600	8.50-1
13.7	1.612	8.50-1
13.8	1.624	8.50-1
13.9	1.635	8.50-1
14.0	1.647	8.50-1
14.1	1.659	8.50-1
14.2	1.671	8.50-1
14.3	1.682	8.50-1
14.4	1.694	8.50-1
14.5	1.705	8.50-1
14.6	1.718	8.50-1
14.7	1.729	8.50-1
14.8	1.741	8.50-1
14.9	1.753	8.50-1
15.0	1.765	8.50-1
15.1	1.776	8.50-1
15.2	1.788	8.50-1
15.3	1.800	8.50-1
15.4	1.812	8.50-1
15.5	1.824	8.50-1
15.6 or more		8.50-1

(j) *Method of juice extraction.* (1) The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze having 44x40 threads per square inch, and shall not be extracted or strained in any other manner.

Done at Washington, D. C., this 16th day of July 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8010; Filed, July 21, 1952; 8:55 a. m.]

FEDERAL SECURITY AGENCY

Social Security Administration

[45 CFR Part 301]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

FEE FOR SUPERVISION

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), that the regulations set forth in tentative forms below are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with approval of the Commissioner for Social Security and the Federal Security Administrator. The proposed regulations amend existing regulations concerning fees for supervision.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Federal Security Agency, Federal Security Building, Washington 25, D. C., within a period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16a and section 5 of the Federal Credit Union Act, as amended. (48 Stat. 1221, 12 U. S. C. 1766; 66 Stat. 63, 12 U. S. C. 1755; and section 2 of the act of June 29, 1948 (62 Stat. 1091)).

[SEAL] CLAUDE R. ORCHARD,
Director, Bureau of Federal Credit Unions.

Dated: July 16, 1952.

Approved:

A. J. ALTMEYER,
Commissioner for Social Security.

Approved:

JOHN L. THURSTON,
Acting Federal Security Administrator.

Section 301.6 is hereby amended to read as follows:

§ 301.6 *Fee for supervision*—(a) *Extent of fee.* Not later than January 31 of each calendar year, each Federal credit union shall pay to the Bureau of Federal Credit Unions, for the preceding calendar year, a supervision fee in accordance with the graduated scale set forth in subparagraph (1) of this paragraph on the basis of assets as of December 31 of such preceding year, but such fee shall in no event be less than $10: *Provided, however,* That no such annual fee shall be payable by such an organization with respect to the year in which its charter is issued or the year in which final distribution is made in liquidation of the credit union or the charter is otherwise canceled.

(1) *Scale of supervision fees.*

Totals Assets	*Maximum Fee*
$500,000 or less	30 cents per $1,000;
Over $500,000 and not over $1,000,000	$150, plus 25 cents per $1,000 in excess of $500,000;
Over $1,000,000 and not over $2,000,000	$275, plus 20 cents per $1,000 in excess of $1,000,000;
Over $2,000,000 and not over $5,000,000	$475, plus 15 cents per $1,000 in excess of $2,000,000;
Over $5,000,000	$925, plus 10 cents per $1,000 in excess of $5,000,000.

Provided, however, That no fee shall be payable with respect to the last fractional part of $1,000 of total assets.

(2) *Definition of assets.* (i) The term "assets" as used in this section shall mean all items properly coming within the classification of asset accounts as stated in the Manual of Accounting Procedure for Federal Credit Unions, as revised.

(ii) The term "total assets" as used in this section shall mean the sum of all assets.

(b) *Supervision fee certificate.* The treasurer of each Federal credit union shall certify as to the correctness of the Supervision Fee Certificate, Form FCU 511 Rev. He shall send, not later than January 31 of each year, the original supervision fee certificate and as many copies as the Bureau of Federal Credit Unions may request, together with a check in payment of the supervision fee stated on the supervision fee certificate to be due, to the Regional Office of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office, and shall retain one copy of the supervision fee certificate in the permanent files of the Federal credit union. Copies of the supervision fee certificate form may be obtained from any Regional Office of the Bureau of Federal Credit Unions.

(c) *Checks in payment of supervision fees.* All checks in payment of supervision fees shall be made payable to the Treasurer of the United States.

(d) *Audit of supervision fee computation and payment.* Whenever the Bureau of Federal Credit Unions makes a regular or special examination of a Federal credit union, the employee of the Bureau of Federal Credit Unions making the examination will audit the computation and payment of annual supervision fee(s) for the years which have elapsed since the last previous audit. Such employee shall adjust any errors in computation and the Federal credit union shall deliver to such employee a check pay-

able to the Treasurer of the United States to cover the amount of any underpayment of the supervision fee(s). The decision of the employee of the Bureau as to amount due shall be final and conclusive: *Provided*, That the Federal credit union may make the supplementary payment subject to the results of an appeal from the employee's decision to the Regional Representative of the Bureau of Federal Credit Unions for the region in which the Federal credit union maintains its principal office: *Provided further*, That the Federal credit union shall file such appeal within 30 days from the date the employee's decision is made. If the audit discloses that an overpayment has been made, the employee of the Bureau of Federal Credit Unions is authorized to advise and assist the Federal credit union to prepare and file a request for a refund of the amount of overpayment. Such request should be addressed to the Regional Representative of the Bureau of Federal Credit Unions for the area in which the credit union maintains its principal office.

[F. R. Doc. 52-7963; Filed, July 21, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

DELEGATION OF AUTHORITY FOR SUBMITTING LOYALTY CERTIFICATIONS OF CIVILIAN PERSONNEL ASSIGNED TO UNITED STATES MISSIONS TO GREECE AND TURKEY

Pursuant to the authority vested in me as Secretary of Defense, and in accordance with section 202 (f) of the National Security Act, as amended, the authority and responsibility for making required loyalty certifications is hereby delegated to the Secretaries of the Army, Navy, and Air Force, respectively, for personnel under their jurisdictions, in order to meet the provisions of the Greek-Turkish Assistance Act of 1947, subsection 2 of section 1, 61 Stat. 103, and the Greek-Turkish Assistance Act of 1948, section 304, 62 Stat. 158. This authority may be redelegated to specified officials as appropriate.

WILLIAM C. FOSTER,
Acting Secretary.

JUNE 24, 1952.

[F. R. Doc. 52-7959; Filed, July 21, 1952; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 61

JULY 14, 1952.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

INDEX LAKE UNIT

SEWARD MERIDIAN

For lease and sale—for cabin sites:

T. 20 N., R. 8 E.
Sec. 23: Lots 3, 4, 6, and 7 and N½NW¼NE¼SW¼.

Containing approximately 16 acres.

This order shall not become effective to permit the initiation of any rights or any disposition under the public land laws until it is so provided by an order to be issued by the Chief, Division of Land Planning, Bureau of Land Management, Region VII, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, with a 91 day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 747, 43 U. S. C. sec. 279), as amended.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-7960; Filed, July 21, 1952; 8:46 a. m.]

CALIFORNIA

NOTICE OF FILING OF PLAT OF SURVEY

JULY 14, 1952.

Notice is given that the plat of original survey of the following described lands, accepted February 28, 1952, will be officially filed in the Land Office, Sacramento, California, effective at 10:00 a. m. on the 35th day after the date of this notice:

MOUNT DIABLO MERIDIAN

T. 22 S., R. 13 E.,
Sec. 11, E½;
Sec. 12, W½.

The area described aggregates 640 acres.

These lands lie across the crest of the Coast Range in Monterey County and partially in Fresno County. The lands are not accessible by vehicle and are extremely rough, broken and mountainous with elevations ranging from 2,700 to 3,650 feet. The lands are generally covered with a dense stand of brush and are considered to be primarily valuable for watershed and wildlife purposes. Grazing value for domestic livestock is limited, and the lands are not known to contain timber, minerals, permanent water or other resources of public value.

The S½NE¼, NE¼SE¼ Sec. 11, and SW¼, SW¼NW¼ Sec. 12, above township and range, are patented lands. Therefore, they are not subject to application under the public land laws.

The N½NE¼, W½SE¼, SE¼SE¼ Sec. 11, and N½NW¼, SE¼NW¼ Sec. 12, above township and range, are vacant public lands which are embraced in noncompetitive oil and gas leases issued under the act of February 25, 1920 (41 Stat., 443, 30 U. S. C. Sec. 226), as amended.

No applications for the described vacant public lands may be allowed under the homestead, small tract, or any other nonmineral public land laws unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

At the hour and date specified above the described vacant public lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 and 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

[SEAL] J. M. GIBBONS,
Manager.

[F. R. Doc. 52-7994; Filed, July 21, 1952; 8:55 a. m.]

[Misc. 63387]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 16, 1952.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

BOISE MERIDIAN

T. 2 S., R. 18 E., B. M., Idaho
Sec. 1, lot 1;
Sec. 22, E½E½;
Sec. 23, W½, W½E½,
T. 2 S., R. 19 E.,
Sec. 6, lots 3, 4, 5, 6, SE¼NW¼, NE¼SW¼;
Sec. 17, SE¼, SE¼SW¼;
Sec. 20, N½NE¼, NE¼NW¼,
T. 1 N., R. 22 E.,
Sec. 22, N½NW¼, SE¼NW¼, NE¼SW¼.

The areas described aggregate 1,427.30 acres.

The lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Boise, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Boise, Idaho.

WILLIAM ZIMMERMAN, JR.,
Acting Director.

[F. R. Doc. 52-7961; Filed, July 21, 1952; 8:47 a. m.]

UTAH

AIR-NAVIGATION SITE WITHDRAWAL NO. UTAH R-IV-2

JULY 14, 1952.

By virtue of the authority contained in section 4 of the act of May 24, 1928, 45 Stat. 729 (49 U. S. C. 214), and in section 7 of the act of June 28, 1934, 48 Stat. 1272, as amended by the act of June 26, 1936, 49 Stat. 1976 (43 U. S. C. 315f), and pursuant to section 2.22 (a) (2) of Delegation Order No. 427 of August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws and reserved for the use of the Civil Aeronautics Administration, Department of Commerce, in the maintenance of air-navigation facilities, the reservation to be known as Air-Navigation Site Withdrawal No. Utah R-IV-2.

UTAH

SALT LAKE MERIDIAN

T. 27 S., R. 11 E.,
Sec. 35: S½NW¼SW¼; N½SW¼SW¼.

The area described aggregates 40 acres.

It is intended that the above-described lands shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

WM. N. ANDERSON,
Acting Regional Administrator.

[F. R. Doc. 52-7991; Filed, July 21, 1952; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5587]

COMPANIA CUBANA DE AVIACION, S. A.; AMENDMENT OF FOREIGN AIR CARRIER PERMIT

NOTICE OF HEARING

In the matter of the application of Compania Cubana de Aviacion, S. A., under section 402 of the Civil Aeronau-

tics Act of 1938, as amended, for an amendment of its foreign air carrier permit so as to add Varadero, Cuba, as an intermediate point between Havana, Cuba, and Miami, Fla.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 1001 and 1002 of said Act, that public hearing in the above-entitled proceeding is assigned to be held on August 11, 1952, at 10:00 a. m., (eastern daylight time) in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Without limiting the scope of the issues presented by said applicant, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention, or agreement in force between the United States and Cuba.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before August 11, 1952, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., July 17, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-7992; Filed, July 21, 1952; 8:54 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region VII, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILLINOIS

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect on July 18, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

JULY 17, 1952.

[F. R. Doc. 52-7998; Filed, July 17, 1952; 4:16 p. m.]

[Region IX, Redelegation of Authority No. 13, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 32, Revision 1, dated June 27, 1952, (17 F. R. 5917), this Revision 1 of Redelegation of Authority No. 13 (16 F. R. 12914), is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This Revision 1 of Redelegation of Authority No. 13 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8007; Filed, July 17, 1952; 4:17 p. m.]

[Region IX, Redelegation of Authority No. 18, Amdt. 2]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED; AUTHORITY TO ACT UNDER SECTION 4 (d)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 38, Amendment 2, dated June 3, 1952 (17 F. R. 5045), this Amendment 2 to Redelegation of Authority No. 18 (17 F. R. 100), is hereby issued.

Redelegation of Authority No. 18 is amended by adding a new paragraph 3 to read as follows:

3. *Authority to act under section 4 (d) of Ceiling Price Regulation 101, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under section 4 (d) of Ceiling Price Regulation 101, as amended.

This Amendment 2 to Redelegation of Authority No. 18 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8002; Filed, July 17, 1952; 4:16 p. m.]

[Region IX, Redelegation of Authority No. 27, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 52, Revision 1, dated June 20, 1952 (17 F. R. 5618), this Revision 1 of Redelegation of Authority No. 27 (17 F. R. 1432), is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR-117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR-117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This Revision 1 of Redelegation of Authority No. 27 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8004; Filed, July 17, 1952; 4:16 p. m.]

[Region IX, Redelegation of Authority No. 28, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) OF CPR 98, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 53, Amendment 1, dated June 30, 1952 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 28, (17 F. R. 1957), is hereby issued.

Redelegation of Authority No. 28 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to accept applications for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This Amendment 1 to Redelegation of Authority No. 28 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8005; Filed, July 17, 1952; 4:17 p. m.]

[Region IX, Redelegation of Authority No. 36, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 63, Revision 1 dated June 26, 1952, (17 F. R. 5739), this Revision 1 of Redelegation of Authority No. 36 (17 F. R. 4546), is hereby issued.

Redelegation of Authority No. 36 is revised to read as follows:

1. *Authority to act under sections 6, 7 and 8 of CPR-23.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to take appropriate action under sections 6, 7, and 8 of CPR-23. All actions taken by District Offices under sections 6, 7, and 8 of CPR-23 previous to this authority, are hereby confirmed and validated.

This Revision 1 of Redelegation of Authority No. 36 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8003; Filed, July 17, 1952; 4:16 p. m.]

[Region IX, Redelegation of Authority No. 38, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 66, Revision 1, dated June 16, 1952 (17 F. R. 5437), this Revision 1 of Redelegation of Authority No. 38 is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR-31.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are correct in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This Revision 1 of Redelegation of Authority No. 38 shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

[F. R. Doc. 52-8006; Filed, July 17, 1952; 4:17 p. m.]

[Region IX, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 69 dated June 23, 1952 (17 F. R. 5679), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8000; Filed, July 17, 1952; 4:16 p. m.]

[Region IX, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MISSOURI

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 70 dated June 27, 1952 (17 F. R. 5917), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IX, to act under sections 5 (c) (3), 7, 21 (c) and 22 of Ceiling Price Regulation 26, Revised. All actions in respect to the foregoing sections of Ceiling Price Regulation 26, Revised, taken by District Offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 11, 1952.

M. A. BROOKS,
Acting Regional Director, Region IX.

JULY 17, 1952.

[F. R. Doc. 52-8001; Filed, July 17, 1952; 4:16 p. m.]

[Region XI, Redelegation of Authority No. 32, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLORADO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS (e) AND 16 (c) OF CPR 98, AS AMENDED, RESELLERS OF IRON AND STEEL PRODUCTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 53 (17 F. R. 1236) and Amendment 1 thereto (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 32 is hereby issued.

Redelegation of Authority No. 32 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to accept applications for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of Ceiling Price Regulation 98, as amended.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This redelegation of authority shall take effect as of July 14, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

JULY 17, 1952.

[F. R. Doc. 52-7999; Filed, July 17, 1952; 4:16 p. m.]

[Region XII, Redelegation of Authority No. 51]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIFORNIA

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 69 (17 F. R. 5679), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Fresno, Sacramento, San Francisco, Los Angeles, and San Diego, California; Phoenix, Arizona; and Reno, Nevada, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect on July 21, 1952.

JOHN H. TOLAN, JR.,
Director of Regional Office No. XII.

JULY 17, 1952.

[F. R. Doc. 52-7997; Filed, July 17, 1952; 4:16 p. m.]

[Region XIII, Redelegation of Authority No. 26, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Redelegation of Authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to take appropriate action under sections 6, 7 and 8 of Ceiling Price Regulation 23. All actions taken by field offices under sections 6, 7 and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall become effective July 19, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

JULY 17, 1952.

[F. R. Doc. 52-7995; Filed, July 17, 1952; 4:15 p. m.]

[Region XIII, Redelegation of Authority No. 31]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASHINGTON

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under sections 5 (c) (3), 7, 21 (c) and 22 of Ceiling Price Regulation 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall become effective July 19, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

JULY 17, 1952.

[F. R. Doc. 52-7996; Filed, July 17, 1952; 4:15 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1868]

CITIZENS GAS CO.

NOTICE OF ORDER DETERMINING JURISDICTION

JULY 16, 1952.

Notice is hereby given that on July 15, 1952, the Federal Power Commission issued its order entered July 15, 1952, in the above-entitled matter, determining jurisdiction within the meaning of section 1 (b) of the Natural Gas Act, and that a certificate of public convenience and necessity therefor is not required.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7971; Filed, July 21, 1952; 8:48 a. m.]

[Docket No. G-1872]

COLORADO INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 16, 1952.

Notice is hereby given that on July 11, 1952, the Federal Power Commission issued its order entered July 11, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7972; Filed, July 21, 1952; 8:49 a. m.]

[Docket No. G-1913]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 16, 1952.

Notice is hereby given that on July 15, 1952, the Federal Power Commission issued its order entered July 15, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7973; Filed, July 21, 1952; 8:49 a. m.]

[Docket No. ID-1046]

ALBERT F. TEGEN

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

JULY 16, 1952.

Notice is hereby given that on July 15, 1952, the Federal Power Commission issued its order entered July 15, 1952, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-7974; Filed, July 21, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

COMMITTEE ON LEGISLATION AND RULES

COMBINATION OF COMMITTEES

JULY 15, 1952.

The Interstate Commerce Commission announces that, under authority of section 17 of the Interstate Commerce Act, it has combined the Committee on Rules and Reports and the Legislative Committee under the title Committee on Legislation and Rules, effective immediately.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7976; Filed, July 21, 1952; 8:50 a. m.]

[4th Sec. Application 27224]

COMMODITY RATES TO AND FROM KRANNERT, GA.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Consolidated Freight Classification, Alternate Agent A. H. Carson's ICC No. 107.

Commodities involved: Commodity rates.

Between: Krannert, Ga., and points in the United States.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula, newly established station.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7977; Filed, July 21, 1952; 8:50 a. m.]

[4th Sec. Application 27225]

LIQUEFIED CHLORINE GAS FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO KINGSPORT, TENN.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1167, pursuant to fourth section order No. 16101.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7978; Filed, July 21, 1952; 8:50 a. m.]

[4th Sec. Application 27226]

VARIOUS COMMODITIES FROM SOUTHERN TERRITORY TO POINTS IN OFFICIAL AND SOUTHERN TERRITORIES

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1172 and other tariffs, pursuant to fourth section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in southern territory.

To: Points in official and southern territories.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7979; Filed, July 21, 1952; 8:50 a. m.]

[4th Sec. Application 27227]

VARIOUS COMMODITIES FROM POINTS IN TRUNK-LINE TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff ICC No. A-911, pursuant to fourth section order No. 9800.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7980; Filed, July 21, 1952; 8:51 a. m.]

[4th Sec. Application 27228]

ELECTRODES FROM NIAGARA FALLS AND SUSPENSION BRIDGE, N. Y., TO HOPEWELL, VA.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Erie Railroad Company's ICC No. 20786, pursuant to fourth section order No. 9800.

Commodities involved: Carbon furnace electrolytic bath electrodes (carbon plugs) and green electrode mix, carloads.

From: Niagara Falls and Suspension Bridge, N. Y.

To: Hopewell, Va.

Grounds for relief: Competition with rail carriers, circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-7981; Filed, July 21, 1952; 8:51 a. m.]

[4th Sec. Application 27229]

SAND FROM CHICAGO, ILL., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff ICC No. 699.

Commodities involved: Sand, carloads.

From: Chicago, Ill., and points taking same rates.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; R. G. Raasch, Agent, ICC No. 699, supl. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7982; Filed, July 21, 1952; 8:51 a. m.]

[4th Sec. Application 27230]

PHOSPHATE ROCK FROM POINTS IN FLORIDA TO DAYTON AND MIDDLETOWN, OHIO

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Dayton and Middletown, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: A. C. L. R. R. Co., tariff ICC No. B-3232, supl. 63; S. A. L. R. R. Co., tariff ICC No. A-8153, supl. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7983; Filed, July 21, 1952; 8:52 a. m.]

[4th Sec. Application 27231]

PHOSPHATE ROCK FROM POINTS IN FLORIDA TO DURANT AND LECOX, OKLA.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, not acidulated nor ammoniated, carloads.

From: Points in Florida.

To: Durant and Lecox, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: A. C. L. R. R. Co., tariff ICC No. B-3232, supl. 63; S. A. L. R. R. Co., tariff ICC No. A-8153, supl. 61.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7984; Filed, July 21, 1952; 8:52 a. m.]

[4th Sec. Application 27232]

SAND FROM ESSEX, ILL., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 17, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff ICC No. 699.

Commodities involved: Sand, carloads.

From: Essex, Ill.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, ICC No. 699, supl. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-7985; Filed, July 21, 1952; 8:52 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO COMPLAINT AGAINST FULLMAN FARES AND CHARGES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of United States of America v. the Pullman Company, I. C. C. Docket No. 31046, a complaint against the Pullman fares and charges, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of June 2, 1952.

Dated: July 16, 1952.

RUSSELL FORBES, *Acting Administrator.*

[F. R. Doc. 52-8024; Filed, July 21, 1952; 9:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-206]

UNITED PUBLIC SERVICE CORP.

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING ON PLAN FILED

JULY 15, 1952.

Notice is hereby given that United Public Service Corporation ("UPS"), a registered holding company and a subsidiary of the Middle West Corporation, also a registered holding company presently in the process of liquidation, has filed an application for approval of a plan for its liquidation and dissolution pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act").

All interested persons are referred to the plan, which is on file in the office of this Commission, for a statement of the transactions therein proposed which may be summarized as follows:

UPS was incorporated under the laws of New Jersey in December 1934, pursuant to a plan of reorganization of United Public Service Company and United Public Utilities Company. It has sold substantially all of the securities owned by it and has distributed the proceeds thereof to its stockholders in partial liquidation of the company pursuant to the provisions of section 11 (b) of the act.

As at December 31, 1951, the only outstanding securities of UPS consisted of 305,992 shares of capital stock, par value 25 cents per share. Current liabilities amounted to $182, and contingent liabilities amounted to $52,500. The assets of UPS, as of the same date, consisted of $339,491 in cash and U. S. Treasury securities and 148,055 shares (approximately 40 percent) of the common stock of United Public Utilities Corporation, which company as of December 31, 1951 had substantially liquidated all of its assets and had distributed the proceeds thereof to its security holders except for approximately $70,000, which is subject to the expenses of its dissolution plan, and approximately $35,700 of unclaimed distributions to stockholders. At December 31, 1953, United Public Utilities Corporation will distribute any remaining balance on hand to the holders of its common stock.

In brief, the plan provides for an initial cash distribution to stockholders of approximately $340,000 in cash (equivalent to a maximum amount of approximately $1.10 per share) less certain expenses and liabilities of the Company existing at the effective date of the plan; a final cash distribution, if funds are available, after the expiration of five years from the effective date of the plan; and the dissolution of UPS. UPS has requested that the Commission, in the event it approves the plan, apply to an appropriate court to enforce and carry out the terms and provisions thereof. The effective date of the plan will be the date of the entry of the order of the Court enforcing the plan.

Under the plan, the following steps are proposed:

1. Within 30 business days after the effective date of the plan UPS will make an initial distribution to its stockholders of an amount in cash equal to the cash and government securities held at the effective date of the plan (exclusive of cash held in Dividend and Liquidation Accounts payable pursuant to prior distributions) less the sum of (a) admitted liabilities of the Company, (b) claims, if any, filed on or prior to a date to be fixed by the Court, upon request of the Company, (c) administrative and other expenses of liquidation paid prior to the date of distribution, and (d) expenses of liquidation estimated at $12,000.

To participate in this distribution stockholders must surrender their stock certificates or otherwise properly transfer them to the Company or the Security Trust Company, the depositary and paying agent of the Company under the plan, within five years from the effective date of the plan.

The stock transfer books of UPS will be permanently closed at the close of business on the business day next preceding the date fixed for said distribution and thereafter no transfer of certificates for shares of the Company will be made on the Company's books. UPS will keep an authentic record of the persons to whom payments of the initial distribution are made, and any further distribution in respect of any shares of stock so surrendered will be made to the same persons or their legal representatives, or, in cases where notice of assignment is filed with the Security Trust Company or the Company within thirty days after the date fixed for the initial distribution, to the assignee named in such assignment. Not less than twenty days prior to the date fixed for said initial distribution, UPS will mail to its stockholders a notice advising them of the date and terms of said distribution and of the closing of the stock transfer books.

2. UPS holds for the account of lost stockholders monies deposited by the company in Dividend and Liquidation Accounts Payable, amounting to approximately $19,000, pursuant to the terms of distributions heretofore made by the Company. Monies so held will be paid to the persons entitled thereto for a period of five years from the effective date of the plan. Thereafter, all rights and claims against the Company for such funds shall be lost and any balance thereof shall become part of the assets of UPS to be distributed in the final distribution under this plan.

3. As soon as practicable after the expiration of five years from the effective date of the plan and after the payment, settlement or other discharge of all liabilities of the Company, all the remaining assets of the Company will be distributed to the persons who have theretofore surrendered their stock certificates or who shall otherwise have effectively transferred said shares to the Company for cancellation. The final distribution will be made to the persons entitled thereto in the proportions that the number of shares surrendered by each bears to the total number of outstanding shares entitled to participate in the distribution. The amounts to be paid in final distribution shall include, in addition to other available funds, amounts payable with respect to shares of stock not surrendered within the five year period, amounts represented by checks delivered in payment of any distributions under the plan which have become void, and the balance in the Dividend and Liquidation Accounts Payable with respect to distributions authorized by the Company prior to the filing of the plan.

Upon the expiration of one year from the date of the final distribution all rights of any person in the undistributed funds shall cease and the undistributed balance shall be paid to the American Red Cross as a donation.

Each check issued and delivered by UPS to stockholders in payment of the initial distribution under the plan or to stockholders for dividends and liquidations authorized by the Company prior to the filing of this plan will become void unless presented for payment within five years after the effective date of the plan or within thirty days after date of the check, whichever shall be later. Each check issued and delivered by UPS in payment of the final distribution will be void unless presented for payment within sixty days after date of the check.

4. UPS will cause to be published in a newspaper in the Cities of New York and Chicago not less than sixty nor more than ninety days preceding the expiration of five years from the effective date of the plan, an appropriate notice that the rights of the holders of all shares of stock of the Company not surrendered for cancellation before the expiration of the said five years will thereafter be void and that the rights of all persons entitled to authorized distributions who do not make claim therefore upon the Company before the expiration of the five year period will become void.

5. All liabilities of and claims against the Company which are not expressly provided for in the plan shall be filed, determined and disposed of in such manner as may be directed by the United States District Court for the District of Delaware.

6. UPS will pay the fees and expenses in connection with the plan and the proceedings with respect thereto.

7. As soon as practicable, before or after the final distribution, UPS will be dissolved by taking appropriate action under the laws of the State of New Jersey.

The Commission being required by the provisions of section 11 (e) of the act, before approving any plan submitted thereunder, to find after notice and opportunity for hearing, that the plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the act and is fair and equitable to the persons affected thereby; and it appearing appropriate to the Commission that notice be given and a hearing be held with respect to said plan, and that said plan shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application pursuant to the applicable

provisions of the Act and Rules thereunder, be held on August 18, 1952, at 10:00 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., in such room as may be designated on that day by the hearing room clerk in Room 193. In the event that amendments to said plan are filed during the course of said proceeding, no notice of such amendments will be given unless specifically ordered by the Commission.

It is further ordered, That any person desiring to be heard in connection with this proceeding, or otherwise participate herein, shall file with the Secretary of the Commission, on or before August 14, 1952 his request and application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing in the proceeding. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application, and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the plan as submitted, or as it may hereafter be modified, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby.

2. Whether the fees and expenses and other remuneration which may be claimed in connection with the plan and transactions incident thereto are for necessary services and are reasonable in amount.

3. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors or consumers, and consistent with all the applicable provisions of the act and rules thereunder, and if not what modification should be required to be made therein, and what terms and conditions should be imposed to satisfy the applicable statutory standards.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to United Public Service Corporation; and that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission with respect to this notice and order be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act.

It is further ordered, That United Public Service Corporation give notice of this hearing to all holders of its common stock (in so far as the identity of such security holders is known and available to UPS) by mailing a copy of this notice and order and of the proposed plan to such security holders at least twenty days prior to the date of said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-7962; Filed, July 21, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 63]

FINDINGS AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (PUB. LAW 139, 82d CONG.)

JULY 21, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Service Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Las Vegas, Nevada, Area: (The area consists of the Townships of Las Vegas, Henderson and Nelson, including the City of Las Vegas, the City of Henderson and Boulder City, all in Clark County, Nevada.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8091; Filed, July 21, 1952; 10:48 a. m.]

[Defense Manpower Policy No. 4, Notification 54]

PLACEMENT OF PROCUREMENT IN THE TACOMA, WASH., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Tacoma area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Tacoma area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile and apparel industries are excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952 and Notification 53 dated July 19, 1952.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on September 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION, JOHN R. STEELMAN, *Acting Director.*

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE TACOMA, WASHINGTON AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of July 1, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Tacoma area as a surplus labor area under standards established by the Secretary of Labor. The Tacoma area is composed of Pierce County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Tacoma area, and by the Seattle Regional Defense Mobilization Committee relative to facilities in the Tacoma area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Tacoma area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Tacoma area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Tacoma area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Tacoma area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

4. That no price differential for the Tacoma area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Tacoma area.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Tacoma area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Chairman, Surplus Manpower Committee.*

Approved:

JOHN R. STEELMAN, *Acting Director, Office of Defense Mobilization.*

[F. R. Doc. 52-8064; Filed July 21, 1952; 9:11 a. m.]

[Defense Manpower Policy No. 4, Notification 55]

PLACEMENT OF PROCUREMENT IN THE POINT PLEASANT, W. VA., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Point Pleasant area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other policies affecting procurement for which this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Point Pleasant area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile and apparel industries are excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952 and Notification 53 dated July 19, 1952.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on September 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION, JOHN R. STEELMAN, *Acting Director.*

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE POINT PLEASANT, WEST VIRGINIA AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of June 18, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Point Pleasant area as a surplus labor area under standards established by the Secretary of Labor. The Point Pleasant area is composed of Mason, Jackson, and Putnam Counties.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Point Pleasant area, and by the Richmond Regional Defense Mobilization Committee relative to facilities in the Point Pleasant area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Point Pleasant area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Point Pleasant area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Point Pleasant area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Point Pleasant area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

4. That no price differential for the Point Pleasant area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Point Pleasant area.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Point Pleasant area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Chairman, Surplus Manpower Committee.*

Approved:

JOHN R. STEELMAN, *Acting Director, Office of Defense Mobilization.*

[F. R. Doc. 52-8065; Filed, July 21, 1952; 9:11 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18955]

CATHERINE A. GODRON

In re: Estate of Catherine A. Godron, deceased. File F-28-31947.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Gretchen Anderson, Peter Beckmann, and Gustav Beckmann, whose last known address is Germany, on or since December 11, 1941 and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $1,184.88 on deposit with the Controller, State of California, pursuant to an order of the Superior Court, Los Angeles County, California, on April 15, 1941, in the matter of the estate of Catherine A. Godron, deceased, is property which is and prior to January 1, 1947 was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Gretchen Anderson, Peter Beckmann, and Gustav Beckmann, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-7987; Filed, July 21, 1952; 8:52 a. m.]

Reference Room

[Vesting Order 18956]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: United States currency owned by unknown German nationals.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Landeszentralbank von Nordrhein-Westfalen, Dusseldorf, Germany, on or about June 11, 1952, shipped to the Federal Reserve Bank of New York, United States currency and coin in the aggregate amount of $1,762.06, which amount had been released by the Office of the United Kingdom High Commissioner for Germany for the purpose of such shipment;

2. That the persons who own the property described in subparagraph 3 hereof, who if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: United States currency and coin in the aggregate amount of $1,762.06 shipped on or about June 11, 1952 by the Landeszentralbank von Nordrhein-Westfalen, Dusseldorf, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7988; Filed, July 21, 1952; 8:53 a. m.]

[Vesting Order 18957]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: United States currency owned by unknown German nationals.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Landeszentralbank von Nordrhein-Westfalen, Dusseldorf, Germany, on or about June 11, 1952, shipped to the Federal Reserve Bank of New York, United States currency and coin in the aggregate amount of $15,012.86, which amount had been released by the Office of the United Kingdom High Commissioner for Germany for the purpose of such shipment;

2. That the persons who own the property described in subparagraph 3 hereof, who if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: United States currency and coin in the aggregate amount of $15,012.86 shipped on or about June 11, 1952, by the Landeszentralbank von Nordrhein-Westfalen, Dusseldorf, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-7989; Filed, July 21, 1952; 8:53 a. m.]

Reference Room

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 143

Washington, Wednesday, July 23, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

PART 11—NATIONAL FARM LOAN ASSOCIATIONS

PART 19—FEES AND CHARGES ON LAND BANK AND COMMISSIONER LOANS

REVISION OF REGULATIONS RELATING TO OPERATIONS OF FEDERAL LAND BANKS

Sections 10.30, 10.31, 10.32, 11.34, 11.35, 11.36, and 19.14 of Chapter I, Title 6, Code of Federal Regulations, relating to the operations of Federal land banks, are hereby deleted.

(Sec. 6, 47 Stat. 14; 12 U. S. C. 665)

I. W. DUGGAN,
Governor.

[F. R. Doc. 52-8059; Filed, July 22, 1952; 8:57 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

1. Effective July 1, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the addition of the following:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Hospital Administration Resident, Freedmen's Hospital, third year approved postgraduate training.

Student Practical Nurse, U. S. Public Health Service, approved training during clinical affiliation.

2. Effective July 1, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by the addition of the following:

§ 27.2 *Maximum stipends prescribed.*

• • •

Hospital Administration Resident—Freedmen's Hospital: Third year approved postgraduate training: $2,400.

Student Practical Nurse—U. S. Public Health Service: Approved training during clinical affiliation—no stipend other than any maintenance provided.

(61 Stat. 737; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-8033; Filed, July 22, 1952; 8:49 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 116—CIVIL AIR NAVIGATION

LANDING REQUIREMENTS

CROSS REFERENCE: For amendment to § 116.3, *Landing requirements*, see Title 19, Chapter I, Part 6, *infra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5887]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SEWING MACHINE EXCHANGE, INC., ET AL.

Subpart—*Concealing or obliterating law required and informative marking:* § 3.1325 *Source or origin—Imported product or parts as domestic.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic.* In connection with the offering for sale, sale and distribution of sewing machine heads for sewing machines in commerce, offering for sale, selling or distributing

(Continued on p. 6731)

CONTENTS

Page

Agriculture Department
See Farm Credit Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Unknown German nationals; vesting order ---- 6754

Army Department
See Engineers Corps.
Alaska; withdrawing public land for use of the Department in connection with activities of Alaska National Guard (*see* Land Management, Bureau of).

Civil Aeronautics Board
Notices:
Braniff Airways, Inc.; final mail rates, domestic operations ---- 6752

Civil Service Commission
Rules and regulations:
U. S. Public Health Service; exclusion from provisions of Federal Employees Pay Act of 1945 ---- 6729

Commerce Department
See Federal Maritime Board; National Production Authority.

Customs Bureau
Rules and regulations:
Air commerce regulations; landing requirements ---- 6731
Articles conditionally free, subject to a reduced rate, etc. ---- 6732

Economic Stabilization Agency
See also Price Stabilization, Office of; Rent Stabilization, Office of.
Notices:
Savannah River, Georgia-South Carolina, critical defense housing area; approval of extent of relaxation of credit controls ---- 6752

Engineers Corps
Rules and regulations:
Bridge regulations; Brandywine River at Wilmington, Del. ---- 6746

Farm Credit Administration
Rules and regulations:
Fees and charges on land bank and commissioner loans ---- 6729
Federal land banks generally ---- 6729
National farm loan associations ---- 6729

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Maritime Board — Page
Notices:
Trans-Pacific Passenger Conference et al.; agreements filed for approval — 6751

Federal Power Commission
Notices:
Hearings, etc.:
East Ohio Gas Co — 6754
Lopeno Gas Co — 6752
Mississippi River Fuel Corp — 6753
Mississippi River Fuel Corp. and Texas Eastern Transmission Corp — 6753
Tennessee Gas Transmission Co. and Niagara Gas Transmission Co — 6752
Texas Eastern Transmission Corp — 6752
Titus, Ormrod, and Edward W. Morehouse — 6753

Federal Security Agency — Page
See Food and Drug Administration; Public Health Service.

Food and Drug Administration
Rules and regulations:
Statements of general policy or interpretation; fluorinated water and processed foods containing fluorinated water — 6732

Federal Trade Commission
Rules and regulations:
Sewing Machine Exchange, Inc., et al.; cease and desist order — 6729

Housing and Home Finance Agency
Rules and regulations:
Credit controls, residential geographical areas affected — 6743

Immigration and Naturalization Service
Rules and regulations:
Civil air navigation; landing requirements — 6729

Interior Department
See Land Management, Bureau of; Reclamation Bureau.
Notices:
Alaska; filing objections to order withdrawing order for use of Department of the Army in connection with activities of Alaska National Guard — 6751

Internal Revenue Bureau
Rules and regulations:
Excise and special tax on wagering; registry, return, and payment of tax — 6732

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Land Management, Bureau of
Rules and regulations:
Alaska; withdrawing public land for use of Department of the Army in connection with activities of Alaska National Guard — 6747

National Production Authority
Rules and regulations:
Distribution to distributors:
Brass mill products (M–82) — 6741
Copper wire mill products (M–86) — 6743
Electric utilities; temporary suspension of inventory limitations on copper and aluminum (M–50, Dir. 1) — 6741
Rubber (M–2) — 6739

Price Stabilization, Office of
Rules and regulations:
Defense agency pricing (GCPR, SR 1) — 6733
Exemptions of certain industrial materials and manufactured goods; transfer of certain exemptions and suspensions concerning sales to the United States, its agents and suppliers (GOR 9) — 6738
General ceiling price regulation; sales of fertilizer (GCPR) — 6738

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Sales to the United States, its agents and suppliers (GOR 2) — 6733

Production and Marketing Administration
Proposed rule making:
Lemons grown in California and Arizona — 6747
Milk handling in marketing areas:
Central West Texas — 6750
Philadelphia, Pa. — 6749

Public Health Service
Rules and regulations:
Foreign quarantine; landing requirements — 6747

Reclamation Bureau
Notices:
Assistant Commissioner of Reclamation — 6751
Yuma Project, Ariz. — 6750

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
California — 6745
California, Iowa, Ohio and Pennsylvania — 6744
Hotels and motor courts; miscellaneous amendments — 6745
Housing and rooms; miscellaneous amendments — 6743
Specific provisions:
Hotels and motor courts; Texas and Mississippi — 6745
Rooms; Colorado — 6745

State Department
Notices:
Assistant Administrator; delegation of authority — 6750

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; registration and research — 6746

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 27 — 6729

Title 6
Chapter I:
Part 10 — 6729
Part 11 — 6729
Part 19 — 6729

Title 7
Chapter IX:
Part 953 (proposed) — 6747
Part 961 (proposed) — 6749
Part 982 (proposed) — 6750

Title 8
Chapter I:
Part 116 — 6729

CODIFICATION GUIDE—Con.

Title 16 — Page
Chapter I:
Part 3 — 6729

Title 19
Chapter I:
Part 6 — 6731
Part 10 — 6732

Title 21
Chapter I:
Part 3 — 6732

Title 26
Chapter I:
Part 325 — 6732

Title 32A
Chapter III (OPS):
GCPR — 6738
GCPR, SR 1 — 6733
GOR 2 — 6733
GOR 9 — 6738
Chapter VI (NPA):
M–2 — 6739
M–50, Dir. 1 — 6741
M–82 — 6741
M–86 — 6743
Chapter XVII (HHFA):
CR 2 — 6743
Chapter XXI (ORS):
RR 1 (2 documents) — 6743, 6744
RR 2 (3 documents) — 6743–6745
RR 3 (3 documents) — 6745
RR 4 (3 documents) — 6745

Title 33
Chapter II:
Part 203 — 6746

Title 38
Chapter I:
Part 21 — 6746

Title 42
Chapter I:
Part 71 — 6747

Title 43
Chapter I:
Appendix (Public land orders):
855 — 6747

foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sewing Machine Exchange, Inc., et al., Philadelphia, Pa., Docket 5887, April 15, 1952]

In the Matter of Sewing Machine Exchange, Inc., a Corporation, and Willis Harris, Jerry Fineman and Manual Harris, Individually and as Officers of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondent's answer, and a substitute answer (filed pursuant to the granting of motion so to do), which admitted all the material allegations of fact set forth in the complaint, but reserved the right to submit proposed findings and conclusions and also made certain other reservations.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and substituted answer, no proposed findings and conclusions having been submitted on behalf of any party to the proceeding, and said examiner, having duly considered the record in the matter, excepting certain testimony and exhibits, in view of the filing of the admission answer, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "order denying motion to stay decision of the Commission, decision of the Commission and order to file report of complaint", Docket 5887, April 15, 1952, as follows:

The initial decision of the hearing examiner in this proceeding having been filed, and service thereof having been completed on March 15, 1952, and no notice of an appeal having been filed, and the respondents having filed a motion on March 31, 1952, that the Commission stay its decision in this matter until decisions are rendered by the Commission in certain other proceedings; and

It appearing that the grounds relied upon by the respondents in support of said motion are that the initial decision of the hearing examiner was filed prior to the issuance by the Commission of its order permitting the withdrawal of a certification of question to the Commission by the hearing examiner, and that the respondents are in close competition with the respondents in certain other proceedings pending before the Commission and that a decision adverse to the respondents at this time will prejudice the business interests of the respondents and create an inequitable situation; and

The Commission having duly considered said motion and the record herein and it appearing that the respondents were in no way prejudiced as a result of the hearing examiner having filed his initial decision prior to the issuance by the Commission of its order permitting withdrawal of the certification of question and further that there is not sufficient reason to warrant the staying of the decision in this proceeding until decisions in certain other matters have been rendered; and

The Commission being of the opinion that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

It is ordered, That the motion of the respondents that the Commission stay its decision in this proceeding be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached,[1] shall on the 15th day of April 1952 become the decision of the Commission.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That the respondents, Sewing Machine Exchange, Inc., a corporation, and its officers, and William (alias dictus Willis) Harris, Jerome (alias dictus Jerry) Fineman and Emanuel (alias dictus Manual) Harris, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads for sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

Issued: April 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52–8057; Filed, July 22, 1952; 8:56 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

LANDING REQUIREMENTS

Section 6.3 *Landing requirements* of Title 19, Code of Federal Regulations, such section being also designated as § 116.3 of Title 8 and § 71.503 of Title 42, is hereby amended as follows:

Paragraphs (d), (e), and (f) are hereby redesignated as paragraphs (e), (f), and (g), and a new paragraph (d) is inserted reading as follows:

(d) *Permit to proceed; foreign aircraft.* (1) Aircraft are subject to customs entry when brought in for repairs or when otherwise treated as imported articles. The commander of an aircraft which is not treated as an imported article, which is registered in a foreign country, and which arrives in the United States carrying passengers for hire or merchandise shall, before the aircraft is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the United States, obtain from the collector of customs at the airport of first arrival a "Permit allowing aircraft of foreign registry to proceed from airport to airport in the United States," customs Form 4449, which shall be retained on board such aircraft while in the United States. At each airport visited, the customs officer there, or, if there is none, the airport manager, shall make an endorsement on the back of

Titus, Ormrod, and Edward W. Morehouse---------- 6753

(GCPR)---------- 6738
Part 116----------

customs Form 4449 showing the name of the airport, date and time of arrival, date and time of departure and purpose of the visit. The permit shall be surrendered to the collector of customs at the port of final clearance for a foreign destination, who shall satisfy himself prior to the issuance of clearance that the aircraft received proper customs treatment while in this country. The permit shall then be returned to the collector of customs at the port of issue.

(2) A copy of the permit shall be retained by the collector at the port where issued. If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation.

(3) Civil aircraft registered in the United States arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of their cargo (passengers carried for hire or merchandise), may be allowed to proceed upon their identity being established.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(R. S. 161, sec. 23, 39 Stat. 892, as amended, sec. 24, 43 Stat. 166, R. S. 251, secs. 624, 644, 46 Stat. 759, 761, secs. 201, 367, 58 Stat. 683, 706, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 6 U. S. C. 102, 222, 19 U. S. C. 66, 1624, 1644, 42 U. S. C. 202, 270, 49 U. S. C. 177)

[SEAL] J. B. STRUBINGER,
Acting Commissioner of Customs.
JOHN S. GRAHAM,
Acting Secretary of the Treasury.
W. P. DEARING,
Acting Surgeon General,
U. S. Public Health Service.
JOHN L. THURSTON,
Acting Federal Security Administrator.
PHILIP B. PERLMAN,
Acting Attorney General.

JULY 17, 1952.

[F. R. Doc. 52-8054; Filed, July 22, 1952; 8:55 a. m.]

[T. D. 53046]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

SUPPLIES FOR VESSELS OF WAR

The Department of State has furnished the Treasury Department an up-to-date list of countries which permit the withdrawal of supplies free of duty and tax by vessels of war of the United States while in ports of those countries. Therefore, § 10.59 (d), Customs Regulations of 1943 (19 CFR 10.59 (d)), containing a list of countries whose vessels of war shall be accorded the privilege of withdrawing supplies free of customs duties and internal-revenue tax while in ports of the United States, as provided for in section 309 (a), Tariff Act of 1930, as amended, is further amended to read as follows:

§ 10.59 *Exemption from customs duties and internal revenue tax.* • • •

(d) The privilege shall be accorded to vessels of war of the following countries:

Argentina.	Ireland.
Australia.	Mexico.
Belgium.	The Netherlands.
Brazil.	New Zealand.
Canada.	Nicaragua.
Chile.	Norway.
Colombia.	Panama.
Cuba.	The Philippines.
Denmark.	El Salvador.
The Dominican Republic.	Spain.
Ethiopia.	Sweden.
Finland.	Thailand.
France.	Turkey.
Great Britain.	Union of South Africa.
Greece.	Uruguay.
Haiti.	Venezuela.
India.	

(Sec. 5, 52 Stat. 1080; 19 U. S. C. 1309)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8025; Filed, July 22, 1952; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

FLUORIDATED WATER AND PROCESSED FOODS CONTAINING FLUORIDATED WATER

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.27 *Status of fluoridated water and foods prepared with fluoridated water under the Federal Food, Drug, and Cosmetic Act.* (a) The program for fluoridation of public water supplies recommended by the Federal Security Agency, through the Public Health Service, contemplates the controlled addition of fluorine at a level optimum for the prevention of dental caries.

(b) Public water supplies do not ordinarily come under the provisions of the Federal Food, Drug, and Cosmetic Act. Nevertheless, a substantial number of inquiries have been received concerning the status of such water under the provisions of the act and the status, in interstate commerce, of commercially prepared foods in which fluoridated water has been used.

(c) The Federal Security Agency will regard water supplies containing fluorine, within the limitations recommended by the Public Health Service, as not actionable under the Federal Food, Drug, and Cosmetic Act. Similarly, commercially prepared foods within the jurisdiction of the act, in which a fluoridated water supply has been used in the processing operation, will not be regarded as actionable under the Federal law because of the fluorine content of the water so used, unless the process involves a significant concentration of fluorine from the water. In the latter instance the facts with respect to the particular case will be controlling.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: July 17, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-8041; Filed, July 22, 1952; 8:50 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5920; Regs. 132]

PART 325—EXCISE AND SPECIAL TAX ON WAGERING

REGISTRY, RETURN AND PAYMENT OF TAX

Regulations 132 amended to require persons liable for special (occupational) wagering tax to file returns and pay tax before commencing taxable activity and to file supplemental returns advising of all agents or employees engaged to receive wagers, or with respect to all persons for whom wagers are received.

On June 3, 1952, notice of proposed rule making regarding amendment of § 325.50 of Regulations 132 was published in the FEDERAL REGISTER (17 F. R. 4988). No objection to the rules proposed having been received, § 325.50 of Regulations 132 is amended to read as follows:

§ 325.50 *Registry, return, and payment of tax.* (a) No person shall engage in the business of accepting wagers subject to the 10 percent excise tax imposed by section 3285 of the Internal Revenue Code (see § 325.24) until he has filed a return on Form 11-C and paid the special tax imposed by section 3290. Likewise, no person shall engage in receiving wagers for or on behalf of any person engaged in such business until he has filed a return on Form 11-C and paid the special tax imposed by section 3290 of the Internal Revenue Code. Filing of successive applications and payment of tax by such persons are required on or before July 1 of each year thereafter during which taxable activity continues. The return, with remittance, shall be filed with the collector of internal revenue for the district in which is located the taxpayer's office or principal place of business. If such taxpayer resides in the United States, but has no office or principal place of business in the United States, the return shall be filed with the collector of internal revenue for the district in which he resides. If the taxpayer has no office, residence, or principal place of business in the United States, the return shall be filed with the Collector of Internal Revenue, Baltimore, Maryland. The collector, upon request, will furnish the taxpayer proper forms which shall be filled out and signed as indicated therein.

(b) Each return shall show the taxpayer's full name. A person doing business under an alias, style, or trade name shall give his true name, followed by his alias, style, or trade name. In the case of a partnership, association, firm, or company, other than a corporation, the style or trade name shall be given, also the true name of each member and his place of residence. In the case of a corporation, the true name and title of each officer and his place of residence shall be shown.

(c) Each person engaged in the business of accepting wagers on his own account shall report on Form 11-C the name and address of each place where such business will be conducted and the name, address, and number appearing on the special (occupational) stamp of each agent or employee who may accept wagers on his behalf. Thereafter, a return shall be filed on Form 11-C, marked "supplemental", each time an additional employee or agent is engaged to receive wagers. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, address, and number appearing on the special (occupational) stamp of each such agent or employee. As to a change of address, see § 325.57.

(d) Each agent or employee of a person accepting wagers shall report on Form 11-C the name and residence address of each person (i. e., individual, partnership, corporation, etc.) on whose behalf wagers are to be accepted. Thereafter, a return shall be filed on Form 11-C, marked "supplemental," each time the agent or employee is engaged or employed to receive wagers for a person or persons other than the person or persons first reported on Form 11-C. Such supplemental return shall be filed not later than 10 days after the date such agent or employee is engaged to receive wagers and shall show the name, business address, or, if none, the residence address of the person or persons by whom he is engaged to receive wagers. As to a change of address, see § 325.57.

The amendments made by this Treasury decision shall become effective September 1, 1952.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 16, 1952.

E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8055; Filed, July 22, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 1, Revocation]

GCPR, SR-1—DEFENSE AGENCY PRICING

Supplementary Regulation 1 to the General Ceiling Price Regulation was issued as an interim measure, applicable only to the GCPR, and was designed to prevent an undue effect of the "freeze" upon the defense program. The Office of Price Stabilization is issuing, simultaneously with this revocation, General Overriding Regulation 2, Revision 1, which incorporates all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers. As such it exempts certain transactions from ceiling price regulation, establishes alternative ceiling prices for some commodities and services, and creates special procedures for the establishment of ceiling prices of defense contractors. Necessary amendments and revocations of other regulations are being issued simultaneously. Therefore, Supplementary Regulation 1 to the General Ceiling Price Regulation is being revoked as well as certain portions of General Overriding Regulation 9.

The reasons for this action are set forth in the Statement of Considerations accompanying General Overriding Regulation 2, Revision 1.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, Supplementary Regulation 1 to the General Ceiling Price Regulation is hereby revoked, effective July 26, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8121; Filed, July 21, 1952; 4:00 p. m.]

[General Overriding Regulation 2, Revision 1]

GOR 2—SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 2, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 2, Revision 1, covers all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers. As such, it continues various exemptions from ceiling price regulation, continues alternative ceiling prices from some commodities and services, and creates special procedures for the establishment of ceiling prices of defense contractors and subcontractors. It also requires certain defense contractors and subcontractors to include in their price proposals and contracts statements regarding their ceiling prices.

This General Overriding Regulation 2, Revision 1, does not list all commodities or services sold to the United States, its agents and suppliers which are exempted or suspended from ceiling price regulation. It does, however, list all commodities and services which are exempted from ceiling price regulation specifically because the sale is to an agency of the United States or one of its suppliers. For example, certain advertising novelties which are exempt from price control under General Overriding Regulation 5, regardless of the seller or purchaser, are not listed in this regulation, but other items which are generally subject to price ceiling regulations, such as aviation gasoline of 100 octane ASTM or higher, are listed in this General Overriding Regulation and may be exempted from ceiling price regulation when sold under a defense contract or subcontract.

The exemptions made by this General Overriding Regulation (GOR), the ceiling prices fixed by it, and the procedures provided for the establishment of ceiling prices are controlling, notwithstanding any other price regulation. To the extent of its coverage, this GOR supersedes all other price regulations. Accordingly, necessary amendments and revocations of other regulations are being issued simultaneously with the issuance of this regulation. Supplementary Regulation 1 (SR 1) to the General Ceiling Price Regulation (GCPR) is being revoked, as well as certain portions of GOR 9.

The need for combining into one regulation those exemptions, methods for establishing ceiling prices, and procedures, especially applicable to sales to the United States, its agents and suppliers, has been felt for some time, and various requests for this action have been made by other Government agencies, industry, and components of OPS. It is believed that this consolidation will be of substantial assistance to all concerned, including those suppliers who have occasion to deal with the Federal Government and who will be able to determine the existence of special exemptions and procedures applicable to Government purchases by examining a single regulation. Another reason for this action lies in the fact that with one or two exceptions the present special procedures and exemptions for defense contracts and subcontracts exist only with regard to commodities and services which are still covered by the GCPR. Thus, the exemptions set forth in SR 1 to the GCPR do not apply to the sale of any commodity or service subject to some other regulation (in the absence of a specific reference to SR 1). In order to make available uniform special procedures and exemptions for defense contracts and subcontracts which will be applicable and effective regardless of any other price regulation, the issuance of a General Overriding Regulation of this type is deemed necessary.

Since the GCPR was issued, ceiling price regulations generally have been applicable to sales to Government agencies and their suppliers. However, in order to prevent an undue adverse effect of the "freeze" upon the defense program, and until tailored regulations could be issued, SR 1 to the GCPR, issued February 1, 1951, exempted certain sales to defense agencies and their suppliers. It was not felt at that time that all of the considerations which supported the issuance of SR 1 would apply with equal force and effect to tailored price regulations, which it was expected would be issued as rapidly as possible, and which would supersede the GCPR and provide a more practicable and equitable form of price control. Subsequent study and experience indicated the

desirability of changing somewhat the extent of exemptions. As a result, General Overriding Regulation 9, originally issued on May 1, 1951 and later amended, restricted the number and type of commodities which were exempt from price control and which would otherwise come within the purview of CPR 30, General Overriding Regulation 2, Revision 1, therefore follows closely the list of exempt items set forth in GOR 9, as amended.

Some sections of SR 1, now revoked, have been omitted from this regulation. Thus, the exemption from the GCPR of sales by commissaries, exchanges, and stores under the supervision of the Department of Defense has been omitted from GOR 2, Revision 1, because in general such sales have for some time been under various numbered ceiling price regulations (e. g., CPR 6, 7, 15, 16, 134, etc.). Certain sales by the Atomic Energy Commission and sales of scrap, waste, damaged, and used materials or commodities by defense agencies have been exempted from the GCPR (but not necessarily from other ceiling price regulations) since October 4, 1951 by SR 72, and no exemption is provided for them in this regulation.

The provision in SR 1 which relieved Defense Agency officers from legal liability, as purchasers, under the Defense Production Act of 1950, as amended, was omitted from other regulations, issued since SR 1, which apply to defense agencies. Consequently, it is omitted from GOR 2. This fact does not change the existing situation with respect to most defense transactions subject to OPS regulations, since Defense Agency officers are now generally subject to legal sanctions, and the fact is mentioned only in an effort to clarify the existing situation.

GOR 2, Revision 1, is not simply a collation or consolidation of existing provisions contained in other regulations. Many changes dictated by study and experience during the past year have been made. The number of defense agencies covered has been enlarged. The conditions for exemption of certain items have been modified. Changes have been made in those sections dealing with "first production" contracts and emergency purchases. A new procedure for establishing ceiling prices for defense contractors and subcontractors has been provided.

Those items which are on the exempt list are there for three reasons: (1) The commodity or service is of a military nature and the imposition of price ceilings upon it is not practicable because of frequent, substantial, and unpredictable changes of specifications or production schedules, extraordinary and unpredictable start-up costs, or variations in the conditions under which contractors and subcontractors operate, resulting in unpredictable cost fluctuations; (2) The existence of procurement statutes, regulations and procedures, including price negotiation and redetermination techniques, whereby the defense agencies themselves can, to a considerable extent, perform the function which price ceilings would otherwise perform; and (3) The Office of Price Stabilization-Munitions Board agreement concluded in December 1951. While no one of these reasons, in and of itself, could justify the exemptions, the effect of all of them considered together has been persuasive.

Under the agreement of December 1951 the Director of Price Stabilization and the Chairman of the Munitions Board representing the Department of Defense, reached the following understanding:

(1) The Office of Price Stabilization will collaborate with the Department of Defense in reviewing defense contract pricing and repricing policies, procedures, and practices for items purchased by the military, including those under price ceilings and those exempt, and will make such visits to military procurement offices as the Office of Price Stabilization deems advisable in this connection.

(2) The Office of Price Stabilization will recommend procurement pricing policies, procedures, and practices which it deems essential to accomplish the objectives of the price stabilization program.

(3) The Department of Defense will supply to the Office of Price Stabilization statistical data requested by the Office of Price Stabilization on the amount of procurement under each major type of contract; on prices for commercial-type items of military procurement; and on prices, costs, profit allowances, and explanations of trends therein, for a list of selected, representative military-type end items, components, parts, and subassemblies.

(4) The Munitions Board and the Office of Price Stabilization have further agreed that if obstacles, such as shortages of qualified personnel involved in contract pricing or repricing, including price estimation, analysis, auditing, or statistical reporting of contract prices, should prevent adequate discharge of contract pricing or repricing operations, the Office of Price Stabilization has an obligation under the Defense Production Act to reconsider any existing or later exemptions or suspensions of military-procured items from price ceiling regulations.

As has been previously pointed out in the statement of considerations accompanying Amendment 12 to GOR 9, careful contracting, redetermination of prices, and renegotiation of contracts are not complete substitutes for ceiling price regulation. On the other hand, the need for avoiding substantial impediment to defense procurement cannot be questioned.

Under Article I, section 1, of this regulation, certain commodities are exempt from ceiling price regulation when sold under a defense contract or subcontract which provides for ultimate delivery of the commodity to a Defense Agency. These commodities are easily recognizable as military items. Certain other commodities sold under a defense contract or subcontract are also exempt, only when currently designed to meet military needs exclusively. Some of these commodities were previously exempt under SR 1 to the GCPR simply because they were sold under a defense contract or subcontract. Component parts and assemblies of most of the currently exempt end items are also exempt under the same conditions as are the end items. In section 2 certain services sold under defense contracts and subcontracts are exempt.

Certain personal and professional services previously exempted under GCPR by section 6 (a) of SR 1 are now largely exempted by GOR 14.

Practically the same exemptions as are now in sections 3, 4, and 5 were in SR 1 to the GCPR, although some clarifications and changes have been made. In section 3 certain sales by manufacturers of nonfood commodities under a defense contract or subcontract are exempt, subject to the conditions stated, where the commodity being produced or supplied, or a comparison commodity, has not been previously produced or supplied by the particular manufacturer, and where a period of time is required by the manufacturer to accumulate sufficient production experience to permit him to make a reasonably accurate estimate of his costs. Contracts, officially classified as "Secret" or above, are exempt under section 4. Under section 5, emergency purchases by defense agencies are exempt, subject to the conditions stated, where immediate delivery is imperative and it is impossible to secure delivery at the ceiling price. This section does not exempt Defense Agency contracts which must be placed immediately, but under which immediate delivery is not imperative. Sections 6 and 7 continue previously existing provisions in GOR 2. Section 6 exempts sales of certain strategic and critical materials to Federal agencies and instrumentalities under the Strategic and Critical Materials Stockpiling Act and the Defense Production Act of 1950, as amended. It also incorporates two exemptions heretofore in GOR 9 and CPR 17 concerning certain materials essential to the defense program and adds a provision permitting the establishment of resale ceiling prices for United States agencies and instrumentalities with respect to commodities purchased by them under this section. Such resale ceiling prices will be established at levels consistent with the stabilization program. Section 7 exempts sales of stamped envelopes to or by the United States Post Office and the paper manufactured for use in such envelopes. Section 8 is new and exempts certain experimental, developmental, and research services supplied to Federal agencies and instrumentalities. Section 9 incorporates a provision presently in GOR 14 and exempts services rendered by printers and binders pursuant to "Standard Rate" contracts entered into with the United States Government Printing Office.

Article II provides for the issuance at a later date of suspensions from ceiling price regulation should such action become desirable or necessary. The suspension from price control of sales by manufacturers of new and used aircraft, aircraft parts, and the licensing of aircraft production is not included here because those suspensions are not limited to manufacturers' sales to United States agencies and their suppliers. They remain in GOR 9.

Article III is concerned with ceiling prices applicable to defense contracts and subcontracts. Under section 31, defense contractors and subcontractors for commodities to be delivered to Defense Agencies, and persons performing services on such commodities, are required to state the contractors' ceiling price, if the commodity or service has not been exempted from price control. This statement is to be included in the proposal and contract. However, an exception is made in the case of bids and offers submitted directly to the Defense Agencies pursuant to formal advertising for bids, and in the case of defense contracts resulting from such formal advertising.

Contracting officers of Defense Agencies, as well as prime contractors and subcontractors thereunder, can often use to good advantage information as to the ceiling price of the particular seller. Such information may assist materially in the negotiations. Since the Government and its contractors are subject to the sanctions of the Defense Production Act, it is felt that knowledge of the ceiling prices of suppliers will help them, as purchasers, to avoid violations and to assist in carrying out the stabilization effort. The necessity for stating the ceiling price will mean in most instances that the seller will have to compute or otherwise determine the ceiling price. This in itself will call his attention to the existence of price ceilings where applicable and will tend to counteract the impression which prevails to a considerable extent that persons dealing with the Government directly, or as subcontractors, are for this reason exempt from price control. An exception has been made to this requirement with respect to bids and offers submitted directly to a Defense Agency pursuant to formal advertising for bids, and with respect to defense contracts resulting therefrom. In such cases, defense agencies presently require prime contractors to certify that prices quoted to them do not exceed ceiling prices and normally accept the lowest responsible and responsive bid, unless such formal advertising has failed to produce adequate price competition.

Article IV continues existing provisions of GOR 2. As such it provides an alternative method for determining ceiling prices for sales to agencies of the United States and establishes ceiling prices for certain sales to the Office of Rubber Reserve in connection with the production and sale of synthetic rubber.

Article V provides a special procedure for establishing ceiling prices for defense contractors and subcontractors. The need for minimizing interference with the defense procurement program has already been emphasized. Unnecessary impediments to the defense program must be avoided, and OPS procedures should be designed to facilitate the establishment of ceiling prices of those commodities and services under ceiling price regulation which are purchased directly by defense agencies or by persons holding subcontracts. Under Article V, any seller who intends to enter into a defense contract or subcontract for the sale of a commodity or service for which a ceiling price or method for determining a ceiling price, has not been established (other than a method requiring application to OPS or requiring OPS approval of a proposed price) and who files an application or a request for approval of the ceiling price or method for determining a ceiling price, has the right, at the time the application is filed or at any subsequent time before OPS acts upon the application, to submit bids and enter into contracts at the price set forth in the application or request, to make deliveries under the contracts, and to be paid 75 percent of the amount set forth in the contract, provided he has complied with the filing requirements of section 51 and the contract and bid require him to make final settlement in accordance with the ceiling price subsequently established by OPS and to refund to the buyer any amount paid in excess thereof.

Substantially the same right was granted to defense contractors and subcontractors under Price Procedural Regulation 6, and Supplementary Order 9, issued by the Office of Price Administration. However, because of intense competition in the sale of waste, scrap, and salvage materials and the close similarity of functions among competitive sellers, any upward adjustment in selling price permitted a single seller of these materials would have the natural effect of diverting them from normal channels. OPA experience with this type of procedure indicated that substantial diversions of waste, scrap, and salvage materials did occur. For this reason Article V does not apply to these materials. Similar reasons make it undesirable to apply this procedure to sales of food commodities.

Although General Overriding Regulation 2, Revision 1, does not in itself contain provisions for adjusting OPS ceiling prices for defense contracts and subcontracts, special provisions for such adjustments are contained in General Overriding Regulation 29. Adjustments of Ceiling Prices of Certain Essential Commodities and Services, and reference to this regulation is made in Article VI.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, of means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation.

Since this regulation pertains to sales to the United States and its suppliers, consultations have been held with Government agencies responsible for procurement policy. However, due to its wide coverage, formal consultation with industry representatives, including trade association representatives, has been impracticable in the formulation of this regulation.

REGULATORY PROVISIONS

ARTICLE I—EXEMPTIONS

Sec.
1. Certain commodities sold under a defense contract or subcontract.
2. Certain services sold under a defense contract or subcontract.
3. First production contracts.
4. Secret contracts.
5. Emergency purchases.
6. Certain materials essential to the defense program.
7. Stamped envelopes and paper.
8. Experimental, developmental, and research services.
9. Printing and binding services for the Government Printing Office.
10-20. (Reserved).

ARTICLE II—SUSPENSIONS

21-30. (Reserved).

ARTICLE III—STATEMENT REGARDING CEILING PRICES

31. Defense contracts and subcontracts.

ARTICLE IV—ALTERNATIVE CEILING PRICES

41. Sales to the United States.
42. Sales to the Office of Rubber Reserves, Reconstruction Finance Corporation.
43-50. (Reserved).

ARTICLE V—ESTABLISHMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

51. Contracts and deliveries pending the establishment of a ceiling price.
52. Effect of filing.
53. Exceptions.
54-60. (Reserved).

ARTICLE VI—ADJUSTMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

61. Right to apply for adjustment.

ARTICLE VII—GENERAL PROVISIONS

71. Petitions for amendment.
72. Interpretations.
73. Prohibitions.
74. Definitions.

AUTHORITY: Sections 1 to 74 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—EXEMPTIONS

SECTION 1. *Certain commodities sold under a defense contract or subcontract.* No price regulation shall apply to the sale of any of the following commodities pursuant to a defense contract or subcontract (as defined in section 74) which provides for ultimate delivery of the commodity to a Defense Agency:

(a) Aircraft, ammunition, armored infantry carriers, armor plate, armored trains, artillery, automatic weapons, balloon barrage equipment, bombs, bomb directors, bomb sights, caissons, combat helmets, combat helmet liners, combat tanks, degaussing equipment, depth charges, fire control equipment (such as range, position, and height finders and aiming devices), gas masks, grenades, guided missiles, gun mounts, gun sights, machine guns, military bridges, military propellants, military tactical trucks and trailers, mines, mine sweeping equipment, missile and rocket launchers, mortars, projectiles, projector charges, rockets, self-propelled artillery, submarines, torpedoes, torpedo tubes, and toxicological agents.

(b) Any of the following commodities when currently designed to meet military needs exclusively: Beach markers, boats, canteens, canteen cups, cargo tractors, caskets, dehydrated foods, electronic and communication devices, ground handling equipment for aircraft, hand tools, harbor and yard craft, identification tags, instruments, landing mats, mobile units (including bath, laundry, shoe repair, and bakery), metal insignia, navigational buoys, parachutes, photographic equipment, pyrotechnics, radar, ration containers, ships, small arms, sonar, and steel nets and booms.

(c) Components, parts, assemblies, and subassemblies (including adjuncts, accessories, wire and cable, and spare parts, but not containers or packaging materials) of commodities, the sale of which is exempt from ceiling price regulation by paragraphs (a) or (b) of this section. However, this exemption does not apply unless such components, parts, assemblies, and subassemblies have been machined, or fabricated, and the part, assembly, or subassembly is in such form as to permit its use only in the manufacture of a commodity listed in paragraphs (a) or (b) of this section, and it is currently designed to meet military needs exclusively.

(d) Ammunition boxes, aviation gasoline of 100 octane ASTM or higher, cartridge cases, concertina barbed wire, military explosives, and source and fissionable materials.

(e) Completed operational rations—when made especially to military specifications and substantially different from any commodity normally produced in the industry for non-military purposes.

SEC. 2. *Certain services sold under a defense contract or subcontract.* No price regulation shall apply to the sale, pursuant to a defense contract or subcontract, of any of the following services:

(a) Repairs to and maintenance of boats, ships, and vessels;

(b) Aircraft services—lubrication, maintenance, painting, rental, repair, storage, washing, operation, conversion, modification, or other servicing thereof (including but not limited to maintenance of or repairs to engines, instruments, accessories, parts, and other equipment used in connection therewith);

(c) Preparation for shipment of commodities listed in section 1 (a), (b), or (c) (including but not limited to lubricating, painting, storing, packing, washing, testing, repairing, converting, modifying, and maintaining);

(d) Stevedoring and car loading and unloading;

(e) Tow boat, barge, and lighterage services and charter hire of ships and vessels;

(f) Cataloguing services, material identification services, and material preservation services except those pertaining to food;

(g) Construction services, including repairs, alterations, and maintenance, installed sales, and the installation and removal of building materials and equipment, performed in connection with any building, structure, or construction project.

(h) Marine salvage operations.

(i) Any manufacturing service supplied in the production of a product listed in section 1 (a), (b), or (c).

SEC. 3. *First production contracts.* (a) No price regulation shall apply to the sale by a manufacturer of any non-food commodity pursuant to a "first production" contract. This exemption does not apply to the sale of any commodity pursuant to a subcontract, unless such subcontract is a "first production" contract within the meaning of this section, nor does it apply to the delivery of any commodity after the expiration of the period when the contract is deemed a first production contract.

(b) A contract is, for the purpose of this section, a "first production" contract during the period of time required by the manufacturer for the accumulation of sufficient production experience to permit him to make a reasonably accurate estimate of his costs, but no contract shall be deemed to be a first production contract after six months from the date of completion by the manufacturer of production of the first unit of the commodity or a comparison commodity in his regular commercial stage of production as distinguished from his experimental or developmental stage.

(c) This exemption shall not apply to any sale unless both of the following conditions are complied with:

(1) At the time the contract is entered into the seller requests, and the Defense Agency gives the seller, a written certificate stating that the contract is a "first production" contract within the meaning of this section and containing the following information:

(i) Name and address of the seller;

(ii) Date and number of the contract;

(iii) Description of each commodity covered by the contract (nomenclature of commodity, materials used, manufacturing processes, whether standardized or custom made, designation of specifications or designs applicable);

(iv) The quantity of each commodity covered by the contract;

(v) The current price of each commodity covered by the contract;

(vi) Scheduled delivery dates of each commodity covered by the contract;

(vii) The reasons why the contract is considered to be a first production contract (why the seller cannot estimate costs accurately, how long he has produced item since end of developmental stage, how long before he can estimate costs accurately);

(viii) An estimate of the expected duration of the exemption (not to exceed the limitations set forth in paragraph (b)), and

(2) Within 15 days after the execution of the contract, the seller files with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., one copy of the certificate required by subparagraph (1) of this paragraph.

(d) If at any time the Director of Price Stabilization determines after consultation with the certifying Defense Agency, that a period of time less than that certified by the Defense Agency is necessary for the accumulation of such experience, or that the contract is not a first production contract, and in writing so notifies such agency and the manufacturer of the commodity, this exemption shall not apply to the commodities thereafter sold, delivered, or supplied under the contract or subcontract to which such notice relates.

SEC. 4. *Secret contracts.* (a) No price regulation shall apply to the sale of any commodity or service pursuant to a contract which is officially classified by any agency of the United States as "Secret" or above. This exemption does not apply to the sale of any commodity or service pursuant to a subcontract unless such subcontract is classified as "Secret" or above.

(b) The classifying agency shall immediately notify the seller, whenever such contract or subcontract ceases to be secret. This exemption shall not apply after the seller is notified by the classifying agency that the contract or subcontract is no longer deemed to be secret.

SEC. 5. *Emergency purchases.* (a) No price regulation shall apply to the sale of any commodity or service to a Defense Agency under such circumstances as to make immediate delivery imperative, and as, in the judgment of the Defense Agency, to render it impossible to secure delivery at the ceiling price which would otherwise be applicable.

(b) This exemption shall not apply to any sale unless at the time of sale the Defense Agency gives the seller a written certificate stating that the sale is an emergency sale authorized by this section and containing the following information:

(1) Name and address of the seller;

(2) Date of the sale (i. e., date of contract, purchase order or agreement);

(3) Description of the commodity or service sold (nomenclature of commodity, materials used, manufacturing processes, whether standardized or custom made, designation of specifications or designs applicable);

(4) Quantity sold;

(5) The price at which sold;

(6) The seller's stated ceiling price.

(c) Within 15 days after such emergency purchase, the Defense Agency shall file with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., one copy of the certificate required by paragraph (b) of this section, and a statement of the facts giving rise to the emergency situation which necessitated such purchase at a price higher than the applicable ceiling price.

SEC. 6. *Certain materials essential to the defense program.* (a) No price regulation shall apply to the sale to any agency or instrumentality of the United States, pursuant to the Strategic and Critical Materials Stockpiling Act (60 Stat. 596) as amended; 50 U. S. C. 98, or the Defense Production Act of 1950 (64 Stat. 803) as amended; 50 U. S. C. App Supp. 2101, of:

(1) Strategic and critical materials (as defined in section 74) mined or produced outside the United States, its territories, or possessions, or

(2) Strategic and critical materials mined or produced inside the United States, its territories, or possessions:

(i) Under any contract executed prior to January 25, 1951; or

(ii) Under any contract executed after January 25, 1951, with respect to which such agency or instrumentality has filed with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., a certification that the marginal or submarginal character of the source or the necessity of constructing or installing substantial additional facilities or equipment renders it uneconomic to produce such material at the ceiling price otherwise applicable.

(b) No price regulation shall apply to the sale to any agency or instrumentality of the United States of tungsten concentrates (as defined in section 74) processed from ore produced outside the United States, its territories, or possessions.

(c) The Director of Price Stabilization may, upon application by the procuring agency or instrumentality referred to in paragraphs (a) and (b) of this section, establish a resale ceiling price with respect to any commodity purchased by such agency or instrumentality pursuant to those paragraphs.

(d) No price regulation shall apply to the sale of special hydrocarbon fractions or liquefied petroleum gas when sold for use in manufacturing the following products or components of such products:

(1) Synthetic rubber.

(2) Aviation gasoline of 100 octane ASTM or higher, toluene, benzene, or their components, when sold to a Defense Agency or to any person for use in connection with a defense contract or subcontract.

SEC. 7. *Stamped envelopes and paper.* No price regulation shall apply to the sale of stamped envelopes to or by the United States Post Office Department or the paper manufactured for use in such envelopes.

SEC. 8. *Experimental, developmental, and research services.* No price regulation shall apply to experimental, developmental, or research services (as defined in section 74) supplied to the United States or its agencies or instrumentalities.

SEC. 9. *Printing and binding services for the Government Printing Office.* No price regulation shall apply to the rates, fees, and charges for printing and binding services rendered by printers and binders pursuant to "Standard Rate Contracts" entered into with the United States Government Printing Office.

SEC. 10–20. (Reserved.)

ARTICLE II—SUSPENSIONS

SEC. 21–30. (Reserved.)

ARTICLE III—STATEMENT REGARDING CEILING PRICES

SEC. 31. *Defense contracts and subcontracts.* (a) Where there is knowledge or reason to believe that a commodity will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or sub-assembly of another commodity, every offer or bid submitted to a Defense Agency, or to a defense contractor or subcontractor, and every defense contract and subcontract, covering such commodity, must state the offeror's or contractor's ceiling price of such commodity, if the commodity is not exempt from OPS ceiling price regulation. Where there is knowledge or reason to believe that a service is or will be supplied in connection with the production, manufacture, processing, distribution, or packaging of a commodity which will ultimately be delivered to a Defense Agency, either in the same form or as a component, part, assembly, or sub-assembly of another commodity, every offer or bid submitted to a Defense Agency, or to a defense contractor or subcontractor, and every defense contract and subcontract, covering such service, must state the offeror's or contractor's ceiling price of such service, if the service is not exempt from OPS ceiling price regulation.

(b) This section does not apply to any bid or offer submitted directly to a Defense Agency pursuant to formal advertising for bids, nor to a contract with a Defense Agency resulting from any such bid or offer.

ARTICLE IV—ALTERNATIVE CEILING PRICES

SEC. 41. *Sales to the United States.* With respect to any sale to the United States or any agency thereof which is not exempt from ceiling price regulation, and notwithstanding the provisions of any other price regulation, you may determine your ceiling price for the sale of a commodity or service to the United States or any agency thereof by using as a base the ceiling price of the same commodity or service, when sold to a different class of purchaser, and by adjusting such price so as to reflect your customary discounts, allowances, and differentials (as defined in section 74) between such class of purchaser and the United States and its agencies.

SEC. 42. *Sales to the Office of Rubber Reserve, Reconstruction Finance Corporation.* Unless and until a price regulation establishes, provides for, or permits a higher ceiling price:

(a) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any of the following contracts shall be the price specified in such contract:

(1) Any cost-plus-fixed-fee contract executed prior to or during the base period, December 19, 1950, through January 25, 1951;

(2) Any cost-plus-fixed-fee contract which was in the process of negotiation during the base period, December 19, 1950, through January 25, 1951, provided such negotiations were completed prior to July 26, 1951, and the fee schedule specified in such contract was established prior to or during such base period.

(b) The ceiling price for the sale (including sales made prior to the date of this regulation) to the Office of Rubber Reserve, Reconstruction Finance Corporation, of any commodity or service covered by any contract (other than a cost-plus-fixed-fee contract) which specifies a fixed price or a rate or pricing method negotiated prior to or during the base period, December 19, 1950, through January 25, 1951, shall be the highest price payable under such contract with respect to deliveries made or services supplied during said base period.

SEC. 43–50. (Reserved).

ARTICLE V—ESTABLISHMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

SEC. 51. *Contracts and deliveries pending the establishment of a ceiling price.* Any seller who proposes to enter into a defense contract or subcontract for the production, manufacture, distribution or supply of a commodity or service for which a ceiling price or method for determining a ceiling price has not been established may file an application for or a request for approval of a ceiling price or method for determining a ceiling price in accordance with the provisions of the applicable price regulation.

SEC. 52. *Effect of filing.* Upon the filing of the application or request and until the issuance of an order granting or denying the application or request, (1) bids may be submitted and contracts may be entered into at the ceiling price proposed in the application or request, (2) deliveries may be made under such contracts, and (3) the buyer may pay and the seller may receive 75 percent of the ceiling price so proposed: *Provided*, The bid and contract stipulate in writing that final settlement shall be made at a price no higher than the ceiling price as established or determined by the employment of the pricing method established by OPS, or as subsequently adjusted by OPS, and that any amount paid in excess thereof will be immediately refunded to the buyer.

SEC. 53. *Exceptions.* This Article V does not apply to the sale of any commodity or service if the commodity or service or the price regulation covering its sale is listed below:

COMMODITY
(1) Any waste, scrap, or salvaged materials.
(2) Food.
REGULATION
(1) CPR 6 Fats and Oils.
(2) CPR 53 Lead Scrap Materials, Secondary Lead, Antimonial Lead.
(3) CPR 54 Aluminum Scrap and Secondary Aluminum Ingot.

SEC. 54–60. (Reserved).

ARTICLE VI—ADJUSTMENT OF CEILING PRICES FOR DEFENSE CONTRACTS AND SUBCONTRACTS

SEC. 61. *Right to apply for adjustment.* Applications for adjustment of ceiling prices for defense contracts and subcontracts may be filed in accordance with General Overriding Regulation 29, Ad-

justment of Ceiling Prices of Certain Essential Commodities and Services.

ARTICLE VII—GENERAL PROVISIONS

SEC. 71. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 72. *Interpretations.* If you have any doubt as to the meaning of this regulation, you should write to the OPS for an interpretation. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revision 2.

SEC. 73. *Prohibitions.* On and after the effective date of this General Overriding Regulation 2, Revision 1, no Government agency or official or employee thereof and no person subject to this regulation shall do any act prohibited or omit to do any act required by this regulation and shall not offer, solicit, attempt, or agree to do or not to do any such acts. Specifically (but not in limitation of the above) no such agency, official, employee or person shall sell, and no person in the regular course of trade or business (including any such agency or official or employee thereof) shall buy at a price higher than the ceiling price, and all such persons shall make the reports required by this regulation. Violations of any provisions of this general overriding regulation are subject to applicable criminal penalties, enforcement action, and action for damages.

SEC. 74. *Definitions.* Terms used in this General Overriding Regulation shall, unless defined herein, or unless the context requires a different meaning, have the same meaning as when used in the General Ceiling Price Regulation.

(a) "Customary discounts, allowances, and differentials" means discounts, allowances, and differentials in effect between January 1, 1950 and June 30, 1950.

(b) "Defense Agency" means the Department of Defense (including the Department of the Army, the Department of the Navy, and the Department of the Air Force), the Maritime Administration of the Department of Commerce, the United States Coast Guard, the Atomic Energy Commission, the Emergency Procurement Service of the General Services Administration, the Defense Materials Procurement Agency, and any official agency of a foreign Government

(c) "Defense Contract" means any purchase order or agreement with a Defense Agency.

(d) "Experimental, developmental, and research services" means services of theoretical analysis, exploratory studies, and experimentation in any field of science or technology, and services calling for the practical application of investigative findings and theories of a scientific or technical nature, and includes the incidental sale of such quantities and kinds of equipment, supplies, parts, accessories, patent rights, drawings, and designs by the person supplying such services as are necessary to the conduct of such services.

(e) "First production contract". This term is explained in section 3, where it appears.

(f) "Foreign Government" means the Government of any nation or state other than the United States of America.

(g) "OPS" means the Office of Price Stabilization.

(h) "Price regulation" means a ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization, and any amendment or supplement thereto or order issued thereunder.

(i) "Strategic and critical materials" means the materials set forth on the official list prepared by the General Services Administration and approved by the Director of Price Stabilization, or any amendment or supplement thereto. The term includes ores, concentrates, mattes, speiss, bullion, blister and the various forms of refined metal in standard commercial shapes, including ferro-alloys, powders, and chemical compounds of such metals; but it does not include such materials as alloy ingot, wire bar or billet, or alloyed or unalloyed rod, sheet, tube or extruded shapes or any other form which customarily commands a premium.

(j) "Subcontract" means any purchase order or agreement to perform all or any part of the work required under, or to make or furnish any commodity needed for the performance of a Defense Contract.

(k) "Tungsten concentrates" include wolframite, hubnerite, ferberite or natural or synthetic scheelite which has been separated from gangue or associated rocks by physical or chemical processes.

(l) "You" means a seller of any commodity or service and includes a manufacturer, wholesaler, and retailer.

Effective date. General Overriding Regulation 2, Revision 1, shall become effective the 26th day of July, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8122; Filed, July 21, 1952; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 22]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

TRANSFER OF CERTAIN EXEMPTIONS AND SUSPENSIONS CONCERNING SALES TO THE UNITED STATES, ITS AGENTS AND SUPPLIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 22 to General Overriding Regulation 9 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Amendment 22 to General Overriding Regulation 9 removes from General Overriding Regulation 9 certain exemptions and suspensions concerning sales to the United States, its agents, and suppliers. Simultaneously with this action General Overriding Regulation 2 is being revised to cover all matters of a special and overriding nature applying to sales to the United States, its agents, and suppliers, including exemptions, suspensions and pricing procedures.

Among other things, General Overriding Regulation 2, Revision 1, now contains provisions dealing with the same subjects covered by those sections of General Overriding Regulation 9 which are being revoked. For example, General Overriding Regulation 2, Revision 1 exempts secret contracts, developmental contracts, (first production contracts) and emergency purchases, as well as certain military commodities and services, under the circumstances described in the regulation.

The reasons for this action are set forth in the statement of considerations accompanying General Overriding Regulation 2, Revision 1.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

1. Section 2 (a) (4) and section 2 (a) (5) are revoked.

2. Section 2 (b) (1), section 2 (b) (2), and section 2 (b) (3) are revoked.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 22 to General Overriding Regulation 9, is effective July 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8123; Filed, July 21, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 32]

GCPR—GENERAL CEILING PRICE REGULATION

SALES OF FERTILIZER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 32 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued to carry out the purposes of section 402 (d) (5) of the Defense Production Act of 1950, as amended. This provision was added by the Defense Production Act Amendments of 1952.

Section 402 (d) (5) provides, "For the purpose of determining the applicable ceiling price under the general ceiling price regulation issued January 26, 1951, as amended, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a retail sale." Accordingly, the definitions of "sale at retail" and "sale at wholesale" contained in section 22 of the General Ceiling Price Regulation are being amended to conform to this provision.

Heretofore dealers' sales of fertilizer to farmers have been treated under the General Ceiling Price Regulation as sales at wholesale because of the definition of wholesale sales contained in that regulation. As a consequence of this treatment, a dealer could not use a price as his ceiling price to a wholesale class of purchaser unless he made at least 10 percent by dollar volume of his total deliveries of the commodity during the period December 19, 1950 through January 25, 1951 to that class of purchaser at that price or at a higher price. This requirement is not applicable to sales at retail.

One effect of this amendment to the General Ceiling Price Regulation, therefore, is to remove from the coverage of the 10 percent rule resales of fertilizer to the ultimate user, including farmer-purchasers.

Another result of classifying these sales as retail sales is to render ineffective dealers' written price announcements as determinative of fertilizer ceiling prices under the circumstances set forth in section 3 (b) of the General Ceiling Price Regulation, since that paragraph deals only with sales by manufacturers and wholesalers.

One other change results from this amendment. Under section 6 of the GCPR, a seller prices new products by reference to a competitor's price and reports his action to OPS. If he is a wholesaler he must wait 30 days before selling at his proposed ceiling price, but if he is a retailer, he may sell as soon as the report is mailed. Under this amendment, the dealer is a retailer when selling fertilizer to an ultimate user and need not wait before selling a new fertilizer whose ceiling price is established by section 6.

Neither this amendment nor section 402 (d) (5) of the Defense Production Act of 1950, as amended, changes the general rule that a seller's ceiling price for fertilizer cannot exceed the highest price at which he delivered it during the period December 19, 1950 to January 25, 1951, inclusive, to a purchaser of the same class. A seller's own customary practice, during this base period, of charging different prices to different customers who may not have differed functionally, is sufficient to demonstrate his different classes of purchasers, and must be maintained, as explained in Interpretation 48 to the GCPR, issued February 15, 1952.

In view of the urgency of this amendment the Director has found it impracticable to consult with industry representatives, including trade association representatives.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. The definition of "sale at retail and retailer" in section 22 is amended to read as follows:

Sale at retail and retailer. Sale at retail means a sale to an ultimate consumer other than an industrial or commercial user. In addition, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of business makes sales at retail is a retailer.

2. The definition of "sale at wholesale and wholesaler" in section 22 is amended to read as follows:

Sale at wholesale and wholesaler. Sale at wholesale means a sale by a person who buys a commodity and resells it, without substantially changing its form, or who supplies a service, to an industrial or commercial user, or to any person other than the ultimate consumer. However, for determining the applicable ceiling price under this regulation, any sale of fertilizer to the ultimate user by a person who acquired it for resale shall be considered a sale at retail. A seller who in the regular course of business makes sales at wholesale is a wholesaler.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 21, 1952.

[F. R. Doc. 52-8120; Filed, July 21, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-2 as Amended July 22, 1952]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 as amended, and the Rubber Act of 1948 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Explanation.
2. Applicability of other regulations and orders.
3. Definitions.
4. Limitation on inventory of dry natural rubber.
5. Limitation on purchase of cold GR-S.
6. Limitation on use of pale crepe or sole crepe.
7. Reports of rubber consumption and stocks.
8. Reports by tire, tube, and camelback manufacturers.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 8, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Explanation.* This amended order continues in effect certain restrictions applicable to cold GR-S and natural crepe rubber. The order contains no other controls on acquisition, inventories, and consumption of either natural or synthetic rubber. In the interest of national security, however, it has been jointly determined by the appropriate Government agencies that production by the Government-owned synthetic rubber plants should be maintained at levels substantially in excess of the minimum quantities required by the Rubber Act of 1948, as amended; viz, 200,000 long tons per annum for GR-S and 15,000 long tons per annum for butyl. In order to support the higher production levels desirable for national security, GR-S consumption cannot be permitted to fall below the rate of 450,000 long tons per annum, and butyl consumption cannot be permitted to fall below the rate of 60,000 long tons per annum. Since voluntary industry usage appears unlikely to drop below such levels, mandatory consumption of synthetic rubber has not been imposed, but if consumption falls below these levels the order will be amended by establishing industry-wide manufacturing specifications requiring the use of stated percentages of synthetic rubber in all rubber products. This action is in accord with the legislative policy of section 2 of the Rubber Act of 1948, as amended, which states that "In order to strengthen national security through a sound industry it is essential that • • • regulations requiring mandatory use of synthetic rubber • • • be ended and terminated whenever consistent with national security • • • •."

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order as amended shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including all grades of wild rubber, but excluding balata, gutta percha, and reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis in solid or latex form, prepared from a diolefin or derivative therefrom as an essential component, similar in general properties and applications to natural

rubber and specifically capable of vulcanization, but excluding reclaimed synthetic rubber.

(e) "GR–S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR–S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR–I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber (including the oil in oil-extended GR–S), uncured scrap rubber, and uncured in-process materials.

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, number IX, 1, or 2.

(k) "Sole crepe" means dry natural rubber produced from pale crepe which has not been compounded, vulcanized, or physically attached to any manufactured product.

(l) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(m) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(n) "NPA" means the National Production Authority.

SEC. 4. *Limitation on inventory of dry natural rubber.* Inventories of dry natural rubber are subject to the provisions of NPA Reg. 1.

SEC. 5. *Limitation on purchase of cold GR–S.* No person may purchase for delivery during the third calendar quarter of 1952, or any subsequent calendar quarter, a quantity of dry cold GR–S in excess of 70 percent of all of the dry GR–S he purchases from the Reconstruction Finance Corporation for delivery during that calendar quarter.

SEC. 6. *Limitation on use of pale crepe or sole crepe.* No person shall use or consume any pale crepe or sole crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

SEC. 7. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF–3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF–3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who does not file a Form NPAF–3 for any type of rubber listed in this section for each month of any calendar year shall file an annual report for such year on Form NPAF–4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF–4. Each person who is hereby required to file Form NPAF–4 shall do so by the twentieth of January of each year.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR–S types, excluding latex.[1]
GR–S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-type) latex.

SEC. 8. *Reports by tire, tube, and camelback manufacturers.*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF–5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF–6 in accordance with the instructions accompanying the form.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–2.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8132; Filed, July 22, 1952; 11:14 a. m.]

[1] Includes all types; whether obtained from Government or other sources, including imports.

[NPA Order M–50, Direction 1 of July 22, 1952]

M–50—ELECTRIC UTILITIES

DIR. 1—TEMPORARY SUSPENSION OF INVENTORY LIMITATIONS ON COPPER AND ALUMINUM

This direction under NPA Order M–50 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Suspension of inventory limitations.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* In view of the work stoppage in the steel industry and consequent interruption in meeting schedules of construction authorized under NPA Order M–50, this direction temporarily accords electric utilities the privilege of exceeding inventory restrictions upon copper and aluminum.

SEC. 2. *Suspension of inventory limitations.* (a) An electric utility may accept delivery of any item of copper controlled material and any item of aluminum controlled material without regard to the inventory limitations of NPA Order M–50.

(b) Nothing in this section shall be construed to permit any electric utility to obtain any controlled material or to make allotments in excess of the related allotment received by it or in excess of the quantities for which it is permitted to self-authorize delivery orders.

This direction shall take effect July 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8133; Filed, July 22, 1952; 11:14 a. m.]

[NPA Order M–82 as Amended July 22, 1952]

M–82—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

This amended NPA Order M–82 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

This amendment affects NPA Order M–82 as last amended May 28, 1952, by increasing the monthly quotas of X–6 orders which distributors may place with brass mills or other distributors.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. How a distributor obtains brass mill products.
4. Monthly X–6 quotas on orders placed with brass mills or other distributors.
5. Limitations on acceptance of X–6 orders by brass mills or distributors.
6. Limitations on acceptance of orders by distributors.
7. Inventory limitations.
8. Certification.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Request for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide for the restoration and maintenance of reasonable inventories by distributors of brass mill products. It describes how orders for brass mill products shall be accepted and filled by distributors and how such shipments shall be replaced by brass mills. It authorizes distributors to place authorized controlled material orders within certain limitations, sets forth limitations on the required acceptance of such orders by brass mills, and revokes the authority of distributors to place orders certified under Direction 1 to NPA Order M–11.

SEC. 2. *Definitions.* As used in this order:

(a) "Base period" means the period commencing January 1, 1947, and ending June 30, 1950.

(b) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(c) "Brass mill products" means copper and copper-base alloys in the following forms: sheet, plate, and strip, in flat lengths or coils; rod, bar, shapes, and wire (except copper wire mill products); ancdes, rolled, forged, or sheared from cathodes; and seamless tube and pipe. Straightening, threading, chamfering, and cutting to width and length, and reduction in gage, do not constitute changes in form of brass mill products except as determined by NPA. The following related products which have been produced by a change in form of brass mill products are not included in the definition of brass mill products:

Circles.
Discs.
Cups.
Blanks and segments.
Forgings (except anodes).
Welding rod, 3 feet or less in length.
Rotating bands.
Tube and nipples—welded, brazed, or mechanically seamed.

(d) "Brass mill" means any person who produces brass mill products.

(e) "Item of brass mill products" means a particular brass mill product of one given dimension (except length), shape, temper, alloy, and finish.

(f) "Inventory" means brass mill products owned by a distributor or held by him on consignment within the United States, its territories and possessions, for resale as brass mill products. It does not include brass mill products held by him for fabrication, whether for his own account or for others, or direct mill shipments by a mill to a distributor's customer.

(g) "Distributor" means any person (including a warehouseman or jobber but not a retailer) engaged in the business of stocking brass mill products received from a brass mill or another distributor at a location regularly maintained by him for such purpose, for sale or resale in the form or shape as received, or after performing the operations described in this paragraph, and who, in connection therewith, maintains facilities and equipment necessary to conduct such business. Such operations are straightening, threading, chamfering, cutting to width and length, and edging. A distributor shall be deemed to be such only with respect to such brass mill products as are regularly maintained in his inventory. Occasional or accommodation sales, or purchases from brass mills or other distributors, shall not constitute engaging in the business of distributing brass mill products. Any brass mill maintaining an inventory of brass mill products at a location other than the mill and regularly engaging in the business of making sales from such inventory as a distributor shall be deemed to be a distributor with respect to such inventory and business for the purposes of this order. Any distributor operating more than one warehouse may consider all warehouses operated by him as one warehouse for the purpose of this order.

(h) "NPA" means the National Production Authority.

SEC. 3. *How a distributor obtains brass mill products.* (a) Commencing on September 1, 1951, and subject to the quantity limitations contained in sections 4 and 7 of this order, a distributor may apply the allotment symbol X–6 to orders for brass mill products for the purpose of replacing his inventory of such products.

(b) A delivery order bearing the symbol X–6, together with the certification provided for in section 8 of this order, shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(c) Commencing on May 28, 1952, any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders which bear program identifications consisting of the letter A, B, C, or E, followed by a digit, or the program identification Z–2, or a program identification

containing the suffix B–5, in obtaining materials to replace in inventory the brass mill products covered by such orders may append as a suffix to the X–6 allotment symbol the program identification B–5, so that the authorized controlled material order placed by him will contain a program identification which reads X–6–B–5.

(d) Subject to the limitations of any other applicable NPA regulation or order, a distributor may purchase brass mill products without limitation where such purchase is not a purchase made from a domestic brass mill or another distributor which will result in a violation of section 4 or 7 of this order. A distributor may apply the allotment symbol X–6 to all his orders for brass mill products. Such orders are hereby designated authorized controlled material orders for the purpose of section 17 (d) of CMP Regulation No. 1.

SEC. 4. *Monthly X–6 quotas on orders placed with brass mills or other distributors.* Any distributor who during the preceding calendar month has delivered brass mill products from his inventory to fill authorized controlled material orders placed with him may place an order with a brass mill or another distributor for replacement in his inventory of an equal weight of brass mill products, to which order the allotment symbol X–6 may be applied. In addition, a distributor whose inventory (by weight) on the last business day of any calendar month is less than his average monthly inventory (by weight) during the base period may place an order bearing the allotment symbol X–6 with a brass mill or another distributor during the succeeding month for 15 percent of the difference between his average monthly inventory (by weight) during the base period and such inventory at the end of the month. The total weight of material covered by orders placed by any distributor with brass mills and other distributors in each month and bearing the allotment symbol X–6 shall, however, in no event exceed 150 percent of the average monthly weight of deliveries of brass mill products from brass mills and other distributors to such distributor during the base period. In determining average monthly inventory during the base period or average monthly deliveries of brass mill products during the base period, a distributor may exclude any months during the base period in which he was not engaged in the business of distributing brass mill products.

SEC. 5. *Limitations on acceptance of X–6 orders by brass mills or distributors.* (a) A brass mill or another distributor need not accept an X–6 order from any distributor if such distributor was not a purchaser of brass mill products from him during the base period.

(b) A brass mill or another distributor need not accept an X–6 order from a distributor for any item of brass mill products which such distributor did not purchase from him during the base period.

(c) Any distributor who is unable to place an order bearing the allotment symbol X–6 due to the limitations of this section should apply to the National Production Authority, Washington 25, D. C., Ref: M–82, specifying the brass mills or distributors that refused to accept the order. NPA will assist him in locating sources of supply.

SEC. 6. *Limitations on acceptance of orders by distributors.* (a) A distributor may not accept for delivery from his inventory (1) any one order from any one person for more than 2,000 pounds of any item of brass mill products except condenser tubes, or for more than 10,000 pounds of condenser tubes, without the written approval of NPA, or (2) orders for any brass mill products in excess of the distributor's inventory of such products (including such products in transit to the distributor) on the date of the receipt of such order. Distributors are not required to accept an authorized controlled material order for more than 500 pounds of any item of brass mill products or 50 percent of the distributor's inventory of such item, whichever is less, unless otherwise directed by NPA. For the purposes of the quantity limitations of this section, a distributor shall regard separate orders placed for delivery in the same month for the same item by any person as one order.

(b) A distributor may accept an order for brass mill products for direct shipment from the brass mill to the customer only to the extent that such order is acceptable to the brass mill. Such a transaction shall not be considered a sale or delivery by a distributor for the purposes of this order. In forwarding such an order to the brass mill for acceptance, the distributor must furnish the brass mill with the name and address of the customer, the date and number of the customer's order, the authorized controlled material order allotment symbol, and a copy of the certification, which copy, however, need not be a duplicate original. An order for brass mill products for direct shipment from the brass mill to the customer may be shipped to the distributor who placed the order with the brass mill, but in that event the distributor may not incorporate the material so received physically in his inventory, and must use all such material only for the purpose of filling the order for which it was received.

(c) A distributor may not accept any order for copper controlled materials except an authorized controlled material order, or ship or deliver any copper controlled material except pursuant to an authorized controlled material order valid for the calendar quarter in which delivery is requested, unless the quantity of material to be delivered on any one sale to any one person aggregates less than 25 pounds. Only sales on authorized controlled material orders are replaceable under the provisions of the first sentence of section 4 of this order.

SEC. 7. *Inventory limitations.* No distributor may accept delivery of brass mill products from domestic brass mills or other distributors if his inventory is, or by such receipt would become, in excess of his average monthly inventory during the base period (excluding therefrom the months during which he was not engaged in the business of distributing brass mill products) or in excess of a practicable minimum working inventory as defined in NPA Reg. 1, whichever is less.

SEC. 8. *Certification.* Any order for brass mill products placed by a distributor with a supplier and bearing the allotment symbol X–6 pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M–82

This certification shall constitute a representation to the supplier and to NPA that the purchaser is authorized to place an authorized controlled material order under the provisions of this order to obtain the material covered by the delivery order.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this order shall be construed to relieve any person from the obligations of complying with such limitations as may be contained in any other applicable regulation or order of NPA or of any order of any other competent authority.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of NPA.

(c) Persons subject to this order shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–82.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amended order shall take effect July 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8134; Filed, July 22, 1952; 11:15 a. m.]

[NPA Order M–86, Amendment 1 of July 22, 1952]

M–86—DISTRIBUTION OF COPPER WIRE MILL PRODUCTS TO DISTRIBUTORS

INCREASE IN MONTHLY QUOTAS OF X–6 ORDERS

This amendment of NPA Order M–86 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different trades and industries.

AMENDATORY PROVISIONS

This amendment affects NPA Order M–86 as last amended May 28, 1952, as follows:

Section 4 is amended by increasing the monthly quotas of X–6 orders which distributors may place with copper wire mills or other distributors, so that the section as amended now reads as follows:

SEC. 4. *Monthly X–6 quotas on orders placed with copper wire mills or other distributors.* (a) Subject to the inventory limitations of section 7 of this order, any distributor, who during the preceding calendar month (commencing with the preceding calendar month of June 1952 has delivered copper wire mill products from his inventory to fill authorized controlled material orders placed with him, may place an order or orders with a copper wire mill or another distributor for a quantity of copper wire mill products equal to 150 percent of such deliveries (measured in pounds of copper content) made during the preceding calendar month. The allotment symbol X–6 may be applied to any such order or orders so placed with a copper wire mill or another distributor: *Provided, however,* That, commencing with the first calendar month succeeding the calendar month in which any distributor's inventory has reached the maximum level permitted by section 7, he may not place an order or orders with copper wire mills or other distributors which in the aggregate require the delivery of a quantity of copper wire mill products in excess of 100 percent of the deliveries of such products which he made from his inventory to fill authorized controlled material orders during the preceding calendar month.

(b) A distributor shall reduce or cancel outstanding orders to the extent that the aggregate of such orders calls for delivery of a quantity of material in excess of the quantity he would be permitted to receive under section 7 at the time such orders are scheduled for delivery.

(c) A distributor may not place duplicate orders bearing the symbol X–6 in anticipation of cancelling one upon delivery of the other.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8135; Filed, July 22, 1952; 11:15 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 2, Amdt.]

CR 2—RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF THE ATOMIC ENERGY COMMISSION

GEOGRAPHICAL AREAS AFFECTED

On February 27, 1952, Regulation CR 2, as revised and amended, was published in the FEDERAL REGISTER at 17 F. R. 1721. In section 3 of said regulation certain geographical limits are set forth describing three separate areas affected by installations of the Atomic Energy Commission. Paragraph (a) of section 3 describes the geographical area affected by the Savannah River Atomic Energy Commission installation. An amendment to this area was subsequently published in the FEDERAL REGISTER on April 4, 1952 (17 F. R. 2934). Paragraph (a) of section 3 of CR 2 is hereby further amended to read as follows:

(a) Savannah River, Georgia-South Carolina, Area. (Aiken, Allendale, Barnwell and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, and McDuffie Counties, and District 81—Wrens (including Wrens Town) in Jefferson County, all in Georgia.)

B. T. FITZPATRICK,
Acting Housing and Home Finance Administrator.

JULY 23, 1952.

[F. R. Doc. 52–8042; Filed, July 22, 1952; 8:50 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 9]

[Rent Regulation 2, Amdt. 8]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

MISCELLANEOUS AMENDMENTS

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Sections 147, 148 and 149 of Rent Regulation 1 are amended to read as follows:

SEC. 147. *Adjustment in maximum rent for decreases.* The order on any petition under section 146 may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by section 146 may be decreased in accordance with the provisions of section 159.

SEC. 148. *Refund to tenant for decreases on or after April 1, 1948.* If the landlord fails to file the report required by section 146 within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or April 1, 1948, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the services, furniture, furnishings or equipment, or the Direc-

tor may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

SEC. 149. *Adjustment in maximum rent for decreases prior to April 1, 1948.* Where a landlord decreased living space, services, furniture, furnishings, or equipment before April 1, 1948, while the accommodations were occupied, or decreased the living space, services, furniture, furnishings, or equipment during such period while the accommodations were vacant, and failed or fails to file a petition or a written report as was required by the provisions of former § 825.5 (b) prior to April 1, 1948 (24 CFR 1947 Supp.), the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in living space, services, furniture, furnishings, or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the living space, services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

2. Section 149 of Rent Regulation 2 is amended to read as follows:

SEC. 149. *Refund to tenant for decreases.* If the landlord fails to file the report required by sections 146 and 147 within the time specified, or decreases the services, furniture, furnishings, equipment, or living space without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or July 1, 1947, or the effective date, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, equipment, or living space: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the living space, services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the act and regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

[F. R. Doc. 52-8047; Filed, July 22, 1952; 8:53 a. m.]

[Rent Regulation 1, Amdt. 65 to Schedule A]

[Rent Regulation 2, Amdt. 63 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA, IOWA, OHIO, AND PENNSYLVANIA

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea and Salinas.

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Monterey, Pacific Grove and Pajaro, except the Cities of Carmel-by-the-Sea and Salinas.

In Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 38, is amended to describe the counties in the defense-rental area as follows:

San Francisco County.

This decontrols Sonoma County, California, a portion of the San Francisco Bay, California, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

3. In Item 112 of Schedule A, all that which pertains to Lee County, Iowa, is deleted.

This decontrols the City of Keokuk in Lee County, Iowa, a portion of the Burlington, Iowa, Defense-Rental Area.

4. Schedule A, Item 113, is amended to describe the counties in the defense-rental area as follows:

In Linn County, the City of Cedar Rapids.

This decontrols the City of Marion in Linn County, Iowa, a portion of the Cedar Rapids, Iowa, Defense-Rental Area.

5. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Oakwood, Orange, Parkview, Pepper Pike, Seven Hills, Solon, Strongsville, Valley View, Warrensville Heights, Westlake and West View.

This decontrols the Village of Oakwood in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area.

6. Schedule A, Item 261, is amended to describe the counties in the defense-rental area as follows:

In Erie County, the City of Erie, the Boroughs of Northeast and Wesleyville, and the Townships of Harborcreek, Lawrence Park, Millcreek and Northeast.

This decontrols the Boroughs of Middleboro, North Girard, Platea and Wattsburg, and the Townships of Greene, Greenfield, McKean, Summit and Venango, all in Erie County, Pennsylvania, portions of the Erie, Pennsylvania, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

7. Schedule A, Item 270, is amended to describe the counties in the defense-rental area as follows:

Mercer County, except the Boroughs of Fredonia, Jackson Center, Jamestown, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro, and the Townships of Deer Creek, Delaware, East Lackawannock, Fairview, French Creek, Greene, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Salem, Sandy Creek, Sandy Lake, Sugar Grove, Wilmington, Wolf Creek and Worth.

This decontrols the Boroughs of Fredonia, Jamestown, New Lebanon, Sandy Lake, Sheakleyville and Stoneboro, and the Townships of Deer Creek, Delaware, East Lackawannock, Fairview, French Creek, Greene, Jackson, Jefferson, Lackawannock, Lake, Liberty, Mill Creek, New Vernon, Otter Creek, Perry, Salem, Sandy Creek, Sandy Lake, Sugar Grove, Wilmington, Wolf Creek and Worth, all in Mercer County, Pennsylvania, portions of the Sharon-Farrell, Pennsylvania, Defense-Rental Area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

All decontrols effected by these amendments, except those in items 2, 6 and 7 thereof, are based on resolutions submitted in accordance with section 204 (j) (3) of the act.

[F. R. Doc. 52-8049; Filed, July 22, 1952; 8:54 a. m.]

[Rent Regulation 2, Amdt. 14 to Schedule B]

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

COLORADO

Effective July 23, 1952, Rent Regulation 2 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

A new item 65 is added to Schedule B of Rent Regulation 2, reading as follows:

65. *Provisions relating to the Pueblo, Colorado, Defense-Rental Area (Item 46 of Schedule A):*

The application of this regulation is terminated with respect to housing accommodations which on July 3, 1952, were furnished, consisted of one room, and did not contain any housekeeping facilities.

All provisions of this regulation insofar as they are applicable to the Pueblo, Colorado, Defense-Rental Area, are hereby amended to the extent necessary to carry into effect the provisions of this item 65 of Schedule B.

[F. R. Doc. 52-8051; Filed, July 22, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 8]

[Rent Regulation 4, Amdt. 2]

RR 3—HOTELS

RR 4—MOTOR COURTS

MISCELLANEOUS AMENDMENTS

Effective July 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Section 82 of Rent Regulation 3 is amended to read as follows:

SEC. 82. *Adjustment in maximum rent for decreases.* The order on any petition under sections 80 and 81 may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by sections 80 and 81 may be decreased in accordance with the provisions of section 86. If the landlord fails to file the report required by sections 80 and 81 within the time specified, or decreases the services, furniture, furnishings, or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or the effective date, whichever is later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment: *Provided, however,* That the Director may issue an order relieving the landlord of the duty to refund the excess rent for any rental period if the Director finds that during such period the landlord did not know of his obligation to furnish the services, furniture, furnishings or equipment, or the Director may issue an order relieving the landlord of the duty to refund the excess rent, in whole or in part, if the Director finds that the issuance of such an order would not be inconsistent with the purposes of the Act and Regulation. Such amount shall be refunded to the tenant within 30 days after the date of issuance of the order unless the refund is stayed in accordance with the provisions of Rent Procedural Regulation 3.

[F. R. Doc. 52-8048; Filed, July 22, 1952; 8:54 a. m.]

[Rent Regulation 3, Amdt. 73 to Schedule A]

[Rent Regulation 4, Amdt. 17 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Pacific Grove, Pajaro and Monterey, except the Cities of Carmel-by-the-Sea and Salinas; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the City of Salinas in Monterey County, California, a portion of the Monterey Bay, California-Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-8052; Filed, July 22, 1952; 8:55 a. m.]

[Rent Regulation 3, Amdt. 12 to Schedule B]

[Rent Regulation 4, Amdt. 6 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO DEFENSE-RENTAL AREA OR PORTIONS THEREOF

TEXAS AND MISSISSIPPI

Effective July 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Item 17 is added to Schedule B of Rent Regulation 3, reading as follows:

17. *Provisions relating to the Howard County, Texas, Defense-Rental Area (Item 303 of Schedule A):*

The application of this regulation is terminated with respect to rooms in any hotel which on January 22, 1952 (a) had no more than 20 percent of its rooms rented on the basis of a weekly or monthly term of occupancy, and (b) provided to persons occupying its rooms customary hotel services, including elevator service, bellboy service, telephone and switchboard services, maid service, use and upkeep of furniture, and the furnishing and laundering of linens.

All provisions of this regulation insofar as they are applicable to the Howard County, Texas, Defense-Rental Area, are hereby amended to the extent necessary to carry into effect the provisions of this item 17 of Schedule B.

2. Item 18 is added to Schedule B of Rent Regulation 4, reading as follows:

18. *Provisions relating to Harrison County, Mississippi, a portion of the Biloxi-Pascagoula, Mississippi, Defense-Rental Area (Item 162 of Schedule A):*

Maximum daily rates established by this regulation shall no longer be applicable to those housing accommodations which on June 20, 1952, had a maximum daily rent established by this regulation of $6.00 or more, properly registered with the area rent office.

All provisions of this regulation insofar as they are applicable to Harrison County, Mississippi, are hereby amended to the extent necessary to carry into effect the provisions of this item 18 of Schedule B.

[F. R. Doc. 52-8050; Filed, July 22, 1952; 8:54 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BRANDYWINE RIVER AT WILMINGTON, DEL.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.230 is hereby amended by deleting all references to the Highway Bridge at Church Street from the provisions of paragraph (b) and prescribing paragraph (c) to govern the operation of this bridge, as follows:

§ 203.230 *Brandywine River at Wilmington, Del.*—(a) Highway bridge at *Seventh Street, Wilmington, Del.* • • •

(b) *Bridges (highway and railroad).* The following regulations are prescribed to govern the operation of the drawspans in the following-named drawbridges crossing the Brandywine River in the City of Wilmington, Delaware:

Pennsylvania Railroad Bridge above Seventh Street drawbridge.
State Highway Bridge at Sixteenth Street.

(1) Owners of these drawbridges will not be required to keep draw tenders in attendance at these bridges: *Provided,* That the said owners shall keep conspicuously posted on both the upstream and downstream sides of the drawbridges in such manner that it can be easily read at any time a copy of the regulations in this section together with a notice stating to whom requests for the opening of the draw shall be made and explaining exactly how such persons can be reached.

• • • • •

(5) [Revoked.]

(c) *Highway bridge at Church Street, Wilmington, Del.* (1) The owner of or agency controlling this bridge will not be required to open the drawspan for the passage of vessels.

(2) The owner of or agency controlling this bridge shall keep a legible copy of these regulations in this section posted conspicuously on both the upstream and downstream sides of the bridge.

[Regs., July 1, 1952, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-8012; Filed, July 22, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—REGISTRATION AND RESEARCH

MISCELLANEOUS AMENDMENTS

1. Section 21.106, inadvertently removed from the Code of Federal Regulations by 14 F. R. 3408, June 23, 1949 is hereby reinstated and reads as follows:

§ 21.106 *Compensation for productive labor, definition of.* Compensation for productive labor means wages, salary, commission, bonus, or other payments received by a veteran by reason of his employment, whether self-employed or otherwise, and regardless of whether such employment is related to his training.

(a) For the purpose of Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note), the term "wages" means only so much of the compensation as is derived from productive labor based on the standard workweek for the particular trade or industry in the immediate community in which the veteran is employed. If there is not a uniform practice for a trade or industry within a community, the standard workweek in the establishment in which the veteran is employed shall be considered in computing the rates payable. Any compensation received for productive labor performed beyond the standard workweek is not to be considered as compensation to be reported. (On or after August 8, 1946, and prior to April 1, 1948, the term "wages" included as compensation customarily scheduled overtime in the establishment where the veteran was employed.)

(b) When lodging, meals, laundry, or other services are furnished a person in training, the reasonable value of such services will constitute a part of the wages or salary for the purpose of determining the rate of compensation for productive labor, except that, if living quarters or meals are furnished to the employee-trainee for the convenience of the employer-trainer, the value thereof need not be computed and added to the compensation otherwise received by the employee-trainee for these purposes. A certification by the employer-trainer to this effect will be accepted by the Veterans' Administration for the purpose of subsistence allowance authorizations.

(c) All advancements, drawing accounts, allowances, commissions, bonuses, wages, or salaries paid to a veteran pursuing training in the field of insurance or other fields where the manner of employment compensation is similar are considered as compensation from productive labor. Any money advanced or paid as reimbursement to the veteran for his own actual training expenses incurred in connection only with the training phase of his course and which is not income from productive labor to be retained by the trainee as such is excepted and should not be reported as compensation for productive labor. Such training expense money must maintain a separate entity as expense as distinguished from income and particularly reported as such. Only such amounts as are actually expended for necessary expenses incurred in connection with the pursuit of the approved training program may be considered as such expense in determining the trainee's income from productive labor.

(d) Advertising and promotional expenses incurred by the trainee for the purpose of increasing sales (and hence his income) shall, in general, not be considered as necessary expense incurred in connection with the training phase of the veteran's program. They will not be deductible from amounts received or advanced by the employer-trainer but will be included in the computation and reporting of compensation for productive labor within the meaning of the law.

(e) In general, only those sums reportable by the trainee and or trainer-employer as expense rather than income to the Bureau of Internal Revenue for income tax purposes shall be considered as training expense as distinguished from compensation for productive labor.

(f) Christmas gifts in reasonable amounts, where such gifts are made by a firm or business establishment in the same amount to each employee, veteran and nonveteran alike, without regard to the length of service or wage or salary paid to the individual employee, need not be reported as income for productive labor.

2. In § 21.114, paragraphs (a) and (e) are amended to read as follows:

§ 21.114 *Repayment of value of training supplies; Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12 note).* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to repay the value of consumable supplies nor will he be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training if he has turned them in to a school which effects recovery of nonconsumable supplies through contractural arrangements with the Veterans' Administration. In all other cases a trainee will not be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and, in making such determination, the trainee will be given the benefit of any reasonable doubt. Determination of the presence or absence of fault will be made by the registration officer, and the findings will be filed in the R&E folder.

• • • • •

(e) When repayment is in order the veteran will be required to pay the value at which the nonconsumable supplies were issued to him less a percentage equivalent to the percentage of the term or period completed. For example, a veteran who discontinued training after completing one-third of a term during which supplies were issued would be required to repay two-thirds of the issue value. However, if no supplies were issued during such period, he would not be required to repay any amount. Under no circumstances will supplies be accepted in lieu of repayment.

• • • • •

[Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8058; Filed, July 22, 1952; 8:57 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

LANDING REQUIREMENTS

CROSS REFERENCE: For amendment to § 71.503, *Landing requirements,* see Title 19, Chapter I, Part 6, *supra.*

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 855]

ALASKA

WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ACTIVITIES OF ALASKA NATIONAL GUARD

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307 (48 U. S. C. 303), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, including the rights of the public, if any, to the alley, the following-described public lands are hereby withdrawn from sale or other disposal and reserved for the use of the Department of the Army in connection with the activities of the Alaska National Guard:

EAST ADDITION TO ANCHORAGE TOWN SITE

Lots 1 to 12, inclusive, and the 20 foot alley in Block 32C as shown on the supplemental plat of survey of the East Addition to Anchorage Town Site accepted August 30, 1941.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 17, 1952.

[F. R. Doc. 52-8017; Filed, July 22, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 953]

HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO REVISION OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the approval of a proposed revision, hereinafter set forth, of the rules and regulations (7 CFR 953.110 et seq.; Subpart—Lemon Administrative Committee rules and regulations; 16 F. R. 5530) that are currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 16 F. R. 5525), regulating the handling of lemons grown in California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). The revision of the said rules and regulations has been proposed by the Lemon Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed revision is as follows:

SUBPART—RULES AND REGULATIONS

DEFINITIONS

Sec.
953.100 General.
953.101 Marketing agreement.
953.102 Order.
953.103 Central points.
953.104 Storage facilities.

COMMUNICATIONS

953.110 Communications.

NOMINATION PROCEDURE

953.115 Time of nomination.
953.116 Manner of nomination.

PRORATE BASE AND ALLOTMENTS

Sec.
953.120 Application.
953.121 Advance credit count.
953.122 Computation of available lemons.
953.123 Allotment loans.
953.124 Overshipment tolerances.
953.125 Agreement with by-products manufacturers.

REPORTS

953.130 Reports.

DEFINITIONS

§ 953.100 *General.* Terms used in this subpart shall have the meaning as prescribed for such terms in the marketing agreement and order.

§ 953.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 94, as amended, regulating the handling of lemons grown in the States of California and Arizona.

§ 953.102 *Order.* "Order" means Order No. 53, as amended (7 CFR Part 953; 16 F. R. 5525), regulating the handling of lemons grown in the States of California and Arizona.

§ 953.103 *Central points.* "Central points" shall mean the handler's packing house and such other facilities for the assembly of lemons as may be approved by the Manager of the Lemon Administrative Committee.

§ 953.104 *Storage facilities.* "Storage facilities" shall mean those facilities available to a handler for the purpose of curing and storing lemons, as outlined and defined on blueprints prepared under the direction of the Lemon Administrative Committee for each handler on the Prorate base having such facilities.

COMMUNICATIONS

§ 953.110 *Communications.* Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Lemon Administrative Committee, all reports, applications, requests, and communications in connection with the marketing agreement and order shall be submitted to:

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles 14, California.

NOMINATION PROCEDURE

§ 953.115 *Time of nomination.* The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the said committee.

§ 953.116 *Manner of nomination.* The manner of nominating members and alternate members of said committee shall be as follows:

(a) Sunkist Growers, Inc., a California nonprofit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(b) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than Sunkist Growers, Inc. (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which is marketed in fresh form during the fiscal year (as defined in the marketing agreement and order), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(c) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon-producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included in paragraphs (a) and (b) of this section may vote. At each such meeting, the growers present shall nominate 1 grower. The number of ballots to be cast in selecting the nominee for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(d) The name and address of the grower who has been selected at each of the grower meetings to be held pursuant to paragraph (c) of this section shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets lemons, with instruction to vote for only 1 grower whose name appears on the ballot, and to sign the ballot and return it within such reasonable time as may be determined by the agent of the Secretary.

(e) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in paragraph (d) of this section.

PRORATE BASE AND ALLOTMENTS

§ 953.120 *Application.* Each handler shall submit an application for a prorate base and allotment to the Lemon Administrative Committee at the beginning of each season. Each such application shall contain the following information on LAC Form 101, "Application for a prorate base and allotments":

(a) Name and address of applicant handler.

(b) The net cubical content of each box or container used by the applicant for the assembling or storage of lemons.

(c) Total acreage of lemons, bearing and nonbearing, which the applicant owns or has authority to market under written contract and estimated production of lemons therefrom for the current season.

(d) Location of the applicant's packing and storage facilities for lemons.

(e) Signature of the applicant.

§ 953.121 *Advance credit count.* Advance credit count computed under § 953.53 (d) on lemons to be exported other than to Canada shall be issued subject to the following conditions:

(a) Except on shipments to Mexico, advance credit count on export shipments may be computed but shall not be credited to the handler until after each box of lemons is packed in a container which is marked for export.

(b) With respect to each export shipment of lemons to Mexico, the handler shall obtain from the purchaser, at time of delivery of such lemons, a certification on LAC Form 11, to the United States Department of Agriculture and the Lemon Administrative Committee that such lemons are to be exported to Mexico and will not re-enter the United States or be re-shipped to Canada. Such certificate shall state the date of shipment, the quantity of lemons included in such shipment, the truck license number or other identification of the carrier of such lemons, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(c) With respect to each sale of lemons to the Armed Forces for export, the handler shall complete LAC Form 12 "Certificate of Sale of Lemons for Export to the Armed Forces" showing the date of shipment, the quantity of lemons included in such shipment, their destination or port of departure, and the purchase order number. Such certificate shall be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(d) Except as provided in paragraphs (b) and (c) of this section, each handler shall submit to the committee, as soon as possible following each export shipment of lemons by such handler, a copy of the "on-board" bill of lading, or other shipping document acceptable to the committee, covering such shipment.

§ 953.122 *Computation of available lemons.* (a) Any handler requesting a computation of available lemons in accordance with § 953.53 (e) shall submit a written application to the Lemon Administrative Committee. This application shall be submitted not less than 5 days prior to the date as of which the computation of available lemons is to be made and shall include the following information on LAC Form 102:

(1) The lemon acreage and number of trees under control of the applicant during the current season, and for the two preceding seasons.

(2) An estimate of the current crop of lemons on the trees which are under control of the applicant.

(3) Description of facilities owned or controlled by the applicant for the assembling of lemons.

(4) Description of facilities suitable for the purpose of assembling lemons, which are available to the handler within the area of production.

(5) Record of the quantity of lemons picked, by weeks, during the current season and during the two preceding seasons.

(6) Record of the quantity of lemons disposed of, by weeks, in the following channels during the current season and during the two preceding seasons:

(i) Interstate commerce or Canada.
(ii) Intrastate commerce.
(iii) Exported.
(iv) Diverted to by-products uses.
(v) Disposed of otherwise.

(7) Description of marketing methods and policy followed by the applicant in the handling of lemons.

(8) Record of the quantity of lemons the applicant has in storage.

(9) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the application, there are no facilities for the assembling and storage of lemons available to the handler.

(b) Each applicant shall submit to the Lemon Administrative Committee, upon request, such additional data and information as the committee may require in order to determine whether the applicant is entitled to a computation of available lemons under § 953.53 (e).

(c) The committee shall consider the evidence submitted by a handler pursuant to paragraphs (a) and (b) of this section to determine whether such evidence establishes unavailability of facilities.

(d) In the event such handler has no storage facilities, the unavailability of facilities is established.

(e) In the event such handler has storage facilities, the committee in making its determination shall consider such evidence to establish unavailability of facilities only if:

(1) The proportion of such handler's total tree crop which can be stored in his storage facilities is at least 33⅓ percent less than the proportion of the total tree crops of all handlers within his district that can be stored in the total storage facilities within such district;

(2) Such handler has diverted to by-products channels at least as large a percentage of his total volume marketed during the then current season to date as the average of such volume so diverted by all handlers within his district;

(3) Storage boxes of lemons are well filled;

(4) Storage boxes of lemons are stacked as high as is consistent with good industry practice (i. e., eleven boxes high or within one storage box of the ceiling);

(5) Aisles and all other temporary space are fully utilized; and

(6) The handler has certified to the United States Department of Agriculture and the Lemon Administrative Committee that, except as stated in his application, there are no facilities for the assembling and storage of lemons available to him.

(f) If the committee from the available information determines that the handler is entitled to a computation of his available lemons under § 953.53 (e), it shall compute for such handler the quantity of lemons available for current shipment during the applicable 2-week period which such handler would have picked and assembled if facilities were available to him; for handlers referred to in paragraph (e) of this section, the quantity of unharvested lemons included in said computation shall not exceed the total number of field boxes picked during the two weeks prior to the available lemon count date.

(g) In the event a handler previously has submitted an application for a computation of available lemons in accordance with paragraph (a) of this section, and desires to re-apply for such a computation, he may make such reapplication by submitting the following information with respect to the current season on LAC Form 103:

(1) The Lemon acreage and number of trees controlled by the applicant.

(2) Estimated crop of lemons so controlled.

(3) Lemon picks, by weeks, since the last week shown on previous application.

(4) Disposition of lemons, by weeks, since the last week shown on previous application.

(5) Quantity of lemons which the applicant has assembled.

(6) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the previous application, there are no facilities for the assembling and storage of lemons available to him.

§ 953.123 *Allotment loans.* Allotment loans shall be deemed repaid if such loans fall due in a week during which there is no limitation on shipments of lemons.

§ 953.124 *Overshipment tolerances.* The overshipment tolerance provided in § 953.57 is not available to a handler during any week or weeks in which such handler is required to reduce the quantity of lemons which he may handle by reason of prior shipments of lemons in excess of his allotments therefor: *Provided*, That repayments of borrowed allotments shall not preclude a handler from claiming and using overshipment tolerances in cases where otherwise appropriate.

§ 953.125 *Agreement with by-products manufacturers.* By-products manufacturers may apply to the Lemon Administrative Committee on LAC Form 104, to be placed upon the committee's list of approved by-products manufacturers. Such application shall include:

(a) Name and address of applicant.

(b) An agreement that all lemons purchased by the applicant, on which the committee has issued advance credit count, will be used solely for manufacturing purposes.

(c) A statement indicating that it is understood that failure of the applicant to comply with the agreement prescribed in paragraph (b) of this section will cause removal of the manufacturer's name from the list of approved by-products manufacturers.

(d) Signature of the applicant.

REPORTS

§ 953.130 *Reports.* Handlers shall submit to the Lemon Administrative Committee the reports prescribed in this section. Unless otherwise prescribed on the report form, all lemons shall be reported in terms of packed "boxes" as defined in § 953.9. Where shipment is made in any manner other than in packed boxes, the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided*, That the following conversion factors may be used:

One box of fresh loose lemons (market pack) equals 81 percent of one packed box.

One box of by-products lemons equals 63.3 percent of one packed box.

Copies of report forms may be obtained from the committee.

(a) *Lemon diversion report (LAC Form 5).* Name and address of approved by-products plant or charitable organizations, or other diversion of lemons from fresh fruit channels; number of loose gross boxes and the advance credit count number of juice grade or non-juice grade lemons; net weights of juice grade and non-juice grade lemons, respectively, and total net weight of such lemons; and certification of handler and of receiver of such lemons. This report shall be submitted within 5 days following such diversion of lemons.

(b) *Certificate of assignment of allotment (LAC Form 6).* Certificates of assignment of allotment as provided for in § 953.63 shall be issued by the first handler at the time of each sale or transfer of any lemons which move by truck and which require prorate allotment. Each such certificate shall cover the total quantity of lemons so shipped and shall contain the following information: Date lemons are shipped; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each such certificate shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it. This report shall be submitted daily.

(c) *Weekly report (LAC Form 8).* The weekly report required by § 953.70 shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P. s. t., Monday of each week, and shall contain the following information with respect to shipments of lemons during the preceding week:

(1) The total movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; quantities exported other than to Canada; quantities sold or disposed of to canners or by-products manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions; and

(2) Detailed information concerning each shipment of lemons showing the number of packed boxes; whether shipped in interstate commerce or intrastate commerce or exported to destinations other than to Canada; and identification of the carrier (railroad car number or, if shipment is made by truck, the date and number of the certificate of assignment of allotment or, if exported to destinations other than Canada, the name of the steamship if known). This report shall be signed by the handler submitting it or his authorized agent.

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed revision of the rules and regulations should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077 South Building, Washington 25, D. C., not later than the tenth day after publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 18th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8060; Filed, July 22, 1952; 8:57 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A-14]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held concurrently with a hearing by the Pennsylvania Milk Control Commission, in Room 246, City Hall, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. s. t., August 12, 1952, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order as amended, for the Philadelphia, Pennsylvania, marketing area have been proposed as follows:

By Inter-State Milk Producers Cooperative, Inc.:

1. Consider the recommendations of a committee study on butterfat differentials, which would amend the order as follows:

(a) The basic test for quoting prices and calculating butterfat payments would be 3.7 percent;

(b) The producer or "pay out" differential would be 7 cents per point of fat at the present Class I price;

(c) The producer butterfat differential would change automatically with the annual level of the Class I price;

(d) The producer butterfat differential would fluctuate in 1 cent intervals;

(e) The Class I "pay in" differential and the producer "pay out" butterfat differential would be equal except as noted in paragraph (f);

(f) The Class I "pay in" differential for items containing less than 3 percent and items containing more than 6 percent butterfat would continue to be determined as at present;

(g) No change would be made in the present method of distributing among producers the "pay in" butterfat differential on Class II milk; and

(h) Grade A producers would continue to receive for milk testing more

than 3.7 percent, a butterfat differential 2 cents in excess of the differential on Grade B milk.

By Milk Distributors Association of the Philadelphia Area, Inc.:

2. That § 961.40 be opened to consider downward adjustments of the Class I prices set forth in the Class I price table to offset on a market wide basis any other upward adjustments that may be made in the Class I pay-in butterfat differentials.

3. That § 961.41 be opened to consider the adjustment of the price ranges for milk under 3 percent and over 6 percent in connection with other adjustments that may be made in the butterfat differentials.

4. That § 961.85 be opened to consider a downward adjustment of the butterfat premium of 2 cents on Grade A milk in connection with other adjustments which may be made in the butterfat differentials.

5. That adjustments be made elsewhere in the order as may be necessary to equalize any changes in the order that may be made as a result of the proposed hearing.

By Mifflin Creamery Company, Inc., Lancaster Milk Company, Chenango Farm Products Company, Inc., W. M. Evans Dairy Company, Inc., and Grover Farms, Inc.:

6. Amend § 961.43, the second proviso thereof to read: "*And provided further*, That in the case of Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that when disposed of in the New York metropolitan milk marketing area, the price for such milk shall be the Class II price pursuant to subparagraphs (1) (exclusive of the proviso) and (2) of § 961.40 (b)."

By the Dairy Branch, Production and Marketing Administration:

7. Reconsider § 961.43 (Class I milk disposed of outside the marketing area).

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 18, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-8061; Filed, July 22, 1952; 8:58 a. m.]

[7 CFR Part 982]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and order to regulate the handling of milk in the Central West Texas marketing area, which was issued July 2, 1952 (17 F. R. 6116) is hereby extended to August 2, 1952.

Dated: July 18, 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator.

[F. R. Doc. 52-8062; Filed, July 22, 1952; 8:58 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 110, Delegation of Authority No. 57]

ASSISTANT ADMINISTRATOR, INFORMATION CENTER SERVICE, UNITED STATES INTERNATIONAL INFORMATION ADMINISTRATION

DELEGATION OF AUTHORITY TO MAKE AND ADMINISTER INFORMATION MEDIA GUARANTEES

JULY 14, 1952.

Pursuant to the authority vested in me by Department of State Public Notice 8 of May 26, 1949 (14 F. R. 2931), I hereby delegate to the Assistant Administrator, Information Center Service, United States International Information Administration, the following authority vested in the Secretary of State by section 2 (b) of Executive Order 10368 of June 30, 1952 (17 F. R. 5931): (1) to make information media guarantees under section III (b) (3) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1509 (b) (3)), and section 536 of the Mutual Security Act of 1951, as amended; and (2) to administer such guarantees made prior to July 1, 1952.

W. K. SCOTT,
Acting Deputy Under Secretary for Administration.

[F. R. Doc. 52-8040; Filed, July 22, 1952; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Public Notice 59, Supp. 2]

YUMA PROJECT, ARIZONA; CALIFORNIA VALLEY AND RESERVATION DIVISIONS

SUPPLEMENT TO PUBLIC NOTICE NO. 59, AUG. 22, 1947, OPENING PUBLIC LAND TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER THEREFOR

JULY 9, 1952.

SECTION 1. *Lands for which water will be available.* Water will be available from and after July 9, 1952 for those irrigable public lands on the Valley Division of the Yuma Project shown on approved farm unit plats on file in the office of the District Manager, Lower Colorado River District, Yuma, Arizona, and in the Land and Survey Office, Bureau of Land Management, Phoenix, Arizona, which are described as follows:

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

TOWNSHIP 10 SOUTH, RANGE 25 WEST

Section	Farm unit	Description	Total irrigable acres
11	K	Lots 3 and 4, sec. 11; lot 19, sec. 12; lot 3, sec. 13; and lots 1 and 6, sec. 14	109.2

Application may be made in accordance with this supplement to Public Notice No. 59 dated August 22, 1947, beginning at 2 p. m., July 9, 1952, for a certificate of qualification which will entitle the holder to file an application for entry on the said public lands.

SEC. 2. *Extent to which provisions in Public Notice No. 59 applicable.* Except as otherwise provided in this supplement, the provisions of Public Notice No. 59 dated August 22, 1947, copies of which are available for inspection in the office of the District Manager, Lower Colorado River District, Yuma, Arizona; Regional Director, Bureau of Reclamation, Boulder City, Nevada; Commissioner, Bureau of Reclamation, Washington, D. C.; and the Land and Survey Office, Bureau of Land Management, Phoenix, Arizona, shall be applicable to applications filed hereunder. Application forms in which an applicant may express his desire to enter upon the above-described unit, certify that he considers himself qualified within the provisions of said public notice to enter the same, and indicate whether he claims veterans preference under section 3 of said notice, may be obtained from the above offices and must be filed with the District Manager, Bureau of Reclamation, Yuma, Arizona, before 2:00 p.m., October 7, 1952.

Applicants should not submit any proof or evidence of veterans status or of their qualifications, as provided in sections 3, 4 and 6 of said public notice until they are requested to do so by the Examining Board.

SEC. 3. *Procedure for award of farm unit.* The board will conduct a public drawing of the names of the applicants who in their application claim veterans preference under the provisions of section 3 of said notice. After the drawing a sufficient number of applicants, in the order of their priority as established in the drawing, will be supplied with forms on which to submit additional information corroborating their statements in the application, and showing that they meet the qualifications set forth in sections 4 and 5 of said public notice and, in case veterans preference is claimed, establishing proof of such preference, as set forth in section 3 of said public notice. Full and accurate answers must be made to all questions. The completed form, together with any attachments required, must be mailed or delivered to the District Manager, Bureau of Reclamation, Yuma, Arizona, within 30 days of the date the form is mailed to the last known address furnished by the applicant. Failure of an applicant to furnish all of the information requested or to see that information is furnished by his references within the period specified will subject his application to rejection.

SEC. 4. *Construction and other charges and payment thereof.* The initial charge which the applicant to whom an award is made will be required to remit pursuant to section 9a (iii) of said public notice is $9.43 for each irrigable acre of land in said unit in lieu of the initial charge of $5.93 mentioned in said section. Said initial charge of $9.43 consists of the first annual per-acre construction charge installment of $2.93 and $6.50 representing the second installment of the assessment of $15.50 per acre levied by the Yuma County Water Users' Association to meet operation and maintenance charges for the calendar year 1952 under its Public Notice No. 20. The first installment of said assessment, amounting to $9.00, has been paid by the lessee under the lease mentioned in section 5 hereof. According to said notice, payment of said assessment will permit the delivery of not to exceed 5 acre-feet of water per acre for the lands described in section 1 hereof. The applicant's share of said water shall, under the Association's present policy, be limited to the balance which shall remain unused by said lessee as of June 30, 1952. According to said notice, additional water will be available to the applicant at the rate of $1.50 per acre-foot.

The construction charge of $85.00 for each irrigable acre contained in said farm unit shall become due and payable to the United States as follows: $2.93 by inclusion in said initial charge; $2.83 on December 1, 1953; and $2.83 on December 1 of each year thereafter to and including December 1, 1981.

The Association is operating and maintaining certain of the irrigation and drainage works and other appurtenant structures utilized for the benefit of lands in the Valley Division pursuant to a contract between the United States of America and the Association dated June 15, 1951, copy of which is available for inspection at the office of the District Manager, Bureau of Reclamation, Yuma, Arizona.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 9, 1952.

[F. R. Doc. 52-8019; Filed, July 22, 1952; 8:47 a. m.]

[Commissioner's Order 18]

ASSISTANT COMMISSIONERS OF RECLAMATION

REDELEGATION OF AUTHORITY FOR EXECUTION OF CONSTRUCTION, SUPPLY, AND SERVICE CONTRACTS

JULY 14, 1952.

Pursuant to the authority contained in section 50 of Departmental Order No. 2509 (14 F. R. 306), subject to applicable regulations and available appropriations, the Assistant Commissioners of Reclamation are severally authorized, irrespective of amounts involved:

a. To approve, award, and execute contracts for construction, supplies, or services.

b. To approve and execute change orders and extra work orders pursuant to contracts for construction, supplies, or services.

c. To approve and enter into modifications of contracts for construction, supplies, or services, which are legally permissible.

d. To terminate contracts for construction, supplies, or services, if such action is legally authorized.

e. Except in those cases in which the Commissioner or an Assistant Commissioner is the contracting officer, to act, with respect to contracts entered into on United States standard forms, as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of Form No. 23 (Revised April 3, 1942), and Article 2 of Form No. 32 (Revised June 18, 1935), and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23 (Revised April 3, 1942), Article 5 of Form No. 32 (Revised June 18, 1935), and Condition 4 of Form No. 33 (Revised January 17, 1939).

MICHAEL W. STRAUS,
Commissioner.

[F. R. Doc. 52-8020; Filed, July 22, 1952; 8:47 a. m.]

Office of the Secretary

, ALASKA

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LAND FOR USE OF DEPARTMENT OF THE ARMY IN CONNECTION WITH ACTIVITIES OF ALASKA NATIONAL GUARD[1]

For a period of 60 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 17, 1952.

[F. R. Doc. 52-8018; Filed, July 22, 1952; 8:45 a. m.]

[1] See F. R. Doc. 52-8017, Title 43, Chapter I, Appendix, PLO 855, *supra*.

DEPARTMENT OF COMMERCE

Federal Maritime Board

TRANS-PACIFIC PASSENGER CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Trans-Pacific Passenger Conference:

Agreement No. 131-216, between the regular Member Lines of the above named Conference, modifies the basic agreement of that Conference (No. 131) to bring the By-Law governing the classification of the lines into membership groups in line with recently approved modification of the geographical scope of the Conference agreement.

North Atlantic Red Sea & Gulf of Aden Freight Conference:

Agreement No. 7530-2 between the member lines of the above named Conference modifies Article 1 of the basic agreement of said Conference (No. 7530) by extending the geographical scope of the agreement to include the trade from Gulf and South Atlantic ports to Suez and ports on the Red Sea and Gulf of Aden. Agreement No. 7530 presently covers the trade from U. S. North Atlantic ports (Hampton Roads/Portland range) to Suez and ports on the Red Sea and Gulf of Aden.

Middle East Mediterranean Westbound Freight Conference:

Agreement No. 7880-1 between the member lines of the above named Conference modifies the basic agreement of said Conference (No. 7880) by enlarging the range of ports on the U. S. Atlantic Coast covered by the agreement from "Hampton Roads/Portland, Maine, range" to "Charleston, S. C./Portland, Maine, range". Agreement No. 7880

presently covers the trade from Egyptian, Palestinian, Syrian, Lebanese, Latakian, Grecian, Turkish, Russian (Black Sea), Bulgarian and Roumanian Ports, and from the Islands in the Eastern Mediterranean to North Atlantic ports of the United States, in the Hampton Roads/Portland, Maine, range.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 18, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 52-8066; Filed, July 22, 1952; 8:58 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5142]

BRANIFF AIRWAYS, INC.; FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore assigned for July 28, 1952, is postponed and will be held on August 12, 1952 at 10:00 a. m., e. d. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., July 18, 1952.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-8053; Filed, July 22, 1952; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 2, Amdt. 2]

SAVANNAH RIVER, GEORGIA-SOUTH CAROLINA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Acting Secretary of Defense and the Acting Director of Defense Mobilization, dated July 15, 1952 (17 F. R. 6450), that the Savannah River, Georgia-South Carolina, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 2 (17 F. R. 1363) is hereby amended to apply to the area described as:

Savannah River, Georgia-South Carolina (this area consists of Aiken, Allendale, Barnwell, and Bamberg Counties, and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence and Vance, all in South Carolina; and Richmond, Columbia, McDuffie Counties, and District 81-Wrens (including Wrens Town), in Jefferson County, all in Georgia).

ROGER L. PUTNAM, *Administrator.*

JULY 17, 1952.

[F. R. Doc. 52-8076; Filed, July 22, 1952; 9:13 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1921, G-1922, G-1969]

TENNESSEE GAS TRANSMISSION CO. AND NIAGARA GAS TRANSMISSION LTD.

ORDER FIXING DATE OF HEARING

JULY 16, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1921; and Niagara Gas Transmission Limited and Tennessee Gas Transmission Company, Docket Nos. G-1922, G-1969.

On July 1, 1952, the Commission consolidated proceedings on the joint application of Tennessee Gas Transmission Company and Niagara Gas Transmission Limited in Docket No. G-1921 and those on the applications of Tennessee Gas Transmission Company in Docket Nos. G-1922 and G-1969 and ordered a hearing thereon at a time and place to be fixed by further order of the Commission.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 3, 7, and 15 of the Natural Gas Act and Executive Order No. 8202 dated July 13, 1939, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 6, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, Hurley Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid applications.

Date of issuance: July 17, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8043; Filed, July 22, 1952; 8:50 a. m.]

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE FOR ORAL ARGUMENT ON MOTION AND FOR FILING BRIEFS

JULY 16, 1952.

On July 7, 1952, Commission staff counsel filed a motion in the above-entitled proceedings for an order dismissing Texas Eastern Transmission Corporation's proposed FPC Gas Tariff, First Revised Volume No. 1, and First Revised Sheets Nos. 77 and 78 to its FPC Gas Tariff, Original Volume No. 1, and dismissing the proceedings. Additionally, staff counsel prayed that the motion be set for oral argument and that a date be fixed for the filing of briefs or memoranda of law with respect to the motion.

The Commission finds: It is necessary or appropriate to carry out the provisions of the Natural Gas Act that the motion of Commission staff counsel be set for oral argument and that Commission staff counsel and each party to the proceeding in Docket No. G-1964 be given an opportunity to file a memorandum of law or brief with respect to said motion as hereinafter ordered.

The Commission orders:

(A) The motion of Commission staff counsel filed July 7, 1952, be set for argument before the Commission and orally argued on July 28, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., and that Commission staff counsel and each party to the proceeding may file a memorandum of law or brief with respect to said motion on or before July 23, 1952.

(B) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission on or before July 23, 1952, and of the time requested for presentation of their argument.

Date of issuance: July 17, 1952.

By the Commission. Commissioner Draper dissenting.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8044; Filed, July 22, 1952; 8:50 a. m.]

[Docket No. G-1977]

LOPENO GAS CO.

ORDER FIXING DATE OF HEARING

JULY 16, 1952.

On June 19, 1952, Lopeno Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application, which was supplemented on July 14, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has represented that it proposes to remove approximately 25 miles of 8-inch, 10-inch, and 12-inch pipe from its existing transmission system in connection with the operations proposed in its application, as supplemented, and that said pipe has been sold to Utilities Natural Gas Company to be used by the latter, along with other pipe, in the construction of a pipeline to supply an electric utility customer in Victoria, Texas.

Applicant further represents that construction of said pipeline has been started and all available pipe has been laid. Construction of said pipeline has been halted awaiting the delivery of pipe from Applicant's existing line. Applicant states that any delay in delivery of pipe which it has sold to Utilities Natural Gas Company will result in failure to institute service by the latter company on August 1, 1952, in accordance with its contract for service.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure for shortened proceedings, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 28, 1952 (17 F. R. 5480).

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on July 28, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by § 1.8 and § 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 17, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8023; Filed, July 22, 1952; 8:48 a. m.]

[Docket No. G-1991]

MISSISSIPPI RIVER FUEL CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JULY 17, 1952.

Take notice that on July 2, 1952, Mississippi River Fuel Corporation (Mississippi) and Texas Eastern Transmission Corporation (Texas Eastern), Delaware corporations with their principal places of business at St. Louis, Missouri, and Shreveport, Louisiana, respectively, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described for the transportation and sale of natural gas subject to the jurisdiction of the Commission.

Applicants propose to establish an interconnection between their respective natural-gas systems at a point near Bald Knob, Arkansas, by the construction by Mississippi of approximately 2,000 feet of 10-inch pipeline extending from a point north of its West Point compressor station to the suction side of Texas Eastern's compressor station No. 6, at which point of interconnection Mississippi proposes to construct and operate a meter station and Texas Eastern to install appurtenant facilities.

By means of such facilities, Mississippi proposes to deliver and sell to Texas Eastern near Bald Knob such quantities of gas as may be requested from time to time by The East Ohio Gas Company (East Ohio), a Rate Schedule TLS (Temporary Limited Service) customer of Texas Eastern, but not exceeding the quantity (1) which is available for sale in Mississippi's system at Bald Knob after the requirements of its regular customers, both firm and interruptible, are met: *Provided, however*, That Mississippi's obligation to deliver shall not exceed 35,000 Mcf per day, and (2) which Texas Eastern can transport to the point of delivery to East Ohio without impairment of its existing obligations.

It appears that, in accordance with the terms of a contract between Mississippi, Texas Eastern, and East Ohio, dated June 26, 1952 (Exhibit No. 1 to the application), Mississippi is to sell and Texas Eastern to transport, natural gas to East Ohio in the volumes noted above. Applicants state that Mississippi will deliver its gas into the Texas Eastern system at a price of 17 cents per Mcf, and Texas Eastern will transport the gas at a charge of 7 cents per Mcf, resulting in a total cost to East Ohio of 24 cents per Mcf which is equal to its cost of gas presently under contract for storage purposes under Rate Schedule TLS. The tripartite agreement is to terminate by its terms on October 31, 1952.

The estimated total cost of the facilities proposed is $17,300.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8045; Filed, July 22, 1952; 8:51 a. m.]

[Docket No. G-1995]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

JULY 17, 1952.

Take notice that Mississippi River Fuel Corporation (Mississippi River), a Delaware corporation, having its principal place of business at St. Louis, Missouri, filed on July 9, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of transmission, metering, and regulating facilities for the purpose of rendering natural-gas service to Union Electric Company of Missouri in Jefferson County, Missouri. Mississippi proposes to sell and deliver natural gas, on an interruptible basis, to Union Electric for firing boilers in an electric power plant of that company.

The estimated cost of the facilities is stated to be $140,690. Mississippi River states that it will finance such cost from cash on hand.

In addition to the aforementioned application, Mississippi River petitions the Commission for the issuance of a declaratory order, pursuant to § 1.7 (c) of the Commission's rules of practice and procedure, declaring that the construction and operation of the facilities proposed to be constructed and operated for the purpose of rendering the sale of natural gas as hereinbefore described, does not come within the purview of the Commission's "certificate jurisdiction under section 7 of the Natural Gas Act as amended."

The application and petition are on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8046; Filed, July 22, 1952; 8:51 a. m.]

[Docket Nos. ID-947, ID-1049]

ORMROD TITUS AND EDWARD W. MOREHOUSE

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

JULY 17, 1952.

Notice is hereby given that on July 16, 1952, the Federal Power Commission issued its orders entered July 15, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8021; Filed, July 22, 1952; 8:47 a. m.]

Reference Room

EAST OHIO GAS CO.

NOTICE OF ORDER FURTHER EXTENDING TIME FOR COMPLIANCE WITH GAS PLANT ACCOUNTS INSTRUCTIONS

JULY 17, 1952.

Notice is hereby given that on July 16, 1952, the Federal Power Commission issued its order entered July 15, 1952, further extending time for compliance with gas plant accounts instruction 2-D of the Uniform System of Accounts in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8022; Filed, July 22, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18959]

CERTAIN UNKNOWN GERMAN NATIONALS

In re: Currency owned by unknown German nationals.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the Bank Deutscher Laender, Frankfurt/Main, Germany, on or about June 28, 1952, shipped to the Federal Reserve Bank of New York United States currency in the amount of $5,995.00;

2. That the persons who own the property described in subparagraph 3 hereof, who if individuals there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and which, if corporations, partnerships, associations or other business organizations, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That the property described as follows: United States currency in the aggregate amount of $5,995.00 shipped on or about June 28, 1952, by the Bank Deutscher Laendar, Frankfurt/Main, Germany, to the Federal Reserve Bank of New York and presently in the custody of the Federal Reserve Bank of New York,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the persons referred to in subparagraph 2 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraph 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 17, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8056; Filed, July 22, 1952; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

[FHA Instruction 123.2]

PART 387—SALE OF ABSTRACTS OF TITLE

Sec.
387.1 General.
387.2 Sales authority.
387.3 Sales.

AUTHORITY: §§ 387.1 to 387.3 issued under sec. 203 (c), 63 Stat. 385; 40 U. S. C. 484 (c). Interpret or apply sec. 203 (a), (b), 63 Stat. 385; 40 U. S. C. 484 (a), (b).

§ 387.1 *General.* Government-owned abstracts of title covering lands in which the Government no longer has any interest will be considered surplus personal property and sold. By memorandum dated February 27, 1952, the Administrator, General Services Administration, authorized the Secretary of Agriculture to dispose of surplus property abstracts under his jurisdiction without further report of such abstracts to that Administration.

§ 387.2 *Sales authority.* State Directors, State Field Representatives, and County Supervisors are authorized to dispose of surplus abstracts of title as outlined in this part. Area Finance Office officials have negotiated sales authority.

§ 387.3 *Sales.* Sales of surplus abstracts of title will be for cash and generally will be negotiated in cases where the reasonable recovery value involved in any one sale does not exceed $500. In the event it appears that the reasonable recovery value in any one sale will exceed $500, it is required that such abstracts be advertised for sale. All abstracts covering land owned by a particular individual may be sold to him as a unit, even though they cover separate, non-contiguous tracts. When the property owner has evidenced no interest in buying them, such abstracts may be sold as a unit to abstract companies or to others.

(a) *Negotiated sales.* When equal offers are received from owners and others, the sale should be made to the owners. In those cases where an abstract covers a tract of land which has been subdivided, and the land interests are held by several parties, determination should be made as to whether they wish to purchase the abstract jointly. If all of them are not interested in making a joint purchase of the abstract, the abstract may be sold to any one or more of the several owners who are interested in buying it.

(b) *Advertised sales.* If there should be cases where it appears that the reasonable recovery value of surplus abstracts of title in any one sale will exceed $500, the Area Finance Office will furnish the State Office with the required invitation to bid forms and necessary instruction for handling the

(Continued on p. 6757)

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

U. S. PUBLIC HEALTH SERVICE

Effective July 1, 1952, the maximum stipend prescribed in § 27.2 for Medical Record Interns, U. S. Public Health Service, is increased from $1,340 to $1,800. Section 27.2, as amended, will read in pertinent part as follows:

§ 27.2 *Maximum stipends prescribed.*

* * *

Medical record interns—U. S. Public Health Service: One year approved training, after a minimum of three years college level training $1,800.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-8095; Filed, June 23, 1952; 8:55 a. m.]

Reference Room

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES — 1934

VOLUME 17 NUMBER 144

Washington, Thursday, July 24, 1952

CONTENTS

Agriculture Department — Page
See Farmers Home Administration; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders:
Benz, Albert ... 6806
Roeffs, Felix ... 6806
Unknown German national ... 6806

Civil Aeronautics Board
Proposed rule making:
Special civil air regulation; emergency evacuation provisions for transport type airplanes ... 6791

Civil Service Commission
Rules and regulations:
Exclusion from provisions of the Federal Employees Pay Act of 1945, as amended, and the Classification Act of 1949, as amended, and establishment of maximum stipends for positions in government hospitals filled by student or resident trainees; U. S. Public Health Service ... 6755

Commerce Department
See International Trade, Office of; National Production Authority.

Customs Bureau
Notices:
Dicalcium phosphate; tariff classification ... 6792
Rules and regulations:
Vessels in foreign and domestic trades; fees for recording instruments of title for vessels ... 6760

Economic Stabilization Agency
See Price Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Sale of abstracts of title ... 6755

Federal Power Commission
Notices:
Hearings, etc.:
Connecticut Light and Power Co ... 6799
Mississippi River Fuel Corp. ... 6799
Northern Natural Gas Co. ... 6800

FEDERAL REGISTER

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TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Panhandle Eastern Pipe Line Co. — 6799
Texas Eastern Transmission Corp. — 6799

Fish and Wildlife Service
Designation of Acting Director and Acting Assistant Director (*see* Interior Department).

General Services Administration
Rules and regulations:
Manganese regulations; domestic manganese program — 6777

Interior Department — Page
See also Land Management, Bureau of.
Notices:
Alaska:
Proposed withdrawal for Department of Army of public lands in Susitna Flats Area near Anchorage; notice of hearing — 6796
Rights-of-way for highways — 6795
Delegations of authority; general — 6793
Fish and Wildlife Service; designation of Acting Director and Acting Assistant Director — 6796
Heads of bureaus and agencies; redelegation of authority to transfer, donate, or dispose of excess or surplus real property — 6795

International Trade, Office of
Notices:
O. B. Haufstadter Co. et al; order revoking and denying license privileges — 6796

Interstate Commerce Commission
Notices:
Applications for relief:
Carrots and other vegetables from points in Texas to points in official, southern, and western territories — 6804
Cement from Kansas City and Sugar Creek, Mo., to points in Kansas — 6804
Class rates between points in South Carolina, Georgia, Tennessee, and Illinois — 6805
Crushed stone from Georgia, Ind., to:
Flora, Ill. — 6805
Iuka, Ill. — 6805
Liquid asphalt from Salisbury and Thrift, N. C., to points in North Carolina and South Carolina — 6805
Petroleum products and asphalt from points in Montana and Wyoming to points in Minnesota and Wisconsin — 6804
Sand and gravel from Vincennes, Ind., to Flora, Ill. — 6804

Justice Department
See Alien Property, Office of.

Labor Department
See also Wage and Hour Division.
Notices:
Special Assistant to Secretary; delegation of authority with respect to recruitment of Mexican workers for agricultural employment in the United States — 6798

Land Management, Bureau of
Notices:
Alaska; transfer of jurisdiction of interest — 6792

National Production Authority — Page
Rules and regulations:
Aluminum:
(M–5) — 6763
Destructive purposes, for (M–84) — 6768
Distributors (M–88) — 6769
Basic rules of the controlled materials plan (CMP Reg. 1):
Amendment of section 17 (d) — 6762
Amendments of Schedules I, III, and IV — 6762
Basic rules of the priorities system; restrictions upon use of ratings (Reg. 2, Dir. 3) — 6774
Construction; miscellaneous amendments (CMP Reg. 6) — 6763
Designation of scarce materials and withdrawal of previous designation (DSM–1) — 6775
Distribution of controlled materials to retailers; deletion of aluminum items from schedule (M–89) — 6771
Inventory control (NPA Reg. 1) — 6771
Iron and steel—alloying materials and alloy products; chromium and chromium nickel (M–80, Sched. C) — 6766

Price Stabilization, Office of
Rules and regulations:
Adjustment of ceiling prices of manufacturers and distributors of fresh and semi-dry sausage made in whole or in part from beef or stuffed in sheep casings; required statement (GCPR, SR 34, Int. 1) — 6762
Apparel manufacturers' general ceiling price regulation; election to use regulation for a category of articles (CPR 45, Int. 1) — 6761
Beef:
Ceiling prices at retail; permissible additions on the retail sale of primal cuts (CPR 25, Int. 4) — 6761
Revised ceiling prices of items sold at retail; necessity for grading of beef where required to be sold at no more than utility grade prices (CPR 25, Int. 5) — 6761
Ceiling prices for eating and drinking establishments; civic events (CPR 134) — 6761

Production and Marketing Administration
Proposed rule making:
Milk handling in Puget Sound, Wash., marketing area — 6777
Rules and regulations:
Cigar-filler and binder tobacco marketing quota regulations, 1953–54 marketing year — 6758
Grading and inspection of dairy products; application and contract of agreement — 6757
Sugar:
Allotment of quotas; Puerto Rico, 1952 — 6759
Quotas and prorations of quota deficits; 1952 determination and proration of area deficit — 6758

CONTENTS—Continued

Securities and Exchange Commission — Page
Notices:
Hearings, etc.:
Columbia Gas System, Inc., and Natural Gas Company of Virginia — 6802
Duquesne Light Co. — 6803
Electric Bond and Share Co. — 6802
G. W. Ziller, Inc. — 6800
Horton, Robert E. — 6801
John C. Roche & Co. — 6802
New England Gas and Electric Association and Algonquin Gas Transmission Co. — 6803
Stampley & Co. — 6801

Treasury Department
See Customs Bureau.

Wage and Hour Division
Notices:
Application to include manufacture of citrus molasses in Florida within the Citrus Pulp and Waste Dehydrating Industry in Florida and Texas, which has been determined to be of a seasonal nature; notice of denial of petition for review — 6798
Learner employment certificates; issuance to various industries — 6798

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 27 — 6755
Title 6
Chapter III:
Part 387 — 6755
Title 7
Chapter I:
Part 58 — 6757
Chapter VII:
Part 723 — 6758
Chapter VIII:
Part 813 — 6758
Part 814 — 6759
Chapter IX:
Part 925 (proposed) — 6777
Title 14
Chapter I:
Part 40 (proposed) — 6791
Part 41 (proposed) — 6791
Part 42 (proposed) — 6791
Part 45 (proposed) — 6791
Part 61 (proposed) — 6791
Title 19
Chapter I:
Part 4 — 6760
Title 32A
Chapter III (OPS):
CPR 25, Int. 4 — 6761
CPR 25, Int. 5 — 6761
CPR 45, Int. 1 — 6761
CPR 134 — 6761
GCPR, SR 34, Int. 1 — 6762
Chapter VI (NPA):
CMP Reg. 1 (2 documents) — 6762

CODIFICATION GUIDE—Con.

Title 32A—Continued — Page
Chapter VI (NPA)—Continued
CMP Reg. 6 — 6763
DSM–1 — 6775
M–5 — 6763
M–80, Sched. C — 6766
M–84 — 6768
M–88 — 6769
M–89 — 6771
Reg. 1 — 6771
Reg. 2, Dir. 3 — 6774
Chapter XIV (GSA) — 6777

matter and for the return of the bid docket to the Area Finance Office for execution of the contract of sale by an authorized contracting officer.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

JULY 7, 1952.

Approved: July 18, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8092; Filed, July 23, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION OF DAIRY PRODUCTS

APPLICATION AND CONTRACT OF AGREEMENT

The United States Department of Agriculture hereby issues a revised form of application for grading service on a written agreement basis, as hereinafter set forth. This form of application shall supersede, with respect to dairy products, the currently effective Application and Contract of Agreement for Grading Service, Forms DA–154 and DA–154–1, issued under the regulations governing the Sampling, Grading, Grade Labeling, and Supervision of Packaging of Butter, Cheese, and Eggs (7 CFR Part 55).

Whenever any person desires grading service to be rendered by the Administration at any plant for class, quality, or condition of butter, cheese, or other manufactured or processed dairy products, pursuant to applicable regulations (7 CFR Part 58) of the Department, he may apply for such service by submitting to the Administrator, a properly completed application, in triplicate, in the form herein set forth. Upon approval of the application by the Administrator, it shall become the agreement providing for grading service at such plant or plants. Those firms now under contract will be required to execute the revised form prior to the date this application and contract of agreement becomes effective. This application form specifies the terms and conditions under which service shall be performed (including the extent of financial obligations to be assumed by the applicant) in accordance with the aforesaid regulations. Such regulations are currently operative pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et. seq.) and the Department of Agriculture Appropriation Act of 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The Department finds that it is impractical, unnecessary, and contrary to public interest to give preliminary notice, engage in public rule-making, or postpone the effective date of this application and contract of agreement until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that (1) no purpose would be served thereby, because the revised form of application and contract of agreement contains essentially the same provisions, with slight revisions and additions with respect to dairy products, as the application and contract of agreement currently in effect; (2) the total charges for service are revised slightly upward to provide additional revenue calculated to cover current operating deficiencies and, therefore, a delay would be adverse to program efficiency; (3) the charges are reasonable, and as nearly as may be to cover the cost of the service rendered as required by the aforesaid Department of Agriculture Appropriation Act of 1953; and (4) no additional requirements are included with respect to applicants' compliance with the regulations; therefore, this revised form of application and contract of agreement here issued is to become effective August 1, 1952.

The form of application and contract is as follows:

APPLICATION AND CONTRACT OF AGREEMENT

§ 58.201 *Form of application and contract of agreement for dairy products grading service on a written agreement basis.* Whenever any person desires grading service at a plant, pursuant to § 58.47 of the regulations, he shall apply for such service, on a written agreement basis, by submitting to the Administrator a properly completed application, in triplicate, in the following form:

APPLICATION AND CONTRACT OF AGREEMENT FOR DAIRY PRODUCTS GRADING SERVICE

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 58) governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products, for grading service at the following designated plant or plants:

Name of plant _____
Street address _____
City and State _____
Product _____
Service _____
_____

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other terms and conditions as hereinafter enumerated.

(c) The applicant agrees to pay to PMA an amount equal to the full cost of the grading service rendered hereunder upon presentation of an invoice rendered by PMA for each calendar month. The full cost shall comprise such of the following items as may be due and may properly be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge for each plant survey to be computed on the basis of (1) the number of hours used in making the survey at the hourly rate specified in the Regulations, and (2) the actual cost to the Administration of the applicable travel and per diem expenses incurred;

(ii) An installation charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a Federal employee or licensee to the designated plant;

(iii) A charge equal to the gross salary costs incurred by PMA for each Federal employee or licensee assigned to the applicant's plant by PMA, including earned annual leave, and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned Federal employee or licensee at the designated plant while said employee or licensee is temporarily reassigned by PMA to perform grading service for other than the applicant;

(iv) A charge equal to the salary costs, travel and per diem expenses, including earned annual leave, incurred by PMA for any Federal employee or licensee whose services are required for relief purposes when the regularly assigned person is on annual or sick leave;

(v) A charge equal to the actual cost to PMA for any travel and per diem expense, or other expense, incurred by any Federal employee or licensee assigned to the plant while in the performance of grading service rendered the applicant;

(vi) A charge of an amount, not in excess of the actual cost to PMA, for the travel (including the cost of movement of household goods and dependents) and per diem expense with respect to each Federal employee who is transferred from an official station to the designated plant. Any such costs shall be subject to the concurrence of the applicant;

(vii) A charge included in salary costs, when applicable, equal to the Employer's Tax Imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's Benefits under the Social Security System;

(viii) A charge in an amount equal to six and one-half percent (6½%) of the above said charges prescribed in (iii), (iv), and (v) hereof to cover the approximate cost incurred by PMA for fiscal, personnel, and budget services applicable to the Federal employee assigned; and

(ix) An administrative service charge per calendar month for each Federal employee or licensee, which shall be computed as follows:

(1) For each grader or inspector in charge and regularly employed in the work	$50.00
(2) For each assistant grader or inspector regularly employed in the work	20.00
(3) For each sampler regularly employed in the work	45.00
(4) For each assistant sampler regularly employed in the work	20.00

(5) During any calendar month when no grader, inspector, or sampler is assigned (after inauguration of the service), a minimum service charge of twenty dollars ($20.00) per month shall apply.

(d) Grading service on a contract basis under the terms hereby indicated shall be for not less than a period of two calendar months.

(e) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized to furnish each Federal employee or licensee with such information as may be necessary for the performance of the grading service.

(f) The applicant shall confirm, in writing, his concurrence with the salary, work week, overtime (when required), annual and sick leave allowances, and other working conditions pertaining to the Federal employee or licensee assigned.

(g) The applicant shall furnish office space for the person assigned and such stenographic and clerical assistance as may be necessary in typing certificates and handling correspondence in connection with the grading service covered hereby.

(h) The applicant agrees to employ such manufacturing or processing methods and provide such facilities and equipment for handling, inspecting, grading, sampling, and identifying the product as may be necessary to conform to the Instructions of PMA. It is agreed that:

(a) PMA will authorize or license an adequate number of persons to perform the grading service covered hereby;

(b) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any Federal employee or licensee;

(c) The provisions hereof shall continue in full force and effect from the effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by PMA to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (d);

(d) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(e) All terms used herein shall have the same meaning as when used in the aforesaid Regulations and Instructions;

(f) A Federal employee or licensee will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the Federal employee or licensee assume the duties of management;

(g) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

By _____
(Applicant)
_____
(Street)
_____ _____
(City) (State)
_____
(Date)

Approved:
Date _____
By _____
_____
(Title)
Production and Marketing Administration, United States Department of Agriculture.

(Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.)

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 21st day of July 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 52-8130; Filed, July 23, 1952, 8:59 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cigar-Leaf-53)-3]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER AND BINDER TOBACCO MARKETING QUOTA REGULATIONS, 1953-54 MARKETING YEAR

Correction

In F. R. Doc. 52-7965, appearing at page 6619 of the issue for Saturday, July 19, 1952, the following changes should be made:

1. In § 723.419 (a), the word "which" should be inserted between the words "farm" and "in" in the first line of the third column on page 6620.

2. The word "under" should be inserted between "made" and "§§ 723.411" in the headnote for § 723.427, so that the headnote now reads:

§ 723.427 *Approval of determinations made under §§ 723.411 to 723.426.*

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 2]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1952 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948 for the purpose of prorating a Domestic Beet Sugar Area deficit which is hereby determined. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Domestic Beet Sugar Area, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit to areas able to supply the additional sugar a mere mathematical computation. Hawaii is excluded from the proration because it appears certain that its production and shipping prospects will not make possible the utilization of additional quota in 1952.

In order to afford sellers of sugar in effected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813 (16 F. R. 13032) is hereby amended by adding paragraphs (c) and (d) to § 813.33, to read as follows:

§ 813.33 *Determination and proration of area deficits.* • • •

(c) *Deficit in quota for the Domestic Beet Sugar Area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1952 the Domestic Beet Sugar Area will be unable by an amount of 200,000 short tons of sugar, raw value, to market the quota established for that area in § 813.32.

(d) *Proration of deficit in quota for the Domestic Beet Sugar Area.* An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota in terms of short tons, raw value*
Mainland cane sugar	24,810
Puerto Rico	45,155
Virgin Islands	298
Cuba	129,737
	200,000

Statement of bases and considerations. The estimate of production of sugar from sugar beets to be harvested in 1952, issued by the Department on July 10, 1952, is 1,471,000 short tons, raw value, compared to 1,552,000 tons a year earlier. The current forecast of the 1952 crop assumes average growing conditions for the remainder of the season and average recovery of sugar per ton of sugar beets. The great bulk of the sugar will be produced after September 1, 1952, and most of it will be marketed after January 1, 1953. Beet processors held inventories at the beginning of 1952 of about 1,175,000 tons and by June 30 had distributed about 742,000 tons. Examination of these inventory, production and marketing data in relation to comparable data for previous years indicate that the domestic beet sugar area will probably not distribute more than 1,600,000 short tons of sugar, raw value, in the calendar year 1952.

Declaration of this Domestic Beet Sugar Area deficit of 200,000 short tons, raw value, is consistent with the policy of taking such actions whenever the progress of the crop and the availability of statistics regarding it make possible a reasonably accurate quantitative estimate of the deficit.

Exclusion of Hawaii from the proration of deficit. The production of sugar in Hawaii in 1952 will make available for shipment to the mainland no more than the statutory quota for this area. Accordingly, none of the deficit declared in this action is prorated to Hawaii.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC QUOTAS, PRORATIONS OF DEFICIT AND ADJUSTED QUOTAS FOR 1952

[Short tons, raw value]

Production area	Basic quota	Proration of deficits: Philippine	Proration of deficits: Beet	Adjusted quota
Domestic beet sugar	1,800,000		(200,000)	[1] 1,600,000
Mainland cane sugar	500,000		24,810	524,810
Hawaii	1,052,000			[2] 1,052,000
Puerto Rico	910,000		45,155	[3] 955,155
Virgin Islands	6,000		298	6,298
Philippines, Republic of	974,000	(280,000)		[4] 774,000
Cuba	2,424,971	100,000	129,737	[5] 2,744,308
Other foreign countries:				
Belgium	197.4			197.4
Canada	378.5			378.5
China and Hongkong	193.3			193.3
Czechoslovakia	176.6			176.6
Dominican Republic	4,473.7	[6] 2,495.8		7,169.5
Dutch East Indies	141.8			141.8
Guatemala	224.6			224.6
Haiti	618.3	[6] 372.6		990.9
Honduras	2,302.7			2,302.7
Mexico	4,046.7	[6] 2,438.5		6,485.2
Netherlands	140.6			140.6
Nicaragua	6,857.1			6,857.1
Peru	7,456.2	[6] 4,493.1		11,949.3
Salvador	5,507.0			5,507.0
United Kingdom	295.2			295.2
Venezuela	194.5			194.5
Other countries	28.8			28.8
Unallotted reserve	250.0			250.0
Subtotal	33,426.0	10,000.0		43,426.0
Total	7,700,000			7,700,000

[1] In accordance with sec. 204 (c) of the act the basic quotas are not impaired by determinations of deficits.
[2] The following quantities may be entered as direct-consumption sugar: Hawaii, 29,616 tons; Puerto Rico, 126,633; Philippines, 59,925; Cuba, 375,000.
[3] May be filled with raw sugar for further processing only.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153)

Done at Washington, D. C., this 18th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52-8094; Filed, July 23, 1952; 8:54 a. m.]

[Sugar Reg. 814.7, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1952

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.7 (17 F. R. 2477) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

Amendment 2 to Sugar Regulation 813 (7 CFR Part 813)[1] increased the mainland quota for Puerto Rico by 45,155 short tons, raw value, to a total of 955,155 short tons, raw value. As established in Sugar Regulation 814.7 issued March 19, 1952 (17 F. R. 2477), representatives of all allottees stipulated for the record of the hearing with respect to allotment of the 1952 quotas for Puerto Rico, or subsequently in writing, that any increase in the 1952 sugar quotas after the initial allotment order shall be allotted, without further hearing, on the same basis as the initial allotments were made. The initial order allotted 80 percent of the quotas pending availability of final 1951-52-crop production data. Such data is not yet available for all allottees. This docket accordingly allots 80 percent of the larger quota.

[1] See F. R. Doc. 52-8094, *supra*.

Since a number of allottees have already marketed their previous allotments, they are precluded from marketing additional quantities of sugar until this amendment becomes effective. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.7 is hereby amended to read as follows:

§ 814.7 *Allotments of 1952 sugar quotas for Puerto Rico*—(a) *Allotments.* Eighty percent of the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 764,124 short tons of sugar, raw value, and 80 percent of the 1952 sugar quota for local consumption in Puerto Rico, amounting to 80,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	18,591	16,562
Arturo Lluberas, (estate of) y Sobrinos (San Francisco)	3,255	1,136
Asociacion Azucarera Cooperativa (Lafayette)	23,905	461
Central Aguirre Sugar Co., a trust	81,998	1,410
Central Cobso, Inc	39,540	591
Central Eureka, Inc	24,119	1,056
Central Guanajibo, Inc	7,080	899
Central Igualdad, Inc	19,394	13,536
Central Juanita, Inc	24,373	2,039
Central Mercedita, Inc	40,125	13,079
Central Monserrate, Inc	17,008	950
Central San Jose, Inc	13,641	15
Central San Vincente, Inc	37,542	1,490
Compania Azucarera del Camuy, Inc. (Rio Llano)	10,713	64
Compania Azucarera del Toa	19,974	
Cooperativa Azucarera Los Canos	24,053	66
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	8,188	1,162
Eastern Sugar Associates, a trust	82,349	11,664
Fajardo Sugar Co	83,009	119
Land Authority of Puerto Rico	52,102	8
Mario Mercado e Hijos (Ruffina)	23,041	1,156
Mayaguez Sugar Company, Inc. (Rochelaise)	7,578	134
Plata Sugar Co	31,000	402
Soller Sugar Co	9,898	9
So. Porto Rico Sugar Co. of Puerto Rico (Guanica)	58,498	12,050
Total allotted	764,124	80,000
Unallotted reserve	191,331	20,000
Total quotas	955,155	100,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 18th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-8093; Filed, July 23, 1952; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53050]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

FEES FOR RECORDING INSTRUMENTS OF TITLE FOR VESSEL

In order to provide for a more expeditious and economical method of computing fees required for recording certain instruments of title and related instruments under the Ship Mortgage Act, 1920, as amended (46 U. S. C. 911, et seq.), § 4.98 (g), Customs Regulations of 1943 (19 CFR 4.98 (g)), is amended to read as follows:

§ 4.98 *Navigation fees.* • • •

(g) In computing the amounts to be collected under Fee 7:

(1) The word "folio" shall mean 100 words, counting each figure as a word (R. S. 854). No charge shall be made for fractions of a folio.

(2) When any instrument presented is not on an appropriate customs form, the number of folios shall be computed under the pertinent one of the following formulas:

(i) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of less than 20 pages, the total number of lines shall be determined; the number of words in 10 percent of the lines of each size and style of writing or printing (handwritten, pica typewritten, elite typewritten, printed, etc.; full measure, indented, etc.) shall be counted, using lines of average length; the average number of words per line of each size and style of writing or printing shall be multiplied by the total number of lines of such size and style in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(ii) Except as specified in subdivision (iii) of this subparagraph, if the instrument is of 20 pages or more, the number of words on a representative sample of pages (10 percent of the total, using pages of average width and length) shall be counted; the average number of words per page shall be multiplied by the number of pages in order to arrive at the total number of words; and that total shall be divided by 100 in order to ascertain the total number of folios.

(iii) If any such instrument contains a recitation or copy of a marine document of a vessel, whether reproduced by photostatic process or otherwise, the number of folios in such recitation or copy shall not be determined as specified in subdivision (i) or (ii) of this subparagraph, but instead each such recitation or copy shall be deemed to contain 5 folios. The number of folios contained in such recitation or copies, determined in accordance with this subdivision, shall be added to the number of folios contained in the remainder of such instrument, ascertained in accordance with subdivision (i) or (ii) of this subparagraph, as the case may be, and the sum shall be the total number of folios in that instrument.

(3) When any instrument presented is on one of the following customs forms and contains only such written matter as is customarily used and necessary to complete and fill in the blanks on the form or when it contains such matter and other written matter interpolated or appended of less than 200 words, the number of folios in the instrument shall be deemed to be in accordance with the following schedule:

(i) Bill of sale of vessel on customs Form 1340, 1342, 1344, 1346, or 1356: 10 folios.

(ii) Mortgage of vessel on customs Form 1348—If marine document is not recited: 15 folios. If marine document is recited: 20 folios.

(iii) General Index or Abstract of Title on customs Form 1332: 5 folios.

(iv) General Index or Abstract of Title—Continuation Sheet on customs Form 1332-A: 1 folio for each two instruments noted thereon.

(v) Certificate of Ownership on customs Form 1330: 5 folios.

(4) When any such instrument is prepared on a customs form and contains such written matter as is customarily used and necessary to complete and fill in the blanks on the form and other written matter interpolated or appended of 200 or more words, the number of folios in the instrument shall be computed on the basis of the above schedule for the printed forms, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a customs form.

(5) The number of folios in a certified copy of any instrument furnished under Fee 7, Service (b), shall be computed in the same manner as in the case of the original, except that the number of folios in a certificate of discharge on customs Form 1363 shall be deemed to be 5, unless the form contains interpolated or appended written matter of 200 or more words in addition to such written matter as is customarily used and necessary to complete and fill in the blanks on the form, in which case the fee shall be computed on the basis of a charge for 3 folios for the printed form, plus an additional amount for all the written matter other than such as is used and necessary to complete and fill in the blanks on the form in the customary manner, which amount shall be computed as though that portion of the instrument were not on a customs form.

(R. S. 161, sec. 2, 23 Stat. 118; 5 U. S. C. 22. 46 U. S. C. 2. Sec. 102, Reorganization Plan No. 3 of 1946; 3 CFR 1946 Supp., ch. IV. Reorganization Plan No. 26 of 1950; 3 CFR 1950 Supp., ch. III.)

[SEAL] FRANK DOW,
Commissioner of Customs

Approved: July 16, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8127; Filed, July 23, 1952; 8:58 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 25, Revision 1, Interpretation 4]

CPR 25—CEILING PRICES OF BEEF SOLD AT RETAIL

INT. 4—PERMISSIBLE ADDITIONS ON THE RETAIL SALE OF PRIMAL CUTS UNDER SECTION 13 (C), CPR 25, REVISION 1

A retailer asks whether, under section 13 (c) of Ceiling Price Regulation 25, Revision 1, wholesalers' and local delivery additions may be taken on sales and what zone differential is applicable to such sales.

Under section 13 (c) retailers, in addition to their customary service charges determined under CPR 34, may add as much as $2.25 per cwt., as specially permitted by that section, to the maximum price established in CPR 24, which maximum price may include the wholesaler's addition of $2.25 per cwt. as permitted in section 42 of CPR 24 and the zone differential amount allowed wholesalers under section 40 of CPR 24. The amount which may be included by a retailer as a zone differential in the CPR 24 maximum price depends upon the zone in which the retailer is located.

No local delivery charge may be included in the CPR 24 maximum price since section 13 (c) of CPR 25 specifically prohibits as additions to be included in the CPR 24 maximum price the items detailed in section 41 of CPR 24. Local delivery charges constitute one of these items.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8220; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 45, Revision 1, Interpretation 1]

CPR 45—APPAREL MANUFACTURERS' GENERAL CEILING PRICE REGULATION

INT. 1—ELECTION TO USE REGULATION FOR A CATEGORY OF ARTICLES (SECTION 3 (A))

Under section 3 (a) of CPR 45, Rev. 1, a manufacturer may elect prior to the mandatory effective date of the regulation to make it effective for his sales of an article by determining a ceiling price for that article pursuant to the regulation and by selling the article at the new price or taking some other action which indicates an election to use the regulation. If the manufacturer does this, he must establish ceiling prices under the regulation for all articles in the same category. A manufacturer is thus permitted to establish ceiling prices under the General Ceiling Price Regulation for all commodities in one category, and under CPR 45, Rev. 1, for all articles in another category.

The definition of the term "category" contained in section 6 (c) of CPR 45, Rev. 1, is different from the definition of the same term contained in section 4 (c) of the General Ceiling Price Regulation. Because of this difference in definition of the term, generally under CPR 45, Rev. 1, a category covers a smaller group of related articles than a category under the GCPR. It is thus possible for a category under the GCPR to cover commodities which would fall into two or more categories under CPR 45, Rev. 1. Some apparel manufacturers have asked which definition of the term "category" governs a manufacturer in determining the articles which fall in a particular category for which he has elected to continue to use GCPR and those which fall within a category for which he has elected to use CPR 45, Rev. 1. Since the election is made under section 3 (a) of CPR 45, Rev. 1, as to which article and consequently as to which category, should be priced under CPR 45, and the term "category" is specifically defined in section 6 (c) of CPR 45, that definition governs the grouping of commodities for the purpose of such election. Thus, although a category defined under GCPR would include articles A, B, C, D, E and F, if the manufacturer elects to use CPR 45, Rev. 1, for a category which, under the definition in section 6 (c), CPR 45, Rev. 1, includes only articles D, E and F, the manufacturer may continue to use GCPR for articles A, B, and C and must use CPR 45, Rev. 1, for articles D, E, and F.

[Ceiling Price Regulation 25; Revision 1, Interpretation 5]

CPR 25—REVISED CEILING PRICES OF BEEF ITEMS SOLD AT RETAIL

INT. 5—NECESSITY FOR GRADING OF BEEF WHERE REQUIRED TO BE SOLD AT NO MORE THAN UTILITY GRADE PRICES (SECTION 18)

A retailer inquires whether the fact that non-graded and improperly cut cuts of beef are sold at not higher than the ceiling price for utility grade pursuant to sections 18 (a) and (b), Ceiling Price Regulation 25, Revision 1, excuses the failure to grade or properly cut the beef in question.

The fact that sections 18 (a) and (b) establish ceiling prices for non-graded or improperly cut beef cuts does not eliminate the requirements of grading and grademarking. Section 18 (c) states that the pricing requirements of section 18 do not in any way excuse the violation of the grading, grademarking or cutting requirements of Distribution Regulation 2 under which the beef is graded.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8219; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 134, Amdt. 4]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

CIVIC EVENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits operators of eating and drinking establishments to charge the same prices on the days of the civic events listed in Appendix A as they charged during the days of the corresponding civic event when it was held in their community in 1951. The events listed have been included on the basis of their being of overall community interest and of long standing. On the days of these events, it has been the customary practice of operators in the areas involved to charge higher prices for meals, food items and beverages than they charge normally. In the judgment of the Director of Price Stabilization permission to continue this practice where it has such a firm historical basis would not be incompatible with the purposes of the price stabilization program. The new section added to the regulation by this amendment parallels the existing provision which permits operators to charge on New Year's Day, Easter, Passover, Thanksgiving Day, Christmas Day and New Year's Eve the same prices they charged on the most recent identical holiday.

The community civic events which, on the basis of currently available information, meet the test set out above include the following:

Cheyenne Frontier Days, The Hambletonian, The Santa Fe Fiesta, Anadarko (Oklahoma) Indian Exposition, New Orleans Mardi Gras and Utah Pioneer Days, at Ogden, Utah.

Because of the nature of this amendment, the Director of Price Stabilization has not found it practicable to consult formally with official advisory committees or with trade association representatives. However, members of the industry have been consulted with informally and consideration has been given to their recommendations. In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended in the following respects:

1. Section 6, paragraph (a) is revised by the addition of a new subparagraph (4) to read as follows:

(4) Despite the other provisions of this section, you may, on the days of the civic events listed in Appendix A which take place in your community, charge for any meals, food item or beverage the price you charged for it on the days of the same event when it was held in your community in 1951.

2. A new Appendix A is added to the regulation by inserting the following after section 27:

APPENDIX A—CIVIC EVENTS DURING WHICH YOU MAY CHARGE HIGHER PRICES

Cheyenne Frontier Days.
The Hambletonian.
Kentucky Derby.
Santa Fe Fiesta Days.
Anadarko, Oklahoma, Indian Exposition.
Utah Pioneer Days at Ogden, Utah.
New Orleans Mardi Gras.
Indianapolis Memorial Day Races.
New Orleans Spring Fiesta.
Pendleton Round-Up at Pendleton, Oreg.
Frontier Days at Butler, Wis.
Sidney Rodeo at Sidney, Iowa.
Blossom Festival at Benton Harbor, Mich.
Blossom Festival at St. Joseph, Mich.
Forest Festival at Elkins, W. Va.
Buckwheat Festival at Kingwood, W. Va.
Apple Blossom Festival at Winchester, Va.
Tulip Festival at Pella, Iowa.
Tulip Festival at Holland, Mich.
National Cherry Festival at Traverse City, Mich.
Strawberry Festival at Buckhannon, W. Va.
Tobacco Festival at Richmond, Va.
Apple Harvest Week at Charlottesville, Va.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 134 is effective as of July 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 22, 1952.

[F. R. Doc. 52-8154; Filed, July 22, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplemental Regulation 34, Revision 1, Interpretation 1]

GCPR, SR 34—ADJUSTMENT OF CEILING PRICES OF MANUFACTURERS AND DISTRIBUTORS OF FRESH AND SEMI-DRY SAUSAGE MADE IN WHOLE OR IN PART FROM BEEF OR STUFFED IN SHEEP CASINGS

INT. 1—REQUIRED STATEMENT (SECTION 10 (b))

OPS has been asked whether it is necessary for a manufacturer to furnish a statement of the authority to increase ceiling prices under section 10 (b) of SR 34, Revision 1, with each and every invoice for a given item of sausage that might be sold to his customer.

Section 10 (b) is not intended to impose such a requirement. It states that the statement in question must be furnished upon the customer's initial purchase at the increased ceiling price. It is sufficient therefore that only one statement be furnished to the same customer with respect to an item of sausage for which a price increase is taken under SR 34, Revision 1.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8221; Filed, July 23, 1952; 11:47 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Amendment 4 of July 23, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENT OF SECTION 17 (d)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

This amendment affects CMP Regulation No. 1, as amended November 23, 1951, by amending paragraph (d) of section 17 to read as follows:

(d) Unless otherwise provided by NPA, if it develops, after a consumer has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (b) of this section, he shall not use or dispose of them except as provided below: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M-6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M-82, sales of copper wire mill products to distributors of copper-wire mill products who place orders in accordance with the provisions of NPA Order M-86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M-88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate claimant agency as to any other use or disposition of such controlled materials or Class A products.

(64 Stat. 816, Pub. Law 429, 82d Cong; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8231; Filed, July 23, 1952; 12:17 p. m.]

[CMP Regulation No. 1, Amendment 5 of July 23, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

AMENDMENTS OF SCHEDULES I, III, AND IV

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives and consideration has been given to their recommendations. However, consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

AMENDATORY PROVISIONS

CMP Regulation No. 1, as amended November 23, 1951, is hereby further amended as follows:

1. The following items in Schedule I (Revised) of CMP Regulation No. 1 under the heading "Aluminum" are deleted:

Foil.
Powder (atomized or flake, including paste).

2. A new footnote reference, numbered "15" shall be inserted after the heading "Aluminum" in Schedule I (Revised) of CMP Regulation No. 1, and a new footnote numbered "15" shall be added to read as follows:

[15] Aluminum foil and aluminum powder, (atomized or flake, including paste) are neither Class A nor Class B products.

3. The following items in Schedule III (Revised) of CMP Regulation No. 1 under the heading "Aluminum" and under the column headings indicated are deleted:

Name of product:	*Aluminum and copper*
Foil.	
Powder (atomized or flake, including paste)	60

4. The following items in Schedule IV (Revised) of CMP Regulation No. 1 under the heading "Aluminum," and under the column headings indicated are deleted:

Name of product:	*Aluminum and copper (pounds)*
Foil.	
Powder (atomized or flake, including paste)	[15]

(64 Stat. 816, Pub. Law 429, 82d Cong; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8232; Filed, July 23, 1952; 12:17 p. m.]

[CMP Regulation No. 6, Revised, Amendment 2 of July 23, 1952]

CMP REG. NO. 6, REVISED—CONSTRUCTION

MISCELLANEOUS AMENDMENTS

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects paragraph (f) of section 17, and Table III of Revised CMP Regulation No. 6, as amended March 6, 1952, and as further amended by Amendment 1 of June 18, 1952. It conforms section 17 to the changes simultaneously being made in CMP Regulation No. 1, and it deletes certain items from the listing of aluminum controlled material set forth in Table III.

AMENDATORY PROVISIONS

Revised CMP Regulation No. 6 is amended in the following respects:

1. Paragraph (f) of section 17 is amended to read as follows:

(f) Unless otherwise provided by NPA, if it develops, after a person has received delivery of controlled materials or Class A products pursuant to an allotment, that he cannot use them for a purpose permitted under paragraph (d) of this section, he shall not use or dispose of them except as provided in this paragraph: (1) He may hold the controlled materials or Class A products in his inventory for use in connection with future authorized production schedules; (2) he may sell or otherwise transfer title to such controlled materials to his original supplier of such controlled materials; (3) he may sell or otherwise transfer title to such steel controlled materials to a steel distributor who has a base tonnage within the meaning of, and who operates under, the provisions of NPA Order M-6A; (4) he may sell or otherwise transfer title to such controlled materials to a person who places an authorized controlled material order with him (including, but not limited to, sales of brass mill products to distributors of brass mill products who place orders in accordance with the provisions of NPA Order M-82, sales of copper wire mill products to distributors of copper wire mill products who place orders in accordance with the provisions of NPA Order M-86, and sales of aluminum to distributors of aluminum who place orders in accordance with the provisions of NPA Order M-88), in which event he (the seller) shall not extend the allotment number identifying such order; or (5) he shall request authorization from NPA or the appropriate claimant agency as to any other use or disposition of such controlled materials or Class A products.

2. The list of aluminum controlled materials in Table III is amended to read as follows:

ALUMINUM [15]
Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

3. A new footnote 15 is added at the end of Table III to read as follows:

[15] Aluminum foil and aluminum powder (atomized or flake, including paste) are neither Class A nor Class B products.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154).

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8233; Filed, July 23, 1952; 12:17 p. m.]

[NPA Order M-5 as Amended July 23, 1952]

M-5—ALUMINUM

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-5 as last amended April 29, 1952, is amended in its entirety. As amended, NPA Order M-5 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Relation to other NPA orders and regulations.
4. Assignment and use of AM numbers.
5. Production of aluminum.
6. How production schedules are authorized.
7. Production material requirements of producers of aluminum.
8. Prohibition on shipment.
9. Restrictions on toll agreements.
10. Opening of books.
11. Acceptance of orders.
12. Production materials for foil or powder fabricators.
13. NPA assistance in placing orders.
14. Reports on Form NPAF-167.
15. Reports on Form NPAF-122.
16. Reports by foil or powder fabricators on Form NPAF-222.
17. Request for adjustment or exception.
18. Communications.
19. Records and reports.
20. Violations.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies to primary producers, secondary smelters, independent fabricators, and importers of aluminum. It provides rules concerning the scheduling of production and shipment of aluminum. It sets forth the procedure by which aluminum producers receive the controlled materials which they require as production materials, as well as the procedure to be followed by producers of aluminum foil and aluminum powder in acquiring their production materials, and the quantities of such material for which they may place orders. The order authorizes the production of aluminum only in accordance with an authorized production schedule or production directive, and permits the production, shipment, or delivery of aluminum only when such production, shipment, or delivery is to fill an authorized controlled material order or is pursuant to an NPA directive. It also sets forth circumstances wherein an aluminum producer may reject an authorized controlled material order. It supplements the CMP regulations and supersedes the provisions of those regulations to the extent that they may be inconsistent with the provisions of this order as amended.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means only the following aluminum forms and shapes:

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(d) "Foil" means the product which results from the operation of a rolling mill in which aluminum sheet (foil stock), as those terms are commonly understood by custom and usage in the trade, is reduced to a thickness of less than 0.006 of an inch.

(e) "Powder" means the product which results from processing aluminum (or aluminum-base alloy) pig, ingot, or scrap in a ball mill, hammer mill, or atomizer, and includes paste.

(f) "Pig" means aluminum of variable composition produced by the electrolytic reduction of alumina.

(g) "Pig or ingot, secondary" means any aluminum produced by a secondary smelter; or pig or ingot, granular or shot, produced by a primary producer in a secondary smelter operation.

(h) "Primary producer" means a person producing aluminum both in the form of pig and in any one or more of the other forms or shapes listed in paragraph (c) of this section.

(i) "Secondary smelter" means any person who remelts virgin metal or scrap to produce properly alloyed, refined, chemically tested, specification casting ingot, or deoxidizing or granular aluminum, and who has the equipment and technical knowledge necessary to perform this function without downgrading or waste; and includes a primary producer to the extent that he performs such function.

(j) "Independent fabricator" means any person (except a secondary smelter) who does not produce aluminum pig, but who produces aluminum for sale in any of the other forms and shapes listed in paragraph (c) of this section.

(k) "Foil or powder fabricator" means any person who produces either foil or powder, as defined in paragraphs (d) and (e) of this section, respectively. For the purposes of this paragraph the foil-producing department or division of any company, firm, corporation, or association which produces aluminum sheet (foil stock), and the powder-producing department or division of any company, firm, corporation, or association which produces aluminum (or aluminum-base alloy) pig or ingot shall be deemed a separate person.

(l) "Importer" means a person who imports aluminum in the forms and shapes listed in paragraph (c) of this section either for his own account or for the account of another person.

(m) "Production directive" means a directive issued by NPA authorizing a primary producer, a secondary smelter, or an independent fabricator to produce during a designated period a specified quantity of any one or more of the aluminum forms and shapes listed in paragraph (c) of this section.

(n) "Authorized controlled material order" means a delivery order for any controlled material (as distinct from a product containing controlled material) which is placed pursuant to an allotment, as provided in section 19 of CMP Regulation No. 1, or which is specifically designated to be such by any other regulation or order of NPA.

(o) "Fabrication order" means a delivery order for aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig, ingot, or scrap which is placed pursuant to section 12 of this order by a foil or powder fabricator, respectively; and includes orders placed pursuant to a toll, conversion, or repurchase agreement or other similar arrangement by which the foil or powder fabricator supplies aluminum scrap which is not self-generated aluminum scrap; or if the foil fabricator is a department or division of a company, firm, corporation, or association which produces aluminum sheet (foil stock) as well as foil, or the powder fabricator is a department or division of a company, firm, corporation, or association which produces aluminum (or aluminum-base alloy) pig or ingot as well as powder, then the acquisition by such department or division of the aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig or ingot will be deemed a fabrication order.

(p) "AM number" means the allotment symbol AM, together with the number which is assigned by NPA, which is used by persons who produce, smelt, fabricate, or distribute aluminum in placing authorized controlled material orders for aluminum in accordance with the provisions of this order and of NPA Order M-88.

SEC. 3. *Relation to other NPA orders and regulations.* All provisions of any NPA regulation or order are superseded to the extent that such provisions are inconsistent with this order, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

SEC. 4. *Assignment and use of AM numbers.* AM numbers are assigned by NPA, upon application in writing, to primary producers, secondary smelters, and independent fabricators of aluminum, and are used to identify authorized controlled material orders for aluminum placed by such persons. (NPA Order M-88 describes the assignment and use of AM numbers by distributors of aluminum).

SEC. 5. *Production of aluminum.* (a) No person shall, in any calendar quarter, produce any aluminum unless such production is pursuant to an authorized production schedule or directive previously issued in writing by NPA for the production of such materials in that calendar quarter.

(b) After the effective date of this order, no producer of aluminum shall place into production any order for the delivery of aluminum, unless such order is an authorized controlled material order, a fabrication order placed in accordance with section 12 of this order by a foil or powder fabricator, or an order which he has accepted or scheduled pursuant to specific directive or written authorization by NPA.

(c) No aluminum producer, secondary smelter, or independent fabricator shall be required to accept any authorized controlled material order for less than the mill quantities set forth in Schedule IV of CMP Regulation No. 1 or which is placed within less time than the "lead time" specified in Schedule III of CMP Regulation No. 1.

SEC. 6. *How production schedules are authorized.* (a) Every primary producer, secondary smelter, and independent fabricator shall, on or before July 15, 1952, complete and file with NPA on Form NPAF-149, an application for an authorized production schedule for the fourth calendar quarter of 1952. (This was required by NPA Order M-5 as amended January 23, 1952). For each subsequent calendar quarter the application for an authorized production schedule shall be made by the completion and filing of Form NPAF-149 on or before the fifteenth day of the first month of the calendar quarter preceding the calendar quarter for which the application is made. An original and three copies of Form NPAF-149, which may be secured from the Washington, D. C., office of NPA only, shall in each instance be completed and filed with the National Production Authority, Washington 25, D. C., Ref: NPA Order M-5.

(b) Each person who is required by paragraph (a) of this section to file Form NPAF-149 will enter thereon, for each form and shape of aluminum listed, his proposed production schedule and, if applicable, the aluminum production materials which he requires to fulfill the proposed production schedule in accordance with the instructions accompanying the form. NPA, after review of the Form NPAF-149, will set forth on a copy thereof, which will be returned to the applicant, the approved production schedule for each form or shape listed, and the quantity of aluminum production materials which are allotted for such production. Such production schedules and related allotments may be made on a quarterly or monthly basis, or at such other intervals as NPA may from time to time deem appropriate.

(c) In addition to the procedure outlined in paragraph (b) of this section for the authorization of production schedules for producers of aluminum, NPA may from time to time issue production directives and related allotments to producers of aluminum which by their terms may amend, suspend, or supersede the authorized production schedules issued on Form NPAF-149. These production directives and related allotments may be issued on either a monthly or quarterly basis and may concern the production of any or all of the forms or shapes of aluminum. In each instance in which such a production directive and related allotment is issued it will by its terms define the relationship of the directive to the authorized production schedule issued or to be issued.

(d) After an authorized production schedule or production directive has been issued to a primary producer, secondary smelter, or independent fabricator in accordance with paragraph (b) or (c) of this section, NPA may from time to time issue directives to primary producers or secondary smelters with respect to the sale of aluminum production material to other primary producers or secondary smelters, independent fabricators, or foil or powder fabricators. In that event, NPA will notify such persons of the name of the person from whom he shall purchase the aluminum production material he requires.

SEC. 7. *Production material requirements of producers of aluminum.* (a) A primary producer, secondary smelter, or independent fabricator of aluminum may order the aluminum production materials allotted to him on Form NPAF-149 or by directive, in accordance with the provisions of section 19 of CMP Regulation No. 1. In ordering such materials he shall use the allotment symbol AM together with his AM number.

(b) A primary producer, secondary smelter, or independent fabricator of aluminum who requires steel controlled materials as production material (as defined in section 21 of CMP Regulation No. 1) for use in the fulfillment of his authorized production schedule is hereby authorized to use the allotment symbol PM to obtain such production materials: *Provided, however,* That no person who produces aluminum cable steel reinforced (ACSR) shall use the allotment symbol PM to obtain in any calendar quarter for his production of that material a greater quantity of steel by weight than 37 percent of the gross metal weight of the aluminum cable steel reinforced (ACSR) that he is to produce in that calendar quarter pursuant to his authorized production schedule.

(c) All orders for which the use of the allotment symbol AM or PM are authorized by this section are hereby designated as authorized controlled material orders, and shall be certified in accordance with the provisions of section 19 (c) of CMP Regulation No. 1. The certification of such orders shall be signed as provided in NPA Reg. 2, and shall constitute a representation that, subject to the criminal penalties provided for in the United States Code, Title 18 (Crimes) section 1001, such person is authorized by this section to make the certification for the quantity of steel or aluminum ordered in connection therewith.

(d) The self-authorization procedure by which a producer of aluminum obtains production materials (other than controlled materials) is described in Direction 2 to CMP Regulation No. 1.

SEC. 8. *Prohibition on shipment.* Except as provided in NPA Order M-88 and NPA Order M-89, no primary producer, secondary smelter, independent fabricator, distributor, or importer shall accept any orders for aluminum, or ship any aluminum, except pursuant to a valid authorized controlled material order, or fabrication order placed in accordance with section 12 of this order by a foil or powder fabricator, or pursuant to a directive by NPA.

SEC. 9. *Restrictions on toll agreements.* No person other than a foil or powder fabricator shall receive any aluminum pursuant to any existing or future toll, conversion, or repurchase agreement or any similar arrangement without the prior written approval of NPA. No person shall deliver any aluminum pursuant to any existing or future toll, conversion, or repurchase agreement or any similar arrangement without the prior written approval of NPA, unless such delivery is made to a foil or powder fabricator.

SEC. 10. *Opening of books.* Each producer of aluminum shall open his order books for the purpose of accepting authorized controlled material orders or fabrication orders no later than 105 days prior to the first day of each calendar quarter for which such orders are valid. An aluminum producer may open his order books for the purpose of accepting purchase orders for any calendar quarter as long in advance of such quarter as he may choose, but after his order books are open he shall accept orders as provided in section 11 of this order.

SEC. 11. *Acceptance of orders.* (a) Until 75 days prior to the first day of the month in which delivery is requested, and subject to the provisions of paragraph (b) of this section, a producer of aluminum shall have the option of determining which authorized controlled material orders and fabrication orders or portions thereof he will accept and schedule without regard to the dates of receipt of such orders: *Provided, however,* That the total of the orders which he accepts for any aluminum product does not exceed 85 percent of the level of production he has scheduled for such product for the month in which delivery is requested in order to complete his authorized production schedule or to comply with the production directive he received from NPA. In the event that such a person has not received either an authorized production schedule or a production directive for any month for which he received an authorized controlled material order or a fabrication order requesting delivery, he shall compute the foregoing 85-percent limitation on the acceptance of orders on the following basis: (1) A primary producer shall assume an authorized production schedule or production directive requiring the same production as was directed for the previous quarter, and therefore schedule his monthly production so as to meet such a quarterly production level. (2) A secondary smelter shall assume his maximum production from the production materials he expects to have available. (3) An independent fabricator shall assume that the same quantity of aluminum will be allocated to him as was allocated to him in the previous quarter.

(b) During the period of time in which a producer of aluminum may reject orders in accordance with paragraph (a) of this section, and until such time as he has accepted orders up to the 85-percent maximum limitation contained in paragraph (a) of this section, he may not reject any order bearing the allotment symbol A, B, C, E, AM, or Z-2 which has been offered to him, and shall comply with all NPA directives which have been issued to him.

(c) An aluminum producer shall accept, or reject and return, all purchase orders tendered to him promptly after receipt of such orders. Upon such acceptance or rejection he shall immediately notify the person who tendered the orders of such acceptance or rejection in writing or by telegram. For the purpose of the first sentence of this section the word "promptly" shall be deemed to mean as quickly as possible, but in no event later than 13 consecutive calendar days after receipt. For the purpose of the first sentence of this paragraph receipt of an order shall not be deemed to have occurred until the order is received at the place where the producer usually acknowledges and schedules such orders. This provision is intended to give those persons whose orders have been rejected an opportunity to place their orders with other producers or with distributors.

(d) Within the period of 75 to 60 days prior to the first day of the month in which delivery is requested and subject to the provisions of paragraph (g) of this section, each producer of aluminum shall accept all authorized controlled material orders and fabrication orders offered to him (subject to the provisions of CMP Regulation No. 3) until he has thereby committed 125 percent of the proposed production necessary to fulfill his authorized production schedule or production directive, minus the quantity of aluminum he is required to produce or ship in that calendar quarter to fill orders carried over from a previous calendar quarter, unless otherwise specifically directed by NPA. This requirement is subject to the provisions of section 20 of CMP Regulation No. 1.

(e) At such time as an aluminum producer has fully complied with the provisions of paragraph (d) of this section he shall not accept any additional orders unless he is specifically directed to do so by NPA.

(f) The percentages referred to in paragraphs (a) and (b) of this section shall be calculated by each aluminum producer for each calendar quarter on the basis of the authorized production schedule and production directives issued to him for that calendar quarter regardless of the quantities of aluminum he expects to produce or ship in that quarter to fill orders carried over from a previous calendar quarter.

(g) No primary producer shall accept any order for "pig or ingot, other than secondary" to be used for any purpose for which "pig or ingot, secondary" is suitable.

SEC. 12. *Production materials for foil or powder fabricators.* (a) A foil or powder fabricator who requires aluminum sheet (foil stock) to produce foil, aluminum cores to package foil, or aluminum (or aluminum-base alloy) pig or ingot to produce powder may, within the limits prescribed in paragraph (c) of this section, place a fabrication order for such materials only if such order is accompanied by a certificate reading substantially as follows:

Certified under NPA Order M-5

The certificate shall be signed as provided in NPA Reg. 2, and shall constitute a representation to the supplier and to NPA that, subject to the criminal penalties provided for in the United States Code, Title 18 (Crimes) section 1001, such person is authorized by this section to place the fabrication order which the certificate accompanies; that the quantities of aluminum sheet (foil stock) and aluminum cores so ordered will be used only in the production or packaging of foil; and that the quantities of aluminum (or aluminum-base alloy) pig or ingot so ordered will be used only in the production of powder.

(b) Allotments of aluminum production materials for the production of foil or powder, and the authority to use the allotment symbol AM or PM in ordering such materials, previously issued to foil or powder fabricators, are hereby withdrawn insofar as such allotments or authority relate to any quantities of aluminum sheet (foil stock), aluminum cores, or aluminum (or aluminum-base alloy) pig or ingot which have not been shipped by the producers of such material prior to July 23, 1952. Any authorized controlled material order of a foil or powder fabricator for aluminum sheet (foil stock), aluminum cores, or aluminum (or aluminum-base alloy) pig or ingot, heretofore placed but unfilled by the producer of such materials as of July

23, 1952, shall be deemed a fabrication order (as defined in section 2 (o) of this order) for the purposes of this section, but shall maintain its position in the delivery schedules of producers of such materials.

(c) Unless authorized in writing by NPA, no foil fabricator shall in any calendar month place a fabrication order for a quantity by weight of aluminum sheet (foil stock) to be used in the production of foil in excess of the quantity by weight of foil which he shipped to his customers during the preceding calendar month. Unless authorized in writing by NPA, no powder fabricator shall in any calendar month place a fabrication order for a quantity by weight of aluminum (or aluminum-base alloy) pig, ingot, or scrap, to be used in the production of powder, in excess of the quantity by weight of powder (including, in cases of shipment of paste, only the aluminum content of paste) which he shipped to his customers during the preceding month. Unless authorized in writing by NPA, no foil fabricator shall in any calendar quarter place a fabrication order for a quantity by weight of aluminum cores for the packaging of foil in excess of the weight of such cores which he shipped in the preceding month.

(d) The quantities of aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig or ingot, for which a foil or powder fabricator may place fabrication orders in any month in accordance with paragraph (c) of this section, are over and above any quantities of such material which is produced, pursuant to a toll, conversion, or repurchase agreement or any other similar arrangement, from aluminum scrap which they have themselves generated in the process of producing foil or powder.

(e) NPA may from time to time issue directives to producers of aluminum sheet (foil stock) or aluminum (or aluminum-base alloy) pig or ingot with respect to the acceptance of fabrication orders.

SEC. 13. *NPA assistance in placing orders.* Any person who is entitled to place an authorized controlled material order for aluminum or a fabrication order and who has been unable to place any such order may apply to NPA for assistance in placing such an order. Application should be made on Form NPAF-148. These forms may be obtained from Department of Commerce field offices, NPA industry divisions, or the Office of Small Business of NPA. The form, which provides space for the applicant's name and address, the allotment symbol he is authorized to use, his allotment record, his previous purchase record, his experience in attempting to place orders, and other pertinent data, shall be filled out completely and mailed to the National Production Authority, Washington 25. D. C., Ref: NPA Order M-5.

SEC. 14. *Reports on Form NPAF-167.* Each primary producer, secondary smelter, and independent fabricator of aluminum shall, or or before the fifteenth day of each month, complete and file Form NPAF-167, in accordance with the instructions accompanying the form, setting forth the quantity of aluminum for which he has accepted authorized controlled material orders or fabrication orders placed in accordance with section 12 of this order by a foil or powder fabricator, the quantity of aluminum for which he has not yet accepted such orders, and the estimated quantity of aluminum he expects to ship against past-due unfilled orders. These forms may be secured from the Washington Office of NPA and shall in each instance be completed and filed in duplicate with the Bureau of the Census, Industry Division, Washington 25, D. C. A separate report is required for each of the aluminum forms and shapes listed in section 2 (c) of this order.

SEC. 15. *Reports on Form NPAF-122.* (a) Each primary producer, secondary smelter, independent fabricator, or importer, who sells aluminum in the regular course of business, shall each month complete and file Form NPAF-122 in accordance with the instructions accompanying the form. The form shall be completed in duplicate and filed on or before the tenth day of each month by mailing to the Bureau of the Census, Industry Division, Washington 25, D. C., Ref: NPA Order M-5.

(b) Any other person who in any month receives for resale or sells any aluminum shall file Form NPAF-122 for that month in accordance with the instructions accompanying that form.

SEC. 16. *Reports by foil or powder fabricators on Form NPAF-222.* Each foil or powder fabricator shall each month complete and file Form NPAF-222 in accordance with the instructions accompanying the form, showing the volume of shipments, inventories, and unfilled orders. The Form NPAF-222 shall be filed in duplicate on or before the tenth day of each month by mailing to the Bureau of the Census, Industry Division, Washington 25, D. C., Ref: NPA Order M-5.

SEC. 17. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 18. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-5.

SEC. 19. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 20. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8234; Filed, July 23 12:17 p. m.]

[NPA Order M-80, Schedule C, as Amended July 23, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHED. C—CHROMIUM AND CHROMIUM-NICKEL

This schedule, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this schedule as amended there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations. This schedule, as amended, is issued under NPA Order M-80, and is made a part of that order.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Restricted uses.
3. Certification required.
4. Exceptions.
5. Communications.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* All definitions contained in NPA Order M-80, including the definitions of chromium and nickel contained in List I of that order, are applicable to this schedule.

SEC. 2. *Restricted uses.* Subject to the exceptions contained in section 4 of this schedule, no person shall:

(a) Melt, process, fabricate, or deliver, any heat-resistant chromium or chromium-nickel-alloy iron or steel for any particular use set forth in Appendix 1 of this schedule with a higher nickel or nickel-plus-chromium content than permitted for that use in said Appendix 1;

(b) Specify temperature requirements beyond those necessary to maintain his current operations, when ordering heat-resistant chromium or chromium-nickel-alloy iron or steel for any use indicated in Appendix 1 of this schedule;

(c) Increase the total weight of the heat-resistant chromium or chromium-nickel-alloy iron or steel, in redesigning or rebuilding any equipment or parts therefor, in any unit to an amount greater than 10 percent of the weight of such iron or steel contained in the original design of such unit.

SEC. 3. *Certification required.* No person shall deliver any heat-resistant chromium or chromium-nickel-alloy iron or steel for any of the uses set forth in Appendix 1 of this schedule unless he first receives from the purchaser to whom delivery is to be made, a signed certificate in the following form:

Certified under Schedule C to NPA Order M-80.

This certification shall constitute a representation by the purchaser to the person making delivery and to NPA that the purchaser will use such material only as permitted in this schedule.

SEC. 4. *Exceptions.* The provisions of this schedule shall not apply to alloying materials to be used for Navy shipboard installations where such use is approved on Form NPAF-60.

SEC. 5. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-80, Schedule C.

This schedule as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX 1 TO SCHEDULE C OF NPA ORDER M-80

RESTRICTIONS ON CERTAIN USES OF CHROMIUM AND CHROMIUM-NICKEL, IRON AND STEEL ALLOYS FOR HEAT-RESISTANT PURPOSES

(This schedule does not apply to applications that primarily require corrosion resistance.)

PART 1

Parts for, or equipment used in, industrial, heat-treating, or other metallurgical furnaces

	Furnace parts						Electric heating elements			
	Moderate stress no thermal fatigue. Blades. Blades (carrier). Boxes (annealing). Built-in-beams and supports. Conveyors (screw). Dampers. Furnace buckets. Furnace parts. Hobbers. Rabble arms. Retorts (annealing). Retorts (revolving). Roller rails. Rolls (hearth). Shafts (rotating). Skids. Skid-rails. Trays. Tubes (radiant). Walking-beam furnace parts.		High or indeterminate stress or thermal fatigue exposed to oxidizing or neutral atmospheres. Belts (conveyor). Conveyors (chain). Fans. Fixtures (enameling). Fixtures or trays (liquid, spray and forced-air quench). Hearths (shaker). Plates (hearth). Rolls. Shafts (rotating). Sheathing for electric heating elements and pots (for lead).		High or indeterminate stress or rapid quench and exposed to chemically reactive media. Fans. Fixtures (liquid, spray and forced-air). Hearths (shaker). Muffles. Pots (cyanide). Retorts and accessories (carburizing). Trays (liquid, spray and forced-air). Tubes (radiant).	In air atmosphere.		Protective atmosphere.	
Temperature, °F.	Maximum Ni percent	Maximum percent Ni plus Cr [1]	Maximum Ni percent	Maximum percent Ni plus Cr [1]	Maximum Ni percent	Maximum percent Ni plus Cr [1]	Maximum Ni percent	Maximum percent Ni plus Cr [1]	Maximum Ni percent	Maximum percent Ni plus Cr [1]
Below 900	0	0	0	0	0	0				
900-1,000	2	20	10	35	37	56				
1,000-1,100	2	20	10	35	37	56				
1,100-1,200	2	20	10	35	37	56				
1,200-1,300	10	35	10	35	37	56				
1,300-1,400	10	35	10	35	37	56				
1,400-1,500	15	42	15	42	37	56				
1,500-1,600	15	42	15	42	37	56				
1,600-1,700	15	42	37	56	37	56	37	56		
1,700-1,800	15	42	37	56	37	56	80	100		
1,800-1,900	15	42	37	56	37	56	80	100	37	56
1,900-2,000	37	56	37	56	37	56	80	100	80	100
Over 2,000	37	56	37	56	37	56	80	100	80	100

[1] Seamless wrought tubing: maximum 13 percent Ni and 38 percent Ni plus Cr.
[2] Cr content is a suggested value and not limited to maximum indicated.

PART 1A

Parts for, or equipment used in, industrial, heat-treating, or other metallurgical furnaces

	Exceptions								
	Ammonia dissociation.		Salt [1] bath electrodes (carburizing).		Endothermic gas generators—Muffles (hydrogen).		Metal reduction and sintering (hydrogen).		In media with halogens or halide compounds.
Temperature, °F.	Maximum Ni percent	Maximum percent Ni plus Cr [2]	Maximum Ni percent	Maximum percent Ni plus Cr [2]	Maximum Ni percent	Maximum percent Ni plus Cr [2]	Maximum Ni percent	Maximum percent Ni plus Cr [2]	
Below 900									Special cases requiring nickel commensurate with temperature conditions and compounds.
900-1,000									
1,000-1,100									
1,100-1,200			37	56					
1,200-1,300			37	56					
1,300-1,400			37	56					
1,400-1,500	80	100	37	56					
1,500-1,600	80	100	37	56					
1,600-1,700	80	100	37	56					
1,700-1,800	80	100	37	56			80	100	
1,800-1,900	80	100					80	100	
1,900-2,000	80	100					80	100	
Over 2,000	80	100			80	100	80	100	

[1] For neutral salt baths: 3 percent Ni and 33 percent Ni plus Cr.
[2] Cr content is a suggested value and not limited to maximum indicated.

PART II

Parts for, or equipment used in, furnaces for oil refineries, synthetic rubber plants, and cement mills

Temperature, °F.	Maximum Ni percent	Maximum percent Ni plus Cr [2]
Below 900	0	0
900–1,000 [1]	0	6
1,000–1,050 [1]	0	6
1,050–1,100 [1]	0	6
1,100–1,200 [1]	0	6
1,200–1,300 [1]	0	6
1,300–1,400 [1]	0	6
1,400–1,500	111	35
1,500–1,600	111	35
1,600–1,700	15	42
1,700–1,800	15	42
1,800–1,900	15	42
Over 1,900	18	48

[1] Seamless wrought tubing, maximum 13 percent Ni and 38 percent Ni plus Cr.

[2] Cr content is suggested value and not limited to maximum indicated.

[3] Under conditions of high stress, alloy C (11 maximum percent Ni and 32 maximum percent Ni plus Cr) may be used in temperature range 900°/1,400° F. In cases of seamless tubing footnote No. 1 applies.

PART III

Parts for power boilers and associated equipment

Temperature, °F [1]	For materials for nonload-carrying, non-pressure parts		Materials for load-carrying, non-pressure parts		Maximum allowable metal temperatures for load-carrying, pressure parts	
	Maximum Ni percent	Maximum percent Ni plus Cr [2]	Maximum Ni percent	Maximum percent Ni plus Cr [2]	Maximum Ni percent	Maximum percent Ni plus Cr [2]
Below 800	------	------	0	0	0	0
800–900	0	0	0	6	0	6
900–1,000	0	6	0	6	0	6
1,000–1,050	0	6	0	6	0	6
1,050–1,100	0	6	0	6	0	6
1,100–1,150	0	6	0	6	111	32
1,150–1,200	111	32	14	42	111	32
1,200–1,300	111	32	14	42	------	------
1,300–1,400	111	32	14	42	------	------
1,400–1,500	11	32	14	42	------	------
1,500–1,600	11	32	14	42	------	------
1,600–1,700	14	42	22	50	------	------
1,700–1,800	14	42	22	50	------	------
1,800–1,900	14	42	22	50	------	------
1,900–2,000	14	42	------	------	------	------

[1] Seamless wrought tubing, maximum, 13 percent Ni and 38 percent Ni plus Cr.

[2] Cr content is suggested value and not limited to maximum indicated.

[3] Operating temperatures of materials are based primarily upon load-carrying ability of indicated temperatures. The safe allowable working stress permissible at temperatures is determined by the applicable table found in the ASME Power Boiler Code.

[F. R. Doc. 52-8236; Filed, July 23, 1952; 12:18 p. m.]

[NPA Order M-84, as Amended July 23, 1952]

M-84—ALUMINUM FOR DESTRUCTIVE USES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected has been rendered impracticable by the fact that the order affects a very substantial number of different trades and industries.

REGULATORY PROVISIONS

Sec.
1. Purpose and scope.
2. Definitions.
3. Limitations on use of aluminum for destructive uses.
4. Assignment of right to use allotment symbols.
5. Restrictions on sales and deliveries.
6. Request for adjustment or exception.
7. Records and reports.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Purpose and scope.* This order sets forth the procedure by which persons who require aluminum for destructive uses may obtain the appropriate quantities and grades of aluminum.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "NPA" means the National Production Authority.

(c) "Aluminum" means metallic aluminum in the form of pig, ingot, shot or grain, or rod extruded from reclaimed mounted foil scrap, as well as aluminum scrap as defined in paragraph (d) of this section, but does not include aluminum foil, powder, or paste.

(d) "Aluminum scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason, the principal ingredient of which by either weight or volume is metallic aluminum, or from which metallic aluminum may be recovered by sweating, either of domestic generation or imported in either loose or pig form, and shall include all types and grades of aluminum residues, such as drosses, skimmings, fines, grindings, sawings, and buffings.

(e) "Destructive use" of aluminum means use in production where aluminum cannot be recovered as a metal, including but not limited to the following uses:

Steel deoxidizing and/or alloying.
Reduction of ferro-alloys (thermit reaction).
Thermit for welding.
Copper-base alloys.
Alnico.
Nickel alloys.
Magnesium-base alloys.
Zinc-base alloys.
Anhydrous aluminum chloride.
Chemical reactions.
Addition to galvanizing bath.
Explosive and pyrotechnical purposes (industrial and commercial).

SEC. 3. *Limitations on use of aluminum for destructive uses.* No person shall use a higher grade or greater quantity of aluminum in destructive uses than is necessary for the particular purpose intended, notwithstanding the fact that the aluminum may have been received pursuant to a specific allotment under the Controlled Materials Plan.

SEC. 4. *Assignment of right to use allotment symbols.* (a) Any person who requires aluminum for any one or more of the following uses may use the allotment symbol X7 plus the "use" identifying number assigned by the order, set opposite the particular use on delivery orders for such aluminum:

Use	"Use" identifying no.
Steel deoxidizing and/or alloying	X7-1
Reduction of ferro-alloys (thermit reaction)	X7-2
Thermit for welding	X7-3
Copper-base alloys	X7-4
Alnico	X7-5
Nickel alloys	X7-6
Magnesium-base alloys	X7-7
Zinc-base alloys	X7-8
Anhydrous aluminum chloride	X7-9
Chemical reactions	X7-7
Addition to galvanizing bath	X7-7
Explosive and pyrotechnical purposes (industrial and commercial)	X7-0

Such allotment symbol may be used only to obtain the amount of aluminum actually required for production authorized under applicable NPA regulations, orders, or directives, and the aluminum so obtained may be used only in accordance with the limitations of section 3 of this order. Any delivery order bearing any one of the above allotment symbols and certified as provided in paragraph (c) of section 19 of CMP Regulation No. 1 shall constitute an authorized controlled material order for the purpose of all CMP regulations.

(b) Any person who has received an allotment of aluminum for any of the purposes set forth in paragraph (a) of this section, shall not use the procedure provided for in this section to obtain aluminum unless he shall first have returned such allotment as provided in section 18 of CMP Regulation No. 1.

(c) Any person who requires aluminum for any destructive use other than those listed in paragraph (e) of section 2 of this order may apply for authorization to use an allotment symbol to obtain such aluminum to the National Production Authority, Washington 25, D. C., Ref: M-84.

SEC. 5. *Restrictions on sales and deliveries.* No person shall sell or deliver aluminum to any person if he knows or has reason to believe such material is to be used in violation of the provisions of this order, and no person shall purchase or accept delivery of aluminum if such material is to be used in violation of the provisions of this order.

SEC. 6. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 7. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-84.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8235; Filed, July 23, 1952; 12:18 p. m.]

[NPA Order M-88 as Amended July 23, 1952]

M-88—ALUMINUM DISTRIBUTORS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

NPA Order M-88 of November 1, 1951, as amended by Amendment 1 of January 25, 1952, is amended in the following respects:

1. The definition of "aluminum" no longer includes aluminum foil or powder.
2. The definition of "distributor" in section 2 is broadened to include persons who deal in surplus aluminum.
3. Definitions of "surplus aluminum," "mill distributor," and "surplus distributor" are added to section 2.
4. Provision is made in a new section 4 for assignment and use of the allotment symbol AS by surplus distributors.
5. The provisions covering NPA assistance to distributors in placing authorized controlled material orders is amended to provide for such assistance by directive action.
6. Those sections of the order respecting records and reports and applications for adjustment or exception are amended to conform their language and provisions with corresponding provisions in more recent NPA orders and regulations.

This order as amended embodies, and in some respects revises, the substance of Amendment 1 to NPA Order M-88 of January 25, 1952.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Assignment and use of AM numbers.
4. Assignment and use of the symbol AS.
5. Distributors who operate more than one warehouse or in more than one capacity.
6. How a mill distributor obtains aluminum.
7. How a surplus distributor obtains aluminum.
8. Limitations on acceptance of mill distributors' orders by aluminum producers.
9. Acceptance of orders which are not authorized controlled material orders.
10. Rejection of orders by distributors.
11. Certification.
12. Imported aluminum.
13. Applicability of other regulations and orders.
14. Request for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* The purpose of this order is to provide the means whereby aluminum distributors who purchase aluminum from domestic aluminum producers may obtain replacements of their stock, and also to provide the means whereby aluminum distributors who deal with surplus stocks of aluminum may acquire material for resale. It specifies a tonnage limitation and item limitation for acceptance of authorized controlled material orders by distributors, and also permits distributors to accept and fill certain orders for aluminum controlled materials although they are not authorized controlled material orders. It authorizes mill distributors to place authorized controlled material orders with producers, and supplements CMP Regulation No. 4. It authorizes surplus distributors to place authorized controlled material orders with consumers of aluminum, an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) to whom certain quantities may have become surplus, and it supplements section 17 (d) of CMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Aluminum" means only the following aluminum wrought forms and shapes:

Rolled bar, rod, wire (including drawn wire), structural shapes.
Aluminum cable steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, tubing (including drawn or welded tubing).
Sheet, strip, plate.
Pig or ingot, granular or shot.

(c) "Surplus aluminum" means aluminum in the possession of a consumer (as defined in CMP Regulation No. 1), an owner, a contractor, or a subcontractor (as defined in Revised CMP Regulation No. 6) who has properly received delivery of aluminum but cannot use it for a purpose permitted by section 17 (b) of CMP Regulation No. 1, or section 17 (d) of Revised CMP Regulation No. 6.

(d) "Distributor" means any person who is regularly engaged in the business of stocking any of the forms and shapes of aluminum listed in paragraph (b) of this section at a location regularly maintained by him for such purpose, for general sale or resale, in the form or shape in which received, or after performing such operations as cutting to length, slitting, shearing to size or shape, or sorting and grading. A person who, in connection with any sale from his stock, bends, punches, or performs any fabricating or processing operation designed to prepare aluminum for final use or assembly, is not a distributor with respect to such sale; and a person who, in connection with any purchase of aluminum for resale, does not take physical delivery of the material into his own stock, at a location regularly maintained by him for such purpose, shall not be deemed a distributor with respect to such resale.

(e) "Mill distributor" means a distributor who obtained aluminum from a do-

mestic aluminum producer during the base period.

(f) "Surplus distributor" means a distributor who buys and sells surplus aluminum.

(g) "Producer" means any person producing aluminum in any one or more of the forms or shapes listed in paragraph (b) of this section.

(h) "Base period" means the calendar year 1950.

(i) "AM number" means the allotment symbol AM together with the number which is assigned by NPA to each person who produces, smelts, fabricates, distributes, or sells aluminum.

(j) "AS symbol" means the allotment symbol AS used by persons engaged in the distribution of surplus aluminum in making purchases of aluminum in accordance with this order.

(k) "NPA" means the National Production Authority.

SEC. 3. *Assignment and use of AM numbers.* AM numbers in the 9000 series are assigned to mill distributors by NPA upon application in writing. A mill distributor shall use the AM number assigned to him by NPA, in the manner set forth in section 6 of this order, whenever he purchases or receives delivery of aluminum. No person shall use an AM number unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of an AM number to persons who are assigned the symbol AS in accordance with section 4 of this order.

SEC. 4. *Assignment and use of the symbol AS.* The allotment symbol AS is assigned by NPA to surplus distributors upon application in writing. A surplus distributor shall use the allotment symbol AS in the manner set forth in section 7 of this order, whenever he purchases or receives delivery of surplus aluminum. No person may use the allotment symbol AS unless it has been assigned to him in writing by NPA. Nothing contained in this order shall be deemed to prevent the assignment of the symbol AS to persons who have been assigned an AM number.

SEC. 5. *Distributors who operate more than one warehouse or in more than one capacity.* (a) Any distributor who operates more than one warehouse may, for the purpose of this order, elect to consider all warehouses operated by him as one warehouse, or may treat each such warehouse as a separate distributor. Once an election is made, it may not thereafter be changed without written authorization of NPA.

(b) Any distributor may operate both as a mill distributor and a surplus distributor. In any such case, his operations as a mill distributor shall be governed by the provisions of this order applicable to mill distributors, and his operations as a surplus distributor shall be governed by the provisions of this order applicable to surplus distributors.

SEC. 6. *How a mill distributor obtains aluminum.* (a) In each calendar month a mill distributor may place orders with a domestic producer for the same quantity of each form and shape of aluminum which he delivered during the preceding month, from his stock of aluminum purchased from a domestic producer, to fill authorized controlled materials orders, orders which he is permitted to accept under the provisions of section 9 of this order, or orders which he has been directed to fill by NPA. Such orders must bear the distributor's AM number and the certification required by section 11 of this order.

(b) In the event a mill distributor does not sell a sufficient quantity of forms or shapes during any single month to warrant a mill-rolling of that form or shape by the producer, he may accumulate the orders he is authorized to place by this order for that particular form or shape for a period not to exceed three calendar months. Orders which are accumulated in accordance with this paragraph may be considered to have been deliveries "during the preceding month" for the purposes of paragraph (a) of this section.

(c) In order to enable mill distributors to maintain inventories at a level consistent with the total supply of aluminum and the needs of consumers who normally purchase aluminum from mill distributors, NPA may from time to time authorize a mill distributor to acquire specific quantities of a given form or shape of aluminum in addition to the quantity he is permitted to order pursuant to paragraph (a) of this section.

(d) A mill distributor's order bearing his AM number and the certification required by section 11 of this order is hereby designated an authorized controlled material order for the purpose of all CMP regulations.

SEC. 7. *How a surplus distributor obtains aluminum.* (a) A surplus distributor may place orders for aluminum only with a consumer of such material, or an owner, a contractor, or a subcontractor who has properly received delivery thereof but who cannot use them for a purpose permitted by section 17 (b) of CMP Regulation No. 1 or section 17 (d) of Revised CMP Regulation No. 6, and who desires to dispose of them. Such orders must bear the allotment symbol AS and the certification required by section 11 of this order.

(b) A surplus distributor's order bearing the allotment symbol AS and his certification as required by section 11 of this order is hereby designated an authorized controlled material order for the purpose of section 17 (d) of CMP Regulation No. 1 and section 17 (f) of Revised CMP Regulation No. 6.

SEC. 8. *Limitations on acceptance of mill distributors' orders by aluminum producers.* (a) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 of this order if the mill distributor placing the order did not purchase aluminum from such producer during the base period.

(b) An aluminum producer need not accept an order bearing the mill distributor's AM number and the certification required by section 11 for any form or shape of aluminum which the mill distributor placing the order did not purchase from the producer during the base period.

(c) If any order of a mill distributor is rejected by a producer, the mill distributor should apply to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88, specifying the aluminum producer that refused to accept the order. NPA will assist him in locating sources of supply. NPA may from time to time issue directives to aluminum producers with respect to the acceptance of and shipment to fill a mill distributor's order.

SEC. 9. *Acceptance of orders which are not authorized controlled material orders.* Subject to the limitations provided in section 10 of this order, a mill distributor who has been assigned an AM number, or a surplus distributor who is entitled to use the allotment symbol AS may accept orders from persons who are not required to have an authorized production schedule or allotment, and who are not entitled to place an authorized controlled material order under any other order or regulation of NPA (for example: persons ordering aluminum for personal or household use), for shipment each month of a quantity of aluminum not to exceed, in the aggregate shipped to all such persons, 5 percent of his total sales from stock during the previous month.

SEC. 10. *Rejection of orders by distributors.* (a) Unless specifically directed by NPA, no distributor shall be required to accept any order calling for delivery to any one person at any one destination for any one month, and regardless of gages, alloys, sizes, or shapes, of more than 1,000 pounds of aluminum sheet or plate, more than 300 pounds of aluminum wire, rod, or bar, or more than 300 pounds of aluminum tubing, extrusions, or structural shapes.

(b) A mill distributor may accept an order from another mill distributor, but is not required to do so unless specifically directed to by NPA. No person operating solely as a surplus distributor may place an order with, or accept delivery from, any other distributor.

(c) NPA from time to time may earmark particular aluminum products in the inventory of any aluminum distributor for special treatment by such distributor. Any such earmarking shall be accomplished by the issuance by NPA of published schedules under this order or by directives to specified distributors. Such schedules or directives may provide, among other things, that the aluminum products so earmarked shall be held by the aluminum distributor solely for sale to persons designated by an agency of the United States Government. Such schedules or directives may contain such other provisions particularly applicable to such earmarked stock as NPA may deem appropriate. All provisions of any schedule or directive shall be deemed to be incorporated into and made a part of this order as of the effective date of the schedule, or directive, or amendment thereto, as the case may be. In the event of any inconsistency between a schedule or directive and this order, the provisions of the schedule or directive shall govern. Schedules or directives may be issued or amended at any time and from time to time, and shall remain in full force and effect until individually amended, superseded, or revoked.

SEC. 11. *Certification.* Each order for aluminum bearing the allotment symbol AM placed by a distributor with an aluminum producer and each order for aluminum bearing the allotment symbol AS placed by a distributor with a consumer, an owner, a contractor, or a subcontractor pursuant to this order shall contain a certification in substantially the following form:

Certified under CMP Regulation No. 1 and NPA Order M-88

The certification shall be signed as set forth in NPA Reg. 2, and will constitute a representation to the person with whom the order is placed and to NPA that the purchaser is authorized to use the AM number or allotment symbol AS under the provisions of this order to obtain the material so ordered.

SEC. 12. *Imported aluminum.* Nothing contained in this order restricts or limits the acquisition of imported aluminum by persons who acquire title to such material before its entry into the United States, its territories or possessions, and who do not use the aluminum so acquired.

SEC. 13. *Applicability of other regulations and orders.* Nothing contained in this order shall be construed to relieve any person from the obligation of complying with such limitations as may be contained in any other applicable NPA regulation or order or of any order or regulation of any other competent authority.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Each distributor shall file a report on Form NPAF-122 with the Bureau of the Census not later than the tenth day of each month following the month covered by the report.

(d) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-88.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8237; Filed, July 23, 1952; 12:18 p. m.]

[NPA Order M-89, Amendment 2 of July 23, 1952]

M-89—DISTRIBUTION OF CONTROLLED MATERIALS TO RETAILERS

DELETION OF CERTAIN ALUMINUM ITEMS FROM SCHEDULE

This amendment to NPA Order M-89 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects a large number of different trades and industries.

AMENDATORY PROVISIONS

NPA Order M-89, as last amended May 9, 1952, is hereby amended in the following respects:

The following items in Schedule I of NPA Order M-89, as amended May 9, 1952, under the heading *C. Aluminum* are deleted, the other items under that heading being redesignated accordingly.

$25	(d)	Foil in mill form, but not including foil sold for packaging or general household use	60
$25	(h)	Powder (atomized or flake, including paste)	60

As amended, Schedule I under the heading *C. Aluminum* now reads as follows:

C. Aluminum

$25	(a)	Bars and rods, rolled or extruded	60
$25	(b)	Extruded shapes	60
$35	(c)	Sheets	60
$50	(d)	Tubing	60
$25	(e)	Drawn wire, such as used for guy wire or clothes line	60
$25	(f)	Insulated or covered wire or cable for electrical conduction	60

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp. 2154)

This amendment shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8238; Filed, July 23, 1952; 12:18 p. m.]

[NPA Reg. 1, as Amended July 23, 1952]

NPA REG. 1—INVENTORY CONTROL

This regulation, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended regulation, consultation with industry representatives has been rendered impracticable because this regulation applies to all trades and industries.

This regulation, as amended, affects NPA Reg. 1, as amended by Amendment 1 of May 16, 1952, and by Amendment 2 of June 30, 1952, as follows: The second sentence of paragraph (b) of section 2 is changed in order to refer specifically to the period intended. Changes of a minor nature are made in paragraphs (a) and (b) of section 5. Section 13 is changed to provide for an election of the method of maintaining inventory records where more than one operating unit is involved. Certain items have been deleted from Table IA under the headings "Chemicals," "Forest Products," "Metals and Minerals," "Textile Materials" and "Miscellaneous." A few chemicals have been added to Table IA and certain items appearing in Table IB are also added to Table IA, as shown therein by asterisks.

domestic producer for the same quantity of each form and shape of aluminum

or shape of aluminum which the mill distributor placing the order did not pur-

order, the provisions of

directive shall govern. Schedules or di-

the provisions of this order. This order

lation of this amendment, consultation

Table IA, as shown therein by asterisks.

Certain items have been deleted from Table IB. Other items have been deleted from Table II because of revocation or changes in certain of the M-orders previously listed therein.

Sec.
1. What this regulation does.
2. Definitions.
3. Materials affected.
4. Persons affected.
5. Restrictions on receipts.
6. Restriction on deliveries.
7. Restrictions on ordering.
8. Adjustment of orders.
9. Receipts permitted after adjustment of orders.
10. Imported materials.
11. Minimum production or sales quantities.
12. Excess inventory.
13. Separate operating units.
14. Relation to other NPA regulations and orders.
15. Defense against claims for damages.
16. Request for adjustment or exception.
17. Records and reports.
18. Communications.
19. Violations.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of materials in short supply. It does this by limiting the quantities of such materials that can be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Practicable minimum working inventory" means the smallest quantity of material from which a person can reasonably meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation. In the absence of unusual circumstances, a person's inventory will be considered more than a practicable minimum working inventory if the ratio of his inventory to his currently scheduled operations is substantially greater than the ratio which he normally maintained between his inventory and his operations during any reasonably representative period in the 6 months ending June 30, 1950.

SEC. 3. *Materials affected.* This regulation applies only (a) to those materials listed in Table IA or Table IB (as amended from time to time) appearing at the end of this regulation, in the shapes and forms therein specified, or if no particular shape or form of any such material is specified, then in all shapes and forms of such material, and (b) to such other materials as may be made subject to it by any other NPA regulation or order.

SEC. 4. *Persons affected.* This regulation applies to all persons buying for use or resale, including resale in export trade, except an ultimate consumer with respect to the buying of materials for his personal or household use.

SEC. 5. *Restrictions on receipts.* (a) Except as provided in paragraph (b) of this section, no person may receive or accept delivery of any material listed in Table IA of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory.

(b) No person buying for use in production or construction or for use as maintenance, repair, or operating supplies, may receive or accept delivery of any material listed in Table IB of this regulation, if his inventory of such material is, or by reason of such receipt would become, more than a practicable minimum working inventory, or more than the smallest quantity thereof reasonably required to meet his deliveries or supply his services on the basis of his currently scheduled method and rate of operation during the next succeeding number of calendar days listed for that material in column 2 of Table IB, whichever is less.

(c) In figuring his inventory a person must include all such material referred to in paragraphs (a) and (b) of this section, in his possession or held for his account by others, but not that held by him for the account of others. For the purpose of the restrictions in paragraphs (a) and (b) of this section, a material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, and aging, or segregation or earmarking for a specific job.

(d) Any person engaged in a seasonal business or industry who normally stocks inventory in advance of the season may, notwithstanding the restrictions in paragraphs (a) and (b) of this section, accept such advance delivery of his seasonal requirements provided that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated seasonal requirements.

SEC. 6. *Restriction on deliveries.* No person may deliver any material if he knows, or has reason to believe, that the person requesting delivery is forbidden to receive it by this regulation.

SEC. 7. *Restrictions on ordering.* (a) No person may place any order calling for delivery of any material earlier, or in larger amounts, than he would be permitted to receive under this regulation.

(b) No person may place separate orders with the same supplier, or with different suppliers, calling for delivery in the aggregate of any material in excess of the amount he is permitted to receive under this regulation even though he intends to cancel one or more of the orders before delivery.

SEC. 8. *Adjustment of orders.* (a) A person who, prior to the effective date of any amendment to this regulation, has placed any order for a material calling for delivery earlier, or in greater quantities, than he is permitted to receive under this regulation must promptly cancel, reduce, or defer delivery under, every such order to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory of such material. Nothing in this section shall affect any obligation of, or liability incurred by, a person under this regulation prior to the effective date of any amendment of this regulation.

(b) A person whose requirements change because of an alteration in his operations, slowing or stoppage of his production, or delayed delivery by suppliers, or for any other reason, must promptly cancel, reduce, or defer delivery under, his outstanding orders to the extent necessary so that delivery will not result in his exceeding his practicable minimum working inventory.

SEC. 9. *Receipts permitted after adjustment of orders.* Where a person has promptly adjusted his outstanding orders as required by section 8 of this regulation, delivery of the material involved may be made and accepted, and the restrictions on receipts of materials provided in this regulation may be exceeded, in any of the following cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier had in stock, or in production, or for the production of which he had acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and which cannot readily be disposed of to others.

(c) If the material had already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the producer's books.

SEC. 10. *Imported materials.* A person may import any material acquired prior to landing without regard to the inventory restrictions of this regulation. However, if his inventory of a material thereby becomes in excess of the amount permitted, he may not receive further deliveries of it from domestic sources until his inventory is reduced to permitted levels. The inventory restrictions of this regulation do apply to any deliveries of the imported material he makes, and to the amount of it that any person accepting delivery from him is permitted to receive.

SEC. 11. *Minimum production or sales quantities.* In the case of materials that are mass produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such a material, or from any other supplier a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his inventory of such material is thereby increased beyond a practicable minimum working inventory. He may not thereafter receive additional quantities of such material until his inventory thereof is reduced below a practicable minimum working inventory.

SEC. 12. *Excess inventory.* This regulation does not provide for disposal of excess inventory which may be on hand. Excess inventory may, however, be subject to requisition under certain circumstances, as provided in section 201 (a) of Title II of the Defense Producton Act of 1950, as amended.

SEC. 13. *Separate operating units.* A person who has or may hereafter have more than one operating unit in his business may elect on or after July 23, 1952, to maintain separate inventory records for any of such units. After such an election has been made it may not at any time thereafter be changed without the prior written approval of NPA. The provisions of this regulation shall apply independently to any unit for which separate inventory records are maintained pursuant to this section.

SEC. 14. *Relation to other NPA regulations and orders.* Other or additional inventory restrictions are included in certain NPA orders and other regulations presently in effect, and may be included in NPA orders and other regulations issued in the future. The inventory restrictions of any such order or other regulation shall govern to the extent that they modify this regulation. Table II at the end of this regulation includes a list of materials with respect to which quantitative inventory restrictions are provided in the orders and other regulations listed in that table, in effect on the date specified in that table. Even if an NPA order or other regulation containing inventory restrictions is not listed in Table II, a person must nevertheless comply with such restrictions. Upon revocation in any manner of the inventory restrictions of an order or regulation listed in Table II, covering a material listed in Table IA or Table IB of this regulation, all provisions of this regulation shall apply to such material.

SEC. 15. *Defense against claims for damages.* Persons complying with this regulation are entitled to the protection afforded by section 707 of the Defense Production Act of 1950, as amended, which provides in part that "No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from his compliance with a rule, regulation, or order issued pursuant to this act, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid."

SEC. 16. *Request for adjustment or exception.* Any person affected by any provision of this regulation may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 17. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 18. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 1.

SEC. 19. *Violations.* Any person who wilfully violates any provision of this regulation, or any other regulation or order of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Reg. 1, as so amended, shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE IA OF NPA REG. 1

(As amended July 23, 1952)

MATERIALS SUBJECT TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION

(See section 5 (a))

[Items preceded by asterisk (*) have been added or are changed in their description since issuance of NPA Reg. 1 as amended April 2, 1952]

CHEMICALS

Acetylene.
*Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Benzene (benzol).
*Bis-phenol.
Butadiene.
Calcium carbide.
*Charcoal, granular.
*Chlorine.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Dihydroxydichlorodiphenylmethane.
Freon.
Lithium chemicals.
*Lithium metal.
Methylene chloride.
Monochlorotrifluorethylene.
Naphthalene.
Nickel chemicals.
Oxygen.
Parachlorophenol.
Paranitrophenol.
*Paraphenylphenol.
*Paratertiary butyl phenol.
Phthalic anhydride.
Pine oil.
Polyethylene.
Polyethylene resins.
Pyrethrum.
Pyridine.
Selenium compounds (as defined in NPA Order M-91).
Sulfur.
Sulfuric acid.
Toluene.

FOREST PRODUCTS

*Lumber as specified below (excluding inventories of producers or distributors, but including inventories of users).
Cedar: Port orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine: Southern, longleaf, upper grades.
Teak.
*Plywood, softwood AA grade, all thicknesses, exterior and interior; ¼ inch, all grades, exterior.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

*Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished.
*Malleable iron castings, rough and semifinished.
*Pig iron.
Steel:
*Forgings (rough as forged).
Iron and steel scrap.
*Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).

METALS AND MINERALS

*Aluminum foil (plain coiled).
*Aluminum powder (atomized or flake, including paste).
Aluminum scrap.
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.
*Beryllium: Metal, oxides, master alloys, and compounds.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
*Chromium:
Chrome metal.
Ferro-chrome.
*Cobalt: Cobalt metal, oxides, and hydrides.
*Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic).
Secondary copper and copper-base alloys.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Corundum, grain and superfines.
Cryolite.
Diamonds, industrial.
Electrodes, carbon.
Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
*Graphite, natural:
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
*Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
*Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
*Rutile.
*Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead, and zinc scrap).
*Selenium and selenium alloys.
*Talc, block (lava grade).
*Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
*Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
*Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium-bearing alloys.
Titanium-base alloy scrap.
*Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
*Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high-tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

*Bristles, pigs' and hogs'.
*Components and parts for electric light bulbs and tubes.

CONTAINERS AND PACKAGING MATERIALS

Collapsible tubes.
Cylinders, gas.
*Metal cans.
Packaging closures made in whole or in part of controlled materials.[1]

TABLE IB OF NPA REG. 1

(As amended July 23, 1952)

MATERIALS SUBJECT TO SPECIFIC CALENDAR DAY INVENTORY LIMITATION OR TO PRACTICABLE MINIMUM WORKING INVENTORY LIMITATION, WHICHEVER IS LESS

(See section 5 (b))

[Items preceded by asterisk (*) have been added or are changed in their description since issuance of NPA Reg. 1 as amended April 2, 1952]

Materials	Inventory limitation (calendar days)
*Aluminum castings (before machining)	60
*Aluminum forgings, pressings, and impact extrusions (before machining)	60
*Aluminum foil (plain coiled)	60
*Aluminum powder (atomized or flake, including paste)	60
Components and parts for electric light bulbs and tubes	60
*New drums, steel shipping	[2] 60
Iron:	
*Pig iron	30
*Gray iron castings (excluding cast iron soil and pressure pipe and fittings), rough and semifinished	60
Steel:	
Forgings (rough as forged)	60
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel)	45
Reels and spools, shipping and package, wholly or in part of metal	[2] 60
Rutile	45
Strapping, metal (but not less than 1,000 pounds)	[2] 60

[1] Packers may continue customary carload or truckload lot purchases provided deliveries are not received or accepted until inventories of drums of each size and type included in such carload or truckload is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

[2] The practicable minimum working inventory limitation provision does not apply.

[2] Users customarily purchasing metal strapping in full carload lots may continue such purchases provided deliveries are not received or accepted until inventory is less than a 45-calendar-day supply. The practicable minimum working inventory limitation provision does not apply.

[1] Packers may purchase packaging closures in carload or truckload lots provided deliveries of any size or type of packaging closures are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

TABLE II OF NPA REG. 1

(As amended July 23, 1952)

MATERIALS SUBJECT TO SPECIAL INVENTORY RESTRICTIONS IN NPA ORDERS OR OTHER NPA REGULATIONS IN EFFECT ON JULY 23, 1952

(See section 14)

[Items preceded by asterisk (*) have been added since issuance of NPA Reg. 1 as amended April 2, 1952]

Materials	NPA order or regulation
Pig tin	M-8
Lead-base alloys (1.5 percent or more tin)	M-8
All other materials and alloys containing 1.5 percent or more tin	M-8
Copper, refined and or scrap	M-19
Iron and steel scrap	M-20
Aluminum scrap	M-22
Cans	M-25
Steel, copper, and aluminum for electric utilities	M-50
Platinum and platinum scrap	M-54
Sulfur	M-59
Marine MRO	M-70
*MRO for rail transportation systems	M-73
*Communications	M-77
MRO for mining industry	M-78
Alloying materials:	
Boron	M-80
Calcium	M-80
Chromium	M-80
Cobalt	M-80
Columbium and tantalum	M-80
Manganese	M-80
Molybdenum, excluding pure molybdenum	M-80
Nickel	M-80
Silicon	M-80
Titanium	M-80
Tungsten, excluding pure tungsten	M-80
Vanadium	M-80
Zirconium	M-80
Pure tungsten	M-81
Pure molybdenum	M-81
Brass mill products	M-82
Copper wire mill products	M-86
MRO for solid fuels industry	M-87
Certain controlled materials in the inventory of a retailer	M-89
Selenium	M-91
Sulfuric acid	M-94
Cryolite	M-99
*Diamond grinding wheels	M-103
*MRO for iron and steel producers	M-105
Steel (controlled material shapes and forms)	CMP Reg. 2
Copper (controlled material shapes and forms)	CMP Reg. 2
Aluminum (controlled material shapes and forms)	CMP Reg. 2
MRO—general	CMP Reg. 5
MRO repairmen	CMP Reg. 7

NOTE: Interpretations 1, 2, and 3, as amended October 22, 1951, remain in full force and effect.

[F. R. DOC. 52-8239; Filed, July 23, 1952; 12:19 p. m.]

[NPA Reg. 2, Direction 3 as Amended July 23, 1952]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 3—RESTRICTIONS UPON USE OF RATINGS

This amended direction to NPA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives, including trade

association representatives, has been rendered impracticable by the fact that this direction applies to all trades and industries.

REGULATORY PROVISIONS

SECTION 1. (a) No rating shall be applied or extended to obtain any of the materials or products listed in any numbered item of Appendix A of this direction on or after the date set forth opposite such numbered item, unless the rating bears a program identification consisting of the letter **A**, **B**, **C**, or **E**, and one digit, or the program identification Z-1 or Z-2.

(b) These restrictions shall not affect the status of ratings applied or extended to obtain any item listed in Appendix A of this direction prior to the date set forth opposite each such numbered item.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction as amended, shall, except as otherwise provided herein, take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF DIRECTION 3 TO NPA REG. 2

Material or product	Effective date
1. Any basic, organic, or inorganic chemicals, their intermediates and derivatives, other than compounded end products not customarily sold as chemicals.	Sept. 25, 1951
2. Any primary paper or paperboard (this does not include paper or paperboard processed beyond the primary or base stock stage).	Jan. 15, 1952
3. Waterfowl feathers (goose or duck feathers and down, separated from the fowl, domestic and imported, new and used, regardless of length; except flight feathers having no natural curl).	May 12, 1952
4. Pigs' or hogs' bristles, and brushes and bristle products containing pigs' or hogs' bristles.	June 13, 1952
5. High-tenacity rayon (yarn of 250 denier or coarser and having an average tenacity of 3 grams per denier or higher).	July 18, 1952
6. Pig iron	July 18, 1952
7. Aluminum foil, aluminum powder (atomized or flake, including paste)	July 23, 1952

[F. R. Doc. 52-8240; Filed, July 23, 1952; 12:19 p. m.]

[NPA Designation of Scarce Materials 1, as Amended July 23, 1952]

DSM-1—DESIGNATION OF SCARCE MATERIALS AND WITHDRAWAL OF PREVIOUS DESIGNATION

This amended designation is issued pursuant to section 102 of the Defense Production Act of 1950, as amended; Executive Orders 10161, 10200, and 10281; and Defense Production Administration Delegation 1, as amended (16 F. R. 738, 4594).

DSM-1, as last amended June 5, 1952, is amended by revising the designation of scarce materials contained in the appended List A and the withdrawals contained in the appended List B, and by revising section 8 to reflect the changes made in such designation and withdrawal.

REGULATORY PROVISIONS

Sec.
1. Purpose of this designation.
2. Definition of person.
3. Designation of scarce materials.
4. Receipts of imported materials.
5. Receipts of minimum production or sales quantities.
6. Receipts of materials after adjustment of orders.
7. Applicability of other provisions of law, regulation, and orders.
8. Withdrawal of designation of scarce materials.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 102, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2072; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951, Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *Purpose of this designation.* Section 102 of the Defense Production Act of 1950, as amended, provides in part that, in order to prevent hoarding, no person shall accumulate (a) in excess of the reasonable demands of business, personal, or home consumption, or (b) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated as scarce materials or materials the supply of which would be threatened by such accumulation. This designation lists certain materials as scarce materials. It also prescribes in sections 4, 5, and 6, certain conditions under which a person may accumulate such materials in excess of the reasonable demands of business, personal, or home consumption. In addition it lists other materials which are withdrawn from their previous designation as scarce.

SEC. 2. *Definition of person.* As used in this designation, the word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

SEC. 3. *Designation of scarce materials.* Each material included in List A of this designation, in the shapes and forms therein described, or in all shapes and forms if no particular shape or form is therein described, is hereby designated, pursuant to section 102 of the Defense Production Act of 1950, as amended, a scarce material. Whenever "material" or "materials" is hereinafter used, it means any such designated material or materials.

SEC. 4. *Receipts of imported materials.* (a) Notwithstanding any provision of this designation, a person may import by land, sea, or air any material acquired by him prior to landing without regard to the reasonable demands of his business, personal, or home consumption. However, if his total quantity of a material accumulated thereby becomes in excess of the reasonable demands of his business, personal, or home consumption, he may not receive any additional amount of such material from any domestic source until his total quantity thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

(b) Within the meaning of paragraph (a) of this section, importation by a person is not limited to the person who takes title to the material prior to landing or who pays the customs entry thereon, but includes a person who, prior to landing, purchases or contracts to purchase the material from or through an importing broker, wholesaler, or other importer, even though such broker, wholesaler, or other importer makes the customs entry in his own name, places the material on board the inland carrier for shipment to his customer, and retains title until such shipment is made. Within the meaning of paragraph (a) of this section, a material is not imported by a person who acquires such material from an importing broker, wholesaler, or other importer who took such material into his own stock or inventory.

SEC. 5. *Receipts of minimum production or sales quantities.* Notwithstanding any provision of this designation, in the case of materials that are mass-produced or are normally marketed only in minimum sales quantities, a person may order and receive from a producer a minimum production run of such material, or from any other supplier, a minimum sales quantity, provided it is not practicable for him to procure his needs from other suppliers in smaller quantities, even though his accumulation of such material thereby becomes in excess of the reasonable demands of his business, personal, or home consumption. After such receipt, however, he may not receive any additional amount of such material until his accumulation thereof has been reduced below an amount which is not in excess of the reasonable demands of his business, personal, or home consumption.

SEC. 6. *Receipts of materials after adjustment of orders.* Notwithstanding any provision of this designation, a person who has promptly instructed the supplier to reduce or defer delivery of a material under an order for such material previously placed by him with the supplier, to the extent necessary so that his accumulation of such material will not be in excess of the reasonable demands of his business, personal, or home consumption, may accept delivery of the material involved in any of the following cases only:

•Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate, and other vanadium-bearing products.

are not received or accepted until inventory of the particular size or type is less than a practicable minimum working inventory.

direction as amended, consultation with industry representatives, including trade

8769, 3 CFR, 1951 Supp.

"material" or "materials" is hereinafter

ing cases only:

(a) If the supplier has shipped the material or loaded it for shipment before receipt of the instruction to adjust the order.

(b) If the material is a special item which, before receipt of the instruction to adjust the order, the supplier has in stock or in production, or for the production of which he has acquired special components or special materials. For the purpose of this section a "special item" is one which the supplier does not usually make, stock, or sell, and cannot readily dispose of to others.

(c) If the material has already been produced or was in production before receipt of the instruction to adjust the order and cannot be used to fill other orders on the books of the producer.

SEC. 7. *Applicability of other provisions of law, regulations, and orders.* Nothing in sections 4, 5, and 6 of this designation shall be deemed to modify in any respect, or relieve any person from complying with, any applicable regulation, order, or other provision of law.

SEC. 8. *Withdrawal of designation of scarce materials.* The materials included in List B of this designation, all of which were designated as scarce materials in List A of NPA Designation of Scarce Materials 1 of June 5, 1952, are hereby withdrawn from such designation.

This Designation of Scarce Materials 1, as amended, shall take effect July 23, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A—DESIGNATION OF SCARCE MATERIALS

[Items preceded by asterisk have been added or are changes in their description since issuance of NPA Designation 1, as amended June 5, 1952]

CHEMICALS

Acetylene.
•Alkyl and aromatic substituted phenolic resins.
Alkyl polysulfide polymers (Thiokol-polymers, trade name).
Alpha picoline.
Argon.
Benzene (benzol).
•Bis-phenol.
Butadiene.
Calcium carbide.
•Charcoal, granular.
•Chlorine.
Cobalt salts and driers.
Copper chemicals.
Cyclohexanol.
Dihydroxydichlorodiphenylmethane.
Freon.
Lithium chemicals.
•Lithium metal.
Methylene chloride.
Monochlorotrifluorethylene.
Naphthalene.
Nickel chemicals.
Oxygen.
Parachlorophenol.
Paranitrophenol.
•Paraphenylphenol.
•Paratertiary butyl phenol.
Phthalic anhydride.
Pine oil.
Polyethylene.
Polyethylene resins.
Pyrethrum.
Pyridine.
Selenium compounds.
Sulfur.
Sulfuric acid.
Toluene.

FOREST PRODUCTS

•Lumber:
Cedar: Port Orford.
Cypress.
Douglas fir, thick clears.
Eucalyptus: Ironbark.
Pine: Southern, longleaf, upper grades.
Teak.
•Plywood, softwood AA grade, all thicknesses, exterior and interior; ½ inch, all grades, exterior.

LEATHER AND TANNING MATERIALS

Vegetable tanning materials:
Chestnut.
Wattle.

IRON AND STEEL

Iron:
Pig iron.
•Gray iron castings (excluding soil and pressure pipe and fittings) rough and semi-finished; malleable iron castings, rough and semifinished.
Steel (carbon, including low alloy, high strength alloy, and stainless): Ingots and semifinished steel, including skelp; steel castings, rough and semifinished; structural shapes and piling; plates; rails and track accessories; wheels and axles; bars, hot-rolled, including light shapes and reinforcing; cold-finished bars; pipe; tubing; wire, wire rods, and drawn wire products; tin plate, terneplate, and tin mill black plate; hot-rolled sheet and strip; cold-rolled sheet and strip; other mill shapes and forms.
Forgings, rough as forged.
Non-nickel-bearing stainless (i. e., containing less than 1 percent nickel).
Iron and steel scrap.

METALS AND MINERALS

Aluminum:
Primary and secondary in crude form.
Semifabricated shapes, castings (including die); forgings, plate, sheet and strip; foil; rolled structural shapes, rod, bar, and wire; extruded shapes, tube blooms, and tubing; powder, flake, and paste.
All aluminum and aluminum-base scrap containing commercially recoverable aluminum.
Aluminum castings (before machining).
Aluminum forgings, pressings, and impact extrusions (before machining).
Asbestos, amosite.
Asbestos, chrysotile, spinning fibers.
Asbestos, crocidolite.
•Beryllium: Metal oxides, master alloys, and compounds.
Cerium:
Cerium metal, cerium alloys, such as ferro-cerium and cerium compounds in which cerium is a recognizable component.
All scrap and waste material containing commercially recoverable cerium of the above listed types.
•Chromium:
Chrome metal.
Ferro-chrome.
•Cobalt: Cobalt metal, oxides, and hydrides.
•Columbium: Pure metal and chemicals, ferro-columbium, ferro-columbium-tantalum (ferro-tantalum-columbium).
Copper:
Refined copper (fire-refined and electrolytic) including refinery shapes such as wire bars, slabs, cakes, billets, and ingots.
Secondary copper and copper-base alloys.
Copper—Continued
Copper and copper-base alloys: alloy plate, sheet, and strip; alloy rod, bar, and wire (including extruded shapes); alloy tube and pipe; unalloyed rod, bar, and wire (including extruded shapes); unalloyed plate, sheet, and strip; unalloyed tube and pipe; copper and copper-base alloy castings; copper powder mill products.
All copper and copper-base alloy scrap containing commercially recoverable copper.
Corundum, grain and superfines.
Cryolite.
•Diamond grinding wheels.
Diamonds, industrial.
Electrodes, carbon.
Fluorspar, acid and ceramic grades.
Graphite, artificial, electrodes and anodes.
•Graphite, natural:
Crucible flake.
Ceylon lump, 97 percent and higher carbon.
Iridium.
Magnesium:
Magnesium, primary and secondary ingots.
Semifabricated shapes.
All magnesium-base alloy scrap containing commercially recoverable magnesium.
•Manganese: Manganese metal and ferro-manganese.
Mica, muscovite block and film, good stained and better.
•Molybdenum:
Pure metal, powder, wire, rod, sheet.
Ferro-molybdenum, molybdenum oxide and molybdenum compounds.
Nickel:
Nickel, alloyed or unalloyed.
Imported nickel matte.
Nickel and nickel alloy, metal (cathode nickel, pigs, shot, and other primary forms).
Nickel and nickel alloy, secondary.
Nickel and nickel alloy, semifinished; bars, rods, tubes, sheet bar, ingot, blooms, billets, sheet strip, and similar mill products not further manufactured.
All nickel and nickel-base alloy scrap and nickel silver scrap containing commercially recoverable nickel.
Platinum.
Rutile.
•Scrap, ferrous and nonferrous (except antimony, bismuth, cadmium, lead and zinc scrap).
•Selenium and selenium alloys.
•Talc, block (lava grade).
•Tantalum:
Pure metal and chemicals.
Ferrotantalum-columbium.
•Tin:
Pig tin, primary or secondary.
All other materials and alloys containing 1.5 percent or more tin.
•Titanium:
Sponge.
Semifabricated shapes.
Sheets, tubes, extrusions.
Titanium bearing alloys.
Titanium-base alloy scrap.
•Tungsten: Pure metal, powder, wire, rod, sheet, chemical compounds, ferrotungsten.
•Vanadium: Ferrovanadium, vanadium oxide, ammonium meta-vanadate and other vanadium bearing products.
Zirconium: Zirconium metal, ferro-aluminum-zirconium-silicon alloys, and all other metallic compositions used as sources of zirconium in the manufacture of any alloy products.

RUBBER MATERIALS

Natural rubber, dry.

TEXTILE MATERIALS

Nylon staple and nylon filament yarn.
Rayon yarn, high tenacity.
Silk, noils and waste.
Twine, binder and baler.

MISCELLANEOUS

•Bristles, pigs' and hogs'.
•Metal cans.
Collapsible tubes.
Components and parts for electric light bulbs and tubes.
Cylinders, gas.
•New drums, steel, shipping.
Packaging closures made in whole or in part of controlled materials.
Reels and spools, shipping and package (wholly or in part of metal).
Strapping, metal.

LIST B—MATERIALS WITHDRAWN FROM THEIR PREVIOUS DESIGNATION AS SCARCE IN LIST A OF NPA DESIGNATION 1 AS AMENDED JUNE 5, 1952

BUILDING MATERIALS

Cast iron pressure pipe and fittings.
Cast iron soil pipe and fittings.

CHEMICALS

Alkyl phenol.
Alkyl phenol resins.
Allethrin.
Amylphenol.
Butyl phenol.
Carbon disulfide.
Chloroform.
Chlorophenol-para.
Cyclohexylamine.
Dichlorobenzene, ortho, meta and para.
Dichlorodiphenyltrichloroethane.
2-4 Dichlorophenoxy acetic acid.
Diphenylamine.
Ethylene oxide.
Hexylresorcinol.
Hydrofluoric acid and compounds derived therefrom.
Iron oxide yellow.
Lead naphthenate.
Melamine resins and molding powders.
Naphthenic acid.
Orthophosforic acid.
Phenothiazine.
Phosphorus.
Polytetrafluorethylene.
Polyvinylidene chloride and copolymer resins.
Resorcinol.
Resorcinol resins.
Sebacic acid.
Sodium chlorate.
Sulfonated oils.
Zinc chloride.
Zinc ammonium chloride.

FOREST PRODUCTS

Lumber (except railway crossties, mine ties, and hardwood flooring).
Plywood (softwood and hardwood).
Wood poles and piles.
Paper, paperboard, wet machine board, and construction paper and board materials, all types and grades.
Converted paper and board products, all types and grades.

IRON AND STEEL

Gray iron castings (including soil and pressure pipe and fittings) rough and semi-finished.

METALS AND MINERALS

Boron: Ferro-boron, boron metal and all other alloys used as sources of boron.
Calcium: Calcium-silicon, calcium-manganese silicon, and metallic calcium.
Mica, splittings, muscovite, and phlogopite.
Osmium.
Scrap, nonferrous, all types. (Antimony, bismuth, cadmium, lead and zinc scrap are removed from this item.)
Silicon: All grades of ferro-silicon, including silvery iron or silicon pig; all grades of silicon metal; and all other compositions containing more than 6 percent silicon, which are used as sources of silicon in the manufacture of any alloy products.
Tin:
Tin, chemicals, including tin oxide.
Tin products such as tin pipe and sheet.
All alloys containing tin.
All tin and tin-base alloy scrap containing commercially recoverable tin.
Zinc, slab (all grades).

TEXTILE MATERIALS

Bristle, nylon tapered.
Burlap, Hessian (in the piece).
Cotton duck, army (in the piece).
Cotton duck, numbered (in the piece).
Webbing (heavy military types).

MISCELLANEOUS

Aluminum foil, converted.
Cellophane.
Containers and fabricated products made wholly or partly from aluminum foil.
Containers, metal delivery and fluid milk shipping containers.
Containers, other shipping containers, packages and packaging material, except glass containers.
Textile bags.
Unit packages, wrappers, and shipping containers of all types made wholly or partly from any of the following films and plastics: Cellophane, cellulose acetate, cellulose acetate butyrate, ethyl cellulose, melamine resins and molding powders, methyl cellulose, phenolic resins and molding powders, pliofilm, polyethylene, polystyrene and copolymers, polyvinyl alcohol, polyvinyl chloride and copolymers, polyvinylidene chloride and copolymers, and urea resins and molding powders.

RUBBER MATERIALS

Synthetic rubbers, including latices, GR-S, butyl, neoprene, and N-type.

[F. R. Doc. 52-8241; Filed, July 23, 1952; 12:19 p. m.]

Chapter XIV—General Services Administration

MANGANESE REGULATIONS

DOMESTIC MANGANESE PURCHASE PROGRAM

Correction

In F. R. Doc. 52-7544, appearing at page 6154 of the issue for Wednesday, July 9, 1952, section 5 (a) should be changed as follows:

SEC. 5. *Specifications*—(a) *Chemical requirements.* All shipments must meet the following chemical analysis:

	By weight (dry basis) (percent minimum)
Manganese (Mn)	40.0
	(percent maximum)
Iron (Fe)	16.0
Silica plus Alumina (SiO_2 plus Al_2O_3)	15.0
Phosphorous (P)	.30
Copper plus lead plus zinc (Cu plus Pb plus Zn)	[1] 1.00

[1] Of which not more than 0.25 percent may be copper.

Analyses superior to the foregoing are desired.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 925]

[Docket No. AO-226-A3]

HANDLING OF MILK IN PUGET SOUND, WASHINGTON, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the United Dairymen's Association, and was held March 11–14, 1952. The major issues presented on the record of the hearing and covered by this decision relate to:

1. Revision of the method of computing producer bases and of the rules governing the allotment and application of such bases.

2. Modification of the definition of "handler" to include bargaining cooperatives which do not operate plants.

3. Introduction of a provision designed to change the Class I price differential automatically in response to changes in the Class I sales and producer supply relationship on a 12 months' moving average basis; revision of the date by which the monthly Class I price is announced; and adoption of a provision requiring changes in the Class I price

to be made in steps of not less than 23 cents per hundredweight.

4. Revision of location adjustments applicable to Class I milk and deliveries of base milk.

5. Introduction of location adjustments applicable to Class II milk and excess milk deliveries.

6. A proposed expansion of the marketing area as defined in the order.

7. The reclassification of certain milk products from Class I milk to Class II milk; and revision of the method of computing and allocating milk shrinkage.

8. The exemption of a handler's "own production" from classification and pricing.

9. Revision of the Class II price formula and of the method of computing the respective butterfat differentials to handlers and to producers.

10. Several proposed changes in definitions and other provisions for the purpose of clarification and to improve administrative procedures.

An additional issue of record, that of adopting an appropriate price differential for Class I milk, was considered in a decision of the Secretary of Agriculture issued April 11, 1952, and an amendment to the order revising the previous differential was made effective May 1, 1952. No further discussion of such issue is necessary.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The "base" and "excess" plan of payment for milk should be modified.

Producer organizations proposed a major revision of the base and excess plan of payment for milk. Under the proposal individual producer bases would be effective in each month of the year (from March 1 to the end of the following February) and would be computed with respect to the producer's average deliveries in the four months (excluding April, May and June) of his lowest production within the most recent calendar year. Other changes proposed would modify the method of establishing original bases for "new" producers and would revise the rules governing the application of bases once computed. The plan now in effect provides for bases to be computed once a year on average deliveries during the months of October through January and to be effective only in the following months of March through September.

Testimony of proponents disclosed concern that the present plan might tend over a period of time to induce a shortage of milk in the months of August and September as producers attempt to have their cows freshen near the beginning of the (October through January) base-making period. It was stated also, however, that producers can and will respond well to a fixed base-making period such as the four months named. Production data were introduced to demonstrate unseasonably low production in August and September 1951 and increased production in the remaining months of last year as compared with the previous year and in relation to customary August and September levels. In support of the year-round application of bases it was contended further that under the present plan the producer who evens out his production throughout the year is penalized during the base-forming period by being forced to receive the excess price for a portion of his production while the producer who is attempting to expand his base for the next year through increased deliveries in the base-making months receives a higher proportion of the market's sales than his "earned" base entitles him to receive. The latter producer, it was stated, should not be subsidized by those who already have evened out their production curve. It was argued that if the market requires "excess" milk to satisfy Class I requirements in the base-forming period, the order already provides sufficient reward to the producer who is attempting to expand base in that the proceeds from those Class I sales over and above the total quantity of base milk delivered in such months is included in the computation of the price for excess milk.

The principal purpose of the base and excess plan of payment is to encourage a production curve for milk more nearly suited to the sales pattern of the market by providing returns to the individual producer directly related to his ability to increase deliveries of milk in the fall and winter months as compared with deliveries in spring and summer. Some further shift in deliveries to the fall and winter months would be desirable in maintaining adequate supplies on a year-round basis and to make possible more efficient utilization of milk in the months of seasonably high production.

During the only season of low production which has occurred since the effective date of the order producers expanded production substantially above previous levels for such period. Although August and September production in 1951 was lower than in preceding years in relation to the peak production month, deliveries during the following months did not follow the usual seasonal trend. The record indicates that a decrease of as much as 50 percent could be expected between June of any year and the following November. In the comparable period of 1951 deliveries fell less than 27 percent. An unusually even pattern of production existed from August 1951 through February 1952, the latest month for which data were included in the record. Based upon the limited experience available, the seasonal production trend of Grade A milk in 1951 appeared to be far more suited to the market's requirements than in other recent years.

It does not appear that the plan submitted by the proponements would have greater effect in accomplishing the objectives sought than the type of plan currently in use. Under the proposed plan a producer attempting to deliver increased quantities of milk in the fall months when the need for additional supplies is greatest would be required to take less than the base price for quantities delivered in excess of his base carried over from the four months of his lowest production in the previous calendar year. If the producer is to change his breeding and feeding practices to increase fall milk production he should be given the maximum encouragement possible within the prevailing framework of class prices. Participation in the returns for milk during the fall season on the same basis for all producers should provide greater incentive in this respect than the plan of proponents. The retention of an "open period" for the establishment of bases annually, as contrasted with the proposed application of bases to deliveries in all months, will provide a more reliable basis for judging the total production response to the producer price level. If deliveries are well adjusted to Class I sales in the base-making months, relatively few producers will be disadvantaged by sharing with other producers the total market proceeds from milk through the medium of a uniform price. The small disadvantage which might result for some producers from open period plan as compared with the plan of proponents is outweighed by the advantages of the former plan as outlined above.

Unusual weather characterized by lack of rainfall was a major factor in the relatively low production of August and September 1951. The testimony indicates, however, that encouragement to freshen cows earlier in the year than October 1 should be given to maintain or increase supplies in the early fall. With this in view it is concluded that the annual base-making period for producers should be the September–December period instead of the months of October through January and changes in order provisions have been made accordingly. Bases so computed would be in effect from February through August of the following year.

The provisions relating to the establishment of bases for producers entering the market for the first time during the months of February through August (and as an alternate method for producers who desire to cancel base in preference for treatment as new producers) also have been revised to insure more uniform adherence to the basic provisions of the plan. The record indicates that the monthly percentages of deliveries for the individual months provided under such "new producer" provisions, which were adopted originally without the benefit of operating experience to permit the free entrance of new producers into the market and as a means of preventing undue hardship on regular producers in individual instances, have been unduly high. During the one year of operation, more than 15 percent of the regular producers cancelled bases made on October 1950–January 1951 deliveries in favor of bases computed in the manner primarily intended for new producers. This method of establishing base actually was utilized by regular producers to a much greater extent than by new producers. Unless changed, the provision would make the base plan relatively ineffective as a program of encouraging a production pattern in line with market requirements. It is concluded that such percentages should be reduced as provided in § 925.60 (b) of the order made a part of this decision.

The further revision to include definite percentage figures will add clarity to the provision by making known in advance

what monthly percentage is available to the producer and will simplify base computations for the producer who delivers to more than one plant during the same month. Other minor changes have been made also in the rules governing the application of computed bases in order to improve the workability of the payment plan.

One proposal offered would enable new producers delivering to a fluid milk plant or country plant which was a non-pool plant during the base-making months to receive bases computed on deliveries in such prior base-making period. Since this would provide different treatment for some new producers as compared with others, the suggested provision should be denied.

(2) The definition of "handler" should not be broadened to designate a cooperative association not operating a fluid milk plant or country plant as a handler for purposes other than those described in § 925.15 (b).

Proposals were made at the hearing by producer and handler groups to consider a bargaining cooperative to be a handler with respect to milk of its members received at fluid milk plants or country plants of proprietary operating handlers, thus requiring payment to the cooperative of the class utilization value of the milk and establishing the cooperative as the medium between the market administrator and the plant operator through which monthly reports of milk utilization would be filed with to the market administrator and payments to the producer-settlement and administrative assessment funds would be made. A similar proposal was made by producer representatives at the original promulgation hearing. For the present hearing, producer proponents of such proposal also suggested a corollary provision which would permit any handler cooperative to reduce a required payment to the producer-settlement fund by the amount by which the proprietary handler buying milk from the cooperative defaults or delays in making payment to it at the class prices.

Producer proponents stated in support that accounting for base milk under the present system of reporting is made unnecessarily cumbersome. The milk of an individual producer may be delivered to several different plants during the course of a pay period requiring the coordination of information regarding his deliveries of milk by the cooperative before the payment obligations of the several handlers involved to the association and to the market administrator can be determined. It is contended that the proposed changes would simplify the reporting of computed base and excess milk for a substantial number of producers who are in this position. Additional testimony of proponents indicates that supplemental invoices with respect to existing "premium" payments above the Class II price by handlers for excess milk would be eliminated by the change and would make unnecessary supplemental invoices concerning Class I price premiums if the latter are ever sought by the cooperatives. As to collection at the class prices for milk caused to be delivered by the cooperative directly from farms to a proprietary handler's plant, proponents contend that the position of the bargaining cooperatives is no different from that of cooperatives operating plants covered by the regulation in that in either case the handler who fails to make payment on time places the cooperative in the position of being unable to make its payments to the producer-settlement fund.

The original decision of the Secretary dated April 5, 1951, official notice of which has been taken, denied the suggested provision on the following grounds: "Its adoption would result in unnecessary administrative complications and duplication with respect to matters of reporting, classification, allocation and payment by introducing a third party in transactions between the market administrator and those persons primarily to be regulated and who have first hand knowledge of the receipt and disposition of the milk to be priced."

In the administration of milk orders of this type it is necessary to require the market administrator to deal, in matters regarding the reporting, classification, and payment for milk, with those who must ultimately be held responsible for financial obligations to producers resulting from the utilization of milk. From the standpoint of administrative practice and enforcement procedure it is evident that such matters can best be resolved by securing reports and payments directly from those who have first hand knowledge of the receipt and disposition of the milk. The bargaining cooperative has no knowledge of receipts or utilization other than that furnished by handlers voluntarily or that which the market administrator might be required to transmit to it. In this respect, the bargaining cooperative is in a different position from the operating cooperative which physically receives and tests producer milk and sells specific quantities to handlers on a class use basis. The latter cooperative has original records of milk received and, under present order terms, is not excused from payment to the market administrator on time if a handler fails to pay the cooperative for milk purchased. In the absence of compelling reason for following other administrative procedure, it is concluded that the present policy should be continued under the Puget Sound order.

It is recognized that the necessary exchange of reports between the bargaining cooperative and handlers regarding deliveries of individual producers to determine base milk and excess milk is somewhat cumbersome and time-consuming. The limited time period following the end of the month allowed handlers for making their monthly reports to the market administrator has contributed somewhat to the difficulties which have arisen. Such difficulties, however, are not sufficient to overweigh the considerations outlined above, especially since they may be somewhat ameliorated by setting forward by two days the date by which handlers must make their regular reports to the market administrator. It should be noted also that the problem is limited to the seven months of the year when bases are in effect. Moreover, the proposal of these producers would not reduce the total number of processes involved in completing producers' payments to cooperatives and others through the producer settlement fund. It is concluded, therefore, that the order should be amended in this connection only to the extent of setting forward by two days the date on which handlers are required to make their regular reports to the market administrator.

(3) A "price mover" to change prices automatically should not be adopted at this time; the date for announcement of the monthly Class I price should not be changed; the Class I price differential should not be established on a "bracket" schedule. Producers proposed the adoption of a "price mover" which would revise the level of the Class I price differential automatically in accordance with changes in the supply and Class I sales relationship in the most recent 12-month period from the relationship which existed in a selected base period (12 months ended May 31, 1952). The price differential would be increased or decreased, as the case might be, by 3 cents for each percentage point of variance from the base period percentage.

The record indicates the main objective of this provision to be a measure of the supply response of producers to price. According to proponents the effect of shortrun influences which might affect either the supply situation or the demand for Class I milk over the period of a month or two should not be reflected in the computation and therefore a 12-month moving average relationship was suggested. The inclusion in the order of a provision which would assist in a reasonable forecast of supply and demand conditions for the immediate period ahead would have considerable merit in this market. Whether the plan proposed would accomplish such an objective is highly questionable. The record does not provide a basis for a conclusion that the resulting price changes, either up or down, would keep in step with changes in market requirements in view of industrial and military factors present within the marketing area which, past experience has shown, can result in a rapidly changing demand situation.

During several months of the base period selected for proposed formula abnormal production conditions prevailed. A severe drought was experienced which reduced milk production and raised production costs. No reasonable measure is available for judging whether the extremely close balance of production and sales during the latter half of 1951 was the result of accurate pricing, abnormally bad production conditions, or to some extent the influence of the adoption of a base and excess plan of payment on a market-wide basis with the advent of the order. Certainly the production pattern for 1951 did not follow the usual seasonal trend. The record discloses misgivings by proponents as to the base period suggested under their plan. At the time of the hearing market data for only a seven-month period was available for study.

Figures are not available prior to June 1, 1951 from which one could determine

that another base period would be more suitable. In view of the particular base period selected and the limited information available from which to develop a possible alternative formula which might be expected to work adequately over a period of time, it is concluded that no automatic price mover should be adopted at this time.

A proposal was made to require the market administrator to publicly announce on or before the 25th day of each month the minimum price for Class I milk to be effective for the following month. The desirability of informing handlers of the Class I price in advance is recognized. Following a well established custom in a number of regulated markets, at the beginning of this regulation the monthly Class I price differential in such market was related to a basic formula price employing data for the preceding month in order that handlers might have the Class I price early in the month during which it was to be effective. To use basic formula price data for the second preceding month (possibly an even earlier month might be necessary) could introduce undesirable seasonal aspects in the establishment of the Class I price and would make such price less responsive to current conditions. Information is available within the industry and in official publications from which handlers can make reasonably accurate estimates of the Class I price level for any month or before the first day of such month. It is concluded that the proposal should not be adopted.

Another proposal would change the Class I price in steps of not less than 23 cents. In other words, monthly price changes under the formula would be allowed to accumulate until a total of 23 cents or more is indicated and then the price would be changed by an amount equal to the sum of the monthly changes. This principle would be followed whether prices are increasing or declining.

An exhibit was introduced by proponents to show how such plan would have worked in 1949, 1950, 1951 and the first three months of this year. It is suggested from these data that the number of price changes could be reduced without loss of returns to producers and that the handlers' position in buying milk would be improved under resale price controls in effect. The significant portion of the statistics presented cover the period June 1951 through March 1952. This is the period the order has been in effect. Data prior to June of last year are hypothetical since they are backward projections of the formula adopted at that time and do not necessarily reveal what might have happened had the order been instituted sometime prior to 1949. Since July 1951 Class I prices have changed more than 5 cents per hundredweight from one month to the next on four separate occasions. Under the plan proposed three changes of not less than 23 cents each would have occurred in this period. The sum of the four sizable price changes under the present plan was 78 cents per hundredweight (34, 19, 14, and 21=78) while the sum of price changes (28, 27, and 24) under the proposed plan would have been 79 cents. The minor price variations of −4, −2, and +6 cents which occurred also during the period under the plan in effect may not be considered as significant from a resale price standpoint. It should be noted also that in the same period the current plan resulted in an average Class I price for the period of $5.91 as compared with $5.88 for proponents' plan. It is evident from marketing and production conditions as shown by the record that any plan which would have reduced returns to producers during this particular period would not have been superior to the plan which prevailed. In consideration of the above there appear to be no important advantages for either producers or handlers in the plan suggested, and it is concluded that such plan should not be adopted.

(4) Present price adjustments for location should be revised by increasing such adjustments by 15 cents per hundredweight. That is to say the adjustment for milk received at plants not located in District 1 or in the counties of Kitsap and Mason should be increased from 25 cents per hundredweight to 40 cents per hundredweight and the adjustment for milk received at plants in Clallam and Jefferson counties, which is at present 35 cents per hundredweight, should be increased to 50 cents per hundredweight.

Producers proposed that these adjustments be increased by 25 cents per hundredweight.

The purpose of these adjustments is to reflect the different values of milk received at plants located at different distances from the centers of consumption within the marketing area. The marketing of milk received from producers in Districts 2 and 3 requires performance of more and more costly services than does the marketing of milk received from producers in District 1. The purpose of the location adjustment is to reflect the additional costs and values of these additional services.

Typically, in District 1 milk received from producers is shipped directly in cans from producers' farms to plants in or near the consumption area where it is weighed, tested, recorded, processed, bottled, and loaded on routes for resale and wholesale distribution. The cost to farmers of shipping milk to plants in District 1 averages 22.7 cents per hundred weight. In Districts 2 and 3 the typical marketing procedure is for producers' milk to be shipped from farms to so-called country receiving stations where it is weighed, tested, recorded, and cooled and thereafter shipped to the consumption areas in tank trucks.

It appears that the average cost to farmers of shipping milk from farms to country stations in Districts 2 and 3 is about 28.5 cents per hundredweight. The average cost for transshipping milk from country receiving stations in Districts 2 and 3 to areas of consumption is about 25 cents per hundredweight. The cost of operating the country receiving stations was stated to range from about 25 to about 32 cents per hundredweight and to average approximately 27 cents per hundredweight. In providing for appropriate location differentials it is not, of course, necessary to take into account the total cost of operating country receiving stations because the services performed at these stations are largely the same as those performed at the city processing plants in District 1 on milk received directly from producers and with respect to which no charge is made against producers. Since we are concerned here only with the additional cost of handling milk received in Districts 2 and 3 as compared with direct shipped milk received in District 1, the savings in cost at city plants on transshipped milk may therefore be offset against the costs incurred at the country station. For some months cooperatives have been charging handlers 10 cents per hundredweight additional on bulk milk furnished to handlers in tanks from country receiving stations. This 10 cents appears to represent a reasonable equating of the additional cost of performing these services at country stations and of the additional value of these services to handlers. Ten cents per hundredweight, therefore, should be added to account for the additional services performed at country stations.

It appears that the total value of services performed on milk received from producers in Districts 2 and 3 is about 63.5 cents per hundredweight, i. e., farm to country plant transportation 28.5 cents; country plant handling 10 cents; country plant to District 1 plant transportation 25 cents. The cost of performing services on milk received from producers in District 1 is 22.7 per hundredweight. Hence, the additional cost of performing services on milk received in Districts 2 and 3 is about 40.8 cents per hundredweight, i. e. 63.5 cents minus 22.7 cents. An allowance of 40 cents per hundredweight will thus reflect reasonably the additional services performed on milk received from producers in Districts 2 and 3 as compared with the services performed on milk received directly at plants in District 1.

An additional 10 cents per hundredweight is provided with respect to milk received from producers in Challam and in Jefferson counties to account for the additional costs of ferry transportation involved in moving this milk into the consumption area.

(5) A location adjustment should be adopted with respect to milk originating in District 1 of the marketing area which is utilized in certain Class II milk products and with respect to "excess" milk originating in such district.

Producers proposed a location adjustment of 25 cents per hundredweight to be applicable to milk originating in District 1 of the marketing area and used in certain Class II milk products and to milk delivered by producers to plants in such district over and above their deliveries of base milk.

Since prior to the inception of the order the total Class I use of milk annually in District 1 has exceeded the Grade A milk deliveries of producers to plants in such district. Also milk, of either Grade A or factory quality, must move from the outlying areas (Districts 2 and 3) into the central portion, or main consuming center, of the marketing area during a substantial part of the year to meet the need for certain products covered by Class II milk. Handlers customarily bid for the limited supply of ungraded, or factory, milk and for "excess" Grade A milk in District 1 by offering premiums over the prevailing prices for such supplies of milk in Districts 2 and 3. Since the total supply of milk (irrespective of the quality factor) for Class II product requirements is insufficient within District 1, plants in Districts 2 and 3 customarily charge the current price at the factory plant for factory milk plus transportation and handling costs when milk is disposed of for Class II milk for uses in District 1. During 1951 the pay price to dairy farmers delivering factory milk to plants within District 1 averaged $3.94. A similar price was paid for milk deliveries in such district over and above base quantities. This price may be compared with a factory payment level of $3.74 in the other districts and $4.42 as the price to the handler in District 1 who purchased factory milk from a District 2 or 3 plant.

Data relative to prices for factory milk in District 1 may be compared also with the minimum price for Class II milk under the order for the first eight months of order operation (June 1951–January 1952). These data disclose that during months when the base plan was in operation handlers purchasing either factory milk or excess milk in District 1 paid a price which averaged 25 cents per hundredweight over the minimum Class II price. Tariff rates for milk hauled between districts by tank truck range from 22 cents to 29 cents per hundredweight and average 25 cents.

Since District 1 is a deficit producing area the cost of transporting producer milk for the necessary market uses and reserves should be reflected in the relative returns to producers in the respective districts. Adoption of a location differential of 25 cents per hundredweight applicable to the principal Class II uses at District 1 plants and to excess milk in such district, in conjunction with the location adjustments for Class I and base milk previously discussed, will accomplish this purpose and also will tend to make more uniform among handlers the prices of milk utilized in Class II products within District 1. During the short season of production the average butterfat tests of milk received from producer and country plant sources to fill Class I requirements in such district exceeds the average test of Class I milk. This results in some "distress" butterfat which has to be churned. Also, there is some maldistribution of supplies between handlers in all seasons. This results in the processing of some butter and nonfat dry milk solids within District 1 from producer milk and the diversion of quantities of such milk from plants in the district to evaporated milk manufacture. Milk is not intentionally moved from Districts 2 or 3 to District 1 for manufacture into such products although some milk moved in this way occasionally is so utilized. As adopted such products of Class II milk in District 1 plants would be exempt from the location adjustment to the extent that producer milk was so used by the plant after allocating to such products the available amounts of other source milk. By this means no handler providing an outlet for distress milk would be unduly charged in so doing. The costs attendant to plant handling in connection with shipment from District 2 or 3 plants should not be reflected in a location differential for Class II milk since the Class II price formula includes an allowance for plant handling.

As a corollary change the transfer provisions of the order should be modified to remove the necessity of allocating the greatest possible quantity of Class I milk of a handler in District 1 to District 1 sources prior to allocation of any of his Class I milk to sources in other districts as a method of preventing a handler from avoiding the cost of moving milk for Class II uses and consequently decreasing returns to producers for Grade A milk. This required also a proration of shipments among plants for classification purposes when more than one supplying plant in an outlying district was involved. Such provisions would not be necessary following adoption of the location adjustment for Class II milk discussed above.

(6) The definition of marketing area should be revised. A proposal was made to include within the marketing area Townships 23N and 24N located in that portion of Range 8E which is within King County. The principal communities in these townships are Snoqualmie, Snoqualmie Falls, North Bend, and a portion of Issaquah. A handler operating a plant at Snoqualmie has had difficulty in maintaining status for his plant as a participating plant in the market-wide pool under the delivery requirements placed by the order on plants which are outside the defined marketing area. The plant in question operates, however, primarily as a processing and distributing plant for fluid milk. At the time the order was introduced 80 percent of the fluid milk sold from this plant was disposed of outside the marketing area. Now 50 percent or more of its fluid milk is distributed within the boundaries of the marketing area but extra records must be kept by the plant operator to prove qualification for pool status under the "country plant" definition. Inclusion of the townships named will place such plant under the definition of "fluid milk plant" and will permit pool status at all times. Although other handlers covered by the order do not appear to be competing actively with this handler in such communities in the distribution of packaged fluid milk, some are in close competition with him for producer milk supplies. Pool participation for producers supplying the plant at Snoqualmie will assure them a minimum price equivalent to that received by producers supplying other handlers who compete for milk supplies in this segment of the milkshed. It appears that such plant should be included in the pool throughout the year and that expansion of the marketing area is a logical method of accomplishing this. It is concluded that the townships referred to above should be made a part of the marketing area.

A second proposal made with respect to the scope of the marketing area would remove the town of Vader, Washington, and thus exclude from regulation any person distributing milk in such community who does not distribute in any other segment of the marketing area. At the present time fluid milk is distributed in Vader from a plant located outside the marketing area at Longview, Washington, and from the plant of a producer-handler located in the vicinity of Vader. The operator of the Longview plant has been required, under order terms, to remit to the producer-settlement fund as a "compensatory payment" the difference between the Class I and Class II prices on a relatively small quantity of milk sold as Class I milk in Vader. Pursuant to order provisions the milk of such plant is not pooled and the dairy farmers involved are not "producers" as defined. Vader is the only community within the marketing area to which fluid milk distribution routes extend from such plant. The producer-handler serving Vader purchases the bulk of his milk supply as Class I milk from a plant covered by the order and produces the balance (about 5 percent) on his farm. None of the major handlers covered by the order competes for Class I milk sales in Vader and the total volume of business done in this locality is small in relation to total Class I sales for the marketing area. The record discloses that dairy farmers supplying the Longview plant have received prices for milk which have been closely aligned with the monthly Class I prices effective under the order.

Although objection to the exclusion of Vader from the defined marketing area was raised by the producer-handler who distributes there, it appears from the record that the latter also competes with the proponent handler for Class I business at points outside the marketing area where the so-called "compensatory payment" is not applicable. It may not be concluded from the testimony offered that undue hardship will be inflicted on the producer-handler by the removal of Vader from the marketing area or that its inclusion is necessary for the maintenance of orderly marketing and a reasonable price level for those producers whose minimum prices will continue to be determined by the order. It is concluded that the town of Vader should be removed from the defined marketing area until experience indicates that its inclusion is essential to the maintenance of reasonable uniformity of cost of milk and equity among handlers and to prevent undue displacement by unregulated milk of producer milk in Class I within the marketing area.

It was proposed also at the hearing that the counties of Kitsap and Mason (which include the city of Bremerton) on the Olympic Peninsula be included within District No. 1 of the marketing area. Proponents testified in support that (a) such counties do not produce enough milk locally to meet requirements and are an integral part of the sales area for the milk of those producers shipping to regulated plants, (b) if the population of the Kitsap-Mason area is to have sufficient milk, it must rely on producers and handlers now covered by the order, (c) some of the sea-

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sonal reserve of milk produced on the Olympic Peninsula is utilized in regulated plants at the expense of the pool, (d) stable conditions for producers generally in the Puget Sound area cannot be maintained if conditions in surrounding markets, such as the Kitsap-Mason area, are disorderly and uncontrolled surpluses exist, (e) if a decline in prices should occur under the order, it would be reflected also in such two counties, (f) with stability in Kitsap and Mason Counties depending on the operation of the order, all handlers selling milk in such counties should be placed on the same buying basis, (g) there are no significant differences in the health regulations applicable to milk between the subject counties and the marketing area as currently defined, (h) producers and handlers in such counties should contribute to the maintenance of stable conditions for the entire Puget Sound area and to the cost of administration of the order, (i) local processors of milk in Kitsap and Mason Counties have a competitive advantage over handlers operating out of the present marketing area, resulting in the creation of trade barriers for the benefit of the local cooperative association and other local processors.

Approximately 95 percent of the Grade A milk produced on the Kitsap-Mason Peninsula is marketed by a local producers' association which operates fluid milk distribution facilities in Bremerton. Nearly all milk produced in such counties is utilized locally and none is distributed in fluid form to outlets located within the presently defined marketing area or provides a source of supply for any regulated plant. During most months the local supply is insufficient to meet all the fluid milk requirements of such counties. This deficit may be as high as 60 percent at times. One local handler purchases about 95 percent of his milk supply from a plant covered by the order. The local cooperative association purchases supplemental milk supplies covered by the order from a producer cooperative during some months of the year and in the flush production season disposes of a portion of the seasonal excess of locally produced milk to the same producer group. Monthly prices paid dairy farmers by the local cooperative association have been closely in line with (sometimes greater than) the respective Class I prices for District 1 of the marketing area.

Milk is distributed at wholesale and retail also from four additional local plants and from two plants in Seattle operated by handlers covered by the order. Concerning fluid milk distribution the proponent handler indicated some difficulty in competing with the smaller distributors of fluid milk in the Kitsap-Mason area. No complaint was made relative to competition with the distribution of milk with the local distributing cooperative which controls 95 percent of the local milk production. The magnitude of the competitive problem presented does not indicate an unstable market situation but rather follows a pattern which may be expected at the edge of any area made subject to regulation. Since a milk marketing order is a type of regulation requiring specific boundaries for the area to be covered, some competition between regulated handlers and others hardly can be avoided at points outside the regulated area. The size of the marketing area is related to the particular problems involved in establishing and maintaining orderly marketing conditions. A regulated handler who distributes outside the regulated area so established incurs voluntarily whatever risks are involved in doing business in competition with persons unregulated. In connection with problems of milk distribution reference is made in the record to the fluctuating purchases of fluid milk by the Navy Yard at Bremerton which buys on contract following bids by interested parties. Proponents however did not complain of competitive disadvantage as to this business. The record discloses also that local milk production is not sufficient for such institutional business and that the only available sources of milk to supply this requirement are plants covered by the order. As a practical matter a local distributor who holds the successful bid for such business must pay order prices for milk needed to cover such sales and does not have price advantage over handlers under regulation.

It was not shown in the record that orderly marketing of milk for Kitsap-Mason dairy farmers is dependent upon regulation of the prices they receive or upon the pooling of their returns for milk with those of producers east of Puget Sound. Similarly, it was not demonstrated that an orderly market for the producers whose milk is already under the order is dependent upon the inclusion of the Kitsap-Mason Peninsula or that such inclusion is necessary to prevent undue hardship on certain regulated handlers. The competitive situation for regulated handlers on the Kitsap-Mason Peninsula does not appear to be substantially different than it was prior to regulation. Kitsap-Mason dairy farmers testified that the maintenance of orderly marketing conditions does not require an order at this time. In view of this and in the absence of compelling reason to extend the marketing area for the purpose of establishing or maintaining orderly marketing conditions either inside or outside the presently defined marketing area, it is concluded that the counties of Kitsap and Mason should not be included in the marketing area.

A proposal to include all the townships of Range 8 E in Whatsom, Skagit, Snohomish, and King Counties, submitted during the course of oral testimony, is denied. Such proposal was not within the scope of the notice of hearing issued and interested parties did not have adequate notice of the proposal.

(7) The provisions under which milk is classified should be revised.

Certain proposals were offered which would (a) reclassify eggnog and yoghurt from Class I milk to Class II milk, (b) specify as Class I milk any milk product required by State law or local ordinance or regulation to be made from Grade A (producer) milk, (c) revise the method of computing the volume of milk disposed of in cottage cheese, and (d) modify the method of computing quantities of milk lost by shrinkage.

The record indicates it is not a requirement of the applicable health authorities that the products eggnog and yoghurt be made from milk of Grade A quality. Producer milk is not needed to supply the demand for these products and therefore milk so utilized should not carry the Class I price. It is concluded that such products should be reclassified to Class II milk.

The proposal which would place automatically in Class I all products required to be made of locally approved milk should not be adopted. While the requirement that a dairy product be made of locally approved milk is an important consideration in determining the classification of milk to make that product, it is not, however, the sole determinant of classification. Consequently, when a product appears which is required to be made of approved milk, consideration should be given in an amendment proceeding to all of the facts which must be taken into account in establishing an appropriate classification for the milk used to make such products. Moreover, there was no showing that the provision as suggested could be applied in all contingencies. For instance, it was not shown how the provision would be interpreted in a situation where some but not all of the political subdivisions in the marketing area required that a particular product be made from approved milk or how it would be applied if all of the political subdivisions changed their requirements with respect to products required to be made from approved milk at some time other than the beginning of a delivery period. The determination of whether a particular product is "required at any time under the applicable health regulations to be derived from producer milk" might be a technical, legal question which only a court of competent jurisdiction could determine after appropriate proceedings. Certainly situations could arise where making the determinations required by the proposal would place a responsibility upon the market administrator which would be beyond his competency to discharge.

The present definition of Class II milk provides for the accounting of milk sold as cottage cheese on the basis of the finished product converted to its milk equivalent by means of a "conversion factor." In view of the variations within the market concerning the moisture content and butterfat tests of cottage cheese made resulting in a wide range of product yields, it is concluded that use of a standard conversion factor in converting cottage cheese to its milk equivalent for pricing purposes may create inequities and may produce milk "overages" where no actual overages exist. Because of this, it is provided in the attached amendment that the volume of milk "used to produce" the cheese should be the basis for determining the volume of Class II milk disposed of in this product pending additional market experience.

Under a proposal of handlers concerning the amount of shrinkage to be priced as Class II milk, actual shrinkage up to 2 percent of the total weight of producer milk receipts would be allowed in such

class. Proponents reviewed generally for the record the shrinkage provisions of orders regulating the handling of milk in other market areas several of which provide shrinkage allowances in lower-priced classes established as a percentage of the total milk receipts covered by such orders, respectively. It was contended that a shrinkage allowance so computed would result in greater equity among handlers since it is not possible to determine accurately, except where detailed departmental records of a plant are available, how much of the plant's shrinkage results from Class I operations and how much occurs because of Class II operations. Producers raised no objection to a change in the method of computing allowed shrinkage at the Class II price provided such change would not reduce producer returns appreciably.

Total shrinkage of handlers, including that allocated to Class I milk, has averaged approximately 1.4 percent of total producer milk receipts since June 1, 1951, the effective date of the shrinkage provisions. Undoubtedly, in many instances the shrinkage allowed in Class II operations cannot be traced specifically to the processing of Class II milk products in the handler's plant since the skim milk or butterfat utilized as Class II milk will result from a process of separation or standardization of milk which involves Class I milk operations also. The latter is evidenced on a market-wide basis by the tests of the classes of milk in relation to the average test of incoming milk from producers. As to individual plants, it may reasonably be expected that rather wide variations from the market averages prevail. In view of the above, the amount of shrinkage allowed in Class II milk should be computed as a percentage of producer milk receipts in the handler's plant(s). From experience gained under the order, as disclosed by the record, it is concluded that actual shrinkage up to 1.5 percent of producer milk received and processed in the handler's fluid milk plant(s) and country plant(s) should be allowed in Class II milk.

(8) Milk of a handler's own production should not be made exempt from the classification and pricing provisions of the order.

A proposal was submitted which would, if adopted, exempt milk of a handler's own farm production from the classification and pricing provisions of the order. The proponent, a handler who both produces milk and purchases milk from other producers, testified that his own production is priced under the market pool as producer milk under the uniform price provision while a distributor who comes under the definition of producer-handler is exempt from the pool as to his own farm production even though he may purchase additional milk from a fluid milk plant or country plant. It was contended that this situation results in price discrimination in favor of the producer-handler. Proponent testified also that he makes an effort to maintain even production and therefore should not be obliged to share in the general pool along with other producers and be credited with the uniform price as to his own production. No contention was made by proponent that he should not have to pay other producers from whom milk is purchased at least the minimum uniform price.

The producer-handler who handles only milk of his own production maintains control of his milk until ultimate disposition and in this respect his situation is entirely different from the regular producer whose milk is marketed by another person (handler). For this reason and because the administrative burden would be increased without assisting in a substantial measure to stabilize the market for other producers, those persons who are producer-handlers in fact have been made exempt from regulation other than for certain reporting requirements. The expansion of activity by a producer-handler through the purchase of milk from other individual producers places him in direct competition purchasewise with other handlers for milk supplies and the person from whom milk is purchased are placed in the same category as other producers. Moreover, the act of handling milk purchased from other producers and milk of his own production in the same plant creates classification and auditing problems similar to those of any regulated plant. The proponent handler operates a relatively small plant but distinction between his operation and those of other handlers may not be made merely on the basis of size if equitable treatment is to be accorded all handlers. Exemption on the basis requested could result in serious inequities among handlers and weaken the classified basis of pricing milk in the market. As stated above, proponent points to the fact that a producer-handler who purchases extra supplies from a plant is exempt with respect to his own production. Any milk so purchased is Class I milk under the milk transfer provisions of the order. The alternative of purchasing milk from a plant in similar manner is open to proponent and if used as a source of milk in lieu of purchases from producers, would assure exemption for milk of his own farm production. Proponent's contention that he maintains relatively even production throughout the year does not afford sufficient reason for the exemption. The order, through the "base and excess" plan of payment to individual producers, provides proportionately greater returns to those producers who maintain even production. Such producers do not share in carrying the seasonal reserves of milk to the same extent as producers who produce greater quantities in the spring and summer than during the fall and winter. It is concluded that the request for exemption of a handler's own farm production should be denied.

A suggestion was made also during the course of the hearing that producer-handlers should be brought under the classification and pricing provisions with respect to all milk handled. It is concluded that this proposal should be denied for the reasons given above and those stated in the decision issued April 5, 1951 on the original promulgation of the order. Official notice is taken of such decision.

At the time the order was first promulgated it was provided that milk sold to plants outside the marketing area but within the counties of Kitsap and Mason from which milk is distributed for consumption as fluid milk would be classified on the basis of its verified use in the transferee plant after allocating such transferred milk to Class I milk products. If verification were not permitted, such milk became Class I in its entirety. The record does not disclose a basis for continuing such provision which treats plant operators, including persons who are primarily producer-handlers, whose business is outside the marketing area at some price advantage as compared with producer-handlers inside the marketing area who rely on plants of handlers for supplemental supplies. It is concluded that such transfer provision should be modified to provide that milk transferred to nonpool plants distributing milk in fluid form outside the marketing area be classified as Class I milk with respect to the entire volume transferred.

(9) The provisions relating to butterfat differentials should be revised; the butter quotations employed in connection with the Class II price formula should not be changed.

Various proposals offered to revise the butterfat differential provisions would (a) substitute a monthly average of Seattle and San Francisco butter quotations combined, or the Chicago quotation plus 2 cents, for the monthly average of San Francisco quotations which is now used in computing the Class II price and butterfat differentials, (b) reduce from 1.3 to 1.25 the percentage factor employed in computing the butterfat differential applicable to base milk and Class I milk, (c) compute both handler and producer butterfat differentials on quotations of the same month, (d) revise the method of computing the butterfat differentinl for base milk, and (e) revise the wording of such provisions for clarification.

Handlers proposed the use of an average of Seattle and San Francisco butter quotations in lieu of San Francisco quotations alone. It was testified that the latter quotations are not truly representative of the value of butterfat and are subject to wider fluctuations than Seattle quotations because the San Francisco market imports substantial amounts of butter from distant sources. As a preferred alternative, however, the average price per pound of 92 score Chicago butter for the month plus 2 cents was suggested by proponents during the course of testimony.

The record indicates that the Seattle butter market is a minor market for trading and would not provide a reliable basis for determining butterfat values. Record data concerning the relationship between Chicago and San Francisco quotations indicates wide variations in prices between such two major markets from month to month, and even in the yearly averages. For example, in 1951 the widest monthly disparity in 92 score butter prices between the markets was 5.1 cents per pound and the smallest was 1.9 cents. Yearly averages for 1949, 1950, and 1951 were 2.6, 1.9, and 3.5 cents per pound, respectively. In no month of

edge of any area made subject to regulation. Since a milk marketing order is a type of regulation requiring specific

the method of computing quantities of milk lost by shrinkage.

2 percent of the total milk receipts would be allowed in such

pool along with other producers and be credited with the uniform price as to his own production. No contention was

5, 1951 on the original promulgation of the order. Official notice is taken of such decision.

1.9 cents. Yearly averages for 1949, 1950, and 1951 were 2.6, 1.9, and 3.5 cents per pound, respectively. In no month of

such three year period was the difference exactly 2 cents per pound. From the data presented it is concluded that the price deviations of the San Francisco quotations from those of Chicago make undesirable a switch to the Chicago quotations. Although the contention was made that the San Francisco quotations are not representative of the value of butterfat, no effort was made to demonstrate this point by the introduction of statistical or other material evidence. Therefore, it is concluded the San Francisco quotations should continue to be used under the order.

Proposals were made by producers to reduce the percentage factor by which the butter quotations are multiplied in the formula for determining butterfat prices for Class I milk and base milk, to use butter price data for the same month in the case of both base milk and Class I milk formulas, and to establish the butterfat differential for base milk as a "blend" of the butterfat differentials for Class I milk and Class II milk in any month when the volume of base milk exceeds the total Class I milk in the market. The record indicates that the percentage factor "1.3" tends to allocate to the butterfat component too great a proportion of any changes which may occur in the Class I price. Also, somewhat less encouragement to the production of butterfat in producer milk is appropriate since the test of incoming milk currently exceeds the average test of Class I milk, resulting in an excess of butterfat for disposition at a lower price. A reduction in the percentage factor to "1.25" should be made as suggested. In view of the base and excess of plan of payment to producers, a proportionate "blending" of the butterfat differentials for Class I and Class II milk should be made in connection with producer payments when base quantities include some Class II usage. This change will provide for a more equitable distribution of returns among producers. Handlers' obligations will not be changed by such a provision. The use of data for the same month in connection with both Class I and base milk butterfat differentials will tend to clarify the application of butterfat differentials without changing the average level of such differentials over a period of time. It is concluded that such proposal should be adopted.

(10) Certain revisions of order language should be made to (a) clarify the application of the classification and pricing provisions to Grade A milk disposed of by commingling with factory milk and to improve the basis for auditing milk receipts and utilization, and (b) to clarify the meaning of the term "plant" in relation to "farm tank" milk.

Few plants in the milkshed which handle factory milk as well as Grade A milk are so arranged that the two types of operations are physically separate. Most of such plants are actually small operating units with some facilities for receiving Grade A milk separately but frequently having common facilities for the further handling of milk of either type. The two types of milk are often commingled in manufacturing operations. Because such plants are, from a practical standpoint, single operating units there is little or no basis for clear cut product accounting with respect to Grade A milk utilization as compared with the use of manufacturing milk. Prior to the order it was sufficient for handlers to assume that all Grade A milk not specifically accounted for had been transferred to the manufacturing side of the plant and to consolidate the records of both types of milk. Under a strict system of classification the results are a distortion of the amount of shrinkage, or overage, which exists in the plant, a consequent loss of money to the pool, and an audit which does not test the reasonableness of the reported transfer of Grade A milk to the manufacturing operation. It is concluded that the order should provide clearly for the audit of manufacturing operations when Grade A milk is included, that the audit findings there made should be consolidated with Grade A milk operations to determine shrinkage, or overage, for the handler's entire operation, and that the over-all figures be used as the basis for prorating such shrinkage or overage. This requires the rewording of certain definitions as well as changes in other applicable provisions of the order.

The hearing developed considerable discussion of "farm tank" hauling by which milk is picked up at the farm by small tank trucks and then is transferred to a larger tank truck for delivery to a plant. Under this system, which has shown some growth in the supply area, the milk of the individual producers loses its identity by commingling with other milk at the time it is placed in the farm tank truck. A proposal was made to consider a building used primarily as a shelter during the transfer of milk from a farm tank truck to a larger tank truck for additional hauling as a plant for the purpose of applying prices and location adjustments to the milk involved.

It is concluded that a building or shelter of this kind should not be regarded as a plant. No records of utilization of the subject milk are available at such location. When transferred from one truck to another the milk is still in transit to a plant where it will ultimately be processed. It is only at a plant, or plants, where use is made of the milk that records of utilization are available and that audits of such are possible. To consider the truck shelter as a plant would merely introduce a third party into matters between the market administrator and handlers involving financial responsibility that would not assist, and might even interfere in attainment of the main objectives of the order. Such milk should be considered as "received" by the handler when it reaches a plant where milk actually is processed.

Although the record does not indicate such a situation at present, it could develop that milk would be tanked from such a shelter to more than one processing plant. In order to provide a specific and clear basis for the accounting and payment for milk so handled, it is concluded that the order should provide for the first plant to receive any portion of the particular load to be responsible for the entire load and that subsequent deliveries from such load be considered as interplant transfers. Appropriate language is included to cover the above.

Rulings on briefs. Briefs were filed on behalf of a substantial number of producers and handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, as amended. The order, as amended, and as proposed below to be further amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A revised marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be amended as follows:

DEFINITIONS

§ 925.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 925.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or other officer or employee of the United States authorized to exercise the powers or to

perform the duties of the said Secretary of Agriculture.

§ 925.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 925.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 925.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any state, which includes members who are producers as defined in § 925.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sales of or marketing milk or its products for its members.

§ 925.6 *Puget Sound, Washington, Marketing Area.* "Puget Sound, Washington, Marketing Area" (hereinafter called the "marketing area") means all territory lying west of range 8E in Whatcom, Skagit, Snohomish, and King Counties; all territory lying within townships 23N and 24N within range 8E in King County; all territory lying west of range 8E and north of township 18N in Pierce County, except Fox, McNeil, and Anderson Islands and the peninsulas on which Lake Bay and Gig Harbor are located northward to the Kitsap County line; all territory lying within Thurston county; all territory, except the town of Vader, lying west of range 5E in Lewis County; all territory lying east of range 10W and north of township 12N in Pacific County; and all territory lying south of township 19N in Grays Harbor County; all in the State of Washington. As used in this section, "territory" shall include all municipal corporations, Federal military reservations, facilities and installations, and state institutions lying wholly or partly within the above-described area. "District No. 1" of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. "District No. 2" of the marketing area shall include that part of the marketing area lying within the counties of Skagit and Whatcom, and "District No. 3" of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific.

§ 925.7 *Plant.* "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment which is maintained and operated primarily for the receiving, handling and processing of milk or milk products: *Provided*, That this definition shall not be deemed to include any building or other structure used primarily for the transfer of milk from a truck (including a "farm tank" truck) to another truck for additional hauling.

§ 925.8 *Fluid milk plant.* "Fluid milk plant" means any plant, other than the plant of a producer-handler, located in the marketing area which is approved by any health authority having jurisdiction in the marketing area as a plant from which milk may be distributed for consumption as fluid milk in the marketing area, and from which during the month Class I milk pursuant to § 925.41 (a) (1) is disposed of (including sales at such plant, plant store or eating place) within the marketing area: *Provided*, That this definition shall be deemed to include, for the purposes of §§ 925.30 through 925.34 and §§ 925.40 through 925.45 only, any facilities operated on the same premises for the receiving and processing of milk or milk products not having the health authority approval referred to in this section even though such facilities are operated by a person other than the operator of the fluid milk plant, and any such milk or milk products shall be deemed to be other source milk.

§ 925.9 *Country plant.* "Country plant" means any plant, other than a fluid milk plant or the plant of a producer-handler, which is approved by any health authority having jurisdiction within the marketing area for the receiving of milk qualified for consumption as fluid milk within the marketing area: *Provided*, That any such plant located outside of the marketing area other than the plant of Kristoferson Dairy, Inc., at Sequim and the plant of the Dungeness-Sequim Cooperative Creameries at Dungeness shall not be a country plant if the percentage of either butterfat or skim milk in milk so qualified which is received at the plant from dairy farmers and moved in fluid form as milk to a fluid milk plant, or disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1), is less than:

(a) 50 percent in the current month during the period October through December; or

(b) 20 percent in the current month during the period January through September, except that if the percentage was more than 50 percent for the entire period of October through December immediately preceding no percentage shall be required for such months of January through September:

And provided further, That any plant which otherwise meets the requirements of this section may withdraw from country plant status for any month in the January–September period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

§ 925.10 *Nonpool plant.* "Nonpool plant" means any plant other than a fluid milk plant or a country plant.

§ 925.11 *Dairy farmer.* "Dairy farmer" means any person who is engaged in the production of milk.

§ 925.12 *Producer.* "Producer" means any dairy farmer, other than a producer handler, who produces milk of dairy cows under a dairy farm permit or rating issued by an appropriate health authority having jurisdiction in the marketing area, for the production of milk qualified for disposition in fluid form to consumers as Grade A milk within the marketing area.

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted. For the purposes of this order any milk moved from a producer's farm in a "farm tank" pick-up truck shall be deemed to be received by the handler at the plant where any portion thereof is first unloaded from such truck (or from another truck to which it may have been transferred in transit): *Provided*, That if such milk is commingled with the milk of any other producer(s) prior to delivery to a plant, the operator of the plant at which any portion of such load is first received shall be the receiving handler for the total volume of milk contained in such load; and if any portion of such delivery is moved to another plant without being unloaded from such truck it shall be considered to be an interplant transfer to be classified pursuant to § 925.44.

§ 925.14 *Other source milk.* "Other source milk" means (a) all skim milk and butterfat received from a producer-handler (or the plant of a producer-handler) in any form (including bottled products), and (b) all other skim milk and butterfat other than in (i) producer milk, and (ii) milk and milk products received from fluid milk plants and country plants.

§ 925.15 *Handler.* "Handler" means:

(a) Any person engaged in the handling of milk in his capacity as the operator of a fluid milk plant, a country plant or any other plant from which milk in any of the forms specified in § 925.41 (a) is disposed of to any place or establishment within the marketing area other than a plant: *Provided*, That this paragraph shall not be deemed to include any such person with respect to any of the items specified in § 925.41 (a) disposed of to military or other ocean transport vessels leaving the marketing area; if the items so disposed of originated at a plant located outside the marketing area and were not received or processed at any fluid milk plant or country plant; and

(b) Any cooperative association, which is not a handler pursuant to paragraph (a) of this section, with respect to producer milk caused to be diverted for the account of such cooperative association from a fluid milk plant or a country plant to a nonpool plant.

§ 925.16 *Producer-handler.* "Producer-handler" means any person who is both a dairy farmer and a handler,

and who processes milk from his own farm production and distributes all or a portion of such milk within the marketing area as Class I milk, but who received no milk from producers: *Provided*, That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a dairy farmer, and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 925.17 *Base.* "Base" means a quantity of milk, expressed in pounds per day, computed pursuant to § 925.60.

§ 925.18 *Base milk.* "Base milk" means (a) milk delivered by a producer during the month in the period February through August, inclusive, of each year which is not in excess of his base multiplied by the number of days of delivery in such month: *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant the days of nondelivery intervening days of delivery shall be considered as days of delivery for the purposes of this paragraph; and (b) all milk delivered by a producer in each of the months of September, October, November, December, and January.

§ 925.19 *Excess milk.* "Excess milk" means milk delivered by a producer in excess of base milk.

MARKET ADMINISTRATOR

§ 925.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be designated by, and shall be subject to removal at the discretion of the Secretary.

§ 925.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 925.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 925.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 925.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 925.30 to 925.32, inclusive; or

(2) Made one or more of the payments pursuant to §§ 925.80 to 925.88, inclusive.

(i) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the class utilization of milk caused to be delivered by such cooperative association directly from farms of producers who are members of such cooperative association to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by such a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) On or before the 13th day after the end of each month, notify:

(1) Each handler whose total value of milk is computed pursuant to § 925.70 (a) of:

(i) The amounts and values of his producer milk in each class and the totals of such amounts and values;

(ii) The amount of any charge made pursuant to § 925.70 (a) (5);

(iii) The uniform prices for base milk and excess milk;

(iv) The totals of the amounts computed in the manner provided by § 925.80 (a);

(v) The amount due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund, as the case may be; and

(vi) The totals of the amounts required to be paid by such handler pursuant to §§ 925.87 and 925.88.

(2) Each handler whose total value of milk is computed pursuant to § 925.70 (b) of the pounds of other source milk on which payment is required to be made and the amount due the producer-settlement fund from such handler.

(k) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month, the minimum price for Class I milk pursuant to § 925.51 (a) and the Class I butterfat differential pursuant to § 925.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 925.51 (b) and the Class II butterfat differential pursuant to § 925.52 (b), both for the preceding month; and

(2) On or before the 13th day of each month, the uniform price computed pursuant to § 925.71 and the butterfat differential computed pursuant to § 925.82, both applicable to producer milk received during the preceding month; and

(l) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall report for the preceding month to the market administrator with respect to milk and milk products received at each of such handler's fluid milk plants and country plants, and at each of his plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall report with respect to milk diverted on its account during the preceding month, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers;

(b) The quantities of skim milk and butterfat contained in milk and milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk received (except Class II milk products disposed of in the form in which received without further processing by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including the pounds of skim milk and butterfat on hand at the beginning and end of each month as milk and milk products;

(e) The aggregate quantities of base milk and excess milk received; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 925.31 *Payroll reports.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(b) The amount of payments to each producer and cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 925.32 *Other reports.* At such times and in such manner as the market administrator may prescribe:

(a) Each handler shall report to the market administrator such information in addition to that required under § 925.30 as may be requested by the market administrator with respect to milk and milk products handled by him;

(b) Each producer-handler shall report to the market administrator relative to his receipts and utilization of milk and milk products.

§ 925.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to the information required to be reported pursuant to §§ 925.30, 925.31, and 925.32 and to payments required to be made pursuant to §§ 925.80 through 925.88.

§ 925.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 925.35 *Handler report to producers.* On or before the 19th day of each month each handler shall furnish each producer from whom milk was received, a monthly statement containing at least the following information: (a) The amount of milk received from such producer each day during the preceding month, (b) the base and excess prices used in computing the producer's value of milk for such preceding month, (c) an itemized list of all deductions made by the handler from such prices, and (d) any premiums or payments above the minimum prices provided by the order for such preceding month.

CLASSIFICATION

§ 925.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler which is required to be reported pursuant to § 925.30 shall be classified by the market administrator pursuant to the provisions of §§ 925.41 to 925.45, inclusive.

§ 925.41 *Classes of utilization.* Subject to the conditions set forth in §§ 925.42, 925.43 and 925.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in fluid form as milk (including milk frozen), skim milk, skim milk drinks, buttermilk flavored milk, flavored milk drink and cream (sweet or sour), except any item named in this subparagraph disposed of pursuant to paragraph (b) (3) of this section, (2) disposed of as any fluid mixture containing cream and milk or skim milk (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product, evaporated or condensed products), (3) contained in monthly inventory variations, and (4) not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat (1) disposed of as (or used to produce, in the case of ice cream and frozen desserts and mixes for such products (liquid or powder), cottage cheese and aerated cream products) any product other than those included under paragraph (a) (1) and (2) of this section, (2) disposed of for livestock feed, (3) disposed of in bulk in any of the forms specified in paragraph (a) (1) of this section to bakeries, soup companies and candy manufacturing establishments in their capacity as such and to nonpool plants subject to the conditions of § 925.44 (c) (2), (4) in actual shrinkage of producer milk computed pursuant to § 925.42 but not in excess of 1.5 percent of the quantity of skim and butterfat, respectively, in producer milk, and (5) in actual shrinkage of other source milk computed pursuant to § 925.42.

§ 925.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between the pounds of producer milk and other source milk after deducting receipts from other handlers: *Provided*, That with respect to any fluid milk plant where no producer milk has been received during the month, all shrinkage shall be allocated for such month to the other source milk in such plant.

§ 925.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such milk or butterfat proves that such skim milk and butterfat should be classified as Class II milk.

(b) The burden shall rest upon each handler to establish the sources of milk and milk products required to be reported by him pursuant to § 925.30.

(c) Except as provided in § 925.44 (a) (3) and (c) (1), any skim milk or butterfat classified in one class shall be reclassified if used or reused by any handler in another class.

§ 925.44 *Transfers.* Skim milk and butterfat moved in any of the forms specified in § 925.41 (a) (1) from one plant to another shall be assigned (separately) to each class in the following manner:

(a) From country plants to fluid milk plants and between fluid milk plants:

(1) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is (i) from a country plant or fluid milk plant located in District No. 1 to any fluid milk plant, (ii) from a country plant not located in District No. 1 to a fluid milk plant located in District No. 2 or District No. 3, or (iii) between fluid milk plants not located in District No. 1.

(2) As Class I milk to the extent Class I milk is available at the transferee plant if the transfer is from a country plant or fluid milk plant not located in District No. 1 to a fluid milk plant located in District No. 1.

(3) As Class I milk if the transfer is to the plant of a producer-handler.

(b) From a fluid milk plant or country plant to a country plant: As Class II milk: *Provided*, That (1) the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction, pursuant to § 925.45 (b) (2), of other source milk at such plant, and (2) any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant not located in the marketing area.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, Kitsap, Island, or Mason in the State of Washington which is not engaged in the distribution of milk for consumption as fluid milk: *Provided*, That if such plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area or in the counties specified, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk.

§ 925.45 *Computation of the quantity of producer milk in each class.* For each handler the market administrator shall:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute

(c) Obtain a bond in a reasonable amount and with reasonable surety

of milk is computed pursuant to § 925.70

from each producer, the pounds of but-

No. 144——5

the total pounds of skim milk and butterfat in each class;

(b) Allocate skim milk in the following manner;

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk shrinkage allowed pursuant to § 925.41 (b) (4);

(2) Subtract from the pounds of skim milk in Class II milk the pounds of skim milk in other source milk received: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in each class, respectively, the skim milk received from other fluid milk plants and country plants and assigned to such class pursuant to § 925.44;

(4) Add to the remaining pounds of Class II milk, the amount subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk in milk received from producers, subtract such excess (hereinafter referred to as "overage") from the remaining pounds of skim milk in each class beginning with Class II milk.

(c) Allocate butterfat in accordance with the procedure prescribed for skim milk in paragraph (b) of this section.

(d) Add together for each class the quantities of skim milk and butterfat in such class computed pursuant to paragraphs (b) and (c) of this section and compute the weighted average butterfat content of such class.

MINIMUM PRICES

§ 925.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in computing the price per hundredweight of Class I milk for the current month shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section for the preceding month.

(a) Divide by 3.5 and then multiply by 4.0 the average of the basic, or field, prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis

(b) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, by 6;

(2) Add 2.4 times the simple average, as published by the Department, of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month;

(3) Divide by 7;

(4) Add 30 percent thereof; and

(5) Multiply by 4.

(c) The price per hundredweight computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

§ 925.51 *Class Prices.* Subject to the differentials provided in § 925.52 the following are the minimum prices per hundredweight to handlers for Class I milk and Class II milk:

(a) *Class I Milk.* The price for Class I milk shall be the basic formula price plus $1.65: *Provided*, That the price for Class I milk for the months of April through June, inclusive, of any year shall not be higher than the price computed pursuant to the above provisions of this paragraph for the month of March immediately preceding, and the price for Class I milk for any October through January period, inclusive, shall not be lower than the price computed pursuant to the above provisions of this paragraph for the month of September immediately preceding.

(b) *Class II Milk.* The price for Class II milk shall be that computed by the market administrator from the following formula:

(1) Multiply by 4.8 the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at San Francisco, as reported by the Department during the month: *Provided*, That, if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 80 cents.

§ 925.52 *Butterfat differentials to handlers.* If the average butterfat content of Class I milk or Class II milk, computed pursuant to § 925.45, for any handler for any month differs from 4.0 percent, there shall be added to, or subtracted from, the applicable class price (§ 925.51) for each one-tenth of 1 percent that the average butterfat content of such class is respectively above, or below, 4.0 percent, a butterfat differential computed by the market administrator as follows:

(a) *Class I milk:* Multiply by 1.25 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

(b) *Class II milk:* Multiply by 1.15 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the preceding month, divide the result by 10, and round to the nearest tenth of a cent.

§ 925.53 *Location adjustment to handlers on Class I milk.* In computing the value of each handler's milk there shall be credited with respect to skim milk and butterfat, respectively, in producer milk received at a plant not located in District No. 1 or in the counties of Kitsap and Mason and classified as Class I milk, 40 cents per hundredweight: *Provided*, That an additional 10 cents shall be credited with respect to skim milk and butterfat so received and classified at any plant located in Clallam or Jefferson Counties.

§ 925.54 *Location adjustment to handlers on Class II milk.* In computing the value of each handler's milk there shall be added, with respect to skim milk and butterfat, respectively, in producer milk received at a plant located in District No. 1 or in the counties of Kitsap and Mason and classified as Class II milk, 25 cents per hundredweight: *Provided*, That this adjustment shall not be made with respect to skim milk and butterfat in producer milk used in the manufacture of evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, or cheddar cheese, but for the purposes of this proviso the amount of butterfat and skim milk contained in producer milk that may be accounted for as used to manufacture nonfat dry milk solids, powdered whole milk, cheddar cheese, butter and evaporated milk in hermetically sealed cans in a District No. 1 plant shall be limited to any amount remaining after the subtraction of skim milk and butterfat contained in other source milk from the total amount of skim milk and butterfat used to produce such specified milk products.

§ 925.60 *Computation of daily base.* Subject to the rules set forth in § 925.61, the market administrator shall determine daily bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) During each of the months of February through August, inclusive, of each year beginning with 1954 the daily base of each producer whose milk was received by a handler(s) on not less than 90 days during the immediately preceding months of September through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in such four-month period by the number of days from the date of first delivery to the end of such four-month period: *Provided*, That with respect to any producer on "every-other-day" delivery the days of non-delivery intervening days of delivery shall be considered as days of delivery for the purpose of ascertaining whether delivery was made on 90 days or more pursuant to this paragraph.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1953, a monthly base in the months of February through August, inclusive, computed by applying the appropriate monthly percentage in the following table to his deliveries to a handler(s):

February	70	June	50
March	65	July	55
April	55	August	65
May	45		

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred during the period of February through August, inclusive, upon written notice to the market administrator on or before the last day of the month of transfer, but only under the following circumstances:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm.

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to another producer.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator prior to the 15th day of any month in the period February through August, inclusive, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the end of such seven-month period such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

DETERMINATION OF UNIFORM PRICE

§ 925.70 *Computation of value of milk.* (a) Except as provided in paragraph (b) of this section, the total value of milk received during any month by each handler including a cooperative association, shall be a sum of money computed by the market administrator as follows:

(1) Multiply the pounds of producer milk in each class for such month by the class price (§ 925.51) and add together the resulting amounts;

(2) Deduct the total amount of all location adjustment credits computed in accordance with § 925.53;

(3) Add the total amount of all location adjustments computed pursuant to § 925.54;

(4) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months for which payment has not been made;

(5) Add, if such handler had overage, an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 925.45 by the applicable class price: *Provided*, That if overage results in a fluid milk plant or country plant having receipts of other source milk, such overage shall be prorated between producer milk and other source milk and such applicable class price shall be charged only with respect to the quantity prorated to producer milk; and

(6) Add, with respect to other source milk received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1 or in the counties of Kitsap or Mason, reduced by 40 cents per hundredweight: *Provided*, That with respect to skim milk and butterfat so received and classified at any plant located in Clallam and Jefferson Counties, there shall be a further reduction of 10 cents per hundredweight.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2 and 3, reduced by 40 cents per hundredweight.

§ 925.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 925.70 for all handlers who made the reports prescribed in § 925.30 and who made the payments pursuant to § 925.84 for the preceding month;

(b) Add the aggregate of the values of the location adjustments on base milk allowable pursuant to § 925.81 (a);

(c) Deduct the aggregate of the values of the location adjustments on excess milk computed pursuant to § 925.81 (b);

(d) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(e) Subtract, if the average butterfat content of the milk represented by the values included under paragraph (a) of this section is greater than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 925.82 and multiplying the resulting figure by the total hundredweight of such milk;

(f) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk, rounded to the nearest one-tenth cent;

(g) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (f) of this section from the net amount computed pursuant to paragraph (e) of this sec-

White House Milk Co., West Bend, Wis

tion: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(h) Divide the net amount obtained in paragraph (g) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; and

(i) Divide the amount obtained in paragraph (f) of this section plus any amount subtracted pursuant to the proviso of paragraph (g) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

PAYMENTS

§ 925.80 *Time and method of payment to producers and to cooperative associations.* (a) On or before the 19th day after the end of each month, each handler, including a cooperative association which is a handler, shall make payment to each producer, for milk received at his plant from such producer during such month pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That such payment shall be made, upon request, to a cooperative association, or to its duly authorized agent, qualified under § 925.5 with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this proviso shall be made on or before the 17th day after the end of such month: *And provided further*, That if by such date such handler has not received full payment for such month pursuant to § 925.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator:

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81; and

(2) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 925.82 and by any location adjustment applicable under § 925.81.

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price adjusted by the amounts of any location adjustments applicable pursuant to §§ 925.53 and 925.54.

(c) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c (5) (F) of the act from making payment for milk to its producers in accordance with such provision of the act.

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers as follows: 50 cents at plants located in Clallam and Jefferson Counties, and 40 cents at other plants not located in District No. 1 or in the counties of Kitsap and Mason.

(b) 25 cents per hundredweight shall be added for the months of February through August, inclusive, to the uniform price for excess milk received from producers at plants located in District No. 1.

§ 925.82 *Producer butterfat differential.* In making payments pursuant to § 925.80 (a) for base milk and for excess milk, there shall be added to, or subtracted from, the uniform prices thereof for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, a butterfat differential computed by the market administrator as follows: Multiply the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at San Francisco, as reported by the Department during the month in which the milk was received, by 1.25 in the case of base milk, and by 1.15 in the case of excess milk, and, in each case, divide the resulting amount by 10, and round to the nearest tenth of a cent: *Provided*, That if the total quantity of butterfat in Class I milk is less than the total amount of butterfat in base milk received from producers by all handlers the butterfat differential applicable to base milk for the month shall be computed by multiplying the butterfat differential for Class I milk by the percentage of Class I butterfat represented within such total base milk and by multiplying the remaining percentage of butterfat within base milk by the butterfat differential for Class II milk, and adding together the resulting amounts: *And provided further*, That in the months of September through January, inclusive, the butterfat differential to be used pursuant to this section shall be computed by multiplying the butterfat differential for Class I milk by the percentage of butterfat in producer milk classified in such class and the butterfat differential for Class II milk by the percentage of butterfat in producer milk classified in such class, and adding together the resulting amounts.

§ 925.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to § 925.84 and out of which he shall make all payments to handlers pursuant to § 925.85.

§ 925.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is greater than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a).

§ 925.85 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the total value of such handler's milk as determined pursuant to § 925.70 is less than the value of such handler's producer milk computed at the minimum uniform prices as specified in § 925.80 (a), and less any unpaid obligations of such handler to the market administrator pursuant to §§ 925.84, 925.86, 925.87, and 925.88: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 925.86 *Adjustments of accounts.* Whenever verification by the market administrator of reports or payment of any handler discloses errors resulting in money due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

§ 925.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefore to, a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 925.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

§ 925.88 *Expense of administration.* As his pro rata share of the expense of administration of this order, each handler shall pay to the market administrator on or before the 15th day after the end of each month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within such month of (a) other source milk classified as Class I milk, and (b) milk received from producers, including such handler's own production.

§ 925.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 925.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 925.91.

§ 925.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 925.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 925.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 925.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 925.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

§ 925.102 *Producer-handlers.* Sections 925.40 to 925.45, inclusive, 925.50 to 925.54, inclusive, 925.70 to 925.71, inclusive, and 925.80 to 925.89, inclusive, shall not apply to a producer-handler.

Filed at Washington, D. C., this 21st day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-8131; Filed, July 23, 1952; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42, 45, 61]

SPECIAL CIVIL AIR REGULATION; EMERGENCY EVACUATION PROVISIONS FOR TRANSPORT TYPE AIRPLANES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a proposed Special Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by August 8, 1952. Copies of such communications will be available after August 12, 1952, for examination by interested persons at the Docket Section

which operates a fluid milk plant or

centage of butterfat in producer milk

ated by a cooperative association

of the Board, Room 5412, Commerce Building, Washington, D. C.

On November 15, 1951, the Board adopted Amendment 4b–4 which provided new emergency evacuation provisions for the certification of transport category airplanes, and which became effective on December 20, 1951. Subsequently, the Board caused a notice of proposed rule making to be published in the FEDERAL REGISTER (16 F. R. 13151) and also circulated Draft Release No. 51–16 indicating its intent to amend the emergency evacuation provisions applicable to the operation of airplanes presently certificated. An amended proposal was subsequently published as a notice of proposed rule making in the FEDERAL REGISTER (17 F. R. 4503) and circulated as Draft Release No. 52–13. Further study as a result of comment on these notices of proposed rule making has indicated that the proposals would not be practicable in application in all cases and that additional changes were necessary.

First of all, there is reason to believe that the substantiation by means of an evacuation demonstration of the number of exits in relation to the number of occupants permitted to be carried does not necessarily result in an appropriate level of safety because of the difficulty in making such demonstrations sufficiently realistic. One of the reasons why the regulations effective prior to the promulgation of Amendment 4b–4 were considered no longer practical was the provision permitting evacuation demonstrations. Furthermore, those regulations were impractical and not sufficiently explicit with respect to airplanes having relatively large occupancy. For example, the increments in the table contained in § 4b.362 (b) (1) cannot logically be extended arithmetically with respect to airplanes carrying considerably in excess of 50 passengers.

A reevaluation of the maximum number of occupants in specific airplane types prescribed in Draft Release 52–13 indicated the need for some revisions to be consistent with the latest approvals. Such inconsistencies as do exist with respect to certain of the less conservative values prescribed for maximum occupancy are due mainly to prior approvals. Others are due to comparisons with comparable airplanes taking into consideration the size, number, and location of emergency exits as well as the normal configurations within the passenger compartment. Although some approved occupancies as set forth in the proposed table may seem high in comparison to newer models, the Board does not consider that it is justified in requiring a reduction in occupancy below the numbers previously approved. The Board considers that the number of occupants authorized by this proposal can be evacuated within a safe time with the present improved evacuation methods now being put into practice by the several operators.

It is now proposed that all airplanes of 12,500 pounds or more maximum certificated take-off weight operated while carrying passengers for hire comply with Civil Air Regulation Amendment 4b–4, except that those airplanes listed in the table contained in the proposal may be approved by the Administrator for a maximum number of occupants not to exceed the numbers stated. Allowance to carry such maximum numbers will be based on compliance with the applicable number, size, and arrangement of exits and passenger cabin configuration presently approved by the Administrator of Civil Aeronautics. For example, the Lockheed 049, 649, and 749 are approved for 71 occupants with 4 window exits and 1 door, 76 occupants with 5 window exits and 1 door, and for 87 occupants with 6 window exits and 1 door.

Because this proposed rule contains major substantive changes from the previous proposals, the Board will allow an additional 15 days for public comment before considering the proposal for final adoption.

Accordingly it is proposed to promulgate a Special Civil Air Regulation to read substantially as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, no large airplane (12,500 pounds or more maximum certificated take-off weight) while carrying passengers for hire shall be operated with occupants in excess of the number permitted by applying the provisions of Civil Air Regulation Amendment 4b–4, effective December 20, 1951, except that airplane types listed in the following table may be operated with the maximum number of occupants therein listed when approved by the Administrator. Such approval shall be based on the emergency exit requirements already authorized by him for that airplane type prior to the effective date of this regulation.

Airplane type:	*Maximum number of occupants including the crew*
B–307	61
B–377	96
C–46	67
CV–240	53
CV–340	53
DC–3	35
DC–3 (Super)	39
DC–4	86
DC–6	87
DC–6B	[1]95
L–18	17
L–049, L–649, L–749	[2]87
L–1049	95
M–202	53
M–404	53

[1] The DC–6A, if converted to a passenger transport configuration, will be governed by the maximum number applicable to the DC–6B.

[2] 87 occupants permitted with 6 exits and 1 passenger door in the passenger area; only 76 occupants permitted with 5 exits and 1 passenger door in the passenger area; only 71 occupants permitted with 4 exits and 1 passenger door in the passenger area.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: July 18, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52–8129; Filed, July 23, 1952; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[417.45]

DICALCIUM PHOSPHATE

TARIFF CLASSIFICATION

JULY 21, 1952.

The Bureau, by letter to the collector of customs, New York, New York, dated July 21, 1952, ruled that all dicalcium phosphate is classifiable under paragraph 5, Tariff Act of 1930, and dutiable at the modified rate of 12½ percent ad valorem rather than free of duty under paragraph 1685.

In any case in which this ruling will result in the assessment of duty rather than the free entry heretofore accorded under a uniform practice this ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 52–8128; Filed, July 23, 1952; 8:58 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

TRANSFER OF JURISDICTION OF INTEREST

JULY 16, 1952.

By virtue of the authority contained in section 7 of the Public Works Act of August 24, 1949 (63 Stat. 629; 48 U. S. C. 486e), and pursuant to section 2.56 of Delegation Order No. 427, of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Jurisdiction of interest in and to the following described lands located in the

East Addition to Kodiak Townsite, Alaska, U. S. Survey No. 2538B, is hereby transferred to the Office of Territories, Department of the Interior:

Beginning at the Easterlymost corner of the U. S. Military Reserve, designated as MR 8; thence South 55° 17' West, a distance of 460 feet; thence North 34° 43' West, a distance of 460 feet; thence North 55° 17' East, a distance of 460 feet; thence South 34° 43' East, a distance of 460 feet to the point of beginning, containing 4.858 acres, more or less.

Lots 1, 2, 3, 9, to 16 inclusive, Block 38.

Any subsequent conveyance which may be made of the lands to a public body under authority of the Act of August 24, 1949, supra, the instrument of conveyance shall contain a provision reserving a right-of-way for ditches and canals constructed under authority of the United States, and reserving also to the United States (1) all fissionable source materials in the land, together with the right of the United States to enter upon the land and prospect for, mine and remove such materials in accordance with the Act of August 1, 1946 (60 Stat. 755; 43 U. S. C. 1801), (2) all oil and gas and other mineral deposits in the lands together with the rights of the United States, its agents, representatives, leasees or permittees, to prospect for, mine and remove the same under such regulations as the Secretary may prescribe, (3) a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the act of March 12, 1914 (38 Stat. 305; 48 U. S. C. 305), (4) a right-of-way for roads, highways, tramways, trails, bridges, and appurtenant structures constructed by or under authority of the United States or of any State created out of the Territory of Alaska, in accordance with the act of July 24, 1947 (61 Stat. 418; 48 U. S. C. 321d), and (5) such other reservations, covenants, terms, and conditions as may be deemed proper by the Office of Territories, as well as those which may be required for the protection of the Department of the Interior or any agency thereof.

ABE BARBER, *Acting Regional Administrator.*

[F. R. Doc. 52–8068; Filed, July 23, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 16]

DELEGATIONS OF AUTHORITY; GENERAL

This amendment supersedes the original text of Order No. 2509 and Amendments 1 to 15, inclusive.

Order No. 2509, as amended, is revised to read as follows:

Sec.
1. Under Secretary, Assistant Secretaries, and Administrative Assistant Secretary.
2. Solicitor as Acting Assistant Secretary.
11. Authentication of documents.
20. Patents.
21. Tort claims.
22. Claims relating to irrigation works.
23. Appeals in land cases.
24. Contract appeals.
25. Appeals in Indian probate proceedings.
26. Escheat of Indian estates.
27. Remission of liquidated damages.
28. Acquisition of real estate by condemnation.
50. Contracts; Bureaus.
51. Contracts; Office of the Secretary.
52. Leases.
53. Contracts; Chairman, Field Committees.
60. Correspondence concerning condemnation proceedings.
61. Requests for title opinions.

SECTION 1. *Under Secretary, Assistant Secretaries, and Administrative Assistant Secretary.* (a) The Under Secretary, the Assistant Secretaries, and the Administrative Assistant Secretary may severally exercise all the authority of the Secretary of the Interior with respect to any matter, including any defense matter concerning electric power, fishery commodities, metals and minerals, or solid fuels, which comes before any of them, except:

(1) The signing of correspondence addressed to the President;

(2) The issuance of orders delegating the authority of the Secretary;

(3) The exercise of powers delegated by the President to the Secretary without any authorization for redelegation;

(4) The issuance of general regulations; and

(5) The making of appointments under section 710 of the Defense Production Act of 1950 (50 U. S. C. App., 1946 ed., Supp. IV, sec. 2160).

(b) Notwithstanding the limitation contained in subparagraph (2) of paragraph (a) of this section:

(1) the Under Secretary, an Assistant Secretary, or the Administrative Assistant Secretary may authorize officers or employees of the Department to sign on behalf of the United States contracts the provisions of which have been approved by the Under Secretary, the Assistant Secretary, or the Administrative Assistant Secretary; and

(2) The Administrative Assistant Secretary may, in writing, redelegate or authorize the redelegation of such portions of the authority of the Secretary with respect to matters in the field of administrative management, including matters relating to budget, finance, personnel (except appointments under section 710 of the Defense Production Act of 1950), management research, property management, and administrative services, as the Administrative Assistant Secretary may deem appropriate.

SEC. 2. *Solicitor as Acting Assistant Secretary.* Whenever an Assistant Secretary of the Interior is absent or a vacancy exists in such a position and the Secretary of the Interior directs the Solicitor of the Department, in accordance with Executive Order No. 9794, to perform the duties of the absent Assistant Secretary or of the vacant position, the Solicitor may, with respect to any matters which come before him, exercise all the authority of the Secretary of the Interior.

SEC. 11. *Authentication of documents.* The Chief Clerk of the Department is authorized to authenticate copies of books, records, papers, and documents of the Department. This section does not affect the authority of any bureau official to authenticate copies of books, records, papers, or documents under 43 CFR, Part 2, or under applicable statutes.

SEC. 20. *Patents.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to patent policies and procedures, including the adjudication of patent rights in inventions made by personnel of the Department of the Interior and the issuance of licenses for the use of inventions under patents controlled by the Secretary of the Interior.

SEC. 21. *Tort claims.* (a) The Solicitor of the Department of the Interior may exercise all the authority conferred upon the Secretary of the Interior by 28 U. S. C., secs. 2671–2680.

(b) The Regional Counsels of the Bureau of Land Management, of the Bureau of Reclamation, and of the National Park Service, the Area Counsels of the Bureau of Indian Affairs, the General Counsel of the Bonneville Power Administration, the Chief Counsels of the Southwestern Power Administration and the Southeastern Power Administration, and the Counsel of The Alaska Railroad are severally authorized to consider, ascertain, adjust, determine, and settle, pursuant to the provisions of 28 U. S. C., sec. 2672, any claim not exceeding $1,000 against the United States based upon a negligent or wrongful act or omission of an employee of the Department of the Interior, and, without considering its merits, to reject any tort claim which is for an amount in excess of $1,000.

(c) Any claimant who is dissatisfied with a determination made under paragraph (b) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim (28 U. S. C., sec 2672).

SEC. 22. *Claims relating to irrigation works.* (a) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in determining whether claims for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(b) Subject to the direction and supervision of the Solicitor, the Area Counsels of the Bureau of Indian Affairs are severally authorized to determine whether claims not exceeding $1,000 for damages arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects shall be allowed in whole or in part or shall be disallowed.

(c) Any award which may be made by the Solicitor pursuant to paragraph (a) of this section or by an Area Counsel pursuant to paragraph (b) of this section and which is accepted by the claimant in full satisfaction of his claim shall be paid out of funds available for the Indian irrigation project involved in the claim.

paragraph 1685.

20. Escheat of Indian estates.

(d) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in determining whether claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(e) Subject to the direction and supervision of the Solicitor, the Regional Counsels of the Bureau of Reclamation are severally authorized to determine whether claims not exceeding $1,000 for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation shall be allowed in whole or in part or shall be disallowed.

(f) Any award which may be made by the Solicitor pursuant to paragraph (d) of this section or by a Regional Counsel pursuant to paragraph (e) of this section and which is accepted by the claimant in full satisfaction of the claim shall be paid out of funds available to the Bureau of Reclamation for such purpose.

(g) Any claimant who is dissatisfied with a determination made under paragraph (b) or paragraph (e) of this section regarding his claim may take an appeal to the Solicitor of the Department of the Interior within 15 days after receiving notice of such determination. Written notice of his desire to take an appeal shall be given by the claimant to the official who made the determination upon his claim, and such official shall thereupon promptly transmit to the Solicitor all documents and other data relating to the claim.

SEC. 23. *Appeals in land cases.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary from decisions of the Director of the Bureau of Land Management (or his delegates), and from decisions of the Director of the Geological Survey (or his delegates), in proceedings which relate to lands or interests in lands.

SEC. 24. *Contract appeals.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior in deciding appeals to the head of the Department from findings of fact or decisions by contracting officers of the Department of the Interior and its several agencies. (Articles 9 and 15, U. S. Standard Form No. 23; Article 12, U. S. Standard Form No. 32 (General Provisions, Supply Contract).)

SEC. 25. *Appeals in Indian probate proceedings.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of appeals to the Secretary in proceedings for the determination of heirs or the approval of wills of deceased Indians.

SEC. 26. *Escheat of Indian estates.* The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of the restricted or trust estates of Indians who have died interstate and without heirs.

SEC. 27. *Remission of liquidated damages.* If the Solicitor of the Department of the Interior determines that, as a matter of justice and equity, all or any part of the liquidated damages assessed on or after July 1, 1949, because of delay against a party to a contract made by the Department of the Interior or one of its agencies on behalf of the Government should be remitted, the Solicitor is authorized to recommend to the Comptroller General that such remission be made. (41 U. S. C., 1946 ed., Supp. IV, sec. 256a.)

SEC. 28. *Acquisition of real estate by condemnation.* (a) The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior under section 1 of the act of August 1, 1888, as amended (40 U. S. C., 1946 ed., Supp. IV, sec. 257), to acquire real estate for the United States by condemnation, under judicial process, whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so, and the Solicitor is authorized to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation.

(b) The Solicitor of the Department of the Interior may exercise the power of the Secretary of the Interior under section 1 of the act of February 26, 1931 (40 U. S. C., 1946 ed., sec. 258a), to sign declarations of taking.

SEC. 50. *Contracts; Bureaus.* (a) Irrespective of the amount involved, the head of a bureau may enter into contracts for construction, supplies, or services in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute. However, the head of a Bureau may request Secretarial approval of any proposed contract.

(b) With respect to any such contract, including a contract approved by the Secretary, the head of a bureau may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

(c) Except in those cases in which he is the contracting officer, the head of a bureau may, with respect to contracts entered into on United States standard form number 23, act as the authorized representative of the Secretary within the meaning of Articles 3 and 4 of that form, and, for the purpose of extending the time within which a contractor may notify a contracting officer of the causes of delay, Article 9 of Form No. 23. This paragraph shall not affect the authority to deviate from the standard form contracts granted to the Bureau of Reclamation by the Chairman of the Interdepartmental Board of Contracts and Adjustments, with the approval of the Director of the Bureau of the Budget, in the memorandum dated November 26, 1927.

(d) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(e) This section is not intended to affect any requirement that proposed programs be cleared with the Office of the Secretary prior to their inauguration.

(f) The head of a bureau shall make such reports concerning the exercise of the authority granted by this section as the Secretary may require. The bureaus will be guided by such procedures as the Secretary may from time to time prescribe.

(g) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration.

(h) This section has no application to the Bonneville Power Administrator, who may continue to exercise authority to contract in accordance with the act of August 20, 1937, as amended (16 U. S. C., 1946 ed., sec. 832 et seq.). Articles 3, 4, and 9, U. S. Standard Form No. 23.)

SEC. 51. *Contracts: Office of the Secretary.* (a) Irrespective of the amount involved, the Chief Clerk is authorized to enter into contracts for supplies or services (1) for the Office of the Secretary, (2) for bureaus and offices from appropriations entitled "Contingent Expenses, Department of the Interior," and (3) for bureaus and offices and territorial agencies under special arrangements, such actions to be taken in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. Secretarial approval is not a condition precedent to the consummation of such a contract unless the Secretary by a written order published in the FEDERAL REGISTER specifically prescribes such a requirement with respect to a particular contract or type of contract, or unless Secretarial approval is specifically required by statute.

(b) With respect to any such contract, including a contract approved by the Secretary, the contracting officer may issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

SEC. 52. *Leases—(a) Continental United States.* The head of a bureau may, within the continental limits of the United States and outside the District of Columbia, lease space in buildings (1) that is to be used wholly or predominantly for the special purposes of the bureau and will not be generally suitable for the use of other agencies, or (2) that is required for use incidental to and in conjunction with space that will be used for such special purposes, or (3) that is to be acquired under a lease involving no rental or a nominal consideration of $1 per annum. (See General Services Administration, Real Property Management Regulation No. 1, sec. 4 (a), December 21, 1950.)

(b) *Territories and possessions.* The head of a bureau may, in the territories and possessions of the United States, lease space in buildings either for the general purposes or for the special purposes of the bureau.

(c) Secretarial approval is not a condition precedent to the consummation of any lease authorized by this section unless the Secretary, by written order published in the FEDERAL REGISTER, prescribes such a requirement with respect to a particular lease or type of lease, or unless Secretarial approval is specifically required by statute. However, the head of a bureau may request Secretarial approval of any proposed lease.

(d) With respect to any such lease described in paragraphs (a) and (b) of this section, including a lease approved by the Secretary, the head of a bureau may modify or renew the lease if such action is legally permissible, and may terminate the lease if such action is legally authorized.

(e) The head of a bureau may redelegate to subordinate officials and employees of the bureau the authority granted in this section. Each such redelegation shall be published in the FEDERAL REGISTER.

(f) The authority granted under this section shall be exercised in compliance with applicable regulations and statutory requirements and shall be subject to the availability of appropriations.

(g) A copy of U. S. Standard Form 81, Revised, "Request for Space", for each lease and each modification or renewal of a lease shall be transmitted to the Chief Clerk of the Department. Such action will be taken with respect to all leasing transactions, including those in which the General Services Administration does not require the filing of Standard Form 81, Revised (General Services Administration, Real Property Management Regulation No. 3, sec. 4b, June 21, 1951).

(h) As used in this section, the term "bureau" means The Alaska Railroad, the Alaska Road Commission, the Bonneville Power Administration, the Bureau of Indian Affairs, the Bureau of Land Management, the Bureau of Mines, the Bureau of Reclamation, the Fish and Wildlife Service, the Geological Survey, the National Park Service, the Office of Territories, the Puerto Rico Reconstruction Administration, the Southeastern Power Administration, and the Southwestern Power Administration. (Sec. 3 (b), Reorganization Plan No. 18 of 1950 (15 F. R. 3177).)

SEC. 53. *Contracts: Chairmen, Field Committees.* In conformity with applicable regulations and statutory requirements, and subject to the availability of appropriations, the chairmen of the following field committees severally may, without Secretarial approval, purchase supplies and make contracts for supplies and services if the amount involved in any one case does not exceed $100:

Alaska Field Committee.
Colorado River-Great Basin Field Committee.
Missouri River Basin Field Committee.
Pacific Northwest Field Committee.
Southwest Field Committee.

SEC. 60. *Correspondence concerning condemnation proceedings.* The head of any bureau of this Department may approve and sign correspondence concerning pleadings, awards, or judgments in condemnation proceedings, and any other routine, incidental, or related correspondence regarding the conduct of such proceedings, without the submission of such matters for Secretarial consideration, except that requests for condemnation proceedings and declarations of taking shall be submitted to the Secretary for consideration and approval. This section shall not be construed as a limitation upon the authority of the Bonneville Power Administrator, who may continue to exercise authority with respect to the institution of condemnation proceedings and the execution of declarations of taking in accordance with the Bonneville Project Act, as amended (16 U. S. C., 1946 ed., secs. 832a (c) and (d), 832k (b).)

SEC. 61. *Requests for title opinions.* The head of any bureau of this Department may request the Attorney General to render opinions concerning the validity of title pursuant to section 355, Revised Statutes (40 U. S. C., 1946 ed., sec. 255), without the submission of such requests to the Secretary for consideration or approval.

(Sec. 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174, except as otherwise noted.)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8070; Filed, July 23, 1952; 8:45 a. m.]

[Order 2665, Amdt. 1]

ALASKA

RIGHTS-OF-WAY FOR HIGHWAYS

The right-of-way or easement for highway purposes covering the lands embraced in local roads established over the public lands in Alaska by section 2 (a) (3) and section 3 (b) of Order No. 2665 of October 16, 1951 (16 F. R. 10752), is hereby reduced, so far as it affects the Otis Lake Road, to 30 feet on each side of the center line thereof over the following-described lands only:

SEWARD MERIDIAN

T. 13 N., R. 3 W.,
Sec. 21, N½SW¼ and SW¼SW¼.

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 17, 1952.

[F. R. Doc. 52-8071; Filed, July 23, 1952; 8:47 a. m.]

[Order 2694]

HEADS OF BUREAUS AND AGENCIES

REDELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

JULY 17, 1952.

SECTION 1. *Definitions.* All terms used herein conform with definitions in Secretarial Order No. 2643, dated June 25, 1951, and GSA Public Buildings Service Circular No. 1, dated March 8, 1950.

SEC. 2. *Policy.* The purpose of this order is to foster and assure maximum utilization of excess real property and related personal property and enable the efficient and prompt transfer, donation, or disposal of excess or surplus real property and related personal property.

SEC. 3. *Scope.* This redelegation shall apply to all excess or surplus real property and related personal property in all bureaus and agencies of this Department that is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 4. *Authority redelegated.* (a) The authority delegated to the Secretary to transfer, donate, or dispose of real property and related personal property excess to the needs of the Department of the Interior in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder, together with special delegations of authority issued to the Secretary by the Administrator of General Services, is hereby redelegated to the head of each bureau and agency with respect to property under his jurisdiction.

(b) The authority delegated in paragraph (a) may be further redelegated, in writing, by the head of each bureau or agency to the greatest extent practicable in order to adequately and efficiently carry out established programs. (5 U. S. C., 1946 ed., sec. 22; 41 U. S. C., 1946 ed., Supp IV, sec. 201 et seq.; Reorganization Plan No. 3 of 1950, 15 F. R. 3174.)

SEC. 5. *Standards.* (a) The Departmental agency having custody of the property shall circularize all other bureaus and agencies having a possible interest in excess property in order to determine that such property is actually excess to the needs of the Department. The extent of such circularization shall be governed by the nature of the property and the likelihood of its use.

(b) All bureaus and agencies having excess property shall include in their circularization of notice of such property the appropriate programming division of the Office of the Secretary; either the Division of Minerals and Fuels, the Division of Land Utilization, or the Division of Water and Power.

(c) Property determined to be excess to the needs of the Department shall be transferred, donated, or disposed of in accordance with issuances of the Office of the Secretary and Public Buildings Service Circular No. 1 (and supplements thereto).

SEC. 6. *Compliance.* (a) In carrying out the provisions of this order, each

The Solicitor of the Department of the Interior may exercise all the authority of the Secretary of the Interior with respect to the disposition of the restricted or

of delay, Article 9 of Form No. 23. This paragraph shall not affect the authority to deviate from the standard form contracts granted to the Bureau of

may, within the continental limits of United States and outside the District of Columbia, lease space in buildings (1) that is to be used wholly or predom-

[F. R. Doc. 52-8071; Filed, July 23, 1952; 8:47 a. m.]

SEC. 6. *Compliance.* (a) In carrying out the provisions of this order, each

agency shall prepare and maintain such records as will show compliance with:

(1) The Federal Property and Administrative Services Act of 1949, as amended, including regulations and special delegations issued thereunder by the Administrator of General Services;

(2) Order No. 2643, Property Accounting;

(3) Order No. 2680, Sale of surplus Government property to Government employees;

(4) Other issuances from the Office of the Secretary. Such records shall be available for inspection at all reasonable times.

(b) Reports shall be prepared and filed with the Administrator in such manner as specified by General Services Administration regulations.

(c) Bureaus or agencies shall file with the Division of Property Management two (2) copies of all redelegations and instructions of general applicability which they may issue in furtherance of this order.

SEC. 7. *Revocation.* Order No. 2265 is hereby revoked.

(64 Stat. 832; 5 U. S. C. 22, 109; 18 U. S. C. 100, 189; 31 U. S. C. 89-92; 41 U. S. C. 1946 ed., Supp. IV, 232, 233)

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-8119; Filed, July 23, 1952; 8:57 a. m.]

[Order 2697]

FISH AND WILDLIFE SERVICE

DESIGNATION OF ACTING DIRECTOR AND ACTING ASSISTANT DIRECTOR

SECTION 1. *Acting Director.* (a) In the event of the absence, sickness, resignation, or death of the Director of the Fish and Wildlife Service, his duties shall be performed by an Assistant Director. If more than one Assistant Director is available the duties of the Director shall be performed by the Assistant Director whose appointment bears the earliest date.

(b) The Chief, Division of Administration, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(c) The Chief, Division of Management, when for any reason the Chief, Division of Administration, is not available, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(d) The Chief Counsel, when for any reason the Chief, Division of Administration, and the Chief, Division of Management, are not available, shall perform the duties of the Director in the event of the absence, sickness, resignation, or death of the Director and the Assistant Directors.

(e) An officer acting under authority of this section shall sign documents under the title "Acting Director".

SEC. 2. *Acting Assistant Director.* (a) In the event of the absence, sickness, resignation, or death of an Assistant Director, his duties shall be performed by another Assistant Director.

(b) The Chief, Division of Administration, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(c) The Chief, Division of Management, when for any reason the Chief, Division of Administration, is not available, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(d) The Chief Counsel, when for any reason the Chief, Division of Administration, and the Chief, Division of Management, are not available, shall perform the duties of Assistant Director in the event of the absence, sickness, resignation, or death of the Assistant Directors.

(e) An officer, other than an Assistant Director, acting under authority of this section shall sign documents under the title "Acting Assistant Director".

(5 U. S. C., 1946 ed., sec. 22, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

Issued this 17th day of July 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-8072; Filed, July 23, 1952; 8:47 a. m.]

ALASKA

PROPOSED WITHDRAWAL FOR DEPARTMENT OF THE ARMY OF PUBLIC LANDS IN SUSITNA FLATS AREA NEAR ANCHORAGE; NOTICE OF HEARING

Notice is hereby given that the public hearing with respect to a proposed withdrawal for the Department of the Army which was postponed until 10:00 a. m. on Friday, August 1, 1952, by a notice dated June 27, 1952, published in the FEDERAL REGISTER of July 4, 1952 (17 F. R. 6058), will be held by Lowell M. Puckett, Regional Administrator, Bureau of Land Management, Department of the Interior, at the Y. M. C. A., corner of Sixth and F Streets, Anchorage, Alaska, at 10:00 a. m. on the said date.

R. D. SEARLES,
Under Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8069; Filed, July 23, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Office of International Trade

[Case No. 134]

O. B. HAUFSTADTER CO. ET AL.

ORDER REVOKING AND DENYING LICENSE PRIVILEGES

In the matter of: Ozyash B. Haufstadter, doing business as O. B. Haufstadter Co., 220 Broadway, New York 7, New York; Gustav von Hornung, "Hantra" Transit-Handelsgesellschaft, St. Jacobstrasse 21, Basel, Switzerland; S. Stier, 125, Rue de Hollande, Tangier, Morocco, Respondent; Case No. 134.

This proceeding was begun by the issuance of a charging letter, dated October 5, 1951, wherein the Director, Investigation Staff, Office of International Trade, charged Ozyash B. Haufstadter and O. B. Haufstadter Co. of 220 Broadway, New York City, New York; Gustav von Hornung and "Hantra" Transit-Handelsgesellschaft of St. Jacobstrasse 21, Basel, Switzerland; and S. Stier of 125, Rue de Hollande, Tangier, Morocco, with having violated the Export Control Act of 1949, as amended, and the Regulations promulgated thereunder.

In conformity with 15 CFR 382.11 (a) (15 F. R. 2733), all the named respondents were temporarily suspended from validated license privileges pending the determination of this proceeding.

All the respondents were duly informed of their right to answer the charges and their right to demand an oral hearing. Haufstadter and his company at first demanded a hearing but later submitted an affidavit, intended to be an answer, and elected to submit the case on this affidavit and the evidence, without oral hearing. They were represented by counsel. Von Hornung, Hantra, and Stier submitted answers but did not demand an oral hearing. The answers and all the evidence, together with the charging letter, were duly submitted to a Compliance Commissioner for his consideration, report, and recommendations. Two informal hearings were held by the Compliance Commissioner and he has filed his report and recommendations with the Assistant Director for Export Supply.

After reviewing the whole record and carefully considering the evidence and the report and recommendations of the Compliance Commissioner, I hereby make the following findings of fact:

1. Ozyash B. Haufstadter is engaged in the business of exporting pharmaceuticals and drugs and does business under the firm name and style of O. B. Haufstadter Co., at 220 Broadway, New York 7, New York.

2. Gustav de Hornung, sometimes called Gustav von Hornung, is an active official of "Hantra" Transit-Handelsgesellschaft and was an active, knowing participant in the acts hereinafter found to have been done by Hantra.

3. "Hantra" Transit-Handelsgesellschaft is a transit and trading company engaged in business in Basel, Switzerland.

4. S. Stier is engaged in the pharmaceutical and chemical business in Tangier, Morocco.

5. On January 25, 1951, Haufstadter submitted to the Office of International Trade two applications for validated licenses to export 400,000 grams of dihydrostreptomycin sulphate to England. These applications were assigned OIT Case Nos. 2279174 and 2279177.

6. In these applications Haufstadter falsely certified that the country of ultimate destination was England, when, in fact, he knew that it was intended that the goods were to be transshipped to Soviet Russia.

7. On December 12, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 100,000 grams of dihydro-

streptomycin sulphate to Switzerland. This application was assigned OIT Case No. 2220361.

8. In this application, Haufstadter falsely certified that Hantra was the ultimate consignee and purchaser, that Switzerland was the country of ultimate destination, and that the goods were to be sold there in the open market for medicinal purposes. So as to make it appear that he had an order to support this application, on December 13, 1950, he requested Hantra to send him the order predated December 9, 1950. Hantra did so.

9. Both Hantra and Haufstadter knew and intended that if the license were granted and the goods were shipped, they would be resold to an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries.

10. On November 29, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 400,000 grams of dihydrostreptomycin sulphate to Madrid, Spain. This application was assigned OIT Case No. 2200759.

11. In this application Haufstadter falsely certified that the person named therein was the ultimate purchaser and consignee, that Spain was the country of ultimate destination and that the goods were to be sold in the open market there for medicinal purposes.

12. Haufstadter created these false conditions and on December 15, 1950, he induced a correspondent to furnish him with what might appear to be an order for the goods mentioned upon the conditions certified, for the sole purpose of obtaining a license to export the goods there so that they might subsequently be acquired by an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries.

13. On December 12, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 50,000 grams dihydrostreptomycin sulphate to Tangier, Morocco. This application was assigned OIT Case No. 2220362.

14. In this application, Haufstadter falsely certified that Stier was the ultimate purchaser and consignee, that Morocco was the country of ultimate destination, and that the goods were to be sold in the open market there for medicinal purposes. So as to make it appear that he had an order to support this application, on December 15, 1950, he requested Stier to send him the order predated to about the middle of November 1950.

15. Stier sent him this order on December 23, 1950, with the intention, in accordance with Haufstadter's request, that it be pro forma or provisional only and without binding effect.

16. Haufstadter's purpose in filing this application was to obtain the license to ship this product to Tangier, Morocco, so that it might be purchased there by an agency representing purchasers in a country or countries under Communist control for re-export to such country or countries and he forthwith engaged in an active effort to have Hantra make arrangements necessary to accomplish that purpose. Hantra did, in fact, endeavor to effectuate a sale to such foreign interests but such sale was not consummated solely because of the unwillingness of Stier to deliver the goods unless they were shipped to him, "Tangier in transit."

17. The license was granted for 7500 grams, which were shipped to Stier.

18. On January 17, 1950, Haufstadter submitted to the Office of International Trade an application for validated license to export 40,000 vials of penicillin to Stier in Tangier, Morocco. This application was assigned OIT Case No. 2265651.

19. In this application, Haufstadter falsely certified that Stier was the ultimate purchaser and consignee, that Morocco was the country of ultimate destination, and that the goods were to be sold there for medicinal purposes. Prior to or just after the filing of said application, Stier had ordered a similar quantity of penicillin to be shipped, "in transit Tangier." Despite this, and knowing that such shipment would not be licensed, Haufstadter sent Stier "pro forma" invoices and requested that Stier send him a new, specific order indicating that the goods were for sale in the home market in Morocco.

20. Export license to ship 25,000 vials of penicillin was granted and these were shipped to Stier.

21. On January 16, 1951, Haufstadter submitted to the Office of International Trade an application for validated license to export 3,000 bottles of chloromycetin and 3,000 bottles of aureomycetin to a merchant in Chile. This application was assigned OIT Case No. 2263811.

22. Prior to the submission of this application, Haufstadter had received an inquiry from the merchant in Chile concerning these drugs but had not received an order.

23. In this application, Haufstadter falsely certified that he possessed an accepted order for the goods mentioned, that Chile was the country of ultimate destination, and that the purchaser and consignee therein mentioned would resell the goods in the open market there for medicinal purposes.

24. This application was granted as requested and the export license was issued February 16, 1951.

25. Immediately thereafter, on February 19, 1951, Haufstadter offered the chloromycetin and aureomycetin, so licensed for Chile, to Hantra.

26. Subsequently, on April 25, 1951, Haufstadter was informed that his named purchaser and consignee in Chile could not obtain an import license for the goods licensed for export but, despite this knowledge, he failed to return the license to the Office of International Trade and it was later retrieved from him by a special agent of this agency.

And, from the foregoing, I make the following conclusions:

A. That Haufstadter, Hantra, and Stier knowingly submitted false orders in support of applications for validated export licenses with the intention not to abide by such orders, in violation of 15 CFR 381.1 (b) (3) (iii) (15 F. R. 2730).

B. That Haufstadter and Hantra conspired to obtain validated export licenses to export commodities from the United States to certain named destinations for the purpose of transshipping and diverting such commodities from the destinations so named to a country or countries to which export of such commodities would not have been licensed to their knowledge and, in furtherance of such conspiracy, Haufstadter knowingly submitted applications to the Office of International Trade for such validated export licenses, which applications contained numerous false statements and Hantra knowingly aided and abetted him in so doing, all in violation of 15 CFR 381.1 (b) (3) (i) (15 F. R. 2730).

C. That Haufstadter knowingly submitted each and every one of the applications hereinabove mentioned for the purpose of obtaining validated export licenses and knowingly set forth therein false statements calculated to induce the issuance of such licenses, in violation of 15 CFR 381.1 (b) (2) (15 F. R. 2730).

D. That Haufstadter knowingly failed, omitted, and neglected to return to the Office of International Trade Export License No. B1-216-33541, which had been issued to him for the export of chloromycetin and aureomycetin to Chile after he had been informed that the licensed consignee and purchaser was unable to obtain an import license necessary to complete said transaction, in violation of 15 CFR 372.16 (15 F. R. 2717).

In his report, the Compliance Commissioner has analyzed the various acts to the respondents, their relationship to each other, their possible motives and the degree and nature of their participation in the acts found to have been committed. He thereupon made certain recommendations. These recommendations are found by me to be fair and reasonable under the particular facts of this case, they are necessary and proper to achieve effective enforcement of the law, and they should be adopted: *Now, therefore, it is ordered,* As follows:

I. The temporary suspension order presently effective against S. Stier be and the same hereby is continued in effect until the last day of the calendar month in which this order is dated; and, until and including that day he, and every other person, firm, corporation, or business association with or to which he may be related by ownership, control, responsible position or other connection in the conduct of trade involving exportations from the United States, be and they hereby are denied the privilege of participating directly or indirectly in any capacity in the obtaining or using of validated export licenses and they and each of them are hereby declared to be ineligible to be a purchaser, ultimate consignee, intermediate consignee, or otherwise a party to any exportation from the United States under any validated export license.

II. All outstanding validated export licenses held by or issued in the names of, or wherein are named in any capacity, Ozyash B. Haufstadter, O. B. Haufstadter Co., Gustav de Hornung, also known as Gustav von Hornung, and "Hantra"

Transit-Handelsgesellschaft, or any of them, be and they hereby are revoked and shall be returned forthwith to the Office of International Trade for cancellation.

III. Ozyash B. Haufstadter, O. B. Haufstadter Co., Gustav de Hornung, also known as Gustav von Hornung and "Hantra" Transit-Handelsgesellschaft, its officers and shareholders, their successors and assigns, representatives, agents, and employees be and they hereby are denied for a period of three (3) years from the date of this order or for the duration of export controls, whichever is shorter, the privileges of directly or indirectly exporting or otherwise participating in any exportations of any commodity from the United States to any foreign destination, including Canada. This denial of export privileges includes and prohibits participation directly or indirectly in any capacity (a) in the obtaining or using of validated export licenses and general licenses, (b) as a party or as a representative of a party to any export license application or to any exportation, (c) in the receiving of any commodities exported from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

IV. This revocation and denial of export privileges applies not only to each of the respondents named in paragraph III hereof but also to any other person, firm, corporation or business organization with which each or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

V. This revocation and denial of export privileges includes also and embraces within its scope any and all sales of goods by Ozyash B. Haufstadter, O. B. Haufstadter Co., and any person, firm, or corporation within the scope of paragraph IV hereof, even though such sales be fully consummated in this country, if it is known by such vendor that the goods so sold are sold to a purchaser or purchasers in the United States for the express purpose of exporting the same from the United States, regardless of the prices or terms upon which said Haufstadter, Haufstadter Co., or related firm or corporation may sell such goods to such purchaser or purchasers and regardless also of whether said Haufstadter, Haufstadter Co., or related firm or corporation shall act in any such transaction as principal, agent, or broker. Nothing in this paragraph contained shall be deemed to limit or in any way restrict the generality or effect of paragraph III above.

VI. No person or business organization shall knowingly (a) apply for or obtain any license, shipper's export declaration, bill of lading or other export control document relating to any exportation from the United States of commodities to or for any of the respondents or those persons and business organizations covered in paragraphs III and IV hereof, or (b) order, receive, service, or otherwise act as a party or as a representative of a party to, any exportation of commodities from the United States, in such manner that any of the said respondents or those persons and business organizations within the scope of paragraphs III and IV hereof will directly or indirectly obtain any benefit therefrom, without prior disclosure of such facts to, and specific authorization of, the Office of International Trade.

Dated: July 18, 1952.

JOHN C. BORTON,
Assistant Director for Export Supply.

[F. R. Doc. 52-8126; Filed, July 23, 1952; 8:58 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

SPECIAL ASSISTANT TO SECRETARY

DELEGATION OF AUTHORITY WITH RESPECT TO RECRUITMENT OF MEXICAN WORKERS FOR AGRICULTURAL EMPLOYMENT IN UNITED STATES

Since the publication in the August 16, 1951, issue of the FEDERAL REGISTER (16 F. R. 8147) of the statement of organization of the United States Department of Labor, certain additional functions have vested in the Secretary of Labor pursuant to the Act of July 12, 1951, 65 Stat. 119. Under this act, the Secretary is authorized to perform various functions with respect to the recruitment of Mexican workers for agricultural employment in the United States. The functions of the Secretary under this act and under the Migrant Labor Agreement of 1951, as amended, between the Governments of the United States and Mexico are carried out generally through the Bureau of Employment Security. The making of final determinations pursuant to Article 30 of the Migrant Labor Agreement of 1951, as amended, has been delegated to Special Assistant to the Secretary Paul M. Kenefick.

Signed at Washington, D. C., this 16th day of July 1952.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 52-8073; Filed, July 23, 1952; 8:47 a. m.]

Wage and Hour Division

APPLICATION TO INCLUDE MANUFACTURE OF CITRUS MOLASSES IN FLORIDA WITHIN CITRUS PULP AND WASTE DEHYDRATING INDUSTRY IN FLORIDA AND TEXAS, WHICH HAS BEEN DETERMINED TO BE OF SEASONAL NATURE

NOTICE OF DENIAL OF PETITION FOR REVIEW

On April 18, 1952, notice was published in the FEDERAL REGISTER (17 F. R. 3459) that the authorized representative of the Administrator of the Wage and Hour Division designated to hear and consider this matter had denied a petition to amend the seasonal industry determination for the citrus pulp and waste dehydrating industry in Florida and Texas so as to include within such industry the manufacture of citrus molasses in Florida.

The notice provided that any person aggrieved by the said determination could, within 15 days after the date of publication of the notice in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the authorized representative upon the record of the hearing. A petition for review was filed with the Administrator within 15 days of publication of the notice. After careful consideration of the petition I find that a review of the presiding officer's findings is not warranted. Therefore, pursuant to the provisions of § 526.7 of the regulations (29 CFR Part 526), the petition for review is hereby denied, and the findings and determination of the presiding officer are now final.

Signed at Washington, D. C., this 18th day of July 1952.

WM. R. MCCOMB,
Administrator, Wage and Hour Division, United States Department of Labor.

[F. R. Doc. 52-8074; Filed, July 23, 1952; 8:48 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Ashland Crafts, Inc., Eighteenth Street and Carter Avenue, Ashland, Ky., effective 7-7-52 to 1-6-53; 10 learners for expansion purposes (children's dresses).

Barson & Bishop, 170-185 Delaware Avenue, Palmerton, Pa., effective 7-9-52 to 7-8-53; 10 learners (ladies' blouses).

Connellsville Sportswear Co., Connellsville, Pa., effective 7-10-52 to 7-9-53; 10 percent of the productive factory force (pants).

Esskay Manufacturing Co., 410 South Main, San Antonio, Tex., effective 7-14-52 to 7-13-53; 10 percent of the productive factory force (boys' shirts, overalls, slacks, etc.).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala., effective 7-15-52 to 1-14-53; 50 learners for expansion purposes (men's and boys' pajamas).

H & W Sportswear Manufacturing Co., 875 Hickory Street, Peckville, Pa., effective 7-9-52 to 7-8-53; 10 learners (women's blouses).

Hawley Garment Co., 522 Spring Street, Hawley, Pa., effective 7-7-52 to 7-6-53; five learners (dresses).

Indiana Sportswear Co., Indiana, Pa., effective 7-17-52 to 1-16-53; 100 learners for expansion purposes (men's, boys' and juveniles' sport jackets).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 7-14-52 to 7-13-53; 10 learners (men's work clothing and overalls).

The H. D. Lee Co., Inc., Box 455, Boaz, Ala., effective 7-14-52 to 1-13-53; 10 learners for expansion purposes (men's work clothing and overalls).

Modelrite Dress Co., 147 Chestnut Street, Dunmore, Pa., effective 7-8-52 to 7-7-53; 10 learners (dresses and blouses).

Palm Beach Co., Talladega, Ala., effective 7-11-52 to 7-10-53; 10 percent of the productive factory force (coats and pants).

Salisbury Undergarment Co., Inc., Salisbury, Pa., effective 7-11-52 to 7-10-53; 10 learners (ladies' woven underwear).

Trego's Westwear, 1001 and 1003, Woodward, Okla., effective 7-7-52 to 7-6-53; 10 learners. Learners to be engaged at subminimum wage rates in the manufacture of only those items covered under section 522.161 (a) (3) (6) of the apparel regulations (leather fringed coats, cowgirl suits, cowboy suits).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Trio Knitting Mill, Willow Street, Mount Airy, N. C., effective 7-11-52 to 7-10-53; five learners.

Wrenn Hosiery Mills, Thomasville, N. C., effective 7-18-52 to 7-17-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Stedman Manufacturing Co., Asheboro, N. C., effective 7-14-52 to 2-13-53; 20 learners for expansion purposes (men's knitted underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Malsek-Handler Shoe Co., Inc., Senath, Mo., effective 8-1-52 to 7-31-53; 10 learners.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Brick Infants Wear Co., Star Route, Freehold, N. J., effective 7-11-52 to 1-10-53; five learners for expansion purposes; sewing machine operators; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (infants' bathrobes, blankets, buntings, carriage covers, etc.).

Ener Bait Manufacturing Co., Highway 17, Bartow, Fla., effective 7-11-52 to 1-10-53; 10 learners for expansion purposes; Artificial lure tiers; 160 hours at 65 cents per hour (fishing lures).

Londontown Manufacturing Co., 1101 East Twenty-fifth Street, Baltimore 18, Md., effective 7-11-52 to 7-10-53; five learners; sewing machine operators; 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's raincoats, topcoats and sport coats).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

V. I. Jewelry Manufacturing Corp., St. Thomas, V. I., effective 7-9-52 to 1-8-53; 80 learners; Soldering, 160 hours at 25 cents per hour, 240 hours at 32½ cents per hour; stone setting, 160 hours at 25 cents per hour, 160 hours at 35 cents per hour; lay out, 160 hours at 25 cents per hour, 160 hours at 35 cents per hour (custom jewelry).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 17th day of July 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-8075; Filed, July 23, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6193]

CONNECTICUT LIGHT AND POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE

JULY 18, 1952.

Notice is hereby given that on July 18, 1952, the Federal Power Commission issued its order entered July 17, 1952, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8077; Filed, July 23, 1952; 8:48 a. m.]

[Docket Nos. G-1612, G-1714, G-1715, G-1722, G-1723]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINAL DECISIONS

JULY 18, 1952.

Notice is hereby given that the Presiding Examiner's Decisions issuing certificates of public convenience and necessity in the above-designated matters were issued and served upon all parties on June 12, 1952. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decisions became effective on July 14, 1952, as the final decisions and orders of the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8079; Filed, July 23, 1952; 8:49 a. m.]

[Docket No. G-1866]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

JULY 18, 1952.

Notice is hereby given that on July 18, 1952, the Federal Power Commission issued its order entered July 17, 1952, permitting withdrawal of application in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8078; Filed, July 23, 1952; 8:48 a. m.]

[Docket No. G-1975]

MISSISSIPPI RIVER FUEL CORP.

ORDER FIXING DATE OF HEARING

JULY 17, 1952.

On June 12, 1952, Mississippi River Fuel Corporation (Mississippi) a Delaware corporation having its principal place of business at 407 North 8th Street, St. Louis, Missouri, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 2-inch diameter tap and a metering and regulating station connecting with its Line No. 1 in Morehouse Parish, Louisiana, for the delivery and sale of natural gas, on an interruptible basis, to Mid Valley Pipe Line Company (Mid-Valley), Mississippi also filed, on June 12, 1952, a petition requesting this Commission to issue a declaratory order declaring that the construction and operation of the facilities required in the sale to Mid-Valley would not involve such transportation in interstate commerce as to be within the jurisdiction of this Commission.

Mississippi accompanied the aforementioned application with a request for a temporary certificate of public convenience and necessity, stating that the natural gas to be sold and delivered to Mid-Valley would be used as fuel in a pumping station of that company—pumping crude oil to a refinery of Mid-Valley, at which refinery the crude oil would be refined as aviation gasoline, and that there is a shortage of aviation gasoline for defense purposes.

On July 3, 1952, the Commission by telegram notified Mississippi that its request for a temporary certificate was denied since its issuance was not shown to come within the purview of the Commission's authority under section 7 of the Natural Gas Act, and the Commission's regulations thereunder.

On July 7, 1952, Mississippi filed a telegraphic request with the Commission, requesting the Commission to reduce the usual fifteen day period between publication of the order setting date of hearing in this matter, and the date of hearing. Mississippi bases its request on the same grounds which it set forth in its request for a temporary certificate, aforementioned.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 26, 1952 (17 F. R. 5740).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on July 28, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8081; Filed, July 23, 1952; 8:50 a. m.]

[Docket No. G-1994]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 18, 1952.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation, address 2223 Dodge Street, Omaha 1, Nebraska, filed on July 7, 1952, an application pursuant to section 7 of the Natural Gas Act for (1) a certificate of public convenience and necessity authorizing the construction and maintenance of certain transmission pipe-line facilities and the operation of said facilities in the future as an emergency interconnection pursuant to the terms of § 157.14 of the Commission's general rules and regulations, and (2) authorization to abandon certain other transmission pipe-line facilities.

The facilities for which Applicant seeks certification consist of approximately 4 miles of 16-inch pipeline between its 24 and 26-inch main line and the 26-inch main line of Natural Gas Pipeline Company of America, all located in Mills County, Iowa. The facilities proposed to be abandoned consist of approximately 1.3 miles of 12-inch pipeline between Applicant's 24-inch main line and Natural Gas Pipeline Company of America's 18-inch main line, also all located in Mills County, Iowa.

Applicant states that construction was commenced on the facilities for which certification is sought during recent Missouri River floods, as an emergency interconnection. It is now proposed that said facilities will remain as an interconnection for emergency purposes although not physically connected with the pipeline of Natural Gas Pipeline Company of America. The facilities proposed to be abandoned presently serve as an emergency interconnection between Applicant's and Natural Gas Pipeline Company of America's pipelines; however, they are stated by Applicant to be inadequate for such purpose as they were under water during the recent floods. It is estimated that 385,000 Mcf of natural gas per day could be delivered to Applicant through the new facilities in the event of an emergency.

The estimated cost of the facilities for which certification is sought is $244,000, while the estimated cost of removal of the facilities proposed to be abandoned is $4,600. The project is proposed to be financed out of Applicant's general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8080; Filed, July 23, 1952; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

G. W. ZILLER, INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the Matter of G. W. Ziller, Inc., 730 Marsh Avenue, Reno, Nevada.

I. The Commission's public official files disclose that G. W. Ziller, Inc., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1950, and 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8082; Filed, July 23, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

ROBERT E. HORTON

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of Robert E. Horton, 530 West Sixth Street, Los Angeles, California.

I. The Commission's public official files disclose that Robert E. Horton, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8083; Filed, July 23, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

STAMPLEY & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of Kenneth McIntosh, dba Stampley & Company.

I. The Commission's public official files disclose that Kenneth McIntosh, doing business as Stampley & Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provi-

sions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8084; Filed, July 23, 1952; 8:51 a. m.]

JOHN C. ROCHE & CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 18th day of July 1952.

In the matter of John C. Roche, dba John C. Roche & Co., 315 Montgomery Street, San Francisco, California.

I. The Commission's public official files disclose that John C. Roche, doing business as John C. Roche & Co., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1951 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 2d day of September 1952 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before August 26, 1952. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule 1X of the rules of practice unless such decision is waived:

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to September 2, 1952.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8085; Filed, July 23, 1952; 8:52 a. m.]

[File No. 70-2436]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

JULY 18, 1952.

The Commission, on August 24, 1950, having approved the acquisition by Electric Bond and Share Company ("Bond and Share"), a registered holding company, of shares of the common stock of The Southern Company in exchange for Bond and Share's holdings of the common stock of Birmingham Electric Company subject to the condition that Bond and Share should within one year from the date of such acquisition divest itself of the stock of The Southern Company so acquired; and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations promulgated under the act of Bond and Share's intention to sell from time to time prior to January 1, 1953 through the facilities of the New York Stock Exchange the remainder of Bond and Share's holdings of the common stock of The Southern Company totaling 171,053 shares; and

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

It is ordered and recited, That the sale by Electric Bond and Share Company of the remainder of its holdings of the Southern Company common stock totaling 171,053 shares from time to time through the facilities of the New York Stock Exchange is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8088; Filed, July 22, 1952; 8:52 a. m.]

[File No. 70-2868]

COLUMBIA GAS SYSTEM, INC., AND NATURAL GAS COMPANY OF W. VA.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT PROMISSORY NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT COMPANY

JULY 18, 1952.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and Natural Gas Company of West Virginia ("Natural Gas"), a subsidiary company of Columbia having filed a joint application, and an amendment thereto, with this Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Natural Gas proposes to amend its Articles of Incorporation so as to increase its authorized common stock, par value of $100 per share, from 30,000 shares to 50,000 shares. Natural Gas further proposes to issue and sell and Columbia proposes to acquire, at par, 5,500 shares of common stock, par value $100 per share ($550,000), and a maximum of $600,000 principal amount of 3⅝ percent Installment Promissory Notes. Natural Gas represents that the proceeds in the amount of $1,150,000 to be derived from Columbia would be used to finance, in part, its 1952 construction program estimated to cost $1,336,189. Natural Gas states that such common stock and 3⅝ percent Notes would be issued and sold at such times and in such amounts as are necessary not to exceed in the aggregate the amounts set forth hereinabove, and that none of such securities would be sold subsequent to March 31, 1953.

It is further stated that the 3⅝ percent Notes proposed to be issued by Natural Gas would be payable in twenty-five equal annual installments on February 15 of each of the years 1954 to 1978, inclusive. Interest on the unpaid principal amount thereof would be payable semi-annually on February 15 and August 15.

The Public Service Commission of the State of West Virginia having expressly authorized the proposed issuance and sale of the common stock and Notes by Natural Gas; and

Due notice having been given of the filing of the joint application, as amended, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application, as amended, be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8089; Filed, July 23, 1952; 8:53 a. m.]

[File No. 70-2900]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF FILING OF PROPOSED SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF PRINCIPAL AMOUNT OF BONDS AND SHARES OF COMMON STOCK AND OF PROPOSAL BY PARENT TO ACQUIRE COMMON STOCK AND TO ISSUE AND SELL SHORT-TERM NOTES

JULY 18, 1952.

Notice is hereby given that New England Gas and Electric Association ("NEGEA"), a registered holding company, and one of its subsidiary companies, Algonquin Gas Transmission Company ("Algonquin"), have filed a joint-application-declaration pursuant to sections 6, 7, 9 (a), 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following transactions:

Algonquin proposes to issue and sell privately to three insurance companies $9,734,000 aggregate principal amount of its First Mortgage Pipeline Bonds, 4¼ percent Series, due September 1, 1971. Each of the three prospective purchasers of the bonds were members of the group of four insurance companies which purchased the presently outstanding $27,600,000 principal amount of Algonquin's 3¾ percent Series bonds, due 1971. The names of the companies to which the new bonds are to be sold and the respective amounts to be sold to each of them are as follows:

Metropolitan Life Insurance Co	$5,675,000
John Hancock Mutual Life Insurance Co	3,446,000
New England Mutual Life Insurance Co	613,000

The bonds are to be issued under and secured by Algonquin's present Mortgage and Deed of Trust dated as of March 1, 1951, as supplemented by an indenture to be subsequently submitted to the Commission. In accordance with the terms of a bond purchase agreement to be entered into between Algonquin and the purchasers, the bonds are to be sold, from time to time, for cash at 100 percent of principal amount plus accrued interest. A commitment fee will be paid at the rate of 1 percent per annum of the unused balance of the total commitment from the date of the purchase agreement to the date the bonds are issued. The purchase agreement will also provide for an additional special sinking fund with respect to Algonquin's presently outstanding First Mortgage Pipeline Bonds, 3¾ percent Series, due 1971. This special sinking fund will provide for payments by Algonquin out of net income and depreciation funds not required for construction until a total of $3,000,000 principal amount of the 3¾ percent Series Bonds have been retired, after which the regular sinking fund payments applicable to such bonds will be reduced pro rata.

Algonquin also proposes to amend its charter so as to increase the amount of its authorized $100 par value common stock, and to issue and sell, from time to time, pursuant to preemptive rights, 48,660 additional shares of such stock. NEGEA, which does not desire to purchase its proportionate share of the common stock to be offered by Algonquin, proposes to acquire 15,610 shares of Algonquin's additional common stock. Providence Gas Company, another of the present holders of Algonquin's common stock, has waived its preemptive right to purchase any of the additional common stock to be offered by Algonquin; Eastern Gas and Fuel Associates and Texas Eastern Transmission Corporation, the only other stockholders of Algonquin, have indicated that they will purchase, respectively, 18,760 and 14,290 shares of the additional common stock proposed to be offered by Algonquin.

NEGEA states that it contemplates financing the proposed acquisition of the additional shares of Algonquin's common stock by the issuance to banks of short-term notes. In this connection NEGEA requests Commission authorization to issue to banks, from time to time, notes with a maturity of not more than nine months from the date of issue aggregating (together with all other outstanding notes and drafts of a maturity of nine months or less as to which NEGEA is liable) not more than 8 percent of the principal amount and par value of the other securities of NEGEA then outstanding. NEGEA states that its outstanding short-term notes maturing in less than nine months aggregate $2,605,100 or 4.86 percent of the principal amount and par value of the other outstanding securities of NEGEA.

Algonquin is presently constructing pipeline facilities to supply natural gas to distributing companies in New Jersey, Connecticut, Rhode Island and Massachusetts. Algonquin states that the $14,600,000 proceeds of the proposed sale of bonds and common stock will be used, together with the $36,800,000 previously realized from the sale of Algonquin's outstanding securities, plus $100,000 interest from short-term investments, to meet the presently estimated cost ($51,500,000) of construction of the company's pipeline, including allowances of $420,000 for working capital and $1,164,600 for contingencies.

The filing states that no State commission and no Federal commission other than this Commission has jurisidiction over the proposed transactions.

Algonquin requests an exemption from the competitive bidding requirements of Rule U-50, and joins with NEGEA in requesting that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than July 29, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8087; Filed, July 23, 1952; 8:52 a. m.]

[File No. 70-2902]

DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE OF EIGHTY-DAY BANK LOAN NOTE

JULY 18, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act and Rule U-23 promulgated thereunder as applicable to the proposed transaction, which is summarized as follows:

Duquesne presently has a short-term bank loan indebtedness aggregating $14,810,000 represented by three notes, each bearing interest at 3 percent per annum. The company proposes in the instant declaration to issue a $1,000,000 note bearing interest at 3 percent per annum and maturing approximately 80 days

[1] Filed as part of the original document.

[1] Filed as part of the original document.

subsequent to March 31, 1953.

No. 144——7

after the date thereof, such note to be issued to Mellon National Bank and Trust Company; of Pittsburgh, Pennsylvania. Duquesne will have the right to prepay such note at any time prior to maturity, without premium. The company proposes to use the proceeds from such note to defray part of the cost of its current construction program involving an estimated total cost of about $30,000,000 for the year 1952. The company has expressed its intention to pay off all outstanding short-term notes with the proceeds expected to be derived from a permanent financing program now being formulated. It is stated that no fees or expenses will be incurred in connection with the proposed $1,000,000 borrowing, other than estimated miscellaneous expenses not exceeding $100.

Declarant states that no State Commission has jurisdiction over the proposed transaction and has requested that the transaction be authorized pursuant to the procedure of Rule U-23, without a hearing, and that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than July 25, 1952, at 1:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8086; Filed, July 23, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27233]

CEMENT FROM KANSAS CITY AND SUGAR CREEK, MO., TO POINTS IN KANSAS

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs ICC Nos. A-3850 and A-3815.

Commodities involved: Cement, in carloads.

From: Kansas City and Sugar Creek, Mo.

To: Points in Kansas.

Grounds for relief: Competition with rail carriers, competition with motor carriers, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, ICC No. A-3850, supl. 33; L. E. Kipp, Agent, ICC No. A-3815, supl. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8096; Filed, July 23, 1952; 8:55 a. m.]

[4th Sec. Application 27234]

PETROLEUM PRODUCTS AND ASPHALT FROM POINTS IN MONTANA AND WYOMING TO POINTS IN MINNESOTA AND WISCONSIN

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for Chicago, Burlington & Quincy Railroad Company and other carriers.

Commodities involved: Petroleum products and asphalt, tank-car loads.

From: Billings, East Billings, Laurel and Hardin, Mont., Cody, Greybull, Lovell, Thermopolis and Zube, Wyo.

To: Points in Minnesota and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, to maintain grouping.

Schedules filed containing proposed rates: C. B. & Q. R. R. Co., tariff ICC No. 19978, supl. 141. G. N. Ry. Co., tariff ICC No. A-8015, supl. 48. N. P. Ry. Co., tariff ICC No. 9658, supl. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8097; Filed, July 23, 1952; 8:55 a. m.]

[4th Sec. Application 27235]

CARROTS AND OTHER VEGETABLES FROM POINTS IN TEXAS TO POINTS IN OFFICIAL, SOUTHERN, AND WESTERN TERRITORIES

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs ICC Nos. 3541 and 3967.

Commodities involved: Carrots and other vegetables, carloads.

From: Points in Texas.

To: Points in official, southern and western territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply over short tariff routes rates constructed on the basis of the short line distance formula, compliance with order in docket 30074.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3967; F. C. Kratzmeir, Agent, ICC No. 3541.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8098; Filed, July 23, 1952; 8:55 a. m.]

[4th Sec. Application 27236]

SAND AND GRAVEL FROM VINCENNES, IND., TO FLORA, ILL.

APPLICATION FOR RELIEF

JUNE 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Vincennes, Ind.

To: Flora, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. WL-10839, supl. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8099; Filed, July 23, 1952; 8:56 a. m.]

[4th Sec. Application 27237]

CRUSHED STONE FROM GEORGIA, IND., TO FLORA, ILL.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Flora, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. 23949, supl. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8100; Filed, July 23, 1952; 8:56 a. m.]

[4th Sec. Application 27238]

CRUSHED STONE FROM GEORGIA, IND., TO IUKA, ILL.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Iuka, Ill.

Grounds for relief: Competition with rail carriers, wayside pit competition.

Schedules filed containing proposed rates: B. & O. R. R. Co., tariff ICC No. 23949, supl. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8101; Filed, July 23, 1952; 8:56 a. m.]

[4th Sec. Application 27240]

LIQUID ASPHALT FROM SALISBURY AND THRIFT, N. C., TO POINTS IN NORTH CAROLINA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Asphalt (asphatum), liquid, in tank-car loads.

From: Salisbury and Thrift, N. C.

To: Points in North Carolina and South Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, ICC No. 408, supl. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8103; Filed, July 23, 1952; 8:56 a. m.]

[4th Sec. Application 27241]

CLASS RATES BETWEEN POINTS IN SOUTH CAROLINA, GEORGIA, TENNESSEE, AND ILLINOIS

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Class rates subject to ratings in exceptions to the Classification.

From: Columbia, S. C., to Port Wentworth, Ga., between Charleston, S. C., and points grouped therewith, on the one hand, and Savannah, Ga., on the other, and between Dyersburg, Tenn., and Cairo, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

Reference Room NATIONAL ARCHIVES

than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8104; Filed, July 23, 1952; 8:57 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18958]

FELIX ROEFFS

In re: Debt owing to Felix Roeffs. F-28-2464.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Felix Roeffs, whose last known address is Dechaneistrasse 29, Muenster/Vestfalen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Felix Roeffs, by the American Express Company, 65 Broadway, New York, New York, in the amount of $5,000.00, as of June 25, 1952, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Felix Roeffs, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-7990; Filed, July 21, 1952; 8:53 a. m.]

[Vesting Order 18960]

CERTAIN UNKNOWN GERMAN NATIONAL

In re: Debt owing to unknown German national.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the person who owns the property described in subparagraph 2 hereof, who if an individual there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, a resident of Germany and which if a partnership, corporation, association or other business organization, there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, organized under the laws of or had its principal place of business in Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation evidenced by a check drawn on the Manufacturers Trust Company, 707 Fifth Avenue, New York, New York, payable to Francis X. Mayr, said check dated August 18, 1938, in an amount of $250.00, and presently in the custody of the Manufacturers Trust Company, 55 Broad Street, New York, New York, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8124; Filed, July 23 1952; 8:57 a. m.]

[Vesting Order 18899, as Amended, Amdt.]

ALBERT BENZ ET AL.

In re: Securities owned by Albert Benz, also known as Albert Bens, and others.

Vesting Order 18899, as amended, dated June 18, 1952, is hereby further amended as follows and not otherwise:

By deleting from Exhibit C, attached to and made a part of Vesting Order 18899, as amended, the figures "3-1-41" wherever they appear and substituting therefor the figures "7-1-41".

All other provisions of said Vesting Order 18899, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8125; Filed, July 23 1952; 8:57 a. m.]

Reference Room

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 — 1934 — NUMBER 145

Washington, Friday, July 25, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUPPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM — INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1952-53 COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PROGRAM

The terms and conditions of 1952-53 Commodity Credit Corporation Wheat and Wheat-Flour Export Program (F. R. Doc. 52-6887, 17 F. R. 5625) are amended to include the following section:

§ 571.239 *Restriction on use of U. S. Government funds.* In connection with any sales of wheat or flour for recording against the 1951-52 and the 1952-53 guaranteed quantities:

(a) The foreign purchaser must not use funds made available by the United States to carry out the provisions of the Mutual Security Act of 1951 which were appropriated under Title 3 of the Act making supplemental appropriations for the fiscal year ending June 30, 1953, and for other purposes, or funds allocated from any appropriations to the Director of Mutual Security, or the Mutual Security Agency, or the Department of State, to pay for such wheat or flour, and any such funds must not be used to pay for wheat or flour under any subsequent resale. If any such funds are used by the foreign purchaser or any subsequent purchaser to pay for wheat or flour, and the exporter has received a payment on such wheat or flour hereunder, the exporter shall refund such payment to the CCC.

(b) If wheat or flour is exported to a country which has obtained any funds referred in paragraph (a) of this section which could be used for the purchase of wheat or flour, the exporter must have submitted to the Vice President, a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have not been used and will not be used by the foreign purchaser to pay for wheat or flour purchased under the Wheat Agreement and that such funds have not been used and will not be used to pay for such wheat or flour under any subsequent resale of the wheat or flour.

(Pub. Law 547, 82d Cong.)

Dated this 22d day of July 1952.

[SEAL] JOHN H. DEAN, *Acting Vice President, Commodity Credit Corporation.*

Approved:

HAROLD K. HILL, *Acting President, Commodity Credit Corporation.*

[F. R. Doc. 52-8173; Filed, July 24, 1952; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (Special Program 52)-1, Supp. 2]

PART 707—FARM LAND RESTORATION PROGRAM

SUBPART—1952

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act and the Flood Rehabilitation Act, 1952, the 1952 Farm Land Restoration Program, issued October 25, 1951 (16 F. R. 11045), as amended February 4, 1952 (17 F. R. 1171), is further amended as follows:

1. Section 707.122 is amended by adding paragraph (f) as follows:

§ 707.122 *Deduction.* • • •

(f) Notwithstanding other provisions of this subpart, if the producer to whom materials were furnished is unable, due to reasons beyond his control, to use them to carry out prior to January 1, 1953, the practice for which the materials were furnished, he may be relieved of the deduction for the materials upon determination by the county committee that the materials were used not later than December 31, 1953, in performing the practice for which the materials were furnished.

2. Section 707.153 (a) is amended by adding Adams, Clay, and Sarpy Counties

(Continued on p. 6809)

CONTENTS

	Page
Agriculture Department	
See Entomology and Plant Quarantine Bureau; Production and Marketing Administration.	
Air Force Department	
Arizona; withdrawing public lands for use of Department in connection with an Air Force base (*see* Interior Department and Land Management, Bureau of).	
Alien Property, Office of	
Notices:	
Order fixing bar date for filing claims in respect of certain debtors	6833
Vesting orders, etc.:	
Bevilacqua, Caterina	6832
Kumagai, Ina May	6832
La Morte, Guiseppe	6832
Mollerhoj; Johannes Sorensen	6832
Tomoda, Chieko	6833
Warnod, Mrs. Andree, et al	6832
Civil Aeronautics Administration	
Rules and regulations:	
Designation of civil airways; alterations	6815
Civil Aeronautics Board	
See also Civil Aeronautics Administration.	
Notices:	
Air freight investigation, directional rates; order to show cause	6828
Delta Air Lines, Inc., and Chicago & Southern Airlines, Inc.; Delta & Chicago Southern merger case	6827
Robin Airlines, Inc.; postponement of oral argument	6828
Rules and regulations:	
Scheduled air carrier rules; instrument proficiency checks of steep turns	6815
Commerce Department	
See Civil Aeronautics Board; Federal Maritime Board.	
Defense Mobilization, Office of	
Notices:	
Shipbuilding industry; hearing	6829
Rules and regulations:	
Establishing position of Assistant to Director for Housing and Community Facilities; amending responsibilities of position (DMO 12)	6821

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of — Page
Continued
Rules and regulations—Con.
Establishing revised procedures for designation and certification of critical defense housing areas (DMO 20) 6821

Economic Stabilization Agency
See Price Stabilization, Office of.

Entomology and Plant Quarantine Bureau
Proposed rule making:
Mollusks; entry 6826
Virgin Islands; foreign quarantine notices 6825

Federal Maritime Board
Notices:
Trans-Pacific Freight Conference and Japan-Atlantic Coast Freight Conference; agreements filed for approval 6827

Federal Power Commission
Notices:
Hearings, etc.:
Lake Shore Pipe Line Co 6828
Newton County Gas Co 6828

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Dejay Stores, Inc 6816
National Coaching Service Institute, Inc., et al 6817

Food and Drug Administration
Rules and regulations:
Drugs and devices; directions for use and exemption from prescription requirements 6818

Interior Department
See also Land Management, Bureau of.
Notices:
Arizona; objections filed to order withdrawing public lands for use of Department of Air Force in connection with an Air Force base (*see* Land Management, Bureau of) 6827

Internal Revenue Bureau
Proposed rule making:
Receipts for tax withheld on wages paid after Dec. 31, 1950 6824
Rules and regulations:
Tax, income, taxable years beginning after Dec. 31, 1941 6820

Interstate Commerce Commission
Notices:
Organization of divisions and assignment of work, functions 6829
Railroads serving California; rerouting or diversion of traffic 6829
Salt, mine run, from Louisiana to Anniston, Ala.; application for relief 6829
Rules and regulations:
Carriers by motor vehicle; scope of operating authority, routes 6824

Justice Department
See Alien Property, Office of

Land Management, Bureau of
Rules and regulations:
Alaska; surveys; general mining regulations 6823
Arizona; withdrawing public lands for use of Department of Air Force in connection with an Air Force base (*see* Interior Department) 6823

Price Stabilization, Office of
Notices:
Basic prices and charges for new passenger automobiles:
Kaiser-Frazer Corp 6830
Willys-Overland Motors, Inc 6830

Price Stabilization, Office of—Continued — Page
Rules and regulations:
Bakers, wholesale and retail distributors of frozen and perishable bakery items; interim relief for Milwaukee bread bakers (CPR 135, SR 2) 6822

Production and Marketing Administration
Proposed rule making:
Milk handling in Neosho Valley, Okla., marketing area 6827
Rules and regulations:
Farm land restoration program, 1952; miscellaneous amendments 6807
Lemons grown in California and Arizona; limitation of shipments 6810
Peaches grown in Utah; regulation by grades and sizes 6809
Potatoes, Irish, grown in eastern South Dakota production area; recodification 6810
Tobacco:
Burley and flue-cured; marketing quota regulations, 1953–54 marketing year 6809
Cigar-filler and cigar-filler and binder tobacco; marketing quota regulations, 1953–54 marketing year; correction 6809
Wheat and wheat-flour export program 6807

Securities and Exchange Commission
Notices:
Hearings, etc.:
Columbia Gas System, Inc., et al 6831
Electric Energy, Inc., et al 6831
Federal Water and Gas Corp. et al 6830
International Hydro-Electric System 6831
Pennsylvania Gas & Electric Corp. et al 6830

Treasury Department
See Internal Revenue Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 — Page
Chapter IV:
Part 571 6807

Title 7
Chapter III:
Part 319 (proposed) 6825
Part 324 (proposed) 6826
Chapter VII:
Part 707 6807
Part 723 6809
Part 725 6809
Chapter IX:
Part 928 (proposed) 6827
Part 950 6809
Part 953 6810
Part 979 6810

CODIFICATION GUIDE—Con.

Title 14 — Page
Chapter I:
Part 61 6815
Chapter II:
Part 600 6815

Title 16
Chapter I:
Part 3 (2 documents) 6816, 6817

Title 21
Chapter I:
Part 1 6818

Title 26
Chapter I:
Part 29 6820
Part 405 (proposed) 6824

Title 32A
Chapter I (ODM):
DMO 12 6821
DMO 20 6821
Chapter III (OPS):
CPR 135, SR 2 6822

Title 43
Chapter I:
Part 78 6823
Part 185 6823
Appendix (Public land orders):
856 6823

Title 49
Chapter I:
Part 211 6824

to the list of eligible counties in Nebraska.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q; Pub. Law 202, 82d Cong.)

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8171; Filed, July 24, 1952; 8:57 a. m.]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

CIGAR-FILLER TOBACCO MARKETING QUOTA REGULATIONS, 1953–54 MARKETING YEAR

Correction

In F. R. Doc. 52-8008, appearing at page 6681 of the issue for Tuesday, July 22, 1952, the word "Relocation" in the headnote for § 723.480 should be "Reallocation", so that the headnote now reads:

§ 723.480 *Reallocation of allotments released from farms removed from agricultural production.*

[1023 (Burley and Flue-53)-3, Supp. 1]

PART 725—BURLEY AND FLUE-CURED TOBACCO

MARKETING QUOTA REGULATIONS, BURLEY AND FLUE-CURED TOBACCO 1953–54 MARKETING YEAR

The amendment herein is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–1314), and is made for the purpose of amending § 725.417 of the Burley and flue-cured tobacco marketing quota regulations, 1953–54 marketing year, relating to determination of Burley and flue-cured tobacco acreage allotments for old farms, pursuant to Public Law 528, 82d Congress. In view of the fact that this amendment merely incorporates the provisions of said Public Law 528, it is hereby found and determined that notice and public procedure thereon provided for in the Administrative Procedure Act (5 U. S. C. 1003) are unnecessary.

The marketing quota regulations, Burley and flue-cured tobacco, 1953–54 marketing year, are amended by deleting § 725.417 and inserting in lieu thereof the following:

§ 725.417 *1953 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 725.416 shall be adjusted uniformly so that the total of such allotments for old farms pursuant to § 725.418 shall not exceed the State acreage allotment: *Provided*, That in the case of Burley tobacco, the farm acreage allotment shall not be less than the smallest of (a) the 1952 allotment, (b) seven-tenths of an acre, or (c) 25 percent of the cropland in the farm: *Provided further*, That no 1952 allotment of one acre or less shall be reduced more than one-tenth of an acre.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended; Pub. Law 528, 7 U. S. C. 1313, 82d Cong.)

Done at Washington, D. C., this 22d day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8172; Filed, July 24, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 950—PEACHES GROWN IN UTAH

REGULATION BY GRADES AND SIZES

§ 950.302 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in the State of Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter set forth, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 26, 1952. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 7, 1952, recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 7, 1952, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until July 17, 1952; shipments of the current crop of such peaches are expected to begin on or about August 4, 1952, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., July 26, 1952, and ending at 12:01 a. m., m. s. t., October 10, 1952, no handler shall ship:

(i) Any peaches which do not grade at least U. S. No. 1; and

(ii) Are of a size not smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes (inside dimensions) 4½–5" x 11½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 78 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box; or (*c*) if the peaches in such lot are shipped in L. A. lugs (inside dimensions 4½–5¾" x 13½" x 16⅛") and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 90 peaches in a L. A. lug, except that the tolerance for variations incident to proper packing, provided in such pack specification, shall not permit a variation

of more than 4 peaches in any such L. A. lug.

(2) *Definitions.* As used in this section, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid marketing agreement and order; "U. S. No. 1," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8258; Filed, July 24, 1952; 9:12 a. m.]

[Lemon Reg. 444, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.551 (Lemon Regulation 444, 17 F. R. 6625) are hereby amended to read as follows:

(ii) District 2, 700 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of July 1952.

[SEAL] S. R. SMITH
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8257; Filed, July 24, 1952; 9:12 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

RECODIFICATION

In accordance with the revised Federal Register Regulations (1 CFR Part 1), the format of the order (Order No. 79, 7 CFR Part 979) of the Secretary of Agriculture, regulating the handling of Irish potatoes grown in the Eastern South Dakota production area (including the requisite findings set forth therein), and the format of the South Dakota Potato Committee's rules and regulations (7 CFR Part 979) adopted pursuant thereto with the approval of the Secretary of Agriculture, are recodified as set forth below. To facilitate cross reference between the aforesaid order and the marketing agreement and to obviate possible difficulties in future amendatory proceedings, the provisions of Marketing Agreement No. 103 shall be renumbered and the section headings redesignated to conform to the recodified order. The supplementary provisions of the said marketing agreement shall be renumbered as follows: §§ 979.79 *Counterparts;* 979.80 *Order with marketing agreement;* 979.81 *Record of Irish Potatoes handled and authorization to correct typographical errors;* 979.82 *Effective date.*

This recasting of the format and recodification is not intended, nor shall it be deemed, to make any substantive change in the provisions of the aforesaid order of the Secretary, the aforesaid marketing agreement, and the aforesaid rules and regulations of the South Dakota Potato Committee.

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

SUBPART—ORDER RELATIVE TO HANDLING

FINDINGS AND DETERMINATIONS

Sec.
979.0 Findings and determinations.

DEFINITIONS

979.1 Secretary.
979.2 Act.
979.3 Person.
979.4 Production area.
979.5 Potatoes.
979.6 Handler.
979.7 Ship or handle.
979.8 Producer.
979.9 Fiscal year.
979.10 Committee.
979.11 Varieties.
979.12 Seed potatoes.
979.13 Table stock potatoes.

ADMINISTRATIVE COMMITTEE

979.20 Establishment and membership.
979.21 Initial committee.
979.22 Term of office.
979.23 Nominations.
979.24 Districts.
979.25 Selection and qualification of members.
979.26 Vacancies.
979.27 Obligations.
979.28 Alternate members.
979.29 Procedure.
979.30 Members' expenses and compensation.
979.31 Powers.
979.32 Duties.

EXPENSES AND ASSESSMENTS

Sec.
979.35 Expenses.
979.36 Assessment.
979.37 Accounting.

REGULATION

979.40 Marketing policy.
979.41 Recommendations for regulations.
979.42 Issuance of regulations.
979.43 Limitation of regulations.

REGULATION OF SURPLUS

979.47 Recommendation.
979.48 Issuance of regulations.

INSPECTION

979.50 Inspection and certification.

EXEMPTIONS

979.55 Procedure.
979.56 Granting exemptions.
979.57 Appeal.
979.58 Review, records, and reports of exemptions.

EFFECTIVE TIME AND TERMINATION

979.60 Effective time.
979.61 Termination.
979.62 Proceedings after termination.
979.63 Effect of termination or amendment.

MISCELLANEOUS PROVISIONS

979.70 Reports.
979.71 Compliance.
979.72 Right of the Secretary.
979.73 Duration of immunities.
979.74 Agents.
979.75 Derogation.
979.76 Personal liability.
979.77 Separability.
979.78 Amendments.

SUBPART—RULES AND REGULATIONS

EXEMPTION CERTIFICATES

979.100 Application.
979.101 Federal-State Inspector's report.
979.102 Issuance of certificate.
979.103 Reports and records.
979.104 Appeal procedure.
979.105 Terms.

AUTHORITY: §§ 979.0 to 979.105 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

SUBPART—ORDER RELATIVE TO HANDLING

SOURCE: §§ 979.0 to 979.78 contained in Order No. 79, 13 F. R. 1904.

FINDINGS AND DETERMINATIONS

§ 979.0 *Findings and determinations—*(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Watertown, South Dakota, on June 19–20, 1947, upon a proposed marketing agreement and a proposed order regulating the handling of Irish potatoes grown in Eastern South Dakota production area. Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified in this subpart would not effectively carry out the declared policy of the act; and

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (i) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumption demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, upon which the public hearing at Watertown, South Dakota, was held on June 19–20, has been executed by handlers who handled not less than 50 percent of the commodity covered by this order, and

(2) The issuance of this order is favored and approved by producers of Irish potatoes who, during the determined representative period (July 1, 1946 to June 30, 1947, both dates inclusive), produced for market within the production area at least two-thirds of the Irish potatoes produced for market within such area.

Order relative to handling. It is, therefore, ordered, pursuant to the findings and determinations set forth in § 979.0 of this subpart and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the counties of Codington, Clark, Hamlin, Deuel, Brown, Day, and Kingsbury in the State of South Dakota, as is in the current of commerce between any of said counties and any point outside the State of South Dakota, or so as directly to burden, obstruct, or affect such commerce, shall, from and after the time specified in this subpart be in conformity to and in compliance with the terms and conditions of this order.

DEFINITIONS

§ 979.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture, who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 979.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 979.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

§ 979.4 *Production area.* "Production area" means the counties of Codington, Clark, Hamlin, Deuel, Brown, Day and Kingsbury in the State of South Dakota.

§ 979.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown in the production area.

§ 979.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

§ 979.7 *Ship or handle.* "Ship" or "handle" means to transport, sell, or in any other manner place potatoes in the current of interstate commerce or so as directed to burden, obstruct, or affect such commerce.

§ 979.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 979.9 *Fiscal year.* "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

§ 979.10 *Committee.* "Committee" means the South Dakota Potato Committee established pursuant to § 979.20.

§ 979.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 979.12 *Seed potatoes.* "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by the State of South Dakota Seed Certification Board or its legal successors.

§ 979.13 *Table stock potatoes.* "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

ADMINISTRATIVE COMMITTEE

§ 979.20 *Establishment and membership.* A South Dakota Potato Committee, consisting of seven producer members, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

§ 979.21 *Initial committee.* The initial members and alternates of committee shall be selected by the Secretary for a term of office ending on June 30, 1948, and until their successors are selected and qualified. Such members and alternates may be selected by the Secretary from lists of nominees supplied by producer groups or associations operating in and representative of producers in the production area.

§ 979.22 *Term of office.* The term of office of members and alternates of the Committee shall begin on the first day of July or the date of qualification, whichever is later, and continue until the end of the then current fiscal year and until their successors are selected and have qualified.

§ 979.23 *Nominations.* Except for initial members and alternates of the committee, nominations for membership may be determined by:

(a) *Assembled meetings.* Elections may be conducted in assembled meetings of producers in each district to determine nominees for such district. Such election shall be conducted under the supervision of a chairman and a secretary designated by the committee in accordance with the provisions of Roberts' Rules of Order; or

(b) *Mail voting.* Selection of nominees may be effected by the producers of each district by written ballot forwarded or presented to the teller designated by the committee. Each ballot form shall have printed thereon the date on which such ballot must be in the hands of the teller to be counted and ballots received after such date shall not be counted. Ballots not presented to the teller in person by the voter must be enclosed in an envelope with the voter's name and address indicated thereon. The notice of election attached to such ballot form may contain a list or lists of candidates sponsored for election by a group or groups of producers.

(c) *Method.* The committee shall determine the most desirable and convenient method, aforesaid, of electing nominees for each district, thereafter appointing indicated officials to conduct such elections. Such committee determinations shall be conveyed to interested producers by means of newspaper stories, mail, or such other means of communication deemed adequate by the committee. Nominees shall be elected, through use of forms provided by the committee, by June 10th of each year and lists thereof certified by appropriate election officials (either chairman and secretary or teller depending on the method of election) shall be forwarded via the committee to the Secretary by June 15th of each year.

(d) *Voting.* Each producer shall be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as such producer, which vote can not be cumulated for any one nominee. A producer qualifying thereas in more than one district shall elect the district in which he chooses to exercise his voting rights.

§ 979.24 *Districts.* The production area is divided into four districts, identified, described and with nominee representation as follows:

District Number, Description, and Nominees

1. Codington and Deuel Counties: 4 for members, 4 for alternates.

2. Clark County: 6 for members, 6 for alternates.
3. Hamlin and Kingsbury Counties: 2 for members, 2 for alternates.
4. Brown and Day Counties: 2 for members, 2 for alternates.

§ 979.25 *Selection and qualification of members.* (a) Except for the initial committee, the Secretary shall select two members and two alternates from nominees submitted from District No. 1, three members and three alternates from the nominees submitted by District No. 2, and one member and one alternate from the nominees submitted by each of the remaining Districts.

(b) If nominations are not supplied to the Secretary within the time and in the manner specified in § 979.23, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided in this subpart.

(c) Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 979.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary. Such selections, if made, shall be on the basis of substitute representation for the producers of the District involved.

§ 979.27 *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant to this subpart: *Provided*, That the provisions of this subpart shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

§ 979.28 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 979.29 *Procedure.* (a) Four members of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held all votes shall be cast in person: *Provided, further*, That the committee shall hold an annual assembled meeting during the last two weeks of March in each year, the exact time, place and date to be determined by the committee.

§ 979.30 *Members' expenses and compensation.* The members of the committee and their respective alternates, when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day or portion thereof, spent in attendance at meetings of the committee.

§ 979.31 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart.

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart.

(d) To recommend to the Secretary amendments to this subpart.

§ 979.32 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler.

(b) To keep minutes, books and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary.

(c) To investigate the growing, shipping and marketing conditions with respect to potatoes and to assemble data in connection therewith.

(d) To furnish to the Secretary such available information as he may request.

(e) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable.

(f) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses for such fiscal year, together with a report thereon.

(g) To cause the books of the committee to be audited by a competent accountant at least once each fiscal year, and at such times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be furnished to the Secretary.

(h) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person.

(i) To confer with other Marketing Agreement and Order Committees in other States and areas.

EXPENSES AND ASSESSMENTS

§ 979.35 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions of this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in this subpart.

§ 979.36 *Assessment.* (a) Each handler who first handles potatoes which are regulated, shall, with respect to the potatoes so handled by him pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such assessment share shall be due and payable when the committee bills the handler therefor. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(b) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

§ 979.37 *Accounting.* (a) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such sums shall be paid to him.

(b) The committee may, with the approval of the Secretary maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

REGULATION

§ 979.40 *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

§ 979.41 *Recommendations for regulations.* (a) It shall be the duty of the committee to investigate the supply and demand conditions for grade, size and quality of potatoes of all varieties. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grade, size and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size and quality of any or all varieties thereof deemed advisable to be shipped during such period.

(b) In determining the grade, size, and quality of potatoes of all varieties deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (1) Market prices including prices by grade, size and quality of potatoes of all varieties for which regulation is recommended; (2) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (3) available supply, quality, and condition of potatoes in the production area; (4) supplies from competitive areas and regions producing potatoes; (5) the trend and level of consumer income, and (6) other relevant factors.

§ 979.42 *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the shipment of potatoes to particular grade, size and quality of any or all varieties thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of potatoes during a specified period. Any specific regulation may be made applicable to any variety or varieties of potatoes, different regulations may be applied in any fiscal year to different varieties, and different regulations may be applied in any fiscal year to table stock potatoes, on the one hand, and to seed potatoes on the other hand. One or more varieties of either table stock or seed potatoes may be regulated in any fiscal year without regulation of the remaining varieties. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

§ 979.43 *Limitation of regulations.* (a) Nothing contained in this subpart shall authorize any limitation of the shipment of potatoes for any of the following purposes:

(1) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies; (2) potatoes shipped for manufacturing or conversion into byproducts, except for manufacturing or conversion into specified products recommended by the committee for regulation and approved by the Secretary therefor; (3) potatoes shipped by the producer thereof from the point or place of production to the nearest customary grading, storing, or loading point for the purpose of having said potatoes graded, stored, or loaded for shipment; and (4) upon recommendation of the committee and approval of the Secretary, potatoes shipped for livestock feed or for other specified purposes. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section.

(b) The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated in this section for entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions of this subpart, which safeguards shall include Federal-State inspection provided by § 979.50 and the payment of a pro rata share of expenses provided by § 979.36: *Provided*, That, such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections. The committee shall issue Certificates of Privilege for shipment of potatoes effected or to be effected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary. The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

REGULATION OF SURPLUS

§ 979.47 *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes or of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

§ 979.48 *Issuance of regulations.* (a) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among producers and handlers thereof. Such control and disposition, in any fiscal year, may be applied, where the facts so warrant, either to table stock or to seed potatoes, or both: *Provided*, That different controls and dispositions may be utilized, in any fiscal year for table stock potatoes on the one hand, and seed potatoes, on the other hand, and for the various varieties of table stock and seed potatoes.

(b) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

INSPECTION

§ 979.50 *Inspection and certification.* During any period in which the Secretary has regulated the shipment of potatoes pursuant to this section, each handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each handler shall submit to the committee a copy of the inspection certificate issued thereon.

EXEMPTIONS

§ 979.55 *Procedure.* The committee shall adopt and announce, subject to the approval of the Secretary, the procedural rules pursuant to which certificates of exemption will be issued to producers.

§ 979.56 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who furnishes adequate evidence to the said committee that by reason of a regulation issued pursuant to § 979.42 he will be prevented from having as large a proportion of potatoes shipped during the remainder of the shipping season, as the average of all producers. Such certificates of exemption shall grant an opportunity for such producer to have as large a proportion of his potatoes shipped as the average of all producers.

§ 979.57 *Appeal.* If any producer is dissatisfied with the certificate of exemption granted or denied to him pursuant to an application, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the issuance of the certificate of exemption or denial from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted or the denial thereof. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 979.58 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedural rules and any exemptions granted or denied pursuant to §§ 979.55, 979.56, 979.57, or any combination thereof.

(b) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemptions.

EFFECTIVE TIME AND TERMINATION

§ 979.60 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force

until terminated in one of the ways specified in this subpart.

§ 979.61 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes: *Provided*, That such majority has during such year, produced for market more than fifty per-cent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 979.62 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 979.63 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart, or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart, or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary, or of any other persons with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 979.70 *Reports.* Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

§ 979.71 *Compliance.* Except as provided in this subpart, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall ship potatoes except in conformity to the provisions of this subpart.

§ 979.72 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 979.73 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 979.74 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 979.75 *Derogation.* Nothing contained in this subpart is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 979.76 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 979.77 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 979.78 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

SUBPART—RULES AND REGULATIONS

SOURCE: §§ 979.100 to 979.105 appear at 13 F. R. 7429.

EXEMPTION CERTIFICATES

§ 979.100 *Application.* Any producer applying for exemption from grade or size regulation issued under this subpart shall make application for such exemption on forms to be furnished by the South Dakota Potato Committee. Such application shall state:

(a) The location of his farm;

(b) The quantity of potatoes on said farm; and location thereon of such potato field or fields or storage;

(c) The total estimated production of potatoes for the current season, stated in terms of varieties, hundredweights, and grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(d) An estimate of the percentage of such producers' crop which cannot be shipped because of grade, size and quality regulation then in effect, stated in terms of varieties, hundredweights, and grades and sizes, not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes;

(e) A statement of the amount, if any, of potatoes (not including potatoes which will not meet grade requirements set forth in the U. S. Standards for Potatoes) which have already been sold from said farm, or by said applicant, during the current marketing season;

(f) Certification that the statement is true and correct;

(g) Signature and address of producer.

§ 979.101 *Federal-State Inspector's report.* (a) Each request filed by a producer with the South Dakota Potato Committee shall be accompanied by a report of a Federal-State Inspector, which shall contain the following:

(1) A statement by the inspector that he personally visited the field or fields or storage with respect to which exemption is requested, and that a representative sample of the potato crop in such field or fields or storage was taken by him.

(2) A statement of the percentage of such crop which meets the required grade, size, and quality regulation then in effect.

(3) A statement of the defects or damage causing such crop to fail to meet such grade, size, and quality requirements.

(b) In determining percentages, the Federal-State Inspector shall include only grades and sizes of potatoes as defined in the U. S. Standards for Potatoes. In the event that more than one variety of potatoes are involved in the regulation, the inspector shall determine the above percentages for each variety separately. The cost of the above inspection shall be borne by the applicant for exemption. The committee, or the manager thereof, or any specifically authorized representative thereof, may make such investigations as are deemed necessary to determine whether the exemption requested should be granted.

§ 979.102 *Issuance of certificate.* (a) Whenever the committee finds and determines from proof satisfactory to the committee that the applicant is entitled to an exemption certificate, the committee shall issue or authorize the issuance of an exemption certificate which shall permit the applicant to ship, or cause to be shipped, that quantity of the regulated grades, sizes, and qualities, or combinations thereof, of potatoes as will enable him to ship, or cause to be shipped, as large a percentage of his potatoes as the average percentage for all producers or, if regulation is by variety, the average percentage for all producers of the particular variety involved, as determined by the committee.

(b) The committee, or its duly authorized representative, may issue exemption certificates if the proof submitted by the applicant is satisfactory: *Provided*, That the committee, or its duly authorized representative, shall have first determined the grades, sizes, qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, and shall have determined the percentage that the quantity of a particular variety or varieties of potatoes grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(c) If the committee, or its duly authorized representative determines that the applicant is not entitled to an exemption certificate he shall be so advised in writing and given the reasons therefor.

(d) Each certificate of exemption issued as provided in this section shall contain the producer's name and address; the location of his farm; the location of the field or storage with respect to which the exemption is granted; the particular grade, size, and quality regulations from which exempted; the amount of potatoes which may be shipped by virtue of such exemption; and such other information as may be necessary to evidence the rights of the producer to ship potatoes which do not meet the requirements of the particular grade, size, and quality regulations.

(e) Each certificate of exemption shall be transferable, in whole or in part, with the potatoes in accordance with the amount of the potatoes transferred.

§ 979.103 *Reports and records.* (a) For the purpose of enabling the South Dakota Potato Committee to perform its functions, pursuant to the provisions of this subpart, each handler shall report shipments under exemption certificates to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee. All forms, reports, correspondence and documents used, pursuant to these rules and regulations, shall be kept on file by the committee and records thereof shall be maintained by the manager of the committee.

(b) A record of all applications for exemption received, exemption certificates issued, applications denied, and shipments made under exemption shall be kept by the committee and a record of all such transactions, if any, shall be reported weekly by the South Dakota Potato Committee, to the Secretary.

§ 979.104 *Appeal procedure.* If any producer is dissatisfied with the determination of the South Dakota Potato Committee regarding any application for exemption ceritficate, or any duly issued exemption certificate, an appeal by said producer may be filed with the committee. Such appeal must be taken promptly after the issuance of the exemption certificate or the denial from which the appeal is taken. Any producer filing an appeal may furnish information with his appeal additional to that submitted with his original application. The committee may request such additional information as it deems necessary for a determination on the appeal. The committee shall act promptly upon any producer's appeal and it shall notify the appellant promptly of its determination. A copy of each appeal and a statement of consideration involved in making the final determination with respect thereto shall be furnished in each instance to the Secretary.

§ 979.105 *Terms.* The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 103 and Order No. 79, and in the U. S. Standards for Potatoes (§ 51.366 of this title).

[F. R. Doc. 52-8174; Filed, July 24, 1952; 8:58 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 21]

PART 61—SCHEDULED AIR CARRIER RULES

INSTRUMENT PROFICIENCY CHECKS OF STEEP TURNS

This supplement adds to § 61.112–5 (f) an example of conditions under which left turns undertaken as a part of instrument proficiency checks may be executed at an angle of less than forty-five degrees. No additional burden is imposed upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required.

Section 61.112–5 (f) is amended to read:

§ 61.112–5 *Proficiency requirements (CAA rules which apply to § 61.112).*

* * *

(f) *Steep turns.* Except as provided hereinafter, steep turns shall consist of at least forty-five degrees of bank. The turns shall be at least 180° of duration, but need not be more than 360°. Smooth control application, and ability to maneuver aircraft within prescribed limits, shall be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information shall be reviewed and discussed. As a guide, the tolerance of 100 feet plus or minus a given altitude shall be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observers' position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, 49 U. S. C. 551)

This supplement shall become effective August 15, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8139; Filed, July 24, 1952; 8:46 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.).* From the intersection of the northeast course of the Charleston, S. C., radio range and the southwest course of the Myrtle Beach, S. C., VHF radio range via the Myrtle Beach, S. C., VHF radio range station; Wilmington, N. C., VHF radio range station; New Bern, N. C., VHF radio range station; Williamston, N. C., VHF radio range station (excluding the portions between 11,000 feet and 16,000 feet and between 21,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C. night danger area); the intersection of the northeast course of the Williamston, N. C., VHF radio range and the southwest course of the Norfolk, Va., radio range; Norfolk, Va., radio range station; the intersection of a line bearing 18° True from the Nor-

folk, Va., radio range station and the southwest course of the Salisbury, Md., VHF radio range; Salisbury, Md., VHF radio range station; the intersection of the northeast course of the Salisbury, Md., VHF radio range and a line bearing 211° True from the Atlantic City, N. J. (Navy), radio range station; Atlantic City, N. J. (Navy), radio range station to the intersection of a line bearing 360° True from the Atlantic City, N. J. (Navy), radio range station and the northeast course of the Millville radio range, excluding the portion which overlaps danger areas. From the intersection of the south course of the Matawan, N. J., VHF radio range and the northeast course of the Millville, N. J., radio range via the Matawan, N. J., VHF radio range station, excluding that portion more than 2 miles either side of the south course of the Matawan, N. J., VHF radio range, to the intersection of the north course of the Matawan, N. J., VHF radio range and the east course of the Allentown, Pa., radio range.

2. Section 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.)* is amended by changing the first portion to read: "From the intersection of the northeast course of Salisbury, Md., VHF radio range and the southeast course of the Philadelphia, Pa., radio range via the intersection of the southeast course of Philadelphia, Pa., radio range and the southeast course of Millville, N. J., radio range;"

3. Section 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.)* is amended by changing the first portion to read: "From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of a line bearing 192° True from the Norfolk, Va., radio range station and the northwest course of the Weeksville, N. C. (Coast Guard), radio range to the Norfolk, Va., radio range station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., July 23, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8138; Filed, July 23, 1952; 9:08 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5793]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

DEJAY STORES, INC.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1490 *Nature, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment:* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Vendor:* § 3.2425 *Nature, in general.* In connection with the use in commerce of double reply postcards, letters or any other printed or written material of a substantially similar nature, (1) using the name "Personnel Management Bureau", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is engaged in operating a personnel management bureau or employment or placement agency; (2) using the name "Dejay Service Company", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is connected with or in the business of transporting or delivering goods or packages to the proper recipient thereof; (3) using postcards, form letters or other material which represents, directly or by implication, that respondent's business is other than that of retailing merchandise; (4) representing, directly or by implication, that persons concerning whom information is sought through respondent's post cards or other material are, or may be, consignees of goods or packages, c. o. d., prepaid or otherwise, in the hands of respondent or that the information sought through such means is for the purpose of enabling respondent to make delivery of goods or packages to such persons; or, (5) using letters, whether printed, typewritten or in simulated handwriting, for the purpose of obtaining the current addresses of delinquent customers, which represent that any person, firm or corporation other than respondent, or respondent's store from which the customer purchased the merchandise on which the debt is owing, has a letter for delivery to such delinquent customer when his current address is furnished; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Dejay Stores, Inc., New York, N. Y., Docket 5793, April 10, 1952]

In the Matter of Dejay Stores, Inc., a Corporation

This proceeding was first heard by Henry P. Alden, trial examiner, therefore duly designated by the Commission, prior to said examiner's retirement from the Government service on May 31, 1951, upon the Commission's complaint, respondent's answer, and a hearing at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced, and following which the proceeding was formally closed by said examiner.

Thereafter, following the designation, on June 6, 1951, of Frank Hier as trial examiner in place and stead of said Henry P. Alden, the proceeding regularly came on for final consideration by said substituted trial examiner on the complaint, answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel and proposed order presented by counsel in support of the allegations of the complaint, and said substituted examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter the matter was disposed of by the Commission's "order denying respondent's appeal from initial decision of the hearing examiner, decision of the Commission and order to file report of compliance", Docket 5793, April 10, 1952 as follows:

This matter came on to be heard by the Commission upon the respondent's appeal from the initial decision of the hearing examiner herein and upon briefs and oral argument of counsel in support of and in opposition to said appeal.

Respondent makes two contentions in its brief. First, that the form letter presently used by the respondent in its attempt to obtain information as to the current addresses of delinquent debtors does not constitute false, misleading, or deceptive statements or representations and that, therefore, the use of such form letter does not constitute unfair or deceptive acts or practices. Second, that because the respondent voluntarily ceased using certain forms it previously used, no order against their use is warranted. Specific exception is taken to paragraphs 8 and 9 of the findings as to the facts; to paragraphs 1 and 2 of the conclusions; and to the order in the initial decision.

The hearing examiner's findings to which specific exception is taken are to the effect that the form letter presently used by the respondent in its efforts to obtain information as to the addresses of delinquent debtors, and the circumstances surrounding its use, are misleading and deceptive to the recipient of such form letter, and that the respondent itself recognizes such letter as a subterfuge and a decoy. The form letter presently used by the respondent is in simulated handwriting and is signed by "J. King." The letter contains the statements, "I understand that you are a friend of ----------. I have an important letter for ---------- so please let me have the correct address." When the local manager of one of respondent's retail stores is unable to locate a delinquent customer, he sends to the respondent's New York office a "Decoy Request." Respondent then sends the above-described form letter to references furnished by the delinquent customer at the time credit was obtained. There is nothing in the letter to indicate its real purpose or that the sender is in any way connected with the respondent. The only letter the respondent has for the delinquent debtor is one which respondent has sent to the delinquent debtor and which has been returned. These and other facts in the record fully support the hearing examiner's findings that the letter and the circumstances surrounding its use are deceptive and misleading to the recipient and that the respondent recognizes said letter as a subterfuge and decoy.

[1] Filed as part of the original document.

Respondent does not except to the hearing examiner's findings to the effect that the forms previously used by the respondent contained false, deceptive, and misleading representations, but does except to his conclusion that respondent's voluntary cessation of the use of such forms "was neither permanent nor complete nor was it in good faith, since the same practice for the same purpose and with the same effect, although milder in form and reduced from sheer falsity to the level of 'misleading and deceptive', has been and is being carried on by it through its use of the letter described in paragraph 6 of the • • • Findings as to the Facts. The public interest requires that this continuing, although less vicious course of conduct, be stopped." The Commission agrees with this conclusion. The respondent did not cease the practice at which the complaint was directed, but merely changed the manner in which it engaged in the practice.

The Commission is of the opinion that all of the findings as to the facts contained in the initial decision are supported by reliable, probative, and substantial evidence in the record; that the conclusions contained therein are correct; and that the order to cease and desist is proper upon this record and is required to provide proper relief from respondent's unfair and deceptive acts and practices.

The Commission, therefore, being of the opinion that the respondent's appeal is without merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

It is ordered, That the respondent's appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

It is further ordered, That the initial decision of the hearing examiner, a copy of which is attached,[1] shall, on the 10th day of April 1952, become the decision of the Commission.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondent Dejay Stores, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the use in commerce, as "commerce" is defined in the Federal Trade Commission Act, of double reply postal cards, letters, or any other printed or written material of a substantially similar nature, do forthwith cease and desist from:

1. Using the name "Personnel Management Bureau", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is engaged in operating a personnel management bureau or employment or placement agency.

2. Using the name "Dejay Service Company", or any other word or words of similar import, to designate, describe or refer to respondent's business, or otherwise representing, directly or by implication, that respondent is connected with or in the business of transporting or delivering goods or packages to the proper recipient thereof.

3. Using post cards, form letters or other material which represents, directly or by implication, that respondent's business is other than that of retailing merchandise.

4. Representing, directly or by implication, that persons concerning whom information is sought through respondent's post cards or other material are, or may be, consignees of goods or packages, C. O. D., prepaid or otherwise, in the hands of respondent or that the information sought through such means is for the purpose of enabling respondent to make delivery of goods or packages to such person.

5. Using letters, whether printed, typewritten or in simulated handwriting, for the purpose of obtaining the current addresses of delinquent customers, which represent that any person, firm or corporation other than respondent, or respondent's store from which the customer purchased the merchandise on which the debt is owing, has a letter for delivery to such delinquent customer when his current address is furnished.

Issued: April 10, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-8169; Filed, July 24, 1952; 8:56 a. m.]

[1] Filed as part of the original document.

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL COACHING SERVICE INSTITUTE, INC., ET AL.

Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1425 *Government connection;* § 3.1450 *Individual or private business as educational, religious or research institution:* § 3.1520 *Personnel or staff: Goods:* § 3.1670 *Jobs and employment:* § 3.1740 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1995 *Job guarantee and employment.* Subpart—*Using misleading name—Vendor:* § 3.2410 *Individual or private business being educational, religious or research institution or organization.* In connection with the offering for sale, sale and distribution in commerce, of respondents' courses of study and instruction (1) using the word "Institute" or any simulation thereof as a part of respondents' corporate or trade names; or otherwise representing, directly or by implication, that respondents' school is a resident institution of higher learning; or, (2) representing, directly or by implication, (a) that respondents' school has any connection with the United States Civil Service or any other agency of the United States Government; (b) that respondents' sales agents are representatives or employees of the United States Civil Service or have any connection therewith; (c) that the completion of respondents' courses of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions; (d) that respondents have any power or authority to hold open for any person any position in the United States Civil Service; (e) that it is necessary that persons seeking Civil Service positions take respondents' courses of study in order to qualify for or obtain such positions; (f) that the examinations given by respondents are examinations for specific positions in the Civil Service; (g) that all persons completing respondents' courses and passing Civil Service examinations will obtain positions immediately or within a short time; (h) that positions obtained in the United States Civil Service will be at or near the place of residence of the employee; (i) that Civil Service positions requiring certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirement; or, (j) that the United States Civil Service Commission is looking to or relying upon respondents to locate persons to fill positions in the Civil Service; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Coaching Service Institute, Inc., et al., Denver, Colo., Docket 5876, April 21, 1952]

In the Matter of National Coaching Service Institute, Inc., a Corporation, and Archie K. Babson, Individually and as an Officer of National Coaching Service Institute, Inc., and Also Doing Business as National Service Institute and Career Institute

This proceeding was heard by William L. Pack, hearing examiner, theretofore duly designated by the Commission, upon the complaint of the Commission, respondents' answer and a hearing at which a stipulation of facts, duly filed in the office of the Commission, was entered into by counsel supporting the complaint and counsel for respondents and incorporated in the record.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, and stipulation (which had been approved by said examiner) counsel having elected not to submit proposed findings and conclusions for consideration by said examiner or to argue the matter orally, and said examiner, having duly considered the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner

as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 21, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, National Coaching Service Institute, Inc., a corporation, and its officers, and Archie K. Babson, individually and as an officer of said corporation and also doing business under the names National Service Institute and Career Institute, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' courses of study and instruction, do forthwith cease and desist from:

1. Using the word "Institute" or any simulation thereof as a part of respondents' corporate or trade names; or otherwise representing, directly or by implication, that respondents' school is a resident institution of higher learning.

2. Representing, directly or by implication:

(a) That respondents' school has any connection with the United States Civil Service or any other agency of the United States Government.

(b) That respondents' sales agents are representatives or employees of the United States Civil Service or have any connection therewith.

(c) That the completion of respondents' courses of study assures students of positions in the United States Civil Service or makes them eligible for appointment to such positions.

(d) That respondents have any power or authority to hold open for any person any position in the United States Civil Service.

(e) That it is necessary that persons seeking Civil Service positions take respondents' courses of study in order to qualify for or obtain such positions.

(f) That the examinations given by respondents are examinations for specific positions in the Civil Service.

(g) That all persons completing respondents' courses and passing Civil Service examinations will obtain positions immediately or within a short time.

(h) That positions obtained in the United States Civil Service will be at or near the place of residence of the employee.

(i) That Civil Service positions requiring certain physical, mental or educational qualifications or veterans' status may be obtained by persons not meeting such requirements.

(j) That the United States Civil Service Commission is looking to or relying upon respondents to locate persons to fill positions in the Civil Service.

By "Decision of the Commission and order to file report of compliance", Docket 5876, April 21, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 21, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8170; Filed, July 24, 1952; 8:57 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

DRUGS AND DEVICES; DIRECTIONS FOR USE; EXEMPTION FROM PRESCRIPTION REQUIREMENTS; FINAL ORDER

By virtue of the authority vested in the Federal Security Administrator by the provisions of sections 502 (f), 503 (b), and 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1051, 1055; 65 Stat. 648; 21 U. S. C. 352 (f), 353 (b), 371 (a)), and after having considered all written comments filed with respect to the notice of proposed rule making published in the FEDERAL REGISTER on February 5, 1952 (17 F. R. 1130), the following regulations are promulgated.

1. Section 1.106 is revoked and a new § 1.106 is added to read as follows:

§ 1.106 *Drugs and devices; directions for use*—(a) *Adequate directions for use.* "Adequate directions for use" means directions under which the layman can use a drug or device safely and for the purposes for which it is intended. Directions for use may be inadequate because (among other reasons) of omission, in whole or in part, or incorrect specification of:

(1) Statements of all conditions, purposes, or uses for which such drug or device is intended, including conditions, purposes, or uses for which it is prescribed, recommended, or suggested in its oral, written, printed, or graphic advertising, and conditions, purposes, or uses for which the drug or device is commonly used; except that such statements shall not refer to conditions, uses, or purposes for which the drug or device can be safely used only under the supervision of a practitioner licensed by law and for which it is advertised solely to such practitioner.

(2) Quantity of dose (including usual quantities for each of the uses for which it is intended and usual quantities for persons of different ages and different physical conditions).

(3) Frequency of administration or application.

(4) Duration of administration or application.

(5) Time of administration or application (in relation to time of meals, time of onset of symptoms, or other time factors).

(6) Route or method of administration or application.

(7) Preparation for use (shaking, dilution, adjustment of temperature, or other manipulation or process).

(b) *Exemption for prescription drugs.* A drug subject to the requirements of section 503 (b) (1) of the act, as amended by 65 Stat. 648, shall be exempt from section 502 (f) (1) if all the following conditions are met:

(1) The drug is:

(i) In the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs; or

(ii) In the possession of a retail, hospital, or clinic pharmacy, or a public health agency, regularly and lawfully engaged in dispensing prescription drugs;

and is to be dispensed in accordance with section 503 (b), as amended.

(2) The label of the drug bears:

(i) The statement "Caution: Federal law prohibits dispensing without prescription"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) If it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium, the quantity or proportion of each active ingredient, and if it is not for oral use the names of all other ingredients.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed, and, in the case of ampuls too small or otherwise unable to accommodate a label but which are packaged in a container from which they are withdrawn for dispensing or use, the information referred to in subdivision (i) of this subparagraph may be placed on the outside container only.

(3) The labeling of the drug (which may include brochures readily available to licensed practitioners) bears information as to the use of the drug by practitioners licensed by law to administer it: *Provided, however*, That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to administer the drug.

(c) *Exemption for veterinary drugs.* A drug intended solely for veterinary use which, because of toxicity or other potentiality for harmful effect, or the method of its use, is not safe for animal use except under the supervision of a licensed veterinarian, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of veterinary drugs and is to be sold only to or on the prescription or other order of a licensed veterinarian for use in the course of his professional practice.

(2) The label of a drug bears:

(i) The statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian"; and

(ii) The recommended or usual dosage; and

(iii) The route of administration, if it is not for oral use; and

(iv) The quantity or proportion of each active ingredient if it is fabricated from two or more ingredients and is not designated conspicuously by a name recognized in an official compendium.

Provided, however, That the information referred to in subdivisions (ii), (iii), and (iv) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) The labeling of the drug (which may include brochures readily available to licensed veterinarians) bears information as to use of the drug by licensed veterinarians: *Provided, however*, That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among veterinarians licensed by law to administer such drug.

(d) *Exemption for prescription devices.* A device which, because of any potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not safe except under the supervision of a practitioner licensed by law to direct the use of such device, and hence for which "adequate directions for use" cannot be prepared, shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The device is in the possession of a person (or his agents or employees) regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale or retail distribution of such device and is to be sold only to or on the prescription or other order of such practitioner for use in the course of his professional practice.

(2) The label of the device (other than surgical instruments) bears:

(i) The statement "Caution: Federal law restricts this device to sale by or on the order of a _____," the blank to be filled with the word "physician," "dentist," "veterinarian," or with the descriptive designation of any other practitioner licensed by the law of the State in which he practices to use or order the use of the device; and

(ii) The method of its application or use.

(3) The labeling of the device (which may include brochures readily available to licensed practitioners) bears information as to the use of the device by practitioners licensed by law to use it or direct its use: *Provided, however*, That such information may be omitted from the labeling if it is contained in scientific literature widely disseminated among practitioners licensed by law to use or order the use of such device.

(e) *Exemptions for drugs and devices shipped directly to licensed practitioners, hospitals, clinics, or public-health agencies for professional use.* Except as provided in paragraph (g) of this section, a drug or device shipped directly to or in the possession of a practitioner licensed by law to administer the drug or to use or direct the use of the device, or shipped directly to or in the possession of a hospital, clinic, or public-health agency, for use in the course of the professional practice of such a licensed practitioner, shall be exempt from section 502 (f) (1) of the act if it meets the conditions of paragraphs (b) (2) and (3), (c) (2) and (3), or (d) (2) and (3) of this section.

(f) *Retail exemption for veterinary drugs and prescription devices.* A drug or device subject to paragraph (c) or (d) of this section shall be exempt at the time of delivery to the ultimate purchaser or user from section 502 (f) (1) of the act if it is delivered by a licensed practitioner in the course of his professional practice or upon a prescription or other order lawfully issued in the course of his professional practice, with labeling bearing the name and address of such licensed practitioner and the directions for use and cautionary statements, if any, contained in such order.

(g) *Exemption for new drugs.* A new drug shall be exempt from section 502 (f) (1) of the act:

(1) To the extent to which such exemption is claimed in an effective application with respect to such drug under section 505 of the act; or

(2) If no application under section 505 of the act is effective with respect to such drug but it complies with section 505 (i) and regulations thereunder.

No exemption shall apply to any other drug which would be a new drug if its labeling bore representations for its intended uses.

(h) *Exemption for drugs or devices when directions are commonly known.* A drug or device shall be exempt from section 502 (f) (1) of the act insofar as adequate directions for common uses thereof are known to the ordinary individual.

(i) *Exemptions for inactive ingredients.* A harmless drug that is ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent, in the preparation of other drugs shall be exempt from section 502 (f) (1) of the act. This exemption shall not apply to any substance intended for a use which results in the preparation of a new drug, unless an effective new-drug application provides for such use.

(j) *Exemption for diagnostic reagents.* A drug intended solely for use in the professional diagnosis of disease and which is generally recognized by qualified experts as useful for that purpose shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Diagnostic reagent—For professional use only."

(k) *Exemption for prescription chemicals and other prescription components.* A drug prepared, packaged, and primarily sold as a prescription chemical or other component for use by registered pharmacists in compounding prescriptions or for dispensing in dosage unit form upon prescriptions shall be exempt from section 502 (f) (1) of the act if all the following conditions are met:

(1) The drug is an official liquid acid or official liquid alkali, or is not a liquid solution, emulsion, suspension, tablet, capsule, or other dosage unit form; and

(2) The label of the drug bears:

(i) The statement "For prescription compounding"; and

(ii) If in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1) of the act, the statement "Caution: Federal law prohibits its dispensing without prescription"; or

(iii) If it is not subject to section 503 (b) (1) of the act and is by custom among retail pharmacists sold in or from the interstate package for use by consumers, "adequate directions for use" in the conditions for which it is so sold.

Provided, however, That the information referred to in subdivision (iii) of this subparagraph may be contained in the labeling on or within the package from which it is to be dispensed.

(3) This exemption shall not apply to any substance intended for use in compounding which results in a new drug, unless an effective new-drug application covers such use of the drug in compounding prescriptions.

(l) *Exemption for processing, repacking, or manufacture.* A drug in a bulk package (except tablets, capsules, or other dosage unit forms) or a device intended for processing, repacking, or use in the manufacture of another drug or device shall be exempt from section 502 (f) (1) of the act if its label bears the statement "Caution: For manufacturing, processing, or repacking"; and, if in substantially all dosage forms in which it may be dispensed it is subject to section 503 (b) (1), the statement "Caution: Federal law prohibits dispensing without prescription." This exemption and the exemption under paragraph (k) of this section may be claimed for the same article. But the exemption shall not apply to a substance intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug, unless:

(1) An effective new-drug application held by the person preparing the dosage form or drug for dispensing covers the production and delivery to him of such substance; or

(2) If no application is effective with respect to such new drug, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug limited to investigational use as provided in § 1.114.

(m) *Exemption for drugs and devices for use in teaching, research, and analysis.* A drug or device subject to paragraph (b), (c), or (d) of this section shall be exempt from section 502 (f) (1) of the act if shipped or sold to, or in the

possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, research, analysis, or testing.

(n) *Expiration of exemptions.* (1) If a shipment or delivery, or any part thereof, of a drug or device which is exempt under the regulations in this section is made to a person in whose possession the article is not exempt, or is made for any purpose other than those specified, such exemption shall expire, with respect to such shipment or delivery or part thereof, at the beginning of that shipment or delivery. The causing of an exemption to expire shall be considered an act which results in such drug or device being misbranded unless it is disposed of under circumstances in which it ceases to be a drug or device.

(2) The exemptions conferred by paragraphs (i), (j), (k), (l), and (m) of this section shall continue until the drugs or devices are used for the purposes for which they are exempted, or until they are relabeled to comply with section 502 (f) (1) of the act. If, however, the drug is converted, compounded, or manufactured into a dosage form limited to prescription dispensing, no exemption shall thereafter apply to the article unless the dosage form is labeled as required by section 503 (b) and paragraph (b), (c), or (d) of this section.

(o) *Intended uses.* The words "intended uses" or words of similar import in paragraphs (a), (g), (i), (j), (k), and (l) of this section refer to the objective intent of the persons legally responsible for the labeling of drugs and devices. The intent is determined by such persons' expressions or may be shown by the circumstances surrounding the distribution of the article. This objective intent may, for example, be shown by labeling claims, advertising matter, or oral or written statements by such persons or their representatives. It may be shown by the circumstances that the article is, with the knowledge of such persons or their representatives, offered and used for a purpose for which it is neither labeled nor advertised. The intended uses of an article may change after it has been introduced into interstate commerce by its manufacturer. If, for example, a packer, distributor, or seller intends an article for different uses than those intended by the person from whom he received the drug, such packer, distributor, or seller is required to supply adequate labeling in accordance with the new intended uses. But if a manufacturer knows, or has knowledge of facts that would give him notice, that a drug or device introduced into interstate commerce by him is to be used for conditions, purposes, or uses other than the ones for which he offers it, he is required to provide adequate labeling for such a drug which accords with such other uses to which the article is to be put.

2. A new § 1.108 is added, to read as follows:

§ 1.108 *Exemption from prescription requirements.* The prescription-dispensing requirements of section 503 (b) (1) (A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502 (d):

(a) Exempt narcotic preparations described in 26 CFR 151.2 and sold as required by 26 CFR 151.180 through 151.185a.

(b) Drugs containing chlorobutanol, intended for external use only.

(c) Epinephrine solution, 1 percent, preserved with chlorobutanol and intended for use solely as a spray.

(d) Drugs containing one or more of the derivatives of barbituric acid and in addition a sufficient quantity or proportion of another drug or drugs to prevent the ingestion of a sufficient amount of barbiturate derivative to cause a hypnotic or somnifacient effect.

Effective date. These regulations shall be effective upon the date of publication of this final order in the FEDERAL REGISTER except the requirements of § 1.106 (b) (2) (ii), (iii), and (iv), (c) (2), and (k) (2) (iii), which shall be effective on August 1, 1953. Action taken in reliance upon the tentative regulations after April 26, 1952, and before this final order issued will be regarded as in compliance with the law.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply secs. 502, 503, 52 Stat. 1050, 1051; 21 U. S. C. 352, 353)

Dated: July 22, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-8156; Filed, July 24, 1952; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 5921; Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

DEFINITION OF PERSONNEL HOLDING COMPANY; PERSONAL HOLDING COMPANY INCOME

On March 14, 1952, notice of proposed rule making with respect to amendments to conform Regulations 111 to Public Law 680 (81st Cong., 2d Sess.), approved August 9, 1950, relating to definition of personal holding company, and to section 223 of the Revenue Act of 1950 (81st Cong., 2d Sess.), approved September 23, 1950, relating to personal holding company income, was published in the FEDERAL REGISTER (17 F. R. 2231). No objection to the rules proposed having been received, the amendments of Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.501–1 the following:

PUBLIC LAW 680 (EIGHTY-FIRST CONGRESS, SECOND SESSION), APPROVED AUGUST 9, 1950

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 (b) (6) of the Internal Revenue Code is amended to read as follows:

(6) (A) A licensed personal finance company under State supervision, 80 per centum or more of the gross income of which is lawful interest received from loans made to individuals in accordance with the provisions of applicable State law if at least 60 per centum of such gross income is lawful interest (i) received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and (ii) not payable in advance or compounded and computed only on unpaid balances, and if the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount; and

(B) A lending company, not otherwise excepted by section 501 (b), authorized to engage in the small loan business under one or more State statutes providing for the direct regulation of such business, 80 per centum or more of the gross income of which is lawful interest, discount or other authorized charges (i) received from loans maturing in not more than thirty-six months made to individuals in accordance with the provisions of applicable State law, and (ii) which do not, in the case of any individual loan, exceed in the aggregate an amount equal to simple interest at the rate of 3 per centum per month not payable in advance and computed only on unpaid balances, if at least 60 per centum of the gross income is lawful interest, discount or other authorized charges received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed in principal amount the limit prescribed for small loans by such law (or, if there is no such limit, $500), and if the deductions allowed to such company under section 23 (a) (relating to expenses), other than for compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)) constitute 15 per centum or more of its gross income, and the loans to a person, who is a shareholder in such company during the taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)), outstanding at any time during such year do not exceed $5,000 in principal amount.

SEC. 2. That section 501 (b) of the Internal Revenue Code is amended by adding at the end thereof the following new paragraph:

(8) A finance company, actively and regularly engaged in the business of purchasing or discounting accounts or notes receivable or installment obligations, or making loans secured by any of the foregoing or by tangible personal property, at least 80 per centum of the gross income of which is derived from such business in accordance with the provisions of applicable State law or does not constitute personal holding company income as defined in section 502, if 60 per centum of the gross income is derived from one or more of the following classes of transactions:

(A) Purchasing or discounting accounts or notes receivable, or installment obligations evidenced or secured by contracts of conditional sale, chattel mortgages, or chattel lease agreements, arising out of the sale of goods or services in the course of the transferor's trade or business;

(B) Making loans, maturing in not more than thirty-six months, to, and for the business purposes of, persons engaged in trade or business, secured by—

(i) Accounts or notes receivable, or installment obligations, described in subparagraph (a) above;

(ii) Warehouse receipts, bills of lading, trust receipts, chattel mortgages, bailments, or factor's liens, covering or evidencing the borrower's inventories;

(iii) A chattel mortgage on property used in the borrower's trade or business;

except loans to any single borrower which for more than ninety days in the taxable year of the company exceed 15 per centum of the average funds employed by the company during such taxable year;

(C) Making loans, in accordance with the provisions of applicable State law, secured by chattel mortgages on tangible personal property, the original amount of each of which is not less than the limit referred to in, or prescribed by, subsection (b) (6) (A) (1), and the aggregate principal amount of which owing by any one borrower to the company at any time during the taxable year of the company does not exceed $5,000; and

(D) If 30 per centum or more of the gross income of the company is derived from one or more of the classes of transactions described in subparagraphs (A), (B) and (C) of this paragraph, purchasing, discounting, or lending upon the security of, installment obligations of individuals where the transferor or borrower acquired such obligations either in transactions of the classes described in subparagraphs (A) and (C) of this paragraph or as a result of loans made by such transferor or borrower in accordance with the provisions of clauses (i) and (ii) of paragraph 6 (A) or of clauses (i) and (ii) of paragraph 6 (B) of this subsection, if the funds so supplied at all times bear an agreed ratio to the unpaid balance of the assigned installment obligations, and documents evidencing such obligations are held by the company;

Provided, That the deductions allowable under subsection 23 (a) (relating to expenses), other than compensation for personal services rendered by shareholders (including members of the shareholder's family as described in section 503 (a) (2)), constitute 15 per centum or more of the gross income, and that loans to a person who is a shareholder in such company during such taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by members of his family as defined in section 503 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount.

PAR. 2. Section 29.501–1 is amended as follows:

(A) By striking therefrom the first sentence of paragraph (b) and inserting in lieu thereof the following:

(b) Section 501 (b) provides that the term "personal holding company" does not include corporations exempt from taxation under section 101, a bank as defined in section 104, a life insurance company, a surety company, a foreign personal holding company as defined in section 331, and a loan or investment corporation as defined in section 501 (b) (7). For taxable years ending on or before August 9, 1950, such term also does not include a licensed personal finance company, as defined in section 501 (b) (6) prior to amendment by Public Law 680, 81st Congress, 2d Session, approved August 9, 1950. For taxable years ending after August 9, 1950, the term "personal holding company" does not include a licensed personal finance company as defined in section 501 (b) (6) (A), a lending company as defined in section 501 (b) (6) (B), or a finance company (whether or not previously classified as a personal holding company) as defined in section 501 (b) (8).

(B) By striking from paragraph (b) the words "such a corporation" (appearing in the sentence beginning "If, for any prior taxable year") and inserting in lieu thereof "a loan or investment corporation as defined in section 501 (b) (7)".

PAR. 3. There is inserted immediately preceding § 29.502–1 the following:

SEC. 223. PERSONAL HOLDING COMPANY INCOME (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950)

Section 502 (f) of the Internal Revenue Code (relating to use of corporation property by a shareholder) shall not apply with respect to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the taxpayer.

PAR. 4. Section 29.502–1 (i) is hereby amended by adding at the end thereof the following new sentence: "See also section 223 of the Revenue Act of 1950, which provides that section 502 (f) shall not apply to rents received during taxable years ending after December 31, 1945, and before January 1, 1950, if such rents were received for the use by the lessee, in the operation of a bona fide commercial, industrial, or mining enterprise, of property of the corporation."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 21, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8158; Filed, July 24, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order No. 12, Amdt. 1]

DMO 12—ESTABLISHING POSITION OF ASSISTANT TO DIRECTOR FOR HOUSING AND COMMUNITY FACILITIES

AMENDING RESPONSIBILITIES OF POSITION

(1) Defense Mobilization Order No. 12 issued by this office under date of November 27, 1951, establishing the position of Assistant to the Director for Housing and Community Facilities is hereby revised to provide that paragraph 3 read as follows:

3. Be responsible, on behalf of the Director, for the general supervision and coordination of actions to implement certification under the Defense Housing and Community Facilities and Services Act of 1951 (Public Law 139, 82d Congress) and the Housing and Rent Act of 1947, as amended by the Defense Production Act Amendments of 1951 (Public Law 96, 82d Congress).

(2) This amendment is in accordance with the provisions of Defense Mobilization Order No. 20 issued by this office under date of July 25, 1952.

(3) This amendment shall take effect on July 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-8268; Filed, July 24, 1952; 10:48 a. m.]

[Defense Mobilization Order No. 20]

DMO 20—ESTABLISHING REVISED PROCEDURES FOR THE DESIGNATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREAS

Pursuant to the authority vested in me by Executive Order No. 10193 of December 16, 1950, Executive Order No. 10296 of October 2, 1951, Section 203 of the Defense Production Amendments of 1952, and pursuant to the Housing and Rent Act of 1947, as amended, it is hereby ordered as follows:

A. *Establishment of Defense Areas Advisory Committee.* In accordance with the Defense Production Act Amendments of 1952 there is hereby created in the Office of Defense Mobilization a Defense Areas Advisory Committee which shall consist of representatives of the Department of Defense, the Housing and Home Finance Agency, and the Office of Rent Stabilization. The Administrator of the Economic Stabilization Agency, or his representative, shall serve as Chairman.

It shall be the responsibility of the Defense Areas Advisory Committee to review, for the Director of Defense Mobilization, the recommendations which are developed pursuant to this order for critical defense housing area certifications under the Housing and Rent Act of 1947, as amended, and the Defense Housing and Community Facilities and Services Act of 1951, as amended. The Committee shall also review compliance with the criteria in these laws to determine that the conditions for certification have been met.

The joint memorandum of the Secretary of Defense and the Director of Defense Mobilization of September 18, 1951, addressed to the Administrator of the Defense Production Administration, is hereby rescinded and the Advisory Committee on Defense Areas, which was authorized by that memorandum, is abolished.

Paragraph No. 3 of Defense Mobilization Order No. 12[1] is hereby amended to read:

3. Be responsible, on behalf of the Director, for the general supervision and coordination of actions to implement certifications under the Defense Housing and Community Facilities and Services Act of 1951, as amended, and the Housing and Rent Act of 1947, as amended.

[1] See DMO 12, Amdt. 1, *supra.*

B. *Procedure for recommendations under Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139).* It shall be the responsibility of the Administrator of the Housing and Home Finance Agency to make recommendations to the Defense Areas Advisory Committee for the designation of critical defense housing areas under the provisions of section 101 of the Defense Housing and Community Facilities and Services Act of 1951, as amended. In carrying out this responsibility the Administrator of the Housing and Home Finance Agency, for each area under consideration, shall:

(1) Secure from the appropriate defense agencies information and recommendations necessary to determine whether the area does or does not contain defense-connected activities.

(2) Secure from the Bureau of Employment Security of the Department of Labor, or from the Department of Defense, or both, information and judgments necessary to a determination on in-migration of defense workers or military personnel.

(3) Make the necessary studies of the present and prospective housing supply in the area.

(4) Assemble and analyze the information provided by the several agencies and determine, in the light of all the facts and their interrelations, whether or not the conditions contained in Section 101 for designation of a critical defense housing area have been met.

(5) Prepare a written summary of findings, including a description of the area to be affected, for each case recommended.

It shall be the responsibility of the Defense Production Administration, the National Production Authority, the Defense Minerals Exploration Administration, the Department of Defense and other defense agencies to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and recommendations regarding the defense connection of installations or activities in the area under consideration.

It shall be the responsibility of the Bureau of Employment Security of the Department of Labor to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and judgments regarding the in-migration of industrial defense workers for each area under consideration.

It shall be the responsibility of the Department of Defense to provide the Administrator of the Housing and Home Finance Agency, upon his request, with information and judgments regarding the in-migration of military personnel for each area under consideration. The Department of Defense shall also provide the Administrator of the Housing and Home Finance Agency with such information as it possesses concerning housing conditions in and around military posts or installations.

It shall be the responsibility of the Federal Security Agency to make surveys of and to provide the Housing and Home Finance Agency with information and judgments regarding the need for community facilities under its jurisdiction in connection with areas under consideration and to initiate consideration of areas where a shortage of community facilities is the principal problem.

C. *Procedure for recommendations under the Housing and Rent Act of 1947, as amended (Pub. Law 96).* It shall be the responsibility of the Director of Rent Stabilization to make recommendations to the Defense Areas Advisory Committee for the certification of critical defense housing areas under the provisions of Section 204 (l) of the Housing and Rent Act of 1947, as amended, except that the Department of Defense may initiate certification of those relatively small or isolated communities where the military activity or an activity directly related to the military program is the sole or principal activity in the area. In carrying out this responsibility the Director of Rent Stabilization (or the Department of Defense in the case of small or isolated military areas) shall:

(1) Secure from the Administrator of the Housing and Home Finance Agency information and judgments with respect to defense installations or activities, inmigration and housing shortage.

(2) Notify the Administrator of the Housing and Home Finance Agency of any areas where the need for certification under Public Law 96 appears to be urgent. For all such areas, the Administrator of the Housing and Home Finance Agency shall give the highest priority to assembling the necessary information and judgments and shall transmit them at the earliest possible date to the Director of Rent Stabilization (or to the Department of Defense for small or isolated military areas).

(3) Make such studies of past, present, and prospective rent levels as are necessary to determine whether excessive rent increases have occurred or are threatened in the area.

(4) Organize and analyze the information and judgments regarding rent increases in the light of the information assembled by the Housing and Home Finance Agency on defense installations or activities, in-migration and housing supply, and determine whether the conditions for designation as a critical defense housing area under Public Law 96 have been met.

(5) Prepare a written summary of findings, including a description of the area to be affected, for each case recommended.

It shall be the responsibility of the Department of Defense to provide the Director of Rent Stabilization with such information as it may have regarding rent problems experienced by military personnel and civilian employees in and around military posts or installations in the area under consideration.

D. *Participation of Regional Defense Mobilization Committees.* In carrying out the purposes of this Order, the Administrator of the Housing and Home Finance Agency and the Director of Rent Stabilization may consult with and receive information, advice and views from the Regional Defense Mobilization Committees, through the Central Coordinating Committee, concerning problems arising in connection with critical defense housing area certifications.

This order shall take effect on July 25, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

With respect to the procedure established by this order under the Housing and Rent Act of 1947, as amended, the Secretary of Defense hereby concurs.

ROBERT A. LOVETT,
Secretary of Defense.

[F. R. Doc. 52-8269; Filed, July 24, 1952; 10:48 a. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 135, Supplementary Regulation 2]

CPR 135—BAKERS, WHOLESALE AND RETAIL DISTRIBUTORS OF FROZEN AND PERISHABLE BAKERY ITEMS

SR 2—INTERIM RELIEF FOR MILWAUKEE BREAD BAKERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 2 to Ceiling Price Regulation 135 is hereby issued.

STATEMENT OF CONSIDERATIONS

Data presented to this office indicate that bread bakers in the Milwaukee area are now experiencing substantial hardship under their CPR 135 ceiling prices. Preliminary studies show that cost increases in this area have been such as to reduce earnings of bread bakers in this area below the minimum level to which such bakers would be entitled under an adaptation of the industry earnings standard for application on an area basis.

This office is considering the issuance of an area adjustment regulation which would set forth in detail the standards and procedures under which area relief would be granted to bread bakers in circumstances such as obtain in Milwaukee. On the basis of available data, however, the need for relief in Milwaukee is so urgent, that relief cannot be held in abeyance until such time as final decisions are reached with respect to the issuance of the area adjustment regulation. Accordingly, this supplementary regulation is being issued to grant an interim adjustment to these bread bakers of an amount which data now available clearly show to be required. It does so by increasing the CPR 135 ceiling price for the 1½ lb. loaf of white pan bread by one cent. The 1½ lb. loaf is by far the most important item sold by these bread bakers and accounts for about 80 percent of their sales. When additional data is received and further consideration has been given to procedures for such area adjustments, any further adjustments which may then appear appropriate will be made.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable requirements of that Act.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices.
3. Applicability of CPR 135.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* (a) This regulation establishes bakers' ceiling prices for sales in the "Milwaukee Area" of any item listed in this regulation.

(b) "Milwaukee Area" means the following counties in the state of Wisconsin: Fond du Lac, Sheboygan, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Racine, Kenosha, Walworth and Rock.

SEC. 2. *Ceiling prices.* If you are a baker selling an item listed in Table A in the Milwaukee Area you may adjust your CPR 135 ceiling prices for such sales by the amount listed in the same table.

TABLE A—ADJUSTMENT OF CPR 135 CEILING PRICES

Item	*Amount of Adjustment*
1½ lb. white pan loaf	Increase CPR 135 ceiling prices by $.01

SEC. 3. *Applicability of CPR 135.* All provisions of CPR 135 which are not inconsistent with the provisions of this supplementary regulation remain in full force and effect.

Effective date. This supplementary regulation becomes effective July 24, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 24, 1952.

[F. R. Doc. 52-8270; Filed, July 24, 1952; 11:36 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1828]

Subchapter A—Alaska

PART 78—SURVEYS

Subchapter I—Mineral Lands

PART 185—GENERAL MINING REGULATIONS

Parts 78 and 185 are amended, as indicated below. The revised §§ 78.8 and 185.40 provide for additional copies of the plat and field notes which will be furnished to the patentee with his mineral patent. The revised § 185.51 requires the claimant to pay the cost of preparing the copies. The purpose of the new § 185.104 is to shorten land descriptions in patents hereafter issued for certain kinds of mining claims.

1. Section 78.8 is amended to read:

§ 78.8 *Plats and field notes of mineral surveys.* (a) The Office Cadastral Engineer, Public Survey Office, Juneau, Alaska, will make an estimate of the costs of the platting of the claim or claims and of the other office work, including the preparation of the copies of the plat and field notes to be furnished the claimant. The claimant will deposit the estimated amount with that office to be passed to the fund created by "deposits by individuals for surveying public lands".

(b) Upon approval of plats of Alaskan mineral surveys by the Office Cadastral Engineer, four copies thereof will be prepared in the public survey office by photostat, blueprint, or such other process as may be available. The original plat and field notes will be retained in the public survey office; one copy of the plat will be given the claimant for posting upon the claim and two copies of the plat and of the field notes will be given the claimant for filing with the proper manager, to be finally transmitted by that officer, with the other papers in the case, to the Office of the Director, Bureau of Land Management, Washington 25, D. C. One copy of the plat will be sent by the Office Cadastral Engineer to the manager of the proper land district to be retained in his files for future reference. When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

2. Section 185.40 is amended to read:

§ 185.40 *Plats and field notes of mineral surveys.* As to plats of survey of mining claims outside of the Territory of Alaska, the regional cadastral engineer will have four copies made, which copies with the original plat, will be filed and disposed of as follows: The original plat and field notes to be retained in the public survey office; one copy of the plat to be given the claimant for posting upon the claim; two copies of the plat and two copies of the field notes to be given the claimant for filing with the proper manager, to be finally transmitted by that officer, with the other papers in the case, to the Office of the Director, Bureau of Land Management, Washington 25, D. C.; and one copy to be sent by the regional cadastral engineer to the manager of the proper land district, to be retained in his files for future reference. When the patent is issued, one copy of the plat and field notes shall accompany the patent and be delivered to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

3. Section 185.51 is amended to read:

§ 185.51 *Payment of charges of the public survey office.* With regard to the platting of the claim and other office work in the public survey office, including the preparation of the copies of the plat and field notes to be furnished the claimant, that office will make an estimate of the cost thereof, which amount the claimant will deposit with it to be passed to the credit of the fund created by "Deposits by Individuals for Surveying Public Lands."

(R. S. 2478; 43 U. S. C. 1201)

4. The following new text is added:

PATENTS FOR MINING CLAIMS

§ 185.104 *Land descriptions in patents.* The land description in a patent for a lode mining claim, for a millsite, or for a placer claim not consisting of legal subdivisions, shall hereafter consist of the names and survey numbers of the claims being patented and those being excluded, or of the names of the excluded claims if they are unsurveyed, or of the legal subdivisions of excluded land covered by homestead or other nonmineral entry. The land description shall refer to the field notes of survey and the plat thereof for a more particular description and the patent shall expressly make them a part thereof. Where shown by the mineral entry the patent shall give the actual or approximate legal subdivision, section, township and range, the name of the county and of the mining district, if any, wherein the claims are situated. A copy of the plat and field notes of each mineral survey patented will be furnished to the patentee.

(R. S. 2478; 43 U. S. C. 1201)

OSCAR L. CHAPMAN,
Secretary of the Interior.

JULY 18, 1952.

[F. R. Doc. 52-8142; Filed, July 24, 1952; 8:46 a. m.]

Appendix—Public Land Orders

[Public Land Order 856]

ARIZONA

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH AN AIR FORCE BASE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws and reserved for the use of the Department of the Air Force in connection with an air force base:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 6 E.,
Sec. 29, SW¼;
Sec. 32, N½.

The areas described aggregate 480 acres.

It is intended that the lands described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 21, 1952.

[F. R. Doc. 52-8140; Filed, July 24, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

USE OF CHESAPEAKE BAY BRIDGE BY COMMON AND CONTRACT MOTOR CARRIERS SUBJECT TO THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 10th day of July A. D. 1952.

The Commission has received inquiries regarding the use of the Chesapeake Bay Bridge by common and contract motor carriers subject to the Interstate Commerce Act.

The Chesapeake Bay Bridge is a recently built modern bridge crossing the Chesapeake Bay between Sandy Point, Md., and a point on the Eastern Shore of Maryland, north of Matapeake, Md., and will be accessible from newly constructed approaches to the bridge.

Upon the opening of the bridge to traffic, scheduled for the latter part of July 1952, the Sandy Point-Matapeake Ferry will discontinue its ferry service between Sandy Point and Matapeake, and there will be no other available crossing of the Chesapeake Bay in this vicinity other than by the Chesapeake Bay Bridge. In view of the discontinuance of the ferry service across the bay, it appears that the use of the Chesapeake Bay Bridge by common and contract motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations across the Chesapeake Bay over presently located U. S. Highway 50 and the Sandy Point-Matapeake Ferry between Sandy Point and Matapeake, Md., will be required by public convenience and necessity in the case of common carriers, and will be consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act in the case of contract carriers: *It is ordered*, That:

§ 211.3 *Use of Chesapeake Bay Bridge by motor carriers subject to the act.* (a) Common and contract motor carriers subject to the Interstate Commerce Act who are authorized to engage in operations across the Chesapeake Bay over presently located U. S. Highway 50 and the Sandy Point-Matapeake Ferry may, without obtaining prior authority therefor, use the Chesapeake Bay Bridge and such additional highways as may be required in traveling via the shortest practicable route between the authorized highways and the Bridge in performing their authorized operations.

(b) This permission to use the Chesapeake Bay Bridge by common and contract motor carriers does not authorize such carriers to serve new points or points they are not now authorized to serve and they will continue to furnish reasonable and adequate service at points on the old routes which they are authorized to serve.

(c) Motor carriers whose authority is limited to operations not requiring the crossing of the bay at the points above-named, but who desire to use the Bridge as an alternate or connecting route in performing their authorized service, must apply for such authority on Form BMC 78 (§ 7.78 of this title) and receive authority before using the Bridge.

(d) If a motor carrier is authorized to operate between points both west and east of the Chesapeake Bay, over irregular routes, no specific authority is required from this Commission to use the Chesapeake Bay Bridge in performing the authorized service.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended, 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8150; Filed, July 24, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 405]

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

RECEIPTS FOR TAX WITHHELD ON WAGES PAID AFTER DEC. 31, 1950

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form as set forth below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 1429 and 3791 (53 Stat. 178, 467; 26 U. S. C. 1429, 3791) and section 1627 of the Internal Revenue Code (57 Stat. 138; 26 U. S. C. 1627).

[SEAL] JOHN B. DUNLAP, *Commissioner of Internal Revenue.*

Regulations 116 are hereby amended as follows:

PARAGRAPH 1. Section 405.501 (b), as amended by Treasury Decision 5828, approved January 22, 1951, is further amended to read as follows:

(b) *Wages paid after December 31, 1950.* With respect to wages paid on or after January 1, 1951, every person required to deduct and withhold from an employee a tax under section 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such person to such employee during the calendar year, the original and duplicate of a statement on Form W-2 showing the following: (1) The name and address of such person, (2) the name and address of the employee, and, if wages as defined in section 1426 (a) have been paid, his social security account number, (3) the total amount of wages as defined in section 1621 (a), (4) the total amount deducted and withheld as tax under section 1622, (5) the total amount of wages as defined in section 1426 (a), and (6) the total amount deducted and withheld as tax under section 1400 (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

For example, if the table method of withholding is used, a withholding statement must be furnished each employee whose wages during any payroll period are equal to or in excess of the smallest wage for which tax must be withheld from employees claiming one exemption. If the percentage computation method is used, a withholding statement must be furnished each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 1622 (b) (1).

If (i) the amount of tax deducted under section 1400 in the calendar year from the wages as defined in section 1426 (a) paid during such year was less or greater than the tax imposed by section 1400 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 1426 (a) or tax under section 1400 entered on a statement furnished to the employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee.

Likewise, a corrected statement on Form W-2 shall be furnished the employee with respect to a prior calendar year (*a*) if the amount of wages as defined in section 1621 (a) entered on a statement furnished to the employee for such prior year is incorrect, or (*b*) if the amount deducted and withheld as tax under section 1622 is less or greater than the amount entered on the statement furnished the employee for such prior year.

The statement on Form W-2 for the calendar year and the corrected statement for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made.

See the applicable regulations under the Federal Insurance Contributions Act for the requirement as to the furnishing of a statement in cases where such statement is required solely by reason of the tax under section 1400 of such act. Also see such regulations with respect to adjustments of that tax.

PAR. 2. Section 405.601, as amended by Treasury Decision 5828, is further amended as follows:

(A) By changing the third sentence of the first paragraph to read as follows: "For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 450."

(B) By striking "or if the employer has no principal place of business in the United States" from the penultimate sentence of the first paragraph and inserting in lieu thereof the following: "or, if the employer has no principal place of business in a collection district of the United States,".

[F. R. Doc. 52-8157; Filed, July 24, 1952; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Part 319]

VIRGIN ISLANDS

FOREIGN QUARANTINE NOTICES

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 160, and 162), is considering amending the subpart Citrus Canker and Other Citrus Diseases; the subpart Citrus Fruit; the subpart Sweetpotatoes and Yams; the subpart Nursery Stock, Plants, and Seeds; the subpart Fruits and Vegetables; and the subpart Cut Flowers; in Part 319, Title 7, Code of Federal Regulations (7 CFR 319.19, 319.28, 319.29, 319.37, et seq., 319.56 et seq. and 319.74 et seq.) in the following respects:

It is proposed to:

1. Amend §§ 319.19 and 319.28 by deleting therefrom the phrase "the continental United States, Puerto Rico and Hawaii" wherever it appears and substituting therefor the phrase "the United States"; and by adding a new paragraph designated as (e) to § 319.19 and as a new undesignated paragraph at the end of § 319.28 to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

2. Amend § 319.29 by inserting, after the word "importation" the phrase "into the United States"; and by deleting the last sentence in the section and substituting therfor the following: "As used in this section unless the context otherwise requires, the term "United States means the continental United States only."

3. Amend § 319.37 by deleting therefrom the phrase "(including the District of Columbia) and its Territories," and the phrase "(including the District of Columbia) or its Territories," and by adding to the section a new paragraph (c) to read as follows:

(c) As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

4. Amend § 319.37–24 by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory, or District of the United States covered by § 319.37"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

5. Amend the subpart Nursery Stock, Plants, and Seeds by adding thereto a new § 319.37–28 to read as follows:

§ 319.37–28 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

6. Amend § 319.56 by adding thereto a new undesignated paragraph to read as follows:

As used in this section unless the context otherwise requires, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

7. Amend § 319.56–2 by inserting after the third undesignated paragraph thereof a new undesignated paragraph to read as follows:

Fruits and vegetables grown in the British Virgin Islands may be imported into the Virgin Islands of the United States without further permit other than the authorization contained in this paragraph but subject to the requirements of the first paragraph of this section, and of §§ 319.56–5, 319.56–6 and 319.56–7, except that such fruits and vegetables are exempted from the notice of arrival requirements of § 319.56–5 when an inspector shall find that equivalent information is obtainable from the United States Collector of Customs.

8. Amend the subpart Fruits and Vegetables by adding thereto a new § 319.56–8 to read as follows:

§ 319.56–8 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

9. Amend § 319.74 by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States"; and by adding a new undesignated paragraph to the section to read as follows:

As used in this section, the term "United States" means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

10. Amend § 319.74–2 (e) by deleting therefrom the phrase "a State or Territory of the United States" and substituting therefor the phrase "a State, Territory or District of the United States covered by § 319.74"; by adding the phrase "or District" after the word "Territory" the second and third times the latter appears in the section; and by deleting the word "State" from the phrase "State official".

11. Amend the subpart Cut Flowers by adding thereto a new § 319.74–7 to read as follows:

§ 319.74–7 *Territorial applicability.* The regulations in this subpart shall apply with respect to importations into the continental United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands of the United States.

12. Amend § 319.74–2a by deleting therefrom the phrase "the continental United States, Hawaii, and Puerto Rico" and substituting therefor the phrase "the United States."

The aforesaid proposed amendments would correlate the quarantines, regulations, and administrative instructions set forth in the above mentioned subparts with a current extension of plant quarantine operations to the Virgin Islands of the United States as authorized by the Plant Quarantine Act. A public hearing with respect to this matter was held in Washington, D. C., on March 29, 1951, pursuant to a notice published in the FEDERAL REGISTER on February 8, 1951 (16 F. R. 1205).

Any person who desires to submit written data, views, or arguments in connection with the proposed amendments, should file them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5, 7, and 9, 37 Stat. 316, 317, 319, as amended; 7 U. S. C. 159, 160, 162)

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8136; Filed, July 24, 1952; 8:45 a. m.]

[7 CFR Part 324]

MOLLUSKS

NOTICE OF PROPOSED REGULATIONS GOVERNING ENTRY

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to Public Law 152, 82d Congress (65 Stat. 335, 7 U. S. C. Sup. 441), approved September 22, 1951, is considering the adoption of regulations, to appear in Part 324 of Chapter III, Title 7 of the Code of Federal Regulations, as follows:

PART 324—MOLLUSKS

Sec.
324.1 Definitions.
324.2 Mollusk infestation in Guam.
324.3 Inspection.
324.4 Treatment.
324.5 Entry of mollusks; permits required.
324.6 Restrictions on issuance of permits.
324.7 Permit procedure.
324.8 Mollusks entered for scientific purposes.

AUTHORITY: §§ 324.1 to 324.8 issued under Pub. Law 152, 82d Cong.; 65 Stat. 335, 7 U. S. C. Sup. 441.

§ 324.1 *Definitions.* Words used in the singular form in the regulations in this part shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this part, the following words shall be construed, respectively, to mean:

(a) *Chief of Bureau.* The Chief of the Bureau of Entomology and Plant Quarantine, or any officer or employee of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(b) *Bureau.* The Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(c) *Inspector.* Any person authorized by the Secretary of Agriculture of the United States to enforce the provisions of the Plant Quarantine Act (7 U. S. C. 151 et seq.).

(d) *Person.* Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other organized group of any of the foregoing.

(e) *Owner.* The owner or the person having responsible custody of a carrier or other regulated article subject to the regulations in this part.

(f) *Mollusk.* All living stages, including eggs, of the giant African snail or other species of terrestrial or fresh-water forms of the phylum Mollusca.

(g) *United States.* The 48 States, the District of Columbia, the Canal Zone, and the United States possessions, including but not limited to the Territory of Hawaii and other Territories of the United States, but excluding Guam.

(h) *Carrier.* Any vessel, vehicle, aircraft, or other kind of conveyance entering any part of the United States.

(i) *Regulated article.* Any produce, baggage, salvaged war material or other goods entering any part of the United States.

(j) *Permit.* An authorization allowing the entry into the United States of certain mollusks in accordance with the regulations in this part.

(k) *Treatment.* Fumigation or any other process designed to eliminate infestation by the giant African snail or any other mollusk prohibited entry under the regulations in this part.

§ 324.2 *Mollusk infestation in Guam.* The Secretary of Agriculture finds that Guam is infested with the giant African snail. Therefore, the entry of mollusks, carriers, and other regulated articles from Guam into any part of the United States is subject to the same conditions as are applicable to the entry thereof from foreign countries.

§ 324.3 *Inspection.* As a condition of entry into any part of the United States, all carriers and other regulated articles from any foreign country or Guam shall be subject to examination by an inspector for the purpose of determining whether they are infested with the giant African snail or any other mollusk prohibited entry under the regulations in this part.

§ 324.4 *Treatment.* (a) A carrier or other regulated article found upon examination to be infested with the giant African snail or other species of mollusk prohibited entry under the regulations in this part shall be promptly removed from the United States or shall be promptly treated by the owner or his agent in a manner prescribed by the inspector and under his supervision. Pending such action, the carrier or other regulated article shall be immediately subject to such safeguards against escape of the mollusks as the inspector may prescribe.

(b) All costs or charges incident to the inspection, handling, cleaning, safeguarding, or treatment of an infested carrier or other regulated article, except for the services of the inspector during regularly assigned hours of duty and at the usual places of duty, shall be borne by the owner or his agent. Neither the Department of Agriculture nor the inspector will be responsible for any costs accruing for demurrage, shipping charges, wharfage, cartage, labor, chemicals, or the like incidental to such inspection, handling, cleaning, safeguarding, or treatment.

(c) If the treatment or safeguards prescribed by the inspector are not applied promptly by the owner or his agent, the inspector shall apply measures necessary to prevent the escape of the mollusks. The entire cost of such application shall be borne by the owner or his agent and shall constitute a debt payable to the Treasurer of the United States.

§ 324.5 *Entry of mollusks; permits required.* Entry into the United States of any species of mollusk from any foreign country or Guam is prohibited, except under permit issued by the Chief of Bureau or authorized official of the United States Public Health Service, and in compliance with such safeguards as may be prescribed in connection with the issuance of such permit.

§ 324.6 *Restrictions on issuance of permits.* Except as provided in § 324.8, permits will not be issued for the entry of the giant African snail, Achatina fulica (Bowdich), or any other species of Achatina; Theba pisana (Muller); any species of slug; or any other species of mollusk determined by the Chief of Bureau to be similar to the giant African snail in its destructiveness to plant life. Permits will also be refused for the entry of other species of mollusks unless it is determined by the Chief of Bureau that the particular shipment will be entered and subsequently handled under such safeguards as he deems necessary to prevent injury to the agriculture of the United States.

§ 324.7 *Permit procedure.* Any person desiring to enter any mollusks into the United States may submit to the Chief of Bureau an application for permit stating the name and address of the importer, the approximate quantity and species (scientific name) it is desired to enter, the country of origin, the port of entry, the purpose of the entry, and the place where and conditions under which the mollusks will be handled. If available, an empty shell of the species to be entered should accompany the application, for purposes of identification. In considering such applications, the Chief of Bureau will confer with other interested agencies, which may include the Division of Mollusks, United States National Museum; United States Public Health Service, Federal Security Agency; and state plant pest officials, in determining the eligibility for entry of the species covered by the applications. Upon determination that a particular species is eligible for entry under § 324.6 or § 324.8, a permit will be issued by the Chief of Bureau specifying the conditions of entry and the port of entry, except that if the species is subject to regulation by the United States Public Health Service, the application for permit will be referred to said agency for such action as it finds is warranted under its regulations.

§ 324.8 *Mollusks entered for scientific purposes.* Mollusks not otherwise eligible for entry under § 324.6 may be entered into the United States for scientific purposes under permit issued by either the Chief of Bureau or by an authorized official of the United States Public Health Service, under such safeguards and restrictions as may be prescribed in connection with the issuance of such permit after review of each individual application for such permit.

The purpose of the proposed regulations is to prevent importations into noninfested parts of the United States of terrestrial and fresh-water mollusks which would be injurious to agriculture. This objective would be accomplished under the proposed regulations by requiring permits for the entry of all terrestrial and fresh-water mollusks and providing for the inspection, treatment, and safeguarding of carriers and other regulated articles coming from a foreign country or from Guam to any other part of the United States. In administering the regulations recognition would be given to such interests as the United States Public Health Service may have in the entry of certain mollusks, particularly snails that are known to be carriers of human diseases. This Service has regulations (sec. 71.156 of Public Health Service Manual of Laws and Regulations; 42 CFR 71.156) governing the entry of etiological agents and vectors of human diseases that apply to mollusks affecting human health.

Any person who desires to submit written data, views, or arguments concerning the proposed regulations should file them with the Chief of the Bureau of Entomology and Plant Quarantine, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8137; Filed, July 24, 1952; 8:45 a. m.]

Production and Marketing Administration

[7 CFR Part 928]

[AO-227-A1]

HANDLING OF MILK IN NEOSHO VALLEY, OKLAHOMA, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

EDITORIAL NOTE: In Federal Register Document 52-7952, appearing at page 6671 of the issue for Saturday, July 19, 1952, the following changes should be made:

1. "Part 906" should be deleted from the bracket headnote so that the headnote reads as set forth above.

2. In the second paragraph the words "and the Tulsa, Oklahoma, marketing area" should be deleted.

3. In proposal 2, references to §§ 906.22, 906.51 and 906.52 should appear as §§ 928.22, 928.51 and 928.52, respectively.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

TRANS-PACIFIC FREIGHT CONFERENCE AND JAPAN-ATLANTIC COAST FREIGHT CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

Trans-Pacific Freight Conference: Agreement No. 150-5, between the member lines of the above named Conference, modifies the basic agreement of said Conference (No. 150)-(a) by revising the provision covering breach of the agreement; (b) by revising the withdrawal provision to require 60 days notice instead of the present 90 days notice; (c) to provide for the deposit of $25,000 U. S. Government bonds, or U. S. currency, or surety bond of like amount, instead of the present sum of ¥25,000 Japanese Government bonds, or cash, or other bonds, to guarantee faithful performance of the terms of the agreement; (d) to provide that Conference decisions shall be by two-thirds vote instead of three-fourths vote as presently provided; (e) by including a provision covering an admission fee of $1,000; (f) by clarifying and or rearranging various provisions of the basic Conference agreement; and (g) to include a number of other provisions relating to the internal functioning of the Conference.

Japan-Atlantic Coast Freight Conference: Agreement No. 3103-6, between the member lines of the above named Conference, modifies the basic agreement of said Conference (No. 3103); (a) by changing the name of the Conference to "Japan-Atlantic and Gulf Freight Conference"; (b) by clarifying and or rearranging the various provisions of the basic Conference agreement; (c) by including a provision covering an admission fee of $1,000; (d) to provide for the deposit, with the Conference, of the sum of $25,000 in U. S. Government bonds or U. S. currency, or surety bond of like amount, by each member, to guarantee faithful performance of the terms of the agreement, and (e) to include a number of other provisions relating to the internal functioning of the Conference.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 21, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-8153; Filed, July 24, 1952; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ARIZONA

FILING OBJECTIONS TO THE ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH AN AIR FORCE BASE [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 21, 1952.

[F. R. Doc. 52-8141; Filed, July 24, 1952; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5546]

DELTA AIR LINES, INC. AND CHICAGO & SOUTHERN AIRLINES, INC.; DELTA-CHICAGO & SOUTHERN MERGER CASE

NOTICE OF HEARING

In the matter of the joint application of Delta Air Lines, Inc. and Chicago & Southern Airlines, Inc., for approval, under sections 408, 401 (i) and any other applicable sections of the Civil Aeronautics Act of 1938, as amended, of an agreement of merger.

Notice is hereby given that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (i) and 408 thereof, the above-entitled proceeding is assigned for hearing on August 11, 1952, at 10:00 a. m., d. s. t., in Room 5859 of the Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the scope of the issues presented by the pleadings in this proceeding, particular attention will be directed to whether the merger of the two companies and the transfer of the certificates of public convenience and necessity now held by Chicago & Southern Airlines, Inc., are consistent with the public interest.

[1] See Title 43, Chapter I, Appendix, PLO 856, *supra*.

tention to contract with Applicant for

For further details of the issues involved in this proceeding the parties are referred to the various orders entered in this proceeding and the Examiner's prehearing conference report which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before August 11, 1952, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., July 22, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8160; Filed, July 24, 1952; 8:53 a. m.]

[Docket No. SR-6-427]

ROBIN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of C. F. Horne, Administrator of Civil Aeronautics, complainant, *v.* Robin Airlines, Inc., d/b/a North Continent Airlines, respondent.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that upon request of Respondent oral argument in the above entitled proceeding now assigned to be held July 29, 1952, is reassigned to be held on September 4, 1952, at 10:00 a. m., d. s. t., in Room 5042, Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

The order of appearances and time allotments will be as stated in the notice of July 11, 1952.

Dated at Washington, D. C., July 21, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8159; Filed, July 24, 1952; 8:52 a. m.]

[Serial No. E-6619; Docket No. 1705 et al., Consolidated]

AIR FREIGHT RATE INVESTIGATION; DIRECTIONAL RATES

ORDER TO SHOW CAUSE

In the matter of rates and charges for the transportation of freight by air established, demanded, and charged by certificated and non-certificated air carriers, known as air freight rate investigation; directional rates.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of July 1952.

The Board having considered all of the information and data set forth, or specifically referred to, in the Statement of Tentative Findings and Conclusions, together with the Appendices attached thereto, dated July 21, 1952 (hereinafter referred to as the "Statement"), which Statement is attached hereto and made a part hereof,[1] and having on the basis thereof made the tentative findings and conclusions set forth in the Statement; *It is ordered*, That:

1. All interested parties show cause on or before August 5, 1952 why the Board should not make final the findings and conclusions set forth in the attached Statement and on the basis thereof indefinitely extend the directional rates authorized under Orders Serial Nos. E-4048, E-4890, and E-5648;

2. Unless objections to the attached Statement and this order with supporting reasons are filed within 15 days from the date of this order, all parties will be deemed to have waived all further procedural steps herein and the Board will without further notice enter an order making final the findings and conclusions in the Statement and extending said directional rates until further order of the Board;

3. Copies of this statement and order be served on all parties to this proceeding;

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-8161; Filed, July 24, 1952; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1236]

LAKE SHORE PIPE LINE CO.

NOTICE OF PETITION

JULY 21, 1952.

Take notice that on July 11, 1952, Lake Shore Pipe Line Company (Petitioner), an Ohio corporation with its principal place of business at Cleveland, Ohio, filed a petition, pursuant to section 16 of the Natural Gas Act, for an amendment of Finding (9) and of paragraph (A) (vi) of the Commission's order issued February 15, 1951 (accompanying Opinion No. 205), granting a certificate of public convenience and necessity to Petitioner.

Finding (9) of said order provides:

> The public convenience and necessity require and it is reasonable that Lake Shore Pipe Line Company shall submit at least 60 days prior to the commencement of operations rate schedules and service agreements in a form satisfactory to the Commission for the transportation and sale of natural gas, which shall provide rates for firm service which will produce charges not in excess of those which would result from a demand charge of $3.00 per Mcf per month and a commodity charge of 19.4 cents per Mcf.

Paragraph (A) (vi) orders Petitioner to submit rate schedules and service agreements within the time and rates specified in said Finding (9).

Petitioner states that such rates were based upon a cost of service set forth on page 13 of the mimeographed edition of Opinion No. 205 and which included $716,400 as "Purchased Gas Cost," computed on the assumption that Tennessee Gas Transmission Company (Petitioner's sole supplier) would have rates on file for such service providing a demand charge of $2.40 per Mcf per month and a commodity charge of 15.2 cents per Mcf. Tennessee's presently effective rates as related to Lake Shore Pipe Line Company for firm service, Petitioner says, include a demand charge of $2.50 Mcf per month and a commodity charge of 17.6 cents per Mcf. Application of such rates would increase the cost of service during the first year of operation by $82,658. Petitioner avers.

Petitioner accordingly seeks to amend paragraph (A) (vi), as well as Finding (9), of said order in such a way as to provide at least $82,658 of additional revenues for the first year of operation.

Petitioner also seeks to amend the time limited prescribed in said finding and ordering paragraph so as to be permitted to file its rate schedules and service agreements not more than 30 days prior to the commencement of operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1952. The petition to amend is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary

[F. R. Doc. 52-8144; Filed, July 24, 1952; 8:47 a. m.]

[Docket No. G-1978]

NEWTON COUNTY GAS CO.

NOTICE OF APPLICATION

JULY 21, 1952.

Take notice that Newton County Gas Company (Applicant), a Georgia corporation, address Covington, Georgia, filed on June 20, 1952, an application, and on July 14, 1952, supplemental material to that application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Southern Natural Gas Company (1) to establish physical connection of its natural-gas transmission pipeline facilities near Jonesboro, Georgia, with existing pipeline facilities owned by the Army through which it is proposed that natural gas will be delivered to the Applicant, and (2) to deliver and sell to Applicant an adequate supply of natural gas for resale to the Army at the Atlanta General Depot near Conley, Georgia, and to residents of the Holland Park Housing Project located on the Army reservation.

Service to the Atlanta General Depot is presently rendered by Atlanta Gas Light Company which is in turn served with gas by Southern Natural Gas Company. Applicant states that the Army has attempted to reach agreement with the Atlanta Gas Light Company concerning service of gas to the housing project, but has been unable to do so, and that the Army has stated its intention to contract with Applicant for the use of the Army-owned pipeline to provide delivery of gas to the Atlanta General Depot and the housing project as soon as a supply of gas can be obtained by the Applicant.

The volume of gas which Applicant requests be withdrawn from service to Atlanta Gas Light Company and sold to it is 700 Mcf per day, in addition to which Applicant wishes service of an additional 500 Mcf of gas to meet its 1952–53 heating season.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8143; Filed, July 24, 1952; 8:47 a. m.]

[1] Filed as a part of the original document but not published. Copies of the Statement of Tentative Findings and Conclusions together with the Appendices may be obtained from the CAB.

INTERSTATE COMMERCE COMMISSION

ORGANIZATION OF DIVISIONS AND ASSIGNMENT OF WORK, BUSINESS, AND FUNCTIONS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of July A. D. 1952.

The order of June 8, 1942, as amended, Organization of Divisions and Assignment of Work, Business, and Functions, being under consideration:

It is ordered, That the said order, effective this date, be further amended by adding the following:

When a Commissioner ceases to be a member of the Commission, all cases assigned to him as a member of a division, without further order, shall be transferred to his successor on the division.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8151; Filed, July 24, 1952; 8:50 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 4]

RAILROADS SERVING THE STATE OF CALIFORNIA

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the railroads serving the State of California are unable to transport traffic routed over their lines because of earthquakes: *It is ordered*, That:

(a) Rerouting traffic: Railroads serving the State of California unable to transport traffic in accordance with shippers' routing, because of earthquakes, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 21, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., August 21, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., July 21, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-8152; Filed, July 24, 1952; 8:50 a. m.]

[4th Sec. Application 27239]

MINE RUN SALT FROM POINTS IN LOUISIANA TO ANNISTON, ALA.

APPLICATION FOR RELIEF

JULY 21, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3903.

Commodities involved: Salt, mine run, carloads.

From: Anse La Butte, Avery Island, Carla, Jefferson Island, Weeks and Winnfield, La.

To: Anniston, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, operation through higher-rated territory.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3903, supl. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8102; Filed, July 23, 1952; 8:56 a. m.]

OFFICE OF DEFENSE MOBILIZATION

SHIPBUILDING INDUSTRY

NOTICE OF HEARING BEFORE SURPLUS MANPOWER COMMITTEE

Pursuant to section 8 of Defense Manpower Policy No. 4 (17 F. R. 1195), relating to placement of procurement in areas of current or imminent labor surplus, notice is hereby given of a public hearing to be held before a panel of the Surplus Manpower Committee in Room 159, Executive Office Building, Washington, D. C., beginning at 9:30 a. m., d. s. t., August 6, 1952.

The purpose of the hearing is to receive evidence with respect to:

1. The nature and extent of the labor surplus in the shipbuilding industry, including the availability of skills necessary to the fulfillment of Government contracts and purchases, and the need for preserving these skills in the public interest.

2. The nature and extent of the facilities in the shipbuilding industry, including their suitability and availability for the fulfillment of Government contracts and purchases, and the need for maintaining these facilities in the public interest.

3. Whether it is in the public interest that insofar as it affects the shipbuilding industry, Defense Manpower Policy No. 4 should be applied to the shipbuilding industry as a whole in order to achieve a greater utilization of the manpower skills and facilities of the entire industry than is currently the case.

4. Appropriate methods of applying the policy to the shipbuilding industry in the event an affirmative finding is made under paragraph three above.

Interested persons may submit statements in writing and may appear and present evidence and oral argument at the hearing, and at the close of the hearing may file briefs with the panel. Upon completion of the hearing the panel will make findings and conclusions and submit its recommendations to the Surplus Manpower Committee.

Persons wishing to be heard or to submit statements or briefs, must notify the Secretary of the Surplus Manpower Committee, Room 106, Executive Office Building, Washington 25, D. C., not later than August 4, 1952. Copies of Defense Manpower Policy No. 4 may be obtained from the Secretary of the Surplus Manpower Committee.

OFFICE OF DEFENSE MOBILIZATION,
SURPLUS MANPOWER COMMITTEE,
ARTHUR S. FLEMMING,
Chairman.

[F. R. Doc. 52-8242; Filed, July 24, 1952; 9:12 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 83, Section 2, Special Order 18, Amdt. 1]

WILLYS-OVERLAND MOTORS, INC.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 18 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Willys-Overland Motors, Inc. Subsequent to the issuance of Special Order 18 the manufacturer introduced a 1952 model automobile which was not a counterpart of any previously produced. The ceiling price at which the manufacturer may sell this new automobile has been established under section 10 of Ceiling Price Regulation 1, Revision 1. This amendment is, accordingly, issued to establish sellers' prices which will reflect costs to dealers on the automobile and markup thereon.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 18 is hereby issued.

1. The basic price as defined in Ceiling Price Regulation 83, section 2, which retail and wholesale sellers will use in determining the ceiling price of the 1952 model automobile manufactured by Willys-Overland Motors, Inc. is as follows:

PASSENGER AUTOMOBILES	
685 Hard Top Convertible Coupe	$2,040.00

Effective date. This amendment 1 to Special Order 18 shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8223; Filed, July 23, 1952; 11:47 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 5]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 16 the manufacturer's prices to dealers were increased following an increase in wholesale ceiling prices pursuant to Ceiling Price Regulation 1, Revision 1, Supplementary Regulation 1. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and markup thereon, and is applicable to 1952 models of Kaiser passenger automobiles manufactured by Kaiser-Frazer Corporation.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 2 of Ceiling Price Regulation 83 this amendment is hereby issued.

1. The charges for factory installed extra, special or optional equipment which wholesalers and retail sellers will use in determining the ceiling prices of 1952 Kaiser automobiles manufactured by the Kaiser-Frazer Corporation and sold at a price which reflects the increase granted in Letter Order L-5 is as follows:

KAISER AUTOMOBILES	
Hydramatic Transmission (all Kaisers)	$165.00

Effective date. This amendment to Special Order 16 shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 23, 1952.

[F. R. Doc. 52-8222; Filed, July 23, 1952; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP. ET AL.

ORDER RELEASING JURISDICTION OVER FEES

JULY 21, 1952.

The Commission on July 27, 1948 having issued its order approving a plan of liquidation of Federal Water and Gas Corporation ("Federal"), filed pursuant to section 11 (e) subject to conditions reserving jurisdiction to consider (1) claims asserted against Federal by New York Water Service Corporation, and (2) the reasonableness of all fees and expenses in connection with the Plan;

The Commission on September 18, 1951 having issued its order approving a plan to effect completion of the liquidation of Federal, said order specifically providing that jurisdiction be reserved with respect to the allowance of fees and expenses pertaining to Federal's liquidation;

Applications having been filed for the payment of fees and reimbursement of expenses by the following applicants:

	Fee	Expenses	Total
Hughes, Hubbard and Reed, counsel for Federal	$70,000	$2,408.00	[1] $72,408.00
Common stockholders committee:			
Percival E. Jackson, counsel	55,000		55,000.00
John Todd, Jr., and Norman L. Lyman, members	1,500		1,500.00
Expenses		4,042.20	4,042.20
	126,500	6,450.20	132,950.20

[1] $24,000 of the fee and $1,410 of expenses have already been paid by Federal.

It appearing to the Commission that the amounts requested for fees and expenses as specified above are not unreasonable and that they relate to necessary services.

It is ordered, That Federal be, and hereby is, directed to make such payments in respect of fees, and the reimbursement of expenses of said applicants in the amount set forth above which have not been previously paid.

It is further ordered, That the reservations of jurisdiction contained in our orders of July 27, 1948, and September 18, 1951, with respect to the reasonableness of all fees and expenses in connection with the plans of liquidation of Federal be, and the same hereby are, released, but only to the extent of the payments hereby ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8146; Filed, July 24, 1952; 8:48 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER EXTENDING TIME TO MODIFY PLAN

JULY 21, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation, Applicants, File No. 54-177; Pennsylvania Gas & Electric Corporation, and its subsidiary companies, Respondents, File No. 59-91.

Pennsylvania Gas & Electric Corporation ("Penn Corp"), a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the dissolution of Penn Corp;

The Commission having issued its findings and opinion dated June 5, 1952, concluding that the aforesaid plan may be approved if within 30 days or such additional time as may be granted upon a proper showing the aforesaid plan is modified in accordance with the views expressed in said findings and opinion;

Penn Corp, in a letter of July 10, 1952, having requested, in view of the nature of the issues presented, an extension of the period in which it may modify the plan;

The Commission having considered Penn Corp's request and having concluded that an extension of time may appropriately be granted;

It is ordered, That the time within which an amendment may be filed to modify the aforesaid plan in accordance with the views expressed in said findings and opinion dated June 5, 1952, be and hereby is extended to August 8, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8147; Filed, July 24, 1952; 8:49 a. m.]

[File No. 55-94]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING APPLICATION FOR APPROVAL OF MAXIMUM INTERIM COMPENSATION TO OLIVER R. WAITE

JULY 21, 1952.

Oliver R. Waite of Brickley, Sears & Cole, 1 Federal Street, Boston, Massachusetts, having filed with this Commission an application pursuant to Rule U-63 promulgated under section 11 (f) of the Public Utility Holding Company Act of 1935 ("the act") for approval of $10,000 as the maximum amount for which application may be made to the United States District Court for the District of Massachusetts as interim compensation for his services rendered as counsel to Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, for the period from January 28, 1950 to March 31, 1951 inclusive, under circumstances as follows:

The applicant has been employed since May 19, 1947 as counsel to assist the Trustee in connection with proceedings pursuant to section 11 (d) of the act for the liquidation and dissolution of IHES. Pursuant to prior orders of the Commission and the Court he has received compensation for his services to January 28, 1950. During the period covered by the instant application he rendered legal services in connection with Parts II and III of the Trustee's Second Plan and ancillary matters.

Such application having been duly filed, and notice thereof having been duly published stating that any interested person might, not later than July 17, 1952, request a hearing thereon; and no request for a hearing having been received, and the Commission not having ordered a hearing thereon; and

It appearing to the Commission that $10,000 is reasonable as the maximum amount for which application may be made to the Court as compensation for the aforesaid services:

It is ordered, That said application be and the same hereby is granted, effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8145; Filed, July 24, 1952; 8:47 a. m.]

[File No. 70-2647]

ELECTRIC ENERGY, INC., ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

JULY 21, 1952.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Electric Company of Missouri; File No. 70-2647.

Middle South Utilities, Inc. ("Middle South"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a registered holding company and a public utility company, and Electric Energy, Inc. ("Electric Energy"), a public utility subsidiary of Middle South and Union Electric, having filed a joint application-declaration and amendments thereto, pursuant to sections 6, 7 and 12 of the act regarding (i) the issuance and sale by Electric Energy to two insurance companies of a maximum of $100,000,000 principal amount of 3 percent First Mortgage Sinking Fund Bonds, due December 1, 1979, and (ii) the execution by all the applicants-declarants of certain contracts; and

The Commission having by order dated June 26, 1951, granted the amended application and permitted the amended declaration to become effective, subject to a reservation of jurisdiction over all fees and expenses to be incurred in connection with the proposed transactions; and

The record having been completed with respect to the fees and expenses which are estimated as follows:

Federal stamp taxes	$95,150.00
Fees charged by Illinois Commerce Commission	100,000.00
Recording and filing fees	500.00
Counsel for Electric Energy:	
Cahill, Gordon, Zachry & Reindel:	
Fees	50,000.00
Expenses	1,819.57
Mayer, Meyer, Austrian & Platt:	
Fees	8,000.00
Expenses	628.38
Orden, Galphin & Obell:	
Fees	3,000.00
Expenses	150.00
Legal fees and expenses of counsel for the purchasers to be paid by Electric Energy: Wilkie, Owen, Farr, Gallagher & Walton:	
Fees	40,000.00
Expenses	702.48
Fees of trustee under mortgage:	
St. Louis Union Trust Co	3,500.00
Printing of documents including mortgage, bond purchase agreements and bonds	8,000.00
Miscellaneous expenses	1,000.00
Total	312,450.43

The Commission having examined the record as so completed and it appearing to the Commission that the fees and expenses are not unreasonable provided they do not exceed the amounts estimated, and it appearing appropriate to the Commission that the jurisdiction heretofore reserved with respect to the fees and expenses be released;

It is ordered, That the jurisdiction heretofore reserved with respect to the fees and expenses herein be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8148; Filed, July 24, 1952; 8:49 a. m.]

[File No. 70-2856]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING PROPOSED ISSUANCE OF SECURITIES BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT HOLDING COMPANIES

JULY 21, 1952.

In the matter of The Columbia Gas System, Inc., Atlantic Seaboard Corporation, Amere Gas Utilities Company, Virginia Gas Distribution Corporation, Virginia Gas Transmission Corporation; File No. 70-2856.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, its subsidiary, Atlantic Seaboard Corporation ("Seaboard"), also a registered holding company, and Amere Gas Utilities Company ("Amere"), Virginia Gas Distribution Corporation ("Distribution"), and Virginia Gas Transmission Corporation ("Transmission"), subsidiaries of Seaboard, having filed a joint application-declaration, and amendments thereto, with the Commission pursuant to sections 6 (b), 7, 9 and 10 of the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Seaboard will amend its Certificate of Incorporation to increase its authorized capital from 800,000 shares of common stock, $25 par value, to 1,000,000 shares of common stock, $25 par value.

Seaboard proposes to issue and sell and Columbia proposes to purchase, at par, up to 160,000 shares of Seaboard's common stock, $25 par value, and $4,000,000 principal amount of 3⅝ percent Installment Promissory Notes. Of the $8,000,000 proceeds to be realized therefrom, Seaboard will use $6,350,000 in connection with its 1952 construction program, and will use the balance of $1,650,000 to purchase, at par, 18,000 shares of Amere's $25 par value common stock and $450,000 principal amount of Amere's 3⅝ percent Installment Promissory Notes; 10,000 shares of Distribution's $25 par value common stock and $250,000 principal amount of Distribution's 3⅝ percent Installment Promissory Notes; and 10,000 shares of Transmission's $25 par value common stock. The Notes to be issued by Seaboard, Amere and Distribution are to be paid in equal annual installments on February 15 of each of the years 1954 through 1978. The proceeds of $900,000 to be realized by Amere, of $500,000 by Distribution, and of $250,000 by Transmission, from the sales of said securities to Seaboard, will be used to finance their 1952 construction programs. None of the proposed transactions will be consummated after March 31, 1953.

Applicants-declarants state that if the dissolution of Transmission and the sale of Amere and Distribution to Columbia are carried out as proposed in the joint

application-declaration now pending before the Commission (File No. 70-2788) the new cash requirements of Seaboard will be $1,300,000 less and the amount borrowed on Installment Notes will be reduced to $2,700,000.

The State Corporation Commission of Virginia having expressly authorized the proposed issuance and sale of common stock and Notes by Distribution and the proposed issuance and sale of common stock by Transmission, and the Public Service Commission of West Virginia having expressly authorized the proposed issuance and sale of common stock and Notes by Amere; and

Due notice having been given of the filing of the joint application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said joint application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8149; Filed, July 24, 1952; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CATERINA BEVILACQUA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Caterina Bevilacqua, Trapani, Italy; Claim No. 39944; $6,889.82 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Caterina Bevilacqua, in and to the Estate of Ignazio Bevilacqua, also known as E. Beveacqua, and Egnazio Beveacqua, deceased.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8162; Filed, July 24, 1952; 8:54 a. m.]

JOHANNES SORENSEN MOLLERHOJ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Johannes Sorensen Mollerhoj, Charlottenlund, Denmark; Claim No. 36649; property described in Vesting Order No. 290 (7 F. R. 8933, November 26, 1942) relating to Patent Application Serial No. 329,542 and in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 2,290,698.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8163; Filed, July 24, 1952; 8:54 a. m.]

GUISEPPE LA MORTE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Guiseppe La Morte, Bella, Italy; Claim No. 40153; $395.72 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Guiseppe La Morte in and to the Estate of Carmine La Morte, deceased.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8164; Filed, July 24, 1952; 8:54 a. m.]

MRS. ANDREE WARNOD ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim Nos., and Property

Mrs. Andree Warnod, nee Cahen, 60, rue Caulaincourt, Paris, France, Claim No. 41374; Mrs. Helene Jourdan, nee Morhange-Moreau, 14, Avenue de Verzy, Villa des Ternes, Paris, France, Claim No. 41375; Mrs. Caroline Alice Charpentier, nee Morhange, 2, Avenue Peterhof, 45, rue Guersant, Paris, France, Claim No. 41376; Mrs. Henriette (Juliette) Mognard, 61, rue Danton, Levallois-Perret (Seine), France, Claim No. 41377; Mr. Gaston Alexandre Berr-Mognard, 40, rue Philibert Delorme, Paris, France, Claim No. 41378; in the Treasury of the United States the following amounts: $152.09 to Mrs. Andree Warnod, nee Cahen, Mrs. Helene Jourdan, nee Morhange-Moreau, and Mrs. Caroline Alice Charpentier, nee Morhange, each; $608.33 to Mrs. Henriette (Juliette) Mognard; and $1,216.66 to Mr. Gaston Alexandre Berr-Mognard.

An undivided fifteen-sixteenth interest in all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the play "Le Train pour Venise" (The Train for Venice) as listed in Exhibit A to Vesting Order No. 3430, effective May 3, 1944 (9 F. R. 13768, November 17, 1944), to the extent owned by the claimants in the proportions set forth below, as heirs of Georges Berr, immediately prior to the vesting thereof by Vesting Order No. 3430: One-sixteenth undivided interest, each, owned by Mrs. Warnod, Mrs. Jourdan, and Mrs. Caroline Alice Charpentier; One-quarter undivided interest owned by Mrs. Henriette (Juliette) Mognard; and One-half undivided interest owned by Mr. Berr-Mognard.

Executed at Washington, D. C. on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8165; Filed, July 24, 1952; 8:55 a. m.]

INA MAY KUMAGAI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ina May Kumagai, 834 Yoyogi Honmachi, Shibuya Ku, Tokyo, Japan; Claim No. 41094; $3,975.25 in the Treasury of the United States.

Executed at Washington, D. C., on July 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8166; Filed, July 24, 1952; 8:55 a. m.]

CHIEKO TOMODA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Chieko Tomoda, also known as Chieko Samura, 69 Matsuhama-cho, Ashiya, Hyogo-ken, Japan; Claim No. 37697; $13,300.00 in the Treasury of the United States. Certificate Nos. 23 and 24 for 350 shares each of $10.00 par value common capital stock of K. Samura Shoten, Ltd., presently in the custody of the Federal Reserve Bank of New York, New York.

Executed at Washington, D. C., on July 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8167; Filed, July 24, 1952; 8:55 a. m.]

[Bar Order 13]

ORDER FIXING BAR DATE FOR FILING CLAIMS IN RESPECT OF CERTAIN DEBTORS

In accordance with section 34 (b) of the Trading With the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Orders Nos. 9788 and 10254, January 2, 1953, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of debtors, any of whose property was first vested in or transferred to the Attorney General or the Philippine Alien Property Administrator between January 1, 1951, and June 30, 1951, inclusive, and for whom no earlier bar date has been fixed by the Attorney General or the Philippine Alien Property Administrator.

Executed at Washington, D. C., this 21st day of July 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8168; Filed, July 24, 1952; 8:55 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 146

Washington, Saturday, July 26, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2983

REVOCATION OF THE SUSPENSION OF DUTIES ON ZINC

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the import duties on zinc-bearing ores imposed under paragraph 393 of Title I of the Tariff Act of 1930, as amended, and on zinc in blocks, pigs, and slabs imposed under paragraph 394 of such title, have been suspended by Public Law 258, 82d Congress, approved February 11, 1952 (66 Stat. 7), with respect to imports entered, or withdrawn from warehouse, for consumption during the period beginning February 12, 1952, and ending with the close of March 31, 1953, or the termination of the national emergency proclaimed by me on December 16, 1950, whichever is earlier;

WHEREAS the said Public Law 258 contains the following proviso:

Provided, That when, for any one calendar month during such period, the average market price of slab zinc (Prime Western, f. o. b. East St. Louis) for that month has been below 18 cents per pound, the Tariff Commission, within fifteen days after the conclusion of such calendar month, shall so advise the President, and the President shall, by proclamation, not later than twenty days after he has been so advised by the Tariff Commission, revoke the suspension of duties made by this Act, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of such proclamation;

AND WHEREAS on the third day of July 1952 the Tariff Commission reported to me that it has found that the average market price of slab zinc (Prime Western, f. o. b. East St. Louis) for the month of June 1952 was below 18 cents per pound;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, pursuant to the said proviso of Public Law 258, 82d Congress, do hereby proclaim the revocation of the suspension of duties provided for in the said Public Law 258, such revocation to be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption after the date of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 23rd day of July in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-8293; Filed, July 25, 1952; 9:00 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

FREEDMEN'S HOSPITAL

Effective July 1, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by revising the maximum stipend for student nurses at Freedmen's Hospital to read as follows:

§ 27.2 *Maximum stipends prescribed.*

• • •

Student nurses—Freedmen's Hospital:	
Total for 3-year training	$2,825

NOTE: This maximum stipend is effective only so long as student nurses at Freedmen's Hospital pay $200 or more for tuition and related expenses for which they would not be charged at other Federal hospitals.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 52-8250; Filed, July 25, 1952; 8:59 a. m.]

CONTENTS

THE PRESIDENT

Proclamation	Page
Revocation of suspension of duties on zinc	6835

EXECUTIVE AGENCIES

Agriculture Department
See Production and Marketing Administration.

Civil Aeronautics Board
Notices:
Special civil air regulation; operation by transocean air lines of certain aircraft in the trust territory of the Pacific Islands 6873

Civil Service Commission
Rules and regulations:
Freedmen's Hospital; maximum stipends prescribed 6835

Commerce Department
See Federal Maritime Board; National Production Authority.

Defense Mobilization, Office of
Notices:
Finding and determination of critical defense housing areas; Honolulu, Territory of Hawaii area 6886

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission
Notices:
Coast stations currently authorized to operate on designated frequencies 6874
Cuban broadcast stations; notification of new stations, list of changes, modifications and deletions of existing stations 6874
Hearings, etc.:
Aladdin Radio and Television, Inc., and Denver Television Co 6878
American-Republican, Inc., and WATR, Inc 6876
Azalea Broadcasting Co 6880
Booth Radio & Television Stations, Inc., et al 6877
Brush-Moore Newspapers, Inc., and Stark Broadcasting Corp 6883

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued Page
Notices—Continued
Hearings, etc.—Continued
Enterprise Co. et al 6885
Greenwich Broadcasting Corp. and World Wide Broadcasting Corp. (WRUL) 6876
Hawley Broadcasting Co. and Eastern Radio Corp 6877
Head of the Lakes Broadcasting Co. and Red River Broadcasting Co., Inc 6885
KAKE Broadcasting Co., Inc., and WKY Radiophone Corp 6883
Kendrick Broadcasting Co., Inc., and Rossmoyne Corp 6884
KFBI, Inc., and Wichita Beacon Broadcasting Co., Inc 6883
KMYR Broadcasting Co. and Metropolitan Television Co 6878
KTRM, Inc 6880
Lufkin Amusement Co. and Port Arthur College 6884
McClatchy Broadcasting Co. and Sacramento Telecasters, Inc 6878
Mt. Scott Telecasters, Inc., and Vancouver Radio Corp 6881
Northeastern Indiana Broadcasting Co., Inc., et al 6886
Oregon Television, Inc., and Columbia Empire Telecasters, Inc 6881
Pioneer Broadcasters, Inc., et al 6879
Pomeroy, John C., et al 6879
Ridson, Inc., and Lakehead Telecasters, Inc 6885
Sacramento Broadcasters, Inc., et al 6877
Southland Broadcasting Co. (WATM) 6880
St. Petersburg, Fla., and Empire Coil Co., Inc 6882
Sunflower Television Co. et al 6882
Tampa Times Co. et al 6882
Tribune Co. et al 6881
W. S. Butterfield Theatres, Inc., and Trendle-Campbell Broadcasting Corp 6883
WABX, Inc., and Harrisburg Broadcasters, Inc 6876
Westinghouse Radio Stations, Inc., and Portland Television, Inc 6879
WIBM, Inc., and Jackson Broadcasting and Television Corp 6884
WFTW, Inc 6880
Proposed rule making:
Assignment of frequencies 6869
Uniform system of accounts for Class A and B telephone companies 6866
Rules and regulations:
Amateur radio service; eligibility for license, advanced class 6865
Frequency allocations and radio treaty matters; revised tentative allocation plan for Class B FM broadcast stations 6857
Industrial, scientific and medical service; statement of basis and purpose 6866
Practice and procedure; application for authority to operate station in radio amateur civil emergency service 6857
Radio broadcast services; table of assignments (3 documents) 6857, 6859, 6860

Federal Maritime Board
Notices:
Snow Transportation Co.; increased rates 6871

Federal Power Commission Page
Notices:
Panhandle Eastern Pipe Line Co.; hearing 6886

Housing and Home Finance Agency
Rules and regulations:
Additional critical defense housing areas; miscellaneous amendments 6856

Internal Revenue Bureau
Notices:
Delegation of authority to sign consents 6871

Interstate Commerce Commission
Notices:
Applications for relief:
Beans, dried, peas, and lentils from the west to Wisconsin 6889
Cinders, clay or shale from Louisiana to Columbus, Miss 6889
Commodities, various, between points in Texas 6889
Compounds, fertilizing, and superphosphate from southern territory to southwestern and western trunk-line territories 6890
Lumber from Alabama, Tennessee, and Mississippi to Memphis, Tenn 6889
Soda, caustic, from Memphis, Tenn., to Marshall, Ill 6889
Soda, liquid caustic, from Alabama to Illinois 6888
Solution, chlorinated phenol petroleum, from St. Louis, Mo., to southern territory 6888

Labor Department
See Public Contracts Division; Wage and Hour Division.

National Park Service
Sales by concessioners of the Service (*see* Price Stabilization, Office of).

National Production Authority
Rules and regulations:
Metalworking machines—delivery (M–41) 6853

Post Office Department
Rules and regulations:
Postage stamps and other stamped paper and securities; special-request envelopes 6857

Price Stabilization, Office of
Rules and regulations:
Approval of prices in long term contracts for sales of certain chemicals sellers of rare earth fluoride and rare earth oxide (GOR 27) 6853
Ceiling prices:
Eating and drinking establishments; sales of bottled soft drinks (CPR 134) 6840
Muriate of potash; new producers (GCPR, SR 59) 6841
Consumer durable goods regulation (CPR 161) 6842
Exemptions of certain consumer durable goods; additional exemptions (GOR 5) 6851

CONTENTS—Continued

Price Stabilization, Office of—Continued Page
Rules and regulations—Con.
Sales by concessioners of the National Park Service (GOR 17) 6852
Services; approval of certain automotive and farm tractor repair service flat rate manuals, additional flat rate manuals and labor schedules (CPR 34, SR 3) 6839

Production and Marketing Administration
Notices:
Escambia County Cooperative, Inc.; deposting of stockyard 6871
Proposed rule making:
Morris Commission Co.; posting of stockyard 6866
Rules and regulations:
Fiscal year 1952:
Grapefruit export program 6837
Honey export program 6838
Lemon export payment program 6837
Oranges, fresh and processed, export program 6838
Limitation of shipments:
Lemons grown in California and Arizona 6838
Potatoes, Irish, grown in Colorado 6839

Public Contracts Division
Notices:
Textile industry; prevailing minimum wage 6871

Securities and Exchange Commission
Notices:
Hearings, etc.:
General Public Utilities Corp. et al 6886
Granite State Electric Co. and Suburban Gas and Electric Co 6887
Narragansett Electric Co 6888

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
See also Public Contracts Division.
Notices:
Employment of handicapped clients by sheltered workshops; issuance of special certificates 6872

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter I (Proclamations):
2983 6835
Title 5
Chapter I:
Part 27 6835
Title 6
Chapter IV:
Part 517 (2 documents) 6837
Part 518 6838
Part 524 6838

CODIFICATION GUIDE—Con.

Title 7 Page
Chapter IX:
Part 953 6838
Part 958 6839
Title 32A
Chapter III (OPS):
CPR 34, SR 3 6839
CPR 134 6840
CPR 161 6842
GCPR, SR 59 6841
GOR 5 6851
GOR 17 6852
GOR 27 6853
Chapter VI (NPA):
M–41 6853
Chapter XVII (HHFA):
CR 3 6856
Title 39
Chapter I:
Part 8 6857
Title 47
Chapter I:
Part 1 6857
Proposed rules 6856
Part 2 6857
Part 3 (3 documents) 6857, 6859, 6860
Part 7 (proposed) 6869
Part 8 (proposed) 6869
Part 12 6865
Part 14 (proposed) 6869
Part 18 6866
Part 31 (proposed) 6866

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—LEMON EXPORT PAYMENT PROGRAM SMX 65a 2 (FISCAL YEAR 1952)

1. Section 517.301 *General statement* is hereby amended by deleting paragraph (a) and inserting in lieu thereof the following:

(a) In order to encourage the exportation of fresh and processed lemons produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters of such products as defined in paragraph (b) of this section which are sold and exported to an approved country as designated in § 517.302, subject to the terms and conditions herein set forth (§§ 517.301 to 517.312): *Provided*, That no payment will be made to any exporter if the foreign purchaser pays any part of the purchase price from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, and any payments made to any exporter shall be subject to recovery if the foreign purchaser has paid any part of the purchase price from such funds.

2. Section 517.305 *Claims supported by evidence of compliance* is hereby amended by adding a new paragraph (d) as follows:

(d) The exporter shall file with each claim for payment submitted hereunder the original and one copy of his warranty that none of the purchase price of the fruits or fruit products covered by such claim for payment was paid for from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953.

(Sec. 32, 49 Stat. 774, as amended, Pub. Law 547, 82d Cong.; 7 U. S. C. 612c)

Dated this 22d day of July 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–8253; Filed, July 25, 1952; 8:59 a. m.]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—GRAPEFRUIT EXPORT PROGRAM SMX 23a (FISCAL YEAR 1952)

1. Section 517.320 *General statement* is hereby amended by deleting paragraph (a) and inserting in lieu thereof the following:

(a) In order to encourage the exportation of fresh and processed grapefruit produced in the United States, the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of such products as defined in paragraph (b) of this section which are sold and exported to an approved country as designated in § 517.321 hereof, subject to the terms and conditions herein set forth (§§ 517.320 to 517.331): *Provided*, That no payment will be made to any exporter if the foreign purchaser pays any part of the purchase price from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, and any payments made to any exporter shall be subject to recovery if the foreign purchaser has paid any part of the purchase price from such funds.

2. Section 517.324 *Claims supported by evidence of compliance* is hereby amended by adding a new paragraph (d) as follows:

(d) The exporter shall file with each claim for payment submitted hereunder the original and one copy of his warranty that none of the purchase price of the fruits or fruit products covered by such claim for payment was paid for from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953.

(Sec. 32, 49 Stat. 774, as amended, Pub. Law 547, 82d Cong.; 7 U. S. C. 612c)

Dated this 22d day of July 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52–8254; Filed, July 25, 1952; 8:59 a. m.]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART—FRESH AND PROCESSED ORANGES EXPORT PROGRAM SMX 7a (FISCAL YEAR 1952)

1. Section 518.360 *General statement* is hereby amended by deleting paragraph (a) and inserting in lieu thereof the following:

(a) In order to encourage the exportation of fresh and processed oranges produced in the United States, the Secretary of Agriculture, pursuant to authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to U. S. exporters of such products as defined in paragraph (b) of this section which are sold and exported to an approved country as designated in § 518.361, subject to the terms and conditions herein set forth (§§ 518.360 to 518.371): *Provided*, That no payment will be made to any exporter if the foreign purchaser pays any part of the purchase price from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, and any payments made to any exporter shall be subject to recovery if the foreign purchaser has paid any part of the purchase price from such funds.

2. Section 518.364 *Claims supported by evidence of compliance* is hereby amended by adding a new paragraph (d) as follows:

(d) The exporter shall file with each claim for payment submitted hereunder the original and one copy of his warranty that none of the purchase price of the fruits or fruit products covered by such claim for payment was paid for from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953.

(Sec. 32, 49 Stat. 774, as amended; Pub. Law 547, 82d Cong.; 7 U. S. C. 612c)

Dated this 22d day of July 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52-8255; Filed, July 25, 1952; 8:59 a. m.]

[Amdt. 2]

PART 524—HONEY

SUBPART B—HONEY EXPORT PROGRAM (1952 MARKETING SEASON)

The "Honey Export Program (1952 Marketing Season)" 17 F. R. 3397, 5385, is hereby further amended in the manner provided below:

1. Section 524.251 *General statement* is hereby amended by deleting the entire section and inserting in lieu thereof the following:

§ 524.251 *General statement.* In order to encourage the exportation of honey produced in continental United States the Secretary of Agriculture, pursuant to the authority conferred by section 32 of Public Law 320, 74th Congress, as amended, offers to make payments to United States exporters of honey, upon the terms and conditions stated in this subpart: *Provided*, That no payment will be made to any exporter if the foreign purchaser pays any part of the purchase price from funds appropriated by the Congress, under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953, and any payments made to any exporter shall be subject to recovery if the foreign purchaser has paid any part of the purchase price from such funds.

2. Section 524.252 *Eligibility for payment* is hereby amended by deleting the entire section and inserting in lieu thereof the following:

§ 524.252 *Eligibility for payment.* Payments will be made to any individual, partnership, corporation or association located in the continental United States (except as provided in § 524.267), (a) who executes an application in quadruplicate, on the form attached hereto; (b) whose application has been approved by the Director; (c) who enters into a sales contract covering the sale and exportation of honey produced within the continental United States to an eligible destination (see § 524.255), who delivers honey pursuant to such contract, and who furnishes evidence of exportation of such honey as required by § 524.260; (d) who certifies that the producer of the honey exported has received not less than the applicable support price at the time of purchase of such honey; (e) who certifies that payment by the foreign buyer for the honey does not involve the use of funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953; and (f) who otherwise complies with all the terms and conditions of this program. Applications must be based on sales contracts and must be approved before exportation of the honey. Approval of applications will be in the order in which they are submitted (see § 524.253), and as long as funds are available. Applicants may make their sales contracts under this program subject to the condition that the Department of Agriculture will make an export payment on such sales.

3. Section 524.260 *Filing of claim* is hereby amended by adding a new paragraph (d) as follows:

§ 524.260 *Filing of claim.* • • •

(d) The exporter shall file with each claim for payment submitted hereunder, a certification in duplicate that none of the purchase price of the honey covered by such claim for payment was paid from funds appropriated under Chapter XI, entitled Mutual Security, of the Supplemental Appropriation Act, 1953.

Effective date. This amendment shall be effective at 12:01 a. m., e. s. t., July 26, 1952.

(Sec. 32, 49 Stat. 774, as amended, Pub. Law 547, 82d Cong.; 7 U. S. C. 612c)

Dated this 22d day of July 1952.

[SEAL] S. R. SMITH,
Authorized Representative of the Secretary of Agriculture.

[F. R. Doc. 52-8256; Filed, July 25, 1952; 8:59 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 445]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.552 *Lemon Regulation 445*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 23, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1952, and ending at 12:01 a. m., P. s. t., August 3, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 550 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 24th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: July 20, 1952]

DISTRICT NO. 2

[12 01 a. m. July 27, 1952, to 12:01 a. m. Aug. 10, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.329
American Fruit Growers, Inc., Fullerton	.380
American Fruit Growers, Inc., Upland	.291
Badington Fruit Co.	.181
Ventura Coastal Lemon Co.	2.395
Ventura Pacific Co.	2.694
Glendora Lemon Growers Association	1.222
La Verne Lemon Association	.594
La Habra Citrus Association	1.111
Yorba Linda Citrus Association, The	.567
Escondido Lemon Association	2.369
Alta Loma Heights Citrus Association	.678
Etiwanda Citrus Fruit Association	.294
Mountain View Fruit Association	.230
Old Baldy Citrus Association	.764
San Dimas Lemon Association	.860
Upland Lemon Growers Association	6.009
Central Lemon Association	.775
Irvine Citrus Association	.763
Placentia Mutual Orange Association	.395
Corona Citrus Association	.248
Corona Foothill Lemon Co.	3.130
Jameson Co.	.655
Arlington Heights Citrus Co.	.851
College Heights Orange & Lemon Association	2.623
Chula Vista Citrus Association, The	.891
Escondido Co-operative Citrus Association	.193
Fallbrook Citrus Association	1.872
Lemon Grove Citrus Association	.346
Carpinteria Lemon Association	3.245
Carpinteria Mutual Citrus Association	3.207
Goleta Lemon Association	4.636
Johnston Fruit Co.	6.192
Hazeltine Packing Co.	.374
North Whittier Heights Citrus Association	0.692
San Fernando Heights Lemon Association	.371
Sierra Madre-Lamanda Citrus Association	.369
Briggs Lemon Association	2.892
Culbertson Lemon Association	1.520
Fillmore Lemon Association	.945
Oxnard Citrus Association	6.160
Rancho Sespe	1.121
Santa Clara Lemon Association	3.710
Santa Paula Citrus Fruit Association	3.324
Saticoy Lemon Association	4.561
Seaboard Lemon Association	4.936
Somis Lemon Association	3.934
Ventura Citrus Association	1.183
Ventura County Citrus Association	.467
Limoneira Co.	2.976
Teague-McKevett Association	.686
East Whittier Citrus Association	.508
Leffingwell Rancho Lemon Association	.673
Murphy Ranch Co.	1.711
Chula Vista Mutual Lemon Association	.590
Index Mutual Association	.311
La Verne Cooperative Citrus Association	1.915
Orange Belt Fruit Distributors	.537
Ventura County Orange & Lemon Association	2.302
Whittier Mutual Orange & Lemon Association	.109
Allen, Floyd L.	.000
Evans Bros. Packing Co.	.000
Huarte, Joseph D.	.000
Latimer, Harold	.031
MacDonald Fruit Co.	.000
Paramount Citrus Association, Inc.	.101
Torn Ranch	.001
Valdora, Albert	.000

[F. R. Doc. 52-8289; Filed, July 25, 1952; 9:00 a. m.]

PART 958—IRISH POTATOES GROWN IN COLORADO

LIMITATION OF SHIPMENTS

§ 958.311 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the administrative committee for Area No. 1, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendation has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from August 1, 1952 to May 31, 1953, both dates inclusive, no handler shall ship potatoes of any variety grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not meet the requirements of Regulation No. 1, as modified (7 CFR 958.301; 14 F. R. 3979; 17 F. R. 6023), or U. S. No. 2 or better grade, 2 inch minimum diameter or 4 ounces in weight, or larger.

(2) During the period from September 1, 1952, to October 31, 1952, both dates inclusive, no handler shall ship potatoes grown in Area No. 1, as such area is defined in Marketing Agreement No. 97 and Order No. 58, which do not comply with the aforesaid grade and size requirements and which are more than "moderately skinned" as such term is defined in the U. S. Standards for Potatoes (7 CFR 51.366), which means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or feathered.

(3) All terms used in this section shall have the same meaning as when used in Order No. 58 (7 CFR Part 958, et seq.), and the U. S. grades and sizes, including the tolerances therefor, shall have the same meanings assigned such terms in the U. S. Standards for Potatoes (7 CFR 51.366).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C. this 24th day of July 1952, to become effective August 1, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8290; Filed, July 25, 1952; 9:00 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 7 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order

10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 7 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (kk), paragraphs (ll) to (nn) inclusive as follows:

(ll) Consul and Zephyr Six (British built Ford cars)

(mm) Nash Flat Rate Schedule—1952

(nn) National Automobile Parts and Labor Manual, 1952 Supplement.

2. Section 2 (v) is amended to read as follows:

(v) Automotive Digest, First 1952 Edition and Second 1952 Edition, provided, however, that the Second 1952 Edition may contain Appendix V, as approved April 1, 1952.

3. Appendices LL to NN as set forth below are added after Appendix KK.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 7 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on July 30, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

APPENDIX LL

This is the "Notice" for the Suggested Repair Time Schedule for Consul and Zephyr Six (British built Ford cars).

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor Tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) You file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs.

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

IMPORTANT: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX MM

This is the "Notice" for Nash Flat Rate Schedule, 1952.

NOTICE

You are permitted by OPS to use this schedule to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the schedule to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____; and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

IMPORTANT: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX NN

This is the "Notice" for the National Automobile Parts and Labor Manual, 1952 Supplement.

NOTICE

You are permitted by OPS to use this Supplement to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table, pages in the back part of the Manual to compute the ceiling price of each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____. Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

IMPORTANT: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

[F. R. Doc. 52-8314; Filed, July 25, 1952, 4:00 p. m.]

[Ceiling Price Regulation 134, Amdt. 5]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

SALES OF BOTTLED SOFT DRINKS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended by Public Law 96 (82nd Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits operators of eating and drinking establishments to increase their ceiling prices for bottled soft drinks for on-premise consumption from five cents to six cents if during the week of February 3 through 9, 1952, they were selling bottled soft drinks both for on-premise and off-premise consumption for five cents, and if, after February 9, 1952, their costs of bottled soft drinks have so increased as to entitle them under an applicable ceiling price regulation to increase the price of bottled soft drinks sold for off-premise consumption to six cents. Off-premise sales of bottled soft drinks are, in most situations, covered by the General Ceiling Price Regulation (GCPR) while those for on-premise consumption are covered by Ceiling Price Regulation 134.

Prior to the Korean outbreak many operators of drinking and eating establishments who sold bottled soft drinks charged a uniform price of five cents, whether or not the drinks were to be consumed on the premises. When the restaurant regulation was issued, on March 28, 1952, it froze that price for on-premise sales. Subsequently, in some areas, bottlers increased their prices, typically from 80 cents to 96 cents a case, as authorized under Supplementary Regulation 43 to the GCPR. Although SR 43 had been issued in mid-1951 some bottlers had not taken advantage of it until fairly recently. As a consequence of the pass-through provision of the GCPR, retailers generally and eating and drinking establishments operators as to their sales for off-premise consumption have been allowed to pass the increase on to consumers. In the usual case this meant increasing the ceiling price from five to six cents a bottle. This has placed some operators of eating and drinking establishments in the anomalous position of being able to charge six cents for bottled soft drinks sold for off-premise consumption while they can charge but five cents for the same drinks sold for on-premise consumption, the latter being the price which was fixed under the restaurant regulation (CPR 134). The position of these operators is especially inconsistent with the fact that their overall costs are higher for sales for on-premise consumption.

It is the judgment of the Director of Price Stabilization that continuation of these diverse ceiling prices for identical commodities in the same establishment is not required in order to carry out the purposes of the price stabilization program. This amendment, therefore, permits the eating and drinking establishment operators involved in this situation to charge six cents for bottled soft drinks sold for on-premise consumption. However, under the amendment, an operator will not be able to increase his ceiling prices for any bottled soft drinks listed on his OPS official poster until he has given notice to his OPS District Office.

Available data indicate that this amendment will in practice for the most part affect small operators. It appears further that any ceiling price increases resulting from the amendment will have only a limited geographical applicability.

In the formulation of this amendment, the Director of Price Stabilization has consulted, so far as practicable, with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 134 is amended by inserting after section 11 a new section 11a to read as follows:

SEC. 11a. *Adjustment in ceiling prices of bottled soft drinks.* (a) If you sell a particular bottled soft drink both for on-premise and for off-premise consumption and your ceiling price for sales for off-premise consumption for a bottle of that drink was generally the same during the six month period prior to February 9, 1952 (or during the period of time the establishment you operate was open prior to February 9, 1952), as your selling price for sales for on-premise consumption for a bottle of that drink, you may increase your ceiling price to six cents per bottle for sales of that drink for on-premise consumption, providing that you meet the following conditions.

(1) The highest price charged by you for the bottled soft drink during the week of February 3 through 9, 1952, was five cents, whether the sale was for on-premise or off-premise consumption;

(2) After February 9, 1952, your supplier, as provided in SR 43 to the GCPR, so increased his price to you for a case of the bottled soft drink as to qualify you for an increase in your ceiling price to six cents for sales of a bottle of that drink for off-premise consumption; and

(3) You increased your selling price to six cents for sales of a bottle of that drink for off-premise consumption.

(b) If the soft drink for which you are adjusting your ceiling price under paragraph (a) of this section is one of the items which you are required to list on the OPS official poster as provided in Section 13, you may not charge your adjusted ceiling price until you have mailed to your OPS District Office a notice of any new ceiling prices to be placed on your poster as a result of the adjustment. You must obtain a new OPS official poster and list on the new poster the required items with your ceiling price for each item. The new poster must be displayed within 15 days from the date your notice is mailed to OPS. You are not required to mail a notice to OPS if the bottled soft drink for which you are adjusting your ceiling price is not one of the principal items which you are required to list on your poster.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 5 to Ceiling Price Regulation 134 is effective July 30, 1952.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8315; Filed, July 25, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 59]

GCPR, SR 59—CEILING PRICES FOR MURIATE OF POTASH

NEW PRODUCERS OF MURIATE OF POTASH

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 59 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes new producers from the scope of Supplementary Regulation 59. Supplementary Regulation 59 was issued in September 1951 to enable certain producers to increase their ceiling prices for muriate of potash where, because of peculiar circumstances, their then existing ceiling prices were below the prevailing level of ceiling prices in the industry generally. The regulation established dollars and cents ceiling prices, which represented the general level of such ceiling prices, and permitted producers whose ceiling prices were below these amounts to increase their ceiling prices to these amounts. Since the ceiling prices established by Supplementary Regulation 59 represented the ceiling prices of producers of 97 per cent of the total production of muriate of potash, those prices would have been the prices to which new producers would have been entitled had they established ceiling prices under section 6 of the General Ceiling Price Regulation or applied for ceiling prices under section 7 of the General Ceiling Price Regulation. To obviate the need for new producers reporting under section 6 or applying under section 7, those prices were made applicable to new producers by Supplementary Regulation 59.

Since the issuance of Supplementary Regulation 59, regulations have been issued to give effect to section 402 (d) (4) of the Defense Production Act of 1950 as amended. A number of producers of muriate of potash have applied under these regulations for increases in their ceiling prices and some have received such increases. It appears, therefore that, as a result of the Capehart adjustments the general level of ceiling prices for muriate of potash will be raised. The regulations providing for such increases also provide that a new producer, who establishes his ceiling prices after ceiling prices are adjusted under those regulations, may be "in-lined" with the adjusted ceiling prices. Therefore, but for Supplementary Regulation 59, new producers would be entitled to establish their ceiling prices on the basis of a higher level which may result from the regulations issued pursuant to section 402 (d) (4) of the Defense Production Act. Supplementary Regulation 59, however, does not permit new producers of muriate of potash to establish ceiling prices higher than those set forth in that supplementary regulation, and in that sense denies to new producers of muriate of potash a privilege which producers of other commodities have under the adjustment regulations. In the opinion of the Director this difference in treatment should

be eliminated. This amendment, therefore, removes new producers of muriate of potash from the scope of Supplementary Regulation 59 and permits such producers to establish their ceiling prices in the same manner as producers of other commodities subject to the General Ceiling Price Regulation.

In view of the corrective nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Supplementary Regulation 59 is amended by deleting therefrom the second sentence of section 1 and the second sentence of section 2.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 59 to the General Ceiling Price Regulation is effective July 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8316; Filed, July 25, 1952; 4:00 p. m.]

[Ceiling Price Regulation 161]

CPR 161—CONSUMER DURABLE GOODS REGULATION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 161 is hereby issued.

STATEMENT OF CONSIDERATIONS

This is a regulation for consumer durable goods.

After September 24, 1952, the ceiling prices of all new commodities listed in Appendix A must be determined under this regulation. For such commodities this regulation replaces the new-commodity sections of Ceiling Price Regulation 22 and of the General Ceiling Price Regulation. The ceiling prices of base-period commodities are not affected by this regulation. Unaffected also are the ceiling prices of new commodities determined before the effective date of this regulation.

This regulation is issued to make price control simpler for manufacturers, and particularly for small manufacturers.

A year's experience has revealed a considerable number of deficiencies in the new-commodity sections of CPR 22 when applied to the consumer durable goods field. Dissatisfaction has been expressed on numerous occasions by individual manufacturers as well as by industry advisory committees. Prompted by these criticisms the businessmen, economists and lawyers of the Consumer Goods Division have made a thorough study of the problems involved in determining ceiling prices for new commodities. A large number of changes in the existing new-commodity sections were suggested by this study. Rather than make a revision within the framework of CPR 22, it was decided to issue an independent new-commodity regulation for consumer durable goods, since many of the problems which the revision aims to solve are peculiar to the consumer durable goods field.

The basic technique used by this regulation is comparison pricing. The ceiling prices of new commodities are established by reference to the ceiling prices of "comparison commodities." The regulation is organized in terms of the degree of similarity between the new commodity and the comparison commodity. Section 3 applies where a new commodity differs only in minor respects from a commodity currently in the manufacturer's line. A new commodity which represents more than a minor change, but which is still comparable to other commodities made by the same manufacturer, falls under section 4. Section 5 covers a commodity so different from anything currently made by the same manufacturer that a competitor's commodity should be chosen for comparison purposes. Where the new commodity is so different from anything else on the market that no comparison commodity can be found, section 6, or section 7 must be used—section 6 where the net sales of the new commodity are likely to exceed $5,000 per month, section 7 where the net sales are unlikely to reach that figure. Special provision for custom-made commodities is made in section 8.

The difference between this regulation and the new-commodity sections of CPR 22 can best be brought out in a section-by-section discussion of this regulation. It is deemed advisable to highlight these differences in considerable detail because of the familiarity with CPR 22 of the manufacturers of consumer durable goods. The easiest way for them to become familiar with this regulation is to see it against the background of CPR 22.

SECTION 3—MINOR CHANGES

Section 3 represents a revision of section 30, the minor-change section of CPR 22. Section 30 was a very limited section. It provided, merely, that the ceiling price of a new commodity which differed only in minor respects from a commodity for which a ceiling price had already been established, should be the same as the ceiling price of the previous commodity. The section was not supposed to be used where the minor change reduced unit manufacturing costs. No report was required.

For consumer durable goods, section 30 operated very unsatisfactorily. One of the difficulties was that "minor change" was not defined. Therefore, the coverage of section 30—where it ended and where section 32 began—was often impossible to determine. Since section 30 ceiling prices went unreported, the dangers of abuse were considerable. The checks on the operation of section 30 which have been made, indicate that abuse has, in fact, been frequent. For example, the prohibition against the use of section 30 where the cost of the new commodity was lower seems often to have been ignored. As a result the section has become a loophole for deterioration in quality.

The new section 3 sets precise limits to what may be considered a minor change. Within these limits section 3 can be used where the "minor change" results in a cost reduction as well as where it produces an increase. Furthermore, the manufacturer is no longer limited to the same ceiling price. The ceiling price of the new commodity is calculated by adding to or subtracting from the ceiling price of the comparison commodity the difference in current unit direct cost resulting from the minor change.

A commodity whose ceiling price has been calculated under this section may not be used as a comparison commodity in making subsequent calculations under this section. The reason for this is that the ceiling price calculation reflects only labor and materials cost changes. It does not take markup into account. Therefore, a certain element of distortion is involved. If repeated minor changes could all be priced under this section, the element of distortion would be multiplied to a point where the ceiling price level would be completely unsatisfactory.

SECTION 4—ADDITIONS TO AN ESTABLISHED LINE

Section 4 of this regulation takes the place of section 32 of Ceiling Price Regulation 22. It is likely to be the most widely used section of this regulation since it applies to all new commodities which are similar to commodities currently made by the same manufacturer, excepting only minor changes.

The method of determining ceiling prices under this section is the same as that of section 32 in that the markup over current unit direct cost of comparison commodities is applied to the current unit direct cost of the new commodity. However, a very basic change has been made by eliminating a limitation on the choice of comparison commodities upon which section 32 insisted. Under section 32 the comparison commodity must have been produced and sold during the base period. The new section 4 permits the use of comparison commodities which were introduced after the base period—commodities whose ceiling prices were determined under the new commodity sections of CPR 22, of the GCPR, or under this regulation. The need for this change has become steadily more obvious as the time interval since the base period has lengthened. Base-period commodities are becoming scarcer. Information about them is ever more difficult to obtain, and therefore of diminishing reliability. In industries where new lines are brought out two or more times a year, the requirement that ceiling prices for new commodities be determined by reference to ceilings for commodities that have been changed three, four and even five times has produced very great difficulties. Of all the changes made by this regulation, permission to use commodities introduced after the base period for comparison purposes was the one most warmly endorsed by a specially convened advisory group of manufacturers of consumer durable goods.

This change will not only make comparison pricing simpler, it will also materially increase the scope of this section and correspondingly restrict the need for the sections requiring the use of competitor's prices or of letter orders. Under CPR 22, the ceiling prices for new commodities in a category not dealt in during the base period had to be established by reference to competitors' prices or by letter order. Resort to competitors' prices or to letter orders was required not merely for the first commodity in the new line, but for every additional commodity brought out subsequently, since a commodity brought out after the base period could never be used for comparison purposes. Under this regulation, as soon as the manufacturer has a ceiling price for one commodity, the ceiling price for all similar commodities can be established under this section.

Because a ceiling price calculated under this section becomes the basis for future ceiling price calculations it is obviously very important that it be calculated accurately. To provide the greater accuracy which is now required, the new section 4 uses a method of calculation slightly different from that of section 32. Under that section the manufacturer applied to the cost of the new commodity the markup over cost of the commodity "most nearly like" the new commodity. Under the new section 4 the average markup over cost of two comparison commodities is added to the cost of the new commodity. As his comparison commodities the manufacturer must choose the commodity whose cost is immediately higher and the commodity whose cost is immediately lower than that of the new commodity. The new method of calculation is an improvement over the section 32 method in two essential respects. First, averaging the markup of a higher-cost and a lower-cost commodity will produce a more accurate ceiling price than can be obtained by the use of only a single comparison commodity. Second, the method of selecting comparison commodities is more objective, and therefore, more precise and less open to abuse.

The coverage of section 4 is slightly different from that of section 32. Under the latter section the test was whether a comparison commodity could be found in the same category. This produced some difficulties since a category frequently included so diverse a range of commodities that it was impossible to make meaningful comparisons. Freak situations turned up such as the comparison of an eggbeater with a mop—both belonging in the category "housewares." Under section 4 the comparison commodities must, wherever possible, be selected from the same product line. Only if there are no other commodities in the same product line may a comparison commodity be chosen from another product line. Strict standards are set up for selecting comparison commodities which are not in the same product line as the new commodity. The comparison commodities must be sufficiently similar to the new commodity in terms of the materials used, the methods of production and of distribution so that a meaningful comparison can be made.

SECTION 5—CEILING PRICES ESTABLISHED BY REFERENCE TO COMPETITORS' COMMODITIES

Section 5 of this regulation represents a revision of section 33 of CPR 22. Both sections cover the situation where a ceiling price for a new commodity must be established by reference to a competitor's ceiling price. Section 33 required that the competitor's commodity be substantially similar to the new commodity; the new commodity had to take the same ceiling price as the competitor's commodity.

The new section 5 represents a considerable amplification of section 33. A great many problems were left unresolved by section 33 in the consumer durable goods field. This resulted in considerable uncertainty. Section 5 clears up these uncertainties. Spelled out in considerable detail is the method of choosing a comparison commodity. Standards of similarity are set up which will insure the choice of a commodity whose price level will be appropriate for comparison purposes. Such problems as differentials between classes of purchasers and terms and conditions of sale are also resolved explicitly.

Two substantive changes have been made. The new commodity is no longer required to take the identical ceiling price as the competitor's commodity. Where the new commodity does not meet the same quality standards as the competitor's commodity, a ceiling price will be established under this section sufficiently below the competitor's to reflect the difference between the two commodities. This change is designed to provide greater flexibility in the use of this section, and by that means to reduce the need for issuing letter orders. It was possible to use section 33 only where the new commodity was so similar to the competitor's as to be fairly entitled to the identical ceiling price. Several cases arose where manufacturers were willing to take lower ceiling prices. However, Section 33 did not permit this. As a result, in cases where a new commodity was not entitled to the same ceiling price as the competitor's commodity, a letter order had to be issued.

The second substantive change provides for the situation where a manufacturer does not know his competitor's ceiling price. Very frequently he may know the competitor's *selling* price. If he does, he may establish a ceiling price for his new commodity by reference to that selling price. Provision is made for raising such a ceiling price if it turns out that the competitor was selling below his ceiling.

SECTION 6—LETTER ORDERS

Sections 6 and 7 of this regulation cover new commodities which are so different from anything else on the market that none of the preceding sections can be used. Under CPR 22 such commodities came under section 34. That section provided that OPS would, upon application by the manufacturer, establish a ceiling price by letter order. Section 6 of this regulation makes similar provision for the establishment of ceiling prices by letter order.

There are a number of innovations. In addition to the standard letter order, section 6 gives OPS authority to grant interim letter orders. Such orders will be limited as to time: ninety days, and as to sales volume: $10,000. Interim orders will be issued where a manufacturer is unable to supply cost estimates based on production experience. They are necessary in order to permit a manufacturer to test his market with experimental models, or the production of a trial run, before regular production commences.

Another innovation in section 6 is the authority to establish formula methods for calculating ceiling prices. It is expected that this authority will be used only in very rare instances, where a manufacturer can prove conclusively that the other methods of this regulation are unworkable in his case.

SECTION 7—SUSPENDED CONTROLS FOR UNIMPORTANT COMMODITIES

The aim of section 7 is to suspend controls from commodities whose effect on the cost of living is certain to be negligible. The section applies to commodities whose net sales are not likely to exceed $5,000 per month and which would otherwise be under section 6. The purpose behind this suspension is to make it easier for manufacturers to experiment with new ideas and to remove from OPS a burden which has been totally out of proportion to its economic significance. A survey of the letter orders issued for consumer durable goods revealed that over half were concerned with gadgets and devices of the "Rube Goldberg" variety. Under section 7 the manufacturer merely sends OPS a description of his new commodity. Nothing further is required if OPS agrees that the commodity is different from anything else on the market and that its net sales are not likely to exceed $5,000 per month. If, in the opinion of OPS, the new commodity is likely to affect the cost of living, a ceiling price will be established under section 6. Similarly, if monthly sales ever exceed $5,000 per month, the manufacturer must apply for a ceiling price under section 6.

SECTION 8—CUSTOM-MADE COMMODITIES

Section 8 of this regulation applies to custom-made commodities. Where these were priced by formula in the base period the manufacturer may apply under this section for authorization to calculate his ceiling prices by formula. The section applies only to commodities specially designed for a single purchaser who is the ultimate user of that commodity. It does not apply to commodities purchased for resale, either in the same form, or incorporated in another commodity.

The need for special treatment for custom manufacturers has long been evident. In custom manufacture each item produced, generally, is a new com-

modity for which a new ceiling price has to be calculated. Custom manufacturers are mostly small enterprises and have traditionally established their prices by individual formulas. They have had considerable difficulty using the new-commodity sections of the GCPR and of CPR 22, and would not be very much better off under sections 3 to 7 of this regulation. It is clearly desirable to provide them with methods for calculating ceiling prices suited to their individual circumstances.

The limitations placed on a formula method of determining ceiling prices are designed to restrict it to a group that has genuine difficulty complying with any other price control techniques.

No specific directions are set out in section 8. The diversity in the types of custom commodities covered by this section is too great to make generalizations meaningful. Each application for a formula will have to be handled on an individual basis. The only rule laid down is that the level of ceiling prices produced by the formula may be no higher than that produced by the sections of this regulation which the manufacturer would be obliged to use if he did not have an individual formula.

REPORTING REQUIREMENTS

One of the most pervasive and difficult problems regarding new commodities is that of reporting requirements. The policy underlying this regulation has been to reduce the reporting burden imposed on manufacturers to a minimum. However, the need for accuracy in the calculation of ceiling prices is far greater under this regulation than it was in the new-commodity sections of CPR 22, since a ceiling price calculated under this regulation may be used for comparison purposes in later ceiling price calculations. Thus, undetected errors would propagate themselves. Nevertheless, the reporting burden has been reduced materially. Where it has not been possible to eliminate reports, the method of reporting has been simplified and streamlined. A printed form, with clear instructions, has been prepared for every report and application required by this regulation. These forms should make it easier for a manufacturer to supply OPS with the required information, since they make it far clearer what OPS wants to know. Forms can be processed far more rapidly than information submitted in any other manner. The number of cases where approval of ceiling prices has to be delayed by supplemental correspondence required to correct incomplete filings should be reduced materially.

For the three sections where the manufacturer calculates ceiling prices himself, sections 3, 4, and 5, no report is reqired except on commodities whose net sales are expected to exceed $25,000. This limitation will materially lighten the reporting burdens, particularly for small manufacturers. Under CPR 22 there was only a $10,000 limitation and it applied merely to section 32 calculations.

For the letter-order section, section 6, an application is required since that is the only way OPS can obtain the information needed to establish a ceiling price. However, the suspension of controls on unimportant commodities, provided by section 7, does away with applications and letter orders in over half of the cases for which they would have been required under CPR 22. Section 8 makes the calculating and reporting of ceiling prices far less burdensome for manufacturers of custom-made commodities. After their application for a formula is approved, they are freed from all further reporting obligations.

In one place the reporting requirements have been increased. Section 30 of CPR 22 did not require a report; the minor-change section of this regulation, section 3, requires one. There are two reasons for this. First, a number of substantive changes have been made which make the new section a much more important section than section 30. These changes have been described previously. Secondly, the absence of a report for section 30 was one of the major flaws of CPR 22 in the consumer durable goods field. Practically speaking, it is impossible to draft new-commodity sections which will not, to some extent, overlap. While the boundary line between sections 3 and 4 of this regulation is considerably clearer than that between sections 30 and 32 of CPR 22, some degree of overlapping is still unavoidable. Manifestly, the control provided by the reporting provisions of one section will be under-cut if another section can be used instead, and its use remains unreported.

For all commodities where a report is required no ceiling price is legally established until after the provisions relating to the report have been observed. Section 411 of the Defense Production Act—which provides that no person shall be required to furnish a report respecting sales at prices which are below ceiling if he certifies that he is selling at such prices—does not apply to reports which are needed in order to establish a ceiling price. Clearly a person cannot certify that he is selling below his ceiling price until a ceiling price is legally established.

SMALL MANUFACTURERS

Before the issuance of this regulation, certain small manufacturers of consumer durable goods had the option to remain under the GCPR. If they so elected, they established the ceiling prices for their new commodities under sections 4, 6 and 7 of the GCPR, which correspond to sections 32, 33 and 34 of CPR 22. From September 24, 1952, on, such manufacturers, too, are required to determine the ceiling prices of their new commodities under this regulation.

Placing these small manufacturers under this regulation will not increase their reporting burden. The $25,000 limitation should serve to excuse reports on practically all new commodities introduced by them, while the $5,000 per month limitation on letter order applications should materially lessen their paper work.

All manufacturers whose net sales in the preceding fiscal year did not exceed $250,000 must file their reports in the nearest district office, rather than in Washington. This applies regardless of whether their base-period ceiling prices were determined under the GCPR or under CPR 22. One reason for having the reports of small manufacturers processed in the district offices is to conform with the Congressional mandate to make price control easier for them. The district offices, located in or near virtually all manufacturing centers, can offer small manufacturers more direct help than the national office. Any difficulties can be more quickly straightened out by personal interviews and by telephone and will not require correspondence with Washington. Furthermore, the work load will be more evenly distributed within OPS with speedier action resulting.

FURTHER ACTION AFFECTING CONSUMER DURABLE GOODS

This is the first OPS regulation which applies specifically to consumer durable goods. It is expected that other problems may arise in the future affecting these commodities. Such problems may be solved by means of supplementary regulations or amendments to this regulation, even though there is no direct relation to new-commodity problems. The reason for this is that manufacturers of consumer durable goods will become familiar with this regulation as an instrument directly affecting them. Therefore, an addition to this regulation will come to their attention far more quickly than an independent regulation.

INDUSTRY CONSULTATION

In the formulation of this regulation there have been extensive consultations with the manufacturers who will have to use this regulation and with trade association representatives. Comments and criticisms from industry representatives were one of the major influences which caused this regulation to be written. As soon as the drafting was under way a special advisory group of consumer durable goods manufacturers was set up. This special group was selected from the membership of various industry advisory committees in the consumer durable goods field. A copy of the first draft of this regulation was sent to each member of the advisory group. A meeting was then held in Washington where the members of the group and officials of the Consumer Goods Division threshed through the regulation section-by-section. After this meeting, the regulation was completely rewritten. The rewritten regulation as well as copies of the five forms which will be used with the regulation, were sent to every member of the special advisory group. The regulation, as well as the reporting forms, have benefited immensely from the criticisms and suggestions of the members of the advisory group. Every section in approximately its final form was endorsed by a majority of the members.

FINDINGS OF THE DIRECTOR

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this regulation comply with all the applicable requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec
1. What this regulation does.
2. Ceiling prices determined before the effective date of this regulation.
3. Ceiling prices for new commodities which differ only in minor respects from commodities currently in your line.
4. Ceiling prices for new commodities which are similar to commodities currently in your line.
5. Ceiling prices for new commodities which are similar to commodities sold by a competitor.
6. Ceiling prices for new commodities not covered by the preceding sections.
7. New commodities whose net sales are unlikely to exceed $5,000 per month.
8. Custom-made commodities.
9. Modification of proposed ceiling prices by Director of Price Stabilization.
10. Petitions for amendment.
11. Adjustable pricing.
12. Excise, sales or similar taxes.
13. Transfers of business or stock in trade.
14. Record-keeping requirements.
15. Requests for additional information.
16. Interpretations.
17. Prohibitions.
18. Evasions.
19. Definitions.

AUTHORITY: Sections 1 to 19 issued under sec. 704, 64 Stat. as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This is a regulation for consumer durable goods. On and after September 24, 1952, the ceiling prices for all new commodities listed in Appendix A will be established under this regulation. For such commodities this regulation replaces the new-commodity sections of Ceiling Price Regulation 22 and of the General Ceiling Price Regulation. This regulation does not affect the ceiling prices of commodities sold in the manufacturer's base period, nor the ceiling prices of new commodities which were determined before the effective date of this regulation.

The basic technique used by this regulation is comparison pricing. The ceiling prices for new commodities are established by reference to the ceiling prices of "comparison commodities." The regulation is organized in terms of the degree of similarity between the new commodity and the comparison commodity. Section 3 applies where a new commodity differs only in minor respects from a commodity currently in the manufacturer's line. A new commodity which represents more than a minor change, but which is still comparable to other commodities made by the same manufacturer falls under section 4. Section 5 covers a commodity so different from anything currently made by the same manufacturer that a competitor's commodity must be chosen for comparison purposes. Where the new commodity is so different from anything else on the market that no comparison commodity can be found, section 6 or section 7 must be used—section 6 where the net sales of the new commodity are likely to exceed $5,000 per month, section 7 where the net sales are unlikely to reach that figure. Special provision for custom-made commodities is made in section 8.

For certain commodities a report is required in order to establish a ceiling price. Whenever such a requirement is in effect no ceiling price is legally established until after the provisions relating to the report have been observed.

This regulation covers manufacturers located in the United States or in the District of Columbia. It does not cover manufacturers located in the territories and possessions of the United States.

SEC. 2. *Ceiling prices determined before the effective date of this regulation.* All ceiling prices which were determined before the effective date of this regulation, remain in effect. This includes the ceiling prices of all commodities manufactured in the base period as well as the ceiling prices of commodities introduced between the end of the manfacturer's base period and the effective date of this regulation.

SEC. 3. *Ceiling prices for new commodities which differ only in minor respects from commodities currently in your line.* (a) You must use this section to establish a ceiling price for a new commodity which differs only in minor respects from a commodity currently in your line which has a ceiling price. The latter commodity is hereafter referred to as the "comparison commodity." The new commodity may be either a replacement, being substituted for the comparison commodity, or an addition to your line. It may differ from the comparison commodity only because of minor changes in materials, design or construction which do not reduce serviceability. These minor changes may not result in a difference in current unit direct cost exceeding the following limits: ten per cent of the current unit direct cost of the comparison commodity where that cost is less than $5.00; $.50 where the current unit direct cost of the comparison commodity is between $5 and $10; five per cent of the current unit direct cost of the comparison commodity where that cost is more than $10. In case the cost difference between the new commodity and comparison commodity exceeds these limits, you must use section 4. Even though the difference in current unit direct cost is within the prescribed limits, you must use section 4 if the change in materials, design or construction is not a minor one.

(b) You determine your ceiling price for the new commodity by adding to, or subtracting from, the ceiling price of the comparison commodity to its largest buying class of purchaser the dollar-and-cent difference in current unit direct cost between the two commodities. With your ceiling price for the new commodity you must use the same terms and conditions of sale which you use with your comparison commodity. For sales of the new commodity to different classes of purchasers, you must apply the same percentage differentials between classes of purchasers which you apply on your comparison commodity.

(c) Your comparison commodity need not have been dealt in during your base period. It may be a commodity whose ceiling price was determined under this regulation or under the regulation whose new-commodity provisions you used prior to the issuance of this regulation. However, you may not use a commodity whose ceiling price was determined under this section.

(d) *Reports.* For a commodity whose total sales are expected to exceed $25,000 you must file a report in order to establish a ceiling price. You must use OPS Public Form No. 142, following the instructions which are a part of that form. Your report must be sent by registered mail, return receipt requested, to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. However, if the gross sales for your last complete fiscal year of commodities manufactured by you were less than $250,000 you send your report to the OPS District Office for the district in which your principal place of business is located. You may not sell the new commodity until 15 days after receipt of your report by OPS, as shown on the return receipt. Thereafter, you may sell at the reported ceiling price unless and until notified by OPS that your ceiling price has been disapproved.

You need not file a report if total sales of the new commodity are not expected to exceed $25,000. However, you may make no sales of the new commodity which would result in its net sales exceeding $25,000 until after a report has been filed. Even though you need not file a report, you must keep for inspection by OPS the records and worksheets relating to the computation of your ceiling price and to your sales of the new commodity.

SEC. 4. *Ceiling prices for new commodities which are similar to commodities currently in your line.*—(a) *Scope.* You must use the comparison technique of this section to determine the ceiling price of a new commodity for which a ceiling price cannot be determined under section 3, but which is similar to commodities currently in your line which have ceiling prices. You determine the ceiling price of the new commodity by applying to its current unit direct cost the average markup over current unit direct cost of two comparison commodities. The way in which you do this is described in the next paragraph.

(b) *Method of calculation.* (1) Find the current unit direct cost of the new commodity.

(2) Select two comparison commodities from the product line in which the new commodity falls. You must choose the commodity whose current unit direct

cost is immediately higher, and the commodity whose current unit direct cost is immediately lower than that of the new commodity. The comparison commodities need not have been dealt in during your base period. They may be commodities whose ceiling prices were determined under this regulation or under the regulation whose new-commodity provisions you used prior to the effective date of this regulation. However, both comparison commodities must have been in regular production and must have been sold in substantial quantities during the preceding twelve months.

If the new commodity falls in a product line in which you are not currently dealing, you may select two comparison commodities from a different product line. To be acceptable these comparison commodities must be similar to the new commodity in the following three respects:

(i) They must not differ appreciably in the type, quantity and quality of the materials used.

(ii) They must be made by substantially the same method of production.

(iii) They must be sold through the same channels of distribution to the same classes of purchasers.

(If you are unable to find two comparison commodities see the note at the end of this paragraph.)

(3) Add the ceiling prices of the two comparison commodities. You must use the ceiling price to the largest buying class of purchaser to which both comparison commodities are sold.

(4) Add the current unit direct cost of the two comparison commodities.

(5) Divide the result in (3) by the result in (4). This is your markup factor for the new commodity.

(6) Multiply the current unit direct cost of the new commodity as found in (1), by the markup factor found in (5). This gives you the ceiling price for the new commodity.

This is your ceiling price to the same class of purchaser to which the comparison commodities' ceiling prices, used in (3), are applicable. For sales of the new commodity to different classes of purchasers you must apply the same differentials between classes of purchasers which you apply on your comparison commodities. With your ceiling price for the new commodity you must use the same terms and conditions of sale which you use with your comparison commodities.

Example: Calculation of Ceiling Price for a New Commodity with a Current Unit Direct Cost of $10.00.

COMPARISON COMMODITIES

	Ceiling Price	Current Unit Direct Cost
Lower-cost commodity	12.00	8.00
Higher-cost commodity	21.00	12.00
	33.00	20.00

MARKUP FACTOR

$$\frac{33.00}{20.00}=165\%$$

CEILING PRICE FOR NEW COMMODITY

Current unit direct cost	$10.00
Markup Factor	×165%
Ceiling Price	$16.50

NOTE: If you are unable to find two comparison commodities either within or outside the same product line, you must calculate the ceiling price for the new commodity using only a single comparison commodity. The following changes in the method of calculation will be required: You omit steps (3) and (4). The markup factor, step (5), is obtained by dividing the ceiling price of the single comparison commodity by its current unit direct cost. Step (6) can be performed as indicated.

(c) *Reports.* For a commodity whose total sales are expected to exceed $25,000 you must file a report in order to establish a ceiling price. You must use OPS Public Form No. 143, following the instructions which are a part of that form. Your report must be sent by registered mail, return receipt requested, to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. However, if the gross sales for your last complete fiscal year of commodities manufactured by you were less than $250,000, you send your report to the OPS District Office for the district in which your principal place of business is located. You may not sell the new commodity until 15 days after receipt of your report by OPS, as shown on the return receipt. Thereafter, you may sell at the reported ceiling price unless and until notified by OPS that your ceiling price has been disapproved.

You need not file a report if total sales of the new commodity are not expected to exceed $25,000. However, you may make no sales of the new commodity which would result in its net sales exceeding $25,000 until after a report has been filed. Even though you need not file a report, you must keep for inspection by OPS the records and worksheets relating to the computation of your ceiling price and to your sales of the new commodity.

SEC. 5. *Ceiling prices for new commodities which are similar to commodities sold by a competitor*—(a) *Scope.* You must use this section to establish a ceiling price for a new commodity for which you cannot determine a ceiling price under sections 3 or 4, because it is unlike any commodity currently sold by you, but which is similar to a commodity sold by a competitor. You use the competitor's commodity as a comparison commodity and establish a ceiling price for your commodity by reference to the competitor's price. To be able to use this section you must know your competitor's ceiling or selling prices to the classes of purchaser to which you intend to sell and the differences between his commodity and yours. If no competitor sells a similar commodity or if you do not have the necessary information regarding your competitor's commodity, you cannot use this section. You must then apply under section 6 and OPS will establish a ceiling price for your new commodity by letter order.

(b) *Comparison commodities.* You must choose as your comparison commodity the most similar commodity currently sold by a competitor. If several competitors sell substantially similar commodities, you must select as your comparison commodity the one sold by your most direct competitor. (The competitor who covers most completely the territory in which you intend to sell is your most direct competitor.)

To be acceptable as a comparison commodity the competitor's commodity must be similar to your new commodity in the following four respects:

(1) It must not differ appreciably in the type, quantity and quality of the materials used.

(2) It must be made by substantially the same method of production.

(3) It must be sold to the same classes of purchasers.

(4) It must serve the same function.

(c) *Ceiling prices.* (1) You establish the ceiling price for your new commodity by reference to your competitor's ceiling price for the comparison commodity. The ceiling price for your new commodity may be no higher than your competitor's ceiling price for the comparison commodity. If your commodity does not meet the same standards of quality and serviceability as the comparison commodity, you must establish a ceiling price for your commodity sufficiently lower than the ceiling price of the comparison commodity to reflect the differences between the two.

(2) If you do not know your competitor's *ceiling* price for the comparison commodity, but you do know his *selling* price, you may establish your ceiling price by reference to that selling price. If subsequent to the date when you established your ceiling price, you learn that your competitor's ceiling price is higher than the selling price on the basis of which you established your ceiling price, you may increase your ceiling price proportionately. Before selling at a price higher than the ceiling price you initially calculated, you must file the supplementary report described in paragraph (d) (2), unless net sales of the new commodity are not expected to exceed $25,000.

The ceiling price which you establish under this section applies to the same class of purchaser to which the ceiling price of the comparison commodity applies. For sales to different classes of purchasers you must use the same differentials between classes which your competitor uses for sales of the comparison commodity. If you do not know your competitor's price for a class to which you intend to sell, you must apply under section 6 and OPS will establish a ceiling price for you by letter order.

You may use either your competitor's terms and conditions of sale or the terms and conditions which you customarily use for sales of the most similar commodities currently in your line. However, the use of terms and conditions of sale differing from those used by your competitor may not result in a cost to the purchaser higher than what he would be required to pay if you used your competitor's terms and conditions; i. e., you may use terms and conditions more favorable to the purchaser than those used by your competitor, but you may not use terms and conditions less favorable to the purchaser.

(d) *Reports*—(1) *Regular report.* For a commodity whose total sales are expected to exceed $25,000 you must file a report in order to establish a ceiling price. You must use OPS Public Form No. 144, following the instructions which are a part of that form. Your report must be sent by registered mail, return receipt requested, to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. However, if the gross sales for your last complete fiscal year of commodities manufactured by you were less than $250,000, you send your report to the OPS District Office for the district in which your principal place of business is located. (If you are a new seller who has not yet completed a fiscal year, you must file in the district office if you do not expect the gross sales of commodities manufactured by you to reach $250,000 during your first complete fiscal year.) You may not sell the new commodity until 15 days after receipt of your report by OPS, as shown on the return receipt. Thereafter, you may sell at the reported ceiling price unless and until notified by OPS that your ceiling price has been disapproved.

You need not file a report if total sales of the new commodity are not expected to exceed $25,000. However, you may make no sales of the new commodity which would result in its net sales exceeding $25,000 until after a report has been filed. Even though you need not file a report, you must keep for inspection by OPS the records and worksheets relating to the computation of your ceiling price and to your sales of the new commodity.

(2) *Supplementary Report.* If you established your ceiling price upon the basis of your competitor's *selling* price and you want to increase your ceiling price as provided in paragraph (c) (2), you must file a supplementary report. The supplementary report must be sent by registered mail to the OPS office to which your regular report was sent. Your report must include the following information: the trade designation of the commodity; the date on which you filed your original report; the ceiling price originally established; the new ceiling price; the name and address of your competitor; the competitor's selling price on the basis of which you calculated your ceiling price; the competitor's price, selling or ceiling, on the basis of which your new ceiling price is calculated. If you did not file a report on your initial calculation because you did not expect sales to exceed $25,000, you need not file a supplementary report, unless you now expect sales to exceed $25,000.

SEC. 6. *Ceiling prices for new commodities not covered by the preceding sections*—(a) *Generally.* You cannot use the preceding section for a new commodity which is entirely unlike any commodity sold by you or by any of your competitors. If the net sales of the new commodity are likely to exceed $5,000 per calendar month, you must apply under this section and OPS will issue a letter order establishing a ceiling price. If the net sales of the new commodity are not likely to exceed $5,000 per calendar month, you use section 7 which provides for suspension of controls on such commodities.

(b) *Letter orders.* If you are unable to calculate a ceiling price under section 3, 4 or 5 for a new commodity whose net sales are likely to exceed $5,000 per month, you must apply to OPS for the establishment of a ceiling price. The ceiling price established under this section must be in line with the general level of ceiling prices established under this regulation.

Your application must be filed on OPS Public Form No. 145, following the instructions which are a part of that form. Your report must be sent to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. However, if the gross sales for your last complete fiscal year of commodities manufactured by you were less than $250,000, you send your report to the OPS District Office for the district in which your principal place of business is located. (If you are a new seller who has not yet completed a fiscal year, you must file in the district office if you do not expect the gross sales of commodities manufactured by you to reach $250,000 during your first complete fiscal year.) You may not sell the new commodity until OPS issues an order establishing a ceiling price, or a formula for calculating ceiling prices.

In appropriate instances OPS may establish a formula for calculating ceiling prices, rather than an individual ceiling price. This will be done only where there was an industry-wide practice of pricing by formula between July 1, 1949, and June 30, 1950, and where, in the judgment of the Director of Price Stabilization, use of any other method produces a severe hardship.

(c) *Temporary ceiling prices.* If, at the time you file your application for a ceiling price for a new commodity, you are unable to provide cost estimates based on production experience, OPS may issue a letter order establishing a temporary ceiling price for you. Such an order will be subject to the following two limitations: It will terminate 90 days after issuance; total net sales while it is in effect may not exceed $10,000. If either of these limitations is unduly restrictive in your case, you may propose different limitations. Your application must include an explanation why the limitations established by the regulation are too restrictive for you, as well as a justification for the limitations which you propose.

When selling the commodity at a temporary ceiling price, you must inform the purchaser that the ceiling price is a temporary one. Provided this notice is given a sale made at the temporary ceiling price is final, unless the contract of sale specifically provides otherwise.

OPS will issue a letter order without time or sales volume limitation as soon as you are able to provide cost estimates based on production experience.

(d) *Sales to a new class of purchaser.* Where you are planning to sell a commodity to a class of purchaser for which you do not have an established price differential, you must apply under this section. Your application must include the price differentials you propose to use and your reasons for proposing them.

The application must be sent to the Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. OPS will then issue an order establishing appropriate differentials.

SEC. 7. *New commodities whose net sales are unlikely to exceed $5,000 per month.* (a) This section applies to a new commodity whose net sales are *not* likely to exceed $5,000 per calendar month and which is not covered under section 3, 4 or 5 because it is entirely unlike any commodity sold by you or by any of your competitors. You need not calculate a ceiling price for such a commodity until its net sales volume exceeds $5,000 during any calendar month, unless OPS specifically requires you to do so.

(b) Before selling the commodity you must send a report by registered mail, return receipt requested, to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C. Your report must contain the following information: the trade name of the commodity; a picture, diagram or sample and any additional information which may be necessary for adequate identification and description; the price at which you propose to sell the commodity to each of the classes of purchasers to which you propose to sell it. You may sell the commodity fifteen days after receipt of your report by OPS, as shown on the return receipt. However, if, in the opinion of OPS, the commodity is likely to affect the cost of living, you will be required to file an application for a ceiling price under section 6.

(c) If, during any calendar month, the net sales of the commodity exceed $5,000 you must file an application for a ceiling price under section 6 not more than ten days following the end of the month.

(d) Adequate records must be kept of all sales of the new commodity for inspection by OPS.

SEC. 8. *Custom-made commodities.* (a) Under this section you may apply to OPS for the establishment of a formula for calculating the ceiling price of a custom-made commodity which by customary industry practice was priced by formula between July 1, 1949 and June 30, 1950. A custom-made commodity is one specially designed for a single purchaser who is the ultimate user of that commodity and is not purchasing it for resale either in the same form or incorporated in another commodity. The custom-made commodity must differ in more than minor respects from a stock commodity.

(b) Your application must be filed on OPS Public Form No. 146, following the instructions which are a part of that form. Your report must be sent by registered mail to Consumer Goods Division, Office of Price Stabilization, Washington 25, D. C.

(c) Your proposed formula will be approved only if you can prove to the satisfaction of OPS that the level of ceiling prices calculated under it will be no higher than the level of ceiling prices produced by the section of this regulation which would otherwise be applicable, i. e.,

section 3, 4 or 5. You may not use the proposed formula until OPS issues an order authorizing you to do so. The order will specify the commodities or product lines for which the formula is to be used. For these commodities you must use that formula instead of the preceding sections of this regulation.

(d) There are two limitations on the use of the formula: (1) The formula may be used only where you sell one or two individual units of the commodity, or a group or set of individual commodities which are so closely related as to be considered a single unit or installation. It may not be used where you sell three or more separate units even though they are all sold to the same purchaser. Ceiling prices for such multi-unit sales must be calculated under the methods of the preceding sections of this regulation. (2) You may not use the formula for more than one repeat order. The ceiling price for all additional repeat orders must be calculated under the preceding sections of this regulation. In making that calculation you may not use the ceiling price calculated under your formula as a comparison commodity ceiling price under section 3 or 4.

(e) If either of these limitations is unduly restrictive in your case, you may propose different limitations. Your application must include an explanation why the limitations established by the regulation are too restrictive for you, as well as a justification for the limitations which you propose.

SEC. 9. *Modification of proposed ceiling prices by Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices reported or proposed under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 10. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Rev. 2.

SEC. 11. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 12. *Excise, sales or similar taxes.* (a) Where the tax is included in your selling price.

(1) If the ceiling price for a comparison commodity used under any section of this regulation includes an excise, sales or similar tax, you must exclude the appropriate amount of such tax before making the computations necessary to establish a ceiling price for the new commodity. After completing your computations you may then add the appropriate amount of such tax for inclusion in your ceiling price for the new commodity.

(2) If subsequent to the establishment of ceiling prices which include an excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling prices to reflect the appropriate reduction or elimination of such a tax. Where subsequent to the establishment of ceiling prices such a tax is increased or a similar tax is first imposed, you may recompute and adjust your ceiling prices to reflect the appropriate addition of the new tax.

(b) *Where the tax is separately stated and collected.* If your base-period practice was to state and collect any excise, sales or similar tax separately from your selling price, you may, in addition to the ceiling price determined under this regulation, collect the amount of any such tax paid by you. Where subsequent to the establishment of your ceiling price such a tax is increased or a similar tax first imposed, you may, in addition to your ceiling price, if not prohibited by the tax law, collect the amount of such increase or new tax as is actually paid by you. In all such cases the amount of the tax must be separately stated. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

SEC. 13. *Transfers of business or stock in trade.* If any business, or the assets, or stock in trade of any business, are sold, or otherwise transferred, after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same type of commodity, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 14. *Record-keeping requirements.* With respect to any commodity covered by this regulation, you must prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records necessary to determine whether you have computed your ceiling prices correctly. You must also preserve for a period of two years all records showing the prices at which sales of the commodities covered by this regulation have been made. Such records shall be available for inspection by OPS.

SEC. 15. *Requests for additional information.* Sections 3 through 8 specify the reports which must be filed in order to obtain ceiling prices. In the event that your report is incomplete or is otherwise inadequate, you may be requested to submit additional information. Such a request for additional information does not operate to prohibit you from selling the commodity, with respect to which the request is made unless such a prohibition is included with the letter of request. However, you must comply with the request for additional information within fifteen days from the date of the request. If you fail to comply within fifteen days you are prohibited from selling the commodity. However, if for any reason, the fifteen-day period is inadequate, you may request OPS to grant you additional time. Unless OPS notifies you that your time has been extended, you must provide the requested information within fifteen days.

SEC. 16. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your nearest OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation No. 1, Rev. 2.

SEC. 17. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records and reports, required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 18. *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 19. *Definitions.* Unless the context otherwise requires, the definitions and explanations in this section shall be controlling.

Base period. Your base period is determined by the regulation which covers the commodities sold by you prior to the effective date of this regulation. For example, if that regulation is CPR 22, then your base period is the period from April 1 through June 24, 1950, or any previous calendar quarter ended not earlier than September 30, 1949, depending upon which period you used in making your CPR 22 calculations. If that regulation is the General Ceiling Price Regulation, then your base period is the period, from December 19, 1950, through January 25, 1951.

Class of purchaser. Class of purchaser is determined in the first instance by reference to your own practice of setting different prices for sales to different purchasers or groups of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance, manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser, or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to which you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

Commodity. This term includes any item, object, material, article, product or supply.

Current unit direct cost. This is the sum of the direct labor cost and the direct materials cost applicable to a single unit of the commodity. The direct materials cost shall be computed upon the basis of current replacement prices. The direct labor cost shall be computed upon the basis of current wage rates. The method used for computing the current unit direct cost for the new commodity and for the comparison commodity shall be the same in every respect.

Delivered. A commodity shall be deemed to have been delivered if it was received by the purchaser or by any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

Largest buying class of purchaser. This term refers to the class of purchaser of a particular commodity which, during your base period, bought the largest dollar amount of that particular commodity. If the commodity was not sold during the base period, you determine the largest buying class of purchaser on the basis of sales during your most recently completed accounting period. You may have a different "largest buying class of purchaser" for different commodities. Only if no sales of the particular commodity were made to any other class of purchaser can one of the following be the largest buying class of purchaser: the United States or an agency thereof; a foreign purchaser; or a person to whom the only sales made during the period were under a written contract of at least six months' duration entered into prior to January 1, 1950.

Manufacturer. This term applies to you if you:

(1) Sell a commodity on which you have performed one or more operations in its fabrication, processing, finishing or assembling;

(2) Sell a commodity which has been produced to your order from materials or parts owned by you;

(3) Sell a commodity under your own brand or trade name where you own and control tools and dies which are specially designed for that commodity and which require a substantial investment.

You are *not* a manufacturer if you:

(1) Merely package, label, market, promote or sell a commodity without changing its form;

(2) Merely rebuild, recondition, renew or otherwise restore a used commodity;

(3) Merely perform an industrial service on a commodity for the account of others;

(4) Merely assemble a "knocked-down" commodity, all parts of which are obtained from the same source.

Net sales. This term refers to gross sales after trade discounts, less returns and allowances. In the case of sales where the selling price is a delivered price, transportation charges should not be deducted. This term does not include sales of commodities of which you are not the manufacturer.

Product line. This term refers to a group of related commodities which serve the same function, and are made by the same manufacturing process from substantially the same materials.

Records. This term means books or accounts, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes sell, supply (with respect to either commodities or services), dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The terms "buy" and "purchase" shall be construed accordingly.

You. "You" means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. The mandatory effective date of this regulation is September 24, 1952. You may, however, elect to make this regulation effective as to you on any date between July 24, 1952, and September 24, 1952. If you elect an earlier effective date, this regulation becomes effective on that date for all your commodities covered by this regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 24, 1952.

APPENDIX A

The following commodities are covered by this regulation as well as all repair parts for these commodities when made by the manufacturer of the finished product:

1. *Appliances, household, electrical and other,* such as but not limited to:
   - Air conditioners, window and console (self-contained).
   - Dehumidifiers.
   - Dishwashers.
   - Floor cleaning and polishing machines.
   - Freezers.
   - Household appliance parts (except when sold by the parts manufacturer to the manufacturer of the completed item).
   - Humidifiers, portable.
   - Laundry washers and driers.
   - Ranges.
   - Refrigerators.
   - Sewing machines and attachments.
   - Vacuum cleaners and attachments.
2. *Automobile seat covers.*
3. *Business equipment and accessories,* such as but not limited to:
   - Accounting machines.
   - Adding machines.
   - Addressing machines, plates and stencils.
   - Artists' supplies (except colors and oils).
   - Bookkeeping machines.
   - Bulletin boards.
   - Calculating machines including electronic computers.
   - Cash registers and devices in which a cash register or a basic mechanism is a component part.
   - Chalk, manufactured: (billiard, bowling, carpenter, etc.).
   - Commercial furniture and equipment: office, store or institutional of the following types:
     - Baskets and carts.
     - Cabinets.
     - Chairs and public seating equipment designed to be permanently attached to floor.
     - Counters, partitions and shelving.
     - Desks.
     - Files.
     - Lockers.
     - Show and display cases (except refrigerated).
     - Tables.
   - Dictating machines.
   - Dispensers: store, office, and restaurant (soap, towel, milk, cream, etc.).
   - Duplicating machines (includes Mimeograph and Multigraph).
   - Fare-registering machines and turnstiles.
   - Fountain pens and desk sets.
   - Measuring devices for yard goods, screens, linoleum, etc.
   - Name plates.
   - Office machines, fixtures, and equipment.
   - Pencils.
   - Restaurant fixtures and equipment.
   - Safes, vault doors, and cash boxes.
   - Scales and balances, store and office.
   - School and office supplies (including carbon paper but no other paper products).
   - Signs (except car, lithographed and printed).
   - Soda fountain and beer dispensing equipment.
   - Stenographic machines.
   - Store machines, fixtures and equipment including store displays and display fixtures.
   - Time clocks.
   - Tool cases, boxes and benches.
   - Typewriters.
   - Vending, amusement, and other coin-operated machines.
   - Water coolers, non-electric.
4. *Cabinets, metal, wood: portable* (radio, television, phonograph, sewing machine, utility and kitchen).
5. *Clocks and watches* (except time clocks and industrial timing devices).
   - Clock cases, containers and guards.
   - Clock type watches.
   - Crystals, watch.
   - Electric clocks.
   - Spring clocks, including alarm, decorative, etc.
   - Timers, clock.
   - Watchcases, containers and guards.
   - Watch and clock parts except jewels, springs and printed dials.
6. *Compasses* (except marine and aircraft).
7. *Ecclesiastical ware* including statuary and church goods (excluding vestments and shoes).
8. *Electric lamp bulbs and tubes:* arc, carbon, fluorescent, gaseous, incandescent, miniature (except auto), therapeutic.
9. *Floor coverings,* except soft surface floor coverings woven from cotton, wool, and rayon.
   - Asphalt tile.
   - Cotton rugs and carpets, tufted.
   - Felt base rugs and yard goods.

Linoleum.
Plastic.
Rug cushions and carpet linings.

10. *Funeral supplies and appurtenances* (except embalming fluids).

11. *Garden and agricultural hand tools and equipment*, such as but not limited to:
Corn and cane knives.
Forks.
Garden hose (except rubber) and attachments (couplings, clamps, and nozzles).
Grass hooks.
Hoes.
Huskers.
Lawnmowers, power and hand.
Lawn rollers.
Lawn sprinklers.
Machetes.
Pruning equipment.
Pushcarts (garden type).
Rakes, garden, hay, and lawn.
Shears, hedge, grass and pruning.
Shovels and spades.
Sickles
Sprayers and dusters of the simple pump type which are hand held and hand operated.

12. *Glassware*, such as but not limited to:
Artware, specialties, and novelties.
Heat resisting kitchen and table glassware.
Hotel, restaurant, bar, and institutional glassware.
Household glassware.
Lamp chimneys and lantern globes except those covered by CPR 30.
Lighting fixture glassware (blown and pressed only).

13. *Hardware items, miscellaneous.*
Batteries, dry cell.
Carbide lamps.
Curry combs.
Flashlights and other portable battery lights and hand lanterns.
Game traps.
Handles (except wood handles).
Hog scrapers.
Hog and bull rings.
Horseshoes and horseshoe nails.
Ladders.
Oilers, hand.
Pumps, tire, manually operated.
Rulers and tapes, non-mechanical.
Saddlery and parachute hardware, including buckles, loops, rings, etc.
Wheelbarrows.

14. *Housewares, miscellaneous*, such as but not limited to:
Asbestos mats.
Ash sifters.
Awnings, textile and metal.
Bath sprays.
Bathroom equipment.
Bathroom fixtures.
Baskets, clothes, picnic, fiber sidings, wood bottom.
Baskets, wastepaper.
Brushes.
Butcher saws.
Can sealers and canning equipment.
Candles (except handmade).
Candlesticks and candelabra.
Carpet sweepers.
Casseroles.
Churns, household.
Cleaning supplies (mops, brooms, etc.) except soaps, detergents, and chemicals.
Closet fixtures.
Clothesline reels.
Clothespins (except wooden).
Clothes wringers, hand operated.
Coasters.
Coffee makers and accessories.
Cooking utensils.
Cutlery.
Dish drainers.
Dishpans and wash basins.
Dust pans.
Drapery hardware.
Egg beaters.
Filters and sprayers, water faucet.
Fireplace equipment.
Fly swatters.
Food choppers and extractors.
Galvanized ware.
Garbage and ash cans.
Garment bags (except paper).
Garment hangers (except paper).
Hampers, bathroom.
Ironing boards.
Juice extractors.
Kitchen stools.
Kitchen tools and gadgets.
Medicine cabinets.
Pails and tubs.
Pantryware.
Pewterware.
Picnic supplies such as jugs and ice chests.
Plastic housewares.
Racks.
Radiator covers and brackets.
Ricers.
Scales: bath, baby.
Scissors and shears.
Scourers, pot.
Screens, decorative, household.
Shelves: window, canister, etc.
Sponges (except rubber and natural).
Steel wool.
Stretchers, curtain, glove, sweater, and trouser.
Telephone accessories.
Thermostats for use on gas and electric cooking ranges.
Tinware.
Tongs.
Trays.
Vacuum bottles and specialties.
Venetian blinds.
Washboards.
Window shades and wind shade rollers.
Window ventilators.
Wire goods.
Wood slat shades.
Woodenware and baskets (except shipping baskets).

15. *Housewares, small electrical*, such as but not limited to:
Bakers.
Blankets, electric.
Broilers.
Buffet servers.
Casseroles.
Chafing dishes.
Coffee makers.
Cookers.
Curling irons.
Deodorizers.
Door chimes.
Fans: portable, pedestal, ceiling, wall mounted and window fans sets, 24 inches dia. and under.
Freezers, ice cream.
Hair driers.
Heaters: space and immersion, portable.
Heating pads.
Hot plates, grills and table stoves (except those using gas as fuel).
Irons, flat.
Kettles.
Mixers and juice extractors.
Ovens, portable.
Percolators.
Pressers, trouser and tie.
Roasters.
Shavers, electric.
Sterilizers.
Toasters.
Vaporizers.
Vibrators.
Waffle irons.
Warmers, bottle and plate.
Washers, portable: apartment size.

16. *Industrial safety equipment*, excepting shoes and scientific instruments covered by CPR 30. This category includes items such as but not limited to:
Canisters, industrial gas mask.
Clothing designed for protection against specific industrial hazards: coats, pants, suits, aprons, sleeves, gloves, and like articles containing (1) metal or mineral insulation or reinforcement (such as asbestos); or (2) fabric or leather specially treated to resist extreme heat, extreme cold or chemical reagents.
Fire extinguishers, hand (except feldspar).
Fire hose, except rubber.
Gloves, sleeves, aprons and like articles made of natural synthetic and substitute rubber which are not covered by or under the jurisdiction of CPR 22, S. R. 8. Work clothes above and work gloves (whether of fabric or leather) without the features enumerated above are excluded.
Goggles, face shield, goggle cases, etc.
Handcuffs, billies, etc.
Helmets, safety hats, etc.
Industrial gas masks.
Protective shields, toe guards, etc.
Respirators.
Safety belts.
Safety lamps.
Tear gas guns and equipment.
Torches, roadside.
Welders' masks.

17. *Jewelry* (gold, platinum, silver, goldplate, goldfilled, silverplate, etc.).

18. *Jewelry, novelty*, such as but not limited to:
Badges.
Belt buckles.
Bracelets.
Collar pins and buttons.
Costume jewelry.
Cuff links.
Earrings.
Fraternal and school jewelry.
Jewelry findings.
Key chains.
Lockets.
Medals.
Necklaces.
Rings.
Tie clasps and chains.
Watch bands, metal.

19. *Kitchen equipment, commercial:* Commercial and institutional kitchen equipment irrespective of the type of fuel used for use in hotels, restaurants, schools, hospitals, industrial and public cafeterias and similar establishments, such as but not limited to:
Bain-maries.
Baker stoves.
Broilers, including salamanders and combination types.
Canopies.
Choppers.
Coffee grinders, coffee urns, and coffee making systems.
Deep fat fryers.
Dishwashers.
Egg boilers.
Glass washers.
Griddles.
Hot plates.
Mixers, mashers, strainers, juice extractors.
Ovens.
Plate warmers.
Potato peelers.
Pot racks.
Pot sinks and vegetable sinks.
Ranges.
Silver burnishers.
Slicing machines.
Steam jacketed kettles.
Steam tables.
Stock kettles, electric.
Toasters.
Vegetable steamers.
Wire baskets.

20. *Luggage*, such as but not limited to:
Brief cases.
Instrument cases.
Sample cases.
Suitcases.
Trunks.

21. *Marine articles* as follows:
All boats and canoes under 25' except those with inboard motors.
Oars and paddles.
Outboard motors, portable.

22. *Meteorological instruments* (for household, office, and advertising use only).
Barometers.
Hygrometers.
Thermometers.

23. *Mirrors and mirror frames.*

24. *Musical instruments, parts and accessories* except piano sounding boards and plates.

25. *Notions and personal accessories* (except cosmetics), such as but not limited to:
Barrettes.
Beads.
Bookends.
Braids, metallic.
Brushes, shoe.
Brushes, toilet.
Buckles.
Button hooks.
Buttons.
Christmas home decorations (except those made of natural vegetable products).
Clasps.
Combs.
Curlers, hair (except wood).
Fasteners, slide and snap.
Files, nail.
Hair goods, including braids, etc. (except hair rolls).
Hair nets.
Hooks and eyes.
Knitting needles and sets.
Manicure sets.
Measuring tapes.
Military buttons.
Military insignia, except fabric.
Music boxes, novelty.
Needles; hand, knitting and crochet.
Pins; safety, straight, hat, bobby, hair.
Razors and razor blades.
Sewing boxes.
Sewing kits.
Sharpeners: scissors, razor blade, etc.
Shoe trees, except wooden.
Specialty display boxes (other than paper) in which individual items of consumer durable goods (such as fountain pens, watches, razors, jewelry, etc.) are customarily packaged and sold.
Thimbles.
Tie racks.
Toilet sets.
Trays, household and decorative.
Vanity cases.

26. *Optical and ophthalmic goods*, such as but not limited to:
Artificial eyes.
Binoculars.
Cases, frames and mounting for eyeglasses, spectacles, sunglasses and goggles.
Contact lenses.
Eyeglasses and spectacle frames and mountings.
Eyeglasses and spectacles.
Field glasses.
Goggles and goggle lenses (except those classified as industrial safety equipment).
Lenses, finished and semi-finished for optical, ophthalmic and scientific use.
Lenses for eyeglasses and spectacles, white and colored.
Loupes.
Magnifying glasses.
Opera glasses.
Ophthalmic chairs, stools, tables, etc.
Ophthalmic diagnostic units.
Optical measuring instruments.
Prisms.
Readers.
Retracting units.
Scientific optical instruments including microscopes and accessories.
Scientific refracting instruments for oculists and optometrists.
Shooting glasses.
Sunglasses and goggles.
Telescopes.

27. *Photographing and photocopying equipment and allied supplies*, such as but not limited to:
Cameras and photographic films, equipment, accessories and materials.
Photocopying (including photostating and micro-filming) machines, apparatus and supplies.
Photoflash bulbs and photoflood lamps.
Photographic equipment carrying cases.
Motion picture cameras, projectors and apparatus, including sound equipment and parts for recording, reproducing, and projecting (for studio, theatre, commercial, and industrial use).

28. *Pictures and picture mounts and frames.*

29. *Plated ware*, miscellaneous.
Chrome plate.
Nickel plate.
Plastic handle flatware.
Stainless steel flatware and chrome plated flatware.
Trophies.

30. *Portable lamps and shades* other than industrial lighting fixtures.

31. *Pottery and chinaware*, such as but not limited to:
Art pottery.
Casseroles.
Dinnerware.
Dishes.
Flower pots.
Garden pottery and stoneware.
Miscellaneous tableware.
Ovenware.
Stoneware.

32. *Professional goods and health supplies equipment and subassemblies* thereof, not including drugs, chemicals and medicines except when packed in and sold as a part of first aid kits; and not including rubber drug sundries covered by CPR 22, S. R. 8. This includes items such as but not limited to:
Anesthesia, oxygen, and respiratory equipment.
Beauty parlor and barber shop furniture, fixtures and equipment.
Chiropody instruments, equipment, and supplies.
Clinical thermometers.
Corrective equipment, including knitted elastic corrective garments, trusses, stump socks, prosthetic devices, foot appliances, supplies and orthopedic braces, abdominal belts, etc.
Crutches.
Dental instruments, equipment, and supplies.
Electro-medical equipment and supplies.
Exercise machines and devices, etc.
First aid kits.
Fracture equipment and supplies.
Hospital and physician examining room and diagnostic equipment and supplies.
Laboratory fixtures and equipment (except those covered by CPR 30).
Parts and sub-assemblies designed especially for the foregoing items, except those covered by CPR 30.
Surgical dressings and surgical dressing materials.
Surgical instruments, equipment, and supplies.
Sutures and suture needles.
Veterinarian instruments, equipment, and supplies.

33. *Radio, television, phonographic, and other electronic equipment and accessories*, such as but not limited to:
Antennas: household radio and television, automobile radio.
Automobile radios.
Batteries, radio and hearing aid.
Hearing aids and accessories.
Phonograph records and record blanks.
Phonographs, including coin-operated.
Radio and television sets, including amateur and marine.
Radio, television and phonograph combinations.
Record changers.
Signaling systems and parts, electronic (not covered by CPR 30).
Sound recording and reproducing equipment for home use.
Tubes, radio and television.

34. *Silverware* such as but not limited to:
Silver chests.
Silverplated flatware.
Silverplated hollow ware.
Sterling silver flatware.
Sterling silver hollow ware.

35. *Smokers' articles and accessories* (except tobacco, cigars, and cigarettes), such as but not limited to:
Ash trays.
Cigarette cases.
Cigarette and cigar holders.
Cigarette, cigar and pipe lighters.
Humidors.
Lighters, cigarette, cigar, and pipe.
Pipe cleaners.
Pipes.

36. *Sporting goods* (except apparel and shoes).

37. *Toys, dolls, and games.*

38. *Umbrellas, parasols, canes, and cane trimmings.*

39. *Wall coverings: felt-base, plastic, linoleum, asphalt tile.*

40. *Wheel goods* such as but not limited to:
Baby carriages, strollers, and walkers.
Beach carts.
Bicycle accessories and parts except tires and tubes.
Bicycles.
Go carts.
Motor bicycles, motor scooters and power cycles.
Scooters.
Tricycles.
Wheel chairs.
Wheeled play cars.

[F. R. Doc. 52-8281; Filed, July 24, 1952; 3:44 p. m.]

[General Overriding Regulation 5, Amdt. 5]

GOR 5—EXEMPTIONS OF CERTAIN CONSUMER DURABLE GOODS

ADDITIONAL EXEMPTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment to General Overriding Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 5 extends the coverage of that regulation so as to exempt the additional commodities listed in this amendment from any ceiling price regulation issued by the Office of Price Stabilization.

The commodities exempted by the amendment are of minor significance to the economy and have but a trifling effect on the cost of living, the cost of the defense effort and general current industrial costs. These commodities are not so related to any commodities which are important to the cost of living, the cost

of the defense effort or to general current industrial costs, as to have any effect on the controls of commodities remaining under ceiling price restrictions. Furthermore, any ceiling price restrictions imposed on these commodities would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control. Considering the types of commodities exempted, the amendment will not have any material effect on the general level of prices.

In view of the nature of this amendment, the Director has not found it necessary or practicable to consult formally with industry representatives. The actions taken, however, follow in general the recommendations of individual industry and trade association representatives.

AMENDATORY PROVISIONS

General Overriding Regulation 5 is hereby amended as follows:

1. The following paragraph is added at the end of section 6:

Non-metallic buttons for apparel.

2. The following paragraph is added at the end of section 8:

Hand-made candles.

3. The following paragraph is added at the end of section 10:

Cork stoppers.

4. The following paragraphs are added at the end of section 14:

Finished film strips and finished projection slides.

Figure balloons for advertising, display, publicity and similar purposes.

Non-electronic devices sold for the aid of hearing.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8311; Filed, July 25, 1952; 11:50 a. m.]

[General Overriding Regulation 17, Revision 1]

GOR 17—SALES BY CONCESSIONERS OF THE NATIONAL PARK SERVICE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation 17, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Overriding Regulation 17, Revision 1, suspends from ceiling price regulation all sales by concessioners of the National Park Service of commodities and services for which prices or markups are specified in a contract with, or rate schedule approved by, the National Park Service.

Under existing law, the National Park Service of the Department of the Interior is responsible for the administration of the national parks, monuments, and other areas, and for the conservation and enjoyment thereof. In carrying out its responsibilities, the National Park Service enters into contracts with concessioners for the purpose of providing necessary accommodations, commodities, facilities, and services for visitors to such areas. These contracts provide that all rates and prices charged to the visiting public by the concessioners shall be subject to regulation and control by the National Park Service.

During the many years that the National Park Service has exercised control over such concession operations, it has developed a system of review prior to approval and of policing after approval which utilizes the superintendent of the area concerned and his staff, technical concession management personnel in the regional offices of the National Park Service, and personnel of the Concessions Management Division in the National office. This control is designed to provide reasonable rates to the visiting public, taking into consideration the many factors involved in furnishing commodities and services in the areas, such as the seasonal nature of the operations, accessibility, availability and cost of labor and materials, prices charged for comparable items and services outside such areas, and the necessity of permitting the concessioners to earn a fair profit on their operations as a whole.

As originally issued under date of August 22, 1951, General Overriding Regulation 17 established ceiling prices for sales by concessioners of the National Park Service by approving contracts and rate schedules which were submitted to and approved by the National Park Service for the calendar year 1951. It also made provision for the adjustment of such ceiling prices by requiring the National Park Service to file a copy of any proposed increase with the Office of Price Stabilization, which proposed price would then become the adjusted ceiling price if not objected to by the Office of Price Stabilization within 30 days.

Under the regulation, as revised, sales by concessioners of the National Park Service are suspended from ceiling price regulation if the price or markup of the commodity or service being sold is currently being controlled by the National Park Service and as such is specified in a contract with or rate schedule approved by the National Park Service. Thus, it will no longer be necessary for the National Park Service or the concessioners to obtain OPS approval of a proposed increase in the price or markup of any such commodity or service or to wait any period of time before putting the proposed increase into effect. However, the requirement that the National Park Service submit a copy of the proposed increase to the Office of Price Stabilization, together with justification for such increase, is being continued in order to maintain a general review of all such actions.

In the statement of considerations which accompanied GOR 17 as originally issued, it was stated that the Office of Price Stabilization has compared many of the prices being charged by concessioners of the National Park Service and has found them to be generally in line with those prevailing for comparable items in areas outside the jurisdiction of the National Park Service. It was also stated that the regulation was deemed necessary to eliminate the filing of numerous applications with the District and National offices of the Office of Price Stabilization and to permit the National Park Service to give force and effect to its contracts, of which rate control over concession operations is an integral part. Almost a year's experience in handling the applications for price adjustment which have been filed with the Office of Price Stabilization under this regulation, supports these statements. Within that period of time, the National Park Service has developed general criteria for the processing of applications for price increases by its concessioners, which criteria were submitted to the Office of Price Stabilization under date of June 3, 1952. In its letter, the National Park Service advised the OPS that it would faithfully observe such criteria as the basis of rate approval and would welcome any periodic checks OPS would care to make to insure that the stabilization objectives are being accomplished. These criteria have been carefully reviewed by the Office of Price Stabilization and it is believed that adherence to them by the National Park Service will substantially achieve such objectives with respect to the National Park concessioners. As a further guarantee, the revised regulation provides for the filing with OPS of a copy of the proposed price together with justification for such price under the general criteria submitted to the Office of Price Stabilization.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable and are consistent with the purpose of Title IV of the Defense Production Act of 1950, as amended.

In the formulation of this revised regulation, and in view of its nature, the Director has found that consultation with industry representatives is not necessary or practicable. However, prior to its issuance, the Director consulted with the National Park Service and has given consideration to its recommendation.

REGULATORY PROVISIONS

Sec.
1. Suspension of certain sales by concessioners of the National Park Service.
2. Reports.
3. Records.

AUTHORITY: Sections 1 to 3 issued under Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SEC. 1. *Suspension of certain sales by concessioners of the National Park Service.* No ceiling price regulation heretofore or hereafter issued by the Office of Price Stabilization shall apply to the sale by a concessioner of the National Park Service of any commodity or service for which a price or markup is specified in any contract with or rate schedule approved by the National Park Service.

SEC. 2. *Reports.* Any such price or markup hereafter approved by the National Park Service, shall, within 15 days after such approval, be filed by the National Park Service with the Coordinator for Government Purchases and Sales, Office of Price Stabilization, Washington 25, D. C., together with justification for such price under the general criteria submitted to the Office of Price Stabilization by the National Park Service on June 3, 1952.

SEC. 3. *Records.* A seller of commodities and services, the sale of which is suspended from ceiling price regulation by this General Overriding Regulation 17, Revision 1, shall not be required to comply with the reporting or record keeping provisions of any other price regulation but must preserve and keep available for examination by the Director of Price Stabilization, for the length of the Defense Production Act and two years thereafter, records in his possession showing the prices charged by him for the commodities and services which he delivered or offered to deliver during the base period December 19, 1950 to January 25, 1951.

Effective Date. This General Overriding Regulation 17, Revision 1, is effective July 25, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8312; Filed, July 25, 1952; 11:50 a. m.]

[General Overriding Regulation 27, Amdt. 1]

GOR 27—APPROVAL OF PRICES IN LONG TERM CONTRACTS FOR SALES OF CERTAIN CHEMICALS SELLERS OF RARE EARTH FLUORIDE AND RARE EARTH OXIDE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to General Overriding Regulation 27 is hereby issued.

STATEMENT OF CONSIDERATIONS

On April 2, 1952, General Overriding Regulation 27 (GOR 27) was issued to permit a seller of certain chemicals under a long term contract made prior to price control to apply for permission to put into effect the pricing provisions of the contract in lieu of his present ceiling prices. It was pointed out in the Statement of Considerations made in connection with the issuance of that regulation that it applies only to certain limited situations where sellers entered into long term contracts in good faith prior to price control and then found themselves unable, because of price control, to put into effect certain pricing provisions of the contract. The terms of the regulation are limited also to certain specified commodities.

The Director of Price Stabilization has found a similar situation affecting a manufacturer of rare earth fluoride and rare earth oxide. This amendment therefore extends the scope of GOR 27 to sellers of these commodities. The Statement of Considerations in GOR 27 applies equally to the commodities covered by this amendment and therefore is incorporated herein.

In the formulation of this regulation, special circumstances have rendered consultation with industry representatives, including trade association representatives, impractical.

AMENDATORY PROVISION

Section 2 of General Overriding Regulation 27 is amended by substituting a comma for the period at the end of section 2, and adding the following:

(e) rare earth fluoride, (f) rare earth oxide.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8313; Filed, July 25, 1952; 11:51 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-41, as Amended July 25, 1952]

M-41—METALWORKING MACHINES—DELIVERY

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

This amended order revises NPA Order M-41, as amended April 18, 1952, by making certain changes, among which are the following:

1. Paragraphs (i) and (j) of section 2 are eliminated, and paragraph (k) is relettered paragraph (i).
2. Section 3 is completely revised.
3. Minor changes are made in sections 4 (b), 7 (c), 10, and 13.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Limitations on deliveries and acceptance of orders.
4. Allocation of deliveries to service and other purchasers.
5. Distribution of production among service groups.
6. Treatment of fractions.
7. Operation of Numerical Preference List.
8. Additional information to be furnished with rated purchase orders.
9. Changes and amendments.
10. Frozen period.
11. Effect of this order on NPA Reg. 2.
12. Replacement parts.
13. Pool orders.
14. Request for adjustment or exception.
15. Records and reports.
16. Communications.
17. Violations.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* (a) This order regulates the delivery of metalworking machines. It requires all producers to schedule their deliveries in accordance with the provisions of this order.

(b) Persons seeking ratings for metalworking machines are referred to NPA Order M-41A, which sets forth certain eligibility standards for ratings.

SEC. 2. *Definitions.* As used in this order:

(a) "Metalworking machine" means any new, nonportable, power-driven item of plant equipment which is listed on Exhibit A, appearing at the end of this order, and has a producer's list price for the basic machine itself of $1,000 or more. The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive, or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all fixtures, equipment, and tooling covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(b) "Producer" means any person engaged in the manufacture and production of metalworking machines.

(c) "Service group" means a subdivision of the Department of Defense. For the purposes of this order, there are deemed to be seven such subdivisions, consisting of the following: Ordnance, Army less Ordnance, Bureau of Ordnance (Navy), Bureau of Ships (Navy), Miscellaneous Bureaus and Offices (Navy), Bureau of Aeronautics (Navy), and Air Force.

(d) "Service purchasers" means those persons whose purchase orders for metalworking machines call for delivery to a service group, or to one of such group's prime contractors, or to a subcontractor of such a prime contractor. However, no such purchaser shall be considered a service purchaser unless his order is accompanied by a DO rating in accordance with existing regulations.

(e) "Other purchasers" means all purchasers other than service purchasers, whether or not a DO rating has been assigned to their purchase orders.

(f) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effec-

tive date of this order, unless he is hereinafter authorized to use a different classification. Producers may apply for such permission by letter to the National Production Authority (hereinafter called "NPA").

(g) "Firm order" means an order which is accompanied by specification or other description of a metalworking machine in sufficient detail to enable a producer to place such machine in his production schedule.

(h) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(i) "GSA" means the United States Government agency known as the General Services Administration, created under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377); or such other Federal agency to which the Defense Materials Procurement Agency may hereafter redelegate the functions specified or described in section 13 of this order under E. O. 10281 (16 F. R. 8789), and the Defense Production Act of 1950, as amended (64 Stat. 798, as amended; 50 U. S. C. App. Sup. 2061–2166); or the Defense Materials Procurement Agency if said agency does not redelegate such functions. .

SEC. 3 *Limitations on deliveries and acceptance of orders.* (a) The provisions of this paragraph (a) apply only to metalworking machines of the classifications not listed in Exhibit D of this order. A producer may schedule for production and deliver any metalworking machine against a purchase order that is not rated when such action will not postpone the required delivery of any metalworking machine against a purchase order that is rated. Notwithstanding the fact that a producer may have properly scheduled the production and delivery of a metalworking machine against a purchase order that is not rated, he shall not continue work on such unrated order when such action will postpone the required delivery of any metalworking machine against a purchase order that is rated. If a producer receives a rated order for a metalworking machine with specifications which match a machine in production to fill an unrated order, he shall divert such machine to fill the rated order instead of the unrated order. The provisions of section 10 of this order do not apply to purchase orders that are not rated.

(b) No producer shall accept a purchase order that is not rated for any metalworking machine of the classifications listed in Exhibit D of this order unless specifically authorized by NPA pursuant to a request filed in accordance with section 14 of this order. No producer shall deliver against a purchase order that is not rated any metalworking machine of the classifications listed in Exhibit D of this order unless specifically authorized by NPA pursuant to a request filed in accordance with section 14 of this order.

SEC. 4. *Allocation of deliveries to service and other purchasers.* (a) Starting April 1, 1951, and on the first of each succeeding month, each producer shall schedule his deliveries of each size of metalworking machines in accordance with the provisions of this section for the fourth ensuing month (hereinafter in section 10 of this order being referred to for convenience as the "delivery month"—for example, deliveries for the month of July would be scheduled on April 1st, and July would be the "delivery month").

(b) If a producer can, under the provisions of section 3 of this order, schedule a metalworking machine for delivery against a purchase order that is not rated, he shall arrange his schedule so as to fill all rated orders requiring deliveries in the month being scheduled in preference to any unrated order.

(c) If a producer can fill from his production all rated orders requiring delivery in the month being scheduled, then he shall arrange his schedule so as to fill all such rated orders.

(d) If a producer cannot fill from his production all rated orders requiring delivery in the month being scheduled, then he shall arrange his schedule of deliveries as follows:

(1) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of less than 70 percent of his production of any size in that month, he shall arrange his schedule so as to fill all rated orders for that size requiring delivery to service purchasers in that month, and schedule the balance so as to fill rated orders from other purchasers.

(2) To the extent that a producer has rated orders on hand from service purchasers requiring delivery in the month being scheduled of more than 70 percent of his production of any size in that month, he shall arrange his schedule so as to fill rated orders for that size to service purchasers equivalent to 70 percent of his production of that size, and shall schedule so much of the balance as may be necessary to fill rated orders on hand from other purchasers requiring delivery in the month being scheduled and thereafter, if any balance still remains, he shall schedule additional rated orders from service purchasers.

SEC. 5. *Distribution of production among service groups.* In connection with scheduling deliveries for each month pursuant to section 4 of this order, each producer shall schedule deliveries among the several service groups as follows:

(a) Subject to the provisions of this paragraph, each producer shall determine the number of orders on his books for each size of metalworking machine for each of the seven service groups as of 90 days prior to the first day of the month being scheduled, or, at the producer's option, the nearest date within 10 days thereof on which he may have compiled his records of orders. Only those orders which by their terms require delivery in the month being scheduled or in a month previous thereto shall be counted. The number of orders so determined for each such size and service group shall be termed the "net backlog" of each service group for that size of metalworking machine.

(b) Each producer shall then determine the "total net backlog" of all service groups by adding together the orders for each particular size of metalworking machine as determined for each service group in accordance with the provisions of paragraph (a) of this section.

(c) Each producer shall then determine, in accordance with the provisions of section 4, the total number of metalworking machines of a particular size being scheduled for all service groups for that month and such total shall be termed the "total service group quota." The quota of each size of metalworking machine for any particular service group shall be that proportion of the total service group quota which the net backlog of such particular service group bears to the total net backlog. Each producer shall then schedule deliveries for the month being scheduled so that each service group shall be scheduled for its service quota for that month, determined as provided in this section. An example of the calculation required by this paragraph appears at the end of this order as Exhibit C.

(d) During each month each producer shall deliver for each service group the number of metalworking machines of each size equal to its quota of that size for that month. However, no producer shall schedule delivery of any metalworking machine for any service group earlier than the date on which the purchaser requires delivery unless all required delivery dates on other orders for the same size of metalworking machine are being met.

SEC. 6. *Treatment of fractions.* Where the number of metalworking machines which results from any computation required by this order contains a fraction of more than one-half, the fraction shall be counted as a whole metalworking machine. A fraction under one-half shall be disregarded, except that where the computation results in a fraction only (less than one whole metalworking machine) for any one month and such fraction is less than one-half, it shall be counted in computing the next month's service quota. Where each of the computations of two or more different service quotas for the same month shows a fraction of one-half, and there is only one remaining metalworking machine to which such fraction can apply, such metalworking machine shall be allotted to the service group having the largest service quota, and the other fractions of one-half shall be disregarded for that month, but shall be counted in computing the other service quota or quotas for the next month.

SEC. 7. *Operation of Numerical Preference List.* A Numerical Preference List will be supplied to producers. This list will be designated "Restricted." In connection with scheduling deliveries for each month pursuant to sections 4 and 5 of this order, this list shall determine the sequence of scheduling of purchase orders for delivery as between service purchasers within each service group as follows:

(a) In scheduling purchase orders for delivery, service purchasers who are on the list shall take precedence over service purchasers who are not on the list.

(b) As between purchase orders having conflicting required delivery dates, delivery of which is to be made to service purchasers on the list within the particular service group, the purchase order of the service purchaser with the higher urgency standing shall be scheduled for delivery ahead of the service purchaser with the lower urgency standing. The highest urgency standing is No. 1.

(c) Delivery to a sub-contractor, not specifically named on the list, shall take the urgency standing of his prime contractor. However, no sub-contractor may use the urgency standing of his prime contractor unless such use is approved by the prime contractor and endorsed by the service department, supply arm, or bureau concerned.

(d) If the urgency standing certified by the purchaser differs from the urgency standing shown for the particular defense contractor for the particular defense contract in question on the Numerical Preference List, the latter shall govern.

(e) Regardless of the urgency standing certified with the purchase order, no delivery of metalworking machines shall be made prior to the required delivery dates, unless all required delivery dates on other orders for the same size of metalworking machines are being met.

(f) Changes may be made in the Numerical Preference List from time to time by NPA. Where an urgency standing is assigned, the new urgency standing will consist of a number including a decimal. Such an urgency standing will take a position in the sequence of deliveries as indicated by the following example: Urgency standing 92.1 will be delivered after 92 and before 93.

(g) The sequence of conflicting deliveries to service purchasers who are not listed on the Numerical Preference List within each service group shall be determined in accordance with the provisions of NPA Reg. 2.

SEC. 8. *Additional information to be furnished with rated purchase orders.* In applying or extending a rating to an order for a metalworking machine, any service purchaser must indicate the service group which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used, the required delivery date thereof, and the urgency standing assigned to the delivery of the metalworking machine, if any, with the number of the specific contract on which the metalworking machine will be used. Any other purchaser must indicate the claimant agency, if any, which placed or sponsored the prime contract or subcontract for which the metalworking machine being purchased is to be used and the required delivery date thereof. All purchasers must indicate specifications or other descriptions of the metalworking machine being ordered in sufficient detail to enable the producer to place the same on his production schedule.

SEC. 9. *Changes and amendments.* Notwithstanding any other provision of this order, NPA may amend this order and any of its exhibits, may direct or change any schedule of production or delivery of metalworking machines, allocate any order for metalworking machines from one producer to another producer, and divert or otherwise direct the delivery of any metalworking machine from one person to another person.

SEC. 10. *Frozen period.* No rated order, which may be received by a producer within the 3-month period immediately preceding any delivery month as defined in section 4 of this order, shall operate to postpone, advance, or in any way affect or change the delivery of any metalworking machine which has been scheduled for delivery during such delivery month pursuant to another rated order.

SEC. 11. *Effect of this order on NPA Reg. 2.* To the extent that this order is in conflict with NPA Reg. 2, the provisions of this order shall control. In all other respects, NPA Reg. 2 shall continue in full force and effect.

SEC. 12. *Replacement parts.* CMP Regulation No. 5 as now effective or as hereafter amended, or any other NPA order or regulation concerning maintenance, repair, and replacement items, shall control with respect to the delivery by a producer of repair and replacement parts, irrespective of any provisions contained in this order.

SEC. 13. *Pool orders.* NPA will from time to time furnish GSA with recommendations for ordering metalworking machines. Under a working arrangement between GSA and NPA, GSA will place firm orders (herein sometimes called "pool orders") with producers of metalworking machines in accordance with such recommendations. The pool orders so placed by GSA will contain, among other provisions, a provision requiring any producer, on or after the date therein specified, to eliminate items from any such order to the extent that equivalent items manufactured by such producer are invoiced or shipped (whichever is earlier) by such producer to others pursuant to purchase orders from others or to orders and directions of NPA. Notwithstanding the provisions of section 3 (b) of this order, a producer may accept a pool order from GSA and if he has entered into a pool order with GSA, may, as to metalworking machines of the classifications listed in Exhibit D, which such producer is unable to ship on rated orders, store such metalworking machines and invoice them to GSA, in accordance with the provisions of such pool order.

SEC. 14. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 15. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 16. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M–41.

SEC. 17. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect on July 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

EXHIBIT A OF NPA ORDER M-41

All types of the following classifications are included herewith for regulation under this order based on past procurement experience. Additions shall be made as new and changed requirements are developed:

Ammunition machinery.
Balancing machines.
Beading machines.
Boring machines.
Brakes.
Broaching machines.
Buffing machines.
Centering machines.
Chamfering machines.
Cut-off machines.
Die-sinking machines.
Drilling machines.
Duplicating machines.
Extruding machines.
Filing machines.
Forging machines.
Forging rolls.
Gear-cutting machines.
Gear-finishing machines.
Grinding machines.
Hammers.
Headers.
Key-seating machines.
Lapping machines.
Lathes.
Levelers.
Marking machines.
Measuring and testing machines.
Milling machines.
Nibbling machines.
Oil-grooving machines.
Pipe flanging-expanding machines.
Planers.
Polishing and buffing machines.
Presses.
Profiling machines.
Punching machines.
Reaming machines.
Rifle and gun working machines.
Riveting machines.
Rolling machines.
Sawing machines.
Screw and bar machines.
Shapers.
Swagers.
Tapping machines.
Threading machines.
Shearing machines.
Slotters.
Upsetters.

EXHIBIT B OF NPA ORDER M-41

(Discontinued)

EXHIBIT C OF NPA ORDER M-41

ILLUSTRATION OF PARAGRAPH (c) OF SECTION 5 OF M-41 FOR AUGUST 1952

Producer's total scheduled production of a particular size for August	40
"Total service group quota" determined pursuant to section 4 (70 percent of total if that many service group orders)	28
"Total net backlog" of all service groups	50

Item	Ordnance	Army, less Ordnance	Bureau of Ordnance	Bureau of Ships	Miscellaneous bureaus and offices	Bureau of Aeronautics	Air Force	Total
Net backlog by service group (orders on hand May 1 requiring delivery in August or prior to August)	10	2	20	0	3	3	12	50
Proportion of "net backlog" of each service group to "total net backlog"	10:50	2:50	20:50	0	3:50	3:50	12:50	------
Multiplied by "total service group quota"	28	28	28	------	28	28	28	------
Equals quota for each service group	6	1	11	0	2	2	6	28

EXHIBIT D TO NPA ORDER M-41

I. Boring machines:
(a) Vertical boring and turning machines, 54 inches and larger.
(b) Vertical boring and turning machines, all automatic cycle.
(c) Horizontal boring, drilling, and milling machines—table, floor, and planer type—4-inch spindle and larger.
(d) Jig-boring machines.
II. Die-sinking machines:
(a) Manual type.
(b) Automatic type.
III. Drilling machines:
(a) Radial drilling machines.
IV. Gear-cutting machines:
(a) Gear-hobbing machines—6-inch pitch diameter by 10-inch face and smaller.
V. Grinding machines:
(a) Long bed surface grinders—60 inches travel and larger.
(b) Table-type rotary surface grinders—30 inches capacity and larger.
(c) Jig-grinding machines.
(d) Face-coupling grinders.
VI. Lathes:
(a) Duplicating and tracer type.
(b) Turret lathes, saddle type, 3½ inches bar capacity and larger.
VII. Milling machines:
(a) No. 4 and larger—knee and column type and bed type.
(b) Planer or rail type mill.
(c) Duplicating or copying type.
(d) Skin-milling machines.
(e) Spar-milling machines.
(f) Jig-milling machines.
VIII. Planers:
(a) 60 inches by 60 inches double housing and larger.
(b) 48 inches open side and larger.
IX. Shapers:
(a) Draw-cut shapers.

[F. R. Doc. 52-8305; Filed, July 25, 1952; 11:14 a. m.]

Chapter XVII—Housing and Home Finance Agency

[Appendix to CR 3, Amdt. 1]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

Statement. On July 18, 1952, there was published in the FEDERAL REGISTER (17 F. R. 6585), Housing and Home Finance Agency Regulation CR 3 with an appendix (17 F. R. 6590) which listed and described critical defense housing areas designated under CR 3, and the dates such areas were so designated. This list contained 186 critical defense housing areas.

Under the provisions of said regulation CR 3 (see sec. 3 thereof) additional critical defense housing areas will be designated by this Agency from time to time, for the purposes of this regulation where such areas have been determined by proper authority to be critical defense housing areas within the meaning of the Defense Housing and Community Facilities and Services Act of 1951 or the Housing and Rent Act of 1947, as amended. As such additional critical defense housing areas are designated, the appendix to CR 3 published at 17 F. R. 6590, July 18, 1952, will be amended to include such additional areas. The amendments will be numbered consecutively for each succeeding publication. As circumstances warrant, there may be publication of a revised appendix to CR 3 to include all areas contained in such appendix from time to time. Amendment Number 1 to the appendix to CR 3 appears below.

The appendix to CR 3 is amended by adding to the list of designated critical defense housing areas published in the appendix to CR 3 on July 18, 1952 (17 F. R. 6590) the following additional critical defense housing areas:

Area, Including Geographical Description and Date Designated

187. Hibbing-Grand Rapids, Minnesota, Area. (That portion of the State of Minnesota bounded as follows: Beginning at the northeast corner of Great Scott Township and the eastern boundary of range 19 in St. Louis County, and thence directly west along the northern boundary line of township line 59 to the northwest corner of Marcell township in Itasca County; thence directly south along the western boundary line of range 27 to the southwest corner of township 52, range 27 in Aitkin County; thence east along the southern boundary line of township 52 to the southeast corner of Ness Township in St. Louis County; thence north along the eastern boundary line of range line 19 to the northeast corner of Great Scott Township in St. Louis County including Buhl Village, Chisholm City, Fraser City, Hibbing Village, Kinney Village, Meadowlands Village, Orr Village, Hill City, Grand Rapids Village, La Prairie Village, Calumet Village, Marble Village, Taconite Village, Keewatin Village, Nashwauk Village, Warba Village, Zemple Village, Cooley Village, Coleraine Village, Cohasset Village, Bovey Village and Big Fork Village except lands in State and National Forests, all in Aitkin, Itasca and St. Louis Counties, Minnesota), July 26, 1952.

188. Virginia, Minnesota, Area. (The Townships of Biwabik, Owens, T-62-R-17, T-62-R-16, Breitung, Angora, T-61-R-17, Vermillion Lake, Kugler, T-61-R-14, T-60-R-18, Sandy, Pike, Embarrass, Wassa, T-59-R-18 (PT), Wouri, T-59-R-16 (PT), White Mesaba, T-58½-R-17, Missabe Mountain, T-58-R-14, Clinton, Fayal, T-57-R-16, T-57-R-14, McDavitt, T-56-R-17, T-56-R-16, Colvin, T-56-R-14, T-55-R-18, Ellsburg, T-55-R-15, T-55-R-14, Kelsey, Cotton, T-54-R-15, T-54-R-14, Payne, Northland, T-53-R-16, T-53-R-15, Nichols, including Aurora Village, Biwabik City, Iron Junction Village, Eveleth City, Franklin Village, Gilbert City, McKinley Village, Leonidas Village, Virginia City, and Mountain Iron Village, except lands in State and National Forests; all in St. Louis County, Minnesota), July 26, 1952.

189. Las Vegas, Nevada, Area. (The Townships of Las Vegas, Henderson and Nelson, including the City of Las Vegas, the City of Henderson and Boulder City, all in Clark County, Nevada), July 26, 1952.

(Sec. 704, 64 Stat. 816, as amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154)

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-8252; Filed, July 25, 1952 8:59 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 8—POSTAGE STAMPS AND OTHER STAMPED PAPER AND SECURITIES

SPECIAL-REQUEST ENVELOPES

In § 8.13 *Special-request envelopes*, amend paragraph (b) (1) to read as follows:

(1) *Requirement.* Postmasters at delivery offices shall require the purchaser to pay the entire cost of the envelopes in advance and the envelopes will be delivered to the patron by parcel-post truck promptly upon arrival. At non-delivery offices the payment of the entire amount in advance is optional with the patron. However, the requirement of a minimum deposit sufficient to cover the cost exclusive of the postage value must be paid in advance by the purchaser.

(R. S. 161, 396, 3915; sec. 1, 18 Stat. 231, sec. 1, 27 Stat. 783, 34 Stat. 476, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 354)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-8175; Filed, July 25, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

APPLICATION FOR AUTHORITY TO OPERATE STATION IN RADIO AMATEUR CIVIL EMERGENCY SERVICE; CERTIFICATION OF CIVIL DEFENSE RADIO OFFICER

In the matter of adoption of FCC Forms 481-1-2-3 and 482,[1] and amendment of Part 1 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington 25, D.C., on the 10th day of July 1952;

The Commission having under consideration the adoption of FCC Forms 481-1-2-3, Application, Authorization, and Record Card, respectively, for Radio Amateur Civil Emergency Service; Form 482, Certification of Civil Defense Radio Officer; and appropriate amendments to Part 1 of the Commission's rules; and

It appearing, that the Forms and associated rule amendments herein proposed are in accordance with the recently adopted Subpart B of Part 12 of the Commission's rules and, as such, involve no substantive change requiring general notice of proposed rule making under section 4 (a) of the Administrative Procedure Act; and

[1] Filed as part of the original document.

It further appearing, that authority for adoption of the subject forms and rules amendments is contained in sections 4 (i), 303 (r), and 308 (b) of the Communications Act of 1934, as amended;

It is ordered, That FCC Form 481-1-2-3, Application, Authorization, and Record Card, respectively, for use by licensed amateurs requesting authority to operate in the Radio Amateur Civil Emergency Service, and FCC Form 482, Certification of Civil Defense Radio Officer, be adopted as set forth in the attachments hereto; and

It is further ordered, That Part 1 of the Commission's rules be amended in accordance with the amendments set forth below; and

It is further ordered, That this order shall become effective August 15, 1952.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 308, 48 Stat. 1082, 1085; 47 U. S. C. 303, 308)

Released: July 16, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Recapitulation page: The "Table showing forms in effect and where they are referred to in Part 1 of the rules and regulations" is amended as follows:

Insert in the appropriate place in the table the following new forms:

481 ---------- 1.318 (b)
482 ---------- 1.335

2. Under "Rules Relating to Filing of Applications and Descriptions of Application Forms":

a. Add new subparagraph to 1.318 (b) as follows:

§ 1.318 *Application for station license where no construction permit is required.*
• • •

(b) • • •

(13) FCC Form 481, "Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service."

b. Add the following new section:

§ 1.335 *FCC Form 482, "Certification of Civil Defense Radio Officer."* To be used by the local Civil Defense Official when certifying as to the loyalty, integrity, and the technical and administrative qualifications of the Radio Officer.

[F. R. Doc. 52-8215; Filed, July 25, 1952; 8:57 a. m.]

[Docket No. 10203]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of July 1952;

The Commission having under consideration a proposal to amend its Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notice of proposed rule-making (FCC 52-502) setting forth the above amendment was issued by the Commission on May 22, 1952, and was duly published in the FEDERAL REGISTER (17 F. R. 5044), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before July 1, 1952; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocation;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of pending applications requesting Class B assignments in Berlin, New Hampshire, and Jasper, Alabama;

It is ordered, That effective August 25, 1952, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows:

General area	Channels	
	Delete	Add
1. Berlin, N. H.	------	279
2. Jasper, Ala.	------	273
Birmingham, Ala.	273	------

Released: July 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8178; Filed, July 25, 1952; 8:46 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

The Commission has before it for consideration the following pleadings: Petition for reconsideration filed June 19, 1952 by Chesapeake Television Broadcasting, Inc.; petition for reconsideration or rehearing, filed June 20, 1952, by Lebanon Broadcasting Company; answer to petition for reconsideration filed June 27, 1952, by Lebanon Broadcasting Company;[1] and a response filed July 17, 1952, by Eastern Radio Corporation (WHUM), applicant for Channel 61 in Reading, Pennsylvania; Hawley Broadcasting Company, applicant for Channel 61 in Reading, Pennsylvania; WHP, Inc.,

[1] On July 8, 1952, Eastern Radio Corporation filed a memorandum in this matter. This memorandum was, however, withdrawn on July 17, 1952.

applicant for Channel 33 in Harrisburg, Pennsylvania; Baltimore Radio Show, Inc., applicant for Channel 30 in Baltimore, Maryland; and WITH-TV, Inc., which states that it intends to file an application for Channel 18 in Baltimore, Maryland; and a pleading entitled partial withdrawal of petition of reconsideration filed by Chesapeake Television Broadcasting, Inc., on July 17, 1952.

In the third notice of further proposed rule making (FCC 49-948) issued on March 22, 1951, in these proceedings the Commission proposed assignments, among others, of Channels 15 and 30 to Lebanon, Pennsylvania, and Baltimore, Maryland, respectively, and Channels 18 and 33 to Baltimore, Maryland, and Harrisburg, Pennsylvania, respectively. In the sixth report and order in these proceedings the Commission finalized the assignments of these channels. In the third notice of further proposed rule making the Commission proposed minimum transmitter separations of 75 miles for UHF channels separated in frequency by 15 channels as are Channels 15 and 30 and Channels 18 and 33 in order to avoid picture image interference and in the sixth report and order this distance was finalized for assignment separations and station separations on such channels.

Chesapeake Television Broadcasting, Inc., in its petition for reconsideration requested that the Commission reconsider its sixth report and order and enter an order modifying the table of assignments contained in § 3.606 of the rules to delete Channel 33 from Harrisburg, Pennsylvania, and substitute Channel 55 therefor, delete Channel 55 from Reading, Pennsylvania, and substitute Channel 33 therefor, and substitute Channel 60 for Channel 30 in Baltimore, Maryland, or add Channel 60 thereto. In support of its request, the petition stated that Baltimore and Harrisburg assigned Channels 18 and 33, respectively, are separated by a distance of only 68 miles and that Baltimore and Lebanon, assigned Channels 30 and 15, respectively, are separated by a distance of only 72 miles, whereas under § 3.610 (c) of the rules, separations of 75 miles are necessary to avoid picture image interference. In its pleading filed July 17, 1952, Chesapeake Television Broadcasting, Inc., withdrew its request that Channel 30 be deleted from Baltimore and 60 substituted in its place.

Lebanon Broadcasting Company in its petition for reconsideration or rehearing requests that the Commission reconsider its sixth report and order in the proceedings and modify § 3.611 (b) of its rules (reference points and distance computations) by adding the following subparagraph:

(5) Where the allocation tables provide a separation less than otherwise required by the rules, the difference between the resulting separation and the required separation may be divided by the applicants in each city so as to assure the required separation.

or reopen the record for further hearing with respect to the assignment of Channels 15 and 30 to Lebanon, Pennsylvania, and Baltimore, Maryland, respectively. In support of its request, petitioner points out that there is insufficient spacing between the assignment of Channels 15 and 30 at Lebanon and Baltimore to meet the standards adopted in the proceeding. In its answer to petition for reconsideration filed by Chesapeake Television Broadcasting, Inc., Lebanon Broadcasting Company requests that the Commission take no action leading to the removal of Channel 15 from Lebanon, or in any way further restricting the use of such channel, other than presently contemplated by the rules or as proposed in its petition for reconsideration or rehearing and, if action is taken to the contrary, that an opportunity be afforded to be heard.

The assignment of Channels 18 and 33 to Baltimore and Harrisburg, respectively, with a separation of 68 miles and the assignment of Channels 30 and 15 to Baltimore and Lebanon, respectively, with a separation of 72 miles do not meet the prescribed standards for an assignment separation of 75 miles for UHF channels 15 channels apart adopted in the sixth report in this proceeding. Such assignments, therefore, appear in the table of assignments by error and must be corrected. We have examined the proposals for making such corrections contained in the petition for reconsideration filed by Chesapeake Television Broadcasting, Inc., and believe that the proposal contained therein to correct the errors by substituting Channel 60 for Channel 30 in Baltimore,[1] and by substituting Channel 55 for Channel 33 in Harrisburg and Channel 33 for Channel 55 in Reading will achieve these objectives in the best possible manner. In view of the fact that these proposals were contained in the petition for reconsideration properly filed in this proceeding and in view of the further fact that interested parties have had a full opportunity to submit any comments or counterproposals with respect to such proposals as they may have wished, we believe that it would be unnecessary at this time to go through the notice procedures set forth in section 4 of the Administrative Procedure Act. We shall, therefore, adopt without further proceedings the following changes in the table of assignments adopted in the sixth report and order:

City	Channel No.	
	Delete	Add
Baltimore, Md.	30	60
Harrisburg, Pa.	33	55
Reading, Pa.	55	33

The assignment of channels in the manner requested would be in accordance with the standards adopted in this proceeding.

In view of our disposition of the matters presented we deem it unnecessary to give further consideration to the requests made by Lebanon in its pleadings as the matters raised therein are rendered moot by the assignment changes adopted herein.

Chesapeake Television Broadcasting, Inc., in its petition for reconsideration has also suggested the assignment of an additional channel to Batlimore. We believe, however, it is inappropriate in connection with petitions for reconsideration to consider requests for the assignment of additional channels to a community where such proposals have not heretofore been properly made in these proceedings.

Eastern Radio Corporation together with the other parties to the "Response" filed July 17, 1952 urged the Commission to make the assignment changes in Reading and Harrisburg effective immediately. They argue that good cause exists for making such changes effective immediately for the following reasons:

(a) The proposal does not add to or subtract from the number of channels in any community.

(b) Channel assignments are not changed in any community except Reading and Harrisburg. In these two communities, one UHF channel is substituted for another.

(c) By making the change effective immediately, the Commission can act expeditiously on applications on file from communities which are at the top of the processing line and thus make possible UHF television service at an early date to areas which have no television service. Such action will be of advantage not only to viewers in the area served by such stations but will also strengthen the cause of UHF television throughout the country.

(d) No person can be prejudiced by action of the Commission making the changes effective immediately. Persons desiring to file applications in the communities in question have been on notice since April 14, 1952—the date of the sixth report—concerning the number of channels available in the various communities. No change in this respect is made by the Chesapeake proposal. The substitution of one UHF channel for another in Reading and Harrisburg is of no significance to potential applicants since the Commission has held in its sixth report that "The record contains no basis for distinguishing between channels in the UHF band for the purpose of establishing a table of assignments."

[1] We are aware that Chesapeake Television Broadcasting, Inc., has filed a pleading entitled partial withdrawal of petition for reconsideration relating to the separation between Baltimore and Lebanon. This withdrawal was apparently based on the belief of petitioner that because applicants for Channels 15 and 30 in Lebanon and Baltimore have secured antenna sites which would be more than 75 miles from one another, that the defect in the table of assignments had been cured and grants could be made to both cities consistent with the standards prescribed in the sixth report. This is not the case. The sixth report makes it completely clear that in order for an assignment to appear in the table a minimum separation must be met on a city-to-city basis as well as on a transmitter-site basis. And the fact that proposed tranamitter sites were available which would be separated by more than the minimum distance from cities in which other assignments were being made was expressly rejected in the sixth report as a basis for making assignments in the table of assignments.

Section 4 (c) of the Administrative Procedure Act provides that rule changes shall be effective not earlier than 30 days after publication in the FEDERAL REGISTER "• • • except as otherwise provided by the agency upon good cause found • • •." We cannot find in the circumstances here presented such "good cause." If, as alleged by these parties, no person could be prejudiced by making the changes effective immediately, the request that the Commission do so might be meritorious. This is, however, not the case. It is not sufficient to say that all parties had notice in the sixth report of the total number of channels available to each community and this will remain the same. For they also had notice of the specific channel assigned, and this fact is of critical import to prospective applicants in determining upon transmitter sites. Sites which might work for one channel might not for another. This fact may have prevented some persons from filing for the particular channel; others planning to file on a channel now in the table and in process of completing their engineering work for the application might find the proposed channel shift makes all such plans impossible.

Just what these complications may be cannot be foretold in advance, especially since the changes affect prospective applicants as well as those who have already filed. The only way in which it can be insured that all persons are treated fairly by the change is to give an adequate period of time between the date upon which the Commission publicly takes action to change the table and the date on which the change becomes effective, to permit interested persons to adjust themselves accordingly. For these reasons, we do not believe that making channels available for use in the communities involved 30 days earlier than they would normally be available outweighs benefits to be derived from compliance with normal procedure.

In view of the foregoing, the above named petitions are hereby granted insofar as they request reconsideration of channel assignments and in all other respects are denied. *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

	Channel No.
Maryland:	
Baltimore	2+, 11−, 13+, 18, *24+, 60−
Pennsylvania:	
Harrisburg	27−, 55+, 71+
Reading	33+, 61−

Adopted: July 23, 1952.

Released: July 24, 1952.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8283; Filed, July 25, 1952; 8:59 a. m.]

No. 146——4

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

On June 23, 1952, Polan Industries filed a petition with the Commission requesting that the Commission reconsider its sixth report and order in the above entitled proceedings and assign an additional UHF channel, Channel 21, to Youngstown, Ohio, by substituting Channel 67 for Channel 21 at Warren, Ohio, or in the alternative that Channel 82 be assigned as an additional channel to Youngstown without making changes in the channel assignments to any other city. The petition also requested in the event the above not be granted that Channel 21 or Channel 82 be assigned to Youngstown in the manner described above in substitution for Channel 33 which is now assigned there. On July 15, 1952, Polan Industries withdrew this petition.

In the third notice of further proposed rule making (FCC 49-948), issued on March 22, 1951 in these proceedings, the Commission proposed the assignment of two channels, UHF Channels 27 and 33 to Youngstown, Ohio, and the assignment of UHF Channels 19, 21 and 47 to Cleveland, Ohio, Warren, Ohio, and Pittsburgh, Pennsylvania, respectively. In the sixth report and order the Commission finalized the assignment of these channels and assigned one additional UHF channel, Channel 73 to Youngstown.

The assignment of Channels 33 and 47 to Youngstown and Pittsburgh, respectively, is not in accordance with the Commission's mileage separation requirements adopted in these proceedings in that Youngstown and Pittsburgh are separated only 57 miles whereas § 3.610 of the Commission rules requires an assignment spacing of 60 miles between Channels 33 and 47 to avoid sound image interference. These assignments, therefore, appear in the table of assignments by error and must be corrected.

We are aware that Polan has filed a letter requesting the withdrawal of its petition for reconsideration. This withdrawal is apparently based on the belief that because petitioner has secured a transmitter site which would be more than 60 miles from Pittsburgh that the defect in the table of assignments referred to above has been cured and grants may be made in both Youngstown and Pittsburgh consistent with the standards prescribed in the sixth report. This is not the case. The sixth report makes it completely clear that an order for an assignment to appear in the Table a minimum separation must be met on a city-to-city basis as well as on a transmitter site basis. And the fact that proposed transmitter sites were available which would be separated by more than the minimum distance from cities in which other assignments were being made was expressly rejected in the sixth report as a basis for making assignments in the table of assignments.

We have examined the proposals for making the necessary corrections which were contained in the original petition for reconsideration filed by Polan and we believe that the alternative proposal contained therein which would eliminate the substandard separation by assigning Channel 21 to Youngstown in place of Channel 33 and by substituting Channel 67 for Channel 21 in Warren, Ohio, will best achieve these objectives in the best possible manner. These assignment changes are to be preferred to the assignment of Channel 82 in Youngstown in lieu of Channel 33 in view of the fact that the assignment changes we are making herein create a more efficient use of available channels in the Ohio area. This is so because in view of the assignments that have already been made in the UHF there is only a limited area in Ohio in which Channel 67 may be used. For example, Channel 67 cannot be used under our rules and standards in Youngstown. On the other hand, Channel 82 may be used throughout a much wider area in Ohio and in view of this fact we think it is clear that the Commission should maintain Channel 82 not assigned at this time so as to be in a position to take advantage of the greater flexibility in assignment which is permitted in connection with that channel.[1]

In view of the fact that the changes being adopted herein were contained in a petition for reconsideration properly filed in this proceeding and in view of the further fact that interested parties have had a full opportunity to submit any comments or counterproposals with respect to such proposals as they may and wished to make, we believe that it would be unnecessary at this time to go through the notice procedures set forth in section 4 of the Administrative Procedure Act. We shall, therefore, adopt without further proceedings the follow-

[1] On July 16, 1952 after the expiration of the 10 day period specified in § 1.730 of the Commission's rules for filing any opposition to a petition for reconsideration an opposition to this request was filed by the Warren Tribune Radio Station, Inc., an applicant for a television station on Channel 21 at Warren, Ohio. The basis for this opposition appears to be that making the changes adopted herein will require the Warren Tribune Radio Station, Inc., to amend its present application to specify Channel 67 in place of Channel 21. We have considered this opposition on its merits in spite of its late filing but in view of the fact that Channel 67 will work in Warren equally as well as Channel 21 and that the transmitter site specified in the Warren Tribune application will work equally as well on Channel 67 as on Channel 21, we believe that the opposition filed by Warren does not state any valid grounds of objection to the changes herein being made.

ing changes in the Table of Assignments adopted in the sixth report and order:

City	Channel No.	
	Delete	Add
Youngstown, Ohio	33	21
Warren, Ohio	21	67

The assignment of the channels in the manner prescribed will be in accordance with the standards adopted in this proceeding.

In view of the foregoing, *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended to read as follows:

Ohio:	*Channel No.*
Warren	67+
Youngstown	21—, 27, 73—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8284; Filed, July 25, 1952; 8:59 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and engineering standards concerning the television broadcast service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952;

It appearing, that the Commission on April 14, 1952, issued its Sixth Report and Order in the above entitled proceedings which, among other things, adopted and revised the Table of Assignments of television channels in § 3.606 of its rules and regulations and provided by footnote 1 of this section for offset carrier identifications then in the course of preparation to be included in such Table of Assignments as soon as practicable to do so; and

It further appearing, that the Commission has now completed such preparation of and is in a position to announce the offset carrier identifications; and

It further appearing, that television broadcast stations now licensed should be afforded sufficient time in which to adjust carrier frequencies to conform with the offset carrier identifications adopted herein; and

It further appearing, that authority for the amendments adopted herein is contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended;

It is ordered, That § 3.606 of Part 3 of the Commission's Rules and Regulations is amended, without change in the channel assignment numbers listed therein, by the deletion of the present wording of footnote 1 and the substitution of the following:

[1] Television broadcast stations authorized as of July 10, 1952, are permitted to operate with carrier frequencies not offset in the manner required by this section until April 1, 1953. Offset carrier frequencies of such television stations operating on channels so affected will be listed in all construction permits, licenses, or renewal of licenses, upon issuance thereof. Permitees and licensees who wish to so operate prior to the time offset carrier frequencies are specified in their authorizations may request authority for such operation by filing informal requests therefor.

and by the addition of the offset carrier identifications for channel assignment numbers as set forth below.

It is further ordered, That to facilitate the processing of applications for authority to construct new television stations this order shall be effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: July 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

(b) *Table of assignments.*

	Channel No.
ALABAMA	
Andalusia	29
Anniston	37—
Auburn	54
Bessemer	*56
Birmingham	6—, *10—, 13—, 42+, 48
Brewton	23+
Clanton	14
Cullman	60+
Decatur	23—
Demopolis	18
Dothan	9+, 19—
Enterprise	40+
Eufaula	44
Florence	41
Fort Payne	19
Gadsden	15+, 21+
Greenville	49—
Guntersville	40—
Huntsville	31+
Jasper	17
Mobile	5+, 8, *42, 48+
Montgomery	12, 20, *26+, 32
Opelika	22—
Selma	58+
Sheffield	47—
Sylacauga	24—
Talladega	64
Thomasville	27—
Troy	38—
Tuscaloosa	45, 51—
Tuskegee	16—
University	*7
ARIZONA	
Ajo	14—
Bisbee	15
Casa Grande	18—
Clifton	25—
Coolidge	30+
Douglas	3—
Eloy	24
Flagstaff	9, 13
Globe	34+
Holbrook	14
Kingman	6—
Mesa	12—
Miami	28+
Morenci	31
Nogales	17—
Phoenix	3+, 5—, *8+, 10—
Prescott	15
Safford	21
Tucson	4—, *6+, 9—, 13—
Williams	25
Winslow	16—
Yuma	11—, 13+
ARKANSAS	
Arkadelphia	31+
Batesville	30—
Benton	40
Blytheville	64+, 74
Camden	50
Conway	49+
El Dorado	10—, 26—
Fayetteville	*13—, 41—
Forrest City	22+
Fort Smith	5—, *16, 22
Harrison	24
Helena	54—
Hope	15—
Hot Springs	9+, 52+
Jonesboro	8, 39+
Little Rock	*2—, 4, 11+, 17—, 23+
Magnolia	28+
Malvern	46
Morrilton	43—
Newport	28
Paragould	44
Pine Bluff	7—, 36
Russellville	19
Searcy	33
Springdale	35—
Stuttgart	14+
CALIFORNIA	
Alturas	9
Bakersfield	10—, 29
Brawley	25+
Chico	12—
Corona	52
Delano	33+
El Centro	16
Eureka	3—, 13—
Fresno	12+, *18—, 24, 47, 53
Hanford	21
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34
Madera	30+
Merced	34—
Modesto	14—
Monterey (see Salinas).	
Napa	62
Oakland (see San Francisco).	
Oxnard	32
Petaluma	56
Port Chicago	15
Red Bluff	16—
Redding	7
Riverside	40, 46
Sacramento	3, *6, 10, 40—, 46+
Salinas-Monterey	8+, 28—
San Bernardino	18, *24—, 30
San Buenaventura	38—
San Diego	8, 10, *15+, 21—, 27, 33, 39
San Francisco-Oakland	2+, 4—, 5+, 7—, *9+, 20—, 26—, 32+, 38, 44—
San Jose	11+, 48, *54, 60
San Luis Obispo	6+
Santa Barbara	3—, 20, 26
Santa Cruz	16
Santa Maria	44
Santa Paula	16+
Santa Rosa	50
Stockton	13+, 36, *42
Tulare	27+
Ukiah	18
Visalia	43, 49
Watsonville	22—
Yreka City	11
Yuba City	52—

	Channel No.
COLORADO	
Alamosa	19+
Boulder	*12, 22+
Canon City	86
Colorado Springs	11, 13, *17+, 23+
Craig	19
Delta	24—
Denver	2, 4—, *6—, 7, 9—, 20, 26+
Durango	6+, 15
Fort Collins	44+
Fort Morgan	15+
Grand Junction	5—, 21+
Greeley	50
La Junta	24
Lamar	18—
Leadville	14+
Longmont	32
Loveland	38
Montrose	10+, 18
Pueblo	3—, 5, *8, 28—, 34—
Salida	25
Sterling	25—
Trinidad	21—
Walsenburg	30—
CONNECTICUT	
Bridgeport	43—, 49—, *71
Hartford	3+, 18—, *24
Meriden	65—
New Britain	30+
New Haven	8+, 59+
New London	26+, 81
Norwalk (see Stamford)	
Norwich	57+, *63—
Stamford-Norwalk	27
Waterbury	53
DELAWARE	
Dover	40
Wilmington	12, 53—, *59—
DISTRICT OF COLUMBIA	
Washington	4+, 5, 7+, 9—, 20+, *26—
FLORIDA	
Belle Glade	25—
Bradenton	28—
Clearwater	32+
Daytona Beach	2—
De Land	44+
Fort Lauderdale	17—, 23—
Fort Myers	11+
Fort Pierce	19
Gainesville	*5+, 20+
Jacksonville	4+, *7, 12—, 30+, 36—
Key West	14+, 20
Lake City	33+
Lakeland	16+, 22+
Lake Wales	14
Leesburg	26—
Marianna	17+
Miami	*2, 4, 7—, 10+, 27+, 33
Ocala	15+
Orlando	6—, 9, 18, *24
Palatka	17
Panama City	7+, *30, 36+
Pensacola	3+, 15—, *21, 46
Quincy	54+
St. Augustine	25+
St. Petersburg (see Tampa)	
Sanford	35+
Sarasota	34+
Tallahassee	*11—, 24+, 51
Tampa-St. Petersburg	*3, 8—, 13—, 38
West Palm Beach	5, 12, *15, 21+
GEORGIA	
Albany	10, 25
Americus	31
Athens	*8, 60—
Atlanta	2, 5—, 11+, *30, 36
Augusta	6+, 12+
Bainbridge	35—
Brunswick	28+, 34—
Cairo	45+
Carrollton	33
Cartersville	63—
Cedartown	53—
Columbus	4, 28, *34
Cordele	43
Dalton	25+
Douglas	32—
Dublin	15
Elberton	16+
Fitzgerald	23
Fort Valley	18+
Gainesville	52
Griffin	39+
La Grange	50
Macon	13+, *41+, 47+
Marietta	57+
Milledgeville	51+
Moultrie	48—
Newnan	61+
Rome	9, 59
Savannah	3—, *9—, 11
Statesboro	22
Swainsboro	20—
Thomasville	6, 27
Tifton	14—
Toccoa	35
Valdosta	37+
Vidalia	26
Waycross	16
IDAHO	
Blackfoot	33
Boise	*4+, 7, 9—
Burley	15—
Caldwell	2
Coeur d'Alene	12—
Emmett	26—
Gooding	23
Idaho Falls	3, 8+
Jerome	17
Kellogg	33—
Lewiston	3—
Moscow	*15
Nampa	6, 12+
Payette	14+
Pocatello	6—, 10
Preston	41
Rexburg	27+
Rupert	21
Sandpoint	9+
Twin Falls	11, 13—
Wallace	27—
Weiser	20—
ILLINOIS	
Alton	48
Aurora	16
Belleville	54+
Bloomington	15—
Cairo	24—
Carbondale	34, *61—
Centralia	32+, 59+
Champaign-Urbana	3+, *12—, 21, 27, 33
Chicago	2—, 5, 7, 9+, *11, 20, 26, 32, 38, 44
Danville	24
Decatur	17, 23+
De Kalb	*67
Dixon	47+
Elgin	29+
Freeport	23
Galesburg	40—
Harrisburg	22
Jacksonville	29
Joliet	48+
Kankakee	14
Kewanee	60—
La Salle	35
Lincoln	53+
Macomb	61+
Marion	40
Mattoon	46—
Moline (see Davenport, Iowa)	
Mt. Vernon	38—
Olney	16—
Pekin	49+
Peoria	8, 19, *37—, 43+
Quincy	10—, 21+
Rockford	13+, 39+, *45+
Rock Island (see Davenport, Iowa)	
Springfield	2+, 20+, *26—
Streator	65—
Urbana (see Champaign)	
Vandalia	28—
Waukegan	22+
INDIANA	
Anderson	61
Angola	15+
Bedford	39
Bloomington	4, *30—, 36
Columbus	42—
Connersville	38+
Elkhart	52
Evansville	7, 50—, *56, 62
Fort Wayne	21—, *27+, 33—
Gary	50, *66
Hammond	56—
Indianapolis	6, 8—, 13—, *20—, 26+, 67—
Jasper	19+
Kokomo	31
Lafayette	*47, 59
Lebanon	18
Logansport	51
Madison	25—
Marion	29+
Michigan City	62+
Muncie	49, 55+, *71
Richmond	32—
Shelbyville	58+
South Bend	34—, *40+, 46
Tell City	31—
Terre Haute	10, *57+, 63—
Vincennes	44+
Washington	60+
IOWA	
Algona	37+
Ames	5, 25—
Atlantic	45—
Boone	19—
Burlington	32—, 38+
Carroll	39
Cedar Rapids	2, 9—, 20—, *26+
Centerville	31—
Charles City	18—
Cherokee	14
Clinton	64
Creston	43
Davenport-Rock Island-Moline, Illinois	4+, 6+, *30+, 36+, 42—
Decorah	44+
Des Moines	8—, *11+, 13—, 17+, 23—
Dubuque	56+ 62—
Estherville	24+
Fairfield	54
Fort Dodge	21
Fort Madison	50+
Grinnell	46+
Iowa City	*12+, 24—
Keokuk	44—
Knoxville	33—
Marshalltown	49
Mason City	3+, 35—
Muscatine	58
Newton	29—
Oelwein	28
Oskaloosa	52+
Ottumwa	15+
Red Oak	32+
Shenandoah	20+
Sioux City	4—, 9, *30, 36—
Spencer	42+
Storm Lake	34+
Waterloo	*+, 16—, *22—
Webster City	27
KANSAS	
Abilene	31+
Arkansas City	49
Atchison	60+
Chanute	50—
Coffeyville	33—
Colby	22—
Concordia	47—
Dodge City	6—, 13
El Dorado	55+
Emporia	39—
Fort Scott	27
Garden City	9, 1[illegible]
Goodland	[illegible]
Great Bend	2, 8
Hays	7—, [illegible]
Hutchinson	12, 8
Independence	[illegible]
Iola	[illegible]

Kansas—Con.	Channel No.
Junction City	29+
Larned	15−
Lawrence	*11, 17−
Leavenworth	54−
Liberal	14
McPherson	26−
Manhattan	*8, 23+
Newton	14+
Olathe	52−
Ottawa	21−
Parsons	46−
Pittsburg	7+, 38−
Pratt	36+
Salina	34
Topeka	13+, 42, *48+
Wellington	24−
Wichita	3−, 10−, 16−, *22+
Winfield	43+

Kentucky	
Ashland	59−
Bowling Green	3, 17+
Campbellsville	40+
Corbin	16
Danville	35+
Elizabethtown	23
Frankfort	43−
Glasgow	28+
Harlan	36−
Hazard	19−
Hopkinsville	20
Lexington	27−, 33+
Louisville	3−, 11+, *15, 21−, 41−, 51−
Madisonville	26
Mayfield	49−
Maysville	24+
Middlesborough	57, 63+
Murray	33−
Owensboro	14−
Paducah	6+, 43
Pikeville	14−
Princeton	45−
Richmond	60
Somerset	22−
Winchester	37+

Louisiana	
Abbeville	42−
Alexandria	5, 62+
Bastrop	53+
Baton Rouge	10, 28, *34, 40−
Bogalusa	39
Crowley	21+
De Ridder	14
Eunice	64−
Franklin	46+
Hammond	51+
Houma	30+
Jackson	18−
Jennings	48
Lafayette	38−, 67−
Lake Charles	7−, *19, 25
Minden	30
Monroe	8+, 43+
Morgan City	36+
Natchitoches	17+
New Iberia	15+
New Orleans	*2, 4+, 6+, 20−, 26, 32+, 61
Oakdale	54+
Opelousas	58
Ruston	20
Shreveport	3−, 12
Thibodaux	24
Winnfield	22−

Maine	
Auburn	23+
Augusta	10−, 29+
Bangor	2−, 5−, *16−
Bar Harbor	22−
Bath	65
Belfast	41−
Biddeford	59
Calais	7, 20−
Dover-Foxcroft	18+
Fort Kent	17+
Houlton	24
Lewiston	8−, 17
Millinocket	14+
Orono	*12−
Portland	6+, 13+, *47−, 53+

Maine—Con.	Channel No.
Presque Isle	8, 19
Rockland	25−
Rumford	55−
Van Buren	15−
Waterville	35+

Maryland	
Annapolis	14−
Baltimore	2+, 11−, 13+, 18, *24+, 30−
Cambridge	22+
Cumberland	17+
Frederick	62+
Hagerstown	52
Salisbury	16+

Massachusetts	
Barnstable	52
Boston	*2+, 4−, 5, 7+, 44+, 50−, 56
Brockton	62
Fall River	40+, 46−
Greenfield	42+
Holyoke (see Springfield).	
Lawrence	38+
Lowell	32+
New Bedford	28−, 34+
North Adams	15
Northampton	35+
Pittsfield	64+
Springfield-Holyoke	55, 61
Worcester	14, 20

Michigan	
Alma	41+
Alpena	9+, 30−
Ann Arbor	20+, *26−
Bad Axe	46−
Battle Creek	58−, 64−
Bay City	5−, 63−, *73+
Benton Harbor	42
Big Rapids	39
Cadillac	13−, 45
Calumet	13+
Cheboygan	4+, 36+
Coldwater	24−
Detroit	2+, 4, 7−, 50−, *56, 62
East Lansing	60+
East Tawas	25−
Escanaba	3+
Flint	12−, 16−, *22−, 23
Gladstone	40−
Grand Rapids	8+, *17+, 23−
Hancock	10−
Houghton	19
Iron Mountain	9, 27
Iron River	12−
Ironwood	31−
Jackson	48
Kalamazoo	3−, 36−
Lansing	6−, 54
Ludington	18+
Manistee	15−
Manistique	14+
Marquette	5+, 17
Midland	19+
Mount Pleasant	47−
Muskegon	29−, 35+
Petoskey	31
Pontiac	44+
Port Huron	34+
Rogers City	24
Saginaw	51−, 57−
Sault Ste. Marie	8, 10+, 28−, *34
Traverse City	7+, 20−, *26+
West Branch	21

Minnesota	
Albert Lea	57−
Alexandria	36
Austin	6−, 51+
Bemidji	24−
Brainerd	12
Cloquet	44
Crookston	21−
Detroit Lakes	18+
Duluth-Superior, Wis	3, 6+, *8−, 32, 38
Ely	16
Fairmont	40+
Faribault	20
Fergus Falls	16−
Grand Rapids	20−
Hastings	29+
Hibbing	10+

Minnesota—Con.	Channel No.
International Falls	11
Little Falls	14+
Mankato	15−
Marshall	22+
Minneapolis-St. Paul	*2−, 4, 5−, 9+, 11−, 17, 23+
Montevideo	19
New Ulm	43−
Northfield	26
Owatonna	45
Red Wing	63
Rochester	10, 55−
St. Cloud	7, 33
St. Paul (see Minneapolis).	
Stillwater	39−
Thief River Falls	15
Virginia	26+
Wadena	27+
Willmar	31+
Winona	61
Worthington	32

Mississippi	
Biloxi	13, *44+, 50−
Brookhaven	37+
Canton	16
Clarksdale	6, 32
Columbia	35+
Columbus	28−
Corinth	29−
Greenville	21−, 27
Greenwood	24+
Grenada	15
Gulfport	56−
Hattiesburg	9−, 17−
Jackson	12+, *19+, 25−, 47
Kosciusko	52−
Laurel	33−
Louisville	46−
McComb	31−
Meridian	11, 30−, *35−
Natchez	23+
Pascagoula	22
Picayune	14−
Starkville	34−
State College	*2+
Tupelo	38
University	*20+
Vicksburg	41+
West Point	8, 56+
Yazoo City	49

Missouri	
Cape Girardeau	12, 18+
Carthage	56−
Caruthersville	27−
Chillicothe	14−
Clinton	49−
Columbia	8+, 16+, 22−
Farmington	52
Festus	14+
Fulton	24+
Hannibal	7−, 27+
Jefferson City	13, 33+
Joplin	12+, 30+
Kansas City	4, 5+, 9+, *19+, 25+, 65
Kennett	21
Kirksville	3−, 18
Lebanon	23
Marshall	40+
Maryville	26
Mexico	45
Moberly	35+
Monett	14
Nevada	18−
Poplar Bluff	15+
Rolla	31
St. Joseph	2−, 30−, *36
St. Louis	4−, 5−, 9, 11−, 30, 36−, 42+
Sedalia	6−, 28+
Sikeston	37
Springfield	3+, 10, *26+, 32
West Plains	20−

Montana	
Anaconda	2+
Billings	2, 8, *11
Bozeman	*9, 22−
Butte	4, 6+, *7−, 15+
Cut Bank	20+
Deer Lodge	25+

Montana—Con.	Channel No.
Dillon	20
Glasgow	16
Glendive	18−
Great Falls	3+, 5+, *23−
Hamilton	17+
Hardin	4+
Havre	9+, 11+
Helena	10+, 12
Kalispell	8−
Laurel	14+
Lewistown	13
Livingston	16−
Miles City	3−, *6, 10
Missoula	*11−, 13−, 21+
Polson	18
Red Lodge	18+
Shelby	14−
Sidney	14
Whitefish	16+
Wolf Point	20−

Nebraska	
Alliance	13−, 21
Beatrice	40
Broken Bow	14−
Columbus	49+
Fairbury	35
Falls City	38
Fremont	52
Grand Island	11−, 21+
Hastings	5−, 27−
Kearney	13, 19
Lexington	23−
Lincoln	10+, 12−, *18+, 24
McCook	8−, 17
Nebraska City	50
Norfolk	33+
North Platte	2−, 4+
Omaha	3, 6+, 7, *16, 22, 28−
Scottsbluff	10−, 16+
York	15

Nevada	
Boulder City	4+
Carlin	14
Carson City	37
Elko	10−
Ely	3−, 6+
Fallon	29−
Goldfield	5−
Hawthorne	31
Henderson	2−
Las Vegas	8−, *10+, 13−
Lovelock	18+
McGill	8+
Reno	4, 8, *21+, 27−
Tonopah	9−
Winnemucca	7+
Yerington	33

New Hampshire	
Berlin	26
Claremont	37
Concord	27+
Durham	*11
Hanover	*21+
Keene	45−
Laconia	43
Littleton	24−
Manchester	9−, 48+
Nashua	54
Portsmouth	19+
Rochester	51

New Jersey	
Andover	*69
Asbury Park	58
Atlantic City	46, 52+
Bridgeton	64−
Camden	*80
Freehold	*74
Hammonton	*70
Montclair	*77
Newark	13−
New Brunswick	*19−, 47+
Paterson	37+
Trenton	41+
Wildwood	48−

New Mexico	Channel No.
Alamogordo	17
Albuquerque	4+, *5+, 7+, 13+
Artesia	21+
Atrisco-Five Points	18+
Belen	24+
Carlsbad	6−, 23
Clayton	27−
Clovis	12+, 35
Deming	14+
Farmington	17−
Gallup	3, *8−, 10
Hobbs	46
Hot Springs	19
Las Cruces	22−
Las Vegas	14−
Lordsburg	23+
Los Alamos	20−
Lovington	27
Portales	22+
Raton	46−, *52
Roswell	*3+, 8, 10−
Santa Fe	2+, *9+, 11−
Silver City	*10+, 12
Socorro	15+
Tucumcari	25+

New York	
Albany-Schenectady-Troy	6, *17+, 23−, 41
Amsterdam	52−
Auburn	37−
Batavia	33−
Binghamton	12−, 40−, *46+
Buffalo (also see Buffalo-Niagara Falls)	17, *23
Buffalo-Niagara Falls	2, 4−, 7+, 59
Cortland	56+
Dunkirk	46
Elmira	18+, 24−
Glens Falls	39+
Gloversville	23−
Hornell	50
Ithaca	*14+, 20−
Jamestown	58+
Kingston	65−
Malone	20+, *66
Massena	14−
Middletown	60
New York	2−, 4, 5+, 7, 9+, 11+, *25, 31−
Niagara Falls (see Buffalo-Niagara Falls)	
Ogdensburg	24+
Olean	54+
Oneonta	62−
Oswego	31
Plattsburg	28+
Poughkeepsie	21−, *83
Rochester	5−, 10+, 15−, *21, 27+
Rome (see Utica)	
Saranac Lake	18
Schenectady (also see Albany)	35
Syracuse	3−, 8, *43+
Troy (see Albany)	
Utica-Rome	13, 19, *25+
Watertown	43

North Carolina	
Ahoskie	53
Albemarle	20
Asheville	13−, *56−, 62+
Burlington	63
Chapel Hill	*4
Charlotte	3, 9+, 36+, *42+
Durham	11+, *40−, 46+
Elizabeth City	31+
Fayetteville	18−
Gastonia	48
Goldsboro	34
Greensboro	2−, *51−, 57−
Greenville	9
Henderson	52−
Hendersonville	27
Hickory	30−
High Point	15+
Jacksonville	16
Kannapolis	59+
Kinston	45
Laurinburg	41−

North Carolina—Con.	Channel No.
Lumberton	21+
Mount Airy	55
New Bern	13−
Raleigh	5−, *22−, 28−
Roanoke Rapids	30+
Rocky Mount	50
Salisbury	53+
Sanford	38
Shelby	39
Southern Pines	49
Statesville	64−
Washington	7
Wilmington	6, 29−, *35+
Wilson	56
Winston-Salem	12, 26+, *32−

North Dakota	
Bismarck	5, 12−, 18, *24
Bottineau	16+
Carrington	26−
Devils Lake	8+, 14−
Dickinson	2+, 4, *17
Fargo	6, 13−, *34−, 40
Grafton	17
Grand Forks	*2, 10
Harvey	22+
Jamestown	7−, 42
Lisbon	23
Minot	*6+, 10−, 13+
New Rockford	20+
Rugby	38−
Valley City	4−, 32−
Wahpeton	45+
Williston	8−, 11−, *34+

Ohio	
Akron	49+, *55−, 61+
Ashtabula	15
Athens	62−
Bellefontaine	63
Cambridge	26
Canton	29
Chillicothe	56+
Cincinnati	5−, 9, 12, *48−, 54−, 74−
Cleveland	3, 5+, 8, 19, *25+, 65+
Columbus	4+, 6+, 10+, *34, 40−
Coshocton	20
Dayton	2, 7+, *16+, 22+
Defiance	43
Findlay	53
Gallipolis	18+
Hamilton-Middletown	65
Lancaster	28−
Lima	35−, 41
Lorain	31−
Mansfield	36+
Marion	17−
Massillon	23+
Middletown (see Hamilton)	
Mount Vernon	58
Newark	60−
Oxford	*14+
Piqua	44−
Portsmouth	30
Sandusky	42+
Springfield	46+, 52−
Steubenville (see Wheeling, W. Va.).	
Tiffin	—
Toledo	11−, 13, *30+
Warren	21−
Youngstown	27, 33, 73−
Zanesville	50+

Oklahoma	
Ada	50+
Altus	36
Alva	30
Anadarko	58−
Ardmore	55−
Bartlesville	62−
Blackwell	51−
Chickasha	64
Claremore	15
Clinton	32−
Duncan	39
Durant	27−
Elk City	12−, 15+
El Reno	56+
Enid	5, 21, *27+

Oklahoma—Con.	Channel No.
Frederick	44
Guthrie	48
Guymon	20+
Hobart	23+
Holdenville	14−
Hugo	21+
Lawton	7+, *28+, 34−
McAlester	47
Miami	58+
Muskogee	8−, *45+, 66+
Norman	31−, *37−
Oklahoma City	4−, 9−, *13, 19+, 25−
Okmulgee	26
Pauls Valley	61
Ponca City	40−
Pryor Creek	54
Sapulpa	42−
Seminole	59
Shawnee	53−
Stillwater	29−, *69
Tulsa	2+, 6, *11−, 17+, 23
Vinita	28−
Woodward	8+

Oregon	
Albany	55+
Ashland	14−
Astoria	30−
Baker	37+
Bend	15−
Burns	16
Corvallis	*7−, 49−
Eugene	*9+, 13, 20+, 26
Grants Pass	30
Klamath Falls	2−
La Grande	13+
Lebanon	43+
McMinnville	46−
Medford	4+, 5
North Bend	16+
Pendleton	28
Portland	6+, 8−, *10, 12, 21−, 27+
Roseburg	28+
Salem	3+, *18−, 24+
Springfield	37−
The Dalles	32

Pennsylvania	
Allentown	39, 45
Altoona	10−, 19+, 25−
Bethlehem	51−
Bradford	48+
Butler	43−
Chambersburg	46−
Du Bois	31+
Easton	57−
Emporium	42−
Erie	12, 35+, *41−, 66+
Harrisburg	27−, 33+, 71+
Hazleton	63
Johnstown	6, 56−
Lancaster	8−, 21+
Lebanon	15+
Lewistown	38
Lock Haven	32−
Meadville	37
New Castle	45−
Oil City	64
Philadelphia	3, 6−, 10, 17−, 23+, 29, *35−
Pittsburgh	2−, 11, *13−, 16, 47−, 53+
Reading	55+, 61−
Scranton	16−, 22−, 73
Sharon	39+
State College	*44
Sunbury	65
Uniontown	14
Washington	63+
Wilkes-Barre	28, 34
Williamsport	36−
York	43, 49

Rhode Island	
Providence	10+, 12+, 16, *22

South Carolina	
Aiken	54−
Anderson	58−
Camden	14
Charleston	2+, 5, *13
Clemson	*68
Columbia	10−, *19+, 25−, 67+
Conway	23−
Florence	8−
Georgetown	27−
Greenville	4−, 23+, *29
Greenwood	21−
Lake City	55+
Lancaster	31−
Laurens	45−
Marion	43−
Newberry	37
Orangeburg	44−
Rock Hill	61−
Spartanburg	7+, 17−
Sumter	47
Union	65−

South Dakota	
Aberdeen	9−, 17+
Belle Fourche	23+
Brookings	*8, 25
Hot Springs	17+
Huron	12+, 15+
Lead	5−, 26
Madison	46
Mitchell	5+, 20−
Mobridge	27−
Pierre	6−, 10+, *22+
Rapid City	7+, 15−
Sioux Falls	11, 13+, 38+, *44−
Sturgis	20
Vermillion	*2+, 41
Watertown	3−, 35+
Winner	18−
Yankton	17−

Tennessee	
Athens	14+
Bristol, Tenn.-Bristol, Va.	5+, 46−
Chattanooga	3+, 12−, 43+, 49+, *55−
Clarksville	53
Cleveland	38+
Columbia	39−
Cookeville	24
Covington	19−
Dyersburg	46+
Elizabethton	40
Fayetteville	27+
Gallatin	48+
Harriman	67
Humboldt	25
Jackson	9−, 16+
Johnson City	11−, 34+
Kingsport	28
Knoxville	6, 10+, *20+, 26−
Lawrenceburg	50+
Lebanon	58
McMinnville	46
Maryville	51
Memphis	3, 5+, *10+, 13+, 42−, 48−
Morristown	54+
Murfreesboro	18−
Nashville	*2−, 4+, 5, 8+, 30+, 36+
Oak Ridge	32+
Paris	51+
Pulaski	44−
Shelbyville	62−
Springfield	42
Tullahoma	65+
Union City	55

Texas	
Abilene	9+, 33−
Alice	34+
Alpine	12−
Amarillo	*2−, 4, 7, 10
Athens	25+
Austin	7+, 18−, 24, *30−
Ballinger	25
Bay City	33
Beaumont-Port Arthur	4−, 6, 31+, *37
Beeville	38−
Big Spring	4−
Bonham	43
Borger	33
Brady	15−
Breckenridge	14+
Brenham	52−
Brownfield	15
Brownsville (also see Brownsville-Harlingen-Weslaco)	36
Brownsville-Harlingen-Weslaco[1]	4+, 5−
Brownwood	19
Bryan	54−
Childress	40
Cleburne	57
Coleman	21−
College Station	*3+, 48−
Conroe	20+
Corpus Christi	6−, 10−, *16+, 22
Corsicana	47+
Crockett	56
Crystal City	28+
Cuero	25−
Dalhart	16
Dallas	4+, 8, *13+, 23, 29, 73
Del Rio	16−
Denison	52
Denton	*2, 17
Eagle Pass	26
Edinburg	26−
El Campo	27
El Paso	4, *7, 9, 13, 20+, 26+
Falfurrias	52
Floydada	45
Fort Stockton	22
Fort Worth	5+, 10+, 20−, *26+
Gainesville	49−
Galveston	11+, 35−, 41−, *47−
Gonzales	64+
Greenville	62
Harlingen (also see Brownsville-Harlingen-Weslaco)	23
Hebbronville	58
Henderson	42+
Hereford	19−
Hillsboro	63
Houston	2−, *8−, 13−, 23+, 29−, 39−
Huntsville	15
Jacksonville	36−
Jasper	49+
Kermit	14
Kilgore	59−
Kingsville	40
Lamesa	28
Lampasas	40−
Laredo	8, 13, *15+
Levelland	38−
Littlefield	32
Longview	32, 38+
Lubbock	5−, 11, 13−, *20, 26−
Lufkin	9, 46−
McAllen	20−
McKinney	65−
Marfa	19+
Marshall	16−
Mercedes	32
Mexia	50−
Midland	2+, 18
Mineral Wells	38
Mission	14
Monahans	9−
Mount Pleasant	35
Nacogdoches	40+
New Braunfels	62−
Odessa	7−, 24−
Orange	43−
Pampa	17−
Paris	33+
Pearsall	31
Pecos	16+
Perryton	22
Plainview	29+
Port Arthur (see Beaumont).	
Quanah	42
Raymondville	42
Rosenberg	17−
San Angelo	6, 8+, 17+, *22−
San Antonio	4, 5, *9−, 12+, 35+, 41+
San Benito	48
San Marcos	53+
Seguin	14−
Seymour	24+
Sherman	46−
Snyder	30−
Stephenville	32+
Sulphur Springs	41

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

Texas—Con.	Channel No.
Sweetwater	12
Taylor	58+
Temple	16, 22+
Terrell	53
Texarkana	6+, *18, 24−
Tyler	7, 19−
Uvalde	20
Vernon	18+
Victoria	19+
Waco	11−, *28−, 34
Waxahachie	45−
Weatherford	51
Weslaco (see Brownsville-Harlingen-Weslaco).	
Wichita Falls	3, 6−, *16+, 22−

Utah	
Brigham	36−
Cedar City	5
Logan	12−, 30, *46
Ogden	9+, *18−, 24
Price	6
Provo	11+, 22, *28
Richfield	13+
St. George	18+
Salt Lake City	2−, 4−, 5+, *7−, 20+, 26
Tooele	44
Vernal	3+

Vermont	
Bennington	33
Brattleboro	58−
Burlington	*16+, 22+
Montpelier	3, 40
Newport	46
Rutland	49+
St. Albans	34−
St. Johnsbury	30

Virginia	
Blacksburg	*60+
Bristol (see Bristol, Tenn.).	
Charlottesville	*45+, 64+
Covington	44+
Danville	24−
Emporia	25+
Farmville	19
Fredericksburg	47
Front Royal	39−
Harrisonburg	3−, 34−
Lexington	54
Lynchburg	13, 16−
Marion	50−
Martinsville	35−
Newport News (see Norfolk-Portsmouth-Newport News).	
Norfolk-Portsmouth (also see Norfolk-Portsmouth-Newport News)	27
Norfolk-Portsmouth-Newport News (also see Norfolk-Portsmouth)	3+, 10+, 15, *21−, 33
Norton	52+
Petersburg	8, 41
Portsmouth (see Norfolk-Portsmouth and also see Norfolk-Portsmouth-Newport News).	
Pulaski	37−
Richmond	6+, 12−, *23, 29+
Roanoke	7−, 10, 27+, *33−
South Boston	14+
Staunton	36
Waynesboro	42
Williamsburg	17
Winchester	28+

Washington	
Aberdeen	58
Anacortes	34
Bellingham	12+, 18+, 24−
Bremerton	44, 50
Centralia	17
Ellensburg	49, *65
Ephrata	43
Everett	22−, 28−
Grand Coulee	37
Hoquiam	52
Kelso	39
Kennewick (also see Kennewick-Richland-Pasco)	25
Kennewick-Richland-Pasco	*41
Longview	33
Olympia	60
Omak-Okanogan	*35−
Okanogan (see Omak).	
Pasco (also see Kennewick-Richland-Pasco)	19−
Port Angeles	16−
Pullman	*10−, 24
Richland (also see Kennewick-Richland-Pasco)	31
Seattle	4, 5+, 7, *9, 20, 26+
Spokane	2−, 4−, 6−, *7+
Tacoma	11+, 13−, *56, 62
Walla Walla	5−, 8, *22
Wenatchee	*45, 55
Yakima	23+, 29+, *47

West Virginia	
Beckley	6−, 21
Bluefield	41+
Charleston	8+, *43+, 49−
Clarksburg	12+, 22
Elkins	40+
Fairmont	35
Hinton	31
Huntington	3+, 13+, *53−
Logan	23−
Martinsburg	58−
Morgantown	*24
Parkersburg	15−
Welch	25
Weston	32
Wheeling (also see Wheeling-Steubenville, Ohio)	*57+
Wheeling-Steubenville, Ohio	7, 9+, 51+
Williamson	17

Wisconsin	
Adams	*58+
Appleton	42+
Ashland	15+
Beaver Dam	37
Beloit	57
Chilton	*24+
Eau Claire	13, *19+, 25+
Fond du Lac	54+
Green Bay	2+, 6
Janesville	63+
Kenosha	61−
La Crosse	8+, *32+, 38−
Madison	3, *21−, 27−, 83+
Manitowoc	65
Marinette	11+, 32−, *38+
Milwaukee	4−, *10+, 12, 19−, 25, 31+
Oshkosh	48−
Park Falls	*18
Portage	17−
Prairie du Chien	34
Racine	49−, 55
Rhinelander	22
Rice Lake	21+
Richland Center	15, *66−
Sheboygan	59−
Shell Lake	*30−
Sparta	50−
Stevens Point	20+, 26−
Sturgeon Bay	44−
Superior (see Duluth, Minn.)	
Wausau	7−, 16+, *46−
Wisconsin Rapids	14−

Wyoming	
Buffalo	29
Casper	2+, 6+
Cheyenne	3, 5+
Cody	24−
Douglas	14
Evanston	14−
Gillette	31−
Green River	16
Greybull	40
Lander	17−
Laramie	*8+, 18+
Lovell	36+
Lusk	19−
Newcastle	28+
Powell	30+
Rawlins	11−
Riverton	10+
Rock Springs	13
Sheridan	9−, 12+
Thermopolis	15
Torrington	27
Wheatland	24+
Worland	34

U. S. Territories and Possessions	
Alaska	
Anchorage	2−, *7−, 11−, 13−
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4−, 9−
Sitka	13
Hawaiian Islands	
Hilo, Hawaii	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4−, *7+, 9−, 11+, 13−
Lihue, Kauai	3+, *8−, 10+, 12−
Walluku, Maui	3, 8, *10, 12
Puerto Rico	
Arecibo	13+
Caguas	11−
Mayaguez	3+, 5−
Ponce	7+, 9−
San Juan	2+, 4−, *6+
Virgin Islands	
Charlotte Amalie	10−, 12+
Christiansted	8+

[F. R. Doc. 52-8216; Filed, July 25, 1952; 8:58 a. m.]

PART 12—AMATEUR RADIO SERVICE

ELIGIBILITY FOR LICENSE; ADVANCED CLASS

In the matter of amendment of § 12.21 (b) of the Commission's rules governing Amateur Radio Service.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 16th day of July 1952.

The Commission having under consideration the matter of amendment of § 12.21 (b) of Part 12—Amateur Radio Service to enable, under certain conditions, otherwise eligible members of the Armed Forces of the United States to qualify for the Advanced Class amateur operator license without regard to the one-year waiting period now required by that section; and

It appearing, that this amendment is minor in nature and that it relieves and existing restriction, and, therefore, the proposed rule-making procedure prescribed by section 4 of the Administrative Procedure Act is unnecessary and the rule can be made effective immediately.

It is ordered, Under authority contained in sections 4 (i) 303 (l), and (r) of the Communications Act of 1934, as amended, that § 12.21 (b) of Part 12 be, and it hereby is, amended, effective immediately, to read as follows:

§ 12.21 *Eligibility for license.* • • •

(b) *Advanced class.* Any citizen of the United States who at any time prior to the receipt of his application by the Commission has held, for a period of one year or more, an amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes: *Provided, however*, That persons serving

in the Armed Forces of the United States may take the examination for Advanced Class Amateur Operator License without regard to the one-year waiting period when any such person would become eligible to qualify for such license prior to December 31, 1952, but because of the nature of his military assignment would be unable to report for examination at the time he would become eligible to do so. Results of such examinations would be held by the Commission and considered upon the expiration of the one-year period. New Advanced Class amateur operator licenses will not be issued after December 31, 1952. However, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: July 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8217; Filed, July 25, 1952; 8:58 a. m.]

[Docket No. 10113]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

STATEMENT OF BASIS AND PURPOSE

In the matter of amendment of Part 18 of the Commission's rules and regulations.

On January 31, 1952, the Commission issued a notice of proposed rule making in the above-entitled matter. Interested persons were given until March 21, 1952, to file comments. Comments were received from one interested party. These comments appear to be in general agreement with the proposed amendment; however, certain specific recommendations were made and the Commission has incorporated these recommendations in the final amendment.

The proposed amendment has been modified to delete the requirement that arc welding equipment be operated in a shielded room or space and has substituted therefor the requirement that sufficient shielding be provided to reduce the radiation to the value permitted by the rules. Other changes were made to permit the use of measuring equipment other than that similar to the proposed standards provided suitable adjustment is made in the readings obtained. Provision has also been made to permit the certification of equipment on the basis of test data obtained at sites other than those at which the equipment is in actual operation.

All comments received have been given careful consideration and it appears that no new issues or facts which would require oral argument or hearing are raised by said comments, and it is not believed oral argument or hearing would contribute to a decision in this matter.

Accordingly, it is ordered, That effective August 15, 1952, the footnote to § 18.1 (a) be and the same is hereby amended as follows:

[1] The effective date of Part 18 with respect to electric arc welding devices using radio frequency energy is suspended from January 31, 1952, until January 31, 1954: *Provided, however*, That equipment manufactured after September 1, 1952, shall be subject to the same technical limitations and standards as are set forth for industrial heating equipment in §§ 18.21 to 18.24, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.22: *And further provided*, That broad band types of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standard Specification for a Radio Noise Meter—0.15 to 25 Megacycles/Second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field intensity shall be measured and used in determining compliance with §§ 18.21 (b) and 18.22 (a). Instruments not having characteristics similar to the above-mentioned standards may be used provided suitable correlation factors are used to adjust the field intensity readings to values which would be obtained with an instrument having the desired characteristics.

(Sec. 4, 48 Stat. 1086, as amended; 47 U. S. C. 154)

The certification required by § 18.22 may be used upon field intensity measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

Adopted: July 10, 1952.

Released: July 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8214; Filed, July 25, 1952; 8:56 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

MORRIS COMMISSION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Morris Commission Company, Durant, Oklahoma, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 22d day of July 1952.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52-8260; Filed, July 25, 1952; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 31]

[Docket No. 10229]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 31, including Appendix B thereof, of the Commission's rules and regulations and related references in Part 1 as set forth below to become effective 6 months after the adoption of the final order herein, with the provision, however, if the order is adopted, that any carrier may follow the new requirements prescribed thereby as of January 1, 1953.

3. The proposed amendment is intended to clarify certain portions of the requirements and to improve, generally, upon the information provided by the continuing property record, particularly as maintained by those telephone companies having investment in account 100:1, "Telephone plant in service," in excess of $8,000,000, while at the same time relieving the carriers of maintaining certain property details that do not appear to be necessary.

4. The proposed amendment is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before August 11, 1952, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed on or before September 2, 1952. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

Adopted: July 10, 1952.

Released: July 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

1. Proposed amendment of Part 31, Uniform System of Accounts for Class A and Class B Telephone Companies, of the Commission's rules and regulations.

a. Delete §§ 31.2-24, 31.2-25 and 31.2-26 and substitute the following:

§ 31.2-24 *Retirement units.* The "retirement units" (note also § 31.2-25 (b) (1)) are listed in § 31.8. Additions to or revisions of that list will be issued, when necessary, by the Commission, to which any applications for such additions or revisions shall be presented by the company. (See also paragraph 2 of Appendix B of this part.)

§ 31.2-25 *Telephone plant retired.* (a) To the end that the telephone plant accounts (note §§ 31.2-20, 31.2-21) shall at all times disclose the original cost (note § 31.01-3 (x)) of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b) (2) of this section), shall be credited to the account or accounts in this classification to which such cost was charged. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surrendered upon lapse of title, becomes permanently unserviceable, is withdrawn or for any other reason, is retired from service, the amount in the plant accounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(b) Depreciable telephone plant: For the purpose of avoiding undue refinement in accounting for the replacement of small items of property, the accounting for retirements and replacements of depreciable telephone plant shall be as follows:

(1) Retirement units: This group includes major items of property, a list of which is shown in § 31.8. The original cost of any such item retired shall be credited to the plant account and charged to account 171, "Depreciation reserve," whether or not replaced. (Note also paragraph (b) of account 171.) The original cost of property installed in place of the property retired shall be charged to the appropriate telephone plant account.

(2) Minor items: This group includes any part or element which is not designated as a retirement unit. The original cost of any minor item of property retired and not replaced shall be credited to the plant account and charged to account 171 (note also paragraph (b) of the text of that account), except that if the original cost of a minor item of property is included in the specific or average cost for a retirement unit of which the minor item is a part, no separate credit to the telephone plant account is required when such a minor item is retired. Except as provided in the note under account 231, "Station apparatus," in § 31.8, if minor items of property are replaced (apart from the retirement unit of which they form a part or with which they are associated) no adjustment shall be made in account 171. The cost of the replacement shall be charged to the account appropriate for the cost of repairs of the property, except that if the replacement effects a substantial betterment (the primary aim of which is to make the property affected more useful, of greater durability, of greater capacity, or more economical in operation) the excess cost of (i) such a replacement over (ii) the estimated cost at the then current prices of replacing without betterment the minor items being retired, shall be charged to the appropriate telephone plant account.

(c) Station installations, drop and block wires: When stations are removed from customers' premises, the original cost of the station installations carried in account 232, "Station installations," and of any drop and block wires carried in account 233, "Drop and block wires," thereby retired from service shall be credited to the plant accounts and charged to account 607, "Station removals and changes." The latter account shall be credited with the salvage value (note § 31.01-3 (bb)) of such property recovered. The cost of the removal of the station apparatus, inside, drop and block wires shall be charged to account 607.

(d) Land: The original cost of land retired shall be credited to account 211, "Land." If the land is sold, the difference between such original cost and the sale price (less commissions and other expenses of making the sale) of the land shall be credited to account 401, "Credits for telephone plant sold," or debited to account 410, "Debits for telephone plant sold," as may be appropriate. If the land is retained by the company and held for sale, its cost shall be charged to account 103, "Miscellaneous physical property." The accounting for leaseholds retired shall be as provided for in the texts of account 172, "Amortization reserve," and account 613, "Amortization of intangible property."

(e) Determination of the cost of property to be retired: The cost of telephone plant retired shall be the amount at which such property is included in the telephone plant accounts. When it is impracticable to determine the cost of each item due to the relatively large number or small cost of such items, the average cost of all the items covered by an appropriate subdivision of the account shall be used in determining the cost to be assigned to such items when retired: *Provided*, That the method used in determining average cost gives due regard to the quantity, size, and kind of items, the area in which they were installed and their classification in other respects, as called for by the rules of the Commission regarding continuing property records and by the system of continuing property records accepted by the Commission specifically for use of the accounting company. This method of average cost may be applied in retirement of such items as telephones, bell boxes, station installations, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards. Any company may use average cost of property installed in a year or band of years. It should be understood, however, that the use of average costs shall not relieve the company of the requirement for maintaining its continuing property records in such manner as to show, where practicable, dates of installation and removal so as to provide these data for purposes of mortality studies.

(f) The accounting for the retirement of organization, franchises, patent rights, and other intangible property, shall be as provided for in the texts of account 172, "Amortization reserve," account 413, "Miscellaneous debits to earned surplus," account 613, "Amortization of intangible property," and account 100:4, "Telephone plant acquisition adjustment."

(g) When telephone plant is sold together with the telephone traffic associated therewith, the original cost of the property shall be credited to the appropriate plant accounts and the estimated amounts carried with respect thereto in the depreciation and amortization reserve accounts shall be charged to such reserve accounts. The difference, if any, between (1) the net amount of such debit and credit items and (2) the consideration received (less commissions and other expenses of making the sale) for the property shall be included, if a debit, in account 410, "Debits for telephone plant sold," and if a credit, in account 401, "Credits for telephone plant sold." The accounting for depreciable telephone plant sold without the traffic associated therewith shall be in accordance with the accounting provided in paragraph (b) of account 171, "Depreciation reserve."

§ 31.2-26 *Continuing property record required.* (a) Not later than June 30 of the year following that in which a company becomes subject (note § 31.-01-1) to these accounts (note § 31.01-3 (a)) each company shall file with the

Commission three copies of a complete plan of the method to be used in the compilation of a continuing property record with respect to each class of property for which such records are hereinafter prescribed. The plan shall include a list of the property-record units proposed for use under each plant account. A narrative statement shall accompany the list of proposed property-record units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuing property record, to the end that a ready analysis with respect to the sufficiency thereof may be made. In preparing this narrative statement, the company shall include typical examples indicating the use of, and relationship between, the various forms and records.

NOTE: Companies subject to these accounts on June 30, 1943, were required by the then effective rules to compile a continuing property record with respect to property as at December 31, 1936, and to reflect therein all subsequent additions and retirements.

(b) Any company may, in lieu of submitting the plan provided for in paragraph (a) of this section, submit to the Commission not later than June 30 of the year following that in which the company becomes subject to these accounts, a statement in triplicate that it concurs in and proposes to pursue in all particulars a plan filed with the Commission by another company which it is believed conforms fully to the requirements of paragraph (a) of this section.

(c) Not later than June 30 of the year following that in which a company becomes subject to these accounts each company shall begin the preparation of a continuing property record with respect to property of each class represented in the several plant accounts comprised by balance-sheet accounts 100:1, "Telephone plant in service," and 100:3, "Property held for future telephone use," and with respect to property represented in account 103, "Miscellaneous physical property." These records shall be completed not later than 2 years after the prescribed date of beginning with respect to property as at the date the company becomes subject to these accounts and with respect to the changes effected therein between such date and the end of the calendar year preceding the date that these records are required to be completed. Property changes (whether made by companies already subject to these rules or those becoming subject hereafter) affecting the period subsequent to the end of that year for which the records are required to be completed shall be promptly processed in the continuing property record to the end that the record shall provide reasonably current data at all times.

(d) The continuing property record shall be arranged in conformity with the plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost (or other book cost consistent with the provisions of this system of accounts). The record or records supplemental thereto shall contain such detailed description and classification of property-record units as will permit their ready identification and verification. They shall be maintained in such manner as will meet the following basic objectives:

(1) An inventory of property-record units which may be readily spot-checked for proof of physical existence.

(2) The association of costs with such property-record units to assure accurate accounting for retirements.

(3) The determination of dates of installation and removal of plant retired to provide data for use in connection with depreciation studies.

The record or records supplemental thereto shall accordingly reveal clearly, in relation to designated accounting areas, detailed and systematically summarized information as to the kind, character, size, quantity, location, year of placement and retirement where practicable, ownership, and actual or apportioned original cost (or other appropriate book cost) of the telephone plant and other property-record units aggregately represented by the concurrent balances in accounts 100:1, "Telephone plant in service," 100:3, "Property held for future telephone use," and 103, "Miscellaneous physical property." In order that there may be on hand at the time of retirement a maximum of pertinent cost data, every effort shall be made at the time plant is constructed and/or installed to obtain all such available cost data by subcontracts, trades, and if practicable, by retirement units.

NOTE: See Appendix B, Standard Practices for the Establishment and Maintenance of Continuing Property Records by Telephone Companies Having Investment in Account 100:1, "Telephone Plant in Service," in Excess of $8,000,000, of this part.

b. Delete Appendix B in its entirety and substitute the following:

APPENDIX B

STANDARD PRACTICES FOR THE ESTABLISHMENT AND MAINTENANCE OF CONTINUING PROPERTY RECORDS BY TELEPHONE COMPANIES HAVING INVESTMENT IN ACCOUNT 100:1, "TELEPHONE PLANT IN SERVICE," IN EXCESS OF $8,000,000

Accounting areas. (a) The continuing property record, as related to each primary plant account, shall be established and maintained by subaccounts for each accounting area. An accounting area is the smallest territory of the company for which accounting records of investment are maintained for all plant accounts within the area. Areas already established for administrative, accounting, valuation, or other purposes may be adopted for this purpose when appropriate. In no case shall the boundaries of accounting areas cross State lines. In determining the limit of each area, consideration shall be given to the quantities of property, construction conditions, operating districts, county and township lines, taxing district boundaries, city limits, and other political or geographical limits, in order that the areas adopted may have a maximum adaptability, within the confines of practicability, for both the company's purposes and those of Federal, State, and municipal authorities.

(b) Not later than June 30, following the year in which a company's investment in account 100:1, "Telephone plant in service," exceeded $8,000,000, there shall be filed with the Commission three copies of a list of accounting areas, to be accompanied by descriptions of the boundaries of each area. Description of proposed major changes in accounting areas, such as consolidation, subdivision, addition or elimination of areas shall be submitted in triplicate to the Commission thirty days in advance of the proposed effective dates of such changes.

2. Property-record units. (a) In each of the established accounting areas, the "property-record units" (in terms of which the continuing property record is to be maintained) shall be set forth separately, classified by size and type and with the amount of original cost (or other appropriate book cost) associated with such units. When a list of property-record units has been accepted by the Commission, the property-record units set forth therein shall become the property-record units referred to in this statement of standard practices. When it is found necessary to revise this list because of the addition of units used in providing new types of service, or new units resulting from improvements in the art, or because of the grouping or elimination of units which no longer merit separate recognition as property-record units, three copies of the proposed revisions shall be submitted to the Commission.

(b) With respect to land in fee classifiable in account 207, "Right of way," and land classifiable in account 211, "Land," the property-record unit to be set forth in the continuing property record shall be a parcel of land. A land parcel means one continuous parcel shall be identified as to functions and location. In the continuing property record or in records supplemental thereto there shall be shown with respect to each land parcel the area, identity of vendors, grantors, or other conveyors of title, identification of deeds, or other instruments, and original cost.

(c) The continuing property record shall reveal the location, the essential details of construction, and the cost of each building. In cases where the underlying records of construction costs of buildings are available, such costs shall be so analyzed and the analyses so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made. In cases where no construction cost details are available and a retirement of a portion of such a building is made, the cost of the plant retired shall be determined on an estimated basis by allocating to such plant retired an equitable portion of the estimated cost of the contract or trade (e. g., masonry, plumbing, etc.) in which the specific retirement is being made. Allocations shall be made in such a manner as to insure that the unit being retired will carry its ratable share of architectural and engineering fees and other similar indirect costs.

(d) The continuing property record shall reveal the location, the essential details of construction, and the cost of each type of central office (manual, step-by-step, etc.) in each building, and of each large private branch exchange. Because of the small number of interim retirements and the comparatively small amounts involved therein, unless such annual retirements become at least 25% of the balance at the beginning of the year with respect to any central office, the cost of each central office need not be broken down into the individual retirement units of which it is composed. The underlying records of construction cost shall be so maintained that, upon any retirement of one or more retirement units or of minor items (without replacement), a reasonably accurate estimate of the cost of the plant retired can be made.

(e) The continuing property record shall show the number and nature of items included in account 261, "Furniture and office equipment," and account 264, "Vehicles and other work equipment," whether such items are retired on an average cost basis or otherwise.

3. Method of determining original cost (note § 31.01–3 (x)) of property-record units. Original cost of the property-record units shall be determined by analyses of the construction costs incurred as shown by completion reports, or other data, covering the respective construction work orders or authorizations, provided that in those cases where the actual original cost of property cannot be ascertained, such original cost shall be estimated. Such estimated original cost shall be consistent with the accounting practices in effect at the time of construction of the property. Costs shall be allocated to and associated with the property-record units in such manner as to assure accurate accounting for retirements.

4. Average costs. (a) In the development of average costs for plant consisting of a large number of similar units, such as telephones, bell boxes, station installations, poles, crossarms, wire, cable, cable terminals, conduit, and nonmultiple private branch exchange switchboards, units of similar size and type within each specified accounting area and plant account may be grouped without regard to year of construction. Each such average cost shall be set forth in the continuing property record or in records supplemental thereto and in support thereof.

(b) The averaging of costs permitted under the provisions of the foregoing paragraph is restricted to the averaging of costs incurred within an accounting area as defined in paragraph 1 (a). The provisions of paragraph 4 (a) shall not be interpreted as permitting the inclusion within such average cost of the cost of units involved in any unusual or special types of construction. The units involved in such unusual or special types of construction shall be recorded at actual cost by locations.

(c) When classes of plant are subdivided between exchange and toll, the bases of the average costs shall be confined to items priced in the respective subdivisions.

5. Identification of property-record units. There shall be shown in the continuing property record, or in records supplemental thereto and in support thereof, a complete description of the property-record units in such detail as to identify plainly such units. The description (except for classes of plant for which it is impracticable, such as station apparatus, station installations, and drop and block wires) shall include the identification of the work order under which constructed the year of installation (unless not determinable at reasonable expense with respect to past acquisitions or installations), the specific location of the property within each accounting area in such manner that it can be readily spot-checked for proof of physical existence, the accounting company's number or designation, and any other description used in connection with the determination of the original cost. Descriptions of units of similar size and type shall follow prescribed groupings.

6. Reinstalled units. When units with respect to which average costs are not applied under the practices herein prescribed are removed or retired and subsequently reinstalled, the date when the unit was first charged to the appropriate plant account shall, when required for adequate service life studies and reasonably accurate retirement accounting, be shown in addition to the date of reinstallation.

7. Age of property. The continuing property record or records supplemental thereto and in support thereof shall be so maintained as to disclose the age of existing property and the service life of property retired. Exceptions from this requirement for any property-record units shall be submitted as part of the company's plan of continuing property records.

8. Reference to sources of information. There shall be shown by appropriate reference the source of all entries. All drawings, computations, and other detailed records which support either the quantities or the costs included in the continuing property record shall be retained as a part of or in support of the continuing property record.

9. Jointly owned property. (a) With respect to jointly owned property, there shall be shown in the continuing property record or records supplemental thereto:

(1) The identity of all joint owners.

(2) The percentage of ownership of the physical units vested in the accounting company.

NOTE: When plant is constructed under arrangements for joint ownership, the amount received by the constructing company from the other joint owner or owners shall be credited as a reduction of the gross cost of the plant in place. When a sale of a part interest in plant is made, the fractional interest sold shall be treated as a retirement and the amount received shall be treated as salvage. The continuing property record or records supplemental thereto shall be so maintained as to identify retirements of this nature separately from physical retirements of jointly owned plant.

(b) If jointly owned property is substantial in relation to the total of the same kind of property owned wholly by the company, such jointly owned property shall be appropriately segregated in the continuing property record.

2. Amend section 1.547 *Reports to be filed under Part 31 of this chapter* of Part 1, Practice and Procedure, as follows:

(a) Delete from paragraph (r) the reference to paragraph (c) of § 31.2–26.

(b) Delete paragraphs (u), (v), (w), and (x) and substitute the following:

(u) Appendix B—Standard Practices, CPR: Section 1 (b). Continuing property record; (1) list of accounting areas (with descriptions) and (2) descriptions of subsequent proposed changes in the list.

(v) CPR: Section 2 (a). Continuing property record; proposed revisions in list of property-record units.

[F. R. Doc. 52–8176; Filed, July 25, 1952; 8:46 a. m.]

[47 CFR Parts 7, 8, 14]

[Docket No. 10231]

ASSIGNMENT OF FREQUENCIES

NOTICE OF PROPOSED RULE MAKING

In the matter of Amendment of Parts 7, 8, and 14 of the Commission's rules concerning assignment of frequencies in the bands 14–150 kc, 150–200 kc, and 200–535 kc, and amendment of Part 7 of the rules concerning assignment of frequencies between 10 kc and 25,000 kc to coast stations using telegraphy; Docket No. 10231.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) necessitates implementation of the new international list as to frequencies in the band 14–150 kc by August 15, 1952, as to frequencies in the band 150–200 kc by December 1, 1952, and as to frequencies in the band 200–535 kc by November 1, 1952. Such implementation will involve termination of the availability of certain frequencies for use by coast and ship station licensees while making available new frequencies in accordance with the agreement. In anticipation of, and in order to facilitate this implementation, it is proposed to modify Parts 7, 8 and 14 of the Commission's rules at this time to show these changes. The proposed amendments are set forth below.

3. Additionally it is proposed to amend Part 7 of the Commission's rules so as to provide that in addition to the frequencies listed in the rules, other frequencies in the bands allocated for coast stations using telegraphy may be available for assignment to such stations. Although similar provision is now made in the rules, that provision is limited to the "purpose of facilitating the implementation" of the Geneva Agreement. Because it appears to be desirable to provide such a procedure for purposes other than "implementation", the rule amendment herein proposed, in effect, removes the foregoing limitation subject to a provision that initial authorizations for use of such unlisted frequencies would be restricted to a six months' period.

4. The proposed amendments are issued under the authority of sections 303 (c), and (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before July 21, 1952, a written statement or brief setting forth his comments. At the same time any person who favors the amendments as set forth may file a statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within five days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs and statements before taking final action.

6. In accordane with the provisions of § 1.784 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 10, 1952.

Released: July 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Proposed amendments of the rules of the Commission by parts and related sections:

1. Section 7.104 (a) is amended as follows:

a. Subparagraph (1), change the phrase "365 to 515 kc" to read "405 to 535 kc."

b. Subparagraph (1) (i) change the phrase "365 to 515 kc" to read "405 to 535 kc."

c. Subparagraph (1) (ii) change the band "365 to 515 kc" to read "405 to 535 kc."

2. Section 7.188 is amended as follows:

a. In each paragraph (a) and (b) change the phrase "365 to 515 kc" to read "405 to 535 kc."

b. Paragraph (c) change the phrase "100 to 160 kc" to read "90 to 160 kc."

3. Section 7.206 (a) is amended by deleting the following frequencies in kilocycles together with footnotes 4 and 5 from the assignable frequencies listed therein immediately following the sentence beginning "Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency * * *":

[4]105	135	171	418
[4]107	136	173	420
[4]109	137	174	422
[4]110	138	176	425
111	139	177	430
112	140	178	432
114	141	179	436
116	145	180	438
117	146	181	442
118	147	182	448
119	148	183	452
120	149	184	454
121	150	186	[5]460
123	161	187	462
124	162	188	466
125	163	189	472
126	164	191	474
127	165	193	476
129	166	392	478
130	167	394	482
131	168	406	484
133	169	408	
134	170	410	

and by revising the table following the sentence "Each of the following frequencies is available for assignment to coast stations located within the general portion of the seacoast area of the continental United States as indicated below" to read as follows:

North Atlantic: 112.85, 124.05, 146.80, 130.35, 147.50, 132.10, 22407, 134.55, 22485, 137.00, 22503, 418, 22521, 436, 22599, 442, 22617, 460,[3] 472, 476, 482.
South Atlantic: 137.70, 434, 464, 472, 488, 22431, 22503, 22569.
Central Atlantic: 482.
North Pacific: 482, 22539.
South Pacific: 418, 464, 22413, 22467.
Central Pacific: 126.15, 147.85, 436, 460,[3] 476, 488, 22425, 22479, 22515, 22557, 22635.
Great Lakes: 482.
Gulf of Mexico: 139.80, 416, 420, 434, 438, 478, 484, 22431, 22467, 22569.

and by revising the sentence immediately following the foregoing table now reading "The following frequency is available for assignment to coast stations located within the Territory of Hawaii: 22509 kc." to read as follows:

The following frequencies are available for assignment to coast stations located in Puerto Rico and within the Territory of Hawaii:

Territory of Hawaii: 472 kc—Kahuku, T. H.; 22,509 kc—any location within T. H.
Puerto Rico: 486 kc—Ensenada; 128.95 kc—Ensenada.

4. Section 7.206 (b) (7) is amended to read as follows:

(7) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within bands between 10 kc and 25,000 kc shown in the Commission's Table of Frequency Allocations contained in § 2.104 (a) of the rules as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however,* That initial authorizations for such frequencies shall be limited to six months duration.

5. Section 7.206 (b) is amended as follows:

a. Delete subparagraphs (1) and (6).

b. Modify subparagraph (2) by deleting the reference therein to 448 kc, 452 kc, 454 kc and 462 kc.

6. Section 7.207 (a) is amended by modifying the reference therein to "365 to 515 kc" to read "405 to 535 kc."

7. Section 7.207 (b) is amended by modifying each reference to the phrase "100 to 160 kc" to read "90 to 160 kc."

8. Section 7.208 (d) is amended as follows:

a. In subparagraph (1) change the phrase "110 to 194 kc" to "110 to 150 kc."

b. In subparagraph (2) change the phrase "385 to 485 kc" to "415 to 490 kc."

9. Section 7.211 (a) (2) is amended by changing the phrase "365 to 515 kc" to read "405 to 535 kc."

10. Section 8.105 is amended as follows:

a. In paragraph (a) change the phrase "365 kc to 515 kc" to read "405 kc to 535 kc."

b. In paragraph (b) change the phrase "100 kc to 160 kc" to read "90 kc to 160 kc."

11. Section 8.201 is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

12. Section 8.221 is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

13. Section 8.222 is amended by changing the phrase "100 to 160 kc" to read "90 to 160 kc."

14. Section 8.321 (a) is amended as follows:

a. Delete the following frequencies from those set forth therein:

160 355 375 394 400

b. Insert in proper numerical order the following frequency and phrase:

448 (Region 2 only)

c. Delete footnote designator 1 following frequency 480.

15. Section 8.321 (b) is amended as follows:

a. Subparagraph (1) is modified by changing the last sentence to read: "Effective November 1, 1952, the use by ship stations of the radio channel of which 355 kc is the assigned frequency shall be discontinued."

b. Subparagraph (2) is amended to read as follows: "In addition to the transmission of specific signals for purposes of radiolocation, the radio-channel of which 410 kc is the assigned frequency may be used for communication by radiotelegraphy with direction finding stations in connection with established international operating procedure, relative to radiolocation by means of direction finding. The radio channel of which 375 kc is the assigned frequency, however, may be used for this purpose in lieu of 410 kc until not later than 3 A. M., E. S. T., November 1, 1952."

c. Subparagraph (3) is amended by deleting the frequencies 394 kc, 400 kc, and 410 kc.

d. Subparagraph (4) is deleted.

16. Section 8.322 (a) is amended by changing the phrase "365 to 515 kc" to read "405 to 535 kc."

17. Section 8.323 is amended as follows:

a. Paragraph (a) is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

b. Paragraph (b) is amended by changing the phrase "100 to 160 kc" in each of two places therein to read "90 to 160 kc."

18. Section 8.324 (b) is amended by revising this paragraph to read as follows:

(b) Ship and aircraft stations using telegraph and working on frequencies within the band 415 to 490 kc shall use whenever practicable, an authorized working frequency of which 425, 448, 454, or 480 kc is the assigned frequency. The frequency 448 kc may be used in Region 2 only.

19. Section 8.324 (f) is amended as follows:

a. In subparagraph (1) change the phrase "110 to 184 kc" to read "110 to 150 kc."

b. In subparagraph (2) change the phrase "385 to 485 kc" to read "415 to 490 kc."

20. Section 8.327 (a) (2) is amended by changing the phrase "365–515 kc" to read "405–535 kc."

21. Section 8.330 is amended as follows:

a. In subparagraph (a) (1) change the phrase "100 to 515 kc" to read "90 to 535 kc."

b. In paragraph (b) change the phrase "100 to 515 kc" to read "90 to 535 kc."

22. Section 8.403 is amended by modifying the first sentence to read as follows: "Provided * * *, that equipment may be operated (outside the territorial waters of a foreign country) on such radio-channels within the band 285–325 kc (285–315 Mc only in Region 1) as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts, provided that interference shall not be caused by such operation to any maritime radionavigation service."

23. Sections 14.11, 14.12 and 14.13 are deleted.

24. A new § 14.10 is added to read as follows:

§ 14.10 *Frequencies for communication from non-Government to Government and between non-Government stations.* The following frequency is allocated for communication from non-Government to Government stations, and between non-Government stations using A1 emission, maximum authorized transmitter power 650 watts:

149.60 kc

a. Section 14.38 (a) is amended to read as follows:

"(a) *Calling and working.* 416 and 438 kc, A1, A2 emission, maximum authorized transmitter power 265 watts.

[F. R. Doc. 52–8177; Filed, July 25, 1952; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. 4, amended]

DISTRICT COMMISSIONER AND EACH DIRECTOR OF INTERNAL REVENUE FOR THE DISTRICT

DELEGATION OF AUTHORITY TO SIGN CONSENTS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, paragraphs 1 and 2 of Commissioner's Reorganization Order No. 4 (17 F. R. 4587) are amended, effective as of May 15, 1952, by inserting immediately after the words "upon assessment" wherever the same appear therein, the following words: "or collection"; and after the words "with assessments" wherever the same appear therein, the following words: "or collections".

Dated: July 22, 1952.

JOHN B. DUNLAP,
Commissioner.

[F. R. Doc. 52–8243; Filed, July 25, 1952; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

ESCAMBIA COUNTY COOPERATIVE, INC.

DEPOSTING OF STOCKYARD

It has been ascertained that the Escambia County Cooperative, Inc., Brewton, Alabama, originally posted on April 30, 1941, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it no longer meets the area requirements. Therefore, notice is given to the owner of such stockyard and to the public that such stockyard is no longer subject to the provisions of said act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in said act.

The foregoing rule is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 22d day of July 1952.

H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 52–8259; Filed, July 25, 1952; 8:59 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SNOW TRANSPORTATION COMPANY; INCREASED RATES

NOTICE OF HEARING

This case involves increased rates of Snow Transportation Company on traffic between ship's landing and Bethel, Alaska, between Akiak and ship's landing, Alaska, and between Akiak and Bethel, Alaska. Protests were received by the Board from the Governor of Alaska and the Bethel Chamber of Commerce, alleging that the proposed increases were unjustified. On May 28, 1952, the Board ordered that the proposed increased rates be suspended pending a hearing as to their lawfulness.

Notice is hereby given that a public hearing on the lawfulness of the said proposed increased rates will be held before Examiner F. J. Horan in the Bethel schoolhouse, Bethel, Alaska, on August 11, 1952, at 10 o'clock a. m.

All persons desiring to intervene in this proceeding are requested to notify the Board immediately, and should file petitions of intervention in accordance with the rules of procedure.

Dated: July 23, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 52–8261; Filed, July 25, 1952; 8:59 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

TEXTILE INDUSTRY

NOTICE OF HEARING ON PROPOSED AMENDMENT WITH RESPECT TO PREVAILING MINIMUM WAGE

The Secretary of Labor, in a minimum wage determination issued pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036; 41 U. S. C. secs. 35–45) and made effective November 16, 1948 (13 F. R. 6083), determined the minimum wage for persons employed in the Textile Industry in the performance of contracts with agencies of the United States Government subject to the act to be not less than 87 cents an hour. This determination also authorized employment of learners or beginners at rates not less than 80 cents an hour for a learning period not longer than 240 hours. This determination is currently in effect as editorially revised and published in the FEDERAL REGISTER on July 20, 1950 (15 F. R. 4654).

The Textile Workers Union of America, CIO, has submitted a petition to the Administrator, dated January 23, 1952, for the establishment of a minimum wage of $1.135 with a wage escalator provision of one cent quarterly adjustment for each 1.32 rise in the Consumer's Price Index (Old Series) beginning with February 15, 1951, and urging retention of the currently effective definition of the industry.

The United Textile Workers Union, AFL, has submitted a petition to the Administrator, dated March 4, 1952, for determination of a minimum wage of $1.13 with an escalator clause and the other fringe benefits of vacations with pay and holiday and shift premiums as provided in its collective bargaining agreements.

The currently effective industry definition (15 F. R. 4634; 41 CFR 202.43) reads as follows:

(a) *Definition.* For the purpose of this determination the term "textile industry" means:

(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in subparagraphs (7) and (8) of this paragraph; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(2) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in subparagraph (1) of this paragraph;

(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: Bags, bandages and surgical gauze, bath mats and related articles, bedspreads, blankets, diapers, dishcloths, scrubbing cloths and washcloths, sheets and pillow cases, tablecloths, lunch-cloths, napkins, towels, window curtains, shoe laces and similar laces;

(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(6) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(7) The manufacturing or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mix-

tures of wool or animal fiber (other than silk) with any of the fibers designated in subparagraph (1) of this paragraph, containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(8) The manufacturing, bleaching dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in subparagraph (1) of this paragraph, with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(9) The manufacturing, dyeing, finishing or processing of rugs, or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

Now, therefore, notice is hereby given: That a public hearing will be held on Thursday, September 4, 1952, at 10:00 a. m. in Room 1214 of the Department of Labor, Constitution Avenue and Fourteenth Street Northwest, Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, at which hearing all interested persons may appear and submit data, views and argument (1) as to what are the prevailing minimum wages in the Textile Industry; (2) as to whether there should be included in any amended determination for this industry provision for employment of learners, beginners and/or apprentices at subminimum rates, and if so, in what occupations, at what subminimum rates and with what limitations, if any, as to length of period and number or proportion of such subminimum rate employees; and (3) as to the propriety of the present definition of this industry.

There will be available for distribution to interested parties upon request to the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington, D. C., wage data released by the Bureau of Labor Statistics in addition to a number of special tabulations prepared by that Bureau at the request of the Administrator of the Wage and Hour and Public Contracts Divisions. Such wage data as are provided by interested parties sufficiently in advance of the hearing to permit general distribution thereof will also be made available.

Persons intending to appear are requested to notify the Administrator of their intention in advance of the hearing. Written statements in lieu of personal appearance may be filed by mail at any time prior to the date of the hearing, or may be filed with the presiding officer at the hearing. An original and four copies of any such statement should be filed.

Persons who wish to appear should be prepared to testify with respect to the adequacy and accuracy of the wage data prepared by the Bureau of Labor Statistics and any data submitted by the petitioners or others, and also to present specific factual information in support or in derogation of the adequacy and accuracy of such data, including information as to changes in the wage structure of the industry since the time of the BLS survey, in March of 1952.

The following information is particularly invited with respect to the subject matter of the testimony or statements of each witness: (1) The number of workers covered in the presentation; (2) the number and location of establishments; (3) minimum wages paid at the end of a probationary or learner period, the number of workers receiving such wages, and the occupations in which these employees are found; (4) the entrance rate for learners, beginners or probationary workers, the length of such learning or probationary period, and the number of workers paid such entrance rates; and (5) the product or products made by the establishments included.

To the extent possible, data should be submitted in such a manner as to permit evaluation thereof on a plant by plant basis.

In the discretion of the Presiding Officer, a period of not to exceed 30 days from the close of the hearing may be allowed for the filing of comment on the evidence and statements introduced into the record of the hearing. In the event such supplemental statements are received an original and four copies of each such statement should be filed.

Signed at Washington, D. C., this 23d day of July 1952.

WM. R. McCOMB,
Administrator, Wage and Hour and Public Contracts Division.

[F. R. Doc. 52-8248; Filed, July 25, 1952; 8:59 a. m.]

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Community Workshops of Rhode Island, Inc., 79–83 North Main Street, Providence 3, R. I.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 140 hours and a training period of 140 hours, and 20 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

The Sheltered Workshop of the Boston Tuberculosis Association, 35 Tyler Street, Boston, Mass.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

The New York Association for the Blind, Industrial Division, 36–20 Northern Boulevard, Long Island City 1, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Central Association for the Blind, Inc., 301 Court Street, Utica 4, N. Y.; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rate during the periods hereinafter specified, whichever is higher: 10 cents per hour for an evaluation period of 320 hours for the Sewing Room, and an evaluation period of 240 hours for the Rug Weaving Department, followed by 40 cents per hour for the entire shop with the exception of the Mat Weaving and Hand Sewing Departments including homeworkers; and 10 cents per hour for the Mat Weaving and Hand Sewing Departments including homeworkers. Certificate is effective July 7, 1952, and expires June 30, 1953.

Goodwill Industries of Philadelphia, Inc., 1705 West Alleghany Avenue, Philadelphia 32, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour for an evaluation period of 40 hours and a training period of 80 hours, and 45 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Charlotte Workshop for the Blind, 1702 North Brevard Street, Charlotte, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 55 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Lions Club Workshop for the Blind, 104 South Maple Street, Durham, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 50 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Guilford Industries for the Blind, 920 West Lee Street, Greensboro, N. C.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 80 hours, and 50 cents per hour thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Jewish Home for Aged, 11501 Petoskey Avenue, Detroit 4, Mich.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for an evaluation period of 40 hours and a training period of 40 hours, and 8 cents per hour thereafter, whichever is higher. Certificate is effective June 5, 1952, and expires October 31, 1952.

The Goodwill Industries of Zanesville, 108 Main Street, Zanesville, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for a training period of 40 hours, and 40 cents thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Christ Mission Goodwill Industries, 330 East Boardman Street, Youngstown, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour for a training period of 40 hours, and 30 cents thereafter, whichever is higher. Certificate is effective July 1, 1952, and expires June 30, 1953.

Bethel Goodwill Industries, 621 Norton Drive, Ashtabula, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: Salvage Workshop, 15 cents per hour for a training period of 40 hours and 40 cents thereafter; Sewing Department, 15 cents per hour for an evaluation period of 40 hours and a training period of 80 hours, and 40 cents thereafter. Certificate is effective July 2, 1952, and expires June 30, 1953.

Lincoln Goodwill Industries, Inc., 1822 N Street, Lincoln, Nebr.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour for an evaluation period of 40 hours and a training period of 40 hours, and 45 cents thereafter, whichever is higher. Certificate is effective June 30, 1952, and expires May 31, 1953.

Pueblo Goodwill Industries, 130 South Union, Pueblo, Colo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 60 cents per hour, whichever is higher. Certificate is effective May 29, 1952, and expires December 31, 1952.

Iowa Society for Crippled Children and Adults, Inc., 2917 Grand Avenue, Des Moines 12, Iowa; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 80 hours and a training period of 120 hours, and 25 cents per hour thereafter, whichever is higher. Certificate is effective June 1, 1952, and expires May 31, 1953.

The Rehabilitation Institute, 3600 Troost, Kansas City 3, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for an evaluation period of 120 hours and a training period of 80 hours, and 15 cents thereafter, whichever is higher. Certificate is effective June 30, 1952, and expires May 31, 1953.

The Lighthouse for the Blind (formerly Industrial Aid for the Blind), 2315–21 Locust Street, St. Louis 3, Mo.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: Entire Shop, 25 cents per hour during an evaluation period of 160 hours, and 32 cents thereafter, and the following rates and training periods applicable to the Divisions listed: Broom Division and Sewing Division, 25 cents per hour during a training period of 160 hours in each such Division, and 32 cents thereafter; Mat Division, Mop Division, and Rug Division, 25 cents per hour during a training period of 80 hours in each such Division, and 32 cents thereafter. Certificate is effective June 11, 1952, and expires November 30, 1952.

Goodwill Industries of Arizona, 910 East Sherman St., Phoenix, Ariz.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period of 160 hours, and 70 cents thereafter, whichever is higher. Certificate is effective June 21, 1952, and expires June 20, 1953.

The Volunteers of America, West 28 Main Avenue, Spokane 1, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 46 cents per hour for an evaluation period of 160 hours and 65 cents per hour thereafter, whichever is higher. Certificate is effective July 15, 1952, and expires January 24, 1953.

Goodwill Industries of Orange County, California, 417 West Fourth Street, Santa Ana, Calif.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period of 160 hours, and 65 cents thereafter, whichever is higher. Certificate is effective July 25, 1952, and expires January 24, 1953.

Seattle Goodwill Industries, 1400 Lane Street, Seattle 44, Wash.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour for an evaluation period of 160 hours, and 60 cents thereafter, whichever is higher. Certificate is effective July 24, 1952, and expires July 23, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of July 1952.

JACOB I. BELLOW,
Acting Assistant Administrator.

[F. R. Doc. 52-8249; Filed, July 25, 1952; 8:59 a. m.]

CIVIL AERONAUTICS BOARD

[Serial No. SR-364-A]

SPECIAL CIVIL AIR REGULATION

OPERATION BY TRANSOCEAN AIR LINES OF CERTAIN AIRCRAFT IN TRUST TERRITORY OF PACIFIC ISLANDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of July 1952.

Special Civil Air Regulation SR–364 presently provides authorization to Transocean Air Lines for certification and operation of four PBY–5A aircraft between various islands in the Trust Territory of the Pacific Islands and the island of Guam. Such operations have been conducted pursuant to a certain contract between Transocean Air Lines and the Department of the Navy, which contract was subsequently assigned by the Department of the Navy to the Department of the Interior. The aforementioned contract expires on July 30, 1952, and Transocean Air Lines and the Department of the Interior have agreed to enter into a new or extended contract covering the same operations with the same aircraft.

Paragraph 1 (c) of Special Regulation SR–364 predicates the amendment of Transocean's air carrier operating certificate on the terms of the contract between Transocean and the Department of the Navy. Since operations under the proposed new contract between Transocean Air Lines and the Department of the Interior would technically not be authorized by Special Regulation SR–364, the Board considers that paragraph 1 (c) should be amended to provide authorization for identical operations under any such contract or extension thereof entered into between Transocean Air Lines and the Department of the Interior.

Because Transocean Air Lines is the only carrier affected by this amendment and has requested the relief herein granted and because this amendment is minor in nature, notice and public procedure hereon are unnecessary, and since it relieves the said carrier from restriction, the Board finds that good cause exists to make this regulation effective immediately.

In consideration of the foregoing the Civil Aeronautics Board hereby amends paragraph 1 (c) of Special Civil Air Regulation SR–364 effective immediately, as follows:

By substituting a comma for the period at the end of paragraph 1 (c) and by adding the following language: "or pursuant to any contract or extension thereof subsequently entered into between Transocean Air Lines and the Department of the Interior but only with respect to the points specified in section 1."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–8251; Filed, July 25, 1952; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Change List No. 5]

CUBAN BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, LIST OF CHANGES, MODIFICATIONS AND DELETIONS OF EXISTING STATIONS

JUNE 25, 1952.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

Call letters	Location	Power (kw)	Antenna	Schedule	Class	Proposed date of change or commencement of operation
CMJP	Ciego de Avila, Camaguey	580 kilocycles (assignment of call letters).				
NEW	Bayamo, Oriente	1150 kilocycles, 0.25.	ND	U	II	Dec. 12, 1952.
CMJK	Camaguey, Camaguey	1150 kilocycles, 0.5.	ND	U	III	Cancel assignment.
CMJK	do	1160 kilocycles, 1.	ND	L–KSL	II	Now in operation.
CMHC [1]	Santa Clara, Las Villas	1110 kilocycles, 1.	ND	U	III	Dec. 24, 1952.
CMGM	Colon, Matanzas (PO: 0.25 kw, Cardenas) (change in location and power; assignment of call letters).	1440 kilocycles, 0.25.	ND	U	IV	Do.
CMHC	Santa Clara, Las Villas (vide 1410 kc, 1 kw) (assignment of call letters)	1480 kilocycles				

[1] This station is assigned to this frequency conditionally, to change to 1480 kilocycles with 500 watts upon entry into force of the Agreement.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8213; Filed, July 25, 1952; 8:56 a. m.]

[Docket No. 10232]

COAST STATIONS CURRENTLY AUTHORIZED TO OPERATE ON DESIGNATED FREQUENCIES IN THE BAND 14–150 Kc, 150–200 Kc AND 200–535 Kc

ORDER TO SHOW CAUSE WITH RESPECT TO MODIFICATION OF LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952;

The Commission having under consideration the matter of modifying as of August 15, 1952, November 1, 1952, and December 1, 1952, respectively, the licenses of coast stations now operating on frequencies in the band 14–150 kc, in the band 200–535 kc, and in the band 150–200 kc by authorizing their operation on frequencies other than those now authorized in order to permit the United States to put into effect the Atlantic City (1947) Table of Frequency Allocations in these bands;

It appearing, that the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) to which the United States is a signatory requires the implementation of the bands 14–150 kc by August 15, 1952, the band 200–535 kc by November 1, 1952, and the band 150–200 kc by December 1, 1952, and that such implementation will require that the licenses of coast stations now operating on certain frequencies be modified to specify frequencies which are in accordance with the agreement; and

It further appearing, that the Commission has this date issued a Notice of Proposed Rule Making [1] which, among other matters, proposes to modify its rules so as to make unavailable to coast stations certain currently assignable frequencies in the bands 14–150 kc, 150–200 kc and 200–535 kc and simultaneously proposes to make available to coast stations certain other frequencies which are allocated for the use of such stations under the agreement;

It is ordered, That pursuant to the provisions of section 312 (b) of the Communications Act of 1934, as amended, the licensees of coast stations authorized to operate on a frequency or frequencies within the bands 14–150 kc, 150–200 kc and 200–535 kc are directed to show cause, on or before July 28, 1952, why the licenses of said coast stations should not be modified as of August 15, 1952, November 1, 1952, and December 1, 1952, respectively, so as to delete the authority to operate on the frequencies designated in the Appendix A set forth below and to substitute therefor authority to operate on the frequencies and at the locations and with power and emission shown in the Appendix B set forth below, in the event that the Commission has finalized its proposal to amend its rules as described in the preceding paragraph, and in the event no applications are filed with the Commission which are mutually exclusive with any of the modified assignments proposed in Appendix B.

Released: July 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

Frequency (kc), Station, Licensee, and Location

109; WSL; Mackay Radio & Telegraph Co., Amagansett, N. Y.

111; WCC; Radiomarine Corp. of America, South Chatham, Mass.

120; WSL; Mackay Radio & Telegraph Co., Amagansett, N. Y.

125; WSC; Radiomarine Corp. of America, Tuckerton, N. J.

125; WCC; Radiomarine Corp. of America, South Chatham, Mass.

126; KPH; Radiomarine Corp. of America, Bolinas, Calif.

[1] See F. R. Doc. 52–8177, 47 CFR Parts 7, 8, 14, *supra*.

131; WSF; Mackay Radio & Telegraph Co., New York, N. Y.

136; KPH; Radiomarine Corp. of America, Bolinas, Calif.

137; WSV; Radiomarine Corp of America, Savannah, Ga.

137; WCC; Radiomarine Corp. of America, South Chatham, Mass.

147; WBF; Tropical Radio & Telegraph Co., Hingham, Mass.

161; WBL; Radiomarine Corp. of America, Martinsville, N. Y.

161; WNU; Tropical Radio & Telegraph Co., Kenner, La.

163; WPR; South Puerto Rico Sugar Co., Ensenada, P. R.

170; WNY; Radiomarine Corp. of America, New York, N. Y.

170; WSV; Radiomarine Corp. of America, Savannah, Ga.

406, WIM; Radiomarine Corp. of America, Chatham, Mass.

408; KSE, Radiomarine Corp. of America, Torrance, Calif.

408; WSV; Radiomarine Corp. of America, Savannah, Ga.

410; KHK; RCA Com., Inc., Kahuku, T. H.

418; KOK; Mackay Radio & Telegraph Co., Clearwater, Calif.

418; WPA; Radiomarine Corp. of America, Port Arthur, Tex.

418; KFS; Mackay Radio & Telegraph Co., Palo Alto, Calif.

420; WSF; Mackay Radio & Telegraph Co., New York, N. Y.

420; KLB; Mackay Radio & Telegraph Co., Kent, Wash.

425; WLC; Control Radio Telegraph Co., Rogers City, Mich.

432; WOE; Radiomarine Corp. of America, Lakeworth, Fla.

436; KPH; Radiomarine Corp. of America, Bolinas, Calif.

436; WBF; Tropical Radio Telegraph Co., Hingham, Mass.

438; WPR; South Puerto Rico Sugar Co., Ensenada, P. R.

438; WPD; Ciara Lee Wood, Tampa, Fla.

438; WPC; Bethlehem Steel Co., Quincy, Mass.

438; WPY; New York City Police Department, New York, N. Y.

438; WMH, Mayor and City Council, Baltimore, Md., Baltimore, Md.

442; WNY; Radiomarine Corp. of America, New York, N. Y.

442; WLO; Mobileradio, Mobile, Ala.

442; WSE; Caribbean Radio, Jacksonville, Fla.

448; WNU; Tropical Radio Telegraph Co., Kenner, La.

454; WLC; Central Radio & Telegraph Co., Rogers City, Mich.

460; KJQ; Olympic Radio Co., Hoquiam, Wash.

462; WSC; Radiomarine Corp. of America, Tuckerton, N. J.

474; WSL; Mackay Radio & Telegraph Co., Amagansett, N. Y.

478; WBL; Radiomarine Corp. of America, Martinsville, N. Y.

478; KIK; Globe Wireless, Musselrock, Calif.

482; WAX; Tropical Radio Telegraph Co., Ojus, Fla.

484, KLC; Mackay Radio & Telegraph Co., Galveston, Tex.

425; KOO; H. Synnestvedt, Chatham, Alaska.

425; 460; KLD; Nakat Packing Corp., Hidden, Inlet, Alaska.

425; KJZ; Pacific American Fisheries, Inc., Lazy Bay, Alaska.

460, KNP, Oceanic Fisheries Co., Inc., Port Oceanic, Alaska.

425; KEA; Adam William Lipke, Seldovia, Alaska.

425; 460; KUB; Bristol Bay Packing Co., Pederson Point, Alaska.

425; 460; KLA; Nakat Packing Corp., Waterfall, Alaska.

425; KMS; Pacific American Fisheries, Inc., King Cove, Alaska.

425; 460; KJI; Nakat Packing Corp., Nakeen, Alaska.

425; 460; KJT; Pacific American Fisheries, Inc., Squaw Harbor, Alaska.

425; 460; KKI; Pacific American Fisheries, Inc., Warren, Alaska.

460; KDX; Trans-Pacific Fishing & Packing Co. and Calvert Corp. d/b as Peninsula Packers, any temporary location within the Territory of Alaska.

APPENDIX B

Frequency (kc.)	Station	Location	Licensee	Geneva [1] emission	Maximum peak power (kw.) (or the equivalent in plate input)
112.85	WSL	Amagansett, N. Y.	Mackay Radio & Telegraph Co.	0.1A1	15
124.05	WSC	Tuckerton, N. J.	Radiomarine Corp. of America	0.1A1	6
126.15	KPH	Bolinas, Calif.	do	0.1A1	6
128.95	WPR	Ensenada, P. R.	South Puerto Rico Sugar Co.	0.1A1	10
130.35	WCC	South Chatham, Mass.	Radiomarine Corp. of America	0.1A1	5
132.10	WSF	New York, N. Y.	Mackay Radio & Telegraph Co.	0.1A1	10
134.55	WNY	do	Radiomarine Corp. of America	0.1A1	2
137.00	WBF	Hingham, Mass.	Tropical Radio Telegraph Co.	0.1A1	1
137.70	WSV	Savannah, Ga.	Radiomarine Corp. of America	0.1A1	20
139.80	WNU	Kenner, La.	Tropical Radio Telegraph Co.	0.1A1	2
146.80	WSC	Tuckerton, N. J.	Radiomarine Corp. of America	0.1A1	0.75
147.50	WCC	South Chatham, Mass.	do	0.1A1	6
147.85	KPH	Bolinas, Calif.	do	0.1A1	10
416	WPA	Port Arthur, Tex.	do	0.1A1	10
				2.1A2	
418	WIM	Chatham, Mass.	do	0.1A1	20
				2.1A2	
418	KSE	Torrance, Calif.	do	0.1A1	10
				2.1A2	
420	WPD	Tampa, Fla.	Clara Lee Wood	0.1A1	1.0
				2.1A2	
431	WSV	Savannah, Ga.	Radiomarine Corp. of America	0.1A1	0.0
				2.1A2	
436	KTK	Musselrock, Calif.	Globe Wireless, Ltd.	0.1A1	5.0
				2.1A2	
456	WBF	Hingham, Mass.	Tropical Radio Telegraph Co.	0.1A1	20
				2.1A2	
438	WLO	Mobile, Ala.	Mobileradio	0.1A1	1.0
				2.1A2	
442	WSF	New York, N. Y.	Mackay Radio & Telegraph Co.	0.1A1	2.0
				2.1A2	
460	KPH	Bolinas, Calif.	Radiomarine Corp. of America	0.1A1	5.0
				2.1A2	
460	WSC	Tuckerton, N. J.	do	0.1A1	10
				2.1A2	
464	KOK	Clearwater, Calif.	do	0.1A1	5.0
				2.1A2	
464	WSE	Jacksonville, Fla.	Caribbean Radio	0.1A1	1.0
				2.1A2	
472	KHK	Kahuku, Hawaii	RCA Communications Inc.	0.1A1	2.0
				2.1A2	
472	WOE	Lake Worth, Fla.	Radiomarine Corp. of America	0.1A1	2.0
				2.1A2	
472	WNY	New York, N. Y.	do	0.1A1	0.5
				2.1A2	
476	WSL	Amagansett, N. Y.	Mackay Radio & Telegraph Co.	0.1A1	15
				2.1A2	
476	KFS	Palo Alto, Calif.	do	0.1A1	10
				2.1A2	
478	WNU	Kenner, La.	Tropical Radio Telegraph Co.	0.1A1	20
				2.1A2	
482	WMH	Baltimore, Md.	Mayor and City Council, Baltimore, Md.	0.1A1	1.5
				2.1A2	
482	KJQ	Hoquiam, Wash.	Olympic Radio Co.	0.1A1	0.5
				2.1A2	
482	WBL	Martinsville, N. Y.	Radiomarine Corp. of America	0.1A1	0.75
				2.1A2	
482	WPY	New York, N. Y.	City of New York Police Department.	0.1A1	0.2
				2.1A2	
482	WLC	Rogers City, Mich.	Central Radio Telegraph Co.	0.1A1	1.0
				2.1A2	
482	WPC	Quincy, Mass.	Bethlehem Steel Co.	0.1A1	0.2
				2.1A2	
484	KLC	Galveston, Tex.	Mackay Radio & Telegraph Co.	0.1A1	5.0
				2.1A2	
486	WPR	Ensenada, P. R.	South Puerto Rico Sugar Co.	0.1A1	1.5
				2.1A2	
488	WAX	Ojus, Fla.	Tropical Radio Telegraph Co.	0.1A1	5.0
				2.1A2	
488	KLB	Kent, Wash.	Mackay Radio & Telegraph Co.	0.1A1	3.0
				2.1A2	
416	KOO	Chatham, Alaska	H. Synnestvedt	0.1A1	0.2
				2.1A2	
416	KLD	Hidden Inlet, Alaska	Nakat Packing Corp.	0.1A1	0.2
				2.1A2	
416	KJZ	Lazy Bay, Alaska	Pacific American Fisheries, Inc.	0.1A1	0.2
				2.1A2	
416	KNP	Port Oceanic, Alaska	Oceanic Fisheries, Co., Inc.	0.1A1	0.2
				2.1A2	
416	KEA	Seldovia, Alaska	Adam William Lipke	0.1A1	0.4
				2.1A2	
416	KUB	Pederson Point, Alaska	Bristol Bay Packing Co.	0.1A1	0.2
				2.1A2	
416	KLA	Waterfall, Alaska	Nakat Packing Corp.	0.1A1	0.2
				2.1A2	
438	KMS	King Cove, Alaska	Pacific American Fisheries, Inc.	0.1A1	0.2
				2.1A2	
438	KJI	Nakeen, Alaska	Nakat Packing Corp.	0.1A1	0.2
				2.1A2	

[1] F. C. C. license—emission equivalents: Geneva, 0.1A1, 2.1A2; F. C. C. license, 0.16A1, 0.266A2.

Frequency (kc.)	Station	Location	Licensee	Geneva[1] emission	Maximum peak power (kw.) (or the equivalent in plate input)
428	KST	Squaw Harbor, Alaska	Pacific American Fisheries, Inc.	0.1A1 2.1A2	0.2
438	KKI	Warren, Alaska	do	0.1A1 2.1A2	0.2
438	KDX	Any temporary location within Territory of Alaska.	Peninsula Packers	0.1A1 2.1A2	0.2

[1] F. C. C. license—emission equivalents; Geneva, 0.1A1, 2.1A2; F. C. C. license, 0.16A1, 0.266A2.

[F. R. Doc. 52-8179; Filed, July 25, 1952; 8:47 a. m.]

[Docket Nos. 8619, 10281]

WABX, INC., AND HARRISBURG BROADCASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WABX, Inc., Harrisburg, Pennsylvania, Docket No. 8619, File No. BPCT-201; Harrisburg Broadcasters, Inc., Harrisburg, Pennsylvania, Docket No. 10281, File No. BPCT-986; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 71 in Harrisburg, Pennsylvania; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 71 in Harrisburg, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the stations proposed by WABX, Inc., and Harrisburg Broadcasters, Inc., in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8202; Filed, July 25, 1952; 8:53 a. m.]

[Docket No. 8624, 10277]

AMERICAN-REPUBLICAN, INC., AND WATR, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of American-Republican, Incorporated, Waterbury, Connecticut, Docket No. 8624, File No. BPCT-204; WATR, Inc., Waterbury, Connecticut, Docket No. 10277, File No. BPCT-965; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952:

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 53 in Waterbury, Connecticut; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 53 in Waterbury, Connecticut;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the stations proposed by American-Republican, Incorporated, and WATR, Inc., in the above-entitled applications, would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8200; Filed, July 25, 1952; 8:52 a. m.]

[Docket Nos. 8716, 9503, 9504]

GREENWICH BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315, for construction permit; World Wide Broadcasting Corporation, Scituate, Massachusetts, Docket No. 9503, File Nos. BRIB-23, BRIB-12, BRIB-16, BRIB-26, BRIB-24, for renewal of licenses of Stations WRUL (1), (2), (3), (4), and (5); World Wide Broadcasting Corporation, WRUL (4), Docket No. 9504, File No. BPIB-63, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1952;

The Commission having under consideration a petition filed by Greenwich Broadcasting Corporation on May 20, 1952, requesting separate consideration of its application for a new standard broadcast station at Greenwich, Connecticut; and

It appearing, that on November 16, 1949, this application was designated for consolidated hearing with the above-entitled applications of World Wide Broadcasting Corporation on the following issues:

1. To determine, in the light of the evidence adduced under the issues set forth in the Commission's order of this date concerning the World Wide Broadcasting Corporation, the legal, technical, financial, and other qualifications of the Greenwich Broadcasting Corporation, its officers, directors, and stockholders to construct and operate the station it proposes.

2. To determine whether the proposed operation of the Greenwich Broadcasting Corporation would involve objectionable interference with stations WHOM, Jersey City, N. J.; WNLC, New London, Conn. and WBUD, Morrisville, Pa. or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast services to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

5. To determine, in the light of the evidence adduced under the foregoing issues, whether the public interest, convenience, or necessity would be served by a grant of the subject application; and

It further appearing, that this action was taken in part because Walter S. Lemmon, an officer, director and principal stockholder of World Wide Broadcasting Corporation was also an officer, director and principal stockholder of Greenwich Broadcasting Corporation, and that the Commission on November 16, 1949, also designated for hearing applications of World Wide Broadcasting Corporation for renewal of license of stations WRUL (1), (2), (3), (4) and (5) and for a construction permit for station WRUL (4), on grounds relating to the qualifications of the applicant corporation; and

It further appearing, that on August 1, 1950, World Wide Broadcasting Corporation filed a petition for reconsideration and grant, which has not been decided, and

It further appearing, that the hearing on the application of Greenwich Broadcasting Corporation has been continued without date, and

It further appearing, that, it would be in the public interest to commence the hearing on the application of Greenwich Broadcasting Corporation on those issues which have no connection with the qualifications of World Wide Broadcasting Corporation pending determination of the World Wide Broadcasting Corporation petition for reconsideration and grant;

It is ordered, That the application of Greenwich Broadcasting Corporation is scheduled for hearing with respect to issues 2, 3 and 4 above-listed to be held in Washington, D. C., on August 19, 1952; and

It is further ordered, That no initial decision be prepared in this matter until further order of the Commission.

Released: July 21, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8212; Filed, July 25, 1952; 8:56 a. m.]

[Docket Nos. 8734, 8735]

HAWLEY BROADCASTING CO. AND EASTERN RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hawley Broadcasting Company, Reading, Pennsylvania, Docket No. 8734, File No. BPCT-239; Eastern Radio Corporation, Reading, Pennsylvania, Docket No. 8735, File No. BPCT-268; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 61 in Reading, Pennsylvania;

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 61 in Reading, Pennsylvania; and

It further appearing, that pursuant to Part 17 of the Commission's rules and regulations, the transmitter site and antenna system specified by Eastern Radio Corporation would not constitute a hazard to air navigation provided the obstruction marking is in accordance with certain designated specifications;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the station proposed by Hawley Broadcasting Company in the above-entitled application would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8199; Filed, July 25, 1952; 8:52 a. m.]

[Docket Nos. 8953, 10268, 10269]

BOOTH RADIO & TELEVISION STATIONS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio & Television Stations, Inc., Flint, Michigan, Docket No. 8953, File No. BPCT-393; WJR, the Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT-968; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Flint, Michigan; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 12 in Flint, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8196; Filed, July 25, 1952; 8:51 a. m.]

[Docket Nos. 9012, 10294, 10295]

SACRAMENTO BROADCASTERS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sacramento Broadcasters, Inc., Sacramento, California, Docket No. 9012, File No. BPCT-411; KCRA, Inc., Sacramento, California, Docket No. 10294, File No. BPCT-669; Harmco, Inc., Sacramento, California, Docket No. 10295, File No. BPCT-975; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applica-

tions, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Sacramento, California; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 3 in Sacramento, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8208; Filed, July 25, 1952; 8:54 a. m.]

[Docket Nos. 9013, 10298]

MCCLATCHY BROADCASTING CO. AND SACRAMENTO TELECASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of McClatchy Broadcasting Company, Sacramento, California, Docket No. 9013, File No. BPCT-450; Sacramento Telecasters, Inc., Sacramento, California, Docket No. 10298, File No. BPCT-976; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Sacramento, California; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 10 in Sacramento, California;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8209; Filed, July 25, 1952; 8:55 a. m.]

[Docket Nos. 9041, 10240]

ALADDIN RADIO AND TELEVISION, INC., AND DENVER TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Aladdin Radio and Television, Inc., Denver, Colorado, Docket No. 9041, File No. BPCT-426; Denver Television Company, Denver, Colorado, Docket No. 10240, File No. BPCT-951; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Denver, Colorado; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 7 in Denver, Colorado;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8185; Filed, July 25, 1952; 8:49 a. m.]

[Docket Nos. 9043, 10238]

KMYR BROADCASTING CO. AND METROPOLITAN TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KMYR Broadcasting Company, Denver, Colorado, Docket No. 9043, File No. BPCT-488; Metropolitan Television Company, Denver, Colorado, Docket No. 10238, File No. BPCT-941; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Denver, Colorado; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 4 in Denver, Colorado;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8186; Filed, July 25, 1952; 8:49 a. m.]

[Docket Nos. 9136, 9137, 10243]

PIONEER BROADCASTERS, INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; KOIN, Inc., Portland, Oregon, Docket No. 9137, File No. BPCT 493; KXL Broadcasters, Inc., Portland, Oregon, Docket No. 10243, File No. BPCT-954; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 6 in Portland, Oregon; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 6 in Portland, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8184; Filed, July 25, 1952; 8:48 a. m.]

[Docket Nos. 9138, 10245]

WESTINGHOUSE RADIO STATIONS, INC., AND PORTLAND TELEVISION, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Westinghouse Radio Stations, Inc., Portland, Oregon, Docket No. 9138, File No. BPCT-494; Portland Television, Inc., Portland, Oregon, Docket No. 10245, File No. BPCT-956; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Portland, Oregon; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 8 in Portland, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8187; Filed, July 25, 1952; 8:49 a. m.]

[Docket Nos. 9895, 10234, 10235]

JOHN C. POMEROY ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of John C. Pomeroy, Pontiac, Michigan, Docket No. 9895, File No. BP-7811; William R. Reed, Pontiac, Michigan, Docket No. 10234, File No. BP-8510; for construction permits; Southern Michigan Broadcasters (WSTR) Sturgis, Michigan, Docket No. 10235, File No. BML-1489; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952;

The Commission having under consideration the above-entitled applications of John C. Pomeroy and William R. Reed, each requesting the use of 1460 kc. with 500 w power, daytime only, at Pontiac, Michigan, and the application of Southern Michigan Broadcasters for modification of license to increase daytime power from 500 w to 1 kw on the frequency 1460 kc at Station WSTR, Sturgis, Michigan.

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants and the technical, financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations and WSTR as proposed, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations and WSTR as proposed would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations and WSTR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, which would exist between the service areas of Station WSTR as proposed and of Station WTVH, Coldwater, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8182; Filed, July 25, 1952; 8:48 a. m.]

[Docket No. 9964]

AZALEA BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Charles W. Holt, Clarence H. Dossett, Dave A. Matison, Jr., and Bernard Reed Green, d/b as Azalea Broadcasting Company, Mobile, Alabama, Docket No. 9964, File No. BP-7830.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc, with 250 w power, unlimited time, at Mobile, Alabama.

It appearing, that the simultaneous operation of the proposals of Azalea Broadcasting Company and WSMB, Incorporated (File No. BP-7971; Docket 9965) would be expected to result in a certain measure of mutual interference but that the extent of such interference would be of a relatively low order and not in contravention of the Standards of Good Engineering Practice; and

It further appearing, that Azalea Broadcasting Company and WSMB, Incorporated, have agreed to accept whatever interference may ensue from the grant of both said applications and simultaneous operation pursuant thereto; and

It further appearing, that Azalea Broadcasting Company is legally, technically, financially and otherwise qualified to construct and operate its proposed station; but that the operation of such proposed station may not comply with the Commission's rules and Standards of Good Engineering Practice, with particular reference to coverage of the Mobile metropolitan district at night:

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with any existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the nighttime coverage of the Mobile, Alabama metropolitan district.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8180; Filed, July 25, 1952; 8:47 a. m.]

[Docket No. 10222]

KTRM, INC.

ORDER SCHEDULING HEARING

In re application of KTRM, Incorporated, Beaumont, Texas, Docket No. 10222, File No. BMP-5835; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of July 1952;

The Commission having under consideration the above-entitled application, which was designated for hearing on June 19, 1952; and

It appearing, that no date was previously scheduled by the Commission in this proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., August 6, 1952, in Washington, D. C.

Released: July 21, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8211; Filed, July 25, 1952; 8:55 a. m.]

[Docket No. 10233]

SOUTHLAND BROADCASTING CO. (WATM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Tom C. Miniard and Grady L. Ingram, d/b as Southland Broadcasting Company (WATM) Atmore, Alabama, Docket No. 10233, File No. BP-8113; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952.

The Commission having under consideration the above-entitled application to increase power of Station WATM which operates on the frequency 1580 kc, daytime only, at Atmore, Alabama, from 250 w to 1 kw; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station WATM, as proposed; but that the application may involve interference with one or more existing stations;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WPMP, Pascagoula, Mississippi, or with any other existing broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Crest Broadcasting Company, Inc., licensee of Station WPMP, Pascagoula, Mississippi, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8181; Filed, July 25, 1952; 8:47 a. m.]

[Docket No. 10236]

WFTW, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WFTW, Inc., Ft. Walton, Florida, Docket No. 10236, File No. BP-8197; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of July 1952;

The Commission having under consideration the above-entitled application for construction permit to construct a new standard broadcast station to operate on 1490 kc, with 250 w power, unlimited time, at Ft. Walton, Florida; a

petition from Manatee Broadcasting Company, Inc. (WDHL) requesting that the application be designated for hearing and an answer thereto from the applicant.

It appearing, that the applicant is legally and technically qualified to construct and operate the proposed station but that it has not made a satisfactory showing of its financial ability to do so and also that the proposed operation may involve interference with Station WDHL which has protested a grant and made a showing of such probable interference, which showing has not been refuted by the applicant in accordance with the Standards of Good Engineering Practice;

It is ordered, That the petition of Manatee Broadcasting Company, Inc. is granted; and

It is further ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, and § 1.385 (c) of the Commission's rules, the said application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the financial and other qualifications of the corporate applicant, its officers, directors and stockholders to operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WDHL, Bradenton, Florida, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

4. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

6. To determine the overlap, if any, which would exist between the service areas of the proposed station and of Station WBSR, Pensacola, Florida, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

It is further ordered, That, Trail Broadcasting Corporation, licensee of Station WDHL, Bradenton, Florida, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8183; Filed, July 25, 1952; 8:48 a. m.]

[Docket Nos. 10246, 10247]

OREGON TELEVISION, INC., AND COLUMBIA EMPIRE TELECASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Oregon Television, Inc., Portland, Oregon, Docket No. 10246, File No. BPCT-938; Columbia Empire Telecasters, Inc., Portland, Oregon, Docket No. 10247, File No. BPCT-982; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Portland, Oregon; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 12 in Portland, Oregon;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8188; Filed, July 25, 1952; 8:49 a. m.]

[Docket Nos. 10248, 10249]

MT. SCOTT TELECASTERS, INC., AND VANCOUVER RADIO CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mt. Scott Telecasters, Inc., Portland, Oregon, Docket No. 10248, File No. BPCT 939; Vancouver Radio Corporation, Vancouver, Washington, Docket No. 10249, File No. BPCT 959; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, requesting respectively construction permits for new television broadcast stations to operate on Channel 21 in Oregon City, Oregon; or in Vancouver, Washington; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 21 in Oregon City, Oregon; or in Vancouver, Washington;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8189; Filed, July 25, 1952; 8:49 a. m.]

[Docket Nos. 10250, 10251, 10252]

TRIBUNE CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the Tribune Company, Tampa, Florida, Docket No. 10250, File No. BPCT 363; Pinellas Broadcasting Company, St. Petersburg, Florida, Docket No. 10251, File No. BPCT 448; the Tampa Bay Area Telecasting Corporation, St. Petersburg, Florida, Docket No. 10252, File No. BPCT 935; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applica-

tions, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Tampa-St. Petersburg, Florida; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 8 in Tampa-St. Petersburg, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

5. To determine whether the installation and operation of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8190; Filed, July 25, 1952; 8:50 a. m.]

[Docket Nos. 10253, 10254, 10255]

TAMPA TIMES CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Tampa Times Company, Tampa, Florida, Docket No. 10253, File No. BPCT-458; W. Walter Tison tr/as Tampa Broadcasting Company, Tampa, Florida, Docket No. 10254, File No. BPCT-942; Orange Television Broadcasting Company, Tampa, Florida, Docket No. 10255, File No. BPCT-947; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Tampa-St. Petersburg, Florida; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 13 in Tampa-St. Petersburg, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8192; Filed, July 25, 1952; 8:50 a. m.]

[Docket Nos. 10258, 10259, 10260, 10261, 10262]

SUNFLOWER TELEVISION CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. V. Yingling, W. L. Hartman, Virgil S. Browne, Jr., George P. Hollingbery, and John D. Montgomery, d/b as Sunflower Television Company, Wichita, Kansas, Docket No. 10258, File No. BPCT-677; the Radio Station KFH Company, Wichita, Kansas, Docket No. 10259, File No. BPCT-698; Taylor Radio & Television Corporation, Wichita, Kansas, Docket No. 10260, File No. BPCT-946; Wichita Television Corporation, Inc., Wichita, Kansas, Docket No. 10261, File No. BPCT-961; Mid-Continent Television, Incorporated, Wichita, Kansas, Docket No. 10262, File No. BPCT-964; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952,

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Wichita, Kansas; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 3 in Wichita, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8191; Filed, July 25, 1952; 8:50 a. m.]

[Docket Nos. 10256, 10257]

CITY OF ST. PETERSBURG, FLA., AND EMPIRE COIL CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of City of St. Petersburg, Florida, St. Petersburg, Florida, Docket No. 10256, File No. BPCT 665; Empire Coil Company, Inc., Tampa, Florida, Docket No. 10257, File No. BPCT 926; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 38 in Tampa-St. Petersburg, Florida; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 38 in Tampa-St. Petersburg, Florida;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of any of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8193; Filed, July 25, 1952; 8:51 a. m.]

[Docket Nos. 10263,, 10264]

KAKE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KAKE Broadcasting Company, Inc., Wichita, Kansas, Docket No. 10263, File No. BPCT-700; WKY Radiophone Corporation, Wichita, Kansas, Docket No. 10264, File No. BPCT-950; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 in Wichita, Kansas; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 10 in Wichita, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8194; Filed, July 25, 1952; 8:51 a. m.]

[Docket Nos. 10265, 10266]

KFBI, INC., AND WICHITA BEACON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KFBI, Inc., Wichita, Kansas, Docket No. 10265, File No. BPCT-963; Wichita Beacon Broadcasting Company, Inc., Wichita, Kansas, Docket No. 10266, File No. BPCT-973; for construction Permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 16 in Wichita, Kansas;

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 16 in Wichita, Kansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8195; Filed, July 25, 1952; 8:51 a. m.]

[Docket Nos. 10270, 10271]

W. S. BUTTERFIELD THEATRES, INC., AND TRENDLE-CAMPBELL BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; Trendle-Campbell Broadcasting Corporation, Flint, Michigan, Docket No. 10271, File No. BPCT-970; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 16 in Flint, Michigan; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 16 in Flint, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8197; Filed, July 25, 1952; 8:52 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT-264; Stark Broadcasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT-949; for

construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 29 in Canton, Ohio; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 29 in Canton, Ohio; and

It further appearing, that pursuant to Part 17 of the Commission's rules and regulations, the transmitter site and antenna system specified by the Brush-Moore Newspapers, Inc. does not require a special aeronautical study and would not constitute a hazard to air navigation provided the obstruction marking is in accordance with specifications B–6–17 of the rules.

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the station proposed by Stark Broadcasting Corporation in the above-entitled application would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8198; Filed July 25, 1952; 8:52 a. m.]

[Docket Nos. 10278, 10279]

KENDRICK BROADCASTING CO., INC., AND ROSSMOYNE CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Kendrick Broadcasting Company, Inc., Harrisburg, Pennsylvania, Docket No. 10278, File No. BPCT–937; Rossmoyne Corporation, Harrisburg, Pennsylvania, Docket No. 10279, File No. BPCT–966; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 27 in Harrisburg, Pennsylvania; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 27 in Harrisburg, Pennsylvania;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the stations proposed by Kendrick Broadcasting Company, Inc., and Rossmoyne Corporation in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8201; Filed, July 25, 1952; 8:53 a. m.]

[Docket Nos. 10282, 10283]

WIBM, INC., AND JACKSON BROADCASTING AND TELEVISION CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of WIBM, Inc., Jackson, Michigan, Docket No. 10282, File No. BPCT–929; Jackson Broadcasting and Television Corporation, Jackson, Michigan, Docket No. 10283, File No. BPCT–969; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 48 in Jackson, Michigan; and

It appearing, that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 48 in Jackson, Michigan;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of the stations proposed by WIBM, Inc., and Jackson Broadcasting and Television Corporation in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8203; Filed, July 25, 1952; 8:53 a. m.]

[Docket Nos. 10284, 10285]

LUFKIN AMUSEMENT CO. AND PORT ARTHUR COLLEGE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lufkin Amusement Company, Beaumont, Texas, Docket No. 10284, File No. BPCT–845; Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT–839; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in Beaumont-Port Arthur, Texas; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 4 in Beaumont-Port Arthur, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8204; Filed, July 25, 1952; 8:53 a. m.]

[Docket Nos. 10286, 10287, 10288]

ENTERPRISE CO. ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of the Enterprise Company, Beaumont, Texas, Docket No. 10286, File No. BPCT–743; Beaumont Broadcasting Corporation, Beaumont, Texas, Docket No. 10287, File No. BPCT–762; KTRM, Inc., Beaumont, Texas, Docket No. 10288, File No. BPCT–971; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 6 in Beaumont-Port Arthur, Texas; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 6 in Beaumont-Port Arthur, Texas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8205; Filed, July 25, 1952; 8:53 a. m.]

[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Head of the Lakes Broadcasting Co., Duluth, Minnesota, Docket No. 10289, File No. BPCT–621; Red River Broadcasting Co., Inc., Duluth, Minnestota, Docket No. 10290, File No. BPCT–903; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Duluth, Minnesota-Superior, Wisconsin; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 3 in Duluth, Minnesota-Superior, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–8206; Filed, July 25, 1952; 8:54 a. m.]

[Docket Nos. 10291, 10292]

RIDSON, INC., AND LAKEHEAD TELECASTERS, INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ridson, Inc., Superior, Wisconsin, Docket No. 10291, File No. BPCT–728; Lakehead Telecasters, Inc., Duluth, Minnesota, Docket No. 10292, File No. BPCT–981; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 6 in Duluth, Minnesota; Superior, Wisconsin; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 6 in Duluth, Minnesota-Superior, Wisconsin;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8207; Filed, July 25, 1952; 8:54 a. m.]

[Docket Nos. 10299, 10300, 10301]

NORTHEASTERN INDIANA BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northeastern Indiana Broadcasting Company, Inc., Fort Wayne, Indiana, Docket No. 10299, File No. BPCT-516; News Sentinel Broadcasting Co., Inc., Fort Wayne, Indiana, Docket No. 10300, File No. BPCT-979; Fort Wayne Television Corporation, Fort Wayne, Indiana, Docket No. 10301, File No. BPCT 987; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of July 1952.

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 33 in Fort Wayne, Indiana; and

It appearing that the above-entitled applications are mutually exclusive in that only one of the applications may be granted for operation on Channel 33 in Fort Wayne, Indiana;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine whether the installation and operation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

5. To determine on a comparative basis which, if either, of the above-entitled applications should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8210; Filed, July 25, 1952; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1976]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

JULY 18, 1952.

On June 13, 1952, Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Kansas City, Missouri, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no appropriate request to be heard, protest or petition raising an issue of substance having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 27, 1952 (17 F. R. 5780).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on August 7, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 22, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8244; Filed, July 25, 1952; 8:59 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 64]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951 (PUB. LAW 139, 82D CONG.)

JULY 24, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Honolulu, Territory of Hawaii, Area. (The area consists of the Island of Oahu, Territory of Hawaii.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-8277; Filed, July 25, 1952; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2894]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER AUTHORIZING CAPITAL CONTRIBUTION, AND ISSUANCE, SALE AND ACQUISITION OF SECURITIES

JULY 22, 1952.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, File No. 70-2894.

General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aelec"), subsidiary of GPU and also a registered holding company, and Pennsylvania Electric Company ("Penelec"), subsidiary of Aelec and an operating utility company, having filed a joint application-declaration and an amendment thereto pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23, U-45, and U-50 promulgated thereunder, with respect to the following transactions:

GPU proposes to make cash capital contributions to Aelec in the aggregate amount of $5,000,000. Penelec proposes to issue and sell to Aelec, and Aelec proposes to purchase from Penelec (utilizing for this purpose the cash contributions from GPU aforesaid) an aggregate of 250,000 additional shares of Common Stock ("Additional Common Stock") of Penelec for a purchase price equal to the par value thereof, namely, $20 per share, or an aggregate of $5,000,000.

Having obtained the consent of the holders of a majority of the shares of its outstanding Preferred Stock, Penelec proposes to increase the number of shares of its authorized Preferred Stock from 300,000 to 370,000 shares of the par value of $100 per share.

Penelec proposes publicly to invite bids for the purchase from it of $9,500,000 principal amount of additional First Mortgage Bonds ("New Bonds") and 45,000 additional shares of Cumulative Preferred Stock, par value $100 per share ("New Preferred Stock"), the price to Penelec to be specified in such bids and to be not less than 100 percent nor more than 102¾ percent of the principal amount or par value.

Penelec proposes to utilize the net proceeds of the New Bonds, New Preferred Stock, and Additional Common Stock, estimated at not less than $19,000,000, as follows:

(1) $7,000,000 will be used partially to reimburse Penelec's treasury for construction expenditures therefrom during the period June 30, 1951–April 30, 1952. Out of its treasury funds Penelec will pay its bank loans maturing in September 1952 in the aggregate principal amount of $2,875,000.

(2) The balance of approximately $12,000,000 will be used to meet a part of Penelec's construction expenditures subsequent to April 30, 1952, or partially to reimburse its treasury for such expenditures, or to repay bank loans incurred subsequent to April 30, 1952 (including $3,625,000 borrowed in May and June 1952), the proceeds of which have been or will be applied to such purposes.

Penelec estimates that approximately $19,000,000 will be required during the eight months ending December 31, 1952, in furthering its general construction program.

Penelec estimates that its expenses in the issuance and sale of said securities will aggregate $92,560, including (in addition to statutory taxes, filing, recording and listing fees, printing and engraving, fees and disbursements of indenture trustee, transfer agent and registrar, and miscellaneous expenses) legal and accounting fees and expenses in the amount of $23,000.

Such application-declaration having been duly filed, and notice of its filing having been duly given as prescribed by Rule U-23, and the Commission not having received a request for hearing with respect thereto nor having ordered such a hearing; and

It appearing to the Commission that the issue and sale of said securities by Penelec are solely for the purpose of financing the business of said company; that such issue and sale have been expressly authorized by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which said company is organized and doing business; and

It further appearing that the proposed capital contribution by GPU to Aelec, and the acquisition by Aelec of the Additional Common Stock of Penelec will serve the public interest by tending toward the economical and efficient development of the public-utility system; and

The Commission finding with respect to said application-declaration as amended that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said application-declaration as amended be granted and permitted to become effective forthwith, subject to the terms and conditions hereinafter stated:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the said application-declaration as amended be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

1. That the proposed issuance and sale of the New Preferred Stock and New Bonds shall not be consummated until the results of competitive bidding and the public offering price of said securities shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof.

2. Jurisdiction is also reserved with respect to the payment of all fees for legal and accounting services.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8246; Filed, July 25, 1952; 8:59 a. m.]

[File No. 70-2899]

GRANITE STATE ELECTRIC CO. AND SUBURBAN GAS AND ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED NOTE ISSUES

JULY 22, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Granite State Electric Company ("Granite") and Suburban Gas and Electric Company ("Suburban"), public-utility subsidiary companies of New England Electric System, a registered holding company. Granite and Suburban have designated sections 6 (a) and 7 of the Act and Rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration states that Granite presently has outstanding a 3 percent, six months unsecured promissory note payable November 15, 1952, to the First National Bank of Boston in the amount of $350,000, and proposes to issue, from time to time, but not later than September 30, 1952, to said bank, additional unsecured six months promissory notes in the amount of $100,000. Granite will use the entire proceeds from the notes it proposes to issue for construction purposes. Suburban presently has outstanding 3 percent six months unsecured promissory notes payable to the First National Bank of Boston in the aggregate principal amount of $1,450,000 and proposes to issue to said bank, from time to time but not later than September 30, 1952, additional unsecured six months promissory notes in the amount of $475,000. Suburban will use $375,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay an equal amount of its notes maturing September 25, 1952 and will use the remaining proceeds for construction purposes.

The proposed additional unsecured promissory notes are to bear interest at the prime rate of interest at the time of issuance and, it is stated, that said interest rate at the present time is 3 percent. In the event that said interest rate is in excess of 3¼ percent at the time of issuance of any of the proposed additional promissory notes, the issuing company will file an amendment to this declaration setting forth therein the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Granite and Suburban request that this amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

The declaration states that the exact nature and timing of permanent financing by Granite and Suburban of its note indebtedness is not presently determinable. However, the declaration further states that the proceeds of any permanent financing will be applied in reduction of, or in total payment of, unsecured promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for Granite and $400 for Suburban, an aggregate of $900.

The declaration further states that the Public Utilities Commission of New Hampshire has exempted the issuance of the proposed notes by Granite and that no other State commission or Federal commission, other than this Commission, has jurisdiction over any of the transactions proposed in the declaration.

Granite and Suburban request that the Commission's Order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 4, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions

as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8247; Filed, July 25, 1952; 8:59 a. m.]

[File No. 70-2901]

NARRAGANSETT ELECTRIC CO.

NOTICE REGARDING FILING OF PROPOSED NOTE ISSUES

JULY 22, 1952.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company. Narragansett has designated sections 6 (a) and 7 of the act and rules U-23 and U-42 (b) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The declaration indicates that Narragansett contemplates that it will have outstanding at July 31, 1952, $3,600,000 principal amount of unsecured six months promissory notes payable to banks. Narragansett proposes to issue to banks, from time to time but not later than September 30, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $3,100,000. Narragansett further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to September 30, 1952 will not exceed $5,500,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Narragansett will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Narragansett requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Narragansett will use $1,200,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay an equal principal amount of outstanding promissory notes maturing September 30, 1952, and will use the remainder of such proceeds for other corporate purposes. The declaration indicates that Narragansett estimates that it will have construction expenditures in August and September of this year in the aggregate amount of $2,553,500. Narragansett proposes that the proceeds of any permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Narragansett requests that the Commission's Order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 4, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8245; Filed, July 25, 1952; 8:59 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27242]

SOLUTION, CHLORINATED PHENOL PETROLEUM FROM ST. LOUIS, MO., TO SOUTHERN TERRIRORY

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Solution, chlorinated phenol petroleum (wood preservative liquid) not exceeding 5 percent chlorinated phenol by weight, carloads.

From: St. Louis, Mo.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8224; Filed, July 25, 1952; 8:58 a. m.]

[4th Sec. Application 27243]

LIQUID CAUSTIC SODA FROM ALABAMA TO ILLINOIS

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Chicago, Joliet, and Lockport, Ill., and intermediate points in Illinois.

Grounds for relief: Competition with rail carriers, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 111.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8225; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27244]

CINDERS, CLAY, OR SHALE FROM ALEXANDRIA AND ERWINVILLE, LA., TO COLUMBUS, MISS.

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3736.

Commodities involved: Cinders, clay, or shale, carloads.

From: Alexandria and Erwinville, La.

To: Columbus, Miss.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, Supp. 197.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8226; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27245]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 807.

Commodities involved: Various commodities described in exhibit A of the application, carloads.

Between: Points in Texas.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8227; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27246]

LUMBER FROM POINTS IN ALABAMA, TENNESSEE, AND MISSISSIPPI TO MEMPHIS, TENN., GROUP

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Illinois Central Railroad Company.

Commodities involved: Lumber and related articles, carloads.

From: Red Bay, Ala., Jackson, Tenn., Belmont and Corinth, Miss., groups.

To: Memphis, Tenn., group.

Grounds for relief: Circuitous routes and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8228; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27247]

DRIED BEANS, PEAS, AND LENTILS FROM POINTS IN WEST TO WISCONSIN

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-2885.

Commodities involved: Dried beans, peas, and lentils, carloads.

From: Points in Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, and Wyoming.

To: Points in Wisconsin.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3885, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8229; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27248]

CAUSTIC SODA FROM MEMPHIS, TENN., TO MARSHALL, ILL.

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application

for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1172, pursuant to fourth-section order No. 16101.

Commodities involved: Sodium (soda), caustic (sodium hydroxide) in solution, in tank-car loads.

From: Memphis, Tenn.

To: Marshall, Ill.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8230; Filed, July 25, 1952; 8:59 a. m.]

[4th Sec. Application 27092]

FERTILIZING COMPOUNDS AND SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO POINTS IN SOUTHWESTERN AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JULY 23, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent L. E. Kipp's tariff I. C. C. No. A-3817 and Agent F. C. Kratzmeir's tariffs I. C. C. Nos. 3987 and 3988.

Commodities involved: Fertilizing compounds (manufactured fertilizer), superphosphate, and kindred articles, carloads.

From: Points in southern territory and adjacent points.

To: Points in southwestern and western trunk-line territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3988, Supp. 40; F. C. Kratzmeir, Agent, I. C. C. No. 3987, Supp. 54; F. C. Kratzmeir, Agent, I. C. C. No. A-3817, Supp. 47.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8155; Filed, July 25, 1952; 8:45 a. m.]

Reference Room

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 17 NUMBER 147

Washington, Tuesday, July 29, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10377

PROVIDING FOR THE COMPOSITION OF THE WAGE STABILIZATION BOARD

By virtue of the authority vested in me by the Defense Production Act of 1950, as amended (50 U. S. C. App. 2061 et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Executive Orders No. 10233 of April 21, 1951 (16 F. R. 3503), and No. 10301 of November 2, 1951 (16 F. R. 11257), are hereby revoked.

SEC. 2. Part IV of Executive Order No. 10161 of September 9, 1950 (15 F. R. 6105), as amended, is hereby further amended by revoking sections 403 to 410, inclusive, and by inserting after section 402 thereof the following new section 403:

"SEC. 403 (a). The Wage Stabilization Board created by section 403 (b) of the Defense Production Act of 1950, as amended, shall be composed of eighteen (18) members, who shall be appointed by the President by and with the advice and consent of the Senate. The said Board shall be composed in equal numbers of members representative of the general public, members representative of labor, and members representative of business and industry. A Chairman and a Vice Chairman of the Board shall be designated by the President from among the members representative of the general public.

"(b). In performing any of its functions, the Wage Stabilization Board shall be under the supervision and direction of the Economic Stabilization Administrator."

SEC. 3. To the extent that provisions of prior Executive orders or proclamations, or parts thereof, are in conflict with this order, the latter shall control, and any such prior provisions are amended accordingly.

SEC. 4. This order shall become effective on July 30, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 25, 1952.

[F. R. Doc. 52-8359; Filed, July 28, 1952; 10:20 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 617—FRUITS AND BERRIES, FRESH

SUBPART—FRESH BARTLETT PEAR PURCHASE PROGRAM TMP 96a2

§ 617.2 *Fresh Bartlett pears, program TMP 96a2.* In order to encourage the consumption of fresh Bartlett pears by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, fresh Bartlett pears will be purchased during the period July 28, 1952, to and including September 30, 1952, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued by State PMA Offices in the States of purchase. Information as to this purchase program may be obtained from the State PMA Offices in the States of California, Oregon and Washington or the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 24th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8288; Filed, July 28, 1952; 8:51 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page
Providing for composition of Wage Stabilization Board 6891

EXECUTIVE AGENCIES

Agriculture Department
See also Production and Marketing Administration.
Notices:
Sale of mineral interests; revised area designation, Minnesota 6925

Alien Property, Office of
Notices:
Stanyan Hill Apartments; vesting order 6928

Army Department
Rules and regulations:
Recruiting and enlistments; recruiting for Regular Army 6899

Civil Aeronautics Administration
Rules and regulations:
Airman agency certificates; commercial flying curriculum and instrument flying school 6895
Alterations:
Danger areas 6897
Designation of civil airways 6896
Designation of control areas, control zones, and reporting points 6896

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Rules and regulations:
International air freight forwarders; application 6893
Issuance of local area air carrier operating certificates for aircraft under 12,500 pounds take-off weight:
Air carrier operating certification 6895
Scheduled air carrier rules 6895

Commerce Department
See Civil Aeronautics Administration; International Trade, Office of; National Production Authority.

CONTENTS—Continued

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department Page
See Army Department.
Notification to the Department and General Services Administration as to placement of procurement in Reading, Pa., area (*see* Defense Mobilization, Office of). 6927

Defense Mobilization, Office of
Notices:
Placement of procurement in Reading, Pa.; area, notification to Department of Defense and General Services Administration 6927

Economic Stabilization Agency
See also Price Stabilization, Office of; Salary Stabilization Board; Wage Stabilization Board.

Economic Stabilization Agency—Continued Page
Notices:
Functions with respect to wage stabilization to be performed by Board 6925
Organization and function of National Enforcement Commission 6925
Rules and regulations:
Exemption of small-business enterprises (GO 17) 6902

Federal Communications Commission
Proposed rule making:
Television broadcast stations 6924

Federal Power Commission
Notices:
Kansas-Colorado Utilities, Inc., and Colorado Interstate Gas Co 6927

Federal Trade Commission
Rules and regulations:
Zonite Products Corp. and Erwin, Wasey & Co., Inc.; cease and desist order 6897

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

General Services Administration
Notification to the Department of Defense and the Administration as to placement of procurement in the Reading, Pa., area (*see* Defense Mobilization, Office of).

Interior Department
See Land Management, Bureau of; Reclamation Bureau.

International Trade, Office of
Rules and regulations:
Denial or suspension of export privileges 6898
Licensing policies and related special provisions 6898
Priority ratings and supply assistance assigned by OIT 6898

Interstate Commerce Commission
Notices:
Applications for relief:
Cement from Dorena, Fla., to Georgia 6928
Coal, bituminous, from Kentucky, Tennessee and Virginia to Indiana and Illinois 6928
Soda, caustic, from central territory to Pisgah Forest, W. Va 6928

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
California; partial revocation of executive order, withdrawing public lands for classification 6906

National Production Authority
Rules and regulations:
Basic rules of controlled materials plan; special preference status of certain authorized controlled material orders; revocation (CMP Reg. 1, Dir. 13) 6906

Price Stabilization, Office of
Notices:
Ceiling prices for wholesale labor warranty services 6926
Rules and regulations:
Adjustment of ceiling prices for brown ore produced in the southeastern States; brown iron ore producers in Texas and Missouri (GCPR, SR 41) 6905
Machinery and related manufactured goods; export sales and sales for export (CPR 30) 6904
Manufacturers' general ceiling price regulation; export sales and sales for export (CPR 22) 6904
Paper, paperboard, converted paper and paperboard products, allied products and services; exemption of repairing and rebinding services in connection with exempted commodities (GOR 8, Int. 1) 6904
Resellers of iron and steel products; pricing of blanks, purchings, or similar residue of industrial fabrication (CPR 98, Int. 1) 6904
Retail ceiling prices for certain consumer articles, extension of terminal dates of special orders (CPR 7, SR 4) 6903

Production and Marketing Administration
Proposed rule making:
Milk handling in Stark County, Ohio, marketing area 6907
Rules and regulations:
Apportionment of food assistance funds for fiscal year 1953; school lunch program 6893
Pear, fresh Bartlett, purchase program 6891
Pears, fresh Bartlett, plums, and Elberta peaches grown in California; regulation of shipments 6893

Reclamation Bureau
Notices:
Assistant Commissioners; redelegation of authority for execution of construction, supply, and service contracts 6925

Renegotiation Board
Notices:
Regional Boards; delegation of authority with respect to certain functions, powers and duties 6927
Statement of organization; locations and territories of Regional Boards 6927

Salary Stabilization Board
Rules and regulations:
Exclusion of professional engineers employed in a professional capacity; correction 6905
Exclusion from salary stabilization of:
Certified public accountants employed in a professional capacity (Int. 15) 6905
Professional architects employed in a professional capacity (Int. 14) 6905

CONTINUED

Securities and Exchange Commission Page
Notices:
Detroit Stock Exchange; plan filed for disposal of certain documents 6927

Wage Stabilization Board
Rules and regulations:
Prior wage regulations 6906

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
636 (revoked in part by PLO 857) 6906
10161 (amended by EO 10377) 6891
10233 (revoked by EO 10377) 6891
10301 (revoked by EO 10377) 6891
10377 6891

Title 6
Chapter IV:
Part 617 6891

Title 7
Chapter II:
Part 210 6893
Chapter IX:
Part 936 6893
Part 963 (proposed) 6907

Title 14
Chapter I:
Part 40 6895
Part 50 6895
Part 61 6895
Part 297 6896
Chapter II:
Part 600 6896
Part 601 6896
Part 608 6897

Title 15
Chapter III:
Part 373 6898
Part 382 6898
Part 398 6898

Title 16
Chapter I:
Part 3 6897

Title 32
Chapter V:
Part 571 6899
Chapter VII:
Part 871 (see Part 571) 6899

Title 32A
Chapter II (ESA):
GO 17 6902
Chapter III (OPS):
CPR 7, SR 4 6903
CPR 22 6904
CPR 30 6904
CPR 98, Int. 1 6904
CCPR, SR 41 6905
GOR 8, Int. 1 6904
Chapter IV:
Subchapter A (SSB):
Int. 12 6905
Int. 14 6905
Int. 15 6905

CODIFICATION GUIDE—Con.

Title 32A—Continued Page
Chapter IV (NPA):
Subchapter B (WSB) 6906
GWR 11 (see Subchapter B (WSB)) 6906
Res. 79 (see Subchapter B (WSB)) 6906
Res. 84 (see Subchapter B (WSB)) 6906
Chapter VI (NPA):
CMP Reg. 1, Dir. 13 6906

Title 43
Chapter I:
Appendix (Public land orders):
857 6906

Title 47
Chapter I:
Part 3 (proposed) 6924

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL LUNCH ACT, FISCAL YEAR 1953

Pursuant to section 4 of the National School Lunch Act (60 Stat. 230) food assistance funds available for the fiscal year ending June 30, 1953, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$2,535,751	$2,473,235	$62,516
Arizona	395,263	376,053	19,210
Arkansas	1,781,156	1,551,240	30,746
California	2,575,195	2,575,195	
Colorado	527,506	482,440	45,066
Connecticut	540,940	540,940	
Delaware	86,442	72,286	14,156
District of Columbia	154,629	154,629	
Florida	1,211,470	1,157,210	54,260
Georgia	2,348,956	2,348,956	
Idaho	298,371	289,459	8,912
Illinois	2,407,856	2,407,856	
Indiana	1,470,023	1,470,023	
Iowa	1,023,756	913,287	110,469
Kansas	768,543	768,543	
Kentucky	2,119,257	2,119,257	
Louisiana	1,620,148	1,620,148	
Maine	457,566	373,301	84,265
Maryland	800,914	662,805	138,109
Massachusetts	1,417,296	1,417,296	
Michigan	2,210,192	1,886,724	323,468
Minnesota	1,250,971	1,061,301	189,670
Mississippi	2,227,754	2,227,754	
Missouri	1,478,356	1,478,356	
Montana	213,741	192,105	21,636
Nebraska	491,281	434,967	56,314
Nevada	43,386	41,463	1,923
New Hampshire	217,937	217,937	
New Jersey	1,337,660	1,049,489	288,171
New Mexico	430,537	430,537	
New York	3,651,802	3,651,802	
North Carolina	2,926,712	2,926,712	
North Dakota	309,157	280,465	28,692
Ohio	2,575,689	2,211,614	364,075
Oklahoma	1,286,686	1,286,686	
Oregon	529,749	529,749	
Pennsylvania	3,698,234	3,022,860	675,394
Rhode Island	240,435	240,435	
South Carolina	1,871,953	1,853,834	18,119
South Dakota	298,992	272,838	26,154
Tennessee	2,107,840	2,116,860	50,980
Texas	3,590,015	3,590,015	
Utah	366,948	361,200	4,748
Vermont	184,501	184,501	
Virginia	$1,714,463	$1,660,897	$53,566
Washington	745,196	695,917	49,279
West Virginia	1,289,641	1,259,407	30,234
Wisconsin	1,323,071	1,024,298	298,773
Wyoming	112,768	112,768	
Subtotal	63,373,975	60,334,010	3,039,965
Alaska	11,402	11,402	
Hawaii	60,806	42,408	18,591
Puerto Rico	2,361,385	2,361,385	
Virgin Islands	97,270	97,270	
Subtotal	2,561,025	2,482,434	18,591
Total	65,935,000	62,816,444	3,058,556

(60 Stat. 230; 42 U. S. C. 1751–1760)

Dated: July 24, 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8291; Filed, July 28, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION OF SHIPMENTS; TERMINATION OF PLUM ORDERS 5 THROUGH 20

§ 936.444 *Plum Order 21*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found:

(i) That the limitation of shipments of plums in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section will not, after the effective time hereof, tend to effectuate the declared policy of the act; and

(ii) That the limitation of shipments of late varieties of plums, as set forth in paragraph (b) (2) of this section pursuant to the provisions of § 936.41 of the amended marketing agreement and order will tend to effectuate such orderly marketing of such plums as will be in the public interest, and the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that: the level of prices of late varieties of plums

is such that regulation of the shipment of such plums, in accordance with the provisions of the plum orders specified in paragraph (b) (1) of this section, may not be continued after the effective time hereof; the termination of such plum orders would permit the unrestricted shipment of late varieties of plums, and such unrestricted shipment would not be conducive to the orderly marketing of such plums in the public interest and would not tend to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) The following plum orders shall be terminated at the effective time of subparagraph (2) of this paragraph:

Plum Order 5, as amended (7 CFR 936.427; 17 F. R. 5635, 6401); Plum Order 6 (7 CFR 936.428; 17 F. R. 5636); Plum Order 7, as amended (7 CFR 936.429; 17 F. R. 5636, 6402); Plum Order 8, as amended (7 CFR 936.430; 17 F. R. 5637, 6402); Plum Order 9 (7 CFR 936.431; 17 F. R. 5638); Plum Order 10, as amended (7 CFR 936.432; 17 F. R. 5638, 6402); Plum Order 11 (7 CFR 936.433; 17 F. R. 5805); Plum Order 12, as amended (7 CFR 936.434; 17 F. R. 5806, 6403); Plum Order 13 (7 CFR 936.436; 17 F. R. 6403); Plum Order 14 (7 CFR 936.437; 17 F. R. 6404); Plum Order 15 (7 CFR 936.438; 17 F. R. 6405); Plum Order 16 (7 CFR 936.439; 17 F. R. 6406); Plum Order 17 (7 CFR 936.440; 17 F. R. 6406); Plum Order 18 (7 CFR 936.441; 17 F. R. 6407); Plum Order 19 (7 CFR 936.442; 17 F. R. 6408); Plum Order 20 (7 CFR 936.443; 17 F. R. 6409).

(2) During the period beginning at 12:01 a. m., P. s. t., July 30, 1952, and ending at 12:01 a. m., P. s. t., November 1, 1952, no shipper shall ship any package or container of late varieties of plums unless such plums meet the following minimum standards of quality and maturity applicable to the particular variety:

(i) Wickson, Burbank, Gaviota, Becky Smith, and Sharkey varieties of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket (such 4 x 5 standard pack being more specifically defined in subparagraph (4) of this paragraph).

(ii) Grand Duke, Eldorado, Duarte, Diamond, and Emily varieties of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket (such 5 x 5 standard pack being more specifically defined in subparagraph (5) of this paragraph).

(iii) President, Giant, and Late Duarte varieties of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket (such 5 x 5 standard pack being more specifically defined in subparagraph (5) of this paragraph).

(iv) Sugar variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket (such 5 x 6 standard pack being more specifically defined in subparagraph (6) of this paragraph).

(v) Late Tragedy variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade: *Provided*, That, gum spots which do not cause serious damage shall not be considered a grade defect with respect to such grade; and are of a size not smaller than a size that will pack a 6 x 6 standard pack in a standard basket (such 6 x 6 standard pack being more specifically defined in subparagraph (7) of this paragraph).

(vi) Ace variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket (such 4 x 5 standard pack being more specifically defined in subparagraph (4) of this paragraph).

(vii) Kelsey variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of twenty-five (25) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket (such 4 x 5 standard pack being more specifically defined in subparagraph (4) of this paragraph).

(viii) Late Santa Rosa variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of twenty-five (25) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket (such 5 x 5 standard pack being more specifically defined in subparagraph (5) of this paragraph).

(ix) Tragedy variety of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of twenty-five (25) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and are of a size not smaller than a size that will pack a 6 x 6 standard pack in a standard basket (such 6 x 6 standard pack being more specifically defined in subparagraps (7) of this paragraph).

(x) Amador, Apex, California Blue, Earliana, Gros Hungarian, Satsuma, Improved Satsuma, Shiro, Splendor and Standard varieties of plums, unless such plums grade at least U. S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade.

(3) During the period set forth in subparagraph (2) of this paragraph, each shipper shall, prior to making each such shipment of plums, have the plums inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved: *Provided*, That, in case the following conditions exist in connection with any such shipment;

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m., of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting, or causing to be submitted, promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection; but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1\frac{11}{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measures less than $1^{7}/_{16}$ inches in diameter.

(5) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(6) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(7) As used in this section, the aforesaid 6 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; (ii) at least ninety-five (95) percent, by count, of the plums contained in such pack measure not less than $1^{3}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1\frac{1}{16}$ inches in diameter.

(8) Nothing contained herein shall be construed (i) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of the said plum orders hereby terminated, or (ii) as releasing or extinguishing any violation of any provision of the said plum orders hereby terminated which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(9) Terms used in this section shall have the same meaning as when used in the amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of section 828.1 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8336; Filed, July 28, 1952; 9:24 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Regs., Serial No. SR-384]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; ISSUANCE OF LOCAL AREA AIR CARRIER OPERATING CERTIFICATES FOR AIRCRAFT UNDER 12,500 POUNDS TAKE-OFF WEIGHT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of July 1952.

Special Civil Air Regulation SR-366 authorizes the Administrator to issue temporary air carrier operating certificates of one-year duration, called Air Carrier Operating Certificates for Local Areas, to scheduled air carriers holding temporary certificates of public convenience and necessity. These operating certificates authorized the use of aircraft under 12,500 pounds maximum certificated take-off weight in accordance with such certification and operating standards as may be established by the Administrator. At the time the Board adopted SR-366, it was intended that appropriate standards for such carriers would be developed prior to August 1, 1952. However, during this interim period, the four carriers originally certificated to conduct this type of operation have either converted to DC-3 type aircraft or are awaiting Board action on petitions for renewal. If such petitions are granted, utilization of larger aircraft is contemplated whereby their operations would be conducted under the provisions of Parts 40 and 61 of the Civil Air Regulations. It is therefore considered advisable to curtail further efforts in the development of standards for local area operations pending Board action on the certificates of these carriers. Until such action is completed, it will be necessary to extend the authority granted in SR-366 in order for these carriers to continue operations. Therefore, although this regulation is being extended for one year, its termination is conditioned upon the expiration of the economic operating authority of those local area carriers now operating under SR-366 should they not be renewed or should they be significantly changed.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Acronautics Board hereby makes and promulgates a Special Civil Air Regulation effective August 1, 1952, to read as follows:

The Administrator is hereby authorized to issue temporary air carrier operating certificates of one-year duration to scheduled air carriers holding temporary certificates of public convenience and necessity, authorizing the use of aircraft under 12,500 pounds maximum certificated take-off weight, in accordance with such certification and operating standards as may be established by the Administrator and to extend for a like period the duration of certificates heretofore issued or extended under the authority of Special Civil Air Regulation SR-366: *Provided*, That all such certificates so issued or extended shall expire at such earlier date as may be directed in any general rule issued by the Board regulating this subject matter.

This regulation shall terminate on August 1, 1953, or upon the expiration of or major change to the economic operating authority of those local area carriers now operating under SR-366, whichever shall first occur, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-8286; Filed, July 28, 1952; 8:50 a. m.]

[Supplement 6]

PART 50—AIRMAN AGENCY CERTIFICATES

COMMERCIAL FLYING CURRICULUM AND INSTRUMENT FLYING SCHOOL

This supplement (1) eliminates from § 50.12–4 paragraph (e), the provision that flying schools must furnish parachutes, (2) adds to § 50.13–1 (a) a provision terminating primary flying schools' use of curriculums which were approved by the Administrator and were in effect prior to August 1, 1951,[1] (3) alters in § 50.13–4 (a) (4) the commercial flying school curriculum requirements regarding cross country flights,[2] (4) eliminates from § 50.13–7 (a) (6) the alternate requirement that each person giving or employed to give ground school instruction in an instrument flying school must possess a valid instrument rating,[2] and (5) eliminates from § 50.26–1 paragraph (b) regarding air agency activity reports.

1. Section 50.12–4 *Required flight equipment (CAA interpretations which apply to § 50.12 (d))* is amended by deleting paragraph (e) *Parachutes.*

2. Section 50.13–1 *Primary flying school curriculums; airplanes; land and sea; 35 hours flying time (CAA rules which apply to § 50.13 (a) (1))*, paragraph (a) *Airplanes—land* is amended by adding a final paragraph to read as follows:

A primary flying school may utilize the curriculum approved by the Administrator in effect prior to August 1, 1951, for those students enrolled prior to that time and who will be graduated by August 31, 1952.

3. Section 50.13–4 (a) (4) is amended to read:

§ 50.13–4 *Commercial flying curriculum; airplane; land and sea (CAA rules which apply to § 50.13 (b))*—(a) *Airplane—land.* * * *

(4) A minimum of 5 hours dual and 20 hours solo cross-country flying shall be given. During the course of instruction, at least one solo cross-country flight shall be made to a point not less than 350 miles distant from the point of departure. During such flight, at least 3 full-stop landings at different points along the route shall be made. In the course of the student's training, his flight record shall indicate one flight wherein all radio aids to air navigation that are available, have been utilized and shall include the preparation and use of a predetermined flight plan.

4. Section 50.13–7 (a) (6) is amended to read:

§ 50.13–7 *Instrument flying school (CAA rules which apply to § 50.13 (c))*—(a) *Ground school curriculum.* * * *

(6) *Instrument flight procedures.* At least 10 classroom hours of instruction, to be given in phase with or before actual flight training, to include:

Technique of instrument flight.
Beam and bracketing procedures.
Let-down procedures.
Air Traffic Control procedures.
Flight plans.

Each person giving, or employed to give, ground school instruction in an instrument flying school shall be certificated as required by § 50.10 (c).

[1] See notice of proposed rule making published on March 27, 1952, in 17 F. R. 2685.
[2] See notice of proposed rule making published on October 9, 1951, in 16 F. R. 10200.

5. Section 50.26–1 *Quality of instruction (CAA policies which apply to § 50.26)* is revised by deleting paragraph (b) *Air agency activity report.*

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

These rules, policies, and interpretations shall become effective August 31, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–8265; Filed, July 28, 1952; 8:45 a. m.]

Subchapter B—Economic Regulations

[Regs., Serial No. ER–173]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

APPLICATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of July 1952.

Section 297.17 (i) of Part 297 of the Economic Regulations pertaining to international air freight forwarders contains the requirement that applicants for letters of registration as international air freight forwarders submit as part of their application a statement indicating whether the applicant is or has been a surface forwarder and, if so, the names of the surface carriers with which he dealt in the fiscal year ended June 30, 1949. The application must also contain a statement of the number of shipments generated and the tonnage delivered to the respective types of carriers (rail, water and air), each in the aggregate, during the fiscal year ended June 30, 1949. Experience with these provisions has demonstrated that no useful purpose is served by requiring the submission of names of the surface carriers with which the applicant has dealt, particularly since without such a requirement § 297.17 (i) would still require a breakdown of the volume of operations by types of carriers and thereby provide information which is sufficiently detailed for the Board's purposes. The Board also believes that it is no longer necessary to require a statement of the number of shipments generated, inasmuch as the statement of tonnage delivered to the respective types of carriers provides sufficient information upon which the Board may consider the volume of operations conducted with each type of carrier in relation to other data furnished by the applicant in its application.

It will be noted that, under the present provisions of § 297.17 (i), the second of the two statements mentioned above covers a period which, with the passage of time since original adoption of the provision, has become considerably out of date. The required data on volume of operations is used by the Board as an indication of capability on the part of the applicant to provide service and is considered principally in conjunction with the financial statements required by § 297.17 (h). The latter financial statements must cover the period of the year ended as of a date not more than six (6) months prior to the filing of the application. It is therefore believed that data on volume of operations would be more useful to the Board if obtained for a corresponding period.

In light of the foregoing, the Board considers it advisable to amend § 297.17 (i) in three respects:

1. By eliminating the requirement that the names of all surface carriers utilized be supplied as part of the statement,

2. By eliminating the requirement for a statement of the number of shipments generated, and

3. By requiring that data on tonnage delivered to respective carriers (rail, water, and air) be supplied for a current period rather than for the fiscal year ended June 30, 1949.

These changes would not expand the scope of Part 297 but would, on the contrary, lessen the amount of information required, thus easing to a considerable extent the present requirements for applications. They would not affect existing international air freight forwarders but would only have the effect of simplifying the application requirements for future applicants. Accordingly, the Board has determined that notice and public procedure thereon would be unnecessary.

On the basis of the considerations set forth above, Part 297 of the Economic Regulations (14 CFR, Chapter I) is hereby amended as follows, effective August 26, 1952:

By striking paragraph (i) of § 297.17 *Application*, and substituting therefor a new paragraph (i) reading as follows:

(i) a statement of specific points in foreign countries and in United States territories and possessions to be served; a list and location of foreign branch offices, agents, affiliates, or other representatives presently under contract; a list and location of branch offices and agents in the United States, its territories and possessions; a statement whether the applicant is or has been a customs house broker and, if so, the districts in which such authority is or has been held; a statement whether the applicant is or has been an International Air Transport Association agent and, if so, the carriers with whom affiliated and the amount of commissions received from each during the year ended as of a date not exceeding six (6) months prior to the filing of the application; a statement whether the applicant is or has been a surface forwarder; and a statement showing the aggregate tonnage delivered to each type of carrier (rail, water, and air) during the year ended as of a date not exceeding six (6) months prior to the filing of the application.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 1, 416, 52 Stat. 977, 1004; 49 U. S. C. 401, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52–8287; Filed, July 28, 1952; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 73]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATION

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and is adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.297 is added to read:

§ 600.297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* That airspace over United States territory from the Lakehead, Ontario, Canada, radio range station via the Sault Ste. Marie, Mich., radio range station to the Wiarton, Ontario, Canada, radio range station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., August 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–8263; Filed, July 28, 1952; 8:45 a. m.]

[Amdt. 78]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.297 is added to read:

§ 601.297 *Red civil airway No. 97 control areas (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* All of Red civil airway No. 97.

2. Section 601.4297 is added to read:

§ 601.4297 *Red civil airway No. 97 (United States-Canadian Border near Lakehead, Ontario, Canada, to United States-Canadian Border near Sault Ste. Marie, Mich.).* No reporting point designation.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., August 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–8264; Filed, July 28, 1952; 8:45 a. m.]

[Amdt. 33]

PART 608—DANGER AREAS

ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.29, a Boston, Massachusetts, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
BOSTON (Boston and New York Charts).	An area 15 miles either side of a line between points at lat. 41° 33'00" N, long. 70°03'00" W and lat. 42°30'00" N, long. 70°17'00" W.	20,000 feet to unlimited.	Hours of darkness, July 30, 1952, through Aug. 6, 1952.	Eastern Air Defense Command.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–8262; Filed, July 28, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5031]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ZONITE PRODUCTS CORP. AND ERWIN, WASEY & CO., INC.

Subpart—*Advertising falsely or misleading:* § 3.25 *Competitors and their products;* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* Subpart—*Disparaging competitors and their products—Competitors' products:* § 3.1020 *Results.* In connection with the offering for sale, sale or distribution of the cosmetic preparation, Forhan's Toothpaste, or any other preparation of substantial similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisments by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that massaging the gums with said preparation is of any value in making gums firmer or in the prevention of gingivitis or pyorrhea; (b) that massaging the gums or brushing the teeth with said preparation is of any value in the treatment of gingivitis; (c) that brushing the teeth with said preparation is of any value in the prevention of gingivitis or pyorrhea other than to the extent that locally caused gingivitis may be prevented by keeping the teeth clean; or, (d) that the results obtained by the use of competing tooth pastes are inferior; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Zonite Products Corporation et al., New York, N. Y., Docket 5031, April 23, 1952]

In the Matter of Zonite Products Corporation a Corporation, and Erwin, Wasey & Company, Inc., a Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on August 18, 1943, issued and subsequently served its complaint in this proceeding upon the respondents, Zonite Products Corporation and Erwin, Wasey & Company, Inc., charging said respondents with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the filing of respondents' answers, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission, theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, this proceeding regularly came on for final hearing before the Commission upon the aforesaid complaint, the respondents' answers thereto, testimony and other evidence, the recommended decision of the hearing examiner and exceptions thereto by counsel for respondents, and briefs and oral argument of counsel; and the Commission, having duly considered the matter and having entered its order disposing of the exceptions to the recommended decision of the hearing examiner and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom.

[1] Filed as part of the original document.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondents' answers thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a hearing examiner of the Commission, theretofore duly designated by it, the hearing examiner's recommended decision and exception thereto by counsel for respondents, and briefs and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Zonite Products Corporation and Erwin, Wasey & Company, Inc., and their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the cosmetic preparation, Forhan's Toothpaste, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That massaging the gums with said preparation is of any value in making gums firmer or in the prevention of gingivitis or pyorrhea;

(b) That massaging the gums or brushing the teeth with said preparation is of any value in the treatment of gingivitis;

(c) That brushing the teeth with said preparation is of any value in the prevention of gingivitis or pyorrhea other than to the extent that locally caused gingivitis may be prevented by keeping the teeth clean;

(d) That the results obtained by the use of competing tooth pastes are inferior.

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 23, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52–8279; Filed, July 28, 1952; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Deparment of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 4 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE ASSIGNED BY OIT

MISCELLANEOUS AMENDMENTS

1. Section 373.24 *Statement of past participation in exports for certain commodities* is amended in the following particulars: Paragraph (b) *Commodities requiring statement of past participation*, subparagraph (6) *Copper sulfate (Schedule B No. 820100)* is hereby deleted.

2. Section 373.36 *Special provisions for human blood plasma* is amended in the following particulars: The first unnumbered paragraph is amended to read as follows:

Human blood plasma, Schedule B No. 812100, will be licensed for export in accordance with the following special provisions:

3. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date order	Expiration date order	Export privileges affected	Federal Register citation
Continental Pharma, 1477 Sherbrooke St. W., Montreal 25, Canada, and 405 Lexington Ave., New York, N. Y.	6-20-52	6-20-54	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 5738, 6-26-52
Continental Pharma, S. A., 35, Avenue Roger, Brussels 3, Belgium.	6-20-52	6-20-54	....do....	17 F. R. 5738, 6-26-52
Hecht, Eugene, 1477 Sherbrooke St West, Montreal 25, Canada, and 405 Lexington Ave., New York, N. Y.	6-20-52	6-20-54	....do....	17 F. R. 5738, 6-26-52
Polak, Arnost, 56 George St., London, W. 1, England.	3-25-52	1-31-53	General and validated licenses, all commodities, any destination.	17 F. R. 2702, 3-29-52
Ratner, A. E., 135 Front St., New York 5, N. Y.	6-20-52	10-20-52	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 5738, 6-26-52
Ratner, A. E., Chemical Co., 135 Front St., New York 5, N. Y.	6-20-52	10-20-52	....do....	17 F. R. 5738, 6-26-52
Saltis, S. A., Melide, Switzerland...	9-24-51	Duration..	General and validated licenses, all commodities, any destination (subject to Saltis, A. G., Zurich, which see).	16 F. R. 10088, 10-3-51.
Schwarz, Ivan Otto, 56 George St., London, W. 1, England.	3-25-52	1-31-53	General and validated licenses, all commodities, any destination.	17 F. R. 2702, 3-29-52.
von Tscharner, Albert, Rothkreuz, Switzerland.	9-24-51	Duration..	General and validated licenses, all commodities, any destination (subject related to Saltis, A. G., which see).	16 F. R. 10088, 10-3-51.
Wiederkehr, Dr. Alphonse, Talstrasse 16, Zurich, Switzerland.	3-25-52	1-30-53	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F. R. 2900, 4-3-52.

[1] Or duration, whichever is shorter.

b. The following entries are deleted:

Name and address	Effective date order	Expiration date order	Export privileges affected	Federal Register citation
Arnholz, Thomas A., 1 Hanson Pl., Brooklyn, N. Y.	1-18-52	7-18-52	Validated licenses, all commodities, any destination, and general licenses, Positive List commodities only, any destination.	17 F. R. 670, 1-22-52.
Elkan, H., & Co., 52 Broadway, New York, N. Y.	5-16-52	7-15-52	General and validated licenses, all commodities, any destination.	17 F. R. 4723, 5-23-52.
Krasnow, Anna, 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	General and validated licenses, all commodities, any destination, also exports to Canada.	17 F. R. 3423, 4-17-52.
Krasnow, William S., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	....do....	17 F. R. 3423, 4-17-52.
Krasnow Wool Stock Co., 16-20 Maple St., Chelsea 50, Mass.	4-11-52	7-11-52	....do....	17 F. R. 3423, 4-17-52.
Siegel Chemical Co., Inc., 1 Hanson Pl., Brooklyn 17, N. Y.	1-18-52	7-18-52	Validated licenses all commodities, any destination and general licenses, Positive List commodities only, any destination.	17 F. R. 670, 1-22-52.
Siegel, Robert, 1 Hanson Pl., Brooklyn 17, N. Y.	1-18-52	7-18-52	....do....	17 F. R. 670, 1-22-52.

4. Section 398.1 *DO (priority) ratings for foreign aircraft*, paragraph (c) *Ratings not assigned by OIT* is amended to read as follows:

[1] This amendment was published in Current Export Bulletin No. 673, dated July 17, 1952.

(c) *Ratings not assigned by OIT.* Requests for DO ratings on purchase orders for delivery of replacement parts and materials to foreign civil air carriers registered in any of the following countries shall be submitted to the Mutual Security Agency, Washington 25, D. C.

EUROPEAN COUNTRIES

Austria.
Belgium-Luxembourg Economic Union.
Denmark.
France (including the Saar).
Germany (Federal Republic).
Greece.
Iceland.
Ireland.
Italy.
Netherlands.
Norway.
Portugal.
Sweden.
Switzerland.
Trieste, Free Territory of.
Turkey.
United Kingdom (including the Channel Islands).
Yugoslavia.

OVERSEAS TERRITORIES

Belgian Overseas Territories:
  Belgian Congo.
  Ruanda-Urundi.
British Overseas Territories:
  Gibraltar.
  Malta and Gozo.
  Cyprus.
  British West Africa:
    Nigeria.
    Gold Coast and Territories.
    Gambia, Togoland, British Cameroons.
    Sierra Leone.
  Northern Rhodesia.
  Southern Rhodesia.
  British East Africa:
    Kenya.
    Uganda.
    Tanganyika, Nyasaland.
    Zanzibar and Pemba.
    Somaliland.
  Basutoland, Bechuanaland, Swaziland.
St. Helena, Ascension Island.
Mauritius and Dependencies.
  Seychelles.
  Aden (Colony and Protectorate).
Bahrein Island, Kuwait, Qatar and Trucial Oman.
British Malaya (including Singapore).
British Borneo (North Borneo, Sarawak, and Brunei).
  Hong Kong.
  Fiji Islands.
  Other British Islands of the Pacific.
  Bermuda.
  Bahamas.
  Jamaica and Dependencies.
Windward Islands (including Dominica).
Leeward Islands.
  Barbados.
  Trinidad and Tobago.
British Honduras.
British Guiana.
Falkland Islands and Dependencies.
French Overseas Territories:
  Tunisia.
  Algeria.
  Morocco.
  Somaliland.
  French West Africa.
  Togoland.
  French Equatorial Africa.
  The Cameroons.
  Madagascar and Comoro Islands.
  Saint Pierre and Miquelon.
  New Caledonia and Dependicies.
  French Oceania.
  French E. Indian Possesions.
  Reunion Island.
  Guadeloupe.
  Martinique.
  French Guiana.
Italian Overseas Territories:
  Somaliland.
Netherlands Overseas Territories:
  Surinam.
  Curacao.
Portuguese Overseas Territories:
  Angola (Port. West Africa).
  Mozambique (Portuguese East Africa).
  Cape Verde Islands and Portuguese Guinea.
  Sao Thome and Principe.
  Timor.
  Macao.
Portuguese East India.

FAR EAST COUNTRIES

China (Taiwan).
Indochina.
Thailand.
Philippines.
Korea, Republic of.

This amendment shall become effective as of July 17, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52-8274; Filed, July 28, 1952; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 571—RECRUITING AND ENLISTMENTS

RECRUITING FOR REGULAR ARMY

Sections 571.1 to 571.5 are rescinded and the following substituted therefor:

Sec.
571.1 General.
571.2 Qualifications for enlistment.
571.3 Periods and grades.
571.4 Choice of assignment.
571.5 Transportation of accepted applicants.

AUTHORITY: §§ 571.1 to 571.5 issued under sec. 6, 39 Stat. 169, as amended; 10 U. S. C. 42.

SOURCE: SR 615-105-1, June 6, 1952.

§ 571.1 *General*—(a) *Purpose.* Sections 571.1 to 571.5 establish the qualification for enlistment of men and women in the Regular Army. Enlistment will be accomplished in numbers authorized on a monthly basis by the Secretary of the Army.

(b) *Definitions.* The following definitions apply:

(1) "Enlistment" unless otherwise specified, includes reenlistment of Regular Army personnel, enlistment of former Army of the United States personnel, and original enlistment of personnel without prior Army service.

(2) When instructions are applicable only to men, the word "men" or "male" is used; when instructions are applicable only to women, the word "women" or "female" is used; when instructions are applicable to both men and women, the term "persons," "applicants," "individuals," or "personnel" is used.

§ 571.2 *Qualifications for enlistment*—(a) *Age*—(1) *Male.* The age requirements for enlistment of males are:

(i) Seventeen to thirty-four years, inclusive, except as provided below.

(ii) Thirty-five years and over but less than fifty-five years of age for those men who have had a minimum of 3 years' prior active service in the Army, Army Air Corps, Navy, Marine Corps, Air Force, or Coast Guard (at least 3 months of which must have been Army or Army Air Corps service), provided their age, at the time of enlistment, is not greater than 35 plus the length of their prior active Federal service in completed years of honorable service. The original enlistment of a former member of the Navy, Marine Corps, Air Force, or Coast Guard without prior Army or Army Air Corps active Federal service, who is 35 years of age or older, is prohibited by law and is not subject to waiver.

(iii) For every applicant for enlistment from civilian life who states he is under 21 years of age, or who claims a greater age but whose personal appearance indicates he may be under 21, the recruiting officer will verify age by requiring the applicant to present a birth certificate or a statement from the State Registrar of Vital Statistics, or other similar State official. When the age of an applicant cannot be verified by a birth certificate, and the State Registrar of Vital Statistics or other similar State, municipal, or Government official states that there is "no record" of birth of the individual, action will be taken to obtain one of the following types of substantiating data regarding age in the following sequence:

(*a*) Baptismal record or certified copy.

(*b*) Sworn statement of one or both parents or legal guardian supported by:

(*1*) Notarized copy of the school record from the first school attended, showing date of birth or age at attendance, or

(*2*) Certificate from the physician in attendance at birth.

(*3*) All documents submitted by applicants should be originals. If copies are submitted, they will be notarized.

(iv) An applicant who is 17 years of age but has not reached his eighteenth birthday will be required to furnish written consent of his parents or guardian. If he has neither parents nor guardian, a statement to that effect will be included under item 41, "Remarks," of the Enlistment Record (DD Form 4). DD Form 373 (Consent Declaration of Parent or Legal Guardian) will be used. The consent declaration will:

(*a*) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. A DD Form 373 is required prior to extension of enlistment or reenlistment of these individuals. Enlistment, reenlistment, or extension of enlistment is not authorized if either parent objects.

(*b*) Omit any reference to allotments of pay, special training, or service in any particular branch of service, or at a certain post or locality.

(*c*) Contain the following statement under "Remarks":

The parents and/or guardian have been advised and understand that the enlistee can be assigned to any area or station of service, in the United States or overseas, or any type of duty, including combat, authorized by current law and regulations, immediately upon completion of required period of basic training.

(*d*) Be notarized or the signing of the consent declaration by the person authorized to sign shall be witnessed by a commissioned, warrant, or noncommissioned recruiting officer.

(*e*) Be signed in duplicate and fastened securely to the original and duplicate copy of the enlistment record.

(v) Men last separated from the Regular Army with an honorable or general discharge and commissioned officers or warrant officers relieved from active duty in the Army under honorable conditions may be enlisted in the Regular Army within 90 days after date of such discharge or relief from active duty, without regard to the maximum age restrictions prescribed above.

(2) *Female.* The age requirements for enlistment of females are:

(i) Eighteen to thirty-four years, inclusive, except as provided below. An applicant between the ages of 18 and 21 will be required to furnish written consent of her parents or guardian on the form prescribed in subparagraph (1) (iv) of this paragraph. This provision is applicable to original enlistment, reenlistment, and extension of enlistment.

(ii) Thirty-five years and over but less than fifty-five years of age for those women who have had a minimum of 3 years' prior active service in the Army, Army Air Corps, Navy, Marine Corps, Air Force, or Coast Guard (at least 3 months of which must have been Army or Army Air Corps service), provided their age, at the time of enlistment, is not greater than 35 plus the length of their prior active Federal service in completed years of honorable service in any of the Armed Services after September 1, 1943. The original enlistment of a former member of the Navy, Marine Corps, Air Force, or Coast Guard without prior Army or Army Air Corps active Federal service, who is 35 years of age or older, is prohibited by law, and is not subject to waiver.

(iii) Age of all female applicants will be verified as prescribed in subparagraph (1) (iii) of this paragraph for male applicants under 21 years of age.

(iv) Women last separated from the Regular Army with an honorable discharge and female commissioned officers or warrant officers relieved from active duty in the Army under honorable conditions may be enlisted in the Regular Army within 90 days after date of such discharge or relief from active duty, without regard to the maximum age restrictions prescribed in this subparagraph.

(b) *Citizenship.* Applicants who are otherwise qualified may be enlisted if they are:

(1) Citizens of the United States.

(2) Aliens who can present written evidence that they have made legal declaration of their intention to become citizens of the United States. Only those declarant citizens who can present the triplicate copy of declaration of intention (United States Department of Justice; Immigration and Naturalization Service Form N-315), duly authenticated by a Federal district court, are eligible for enlistment under this authority. Title 18, U. S. Code, section 1426 (h), prohibits the reproduction of a declara-

tion of intention to become a citizen, or certificate of naturalization. Under no circumstances will these forms be reproduced.

(c) *Educational requirements for female applicants*—(1) *Nonprior service.* Female applicants without prior military service (including those whose only service has been in the WAAC) must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development (GED) test. (This test will not be administered by recruiting personnel, but applicants desiring information about the GED test will be advised to communicate with the appropriate State Department of Education for information concerning the test.)

(2) *Prior service.* Female applicants with prior military service must have completed a minimum of 2 years of high school.

(d) *Physical standards*—(1) *General.* Applicants for enlistment must meet fully the physical standards for acceptance as prescribed in AR 40-115 (Army regulations pertaining to physical standards and physical profiling for enlistment and induction).

(2) *Individuals discharged by reason of physical disability.* Applicants for enlistment who were last separated by reason of physical disability will not be accepted for enlistment without prior approval from The Adjutant General, even though they currently meet the physical standards prescribed. Requests for waivers of physical disability will be accomplished by complete reports of physical examination on Standard Form 88 (Report of Medical Examination), medical history on Standard Form 89 (Report of Medical History), and will include a detailed description and current evaluation of the physical defect responsible for the individual's discharge. Requests for waivers will be forwarded as indicated in paragraph (h) of this section.

(e) *Police clearance, all applicants.* Prior to enlistment of applicants, except those who enlist within 90 days from date of discharge from any of the Armed Forces, recruiting installations will communicate with the police in each town where such applicant has resided for a period of 6 months or more in the previous 3 year period. When reply from police is not received within 21 days, applicant may be enlisted provided the individual is the type desired by the Army and every effort has been made to check character through local sources.

(f) *Enlistment of persons with dependents.* (1) Male applicants from civilian life with dependents, including those who do not reenlist without a break in service but who do reenlist within 90 days after date of discharge, are authorized to enlist only if entitled to enlistment in grade E-4 or higher, or if promised grade E-4 upon completion of reception processing and training. In especially meritorious cases of men with long periods of honorable service (normally 6 years or more) who do not meet these requirements, waivers may be granted by major commanders.

(2) Married female applicants without prior service will not be enlisted. No waivers will be granted.

(3) Female applicants who have children under 18 years of age will not be enlisted. A woman who has any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including stepchildren or foster children under 18 years of age, will not be enlisted. No waivers will be granted. Women who have surrendered all rights to custody and control of natural children through formal adoption or final divorce proceedings may be accepted for enlistment.

(g) *Enlistment restrictions for persons last discharged below grades E-3 and E-2.* (1) Applicants from civilian life, including those who do not reenlist without a break in service but who do reenlist within 90 days after date of discharge, who were discharged on or after 1 May 1949 from any of the Armed Forces (Army, Navy, Marine Corps, Air Force, and Coast Guard), are eligible for enlistment only if discharged in the following grades:

(i) Individuals with 24 months or more of prior active service in their current or last enlistment are eligible to enlist only if discharged in grade E-3 or higher.

(ii) Individuals with less than 24 months but more than 4 months of prior active service in their current or last enlistment are eligible to enlist only if discharged in grade E-2 or higher.

(2) In especially meritorious cases of individuals with long periods of honorable service (normally 6 years or more) in the Army, who do not meet the requirements prescribed in subparagraph (1) of this paragraph, waivers may be granted by major commanders.

(h) *Classes ineligible for enlistment.* The personnel listed in the following classifications are ineligible for enlistment unless the disqualification is waived as indicated. The disqualifications for which authority to grant waivers is not listed below will be waived only by The Adjutant General. Such waiver requests will be forwarded to The Adjutant General, Department of the Army, Washington 25, D. C., Attention: AGSE-W, except for applicants with prior service in the Army or Air Force who have been discharged 4 months or more, when requests for waiver will be forwarded through Chief, Demobilized Personnel Records Branch, AGO, St. Louis 20, Missouri, for attachment of 201 files and other records and transmitted to The Adjutant General, Washington 25, D. C., Attention: AGSE-W. Requests for waivers will be forwarded only in those cases which, as a result of complete investigation, the recruiting officer determines to be especially meritorious. Waivers granted will be valid for a period of 60 days from date of issuance unless otherwise indicated, after expiration of which period a new request for waiver must be initiated.

(1) *Over age.* (i) Waivers will not be requested for nonprior-service applicants who are over age.

(ii) For prior-service applicants who are over age, the commanding officer of each recruiting district and commanders of major oversea commands are authorized to grant waivers to otherwise qualified and desirable applicants who have had a minimum of 3 years' prior active service in the Army, Army Air Corps, Navy, Marine Corps, Air Force, or Coast Guard (at least 3 months of which must have been Army or Army Air Corps service), provided their ages does not exceed 37 plus the number of years of such prior active service.

(iii) Commanders of recruiting districts and major oversea commands will not grant waivers to applicants who are 55 years of age or older.

(2) *Aliens.* Aliens, except applicants who have made legal declaration of their intent to become United States citizens (paragraph (b) (2) of this section). No waivers will be granted.

(3) *Mentally substandard applicants.* Applicants from civilian life who fail to meet the prescribed mental standards. No waivers will be granted.

(4) *Illiterates.* Persons who are illiterate in the English language. No waivers will be granted. (Applicants must be able to read, write, and understand English sufficiently to insure that they can satisfactorily absorb the required training.)

(5) *Physically substandard applicants.* Applicants who fail to meet the prescribed physical standards or who were separated from last period of active service in any of the Armed Forces by reason of physical disability (paragraph (d) of this section).

(6) *Applicants having time lost*—(i) *Male.* Male applicants who have had prior active service in the Army, Army Air Corps, Navy, Marine Corps, Air Force, or Coast Guard and whose total time lost under Article of War 107, Manual for Courts-Martial, 1949, or section 6 (a), appendix 2b, Manual for Courts-Martial, 1951 (or time lost under similar circumstances in the Navy, Marine Corps, Air Force, or Coast Guard), was 60 days or more during their last enlistment or period of active service. Authority to grant waivers for applicants is as follows:

(*a*) *Recruiting district commander.* Applicants from civilian life in the continental United States who have lost in excess of 59 days but not more than 89 days during their last enlistment or period of active service.

(*b*) *Company, battery, or similar unit commanders.* Applicants from within the service who have lost in excess of 59 days but not more than 89 days during their last enlistment or period of active service and who reenlist the day following date of discharge.

(*c*) *Commanders of major oversea commands.* Applicants in oversea commands, other than those specified in subdivision (*b*) of this subparagraph who have lost in excess of 59 days during their last enlistment or period of active service.

(*d*) *The Adjutant General.* All applicants other than those listed in subdivision (*a*), (*b*), or (c) of this subparagraph. Requests for waivers for men currently serving will be submitted through division or comparable commands not earlier than 60 days nor later than 30 days prior to expiration of cur-

rent enlistment and will include data as to number and periods of absences from duty, trials by courts-martial, and recommendation of immediate commanding officer with reasons therefor.

(ii) *Female.* (*a*) Female applicants from civilian life who have had prior military service in the Navy, Marine Corps, Air Force, or Coast Guard and who have lost any time under Article of War 107, Manual for Courts-Martial, 1949, or section 6 (a), appendix 2b, Manual for Courts-Martial, 1951 (or have lost time under similar circumstances in the Navy, Marine Corps, Air Force, or Coast Guard) during their last period of active service. No waivers granted.

(*b*) Requests for waivers may be forwarded to The Adjutant General, Attention: AGSE-W, for applicants who have had prior military service in the Army, or Army Air Corps, who did not reenlist the day following separation and whose total time lost under Article of War 107, Manual for Courts-Martial, 1949, or section 6 (a), appendix 2b, Manual for Courts-Martial, 1951, is five days or less.

(*c*) Enlisted women of the Army who reenlist on the day following discharge may be granted a waiver by major commanders for not more than 5 days time lost under Article of War 107, Manual for Courts-Martial, 1949, or section 6 (a), appendix 2 b, Manual for Courts-Martial, 1951.

(7) *Persons convicted of felonies.* Requests for waiver will not be forwarded for this category of applicants. For prior-service personnel, only felonies committed subsequent to the date of separation from last period of honorable active military service are considered disqualifying, and no waivers will be granted.

(8) *Applicants with records of other offenses*—(i) *Conviction or imprisonment for other than a felony.* The Adjutant General may authorize enlistment of especially desirable men who have been tried, convicted, and/or imprisoned under the sentence of a civil court for other than a felony and men who have had frequent difficulty with law enforcement agencies or who have criminal tendencies, a history of antisocial behavior, or who are of questionable moral character, and who have been unconditionally released from civil court for a minimum period of 6 months. An investigation will be made by qualified personnel (preferably commissioned officer) and a report, including letters from at least three reputable citizens who are acquainted with the individual, will be submitted through channels to The Adjutant General, Washington 25, D. C., Attention: AGSE-W. The report of investigation will include information concerning the applicant's current character and habits, date unconditionally released from civil control, a statement that the offense for which convicted was not a felony, his reputation in the community in which he resides, and a record of his employment since his release from the control of civil authorities, as well as the recommendation of the investigating officer. For prior-service men, only those offenses committed subsequent to the date of separation from the last period of honorable active military service are considered disqualifying. Such waivers will not be granted to applicants for WAC service.

(ii) *Juvenile delinquency and minor traffic violations.* Waivers also may be granted in meritorious cases of male applicants, in which juvenile delinquency or imprisonment for minor traffic violations are involved. Waivers of offenses involving juvenile delinquency or minor traffic violations may be granted by the commanding generals of major commands, if, as a result of an investigation, conducted by qualified personnel (preferably commissioned officers), it is determined that the applicant will be an asset to the service. The investigation will include letters from at least three reputable citizens who are acquainted with the individual, information concerning the applicant's current character and habits, his reputation in the community in which he resides, and a record of his employment since his release from the control of civil authorities, as well as the recommendations of the investigating officer. Only those applicants whose cases are individually determined to be especially meritorious and who have served the period of parole or probation decreed by the court plus a minimum period of 6 months as law-abiding members of a civil community will be accepted. A record of ajudication of conduct by a juvenile court in the State of Ohio under the statute of that State or by a juvenile court of any State having a similar law is not a bar to enlistment. However, recruiting officers will scrutinize carefully the juvenile court record of an applicant for enlistment to determine whether he is of good character and otherwise eligible for enlistment and will submit to higher authority any case in which doubt arises as to the effect of a particular statute. Such waivers will not be granted to applicants for WAC service.

(iii) *Contracts.* Major commanders will not enter into a contract, implied or otherwise, to effect the enlistment of an individual whose actions have brought such individual into the probative custody of a court and whose subsequent conduct has not been of such worthy caliber as to have caused the court having jurisdiction to release such individual from the unexpired period of probation prior to the time of application for enlistment.

(9) *Applicants with criminal charges.* Persons who have criminal charges filed and pending against them alleging a violation of State, Federal, or Territorial statute but as an alternative to further prosecution, indictment, trial, or incarceration for such violation are granted a release from the charge by a court on the condition that they will apply and are accepted for enlistment in Regular Army. No waivers will be granted.

(10) *Parolees.* Persons under parole, probation, or suspended sentence from any civil court. No waivers will be granted.

(11) *Insane.* Insane or intoxicated persons. No waivers will be granted.

(12) *Applicants having venereal disease.* Persons who have an active or chronic venereal disease. No waivers will be granted.

(13) *Claim of prior honorable service.* Persons who apply for enlistment from civilian life and who claim prior honorable service in the Armed Forces, but who are unable to produce their discharge certificate or other written evidence of last active service will not be enlisted until verification of such service is received.

(14) *Application for retirement.* Persons who have pending an application for retirement. No waivers will be granted.

(15) *Retired personnel.* Persons who are in a retired status from the Regular Army, whether retired for disability or length of service. No waivers will be granted.

(16) *Persons receiving disability pension or compension.* Persons receiving disability pension or compensation from the Veterans' Administration, unless such pension or compensation is waived by the individual at time of enlistment.

(17) *Persons receiving retired or retainer pay.* Persons receiving retired or retainer pay from the Navy, Marine Corps, Air Force, or Coast Guard. No waivers will be granted.

(18) *Persons discharged with severance pay.* Any applicant with prior service in any of the Armed Forces whose last discharge or report of separation shows that severance pay was received. No waivers will be granted.

(19) *Selective Service registrants.* (i) Selective Service registrants who have received orders from their local boards to report for reinduction physical and mental examinations or to report for induction. No waivers will be granted.

(ii) As an exception to subdivision (i) of this subparagraph, registrants who have been ordered to report for preinduction processing, whose local boards subsequently reclassify them into a class other than available for military service and whose orders to report for preinduction processing are thereby administratively canceled may enlist provided otherwise qualified.

(iii) As a further exception to subdivision (ii) of this subparagraph, registrants who have received orders from their local boards to report for preinduction physical and mental examinations and who are satisfactorily pursuing a full-time course of instruction at a high school, college, university, or similar institution of learning, may enlist in the service of their choice if otherwise qualified, unless they have been issued an order to report for induction. Registrants reclassified into class 1-A-P cannot be enlisted in the service of their choice unless their classification is changed by their local boards.

(iv) Applications for Army Officer Candidate School may be accepted and processed from those registrants referred to in subdivisions (ii) and (iii) of this subparagraph who are eligible to enlist.

(20) *Disloyal or subversive applicants.* Applicants who admit participation or whose available records show that they have at any time engaged in disloyal or subversive activities. No waivers will be granted.

(21) *Loyalty certificates.* Applicants who refuse to sign the Loyalty Certificate for Personnel of the Armed Forces (DD Forms 98 and 98a). No waivers will be granted.

(i) *Enlistment and reenlistment of insular personnel*—(1) *Caribbean area.* (i) English-speaking male and female applicants who are qualified under this part may be enlisted or reenlisted in the Regular Army by the Commanding General, United States, Caribbean, in the same manner as though they were residing in the continental United States.

(ii) Spanish-speaking male applicants are authorized to enlist for service in units of the Regular Army in the Caribbean command as governed by special instructions from the Department of the Army. Applicants will be informed prior to enlistment that no guarantee can be made that they will remain assigned to such unit for any specified period of time.

(2) *Territory of Hawaii.* Male and female applicants who are qualified under the provisions of this part may be enlisted or reenlisted by the Commanding General, United States Army, Pacific, in the same manner as though they were residing in the continental United States.

§ 571.3 *Periods and grades*—(a) *Periods of enlistment.* (1) Enlistments are authorized for 3, 4, 5, or 6 years at the option of the individual enlisting. In addition, male applicants as prescribed in subparagraph (3) of this paragraph and female applicants may enlist for a 2-year period.

(2) Reenlistments are authorized for 3, 4, 5, or 6 years except as prescribed in subparagraph (4) of this paragraph at the option of the individual reenlisting.

(3) Enlistments are authorized for 24 months for Selective Service registrants classified in 1–A, available for military service, notwithstanding their dependency status, who are between the ages of 18 years and 6 months and 26 years, and who have not heretofore served for more than 1 year in the Armed Forces prior to June 24, 1948, or more than 90 days between December 7, 1941, and September 2, 1945, or 3 years or more at any time. All enlistments under this option will be made for Regular Army Unassigned. Enlistees will incur the following service obligations:

(i) They will be required to complete 24 consecutive months' active service, unless sooner released, transferred, or discharged.

(ii) Thereafter, if qualified, they will be transferred to a Reserve component of the Army and required to serve therein for a period which, when added to the time served in their enlistment, will equal a total of 8 years, unless sooner discharged on grounds of personal hardship, in accordance with regulations and standards prescribed by the Secretary of Defense.

(4) In addition to the options authorized in subparagraph (2) of this paragraph, the reenlistment of individuals who were discharged from the Regular Army and who reenlist in permanent grade E–7, E–6, or E–5 within 90 days after date of last discharge are authorized to reenlist in the Regular Army for an unspecified period of time on a career basis. Regular Army enlisted persons serving in permanent grade E–7, E–6, or E–5 who have less than 1 year remaining in their current enlistment may be discharged for the convenience of the Government for the purpose of reenlisting for an unspecified period of time, provided enlistment is accomplished the day following discharge. Discharge prior to expiration of term of service (ETS) for the purpose of reenlisting for an unspecified period of time is not mandatory, and responsible commanders will approve such discharges only when it is determined that such action will serve the best interest of the Army. An individual whose last period of active Federal service in the Army was in the status of a commissioned officer or warrant officer is eligible for enlistment under this subparagraph, provided such individual was serving on Federal active duty in grade E–7, E–6, or E–5 immediately prior to entry on active duty as a commissioned officer or warrant officer; such commissioned or warrant officer service has been continuous since entry thereon; and enlistment is accomplished in grade E–7, E–6, or E–5 within 90 days from date of relief from active duty. The following are special conditions governing reenlistment for an unspecified period of time:

(i) Reenlistments will be accomplished only in "Regular Army Unassigned," or "WAC Unassigned."

(ii) Period of reenlistment continues until the individual is discharged under current discharge regulations, resigns, or retires. Reduction to a grade below grade E-5 will not terminate such a reenlistment.

(b) *Grades.* Individuals will be enlisted in the Regular Army in grades commensurate with their training and experience as specifically authorized in applicable Army regulations.

§ 571.4 *Choice of assignment*—(a) *Males.* Men who enlist or reenlist in the Regular Army for 3, 4, 5, or 6 years are authorized certain initial assignment choices which are published in separate directives from time to time by the Department of the Army. Men who enlist in the Regular Army for any period less than 3 years and those who reenlist in the Regular Army for an unspecified period of time will not be given a choice of assignment, and will be enlisted for Regular Army Unassigned.

(b) *Females.* Women who enlist or reenlist in the Regular Army will be enlisted for WAC Unassigned only, with no choice of initial assignment.

§ 571.5 *Transportation of accepted applicants.* (a) Transportation and subsistence will be furnished to applicants only when they have been tentatively accepted for enlistment, or when recalled for enlistment after their names are reached on the waiting list.

(b) Return transportation and subsistence from recruiting main stations to point of initial acceptance will be furnished in accordance with existing regulations to rejected applicants and those acceptable applicants who cannot be enlisted at the time. Return transportation will not be furnished an applicant for enlistment who is rejected because of disqualification concealed by him at time of acceptance as an applicant.

(c) Government transportation and meals or meal tickets will not be furnished from recruiting stations to recruiting main station or other place of physical examination for applicants who have been discharged from last active service by reason of physical disability. Such applicants desiring enlistment will be informed that they must defray their own expenses in connection with travel for physical examination.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-8280; Filed, July 28, 1952, 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter II—Economic Stabilization Agency

[General Order 17]

GO 17—EXEMPTION OF SMALL-BUSINESS ENTERPRISES

Sec.
1. Purpose.
2. Definitions.
3. General exemption of small-business enterprises.
4. Exclusions from the general exemption.
5. Fluctuating work staff.
6. Exemption inapplicable because of improper acts of employer.
7. Effect of loss of exemption resulting from changed conditions.
8. Modification of exclusions from stabilization exemption.
9. Effect on other orders.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, sec. 402 (e), IX, 66 Stat. 299, P. L. 429, 82d Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, Sup., as amended.

SECTION 1. *Purpose.* (a) This order is hereby issued pursuant to the Defense Production Act of 1950, as amended, and E. O. 10161, as amended (Pub. Laws 96 and 429, 82d Cong.).

(b) Section 109 (c) of the Defense Production Act Amendments of 1952 added the following exemption from stabilization control to section 402 (a) of the Defense Production Act of 1950, as amended, herein referred to as the act:

(ix) Wages, salaries, or other compensation of persons employed in small-business enterprises as defined in this paragraph: Provided, however, That the President may from time to time exclude from this exemption such enterprises on the basis of industries, types of business, occupations, or areas, if their exemption would be unstabilizing with respect to wages, salaries, or other compensation, prices, or manpower, or would otherwise be contrary to the purposes of this Act. A small-business enterprise, for the purpose of this paragraph, is any enterprise in which a total of eight or less persons are employed in all its establishments, branches, units or affiliates. This paragraph shall become effective thirty days after its enactment • • •

(c) This order is issued to implement the authority granted to exclude certain enterprises from this exemption and to effectuate the purposes and policies set forth in Title IV of the Act. Experience or future developments may make it necessary to add to or remove certain of the exclusions from the general exemption.

(d) In the formulation of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with labor and industry representatives, and consideration has been given to their recommendations.

SEC. 2. *Definitions.* As used in this order:

(a) The term "small-business enterprise" shall mean any enterprise in which a total of eight (8) or less persons are employed in all its establishments, branches, units, or affiliates.

(b) The term "new plant" means a plant, enterprise, or other employment unit, which on January 25, 1951, had not commenced the production of the materials or services for which it is established or converted.

SEC. 3. *General exemption of small-business enterprises.* Except as provided in section 4, but subject to change from time to time, wages, salaries, or other compensation of persons employed in small-business enterprises are exempted from stabilization regulations and orders issued pursuant to Title IV of the act.

SEC. 4. *Exclusions from the general exemption.* The general exclusion from stabilization regulation applicable to small-business enterprises generally shall not apply to the following enterprises in which exemption would be contrary to the purposes of the act:

(a) Enterprises in which the compensation of one or more of the employees is established on an industry, association, area, or other similar basis, as contained in a master contract or identical contracts, or which follows compensation terms established in such contracts.

(b) Enterprises in the building and construction industry.

(c) Enterprises in local and over-the-road (for hire and contract) trucking operations.

(d) Enterprises employing tool and die (including die, sinking) or pattern makers.

(e) Enterprises in the automotive repair industry.

(f) Enterprises engaged in logging operations or the operation of sawmills or planing mills.

(g) All enterprises in the Territory of Alaska.

(h) New plants in which it is planned or reasonably foreseeable that in excess of eight (8) persons will be employed.

(i) Enterprises (other than banks, building and loan associations and savings institutions) which derive more than 25 percent of their business income from dividends, interest, rents or royalties.

SEC. 5. *Fluctuating work staff.* In addition to the general exemption of small-business enterprises contained in section 3, any enterprise, other than those enumerated in section 4, in which a total of eight (8) or less persons are employed in all its establishments, branches, units, or affiliates as of July 29, 1952, shall be exempted from wage and salary stabilization: *Provided, however,* That if and when total employment in such an enterprise exceeds fifteen (15) persons, this section shall no longer be applicable to such enterprise.

SEC. 6. *Exemption inapplicable because of improper acts of employer.* If an employer divides a business enterprise into separate enterprises in order to claim an exemption under this order, or if he utilizes any other improper device for such purpose, the exemption shall not apply.

SEC. 7. *Effect of loss of exemption resulting from changed conditions.* Whenever the provision for exemption from wage and salary regulation contained in this order are no longer applicable, adjustments in wages, salaries or other compensation shall be subject to applicable wage and salary stabilization regulations and orders.

SEC. 8. *Modification of exclusions from stabilization exemption.* Exclusion of enterprises from the general exemption from stabilization regulation are subject to change from time to time, and all constituent organizations of the Economic Stabilization Agency are authorized to give further study and review of this aspect of stabilization regulation and to make such recommendations to the Economic Stabilization Administrator as they deem will best effectuate the purposes and policies of the act.

SEC. 9. *Effect on other orders.* Any orders or parts of orders, the provisions of which are inconsistent with the provisions of this order, are hereby superseded or amended accordingly.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-8377; Filed, July 28, 1952; 12:22 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 2 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER ARTICLES

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

EXTENSION OF TERMINAL DATES OF SPECIAL ORDERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 4 to Ceiling Price Regulation 7 authorizes the establishment of uniform retail and wholesale ceiling prices for certain branded articles and as originally issued, provided that orders issued under Section 43 of Ceiling Price Regulation 7 be revoked upon the effective date of an authorization under SR 4 or on June 30, 1952, whichever was earlier. Amendment 1 to SR 4 of CPR 7 issued and effective on May 26, 1952 extended the automatic revocation date of the Section 43 orders to a series of dates between August 1, 1952 and November 1, 1952, dependent on the order numbers. At the time of the issuance of that amendment, it appeared that applicants were having difficulty in preparing their applications under SR 4 in time to avoid a hiatus between the date the Section 43 order would be automatically revoked and the effective date of the SR 4 authorizations. It now appears that many applicants continue to experience serious difficulties and delays in the preparation of their SR 4 applications.

In many instances if the automatic revocation dates are not extended, hiatuses will occur. Accordingly, the dates set up by this amendment have been fixed to give applicants ample time to prepare their applications.

This amendment fixes the final date for revocation of orders issued under Section 43 of Ceiling Price Regulation 7 as follows:

Special Orders No. 1 through 205 will be revoked September 1, 1952.

Special Orders No. 206 through 599 will be revoked October 15, 1952.

Special Orders No. 600 and following will be revoked November 15, 1952.

In view of the remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISION

Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended in the following respect:

Section 10 (a) is amended to read as follows:

(a) *Expiration of orders.* Each special order issued to a manufacturer or wholesaler and in effect under Section 43 of Ceiling Price Regulation 7 (including orders amended as provided in paragraph (c) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on the following applicable date, whichever is earlier:

For orders numbered:	*Expiration date is:*
1 through 205	Sept. 1, 1952
206 through 599	Oct. 15, 1952
600 and following	Nov. 15, 1952

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on the 28th day of July 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 28, 1952.

[F. R. Doc. 52-8365; Filed, July 28, 1952; 4:00 p. m.]

[GOR 8, Interpretation 1]

GOR 8—Paper, Paperboard, Converted Paper and Paperboard Products, Allied Products and Services

Int. 1—Exemption of repairing and rebinding services in connection with exempted commodities (section 1 (a) (2))

Amendment 1 to General Overriding Regulation 8, enumerates the classes of paper commodities exempt from price control because of editorial comment, expression of ideas or the dissemination of information. The language also exempts the rates or charges for certain services related to such commodities, including "binding."

The term "binding" includes the services of repairing and rebinding any of the commodities exempted by Amendment 1 to GOR 8.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Herbert N. Maletz,
Chief Counsel,
Office of Price Stabilization.

July 28, 1952.

[F. R. Doc. 52-8364; Filed, July 28, 1952; 11:23 a. m.]

[Ceiling Price Regulation 22, Amdt. 51]

CPR 22—Manufacturers' General Ceiling Price Regulation

Export sales and sales for export

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 51 to Ceiling Price Regulation 22 is hereby issued.

Statement of considerations

This Amendment to Ceiling Price Regulation 22 is designed to call to the attention of sellers, who are subject to Ceiling Price Regulation 22 for their domestic sales, that they are subject to Ceiling Price Regulation 61 (Exports) for their export sales and sales for export.

Section 35 of Ceiling Price Regulation 22, which was issued on April 25, 1951, provided that sales in the export market by sellers subject to Ceiling Price Regulation 22 were governed by the provisions of Ceiling Price Regulation 22. On August 6, 1951, Ceiling Price Regulation 61 became effective. Its provisions, as set forth in Section 2 of CPR 61, superseded those provisions of CPR 22 that applied to sales in the export market. Consequently, the export ceiling prices of commodities, covered by CPR 22 for their domestic sales, were to be determined under CPR 61.

The purpose of this Amendment to Ceiling Price Regulation 22 is to change section 35 so that it states expressly that sellers who determine their domestic prices under CPR 22 are subject to the provisions of CPR 61 for their export price.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Amendatory provisions

Section 35 of Ceiling Price Regulation 22 is amended to read as follows:

Sec. 35. *Export sales and sales for export.* Ceiling Price Regulation 61, issued on July 30, and effective on August 6, 1951, supersedes Ceiling Price Regulation 22 for export sales and sales for export. Therefore, your ceiling prices for export sales and sales for export are determined under Ceiling Price Regulation 61.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 51 to Ceiling Price Regulation 22 is effective August 1, 1952.

Ellis Arnall,
Director of Price Stabilization.

July 28, 1952.

[F. R. Doc. 52-8366; Filed, July 28, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 35]

CPR 30—Machinery and Related Manufactured Goods

Export sales and sales for export

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 35 to Ceiling Price Regulation 30 is hereby issued.

Statement of considerations

This Amendment to Ceiling Price Regulation 30 is designed to call to the attention of sellers, who are subject to Ceiling Price Regulation 30 for their domestic sales, that they are subject to Ceiling Price Regulation 61 (Exports) for their export sales and sales for export.

Section 33 of Ceiling Price Regulation 30, which was issued on May 4, 1951, provided that sales in the export market by sellers subject to Ceiling Price Regulation 30 were governed by the provisions of Ceiling Price Regulation 30. On August 6, 1951, Ceiling Price Regulation 61 became effective. Its provisions, as set forth in section 2 of CPR 61, superseded those provisions of CPR 30 that applied to sales in the export market. Consequently, the export ceiling prices of commodities, covered by CPR 30 for their domestic sales, were to be determined under CPR 61.

The purpose of this Amendment to Ceiling Price Regulation 30 is to change section 33 so that it states expressly that sellers who determine their domestic price under CPR 30 are subject to the provisions of CPR 61 for their export price.

In view of the clarifying nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Amendatory provisions

Section 33 of Ceiling Price Regulation 30 is amended to read as follows:

Sec. 33. *Export sales and sales for export.* Ceiling Price Regulation 61, issued on July 30, and effective on August 6, 1951, supersedes Ceiling Price Regulation 30 for export sales and sales for export. Therefore, your ceiling prices for export sales and sales for export are determined under Ceiling Price Regulation 61.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 35 to Ceiling Price Regulation 30 is effective August 1, 1952.

Ellis Arnall,
Director of Price Stabilization.

July 28, 1952.

[F. R. Doc. 52-8367; Filed, July 28, 1952; 4:00 p. m.]

[Ceiling Price Regulation 98, Interpretation 1]

CPR 98—Resellers of Iron and Steel Products

Int. 1—Pricing of blanks, punchings or similar residue of industrial fabrication (section 31)

The Office of Price Stabilization has been asked whether ceiling prices of waste products such as blanks, punchings or similiar residue of industrial fabrication of prime quality industrial steel products should be determined under section 31 of Ceiling Price Regulation 98. (The inquiry does not relate to leftover items resulting from such warehousing operations as cutting, shearing, flame-cutting or burning to size or shape.)

Ceiling prices for such residue should be established under either Ceiling Price Regulation 5 or the General Ceiling Price Regulation according to the use for which purchased by the consumer.

If the use to which it is to be put is one of those described in section 28 (c) of Ceiling Price Regulation 5, the residual product should be considered steel scrap and be priced under Ceiling Price Regulation 5.

If it is purchased to be used for further fabrication, which has been the common case, it should be priced under the GCPR.

Section 31 of Ceiling Price Regulation 98, as amended, is intended to apply only to re-usable industrial steel products. It does not cover residue of industrial fabrication of prime quality industrial steel products.

(Sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154)

Herbert N. Maletz,
Chief Counsel,
Office of Price Stabilization.

July 28, 1952.

[F. R. Doc. 52-8363; Filed, July 28, 1952; 11:22 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 41, Revision 1, Amdt. 1]

GCPR, SR 41—Adjustment of Ceiling Prices for Brown Iron Ore Produced in the Southeastern States

Brown iron ore producers in Texas and Missouri

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to S. R. 41, Revision 1 to the General Ceiling Price Regulation is hereby issued.

Statement of considerations

This amendment grants brown iron ore producers in Texas and Missouri the same increase in the ceiling price for their ore permitted to other producers under Supplementary Regulation 41, Revision 1, to the General Ceiling Price Regulation.

Since the issuance of Revision 1 to SR 41 on November 5, 1951, the Office of Price Stabilization has been advised that there are brown iron ore producers in Texas and Missouri who sell their products to cement mills. The ore is used in meeting Government contract specifications, for quick setting cement. As was the case with the producers previously covered by this supplementary regulation, Texas and Missouri producers have shown the need to be included under the regulation.

The same considerations which supported the issuance of SR 41 and the subsequent Revision 1, apply as well to this amendment.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

Amendatory provisions

Supplementary Regulation 41, Revision 1, is amended in the following respects:

1. Section 1 is amended to read:

Section 1. *What this revised supplementary regulation does.* This revised supplementary regulation increases the ceiling prices established by the General Ceiling Price Regulation for brown iron ore produced in the southeastern states, Texas and Missouri. It supersedes Supplementary Regulation 41 to the General Ceiling Price Regulation issued and effective July 17, 1951, extending the relief granted Georgia producers therein to all producers of brown iron ore in the southeastern states, Texas and Missouri.

"Southeastern states" include Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

2. Section 2 is amended to read:

Sec. 2. *Adjustment in ceiling prices.* If you are a seller of brown iron ore in the southeastern states, Texas or Missouri, your ceiling price is the ceiling price determined in accordance with the General Ceiling Price Regulation plus $0.02 per long dry unit.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to the General Ceiling Price Regulation shall become effective August 1, 1952.

Ellis Arnall,
Director of Price Stabilization.

July 28, 1952.

[F. R. Doc. 52-8368; Filed, July 28, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 12]

Int. 12—Exclusion From Salary Stabilization of Professional Engineers Employed in a Professional Capacity

Correction

In F. R. Doc. 52-7411, appearing at page 5989 of the issue for Thursday, July 3, 1952, the following change should be made:

In the second line of the first paragraph, "section 402 (c)" should read "section 402 (e)".

[Interpretation 14]

Int. 14—Exclusion From Salary Stabilization of Professional Architects Employed in a Professional Capacity

This interpretation defines the scope of paragraph (ii) of section 402 (e) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1952, with regard to the exclusion from stabilization of the salaries and other compensation "• • • paid to professional architects employed in a professional capacity by an architect or firm of architects engaged in the practice of his or their profession: • • •"

1. *Definition of professional architect.* A person is qualified as a professional architect if he is licensed or registered to practice as such in any state, territory, or possession of the United States or in the District of Columbia. Candidates for registration as professional architects are not professional architects.

2. *Persons who are not professional architects.* Unless licensed to practice as professional architects, architectural designers, renderers, draftsmen, landscape architects, interior decorators, project managers, or other personnel who work in close association with professional architects, are not professional architects.

3. *Employed in a professional capacity.* (a) The statutory exclusion from salary stabilization extends to a professional architect only if he is employed in a professional capacity. A person is so employed if he performs architectural work of a professional character within the meaning of the Regulations, Part 541, issued by the Administrator of the Wage and Hour and Public Contracts Divisions pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended (29 CFR, 1950 Supp.).

(b) A person, qualified as a professional architect, may actually be employed in a position which does not involve the duties or responsibilities of a professional architect. Such a person is not regarded as being employed in a professional capacity, even though he may be employed by a professional architect or a firm of professional architects.

For example, professional architects are sometimes employed by a firm of architects in an administrative capacity (such as an office manager). To the extent that the professional activities of such architects do not meet the standards of the Regulations, Part 541, they are not exempt from salary stabilization.

4. *Employed by an architect or firm of architects.* For the statutory exemption to apply, the employing architect or architects must be self-employed and must practice either in their own name or as partners of a firm of architects.

The employing architect or firm of architects must be engaged in professional architectural work, as distinguished from non-architectural work. The architect himself, not a client of the architect, must be the employer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, July 22, 1952.

Joseph D. Cooper,
Executive Director.

[F. R. Doc. 52-8357; Filed, July 28, 1952; 10:09 a. m.]

[Interpretation 15]

Int. 15—Exclusion From Salary Stabilization of Certified Public Accountants Employed in a Professional Capacity

This interpretation defines the scope of paragraph (ii) of section 402 (e) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1952, with regard to the exclusion from stabilization of the salaries and other compensation "• • • paid to certified public accountants licensed to practice as such employed in a professional capacity by a certified public accountant or firm of certified public accountants engaged in the practice of his or their profession."

1. *Certified public accountants licensed to practice as such.* To be exempt, an accountant must have a certificate to practice public accountancy in the jurisdition where he is employed in a professional capacity. A certified public accountant employed in a jurisdiction in which he is not certified is not covered by the exemption.

2. *Employed in a professional capacity.* The exemption extends to a certified public accountant only if he is employed in a professional capacity. A certified public accountant is employed in a professional capacity if he performs work which requires application of his accounting knowledge and exercise of discretion or judgment, and which is predominantly intellectual and varied in

character. He must be actually and actively engaged in the public practice of accounting and at least half of his time must be spent in professional accounting work.

Certified public accountants are sometimes employed by accounting firms as office managers or secretaries. Their functions in such capacities are clerical or administrative, and professional work as a certified public accountant is not their primary duty. To the extent that non-professional activities predominate, such certified public accountants are not exempt from salary stabilization.

Certified public accountants may be employed in a dual capacity, such as being associated with a firm of certified public accountants and acting as officer or controller of a business corporation at the same time. In such instances, the salary received for services as such corporate employee remains subject to salary stabilization. To be exempt, a certified public accountant must be employed and paid by a certified public accountant or firm of certified public accountants engaged in the practice of his or their profession; certified public accountants in the employ of any other employer are not exempted by the statute.

3. *A certified public accountant or firm of certified public accountants engaged in the practice of his or their profession.* For the statutory exemption to apply, the employing certified public accountant or certified public accountants must be self-employed and must practice either in their own name or as partners or members of a firm.

The employing certified public accountant or firm of certified public accountants must be engaged in the professional public practice of accounting, actually and actively, and on a fee basis, and not in non-professional work, such as the management of publications serving the accounting profession or of professional associations. The certified public accountant himself, not a client of the certified public accountant, must be the employer.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, July 23, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-8358; Filed, July 28, 1952; 10:10 a. m.]

Subchapter B—Wage Stabilization Board

ORDER ADOPTING PRIOR WAGE REGULATIONS

Sec.
1. Purpose.
2. Legal basis and authority.
3. Adoption of prior wage regulations.
4. Continuation in effect of certain other actions.
5. Affect on other orders.
6. Effective date.

SECTION 1. *Purpose.* (a) The purpose of this order is to promulgate regulations governing the payment of wages, salaries, and other compensation for persons under the jurisdiction of the Wage Stabilization Board after the 29th day of July 1952, in view of the provisions of section 403 (b) of the Defense Production Act, as amended (section 112, Pub. Law 429, 82d Cong.).

SEC. 2. *Legal basis and authority.* (a) This order is promulgated under the authority vested in the Economic Stabilization Administrator by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), and Executive Order 10161, as amended.

SEC. 3. *Adoption of prior wage regulations.* (a) The General Wage Stabilization Regulation, the General Wage Procedural Regulation, all General Wage Regulations, and all Resolutions of the Wage Stabilization Board heretofore published in the FEDERAL REGISTER, as well as all amendments or revisions thereof, existing on the 29th day of July 1952, are hereby adopted and promulgated as the General Wage Regulations of the Economic Stabilization Administrator until his further order, except for the following which are hereby revoked:

(b) Enumeration of prior wage regulations revoked: (1) Subsections (b), (c) and (d) of section 1, and also sections 2, 3, 4, and 5 of General Wage Regulation 11. (Agricultural Labor)

(2) Resolution 79 (Disputes)

(3) Resolution 84 (Disputes)

SEC. 4. *Continuation in effect of certain other actions.* (a) All interpretations of General Wage Regulations, resolutions, other than those included in section 3 (a), rules, decisions, rulings, directives and other actions taken by the Wage Stabilization Board which existed under authority of Executive Order No. 10161, as amended, and Executive Order No. 10233, implementing its General Wage Stabilization Regulation, General Wage Regulations and Resolutions, shall remain in effect, except as they are inconsistent herewith or with the Defense Production Act of 1950, as amended, or are hereafter amended, revoked or terminated under proper authority.

SEC. 5. *Effect on other orders.* (a) Nothing contained herein shall be construed to limit the functions of the Wage Stabilization Board described in General Order No. 16.[1]

SEC. 6. *Effective date.* (a) This order becomes immediately effective at the close of the 29th day of July 1952, commencing with the 30th day of July 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-8375; Filed, July 28, 1952; 12:22 p. m.]

[1] See Economic Stabilization Administration, Office of the Administrator, Gen. Order 16, in Notices section, *infra*.

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 1, Direction 13—Revocation]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 13—SPECIAL PREFERENCE STATUS OF CERTAIN AUTHORIZED CONTROLLED MATERIAL ORDERS

REVOCATION

Direction 13 (17 F. R. 5225) to CMP Regulation No. 1 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 13 to CMP Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8361; Filed, July 28, 1952; 10:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 857]

CALIFORNIA

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6361 OF OCTOBER 25, 1933, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Executive Order No. 6361 of October 25, 1933, withdrawing certain public lands in California for classification and pending determination as to the advisability of including such lands in a national monument, is hereby revoked so far as it affects the following-described land:

SAN BERNARDINO MERIDIAN

T. 2 S., R. 4 E.,
Sec. 32, NW¼.

The area described contains 160 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272, 49 Stat. 1976; 43 U. S. C. 315g), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 23, 1952.

[F. R. Doc. 52-8266; Filed, July 28, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 963]

[Docket Nos. AO-233, AO-233-RO1]

HANDLING OF MILK IN STARK COUNTY, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S .C. 601 et seq.), hereinafter referred to as the "act," and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Stark County, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Canton, Ohio, on September 17–21, 1951, and on February 11–12, 1952, pursuant to notices thereof which were issued on August 29, 1951 (16 F. R. 8909) and on January 14, 1952 (17 F. R. 580).

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level of class prices and the method of determining such prices;

(d) The method to be used in distributing proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record.

Nature of commerce. The handling of milk produced for sale within the Stark County, Ohio, marketing area and the products thereof is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or milk products.

The production area for the Stark County marketing area overlaps the production areas for the Pittsburgh, Pennsylvania, the Wheeling, West Virginia, and the Cleveland, Ohio, markets to the extent that in the overlapping areas the farms on which milk is produced for the Stark County market are interspersed with farms supplying Pittsburgh, Wheeling and Cleveland. Some shifting of dairy farmers between the Stark County market and these other markets occurs from time to time. The handling of milk in the Cleveland, Ohio, marketing area is regulated by an order issued by the Secretary of Agriculture. Milk for the Stark County marketing area is therefore purchased in direct competition with milk for other markets in which the handling of milk is in the current of interstate commerce.

Milk manufacturing plants at which cheese and condensed milk products and other milk products are manufactured are scattered throughout the production area for the Stark County marketing area. Farms on which milk is produced for the Stark County market are interspersed quite generally with farms supplying milk to these manufacturing plants. At times dairy farmers supplying milk to these manufacturing plants become producers of milk for fluid consumption in the Stark County marketing area. Thus milk for the Stark County marketing area is purchased in direct competition with milk for these manufacturing plants. Some of the products manufactured at these plants actually move in interstate commerce. All of these manufactured products, whether or not they actually move in interstate commerce, are sold in direct competition with similar products that are in interstate commerce, and thus directly burden, obstruct, or affect interstate commerce in such products. Large quantities of the reserve supply of milk for the Stark County market move to these manufacturing plants where such milk is intermingled with other milk at these plants and is manufactured into milk products which move in interstate commerce or directly burden, obstruct, or affect interstate commerce in such products.

Large quantities of milk products which either move in interstate commerce or directly burden, obstruct, or affect interstate commerce in such products are consumed in the Stark County marketing area.

It is concluded that the handling of milk produced for sale within the Stark County, Ohio, marketing area and the products thereof is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or milk products.

Market conditions. The issuance of an order to regulate the handling of milk in the Stark County, Ohio, marketing area, with terms and conditions hereinafter concluded to be appropriate, will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

A large proportion of the milk produced for the Stark County, Ohio, marketing area is marketed by a cooperative association which service as marketing agent for its members. Milk sold by this cooperative association to milk distributors is priced according to its use so that all milk distributors who obtain their supplies through the cooperative association pay the same price for milk similarly used. Returns for all milk sold in this manner are pooled and a uniform price which is paid to all members of the cooperative association is determined.

A smaller but significant proportion of the milk produced for the Stark County, Ohio, marketing area is sold by the producers directly to the milk distributor. Since the individual producer who serves as his own selling agent usually has little bargaining power, the terms of these sales are often established to a considerable extent by the milk distributor purchasing the milk. Prices paid for milk sold by these individual producers are usually based on the uniform price received by members of the cooperative association without regard to the use of such milk. If a milk distributor who buys his milk in this manner uses a larger proportion of his milk in higher classes than the milk distributors who purchase their milk through the cooperative association, he is buying his milk at some competitive advantage, and unless this advantage is dissipated at some other stage in his operation, he is in a position to increase his sales of Class I milk at the expense of sales by distributors who purchase from the cooperative. The more he captures sales from other distributors the greater his ability to continue this price reduction. This phenomenon is a potential source of market disorder and instability. This potentiality has materialized to some extent in certain portions of the marketing area. To counteract the competitive disadvantage which milk distributors obtaining supplies through the cooperative association have experienced from the so-called "flat price" buyers, the cooperative has sold milk to its own distributors at reduced prices for sale in areas where the effects of "flat price" buying were especially prevalent.

There is some indication that the proportion of the total market requirements which is purchased through the cooperative association is declining. As this proportion declines the incentive for handlers purchasing milk through the cooperative association to seek supplies directly from producers is likely to increase.

The present arrangements for verification of the utilization of milk are inadequate for the most successful operation of a use classification plan of selling milk. Milk sold to milk distributors through the cooperative association is subject to verification only if it is used in certain products. No utilization can be completely verified except through the balancing of total receipts and total utilization as revealed by audit. A marketing order will provide for thorough verification of all receipts and utilization of milk.

Producers and coperative associations can do much toward balancing market supply with market requirements if current, complete, and accurate market-wide information is available. Such information has not been available, but would be publicly available pursuant to the marketing order proposed herein.

A check weighing and testing service for all producers to assure them that they are paid the full value for the amount and quality of milk which they sell is provided for in the proposed order. This service is currently being rendered by the cooperative association for its members but no such service is generally available for producers who are not members of the cooperative association.

Undoubtedly the prices prevailing in the Cleveland market where the handling of milk is regulated by a marketing order have some influence on prices in the Stark County market; however, this influence has not been great enough to prevent a decline in the last few years in prices received by producers supplying the Stark County market in relation to prices received by producers supplying the Cleveland market. This decline in prices has affected the regular market supply to the extent that this supply which has usually been adequate had to be supplemented in the past fall and winter with milk from outside sources.

These existing conditions contribute or tend to contribute to disorder and instability in the marketing of milk produced for sale in the Stark County, Ohio, marketing area, and the issuance of an order regulating the handling of milk in this area, with terms and conditions hereinafter concluded to be appropriate, will tend to correct such conditions and will thus tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

Scope of regulation. The regulations contained in an order regulating the handling of milk in the Stark County, Ohio, marketing area should be applicable to all "handlers" who operate "routes" in the "marketing area." The regulations should be somewhat different depending upon whether a handler operates a "pool plant" or a "nonpool plant," and whether a handler's supplies of milk are "producer milk" or "other source milk." "Producer-handlers" should be exempt from certain of the regulations. The returns for all milk subject to the order should be distributed among all "producers."

Handlers. All persons who sell or distribute any Class I milk (as hereinafter defined) in the marketing area should be handlers. Since the regulations contained in an order are applicable only to handlers, the regulations cannot be applied completely and uniformly unless they apply to all persons engaged in selling or distributing milk. Failure to apply the regulations completely and uniformly could place some persons engaged in milk handling at a competitive advantage or disadvantage in relation to others. The regulations should be applicable to those persons who sell or distribute Class I milk because Class I milk comprises those products which to a large extent must be made from locally approved milk and for which the prices herein concluded to be appropriate are intended to maintain an adequate supply of milk. A person who is a handler under a Stark County marketing order should be a handler only with respect to the milk received at a milk handling plant (hereinafter referred to as a "plant") from which milk is sold or distributed in the marketing area and with respect to milk which is usually received at such a plant from producers (as hereinafter defined) but which such handler causes to be diverted temporarily from producers' farms to a nonpool plant as hereinafter defined. Such diversions may be made from time to time when supplies at a plant are seasonally heavy or when short term surpluses develop at the plant.

A cooperative association should be a handler with respect to milk which is usually delivered to a pool plant (as hereinafter defined) but which the cooperative association causes to be diverted from the farms of producers to a nonpool plant for short periods of time. The cooperative association in the market is permitted by its contract with its members to make such diversions of milk. Since such diversions would be made at the instance of the cooperative association, such association should be a handler with respect to such milk and should perform the functions required in the order to be performed by a handler with respect to such milk.

Route. Any sale or delivery of Class I milk by a handler to any person other than a handler should be considered as a route. This would include sales from a plant or a store operated by a handler or deliveries to homes or to stores or other establishments operated by a person other than a handler. It would also include sales to persons (sometimes referred to as "brokers" or "jobbers" or "peddlers") who do not operate a plant but purchase packaged milk or other products from a handler and deliver such milk or other products to other persons.

Marketing area. The Stark County, Ohio, marketing area should include all of the territory within (a) Stark County with the exceptions of Paris and Sugar Creek Townships. Sections 6 and 7 of Lake Township, and Section 3 of Jackson Township;

(b) Smith Township in Mahoning County with the exception of Great Lot 35; (c) Knox Township in Columbiana County, and (d) Sections 1, 2, 3, 10, 11 and 12 in Sugar Creek Township of Wayne County.

Located within Stark County are three major cities—Alliance, Canton, and Massillon. Milk for these three cities is obtained from the same general supply area. Milk distributors who distribute a large portion of the milk in these cities purchase their milk supplies through the present pooling arrangement. Milk distributors located in Canton sell some milk in Massillon and milk distributors located in Massillon sell some milk in Canton. Canton milk distributors sometimes transfer milk in bulk to Alliance milk distributors. The health regulations of the three cities are similar to the extent that producers qualified to produce milk under the regulations of one city can usually qualify under the regulation of either of the other two cities without any change in production methods or equipment. From time to time producers delivering milk to a milk distributor in one of the cities shift to a milk distributor in another of the cities.

Canton, which is much larger than either Alliance or Massillon, has a population of about 117,000. Thickly populated suburban areas surround Canton. The population of metropolitan Canton is about 140,000 to 145,000. Alliance and Massillon are also surrounded by thickly populated suburban areas.

Not all plants from which milk is distributed in the cities are located within the city limits. Milk distributors distributing milk in the cities also distribute milk extensively in the suburban areas where they compete with a number of dairy stores from which no milk is distributed in the cities; however, some of these dairy stores are located near enough to the boundaries of the cities so that consumers residing within the boundaries of the cities can easily purchase milk from the stores. Milk producers who from time to time are disqualified by the appropriate health authority to deliver milk to a milk distributor in one of the cities often become a part of the milk supply for one of these dairy stores. On the basis of these market conditions it is concluded that all three of the cities should be included in the marketing area and that the marketing area should extend beyond the boundaries of the cities.

Proposals were made to include in the marketing area all of Stark County, the southern portions of Franklin and Green Townships in Summit County, the southern portions of Suffield and Randolph Townships in Portage County, all of Smith Township in Mahoning County, Knox and West Townships in Columbiana County, the part of the village of Minerva which is in Carroll County, and all of Sugar Creek Township in Wayne County. This area includes substantially all of the territory in which milk is distributed by milk dealers who purchase their milk supplies through the present pooling arrangement.

The southern portions of Franklin and Green Townships in Summit County and Suffield and Randolph Townships in Portage County are mostly rural territory. A few villages are located therein. A substantial portion of the milk sold in this territory is distributed by milk dealers primarily associated with the Akron market. These Akron dealers also sell a substantial portion of the milk sold in the village of Uniontown, which

is located in Sections 6 and 7 of Lake Township in Stark County. It is therefore concluded that the southern portions of Franklin and Green Township in Summit County and Suffield and Randolph Townships in Portage County, and Sections 6 and 7 Lake Township in Stark County should not be a part of the marketing area.

Located in Section 3 of Jackson Township in Stark County is the plant of one milk distributor. The milk distribution from this plant comprises only deliveries to schools in Green Township of Summit County and sales from a plant store. The deliveries to schools in Green Township represent a considerable portion of this milk distributor's business. Since it is concluded above that Green Township should not be a part of the marketing area, this milk distributor with a considerable proportion of his business in Green Township should not be regulated by an order. Exclusion of Section 3 from the marketing area will exempt this milk distributor from regulation under the order as long as he makes no sales or deliveries of milk within the marketing area. Exemption of this milk distributor from regulation should not have any discernibly adverse effect on the competitive relationship of other milk distributors who are subject to the regulation of an order. If this milk distributor should extend his sales or deliveries into any portion of the marketing area then he would become subject to regulation by the order. It is therefore concluded that Section 3 of Jackson Township in Stark County should not be included in the marketing area.

The eastern boundary of Alliance coincides with a portion of the western boundary of Smith Township in Mahoning County. Part of the suburban area surrounding Alliance is located in Smith Township. One milk distributor whose plant is located at Beloit, which is in Smith Township, has about two-thirds of his sales in Alliance. Two milk distributors whose plants are located in Alliance have distribution routes extending into Smith Township and into Knox Township in Columbiana County. The routes of these three milk distributors are intermingled.

Located in Great Lot 35 of Smith Township is one milk handling plant. This plant is primarily engaged in supplying milk to the Pittsburgh, Pennsylvania, market. A small portion of the milk received at this plant is packaged and is distributed through a plant store. Exclusion of Great Lot 35 from the marketing area will exempt the operator of this plant from regulation under the order as long as he makes no sales or deliveries of milk within the marketing area. Inclusion of the operator of this plant under the regulation of an order for the Stark County marketing area would present administrative problems of regulating under an order a plant whose milk supply is primarily associated with another market. Exemption of the operator of this plant from regulation under an order should not have any perceptibly adverse effect upon the competitive relationship of milk distributors who are subject to the order. If the operator of this plant should extend his sales or deliveries of milk into any part of the marketing area, he would then become subject to the order.

It is concluded that Smith Township of Mahoning County, with the exception of Great Lot 35, and Knox Township of Columbiana County should be included in the marketing area.

Paris and Sugar Creek Townships of Stark County should not be included in the marketing area. Located in each of these townships is a plant at which most of the milk received is manufactured into milk products. Milk is not distributed from either of these plants into any part of the marketing area herein concluded to be appropriate. Some milk is distributed in Sugar Creek Township by milk distributors who are located outside of any of the territory proposed for inclusion in the marketing area and whose primary business is outside of any of that territory.

West Township of Columbiana County and the portion of the village of Minerva which is in Carroll County should not be a part of the marketing area. A milk distributor whose plant is located within this territory makes no sales or deliveries of milk in the marketing area herein proposed.

The marketing area should include Sections 1, 2, 3, 10, 11 and 12 in Sugar Creek Township of Wayne County. This includes the village of Dalton and the territory lying between Dalton and the Stark County boundary. Dalton is served by Massillon milk distributors and by at least two other milk distributors located outside the proposed marketing area. The Massillon distributors deliver somewhat over half of the milk sold in Dalton. They also distribute milk in the territory between Massillon and Dalton. One of the distributors who is located outside the proposed marketing area and who sells milk in Dalton also sells substantial quantities of milk in other parts of Sugar Creek Township. He is the only milk distributor who sells milk in certain parts of the township. It is concluded that all of Sugar Creek Township of Wayne County with the exceptions of Sections 1, 2, 3, 10, 11, and 12 should be excluded from the marketing area.

Pool plant, nonpool plant, producer milk, and other source milk. All milk distribution plants located within the marketing area, except those which may have a very small volume of distribution, are engaged to a considerable extent in distributing milk within the marketing area. All such plants should be pool plants. Any plant which is located outside of the marketing area and from which 10 percent or more of its total disposition of Class I milk is in the marketing area should also be a pool plant, except any plant which may have a very small volume of distribution in the marketing area. A plant with this proportion of its Class I disposition in the marketing area is engaged to a considerable extent in distributing milk within the marketing area and the handler operating such plant should be subject to the regulations imposed by the order on operators of pool plants.

Any plant located either within or outside the marketing area should not be a pool plant if the total disposition of Class I milk on a route in the marketing area from such plant is less than 18,000 pounds per month. This limitation is necessary and desirable to prevent any plant which is primarily engaged in manufacturing milk products from being subject to the order.

In computing the total disposition of Class I milk which is in the marketing area, any Class I milk disposed of on a route which is partially within the marketing area should all be considered as having been disposed of within the marketing area. The administrative problems involved in attempting to divide a route into disposition within and outside the marketing area and to verify such division are such as to make such division not feasible.

Any plant which is not a pool plant should be a nonpool plant.

Since the period to be used for classification and pricing is a calendar month, the status of a plant as either a pool plant or a nonpool plant should be determined on a monthly basis.

Producer milk should include all milk received by a handler at a pool plant from dairy farmers. Other source milk should comprise all milk and milk products received by a handler from any source other than producers or pool plants. Pursuant to these two definitions milk received by a handler from a pool plant would be neither producer milk nor other source milk.

Since it is the primary purpose of the order herein proposed to regulate the handling of milk only within the marketing area, it is desirable to limit its applicability to such handling of milk to the extent that it is administratively feasible to do so and at the same time have complete and uniform regulation of all milk handling within the marketing area. To carry out this purpose it is appropriate to impose one type of regulation on handlers operating pool plants and another type on handlers operating nonpool plants.

Handlers operating pool plants should be required to report to the market administrator the receipts of all milk and milk products at his plant and all disposition of milk and milk products from such plant. All milk and milk products received at a pool plant should be classified in the classes hereinafter established and all producer milk received at a pool plant should be paid for by the handler operating the pool plant at class prices hereinafter established. Handlers operating pool plants should also submit to the market administrator a producer pay-roll showing receipts of milk for each producer and the amount paid each producer.

Complete and uniform regulation of all milk handling in the marketing area can be assured by applying the regulations here proposed for pool plants to nonpool plants also; however, since a nonpool plant may have a large proportion of its total distribution of milk outside the marketing area in areas where no regulations such as those imposed by this order are applicable, an operator of a nonpool plant might be placed at a

considerable competitive disadvantage if he were subject to the pricing and payment provisions of an order while his major competitors were not subject to such regulation. On the other hand failure to prescribe any regulations for a nonpool plant could result in unregulated milk being sold in the marketing area at lower prices than regulated handlers could sell milk. It is this same type of disorderly marketing conditions which is sought to be corrected by this order. Regulations to be imposed against handlers operating nonpool plants should comprise only such regulations as are necessary to remove any competitive advantage with respect to Class I milk in the marketing area which such handlers might enjoy in relation to handlers operating pool plants. Handlers operating nonpool plants should make a payment on all Class I milk disposed of on routes extending into the marketing area in an amount sufficient to insure that the net cost of their milk supplies including these payments is no less than the Class I price. In order for the market administrator to be able to verify adequately the volume of Class I milk which a handler operating a nonpool plant distributes on routes extending into the marketing area, the handler should be required to report total receipts and disposition of milk and milk products at his nonpool plant and to permit verification by the market administrator of such receipts and disposition.

Provision should be made so that a handler operating a nonpool plant can avoid the payments described above by obtaining supplies of milk from a pool plant to meet his sales in the marketing area.

Payments similar to those described above to be made on Class I milk disposed of from nonpool plants on routes extending into the marketing area should also be made on any other source milk at a pool plant which is classified as Class I milk. Failure to require such payments would mean incomplete regulation and could have a similar result to failure to regulate nonpool plants operating routes in the marketing area. It is not administratively feasible to regulate other source milk received at a pool plant to the same extent that producer milk is regulated. Both handlers and producers proposed that such payments be required only if the receipts of other source milk in relation to receipt of producer milk exceed prescribed limits. Such limitation on these payments could result in handlers regularly relying on supplies of other source milk up to the prescribed limit, and thereby to the extent allowed producer milk would be displaced in Class I by other source milk, which may be available (as described hereinafter) at a less than the Class I price. This would be deleterious to the ends sought by this regulation. The prices established by this order should be high enough to assure an adequate supply of producer milk for the market. However, with other source milk available at less than the Class I price, handlers would tend to substitute such milk in place of producer milk. In order to assure complete regulation, discourage replacement of producer milk with other source milk, and eliminate any competitive advantage which might otherwise accrue to handlers using other source milk, payments sufficient to insure that the minimum price of other source milk will be uniform with the Class I price should be made on all other source milk received at a pool plant and classified as Class I milk.

Other source milk may be obtained from plants subject to another order or from plants not subject to any order, and these plants not subject to any order may primarily be either fluid milk plants or manufacturing plants. Nonpool plants may obtain other source milk directly from dairy farmers. The health regulations applicable to plants in the marketing area which do not hold permits from health authorities of Alliance, Canton, or Massillon are such that a handler could probably use a small portion of high quality manufacturing milk in his fluid operation. Alliance, Canton, and Massillon health authorities have in times of extreme milk shortages permitted handlers to obtain supplemental supplies from primarily manufacturing plants. The possibility that a handler may obtain supplies of manufacturing milk without the approval of the proper health authorities is always present.

There are several milk manufacturing plants in or near Stark County which are possible sources of other source milk. Some are near enough that little if any transportation cost would be involved in obtaining milk from them. A cooperative association in the market operates one such plant. In view of these conditions handlers at times may obtain other source milk which is similar in quality to manufacturing milk.

The prices paid to dairy farmers for milk by operators of manufacturing plants in Ohio and by other fluid milk dealers for surplus milk have been approximately equal to the price which would have resulted in recent years from the Class II pricing provisions herein proposed. Hence other source milk may be available to handlers in the marketing area as Class I milk for which only a price comparable to the Class II price was paid. It is concluded that a payment on all Class I other source milk at a pool plant and on all Class I other source milk distributed on routes extending into the marketing area from a nonpool plant is necessary to insure that no unregulated other source milk is available for sale as Class I milk in the marketing area for which the minimum prices to dairy farmers producing such milk was less than the price applicable to Class I producer milk regulated by this order. The amount of such payment on other source milk obtained from a plant subject to another milk marketing order should be any amount by which the value of such milk at the price at which such milk was required to be paid pursuant to the other order is less than the value of such milk at the Class I price prescribed in this order. The amount of such payment on all other source milk other than that subject to another order should be the difference between the value of such milk at the Class I price and the value of such milk at the Class II price. Payments in these amounts are necessary to assure that handlers distributing Class I other source milk in the marketing area have minimum prices for their milk supplies uniform with handlers using producer milk.

It is recognized that all handlers who handle other source milk which would be subject to the payments herein described may not obtain supplies of other source milk at or near the Class II price at all times. However, in view of the conclusion that other source milk may be available at about that price, its use computing the payment is appropriate. Even if using the actual cost of other source milk could be justified economically, it is not administratively feasible to attempt to determine the actual costs to each handler of each different lot of other source milk which he purchases as a basis for computing the amount of payment.

It is appropriate to impose these payments against the person who is engaged in distributing milk in the marketing area. To require the payments to be made by the operator of a nonpool plant from which the handler distributing milk in the marketing area obtains other source milk would require the extension of regulation to include additional handlers. Furthermore, the operator of a nonpool plant whose only connection with the Stark County market is to sell other source milk to a handler will have no direct control over the handling of the milk after the handler takes title to it, and the manner in which milk is handled in the handlers plant can affect the amount of payment on other source milk.

Payments made by handlers on other source milk should become a part of the producer-settlement fund (hereinafter described) and be distributed among all producers supplying the market. The term "producer" as hereinafter defined includes those dairy farmers who regularly supply milk for the marketing area. Any other source milk used for this purpose would likely displace producer milk.

Producer-handler. Persons who are engaged in producing milk and distributing only milk of their own production should be subject to the order only to the extent that they be required to submit reports to the market administrator as he may require them and to maintain and make available to the market administrator accounts, records, and facilities so that the market administrator may verify that such persons are producer-handlers. The classification provisions of the proposed order provide that any milk, skim milk, or cream transferred from a pool plant to a producer-handler will be Class I. Since producer-handlers dispose of most of their milk in the higher value outlets and will not be required to share (pool) these high value outlets with producers, any supplemental supplies of milk which they obtain from pool plants will likely be used in these high value outlets and should be classified as Class I milk. Pursuant to the proposed order any milk which a pool plant receives from a producer-handler would be other source milk and would therefore be allocated to the lowest class

of utilization at the pool plant after the allocation of shrinkage, products received and disposed of in like form, and frozen cream. If any milk received at a pool plant from a producer-handler is allocated to Class I milk, then such milk would be subject to the payments described above on Class I other source milk by the handler operating the pool plant.

Producer. All dairy farmers who deliver milk directly to a pool plant should be producers; any dairy farmers who have been regularly delivering milk to a pool plant, but whose milk is diverted from the farm to a nonpool plant by either a cooperative association or the handler operating the pool plant to which they regularly delivered should also be producers. Such diversions, which are sometimes made when seasonal or short term surpluses develop and need to be moved to a nonpool plant, eliminate the receiving of milk at the pool plant and the transporting of it from the pool plant to the nonpool plant by routing the milk directly from farms to nonpool plants.

Classification. All milk and milk products received by a handler should be classified on the basis of the form in which or the purpose for which it is used as either Class I milk or Class II milk. Since skim milk and butterfat are not used in the same proportions in most products as they appear in milk or milk products received by a handler, skim milk and butterfat should be classified separately according to their separate uses. For milk products received or disposed of by a handler which cannot be accurately tested for skim milk and butterfat content and for condensed products from which water has been removed, the amount of skim milk and butterfat which was actually used to produce such products or, if such information is not available, standard factors of skim milk and butterfat used to produce such products shall be employed to determine the receipts or disposition of skim milk and butterfat in such products.

Class I milk should comprise all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (including sour cream), any mixture of cream and milk or skim milk, or concentrated milk disposed of for fluid consumption, except milk, skim milk, or cream disposed of in bulk to another milk plant and classified as Class II in accordance with the conditions of transfer described below, milk, skim milk, or cream disposed of in bulk during any of the months of March through August to a manufacturer of candy, soup, or bakery products who does not dispose of any milk in fluid form, frozen cream placed in storage, or skim milk dumped or fed to livestock; and (2) all shrinkage of skim milk or butterfat in producer milk which is in excess of the amount of such shrinkage permitted to be classified as Class II milk.

All milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (including sour cream), and any mixtures of cream and milk or skim milk which is distributed within the cities of Alliance, Canton, and Massillon must be made from milk of the same quality and from milk which is produced pursuant to the health regulations of the respective cities. Since a very substantial majority of these products which are distributed within the marketing area are subject to the health regulations of these three cities, classification of milk on the basis of the health regulations of these cities is appropriate.

Concentrated milk has not yet been distributed in the marketing area, but it has been distributed in certain Ohio cities. Proper classification of this product at this time will prevent any problems concerning its classification if at some future date a handler decides to start distributing it. Concentrated milk must be made from milk of similar quality to milk used in other products for fluid consumption which would be classified in Class I. Products commonly known as evaporated milk or condensed milk and which are either packed in hermetically sealed cans or are used in the manufacture of other milk products should not be considered as concentrated milk and should not be classified in Class I unless they are used in the manufacture of milk products which are in Class I.

All milk, skim milk, and cream which is received and for which the handler cannot establish utilization should be classified as Class I milk except for allowable shrinkage in Class II. Any other classification of such milk, skim milk, or cream could result in (1) some advantage to handlers who fail to keep adequate records of utilization, (2) lack of equality among handlers in the prices they pay for milk for the same use, and (3) failure of producers to receive full value of their milk on the basis of its use.

A handler can avoid classification on this basis by maintaining complete records of utilization.

All skim milk and butterfat disposed of by a handler in the form of products other than products which would indicate a Class I classification should be Class II milk. These Class II products should include, but should not be limited to, ice cream, imitation ice cream, and other frozen desserts and mixes for such products (liquid or powdered); eggnog; butter; butter oil; cheese, including cottage cheese; condensed milk or skim milk (plain or sweetened); evaporated milk; casein; nonfat dry milk solids; dry whole milk; condensed or dry buttermilk; whey; powdered malted milk; lactose; yogurt; or aerated products.

Cream which is placed in storage and frozen should be classified in Class II. Cream is stored to a considerable extent in the months of heavy milk production for use primarily in ice cream in the months of short production.

Any skim milk which is dumped or fed to livestock or disposed of for livestock feeding should be classified as Class II milk if the market administrator can verify such dumpage or feeding or disposition for feeding.

Shrinkage at a plant should be determined by subtracting from the total receipts of skim milk and butterfat at such plant the total disposition of skim milk and butterfat, respectively, from such plant. If the receipts at the plant included both producer milk and other source milk the total shrinkage should be prorated between producer milk and other source milk. None of the shrinkage should be assigned to milk received from another pool plant because the shrinkage on such milk should be allowed to the handler operating such other pool plant. Shrinkage on milk diverted from farms to a pool plant other than the plant to which such milk is usually delivered should be allowed at the plant at which it is actually first received. No shrinkage should be allowed on milk diverted from a pool plant to a nonpool plant.

A plant which is operated in a reasonably efficient manner and for which complete and accurate records of receipts and utilization are maintained should have a total shrinkage of well under the two percent of its total receipts. It is concluded that any shrinkage assigned to producer milk which is not more than two percent of total receipts of producer milk should be classified as Class II milk, and any shrinkage which is in excess of two percent of such receipts should be classified as Class I milk. All shrinkage assigned to other source milk should be classified as Class II milk.

Milk, skim milk, or cream transferred from a pool plant to another plant, except a producer-handler's plant, should be classified either as Class I milk or on the basis of utilization at the receiving plant and an agreement between the buyer and seller. Transfers of milk, skim milk or cream to another pool plant or to a nonpool plant operating a route in the marketing area should be classified as Class II if both handlers indicate to the market administrator in their monthly reports their desire for such classification and if sufficient Class II utilization is available after the prior allocation of shrinkage, products received and disposed of in like form, frozen cream, and other source milk as described below. Otherwise such transfers should be Class I milk. Transfers to any other nonpool plant shall be classified on a similar basis except that in addition to the conditions described above which are necessary for Class II classification, Class II classification of milk transferred to a nonpool plant should be permitted only if the milk received at the nonpool plant from dairy farmers constituting the regular source of milk for such nonpool plant is equal to or greater than the total Class I disposition from such plant. If such receipts from dairy farmers are less than total Class I disposition, transferred milk should be classified as Class I milk to the extent of the difference and any remaining transferred milk should be Class II milk.

Transfers to producer-handlers are discussed elsewhere in this decision. Milk which is usually received at a pool plant but which is diverted directly from farmers to a nonpool plant should be classified as though it had been trans-

ferred from the pool plant to the nonpool plant.

When the total classification of all milk received at a plant has been determined, it is necessary to determine which of the milk so classified was producer milk and which was other source milk if both types of milk were received. A sequence of allocating skim milk and butterfat received in various forms and from various sources to the utilizations of skim milk and butterfat, respectively, is prescribed.

Skim milk and butterfat in shrinkage which is prorated to producer milk as previously described should be allocated to the first appropriate class. Since skim milk and butterfat received in the form of products other than milk, skim milk, or cream may to a considerable extent be disposed of in the same form without further processing, skim milk and butterfat received in such forms should be allocated to skim milk and butterfat disposed of in like forms. This procedure, which makes it unnecessary for the handler to show or the market administrator to verify that products received were actually disposed of without further processing, is adequate for purposes of allocation. If the volume of such products received is greater or less than the volume of like products disposed of, the difference will be allocated in subsequent steps of allocation.

Handlers proposed that certain products received by handlers in packaged form and disposed of in the same form without further processing be exempt from the provisions of the order. Pursuant to the allocation here proposed any such products which are Class II products and are other souce milk will be subject to the order only to the extent that the handler shall report and classify such receipts and disposition and permit verification of the classification of such receipts and utilization by the market administrator. However, any such products which are Class I and are other source milk will be subject to the order not only to the extent described above for such Class II products, but will also be subject to the payments described earlier in this decision on Class I other source milk.

Next skim milk and butterfat contained in frozen cream removed from storage or received from another handler should be allocated to skim milk and butterfat disposed of in the form of ice cream (or similar frozen desserts or mixes for such products). The primary use of frozen cream is for ice cream; therefore, this allocation is appropriate. Since frozen cream is not usually used as the exclusive source of butterfat for ice cream but is usually blended with fresh cream, ice cream disposed of should always contain more butterfat than was contained in frozen cream removed from storage or received. This method of allocation should seldom if ever result in frozen cream being allocated to Class I milk.

Next butterfat and skim milk contained in other source milk should be allocated to skim milk and butterfat in series beginning with Class II. Since the payments discussed earlier in this decision on Class I other source milk will be different on other source milk obtained from plants subject to another milk marketing order than on other source milk from other sources, it is necessary for the allocation procedure to provide for a situation in which both of these types of other source milk are received at a plant at which classification is being determined. Other source milk other than that received from plants subject to another order should first be allocated to skim milk and butterfat in series beginning with Class II. Then remaining other source milk (that received from plants subject to another order) should be allocated to skim milk and butterfat in series beginning with any remaining Class II milk. This sequence of allocation of the two types of other source milk should tend to minimize payments on other source milk since the payments on other source milk obtained from a plant subject to another order will generally be less than the payments on other source milk from other sources.

Handlers proposed that if in any of the months of October through January receipts of milk from producers are less than 120 percent of the total volume of Class I milk during such month, then other source milk should be allocated to Class I milk to the extent of the difference between receipts from producers and 120 percent of Class I milk. Such allocation procedure should not be adopted. The possibility was pointed out earlier in this decision that handlers may be able to obtain other source milk for use in Class I at a price below the Class I price. In view of this possibility the allocation procedure proposed by handlers, which allocates other source milk to Class I while some producer milk is being allocated to Class II, would offer an incentive to handlers to maintain supplies of producer milk at a level barely adequate in September and Februrary and to rely on supplemental supplies of other source milk in October through January.

Next skim milk and butterfat classified pursuant to the transfer conditions described above should be allocated to the classes in which it is classified. The remaining amounts of Class I milk and Class II milk should be the amounts of producer milk, exclusive of shrinkage, in each class. Add to these remaining amounts such amounts of shrinkage in producer milk and the results should be the classification of producer milk including shrinkage. If the total of all Class I and Class II milk in producer milk so computed exceeds the amount of producer milk reported to have been received at the plant for which the computation is being made, such excess (hereinafter referred to as overrun) should be allocated to the lowest class remaining, and the remaining amounts show the classification of producer milk. Any overrun at a pool plant should be paid for by the handler operating the plant at the price for the class to which such overrun was allocated. Payment for such overrun is appropriate because such overrun could be a result of underweighing or undertesting producers' milk or of failing to maintain complete and accurate records of the receipts and utilization of producer milk.

Since uniform prices to be paid producers are to be calculated monthly, the procedures described above for classifying milk should be carried out with respect to all milk received during each month.

Class prices. Class I prices should be established at a level which in conjunction with the Class II price hereinafter concluded to be appropriate will result in returns to producers high enough to maintain an adequate but not excessive supply of milk to meet the requirements of the market.

Pricing formulas which cause prices to change automatically with changes in market conditions are in general use in pricing milk sold in fluid milk markets. Such a pricing formula is desirable for pricing Class I milk in the Stark County market and should cause prices to change in response to (1) changes in the basic value of milk, and (2) changes in local market conditions which affect market supply or market demand.

Milk produced for a fluid milk market has a basic value equivalent to its value for use in the manufacture of dairy products. Reserve supplies of milk which are a necessary part of an adequate supply for a fluid market are disposed of in the manufacture of dairy products. Changes in this basic value generally reflect changes in costs of producing milk, alternative opportunities for resources used in milk production and the cost of shifting to alternative enterprises, the general level of prices, and many other factors which affect milk production.

Evaporated milk represents an important outlet for milk manufactured into dairy products. Prices paid to farmers for milk delivered to several different groups of plants engaged primarily in the manufacture of evaporated milk are available. One such group of plants for which prices are available at an early date in the following month is the one which comprises 18 different locations in Wisconsin and Michigan and which is used in other marketing orders in Ohio and throughout the mid-west. Movements in prices paid at these 18 locations are generally representative of movements in prices paid by other plants manufacturing evaporated milk and in the basic manufacturing value of milk. The average of the prices paid at these 18 locations should be used in determining the basic value of milk.

Handlers contended that prices paid for milk at these 18 locations should not be used to measure the basic manufacturing value of milk because milk from these locations has in time of extreme milk shortages been used as supplemental supplies for fluid milk markets. The fact that milk purchased at these locations is used primarily for maufacture into evaporated milk and is purchased in direct competition with other manufactures of evaporated milk and other milk products indicates that prices paid at these locations are a good measure of the manufacturing value of milk.

Other dairy products which represent important outlets for milk are cheese, butter, and nonfat dry milk solids. The prices of these products (and the prices paid for milk by manufacturers of these products) and the prices paid at the 18 locations mentioned above for milk used primarily in the manufacture of evaporated milk usually change in close relationship to each other; however, from time to time these prices depart from their usual relationship. Milk distributors purchasing milk for fluid distribution usually must compete with the most favorable manufacturing uses, particularly in a market such as Stark County where milk for use in several different manufactured products is obtained from the market supply area. It is therefore concluded that the basic value of milk would best be measured by using as alternatives the average price paid at the 18 locations mentioned above and values based on certain combinations of cheese, butter, and nonfat dry milk solids prices. No good series of prices paid for milk by manufacturers of cheese, butter, or nonfat dry milk solids is available enough to be used for this purpose.

A formula which was used a few years ago somewhat as a guide by manufacturers of evaporated milk for determining the price they paid for milk was based on the prices of butter and cheese. To determine the value of a quantity of cheese containing approximately the same quantity of butterfat as a pound of butter, the cheese price was multiplied by 2.4. The value of a pound of butter and the value of an equivalent amount of butterfat in cheese were then weighted on the basis of the volume of production of those products in a past period, and an average value determined. This value was then multiplied by 1.3 to approximate a value for a pound of butterfat and the skim milk in whole milk associated with a pound of butterfat. Multiplying this value by 3.5 would give a value for milk containing 3.5 percent of butterfat. This formula should be used as an alternative for determining the basic value of milk.

Another alternative formula based on the prices of butter and nonfat dry milk solids is used quite generally in marketing orders in Ohio. In such a formula the price of butter is used to reflect the value of butterfat in milk and the price of nonfat dry milk solids is used to reflect the value of skim milk. In order to keep the level of the value of milk computed pursuant to this formula in line with the levels computed pursuant to the other alternative formulas, 3 and 5.5 cents should be deducted from the prices of butter and nonfat dry milk solids respectively. The amount remaining after deducting 3 cents from the butter price should be multiplied by 1.2 to convert to the approximate equivalent of the value of a pound of butterfat and by 3.5 to arrive at the value of butterfat contained in a hundred weight of milk containing 3.5 percent of butterfat. The amount remaining after deducting 5.5 cents from the price of nonfat dry milk solids should be multiplied by 8.2 to convert to the approximate equivalent of the value of skim milk contained in a hundredweight of milk containing 3.5 percent of butterfat.

The relationship between prices for the Stark County market and for other markets in Ohio with marketing orders, particularly Cleveland, should remain constant unless local market conditions indicate need for a change. In order to assure this relationship the basic formula price for Stark County should be the same as for Cleveland. (The Cleveland basic formula price is identical or similar to the basic formula price in other Ohio marketing orders.) Accordingly, the basic formula price should be the highest value resulting from the three alternative formulas described above, and the prices for butter, cheese, and nonfat dry milk solids to be used in the above formulas should be obtained from the same sources as those which are used in the Cleveland marketing order. These are, for butter, the average of the daily wholesale selling prices of Grade A or 92-score bulk creamery butter at Chicago; for cheese, the average of the prices for "Cheddars" on the Wisconsin Cheese Exchange; and for nonfat dry milk solids, the average of the prices for spray and roller process nonfat dry milk solids in barrels for human consumption, f. o. b. manufacturing plants in the Chicago area for the period of the 26th day of the month preceding the month for which prices are being computed through the 25th day of the month for which prices are being computed. The butter and cheese prices would be simple averages of the prices for each trading day in the month for which prices are being computed.

To the basic formula price computed as explained above must be added amounts which will result in a level of prices herein concluded to be necessary and a desirable seasonal pattern of prices. Important considerations in establishing prices for Stark County are prices paid for milk in markets which compete with Stark County for supplies. The production areas for Akron, Cleveland, and Youngstown, Ohio, Pittsburgh, Pennsylvania, and Wheeling, West Virginia, all overlap the Stark County production area. Receiving stations for Cleveland and for Pittsburgh are located within the Stark County production area and these two markets compete to a larger extent than the other markets named above for supplies with Stark County. Since the Cleveland market is a strong competitor for supplies with the Stark County market and since a marketing order issued by the Secretary of Agriculture regulates milk handling in Cleveland, prices established for the Stark County market should be in close relationship with prices paid in the Cleveland market.

The amounts added to the basic formula price to determine Class I prices for Cleveland are $1.50 for September, October, November, December, January, and February, $1.10 for March, April, July, and August; and $0.85 for May and June. At the Cleveland receiving stations which are located in the Stark County production area a location differential of 15 cents may be deducted. In the last year or two prices paid producers by Cleveland handlers have exceeded the minimum uniform prices computed pursuant to the order in every month by premiums which on a market average ranged from 15 to 36 cents. The record indicates, however, that in certain months the premiums at one of the plants located in the Stark County production area were somewhat lower than the market average. In view of these facts it is concluded that the addition of the following amounts to the basic formula price should usually result in appropriate Class I prices for Stark County:

September, October, November, December, January, and February	$1.55
March, April, July, and August	1.15
May and June	.90

This schedule will cause seasonal price changes to be the same as they are in Cleveland. The seasonal variation in prices would be considerably greater than the seasonal variation which has existed in Stark County prices in recent years. This should be an incentive for producers to change their seasonal pattern of production to produce more milk in the fall and winter months in relation to spring and summer production.

Plants which distribute milk within the boundaries of the cities of Alliance, Canton, and Massillon must comply with the regulations issued by the health authorities of the respective cities and must obtain their milk supplies from sources approved by such health authorities. Milk distributed from plants which distribute milk only in the portions of the marketing area outside of these three cities must comply with less stringent quality standards imposed by State laws and regulations. In the administration of these State laws and regulations monthly inspection of the milk from each producer as it arrives at the plant is required. Farms of producers are inspected by a State inspector upon complaints that milk being produced on such farms is not meeting the quality standards. A large portion of these producers could qualify to produce milk in compliance with the regulations of the health authorities of Alliance, Canton or Massillon by making minor changes in their production facilities and by exercising greater care. It is concluded that the difference in quality between milk produced pursuant to the Alliance, Canton, and Massillon health regulations and milk produced for distribution in the portions of the marketing area outside of the boundaries of these three cities is sufficient to necessitate a price differential to reflect this difference in quality, and that Class I prices for milk which is not produced pursuant to the health regulations of any of these three cities should be 25 cents lower than the Class I prices described above.

At times local conditions may warrant a relationship between Stark County prices and prices in markets which compete with Stark County for supplies different from the relationship which would result from Class I prices computed by adding to the basic formula price the amounts described above. If with Class I prices so computed the market supply is either insufficient or excessive in relation to market demand (including the necessary margin of re-

serve), then the Class I price should be adjusted—upward if supplies are insufficient and downward if supplies are excessive.

Producers and handlers agreed that market supplies were adequate but not excessive in any month in which receipts of milk from producers are equal to 120 percent of market requirements for inspected milk, or inversely, in any month in which market requirements for inspected milk are about 83 percent of receipts from producers. The record indicates that the market was adequately supplied in November 1950 when milk disposed of in the form of milk and cream (which is roughly comparable with Class I milk as defined herein) by pooling milk distributors was about 85 percent of receipts from producers. It is concluded that the market will be adequately supplied in any month in which the total volume of Class I milk is equal to 85 percent of receipts from producers.

November is usually the month in which receipts from producers are lowest in relation to market requirements. If the market is to be adequately supplied in November, receipts from producers must be greater in relation to market requirements in other months of the year. On the basis of the seasonal variation which occurred in receipts from producers and in the volume of milk disposed of in the form of milk and cream by pooling milk dealers during the three years 1949–1951, it is concluded that if the relationship between market supplies and market requirements in November is to be such that the total volume of Class I milk is equal to 85 percent of receipts from producers, then a similar relationship during the other months of the year should be about as follows:

January	78	July	66
February	77	August	68
March	73	September	73
April	69	October	78
May	60	November	85
June	62	December	83

If the seasonal variation in this relationship were the same each year and followed the seasonal pattern above, then any departure in the relationship from the standard relationship shown above would indicate a trend in the relationship and should be justification for a change in prices; however, the seasonal variation is not the same from year to year, and a review of market statistics indicates that in the past many of the departures in the relationship between market supply and demand from the standard relationship shown above were due to these differences in seasonal variation and were not indications of a trend in the relationship. Therefore, if this relationship is to be used to measure trends in the relationship between market supply and demand as a basis for adjusting prices, then some method must be found of distinguishing between changes in the relationship which reflect trends and those which do not. A twofold method which has been used in other marketing orders for this purpose and which appears to be suitable and appropriate for use in this marketing order involves (1) using a two month period to compute relationships between market supply and demand, and (2) making price adjustments only after the relationship during such a two month period has changed by a prescribed amount.

It is concluded herein that the Class I price for each month should be announced on the 5th day of the next month. At that time the most recent two months for which information on receipts and classification of milk are available are the two months immediately preceding the month for which a price is being computed. It is concluded that these two months should be used to measure the current relationship between market supply and market demand. Total receipts from producers indicate market supply, and the total volume of milk classified as Class I indicates market demand since Class I includes generally those products required by health regulations to be made from locally approved milk. The standard relationship between receipts from producers and the volume of Class I milk—that is, the relationship which in view of a normal seasonal pattern is considered to represent an adequate but not excessive supply of milk in relation to market demand—for each two month period of a year and the month during which such relationship would be used for computing prices are as follows:

Two-month period	Standard relationship	Month for which prices are computed
January–February	78	March.
February–March	75	April.
March–April	71	May.
April–May	64	June.
May–June	61	July.
June–July	64	August.
July–August	67	September.
August–September	70	October.
September–October	76	November.
October–November	82	December.
November–December	84	January.
December–January	80	February.

Statistical analysis to determine the amount of price change which should be associated with a given departure in current relationship between market supply and demand from the standard relationship indicates that an average price change of 3 cents for each one point of departure in the percentage relationship would have resulted in keeping prices in good alignment with changes in market supply and demand in recent years. It should continue to do so. However, price changes occasioned in this manner should not be permitted to narrow or reduce the seasonal variation in Class I prices concluded herein to be desirable unless a marked change in the relationship between market supply and market demand occurs. To accomplish this purpose it is concluded that (1) in the months of shortest supply, October, November and December, Class I prices should be increased 4 cents for each point that the current relationship between market supply and demand exceeds the standard relationship and decreased 2 cents for each point that the current relationship is below the standard relationship; (2) in the months of greatest supplies, April, May, June, and July, Class I prices should be increased 2 cents for each point that the current relationship exceeds the standard relationship and decreased 4 cents for each point that the current relationship is below the standard relationship, and (3) in the other months of the year Class I prices should be changed 3 cents in the same direction for each point that the current relationship departs from the standard relationship.

It was concluded above that the Class I price should be changed in response to a change in the relationship between market supply and market demand only after the change had reached a prescribed amount. This can be accomplished by establishing brackets of deviations from the standard relationship. These brackets and the amount of price adjustment applicable to each bracket, using the rates described above, should be as follows:

Deviation from standard relationship	Price adjustment		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+28	+25	+[illegible]
+9 or +10	+25	+19	+[illegible]
+6 or +7	+20	+13	+[illegible]
+3 or +4	+10	+7	+[illegible]
+1 or −1	0	0	[illegible]
−3 or −4	−10	−14	−[illegible]
−6 or −7	−20	−26	−[illegible]
−9 or −10	−28	−38	−[illegible]
−12 or −13	−38	−50	−[illegible]
−15 or −16	−38	−50	−[illegible]
−18 or −19	−38	−50	−[illegible]
−21 or −22	−38	−50	−[illegible]
−24 or under	−38	−50	−[illegible]

(Deviations from the standard utilization percentage are computed by algebraically subtracting the current relationship from the standard relationship.) In case a deviation falls between brackets, the adjustment is determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. Any market conditions which develop that might warrant price adjustments greater than the maximum adjustments provided for in the above table should be considered at a hearing.

Class I milk disposed of outside the marketing area should be priced at the same price as Class I milk disposed of in the marketing area. Handlers proposed that the price for packaged milk sold by handlers f. o. b. their plant to purchasers who disposed of the milk more than 8 miles outside of the boundaries of the marketing area be 25 cents less than the regular Class I price. They contended that these outlets could not be retained at the full Class I price and that unless these outlets were available milk presently disposed to such outlets would have to be used in Class II and would become a burden to the market. This should not be the case. If these outlets are lost the market requirements for milk are reduced accordingly and the Class I price should be reduced enough to restore the proper balance between market supply and demand. The pricing formula proposed above should have this result. The pricing of Class I milk sold outside of the marketing area at a price lower than the regular Class I price would mean that the sales outside of the

market are not making their share of the contribution toward the maintenance of a market supply sufficient to satisfy all the needs of the market plus the outside sales. No conditions were shown to exist which would justify this sort of pricing. The maintenance of a supply sufficient to meet the requirements for Class I sales within the marketing area and for Class I sales in certain areas outside of the marketing area, as long as such outside sales are priced at least as high as milk sold within the marketing area, may be in the direction of more efficient distribution of milk and thus be in the public interest.

Handlers insisted that if cream is classified in Class I, the price for cream should be 45 cents less than the regular Class I price. Their main reasons for this position related to the costs of processing and distributing cream and their desire to retain a certain relationship between prices of milk and cream. The prices which handlers who have been purchasing milk through the present pooling arrangement paid for milk used in cream in 1951 ranged from 30 to 45 cents below the price paid for milk distributed as fluid milk and averaged 39 cents for the year. Pursuant to the present pooling plan the price paid for milk used as cream applies to a volume of milk containing 3.5 percent of butterfat which contains an amount of butterfat equivalent to the amount of butterfat contained in the cream—that is, the price applies to the butterfat and skim milk contained in the milk used to produce cream, not just to the butterfat and skim milk contained in the cream as would be the case pursuant to the proposed order. Although the exact effect of this difference cannot be calculated from data in the record, it is estimated on the basis of what data are in the record that this difference amounts to from 5 to 10 cents per hundredweight in the cost of milk for cream. On the basis of these figures it appears that handlers have been paying not 45 cents per hundredweight less as they propose, for milk used for cream than for milk disposed of as fluid milk, but perhaps 30 to 35 cents less when the basis of pricing is made comparable to that in the proposed order.

The fact that processing and distributing costs on cream are higher than on milk does not constitute justification for establishing prices for milk disposed of in the form of cream at a lower level than prices for milk disposed of as fluid milk.

The Class II price should be the same as the basis formula price.

The Class II price should be high enough to discourage handlers from developing supplies of producer milk primarily for use in Class II products and should be low enough that handlers will continue to accept from producers on a year-round basis enough milk to meet the market requirements (including necessary reserves).

Ice cream has been one of the more important outlets for the reserve supplies of milk in the Stark County market. In the portions of the marketing area which have local health regulations relating to milk products (Alliance, Canton and Massillon) the quality of milk used to produce ice cream and cottage cheese must be somewhat higher than the quality of milk usually used in the production of other manufactured products such as evaporated milk, cheese, butter, and nonfat dry milk solids. At the basic formula price ice cream and cottage cheese should continue to provide large outlets for reserve supplies of milk. In recent years the proposed basic formula price would not have been substantially different from the price which handlers actually paid for milk used in the products proposed to be included in Class II.

Located within the production area are a large number of plants engaged in manufacturing evaporated milk, cheese, or butter. Some of the reserve supplies of milk may have to be disposed of to these plants from time to time. As the basic formula price changes in relation to the prices of butter or cheese or the prices paid for milk by plants engaged in the manufacture of evaporated milk, the relationship between the prices paid for milk by these manufacturing plants may change as between plants making different products. Handlers can dispose of reserve supplies of milk to the plants which are currently paying the highest prices. Some of these plants have been paying prices equivalent to the proposed basic formula price.

Since it is concluded in this decision that butterfat and skim milk should be accounted for separately for classification purposes, Class I and Class II prices should be broken down into prices for skim milk and prices for butterfat. The only elements used in the pricing formula which indicate values primarily for butterfat and for skim milk are the prices of butter and the prices of nonfat dry milk solids, respectively. Changes in the prices of these products are considered to accurately represent changes in the value of butterfat and skim milk. It is concluded that Class I and Class II prices should be broken down into prices for butterfat and skim milk in the same relationship that the value based on the price of butter and the value based on the price of nonfat dry milk solids contribute to the total value resulting from the formula based on butter and nonfat dry milk solids prices which is one of the alternatives used in computing the basic formula price.

Distributing proceeds to producers. The amounts paid by all handlers for producer milk and for Class I other source milk should be combined into one total and distributed among all producers on the basis of the volume of milk delivered. This is commonly known as a market-wide pooling arrangement. Producers supplying milk to a pool plant for which the handler operating such plant does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon should share proportionately with other producers in Class I and Class II utilization, but since Class I producer milk at such plants is priced at 25 cents below other Class I producer milk, this lower Class I price should be reflected in the returns to such producers. For example, when 60 percent of all producer milk in the market is Class I milk, producers supplying milk to such plants would receive 15 cents less than other producers; and when 100 percent of all producer milk in the market is Class I milk, producers supplying such plants would receive 25 cents less. This difference is necessary to reflect differences in the quality of milk. Thus two uniform prices will be announced for each month—one to be paid to producers delivering to pool plants for which the health authorities of Alliance, Canton, or Massillon have issued permits, and one to be paid to producers delivering to other pool plants.

A large portion of the Stark County market has been operating under a market-wide pooling arrangement for many years. Prices paid to producers not included in the pooling arrangement have been based generally on the uniform price resulting from the operation of the pooling arrangement. Thus there has been little variation in the prices received by individual producers. Use of an individual handler pooling arrangement and the inherent variation in prices received by producers delivering to different handlers could cause uneconomic shifts of producers among handlers.

Certain handlers have been carrying larger proportions of the market reserve supplies than others and through concentration of these supplies have afforded economies in manufacturing them into dairy products. Under a market-wide pooling arrangement these reserves may remain unequally distributed among handlers while the lower returns realized from them are distributed especially among all producers.

The cooperative association proposed a certain type of base plan to be used in distributing proceeds to producers. This plan was also intended to offer some incentive for producers to reduce the seasonal variation in their production. The proposed plan would admittedly cause only a small proportion of the producers—those with the widest seasonal variation in production—to receive a lower price than other producers, and the amount which prices to such producers would be reduced would be small. The benefits which might accrue from the proposed plan do not appear to be commensurate with the problems involved in effectuating it. These problems include the administrative job of computing and announcing bases or quotas and provision for fixing bases for a farmer who did not deliver milk during the base-making period. The seasonal variation proposed in the Class I prices should provide the necessary incentive for producers to reduce their seasonal variation in production.

Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Payments due any producer for milk should be paid by the handler to a cooperative association if the cooperative association makes a written request for such payments and if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. In making such payments for producer milk to a cooperative association the handler making such payments should also at the same time

furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects among the producers for whom it collects. Handlers opposed paying a cooperative association for milk delivered by producers, primarily on the basis that it would abrogate one of their most important means of contact with producers. Producers choose by becoming members of a cooperative association to conduct their business with handlers through the cooperative association. It would appear that the contact which a handler enjoys with producers through paying them directly for milk could be maintained, even if the payments for milk are made to a cooperative association, if the handler would send each producer a statement showing the amount of milk received from such producer and the amount of payment being made to the cooperative association. Handlers generally will honor requests from producers to pay amounts due to a producer for milk, or any part thereof, to any person whom the producer directs. This requirement that handlers pay cooperative associations which producers have authorized to collect for them is, in effect, a request by producers that money due them be paid to a cooperative association.

The contract in effect between the cooperative association and its members authorizes the cooperative association to collect for milk sold by its members, and this proposed arrangement will permit that to be done pursuant to the order.

Since all producers are to receive the same price for milk (except for the quality and butterfat differentials), and since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of equalizing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund, and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding off uniform prices. In order to permit this rounding off of prices and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the proposed order should be sufficient for these purposes. This reserve would be adjusted each month.

Payments made by handlers on Class I other source milk should be distributed among all producers by including them in the producer-settlement fund. Any payments made by handlers to adjust for errors in prior classification and payments should also be included in the producer-settlement fund.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. Such handlers in making payments to producers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should be eliminated in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

The uniform prices should be computed for milk containing 3.5 percent of butterfat. This follows past market practice. In distributing proceeds to producers a differential should be established for milk containing more or less than 3.5 percent of butterfat.

Producers and handlers both proposed that the butterfat differential be computed by dividing the price of butter by 10 and rounding to the next highest half cent. This butterfat differential has been used in the market for several years in paying producers whose milk is sold through the present pooling arrangement. It is somewhat less than the producer butterfat differential computed pursuant to the Cleveland order; however in the last 10 years the average butterfat content of milk received from producers has remained relatively constant—annual average butterfat content ranged from 3.77 to 3.81 percent. Since the average butterfat content of milk is near the basic test (3.5) and has remained relatively constant in recent years while the proposed butterfat differential has been in use, its use in the order is appropriate.

Administrative provisions. Certain terms are necessary in the order to provide for the proper administration of the regulations imposed by the order or to clarify or effectuate other provisions of the order.

Definitions. In addition to the definitions, discussed earlier in this decision, which define the scope of regulation of this order, certain other definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning.

"Act" should be defined as the Agricultural Marketing Agreement Act of 1937 which contains the statutory authority pursuant to which this order is being proposed.

"Secretary" should be defined as the Secretary of Agriculture of the United States or any other officer or employee of the United States who may be authorized to perform duties which he presently performs.

"Person" should be defined as any individual, partnership, corporation, association, or any other business unit. This definition is similar to the definition for "person" contained in the act.

"Department of Agriculture" should be defined as the United States Department or Agriculture or such other federal agency authorized to report the prices used in computing class prices in this order. This term is used in the order only in connection with these price reporting functions.

"Cooperative association" should be defined as any association of producers which the Secretary determines is qualified under the "Capper-Volstead Act", has full authority in the sale of milk of its members, is engaged in marketing milk or milk products for its members, and has all of its activities under the control of its members.

Market administrator. This order should establish an agency to administer its provisions. This agency should be headed by a market administrator who should be a person selected by the Secretary of Agriculture. The order should specify the powers of the market administrator and they should comprise all the powers authorized in the act for such agency. The market administrator should perform the following duties and such other duties as are necessary to administer the terms and provisions of the order: (1) Obtain a bond for himself and his employees who handle funds conditioned upon the faithful performance of duties; (2) employ an adequate staff to carry out his duties; (3) disburse the funds collected pursuant to the order for that purpose to pay all expenses incurred in administering the order; (4) maintain records of the operations of the agency and submit such records to the Secretary of Agriculture as requested; (5) publicly announce (unless otherwise directed) the names of any handler who has not made reports or payments as required; (6) audit handlers reports and payments by inspecting records which the order requires them to maintain and make available; and (7) publicly announce prices computed pursuant to the order.

The market administrator should also announce monthly the name of each handler who receives milk from producers and the percentages of such milk which was classified as Class I milk and as Class II milk. This information will be useful to producers and cooperative associations in allocating milk among handlers and should be useful to handlers whose supplies are either insufficient or excessive for their own needs in obtaining supplemental supplies or disposing of excess supplies.

Records and facilities, retention of records, and termination of obligations. Handlers and producer handlers should maintain and make available to the market administrator accounts and records of their operations which will verify or correct all information reported to the market administrator and all payments made pursuant to the order. These records should be retained for a three year period, and if within that period no need has arisen for further retention of such records they need not be retained longer. However if within such three year period transactions recorded by such records become connected with a court action or a proceeding under section 8e (15) (A) of the act, such records should upon written notification by the market administrator be retained until further notification by the market administrator irrespective of the three year period.

Any obligations imposed by this order should terminate after the expiration of a period of two years.

In the absence of a termination of obligations within some prescribed time, any time the application of a certain provision of the order is changed by administrative interpretation or by litigation or for any other reason in such a manner that obligations imposed by the order are changed, the market administrator may feel compelled to reaudit and recompute obligations on the basis of the changed application with respect to all milk to which the former application of the provision was made. This could extend back over several years. It is extremely difficult for handlers or the market administrator to adequately protect themselves against this sort of contingency. The termination of obligations as herein proposed will mean the handlers and the market administrator will be free from this contingency after the expiration of two years. Except in cases of court actions or proceedings under section 8c (15) (A) of the act, all verification or corrections of classification and all charges or credits resulting therefrom should be completed by the end of the two year period. Verification of classification cannot be made by the market administrator unless handlers make their accounts and records and facilities available to the market administrator as required by the order. If a handler refuses to make such accounts or records or facilities available to the market administrator the two year period after which obligations will be terminated should not begin to run until such accounts or records or facilities are made available. Obligations with respect to any transaction involving fraud or willful concealment of facts material to the obligation on the part of the person against whom the obligation is imposed by the order should not be terminated as herein proposed.

Expenses of administration. As his share of the expenses of administering this order each handler should pay not in excess of 3 cents per hundredweight with respect to (1) all producer milk received, (2) all other source milk received at a pool plant which was classified as Class I milk and (3) all other source milk at a nonpool plant operating a route in the marketing area which was classified as Class I milk and was subject to the payments described earlier in this decision. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 3 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 3 cents per hundredweight yields more money than is needed, provision is made that the Secretary can prescribe a lesser rate of payment from time to time.

Marketing services. It was pointed out earlier in this decision that market-wide information concerning market supply and requirements would be useful to producers and cooperative associations in helping them maintain their production in line with market requirements. Costs involved in distributing information to producers and cooperative associations should be borne by the producers or their associations.

The cooperative association in the market has been providing marketing services to its members which include the verification of weights and tests of milk delivered by each member. The provision for such services to be rendered for producers, for whom a cooperative association does not perform such services will assure each producer that he is receiving his just proportion of the total proceeds of the market. Costs of these services should also be borne by producers.

On the basis of the costs of providing these services in other markets, and in view of the fact that handlers plants in the Stark County marketing area may be somewhat more scattered than in some markets and some may have only a few producers, it is concluded that a deduction of 6 cents per hundredweight of milk delivered by each producer should be adequate to cover these costs. Provision is made that the Secretary may reduce this deduction if experience indicates a lesser deduction will provide adequate funds. If a cooperative association is actually performing these services for producers, then in lieu of the 6 cent deduction such deduction as is authorized by such producers should be made from the amounts due producers for whom the cooperative association is performing such services and should be paid to the cooperative association.

Time schedule. Dates must be prescribed for announcing prices, filing reports, and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the month	*Function*
5th	Announcement of class prices by market administrator.
8th	Submission of monthly report of receipts and utilization by handlers.
13th	Announcement of uniform price and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.
14th	Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.
17th	Payments by handlers to cooperative associations and by market administrator out of producer-settlement fund.
19th	Payments by handlers to producers.

Effective time, suspension, termination, agents and separability of provisions. An order should contain provisions which (1) indicate that such order shall be effective on the date set by the Secretary and shall remain in effect until suspended or terminated; (2) require the Secretary to suspend or terminate the order or any portion thereof when such order or portion thereof no longer effectuates the policy of the act; (3) continue obligations existing at the time of suspension or termination of the order or provisions thereof until such obligations are met; (4) require liquidation of the agency administering the order upon suspension of the order; (5) authorize the Secretary to designate an agent in connection with any provision of the order; and (6) specify that the invalidation of any provision of the order with respect to any person or circumstances shall not affect the application of such provision or any other provisions of the order to other persons or circumstances.

General findings. (a) The proposed marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

Rulings. Stark County Milk Producers' Association, Inc., and Stark County Milk Dealers Committee each filed two briefs, one following each of the two sessions of the hearing. The proposed findings and conclusions and the arguments contained in these briefs were considered in making the findings and reaching the conclusions in this decision. To the extent that any proposed findings and conclusions in the briefs are at variance with the findings and conclusions of this decision, such proposed findings and conclusions are denied for the reasons set forth in support of the findings and conclusions of this decision on the issue to which the proposed findings and conclusions related.

Counsel for Stark County Milk Dealers contended at the reopened session of the hearing and in his brief following that session of the hearing that the Secretary of Agriculture did not have the power and authority to reopen the hearing for the purpose of receiving additional evidence. He sought statutory support for that position in section 608.c (3) and (4) of the Agricultural Marketing Agreement Act of 1937, which refers to "hearing" in the singular form, thus implying that more than one hearing was held on a proposed Stark County marketing agreement and order. The second session of the hearing was not a new hearing, but was a reopening of the previous hearing. Only one hearing was held on the proposed marketing agreement and order. The reopening of a hearing is therefore in accord with the statutory authorization. Such reopening is also logical and appropriate under circumstances such as existed in this instance. The evidence in the record prior to the reopening indicated that an order regulating the handling of milk in Stark County would tend to effectuate the policy of the act, but more evidence appeared desirable on what certain of the terms and provisions of that order should be—thus, the hearing was reopened.

Counsel for Stark County Milk Dealers Committee also contended that the notice of the reopening of the hearing was legally inadequate because it did not set forth precisely the issues to be considered. The notice repeated from the proposed orders considered at the earlier session those provisions on which additional testimony was desired. The notice also indicated that evidence would be received on any other issue considered at the first session of the hearing upon which any interested party desired to testify.

To specifically set forth in the notice the precise terms and provisions of the proposed orders on which additional evidence was desired appears to be a very precise statement of the issues. A request made at the reopened session of the hearing that the findings that had been made on the issues upon which more evidence was sought on the basis of the record of the first session of the hearing could not have been complied with because no findings on those issues had been made at that time, except that it had been determined that more evidence was needed on those issues before they could be thoroughly resolved.

It is therefore concluded that (1) the hearing examiner ruled properly in denying a motion that the reopened session of the hearing be stopped because the Secretary of Agriculture lacked power or authority to reopen the hearing, (2) the Secretary of Agriculture did and does have the power and authority to reopen a hearing of this sort, and (3) the notice of the reopening of the hearing gave adequate notice of the issues on which additional evidence was sought.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order.

DEFINITIONS

§ 963.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 963.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 963.3 *Marketing Area.* "Stark County, Ohio, marketing area," hereinafter referred to as "marketing area," means all territory geographically located within (a) Stark County, Ohio, except (1) Paris Township, (2) Sugar Creek Township, (3) sections 6 and 7 of Lake Township, and (4) section 3 of Jackson Township; (b) Smith Township of Mahoning County, Ohio, except Great Lot 35 thereof; (c) Knox Township of Columbiana County, Ohio; and (d) sections 1, 2, 3, 10, 11, and 12 in Sugar Creek Township of Wayne County, Ohio.

§ 963.4 *Handler.* Any person, other than a producer-handler, who operates a milk handling plant (hereinafter referred to as a "plant") shall be a "handler" with respect to all skim milk and butterfat received at such plant or caused to be diverted from producers' farms to a nonpool plant by such person in any month in which a route(s) is operated wholly or partially within the marketing area from such plant. Any cooperative association shall be a "handler" with respect to the milk of any producer which it causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

§ 963.5 *Pool plant.* A plant, except a plant of a producer-handler, shall be a "pool plant" in any month in which a route(s) is operated wholly or partially within the marketing area from such plant if such plant is (a) located in the marketing area; or (b) located outside the marketing area and 10 percent or more of the total combined amount of skim milk and butterfat in Class I milk at such plant is disposed of on a route(s) operated wholly or partially within the marketing area: *Provided*, That a plant located either in or outside the marketing area shall not be a pool plant in any month in which the total combined amount of skim milk and butterfat in Class I milk at such plant which is disposed of on a route(s) operated wholly or partially within the marketing area is less than 18,000 pounds.

§ 963.6 *Nonpool plant.* A plant other than a plant operated by a producer-handler shall be a "nonpool plant" in any month in which it is not a pool plant.

§ 963.7 *Producer.* "Producer" means any person, other than a producer-handler, with respect to milk produced by him which milk is moved directly from his farm to a pool plant or is diverted by the operator of the pool plant or by a cooperative association to a nonpool plant.

§ 963.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 963.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, or used to produce all other milk products received from all sources other than producers and pool plants.

§ 963.10 *Producer-handler.* "Producer-handler" means any person (a) who produces milk; (b) receives no producer milk; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 963.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail store(s), including the sale or consignment of such products by a handler to wholesale or retail outlets owned, leased, or controlled, directly or indirectly, by such handler.

§ 963.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 963.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 963.50.

§ 963.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association: (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 963.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 963.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 963.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Pay out of the funds provided by § 963.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses, except those incurred under § 963.76, necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made reports pursuant to §§ 963.30 or 963.31 or payments pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76, or 963.77;

(f) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(h) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate:

(1) On or before the 5th day of each month the minimum class prices for skim milk and butterfat for the preceding month as computed pursuant to §§ 963.51 and 963.52;

(2) On or before the 13th day of each month the uniform prices for the preceding month computed pursuant to § 963.61, the butterfat differential for the preceding month computed pursuant to § 963.74, and the name of each handler who received producer milk during the preceding month and the percentages of such milk which was classified as Class I milk and as Class II milk.

REPORTS, RECORDS, AND FACILITIES

§ 963.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator: (a) the quantities of butterfat and the quantities of skim milk contained in all milk, skim milk, or cream and used to produce all milk products received from all sources during the preceding month; (b) the quantities of butterfat and the quantities of skim milk contained in all frozen cream which were formerly classified pursuant to § 963.41 (b) (2) and which were removed from storage or received during the preceding month; (c) the quantities of all milk or milk products and the quantities of skim milk and butterfat contained in or used to produce such milk or milk products moved from such handlers plant during the preceding month or on hand at such plant at the end of the preceding month; and (d) such other information with respect to such receipts and utilization as the market administrator may request.

§ 963.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 25th day of each month each handler who operated a pool plant at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 963.70, and (3) the nature and amount of each deduction or charge made by the handler.

§ 963.32 *Records and facilities.* Each handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations including those of nonpool plants to which any producer milk is diverted and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts of skim milk and butterfat contained in or used to produce all producer milk and other source milk received by such handler or producer-handler; (b) the removal from storage or the receipts of all frozen cream and the quantities of butterfat and skim milk contained in such frozen cream; (c) the disposition and inventories of milk and milk products and the quantities of skim milk and butterfat contained in or used to produce such milk and milk products; (d) the weights, samples, and tests for butterfat and other contents of (1) all producer milk and other source milk received by such handler or producer-handler, and (2) all milk and milk products disposed of or in inventories held by such handler or producer-handler; and (e) all payments required to be made by such handler pursuant to §§ 963.70, 963.72, 963.74, 963.75, 963.76 and 963.77.

§ 963.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 963.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream or used to produce milk products received during each month from all sources by each handler shall be classified pursuant to §§ 963.41 through 963.46.

§ 963.41 *Classes of utilization.* Subject to the conditions set forth in § 963.43 and §963.44 skim milk and butterfat shall be classified separately as follows:

(a) Class I milk shall be all skim milk including reconstituted skim milk and all butterfat:

(1) Moved from a plant during the month or on hand at a plant at the end of the month in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream including sour cream, or any mixture of cream and milk or skim milk, except skim milk and butterfat which is classified as Class II milk pursuant to paragraph (b) (1), (2), or (3) of this section;

(2) Used to produce concentrated milk for fluid consumption which was moved from a plant during the month or was on hand at a plant at the end of the month; or

(3) In shrinkage of producer milk as computed pursuant to § 963.42 (b) which is in excess of such shrinkage classified as Class II milk pursuant to paragraph (b) (4) of this section.

(b) Class II milk shall be all skim milk including reconstituted skim milk and all butterfat;

(1) Contained in skim milk which is dumped or fed to livestock by the handler or is moved from a plant and disposed of to farmers or livestock feeders for livestock feeding;

(2) Contained in cream which was moved from a plant during the month to a cold storage warehouse in the form of frozen cream or in the form of cream to be frozen, or which was on hand at a plant at the end of the month in the form of frozen cream;

(3) In shrinkage of skim milk and butterfat contained in producer milk in amounts equal to either the amounts of skim milk and butterfat, respectively, computed pursuant to § 963.42 (b) or amounts equal to 2 percent of the skim milk and butterfat, respectively, con-

tained in producer milk, whichever amounts are smaller;

(4) In shrinkage of skim milk and butterfat contained in other source milk as computed pursuant to § 963.42 (b); or

(5) Used to produce or contained in any products other than those specified in paragraph (a) of this section which products are moved from a plant during the month or are on hand at a plant at the end of the month.

§ 963.42 *Shrinkage.* Shrinkage of skim milk and butterfat contained in producer milk and in other source milk shall be computed each month as follows:

(a) Combine into separate totals for skim milk and butterfat all skim milk and butterfat contained in all milk, skim milk, and cream or used to produce all milk products received during the month from all sources, and deduct therefrom all skim milk and butterfat, respectively, contained in or used to produce all milk, skim milk, cream, and all milk products moved from a plant during the month or on hand at a plant at the end of the month: *Provided*, That producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handlers pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

(b) Prorate the total shrinkage of skim milk and butterfat computed pursuant to paragraph (a) of this section to skim milk and butterfat, respectively, contained in or used to produce all producer milk and all other source milk.

§ 963.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in one class shall be reclassified to the other class if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 963.44 *Transfers.* Skim milk or butterfat transferred (including skim milk and butterfat in milk which was diverted) from a pool plant in the form of milk, skim milk or cream to:

(a) Another pool plant or a nonpool plant from which a route is operated wholly or partially within the marketing area shall be classified as Class I milk unless utilization in Class II is indicated by the operators of both plants in their reports filed pursuant to § 963.30 for the month during which such transfer was made. If the two operators indicate a Class II utilization of all or part of the transferred skim milk and butterfat and the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are greater than the pounds of skim milk and butterfat, respectively, so mutually indicated to be classified as Class II milk, then all such skim milk or butterfat transferred shall be classified as Class II milk. If the pounds of skim milk or butterfat remaining in Class II milk after the allocation of skim milk and butterfat in other source milk pursuant to § 963.46 (e) for the plant to which such transfer was made are less than the pounds of skim milk or butterfat, respectively, so mutually indicated to be classified as Class II milk, then an amount of such transferred skim milk or butterfat, respectively, equal to the pounds remaining in Class II in the plant to which such transfer was made shall be classified as Class II milk and the remainder of such skim milk or butterfat so transferred shall be classified as Class I milk.

(b) To a producer-handler shall be classified as Class I milk.

(c) To a nonpool plant from which no route is operated within the marketing area shall be classified as Class I milk unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day of the month following that within which such transfer was made and the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at his plant and makes such books and records available to the market administrator, upon his request, for the verification of such utilization. If the above conditions are met the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers who the market administrator determines constitute the regular source of milk for Class I uses at such plant in series beginning with Class I milk.

§ 963.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 963.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 963.46 *Allocation of skim milk and butterfat.* Skim milk and butterfat to be classified pursuant to § 963.40 shall be separately allocated to skim milk and butterfat classified pursuant to §§ 963.41 through 963.44 in sequence as follows:

(a) Plant shrinkage of skim milk and butterfat contained in producer milk as computed pursuant to § 963.42 (b) shall be allocated to skim milk and butterfat, respectively, classified pursuant to § 963.41 (a) (3) and (b) (4).

(b) Skim milk and butterfat contained in or used to produce products other than milk, skim milk, or cream received in such form shall be allocated to skim milk and butterfat contained in or used to produce products moved from a plant during the month or on hand at a plant at the end of the month in like form.

(c) Skim milk and butterfat contained in any frozen cream which was classified in a previous month as Class II milk pursuant to § 963.41 (b) (2) and which was removed from storage or received from another handler during the month for which classification is being determined shall be allocated to skim milk and butterfat used to produce ice cream or other frozen desserts or mixes for such ice cream or other frozen desserts moved from a plant during such month or on hand at a plant at the end of such month.

(d) Remaining skim milk and butterfat contained in or used to produce other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated to skim milk or butterfat, respectively, in Class I milk.

(e) Remaining skim milk and butterfat contained in or used to produce other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the Act shall be allocated to remaining skim milk and butterfat, respectively, in Class II milk, and if such remaining skim milk or butterfat contained in or used to produce such other source milk exceeds the remaining skim milk or butterfat, respectively, in Class II milk, such excess of skim milk or butterfat shall be allocated the skim milk and butterfat in Class I milk.

(f) Skim milk and butterfat transferred and classified pursuant to § 963.44 shall be allocated to skim milk and butterfat, respectively, pursuant to such classification.

(g) Add to the remaining skim milk and butterfat in each class the skim milk and butterfat, respectively, allocated pursuant to paragraph (a) of this section.

(h) If the then remaining skim milk or butterfat in all classes exceeds the skim milk or butterfat contained in producer milk received by such handler, subtract such excess of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class II milk, and if the remaining skim milk or butterfat in Class II milk is less than such excess of skim milk or butterfat, respectively, subtract the difference of skim milk or butterfat from remaining skim milk or butterfat, respectively, in Class I milk. The resulting volumes of skim milk and butterfat in each class are the volumes of skim milk and butterfat in producer milk in each class.

MINIMUM PRICES

§ 963.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in determining the Class I and Class II milk price pursuant to § 963.51 and § 963.52 shall be the highest of the prices per hundredweight of milk of 3.5 percent butterfat content computed by the market administrator pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Bellsville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price resulting from the following computation:

(1) Multiply by 6 the simple average as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month for which prices are being computed;

(2) Add an amount equal to 2.4 times the simple average as published by the Department of Agriculture of the prices determined per pound of "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month; and

(3) Divide by 7 and to the resulting amount add 30 percent; and then multiply by 3.5.

(c) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average price of butter as computed in paragraph (b) (1) of this section, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average as computed by the market administrator, of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price the following amount for the month indicated:

Month:	*Amount*
May and June	$0.90
March, April, July, and August	1.15
All others	1.55

Provided, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated above.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the total volume of producer milk and other source milk received by all handlers in the first and second months preceding the month for which a price is being computed which was classified as Class I milk pursuant to §§ 963.41 (a), 963.43, and 963.44 by the total volume of producer milk received by all handlers during the same months, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

Month for which a price is being computed:	*Standard utilization percentage*
January	84
February	80
March	78
April	75
May	71
June	64
July	61
August	64
September	67
October	70
November	76
December	82

(3) The amount of the supply-demand adjustment shall be as follows:

[Cents per hundredweight]

If the net utilization percentage is—	Supply-demand adjustment for specified month is—		
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, and July	Oct., Nov., and Dec.
+12 or over	+38	+23	+50
+9 or +10	+28	+19	+38
+6 or +7	+20	+13	+26
+3 or +4	+10	+7	+14
+1 to −1	0	0	0
−3 or −4	−10	−14	−7
−6 or −7	−20	−26	−13
−9 or −10	−28	−38	−19
−12 or −13	−38	−50	−25
−15 or −16	−38	−50	−31
−18 or −19	−38	−50	−37
−21 or −22	−38	−50	−43
−24 or under	−38	−50	−50

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month. If in the first month this supply-demand adjustment is in effect the net utilization percentage does not fall within one of the above tabulated brackets the supply-demand adjustment shall be determined by the adjacent bracket which would result in the higher supply-demand adjustment.

(c) Divide the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

(d) Multiply the price computed pursuant to paragraphs (a) and (b) of this section by the result obtained pursuant to paragraph (c) of this section.

(e) Divide the result obtained pursuant to paragraph (d) of this section by 0.035. This result shall be the price per hundredweight of butterfat classified as Class I milk.

(f) From the price computed pursuant to paragraph (a) and (b) of this section, subtract the amount computed pursuant to paragraph (d) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I milk.

§ 963.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classiged as Class II milk shall be computed by the market administrator as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by the result obtained pursuant to § 963.51 (c).

(b) Divide the result obtained pursuant to paragraph (a) of this section by 0.035. The result shall be the price per hundredweight of butterfat classified as Class II milk.

(c) From the basic formula price computed pursuant to § 963.50 subtract the amount computed pursuant to paragraph (a) of this section, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class II milk.

DETERMINATION OF UNIFORM PRICE

plant from the health authorities of

ative association written authorization to collect payment for their milk a total

fied as Class I milk pursuant to § 963.44 (c) a payment shall be made pursuant

which payment is made pursuant to § 963.72 (b)

the handler's report of utilization of the

DETERMINATION OF UNIFORM PRICE

§ 963.60 *Value of producer milk.* The value of producer milk received by each handler during the month shall be computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class as computed pursuant to § 963.46 by the applicable class prices and adding together the resulting amounts: *Provided*, That if after the allocation of skim milk and butterfat pursuant to paragraphs (a) through (g) of § 963.46 the remaining amount of skim milk or butterfat exceeds the amount of skim milk or butterfat, respectively, in producer milk received by such handler, there shall be added to the value of the producer milk received by such handler a further amount computed by multiplying the hundredweight of skim milk or butterfat as subtracted pursuant to § 963.46 (h) by the applicable class price.

§ 963.61 *Computation of uniform prices.* For each month the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio and a uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers delivering to any pool plant for which the handler operating such plants does not hold a permit for such plant from any of such health authorities as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 963.60 for all handlers who reported pursuant to § 963.30 for such month, except those in default in payments required pursuant to § 963.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 963.72 (b), (c), and (d);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 963.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 963.74 multiplied by 10;

(f) Subtract an amount computed by multiplying by 25 cents the hundredweight of producer milk which was (1) received during the month for which uniform prices are being computed at all pool plants for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and (2) classified as Class I milk;

(g) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(h) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to pool plant for which the handler operating such plant does not hold a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(i) Divide the amount subtracted pursuant to paragraph (f) of this section by the hundredweight of producer milk received during the month for which uniform prices are being computed at all pool plants for which the handler operating such pool plants hold permits for such plants from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio;

(j) Add the amount computed pursuant to paragraph (i) of this section to the amount computed pursuant to paragraph (g) of this section; and

(k) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed to any pool plant for which the handler operating such plant holds a permit for such plant from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio.

§ 963.62 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 963.30 of:

(a) The classification pursuant to § 963.46 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 963.60;

(b) The uniform prices for the preceding month computed pursuant to § 963.61; and

(c) The amount due such handler pursuant to § 963.73 and the amount to be paid by such handler pursuant to §§ 963.72, 963.75, and 963.76.

PAYMENTS FOR MILK

§ 963.70 *Payments to producers or cooperative associations.* Subject to §§ 963.74 and 963.76, each handler who is not a cooperative association shall make payments to producers or cooperative associations pursuant to either paragraph (a) or (b) of this section:

(a) On or before the 17th day of each month such handler shall pay to a cooperative association which requests such payment for producer milk received in the preceding month from producers who have given such cooperative association written authorization to collect payment for their milk a total amount not less than the sum of the individual amounts otherwise payable to such producers pursuant to paragraph (b) of this section. In making such payments to a cooperative association, the payments shall be accompanied with a statement showing the name of each producer for whose milk payment is being made to the cooperative association, the volume and average butterfat content of milk received from each such producer, and the amount of and reason for any deductions which the handler has withheld from the amount due such producer.

(b) On or before the 19th day of each month such handler shall pay each producer (other than those for who a cooperative association collects pursuant to paragraph (a) of this section) for milk received from him during the preceding month at not less than the appropriate uniform price computed pursuant to § 963.61 (h) or (k) for such month, adjusted by the butterfat differential computed pursuant to § 963.74 for such month, and less any deductions authorized by such producer: *Provided*, That if the payments made to a handler pursuant to § 963.73 have been reduced pursuant to the proviso contained therein, such handler may reduce payments to producers or cooperative associations by the same amount per hundredweight of milk and such handler shall complete payments to producers or cooperative associations as required by this section or before the next date for making payments pursuant to this section following the date upon which such handler receives payment in full for amounts due him pursuant to § 963.73.

§ 963.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 963.72 and 963.77 and out of which he shall make all payments pursuant to §§ 963.73 and 963.77.

§ 963.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 963.60 exceeds the amount which such handler is required to pay to all producers pursuant to § 963.70, such handler shall pay the difference between the two amounts.

(b) Any handler who during the preceding month operated a nonpool plant from which a route extending into the marketing area was operated shall pay an amount computed by determining the value at the Class I price which would be applicable at such plant if it were a pool plant of all Class I milk disposed of on routes operated wholly or partially within the marketing area during the preceding month and by deducting from such value the value of such milk at the Class II price: *Provided*, That if such handler received at his nonpool plant during the preceding month skim milk and butterfat from a pool plant which was classified as Class I milk pursuant to § 963.44 (c) a payment shall be made pursuant to this section only if the volume of Class I milk so disposed of on routes operated wholly or partially within the marketing area is in excess of the volume of Class I milk received from a pool plant and shall be computed only on such excess.

(c) Any handler who during the preceding month operated a pool plant shall pay an amount computed by determining the value of other source milk which was received during the preceding month and allocated to Class I milk pursuant to § 963.46 (d) at the Class I price applicable to such plant and by deducting from such value the value of such milk at the Class II price.

(d) Any handler who received other source milk in the preceding month which was allocated to Class I milk pursuant to § 963.46 (e) shall pay any amount by which the value of such milk at the Class I price applicable to the plant at which such other source milk was received exceeded the value of such milk computed pursuant to the other marketing agreement or order.

§ 963.73 *Payments out of the producer-settlement fund.* On or before the 17th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 963.70 is greater than the total value of the milk of such handler computed pursuant to § 963.60 for such preceding month, less any unpaid obligations of the handler to the market administrator pursuant to § 963.72: *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 963.74 *Producer butterfat differential.* In making payments pursuant to § 963.70 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the next high half-cent) computed as follows: Divide the average price of butter as computed pursuant to § 963.50 (b) (1) by 10 and, if the result is not an even whole or half cent, round to the next higher whole or half cent.

§ 963.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 963.22 (c), each handler shall pay the market administrator on or before the 14th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production), (b) all other source milk received at a pool plant in the preceding month and classified as Class I, and (c) all other source milk on which payment is made pursuant to § 963.72 (b).

§ 963.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 963.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 963.70 and shall pay the total amount of such deductions to the market administrator on or before the 17th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, a handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 963.70 (b) for producer milk received in the preceding month as may be authorized by such producers, and pay such deductions on or before the 17th day after the end of the month in which such producer milk was received to the cooperative association rendering such services.

§ 963.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 963.43 resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 963.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section Class prices, the appropriate uniform price, the butterfat differential, the rate of administration assessment pursuant to § 963.75, and the rate of marketing service deduction pursuant to § 963.76 which were applicable in the month for which the original calculations of amounts due were made shall be used.

§ 963.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 963.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 963.81 *Suspension or termination.* Whenever the Secretary finds this sub-

City	Channel No.
Lubbock	11
Midland	13
Odessa	9
Plainview	8
San Angelo	3
Sweetwater	4
Wichita Falls	6

part or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 963.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 963.83 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 963.90 *Agent.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 963.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Dated: July 24, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-8292; Filed, July 28, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10244]

TABLE OF ASSIGNMENTS GOVERNING TELEVISION BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

1. The Commission has ascertained that several assignments in the Table of Assignments do not meet the required minimum assignment separations as provided for in § 3.610 (c) of the Commission's regulations governing television stations. The distances which do not meet the required separations are between the following assignments:

City	Channel No.
Wilmington, Del.	53
and Allentown, Pa.	39
Alberton, Ga.	16
and Greenville, S. C.	23
Fort Wayne, Ind.	21
and Lima, Ohio	35
Lexington, Ky.	36
and Winchester, Ky.	37
Lexington, Ky.	36
and Cincinnati, Ohio	48
Fall River, Mass.	40
and New London, Conn.	26
North Adams, Mass.	15
and New Britain, Conn.	30
Lima, Ohio	41
and Fort Wayne, Ind.	27
Allentown, Pa.	45
and Wilmington, Del.	39
Newberry, S. C.	37
and Greenville, S. C.	23

2. In order to correct any assignments in the Table of Assignments which do not meet the separation requirements established in § 3.610 of the Commission's rules the Commission gives notice that it proposes to make the following changes in the Table of Assignments:

City	Channel No.	
	Delete	Add
Wilmington, Del.	53	83
Elberton, Ga.	16	24
Fort Wayne, Ind.	21	60
Lexington, Ky.	36	64
Fall River, Mass.	40	68
North Adams, Mass.	15	74
Lima, Ohio	41	73
Allentown, Pa.	45	67
Newberry, S. C.	37	70

In light of these changes the Table of Assignments contained in § 3.606 of the Commission's rules and regulations would be amended to read as follows:

City	Channel No.
Del.: Wilmington	12, *59—, 83 -
Florida: [1]	
Orlando	6—, 9, 18, *24—
Tallahassee	*11—, 24, 51
Georgia: Elberton	24 -
Indiana: Fort Wayne	*27 +, 33 — 69
Kentucky: Lexington	27— 64
Massachusetts:	
Fall River	46— 68
North Adams	74
Ohio: Lima	35— 73
Pennsylvania: Allentown	39 67
South Carolina: Newberry	70

[1] These changes, required by the proposed shift in the Elberton, Ga., assignment, are merely with respect to offset requirements of Channel 24 in Orlando and in Tallahassee.

3. Pending the determination of these proceedings, applications for stations on all the assignments enumerated in both columns in paragraph 1 above will not be processed.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (b), (c), (d), (e), (f), (g), (h), and (r), and section 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before August 18, 1952, a written statement or brief setting forth his comments.

Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8282; Filed, July 28, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[Commissioner's Order 13]

ASSISTANT COMMISSIONERS OF RECLAMATION

REDELEGATION OF AUTHORITY FOR EXECUTION OF CONSTRUCTION, SUPPLY, AND SERVICE CONTRACTS

EDITORIAL NOTE: In F. R. Doc. 52-8020, appearing at page 6751 of the issue for Wednesday, July 23, 1952, the bracket heading has been corrected to read as set forth above.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MINNESOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Pursuant to authority contained in Public Law 760, 81st Congress, the County of Nobles, in the State of Minnesota, is hereby designated as an area in which mineral interests covered by a single application are to be sold for a consideration of $1.00, and accordingly Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), is amended by adding, under Minnesota, in alphabetical order, the county "Nobles."

(Sec. 3, Public Law 760, 81st Cong.)

Done at Washington, D. C., this 25th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8342; Filed, July 28, 1952; 9:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[General Order No. 16]

FUNCTIONS WITH RESPECT TO WAGE STABILIZATION TO BE PERFORMED BY THE WAGE STABILIZATION BOARD

Sec.
1. Purpose.
2. Legal basis and authority.
3. Functions and redelegation.
4. Transfer of personnel, property, cases, records, and funds.
5. Effective date and effect upon other orders.

SECTION 1. *Purpose.* (a) The purpose of this order is to define the functions of the Wage Stabilization Board provided for in section 403 (b) of the Defense Production Act, as amended (section 112, Pub. Law 429, 82d Cong.), and Executive Order 10377, hereinafter referred to as The Board.

SEC. 2. *Legal basis and authority.* (a) This order is promulgated under the authority vested in the Economic Stabilization Administrator by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), Executive Order 10161, as amended, Excutive Order 10182, and Executive Order 10203.

SEC. 3. *Function and redelegation*—(a) *Functions.* The Board is hereby authorized to perform the following functions under the supervision and direction of the Economic Stabilization Administrator with respect to persons under its jurisdiction:

(1) Formulate and recommend to the Economic Stabilization Administrator for promulgation, general policies and general regulations relating to the stabilization of wages, salaries, and other compensation, and

(2) Upon the request of (i) any person substantially affected thereby, or (ii) any Federal department or agency whose functions, as provided by law, may be affected thereby or may have an effect thereon, advise as to the interpretation, or the application to particular circumstances, of policies and regulations promulgated by such Administrator which relate to the stabilization of wages, salaries, and other compensation.

(b) *Redelegation.* The Board, subject to the supervision and direction of the Economic Stabilization Administrator, is hereby redelegated, in addition to the functions authorized above, authority to perform such other functions, except those redelegated to the Chairman in paragraph (c) hereof, as are necessary to implement and effectuate the general policies, general regulations, and all other orders and directives promulgated or issued by the Economic Stabilization Administrator relating to the stabilization of wages, salaries, and other compensation with respect to persons under its jurisdiction.

(c) There are hereby redelegated to the Chairman of the Board so much of the functions of the Administrator, pursuant to the Defense Production Act of 1950, as amended and provided for in sections 902 and 903 of Executive Order No. 10161, as amended, as is necessary for the performance of the functions with respect to wage stabilization hereinabove redelegated to the Board and, except as redelegation may be prohibited therein, so much of the functions of the Administrator pursuant to Executive Order No. 10182, as amended by Executive Order No. 10205, as is necessary for the performance of the functions with respect to wage stabilization so redelegated hereinabove to the Board.

(d) The Board shall to the maximum extent practicable redelegate to the Chairman of the Board the internal administrative affairs of the Board and the administration of the regulations, orders, and decisions within the jurisdiction of the Board.

(e) In carrying out his functions pursuant to paragraphs (c) and (d) of this section, the Chairman shall be governed by such instructions and determinations as the Board may from time to time make.

SEC. 4. *Transfer of personnel, property, cases, records and funds.* (a) All the personnel, property, cases, records, and funds of the Wage Stabilization Board established under Executive Order No. 10233, are hereby transferred to the Board.

SEC. 5. *Effective date and effect upon other orders.* (a) Economic Stabilization Agency General Order No. 3 is hereby revoked effective at the close of the 29th day of July 1952, and this order shall become effective immediately upon such revocation commencing with the 30th day of July 1952.

(b) Nothing herein shall be construed to limit the jurisdiction over the wages, salaries, and other compensation conferred upon the Railroad and Airline Wage Board in Economic Stabilization Agency General Order No. 7, as revised, nor upon the Salary Stabilization Board in Economic Stabilization Agency General Order No. 8, as revised.

(c) Any provision of any other order inconsistent with this order is hereby superseded and amended accordingly in conformity to this order.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-8376; Filed, July 28, 1952; 12:22 p. m.]

[General Order No. 18]

ORGANIZATION AND FUNCTIONS OF THE NATIONAL ENFORCEMENT COMMISSION

Sec.
1. Purpose.
2. Legal basis and authority.
3. Organization.
4. Functions of the National Enforcement Commission.
5. Redelegation of authority.
6. Transfer of cases, proceedings, records, property and personnel.
7. Administrative services.
8. Effect on other orders.
9. Effective date.

SECTION 1. *Purpose.* (a) The purpose of this order is to establish a National Enforcement Commission within the Economic Stabilization Agency and to define its functions.

SEC. 2. *Legal basis and authority.* (a) This order is promulgated under the authority vested in the Economic Stabilization Administrator by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), Executive Order 10161, as amended, Executive Order 10182, and Executive Order 10205.

SEC. 3. *Organization*—(a) *National Enforcement Commission.* There is hereby established within the Economic Stabilization Agency the National Enforcement Commission. It shall consist of three public members appointed by the Administrator, one of whom shall

be designated as Chairman. The Chairman shall be assisted by a Counsel to the Commission, who shall be in charge of the administrative functions of the Commission in the absence of the Chairman.

SEC. 4. *Functions of the National Enforcement Commission.* (a) The functions of the National Enforcement Commission (hereinafter referred to as the Commission) shall be, with respect to persons within the jurisdiction of the Wage Stabilization Board, the Salary Stabilization Board and the Office of Salary Stabilization, and the Railroad and Airline Wage Board, to determine whether any wage, salary, or other compensation has been paid or accrued, at any time, in violation or contravention of any provision of the Defense Production Act of 1950, as amended, or any regulation or order or directive heretofore or hereafter promulgated under the act. Such determination shall be made by the Commission after any of the foregoing named constituent organizations of this Agency have instituted an enforcement proceeding before it or after any such organization has submitted a settlement proposal to the Commission for its approval. Such determination shall be final within the Economic Stabilization Agency.

(b) The Commission is further authorized to certify and transmit such determinations in accordance with the policy and procedure set forth in Economic Stabilization Agency General Order No. 15, and other orders, directives, general policies or general regulations of the Economic Stabilization Administrator.

SEC. 5. *Redelegation of authority.* (a) The authority delegated to the Economic Stabilization Administrator with respect to the imposition of disallowance sanctions under section 405 (b) of the Defense Production Act, as amended, for the violation or contravention of any provisions of, or any orders or any regulations issued under said act, as amended, relating to the payment of wages, salaries, or other compensation, is hereby redelegated to the Commission, in accordance with the functions described above.

(b) The Wage Stabilization Board, the Salary Stabilization Board and the Office of Salary Stabilization, and the Railroad and Airline Wage Board are hereby directed to delegate effective immediately any subsidiary authority necessary on their part to carry out the foregoing delegations.

SEC. 6. *Transfer of cases, proceedings, records, property and personnel.* (a) All the cases and proceedings presently pending before the National Enforcement Commission or its Regional Enforcement Commissions previously established under the Wage Stabilization Board are hereby transferred to the Commission established by this order.

(b) All records pertaining to the foregoing cases and proceedings, as well as the property and personnel of the National Enforcement Commission previously established under the Wage Stabilization Board, are also hereby transferred to the Commission.

(c) All the prior decisions and certifications of the National Enforcement Commission previously established by the Wage Stabilization Board are hereby continued in full force and effect.

SEC. 7. *Administrative services.* (a) The Commission shall share the administrative service facilities of the Wage Stabilization Board relating to budget, fiscal, personnel, supply, space, and other administrative management matters.

SEC. 8. *Effect on other orders.* (a) General Orders Nos. 15 and 16 and General Order No. 8, Revised, are hereby specifically superseded, and amended accordingly, to the extent that they are inconsistent herewith. However, nothing contained herein shall be construed to limit the prosecution and investigative functions of the Wage Stabilization Board and the Salary Stabilization Board and the Office of Salary Stabilization, relating to enforcement, delegated in General Orders 15, 16 and 8, Revised. Any other orders and regulations or parts of orders and regulations the provisions of which are inconsistent with the provisions of this order are hereby superseded and amended accordingly.

SEC. 9. *Effective date.* (a) This order shall become effective at the close of the 29th day of July 1952, commencing with the 30th day of July, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-8374; Filed, July 28, 1952; 12:22 p. m.]

Office of Price Stabilization

[Ceiling Price Regulation 34, Supplementary Regulation 16, Special Order 2]

CEILING PRICES FOR WHOLESALE LABOR WARRANTY SERVICES RENDERED ON THE "AUTRONIC EYE" BY AUTHORIZED SERVICE STATIONS OF UNITED MOTORS SERVICE DIVISION OF GENERAL MOTORS CORPORATION

Statement of considerations. This Special Order 2, issued upon application of General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, establishes ceiling prices for wholesale labor warranty services rendered to General Motors Corporation, by authorized service stations of its United Motors Service Division, on automatic headlight controls called "Autronic Eyes".

Section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34 provides that a manufacturer who is offering for sale a new commodity, and who has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold to it by its dealers or by central service firms, as an incident of the sale of commodities, may apply to the Office of Price Stabilization, Service Trades Branch, Washington 25, D. C., for a ceiling price for each new wholesale labor warranty service.

The "Autronic Eye" is a new product manufactured by General Motors Corporation which has customarily set or proposed uniform prices that have been adopted throughout the United States for wholesale labor warranty services sold to it by its authorized dealers or by central service firms as an incident of the sale of such new commodities.

The ceiling prices established by this special order are based upon anticipated direct labor costs and are in line with ceiling prices for the most comparable wholesale labor warranty service furnished to General Motors Corporation by authorized service stations of its United Motors Service Division.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 3 of Supplementary Regulation 16 to Ceiling Price Regulation 34, this special order is hereby issued.

1. The ceiling prices which General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan, may pay to authorized service stations of its United Motors Service Division for wholesale labor warranty services (not including parts used, for which it shall credit the service stations) rendered on automatic headlight controls called "Autronic Eyes", which it manufactures, and which such service stations may charge General Motors Corporation, shall be as follows:

Description of service	Ceiling price
Classification 1. Any repair, or combination of repairs, involving replacement of tubes (except the Phototube), vibrators, capacitators, or resistors, or involving shorts, grounds, loose connections, or any mechanical adjustment not requiring replacement of parts, or involving both replacement of any of the foregoing parts and mechanical adjustments	$2.00
Classification 2. Any repairs involving the replacement of the Phototube or of other parts not included in classification 1, or any combination of repairs covered in classification 1 and in this classification	3.50

2. Section 18 (c) of Ceiling Price Regulation 34 does not apply to services covered by this special order. All other provisions of Ceiling Price Regulation 34 except as changed by this special order remain in effect as to such services.

3. This special order, or any provision thereof, may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order 2 shall become effective July 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 28, 1952.

[F. R. Doc. 52-8373; Filed, July 28, 1952; 11:22 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1595, G-1870]

KANSAS-COLORADO UTILITIES, INC., AND COLORADO INTERSTATE GAS CO.

ORDER FIXING DATE FOR FILING BRIEFS AND FIXING DATE FOR ORAL ARGUMENT

JULY 22, 1952.

In the matters of Kansas-Colorado Utilities, Inc., Docket No. G-1595; Colorado Interstate Gas Company, Docket No. G-1870.

On June 13, 1952, the Presiding Examiner in the above-docketed proceedings filed his decision in the matters.

On June 27, 1952, the staff of the Commission, pursuant to § 1.31 of the Commission's rules of practice and procedure, submitted its exceptions to the decision of the Presiding Examiner.

On July 1, 1952, Colorado Interstate Gas Company submitted its exceptions to said decision; and on July 3, 1952, Kansas-Colorado Utilities, Inc., submitted its exceptions.

The Commission finds: Good cause exists and it is appropriate to carry out the provisions of the Natural Gas Act that opportunity be afforded each party to file a brief with respect to the exceptions to the Examiner's decision and that oral argument be had with respect to the issues thereby presented.

The Commission orders: Each party to these consolidated proceedings may file a brief with respect to the exceptions to the Examiner's decision herein on or before September 3, 1952; and the issues presented by such exceptions be and same hereby are set for argument before the Commission on September 10, 1952, at 10 a. m., e. d. s. t., in the Hearing Room, Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: July 23, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8278; Filed, July 28, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 37, Revocation]

PLACEMENT OF PROCUREMENT IN THE READING, PENNSYLVANIA, AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Reading is no longer classified as a Group IV surplus labor area, and is now classified as a Group III area. Therefore, in accordance with the standards established by the Secretary of Labor under Section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 37 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-8323; Filed, July 25, 1952; 3:47 p. m.]

RENEGOTIATION BOARD

STATEMENT OF ORGANIZATION

LOCATIONS AND TERRITORIES OF REGIONAL BOARDS

The Statement of Organization published in the issue of February 13, 1952 (F. R. Doc. 52-1774; 17 F. R. 1400) is hereby amended by deleting section 3 (b) and inserting in lieu thereof the following:

(b) The Board has created six regional boards with authority to conduct renegotiation proceedings within the limits hereinafter described. Each of the regional boards is composed of a chairman and four members. The locations and territories of the regional boards are as follows:

LOCATION AND TERRITORY

(1) Boston Regional Board, 175 Washington Street, Boston 9, Mass. (temporary address): Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(2) Chicago Regional Board, U. S. Courthouse, 219 South Clark Street, Chicago 4, Ill.: Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

(3) Detroit Regional Board, David Broderick Tower Building 10 Witherell Street, Detroit 26, Mich.: Michigan and Ohio.

(4) Los Angeles Regional Board, 5504 Hollywood Boulevard, Los Angeles 28, California; Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

(5) New York Regional Board, John Wanamaker Building, 70 East Tenth Street, New York 3, N. Y.: New York State.

(6) Washington Regional Board, Rizik Building, 1737 L Street NW., Washington 25, D. C.: Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Dated: July 23, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-8275; Filed, July 28, 1952; 8:47 a. m.]

REGIONAL BOARDS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS, POWERS AND DUTIES

The delegation of authority published in the issue of February 13, 1952 (F. R. Doc. 52-1777; 17 F. R. 1401), as heretofore amended, is hereby further amended by deleting section 1 and inserting in lieu thereof the following:

1. There are hereby created six Regional Boards which shall consist of five members each, and which are hereby designated as the Boston Regional Board, the Chicago Regional Board, the Detroit Regional Board, the Los Angeles Regional Board, the New York Regional Board and the Washington Regional Board, respectively.

Dated: July 23, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-8276; Filed, July 28, 1952; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

DETROIT STOCK EXCHANGE

NOTICE OF PROPOSAL TO DECLARE EFFECTIVE A PLAN FILED FOR DISPOSAL OF CERTAIN DOCUMENTS

Notice is hereby given that the Securities and Exchange Commission has under consideration a plan filed on July 17, 1952 by the Detroit Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934 for the disposal of the following material filed with the Exchange prior to January 1, 1946:

(1) Forms 10K and amendments thereto filed pursuant to section 13 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

(2) Forms 4, 5 and 6 filed pursuant to section 16 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its plan effective.

Information contained in the material proposed to be disposed of pursuant to the plan of the Detroit Stock Exchange is on file with the Commission where it will continue to be available.

The Securities and Exchange Commission proposes to declare the plan of the Detroit Stock Exchange effective on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Exchange.

These proposals are made pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and Rule X-17A-6 thereunder. All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., on or before August 11, 1952.

By the Commission.

JULY 21, 1952.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8267; Filed, July 28, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27249]

CAUSTIC SODA FROM POINTS IN CENTRAL TERRITORY TO PISGAH FORREST, W. VA.

APPLICATION FOR RELIEF

JULY 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4300, pursuant to fourth-section order No. 9800.

Commodities involved: Sodium (soda), caustic, in tank-car loads.

From: Points in central territory.

To: Pisgah Forest, W. Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8271; Filed, July 28, 1952; 8:46 a. m.]

[4th Sec. application 27251]

CEMENT FROM DORENA, FLA., TO GEORGIA

APPLICATION FOR RELIEF

JULY 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1244.

Commodities involved: Cement and related articles, carloads.

From: Dorena, Fla.

To: Points in Georgia.

Grounds for relief: Circuitous routes and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1244, Supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8272; Filed, July 28, 1952; 8:46 a. m.]

[4th Sec. Application 27250]

BITUMINOUS COAL FROM KENTUCKY, TENNESSEE, AND VIRGINIA TO GARY, IND., AND JOLIET, ILL.

APPLICATION FOR RELIEF

JULY 24, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Artemus-Jellico Railroad Company and other carriers.

Commodities involved: Coal, bituminous, carloads.

From: Mines in eastern Kentucky, Tennessee, and Virginia.

To: Gary, Ind., and Joliet, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1174, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8273; Filed, July 28, 1952; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 337, as Amended, Amdt.]

STANYAN HILL APARTMENTS

In re: Interests in a business enterprise known as Stanyan Hill Apartments, operating under a Pooling Agreement, in San Francisco, California. D-28-1146.

Vesting Order 337, as amended, is hereby further amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943, Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Mary Magdalena Groth, Claus Heinrich Theden, also known as Heinrich Theden, Sophia Christine Rolfs, Antje Catharina Theden and Heinrich Theden, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain lot or parcel of land located in the City and County of San Francisco, State of California, more particularly described as follows:

Beginning at a point on the Westerly line of Stanyan Street, distant thereon 231 and 2/10 feet Southerly from the Southerly line of Parnassus Avenue; running thence Southerly along said Westerly line of Stanyan Street 62 feet 4 inches; thence at right angles Westerly 111 feet 6 inches; thence at right angles Northerly 62 feet 4 inches; and thence at right angles Easterly 111 feet 6 inches to the point of beginning.

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims or rents, refunds, benefits or other payments arising from the ownership of such property.

b. That certain lot or parcel of land located in the City and County of San Francisco, State of California, more particularly described as follows:

Beginning at a point on the Westerly line of Stanyan Street distant thereon 153 and 2/10 feet Southerly from the Southerly line of Parnassus Avenue, running thence Southerly and along said line of Stanyan Street 78 feet; thence at a right angle Westerly 111 feet 6 inches; thence at a right angle Northerly 78 feet; thence at a right angle Easterly 111 feet 6 inches to the point of beginning.

together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims or rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mary Magdalena Groth, Claus Heinrich Theden, also known as Heinrich Theden, Sophia Christine Rolfs, Antje Catharina Theden and Heinrich Theden, the aforesaid nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. All right, title and interest, both legal and equitable of the persons identified in subparagraph 1 hereof, in and to the assets of that business enterprise which is operated under the name of Stanyan Hill Apartments pursuant to a pooling agreement executed under date of December 15, 1925, and which maintains an office and does business at 1135 Stanyan Street, San Francisco, California,

b. All right, title and interest, both legal and equitable, of the persons identified in subparagraph 1 hereof, in and to the personal property more particularly described as household furnishings, furniture, fixtures, rugs, personal effects, refrigeration plant and accompanying units and other articles of property located on the premises situated at 1135 Stanyan Street, San Francisco, California, and

c. All right, title and interest, both legal and equitable of the persons identified in subparagraph 1 hereof, in and to all indebtedness contingent or otherwise, and whether or not matured, owing to the business enterprise by the Bank of America, San Francisco, California, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness, and including particularly, the checking account at the aforesaid Bank of America, San Francisco, California, which is carried in the name of "Hoecker & Christie",

is property within the United States payable or deliverable to or claimed by the aforesaid nationals of a designated enemy country (Germany), and represents control of said business enterprise;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested the property described in subparagraphs 2-a, 2-b, 3-a, 3-b, and 3-c hereof, subject to the right, title and interest therein of Ella L. Christie and John H. Christie, citizens of the United States, and

All such property so vested to be held, use, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8285; Filed, July 28, 1952; 8:50 a. m.]

Reference Room

Reference Room

FEDERAL REGISTER

VOLUME 17 NUMBER 148

Washington, Wednesday, July 30, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2984

CITIZENSHIP DAY, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by a joint resolution approved February 29, 1952 (Public Law 261, 82d Congress), the Congress of the United States has designated the 17th day of September of each year as Citizenship Day in commemoration of the formation and signing on September 17, 1787, of the Constitution of the United States and in recognition of all who, by coming of age or by naturalization, have attained the full status of citizenship; and

WHEREAS it is most fitting that every citizen of the United States, whether native-born or foreign-born, should on September 17 of each year give special thought and consideration to his rights and responsibilities under our Constitution; and

WHEREAS the aforesaid resolution authorizes the President of the United States to issue annually a proclamation calling for the observance of Citizenship Day:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct the appropriate officials of the Government to display the flag of the United States on all public buildings on Wednesday, September 17, 1952, and I urge the people of the Nation to display the flag on that day at their homes and other suitable places.

I also urge Federal, State, and local officials, as well as patriotic, religious, civic, educational, and other interested organizations to arrange for appropriate ceremonies on Citizenship Day in which all our people may join to the end that both native-born and naturalized citizens may have a fuller understanding of their rights and privileges and of their obligations and responsibilities as citizens of the United States.

And I call upon all our citizens to renew and reaffirm on that day their faith in the principles and ideals embodied in the Constitution—the foundation of our strength and the symbol of freedom and justice for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of July in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 52-8404; Filed, July 29, 1952; 10:21 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS

U. S. STANDARDS FOR GRADES OF FROZEN LIMA BEANS

On April 27, 1951, a notice of proposed rule making was published in the FEDERAL REGISTER (16 F. R. 3621) regarding proposed United States Standards for Grades of Frozen Lima Beans.

After due consideration the revised standards were published in the FEDERAL REGISTER (17 F. R. 3783) on April 29, 1952, to become effective 30 days after date of publication thereof.

Subsequent thereto, it has been discovered that the industry has misinterpreted the color requirements of the standards. This amendment is issued to simplify the tolerances provided and to clarify the requirements with respect to the color of frozen lima beans, showing thereby that they are less restrictive than they are being interpreted.

The following amendment to the revised United States Standards for

(Continued on p. 6933)

CONTENTS

THE PRESIDENT

Proclamation — Page
Citizenship Day, 1952 — 6931

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Production and Marketing Administration.

Animal Industry Bureau

Rules and regulations:
- Hog cholera, swine plague and other communicable diseases; vesicular exanthema — 6944

Civil Aeronautics Board

Proposed rule making:
- Scheduled interstate air carrier certification and operation rules — 6971

Rules and regulations:
- Special civil regulation; delegation of authority to permit air carriers under contract to military services to deviate from Civil Air Regulations — 6945
- Filing of reports by certificated air carriers and uniform accounting requirements — 6946

Commerce Department

See also International Trade, Office of; National Production Authority.

Proposed rule making:
- Disposal of foreign excess property; fabricated from critical materials — 6971

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of.

Federal Power Commission

Notices:

Hearings, etc.:
- Gulf States Utilities Co — 6993
- Mountain Fuel Supply Co — 6993
- Panhandle Eastern Pipe Line Co. and Central Indiana Gas Co — 6993
- Pasadena, Calif — 6993

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Tennessee Valley Authority, et al. (2 documents) 6992
Texas Illinois Natural Gas Pipeline Co 6993
Virginia Electric and Power Co 6993
Western Pacific Railroad Co 6993

Foreign and Domestic Commerce Bureau
See International Trade, Office of.

Interior Department
See Mines Bureau.

International Trade, Office of
Rules and regulations:
General orders; miscellaneous amendments 6948

Internal Revenue Bureau — Page
Rules and regulations:
Procedure; informal conferences 6948

Interstate Commerce Commission
Notices:
Applications for relief:
Liquefied chlorine gas from Louisiana to Ohio, Indiana, and Wisconsin 6993
Rail-water class rates between Baltimore, Md., and the South 6994

Mines Bureau
Rules and regulations:
Dust collectors for use in connection with rock drilling in coal mines 6949

National Production Authority
Rules and regulations:
Basic rules of the Controlled Materials Plan (CMP Reg. 1):
Restrictions on steel shipments and acceptance of deliveries; revocation (Dir. 12) 6957
Special delivery status of certain military orders (Dir. 15) 6958
Third and fourth quarter authorized controlled material orders (Dir. 16) 6959
Construction; third and fourth quarter authorized controlled material orders (CMP Reg. 6, Dir. 6) 6960
Insect wire screening; revocation (M–42) 6958
Inventories of controlled materials 6959
Preference status of delivery orders under the controlled materials plan; special preference status of certain DO rated orders (CMP Reg. 3, Dir. 4) 6959
Steel distributors; supplemental shipments by producers; limitations on distributors' deliveries (M–6A, Dir. 3) 6957

Price Stabilization, Office of
Rules and regulations:
Established weights for green lumber:
Appalachian hardwood lumber (CPR 151) 6956
Southern Hardwood and Yellow Cypress lumber (CPR 132) 6950
Iron and steel scrap (CPR 5):
Automobile body scrap—dealer to dealer differential; miscellaneous amendments 6954
Ceiling shipping point prices for steel scrap originating in yards situated in New York City 6956

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Pork sold at wholesale, ceiling prices of; adjusted parity prices, processing stages, and miscellaneous amendments (CPR 74) 6951
Sales of bakery items to eating and drinking establishments located in the Metropolitan New York Area; Essex County (CPR 135, SR 1) 6950

Production and Marketing Administration
Proposed rule making:
Eggs, sampling, grading, grade labeling and supervision of packaging of eggs and egg products 6963
Milk handling in Omaha-Lincoln-Council Bluffs, marketing area 6965
Specifications for U. S. 6964
Rules and regulations:
Milk handling in Fort Smith, Ark., marketing area 6938
U. S. Standards for grades:
Beans, frozen lima 6931
Canned whole kernel (or whole grain) corn 6935
Corn, canned cream style 6933

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas:
Hotels and motor courts (2 documents) 6961
Housing and rooms 6960

Securities and Exchange Commission
Notices:
North American Co. et al.; hearing 6994

State Department
Notices:
Field organization 6992
Register of voluntary foreign aid agencies 6991

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
National Service Life Insurance 6962
U. S. Government Life Insurance 6962
Veterans' Education Appeals Board; rules of practice 6963

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 3
Chapter I (Proclamations):
2984 6931

Title 7
Chapter I:
Part 52 (3 documents) 6931, 6933, 6935
Part 55 (proposed) 6963
Part 70 (proposed) 6964

CODIFICATION GUIDE—Con.

Page
Title 7—Continued
Chapter IX:
Part 935 (proposed) 6965
Part 976 6938

Title 9
Chapter I:
Part 76 6944

Title 14
Chapter I:
Part 40 6945
Proposed rules 6971
Part 41 6945
Part 42 6945
Part 45 6945
Part 61 6945
Proposed rules 6971
Part 241 6946

Title 15
Chapter III:
Part 284 6948

Title 26
Chapter I:
Part 601 6948

Title 30
Chapter I:
Part 33 6949

Title 32A
Chapter III (OPS):
CPR 5 (2 documents) 6954, 6956
CPR 74 6951
CPR 132 6950
CPR 135, SR 1 6950
CPR 151 6956
Chapter VI (NPA):
CMP Reg. 1, Dir. 12 6957
CMP Reg. 1, Dir. 15 6958
CMP Reg. 1, Dir. 16 6959
CMP Reg. 2 6959
CMP Reg. 3, Dir. 4 6959
CMP Reg. 6, Dir. 6 6960
M–6A, Dir. 3 6957
M–42 6958
Chapter XXI (ORS):
RR 1 6960
RR 2 6960
RR 3 (2 documents) 6961
RR 4 (2 documents) 6961

Title 38
Chapter I:
Part 6 6962
Part 8 6962
Chapter II:
Part 200 6963

Title 44
Chapter IV:
Part 401 (proposed) 6971

Grades of Frozen Lima Beans is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1953 (Pub Law 451, 82d Cong., approved July 5, 1952).

The Department finds that it is unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making, and postpone the effective date of the amendment until thirty (30) days after date of publication in the FEDERAL REGISTER for the reasons that:

(1) The packing season for frozen lima beans is about to begin and it is urgent that the color provisions of the standards be properly understood for grading the product;

(2) No additional preparation on the part of industry is required;

(3) The amendment will create no hardships; therefore, the effective date of the amendment will be the date of publication in the FEDERAL REGISTER; therefore, the amendment is to become effective upon date of publication in the FEDERAL REGISTER.

Section 52.172, paragraph (e) (1), subdivisions (i), (ii), and (iii), are amended to read as follows:

(i) Frozen lima beans that possess a good color may be given a score of 54 to 60 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(*a*) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* (*1*) Not less than 93 percent, by count, of the lima beans are "green" and not more than 7 percent, by count, may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the lima beans are white, or

(*2*) Not less than 97 percent, by count, of the lima beans are "green" and not more than 3 percent, by count, may be lighter in color or white lima beans.

(*b*) *Thick-seeded type (with skins on).* Not less than 85 percent, by count, of the lima beans are "green" and not more than 15 percent, by count, may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the lima beans are white.

(ii) If the frozen lima beans possess a reasonably good color, a score of 48 to 53 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* Not less than 65 percent, by count, of the lima beans are "green" and not more than 20 percent, by count, may be lighter in color or white beans.

(*b*) *Thick-seeded type (with skins on).* Not less than 60 percent, by count, of the lima beans are "green" and not more than 40 percent, by count, may be lighter in color: *Provided*, That not more than 5 percent, by count, of all the lima beans are white.

(iii) If the frozen lima beans possess a fairly good color, a score of 42 to 47 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(*a*) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* Less than 65 percent, by count, of the lima beans are "green" and all of the lima beans may be white.

(*b*) *Thick-seeded type (with skins on).* Less than 60 percent, by count, of the lima beans are "green": *Provided*, That not more than 20 percent, by count, of all the lima beans are white."

(60 Stat. 1087; 7 U. S. C. 1621, Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 25th day of July 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52–8339; Filed, July 29, 1952; 8:50 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

U. S. STANDARDS FOR GRADES OF CANNED CREAM STYLE CORN

A notice of proposed rule making was published on May 24, 1952, in the FEDERAL REGISTER (17 F. R. 4767) regarding proposed United States Standards for Grades of Canned Cream Style Corn. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Cream Style Corn are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952).

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for canned corn is about to begin;

(2) The industry has been properly apprised through rule making of the revisions;

(3) No additional preparation on the part of industry is required;

(4) The revisions create no hardships; therefore, the effective date of the standards issued will be the date of publication in the FEDERAL REGISTER.

§ 52.268 *Canned cream style corn.* "Canned cream style corn" means the canned product properly prepared from the clean, sound, succulent kernels of sweet corn as defined in the definition and standard of identity for canned corn (21 CFR 51.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(*a*) *Color of canned cream style corn.* (1) White.

(2) Golden or Yellow.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) *Grades of canned cream style corn.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cream style corn that possesses similar varietal characteristics; that is tender; that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided*, That the cream style corn may possess a reasonably good color, a reasonably good consistency, and a good flavor if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is reasonably tender; that possesses a reasonably good color; that possesses a reasonably good consistency; that is reasonably free from defects; that possesses a good flavor, and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided*, That the cream style corn may possess a fairly good color, scoring not less than 7 points, if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is fairly tender; that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defect; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned cream style corn that fails to meet the requirements of U. S. Grade C or U. S. Standard and may or may not meet the minimum standards of quality for canned cream style corn issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(c) *Fill of container for canned cream style corn.* The standard of fill of container for canned cream style corn is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard fill of container for canned cream style corn is a fill of not less than 90 percent of the total capacity of the container. Canned cream style corn that does not meet this requirement is "Below standard in fill."

(d) *Ascertaining the grade.* (1) The grade of canned cream style corn is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, absence of defects, tenderness and maturity, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	10
(ii) Consistency	20
(iii) Absence of defects	20
(iv) Tenderness and maturity	30
(v) Flavor	20
Total score	100

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Canned cream style corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the cut kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(ii) Canned cream style corn that possesses a reasonably good color may be given a score of 8 points. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn, and that the product may lack brightness but not to the extent that the appearance is materially affected, and is reasonably free from "off-variety" kernels.

(iii) Canned cream style corn that possesses a fairly good color may be given a score of 6 or 7 points. Canned cream style corn that scores 7 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard and that scores 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull, but not to the extent that the appearance is seriously affected, and is fairly free from "off-variety" kernels.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Consistency.* The factor of consistency refers to the viscosity of the product, to the degree of smoothness, and to the separation of free liquor.

(i) Canned cream style corn that possesses a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, possesses a heavy cream-like consistency with not more than a slight appearance of curdling, forms a slightly mounded mass, and that at the end of two minutes after emptying on the dry flat surface there is practically no separation of free liquor.

(ii) If the canned cream style corn has a reasonably good consistency a score of 16 or 17 points may be given. "Reasonably good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, has a reasonably good creamy consistency, with not more than a moderate appearance of curdling, may flow just enough to level off to a nearly uniform depth or may be moderately stiff and moderately mounded, and that at the end of two minutes after emptying on the dry flat surface there may be a slight separation of free liquor.

(iii) Canned cream style corn that has a fairly good consistency may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the canned cream style corn, after stirring and emptying on a dry flat surface, may be thin but not excessively thin, or thick but not excessively dry, pasty, or crumbly, or moderately but not excessively curdled, and that at the end of two minutes after emptying on the dry flat surface there may be a moderate but not excessive separation of free liquor. The approximate circular area over which the product spreads when emptied on a dry flat surface shall not exceed 12 inches except that in the case of canned cream style corn the washed, drained residue of which contains more than 20 percent of alcohol insoluble solids, the average diameter of the area over which the product spreads shall not exceed 10 inches.[2]

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the following reason: excessively liquid.

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, kernels affected by insect injury, discolored kernels, or other defective kernels.

(i) Canned cream style corn that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, kernels affected by insect injury, discolored kernels, or other defective kernels may be present that do not more than slightly affect the appearance or eating quality of the product.

(ii) If the canned cream style corn is reasonably free from defects a score of 16 or 17 points may be given. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, kernels affected by insect injury, discolored kernels, or other defective kernels may be present that do not materially affect the appearance or eating quality of the product.

(iii) Canned cream style corn that is fairly free from defects may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

That for each 20 ounces of net weight there may be present: Not more than 1 cubic centimeter of pieces of cob;[2] and not more than 1 square inch (1" x 1") of husk;[2] and

That for each 2 ounces of net weight there may be present: Not more than 1 brown or black discolored kernel or discolored piece of kernel;[2] and

That for each 1 ounce of net weight there may be present: Not more than 6 inches of silk;[2] *Provided*, That pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, kernels affected by insect injury, discolored kernels, or other defective kernels do not seriously affect the appearance or eating quality of the product.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the applicable reasons:

Excessive discolored kernels.
Excessive cob.
Excessive husk.
Excessive silk.

(4) *Tenderness and maturity.* (i) Canned cream style corn that is tender may be given a score of 27 to 30 points. "Tender" means that the kernels are in the milk, early cream, or middle cream stage of maturity, have a tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the milk, early cream, or middle cream stage of maturity.

(ii) If the canned cream style corn is reasonably tender a score of 24 to 26 points may be given. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the middle cream stage to late cream stage of maturity, have a reasonably tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the middle cream to late cream stage of maturity.

(iii) Canned cream style corn that is fairly tender may be given a score of 22 or 23 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage of maturity, may be firm but not hard or tough, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the early dough or dough stage of maturity. The weight of the alcohol insoluble solids of the washed, drained material[2] does not exceed 27 percent of the weight of such material.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality."

(5) *Flavor.* The factor of flavor refers to the palatability of the product. The natural flavor of the sweet corn and the effects of added sugar (sucrose) and salt are considered in evaluating this factor.

(i) Canned cream style corn that possesses a very good flavor may be given a score of 18 to 20 points. "Very good flavor" means that the product including added seasoning ingredients has a very good characteristic flavor and odor typical of tender canned sweet corn.

(ii) If the canned cream style corn possesses a good flavor a score of 16 or 17 points may be given. "Good flavor" means that the product including added seasoning ingredients has a good characteristic flavor and odor typical of reasonably tender canned sweet corn.

(iii) Canned cream style corn that possesses a fairly good flavor may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(iv) Canned cream style corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned cream style corn, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(g) *Score sheet for canned cream style corn.*

Number, size, and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Color			

Factors		Score points
I. Color	10	(A) 9-10 (B) 8 (C) 6-7 (Substd.) 0-5
II. Consistency	20	(A) 18-20 (B) 16-17 (C) 14-15 (Substd.) 0-13
III. Absence of defects	20	(A) 18-20 (B) 16-17 (C) 14-15 (Substd.) 0-13
IV. Tenderness and maturity	30	(A) 27-30 (B) 24-26 (C) 22-23 (Substd.) 0-21
V. Flavor	20	(A) 18-20 (B) 16-17 (C) 14-15 (Substd.) 0-13
Total score	100	
Grade		

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

(h) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Cream Style Corn (which are the fourth issue) contained in this section will become effective on date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Cream Style Corn which have been in effect since December 1, 1932.

(60 Stat. 1087; 7 U. S. C. 1621, Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 25th day of July 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8340; Filed, July 29, 1952; 8:50 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS[1]

U. S. STANDARDS FOR GRADES OF CANNED WHOLE KERNEL (OR WHOLE GRAIN) CORN

A notice of proposed rule making was published on May 24, 1952, in the FEDERAL

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.

REGISTER (17 F. R. 4769) regarding proposed United States Standards for Grades of Canned Whole Kernel (or Whole Grain) Corn. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Canned Whole Kernel (or Whole Grain) Corn are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451; 82d Cong., approved July 5, 1952).

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for canned corn is about to begin;

(2) The industry has been properly apprised through rule making of the revisions;

(3) No additional preparation on the part of industry is required;

(4) The revisions create no hardships; therefore, the effective date of the standards issued will be the date of publication in the FEDERAL REGISTER.

§ 52.269 *Canned whole kernel (or whole grain) corn.* "Canned whole kernel (or whole grain) corn" means the canned product properly prepared from the clean, sound, succulent kernels of sweet corn as defined in the definition and standard of identity for canned corn (21 CFR 51.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The product is considered "Vacuum Pack" or "Vacuum Packed" when the liquid in the container[2] is not more than 20 percent of the net weight and the container is closed under conditions creating a high vacuum.

(a) *Color of canned whole kernel (or whole grain) corn.* (1) White.

(2) Golden or Yellow.

(b) *Grades of canned whole kernel (or whole grain) corn.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is tender; that possesses a good color; that is well cut; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided*, That the canned whole kernel (or whole grain) corn may possess a reasonably good color, a good flavor, and may be reasonably well cut, if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is reasonably tender; that possesses a reasonably good color; that is reasonably well cut; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided*, That the canned whole kernel (or whole grain) corn may possess a fairly good color, scoring not less than 7 points, and may be fairly well cut, if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is fairly tender; that possesses a fairly good color; that is fairly well cut; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of canned whole kernel (or whole grain) corn that fails to meet the requirements of U. S. Grade C or U. S. Standard and may or may not meet the minimum standards of quality for canned whole kernel (or whole grain) corn issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(c) *Recommended fill of container.* The recommended fill of container for canned whole kernel (or whole grain) corn is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned whole kernel (or whole grain) corn be filled as full as practicable with the product.

(d) *Recommended minimum drained weight.* The minimum drained weight recommendations of Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of whole kernel (or whole grain) corn is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and the whole kernel (or whole grain) corn less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401" x 411") and smaller sizes and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF WHOLE KERNEL (OR WHOLE GRAIN) CORN (EXCEPT VACUUM PACK)

Container size or designation	Grade A, tenderness and maturity minimum drained weight (ounces)	Grades B, C, and substandard tenderness and maturity minimum drained weight (ounces)
8 ounce, tall	5.25	5.50
No. 1 (picnic)	6.75	7.00
No. 300	9.25	9.50
No. 303	10.50	10.75
No. 2	12.75	13.25
No. 10	70.00	72.00

(e) *Ascertaining the grade.* (1) The grade of canned whole kernel (or whole grain) corn is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, cut, absence of defects, tenderness and maturity, and flavor.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	10
(ii) Cut	10
(iii) Absence of defects	20
(iv) Tenderness and maturity	40
(v) Flavor	20
Total score	100

(f) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Canned whole kernel (or whole grain) corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(ii) Canned whole kernel (or whole grain) corn that possesses a reasonably good color may be given a score of 8 points. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product may lack brightness but not to the extent that the appearance is materially affected and is reasonably free from "off-variety" kernels.

(iii) Canned whole kernel (or whole grain) corn that possesses a fairly good color may be given a score of 6 or 7 points. Canned whole kernel (or whole grain) corn that scores 7 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard and that scores 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull but not to the extent that the appearance is seriously affected and is fairly free from "off-variety" kernels.

(iv) Canned whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Cut.* The factor of cut refers to the degree of smoothness of the cut surface of the kernels, uniformity and depth of cut, and to the degree of freedom from adhering cob tissue.

(i) Canned whole kernel (or whole grain) corn which has been well cut may be given a score of 9 or 10 points. "Well cut" means that the appearance of the product is not more than slightly affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(ii) Canned whole kernel (or whole grain) corn in which the kernels are reasonably well cut may be given a score of 8 points. "Reasonably well cut" means that the appearance of the product is not materially affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(iii) Canned whole kernel (or whole grain) corn in which the kernels are fairly well cut may be given a score of 6 or 7 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Fairly well cut" means that the appearance of the product is not seriously affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(iv) Canned whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, ragged kernels, crushed kernels, loose skins, and from damaged or seriously damaged kernels.

"Damaged kernel" means any kernel affected by insect injury, or damaged by discoloration, pathological injury, or by other means to the extent that the appearance or eating quality is materially affected.

"Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected.

(i) Canned whole kernel (or whole grain) corn that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not more than slightly affect the appearance or eating quality of the product.

(ii) If the canned whole kernel (or whole grain) corn is reasonably free from defects a score of 16 or 17 points may be given. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not materially affect the appearance or eating quality of the product.

(iii) Canned whole kernel (or whole grain) corn that is fairly free from defects may be given a score of 14 or 15 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 14 ounces of drained weight there may be present:

Not more than 1 cubic centimeter of pieces of cob;[2]

Not more than 1 square inch (1" x 1") of husk;[2] and

For each 2 ounces of drained weight there may be present:

Not more than 1 brown or black discolored kernel or discolored piece of kernel;[2] and

For each 1 ounce of drained weight there may be present:

Not more than 7 inches of silk:[2] *Provided*, That pieces of cob, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels do not seriously affect the appearance or eating quality of the product.

(iv) Canned whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the applicable reasons:

Excessive discolored kernels.
Excessive cob.
Excessive husk.
Excessive silk.

(4) *Tenderness and maturity.* (i) Canned whole kernel (or whole grain) corn that is tender may be given a score of 36 to 40 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(ii) If the canned whole kernel (or whole grain) corn is reasonably tender a score of 32 to 35 points may be given. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(iii) Canned whole kernel (or whole grain) corn that is fairly tender may be given a score of 20 or 31 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage and may be firm but not hard or tough. The weight of the alcohol insoluble solids[2] shall not exceed 27 percent of the drained weight.

(iv) Canned whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 29 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality."

(5) *Flavor.* The factor of flavor refers to the palatability of the product. The natural flavor of the sweet corn and the effects of added sugar (sucrose) and salt are considered in evaluating this factor.

(i) Canned whole kernel (or whole grain) corn that possesses a very good flavor may be given a score of 18 to 20 points. "Very good flavor" means that the product including added seasoning ingredients has a very good characteristic flavor and odor typical of tender canned sweet corn.

(ii) If the canned whole kernel (or whole grain) corn possesses a good flavor a score of 16 or 17 points may be given. "Good flavor" means that the product including added seasoning ingredients has a good characteristic flavor and odor typical of reasonably tender canned sweet corn.

(iii) Canned whole kernel (or whole grain) corn that possesses a fairly good flavor may be given a score of 14 or 15 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(iv) Canned whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned whole kernel (or whole grain) corn the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned whole kernel (or whole grain) corn and canned*

[2] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.

[2] See footnote on p. 6936.

whole kernel (or whole grain) and vacuum pack corn.

Number, size, and kind of container			
Container marks or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Color			

Factors	Score points		
I. Color	10	((A)	9-10
		((B)	8
		((C)	[1] 6-7
		((Substd.)	[2] 0-5
II. Cut	10	((A)	9-10
		((B)	8
		((C)	[1] 6-7
		((Substd.)	[2] 0-5
III. Absence of defects	20	((A)	18-20
		((B)	[2] 16-17
		((C)	[2] 14-15
		((Substd.)	[2] 0-13
IV. Tenderness and maturity	40	((A)	36-40
		((B)	[2] 32-35
		((C)	[2] 30-31
		((Substd.)	[2] 0-29
V. Flavor	20	((A)	18-20
		((B)	16-17
		((C)	[2] 14-15
		((Substd.)	[2] 0-13
Total score	100		

Grade	

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

(i) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Whole Kernel (or Whole Grain) Corn (which are the fourth issue) contained in this section will become effective on date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Whole Kernel (or Whole Grain) Corn which have been in effect since December 1, 1932.

(60 Stat. 1087; 7 U. S. C. 1621, Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 25th day of July 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8341; Filed, July 29, 1952; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 976—MILK IN THE FORT SMITH, ARKANSAS, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE FORT SMITH, ARKANSAS, MARKETING AREA

Sec.

976.0 Findings and determinations.

DEFINITIONS

976.1 Act.
976.2 Secretary.
976.3 Department.
976.4 Person.
976.5 Cooperative association.
976.6 Fort Smith, Arkansas, marketing area.
976.7 Approved plant.
976.8 Unapproved plant.
976.9 Handler.
976.10 Producer.
976.11 Producer-milk.
976.12 Other source milk.
976.13 Producer-handler.
976.14 Base milk.
976.15 Excess milk.

MARKET ADMINISTRATOR

976.20 Designation.
976.21 Powers.
976.22 Duties.

REPORTS, RECORDS AND FACILITIES

976.30 Reports of receipts and utilization.
976.31 Reports of payments to producers.
976.32 Other reports.
976.33 Records and facilities.
976.34 Retention of records.

CLASSIFICATION

976.40 Basis of classification.
976.41 Classes of utilization.
976.42 Shrinkage.
976.43 Responsibility of handlers and reclassification of milk.
976.44 Transfers.
976.45 Computation of the skim milk and butterfat in each class.
976.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

976.50 Basic formula price.
976.51 Class prices.
976.52 Butterfat differential to handlers.

APPLICATION OF PROVISIONS

976.60 Producer-handlers.
976.61 Milk price under other Federal orders.

DETERMINATION OF UNIFORM PRICE

976.70 Computation of value of milk.
976.71 Computation of uniform prices.
976.72 Computation of uniform prices for base milk and excess milk.

PAYMENTS

976.80 Time and method of payment.
976.81 Producer butterfat differential.
976.82 Producer-settlement fund.
976.83 Payments to the producer-settlement fund.
976.84 Payments out of the producer-settlement fund.
976.85 Adjustment of accounts.
976.86 Marketing services.
976.87 Expenses of administration.
976.88 Termination of obligation.

DETERMINATION OF BASE

976.90 Computation of daily average base for each producer.
976.91 Base rules.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

976.100 Effective time.
976.101 Suspension or termination.
976.102 Continuing power and duty of the market administrator.
976.103 Liquidation.

MISCELLANEOUS PROVISIONS

976.110 Agents.
976.111 Separability of provisions.

AUTHORITY: §§ 976.0 to 976.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 976.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Fort Smith, Arkansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the months of (i) other source milk which is classified as Class I milk, and (ii) milk from producers including such handler's own production.

(b) *Additional findings.* In view of the fact that this order will constitute the original imposition of a regulatory program of this nature for the market, the provisions other than those relating to prices and payments to producers, should be put into effect prior to the effective date of the provisions relating to prices and payments to producers, in order that handlers may have opportunity to make necessary adjustments in their accounting and other operational procedures to conform with all provisions of the order. Reasonable time will have been afforded interested parties to prepare to comply with the aforesaid provisions. It is hereby found and determined, in view of the aforesaid facts and circumstances, that good cause exists for making §§ 976.1 through 976.15, 976.20 through 976.22 (f), 976.22 (k), 976.30 through 976.34, 976.40 through 976.46, 976.60 through 976.61 (a), 976.87, 976.88, 976.100 through 976.103, 976.110 and 976.111 effective on August 1, 1952, and that it would be contrary to the public interest to delay such effective date beyond that specified.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order which is marketed within the Fort Smith, Arkansas, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who during the determined representative period (May 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Fort Smith, Arkansas, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 976.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 976.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 976.3 *Department.* "Department" means the United States Department of Agriculture or other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 976.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 976.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 976.6 *Fort Smith, Arkansas, Marketing Area.* "Fort Smith, Arkansas, Marketing Area", hereinafter called the marketing area, means all territory within the corporate limits of Fort Smith, Arkansas, and Van Buren, Arkansas, and within the boundaries of the Camp Chaffee military reservation.

§ 976.7 *Approved plant.* "Approved plant" means any milk plant approved by any health authority having jurisdiction in the marketing area from which milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream are disposed of for fluid consumption in the marketing area on wholesale or retail routes (including plant stores).

§ 976.8 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant other than an approved plant.

§ 976.9 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant; or (b) any cooperative association with respect to the milk of any producer which it causes to be diverted to an unapproved plant for the account of such cooperative association.

§ 976.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk which is received at an approved plant: *Provided*, That such milk is produced under a dairy farm inspection permit or inspection rating issued by any health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as fluid milk. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant, and milk so diverted shall be deemed to have been received at an approved plant by the handler who causes it to be diverted. "Producer" shall not include a person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 976.61.

§ 976.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 976.12 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 976.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 976.14 *Base milk.* "Base milk" means milk received from a producer by a handler during any of the months of April through June which is not in excess of such producer's daily average base computed pursuant to § 976.90 multiplied by the number of days in such month for which the handler received milk from the producer.

§ 976.15 *Excess milk.* "Excess milk" means milk received from a producer by a handler during any of the months of April through June which is in excess of base milk received from such producer during such month, and shall include all milk received during such month from any producer for whom no daily average base has been established pursuant to § 976.90.

MARKET ADMINISTRATOR

§ 976.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 976.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 976.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 976.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 976.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 976.30 through 976.32;

(2) Maintained adequate records and facilities pursuant to § 976.33; or

(3) Made payments pursuant to §§ 976.80 through 976.87;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk received shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 5th day of each month the minimum prices for Class I milk pursuant to § 976.51 (a) and the Class I butterfat differential pursuant to § 976.52 (a), both for the current month; and the minimum price for Class II milk pursuant to § 976.51 (b) and the Class II butterfat differential pursuant to § 976.52 (b), both for the preceding month; and

(2) On or before the 12th day of each month, the uniform price(s) computed pursuant to § 976.71 or § 976.72, as applicable, and the butterfat differential computed pursuant to § 976.81, both applicable to milk delivered during the preceding month; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 976.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator, as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of April through June, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on route(s) wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 976.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of April through June such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 976.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to an unapproved plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 976.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each month.

§ 976.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That is, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 976.40 *Basis of classification.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 976.30 shall be classified by the market administrator pursuant to the provisions of §§ 976.41 through 976.46.

§ 976.41 *Classes of utilization.* Subject to the conditions set forth in §§ 976.43 and 976.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream and any mixture of cream and milk or skim milk (except bulk ice cream mix), and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed; (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat respectively, (4) in shrinkage allocated to receipts of other source milk; and (5) in inventory variations of milk, skim milk, cream or any Class I product.

§ 976.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 976.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class (except that transferred to a producer-handler) shall be reclassified if used or reused by such handler or by another handler in another class.

§ 976.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 976.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant located more than 185 miles from the approved plant by the shortest highway distance as determined by the market administrator.

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant located more than 185 miles from an approved plant by the shortest highway distance as determined by the market administrator, and as Class II milk if so transferred without Grade A certification.

(e) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located not more than 185 miles from the approved plant, and from which fluid milk is disposed of on wholesale or retail routes unless the market administrator is permitted to audit the records of receipts and utilization at such unapproved plant, in which case the classification of all skim milk and butterfat received at such unapproved plant shall be determined and the skim milk and butterfat transferred or diverted from the approved plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such unapproved plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by such plant.

(f) As Class II milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located not more than 185 miles from the approved plant and from which fluid milk is not disposed of on wholesale or retail routes.

§ 976.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 976.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 976.45, the market administrator shall determine the classification of milk received by each handler from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 976.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 976.41;

(3) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 976.44 (a).

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 976.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 976.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0:

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Oxfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 976.51 *Class prices.* Subject to the provisions of § 976.52 the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus $1.45 for the months of April, May, and June, and plus $1.85 for all other months: *Provided*, That for each of the months of October, November, and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May, and June, such price shall not be more than that for the preceding month.

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Location

Carnation Co., Mount Vernon, Mo.
Pet Milk Co., Neosho, Mo.
Pet Milk Co., Siloam Springs, Ark.
Sugar Creek Creamery, Russellville, Ark.

Provided, That such price shall not be less than the price computed pursuant to § 976.50 (b) for the month, less 26 cents during April, May, June, or July and less 16 cents during all other months.

§ 976.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 976.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 976.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25:

(b) *Class II milk.* Multiply such price for the current month by 1.15.

APPLICATION OF PROVISIONS

§ 976.60 *Producer-handlers.* Sections 976.40 through 976.46, 976.50 through 976.52, 976.70 through 976.72, 976.80 through 976.87, 976.90 and 976.91, shall not apply to a producer-handler.

§ 976.61 *Milk priced under other Federal orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order (subject to a deduction of 45 cents per hundredweight if the approved plant of such handler is subject to Federal Order No. 21) and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 976.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, adding together the resulting amounts and adding an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 976.46 by the applicable class prices.

§ 976.71 *Computation of uniform prices.* For each of the months of July through March the market administrator shall compute the uniform prices per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84.

(c) Subtract, if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 4.0 percent butterfat content received from producers.

§ 976.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of April through June the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Combine into one total the values computed pursuant to § 976.70 for all handlers who made the reports prescribed in § 976.30 and who made the payments pursuant to §§ 976.80 and 976.83 for the preceding month;

(b) Add not less than one-half of the cash balance in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 976.84;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 976.81 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk, and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers.

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained pursuant to paragraphs (a), (b) and (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 976.80 *Time and method of payment.* Each handler shall make payment to producers as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer except as provided in paragraph (c) of this section, (1) at not less than the uniform price computed pursuant to § 976.71 for all milk received from such producer if such preceding month was any of the months of July through March, or (2) at not less than the uniform price for base milk computed pursuant to § 976.72 (h), with respect to base milk received from such producer, and at not less than the uniform price for excess milk computed pursuant to § 976.72 (e) with respect to excess milk received from such producer, if such preceding month was any of the months of April through June, in each case adjusted by the butterfat differential computed pursuant to § 976.81 and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided*, That if such handler has not received full payment for such month pursuant to § 976.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall after receipt of such payment from the market administrator complete the payments to those producers not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the last day of each month, each handler shall make payment for milk received from producers during the first 15 days of the month to each producer, except as provided in paragraph (c) of this section, at not less than the Class II price for the preceding month.

(c) On or before the 13th and the third from the last day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively of this section, each handler shall make payment to a cooperative association which so request, with respect to producers for which such cooperative association is authorized to collect payment, in an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 976.81 *Producer butterfat differential.* In making payments pursuant to § 976.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 976.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 976.61 (b), 976.83 and 976.85, and out of which he shall make all payment to handlers pursuant to §§ 976.84 and 976.85.

§ 976.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator (a) the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 976.70 is greater than the amount required to be paid producers by such handler pursuant to § 976.80, and (b) any amount required pursuant to § 976.61 (b).

§ 976.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 976.70 is less than the amount required to be paid producers by such handler pursuant to § 976.80: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 976.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler; (b) such handler from the market administrator; or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which error occurred.

§ 976.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 976.80, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers on or before the 15th day after the end of each month and pay such deduction to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions, and the amount and average butterfat test of milk for which such deduction was computed for each producer. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 976.31.

§ 976.87 *Expenses of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 976.88 *Termination of obligation.* The provisions of this section shall apply to any obligations under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of paragraphs (b) and (c) of this section, terminates two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 976.90 *Computation of daily average base for each producer.* For the months of April through June of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 976.91:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 976.91 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base forming period;

(b) Bases may be transferred by notifying the market administrator in writing on or before the last day of any applicable base paying month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carriers on the dairy herd operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 976.100 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 976.101.

§ 976.101 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provisions of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 976.102 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 976.103 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 976.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 976.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C. this 25th day of July 1952.

Sections 976.1 through 976.15, 976.20 through 976.22 (f), 976.22 (k), 976.30 through 976.34, 976.40 through 976.46, 976.60 through 976.61 (a), 976.87, 976.88, 976.100 through 976.103, 976.110 and 976.111, shall be effective on and after the first day of August 1952, and the entire order (§§ 976.1 through 976.111) shall be effective on and after the first day of September 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52 8335; Filed, July 29, 1952; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 7]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

QUARANTINE AND REGULATIONS RESTRICTING INTERSTATE TRANSPORTATION OF SWINE AND CERTAIN SWINE PRODUCTS BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), a notice of the existence of the swine disease of vesicular exanthema in certain localities and a quarantine and regulations restricting the movement of swine and certain swine products because of vesicular exanthema are hereby promulgated to appear in a new Subpart B in Part 76 of Title 9, Code of Federal Regulations, as follows:

SUBPART B—VESICULAR EXANTHEMA

Sec.
76.9 Definitions.
76.10 Notice and quarantine.
76.11 Movement of swine and swine products.
76.12 Disinfection of facilities.

§ 76.9 *Definitions.* As used in this subpart, the following terms shall have the meanings set forth below.

(a) *Bureau.* The term "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

(b) *Chief of the Bureau.* The term "Chief of the Bureau" means the Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Person.* The term "person" means any person, company or corporation.

(d) *Moved.* As applied to swine, the term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" means transported, shipped or delivered or received for transportation, by any person.

(e) *Swine product.* The term "swine product" means any carcass, part or offal of swine.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Jefferson and Mobile counties in Alabama;
Gila county in Arizona;
The State of California;
Fulton county in Georgia;
Orland township in Cook county and Lake county in Illinois;
Pocahontas and Woodbury counties in Iowa;
Geary, Sedgwick and Wyandotte counties in Kansas;
Buchanan, Clinton, Green, Howell, and Jackson counties in Missouri;
Box Butte, Dodge, Douglas, Hall, Saunders, and Washington counties in Nebraska;
Burlington, Hudson, and Ocean counties in New Jersey;
New York county in New York;
Franklin county in Ohio;
Marion and Multnomah counties in Oregon;
Minnehaha county in South Dakota;
King and Spokane counties in Washington; and
Laramie county in Wyoming;

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Atchison, Doniphan, Johnson and Leavenworth counties in Kansas; Clay and Platte counties in Missouri; and Bergen, Essex and Union counties in New Jersey. Hereafter no swine or swine products shall be moved interstate from any such quarantined area except as provided in the regulations in this subpart.

§ 76.11 *Movement of swine and swine products—(a) From a quarantined area.* No swine shall be moved interstate from any quarantined area specified in § 76.10 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for immediate slaughter and further processing at such establishment in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema. No swine products shall be moved interstate from any quarantined area specified in § 76.10 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for processing in a manner approved by said Chief as adequate to prevent the spread of said disease: *Provided, however,* That swine products identified by warehouse receipts or other information satisfactory to the Chief of the Bureau as having been slaughtered prior to June 16, 1952, may be moved interstate for any purpose with the approval of the Bureau. The Chief of Bureau may require that swine and swine products which have been exposed to or have been affected with vesicular exanthema, and which are moved interstate from any quarantined area to an approved establishment for slaughter or processing, shall be moved under Bureau seal or accompanied by a representative of the Bureau.

(b) *Through a quarantined area.* No swine or swine products which are moved interstate between points outside the quarantined areas specified in § 76.10 through any such quarantined area shall be unloaded in any such quarantined area unless all facilities to be used therein in connection with the unloading have been cleaned and disinfected in a manner approved by the Bureau and under the supervision of a person authorized for the purpose by the Bureau.

§ 76.12 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine or swine products from a quarantined area specified in § 76.10 shall be thoroughly cleaned and disinfected immediately after each such use. Two percent sodium hydroxide (lye) at the rate of one 13-ounce can to five gallons of water or four percent sodium carbonate (soda ash-sal soda) at the rate of one pound to three gallons of water shall be used in such disinfection.

A new center heading "Subpart A—General Restrictions" is inserted preceding §§ 76.1 through 76.8 of Part 76.

Effective date. The notice, quarantine and regulations set forth above shall become effective upon issuance.

Said notice, quarantine and regulations impose restrictions necessary to prevent the spread of the contagious, infectious and communicable disease of swine known as vesicular exanthema, from the States in which such disease has been found to exist to other States or Territories of the United States or the District of Columbia. They must be made effective immediately in order to accomplish their purpose. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the notice, quarantine and regulations are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 1 and 3, 33 Stat. 1264, 1265, as amended, 21 U. S. C. 123 and 125; secs. 1 and 2, 32 Stat. 791, 792, as amended, 21 U. S. C. 111 and 120; sec. 7, 23 Stat. 32, as amended, 21 U. S. C. 117)

Done at Washington, D. C., this 24th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8306; Filed, July 29, 1952; 8:45 a. m.]

part of the procedure in issuing a deviation of major importance, to coordinate his decision with the Board and the appropriate military authorities.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective August 1, 1952, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, to deviate from the applicable provisions of Parts 40, 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary or desirable for the expeditious conduct of such operations.

2. Any authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms and conditions under which the air carrier may deviate from the currently prescribed regulations, and each carrier shall, in the conduct of operations pursuant to military contracts, comply with such terms and conditions.

This regulation shall terminate August 1, 1953, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, 62 Stat. 1216; 49 U. S. C. 452, 551-560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-8332; Filed, July 29, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Regs., Serial No. SR-385]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of July 1952.

Some time ago the Air Transport Association (ATA) on behalf of several scheduled air carriers under contract to the military services requested that authority be granted to such carriers to permit them to deviate from certain provisions of Parts 40, 41, 42, 45, and 61 of the Civil Air Regulations, under which they were then required to operate, in order to permit such carriers to accomplish expeditiously the mission assigned them by the military services. ATA stated that, in view of the type of operations that these carriers had been requested to perform, certain provisions of those parts imposed an undue burden upon the air carriers involved. It appeared that several difficulties encountered in complying with current regulations resulted from the fact that some of the air carriers were acting in the capacity of prime contractors with the mili-

Subchapter B—Economic Regulations

[Regs., Serial No. ER-174]

PART 241—FILING OF REPORTS BY CERTIFICATED AIR CARRIERS AND UNIFORM ACCOUNTING REQUIREMENTS

REPORTING PROCEDURES

Adopted by direction of the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of July 1952.

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Air Operations, this amendment to Part 241 of the Economic Regulations (14 CFR Part 241) is being adopted for the purpose of condensing and otherwise modifying the present reporting requirements for certificated air carriers. The objective is to reduce the burden of both preparing and administering CAB Form 41 reports.' In general, the changes relate to such matters as reducing the reporting frequency for certain schedules and discontinuing schedules or deleting items from them, although in one instance, requirements will be modified in such a way that an additional breakdown of certain tax expense figures will be necessary. Thus the proposed changes, for the most part, represent relief from the burden of existing requirements.

Notice of these proposed changes was published in the FEDERAL REGISTER on June 12, 1952, in Draft Release No. 54. Moreover, all air carriers affected by these changes had informally received identical notification of the changes about three weeks before that time, through distribution of a memorandum addressed to the chief accounting officers of all scheduled air carriers from the Director, Bureau of Air Operations. Since these changes will ease the burden of existing requirements and since immediate compliance with the new requirements will provide the Board promptly with information it needs for the proper performance of its responsibilities under the act, the Board urgently requests immediate compliance with the new requirements on a voluntary basis. After the effective date, compliance will, of course, be mandatory.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matters submitted and arguments presented.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations as follows, effective August 25, 1952:

1. By amending the list of schedules contained in Instruction No. 3 of § 241.7–1 *General instructions* so that the title of Schedule C shall read "Quarterly Flight and Traffic Statistics" and the frequency of filing shall be quarterly rather than monthly, and so that the title of Schedule C–1 shall read "Monthly Flight and Traffic Statistics".

[1] Forms filed as part of the original document.

2. By amending Instruction No. 4 of § 241.7–1 to read as follows:

4. In addition to the foregoing schedules, the carrier shall file for each of the first two months of each quarter an Interim Financial and Operating Report in accordance with the instructions for that report following Schedule F. under § 241.7–2.

3. By amending Instruction No. 5 under § 241.7–1 to read:

5. Monthly and quarterly flight and traffic statistics schedules shall reflect statistics for the respective calendar month, quarter, and twelve-months-to-date periods.

4. By inserting in Instruction No. 6 of § 241.7–1, after the first word "quarterly", the word "financial".

5. By amending the last sentence of Instruction No. 8 of § 241.7–1 to read: "Where separate reports are submitted in accordance with the above, an additional Schedule B shall be filed showing profit and loss for the 'system'. At the option of the carrier, additional Schedules C and C–1 may be filed for the 'system', presenting data covering 'All Services' only."

6. By amending Instruction No. 10 of § 241.7–1 to read:

10. Carrier reports shall be filed (i. e., postmarked) with the Civil Aeronautics Board on or before the expiration of the following number of days subsequent to the close of the periods for which reports are being made:

Schedule	*Postmarked within following number of days*
C and C–1	30
A, A–1 through A–6, B, B–1 through B–9	40
A–7 through A–10, B–10, D, E, F	90
Interim financial and operating reports	30

The time for submitting final schedules listed on the second line shall be extended to 90 days following the year's end with respect to the report for the final quarter of the carrier's fiscal year: *Provided*, That preliminary Schedules A and B (Balance Sheet and Statement of Profit and Loss, respectively) must be submitted within the 40-day filing period.

7. By changing the first "to" in line 10 of Instruction No. 11 of § 241.7–1 to read "of".

8. By amending Instruction No. 15 of § 241.7–1 to read:

15. Each reporting carrier shall, on Schedules B, B–1, B–2, B–3, C and C–1, signify the operations reported in accordance with the following classification:

Certificated U. S. mail carriers will use, as appropriate—

Trunk.	Alaskan
Local Service.	Foreign or Overseas.
Territorial.	System.

Certificated non-U. S. mail carriers will use, as appropriate—

NM—All Cargo.
NM—Pass. and Prop.

9. By amending the first two paragraphs under the heading "Filing of IBM cards" in § 241.7–1 to read:

Those carriers to whom IBM facilities are available shall file with the Board, concurrently with the schedule to which they apply, one set of IBM cards, punched to reflect detail in Schedules B (except the "system" Schedule B required under paragraph 8 above), B–2, B–3, B–4, B–5, C and C–1 as prescribed in the instructions for each schedule. The card to be used for this purpose is designated "CAB—Financial and Operating Statistics for Air Carriers." The codes to be used in card punching will be found at the end of the "Reporting Procedures' Section."

Where two amounts are reported on the same line of a schedule, such as in the quarterly and twelve-months-to-date columns, a separate card shall be provided to cover each amount. However, only one card should be submitted for an item regardless of the number of times such item may appear in the several schedules.

10. By amending the first sentence of the paragraph under the heading "IBM Tabulating Card" of Schedule B in § 241.7–2 *Schedules* to read: "An individual card shall be punched and submitted for each amount reported on each page of this schedule except that no cards will be required for items relating to the analysis of earned surplus or for the 'system' Schedule B of carriers with both domestic and foreign or overseas operations."

11. By adding after the present language of Schedule B–1 of § 241.7–2 an additional paragraph reading:

Income taxes: There shall be reported on this schedule a breakdown of the amounts shown on Schedule B in Account 9100, "Income Taxes", as between excess profits taxes and other taxes based on income.

12. By changing the phrase "Schedule C" in line 10 of the second paragraph under Schedule B–2 of § 241.7–2 to read: "Schedules C and C–1."

13. By inserting after the first sentence of the paragraph headed "Column 15" under Schedule B–5 of § 241.7–2 a sentence reading: "Fractional tons, expressed in decimals carried two places beyond the decimal point, shall be shown in reporting amounts in columns 13, 14 and 15."

14. By adding to the present language under the heading "IBM Tabulating Cards" of Schedule B–5 of § 241.7–2 a paragraph reading:

Card columns 40 through 49 shall be used for punching whole numbers. Columns 50 and 51 shall be used for punching cents and the fractional amounts of mail, express, and freight.

15. By giving Schedule C and Schedule C–1 of § 241.7–2 the following new headings: "Schedule C—Quarterly Flight and Traffic Statistics"; "Schedule C–1—Monthly Flight and Traffic Statistics."

16. By striking the first paragraph of Schedule C of § 241.7–2 and inserting three paragraphs to read:

Schedule C is designed for the reporting of flight and traffic statistics by primary and secondary classes of service and by types of aircraft for each calendar quarter.

Schedule C–1 is designed for the reporting of total flight and traffic statistics in all services and separately for scheduled and non-scheduled services with only a partial separation by aircraft type, and class of service.

The amounts reported in these schedules shall represent the total for both owned and rented aircraft, with no separation being required between the data for owned and rented units.

17. By amending the fifth and sixth paragraphs of Schedule C of § 241.7–2 to read:

The breakdown of flight and traffic statistics on Schedule C and to the extent required on Schedule C–1, shall be in accordance with the following classification of services:

Services (primary and secondary)	Abbreviation
Scheduled—Regular combination service	Sch. reg. comb.
Scheduled—Coach and tourist service	Sch. coach & tour.
Scheduled—All cargo service	Sch. all cargo
Scheduled—Total services	Total scheduled
Nonscheduled—Passenger or combination service	Nonsch. pass. or comb.
Nonscheduled—All cargo service	Nonsch. all cargo
Nonscheduled—Total services	Total nonscheduled
Exclusive nonrevenue	Excl. nonrev.
Total—All services	All services

The abbreviations indicated above shall be used to designate the services reported.

18. By adding the following aircraft type to the list in the seventh paragraph of Schedule C of § 241.7–2: "Martin 202–A".

19. By inserting over the heading "Scheduled Service" of Schedule C of § 241.7–2 a new heading to read: Schedule C—Quarterly Flight and Traffic Statistics."

20. By amending the last sentence of the first paragraph under the heading "Scheduled Service" of Schedule C of § 241.7–2 to read: "These data shall be further separated by primary and secondary classes of service."

21. By amending the last sentence of the first paragraph under the heading "Nonscheduled Service" of Schedule C of § 241.7–2 to read: "These data shall be further separated by primary and secondary classes of service."

22. By changing the line numbers in the fourth paragraph under the heading "Nonscheduled Service" of Schedule C of § 241.7–2 to read: "Lines 1 through 4, 18 through 21, 23 and 37".

23. By amending the second sentence of the second paragraph under "Reporting of revenue plane miles performed in off-line service" of Schedule C of § 241.7–2 to read: "The footnote should be placed on the sheet, or each sheet if more than one, of Schedule C on which are reported flight and traffic statistics for 'Total nonscheduled' service for the quarter in which the revenue plane miles flown in nonscheduled service exceed the specified percentage."

24 By amending the first two sentences under the heading "Numbering Pages" of Schedule C of § 241.7–2 to read:

Carriers whose operations are confined to domestic operations should use a single series in numbering the pages of Schedule C for example, page 1 of 15; carriers engaged in domestic and foreign and/or overseas operations should use separate series for each operation, for example:

(1) Trunk line, page 1 of 15.
(2) Foreign, page 1 of 13.

In numbering the pages of a series, the sheet applicable to "All Services" should be designated as page 1.

25. By inserting after the second paragraph under the heading "Numbering Pages" of Schedule C of § 241.7–2 a new heading and instructions to read:

SCHEDULE C–1—MONTHLY, FLIGHT AND TRAFFIC STATISTICS

Total flight and traffic statistics in all services, in scheduled service and in nonscheduled service shall be reported on separate pages of this schedule. The three pages shall be numbered in the foregoing order. The primary service covered by each page of this schedule shall be designated in the heading.

In those instances where a carrier performs only scheduled service, the flight and traffic statistics may be reported on a single sheet of this schedule. The words "Total scheduled" should be inserted in the heading opposite "Service" with a footnote indicating that the statistics are also "Total—All services."

The following lines are not applicable to and shall not be used for reporting information relating to nonscheduled service: 18 through 21, 23, 29, through 31, 41 through 43.

Revenue aircraft miles: The breakdown of revenue aircraft miles by types of aircraft and secondary classes of service shall be completed on the pages for scheduled and nonscheduled services only. No breakdown need be reported on the page for all services.

If the number of items to be reported under "Revenue Aircraft Miles" and "Average Revenue Hours of Use per Day per Aircraft" exceed the lines available on the form, the extra items shall be reported either (1) in the space at the bottom of the schedule or (2) on a supplemental sheet of the schedule.

Number of employees: These employee data shall be reported only on the page covering all services.

26 By inserting over the heading "Aircraft Miles" of Schedule C of § 241.7–2 a new heading to read: "Item Definitions and Instructions."

27. By amending the third sentence under Line 7 of Schedule C of § 241.7–2 to read: "Data for this line shall be reported only on the pages for 'All Services' and 'Nonscheduled' services."

28. By striking the heading "Passenger-Miles" of Schedule C of § 241.7–2 and inserting a new heading and instructions to read:

PASSENGER TRAFFIC

Line 11. Number of revenue passengers carried: This item shall be reported in total only on those pages covering "All Services," "Total Scheduled Services," and "Total Nonscheduled Services." The figures reported on line 11 shall represent an unduplicated count of revenue passengers for each operation for which separate reports are filed. Transfer passengers between separate operating units within each reporting unit shall be eliminated, but lay-over passengers shall be included. Those passengers transported at full published fares and also those carried at reduced fares shall be classified as revenue passengers, but infants carried at a small fraction of the regular fares shall not be so classified.

29. By changing the phrase "Schedule C" in the last two sentences under Line 17 of Schedule C of § 241.7–2 to read "Schedule C–1."

30. By changing the phrase "Schedule C" in the eighth line under line 29 of Schedule C of § 241.7–2 to read: "Schedule C–1."

31. By changing the phrase "Schedule C" in the sixth line under Line 30 of Schedule C of § 241.7–2 to read: "Schedule C–1."

32. By amending the first paragraph under the heading "Use of Aircraft" of Schedule C of § 241.7–2 to read:

"Aircraft days" is defined as the sum of the number of days that each aircraft owned by the reporting carrier and each aircraft rented, leased or borrowed from others is in the possession of the air carrier, including the number of days that any such aircraft is out of service due to periodic maintenance or major overhaul but excluding the number of days that each newly acquired aircraft is on hand before being placed in operation. Owned aircraft which are rented, leased or loaned to others shall not be considered as being in the possession of the reporting carrier during the period of such rental, lease or loan.

33. By amending the second sentence of paragraph (2) under the heading "Use of Aircraft" of Schedule C of § 241.7–2 to read: "The time of aircraft in maintenance or overhaul shall be distributed to domestic and international operations on the basis of the total hours flown by aircraft of the same type in the respective operations during the preceding month."

34. By amending the second paragraph under Line 32 of Schedule C of § 241.7–2 to read:

In connection with the data reported on line 32, the carrier shall show on the margin or in a statement attached to the appropriate page of Schedule C (1) for each newly acquired aircraft placed in operation during the current quarter, the license number and type of aircraft, the date acquired, and the date placed in operations; (2) for each owned aircraft retired during the quarter through sale, transfer, abandonment, etc., the license number and type of aircraft and the date retired; (3) by types of aircraft, the number of aircraft days included on line 32 for aircraft rented, leased or borrowed from others; and (4) by types of aircraft, the number of aircraft days excluded from line 32 for owned aircraft which have been rented, leased or loaned to others during all or any part of the current quarter. The data with respect to newly acquired aircraft placed in operation and owned aircraft retired shall be shown in the report for either the domestic or international operations, whichever appears appropriate for each such aircraft.

35. By amending the second sentence of the fourth paragraph under the heading "Number of Employees" of Schedule C of § 241.7–2 to read: "These employee data shall be reported in totals only on that page of Schedule C–1 relating to 'All Services'."

36. By striking the paragraphs (lines 11, 44, 45 and 46) under the heading "Miscellaneous" of Schedule C of § 241.7–2 and inserting two paragraphs to read:

Line 44. Tons of revenue express and freight carried: This item shall be reported in total only on those pages of Schedule C covering "All Services," "Total Scheduled Services," and "Total Nonscheduled Services."

Line 45. Aircraft engine fuel consumed (gallons);

Line 46. Aircraft engine oil consumed (gallons): These items shall be reported by types of aircraft and shall represent the gallons of fuel and oil consumed in revenue and nonrevenue flights. Fractional gallons shall not be shown.

37. By striking the first three paragraphs under the heading "IBM Tabulating Card" of Schedule C of § 241.7–2 and inserting five paragraphs to read:

An individual punched IBM card shall be submitted for each amount reported on lines coded 8 through 28, 40 and 45 on each page of Schedule C.

An individual punched IBM card shall be submitted for each amount reported on lines coded 8 through 28 on each page of Schedule C–1 including a card for each line under "Revenue Aircraft Miles" on which an amount is reported.

The following fields shall be used when punching the cards applying to Schedules C and C–1: 1, 2, 3, 4, 5, 8 or 11, 9, 13, 15.

The identification of the item punched on each card shall be made in the 13th field of the card using the code designation for the appropriate line on the schedule.

The decimals required as part of the percentages included on Schedules C and C–1 and the minutes included in "average revenue hours of use per day per aircraft" shall be punched in card columns 50 and 51. No other fractional amounts shall be punched for items on these schedules. Passenger-mile and available seat-mile data shall be punched in thousands.

38. By striking from § 241.7–2 the heading "Schedule C–1—Revenue Passenger-Miles" and the three paragraphs thereunder.

39. By striking from § 241.7–2 the heading "CAB Form 41 (a)—Interim Operating Statement and Selected Expenses" and the two paragraphs thereunder and inserting a new heading and paragraphs to read:

INSTRUCTIONS FOR INTERIM FINANCIAL AND OPERATING REPORT

For each of the first two months of each quarter, the carrier shall submit a report which may be a copy of the report prepared for its management, containing the following as a minimum:

1. Balance sheet as at the end of the month.

2. Statement of profit and loss for the month.

This statement should give a separation of revenues and expenses between domestic operations and foreign or overseas operations for carriers performing such operations and for which separate quarterly Schedule B reports are filed. Any provisions for excess profits tax included in the statement of profit and loss should also be identified.

The report shall be signed by an officer of the company, certifying that it is an accurate statement of the items reported as reflected in the accounts and records of the company.

40. By inserting under the heading "Codes for Punch Cards" of § 241.7–2 an additional item in the "Codes for 'type card' column one of IBM card" to read:

7 Items on schedule C–1.

41. By amending under the heading "Codes for Punch Cards" of § 241.7–2 the codes for "Certificated U. S. mail operations" to read:

10 Domestic trunk.
20 Domestic local service.
30 Domestic territorial (other than Alaskan).
40 Alaskan air carrier.
50 Foreign or overseas air carrier.

42. By inserting under the heading "Codes for Punch Cards" of § 241.7–2 additional items in numerical sequence under "Codes for 'Carrier' Columns 2.3 and 4 of IBM card" to read:

210 Christensen Air Service.
485 Midet Aviation Corporation.
510 New York Airways, Inc.

43. By inserting under the heading "Codes for Punch Cards" of § 241.7–2 additional items in numerical sequence under "Codes for 'Type Aircraft' Columns 9, 10 and 11 of IBM card" to read:

235 CV–340.
262 G–44.
282 202–A.

44. By striking from "Codes for 'Type Aircraft' Columns 9, 10 and 11 of IBM card" of § 241.7–2 code "272" and aircraft type number "14".

45. By inserting as the second word of the first sentence under "Codes for 'Station' Columns 12 through 15 of IBM card" of § 241.7–2 the word "numeric".

46. By amending the paragraph under "Codes for 'Traffic Line No.' Columns 33 and 34 of IBM card" of § 241.7–2 to read:

Each item required on Schedules C and C–1 of CAB Form 41 shall be identified in the card applicable thereto by punching in this field of the card the code as printed on the schedules for the line on which the item is reported.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Bureau of Air Operations.

[SEAL] GORDON M. BAIN, *Director.*

[F. R. Doc. 52-8307; Filed, July 29, 1952; 8:46 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 5]

PART 384—GENERAL ORDERS

ORDER RELATING TO CERTAIN LICENSES FOR STEEL

Section 384.12 *Order relating to certain licenses for steel* is amended to read as follows:

§ 384.12 *Order relating to certain licenses for steel.* (a) Effective 12:01 a. m., e. d. t., July 29, 1952, exportations under validated licenses of all steel controlled materials in the forms and shapes specified in List I at the end of this section, may not be made where the steel forms and shapes to be exported were acquired on or after June 11, 1952, by the exporter from a steel distributor, as defined in NPA Order M–6A (or is being exported by such a steel distributor) and where they are to be used in the manufacture abroad of products identified in domestic programs by the DPA allotment symbol "V" followed by a digit as set forth in the NPA "Official CMP Class B Product List and Product Assignment Directory", issued May 1, 1952, by the National Production Authority of the Department of Commerce (section III, CMP Class B Product Class Codes—by the National Production Authority Divisions, pages 32A through 36A).

(b) For export shipments not prohibited by the terms of this order, exporters shall make the following certification on the shipper's export declaration covering the proposed exportation of all commodities identified by the Schedule B numbers in List II at the end of this section:

I certify to the Office of International Trade that, to the best of my knowledge and belief, this exportation is in accordance with the terms of OIT Order, § 384.12, as amended July 29, 1952.

(c) This order shall not apply to licenses bearing on OIT waiver of its requirements validated on the face of the license or on an amendment thereto after the effective date.

List I

Prohibited Exportations—Forms and Shapes

Carbon steel:
Bar, hot-rolled (round, 1½ inches or larger).
Bar, cold finished (round, 1½ inches or larger).
Electrical sheet and strip (AISI–M17, M15, M14 and oriented).
Tinplate, hot dipped.
Tinplate, electrolytic.
Structural shapes (wide-flanged sections, i. e., steel beams or columns having parallel face flanges rolled on a universal structural mill or Grey mill, in sizes ranging in depth from 4 to 36 inches).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.

List II

Alloy steel:
Bar, hot-rolled (round, 1½ inches or larger).
Bar, cold-finished (round, 1½ inches or larger).
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.
Stainless steel (nickel bearing): All forms and shapes.

Applicable Schedule B Numbers

601201	602610	604530	608150
601702	602630	605230	608210
601708	602650	605430	609190
601810	603135	605530	610492
601910	603540	606010	610495
601950	603560	606030	617905
602010	603594	606110	618287
602050	603595	606130	618961
602090	603750	606270	618963
602210	603850	606280	618967
602310	604110	607410	618975
602350	604150	607430	619061
602500	604510	607500	619065

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

KARL L. ANDERSON, *Acting Director, Office of International Trade.*

[F. R. Doc. 52-8324; Filed, July 29, 1952; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter F—Records and Procedure

PART 601—PROCEDURE

INFORMAL CONFERENCES

The Statement of Procedure contained in F. R. Doc. 46–15357 appearing at page 177A–34, Part II, section 1, of the issue for September 11, 1946, as amended (26 CFR, Part 601, 15 F. R. 6838), is hereby further amended as follows:

PARAGRAPH 1. Section 601.4 (d) *Conferences* is amended as follows:

(A) The first three sentences are designated as subparagraph (1).

(B) All that remains after the third sentence is designated as subparagraph (3) and the fourth sentence is amended to read as follows: "The rules governing conferences, with the exception of informal conferences, as described in subparagraph (2) of this paragraph, are set forth in 'Conference and Practice Requirements, Bureau of Internal Revenue, Revised February, 1942', published in the Internal Revenue Bulletin, 1942–1, page 304."

(C) A new subparagraph (2) is added after subparagraph (1) to read as follows:

(2) Procedure for informal conferences under Reorganization Plan No. 1 of 1952 is provided for in IR–Mim. No. 6, Rco. No. 6, Aud. No. 2, of May 15, 1952, reading as follows:

1. *Purpose.* The purpose of this mimeograph is to describe informal conference procedure which will be applicable in the office of the Director of Internal Revenue on and after the date Reorganization Plan No. 1 of 1952 is put into effect in each District.

2. *Objectives of informal conference procedure.* The objective of the informal conference procedure is to give taxpayers greater opportunity to reach an early agreement with respect to disputed items arising from examinations made by internal revenue agents through the use of an informal procedure by means of which such issues may be resolved prior to the preparation of the internal revenue agent's final report. Through this means, the disposition of disputed cases will be brought closer to the taxpayer, improved coordination and supervision of the activities of field examiners will be achieved, and the closing of cases by agreement without the necessity of the taxpayer filing a formal protest will be increased.

3. *Organization of field groups.* The original examination of income, profits, estate, gift, excise, and employment tax liability will be the primary function of internal revenue agents assigned as examining officers in the audit branch of the office of each Director of Internal Revenue. Such internal revenue agents will be organized in groups, each of which will be under the immediate supervision of a group chief, designated by the Director. The present groups will be reduced in size and additional groups created so that, in addition to his general supervisory responsibilities, each group chief may act in the capacity of conferee in conformity with the informal conference procedure described in this mimeograph.

4. *Examination procedure.* At the conclusion of his examination, the internal revenue agent will discuss his findings with the taxpayer and will afford the taxpayer an opportunity to agree and to execute Form 870, or other appropriate agreement form. In the event that the taxpayer does not agree, or does not wish to execute an agreement form, the internal revenue agent will inform the taxpayer of his right to an informal conference. The examining officer then will furnish the taxpayer a brief statement identifying the proposed adjustments, substantially similar to the Exhibit A attached, as the basis for requesting an informal conference, if desired. Exhibit A reads as follows:

EXHIBIT A

REVENUE AGENT'S PROPOSED ADJUSTMENTS AFFECTING TAX LIABILITY

Name ----------

At the time the proposed adjustments affecting your tax liability were discussed you did not agree to the items marked (*) listed below.

You are advised that you may present your objections to the proposed changes at an informal conference which may be requested within the next 10 days by telephoning or writing to the address set out below:

Group Chief ------ Telephone No. ----------
Ext. ---------- Address ----------

If you decide to accept the findings as set out below, please advise. If no informal conference is requested, an examination report will be mailed to you by the Director of Internal Revenue.

Year ending ----------
Net income per return ---------- $--------
Proposed unallowable deductions and additional income:
(a)---------- $--------
( )---------- --------
( )---------- --------
Total ---------- --------
Proposed nontaxable income and additional deductions:
( )---------- $--------
( )---------- --------
Proposed corrected net income--- $--------
Other proposed adjustments affecting tax liability:
( )----------

Internal Revenue Agent

Date

A copy will be furnished promptly to the group chief. Such informal conference will be conducted by the group chief, or by such other qualified employee as may be designated, with the examining officer present, and will afford the taxpayer an opportunity to discuss orally the proposed adjustments.

5. *Attorneys and agents.* If the taxpayer does not attend the conference but is represented by an attorney or agent, the rules with respect to their recognition, the filing of powers of attorney, and the filing of fee statements will be applicable.

6. *Reports and review.* A simple, short, informal conference report will be prepared by the group chief, or other designated officer, with respect to each case on which an informal conference was held. Such conference report will show the date of the conference, the names and titles of the persons present, and will set forth briefly and concisely the facts and the conclusions reached with respect to each issue. The conference report will then be given to the examining officer who will, in preparing the examination report, give effect to the conference decisions. The examination report, the conference report, and all other data relating to the case will be subjected to review in order that uniformity in the application of the provisions of the Internal Revenue Code, the regulations and rulings, as well as general Bureau policy, may be assured.

7. *Duties of conferee.* In the conduct of informal conferences it will be the duty of the group chief, or other officer who may be acting as conferee, to conduct the conference in accordance with the objectives of the informal conference procedure and to:

(a) Provide the taxpayer a fair and courteous hearing at which he may present his statement of the facts and his view on the issues;

(b) Make certain that all pertinent facts are included in the record and are considered in arriving at the proposed recommendation;

(c) Make certain that the appropriate provisions of the Internal Revenue Code are applied in arriving at the proposed recommendation;

(d) Make certain that the proposed recommendation is in accord with Bureau interpretations as expressed in regulations and rulings; and

(e) Explain fully to the taxpayer the conclusions reached and the reasons therefor.

8. *Procedure after conference.* In the event that an agreement is reached at the informal conference, the case will be processed in accordance with established procedure. In the event that the taxpayer does not agree with the decision reached at the informal conference, the examination report will be prepared and a copy furnished the taxpayer, together with a 30-day letter affording the taxpayer the privilege of filing a formal protest, under oath, with the Director of Internal Revenue. Such 30-day letter also will afford the taxpayer an opportunity to agree to the proposed determination. If no such protest or agreement is received by the Director within the 30-day period, the case will be processed for issuance of the statutory notice of deficiency, or other appropriate action. If a timely protest is received, the case will be transmitted to the Appellate Division.

9. *Definitions.* (a) The term "income, profits, estate, and gift tax," as used in this mimeograph, will be construed to include any tax over which The Tax Court of the United States has jurisdiction.

(b) The term "excise tax," as used in this mimeograph, will be construed to include any Federal excise tax, except: (1) Any tax imposed by Chapter 8, 9, 15, 23, 26, or 27A; (2) any tax imposed by Subchapter B of Chapter 25; (3) any tax imposed by Part V, Part VI, Part VII, or Part VIII of Subchapter A of Chapter 27; and (4) any tax imposed by Subchapter B of Chapter 28, insofar as it relates to liquor and tobacco.

(c) The term "employment tax," as used in this mimeograph, will be construed to include any tax imposed by Chapter 9.

10. *Jeopardy, fraud, and other special cases.* Nothing contained in this mimeograph shall be construed to preclude the taking of appropriate action where the assessment or the collection of the tax is in jeopardy. The procedure described in this mimeograph will not apply in any case in which criminal prosecution is under consideration or in any case in which, in the discretion of the Director of Internal Revenue, the Government's interest would be prejudiced thereby.

11. *Prior instructions superseded.* The instructions contained in this mimeograph supersede prior instructions to the extent that such prior instructions are inconsistent herewith.

(R. S. 161; 5 U. S. C. 22)

[SEAL] NORMAN A. SUGARMAN, *Acting Commissioner of Internal Revenue.*

[F. R. Doc. 52-8343; Filed, July 29, 1952; 8:51 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter E—Mechanical Equipment for Mines; Tests for Permissibility; Fees

PART 33—DUST COLLECTORS FOR USE IN CONNECTION WITH ROCK DRILLING IN COAL MINES

MISCELLANEOUS AMENDMENTS

The Bureau of Mines has determined that certain phases of the testing schedule set forth in Part 33 serve no useful purpose in determining whether dust collecting equipment may be approved for use in coal mines. Accordingly, the following amendments delete from the

schedule the requirements and conditions relating to drilling in hard strata such as sandstone as part of the approval test of dust collectors for use in connection with rock drilling in coal mines.

Since these amendments serve to decrease instead of increase the present requirements, it is determined that the notices and procedures prescribed by section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003) are impracticable, unnecessary, and the rules and regulations shall become effective as of the date of filing in the FEDERAL REGISTER.

Part 33, of Title 30, Code of Federal Regulations heretofore promulgated (17 F. R. 1120), is amended as follows:

1. Section 33.6 (f) (1) is amended to read as follows:

(1) *Roof drilling.* Units designed for use with both percussion and rotary drills shall be tested with both types of drills; otherwise tests shall be confined to the type of drill for which the unit is designed.

Percussion and rotary drilling shall be done in friable strata that tend to produce large scale-like cuttings, as exemplified by the roof of the Bureau of Mines Experimental Mine, Bruceton, Pennsylvania.

2. Section 33.6 (f) (1) (i) is amended to read as follows:

(i) With units under consideration for approval for use in connection with drilling vertical roof holes only, holes shall be drilled as follows:

10 holes with pneumatic percussion drill.
10 holes with electric rotary drill.

3. Section 33.6 (f) (1) (iii) is amended to read as follows:

(iii) With units under consideration for use in connection with drilling through holes in steel shapes, channels 4 inches across the web shall be used (unless other shapes or sizes are designated in the application for approval) and holes shall be drilled as follows:

5 holes vertically, and 5 holes at an angle, with pneumatic percussion drill.
5 holes vertically, and 5 holes at an angle, with electric rotary drill.

(Sec. 5, 36 Stat. 370, as amended; 30 U. S. C. 7)

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 23, 1952.

[F. R. Doc. 52-8294; Filed, July 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 132, Amdt. 1]

CPR 132—SOUTHERN HARDWOOD AND YELLOW CYPRESS LUMBER

ESTABLISHED WEIGHTS FOR GREEN LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 132 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes weights for green lumber for use in computing ceiling delivered prices under section 6.2. The regulation as originally issued provided established weights for air-dried lumber only. Since the regulation was issued, a number of requests have been received showing the need for established green weights. This amendment meets the need for such weights.

The weights shown are the weights commonly accepted in the industry. They are based on the weights shown in the "Rules for the Measurement and Inspection of Hardwood Lumber, Cypress, Veneers and Thin Lumber", effective January 1, 1952, published by the National Hardwood Lumber Association, which have been adjusted to allow for the untrimmed and unedged cuttings of circular sawmills.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 132 is hereby amended in the following respect:

A new section, 3.12, is added to article III, immediately following section 3.11, to read as follows:

SEC. 3.12 *Established weights for green lumber.* The established weights per thousand feet for green lumber covered by this regulation, for use in computing transportation additions under section 6.2, are as follows:

ESTABLISHED GREEN LUMBER WEIGHTS

[Pounds per 1,000 feet]

Species	Thickness (inch)									
	1/2	5/8	3/4	4/4	5/4	6/4	8/4	10/4	12/4	16/4
Tough ash		3,500	4,200	5,600	5,600	5,700	5,800	5,800	6,000	6,000
Cabinet ash (other than tough ash)		3,000		4,000	4,900	5,000	5,200	5,200	5,300	
Basswood				4,800	5,000	5,000	5,200	5,200		
Beech		3,800	4,400	5,800	6,000	6,100	6,300			
Birch				6,000						
Cherry				5,200	5,200	5,400	5,500	5,500	5,600	5,700
Cottonwood				4,000	4,900	5,100	5,200			
Soft elm		3,300	4,100	5,100	5,300	5,400	5,700	5,900	6,000	
Hard elm				5,100	5,300	5,400	5,700			
Black gum—plain		3,300	4,100	5,100	5,300	5,400	5,700	5,900	6,000	
Black gum—quartered				5,700	5,800	5,900	6,100			
Red gum—plain				5,700	5,800	6,000	6,300	6,400	6,600	
Red gum—quartered				5,600	5,800	6,000	6,200	6,400	6,600	
Red gum—figured				5,600	5,800	6,000	6,200			
Sap gum—plain		3,400	4,200	5,300	5,500	5,600	5,900	6,100	6,200	
Sap gum—quartered				5,300	5,500	5,600	5,900	6,100	6,200	
Hackberry		3,500		4,000	5,000	5,100	5,300	5,400	5,600	
Hickory				6,200	6,400	6,500	6,800	6,900	7,000	
Locust		3,200	4,000	5,200	5,400	5,500	5,800			
Magnolia		3,100	3,800	4,800	5,000	5,100	5,400	5,500	5,700	5,700
Soft maple—WHAD		3,600	4,400	5,500	5,700	5,900	6,200	6,400	6,500	
Soft maple—WHND				5,500	5,700	5,900	6,200	6,400	6,500	
Red oak—plain		4,000	4,900	6,200	6,400	6,600	6,900	7,000	7,100	7,100
Red oak—quartered				6,400	6,600	6,700	7,000			
White oak—plain		4,100	5,000	6,500	6,600	6,800	7,000	7,200	7,400	7,400
White oak—quartered		4,300	5,100	6,600	6,800	6,900	7,200			
Pecan				6,400	6,600	6,700	7,000	7,100	7,200	
Poplar—plain		2,900	3,600	4,500	4,700	4,800	5,100	5,200	5,300	
Poplar—quartered				4,500	4,700	4,800	5,100			
Sycamore—plain	3,000	3,100	3,800	4,800	4,900	5,100	5,400			
Sycamore—quartered		3,200	3,900	4,900	5,100	5,200	5,500			
Tupelo—plain		3,300	4,000	5,100	5,200	5,400	5,700			
Tupelo—quartered				5,100	5,200	5,400	5,700	5,800	6,000	
Willow			3,700	4,600	4,600	4,800	5,000			
Yellow cypress				5,700	5,800	5,800	6,000	6,500	6,500	6,500

(Sec. 704, 64 Stat. 816, amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8408; Filed, July 29, 1952; 10:57 a. m.]

[Ceiling Price Regulation 135, Amdt. 1 to Supplementary Regulation 1]

CPR 135, SR 1—SALES OF BAKERY ITEMS TO EATING AND DRINKING ESTABLISHMENTS LOCATED IN THE METROPOLITAN NEW YORK AREA

ESSEX COUNTY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 1 to Ceiling Price Regulation 135, is hereby issued.

STATEMENT OF CONSIDERATIONS

Data received by this office subsequent to the issuance of CPR 135, SR 1, indicates that Essex County in New Jersey is part of the Metropolitan New York Area insofar as sales by New York restaurant bakers are concerned. Accordingly, the definition of the Metropolitan New York Area has been amended to include this county.

In the Director's judgment the provisions of this amendment are consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable provisions of that act.

In view of the corrective nature of this Amendment, special circumstances have rendered consultation with industry representatives, including trade associations, impracticable.

AMENDATORY PROVISIONS

Paragraph (c) of section 1 of Ceiling Price Regulation 135, Supplementary Regulation 1 is amended by adding Essex County in the State of New Jersey to the counties included within the Metropolitan New York Area. As amended, paragraph (c) of section 1 reads as follows:

(c) "Metropolitan New York Area" means the following counties in the State of New York: New York, Kings, Queens, Bronx, Richmond, Rockland, Westchester, Suffolk and Nassau; and the following counties in the State of New Jersey: Bergen, Essex, Hudson, Union, and Passaic.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective July 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8409; Filed, July 29, 1952; 10:57 a. m.]

[Ceiling Price Regulation 74, Amdt. 11]

CPR 74—CEILING PRICE OF PORK SOLD AT WHOLESALE

ADJUSTED PARITY PRICES, PROCESSING STAGES, AND MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, this Amendment to Ceiling Price Regulation 74 is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to Ceiling Price Regulation 74 (CPR) makes several substantive changes.

This amendment increases the ceiling prices of certain pork products in compliance with the provisions of section 402 (d) (3) of the Defense Production Act of 1950, as amended.

The Secretary of Agriculture has determined that, during the months of July, August, September, and October, the parity price for hogs shall be adjusted to a level in excess of 100 percent of parity. Data available to the Office of Price Stabilization indicate that with hog prices at or slightly in excess of parity, processors of hogs would have generally fair and equitable margins under the industry earnings standard. While these data are not complete, they also indicate that were the processors to pay the seasonally adjusted parity prices for hogs over an extended period of time, the processing industry's earnings would be below the earnings standard. It appears that processors would be unable to pay producers these seasonally adjusted hog prices for any substantial period of time without reducing their margins below fair and equitable levels. Accordingly, during these four months, in order to permit processors to realize equitable margins while permitting them to pay producers of hogs seasonally adjusted parity prices as required by the Act, this amendment raises the ceiling prices of pork products. The higher ceiling prices provided in this amendment not only reflect seasonally adjusted parity but also reflect a sufficiently high corn-hog ratio to encourage increased hog production.

After October, when the seasonal adjustments in excess of 100 percent of parity terminate, the prices established in this regulation will be again revised to reflect the then effective legal requirements of the Act.

The ceilings of only certain pork products have been raised by this amendment. These products are the ones which in an uncontrolled economy normally increase in price during these four months. In general they are the leaner cuts which require comparatively less preparation and for which the housewife has customarily paid a premium during the warm weather months. In selection of these cuts the Office of Price Stabilization has been governed by historic seasonal price trends and has made such modifications as have seemed appropriate following consultation with industry representatives.

Schedule I of section 20 has been amended so as to permit the sale of certain wholesale pork cuts heretofore not listed in the schedule, as well as to include ceiling prices for additional processing stages of certain wholesale pork cuts. Specifically, the column headings, "Smoked", "Ready to eat", and "cooked (not in molds under pressure)" have been changed to be more descriptive of the actual processing steps to which each column of prices refers. A new column of prices, headed "Browned—Not cured [may be precooked (in molds under pressure) or (not in molds under pressure)]", has been added to Schedule I of section 20.

Boneless and fatted fresh hams and boneless fresh loins (Canadian Style) have customarily been browned by processors prior to sale. Inasmuch as numerous applications have been received under section 5 of CPR 74 (specialty pork products), the Director of Price Stabilization has deemed it advisable to establish a specific dollars-and-cents ceiling price for these items. For the same reasons, ceiling prices for cured bellies—square cut, seedless and derined, barbecue ribs—over 3 pounds, fresh hog faces, and cured and smoked hog jaws have been added.

Furthermore, section 20 has been amended to permit the sale of fresh hams, long cut, bone-in to processors of dried hams in addition to processors of aged, dry cured hams, and weight classifications over 16 pounds have been specified as follows: less than 16, 16–20, 20–28, and over 28 pounds.

A new cut, Hams, bone-in, skinless and fatted, has been added to Schedule I.

Prices for bellies, square cut and seedless with spare ribs in, which are sold cured or cured and smoked, have also been added to Schedule I. Heretofore, prices were provided only for bellies without the spare ribs, which had been cured or cured and smoked. Removal of the spareribs, however, does not always leave a square cut, seedless belly of sufficient thickness to be saleable. Accordingly, the additional prices have been added for other processing stages of the belly with the spareribs in.

A new section 54 has been added which provides that slaughterers may take an addition of $1.20 per cwt. on sales of pork products to purveyors of meals. Sales of pork to purveyors of meals entail greater expense and customarily have been made at higher prices than have been charged other buyers. In recognition of these facts, Ceiling Price Regulation 74 has previously provided for additions by wholesalers and non-slaughtering processors on sales to purveyors of meals. Slaughterers now may take an addition of $1.20 per cwt. on such sales. However, if the pork products are sold to purveyors of meals by company-owned peddler trucks, this new addition may not be taken as the regulation already provides for additions in these situations. In order to maintain normal profit margin differentials, the additions for sales by wholesalers and non-slaughtering processors to purveyors of meals have been increased $1.20 per cwt.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of the Act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 74, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of pork, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 74, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 74 is amended in the following respects:

1. Section 20 is amended to read as follows:

SEC. 20. ***Schedule I—Wholesale pork cuts: Fresh or frozen, cured, cured and smoked, cured and smoked—ready-to-eat, cured and smoked—cooked (not in molds under pressure), and browned (not cured).***

[All prices are on a dollar per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average]

Item	Fresh or frozen		Cured		Cured and smoked		Cured and smoked, ready-to-eat		Cured and smoked, cooked (not in molds under pressure)		Browned—not cured [may be precooked (in molds under pressure) or (not in molds under pressure)]	
	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price
1. Hams—Regular, bone in	16 down	$47.40	16 down	$46.40	16 down	$54.40	16 down	$56.60	14 down	$59.00		
	16 to 20	45.70	16 to 20	44.70	16 to 20	52.40	16 to 20	54.60	14 to 16	57.40		
	20 to 28	44.00	20 to 28	43.00	20 to 28	50.90	20 to 28	53.10	16 to 26	56.10		
	Over 28	40.50	Over 28	39.50	Over 28	47.20	Over 28	49.10	Over 26	52.00		
2. Hams—Long cut, bone in (may be sold only to be "aged, dry cured" or to be dried).	16 down	46.40										
	16 to 20	44.70										
	20 to 28	43.00										
	Over 28	39.50										
3. Hams—Skinned, bone in	14 down	54.00	14 down	53.00	14 down	61.00	14 down	63.60	14 down	62.30		
	14 to 18	52.00	14 to 18	51.00	14 to 18	58.80	14 to 18	61.20	14 to 18	64.00		
	18 to 25	50.00	18 to 25	49.00	18 to 25	56.80	18 to 25	59.10	18 to 25	62.00		
	Over 25	46.00	Over 25	45.00	Over 25	52.70	Over 25	54.90	Over 25	58.50		
(i) Hams—Bone in, skinless and fatted.	12 down	62.20	12 down	61.20	12 down	70.60	11 down	75.20	10 down	80.70		
	12 to 16	60.40	12 to 16	59.40	12 to 16	68.80	11 to 13	73.60	10 to 12	78.90		
	16 to 22	58.60	16 to 22	57.60	16 to 22	67.00	13 to 19	66.50	12 to 18	73.90		
	Over 22	54.30	Over 22	53.30	Over 22	62.70	Over 19	64.30	Over 18	67.90		
4. Hams—Regular, boneless	14 down	53.70	14 down	52.70	14 down	61.80	14 down	61.80	14 down	65.40		
	14 to 18	51.70	14 to 18	50.70	14 to 18	59.50	14 to 18	61.80	14 to 18	77.20		
5. Hams—Skinned, boneless	12 down	62.10	12 down	61.10	12 down	70.30	12 down	73.10	12 down	74.40		
	12 to 16	59.70	12 to 16	58.70	12 to 16	67.60	12 to 16	70.40	12 to 16	71.60		
	16 to 22	57.20	16 to 22	56.20	16 to 22	65.10	16 to 22	67.70	16 to 22	66.60		
	Over 22	52.70	Over 22	51.70	Over 22	60.50	Over 22	63.00	Over 22	66.60		
6. Hams—Regular, boneless and fatted.	10 down	66.00	10 down	65.00	10 down	74.70	10 down	78.50	10 down	86.50		
	10 to 14	63.30	10 to 14	62.30	10 to 14	71.80	10 to 12	75.40	10 to 12	83.00		
7. Hams—Skinless, boneless and fatted	10 down	72.60	10 down	71.60	10 down	81.40	10 down	87.20	10 down	95.80	8 down	$114.00
	10 to 14	70.10	10 to 14	69.10	10 to 14	78.60	10 to 12	84.30	10 to 12	92.70	8 to 10	110.30
	14 to 18	67.60	14 to 18	66.60	14 to 18	76.10	12 to 16	81.60	12 to 16	89.60	10 to 14	106.60
	Over 18	62.40	Over 18	61.40	Over 18	70.90	Over 16	75.60	Over 16	83.40	Over 14	99.00
(i) Split ham, skinless boneless and fatted.	2 pounds up	63.90	2 pounds up	62.90	2 pounds up	72.40	1½ pounds up	77.40	1½ pounds up	84.90		
8. Boston butts	8 down	46.50	8 down	46.00	8 down	54.60	8 down	56.10				
	Over 8	44.00	Over 8	43.50	Over 8	52.00	Over 8	53.40				
9. Bellies—Square cut and seedless.	9 down	39.50	9 down	41.00	8 down	52.40						
	9 to 15	37.50	9 to 15	39.00	8 to 14	49.50						
	15 to 17	32.00	15 to 17	33.50	14 to 16	42.90						
	17 to 22	30.00	17 to 22	31.50	16 to 20	40.00						
10. Bellies—Square cut and seedless with spareribs in.	22 down	34.20	22 down	35.70	20 down	45.50	8 down	56.10				
							8 to 14	53.00				
11. Bellies—Square cut, seedless and derinded.			9 down	43.80			14 to 16	45.80				
			9 to 15	41.60			16 to 20	42.50				
			15 to 17	35.70			12 down	71.60				
			17 to 22	33.30			12 to 16	70.30				
12. Loins—Regular	12 down	59.00	12 down	59.00			16 to 18	66.50				
	12 to 16	58.00	12 to 16	59.00			Over 18	61.40				
	16 to 20	55.00	16 to 20	56.00			Over 16	61.40				
	Over 20	50.00	Over 20	51.00			12 down	66.40				
(i) Loins—Regular (skin on).	12 down	54.00	12 down	55.00			12 to 16	65.10				
(ii) Loins—Center cut	12 to 16	53.00	12 to 16	54.00			7½ down	82.60				
	7½ down	69.40	7½ down	70.40			7½ to 10½	80.20				
	7½ to 10½	67.50	7½ to 10½	68.50			10½ to 13	75.50				
	10½ to 13	65.60	10½ to 13	64.60			All weights	72.20				
(iii) Shoulder end of loin	All weights	41.40	All weights	42.00			All weights	56.60				
(iv) Ham end of loin	All weights	45.20	All weights	46.20			All weights	56.60				
13. Picnics—Regular, bone in	8 down	34.50	8 down	34.00	8 down	42.10	8 down	42.10	8 down	45.50	6 down	45.70
	Over 8	32.00	Over 8	31.50	Over 8	39.60	Over 8	39.60	Over 6	41.20	6 down	43.00
14. Picnics—Boneless	6 down	41.30	6 down	40.80	6 down	49.00	6 down	49.00	6 down	48.00	Over 6	51.30
	Over 6	38.40	Over 6	37.90	Over 6	46.10	Over 6	46.10	Over 6	48.00	6 down	50.10
15. Picnics—Boneless, skinless, and fatted.	6 down	50.40	6 down	49.90	6 down	58.60	6 down	58.60	6 down	61.80	Over 6	69.70
	Over 6	46.60	Over 6	46.10	Over 6	54.90	Over 6	57.80	Over 6	57.80	6 down	62.50
16. Shoulders—Skinned, neckbone out.	16 down	39.60	16 down	38.50	16 down	46.90			11 down	50.70	Over 6	58.00
	Over 16	36.50	Over 16	36.00	Over 16	44.30			Over 11	48.00		
(i) Shoulders—Skinned, neckbone in.	16 down	36.70	16 down	36.20	16 down	44.50						
	Over 16	34.50	Over 16	34.00	Over 16	42.30			12 down	56.20		
17. Shoulders—Skinned, boneless	14 down	44.00	14 down	43.50	14 down	52.70			Over 12	53.90		
	Over 14	41.20	Over 14	40.70	Over 14	49.80			12 down	63.10		
18. Shoulders—Boneless, skinless and fatted.	12 down	49.00	12 down	48.50	12 down	58.00			Over 12	63.50		
	Over 12	45.90	Over 12	45.40	Over 12	55.70						
19. Shoulders—Regular, neckbone out.	16 down	35.60	16 down	35.10	16 down	43.40						
20. Shoulders—Rough, neckbone in.	16 down	33.30	Over 16	32.80	Over 16	41.10						
	Over 16	32.90	16 down	32.40	16 down	40.60						
21. Shoulders—Rough, neckbone out.	16 down	30.50	Over 16	30.40	Over 16	38.60						
	Over 16	33.70	16 down	33.20	16 down	41.50						
22. Shoulders—Long cut (may be sold only to be aged, dry cured, or dried).	Over 16	31.60	Over 16	31.10	Over 16	39.30						
	All weights	53.00										
23. Butts—Boneless	3 down	62.10	3 down	62.60	3 down	78.40	3 down	81.00				
	Over 3	56.30	Over 3	56.80	Over 3	72.00	Over 3	74.40				
24. Loins—Boneless (Canadian style) (may not be sold to retailers in fresh or frozen form).	All weights	98.70	All weights	100.20	All weights	125.10	All weights	128.40	All weights	116.70		
25. Loins—Boneless, regular cap or tail on.	All weights	92.20	All weights	93.70								
26. Briskets	All weights	24.10	All weights	25.10	All weights	31.10						
27. Fat backs	Under 12	13.70	Under 12	14.50	Under 12	17.50						
	12 to 16	14.70	12 to 16	15.50	12 to 16	18.50						
	Over 16	15.70	Over 16	16.50	Over 16	19.70						
28. Fat back ends or squares	All weights	13.70	All weights	14.50	All weights	17.50						

[All prices are on a dollar per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average]

Item	Fresh or frozen		Cured		Cured and smoked		Cured and smoked, ready-to-eat		Cured and smoked, cooked (not in molds under pressure)		Browned—not cured [may be precooked (in molds under pressure) or (not in molds under pressure)]	
	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price	Weight range (pounds)	Price
29. Bellies or belly squares, dry, salt trim (clear or rib)	All weights	$27.00	All weights	$28.00	All weights	$32.30						
30. Plates, jowls and faces:												
Clear plates	All weights	13.70	All weights	14.50	All weights							
Regular plates		18.00		18.80								
Jowl butts		14.50		15.30								
Jowl butts, skinless		16.30										
Square jowl butts		16.50		17.50								
Hog jaws (also known as rough jowls)		14.00		14.50		24.10						
Hog faces		14.60				22.30						
31. Spare ribs	3 down	48.00	3 down	48.50	3 down	56.70						
	Over 3	45.00	Over 3	45.50	Over 3	53.40						
32. Barbecue ribs	3 down	57.00	3 down	57.50	3 down	66.50						
	Over 3	53.10	Over 3	53.60	Over 3	62.20						
33. Loin ribs	All weights	64.70	All weights	65.20	All weights	74.50						
34. Spareib brisket bones	All weights	14.00	All weights	14.50	All weights	19.70						

SPECIAL ADJUSTMENT

If any wholesale pork cut listed above is not cut or trimmed in accordance with the specifications prescribed in Appendix 2, you must deduct $2.00 per cwt. from the prices listed above for any such improperly cut or trimmed fresh or frozen cut and $2.50 per cwt. from the prices listed above for any such improperly cut or trimmed cured or processed cut.

2. Section 21 is amended to read as follows:

SEC. 21. ***Schedule II—Wholesale pork cuts: Sliced bacon, derind, packed in shipping containers.***

[All prices are on a dollars per cwt. packed basis; the price for a fraction of a cwt. shall be reduced proportionately]

	Packed in containers 30 pounds or less	
	½-pound package	1-pound package
1. Parchment wrapped:		
(i) Grade A	$62.50	$61.80
(ii) Grade B	53.60	52.90
(iii) Grade C	49.10	48.40
2. Rolls in cellophane or other transparent material:		
(i) Grade A	63.00	62.00
(ii) Grade B	54.10	53.10
(iii) Grade C	49.60	48.60
3. Closed carton; or cardboard wrapped in cellophane or other transparent material:		
(i) Grade A	64.80	63.30
(ii) Grade B	55.60	54.40
(iii) Grade C	51.10	49.90
4. Any package listed above:		
(i) Hotel	65.70	65.10
(ii) Grade D	35.70	34.70
(iii) Canadian style:		
Smoked	139.60	138.40
Cooked	143.20	142.00
(iv) Jowl butts	30.90	29.90
(v) Boneless regular plates	34.80	33.80

[All prices are on a dollars per cwt. packed basis; the price for a fraction of a cwt. shall be reduced proportionately]

	Packed in containers 30 pounds or less
5. Platter or bulk layers:	
(i) Hotel	$64.20
(ii) Grade A	61.00
(iii) Grade B	52.10
(iv) Grade C	47.60
(v) Grade D	33.70
6. Bacon ends:	
(i) Packages 2 pounds or less	22.70
(ii) Loose in carton or packages over 2 pounds	22.10

SPECIAL ADJUSTMENTS

Each of the above prices includes wrapping and packaging allowances and you may not add to the prices listed above any addition specified in section 51 or 52.

If any of the above items is packaged in a shipping container containing more than 30 pounds, the price listed above for each such item shall be reduced $0.50 per cwt.

3. Section 22 is amended to read as follows:

SEC. 22. ***Schedule III—Wholesale pork cuts: Cured and cooked, cured, smoked and cooked, and browned.***

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average. Cooked items in this schedule must be cooked in molds under pressure]

	Weight range (pounds)	Price		
		Cured and cooked	Cured, smoked and cooked	Browned
1. Hams—Regular, boneless and fatted	10 down	$88.70	$90.80	$93.00
	Over 10	85.20	87.20	89.30
2. Hams—Skinless, boneless and fatted	10 down	92.90	100.20	102.20
	Over 10	94.60	96.90	98.80
3. Picnics—Skinless, boneless and fatted	5 down	69.30	71.00	73.40
	Over 5	64.80	66.40	68.40
4. Shoulders—Skinless, boneless and fatted	10 down	69.00	70.70	72.70
	Over 10	64.90	66.60	68.60

SPECIAL ADJUSTMENT

If any wholesale pork cut listed above is not trimmed in accordance with the specifications prescribed in Appendix 2, you must deduct $2.50 per cwt. from the prices listed above for any such improperly trimmed cut.

4. Section 24 is amended to read as follows:

SEC. 24. ***Schedule V—Wholesale pork cuts: Miscellaneous pork cuts.***

[All prices are on a dollars per cwt. loose basis except that pebatin skins are priced on a dollars per cwt. packed basis. The price for any fraction of a cwt. shall be reduced proportionately]

	Price		
	Fresh or frozen	Cured and smoked	Cooked
1. Hocks, ½ pound up	$30.00	$30.00	
2. Knuckles under ½ pound	22.00	30.00	
3. Feet, regular	8.00		
4. Feet, short cut	6.00		
5. Tail bits from hind feet	15.00		
6. Tails	17.00	22.00	
7. Neck bones	16.00	20.00	
8. No. 1 skins—strips	12.00		
9. Bacon skins		11.00	
10. Gelatin skins (price includes the container; you may not add the additions provided in section 51 or 52)	9.50		
11. Blade butts (blade bones)	36.00	43.00	
12. Backbones	5.00	10.00	
13. Country backbones (southern style)	53.00		
14. Pork tenderloin	80.00		
15. Pork tenderloin tips	87.00		
16. Cappicola butts (cured and cooked) (natural casings):			
2½ pounds down			$91.00
Over 2½ pounds			86.00
17. Cappicola butts (cured and cooked) (artificial casings):			
2½ pounds down			95.00
Over 2½ pounds			87.00
18. Cappicola butts (cured and cooked) (wrapped in cellophane or other transparent material or vegetable parchment):			
2½ pounds down			95.00
Over 2½ pounds			87.00

NOTE: If you sell hocks, knuckles, feet, tailbits from hind feet, No. 1 skins—strips, tails, or neck bones, cured, you may add $1.00 per cwt. to the prices for these items as listed for fresh or frozen.

5. Section 25 is amended to read as follows:

SEC. 25. *Schedule VI—Wholesale pork cuts: Semi-sterile canned meats.*

[All prices are on a dollars per cwt. packed basis. The price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average except for exact weight hams under 7 pounds. Weights refer to the weight of the product immediately before canning. You may not add to the prices listed below the additions provided in section 51 or 52]

	Weight range (pounds)	Price	
		Unsmoked	Smoked
1. Canned whole ham:			
(a) Skinless (exact net weight each) (limited to quarters, halves and full pounds only).	Under 7	$94.00	$97.60
	7 to 9	86.50	89.20
	9 to 11	85.50	88.20
	11 to 13	82.00	84.60
	13 to 15	78.90	81.40
(b) Skinless (all shapes other than Pullman style).	7 to 9	83.50	86.20
	9 to 11	82.50	85.20
	11 to 13	79.00	81.50
(c) Pear-shaped (Polish style with shank collar).	7 to 10	87.00	89.70
	10 to 13	83.80	86.50
(d) Pullman, skinless	4 to 8	70.60	
2. Canned whole picnics	3	54.70	
3. Canned spiced luncheon meat.	6 or 8	58.20	
4. Canned spiced ham	3	76.10	
	6 or 8	74.60	
5. Canned pressed ham, boneless, chopped.	3	80.30	
	6 or 8	78.80	
	10	78.10	
6. Canned chopped pork, boneless.	3	57.50	
	6 or 8	56.00	
	10	55.30	

SPECIAL ADJUSTMENTS

Your ceiling price for canned whole hams—skinless, which are opened and testing, shall be $5.00 per cwt. below the prices listed in section 22, Schedule III, Item 2, for cured and cooked hams of the applicable weight range.

Your ceiling price for canned whole hams (Polish style), which are opened and removed from the can for inspection and testing, shall be $8.00 per cwt. below the prices listed in Section 22, Schedule III, Item 2, for cured and cooked hams of the applicable weight range.

6. Section 27 is amended to read as follows:

SEC. 27. *Schedule VIII—Wholesale pork cuts: Fabricated Loin cuts.*

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately]

	Price
Bladeless loin chops (cut end to end):	
Sales by—	
Hotel supply houses to purveyors of meals and by anyone to purveyors of meals as defined in section 60 (p) (4)	$70.30
Combination distributors or peddler truck sellers as defined in section 60 (l) (1) to purveyors of meals	67.80
All other sales	62.80

NOTE: The above cut may be sold only to purveyors of meals, hotel supply houses, combination distributors, ship suppliers and peddler truck sellers as defined in section 60 (l) (1).

7. Section 28 is amended to read as follows:

SEC. 28. *Schedule IX—Wholesale pork cuts: Aged, dry-cured pork cuts.*

[All prices are on a dollars per cwt. loose basis; the price for any fraction of a cwt. shall be reduced proportionately]

Item	Price (aged, dry cured)
1. Ham	$93.50
2. Shoulders	61.10
3. Bacon sides (boneless)	56.00
4. Bacon sides (spareribs in)	59.20
5. Hog jaws (also known as rough jowls)	28.20

8. Section 31 is amended to read as follows:

SEC. 31. *Schedule XI—Dressed hogs: Flat price basis.* This section or section 30 may be used to determine the ceiling price of a dressed hog sold to a certified dressed hog processor. This section shall be used to determine the ceiling price of a dressed hog sold to a person other than a certified dressed hog processor.

[All prices are on a dollars per cwt. basis; the price for any fraction of a cwt. shall be reduced proportionately. Weights are by range and not by average]

Shipper Style		Packer Style	
Dressed weight ranges (pounds)	Price	Dressed weight ranges (pounds)	Price
Pigs:		Pigs:	
81 to 99	$36.20	73 to 89	$38.50
100 to 119	35.60	90 to 107	37.80
120 to 139	35.00	108 to 123	37.20
Butchers:		Butchers:	
137 to 153	34.50	124 to 138	36.60
154 to 171	34.40	139 to 154	36.50
172 to 188	33.70	155 to 169	35.80
189 to 213	32.80	170 to 192	34.80
214 to 235	32.40	193 to 213	34.30
236 to 265	31.50	214 to 239	33.30
Over 265	30.30	Over 239	32.00
Sows:		Sows:	
Under 312	32.60	Under 280	33.60
312 and over	29.80	280 and over	31.50

NOTE: Dressed pigs weighing less than 81 pounds, shipper style, or less than 73 pounds, packer style, shall remain under the General Ceiling Price Regulations, as amended and supplemented.

9. Section 43 (a) is amended by deleting paragraph (2) thereof and by inserting a new paragraph (2) to read as follows:

(2) To purveyors of meals, you may add $3.70 per cwt. to the prices specified in Schedules I through IX and XI and to your ceiling price determined under section 29 (a) (2); however, you may not add more than $2.50 to these prices if you take the peddler truck selling addition provided in Section 49; or

10. Section 44 (a) is amended by deleting paragraph (2) thereof and by inserting a new paragraph (2) to read as follows:

(2) To purveyors of meals, you may add $2.70 per cwt. to the prices specified in Schedules I through IX and XI and to your ceiling price determined under section 29 (a) (2); however, you may not add more than $1.50 to these prices if you take the peddler truck selling addition provided in Section 49; or

11. A new secton 54 is added to read as follows:

SEC. 54. *Addition 15—Slaughterer's addition on a sale to a purveyor of meals.* (a) On the sale of any pork product to a purveyor of meals, you may add $1.20 to the ceiling prices specified in Article II. However, you may not take this addition if you take the peddler truck selling addition provided in section 49.

12. Appendix 2 (c) (1) is amended by adding at the end thereof a new subdivision (i) reading as follows:

(i) *Ham, bone in, skinless and fatted,* means a ham cut as described in Appendix 2 (c) (1) except that all skin has been removed and all trimmable fat has been removed therefrom to within ½ inch of the lean.

13. Appendix 2 (c) (89) is amended by adding at the end thereof a new subdivision (ii) reading as follows:

(ii) *Hog face* means a hog head as defined in Appendix 2 (c) (89) except that the lower jaw is removed.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on July 29, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8407; Filed, July 29, 1952; 10:57 a. m.]

[Ceiling Price Regulation 5, Amdt. 9]

CPR 5—IRON AND STEEL SCRAP

AUTOMOBILE BODY SCRAP—DEALER TO DEALER DIFFERENTIAL; MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 5, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment makes two major changes in CPR 5 in addition to several changes of a clarifying and corrective nature.

There is established a new unprepared grade of steel scrap of dealer and industrial origin consisting of automobiles, buses, trucks, trailers and other motor vehicles sold prior to demolition for scrapping purposes or to a consumer of iron and steel scrap. Prior to this amendment such motor vehicles were included within the definition of demolition projects and were priced under the General Ceiling Price Regulation. It is the opinion of the Director that such vehicles do not properly belong within this category of projects which historically have been distinguished from unprepared scrap because of the special skills and equipment needed to handle them not ordinarily available to the average processor of scrap and because of the varying amount of reusable and non-ferrous material contained in such projects. The costs of demolition and preparation of true demolition projects will vary greatly with each job and at times may even exceed the ceiling price for the resultant scrap. It was because of these distinguishing characteristics that demolition projects were left under

the General Ceiling Price Regulation in the absence of adequate provisions in CPR 5 to price such material.

Automobiles, buses, trucks, trailers and other motor vehicles, on the other hand produce fairly uniform quantities of iron and steel scrap and non-ferrous scrap and have been customarily considered by the iron and steel scrap industry as important and regular sources of grades 33, 34, and motor blocks. In fact, auto scrap is preceded only by industrial and railroad scrap in importance.

Normally such vehicles are purchased by auto wreckers who strip them of all usable parts for resale. After being stripped, they are demolished and prepared by the auto wrecker, or sold to scrap preparation yards who have developed facilities for the efficient processing of this scrap. To facilitate the pricing of such scrap material on a uniform basis, the lack of which under the GCPR has hitherto led to much confusion among both buyers and sellers, a grade differential has been established by this amendment which takes into account the normal amount of non-metallic attachments such as upholstery, glass, etc., and the cost of burning, demolishing and preparing the vehicle into its component grades of iron and steel scrap. No allowance has been made for the non-ferrous batteries or radiators in view of the fact that such items are customarily and easily removed prior to demolition. Correspondingly, however, no additional charge may be made for such items unless they are removed by the seller and invoiced, weighed and shipped separately. No fees for intransit preparation of the new grade 35 may be charged or paid.

The second major change affecting dealer and industrial scrap is the revision of the dealer to dealer differential. When ceiling prices were established by Amendment 5 to CPR 5 for sales of iron and steel scrap between dealers, a one dollar differential was provided for the scrap collection in recognition that the spread between the ceiling price for unprepared scrap paid to the industrial producer and the ceiling price received for the prepared grade must be apportioned among the collecting, trucking, preparation and handling functions. Considering the fact that the collectors and small peddlers normally pick up such unprepared scrap at the generator's plant in their own trucks and haul it directly to the preparer's yard, which may be some distance away, without bringing it into their own yard, the trucking and delivery aspect of their operation is an important one. It has been amply demonstrated, however, since the effective date of Amendment 5, that the one dollar per gross ton is disproportionately small and has forced many collectors to curtail or abandon their delivery operation. This in effect forces the preparer to remove the scrap from the collector's yard either in his own truck or in a common carrier truck, the added expense of which must be met out of the remaining spread realized by the preparer.

This amendment apportions the respective charges more realistically by increasing from one dollar to two and a half dollars the fee which the dealer who sells unprepared scrap to another dealer and delivers it in his own truck to the preparer's yard may charge.

The provisions relating to vessel movements have been amended to permit the payment of dock charges where the National Production Authority allocates for rail shipment, scrap which has already been stored at a dock for water movement. Since the shipper who has already stored the scrap at a dock for water shipment will have incurred the costs contemplated by the regulation, it is felt that such a shipper should receive compensation for the costs involved where he is directed by a governmental agency to ship his scrap by rail.

The restrictions on intransit preparation of dealer and industrial scrap have been clarified to correspond with the interpretations which have been issued concerning the method of shipment permitted. One of the circumstances in which a consumer may designate a dealer to prepare steel scrap of dealer and industrial origin on an intransit basis is where he purchases such unprepared scrap in rail carload lots. The term "rail carload lots" designates the mode of transportation as well as the quantity. Thus the only circumstances under which scrap may be trucked into the preparer's yard on an intransit basis is when the material is allocated by the National Production Authority for shipment by truck.

Another aspect of the same problem is the quantity of scrap intended by the words "rail carload lot". It is obvious that as regards sheet iron (grade 33) and other light scrap a rail car cannot always be loaded to the full weight to which the minimum carload freight applies. This results in dead freight charges for the difference in weight. The provisions have been amended to specify that a rail car must be loaded to at least maximum visible capacity and that all freight charges for a carload weighing 30,000 pounds and over may be charged to the consumer. For carloads weighing less than 30,000 pounds, the prorated dead freight charges for the difference between the weight actually shipped and the 30,000 pounds may not be paid by the consumer or his broker and must be charged back to the shipper.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 5 is amended in the following respects:

1. Section 1 (a) (1) is amended to read as follows;

(1) All sales and deliveries, including export sales and sales for export, by any person of prepared and unprepared iron and steel scrap:

2. Section 3 (a) (2) is amended by adding the following grade (35):

35. Automobiles, buses, trucks, trailers and other motor vehicles: —12.00.

3. Section 3 (c) (5) is amended to read as follows:

(5) The ceiling shipping point price for the sale of any grade of unprepared steel scrap of dealer or industrial origin (grades 32, 33, 34 and 35) by a dealer to another dealer (excluding brokers) is the price determined for the applicable grade in accordance with section 4 plus an amount not to exceed one of the following:

(i) When the material is loaded in a railroad car or common carrier truck or vessel—$1.00 per gross ton.

(ii) When the material is delivered to the preparer's yard in a vehicle owned or controlled by the shipper—$2.50 per gross ton.

4. Section 5 (a) is amended by changing the name Warren, Pennsylvania, to read Warren, Ohio.

5. Section 6 (a) is amended to read as follows:

(a) The ceiling delivered price of any grade of steel scrap delivered by rail, vessel, or combination thereof, shall be the shipping point price as determined in section 4 hereof, plus the actual charge for transporting the scrap from the shipping point to the point of delivery by the means of transportation employed, except as provided in section 15 (f) on intransit preparation.

6. Section 6 is amended by adding the following paragraph (d):

(d) Where scrap is allocated by the National Production Authority for rail shipment, and prior to the date of the NPA allocation order such scrap has been stored at a dock for water movement, the dock charges set forth in paragraph (b) may be charged and paid.

7. Section 15 (a) (1) is amended to read as follows:

(1) Where unprepared steel scrap of dealer and industrial origin (other than grade 35) is allocated for preparation intransit by the National Production Authority.

8. Section 15 (a) (2) is amended to read as follows:

(2) Where a consumer purchases unprepared steel scrap of dealer and industrial origin (other than grade 35) for shipment by rail to the preparer's yard in minimum rail carload lots. A railroad car loaded to maximum visible capacity will be considered a minimum rail carload lot. Grade 35 cannot be prepared on an intransit preparation fee basis.

9. Section 15 (f) is amended to read as follows:

(f) Whenever intransit preparation of iron or steel scrap is permissible pursuant to the provisions of this section, the ceiling delivered price shall be the ceiling shipping point price plus the rail transportation charges to the point of preparation, or the ceiling on-line price plus any off-line rail transportation charges to the point of preparation, plus the applicable ceiling preparation fee as established in section 16 of this regulation, plus the transportation charges from the preparation yard to the point

of delivery as established and restricted in sections 6, 9, 12 or 13 of this regulation, whichever is applicable.

The rail transportation charges to the point of preparation may include any charges for dead freight providing the scrap material is loaded in the railroad car to maximum visible capacity and weighs not less than 30,000 pounds. If the scrap material weighs less than 30,000 pounds an adjustment must be made for the prorated dead freight charges for the difference in the weight actually shipped and 30,000 pounds so that this proportion of the dead freight charges will not be paid by the consumer or his broker.

10. Section 23 is amended by adding the following paragraph (d):

(d) *Unprepared grades.*

(32) *Unprepared steel scrap which when compressed constitutes No. 1 bundles.*

(33) *Unprepared steel scrap which when compressed constitutes No. 2 bundles.*

(34) *Unprepared steel scrap other than material suitable for hydraulic compression.*

(35) *Automobiles, buses, trucks, trailers and other motor vehicles.* Automobiles, buses, trucks, trailers and other motor vehicles; it may include non-ferrous and non-metallic attachments which are an integral part of the vehicle, including the attached tires, batteries, radiators, upholstery and glass. It must be free of all non-metallic material which is not an integral and attached part of the vehicle.

11. Section 28 (b) is amended to read as follows:

(b) "Iron and steel scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescence, failure or any other reason. It does not include any material which qualifies as a re-usable product by reason of its condition, which is sold as a re-usable product, and which is not purchased for use in any of the operations mentioned in paragraph (c) of this section It does not include demolition projects, as defined in paragraph (n) of this section, prior to demolition. It includes automobiles, buses, trucks, trailers and other motor vehicles when sold for demolition into scrap or when sold to any consumer as defined in paragraph (c). It does not include metal coated ferrous material sold for the recovery of the coating substance to a person regularly engaged in such operation. It does not include tool steel scrap containing 1 percent or more of tungsten or molybdenum nor does it include stainless steel scrap for which ceiling prices have been established under Ceiling Price Regulation 29.

12. Section 23 (n) is amended by deleting the word "automobiles" in the first sentence.

Effective date. This amendment to Ceiling Price Regulation 5 shall become effective August 2, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8405; Filed, July 29, 1952; 10:57 a. m.]

[Ceiling Price Regulation 151, Amdt. 1]

CPR 151—APPALACHIAN HARDWOOD LUMBER

ESTABLISHED WEIGHTS FOR GREEN LUMBER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 151 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment establishes weights for green lumber for use in computing ceiling delivered prices under section 6.2. The regulation as originally issued provided established weights for air-dried lumber only. Since the regulation was issued, a number of requests have been received showing the need for established green weights. This amendment meets the need for such weights.

The weights shown are the weights commonly accepted in the industry. They are based on the weights shown in the "Rules for the Measurement and Inspection of Harwood Lumber, Cypress, Veneers and Thin Lumber," effective January 1, 1952, published by the National Hardwood Lumber Association, which have been adjusted to allow for the untrimmed and unedged cuttings of circular sawmills.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 151 is hereby amended in the following respect:

A new section, 3.12, is added to article III, immediately following section 3.11, to read as follows:

SEC. 3.12. *Established weights for green lumber.* The established weights per thousand feet for green lumber covered by this regulation, for use in computing transportation additions under section 6.2, are as follows:

ESTABLISHED GREEN LUMBER WEIGHTS

[Pounds per 1,000 feet]

Species	Thickness (inch)								
	5/8	3/4	4/4	5/4	6/4	8/4	10/4	12/4	16/4
Firm to tough ash		4,100	4,900	4,900	5,000	5,100	5,100	5,300	5,300
Basswood		3,500	4,800	5,000	5,000	5,200	5,200	5,400	5,400
Beech	3,700	4,400	5,700	5,800	6,000	6,200	6,300	6,500	
Birch			5,700	5,800	6,000	6,100			
Buckeye			4,800	5,000	5,000	5,100			
Butternut			4,100	4,200	4,400	4,700			
Cherry			5,200	5,200	5,400	5,500	5,500	5,600	5,600
Chestnut			5,400	5,400	5,800	6,000			
Mountain elm			5,500	5,500	5,600	5,800	5,800	6,000	
Black gum			5,100	5,300	5,400	5,700			
Hickory			6,200	6,400	6,500	6,800	6,900	7,000	7,000
Hard maple		4,000	5,900	6,000	6,200	6,400	6,600	6,700	7,000
Hard maple—curly			5,600	6,000	6,200				
Soft maple			5,400	5,600	5,700	6,000	6,100	6,300	6,500
Red oak—plain	3,600	4,400	5,800	5,900	6,000	6,300	6,400	6,600	6,800
White oak—plain	3,600	4,400	5,800	5,900	6,000	6,300	6,400	6,600	6,800
White oak—BP and WHND			5,800	5,900	6,000	6,300	6,400	6,600	
White oak—quartered		4,400	5,800	5,900	6,000	6,300	6,400	6,600	
Poplar	2,900	3,600	4,600	4,700	4,900	5,100	5,300	5,400	5,700
Sycamore			4,800						

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8410; Filed, July 29, 1952; 10:57 a. m.]

[Ceiling Price Regulation 5, Amdt. 10]

CPR 5—IRON AND STEEL SCRAP

CEILING SHIPPING POINT PRICES FOR STEEL SCRAP ORIGINATING IN YARDS SITUATED IN NEW YORK CITY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 5 modifies the provisions of section 4 (d) which establish ceiling shipping point prices for steel scrap at shipping points in New York City and Brooklyn, New York.

Prior to the issuance of this amendment, section 4 (d) provided that the ceiling shipping point price of the base grade, OPS Grade 1, No. 1 bundles, with differentials established in section 3 of CPR 5 for other grades, at all shipping points in New York City and Brooklyn, New York, should be $36.99 per gross ton. The definition of shipping point which is pertinent here is stated in section 28 (i) to be the point where the scrap has been placed f. o. b. railroad cars.

It has now come to the attention of the Office of Price Stabilization that there is at least one dealer in iron and steel scrap whose yard is located in New York City but who uses rail facilities situated outside New York City. Historically, this dealer has been recognized in the trade as a New York City dealer and he is in direct competition with the other dealers situated in New York City. The closest rail point to his yard is beyond the New York City limits, and the railroad has constructed special facilities at this rail point for this dealer. The rail rates from this rail point outside New York City to Bethlehem and Pittsburgh, Pennsylvania, are the same as the rates to Bethlehem and Pittsburgh, Pennsylvania, prevailing at the two rail points in New York City which are closest to this scrap dealer's yard.

However, due to the wording of section 4 (d) and the definition of "shipping point" as set forth in section 28 (i) a dealer is not entitled to use the ceiling shipping point prices established for the New York City area if he loads at a rail point outside New York City even though his yard is situated in New York City. As a result, a dealer in this position is not able to effectively compete with other dealers in the New York City area who use rail points within the city of New York.

Therefore, it appears that Ceiling Price Regulation 5, although generally fair and equitable to the group which it covers, may work hardship or inequity on at least one dealer in iron and steel scrap. The Office of Price Stabilization has recognized that adjustments should be made in such individual hardship cases. To alleviate this unintended hardship on such dealers in iron and steel scrap, this amendment to CPR 5 is being issued. It will permit a dealer to use the ceiling shipping point prices established for New York City when the scrap originates at his yard located in New York City even though he may use a rail point located outside New York City, if such rail point is the closest one to his yard where the scrap in question originates. It is believed that this modification of section 4 (d) will evoke a more equitable situation and will enable such dealers to effectively compete in the New York City area.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 4 (d) is amended to read as follows:

(d) The ceiling shipping point price for No. 1 bundles (with differentials established in section 3 hereof for all other grades) at all shipping points in New York City (or Brooklyn, New York) shall be $36.99 per gross ton: *Provided, however,* a dealer whose yard is situated in New York City and who customarily places his scrap f. o. b. railroad cars at a point outside New York City may use the ceiling shipping point prices established above for shipping points in New York City, if the rail point outside New York City which he uses is the closest rail point to the yard in which the scrap originated.

Effective date. This amendment to Ceiling Price Regulation 5 is effective August 2, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

JULY 29, 1952.

[F. R. Doc. 52-8406; Filed, July 29, 1952; 10:57 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 12; Revocation]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 12—RESTRICTIONS ON STEEL SHIPMENTS AND ACCEPTANCE OF DELIVERIES

REVOCATION

Direction 12 (17 F. R. 6430) to CMP Regulation No. 1 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 12 to CMP Regulation No. 1, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8393; Filed, July 28, 1952; 5:32 p. m.]

[NPA Order M-6A, Direction 3 of July 28, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 3—SUPPLEMENTAL SHIPMENTS BY PRODUCERS—LIMITATIONS ON DISTRIBUTORS' DELIVERIES

This direction to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. Limitations on deliveries by distributors.
3. Shipments to distributors.
4. Item limitation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction makes a number of changes in the present orders and regulations concerning steel distributors. These changes are occasioned by the recent work stoppage in the steel industry. It requires certain forms and shapes in stock or acquired by distributors to be shipped or delivered by them only on defense orders for a limited period. It increases the quantities of steel required to be shipped by producers to distributors subject to certain limitations. It makes provision with respect to the recent production losses. It temporarily modifies section 5 of NPA Order M-6A by permitting steel distributors to accept and fill orders for smaller quantities than heretofore required.

SEC. 2. *Limitations on deliveries by distributors.* From the effective date of this direction through the close of business August 7, 1952, no steel distributor shall ship or deliver any steel in the shapes and forms listed in List A of this direction from his inventory of such steel on hand on the effective date of this direction, except on authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z-2, or allotment symbols accompanied with the suffix B-5. No steel distributor, who receives steel in the shapes and forms listed in List A of this direction during the period from the effective date of this direction through the close of business December 31, 1952, shall ship or deliver more than 50 percent of the tonnage of any product listed in List A received in any one shipment during such period for a period of 15 days after receipt of any such shipment, except on authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z-2, or allotment symbols accompanied with the suffix B-5. Accurate records of each transaction covered by this section shall be set up and maintained by each steel distributor in accordance with and pursuant to the provisions of section 10 of NPA Order M-6A.

SEC. 3. *Shipments to distributors.* (a) Subject to the limitations in this paragraph, each producer shall be obligated to accept purchase orders from steel distributor customers which call for shipments during the months of September, October, and November 1952, or to ship on unfilled orders calling for earlier delivery, up to a minimum of not less than 120 percent of the base tonnage of each steel distributor customer instead of the 100 percent presently provided in section 3 of NPA Order M-6A. A producer may cancel orders (to the extent hereafter provided) for any product received from any steel distributor customer in excess of such distributor's base tonnage of that product if the total tonnage of orders for that product

scheduled for delivery in that month from steel distributors, further converters as defined in NPA Order M–1, and from persons placing authorized controlled material orders bearing allotment symbols A, B, C, or E, and a digit, or Z–2, or allotment symbols accompanied with the suffix B–5, exceeds 50 percent of the producer's planned production for that month. The amount by which such orders mentioned in the preceding sentence exceeded 50 percent of such producer's planned production is herein referred to as the "supplemental tonnage". If the supplemental tonnage exceeds 20 percent of the base tonnage of all steel distributor customers, then all steel distributor orders for that product in excess of the base tonnage shall be cancelled. If the supplemental tonnage is less than 20 percent of the base tonnage of all steel distributor customers then a percentage of the orders for that product from any steel distributor customer in excess of such distributor's base tonnage of that product shall be cancelled. Such percentage shall be determined by dividing the difference between 20 percent of the base tonnage and the supplemental tonnage of all steel distributor customers by 20 percent of the base tonnage. If any such order is cancelled there shall be no obligation upon the producer cancelling the order to fill the same in a subsequent month.

(b) To the extent practicable and within the limitations of paragraph (a) of this section, producers shall ship during August 1952 to their steel distributor customers up to a minimum of 120 percent of their base tonnage on orders calling for delivery during the month of August or in prior months.

(c) Under section 3 to NPA Order M–6A producers are required to accept purchase orders from steel distributor customers up to a minimum of 100 percent of such distributor's base tonnage. To the extent that shipment of such orders were or are stopped for reasons occasioned by the work stoppage, producers are not required to accept orders pursuant to section 3 of NPA Order M–6A, provided tonnage is shipped to distributors in the quantities provided in section 3 (a) of this direction, it being the intent hereof that the flow of steel to distributors commence immediately pursuant to this section 3, but that producers be relieved of any obligation to make up lost tonnages.

SEC. 4. *Item limitation.* During the period from the effective date of this direction through the close of business November 29, 1952, no steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 4,000 pounds.

Any item of alloy steel more than 2,500 pounds.

Any item of stainless steel sheet more than 1,000 pounds.

Any item of stainless bars and plates more than 500 pounds.

Any item of stainless tubing or pipe more than 500 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 20,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

This direction shall take effect July 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A

Bar, hot-rolled.
Bar, cold-finished.
Electrical sheet and strip (high-grade).[1]
Structural shapes (wide-flanged sections).[2]
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.
Plate, sheared.
Sheet and strip—hot-rolled.
Sheet and strip—cold-rolled.

[F. R. Doc. 52–8392; Filed, July 28, 1952; 5:32 p. m.]

[NPA Order M–42—Revocation]

M–42—INSECT WIRE SCREENING

REVOCATION

NPA Order M–42 (16 F. R. 2033) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–42 nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8413; Filed, July 29, 1952; 11:03 a. m.]

[CMP Regulation 1, Direction 15 of July 29, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 15—SPECIAL DELIVERY STATUS OF CERTAIN MILITARY ORDERS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Preferential status of certain authorized controlled material orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to insure, so far as practicable, that all authorized controlled material orders placed with steel mills in support of military, atomic energy, and machine tool programs, calling for delivery prior to the fourth quarter (or calling for delivery in the first 2 months of the fourth quarter when placed with third quarter allotments pursuant to Direction 16 to CMP Regulation No. 1), are delivered not later than November 30, 1952. This will be accomplished by according preferential delivery status to such orders.

SEC. 2. *Preferential status of certain authorized controlled material orders.* A steel controlled materials producer who has accepted, or hereafter accepts, an authorized controlled material order for steel bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, calling for delivery on or before September 30, 1952, or calling for delivery in October or November 1952 when placed with a third calendar quarter allotment pursuant to Direction 16 to CMP Regulation No. 1, shall make shipment against such order as close to the requested delivery date as is practicable. If it not possible for him to make shipment by November 30, 1952, against all authorized controlled material orders for steel calling for delivery on or before September 30, 1952, or calling for delivery in October or November 1952 when placed with third calendar quarter allotments pursuant to Direction 16 to CMP Regulation No. 1, he must schedule for production and ship against orders bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, in preference to orders not bearing such a program identification: *Provided, however,* That those provisions of NPA Order M–1 and NPA Order M–6A pertaining to shipments by producers to further converters and distributors are not superseded. To the extent that he is unable to make shipment by November 30, 1952, against all authorized controlled material orders for steel bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, calling for delivery on or before September 30, 1952, or calling for delivery in October or November 1952 when placed with third calendar quarter allotments pursuant to Direction 16 to CMP Regulation No. 1, he shall promptly notify NPA, Iron and Steel Division, by letter or telegram, listing such orders.

SEC. 3. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, Revised CMP Regulation No. 6, NPA Order M–1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction shall take effect July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8427; Filed, July 29, 1952; 12:02 p. m.]

[CMP Regulation 1, Direction 16 of July 29, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 16—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material orders.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the third calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time up to November 30, 1952: *Provided, however,* That such order is placed pursuant to load time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, and which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the fourth calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953: *Provided, however,* That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M–1 and M–6A, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction shall take effect July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8428; Filed, July 29, 1952; 12:02 p. m.]

[CMP Regulation 2, Amendment 1 of July 29, 1952]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects CMP Regulation No. 2, as amended October 12, 1951, by amending paragraph (a) of section 3 to read as follows:

(a) No user of controlled material shall accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less: *Provided, however,* That from September 1, 1952, to December 31, 1952, the above specified 45-day period shall be a 30-day period.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8429; Filed, July 29, 1952; 12:03 p. m.]

[CMP Regulation 3, Direction 4 as Amended July 29, 1952]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 4—SPECIAL PREFERENCE STATUS OF CERTAIN DO RATED ORDERS

This amended direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Status of certain DO rated orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951,

[1] AISI—M17, M15, M14, and oriented.

[2] Wide-flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Gray mill, in sizes ranging in depth from 4 to 36 inches.

16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to channel into defense programs, so far as practicable, Class A and B products containing steel. This will be accomplished by according special preference status to DO rated orders for such products, calling for delivery on or before December 31, 1952, placed in support of military, atomic energy, and machine tool programs.

SEC. 2. *Status of certain DO rated orders.* Any DO rated order for a Class A product containing steel or a Class B product containing steel, bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, calling for delivery on or before December 31, 1952, must be accepted and filled in preference to all other DO rated orders for Class A products containing steel or Class B products containing steel, previously or subsequently received, but which do not bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2: *Provided, however,* That such a DO rated order need not be accepted if filling it would stop or interrupt the supplier's operations during the next 15 days in a way which would cause a substantial loss of total production or a substantial delay in operations. All DO rated order (including those previously placed) for Class A products containing steel or Class B products containing steel, which bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, shall have equal preferential status.

SEC. 3. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 3, NPA Reg. 2, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction, as amended, shall take effect July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8430; Filed, July 29, 1952; 12:03 p. m.]

[Revised CMP Regulation 6, Direction 6 of July 29, 1952]

CMP REG. 6—CONSTRUCTION

DIR 6—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material order.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or placed for delivery in the third calendar quarter of 1952 pursuant to the provisions relating to self-authorization set forth in either Article IV of Revised CMP Regulation No. 6 or in NPA Order M–100, may call for delivery at any time up to November 30, 1952: *Provided, however,* That such order is placed pursuant to lead-time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, and which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or placed for delivery in the fourth calendar quarter of 1952 pursuant to the provisions relating to self-authorization set forth either in Article IV of Revised CMP Regulation No. 6 or in NPA Order M–100, may call for delivery at any time from October 1, 1952, to February 28, 1953: *Provided, however,* That such order is placed pursuant to lead-time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M–1 and M–6A, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect.

This direction shall take effect July 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8431; Filed, July 29, 1952; 12:03 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 66 to Schedule A]

[Rent Regulation 2, Amdt. 64 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CERTAIN STATES

Effective July 30, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C App. Sup. 1894)

Issued this 25th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas.

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Monterey and Pajaro, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas.

In Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the Cities of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except (i) the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, (ii) the Town of Cicero, (iii) the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Morton Grove, Mt. Prospect, Northfield, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and (iv) those portions of the Villages of Barrington, Hinsdale and Steger located in said Cook County; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of Carpentersville, East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols the Town of Cicero in Cook County, Illinois, a portion of the Chicago, Illinois, Defense-Rental Area.

3a. In Rent Regulation 1, Item 91 of Schedule A is amended to describe the counties in the defense-rental area as follows:

Champaign County, except the Cities of Champaign and Urbana, and the Village of St. Joseph; and Vermilion County.

b. In Rent Regulation 2, Item 91 of Schedule A is amended to describe the counties in the defense-rental area as follows:

Champaign County, except the Cities of Champaign and Urbana, and the Village of St. Joseph.

This decontrols the Village of St. Joseph in Champaign County, Illinois, a portion of the Champaign-Vermilion, Illinois, Defense-Rental Area.

4. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of Highland and Munster, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

Ditto.

In Lake County, the Cities of Crown Point and Whiting, the Towns of Highland and Munster, and the Townships of Hanover and Winfield.

This decontrols the Cities of East Chicago, Hammond and Hobart in Lake County, Indiana, portions of the Gary-Hammond, Indiana, Defense-Rental Area.

5. Schedule A, Item 149, is amended to describe the counties in the defense-rental area as follows:

Oakland County, except (i) the Townships of Addison, Avon, Bloomfield, Brandon, Commerce, Farmington, Groveland, Highland, Holly, Independence, Milford, Novi, Oakland, Orion, Oxford, Pontiac, Rose, Springfield, Troy, Waterford and West Bloomfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, Rochester and that portion of Northville located in Oakland County, and (iii) the Cities of Berkley, Birmingham, Bloomfield Hills, Clawson, Farmington, Ferndale, Hazel Park, Pleasant Ridge, Pontiac, Royal Oak, South Lyon and Sylvan Lake; Wayne County, except (i) the Cities of Belleville, Ecorse, Garden City, Grosse Pointe, Grosse Pointe Farms, Grosse Pointe Park, Grosse Pointe Woods, Lincoln Park, Livonia, Melvindale, Plymouth and River Rouge, (ii) the Villages of Allen Park, Flat Rock, Grosse Pointe Shores, Inkster, Rockwood, Trenton and Wayne, (iii) that portion of the Village of Northville located in Wayne County, and (iv) the Townships of Brownstown, Canton, Ecorse, Grosse Ile, Huron, Nankin, Northville, Plymouth, Romulus, Sumpter, Taylor and Van Buren; and Macomb County, except the Cities of East Detroit and Mount Clemens, the Villages of Fraser and Roseville, and the Townships of Armada, Bruce, Harrison, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

This decontrols the City of Ecorse in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

6. Schedule A, Item 160, is amended to describe the counties in the defense-rental area as follows:

Anoka, Dakota and Hennepin Counties; Ramsey County, except the City of White Bear Lake, the Town of White Bear, and the Village of New Brighton; and Washington County, except the City of Stillwater, and the Village of Bayport.

This decontrols the Town of White Bear in Ramsey County, Minnesota, a portion of the Minneapolis-St. Paul, Minnesota, Defense-Rental Area.

7. Schedule A, Item 228, is amended to describe the counties in the defense-rental area as follows:

Cuyahoga County, except the Cities of Bedford, Berea, Shaker Heights and University Heights, and the Villages of Bay, Beachwood, Bentleyville, Bratenahl, Brecksville, Brooklyn Heights, Chagrin Falls, Gates Mills, Highland Heights, Hunting Valley, Independence, Lyndhurst, Mayfield Heights, Moreland Hills, North Olmsted, North Royalton, Oakwood, Orange, Parkview, Pepper Pike, Seven Hills, Solon, Strongsville, Valley View, Warrensville Heights, Westlake and West View.

This decontrols the Village of Brooklyn Heights in Cuyahoga County, Ohio, a portion of the Cleveland, Ohio, Defense-Rental Area.

8. Schedule A, Item 229, is amended to describe the counties in the defense-rental area as follows:

Franklin County, except the City of Upper Arlington, the Villages of Riverlea, Westerville and Worthington, and that part of the Village of Canal Winchester located in Franklin County.

In Licking County, the City of Newark and the Townships of Madison and Newark.

This decontrols the Villages of Riverlea and Westerville in Franklin County, Ohio, portions of the Columbus, Ohio, Defense-Rental Area.

9. Schedule A, Item 237, is amended to describe the counties in the defense-rental area as follows:

Portage County, except the Cities of Kent and Ravenna, and the Villages of Aurora and Mantua.

This decontrols the Village of Mantua in Portage County, Ohio, a portion of the Ravenna, Ohio, Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52–8320; Filed, July 29, 1952; 8:47 a. m.]

[Rent Regulation 3, Amdt. 73 to Schedule A, Correction]

[Rent Regulation 4, Amdt. 17 to Schedule A, Correction]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA

In Amendment 73 to Schedule A of Rent Regulation 3 and Amendment 17 to Schedule A of Rent Regulation 4, the sentence which reads, "Effective July 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below:", is corrected to read as follows: "Effective July 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below."

This correction is effective July 23, 1952.

Issued this 25th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

[F. R. Doc. 52–8322; Filed, July 29, 1952; 8:47 a. m.]

[Rent Regulation 3, Amdt. 74 to Schedule A]

[Rent Regulation 4, Amdt. 18 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND INDIANA

Effective July 30, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of July 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Pajaro and Monterey, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols the Cities of Monterey and Pacific Grove in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area.

2. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of East Chicago, Hammond and Hobart, and the Townships of Cedar Creek, Eagle Creek and West Creek.

This decontrols the Cities of East Chicago, Hammond and Hobart in Lake County, Indiana, portions of the Gary-Hammond, Indiana, Defense-Rental Area.

All decontrols effected by these amendments are based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-8321; Filed, July 29, 1952; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.2 (a) is amended to read as follows:

§ 6.2 *Applications for insurance under section 5 of the Servicemen's Indemnity Act of 1951 (Pub. Law 23, 82d Cong.).* (a) Any person who, while in the active service on or after April 25, 1951, surrenders a permanent plan of United States Government life insurance which is in force other than as extended term insurance, for its cash value under the provisions of § 6.115, or under § 6.186 if the policy has no cash value, shall be granted a new policy of United States Government life insurance as provided in § 6.3 (a) upon written application signed by the applicant and payment of the required premium within 120 days after separation from such active service. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent the application for insurance under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

* * * * *

2. A new centerhead immediately preceding § 6.3 is added as follows: "United States Government Life Insurance Issued Pursuant to Section 5 of the Servicemen's Indemnity Act."

3. In § 6.3, paragraph (a) is amended to read as follows:

§ 6.3 *United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* (a) United States Government life insurance on a permanent plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, shall be issued on the same plan and under the same terms and conditions as United States Government life insurance surrendered under the provisions of such section. The amount of permanent plan United States Government life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 shall not be in excess of the amount of insurance surrendered under such section.

* * * * *

4. In § 6.86, paragraph (a) is amended to read as follows:

§ 6.86 *Applications for reinstatement of United States Government life insurance pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* (a) Any person who, while in the active service on or after April 25, 1951, surrenders a permanent plan policy of United States Government life insurance which is in force other than as extended term insurance, for its cash value under the provisions of § 6.115, or under § 6.186, if the policy has no cash value, upon written application made by any such person within 120 days after separation from such active service, may reinstate such surrendered United States Government life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (1) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (2) the full premium on the amount of insurance for the month in which application is made. If the applicant is mentally incompetent the application for reinstatement under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

* * * * *

5. A new centerhead immediately following § 6.185 is added as follows: "Surrender Under Section 5, Public Law 23, 82d Congress of Permanent Plan Policies in Force Less Than One Year"

6. A new § 6.186 is added as follows:

§ 6.186 *Surrender of permanent plan policies of United States Government life insurance, in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* A permanent plan policy of United States Government life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service, with right of replacement, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, upon written request therefor and upon complete surrender of the policy with all claims thereunder: *Provided,* That such surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery. (Pub. Law 23, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

7. In Part 8, § 8.0 (d) (1) is amended to read as follows:

§ 8.0 *Eligibility.* * * *

(d) *Applications for insurance under section 5, of the Servicemen's Indemnity Act of 1951 (Pub. Law 23, 82d Cong.).* (1) Any person who, while in the active service on or after April 25, 1951, surrenders a permanent plan of National Service life insurance which is not lapsed, for its cash value under the provisions of § 8.27 (a) or (b), or under § 8.114, if the policy has no cash value, shall be granted a new policy of National Service life insurance as provided in § 8.110 (a) upon written application signed by the applicant and payment of the required premium within 120 days after separation from such active service. Such insurance shall be granted without medical examination. If the applicant is mentally incompetent the application for insurance under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

* * * * *

8. In § 8.22, paragraph (b) (1) is amended to read as follows:

§ 8.22 *Reinstatement of National Service life insurance.* * * *

(b) *Applications for reinstatement of insurance pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* (1) Any person who, while in the active service on or after April 25, 1951, surrenders a permanent plan policy of National Service life insurance which is not lapsed, for its cash value under the provisions of § 8.27 (a) or (b), or under § 8.114, if the policy has no cash value, upon written application made by any such person within 120 days after separation from such active service, may reinstate such surrendered National Service life insurance (or any portion thereof in multiples of $500, not less than $1,000) without medical examination upon payment of (i) an amount required to provide the full reserve of the insurance at the end of the month prior to the month in which application is made and (ii) the full premium on the amount of insurance for the month in which application is made. If the applicant is mentally incompetent the application for reinstatement under this paragraph may be made only by the guardian (committee or conservator), and, if required under the State law, after the court shall have authorized the fiduciary to make such application.

* * * * *

9. In § 8.110, paragraph (a) is amended to read as follows:

§ 8.110 *National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951.* (a) National Service life insurance on a permanent plan, issued pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951 shall be issued on the same plan and under the same terms and conditions as National Service life insurance surrendered under the provisions of such section: *Provided,* That waiver of premiums under section 602 (n) of the National Service Life Insurance Act, as amended, shall not be denied because the total disability of the applicant commenced prior to the date of his application for such insurance.

The amount of permanent plan National Service life insurance issued pursuant to section 5 of the Servicemen's Indemnity Act of 1951 shall not be in excess of the amount of insurance surrendered under such section.

* * * * *

10. In § 8.112, paragraph (a) is amended to read as follows:

§ 8.112 *National Service life insurance issued under section 621 of the National Service Life Insurance Act, as amended April 25, 1951.* (a) National Service life insurance granted under the provisions of section 621 of the National Service Life Insurance Act, as amended, shall be issued upon the same terms and conditions as are contained in the standard policies of National Service life insurance on the 5-year level premium term plan except (1) all such insurance may be renewed for successive 5-year term periods at the attained ages in accordance with the provisions of § 8.86 but may not be exchanged for or converted to insurance on any other plan; (2) the premium rates for such insurance shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality with interest at the rate of 2¼ per centum per annum; (3) all settlements on policies involving annuities shall be calculated on the basis of the annuity table for 1949, with interest at the rate of 2¼ per centum per annum; and (4) insurance issued under this section of the act shall be nonparticipating.

* * * * *

11. A new centerhead immediately following § 8.113 is added as follows: "Surrender Under Section 5 of Public Law 23, 82d Congress of Permanent Plan Policies in Force Less Than One Year."

12. A new § 8.114 is added as follows:

§ 8.114 *Surrender of permanent plan policies of National Service life insurance in force for less than one year, under the provisions of section 5, Servicemen's Indemnity Act of 1951.* (a) A permanent plan policy of National Service life insurance in force for less than 1 year by payment or waiver of premiums shall not have a cash value. Such a policy which is not lapsed may be surrendered by the insured while in active service, with right of replacement, pursuant to the provisions of section 5 of the Servicemen's Indemnity Act of 1951, upon written request therefor and upon complete surrender of the policy with all claims thereunder: *Provided,* That such surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery; if forwarded through military channels, the date the request is placed in military channels will be taken as the day of delivery. (Pub. Law 23, 82d Cong.)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation effective July 30, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8326; Filed, July 29, 1952; 8:48 a. m.]

Chapter II—Veterans' Education Appeals Board

PART 200—RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

The Board, pursuant to authority vested in it by the Veterans' Education and Training Amendments of 1950, Public Law 610, 81st Congress, approved July 13, 1950, particularly section 2 thereof, and finding such action necessary and appropriate for carrying out the provisions of the said act, hereby adopts, promulgates, and prescribes the accompanying additions and revision to its Rules of Practice, effective on and after August 1, 1952:

1. Section 200.37 is revised as follows:

§ 200.37 *Effect of initial decision.* The initial decision shall become the final decision of the Board 40 days after date of issuance of the initial decision, unless

(a) Either of the parties files an appeal therefrom under Rule 38 within 30 days from date of issuance or within such additional time as may be granted by the Board for good cause shown, or

(b) The Board shall, within 40 days from date of issuance, issue an order staying the effective day of the decision or place the case on its own docket for review.

2. A new § 200.43 is added as follows:

§ 200.43 *Petition for rehearing.* Whenever either party desires to question the correctness or sufficiency of the Board's decision, or to amend same, the complaining party must file a petition for rehearing, in quadruplicate, within 15 days from receipt of the decision. All grounds relied upon shall be included in one petition and be accompanied by brief. A petition founded on error of fact shall specify the fact or facts which are regarded as erroneously found, or omitted, with full reference to the record. If founded on error of law the petition shall specify points which the Board is supposed to have erred, with references to authorities relied upon to support the petition. A petition upon the ground of newly discovered evidence shall not be entertained unless it appears therein that the newly discovered evidence came to the knowledge of the party filing the petition after hearing on merits; that it was not for want of due diligence that such evidence did not sooner come to its knowledge; that it is so material that it would probably produce a different decision if a rehearing is granted; and that it is not cumulative. A petition upon the grounds of newly discovered evidence shall be accompanied by an affidavit of the party setting forth the facts in detail which the petitioner expects to be able to prove, the name, occupation, and residence of each witness and the identity of documents; and why such facts could not have been discovered before the hearing by due diligence. A petition for rehearing shall be served by the Board upon the opposite party, who may file response thereto within 20 days unless such time is extended. The petition and response, if any, shall thereafter be considered by the Board in conference, and will there be decided or scheduled for argument and/or for rehearing.

3. A new § 200.44 is added as follows:

§ 200.44 *Inspection of Board's decisions and rulings.* All rulings and final decisions of the Board are available for inspection at the office of the Board and at the various Regional Offices of the Veterans' Administration as listed in Appendix II, Section 1 of this part.

(64 Stat. 338; 38 U. S. C. Chap. 12 note)

Approved: July 11, 1952.

By the Board.

[SEAL] F. J. LONG,
Executive Officer.

[F. R. Doc. 52-8327; Filed, July 29, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 55]

SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) or any other act conferring similar authority, an amendment to the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products.

The proposed amendment grants the Administrator a greater discretion in the rejection of applications for grading, inspection or sampling service and in the denial of such service to persons presently receiving such service. The proposed amendment is deemed necessary in order to protect and maintain the integrity of, and maintain public confidence in, the grading, inspection and sampling service. Sections 55.11 and 55.56 are being amended, and § 55.59 is being deleted and its provisions amended and included in § 55.56.

All persons who desire to submit written data, views or arguments with respect to the proposed amendment

should file the same with the Director, Poultry Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Amend § 55.11 *When application may be rejected,* to read as follows:

§ 55.11 *When application may be rejected.* Any application for grading service, inspection service or sampling service may be rejected by the Administrator (a) for noncompliance with the act or the regulations in this part by the applicant, or by any individual holding office or a responsible position with, or having any interest or share in the applicant; (b) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with, or having any interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (d) where he determines that the application is a subterfuge on the part of a person currently denied the benefits of the act to obtain grading, inspection or sampling service. Each such applicant shall be notified promptly of the reasons for the rejection.

2. Amend § 55.56 to read as follows:

§ 55.56 *Denial of service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act after opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive or fraudulent act or practice.* Any misrepresentation or deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of any application for any grading service, inspection service or sampling service, appeal or regrading service;

(ii) The making of the product accessible for sampling or inspection;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official stamp, label or identification;

(iv) The use of the terms "United States" or "U. S." in conjunction with the grade of the product; or

(v) The use of any of the aforesaid terms or an official stamp, label or identification in the labeling or advertising of any product.

(2) *Use of facsimile forms.* The unauthorized use of a facsimile form which simulates, in whole or in part, any official certificate, stamp, label or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) *Wilful violation of regulations.* Any wilful violation of the regulations in this part or of any of the supplementary rules and instructions issued thereunder by the Administrator.

(4) *Interfering with a grader or inspector.* (i) Any interference with or obstruction of any inspector or grader in the performance of his duties by intimidation, threats, bribery, ridicule, assault or any other improper means by any person, personally or by an employee, agent or representative.

(ii) The payment by any person, personally or by an employee, agent, or representative, of any gift or gratuity to any inspector or grader for any purpose.

(5) *Misleading labeling or advertising.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in the label or advertising the U. S. grade of the product as determined by an authorized grader.

(6) *Conduct reflecting on integrity of grading or inspection service.* (i) Any misrepresentation or deceptive or fraudulent act or practice in connection with any product handled or processed in a plant where grading, inspection or sampling service is supplied, irrespective of whether the misrepresentation or deceptive or fraudulent act or practice was made or committed in connection with a product inspected, graded or sampled by such service.

(ii) The existence of any of the circumstances set forth in § 55.11 constituting a basis for the rejection of an application for grading, inspection or sampling service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent or representative, has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may, without hearing, direct that the benefits of the act be denied such person pending investigation and hearing.

3. Delete § 55.59 *Interfering with a grader, inspector or sampler.*

(Pub. Law 451, 82d Cong., approved July 5, 1952)

Issued at Washington, D. C., this 25th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8334; Filed, July 29, 1952; 8:49 a. m.]

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is considering, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) or any other act conferring similar authority, an amendment to the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto.

The proposed amendment grants the Administrator a greater discretion in the rejection of applications for grading or inspection service and in the denial of such service to persons presently receiving such service. The proposed amendment is deemed necessary in order to protect and maintain the integrity of, and maintain public confidence in, the grading and inspection service. Sections 70.6 and 70.7 are being amended and § 70.8 is being deleted, and its provisions amended and included in § 70.7.

All persons who desire to submit written data, views, or arguments with respect to the proposed amendment should file the same with the Director, Poultry Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Amend paragraph (f) of § 70.6 *Applying for grading service or inspection service,* to read as follows:

(f) *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (1) for noncompliance with the act or the regulations in this part by the applicant, or by any individual holding office or a responsible position with, or having any interest or share in the applicant; (2) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act; (3) where any individual holding office or a responsible position with, or having any interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (4) where he determines that the application is a subterfuge on the part of a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be notified promptly of the reasons for the rejection.

2. Amend § 70.7 to read as follows:

§ 70.7 *Denial of service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act after opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive or fraudulent act or practice.* Any misrepresentation or deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of any application for any grading service or inspection service, appeal or regrading service;

(ii) The making of the product accessible for sampling or inspection;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official stamp, label or identification;

(iv) The use of the terms "United States or "U. S." in conjunction with the grade of the product; or

(v) The use of any of the aforesaid terms or an official stamp, label or identification in the labeling or advertising of any product.

(2) *Use of facsimile forms.* The unauthorized use of a facsimile form which simulates, in whole or in part, any official certificate, stamp, label or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) *Wilful violation of regulations.* Any wilful violation of the regulations in this part or of any of the supplementary rules and instructions issued thereunder by the Administrator.

(4) *Interfering with a grader or inspector.* (i) Any interference with or obstruction of any inspector or grader in the performance of his duties by intimidation, threats, bribery, ridicule, assault or any other improper means by any person, personally or by an employee, agent or representative.

(ii) The payment by any person, personally or by an employee, agent or representative, of any gift or gratuity to any inspector or grader for any purpose.

(5) *Misleading labeling or advertising.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in the label or advertising the U. S. grade of the product as determined by an authorized grader.

(6) *Conduct reflecting on integrity of grading or inspection service.* (i) Any misrepresentation or deceptive or fraudulent act or practice in connection with any product handled or processed in a plant where grading or inspection service is supplied, irrespective of whether the misrepresentation or deceptive or fraudulent act or practice was made or committed in connection with a product inspected or graded by such service.

(ii) The existence of any of the circumstances set forth in § 70.6 (f) constituting a basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent or representative, has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may, without hearing, direct that the benefits of the act be denied such person pending investigation and hearing.

3. Delete § 70.8 *Interfering with a grader or inspector.*

(60 Stat. 1087; 7 U. S. C. 1621; Pub. Law 451, 82d Cong.)

Issued at Washington, D. C., this 25th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8337; Filed July 29, 1952; 8:49 a. m.]

[7 CFR Part 935]

[Docket No. AO 86-A9]

HANDLING OF MILK IN THE OMAHA-LINCOLN-COUNCIL BLUFFS MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900) a public hearing was conducted at Omaha, Nebraska, on March 26 and 27, 1952, pursuant to notice thereof which was issued on March 5, 1952 (17 F. R. 2066) upon proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 27, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on July 3, 1952 (17 F. R. 6003).

Exceptions to the recommended decision were filed on behalf of certain interested parties in the marketing area. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided herein are at variance with the exceptions such exceptions are overruled.

The major issues developed at the hearing were concerned with:

1. Whether the marketing area should be expanded to include the cities of Lincoln, York and Fremont, Nebraska, and certain areas contiguous to the city of Lincoln;
2. Revision of definitions of handler and producer;
3. Revision of the classification of milk;
4. Revision of transfer provisions;
5. Revision of class prices;
6. Adoption of seasonal prices to producers;
7. Modification of the emergency milk provisions;
8. Inclusion of location differentials to producers and handlers;
9. Application of administrative assessment to other source milk and emergency milk; and
10. Revision of the administrative provisions of the order.

Findings and conclusions. The findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (17 F. R. 6003) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Omaha-Lincoln-Council Bluffs Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Omaha-Lincoln-Council Bluffs Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

Order [1] Amending the Order, as Amended, Regulating the Handling of Milk in the Omaha-Lincoln-Council Bluffs Marketing Area

§ 935.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factions, insure a sufficient quantity of pure and wholesome milk and be in the public interest, and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products delivered by handlers, as defined herein, are in the current of interstate or foreign commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the expense of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk and emergency milk received by him during such month which is classified as Class I.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 935.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed., 601 et seq.).

§ 935.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 935.3 *Omaha - Lincoln - Council Bluffs Marketing Area.* "Omaha-Lincoln-Council Bluffs Marketing Area," hereinafter called "marketing area" means the territory within the corporate limits of the cities of Omaha, and Lincoln, Nebraska, and Council Bluffs, Iowa; within Kane, Lake, Garner and Lewis townships in Pottawattamie County, Iowa; within Florence, Union, McArdle, Moorhead, McHugh, Benson, Beechwood, Pershing, Dundee, Loveland, Boystown, Ralston, Ashland and May precincts in Douglas County, Nebraska; within Gilmore, Highland and Bellevue precincts in Sarpy County, Nebraska; within West Lincoln precinct including the Lincoln Air Base, and the Veterans' Administration Hospital in Lancaster precinct, both in Lancaster County, Nebraska.

§ 935.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 935.5 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 935.56.

§ 935.6 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant(s), and (b) a cooperative association with respect to milk which it causes to be delivered from a producer to an approved plant or which it causes to be diverted to an unapproved plant for the account of such cooperative association, and such milk shall be deemed to have been received at an approved plant by the cooperative association. In the case of recognized divisions of a corporation which are operated as separate business units each such division shall be deemed to be a handler.

§ 935.7 *Approved plant.* "Approved plant" means (a) any milk processing plant from which skim milk and butterfat are disposed of as Class I milk (1) to any Federal agency located within the marketing area, or (2) on wholesale or retail routes (including plant stores) within the marketing area under a Grade A permit issued by any municipal or state health authority having jurisdiction in the marketing area, or (b) a plant which is under regular inspection by one or more of the several health authorities having jurisdiction in the marketing area, which is approved by such authority for the receiving of Grade A milk, and from which Grade A milk is regularly disposed of to plants described in paragraph (a) (2) of this section for Class I use.

§ 935.8 *Unapproved plant.* "Unapproved plant" means any milk processing plant other than an approved plant.

§ 935.9 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 935.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) has its entire activities under the control of its members, and (b) has and is exercising full authority in the sale of milk of its members.

§ 935.11 *Producer milk.* "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 935.12 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk or emergency milk.

§ 935.13 *Emergency milk.* "Emergency milk" means skim milk or butterfat other than that in producer milk which is received by a handler under the conditions and subject to the limitations prescribed in § 935.45.

§ 935.14 *Butter price.* "Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

MARKET ADMINISTRATOR

§ 935.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 935.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 935.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 935.73 the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to § 935.30 or (2) made payments pursuant to §§ 935.65 and 935.69;

(e) Promptly verify the information contained in reports submitted by handlers;

(f) Publicly announce by such means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 935.51, and the butterfat differential computed pursuant to § 935.66;

(2) On or before the 9th day after the end of each delivery period, the uniform price computed pursuant to § 935.61.

(g) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 935.30 *Delivery period report of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The respective quantities of skim milk and butterfat contained in producer milk, other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler), and emergency milk received during the delivery period;

(b) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(c) The utilization of all skim milk and butterfat reported pursuant to paragraphs (a) and (b) of this section; and

(d) Such other information with respect to such receipts and utilization as the market administrator may request.

§ 935.31 *Mid-delivery period reports.* On or before the 22d day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or association of producers during the first 15 days of the delivery period.

§ 935.32 *Reports of payments to producers.* On or before the 17th day after the end of each delivery period, each handler shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof;

(b) The price, amount, and date of payment made pursuant to § 935.65; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 935.33 *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only from other handlers which are not cooperative associations shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 935.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 935.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 935.35 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 935.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products required to be reported pursuant to § 935.30, which during the delivery period were received by a handler at an approved plant or caused by a cooperative association to be diverted to an unapproved plant shall be classified by the market administrator in the classes set forth in § 935.41.

§ 935.41 *Classes of utilization.* Subject to the conditions set forth in §§ 935.43, 935.44, and 935.47, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce a milk product not specified in paragraph (a) of this section, (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk, and (3) in shrinkage of other source milk.

§ 935.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and emergency milk, and (2) other source milk.

§ 935.43 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 935.41, the burden rests upon the handler who received such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified if verification discloses that the original classification was incorrect.

§ 935.44 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association from an approved plant to an approved plant of another handler who receives milk from producers or from a cooperative association shall be Class I if transferred in the form of milk, skim milk or cream: *Provided*, That if the selling handler, on or before the 7th day after the end of the delivery period during which such transfer is made, furnishes the market administrator with a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of receipts of other source milk.

(b) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler shall be Class I if transferred or diverted in the form of milk, skim milk or cream.

(c) Skim milk and butterfat which is caused to be delivered from producers to an approved plant by a cooperative

association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(d) Skim milk and butterfat when transferred from an approved plant to an unapproved plant located more than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(e) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be classified as Class I: *Provided further*, That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I.

(f) Skim milk and butterfat received by a handler as other source milk shall, except as provided in § 935.57, be classified in the lowest class in which such handler has use.

(g) Skim milk and butterfat received by a handler as emergency milk shall be ratably apportioned over the receiving handler's total utilization of milk.

(h) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

§ 935.45 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler is insufficient for such handler's disposition of Class I milk, skim milk and butterfat other than that in producer milk which is received by a handler and which is permitted by a health authority having jurisdiction in the marketing area to be disposed of as Grade A milk shall be considered emergency milk up to an amount equal to the difference between the receipts of skim milk or butterfat in producer milk by such handler and 107 percent of his total disposition of skim milk or butterfat in Class I milk.

§ 935.46 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 935.47 *Allocation of skim milk and butterfat classified.* After computing, pursuant to § 935.46, the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers in the following manner.

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk allocated to Class I pursuant to § 935.57;

(3) Subtract from the remaining pounds of skim milk in Class II the remaining pounds of skim milk in other source milk: *Provided*, That, if the pounds of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from Class I;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 935.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in (i) milk of the handler's own production, (ii) emergency milk, and (iii) milk received from a cooperative association which is a handler;

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 935.50 *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk for each delivery period shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8, and adjusted to the nearest cent:

Present Operator of Plant	*Location of Plant*
Amboy Milk Products Co.	Amboy, Ill.
Borden Co.	Dixon, Ill.
Borden Co.	Sterling, Ill.
Carnation Co.	Northfield, Minn.
Carnation Co.	Morrison, Ill.
Carnation Co.	Oregon, Ill.
Carnation Co.	Waverly, Iowa.
Dean Milk Co.	Pecatonica, Ill.
Fort Dodge Creamery Co.	Fort Dodge, Iowa.
Pet Milk Co.	Shullsburg, Wis.
United Milk Products Co.	Argo Fay, Ill.

(b) The price computed pursuant to § 935.51 (b) for the preceding delivery period for Class II milk containing 3.8 percent butterfat plus 15 cents.

§ 935.51 *Class prices.* Subject to the provisions of §§ 935.52 and 935.53 the minimum prices per hundredweight to be paid by each handler for milk received by him from producers or from a cooperative association during the delivery period shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to § 935.50 plus $1.40.

(1) The price per hundredweight of butterfat in Class I shall be computed by adding $28.00 to the price computed pursuant to paragraph (b) (1) of this section for the preceding delivery period.

(2) The price per hundredweight of skim milk in Class I shall be computed by (i) multiplying by 0.038 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for Class I milk containing 3.8 percent butterfat, (iii) dividing the result by 0.962, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subparagraph (1) (ii) of this paragraph and adding thereto the amount computed pursuant to subparagraph (2) (i) of this paragraph.

(1) The price per hundredweight of butterfat in Class II milk shall be computed by (i) multiplying the butterfat price by 1.25, (ii) subtracting 8 cents, (iii) adjusting to the nearest cent, and (iv) multiplying the result by 100.

(2) The price per hundredweight of skim milk in Class II shall be computed by (i) adding to 17 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound, (ii) dividing the resulting sum by 0.962, and (iii) adjusting to the nearest cent. The price per pound of non-fat dry milk solids to be used shall be the simple average of carlot prices for nonfat dry milk solids for human consumption both spray and roller process, delivered at Chicago as reported by the Department of Agriculture during the delivery period. In the event the Department does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 935.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 935.53 *Location differential to handlers.* With respect to milk received from producers at an approved plant located outside the marketing area and which is transferred to an approved plant located within the marketing area in the form of milk, skim milk or cream, the Class prices computed pursuant to § 935.51 shall be reduced 5 cents per hundredweight with respect to milk received at a plant located in Waterloo precinct in Douglas County, Nebraska, and 10 cents per hundredweight with respect to milk received at any other plant located more than 45 miles from the marketing area.

APPLICATION OF PROVISIONS

§ 935.55 *Producer-handlers.* Sections 935.40 to 935.47, 935.50 to 935.53, 935.60 to 935.62, and 935.65 to 935.74 shall not apply to a producer-handler.

§ 935.56 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with § 935.34.

(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which are classified as Class I milk under this subpart, is less than the price provided by this subpart, such handler, on or before the 10th day after the end of the delivery period in which a bill is rendered, shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 935.57 *Other source milk in Class I.* (a) In the case of approved plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of the actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

(b) During any delivery period prior to November 1, 1952, Grade A skim milk and butterfat in other source milk which is received in bulk at an approved plant from an unapproved plant which receives Grade A milk in packaged form for Class I use from the approved plant, shall be allocated to Class I in an amount not in excess of the amounts of skim milk and butterfat either (1) transferred from the unapproved to the approved plant as Grade A milk, or (2) transferred from the approved to the unapproved plant in packaged form, whichever is the lesser amount.

DETERMINATION OF UNIFORM PRICE

§ 935.60 *Computation of the value of milk received from producers.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.47 by the applicable class prices and adding together the resulting amounts and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class prices;

(b) If any skim milk or butterfat in other source milk has been subtracted from Class I pursuant to § 935.47 (a) (3) in any delivery period, other than one in which any handler has received skim milk or butterfat which has been designated by the market administrator as emergency milk, the market administrator in computing the value of milk of such handler shall add an amount computed by multiplying the hundredweight of skim milk or butterfat so subtracted by the difference between the Class I and Class II prices.

§ 935.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 935.60 for all handlers who filed the reports prescribed by § 935.30 and who made the payments pursuant to §§ 935.65 and 935.69 for the preceding delivery period;

(b) Subtract during each of the delivery periods of April, May, and June, an amount equal to 8 percent of the resulting sum;

(c) Add during each of the delivery periods of September, October, and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total value of the location differentials computed pursuant to § 935.67;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.8 percent, or add, if such butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 935.66 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" for milk received from producers.

§ 935.62 *Notification of handlers.* On or before the 9th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 935.47 and 935.60;

(b) The uniform price computed pursuant to § 935.61;

(c) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 935.65 and 935.69.

PAYMENTS

§ 935.65 *Time and method of payment.* Each handler shall make payment for milk received during the delivery period as follows:

(a) *Final payment.* On or before the 12th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler at not less than the uniform price computed in accordance with § 935.61, subject to the butterfat and location differentials computed pursuant to §§ 935.66 and 935.67, and less the amount of the payment made to such producers pursuant to paragraph (b) (1) of this section.

(2) To a cooperative association which is a handler for milk which it caused to be delivered to such handler by such cooperative association at not less than the value of such milk at the applicable class prices, less the amount of the payment made pursuant to paragraph (b) (2) of this section.

(b) *Mid-delivery period payment.* On or before the 27th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler an amount computed by multiplying the hundredweight of milk delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

(2) To a cooperative association which is a handler for milk which was caused to be delivered to such handler by such cooperative association an amount computed by multiplying the hundredweight of milk caused to be so delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

§ 935.66 *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to § 935.65 (a) (1) shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall subtract for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.8 percent not more than an amount computed as follows: add 20 percent to the butter price, divide the resulting sum by 10, and adjust to the nearest cent.

§ 935.67 *Location differential to producers.* In making payments to producers pursuant to § 935.65 (a) (1) there shall be deducted with respect to milk received at an approved plant located in Waterloo precinct in Douglas County, Nebraska, 5 cents per hundredweight, and with respect to milk received at approved plants located more than 45 miles from the marketing area, 10 cents per hundredweight.

§ 935.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 935.56, 935.69 and 935.71 and out of which he shall make all payments to handlers pursuant to §§ 935.70 and 935.71.

§ 935.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 935.60 is greater than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1).

§ 935.70 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 935.60 is less than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1); *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 935.71 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 935.69 and 935.70, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 935.72 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 935.65, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.73 *Expense of administration.* As his pro rata share of the expense of administration of this subpart each handler on or before the 12th day after the end of the delivery period shall pay to the market administrator, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received from producers (including such handler's own production) and cooperative associations and with respect to emergency milk or other source milk which is classified as Class I. As its pro rata share of the expense of administration of this subpart, a cooperative association which is a handler, shall pay to the market administrator on or before the 12th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to an unapproved plant, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this section.

§ 935.74 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 935.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 935.81.

§ 935.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 935.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 935.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 935.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 935.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order Directing That Referendum Be Conducted Among Producers; Determination of Representative Period; and Designation of Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order amending the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area which is filed simultaneously herewith) who, during the month of May 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of May 1952 is hereby determined to be a representative period for the conduct of such referendum. Wayne McPherren is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

Done at Washington, D. C., this 25th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8338; Filed, July 29, 1952; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[44 CFR Part 401]

DISPOSAL OF FOREIGN EXCESS PROPERTY

EXCESS PROPERTY FABRICATED FROM CRITICAL MATERIALS; NOTICE OF PROPOSED REVOCATION

Insofar as the Administrative Procedure Act may be applicable herein, notice is hereby given of the proposed revocation of the determination and other provisions of document issued January 9, 1951, and published in 16 F. R. 320. Interested persons may submit to the Foreign Excess Property Officer, Department of Commerce, Room 3-H-15, New General Accounting Office Building, Washington 25, D. C., written data, views or arguments relative to this proposed revocation. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

At the time of the determination referred to, practically all non-agricultural items of foreign excess property fabricated for defense use in whole or in part from critical materials were in short supply in this country. Under section 402 of the Federal Property and Administrative Services Act of 1949, foreign excess property could not be sold without a condition forbidding its importation into the United States unless the Secretary of Commerce (in the case of nonagricultural property) determined that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country.

Since the making of this determination the demand-supply situation for many materials and products has changed from one of scarcity to an adequate or an oversupply. Because of this change in the general supply situation affecting materials and products involved in foreign excess property, and to make the regulations under the Act consistent with the general purpose of the legislation, I deem it advisable to place the importation of foreign excess property on a more selective and individual basis. Accordingly, I propose to revoke my determination either in whole or in part. The effect of such revocation will be to require prospective importers to resort entirely to the procedure prescribed by Foreign Excess Property Order 1, as amended August 23, 1950 (15 F. R. 5847).

It is contemplated that the effective date of such revocation will be not less than thirty days from the time of its publication.

Pending the receipt of any views or suggestions with reference to the proposed revocation and any postponement of the effective date, prospective importers are advised to make application for authority to import in accordance with section 5 of said Foreign Excess Property Order 1.

(Sec. 402, 63 Stat. 393; 41 U. S. C. Sup. 272. Interprets or applies Reg. 8, Feb. 10, 1950, as amended, 15 F. R. 845, 5930)

Dated: July 24, 1952.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-8325; Filed, July 29, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

JULY 25, 1952.

Notice is hereby given that the Civil Aeronautics Board has under consideration adoption of the annexed revision of Part 40 of the Civil Air Regulations.

This is the third time which the basic principles embodied in the proposed revised draft of Part 40 have been circulated to the public, the first such occasion being on September 26, 1950 (15 F. R. 6700), and the second on September 1, 1951 (16 F. R. 8923). The revision circulated herewith incorporates changes made as a result of comment received on the earlier drafts, which has been considered at length by the Board and its staff. However, since it is deemed desirable to incorporate certain material on which earlier opportunity for public comment has not been afforded, the Board desires to recirculate the proposal again, so that specific written comment on the new items may be received. While the Board will not preclude comment on matters which were contained in the earlier drafts, particularly comment inspired by changes in fact occurring since the prior circulations, or matters formerly discussed but not contained in this or earlier drafts, it does not seek nor desire to receive written comment which are simply repetitious of matter already fully considered. Furthermore, with respect to the new matter herein contained, the Board is of the opinion that a 45-day period for return of comment will be fully adequate. Interested persons are advised that the Board does not intend to extend the deadline for comment and will not consider comment submitted after September 8, 1952. Comment should be explicit rather than general and include definitive proposals where changed wording or additional sections are involved. Comment should be submitted in writing and in duplicate addressed to the Civil Aeronautics Board attention Bureau of Safety Regulation, Washington 25, D. C. If any interested person desires to present oral argument to the Board on any point raised in its written comment, the comment should specify the particular point or points on which oral argument is desired. Copies of communications received in response to this Notice of Proposed Rule Making will be available after September 12, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The following major points of difference from earlier drafts are items to which attention is particularly called:

1. Provision has been made whereby a carrier may operate over any route between the terminals which it is authorized to serve, if the operating facilities and procedures on such routes are substantially similar to those on which the issuance of the operating certificate was predicated. This will facilitate traffic flow in congested areas

with no decrease in safety. Accordingly, pilot route qualifications are based on flight between the terminals of a trip usually assigned to the pilot.

2. The requirement of written approval of the Administrator prior to the discontinuance or substantial modification of any facility upon which the original issuance of an air carrier operating certificate was based has been deleted. Instead, the Administrator has been given the authority to require a carrier to "show" the adequacy of any such facilities both before and after the issuance of an operating certificate.

3. The requirement that after December 31, 1953, all airplanes must comply with transport category requirements has been eliminated. The Bureau of Safety Regulation, in 16 F. R. 11787, has previously proposed such action on the basis that adequate performance limitations for nontransport category airplanes could be devised and that, prior to December 31, 1953, the Board could determine precisely what provisions of the transport category airworthiness requirements should be made applicable to nontransport category airplanes. Such performance limitations substantially as proposed in 17 F. R. 2896 have been included in the part, and certain equipment requirements of Part 4b have been incorporated to become effective December 31, 1953. Certain other such equipment proposals will be handled separately at an early date.

4. The requirements for emergency evacuation gear, emergency lighting requirements, and certain survival equipment requirements as well as the requirements for a formal briefing of passengers have been deleted from Part 40 because of the considerable controversy which they engendered. The Bureau of Safety Regulation will prepare a separate draft release covering this entire field and expects to present its proposals to the Board in the near future.

5. The radio requirements have been amended to permit night VFR operation by pilotage without the requirement for duplicate air-borne radio facilities. Also, special exception has been made for automatic direction finding equipment in order to avoid the necessity for duplicate facilities in operations in which the use of ADF has been authorized by the Administrator. These amendments are consistent with current Parts 40 and 61 with the exception that, in the case of operation by ADF, a requirement is introduced for an alternate routing to a suitable airport equipped with navigational systems the signals from which may be received by the remaining aircraft radio system. This latter restriction is currently imposed on air carriers by the Administrator in the operations specifications.

6. Provision has been made for flight engineer training as well as strengthened requirements for all crew training.

7. The previous proposal did not include minimum altitude requirements for air carrier aircraft, because it was contemplated that the entire subject would be treated in Part 60. However, since Part 60 has not been amended to date, the Board considers it advisable to continue the minimum altitude rules presently contained in Part 61.

The Board also will rescind present Part 61 at the time the revised Part 40 becomes effective. In addition Special Regulations 366, 368, and 382 and any extensions thereof will be rescinded insofar as they purport to affect operations covered by revised Part 40 on and after its effective date.

This proposal is made under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, 62 Stat. 1216; 49 U. S. C. 452, 551–560)

Dated: July 25, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

APPLICABILITY AND DEFINITIONS

Sec.
40.0 Applicability of this part.
40.1 Applicability of Parts 43 and 60 of this subchapter.
40.2 Definitions.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

40.3 Certificate required.
40.4 Contents of certificate.
40.5 Application for certificate.
40.6 Issuance of certificate.
40.7 Amendment of certificate.
40.8 Display of certificate.
40.9 Duration of certificate.
40.10 Transferability of certificate.
40.12 Operations specifications required.
40.13 Contents of specifications.
40.14 Utilization of operations specifications.
40.15 Amendment of operations specifications.
40.16 Inspection.
40.17 Operations base and office.

REQUIREMENTS FOR SERVICES AND FACILITIES

40.20 Route requirements; demonstration of competence.
40.21 Width of routes.
40.22 IFR routes outside of control areas.
40.23 Airports.
40.24 Communications facilities.
40.25 Weather reporting facilities.
40.26 En route navigational facilities.
40.27 Servicing and maintenance facilities.
40.28 Location of dispatch centers.

MANUAL REQUIREMENTS

40.30 Preparation of manual.
40.31 Contents of manual.
40.32 Distribution of manual.

AIRCRAFT REQUIREMENTS

40.50 General.
40.51 Aircraft certification requirements.
40.52 Aircraft limitation for type of route.

OPERATING LIMITATIONS

40.53 Operating limitations for transport category airplanes.
40.54 Weight limitations.
40.55 Take-off limitations to provide for engine failure.
40.56 En route limitations; all engines operating.
40.57 En route limitations; one engine inoperative.
40.58 En route limitations; two engines inoperative.
40.59 Special en route limitations.
40.60 Landing distance limitations; airport of destination.
40.61 Landing distance limitations; alternate airports.
40.62 Operating limitations for aircraft not certificated in the transport category.
40.63 Take-off limitations.
40.64 En route limitations; one engine inoperative.
40.65 Landing distance limitations; airport of intended destination.
40.66 Proving tests.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

40.70 Aircraft instruments and equipment.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

40.71 Flight and navigational equipment for all operations.
40.72 Powerplant instruments for all operations.
40.73 Emergency equipment for all operations.
40.74 Seats and safety belts for all occupants.
40.75 Miscellaneous equipment for all operations.
40.76 Cockpit check procedure for all operations.
40.77 Passenger information for all operations.
40.78 Exit and evacuation marking for all operations.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

40.80 Instruments and equipment for operations at night.
40.81 Instruments and equipment for operations under IFR.
40.83 Supplemental oxygen.
40.84 Supplemental oxygen requirements for pressurized cabin airplanes.
40.85 Equipment standards.
40.86 Protective breathing equipment for the flight crew.
40.87 Equipment for overwater operation.
40.88 Equipment for operations in icing conditions.

RADIO EQUIPMENT

40.90 Radio equipment; general.
40.91 Radio equipment for operations under VFR over routes navigated by pilotage.
40.92 Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR.

MAINTENANCE AND INSPECTION REQUIREMENTS

40.100 General.
40.101 Maintenance and inspection requirements.
40.102 Maintenance and inspection training program.
40.103 Maintenance and inspection personnel duty time limitations.

AIRMAN AND CREW MEMBER REQUIREMENTS

40.110 Utilization of airman; general.
40.111 Composition of flight crew.
40.112 Flight engineer.
40.113 Flight attendant.
40.114 Aircraft dispatcher.

TRAINING PROGRAM

40.120 Training program; general.
40.121 Initial pilot ground training.
40.122 Initial pilot flight training.
40.123 Initial flight engineer training.
40.124 Initial crew member emergency training.
40.125 Initial aircraft dispatcher training.
40.126 Recurrent training.

FLIGHT CREWMAN AND DISPATCHER QUALIFICATIONS

Sec.
40.130 Qualification; general.
40.131 Pilot recent experience; aircraft.
40.132 Pilot checks.
40.135 Pilot route and airport qualification requirements.
40.136 Maintenance of pilot route and airport qualifications for particular trips.
40.137 Competence check; other pilots.
40.138 Flight engineer; qualification for duty.
40.139 Aircraft dispatcher; qualification for duty.

FLIGHT TIME LIMITATIONS

40.140 Flight time limitations.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

40.144 Aircraft dispatcher daily duty limitations.

FLIGHT OPERATIONS

40.150 General.
40.151 Operational control.
40.153 Operations notices.
40.154 Operations schedules.
40.155 Flight crew members at controls.
40.156 Manipulation of controls.
40.157 Admission to flight deck.
40.158 Use of cockpit check procedure.
40.159 Flashlights.
40.160 Restriction or suspension of operation.
40.161 Emergency decisions; pilot in command and aircraft dispatcher.
40.162 Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.
40.163 Reporting mechanical irregularities.
40.165 Powerplant failure or precautionary stoppage.
40.166 Instrument approach procedures.
40.168 Requirements for air carrier equipment interchange.

DISPATCHING RULES

40.170 General.
40.171 Necessity for dispatching authority.
40.174 Familiarity with weather conditions.
40.175 Facilities and services.
40.176 Aircraft equipment required for dispatch.
40.177 Communications and navigational facilities required for dispatch.
40.178 Dispatching under VFR.
40.179 Dispatching under IFR or over-the-top.
40.180 Alternate airport for departure; IFR.
40.181 Alternate airport for destination; IFR.
40.182 Continuance of flight; flight hazards.
40.183 Operation in icing conditions.
40.184 Redispatch and continuance of flight.
40.185 Dispatch to and from provisional airport.
40.186 Take-offs from alternate airports or from airports not listed in the operations specifications.
40.187 Fuel supply for all operations.
40.188 Factors involved in computing fuel required.
40.191 Take-off and landing weather minimums; VFR.
40.192 Take-off and landing weather minimums; IFR.
40.193 Flight altitude rules.
40.194 Alternate airport weather minimums.
40.195 Preparation of dispatch release.
40.196 Preparation of load manifest form.

REQUIRED RECORDS AND REPORTS

40.200 Records; general.
40.201 Crew member and dispatcher records.
40.202 List of aircraft.
40.203 Dispatch release form.
40.204 Load manifest.
40.205 Disposition of load manifest, dispatch release form, and flight plans.
40.206 Maintenance records.
40.207 Maintenance log.
40.208 Daily mechanical reports.
40.209 Mechanical interruption summary report.
40.211 Alteration and repair reports.
40.212 Maintenance release.

SPECIAL AIRWORTHINESS REQUIREMENTS

40.300 Fire prevention.
40.301 Susceptibility of materials to fire.
40.302 Cabin interiors.
40.303 Internal doors.
40.304 Ventilation.
40.305 Fire precautions.
40.306 Proof of compliance.
40.307 Propeller de-icing fluid.
40.308 Pressure cross feed arrangements.
40.309 Location of fuel tanks.
40.310 Fuel system lines and fittings.
40.311 Fuel lines and fittings in designated fire zones.
40.312 Fuel valves.
40.313 Oil lines and fittings in designated fire zones.
40.314 Oil valves.
40.315 Oil system drains.
40.316 Engine breather line.
40.317 Fire walls.
40.318 Fire-wall construction.
40.319 Cowling.
40.320 Engine accessory section diaphragm.
40.321 Powerplant fire protection.
40.322 Flammable fluids.
40.323 Shutoff means.
40.324 Lines and fittings.
40.325 Vent and drain lines.
40.326 Fire-extinguisher systems.
40.327 Fire-extinguishing agents.
40.328 Extinguishing agent container pressure relief.
40.329 Extinguishing agent container compartment temperature.
40.330 Fire-extinguishing system materials.
40.331 Fire-detector systems.
40.332 Fire detectors.
40.333 Protection of other airplane components against fire.
40.340 Control of engine rotation.
40.341 Fuel system independence.
40.342 Induction system ice prevention.
40.343 Carriage of cargo in passenger compartments.

APPLICABILITY AND DEFINITIONS

§ 40.0 *Applicability of this part.* The provisions of this part are applicable to air carriers holding certificates of public convenience and necessity issued in accordance with Title IV of the Civil Aeronautics Act of 1938, as amended, when they engage in scheduled interstate air transportation within the Continental limits of the United States: *Provided*, That the provisions of this part shall not apply to operations conducted pursuant to economic exemption authority issued by the Board for a period of 90 days or less: *And provided further*, That the Administrator may authorize any air carrier holding authority to engage in scheduled cargo operations pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to conduct such operations in accordance with the air carrier certification and operations rules prescribed in Part 42 of this subchapter: *And provided further*, That in the case of routes extending beyond the Continental limits of the United States, the Administrator may authorize a specific air carrier to conduct operations over the whole or portions of such routes pursuant to provisions of Part 41 of this subchapter.

§ 40.1 *Applicability of Parts 43 and 60 of this subchapter.* The provisions of Parts 43 and 60 of the Civil Air Regulations shall be applicable to all air carrier operations conducted under the provisions of this part unless otherwise specified in this part.

§ 40.2 *Definitions.* (a) As used in this part terms shall be defined as follows:

(1) *Accelerate-stop distance.* Accelerate-stop distance is the distance required to accelerate the airplane to a specified speed and, assuming failure of the critical engine at the instant that speed is attained, to bring the airplane to a stop. (See the pertinent airworthiness requirements for the manner in which such distance is determined.)

(2) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(3) *Air carrier.* Air carrier means any citizen of the United States who directly or indirectly, or by lease or by other arrangement, undertakes the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce, whether such commerce moves wholly by aircraft or partly by aircraft and partly by other forms of transportation, between any of the following places: A place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; places in the same State of the United States through the air space over any place outside thereof; places in the same Territory or possession of the United States, or the District of Columbia; a place in any State of the United States, or the District of Columbia, and any place in a Territory or possession of the United States; a place in a Territory or possession of the United States and a place in any other Territory or possession of the United States; a place in the United States and any place outside thereof.

(4) *Air traffic clearance.* An air traffic clearance is an authorization issued by air traffic control for an aircraft to proceed under specified conditions.

(5) *Air traffic control.* Air traffic control is a service provided for the purpose of:

(i) Preventing collisions between aircraft, and, on the airport ground maneuvering area, between aircraft and obstructions; and

(ii) Expediting and maintaining an orderly flow of air traffic.

(6) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.

(7) *Aircraft dispatcher.* An aircraft dispatcher is an individual holding a valid aircraft dispatcher certificate issued by the Administrator who exercises responsibility with the pilot in command in the operational control of each flight.

(8) *Airframe.* Airframe shall mean any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of

whatever description, appertaining thereto, but not including powerplants and propellers.

(9) *Airport.* An airport is an area of land or water which is used, or intended for use, for the landing and take-off of aircraft.

(10) *Alternate airport.* An alternate airport is an airport listed in the dispatch release as an airport to which a flight may proceed if a landing at the airport to which the flight was initially dispatched becomes inadvisable.

(11) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(12) *Approved.* Approved, when used alone or as modifying terms such as means, method, action, equipment, etc., shall mean approved by the Administrator.

(13) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

(14) *Ceiling.* Ceiling is the distance from the surface of the ground or water to the lowest cloud layer or other obscuring media reported as "broken clouds," "overcast", or "obscuration", and not classified as "thin" or "partial."

(15) *Check airman.* A check airman is an airman designated by the air carrier and approved by the Administrator to examine other airmen to determine their proficiency with respect to procedures and technique and their competence to perform their respective airman duties.

(16) *Control area.* Control area is airspace having defined dimensions, designated by the Administrator, which extends upward from an altitude of 700 feet above the surface, within which air traffic control is exercised.

(17) *Control zone.* Control zone is airspace having defined dimensions, designated by the Administrator, which extends upward from the surface, which includes one or more airports, and within which rules additional to those governing control areas apply for the protection of air traffic.

(18) *Crew member.* A crew member is any individual assigned by an air carrier for the performance of duty on an aircraft in flight.

(19) *Critical engine.* The critical engine is that engine the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(20) *Critical-engine-failure speed, V_1 (transport category airplanes).* The critical-engine-failure speed is the airplane speed used in the determination of the take-off distance required at which the critical engine is assumed to fail. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

(21) *Dispatch release.* A dispatch release is an authorization issued by an air carrier specifying the conditions for the origination or continuance of a particular flight.

(22) *Duty aloft.* Duty aloft includes the entire period during which an individual is assigned as a member of an aircraft crew during flight time.

(23) *Effective length of runway*—(i) *Take-off.* The effective length of runway for take-offs as used in the take-off operating limitations for nontransport category airplanes is the distance from the end of the runway at which the take-off is started to the point at which the obstruction clearance plane associated with the other end of the runway intersects the center line of the runway.

(ii) *Landing.* The effective length of runway for landing as used in the landing operating limitations for both transport and nontransport category airplanes is the distance from the point at which the obstruction clearance plane associated with the approach end of the runway intersects the center line of the runway to the far end thereof.

(24) *En route.* En route shall mean the entire flight from the point of origination to the point of termination including intermediate stops.

(25) *Extended overwater operation.* An extended overwater operation shall be considered an operation over water conducted at a distance in excess of 50 miles from the nearest shore line.

(26) *Flight crew member.* A flight crew member is a crew member assigned to duty on an aircraft as a pilot or flight engineer.

(27) *Flight engineer.* A flight engineer is an individual holding a valid flight engineer certificate issued by the Administrator and whose primary assigned duty during flight is to assist the pilots in the mechanical operation of the aircraft.

(28) *Flight time.* Flight time is the time from the moment the aircraft first moves under its own power for the purpose of flight until it comes to rest at the next point of landing (block-to-block time).

(29) *High altitude operation.* High altitude operation is flight conducted at or above 12,500 feet above sea level east of longitude 100° W. and at or above 14,500 feet above sea level west of longitude 100° W.

(30) *IFR.* IFR is the symbol used to designate instrument flight rules.

(31) *Interstate air transportation.* Interstate air transportation means the carriage by aircraft of persons or property as a common carrier for compensation or hire or the carriage of mail by aircraft, in commerce between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States through the air space over any place outside thereof; or between places in the same Territory or possession of the United States, or the District of Columbia.

(32) *Maximum certificated take-off weight.* Maximum certificated take-off weight is the maximum take-off weight authorized by the terms of the aircraft airworthiness certificate.[1]

(33) *Minimum control speed.* The minimum control speed is the minimum speed at which the aircraft can be safely controlled in flight after an engine suddenly becomes inoperative. (See pertinent airworthiness requirements for the manner in which such speed is determined.)

(34) *Month.* Month shall mean that period of time extending from the first day of any month as delineated by the calendar through the last day thereof.

(35) *Night.* Night is the time between the ending of evening civil twilight and the beginning of morning civil twilight as published in the American Air Almanac converted to local time for the locality concerned.[2]

(36) *Obstruction clearance area*—(i) *Take-off.* A take-off obstruction clearance area as used in the take-off operating limitations for nontransport category airplanes is an area on the earth's surface defined as follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the take-off procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter the obstruction clearance area shall extend laterally for a distance of 500 feet on each side of the center line.

(ii) *Landing.* A landing obstruction clearance area as used in the landing operating limitations for both transport and nontransport category airplanes is an area on the earth's surface defined as

[1] Note that the aircraft airworthiness certificate incorporates as a part thereof the aircraft operating record or that portion of an Airplane Flight Manual which contains the pertinent limitation.

[2] The American Air Almanac containing the ending of evening twilight and the beginning of morning twilight tables may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Information is also available concerning such tables in the offices of the Civil Aeronautics Administration or the United States Weather Bureau.

follows: The center line of the obstruction clearance area in plan view shall coincide with and prolong the center line of the runway, beginning at the point where the obstruction clearance plane intersects the center line of the runway and proceeding to a point not less than 1,500 feet from the beginning point. Thereafter the center line shall proceed in a path consistent with the instrument approach procedure for the runway or, where such a procedure has not been established, consistent with turns of at least 4,000-foot radius until a point is reached beyond which the obstruction clearance plane clears all obstructions. The obstruction clearance area shall extend laterally for a distance of 200 feet on each side of the center line at the point where the obstruction clearance plane intersects the runway and shall continue at this width until the end of the runway; thence it shall increase uniformly to 500 feet on each side of the center line at a point 1,500 feet from the intersection of the obstruction clearance plane with the runway; thereafter the obstruction clearance area shall extend laterally for a distance of 500 feet on each side of the center line.

(37) *Obstruction clearance plane.* An obstruction clearance plane is a plane which is tangent to or clears all obstructions within the obstruction clearance area and which slopes upward from the runway at a slope of 1:20 to the horizontal as shown in a profile view of the obstruction clearance area.

(38) *Operational control.* Operational control is the exercise of authority over initiation, continuation, diversion, or termination of a flight.

(39) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(40) *Pilot in command.* The pilot in command is the pilot designated by the air carrier as the pilot responsible for the operation and safety of the aircraft during the time defined as flight time.

(41) *Pilotage.* Pilotage is navigation by means of visual reference to landmarks.

(42) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft.

(43) *Provisional airport.* A provisional airport is an airport approved for use by an air carrier for the purpose of providing service to a community when the regular airport serving that community is not available.

(44) *Rating.* Rating is an authorization issued with a certificate, and forming a part thereof, delineating special conditions, privileges, or limitations pertaining to such certificate.

(45) *Refueling airport.* A refueling airport is an airport approved as an airport to which flights may be dispatched only for refueling.

(46) *Regular airport.* A regular airport is an airport approved as a regular terminal or intermediate stop on an authorized route.

(47) *Route.* A route is airspace of a specified width which joins those points on the surface of the earth between which an air carrier provides air transportation in accordance with the terms of its certificate of public convenience and necessity issued by the Board.

(48) *Route segment.* A route segment is a portion of a route each terminus of which is identified by:

(i) A continental or insular geographic location, or

(ii) A point at which a definite radio fix can be established.

(49) *Runway.* A runway is a clearly defined area of an airport suitable for the safe landing or take-off of aircraft.

(50) *Scheduled for duty aloft.* Scheduled for duty aloft shall mean the assignment of a flight crew member on the basis of the flight time established in the operations schedules rather than the actual flight time.

(51) *Second in command.* Second in command is any pilot, other than the pilot in command, who is designated by the air carrier to act as second in command of an aircraft with a crew of three or more airmen.

(52) *Show.* Show shall mean to demonstrate or prove to the satisfaction of the Administrator prior to the issuance of the air carrier operating certificate and at any time thereafter required by the Administrator.

(53) *Synthetic trainer.* A synthetic trainer is a device the use of which is approved to simulate certain flight operating conditions.

(54) *Take-off safety speed, V_2.* The take-off safety speed is the airplane speed used in the determination of the take-off flight path at which the climb-out following take-off can be safely executed with one engine inoperative and with the aircraft in the take-off configuration. (See the pertinent airworthiness requirements for the manner in which such speed is determined.)

(55) *Time in service.* Time in service, as used in computing maintenance time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

(56) *Transport category aircraft.* Transport category aircraft are aircraft which have been type certificated in accordance with the requirements of Part 4b of this subchapter or the transport category requirements of Part 4a of this subchapter.

(57) *Type.* With regard to airman qualifications, type shall mean all aircraft of the same basic design, including all modifications thereto except those modifications which the Administrator has found result in a substantial change in handling or flight characteristics.

(58) *UHF.* UHF is the symbol used to designate ultrahigh frequency.

(59) *VFR.* VFR is the symbol used to designate visual flight rules.

(60) *VHF.* VHF is the symbol used to designate very high frequency.

(61) *V_{s_1}.* *V_{s_1}* denotes the true indicated stall speed or the minimum steady flight speed in the landing configuration.

(62) *Visibility.* Visibility is the greatest distance at which conspicuous objects can be seen and identified.

(i) *Flight visibility.* Flight visibility is the average range of visibility forward from the cockpit of an aircraft in flight, expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night.

(ii) *Ground visibility.* Ground visibility is the visibility at the earth's surface as reported by the United States Weather Bureau or by a source approved by the Weather Bureau.

(63) *Year.* Year shall mean that period of time extending from the first day of any year as delineated by the calendar through the last day thereof.

CERTIFICATION RULES AND OPERATIONS SPECIFICATIONS REQUIREMENTS

§ 40.3 *Certificate required.* No person subject to the provisions of this part shall operate aircraft in scheduled interstate air transportation without, or in violation of the terms of, an air carrier operating certificate issued by the Administrator.

§ 40.4 *Contents of certificate.* An air carrier operating certificate shall specify the points to and from which, and the routes over which, an air carrier is authorized to operate.

§ 40.5 *Application for certificate.* An application for an air carrier operating certificate shall be made in the form and manner and contain information prescribed by the Administrator.

§ 40.6 *Issuance of certificate.* (a) An air carrier operating certificate shall be issued by the Administrator to an applicant having a certificate of public convenience and necessity issued by the Civil Aeronautics Board when the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this part and with the operations specifications authorized in this part.

(b) Whenever, upon investigation, the Administrator finds that the general standards of safety required for air carrier operations in aircraft of 12,500 pounds or less maximum certificated take-off weight, or for air carrier operations conducted pursuant to a temporary authorization issued under Title IV of the act, require or permit a deviation from any specific requirement for a particular operation or class of operations for which an application for an air carrier operating certificate has been made, he may issue operations specifications prescribing requirements which deviate from the requirements of this part. The Administrator shall promptly notify the Board of such deviations in the operations specifications and the reasons therefor.

§ 40.7 *Amendment of certificate.* (a) The Administrator shall, after notice and opportunity for hearing, amend an air carrier operating certificate when he finds that such amendment is reasonably required in the interest of safety.

(b) Upon application by an air carrier the Administrator shall amend an air carrier operating certificate when he finds that the general standards of safety permit such an amendment.

§ 40.8 *Display of certificate.* The air carrier operating certificate shall be available at the principal operations office of an air carrier for inspection by any authorized representative of the Board or the Administrator.

§ 40.9 *Duration of certificate.* (a) An air carrier operating certificate shall remain in effect until termination of the certificate of public convenience and necessity or other economic authorization issued by the Board held by the air carrier, or until surrendered, suspended, revoked, or otherwise terminated by order of the Board. After suspension or revocation it shall be returned to the Administrator.

(b) Nothing in this section shall be construed to deny or to defeat the jurisdiction of the Federal courts, the Administrator, or the Board to impose any authorized sanction, including revocation of the certificate, for a violation of the act, the Civil Air Regulations, or the air carrier operating certificate occurring during the effective period of such certificate.

§ 40.10 *Transferability of certificate.* An air carrier operating certificate is not transferable, except with the written consent of the Administrator.

§ 40.12 *Operations specifications required.* (a) On and after the effective date of this part all air carrier operations specifications currently in force relating to interstate air transportation shall cease to be a part of any air carrier operating certificate and shall be deemed to be operations specifications issued under this part. Thereafter new or amended specifications shall be issued by the Administrator for operations subject to this part in a form and manner prescribed by him and in accordance with the provisions of this part.

(b) No person subject to the provisions of this part shall operate aircraft in scheduled interstate transportation in violation of the operations specifications issued by the Administrator.

§ 40.13 *Contents of specifications.* The operations specifications shall contain the following:

(a) Types of operations authorized,

(b) Types of aircraft authorized for use,

(c) En route authorizations and limitations,

(d) Airport authorizations and limitations,

(e) Time limitation for aircraft overhaul, inspections, and checks, or standards by which such time limitations shall be determined,

(f) Procedures used to maintain control of weight and balance of aircraft,

(g) Interline equipment interchange requirements, if pertinent, and

(h) Such additional items as the Administrator determines, under the enabling provisions of this part, are necessary to cover a particular situation.

§ 40.14 *Utilization of operations specifications.* The air carrier shall keep its personnel informed with respect to the contents of the operations specifications and all amendments thereto applicable to the individual's duties and responsibilities. A set of specifications shall be maintained by the air carrier as a separate and complete document. Pertinent excerpts from the specifications or references thereto shall be inserted in the manual issued by the air carrier.

§ 40.15 *Amendment of operations specifications.* Any operations specification may be amended by the Administrator if he finds that safety in air transportation so requires or permits. Except in the case of an emergency requiring immediate action in respect to safety in air transportation or upon consent of the air carrier concerned, no amendment shall become effective prior to thirty days after the date the air carrier has been notified of such amendment. Within thirty days after either the receipt of such notice or the refusal of the Administrator to approve an air carrier's application for amendment, the air carrier may petition the Board to review the action of the Administrator. Except with regard to emergency amendments by the Administrator, the effectiveness of any amendment concerning which the carrier has petitioned for review shall be stayed pending the Board's decision.

§ 40.16 *Inspection.* An authorized representative of the Board or the Administrator shall be permitted at any time and place to make inspections or examinations to determine an air carrier's compliance with the requirements of the act, the Civil Air Regulations, the provisions of the air carrier's operating certificate, and the operations specifications.

§ 40.17 *Operations base and office.* Each scheduled air carrier shall give written notice to the Administrator of his principal business office, his principal operations base, and his principal maintenance base. Thereafter, prior to any change in any such office or base, he shall given written notice to the Administrator.

REQUIREMENTS FOR SERVICES AND FACILITIES

§ 40.20 *Route requirements; demonstration of competence.* Except as otherwise provided in this part, no air carrier shall conduct scheduled operations over any route or route segment until the air carrier has shown that it is competent to conduct such operations and that the facilities and services available are adequate for the type of operation proposed. The Administrator shall not require actual flight over a route or route segment, if the air carrier shows that such flight is not essential to safety. The air carrier may thereafter conduct operations between regular, provisional, or refueling airports on any approved route or routes on which the operational facilities and procedures are substantially similar: *Provided*, That high altitude operations may be conducted over any route.

§ 40.21 *Width of routes.* A route or route segment shall include the navigable airspace on each side of an approved track or tracks, and it shall have a width designated by the Administrator consistent with terrain, available navigational aids, traffic density, and air traffic control procedures.

§ 40.22 *IFR routes outside of control areas.* IFR routes outside of control areas shall be approved if the air carrier shows that the navigational and communications facilities are adequate for the operations proposed, unless the Administrator finds that because of traffic density an adequate level of safety cannot be assured in a particular area.

§ 40.23 *Airports.* The air carrier shall show that each route has sufficient airports found by the Administrator to be properly equipped and adequate for the type of operations to be conducted. Consideration shall be given to items such as size, surface, obstructions, facilities, public protection, lighting, navigation and communications aids, and traffic control.

§ 40.24 *Communications facilities.* The air carrier shall show that a two-way ground-to-aircraft radio communication system is available at such points as will insure reliable and rapid communications over the entire route, either direct or via approved point-to-point circuits for the following purposes:

(a) Communications between the aircraft and the appropriate dispatch office, in which case such system shall be independent of systems operated by the Federal Government, and

(b) Communications between the aircraft and the appropriate air traffic control unit, in which case the Administrator may permit the use of communications systems operated by the Federal Government.

§ 40.25 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available at such points along the route as are necessary to insure such weather reports and forecasts as are necessary for the operation. Weather reports used to control flight movements shall be those prepared and released by the U. S. Weather Bureau, or by a source approved by the Weather Bureau. Forecasts used to control flight movements shall be prepared from such weather reports.

§ 40.26 *En route navigational facilities.* The air carrier shall show that nonvisual ground aids to air navigation are available along each route, that they are so located as to permit navigation to any regular, provisional, refueling, or alternate airport within the degree of accuracy necessary for the operation involved, and that they are available for the navigation of the aircraft within the degree of accuracy required to adhere to the flow of traffic established for air traffic control: *Provided*, That no nonvisual ground aids to navigation are required for day VFR operations where the characteristics of the terrain are such that navigation can be conducted by pilotage.

§ 40.27 *Servicing and maintenance facilities.* The air carrier shall show that competent personnel and adequate facilities and equipment, including spare parts, supplies, and materials, are available at such points along the air carrier's routes as are necessary for the proper servicing, maintenance, repair, and inspection of aircraft and auxiliary equipment.

§ 40.28 *Location of dispatch centers.* The air carrier shall show that it has a sufficient number of dispatch centers adequate for the operations to be conducted and located at such points as are necessary to insure the proper operational control of each flight.

MANUAL REQUIREMENTS

§ 40.30 *Preparation of manual.* The air carrier shall prepare and keep current a manual for the use and guidance of flight and ground operations personnel in the conduct of its operations.

§ 40.31 *Contents of manual.* (a) The manual shall contain instructions, information, and data necessary for the personnel concerned to carry out their duties and responsibilities with a high degree of safety. It shall be in a form to facilitate easy revision, and each page shall bear the date of the last revision thereof. The contents of such manual shall not be contrary to the provisions of any Federal regulations, operations specifications, or the operating certificate. The manual may be in two or more separate parts (e. g., flight operations, ground operations, maintenance, communications, etc.) to facilitate use by the personnel concerned, but each part shall contain so much of the information listed below as is appropriate for each group of personnel:

(1) General policies,

(2) Duties and responsibilities of each flight crew and crew member and appropriate members of the ground organization,

(3) Reference to appropriate Civil Air Regulations and Civil Aeronautics Manuals,

(4) Flight dispatching and control,

(5) En route flight, navigation, and communication procedures, including procedures for the dispatch or continuance of flight, if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en route,

(6) Appropriate information from the en route operations specifications, including for each approved route the type of aircraft authorized, its crew complement, the type of operation (i. e., VFR, IFR, day, night) and other pertinent information,

(7) Appropriate information from the airport operations specifications, including for each airport its location, its designation (i. e., regular, alternate, provisional, etc.), type of aircraft authorized, instrument approach procedures, landing and take-off minimums, and other pertinent information,

(8) Take-off, en route, and landing weight limitations,

(9) Procedures for briefing or familiarizing passengers, with the use of emergency equipment during flight,

(10) Emergency procedures and equipment,

(11) The method of designating succession of command of flight crew members,

(12) Procedures for determining the usability of all landing and take-off areas and for dissemination of pertinent information to operations personnel,

(13) Procedures for operation during periods of icing, hail, thunderstorms, turbulence, or any potentially hazardous meteorological conditions,

(14) Airman training programs, including appropriate ground, flight, and emergency phases,

(15) Instructions and procedures for maintenance, repair, overhaul, and servicing,

(16) Time limitations for overhaul, inspection, and checks, and standards governing revision of such time limitations,

(17) Procedures for refueling aircraft, elimination of fuel contamination, protection from fire including electrostatic protection, and the supervision and protection of passengers during refueling,

(18) Inspections for airworthiness, including instructions covering procedures, standards, responsibilities, and authority of the inspection personnel,

(19) Methods and procedures for maintaining the aircraft weight and center of gravity within approved limits,

(20) Pilot and dispatcher route and airport qualification procedures,

(21) Accident notification procedures, and

(22) Other data or instructions related to safety.

(b) At least one complete master copy of the manual containing all parts thereof shall be retained at the principal operations base of the air carrier.

§40.32 *Distribution of manual.* (a) Copies and revisions of the manual shall be furnished to the following:

(1) The Administrator,

(2) Authorized representatives of the Administrator assigned to the air carrier to act as aviation safety agents,

(3) Appropriate operations and maintenance personnel of the air carrier.

(b) All copies of the manual shall be kept up to date.

AIRCRAFT REQUIREMENTS

§ 40.50 *General.* Aircraft shall be identified, certificated, and equipped in accordance with the applicable airworthiness requirements of the Civil Air Regulations. No air carrier shall operate any aircraft in scheduled operation unless:

(a) The air carrier has complied with the appropriate requirements of § 40.66, and

(b) Such aircraft meets the requirements of this part.

§ 40.51 *Aircraft certification requirements*—(a) *Aircraft certificated on or before June 30, 1942.* Aircraft certificated as a basic type on or before June 30, 1942, shall either:

(1) Retain their present airworthiness certification status and meet the requirements of § 40.62, or

(2) Comply with either the performance requirements of §§ 4a.737–T through 4a.750–T of this subchapter or the performance requirements of Part 4b of this subchapter, and in addition shall meet the requirements of §§ 40.53 through 40.61: *Provided*, That should any type be so qualified, all aircraft of any one operator of the same or related types shall be similarly qualified and operated.

(b) *Aircraft certificated after June 30, 1942.* Aircraft certificated as a basic type after June 30, 1942, and used in passenger operation shall be certificated as transport category aircraft and shall meet the requirements of §§ 40.53 through 40.61 over each route to be flown.

§ 40.52 *Aircraft limitation for type of route.* All aircraft used in scheduled passenger air transportation shall be multiengine aircraft and shall comply with the following requirements:

(a) *Two- or three-engine aircraft.* Two- or three-engine aircraft shall not be used in passenger-carrying operations unless adequate airports are so located along the route that the aircraft will at no time be at a greater distance therefrom than one hour of flying time in still air at normal cruising speed with one engine inoperative: *Provided*, That the Administrator may specify distances between airports greater or less than those set forth in this paragraph when he determines that the character of the terrain, the type of operation, or the performance of the aircraft to be used so permit or require.

(b) *Land aircraft on overwater routes.* Land aircraft operated on flights involving extended overwater operations shall be certificated as adequate for ditching in accordance with the ditching provisions of Part 4b of this subchapter.

OPERATING LIMITATIONS

§ 40.53 *Operating limitations for transport category airplanes.* (a) In operating any passenger-carrying transport category airplane the provisions of §§ 40.54 through 40.61 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety.

(b) For transport category aircraft the performance data contained in the Airplane Flight Manual shall be applied in determining compliance with these provisions. Where conditions differ from those for which specific tests were made, compliance shall be determined by interpolation or by computation of the effects of changes in the specific variables where such interpolations or computations will give results substantially equaling in accuracy the results of a direct test.

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by §§ 4a.749a-T or 4b.117 of this subchap-

ter, and set forth in the Airplane Flight Manual for the airplane.

§ 40.54 *Weight limitations.* (a) No airplane shall be taken off from any airport located at an elevation outside of the altitude range for which maximum take-off weights have been determined, and no airplane shall depart for an airport of intended destination or have any airport specified as an alternate which is located at an elevation outside of the altitude range for which maximum landing weights have been determined.

(b) The weight of the airplane at take-off shall not exceed the authorized maximum take-off weight for the elevation of the airport from which the take-off is to be made.

(c) The weight at take-off shall be such that, allowing for normal consumption of fuel and oil in flight to the airport of intended destination, the weight on arrival will not exceed the authorized maximum landing weight for the elevation of such airport.

§ 40.55 *Take-off limitations to provide for engine failure.* No take-off shall be made except under conditions which will permit compliance with the following requirements.

(a) It shall be possible, from any point in the take-off up to the time of attaining the critical-engine-failure speed, to bring the airplane to a safe stop on the runway as shown by the accelerate-stop distance data.

(b) It shall be possible, if the critical engine should fail at any instant after the airplane attains the critical-engine-failure speed, to proceed with the take-off and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the runway. Thereafter it shall be possible to clear all obstacles, either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and by at least 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles by at least the distances above set forth, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that a maximum bank thereafter does not exceed 15°.

(c) In applying the requirements of paragraphs (a) and (b) of this section, corrections shall be made for any gradient of the take-off surface. To allow for wind effect, take-off data based on still air may be corrected by not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and shall be corrected by not less than 150 percent of the reported wind component if in the direction of take-off.

§ 40.56 *En route limitations; all engines operating.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with all engines operating, of at least 6 V_{s_0} (when V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track. Transport category airplanes certificated under Part 4a of this subchapter are not required to comply with this section. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.57 *En route limitations; one engine inoperative.* No airplane shall be taken off at a weight in excess of that which would permit a rate of climb (expressed in feet per minute), with one engine inoperative, of at least $\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2$ (when N is the number of engines installed and V_{s_0} is expressed in miles per hour) at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track: *Provided*, That for transport category airplanes certificated under Part 4a of this subchapter, the rate of climb shall be 0.02 $V_{s_0}^2$. For the purpose of this section it shall be assumed that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil.

§ 40.58 *En route limitations; two engines inoperative.* No airplane having four or more engines shall be flown along an intended track except under the following conditions: *Provided*, That this section shall not apply to transport category airplanes certificated under Part 4a of this subchapter:

(a) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing may be made in accordance with the requirements of § 40.61, assuming all engines are operating at cruising power; or

(b) The take-off weight is such that the airplane with two engines inoperative shall have a rate of climb (expressed in feet per minute) of at least 0.01 $V_{s_0}^2$ (when V_{s_0} is expressed in miles per hour) either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. The rate of climb referred to in this paragraph shall be determined by assuming the airplane's weight to be either that expected at the moment of failure of the second engine, assuming the failure to occur 90 minutes after departure, or that which may be attained by dropping fuel at the moment of failure of the second engine, assuming that sufficient fuel is retained to arrive at an altitude of at least 1,000 feet directly over the landing area.

§ 40.59 *Special en route limitations.* The 10-mile lateral distance specified in §§ 40.56 through 40.58 may, for a distance of no more than 20 miles, be reduced to 5 miles, if operating VFR, or if air navigational facilities are so located as to provide a reliable and accurate identification of any high ground or obstruction located outside of such 5-mile lateral distance but within the 10-mile distance.

§ 40.60 *Landing distance limitations; airport of destination.* No airplane shall be taken off at a weight in excess of that which, under the conditions stated hereinafter would permit the airplane to be brought to rest at the field of intended destination within 60 percent of the effective length of the runway from a point 50 feet directly above the intersection of the obstruction clearance plane and the runway. For the purpose of this section it shall be assumed that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination.

(a) It shall be assumed that the aircraft is landed on the most favorable runway and direction in still air.

(b) It shall be assumed, considering the probable wind velocity and direction, that the airplane is landed on the most suitable runway, taking due account of the ground handling characteristics of the airplane type involved and other conditions (e. g., landing aids, terrain, etc.) and allowing for the effect on the landing path and roll of not more than 50 percent of the wind component along the landing path if opposite to the direction of landing, or not less than 150 percent of the wind component if in the direction of landing.

(c) If the airport of intended destination will not permit full compliance with paragraph (b) of this section, the aircraft may be taken off if an alternate airport is designated which permits compliance with § 40.61.

§ 40.61 *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the aircraft at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.60: *Provided*, That the aircraft can be brought to rest within 70 percent of the effective length of the runway.

§ 40.62 *Operating limitations for aircraft not certificated in the transport category.* In operating any large, nontransport category aircraft in passenger service after December 31, 1953, the provisions of §§ 40.63 through 40.65 shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Prior to that date such aircraft shall be operated in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the aircraft and the airports to be used and the areas to be traversed. Performance data published or approved by the Administrator for each such nontransport category aircraft shall be used in determining compliance with these provisions.

§ 40.63 *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the aircraft to be brought to a safe stop within the effective length of the runway from any

point during the take-off up to the time of attaining 105 percent V_{MC} or 115 percent V_{s_1}, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the aircraft is operating in the standard atmosphere.

§ 40.64 *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the aircraft to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the aircraft is operated at an altitude such that, in event of an engine failure, the aircraft can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The aircraft is operating in the standard atmosphere;

(6) The weight of the aircraft is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 40.65 *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the aircraft to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air and,

(2) On the runway required by the condition of the probable wind, taking into account not more than 50 percent of the probable head-wind component and not less than 150 percent of the probable tail-wind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The aircraft passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 V_{s_1};

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot.

(3) The aircraft is operating in the standard atmosphere.

§ 40.66 *Proving tests.* (a) A type of aircraft not previously approved for use in scheduled operation shall have at least 100 hours of proving tests, in addition to the aircraft certification tests, accomplished under the supervision of an authorized representative of the Administrator. As part of the 100-hour total at least 50 hours shall be flown over authorized routes and at least 10 hours shall be flown at night.

(b) A type of aircraft which has been previously proved shall be tested for at least 50 hours of which at least 25 hours shall be flown over authorized routes when the aircraft:

(1) Is materially altered in design, or

(2) Is to be used by an air carrier who has not previously proved such a type.

(c) During proving tests only those persons required to make the tests and those designated by the Board or the Administrator shall be carried. Mail, express, and other cargo may be carried when approved by the Administrator.

AIRCRAFT INSTRUMENTS AND EQUIPMENT

§ 40.70 *Aircraft instruments and equipment.* (a) Instruments and equipment shall be approved and shall be installed in accordance with the provisions of the airworthiness requirements applicable to the instruments or equipment concerned.

(b) The following instruments and equipment shall be in operable condition prior to take-off, except as provided in § 40.182 (b) for continuance of flight with equipment inoperative:

1) Instruments and equipment required to comply with airworthiness requirements under which the aircraft is type certificated and as required by the provisions of § 40.300,

(2) Instruments and equipment specified in §§ 40.71 through 40.78 for all operations, and the instruments and equipment specified in §§ 40.80 through 40.92 for the type of operation indicated, wherever these items are not already provided in accordance with subparagraph (1) of this paragraph.

INSTRUMENTS AND EQUIPMENT FOR ALL OPERATIONS

§ 40.71 *Flight and navigational equipment for all operations.* The following flight and navigational instruments and equipment are required for all operations:

(a) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunction due to icing,

(b) Sensitive altimeter,

(c) Clock (sweep-second),

(d) Free-air temperature indicator,

(e) Gyroscopic bank and pitch indicator,

(f) Gyroscopic rate-of-turn indicator combined with a slip-skid indicator,

(g) Gyroscopic direction indicator,

(h) Magnetic compass,

(i) Rate-of-climb indicator (vertical speed).

§ 40.72 *Powerplant instruments for all operations.* The following powerplant instruments are required for all operations:

(a) Carburetor air temperature indicator for each engine,

(b) Coolant temperature indicator for each liquid-cooled engine,

(c) Cylinder head temperature indicator for each air-cooled engine,

(d) Fuel pressure indicator for each pump-fed engine,

(e) Fuel flowmeter or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control,

(f) Means for indicating fuel quantity in each fuel tank used,

(g) Manifold pressure indicator for each engine,

(h) Oil pressure indicator for each engine,

(i) Oil quantity indicator for each oil tank when a transfer or separate oil reserve supply is used,

(j) Oil temperature indicator for each engine,

(k) Tachometer for each engine,

(l) On and after December 31, 1953, an independent fuel pressure warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuits from the master warning device.

§ 40.73 *Emergency equipment for all operations.* (a) The emergency equipment specified in paragraphs (b), (c), and (d) of this section is required for all operations. Such equipment shall be readily accessible to the crew, and the method of operation shall be plainly indicated. When such equipment is carried in compartments or containers, the compartments or containers shall be so marked as to be readily identifiable.

(b) Hand fire extinguishers for crew, passenger, and cargo compartments:

Hand fire extinguishers of an approved type shall be provided for use in crew, passenger, and cargo compartments in accordance with the following requirements:

(1) The type and quantity of extinguishing agent shall be suitable for the type of fires likely to occur in the compartment where the extinguisher is intended to be used.

(2) At least one hand fire extinguisher shall be provided and conveniently located on the flight deck for use by the flight crew.

(3) At least one hand fire extinguisher shall be conveniently located in the passenger compartment of aircraft accommodating more than six but less than 31 passengers. On aircraft accommodating more than 30 passengers, at least two fire extinguishers shall be provided. None need be provided in passenger compartments of aircraft accommodating six or less persons.

(c) First-aid equipment: First-aid equipment suitable for treatment of injuries likely to occur in flight or in minor accidents shall be provided in a quantity appropriate to the number of passengers and crew accommodated in the airplane.

(d) Crash ax: All aircraft shall be equipped with at least one crash ax, and if accommodations are provided for more than 30 persons including the crew aircraft shall be equipped with at least two crash axes. This equipment shall be stowed in readily accessible locations.

§ 40.74 *Seats and safety belts for all occupants.* A seat and an individual safety belt are required for each passenger and crew member, excluding infants, who are in other than a supine position during take-off and landing. One safety belt only is required in a berth for one or two persons in a supine position during take-off and landing. During flight between take-off and landing, one safety belt is sufficient for two persons occupying a multiple lounge or divan seat.

§ 40.75 *Miscellaneous equipment for all operations.* All aircraft shall have installed the following equipment:

(a) If protective fuses are used, spare fuses of a number approved for the particular aircraft and appropriately described in the air carrier manual.

(b) Windshield wiper or equivalent for each pilot.

(c) A power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using an external power supply in the event of failure of any one power source or component of the power distribution system: *Provided*, That the Administrator may authorize the use of common elements in the power distribution system when he finds that such elements are so designed as to be reasonably protected against malfunction. Engine-driven sources of energy, when used, shall be on separate engines.

(d) Means for indicating the adequacy of the power being supplied to required flight instruments.

(e) Two independent static pressure systems, so vented to the outside atmosphere that they will be least affected by air flow variation, moisture, or other foreign matter, and so installed as to be airtight except for the vent into the atmosphere. When a means is provided for transferring an instrument from its primary operating system to an alternate system, such means shall include a positive positioning control and shall be marked to indicate clearly which system is being used.

(f) Means for locking all companionway doors which separate passenger compartments from crew compartments. Keys for all doors which separate passenger compartments from other compartments having emergency exit provisions shall be readily available to all crew members. All doors which lead to compartments normally accessible to passengers and which are capable of being locked by passengers shall be provided with means for unlocking by the crew in the event of an emergency.

(g) For seaplanes only, anchor light or lights, a warning bell for signalling when not under way during fog conditions, and an anchor adequate for the size of the seaplane.

§ 40.76 *Cockpit check procedure for all operations.* The air carrier shall provide for each type of aircraft a cockpit check procedure adapted to each operation in which the aircraft is to be utilized. This procedure shall include all items necessary for flight crew members to check for safety prior to starting engines, prior to taking off, prior to landing, and in powerplant emergencies. It shall be so designed as to obviate the necessity for a flight crew member to rely upon his memory for items to be checked and shall be readily usable in the cockpit of each aircraft.

§ 40.77 *Passenger information for all operations.* All aircraft shall be equipped with signs visible to passengers and cabin attendants to notify such persons when smoking is prohibited and when safety belts should be fastened. These signs shall be capable of on-off operation by the crew.

§ 40.78 *Exit and evacuation marking for all operations.* All aircraft shall comply with the provisions of this section.

(a) Emergency exits of aircraft carrying passengers shall be clearly marked as such in letters not less than three-fourths of an inch high with luminous paint, such markings to be located either on or immediately adjacent to the pertinent exit and readily visible to passengers. Location and method of operation of the handles shall be marked with luminous paint.

(b) The exterior areas of the fuselage of an aircraft shall be marked to indicate the location of mechanisms of access and those areas suitable for cutting to facilitate the escape and rescue of occupants in the event of an accident.

INSTRUMENTS AND EQUIPMENT FOR SPECIAL OPERATIONS

§ 40.80 *Instruments and equipment for operations at night.* Each aircraft operated at night shall be equipped with the following instruments and equipment in addition to those required for all operations:

(a) Flashing position lights,

(b) Two landing lights,

(c) Two class 1 or class 1A landing flares,

(d) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the pilots' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that non-dimming instrument lights are satisfactory,

(e) At least one heavy-duty electric lantern conveniently located for use in passenger compartments. For aircraft carrying more than 30 passengers, at least two such lanterns shall be provided,

(f) An air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing, and

(g) A sensitive altimeter.

§ 40.81 *Instruments and equipment for operations under IFR.* Each aircraft operated under IFR shall be equipped with the following instruments and equipment in addition to those required by §§ 40.71 through 40.78.

(a) An additional air-speed indicating system with heated pitot tube or equivalent means for preventing malfunctioning due to icing,

(b) An additional sensitive altimeter, and

(c) Instrument lights providing sufficient illumination to make all instruments, switches, etc., easily readable, so installed that their direct rays are shielded from the pilots' eyes and that no objectionable reflections are visible to them. A means of controlling the intensity of illumination shall be provided unless it is shown that non-dimming instrument lights are satisfactory.

§ 40.83 *Supplemental oxygen*—(a) *General.* Except where supplemental oxygen is provided in accordance with the requirements of § 40.84, supplemental oxygen shall be furnished and used as set forth in paragraphs (b) and (c) of this section. The amount of supplemental oxygen required for a particular operation to comply with the rules in this part shall be determined on the basis of flight altitudes and flight duration consistent with the operating procedures established for each such operation and route. As used in the oxygen requirements set forth in this section, "altitude" shall mean the pressure altitude corresponding with the pressure in the cabin of the airplane, and "flight altitude" shall mean the altitude above sea level at which the airplane is operated.

(b) *Crew members.* (1) At altitudes above 10,000 feet to and including 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the portion of the flight in excess of 30 minutes within this range of altitudes.

(2) At altitudes above 12,000 feet oxygen shall be provided for, and used by, each member of the flight crew on flight deck duty, and provided for all other crew members during the entire flight time at such altitudes.

(c) *Passengers.* Each air carrier shall provide a supply of oxygen for passenger safety as approved by the Administrator in accordance with the following standards:

(1) For flights of over 30-minute duration at altitudes above 8,000 feet to and including 14,000 feet a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be required.

(2) For flights at altitudes above 14,000 feet to and including 15,000 feet a supply of oxygen sufficient to provide oxygen for the duration of the flight at such altitudes for 30 percent of the number of passengers carried shall generally be considered adequate.

(3) For flights at altitudes above 15,000 feet a supply of oxygen sufficient to provide oxygen for each passenger carried during the entire flight at such altitudes shall be required.

§ 40.84 *Supplemental oxygen requirements for pressurized cabin airplanes.* When operating pressurized cabin airplanes, the air carrier shall so equip such airplanes as to permit compliance with the following requirements in the event of cabin pressurization failure.

(a) *For crew members.* When operating such airplanes at flight altitudes above 10,000 feet, the air carrier shall provide sufficient oxygen for all crew members for the duration of the flight at such altitudes: *Provided*, That not less than a 2-hour supply of oxygen shall be provided for the flight crew members on flight deck duty. The oxygen supply required by § 40.86 may be considered in determining the supplemental breathing supply required for flight crew members on flight deck duty in the event of cabin pressurization failure.

(b) *For passengers.* When operating such airplanes at flight altitudes above 8,000 feet, the air carrier shall provide the following amounts of oxygen:

(1) When an airplane is not flown at a flight altitude of over 25,000 feet, a supply of oxygen sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried shall be considered adequate, if at any point along the route to be flown the airplane can safely descend to a flight altitude of 14,000 feet or less within 4 minutes.

(2) In the event that such airplane cannot descend to a flight altitude of 14,000 feet or less within 4 minutes, the following supply of oxygen shall be provided:

(i) For the duration of the flight in excess of 4 minutes at flight altitudes above 15,000 feet a supply sufficient to comply with § 40.83 (c) (3);

(ii) For the duration of the flight at flight altitudes above 14,000 feet to and including 15,000 feet, a supply sufficient to comply with § 40.83 (c) (2); and

(iii) For flight at flight altitudes above 8,000 feet to and including 14,000 feet, a supply sufficient to furnish oxygen for 30 minutes to 10 percent of the number of passengers carried.

(3) When an airplane is flown at a flight altitude above 25,000 feet, sufficient oxygen shall be furnished in accordance with the following requirements to permit the airplane to descend to an appropriate flight altitude at which the flight can be safely conducted. Sufficient oxygen shall be furnished to provide oxygen for 30 minutes to 10 percent of the number of passengers carried for the duration of the flight above 8,000 feet to and including 14,000 feet and to permit compliance with § 40.83 (c) (2) and (c) (3) for flight above 14,000 feet.

(c) For purposes of this section it shall be assumed that the cabin pressurization failure will occur at a time during flight which is critical from the standpoint of oxygen need and that after such failure the airplane will descend, without exceeding its normal operating limitations, to flight altitudes permitting safe flight with respect to terrain clearance.

§ 40.85 *Equipment standards.* The oxygen apparatus, the minimum rates of oxygen flow, and the supply of oxygen necessary to comply with the requirements of § 40.83 shall meet the standards established in § 4b.651 of this subchapter: *Provided*, That where full compliance with such standards is found by the Administrator to be impractical, he may authorize such changes in these standards as he finds will provide an equivalent level of safety.

§ 40.86 *Protective breathing equipment for the flight crew*—(a) *Pressurized cabin airplanes.* Each required flight crew member on flight deck duty shall have easily available at his station protective breathing equipment covering the eyes, nose, and mouth, or the nose and mouth where accessory equipment is provided to protect the eyes, to protect him from the effects of smoke, carbon dioxide, and other harmful gases. Not less than a 300-liter STPD supply of oxygen for each required flight crew member on flight deck duty shall be provided for this purpose.

(b) *Nonpressurized cabin airplanes.* The requirement stated in paragraph (a) of this section shall apply to nonpressurized cabin airplanes, if the Administrator finds that it is possible to obtain a dangerous concentration of smoke, carbon dioxide, or other harmful gases in the flight crew compartments in any attitude of flight which might occur when the aircraft is flown in accordance with either the normal or emergency procedures approved by the Administrator.

§ 40.87 *Equipment for overwater operations.* (a) The following equipment shall be required for all extended overwater operations.

(1) Life preserver or other adequate individual flotation device for each occupant of the aircraft,

(2) Lifesaving rafts sufficient in number to adequately carry all occupants of the aircraft,

(3) Suitable pyrotechnic signalling devices,

(4) One portable emergency radio signalling device, capable of transmission on the appropriate emergency frequency or frequencies, which is not dependent upon the aircraft power supply and which is self-buoyant and water-resistant, and

(b) Rafts and life preservers referred to in paragraph (a) (1) and (2) of this section shall be installed so as to be available to the crew and passengers.

§ 40.88 *Equipment for operations in icing conditions.* (a) For all operations in icing conditions each aircraft shall be equipped with means for the prevention or removal of ice on windshields, wings, empennage, propellers, and other parts of the aircraft where ice formation will adversely affect the safety of the aircraft.

(b) For operations in icing conditions at night means shall be provided for illuminating or otherwise determining the formation of ice on the portions of the wings which are critical from the standpoint of ice accumulation. When illuminating means are used, such means shall be of a type which will not cause glare or reflection which would handicap crew members in the performance of their normal functions.

RADIO EQUIPMENT

§ 40.90 *Radio equipment; general.* Each aircraft used in scheduled air transportation shall be equipped with the radio equipment specified for the type of operation in which it is engaged. Where two independent radio systems are required by §§ 40.91 and 40.92, each system shall have an independent antenna installation: *Provided*, That where rigidly supported nonwire antennas or other antenna installations of equivalent reliability are used, only one such antenna need be provided.

§ 40.91 *Radio equipment for operations under VFR over routes navigated by pilotage.* (a) For operations conducted under VFR over routes on which navigation can be accomplished by pilotage, each aircraft shall be equipped with such radio equipment as is necessary to:

(1) Permit communications, under normal operating conditions, with at least one appropriate ground station (as specified in § 40.24) from any point on the route and with other aircraft operated by the air carrier;

(2) Permit communications with airport traffic control towers from any point in the control zone within which flights are intended. The means employed for compliance with paragraph (a) of this section may be used for compliance with this subparagraph; and

(3) Receive meteorological information from any point en route by either of two independent systems. Either of the means required for compliance with subparagraphs (1) and (2) of this paragraph may be used to comply with one of the systems required by this paragraph.

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each aircraft, in addition to the equipment specified in paragraph (a) of this section, shall be equipped with at least one receiving system capable of receiving route navigation signals applicable to the route to be flown, except that no marker beacon receiver or ILS receiver need be provided.

§ 40.92 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under*

IFR. (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR, each aircraft, in addition to the equipment required by § 40.91, shall be equipped with such approved radio equipment as is necessary to receive satisfactorily, by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals or one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach if it is capable of receiving both signals.

(b) In the case of operation on routes using procedures based on automatic direction finding, only one automatic direction finding system need be installed: *Provided,* That ground facilities are so located and the aircraft so fueled that, in case of failure of the automatic direction finding equipment, the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining aircraft radio systems.

(c) During the period of transition from low frequency to very high frequency radio navigation systems one means of satisfactorily receiving signals over each of these systems shall be considered as complying with the requirement that two independent systems be provided to receive en route or approach navigation facility signals: *Provided,* That ground facilities are so located and the aircraft so fueled that in case of failure of either system the flight may proceed safely to a suitable airport which has ground radio navigational facilities whose signals may be received by use of the remaining aircraft radio system.

MAINTENANCE AND INSPECTION REQUIREMENTS

§ 40.100 *General.* Irrespective of whether the air carrier has made arrangements with any other person for the performance of maintenance and inspection functions, each air carrier shall have the primary responsibility for the airworthiness of its aircraft and required equipment.

§ 40.101 *Maintenance and inspection requirements.* (a) The inspection organization shall be responsible for determining that workmanship, methods employed, and material used are in conformity with the requirements of the Civil Air Regulations, with accepted standards and good practices, and that any airframe, powerplant, propeller, or appliance released for flight is airworthy.

(b) Any individual who is directly in charge of inspection, maintenance, overhaul, or repair of any airframe, powerplant, propeller, or appliance shall hold an appropriate license or airman certificate.

§ 40.102 *Maintenance and inspection training program.* The air carrier, or the person with whom arrangements have been made for the performance of maintenance and inspection functions, shall establish and maintain a training program to insure that all maintenance and inspection personnel charged with determining the adequacy of work performed are fully informed with respect to all procedures and techniques and with new equipment introduced into service, and are competent to perform their duties.

§ 40.103 *Maintenance and inspection personnel duty time limitations.* All mechanics shall be relieved of all duty for a period of at least 24 consecutive hours during any 7 consecutive days.

AIRMAN AND CREW MEMBER REQUIREMENTS

§ 40.110 *Utilization of airman; general.* No air carrier shall utilize an individual as an airman unless he holds a valid appropriate airman certificate issued by the Administrator and is otherwise qualified for the particular operation in which he is to be utilized.

§ 40.111 *Composition of flight crew.* (a) No air carrier shall operate an aircraft with less than the minimum flight crew specified in the airworthiness certificate for the type of aircraft and required in this part for the type of operation.

(b) Where the provisions of this part require the performance of two or more functions for which an airman certificate is necessary, such requirement shall not be satisfied by the performance of multiple functions at the same time by any airman.

(c) Where the air carrier is authorized to operate under instrument conditions or operates aircraft of 12,500 pounds or more maximum certificated weight, the minimum pilot crew shall be 2 pilots.

(d) On flights requiring a flight engineer, at least one other flight crew member shall be sufficiently qualified, so that in the event of illness or other incapacity, emergency coverage can be provided for that function for the safe completion of the flight. A pilot need not hold a flight engineer certificate to function in the capacity of a flight engineer for emergency conditions only.

§ 40.112 *Flight engineer.* An airman holding a valid flight engineer certificate shall be required on all aircraft certificated for more than 80,000 pounds maximum certificated take-off weight and on all four-engine aircraft certificated for more than 30,000 pounds maximum certificated take-off weight where the Administrator finds that the design of the aircraft used or the type of operation is such as to require engineer personnel for the safe operation of the aircraft.

§ 40.113 *Flight attendant.* At least one flight attendant shall be provided by the air carrier on all flights carrying passengers in aircraft of 10-passenger capacity or more.

§ 40.114 *Aircraft dispatcher.* Each air carrier shall provide an adequate number of qualified dispatchers at each dispatch center to insure the proper operational control of each flight.

TRAINING PROGRAM

§ 40.120 *Training program; general.* (a) Each air carrier shall establish a training program sufficient to insure that each crew member and dispatcher used by the air carrier is adequately trained to perform the duties to which he is to be assigned. The initial training phases will be satisfactorily completed prior to serving in scheduled operations.

(b) Each air carrier shall be responsible for providing adequate ground and flight training facilities and properly qualified instructors. A sufficient number of check airmen holding airman certificates and ratings appropriate to the type of check being conducted shall be provided for flight checking.

(c) The training program for each flight crew member shall consist of appropriate ground and flight training including proper crew coordination. Procedures for each flight crew function shall be standardized to the extent that each flight crew member will know the functions for which he is responsible and the relation of those functions to those of other flight crew members. The initial program shall include at least the appropriate requirements specified in §§ 40.121 through 40.124.

(d) The crew member emergency procedures training program shall include at least the requirements specified in § 40.124.

(e) The appropriate instructor, supervisor, or check airman shall certify to the proficiency of each crew member and dispatcher upon completion of his training, and such certification shall become a part of the individual's record.

§ 40.121 *Initial pilot ground training.* Ground training for all pilots shall include instruction in at least the following:

(a) The appropriate provisions of the air carrier operations specifications and appropriate provisions of the Civil Air Regulations with particular emphasis on the operation and dispatching rules and aircraft operating limitations;

(b) Dispatch procedures and appropriate contents of the manuals;

(c) The duties and responsibilities of crew members;

(d) The type of aircraft to be flown, including a study of the aircraft, engines, all major components and systems, performance limitations, standard and emergency operating procedures, and appropriate contents of the approved Airplane Flight Manual;

(e) The principles and methods of determining weight and balance limitations for take-off and landing;

(f) Navigation and use of appropriate aids to navigation, including the instrument approach facilities and procedures which the air carrier is authorized to use;

(g) Airport and airways traffic control systems and procedures, and ground control letdown procedures if pertinent to the operation. (To the extent practicable this should include visits to typical air traffic control units);

(h) Meteorology sufficient to insure a practical knowledge of the principles of icing, fog, thunderstorms, frontal systems, etc., and the recommended methods of operating under these various conditions;

(i) Procedures for operation in turbulent air and during periods of ice, hail, thunderstorms, or potentially hazardous meteorological conditions.

§ 40.122 *Initial pilot flight training.* (a) Flight training for all pilots shall include at least take-offs, landings, and normal and emergency flight maneuvers in each type of aircraft to be flown by him in scheduled operations, and flight under simulated instrument flight conditions.

(b) Flight training for a pilot qualifying to serve as pilot in command shall include flight instruction and practice in at least the following maneuvers and procedures:

(1) In each type of aircraft to be flown by him in scheduled operations:

(i) At the authorized maximum take-off weight, take-off using maximum take-off power with simulated failure of the critical engine. For transport category aircraft the simulated engine failure shall be accomplished as closely as possible to the critical engine failure speed (V_1), and climb-out shall be accomplished at a speed as close as possible to the take-off safety speed (V_2). Each pilot shall determine the proper values for speeds V_1 and V_2;

(ii) At the authorized maximum landing weight, flight in four-engine aircraft, where appropriate, with the most critical combinations of two engines inoperative, or operating at zero thrust utilizing appropriate climb speeds as set forth in the Airplane Flight Manual;

(iii) At the authorized maximum landing weight, simulated pull-out from the landing and approach configurations accomplished at a safe altitude with the critical engine inoperative or operating at zero thrust: *Provided,* That suitable combinations of aircraft weight and power less than those specified in subdivisions (i), (ii), and (iii) of this subparagraph may be employed if the performance capabilities of the aircraft under the above conditions are simulated.

(2) Conduct of flight under simulated instrument conditions, utilizing all types of navigational facilities and the letdown procedures used in normal operations. If a particular type of facility is not available in the training area, such training may be accomplished in a synthetic trainer.

§ 40.123 *Initial flight engineer training.* (a) The training for flight engineers shall include at least paragraphs (a) through (e) of § 40.121.

(b) Flight engineers shall be given sufficient training in flight to become proficient in those duties assigned them by the air carrier. Except for emergency procedures, this training may be accomplished during scheduled flight under the supervision of a qualified flight engineer.

§ 40.124 *Initial crew member emergency training.* (a) The training in emergency procedures shall be designed to give each crew member appropriate individual instruction in all emergency procedures, including assignments in the event of an emergency, and proper coordination between crew members. At least the following subjects as appropriate to the individual crew member shall be taught: the procedures to be followed in the event of the failure of an engine, or engines, or other aircraft components or systems, emergency decompression, fire in the air or on the ground, ditching, evacuation, the location and operation of all emergency equipment, and power setting for maximum endurance and maximum range.

(b) Synthetic trainers may be used for training of crew members in emergency procedures where the trainers sufficiently simulate flight operating emergency conditions for the equipment to be used.

§ 40.125 *Initial aircraft dispatcher training.* (a) The training program for aircraft dispatchers shall provide for training in their duties and responsibilities and shall include a study of the flight operation procedures, air traffic control procedures, the performance of the aircraft used by the air carrier, navigational aids and facilities, and meteorology. Particular emphasis shall be placed upon the procedures to be followed in the event of emergencies, including the alerting of proper Governmental, company, and private agencies to render maximum assistance to the aircraft in distress.

(b) Each aircraft dispatcher shall, prior to initially performing the duty of an aircraft dispatcher, satisfactorily demonstrate to the ground instructor authorized to certify to his proficiency, his knowledge of the following subjects:

(1) Contents of the air carrier operating certificate and appropriate provisions of the air carrier operations specifications and manual and of the Civil Air Regulations,

(2) Characteristics of the aircraft operated by the air carrier,

(3) Cruise control data and cruising speeds for such aircraft,

(4) Maximum authorized loads for the aircraft for the routes and airports to be used,

(5) Air carrier radio facilities,

(6) Characteristics and limitations of each type of radio and navigational facility to be used,

(7) Effect of weather conditions on aircraft radio reception,

(8) Airports to be used and the general terrain over which the aircraft are to be flown,

(9) Prevailing weather phenomena,

(10) Sources of weather information available,

(11) Pertinent air traffic control procedures, and

(12) Emergency procedures.

§ 40.126 *Recurrent training.* (a) Each air carrier shall provide such training as is necessary to insure the continued competence of each crew member and dispatcher and to insure that each possesses adequate knowledge and familiarity with all new equipment and procedures to be used by him.

(b) Each air carrier shall, at intervals established as part of the training program, check the competence of each crew member and dispatcher with respect to procedures, techniques, and information essential to the satisfactory performance of his duties. Where the check of the pilot in command requires actual flight, such check shall be considered to have been met by the checks accomplished in accordance with § 40.132.

(c) The appropriate instructor, supervisor, or check airman shall certify as to the proficiency demonstrated, and such certification shall become a part of the individual's record. In the case of copilots, the pilot in command may make such certification.

FLIGHT CREWMAN AND DISPATCHER QUALIFICATIONS

§ 40.130 *Qualification; general.* (a) No air carrier shall utilize any flight crew member or dispatcher, nor shall any such airman perform the duties authorized by his airman certificate, unless he satisfactorily meets the appropriate requirements of § 40.120 or § 40.126, and §§ 40.131 through 40.139, and the recent experience requirements specified in the appropriate airman certification parts. All pilots serving as pilot in command shall hold appropriate airline transport pilot certificates and ratings. All other pilots shall hold at least commercial pilot certificates and instrument ratings.

(b) Check airmen shall certify as to the proficiency of the pilot in command being examined, as required by §§ 40.132 and 40.135, and such certification shall become a part of the airman's records.

§ 40.131 *Pilot recent experience; aircraft.* No air carrier shall schedule a pilot to serve as such in scheduled air transportation unless within the preceding 90 days he has made at least 3 take-offs and 3 landings in the aircraft of the particular type on which he is to serve.

§ 40.132 *Pilot checks*—(a) *Line check.* Prior to serving as pilot in command, and at least once each 12 months thereafter, a pilot shall satisfactorily accomplish a line check in one of the types of aircraft normally to be flown by him. This check shall be given by a check pilot who is qualified for the route. It shall consist of at least a flight between terminals over a route to which the pilot is normally assigned.

(b) *Proficiency check.* (1) An air carrier shall not utilize a pilot as pilot in command until he has satisfactorily demonstrated to a check pilot or a representative of the Administrator his ability to pilot and navigate aircraft to be flown by him. Thereafter, at least twice each 12 months at intervals of not less than 4 months or more than 8 months, a similar pilot proficiency check shall be given each such pilot. Where such pilots serve in more than one aircraft type, the pilot proficiency check shall be given in the larger and more complicated type of aircraft. In the event only the smaller type of aircraft in which he is qualified is available, he may take the proficiency check immediately due in that aircraft, but his next proficiency check shall be accomplished in the larger and more complicated type of aircraft.

(2) The pilot proficiency check shall include at least the following:

(i) The flight maneuvers specified in § 40.122 (b) (1), except that the simulated engine failure during take-off need not be accomplished at speed V_1,

(ii) Flight maneuvers approved by the Administrator accomplished under simulated instrument conditions utilizing the navigational facilities and letdown procedures normally used by the pilot: *Provided*, That maneuvers other than those associated with approach procedures for which the lowest minimums are approved may be given in a synthetic trainer which contains the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for use by the air carrier.

(c) Prior to serving as pilot in command in a particular type aircraft, a pilot shall have accomplished during the preceding 12 months either a proficiency check or a line check in that type aircraft.

§ 40.135 *Pilot route and airport qualification requirements.* (a) An air carrier shall not utilize a pilot as pilot in command until he has been qualified for the route on which he is to serve in accordance with paragraphs (b), (c), and (d) of this section and the appropriate instructor or check pilot has so certified.

(b) Each such pilot shall demonstrate adequate knowledge concerning the subjects listed below with respect to each route to be flown. Those portions of the examination pertaining to holding procedures and instrument approach procedures may be accomplished in a synthetic trainer which contains the radio equipment and instruments necessary to simulate the navigational and letdown procedures approved for use by the air carrier.

(1) Weather characteristics,
(2) Navigational facilities,
(3) Communication procedures,
(4) Type of en route terrain and obstructional hazards,
(5) Minimum safe flight levels,
(6) Position reporting points,
(7) Holding procedures,
(8) Pertinent traffic control procedures, and
(9) Congested areas, obstructions, physical layout, and all instrument approach procedures for each regular, provisional, and refueling airport approved for the route.

(c) Each such pilot shall fly through the approach procedure for which the lowest minimums are authorized for each regular, provisional, and refueling airport into which he is scheduled to fly: *Provided*, That the approaches to refueling airports may be accomplished in a synthetic trainer, unless the Administrator finds in particular cases that actual flight is necessary in the interest of safety. Unless impracticable, such flights shall be conducted under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall be accompanied by a pilot who is qualified over the route.

(d) Where an en route operation is to be conducted at or below the level of the adjacent terrain which is within a horizontal distance of 25 miles on either side of the center line of the route to be flown, the pilot shall be familiarized with such terrain by not less than one round trip as pilot or additional member of the flight crew over the route under day VFR conditions, and when night operation is authorized, one way of the round trip shall be made under night VFR conditions.

§ 40.136 *Maintenance of pilot route and airport qualifications for particular trips.* To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and one actual or simulated entry into each regular, provisional, and refueling airport into which he is scheduled to fly, and shall have complied with the provisions of § 40.135 (d), if applicable. In order to reestablish pilot route and airport qualifications after absence from a route or any airport thereon for a period in excess of 12 months, a pilot shall comply with the appropriate provisions of § 40.135.

§ 40.137 *Competence check; other pilots.* Prior to serving as pilot, and at least twice each 12 months thereafter at intervals of not less than 4 months nor more than 8 months, each pilot not being utilized as pilot in command shall demonstrate that he is capable of flying by instruments. This demonstration may be made to a pilot serving as pilot in command or a check pilot of the air carrier.

§ 40.138 *Flight engineer; qualification for duty.* A flight engineer shall not be assigned to nor perform duties for which he is required to be certificated as a flight engineer unless, within the preceding 12-month period, he has had at least 50 hours of experience as a flight engineer on the type aircraft on which he is to serve, or until the air carrier or an authorized representative of the Administrator has checked such flight engineer and determined that he is familiar with all current information and operating procedures relating to the type aircraft to which he is to be assigned and is competent with respect to such aircraft.

§ 40.139 *Aircraft dispatcher; qualification for duty.* (a) Prior to dispatching aircraft over any route or route segment, an aircraft dispatcher shall be familiar, and the air carrier shall determine that he is familiar, with all pertinent operating procedures for the entire route and with the aircraft to be used: *Provided*, That where he is qualified only on a portion of such route, he may dispatch aircraft but only after coordinating with dispatchers who are qualified for the other portions of the route between the points to be served.

(b) An aircraft dispatcher shall not dispatch aircraft in the area over which he is authorized to exercise dispatch jurisdiction unless within the preceding 12 months he has made at least one round trip over the particular area on the flight deck of an aircraft. The trip selected for qualification purposes shall be one which includes entry into as many points as practicable, but it shall not be necessary for the aircraft dispatcher to make a flight over each route in the area.

FLIGHT TIME LIMITATIONS

§ 40.140 *Flight time limitations.* (a) An air carrier shall not schedule any flight crew member for duty aloft in scheduled air transportation or in other commercial flying if his total flight time in all commercial flying will exceed the following flight time limitations:

(1) 1,000 hours in any year.
(2) 100 hours in any month.

(b) An air carrier shall not schedule any flight crew member for duty aloft for more than 8 hours during any 24 consecutive hours unless he is given an intervening rest period at or before the termination of 8 scheduled hours of duty aloft. Such rest period shall equal twice the number of hours of duty aloft since the last preceding rest period, and in no case shall the rest period be less than 8 hours.

(c) When a flight crew member has been on duty aloft in excess of 8 hours in any 24 consecutive hours, he shall, upon completion of his assigned flight or series of flights, be given at least 16 hours for rest before being assigned any further duty with the air carrier.

(d) Time involved in transportation required of a flight crew member by an air carrier and provided by the air carrier for the purpose of transporting the flight crew member to an airport at which he is required to serve on a flight as a crew member, or from the airport at which he was relieved from duty as a crew member to return to his home station, shall not be considered as part of any required rest period.

(e) Each flight crew member engaged in scheduled air transportation shall be relieved from all duty with the air carrier for at least 24 consecutive hours during any seven consecutive days.

(f) No flight crew member shall be assigned any duty with an air carrier during any rest period prescribed by these regulations.

(g) A flight crew member shall not be considered to be scheduled for duty in excess of prescribed limitations, if the flights to which he is assigned are scheduled and normally terminate within such limitations, but due to exigencies beyond the air carrier's control, such as adverse weather conditions, are not at the time of departure expected to reach their destination within the scheduled time.

DUTY TIME LIMITATIONS; AIRCRAFT DISPATCHER

§ 40.144 *Aircraft dispatcher daily duty limitations.* (a) The daily duty period for aircraft dispatchers shall commence at such time as will permit him to become thoroughly familiar with existing and anticipated weather conditions along the route prior to the dispatch of any aircraft. He shall remain on duty until all aircraft dispatched by him have completed their flights, or have proceeded beyond his jurisdiction, or until he is relieved by another qualified aircraft dispatcher.

(b) The following rules will govern the hours of duty for aircraft dispatchers, except when circumstances or emergency conditions beyond the control of the air carriers require otherwise:

(1) Maximum consecutive hours of duty. No dispatcher shall be scheduled for duty as such for a period of more than 10 consecutive hours.

(2) *Maximum scheduled hours of duty in 24 consecutive hours.* If a dispatcher is scheduled for duty as such for more than 10 hours in a period of 24 hours, he shall be given a rest period of not less than 8 hours, at or before the termination of 10 hours of dispatcher duty.

(3) *Dispatcher's time off.* Each aircraft dispatcher shall be relieved from all duty with the air carrier for a period of at least 24 consecutive hours during any 7 consecutive days.

FLIGHT OPERATIONS

§ 40.150 *General.* All scheduled flight operations shall be conducted in accordance with the requirements set forth in §§ 40.151 through 40.196.

§ 40.151 *Operational control.* The air carrier shall be responsible for operational control.

(a) *Joint responsibility of aircraft dispatcher and pilot in command.* The aircraft dispatcher and the pilot in command shall be jointly responsible for the preflight planning and dispatch release of the flight in compliance with the applicable Civil Air Regulations and operations specifications.

(b) *Responsibility of dispatcher.* The aircraft dispatcher shall be responsible:

(1) For monitoring the progress of each flight and the issuance of instructions and information necessary for the continued safety of the flight.

(2) For the cancellation, delay, or redispatch of a flight, if, in his opinion or in the opinion of the pilot in command, the flight cannot operate or continue to operate safely.

(c) *Responsibility of pilot in command.* The pilot in command shall during flight time be in command of the aircraft and crew and shall be responsible for the safety of the passengers, crew members, cargo, and aircraft.

§ 40.153 *Operations notices.* Each air carrier shall notify the appropriate operations personnel promptly of all changes in equipment and operating procedures, including known changes in the use of navigational aids, airports, air traffic control procedures and regulations, local airport traffic control rules, and of all known hazards to flight, including icing and other potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.

§ 40.154 *Operations schedules.* In establishing flight operations schedules, each air carrier shall allow sufficient time for the proper servicing of aircraft with fuel and oil at intermediate stops, and it shall consider the prevailing winds along the particular route and the cruising speed of the type of aircraft to be flown which shall not exceed the specified cruising output of the aircraft engines.

§ 40.155 *Flight crew members at controls.* All required flight crew members shall remain at their respective stations when the aircraft is taking off or landing, and while en route except when the absence of one such flight crew member is necessary in connection with his regular duties. All flight crew members shall keep their seat belts fastened when at their respective stations.

§ 40.156 *Manipulation of controls.* No person other than a qualified pilot of the air carrier shall manipulate the flight controls during flight, excepting that any one of the following persons may, with the permission of the pilot in command, manipulate such controls:

(a) Authorized pilot safety representatives of the Administrator or the Board who are qualified on the aircraft and are engaged in checking flight operations, or

(b) Pilot personnel of another air carrier properly qualified on the aircraft and authorized by the operating carrier.

§ 40.157 *Admission to flight deck.* For purposes of this section the Administrator shall determine what constitutes the flight deck of an aircraft.

(a) In addition to the crew members assigned to a particular aircraft, CAA aviation safety agents and authorized representatives of the Board while in the performance of official duties shall be admitted to the flight deck of an aircraft.

NOTE: Nothing contained in this paragraph shall be construed as limiting the emergency authority of the pilot in command to exclude any person from the flight deck in the interest of safety.

(b) The persons listed below may, under the conditions specified, be admitted to the flight deck when authorized by the pilot in command.

(1) An employee of the Federal Government or of an air carrier or other aeronautical enterprise whose duties are such that his presence on the flight deck is necessary or advantageous to the conduct of safe air carrier operations,[1] or

(2) Any other person specifically authorized by the air carrier management and the Administrator.

(c) All persons admitted to the flight deck shall have seats available for their use in the passenger compartment except:

(1) CAA aviation safety agents or other authorized representatives of the Civil Aeronautics Administration or the Civil Aeronautics Board engaged in checking flight operations,

(2) Air traffic controllers who have been authorized by the Administrator to observe ATC procedures,

(3) Certificated airmen of the air carrier,

(4) Certificated airmen of another air carrier who have been authorized by the air carrier concerned to make specific trips over the route.

[1] Federal employees who deal responsibly with matters relating to air carrier safety and such air carrier employees as pilots, dispatchers, meteorologists, communication operators, and mechanics whose efficiency would be increased by familiarity with flight conditions may be considered eligible under this requirement. Employees of traffic, sales, and other air carrier departments not directly related to flight operations cannot be considered eligible unless authorized under subparagraph (2) of this paragraph.

§ 40.158 *Use of cockpit check procedure.* The cockpit check procedure shall be used by the flight crew for each procedure as set forth in § 40.76.

§ 40.159 *Flashlights.* The pilot in command shall assure that at least one flashlight for each crew member is aboard the aircraft.

§ 40.160 *Restriction or suspension of operation.* When conditions exist which constitute or might constitute a hazard to the conduct of safe air carrier operations, including airport and runway conditions, the air carrier shall restrict or suspend operations until such hazardous conditions are corrected.

§ 40.161 *Emergency decisions; pilot in command and aircraft dispatcher.* (a) In emergency situations which require immediate decision and action, the pilot in command may follow any course of action which he considers necessary under the circumstances. In such instances the pilot in command, to the extent required in the interest of safety, may deviate from prescribed operations procedures and methods, weather minimums, and Civil Air Regulations.

(b) If an emergency situation arises during the course of a flight which requires immediate decision and action on the part of the aircraft dispatcher, and which is known to him, he shall advise the pilot in command of such situation. The aircraft dispatcher shall ascertain the decision of the pilot in command and shall cause the same to be made a matter of record. If unable to communicate with the pilot, the dispatcher shall declare an emergency and follow any course of action which he considers necessary under the circumstances.

(c) When emergency authority is exercised by the pilot in command or by the dispatcher, the appropriate dispatch center shall be kept fully informed regarding the progress of the flight, and within 10 days after the completion of the particular flight a written report of any deviation shall be submitted by the individual declaring the emergency to the Administrator through the air carrier operations manager.

§ 40.162 *Reporting potentially hazardous meteorological conditions and irregularities of ground and navigational facilities.* When any meteorological condition or irregularity of ground or navigational facilities is encountered in flight the knowledge of which the pilot in command considers essential to the safety of other flights, he shall notify an appropriate ground radio station as soon as practicable. Such information shall thereupon be relayed by that station to the appropriate Governmental agency.

§ 40.163 *Reporting mechanical irregularities.* The pilot in command shall enter or cause to be entered in the maintenance log of the aircraft all mechanical irregularities encountered during flight. He shall, prior to each flight, inspect the log to ascertain the status of any irregularities entered in the log at the end of the last preceding flight.

§ 40.165 *Powerplant failure or precautionary stoppage.* (a) Except as provided in paragraph (b) of this section, when one engine of an aircraft fails or where the rotation of an engine of an aircraft is stopped in flight as a precautionary measure to prevent possible damage, a landing shall be made at the nearest suitable airport in point of time where a safe landing can be effected.

(b) The pilot in command of an aircraft having 4 or more engines may, if not more than one engine fails or the rotation thereof is stopped, proceed to an airport of his selection, if, upon consideration of the following factors, he determines such action to be as safe a course of action as landing at the nearest suitable airport:

(1) The nature of the malfunctioning and the possible mechanical difficulties which may be encountered if flight is continued,

(2) The availability of the feathered engine for use,

(3) The altitude, aircraft weight, and usable fuel at the time of engine stoppage,

(4) The weather conditions en route and at possible landing points,

(5) The air traffic congestion,

(6) The type of terrain, and

(7) The familiarity of the pilot with the airport to be used.

(c) When engine rotation is stopped in flight, the pilot in command shall immediately notify the proper ground station and shall keep such station fully informed regarding the progress of the flight.

(d) In cases where the pilot in command selects an airport other than the nearest suitable airport in point of time, he shall, upon completion of the trip, submit a written report, in duplicate, to his operations manager setting forth his reasons for determining that the selection of an airport other than the nearest was as safe a course of action as landing at the nearest suitable airport. The operations manager shall, within 7 days after completion of the trip, furnish a copy of this report with his own comments thereon to the Administrator.

§ 40.166 *Instrument approach procedures.* When an instrument approach is necessary, the instrument approach procedures and weather minimums specified by the Administrator shall be strictly adhered to.

§ 40.168 *Requirements for air carrier equipment interchange.* (a) Prior to conducting any operations pursuant to an interchange agreement authorized by the Civil Aeronautics Board, the air carrier shall show that:

(1) The procedures proposed for the conduct of such operations by the carriers involved conform with the provisions of the Civil Air Regulations and with safe operating practices;

(2) All operations personnel involved are familiar with the aircraft and equipment of the air carrier with whom interchange is to be effected, and with the communications and dispatching procedures to be used;

(3) All maintenance personnel involved are familiar with the aircraft and equipment, and the maintenance procedures of the air carrier with whom interchange is to be effected;

(4) The flight crew and the dispatchers involved meet the appropriate route and airport qualifications; and

(5) All aircraft operated are essentially similar to those aircraft of the carrier with whom interchange is to be effected with respect to flight instruments and their arrangement and with respect to the arrangement and motion of controls critical to safety, unless the Administrator determines that adequate training programs have been established to insure that any dissimilarities which might be a potential hazard will be safely overcome by flight crew familiarization.

(b) The pertinent provisions and procedures affecting the carriers involved shall be included in their manuals.

DISPATCHING RULES

§ 40.170 *General.* Aircraft operating in scheduled air transportation shall be dispatched only by qualified aircraft dispatchers in accordance with the provisions of this part.

§ 40.171 *Necessity for dispatching authority.* No flight shall be started without specific authority from an aircraft dispatcher, except when an aircraft has landed at an intermediate airport specified in the original dispatch release and has remained there for one hour or less.

§ 40.174 *Familiarity with weather conditions.* No aircraft dispatcher shall release a flight unless he is thoroughly familiar with existing and anticipated weather conditions along the route to be flown.

§ 40.175 *Facilities and services.* The dispatcher shall furnish to the pilot in command all available current reports or information pertaining to irregularities of navigational facilities and airport conditions which may affect the safety of the flight. He shall also furnish the pilot, during flight, any additional available information concerning irregularities which may affect the safety of the flight.

§ 40.176 *Aircraft equipment required for dispatch.* All aircraft dispatched shall be airworthy and shall be equipped in accordance with the provisions of § 40.70.

§ 40.177 *Communications and navigational facilities required for dispatch.* No aircraft shall be dispatched over any route or route segment unless the communications and navigational facilities required by §§ 40.24 and 40.26 are in satisfactory operating condition.

§ 40.178 *Dispatching under VFR.* Under VFR aircraft shall be dispatched only if appropriate weather reports, forecasts, or a combination thereof indicate that the ceilings and visibilities along the route to be flown are, and will remain, at or above the minimums required for flight under VFR until the flight arrives at the airport or airports of intended landing specified in the flight release.

§ 40.179 *Dispatching under IFR or over-the-top.* Under IFR or over-the-top, aircraft shall be dispatched only if the appropriate weather reports, forecasts, or a combination thereof pertaining to the airport or airports to which dispatched indicate that the ceilings and visibilities will be at or above the minimums approved by the Administrator at the estimated time of arrival thereat.

§ 40.180 *Alternate airport for departure; IFR.* (a) If the weather conditions at the airport of take-off are below the approved landing minimums for that airport, no aircraft shall be dispatched from that airport unless an alternate airport located with respect to the airport of take-off as follows is specified: *Provided*, That such alternate need not be selected if the ceiling at the take-off airport is at least 300 feet and the visibility at least one mile:

(1) *Aircraft having 2 or 3 engines.* Alternate airport located at a distance no greater than one hour of flying time in still air at normal cruising speed with one engine inoperative.

(2) *Aircraft having 4 or more engines.* Alternate airport located at a distance no greater than 2 hours of flying time in still air at normal cruising speed with one engine inoperative.

(b) The alternate airport weather requirements shall be those specified in § 40.194.

(c) All alternate airports shall be listed in the dispatch release.

§ 40.181 *Alternate airport for destination; IFR.* (a) For all IFR or over-the-top operations there shall be at least one alternate airport designated for each airport of destination and, when the weather conditions forecast for the destination and first alternate are marginal, at least one additional alternate airport: *Provided*, That no alternate need be designated when the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least 3 miles for the period 2 hours before to 2 hours after the estimated time of arrival.

(b) All required alternate airports shall be listed in the dispatch release.

§ 40.182 *Continuance of flight; flight hazards.* (a) No aircraft shall be continued in flight toward any airport to which it has been dispatched when, in the opinion of the pilot-in-command or the aircraft dispatcher, the flight cannot be completed with safety, unless in the opinion of the pilot-in-command there is no safer procedure. In the latter event, continuation shall constitute an emergency situation.

(b) If any item of equipment required for the particular operation being conducted becomes unserviceable en route, the pilot-in-command shall comply with the procedures specified in the manual for such occurrence.

§ 40.183 *Operation in icing conditions.* (a) An aircraft shall not be dispatched, en route operations continued, or landing made when, in the opinion of the pilot in command or aircraft dispatcher, icing conditions are expected or

encountered which might adversely affect the safety of the flight.

(b) No aircraft shall take-off when frost, snow, or ice is adhering to the wings or control surfaces of the aircraft.

§ 40.184 *Redispatch and continuance of flight.* (a) Any regular, provisional, or refueling airport the use of which is authorized for the type of aircraft to be operated may be specified as a destination for the purpose of original dispatch.

(b) An airport specified as a destination for the purpose of original dispatch may be changed en route to another regular, provisional, or refueling airport, providing that the appropriate requirements of §§ 40.170 through 40.194 and § 40.60 or § 40.65 are met at the time of redispatch.

(c) No flight shall be continued to any airport to which it has been dispatched unless the weather conditions at an alternate airport specified in the flight release remain at or above the minimums specified for such airport when used as an alternate: *Provided*, That the flight release may be amended en route to include any approved alternate airport lying within the fuel range of the aircraft as specified in §§ 40.187 and 40.188.

(d) When the flight release is amended while the aircraft is en route, such amendments shall be made a matter of record.

§ 40.185 *Dispatch to and from provisional airport.* (a) No aircraft dispatcher shall dispatch an aircraft to a provisional airport unless such airport complies with all of the requirements of this part pertinent to regular airports.

(b) Dispatch from a provisional airport shall be accomplished in accordance with the same regulations governing dispatch from a regular airport.

§ 40.186 *Take-offs from alternate airports or from airports not listed in the operations specifications.* No aircraft shall take off from an alternate airport or from an airport which is not listed in the air carrier operating specifications unless:

(a) Such airport and related facilities are adequate for the operation of the aircraft,

(b) In taking off it is possible to comply with the applicable aircraft operating limitations,

(c) The weather conditions at that airport are equal to or better than those prescribed for such airport, and

(d) The aircraft is dispatched in accordance with all dispatching rules applicable to operation from an approved airport.

§ 40.187 *Fuel supply for all operations.* No aircraft shall be dispatched unless it carries sufficient fuel:

(a) To fly to the airport to which dispatched, and thereafter,

(b) To fly to and land at the most distant alternate for the airport to which dispatched where such alternate is required, and, thereafter,

(c) To fly for a period of at least 45 minutes at normal cruising consumption.

§ 40.188 *Factors involved in computing fuel required.* In computing the fuel required, consideration shall be given to the wind and other weather conditions forecast, traffic delays anticipated, and any other conditions which might delay the landing of the aircraft. In computing the required fuel, no account shall be taken of unusable fuel.

§ 40.191 *Take-off and landing weather minimums; VFR.* Irrespective of any clearance which may be obtained from air traffic control, no aircraft shall takeoff or land under VFR when either the ceiling or ground visibility as reported by the United States Weather Bureau or by a source approved by the Weather Bureau is less than specified below: *Provided*, That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the visibility for both day and night operations may be reduced to one-half mile, if all turns after take-off and prior to landing and all flight beyond a mile from the airport boundary can be accomplished outside the area so restricted.

(a) For day operations: 1,000-foot ceiling and one mile visibility;

(b) For night operations: 1,000-foot ceiling and two miles visibility.

§ 40.192 *Take-off and landing weather minimums; IFR.* (a) No aircraft shall take off or land under IFR when either the ceiling or visibility is less than that approved by the Administrator for use as a regular airport.

(b) No instrument approach procedure shall be executed at any airport not served by ILS and GCA when the latest weather report furnished by a source authorized in accordance with the provisions of § 40.25 indicates the ceiling or visibility to be less than the approved minimums for landing at that airport.

(c) An instrument approach procedure may be executed when such weather report indicates that the ceiling or visibility are less than the approved minimums for landing at that airport only if both ILS and GCA are operative and are used by the pilot. A landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the approved minimum altitude.

§ 40.193 *Flight altitude rules.* Except during take-off and landing, the flight altitude rules prescribed in paragraphs (a) and (b) of this section, in addition to the applicable provisions of § 60.17, shall govern air carrier operations: *Provided*, That other altitudes may be established by the Administrator for any route or portion thereof where he finds, after considering the character of the terrain being traversed, the quality and quantity of meteorological service, the navigational facilities available, and other flight conditions, that the safe conduct of flight permits or requires such other altitudes: *And provided further*, That where the Administrator has established minimum over-the-top altitudes for any route or portion thereof lower than the minimum en route IFR altitudes, operations at such altitudes shall be conducted only by day, in accordance with such weather minimums as the Administrator may prescribe for over-the-top operations in the Flight Information Manual, and in accordance with IFR procedures appropriate to the route and the facilities for instrument approach intended to be used.

(a) *Day VFR passenger operations.* No aircraft engaged in passenger operations shall be flown at an altitude less than 1,000 feet above the surface or less than 1,000 feet from any mountain, hill, or other obstruction to flight.

(b) *Night VFR or IFR operations.* No aircraft shall be flown at an altitude less than 1,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown or, in mountainous terrain designated by the Administrator, 2,000 feet above the highest obstacle located within a horizontal distance of 5 miles from the center of the course intended to be flown: *Provided*, That in VFR operations at night in such mountainous areas aircraft may be flown over a lighted civil airway at a minimum altitude of 1,000 feet above such obstacle: *And provided further*, That in the case of high altitude operations, the minimum altitude shall be not less than 2,000 feet above the elevation of the highest ground within 25 miles of the intended track.

§ 40.194 *Alternate airport weather minimums.* An airport shall not be selected as an alternate airport unless the weather conditions existing there at the time of dispatch are equal to or above the ceiling and visibility minimums approved for such airport when using it as an alternate, and the hourly weather reports and current forecasts indicate that the weather conditions will be at or above such minimums until the flight shall arrive thereat. The weather minimums at such alternate airport shall not be less than one of the following and in no event less than the corresponding minimums specified for the airport when used as a regular airport: *Provided*, That the Administrator may approve higher or lower minimums at particular airports where the safe conduct of the flight requires or permits, considering the character of the terrain being traversed, the meteorological service and navigational facilities available, and other conditions affecting flight.

(a) An airport served by an approved radio navigational facility and either an instrument landing system or a ground control approach system which the carrier has been authorized to use: ceiling 800 feet and visibility one mile; or ceiling 700 feet and visibility of 1½ miles; or ceiling 600 feet and visibility of two miles;

(b) An airport served by an approved radio navigational facility: ceiling 1,000 feet and visibility of one mile; or ceiling 900 feet and visibility of 1½ miles; or ceiling 800 feet and visibility of two miles;

(c) An airport not served by an approved radio navigational facility: If overcast, not less than 1,000 feet above the minimum en route instrument altitude applicable to the route to such alternate airport and visibility of two miles; if broken clouds, not less than

1,000 feet above the elevation of the airport and visibility of two miles.

§ 40.195 *Preparation of dispatch release.* A dispatch release shall be prepared for each flight between specified points from information furnished by the authorized aircraft dispatcher. This release shall be signed by the pilot in command and by the authorized aircraft dispatcher only when both believe the flight can be made with safety. The aircraft dispatcher may delegate authority to sign such release for a particular flight, but he shall not delegate the authority to dispatch.

§ 40.196 *Preparation of load manifest form.* The air carrier shall be responsible for the preparation and accuracy of a load manifest form prior to each takeoff. This form shall be prepared by personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms or by other qualified persons authorized by the air carrier.

REQUIRED RECORDS AND REPORTS

§ 40.200 *Records; general.* Each scheduled air carrier shall maintain records and submit reports in accordance with the requirements of §§ 40.201 through 40.212. All records shall be retained for the period specified in Part 249 of the Economic Regulations of the Board, unless otherwise specified herein.

§ 40.201 *Crew member and dispatcher records.* Each air carrier shall maintain current records of every crew member and aircraft dispatcher. These records shall contain such information concerning the qualifications of each such crew member and dispatcher as is necessary to show compliance with the appropriate requirements of the Civil Air Regulations, e. g., proficiency and route checks, aircraft qualifications, training, physical examinations, and flight time records. The disposition of any flight crew member or aircraft dispatcher released from the employ of the air carrier, or who becomes physically or professionally disqualified, shall be indicated in these records which shall be retained by the air carrier for at least three months.

§ 40.202 *List of aircraft.* Each air carrier shall maintain a current list of all aircraft being operated by it in scheduled air transportation: *Provided*, That aircraft of another air carrier being operated in accordance with an interchange agreement may be incorporated by reference.

§ 40.203 *Dispatch release form.* (a) The dispatch release may be in any form but shall contain at least the following information with respect to each flight:

(1) Identification number of the aircraft to be used, and the trip number,

(2) Airport of departure, intermediate stops, destination, and alternates therefor,

(3) Fuel supply,

(4) Type of operation, e. g., IFR, VFR.

(b) The dispatch release shall contain, or have attached thereto, weather reports, available weather forecasts, or a combination thereof, for the destination, intermediate stops, and alternates specified therein which shall be the latest available at the time the dispatch release is signed by the pilot in command and dispatcher. It shall include such additional weather reports and forecasts, as available, considered necessary or desirable by the pilot in command and aircraft dispatcher.

§ 40.204 *Load manifest.* (a) The load manifest shall contain at least the following information with respect to the loading of an aircraft at the time of take-off:

(1) The weight of:

(i) Aircraft,

(ii) Fuel and oil,

(iii) Cargo, including mail and baggage, and

(iv) Passengers;

(2) The maximum allowable weight applicable for the particular flight;

(3) The total weight computed in accordance with approved procedures;

(4) Evidence that the airplane is loaded in accordance with an approved schedule which insures that the center of gravity is within approved limits.

(b) The load manifest shall be prepared and signed for each flight by qualified personnel of the air carrier charged with the duty of supervising the loading of the aircraft and the preparation of load manifest forms, or by other qualified personnel authorized by the air carrier.

§ 40.205 *Disposition of load manifest, dispatch release form, and flight plans.* Copies of the completed load manifest, or information therefrom except with respect to cargo and passenger distribution, the dispatch release form, and the flight plan shall be in the possession of the pilot in command and shall be carried in the aircraft to its destination. Copies also shall be kept in the station files for at least 60 days.

§ 40.206 *Maintenance records.* (a) Each air carrier shall keep at its principle maintenance base current records of the total time in service, the time since last overhaul, and the time since last inspection of all major components of the airframe, engines, propellers, and, where practicable, appliances.

(b) Records of total time in service may be discontinued when it has been shown that the service life of component parts is safely controlled by other means, such as inspection, overhaul, or parts retirement procedures. The Administrator may require the keeping of total time records for specific parts when it is found that other procedures will not safely limit the service life of such parts.

(c) An aircraft component, engine, propeller, or appliance for which complete records are not available may be placed in service; *Provided*, That:

(1) It is of a type for which total time in service records are not required under the provisions of paragraph (b) of this section.

(2) Parts which are limited by the Administrator or manufacturer to a specific service time are retired and replaced by new parts, and

(3) It has been properly overhauled or rebuilt, and a record of such overhaul or rebuilding is included in the maintenance records.

§ 40.207 *Maintenance log.* A legible record shall be made in the aircraft's maintenance log of the action taken in each case of reported or observed failures or malfunctions of airframes, powerplants, propellers, and appliances critical to the safety of the flight. The air carrier shall establish an approved procedure for retaining an adequate number of copies of such records in the aircraft in a place readily accessible to the flight crew and shall incorporate such procedure in the air carrier manual.

§ 40.208 *Daily mechanical reports.* (a) Whenever a failure, malfunctioning, or other defect is detected in flight or on the ground in an aircraft or aircraft component which may reasonably be expected by the air carrier to cause a serious hazard in the operation of any aircraft, a report shall be made of such failure, malfunctioning, or other defect to the Administrator. This report shall cover a 24-hour period beginning and ending at midnight, shall be submitted by 12 o'clock midnight of the following working day, or sooner if the seriousness of the malfunction or difficulty so warrants, and shall include as much of the following information as is available on the first daily report following such incidents.

(1) Type and CAA identification number of the aircraft, name of air carrier, and date;

(2) Emergency procedure effected: unscheduled landing, dumping fuel, etc.;

(3) Nature of condition: Fire, structural failure, etc.;

(4) Identification of part and system involved, including the type designation of the major component:

(5) Apparent cause of trouble: Wear, cracks, design deficiency, personnel error, etc.;

(6) Disposition: Repaired, replaced, aircraft grounded, etc.;

(7) Brief narrative summary to supply any other pertinent data required for more complete identification, determination of seriousness, corrective action, etc.

(b) These reports shall not be withheld pending accumulation of all of the information specified in paragraph (a) (1) through (7) of this section. When additional information is obtained relative to the incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of submission of the first report.

§ 40.209 *Mechanical interruption summary report.* Each air carrier shall submit regularly and promptly to the Administrator a summary report containing information on the following occurrences:

(a) All interruptions to a scheduled flight, unscheduled changes of aircraft en route, and unscheduled stops and diversions from route which result from known or suspected mechanical difficulties or malfunctions.

(b) The number of engines removed prematurely because of mechanical trouble, listed by make and model of engine and the aircraft type in which the engine was installed.

(c) The number of propeller featherings in flight, listed by type of propeller and type of engine and the aircraft on which the propeller is installed.

§ 40.211 *Alteration and repair reports.* Reports of major alterations or repairs of airframes, powerplants, propellers, and appliances shall be made available to the Administrator promptly upon completion of such alterations or repairs.

§ 40.212 *Maintenance release.* When an airplane is released by the maintenance organization to flight operations, a maintenance release or appropriate entry into the maintenance log certifying that the aircraft is in an airworthy condition shall be prepared and signed by a maintenance inspector or a person authorized by the inspection organization prior to release of such aircraft. If a maintenance release form is prepared, a copy shall be given to the pilot in command. An appropriate record shall be kept in the station file for at least 60 days.

SPECIAL AIRWORTHINESS REQUIREMENTS

§ 40.300 *Fire prevention.* Irrespective of the basis for certification, all aircraft used in passenger service powered by engines rated at more than 600 horsepower each for maximum continuous operation shall comply with the requirements contained in §§ 40.301 through 40.333.: *Provided*, That if the Administrator finds that in particular models of existing aircraft literal compliance with specific items of these requirements might be extremely difficult of accomplishment and that such compliance would not contribute materially to the objective sought, he may accept such measures of compliance as he finds will effectively accomplish the basic objectives of these regulations.*

§ 40.301 *Susceptibility of materials to fire.* Where necessary for the purpose of determining compliance with any of the following definitions, the Administrator shall prescribe the heat conditions and testing procedures which any specific material or individual part must meet.

(a) *Fireproof.* "Fireproof" material means a material which will withstand heat equally well or better than steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones "fireproof" means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

*The requirements of §§ 40.301 through 40.333 are taken directly from Part 04, as of November 1, 1946, and are the requirements made applicable by the Board in Amendment 61-2, effective November 1, 1946, to all aircraft powered by engines of more than 600 horsepower each for maximum continuous operation when used in passenger service. As the requirements on Part 04 pertaining to liquid-cooling systems are not applicable they have been omitted from this part.

(b) *Fire-resistant.* When applied to sheet or structural members, "fire-resistant" material shall mean a material which will withstand heat equally well or better than aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, this term refers to a line and fitting assembly which will perform its intended protective functions under the heat and other conditions likely to occur at the particular location.

(c) *Flame-resistant.* "Flame-resistant" material means a material which will not support combustion to the point of propagating, beyond safe limits, a flame after removal of the ignition source.

(d) *Flash-resistant.* "Flash-resistant" material means material which will not burn violently when ignited.

(e) *Flammable.* "Flammable" fluids or gases mean those which will ignite readily or explode.

§ 40.302 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the following provisions:

(a) Materials shall in no case be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and wastes shall be of fire-resistant material, and shall incorporate covers or other provisions for containing possible fires started in the receptacles.

§ 40.303 *Internal doors.* Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for closing the flow of air through the door when such action is found necessary.

§ 40.304 *Ventilation.* All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed one part in 20,000 parts of air, and fuel fumes shall not be present. Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for closing the flow of air through the louvres or other means when such action is found necessary.

§ 40.305 *Fire precautions.* Each compartment shall be designed so that, when used for the purpose of storing cargo or baggage, it shall comply with all the requirements prescribed for cargo or baggage compartments. It shall include no controls, wiring, lines, equipment, or accessories, the damage or failure of which would affect the safe operation of the airplane, unless such item is adequately shielded, isolated, or otherwise protected so that it cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item would not create a fire hazard in the compartment. Provisions shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment. All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant or better. In addition, all cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classifications:

(a) Cargo and baggage compartments shall be classified in the "A" category, if presence of a possible fire therein can be readily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for such compartment.

(b) Cargo and baggage compartments shall be classified in the "B" category, if sufficient access is provided while in flight to enable a member of the crew to move by hand all contents and to reach effectively all parts of the compartment with a hand fire extinguisher. Furthermore, the design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. Each compartment in this category shall be equipped with a separate system of an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station. Hand fire extinguishers shall be readily available for use in all compartments of this category. Compartments in this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

(c) Cargo and baggage compartments shall be classified in the "C" category, if they do not conform with the requirements for the "A" or "B" categories. Each compartment of the "C" category shall be equipped with: (1) A separate system of an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station, and (2) an approved built-in fire-extinguishing system controlled from the pilot or flight engineer station. Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from entering into any compartment occupied by the crew or passengers. Ventilation and drafts shall be further controlled within each such cargo or baggage compartment of the extent that the extinguishing agent provided can control any fire which may start within the compartment. All cargo and baggage compartments of this category shall be completely lined with fire-resistant material, except that additional service lining of flame-resistant material may be employed.

§ 40.306 *Proof of compliance.* Compliance with those provisions of § 40.305 which refer to compartment accessibility, the entry of hazardous quantities of smoke or extinguishing agent into com-

partments occupied by the crew or passengers, and the dissipation of the extinguishing agent in category "C" compartments shall be demonstrated by tests in flight. It shall also be demonstrated during these tests that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 40.307 *Propeller de-icing fluid.* If combustible fluid is used for propeller deicing, the provisions of §§ 40.321 through 40.325 shall be complied with.

§ 40.308 *Pressure cross feed arrangements.* Pressure cross feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuel and fume proof enclosure that is ventilated and drained to the exterior of the airplane. Such enclosures need not be used if these lines incorporate no fittings on or within the personnel or cargo areas and are suitably routed or protected to safeguard against accidental damage. Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures that may result from exposure of the isolated line to high ambient temperatures.

§ 40.309 *Location of fuel tanks.* Location of fuel tanks shall comply with the provisions of § 40.322. In addition, no portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall be isolated from personnel compartments by means of fume and fuel proof enclosures.

§ 40.310 *Fuel system lines and fittings.* Fuel lines shall be installed and supported in a manner that will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility. Flexible connections in lines which may be under pressure and subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections. Flexible hose shall be of an acceptable type or proven suitable for the particular application.

§ 40.311 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see § 40.321) shall comply with the provisions of § 40.324.

§ 40.312 *Fuel valves.* In addition to the requirements contained in § 40.323 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve.

§ 40.313 *Oil lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 40.321) shall comply with the provisions of § 40.324.

§ 40.314 *Oil valves.* Requirements of § 40.323 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent feathering the propeller, unless equivalent safety provisions are incorporated. All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 40.315 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for positive or automatic locking in the closed position. (See also § 40.325)

§ 40.316 *Engine breather line.* Engine breather lines shall be so arranged that condensed water vapor which may freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilots' windshield. The breather shall not discharge into the engine air induction system. (See also § 40.325)

§ 40.317 *Fire walls.* All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls or shrouds, or other equivalent means.

§ 40.318 *Fire-wall construction.* Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed with close-fitting fireproof gromments, bushings, or fire-wall fittings. Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(a) Heat and corrosion resistant steel 0.015 inch thick;

(b) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 40.319 *Cowling.* Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard. Cowling, unless otherwise specified by these regulations, shall be constructed of fire-resistant material. Those portions of the cowling which are subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

§ 40.320 *Engine accessory section diaphragm.* Unless equivalent protection can be demonstrated by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 40.318.

§ 40.321 *Powerplant fire protection.* Engine accessory sections, installations where no isolation is provided between the engine and accessory compartment, also regions wherein lie auxiliary power units, fuel-burning heaters, and other combustion equipment shall be referred to as designated fire zones. Such zones shall be protected from fire by compliance with §§ 40.322 through 40.325.

§ 40.322 *Flammable fluids.* No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shutoff means, and all connections, lines, and controls are such as to provide equivalent safety. Not less than ½ inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

§ 40.323 *Shutoff means.* Means for each individual engine shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. In order to facilitate rapid and effective control of fires, such shutoff means shall permit an emergency operating sequence which is compatible with the emergency operation of other equipment, such as feathering the propeller. Shutoff means shall be located outside of designated fire zones, unless equivalent safety is provided (see § 40.322), and it shall be shown that no hazardous quantity of such flammable fluid will drain into any designated fire zone after shutting-off has been accomplished. Adequate provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means after it has once been closed.

§ 40.324 *Lines and fittings.* All lines and fittings for same located in designated fire zones which carry flammable fluids or gases and which are under pressure, or which attach directly to the engine, or are subject to relative motion between components, exclusive of those lines and fittings forming an integral part of the engine, shall be flexible, fire-resistant lines with fire-resistant factory-fixed detachable or other approved fire-resistant ends. Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

§ 40.325 *Vent and drain lines.* All vent and drain lines and fittings for same located in designated fire zones and which carry flammable fluids or gases shall comply with the provisions of § 40.324, if the Administrator finds that rupture or breakage of a particular drain or vent line may result in a fire hazard.

§ 40.326 *Fire-extinguisher systems.* (a) Unless it can be demonstrated that equivalent protection against destruction of the airplane in case of fire is provided by the use of fireproof materials in the nacelle and other components which would be subjected to flame, fire-extinguishing systems shall be provided to serve all designated fire zones.

(b) Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard.

§ 40.327 *Fire-extinguishing agents.* Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been demonstrated to provide equivalent extinguishing action. If methyl bromide or any other toxic extinguishing agent is employed, provisions shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight when a defect exists in the extinguisher system. If a methyl bromide system is provided, the containers shall be charged with dry agent and shall be sealed by the fire-extinguisher manufacturer or any other party employing satisfactory recharging equipment. If carbon dioxide is used, it shall not be possible to discharge sufficient gas into personnel compartments to constitute a hazard from the standpoint of suffocation of the occupants.

§ 40.328 *Extinguishing agent container pressure relief.* Extinguisher agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground. An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

§ 40.329 *Extinguishing agent container compartment temperature.* Precautions shall be taken to assure that the extinguishing agent containers are installed in locations where reasonable temperatures can be maintained for effective use of the extinguisher system.

§ 40.330 *Fire-extinguishing system materials.* All components of fire-extinguishing systems located in designated fire zones shall be constructed of fireproof materials, except for connections which are subject to relative motion between components of the airplane, in which case they shall be of flexible fire-resistant construction so located as to minimize the possibility of failure.

§ 40.331 *Fire-detector systems.* Quick-acting fire detectors shall be provided in all designated fire zones and shall be sufficient in number and location to assure the detection of fire which may occur in such zones.

§ 40.332 *Fire detectors.* Fire detectors shall be constructed and installed in such a manner as to assure their ability to resist without failure, all vibration, inertia, and other loads to which they may normally be subjected. Detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which may be present.

§ 40.333 *Protection of other airplane components against fire.* All airplane surfaces aft of the nacelles in the region of one nacelle diameter on both sides of the nacelle center line shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles unless the dimensional configuration of the aircraft is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

§ 40.340 *Control of engine rotation.* All aircraft shall be provided with means for individually stopping and restarting the rotation of any engine in flight.

§ 40.341 *Fuel system independence.* Aircraft fuel systems shall be arranged in such manner that the failure of any one component will not result in the irrecoverable loss of power of more than one engine. A separate fuel tank need not be provided for each engine if the Administrator finds that the fuel system incorporates features which provide equivalent safety.

§ 40.342 *Induction system ice prevention.* Means for preventing the malfunctioning of each engine due to ice accumulation in the engine air induction system shall be provided for all aircraft.

§ 40.343 *Carriage of cargo in passenger compartments.* When operating conditions require the carriage of cargo which cannot be loaded in approved cargo racks, bins, or compartments which are separate from passenger compartments, such cargo may be carried in a passenger compartment if the following requirements are complied with: *Provided*, That the Administrator under a particular set of circumstances may authorize deviations from these requirements when he finds that safety will not be adversely affected and that it is in the public interest to carry such cargo:

(a) It shall be packaged or covered in a manner to avoid possible injury to passengers.

(b) It shall be properly secured in the aircraft by means of safety belts or other tie-downs possessing sufficient strength to eliminate possibility of shifting under all normally anticipated flight and ground conditions.

(c) It shall not be carried aft of or directly above seated passengers.

(d) It shall not impose any loads on seats or on the floor structure which exceed the designated loads for those components.

(e) It shall not be placed in any position which restricts the access to or use of any required emergency or regular exit or the use of the aisle between the crew and the passenger compartments.

[F. R. Doc. 52-8333; Filed, July 29, 1952; 8:49 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 111]

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

Under authority of section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. Supp. 151 (c)) and Public Notice 32, effective February 17, 1950 (15 F. R. 1049), notice is hereby given that, in accordance with the last paragraph of Departmental Regulation 108.158 of July 8, 1952 (17 F. R. 6083), the following agencies are registered as voluntary foreign aid agencies; or are affiliates of registered voluntary foreign aid agencies:

Aid Refugee Chinese Intellectuals, Inc., 537 Fifth Avenue, New York 17, N. Y.

American Committee for Resettlement of Polish Displaced Persons, 1520 West Division Street, Chicago 22, Ill.

American Federation of International Institutes, 11 West Forty-second Street, New York 18, N. Y.

American Friends of Austrian Children, 202 East Nineteenth Street, 9th Floor, New York 3, N. Y.

American Friends Service Committee, 20 South Twelfth Street, Philadelphia 7, Pa.

Affiliate:

American Foundation for Overseas Blind, 22 West Seventeenth Street, New York 11, N. Y.

American Fund for Czechoslovak Refugees, 1775 Broadway, Room 607, New York 19, N. Y.

American Jewish Joint Distribution Committee, 270 Madison Avenue, New York 16, N. Y.

American Middle East Relief, 350 Fifth Avenue, New York 1, N. Y.

American National Committee to Aid Homeless Armenians (ANCHA), 297 Powell Street, San Francisco 2, Calif.

American ORT Federation, 212 Fifth Avenue, New York 10, N. Y.

American Relief for Korea, 133 East Thirty-ninth Street, New York 16, N. Y.

American Relief for Poland, 1300 North Ashland Avenue, Chicago 22, Ill.

Brethren Service Commission, 22 South State Street, Elgin, Ill.

Church World Service, Inc., Third Floor, 120 East Twenty-third Street, New York 10, N. Y.

Congregational Christian Service Committee, 110 East Twenty-ninth Street, New York 16, N. Y.

Cooperative for American Remittances to Europe (CARE), Inc., 20 Broad Street, New York 5, N. Y.

Council of Relief Agencies Licensed for Operation in Germany (CRALOG), 20 West Fortieth Street, New York 18, N. Y.

Affiliates:
American Baptist Relief, 1628 Sixteenth Street NW., Washington 9, D. C.

Assemblies of God—Foreign Service Committee, 160 Fifth Avenue, New York 10, N. Y.

Committee on Christian Science Wartime Activities of the Mother Church, 105 Falmouth Street, Boston 15, Mass.

Russian Children's Welfare Society, 59 East Second Street, New York 3, N. Y.

Displaced Persons Committee (Orphan Program),
Order of Ahepa,
1420 K Street NW.,
Washington 5, D. C.

Foster Parents' Plan for War Children,
55 West Forty-second Street,
New York 18, N. Y.

Greek War Relief Association,
221 West Fifty-seventh Street,
New York 19, N. Y.

Hadassah,
1819 Broadway,
New York 23, N. Y.

Hebrew Sheltering and Immigrant Aid Society (HIAS),
425 Lafayette Street,
New York 3, N. Y.

International Rescue Committee, Inc.
62 West Forty-fifth Street,
New York 36, N. Y.

International Social Service—American Branch,
425 Fourth Avenue,
New York 16, N. Y.

Iran Foundation, Inc.,
Empire State Building, Room 6807,
New York 1, N. Y.

Licensed Agencies for Relief in Asia (LARA),
20 West Fortieth Street,
New York 18, N. Y.

Little House of Saint-Pantaleon,
107 South Avolyn Avenue,
Ventnor, N. J.

Lutheran Service to Refugees,
3919 John R.
Detroit, 1, Mich.

Lutheran World Relief,
50 Madison Avenue,
New York 10, N. Y.

Mennonite Central Committee,
Akron, Pa.

National CIO Community Service Committee,
1776 Broadway,
New York 19, N. Y.

National Travelers Aid Association,
425 Fourth Avenue,
New York 16, N. Y.

Near East Foundation,
54 East Sixty-fourth Street,
New York 21, N. Y.

Affiliate:
American Foundation for Overseas Blind,
22 West Seventeenth Street,
New York 11, N. Y.

Polish Immigration Committee,
25 St. Marks Place,
New York 3, N. Y.

Refuge des Petits,
30 Broad Street, Forty-seventh Floor,
New York 4, N. Y.

Resettlement Service—National Lutheran Council,
145 East Thirty-second Street,
New York 16, N. Y.

Salvation Army, National Headquarters,
120–130 West Fourteenth Street,
New York 11, N. Y.

Save the Children Federation,
80 Eighth Avenue,
New York 11, N. Y.

Selfhelp of Emigres from Central Europe,
147 West Forty-second Street, Room 519,
New York 18, N. Y.

Serbian National Defense Council,
Division of Displaced Persons,
54 West Randolph Street,
Chicago 1, Ill.

The Federation of Russian Charitable Organizations of the United States,
376 Twentieth Avenue,
San Francisco 21, Calif.

Tolstoy Foundation,
300 West Fifty-eighth Street,
New York 19, N. Y.

Unitarian Service Committee,
9 Park Street,
Boston 8, Mass.
New York Office
31 Union Square West,
New York 3, N. Y.

Affiliate:
Universalist Service Committee,
16 Beacon Street,
Boston, 8, Mass.

United Friends of Needy and Displaced People of Yugoslavia, 497 Onderdonk Avenue, Brooklyn 27, N. Y.

United Lithuanian Relief Fund of America, 105 Grand Street, Brooklyn 11, N. Y.

United Service for New Americans, 15 Park Row, New York 7, N. Y.

United States Book Exchange, c/o Library of Congress, Washington 25, D. C.

U. S. Committee for the Care of European Children, 215 Fourth Avenue, New York 3, N. Y.

United Ukrainian American Relief Committee, 45 DeLong Building, Thirteenth and Chestnut Streets, Philadelphia 7, Pa.

War Relief Services—National Catholic Welfare Conference, 350 Fifth Avenue, New York 1, N. Y.

Affiliates:
American Hungarian Relief, 246 Fifth Avenue, Room 509, New York 1, N. Y.
American Relief to Austria, 149 Madison Avenue, 12th Floor, New York 16, N. Y.

World Student Service Fund, 20 West Fortieth Street, New York 18, N. Y.

Y. W. C. A. World Emergency Fund, 600 Lexington Avenue, New York 22, N. Y.

These registrations shall remain in force until amended, suspended, or terminated in accordance with 22 CFR 98.5 and 98.8 as established by Departmental Regulation 108.158 of July 8, 1952 (17 F. R. 6083).

Issued: July 21, 1952.

WILLIARD L. THORP,
Assistant Secretary of State.

[F. R. Doc. 52-8317; Filed, July 29, 1952; 8:46 a. m.]

[Public Notice 112]

FIELD ORGANIZATION

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002; 60 Stat. 238), notice is hereby given that the Field Organization of the Department of State as described in Department of State Public Notice 43 of April 27, 1950 (15 F. R. 2498), is amended as follows:

1. Effective April 28, 1952, the date on which the Japanese Peace Treaty became effective, the Office of the United States Political Advisor and its Branches in Japan were redesignated as follows:

a. American Embassy: Tokyo.
b. American Consulates General: (1) Osaka-Kobe, and (2) Yokohama.
c. American Consulates: (1) Nagoya, (2) Fukuoka, and (3) Sapporo.

2. Effective June 25, 1952, the American Legation at Saigon, Vietnam, and the American Legation at Phnom Penh, Cambodia, were raised to the rank of Embassy.

Issued: July 23, 1952.

For the Secretary of State.

WALTER A. RADIUS,
Director,
Management Staff.

[F. R. Doc. 52-8318; Filed, July 29, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6364]

TENNESSEE VALLEY AUTHORITY ET AL.

NOTICE OF ORDER SUPPLEMENTING ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

JULY 24, 1952.

In the matters of Tennessee Valley Authority, Public Service Company of Indiana, Inc., Atomic Energy Commission, the Dayton Power and Light Company, Indianapolis Power & Light Company, Southern Indiana Gas and Electric Company, Northern Indiana Public Service Company; Docket No. E-6364.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matters, supplementing order (16 F. R. 7324) determining emergency and granting exemption for use of interconnections.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8298; Filed, July 29, 1952; 8:45 a. m.]

[Docket No. E-6369]

TENNESSEE VALLEY AUTHORITY ET AL.

NOTICE OF ORDER SUPPLEMENTING ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

JULY 24, 1952.

In the matters of Tennessee Valley Authority, Atomic Energy Commission, the Cleveland Electric Illuminating Company, Columbus and Southern Ohio Electric Company, Duquesne Light Company, the Toledo Edison Company; Docket No. E-6369.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matters, supplementing order determining emergency and granting exemption for use of interconnections.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8299; Filed, July 29, 1952; 8:45 a. m.]

[Docket No. E-6436]

GULF STATES UTILITIES CO.

NOTICE OF ORDER SUPPLEMENTING ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 24, 1952.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above-entitled matter, supplementing order (17 F. R. 6116) authorizing issuance of securities.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8300; Filed, July 29, 1952; 8:45 a. m.]

[Docket No. E-6438]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF ORDER AUTHORIZING MERGER OR CONSOLIDATION OF FACILITIES

JULY 24, 1952.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matter, authorizing merger or consolidation of facilities of the Hydro-Electric Corporation of Virginia by Virginia Electric and Power Company,

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8301; Filed, July 29, 1952; 8:45 a. m.]

[Docket Nos. G-1612, G-1642, G-1714, G-1723, G-1724, G-1725, G-1837, G-1858]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF ORDER MODIFYING DECISION

JULY 14, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1612, G-1642, G-1714, G-1723, G-1724 and G-1725; Panhandle Eastern Pipe Line Company, complainant v. Central Indiana Gas Company, defendant, Docket No. G-1858; Central Indiana Gas Company, complainant v. Panhandle Eastern Pipe Line Company, defendant, Docket No. G-1837.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matters, modifying decision of the Presiding Examiner, issued to Panhandle Eastern Pipe Line Company in Docket No. G-1642.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8295; Filed, July 29, 1952; 8:45 a. m.]

[Docket No. G-2003]

MOUNTAIN FUEL SUPPLY CO.

NOTICE OF APPLICATION

JULY 24, 1952.

Take notice that Mountain Fuel Supply Company (Applicant), a Utah corporation having its principal place of business at 36 South State Street, Salt Lake City, Utah, filed on July 14, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas compression facilities on Applicant's main transmission line as hereinafter described.

Applicant proposes to install compressors of 2640 horsepower (sea level rating) together with necessary facilities on its main transmission line in Uinta County, Wyoming, at the point of interconnection with Applicant's Church Buttes field pipeline, for the purpose of meeting a deficiency in its ability to supply the peak load requirements of its downstream customers in Utah and Wyoming. Applicant states that this proposed compressor station would increase deliverability to Utah from 165 Mmcf a day to 177 Mmcf a day. Applicant estimates the cost of this station, auxiliaries, and appurtenant facilities to be $772,000, and proposes to finance the project from its available cash funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8302; Filed, July 29, 1952; 8:45 a. m.]

[Docket No. G-2004]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION

JULY 24, 1952.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed on July 16, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the transportation and sale of natural gas in the quantities and under the conditions hereinafter described.

Applicant proposes to transport and sell natural gas for resale to Allied Gas Company in quantities not to exceed 501 Mcf per day, this gas to be consumed by the Department of the Air Force for use at its Chanute Air Force Base at Rantoul, Illinois, for cooking, and water and space heating. Applicant states that the above quantities of natural gas will be taken out of previously authorized but presently unallocated capacity, and that no additional facilities or costs will be entailed.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8303; Filed, July 29, 1952; 8:45 a. m.]

[Project No. 1181]

WESTERN PACIFIC RAILROAD CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

JULY 24, 1952.

Notice is hereby given that, on July 23, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matter, accepting surrender of license.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8296; Filed, July 29, 1952; 8:45 a. m.]

[Project No. 1250]

CITY OF PASADENA, CALIF.

NOTICE OF FINDINGS AND ORDER

JULY 24, 1952.

Notice is hereby given that, on July 24, 1952, the Federal Power Commission issued its order, entered July 22, 1952, granting exemption from payment of annual charges, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8297; Filed, July 29, 1952; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27252]

LIQUEFIED CHLORINE GAS FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO POINTS IN OHIO, INDIANA, AND WISCONSIN

APPLICATION FOR RELIEF

July 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Intertsate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 378, pursuant to fourth-section order No. 16101.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: Cincinnati, Ohio, Indianapolis, Ind., and Madison, Wis.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8308; Filed, July 29, 1952; 8:46 a. m.]

[4th Sec. Application 27253]

RAIL-WATER CLASS RATES BETWEEN BALTIMORE, MD., AND THE SOUTH

APPLICATION FOR RELIEF

JULY 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Baltimore Steam Packet Company and other carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1312.

Involving: Class rates.

Between: Baltimore, Md., and points taking same rates, on the one hand, and points in southern territory, on the other, over rail-water or water-rail routes.

Grounds for relief: Rail competition, circuity, grouping, and to maintain rates differentially related to all-rail rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1312.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8309; Filed, July 29, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-171, 59-92]

NORTH AMERICAN CO. AND NORTH AMERICAN UTILITY SECURITIES CORP.

ORDER DIRECTING DISSOLUTION AND APPROVING PLAN

JULY 23, 1952.

In the matter of The North American Company, File No. 54-171; North American Utility Securities Corporation, The North American Company, File No. 59-92.

The North American Company ("North American"), a registered holding company, having filed a plan and an amendment thereto ("Amended Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") providing, among other things, for the liquidation and dissolution of its subsidiary, North American Utility Securities Corporation ("NAUSCORP") by a cash payment of $9.00 per share for the publicly held common stock of NAUSCORP and the distribution of the remaining assets of NAUSCORP to North American;

The Commission having by notice and order dated August 3, 1948, instituted proceedings pursuant to section 11 (b) (2) of the act with respect to North American and NAUSCORP, and the Commission having consolidated the proceedings under sections 11 (b) (2) and 11 (e) of the act;

Public hearings having been held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

North American having requested the Commission to enter an order finding that the Amended Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

North American having further requested the Commission, pursuant to section 11 (e) of the act, to apply to an appropriate court, in accordance with the provisions of section 18 (f) of the act, to enforce and carry out the terms and provisions of the Amended Plan;

The Commission being duly advised, and having this day issued its findings and opinion, on the basis of said findings and opinion, and pursuant to the applicable provisions of the act and the rules and regulations thereunder

It is ordered, That North American take appropriate steps, consistent with the act and the rules and regulations thereunder, to liquidate and dissolve NAUSCORP.

It is further ordered, That the Amended Plan be, and it hereby is, approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. The order entered herein shall not be operative to authorize the consummation of the transactions proposed in the Amended Plan until a court of competent jurisdiction shall, upon application thereto, enter an order enforcing said plan.

2. North American and NAUSCORP shall pay only such fees and expenses in connection with the Amended Plan and the proceedings relating thereto as the Commission may approve on appropriate application made to it.

3. Jurisdiction be and it hereby is specifically reserved with respect to the following matters:

a. The supervision of efforts to locate public common stockholders entitled to a cash payment under the terms of the Amended Plan.

b. The entertaining of such further proceedings, entering of such further orders and the taking of such other action as may be necessary or appropriate to effectuate the provisions of section 11 (b) of the act and as may be appropriate in connection with the Amended Plan, the transactions incident thereto and the consummation thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8304; Filed, July 29, 1952; 8:45 a. m.]

Reference Room
THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 17 NUMBER 149

Washington, Thursday, July 31, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter K—Federal Seed Act

PART 201—FEDERAL SEED ACT REGULATIONS

KENTUCKY BLUEGRASS SEED; EXEMPTION FROM LABELING REQUIREMENTS

It having been found that the time interval between seed harvesting and sowing is not sufficient to assure the completion of a germination test of freshly harvested seed of Kentucky bluegrass, Poa pratensis, now therefore pursuant to the provisions of section 203 (c) of the Federal Seed Act of August 9, 1939 (53 Stat. 1281; 7 U. S. C. 1573 (c)), the following regulation is hereby promulgated:

Exemption from labeling as to germination of Kentucky bluegrass seed. The requirements of paragraph 201 (a) (8) of the Federal Seed Act of August 9, 1939, as to labeling seed for germination when it is transported or delivered for transportation in interstate commerce for seeding purposes, shall not apply to the 1952 crop of seed of Kentucky bluegrass, Poa pratensis, during the period beginning August 30, 1952, and ending October 15, 1952.

Section 203 (c) of the Federal Seed Act of August 9, 1939, provides that the Secretary of Agriculture may, with or without hearing, amend the regulations issued thereunder to provide exemptions from labeling requirements with respect to germination. Pursuant to this provision, the Secretary in various prior years amended the regulations to provide for a seasonal exemption from such labeling requirements, similar to the one provided for herein, for freshly harvested seed of Kentucky bluegrass, and there were never any objections to such action. The carry-over of this seed from the former crop year is not sufficient to meet the planting requirements therefor and by reason of the imminence of the planting season it is in the public interest that notice of the exemption of such seed from labeling requirements as to germination be published as soon as possible. In view of these facts, and in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is hereby found upon good cause that notice and public procedure in connection with this amendment would be impracticable and contrary to the public interest.

This regulation shall be effective during the period from August 30, 1952, to October 15, 1952, both inclusive.

Issued this 28th day of July 1952.

(Sec. 402, 53 Stat. 1285; 7 U. S. C. 1592. Interprets or applies sec. 203, 53 Stat. 1281; 7 U. S. C. 1573)

[SEAL] C. J. MCCORMICK, *Acting Secretary of Agriculture.*

[F. R. Doc. 52-8389; Filed, July 30, 1952; 8:55 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

Population in the United States is increasing at the rate of 7,400 every 24 hours. For every 4 people in this country who now depend on the production from our farms there will be 5 people by 1975. The production so essential to the welfare of all the people and the strength and prosperity of the Nation must come largely from the land now being farmed. The possible further expansion of the Nation's cropland acres will leave us far short of meeting our Nation's future agricultural requirements.

To meet current needs for defense and the increase in population, the Nation's farmers are being called on to produce more than they have ever produced before. At the same time, to safeguard the future of the Nation, their farms must be protected against erosion and depletion and their acres put in condition to meet the ever increasing demands of a rapidly growing country.

Through the Agricultural Conservation Program, the Nation provides assistance to aid individual farmers in protecting and improving their land and

(Continued on p. 6997)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders:
Bruhl, Frederick E. 7033
Schutze, Anna L. 7034
Starchl, Katherina 7034
Winkel, Laura M. H. 7033

Army Department
Rules and regulations:
Enlisted Reserve Corps; discharge from Reserve duty status 7009

Civil Aeronautics Board
Rules and regulations:
Air traffic rules; long-distance scheduled air carrier operations 7009

Commerce Department
See Federal Maritime Board; National Production Authority.

Customs Bureau
Rules and regulations:
Liability for duties, entry of imported merchandise; invoices; paper and paper products 7009

Defense Department
Delegation of authority to Secretary to represent Government in the matter of Southern Pacific-Missouri Pacific request for increased passenger fares (*see* General Services Administration).

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Maritime Board
Notices:
Member lines Atlantic and Gulf, West Coast of Central America, and Mexico Conference; notice of agreements filed with Board for approval 7021
Proposed rule making:
Steamship conferences using contract/noncontract rates 7020

Federal Power Commission
Notices:
Hearings, etc.:
El Paso Natural Gas Co. 7031
Mountain States Power Co. 7031

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32 of the Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Fish and Wildlife Service — Page
Rules and regulations:
Migratory birds and certain game mammals; miscellaneous amendments — 7015

General Services Administration
Notices:
Secretary of Defense; delegation of authority to represent Government in the matter of Southern Pacific-Missouri Pacific request for increased passenger fares — 7027
Rules and regulations:
Manganese regulation: Purchase program for domestic manganese ore at Butte and Philipsburg, Mont — 7014

Housing and Home Finance Agency — Page
Notices:
Housing programs and relaxation of credit controls in critical defense housing areas; defense housing programs — 7027

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of; National Park Service.

Interstate Commerce Commission
Notices:
Applications for relief:
Ammunition from points in Illinois and Mississippi River crossings to Omaha, Nebr — 7032
Cement from points in Colorado and Wyoming to Texas — 7031
Drums, sheet steel, from Birmingham, Ala., to the South — 7031
Sulphuric acid from Baton Rouge and North Baton Rouge, La., to McIntosh, Ala — 7032
Superphosphate from points in southern territory to Trenton, Mo — 7032
Railway Express Agency, Inc.; investigation of and hearing on North Dakota intrastate express rates and charges — 7032

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; notice of proposed transfer of jurisdiction — 7020
Notice of filing of plat of survey:
Minnesota — 7020
New Mexico — 7021

National Park Service
Rules and regulations:
General rules and regulations; National Recreational Areas; miscellaneous amendments — 7016
Special regulations; miscellaneous amendments — 7016

National Production Authority
Rules and regulations:
Steel distributors; earmarked stocks—aircraft quality alloy steel products (M–6A, Sched. 1) — 7013

Price Stabilization, Office of
Notices:
Ceiling prices at retail:
Belmont Radio Corp — 7024
Hoffman Radio Corp — 7023
Radio Corporation of America — 7023
Scott Radio Laboratories, Inc — 7023
List of community ceiling price orders; Regions V, VIII and XII — 7024
Rules and regulations:
Ceiling prices for processors and distributors of flaxseed feed products (GCPR, SR 95) — 7010

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Exemptions and suspensions of certain food and restaurant commodities; decontrol of processed fruits and vegetables in Territories and possessions of the United States (GOR 7) — 7013

Production and Marketing Administration
Notices:
Bonding and net assets requirements under Commodity Credit Corporation authorizations; notice regarding unit prices — 7021
Proposed rule making:
Florida tangerines, U. S. Standards for — 7017
Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon; notice of proposed budget and rate of assessment — 7019
Milk handling in Toledo, Ohio, marketing area — 7019
Rules and regulations:
Allotment of sugar quotas; Puerto Rico, 1952 — 7008
Federal Seed Act regulations; Kentucky bluegrass seed; exemption from labeling requirements — 6995
National Agricultural Conservation Program; 1953 — 6995

Securities and Exchange Commission
Notices:
Hearings, etc.:
Attleboro Steam and Electric Co. et al — 7026
New England Power Co — 7026
Philadelphia Co — 7027
Standard Gas and Electric Co. and Philadelphia Co — 7025

Treasury Department
See Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 — Page
Chapter I:
Part 51 (proposed) — 7017
Part 201 — 6995
Chapter VII:
Part 701 — 6995
Chapter VIII:
Part 814 — 7008
Chapter IX:
Part 930 (proposed) — 7019
Part 957 (proposed) — 7019
Title 14
Chapter I:
Part 60 — 7009
Title 19
Chapter I:
Part 8 — 7009

CODIFICATION GUIDE—Con.

Title 32 — Page
Chapter V:
Part 564 — 7009
Title 32A
Chapter III (OPS):
GCPR, SR 95 — 7010
GOR 7 — 7013
Chapter VI (NPA):
M–6A, Sched. 1 — 7013
Chapter XIV (GSA) — 7014
Title 36
Chapter I:
Part 1 — 7016
Part 2 — 7016
Part 20 — 7016
Title 46
Chapter II (proposed) — 7020
Title 50
Chapter I:
Part 6 — 7015

in conserving water. The 1953 program was developed jointly by the Production and Marketing Administration, the Soil Conservation Service, and the Forest Service, working with local conservation districts and with the assistance of other interested State and Federal agencies.

The 1953 Agricultural Conservation Program, with more definite and direct emphasis on providing assistance only for the most urgently needed conservation on an individual farm, follows through on the "farm-by-farm—first-things-first" approach launched in 1952. Every effort is to be made to see that program assistance is directed to those soil and water conservation practices which farmers would not carry out to the extent necessary for the national welfare without this assistance. Every effort is to be made to see that program assistance is shifted away from those practices which are becoming established in farmers' regular operations on their farms. This assistance is to be used to encourage and aid farmers to carry out conservation over and above what they would do with their own resources and on their own initiative.

The practices to be included at the local level and for individual farms should be aimed toward the most permanent benefit to the productive capacity and conservation of the agricultural resources of the area. Each county program should be integrated with the objectives of the broad general conservation programs of the area, such as flood prevention, wind and water erosion, or changing land use.

Experiences gained in the counties where PMA community committeemen were used to make farm-by-farm contacts have been used in developing the 1953 program. This experience definitely shows that where community committeemen have been used to make these contacts participation has been increased substantially and there has been a decided increase in the volume of the more permanent-type practices, such as terraces, dams, improved pasture, irrigation structures, contour striperopping, and range and forestry improvement. This farm-by-farm contact will be expanded to every county in 1953.

Successful operation of this program depends on the fullest assumption by each State, county, or community PMA committeeman of his responsibility under the program to his fellow-farmers and the Nation as a whole. This responsibility includes obtaining for each dollar of program funds expended the maximum additional conservation of our farming resources.

INTRODUCTION

Sec.
701.400 Introduction.

DISTRIBUTION AND CONTROL OF FUNDS

701.401 State funds.
701.402 Control of funds.
701.403 Adjustments.

DEVELOPMENT OF STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS, PRACTICE SPECIFICATIONS, SELECTION OF PRACTICES, ADAPTATION OF PRACTICES AND RATES OF ASSISTANCE, SPECIAL CONSERVATION PRACTICES, POOLING AGREEMENTS, COMPLIANCE WITH REGULATORY MEASURES, AND STATE OR FEDERAL AID

701.404 Development of State and county agricultural conservation programs.
701.405 Practice specifications.
701.406 Selection of practices.
701.407 Adaptation of practices and rates of assistance.
701.408 Special conservation practices.
701.409 Pooling agreements.
701.410 Compliance with regulatory measures.
701.411 Practices carried out with State or Federal aid.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

701.412 Conservation practices and maximum rates of assistance.

PRACTICES TO PROTECT SOIL FROM WIND AND WATER EROSION

701.413 Practice A–1: Constructing terraces to control the flow of water on sloping land.
701.414 Practice A–2: Constructing diversion terraces or ditches to collect or divert excess water.
701.415 Practice A–3: Restoring severely eroded farm land to productive use.
701.416 Practice A–4: Establishing permanent sod waterways to dispose of excess water without causing erosion.
701.417 Practice A–5: Constructing outlets for water channels or building flumes or chutes to dispose of water without gullying.
701.418 Practice A–6: Constructing erosion control dams or wire diversions to prevent or heal the gullying of farm land and to reduce runoff of water.
701.419 Practice A–7: Constructing permanent riprap or revetment.
701.420 Practice A–8: Farming on the contour to protect against washing or blowing of soil, to reduce runoff, and to conserve water.
701.421 Practice A–9: Cross-slope farming to protect against washing and blowing of soil and to reduce runoff of water in areas where contouring is impracticable.
701.422 Practice A–10: Field stripcropping to protect soil from wind or water erosion.
701.423 Practice A–11: Managing crop residues to protect soil from wind or water erosion.
701.424 Practice A–12: Bringing adequate amounts of clod-forming subsoil to the surface on sandy cropland subject to wind erosion to protect soil from blowing.
701.425 Practice A–13: Establishing a cover of adapted biennial or perennial legumes or perennial grasses, or mixtures of these legumes and grasses, in orchards and vineyards to protect against erosion.
701.426 Practice A–14: Establishing a permanent cover of perennial grasses, or a mixture of legumes and perennial grasses, on steep slopes or in waterways, or on land so subject to erosion that its use should be changed from cultivation to permanent vegetative cover.
701.427 Practice A–15: Mulching to control wind erosion or in connection with tree planting on blow land.
701.428 Practice A–16: Stream bank or shore protection, channel clearance, or constructing levees or dikes, to prevent erosion or flood damage to farm land.
701.429 Practice A–17: Emergency tillage operations to protect farm land from wind erosion.
701.430 Practice A–18: Establishing a cover of perennial grasses, perennial legumes, or shrubs on field borders to protect against erosion.

PRACTICES TO DEVELOP CROPPING SYSTEMS THAT PROTECT THE SOIL AND RESTORE, IMPROVE, AND MAINTAIN SOIL PRODUCTIVITY

701.433 Practice B–1: Growing adapted green manure or cover crops for soil protection and improvement.
701.434 Practice B–2: Establishing a cover of kudzu or perennial lespedeza for soil building or to control erosion.
701.435 Practice B–3: Establishing or improving permanent pasture by seeding, sodding, or sprigging adapted legumes and grasses of other adapted forage plants.
701.436 Practice B–4: Increasing the total farm acreage of specified biennial or perennial legumes or perennial grasses, or mixtures of these legumes and grasses.
701.437 Practice B–5: Applying mineral elements to make possible the establishment and adequate growth of soil-conserving crops.
701.438 Practice B–6: Clearing suitable land for permanent pasture or for biennial or perennial legumes or perennial grasses needed for a better soil conserving cropping system.
701.439 Practice B–7: Mulching for soil improvement and maintenance purposes.
701.440 Practice B–8: Controlling perennial weeds as a necessary step in soil or water conservation.
701.441 Practice B–9: Constructing permanent fences to permit establishment of permanent vegetative cover.

PRACTICES TO RESTORE AND MAINTAIN RANGE AND PERMANENT PASTURE

701.444 Practice C–1: Improving and maintaining a desirable vegetative cover on range land.
701.445 Practice C–2: Livestock water developments to obtain proper distribution of livestock and prevent overgrazing.
701.446 Practice C–3: Constructing stock trails through rock or other natural barriers to obtain better distribution of grazing.

Sec.
701.447 Practice C–4: Constructing or maintaining fireguards to protect grazing land.
701.448 Practice C–5: Constructing permanent fences to obtain better distribution of grazing, thereby preventing overgrazing.
701.449 Practice C–6: Managing pastures, other than range, to obtain better cover.

PRACTICES TO CONSERVE AND OBTAIN EFFICIENT USE OF AGRICULTURAL WATER

701.452 Practice D–1: Subsoiling to permit better penetration of water.
701.453 Practice D–2: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to retard runoff and improve water penetration.
701.454 Practice D–3: Constructing spreader ditches or dikes to collect or spread water.
701.455 Practice D–4: Reorganizing farm irrigation systems to conserve water and prevent erosion.
701.456 Practice D–5: Leveling land for more efficient use of irrigation water or to prevent erosion.
701.457 Practice D–6: Constructing or enlarging dams, pits, or ponds for irrigation water.
701.458 Practice D–7: Lining earthen reservoirs for irrigation water.
701.459 Practice D–8: Lining irrigation ditches to prevent erosion and loss of water by seepage.
701.460 Practice D–9: Installation of facilities for sprinkler irrigation for permanent pasture on rolling land.
701.461 Practice D–10: Conservation of irrigation water and prevention of soil erosion and leaching by the controlled application of irrigation water.

DRAINAGE PRACTICES TO PERMIT LAND-USE ADJUSTMENTS NEEDED IN ESTABLISHING SOIL CONSERVING CROPPING SYSTEMS OR TO PERMIT OTHER MEASURES REQUIRED TO CONSERVE SOIL AND WATER RESOURCES, WITH DUE CONSIDERATION TO THE MAINTENANCE OF WILDLIFE RESOURCES

701.464 Practice E–1: Installing or improving drainage systems.

PRACTICES TO ESTABLISH, RESTORE, AND MAINTAIN FARM WOODLAND

701.467 Practice F–1: Planting or interplanting forest trees or shrubs on farm land for forestry purposes, windbreaks, shelter belts, or erosion control.
701.468 Practice F–2: Improving a stand of forest trees.
701.469 Practice F–3: Maintaining a stand of trees or shrubs in windbreaks or shelter belts.
701.470 Practice F–4: Constructing firebreaks or fire lanes.
701.471 Practice F–5: Constructing permanent fences to protect farm woodland from grazing.
701.472 Practice F–6: Clearing land to permit planting of forest trees.
701.473 Practice F–7: Forest site preparation to facilitate natural reseeding of forest trees.

PRACTICES TO MEET SPECIAL CONSERVATION NEEDS

701.476 Practice G–1: Special conservation practices.

PAYMENTS

701.478 Division of payments.
701.479 Increase in small payments.
701.480 Payments limited to $2,500.

CONSERVATION MATERIALS AND SERVICES

Sec.
701.481 Availability.
701.482 Cost to producer in cash.
701.483 Deduction.

GENERAL PROVISIONS RELATING TO PAYMENT

701.484 Maintenance of practices.
701.485 Practices defeating purposes of programs.
701.486 Depriving others of payment.
701.487 Filing of false claims.
701.488 Misuse of purchase orders.
701.489 Payment computed and made without regard to claims.
701.490 Assignments.

APPLICATION FOR PAYMENT

701.492 Persons eligible to file application.
701.493 Time and manner of filing application and information required.

APPEALS

701.494 Appeals.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

701.495 State handbooks, bulletins, instructions, and forms.

DEFINITIONS

701.496 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

701.497 Authority.
701.498 Availability of funds.
701.499 Applicability.

AUTHORITY: §§ 701.400 to 701.499 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 701.400 *Introduction.* Assistance will be given to farmers carrying out approved conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The provisions of the program contained in this subpart are applicable to the continental United States.

DISTRIBUTION AND CONTROL OF FUNDS

§ 701.401 *State funds.* Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1952 distribution.

§ 701.402 *Control of funds.* The State committee will allocate the funds available for conservation practices among the counties within the State, taking into consideration, to the extent practicable, the conservation needs of the counties within the State. The county committee, in accordance with the method approved by the State committee, will determine the amount of assistance to be made available for each approved practice on each farm, taking into consideration the county allocation, the conservation problems in the county and of the individual farms, and the conservation work for which assistance is most needed in 1953 to enable the farm to make the maximum contribution to production needed in the defense effort.

§ 701.403 *Adjustments.* If, in any State, the total estimated earnings under the program exceed the total funds available for assistance, assistance will be reduced equitably.

DEVELOPMENT OF STATE AND COUNTY AGRICULTURAL CONSERVATION PROGRAMS, PRACTICE SPECIFICATIONS, SELECTION OF PRACTICES, ADAPTATION OF PRACTICES AND RATES OF ASSISTANCE, SPECIAL CONSERVATION PRACTICES, POOLING AGREEMENTS, COMPLIANCE WITH REGULATORY MEASURES, AND STATE OR FEDERAL AID

§ 701.404 *Development of State and county agricultural conservation programs.* (a) A State agricultural conservation program (referred to in this subpart as State program) shall be developed in each State in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. The program shall be developed by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State. The President of the Land-Grant College and the State Director of the Farmers Home Administration shall be invited to designate representatives to counsel with the group in the formulation of the State program. The group may invite representatives of the State Agricultural Extension Service and other State and Federal agricultural agencies to participate in its deliberations on the State program. The program for the State shall be that recommended by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State, and approved by the Agricultural Conservation Programs Branch, Production and Marketing Administration (referred to in this subpart as the ACP Branch).

(b) A county agricultural conservation program (referred to in this subpart as county program) shall be developed in each county in accordance with the provisions of the State program and such modifications thereof as may be made. The county committee with the PMA community committeemen, the designated representative of the Soil Conservation Service in the county with the governing body of the Soil Conservation District, and the Federal Forest Service official having jurisdiction of farm forestry in the county with the farm forestry representatives of the State, working with the County Agricultural Extension Agent for the county (if he is not included in the foregoing group as ex officio member of the county committee) and the County Supervisor of the Farmers Home Administration, shall develop recommendations for the county program. The program for the county then shall be formulated by the county committee, the local Soil Conservation Service technician, and the Forest Service official having jurisdiction of farm forestry in the county, in consultation with the governing body of the Soil Conservation District on the over-all conservation problems of the county and especially on the work plans of the Soil Conservation District and of the Federal

agencies involved to assure the most effective use of the available technical and financial assistance. The program so formulated shall be recommended to the State committee for approval by the State committee, the State Conservationist of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the State and upon such approval shall become the 1953 program for the county. The program recommendation shall be signed by the chairman of the county committee, the Soil Conservation Service technician, and the Forest Service representative where present in the county, and shall state that the program was developed in consultation with the governing body of the Soil Conservation District.

(c) State and county programs shall be consistent with the Agricultural Resources Conservation Program and designed to accomplish its objective—the use of each acre of agricultural land within its capabilities and the treatment of each acre of agricultural land in accordance with its needs for protection and improvement.

§ 701.405 *Practice specifications.* Minimum specifications which practices must meet to be eligible for assistance shall be set forth in the State handbook or in the county handbook, or be incorporated therein by specific reference.

§ 701.406 *Selection of practices.* (a) Practices to be included in the State program or in the county program shall be only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, assist in making possible the production of agricultural commodities needed in the defense effort. The practices included shall be those which will not be carried out in the desired volume on the basis of relative conservation needs, unless assistance is given therefor.

(b) It shall be the objective of the program to direct assistance to the conservation practices most needed on each farm. In furthering this objective, the community committeeman and each farm operator, working together on the farm, before the 1953 program begins, should review the conservation problems of the farm, taking into consideration any conservation plan developed by the farmer with the assistance of any State or Federal agency. After the farm operator and his community committeeman have agreed on the practices most needed to contribute to more permanent protection and improvement of the farm lands, the farm operator will be given an opportunity to request the program assistance which he and the committeeman consider necessary for those practices. The county committee, taking into consideration the farmer's request and his committeeman's recommendations thereon, shall direct the available assistance to those practices most essential to the accomplishment of increased and sustained agricultural production on the farms in the county.

§ 701.407 *Adaptation of practices and rates of assistance.* (a) The practices included in the State program must meet all conditions and requirements of the national program, but may be more limited as to number or applicability and may include restrictions and requirements in addition to those in the national program. The practices included in the county program must meet all conditions and requirements of the State program, but may be more limited as to number or applicability and may include restrictions and requirements in addition to those in the State program.

(b) Rates of assistance for practices included in the State program may be less than, but not in excess of, the maximum prescribed in the national program. The rates of assistance for practices included in the county program may be lower than the rates of assistance approved for general use in the State. The county program may specify rates of assistance for individual farms lower than the rates of assistance approved for general use in the county on the basis of the experience of the producer in performing the practices. Upon recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, the ACP Branch may approve a rate of assistance for one practice in a county higher than the maximum rate specified for such practice in this subpart, but not higher than the cost of performing the practice, provided the increased rate of assistance is needed to introduce a new conservation practice into the county or to bring about a needed increase in the extent to which the practice otherwise would be carried out.

§ 701.408 *Special conservation practices.* To permit further local adaptation of a county program to the conservation needs of the county, the ACP Branch, upon recommendation of the State and county committees and designated representatives of the Soil Conservation Service and the Forest Service at both the county and State levels, may approve practices for the county from the practices included in this subpart which are not included in the list of practices approved for the State.

§ 701.409 *Pooling agreements.* Producers in any local area may agree in writing, with the approval of county and State committees, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of payment, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

§ 701.410 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

§ 701.411 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced, for purposes of payment, by the value of the aid, as determined by the county committee. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

§ 701.412 *Conservation practices and maximum rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the maximum rates of assistance for the practices. Prior approval of the county committee is required for all practices. Written notice of the approved practices shall be given to farm operators before performance of any of the approved practices for the farm is started. For practices for which (1) approval was given under the 1952 Agricultural Conservation Program, (2) performance was started but not completed during the 1952 program year, and (3) the county committee believes the extension of the approval to the 1953 program is justified under 1953 program regulations and provisions, the approval of the practice under the 1952 program may be regarded as meeting the prior approval requirement and the prior notice of approval requirement of the 1953 program.

(b) The assistance originally approved by the county committee for particular practices may not be changed to other practices, unless (1) the farmer establishes to the satisfaction of the county committee that it was impossible to carry out the originally approved practices because of serious illness, adverse weather conditions, inability to obtain materials or services required to carry out the practices, or (2) a necessary major change has been made in the operation of the farm which renders the first approved practices inapplicable, or (3) it is then possible to carry out more needed practices not selected originally because at that time there appeared to be no possibility of getting them carried out during the year, or (4) the practice is one for which the Soil Conservation Service or the Forest Service has been assigned technical responsibility and, after tentative county committee approval thereof, it is determined by the agency that the practice is not needed nor practical, or (5) a new practice is included in the program after it begins. Practices may be substituted under these conditions only if the farmer's reasons

(2) 50 percent of the average cost of ma-

for requesting the substitution are recorded in the county office and approved by the county committee before performance of the substituted practice is started.

(c) Of the permanent-type conservation practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 701.413 to 701.415, 701.416, 701.417 to 701.419, 701.428, 701.444 (a), 701.445 (c), 701.454 to 701.457, 701.460 to 701.461, and 701.464. In addition, the Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 701.420 (a), (c), (d), (e), (f), (g) and 701.421, if guidelines must be established under the 1953 program. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). Also, in counties where the county committee, the designated representative of the Soil Conservation Service in the county, and the Forest Service representative having jurisdiction of farm forestry in the county determine that there is need for making a prior determination that land to be cleared under § 701.438 or § 701.472 is suitable for clearing for the purpose of the practice, the Soil Conservation Service technician shall have the responsibility for such prior determination of suitability. The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278.

(d) The Forest Service is responsible for the technical phases of the practices contained in §§ 701.467 to 701.473. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining compliance in meeting these specifications.

(e) Information with respect to the several practices for which assistance will be given when carried out on a particular farm, and the exact specifications and rates of assistance for such practices, may be obtained from the county committee for the county in which the farm is located, or from the State committee (11 F. R. 177A-285). Where the farmer expresses the need for, or the county committee believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service or the Forest Service, the county committee shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance in the county.

(f) The average cost as specified under the maximum assistance for certain practices in this subpart may be the average cost for a State, a county, a part of a county, or a farm, as determined by the State committee.

(g) Assistance for the practices contained in §§ 701.416, 701.425 to 701.426, 701.433 (f), 701.434 to 701.436, and 701.444 (c), (d), may be given even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to reasons beyond the control of the producer. The county committee may require as a condition of assistance in such cases that the area be reseeded, or that other needed protective measures be carried out.

PRACTICES TO PROTECT SOIL FROM WIND AND WATER EROSION

§ 701.413 *Practice A–1: Constructing terraces to control the flow of water on sloping land.* Necessary protective outlets or waterways must be provided.

Maximum assistance. 70 percent of the average cost of construction of the terraces.

§ 701.414 *Practice A–2: Constructing diversion terraces or ditches to collect or divert excess water.* Necessary protective outlets or waterways must be provided.

Maximum assistance. 70 percent of the average cost of earth moving.

§ 701.415 *Practice A–3: Restoring severely eroded farm land to productive use.* Land on which this practice is carried out must be protected by terraces or established in permanent protective cover during the 1953 program year or not later than the spring of 1954. This practice is not applicable to land on which strip or placer mining operations have been carried out.

Maximum assistance. 50 percent of the average cost of grading, leveling, shaping, or filling.

§ 701.416 *Practice A–4: Establishing permanent sod waterways to dispose of excess water without causing erosion.* Applicable only to waterways established under the 1953 program, unless the county committee determines that an old waterway needs reshaping and reseeding or resodding.

Maximum assistance. (1) 80 percent of the cost of seeding or sodding, but not in excess of $0.75 per 1,000 square feet.

(2) 70 percent of the average cost of moving earth with dirt-moving equipment, other than normal farm tillage implements, in shaping and filling.

§ 701.417 *Practice A–5: Constructing outlets for water channels or building flumes or chutes to dispose of water without gullying.*

Maximum assistance. (1) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(3) 50 percent of the average cost of pipe.

(4) $0.50 per square yard of exposed surface of log dams.

(5) $0.50 per square yard of exposed surface of wire-bound mulch.

(6) $0.15 per square yard of exposed surface of wire dams.

§ 701.418 *Practice A–6: Constructing erosion control dams or wire diversions to prevent or heal the gullying of farm land and to reduce runoff of water.*

Maximum assistance. (1) 70 percent of the average cost of moving earth in the construction of dams, wings, and walls, but not in excess of $0.12 per cubic yard of earth moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(4) 50 percent of the average cost of pipe.

(5) $1.50 per cubic yard of rock used, for rock or rock-and-brush dams.

(6) 50 percent of the average cost of wire diversions.

(7) 50 percent of the average cost of fencing material and seeding or sodding the dam.

§ 701.419 *Practice A–7: Constructing permanent riprap or revetment.* Applicable only along stream banks, in gullies, on the face of dams, or in water courses, for controlling erosion. The types of materials must be specified in the State handbook.

Maximum assistance. (1) 50 percent of the average cost, but not in excess of $1 per square yard of exposed riprap or revetment surface, or

(2) 50 percent of the average cost, but not in excess of $2 per cubic yard of riprap or revetment material.

§ 701.420 *Practice A–8: Farming on the contour to protect against washing or blowing of soil, to reduce runoff, and to conserve water*—(a) *Practice A–8–a: Establishing contour stripcropping on nonterraced land.* The types of eligible protected and protective crops and uses must be specified in the State handbook. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this practice for any acreage for which assistance was given for establishing contour on cross-slope stripcropping under a previous program, or for which assistance is given under paragraph (c) or (d) of this section.

Maximum assistance. $4 per acre.

(b) *Practice A–8–b: Removing stone walls or hedgerows to permit terracing, contour farming, or cross-slope farming.* The terraces must be completed, or the contour farming or cross-slope farming system established, on or before December 31, 1954.

Maximum assistance. 50 percent of the cost of removal, as determined by the county committee, but not in excess of $5 per square rod of surface occupied by the stone wall or hedgerow before removal.

(c) *Practice A–8–c: Contour farming row crops on nonterraced land.* The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out. No assistance will be given under this practice for any acreage for which assistance is given under paragraph (f) of this section.

Maximum assistance. (1) $1.50 per acre where all cultural operations are on the contour.

(2) $1 per acre where only the planting and cultivating are on the contour.

(d) *Practice A–8–d: Contour farming drilled or close-sown crops on nonterraced land.*

Maximum assistance. (1) $0.75 per acre where all cultural operations are on the contour.

(2) $0.50 per acre where only the seeding operation is on the contour.

(e) *Practice A–8–e: Contour listing, contour chiseling, basin listing, pit cultivation, or other approved tillage operations, to control wind or water erosion, when not a part of a seeding operation.*

Maximum assistance. (1) $0.60 per acre when used to protect summer-fallowed land.

(2) $0.30 per acre on other land.

(f) *Practice A–8–f: Planting orchards, vineyards, bush fruits, or perennial vegetables on the contour.*

Maximum assistance. (1) $5 per acre for orchards or vineyards or asparagus.

(2) $3 per acre for bush fruits or perennial vegetables other than asparagus.

(g) *Practice A–8–g: Establishing a living fence on the contour for erosion control.* The plants or shrubs used to establish the fence must be specified in the State handbook.

Maximum assistance. 50 percent of the average cost of plants or shrubs and planting, other than land preparation and cultivation, but not in excess of a maximum amount per unit specified in the State handbook.

§ 701.421 *Practice A–9: Cross-slope farming to protect against washing and blowing of soil and to reduce run-off of water in areas where contouring is impracticable*—(a) *Practice A–9–a: Establishing cross-slope stripcropping.* Guidelines must be established and all cultural operations performed as nearly as practicable on the contour. The types of eligible protected and protective crops and uses must be specified in the State handbook. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops. No assistance will be given under this practice for any acreage for which assistance was given for establishing contour or cross-slope stripcropping under a previous program, or for which assistance is given under paragraph (b) or (c) of this section.

Maximum assistance. $3 per acre.

(b) *Practice A–9–b: Cross-slope farming row crops.* Guidelines must be established and all cultural operations performed as nearly as practicable on the contour. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out.

Maximum assistance. $1 per acre.

(c) *Practice A–9–c: Cross-slope farming drilled or close-sown crops.* Guidelines must be established and all cultural operations performed as nearly as practicable on the contour.

Maximum assistance. $0.35 per acre.

§ 701.422 *Practice A–10: Field stripcropping to protect soil from wind or water erosion.* The maximum and minimum widths of the strips and the types of eligible protected and protective crops and uses must be specified in the State handbook. The crop stubble or crop residue must be left standing over winter, or a winter cover crop established, or necessary protective tillage operations carried out, on acreage devoted to row crops.

Maximum assistance. (1) $0.50 per acre for systems with strips in excess of 10 rods in width.

(2) $0.75 per acre for systems with strips not in excess of 10 rods in width.

§ 701.423 *Practice A–11: Managing crop residues to protect soil from wind or water erosion*—(a) *Practice A–11–a: Crop residue management.* Maintaining a stubble mulch on the surface soil by performing tillage operations which will partially incorporate a heavy growth of stubble or straw into the surface soil but leave adequate residue on the surface to prevent erosion. No assistance will be given if the acreage has been burned over or the straw removed. The $1-per-acre maximum to protect summer-fallowed land will apply to the total assistance under the 1952 and 1953 programs. The county committee shall specify the earliest date by which the first tillage operation may be started.

Maximum assistance. (1) $1 per acre when used to protect summer-fallowed land.

(2) $0.60 per acre on other cropland.

(3) $1 per acre in orchards or vineyards.

(b) *Practice A–11–b: Leaving stalks or stubble of sorghum, Sudan grass, millet, or broomcorn as a protection against wind erosion.* The stalks or stubble must be left on the land until spring farming operations are begun or such later date as the county committee determines is necessary to protect against seasonal wind erosion. No grazing is permitted. The stalks or stubble on broadcast or close-drilled crops must be left at least 8 inches high and at least 10 inches high on wide-drilled or row crops. Applicable only in wind erosion areas approved by the State committee and designated in the State handbook.

Maximum assistance. $0.35 per acre.

§ 701.424 *Practice A–12: Bringing adequate amounts of clod-forming subsoil to the surface on sandy cropland subject to wind erosion to protect soil from blowing.* The heavier subsoil must be brought to the surface. Applicable only in wind erosion areas approved by the State committee and designated in the State handbook. No assistance will be given on any acreage for which assistance was given for this practice under any previous program.

Maximum assistance. (1) $2 per acre for plowing 12 inches but less than 15 inches deep.

(2) $3 per acre for plowing 15 inches but less than 18 inches deep.

(3) $5 per acre for plowing 18 inches or deeper.

§ 701.425 *Practice A–13: Establishing a cover of adapted biennial or perennial legumes or perennial grasses, or mixtures of these legumes and grasses, in orchards and vineyards to protect against erosion.* Volunteer stands and acreages cut for hay are not eligible. Approved kinds of cover must be specified in the State handbook.

Maximum assistance. 70 percent of the average cost of seed.

§ 701.426 *Practice A–14: Establishing a permanent cover of perennial grasses, or a mixture of legumes and perennial grasses, on steep slopes or in waterways, or on land so subject to erosion that its use should be changed from cultivation to permanent vegetative cover.*

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost, other than land preparation, of sodding, crowning, or sprigging.

§ 701.427 *Practice A–15: Mulching to control wind erosion or in connection with tree planting on blow land.* The types of materials must be specified in the State handbook and cannot include manure.

Maximum assistance. $2 per ton of material used.

§ 701.428 *Practice A–16: Stream bank or shore protection, channel clearance, or constructing levees or dikes, to prevent erosion or flood damage to farm land.* Channel clearance or levee construction under this practice is limited to small watercourses. This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent lands.

Maximum assistance. 50 percent of the cost of the clearing, shaping, and protective operations, as determined by the county committee.

§ 701.429 *Practice A–17: Emergency tillage operations to protect farm land from wind erosion.* Tillage operations in connection with preparing land for planting or as cultivation of a crop will not qualify. The conditions under which the practice will be approved and the implements to be used must be specified in the State handbook.

Maximum assistance. $0.30 per acre for each separate tillage operation approved by the county committee.

§ 701.430 *Practice A–18: Establishing a cover of perennial grasses, perennial legumes, or shrubs on field borders to protect against erosion.* The maximum width of the strips must be specified in the State handbook. Plants that benefit wildlife should be given preference wherever practicable.

Maximum assistance. (1) 80 percent of the average cost of seed.

(2) 50 percent of the average cost of plants or shrubs and planting, other than land preparation and cultivation.

PRACTICES TO DEVELOP CROPPING SYSTEMS THAT PROTECT THE SOIL AND RESTORE, IMPROVE, AND MAINTAIN SOIL PRODUCTIVITY

§ 701.433 *Practice B–1: Growing adapted green manure or cover crops for soil protection and improvement.* Pasturing consistent with good management is permitted. Volunteer stands are not eligible for assistance.

(a) *Practice B–1–a: Winter annual legumes, annual ryegrass, or fescue grass.* The practice must be carried out in keeping with technical specifications approved by the State committee and included in the State handbook, or a good stand and good growth must be obtained. Acreages of Austrian Winter peas or lupines seeded in the fall of 1952 are not eligible for assistance if harvested for seed.

Maximum assistance. 70 percent of the average cost of seed.

(b) *Practice B–1–b: Summer annual legumes.* A good stand and good growth must be obtained and left on the land or turned under. Vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, and seedings (other than crotalaria) interplanted with row crops, are not eligible for assistance.

Maximum assistance. 70 percent of the average cost of seed.

(c) *Practice B–1–c: Adapted annual nonlegumes.* A good stand and good growth must be obtained and left on the land or turned under. Small grains and acreages harvested for seed or hay are not eligible for assistance.

Maximum assistance. 70 percent of the average cost of seed.

(d) *Practice B–1–d: Small grains.* A good stand and good growth must be obtained and left on the land or turned under. Acreages harvested for hay or grain are not eligible for assistance.

Maximum assistance. (1) $2.50 per acre for rye or wheat.

(2) $1.50 per acre for oats, millet, barley, or buckwheat.

(e) *Practice B–1–e: Red clover, alsike clover, sweetclover, or alfalfa used for green manure.* A good stand and good growth must be turned under. Assistance for alfalfa is limited to first- or second-year alfalfa from which no hay, seed, or pasture is taken in 1953.

Maximum assistance. $1.50 per acre.

(f) *Practice B–1–f: Establishing biennial or perennial legumes or perennial grasses, or mixtures of such legumes with adapted grasses, for green manure.* Limited to acreages seeded in the fall of 1952 or in the spring of 1953. A good stand must be obtained and a good growth incorporated into the soil in 1953 or in the spring of 1954. Pasturing consistent with good management is permitted, but none of the growth may be harvested for hay or seed.

Maximum assistance. 70 percent of the average cost of seed.

§ 701.434 *Practice B–2: Establishing a cover of kudzu or perennial lespedeza for soil building or to control erosion.*

Maximum assistance. (1) 80 percent of the average cost of seed or crowns, or

(2) 60 percent of the average cost, other than land preparation, of crowning.

§ 701.435 *Practice B–3: Establishing or improving permanent pasture by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.* Where rates of assistance are determined on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be specified in the State handbook.

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost, other than land preparation, of sodding or sprigging.

§ 701.436 *Practice B–4: Increasing the total farm acreage of specified biennial or perennial legumes or perennial grasses, or mixtures of these legumes and grasses.* Assistance will be given only for the acreage of all biennial and perennial legumes and perennial grasses for which assistance is offered under this practice in the county, established in excess of the usual acreage of these grasses and legumes for the farm as determined by the county committee. The method of determining the usual acreage shall be set forth in the State handbook. In determining the acreage established and the usual acreage for a farm in the case of mixtures, only those mixtures which are predominantly of the specified grasses and legumes for the county shall be considered. Where rates of assistance are on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be specified in the State handbook. Acreages of these grasses and legumes for which assistance for new seedings is given under another 1953 practice may not be considered in determining the increased acreage eligible for assistance under this practice.

Maximum assistance. 80 percent of the average cost of seed.

§ 701.437 *Practice B–5: Applying mineral elements to make possible the establishment and adequate growth of soil-conserving crops*—(a) *Practice B–5–a: Liming materials.* If practicable, the soil should be tested to determine the need for liming material and the amount needed.

Maximum assistance. (1) Bulk ground limestone containing at least 80 percent calcium carbonate equivalent:

(*a*) 55 percent of the average cost on a delivered-to-the-farm basis plus 30 percent of that part of such cost which is in excess of $2 per ton, or

(*b*) 45 percent of the average cost on a spread-on-the-land basis plus 30 percent of that part of such cost which is in excess of $2 per ton.

(2) The rate for other liming materials may not exceed the lower of:

(*a*) The rate for an equivalent amount of bulk ground limestone containing at least 80 percent calcium carbonate equivalent, or

(*b*) The larger of 55 percent of the average cost of the equivalent material on a delivered-to-the-farm basis plus 30 percent of that part of such cost which is in excess of $2 per ton, or 45 percent of the average cost of the equivalent material on a spread-on-the-land basis plus 30 percent of that part of such cost which is in excess of $2 per ton.

(b) *Practice B–5–b: Superphosphate, fused tricalcium phosphate, rock phosphate, colloidal phosphate, potash, or basic slag.* (1) Application of superphosphate, fused tricalcium phosphate, potash, or basic slag must be made at a time so that the eligible crop will receive the principal benefit of the material. Applicable only in connection with the following crops and uses:

(i) Legumes and grasses, excluding small grains (except as provided in subdivision (ii) of this subparagraph), vegetable and truck crops for sale, soybeans or mung beans for seed or oil, all peanuts, Sudan grass, and sorghums.

(ii) Small grains when seeded with eligible grasses or legumes or when overseeded with eligible grasses or legumes in the same seeding season, and small grains for green manure or cover crops in orchards.

(iii) Superphosphate alone when added to manure in stables or on dropping boards and applied to the above crops or to any crop on a farm using a rotation in which at least one-half of the cropland is devoted to conserving crops.

(iv) Rock or colloidal phosphate when applied to any cropland which the county committee determines is in or going into a regular rotation that includes legumes (other than vegetable and truck crops for sale, soybeans or mung beans for seed or oil, and all peanuts) or perennial grasses.

(2) Rates of assistance must be established for each of the following materials if included in the State handbook: Normal superphosphate containing 20 percent or less available phosphoric acid (P_2O_5), concentrated superphosphate containing more than 20 percent available phosphoric acid (P_2O_5), fused tricalcium phosphate, rock phosphate, colloidal phosphate, potash, and basic slag. Assistance for mixed fertilizers will be determined on the basis of rates established for normal superphosphate and potash.

Maximum assistance. (1) Superphosphate, fused tricalcium phosphate, rock phosphate containing at least 28 percent total phosphoric acid (P_2O_5), potash, or basic slag—60 percent (50 percent under subdivision (iv) of subparagraph (1) of this paragraph) of the average cost of the straight material at siding, dealer's warehouse, or plant.

(2) For colloidal phosphate or lower grade rock phosphate, the rate may not exceed the lower of:

(*a*) The rate for an equivalent amount of rock phosphate containing at least 28 percent total phosphoric acid (P_2O_5), or

(*b*) 60 percent (50 percent under subparagraph (iv) of paragraph (b) (1) of this section) of the average cost of the lower grade material at siding, dealer's warehouse, or plant.

(c) *Practice B–5–c: Minor elements.* Materials used as insecticides are not eligible for assistance. Assistance will be limited to that used with biennial or perennial legumes or perennial grasses, or with cover crops in orchards.

Maximum assistance. 60 percent of the average cost at siding, dealer's warehouse, or plant.

(d) *Practice B–5–d: Gypsum or sulfur.* Materials used as insecticides are not eligible for assistance.

Maximum assistance. 60 percent of the average cost at siding, dealer's warehouse, or plant.

§ 701.438 *Practice B–6: Clearing suitable land for permanent pasture or for biennial or perennial legumes or perennial grasses needed for a better soil conserving cropping system.* Eligible legumes or grasses must be established as soon as practicable. Temporary use of the land for other crops may be permitted where the county committee determines this is essential to establishing the eligible legumes or grasses. No assistance will be given for clearing a stand of merchantable timber or pulpwood.

Maximum assistance. 50 percent of the average cost of clearing, but not in excess of $10 per acre cleared.

§ 701.439 *Practice B–7: Mulching for soil improvement and maintenance purposes.* Assistance will be limited to mulching material hauled onto the field or area. No assistance will be given for applying mulching material containing manure.

(a) *Practice B–7–a: Applying mulching material to orchards or to vineyards.*

Maximum assistance. 60 percent of the average cost of material delivered to the farm, but not in excess of $5 per ton, air-dry weight.

(b) *Practice B–7–b: Applying mulching material to cropland.* The material must be incorporated into the soil.

Maximum assistance. 60 percent of the average cost of material delivered to the farm, but not in excess of $5 per ton, air-dry weight.

§ 701.440 *Practice B–8: Controlling perennial weeds as a necessary step in soil or water conservation.* The names of weeds, the conditions under which the practice may be approved, and the measures needed to provide effective control must be specified in the State handbook. No crop may be taken from the land where clean cultivation is used, except where a management plan approved by the State committee permits clean cultivation before and after the planting and harvesting of the crop.

Maximum assistance. (1) $7.50 per acre for continuous clean cultivation, except for Johnson grass and quackgrass.

(2) $5 per acre for continuous clean cultivation for Johnson grass and quackgrass.

(3) 50 percent of the average cost of State committee approved chemicals and 50 percent of the average cost of applying the chemicals.

(4) 50 percent of the average cost of other State committee approved methods of control.

§ 701.441 *Practice B–9: Constructing permanent fences to permit establishment of permanent vegetative cover.* The area fenced must be farm land that in 1953 is established in biennial or perennial legumes or perennial grasses. This practice is applicable only to areas that the county committee determines cannot be properly established in necessary protective cover until fenced for protection against livestock.

Maximum assistance. 50 percent of the average cost of fencing material used.

PRACTICES TO RESTORE AND MAINTAIN RANGE AND PERMANENT PASTURE

§ 701.444 *Practice C–1: Improving and maintaining a desirable vegetative cover on range land*—(a) *Practice C–1–a: Grazing land management to maintain or improve range and watershed conditions.* Assistance will be given for the conservation of grazing land by carrying out the provisions of a management plan filed with and approved by the county committee and complying with approved utilization standards on all grazing land in the ranching unit. Eligible management measures on which assistance is to be based must be specified in the State handbook.

Maximum assistance. The smaller of:

(1) The amount approved by the county committee, or

(2) $50 plus $0.04 per acre of grazing land.

(b) *Practice C–1–b: Natural reseeding of desirable range forage plants by deferred grazing.* Applicable only to seriously depleted areas of range land or to range land from which competitive plants have been removed and deferment of grazing is necessary to natural reestablishment of desirable grass cover. Assistance will not be given on more than 25 percent of the grazing land in the unit, nor for any of the deferred area which is cut for hay, except that the State committee, with the approval of the ACP Branch, may waive the percentage limitation for any local area where deferment of a larger percentage is necessary to conserve the range resources. No assistance will be given if the county committee determines that any area of the ranch is overgrazed.

Maximum assistance. $0.25 per acre deferred, except that where the carrying capacity is less than one animal unit for each 30 acres, the rate must be reduced proportionately and set forth in the State handbook.

(c) *Practice C–1–c: Artificial reseeding.* Seeding, sodding, or sprigging adapted perennial grasses, perennial legumes, or other pasture forage plants for range improvement. Where rates of assistance are determined on an acre basis, the recommended seeding rates, kinds of seeds, and proportions of seeds in a mixture must be specified in the State handbook. Seeded areas shall not be grazed until the stand is well established, and no assistance will be given if the county committee determines that the area seeded is overgrazed.

Maximum assistance. (1) 80 percent of the average cost of seed, or

(2) 60 percent of the average cost, other than land preparation, of sodding or sprigging, or

(3) $2 per acre.

(d) *Practice C–1–d: Establishing for seed production an increased acreage of perennial range and pasture grasses or pasture legumes.* Eligible grasses and legumes must be specified in the State handbook and be restricted to those not usually grown for commercial seed production or which are grown for commercial seed production only on a very limited scale as compared to the national need. The State handbook must specify the methods of seeding, cultivation, and protection. Assistance will be given only for seedings on acreage in addition to that devoted to seed production of the grass or legume in 1952.

Maximum assistance. 80 percent of the average cost of establishment, excluding fertilization.

(e) *Practice C–1–e: Controlling competitive plants and shrubs on noncropland.* Eligible plants must be specified in the State handbook. No assistance will be given if the county committee determines that the area is overgrazed. The $5-per-acre maximum will apply to the total assistance under the 1949, 1950, 1951, 1952, and 1953 programs for the control or elimination of all competitive plants and shrubs on an area. On areas where the county committee determines that the control of competitive plants will reduce the vegetative cover to such an extent as to induce erosion, the practice will not be approved unless followed by artificial reseeding.

Maximum assistance. 50 percent of the average cost, but not in excess of $5 per acre.

§ 701.445 *Practice C–2: Livestock water developments to obtain proper distribution of livestock and prevent overgrazing*—(a) *Practice C–2–a: Constructing wells for livestock water.* Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells. Assistance will not be given for wells constructed at or for the use of headquarters.

Maximum assistance. (1) $1 per linear foot of well with bore taking casings less than 4 inches in diameter, and all artesian wells.

(2) $2 per linear foot of well with bore taking casings 4 inches but less than 6 inches in diameter.

(3) $3 per linear foot of well with bore taking casings 6 inches or more in diameter.

(b) *Practice C–2–b: Developing springs or seeps for livestock water.*

Maximum assistance. (1) $0.50 per cubic foot of excavation in rock, and

(2) $0.30 per cubic foot of excavation in soil or gravel; or

(3) $0.50 per cubic foot of storage capacity constructed.

(c) *Practice C–2–c: Constructing dams, pits, or ponds for collecting and storing livestock water, including the enlargement of inadequate structures.* No assistance will be given for cleaning or maintaining an existing structure.

Maximum assistance. (1) 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(4) 50 percent of the average cost of fencing material, pipe, and seeding or sodding the dam and filter strips.

(d) *Practice C–2–d: Installing pipe lines for livestock water.*

Maximum assistance. 50 percent of the average cost of pipe, except that the assistance for pipe in excess of 2 inches in diameter may not exceed the assistance which may be given for 2-inch pipe.

(e) *Practice C–2–e: Constructing supplemental new large water storage at wells or springs for livestock water.* No assistance will be given under this practice in connection with a spring or well for which assistance is given under the 1953 program or which has been given under previous programs, unless the minimum storage required as a condition of payment for the spring or well has been installed and maintained.

Maximum assistance. (1) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(f) *Practice C–2–f: Lining earthen reservoirs for livestock water.*

Maximum assistance. (1) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

§ 701.446 *Practice C–3: Constructing stock trails through rock or other natural barriers to obtain better distribution of grazing.* No assistance will be given if the county committee determines that the grazing area thus made available is overgrazed.

Maximum assistance. 50 percent of the average cost of construction.

§ 701.447 *Practice C–4: Constructing or maintaining fireguards to protect grazing land.* The fireguards must have a minimum width of 10 feet.

Maximum assistance. $1.20 per 1,000 linear feet.

§ 701.448 *Practice C–5: Constructing permanent fences to obtain better distribution of grazing, thereby preventing overgrazing.* No assistance will be given for maintaining existing fences.

Maximum assistance. 50 percent of the average cost of fencing material used.

§ 701.449 *Practice C–6: Managing pastures, other than range, to obtain better cover.* The methods of management must be specified in the State handbook. No assistance will be given under this practice on any farm or ranch for which assistance is given under § 701.444 (a) or (b).

Maximum assistance. 50 percent of the cost of supplemental improvements specified in the State handbook, but not in excess of $100.

PRACTICES TO CONSERVE AND OBTAIN EFFICIENT USE OF AGRICULTURAL WATER

§ 701.452 *Practice D–1: Subsoiling to permit better penetration of water*—(a) *Practice D–1–a: Subsoiling to a depth which will effectively shatter the hardpan or plow sole.* Applicable only to land which the county committee determines can be benefited by subsoiling. No assistance will be given on any acreage for which assistance was given for this practice under any previous program. The State handbook must specify the minimum depth and maximum spacing interval which will qualify for assistance.

Maximum assistance. 50 percent of the average cost, but not in excess of $3 per acre.

(b) *Practice D–1–b: Rotary subsoiling.*

Maximum assistance. (1) $0.25 per acre, except in orchards. (2) $0.50 per acre in orchards.

(c) *Practice D–1–c: Deep plowing.* This practice is applicable only where needed to improve water penetration on irrigated cropland. To be eligible for assistance, the land must be plowed to a depth of at least 24 inches. No assistance will be given on any acreage for which assistance was given for this practice under any previous program.

Maximum assistance. 50 percent of the cost, but not in excess of $5 per acre.

§ 701.453 *Practice D–2: Furrowing, chiseling, ripping, scarifying, pitting, or listing noncrop grazing land to retard runoff and improve water penetration.* The operations must be as nearly as practicable on the contour. The State handbook must specify the maximum spacing interval which will qualify for assistance.

Maximum assistance. 50 percent of the average cost, but not in excess of $0.25 per 1,000 linear feet.

§ 701.454 *Practice D–3: Constructing spreader ditches or dikes to collect or spread water.*

Maximum assistance. 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of earth moved.

§ 701.455 *Practice D–4: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization must be carried out in accordance with a written plan approved by the county committee.

Maximum assistance. (1) 70 percent of the average cost, but not in excess of $0.12 per cubic yard of earth or gravel moved, or $1.50 per cubic yard of rock moved, in the construction or enlargement of permanent ditches, dikes, or laterals. No assistance will be given for cleaning a ditch.

(2) Constructing or installing siphons, flumes, drop boxes or chutes, weirs, diversion gates, or pipe. No assistance will be given for repairs or replacements of existing structures.

(a) 50 percent of the average cost of material used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(b) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(3) 50 percent of the average cost of pipe and fittings used for sprinkler irrigation. No assistance will be given for repairs or replacements of existing structures. The total assistance for portable pipe and fittings under this item and under § 701.460 shall not exceed $500 per farm.

§ 701.456 *Practice D–5: Leveling land for more efficient use of irrigation water or to prevent erosion*—(a) *Practice D–5–a: Leveling land.* No assistance will be given for floating or carrying out this practice on any land for which assistance for leveling, other than by benchland plowing, was given under a previous program. Not applicable in connection with any land for which water is not available.

Maximum assistance. 50 percent of the average cost of earth moving, but not in excess of a maximum amount per acre specified in the State handbook.

(b) *Practice D–5–b: Restoration of grade.* Assistance is limited to restoring the grade on a field included in the original plan for leveling, after settlement following a heavy leveling operation. At least one crop must have been grown on the land after the original leveling. Areas that can be restored by drag or float will not qualify for assistance. No assistance will be given on any acreage for which assistance was given for this practice under a previous program.

Maximum assistance. 50 percent of the average cost of earth moving, but not in excess of an amount per acre specified in the State handbook.

§ 701.457 *Practice D–6: Constructing or enlarging dams, pits, or ponds for irrigation water.* No assistance will be given for material moved in cleaning or maintaining a reservoir. No assistance will be given for repairs or maintenance of existing structures. No assistance will be given for the excavation of pits for the interception of underground water.

Maximum assistance. (1) 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(3) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(4) 50 percent of the average cost of pipe, outlet gates, fencing material, and seeding or sodding the dam and filter strips.

§ 701.458 *Practice D–7: Lining earthen reservoirs for irrigation water.*

Maximum assistance. (1) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

§ 701.459 *Practice D–8: Lining irrigation ditches to prevent erosion and loss of water by seepage.* This practice is limited to ditches that are properly located and constructed as a part of an existing irrigation system. Where turnouts, drops, gates, checks, or other structures are needed in the ditch, such structures shall be installed at the time the ditch is lined.

Maximum assistance. (1) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry.

(2) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

§ 701.460 *Practice D–9: Installation of facilities for sprinkler irrigation for permanent pasture on rolling land.* Installation of sprinkler irrigation facilities on rolling land with average slopes in excess of 5 percent for the irrigation of permanent pasture or land being established in permanent pasture. The installation must be in accordance with a written plan approved by the county committee. This practice is not applicable in connection with any land for which water is not available. The total assistance for this practice and for portable pipe and fittings under § 701.455 shall not exceed $500 per farm.

Maximum assistance. (1) 50 percent of the average cost of permanently installed pipe and fittings, but not in excess of $500 per farm.

(2) 50 percent of the average cost of portable pipe and fittings, but not in excess of $500 per farm.

§ 701.461 *Practice D–10: Conservation of irrigation water and prevention of soil erosion and leaching, by the controlled application of irrigation water.* Limited to counties where excess use of irrigation water is general and adequate information on water-holding capacities of general soil types, depth of rooting of crops grown in the county, and quality of irrigation water used in the county is available. Specifications shall require measurement of the amount of water applied and depth of penetration of each irrigation on each crop, and shall limit the amount of water to be applied per irrigation to not in excess of a maximum established by the county committee for the crops and soil types on the farm. The farmer shall report to the county committee for each irrigation of each crop the date of application, the amount of water applied (second-feet and length of time), and the depth of penetration determined in a manner prescribed by the county committee. Applicable only as a special conservation practice.

Maximum assistance. $4 per acre.

DRAINAGE PRACTICES TO PERMIT LAND-USE ADJUSTMENTS NEEDED IN ESTABLISHING SOIL CONSERVING CROPPING SYSTEMS OR TO PERMIT OTHER MEASURES REQUIRED TO CONSERVE SOIL AND WATER RESOURCES, WITH DUE CONSIDERATION TO THE MAINTENANCE OF WILDLIFE RESOURCES

§ 701.464 *Practice E–1: Installing or improving drainage systems*—(a) *Practice E–1–a: Open farm drainage ditches.* No assistance will be given for cleaning or maintaining a ditch. Assistance will be limited to construction, enlargement, and structural work on permanent ditches, and the establishment of vegetative cover necessary to control erosion in open ditches.

Maximum assistance. (1) 70 percent of the average cost of earth moving, but not in excess of $0.12 per cubic yard of material moved.

(2) 50 percent of the average cost of concrete or rubble masonry used, but not in excess of $12 per cubic yard of concrete or $7 per cubic yard of rubble masonry, for erosion control structures.

(3) 50 percent of the average cost of materials, other than concrete or rubble masonry, used in the permanent structure, excluding forms.

(4) 50 percent of the average cost of pipe for pipe drops.

(5) 60 percent of the average cost, other than land preparation, of sodding or sprigging earthen flumes, but not in excess of $0.75 per 1,000 square feet.

(6) 80 percent of the average cost of seed for establishing a cover on ditch banks and right-of-way or for seeding earthen flumes.

(b) *Practice E–1–b: Tile, fiber pipe, lumber box, sump well, or gate drains, and desilting boxes, surface inlets, metal pipe outlets, and head walls, for tile systems.* No assistance will be given for repairing or maintaining existing drains.

Maximum assistance. 50 percent of the average cost of material delivered to the farm and 50 percent of the average cost of installation.

(c) *Practice E–1–c: Shaping or land grading to provide permanent slopes needed for surface drainage.* Assistance will not be given on any acreage on which assistance was given for this practice under a previous program, for maintaining existing structures, nor on any acreage where assistance is given under § 701.440 for controlling weeds by continuous cultivation. Assistance will not be given on any acreage where the shaping or grading is performed by normal farm tillage equipment.

Maximum assistance. 50 percent of the average cost of earth moving, but not in excess of $5 per acre.

PRACTICES TO ESTABLISH, RESTORE, AND MAINTAIN FARM WOODLAND

§ 701.467 *Practice F–1: Planting or interplanting forest trees or shrubs on farm land for forestry purposes, windbreaks, shelter belts, or erosion control.* Plantings must be protected from fire and grazing. If shrubs are used, those that benefit wildlife should be given preference wherever practicable.

Maximum assistance. 80 percent of the average cost of trees and planting, excluding land preparation and cultivation.

§ 701.468 *Practice F–2: Improving a stand of forest trees.* Technical forestry assistance must be utilized. The minimum stand of desirable species which must be present in order for the acreage to be eligible must be specified in the State handbook. No assistance will be given for any area from which merchantable products are harvested in the process of carrying out the practice, unless the county committee determines that the primary purpose of the operation was the improvement of the residual stand of trees. Assistance may be given for the release of desirable forest tree seedlings by removing or killing competing and undesirable vegetation in areas where the representatives of the Forest Service determine that such measures are necessary to provide effective forest stand improvement. The area thus released must be protected from fire and grazing.

Maximum assistance. 70 percent of the average cost.

§ 701.469 *Practice F–3: Maintaining a stand of trees or shrubs in windbreaks or shelter belts.* Applicable only in connection with windbreaks or shelter belts planted between January 1, 1948, and January 1, 1953. Replanting is required if necessary to bring the stand up to normal. Windbreaks and shelter belts must be protected from fire and grazing. The eligible maintenance measures must be specified in the State handbook.

Maximum assistance. $3 per acre.

§ 701.470 *Practice F–4: Constructing firebreaks or fire lanes.*

Maximum assistance. (1) $0.50 per 1,000 linear feet for each foot of width for widths not in excess of 15 feet, and

(2) $0.40 per 1,000 linear feet for each foot of width in excess of 15 feet; but not in excess of $11.50 per 1,000 linear feet under (1) and (2).

§ 701.471 *Practice F–5: Constructing permanent fences to protect farm woodland from grazing.* Domestic animals must be excluded from the fenced woodland. No assistance will be given for maintaining an existing structure.

Maximum assistance. 50 percent of the average cost of fencing material used.

§ 701.472 *Practice F–6: Clearing land to permit planting of forest trees.* Assistance is limited to clearing land occupied largely by scrubby brush of no economic value to permit planting of desirable species of forest trees. The eligible clearing methods and the maximum average slope on which the practice may be carried out must be specified in the State handbook. Technical assistance must be utilized to determine the suitability of the land for clearing and the measures necessary to prevent erosion. Necessary erosion preventive measures must be carried out. The area cleared must be planted in forest trees within 1 year after clearing is completed.

Maximum assistance. 50 percent of the average cost of clearing, but not in excess of $10 per acre.

§ 701.473 *Practice F–7: Forest site preparation to facilitate natural reseeding of forest trees.* Assistance is limited to forested areas needing natural reseeding of desirable species of forest trees that will not restock unless brush, dense litter, and other materials on the forest soil is broken up or removed so that soil is exposed. Site preparation may be accomplished by controlled burning under the supervision of the authorized State forestry agency or by scarification or other mechanical means. A sufficient number of desirable seed trees must be present and left until the area is restocked. The area must be protected from wildfire and grazing. Necessary erosion preventive measures must be carried out. Technical forestry assistance must be utilized.

Maximum assistance. 50 percent of the average cost, but not in excess of $5 per acre.

PRACTICES TO MEET SPECIAL CONSERVATION NEEDS

§ 701.476 *Practice G–1: Special conservation practices.* The ACP Branch, upon recommendation of the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the county and State levels, may approve

cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights to set-off in order to permit the furnishing of materials and services.

(b) Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the materials are satisfied.

§ 701.482 *Cost to producer in cash.* The producer shall pay that part of the cost of the material or service, as established by the ACP Branch, which is in excess of the credit for the use of the material or service in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials and services may be advanced as a credit against that part of the cost required to be paid by the producer.

§ 701.483 *Deduction.* (a) A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom materials or services are furnished. The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advance to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1953 program, the amount of the increase in small payment to be deducted shall be determined on the 1953 credit value; and (3) where the material or service was transferred to the 1953 program from a previous program and the practice for which furnished is not offered in the county under the 1953 program, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material or service misused shall be made.

(b) Materials or services will be considered as misused, for the purposes of this section, in the following instances:

(1) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(5) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(6) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(c) If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(d) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

(e) Notwithstanding other provisions of this section and § 701.481 (b), in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control, the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of paragraph (a) of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 701.484 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the county committee determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 701.479.

§ 701.485 *Practices defeating purposes of programs.* If the State committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 701.486 *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$20 to $21.99	$10.40
$2 to $2.99	.70	$22 to $23.99	10.40
$3 to $4.99	1.20	$24 to $25.99	10.40
$5 to $6.99	1.80	$26 to $27.99	11.20
$7 to $8.99	2.40	$28 to $29.99	11.20
$9 to $9.99	2.80	$30 to $31.99	11.97
$10 to $10.99	3.20	$32 to $33.99	11.97
$11 to $11.99	3.60	$34 to $35.99	12.80
$12 to $12.99	4.00	$36 to $37.99	12.80
$13 to $13.99	4.40	$38 to $39.99	12.80
$14 to $15.99	4.80	$40 to $41.99	13.60
$16 to $17.99	5.60	$42 to $43.99	13.60
$18 to $19.99	6.40	$44 to $45.99	13.60
$20 to $21.99	7.20	$46 to $47.99	14.40
$22 to $23.99	7.20	$48 to $49.99	14.40
$24 to $25.99	8.00	$50 to $51.99	14.40
$26 to $27.99	8.80	$52 to $53.99	15.20
$28 to $29.99	8.80	$54 to $55.99	15.20
$30 to $31.99	9.60	$56 to $57.99	15.20
$32 to $33.99	9.60	$58 to $59.99	15.97
$34 to $35.99	9.60	$60 to $99.99	16.00
$36 to $37.99	10.40	$100 to $199.99	(1)
$38 to $39.99	10.40	$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 701.480 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

CONSERVATION MATERIALS AND SERVICES

§ 701.481 *Availability.* (a) Liming materials, phosphates, seeds, and other farming materials or services may be furnished by the ACP Branch to producers for carrying out approved practices. Materials or services may not be furnished to producers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights to set-off in order to permit the furnishing of materials and services.

(b) Title to any material distributed by the ACP Branch, either directly or through purchase orders, shall vest in the ACP Branch until the material is applied or planted, or all charges for the materials are satisfied.

§ 701.482 *Cost to producer in cash.* The producer shall pay that part of the cost of the material or service, as established by the ACP Branch, which is in excess of the credit for the use of the material or service in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials and services may be advanced as a credit against that part of the cost required to be paid by the producer.

§ 701.483 *Deduction.* (a) A deduction shall be made for materials or services furnished by the ACP Branch from the payment of the producer to whom materials or services are furnished. The deduction shall be the sum of the credit value of the conservation materials and services furnished and any amount of small payment increase advance to the producer, except that (1) where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost; (2) where the increase in small payment was advanced to the producer under a previous program and the material or service was transferred to the 1953 program, the amount of the increase in small payment to be deducted shall be determined on the 1953 credit value; and (3) where the material or service was transferred to the 1953 program from a previous program and the practice for which furnished is not offered in the county under the 1953 program, the producer may be relieved of the above deductions upon determination by the county committee that the material or service was used in performing the practice for which the material or service was furnished. If the producer misuses any material or service furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material or service misused shall be made.

(b) Materials or services will be considered as misused, for the purposes of this section, in the following instances:

(1) Where the county committee determines that any conservation material has been applied to crops which are not designated as eligible crops by the county and State committees, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the county committee determines that a structure, such as a terrace or dam, has been willfully or negligently destroyed by a producer in the program year in which the structure was completed.

(3) Where the county committee determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(4) Where the county committee determines that with respect to seed furnished in connection with a green manure or cover crop, the crop is harvested for grain or hay, or is too heavily grazed, and such uses are prohibited by the practice specifications.

(5) Where the county committee determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(6) Where the county committee is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(c) If the deduction for the materials or services exceeds the payment for the producer to whom the materials or services are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(d) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the ACP Branch, be transferred to another producer or otherwise disposed of by the ACP Branch at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

(e) Notwithstanding other provisions of this section and § 701.481 (b), in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control, the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of paragraph (a) of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 701.484 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the county committee determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 701.479.

§ 701.485 *Practices defeating purposes of programs.* If the State committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 701.486 *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program

§ 701.487 *Filing of false claims.* If the State committee finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.488 *Misuse of purchase orders.* If the State committee finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 701.489 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 701.490, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 701.490 *Assignments.* Any person who may be entitled to any payment under the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70.

APPLICATION FOR PAYMENT

§ 701.492 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm. An application for payment need not be made by a producer if his only payment is earned with conservation materials or services furnished by the ACP Branch and the entire small payment increase, if any, earned by the use of the materials or services has been advanced to the producer.

§ 701.493 *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Where conservation materials or services are furnished by the ACP Branch, there need be reported on the application for payment with respect to such materials and services only the total credit and deduction value of the materials and services furnished. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those elegible to file the form of information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

APPEALS

§ 701.494 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State committee. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

§ 701.495 *State handbooks, bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1953 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to specific States, counties, areas, and farms will be available in the office of the State committee (11 F. R. 177A–285) and the office of the county committee. Producers wishing to participate in the program should obtain from the State committee or county committee all information needed in order to comply with all provisions of the program.

DEFINITIONS

§ 701.496 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "State" means any one of the continental United States.

(d) "State committee" means the group of persons designated within any State to assist in the administration of the Agricultural Conservation Program in that State.

(e) "County" means parish or county.

(f) "County committee" means the group of persons elected within any county to assist in the administration of the Agricultural Conservation Program in that county.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Producer" means any person who, as landlord, tenant, or share cropper, participates in the operation of a farm.

(i) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(j) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(k) "Program year" means the period, designated in the State handbook, during which conservation practices must be carried out to be eligible for assistance. The program year may begin on or after September 1, 1952, and end not later than December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 701.497 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 701.498 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the county office after December 31, 1954.

§ 701.499 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farms outside the continental United States.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands, except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 28th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8385; Filed, July 30, 1952; 8:53 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.7, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1952

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.7 (17 F. R. 2477, 6759) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments".

Amendment 2 (17 F. R. 6758) to Sugar Regulation 813 increased the mainland quota for Puerto Rico by 45,155 short tons, raw value, to a total of 955,155 short tons, raw value, and amendment 1 to this part (17 F. R. 6759) allotted 80 percent of the increased quota to the interested persons. In amendment 1 to this part an error was made in using estimates of 1951–52 crop sugar production which were different from those used in the initial order. This amendment 2 is necessary to correct that error.

Since immediate action may be taken by a number of allottees to market the increases in allotments provided by amendment 1, it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.7, as amended, is hereby further amended to read as follows:

§ 814.7 *Allotments of 1952 sugar quotas for Puerto Rico*—(a) *Allotments.* Eighty percent of the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 764,124 short tons of sugar, raw value, and 80 percent of the 1952 sugar quota for local consumption in Puerto Rico, amounting to 80,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
Antonio Roig, Sucesores, S. en C.	18,515	16,554
Arturo Lluberas, (estate of) y Sobrinos (San Francisco)	3,246	1,135
Asociacion Azucarera Cooperativa (Lafayette)	23,848	460
Central Aguirre Sugar Co., a trust	81,466	1,410
Central Coloso, Inc.	40,456	606
Central Eureka, Inc.	24,655	1,055
Central Guamani, Inc.	7,237	921
Central Igualdad, Inc.	19,318	13,527
Central Juanita, Inc.	23,854	2,020
Central Mercedita, Inc.	40,002	13,071
Central Monserrate, Inc.	16,965	959
Central San Jose, Inc.	13,579	15
Central San Vincente, Inc.	38,727	1,447
Compania Azucarera del Canuy, Inc. (Rio Llano)	10,686	65
Compania Azucarera del Toa	19,926	
Cooperativa Azucarera Los Canos	23,994	65
Corporacion Azucarera Sauri & Subira (Constancia Ponce)	8,164	1,161
Eastern Sugar Associates, a trust	82,125	11,657
Fajardo Sugar Co.	83,414	118
Land Authority of Puerto Rico	51,979	7
Mario Mercado e Hijos (Rufina)	22,978	1,156
Mayaguez Sugar Co., Inc. (Rochelaise)	7,558	135
Plata Sugar Co.	33,940	402
Soller Sugar Co.	9,874	9
South Porto Rico Sugar Co. of Puerto Rico (Guanta)	58,248	12,045
Total allotted	764,124	80,000
Unallotted reserve	191,031	20,000
Total quotas	955,155	100,000

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 28th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. MCCORMICK,
Acting Secretary.

[F. R. Doc. 52-8390; Filed, July 30, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 16]

PART 60—AIR TRAFFIC RULES

LONG-DISTANCE SCHEDULED AIR CARRIER OPERATIONS

The following supplement does not impose additional burdens upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary and therefore is not required.

Sections 60.21–1, 60.43–1, and 60.47–1, published on August 10, 1950, in 15 F. R. 5155 and amended on September 14, 1951, in 16 F. R. 9306, are further amended by substituting "SR–382" for "SR–363".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8380; Filed, July 30, 1952; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53056]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES; PAPER AND PAPER PRODUCTS

In order to assist collectors of customs in properly classifying paper and paper products (other than books, newspapers, and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process, customs invoices for such products shall contain, in addition to all other information required by law or regulation, a statement of the process employed in printing the paper or paper products.

This requirement shall be effective as to certified or commercial invoices filed after the expiration of 30 days after the publication of this ruling in the weekly Treasury Decisions.

Section 8.13 (i), Customs Regulations of 1943 (19 CFR 8.13 (i)), as amended, is further amended by adding the following to the list of merchandise with respect to which additional information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury decision:

Paper and paper products (other than books, newspapers, and periodicals which are not fashion periodicals) bearing printing of any kind, whether or not the printing was done by a lithographic process.

(Secs. 481, 624, 64 Stat. 719, 759; 19 U. S. C. 1481, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 24, 1952.

A. N. OVERBY,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8378; Filed, July 30, 1952; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 564—ENLISTED RESERVE CORPS

DISCHARGE FROM RESERVE DUTY STATUS

Paragraph (b) of § 564.11 is amended to read as follows:

§ 564.11 *Separation from service.*

• • •

(b) *Discharge from Reserve duty status.* Except for enlisted personnel of the Regular Army transferred to the Enlisted Reserve Corps, placed on the retired list of the Regular Army, and subsequently discharged upon completion of 30 years' service, all members of the Enlisted Reserve Corps will be discharged as follows:

(1) By direction of the President or order of the Secretary of the Army. Such authority may be given either in individual cases or by an order applicable to all cases specified in the order.

(2) By direction of area commanders or such officer or officers as may be designated by them for that purpose:

(i) Upon expiration of term of enlistment or period of service. The period of service required of a male reservist who enlisted in the Enlisted Reserve Corps subsequent to June 19, 1951 and while under 26 years of age is 8 years. A reservist of this category will not be discharged at the end of his 33-year term of enlistment but will have his period of service administratively extended to 8 years to fulfill the obligation imposed by section 4 (d) (3), Universal Military Training and Service Act, (62 Stat. 607; 50 U. S. C. Supp. IV. App. 454 (d)). A discharge certificate will not be issued to the reservist until he has completed this obligation.

(ii) To permit immediate reenlistment of reservists who apply for and are qualified for reenlistment:

(a) At any time during the last 90 days of current enlistment, or

(b) For the purpose of enlistment to meet length of service requirements for active duty tour, including active duty, active duty for training, attendance at service schools, etc.

Date of discharge will be the day immediately preceding the date of reenlistment. The discharge certificate will not be delivered to the individual until after reenlistment is effected.

(iii) Upon enlistment, induction, or acceptance of appointment in any of the Armed Forces or in the Reserve components thereof, including the National Guard of the United States. However, a member of the Enlisted Reserve Corps may be discharged upon enlistment in the Coast Guard or the Coast Guard Reserve only when the Coast Guard, in time of war or national emergency, is operating as an Armed Force under the jurisdiction of the Secretary of the Navy. Discharge upon enlistment or acceptance of appointment as provided in this subparagraph does not relieve the obligated reservist of the remainder of any obligation he may have incurred pursuant to section 4 (d) (1), (2), or (3), Universal Military Training and Service Act, as amended.

(iv) Upon acceptance of appointment as a commissioned officer or warrant officer in the Organized Reserve Corps. However, a reservist who, while serving on active duty, accepts an appointment as a commissioned or warrant officer in the Organized Reserve Corps will continue on active duty in his enlisted status and will be discharged from the Enlisted Reserve Corps upon relief from active duty or upon being ordered into the active military service as a commissioned or warrant officer, whichever occurs first.

(v) Upon appointment to the United States Military, Naval, or Coast Guard Academy.

(vi) When permanently physically disqualified for active service and ineligible for transfer to the Honorary Reserve. Certificate from physican setting forth the nature of specific physical defect or defects will be acceptable evidence, provided the defects listed are considered to be disqualifying.

(vii) Upon presentation of conclusive evidence in accordance with Army regulations that genuine personal hardship exists and discharge will be to the best interest of the Government.

(viii) Upon conviction by a civil court.

(ix) For disloyal and subversive activity.

(3) Reservists who have no Reserve obligation incurred under section 4 (d) (1), (2), or (3), Universal Military Training and Service Act, as amended, also may be discharged by direction of the area commander or such officer or officers as may be designated by him for that purpose:

(i) Upon acceptance of appointment in the Coast and Geodetic Survey or the Public Health Service.

(ii) Because of inaptitude or unsuitability.

(iii) Because of evidence of unfitness.

(iv) For fraudulent enlistment.

(v) For inability to locate after reasonable effort or failure to reply to official communications.

(vi) Upon being found not available for service. A Reservist discharged under this provision will be advised that he may apply for a new enlistment, should the cause for his not being available for service be removed.

(vii) In the case of female personnel not on active duty who have a dependent or dependents under 18 years of age, a child or children under 18 years of age, or who have any legal custody, control, care, maintenance, or support of any child or children under 18 years of age. Women who have surrendered all rights to custody and control of such children or dependents through formal adoption or final divorce proceedings will not be discharged under these provisions.

(viii) For minority.

(ix) For dependency. Upon request of reservist and upon presentation of a sworn affidavit listing four or more dependents. Only the following are considered to be dependents for discharge under these regulations: Lawful wife, unmarried legitimate children under 21 years of age, and dependent parents provided a dependent parent receives over one-half of his or her support from the reservist. No other relatives qualify as dependents for this purpose. Each parent claimed as a dependent must also submit a sworn affidavit that the enlisted applicant did in fact for at least three consecutive months immediately prior to request for discharge contribute over one-half of the support of such parent. If the applicant submits sworn affidavits as proof of dependency acceptable to the headquarters authorized to take final action, he will be discharged from his status as a member of the Enlisted Reserve Corps by reason of dependency and hardship. The failure of any eligible enlisted reservists to request discharge from the Enlisted Reserve Corps under the provisions of this option will be considered as sufficient evidence that the individual is available for being ordered into the active military service.

(x) Upon request of reservist when, in the opinion of the area commander, the discharge will be to the best interest of the Government.

[C 1, SR 140–177–1, July 11, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 55, 39 Stat. 195, as amended; sec. 35, 41 Stat. 780; 10 U. S. C. 421, 423–427)

WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-8344; Filed, July 30, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 95, Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Revision 1 to Supplementary Regulation 95 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation 95 establishes ceiling prices for processors and distributors of flaxseed feed products.

Flaxseed feed products include linseed meal, oil cake, sized cake, pellets, cubes, flaxseed screenings oil feed and linseed feed. The most important of these is linseed meal, a high protein feed supplement used primarily in feeding dairy and beef cattle. It is also used as a feed for sheep, horses, mules, and to some extent for hogs. Pressed into pellets or cubes, it is used extensively for pasture and range feeding.

Linseed meal and other flaxseed feed products are an important part of the total feed supply. For the last four years, annual production has averaged 683,000 tons. Although production of linseed meal is considerably lower than the principal competitive oil seed meals—soybean meal and cottonseed meal—in the 1951–52 crop year linseed meal constituted about 7½ percent of the total supply of all oilseed meals.

Prices of flaxseed feed products were frozen under the General Ceiling Price Regulation (GCPR) and SR 18 to the GCPR. The level of ceiling prices under the freeze was considerably below the normal price relationship of linseed meal with competing feeds. In addition, because of the variation in ceiling prices among individual processors, some processors were placed at a considerable disadvantage as compared to the rest of the industry. The distortion of normal price relationships was increased by ceiling price increases permitted in the case of other high protein feeds—soybean meal, distiller's grains and corn gluten feed. Pending the issuance of a dollar-and-cent ceiling price at a level more representative of normal price relationships, SR 95 to the GCPR, issued on March 28, 1952, permitted producers of flaxseed feed products an interim increase of $5.50 per ton in their ceiling prices.

This revision accomplishes two purposes. On the basis of a restudy of inlining relationships, it in-lines the ceiling prices of flaxseed feed products with the ceiling prices of competing feeds. Second, it provides dollar-and-cent ceiling prices for processors and thus removes inequities and distortions occasioned by variations in ceiling prices of competing processors.

The ceiling prices for linseed meal and other flaxseed feed products as set by this regulation, are based upon the normal relationship of linseed meal to corn and the ceiling prices of other competing feeds. Corn is the principal livestock feed used in the United States, representing about 60 percent of all feed concentrates fed to livestock. An additional 30 percent of the feed concentrates is composed of other feed grains and by-product feeds whose prices are closely related to the price of corn. The remaining 10 percent is composed of high protein feed supplements whose prices, over a period of time, are determined, competitively, on the basis of their feeding value in relation to corn and other feed concentrates. Consequently, corn provides a satisfactory and reasonable standard to which the ceiling prices of high protein feeds can be related and is here used as the standard for linseed meal and other flaxseed products. The ceiling prices set by this revised regulation are based upon the relationship of linseed meal to the parity price of corn. They average $6 to $8 higher than the individual ceilings previously in effect.

This revision provides dollar-and-cent ceiling prices for processors of flaxseed feed products, f. o. b. the point of production. Prices are listed for sales and deliveries at various base points covering all of the major producing points in the United States. For deliveries at points other than the point of production, the processor may add his transportation cost from the base point at which the lot was produced to the point of delivery to the customer. The listed prices are for sales and deliveries of flaxseed feed products of guaranteed standard protein content. Methods are provided for computing ceiling prices for products on which a lower protein guarantee is given and for deliveries of lots containing less than the guaranteed protein content.

This revised regulation permits distributors to increase their GCPR ceiling prices by the dollar-and-cent amount of the increase in the ceiling price of the supplier on each particular lot. This preserves the dollar-and-cent markup which each distributor received during the GCPR base period. Dollar-and-cent markups for distributors will be provided as soon as the necessary data are available.

The ceiling price for linseed meal set by this revised regulation and the ceiling prices for linseed oil established under CPR 22 together reflect the legal minimum price for flaxseed and provide generally fair and equitable margins for processors, as required by section 402 (d) (3) of the Defense Production Act of 1950, as amended.

The specifications and standards for flaxseed feed products used in this regulation, including those used in distinguishing different kinds, classes and types of products, were, prior to the issuance of the regulation, in general use in the industry. No practicable alternative to such standardization exists in securing effective price control of these products.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

REGULATORY PROVISIONS

Sec.
1. What this revised supplementary regulation does.
2. Sales not covered.
3. Processors' ceiling prices for carlot sales in bulk, produced and delivered at listed base points.
4. Processors' ceiling prices for carlot sales in bulk, produced and delivered at other producing points.
5. Processors' ceiling prices for a delivery at any point other than producing point.
6. Processors' ceiling prices for 1. c. l. sales.
7. Distributors' ceiling prices.
8. Allowance for sacks and sacking.
9. Definitions.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C., App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this revised supplementary regulation does*—(a) *Coverage.* This revised supplementary regulation establishes ceiling prices for sales by processors and distributors of flaxseed feed products. For the sellers and products covered, this revised supplementary regulation supersedes Supplementary Regulation (SR) 95 and SR 18 to the General Ceiling Price Regulation (GCPR) and the provisions of the GCPR that are inconsistent with the provisions of this supplementary regulation.

(b) *Geographical applicability.* This supplementary regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Sales not covered.* (a) This supplementary regulation does not apply to export sales and sales for export. The ceiling prices for such sales are determined under Ceiling Price Regulation 61.

(b) This supplementary regulation does not apply to sales and deliveries of imported flaxseed feed products. The ceiling prices for such sales are determined under Ceiling Price Regulation 31.

SEC. 3. *Processors' ceiling prices for carlot sales in bulk produced and delivered at listed base points.* (a) If you are a processor and you produce a particular lot of flaxseed feed products at one of the base points listed in Table I, and you deliver such lot at the same base point, in a carload lot, carload shipment, or pool carlot, your ceiling price per ton, bulk, for such lot is as follows:

(1) *Guarantee of standard protein content.* If you guarantee, at the time of sale, that the lot will contain, at a minimum, the standard protein content set forth in Table I, and you fulfill such guarantee by delivering a lot with at least such protein content, your ceiling price is the price specified in Table I for that base point.

TABLE I

Base points	Oil meal or cake (standard protein content, 32 percent)	Sized cake, pellets or cubes (standard protein content, 32 percent)	Linseed feed (standard protein content, 30 percent)	Flaxseed screenings oil feed (standard protein content, 22 percent)
Minneapolis and Red Wing, Minn.	$78.00	$80.25	$73.00	$60.00
Chicago, Ill.	82.50	84.75	77.50	64.50
Cleveland, Ohio	87.50	85.75	78.50	65.50
Emporia and Fredonia, Kans.	83.50	85.75	78.50	65.50
Buffalo, N. Y.	83.50	85.75	78.50	65.50
New York Harbor area and Philadelphia	85.50	87.75	80.50	67.50
Texas mill points	86.50	88.75	81.50	68.50
Los Angeles and Fresno, Calif.	[1]80.00	[1]82.25	75.00	62.00
San Francisco, Calif.	[1]83.00	[1]85.25	78.00	65.00
Conrad and Great Falls, Mont.	91.00	93.25	86.00	73.00

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

(2) *Guarantee of less than standard protein content.* If you guarantee at the time of sale, that the lot will contain, at a minimum, any specified protein content lower than the standard protein content set forth in Table I, and if you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, your ceiling price is as follows:

(i) If you deliver linseed oil meal, oil cake, sized cake, pellets, cubes, or linseed feed, you subtract from the price listed in Table I for that commodity at that base point $2.40 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

(ii) If you deliver flaxseed screenings oil feed, you subtract from the price listed in Table I for flaxseed screenings oil feed at that base point $2.60 per ton for each unit of protein or fraction thereof by which the guarantee you give is under the standard protein content.

(3) *Delivery of lower than guaranteed protein content.* If, at the time of sale, you guarantee any minimum protein content and you do not fulfill such guarantee on delivery, your ceiling price, as determined under subparagraphs 1 or 2 above, must be reduced in such proportion as the deficiency bears to the guarantee.

EXAMPLE: You produce a particular lot of linseed meal at your plant at Minneapolis and deliver it to your customer at Minneapolis. At the time of sale you guarantee that the lot will contain, at a minimum, 30 percent protein. Under subparagraph 2 (i) above, if you delivered linseed meal with a protein content of 30 percent or more, your ceiling price for that lot would be $73.20 per ton ($78.00−$4.80). However, upon analysis, the lot you deliver is found to have a protein content of 28.8 percent. Your ceiling price for that lot is $70.27 per ton ($\frac{\$73.20}{30}=\$2.44$. $\$2.44\times 28.8=\$70.27$).

(4) *Sale and delivery with no protein guarantee.* If, at the time of sale, you do not guarantee any minimum protein content, on delivery you determine your ceiling price by multiplying the number of full units of protein in the lot by $2.30. However, your ceiling price for that lot may not exceed the ceiling price established in subparagraph (1) for the same commodity with standard protein guarantee, produced and delivered at the same base point.

(5) *Sale and delivery of more than standard protein content.* If you sell and deliver a flaxseed feed product of more than the standard protein content set forth in Table I, your ceiling price is the same as your ceiling price for that product of standard protein content. However, if you produce linseed oil meal, cake, sized cake, pellets or cubes at any point in California, you may add $2.50 per ton to your ceiling price for these products of standard protein content as otherwise determined under this regulation, if you guarantee that these products will contain a protein content of 34 percent or more and you fulfill such guarantee on delivery.

SEC. 4. *Processors' ceiling prices for carlot sales, in bulk, produced and delivered at other points.* If you produce a lot of flaxseed feed products at a point not listed in Table I, and you deliver such lot to your customer at the same point in a carload lot, carload shipment or pool carlot, your ceiling price per ton, bulk, for that lot is the same as that fixed under section 3 for the same commodity, produced and delivered at the base point listed in Table I nearest to the point at which the lot you are pricing was produced.

SEC. 5. *Processors' ceiling prices for a delivery at any point other than the producing point.* If you deliver a lot of flaxseed feed products to your customer at any point other than the point at which it was produced, your delivered ceiling price, per ton, bulk, in a carload lot, carload shipment, or a pool carlot, is determined by adding to your ceiling

price, as determined under either section 3 or 4, your "transportation cost." However, if you are a processor selling in carload lots from your plant at Red Wing, Minnesota, you may add, instead of your "transportation cost," the flat or proportional carload freight rate, whichever is lower, from Minneapolis to the point at which you deliver to your customer.

SEC. 6. *Processors' ceiling prices for less-than-carlot sales.* If you sell and deliver a flaxseed feed product in a less-than-carload lot, your ceiling price for such lot is your ceiling price for sales in a carload lot, carload shipment, or pool carlot, plus $1.50 per ton.

SEC. 7. *Distributors' ceiling prices—*(a) *Increases in GCPR ceiling prices.* If you are a jobber, wholesaler, car door seller, or retailer, you continue to use the ceiling price you established under either Section 3, 5, 6 or 7 of the GCPR. However, subject to the limitations in paragraph (b) of this section, you may increase your GCPR ceiling price for the sale of any particular lot as follows:

(1) If your ceiling price was determined under Section 3 of the GCPR, you may add to your Section 3 ceiling price for the sale of that particular lot, the dollar-and-cents amount by which (i) your supplier's ceiling price for that particular lot, at the point at which you receive delivery from your supplier, exceeds (ii) the highest cost to you of a customary purchase of that product in the GCPR base period (December 19, 1950 to January 25, 1951).

If you made no customary purchase during the GCPR base period, then the highest price you paid or incurred for a customary purchase during the most recent five week period prior to the base period in which you made a customary purchase shall be your highest base period cost under subdivision (ii) above.

(2) If your ceiling price was determined under either section 5, 6, or 7 of the GCPR, you may add to your ceiling price for the sale of that particular lot, the dollar-and-cent amount by which (i) your supplier's ceiling price for that particular lot at the point at which you receive delivery from your supplier exceeds (ii) the highest cost to you of a customary purchase of that product during the most recent five week period prior to the "date of calculation" of your ceiling price (as defined below).

If your ceiling price was determined under section 5 of the GCPR, the "date of calculation" of your ceiling price is the date upon which you first offer the product for delivery. If your ceiling price was determined under either section 6 or 7 of the GCPR, the "date of calculation" of your ceiling price is the date upon which you mail the report or application provided for in those sections of the GCPR.

(b) *Limitations on increases in jobber's and wholesaler's GCPR ceiling prices.* (1) If you are a jobber and you purchase a particular lot of flaxseed feed products from a wholesaler or another jobber, your ceiling price for the sale of that lot is the same as the ceiling price of your supplier.

(2) If you are a wholesaler and you purchase a particular lot of flaxseed feed products from another wholesaler, your ceiling price for the sale of that lot is the same as the ceiling price of your supplier.

SEC. 8. *Allowance for sacks and sacking.* If (a) you are a processor and you sell and deliver a lot of flaxseed feed products in sacks, or (b) you are a wholesaler or retailer and you sack any lot of a flaxseed feed product which you buy in bulk, you may add to your ceiling price for that lot in bulk, as otherwise determined under this regulation, the applicable allowance from the following table:

Type of sack used	New sacks (per ton)	Used sacks (per ton)
Cotton	$6.25	$5.25
Burlap	5.25	4.50
Paper	4.25	

SEC. 9. *Definitions*—(a) *Sellers covered by this regulation.* (1) "Processor" means a person who converts flaxseed into any of the flaxseed feed products covered by this regulation.

(2) "Distributor" means a jobber, wholesaler, car door seller or retailer.

(3) "Jobber" means, with respect to any lot, a person, other than a processor or car door seller, who sells such lot without having previously unloaded it into a warehouse or store.

(4) "Wholesaler" means, with respect to any lot:

(i) A person, other than the processor, who, after having unloaded it into a warehouse or store, sells such lot to anyone other than a feeder; or

(ii) A person, other than the processor, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(5) "Car door seller" means a person other than a processor or jobber, who, with respect to any lot he has received as a carload lot or a carload shipment, resells the same to feeders in less-than-carload lots from the rail car door.

(6) "Retailer" means a person, other than the processor, who maintains a store, and who, with respect to any lot he has purchased and unloaded into that store, resells such lot to a feeder.

(b) *Products covered by this regulation.* (1) "Flaxseed feed products" means linseed oil meal, oil cake, sized cake, pellets, cubes, flaxseed screenings oil feed and linseed feed.

(2) "Linseed oil cake" means the product remaining after the commercial extraction of linseed oil from flaxseed.

(3) "Linseed oil meal" means ground linseed oil cake other than sized linseed oil cake.

(4) "Sized linseed oil cake" means ground linseed oil cake which will not pass through a ⅛-inch screen. It may include limited quantities of linseed oil meal, not in excess of 10 percent.

(5) "Linseed pellets" means the product resulting from the processing of linseed oil meal through a pelleting machine.

(6) "Linseed cubes" means the product resulting from the processing of linseed oil meal through a cubing machine.

(7) "Flaxseed screenings oil feed" means the product resulting from the grinding of oleaginous screenings (i. e., materials separated in cleaning flaxseed, such as the smaller imperfect flaxseed, weed seed, or other foreign materials having feeding value), after extracting part of the oil from such screenings either by crushing, cooking, and hydraulic or mechanical pressure or by crushing, cleaning, and the use of solvents.

(8) "Linseed feed" means a combination of linseed oil meal and either flaxseed screenings oil feed or other flaxseed by-products, or both.

(c) *Miscellaneous definitions.* (1) "Carload lot" means any quantity of 60,000 pounds or more.

(2) "Carload shipment" means any quantity which moves as a rail car shipment under the applicable railroad tariff requirements.

(3) "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(4) "Less-than-carload lot" means any lot of less than 60,000 pounds other than a carload shipment or a pool carlot. It includes any delivery by or into a truck.

(5) "Pool carlot" means a lot being shipped to the purchaser as part of a rail carload shipment of commodities sold by one seller to two or more persons.

(6) "Store" means a building where a regular business of selling and delivering feeds and/or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis, in such business or in a general retail business of which such feed and grain business is a part.

(7) "Transportation cost" means:

(i) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily included in such transportation charges) which are actually incurred by the seller. This amount may include, if applicable, the three percent transportation tax.

(ii) Where the seller does his own hauling, the reasonable value of the transportation service (exclusive of loading), not exceeding the common or contract carrier rate for the same service, or any ceiling price established by the Office of Price Stabilization for such service.

(iii) When any movement involves a combination of the types of transportation included in (i) and (ii), the sum of the amounts computed separately for each portion of the movements.

(8) "New York Harbor Area," means the following points: Edgewater and Newark, New Jersey; Staten Island and Brooklyn, New York.

(9) "Texas Mill Points" means the following points in Texas: Alice, Corpus Christi, Harlingen, Houston, Kenedy, Robston, Victoria, Waco.

(10) "Unit of protein" means one percent of protein. "Each unit of protein or fraction thereof" means the number of full units, if any, plus an additional unit for any fractional unit.

Effective date. This revised supplementary regulation shall become effective July 30, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8462; Filed, July 30, 1952; 2:00 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 4]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

DECONTROL OF PROCESSED FRUITS AND VEGETABLES IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 7, Revision 1, as amended, lists certain fruits and vegetables in fresh or processed form which are exempt from price control by mandate of the Congress of the United States.

General Overriding Regulation 7 does not at present list all pertinent ceiling price regulations which apply to the territories and possessions of the United States. Carrying out the intent of Congress, this amendment is issued to include within the exemption sales of fruits and vegetables in the territories and possessions presently covered by Ceiling Price Regulations 9 and 69.

Special circumstances have made it impracticable to consult with industry representatives, including trade association representatives, before the issuance of this amendment. In the judgment of the Director of Price Stabilization, this amendment is necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. The first unnumbered paragraph of section 30 of General Overriding Regulation 7, Revision 1, is amended to read as follows:

On and after July 1, 1952, no ceiling price regulation issued by the Office of Price Stabilization shall apply to the following processed fruits and vegetables which are removed from price control in accordance with the provisions of section 402 (d) (3) of the Defense Production Act of 1950, as amended. This section applies to sales of the products listed which were heretofore subject to price control at the manufacturing or processing level under the specific ceiling price regulation listed below, the General Ceiling Price Regulation and supplementary regulations thereto, or under the Manufacturers' General Ceiling Price Regulation (CPR 22). This section also applies to all sales of the listed products at wholesale or retail governed by Ceiling Price Regulations 14, 15, or 16, the General Ceiling Price Regulation and supplementary regulations thereto. Finally, it also applies to all sales of the commodities listed below and governed by Ceiling Price Regulations 9, 31, 61, and 69.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154)

Effective date. This Amendment 4 to General Overriding Regulation 7, Revision 1, is effective July 30, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8457; Filed, July 30, 1952; 11:20 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Schedule 1 as Amended July 30, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 1—EARMARKED STOCKS—AIRCRAFT QUALITY ALLOY STEEL PRODUCTS

This schedule as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this schedule as amended, consultation with industry representatives has been rendered impracticable because of the need for immediate action and because the schedule affects a large number of different trades and industries.

EXPLANATORY

Schedule 1 of February 14, 1952, to NPA Order M-6A is amended by revising paragraphs (a) and (b) of section 4 are amended to relax restrictions on aircraft quality alloy steel products to the extent of permitting sales for use in military catapults, aircraft arresting gear, and for certain other programs bearing specific allotment symbols.

REGULATORY PROVISIONS

Sec.
1. What this schedule does.
2. Definitions.
3. Allotments of aircraft quality alloy steel products by producers to distributors.
4. Distributor sales.
5. Certification of orders.
6. Canadian distributor sales.
7. Communications.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this schedule does.* This schedule requires steel producers to make monthly shipments of aircraft quality alloy steel products to steel distributors on the basis set out herein. It restricts sales of aircraft quality alloy steel products by steel distributors.

SEC. 2. *Definitions.* All definitions contained in NPA Order M-6A, except the definition of "base period," are applicable to this schedule. For the purposes of this schedule, "base period" means the period commencing April 1, 1951, and ending June 30, 1951.

SEC. 3. *Allotments of aircraft quality alloy steel products by producers to distributors.* Each steel producer is hereby required to accept purchase orders from his steel distributor customers for shipments of aircraft quality alloy steel products in January 1952, and in each succeeding month up to a minimum of not less than 100 percent of the base tonnage of each aircraft quality alloy steel product shipped to each steel distributor customer during the base period.

SEC. 4. *Distributor sales.* No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver, nor shall any person accept delivery of, any aircraft quality alloy steel products unless:

(a) Such aircraft quality alloy steel product is required by specification and will be incorporated into aircraft, military catapults, aircraft arresting gear, guided missiles, or airborne equipment, in connection with the development, production, repair, or maintenance thereof; or

(b) Such aircraft quality alloy steel product is required under a program bearing the allotment symbol A-4, A-5, A-7, or E-2; or

(c) Such aircraft quality alloy steel product is required for use in gas turbine and aircraft-type internal combustion engines for use in naval vessels.

SEC. 5. *Certification of orders.* Any person placing an order for an aircraft quality alloy steel product with a steel distributor located in the United States shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under Schedule 1 to NPA Order M-6A

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the purchase order so certified calls for delivery of an aircraft quality alloy steel product to be used only as permitted in section 4 of this schedule.

SEC. 6. *Canadian distributor sales.* Sales of aircraft quality alloy steel products will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 7. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-6A, Schedule 1.

This schedule as amended shall take effect July 30, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8456; Filed, July 30, 1952; 11:14 a. m.]

specifications will be rejected, and expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* This Program shall terminate and be of no further force or effect when six million (6,000,000) contained long ton units of manganese have been delivered to the depots and accepted by the Government under this Program, or at the close of business June 30, 1956, whichever first occurs.

SEC. 6. *Price schedule for ore.* Payment for manganese ore delivered f. o. b. depot shall be made on the basis of the following table:

Percent of manganese in ore	To be paid for 1 long dry ton delivered f. o. b. depot, Phillipsburg	To be paid for 1 long dry ton delivered f. o. b. depot, Butte
12		$6.95
13		7.39
14		11.16
15	$6.42	11.43
16	10.75	11.43
17	12.79	19.04
18	15.03	21.46
19	17.32	25.21
20	20.50	26.80
21	21.73	28.41
22	21.73	30.17
23	24.33	31.75
24	25.95	33.54
25	27.56	35.46
26	29.18	37.11
27	30.79	38.75
28	32.41	40.42
29	34.03	42.07
30	35.64	43.73
31	37.26	45.39
32	38.87	47.04
33	40.49	48.70
34	42.11	50.35
35	43.72	51.99
36	45.34	53.64
37	46.95	55.29
38	48.57	56.95
39	50.18	58.60
40	51.80	60.25

The following premiums and penalties will be paid:

(a) For each 1 percent of iron as oxide in excess of 3 percent, a penalty of ½ of 1 percent manganese shall be imposed.

(b) For each 1 percent of calcium oxide plus magnesium oxide in excess of 9 percent, a penalty of 1 percent manganese shall be imposed.

(c) A credit of 0.25 percent manganese shall be allowed for each 1 percent of calcium oxide plus magnesium oxide below 7 percent, provided, this credit does not apply to Butte ore containing more than 15 percent manganese. In addition, payment for any gold, silver, lead, or zinc contained in the manganese ore shall be made on the basis of the following tables:

GOLD

No pay if 0.03 ounce or less (per short dry ton).
0.031 ounce to 0.05 ounce—pay for 20 percent at $30 per ounce.
0.051 ounce to 0.10 ounce—pay for 30 percent at $30 per ounce.
0.101 ounce to 0.15 ounce—pay for 40 percent at $30 per ounce.
0.151 ounce to 0.20 ounce—pay for 50 percent at $30 per ounce.
0.201 ounce to 0.25 ounce—pay for 60 percent at $30 per ounce.

SILVER

No pay if 2.0 ounces or less (per short dry ton).
2.1 ounces to 5.0 ounces—pay for 30 percent at market price.
5.1 ounces to 7.5 ounces—pay for 45 percent at market price.
7.6 ounces to 10.0 ounces—pay for 60 percent at market price.
Over 10.1 ounces—pay for 60 percent at market price.

LEAD

No pay if 1.0 percent or less (per short dry ton).
1.1 percent to 2.0 percent—pay for 40 percent at market less 2 cents.
2.1 percent to 3.0 percent—pay for 45 percent at market less 2 cents.
3.1 to 4.0 percent—pay for 50 percent at market less 2 cents.
4.1 percent to 5.0 percent—pay for 55 percent at market less 2 cents.
5.1 percent and over—pay for 60 percent at market less 2 cents.

NOTE: Payments shall be made only for lead occurring as sulfide. Oxide lead content shall be deducted from total lead content to determine sulfide lead content. Should oxide lead content exceed one-third of total lead content, no lead payment shall be made.

ZINC

No pay if 1 percent or less (per short dry ton).
1.1 percent to 2.0 percent—pay for 30 percent at ½ market price.
2.1 percent to 3.0 percent—pay for 35 percent at ½ market price.
3.1 percent to 4.0 percent—pay for 40 percent at ½ market price.
4.1 percent to 5.0 percent—pay for 45 percent at ½ market price.
5.1 percent and over—pay for 50 percent at ½ market price.

NOTE: Oxide zinc content shall be deducted from total zinc content to determine sulfide zinc content. Should oxide zinc content be 10 percent or more of total, no zinc payment shall be made.

(b) "Program" means the purchase of manganese ore as set forth in this regulation.

(c) "Depot" means the purchase depots of the Government at Butte, Montana and at Philipsburg, Montana.

(d) "Manganese ore" means crude ore from production of ore containing not less than 90 percent of the manganese as carbonate, mined in the United States, its Territories and possessions.

(e) "Long ton unit of manganese" means 22.4 pounds of manganese contained in a long dry ton of manganese ore.

SEC. 3. *Participation in the Program.* Subject to the last sentence of this section, any person may participate in the Program by notice given to the General Services Administration, Regional Office, Federal Office Building, Seattle 4, Washington, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1953. Such notice shall state that the writer desires to participate in the Program and will deliver manganese ore to either or both of the depots, giving the estimated monthly rate of delivery. Such notice must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver manganese ore meeting minimum specifications. Since the purpose of the Program is to obtain from marginal or submarginal sources manganese ore which would not otherwise be produced, the Government reserves the right to exclude presently established production of manganese ore from participation in the Program.

SEC. 4. *Deliveries.* Manganese ore to be purchased by the Government under this Program is to be delivered f. o. b. depot. Ore produced in Granite, Powell, and Ravalli Counties is to be delivered f. o. b. depot, Philipsburg, Montana, and will be paid for on on that basis, as provided in section 6 of this regulation. Delivery of less than five (5) long tons of ore at one time will not be accepted. Participants in the Program must give the Government reasonable notice with respect to deliveries of ore. Each delivery will be sampled by the Government and payment will be made in accordance with the analysis of such sample, as provided in section 6. Deliveries not conforming to the minimum

Chapter XIV—General Services Administration

[Revision 1]

MANGANESE REGULATION: PURCHASE PROGRAM FOR DOMESTIC MANGANESE ORE AT BUTTE AND PHILIPSBURG, MONTANA

This regulation, as revised, extends the time within which persons may give notice to the Government of their desire to participate in this purchase program and participate in the previous regulation, incorporates the previous regulation, dated July 19, 1951, and Amendments 1, dated November 7, 1951, and 2, dated May 19, 1952, thereto. This regulation, as revised, reads as follows:

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Price schedule for ore.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp., 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Supp., 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase manganese ore of domestic origin at Butte, Montana, and at Philipsburg, Montana, for the fiscal years 1952–56, as authorized by the Defense Production Administration on June 27, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such manganese ore for the Government, pursuant to delegation of authority from the Defense Materials Procurement Administrator, dated September 14, 1951. In accordance with the Program set forth in this regulation, the Administrator will buy domestically produced manganese ore. Such ore shall contain not less than 15 percent manganese in the case of manganese ore delivered at Philipsburg, or 12 percent in the case of manganese ore delivered at Butte, in accordance with the specifications contained in this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

[F. R. Doc. 52-8412; Filed July 30, 1952; 8:55 a. m.]

Dated: July 25, 1952.

JESS LARSON,
Administrator.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

On April 8, 1952, the public was invited to participate in the preparation of these regulations by submitting their views, data, or arguments, in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 7, 1952 (17 F. R. 3355). Careful consideration has been given to the views, data and arguments received and the results of studies and investigations by personnel of the Fish and Wildlife Service and State agencies. Accordingly, it has been determined that amendments to the regulations should be issued at this time which include the establishment of seasons, bag and possession limits on those migratory birds for which seasons are to open on or about September 1, the means by which these and other migratory game birds may be taken and the revocation of certain permits. In order to give sufficient time to evaluate the results of nesting studies and late spring surveys, the regulations will be supplemented not later than September 1 to fix the seasons for migratory waterfowl, coot and woodcock not opening before October 1 and establish bag and possession limits for such birds.

After due consideration of all relevant material submitted to the said Service pursuant to notice, and under authority of said statutory provision, the regulations under the Migratory Bird Treaty Act are amended as follows:

1. Section 6.4 (b) is amended to read as follows:

(b) Waterfowl, coot, gallinules, doves, and pigeons may not be taken within one-half mile of any place where salt, or shelled, shucked, or unshucked corn, wheat, or other grains, or other feed of similar use in attracting such birds is placed, exposed, deposited, distributed, scattered, or present at any time during or within two weeks prior to the open season on such birds. In addition, such birds may not be taken under any circumstances by the aid of salt, or shelled, shucked, or unshucked corn, wheat, or other grains, or other feed similarly used to lure, attract, or entice such birds, to, on, or over the area where hunters are attempting to take them. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part, or to the taking of birds over properly shocked corn, standing crops (including aquatics), or grains found scattered solely as a result of normal agricultural harvesting.

2. The schedules designated as subparagraphs (1), (2), (3) and (4) in § 6.4 (e) are amended to read as follows:

(1) *Atlantic Flyway States:*

	Rails and gallinules [1]		Mourning or turtle dove
	Sora	Others	
Daily bag limits	25	[2] 15	8
Possession limits	25	[2] 15	8
Seasons in: [3]			
Connecticut [4]	Sept. 1-Oct. 15		
Delaware [5]	Sept. 1-Oct. 30		Oct. 1-Oct. 30.
Florida [6]	Sept. 15-Nov. 13 [6]		Oct. 1-Oct. 15 and Dec. 15-Dec 29.
Georgia [7]	Sept. 15-Nov. 13		Sept. 15-Sept. 29 and Dec. 25-Jan. 8.
Maine [8]			
Maryland [9]	Sept. 15-Oct. 29		Sept. 15-Sept. 29 and Nov. 15-Nov. 29.
Massachusetts [4]	Oct. 29-Oct. 30 [10]		
New Hampshire [4]	Sept. 1-Oct. 30		
New Jersey	Sept. 1-Oct. 30		
New York [4]			
North Carolina [5]	Sept. 1-Oct. 30		Oct. 1-Oct. 15 and Dec. 27-Jan. 10.
Pennsylvania [5]	Sept. 1-Oct. 30		Sept. 15-Oct. 14.
Rhode Island [4]	Sept. 1-Oct. 30		
South Carolina [11]	Oct. 1-Nov. 29		Sept. 15-Sept. 29 and Dec. 27-Jan. 10.
Vermont	Sept. 1-Oct. 30		
Virginia [5]	Sept. 1-Oct. 30		Sept. 16-Sept. 30 and Oct. 17-Oct. 31.
West Virginia	Sept. 1-Oct. 30		
Puerto Rico	Dec. 15-Feb. 12		

[1] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[2] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[3] No open season in District of Columbia but migratory game birds may be possessed therein in accordance with § 6.6 (e).
[4] Scoter, eider and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, Massachusetts, New Hampshire and New York from Sept. 28 to Dec. 31, inclusive, in Connecticut from Oct. 17 to Dec. 31, inclusive, and in Rhode Island from Sept. 28 to Jan. 5, inclusive. In areas other than those beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, eider or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.
[5] Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.
[6] Florida: Rails (including sora) and gallinules, daily bag and possession limit 15, singly or in aggregate of 58 kinds.
[7] Massachusetts: Starting hour for rails and gallinules on first day of season 12 noon.

NOTE: The seasons for hunting rails and gallinules in Maine and New York will conform to the waterfowl season dates to be prescribed in August.

(2) *Mississippi Flyway States:*

	Rails and gallinules [1]		Mourning or turtle dove
	Sora	Others	
Daily bag limits	25	[2] 15	8
Possession limits	25	[2] 15	8
Seasons in:			
Alabama [3]			Oct. 17-Oct. 31 and Dec. 27-Jan. 10.
Arkansas [3]	Sept. 1-Oct. 30		Sept. 15-Oct. 14.
Illinois [3]	Sept. 1-Oct. 30		Sept. 1-Sept. 30.
Indiana	Sept. 1-Oct. 30		
Iowa			
Kentucky [3]	Sept. 1-Oct. 30		Sept. 1-Sept. 30.
Louisiana [4]	Oct. 1-Nov. 30		Dec. 12-Jan. 10.
Michigan			
Minnesota	Sept. 16-Nov. 14		
Mississippi [3]	Oct. 15-Dec. 13		Oct. 15-Oct. 24 and Dec. 27-Jan. 10.
Missouri [3]	Sept. 1-Oct. 30		Sept. 1-Sept. 30.
Ohio	Sept. 1-Oct. 30		
Tennessee [3]			Sept. 15-Sept. 29 and Oct. 16-Oct. 30.
Wisconsin			

[1] Rails and Gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.
[2] Not more than 15 in the aggregate of rails (other than sora) and gallinules.
[3] Shooting hours for mourning doves in States indicated—12 o'clock noon until sunset.

NOTE: Rails and gallinules: The season for hunting these birds in Alabama, Michigan, and Wisconsin will conform to the waterfowl season dates to be prescribed during August. In Wisconsin hunting on the opening day will start at 1 p. m.

(3) *Central Flyway States:*

	Rails and gallinules [1]		Mourning or turtle dove	
	Sora	Others		
Daily bag limits	25	[2] 15		10
Possession limits	25	[2] 15		10
Seasons in:				
Colorado	Sept. 1-Oct. 30		Sept. 1-Oct. 12.	
Kansas			Sept. 1-Sept. 30.	
Montana	Sept. 1-Oct. 30		Sept. 1-Sept. 30.	
Nebraska			Sept. 1-Oct. 12.[3]	
New Mexico	Sept. 1-Oct. 30			
North Dakota			Sept. 1-Sept. 30.	
Oklahoma	Sept. 1-Oct. 30			
South Dakota	Sept. 1-Oct. 30		See footnotes 4, 5.	
Texas	Sept. 1-Oct. 30			
Wyoming				

[1] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

[2] Not more than 15 in the aggregate of rails (other than sora) and gallinules.

[3] New Mexico: Shooting hours for mourning doves on first day of season, 12 noon until sunset; thereafter from sunrise to sunset.

[4] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, Sept. 1 to Oct. 10 from 12 noon until sunset; in the rest of State (but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties), Oct. 1 to Nov. 9, from 12 noon until sunset; in these latter counties Sept. 12, 14, and 16 from 4 p. m. until sunset and from Oct. 1 to Nov. 6 from 12 noon until sunset.

[5] Texas: White-winged doves in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth and El Paso Counties, Sept. 12, 14, and 16 from 4 p. m. until sunset; daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds; no open season in rest of State.

NOTE: The season for hunting rails and gallinules in New Mexico will conform to the waterfowl season dates to be prescribed during August.

(4) *Pacific Flyway States:*

	Rails and gallinules [1]		Mourning or turtle dove	Band-tailed pigeons
	Sora	Others		
Daily bag limits	25	[2] 15	[2] 10	6
Possession limits	25	[2] 15	[2] 10	6
Seasons in:				
Arizona [3]	Sept. 1-Oct. 30		Sept. 1-Sept. 30.	
California [4]			Sept. 1-Sept. 30.	Sept. 16-Sept. 30 and Dec. 17-Dec 31.
			(4)	
Idaho			Sept. 1-Sept. 30.	
Nevada			Sept. 1-Sept. 15.	Sept. 1-Sept. 30.
Oregon	Sept. 1-Oct. 30		Sept. 1-Sept. 10.	
Utah			Sept. 1-Sept. 15.	Sept. 1-Sept. 30.
Washington				
Alaska [5]				

[1] Rails and gallinules: When permitted to be taken during the waterfowl season they may not be hunted after 1 hour before sunset.

[2] Not more than 15 in the aggregate of rails (other than sora) and gallinules.

[3] White-winged dove in Arizona Sept. 1 to Sept. 15, and in Imperial County, California, Sept. 1 to Sept. 30. The daily bag and possession limit for white-winged or mourning doves is not more than 10 singly or in the aggregate of both kinds.

[4] Idaho: Mourning doves, no open season in Boundary, Bonner, Benewah, Shoshone, Kootenai, Latah, Clearwater, Nez Perce, Lewis, Idaho, Bear Lake, Caribou, and Teton Counties; in rest of State, Sept. 1 to Sept. 15.

[5] Alaska: Ducks, geese, brant, and coot. In the First Judicial Division and the Kodiak-Afognak Island group and Fourth Judicial Divisions Sept. 20 to Nov. 13. In the Second, Third (except Kodiak-Afognak Island group) and Fourth Judicial Divisions Sept. 1 to Oct. 25; provided that scoter, elder and merganser ducks also may be taken in the Third Judicial Division west of 152° west longitude from Sept. 7 to Dec. 21, and in the Second and Fourth Judicial Divisions from Sept. 1 to Dec. 15. The daily bag limit for scoters and elders is 10 singly or in the aggregate of all kinds and the possession limit is not more than 20 singly or in the aggregate. The daily bag limit for American and red-breasted mergansers is 25 singly or in the aggregate of both kinds with no possession limit after the first day of the season. Limits for other ducks not over 5 a day, 10 in possession. Other limits: coot 15 a day, 15 in possession; brant 3 a day, 3 in possession; and geese 3 a day, 6 in possession of one kind or in the aggregate of all kinds.

3. Section 6.8 (d) is amended to read as follows:

(d) *Transfer and revocation.* No permit issued under this part shall be transferable. Any permits heretofore or hereafter issued under authority of the Migratory Bird Treaty Act Regulations may be terminated by the Director for violation of said regulations or failure to comply with the terms and conditions of the permit.

(40 Stat. 755; 16 U. S. C. 704)

These amendments shall become effective on September 1, 1952.

Dated: July 25, 1952.

MASTIN G. WHITE,
Acting Secretary of the Interior.

[F. R. Doc. 52-8345; Filed, July 29, 1952; 9:10 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (a) of § 1.63, entitled *Intoxicating liquors*, is amended to read as follows:

§ 1.63 *Intoxicating liquors.* (a) In Big Bend, Crater Lake, Everglades, Glacier, Great Smoky Mountains, Hawaii, Hot Springs, Isle Royale, Lassen Volcanic, Mammoth Cave, Mesa Verde, Mount McKinley, Mount Rainier, Olympic, Platt, Rocky Mountain, Shenandoah, Sequoia and Kings Canyon, Yellowstone, and Yosemite National Parks, no alcoholic, spirituous, vinous, or fermented liquor, containing more than one percent of alcohol by weight, shall be sold on federally-owned lands unless a permit for the sale thereof has first been procured from the appropriate regional director.

2. Paragraph (b), entitled *Fishing, limit of catch and in possession*, of § 20.44, entitled *Mount McKinley National Park, Alaska*, is redesignated as paragraph (c).

3. Paragraph (c), entitled *Surface use of mineral land locations*, of § 20.44, entitled *Mount McKinley National Park, Alaska*, is redesignated as paragraph (b).

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of July 1952.

MASTIN G. WHITE,
Acting Secretary of the Interior.

[F. R. Doc. 52-8350; Filed July 30, 1952; 8:47 a. m.]

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATIONAL AREAS

MISCELLANEOUS AMENDMENTS

1. Part 2 is amended by striking from the title and sections thereof the word "Recreational" wherever it appears therein, and substituting in lieu thereof the word "Recreation".

2. Paragraph (a) of § 2.1 *General provisions*, is amended by adding a new subparagraph numbered (4) and reading as follows:

(4) Shadow Mountain National Recreation Area, Colorado, administered by the National Park Service, Department of the Interior, in cooperation with the Bureau of Reclamation, Department of the Interior, as detailed in a memorandum of agreement between the two agencies, approved June 27, 1952.

3. Paragraph (f) of § 2.2 *Definitions*, is amended by adding a new subparagraph numbered (4) and reading as follows:

(4) The term "Shadow Mountain National Recreation Area" means the property owned by the United States, including the water surface of Granby Reservoir and Shadow Mountain Lake, within that portion of the Colorado-Big Thompson Project which is administered by the National Park Service pursuant to a memorandum of understanding between the National Park Service and the Bureau of Reclamation, as shown by Drawing No. RS/SMGR-7100 B, dated April 18, 1951, attached to the memorandum of understanding as "Exhibit A,"[1] a copy of which shall be filed with the regulations in this part with the Division of the Federal Register, and a copy of which shall be kept in the office of the Superintendent for public inspection.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 24th day of July 1952.

MASTIN G. WHITE,
Acting Secretary of the Interior.

[F. R. Doc. 52-8349; Filed, July 30, 1952; 8:47 a. m.]

[1] Filed as part of the original document.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION, AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR FLORIDA TANGERINES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of proposed separate United States Standards for Florida Tangerines. This action is being taken pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.417 *Standards for Florida Tangerines*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness, or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be reasonably well colored.

(ii) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be fairly well colored.

(ii) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See tolerances for defects, paragraph (c) (1) of this section.)

(3) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided*, That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See tolerances for defects, paragraph (c) (1) of this section.)

(4) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(5) *U. S. No. 2.* U. S. No. 2 consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(i) Each fruit in this grade shall be reasonably well colored.

(ii) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(6) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with light brown discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(7) *U. S. No. 3.* U. S. No. 3 consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy conditions, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See tolerances for defects, paragraph (c) (2) of this section.)

(b) *Unclassified.* Unclassified consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Russet, U. S. No. 2 and U. S. No. 2 Russet.* Not more than a toal of 10 percent, by count, of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than a total of 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

(2) *U. S. No. 3.* Not more than a total of 15 percent by count, of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects, except that not more than one fruit which is decayed or very

seriously damaged shall be allowed in any package.

(e) *Standard pack.* (1) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(i) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

[Diameter in inches]

Pack:	Minimum
100	$2\frac{15}{16}$
120	$2\frac{11}{16}$
150	$2\frac{5}{16}$
176	$2\frac{9}{16}$
210	$2\frac{1}{16}$
246	$2\frac{3}{16}$
294	2

(ii) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I of this paragraph.

(f) *Definitions.* (1) "Mature" means the same as that term is set forth for tangerines in §§ 601.21 and 601.22 chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

(2) "Firm" means that the flesh is not soft and the fruit is not badly puffy, and that the skin has not become materially separated from the flesh of the tangerine.

(3) "Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

(4) "Damage" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade:

(ii) Creasing, when it materially affects the appearance of shipping quality of the fruit;

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(v) Pitting, when materially affecting the appearance or shipping quality of the individual fruit;

(vi) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(vii) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(viii) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(ix) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xi) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade;

(xii) Scars, when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(xiii) Scab, when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(5) "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

(6) "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See definition, "Bronzed Russeting", subparagraph (8) of this paragraph.)

(7) "Fairly well colored" means that the fruit may have green color which does not exceed the aggregate area of a circle 1 inch in diameter and that the remainder of the surface shows a good tangerine color with some portion of the surface showing a reddish tangerine blush.

(8) "Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

(9) "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

(10) "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

(11) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(ii) Creasing, when it causes the skin to be seriously weakened;

(iii) Dryness or mushy conditions, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(v) Pitting, when seriously affecting the appearance or shipping quality of the fruit;

(vi) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(vii) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(viii) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(ix) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(x) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xi) Melanose, when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(xii) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades; and,

(xiii) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

(12) "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

(13) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Ammoniation, when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation:

(ii) Creasing, when causing the skin to be seriously weakened:

(iii) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(iv) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit;

(v) Scale, when it very seriously affects the appearance of the fruit;

(vi) Sprayburn, when it very seriously affects the appearance of the fruit;

(vii) Sunburn, when it very seriously affects the appearance of the fruit;

(viii) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(ix) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected;

(x) Scars, when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(xi) Scab, when it causes the fruit to be very seriously injured.

(14) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Done at Washington, D. C., this 25th day of July 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8387; Filed, July 30, 1952; 8:54 a. m.]

[7 CFR Part 957]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 957.205 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1953, will amount to $22,500.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8319; Filed, July 30, 1952; 8:45 a. m.]

[7 CFR Part 930]

[Docket No. AO-72-A17]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et. seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hillcrest Hotel, Madison and 16th Streets, Toledo, Ohio, beginning at 10:00 a. m., e. s. t., August 11, 1952, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments proposed by Northwestern Cooperative Sales Association, Inc.:

1. Delete paragraph (a) (1) of § 930.50 and substitute therefor the following:

(1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

May, June	$0.90
March, April, July, and August	1.25
All others	1.70

2. In subdivision (iii) of § 930.50 (a) (2) change the column headings so that March and August are grouped in column 1 and September, October, November, December, January, and February are grouped in column 3. Consider the issue of correlating supply-demand formulas in neighboring markets.

3. a. In § 930.45 delete paragraphs (c) thru (e) and substitute therefor the following:

(c) Subtract from the pounds of butterfat remaining in each class in series beginning with the lowest price utilization the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk substracted pursuant to paragraph (a) of this section.

b. Amend § 930.45 (a) so as to make it conform to the amendment contained in § 930.45 (c).

4. In § 930.8 delete paragraph (a) and substitute therefor "(a) any person who

operates a fluid milk plant and who receives more than half of his total receipts from producers or".

5. In § 930.74 delete the words "4 cents per cwt. or"—"lesser" so that the phrase reads "shall deduct such amount".

6. Make such other changes as are necessary to make the order conform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, Room 19, Old Federal Building, Toledo, Ohio, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 28th day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc 52-8388; Filed, July 30, 1952; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Ch. II]

STEAMSHIP CONFERENCES USING CONTRACT/NON-CONTRACT RATES

NOTICE OF PROPOSED RULE OF PROCEDURE

Notice is hereby given that, pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and section 3 of the Administrative Procedure Act (5 U. S. C. 1002), the Federal Maritime Board has under consideration a proposed rule of procedure relating to steamship freight conferences using contract/non-contract rates in the export or import trade of the foreign commerce of the United States.

The purpose of the proposed rule is to obtain information with respect to the operation of contract/non-contract rate systems as more particularly set forth herein below for such action as the Board shall hereafter deem appropriate.

All persons interested in the proposed rule herein below set forth may file with the Secretary of the Federal Maritime Board, Commerce Building, Washington 25, D. C., within 30 days of the publication of this notice in the FEDERAL REGISTER written statements and comments thereon. The proposed rule of procedure, unless otherwise modified by the Board, shall be as follows:

Whereas, the Federal Maritime Board published in the FEDERAL REGISTER of ----------, 1952 (-- F. R. --) Notice of a Proposed Rule of Procedure, as hereinafter set forth, to become effective as of ----------, 1952; and

Whereas, the time and date provided in said notice for the submission to the Board of written statements and comments on the proposed rule have expired; and

Whereas, after consideration of the statements and comments submitted, the Board adopted the proposed rule of procedure as set forth in said notice,

Now, therefore, it is hereby ordered, That, pursuant to section 15 of the Shipping Act, 1916 (46 U. S. C. 814), section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), and section 3 of the Administrative Procedure Act (5 U. S. C. 1002), the following rule of procedure shall be effective as of 12:01 a. m., e. s. t., ----------, 1952:

1. Steamship freight conferences operating in the export or import trade of the foreign commerce of the United States shall file with the Federal Maritime Board at least 60 days prior to the initiation or modification of any spread or differential between contract/non-contract rates or of practices or contractual provisions relating thereto a statement containing (a) the proposed spread or differential between contract/non-contract rates or any modification of the spread or differential between contract/non-contract rates then in effect; (b) the effective date thereof; (c) the reasons for the use of contract/non-contract rates in the particular trade involved and the basis for the spread or differential between such rates; and (d) copies of all contracts pertaining thereto.

2. Steamship freight conferences now using contract/non-contract rates shall file with the Federal Maritime Board within 60 days after the effective date of this rule a statement containing (a) the effective date such contract/non-contract rates were initiated; (b) the reasons for the use of the contract/non-contract rates in the particular trade involved and the basis for the spread or differential between such rates; and (c) copies of all contracts pertaining thereto.

3. The foregoing information shall be submitted in the form of an original statement duly executed by an authorized official of the conference, together with 15 conformed copies thereof. Such information will be made available to the public upon request. Conferences complying with this rule may from time to time amend or amplify statements submitted pursuant thereto in a manner not inconsistent with prior compliance therewith.

The rule of procedure adopted by the Board shall be published in the FEDERAL REGISTER 30 days after the date of the publication of this notice or on such later date as the Board may designate and shall become effective as of the date specified therein.

By order of the Federal Maritime Board.

Dated: July 22, 1952.

[SEAL] R. L. MCDONALD,
Acting Secretary.

[F. R. Doc. 52-8379; Filed, July 30, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED TRANSFER OF JURISDICTION

JULY 24, 1952.

Notice is hereby given that the Office of Territories, Department of the Interior, has made application, Anchorage 019128, for transfer of jurisdiction of interest to the Office of Territories, under section 7 of the Public Works Act of August 24, 1949 (36 Stat. 629; 48 U. S. C. 486e), in the following described lands:

SEWARD MERIDIAN

T. 8 S., R. 14 W.,
Sec. 32, S½S½NE¼NE¼, N½SE¼NE¼, N½S½SE¼NE¼
Sec. 33, W¼SW¼NW¼ (Unsurveyed)

The purpose of this notice is to give persons having bona fide objections to the transfer, the opportunity to file with the Manager, Land Office, Anchorage, Alaska, a protest within 30 days from the date of the notice, together with evidence that a copy of the protest has been served on the District Director, Office of Territories, Juneau, Alaska.

ABE BARBER,
Acting Regional Administrator.

[F. R. Doc. 52-8348; Filed, July 30, 1952; 8:46 a. m.]

[F. P. 2]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY

July 25, 1952.

Notice is given that the plat of original survey of the following described lands, accepted July 24, 1951, will be officially filed in the Bureau of Land Management effective at 10:00 a. m. on the 35th day after the date of this notice:

MINNESOTA

5TH PRINCIPAL MERIDIAN

T. 133 N., R. 29 W.,
Sec. 29, lots 6, 7, 8, 9, 10, 11, 12.
Sec. 32, lots 6, 7.
Sec. 33, lots 13, 14, 15.

The area described aggregates 23.68 acres.

The lots are islands in Crow Wing River and available information indicates that the land is upland in character, reaching an elevation from 4 to 8 feet above the water level of the river and supports some timber from 4 to 40 inches in diameter.

No application for these lots may be allowed under any public land law unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applicaion for these lands, which shall be filed in the Bureau of Land Management, Washington 25, D. C., shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257, of that title.

Inquiries concerning these lands shall be addressed to the Regional Administrator, Region VI, Bureau of Land Management, Washington 25, D. C.

For the Director,

A. H. FURR,
Acting Regional Administrator, Region VI.

[F. R. Doc. 52-8346; Filed, July 30, 1952; 8:45 a. m.]

[2113475]

NEW MEXICO

NOTICE OF FILING OF PLAT OF SURVEY

JULY 22, 1952.

Notice is given that the plat of original survey of the following described lands, accepted August 22, 1950, will be officially filed in the Land & Survey Office, Santa Fe, New Mexico, effective at 10:30 a. m. on the 35th day after the date of this notice:

NEW MEXICO PRINCIPAL MERIDIAN

T. 15 N., R. 17 W.,
Tract 37.

The area described aggregates 100.69 acres.

The land comprises a narrow strip approximately 1.6 miles long and varying in width from 8.38 chains (approximately 555 feet) at the west end to a sharp point at the east end. The strip is bounded on the north by the right-of-way of the Atchison, Topeka and Santa Fe, and on the south by the right-of-way of U. S. Highway 66. Approximately 40 acres on the west end of the tract are level and not eroded. Approximately 5 acres on the east end of the tract are also level and not eroded. At a point which is 0.2 miles west of the extreme east end of the tract, a road takes off Highway 66 north and crosses the railroad tracks into the Indian housing project. Immediately west of this area is a deep, ragged arroyo and to the west of the arroyo there is a rather high hill which is somewhat rough and rocky. Lying between the west side of the hill and the level land first mentioned as being at the west end of the tract, there is a deeply cut and badly eroded area which is not susceptible of any particular use.

The land has been classified as suitable for disposal at public sale, and probably will not be classified as suitable for disposal under the homestead or desert land laws or the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a).

At the hour and day specified above the land shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from Land & Survey Office, Bureau of Land Management, Santa Fe, New Mexico.

J. A. DELANY,
Manager, Land and Survey Office, Santa Fe, New Mexico.

[F. R. Doc. 52-8347; Filed, July 30, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

BONDING AND NET ASSETS REQUIREMENTS UNDER COMMODITY CREDIT CORPORATION AUTHORIZATIONS

NOTICE REGARDING UNIT PRICES

For the purpose of determining required net assets of warehousemen and amounts of surety bonds to be furnished by warehousemen under Commodity Credit Corporation policy authorizations and program instructions, the Administrator of the Production and Marketing Administration hereby determines and promulgates the following unit prices for the respective listed commodities, such determination to continue in effect until superseded by subsequent announcement:

Kenaf seed	$0.66 per pound.
Kenaf fiber	$72.00 per bale.

Done at Washington, D. C., this 28th day of July 1952.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8386; Filed, July 30, 1952; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 2743-14, between the member lines of the Atlantic and Gulf/West Coast of Central America and Mexico Conference, modifies the basic agreement of that Conference (No. 2743) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade

from U. S. Atlantic and Gulf ports to West Coast ports in Panama, except Panama City, Costa Rich, Nicaragua, Honduras, Salvador, Guatemala and Mexico, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 2743 presently provides for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

2. Agreement No. 2744–19, between the member lines of the Atlantic and Gulf/West Coast of South America Conference, modifies the basic agreement of that Conference (No. 2744) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade from U. S. Atlantic and/or Gulf ports to West Coast ports in Colombia, Ecuador, Peru and Chile, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 2744 presently provides for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

3. Agreement No. 3868–11, between the member lines of the Atlantic and Gulf/Panama Canal Zone, Colon and Panama City Conference, modifies the basic agreement of that Conference (No. 3868) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade from U. S. Atlantic and Gulf ports to Colon, Panama City and all points in the Canal Zone, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 3868 presently provides for the establishment and maintenance of agreed rates and charges, and rules regulations and practices for or in connection with the transportation of cargo in the aforementioned trade, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

4. Agreement No. 4189–16, between the member lines of the Havana Steamship Conference, modifies the basic agreement of that Conference (No. 4189) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade from North Atlantic ports in the States of Maine to Virginia, inclusive, to Havana, Mariel and Matanzas, Cuba. Agreement No. 4189 presently provides for the establishment and maintenance of agreed rates and charges, classifications and practices together with rules and regulations for and in connection with the transportation of cargo in the aforementioned trade.

5. Agreement No. 4610–2, between the member lines of the U. S. Atlantic & Gulf Ports-Jamaica (B. W. I.) Steamship Conference, modifies the basic agreement of that Conference (No. 4610) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade from U. S. Atlantic and Gulf ports to Jamaica, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 4610 presently provides for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade; and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

6. Agreement No. 6190–13, between the member lines of the U. S. Atlantic & Gulf-Venezuela & Netherlands Antilles Conference, modifies the basic agreement of that Conference (No. 6190) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and ports in Venezuela and in the Islands of Curacao, Aruba and Bonaire, Netherlands Antilles, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 6190 presently provides for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

7. Agreement No. 7540–6, between the member lines of the Leeward and Windward Islands and Guianas Conference, modifies the basic agreement of that Conference (No. 7540) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and ports in the Virgin Islands, Leeward and Windward Islands, Trinidad, Barbados, British, French and Netherlands Guianas. Agreement No. 7540 presently provides for the establishment and maintenance of agreed rates and charges and rules and regulations for or in connection with the transportation of cargo in the aforementioned trade.

8. Agreement No. 7590–5, between the member lines of the East Coast Colombia Conference, modifies the basic agreement of that Conference (No. 7590) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and the ports of Barranquilla, Cartagena and Puerto Colombia, Colombia, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 7590 presently provides for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

9. Agreement No. 7650–4, between the member lines of the Santiago de Cuba Conference, modifies the basic agreement of that Conference (No. 7650) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and Santiago de Cuba, Cuba, and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation. Agreement No. 7650 presently provide for the establishment and maintenance of agreed rates and charges, and rules, regulations and practices for or in connection with the transportation of cargo in the aforementioned trade and charges and practices in connection with the furnishing of wharfage and other accessorial services incident to such transportation.

10. Agreement No. 7856 between the carriers comprising the Joint Service of Ivaran Lines—Far East Service and Pacific Argentine Brazil Line, Inc., and Pope & Talbot, Inc., covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria, (Manchuko), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to ports of San Juan, Ponce and Mayaguez, Puerto Rico, with transshipment at Seattle, Portland, San Francisco, Los Angeles Harbor, or Long Beach.

11. Agreement No. 7859 between the carriers comprising the Joint Service of Ivaran Lines—Far East Service and Waterman Steamship Corporation, covers the transportation of cargo under through bills of lading from Japan, Korea, Formosa, Manchuria (Manchuko), Siberia, China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to ports of San Juan, Ponce and Mayaguez, Puerto Rico, with transshipment at Seattle, Portland, San Francisco, Los Angeles Harbor, or Long Beach.

12. Agreement No. 7900–2 between the member lines of the United States Atlantic & Gulf-Bermuda Conference, modifies the basic agreement of that Conference (No. 7900) to provide for the establishment and maintenance of agreed rates and charges of every lawful type, and rules, regulations and practices with respect to the receiving, handling, transportation and discharge of cargo in the trade between U. S. Atlantic and Gulf ports and Bermuda. Agreement No. 7900 presently provides for the establishment and maintenance of just and reasonable rates and charges and rules and regulations for or in connection with the transportation of cargo in the aforementioned trade.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: July 28, 1952.

By order of the Federal Maritime Board.

R. L. McDONALD,
Assistant Secretary.

[F. R. Doc. 52–8391; Filed, July 30, 1952; 8:55 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[CPR 7, Section 43; Revocation of Special Order No. 752, as amended]

RADIO CORPORATION OF AMERICA

CEILING PRICES AT RETAIL

Statement of considerations. Special Order No. 752, which was issued to the Radio Corporation of America, Camden 2, New Jersey, under section 43 of Ceiling Price Regulation 7, established uniform ceiling prices for sales at retail of television receivers, radios and record playing equipment sold under the brand "RCA Victor." On June 24, 1952, the Director of Price Stabilization revoked Special Order No. 752 to the extent that it established ceiling prices for sales at retail of "RCA Victor" branded television receivers.

The Radio Corporation of America has now requested that the Director of Price Stabilization revoke Special Order No. 752 in its entirety. Accordingly, in view of this request, it is the judgment of the Director that such an order of revocation should be granted.

Revocation. 1. For the reason set forth in the statement of considerations, Special Order No. 752, as amended, issued to the Radio Corporation of America under section 43 of Ceiling Price Regulation 7, establishing ceiling prices for sales at retail of certain articles having the brand name "RCA Victor," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, the Radio Corporation of America must send a copy of this order to all of its purchasers for resale of "RCA Victor" branded radios and record playing equipment to whom it has given notice of Special Order No. 752, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "RCA Victor" branded radios or record playing equipment, must (a) remove all tags which were affixed to "RCA Victor" branded radios or record playing equipment in accordance with Special Order No. 752, as amended; and (b) determine his ceiling prices for "RCA Victor" branded radios or record playing equipment under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective on July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52–8330; Filed, July 25, 1952; 4:37 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 249, as amended]

HOFFMAN RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 249 under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Hoffman Radio Corporation, 3761 South Hill Street, Los Angeles 7, California, having the brand name "Hoffman".

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Hoffman Radio Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Hoffman Radio Corporation was granted a special order under section 43 namely, "Hoffman" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Hoffman Radio Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 249, as amended, establishes retail ceiling prices for sales of the Hoffman Radio Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 249, as amended, issued to Hoffman Radio Corporation to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Hoffman" is hereby revoked. In all other respects Special Order 249 as amended, remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Hoffman Radio Corporation must send a copy of this order to all purchasers for resale of "Hoffman" branded television receivers to whom it has given notice of Special Order 249, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Hoffman" branded television receivers, must (a) remove all tags which were affixed to "Hoffman" branded television receivers in accordance with Special Order 249, as amended; and (b) determine ceiling prices for "Hoffman" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52–8329; Filed, July 25, 1952; 4:37 p. m.]

[CPR 7, Section 43; Revocation of Special Order 160, as amended]

SCOTT RADIO LABORATORIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 160, under section 43 of Ceiling Price Regulation 7, as amended, establishes ceiling prices for sales at retail of television receivers manufactured by Scott Radio Laboratories, Inc., 4541 Ravenswood Avenue, Chicago 40, Illinois, having the brand name "Scott."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of evidence produced by the Scott Radio Laboratories, Inc., at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established. On the basis of information subsequently obtained, however, the Director now finds that the branded products of the Scott Radio Laboratories, Inc., were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded Scott Radio Laboratories, Inc., to produce satisfactory evidence that the branded products for which it applied for a special pricing order under section 43 of Ceiling Price Regulation 7 were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that Special Order 160, as amended, establishing retail ceiling prices for the sale by Scott Radio Laboratories, Inc., of its branded television receivers, must be revoked.

Revocation. 1. For the reason set forth in the statement of considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 160, issued to Scott Radio Laboratories, Inc., as amended, establishing ceiling prices for sales at retail of television receivers having the brand name "Scott," is hereby revoked.

2. Within 15 days after the effective date of this order of revocation, Scott Radio Laboratories, Inc., must send a copy of this order to all purchasers for resale to whom it has given notice of Special Order 160, as amended. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Scott" branded television receivers, must (a) remove all tags which were affixed to "Scott" branded television receivers in accordance with Special Order 160, as amended; and (b) determine ceiling prices for "Scott" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order of revocation shall become effective July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8328; Filed, July 25, 1952; 4:37 p. m.]

[CPR 7, Section 43; Partial Revocation of Special Order 851]

BELMONT RADIO CORP.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 851 under section 43 of Ceiling Price Regulation 7, establishes ceiling prices for sales at retail of television receivers and other articles manufactured by the Belmont Radio Corporation, 5921 W. Dickens Avenue, Chicago 39, Illinois, having the brand name "Raytheon."

A prerequisite to an applicant's eligibility for a uniform pricing order under section 43 of Ceiling Price Regulation 7 is that the branded products for which application is made must have been sold at substantially uniform retail prices for a period immediately prior to January 26, 1951. On the basis of the evidence produced at the time of its application under section 43, it was the judgment of the Director of Price Stabilization that this criterion of eligibility had been established for all of the commodities which were the subject of the application of the Belmont Radio Corporation. On the basis of information subsequently obtained, however, the Director now finds that certain of the branded products for which the Belmont Radio Corporation was granted a special order under section 43 namely, "Raytheon" branded television receivers, were not in fact sold at substantially uniform retail prices for a period immediately prior to January 26, 1951.

A further opportunity has been afforded the Belmont Radio Corporation to produce satisfactory evidence that its branded television receivers were sold at substantially uniform retail prices immediately prior to January 26, 1951, but such evidence has not been forthcoming. Therefore, it is the judgment of the Director of Price Stabilization that insofar as Special Order 851, establishes retail ceiling prices for sales of the Belmont Radio Corporation's branded television receivers, the order must be revoked.

Revocation. 1. For the reason set forth in the Statement of Considerations, and in keeping with the provisions of section 43 of Ceiling Price Regulation 7, Special Order 851, issued to Belmont Radio Corporation, to the extent that it establishes ceiling prices for sales at retail of television receivers having the brand name "Raytheon," is hereby revoked. In all other respects Special Order 851 remains in effect.

2. Within 15 days after the effective date of this partial order of revocation, Belmont Radio Corporation must send a copy of this order to all purchasers for resale of "Raytheon" branded television receivers to whom it has given notice of Special Order 851. Twenty days after the effective date of this order each such purchaser for resale, before selling any "Raytheon" branded television receivers, must (a) remove all tags which were affixed to "Raytheon" branded television receivers in accordance with Special Order 851; and (b) determine ceiling prices for "Raytheon" branded television receivers under Ceiling Price Regulation 7 or whatever other ceiling price regulation is applicable to him.

Effective date. This order shall become effective July 25, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 25, 1952.

[F. R. Doc. 52-8331; Filed, July 25, 1952; 4:37 p. m.]

REGION V, REGION VIII AND REGION XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on July 25, 1952.

REGION V

Jacksonville Order G1-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:32 a. m.

Jacksonville Order G1-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:32 a. m.

Jacksonville Order G1-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:34 a. m.

Jacksonville Order G2-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:32 a. m.

Jacksonville Order G2-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:32 a. m.

Jacksonville Order G2-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:34 a. m.

Jacksonville Order G3-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:33 a. m.

Jacksonville Order G3-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:33 a. m.

Jacksonville Order G3-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:35 a. m.

Jacksonville Order G3A-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:33 a. m.

Jacksonville Order G3A-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:33 a. m.

Jacksonville Order G3A-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:35 a. m.

Jacksonville Order G4-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:33 a. m.

Jacksonville Order G4-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:34 a. m.

Jacksonville Order G4-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:35 a. m.

Jacksonville Order G4A-12, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:34 a. m.

Jacksonville Order G4A-12, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:34 a. m.

Jacksonville Order G4A-13, establishing retail prices for certain grocery items sold by retailers in the Jacksonville Area, filed 10:35 a. m.

REGION VIII

Fargo Order G1-12, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 10:35 a. m.

Fargo Order G1-12, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:36 a. m.

Fargo Order G1-13, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:36 a. m.

Fargo Order G2-12, covering retail prices for certain dry grocery items sold by retailers in the Fago Area, filed 10:36 a. m.

Fargo Order G2-12, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:36 a. m.

Fargo Order G2-13, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

Fargo Order G4-12, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 10:36 a. m.

Fargo Order G4-12, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:36 a. m.

Fargo Order G4-13, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 10:37 a. m.

REGION XII

Fresno Order G1-11, Amendment 1, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:37 a. m.

Fresno Order G1-11, Amendment 2, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G2-11, Amendment 1, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G2-11, Amendment 2, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G4-11, Amendment 1, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G4-11, Amendment 2, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G4A-11, Amendment 1, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:38 a. m.

Fresno Order G4A-11, Amendment 2, changes certain prices for certain food items and removes from price control certain food items for retail sales in the Fresno Area, filed 10:39 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-8461; Filed, July 30, 1952; 11:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-199]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

ORDER APPROVING PLAN

JULY 24, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company and a subsidiary of Standard Power and Light Corporation, also a registered holding company, and Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard, having filed an application for approval of a plan under section 11 (e) of the act, providing, among other things, for the partial liquidation of Philadelphia by the distribution of a portion of its holdings of the common stock of Duquesne Light Company ("Duquesne"), a public utility company all of whose common stock is held by Philadelphia, to the common stockholders of Philadelphia;

A public hearing having been duly held after appropriate notice, at which hearing all interested persons were afforded an opportunity to be heard;

The applicants having requested the Commission to enter an order reciting that the transactions proposed in the plan are necessary to effectuate the provisions of section 11 (b) of the act and are fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof;

The Commission having considered the record in the matter and having filed its findings and opinion herein, finding that the plan is necessary to effectuate the provisions of section 11 (b) of the act and fair and equitable to all persons affected thereby;

It is ordered, on the basis of the record herein and the said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, That the said plan be, and it hereby is, approved, subject to the terms and conditions contained in Rule U-24 and to the following additional terms and conditions:

1. That jurisdiction be, and it hereby is, specifically reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the plan and the transactions incident thereto;

2. That jurisdiction be, and it hereby is, specifically reserved to take such further action as the Commission may deem appropriate to effectuate the provisions of the plan concerning efforts to locate persons entitled to securities or cash by reason of their holdings of common stock of Philadelphia;

3. That jurisdiction be, and it hereby is, specifically reserved over the accounting treatment proposed by both Philadelphia and Standard in connection with the proposed transactions;

4. That jurisdiction be, and it hereby is, specifically reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the plan, the transactions incident thereto, and the consummation thereof.

It is further ordered and recited, That all steps and transactions involved in the consummation of said plan, as amended, including particularly the transfers, conveyances, issuances, exchanges, expenditures, distributions and receipts hereinafter described and recited in subparagraphs I through IV below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and securities and other property to be transferred, conveyed, issued, exchanged, distributed and received upon such transactions, and the expenditures to be made, being specified and itemized as follows:

I. The transfer and distribution by Philadelphia to the holders of its common stock (including Standard), without the surrender by the holders of such common stock of Philadelphia of any of their shares of such common stock of Philadelphia, of an aggregate of 1,038,171 shares of common stock of Duquesne held by Philadelphia, in the ratio of 1 share of common stock of Duquesne for each 5 shares of common stock of Philadelphia held by such stockholders; 1,004,958 of such shares of common stock of Duquesne, to be transferred and distributed to Standard, being represented by Certificate No. 9 for that number of shares registered in the name of Philadelphia; and the remaining 33,213 of such shares of common stock of Duquesne being represented by Certificate No. 10 for that number of shares registered in the name of Philadelphia, which, in accordance with said plan, are to be transferred to Mellon National Bank and Trust Company, the Distribution and Scrip Agent under said plan, and held in the form of a certificate or certificates registered in the name of "Mellon National Bank and Trust Company for the benefit of holders of Common Stock of Philadelphia Company other than Standard Gas and Electric Company", the shares to be transferred and distributed by said Agent to holders of common stock of Philadelphia other than Standard to be represented by certificates issued against, and upon transfer by said Agent of part of the shares represented by, such certificate or certificates so to be issued in the name of said Agent, any fraction of a share of common stock of Duquesne distributable to any holder of common stock of Philadelphia to be represented by a scrip certificate as provided in said plan.

II. The transfer of said certificate for said 1,004,958 shares of common stock of Duquesne to and the registration thereof in the name of Standard and the transfer of said certificate for 33,213 shares of common stock of Duquesne to and the registration thereof in the name of said Distribution and Scrip Agent as above provided in subparagraph I, and the delivery of said certificates for said entire 1,038,171 shares of Duquesne common stock to said Distribution and Scrip Agent as provided in said plan.

III. The transfer and delivery by said Distribution and Scrip Agent to the holders of common stock of Philadelphia, subject to acknowledgment by them of receipt of notice as provided in the plan, of said common stock of Duquesne in the ratio of 1 share of Duquesne common stock for each 5 shares of common stock of Philadelphia held of record on the distribution record date provided for by said plan, the issuance and delivery by said Agent to such holders of common stock of Philadelphia, in lieu of any fractional shares of common stock of Duquesne to which they would otherwise be entitled, of scrip certificates for fractional shares of Duquesne common stock as provided in said plan, the transfer of such scrip certificates upon the sale thereof by said Agent for the account of the holders of said scrip certificates, the transfer and delivery by said Agent to holders of such scrip certificates of shares of Duquesne common stock to which they are entitled upon presentation (within the period provided in the plan and said scrip cer-

tificates) of scrip certificates aggregating one or more full shares, the transfer and delivery to said Agent of scrip certificates by the holders thereof in exchange for shares of common stock of Duquesne, and the payment by said Agent to such holders of Philadelphia common stock and/or scrip certificates, at the time of delivery and transfer by it of Duquesne common stock as above provided, of any amounts received by said Agent as dividends upon the shares so delivered, less any taxes which may have been imposed or paid thereon.

IV. The transfer and delivery by said Distribution and Scrip Agent to Duquesne, at the cut-off date provided in said plan, of all certificates for shares of common stock of Duquesne which are then held by said Distribution and Scrip Agent under said plan (1) in respect of shares of common stock of Philadelphia whose holders of record on the distribution record date have not theretofore filed with such Agent acknowledgment of receipt of the notice provided for in said plan and (2) in respect of all scrip certificates issued in lieu of fractional shares of common stock of Duquesne and not by that date combined into full share lots and exchanged for full shares of common stock of Duquesne, together with all amounts received by such Agent as dividends upon such shares of stock of Duquesne then held by it.

It is further ordered, That this order shall be effective forthwith upon issuance.

By the Commisison.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8353; Filed, July 30, 1952; 8:49 a. m.]

[File No. 70-2896]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUANCE BY SUBSIDIARIES TO PARENT COMPANY OF PROMISSORY NOTES

JULY 25, 1952.

In the matter of Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Gloucester Electric Company, Northern Berkshire Gas Company, Norwood Gas Company, Quincy Electric Light and Power Company, Southern Berkshire Power & Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System; File No. 70-2896.

New England Electric System ("NEES"), a registered holding company, and its above named public-utility subsidiary companies, hereinafter individually referred to as "Attleboro," "Beverly," "Gloucester," "Northern Berkshire," "Norwood," "Quincy," "Southern Berkshire," "Weymouth" and "Worcester County" and collectively referred to as "the borrowing companies," having filed applications-declarations, pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-23, U-43 (a) and U-45 (a) thereunder in respect to the following proposed transactions:

The borrowing companies propose to issue to NEES, from time to time but not later than September 30, 1952, additional unsecured promissory notes in an aggregate amount up to but not exceeding $1,540,000. Said notes will mature December 1, 1952, and will bear interest at the prime interest rate charged by banks on similar notes at the time said notes are issued to NEES. It is stated in the applications-declarations that at the present time the prime interest rate paid by banks on notes similar to those proposed to be issued is 3 percent per annum. It is further stated that if said prime interest rate is in excess of 3¼ percent at the time the proposed notes are to be issued, NEES and the borrowing company will file an amendment to this filing at least five days prior to the proposed issue date of such note. Such amendment will set forth the amount of the note proposed to be issued and the proposed rate of interest thereof. NEES and the borrowing companies request that unless the Commission notifies it and the applicable borrowing company or companies to the contrary within said five day period, the amendment shall become effective at the end of such period. The applications-declarations further state that the proposed notes may be prepaid, in whole or in part, without premium.

The following table shows for each of the borrowing companies the notes payable to NEES at June 30, 1952, and the aggregate maximum amount of such notes proposed to be issued during the period from July 1, 1952 to September 30, 1952:

Company	Notes payable to NEES at June 30, 1952	Aggregate maximum borrowings during period July 1, 1952, to Sept. 30, 1952
Attleboro	$25,000	$100,000
Beverly	2,[illegible],000	150,000
Gloucester	55,000	100,000
Northern Berkshire	1,[illegible],000	150,000
Norwood	340,000	50,000
Quincy	660,000	100,000
Southern Berkshire	935,000	50,000
Weymouth	650,000	100,000
Worcester	900,000	700,000
	6,[illegible],000	1,540,000

The applications-declarations further state that the proceeds of the notes proposed to be issued are to be used by the borrowing companies for construction costs, cost of conversion to natural gas and to reimburse their treasuries for prior construction expenditures. The applications-declarations further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for NEES and each of the borrowing companies, or an aggregate of $2,000. The applications-declarations further state that no state commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Due notice of said filing having been given, and the Commission not having received a request for a hearing with respect to said applications-declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations, as amended, be granted and permitted to become effective forthwith:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the applications-declarations, as amended, be and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8354; Filed, July 30, 1952; 8:49 a. m.]

[File No. 70-2897]

NEW ENGLAND POWER CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

JULY 25, 1952.

New England Power Company ("NEPCO"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-23 thereunder, in respect to the following proposed transactions:

The declaration indicates that NEPCO presently has outstanding $5,400,000 principal amount of promissory notes, due April 1, 1953, issued pursuant to a bank loan agreement with five banks, namely, the First National Bank of Boston ($2,970,000), the Chase National Bank of the City of New York ($702,000), the Hanover Bank ($702,000), Irving Trust Company ($702,000) and the New York Trust Company ($324,000). Under its bank loan agreement, NEPCO proposes to issue to the above mentioned banks, from time to time, but not later than December 31, 1952, $6,000,000 of additional unsecured promissory notes all of which will mature April 1, 1953. The proceeds of the new notes will be used for construction expenditures during the period from July 1, 1952, to December 31, 1952, and to reimburse NEPCO's treasury for prior construction expenditures.

The declaration states that each new note issued prior to October 1, 1952, will bear interest to that date at the six month prime commercial rate generally being charged by banks in Boston on the fifth business day prior to the issuance thereof, but in no event less than 3 percent per annum nor more than 3¼ percent per annum and will bear interest from October 1, 1952, to April 1, 1953, at said rate on October 1, 1952, but in no event less than 3 percent nor more than 3½ percent per annum. The declaration further states that each new note issued after October 1, 1952, will bear interest to April 1, 1953, at said rate on the fifth business day prior to the issuance thereof, but in no event less than 3 percent per annum nor more than 3½ percent per annum. The bank loan agreement under which the proposed notes will be issued provides for the payment of a commitment fee of ¼ percent per annum from the effective date of the agreement to December 31, 1952, on the average daily difference between $7,000,000, the amount of the banks' unborrowed commitment, and the additional amount borrowed under the agreement. Subject to certain restrictions, the proposed notes may be prepaid, in whole or in part, without premium.

According to the declaration, NEPCO expects that its note indebtedness will be financed through the issuance of capital stock and first mortgage bonds in approximately equal amounts late in 1952 or early in 1953 and, in this connection, NEPCO proposes that the proceeds of any permanent financing, except financing (including the assumption of indebtedness of Connecticut River Power Company) for the acquisition of properties of Connecticut River Power Company, done before the maturity of the notes proposed to be issued, will be applied in reduction of, or in total payment of notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues, will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $1,000. The bank loan agreement provides that NEPCO will reimburse the First National Bank of Boston, as Agent for the five lending banks, for out-of-pocket expenses and NEPCO expects such expenses to be nominal.

The declaration indicates that the New Hampshire Public Utilities Commission has approved the proposed issuance and sale of the additional notes and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEPCO requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions perscribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8356; Filed, July 30, 1952; 8:50 a. m.]

[File No. 70-2904]

PHILADELPHIA CO.

NOTICE OF FILING FOR AUTHORITY TO RENEW BANK LOAN NOTES

JULY 25, 1952.

Notice is hereby given that a declaration has been filed with this Commission by Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are summarized as follows:

On August 21, 1950, the Commission issued its findings, opinion, and order (Holding Company Act Release No. 10044), which among other things permitted Philadelphia to issue bank loan notes, aggregating $17,500,000 to Mellon National Bank and Trust Co. of Pittsburgh, Pennsylvania, Chase National Bank of the City of New York, New York, Continental Illinois National Bank and Trust Company of Chicago, Illinois, and Harris Trust and Savings Bank of Chicago, Illinois. The notes, which were issued on August 23, 1950, provide for maturity one year after issuance, with an option on Philadelphia's part to renew them for two further periods of one year each, and for an interest rate of 2 percent per annum for the first year and, if renewed, 2⅛ percent thereafter. Said order of August 21, 1950, prohibited Philadelphia from extending the maturity of any of the bank loan notes without securing a further order of this Commission permitting such extension.

On July 31, 1951, Philadelphia prepaid $1,500,000 of said bank loan notes. On August 23, 1951, it renewed the remainder of said notes, in accordance with an order of this Commission, dated August 10, 1951 (Holding Company Act Release No. 10718), in the aggregate amount of $16,000,000, for a further period of one year from August 23, 1951. Philadelphia now proposes to renew such notes, in accordance with their terms, for another period of one year from August 23, 1952.

Philadelphia states that the expenses in connection with the proposed transactions will be nominal. It requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than August 6, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 6, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8355; Filed, July 30, 1952; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO REPRESENT GOVERNMENT IN THE MATTER OF SOUTHERN PACIFIC-MISSOURI PACIFIC REQUEST FOR INCREASED PASSENGER FARES

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of So. Pac.—Mo. Pac.; Increased Passenger Fares, Docket No. 31050, before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of June 24, 1952.

Dated: July 25, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52-8411; Filed, July 30, 1952; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

NOTICE OF HOUSING PROGRAMS AND RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

PART II—DEFENSE HOUSING PROGRAMS

Appearing below are amendments to previously published defense housing programs and also additional new defense housing programs and supplemental programs to area programs previ-

ously published. These amendments are published herein as amendments to Part II (Defense Housing Programs) of the Notice of Housing Programs and Relaxation of Credit Controls in Critical Defense Housing Areas initially published in the FEDERAL REGISTER on October 27, 1951 (16 F. R. 10962).

With respect to the needed housing set out in the additional new defense housing programs and the supplemental programs to area programs previously published, the aids authorized by the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) including a new and more liberal form of Federal Housing Administration mortgage insurance under Title IX of the National Housing Act, as amended, are available. The approval of an application under Housing and Home Finance Agency Regulation CR 3 is required as a condition to the approval by the Federal Housing Administration of an application for mortgage insurance under the provisions of Title IX of the National Housing Act, as amended. The requirements and restrictions imposed by or pursuant to CR 3 are in addition to all applicable requirements, conditions and restrictions imposed by or pursuant to said Title IX.

With respect to any application approved under HHFA Regulation CR 3 for an exception from residential real estate credit restrictions as being within the additional defense housing programs appearing below, residential real estate credit restrictions are suspended.

For the purpose of additional defense housing programs appearing below preference will be given to locations (within the geographical boundaries of the critical defense housing areas) in established communities nearest the defense activities, with consideration to be given to the availability of adequate community facilities and services.

AMENDMENTS TO DEFENSE HOUSING PROGRAMS PREVIOUSLY PUBLISHED

Amendment 1. The critical defense housing area in the defense housing program numbered 26 and designated as Columbus, Indiana, published at 16 F. R. 10962 (October 27, 1951), is amended to read as follows:

26. Camp Atterbury, Indiana, Area. (Bartholomew, Brown, Johnson, Morgan, Shelby, and Jackson Counties; the Townships of Clay, Washington, Marion, Sand Creek, and Jackson in Decatur County.)

Amendment 2. Area Program numbered 11 (Norfolk-Portsmouth, Virginia) appearing in the FEDERAL REGISTER of October 27, 1951 (16 F. R. 10962), is hereby amended by deleting from the program the 500 three or more bedroom rental units authorized therein, and by reducing the number of 2 bedroom rental units from 2,000 units to 1,525 units, and the maximum rents on 225 of such 1,525 two bedroom rental units is reduced from $70.00 to $50.00. The area program is further amended by requiring that 75 of said 225 two bedroom rental units at rents of $50.00 are to be located on the Portsmouth side of the Elizabeth River and 150 of said 225 two bedroom rental units at rents of $50.00 are to be situated on the Norfolk side of that river. A total of 1,300 of the 2,000 two bedroom rental units and all 500 sale units originally authorized in Program 11 as well as the 300 rental units authorized in Program 11-A are not affected by this amendment in any manner whatsoever.

Amendment 3. Area Program numbered 69 (Fort Knox, Kentucky) appearing in the FEDERAL REGISTER of November 28, 1951 (16 F. R. 11980) is hereby amended by reducing the number of 1 bedroom rental units from 25 to 11; by reducing the number of 2 bedroom rental units from 225 to 100; by reducing the number of 3 or more bedroom rental units from 50 to 20; by reducing the number of 2 bedroom sales units from 175 to 75; and by deleting from the program entirely the 25 three or more bedroom sales units previously authorized. The effect of this amendment is to reduce the total number of all rental units from 300 to 131 and the total number of sales units from 200 to 75 units.

AMENDMENTS ADDING NEW DEFENSE HOUSING PROGRAMS AND SUPPLEMENTAL DEFENSE HOUSING PROGRAMS

140. Baraboo, Wisconsin.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	35	$65.00	15	$8,750	50
2 bedrooms	15	75.00	10	10,000	25
3 or more bedrooms					
Total	50		25		75

LIST OF DEFENSE ACTIVITIES

Liberty Powder Defense Corporation.
Department of the Army—Badger Ordnance Works.

CRITICAL DEFENSE HOUSING AREA

Sauk County and the Towns of Arlington, Caledonia, Dekorra, Fort Winnebago, Lewiston, Lodi, Newport, West Point, Pacific and the Cities of Lodi, Potage and Wisconsin Dells and the Village of Poynetts, in Columbia County.

NOTE: Program numbered 175 is reserved for the Gross Ile, Michigan Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

176. Bagdad, Arizona.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom			25	$6,000	25
2 bedrooms			25	7,000	25
3 or more bedrooms					
Total			100		100

LIST OF DEFENSE ACTIVITIES

Bagdad Copper Company.
Hillside Mining and Milling Company.
Manhattan Consolidated Development Company.
Black Pearl Mining Company.
Consolidated Tungsten Company.
Copper Queen Company.
Copper King Mines.

CRITICAL DEFENSE HOUSING AREA

That part of Supervisional District 2 lying west of 113° longitude, in Yavapai County.

177. Milan, Tennessee.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	30	$60.00	10	$7,000	40
2 bedrooms	50	70.00	10	8,000	60
3 or more bedrooms					
Total	80		20		100

LIST OF DEFENSE ACTIVITIES

Milan Arsenal.

CRITICAL DEFENSE HOUSING AREA

Carroll, Gibson, and Madison Counties.

LIST OF DEFENSE ACTIVITIES

Gardiner Lumber Company, Plywood Division.

CRITICAL DEFENSE HOUSING AREA

The Precincts of Gardiner, Wade's Flat, Winchester Bay, East Reedsport, and West Reedsport, including the City of Reedsport, in Douglas County.

NOTE: Program numbered 181 is reserved for the Butte, Montana Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

182. Roseburg, Oregon.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom			15	$8,000	15
2 bedrooms	25	$60.00	10	9,000	30
3 or more bedrooms	25	70.00			30
Total	50		25		75

LIST OF DEFENSE ACTIVITIES

Roseburg Lumber Company, Plywood Division.
Umpqua Plywood Corporation.
Associated Plywood Mills, Incorporated.

CRITICAL DEFENSE HOUSING AREA

Precincts of Brown, Edenbower East 1 and 2, Edenbower West 1 and 2, Garden Valley, Green, Mill, Parrot and Wilbur, including the City of Roseburg, in Douglas County.

NOTE: Program numbered 183 is reserved for the Twenty-nine Palms, California Area. When a program is developed and prepared for this area, such program will be published in the FEDERAL REGISTER as an additional new defense housing program.

184. Coos Bay-Coquille, Oregon.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	40	$60.00	35	$8,000	75
3 or more bedrooms	25	70.00	20	9,000	45
Total	65		55		1 120

1 50 of these units are to be located in Coquille and its environs and 70 units in Coos Bay and its environs.

LIST OF DEFENSE ACTIVITIES

Coos Bay: U. S. Air Force Personnel.
Menasha Plywood Corporation, North Bend.
Evans Products Company, Coos Bay.
Coquille: Coos Bay Lumber Company, Plywood Division.
Coquille Plywood, Incorporated.

CRITICAL DEFENSE HOUSING AREA

Election Precincts 1, 2, 3, 4, 7 through 22, 24, 25, 29, 30, 31, 38, 34, 38, 40, 41, 44, 47, 50, and 59, including the Cities of Coos Bay, North Bend, Empire, Eastside and Coquille, all in Coos County.

178. Portsmouth, New Hampshire-Kittery, Maine.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	25	$65.00			25
2 bedrooms	225	75.00			225
3 or more bedrooms	100	82.00			100
Total	350				350

LIST OF DEFENSE ACTIVITIES

Portsmouth Naval Base.

CRITICAL DEFENSE HOUSING AREA

Strafford County; the Towns of Brookfield and Wakefield in Carroll County; the Town of Alton in Belknap County; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistown, Raymond, Rye, Sandown, Seabrook, South Hampton and Strathan, in Rockingham County, all in New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine.

179. Williston, North Dakota.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$85.00	75	$11,500	175
2 bedrooms	25	95.00	150	15,000	175
3 or more bedrooms					
Total	125		125		250

1 25 of these units at a sales price not to exceed $12,500.

LIST OF DEFENSE ACTIVITIES

Exploration Drilling, Production, Refining and Pipeline Transportation of Petroleum, Natural Gas, and their products.

CRITICAL DEFENSE HOUSING AREA

Williams County and that part of McKenzie County north of the south line of Township 150.

180. Reedsport, Oregon.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	15	$60.00	15	$8,000	30
3 or more bedrooms	10	70.00	10	9,000	20
Total	25		25		50

LIST OF DEFENSE ACTIVITIES

provision of section 4 (1) of the Inter-

LIST OF DEFENSE ACTIVITIES

Army Finance Center.
Fort Benjamin Harrison.
Army Infirmary.
Indiana Military District.
Adjutants General School.
Army Finance Center School.
U. S. Naval Ordnance Plant.
Allison Division of General Motors Corporation.
Indiana Gear Company.
Marmon-Herrington.
Stewart-Warner Company.
Kingan & Company.
Bridgeport Brass Company.
Cornell, Dubilier Company.
Link Belt Company.
Merz Engineering Company.
Western Electric Company.
Firestone Industrial Products.
Army Audit Branch, GAO.

CRITICAL DEFENSE HOUSING AREA

Marion, Hancock and Hamilton Counties.

72 (A). Lake Charles, Louisiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rentals not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	40	$55.00			40
3 or more bedrooms					
Total	40				140

[1] This quota is in addition to the 100 rental and 100 sale units authorized by Program No. 72 approved Nov. 1, 1951.

LIST OF DEFENSE ACTIVITIES

Lake Charles Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Calcasieu Parish and Wards 1 and 2 of Beauregard Parish.

11 (B). Norfolk-Portsmouth, Virginia.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			1,245	$9,000	245
3 or more bedrooms			130	10,000	130
Total			375		1,375

[1] 170 units are to be priced at not to exceed $7,250, of which 55 units are to be located on the Portsmouth side and 115 units are to be on the Norfolk side of the Elizabeth River; 75 units are to be priced at not to exceed $8,000, of which 20 are to be situated on the Portsmouth side and 55 units are to be priced at not to exceed $8,500, of which 30 are to be situated on the Portsmouth side of the Elizabeth River; 50 units are to be located on the Norfolk side of the Elizabeth River; 75 units are to be located on the Portsmouth side of the Elizabeth River; and 50 units are to be located on the Norfolk side of the Elizabeth River.

[2] This quota is in addition to the 500 sale units authorized in Program No. 11.

183. Waverly-Camden, Tennessee.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$40.00	10	$7,000	75
2 bedrooms	225	70.00	5	8,000	20
3 or more bedrooms					
Total	85		15		100

[1] 10 of these units at a rental not to exceed $50.
[2] 10 of these units at a rental not to exceed $60.

LIST OF DEFENSE ACTIVITIES

TVA New Johnsonville Steam Plant.

CRITICAL DEFENSE HOUSING AREA

Benton and Humphreys Counties.

186. Corning-Painted Post, New York.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms			125	$8,500	125
3 or more bedrooms			125	9,500	125
Total			250		250

LIST OF DEFENSE ACTIVITIES

Corning Glass Works.
Ingersoll-Rand Company.

CRITICAL DEFENSE HOUSING AREA

Towns of Thurston, Campbell, Hornby, Rathbone, Addison, Erwin, Corning, Woodhull, Tuscarora, Lindley and Caton, the City of Corning and the Villages of Painted Post, Addison, Riverside and South Corning, all in Steuben County.

35 (A). Indianapolis, Indiana.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom	100	$67.50	170	$10,750	110
2 bedrooms	275	77.50	50	11,000	325
3 or more bedrooms	150	87.50			150
Total	525		220		585

[1] At least 10 of these units do not to exceed $55 monthly rent, 20 of these units are to rent for not more than $60 per month.
[2] 150 units are to be priced not to exceed $7,250, of which 50 units are to be located on the Portsmouth side and 100 units are to be on the Norfolk side of the Elizabeth River; 50 units are to be priced not to exceed $8,000, of which 20 are to be located on the Portsmouth side and 30 units are to be priced not to exceed $8,500, of which 20 are to be located on the Portsmouth side of the Elizabeth River.
[3] At least 20 units should be located on the Norfolk side of the Elizabeth River.
[4] The quota is in addition to the 500 sale units authorized by Program No. 35 approved Oct. 19, 1951.

LIST OF DEFENSE ACTIVITIES

Armed Forces Installations on the south side of Hampton Roads.

CRITICAL DEFENSE HOUSING AREA

Norfolk and Princess Anne Counties and the independent Cities of Norfolk, South Norfolk, and Portsmouth.

62 (B). Fort Campbell, Kentucky.

NEEDED DEFENSE HOUSING

Unit size	Rent		Sale		Total, rent and sale
	Number of units	Rental not to exceed	Number	Price not to exceed	
1 bedroom					
2 bedrooms	50	$50.00			50
3 or more bedrooms					
Total	50				1 50

[1] This quota is in addition to the 375 units authorized by Programs Nos. 62 and 62 (A), approved Nov. 5, 1951, and Feb. 13, 1952, respectively.

LIST OF DEFENSE ACTIVITIES

Fort Campbell.
Campbell Air Force Base.

CRITICAL DEFENSE HOUSING AREA

Christian County, Kentucky and Montgomery County, Tennessee.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

JULY 31, 1952.

[F. R. Doc. 52-8360; Filed, July 30, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6442]

MOUNTAIN STATES POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

JULY 25, 1952.

Notice is hereby given that, on July 25, 1952, the Federal Power Commission issued its order, entered July 24, 1952, authorizing issuance of securities, in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8351; Filed, July 30, 1952; 8:47 a. m.]

[Docket No. G-1998]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

JULY 25, 1952.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation, address El Paso, Texas, filed on July 11, 1952 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to acquire from West Texas Gas Company certain transmission pipeline facilities hereinafter described.

The facilities Applicant proposes to purchase consist of (1) an 8⅝-inch pipeline approximately 361,233 feet in length, extending from a point where said pipeline meets Applicant's 24-inch Dumas to Jal pipeline, near Umbarger, Texas, to and including the metering and delivery station through which gas is delivered to Southern Union Gas Company near Farwell, Texas; (2) approximately 22,055 feet of 8⅝-inch, 213,018 feet of 6⅜-inch, and 1,053 feet of 4½-inch pipeline extending from its intersection with Applicant's 24-inch Dumas to Jal pipeline near Amherst, Texas, to the intersection with the pipeline described in (1) above in Parmer County, Texas; and (3) appurtenances to the above described facilities.

Through these facilities, Applicant proposes to deliver an estimated maximum volume of 17,010 Mcf per day to Southern Union Gas Company in the third year of operation, and 5,496 Mcf per day to West Texas Gas Company in the third year for distribution to towns located along the route of the pipeline.

Estimated cost of the facilities is $308,000 and financing is proposed to be out of current working funds without additional financing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY.
Secretary.

[F. R. Doc. 52-8352; Filed, July 30, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27254]

DRUMS, SHEET STEEL, FROM BIRMINGHAM, ALA., TO THE SOUTH

APPLICATION FOR RELIEF

JULY 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 920.

Commodities involved: Drums, sheet steel, galvanized or plain, shipping, consisting of sides in rolls with side seams not closed and tops and bottoms nested, carloads.

From: Birmingham, Ala.

To: points in southern territory.

Grounds for relief: Competition with rail and motor carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 920, Supp. 255.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8310; Filed, July 29, 1952; 8:46 a. m.]

[4th Sec. Application 27255]

CEMENT FROM POINTS IN COLORADO AND WYOMING TO TEXAS

APPLICATION FOR RELIEF

JULY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Cement and related articles, carloads.

From: Boettcher and Portland, Colo., and Laramie, Wyo.

To: Points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3904, Supp. 81.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of

the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8369; Filed, July 30, 1952; 8:50 a. m.]

[4th Sec. Application 27256]

SUPERPHOSPHATE FROM POINTS IN SOUTHERN TERRITORY TO TRENTON, MO.

APPLICATION FOR RELIEF

JULY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1180.

Commodities involved: Superphosphate (acid phosphate), other than ammoniated, carloads.

From: Points in southern territory.

To: Trenton, Mo.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1180, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8370; Filed, July 30, 1952; 8:50 a. m.]

[4th Sec. Application 27257]

AMMUNITION FROM POINTS IN ILLINOIS AND MISSISSIPPI RIVER CROSSINGS TO OMAHA, NEBR.

APPLICATION FOR RELIEF

JULY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Ammunition, explosive, for small arms, viz: cartridges, small arms, blank or loaded, in boxes, carloads.

From: Chicago and Peoria, Ill., and Mississippi River crossings.

To: Omaha, Nebr.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; L. E. Kipp, Agent, I. C. C. No. A-3733, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8371; Filed, July 30, 1952; 8:51 a. m.]

[4th Sec. Application 27258]

SULPHURIC ACID FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO MCINTOSH, ALA.

APPLICATION FOR RELIEF

JULY 28, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Illinois Central Railroad Company and other carriers.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Baton Rouge and North Baton Rouge, La.

To: McIntosh, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8372; Filed, July 30, 1952; 8:51 a. m.]

[No. 31066]

RAILWAY EXPRESS AGENCY, INC.

INVESTIGATION OF AND HEARING ON NORTH DAKOTA INTRASTATE EXPRESS RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 23d day of July A. D. 1952.

It appearing, that a petition, dated June 6, 1952, has been filed by the Railway Express Agency, Incorporated, an express company transporting express matter as a common carrier in interstate commerce operating to, from, and between points in the State of North Dakota, averring that in Ex Parte No. 169, Increased Express Rates and Charges, 1949, 277 I. C. C. 249, and Ex Parte No. 177, Increased Express Rates and Charges, 1951, 283 I. C. C. 431, this Commission authorized certain increases in interstate express rates and charges, and revisions in classifications provisions, throughout the United States, that increases under such authorizations have been made; that by order dated January 24, 1952, in Ex Parte No. 177, the Commission authorized an additional charge of 6 cents per shipment on all less-than-carload rail express shipments moving at first-class rates and multiples thereof and at second-class rates and charges, which was established February 28, 1952; and that the Public Service Commission, State of North Dakota, by various orders issued on or before April 29, 1952, has refused to authorize or permit said petitioner to apply to the transportation of express, moving intrastate by railroad in North Dakota, increases in rates and charges corresponding to those approved for interstate application in the proceedings above cited, particularly to (1) bakery goods, (2) returned empty egg cases, and (3) class rates, such refusal being in the manner and to the extent alleged in the said petition of June 6, 1952, herein referred to:

It further appearing, that the said petition brings in issue express rates and charges made or imposed by authority of the State of North Dakota;

It further appearing, that said petitioner alleges that the intrastate express rates which it is required to maintain for the transportation of property moving intrastate by railroad in North Dakota as a result of such refusal by the Public Service Commission, State of North Dakota, cause undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce on the other hand, and undue, unreasonable, and unjust discrimination against interstate and foreign commerce;

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondent hereinafter designated and any other persons interested, to determine whether the express rates and charges of the Railway Express Agency, Incorporated, between points in North Dakota made or imposed by authority of the State of North Dakota cause undue or unreasonable advantage, preference, or prejudice between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what express rates and charges, if any, or what maximum or minimum or maximum and minimum express rates and charges shall be prescribed to remove the unlawful advantage, preference, or discrimination, if any, that may be found to exist;

It is further ordered, That the Railway Express Agency, Incorporated, be, and it is hereby, made respondent to this proceeding; that a copy of this order be served upon said respondent; and that the State of North Dakota be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Public Service Commission, State of North Dakota, at Bismarck, N. Dak.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8373; Filed, July 30, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18961]

FREDERICK E. BRUHL

In re: Trust under will of Frederick E. Bruhl, deceased. D-28-6415.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Charlotte Elizabeth Schmidt Schwarzbach and Johanna Margaret Prescher Kloss, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Charlotte Elizabeth Schmidt Schwarzbach and the children, names unknown, of Johanna Margaret Prescher Kloss, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Frederick E. Bruhl, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by R. L. Anderson, 404 First National Bank Building, Macon, Georgia, Administrator, c. t. a., and Trustee, acting under the judicial supervision of the Court of the Ordinary of Bibb County, Georgia;

and it is hereby determined:

5. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8381; Filed, July 30, 1952; 8:52 a. m.]

[Vesting Order 18962]

LAURA M. H. WINKEL

In re: Estate of Laura M. H. Winkel, deceased. File F-28-31864.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emmi Wilhelmi, nee Winkel, and Anne Fresenius, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That the property described as follows: An undivided one-half interest in $8,960 on deposit with the Bank of New York and Fifth Avenue Bank, New York, New York, to the credit of Laura M. H. Winkel (deceased) pursuant to a judgment of the Supreme Court of New York County, New York, dated August 22, 1934, in the matter of Moscow Fire Insurance Company, of Moscow, Russia, and Paul Lucke, as sole surviving director of Moscow Fire Insurance Company, of Moscow, Russia, and conservator of its property, Plaintiffs, against Bank of New York and Trust Company, as agent or depositary of said Moscow Fire Insurance Company, of Moscow, Russia, and of the said Paul Lucke, as surviving director and conservator et al., Defendants, subject to any and all valid conservatory expenses, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, and which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Bank of New York and Fifth Avenue Bank, successor to Bank of New York and Trust Company, as agent or depositary of the Moscow Fire Insurance Company of Moscow, Russia, acting under the judicial supervision of the Supreme Court of New York County, New York;

and it is hereby determined:

4. That the national interest of the United States requires that the persons

identified in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8382; Filed, July 30, 1952; 8:53 a. m.]

[Vesting Order 18963]

ANNA L. SCHUTZE

In re: Estate of Anna L. Schutze, also known as Anna L. Blaes, nee Schutze, deceased. File No. D 66-1593.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Gustav August Schuetze, a/k/a August Gustav Schuetze, a/k/a August Schuetze; Friedrich August Schuetze, a/k/a Friedrich Schuetze; Martha Minna Niemann, nee Schuetze, a/k/a Martha Niemann; Otto Schuetze; Minna Frieda Banse, nee Schuetze, a/k/a Frieda Banse; Minna Schmidt, nee Schuetze; Emma Kopp, nee Schuetze; and Bertha Dorothea Jung, nee Schuetze, a/k/a Berta Jung, a/k/a Bertha Jung; whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna L. Schutze, deceased, which is in the process of administration by Francis J. Mulligan, Public Administrator of New York County, New York, administrator, acting under the judicial supervision of the Surrogate's Court, New York City, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such persons be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8383; Filed, July 30, 1952; 8:53 a. m.]

[Vesting Order 18964]

KATHERINA STARCHL

In re: Estate of Katherina Starchl, deceased. File No. D 28-13101.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Stefania Olejniszak, nee Starchl, a/k/a Stefania Olejniczak, a/k/a Steffi Olejniszak, a/k/a Steffi Olejniczak, a/k/a Stephanie Olejniszak, a/k/a Stephanie Olejniczak, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Katherina Starchl, deceased, which is in the process of administration by Sheldon Brandenburger, administrator, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 25, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8384; Filed, July 30, 1952; 8:53 a. m.]

VOL 17

AUG

INDEX

FEDERAL REGISTER

Volume 17 INDEX, AUGUST 1952 Nos. 150–171

A

AGRICULTURE DEPARTMENT: Page

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Entomology and Plant Quarantine Bureau.
Farm Credit Corporation.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

Agricultural adjustment:
- Conservation programs:
  - National program. *See* Conservation programs.
  - Naval stores program. *See* Conservation programs.
  - Special programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.
- Marketing quotas, for peanuts and tobacco. *See* Peanuts; *and* Tobacco.

Almonds:
- Marketing of almonds grown in California; salable and surplus percentages for 1952 crop year, proposed 7393
- Standards, for shelled almonds; proposed 7425

Apples; diversion program for fresh Gavenstein apple, program TMP 96a3 7110

Authority, delegations of:
- From Production and Marketing Administrator:
  - Director, Cotton Branch; authority with respect to sampling, analysis, and certification of samples and grades of cottonseed (crushing purposes) 7909
  - State Production and Marketing Committees; redelegation of authority with respect to marketing quota regulations for 1952 crop peanuts 7163
- From Secretary of Agriculture to Chief, Soil Conservation Service; authority respecting execution of certain contracts relating to transportation, communication, and fire protective measures 7099

Cauliflower, fresh, grown in certain counties in Colorado, marketing of; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7411

Citrus fruits (oranges, lemons, limes, and grapefruit):
- Diversion program; canned concentrated orange juice, program TMP 41a 7363
- Marketing of citrus fruits grown in various States:
  - Arizona; lemons:
    - Lemon Administrative Committee rules and regulations 7713
    - Limitation of shipments 7069, 7070, 7274, 7447, 7717, 7920

20000—52——1

AGRICULTURE DEPARTMENT—Continued Page

Citrus fruits (oranges, lemons, limes, and grapefruit)—Continued
- Marketing of citrus fruits grown in various States—Continued
  - California; lemons:
    - Lemon Administrative Committee rules and regulations 7713
    - Limitation of shipments 7069, 7070, 7274, 7447, 7717, 7920
  - Standards:
    - Grapefruit, Florida 7408
    - Limes, Persian (Tahiti) 7035
    - Oranges, Florida 7879

Conservation programs:
- National Agricultural Conservation Program, 1953; State funds 7110
- Naval Stores Conservation Program, 1953 7269
- Special conservation programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.

Corn; standards for frozen whole kernel (or whole grain) corn 7038

Cotton:
- Standards, for American Upland cotton 7405
- Warehouse for. *See* Warehouses.

Cottonseed, sold or offered for sale for crushing purposes within United States:
- Authority of Director, Cotton Branch, with respect to sampling, analysis, etc 7909
- Standards:
  - Grade, determination of 7177
  - Quantity index, determination of 7173

Cream, marketing of. *See* Milk, cream, and byproducts.

Dairy products (milk, cream, and byproducts), marketing of. *See* Milk, cream, and byproducts.

Drought emergency program, 1952; authority with respect to purchase of hay under. *See main heading* Commodity Credit Corporation.

Federal Insecticide, Fungicide and Rodenticide Act; regulations for enforcement of, with respect to economic poisons:
- Registration:
  - Continuance of 7436
  - Duration of 7436
- Shipments for experimental use:
  - Articles for which permit is required 7436
  - Permits, cancellation of 7436

Food:
- *See also specific commodities.*
- Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.

Fruits and vegetables:
- Diversion programs, for fresh and processed fruits. *See* Apples; *and* Citrus fruits.
- Marketing of various fruits and vegetables. *See* Cauliflower; Citrus fruits; Grapes; Peaches; Pears; Peas; *and* Potatoes.

AGRICULTURE DEPARTMENT—Continued Page

Fruits and vegetables—Continued
- Standards, for various fresh and processed fruits and vegetables. *See* Citrus fruits; *and* Corn.

Fungicides. *See* Insecticides, etc.

Grains:
- Support prices for various grains. *See main heading* Commodity Credit Corporation.
- Warehouses for. *See* Warehouses.

Grapefruit. *See* Citrus fruits.

Grapes (Tokay) grown in California, marketing of:
- Budget of expenses and fixing rate of assessment for 1952–53 season, proposed 7398
- Marketing agreement and order; amendments 7417
- Shipments; regulation by grades and sizes 7774

Hawaii; sugar requirements and quotas. *See* Sugar.

Hay; authority with respect to purchase of, under drought emergency program, 1952. *See main heading* Commodity Credit Corporation.

Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, marketing of:
- Budget of expenses and rate of assessment for marketing season beginning August 1, 1952, proposed 7602
- Salable quantity of 1952 crop hops 7187, 7841

Insecticides, etc. (economic poisons), regulations for enforcement of Federal Insecticide, Fungicide, and Rodenticide Act:
- Registration:
  - Continuance of 7436
  - Duration of 7436
- Shipments for experimental use:
  - Articles for which permit is required 7436
  - Permits, cancellation of 7436

Lemons. *See* Citrus fruits.

Limes. *See* Citrus fruits.

Livestock:
- Diseases of domestic animals; regulations respecting. *See main heading* Animal Industry Bureau.
- Inspection:
  - At various stockyards. *See* Packers and Stockyards Division.
  - Regulations respecting. *See main heading* Animal Industry Bureau.

Marketing orders, for various agricultural commodities. *See* Almonds; Cauliflower; Citrus fruits; Grapes; Hops; Milk; Peaches; Pears; Peas; *and* Potatoes.

Marketing quotas, for various agricultural commodities. *See* Peanuts; *and* Tobacco.

Meats, prepared meats, and meat products:
- Grading, certification, and standards; standards for certain pork carcasses and certain swine:
  - Pork carcasses (barrow and gilt) 7363
  - Swine (slaughter barrows and gilts) 7363
- Inspection and certification regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.

Milk, cream, and byproducts, marketing in various marketing and sales areas; marketing agreements and orders, etc.:
- Illinois:
  - Chicago 7505, 7840
  - Rockford-Freeport 7748, 7906, 7920
- Indiana; Fort Wayne 7304
- Iowa:
  - Cedar Rapids-Iowa City 7095
  - Council Bluffs-Omaha-Lincoln 7411
- Kansas; Neosho Valley marketing area 7745, 7807
- Kentucky; Louisville 7127, 7746, 7884
- Massachusetts:
  - Boston (Greater) 7291, 7768
  - Fall River 7291, 7773
  - Lowell-Lawrence 7291, 7771
  - Springfield 7291, 7775
  - Worcester 7291, 7777
- Michigan; Detroit 7500
- Minnesota; Minneapolis-St. Paul 7508, 7685
- Missouri:
  - Neosho Valley marketing area 7745, 7807
  - St. Louis 7254, 7742, 7883
  - Springfield 7094, 7743, 7919
- Nebraska; Omaha-Linc

AGRICULTURE DEPARTMENT—Continued Page

Milk, cream, and byproducts, marketing in various marketing and sales areas; marketing agreements and orders, etc.—Continued
- Oklahoma:
  - Neosho Valley marketing area 7745, 7807
  - Tulsa 7820, 7918
- Texas; San Antonio 7701
- Washington; Puget Sound 7372
- Wisconsin; Milwaukee 7498, 7834

Minerals, reserved, disposition of; designation of additional counties in Georgia as areas in which mineral interests may be sold:
- Habersham County 7189
- Lamar County 7189
- Polk County 7189
- Stephens County 7189
- Telfair County 7189

Molasses, sugarcane, edible; standards, correction 7135

National agricultural conservation program, 1953. *See* Conservation programs.

Naval stores conservation program, 1953. *See* Conservation programs.

Nuts:
- Marketing of almonds. *See* Almonds.
- Marketing quota, for peanuts. *See* Peanuts.
- Standards. *See* Almonds; *and* Pecans.

Orange juice. *See* Citrus fruits.

Oranges. *See* Citrus fruits.

Packers and Stockyards Division:
- Regulations under Packers and Stockyards Act; notice of hearings on proposed revision 7602
- Stockyards, commission merchants, etc., notice respecting petition for modification of rate order, for market agencies operating at North Salt Lake Union Stock Yards 7498

Peaches grown in various States, marketing of:
- Colorado (Mesa County):
  - Budget of expenses and fixing rate of assessment for 1952–53 fiscal year, proposed 7398
  - Shipments; regulation by grades and sizes 7383, 7806
- Utah:
  - Budget of expenses and rate of assessment for 1952–53 fiscal year 7095, 7808
  - Shipments; exemption from inspection and certification, and assessments 7067

Peanuts; marketing quotas, 1952 crop:
- Authority of State Production and Marketing Committees respecting, redelegation of 7163
- Marketing, penalties, records and reports; rate of penalty 7273

Pears (Beurre d'Anjou, Beurre Bosc, Winter Nelis, etc.) grown in Oregon, Washington and California, marketing of; shipments, regulation by grades and sizes 7274, 7919

Peas, fresh, grown in certain counties in Colorado, marketing of; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7411

Pecans, shelled; standards, proposed 7150

Potatoes, Irish, grown in various States and production areas, marketing of:
- California (Modoc and Siskiyou Counties); limitation of shipments 7447
- Colorado; notice of proposed budget of expenses and rate of assessment during fiscal year ending May 31, 1953:
  - Area No. 1 7095
  - Area No. 2 7254
  - Area No. 3 7254
- Idaho (certain designated counties); budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7920
- Oregon:
  - Crook, Deschutes, Jefferson, Klamath and Lake Counties); limitation of shipments 7447
  - Malheur County; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7920
- South Dakota (Eastern); marketing agreement and order, etc., recodification (correction) 7275
- Washington; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7208

Prices, support, for various agricultural commodities. *See* Commodity Credit Corporation.

AGRICULTURE DEPARTMENT—Continued Page

Puerto Rico, Special Agricultural Conservation Program, 1953 7829

Rodenticides. *See* Insecticides, etc.

Special conservation program for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.

Standards, for various agricultural commodities. *See* Almonds; Citrus fruits; Corn; Cotton; Cottonseed; Meats; Molasses; *and* Pecans.

Stockyards; orders, etc., respecting. *See* Packers and Stockyards Division.

Sugar; requirements and quotas:
- Hawaii; local consumption requirements and quotas, 1952, revised 7273
- Puerto Rico; consumption requirements and quotas:
  - Allotment of sugar quotas, 1952 7366
  - Local consumption requirements and quotas, 1952; revised 7273

Support prices, for agricultural commodities. *See main heading* Commodity Credit Corporation.

Tobacco, marketing quota; proclamation of results of flue-cured tobacco referendum for marketing year beginning July 1, 1953, and three-year period beginning July 1, 1953 7613

Vegetables. *See* Fruits and vegetables.

Virgin Islands, Special Agricultural Conservation Program, 1953 7836

Warehouses; regulations:
- Cotton:
  - Bonds required 7254, 7918
  - Fees:
    - License fees 7254, 7918
    - Warehouse inspection fee 7254, 7918
  - Warehouse bonds; amount of bond, additional amounts 7253, 7917
  - Warehouse licenses:
    - Facilities, licensed or exempted 7253, 7915
    - Grounds for not issuing license 7253, 7915
    - Net assets 7253, 7917
    - Suspension or revocation 7253, 7917
  - Warehouse receipts; forms 7254, 7918
- Grain:
  - Bonds required, respecting State warehouse 7768
  - Duties of warehouseman; grades and weights, bulk grain 7768
  - Fees:
    - License fee 7768
    - Warehouse inspection fee 7768
  - Grain appeals:
    - Appeal:
      - Freedom 7768
      - Not to be refused 7768
      - Procedure 7768
    - Contents of complaint 7768
    - Determination of appeals; samples 7768
    - Disposal of samples 7768
    - Fees; grain grade appeal fees 7768
    - Grade certificates; issuance 7768
    - Proof of agent's authority 7768
    - Representative samples 7768
  - Hearings, procedure 7768
  - Warehouse bond; amount of bond, additional amounts 7768
  - Warehouse licenses:
    - Facilities, licensed or exempted 7767
    - Ground for not issuing license 7767
    - Net assets, increase in 7767
    - Suspension and revocation 7767
  - Warehouse receipts; form 7768

AIR FORCE DEPARTMENT:

Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.

Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7570

Lands, public, withdrawn for use of Department in New Mexico. *See main heading* Land Management Bureau.

Officer Personnel Act of 1947; suspension during emergency of operation of certain provisions applicable to retirement of colonels of Regular Air Force (Executive Order 10379) 7107

AIR FORCE DEPARTMENT—Continued Page

Retirement of colonels of Regular Air Force; suspension during emergency of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels (Executive Order 10379) 7107

AIR TRANSPORTATION, FACILITIES, ETC.:

Accidents, hearings respecting. *See* Civil Aeronautics

Washington National Airport, regulations respecting. *See* Civil Aeronautics Administration.

ALASKA:

Administration.

Air-navigation sites; withdrawal of lands for. *See* Land Management Bureau.

Civil airways, etc., designation of. *See* Civil Aeronautics Administration.

Danger areas; airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.

International airports, air commerce regulations. *See* Customs Bureau.

Commercial fisheries. *See* Fish and Wildlife Service.

Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.

Public lands in. *See* Land Management Bureau.

ALIEN PROPERTY, OFFICE OF:

Copyrights, vesting orders respecting. *See* Vesting orders.

Germany; copyrights of certain German nationals, names unknown 7203

Netherlands; certain nationals of, names unknown, securities owned by 7174

Return of vested property; orders for. *See* Vesting orders.

Vesting orders, etc.:

See also Netherlands, *above.*

Copyrights; of certain German nationals, names unknown 7203

Return of vested property:
- Arima, Sumisato 7712
- Bessonneau, Maurice Louis 7321
- Compagnie des Gorges et Achieres de la Marine et d'Homecourt 7377
- Droesse, Clara Raffloer (Clara G.) 7684
- Fritz-Schoula, Karoline 7684
- Gallo, Mariantonia 7524
- Granat, Elie 7378
- Hoefner, Hans and Willi 7956
- Huber, Gerda 7956
- Marasco, Maria 7524
- Maritizo, Luigi, Maria, and Rosa 7322
- Milioto, Anna, Calogero, Giuseppina, and Rosa 7322
- Milioto, Francesco 7322
- Nicklas, Elisabeth 7956
- Oliverio fu Pasquale, Maria Teresa 7322
- Pasquale, Maria Teresa Oliverio fu 7322
- Pernerstorfer, Marie and Leopold, Jr. 7957
- Schoula geb Fritz, Karoline 7684
- Societe d'Exploitation des Procedes Dabeg 7956
- Werner, Adolf 7684
- Wosevzek, Adolf, Karl, and Paula 7684

Various interests, in estates, litigation proceedings, etc.:
- Ambrican Investments, Ltd 7375
- Appel, Emma 7376
- Bachman, Frieda 7376
- Beleggins-Societeit N. V. 7376
- Beyer, William T 7870
- Boedecker, Elisabeth, and others 7871
- Carmona, Jesus N 7173
- de Prahl, Ana Christiansen 7566
- de Visser, Anna 7711
- Deutsche Rochrenwerke A. G 7712
- Donath, Friedrich Otto 7871
- Euling, Otto 7871
- Fisher, Minna 7173
- Grassau, Theda 7871
- Halbach, Anna Margareth Kohl (Anna Margaretha Kohl) 7174
- Halbach, Ernst Friedrich, and others 7174
- Kauffmanns, Freda 7671
- Keller, Ernst Bruno 7523
- Klehm, Paul 7132

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Klein, Emil 7133
Koehler, Frieda 7133
Koppers, Heinrich 7375
Kousnetzoff, Mathild 7871
Kreiger, Martha 7204
Kuhmann, Alfred 7378
Kuhmann, Margarete 7173
Langer, Luise 7874
Meinhard, Morton H 7204
Meyer, H. V., Jr 7203
Meyer, H. V., Sr 7203
Meyerhoff, Carmelita 7871
Montien, Meta 7871
N. V. Soenda Handel Maatschappij 7202
Penshorn, Gesine 7871
Pittermann, Barbara 7763
Prahl, Franz 7566
Schlottman, Frederick and Freida 7524
Schmidtke, Carl 7377
Sellschap-Meyer, Mrs. O 7203
von Braun, Victoria 7377
von Knobelsdorff, Adela (Adela Elise) 7377
von Knobelsdorff, Viktor 7377
von Levinus-Meyer, Mrs. K 7203
Wagner, Gunther 7871
Wenzel, Heinz 7524
Willenbrock, Marie Louise 7378
Wirth, Luise 7132
Zimmerman, Martha 7204

ALIENS:
Head tax, exemption for aliens connected with designated international organizations. *See* Immigration and Naturalization Service.
Merchant marine officers and seamen. *See* Coast Guard.
Property of, vesting orders, etc. *See* Alien Property, Office of.

ANCHORAGE REGULATIONS. *See* Engineers, Corps of.

ANIMAL INDUSTRY BUREAU:
Animals and poultry, interstate transportation of; vesicular exanthema, restricting interstate transportation of swine and certain swine products because of 7070, 7367
Changes in areas quarantined 7570, 7927
Exportation and importation of animals and animal products:
Export and import of livestock, other animals, and poultry to and from Mexico, special regulations governing; revocation, proposed rule making 7342, 7700
Importation of certain animals and poultry and certain animal and poultry products; providing for importations from Mexico, proposed rule making 7342
Inspection and handling of livestock for exportation; notice of proposed rule making 7700
Rinderpest and foot-and-mouth disease, prohibited and restricted importation; determination of nonexistence of rinderpest and foot-and-mouth disease in Mexico, proposed rule making 7742
Meat inspection regulations:
Carcasses and parts, disposal of; when found to be affected with certain disease conditions:
Anaplasmosis 7137
Anthrax, bacillary hemoglobinuria in cattle, blackleg, etc 7137
Leptospirosis 7137
Listerellosis 7137
Identifying products; labeling products, false or deceptive names, established trade names, etc 7137
Inspection, ante-mortem:
Anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, etc., animals showing symptoms of; disposal of 7135
Condemned animals, disposition of 7135
Labeling products. *See* Identifying products.

ARMY DEPARTMENT: Page
See Engineers, Corps of.
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Claims and accounts: gratuity upon death:
Beneficiaries, classes of; revocation 7724
Special determination, absent without leave:
Determination of status 7724
Expiration of normal enlistment period prior to date of death 7724
Death gratuity. *See* Claims and accounts.
Discharge or separation from service; discharge because of dependency or hardship, definition of "members of family" 7535
Information, safeguarding of; revision 7140
Lands, public, withdrawn for use of Department in Alaska. *See main heading* Land Management Bureau.
Officer Personnel Act of 1947; suspension during emergency of operation of certain provisions applicable to retirement of colonels of Regular Army (Executive Order 10379) 7107
Range regulations for firing ammunition for training and target practice; revocation 7677
Retirement of colonels of Regular Army; suspension during emergency of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels (Executive Order 10379) 7107
Security, safeguarding information; revision 7140
Target practice, range regulations for firing ammunition for training and; revocation 7677

ATOMIC ENERGY COMMISSION:
Housing in critical defense areas; residential credit controls. *See main heading* Housing and Home Finance Agency.
Patent Compensation Board; hearings on applications for just compensation:
Giannini, G. M., & Co., Inc 7357
Kerner, Edward H 7357

B

BANKS:
Designation of Export-Import Bank of Washington as agent for State Department. *See* State Department.
Farm credit institutions. *See* Farm Credit Administration.

BLIND PERSONS:
Business enterprises for. *See* Vocational Rehabilitation, Office of.
Employment of. *See* Wage and Hour Division.

BURMA; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (Executive Order 10387) 7799

C

CANADA:
Customs relations with. *See* Customs Bureau.
International Joint Commission; hearings on matters affecting Lake Ontario and St. Lawrence River. *See* International Joint Commission.
Petroleum and gas industries in, priority order respecting. *See* National Production Authority.
Priorities systems, operations of, between Canada and United States in support of defense programs. *See* National Production Authority.
Radio regulations respecting. *See* Federal Communications Commission.
Securities of, certain, registration under Securities Act of 1933; proposed exemption. *See* Securities and Exchange Commission.

CANAL ZONE GOVERNMENT:
Military reservations, Fort Kobbe Army Reservation, and Howard Air Force base; setting apart of reservation (CZO 28):
Boundaries 7942
Conditions and limitations as to access by personnel and equipment of Canal Zone Government, Panama Canal Company, and others 7944

CENSUS BUREAU: Page
Foreign trade statistics; weekly reports of vessel entrances and clearances 7139

CIVIL AERONAUTICS ADMINISTRATION:
Aeronautical fixed communications. *See* Communications.
Civil airways, designation of:
Colored civil airways (amber, blue):
Amber civil airways; South Carolina, Charleston to New York, N. Y 7323
Blue civil airways:
Alabama; Montgomery to Erie, Pa 7384
North Carolina; Elizabeth City to Washington, D. C 7323
VOR civil airways:
California:
Long Beach to Washington, D. C 7384
Los Angeles to Nashville, Tenn 7384
Oakland to New York, N. Y 7384
South Carolina; Charleston to Minneapolis, Minnesota 7384
Virginia; Gordonsville to Boston, Mass.
Communications, aeronautical fixed; assessment of fees 7385
Control areas, zones, and reporting points; designation of:
Control areas:
Extension of control areas:
Massachusetts:
Falmouth 7815
Nantucket 7815
Oregon; Portland 7384
Washington; Everett 7384
VOR civil airways:
South Carolina; Charleston to Minneapolis, Minn 7384
Virginia; Gordonsville to Boston, Mass 7384
Reporting points:
Colored civil airways (green, red):
Green civil airways; Texas, Laredo to Norfolk, Va 7384
Red civil airways:
Missouri; St. Louis to Baltimore, Md 7384
Pennsylvania; Butler to Washington, D. C 7384
VOR reporting points:
California; Sacramento omnirange station 7384
Nevada; Reno omnirange station 7384
Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas, alterations:
Alaska; Chiniak Bay 7072
California, Knoxville 7072
Massachusetts; Boston, correction 7072
Instrument approach procedure; use of radio ranges requiring flight check 7384, 7385
Organization and functions:
Administrator, Office of; principal officers 7909
Program Staff Offices:
Aviation Defense Requirements, Office of; Aviation Resources Division 7305
Aviation Safety, Office of 7304
Federal Airways, Office of:
Air Traffic Control Division, deletion 7305
Airways Operations Division 7305
Communications Division, deletion 7305
Regional offices:
Administrator of Regional offices:
Airways Operations Division, functions and subordinate offices 7305
Aviation Safety Division 7305
Facilities Division; Region 9 functions to be performed by Facilities and Flight Inspection Division 7305
Region 9:
See also Facilities Division.
Transportation and supply functions to be performed by Budget and Management Division, Personnel Division, and General Services Division 7305
Safety Operations Division:
Alaska Air Terminals Division, Region 8 7307
Safety Operations Division; redesignation 7307
International Region; location of district offices 7307
Location of Region 3 and Region 9 headquarters offices 7305

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Washington National Airport; aircraft rules, landing and take-off 7181

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft:
Investigation of accident occurring at International Airport, Miami, Fla 7438
Report of aircraft accident 7111
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Irregular:
See also Irregular air carrier and off-route rules.
Investigation of air services by large irregular carriers and irregular transport carriers 7438
Air taxi operators; classification and exemption. *See* Economic regulations.
Air traffic rules; traffic patterns:
Juneau (Alaska) Airport (CAA rules) 7533
Washington National Airport (CAA rules) 7178
Economic regulations:
See also Procedural regulations.
Certificates of public convenience:
Foreign air transportation; business name of air carrier 7810
Interstate and overseas air transportation; business name of air carrier 7809
Classification and exemption:
Air freight forwarders:
See also International air freight forwarders.
Business name of air carrier 7812
Air taxi operators:
Business name of air carrier 7814
Scope of service; repeal or modification of provisions respecting operations over certificated helicopter routes, proposed rule making:
Correction 7209
Extension of time for submitting comments 7549
Alaskan air carriers, business name 7811
Large irregular air carriers; business name 7811
International air freight forwarders, limitations and conditions; business name of air carrier 7813
Operations pursuant to exemption authority 7137
Correction of serial number and part headnote 7209
Exemption authority. *See* Economic regulations.
Hearings, investigations, etc.:
Accidents, aircraft and missing aircraft; investigation and report of. *See* Accidents and missing aircraft.
Companies and cases, list of. *See list at end of this agency.*
Helicopter routes, scope of service of air taxi operators over. *See* Economic regulations.
Irregular air carrier and off-route rules:
Aircraft requirements; limitations for IFR operations, dual controls 7071
Definition, crew member; proposed 7096
Flight time limitations for pilots on large aircraft, deadhead transportation to be computed as "on duty" and not as "time aloft"; proposed 7096
Mail rate proceedings; rules of practice. *See* Procedural regulations.
Operation rules, general:
Aircraft requirements (CAA rules):
ICAO modifications of identification marks; deletion 7419
Identification marks and airworthiness classification marks; deletion 7419
Operating limitations 7419
Maintenance (CAA rules); inspections:
Annual 7675
Periodic 7676
Organization, central and field; Bureau of Safety Regulation 7825
Procedural regulations:
Economic regulations. *See* Economic regulations, *above.*
Rules of practice in economic proceedings, revision:
Consolidation or contemporaneous consideration of proceedings; filing of motion 7420
Hearings, participation of persons not parties 7040, 7041
Mail, procedure for fixing temporary rates 7040
Memoranda in opposition or support, deletion 7420

CIVIL AERONAUTICS BOARD—Continued — Page
- Reports, aircraft accidents. *See* Accidents and missing aircraft.
- Rules of practice. *See* Procedural regulations.
- Scheduled air carriers:
  - Certification, operating. *See* Interstate air carrier certification and operation rules.
  - Interstate air carrier certification and operation rules; proposed:
    - Flight altitudes; establishment of lower "over-the-top" flight operations — 7187
    - Flight time limitations for long distance operations — 7949
  - Operations outside continental limits of United States, flight time limitations for pilots not regularly assigned; extension of special air regulation (SR–381), proposed — 7790
  - Operations within continental limits of United States; flight altitudes, establishment of lower "over-the-top" operations, proposed — 7187

Hearings, investigations, etc.:
- Aerovias Interamericanas de Panama; service from Panama to Florida — 7128
- Air freight rate investigation; directional rates — 7681, 7755
- Braniff Airways, Inc — 7255
- Canada, Province of Saskatchewan; Department of Public Health Air Ambulance Service — 7681
- Lake Central Airlines, Inc — 7708
- Mid-Continent Airlines — 7400
- Nationwide Airlines, Inc — 7708
- North Central Route investigation case — 7400, 7681, 7755
- Ozark Airlines — 7400
- Northwest Airlines, Inc.; Trans-Pacific Operations — 7308
- Pan American-Grace Airways, Inc — 7255
- U. S. Airlines, Inc.; enforcement proceeding — 7794

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL SERVICE COMMISSION:
- Appointment:
  - Reappointment after reduction in force. *See* Reductions in force.
  - To positions excepted from competitive service. *See* Exceptions from competitive service.
- Exceptions from competitive service; positions excepted from examination (Schedule A):
  - Air Force Department; librarian, recreation leader and recreation supervisor, until December 31, 1956 — 7570
  - Defense Manpower Administration. *See* Labor Department.
  - Justice Department, United States Marshal in Virgin Islands — 7713
  - Labor Department, Defense Manpower Administration; Labor Management Manpower Policy Committee:
    - One administrative officer to be executive assistant to Labor members of Committee — 7067
    - One administrative officer to be executive assistant to Management members of Committee — 7067
- Holiday pay regulations. *See* Pay regulations.
- Hospitals, Government:
  - Exclusion from provisions of Federal Employees Pay Act and Classification Act:
    - Chaplain intern — 7441
    - Chaplain resident — 7441
    - Chaplain student intern — 7441
  - Stipends, maximum:
    - Chaplain intern, St. Elizabeths Hospital — 7441
    - Chaplain resident, St. Elizabeths Hospital — 7441
    - Chaplain student intern, St. Elizabeths Hospital — 7441
- Night pay differential. *See* Pay regulations, general compensation rules.
- Overtime pay. *See* Pay regulations; general compensation rules.
- Pay regulations:
  - General compensation rules:
    - Longevity step increases, effect on rate of grade for employee who is reemployed, transferred, reassigned or demoted — 7109
    - Night pay; computation of night pay differential — 7381
    - Overtime employment, computation of; leave with pay — 7381
    - Reduction in grade by reason of post audit by Commission, effect on rate of grade — 7109

CIVIL SERVICE COMMISSION—Continued — Page
- Pay regulations—Continued
  - Government hospitals; stipends for trainees. *See* Hospitals, Government.
  - Holiday pay; identification of holidays — 7381
- Permanent employees, status after reappointment; retention preference regulations for use in reductions in force — 7685
- Reductions in force, retention preference regulations for use in; reappointment priority, status after reappointment — 7685
- Travel and transportation expenses of civilian personnel when transferred from one official station to another for permanent duty; means of shipment (Executive Order 10381) — 7205

COAST GUARD:
- Authority, delegation from Secretary of the Treasury to Commandant, United States Coast Guard; with respect to physical disability retirement cases — 7399
- Commandant, United States Coast Guard, delegation of authority to, from Secretary of the Treasury, with respect to physical disability retirement cases — 7399
- Emergency, regulations applicable to certain vessels:
  - Licensed officers and certificated men; revocation — 7495
  - Waivers of navigation and inspection laws; employment of aliens as watch officers on United States merchant vessels, revocation — 7495
- Load lines, subdivision for passenger vessels engaged on foreign and coastwise voyages; auxiliary steering apparatus, cancellation — 7628
- Marine engineering:
  - Boilers:
    - Construction of. *See* Construction (boilers).
    - Low pressure heating boilers:
      - Cast iron heating boilers:
        - Fittings and appliances — 7652
        - Hydrostatic tests, inspections and stamping — 7652
      - Steel plate heating boilers:
        - Areas to be stayed — 7650
        - Computation and design; maximum allowable pressure and minimum thickness of cylindrical shell and dished heads — 7650
        - Fittings and appliances — 7651
        - Hydrostatic tests, inspection and stamping — 7651
        - Valves, safety and relief; installation of — 7651
        - Welded boilers — 7650
  - Construction (boilers):
    - Combustion chambers and tube sheets of fire-tube boilers; detail requirements — 7646
    - Cylindrical shells:
      - Castings, steel; quality factors for — 7636
      - Computations — 7634
      - Materials — 7633
      - Maximum allowable stress — 7635
      - Pipe shells:
        - Electric-resistance-welded — 7636
        - Seamless — 7636
      - Shells, cylindrical; pierced for tubes, cancellation — 7636
    - Domes and steam chimneys — 7637
    - Furnaces and flues:
      - Materials — 7646
      - Plain or corrugated furnaces; detailed requirements — 7646
    - Heads:
      - Dished — 7638
      - Flat — 7639
    - Mountings and attachments, boiler — 7648
    - Openings:
      - Access and inspection — 7640
      - Nozzle and reinforcements — 7641
    - Procedure and general requirements:
      - Boilers:
        - Approval, conditions for — 7633
        - Auxiliary, donkey, and low-pressure — 7633
        - Packaged, automatically controlled — 7633
        - Plans — 7633
      - Definitions — 7633
    - Shell joints — 7636
    - Stays and reinforcements:
      - Definitions; staybolt — 7643
      - Materials — 7644
      - Requirements, detail — 7644

COAST GUARD—Continued — Page
- Marine engineering—Continued
  - Construction (boilers)—Continued
    - Stays and reinforcements—Continued
      - Workmanship; holes for screw staybolts — 7644
      - Superheaters, headers, water walls, and economizers — 7648
      - Surfaces required to be stayed or reinforced; definitions — 7643
      - Tube sheets or water-tube boilers — 7645
      - Tubes, boiler and superheater:
        - Computations — 7647
        - Definitions — 7647
        - Materials and workmanship — 7647
    - Installations, tests, inspections, repairs, etc.; steering apparatus — 7672
    - Materials; plate, bars, shapes, castings, forgings, pipe, tubes, etc., of iron, steel, copper, aluminum and alloys — 7628
    - Piping systems, pumps, refrigeration machinery, and fuel tanks:
      - Pumping arrangements and piping systems — 7665
      - Fuel oil service systems; pumps — 7667
      - Lubricating oil system — 7667
      - Pipes, sounding — 7667
      - Piping:
        - Bilge and ballast — 7665
        - Blow off; maximum allowable pressure — 7665
        - Boiler feed — 7665
        - Pumps, bilge — 7666
      - Refrigeration systems:
        - Design pressure — 7667
        - Scope — 7667
        - Small portable self-contained units, cancellation — 7667
      - Requirements, detail:
        - Design pressures and thickness of pipes — 7658
        - Expansion and flexibility — 7659
        - Installation — 7663
        - Joints and flange connections — 7660
        - Material — 7657
        - Pressures and temperatures, variations in — 7660
        - Valves and fittings — 7660
    - Unfired pressure vessels; design and construction, pressure-relief devices, etc — 7652
    - Welding, arc and gas, and brazing:
      - Tests and inspection; spot examination of welded joints — 7671
      - Welding, arc and gas:
        - Arc welding, submerged; procedure qualification — 7668
        - Definitions — 7668
        - Detail requirements; types of joints for material of unequal thickness — 7668
        - Joints; longitudinal joints of Class III welded pressure vessels — 7668
        - Nozzle connections, welded — 7669
        - Piping, welded — 7670
        - Plan approval — 7668
        - Preheating and stress relieving — 7669
        - Scope — 7668
        - Seal welding and tack welding — 7669
- Merchant marine officers and seamen:
  - Aliens, employment of, as watch officers on United States merchant vessels. *See* Waivers of navigation and vessel inspection laws and regulations during emergency.
  - Licensed officers and certificated men regulations during emergency; revocation — 7495
- Seamen. *See* Merchant marine officers and seamen.
- Specifications, engineering equipment; boilers, auxiliary, automatically controlled, packaged for merchant vessels — 7673
- Tank vessels, machinery, main and auxiliary; steering apparatus — 7627
- Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast):
  - Bays, sounds and lakes other than the Great Lakes, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation — 7673
  - Great Lakes, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation — 7672

COAST GUARD—Continued — Page
- Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast)—Continued
  - Ocean and coastwise, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation — 7672
  - Rivers, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation — 7673
- Waivers of navigation and vessel inspection laws and regulations during emergency; aliens, employment of, as watch officers on United States merchant vessels, revocation — 7495

COMMERCE DEPARTMENT:
- *See Census Bureau.*
- *Civil Aeronautics Administration.*
- *Civil Aeronautics Board.*
- *Foreign and Domestic Commerce Bureau.*
- *Maritime Board*
- *National Production Authority.*
- *Patent Office.*
- *Public Roads Bureau.*
- Organization and functions:
  - Administrative Officer:
    - Director of Office of Administrative Services, authorization to sign certain documents as Administrative Officer for Commerce Department — 7910
    - Documents and papers relating or referring to Chief Clerk and Superintendent shall be deemed to relate or refer to Administrative Officer — 7910
    - General Counsel; substitution of term "General Counsel" for "Solicitor" — 7910

COMMITTEES, BOARDS, ETC.:
- Army Ordnance Integration Committees; voluntary plans for formation of. *See* Defense Production Administration.
- International Joint Commission; hearings on matters affecting Lake Ontario and St. Lawrence River. *See* International Joint Commission.
- Patent Compensation Board, Atomic Energy Commission; hearings. *See* Atomic Energy Commission.
- Whaling Commission, International. *See* International Whaling Commission.

COMMODITY CREDIT CORPORATION:
- Authority, delegation of, to chairmen and acting chairmen of PMA county committees as contracting officers with respect to purchase of hay under the Drought Emergency Program—1952 — 7866
- Barley, loan and purchase agreement program, 1952-crop; support rates for approved warehouse-storage at other than designated terminal markets — 7405
- Cotton:
  - American-Egyptian purchase program, 1952; purchase rates for Amsak and Pima 32 varieties — 7109
  - Price support program, 1952; schedules of basic loan and purchase rates:
    - For farm-stored cotton, by counties — 7532
    - For warehouse-stored cotton, by warehouse locations — 7527
- Flaxseed, loan and purchase agreement program, 1952-crop; support rates for flaxseed in approved warehouse-storage at other than designated terminal markets — 7525
- Food commodities acquired through price support programs; sales of certain commodities at fixed prices:
  - Domestic price list, for August — 7513
  - Export price list, for August — 7513
- Grains, handling and storage of, under Uniform Grain Storage Agreement; price control regulation. *See main heading* Price Stabilization, Office of.
- Hay; Drought Emergency Program—1952, authority with respect to purchase under — 7866
- Rice, loan and purchase agreement program, 1952-crop; support rates for various classes of rough rice — 7323
- Wheat, loan and purchase agreement program, 1952; support rates:
  - At designated terminal markets — 7363
  - For approved warehouse storage at other than designated terminal markets — 7363

COMMODITY CREDIT CORPORATION—Continued Page
Wool; price support program, 1952:
Pulled wool 7267
Shorn wool 7261

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
General regulations under Commodity Exchange Act; contract market record keeping, execution of transactions (proposed rule making):
Competitive execution required; exception 7905
"Transfer" or "office trades", and exchange of futures; requirements 7905

CONSTRUCTION:
Controlled Materials Plan. *See* National Production Authority.
Farm ownership and farm housing programs respecting construction and repair. *See* Farmers Home Administation.
Power development in St. Lawrence River. *See* International Joint Commission.
Priority orders, etc. *See* National Production Authority.
Ships, construction, reconditioning, or reconstruction, determination of profit in contracts for. *See* Maritime Administration.

CONTRACTS, GOVERNMENT:
See also Procurement.
Renegotiation of. *See* Renegotiation Board.
Ships, determination of profit in contracts for construction, reconditioning, or reconstruction of. *See* Maritime Administration.

CONTROLLED MATERIALS PLAN. *See* National Production Authority.

CUBA; radio regulations respecting. *See* Federal Communications Commission.

CUSTOMS BUREAU:
Air commerce regulations; international airports, listed:
Florida, Fort Lauderdale; Broward County Airport, designation 7594
Minnesota, Duluth; Sky Harbor Seaplane Base, revocation 7594
Canada, customs relations with; joint usage of customs seals for carload shipments of merchandise between ports of one country via territory of the other 7042
Chlorophyll and chlorophyll derivatives, in water-soluble forms; change in tariff classification 7754
Chopping blocks, Chinese; prospective change in tariff classification 7706
Contiguous foreign territory, customs relations with; customs seals for carload shipments of in-transit merchandise between United States and Canada:
Between ports in United States through Canada; procedure 7042
Through United States between ports of Canada; procedure 7042
Cork parts of artificial bait; prospective change in tariff classification 7754
Dowels, rough dowels and rough rounds; prospective change in tariff classification 7551
Duties, liquidation of. *See* Liquidation of duties.
Entry of imported merchandise:
Invoices, contents of; additional information required on certain classes of merchandise:
Fur products and furs 7139
Glassware and glass articles 7625
Release of merchandise; blanket release order, for shipments covered by blanket carrier's certificate 7835
Requirements on entry; separate entries, provision for, on importations arriving under consolidated immediate transportation without appraisement entry 7885
Right to make entry, evidence of; blanket carrier's certificate for shipments arriving at port during time specified therein 7885
Financial and accounting procedure respecting procurement and kind of car, compartment and package seals; green and yellow seals for carload shipments of merchandise in transit between United States and Canada 7043

CUSTOMS BUREAU—Continued Page
Furs and fur products, imported:
Invoices; additional information required concerning origin, composition, etc 7139
Marking requirements; labeling to indicate composition 7140
Glassware and glass articles, certain imported; additional information required on customs invoices respecting 7625
International airports. *See* Air commerce regulations.
Invoices for certain imported merchandise. *See* Entry of imported merchandise.
Liquidation of duties:
Procedure for computation of duties; ad valorem rates applied to values in even dollars for mail and baggage entries, as with all formal entries 7111
Tariff classification of certain imports:
Chlorophyll and chlorophyll derivatives, in water-soluble forms; change in classification 7754
Chopping blocks, Chinese; prospective change in classification 7706
Cork parts of artificial bait; prospective change in classification 7754
Dowels, rough dowels and rough rounds; prospective change in classification 7551
Repliqued articles; change in classification 7512
Marking of imported articles; fur products, labeling to indicate composition 7140
Repliqued articles; change in tariff classification 7512
Seals, customs, for carload shipments of merchandise between United States and Canada; kind, procurement, procedure for use, etc 7042
Transportation in bond and mechandise in transit:
Baggage, domestic, shipment in bond through foreign territory; forwarding in sealed car or compartment, seals for 7043
Sealing conveyances and compartments, general; reference to provisions for carload shipments in transit through United States between ports of Canada 7043

D

DAYS OF OBSERVANCE, proclamations respecting. *See* Presidential documents.

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Joint Chiefs of Staff.
Munitions Board.
Navy Department.
Authority, delegations of:
From General Services Administrator, to represent interests of executive agencies of Government in matter of application of Newton County Gas Company for procurement of natural gas service 7520
From Secretary to Chairman of Joint Chiefs of Staff, respecting Whittier Defensive Sea Area, Alaska 7160
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Procurement in areas of current or imminent manpower surpluses. *See main heading* Defense Mobilization, Office of.
Records, official; release and authentication of copies of 7183

DEFENSE MATERIALS PROCUREMENT AGENCY:
Columbian-tantalum; guaranteed purchase program to encourage production of, revision 7053
Purchase agents 7054

DEFENSE MOBILIZATION, OFFICE OF:
Apparel industry, procurement from; recommendations of Surplus Manpower Committee, revision 7611
Critical defense housing areas:
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
California; Barstow 7912
Connecticut:
Bridgeport 7131
Hartford 7912

DEFENSE MOBILIZATION, OFFICE OF—Continued Page
Critical defense housing areas—Continued
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense—Continued
Maine; Kittery 7131
Michigan; Battle Creek 7131
Montana; Anaconda 7131
New Hampshire; Portsmouth 7131
Tennessee; Waverly-Camden 7912
Findings and determinations under Defense Housing and Community Facilities and Services Act of 1951:
California:
Barstow 7912
Klamath 7563
Connecticut:
Bridgeport 7130
Hartford 7913
Illinois; Great Lakes-North Chicago-Waukegan 7564
Maine; Kittery 7130
Michigan; Kinross Air Force Base 7795
Montana; Opheim 7795
New Hampshire; Portsmouth 7130
New York; Corning-Painted Post 7564
North Carolina:
Elizabeth City 7563
Kinston 7564
Oregon; Roseburg 7564
Virginia; Norfolk-Portsmouth 7564
Washington; Colville 7563
Manpower policies:
Labor surplus. *See* Manpower surpluses, *below.*
Older workers, employment of, in defense program; policy respecting 7391
Manpower surpluses; procurement in certain areas and industries:
Designation of areas, and notification of Defense Department and General Services Administration respecting:
Massachusetts; Milford 7520
Ohio; Portsmouth 7952
Surplus Manpower Committee; notifications and recommendations, respecting procurement in various areas and industries:
Apparel industry 7611
Shipbuilding industry 7868
Various areas, designation of. *See* Designation of areas, *above.*
Procurement, in areas of current or imminent labor surplus. *See* Manpower surpluses.
Shipbuilding industry, procurement in; recommendations of Surplus Manpower Committee respecting 7868
Surplus manpower. *See* Manpower surplus.

DEFENSE PRODUCTION ADMINISTRATION:
Voluntary plans for formation of Army Ordance Integration Committees and participating companies:
Automatic aircraft guns, 20MM 7164
Cartridge cases, 20 MM 7552
Rifle caliber .30 M1 (U. S.) 7163

DISASTERS:
Drought Emergency Program, 1952, authority with respect to purchase of hay under. *See* Commodity Credit Corporation.
Farm loans under disaster loan program. *See* Farmers Home Administration.
Transportation of hay to disaster areas; rates 7202

DISPLACED PERSONS COMMISSION:
Liquidation of affairs by State Department (Executive Order 10382) 7323

DRUGS:
Certification, tests, etc. *See* Food and Drug Administration.
New drugs, exemption from price control. *See* Price Administration, Office of.

E

ECONOMIC STABILIZATION AGENCY: Page
See National Enforcement Commission.
Price Stabilization, Office of.
Rent Stabilization Office.
Salary Stabilization Board.
Salary Stabilization Office.
Wage Stabilization Board.
Acting Administrator; designation of Deputy Assistant Economic Stabilization Administrator to act in absence of Administrator 7755
Authority, delegation of:
Deputy Assistant Economic Stabilization Administrator; authority to serve as Acting Administrator 7755
Rent Stabilization; authority to issue regulations, interpretations, and orders to carry out provisions of Defense Production Act relating to Housing and Rent Act of 1947 7195
Salary Stabilization Board; authority to exercise certain functions with respect to stabilization of salaries and compensation of specified persons 7195
Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas:
Connecticut; Bridgeport 7308
Maine, Kittery 7256
Michigan; Battle Creek 7755
Montana; Anaconda 7256
New Hampshire; Portsmouth 7256
National Enforcement Commission; procedure. *See* National Enforcement Commission.
Organization of constituent agencies. *See constituent agencies.*

EDUCATION, OFFICE OF:
Financial assistance for current expenditures for public schools in areas affected by Federal activities:
Applications received after deadline of March 31 not considered for payment 7858
Deadline for applications for payments from funds appropriated for fiscal year 1953 7858
Payments from fiscal year appropriations 7858

ENFORCEMENT COMMISSION, NATIONAL. *See* National Enforcement Commission.

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
Anchorage regulations; New York, port of, and vicinity, Newark Bay 7695

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Quarantine notices:
Domestic; gypsy and brown-tail moth, new provisions respecting 7205
Articles under regulation; regulated movement:
Plants having woody stems and parts thereof, including Christmas trees 7205
Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, etc 7205
Certificates and permits, conditions governing issuance of 7208
Conditions governing movement of regulated articles; contingent restrictions on movement between points within suppressive area 7208
Definitions; suppressive areas 7207
Inspection, assembly of regulated articles for 7208
Marking article or container 7208
Regulated areas; certain towns in Litchfield and New Haven Counties, Connecticut, added to 7207
Foreign; prohibition of importation of pink bollworm of cotton from foreign countries, proposed rule making (extension of time for reconsideration) 7677
Restricted entry orders:
Cotton lint, foreign; importation of cotton and cotton wrappings, revocation proposed (extension of time for reconsideration) 7677
Cottonseed products from all foreign countries, revocation proposed (extension of time for reconsideration) 7677

20000—52——2

Page

EUROPE, SPECIAL REPRESENTATIVE FOR; Germany, United States High Commissioner to act as representative of Special Representative for Europe (Executive Order 10380) 7107

EXECUTIVE ORDERS. *See* Presidential documents.

EXPLOSIVES, transportation of. *See* Interstate Commerce Commission.

F

FARM CREDIT ADMINISTRATION:
- Administrative officers, functions of:
  - Governor; authority of Deputy Governor and other designated officials to act in absence of 7607
  - Production Credit Commissioner; authority and order of precedence of Deputy Commissioner and Assistant Deputy Commissioners to act in absence of Commissioner 7438
- Banks for cooperatives; loan interest rates and security:
  - "Escalator" clause in loan agreements with respect to interest rates 7177
  - Renewals and extensions; interest rates 7175, 7177

FARMERS HOME ADMINISTRATION:
- Disaster loan program:
  - Eligibility and certifications; certification by applicant and County Committee 7877
  - Forms and routines for loans; application and certifications 7877
- Farm housing loans and grants, respecting construction and repair:
  - Performing farm development. *See under* Farm ownership loans.
  - Revocation 7441
- Farm ownership loans:
  - Basic regulations, respecting loans; loan limitations, average values of farms and investment limits for purposes of Title I of Bankhead-Jones Farm Tenant Act:
    - Colorado 7570
    - Idaho 7570
    - Kansas 7570
    - North Carolina 7570
    - Ohio 7570
    - Pennsylvania 7570
  - Construction and repair respecting farm ownership and farm housing programs; performing farm development 7441
    - Borrower method, farm development performed by 7445
    - Changes in farm development plan, on Form FHA-643, effecting of 7445
    - Contract method, farm development performed by 7444
    - General provisions 7444
    - Inspection of farm development work 7445
- Production and subsistence loans:
  - Approval authority, of State Directors, etc 7801
  - Policies; eligibility for loans, purposes, etc 7801
    - Annual loans, provisions for making 7805
    - Applicants, selection of 7802
    - General provisions 7802
    - Requirements and limitations 7804
    - Security policies 7804
    - Terms of loans 7803
    - Use of loan funds 7802
  - Processing of loans 7805
    - Approval or rejection of loans 7806
    - Closing loans, provisions for 7806
    - Definitions 7805
    - Forms and routines for loans 7805
    - General 7805
    - Use of loan funds, provisions for revision 7807
- Water facilities loans; approval authority 7807
  - Authority of State Directors 7807
  - Redelegation of loan approval authority by State Directors 7807

FEDERAL BUREAU OF INVESTIGATION. *See* Justice Department.

FEDERAL CIVIL DEFENSE ADMINISTRATION:
- Seal, official; description and uses 7390

FEDERAL COMMUNICATIONS COMMISSION:
- Aeronautical services:
  - Aircraft stations:
    - Air carrier aircraft stations; frequency 3023.5 kc available to air carrier aircraft only where VHF is not available or service is suspended, proposed rule making 7511
    - 3105 kc available until March 15, 1953 7512
    - Authorized frequencies in band 415 to 490 kc for, and use of, aircraft stations using telegraphy 7370
    - Distress, frequencies 405 to 535 for use in case of, by aircraft stations 7370
    - Private aircraft stations, frequencies available; 3023.5 kc (or 3105 kc until March 15, 1953) assigned as calling and working frequency, proposed rule making 7512
  - Airdrome control stations, service to be rendered; maintenance of listening watch during hours of operation, aircraft calling and working frequencies to be used for, proposed rule making 7512
  - Civil aviation (including listening ground watches) use of frequency 3105 kc by, to be discontinued; proposed rule making 7512
  - Meteorological broadcasts; reassignment of certain frequencies to provide for use of certain aeronautical mobile (R) service frequencies for, proposed 7511
  - Mobile aeronautical (OR) and (R) services:
    - Definition of frequencies in bands allocated to OR and R services 7511
    - Frequencies in listed bands to be assigned only in accordance with Atlantic City table of frequency allocations, proposed rule making:
      - OR aeronautical mobile bands, certain, frequencies in, from 3025 kc to 18,030 kc, effective August 15, 1952 7127, 7152
      - R aeronautical mobile bands, certain, frequencies from 2850 kc to 17,970 kc, effective March 15, 1953 7549
    - Frequency 3023.5 kc in R and OR bands, use of, by aircraft and for communication with airdrome control stations; proposed rule making 7511
    - Use of certain aeronautical mobile (R) service frequencies for meteorological broadcasts, proposed 7511
- Alaska; radio stations other than amateur and broadcast:
  - Fixed public service:
    - Communication from non-Government to Government and between non-Government stations, frequencies for 7370
      - Rescission of prior provisions respecting 7370
    - Communication from non-Government to Government stations, frequencies for; rescission 7370
    - Non-Government stations, frequencies for; rescission 7370
  - Public coastal service; communication with ship station, calling and working frequencies for, use of frequencies 416 to 438 kc 7370
- Amateur radio service:
  - Canada and United States, convention between, relating to radio operation. *See* United States.
  - Emergencies, operation in; proposed rule making 7097
    - Communication bands for use in emergencies 7098
  - Frequencies and emissions, allocation of frequencies; proposed rule making:
    - Amateur emergency communications bands 7098
    - Exclusive calling and answering frequencies; list of band segments reserved for, and prescribed use of 7097
  - Portable and mobile stations; requirements for portable and mobile operation within areas under jurisdiction of foreign governments 7819
  - Special conditions; operation in emergencies, proposed rule making 7097
  - United States and Canada, convention between, relating to operation by citizens of either country of certain radio equipment or stations, effective May 15, 1952, (Appendix 4) 7820
- Authority, delegation of. *See* Organization.
- Canada:
  - Assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement 7826

FEDERAL COMMUNICATIONS COMMISSION—Con. Page
- Canada—Continued
  - Convention between United States and Canada, (Article III), relating to operation by citizens of either country of certain radio equipment or stations (effective May 15, 1952) 7820
- Civil aviation, use of frequency 3105 kc by, to be discontinued; proposed rule making 7512
- Civil defense. *See* Emergencies.
- Coastal stations. *See* Maritime radio services: land stations.
- Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
- Cuba, Havana, leased facilities service to; hearing respecting increased charges for tickers furnished by Western Union Telegraph Co., in connection with service 7316
- Delegation of authority. *See* Organization.
- Educational broadcast stations. *See* Radio broadcast services.
- Emergencies:
  - Communications emergency; delegation of authority to Regional Managers, and Chiefs of Field Engineering and Monitoring Bureau and Field Operating Division to declare state of general communications emergency 7099
  - Operation of amateur stations in emergencies and participation of amateurs 7097
- FM broadcast stations. *See* Radio broadcast services.
- Fixed services in Hawaii. *See* Hawaii.
- Foreign governments and residents of foreign countries, treatment of requests from, for certified copies of public information documents 7758
- Forms for filing applications, etc. *See* Practice and procedure.
- Frequencies and channels, allocation and use of:
  - *See also* Frequency allocations and radio treaty matters.
  - Frequency bands:
    - 10-25,000 kc 7369
    - 14-150 kc 7369
    - 90-160 kc 7369
    - 90-535 kc 7370
    - 112.85-22,635 kc 7370
    - 128.95 kc (Puerto Rico) 7370
    - 150-200 kc 7369
    - 200-235 kc 7369
    - 365-535 kc 7369
    - 472 kc (Hawaii) 7370
    - 486 kc (Puerto Rico 7370
    - 515 kc (below) 7154
    - 1800-2000 kc 7097
    - 2000-23,000 kc 7906
    - 2065-2105 kc 7510
    - 2065-2107 kc 7154
    - 2089-2093 kc 7510
    - 2274 kc 7154
    - 2274-11,205 kc 7164
    - 2850-3025 kc 7549
    - 3000 kc 7511
    - 3023.5 kc 7511
    - 3025-3155 kc 7127, 7153
    - 3030 kc 7154
    - 3105 kc 7511
    - 3400-3500 kc 7549
    - 3500-4000 kc 7097
    - 4000-23,000 kc 7154, 7906
    - 4115-4133 kc 7127
    - 4140 kc 7351
    - 4177-4187 kc 7096
    - 4238-4368 kc 7096
    - 4495 kc 7511
    - 4650-4700 7549
    - 4700-4750 kc 7127, 7153
    - 5450-5680 kc 7549
    - 5520 kc 7154
    - 5555 kc 7511
    - 5559 kc 7511
    - 5560 kc 7511
    - 5565 kc 7511
    - 5680-5730 kc 7127
    - 5780-5730 kc 7153
    - 6210 kc 7351
    - 6256-6685 kc 7549
    - 6265.5-6280.5 kc 7096
- Frequencies and channels, allocation and use of—Con.
  - Frequency bands—Continued
    - 6330 kc 7154
    - 6357-6525 kc 7096
    - 6380 kc 7154
    - 6526-6688 kc 7549
    - 6685-6767 kc 7127, 7153
    - 7000-7300 kc 7097
    - 8230-8265 kc 7127
    - 8260 kc 7511
    - 8262.3 kc 7511
    - 8280 kc 7351
    - 8354-8374 kc 7096
    - 8476-8745 kc 7096
    - 8570 kc 7154
    - 8815-8965 kc 7549
    - 8828.5 kc 7511
    - 8830 kc 7511
    - 8965-9040 kc 7127, 7153
    - 10,005-10,100 kc 7549
    - 11,040 kc 7154
    - 11,175-11,275 kc 7127, 7153
    - 11,275-11,400 kc 7549
    - 12,340-12,400 kc 7127
    - 12,420 kc 7351
    - 12,531-12,561 kc 7096
    - 12,714-13130 kc 7096
    - 13,200-13,260 kc 7127, 7153
    - 13,260-13,360 kc 7549
    - 14,000-14,350 kc 7097
    - 15,010-15,100 kc 7127, 7153
    - 16,460-16,530 kc 7127
    - 16,560 kc 7351
    - 16,708-16,748 kc 7096
    - 16,951-17,290 kc 7096
    - 17,900-17,970 kc 7549
    - 17,970-18,030 kc 7127, 7153
    - 22,509 kc (Hawaii) 7370
    - 2.2-12 mc 7164
    - 4-20 mc 7354
    - 4-22 mc 7908
    - 28.0-29.7 mc 7097
    - 50.0-54.0 mc 7097
    - 76-88 mc (Hawaii) 7150
    - 98-108 mc (Hawaii) 7150
    - 144-148 mc 7097
    - 220-225 mc 7097
  - Services and stations:
    - Aeronautical services 7127, 7152, 7511, 7549
    - Alaska; stations in 7370
    - Amateur radio service 7097, 7819
    - Canada; broadcast stations 7826
    - FM broadcast stations:
      - Class A stations 7150
      - Class B stations 7150
      - Revised tentative allocations plan 7153, 7510
    - Industrial, scientific and medical service 7092
    - Maritime radio services 7096, 7127, 7153, 7154, 7164, 7351, 7354, 7369, 7370, 7510, 7511, 7548, 7906
    - Public radio communication services (other than maritime mobile); Hawaii, inter-island communications 7150
    - Television broadcast stations 7349, 7496, 7510
      - In Hawaii 7150
- Frequency allocations and radio treaty matters; allocation assignment and use of radio frequencies, table of frequency allocations:
  - Atlantic City (1947) frequency allocations table and radio regulations, allocations in accordance with:
    - Aeronautical mobile bands:
      - OR frequency bands, certain, from 3025 kc to 18,030 kc to be available for use only in accordance with Atlantic City table; proposed rule making 7127, 7152
      - R frequency bands, certain, from 2850 kc to 17,970 kc, effective March 15, 1952, to be assigned only in accordance with Atlantic City table; proposed rule making 7549
    - Coast stations operating on frequencies 4140, 6210, 8280, 12,420, and 16,560 kc, deletion of authority for, effective June 3, 1953; proposed rule making 7351

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequency allocations and radio treaty matters; allocation assignment and use of radio frequencies, table of frequency allocations—Continued
Atlantic City (1947) frequency allocations table and radio regulations, allocations in accordance with—Continued
Coast telegraph station assignments, non-government, transfer of, to bands between 4 and 20 mc stipulated in Geneva agreement; proposed rule making ---- 7354
Deletion of existing coast telegraph assignments not in accordance with Geneva agreement, proposed ---- 7355
International frequency list (new); tentative list of assignments for frequencies in (proposed) ---- 7355
Temporary authorizations, conditions for issuance of, proposed ---- 7355
Frequencies listed (Cairo-Atlantic City-FIAR-FCC table of frequency allocations); changes in assignments, proposed ---- 7510
Maritime mobile service, stations in; availability of certain frequencies in bands from 4238 kc to 17,290 kc, October 1, 1952, for use only in accordance with Atlantic City table, proposed rule making ---- 7096
Ship radiotelephone stations; frequencies in certain bands from 4115 kc to 16,530 kc to be available only for use of, in accordance with Atlantic City table, June 3, 1953, proposed rule making ---- 7127
Ship telegraph service:
Authorization of use by ship telegraph stations for calling, of frequencies between 2089 and 2093 kc; proposed rule making ---- 7510
Frequencies in certain bands from 4177 kc to 16,748 kc, to be available only for use as ship telegraph calling frequencies, in accordance with Atlantic City table, effective June 3, 1953; proposed rule making ---- 7096
Hawaii, common carrier fixed stations; allocation of frequency bands 76–88 mc and 98–108 mc for use of, in inter-island communication ---- 7150
International frequency list (new); tentative list of assignments for frequencies in, proposed ---- 7355
Hawaii, Territory of:
Allocation of frequency bands 76–88 mc and 98–108 mc to fixed services, for inter-island communications only ---- 7150
Frequencies 472 kc and 22,509 kc available for assignment to coast stations in ---- 7370
Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
Industrial, scientific, and medical service, operation without license:
Industrial heating equipment:
Field intensity, measurement of ---- 7092
Maximum field intensity at one mile; measurements made along radials ---- 7093
Operation outside of assigned frequency bands ---- 7092
Location of industrial heating equipment; defining of ---- 7092
Miscellaneous equipment ---- 7093
International agreements relating to radio in which United States participates:
Frequencies, North America; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
New international frequency list, tentative list of assignments for frequencies in ---- 7355
Leased facilities services, including interstate and to Havana, Cuba; hearing respecting increased charges for tickers furnished by Western Union Telegraph Co ---- 7316
Lifeboats, liferafts, etc., radio equipment for; exception with respect to operating controls requirements, proposed ---- 7154
Maritime radio services:
Land stations, coastal:
Assignment of frequencies to coast and ship stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc ---- 7369

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations, coastal—Continued
Coast stations on inland waterways. *See* Inland waterways.
Inland waterways:
Coast or ship telegraph stations on inland waterways; deletion of certain currently assignable frequencies, proposed ---- 7153
Modification of licenses of certain coast stations serving inland waterways, to delete authorization of use of coast telegraph frequencies between 2.2–12 mc, effective November 1, 1952, proposed ---- 7164
List of licensees affected ---- 7164
Operating requirements, general; radio telegraph watch by coast stations, use of frequencies 405 to 535 kc and 90 to 160 kc ---- 7369
Station requirements, general; facilities required for public coast stations, assignment of frequencies 405 to 435 kc for use of coast stations employing telegraphy ---- 7369
Telegraphy, use of, by coast stations:
Coast stations on inland waterways; modification of licenses of, and deletion of certain currently assignable frequencies, proposed ---- 7153, 7164
Deletion of authority for operation of coast stations on frequencies 4140, 6210, 8280, 12,420, and 16,560 kc, effective June 3, 1953; proposed rule making ---- 7351
Frequencies assignable:
Consideration of assignment of frequencies 448, 452, 454, and 462 kc in relation to interference to operation of superheterodyne type of radio receiver; deletion ---- 7370
Frequencies 161 kc–454 kc assignable only if previously included in assigned frequencies of coast stations; deletion of provisions respecting ---- 7370
Great Lakes or inland waters, communication with ship stations on:
Exclusive use of frequency 2274 kc; proposed deletion ---- 7154
Restriction respecting use of frequency 410 kc; deletion ---- 7370
List of assigned frequencies:
Available for assignment:
Frequencies 472 kc and 22,509 kc for use in Hawaii ---- 7370
Frequencies 486 kc and 128.95 kc, for use in Puerto Rico ---- 7370
Frequency 482 kc for use in Great Lakes area ---- 7370
Various frequencies between 112.85 and 22,569 kc to coast stations located in seacoast area (Atlantic, Pacific, and Gulf of Mexico) of continental United States ---- 7370
Deletion of certain frequencies from list:
Between 2274 and 11,040 kc; proposed rule making ---- 7154
Frequencies 5555, 5560 and 5565 kc, proposed deletion ---- 7511
From 105 to 484 kc, and notes respecting ---- 7370
Mississippi River area, coast stations located in, exclusive use of frequency 3030 kc by; proposed deletion ---- 7154
Temporary authorization of assignment of additional frequencies within bands 10 kc and 25,000 kc ---- 7370, 7548
Use of frequency 8570 kc by coast stations under certain prescribed conditions; proposed deletion ---- 7154
Frequencies for calling; use of frequencies 405 to 535 kc and 90 to 160 kc ---- 7370
Frequencies for working; transmission on telegraph working channels within bands 110 to 150 kc and 415 to 490 kc ---- 7370
International frequency list (new), tentative list of assignments for frequencies in ---- 7355

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Telegraphy, use of, by coast stations—Continued
Non-government coast telegraph station assignments, transfer of, to bands between 4 and 20 mc stipulated in Geneva agreement; proposed rule making ---- 7354
Deletion of existing coast telegraph assignments not in accordance with Geneva agreement ---- 7355
List of assignments, tentative, for frequencies in new international frequency list ---- 7355
Temporary authorizations, conditions for issuance of ---- 7355
Testing procedure; test emission frequencies within band 405–535 kc ---- 7370
Unavailability of certain frequencies for assignment to coast stations to provide for meteorological broadcasts on certain aeronautical mobile (R) service frequencies, proposed ---- 7511
Mobile martime service, stations in; availability of certain frequencies in bands from 4238 to 17,290 kc, October 1, 1952, for use only in accordance with Atlantic City table of frequency allocations, proposed ---- 7096
Shipboard stations:
Assignment of frequencies to ship and coast stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc ---- 7369
Call sign block assignment scheme for ships using telegraphy, alternative for; proposed ---- 7906
High radiotelegraph and radiotelephone ship frequencies, tables of, (Appendix III); proposed ---- 7908
Inland waterways, ship or coast telegraph stations on; deletion of certain currently assignable frequencies, proposed ---- 7153
Radiolocation by cable repair ship; operation of radio transmitting equipment on authorized radio channels within band 285–325 kc, with certain limitations ---- 7370
Radiotelegraphy, use of:
Distress, frequencies for use in; ship or aircraft stations requesting assistance, use of frequencies 405 to 535 kc ---- 7370
Frequencies assignable:
Authorization of use of radio channels, of which 480 kc is assigned frequency, in European coastal regions; deletion ---- 7370
Direction-finding stations, communication by radiotelegraphy with; use of 410 kc ---- 7370
Government stations, frequencies assigned for communication with; effective date of discontinuance of use of 355 kc assigned frequency radio channel by ship stations ---- 7370
Great Lakes or inland waters:
Restriction respecting use of radio channels, of which 394, 400, and 410 kc are assigned frequencies, not applicable ---- 7370
Use of frequency 2274 kc; proposed deletion ---- 7154
List of assigned frequencies:
Addition of frequency 448 kc (Region 2) ---- 7370
Deletions from list:
Frequencies 160, 355, 375, 394, and 400 kc deleted ---- 7370
Frequencies 2274 and 3030 kc; proposed deletion ---- 7154
Frequency 8260 kc; proposed deletion ---- 7511
Special conditions and limitation not applicable to frequency 480 kc ---- 7370
Mississippi River and tributaries, use of frequency 3030 kc; proposed deletion ---- 7154
Frequencies for calling:
Availability of certain frequencies for use as ship telegraph calling frequencies, June 3, 1953, in accordance with Atlantic City table, proposed ---- 7096, 7510
Call sign block assignment scheme for ships using telegraphy, alternative for; proposed ---- 7906
Table of ship radiotelegraph calling frequencies (Appendix III); proposed ---- 7907

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Radiotelegraphy, use of—Continued
Frequencies for calling—Continued
Use of frequencies 405 and 535 kc and 90 to 160 kc ---- 7370
Frequencies for working:
Cargo ship working frequencies, table of, (Appendix III), proposed ---- 7908
Communication with coast stations; transmission on telegraphy working channels within bands 110 to 150 kc and 415 to 490 kc ---- 7370
Passenger ship radiotelegraph working frequencies, table of, (Appendix III); proposed ---- 7907
Ship and aircraft stations using telegraphy and working on frequencies within band 415 to 490 kc; authorized frequencies and use ---- 7370
High radiotelegraph frequencies for ship station applicants; table, (Appendix III), proposed ---- 7908
Inland waterways, ship telegraph stations on; deletion of certain currently assignable frequencies, proposed ---- 7153
Station records; ship stations using frequencies within band 90 to 535 kc ---- 7370
Testing procedure; test emission frequencies within band 405–535 kc ---- 7370
Radiotelephony, use of; proposed rule making:
Availability of frequencies in certain bands from 4115 to 16,530 kc for use of ship radiotelephone stations only, in accordance with Atlantic City table, June 3, 1953; proposed rule making ---- 7127
Frequencies assignable; list of authorized carrier frequencies:
Addition of frequency 8262.3 kc ---- 7511
Deletion of frequency 8830 kc from list ---- 7511
Frequencies from 5000 kc to 30 mc for public correspondence; list of frequencies authorized for use by ship stations on ocean-going vessels:
Addition of frequency 8262.3 kc ---- 7511
Deletion of frequency 8830 kc from list ---- 7511
High (long-distance) radiotelephone ship frequencies between 4 and 22 mc; table, (Appendix III) ---- 7908
Ship radiotelegraph frequencies from 2000 to 23,000 kc and radiotelephone frequencies from 4000 to 23,000 kc, tables of (Appendix III); proposed rule making ---- 7907
Ship stations on inland waterways. *See* Inland waterways.
Station requirements, general:
Operating controls, requirements; ship stations using multi-channel installation for telegraphy, proposed rule making:
Effective date of requirements with respect to:
Frequencies in bands 4000 and 23,000 kc and radio channels in frequency band 2065–2107 kc ---- 7154
Radio-channels within frequency band 2000 to 25,000 kc; supersedure ---- 7154
Equipment used in emergencies on frequencies below 515 kc or on lifeboats and survival craft only, exception with respect to ---- 7154
Telegraphy, required radiochannels for:
Ship stations using telegraphy (except on lifeboats, etc.), operating on frequencies in bands 4000 to 23,000 kc, transmitting requirements for, proposed rule making ---- 7154
Use of frequencies within bands 405 to 535 kc and 90 to 160 kc ---- 7370
Unavailability and reassignment of certain frequencies to ship telephone and telegraph stations, proposed ---- 7511
Watch required by International Radio Regulations; use of frequencies in band 405 and 535 kc ---- 7370

FEDERAL COMMUNICATIONS COMMISSION—Con. Page | FEDERAL COMMUNICATIONS COMMISSION—Con. Page

FEDERAL COMMUNICATIONS COMMISSION—Con. Page | FEDERAL POWER COMMISSION—Continued Page

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Watches, general purpose:
Watch on 143 kc; use of frequencies in band 90 to 160 kc 7370
Watch on 500 kc; use of frequencies in band 405 to 535 kc 7370
Meteorological broadcasts; reassignment of certain aeronautical mobile (R) service frequencies for, proposed 7511
North American Regional Broadcasting Agreement; lists of changes in assignments for stations in Canada 7826
Organization and delegations of authority:
Authority, delegation of, to Regional Managers and Chiefs of Field Engineering and Monitoring Bureau and Field Operating Division to declare state of general communications emergency 7099
Public information; certified copies, requests for, and costs, treatment of requests from foreign governments and residents of foreign countries 7758
Practice and procedure:
Applications of cities for television channels, list of, arranged according to priorities in temporary processing procedure supplements 7556
Radio licenses, applications and proceedings affecting:
Action on applications:
Renewal applications, operation pending action on 7290
Temporary extension of station licenses; supersedure 7290
Filing of applications and description of forms:
Application for license following construction permit:
Form 341 (Noncommercial educational FM broadcast station license) 7601
Redesignation 7601
Application for station license where no construction permit is required:
Form 341 (Noncommercial educational FM broadcast station license, application for), when it must be used 7601
Redesignations 7601
Authority to construct a new station or make changes in existing station, broadcast services; Form 340 (Noncommercial educational FM broadcast station) 7601
Modification of license, broadcast and nonbroadcast, application for:
Form 301 (Application for authority to construct new broadcast station or make changes in existing station, revised March 21, 1952); paragraph 10, section IV, deleted 7495
Form 340 (Application for authority to construct or make changes in noncommercial educational FM broadcast station), when used 7601
Redesignations 7601
Renewal of license, broadcast and nonbroadcast, application for:
Form 303 (Application for renewal of broadcast station license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495
Form 311 (Renewal of international facsimile, or experimental broadcast station license, application for); use of 7601
Form 342 (Renewal of noncommercial educational FM broadcast station license) 7601
Redesignations 7601
Voluntary assignment or transfer of control, broadcast, application for:
Form 314 (Application for consent to assignment of radio broadcast station construction permit or license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
Radio licenses, applications and proceedings affecting—Continued
Filing of applications and description of forms—Continued
Voluntary assignment or transfer of control, broadcast, application for—Continued
Form 315 (Application for consent to transfer of control of corporation holding radio broadcast station construction permit or license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495
Public fixed and coastal service in Alaska. *See* Alaska.
Public radio communication services (other than maritime mobile); Hawaii, fixed services in, allocation of frequency bands 76–88 and 98–108 mc to, for interisland communications 7150
Puerto Rico; frequencies 128.95 kc and 486 kc available for assignment to coast stations in 7370
Radio broadcast services:
Educational broadcast stations, noncommercial:
Administrative procedure, rules governing:
Application for noncommercial educational FM broadcast stations 7602
Renewal of license; use of Form 342, substituted for Form 343 7602
Equipment and antenna system, changes in; use of Form 340, substituted for Form 342 7602
Television stations. *See* Television broadcast stations, *below*.
FM broadcast stations:
Allocation of frequencies and channels:
Class A stations:
Designated channels, exception 7150
Hawaii; allocation of frequency band 98–108 mc for nonbroadcast use only 7150
Class B stations:
Designated channels, exception 7150
Hawaii; allocation of frequency band 98–108 mc for nonbroadcast use only 7150
Revised tentative allocation plan for channels allocated to Class B stations; amendments, proposed 7153, 7510
Educational FM broadcast stations. *See* Educational broadcast stations, *above*.
Television broadcast stations, rules governing (Part 3, E):
Applications of cities for television channels, list of, arranged according to priorities in temporary processing procedure supplements 7556
Channel utilization:
Assignments, table of:
Addition of Fremont, Channel 59, under Ohio; proposed rule making 7510
Changes, deletions, etc., affecting channel assignments in listed states; proposed rule making:
Alabama 7349
Louisiana 7349
Texas 7350
Availability of channels; communities assigned channels designated for use only by noncommercial educational stations, availability of other channels to, and applicability of provisions to communities listed in Table of Assignments 7496
Main studio location; establishment of television station main studio outside principal community to be served permitted under special conditions 7513
Channels, television, numerical designation of:
Hawaii; allocation of frequency bands 76–82 and 82–88 mc (Channels 5 and 6) for nonbroadcast use only 7150
Redesignation 7150
Radio telegraphy, use of, by coast and ship stations. *See* Maritime radio services.
Radiotelephony, use of, by coast and ship stations. *See* Maritime radio services.
Ship service. *See* Maritime radio services.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Telephone and telegraph companies, common carrier regulations:
Hawaii, fixed services in; allocation of frequency bands 76–88 mc and 98–108 mc for use of common carrier fixed stations for interisland communication (petition of Mutual Telephone Co.) 7150
Rates, charges, tariffs, etc.; order assigning hearing respecting increased charges by Western Union Telegraph Co., for tickers furnished in connection with leased facilities services 7316
United States and Canada, convention between, (Article III), relating to operation by citizens of either country of certain radio equipment or stations (effective May 15, 1952) 7820

Hearings, etc.:
Aladdin Radio & Television, Inc 7518
Alexandria Broadcasting Co 7349
American-Republican, Inc 7518
Arctic Telephone & Telegraph Co 7518
Atlantic City Broadcasting Co 7911
Bealeton, Virginia; Postmaster 7518
Bell Broadcasting Co 7758
Black Hills Station, Heart of 7350
Brush-Moore Newspapers, Inc 7826
Chesapeake and Potomac Telephone Co. of Virginia 7519
Chicago Board of Trade 7758
Columbia Empire Telecasters, Inc 7519
Denver Television Co 7518
Evangeline Broadcasting Co., Inc 7349
Fauquier Telephone Co., Inc 7758
Fort Meade Taxi Service 7910
Garden State Broadcasting Co 7518
Greenwich Broadcasting Corp 7555
Heart of Black Hills Station 7826
KMYR Broadcasting Co 7518
KOIN, Inc 7518
KRRV 7518
KXL Broadcasters, Inc 7518
McLennan Broadcasting Co 7518
Metropolitan Television Co 7518
Mt. Pleasant Broadcasting Co 7555
Mt. Scott Telecasters, Inc 7556
Mutual Telephone Co. (Hawaii) 7150
National Association of Railroad and Utilities Commissioners 7316
New York Curb Exchange 7316
New York Stock Exchange 7316
Oregon Television, Inc 7519
Penn Jersey Broadcasting Co 7518
Pioneer Broadcasters, Inc 7518
Portland Television, Inc 7555
Press-Union Publishing Co 7518
Red River Valley Broadcasting Corp 7519
Remington, Virginia; Postmaster 7753
South Jersey Broadcasting Co 7495
Stark Broadcasting Corp 7519
Vancouver Radio Corp 7556
Virginia, Governor of 7758
Virginia, State Corporation Commission of 7758
WATR, Inc 7518
WMRO, Inc 7519
WSIX Broadcasting Station 7547
Western Union Telegraph Co 7316
Westinghouse Radio Stations, Inc 7555
World Wide Broadcasting Corp 7555

FEDERAL HOME LOAN BANK SYSTEM. *See* Home Loan Bank Board.

FEDERAL POWER COMMISSION:

Hearings, etc.:
Allentown-Bethlehem Gas Co 7317
Atlantic Seaboard Corp 7373, 7867
Auburn, Illinois 7866
Atomic Energy Commission 7195
Bonneville Project Columbia River, Washington-Oregon 7402
California Electric Power Co 7372
Central Kentucky Natural Gas Company 7373
Central Louisiana Electric Co., Inc 7402
Central West Utility Co 7866
Cincinnati Gas and Electric Co 7560, 7911
Cities Service Gas Co 7318, 7373, 7681
Cleveland Electric Illuminating Company 7195
Colorado Interstate Gas Co 7439

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Columbus and Southern Ohio Electric Company 7195, 7758
Connecticut Gas Co 7758
Consolidated Gas Utilities Corp 7065, 7562
Consumers Gas Company 7317
Cumberland and Allegheny Gas Co 7952
Duquesne Light Company 7195
East Tennessee Natural Gas Co 7064, 7520
El Paso Natural Gas Co 7195, 7198
Gas Lateral Co 7373
Glover, W. J 7197
Gulf Public Service Co., Inc 7402
Harrisburg Gas Company 7317
Home Gas Company 7373
Hope Natural Gas Co 7373, 7708
Idaho Power Co 7758
Indiana Gas & Water Co., Inc 7372, 7758
Iowa-Illinois Gas and Electric Co 7439, 7520
Kammer, H. A 7197
Kansas-Nebraska Natural Gas Co. Inc 7064, 7561
Lancaster County Gas Company 7317
Lone Star Gas Co 7318, 7709
Lopeno Gas Co 7064, 7317
Louisiana Natural Gas Corporation 7064
Louisville Gas and Electric Company 7064
Manufacturers Light and Heat Company 7373, 7952
Marysville, Michigan 7866
Michigan Consolidated Gas Co 7065, 7866
Michigan Gas Utilities Co 7866
Michigan-Wisconsin Pipe Line Co 7317, 7561, 7795
Mid-Georgia Natural Gas Co 7439
MidSouth Gas Co 7063
Mississippi Gas Co 7867
Mississippi River Fuel Corp 7317, 7401
Mississippi Valley Gas Co 7867
Missouri Central Natural Gas Co 7866
Monticello, Utah 7827
Mountain Fuel Supply Co 7709
Mountain States Power Co 7681
Natural Gas Company of West Virginia 7373
Natural Gas Pipeline Co 7867
Newton County Gas Company 7172
New York State Electric & Gas Corp 7196
New York State Natural Gas Corp 7708, 7911
Niagara Gas Transmission Limited 7100
Northeastern Gas Transmission Co 7758
Northern Indiana Fuel and Light Co 7866
Northern Natural Gas Co 7064, 7100, 7129, 7256, 7359, 7402
Ohio Fuel Gas Company 7373, 7610
Ohio River Pipeline Corporation 7064
Pacific Gas and Electric Co 7610
Pacific Power & Light Co 7519
Panhandle Eastern Pipe Line Co 7372, 7681, 7866
Peterstown Gas Co., Inc 7373
Philadelphia Electric Co 7317, 7709
Pond, Charles 7319
Pond's Lodge, Inc 7319
Port Huron, Michigan 7866
Potomac Gas Co 7401
Public Service Electric and Gas Co 7440
Pulsifer, Oliver T 7319
Rockland Light and Power Company 7373
St. Clair, Michigan 7866
Shenandoah Gas Company 7373
South Carolina Natural Gas Company 7172
South Carolina Public Service Authority 7759
South Georgia Natural Gas Company 7172
South Jersey Gas Co 7827
Southeastern Michigan Gas Co 7866
Southern California Gas Co 7401
Southern Counties Gas Co. of California 7197
Southern Natural Gas Company 7172, 7317, 7402
Swift, Orlando B 7319
Tennessee Gas Transmission Company 7100, 7401, 7867
Tennessee Valley Authority 7195
Texas Eastern Transmission Corp 7129, 7196, 7401, 7561, 7708, 7759, 7911
Texas Gas Transmission Corporation 7064, 7197, 7758
Texas-Illinois Natural Gas Pipeline Co 7794
Texas Northern Gas Corporation 7064
Texas-Ohio Gas Co 7682
Toledo Edison Company 7195
Transcontinental Gas Pipe Line Corp 7318

FEDERAL POWER COMMISSION—Continued Page
Hearings, etc.—Continued
United Fuel Gas Company 7373
United Gas Improvement Company 7317
United Gas Pipe Line Company 7064, 7198, 7708
Villiger, Margaret E 7197
Virginia Gas Transmission Corp 7373, 7867
West Texas Gas Co 7710
Wisconsin Power and Light Co 7519
Regulations under Natural Gas Act; applications for certificates of public convenience and necessity under section 7 concerning any operation, sales, service, construction, extension, or acquisition, requirements for form and filing of, revision 7385

FEDERAL SECURITY AGENCY:
See Education, Office of.
Food and Drug Administration.
Public Health Service.
Vocational Rehabilitation, Office of.

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints:
Albin, Max 7041
Aldworth, Richard T 7723
Anthony, John J 7209
Burgess, Warren W 7723
Carlin, George L 7928
Fenstemaker, Ray E 7928
Home Machine Supply, Inc 7041
Johnson, Linn D 7723
Knox Co 7723
Kremer, Philip 7928
Lippman, Max 7041
Marks, Milton L. and Ralph S 7209
Michigan City Novelty Co 7210
Monoker, Harry 7928
Murd Company 7928
National Institute of Practical Nursing 7139
Norlon Corporation 7209
Ploner, E. F 7210
Raichert, Edward, Leonard, and Roman 7042
Roman-Raichert Company, Inc 7042
Shinkel, E. Edward 7209
United States Navy Weekly, Inc 7928
Williams, Edward and Lillian J 7139
Trade practice rules:
Athletic Goods Industry; notice of conference 7795
Portrait Photographic industry; notice of conference 7168
Wood and wood products, proper use of word "mahogany" in designations of; notice of further hearing 7912

FIRE PREVENTION WEEK, 1952 (Proclamation 2987) 7613

FISH AND WILDLIFE SERVICE:
Alaska:
Aleutian Islands National Wildlife Refuge, Management of; hunting of migratory waterfowl and ptarmigan 7290
Fisheries, commercial; herring fishing, Southeastern Alaska, catch limitations 7249
Conservation areas, wildlife; management of. *See* Wildlife conservation areas.
Feathers, wild bird; importation of skins bearing feathers, proposed 7397
Fisheries, commercial. *See* Alaska.
Fishing in wildlife refuges. *See* Wildlife conservation areas.
Herring fisheries, commercial, in Alaska. *See* Alaska.
Hunting and possession of wildlife:
See also Alaska; *and* Wildlife conservation areas.
Foreign wild animals and wild birds and their eggs, importation of:
Compliance with other regulations 7371
Prohibited species and exceptions 7371
Migratory birds:
Means by which birds may be taken, restrictions on taking waterfowl, coot, gallinules, doves, and pigeons by use of salt or corn 7903
Correction of section citation 7397
Open seasons, bag limits, and possession of certain migratory game birds; new schedules for open seasons 7903
Migratory birds, coot and woodcock, in Atlantic, Central, Mississippi, and Pacific Flyway States 7904

FISH AND WILDLIFE SERVICE—Continued Page
Hunting and possession of wildlife—Continued
Migratory birds—Continued
Open seasons, bag limits, and possession of certain migratory game birds; new schedules for open seasons—Continued
Mourning-doves in Pacific Flyway States 7903
Rails and gallinules in Atlantic, Central, and Mississippi Flyway States 7903
Shipment, transportation and possession of certain migratory game birds; possession of birds for purpose of processing or shipment 7904
Nonmigratory species; importation of certain game bird eggs, repeal 7372
Importations:
Foreign wild animals and wild birds and their eggs. *See* Hunting and possession of wildlife.
Wild bird feathers 7397
Migratory birds, hunting, possession, etc. *See* Hunting and possession of wildlife.
Refuges, wildlife. *See* Wildlife conservation areas.
Wildlife conservation areas, management of, refuges in various regions:
Alaska region; Aleutian Islands National Wildlife Refuge, hunting of migratory wildlife and ptarmigan 7290
Central region:
Crab Orchard National Wildlife Refuge, Illinois; hunting of squirrel 7186
Long Lake National Wildlife Refuge; North Dakota:
Fishing permitted 7497
Use of boats 7497
Pacific Region:
Hart Mountain National Antelope Refuge, Oregon; hunting, limitation on firearms 7905
Red Rocks Lakes National Wildlife Refuge, Montana; moose hunting 7905

FISHING. *See* Hunting and fishing.

FOOD AND DRUG ADMINISTRATION:
Drugs:
See also Federal Food, Drug, and Cosmetic Act.
Certification of batches of antibiotic and antibiotic-containing drugs:
Aureomycin 7887
Bacitracin 7044
Penicillin 7044, 7886
Streptomycin 7044, 7886
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Bacitracin 7044
Penicillin 7043, 7885, 7886
Federal Food, Drug, and Cosmetic Act, enforcement of:
Imports, bonds 7072
New drugs:
Definition; redesignation 7815
Exemption from 505 of act 7815
Imports; regulations for enforcement of Federal Food, Drug, and Cosmetic Act, bonds 7072

FOREST SERVICE:
Trespassing horses, mules, and burros; order for removal of, from Cibola National Forest 7099

G

GENERAL SERVICES ADMINISTRATION:
Authority, delegation of:
Defense Department, Secretary, authority to represent interests of executive agenies of Government in matter of application of Newton County Gas Company for procurement of natural gas service 7520
Treasury Department, Secretary; authority to negotiate, without advertising, contracts and purchases in connection with modernization of equipment and operations of Bureau of Engraving and Printing 7562
Contracts and purchases. *See* Procurement.
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.

GENERAL SERVICES ADMINISTRATION—Con. Page
Mica procurement. *See* Minerals, metals, and other raw materials.
Minerals, metals, and other raw materials; procurement for Government use or resale:
Chrome ore and concentrates, domestic, stockpiling of; purchase program for ore and concentrates at Grants Pass, Oregon, deliveries from source not to exceed 5000 tons per year 7125
Mica, domestic, purchase programs for; revision of regulation 7052
Participation in A and B programs, extension of time of notification to June 30, 1953 7052, 7053
Purchase depots; establishment of depot at Franklin, New Hampshire 7052
Tungsten concentrates, domestic; revision of regulation 7051
Participation in program, extension of time of notification to June 30, 1953 7051
Procurement:
Areas of current or imminent manpower surpluses, procurement in; designation of areas for Government procurement. *See main heading* Defense Mobilization, Office of.
Minerals, metals, and other raw materials. *See* Minerals, metals, and other raw materials.
Negotiation, without advertising, of contracts and purchases in connection with modernization of equipment and operations of Bureau of Engraving and Printing, authority of Secretary of Treasury respecting 7562
Representation of interests of executive agencies of Government in matter of application of Newton County Gas Company for procurement of natural gas service, authority of Secretary of Defense respecting 7520
Stockpiling of strategic and critical materials; purchase program for domestic chrome ore and concentrates at Grants Pass, Oregon, deliveries from one source not to exceed 5000 tons per year 7125
Strategic and critical materials, stockpiling of. *See* Stockpiling of strategic and critical materials.
Tungsten concentrates, procurement of. *See* Minerals, metals, and other raw materials.

GEOLOGICAL SURVEY:
Authority, delegation of, from Secretary of Interior:
Acting Director and Acting Assistant Director; authority of certain officials to perform functions of Director and Assistant Director 7866
Mineral leases, suspension of operations or production on, authority of Director respecting 7513
Redelegation of authority to regional oil and gas supervisors and regional mining supervisors 7513
Noncoal classification of certain lands:
In Colorado 7609
In Utah 7189
Oil and gas fields; New Mexico; definitions of known geological structures of producing fields 7304
Power sites, classification, etc.:
California; No. 426, miscellaneous streams 7160
Colorado; No. 426, miscellaneous streams 7161
Idaho; No. 426, miscellaneous streams 7161
Oregon; No. 426, miscellaneous streams 7161
Washington; No. 426, miscellaneous streams 7161

GERMANY:
German nationals, property of; vesting orders, etc. *See* Alien Property, Office of.
United States High Commissioner for Germany; functions (Executive Order 10380) 7107

GOLD REGULATIONS. *See* Treasury Department.
GUAM. *See* Territories and possessions.

H

HANDICAPPED PERSONS, employment of:
In sheltered workshops. *See* Wage and Hour Division.
National Employ the Physically Handicapped Week, 1952 (Proclamation 2985) 7567

HAWAII:
Critical defense housing areas. *See* Housing and Home Finance Agency.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.

HAWAII—Continued Page
Radio regulations; allocation of frequencies, etc. *See* Federal Communications Commission.
Restoration of certain lands to jurisdiction of Territory of Hawaii:
Hilo, Hawaii; certain lands set aside for aeronautical purposes (Executive Order 10378) 7107
Palaau, Molokai; certain lands in conection with Molokai Airport Military Reservation (Homestead Field) (Executive Order 10383) 7361
Waiakia, Hawaii, certain lands in connection with Hilo Airport Military Reservation (Executive Order 10384) 7361
Sugar requirements and quotas. *See* Agriculture Department.

HOLIDAYS; pay regulations, government employees, identification of holidays. *See* Civil Service Commission.

HOME LOAN BANK BOARD:
Federal Home Loan Bank System:
Definitions, "State"; Guam included in term 7140
Guam:
See also Definitions.
Included in San Francisco district of Federal Home Loan Bank 7164

HOUSING AND HOME FINANCE AGENCY:
See Home Loan Bank Board.
Authority, delegations of, by Administrator to HHFA officials. *See* Organization, delegations of authority, etc.
Construction of defense housing. *See* Critical defense housing areas.
Critical defense housing areas:
Private defense housing in territories and possessions of United States 7118
Construction of defense housing, availability of assistance for:
General regulations 7119
Rental housing 7120
Sales housing and other housing 7121
Listed areas; appendix:
Hawaii, Island of Oahu 7123
Puerto Rico, Aguadilla and Isabella; Ramey Air Force Base 7123
Residential credit controls:
Atomic Energy Commission installations in areas of Savannah River, S. C. and Ga., Paducah, Ky., and Idaho; authority, delegation of, to Special Representatives of Administrator respecting relaxation of housing credit controls, including release of obligation for holding certain one-family or two-family dwellings for rent 7401
Relaxation of credit controls, regulation for processing and approval of exceptions and terms; listed areas, additions and amendments:
California; Klamath 7788
Connecticut; Bridgeport 7788
Illinois; Great Lakes-North Chicago-Waukegan 7788
Maine; Kittery 7788
Michigan; Battle Creek 7788
New Hampshire; Portsmouth 7788
New York; Corning-Painted Post 7788
North Carolina:
Elizabeth City 7788
Kinston 7788
Oregon; Roseburg 7788
Virginia; Norfolk-Portsmouth 7788
Washington; Colville 7788
Organization, delegations of authority, etc., Office of Administrator:
Slum Clearance and Urban Redevelopment Division; designation and authority of Acting Director 7200
Special Representatives; designation of, and authority respecting relaxation of housing credit controls in areas near certain installations of Atomic Energy Commission 7401
Slum Clearance and Urban Redevelopment Division; designation and authority of Acting Director. *See* Organization, delegations of authority, etc.
Temporary housing; extension of time in connection with removal of certain temporary housing (Executive Order 10385) 7525

20000—52——3

HUNTING AND FISHING: Page
Migratory birds and game animals. *See* Fish and Wildlife Service.
Whales. *See* International Whaling Commission.

I

IMMIGRATION AND NATURALIZATION SERVICE:
Immigration regulations respecting head tax exemption for aliens connected with designated international organizations; United Nations and specialized agencies of, addition 7110
IMPORTS AND EXPORTS:
Customs regulations respecting. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Food commodities acquired through price support programs; export price. *See* Commodity Credit Corporation.
Investigations respecting imports. *See* Tariff Commission.
Price control regulations respecting imports. *See* Price Stabilization, Office of.
Tariff classifications. *See* Customs Bureau.
Trade agreements respecting. *See* Trade agreements.
Wild animals, wild birds, etc., foreign. *See* Fish and Wildlife Service.
INDONESIA; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (Executive Order 10387) 7799
INFORMATION MEDIA GUARANTIES under Economic Cooperation Act, regulations respecting. *See* State Department.
INDIAN AFFAIRS BUREAU:
Authority, delegation of, to Area Directors respecting execution of construction contracts when amount involved does not exceed $10,000 7552
Charges, operation and maintenance for irrigation projects. *See* Irrigation projects.
Irrigation projects, operation and maintenance charges for Wapato Indian Irrigation Project, Washington; Yakima Indian Reservation, increase in annual charges, proposed 7252
INSTITUTE OF INTER-AMERICAN AFFAIRS, State Department. *See* State Department.
INSTITUTE OF INTER AMERICAN AFFAIRS ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799
INSURANCE, VETERANS' LIFE INSURANCE. *See* Veterans' Administration.
INTERIOR DEPARTMENT:
See Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.
Authority, delegation of:
Geological Survey:
Acting Director and Acting Assistant Director, designation of certain officials to perform duties of Director and Assistant Director 7866
Director; mining leases, suspension of operations and production under 7513
Land Management Bureau:
Acting Director, Acting Associate Director and Acting Assistant Director, designation of certain officials to perform duties of Director, Associate Director and Assistant Director 7552
Mineral leasing, relief or suspensions in connection with rentals or royalties, authority of Director respecting 7513
Reclamation Bureau:
Commissioner and Assistant Commissioner:
Acquisition of lands and water rights; authority of Commissioner to acquire easements for $100 or less 7513
Reconveyance of donated lands when not required for projects 7255
Regional Directors; reconveyance of donated lands when not required for projects 7255
Solicitor; escheat of Indian estates, correction 7304

INTERNAL REVENUE BUREAU: Page
Administrative provisions common to various taxes, inspection of tax returns under Special Executive Orders; inspection of income, excess profits, and other tax returns and relevant papers in certain compromise cases 7688
Authority, delegations of. *See* Organization.
Baby oils, powders, etc., exemption from excise tax on. *See* Excise tax regulations.
Barber shops; tax exemption respecting taxable articles sold to. *See* Excise tax regulations.
Beauty shops; tax exemption respecting taxable articles sold to. *See* Excise tax regulations.
Delegation of authority and functions. *See* Organization.
Diesel fuel, excise tax on. *See* Excise tax regulations.
Excise tax regulations:
Baby oils, powders, etc. *See* Retailers' excise taxes.
Barber shops. *See* Retailers' excise taxes.
Beauty shops. *See* Retailers' excise taxes.
Diesel fuel, excise tax on; proposed rule making 7055
Administrative provisions; returns, and payment of taxes, records, tax-free sales, credits, refunds, penalties, etc 7057
Effective period, application of tax on sale and use of taxable liquid, rate of tax 7056
Exemptions, general; sales to States, etc., proof of exportation, shipments to possessions of United States 7057
Firearms. *See* Machine guns and certain other firearms, taxes relating to.
Jewelry. *See* Retailers' excise taxes.
Lighters, mechanical. *See* Retailers' excise taxes.
Machine guns and certain other firearms, taxes relating to; republication and revision of regulations 7842
Assessment and collection of tax 7851
Definitions 7846
Examination of books and records 7851
Exportation of firearms 7850
Identification of firearm 7850
Importation of firearms 7850
Laws dealing with taxes relating to machine guns and certain other firearms 7843
Lost firearms or documents 7851
Making of firearms, tax on 7848
Declaration of intent to make firearms 7848
Exceptions to tax 7849
Persons subject to taxes 7846
Records 7851
Examination of 7851
Refunds 7851
Registration of firearm 7850
Returns 7851
Failure to make returns 7851
Special (occupational) taxes; payment of tax, change of ownership or business location, penalties, State regulations, record of special taxpayers for public inspection 7846
Stamps:
Distribution or sale of 7851
Redemption of, or allowance for 7851
Stolen firearms or documents 7851
Transfer tax 7849
Order form for transfer of firearms 7849
Exception from use of 7849
Pencils, pens, mechanical. *See* Retailers' excise taxes.
Retailers' excise taxes:
Barber shops, sales to. *See* Toilet preparations.
Beauty shops, sales to. *See* Toilet preparations.
Effective period; provisions of section 431 of Revenue Act of 1951 (relating to various preparations for babies, sales of taxable articles at beauty or barber shops, and sample articles sold for demonstration use) made effective November 1, 1951 7015
Jewelry; articles made of, or ornamented with precious metals, etc., and other jewelry, reference respecting credit and refund provisions relating to fountain pens and mechanical pencils and lighters 7045
Lighters, mechanical, sales of 7045
Miscellaneous provisions; sales of mechanical pencils, pens, and lighters 7045
Pencils and pens, mechanical; sales of 7045

INTERNATIONAL TRADE, OFFICE OF—Continued Page
Export control—Continued
Licenses—Continued
Individual licenses; how to file an application for export license, information required:
Availability of material to be exported 7719
Inquiries and correspondence 7448
Project licenses; special (SP):
Commodity requirements for other than petroleum projects or programs 7720
Commodity requirements for petroleum projects or programs 7720
Licensing policies and related special provisions:
Commodities, certain, special provisions for; evidence of availability 7719
Export licensing general policy, commodities subject to; deletion of cattle, calf, and kip skins, dry 7719
Ferrous or nonferrous commodities:
Copper refinery shapes 7448
Zinc scrap, renumbered 7448
Machinery and parts, special provisions for; automotive replacement parts, additional application requirements 7719
Past participation in exports for certain commodities; cobalt-chromium dental alloys 7448
Time schedules, supplement 1, for submission of applications for export licenses 7448, 7720
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities 7182, 7451, 7571, 7927
Additions, deletions, or changes of commodities in listed categories:
Calf skins, dry 7720
Castor oil, sulfonated 7182
Cattle skins, dry 7720
Chains, brass and bronze 7571
Cooking, kitchen, and hospital utensils, of copper, brass, bronze, etc 7571
Copper-armored sisalkraft 7720
Hardware, basic; screws, hinges, furniture, car, and marine hardware, etc 7571
Hollow ware, solid or plated, of platinum, copper, brass, etc 7571
Industrial chemicals; selenium dioxide 7451
Kip skins, dry 7720
Molasses, inedible 7182
Naval stores; pine oil and pine tar 7453
Pine oil and pine tar 7453
Pipe fittings 7571
Plumbing fixtures, zinc 7571
Signs, metal, except electric 7571
Sugar 7182
Table flatware and parts, of platinum, aluminum, copper, brass, etc 7571
Tanning and textile specialty compounds; castor oil, sulfonated 7182
Tools, n. e. c.; die stocks, brass and bronze 7720
Woodpulp; sulphate and sulphite 7720
Woodpulp screenings 7720
Column title, revision 7721
General notes; definitions 7720
Priority ratings and supply assistance assigned by OIT:
Aircraft, foreign, DO (priority) ratings and allotment symbols (CMP) for 7449
Foreign enterprises, large; supply assistance for 7450
Mining operations, foreign, supply assistance for; MRO and capital additions over $5 000 7450
Petroleum operations, foreign; supply assistance for, instructions for form PAD–26A and IT–824 7450
Scope of export control; shipments entering foreign trade zones, shipments originating in Canada 7718
Suspension of license privilege; table of compliance orders currently in effect denying export privileges 7448

INTERNATIONAL WHALING COMMISSION:
Whaling regulations 7861

INTERSTATE COMMERCE COMMISSION:
Accounts. *See* Uniform system of accounts.
Agreements, contracts, etc., filing of, by common carriers subject to Part I of Interstate Commerce Act 7548
Brokers of property. *See* Motor carriers.

INTERSTATE COMMERCE COMMISSION—Con. Page
Car service:
Charges, free time:
On box cars unloaded at ports 7946
On freight cars loaded at ports 7945
Ferry cars. *See* Trap and ferry cars.
Freight cars to be stopped to complete loading 7371
Import ores, restriction on movement of; appointment of agent 7126, 7371
Iron ore, restriction on movement of; appointment of agent 7125, 7371
Lumber, cars loaded with; to be stopped to complete loading 7371, 7496
Trap and ferry cars, restrictions on 7945
Consolidation, finance, and reorganization:
Recordation of documents evidencing mortgage, lease, conditional sale, or bailment of railroad rolling stock 7093
Eligibility of documents 7903
Securities, applications for authority to sell without competitive bidding 7699
Contracts, agreements, etc., filing of, by common carriers subject to Part I of Interstate Commerce Act 7548
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of:
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes, additions and deletions 7279
Common and contract carriers by public highway. *See* Motor carriers.
Export shipments by domestic carriers by rail and motor vehicles 7279
General information and regulations; export shipments by domestic carriers by rail and motor vehicles 7279
Motor carriers, common or contract; regulations applying to:
Export shipments 7283
Import shipments 7283
Loading and unloading; explosives vehicles, floors tight and lined 7283
Rail freight carriers; unloading from cars, "dangerous-empty" placard 7283
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, staying, etc.):
Acids and other corrosive liquids, certain; definition and preparation of 7281
Compressed gases; definition and preparation:
Compressed gases in cargo tanks and portable tank containers 7282
Compressed gases in cylinders 7282
Explosives; definitions and preparation:
Class B explosives, definition 7280
Class C explosives, definition 7280
Detonating fuzes, boosters, etc 7280
High explosives with no liquid explosive ingredient 7280
Export shipments. *See* Import and export.
Flammable liquids, certain, definition and preparation; pressurized flammable liquids 7280
Flammable solids and oxidizing materials, certain; definition and preparation 7281
Import and export shipments 7279
Marking and labeling explosives and other dangerous articles; radioactive materials 7283
Poisonous articles, certain; definition and preparation 7282
Preparation of articles for transportation by carriers by rail freight, rail express, highway, or water:
Cargo tanks; qualification, maintenance, and use of 7280
Cylinders; qualification, maintenance and use of 7280
Shipping container specifications:
Carboys, jugs in tubs, and rubber drums 7283
Cargo tanks. *See* Containers.
Containers for motor vehicle transportation; steel cargo tanks, requirements for design and construction 7280
Cylinders 7284

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Shipping container specifications—Continued
Fiberboard boxes, drums, and mailing tubes 7287
Inside containers and linings; duplex paper bags 7284
Metal barrels, drums, kegs, cases, trunks and boxes 7284
Portable tanks 7287
Tank cars 7287
Appendix C, figures 8A and 14A added 7289
Financing, sale of securities; applications for authority to sell securities without competitive bidding 7699
Freight forwarders, uniform system of accounts. *See* Uniform system of accounts, *below*.
Hay, reduced rates to disaster areas 7202
Mail, transportation of, rates and compensation for terminal service in connection with; hearing 7106
Motor carriers:
Brokers of property, practices of; effective date postponed 7126
Explosives and other dangerous articles; packing and transporting of. *See* Explosives.
Reports, class I common and contract motor carriers of property, freight commodity statistics; proposed rule making 7550
Definitions 7550
Exempt carriers 7550
Items to be reported 7550
List of commodity groups and classes 7550
Safety regulations; parts and accessories necessary for safe operation:
Fuel container location 7126
Tires 7126
Parcel post rates, increased; 1953 7165
Practice, rules of; notice of proposed revision 7374
Railroads:
Explosives and other dangerous articles, packing and transporting of. *See* Explosives.
Fuel, divisions of joint rates applicable to 7549
Changes and amendments to division sheets 7549
Filing statements of divisions of joint rates applicable to railway fuel coal and railway fuel other than coal 7549
Long-and-short haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Recordation of documents evidencing mortgage, lease, conditional sale, or bailment of railroad rolling stock 7093
Eligibility of documents 7903
Routing and rerouting of traffic. *See* Routing of traffic.
Safety regulations, power brakes and drawbars; postponement of effective date 7150
Securities, applications for authority to sell without competitive bidding 7699
Railway fuel joint rates. *See under* Railroads.
Railway mail pay, further hearing respecting 7106
Rates and charges:
See also Tariffs and schedules.
Hay, reduced rates to disaster areas 7202
Increased parcel post rates, 1953 7165
Joint rates applicable to railway fuel, divisions of 7549
Long- and short-haul charges. *See* Tariffs and schedules.
Mail transportation, terminal service in connection with; hearing 7106
Recordation of certain documents respecting railroad rolling stock. *See* Railroads.
Routing and rerouting of traffic; authority and direction to carriers to reroute or divert certain traffic:
Ann Arbor Railroad Co 7202, 7955
Chicago area, railroads serving 7946
Tennessee Central Railway Co 7066
Rules of practice; notice of proposed revision 7374
Safety regulations:
Motor carrier. *See* Motor carriers.
Railroad. *See* Railroads.
Securities, applications for authority to sell without competitive bidding 7699

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Acid, sulphuric:
From Birmingham and Exum, Ala., to Tupelo, Miss 7259
From Mobile, Ala., to Saddle Creek, Fla 7320
From Norco, La., to Moultrie, Ga 7876
Alcohol; from Kansas City, Mo.-Kans., to Portland, Me., Berlin, N. H., Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., Norfolk and Richmond, Va 7711
All and/or various commodities. *See* Merchandise in mixed carloads.
Alumina, calcined or hydrated:
From Baton Rouge and North Baton Rouge, La., to points in official and Illinois territories 7522
From Bauxite, Ark., to Michigan City, Ind 7874
Ammonia, anhydrous:
From points in Arkansas, Texas, Kansas and Louisiana, to Linder, Ga 7105
From Vicksburg, Miss., to points in Texas 7105
Ammunition boxes; from Jackson and Vicksburg, Miss., to Edgewood, Md., and Picatinny, N. J. 7106
Asphalt; from Norfolk and Newport News, Va., to Selma, N. C 7375
Asphalt filler; from Murphy, N. C., to East St. Louis, Ill 7374
Automobiles; from St. Louis, Mo., to points in Louisiana and Mississippi 7360
Blackstrap molasses. *See* Molasses.
Building and roofing materials; from points in official and Illinois territories, to points in southern territory 7565
Canned foodstuffs; between points in official territory 7612
Cans, iron, steel, or tin; from Dade City, Fla., to points in Georgia 7259
Carbon dioxide; from Memphis, Tenn., to Louisville, Ky 7522
Cement:
From Birmingham, Ala., to Dougherty, Ga 7762
From Chanute and other points in Kansas and Dewey, Okla., to Port Orange, Fla 7956
From Fort Scott, Fredonia, Humboldt, Independence, and Iola, Kans., and Dewey, Okla., to points in official territory 7611
From Giant, S. C.:
To Fayetteville, N. C 7762
To New Bern, N. C 7762
Coal:
From Danville, Catlin, and Ryan, Ill., to Fort Wayne, Ind 7711
From Lake Superior docks in Wisconsin, to points in Minnesota 7875
From mines in Alabama, on St. Louis-San Francisco Railway, to Boykin, Fla 7523
Coal tar, crude; from Ashland, Ky., and Ironton, Ohio, to Birmingham and Alabama City, Ala 7321
Cryolite; from Natrona, Pa., to New Orleans and Chalmette, La 7321
Feed, animal and poultry:
From Kansas, Oklahoma, and Texas, to Arizona and New Mexico 7104
From points in Florida, to Surgoinsville, Tenn 7762
Fertilizer:
From points in Arkansas, Kansas, Louisiana, and Texas, to Reserve, La., and points taking same rates 7565
From points in Arkansas, Louisiana, and Texas, to points in Virginia 7694
Furfural; from Memphis, Tenn., to specified points in official territory 7874
Gasoline. *See* Petroleum and petroleum products.
Glass containers; from Alton, East St. Louis, and Streator, Ill., to Algoma, Green Bay, Kawaunee, and Sturgeon Bay, Wis 7103

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Glassware; between Baltimore, Md., and points in North Carolina, Kentucky, southern Virginia, and northeastern Tennessee 7612
Grain and grain products:
Between Pacific coast territory and Memphis and Dyersburg, Tenn 7104
From Missouri River crossings, Albright, Nebr., Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn., to Cairo and East St. Louis, Ill 7956
From points in Arkansas, Illinois, Missouri, and Memphis, Tenn., to points in Texas 7375
From points in Colorado, Kansas, and Oklahoma, to points in Texas 7105
Houses, prefabricated. *See* Prefabricated houses.
Iron and steel:
Articles; from Cincinnati and Portsmouth, Ohio, and Limeville, Ky., to Orangeburg, S. C 7612
Pig iron:
From Daingerfield, Lone Star, and McCrossin, Tex., to Sidney, Ohio 7761
From Rockwood, Tenn., to points in official and Illinois territories 7523
Pipe:
From Galveston, Houston, and Orange, Tex.: To Anabel, Durham, Hunnewell, Macon, Maywood, and Shelbina, Mo 7375
To Havana and Quincy, Ill 7875
From Illinois territory, to southern territory 7612
From points in official, southern, western trunk-line, and southwestern territories, to points in Texas 7374
Scrap; from Chicago, Ill., to Hamilton, Ontario 7201
Limestone:
From Inwood, W. Va., to Pittsburgh, Pa 7763
From Pembroke, Va., to points in trunk-line and central territories 7913
Lumber:
See also Woods, foreign.
Logs; from Bowling Green and Scottsville, Ky., to Altavista, Va 7874
Pine lumber, imported; from New Orleans, La., to Memphis, Tenn 7565
Machinery; from Nashville, Tenn., to New Orleans, La., Gulfport, Miss., Mobile, Ala., Pensacola and Panama City, Fla 7201
Magazines; from Louisville, Ky., to Charlotte, N. C 7320
Magnesium metal or alloy; from Velasco, Tex., to Bay City and Midland, Mich 7875
Malt liquors; from Peoria, Ill., to points in Texas 7321
Meats, cured; from Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Texas, to Chicago, Ill., Kansas City and St. Louis, Mo 7440
Merchandise, in mixed carloads:
From Ashboro, N. C., to Chicago and East St. Louis, Ill., and St. Louis, Mo 7404
From Cincinnati, Ohio, to Jacksonville, Fla 7710
From Memphis and Millington, Tenn., to St. Louis, Mo., and East St. Louis, Ill 7710
From Memphis, Tenn., to Brooklyn, N. Y 7710
From Norfolk and Richmond, Va., to Jacksonville, Fla., and Albany, Ga 7710
From Washington, D. C., to Albany, Ga 7710
Onions; from Racine, Wis., to points in Mississippi Valley territory 7522
Paper and paper articles:
Between Galveston, Houston, and Texas City, Tex., and points in southwestern territory 7104
From Colby, Wis., to Illinois and western trunk-line territories 7106
Newsprint; from points in Ontario and Quebec, Canada, to Omaha, Nebr., and Hiawatha, Kans 7404

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Petroleum and petroleum products:
From New Orleans, La., and points grouped therewith, to points in New York, Ohio, Pennsylvania, and West Virginia 7955
From Watford City, N. Dak., to Chicago and Manhattan, Ill 7221
Phosphate rock; from New Orleans, La., to Charlotte, N. C 7913
Pipe, iron or steel. *See* Iron and steel.
Potash:
From Carlsbad and Loving, N. Mex., to points in Oklahoma 7711
From Charleston industrial district, West Va., Niagara Falls, Suspension Bridge, Syracuse, and Solvay, N. Y., to Kansas City, Mo.-Kans 7104
Prefabricated houses; from Tulsa, Okla., to points in Wyoming 7875
Preserved foodstuffs; between points in official territory 7612
Pulpboard; from points in Florida, to Panama City, Fla 7828
Rates:
Class and commodity rates; between Augusta, Ga., and Pacific Coast territory 7913
Class rates:
Between points in Kansas and Southern Missouri, and points in southern territory 7762
Between St. Louis, Mo., and Kansas City, Mo 7014
Between western trunk-line territory, and southwestern territory 7319
Motor-rail-motor rates; between Chicago, Ill., and Kansas City, Mo 7523
Ocean-rail rates; between North Atlantic ports and interior points in eastern seaboard territory, New Orleans and Baton Rouge, La., Texas Gulf ports, and interior points in Southwest 7827
Rail-water class rates; between Edgewater, N. J., trunk-line and New England territories, and points in Alabama, Georgia, and Tennessee 7374
Roofing and building materials; from points in official and Illinois territories, to points in southern territory 7565
Rubber, crude:
From Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La., to Brookhaven, Miss 7130
From Port Neches, Tex., to Natchez, Miss 7876
Rubber tires. *See* Tires.
Salt; from points in Texas and Louisiana, to Manchester, N. H., Medina and Silver Springs, N. Y., Spring City, Pa., Brattleboro and Rutland, Vt 7130
Sand:
From Dickason Pit, Ind., to Wellington, Ill 7684
From Granite Hill, Ga., to Savannah, Ga 7320
Sewer pipe; from Illinois territory to southern territory 7612
Soda ash:
From Baton Rouge, North Baton Rouge, and Lake Charles, La., to Ampthill, Deep Run Spur, and Hopewell, Va 7375
From McIntosh, Ala., to Bastrop and Spring Hill, La 7320
Soybean cake and meal; from points in northeastern Arkansas, to Southwestern territory 7761
Soybean oil; from points in Kansas and Missouri to Chicago, Ill., Kansas City, Mo.-Kans., and St. Louis, Mo 7105
Staves and heading, rough; from Clinton and Kansas City, Mo., to Memphis, Tenn 7165
Sulphur; from Montgomery, Ala., to Waco (East Waco), Tex 7710
Tallow, animal, inedible; from Fort Worth and Dallas, Tex., to Good Hope, La 7202

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
- Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
  - Tires, rubber:
    - From Easthampton, Mass., to points in southern territory 7828
    - From Memphis, Tenn., to Fair Lawn, N. J. 7913
    - From New Haven and West Haven, Conn., to Columbus and Macon, Ga., Dillon, S. C., Spray, N. C., and West Palm Beach, Fla. 7828
    - From Pacific coast territory to New Orleans, La., Jackson, Miss., and Memphis, Tenn. 7106
  - Tobacco stems; from points in Virginia and North Carolina, to Louisville and Lexington, Ky. 7761
  - Volcanic scoria or slag; from points in New Mexico to points in Arkansas 7566
  - Woodpulp; from Nairns Falls, Quebec, Canada, to Chester and Philadelphia, Pa., and Wilmington, Del. 7359
  - Woods, foreign; from Hallsboro, N. C., to points in southern territory 7955

Uniform system of accounts:
- Freight forwarders, income accounts, debit; provision for uncollectible accounts, proposed rule making 7187
- Water carriers; recording cost of intangible assets:
  - Balance sheet accounts:
    - Asset side:
      - Organization expenses 7497
      - Property and equipment; acquisition adjustment 7497
    - Liability side, reserves:
      - Amortization reserves; intangible assets 7497
      - Other reserves 7497
  - Operating expense accounts; casualties:
    - Injuries to persons 7497
    - Loss and damage; freight 7497
  - Property instructions; water-line property acquired 7497
- Water carriers, uniform system of accounts for. *See* Uniform system of accounts.

IRRIGATION PROJECTS. *See* Indian Affairs Bureau; *and* Reclamation Bureau.

J

JOINT CHIEFS OF STAFF:
- Whittier Defensive Sea Area, Alaska; delegation of authority to Chairman from Secretary of Defense respecting 7160

JUSTICE DEPARTMENT:
- *See Alien Property, Office of.*
- *Immigration and Naturalization Service.*
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7713
- Confidential records and information; disclosure or use by personnel of Federal Bureau of Investigation prohibited 7825
- Federal Bureau of Investigation; prohibition against disclosure or use of confidential records and information by personnel 7825

L

LABOR DEPARTMENT:
- *See Public Contracts Division.*
- *Wage and Hour Division.*
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

LAND MANAGEMENT BUREAU:
- Air Force Department:
  - Lands withdrawn for use of, in New Mexico. *See under* Withdrawals.
  - Oil and gas deposits, jurisdiction over. *See* Mineral lands and minerals.
- Alaska:
  - Shore space reserves; restorations:
    - No. 486 7678
    - No. 487 7864
    - No. 488 7864
    - No. 489 7865

LAND MANAGEMENT BUREAU—Continued Page

- Alaska—Continued
  - Survey, notice of filing of plat of; Seward Meridian 7512
  - Withdrawals of lands. *See under* Withdrawals, *below.*
- Authority, delegations of, from Secretary of Interior:
  - Acting Director, Acting Associate Director and Acting Assistant Director, designation of certain officials to perform duties of 7552
  - Respecting mineral leasing, waiver, suspension, or reduction of rental or royalties 7513
- Exchanges of privately owned lands under Taylor Grazing Act; determination of values, publication of notice of exchange 7547
- Grazing lands:
  - Exchanges of privately owned lands under Taylor Grazing Act; determination of values, publication of notice of exchange 7547
  - Grazing districts; New Mexico grazing district No. 6, certain lands in, withdrawn for use of Air Force Department for military purposes (PLO 859) 7125
- Highways, rights-of-way for, in Colorado; lands subject to application for, or as source of materials for construction of highways 7352
- Indians, of Fort Peck Reservation, Montana; allotment of certain lands to individuals (PLO 858) 7055
- Lands opened to homestead entry by veterans and general public:
  - *For small tracts opened to lease or purchase, see* Small tracts.
  - Alaska 7512
  - Arizona 7865
  - Colorado 7352
  - Nevada 7399
- Mineral lands and minerals:
  - Mineral leasing, waiver, suspension, or reduction of rental or royalties 7513
  - Oil and gas deposits, in lands acquired by United States; transfer of jurisdiction from Air Force Department to Interior Department for protective action to prevent loss by drainage, warehouse site, Smoke Hill Air Force Base, Kansas (PLO 860) 7494
  - Oil and gas leases, noncompetitive; offer to lease and issuance of lease 7136
- Oil and gas deposits, leases, etc. *See* Mineral lands and minerals.
- Power site reserves, etc., restoration of lands; Colorado:
  - Power site classification No. 92 7351
  - Power site reserves:
    - No. 116 7351
    - No. 253 7351
- Restorations. *See* Power site reserves.
- Shore space reserves, Alaska. *See* Alaska.
- Small tracts:
  - Classifications:
    - Alaska:
      - No. 62 7183
      - No. 63 7678
    - Nevada; No. 88, correction 7552
    - Wyoming; No. 12 7680
  - Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
    - Alaska 7188, 7512, 7678, 7864, 7865
    - Arizona 7865
    - Colorado 7352
    - Nevada 7399
    - Wyoming 7680
- Survey, notice of filing of plats of:
  - Alaska; Seward Meridian 7512
  - Arizona; Gila and Salt River Meridian 7865
  - Nevada; Mount Diablo Meridian 7399
- Taylor Grazing Act, exchanges of privately owned lands under; determination of values, publication of notice of exchange 7547
- Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
  - Regulations respecting 7368, 7677
  - Withdrawals:
    - Montana, Fort Peck Reservation; modification of withdrawal order of September 19, 1934, to permit allotment of lands to individual Indians of reservation (PLO 858) 7055

LAND MANAGEMENT BUREAU—Continued Page

- Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Con.
- Withdrawals—Continued
  - New Mexico, Air Force Department, military purposes; lands near New Mexico Principal Meridian (PLO 859) 7125

M

MARITIME ADMINISTRATION:
- *See National Shipping Authority.*
- Maritime academies, State; regulations and minimum standards for entrance, uniforms, textbooks, and subsistence 7861
- Merchant marine training. *See* Training, merchant marine.
- Organization and functions; National Shipping Authority, Office of Ship Requirements and Allocations, redesignation of divisions within 7910
- Subsidized vessels and operators; construction, reconditioning, or reconstruction of ships, determination of profits in contracts and subcontracts for, revision and republication 7594
- Training, merchant marine; regulations and minimum standards for State maritime academies:
  - Entrance standards; candidates to agree to apply for commission as ensign in United States Naval Reserve 7861
  - Scholarship subsidy, subsistence, and charges; redesignation 7861
  - Uniforms, textbooks, and subsistence 7861
  - Allowances 7861
- Vessels; construction, reconditioning, or reconstruction of ships, determination of profit in contracts and subcontracts, revision and republication 7594

MARITIME BOARD, FEDERAL:
- Agreements, transportation. *See* Transportation agreements.
- Annual review of charters of war-built dry-cargo vessels recommended for use by American-flag operators; hearings, etc 7061, 7607
- Charter of war-built vessels; annual review of charters of vessels recommended for use by American-flag operators, hearings, etc 7061, 7607
- Merchant marine training. *See main heading* Maritime Administration.
- Merchant Ship Sales Act of 1946; bareboat chartering of war-built dry-cargo vessels recommended for use by American-flag operators, annual review of charters, hearings, etc 7061, 7607
- Transportation agreements, approval, hearings, etc.; listed companies affected by agreements:
  - Alaska Steamship Company (agreement No. 7565–1) 7352
  - Bull Insular Line, Inc. (agreement No. 7863) 7755
  - Compania Naviera Independencia, S. A. (agreement No. 7662–C) 7755
  - Compania Naviera Pacifico, S. A. (agreement No. 7662–C) 7755
  - Compania Naviera TransAtlantico, S. A. (agreement No. 7662–C) 7755
  - Linea De Vapores Garcia, S. A. (agreement No. 8150) 7352
  - Lykes Bros. Steamship Co. (agreement No. 8150) 7352
  - Mitsui Steamship Co., Ltd. (agreement No. 7837) 7909
  - Norton Line Joint Service (agreement No. 7863) 7755
  - Osaka Shosen Kaisha, Ltd. (agreement No. 7862) 7755
  - Pacific Argentine Brazil Line, Inc. (agreement No. 7846–1) 7352
  - Pacific Transport Lines, Inc. (agreement No. 7846–1) 7352
  - Pittston Stevedoring Corp. (agreement No. 7845) 7909
  - Pope & Talbot, Inc. (agreement No. 7846–1) 7352
  - Port of New York Authority (agreement No. 7845) 7909
  - Railway Express Agency Inc. (agreement No. 7565–1) 7352
  - United Fruit Co.:
    - Agreement No. 7837 7909
    - Agreement No. 7862 7755
    - Agreement No. 8150 7352

MIGRATORY BIRDS, hunting and possession of. *See* Fish and Wildlife Service.

MILITARY RESERVATIONS AND INSTALLATIONS: Page

- Aircraft danger areas over military installations, designation of. *See* Civil Aeronautics Administration.
- Canal Zone; Fort Kobbe Army Reservation and Howard Air Force Base, setting apart reservations (CZO 28) 7942
- Hawaii; certain lands in airport military reservations returned to jurisdiction of Territory of Hawaii. *See* Hawaii.

MINERALS AND METALS:
- Procurement:
  - Columbium-tantalum, purchase program to encourage foreign and domestic production. *See* Defense Materials Procurement Agency.
  - Mica, tungsten; procurement for Government use or resale. *See* General Services Administration.
- Sale of mineral interests in designated areas. *See* Agriculture Department.
- Stockpiling of. *See* General Services Administration.

MUNITIONS BOARD:
- Organization and functions 7160

MUTUAL DEFENSE ASSISTANCE ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799

MUTUAL SECURITY ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799

MUTUAL SECURITY AGENCY:
- Germany; United States High Commissioner to act as representative of Director (EO 10380) 7107

N

NATIONAL ENFORCEMENT COMMISSION:
- Procedures:
  - General Procedural Regulation (GPR 1) 7087, 7737
  - Appeals 7740
  - Certificate of disallowance; stipulations 7740
  - Consolidation of complaints and proceedings in certain cases; provision for 7741
  - Effect of regulation on other orders 7741
  - Enforcement proceedings, general provisions 7738
  - Findings and determination of Enforcement Commissioners 7739
  - Hearings, pleadings, appearances, motions, etc. 7738
  - Intervention and subpenas 7739
  - National cases 7740
  - Service of orders, decisions, and other process of National Enforcement Commission 7741
- Interim Procedural Order; respecting processing of pending cases 7086

NATIONAL PARK SERVICE:
- National parks, monuments, recreational areas, etc.:
  - Colonial National Historical Park; speed of automobiles 7902
  - Everglades National Park; speed of automobiles 7902

NATIONAL PRODUCTION AUTHORITY:
- Canada:
  - Defense programs of United States and Canada; operation of priorities system in support of. *See* Priorities system operation.
  - Petroleum and gas industries in. *See under* Priority orders.
- Controlled Materials Plan. *See* Priorities system operation.
- Hearings, of cases involving non-compliance with orders and regulations; suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
  - Chandeysson Electric Co 7400
  - Day Co 7607
  - Midwest Piping and Supply Co 7353
  - Universal Shank Co 7352
  - Weinstein Ladder Co 7207
- Inventory control:
  - Controlled materials, inventories of. *See under* Priorities system operation.
  - Priority orders respecting inventory limitations for specific materials and commodities. *See specific materials and commodities.*

NATIONAL SECURITY COUNCIL:
- Organization and functions 7160

NATIONAL SECURITY RESOURCES BOARD:
- Organization and functions 7160

NAVY DEPARTMENT:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067
- Contracts, negotiation of; certain authority delegated to Secretary of Navy 7160
- Naval Petroleum Reserves; Secretary of Navy to act for Secretary of Interior in matters relating to 7160

NEW MEXICO:
- Air Force Department, military purposes; lands near New Mexico Principal Meridian (PLO 859) 7125
- Grazing districts; New Mexico grazing district No. 6, certain lands in, withdrawn for use of Air Force Department for military purposes (PLO 859) 7125
- Survey, notice of filing of plat of; New Mexico Principal Meridian 7865

NEW YORK:
- Port Authority, agreement with Maritime Board, Federal 7909

O

OFFICE OF DEFENSE MOBILIZATION:
- Organization and functions 7160

P

PANAMA CANAL COMPANY:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

PANAMA CANAL ZONE:
- Fort Kobbe Army Reservation and Howard Air Force Base, setting apart reservations (CZO 28) 7942

PATENT OFFICE:
- Fees 7107

PENSION BOARD:
- Organization and functions 7160

PERSONNEL:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067
- Confidential records and information; disclosure or use by personnel of Federal Bureau of Investigation prohibited 7825
- Federal Bureau of Investigation; prohibition against disclosure or use of confidential records and information by personnel 7825

PETROLEUM:
- Naval Petroleum Reserves; Secretary of Navy to act for Secretary of Interior in matters relating to 7160

PRESIDENT:
- Delegations of authority:
  - Contracts, negotiation of; certain authority delegated to Secretary of Navy 7160
  - Whittier Defensive Sea Area, Alaska; delegation of authority to Chairman from Secretary of Defense respecting 7160
- Organization and functions; Office of Defense Mobilization 7160

PRIORITIES SYSTEM OPERATION:
- Canada:
  - Defense programs of United States and Canada; operation of priorities system in support of.
  - Petroleum and gas industries in. *See under* Priority orders.
- Controlled Materials Plan.
- Hearings, of cases involving non-compliance with orders and regulations; suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
  - Chandeysson Electric Co 7400
  - Day Co 7607
  - Midwest Piping and Supply Co 7353
  - Universal Shank Co 7352
  - Weinstein Ladder Co 7207
- Inventory control:
  - Controlled materials, inventories of.
  - Priority orders respecting inventory limitations for specific materials and commodities.

PRIORITY ORDERS:
- Canada; Petroleum and gas industries in 7910
- Inventory control; respecting inventory limitations for specific materials and commodities 7910
- Maritime Administration, Office of Ship Requirements and Allocations, redesignation of divisions within 7910

PUBLIC CONTRACTS DIVISION:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

PUBLIC HEALTH SERVICE:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

R

RECLAMATION BUREAU:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

RENEGOTIATION BOARD:
- Organization and functions 7160

S

SECURITIES AND EXCHANGE COMMISSION:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

SECURITY RESOURCES BOARD, NATIONAL:
- Organization and functions 7160

SMALL BUSINESS ADMINISTRATION:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

SMALL TRACTS:
- Classifications:
  - Alaska:
    - No. 62 7183
    - No. 63 7678
  - Nevada; No. 88, correction 7552
  - Wyoming; No. 12 7680
- Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
  - Alaska 7188, 7512, 7678, 7864, 7865
  - Arizona 7865
  - Colorado 7352
  - Nevada 7399
  - Wyoming 7680

STATE DEPARTMENT:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

SURVEY, NOTICE OF FILING OF PLATS OF:
- Alaska; Seward Meridian 7512
- Arizona; Gila and Salt River Meridian 7865
- Nevada; Mount Diablo Meridian 7399

T

TAYLOR GRAZING ACT, exchanges of privately owned lands under; determination of values, publication of notice of exchange 7547

TRAINING, MERCHANT MARINE:
- Regulations and minimum standards for State maritime academies:
  - Entrance standards; candidates to agree to apply for commission as ensign in United States Naval Reserve 7861
  - Scholarship subsidy, subsistence, and charges; redesignation 7861
  - Uniforms, textbooks, and subsistence 7861
  - Allowances 7861

TRANSPORTATION AGREEMENTS:
- Approval, hearings, etc.; listed companies affected by agreements:
  - Alaska Steamship Company (agreement No. 7565–1) 7352
  - Bull Insular Line, Inc. (agreement No. 7863) 7755
  - Compania Naviera Independencia, S. A. (agreement No. 7662–C) 7755
  - Compania Naviera Pacifico, S. A. (agreement No. 7662–C) 7755
  - Compania Naviera TransAtlantico, S. A. (agreement No. 7662–C) 7755
  - Linea De Vapores Garcia, S. A. (agreement No. 8150) 7352
  - Lykes Bros. Steamship Co. (agreement No. 8150) 7352
  - Mitsui Steamship Co., Ltd. (agreement No. 7837) 7909
  - Norton Line Joint Service (agreement No. 7863) 7755
  - Osaka Shosen Kaisha, Ltd. (agreement No. 7862) 7755
  - Pacific Argentine Brazil Line, Inc. (agreement No. 7846–1) 7352
  - Pacific Transport Lines, Inc. (agreement No. 7846–1) 7352
  - Pittston Stevedoring Corp. (agreement No. 7845) 7909
  - Pope & Talbot, Inc. (agreement No. 7846–1) 7352
  - Port of New York Authority (agreement No. 7845) 7909
  - Railway Express Agency Inc. (agreement No. 7565–1) 7352
  - United Fruit Co.:
    - Agreement No. 7837 7909
    - Agreement No. 7862 7755
    - Agreement No. 8150 7352

TREASURY DEPARTMENT:
- Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priorities system operation; regulations:
See also Priority orders.
Basic rules respecting DO ratings (Regulation 2); steel industry, work stoppage in, rescheduling of deliveries under NPA directives affected by (Direction 5) 7395
Canada; extent to which contracts and orders required to support defense programs of United States and Canada may have benefit of priorities system (Regulation 3) 7693
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1):
Carbon conversion steel; ex-allotment acquisition and use for Class A and B products (Direction 19) 7589, 7933
Foreign and used steel; acquisition and use without allotment (Direction 4) 7784
Producers of class B products:
Automatic allotment procedure (Direction 18) 7340, 7937
Procedure for obtaining minimum quantities of materials (Direction 1); termination date, provisions respecting 7339
Self-authorization procedure (Direction 17) 7339
Restrictions on placing authorized orders (Direction 3) 7429
Third and fourth quarter authorized controlled material orders, certain; placement and acceptance (Direction 16) 7936
Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign and used steel (CMP Regulation 6):
Carbon conversion steel; ex-allotment acquisition and use with respect to authorized construction schedules (Direction 7) 7590, 7935
Categories of construction and quantities of materials for which purchase orders may be self-authorized (Table II) 7116
Conservation; limitations on use of controlled materials 7116
Delivery orders, preference status of, for controlled and other materials (CMP Regulation 3); special preference status of DO rated orders for Class A and B products containing steel (Direction 4) 7692
Inventories of controlled materials (CMP Regulation 2) 7938
Copper and aluminum, temporary suspension of inventory limitations on (Direction 1); revocation 7940
Priority orders:
Aluminum:
Construction, residential, use in. *See* Construction.
Consumer durable goods, use in. *See* Metals.
Electric utilities, use by. *See* Electric utilities.
Inventory limitations on; temporary suspension (CMP Regulation 2, Direction 1), revocation 7940
Brass mill products. *See* Copper and copper-base alloy.
Cans, tin plate, terneplate and blackplate; restrictions upon acceptance, delivery and uses of cans and specifications for listed products (M–25); exceptions respecting cans made from certain specified materials 7489
Carbon electrodes. *See* Graphite, artificial, and carbon electrodes.
Chemicals:
Allocation of chemicals and allied products (M–45), Appendix B materials; polyethylene (Schedule 5), revocation 7368
Sulfuric acid, distribution by producers (M–94); revocation 7547
Columbium and tantalum; alloying materials. *See* Iron and steel.
Communications; rules for procurement and use of materials for MRO and operating construction by operators of systems (M–77):
Definitions, "operating construction"; quantities of controlled materials allowed for building alterations 7118
Limitation on use of controlled materials; deletion 7118

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Construction:
Controlled Materials Plan. *See* Priorities system operation.
Materials; copper and copper-base alloy, conservation of, and list of items in which use is prohibited (M–74), revocation 7118
Use of copper and copper base alloy in inventory as of July 1, 1951 (Direction 1); revocation 7118
Residential construction; limitations on construction or alteration of residential structures and restrictions on use of controlled materials (M–100):
Construction, alteration, etc., commenced prior to March 6, 1952; 1- through 4-family residences 7118
Limitations on use of controlled materials for certain purposes in residential construction; revocation 7118
Scope; provisions for use of copper and aluminum, deleted 7118
Self-authorization for 1- through 4- family residential structures; continuance of construction, alterations, additions, or extensions 7118
Types and quantities of materials which may be obtained (Schedule I) 7118
Types and quantities of materials which may be obtained for construction, alteration, etc., commenced prior to March 6, 1952 (Schedule II); revocation 7118
Consumer durable goods, use of controlled materials in. *See* Metals.
Copper and copper-base alloy:
Brass mill products; distribution to distributors (M–82); placement of orders by distributors for additional products prior to Oct. 1, 1952 (Direction 1) 7603
Inventory limitations on; temporary suspension (CMP Regulation 2, Direction 1), revocation 7940
Raw materials, distribution of; limitation on toll agreements covering scrap, and prohibitions on undue scrap accumulation (M–16):
Definitions; brass mill products 7143
Records and reports; scrap dealer or broker, requirements for filing Form NPAF–125 7148
Use as construction materials. *See* Construction.
Use by electric utilities. *See* Electric utilities.
Use in consumer durable goods. *See* Metals.
Electrical utilities; procurement and use of materials by (M–50) 7489
Aluminum (Appendix A); third and fourth quarter quotas and advance allotments for future quarters 7492
Copper (Appendix B); third and fourth quarter quotas and advance allotments for future quarters 7492
Inventory limitations:
Aluminum and copper; temporary suspension of limitations (Direction 1), revocation 7941
Steel; maximum limitations, temporary reduction of (Direction 2) 7493
Steel, carbon, alloy, and stainless (Appendix C, D, E); third and fourth quarter quotas and advance allotments for future quarters 7492
Gas industries. *See* Petroleum and gas industries.
Graphite, artificial, and carbon electrodes; conservation and distribution of (M–66); allocation authorizations for fourth quarter (Direction 1) 7942
Iron and steel:
Alloying materials and alloy products; requirements for melters and processors of, and authorization of melting or processing schedules (M–80):
Columbian and tantalum (Schedule 5) 7705
Quantities of contained metals in alloying materials exempted per month (List II); zirconium, increased allowance in 7705
Controlled Materials Plan respecting acquisition, deliveries and use of steel. *See* Priorities system operation, *above*.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Iron and steel—Continued
Distributors, steel; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A):
Earmarked stocks—aircraft quality alloy steel products (Schedule 1) 7692
Earmarked stocks—oil country casing, oil country tubing, and oil country drill pipe (Schedule 2); additional restrictions on delivery of oil country casing and tubing (Direction 1), revocation 7693
Supplemental shipments by producers and limitations on distributors' deliveries (Direction 3) 7114
Requirements concerning production, authorization for production and certain reports, and provisions respecting orders and deliveries (M–1):
Acceptance or rejection of orders by producers; provisions respecting 7087
Authorized production; respecting steel mill products derived from rerolling of rails and axles 7087
Fourth quarter; acceptance of defense orders in reserved space (Direction 6) 7088, 7185
Lead time 7088
Percentage of carbon and alloy steel to be applied against planned monthly production for listed products derived from rerolling of rails and axles (Table II) 7088
Scrap, allocation and inventory limitation (M–20); alloy scrap segregation (Direction 1) 7429
Steel industry, work stoppage in; rescheduling of deliveries under NPA directives affected by (Regulation 2, Direction 5) 7395
Use in consumer durable goods. *See* Metals.
Use of steel by electric utilities. *See* Electric utilities.
Machines, metalworking, finishes for; limitations on preparation for painting and application of paint on new machines (M–104), revocation 7051
Metals (iron, steel, copper, and aluminum), use of, in certain consumer durable goods:
To prohibit use of copper and aluminum for certain ornamental, decorative, nonfunctional and nonoperational purposes (M–47A); prohibited use 7116
To provide for flexibility in production and to prohibit use of copper and aluminum for certain ornamental and decorative purposes (M–47B) 7116
Furniture, fixtures, domestic appliances, lamps, fans, lawnmowers, silverware, fabricated products, musical instruments, jewelry, smokers' articles, etc. (Schedule 1) 7117
Metalworking machines. *See* Machines and machinery.
Paper; rules for placing, accepting, and scheduling Government orders (M–36) 7090
Petroleum and gas industries:
Foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A); oil country tubular goods, third quarter authorized controlled material orders for (Direction 2) 7854
United States and Canada, petroleum operations in; priorities assistance for obtaining MRO material for maintenance and repair purposes, as operating supplies, or laboratory equipment (M–46):
Filing date, for Form PAD–26LP 7050
Oil country tubular goods; third quarter authorized controlled material orders for (Direction 4) 7854
Platinum; limitations on distribution and use (M–54) 7430
Jewelry and miscellaneous items, use in, prohibited (List A) 7431
Polyethylene. *See* Chemicals.
Railroad transportation equipment; information pertaining to production or delivery (M–95) 7592

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Rubber, natural crepe; restrictions applicable to (M–2) 7940
Steel. *See* Iron and steel.
Sulfur, conservation of; restrictions on use and prohibitions on deliveries (M–69) 7591
Sulfuric acid. *See* Chemicals.
Tin, use in civilian economy (M–8):
Allocation of pig tin 7089
Certification that purchase of tin will not cause receipts to exceed purchaser's authorized allocation 7090
Importation of pig tin, restrictions on; revocation 7090
Scope; termination of restriction on private importation of pig tin 7089
Tin plate and terneplate:
Permitted uses (M–24); provisions respecting 7368
Use in cans. *See* Cans.
Transportation equipment, railroad. *See* Railroad transportation equipment.
Zirconium; alloying material. *See* Iron and steel.
Suspension orders, issuance of, to various firms, after hearings on noncompliance with regulations and orders. *See* Hearings.

NATIONAL SHIPPING AUTHORITY:
Organization and functions; Office of Ship Requirements and Allocations, redesignation of divisions within 7910

NAVY DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
Authority, delegation of, from Secretary to Chief, Bureau of Supplies and Accounts; elimination of excessive profits under Renegotiation Act of 1948 7791
Organization; Bureau of Supplies and Accounts 7677
Palmyra Island; revocation of order placing Island under control and jurisdiction of Secretary of Navy (Executive Order 10388) 7877

O

OIL AND GAS. *See* Petroleum and petroleum products.
OVERTIME, pay regulations respecting. *See* Civil Service Commission.

P

PATENT COMPENSATION BOARD, ATOMIC ENERGY COMMISSION; hearings. *See* Atomic Energy Commission.

PATENT OFFICE:
Rules of practice in patent cases:
Allowance and issue of patent, proposed rule 314 7824
Appeals:
Action following decision, proposed rule 197 7824
Appeal to Board of Appeals, proposed rule 191 7824
Appeal to United States Court of Customs and Patent Appeals, notice and reason of appeal; proposed rule 302 7824
Time for filing appeal, proposed rule 304 7824
Application for patents:
Serial number and filing date of application, proposed rule 55 7822
Signatures, proposed rule 57 7822
Single signature form, proposed deletion 7822
Civil action under 35 U. S. C. 145, 146, redesignation, proposed rule 303 7824
Time for appeal or civil action, proposed rule 304 7824
Correction of errors in patent:
Certificate of correction, proposed rule 322 7825
Certificate of correction of applicants mistake, proposed rule 323 7825
Correction of error in joining inventor, proposed rule 324 7825
Other mistakes not corrected, proposed rule 325 7825
Disclaimer, statutory disclaimer in patent; proposed rule 321 7824
Drawings:
Signature to drawing, proposed rule 84 7823
Standards for drawings, proposed rule 83 7823

PATENT OFFICE—Continued Page

Rules of practice in patent cases—Continued
- Fees and payment of money; charges, proposed rule 21 — 7822
- General information and correspondence:
  - Receipt of letters and papers proposed rule 6 — 7822
  - Times for taking action, expiration on Sunday or holiday, proposed rule 7 — 7822
- Interferences:
  - Motions to amend, proposed rule 233 — 7824
  - Preliminary statement:
    - Effect of statement, proposed rule 223 — 7824
    - Notice and access to applications, proposed rule 226 — 7824
    - Reliance on prior application, proposed rule 224 — 7824
  - Termination; statutory disclaimer by patentee, proposed rule 263 — 7824
  - Trial:
    - Assignment of times for taking testimony, proposed rule 251 — 7824
    - Final hearing, proposed rule 256 — 7824
- Joinder of inventions in one application, division:
  - Appeal from requirement for division, proposed rule 144 — 7823
  - Different inventions in one application, proposed rule 141 — 7823
  - Reconsideration of requirement, proposed rule 143 — 7823
  - Requirement for division, proposed rule 142 — 7823
  - Subsequent presentation of claims for different invention, proposed rule 145 — 7823
- Miscellaneous changes in citations, references, etc.; proposed changes in various rules — 7825
- Oath:
  - Oath of applicant, proposed rule 65 — 7823
  - Officers authorized to administer oaths, proposed rule 66 — 7823
- Petition; proposed rule 61 — 7823
- Reissues:
  - Applicants, assignees; proposed rule 172 — 7823
  - Reissue oath; proposed rule 175 — 7823
- Specifications:
  - Cross references to other applications, proposed rule 78 — 7823
  - Signature to specification, proposed rule 76 — 7823
- Specimens required, proposed rule 93 — 7823
- Who may apply for patent:
  - Applicant for patent, proposed rule 47 — 7822
  - Assigned inventions and patents, proposed rule 47 — 7822
  - Filing by other than inventor, proposed rule 47 — 7822
  - Joint inventors, proposed rule 45 — 7822
  - Proof of authority, proposed rule 44 — 7822
  - When inventor is insane, or legally incapacitated, proposed rule 43 — 7822

Rules of practice in trade-mark cases:
- Appeals:
  - Appeal to Commissioner from decision of Examiner of Interferences, proposed rule 26.3 — 7825
  - Appeal to Court, proposed changes in rule 24.4 — 7825
  - Time and manner of ex parte appeals, proposed trade-mark rule 26.2 — 7825
- Attorneys and representation by attorneys, suspension or exclusion from practice; proposed rule 46 — 7825
- Times for taking action, expiration on Saturday, Sunday or holidays; proposed rule 1.6 — 7825

PAY, COMPENSATION, ALLOWANCES, ETC.:
- *See also* Wages and hours.
- Civil service pay regulations. *See* Civil Service Commission.
- Foreign duty of Federal employees, compensation for. *See* State Department.
- Hospitals, Government, stipends for certain positions in. *See* Civil Service Commission.
- Salary and wage stabilization. *See* National Enforcement Commission; Salary Stabilization Board; *and* Wage Stabilization Board.
- Seaman discharged from United States vessel in foreign port, medium of payment. *See* State Department.

PETROLEUM ADMINISTRATION FOR DEFENSE:
- Natural gas, limitation on delivery for space heating and large volume use — 7786

PETROLEUM AND PETROLEUM PRODUCTS: Page
- Oil and gas leases. *See* Land Management Bureau.
- Producing oil and gas fields. *See* Geological Survey.

PHYSICALLY HANDICAPPED PERSONS. *See* Handicapped persons.

POST OFFICE DEPARTMENT:
- Delivery service, special delivery mail; registered, insured or sent c. o. d., treatment of — 7572
- Department and Postal Service; orders, contracts and bonds, employees interested in mail contracts:
  - Mail-messenger service, exception for, deletion of — 7818
  - Prohibition, note — 7818
- Domestic mail matter; provisions applicable to the several classes of mail matter, nonmailable articles and compositions, provisions of law — 7818
- Holidays. *See* Post offices, general provisions relating to.
- International postal service:
  - Miscellaneous; vessels to deliver letters at post offices before entry — 7819
  - Postage rates, service available, and instructions for mailing:
    - Insurance. *See* Registry, insurance.
    - Parcel post, parcels for foreign countries:
      - Group shipments, Australia — 7494
      - Recall and change of address; deletion of Australia — 7494
      - Sealing, insured parcels for Australia — 7494
      - Unpaid and insufficiently prepaid treatment at exchange offices — 7149
    - Registry, insurance, c. o. d., and certain ordinary services:
      - Insurance; special provisions applicable to Australia — 7494
      - Registry service; special provisions applicable to:
        - Further information, redesignation — 7698
        - Indemnity, redesignation — 7698
        - Restricted delivery by senders — 7698
    - Regular (Postal Union) mails:
      - Articles for foreign countries, Australia; recall and change of address — 7494
    - Small packets:
      - Acceptable; addition to list of countries — 7278
      - Not acceptable; deletion from list of countries — 7278
    - Special delivery (Exprés) service; Canada, exceptions respecting — 7149
  - Various countries, conditions applicable to service in:
    - Angola. *See* Portuguese West Africa.
    - Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island):
      - Parcel post:
        - Indemnity, redesigation — 7494
        - Insurance:
          - Limit of indemnity — 7494
          - Return receipt — 7494
        - Observations:
          - Marking of insured packages — 7494
          - Parcels containing securities, precious stones, or other precious articles, insurance of — 7494
          - Redesignation — 7494
        - Prohibitions; redesignation — 7494
        - Tables of rates, air parcels:
          - Group shipments — 7494
          - Insurance — 7494
          - Insured and ordinary, sealing of — 7494
      - Regular mails; recall and change of address — 7494
    - Barbados:
      - Parcel post, tables of rates; air parcel rates — 7278
      - Regular mails, air mail service; postage rates — 7278
    - Ceylon, regular mails; air mail service, postage rates — 7278
    - Germany; parcel post:
      - Dimensions — 7699
      - Table of rates:
        - Air parcels for all Germany; weight limit, insurance, etc — 7699
        - Surface parcel rates for certain zones — 7699

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
- Postage rates, service available, and instructions for mailing—Continued
  - Various countries, conditions applicable to service in—Continued
    - Germany; Parcel post—Continued
      - India, French settlements in:
        - Parcel post, table of rates, air parcel rates — 7278
        - Regular mails, air mail service, postage rates — 7278
      - Guinea. *See* Portuguese West Africa.
      - India, Portuguese. *See* Portuguese India.
      - Madeira Islands, regular mails; air mail service, postage rates — 7278
      - Morocco, French; regular mails, air mail service, postage rates — 7278
      - Morocco, Spanish Zone:
        - Regular mails, air mail service, postage rates — 7278
        - Parcel post, table of rates, air parcels — 7278
      - Morocco, Tangier (International Zone); regular mails, air mail service, postage rates — 7278
      - Mozambique. *See* Portuguese East Africa.
      - Portuguese East Africa (Mozambique); regular mails, air mail service, postage rates — 7278
      - Portuguese India; regular mails, air mail service, postage rates — 7278
      - Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince's Island); regular mails, air mail service, postage rates — 7278
      - Prince's Island. *See* Portuguese West Africa.
      - Rhodesia, Northern and Southern; regular mails, small packets, acceptance of — 7278
      - St. Thomas Island. *See* Portuguese West Africa.
      - Saudi Arabia; Parcel post:
        - Regular mails; air mail service postage rates — 7278
        - Surface and air, extension of service to certain places — 7279
        - Table of rates, air parcels — 7279
      - Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa: Ceuta, Melilla, Alhucemas, Chaferinas of Zafarani Islands, and Penon de Velez de la Gomara; also Andorra):
        - Parcel post; table of rates, air parcels — 7278
        - Regular mails; air mail service, postage rates — 7278
      - Yugoslavia, parcel post; observations, gift parcels exempt from customs duties — 7149
- Personnel:
  - Field service, interest of employees in postal contracts prohibited:
    - Exceptions; deletion of — 7819
    - Penalty; mail-messenger service, authority of certain postmasters and employees to contract for — 7819
- Post offices, general provisions relating to; holidays:
  - Days designated as — 7818
  - Service on — 7818
- Postal savings system, payment of certificates and interest; withdrawal by mail:
  - Procedure at paying office — 7148
  - Withdrawal of interest only — 7149
- Savings, postal. *See* Postal savings system.
- Transportation of mails:
  - Air mail service; evidence of performance to be submitted by air carriers — 7818
  - Mail-messenger service:
    - Authority of certain postmasters and employees to contract for mail-messenger service — 7818
    - Limitation of pay — 7818
    - Members of immediate families, contracting of — 7818
    - Railroads, performance of service, proof of — 7818
  - Star, steamship, and steamboat routes, and vehicle service in cities:
    - Proposals, accompanied with bond — 7819
    - Bonds of bidders, sureties on — 7819
    - Record of proposals — 7819

PRESIDENTIAL DOCUMENTS:
- Air Force Department; retirement of colonels of Regular Air Force, suspension of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels during emergency (EO 10379) — 7107

PRESIDENTIAL DOCUMENTS—Continued Page
- Army Department; retirement of colonels of Regular Army, suspension of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels during emergency (EO 10379) — 7107
- Burma; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (EO 10387) — 7799
- Civil service; travel and transportation expenses of civilian personnel when transferred from one official station to another for permanent duty, means of shipment (EO 10381) — 7205
- Days of observance:
  - Fire Prevention Week, 1952 (Proc. 2987) — 7613
  - National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Displaced Persons Commission; liquidation of affairs by State Department (EO 10382) — 7323
- Europe, Special Representative for; United States High Commissioner for Germany to act as representative of Special Representative for Europe (EO 10380) — 7107
- Fire Prevention Week, 1952 (Proc. 2987) — 7613
- Germany, United States High Commissioner for; functions (EO 10380) — 7107
- Handicapped persons, employment of; National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Hawaii, Territory of; restoration of certain lands to jurisdiction of:
  - Hilo, Hawaii; certain lands set aside for aeronautical purposes (EO 10378) — 7107
  - Palaau, Molokai; certain lands in connection with Molokai Airport Military Reservation (Homestead Field) (EO 10383) — 7361
  - Waiakea, Hawaii, certain lands in connection with Hilo Airport Military Reservation (EO 10384) — 7361
- Housing and Home Finance Administration; temporary housing, extension of time in connection with removal of certain temporary housing (EO 10385) — 7525
- Housing, temporary; extension of time in connection with removal of certain temporary housing (EO 10385) — 7525
- Indonesia; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (EO 10387) — 7799
- Institute of Inter-American Affairs Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- International Development Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- Lands; restoration of certain lands to jurisdiction of Territory of Hawaii. *See* Hawaii.
- Mutual Security Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- Mutual Security Agency; Germany, United States High Commissioner to act as representative of Director (EO 10380) — 7107
- Mutual Defense Assistance Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Navy Department; Palmyra Island, revocation of EO 8616 placing Island under control and jurisdiction of Secretary of Navy (EO 10388) — 7877
- Palmyra Island; revocation of EO 8616 placing Island under control and jurisdiction of Secretary of Navy (EO 10388) — 7877
- Physically handicapped persons, employment of; National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Procurement, under Mutual Security Act and certain other acts; exemption of certain functions in connection with, from specified laws (EO 10387) — 7799
- State Department; Displaced Persons Commission, liquidation of affairs (EO 10382) — 7323
- Tariff Commission; trade agreements, tariff concessions under. *See* Trade agreements.
- Trade agreements:
  - General Agreement on Tariffs and Trade, modification with respect to tariff concessions on dried figs (Proc. 2986) — 7567

PRESIDENTIAL DOCUMENTS—Continued Page
Trade agreements—Continued
Torquay Protocol to General Agreement on Tariffs and Trade, modification with respect to tariff concessions on dried figs (Proc. 2986) 7567
Travel and transportation expenses, of civilian personnel when transferred from one official station to another for permanent duty; means of shipment (EO 10381) 7205
United States High Commissioner for Germany:
Chief of Special Mission to assist High Commissioner and to have rank of Minister (EO 10380) 7107
Functions (EO 10380) 7107

PRICE STABILIZATION, OFFICE OF:
Adjustments:
Ceiling price adjustment for commodities or services governed by specific regulations. *See specific commodities.*
Manufacturers' prices. *See* Manufacturers' prices.
Wholesalers and retailers, adjustments for, under section 402 (k) of the Act; procedure for applications (GOR 33) 7852
Agricultural commodities:
Grains, services respecting handling and storage of, for Commodity Credit Corporation. *See under* Services.
Manufacturers' prices. *See* Manufacturers' prices.
Wooden containers for. *See* Containers and closures.
Alaska. *See* Territories and possessions of United States.
Aluminum mill products, ceiling prices for:
Producers' sales (GCPR, SR 113) 7224
Resellers' prices. *See* Machines and machinery.
Apparel. *See* Consumer goods.
Authority, delegations of, to various officials:
Chief Counsel; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555
Consumer Goods Division, redelegation to Chiefs of Branches of; authority to request further information concerning ceiling prices, proposed under any ceiling price regulation (Delegation of Authority 6, Supp. 3) 7681
Deputy Director; authority to act as Acting Director of Price Stabilization, in absence of Director (Delegation of Authority 2) 7555
Director of Price Operations; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations):
Region I Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 45) 7309
Cattle, live; under CPR 23 (Redeleg. 44) 7309
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 47) 7949
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 43) 7309
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 15) 7756
Eating and drinking establishments; under CPR 134 (Redeleg. 38) 7403
Iron and steel, resellers' prices for; under CPR 98 (Redeleg. 29) 7308
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 36) 7553
Malt beverages, under CPR 117 (Redeleg. 28) 7308
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 46) 7404
Pork sold at wholesale, under CPR 74 (Redeleg. 33) 7309
Region II Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 40) 7257
Cattle, live; under CPR 23 (Redeleg. 35) 7257

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region II Directors—Continued
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 7) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 33) 7314
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) 7256
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 42) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 41) 7553
Pork sold at wholesale, under CPR 74 (Redeleg. 11) 7256
Region III Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7309
Cattle, live; under CPR 23 (Redeleg. 33) 7257
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 41) 7950
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 39) 7310
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 27) 7950
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7797
Imports; reports, under CPR 31 (Redeleg. 34) 7950
Malt beverages, under CPR 117 (Redeleg. 40) 7950
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 42) 7950
Pork sold at wholesale, under CPR 74 (Redeleg. 20) 7309
Region IV Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 39) 7315
Cattle, live; under CPR 23 (Redeleg. 34) 7315
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 38) 7315
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 22) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7315
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) 7314
Malt beverages, under CPR 117 (Redeleg. 25) 7314
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7553
Pork sold at wholesale, under CPR 74 (Redeleg. 10) 7314
Region V Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 41) 7757
Beef sold at wholesale; under CPR 24 (Redeleg. 39) 7258
Revocation 7757
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 40) 7258
Eating and drinking establishments; under CPR 134 (Redeleg. 29) 7404
Imports; reports filed, under CPR 31 (Redeleg. 33) 7257
Malt beverages, under CPR 117 (Redeleg. 24) 7257
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 42) 7757
Veal; ceiling prices at wholesale under CPR 101 (Redeleg. 38) 7257
Region VI Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7311
Cattle, live; under CPR 23 (Redeleg. 33) 7311
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 40) 7951
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 37) 7311

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region VI Directors—Continued
Consumer goods, under CPR 7 (Redeleg. 2); correction 7310
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 18) 7950
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7951
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) 7310
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 27) 7951
Malt beverages, under CPR 117 (Redeleg. 24) 7310
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7951
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 39) 7951
Pork sold at wholesale, under CPR 74 (Redeleg. 10) 7310
Region VII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7311
Cattle, live; under CPR 23 (Redeleg. 34) 7258
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 9) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7315
Imports; reports filed, under CPR 31 (Redeleg. 36) 7258
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) 7311
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 29) 7311
Region VIII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 39) 7315
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 7) 7554
Eating and drinking establishments; under CPR 134 (Redeleg. 32) 7315
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) 7258
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 23) 7797
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 12) 7312
Region X Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 37) 7259
Cattle, live; under CPR 23 (Redeleg. 30) 7312
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 40) 7951
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 38) 7312
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 5) 7554
Eating and drinking establishments; under CPR 134 (Redeleg. 35) 7316
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) 7312
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7952
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 39) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 13) 7312
Region XI Directors:
Cattle, live; under CPR 23 (Redeleg. 40) 7259
Eating and drinking establishments; under CPR 134 (Redeleg. 38) 7316

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region XI Directors—Continued
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 34) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 46) 7798
Region XII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 50) 7310
Cattle, live; under CPR 23 (Redeleg. 43) 7313
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 15) 7798
Eating and drinking establishments; under CPR 134 (Redeleg. 41) 7516
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 38) 7798
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 52) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 11) 7313
Region XIII Directors:
Beef sold at wholesale; under CPR 24 (Redeleg. 30) 7314
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 33) 7793
Eating and drinking establishments; under CPR 134 (Redeleg. 23) 7316
Imports; reports filed, under CPR 31 (Redeleg. 29) 7313
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 14) 7313
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 32) 7555
Pork sold at wholesale, under CPR 74 (Redeleg. 18) 7313
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 7313
Region XIV. *See* Directors, Territorial.
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations):
All Directors:
Automobiles, new passenger, sales at retail and wholesale; reports of proposed price determining methods, under CPR 83 (Delegation of Authority 73) 7757
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Delegation of Authority 25) 7693
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Delegation of Authority 1) 7195
Petroleum products; area adjustments, certain, under CPR 17 (Delegation of Authority 72) 7357
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Delegation of Authority 71) 7033
Redelegations of authority. *See* Directors, District; *and* Directors, Territorial.
Region II, Director of; services of linen suppliers in New York City area, certain, applications for redesignation of nature of accounts, under CPR 34, SR 24 (Delegation of Authority 74) 7757
Region XIV; commodities sold in territories and possessions, under CPR 9 (Delegation of Authority 7) 7662
Directors, Territorial, District Region XIV; Hawaii, Territorial Director for, approval of certain ceiling prices for fertilizer, mixed, sold in Hawaii by mixers and packagers, under CPR 72 (Redeleg. 19) 7404
Economic Advisor; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555

PRICE STABILIZATION, OFFICE OF—Continued Page

Automobiles:
New passenger automobiles; sales at retail and wholesale (CPR 83) 7572
Authority of Regional Directors. *See* Authority, delegations of.
Equipment, standard, on various 1952 model automobiles; listed (Appendix A) 7576
Special orders:
Ford Motor Co 7099
General Motors Corp 7517
Kaiser-Frazer Corp 7259, 7517, 7952
Used, passenger; listed prices for sales by wholesalers, retailers, or individuals (CPR 94):
Established ceiling prices; trade-ins (Int. 2) 7048
Listed prices (Appendix A); Chevrolet and General Motors Corporation Suburbans, and Graham automobiles, deletion 7048
Automotive and farm tractor repair services. *See* Services.
Baby food, canned. *See under* Foods.
Bags. *See* Containers and closures.
Barrels, wooden. *See* Containers and closures.
Bedding. *See* Consumer goods.
Beef. *See* Livestock and meat.
Beet pulp products. *See* Feeds.
Bottle cap liners; exemption (GOR 8) 7184
Castings (CPR 60); adjustment in ceiling prices for copper and copper alloy castings 7421
Cattle. *See* Livestock and meat.
Charcoal sold in Virgin Islands. *See* Territories and possessions of United States.
Chemical and related commodity transactions, certain (new and experimental chemicals and drugs, new chemical specialties and cosmetics, reagent chemicals, butadiene, fertilizer materials and uranium compounds); exemption (GOR 3) 7275
China and glassware. *See* Consumer goods.
Christmas decorations. *See* Consumer goods.
Cigars; suspension (GOR 7) 7114
Coal, coke, etc.:
Anthracite, delivered from mine or preparation plant (CPR 4), ceiling prices on various sizes (Appendix A); adjustments, certain 7367
Coke, coal chemicals and coke oven gas (GCPR, SR 13); definition, "long-term contract" 7048
Coke. *See* Coal, coke, etc.
Commodity Credit Corporation. *See* Government agencies.
Community pricing (GOR 24):
Authority of District Directors. *See* Authority, delegations of.
Price orders, community, respecting retail prices for certain dry grocery items; notice of filing by various Regions:
Region V (Jacksonville) 7517, 7708, 7868
Region VIII (Fargo) 7517, 7708, 7868
Region XII (Fresno) 7517, 7868
Concrete, ready-mixed, adjusted ceiling prices for manufacturers (GCPR, SR 108); persons covered, scope of term ready-mixed concrete (Int. 1) 7148
Consumer goods, certain:
Exemptions and suspensions for certain consumer soft goods of minor significance which have trifling effect on cost of living, defense costs, etc. (GOR 4):
Exemption; scrap leather not suitable for producing cut parts 7277
Suspension, leather, imported and domestic; scrap leather not suitable for producing cut parts, deletion of reference to 7277
Retail ceiling prices (CPR 7) 7454
Category markups, tables for (Appendix D, E, F) 7481
Commodities covered (Appendix B) 7468
Apparel:
Infants' apparel and accessories 7470
Men's and boys' apparel and accessories 7468
Shoes and other footwear 7471
Women's, girls', and children's apparel and accessories 7469, 7477
Consumer durable goods 7472
Bedding 7473
Floor coverings (rugs, linoleum, etc.) and certain wall coverings 7473
Furniture, household 7472
Housewares 7474

PRICE STABILIZATION, OFFICE OF—Continued Page

Consumer goods, certain—Continued
Retail ceiling prices (CPR 7)—Continued
Commodities covered (Appendix B)—Continued
Consumer durable goods—Continued
Jewelry, watches and clocks 7476
Lamps and lamp shades 7473
Luggage and sporting goods 7475
Musical instruments 7473
Notions 7475
Phonographs and recorders 7474
Radios 7474
Silverware, china and glassware 7476
Television sets and accessories 7474
Household textile commodities, drapery hardware, certain yard goods, knitting yarn and crochet thread, laces, trimmings and ribbons 7471
Toys, games and Christmas decorations 7478
Comparable categories (Appendix C) 7473
Computing ceiling prices 7458
General provisions; records, reports, definitions, etc 7461
Pricing charts:
Contents, filing, amendments, etc 7455
Examples of list date pricing chart (Appendix A) 7466
Scope; sales and sellers covered 7454
Special cases 7463
Supplementary regulations:
Alternative pricing method for retailers with unrepresentative category charts (SR 6); authority of District Directors. *See* Authority, delegations of.
Branded articles, uniform ceiling prices for (SR 4), orders under section 43 of CPR 7, expiration of; exception 7930
Containers and closures:
Bags (grocers, variety and specialty paper, film and foil); ceiling prices for manufacturers' sales (CPR 164) 7615
Barrels; manufacturers' prices for new wooden barrels produced in Maine and sold to potato growers and distributors in Aroostook County, Maine (GCPR, SR 115) 7736
Bottle caps, liners for. *See* Paper, paperboard, etc.
Wooden agricultural containers, used, sales in Southern California (CPR 142); retailer, defined 7692
Contract motor carriers. *See* Motor vehicles.
Copper and copper base alloy:
Castings; adjustment in ceiling prices. *See* Castings.
Exemption for certain sales by refiners using imported raw materials (GOR 9) 7050
Cosmetics, certain, exemption (GOR 3); small manufacturers' sales of new product 7275
Cotton, raw; handling and storage. *See* Services.
Cottonseed feed products. *See* Feeds.
Drug commodity transactions, certain, exemption (GOR 3); new and experimental drugs 7275
Exports (CPR 61), sulphur mined by non-Frasch methods, ceiling prices for (SR 3), special order; sulphur produced by Western Sulphur Industries, Inc 7163
Feeds:
Beet pulp products, prices for processors, importers and distributors (CPR 162) 7145
Cottonseed feed products; prices for producers and distributors (CPR 167) 7773
Ferromanganese. *See* Manganese.
Fertilizer and fertilizer materials:
See also Chemical and related commodity transactions.
Mixed fertilizers:
Manufacturers' ceiling prices; adjustments on basis of increased freight rates (CPR 22, SR 31; GCPR, SR 114) 7391, 7393
Sold in Puerto Rico and Hawaii by mixers and packers (CPR 72); authority of Territorial Director for Hawaii. *See* Authority, delegations of.
Floor coverings (rugs, carpets, etc.). *See* Consumer goods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Foods:
See also specific commodities.
Baby and junior foods, canned:
Processors, certain, adjustment of ceiling prices for (GCPR, SR 107); authorization to notify retailers of different method of determining net cost 7538
Retailers. *See under* Dry groceries.
Containers and closures for foods. *See* Containers and closures.
Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
Retail:
Community price orders, for certain Regions. *See* Community pricing.
Groups 1 and 2 stores (CPR 16):
Adjustment provisions for over the counter sales by gift package shippers; application for exclusion from markups in establishing ceiling prices 7221
Baby food, canned; applying rule for "dry groceries" in figuring net cost and ceiling price, displaying price, etc 7537
Groups 3 and 4 stores (CPR 15):
Adjustment provisions for over the counter sales by gift package shippers; application for exclusion from markups in establishing ceiling prices 7221
Baby food, canned: applying rule for "dry groceries" in figuring net cost and ceiling price, displaying price, etc 7536
Coverage as to store and group, respecting 5 and 10 cent stores and department stores (Int. 3) 7047
Wholesale (CPR 14); adjustment provisions, respecting service fee wholesalers 7420
Exemption and suspension of certain food and restaurant commodities which have a trifling effect on cost of living, defense costs, etc., GOR 7):
Exemption; spices, seeds and herbs produced in U. S., listed 7080
Molasses, edible sugar cane; record and reporting requirements eliminated 7427
Suspension; cigars, controls applicable to 7114
Fruits and vegetables, fresh; territories and possessions, exemption. *See* Territories and possessions of United States.
Fuel oils. *See* Petroleum products.
Furniture, household. *See* Consumer goods.
Games. *See* Consumer goods.
General ceiling price regulation:
Determination of ceiling prices:
Manufacturers', wholesalers' and retailers' prices for new commodities falling within categories dealt in during base period; provision respecting second line low-pressure tires:
Category, proper, for (Int. 56) 7815
"Most nearly like" commodity, determination of (Int. 57) 7816
Sales of deskidded tires; where tire is new commodity and does not represent sale of a separate service (Int. 59) 7736
Exemptions and exceptions; producers, certain, whose gross sales do not exceed $25,000 for fiscal year 7487
Supplementary regulations:
Aluminum mill products, ceiling prices for producers (SR 113) 7224
Baby and junior foods, canned, adjustment of ceiling prices (SR 107); authorization to certain processors to notify retailers of different method of determining net cost 7538
Coal, coke, etc.; coke, coal chemicals and coke oven gas (SR 13), definition, "long-term contract" 7048
Concrete, ready-mixed, adjusted ceiling prices for manufacturers (SR 108); persons covered, scope of term ready-mixed concrete (Int. 1) 7148
Fertilizers, mixed; adjustments in ceiling prices on basis of increased freight rates (SR 114) 7393
Iron and steel products; adjustment of ceiling prices (SR 100) 7585

PRICE STABILIZATION, OFFICE OF—Continued Page

General ceiling price regulation—Continued
Supplementary regulations—Continued
Milk, fluid, cream and milk products; area milk price adjustments (SR 63):
California; San Francisco District (AMPR 12) 7081, 7337
Illinois; Waukegan milk marketing area (AMPR 32) 7931
Massachusetts; Fall River milk marketing area, milk products for fluid consumption in (AMPR 31) 7898
New Jersey; milk marketing areas 3, 4, and 5 (AMPR 18) 7487
Pennsylvania:
Eastern Pennsylvania, certain milk marketing areas (AMPR 27) 7082
Johnstown-Altoona milk marketing area, area No. 9 (AMPR 28) 7033
Pittsburgh milk marketing area, area No. 2 (AMPR 29) 7035
Texas; North Texas milk marketing area (AMPR 30) 7896
Motor carriers, contract, certain; rate adjustments (SR 39) 7078
Authority of Regional and District Directors. *See* Authority, delegations of.
Pork products, retail sales of, adjustment of ceiling prices (SR 65); authority of Regional and District Directors. *See* Authority, delegations of.
Potato barrels; manufacturers' prices for new wooden barrels produced in Maine and sold to potato growers and distributors in Aroostook County, Maine (SR 115) 7736
Steel. *See* Iron and steel products.
Wood and wood products:
Pulpwood produced and sold for use in certain counties of New Jersey; ceiling prices for (SR 111) 7049
Refuse wood, fir and hemlock, produced in Columbia River District of Washington and Oregon; ceiling prices for (SR 112) 7332
Gift packages, containing woods; adjustment of certain retail prices. *See under* Foods.
Glassware. *See* Consumer goods.
Government agencies; Commodity Credit Corporation, services respecting handling and storage of grain for. *See under* Services.
Grains; handling and storage of. *See under* Services.
Guam. *See* Territories and possessions of United States.
Housewares. *See* Consumer goods.
Imported commodities:
See also specific commodities.
Imports (CPR 31):
Authority of District Directors. *See* Authority, delegations of.
Definitions; "processing", includes grinding of imported or mixed domestic and imported spices, seeds and herbs 7074
Excepted commodities (Appendix A); tin-metal, ore, concentrates, powder, scrap alloys, deleted 7690
Lumber, logs, and allied wood products; importers' ceiling prices (CPR 165) 7725
Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9):
Exemption; copper, certain, sales by refiners using imported raw materials 7050
Suspensions:
Experimental metals, metal alloys, sintered metal carbides and metallic carbides 7489
Ships, new, certain; sales or deliveries by builder 7488
Iron and steel:
Adjustment of ceiling prices for iron and steel products (GCPR, SR 100) 7585
Pricing order, adjustable, for producers of certain steel mill products (Steel Special Order 1) 7046
Resellers' prices for iron and steel products (CPR 98):
Authority of District Directors. *See* Authority, delegations of.
Re-usable boiler and pressure tubes, reconditioned quality 7724

PRICE STABILIZATION, OFFICE OF—Continued Page

Jewelry. *See* Consumer goods.
Kerosene. *See* Petroleum products.
Lamps and lamp shades. *See* Consumer goods.
Leather, scrap, not suitable for producing cut parts; exemption (GOR 4) 7277
Linen supply services, certain. *See under* Services.
Livestock and meat:
  Beef:
    Allocation of beef to the military. *See* Distribution.
    Retail, kosher beef sold at (CPR 26); authority of District Directors. *See* Authority, delegation of.
    Wholesale, beef sold at (CPR 24):
      Authority of District Directors. *See* Authority, delegations of.
      Pricing schedules:
        Carcasses and wholesale cuts; certain beef cuts imported from New Zealand 7144, 7689
        Miscuts, ungraded (or improperly graded) beef, and unauthorized sales; permitted sale of certain cuts imported from New Zealand, conditions for 7144, 7689
      Prohibitions; respecting sale of other than defined cuts:
        Imported cuts, certain, from New Zealand; sales permitted 7144, 7689
      Interpretation 7931
    Cattle, live (CPR 23); authority of District Directors. *See* Authority, delegations of.
    Distribution:
      Allocation of beef to the military (DR 3); applicability during periods of inadequate overall supply 7428
      Fair distribution of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs or swine is permissible (DR 1), authority of Regional and District Directors. *See* Authority, delegations of.
  Pork:
    Retail, pork products sold at, adjustment of ceiling prices (GCPR, SR 65); authority of Regional and District Directors. *See* Authority, delegations of.
    Wholesale, pork sold at (CPR 74):
      Authority of District Directors. *See* Authority, delegations of.
      Dried pork, specialty pork products and prefabricated retail cuts, application for ceiling price (Int. 1) 7047
  Veal sold at wholesale (CPR 101); authority of District Directors. *See* Authority, delegations of.
Logs. *See* Wood and wood products.
Luggage. *See* Consumer goods.
Lumber. *See* Wood and wood products.
Machines and machinery, etc.:
  Manufacturers' prices for machinery and related manufactured goods (CPR 30):
    Definitions; manufacturer 7689
    Option to disregard separate corporate identity; provisions respecting 7690
    Supplementary regulation; adjustments, application for, under Defense Production Act of 1950 (SR 4), option to propose an alternate method 7326
  Resellers' ceiling prices for machinery and related manufactured goods (CPR 67):
    Commodities covered (Appendix A); primary aluminum mill products 7222
    Definitions; manufacturer 7691
    Manufacturers' suggested resale prices (SR 2); special order, Auto Ventshade Co 7609
Malt beverages (CPR 117):
  Authority of District Directors. *See* Authority, delegations of.
  Brewers; determination of ceiling prices:
    Items of different container size, container type or case size than those dealt with during base period 7075
    Newly labeled malt beverages; optional method 7075
    Notification of ceiling prices 7076
    Sales of items when prices cannot be determined under any other section 7075

PRICE STABILIZATION, OFFICE OF—Continued Page

Malt beverages (CPR 117)—Continued
  Brewers' determination of ceiling prices—Con.
    Sole distributors and wholly owned distributors, sales to; optional method 7075
  Coverage, geographical; extended to sales in Territory of Hawaii of malt beverages produced in Hawaii 7427
  General provisions:
    Definitions; "home distributor" 7078
    Fractional parts of a cent; treatment, in figuring ceiling prices 7078
  Retailers; determination of ceiling prices:
    Initial prices for sales that cannot be determined under any other section 7077
    Items sold between December 19, 1950 and October 31, 1951; calculation and recalculation of prices 7077
    Recalculation of prices initially determined under other sections 7078
  Scope 7075
  Wholesalers; determination of ceiling prices:
    Items of different container size, container type or case size than those dealt in during base period 7076
    Newly labeled items, certain 7076
    Notification of prices 7077
    Sales of items when prices cannot be determined under other sections 7076
Manganese products (ferromanganese, manganese metal, etc.); ceiling prices for producers' sales (CPR 163) 7333
Manufacturers' prices:
  See also specific commodities.
  Manufacturers' general ceiling price regulation (CPR 22):
    Calculation of ceiling prices; new commodities falling within categories dealt in during base period, information required in reports for certain products 7047
  Coverage; excluded commodities and transactions (Appendix A):
    Manufacturers, certain, whose gross sales do not exceed $25,000 for last fiscal year 7486
    Spices, seeds and herbs, imported; processed 7074
  Prohibition against redetermination of ceiling prices; mathematical error by manufacturer in establishing base period selling price for article (Int. 34) 7144
  Supplementary regulations:
    Consumer durable goods, certain, translation of f. o. b. into delivered ceiling prices for (SR 30); items listed (Appendix A), gas and electric cooking stoves, addition 7486
    Fertilizers, mixed; adjustments in ceiling prices on basis of increased freight rates (SR 31) 7391
    Paints, varnishes and lacquers, ceiling prices for (SR 6) 7422
Metals:
  See also specific metals.
  Suspension from price control for certain experimental metals, metal alloys, sintered metal carbides and metallic carbides (GOR 9) 7489
Milk, fluid, cream and milk products; area milk price adjustments (GCPR, SR 63):
  California; San Francisco District (AMPR 12) 7081, 7337
  Illinois; Waukegan milk marketing area (AMPR 32) 7931
  Massachusetts; Fall River milk marketing area, milk products for fluid consumption in (AMPR 31) 7898
  New Jersey; milk marketing areas 3, 4, and 5 (AMPR 18) 7487
  Pennsylvania:
    Eastern Pennsylvania, certain milk marketing areas (AMPR 27) 7082
    Johnstown-Altoona milk marketing area, area No. 9 (AMPR 28) 7083
    Pittsburgh milk marketing area, area No. 2 (AMPR 29) 7085
  Texas; North Texas milk marketing area (AMPR 30) 7896
Molasses, edible sugar cane. *See* Foods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Motor vehicles:
  Automobiles. *See* Automobiles.
  Commercial, certain types; rental of (CPR 70):
    Rental-purchase option agreements, certain; exemption 7453
    Service not furnished during "base period" 7453
  Contract motor carriers, certain, rate adjustments for (GCPR, SR 39) 7078
  Authority of Regional and District Directors. *See* Authority, delegations of.
Musical instruments. *See* Consumer goods.
Notions. *See* Consumer goods.
Organization and functions; field organization and activities:
  Basic field organization 7515
  Locations and areas serviced by regional and district offices 7515
Paints, varnishes and lacquers; manufacturers' prices for (CPR 22, SR 6) 7422
Paper, paperboard, etc.:
  Bags; made from variety and specialty paper. *See* Containers and closures.
  Bottle caps (metal or plastic), liners for; exemption of manufacturers' sales of 7185
  Puerto Rico, certain paper and paperboard products sold in; ceiling prices for (CPR 143):
    General provisions:
      Different cost inventories; last delivered cost 7223
      Notification and posting 7223
    Standard wrapping paper and grocers and variety paper bags:
      Ceiling prices 7223
      Definitions; "grocers paper bags" 7223
    Wrap tissue paper; ceiling prices 7223
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.):
  Sales at retail (CPR 13); authority of District Directors. *See* Authority, delegations of.
  Sales other than at retail (CPR 17), adjustments; application for area adjustments of tank wagon ceiling prices for fuel oil distributors 7325
  Authority of Regional and District Directors. *See* Authority, delegations of.
  Virgin Islands, retail sales for kerosene in (CPR 50):
    Ceiling prices for kerosene imported in steel drums 7691
    Petitions for amendment of regulation 7691
Phonographs and recorders. *See* Consumer goods.
Pork. *See* Livestock and meat.
Potato barrels, certain. *See* Containers and closures.
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Wood and wood products.
Radios. *See* Consumer goods.
Restaurants:
  Eating and drinking establishments; ceiling prices (CPR 134):
    Authority of District Directors. *See* Authority, delegations of.
    Redetermination of ceiling prices authorized, extension of time for; cut-off date deleted 7902
  Exemption for meals sold by certain institutions in territories and possessions. *See* Territories and possessions of United States.
  Exemption of certain food and restaurant commodities. *See* Foods.
  Territorial restaurants and eating and drinking establishments (CPR 120):
    Adjustments 7112, 7691
    Definitions; "adjustment base period", "food cost per dollar of sales ratio" and "labor cost per dollar of sales ratio" 7112, 7691
    Supplementary regulation; West Coast maritime strike, adjustments for increases in food costs in Alaska, Guam, and Hawaii, due to (SR 1) 7113
Services:
  Services in connection with specific commodities, see specific commodities.
  Excepted and suspended services, rates, fees and charges for supply of certain services, and services which fall within the scope of certain occupations (GOR 14); raw cotton, handling and storage of, suspension 7046

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
  Suppliers of services, in trade, commerce and industry (CPR 34):
    Special orders for various firms; Remington Rand, Inc 7165
    Supplementary regulations:
      Automotive and farm tractor repair services, approval of certain flat rate manuals for use in establishing ceiling prices (SR 3); approval of additional flat rate manuals and labor schedules 7133
      Grain; ceiling prices for handling and storage for Commodity Credit Corporation under Uniform Grain Storage Agreement of United States Department of Agriculture (SR 23) 7537
      Linen suppliers in New York City area; sales of services to small commercial users (SR 24) 7729
      Authority of Regional Director. *See* Authority, delegations of.
Ships; suspension for sales of certain new ships (GOR 9) 7488
Shoes. *See* Consumer goods.
Silverware. *See* Consumer goods.
Spices, seeds and herbs:
  Imported. *See* Manufacturers' prices; *and* Imported commodities.
  Produced in United States; exemption from ceiling prices. *See* Foods.
Sporting goods. *See* Consumer goods.
Steel. *See* Iron and steel.
Stoves, gas and electric; delivered ceiling prices for. *See under* Manufacturers' prices.
Sulphur; export sales. *See* Exports.
Television sets and accessories. *See* Consumer goods.
Territories and possessions of United States:
  Authority of Territorial Directors. *See* Authority, delegations of.
  Ceiling prices for all commodities not produced or manufactured in territories and possessions where sold (CPR 9); supplementary regulations:
    Manufacturers making sales subject to CPR 9 (SR 2); freight increases added to ceiling prices 7485
    Uniform prices, establishment of (SR 3); special orders, International Latex Corp 7756
    West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 4) 7485
  Charcoal sold in Virgin Islands (CPR 154), prices on Island of St. Croix during harvesting season; sugar cane harvesting season, notice of termination (Special Order 1) 7098
  Exemptions, territorial (GOR 23):
    Fruits and vegetables, fresh 7050
    Guam, suspension of price controls in 7933
    Hotels and boarding houses; meals served by American plan 7737
  Malt beverages; produced and sold in Hawaii. *See* Liquors, distilled spirits, malt beverages, wines, etc.
  Paper and paper products sold in Puerto Rico. *See* Paper, paperboard, etc.
  Petroleum products sold in Virgin Islands. *See* Petroleum products.
  Restaurants and eating and drinking establishments. *See* Restaurants.
  Textile products sold in Puerto Rico. *See* Textile products.
Textile commodities, household. *See* Consumer goods.
Textile products, sold in Puerto Rico; ceiling prices at various levels of distribution (CPR 166) 7732
Tin, imported. *See* Imported commodities.
Tires, certain; determination of ceiling prices. *See* General ceiling price regulation.
Toys. *See* Consumer goods.
Veal. *See* Livestock and meat.
Virgin Islands. *See* Territories and possessions of United States.
Watches and clocks. *See* Consumer goods.

VOL 17

AUG

INDEX

FEDERAL REGISTER

Volume 17 INDEX, AUGUST 1952 Nos. 150–171

A

AGRICULTURE DEPARTMENT: Page

See Animal Industry Bureau.
Commodity Credit Corporation.
Commodity Exchange Authority.
Entomology and Plant Quarantine Bureau.
Farm Credit Corporation.
Farmers Home Administration.
Forest Service.
Rural Electrification Administration.
Soil Conservation Service.

Agricultural adjustment:
Conservation programs:
National program. *See* Conservation programs.
Naval stores program. *See* Conservation programs.
Special programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.
Marketing quotas, for peanuts and tobacco. *See* Peanuts; *and* Tobacco.

Almonds:
Marketing of almonds grown in California; salable and surplus percentages for 1952 crop year, proposed 7393
Standards, for shelled almonds; proposed 7435

Apples; diversion program for fresh Gavenstein apple, program TMP 96a3 7110

Authority, delegations of:
From Production and Marketing Administrator:
Director, Cotton Branch; authority with respect to sampling, analysis, and certification of samples and grades of cottonseed (crushing purposes) 7909
State Production and Marketing Committees; redelegation of authority with respect to marketing quota regulations for 1952 crop peanuts 7163
From Secretary of Agriculture to Chief, Soil Conservation Service; authority respecting execution of certain contracts relating to transportation, communication, and fire protective measures 7099

Cauliflower, fresh, grown in certain counties in Colorado, marketing of; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7411

Citrus fruits (oranges, lemons, limes, and grapefruit):
Diversion program; canned concentrated orange juice, program TMP 41a 7363
Marketing of citrus fruits grown in various States:
Arizona; lemons:
Lemon Administrative Committee rules and regulations 7713
Limitation of shipments 7069, 7070, 7274, 7447, 7717, 7920

AGRICULTURE DEPARTMENT—Continued Page

Citrus fruits (oranges, lemons, limes, and grapefruit)—Continued
Marketing of citrus fruits grown in various States—Continued
California; lemons:
Lemon Administrative Committee rules and regulations 7713
Limitation of shipments 7069, 7070, 7274, 7447, 7717, 7920
Standards:
Grapefruit, Florida 7408
Limes, Persian (Tahiti) 7035
Oranges, Florida 7379

Conservation programs:
National Agricultural Conservation Program, 1953; State funds 7110
Naval Stores Conservation Program, 1953 7269
Special conservation programs for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.

Corn; standards for frozen whole kernel (or whole grain) corn 7038

Cotton:
Standards, for American Upland cotton 7405
Warehouse for. *See* Warehouses.

Cottonseed, sold or offered for sale for crushing purposes within United States:
Authority of Director, Cotton Branch, with respect to sampling, analysis, etc 7909
Standards:
Grade, determination of 7177
Quantity index; determination of 7178

Cream, marketing of. *See* Milk, cream, and byproducts.

Dairy products (milk, cream, and byproducts), marketing of. *See* Milk, cream, and byproducts.

Drought emergency program, 1952; authority with respect to purchase of hay under. *See main heading* Commodity Credit Corporation.

Federal Insecticide, Fungicide and Rodenticide Act; regulations for enforcement of, with respect to economic poisons:
Registration:
Continuance of 7436
Duration of 7436
Shipments for experimental use:
Articles for which permit is required 7436
Permits, cancellation of 7436

Food:
See also specific commodities.
Disposal of food commodities acquired through price support operations. *See main heading* Commodity Credit Corporation.

Fruits and vegetables:
Diversion programs, for fresh and processed fruits. *See* Apples; *and* Citrus fruits.
Marketing of various fruits and vegetables. *See* Cauliflower; Citrus fruits; Grapes; Peaches; Pears; Peas; *and* Potatoes.

AGRICULTURE DEPARTMENT—Continued Page

Fruits and vegetables—Continued
Standards, for various fresh and processed fruits and vegetables. *See* Citrus fruits; *and* Corn.
Fungicides. *See* Insecticides, etc.
Grains:
Support prices for various grains. *See main heading* Commodity Credit Corporation.
Warehouses for. *See* Warehouses.
Grapefruit. *See* Citrus fruits.
Grapes (Tokay) grown in California, marketing of:
Budget of expenses and fixing rate of assessment for 1952–53 season, proposed 7398
Marketing agreement and order; amendments 7417
Shipments; regulation by grades and sizes 7774
Hawaii; sugar requirements and quotas. *See* Sugar.
Hay; authority with respect to purchase of, under drought emergency program, 1952. *See main heading* Commodity Credit Corporation.
Hops grown in Oregon, California, Washington and Idaho, and hop products produced therefrom, marketing of:
Budget of expenses and rate of assessment for marketing season beginning August 1, 1952, proposed 7602
Salable quantity of 1952 crop hops 7187, 7841
Insecticides, etc. (economic poisons), regulations for enforcement of Federal Insecticide, Fungicide, and Rodenticide Act:
Registration:
Continuance of 7436
Duration of 7436
Shipments for experimental use:
Articles for which permit is required 7436
Permits, cancellation of 7436
Lemons. *See* Citrus fruits.
Limes. *See* Citrus fruits.
Livestock:
Diseases of domestic animals; regulations respecting. *See main heading* Animal Industry Bureau.
Inspection:
At various stockyards. *See* Packers and Stockyards Division.
Regulations respecting. *See main heading* Animal Industry Bureau.
Marketing orders, for various agricultural commodities. *See* Almonds; Cauliflower; Citrus fruits; Grapes; Hops; Milk; Peaches; Pears; Peas; *and* Potatoes.
Marketing quotas, for various agricultural commodities. *See* Peanuts; *and* Tobacco.
Meats, prepared meats, and meat products:
Grading, certification, and standards; standards for certain pork carcasses and certain swine:
Pork carcasses (barrow and gilt) 7363
Swine (slaughter barrows and gilts) 7363
Inspection and certification regulations of Animal Industry Bureau. *See main heading* Animal Industry Bureau.
Milk, cream, and byproducts, marketing in various marketing and sales areas; marketing agreements and orders, etc.:
Illinois:
Chicago 7505, 7840
Rockford-Freeport 7748, 7906, 7920
Indiana; Fort Wayne 7304
Iowa:
Cedar Rapids-Iowa City 7095
Council Bluffs-Omaha-Lincoln 7411
Kansas; Neosho Valley marketing area 7745, 7807
Kentucky; Louisville 7127, 7746, 7884
Massachusetts:
Boston (Greater) 7291, 7768
Fall River 7291, 7773
Lowell-Lawrence 7291, 7771
Springfield 7291, 7775
Worcester 7291, 7777
Michigan; Detroit 7500
Minnesota; Minneapolis-St. Paul 7508, 7685
Missouri:
Neosho Valley marketing area 7745, 7807
St. Louis 7254, 7742, 7883
Springfield 7094, 7743, 7919
Nebraska; Omaha-Lin

AGRICULTURE DEPARTMENT—Continued Page

Milk, cream, and byproducts, marketing in various marketing and sales areas; marketing agreements and orders, etc.—Continued
Oklahoma:
Neosho Valley marketing area 7745, 7807
Tulsa 7820, 7918
Texas; San Antonio 7701
Washington; Puget Sound 7372
Wisconsin; Milwaukee 7498, 7894
Minerals, reserved, disposition of; designation of additional counties in Georgia as areas in which mineral interests may be sold:
Habersham County 7189
Lamar County 7189
Polk County 7189
Stephens County 7189
Telfair County 7189
Molasses, sugarcane, edible; standards, correction 7135
National agricultural conservation program, 1953. *See* Conservation programs.
Naval stores conservation program, 1953. *See* Conservation programs.
Nuts:
Marketing of almonds. *See* Almonds.
Marketing quota, for peanuts. *See* Peanuts.
Standards. *See* Almonds; *and* Pecans.
Orange juice. *See* Citrus fruits.
Oranges. *See* Citrus fruits.
Packers and Stockyards Division:
Regulations under Packers and Stockyards Act; notice of hearings on proposed revision 7602
Stockyards, commission merchants, etc., notice respecting petition for modification of rate order, for market agencies operating at North Salt Lake Union Stock Yards 7498
Peaches grown in various States, marketing of:
Colorado (Mesa County):
Budget of expenses and fixing rate of assessment for 1952–53 fiscal year, proposed 7398
Shipments; regulation by grades and sizes 7383, 7808
Utah:
Budget of expenses and rate of assessment for 1952–53 fiscal year 7095, 7808
Shipments; exemption from inspection and certification, and assessments 7067
Peanuts; marketing quotas, 1952 crop:
Authority of State Production and Marketing Committees respecting, redelegation of 7163
Marketing, penalties, records and reports; rate of penalty 7273
Pears (Beurre d'Anjou, Beurre Bosc, Winter Nelis, etc.) grown in Oregon, Washington and California, marketing of; shipments, regulation by grades and sizes 7274, 7919
Peas, fresh, grown in certain counties in Colorado, marketing of; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7411
Pecans, shelled; standards, proposed 7150
Potatoes, Irish, grown in various States and production areas, marketing of:
California (Modoc and Siskiyou Counties); limitation of shipments 7447
Colorado; notice of proposed budget of expenses and rate of assessment during fiscal year ending May 31, 1953:
Area No. 1 7095
Area No. 2 7254
Area No. 3 7254
Idaho (certain designated counties); budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7920
Oregon:
Crook, Deschutes, Jefferson, Klamath and Lake Counties; limitation of shipments 7447
Malheur County; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7920
South Dakota (Eastern); marketing agreement and order, etc., recodification (correction) 7275
Washington; budget of expenses and rate of assessment for fiscal year ending May 31, 1953 7208
Prices, support, for various agricultural commodities. *See main heading* Commodity Credit Corporation.

AGRICULTURE DEPARTMENT—Continued Page

Puerto Rico, Special Agricultural Conservation Program, 1953 7829
Rodenticides. *See* Insecticides, etc.
Special conservation program for Territories and possessions. *See* Puerto Rico; *and* Virgin Islands.
Standards, for various agricultural commodities. *See* Almonds; Citrus fruits; Corn; Cotton; Cottonseed; Meats; Molasses; *and* Pecans.
Stockyards; orders, etc., respecting. *See* Packers and Stockyards Division.
Sugar; requirements and quotas:
Hawaii; local consumption requirements and quotas, 1952, revised 7273
Puerto Rico; consumption requirements and quotas:
Allotment of sugar quotas, 1952 7366
Local consumption requirements and quotas, 1952; revised 7273
Support prices, for agricultural commodities. *See main heading* Commodity Credit Corporation.
Tobacco, marketing quota; proclamation of results of flue-cured tobacco referendum for marketing year beginning July 1, 1953, and three-year period beginning July 1, 1953 7613
Vegetables. *See* Fruits and vegetables.
Virgin Islands, Special Agricultural Conservation Program, 1953 7836
Warehouses; regulations:
Cotton:
Bonds required 7254, 7918
Fees:
License fees 7254, 7918
Warehouse inspection fee 7254, 7918
Warehouse bonds; amount of bond, additional amounts 7253, 7917
Warehouse licenses:
Facilities, licensed or exempted 7253, 7915
Grounds for not issuing license 7253, 7915
Net assets 7253, 7917
Suspension or revocation 7253, 7917
Warehouse receipts; forms 7254, 7918
Grain:
Bonds required, respecting State warehouse 7768
Duties of warehouseman; grades and weights, bulk grain 7768
Fees:
License fee 7768
Warehouse inspection fee 7768
Grain appeals:
Appeal:
Freedom 7768
Not to be refused 7768
Procedure 7768
Contents of complaint 7768
Determination of appeals; samples 7768
Disposal of samples 7768
Fees; grain grade appeal fees 7768
Grade certificates; issuance 7768
Proof of agent's authority 7768
Representative samples 7768
Hearings, procedure 7768
Warehouse bond; amount of bond, additional amounts 7768
Warehouse licenses:
Facilities, licensed or exempted 7767
Ground for not issuing license 7767
Net assets, increase in 7767
Suspension and revocation 7767
Warehouse receipts; form 7768

AIR FORCE DEPARTMENT:

Aircraft danger areas over military installations, designation in coordination with Air Force. *See main heading* Civil Aeronautics Administration.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7570
Lands, public, withdrawn for use of Department in New Mexico. *See main heading* Land Management Bureau.
Officer Personnel Act of 1947; suspension during emergency of operation of certain provisions applicable to retirement of colonels of Regular Air Force (Executive Order 10379) 7107

AIR FORCE DEPARTMENT—Continued Page

Retirement of colonels of Regular Air Force; suspension during emergency of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels (Executive Order 10379) 7107

AIR TRANSPORTATION, FACILITIES, ETC.:
Accidents, hearings respecting. *See* Civil Aeronautics
Washington National Airport, regulations respecting. *See* Civil Aeronautics Administration.
ALASKA:
Administration.
Air-navigation sites; withdrawal of lands for. *See* Land Management Bureau.
Civil airways, etc., designation of. *See* Civil Aeronautics Administration.
Danger areas; airspace restricted areas over military installations, designation as danger areas. *See* Civil Aeronautics Administration.
International airports, air commerce regulations. *See* Customs Bureau.
Commercial fisheries. *See* Fish and Wildlife Service.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.
Public lands in. *See* Land Management Bureau.

ALIEN PROPERTY, OFFICE OF:

Copyrights, vesting orders respecting. *See* Vesting orders.
Germany; copyrights of certain German nationals, names unknown 7203
Netherlands; certain nationals of, names unknown, securities owned by 7174
Return of vested property; orders for. *See* Vesting orders.
Vesting orders, etc.:
See also Netherlands, *above*.
Copyrights; of certain German nationals, names unknown 7203
Return of vested property:
Arima, Sumisato 7712
Bessonneau, Maurice Louis 7321
Compagnie des Gorges et Achieres de la Marine et d'Homecourt 7377
Droesse, Clara Raffloer (Clara G.) 7684
Fritz-Schoula, Karoline 7684
Gallo, Mariantonia 7524
Granat, Elie 7378
Hoefner, Hans and Willi 7956
Huber, Gerda 7956
Maraseo, Maria 7524
Maritizo, Luigi, Maria, and Rosa 7322
Milioto, Anna, Calogero, Giuseppina, and Rosa 7322
Milioto, Francesco 7322
Nicklas, Elisabeth 7956
Oliverio fu Pasquale, Maria Teresa 7322
Pasquale, Maria Teresa Oliverio fu 7322
Pernerstorfer, Marie and Leopold, Jr. 7957
Schoula geb Fritz, Karoline 7684
Societe d'Exploitation des Procedes Dabeg 7956
Werner, Adolf 7684
Wosevzek, Adolf, Karl, and Paula 7684
Various interests, in estates, litigation proceedings, etc.:
Ambrican Investments, Ltd 7375
Appel, Emma 7376
Bachman, Frieda 7376
Beleggins-Societeit N. V. 7373
Beyer, William T 7870
Boedecker, Elisabeth, and others 7871
Carmona, Jesus N 7173
de Prahl, Ana Christiansen 7566
de Visser, Anna 7711
Deutsche Roehrenwerke A. G. 7712
Donath, Friedrich Otto 7871
Euling, Otto 7871
Fisher, Minna 7173
Grassau, Theda 7871
Halbach, Anna Margareth Kohl (Anna Margaretha Kohl) 7174
Halbach, Ernst Friedrich, and others 7174
Kauffmanns, Freda 7871
Keller, Ernst Bruno 7523
Klehm, Paul 7132

ALIEN PROPERTY, OFFICE OF—Continued Page
Vesting orders, etc.—Continued
Various interests, in estates, litigation proceedings, etc.—Continued
Klein, Emil 7133
Koehler, Frieda 7133
Koppers, Heinrich 7375
Kousnetzoff, Mathild 7871
Kreiger, Martha 7204
Kuhmann, Alfred 7378
Kuhmann, Margarete 7173
Langer, Luise 7874
Meinhard, Morton H 7204
Meyer, H. V., Jr 7203
Meyer, H. V., Sr 7203
Meyerhoff, Carmelita 7871
Montien, Meta 7871
N. V. Soenda Handel Maatschappij 7202
Penshorn, Gesine 7871
Pittermann, Barbara 7763
Prahl, Franz 7566
Schlottman, Frederick and Freida 7524
Schmidtke, Carl 7377
Sellschap-Meyer, Mrs. O 7203
von Braun, Victoria 7377
von Knobelsdorff, Adela (Adela Elise) 7377
von Knobelsdorff, Viktor 7377
von Levinus-Meyer, Mrs. K 7203
Wagner, Gunther 7871
Wenzel, Heinz 7524
Willenbrock, Marie Louise 7378
Wirth, Luise 7132
Zimmerman, Martha 7204

ALIENS:
Head tax, exemption for aliens connected with designated international organizations. *See* Immigration and Naturalization Service.
Merchant marine officers and seamen. *See* Coast Guard.
Property of, vesting orders, etc. *See* Alien Property, Office of.

ANCHORAGE REGULATIONS. *See* Engineers, Corps of.

ANIMAL INDUSTRY BUREAU:
Animals and poultry, interstate transportation of; vesicular exanthema, restricting interstate transportation of swine and certain swine products because of 7070, 7367
Changes in areas quarantined 7570, 7927
Exportation and importation of animals and animal products:
Export and import of livestock, other animals, and poultry to and from Mexico, special regulations governing; revocation, proposed rule making 7342, 7700
Importation of certain animals and poultry and certain animal and poultry products; providing for importations from Mexico, proposed rule making 7342
Inspection and handling of livestock for exportation; notice of proposed rule making 7700
Rinderpest and foot-and-mouth disease, prohibited and restricted importation; determination of nonexistence of rinderpest and foot-and-mouth disease in Mexico, proposed rule making 7742
Meat inspection regulations:
Carcasses and parts, disposal of; when found to be affected with certain disease conditions:
Anaplasmosis 7137
Anthrax, bacillary hemoglobinuria in cattle, blackleg, etc 7137
Leptospirosis 7137
Listerellosis 7137
Identifying products; labeling products, false or deceptive names, established trade names, etc 7137
Inspection, ante-mortem:
Anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, etc., animals showing symptoms of; disposal of 7135
Condemned animals, disposition of 7135
Labeling products. *See* Identifying products.

ARMY DEPARTMENT: Page
See Engineers, Corps of.
Aircraft danger areas over military installations, designation in coordination with Army. *See main heading* Civil Aeronautics Administration.
Claims and accounts; gratuity upon death:
Beneficiaries, classes of; revocation 7724
Special determination, absent without leave:
Determination of status 7724
Expiration of normal enlistment period prior to date of death 7724
Death gratuity. *See* Claims and accounts.
Discharge or separation from service; discharge because of dependency or hardship, definition of "members of family" 7535
Information, safeguarding of; revision 7140
Lands, public, withdrawn for use of Department in Alaska. *See main heading* Land Management Bureau.
Officer Personnel Act of 1947; suspension during emergency of operation of certain provisions applicable to retirement of colonels of Regular Army (Executive Order 10379) 7107
Range regulations for firing ammunition for training and target practice; revocation 7677
Retirement of colonels of Regular Army; suspension during emergency of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels (Executive Order 10379) 7107
Security, safeguarding information; revision 7140
Target practice, range regulations for firing ammunition for training and; revocation 7677

ATOMIC ENERGY COMMISSION:
Housing in critical defense areas; residential credit controls. *See main heading* Housing and Home Finance Agency.
Patent Compensation Board; hearings on applications for just compensation:
Giannini, G. M., & Co., Inc 7357
Kerner, Edward H 7357

B

BANKS:
Designation of Export-Import Bank of Washington as agent for State Department. *See* State Department.
Farm credit institutions. *See* Farm Credit Administration.

BLIND PERSONS:
Business enterprises for. *See* Vocational Rehabilitation, Office of.
Employment of. *See* Wage and Hour Division.

BURMA; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (Executive Order 10387) 7793

C

CANADA:
Customs relations with. *See* Customs Bureau.
International Joint Commission; hearings on matters affecting Lake Ontario and St. Lawrence River. *See* International Joint Commission.
Petroleum and gas industries in, priority order respecting. *See* National Production Authority.
Priorities systems, operations of, between Canada and United States in support of defense programs. *See* National Production Authority.
Radio regulations respecting. *See* Federal Communications Commission.
Securities of, certain, registration under Securities Act of 1933; proposed exemption. *See* Securities and Exchange Commission.

CANAL ZONE GOVERNMENT:
Military reservations, Fort Kobbe Army Reservation, and Howard Air Force base; setting apart of reservation (CZO 28):
Boundaries 7942
Conditions and limitations as to access by personnel and equipment of Canal Zone Government, Panama Canal Company, and others 7944

CENSUS BUREAU: Page
Foreign trade statistics; weekly reports of vessel entrances and clearances 7139

CIVIL AERONAUTICS ADMINISTRATION:
Aeronautical fixed communications. *See* Communications.
Civil airways, designation of:
Colored civil airways (amber, blue):
Amber civil airways; South Carolina, Charleston to New York, N. Y 7323
Blue civil airways:
Alabama; Montgomery to Erie, Pa 7384
North Carolina; Elizabeth City to Washington, D. C 7323
VOR civil airways:
California:
Long Beach to Washington, D. C 7384
Los Angeles to Nashville, Tenn 7384
Oakland to New York, N. Y 7384
South Carolina; Charleston to Minneapolis, Minnesota 7384
Virginia; Gordonsville to Boston, Mass.
Communications, aeronautical fixed; assessment of fees 7385
Control areas, zones, and reporting points; designation of:
Control areas:
Extension of control areas:
Massachusetts:
Falmouth 7815
Nantucket 7815
Oregon; Portland 7384
Washington; Everett 7384
VOR civil airways:
South Carolina; Charleston to Minneapolis, Minn 7384
Virginia; Gordonsville to Boston, Mass 7384
Reporting points:
Colored civil airways (green, red):
Green civil airways; Texas, Laredo to Norfolk, Va 7384
Red civil airways:
Missouri; St. Louis to Baltimore, Md 7384
Pennsylvania; Butler to Washington, D. C 7384
VOR reporting points:
California; Sacramento omnirange station 7384
Nevada; Reno omnirange station 7384
Danger areas over Army, Navy and Air Force installations in various States, Territories and possessions; designation of areas, alterations:
Alaska; Chiniak Bay 7072
California, Knoxville 7072
Massachusetts; Boston, correction 7072
Instrument approach procedure; use of radio ranges requiring flight check 7384, 7385
Organization and functions:
Administrator, Office of; principal officers 7909
Program Staff Offices:
Aviation Defense Requirements, Office of; Aviation Resources Division 7305
Aviation Safety, Office of 7304
Federal Airways, Office of:
Air Traffic Control Division, deletion 7305
Airways Operations Division 7305
Communications Division, deletion 7305
Regional offices:
Administrator of Regional offices:
Airways Operations Division, functions and subordinate offices 7305
Aviation Safety Division 7305
Facilities Division; Region 9 functions to be performed by Facilities and Flight Inspection Division 7305
Region 9:
See also Facilities Division.
Transportation and supply functions to be performed by Budget and Management Division, Personnel Division, and General Services Division 7305
Safety Operations Division:
Alaska Air Terminals Division, Region 8 7307
Safety Operations Division; redesignation 7307
International Region; location of district offices 7307
Location of Region 3 and Region 9 headquarters offices 7305

CIVIL AERONAUTICS ADMINISTRATION—Con. Page
Washington National Airport; aircraft rules, landing and take-off 7181

CIVIL AERONAUTICS BOARD:
Accidents and missing aircraft:
Investigation of accident occurring at International Airport, Miami, Fla 7438
Report of aircraft accident 7111
Air carriers:
Accidents and missing aircraft, investigation of. *See* Accidents and missing aircraft.
Irregular:
See also Irregular air carrier and off-route rules.
Investigation of air services by large irregular carriers and irregular transport carriers 7438
Air taxi operators; classification and exemption. *See* Economic regulations.
Air traffic rules; traffic patterns:
Juneau (Alaska) Airport (CAA rules) 7533
Washington National Airport (CAA rules) 7178
Economic regulations:
See also Procedural regulations.
Certificates of public convenience:
Foreign air transportation; business name of air carrier 7810
Interstate and overseas air transportation; business name of air carrier 7809
Classification and exemption:
Air freight forwarders:
See also International air freight forwarders.
Business name of air carrier 7812
Air taxi operators:
Business name of air carrier 7814
Scope of service; repeal or modification of provisions respecting operations over certificated helicopter routes, proposed rule making:
Correction 7209
Extension of time for submitting comments 7549
Alaskan air carriers, business name 7811
Large irregular air carriers; business name 7811
International air freight forwarders, limitations and conditions; business name of air carrier 7813
Operations pursuant to exemption authority 7137
Correction of serial number and part headnote 7209
Exemption authority. *See* Economic regulations.
Hearings, investigations, etc.:
Accidents, aircraft and missing aircraft; investigation and report of. *See* Accidents and missing aircraft.
Companies and cases, list of. *See list at end of this agency.*
Helicopter routes, scope of service of air taxi operators over. *See* Economic regulations.
Irregular air carrier and off-route rules:
Aircraft requirements; limitations for IFR operations, dual controls 7071
Definition, crew member; proposed 7096
Flight time limtations for pilots on large aircraft, deadhead transportation to be computed as "on duty" and not as "time aloft"; proposed 7096
Mail rate proceedings; rules of practice. *See* Procedural regulations.
Operation rules, general:
Aircraft requirements (CAA rules):
ICAO modifications of identification marks; deletion 7419
Identification marks and airworthiness classification marks; deletion 7419
Operating limitations 7419
Maintenance (CAA rules); inspections:
Annual 7675
Periodic 7676
Organization, central and field; Bureau of Safety Regulation 7825
Procedural regulations:
Economic regulations. *See* Economic regulations, *above.*
Rules of practice in economic proceedings, revision:
Consolidation or contemporaneous consideration of proceedings; filing of motion 7420
Hearings, participation of persons not parties 7040, 7041
Mail, procedure for fixing temporary rates 7040
Memoranda in opposition or support, deletion 7420

CIVIL AERONAUTICS BOARD—Continued Page
- Reports, aircraft accidents. *See* Accidents and missing aircraft.
- Rules of practice. *See* Procedural regulations.
- Scheduled air carriers:
  - Certification, operating. *See* Interstate air carrier certification and operation rules.
  - Interstate air carrier certification and operation rules; proposed:
    - Flight altitudes; establishment of lower "over-the-top" flight operations 7187
    - Flight time limitations for long distance operations 7949
  - Operations outside continental limits of United States, flight time limitations for pilots not regularly assigned; extension of special air regulation (SR–381), proposed 7790
  - Operations within continental limits of United States; flight altitudes, establishment of lower "over-the-top" operations, proposed 7187
- **Hearings, investigations, etc.:**
  - Aerovias Interamericanas de Panama; service from Panama to Florida 7128
  - Air freight rate investigation; directional rates 7681, 7755
  - Braniff Airways, Inc 7255
  - Canada, Province of Saskatchewan; Department of Public Health Air Ambulance Service 7681
  - Lake Central Airlines, Inc 7708
  - Mid-Continent Airlines 7400
  - Nationwide Airlines, Inc 7708
  - North Central Route investigation case 7400, 7681, 7755
  - Ozark Airlines 7400
  - Northwest Airlines, Inc.; Trans-Pacific Operations 7308
  - Pan American-Grace Airways, Inc 7255
  - U. S. Airlines, Inc.; enforcement proceeding 7794

CIVIL DEFENSE ADMINISTRATION. *See* Federal Civil Defense Administration.

CIVIL SERVICE COMMISSION:
- Appointment:
  - Reappointment after reduction in force. *See* Reductions in force.
  - To positions excepted from competitive service. *See* Exceptions from competitive service.
- Exceptions from competitive service; positions excepted from examination (Schedule A):
  - Air Force Department; librarian, recreation leader and recreation supervisor, until December 31, 1956 7570
  - Defense Manpower Administration. *See* Labor Department.
  - Justice Department, United States Marshal in Virgin Islands 7713
  - Labor Department, Defense Manpower Administration; Labor Management Manpower Policy Committee:
    - One administrative officer to be executive assistant to Labor members of Committee 7067
    - One administrative officer to be executive assistant to Management members of Committee 7067
- Holiday pay regulations. *See* Pay regulations.
- Hospitals, Government:
  - Exclusion from provisions of Federal Employees Pay Act and Classification Act:
    - Chaplain intern 7441
    - Chaplain resident 7441
    - Chaplain student intern 7441
  - Stipends, maximum:
    - Chaplain intern, St. Elizabeths Hospital 7441
    - Chaplain resident, St. Elizabeths Hospital 7441
    - Chaplain student intern, St. Elizabeths Hospital 7441
- Night pay differential. *See* Pay regulations, general compensation rules.
- Overtime pay. *See* Pay regulations; general compensation rules.
- Pay regulations:
  - General compensation rules:
    - Longevity step increases, effect on rate of grade for employee who is reemployed, transferred, reassigned or demoted 7109
    - Night pay; computation of night pay differential 7381
    - Overtime employment, computation of; leave with pay 7381
    - Reduction in grade by reason of post audit by Commission, effect on rate of grade 7109

CIVIL SERVICE COMMISSION—Continued Page
- Pay regulations—Continued
  - Government hospitals; stipends for trainees. *See* Hospitals, Government.
  - Holiday pay; identification of holidays 7381
- Permanent employees, status after reappointment; retention preference regulations for use in reductions in force 7685
- Reductions in force, retention preference regulations for use in; reappointment priority, status after reappointment 7685
- Travel and transportation expenses of civilian personnel when transferred from one official station to another for permanent duty; means of shipment (Executive Order 10381) 7205

COAST GUARD:
- Authority, delegation from Secretary of the Treasury to Commandant, United States Coast Guard; with respect to physical disability retirement cases 7399
- Commandant, United States Coast Guard, delegation of authority to, from Secretary of the Treasury, with respect to physical disability retirement cases 7399
- Emergency, regulations applicable to certain vessels:
  - Licensed officers and certificated men; revocation 7495
  - Waivers of navigation and inspection laws; employment of aliens as watch officers on United States merchant vessels, revocation 7495
- Load lines, subdivision for passenger vessels engaged on foreign and coastwise voyages; auxiliary steering apparatus, cancellation 7628
- Marine engineering:
  - Boilers:
    - Construction of. *See* Construction (boilers).
    - Low pressure heating boilers:
      - Cast iron heating boilers:
        - Fittings and appliances 7652
        - Hydrostatic tests, inspections and stamping 7652
      - Steel plate heating boilers:
        - Areas to be stayed 7650
        - Computation and design; maximum allowable pressure and minimum thickness of cylindrical shell and dished heads 7650
        - Fittings and appliances 7651
        - Hydrostatic tests, inspection and stamping 7651
        - Valves, safety and relief; installation of 7651
        - Welded boilers 7650
  - Construction (boilers):
    - Combustion chambers and tube sheets of fire-tube boilers; detail requirements 7646
    - Cylindrical shells:
      - Castings, steel; quality factors for 7636
      - Computations 7634
      - Materials 7633
      - Maximum allowable stress 7635
      - Pipe shells:
        - Electric-resistance-welded 7636
        - Seamless 7636
      - Shells, cylindrical; pierced for tubes, cancellation 7636
    - Domes and steam chimneys 7637
    - Furnaces and flues:
      - Materials 7646
      - Plain or corrugated furnaces; detailed requirements 7646
    - Heads:
      - Dished 7638
      - Flat 7639
    - Mountings and attachments, boiler 7648
    - Openings:
      - Access and inspection 7640
      - Nozzle and reinforcements 7641
    - Procedure and general requirements:
      - Boilers:
        - Approval, conditions for 7633
        - Auxiliary, donkey, and low-pressure 7633
        - Packaged, automatically controlled 7633
        - Plans 7633
      - Definitions 7633
    - Shell joints 7636
    - Stays and reinforcements:
      - Definitions; staybolt 7643
      - Materials 7644
      - Requirements, detail 7644

COAST GUARD—Continued Page
- Marine engineering—Continued
  - Construction (boilers)—Continued
    - Stays and reinforcements—Continued
      - Workmanship; holes for screw staybolts 7644
      - Superheaters, headers, water walls, and economizers 7648
      - Surfaces required to be stayed or reinforced; definitions 7643
      - Tube sheets or water-tube boilers 7645
      - Tubes, boiler and superheater:
        - Computations 7647
        - Definitions 7647
        - Materials and workmanship 7647
    - Installations, tests, inspections, repairs, etc.; steering apparatus 7672
    - Materials; plate, bars, shapes, castings, forgings, pipe, tubes, etc., of iron, steel, copper, aluminum and alloys 7628
    - Piping systems, pumps, refrigeration machinery, and fuel tanks:
      - Pumping arrangements and piping systems 7665
      - Fuel oil service systems; pumps 7667
      - Lubricating oil system 7667
      - Pipes, sounding 7667
      - Piping:
        - Bilge and ballast 7665
        - Blow off; maximum allowable pressure 7665
        - Boiler feed 7665
      - Pumps, bilge 7666
    - Refrigeration systems:
      - Design pressure 7667
      - Scope 7667
      - Small portable self-contained units, cancellation 7667
    - Requirements, detail:
      - Design pressures and thickness of pipes 7658
      - Expansion and flexibility 7659
      - Installation 7663
      - Joints and flange connections 7660
      - Material 7657
      - Pressures and temperatures, variations in 7660
      - Valves and fittings 7660
    - Unfired pressure vessels; design and construction, pressure-relief devices, etc 7652
    - Welding, arc and gas, and brazing:
      - Tests and inspection; spot examination of welded joints 7671
      - Welding, arc and gas:
        - Arc welding, submerged; procedure qualification 7668
        - Definitions 7668
        - Detail requirements; types of joints for material of unequal thickness 7668
        - Joints; longitudinal joints of Class III welded pressure vessels 7668
        - Nozzle connections, welded 7669
        - Piping, welded 7670
        - Plan approval 7668
        - Preheating and stress relieving 7669
        - Scope 7668
        - Seal welding and tack welding 7669
- Merchant marine officers and seamen:
  - Aliens, employment of, as watch officers on United States merchant vessels. *See* Waivers of navigation and vessel inspection laws and regulations during emergency.
  - Licensed officers and certificated men regulations during emergency; revocation 7495
- Seamen. *See* Merchant marine officers and seamen.
- Specifications, engineering equipment; boilers, auxiliary, automatically controlled, packaged for merchant vessels 7673
- Tank vessels, machinery, main and auxiliary; steering apparatus 7627
- Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast):
  - Bays, sounds and lakes other than the Great Lakes, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation 7673
  - Great Lakes, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation 7672

COAST GUARD—Continued Page
- Vessels in various waters (bays, sounds, lakes, Great Lakes, rivers, ocean and along coast)—Continued
  - Ocean and coastwise, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation 7672
  - Rivers, boats, rafts, bulkheads, and lifesaving appliances; steering apparatus, existing and new installations, cancellation 7673
- Waivers of navigation and vessel inspection laws and regulations during emergency; aliens, employment of, as watch officers on United States merchant vessels, revocation 7495

COMMERCE DEPARTMENT:
- *See Census Bureau.*
- *Civil Aeronautics Administration.*
- *Civil Aeronautics Board.*
- *Foreign and Domestic Commerce Bureau.*
- *Maritime Board*
- *National Production Authority.*
- *Patent Office.*
- *Public Roads Bureau.*
- Organization and functions:
  - Administrative Officer:
    - Director of Office of Administrative Services, authorization to sign certain documents as Administrative Officer for Commerce Department 7910
    - Documents and papers relating or referring to Chief Clerk and Superintendent shall be deemed to relate or refer to Administrative Officer 7910
  - General Counsel; substitution of term "General Counsel" for "Solicitor" 7910

COMMITTEES, BOARDS, ETC.:
- Army Ordnance Integration Committees; voluntary plans for formation of. *See* Defense Production Administration.
- International Joint Commission; hearings on matters affecting Lake Ontario and St. Lawrence River. *See* International Joint Commission.
- Patent Compensation Board, Atomic Energy Commission; hearings. *See* Atomic Energy Commission.
- Whaling Commission, International. *See* International Whaling Commission.

COMMODITY CREDIT CORPORATION:
- Authority, delegation of, to chairmen and acting chairmen of PMA county committees as contracting officers with respect to purchase of hay under the Drought Emergency Program—1952 7866
- Barley, loan and purchase agreement program, 1952-crop; support rates for approved warehouse-storage at other than designated terminal markets 7405
- Cotton:
  - American-Egyptian purchase program, 1952; purchase rates for Amsak and Pima 32 varieties 7109
  - Price support program, 1952; schedules of basic loan and purchase rates:
    - For farm-stored cotton, by counties 7532
    - For warehouse-stored cotton, by warehouse locations 7527
- Flaxseed, loan and purchase agreement program, 1952-crop; support rates, for flaxseed in approved warehouse-storage at other than designated terminal markets 7525
- Food commodities acquired through price support programs; sales of certain commodities at fixed prices:
  - Domestic price list, for August 7513
  - Export price list, for August 7513
- Grains, handling and storage of, under Uniform Grain Storage Agreement; price control regulation. *See main heading* Price Stabilization, Office of.
- Hay; Drought Emergency Program—1952, authority with respect to purchase under 7866
- Rice, loan and purchase agreement program, 1952-crop; support rates for various classes of rough rice 7323
- Wheat, loan and purchase agreement program, 1952; support rates:
  - At designated terminal markets 7363
  - For approved warehouse storage at other than designated terminal markets 7363

COMMODITY CREDIT CORPORATION—Continued Page
Wool; price support program, 1952:
Pulled wool 7267
Shorn wool 7261

COMMODITY EXCHANGE AUTHORITY (including Commodity Exchange Commission):
General regulations under Commodity Exchange Act; contract market record keeping, execution of transactions (proposed rule making):
Competitive execution required; exception 7905
"Transfer" or "office trades", and exchange of futures; requirements 7905

CONSTRUCTION:
Controlled Materials Plan. *See* National Production Authority.
Farm ownership and farm housing programs respecting construction and repair. *See* Farmers Home Administation.
Power development in St. Lawrence River. *See* International Joint Commission.
Priority orders, etc. *See* National Production Authority.
Ships, construction, reconditioning, or reconstruction, determination of profit in contracts for. *See* Maritime Administration.

CONTRACTS, GOVERNMENT:
See also Procurement.
Renegotiation of. *See* Renegotiation Board.
Ships, determination of profit in contracts for construction, reconditioning, or reconstruction of. *See* Maritime Administration.

CONTROLLED MATERIALS PLAN. *See* National Production Authority.

CUBA; radio regulations respecting. *See* Federal Communications Commission.

CUSTOMS BUREAU:
Air commerce regulations; international airports, listed:
Florida, Fort Lauderdale; Broward County Airport, designation 7594
Minnesota, Duluth; Sky Harbor Seaplane Base, revocation 7594
Canada, customs relations with; joint usage of customs seals for carload shipments of merchandise between ports of one country via territory of the other 7042
Chlorophyll and chlorophyll derivatives, in water-soluble forms; change in tariff classification 7754
Chopping blocks, Chinese; prospective change in tariff classification 7706
Contiguous foreign territory, customs relations with; customs seals for carload shipments of in-transit merchandise between United States and Canada:
Between ports in United States through Canada; procedure 7042
Through United States between ports of Canada; procedure 7042
Cork parts of artificial bait; prospective change in tariff classification 7754
Dowels, rough dowels and rough rounds; prospective change in tariff classification 7551
Duties, liquidation of. *See* Liquidation of duties.
Entry of imported merchandise:
Invoices, contents of; additional information required on certain classes of merchandise:
Fur products and furs 7139
Glassware and glass articles 7625
Release of merchandise; blanket release order, for shipments covered by blanket carrier's certificate 7885
Requirements on entry; separate entries, provision for, on importations arriving under consolidated immediate transportation without appraisement entry 7885
Right to make entry, evidence of; blanket carrier's certificate for shipments arriving at port during time specified therein 7885
Financial and accounting procedure respecting procurement and kind of car, compartment and package seals; green and yellow seals for carload shipments of merchandise in transit between United States and Canada 7043

CUSTOMS BUREAU—Continued Page
Furs and fur products, imported:
Invoices; additional information required concerning origin, composition, etc 7139
Marking requirements; labeling to indicate composition 7140
Glassware and glass articles, certain imported; additional information required on customs invoices respecting 7625
International airports. *See* Air commerce regulations.
Invoices for certain imported merchandise. *See* Entry of imported merchandise.
Liquidation of duties:
Procedure for computation of duties; ad valorem rates applied to values in even dollars for mail and baggage entries, as with all formal entries 7111
Tariff classification of certain imports:
Chlorophyll and chlorophyll derivatives, in water-soluble forms; change in classification 7754
Chopping blocks, Chinese; prospective change in classification 7706
Cork parts of artificial bait; prospective change in classification 7754
Dowels, rough dowels and rough rounds; prospective change in classification 7551
Repliqued articles; change in classification 7512
Marking of imported articles; fur products, labeling to indicate composition 7140
Repliqued articles; change in tariff classification 7512
Seals, customs, for carload shipments of merchandise between United States and Canada; kind, procurement, procedure for use, etc 7042
Transportation in bond and mechandise in transit:
Baggage, domestic, shipment in bond through foreign territory; forwarding in sealed car or compartment, seals for 7043
Sealing conveyances and compartments, general; reference to provisions for carload shipments in transit through United States between ports of Canada 7043

D

DAYS OF OBSERVANCE, proclamations respecting. *See* Presidential documents.

DEFENSE DEPARTMENT:
See Air Force Department.
Army Department.
Joint Chiefs of Staff.
Munitions Board.
Navy Department.
Authority, delegations of:
From General Services Administrator, to represent interests of executive agencies of Government in matter of application of Newton County Gas Company for procurement of natural gas service 7520
From Secretary to Chairman of Joint Chiefs of Staff, respecting Whittier Defensive Sea Area, Alaska 7160
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.
Procurement in areas of current or imminent manpower surpluses. *See main heading* Defense Mobilization, Office of.
Records, official; release and authentication of copies of 7183

DEFENSE MATERIALS PROCUREMENT AGENCY:
Columbian-tantalum; guaranteed purchase program to encourage production of, revision 7053
Purchase agents 7054

DEFENSE MOBILIZATION, OFFICE OF:
Apparel industry, procurement from; recommendations of Surplus Manpower Committee, revision 7611
Critical defense housing areas:
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense:
California; Barstow 7912
Connecticut:
Bridgeport 7131
Hartford 7912

DEFENSE MOBILIZATION, OFFICE OF—Continued Page
Critical defense housing areas—Continued
Determination and certification under section 204 (1) of Housing and Rent Act of 1947 by Director and Secretary of Defense—Continued
Maine; Kittery 7131
Michigan; Battle Creek 7131
Montana; Anaconda 7131
New Hampshire; Portsmouth 7131
Tennessee; Waverly-Camden 7912
Findings and determinations under Defense Housing and Community Facilities and Services Act of 1951:
California:
Barstow 7912
Klamath 7563
Connecticut:
Bridgeport 7130
Hartford 7913
Illinois; Great Lakes-North Chicago-Waukegan 7564
Maine; Kittery 7130
Michigan; Kinross Air Force Base 7795
Montana; Opheim 7795
New Hampshire; Portsmouth 7130
New York; Corning-Painted Post 7564
North Carolina:
Elizabeth City 7563
Kinston 7564
Oregon; Roseburg 7564
Virginia; Norfolk-Portsmouth 7564
Washington; Colville 7563
Manpower policies:
Labor surplus. *See* Manpower surpluses, *below.*
Older workers, employment of, in defense program; policy respecting 7391
Manpower surpluses; procurement in certain areas and industries:
Designation of areas, and notification of Defense Department and General Services Administration respecting:
Massachusetts; Milford 7520
Ohio; Portsmouth 7952
Surplus Manpower Committee; notifications and recommendations, respecting procurement in various areas and industries:
Apparel industry 7611
Shipbuilding industry 7868
Various areas, designation of. *See* Designation of areas, *above.*
Procurement, in areas of current or imminent labor surplus. *See* Manpower surpluses.
Shipbuilding industry, procurement in; recommendations of Surplus Manpower Committee respecting 7868
Surplus manpower. *See* Manpower surpluses.

DEFENSE PRODUCTION ADMINISTRATION:
Voluntary plans for formation of Army Ordance Integration Committees and participating companies:
Automatic aircraft guns, 20MM 7164
Cartridge cases, 20 MM 7552
Rifle caliber .30 M1 (U. S.) 7163

DISASTERS:
Drought Emergency Program, 1952, authority with respect to purchase of hay under. *See* Commodity Credit Corporation.
Farm loans under disaster loan program. *See* Farmers Home Administration.
Transportation of hay to disaster areas; rates 7202

DISPLACED PERSONS COMMISSION:
Liquidation of affairs by State Department (Executive Order 10382) 7323

DRUGS:
Certification, tests, etc. *See* Food and Drug Administration.
New drugs, exemption from price control. *See* Price Administration, Office of.

20000—52——2

E

ECONOMIC STABILIZATION AGENCY: Page
See National Enforcement Commission.
Price Stabilization, Office of.
Rent Stabilization Office.
Salary Stabilization Board.
Salary Stabilization Office.
Wage Stabilization Board.
Acting Administrator; designation of Deputy Assistant Economic Stabilization Administrator to act in absence of Administrator 7755
Authority, delegation of:
Deputy Assistant Economic Stabilization Administrator; authority to serve as Acting Administrator 7755
Rent Stabilization; authority to issue regulations, interpretations, and orders to carry out provisions of Defense Production Act relating to Housing and Rent Act of 1947 7195
Salary Stabilization Board; authority to exercise certain functions with respect to stabilization of salaries and compensation of specified persons 7195
Critical defense housing areas; determinations approving extent of relaxation of credit controls, in various areas:
Connecticut; Bridgeport 7308
Maine, Kittery 7256
Michigan; Battle Creek 7755
Montana; Anaconda 7256
New Hampshire; Portsmouth 7256
National Enforcement Commission; procedure. *See* National Enforcement Commission.
Organization of constituent agencies. *See constituent agencies.*

EDUCATION, OFFICE OF:
Financial assistance for current expenditures for public schools in areas affected by Federal activities:
Applications received after deadline of March 31 not considered for payment 7858
Deadline for applications for payments from funds appropriated for fiscal year 1953 7858
Payments from fiscal year appropriations 7858
ENFORCEMENT COMMISSION, NATIONAL. *See* National Enforcement Commission.

ENGINEERS, CORPS OF; DEPARTMENT OF THE ARMY:
Anchorage regulations; New York, port of, and vicinity, Newark Bay 7695

ENTOMOLOGY AND PLANT QUARANTINE BUREAU:
Quarantine notices:
Domestic; gypsy and brown-tail moth, new provisions respecting 7205
Articles under regulation; regulated movement:
Plants having woody stems and parts thereof, including Christmas trees 7205
Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, etc 7205
Certificates and permits, conditions governing issuance of 7208
Conditions governing movement of regulated articles; contingent restrictions on movement between points within suppressive area 7208
Definitions; suppressive areas 7207
Inspection, assembly of regulated articles for 7208
Marking article or container 7208
Regulated areas; certain towns in Litchfield and New Haven Counties, Connecticut, added to 7207
Foreign; prohibition of importation of pink bollworm of cotton from foreign countries, proposed rule making (extension of time for reconsideration) 7677
Restricted entry orders:
Cotton lint, foreign; importation of cotton and cotton wrappings, revocation proposed (extension of time for reconsideration) 7677
Cottonseed products from all foreign countries, revocation proposed (extension of time for reconsideration) 7677

EUROPE, SPECIAL REPRESENTATIVE FOR; Germany, United States High Commissioner to act as representative of Special Representative for Europe (Executive Order 10380) — 7107

EXECUTIVE ORDERS. *See* Presidential documents.

EXPLOSIVES, transportation of. *See* Interstate Commerce Commission.

F

FARM CREDIT ADMINISTRATION:
- Administrative officers, functions of:
  - Governor; authority of Deputy Governor and other designated officials to act in absence of — 7607
  - Production Credit Commissioner; authority and order of precedence of Deputy Commissioner and Assistant Deputy Commissioners to act in absence of Commissioner — 7438
- Banks for cooperatives; loan interest rates and security:
  - "Escalator" clause in loan agreements with respect to interest rates — 7177
  - Renewals and extensions; interest rates — 7175, 7177

FARMERS HOME ADMINISTRATION:
- Disaster loan program:
  - Eligibility and certifications; certification by applicant and County Committee — 7877
  - Forms and routines for loans; application and certifications — 7877
- Farm housing loans and grants, respecting construction and repair:
  - Performing farm development. *See under* Farm ownership loans.
  - Revocation — 7441
- Farm ownership loans:
  - Basic regulations, respecting loans; loan limitations, average values of farms and investment limits for purposes of Title I of Bankhead-Jones Farm Tenant Act:
    - Colorado — 7570
    - Idaho — 7570
    - Kansas — 7570
    - North Carolina — 7570
    - Ohio — 7570
    - Pennsylvania — 7570
  - Construction and repair respecting farm ownership and farm housing programs; performing farm development — 7441
  - Borrower method, farm development performed by — 7445
  - Changes in farm development plan, on Form FHA–643, effecting of — 7445
  - Contract method, farm development performed by — 7444
  - General provisions — 7444
  - Inspection of farm development work — 7445
- Production and subsistence loans:
  - Approval authority, of State Directors, etc — 7801
  - Policies; eligibility for loans, purposes, etc — 7801
  - Annual loans, provisions for making — 7805
  - Applicants, selection of — 7802
  - General provisions — 7802
  - Requirements and limitations — 7804
  - Security policies — 7804
  - Terms of loans — 7803
  - Use of loan funds — 7802
- Processing of loans — 7805
  - Approval or rejection of loans — 7806
  - Closing loans, provisions for — 7806
  - Definitions — 7805
  - Forms and routines for loans — 7805
  - General — 7805
  - Use of loan funds, provisions for revision — 7807
- Water facilities loans; approval authority — 7807
  - Authority of State Directors — 7807
  - Redelegation of loan approval authority by State Directors — 7807

FEDERAL BUREAU OF INVESTIGATION. *See* Justice Department.

FEDERAL CIVIL DEFENSE ADMINISTRATION:
- Seal, official; description and uses — 7390

FEDERAL COMMUNICATIONS COMMISSION:
- Aeronautical services:
  - Aircraft stations:
    - Air carrier aircraft stations; frequency 3023.5 kc available to air carrier aircraft only where VHF is not available or service is suspended, proposed rule making — 7511
    - 3105 kc available until March 15, 1953 — 7512
  - Authorized frequencies in band 415 to 490 kc for, and use of, aircraft stations using telegraphy — 7370
  - Distress, frequencies 405 to 535 for use in case of, by aircraft stations — 7370
  - Private aircraft stations, frequencies available; 3023.5 kc (or 3105 kc until March 15, 1953) assigned as calling and working frequency, proposed rule making — 7512
  - Airdrome control stations, service to be rendered; maintenance of listening watch during hours of operation, aircraft calling and working frequencies to be used for, proposed rule making — 7512
  - Civil aviation (including listening ground watches) use of frequency 3105 kc by, to be discontinued; proposed rule making — 7512
  - Meteorological broadcasts; reassignment of certain frequencies to provide for use of certain aeronautical mobile (R) service frequencies for, proposed — 7511
  - Mobile aeronautical (OR) and (R) services:
    - Definition of frequencies in bands allocated to OR and R services — 7511
    - Frequencies in listed bands to be assigned only in accordance with Atlantic City table of frequency allocations, proposed rule making:
      - OR aeronautical mobile bands, certain, frequencies in, from 3025 kc to 18,030 kc, effective August 15, 1952 — 7127, 7152
      - R aeronautical mobile bands, certain, frequencies from 2850 kc to 17,970 kc, effective March 15, 1953 — 7549
    - Frequency 3023.5 kc in R and OR bands, use of, by aircraft and for communication with airdrome control stations; proposed rule making — 7511
    - Use of certain aeronautical mobile (R) service frequencies for meteorological broadcasts, proposed — 7511
- Alaska; radio stations other than amateur and broadcast:
  - Fixed public service:
    - Communication from non-Government to Government and between non-Government stations, frequencies for — 7370
    - Rescission of prior provisions respecting — 7370
    - Communication from non-Government to Government stations, frequencies for; rescission — 7370
    - Non-Government stations, frequencies for; rescission — 7370
  - Public coastal service; communication with ship station, calling and working frequencies for, use of frequencies 416 to 428 kc — 7370
- Amateur radio service:
  - Canada and United States, convention between, relating to radio operation. *See* United States.
  - Emergencies, operation in; proposed rule making — 7097
  - Communication bands for use in emergencies — 7098
  - Frequencies and emissions, allocation of frequencies; proposed rule making:
    - Amateur emergency communications bands — 7098
    - Exclusive calling and answering frequencies; list of band segments reserved for, and prescribed use of — 7097
  - Portable and mobile stations; requirements for portable and mobile operation within areas under jurisdiction of foreign governments — 7819
  - Special conditions; operation in emergencies, proposed rule making — 7097
  - United States and Canada, convention between, relating to operation by citizens of either country of certain radio equipment or stations, effective May 15, 1952. (Appendix 4) — 7820
- Authority, delegation of. *See* Organization.
- Canada:
  - Assignment of frequencies to broadcast stations in; changes in list modifying appendix to North American Regional Broadcasting Agreement — 7826

FEDERAL COMMUNICATIONS COMMISSION—Con.
- Canada—Continued
  - Convention between United States and Canada, (Article III), relating to operation by citizens of either country of certain radio equipment or stations (effective May 15, 1952) — 7820
- Civil aviation, use of frequency 3105 kc by, to be discontinued; proposed rule making — 7512
- Civil defense. *See* Emergencies.
- Coastal stations. *See* Maritime radio services: land stations.
- Common carrier regulations for telephone and telegraph companies. *See* Telephone and telegraph companies.
- Cuba, Havana, leased facilities service to; hearing respecting increased charges for tickers furnished by Western Union Telegraph Co., in connection with service — 7316
- Delegation of authority. *See* Organization.
- Educational broadcast stations. *See* Radio broadcast services.
- Emergencies:
  - Communications emergency; delegation of authority to Regional Managers, and Chiefs of Field Engineering and Monitoring Bureau and Field Operating Division to declare state of general communications emergency — 7099
  - Operation of amateur stations in emergencies and participation of amateurs — 7097
- FM broadcast stations. *See* Radio broadcast services.
- Fixed services in Hawaii. *See* Hawaii.
- Foreign governments and residents of foreign countries, treatment of requests from, for certified copies of public information documents — 7758
- Forms for filing applications, etc. *See* Practice and procedure.
- Frequencies and channels, allocation and use of:
  - *See also* Frequency allocations and radio treaty matters.
  - Frequency bands:
    - 10–25,000 kc — 7369
    - 14–150 kc — 7369
    - 90–160 kc — 7369
    - 90–535 kc — 7370
    - 112.85–22,635 kc — 7370
    - 128.95 kc (Puerto Rico) — 7370
    - 150–200 kc — 7369
    - 200–235 kc — 7369
    - 365–535 kc — 7369
    - 472 kc (Hawaii) — 7370
    - 486 kc (Puerto Rico — 7370
    - 515 kc (below) — 7154
    - 1800–2000 kc — 7097
    - 2000–23,000 kc — 7906
    - 2065–2105 kc — 7510
    - 2065–2107 kc — 7154
    - 2089–2093 kc — 7510
    - 2274 kc — 7154
    - 2274–11,205 kc — 7164
    - 2850–3025 kc — 7549
    - 3000 kc — 7511
    - 3023.5 kc — 7511
    - 3025–3155 kc — 7127, 7153
    - 3030 kc — 7154
    - 3105 kc — 7511
    - 3400–3500 kc — 7549
    - 3500–4000 kc — 7097
    - 4000–23,000 kc — 7154, 7906
    - 4115–4133 kc — 7127
    - 4140 kc — 7351
    - 4177–4187 kc — 7096
    - 4238–4368 kc — 7096
    - 4495 kc — 7511
    - 4650–4700 kc — 7549
    - 4700–4750 kc — 7127, 7153
    - 5450–5680 kc — 7549
    - 5520 kc — 7154
    - 5555 kc — 7511
    - 5559 kc — 7511
    - 5560 kc — 7511
    - 5565 kc — 7511
    - 5680–5730 kc — 7127
    - 5780–5730 kc — 7153
    - 6210 kc — 7351
    - 6256–6685 kc — 7549
    - 6265.5–6280.5 kc — 7096
  - Frequency bands—Continued
    - 6330 kc — 7154
    - 6357–6525 kc — 7096
    - 6380 kc — 7154
    - 6526–6688 kc — 7549
    - 6685–6767 kc — 7127, 7153
    - 7000–7300 kc — 7097
    - 8230–8265 kc — 7127
    - 8260 kc — 7511
    - 8262.3 kc — 7511
    - 8280 kc — 7351
    - 8354–8374 kc — 7096
    - 8476–8745 kc — 7096
    - 8570 kc — 7154
    - 8815–8965 kc — 7549
    - 8828.5 kc — 7511
    - 8830 kc — 7511
    - 8965–9040 kc — 7127, 7153
    - 10,005–10,100 kc — 7549
    - 11,040 kc — 7154
    - 11,175–11,275 kc — 7127, 7153
    - 11,275–11,400 kc — 7549
    - 12,340–12,400 kc — 7127
    - 12,420 kc — 7351
    - 12,531–12,561 kc — 7096
    - 12,714–13130 kc — 7096
    - 13,200–13,260 kc — 7127, 7153
    - 13,260–13,360 kc — 7549
    - 14,000–14,350 kc — 7097
    - 15,010–15,100 kc — 7127, 7153
    - 16,460–16,530 kc — 7127
    - 16,560 kc — 7351
    - 16,708–16,748 kc — 7096
    - 16,951–17,290 kc — 7096
    - 17,900–17,970 kc — 7549
    - 17,970–18,030 kc — 7127, 7153
    - 22,509 kc (Hawaii) — 7370
    - 2.2–12 mc — 7164
    - 4–20 mc — 7354
    - 4–22 mc — 7908
    - 28.0–29.7 mc — 7097
    - 50.0–54.0 mc — 7097
    - 76–88 mc (Hawaii) — 7150
    - 98–108 mc (Hawaii) — 7150
    - 144–148 mc — 7097
    - 220–225 mc — 7097
  - Services and stations:
    - Aeronautical services — 7127, 7152, 7511, 7549
    - Alaska; stations in — 7370
    - Amateur radio service — 7097, 7819
    - Canada; broadcast stations — 7826
    - FM broadcast stations:
      - Class A stations — 7150
      - Class B stations — 7150
      - Revised tentative allocations plan — 7153, 7510
    - Industrial, scientific and medical service — 7092
    - Maritime radio services — 7096, 7127, 7153, 7154, 7164, 7351, 7354, 7369, 7370, 7510, 7511, 7548, 7906
    - Public radio communication services (other than maritime mobile); Hawaii, inter-Island communications — 7150
    - Television broadcast stations — 7349, 7496, 7510
      - In Hawaii — 7150
- Frequency allocations and radio treaty matters; allocation assignment and use of radio frequencies, table of frequency allocations:
  - Atlantic City (1947) frequency allocations table and radio regulations, allocations in accordance with:
    - Aeronautical mobile bands:
      - OR frequency bands, certain, from 3025 kc to 18,030 kc to be available for use only in accordance with Atlantic City table; proposed rule making — 7127, 7152
      - R frequency bands, certain, from 2850 kc to 17,970 kc, effective March 15, 1952, to be assigned only in accordance with Atlantic City table; proposed rule making — 7549
    - Coast stations operating on frequencies 4140, 6210, 8280, 12,420, and 16,560 kc, deletion of authority for, effective June 3, 1953; proposed rule making — 7351

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Frequency allocations and radio treaty matters; allocation assignment and use of radio frequencies, table of frequency allocations—Continued
Atlantic City (1947) frequency allocations table and radio regulations, allocations in accordance with—Continued
Coast telegraph station assignments, non-government, transfer of, to bands between 4 and 20 mc stipulated in Geneva agreement; proposed rule making 7354
Deletion of existing coast telegraph assignments not in accordance with Geneva agreement, proposed 7355
International frequency list (new); tentative list of assignments for frequencies in (proposed) 7355
Temporary authorizations, conditions for issuance of, proposed 7355
Frequencies listed (Cairo-Atlantic City-FIAR-FCC table of frequency allocations); changes in assignments, proposed 7510
Maritime mobile service, stations in; availability of certain frequencies in bands from 4238 kc to 17,290 kc, October 1, 1952, for use only in accordance with Atlantic City table, proposed rule making 7096
Ship radiotelephone stations; frequencies in certain bands from 4115 kc to 16,530 kc to be available only for use of, in accordance with Atlantic City table, June 3, 1953, proposed rule making 7127
Ship telegraph service:
Authorization of use by ship telegraph stations for calling, of frequencies between 2089 and 2093 kc; proposed rule making 7510
Frequencies in certain bands from 4177 kc to 16,748 kc, to be available only for use as ship telegraph calling frequencies, in accordance with Atlantic City table, effective June 3, 1953; proposed rule making 7096
Hawaii, common carrier fixed stations; allocation of frequency bands 76–88 mc and 98–108 mc for use of, in inter-island communication 7150
International frequency list (new); tentative list of assignments for frequencies in, proposed 7355
Hawaii, Territory of:
Allocation of frequency bands 76–88 mc and 98–108 mc to fixed services, for inter-island communications only 7150
Frequencies 472 kc and 22,509 kc available for assignment to coast stations in 7370
Hearings, orders, etc.; list of names of companies and stations, *see list at end of this agency.*
Industrial, scientific, and medical service, operation without license:
Industrial heating equipment:
Field intensity, measurement of 7092
Maximum field intensity at one mile; measurements made along radials 7093
Operation outside of assigned frequency bands 7092
Location of industrial heating equipment; defining of 7092
Miscellaneous equipment 7093
International agreements relating to radio in which United States participates:
Frequencies, North America; assignment of frequencies to foreign broadcasting stations in. *See* North American Regional Broadcasting Agreement.
New international frequency list, tentative list of assignments for frequencies in 7355
Leased facilities services, including interstate and to Havana, Cuba; hearing respecting increased charges for tickers furnished by Western Union Telegraph Co 7316
Lifeboats, liferafts, etc., radio equipment for; exception with respect to operating controls requirements, proposed 7154
Maritime radio services:
Land stations, coastal:
Assignment of frequencies to coast and ship stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc 7369

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations, coastal—Continued
Coast stations on inland waterways. *See* Inland waterways.
Inland waterways:
Coast or ship telegraph stations on inland waterways; deletion of certain currently assignable frequencies, proposed 7153
Modification of licenses of certain coast stations serving inland waterways, to delete authorization of use of coast telegraph frequencies between 2.2–12 mc, effective November 1, 1952, proposed 7164
List of licensees affected 7164
Operating requirements, general; radio telegraph watch by coast stations, use of frequencies 405 to 535 kc and 90 to 160 kc 7369
Station requirements, general; facilities required for public coast stations, assignment of frequencies 405 to 435 kc for use of coast stations employing telegraphy 7369
Telegraphy, use of, by coast stations:
Coast stations on inland waterways; modification of licenses of, and deletion of certain currently assignable frequencies, proposed 7153, 7164
Deletion of authority for operation of coast stations on frequencies 4140, 6210, 8280, 12,420, and 16,560 kc, effective June 3, 1953; proposed rule making 7351
Frequencies assignable:
Consideration of assignment of frequencies 448, 452, 454, and 462 kc in relation to interference to operation of superheterodyne type of radio receiver; deletion 7370
Frequencies 161 kc–454 kc assignable only if previously included in assigned frequencies of coast stations; deletion of provisions respecting 7370
Great Lakes or inland waters, communication with ship stations on:
Exclusive use of frequency 2274 kc; proposed deletion 7154
Restriction respecting use of frequency 410 kc; deletion 7370
List of assigned frequencies:
Available for assignment:
Frequencies 472 kc and 22,509 kc for use in Hawaii 7370
Frequencies 486 kc and 128.95 kc, for use in Puerto Rico 7370
Frequency 482 kc for use in Great Lakes area 7370
Various frequencies between 112.85 and 22,569 kc to coast stations located in seacoast area (Atlantic, Pacific, and Gulf of Mexico) of continental United States 7370
Deletion of certain frequencies from list:
Between 2274 and 11,040 kc; proposed rule making 7154
Frequencies 5555, 5560 and 5565 kc, proposed deletion 7511
From 105 to 484 kc, and notes respecting 7370
Mississippi River area, coast stations located in, exclusive use of frequency 3030 kc by; proposed deletion 7154
Temporary authorization of assignment of additional frequencies within bands 10 kc and 25,000 kc 7370, 7548
Use of frequency 8570 kc by coast stations under certain prescribed conditions; proposed deletion 7154
Frequencies for calling; use of frequencies 405 to 535 kc and 90 to 160 kc 7370
Frequencies for working; transmission on telegraph working channels within bands 110 to 150 kc and 415 to 490 kc 7370
International frequency list (new), tentative list of assignments for frequencies in 7355

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Land stations—Continued
Telegraphy, use of, by coast stations—Continued
Non-government coast telegraph station assignments, transfer of, to bands between 4 and 20 mc stipulated in Geneva agreement; proposed rule making 7354
Deletion of existing coast telegraph assignments not in accordance with Geneva agreement 7355
List of assignments, tentative, for frequencies in new international frequency list 7355
Temporary authorizations, conditions for issuance of 7355
Testing procedure; test emission frequencies within band 405–535 kc 7370
Unavailability of certain frequencies for assignment to coast stations to provide for meteorological broadcasts on certain aeronautical mobile (R) service frequencies, proposed 7511
Mobile maritime service, stations in; availability of certain frequencies in bands from 4238 to 17,290 kc, October 1, 1952, for use only in accordance with Atlantic City table of frequency allocations, proposed 7096
Shipboard stations:
Assignment of frequencies to ship and coast stations in accordance with Geneva Agreement (1951), in bands 14–150, 150–200, and 200–535 kc and between 10 kc and 25,000 kc 7369
Call sign block assignment scheme for ships using telegraphy, alternative for; proposed 7906
High radiotelegraph and radiotelephone ship frequencies, tables of, (Appendix III); proposed 7908
Inland waterways, ship or coast telegraph stations on; deletion of certain currently assignable frequencies, proposed 7153
Radiolocation by cable repair ship; operation of radio transmitting equipment on authorized radio channels within band 285–325 kc, with certain limitations 7370
Radiotelegraphy, use of:
Distress, frequencies for use in; ship or aircraft stations requesting assistance, use of frequencies 405 to 535 kc 7370
Frequencies assignable:
Authorization of use of radio channels, of which 480 kc is assigned frequency, in European coastal regions; deletion 7370
Direction-finding stations, communication by radiotelegraphy with; use of 410 kc 7370
Government stations, frequencies assigned for communication with; effective date of discontinuance of use of 355 kc assigned frequency radio channel by ship stations 7370
Great Lakes or inland waters:
Restriction respecting use of radio channels, of which 394, 400, and 410 kc are assigned frequencies, not applicable 7370
Use of frequency 2274 kc; proposed deletion 7154
List of assigned frequencies:
Addition of frequency 448 kc (Region 2) 7370
Deletions from list:
Frequencies 160, 355, 375, 394, and 400 kc deleted 7370
Frequencies 2274 and 3030 kc; proposed deletion 7154
Frequency 8260 kc; proposed deletion 7511
Special conditions and limitation not applicable to frequency 480 kc 7370
Mississippi River and tributaries, use of frequency 3030 kc; proposed deletion 7154
Frequencies for calling:
Availability of certain frequencies for use as ship telegraph calling frequencies, June 3, 1953, in accordance with Atlantic City table, proposed 7096, 7510
Call sign block assignment scheme for ships using telegraphy, alternative for; proposed 7906
Table of ship radiotelegraph calling frequencies (Appendix III); proposed 7907

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Radiotelegraphy, use of—Continued
Frequencies for calling—Continued
Use of frequencies 405 and 535 kc and 90 to 160 kc 7370
Frequencies for working:
Cargo ship working frequencies, table of, (Appendix III), proposed 7908
Communication with coast stations; transmission on telegraphy working channels within bands 110 to 150 kc and 415 to 490 kc 7370
Passenger ship radiotelegraph working frequencies, table of, (Appendix III); proposed 7907
Ship and aircraft stations using telegraphy and working on frequencies within band 415 to 490 kc; authorized frequencies and use 7370
High radiotelegraph frequencies for ship station applicants; table, (Appendix III), proposed 7908
Inland waterways, ship telegraph stations on; deletion of certain currently assignable frequencies, proposed 7153
Station records; ship stations using frequencies within band 90 to 535 kc 7370
Testing procedure; test emission frequencies within band 405–535 kc 7370
Radiotelephony, use of; proposed rule making:
Availability of frequencies in certain bands from 4115 to 16,530 kc for use of ship radiotelephone stations only, in accordance with Atlantic City table, June 3, 1953; proposed rule making 7127
Frequencies assignable; list of authorized carrier frequencies:
Addition of frequency 8262.3 kc 7511
Deletion of frequency 8830 kc from list 7511
Frequencies from 5000 kc to 30 mc for public correspondence; list of frequencies authorized for use by ship stations on ocean-going vessels:
Addition of frequency 8262.3 kc 7511
Deletion of frequency 8830 kc from list 7511
High (long-distance) radiotelephone ship frequencies between 4 and 22 mc; table, (Appendix III) 7908
Ship radiotelegraph frequencies from 2000 to 23,000 kc and radiotelephone frequencies from 4000 to 23,000 kc, tables of (Appendix III); proposed rule making 7907
Ship stations on inland waterways. *See* Inland waterways.
Station requirements, general:
Operating controls, requirements; ship stations using multi-channel installation for telegraphy, proposed rule making:
Effective date of requirements with respect to:
Frequencies in bands 4000 and 23,000 kc and radio channels in frequency band 2065–2107 kc 7154
Radio-channels within frequency band 2000 to 25,000 kc; supersedure 7154
Equipment used in emergencies on frequencies below 515 kc or on lifeboats and survival craft only, exception with respect to 7154
Telegraphy, required radiochannels for:
Ship stations using telegraphy (except on lifeboats, etc.), operating on frequencies in bands 4000 to 23,000 kc, transmitting requirements for, proposed rule making 7154
Use of frequencies within bands 405 to 535 kc and 90 to 160 kc 7370
Unavailability and reassignment of certain frequencies to ship telephone and telegraph stations, proposed 7511
Watch required by International Radio Regulations; use of frequencies in band 405 and 535 kc 7370

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Maritime radio services—Continued
Shipboard stations—Continued
Watches, general purpose:
Watch on 143 kc; use of frequencies in band 90 to 160 kc 7370
Watch on 500 kc; use of frequencies in band 405 to 535 kc 7370
Meteorological broadcasts; reassignment of certain aeronautical mobile (R) service frequencies for, proposed 7511
North American Regional Broadcasting Agreement; lists of changes in assignments for stations in Canada 7826
Organization and delegations of authority:
Authority, delegation of, to Regional Managers and Chiefs of Field Engineering and Monitoring Bureau and Field Operating Division to declare state of general communications emergency 7099
Public information; certified copies, requests for, and costs, treatment of requests from foreign governments and residents of foreign countries 7758
Practice and procedure:
Applications of cities for television channels, list of, arranged according to priorities in temporary processing procedure supplements 7556
Radio licenses, applications and proceedings affecting:
Action on applications:
Renewal applications, operation pending action on 7290
Temporary extension of station licenses; supersedure 7290
Filing of applications and description of forms:
Application for license following construction permit:
Form 341 (Noncommercial educational FM broadcast station license) 7601
Redesignation 7601
Application for station license where no construction permit is required:
Form 341 (Noncommercial educational FM broadcast station license, application for), when it must be used 7601
Redesignations 7601
Authority to construct a new station or make changes in existing station, broadcast services; Form 340 (Noncommercial educational FM broadcast station) 7601
Modification of license, broadcast and nonbroadcast, application for:
Form 301 (Application for authority to construct new broadcast station or make changes in existing station, revised March 21, 1952); paragraph 10, section IV, deleted 7495
Form 340 (Application for authority to construct or make changes in noncommercial educational FM broadcast station), when used 7601
Redesignations 7601
Renewal of license, broadcast and nonbroadcast, application for:
Form 303 (Application for renewal of broadcast station license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495
Form 311 (Renewal of international facsimile, or experimental broadcast station license, application for); use of 7601
Form 342 (Renewal of noncommercial educational FM broadcast station license) 7601
Redesignations 7601
Voluntary assignment or transfer of control, broadcast, application for:
Form 314 (Application for consent to assignment of radio broadcast station construction permit or license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Practice and procedure—Continued
Radio licenses, applications and proceedings affecting—Continued
Filing of applications and description of forms—Continued
Voluntary assignment or transfer of control, broadcast, application for—Continued
Form 315 (Application for consent to transfer of control of corporation holding radio broadcast station construction permit or license); instruction respecting completion of form and deletion of paragraph 10, section IV 7495
Public fixed and coastal service in Alaska. *See* Alaska.
Public radio communication services (other than maritime mobile); Hawaii, fixed services in, allocation of frequency bands 76–88 and 98–108 mc to, for interisland communications 7150
Puerto Rico; frequencies 128.95 kc and 486 kc available for assignment to coast stations in 7370
Radio broadcast services:
Educational broadcast stations, noncommercial:
Administrative procedure, rules governing:
Application for noncommercial educational FM broadcast stations 7602
Renewal of license; use of Form 342, substituted for Form 343 7602
Equipment and antenna system, changes in; use of Form 340, substituted for Form 342 7602
Television stations. *See* Television broadcast stations, *below*.
FM broadcast stations:
Allocation of frequencies and channels:
Class A stations:
Designated channels, exception 7150
Hawaii; allocation of frequency band 98–108 mc for nonbroadcast use only 7150
Class B stations:
Designated channels, exception 7150
Hawaii; allocation of frequency band 98–108 mc for nonbroadcast use only 7150
Revised tentative allocation plan for channels allocated to Class B stations; amendments, proposed 7153, 7510
Educational FM broadcast stations. *See* Educational broadcast stations, *above*.
Television broadcast stations, rules governing (Part 3, E):
Applications of cities for television channels, list of, arranged according to priorities in temporary processing procedure supplements 7556
Channel utilization:
Assignments, table of:
Addition of Fremont, Channel 59, under Ohio; proposed rule making 7510
Changes, deletions, etc., affecting channel assignments in listed states; proposed rule making:
Alabama 7349
Louisiana 7349
Texas 7350
Availability of channels; communities assigned channels designated for use only by noncommercial educational stations, availability of other channels to, and applicability of provisions to communities listed in Table of Assignments 7496
Main studio location; establishment of television station main studio outside principal community to be served permitted under special conditions 7543
Channels, television, numerical designation of:
Hawaii; allocation of frequency bands 76–82 and 82–88 mc (Channels 5 and 6) for nonbroadcast use only 7150
Redesignation 7150
Radio telegraphy, use of, by coast and ship stations. *See* Maritime radio services.
Radiotelephony, use of, by coast and ship stations. *See* Maritime radio services.
Ship service. *See* Maritime radio services.

FEDERAL COMMUNICATIONS COMMISSION—Con. Page

Telephone and telegraph companies, common carrier regulations:
Hawaii, fixed services in; allocation of frequency bands 76–88 mc and 98–108 mc for use of common carrier fixed stations for interisland communication (petition of Mutual Telephone Co.) 7150
Rates, charges, tariffs, etc.; order assigning hearing respecting increased charges by Western Union Telegraph Co., for tickers furnished in connection with leased facilities services 7316
United States and Canada, convention between, (Article III), relating to operation by citizens of either country of certain radio equipment or stations (effective May 15, 1952) 7820
Hearings, etc.:
Aladdin Radio & Television, Inc 7518
Alexandria Broadcasting Co 7349
American-Republican, Inc 7518
Arctic Telephone & Telegraph Co 7911
Atlantic City Broadcasting Co 7518
Bealeton, Virginia; Postmaster 7758
Bell Broadcasting Co 7350
Black Hills Station, Heart of 7826
Brush-Moore Newspapers, Inc 7519
Chesapeake and Potomac Telephone Co. of Virginia 7758
Chicago Board of Trade 7316
Columbia Empire Telecasters, Inc 7519
Denver Television Co 7518
Evangeline Broadcasting Co., Inc 7349
Fauquier Telephone Co., Inc 7758
Fort Meade Taxi Service 7910
Garden State Broadcasting Co 7518
Greenwich Broadcasting Corp 7555
Heart of Black Hills Station 7826
KMYR Broadcasting Co 7518
KOIN, Inc 7518
KRRV 7518
KXL Broadcasters, Inc 7518
McLennan Broadcasting Co 7518
Metropolitan Television Co 7518
Mt. Pleasant Broadcasting Co 7555
Mt. Scott Telecasters, Inc 7556
Mutual Telephone Co. (Hawaii) 7150
National Association of Railroad and Utilities Commissioners 7316
New York Curb Exchange 7316
New York Stock Exchange 7316
Oregon Television, Inc 7519
Penn Jersey Broadcasting Co 7518
Pioneer Broadcasters, Inc 7518
Portland Television, Inc 7555
Press-Union Publishing Co 7518
Red River Valley Broadcasting Corp 7519
Remington, Virginia; Postmaster 7753
South Jersey Broadcasting Co 7495
Stark Broadcasting Corp 7519
Vancouver Radio Corp 7556
Virginia, Governor of 7758
Virginia, State Corporation Commission of 7758
WATR, Inc 7518
WMRO, Inc 7519
WSIX Broadcasting Station 7547
Western Union Telegraph Co 7316
Westinghouse Radio Stations, Inc 7555
World Wide Broadcasting Corp 7555

FEDERAL HOME LOAN BANK SYSTEM. *See* Home Loan Bank Board.

FEDERAL POWER COMMISSION:
Hearings, etc.:
Allentown-Bethlehem Gas Co 7317
Atlantic Seaboard Corp 7373, 7867
Auburn, Illinois 7866
Atomic Energy Commission 7195
Bonneville Project Columbia River, Washington-Oregon 7402
California Electric Power Co 7372
Central Kentucky Natural Gas Company 7373
Central Louisiana Electric Co., Inc 7402
Central West Utility Co 7866
Cincinnati Gas and Electric Co 7560, 7911
Cities Service Gas Co 7318, 7373, 7681
Cleveland Electric Illuminating Company 7195
Colorado Interstate Gas Co 7439

FEDERAL POWER COMMISSION—Continued Page

Hearings, etc.—Continued
Columbus and Southern Ohio Electric Company 7195, 7758
Connecticut Gas Co 7758
Consolidated Gas Utilities Corp 7065, 7562
Consumers Gas Company 7317
Cumberland and Allegheny Gas Co 7952
Duquesne Light Company 7195
East Tennessee Natural Gas Co 7064, 7520
El Paso Natural Gas Co 7195, 7198
Gas Lateral Co 7373
Glover, W. J 7197
Gulf Public Service Co., Inc 7402
Harrisburg Gas Company 7317
Home Gas Company 7373
Hope Natural Gas Co 7373, 7708
Idaho Power Co 7758
Indiana Gas & Water Co., Inc 7372, 7758
Iowa-Illinois Gas and Electric Co 7439, 7520
Kammer, H. A 7197
Kansas-Nebraska Natural Gas Co. Inc 7064, 7561
Lancaster County Gas Company 7317
Lone Star Gas Co 7318, 7709
Lopeno Gas Co 7064, 7317
Louisiana Natural Gas Corporation 7064
Louisville Gas and Electric Company 7064
Manufacturers Light and Heat Company 7373, 7952
Marysville, Michigan 7866
Michigan Consolidated Gas Co 7065, 7866
Michigan Gas Utilities Co 7866
Michigan-Wisconsin Pipe Line Co 7317, 7561, 7795
Mid-Georgia Natural Gas Co 7439
MidSouth Gas Co 7063
Mississippi Gas Co 7867
Mississippi River Fuel Corp 7317, 7491
Mississippi Valley Gas Co 7867
Missouri Central Natural Gas Co 7866
Monticello, Utah 7827
Mountain Fuel Supply Co 7709
Mountain States Power Co 7681
Natural Gas Company of West Virginia 7373
Natural Gas Pipeline Co 7867
Newton County Gas Company 7172
New York State Electric & Gas Corp 7196
New York State Natural Gas Corp 7708, 7911
Niagara Gas Transmission Limited 7100
Northeastern Gas Transmission Co 7758
Northern Indiana Fuel and Light Co 7866
Northern Natural Gas Co 7084, 7100, 7129, 7256, 7359, 7402
Ohio Fuel Gas Company 7373, 7610
Ohio River Pipeline Corporation 7064
Pacific Gas and Electric Co 7610
Pacific Power & Light Co 7519
Panhandle Eastern Pipe Line Co 7372, 7681, 7866
Peterstown Gas Co., Inc 7373
Philadelphia Electric Co 7317, 7709
Pond, Charles 7319
Pond's Lodge, Inc 7319
Port Huron, Michigan 7866
Potomac Gas Co 7401
Public Service Electric and Gas Co 7440
Pulsifer, Oliver T 7319
Rockland Light and Power Company 7373
St. Clair, Michigan 7866
Shenandoah Gas Company 7373
South Carolina Natural Gas Company 7172
South Carolina Public Service Authority 7759
South Georgia Natural Gas Company 7172
South Jersey Gas Co 7827
Southeastern Michigan Gas Co 7866
Southern California Gas Co 7401
Southern Counties Gas Co. of California 7197
Southern Natural Gas Company 7172, 7317, 7402
Swift, Orlando B 7319
Tennessee Gas Transmission Company 7100, 7401, 7867
Tennessee Valley Authority 7195
Texas Eastern Transmission Corp 7129, 7196, 7401, 7561, 7708, 7759, 7911
Texas Gas Transmission Corporation 7064, 7197, 7758
Texas-Illinois Natural Gas Pipeline Co 7794
Texas Northern Gas Corporation 7064
Texas-Ohio Gas Co 7682
Toledo Edison Company 7195
Transcontinental Gas Pipe Line Corp 7318

FEDERAL POWER COMMISSION—Continued Page
Hearings, etc.—Continued
United Fuel Gas Company 7373
United Gas Improvement Company 7317
United Gas Pipe Line Company 7064, 7198, 7708
Villiger, Margaret E 7197
Virginia Gas Transmission Corp 7373, 7867
West Texas Gas Co 7710
Wisconsin Power and Light Co 7519
Regulations under Natural Gas Act; applications for certificates of public convenience and necessity under section 7 concerning any operation, sales, service, construction, extension, or acquisition, requirements for form and filing of, revision 7385

FEDERAL SECURITY AGENCY:
See Education, Office of.
Food and Drug Administration.
Public Health Service.
Vocational Rehabilitation, Office of.

FEDERAL TRADE COMMISSION:
Cease and desist orders and/or dismissals of complaints:
Albin, Max 7041
Aldworth, Richard T 7723
Anthony, John J 7209
Burgess, Warren W 7723
Carlin, George L 7928
Fenstemaker, Ray E 7928
Home Machine Supply, Inc 7041
Johnson, Linn D 7723
Knox Co 7723
Kremer, Philip 7928
Lippman, Max 7041
Marks, Milton L. and Ralph S 7209
Michigan City Novelty Co 7210
Monoker, Harry 7928
Murd Company 7928
National Institute of Practical Nursing 7139
Norlon Corporation 7209
Ploner, E. F 7210
Raichert, Edward, Leonard, and Roman 7042
Roman-Raichert Company, Inc 7042
Shinkel, E. Edward 7209
United States Navy Weekly, Inc 7928
Williams, Edward and Lillian J 7139
Trade practice rules:
Athletic Goods Industry; notice of conference 7795
Portrait Photographic industry; notice of conference 7168
Wood and wood products, proper use of word "mahogany" in designations of; notice of further hearing 7912

FIRE PREVENTION WEEK, 1952 (Proclamation 2987) 7613

FISH AND WILDLIFE SERVICE:
Alaska:
Aleutian Islands National Wildlife Refuge, Management of; hunting of migratory waterfowl and ptarmigan 7290
Fisheries, commercial; herring fishing, Southeastern Alaska, catch limitations 7249
Conservation areas, wildlife; management of. *See* Wildlife conservation areas.
Feathers, wild bird; importation of skins bearing feathers, proposed 7397
Fisheries, commercial. *See* Alaska.
Fishing in wildlife refuges. *See* Wildlife conservation areas.
Herring fisheries, commercial, in Alaska. *See* Alaska.
Hunting and possession of wildlife:
See also Alaska; *and* Wildlife conservation areas.
Foreign wild animals and wild birds and their eggs, importation of:
Compliance with other regulations 7371
Prohibited species and exceptions 7371
Migratory birds:
Means by which birds may be taken, restrictions on taking waterfowl, coot, gallinules, doves, and pigeons by use of salt or corn 7903
Correction of section citation 7397
Open seasons, bag limits, and possession of certain migratory game birds; new schedules for open seasons 7903
Migratory birds, coot and woodcock, in Atlantic, Central, Mississippi, and Pacific Flyway States 7904

FISH AND WILDLIFE SERVICE—Continued Page
Hunting and possession of wildlife—Continued
Migratory birds—Continued
Open seasons, bag limits, and possession of certain migratory game birds; new schedules for open seasons—Continued
Mourning-doves in Pacific Flyway States 7903
Rails and gallinules in Atlantic, Central, and Mississippi Flyway States 7903
Shipment, transportation and possession of certain migratory game birds; possession of birds for purpose of processing or shipment 7904
Nonmigratory species; importation of certain game bird eggs, repeal 7372
Importations:
Foreign wild animals and wild birds and their eggs. *See* Hunting and possession of wildlife.
Wild bird feathers 7397
Migratory birds, hunting, possession, etc. *See* Hunting and possession of wildlife.
Refuges, wildlife. *See* Wildlife conservation areas.
Wildlife conservation areas, management of, refuges in various regions:
Alaska region; Aleutian Islands National Wildlife Refuge, hunting of migratory wildlife and ptarmigan 7290
Central region:
Crab Orchard National Wildlife Refuge, Illinois; hunting of squirrel 7186
Long Lake National Wildlife Refuge; North Dakota:
Fishing permitted 7497
Use of boats 7497
Pacific Region:
Hart Mountain National Antelope Refuge, Oregon; hunting, limitation on firearms 7905
Red Rocks Lakes National Wildlife Refuge, Montana; moose hunting 7905

FISHING. *See* Hunting and fishing.

FOOD AND DRUG ADMINISTRATION:
Drugs:
See also Federal Food, Drug, and Cosmetic Act.
Certification of batches of antibiotic and antibiotic-containing drugs:
Aureomycin 7887
Bacitracin 7044
Penicillin 7044, 7886
Streptomycin 7044, 7886
Tests and methods of assay for antibiotic and antibiotic-containing drugs:
Bacitracin 7044
Penicillin 7043, 7885, 7886
Federal Food, Drug, and Cosmetic Act, enforcement of:
Imports, bonds 7072
New drugs:
Definition; redesignation 7815
Exemption from 505 of act 7815
Imports; regulations for enforcement of Federal Food, Drug, and Cosmetic Act, bonds 7072

FOREST SERVICE:
Trespassing horses, mules, and burros; order for removal of, from Cibola National Forest 7399

G

GENERAL SERVICES ADMINISTRATION:
Authority, delegation of:
Defense Department, Secretary, authority to represent interests of executive agenies of Government in matter of application of Newton County Gas Company for procurement of natural gas service 7520
Treasury Department, Secretary; authority to negotiate, without advertising, contracts and purchases in connection with modernization of equipment and operations of Bureau of Engraving and Printing 7562
Contracts and purchases. *See* Procurement.
Manpower, surplus; notification of areas of current or imminent labor surplus. *See main heading* Defense Mobilization, Office of.

GENERAL SERVICES ADMINISTRATION—Con. Page
Mica procurement. *See* Minerals, metals, and other raw materials.
Minerals, metals, and other raw materials; procurement for Government use or resale:
Chrome ore and concentrates, domestic, stockpiling of; purchase program for ore and concentrates at Grants Pass, Oregon, deliveries from source not to exceed 5000 tons per year 7125
Mica, domestic, purchase programs for; revision of regulation 7052
Participation in A and B programs, extension of time of notification to June 30, 1953 7052, 7053
Purchase depots; establishment of depot at Franklin, New Hampshire 7052
Tungsten concentrates, domestic; revision of regulation 7051
Participation in program, extension of time of notification to June 30, 1953 7051
Procurement:
Areas of current or imminent manpower surpluses, procurement in; designation of areas for Government procurement. *See main heading* Defense Mobilization, Office of.
Minerals, metals, and other raw materials. *See* Minerals, metals, and other raw materials.
Negotiation, without advertising, of contracts and purchases in connection with modernization of equipment and operations of Bureau of Engraving and Printing, authority of Secretary of Treasury respecting 7562
Representation of interests of executive agencies of Government in matter of application of Newton County Gas Company for procurement of natural gas service, authority of Secretary of Defense respecting 7520
Stockpiling of strategic and critical materials; purchase program for domestic chrome ore and concentrates at Grants Pass, Oregon, deliveries from one source not to exceed 5000 tons per year 7125
Strategic and critical materials, stockpiling of. *See* Stockpiling of strategic and critical materials.
Tungsten concentrates, procurement of. *See* Minerals, metals, and other raw materials.

GEOLOGICAL SURVEY:
Authority, delegation of, from Secretary of Interior:
Acting Director and Acting Assistant Director; authority of certain officials to perform functions of Director and Assistant Director 7866
Mineral leases, suspension of operations or production on, authority of Director respecting 7513
Redelegation of authority to regional oil and gas supervisors and regional mining supervisors 7513
Noncoal classification of certain lands:
In Colorado 7609
In Utah 7189
Oil and gas fields; New Mexico; definitions of known geological structures of producing fields 7304
Power sites, classification, etc.:
California; No. 426, miscellaneous streams 7160
Colorado; No. 426, miscellaneous streams 7161
Idaho; No. 426, miscellaneous streams 7161
Oregon; No. 426, miscellaneous streams 7161
Washington; No. 426, miscellaneous streams 7161

GERMANY:
German nationals, property of; vesting orders, etc. *See* Alien Property, Office of.
United States High Commissioner for Germany; functions (Executive Order 10380) 7107

GOLD REGULATIONS. *See* Treasury Department.

GUAM. *See* Territories and possessions.

H

HANDICAPPED PERSONS, employment of:
In sheltered workshops. *See* Wage and Hour Division.
National Employ the Physically Handicapped Week, 1952 (Proclamation 2985) 7567

HAWAII:
Critical defense housing areas. *See* Housing and Home Finance Agency.
Price control regulations affecting commodities sold in. *See* Price Stabilization, Office of.

HAWAII—Continued Page
Radio regulations; allocation of frequencies, etc. *See* Federal Communications Commission.
Restoration of certain lands to jurisdiction of Territory of Hawaii:
Hilo, Hawaii; certain lands set aside for aeronautical purposes (Executive Order 10378) 7107
Palaau, Molokai; certain lands in conection with Molokai Airport Military Reservation (Homestead Field) (Executive Order 10383) 7361
Waiakia, Hawaii, certain lands in connection with Hilo Airport Military Reservation (Executive Order 10384) 7361
Sugar requirements and quotas. *See* Agriculture Department.

HOLIDAYS; pay regulations, government employees, identification of holidays. *See* Civil Service Commission.

HOME LOAN BANK BOARD:
Federal Home Loan Bank System:
Definitions, "State"; Guam included in term 7140
Guam:
See also Definitions.
Included in San Francisco district of Federal Home Loan Bank 7164

HOUSING AND HOME FINANCE AGENCY:
See Home Loan Bank Board.
Authority, delegations of, by Administrator to HHFA officials. *See* Organization, delegations of authority, etc.
Construction of defense housing. *See* Critical defense housing areas.
Critical defense housing areas:
Private defense housing in territories and possessions of United States 7118
Construction of defense housing, availability of assistance for:
General regulations 7119
Rental housing 7120
Sales housing and other housing 7121
Listed areas; appendix:
Hawaii, Island of Oahu 7123
Puerto Rico, Aguadilla and Isabella; Ramey Air Force Base 7123
Residential credit controls:
Atomic Energy Commission installations in areas of Savannah River, S. C. and Ga., Paducah, Ky., and Idaho; authority, delegation of, to Special Representatives of Administrator respecting relaxation of housing credit controls, including release of obligation for holding certain one-family or two-family dwellings for rent 7401
Relaxation of credit controls, regulation for processing and approval of exceptions and terms; listed areas, additions and amendments:
California; Klamath 7788
Connecticut; Bridgeport 7788
Illinois; Great Lakes-North Chicago-Waukegan 7788
Maine; Kittery 7788
Michigan; Battle Creek 7788
New Hampshire; Portsmouth 7788
New York; Corning-Painted Post 7788
North Carolina:
Elizabeth City 7788
Kinston 7788
Oregon; Roseburg 7788
Virginia; Norfolk-Portsmouth 7788
Washington; Colville 7788
Organization, delegations of authority, etc., Office of Administrator:
Slum Clearance and Urban Redevelopment Division; designation and authority of Acting Director 7200
Special Representatives; designation of, and authority respecting relaxation of housing credit controls in areas near certain installations of Atomic Energy Commission 7401
Slum Clearance and Urban Redevelopment Division; designation and authority of Acting Director. *See* Organization, delegations of authority, etc.
Temporary housing; extension of time in connection with removal of certain temporary housing (Executive Order 10385) 7525

20000—52——3

HUNTING AND FISHING: Page
Migratory birds and game animals. *See* Fish and Wildlife Service.
Whales. *See* International Whaling Commission.

I

IMMIGRATION AND NATURALIZATION SERVICE:
Immigration regulations respecting head tax exemption for aliens connected with designated international organizations; United Nations and specialized agencies of, addition 7110

IMPORTS AND EXPORTS:
Customs regulations respecting. *See* Customs Bureau.
Export control. *See* International Trade, Office of.
Food commodities acquired through price support programs; export price. *See* Commodity Credit Corporation.
Investigations respecting imports. *See* Tariff Commission.
Price control regulations respecting imports. *See* Price Stabilization, Office of.
Tariff classifications. *See* Customs Bureau.
Trade agreements respecting. *See* Trade agreements.
Wild animals, wild birds, etc., foreign. *See* Fish and Wildlife Service.

INDONESIA; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (Executive Order 10387) 7799

INFORMATION MEDIA GUARANTIES under Economic Cooperation Act, regulations respecting. *See* State Department.

INDIAN AFFAIRS BUREAU:
Authority, delegation of, to Area Directors respecting execution of construction contracts when amount involved does not exceed $10,000 7552
Charges, operation and maintenance for irrigation projects. *See* Irrigation projects.
Irrigation projects, operation and maintenance charges for Wapato Indian Irrigation Project, Washington; Yakima Indian Reservation, increase in annual charges, proposed 7252

INSTITUTE OF INTER-AMERICAN AFFAIRS, State Department. *See* State Department.

INSTITUTE OF INTER AMERICAN AFFAIRS ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799

INSURANCE, VETERANS' LIFE INSURANCE. *See* Veterans' Administration.

INTERIOR DEPARTMENT:
See Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
National Park Service.
Petroleum Administration for Defense.
Reclamation Bureau.
Authority, delegation of:
Geological Survey:
Acting Director and Acting Assistant Director, designation of certain officials to perform duties of Director and Assistant Director 7806
Director; mining leases, suspension of operations and production under 7513
Land Management Bureau:
Acting Director, Acting Associate Director and Acting Assistant Director, designation of certain officials to perform duties of Director, Associate Director and Assistant Director 7552
Mineral leasing, relief or suspensions in connection with rentals or royalties, authority of Director respecting 7513
Reclamation Bureau:
Commissioner and Assistant Commissioner:
Acquisition of lands and water rights; authority of Commissioner to acquire easements for $100 or less 7513
Reconveyance of donated lands when not required for projects 7255
Regional Directors; reconveyance of donated lands when not required for projects 7255
Solicitor; escheat of Indian estates, correction 7304

INTERNAL REVENUE BUREAU: Page
Administrative provisions common to various taxes, inspection of tax returns under Special Executive Orders; inspection of income, excess profits, and other tax returns and relevant papers in certain compromise cases 7688
Authority, delegations of. *See* Organization.
Baby oils, powders, etc., exemption from excise tax on. *See* Excise tax regulations.
Barber shops; tax exemption respecting taxable articles sold to. *See* Excise tax regulations.
Beauty shops; tax exemption respecting taxable articles sold to. *See* Excise tax regulations.
Delegation of authority and functions. *See* Organization.
Diesel fuel, excise tax on. *See* Excise tax regulations.
Excise tax regulations:
Baby oils, powders, etc. *See* Retailers' excise taxes.
Barber shops. *See* Retailers' excise taxes.
Beauty shops. *See* Retailers' excise taxes.
Diesel fuel, excise tax on; proposed rule making 7055
Administrative provisions; returns, and payment of taxes, records, tax-free sales, credits, refunds, penalties, etc 7057
Effective period, application of tax on sale and use of taxable liquid, rate of tax 7056
Exemptions, general; sales to States, etc., proof of exportation, shipments to possessions of United States 7057
Firearms. *See* Machine guns and certain other firearms, taxes relating to.
Jewelry. *See* Retailers' excise taxes.
Lighters, mechanical. *See* Retailers' excise taxes.
Machine guns and certain other firearms, taxes relating to; republication and revision of regulations 7842
Assessment and collection of tax 7851
Definitions 7846
Examination of books and records 7851
Exportation of firearms 7850
Identification of firearm 7850
Importation of firearms 7850
Laws dealing with taxes relating to machine guns and certain other firearms 7843
Lost firearms or documents 7851
Making of firearms, tax on 7848
Declaration of intent to make firearms 7848
Exceptions to tax 7849
Persons subject to taxes 7846
Records 7851
Examination of 7851
Refunds 7851
Registration of firearm 7850
Returns 7851
Failure to make returns 7851
Special (occupational) taxes; payment of tax, change of ownership or business location, penalties, State regulations, record of special taxpayers for public inspection 7846
Stamps:
Distribution or sale of 7851
Redemption of, or allowance for 7851
Stolen firearms or documents 7851
Transfer tax 7849
Order form for transfer of firearms 7849
Exception from use of 7849
Pencils, pens, mechanical. *See* Retailers' excise taxes.
Retailers' excise taxes:
Barber shops, sales to. *See* Toilet preparations.
Beauty shops, sales to. *See* Toilet preparations.
Effective period; provisions of section 431 of Revenue Act of 1951 (relating to various preparations for babies, sales of taxable articles at beauty or barber shops, and sample articles sold for demonstration use) made effective November 1, 1951 7045
Jewelry; articles made of, or ornamented with precious metals, etc., and other jewelry, reference respecting credit and refund provisions relating to fountain pens and mechanical pencils and lighters 7045
Lighters, mechanical, sales of 7045
Miscellaneous provisions; sales of mechanical pencils, pens, and lighters 7045
Pencils and pens, mechanical; sales of 7045

INTERNAL REVENUE BUREAU—Continued Page

Excise tax regulations—Continued
Retailers' excise taxes—Continued
Samples, miniature, sales of 7045
Scope of part 7045
Toilet preparations, etc.:
Beauty parlors, etc., sales to:
Sales made from November 1, 1942, through October 31, 1951 7045
Sales made on and after November 1, 1951, to beauty and barber shops, etc., of taxable articles for use in operation of, exempt from tax under section 2402 (a) 7045
Miniature samples, sales of 7045
Scope of tax:
Deletion of baby oils and powders from list of taxable articles 7045
Nonapplicability of tax after November 1, 1951, under section 431 of Revenue Act of 1951, to sale of preparations and articles for use in care of babies 7045
Sample articles sold for demonstration use. *See* Retailers' excise taxes.
Toilet preparations, etc. *See* Retailers' excise taxes.
Transportation of property, tax with respect to; changes in procedure for establishing exemption from tax in case of export shipments 7688
Bill of lading; revision and redesignation 7688
Certificate of exportation; redesignation 7688
Continuity of movement; reconsignment of shipment to foreign destination, exemption of transportation expenses 7688
Export shipments not requiring exemption certificate 7688
Requiring exemption certificate 7688
Pools or similar arrangements:
Exporting operations; form to be used and procedure with respect to transportation of property entering pool in excess of that exported 7688
Movement of property for export to a pool, use of export exemption certificate form 7688
Redesignation 7688
Proof of exportation 7688
Temporary exemption certificate; redesignation 7688
Firearms, excise tax on. *See* Excise tax regulations.
Fuel, Diesel, excise tax on. *See* Excise tax regulations.
Functions, delegation of. *See* Organization.
Income and excess profits taxes regulations:
Consolidated income and excess profits tax returns of affiliated corporations. *See* Income tax.
Excess profits tax; taxable years ending after June 30, 1950:
Corporations which mine strategic minerals. *See* Natural resources.
Excess profits and consolidated income tax returns of affiliated corporations. *See* Income tax, *below*.
Mineral and mining properties. *See* Natural resources.
Natural resources; mining, natural gas properties, etc.:
Certain properties not in operation during normal period; proposed rule making 7790
Applicability of provisions to certain mineral properties 7790
Corporations which mine strategic minerals. *See* Strategic minerals.
Definitions; proposed rule making:
Alternative computation of exempt excess output for more than one mineral property 7789
Unit net income:
Coal property not in operation during normal period 7789
Mineral property, description of 7789
Use of term ore replaced by mineral 7789
Mines, timber properties, and natural gas properties not in operation during normal period; redesignation, proposed 7790
Nontaxable income from exempt excess output; proposed rule making:
Metal and coal mines; redesignation 7790
Mines in operation during normal period 7790
Computation of nontaxable income from exempt excess output for mineral, metal, or coal mining properties 7790

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Excess profits tax; taxable years ending after June 30, 1950—Continued
Natural resources; mining, natural gas properties, etc.—Continued
Strategic minerals mining corporations:
Redesignation 7217
Reference added 7217
Strategic minerals category; block steatite talc and certain rare earths added to certified listing 7217
Strategic minerals. *See* Natural resources.
Income tax, taxable years beginning after December 31, 1941:
Affiliated corporations; tax under consolidated returns and filing of returns 7215
Computation of net income:
Deductions:
Contributions or gifts; disallowance of certain charitable, etc., deductions:
By corporations 7211
By individuals 7211
To subversive organizations 7211
Net operating loss deduction in case of taxpayer other than a corporation, computation of; proposed rule making:
Illustration of computation; inclusions in gross income, reference deleted 7252
Treatment of gains and losses recognized upon sales or exchanges of certain capital assets and deductions provided for previously disallowed on or after October 20, 1951 7252
Gain or loss, capital gains and losses; proposed rule making:
Alternative tax in case of net long-term capital gain or loss; computation of, when gain exceeds short-term capital loss:
By corporation, taxable years beginning after March 31, 1951, and before April 1, 1954 7251
By taxpayer other than corporation, taxable years prior to, on, or after October 20, 1951 7251
Example not applicable to taxable year beginning on, or after, October 20, 1951 7251
From involuntary conversions, and from sale or exchange of certain property used in trade or business:
Examples, changes in 7251
Losses from destruction of property, inclusion in determination of excess of gains over losses for purposes of section 117 (j) 7251
Treatment of gains and losses when gains exceed losses 7251
Percentage of capital gain or loss taken into account; treatment of, for taxable years beginning prior to, on, and after October 20, 1951 7250
Limitation on capital losses; example respecting taxable years prior to October 20, 1951 7250
Net capital loss carry-over; example for taxable years 1950–1954 7250
Short sales, capital gains and losses from:
Determination of, required 7251
Recognized gain or loss considered to be short-term capital gain or loss 7251
Terms, meaning of; capital assets:
Assets held for short period, gain and losses from sale or exchange of; application of percentage brackets of section 117 (b), deletion 7250
Losses, capital, short-term, exclusion in determining net capital loss; deletion 7250
Obligations of United States excluded from term capital assets, gain or losses from sale or exchange of such obligations; change in reference 7250
Property, certain business property and real estate, excluded from term; gains and losses from sale or exchange of such property, treatment of 7250

INTERNAL REVENUE BUREAU—Continued Page

Income and excess profits taxes regulations—Con.
Income tax, taxable years beginning after December 31, 1941—Continued
Computation of net income—Continued
Gross income, adjusted, computation of, specified deductions; taxable years beginning October 20, 1951, certain allowed long-term capital gains, proposed rule making 7249
Consolidated income and excess profits tax returns of affiliated corporations. *See* Returns and payment of tax.
Corporations:
Affiliated corporations; tax under consolidated returns and filing of returns 7215
Alternative tax on corporations in case of capital gains and treatment of capital gains and losses; proposed rule making 7249
Deficiencies, assessment and collection of; period of limitation on assessment of tax, reference respecting special provisions relating to exempt organizations 7213
Estates and trusts, net income of, computation; determination of deductions allowable under under section 162 (a) when amount paid by trust is attributable to gain from sale or exchange of certain capital assets, taxable years beginning prior to, on, or after October 20, 1951, proposed rule making 7252
Mitigation of effect of limitation and other provisions in income tax cases:
Deductions, certain charitable, etc., disallowance of 7214
Exemption, denial of:
Denial of, to organizations engaged in prohibited transactions 7213
Denial of, under section 101 (6) (relating to charitable, educational and other nonprofit organizations) in the case of certain organizations accumulating income 7214
Future status of organization denied exemption 7214
Future status of organization denied exemption 7214
Organizations:
Nonprofit organizations, certain; denial of tax exemption to, taxable years after December 31, 1950 7211
Subversive organizations; certain tax-exempt organizations listed as subversives:
Deductions for contributions to, for purposes of income tax, not permitted 7211
Exemption not permitted 7211
Payment of tax. *See* Returns and payment of tax.
Public utilities, regulated; consolidated returns. *See* Returns and payment of tax.
Rates of tax:
Feeder organizations, limitations on exemption 7212
Limitations on exemption 7211
Feeder organizations 7212
Nonprofit organizations (religious, charitable, scientific, educational, etc.) eligible for exemption; denial of exemption to 7213
Returns and payment of tax, corporations, affiliated, consolidated income and excess profits tax returns; applicability of regulations in case of taxable years ending after December 31, 1949 and prior to January 1, 1950 7216
Corporations to be included in consolidated returns with respect to taxable years ending prior to July 1, 1950 and after June 30, 1950 7216
Foreign corporations which may be treated as domestic corporations; exercise of option for such treatment 7217
Public utilities, regulated, consolidated returns of; computing excess profits credit under section 448 7217
Surtax, computation of increase in rate of 7217
Surtax, computation of increase in, for affiliated corporation groups 7217
Inspection of tax returns under special Executive orders; inspection of income, excess profits, and other tax returns and relevant papers in certain compromise cases 7688

INTERNAL REVENUE BUREAU—Continued Page

Jewelry; tax credits and refunds respecting certain ornamented articles. *See* Excise tax regulations.
Lighters, mechanical; tax credits and refunds on. *See* Excise tax regulations.
Machine guns, excise tax on. *See* Excise tax regulations.
Mineral and mining properties. *See under* Income and excess profits taxes regulations.
Organization and delegations of authority, (pursuant to Reorganization Plan No. 1 of 1952):
Abolition of certain existing offices in Washington Headquarters, establishment of new offices and determination of titles, and designation of offices of Assistant Commissioner for operational purposes, by Secretary of Treasury 7160
Functions, delegation of:
By Assistant Commissioner, Operations; delegation of authority with respect to certain functions, to Head, Alcohol and Tobacco Tax Division 7437
By Commissioner; delegations of functions to executive officers and description of organizational units 7154
Commissioner's staff: Assistant and Administrative Assistant to Commissioner, Public Information Officer, and Technical Reviewer 7154
Functions of Commissioner's staff, branches and divisions for which responsible 7155
General delegations; authority to sign or redelegate, continuation of functions, organizational units 7155
Inspection, Assistant Commissioner 7154
Functions of, and of officers of inspection organization units 7159
Operations, Assistant Commissioner 7154
Functions of, and of heads of operations organization units 7156
Technical Assistant Commissioner 7154
Functions of, and of heads of technical organization units 7158
Pencils and pens, mechanical; tax credits and refunds on. *See* Excise tax regulations.
Reorganization. *See* Organization.
Sample articles (miniature), sold for demonstration use; tax exemption. *See* Excise tax regulations.
Strategic minerals. *See under* Income and excess profits taxes regulations.
Subversive organizations; denial of tax deductions and exemptions 7211
Transportation of property, tax with respect to. *See* Excise tax regulations.
INTERNATIONAL DEVELOPMENT ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799
INTERNATIONAL JOINT COMMISSION, United States and Canada:
Lake Ontario, water levels of, hearing respecting 7562
St. Lawrence River, International Rapids Section of, construction of works for power development in; hearings respecting 7200, 7563

INTERNATIONAL TRADE, OFFICE OF:
Export control:
Amendments, extensions, transfers; transfer of licenses 7181
Information from transferee 7443
When transfer may be granted, correction 7443
Denial of suspension of export privileges; table of compliance orders currently in effect 7448
General orders:
Orders modifying validity of certain export licenses; iron and steel products 7535
Steel, certain licenses for; deletion 7139
Licenses:
General licenses:
General in-transit license (GIT):
General provisions, note 7718
Special provisions:
Canada, shipments originating in 7718
Japan, shipments originating in, note 7718
Goods exported as trade samples (GHS) 7718
Return of certain commodities imported into United States (GLR); exportation of commodities imported under bond for temporary period 7181

INTERNATIONAL TRADE, OFFICE OF—Continued Page

Export control—Continued
Licenses—Continued
Individual licenses; how to file an application for export license, information required:
Availability of material to be exported 7719
Inquiries and correspondence 7448
Project licenses; special (SP):
Commodity requirements for other than petroleum projects or programs 7720
Commodity requirements for petroleum projects or programs 7720
Licensing policies and related special provisions:
Commodities, certain, special provisions for; evidence of availability 7719
Export licensing general policy, commodities subject to; deletion of cattle, calf, and kip skins, dry 7719
Ferrous or nonferrous commodities:
Copper refinery shapes 7448
Zinc scrap, renumbered 7448
Machinery and parts, special provisions for; automotive replacement parts, additional application requirements 7719
Past participation in exports for certain commodities; cobalt-chromium dental alloys 7448
Time schedules, supplement 1, for submission of applications for export licenses 7448, 7720
Positive List of Commodities and related matters:
Appendix A, Positive List of Commodities 7182, 7451, 7571, 7927
Additions, deletions, or changes of commodities in listed categories:
Calf skins, dry 7720
Castor oil, sulfonated 7182
Cattle skins, dry 7720
Chains, brass and bronze 7571
Cooking, kitchen, and hospital utensils, of copper, brass, bronze, etc 7571
Copper-armored sisalkraft 7720
Hardware, basic; screws, hinges, furniture, car, and marine hardware, etc 7571
Hollow ware, solid or plated, of platinum, copper, brass, etc 7571
Industrial chemicals; selenium dioxide 7451
Kip skins, dry 7720
Molasses, inedible 7182
Naval stores; pine oil and pine tar 7453
Pine oil and pine tar 7453
Pipe fittings 7571
Plumbing fixtures, zinc 7571
Signs, metal, except electric 7571
Sugar 7182
Table flatware and parts, of platinum, aluminum, copper, brass, etc 7571
Tanning and textile specialty compounds; castor oil, sulfonated 7182
Tools, n. e. c.; die stocks, brass and bronze 7720
Woodpulp; sulphate and sulphite 7720
Woodpulp screenings 7720
Column title, revision 7721
General notes: definitions 7720
Priority ratings and supply assistance assigned by OIT:
Aircraft, foreign, DO (priority) ratings and allotment symbols (CMP) for 7449
Foreign enterprises, large; supply assistance for 7450
Mining operations, foreign, supply assistance for; MRO and capital additions over $5 000 7450
Petroleum operations, foreign; supply assistance for, instructions for form PAD–26A and IT–824 7450
Scope of export control; shipments entering foreign trade zones, shipments originating in Canada 7718
Suspension of license privilege; table of compliance orders currently in effect denying export privileges 7448

INTERNATIONAL WHALING COMMISSION:
Whaling regulations 7861

INTERSTATE COMMERCE COMMISSION:
Accounts. *See* Uniform system of accounts.
Agreements, contracts, etc., filing of, by common carriers subject to Part I of Interstate Commerce Act 7548
Brokers of property. *See* Motor carriers.

INTERSTATE COMMERCE COMMISSION—Con. Page

Car service:
Charges, free time:
On box cars unloaded at ports 7946
On freight cars loaded at ports 7945
Ferry cars. *See* Trap and ferry cars.
Freight cars to be stopped to complete loading 7371
Import ores, restriction on movement of; appointment of agent 7126, 7371
Iron ore, restriction on movement of; appointment of agent 7125, 7371
Lumber, cars loaded with; to be stopped to complete loading 7371, 7496
Trap and ferry cars, restrictions on 7945
Consolidation, finance, and reorganization:
Recordation of documents evidencing mortgage, lease, conditional sale, or bailment of railroad rolling stock 7093
Eligibility of documents 7903
Securities, applications for authority to sell without competitive bidding 7699
Contracts, agreements, etc., filing of, by common carriers subject to Part I of Interstate Commerce Act 7548
Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of:
Commodity list of explosives and other dangerous articles, containing shipping name or description of all dangerous articles; changes, additions and deletions 7279
Common and contract carriers by public highway. *See* Motor carriers.
Export shipments by domestic carriers by rail and motor vehicles 7279
General information and regulations; export shipments by domestic carriers by rail and motor vehicles 7279
Motor carriers, common or contract; regulations applying to:
Export shipments 7283
Import shipments 7283
Loading and unloading; explosives vehicles, floors tight and lined 7283
Rail freight carriers; unloading from cars, "dangerous-empty" placard 7283
Shippers, regulations applying to; preparation of explosives and other dangerous articles for transportation (packing, labeling, loading, slaying, etc.):
Acids and other corrosive liquids, certain; definition and preparation of 7281
Compressed gases; definition and preparation:
Compressed gases in cargo tanks and portable tank containers 7282
Compressed gases in cylinders 7282
Explosives; definitions and preparation:
Class B explosives, definition 7280
Class C explosives, definition 7280
Detonating fuzes, boosters, etc 7280
High explosives with no liquid explosive ingredient 7280
Export shipments. *See* Import and export.
Flammable liquids, certain, definition and preparation; pressurized flammable liquids 7280
Flammable solids and oxidizing materials, certain; definition and preparation 7281
Import and export shipments 7279
Marking and labeling explosives and other dangerous articles; radioactive materials 7283
Poisonous articles, certain; definition and preparation 7282
Preparation of articles for transportation by carriers by rail freight, rail express, highway, or water:
Cargo tanks; qualification, maintenance, and use of 7280
Cylinders; qualification, maintenance, and use of 7280
Shipping container specifications:
Carboys, jugs in tubs, and rubber drums 7283
Cargo tanks. *See* Containers.
Containers for motor vehicle transportation; steel cargo tanks, requirements for design and construction 7290
Cylinders 7284

INTERSTATE COMMERCE COMMISSION—Con. Page

Explosives and other dangerous articles (corrosive liquids, gases, flammable liquids and solids, poisons, etc.), packing and transportation of—Con.
Shipping container specifications—Continued
Fiberboard boxes, drums, and mailing tubes 7287
Inside containers and linings; duplex paper bags 7284
Metal barrels, drums, kegs, cases, trunks and boxes 7284
Portable tanks 7287
Tank cars 7287
Appendix C, figures 8A and 14A added 7289
Financing, sale of securities; applications for authority to sell securities without competitive bidding 7699
Freight forwarders, uniform system of accounts. *See* Uniform system of accounts, *below*.
Hay, reduced rates to disaster areas 7202
Mail, transportation of, rates and compensation for terminal service in connection with; hearing 7106
Motor carriers:
Brokers of property, practices of; effective date postponed 7126
Explosives and other dangerous articles; packing and transporting of. *See* Explosives.
Reports, class I common and contract motor carriers of property, freight commodity statistics; proposed rule making 7550
Definitions 7550
Exempt carriers 7550
Items to be reported 7550
List of commodity groups and classes 7550
Safety regulations; parts and accessories necessary for safe operation:
Fuel container location 7126
Tires 7126
Parcel post rates, increased; 1953 7165
Practice, rules of; notice of proposed revision 7374
Railroads:
Explosives and other dangerous articles, packing and transporting of. *See* Explosives.
Fuel, divisions of joint rates applicable to 7549
Changes and amendments to division sheets 7549
Filing statements of divisions of joint rates applicable to railway fuel coal and railway fuel other than coal 7549
Long-and-short haul charges provisions, section 4 (1), Interstate Commerce Act; applications for relief from. *See* Tariffs and schedules.
Recordation of documents evidencing mortgage, lease, conditional sale, or bailment of railroad rolling stock 7093
Eligibility of documents 7903
Routing and rerouting of traffic. *See* Routing of traffic.
Safety regulations, power brakes and drawbars; postponement of effective date 7150
Securities, applications for authority to sell without competitive bidding 7699
Railway fuel joint rates. *See under* Railroads.
Railway mail pay, further hearing respecting 7106
Rates and charges:
See also Tariffs and schedules.
Hay, reduced rates to disaster areas 7202
Increased parcel post rates, 1953 7165
Joint rates applicable to railway fuel, divisions of 7549
Long- and short-haul charges. *See* Tariffs and schedules.
Mail transportation, terminal service in connection with; hearing 7106
Recordation of certain documents respecting railroad rolling stock. *See* Railroads.
Routing and rerouting of traffic; authority and direction to carriers to reroute or divert certain traffic:
Ann Arbor Railroad Co 7202, 7955
Chicago area, railroads serving 7946
Tennessee Central Railway Co 7066
Rules of practice; notice of proposed revision 7374
Safety regulations:
Motor carrier. *See* Motor carriers.
Railroad. *See* Railroads.
Securities, applications for authority to sell without competitive bidding 7699

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules:
See also Rates and charges.
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities:
Acid, sulphuric:
From Birmingham and Exum, Ala., to Tupelo, Miss 7259
From Mobile, Ala., to Saddle Creek, Fla 7320
From Norco, La., to Moultrie, Ga 7876
Alcohol; from Kansas City, Mo.-Kans., to Portland, Me., Berlin, N. H., Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., Norfolk and Richmond, Va 7711
All and/or various commodities. *See* Merchandise in mixed carloads.
Alumina, calcined or hydrated:
From Baton Rouge and North Baton Rouge, La., to points in official and Illinois territories 7522
From Bauxite, Ark., to Michigan City, Ind 7874
Ammonia, anhydrous:
From points in Arkansas, Texas, Kansas and Louisiana, to Linder, Ga 7105
From Vicksburg, Miss., to points in Texas 7105
Ammunition boxes; from Jackson and Vicksburg, Miss., to Edgewood, Md., and Picatinny, N. J. 7106
Asphalt; from Norfolk and Newport News, Va., to Selma, N. C 7375
Asphalt filler; from Murphy, N. C., to East St. Louis, Ill 7374
Automobiles; from St. Louis, Mo., to points in Louisiana and Mississippi 7360
Blackstrap molasses. *See* Molasses.
Building and roofing materials; from points in official and Illinois territories, to points in southern territory 7565
Canned foodstuffs; between points in official territory 7612
Cans, iron, steel, or tin; from Dade City, Fla., to points in Georgia 7259
Carbon dioxide; from Memphis, Tenn., to Louisville, Ky 7522
Cement:
From Birmingham, Ala., to Dougherty, Ga 7762
From Chanute and other points in Kansas and Dewey, Okla., to Port Orange, Fla 7956
From Fort Scott, Fredonia, Humboldt, Independence, and Iola, Kans., and Dewey, Okla., to points in official territory 7611
From Giant, S. C.:
To Fayetteville, N. C 7762
To New Bern, N. C 7762
Coal:
From Danville, Catlin, and Ryan, Ill., to Fort Wayne, Ind 7711
From Lake Superior docks in Wisconsin, to points in Minnesota 7875
From mines in Alabama, on St. Louis-San Francisco Railway, to Boykin, Fla 7523
Coal tar, crude; from Ashland, Ky., and Ironton, Ohio, to Birmingham and Alabama City, Ala 7321
Cryolite; from Natrona, Pa., to New Orleans and Chalmette, La 7321
Feed, animal and poultry:
From Kansas, Oklahoma, and Texas, to Arizona and New Mexico 7104
From points in Florida, to Surgoinsville, Tenn 7762
Fertilizer:
From points in Arkansas, Kansas, Louisiana, and Texas, to Reserve, La., and points taking same rates 7565
From points in Arkansas, Louisiana, and Texas, to points in Virginia 7684
Furfural; from Memphis, Tenn., to specified points in official territory 7874
Gasoline. *See* Petroleum and petroleum products.
Glass containers; from Alton, East St. Louis, and Streator, Ill., to Algoma, Green Bay, Kawaunee, and Sturgeon Bay, Wis 7103

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Glassware; between Baltimore, Md., and points in North Carolina, Kentucky, southern Virginia, and northeastern Tennessee 7612
Grain and grain products:
Between Pacific coast territory and Memphis and Dyersburg, Tenn 7104
From Missouri River crossings, Albright, Nebr., Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn., to Cairo and East St. Louis, Ill 7956
From points in Arkansas, Illinois, Missouri, and Memphis, Tenn., to points in Texas 7375
From points in Colorado, Kansas, and Oklahoma, to points in Texas 7105
Houses, prefabricated. *See* Prefabricated houses.
Iron and steel:
Articles; from Cincinnati and Portsmouth, Ohio, and Limeville, Ky., to Orangeburg, S. C 7612
Pig iron:
From Daingerfield, Lone Star, and McCrossin, Tex., to Sidney, Ohio 7761
From Rockwood, Tenn., to points in official and Illinois territories 7523
Pipe:
From Galveston, Houston, and Orange, Tex.:
To Anabel, Durham, Hunnewell, Macon, Maywood, and Shelbina, Mo 7375
To Havana and Quincy, Ill 7875
From Illinois territory, to southern territory 7612
From points in official, southern, western trunk-line, and southwestern territories, to points in Texas 7374
Scrap; from Chicago, Ill., to Hamilton, Ontario 7201
Limestone:
From Inwood, W. Va., to Pittsburgh, Pa 7763
From Pembroke, Va., to points in trunk-line and central territories 7913
Lumber:
See also Woods, foreign.
Logs; from Bowling Green and Scottsville, Ky., to Altavista, Va 7874
Pine lumber, imported; from New Orleans, La., to Memphis, Tenn 7565
Machinery; from Nashville, Tenn., to New Orleans, La., Gulfport, Miss., Mobile, Ala., Pensacola and Panama City, Fla 7201
Magazines; from Louisville, Ky., to Charlotte, N. C 7320
Magnesium metal or alloy; from Velasco, Tex., to Bay City and Midland, Mich 7875
Malt liquors; from Peoria, Ill., to points in Texas 7321
Meats, cured; from Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Texas, to Chicago, Ill., Kansas City and St. Louis, Mo 7440
Merchandise, in mixed carloads:
From Ashboro, N. C., to Chicago and East St. Louis, Ill., and St. Louis, Mo 7404
From Cincinnati, Ohio, to Jacksonville, Fla 7710
From Memphis and Millington, Tenn., to St. Louis, Mo., and East St. Louis, Ill 7710
From Memphis, Tenn., to Brooklyn, N. Y 7710
From Norfolk and Richmond, Va., to Jacksonville, Fla., and Albany, Ga 7710
From Washington, D. C., to Albany, Ga 7710
Onions; from Racine, Wis., to points in Mississippi Valley territory 7522
Paper and paper articles:
Between Galveston, Houston, and Texas City, Tex., and points in southwestern territory 7104
From Colby, Wis., to Illinois and western trunk-line territories 7106
Newsprint; from points in Ontario and Quebec, Canada, to Omaha, Nebr., and Hiawatha, Kans 7404

INTERSTATE COMMERCE COMMISSION—Con. Page

Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Petroleum and petroleum products:
From New Orleans, La., and points grouped therewith, to points in New York, Ohio, Pennsylvania, and West Virginia 7955
From Watford City, N. Dak., to Chicago and Manhattan, Ill 7321
Phosphate rock; from New Orleans, La., to Charlotte, N. C 7913
Pipe, iron or steel. *See* Iron and steel.
Potash:
From Carlsbad and Loving, N. Mex., to points in Oklahoma 7711
From Charleston industrial district, West Va., Niagara Falls, Suspension Bridge, Syracuse, and Solvay, N. Y., to Kansas City, Mo.-Kans 7104
Prefabricated houses; from Tulsa, Okla., to points in Wyoming 7875
Preserved foodstuffs; between points in official territory 7612
Pulpboard; from points in Florida, to Panama City, Fla 7828
Rates:
Class and commodity rates; between Augusta, Ga., and Pacific Coast territory 7913
Class rates:
Between points in Kansas and Southern Missouri, and points in southern territory 7762
Between St. Louis, Mo., and Kansas City, Mo. 7914
Between western trunk-line territory, and southwestern territory 7319
Motor-rail-motor rates; between Chicago, Ill., and Kansas City, Mo 7523
Ocean-rail rates; between North Atlantic ports and interior points in eastern seaboard territory, New Orleans and Baton Rouge, La., Texas Gulf ports, and interior points in Southwest 7827
Rail-water class rates; between Edgewater, N. J., trunk-line and New England territories, and points in Alabama, Georgia, and Tennessee 7374
Roofing and building materials; from points in official and Illinois territories, to points in southern territory 7565
Rubber, crude:
From Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La., to Brookhaven, Miss 7130
From Port Neches, Tex., to Natchez, Miss 7876
Rubber tires. *See* Tires.
Salt; from points in Texas and Louisiana, to Manchester, N. H., Medina and Silver Springs, N. Y., Spring City, Pa., Brattleboro and Rutland, Vt 7130
Sand:
From Dickason Pit, Ind., to Wellington, Ill 7684
From Granite Hill, Ga., to Savannah, Ga 7320
Sewer pipe; from Illinois territory to southern territory 7612
Soda ash:
From Baton Rouge, North Baton Rouge, and Lake Charles, La., to Ampthill, Deep Run Spur, and Hopewell, Va 7375
From McIntosh, Ala., to Bastrop and Spring Hill, La 7320
Soybean cake and meal; from points in northeastern Arkansas, to Southwestern territory 7761
Soybean oil; from points in Kansas and Missouri to Chicago, Ill., Kansas City, Mo.-Kans., and St. Louis, Mo 7195
Staves and heading, rough; from Clinton and Kansas City, Mo., to Memphis, Tenn 7165
Sulphur; from Montgomery, Ala., to Waco (East Waco), Tex 7710
Tallow, animal, inedible; from Fort Worth and Dallas, Tex., to Good Hope, La 7202

INTERSTATE COMMERCE COMMISSION—Con. Page
Tariffs and schedules—Continued
Long-and-short-haul charges provisions of section 4 (1), Interstate Commerce Act; applications for relief from, respecting listed commodities—Continued
Tires, rubber:
From Easthampton, Mass., to points in southern territory 7828
From Memphis, Tenn., to Fair Lawn, N. J 7913
From New Haven and West Haven, Conn., to Columbus and Macon, Ga., Dillon, S. C., Spray, N. C., and West Palm Beach, Fla 7828
From Pacific coast territory to New Orleans, La., Jackson, Miss., and Memphis, Tenn 7106
Tobacco stems; from points in Virginia and North Carolina, to Louisville and Lexington, Ky 7761
Volcanic scoria or slag; from points in New Mexico to points in Arkansas 7566
Woodpulp; from Nairns Falls, Quebec, Canada, to Chester and Philadelphia, Pa., and Wilmington, Del 7359
Woods, foreign; from Hallsboro, N. C., to points in southern territory 7955
Uniform system of accounts:
Freight forwarders, income accounts, debit; provision for uncollectible accounts, proposed rule making 7187
Water carriers; recording cost of intangible assets:
Balance sheet accounts:
Asset side:
Organization expenses 7497
Property and equipment; acquisition adjustment 7497
Liability side, reserves:
Amortization reserves; intangible assets 7497
Other reserves 7497
Operating expense accounts; casualties:
Injuries to persons 7497
Loss and damage; freight 7497
Property instructions; water-line property acquired 7497
Water carriers, uniform system of accounts for. *See* Uniform system of accounts.
IRRIGATION PROJECTS. *See* Indian Affairs Bureau; *and* Reclamation Bureau.

J

JOINT CHIEFS OF STAFF:
Whittier Defensive Sea Area, Alaska; delegation of authority to Chairman from Secretary of Defense respecting 7160
JUSTICE DEPARTMENT:
See Alien Property, Office of.
Immigration and Naturalization Service.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7713
Confidential records and information; disclosure or use by personnel of Federal Bureau of Investigation prohibited 7825
Federal Bureau of Investigation; prohibition against disclosure or use of confidential records and information by personnel 7825

L

LABOR DEPARTMENT:
See Public Contracts Division.
Wage and Hour Division.
Civil Service Rules; certain positions excepted from competitive service (Schedule A) 7067
LAND MANAGEMENT BUREAU:
Air Force Department:
Lands withdrawn for use of, in New Mexico. *See under* Withdrawals.
Oil and gas deposits, jurisdiction over. *See* Mineral lands and minerals.
Alaska:
Shore space reserves; restorations:
No. 486 7678
No. 487 7864
No. 488 7864
No. 489 7865

LAND MANAGEMENT BUREAU—Continued Page
Alaska—Continued
Survey, notice of filing of plat of; Seward Meridian 7512
Withdrawals of lands. *See under* Withdrawals, *below.*
Authority, delegations of, from Secretary of Interior:
Acting Director, Acting Associate Director and Acting Assistant Director, designation of certain officials to perform duties of 7552
Respecting mineral leasing, waiver, suspension, or reduction of rental or royalties 7513
Exchanges of privately owned lands under Taylor Grazing Act; determination of values, publication of notice of exchange 7547
Grazing lands:
Exchanges of privately owned lands under Taylor Grazing Act; determination of values, publication of notice of exchange 7547
Grazing districts; New Mexico grazing district No. 6, certain lands in, withdrawn for use of Air Force Department for military purposes (PLO 859) 7125
Highways, rights-of-way for, in Colorado; lands subject to application for, or as source of materials for construction of highways 7352
Indians, of Fort Peck Reservation, Montana; allotment of certain lands to individuals (PLO 858) 7055
Lands opened to homestead entry by veterans and general public:
For small tracts opened to lease or purchase, see Small tracts.
Alaska 7512
Arizona 7865
Colorado 7352
Nevada 7399
Mineral lands and minerals:
Mineral leasing, waiver, suspension, or reduction of rental or royalties 7513
Oil and gas deposits, in lands acquired by United States; transfer of jurisdiction from Air Force Department to Interior Department for protective action to prevent loss by drainage, warehouse site, Smoke Hill Air Force Base, Kansas (PLO 860) 7494
Oil and gas leases, noncompetitive; offer to lease and issuance of lease 7186
Oil and gas deposits, leases, etc. *See* Mineral lands and minerals.
Power site reserves, etc., restoration of lands; Colorado:
Power site classification No. 92 7351
Power site reserves:
No. 116 7351
No. 253 7351
Restorations. *See* Power site reserves.
Shore space reserves, Alaska. *See* Alaska.
Small tracts:
Classifications:
Alaska:
No. 62 7183
No. 63 7678
Nevada; No. 88, correction 7552
Wyoming; No. 12 7680
Lands opened for purchase or lease as homesites, etc., under Small Tract Act:
Alaska 7188, 7512, 7678, 7864, 7865
Arizona 7865
Colorado 7352
Nevada 7399
Wyoming 7680
Survey, notice of filing of plats of:
Alaska; Seward Meridian 7512
Arizona; Gila and Salt River Meridian 7865
Nevada; Mount Diablo Meridian 7399
Taylor Grazing Act, exchanges of privately owned lands under; determination of values, publication of notice of exchange 7547
Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.:
Regulations respecting 7368, 7677
Withdrawals:
Montana, Fort Peck Reservation; modification of withdrawal order of September 19, 1934, to permit allotment of lands to individual Indians of reservation (PLO 858) 7055

LAND MANAGEMENT BUREAU—Continued Page
Withdrawals of lands in Alaska and various States, for specified uses of Federal agencies, etc.—Con.
Withdrawals—Continued
New Mexico, Air Force Department, military purposes; lands near New Mexico Principal Meridian (PLO 859) 7125

M

MARITIME ADMINISTRATION:
See National Shipping Authority.
Maritime academies, State; regulations and minimum standards for entrance, uniforms, textbooks, and subsistence 7861
Merchant marine training. *See* Training, merchant marine.
Organization and functions; National Shipping Authority, Office of Ship Requirements and Allocations, redesignation of divisions within 7910
Subsidized vessels and operators; construction, reconditioning, or reconstruction of ships, determination of profits in contracts and subcontracts for, revision and republication 7594
Training, merchant marine; regulations and minimum standards for State maritime academies:
Entrance standards; candidates to agree to apply for commission as ensign in United States Naval Reserve 7861
Scholarship subsidy, subsistence, and charges; redesignation 7861
Uniforms, textbooks, and subsistence 7861
Allowances 7861
Vessels; construction, reconditioning, or reconstruction of ships, determination of profit in contracts and subcontracts, revision and republication 7594
MARITIME BOARD, FEDERAL:
Agreements, transportation. *See* Transportation agreements.
Annual review of charters of war-built dry-cargo vessels recommended for use by American-flag operators; hearings, etc 7061, 7607
Charter of war-built vessels; annual review of charters of vessels recommended for use by American-flag operators, hearings, etc 7061, 7607
Merchant marine training. *See main heading* Maritime Administration.
Merchant Ship Sales Act of 1946; bareboat chartering of war-built dry-cargo vessels recommended for use by American-flag operators, annual review of charters, hearings, etc 7061, 7607
Transportation agreements, approval, hearings, etc.; listed companies affected by agreements:
Alaska Steamship Company (agreement No. 7565–1) 7352
Bull Insular Line, Inc. (agreement No. 7863) 7755
Compania Naviera Independencia, S. A. (agreement No. 7662–C) 7755
Compania Naviera Pacifico, S. A. (agreement No. 7662–C) 7755
Compania Naviera TransAtlantico, S. A. (agreement No. 7662–C) 7755
Linea De Vapores Garcia, S. A. (agreement No. 8150) 7352
Lykes Bros. Steamship Co. (agreement No. 8150) 7352
Mitsui Steamship Co., Ltd. (agreement No. 7837) 7909
Norton Line Joint Service (agreement No. 7863) 7755
Osaka Shosen Kaisha, Ltd. (agreement No. 7862) 7755
Pacific Argentine Brazil Line, Inc. (agreement No. 7846–1) 7352
Pacific Transport Lines, Inc. (agreement No. 7846–1) 7352
Pittston Stevedoring Corp. (agreement No. 7845) 7909
Pope & Talbot, Inc. (agreement No. 7846–1) 7352
Port of New York Authority (agreement No. 7845) 7909
Railway Express Agency Inc. (agreement No. 7565–1) 7352
United Fruit Co.:
Agreement No. 7837 7909
Agreement No. 7862 7755
Agreement No. 8150 7352
MIGRATORY BIRDS, hunting and possession of. *See* Fish and Wildlife Service.

MILITARY RESERVATIONS AND INSTALLATIONS: Page
Aircraft danger areas over military installations, designation of. *See* Civil Aeronautics Administration.
Canal Zone; Fort Kobbe Army Reservation and Howard Air Force Base, setting apart reservations (CZO 28) 7942
Hawaii; certain lands in airport military reservations returned to jurisdiction of Territory of Hawaii. *See* Hawaii.
MINERALS AND METALS:
Procurement:
Columbium-tantalum, purchase program to encourage foreign and domestic production. *See* Defense Materials Procurement Agency.
Mica, tungsten; procurement for Government use or resale. *See* General Services Administration.
Sale of mineral interests in designated areas. *See* Agriculture Department.
Stockpiling of. *See* General Services Administration.
MUNITIONS BOARD:
Organization and functions 7160
MUTUAL DEFENSE ASSISTANCE ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799
MUTUAL SECURITY ACT, certain functions under, exemption from specified laws (Executive Order 10387) 7799
MUTUAL SECURITY AGENCY:
Germany; United States High Commissioner to act as representative of Director (EO 10380) 7107

N

NATIONAL ENFORCEMENT COMMISSION:
Procedures:
General Procedural Regulation (GPR 1) 7087, 7737
Appeals 7740
Certificate of disallowance; stipulations 7740
Consolidation of complaints and proceedings in certain cases; provision for 7741
Effect of regulation on other orders 7741
Enforcement proceedings, general provisions 7738
Findings and determination of Enforcement Commissioners 7739
Hearings, pleadings, appearances, motions, etc 7738
Intervention and subpenas 7739
National cases 7740
Service of orders, decisions, and other process of National Enforcement Commission 7741
Interim Procedural Order; respecting processing of pending cases 7086
NATIONAL PARK SERVICE:
National parks, monuments, recreational areas, etc.:
Colonial National Historical Park; speed of automobiles 7902
Everglades National Park; speed of automobiles 7902
NATIONAL PRODUCTION AUTHORITY:
Canada:
Defense programs of United States and Canada; operation of priorities system in support of. *See* Priorities system operation.
Petroleum and gas industries in. *See under* Priority orders.
Controlled Materials Plan. *See* Priorities system operation.
Hearings, of cases involving non-compliance with orders and regulations; suspension orders, to withdraw or withhold priority assistance, allocations or allotments of materials, etc.:
Chandeysson Electric Co 7400
Day Co 7607
Midwest Piping and Supply Co 7353
Universal Shank Co 7352
Weinstein Ladder Co 7307
Inventory control:
Controlled materials, inventories of. *See under* Priorities system operation.
Priority orders respecting inventory limitations for specific materials and commodities. *See specific materials and commodities.*

20000—52——4

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priorities system operation; regulations:
See also Priority orders.
Basic rules respecting DO ratings (Regulation 2); steel industry, work stoppage in, rescheduling of deliveries under NPA directives affected by (Direction 5) 7395
Canada; extent to which contracts and orders required to support defense programs of United States and Canada may have benefit of priorities system (Regulation 3) 7693
Controlled Materials Plan:
Basic rules; authorization of production schedules for manufacturing operations, and procurement of materials (CMP Regulation 1):
Carbon conversion steel; ex-allotment acquisition and use for Class A and B products (Direction 19) 7589, 7933
Foreign and used steel; acquisition and use without allotment (Direction 4) 7784
Producers of class B products:
Automatic allotment procedure (Direction 18) 7340, 7937
Procedure for obtaining minimum quantities of materials (Direction 1); termination date, provisions respecting 7339
Self-authorization procedure (Direction 17) 7339
Restrictions on placing authorized orders (Direction 3) 7429
Third and fourth quarter authorized controlled material orders, certain; placement and acceptance (Direction 16) 7936
Construction; rules limiting construction, methods for obtaining schedules and allotments, and procedure for use of foreign and used steel (CMP Regulation 6):
Carbon conversion steel; ex-allotment acquisition and use with respect to authorized construction schedules (Direction 7) 7590, 7935
Categories of construction and quantities of materials for which purchase orders may be self-authorized (Table II) 7116
Conservation; limitations on use of controlled materials 7116
Delivery orders, preference status of, for controlled and other materials (CMP Regulation 3); special preference status of DO rated orders for Class A and B products containing steel (Direction 4) 7692
Inventories of controlled materials (CMP Regulation 2) 7938
Copper and aluminum, temporary suspension of inventory limitations on (Direction 1); revocation 7940
Priority orders:
Aluminum:
Construction, residential, use in. *See* Construction.
Consumer durable goods, use in. *See* Metals.
Electric utilities, use by. *See* Electric utilities.
Inventory limitations on; temporary suspension (CMP Regulation 2, Direction 1), revocation 7940
Brass mill products. *See* Copper and copper-base alloy.
Cans, tin plate, terneplate and blackplate; restrictions upon acceptance, delivery and uses of cans and specifications for listed products (M–25); exceptions respecting cans made from certain specified materials 7489
Carbon electrodes. *See* Graphite, artificial, and carbon electrodes.
Chemicals:
Allocation of chemicals and allied products (M–45), Appendix B materials; polyethylene (Schedule 5), revocation 7368
Sulfuric acid, distribution by producers (M–94); revocation 7547
Columbium and tantalum; alloying materials. *See* Iron and steel.
Communications; rules for procurement and use of materials for MRO and operating construction by operators of systems (M–77):
Definitions, "operating construction"; quantities of controlled materials allowed for building alterations 7118
Limitation on use of controlled materials; deletion 7118

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Construction:
Controlled Materials Plan. *See* Priorities system operation.
Materials; copper and copper-base alloy, conservation of, and list of items in which use is prohibited (M–74), revocation 7118
Use of copper and copper base alloy in inventory as of July 1, 1951 (Direction 1); revocation 7118
Residential construction; limitations on construction or alteration of residential structures and restrictions on use of controlled materials (M–100):
Construction, alteration, etc., commenced prior to March 6, 1952; 1- through 4-family residences 7118
Limitations on use of controlled materials for certain purposes in residential construction; revocation 7118
Scope; provisions for use of copper and aluminum, deleted 7118
Self-authorization for 1- through 4-family residential structures; continuance of construction, alterations, additions, or extensions 7118
Types and quantities of materials which may be obtained (Schedule I) 7118
Types and quantities of materials which may be obtained for construction, alteration, etc., commenced prior to March 6, 1952 (Schedule II); revocation 7118
Consumer durable goods, use of controlled materials in. *See* Metals.
Copper and copper-base alloy:
Brass mill products; distribution to distributors (M–82); placement of orders by distributors for additional products prior to Oct. 1, 1952 (Direction 1) 7603
Inventory limitations on; temporary suspension (CMP Regulation 2, Direction 1), revocation 7940
Raw materials, distribution of; limitation on toll agreements covering scrap, and prohibitions on undue scrap accumulation (M–16):
Definitions; brass mill products 7143
Records and reports; scrap dealer or broker, requirements for filing Form NPAF–125 7148
Use as construction materials. *See* Construction.
Use by electric utilities. *See* Electric utilities.
Use in consumer durable goods. *See* Metals.
Electrical utilities; procurement and use of materials by (M–50) 7439
Aluminum (Appendix A); third and fourth quarter quotas and advance allotments for future quarters 7492
Copper (Appendix B); third and fourth quarter quotas and advance allotments for future quarters 7492
Inventory limitations:
Aluminum and copper; temporary suspension of limitations (Direction 1), revocation 7941
Steel; maximum limitations, temporary reduction of (Direction 2) 7493
Steel, carbon, alloy, and stainless (Appendix C, D, E); third and fourth quarter quotas and advance allotments for future quarters 7492
Gas industries. *See* Petroleum and gas industries.
Graphite, artificial, and carbon electrodes; conservation and distribution of (M–66); allocation authorizations for fourth quarter (Direction 1) 7012
Iron and steel:
Alloying materials and alloy products; requirements for melters and processors of, and authorization of melting or processing schedules (M–80):
Columbian and tantalum (Schedule 5) 7735
Quantities of contained metals in alloying materials exempted per month (List II); zirconium, increased allowance in 7735
Controlled Materials Plan respecting acquisition, deliveries and use of steel. *See* Priorities system operation, *above*.

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Iron and steel—Continued
Distributors, steel; requirements regarding shipments, and identification and acceptance of purchase orders (M–6A):
Earmarked stocks—aircraft quality alloy steel products (Schedule 1) 7692
Earmarked stocks—oil country casing, oil country tubing, and oil country drill pipe (Schedule 2); additional restrictions on delivery of oil country casing and tubing (Direction 1), revocation 7693
Supplemental shipments by producers and limitations on distributors' deliveries (Direction 3) 7114
Requirements concerning production, authorization for production and certain reports, and provisions respecting orders and deliveries (M–1):
Acceptance or rejection of orders by producers; provisions respecting 7087
Authorized production; respecting steel mill products derived from rerolling of rails and axles 7087
Fourth quarter; acceptance of defense orders in reserved space (Direction 6) 7088, 7185
Lead time 7088
Percentage of carbon and alloy steel to be applied against planned monthly production for listed products derived from rerolling of rails and axles (Table II) 7088
Scrap, allocation and inventory limitation (M–20); alloy scrap segregation (Direction 1) 7429
Steel industry, work stoppage in; rescheduling of deliveries under NPA directives affected by (Regulation 2, Direction 5) 7395
Use in consumer durable goods. *See* Metals.
Use of steel by electric utilities. *See* Electric utilities.
Machines, metalworking, finishes for; limitations on preparation for painting and application of paint on new machines (M–104), revocation 7051
Metals (iron, steel, copper, and aluminum), use of, in certain consumer durable goods:
To prohibit use of copper and aluminum for certain ornamental, decorative, nonfunctional and nonoperational purposes (M–47A); prohibited use 7116
To provide for flexibility in production and to prohibit use of copper and aluminum for certain ornamental and decorative purposes (M–47B) 7116
Furniture, fixtures, domestic appliances, lamps, fans, lawnmowers, silverware, fabricated products, musical instruments, jewelry, smokers' articles, etc. (Schedule 1) 7117
Metalworking machines. *See* Machines and machinery.
Paper; rules for placing, accepting, and scheduling Government orders (M–36) 7090
Petroleum and gas industries:
Foreign petroleum operations, priorities assistance for obtaining material for construction operations, maintenance, repair, operating supplies, and laboratory equipment (M–46A); oil country tubular goods, third quarter authorized controlled material orders for (Direction 2) 7854
United States and Canada, petroleum operations in; priorities assistance for obtaining MRO material for maintenance and repair purposes, as operating supplies, or laboratory equipment (M–46):
Filing date, for Form PAD–26LP 7050
Oil country tubular goods; third quarter authorized controlled material orders for (Direction 4) 7854
Platinum; limitations on distribution and use (M–54) 7430
Jewelry and miscellaneous items, use in, prohibited (List A) 7431
Polyethylene. *See* Chemicals.
Railroad transportation equipment; information pertaining to production or delivery (M–95) 7592

NATIONAL PRODUCTION AUTHORITY—Continued Page

Priority orders—Continued
Rubber, natural crepe; restrictions applicable to (M–2) 7940
Steel. *See* Iron and steel.
Sulfur, conservation of; restrictions on use and prohibitions on deliveries (M–69) 7591
Sulfuric acid. *See* Chemicals.
Tin, use in civilian economy (M–8):
Allocation of pig tin 7089
Certification that purchase of tin will not cause receipts to exceed purchaser's authorized allocation 7090
Importation of pig tin, restrictions on; revocation 7090
Scope; termination of restriction on private importation of pig tin 7089
Tin plate and terneplate:
Permitted uses (M–24); provisions respecting 7368
Use in cans. *See* Cans.
Transportation equipment, railroad. *See* Railroad transportation equipment.
Zirconium; alloying material. *See* Iron and steel.
Suspension orders, issuance of, to various firms, after hearings on noncompliance with regulations and orders. *See* Hearings.

NATIONAL SHIPPING AUTHORITY:
Organization and functions; Office of Ship Requirements and Allocations, redesignation of divisions within 7910

NAVY DEPARTMENT:
Aircraft danger areas over military installations, designation in coordination with Navy. *See main heading* Civil Aeronautics Administration.
Authority, delegation of, from Secretary to Chief, Bureau of Supplies and Accounts; elimination of excessive profits under Renegotiation Act of 1948 7791
Organization; Bureau of Supplies and Accounts 7677
Palmyra Island; revocation of order placing Island under control and jurisdiction of Secretary of Navy (Executive Order 10388) 7877

O

OIL AND GAS. *See* Petroleum and petroleum products.
OVERTIME, pay regulations respecting. *See* Civil Service Commission.

P

PATENT COMPENSATION BOARD, ATOMIC ENERGY COMMISSION; hearings. *See* Atomic Energy Commission.

PATENT OFFICE:
Rules of practice in patent cases:
Allowance and issue of patent, proposed rule 314 7824
Appeals:
Action following decision, proposed rule 197 7824
Appeal to Board of Appeals, proposed rule 191 7824
Appeal to United States Court of Customs and Patent Appeals, notice and reason of appeal; proposed rule 302 7824
Time for filing appeal, proposed rule 304 7824
Application for patents:
Serial number and filing date of application, proposed rule 55 7822
Signatures, proposed rule 57 7822
Single signature form, proposed deletion 7822
Civil action under 35 U. S. C. 145, 146, redesignation, proposed rule 303 7824
Time for appeal or civil action, proposed rule 304 7824
Correction of errors in patent:
Certificate of correction, proposed rule 322 7825
Certificate of correction of applicants mistake, proposed rule 323 7825
Correction of error in joining inventor, proposed rule 324 7825
Other mistakes not corrected, proposed rule 325 7825
Disclaimer, statutory disclaimer in patent; proposed rule 321 7824
Drawings:
Signature to drawing, proposed rule 84 7823
Standards for drawings, proposed rule 83 7823

PATENT OFFICE—Continued Page

Rules of practice in patent cases—Continued
- Fees and payment of money; charges, proposed rule 21 — 7822
- General information and correspondence:
  - Receipt of letters and papers proposed rule 6 — 7822
  - Times for taking action, expiration on Sunday or holiday, proposed rule 7 — 7822
- Interferences:
  - Motions to amend, proposed rule 233 — 7824
  - Preliminary statement:
    - Effect of statement, proposed rule 223 — 7824
    - Notice and access to applications, proposed rule 226 — 7824
    - Reliance on prior application, proposed rule 224 — 7824
  - Termination; statutory disclaimer by patentee, proposed rule 263 — 7824
  - Trial:
    - Assignment of times for taking testimony, proposed rule 251 — 7824
    - Final hearing, proposed rule 256 — 7824
- Joinder of inventions in one application, division:
  - Appeal from requirement for division, proposed rule 144 — 7823
  - Different inventions in one application, proposed rule 141 — 7823
  - Reconsideration of requirement, proposed rule 143 — 7823
  - Requirement for division, proposed rule 142 — 7823
  - Subsequent presentation of claims for different invention, proposed rule 145 — 7823
- Miscellaneous changes in citations, references, etc.; proposed changes in various rules — 7825
- Oath:
  - Oath of applicant, proposed rule 65 — 7823
  - Officers authorized to administer oaths, proposed rule 66 — 7823
- Petition; proposed rule 61 — 7823
- Reissues:
  - Applicants, assignees; proposed rule 172 — 7823
  - Reissue oath; proposed rule 175 — 7823
- Specifications:
  - Cross references to other applications, proposed rule 78 — 7823
  - Signature to specification, proposed rule 76 — 7823
- Specimens required, proposed rule 93 — 7823
- Who may apply for patent:
  - Applicant for patent, proposed rule 47 — 7822
  - Assigned inventions and patents, proposed rule 47 — 7822
  - Filing by other than inventor, proposed rule 47 — 7822
  - Joint inventors, proposed rule 45 — 7822
  - Proof of authority, proposed rule 44 — 7822
  - When inventor is insane, or legally incapacitated, proposed rule 43 — 7822

Rules of practice in trade-mark cases:
- Appeals:
  - Appeal to Commissioner from decision of Examiner of Interferences, proposed rule 26.3 — 7825
  - Appeal to Court, proposed changes in rule 24.4 — 7825
  - Time and manner of ex parte appeals, proposed trade-mark rule 26.2 — 7825
- Attorneys and representation by attorneys, suspension or exclusion from practice; proposed rule 46 — 7825
- Times for taking action, expiration on Saturday, Sunday or holidays; proposed rule 1.6 — 7825

PAY, COMPENSATION, ALLOWANCES, ETC.:
- *See also* Wages and hours.
- Civil service pay regulations. *See* Civil Service Commission.
- Foreign duty of Federal employees, compensation for. *See* State Department.
- Hospitals, Government, stipends for certain positions in. *See* Civil Service Commission.
- Salary and wage stabilization. *See* National Enforcement Commission; Salary Stabilization Board; *and* Wage Stabilization Board.
- Seaman discharged from United States vessel in foreign port, medium of payment. *See* State Department.

PETROLEUM ADMINISTRATION FOR DEFENSE:
- Natural gas, limitation on delivery for space heating and large volume use — 7786

PETROLEUM AND PETROLEUM PRODUCTS: Page
- Oil and gas leases. *See* Land Management Bureau.
- Producing oil and gas fields. *See* Geological Survey.

PHYSICALLY HANDICAPPED PERSONS. *See* Handicapped persons.

POST OFFICE DEPARTMENT:
- Delivery service, special delivery mail; registered, insured or sent c. o. d., treatment of — 7572
- Department and Postal Service; orders, contracts and bonds, employees interested in mail contracts:
  - Mail-messenger service, exception for, deletion of — 7818
  - Prohibition, note — 7818
- Domestic mail matter; provisions applicable to the several classes of mail matter, nonmailable articles and compositions, provisions of law — 7818
- Holidays. *See* Post offices, general provisions relating to.
- International postal service:
  - Miscellaneous; vessels to deliver letters at post offices before entry — 7819
  - Postage rates, service available, and instructions for mailing:
    - Insurance. *See* Registry, insurance.
    - Parcel post, parcels for foreign countries:
      - Group shipments, Australia — 7494
      - Recall and change of address; deletion of Australia — 7494
      - Sealing, insured parcels for Australia — 7494
      - Unpaid and insufficiently prepaid treatment at exchange offices — 7149
    - Registry, insurance, c. o. d., and certain ordinary services:
      - Insurance; special provisions applicable to Australia — 7494
      - Registry service; special provisions applicable to:
        - Further information, redesignation — 7698
        - Indemnity, redesignation — 7698
        - Restricted delivery by senders — 7698
    - Regular (Postal Union) mails:
      - Articles for foreign countries, Australia; recall and change of address — 7494
      - Small packets:
        - Acceptable; addition to list of countries — 7278
        - Not acceptable; deletion from list of countries — 7278
    - Special delivery (Exprés) service; Canada, exceptions respecting — 7149
- Various countries, conditions applicable to service in:
  - Angola *See* Portuguese West Africa.
  - Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island):
    - Parcel post:
      - Indemnity, redesignation — 7494
      - Insurance:
        - Limit of indemnity — 7494
        - Return receipt — 7494
      - Observations:
        - Marking of insured packages — 7494
        - Parcels containing securities, precious stones, or other precious articles, insurance of — 7494
        - Redesignation — 7494
      - Prohibitions; redesignation — 7494
      - Tables of rates, air parcels:
        - Group shipments — 7494
        - Insurance — 7494
        - Insured and ordinary, sealing of — 7494
    - Regular mails; recall and change of address — 7494
  - Barbados:
    - Parcel post, tables of rates; air parcel rates — 7278
    - Regular mails, air mail service; postage rates — 7278
  - Ceylon, regular mails; air mail service, postage rates — 7278
  - Germany; parcel post:
    - Dimensions — 7699
    - Table of rates:
      - Air parcels for all Germany; weight limit, insurance, etc — 7699
      - Surface parcel rates for certain zones — 7699

POST OFFICE DEPARTMENT—Continued Page

International postal service—Continued
- Postage rates, service available, and instructions for mailing—Continued
  - Various countries, conditions applicable to service in—Continued
    - Germany; Parcel post—Continued
      - India, French settlements in:
        - Parcel post, table of rates, air parcel rates — 7278
        - Regular mails, air mail service, postage rates — 7278
      - Guinea. *See* Portuguese West Africa.
      - India, Portuguese. *See* Portuguese India.
      - Madeira Islands, regular mails; air mail service, postage rates — 7278
      - Morocco, French; regular mails, air mail service, postage rates — 7278
      - Morocco, Spanish Zone:
        - Regular mails, air mail service, postage rates — 7278
        - Parcel post, table of rates, air parcels — 7278
      - Morocco, Tangier (International Zone); regular mails, air mail service, postage rates — 7278
      - Mozambique. *See* Portuguese East Africa.
      - Portuguese East Africa (Mozambique); regular mails, air mail service, postage rates — 7278
      - Portuguese India; regular mails, air mail service, postage rates — 7278
      - Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince's Island); regular mails, air mail service, postage rates — 7278
      - Prince's Island. *See* Portuguese West Africa.
      - Rhodesia, Northern and Southern; regular mails, small packets, acceptance of — 7278
      - St. Thomas Island. *See* Portuguese West Africa.
      - Saudi Arabia; Parcel post:
        - Regular mails; air mail service postage rates — 7278
        - Surface and air, extension of service to certain places — 7279
        - Table of rates, air parcels — 7279
      - Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa: Ceuta, Melilla, Alhucemas, Chaferinas of Zafarani Islands, and Penon de Velez de la Gomara; also Andorra):
        - Parcel post; table of rates, air parcels — 7278
        - Regular mails; air mail service, postage rates — 7278
      - Yugoslavia, parcel post; observations, gift parcels exempt from customs duties — 7149

Personnel:
- Field service, interest of employees in postal contracts prohibited:
  - Exceptions; deletion of — 7819
  - Penalty; mail-messenger service, authority of certain postmasters and employees to contract for — 7819

Post offices, general provisions relating to; holidays:
- Days designated as — 7818
- Service on — 7818

Postal savings system, payment of certificates and interest; withdrawal by mail:
- Procedure at paying office — 7148
- Withdrawal of interest only — 7149

Savings, postal. *See* Postal savings system.

Transportation of mails:
- Air mail service; evidence of performance to be submitted by air carriers — 7818
- Mail-messenger service:
  - Authority of certain postmasters and employees to contract for mail-messenger service — 7818
  - Limitation of pay — 7818
  - Members of immediate families, contracting of — 7818
  - Railroads, performance of service, proof of — 7818
- Star, steamship, and steamboat routes, and vehicle service in cities:
  - Proposals, accompanied with bond — 7819
  - Bonds of bidders, sureties on — 7819
  - Record of proposals — 7819

PRESIDENTIAL DOCUMENTS:
- Air Force Department; retirement of colonels of Regular Air Force, suspension of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels during emergency (EO 10379) — 7107

PRESIDENTIAL DOCUMENTS—Continued Page
- Army Department; retirement of colonels of Regular Army, suspension of operation of certain provisions of Officer Personnel Act of 1947 applicable to retirement of colonels during emergency (EO 10379) — 7107
- Burma; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (EO 10387) — 7799
- Civil service; travel and transportation expenses of civilian personnel when transferred from one official station to another for permanent duty, means of shipment (EO 10381) — 7205
- Days of observance:
  - Fire Prevention Week, 1952 (Proc. 2987) — 7613
  - National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Displaced Persons Commission; liquidation of affairs by State Department (EO 10382) — 7323
- Europe, Special Representative for; United States High Commissioner for Germany to act as representative of Special Representative for Europe (EO 10380) — 7107
- Fire Prevention Week, 1952 (Proc. 2987) — 7613
- Germany, United States High Commissioner for; functions (EO 10380) — 7107
- Handicapped persons, employment of: National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Hawaii, Territory of; restoration of certain lands to jurisdiction of:
  - Hilo, Hawaii; certain lands set aside for aeronautical purposes (EO 10378) — 7107
  - Palaau, Molokai; certain lands in connection with Molokai Airport Military Reservation (Homestead Field) (EO 10383) — 7361
  - Waiakea, Hawaii, certain lands in connection with Hilo Airport Military Reservation (EO 10384) — 7361
- Housing and Home Finance Administration; temporary housing, extension of time in connection with removal of certain temporary housing (EO 10385) — 7525
- Housing, temporary; extension of time in connection with removal of certain temporary housing (EO 10385) — 7525
- Indonesia; certain functions performed in, under Act for International Development, exemption from act governing use of Government vehicles (EO 10387) — 7799
- Institute of Inter-American Affairs Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- International Development Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- Lands; restoration of certain lands to jurisdiction of Territory of Hawaii. *See* Hawaii.
- Mutual Security Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- Mutual Security Agency; Germany, United States High Commissioner to act as representative of Director (EO 10380) — 7107
- Mutual Defense Assistance Act, certain functions under, exemption from specified laws (EO 10387) — 7799
- National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Navy Department; Palmyra Island, revocation of EO 8616 placing Island under control and jurisdiction of Secretary of Navy (EO 10388) — 7877
- Palmyra Island; revocation of EO 8616 placing Island under control and jurisdiction of Secretary of Navy (EO 10388) — 7877
- Physically handicapped persons, employment of; National Employ the Physically Handicapped Week, 1952 (Proc. 2985) — 7567
- Procurement, under Mutual Security Act and certain other acts; exemption of certain functions in connection with, from specified laws (EO 10387) — 7799
- State Department; Displaced Persons Commission, liquidation of affairs (EO 10382) — 7323
- Tariff Commission; trade agreements, tariff concessions under. *See* Trade agreements.
- Trade agreements:
  - General Agreement on Tariffs and Trade, modification with respect to tariff concessions on dried figs (Proc. 2986) — 7567

PRESIDENTIAL DOCUMENTS—Continued Page
Trade agreements—Continued
Torquay Protocol to General Agreement on Tariffs and Trade, modification with respect to tariff concessions on dried figs (Proc. 2986) 7567
Travel and transportation expenses, of civilian personnel when transferred from one official station to another for permanent duty; means of shipment (EO 10381) 7205
United States High Commissioner for Germany:
Chief of Special Mission to assist High Commissioner and to have rank of Minister (EO 10380) 7107
Functions (EO 10380) 7107

PRICE STABILIZATION, OFFICE OF:
Adjustments:
Ceiling price adjustment for commodities or services governed by specific regulations. *See specific commodities.*
Manufacturers' prices. *See* Manufacturers' prices.
Wholesalers and retailers, adjustments for, under section 402 (k) of the Act; procedure for applications (GOR 33) 7852
Agricultural commodities:
Grains, services respecting handling and storage of, for Commodity Credit Corporation. *See under* Services.
Manufacturers' prices. *See* Manufacturers' prices.
Wooden containers for. *See* Containers and closures.
Alaska. *See* Territories and possessions of United States.
Aluminum mill products, ceiling prices for:
Producers' sales (GCPR, SR 113) 7224
Resellers' prices. *See* Machines and machinery.
Apparel. *See* Consumer goods.
Authority, delegations of, to various officials:
Chief Counsel; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555
Consumer Goods Division, redelegation to Chiefs of Branches of; authority to request further information concerning ceiling prices, proposed under any ceiling price regulation (Delegation of Authority 6, Supp. 3) 7681
Deputy Director; authority to act as Acting Director of Price Stabilization, in absence of Director (Delegation of Authority 2) 7555
Director of Price Operations; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations):
Region I Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 45) 7309
Cattle, live; under CPR 23 (Redeleg. 44) 7309
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 47) 7949
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 43) 7309
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 15) 7756
Eating and drinking establishments; under CPR 134 (Redeleg. 38) 7403
Iron and steel, resellers' prices for; under CPR 98 (Redeleg. 29) 7308
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 36) 7553
Malt beverages, under CPR 117 (Redeleg. 28) 7308
Petroleum products; final pricing method and adjustment provisions, under CPR 13 (Redeleg. 46) 7404
Pork sold at wholesale, under CPR 74 (Redeleg. 33) 7309
Region II Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 40) 7257
Cattle, live; under CPR 23 (Redeleg. 35) 7257

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region II Directors—Continued
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 7) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 33) 7314
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) 7256
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 42) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 41) 7553
Pork sold at wholesale, under CPR 74 (Redeleg. 11) 7256
Region III Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7309
Cattle, live; under CPR 23 (Redeleg. 33) 7257
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 41) 7950
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 39) 7310
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 27) 7950
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7797
Imports; reports, under CPR 31 (Redeleg. 34) 7950
Malt beverages, under CPR 117 (Redeleg. 40) 7950
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 42) 7950
Pork sold at wholesale, under CPR 74 (Redeleg. 20) 7309
Region IV Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 39) 7315
Cattle, live; under CPR 23 (Redeleg. 34) 7315
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 38) 7315
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 22) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7315
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 26) 7314
Malt beverages, under CPR 117 (Redeleg. 25) 7314
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7553
Pork sold at wholesale, under CPR 74 (Redeleg. 10) 7314
Region V Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 41) 7757
Beef sold at wholesale; under CPR 24 (Redeleg. 39) 7258
Revocation 7757
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 40) 7258
Eating and drinking establishments; under CPR 134 (Redeleg. 29) 7404
Imports; reports filed, under CPR 31 (Redeleg. 33) 7257
Malt beverages, under CPR 117 (Redeleg. 24) 7257
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 42) 7757
Veal; ceiling prices at wholesale under CPR 101 (Redeleg. 38) 7257
Region VI Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7311
Cattle, live; under CPR 23 (Redeleg. 33) 7311
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 40) 7951
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 37) 7311

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region VI Directors—Continued
Consumer goods, under CPR 7 (Redeleg. 2); correction 7310
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 18) 7950
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7951
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) 7310
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 27) 7951
Malt beverages, under CPR 117 (Redeleg. 24) 7310
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7951
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 39) 7951
Pork sold at wholesale, under CPR 74 (Redeleg. 10) 7310
Region VII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 38) 7311
Cattle, live; under CPR 23 (Redeleg. 24) 7258
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 9) 7553
Eating and drinking establishments; under CPR 134 (Redeleg. 31) 7315
Imports; reports filed, under CPR 31 (Redeleg. 36) 7258
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) 7311
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 29) 7311
Region VIII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 39) 7315
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 7) 7554
Eating and drinking establishments; under CPR 134 (Redeleg. 32) 7315
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 24) 7258
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 23) 7797
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 12) 7312
Region X Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 37) 7259
Cattle, live; under CPR 23 (Redeleg. 30) 7312
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 40) 7951
Consumer goods; alternative pricing method for certain retailers, under CPR 7, SR 6 (Redeleg. 38) 7312
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 5) 7554
Eating and drinking establishments; under CPR 134 (Redeleg. 35) 7316
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 25) 7312
Petroleum products; area adjustments, certain, under CPR 17 (Redeleg. 41) 7952
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 39) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 13) 7312
Region XI Directors:
Cattle, live; under CPR 23 (Redeleg. 40) 7259
Eating and drinking establishments; under CPR 134 (Redeleg. 38) 7316

PRICE STABILIZATION, OFFICE OF—Continued Page
Authority, delegations of, to various officials—Con.
Directors, District, in various regions (authority respecting price action or price adjustment for specific commodities under various price regulations)—Continued
Region XI Directors—Continued
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 34) 7797
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 40) 7798
Region XII Directors:
Beef, kosher, sold at retail; under CPR 26 (Redeleg. 50) 7310
Cattle, live; under CPR 23 (Redeleg. 43) 7313
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Redeleg. 15) 7798
Eating and drinking establishments; under CPR 134 (Redeleg. 41) 7516
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Redeleg. 38) 7798
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 52) 7554
Pork sold at wholesale, under CPR 74 (Redeleg. 11) 7313
Region XIII Directors:
Beef sold at wholesale; under CPR 24 (Redeleg. 30) 7314
Community pricing; issuance of adopting orders and reclassification, under GOR 24 (Redeleg. 33) 7798
Eating and drinking establishments; under CPR 134 (Redeleg. 23) 7316
Imports; reports filed, under CPR 31 (Redeleg. 29) 7313
Iron and steel products, resellers' prices for; under CPR 98 (Redeleg. 14) 7313
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Redeleg. 32) 7555
Pork sold at wholesale, under CPR 74 (Redeleg. 12) 7313
Veal; ceiling prices at wholesale, under CPR 101 (Redeleg. 15) 7313
Region XIV. *See* Directors, Territorial.
Directors, Regional (authority with respect to price action or price adjustment for specific commodities under various price regulations):
All Directors:
Automobiles, new passenger, sales at retail and wholesale; reports of proposed price determining methods, under CPR 33 (Delegation of Authority 73) 7557
Contract motor carrier rates; adjustments, under GCPR, SR 39 (Delegation of Authority 25) 7703
Livestock and meat distribution; certain actions during epidemic conditions, under DR 1 (Delegation of Authority 11) 7195
Petroleum products; area adjustments, certain, under CPR 17 (Delegation of Authority 72) 7357
Pork products; adjustment of prices for retail sales, under GCPR, SR 65 (Delegation of Authority 71) 7053
Redelegations of authority. *See* Directors, District; *and* Directors, Territorial.
Region II, Director of; services of linen suppliers in New York City area, certain, applications for redesignation of nature of accounts, under CPR 34, SR 24 (Delegation of Authority 74) 7757
Region XIV; commodities sold in territories and possessions, under CPR 9 (Delegation of Authority 7) 7762
Directors, Territorial, District Region XIV; Hawaii, Territorial Director for, approval of certain ceiling prices for fertilizer, mixed, sold in Hawaii by mixers and packagers, under CPR 72 (Redeleg. 19) 7404
Economic Advisor; authority to act as Acting Director of Price Stabilization, in absence of certain officials (Delegation of Authority 2) 7555

PRICE STABILIZATION, OFFICE OF—Continued Page

Automobiles:
- New passenger automobiles; sales at retail and wholesale (CPR 83) 7572
- Authority of Regional Directors. *See* Authority, delegations of.
- Equipment, standard, on various 1952 model automobiles; listed (Appendix A) 7576
- Special orders:
  - Ford Motor Co 7099
  - General Motors Corp 7517
  - Kaiser-Frazer Corp 7259, 7517, 7952
- Used, passenger; listed prices for sales by wholesalers, retailers, or individuals (CPR 94):
  - Established ceiling prices; trade-ins (Int. 2) 7048
  - Listed prices (Appendix A); Chevrolet and General Motors Corporation Suburbans, and Graham automobiles, deletion 7048

Automotive and farm tractor repair services. *See* Services.
Baby food, canned. *See under* Foods.
Bags. *See* Containers and closures.
Barrels, wooden. *See* Containers and closures.
Bedding. *See* Consumer goods.
Beef. *See* Livestock and meat.
Beet pulp products. *See* Feeds.
Bottle cap liners; exemption (GOR 8) 7184
Castings (CPR 60); adjustment in ceiling prices for copper and copper alloy castings 7421
Cattle. *See* Livestock and meat.
Charcoal sold in Virgin Islands. *See* Territories and possessions of United States.
Chemical and related commodity transactions, certain (new and experimental chemicals and drugs, new chemical specialties and cosmetics, reagent chemicals, butadiene, fertilizer materials and uranium compounds); exemption (GOR 3) 7275
China and glassware. *See* Consumer goods.
Christmas decorations. *See* Consumer goods.
Cigars; suspension (GOR 7) 7114
Coal, coke, etc.:
- Anthracite, delivered from mine or preparation plant (CPR 4), ceiling prices on various sizes (Appendix A); adjustments, certain 7367
- Coke, coal chemicals and coke oven gas (GCPR, SR 13); definition, "long-term contract" 7048

Coke. *See* Coal, coke, etc.
Commodity Credit Corporation. *See* Government agencies.
Community pricing (GOR 24):
- Authority of District Directors. *See* Authority, delegations of.
- Price orders, community, respecting retail prices for certain dry grocery items; notice of filing by various Regions:
  - Region V (Jacksonville) 7517, 7708, 7868
  - Region VIII (Fargo) 7517, 7708, 7868
  - Region XII (Fresno) 7517, 7868

Concrete, ready-mixed, adjusted ceiling prices for manufacturers (GCPR, SR 108); persons covered, scope of term ready-mixed concrete (Int. 1) 7148
Consumer goods, certain:
- Exemptions and suspensions for certain consumer soft goods of minor significance which have trifling effect on cost of living, defense costs, etc. (GOR 4):
  - Exemption; scrap leather not suitable for producing cut parts 7277
  - Suspension, leather, imported and domestic; scrap leather not suitable for producing cut parts, deletion of reference to 7277
- Retail ceiling prices (CPR 7) 7454
  - Category markups, tables for (Appendix D, E, F) 7481
  - Commodities covered (Appendix B) 7468
    - Apparel:
      - Infants' apparel and accessories 7470
      - Men's and boys' apparel and accessories 7468
      - Shoes and other footwear 7471
      - Women's, girls', and children's apparel and accessories 7469, 7477
    - Consumer durable goods 7472
      - Bedding 7473
      - Floor coverings (rugs, linoleum, etc.) and certain wall coverings 7473
      - Furniture, household 7472
      - Housewares 7474

PRICE STABILIZATION, OFFICE OF—Continued Page

Consumer goods, certain—Continued
- Retail ceiling prices (CPR 7)—Continued
  - Commodities covered (Appendix B)—Continued
    - Consumer durable goods—Continued
      - Jewelry, watches and clocks 7476
      - Lamps and lamp shades 7473
      - Luggage and sporting goods 7475
      - Musical instruments 7473
      - Notions 7475
      - Phonographs and recorders 7474
      - Radios 7474
      - Silverware, china and glassware 7476
      - Television sets and accessories 7474
    - Household textile commodities, drapery hardware, certain yard goods, knitting yarn and crochet thread, laces, trimmings and ribbons 7471
    - Toys, games and Christmas decorations 7478
  - Comparable categories (Appendix C) 7473
  - Computing ceiling prices 7458
  - General provisions; records, reports, definitions, etc. 7461
  - Pricing charts:
    - Contents, filing, amendments, etc. 7455
    - Examples of list date pricing chart (Appendix A) 7466
  - Scope; sales and sellers covered 7454
  - Special cases 7463
  - Supplementary regulations:
    - Alternative pricing method for retailers with unrepresentative category charts (SR 6); authority of District Directors. *See* Authority, delegations of.
    - Branded articles, uniform ceiling prices for (SR 4), orders under section 43 of CPR 7, expiration of; exception 7930

Containers and closures:
- Bags (grocers, variety and specialty paper, film and foil); ceiling prices for manufacturers' sales (CPR 164) 7615
- Barrels; manufacturers' prices for new wooden barrels produced in Maine and sold to potato growers and distributors in Aroostook County, Maine (GCPR, SR 115) 7736
- Bottle caps, liners for. *See* Paper, paperboard, etc.
- Wooden agricultural containers, used, sales in Southern California (CPR 142); retailer, defined 7692

Contract motor carriers. *See* Motor vehicles.
Copper and copper base alloy:
- Castings; adjustment in ceiling prices. *See* Castings.
- Exemption for certain sales by refiners using imported raw materials (GOR 9) 7050

Cosmetics, certain, exemption (GOR 3); small manufacturers' sales of new product 7275
Cotton, raw; handling and storage. *See* Services.
Cottonseed feed products. *See* Feeds.
Drug commodity transactions, certain, exemption (GOR 3); new and experimental drugs 7275
Exports (CPR 61), sulphur mined by non-Frasch methods, ceiling prices for (SR 3), special order; sulphur produced by Western Sulphur Industries, Inc 7763
Feeds:
- Beet pulp products, prices for processors, importers and distributors (CPR 162) 7745
- Cottonseed feed products; prices for producers and distributors (CPR 167) 7773

Ferromanganese. *See* Manganese.
Fertilizer and fertilizer materials:
- *See also* Chemical and related commodity transactions.
- Mixed fertilizers:
  - Manufacturers' ceiling prices; adjustments on basis of increased freight rates (CPR 22, SR 31; GCPR, SR 114) 7391, 7393
  - Sold in Puerto Rico and Hawaii by mixers and packers (CPR 72); authority of Territorial Director for Hawaii. *See* Authority, delegations of.

Floor coverings (rugs, carpets, etc.). *See* Consumer goods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Foods:
- *See also specific commodities.*
- Baby and junior foods, canned:
  - Processors, certain, adjustment of ceiling prices for (GCPR, SR 107); authorization to notify retailers of different method of determining net cost 7538
  - Retailers. *See under* Dry groceries.
- Containers and closures for foods. *See* Containers and closures.
- Dry groceries (canned, dried or frozen commodities, shortening, oils, butter, cheese, and miscellaneous foods):
  - Retail:
    - Community price orders, for certain Regions. *See* Community pricing.
    - Groups 1 and 2 stores (CPR 16):
      - Adjustment provisions for over the counter sales by gift package shippers; application for exclusion from markups in establishing ceiling prices 7221
      - Baby food, canned; applying rule for "dry groceries" in figuring net cost and ceiling price, displaying price, etc 7537
    - Groups 3 and 4 stores (CPR 15):
      - Adjustment provisions for over the counter sales by gift package shippers; application for exclusion from markups in establishing ceiling prices 7221
      - Baby food, canned; applying rule for "dry groceries" in figuring net cost and ceiling price, displaying price, etc 7536
      - Coverage as to store and group, respecting 5 and 10 cent stores and department stores (Int. 3) 7047
    - Wholesale (CPR 14); adjustment provisions, respecting service fee wholesalers 7420
  - Exemption and suspension of certain food and restaurant commodities which have a trifling effect on cost of living, defense costs, etc., GOR 7):
    - Exemption; spices, seeds and herbs produced in U. S., listed 7080
    - Molasses, edible sugar cane; record and reporting requirements eliminated 7427
    - Suspension; cigars, controls applicable to 7114
  - Fruits and vegetables, fresh; territories and possessions, exemption. *See* Territories and possessions of United States.
- Fuel oils. *See* Petroleum products.
- Furniture, household. *See* Consumer goods.
- Games. *See* Consumer goods.
- General ceiling price regulation:
  - Determination of ceiling prices:
    - Manufacturers', wholesalers' and retailers' prices for new commodities falling within categories dealt in during base period; provision respecting second line low-pressure tires:
      - Category, proper, for (Int. 56) 7815
      - "Most nearly like" commodity, determination of (Int. 57) 7816
    - Sales of deskidded tires; where tire is new commodity and does not represent sale of a separate service (Int. 59) 7736
    - Exemptions and exceptions; producers, certain, whose gross sales do not exceed $25,000 for fiscal year 7487
  - Supplementary regulations:
    - Aluminum mill products, ceiling prices for producers (SR 113) 7224
    - Baby and junior foods, canned, adjustment of ceiling prices (SR 107); authorization to certain processors to notify retailers of different method of determining net cost 7538
    - Coal, coke, etc; coke, coal chemicals and coke oven gas (SR 13), definition, "long-term contract" 7048
    - Concrete, ready-mixed, adjusted ceiling prices for manufacturers (SR 108); persons covered, scope of term ready-mixed concrete (Int. 1) 7148
    - Fertilizers, mixed; adjustments in ceiling prices on basis of increased freight rates (SR 114) 7393
    - Iron and steel products; adjustment of ceiling prices (SR 100) 7585

PRICE STABILIZATION, OFFICE OF—Continued Page

General ceiling price regulation—Continued
- Supplementary regulations—Continued
  - Milk, fluid, cream and milk products; area milk price adjustments (SR 63):
    - California; San Francisco District (AMPR 12) 7081, 7337
    - Illinois; Waukegan milk marketing area (AMPR 32) 7931
    - Massachusetts; Fall River milk marketing area, milk products for fluid consumption in (AMPR 31) 7693
    - New Jersey; milk marketing areas 3, 4, and 5 (AMPR 18) 7487
    - Pennsylvania:
      - Eastern Pennsylvania, certain milk marketing areas (AMPR 27) 7082
      - Johnstown-Altoona milk marketing area, area No. 9 (AMPR 28) 7083
      - Pittsburgh milk marketing area, area No. 2 (AMPR 29) 7085
    - Texas; North Texas milk marketing area (AMPR 30) 7896
  - Motor carriers, contract, certain; rate adjustments (SR 39) 7078
  - Authority of Regional and District Directors. *See* Authority, delegations of.
  - Pork products, retail sales of, adjustment of ceiling prices (SR 65); authority of Regional and District Directors. *See* Authority, delegations of.
  - Potato barrels; manufacturers' prices for new wooden barrels produced in Maine and sold to potato growers and distributors in Aroostook County, Maine (SR 115) 7736
  - Steel. *See* Iron and steel products.
  - Wood and wood products:
    - Pulpwood produced and sold for use in certain counties of New Jersey; ceiling prices for (SR 111) 7049
    - Refuse wood, fir and hemlock, produced in Columbia River District of Washington and Oregon; ceiling prices for (SR 112) 7332
- Gift packages, containing woods; adjustment of certain retail prices. *See under* Foods.
- Glassware. *See* Consumer goods.
- Government agencies; Commodity Credit Corporation, services respecting handling and storage of grain for. *See under* Services.
- Grains; handling and storage of. *See under* Services.
- Guam. *See* Territories and possessions of United States.
- Housewares. *See* Consumer goods.
- Imported commodities:
  - *See also specific commodities.*
  - Imports (CPR 31):
    - Authority of District Directors. *See* Authority, delegations of.
    - Definitions; "processing", includes grinding of imported or mixed domestic and imported spices, seeds and herbs 7074
    - Excepted commodities (Appendix A); tin-metal, ore, concentrates, powder, scrap alloys, deleted 7690
  - Lumber, logs, and allied wood products; importers' ceiling prices (CPR 165) 7725
- Industrial materials and manufactured goods, certain; exemption and suspension from price control (GOR 9):
  - Exemption; copper, certain, sales by refiners using imported raw materials 7050
  - Suspensions:
    - Experimental metals, metal alloys, sintered metal carbides and metallic carbides 7489
    - Ships, new, certain; sales or deliveries by builder 7488
- Iron and steel:
  - Adjustment of ceiling prices for iron and steel products (GCPR, SR 100) 7585
  - Pricing order, adjustable, for producers of certain steel mill products (Steel Special Order 1) 7046
  - Resellers' prices for iron and steel products (CPR 98):
    - Authority of District Directors. *See* Authority, delegations of.
    - Re-usable boiler and pressure tubes, reconditioned quality 7724

20000—52——5

PRICE STABILIZATION, OFFICE OF—Continued Page

Jewelry. *See* Consumer goods.
Kerosene. *See* Petroleum products.
Lamps and lamp shades. *See* Consumer goods.
Leather, scrap, not suitable for producing cut parts; exemption (GOR 4) 7277
Linen supply services, certain. *See under* Services.
Livestock and meat:
  Beef:
    Allocation of beef to the military. *See* Distribution.
    Retail, kosher beef sold at (CPR 26); authority of District Directors. *See* Authority, delegation of.
    Wholesale, beef sold at (CPR 24):
      Authority of District Directors. *See* Authority, delegations of.
      Pricing schedules:
        Carcasses and wholesale cuts; certain beef cuts imported from New Zealand 7144, 7689
        Miscuts, ungraded (or improperly graded) beef, and unauthorized sales; permitted sale of certain cuts imported from New Zealand, conditions for 7144, 7689
      Prohibitions; respecting sale of other than defined cuts:
        Imported cuts, certain, from New Zealand; sales permitted 7144, 7689
      Interpretation 7931
  Cattle, live (CPR 23); authority of District Directors. *See* Authority, delegations of.
  Distribution:
    Allocation of beef to the military (DR 3); applicability during periods of inadequate overall supply 7428
    Fair distribution of livestock and meat; determination and conditions under which slaughter of cattle, calves, sheep, lambs or swine is permissible (DR 1), authority of Regional and District Directors. *See* Authority, delegations of.
  Pork:
    Retail, pork products sold at, adjustment of ceiling prices (GCPR, SR 65); authority of Regional and District Directors. *See* Authority, delegations of.
    Wholesale, pork sold at (CPR 74):
      Authority of District Directors. *See* Authority, delegations of.
      Dried pork, specialty pork products and prefabricated retail cuts, application for ceiling price (Int. 1) 7047
  Veal sold at wholesale (CPR 101); authority of District Directors. *See* Authority, delegations of.
Logs. *See* Wood and wood products.
Luggage. *See* Consumer goods.
Lumber. *See* Wood and wood products.
Machines and machinery, etc.:
  Manufacturers' prices for machinery and related manufactured goods (CPR 30):
    Definitions; manufacturer 7689
    Option to disregard separate corporate identity; provisions respecting 7690
    Supplementary regulation; adjustments, application for, under Defense Production Act of 1950 (SR 4), option to propose an alternate method 7326
  Resellers' ceiling prices for machinery and related manufactured goods (CPR 67):
    Commodities covered (Appendix A); primary aluminum mill products 7222
    Definitions; manufacturer 7691
    Manufacturers' suggested resale prices (SR 2); special order, Auto Ventshade Co 7609
Malt beverages (CPR 117):
  Authority of District Directors. *See* Authority, delegations of.
  Brewers; determination of ceiling prices:
    Items of different container size, container type or case size than those dealt with during base period 7075
    Newly labeled malt beverages; optional method 7075
    Notification of ceiling prices 7076
    Sales of items when prices cannot be determined under any other section 7075

PRICE STABILIZATION, OFFICE OF—Continued Page

Malt beverages (CPR 117)—Continued
  Brewers' determination of ceiling prices—Con.
    Sole distributors and wholly owned distributors, sales to; optional method 7075
  Coverage, geographical; extended to sales in Territory of Hawaii of malt beverages produced in Hawaii 7427
  General provisions:
    Definitions; "home distributor" 7078
    Fractional parts of a cent; treatment, in figuring ceiling prices 7078
  Retailers; determination of ceiling prices:
    Initial prices for sales that cannot be determined under any other section 7077
    Items sold between December 19, 1950 and October 31, 1951; calculation and recalculation of prices 7077
    Recalculation of prices initially determined under other sections 7078
  Scope 7075
  Wholesalers; determination of ceiling prices:
    Items of different container size, container type or case size than those dealt in during base period 7076
    Newly labeled items, certain 7076
    Notification of prices 7077
    Sales of items when prices cannot be determined under other sections 7076
Manganese products (ferromanganese, manganese metal, etc.); ceiling prices for producers' sales (CPR 163) 7333
Manufacturers' prices:
  See also specific commodities.
  Manufacturers' general ceiling price regulation (CPR 22):
    Calculation of ceiling prices; new commodities falling within categories dealt in during base period, information required in reports for certain products 7047
    Coverage; excluded commodities and transactions (Appendix A):
      Manufacturers, certain, whose gross sales do not exceed $25,000 for last fiscal year 7486
      Spices, seeds and herbs, imported; processed 7074
    Prohibition against redetermination of ceiling prices; mathematical error by manufacturer in establishing base period selling price for article (Int. 34) 7144
    Supplementary regulations:
      Consumer durable goods, certain, translation of f. o. b. into delivered ceiling prices for (SR 30); items listed (Appendix A), gas and electric cooking stoves, addition 7486
      Fertilizers, mixed; adjustments in ceiling prices on basis of increased freight rates (SR 31) 7391
      Paints, varnishes and lacquers, ceiling prices for (SR 6) 7422
Metals:
  See also specific metals.
  Suspension from price control for certain experimental metals, metal alloys, sintered metal carbides and metallic carbides (GOR 9) 7489
Milk, fluid, cream and milk products; area milk price adjustments (GCPR, SR 63):
  California; San Francisco District (AMPR 12) 7081, 7337
  Illinois; Waukegan milk marketing area (AMPR 32) 7931
  Massachusetts; Fall River milk marketing area, milk products for fluid consumption in (AMPR 31) 7898
  New Jersey; milk marketing areas 3, 4, and 5 (AMPR 18) 7487
  Pennsylvania:
    Eastern Pennsylvania, certain milk marketing areas (AMPR 27) 7082
    Johnstown-Altoona milk marketing area, area No. 9 (AMPR 28) 7083
    Pittsburgh milk marketing area, area No. 2 (AMPR 29) 7085
  Texas; North Texas milk marketing area (AMPR 30) 7896
Molasses, edible sugar cane. *See* Foods.

PRICE STABILIZATION, OFFICE OF—Continued Page

Motor vehicles:
  Automobiles. *See* Automobiles.
  Commercial, certain types; rental of (CPR 70):
    Rental-purchase option agreements, certain; exemption 7453
    Service not furnished during "base period" 7453
  Contract motor carriers, certain, rate adjustments for (GCPR, SR 39) 7078
  Authority of Regional and District Directors. *See* Authority, delegations of.
Musical instruments. *See* Consumer goods.
Notions. *See* Consumer goods.
Organization and functions; field organization and activities:
  Basic field organization 7515
  Locations and areas serviced by regional and district offices 7515
Paints, varnishes and lacquers; manufacturers' prices for (CPR 22, SR 6) 7422
Paper, paperboard, etc.:
  Bags; made from variety and specialty paper. *See* Containers and closures.
  Bottle caps (metal or plastic), liners for; exemption of manufacturers' sales of 7185
  Puerto Rico, certain paper and paperboard products sold in; ceiling prices for (CPR 143):
    General provisions:
      Different cost inventories; last delivered cost 7223
      Notification and posting 7223
    Standard wrapping paper and grocers and variety paper bags:
      Ceiling prices 7223
      Definitions; "grocers paper bags" 7223
    Wrap tissue paper; ceiling prices 7223
Petroleum products (gases, oils, gasoline, kerosene, liquefied petroleum gases, Diesel fuels, naphthas, solvents, etc.):
  Sales at retail (CPR 13); authority of District Directors. *See* Authority, delegations of.
  Sales other than at retail (CPR 17), adjustments; application for area adjustments of tank wagon ceiling prices for fuel oil distributors 7325
  Authority of Regional and District Directors. *See* Authority, delegations of.
  Virgin Islands, retail sales for kerosene in (CPR 50):
    Ceiling prices for kerosene imported in steel drums 7691
    Petitions for amendment of regulation 7691
Phonographs and recorders. *See* Consumer goods.
Pork. *See* Livestock and meat.
Potato barrels, certain. *See* Containers and closures.
Puerto Rico. *See* Territories and possessions of United States.
Pulpwood. *See* Wood and wood products.
Radios. *See* Consumer goods.
Restaurants:
  Eating and drinking establishments; ceiling prices (CPR 134):
    Authority of District Directors. *See* Authority, delegations of.
    Redetermination of ceiling prices authorized, extension of time for; cut-off date deleted 7902
  Exemption for meals sold by certain institutions in territories and possessions. *See* Territories and possessions of United States.
  Exemption of certain food and restaurant commodities. *See* Foods.
  Territorial restaurants and eating and drinking establishments (CPR 120):
    Adjustments 7112, 7691
    Definitions; "adjustment base period", "food cost per dollar of sales ratio" and "labor cost per dollar of sales ratio" 7112, 7691
    Supplementary regulation; West Coast maritime strike, adjustments for increases in food costs in Alaska, Guam, and Hawaii, due to (SR 1) 7113
Services:
  Services in connection with specific commodities, see specific commodities.
  Excepted and suspended services, rates, fees and charges for supply of certain services, and services which fall within the scope of certain occupations (GOR 14); raw cotton, handling and storage of, suspension 7046

PRICE STABILIZATION, OFFICE OF—Continued Page

Services—Continued
  Suppliers of services, in trade, commerce and industry (CPR 34):
    Special orders for various firms; Remington Rand, Inc 7165
    Supplementary regulations:
      Automotive and farm tractor repair services, approval of certain flat rate manuals for use in establishing ceiling prices (SR 3); approval of additional flat rate manuals and labor schedules 7183
      Grain; ceiling prices for handling and storage for Commodity Credit Corporation under Uniform Grain Storage Agreement of United States Department of Agriculture (SR 23) 7537
      Linen suppliers in New York City area; sales of services to small commercial users (SR 24) 7729
      Authority of Regional Director. *See* Authority, delegations of.
Ships; suspension for sales of certain new ships (GOR 9) 7488
Shoes. *See* Consumer goods.
Silverware. *See* Consumer goods.
Spices, seeds and herbs:
  Imported. *See* Manufacturers' prices; *and* Imported commodities.
  Produced in United States; exemption from ceiling prices. *See* Foods.
Sporting goods. *See* Consumer goods.
Steel. *See* Iron and steel.
Stoves, gas and electric; delivered ceiling prices for. *See under* Manufacturers' prices.
Sulphur; export sales. *See* Exports.
Television sets and accessories. *See* Consumer goods.
Territories and possessions of United States:
  Authority of Territorial Directors. *See* Authority, delegations of.
  Ceiling prices for all commodities not produced or manufactured in territories and possessions where sold (CPR 9); supplementary regulations:
    Manufacturers making sales subject to CPR 9 (SR 2); freight increases added to ceiling prices 7485
    Uniform prices, establishment of (SR 3); special orders, International Latex Corp 7756
    West Coast strike, special provisions for increasing ceiling prices of sellers whose costs are increased by (SR 4) 7485
  Charcoal sold in Virgin Islands (CPR 154), prices on Island of St. Croix during harvesting season; sugar cane harvesting season, notice of termination (Special Order 1) 7098
  Exemptions, territorial (GOR 23):
    Fruits and vegetables, fresh 7050
    Guam, suspension of price controls in 7933
    Hotels and boarding houses; meals served by American plan 7737
  Malt beverages; produced and sold in Hawaii. *See* Liquors, distilled spirits, malt beverages, wines, etc.
  Paper and paper products sold in Puerto Rico. *See* Paper, paperboard, etc.
  Petroleum products sold in Virgin Islands. *See* Petroleum products.
  Restaurants and eating and drinking establishments. *See* Restaurants.
  Textile products sold in Puerto Rico. *See* Textile products.
Textile commodities, household. *See* Consumer goods.
Textile products, sold in Puerto Rico; ceiling prices at various levels of distribution (CPR 166) 7733
Tin, imported. *See* Imported commodities.
Tires, certain; determination of ceiling prices. *See* General ceiling price regulation.
Toys. *See* Consumer goods.
Veal. *See* Livestock and meat.
Virgin Islands. *See* Territories and possessions of United States.
Watches and clocks. *See* Consumer goods.

PRICE STABILIZATION, OFFICE OF—Continued — Page

Wood and wood products:
- Agricultural containers, wooden. *See* Containers and closures.
- Imported lumber, logs and allied wood products. *See* Imported commodities.
- Logs, Pacific Northwest, ceiling prices for designated species (CPR 97), graders and scalers, accredited (Appendix A); additions and deletions to list — 7222
- Lumber from Pacific Northwest, douglas fir, true fir and West Coast hemlock; ceiling prices (CPR 128) — 7326
- Poles and piling from Pacific Northwest, douglas fir and ponderosa pine (CPR 126); markups for resellers of lumber, under GCPR, SR 87, not applicable to prices established by this regulation (Int. 1) — 7732
- Preserving industry, Eastern, ceiling prices for (CPR 157); established weights for treated forest products, correction — 7428
- Pulpwood produced and sold for use in certain counties of New Jersey; ceiling prices for (GCPR, SR 111) — 7049
- Refuse wood, fir and hemlock, produced in Columbia River District of Washington and Oregon; ceiling prices for (GCPR, SR 112) — 7332

Yard goods, certain. *See* Consumer goods.

Yarns, knitting, and crochet thread. *See* Consumer goods.

PROCLAMATIONS. *See* Presidential documents.

PROCUREMENT:
- *See also* Contracts, Government.
- Government procurement. *See* General Services Administration.
- Minerals, metals, and other raw materials. *See* Defense Materials Procurement Agency; *and* General Services Administration.
- Under Mutual Security Act and certain other Acts; exemption of certain functions in connection with, from specified laws (Executive Order 10387) — 7799

PRODUCTION AND MARKETING ADMINISTRATION. *See* Agriculture Department.

PUBLIC CONTRACTS DIVISION, DEPARTMENT OF LABOR:

Minimum wage determinations:
- Under Walsh-Healy Contract Act; rules of practice:
  - Decisions — 7945
  - Determinations, effective date of — 7945
  - Evidence — 7944
  - Hearings — 7944
  - Meetings, industry panel — 7944
  - Proceeding, initiation of — 7944
  - Subpoenas — 7945
  - Witnesses; examination and fees — 7945
- Various industries:
  - Aviation Textile Products Manufacturing; notice of postponement of hearing date — 7864
  - Textile; notice of hearing — 7255

PUBLIC ROADS BUREAU:
- Federal-Aid Road Act of 1916, regulations under; highway planning and research projects — 7815

PUERTO RICO. *See* Territories and possessions.

Q

QUARANTINE:
- Animals and animal products. *See* Animal Industry Bureau.
- Plants and plant products. *See* Entomology and Plant Quarantine Bureau.

R

RAILROAD AND AIRLINE WAGE BOARD:
- Enforcement proceedings; for imposition of disallowances resulting from violations of regulations and orders relating to stabilization of wages, salaries, and other compensation of employees. *See* National Enforcement Commission.

RECLAMATION BUREAU: — Page

Authority, delegation of, from Secretary of Interior:
- To Commissioner and Assistant Commissioner:
  - Acquisition of lands and water rights; authority of Commissioner to acquire easements for $100 or less — 7315
  - Reconveyance of donated lands when not required for projects — 7255
- To Regional Directors; reconveyance of donated lands when not required for projects — 7255

Irrigation and reclamation projects:
- Entry on lands in Federal reclamation projects, applications for — 7791
- First form reclamation withdrawal; Central Arizona Project, Arizona — 7608
- Withdrawal of land for various projects:
  - San Luis Valley Project, Colorado; revocation of withdrawal of certain lands — 7909
  - Shoshone Project, Wyoming; revocation of withdrawal of certain lands — 7791

Veterans preference; applications for entry on lands in Federal reclamation projects — 7791

RECORDS, INFORMATION, ETC.:
- Federal Bureau of Investigation; prohibition against disclosure of confidential information. *See* Justice Department.
- Pension plans and deferred profit sharing and stock bonus plans; record-keeping requirements. *See* Salary Stabilization Board.
- Release and authentication of copies of records. Defense Department. *See* Defense Department.
- Security of military information, safeguarding of. See Army Department.

RENEGOTIATION BOARD:
- Renegotiation Act of 1948, Military Renegotiation regulations under:
  - Agreements, clearances and statements; clearance notice and agreements, deletion — 7219
  - Authority and organization:
    - Organization and function of Renegotiation Board — 7218
    - Summary of 1948 Act and related statutes, deletion; subpart A reserved — 7218
  - Determination of renegotiable business and costs:
    - Contracts and subcontracts within scope of 1948 Act:
      - General; amounts received or accrued on or after January 1, 1951 — 7218
      - Statutory provisions — 7218
    - Costs allocable and allowable against renegotiable business; charitable and other contributions — 7219
    - Exemptions, permissive; Appendix A, amounts received or accrued on or after January 1, 1951 — 7218
    - Fiscal year basis for renegotiation and exceptions; fiscal year beginning 1950 and ending 1951 — 7218
    - Limitations on commencement and completion of renegotiation — 7218
  - Forms, military renegotiation; note — 7219
  - Organization. *See* Authority and organization.
  - Procedure for renegotiation; control of renegotiation records and information contained therein, note — 7218
  - Statutes, orders, and directives:
    - Directives; citations respecting various delegations:
      - From Renegotiation Board to Secretary of Defense — 7219
      - From Secretary of Defense:
        - To Renegotiation Board — 7219
        - To Secretaries of Army, Navy, and Air Force — 7219
    - Statutes; section 102 (c), Renegotiation Act of 1951, amounts received or accrued after January 1, 1951 — 7219
- Renegotiation Act of 1951, regulations under; Exemptions from renegotiation, mandatory:
  - Contracts and subcontracts for certain agricultural commodities and raw materials:
    - Profits from increment in value of excess inventory, corrected reprint — 7072
    - Raw materials, exempt; list — 7219
  - Contracts not directly connected with defense: Corps of Engineers, correction — 7074

RENT STABILIZATION OFFICE: — Page

Organization and delegation of authority; authority of Director to carry out provisions of Defense Production Act relating to Housing and Rent Act of 1947 — 7195

Rent control regulations under Housing and Rent Act of 1947, as amended:
- Hotel regulation (RR 3):
  - *See also* Rooms in rooming houses, etc. (RR 2); *and* Motor courts (RR 4).
  - General provisions, prohibition against higher than maximum rents; security deposit, petition for — 7227
  - Schedule A, Defense Rental Areas; amendments affecting listed areas:
    - Arizona; Tucson — 7432
    - California; Monterey Bay — 7432, 7854
    - Connecticut; Bridgeport — 7741
    - Indiana; Gary-Hammond — 7432
    - North Dakota; Williston — 7396
    - Oklahoma; Lawton — 7854
    - South Carolina; Orangeburg — 7278
  - Schedule B, Defense Rental Areas, individual, specific provisions for, or for portions thereof:
    - Florida; Seminole County — 7625
    - Indiana; Gary-Hammond — 7593
- Housing rent regulation (RR 1):
  - General provisions, prohibitions against higher than maximum rents; security deposit, petition for — 7227
  - Schedule A, Defense Rental Areas; amendments affecting listed areas:
    - Arizona; Tucson — 7432
    - California; Monterey Bay — 7432, 7854
    - Connecticut; Bridgeport — 7741
    - Illinois:
      - Chicago — 7432
      - Peoria — 7432
    - Indiana; Gary-Hammond — 7432
    - North Dakota; Williston — 7396
    - Oklahoma; Lawton — 7854
    - Pennsylvania:
      - Pittsburgh — 7432
      - Williamsport — 7493
    - South Carolina; Orangeburg — 7277
  - Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
    - Florida; Seminole County — 7625
    - Pennsylvania; Williamsport — 7493
- Motor courts (RR 4):
  - *See also* Hotel regulation (RR 3); *and* Rooms in rooming houses, etc. (RR 2).
  - General provisions, prohibition against higher than maximum rents; security deposit, petition for — 7227
  - Schedule A, Defense Rental Areas; amendments affecting listed areas:
    - Arizona; Tucson — 7432
    - California; Monterey Bay — 7432, 7854
    - Connecticut; Bridgeport — 7741
    - Indiana; Gary-Hammond — 7432
    - North Dakota; Williston — 7396
    - Oklahoma; Lawton — 7854
    - South Carolina; Orangeburg — 7278
  - Schedule B, Defense Rental Areas, individual, specific provisions for, or for portions thereof:
    - Florida, Seminole County — 7625
- Rooms in rooming houses and other establishments (RR 2):
  - *See also* Hotel regulations (RR 3); *and* Motor courts (RR 4).
  - General provisions, prohibitions against higher than maximum rents; security deposit, petition for — 7227
  - Schedule A, Defense Rental Areas; amendments affecting listed areas:
    - Arizona; Tucson — 7432
    - California; Monterey Bay — 7432, 7854
    - Connecticut; Bridgeport — 7741
    - Illinois:
      - Chicago — 7432
      - Peoria — 7432
    - Indiana; Gary-Hammond — 7432

RENT STABILIZATION OFFICE—Continued — Page

Rent control regulations under Housing and Rent Act of 1947, as amended—Continued
- Rooms in rooming houses and other establishments (RR 2)—Continued
  - Schedule A, Defense Rental Areas; amendments affecting listed areas—Continued
    - North Dakota; Williston — 7396
    - Oklahoma; Lawton — 7854
    - Pennsylvania:
      - Pittsburgh — 7432
      - Williamsport — 7493
    - South Carolina; Orangeburg — 7277
  - Schedule B, Defense Rental Areas, individual; specific provisions for, or for portions thereof:
    - Florida; Seminole County — 7625
    - Pennsylvania; Williamsport — 7493

ROADS AND HIGHWAYS:
- Regulations under Federal-Aid Road Act. *See* Public Roads Bureau.
- Rights-of-way for highways on public lands. *See* Land Management Bureau.

RURAL ELECTRIFICATION ADMINISTRATION:
- Authority, delegation of, to various officials:
  - Deputy Administrator and Assistant Administrator:
    - Approval "for Claude R. Wickard, Administrator," of contracts, agreements, etc., between REA borrowers and parties other than REA — 7792
    - Approval of certain actions by borrowers with respect to contract and force account, construction, payments to contractors and engineers, use of general or equity funds, proposals for radio and carrier current facilities — 7793
    - Certification of requisitions for loan funds and administrative vouchers — 7793
    - Depositories for borrowers' funds, approval of — 7792
    - Endorsements and collateral in connection with borrowers' indebtedness to United States — 7793
    - Exercise of authority in absence of administrator — 7792
    - Release liens on borrowers' motor vehicles — 7793
    - Removal and sale of portion of borrowers' system from land acquired from government agencies — 7793
    - Selection of engineers, architects, attorneys, public accountants, and managers, by borrowers — 7792
    - "Stop orders," placement or release — 7792
    - Supplies and services for REA, purchase of — 7792
    - Transfer of funds in loan budgets where purpose of loan or allocation is changed — 7792
    - Transfers and sales of property, material, and equipment between borrowers and parties other than the United States — 7792
  - Electric Distribution Area Office, Area Directors, Acting Area Directors, and Assistant Area Directors:
    - Approval of certain actions of electric distribution borrowers — 7793
    - Contracts and agreements for services, supplies, construction, etc — 7793
    - Release of lien on borrowers' motor vehicles — 7793
  - Solicitor, Office of:
    - Execution of affidavits in connection with mortgages and deeds of trust; authority of Associate Solicitor or Chief, Electrification Loans Division, respecting — 7793
    - Execution of certificates concerning borrower's status and incorporation; authority of Assistant Solicitor or Chief, Electrification Operations Division, respecting — 7793
  - Various divisions:
    - Administrative Services Division Chief; approval of procurement of equipment, materials, and services for REA — 7793
    - Controller, Division of; Controller, Assistant Controller, or certain other officials:
      - Certification of requisitions for loan funds and administrative vouchers — 7793
      - Approve borrowers' selection of certified public accountants — 7793
      - Endorsements and collateral in connection with borrowers' indebtedness to United States — 7793

RURAL ELECTRIFICATION ADMINISTRATION—Con. Page

Authority, delegation of, to various officials—Con.
Various divisions—Continued
Power Division, Chief, Assistant Chiefs, or Section Heads; authority with respect to power-type borrowers:
Approval of certain acts by power-type borrowers 7793
Contracts and agreements between power-type borrowers and parties other than United States 7793
Release of lien on motor vehicles 7793
Telephone Engineering Division, Chief or Assistant Chief:
Approval "for Claude R. Wickard, Administrator" of engineering, architectural, construction, and central office equipment contracts by borrowers 7793
Approval of final construction documents submitted and payments made by telephone borrowers 7793
Force account construction by telephone borrowers, approval of 7793
Highway and railroad crossing agreements 7793
Release of liens on motor vehicles 7793
Selection of engineers by telephone borrowers, approval of 7793
Telephone Loans Division, Chief, Assistant Chief, and Section Heads; authority to approve action of telephone borrowers in connection with equity funds, depositories of funds, and sales of material, or equipment 7793
Funds for loans for projects in various States; announcements and allocations:
Alabama 7190
Colorado 7189, 7191
Georgia 7192, 7193, 7194
Illinois 7193
Indiana 7190, 7191, 7192, 7193, 7194
Iowa 7190, 7191, 7193
Kansas 7193
Kentucky 7190
Louisiana 7190, 7193, 7194
Minnesota 7192, 7194
Missouri 7191
Montana 7191
New Jersey 7192
New Mexico 7194
North Carolina 7190, 7191, 7192, 7194
Ohio 7192
Oklahoma 7191
Oregon 7192
South Carolina 7190, 7193
South Dakota 7191, 7192
Tennessee 7193, 7194
Texas 7190, 7191, 7192, 7194, 7195
Utah 7189
Virginia 7194
Washington 7189, 7192
Wisconsin 7193
Wyoming 7190
Organization and functions 7792
See also Authority, delegation of.
Area offices, electric distribution; functions of 7792
Central organization 7792
Administrator, appointment and duties of 7792
Divisions; telephone loans and engineering, power, operations, engineering, technical standards, controller, information services, personnel, and administrative services, functions of 7792, 7793
Procedures; revision 7765
Assistance to borrowers 7767
Loans, under Rural Electrification Act, revision 7765
Studies, investigations and reports 7767

S

ST. LAWRENCE RIVER, power development in International Rapids Section. *See* International Joint Commission.

SALARY STABILIZATION BOARD: Page

Adjustments:
Customary relationships and differentials, adjustments to maintain. *See* Compensation relationship.
General adjustments and stabilization of salaries and other compensation (GSSR 1) 7539, 7853
Plants, new, salary schedules for (Int. 11) 7816
Positions new or changed, salaries for (Int. 10); references to GSSR 1 substituted for former references to GSSR 3 7902
Individual employees, adjustments for. *See* Individual employees.
Inter-plant inequities; adjustments. *See* Inter-plant inequities.
Athletes, professional, salaries and other compensation for (GSSR 7); reporting requirements, deletion 7589
Authority, delegation of. *See* Organization, delegation of authority, and functions.
Bonuses:
See also Pension plans.
Profit-sharing and other bonuses, payment of compensation in form of (GSSR 2); record-keeping required 7583
Compensation relationships, maintenance of; adjustments to reestablish and maintain certain customary relationships and differentials (GSO 6):
Adjustments, authorized (Int. 5) 7395
Supersedure 7546
Cost-of-living increases, extension of time limitation with regard to (GSO 1); supersedure 7546
Enforcement proceedings; for imposition of disallowances resulting from violations of regulations and orders relating to stabilization of wages, salaries, and other compensation of employees. *See main heading* National Enforcement Commission.
Individual employees, adjustments for; increases, promotions, new employees, etc. (GSSR 3), supersedure 7546
Inter-plant inequities, adjustments in salaries and other compensation (GSO 5); supersedure 7546
Organization, delegation of authority and functions:
Delegation of authority with respect to stabilization of salaries and other compensation of certain persons, revision 7195
Functions; conformity to regulations, policies and decisions of Board, deletion 7195
Panama Canal Zone, exemption of salaries and other compensation of bona fide residents employed in (GSO 3); supersedure 7546
Pension plans, and deferred profit-sharing and stock bonus plans (GSSR 6); record-keeping required 7588
Puerto Rico and Virgin Islands, exemption of salaries and other compensation of bona fide residents and employees in (GSO 2); supersedure 7546
Sales employees, compensation of; "outside salesmen" and employees who receive compensation in form of commissions on sales (GSSR 5), adjustments in commission earnings and rates:
Adjustments of commission earnings 7817
Applications for adjustments in certain commission rates and other compensation 7818
Driver-salesmen; adjustments in salaries and other compensation 7818
Increases in commission rates not to justify price increases 7818
Scope 7817
Straight commission basis, employees compensated on 7817
Stabilization and general adjustments of salaries and other compensation (GSSR 1) 7539, 7853
Plants, new; salary schedules for (Int. 11) 7816
Positions, new or changed, salaries for (Int. 10); references to GSSR 1 substituted for former references to GSSR 3 7902
Stock option and stock purchase plans (GSSR 4); reports and recordkeeping 7588
Virgin Islands. *See* Puerto Rico and Virgin Islands.
Workweek, extended; compensation (GSO 10), supersedure 7546

SALARY STABILIZATION OFFICE: Page

Organization and functions; definition of functions, deletion 7195
Regulations issued by Board. *See main heading* Salary Stabilization Board.

SCARCE, STRATEGIC, AND CRITICAL MATERIALS; stockpiling of. *See* General Services Administration.

SEAL, official, Federal Civil Defense Administration. *See* Federal Civil Defense Administration.

SEAMEN, regulations affecting. *See* Coast Guard; *and* State Department.

SECURITIES AND EXCHANGE COMMISSION:

Hearings, etc.:
Algonquin Gas Transmission Co 7171
Allegany Gas Co 7565
Alum Rock Gas Co 7565
Amarillo Gas Co 7102, 7682
American & Foreign Power Co., Inc 7102, 7795
American Power & Light Co 7065, 7564
American Research and Development Corp 7759
American Superpower Corp 7066
American Tobacco Co 7795
Andrews, F. L., Investment Trust 7201
Arkansas Power & Light Co 7522, 7955
Arlington Gas Light Co 7521
Ashland Oil & Refining Co 7795
Associated Electric Co 7357
Baker, Catherine E., George M., John F., and Katherine M 7954
Baker, Walsh & Co 7954
Bare, D. M., Paper Co 7101
Beverly Gas and Electric Co 7521
Blackstone Valley Gas and Electric Co 7796
Blandin Paper Co 7169
Boston Stock Exchange 7201
Brockton Edison Co 7796
Celanese Corp. of America 7795
Central Massachusetts Gas Co 7521
Chemical Fund, Inc 7868
Chicago, Milwaukee, St. Paul & Pacific Railroad Co 7795
Christiansen de Prahl, Ana 7566
Cities Service Co 7101
Clinton Foods, Inc 7795
Combined Locks Paper Co 7101
Connor Land and Lumber Co 7169
Consolidated Natural Gas Co 7319
Cornish and Kezar Falls Light and Power Co 7169
D. M. Bare Paper Co 7101
Delaware Power & Light Co 7403
Dempseytown Gas Co 7565
Detroit Stock Exchange 7611
Dome Mines Ltd 7795
Dow Chemical Co 7710
du Pont, Henry B 7761
du Pont de Nemours, E. I., and Co 7761
Duquesne Light Co 7065, 7869
East Ohio Gas Co 7319
Eastern Shore Public Service Co. of Maryland 7403
Eastern Shore Public Service Co. of Virginia 7403
Eastern Utilities Associates 7796
Ebensburg Coal Co 7131
El Paso Natural Gas Co 7795
Electric Bond and Share Co 7065, 7170, 7564
Eureka Corp. Ltd 7795
Fall River Electric Light Co 7796
Fedders-Quigan Corp 7795
Federal Light & Traction Co 7101
Federal Liquidating Corp 7101
Federal Mining & Smelting Co 7101
Fiduciary Management, Inc 7683
Food Machinery and Chemical Corp 7795
Gair, Robert, Co., Inc 7796
General Public Utilities Corp 7357, 7827
Gilman Paper Co 7168
Gloucester Gas Light Co 7521
Granite State Electric Co 7358
Great Northern Gas Co., Ltd 7440
Gulf, Mobile and Ohio Railroad Co 7796
Homestake Mining Co 7100
Hope Natural Gas Co 7319
Investment Bond and Share Corp 7954
Johnson, Barbara S. and Wallace D 7954
Kezar Falls Water Co 7169
Kezar Falls Woolen Co 7169

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Hearings, etc.—Continued
Laona Public Service Co 7169
Lawrence Gas and Electric Co 7521
Lawrence Investing Co., Inc 7132
Lion Oil Co 7796
Long Island Lighting Co 7132
Lorillard, P., Co 7796
Los Angeles Stock Exchange 7795
Malden and Melrose Gas Light Co 7521
Merck & Co., Inc 7796
Montana-Dakota Utilities Co 7796
Narragansett Electric Co 7358
Nassau & Suffolk Lighting Co 7132
National Fuel Gas Co 7171
National Securities and Research Corp 7760
New England Gas and Electric Assn 7171
New York State Natural Gas Corp 7319
Niagara Hudson Power Corp 7357
Niagara Mohawk Power Corp 7796
Normandie Gold Consolidated, Inc 7953
North Penn Gas Co 7565
Northampton Gas Light Co 7521
Northern Berkshire Gas Co 7521
Pennsylvania Electric Co 7357
Pennsylvania Gas & Electric Corp 7565
Penn-Western Service Corp 7565
People Natural Gas Co 7319
Philadelphia Co 7403, 7953
Potomac Edison Co 7172
Potomac Light and Power Co 7172
Public Service Co. of New Mexico 7101
Queens Borough Gas and Electric Co 7132
Raytheon Manufacturing Co 7796
Reynolds, R. J., Tobacco Co 7796
River Gas Co 7319
St. Louis-San Francisco Railway Co 7796
Salem Gas Light Co 7521
San Francisco Mining Exchange 7953
Small, Anne W. and Edwin W 7954
Small, Edwin Joseph 7954
Snyder Chemical Corp 7759
South Shore Utility Co 7101
Southern Natural Gas Co 7200, 7869
Southwestern Development Co 7102, 7682
Standard Gas and Electric Co 7319, 7953
Suburban Gas and Electric Co 7358, 7521
Tarbet, Arthur 7169
Taylorstown Natural Gas Co 7132
Union Producing Co 7103, 7683
United Gas Corp 7103, 7611, 7683
United Gas Pipe Line Co 7103, 7683
Utah Power & Light Co 7869
Wachusett Gas Co 7521
Walsh, Janice G., John T., and William F 7954
Walsh, William J 7954
Washington Oil Co 7131
Webb & Knapp, Inc 7066
Weesner, R. Paul 7683
West Texas Gas Co 7102, 7632
Regulations under various acts:
Securities Act of 1933; registration, exemptions from:
Canadian securities, exemption for (Regulation D); proposed rule making 7701
Amount of securities exempted 7703
Communications, written, limited use of 7704
Definitions of terms 7703
Denial and suspension of exemption 7705
Forms for letter of notification, offering circular, and reports of sales; instructions respecting 7705
Notification, letter of:
Filing, requirements for 7704
Preparation of, instructions respecting 7705
Offering circular:
Filing and use of 7704
Preparation of, instructions respecting 7705
Other material to be filed 7704
Prohibition of certain statements 7705
Reports of sales under exemption:
Filing, requirements for 7705
Form for 7706
Securities exempted 7703
Service of process, consent to 7704

SECURITIES AND EXCHANGE COMMISSION—Con. Page

Regulations under various acts—Continued
Securities Act of 1933; registration, exemption from—Continued
General exemption (Regulation A); proposed rule making 7603
Advertisements and other communications, limited; provisions for use 7605
Amount of securities exempted 7604
Definitions of terms 7604
Denial and suspension of exemption 7605
Forms for letter of notification, offering circular, and reports of sales; instructions respecting 7606
Notification, letter of:
Filing, requirements for 7604
Preparation of, instructions respecting 7606
Offering circular:
Filing and use of 7604
Preparation of, instructions respecting 7606
Other material to be filed 7605
Prohibition of certain statements 7605
Reports of sales under exemption:
Filing, requirements for 7606
Form for 7607
Securities exempted 7604
Securities Exchange Act of 1934; record disposal plan of certain exchanges for applications, reports, etc., which have been on file for five years:
Boston Stock Exchange 7201
Detroit Stock Exchange 7611

SOIL CONSERVATION SERVICE:
Authority, delegation of, from Secretary of Agriculture to Chief; authority respecting execution of certain contracts relating to transportation, communication, and fire protection measures 7099
Land conservation and utilization; contracts granting privileges to use land administered under Title III of the Bankhead-Jones Farm Tenant Act, with respect to transportation, communication, and fire protective measures, shall be obtained from Regional Directors 7570

STATE DEPARTMENT:
Compensation, additional, for Federal personnel on foreign duty. *See* Foreign duty.
Displaced Persons Commission; liquidation of affairs (Executive Order 10382) 7323
Export-Import Bank of Washington; designation of, as agent to issue and administer informational media guaranties 7210
Foreign duty of Federal personnel, compensation, additional, in foreign areas, lists of differential posts, additions and deletions:
Azores:
Lages Air Force Base 7175
Lages Field 7175
Brazil; all posts with certain exceptions 7175
Ecuador:
Portoviejo 7175
Quevedo 7175
India:
All posts with certain exceptions 7175
Nagpur 7175
Libya:
Wheelus Air Force Base 7175
Wheelus Field 7175
Morocco, Rabat; Headquarters, Fifth Air Division 7175
Nicaragua; Sebaco 7175
Informational media guaranties under Economic Cooperation Act of 1948, as amended; application for guaranties and place of filing, fees, saving clause, scope of regulations 7210
Designation of Export-Import Bank of Washington as agent 7210
Inter-American Affairs Institute; administration of, as part of Technical Cooperation Administration 7188
Seamen, regulations respecting. *See* Shipping and seamen.
Shipping and seamen; vessels of United States in foreign ports:
Discharge of seamen without intervention of consular officer not permitted if seamen has signed shipping agreement before proper authorities 7687

STATE DEPARTMENT—Continued Page

Shipping and seamen; vessels of United States in foreign ports—Continued
Wages, medium for payment of; voucher, by whom signed 7687
Technical Cooperation Administration:
Authority, delegation of, to execute purchase authorities and other documents with respect to procurement, by Administrator to:
Chief of Program Supply Control Section 7255
Director of Supply and Requirements Staff 7255
Organization and functions 7188
Institute of Inter-American Affairs, administration of 7188
STOCKPILING OF CRITICAL AND STRATEGIC MATERIALS. *See* General Services Administration.
STRATEGIC AND CRITICAL MATERIALS. *See* General Services Administration.
SUBVERSIVE ORGANIZATIONS; denial of tax deductions and exemptions to. *See* Internal Revenue Bureau.

T

TARIFF COMMISSION, UNITED STATES:
Investigation of imports under Trade Agreements Extension Act of 1951, and Tariff Act of 1930:
Cords and twines 7440
Cotton carding machinery and parts 7827
Silk scarves, screen-printed 7879
Trade agreements, tariff concessions under. *See* Trade agreements.
TAXES:
Excise, excise income, etc., regulations respecting. *See* Internal Revenue Bureau.
Head tax, exemption of certain aliens connected with international organizations. *See* Immigration and Naturalization Service.
TECHNICAL COOPERATION ADMINISTRATION, State Department. *See* State Department.
TERRITORIES AND POSSESSIONS:
See also Alaska; *and* Hawaii.
Appointment of United States Marshal in Virgin Islands without competitive examination 7713
Conservation programs, special agricultural, for Puerto Rico and Virgin Islands. *See* Agriculture Department.
Home loan banks in Guam. *See* Home Loan Bank Board.
Price control regulations affecting commodities sold in or to Alaska, Guam, Hawaii, Puerto Rico, Samoa and Virgin Islands. *See* Price Stabilization, Office of.
Sugar requirements and quotas, for Puerto Rico. *See* Agriculture Department.
TRADE AGREEMENTS:
General Agreement on Tariffs and Trade, modification with respect to tariff concessions on dried figs (Proclamation 2986) 7567
Torquay Protocol to General Agreement on Tariffs and Trade, modification with respect to dried figs (Proclamation 2986) 7567
TRAVEL AND TRANSPORTATION EXPENSES, of civilian personnel when transferred from one official station to another for permanent duty; means of shipment (Executive Order 10381) 7295

TREASURY DEPARTMENT:
See Coast Guard.
Customs Bureau.
Internal Revenue Bureau.
Accounts Bureau; surety companies acceptable on Federal bonds, certificate of authority issued to Western Fire Insurance Co 7160
Authority, delegation of:
To Commandant, United States Coast Guard, by Secretary, to make final determinations in physical disability retirement cases 7399
To Secretary, from General Services Administrator, to negotiate, without advertising, contracts and purchases in connection with modernization of equipment and operations of Bureau of Engraving and Printing 7732
Redelegation of, to Director, Bureau of Engraving and Printing, by Secretary 7864

TREASURY DEPARTMENT—Continued Page

Engraving and Printing, Bureau of; delegation of authority to Director, by Secretary, to negotiate, without advertising, contracts and purchases in connection with modernization of equipment and operations of Bureau 7864
Fiscal Service. *See* Accounts Bureau; *and* Public Debt Bureau.
Gold regulations. *See* Monetary Offices.
Monetary Offices; gold regulations:
Executive orders relating to hoarding, export, and earmarking of gold coin, gold bullion, and gold certificates, regulations of September 12, 1933; revocation 7888
Republication and revision of gold regulations 7888
Transitory provisions; legal effect of amendment of regulations 7896
Office of Secretary; reorganization of Bureau of Internal Revenue:
See also main heading Internal Revenue Bureau.
Headquarters (District of Columbia):
Abolition of offices of Assistant, Special Deputy, and Deputy Commissioner, effective August 10, 1952 7160
Establishment of new offices of Assistant to Commissioner, Heads of Divisions, Administrative and Executive Assistants 7160
Redesignation of offices of Assistant Commissioner for operational purposes 7160
Public Debt Bureau; Treasury certificates of indebtedness, offering of, Series C-1953, 2 percent 7128
Reorganization of Bureau of Internal Revenue. *See* Office of Secretary; *and main heading* Internal Revenue Bureau.

U

UNITED NATIONS; head tax exemption for certain aliens connected with, immigration regulation respecting. *See* Immigration and Naturalization Service.
UNITED STATES HIGH COMMISSIONER FOR GERMANY, functions of (Executive Order 10360) 7107

V

VESSELS:
Charter of vessels under Merchant Ship Sales Act. *See* Maritime Board, Federal.
Coast Guard regulations respecting. *See* Coast Guard.
Contracts for construction, reconditioning, or reconstruction of ships, profit in. *See* Maritime Administration.
Foreign trade statistics respecting vessel entrances and clearances. *See* Census Bureau.
Ship radio service. *See* Federal Communications Commission.
Transportation agreements. *See* Maritime Board, Federal.
Waiver of navigation and inspection laws. *See* Coast Guard.
VETERANS:
Benefits to. *See* Veterans' Administration.
Entry on public lands, homestead rights, etc. *See* Land Management Bureau; *and* Reclamation Bureau.

VETERANS' ADMINISTRATION:
Claims, for compensation or pension, by veterans, dependents, or beneficiaries:
Dependents' and beneficiaries' claims:
Death pension and compensation:
Commencement of original awards; non-service-connected death, increase in annual income limitations as provided by Public Law 357, 82d Congress 7124
Effective date of reductions and discontinuances:
Public Nos. 2, 141, 484, 73d Congress, as amended, and Public Law 301, 79th Congress:
Election to receive Bureau of Employees' Compensation benefits 7125
Income limitations under Part III, Veterans Regulation 1 (a), and Public No. 484, 73d Congress, as amended 7124
Philippines, Commonwealth Army of 7124

VETERANS' ADMINISTRATION—Continued Page

Claims, for compensation or pension, by veterans, dependents, or beneficiaries—Continued
Dependents' and beneficiaries' claims—Continued
Death pension and compensation—Continued
Effective date of reductions and discontinuances—Continued
Recommencement of death pension or compensation:
After discontinuance because of failure to file annual income questionnaire 7125
After discontinuance because payee had elected Bureau of Employees' Compensation benefits 7125
Pensionable and compensable service:
Concurrent payment of two benefits to same person; employees compensation 7124
Death of veteran not due to service; increased annual income limitations as provided by Public Law 357, 82d Congress 7124
Death of World War I veteran not result of military service; increased annual income limitations as provided by Public Law 357, 82d Congress 7124
Evidence required in establishing proof of birth, marriage, death, etc.; cause of death, principal or contributory 7185
Proof of relationship and dependency; proof of death 7148
Veterans claims:
Awards, amendments, and discontinuances; original awards, rates of pension:
Boxer Rebellion 7856
Civil War 7857
Indian Wars 7856
Philippine Insurrection 7856
Spanish-American War, Philippine Insurrection and or Boxer Rebellion 7856
Disallowance and awards:
Adjustment of award of veteran upon termination of institutionalization by Veterans' Administration; temporary absence from institution 7855
Annual income questionnaires 7123
Award action upon failure to return questionnaire as to income under Part III, Veterans Regulation 1 (a); revocation 7124
Computation of annual income for purposes of Part III, Veterans Regulation 1 (a) as amended 7123
Readjustment of awards of death pension where annual income is a factor 7124
Filing claims; application for benefits 7854
Proof of relationship and dependency; conditions which determine dependency 7855
Provisional regulations; increase in statutory awards as provided by Public Law 427, 82d Congress 7054
Service connection and evaluation, under laws in force on March 19, 1933, and as reenacted by certain public laws:
Combination of rates 7856
General law rates; disability not specified or fixed by or pursuant to law 7856
Disabled veterans, vocational rehabilitation for. *See* Vocational rehabilitation and education.
Insurance:
National service life insurance:
Cash value 7397
Change in plan:
Exchange of 5-year level premium term policy as of current effective date 7433
Exchange of level premium term policy as of date prior to current month 7433
Proof of death when claim is filed 7434
Renewal of 5-year level premium term insurance:
Other than insurance issued under section 621 of National Service Life Insurance Act, as amended 7434
Under provisions of section 621 of National Service Life Insurance Act, as amended 7434
United States Government life insurance:
Cash value, other than 5-year level premium term policy 7396

20000—52——6

VETERANS' ADMINISTRATION—Continued Page

Insurance—Continued
United States Government life insurance—Con.
Change in plan, to policy at higher rate of premium:
As of current effective date 7433
As of original effective date 7433
Five-year level premium term plan, renewal on 7433
Loans. *See* Servicemen's Readjustment Act of 1944.
Servicemen's Readjustment Act of 1944, Title III, loan guaranty:
Computation of guaranties or insurance credits 7625
Definitions, "Act" 7625
Direct loans:
Definitions, "Act" 7626
Minimum property and construction requirements 7626
Disqualification of lenders 7625
Minimum property and construction requirements 7626
Real estate loans; centerhead, deletion 7626
Vocational rehabilitation and education:
Disabled veterans:
Education and training:
Courses; limitations on training in excess of 4 years:
Authority for approval of courses in excess of 4 years 7695
Medical internship; physician, osteopathic, added 7695
Training on job in excess of 4 years 7695
Furnishing supplies:
Release of and repayment for training supplies 7857
To trainees in institutional on-farm training 7857
To veterans pursuing training on job for combination objectives 7695
Individual training program; preparation and content 7695
Leaves of absence:
Maximum leave allowable 7695
Unauthorized absences 7695
Reader service under Part VII, Veterans' Regulation 1 (a), as amended 7697
Supervision of individual trainee:
Change of employment objectives; nonconsumable supplies 7857
Records of supervision 7857
Travel of veterans:
Authority to approve travel 7696
Authorization for travel of attendants for claimants and beneficiaries under Part VII, Veterans' Regulation 1 (a), as amended 7696
For qualifying examination 7696
Interregional transfers:
For training 7696
To return veteran to points from which transported when placed in status "discontinued" 7696
When training cannot be provided for 30 calendar days or more 7696
Intraregional travel of trainees 7695
To return veteran from place of training where travel to place of training was not authorized 7696
Training facilities, manager, regional office, authorized to approved institutions; list of accrediting associations 7697
Training facilities:
See also Disabled veterans.
Authorization for payment or recovery of payment based upon decisions of Veterans' Education Appeals Board or court order 7698
Contracts under Public Laws 16 and 346, 78th Congress, as amended; contract provision where appeal to Veterans' Education Appeals Board is pending 7698
Determination of fair and reasonable compensation, establishment of customary cost of tuition; revision of rates 7698
Educational and training institutions, approval and disapproval of, by State approving agency or Administrator 7697

VETERANS' ADMINISTRATION—Continued Page

Vocational rehabilitation and education—Continued
Training facilities—Continued
Payment of tuition to profit educational or training institutions operating on a clock-hour basis for Part VII and Part VIII, Veterans Regulation 1 (a), as amended, trainees where trainee is absent from scheduled instructional periods 7697
Veterans Readjustment Assistance Act of 1952, Public Law 550, 82d Congress; "basic service period" beginning June 27, 1950 7223
Approval of courses of education and training 7242
Eligibility 7229
Enrollment 7231
Payment to veterans 7234
Reports by institutions, liability for overpayments, examination of records, appeals, etc. 7246
State approving agencies 7241

VOCATIONAL REHABILITATION, OFFICE OF:
Blind persons, business enterprises program for; terms, definition of "act" 7055

W

WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR:
Agriculture; processing of agricultural commodities, etc.:
"Canning," meaning of term 7929
Corn, shelling of 7929
First processing; fruits, vegetables, etc 7929
Handling, labeling, and casing of canned fresh fruit and vegetables in cannery storage place; revocation 7929
Certificates, special; for employment of learners, handicapped persons, etc., at below minimum wages:
Handicapped workers or handicapped clients in sheltered workshops; issuance of certificates to certain workshops 7706
Learners; issuance of certificates, for various industries:
Apparel; single pants, shirts and allied garments, women's apparel, sportswear and other odd outerwear, rainwear, robes and leather and sheep-lined garments divisions 7062, 7162, 7354, 7609, 7794
Cigar 7794
Glove 7062, 7162, 7354, 7609, 7794
Hosiery 7062, 7162, 7354, 7609, 7794
In Puerto Rico (miscellaneous industries) 7062, 7163
In Virgin Islands 7062, 7163
Knitted wear 7062, 7162, 7354, 7609, 7794
Miscellaneous 7062, 7354, 7609, 7794
School-operated 7609, 7794
Shoe 7062, 7354
Telephone (independent) 7062, 7162
Special industry committee, to investigate conditions and recommend minimum wage rates in various industries; Puerto Rico, Committee No. 12, notice of hearing on minimum wage recommendations for certain industries 7915

WAGE STABILIZATION BOARD:
Enforcement proceedings; for imposition of disallowances resulting from violations of regulations and orders relating to stabilization of wages, salaries, and other compensation of employees. *See main heading* National Enforcement Commission.
Pension plans and profit-sharing plans (GWR 21); interpretations respecting 7225
Resolutions; adoption and ratification of actions (resolutions, interpretations, orders, rules, etc.), heretofore taken by Wage Stabilization Board (Res. 105) 7209

WAR CLAIMS COMMISSION:
Claims; receipt, adjudication and payment:
Entitlement to award; prisoner of war compensation:
Base camp, definition of 7859
Geneva Convention:
Obligation of 7859
Violation of obligation 7859

WAR CLAIMS COMMISSION—Continued Page

Claims; receipt, adjudication and payment—Con.
Entitlement to award; prisoner of war compensation—Continued
Persons entitled to award of compensation 7859
Rate of and basis for award of compensation 7859
Filing of claims and procedures therefor:
Official forms 7858
Time within which claims may be filed 7858
General provisions; persons under legal liability 7858

WAR CLAIMS COMMISSION—Continued Page

Claims; receipt, adjudication and payment—Con.
Geneva Convention. *See* Entitlement to award.
Payment under War Claims Act 7860
WHALING COMMISSION, INTERNATIONAL. *See* International Whaling Commission.
WILDLIFE, protection, hunting, etc. *See* Fish and Wildlife Service; *and* International Whaling Commission.

CODIFICATION GUIDE, AUGUST 1952

A numerical list of the sections of the Code of Federal Regulations affected by documents published during August 1952. Page numbers of documents affecting sections but not specifically amending the text thereof appear in brackets, except in Titles 3 and 32A.

TITLE 3 Page

Chapter I (Proclamations):
2867 (suspended in part by Proc. 2986) 7567
2874 (suspended in part by Proc. 2986) 7567
2929 (see Proc. 2986) 7567
2985 7567
2986 7567
2987 7613
Chapter II (Executive orders):
8354 (superseded by CZO 28) 7944
8616 (revoked by EO 10388) 7877
9805 (amended by EO 10381) 7205
9943 (superseded by EO 10387) 7799
10063 (superseded by EO 10380) 7107
10378 7107
10379 7107
10380 7107
10381 7205
10382 7323
10383 7361
10384 7361
10385 7525
10386 7635
10387 7799
10388 7877

TITLE 5
Chapter I:
Part 6:
6.107 7570
6.108 7713
6.113 7067
Part 20:
20.11 7695
Part 25:
25.103 7109
25.222 7381
25.232 7381
25.241 7381
Part 27:
27.1 7441
27.2 7441
Chapter III:
Part 325:
325.11 7175

TITLE 6
Chapter I:
Part 70:
70.9 7177
70.10 7175, 7177
Chapter II:
Part 200 7765
Chapter III:
Part 304 7441
Part 311:
311.30 7570
Part 324:
324.41–324.46 7443

TITLE 6—Continued Page

Chapter III—Continued
Part 341 7801
Part 342 7801
Part 343 7805
Part 351 7807
Part 381:
381.4 7877
381.9 7877
Chapter IV:
Part 601:
601.1558 7405
601.1708 7363
601.1858 7324
601.2108 7525
Part 607:
607.306 7109
607.354 7527
607.355 7532
Part 617:
617.3 7110
Part 619:
619.2 7363
Part 672:
672.301–672.322 7261
672.351–672.367 7267

Title 7
Chapter I:
Part 27:
27.151–27.186 7407
Part 28:
28.401–28.402 7177
Part 44:
44.3 7135
44.4 7135
Part 51:
Proposed rules 7150, 7435
51.193 7408
51.272 7035
51.302 7879
Part 52:
52.271 7038
Part 53:
53.140–53.153 7363
Part 93:
Proposed rules 7700
Part 101:
Proposed rules 7252
101.3a–101.5 7915
101.7 7917
101.12 7917
101.16 7918
101.50–101.51 7918
101.86 7918
Part 102:
102.3a 7767
102.6 7767
102.7 7767
102.9 7767
102.14 7768
102.18 7768

TITLE 7—Continued Page

Chapter I—Continued
Part 102—Continued
102.44 7768
102.57–102.58 7768
102.80 7768
102.82 7768
102.83 7768
102.86 7768
102.88 7768
102.90 7768
102.91 7768
102.93 7768
102.94 7768
102.95 7768
102.96 7768
102.99 7768
Part 162:
Proposed rules 7436
Chapter III:
Part 301:
301.45 7205
301.45–1 7207
301.45–2 7207
301.45–3 7208
301.45–4 7208
301.45–5 7208
301.45–7 7208
301.45–8 7208
Part 319:
Proposed rules 7677
Part 321:
Proposed rules 7677
Chapter VI:
Part 600:
600.3 7570
Chapter VII:
Part 701:
701.401 7110
Part 702:
702.300–702.383 7829
Part 703:
703.200–703.262 7836
Part 706:
706.401–706.438 7269
Part 725:
725.403–725.404 7613
Part 729:
729.355 7273
Chapter VIII:
Part 812:
812.5 7273
Part 814:
814.7 7366, 7367
Chapter IX:
Part 903:
Proposed rules 7254, 7742
903.51 7883
Part 904:
Proposed rules 7291
904.1 7769
904.2 7769

TITLE 7—Continued Page
Chapter IX—Continued
Part 904—Continued
904.4 7769
904.15–904.17 7769
904.29 7769
904.40 7769
904.48 7769
904.51 7770
904.75 7770
Part 906:
Proposed rules 7820
906.51 7919
906.65 7919
Part 907:
Proposed rules 7498
907.33 7884
907.45 7884
907.50 7884
907.90 7884
907.91 7884
Part 909:
Proposed rules 7398
Part 910:
910.206 7411
Part 921:
Proposed rules 7094, 7743
921.51 7919
Part 924:
Proposed rules 7500
Part 925:
Proposed rules 7372
Part 928:
Proposed rules 7745
928.51 7808
Part 931:
Proposed rules 7095
Part 932:
Proposed rules 7304
Part 934:
Proposed rules 7291
934.2 7771
934.4 7771
934.12 7771
934.15 7771
934.16 7771
934.22 7771
934.25 7771
934.40 7771
934.48 7772
934.51 7772
934.70 7772
Part 935 7411
Part 939:
939.305 7274, 7919
Part 940:
Proposed rules 7398
940.304 7383, 7808
Part 941:
Proposed rules 7505
941.17 7840
941.40 7840
941.41 7841
941.52 7841
941.61 7841
941.66 7841
941.67 7841
941.68 7841
941.70 7841
Part 946:
Proposed rules 7127, 7746
946.51 7885
Part 947:
Proposed rules 7291
947.12 7773
947.41 7773
947.48 7773
947.50 7774
947.72 7774
Part 949:
Proposed rules 7701

TITLE 7—Continued Page
Chapter IX—Continued
Part 950:
Proposed rules 7095
950.130 7069
950.202 7808
Part 951:
Proposed rules 7398
951.4 7418
951.7 7418
951.11–951.12 7418
951.32 7418
951.40 7418
951.52 7418
951.60 7418
951.87 7418
951.313 7774
Part 953:
953.100–953.130 7713
953.552 7070
953.553 7069
953.554 7274
953.555 7447
953.556 7717
953.557 7920
Part 957:
957.205 7920
Part 958:
Proposed rules 7095, 7254
Part 959:
959.308 7447
Part 973:
Proposed rules 7503
973.50 7687
Part 979:
979.7 7275
979.23 7275
Part 986:
Proposed rules 7187, 7602
986.205 7842
Part 991 7920
Proposed rules 7748, 7906
Part 992:
992.204 7209
Part 996:
Proposed rules 7291
996.4 7775
996.12 7775
996.15 7775
996.16 7776
996.25 7776
996.40 7776
996.48 7776
996.51 7776
996.64 7777
996.71 7777
Part 999:
Proposed rules 7291
999.4 7777
999.12 7777
999.15 7777
999.16 7777
999.25 7777
999.40 7777
999.48 7777
999.50 7778
999.51 7778
999.71 7778

TITLE 8
Chapter I:
Part 105:
105.3 7111
Chapter IV 7323

TITLE 9
Chapter I:
Part 9:
9.6 7135
9.16 7135

TITLE 9—Continued Page
Chapter I—Continued
Part 11:
11.11 7137
11.35–11.37 7137
Part 17:
17.8 7137
Part 76:
76.9–76.13 7070
76.10 7367, 7571, 7927
Part 91:
Proposed rules 7700
Part 92:
Proposed rules 7342
Part 93:
Proposed rules 7342
Part 94:
Proposed rules 7742
Chapter II:
Part 201:
Proposed rules 7602

TITLE 14
Chapter I:
Part 40:
Proposed rules 7187, 7949
Part 41:
Proposed rules 7790
Part 42:
Proposed rules 7096
42.16 7071
Part 43:
43.10–1—43.10–2 7419
43.22–1—43.22–2 7675
Part 60:
60.18–6 7533
60.18–7 7178
Part 61:
Proposed rules 7187, 7949
Part 62:
62.36 7111
Part 202:
202.8 7809
Part 203:
203.9 7810
Part 290 7138
Part 291:
291.28 7811
Part 292:
292.9 7812
Part 296:
296.16 7813
296.17–296.19 7813
Part 297:
297.14 7814
Part 298:
Proposed rules 7549
Uncodified special regulation 7200
298.10 7814
Part 302:
302.12 7420
302.14 7041
302.310 7040
Chapter II:
Part 570:
570.55 7181
Part 600:
600.109 7323
600.602 7384
600.656 7323
600.6006 7384
600.6008 7384
600.6016 7384
600.6039 7384
600.6057 7384
Part 601:
601.1039 7384
601.1294 7384
601.1295–601.1296 7815
601.4016 7384

TITLE 14—Continued Page
Chapter II—Continued
Part 601—Continued
601.4217 7384
601.4261 7384
601.6039 7384
601.6097 7384
601.7001 7384
Part 608:
608.14 7072
608.29 7072
608.61 7072
Part 609:
609.3 7385
Part 612:
612.3 7385

TITLE 15
Chapter I:
Part 30:
30.48 7138
Chapter III:
Part 370:
370.10 7718
Part 371:
371.9 7718
371.18 7181
371.28 7718
Part 372:
372.3 7448, 7719
Part 373:
373.1 7719
373.7 7719
373.11 7448
373.16 7719
373.24 7448
373.51 7448, 7720
Part 374:
374.3 7720
Part 380:
380.1 7181, 7448
Part 382:
382.51 7448
Part 384:
384.8 7535
384.12 7139
Part 398:
398.1 7449
398.7 7450
398.8 7450
398.9 7450
Part 399:
399.1 7182, 7451, 7452, 7453, 7571, 7720, 7721, 7927

TITLE 16
Chapter I:
Part 3:
3.15 7209, 7928
3.20 7209
3.45 7928
3.70 7041
3.85 7928
3.90 7723
3.115 7139
3.135 7139
3.170 7209, 7723, 7928
3.195 7209, 7928
3.205 7139, 7928
3.235 7041
3.245 7139
3.250 7139
3.260 7041
3.515 7041
3.1540 7139
3.1670 7139
3.1740 7139
3.1755 7139
3.1860 7041
3.1905 7041
3.1980 7041
3.2080 7041

TITLE 16—Continued Page
Chapter I—Continued
Part 3—Continued
3.2290 7928
3.2345 7041
3.2475 7210

TITLE 17
Chapter I:
Part 1:
Proposed rules 7905
Chapter II:
Part 230:
Proposed rules 7603, 7701

TITLE 18
Chapter I:
Part 157:
157.5–157.22 7385

TITLE 19
Chapter I:
Part 5:
5.8 7042
5.11 7042, 7043
Part 6:
6.12 7594
Part 8:
8.6 7885
8.8 7885
8.13 7140, 7625
8.23 7885
Part 11:
11.12a 7140
Part 16:
16.2 7111
Part 18:
18.4 7043
18.15 7043
Part 24:
24.13 7043

TITLE 21
Chapter I:
Part 1:
1.108–1.109a 7815
1.321 7072
Part 141:
141.47 7043, 7385
141.55 7043
141.56–141.57 7885
141.401 7044
Part 146:
146.26 7886
146.45 7886
146.58 7886
146.66 7044
146.78 7044
146.79–146.80 7886
146.108 7044
146.211 7887
146.212 7887
146.401 7044

TITLE 22
Chapter I:
Part 99 7210
Part 127:
127.16 7687
127.18 7687

TITLE 23
Chapter I:
Part 1:
1.13 7815

TITLE 24
Chapter I:
Part 121:
121.10 7140

TITLE 25
Chapter I:
Part 130:
Proposed rules 7252

TITLE 26 Page
Chapter I:
Part 29:
Proposed rules 7249
Statutory provisions 7211, 7213
I. R. C. 23 (o) (2) 7211
29.23 (o)–1 7211
I. R. C. 23 (q) (2) 7211
29.23 (q)–1 7211
I. R. C. 101 7211, 7212
29.101–3 7211
I. R. C. 101 (6) 7212
29.101 (6)–1 7213
I. R. C. 141 7215
29.141–1 7216, 7217
29.275–1 7213
I. R. C. 505 (a) (2) 7213
I. R. C. 3813 7213
29.3813–1—29.3813–3 7213
I. R. C. 3814 7214
29.3814–1 7214
Part 40:
Proposed rules 7789
40.450–1 7217
Part 143:
143.32–143.33 7688
143.34 7688
143.35 7688
Part 319 7842
Part 320:
Statutory provisions 7045
320.0 7045
320.2 7045
320.31 7045
320.33 7045
320.50 7045
320.52 7045
320.53 7045
320.75a 7046
Part 324:
Proposed rules 7055
Part 458:
458.313 7688

TITLE 29
Chapter V:
Part 678:
Proposed rules 7946
Part 689:
Proposed rules 7946
Part 692:
Proposed rules 7946
Part 697:
Proposed rules 7946
Part 706:
Proposed rules 7946
Part 780:
780.50–780.52 7929

TITLE 31
Chapter I:
Part 50 7688
Part 54 7688

TITLE 32
Subtitle A:
Part 25 7183
Chapter V:
Part 505 7140
Part 514 7677
Part 533:
533.4 7724
533.8 7724
Part 582:
582.2 7535
Chapter XIV:
Part 1421:
1421.101–1421.112–4 7218
1421.130–1421.143 7218
Part 1422:
Subpart J 7218

TITLE 32—Continued Page
Chapter XIV—Continued
Part 1423:
1423.310 7218
1423.331–1 7218
1423.332–1 7218
1423.354 7218
1423.360–1423.363 7218
1423.388–2 7219
Part 1425:
1425.508 7219
Part 1427 [7219]
Part 1428:
1428.805 7219
1428.825–1428.827 7219
Part 1453:
1453.2 7072, 7219
Chapter XVII:
Part 1709 7390

TITLE 32A
Chapter I (ODM):
DMP 7 7390
Chapter III (OPS):
CPR 4:
Appendix A 7368
CPR 7 7454
CPR 7, SR 4:
Sec. 10 7930
CPR 9, SR 2:
Sec. 2 7485
CPR 9, SR 4 7485
CPR 14:
Sec. 26a 7421
28a 7421
CPR 15:
Sec. 4 7536
10 7536
26b 7221
39 7536
CPR 15, Int. 3 7047
CPR 16:
Sec. 4 7537
10 7537
24b 7221
34 7537
CPR 17:
Sec. 11 7325
CPR 22:
Sec. 32 7047
Appendix A 7074, 7486
CPR 22, Int. 34 7144
CPR 22, SR 6 7422
CPR 22, SR 30:
Appendix A 7487
CPR 22, SR 31 7391
CPR 24:
Sec. 11 7144, 7689
20 7144, 7689
29 7144, 7689
CPR 24, Int. 2 7931
CPR 30:
Sec. 41 7690
45 7690
CPR 30, SR 4:
Sec. 17a 7326
CPR 31:
Sec. 18 7074
Appendix A 7691
CPR 34, SR 3:
Sec. 2 7184
Appendices OO–QQ 7184
CPR 34, SR 23 7537
CPR 34, SR 24 7729
CPR 50:
Sec. 11 7691
15 7691
CPR 60:
Sec. 2a 7422
CPR 67:
Sec. 17 7691
Appendix A 7222

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
CPR 70:
Sec. 5 7453
7 7453
CPR 74, Int. 1 7047
CPR 83 7572
CPR 94:
Appendix A 7048
CPR 94, Int. 2 7048
CPR 97:
Appendix A 7222
CPR 98:
Sec. 34 7724
CPR 117:
Sec. 1 7075
2 7427
22 7075
25–26 7075
27 7075
28 7076
32 7075
34 7076
36 7076
37 7076
38 7077
50 7077
53 7077
54 7078
70 7078
90 7078
CPR 120:
Sec. 13 7112
20 7112, 7692
CPR 120, SR 1 7113
CPR 126, Int. 1 7732
CPR 128:
Secs. 12–14 7327
20 7327
35 7327
45 7327, 7328, 7329, 7330, 7331
46 7331, 7332
CPR 134:
Sec. 10 7902
CPR 142:
Sec. 12 7692
CPR 143:
Sec. 1.7 7223
1.9 7223
2.2 7223
3.1 7223
3.2 7223
CPR 157:
Sec. 6 7428
CPR 162 7144
CPR 163 7333
CPR 164 7615
CPR 165 7725
CPR 166 7732
CPR 167 7778
DR 3:
Sec. 16 7428
GCPR:
Sec. 14 7487
GCPR, Interpretations:
Int. 56 7815
Int. 57 7816
Int. 59 7736
GCPR, SR 13:
Sec. 2 7049
GCPR, SR 39 7078
GCPR, SR 63, AMPR 12:
Sec. 1 7081
Appendices I–III 7338
GCPR, SR 63, AMPR 18:
Sec. 1 7488
4–5 7488
6 7488
7 7488
8 7488
GCPR, SR 63, AMPR 27 7082

TITLE 32A—Continued Page
Chapter III (OPS)—Continued
GCPR, SR 63, AMPR 28 7083
GCPR, SR, 63, AMPR 29 7085
GCPR, SR 63, AMPR 30 7896
GCPR, SR 63, AMPR 31 7803
GCPR, SR 63, AMPR 32 7931
GCPR, SR 100 7585
GCPR, SR 107:
Sec. 6 7579
GCPR, SR 108, Int. 1 7148
GCPR, SR 111 7044
GCPR, SR 112 7332
GCPR, SR 113 7224
GCPR, SR 114 7303
GCPR, SR 115 7736
GOR 3:
Sec. 2 7276
5 7276
GOR 4:
Sec. 2 7277
3 7277
GOR 7:
Sec. 2 7081, 7428
11 7114
GOR 8:
Sec. 1 7185
2 7185
GOR 9:
Sec. 2 7050, 7488, 7489
GOR 14:
Sec. 4 7046
GOR 23:
Sec. 2.2 7737
3.1–3.2 7030
4.1 7933
GOR 33 7852
Steel SO 1 7046
Chapter IV:
Subchapter A (SSB):
GSO 1 7546
GSO 2 7546
GSO 3 7546
GSO 5 7546
GSO 6 7546
GSO 10 7546
GSSR 1 7539
Sec. 52 7853
GSSR 2:
Sec. 10 7588
GSSR 3 7546
GSSR 4:
Sec. 7 7588
GSSR 5:
Sec. 1 7817
5 7817
9–12 7817
GSSR 6:
Sec. 6 7583
GSSR 7:
Sec. 7 7589
Int. 5 7395
Int. 10:
Sec. 1.1 7902
2.14 7902
3.2 7902
3.4 7902
Int. 11 7816
Subchapter B (WSB):
GWR 21, Interpretations 7225
Res. 105 7339
Subchapter D (NEC):
GPR 1 7737
Prior to revision 7087
Interim Proc. Order 7086, 7741
Chapter VI (NPA):
CMP Reg. 1, Dir. 1:
Sec. 7 7339
CMP Reg. 1, Dir. 3 7339
CMP Reg. 1, Dir. 4 7784
CMP Reg. 1, Dir. 16 7936

TITLE 32A—Continued Page
Chapter VI (NPA)—Continued
CMP Reg. 1, Dir. 17 7339
CMP Reg. 1, Dir. 18 7937
Prior to revision 7340
CMP Reg. 1, Dir. 19 7933
Prior to revision 7589
CMP Reg. 2 7938
CMP Reg. 2, Dir. 1 7940
CMP Reg. 3, Dir. 4 7692
CMP Reg. 6:
Sec. 24 7115
Table II 7116
CMP Reg. 6, Dir. 7 7935
Prior to revision 7590
M–1:
Sec. 3 7087
8 7087, 7088
10 7088
Table II 7088
M–1, Dir. 6 7088
Sec. 3 7185
M–2 7940
M–6A, Dir. 3 7114
M–6A, Sched. 1 7692
M–6A, Sched. 2, Dir. 1 7693
M–8:
Sec. 1 7089
7 7089
8 7090
13–17 7090
M–16:
Sec. 2 7148
9 7148
M–20, Dir. 1 7429
M–24:
Secs. 3–4 7368
Schedule A 7368
M–25:
Sec. 9 7489
M–36 7090
M–45, Sched. 5 7368
M–46:
Sec. 10 7051
M–46, Dir. 4 7854
M–46A, Dir. 2 7854
M–47A:
Sec. 3 7116
M–47B 7116
M–50 7489
M–50, Dir. 1 7941
M–50, Dir. 2 7493
M–54 7430
M–66, Dir. 1 7942
M–69 7591
M–74 7118
M–74, Dir. 1 7118
M–77:
Sec. 2 7118
5 7118
M–80:
List II 7785
M–80, Sched. 5 7785
M–82, Dir. 1 7693
M–94 7547
M–95 7592
M–100:
Sec. 1 7118
4 7118
5 7118
6 7118
Schedule I 7118
Schedule II 7118
M–104 7051
Reg. 2, Dir. 5 7395
Reg. 3 7693
Chapter IX (PAD):
PAD 2 7786
Chapter XIV (GSA) 7051, 7052

TITLE 32A—Continued Page
Chapter XVII (HHFA):
CR 3:
Appendix 7788
CR 5 7118
Chapter XXI (ORS):
RR 1:
Sec. 73 7227
Schedule A 7277, 7396, 7432, 7493, 7741, 7854
Schedule B 7493, 7625
RR 2:
Sec. 73 7227
Schedule A 7277, 7396, 7432, 7493, 7741, 7854
Schedule B 7494, 7625
RR 3:
Sec. 45 7227
Schedule A 7277, 7396, 7432, 7741, 7854
Schedule B 7593, 7625
RR 4:
Sec. 45 7227
Schedule A 7277, 7396, 7432, 7741, 7854
Schedule B 7625
Chapter XXIII (DMPA) 7053

TITLE 33
Chapter I:
Part 19:
19.15 7494
Chapter II:
Part 202:
202.60 7695
202.155 7695

TITLE 35
Chapter I:
Part 21:
21.3 7942
Appendix (Canal Zone orders):
28 7942

TITLE 36
Chapter I:
Part 20:
20.1 7902
20.45 7903

TITLE 37
Chapter I:
Part 1:
Proposed rules 7822
Part 100:
Proposed rules 7822

TITLE 38
Chapter I:
Part 3:
3.26 7854
3.55 7148
3.57 7855
3.228 7123
3.229–3.230 7123
3.256 7855
3.292 7124
3.1062 7856
3.1063 7856
3.1108 7856
3.1110 7856
3.1112 7857
3.1516 7054
Part 4:
4.19 7185
4.34 7124
4.48 7124
4.51 7124
4.76 7124
4.86 7124
4.88 7125
Part 6:
6.47 7433
6.51 7433

TITLE 38—Continued Page
Chapter I—Continued
Part 6—Continued
6.115 7396
6.170 7433
Part 8:
8.27 7397
8.33–8.34 7433
8.52 7434
8.85–8.86 7434
Part 21:
21.206 7695
21.212 7695
21.236b 7857
21.237b 7695
21.243 7857
21.247 7857
21.262 7857
21.263 7695
21.265 7695
21.266 7695
21.267 7696
21.268 7696
21.269 7696
21.272–21.273 7696
21.274 7696
21.279 7697
21.400 7697
21.418 7697
21.520 7697
21.530 7698
21.580 7698
21.680 7698
21.2000–21.2309 7228
Part 36:
36.4301 7625
36.4302 7625
36.4331 7625
36.4347 7626
36.4501 7626
36.4521 7626

TITLE 39
Chapter I:
Part 4:
4.5 7818
Part 25:
25.7 7818
Part 35:
35.13 7818
Part 53:
53.16 7572
Part 84:
84.5 7148
Part 92:
92.13 7818
Part 94:
94.6 7818
Part 96:
96.12 7819
Part 97:
97.15 7819
97.16 7819
97.21 7819
Part 125:
125.4 7819
Part 127:
127.10 7278
127.19 7149
127.34 7494
127.71 7494
127.76 7494
127.80 7149
127.82 7494
127.101 7698
127.102 7494
127.209 7494
127.213 7278
127.229 7278
127.258 7278
127.264 7699

TITLE 39—Continued Page
Chapter I—Continued
Part 127—Continued
127.298 7278
127.305 7278
127.306 7278
127.307 7278
127.333 7278
127.334 7278
127.336 7278
127.338 7278
127.339 7278
127.348 7278, 7279
127.356 7278
127.380 7149
Part 137:
137.28 7819

TITLE 41
Chapter II:
Part 202:
Proposed rules 7864
Part 203:
203.15–203.22 7944

TITLE 43
Chapter I:
Part 146:
146.3 7547
Part 192:
192.42 7186
Part 295:
295.9–295.11 7368
295.11 7677
Appendix (Public land orders):
858 7055
859 7125
860 7494

Title 44
Chapter I:
Part 99:
99.105 7125

TITLE 45
Chapter I:
Part 105:
105.9–105.10 7858
105.25 7858
Chapter IV:
Part 402:
402.2 7055
Chapter V:
Part 505:
505.2–505.3 7858
Part 506:
506.2 7858
Part 507:
507.1–507.2 7859
507.8 7859
507.10–507.11 7859
Part 508:
508.2 7860

TITLE 46
Chapter I:
Part 32:
32.35–25—32.35–35 7627
Part 46:
46.40 7628
Part 51 7628
Part 52:
52.01–1—52.01–15 7633
52.01–35 7633
52.05–5—52.05–25 7633
52.10–1—52.10–25 7636
52.15–1—52.15–15 7637
52.20–1—52.20–20 7638
52.22–1—52.22–15 7639
52.24–1—52.24–10 7640
52.25–1—52.25–20 7641
52.30–1 [7643]
52.35–1 7643
52.35–5 7644

TITLE 46—Continued Page
Chapter I—Continued
Part 52—Continued
52.35–10 7644
52.35–20 7644
52.40–5—52.40–15 7645
52.45–15 7646
52.50–5 7646
52.50–15 7646
52.55–1—52.55–10 7647
52.60–1—52.60–20 7648
52.70–1—52.70–55 7648
Part 53:
53.03–15 7650
53.03–25 7650
53.03–45 7650
53.03–63 7651
53.03–70—53.03–75 7651
53.05–30 7652
53.05–50 7652
Part 54 7652
Part 55:
55.07–1—55.07–25 7657
55.10–10 7665
55.10–15 7665
55.10–25—55.10–30 7665
55.10–40 7667
55.10–55 7667
55.10–65 7667
55.13–1—55.13–5 7667
55.13–20 7667
Part 56:
56.01–1—56.01–8 7668
56.01–15—56.01–20 7668
56.01–50 7668
56.01–55 7668
56.01–60 7669
56.01–65—56.01–70 7669
56.01–80 7670
56.05–6 7671
Part 57:
57.25–1—57.25–60 7672
Part 59:
59.62–59.62a 7672
Part 69:
60.55–60.55a 7672
Part 76:
76.55–76.56 7672
Part 94:
94.54–94.55 7673
Part 113:
113.46a–113.47 7673
Part 154:
154.15 7495
Part 155 7495
Part 162:
162.026–1—162.026–17 7673
Chapter II:
Part 285 7594
Part 310:
310.6 7861
310.8 7861

Title 47
Chapter I:
Part 1:
1.311 [7495], 7601
1.317 7601
1.318 7601
1.319 7601
1.320 [7495], 7601, 7602
1.321 [7495]
1.384 7290
Part 2:
Proposed rules 7096, 7127, 7152, 7510, 7549
2.104 7150
Part 3:
Proposed rules 7349, 7350, 7510
3.203 7150
3.204 7150

TITLE 47—Continued Page
Chapter I—Continued
Part 3—Continued
3.511 7602
3.520 7602
3.557 7602
3.603 7150
3.607 7486
3.613 7548
Part 7:
Proposed rules 7153, 7351, 7511
7.104 7369
7.188 7369
7.206 7369, 7370, 7548
7.207 7370
7.208 7370
7.211 7370
Part 8:
Proposed rules 7153, 7154, 7511, 7906
8.105 7370
8.201 7370
8.221 7370
8.222 7370
8.321 7370
8.322 7370
8.323 7370
8.324 7370
8.327 7370
8.330 7370
8.403 7370
Part 9:
Proposed rules 7511
Part 12:
Proposed rules 7097
12.91 7819
Appendix 4 7820
Part 14:
14.10 7370
14.11–14.13 7370
14.33 7370
Part 18:
18.22–18.23 7092
18.31 7093

TITLE 49
Chapter I:
Part 4:
4.1 7548
Part 5 7549
Part 56:
56.25 7699
Part 57 7093
57.3 7093
Part 71:
71.12 7279
Part 72:
72.5 7279
Part 73:
73.9 7279
73.33 7280
73.34 7280
73.65 7280
73.69 7280
73.88 7280
73.100 7280
73.115 7280
73.118 7280
73.119 7280
73.127 7281
73.142 7281
73.153 7281
73.158 7281
73.162 7281
73.184 7281
73.193 7281
73.218 7281
73.220 7281
73.229 7281
73.244 7281

TITLE 49—Continued Page
Chapter I—Continued
Part 73—Continued
73.245 7281
73.262 7281
73.264 7281
73.265 7281
73.271 7282
73.282 7282
73.300 7282
73.308 7282
73.315 7282
73.353 7282
73.360 7282
73.361 7283
73.376 7283
73.414 7283
Part 74:
74.563 7283
Part 77:
77.803 7283
77.804 7283
77.835 7283
Part 78:
78.10—78.10–6 7283
78.23–1 7284
78.43–2 7284
78.80–2 7284
78.81–2 7284
78.82–2 7284
78.83–2 7284
78.83–13 7284
78.84–2 7284
78.84–13 7284
78.84–14 7285
78.86–2 7285
78.86–13 7285
78.87–2 7285
78.89–2 7285

TITLE 49—Continued Page
Chapter I—Continued
Part 78—Continued
78.88–12 7285
78.90–2 7285
78.90–12 7285
78.91–2 7285
78.97–2 7285
78.98–2 7286
78.99–2 7286
78.100–2 7286
78.101–2 7286
78.110—78.110–11 7286
78.115–2 7286
78.116–2 7286
78.117–2 7286
78.118–2 7287
78.119–2 7287
78.125–5 7287
78.218–4 7287
78.245–1 7287
78.257–78.293:
78.270 7287
78.280 7287
78.285 7287
Appendix C 7288
78.294 7287
78.336–1 7290
Part 95:
95.867 7945
95.870 7945
95.871 7946
95.884 7125, 7371
95.885 7126, 7371
95.889 7371, 7496
Part 97:
97.877 7946
Part 132:
132.3 [7150]
Part 167 7126

TITLE 49—Continued Page
Chapter I—Continued
Part 193:
193.65 7126
193.75 7126
Part 206:
Proposed rules 7550
Part 324:
324.45 7497
324.1–151 7497
324.1–180 7497
324.1–223 7497
324.1–229 7497
324.7–452 7497
324.7–455 7497
Part 440:
Proposed rules 7187

Title 50
Chapter I:
Proposed rules 7397
Part 6:
6.3 7397, 7903
6.4 7903
6.6 7904
Part 7:
7.11 7372
Part 9 7372
Part 31:
31.136 7905
31.291–31.294 7905
Part 33:
33.58–33.60 7186
33.96 7497
33.98 7457
Part 36:
36.11 7290
Part 116:
116.3 7240
Chapter III:
Part 351 7361

20:00—52——7

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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

PERSIAN (TAHITI) LIMES

On June 18, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5467) regarding proposed United States Standards for Persian (Tahiti) Limes. A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Persian (Tahiti) Limes are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.272 *Standards for Persian (Tahiti) limes*—(a) *Grades*—(1) *U. S. No. 1.* U. S. No. 1 consists of Persian Limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have a good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 1 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 1 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 1 or U. S. No. 1 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(2) *U. S. No. 2.* U. S. No. 2 consists of Persian Limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(i) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 2 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 2 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 2 or U. S. No. 2 Turning.

(ii) The fruit shall have a juice content of not less than 42 percent, by volume.

(Continued on p. 7037)

CONTENTS

Page

Agriculture Department
See Production and Marketing Administration.

Civil Aeronautics Board
Rules and regulations:
Rules of practice in economic proceedings:
Participation in hearings by persons not parties 7040
Procedures for fixing temporary mail rates 7040

Commerce Department
See Federal Maritime Board; National Production Authority.

Customs Bureau
Rules and regulations:
Customs relations with contiguous foreign territory; in-transit shipments 7042

Defense Materials Procurement Agency
Rules and regulations:
Columbium-tantalum purchase program 7053

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Maritime Board
Notices:
Annual review of bareboat charters; prehearing conference 7061

Federal Power Commission
Notices:
Hearings, etc.:
Consolidated Gas Utilities Corp 7065
East Tennessee Natural Gas Co 7064
Lopeno Gas Co 7064
Kansas-Nebraska Natural Gas Co. Inc 7064
Michigan Consolidated Gas Co 7065
MidSouth Gas Co 7063
Northern Natural Gas Co 7064
Texas Gas Transmission Corp. et al 7064

Federal Security Agency
See Food and Drug Administration; Vocational Rehabilitation, Office of.

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Trade Commission — Page
Rules and regulations:
Cease and desist orders:
Home Machine Supply, Inc., et al — 7041
Roman-Raichert Co., Inc. et al — 7041

Food and Drug Administration
Rules and regulations:
Miscellaneous amendments:
Certification of batches of antibiotic and antibiotic-containing drugs — 7043
Tests and methods of assay for antibiotic and antibiotic-containing drugs — 7043

General Services Administration — Page
Rules and regulations:
Mica regulation: Purchase programs for domestic mica — 7052
Tungsten regulation: Domestic tungsten program — 7051

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Tennessee Central Railway Co.; rerouting or diversion of traffic — 7066

Internal Revenue Bureau
Proposed rule making:
Tax, excise, on diesel fuel — 7055
Rules and regulations:
Retailers' excise taxes; miscellaneous amendments — 7045

Labor Department
See Wage and Hour Division.

Land Management, Bureau of
Rules and regulations:
Montana; modification of withdrawal of lands on Fort Peck Reservation — 7055

National Production Authority
Rules and regulations:
Metalworking machines—finishes; revocation (M–104) — 7051
Priorities assistance for the Petroleum and Gas Industries in United States and Canada — 7050

Price Stabilization, Office of
Notices:
Delegations of authority:
Directors of the regional Offices; act under GCPR, SR 65 — 7063
Region XIV, Director of; establish or adjust ceiling prices in the Territories and possessions — 7062
Rules and regulations:
Adjustable pricing order for steel mill products (Steel SO 1) — 7046
Coke, coal chemicals and coke oven gas; successor long-term contracts (GCPR, SR 13) — 7048
Excepted and suspended services; handling and storage of cotton (GOR 14) — 7046
Exemptions of certain industrial materials and manufactured goods; imported ores and concentrates purchased between May 8 and June 16, 1952, miscellaneous amendments (GOR 9) — 7050
Manufacturers' general ceiling price regulation; reports under section 32, clarifications (CPR 22) — 7047
Pork sold at wholesale; application for ceiling price (sec. 5) (CPR 74, Int. 1) — 7047
Pulpwood produced and sold for use in certain counties of the State of New Jersey (GCPR, SR 111) — 7049

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Retail food; applicability of CPR 15 to 5 and 10 cent stores and department stores (CPR 15, Int. 3) — 7047
Sales of used passenger automobiles (CPR 94):
Chevrolet and GMC suburbans and Graham removal from CPR 94 coverage — 7048
Trade-ins (sec. 2 (g)) (Int. 2) — 7048
Territorial exemptions; exemption of fresh fruits and vegetables (GOR 23) — 7050

Production and Marketing Administration
Rules and regulations:
U. S. Standards:
Grades of frozen whole kernel (or whole grain) corn — 7038
Persian (Tahiti) limes — 7035

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Power & Light Co. and Electric Bond and Share Co — 7065
Duquesne Light Co — 7065
Webb & Knapp, Inc. and American Superpower Corp — 7065

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Veterans claims; provisional regulations — 7054

Vocational Rehabilitation, Office of
Rules and regulations:
Business enterprises program for the blind; terms — 7055

Wage and Hour Division
Notices:
Learner employment certificates; issuance of special certificates — 7061

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 — Page
Chapter I:
Part 51 — 7035
Part 52 — 7038

Title 14
Chapter I:
Part 302 (2 documents) — 7040

Title 16
Chapter I:
Part 3 (2 documents) — 7041

CODIFICATION GUIDE—Con.

Title 19 — Page
Chapter I:
Part 5 — 7042
Part 18 — 7042
Part 24 — 7042

Title 21
Chapter I:
Part 141 — 7043
Part 146 — 7043

Title 26
Chapter I:
Part 320 — 7045
Part 324 (proposed) — 7055

Title 32A
Chapter III (OPS):
CPR 15, Int. 3 — 7047
CPR 22 — 7047
CPR 74, Int. 1 — 7047
CPR 94 — 7048
CPR 94, Int. 2 — 7048
GCPR, SR 13 — 7048
GCPR, SR 111 — 7049
GOR 9 — 7050
GOR 14 — 7046
GOR 23 — 7050
Steel SO 1 — 7046
Chapter VI (NPA):
M–46 — 7050
M–104 — 7051
Chapter XIV (GSA) (2 documents) — 7051, 7052
Chapter XXIII (DMPA) — 7053

Title 38
Chapter I:
Part 3 — 7054

Title 43
Chapter I:
Appendix (Public land orders):
858 — 7055

Title 45
Chapter IV:
Part 402 — 7055

(iii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(3) *U. S. Combination grade.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(i) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. Combination Turning" if the limes in each container have started to show yellow color, or as "U. S. Combination Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. Combination or U. S. Combination Turning.

(ii) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination.

(iii) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination Grade, but individual containers may have not less than 65 percent of the higher grade.

(b) *Unclassified.* Unclassified consists of Persian Limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(ii) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

(d) *Definitions.* (1) "Firm" means that the fruit is not soft or flabby.

(2) "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

(3) "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

(4) "Stylar end breakdown" is a physiological breakdown starting as a sunken area at the base of the nipple. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes light drab to drab but the area remains firm unless infected with secondary organisms that cause soft decay.

(5) "Damage" means any defect that materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(iii) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked), or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(iv) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(vi) Scale, when more than ten medium to large California red or purple scale adjacent to button at stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent;

(vii) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 5 percent of the fruit surface;

(viii) Scab which materially affects the shape or texture;

(ix) Blanching, when more than 10 percent of the surface of the fruit shows a whitish area owing to shading, resting on the surface of the ground, or contact with other fruits on the tree. These whitish areas are not to be confused with fruit that is turning, the color of which is more of a greenish yellow;

(x) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(xi) Buckskin, when more unsightly than the maximum of discoloration allowed, or the fruit texture is materially affected.

(6) "Good green color" means that the skin of that part of the lime free from permissible injury shall be of a good green color characteristic of the Persian variety.

(7) "Fairly firm" means that the fruit is not soft or excessively flabby.

(8) "Badly deformed" means that the fruit is seriously misshapen from any cause.

(9) "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

(10) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(ii) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(iii) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked), or depressions which aggregate more than 10 percent of the fruit surface;

(iv) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(v) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(vi) Scale, California red or purple scale concentrated as a ring or blotch when the average outside diameter exceeds one-half inch, or more than the equivalent of this amount when scattered over the fruit surface;

(vii) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(viii) Scab which seriously affects shape or texture;

(ix) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(x) Buckskin, when more unsightly than the maximum of discoloration allowed or the fruit texture is seriously affected.

(e) *Effective time.* The United States Standards for Persian (Tahiti) Limes contained in this section and which supersede the United States Standards for Persian (Tahiti) Limes effective May 1, 1939, shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(60 Stat. 1087, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C. this 28th day of July 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8417; Filed, July 31, 1952; 8:48 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

GRADES OF FROZEN WHOLE KERNEL (OR WHOLE GRAIN) CORN

A notice of proposed rule making was published on May 24, 1952, in the FEDERAL REGISTER (17 F. R. 4770) regarding proposed United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

The Department finds that it is unnecessary and contrary to the public interest to give a 30-day notice of the effective date of the standards herewith published for the reasons that:

(1) The packing season for frozen corn is about to begin;

(2) The industry has been properly apprised through rule making of the revisions;

(3) No additional preparation on the part of industry is required;

(4) The revisions create no hardships; therefore, the effective date of the standards issued will be the date of publication in the FEDERAL REGISTER.

§ 52.271 *Frozen whole kernel (or whole grain) corn.* Frozen whole kernel (or whole grain) corn means the frozen product prepared from fresh, clean, sound, succulent kernels of sweet corn of either the white or golden (or yellow) varieties by removing husk and silk; by sorting, trimming, and washing; and by blanching before or after removal from the cob. The frozen whole kernel (or whole grain) corn is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

(a) *Color of frozen whole kernel (or whole grain) corn.* (1) Golden (or Yellow).

(2) White.

(b) *Grades of frozen whole kernel (or whole grain) corn.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a good flavor and odor; that is tender; that possesses a good color; that is practically free from defects; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 90 points: *Provided*, That the frozen whole kernel (or whole grain) corn may possess a reasonably good color if the total score is not less than 90 points.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a good flavor and odor; that is reasonably tender; that possesses a reasonably good color; that is reasonably free from defects; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 80 points: *Provided*, That frozen whole kernel (or whole grain) corn may possess a fairly good color, scoring not less than 7 points if the total score is not less than 80 points.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is fairly tender; that possesses a fairly good color; that is fairly free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "Substandard" is the quality of frozen whole kernel (or whole grain) corn that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(c) *Ascertaining the grade.* (1) The grade of frozen whole kernel (or whole grain) corn may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness and maturity.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
(i) Color	10
(ii) Absence of defects	40
(iii) Tenderness and maturity	50
Total score	100

(3) The grade of frozen whole kernel (or whole grain) corn is determined immediately after thawing to the extent that the product is substantially free from ice crystals. The product is cooked to determine flavor and odor.

(4) "Good flavor and odor" means that the product, after cooking, has a good characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(5) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(d) *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "36 to 40 points" means 36, 37, 38, 39, or 40 points).

(1) *Color.* (i) Frozen whole kernel (or whole grain) corn that possesses a good color may be given a score of 9 to 10 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(ii) If the frozen whole kernel (or whole grain) corn possesses a reasonably good color a score of 8 points may be given. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product is reasonably bright and reasonably free from "off-variety" kernels.

(iii) Frozen whole kernel (or whole grain) corn that possesses a fairly good color may be given a score of 6 or 7 points. Frozen whole kernel (or whole grain) corn that scores 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull but not to the extent that the appearance is seriously affected, and is fairly free from "off-variety" kernels.

(iv) Frozen whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, ragged kernels, crushed kernels, loose skins, and from damaged or seriously damaged kernels.

(a) "Damaged kernel" means any kernel affected by insect injury or damaged by discoloration, pathological injury, or by other means to the extent that the appearance or eating quality is materially affected.

(b) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected.

(ii) Frozen whole kernel (or whole grain) corn that is practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not more than slightly affect the appearance or eating quality of the product.

(iii) If the frozen whole kernel (or whole grain) corn is reasonably free from defects a score of 32 to 35 points may be given. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not materially affect the appearance or eating quality of the product.

(iv) Frozen whole kernel (or whole grain) corn that is fairly free from defects may be given a score of 28 to 31 points. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not seriously affect the appearance or eating quality of the product.

(v) Frozen whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iv) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Tenderness and maturity.* (i) Frozen whole kernel (or whole grain) corn that is tender may be given a score of 45 to 50 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(ii) If the frozen whole kernel (or whole grain) corn is reasonably tender a score of 40 to 44 points may be given. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(iii) Frozen whole kernel (or whole grain) corn that is fairly tender may be given a score of 36 to 39 points. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage and have a fairly tender texture.

(iv) Frozen whole kernel (or whole grain) corn that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 35 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen whole kernel (or whole grain) corn, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen whole kernel (or whole grain) corn.*

Number, size, and kind of container .....
Containers marks or identification .....
Label .....
Net weight (ounces) .....

Factors		Score points	
I. Color	10	(A)	9-10
		(B)	8
		(C)	6-7
		(Substd.) [2]	0-5
II. Absence of defects	40	(A)	36-40
		(B)	32-35
		(C)	28-31
		(Substd.) [2]	0-27
III. Tenderness and maturity	50	(A)	45-50
		(B)	40-44
		(C)	36-39
		(Substd.) [2]	0-35
Total score	100		

Grade .....
Flavor and odor .....

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(g) *Effective time and supersedure.* The revised United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn (which are the fourth issue) contained in this section will become effective on date of publication in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn which have been in effect since December 1, 1932.

(60 Stat. 1087, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 28th day of July 1952.

[SEAL] GEORGE A. DICE,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8416; Filed, July 31, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-15]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

PROCEDURES FOR FIXING TEMPORARY MAIL RATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of July 1952.

On May 5, 1952, the Board gave notice of a proposed revision of § 302.310 of the Procedural Regulations (14 CFR Part 302), relating to the procedure to be followed by the Board in the fixing of temporary mail rates.

The notice of proposed rule making pointed out that the principal effects of the revision were (1) to cut the time for filing objections and answers to the Board's show cause order from 10 and 20 days respectively to 5 and 10 days; (2) to provide in all hearing cases for certification of the record to the Board and a tentative Board decision, which will become final unless exceptions and supporting reasons are filed within 10 days; (3) the elimination of proposed findings and conclusions, supporting briefs and oral argument, except at Board request; (4) to provide for limiting of cross-examination to essential issues. Interested persons were invited to participate in the proposed rule making by submitting such written data, views, or arguments as they might desire. Five air carriers responded to this invitation by the submission of written comments.

It was suggested on behalf of west coast carriers that the 5 and 10 day rule for the filing of objections and answers to a Board show cause order worked an undue hardship on such carriers by reason of their distance from Washington. In the light of this comment, we have concluded to modify the proposed rule to provide an 8 and 15 day period for filing objections and answers to a show cause order.

Two carriers objected to the provisions of the regulation with respect to the elimination of examiners reports and other procedural steps prior to the issuance of a tentative opinion by the Board. While it was recognized that there is a strong interest in expediting temporary mail rate cases, it was argued that there is no need for the proposed rule to accomplish that result. In cases where a proposed temporary mail rate is not contested, it is argued that expedition can be accomplished by the waiver of the parties. In cases where a proposed temporary mail rate is contested, it is argued that fairness to the carrier involved dictates the retention of all procedural steps. It is further contended that greater expedition will result if there is a report by the examiner familiar with the case. A suggestion has been made that in any event the proposed procedure should not be applicable to service mail rate cases.

We have given careful consideration to these comments and must conclude that they do not outweigh the need for unusual speed in the fixing of temporary mail rates. In uncontested cases, it is clearly not a sound procedure for the Board to be forced to rely on the obtaining of formal waivers from the parties. In the case of objections to a proposed temporary mail rate, the utilization of all the procedures suggested would seriously delay the fixing of the proposed temporary rate. This is not sound for either the carriers or the public interest generally since it would handicap the Board in meeting emergency situations and make more likely drastic adjustments in the determination of the final rate. The Board should be able to proceed with dispatch in meeting emergency situations and in revising a temporary mail rate where changes in a carrier's operating picture dictate such revisions.

Bearing in mind the fact that the final rate will fully compensate the air carrier for any deficiency in the temporary rate, we believe that the proposed regulation meets the needs of fairness under the circumstances. A procedure is set up to permit objections to a tentative decision. This gives a carrier an opportunity to seek correction of any proposed temporary rate. We do not believe that more is necessary when it is considered that the final rate may be adjusted up or down after hearings involving all of the usual procedural steps. Finally, we conclude that adequate grounds do not exist for making the regulation not applicable to service rate cases.

Since this is not a substantive rule but one of agency procedure and practice, it may be made effective on less than 30 days' notice.

In consideration of the foregoing and the reasons set forth in the notice of proposed rule-making of May 5, 1952, the Civil Aeronautics Board hereby amends § 302.310 of the Procedural Regulations (14 CFR 302.310) as follows, effective July 28, 1952:

1. By striking § 302.310 of the Procedural Regulations and substituting therefor a new § 302.310 of the Procedural Regulations to read as follows:

§ 302.310 *Procedure for fixing temporary mail rates.* (a) At any time during the pendency of a proceeding for the determination of final mail rates, the Board, upon its own initiative, or on petition by the carrier whose rates are in issue or the Postmaster General, may fix temporary rates of compensation for the transportation of mail subject to downward or upward adjustment upon the determination of final mail rates.

(b) The procedure for determining temporary mail rates shall be the same as for the determination of final mail rates, except that:

(1) Notice of objections to the Board's show cause order proposing temporary mail rates must be filed by any party or petitioner for intervention within 8 days, and an answer within 15 days, of the time such order is served;

(2) Failure to file notice of objections within the 8-day period shall be deemed to be a waiver of all further procedural steps before final decision, including hearing and a tentative decision, and the proceeding will stand submitted to the Board for final decision;

(3) Upon the conclusion of the hearing after objections and answer have been filed, the examiner shall immediately certify the entire record to the Board for a tentative decision;

(4) Neither proposed findings and conclusions and supporting briefs nor oral argument will be permitted, except upon the Board's request.

(5) After the issuance by the Board of a tentative decision, the parties shall have 10 days in which to file exceptions and supporting reasons. If no exceptions are filed within the prescribed time, the tentative decision shall without further proceedings become the final decision of the Board. If exceptions are duly filed, the proceeding will stand submitted to the Board for final decision as of the time of such filing.

(c) In absence of a convincing showing that it will result in substantial prejudice to any party or delay the proceeding, the examiner shall require the parties to submit all their testimony in writing and shall closely limit cross-examination to the essential issues (bearing in mind the purpose and urgency of fixing temporary mail rates together with the fact that such temporary rates are subject to downward or upward adjustment upon the fixing of final rates), and shall in all other respects urgently expedite the proceeding.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425; Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8437; Filed, July 31, 1952; 8:55 a. m.]

[Regs., Serial No. PR-16]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

PARTICIPATION IN HEARINGS BY PERSONS NOT PARTIES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of July 1952.

The present § 302.14 of the Procedural Regulations provides for participation in hearings in economic proceedings by persons not parties by appearance at a hearing and the presentation of evidence relevant to the issues. However, the section does not now contain any provision which specifically permits persons not parties to file with the Board a written statement of their position. The Port of New York Authority has requested the Board to include such a provision in § 302.14. It is asserted that the inclusion of such a revision would relieve many parties from the burdens of formal intervention and could also result in a saving of time to the Board. Upon consideration of the application, we concur in these views. Although the act now gives a statutory right to file a protest or memorandum of opposition in a proceeding under section 401, this right does not extend to all Board proceedings. Consequently, some procedural regulation is necessary to make clear that a written statement in lieu of intervention may be filed in any Board economic proceeding.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedures hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective August 1, 1952:

1. By amending § 302.14 to read as follows:

§ 302.14 *Participation in hearings by persons not parties.* Any person, including any state, political division thereof, state aviation commission, or other public body, may appear at any hearing, other than in an enforcement proceeding, and present any evidence which is relevant to the issues. With the consent of the Examiner or the Board, if the hearing is held by the Board, such person may also cross-examine witnesses directly. In addition, such persons may present to both the Examiner and the Board an oral or written statement on the issues involved in the proceeding. Such statement shall conform to the requirements of these rules as to form, content, service, and time of filing of briefs to the Examiner and the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8438; Filed, July 31, 1952; 8:55 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5884]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOME MACHINE SUPPLY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.235 *Source or origin—Maker;* § 3.260 *Terms and conditions.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.515 *Foreign source.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic;* § 3.1905 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general;* § 3.2080 *Terms and conditions.* In connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; or, (2) representing, directly or by implication, that respondents' sewing machine heads or sewing machines are fully guaranteed, or that they are otherwise guaranteed, unless the nature and extent of the guarantee, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Home Machine Supply, Inc., et al., New York, N. Y., Docket 5884, April 24, 1952]

In the Matter of Home Machine Supply, Inc., a Corporation, and Max Lippman and Max Albin, Individually and as Officers of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' answer, and a hearing at which, in response to motion so to do and the granting thereof, respondents filed a substituted answer which admitted all of the material allegations of facts set forth in the complaint, but reserved to respondents the right and privilege to submit proposed findings and conclusions, and made certain other reservations also.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, no proposed findings and conclusions having been submitted in behalf of any part to the proceeding, and said examiner, having duly considered the record, with the exception, in view of the filing of the admission answer, of certain testimony which had theretofore been received, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 24, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Home Machine Supply, Inc., a corporation, and its officers, and Max Lippman and Max Albin, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Representing, directly or by implication, that their sewing machine heads or sewing machines are fully guaranteed, or that they are otherwise guaranteed, unless the nature and extent of the guarantee, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Decision of the Commission and order to file report of compliance", Docket 5884, April 24, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 24, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-8432; Filed, July 31, 1952; 8:52 a. m.]

[Docket 5886]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ROMAN-RAICHERT COMPANY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.70 *Fictitious or misleading guarantees;* § 3.235 *Source or origin—Maker;* § 3.260 *Terms and conditions.* Subpart—*Concealing or obliterating law required and informative marking:* § 3.515 *Foreign source.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1860 *Imported product or parts as domestic;* § 3.1905 *Terms and conditions.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1980 *Guarantee, in general;* § 3.2080 *Terms and conditions.* Subpart—*Using misleading name—Goods:* § 3.2345 *Source or origin—Maker.* In connection with

[1] Filed as part of the original Document.

the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, (1) offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof; (2) using the words "Cadillac", or "Zenith", or any simulations thereof, as brand or trade names to designate, describe or refer to respondents' sewing machines or sewing machine heads; or representing through the use of any other words or in any other manner that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturers; or, (3) representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed for twenty years, or for any other period of time, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Roman-Raichert Company, Inc., et al., Chicago, Ill., Docket 5886, April 24, 1952]

In the Matter of Roman-Raichert Company, Inc., a Corporation, and Roman Raichert, Leonard Raichert and Edward Raichert, Individually and as Officers of Said Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' answer, and a hearing at which, in response to motion so to do and the granting thereof, respondents filed a substitute answer which admitted all of the material allegations of fact set forth in the complaint, but reserved to respondents the privilege to submit proposed findings and conclusions, and made certain other reservations also.

Thereafter the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, and proposed findings and conclusions on behalf of respondents, none having been filed by the attorney in support of the complaint, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 24, 1952.

[1] Filed as part of the original document.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Roman-Raichert Company, Inc., a corporation, and its officers, and Roman Raichert, Leonard Raichert and Edward Raichert, individually and as officers of said corporation, and said respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sewing machine heads or sewing machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling or distributing foreign made sewing machine heads, or sewing machines of which foreign made heads are a part, without clearly and conspicuously disclosing on the heads, in such a manner that it will not be hidden or obliterated, the country of origin thereof.

2. Using the words "Cadillac", or "Zenith", or any simulations thereof, as brand or trade names to designate, describe or refer to their sewing machines or sewing machine heads; or representing through the use of any other words or in any other manner that their sewing machines or sewing machine heads are made by anyone other than the actual manufacturers.

3. Representing, directly or by implication, that their sewing machine heads or sewing machines are guaranteed for twenty years, or for any other period of time, or that they are otherwise guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Decision of the Commission and order to file report of compliance", Docket 5886, April 24, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 24, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8433; Filed, July 31, 1952; 8:53 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53057]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

IN-TRANSIT SHIPMENTS

The Customs Services of Canada and the United States have agreed on a plan for the joint usage by the two Services on carload shipments of merchandise moving between ports of one country via territory of the other of customs seals applied in the country of departure without further sealing of the cars with customs seals in the country through which they are transported in bond. The adoption of the plan will serve to reduce the work of railroad carriers engaged in the transportation of such shipments and will facilitate the movement of the shipments.

Under the plan, yellow Tyden seals stamped {U. S. Customs / Can. Transit} will be placed on carloads of in-transit merchandise at United States ports of exit to Canada and bright green Tyden seals stamped {Can. Customs / U. S. Transit} will be placed on carloads of in-transit merchandise at Canadian ports of exit to the United States.

It is also desirable to permit the use of the same kind of in-transit manifest for such shipments, whether they are being moved in transit between ports of the United States via Canada or in transit between ports of Canada via the United States.

Accordingly, the following changes are made in the Customs Regulations of 1943:

1. Sections 5.8 (g) and 5.11, Customs Regulations of 1943 (19 CFR 5.8 (g), 5.11), as amended, are hereby further amended as follows:

a. The first sentence of § 5.8 (g) is deleted and the following matter substituted therefor: "It shall be the duty of the carrier to affix blue in-transit seals to all openings of conveyances and compartments containing in-transit merchandise, except that on the Canadian border yellow in-transit seals shall be affixed to carload shipments of in-transit merchandise, whether or not the cars are already sealed with United States customs red in-bond seals, and except that in all other instances conveyances or compartments already secured by United States customs red in-bond seals may go forward without having blue or yellow in-transit seals affixed thereto and without in-transit manifests. The collector may relieve the carrier of the responsibility of affixing in-transit seals by notifying it in writing that customs inspectors will assume it."

(Sec. 554, 46 Stat. 743; 19 U. S. C. 1554)

b. The present paragraph of § 5.11 is designated (a) and the first sentence is amended to read: "Whenever merchandise (including baggage), whether in carload or less-than-carload lots, arrives at a frontier port from Mexico and whenever merchandise arrives at a frontier port from Canada by vessel or in less-than-carload lots in transit through the United States to the same country from which it arrived, the same procedure shall be followed as that prescribed for merchandise in transit through the United States to other foreign countries (§§ 18.14 and 18.20–18.24 of this chapter), except that only three copies of customs Form 7512 or 7520 shall be required, and except that, when the route is such that the train and cars will remain intact while proceeding through the United States, a consolidated train manifest containing the same information as is required on customs Form 7512 or 7520 may be used."

c. The parenthetical matter at the end of redesignated paragraph (a) of § 5.11 is deleted and the following new paragraph (b) is added:

(b) When carload shipments of merchandise arrive at Canadian frontier ports for in-transit movement through the United States in bond and return to Canada, bright green in-transit seals will be placed on the cars and the sealing thereof verified by Canadian customs officers before the cars depart from Canada. No other in-transit seals shall be required to be placed on such cars before their movement in bond through the United States provided the seals placed on the cars in Canada are found to be locked and properly attached. In-transit manifest forms of the kind referred to in § 5.8 (b) may be used in lieu of customs Form 7512 or 7520, as the case may be, for such sealed carload shipments of in-transit merchandise. In-transit manifest forms so used in lieu of customs Form 7512 or 7520 shall be serially numbered in a separate series of numbers.

(Sec. 553, 46 Stat. 742, sec. 21, 52 Stat. 1087; 19 U. S. C. 1553)

2. a. Section 18.4 (a), Customs Regulations of 1943 (19 CFR 18.4 (a)), as amended is further amended by inserting "(except as otherwise provided for by § 5.11 (b) of this chapter)" after the word "seals" where it first appears in the first sentence.

(Sec. 551, 46 Stat. 742, 59 Stat. 667, sec. 624, 46 Stat. 759; 19 U. S. C. 1551, 1624)

b. Section 18.15 (b), Customs Regulations of 1943 (19 CFR 18.15 (b)), is amended to read:

(b) In lieu of cording and sealing, the baggage may be forwarded in a car or compartment sealed with in-transit seals in harmony with § 5.8 (g) of this chapter and manifested as in the case of other merchandise in transit through foreign territory.

(Secs. 554, 624, 46 Stat. 743, 759; 19 U. S. C. 1554, 1624)

3. Section 24.13, Customs Regulations of 1943 (19 CFR 24.13), as amended, is further amended as follows:

a. Paragraph (b) is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that bright green seals stamped {Can. Customs / U. S. Transit} shall be used to seal carload shipments of merchandise moving in transit between Canadian ports through the United States in bond as provided for by § 5.11 (b) of this chapter."

b. Paragraph (b) is further amended by changing the period at the end of the second sentence to a comma and adding the following: "except that in-transit seals used on carload shipments of merchandise moving in transit between United States ports via Canada shall be colored yellow and stamped {U. S. Customs / Can. Transit},"

c. Paragraph (c) is amended by inserting "(except the aforesaid green seals)" after "said seals" in the first sentence, and by inserting the following new matter after the last sentence: "An order for green Tyden in-bond seals shall be submitted to the office of the Director of Customs-Excise Inspection, Ottawa, Canada, for approval and forwarding to the manufacturer. An order for green Tyden in-bond seals must stipulate that the seals are to be consigned to the collector of customs and excise in Canada at the port indicated on the seals for entry purposes and storage under customs lock and key."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

The new procedure herein authorized shall be made effective in the various border districts at the earliest practicable date, the effective date to be determined locally as agreed upon by the collector and the collector of customs of the adjacent customs district of Canada. In fixing such date, the local collector shall give due consideration to carriers' stocks of unused customs seals as well as to the dates of delivery of the new in-transit seals above mentioned.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: July 24, 1952.

A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 52-8434; Filed, July 31, 1952; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., Part 146; 17 F. R. 3230) are amended as indicated below:

1. Section 141.47 (a) is amended to read as follows:

§ 141.47 *Dibenzylethylenediamine dipenicillin G—(a) Potency.* Proceed as directed in § 141.1, except if the bioassay method is used dissolve the sample to be tested in sufficient dimethyl formamide or formamide prior to diluting with phosphate buffer solution. If the iodometric method is used proceed as directed in § 141.5 (d), except in preparing the blank solution weigh 30–60 milligrams of the sample and make a suspension of 2 milligrams per milliliter in 1-percent phosphate buffer at pH 6.0. Shake well, pipette 2.0 milliliters into a 125-milliliter glass-stoppered Erlenmeyer flask, add 10 milliliters 0.01N iodine and immediately titrate with 0.01N $Na_2S_2O_3$. In preparing the solution for inactivation dissolve a weighed sample (30–60 milligrams) in sufficient 1N NaOH to give 2.0 milligrams per milliliter. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask, and after 15 minutes add 2.0 milliliters 1.2N HCl and 10 milliliters 0.01N iodine. Allow to stand for 15 minutes and titrate the excess iodine with 0.01N $Na_2S_2O_3$. In calculating the results regard the difference in titers multiplied by 661.8, divided by 4, as the units per milligram.

2. Part 141 is amended by adding the following new section:

§ 141.55 *Dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection—(a) Total potency (except in simple-dose containers).* Proceed as directed in § 141.1, except if the bioassay method is used prepare the sample by diluting 1.0 milliliter of the drug suspension with sufficient dimethyl formamide or formamide to dissolve the dibenzylethylenediamine dipenicillin G. Make to 100 milliliters with buffer. Shake well and dilute to 1.0 unit per milliliter. If the iodometric method is used, proceed as directed in § 141.47, except in preparing the blank solution dilute 1.0 milliliter of the drug suspension to 250 milliliters with 1-percent phosphate buffer at pH 6.0. In preparing the solution for inactivation dissolve 1.0 milliliter of the drug suspension in approximately 20 milliliters of 0.5N NaOH. Allow to stand for 15 minutes. Dilute to 250 milliliters with distilled water. Pipette a 2.0-milliliter aliquot into a 125-milliliter glass-stoppered Erlenmeyer flask and add 2.0 milliliters 1.2N HCl and 10 milliliters 0.01N iodine.

(b) *Buffered crystalline penicillin content.* Place 1.0 milliliter of the drug suspension in a 10-milliliter volumetric flask and add 20 percent sodium sulfate to make 10 milliliters. Shake well and centrifuge to obtain a clear, or reasonably clear, solution. Dilute a 5.0-milliliter aliquot to 50 milliliters with buffer and proceed as directed in § 141.1 to determine the number of units per milliliter of this solution, and from this value calculate the number of units per milliliter of the drug. The content of buffered crystalline penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Dibenzylethylenediamine dipenicillin G content.* The dibenzylethylenediamine dipenicillin G content of the batch is the difference between the total potency as described in paragraph (a) or (d) of this section and the content of buffered crystalline penicillin determined by the method prescribed in paragraph (b) of this section. The content of dibenzylethylenediamine dipenicillin G is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Total potency of a single-dose container.* Add sufficient distilled water to the material remaining in the 10-milliliter volumetric flask referred to in paragraph (b) of this section to bring the volume back to 10 milliliters and determine the number of units per milliliter of this suspension. If the iodometric method is used, 2.0-milliliter aliquots are placed in 50-milliliter volumetric flasks (one blank and one to be inactivated). Obtain the total potency by adding the number of units found in the 10-milliliter volumetric flask to one-half the content of buffered crystalline penicillin found in paragraph (b) of this section.

(e) *Sterility.* Proceed as directed in § 141.2.

(f) *Moisture.* Proceed as directed in § 141.26 (e).

(g) *Pyrogens.* Proceed as directed in § 141.47 (d).

(h) *Toxicity.* Proceed as directed in § 141.47 (c).

(i) *pH.* Proceed as directed in § 141.47 (f).

3. Section 141.401 (d) is amended to read as follows:

§ 141.401 *Bacitracin.* • • •

(d) *Toxicity.* Inject intravenously each of five mice within the weight range of 18–25 grams with 0.5 milliliter of a solution of the sample prepared by diluting with sterile physiological salt solution to 200 units per milliliter. The injection should be made over a period of not more than 5 seconds. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with five unused mice weighing 20 grams (±0.5 gram) each. If all animals survive the repeat test the sample is nontoxic.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

4. In § 146.66 *l-Ephenamine penicillin G for aqueous injection,* subparagraph (2) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and by adding the following clause: "unless the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section after having been stored at room temperature."

5. Part 146 is amended by adding the following new section:

§ 146.78 *Dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection.* (a) Dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection conforms to all requirements prescribed by § 146.77 for the dry mixture of dibenzylethylenediamine dipenicillin G for aqueous injection, and is subject to all procedures prescribed by § 146.77 for the dry mixture of dibenzylethylenediamine dipenicillin G for aqueous injection, except that:

(1) Each immediate container shall contain not less than 50,000 units of buffered crystalline penicillin for each 300,000 units of dibenzylethylenediamine dipenicillin G. The buffered crystalline penicillin conforms to the requirements prescribed therefor by § 146.37.

(2) In lieu of the labeling prescribed for dibenzylethylenediamine dipenicillin G for aqueous injection by § 146.77 (c) (1) (ii), each package shall bear, on the outside wrapper or container and the immediate container, the number of units of dibenzylethylenediamine dipenicillin G and the number of units of buffered crystalline penicillin in the immediate container. The circular or other labeling within or attached to the package, if it is packaged for dispensing, shall bear, in lieu of the statement prescribed by § 146.77 (c) (3) (iii), the statement "Sterile suspension may be kept in refrigerator for 1 week without significant loss of potency."

(3) In addition to complying with the requirements of § 146.77 (d), a person who requests certification of a batch of dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and date of the latest tests and assays of the buffered crystalline penicillin used in making the batch for potency, crystallinity, heat stability, penicillin K content (unless it is buffered crystalline penicillin G) and the penicillin G content if it is buffered crystalline penicillin G, the number of units of dibenzylethylenediamine dipenicillin G and the number of units of buffered crystalline penicillin in each immediate container of the batch. He shall also submit in connection with his request a sample consisting of three packages containing approximately equal portions of not less than 250 milligrams each of the buffered crystalline penicillin used in making the batch. If such batch is packaged for repacking, each portion in the sample required by § 146.77 (d) (4) shall consist of approximately 400 milligrams in lieu of 300 milligrams.

(b) The fee for the services rendered with respect to each immediate container in the sample of buffered crystalline penicillin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

6. In § 146.108 *Streptomycin syrup* • • •, subparagraph (1) (ii) of paragraph (c) *Labeling,* change the figure "12" to read "18".

7. a. Section 146.401 (a) (1) is amended to read as follows:

§ 146.401 *Bacitracin*—(a) *Standards of identity, strength, quality, and purity.* • • •

(1) Its potency is not less than 40 units per milligram, except that if it is packaged for dispensing and it is intended for systemic medication its potency is not less than 50 units per milligram;

b. In § 146.401, the second sentence of paragraph (b) *Packaging,* change the figure "50,000" to read "60,000".

c. In § 146.401, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by deleting the semicolon and the word "and" at the end thereof and adding the following clause: ", except if it is packaged for dispensing and it is intended for systemic medication the blank shall be filled in with the date which is 24 months after the month during which the batch was certified; and".

d. Section 146.401 (c) (2) is amended by adding the following new subdivision:

(iii) If it is packaged for dispensing and it is intended for systemic medication the statement "Store in refrigerator not above 15° C. (59° F.)" or "Store below 15° C. (59° F.)."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Those parts of this order which provide for an alternative method of assay for dibenzylethylenediamine dipenicillin G; for a change in the toxicity test for bacitracin; for the deletion of the requirement that the labels for *l*-ephenamine penicillin G for aqueous injection bear the refrigeration storage statement if the person who requests certification has proved his drug to be stable when stored at room temperature; for a change in the expiration date for streptomycin syrup from 12 to 18 months; and for tests and methods of assay and certification of dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

That part of this order which provides for a change in the potency for bacitracin packaged for dispensing that is intended for systemic medication from a minimum of 40 units per milligram to a minimum of 50 units per milligram for a change in the maximum-size container of bacitracin packaged for dispensing from 50,000 units to 60,000 units, for a change in the expiration date for bacitracin packaged for dispensing and intended for systemic medication from 18 to 24 months, and for a requirement that the labels of bacitracin packaged for dispensing and intended for systemic medication bear the refrigeration storage statement shall become effective 120 days after publication in the FEDERAL REGISTER.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for an alternative method of assay for dibenzylethylenediamine dipenicillin G; for a change in the toxicity test for bacitracin; for the deletion of the requirement that the labels for *l*-ephenamine penicillin G for aqueous injection bear the refrigeration storage statement if the person who requests certification has proved his drug to be stable when stored at room temperature; for a change in the expiration date for streptomycin syrup from 12 to 18 months; and for tests and methods of assay and certification of dibenzylethylenediamine dipenicillin G and buffered crystalline penicillin for aqueous injection.

Dated: July 28, 1952.

[SEAL] OSCAR R. EWING, *Administrator.*

[F. R. Doc. 52-8414; Filed, July 31, 1952, 8:47 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 51, T. D. 5922]

PART 320—RETAILERS' EXCISE TAXES

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 51 (26 CFR Part 320), relating to the retailers' excise taxes on sales of jewelry, furs, toilet preparations, and luggage under the Internal Revenue Code, to sections 431, 432, and 487, of the Revenue Act of 1951, approved October 20, 1951, such regulations are further amended as follows:

PARAGRAPH 1. The first paragraph of § 320.0, as amended by Treasury Decision 5819, approved December 7, 1950 (26 CFR 320.0), is further amended as follows:

§ 320.0 *Scope of part.* The regulations contained in this part deal with excise taxes imposed by Chapter 19 and Chapter 9A of the Internal Revenue Code, as amended, on sales by the retailer of:

(a) Jewelry.
(b) Furs.
(c) Toilet preparations.
(d) Luggage.

PAR. 2. Immediately preceding § 320.2 there is inserted the following:

SEC. 432. EFFECTIVE DATE OF PART III (REVIEW ACT OF 1951, APPROVED OCTOBER 20, 1951).

The amendments made by this part shall apply only to articles sold on or after the first day of the first month which begins more than ten days after the date of the enactment of this act.

PAR. 3. Section 320.2, as amended by Treasury Decision 5819 is further amended by adding at the end thereof the following: "The provisions of section 431 of the Revenue Act of 1951, relating to sales at retail of lotions, oils, powders, or other articles intended to be used or applied only in the care of babies; sales of taxable articles to persons operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof; and the sale of miniature samples of any such article for demonstration use only to a house-to-house salesman by the manufacturer or distributor become effective November 1, 1951."

PAR. 4. The parenthetical material at the end of § 320.31 (b), as amended by Treasury Decision 5353, approved March 31, 1944, is amended by adding after "etc." the following: "See § 320.75a for credit and refund provisions relating to mechanical pencils, fountain and ball point pens, and mechanical lighters for cigarettes, cigars and pipes."

PAR. 5. Section 320.33, as amended by Treasury Decision 5479, approved September 24, 1945, is further amended by adding at the end thereof the following: "(See § 320.75a for credit and refund provisions relating to mechanical pencils, fountain and ball point pens and mechanical lighters for cigarettes, cigars, and pipes.)"

PAR. 6. There is inserted immediately preceding § 320.50 the following:

SEC. 431. RETAILERS' EXCISE TAX ON TOILET PREPARATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Baby oils, etc.* Section 2402 (a) is hereby amended by adding at the end thereof the following new sentence: "The tax imposed by this subsection shall not apply to lotion, oil, powder, or other article intended to be used or applied only in the care of babies."

• • • • •

PAR. 7. Section 320.50, as amended by Treasury Decision 5353 is further amended as follows:

(A) By striking the words "baby oils and baby powders;" in the second sentence of paragraph (b).

(B) By adding at the end thereof the following new paragraph (c):

(c) Under the specific provisions of section 431 of the Revenue Act of 1951 the tax does not apply to the sale on and after November 1, 1951, of lotions, oils, powders or other articles intended to be used or applied only in the care of babies. The determination of whether toilet articles are intended to be used or applied only in the care of babies will be made only by reference to the advertising with respect to, and the labeling contained on, the article. If an article is advertised and labeled as being for use in the care of babies and is not advertised or labeled as usable by persons other than babies the article is exempt from tax even though the particular purchaser buys it for adult use. On the other hand, an article which is represented by advertising or labeling as fit for adult use, in addition to use in the care of babies, will not be exempt from tax even though sold to a purchaser who intends to use the article only in the care of babies.

PAR. 8. Immediately preceding § 320.52 there is inserted the following:

SEC. 431. RETAILERS' EXCISE TAX ON TOILET PREPARATIONS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

• • • • • •

(b) *Sales to barber shops, etc.* Section 2402 (b) is hereby amended to read as follows:

(b) *Beauty parlors, etc.* For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof, or for resale, and the sale of miniature samples of any such article for demonstration use only to a house-to-house salesman by the manufacturer or distributor, shall not be considered as a sale at retail. The resale of such article at retail by such person, or the resale of such sample at retail by such house-to-house salesman, shall be subject to the provisions of subsection (a).

PAR. 9. Section 320.52, as amended by Treasury Decision 5191, approved December 3, 1942, is further amended as follows:

(A) By striking out the headnote of paragraph (b) and inserting in lieu thereof the following:

(b) ***Sales made during the period November 1, 1942, through October 31, 1951, both dates inclusive.***

(B) By striking out the words "on and after November 1, 1942" wherever they appear in paragraph (b) and inserting in lieu thereof the words "during the period November 1, 1942, through October 31, 1951".

(C) By adding at the end thereof the following paragraph (c):

(c) *Sales made on and after November 1, 1951.* (1) The sale on and after November 1, 1951, of any article taxable under section 2402 (a) to another person operating a barber shop, beauty parlor, or similar establishment, whether for use in the operation thereof or for resale purposes, shall not be considered as a sale at retail and the tax imposed by section 2402 (a) shall not be applicable to such sale. It will not be necessary for the operator of a barber shop, beauty parlor, or similar establishment to furnish any type of exemption certificate to his vendor with respect to such sale.

(2) In any case where the operator of a barber shop, beauty parlor, or similar establishment sells such article at retail, he is liable for the tax imposed by section 2402 (a). See § 320.51.

PAR. 10. Immediately following § 320.52, there is inserted the following new section:

§ 320.53 *Sales of miniature samples.* The sale on and after November 1, 1951, by the manufacturer or distributor of miniature samples of any article taxable under section 2402 (a) to a house-to-house salesman for demonstration use only shall not be considered as a sale at retail and the tax imposed by section 2402 (a) shall not be applicable to such sale. In any case where the house-to-house salesman sells at retail any of the miniature samples purchased from the manufacturer or distributor for demonstration use, he is liable for the tax imposed by section 2402 (a). See § 320.51.

PAR. 11. Immediately preceding § 320.74 there is inserted the following:

SEC. 487. IMPOSITION OF TAX ON MECHANICAL PENCILS, FOUNTAIN AND BALL POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Chapter 29 (relating to manufacturers' excise and import taxes) is hereby amended by adding after section 3407 the following new section:

SEC. 3408. TAX ON MECHANICAL PENCILS, FOUNTAIN AND BALL POINT PENS, AND MECHANICAL LIGHTERS FOR CIGARETTES, CIGARS, AND PIPES.

• • • • • •

(b) *Exemption if article taxable as jewelry.* No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax). If any article, on the sale of which tax has been paid under this section, is further manufactured or processed resulting in an article taxable under section 2400, the person who sells such article at retail shall, in the computation of the retailers' excise tax due on such sale, be entitled to a credit or refund in an amount equal to the tax paid under this section.

PAR. 12. Immediately following § 320.75, as renumbered by Treasury Decision 5353, there is inserted the following new section:

§ 320.75a *Sales of mechanical pencils, pens, and lighters.* (a) Section 3408 (a) of the Code imposes a tax on the sale on and after November 1, 1951, by the manufacturer, producer or importer of mechanical pencils, fountain and ball point pens and mechanical lighters for cigarettes, cigars, and pipes. Under the specific provisions of section 3408 (b), the tax on the sale by the manufacturer does not apply if such pencil, pen, or lighter when sold by the manufacturer is subject to the retailers' tax imposed by section 2400. (See §§ 320.31 and 320.33.)

(b) Where an article (i. e., mechanical pencil, fountain or ball point pen or mechanical lighter for cigarettes, cigars, and pipes) subject to tax under section 3408 is sold by the manufacturer thereof and thereafter such article is further manufactured or processed so as to subject it to the tax under section 2400 when sold at retail, the retail dealer upon the sale of the article is entitled to a credit or refund in an amount equal to the tax paid by the original manufacturer of such article.

(c) Where a claim for refund is filed, it shall be supported by evidence showing (1) the name and address of the person who paid to the United States the manufacturers' excise tax refund of which is claimed, (2) the amount of such tax and the date of payment thereof, (3) that the article has been further manfactured or processed subsequent to the sale thereof by the original manufacturer, and (4) that the article has been sold at retail and that the retailers' excise tax has been paid thereon without benefit of any adjustment for the manufacturers' tax paid on such article.

(d) A credit taken on a return shall be supported by the same evidence, except that, if the credit is taken on the return for the month in which the article is sold at retail, the statement under paragraph (c) (4) of this section, shall show that the tax due on such article against which the credit is taken, has been computed without benefit of any adjustment for the manufacturers' tax paid on such article. If it is impossible to furnish all of such evidence with the return, a statement to that effect must be submitted with the return. The evidence supporting such credit shall be filed with the collector within thirty days after the date on which the return is filed. If the required evidence is not so filed the credit will be disallowed and assessment of the tax resulting from the disallowance will be made on the current assessment list.

Because of the short period of time between the date of approval of the Revenue Act of 1951, and November 1, 1951, the date on which, pursuant to such act, the amendments to Chapter 19 and Chapter 29 became effective, and because of the technical nature of such amendments, it is found that it is impracticable and unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date of limitation of section 4 (c) of said act.

(55 Stat. 720, 53 Stat. 419, 467; 26 U. S. C. 2410, 3450, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: July 28, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8435; Filed, July 31, 1952; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 14, Amdt. 20]

GOR 14—EXCEPTED AND SUSPENDED SERVICES

HANDLING AND STORAGE OF COTTON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 14, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds to the lists of services suspended from price control those services involved in the handling and storage of raw cotton.

The reasons for taking this action are (1) the large percentage of operators rendering such services who are presently under control either by other federal or state agencies and (2) the small use of total capacity of such facilities with a consequent self-controlling influence. On the basis of information presented to this office, it was found that the rates for approximately 75 percent of the total storage capacity for raw cotton are presently being controlled by the United States Department of Agriculture under the authority granted by the United States Warehouse Act, as amended, or by state regulatory commissions upon whom devolves the duty to keep storage and handling rates at a reasonable level. Secondly, during the storage year 1951–52, it was found that less than 35 percent of the total storage capacity for cotton was utilized at any one time, which fact is significant inasmuch as the cotton crop for that period was the third largest on record. This latter circumstance has had a restraining effect upon increases in such rates and, moreover, no change in this situation is contemplated in the near future.

In the judgment of the Director, the continuance of controls over the services suspended by this amendment are not required at this time in order to carry out the purposes of the Defense Production Act of 1950, as amended. Should sudden unwarranted increases result from this relaxation of control, this suspension may be terminated or modified at any time. Further, if controls are reactivated on raw cotton, this suspension will be automatically terminated.

In the formulation of this amendment the convening of a formal Industry Advisory Committee was deemed impracticable. However, there has been consultation with industry representatives including trade association representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14, as amended, is further amended by adding at the end of paragraph (b) of section 4 a new subparagraph (2), as follows:

(2) The handling and storage of raw cotton and other warehousing services incident thereto, so long as price controls over raw cotton are in suspension.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 20 to General Overriding Regulation 14 shall become effective July 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8483; Filed, July 30, 1952; 4:39 p. m.]

[Steel Special Order 1]

STEEL SO 1—ADJUSTABLE PRICING ORDER FOR STEEL MILL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Steel Special Order is issued.

STATEMENT OF CONSIDERATION

This steel special order is issued in compliance with the official directive of July 24, 1952 issued by the Acting Director of the Office of Defense Mobilization to the Administrator of the Economic Stabilization Agency permitting producers of steel mill products to adjust their prices upward upon resumption of steel production. The said directive having been transmitted to the Office of Price Stabilization by the Administrator of the Economic Stabilization Agency deprives the Office of Price Stabilization and the Director thereof of any independent discretion or authority in connection with steel prices and removes from the Office of Price Stabilization and the Director thereof any policy, control, jurisdiction or determination over the said subject matter. Since it is not possible at this time to allocate the increase required by the directive among the various products, in the interim this order permits the steel mill producers to deliver their products at prices to be adjusted upward at a later date in accordance with the said official directive from the Acting Director of the Office of Defense Mobilization.

SPECIAL PROVISIONS

Sec.
1. Persons and products covered.
2. Adjustable pricing provisions.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154.

SECTION 1. *Persons and products covered.* This Steel Special Order applies to all steel mill producers which have signed the Voluntary Price Agreement and to all steel producers subject to the General Ceiling Price Regulation for those steel mill products listed in Supplementary Regulation 100 to the General Ceiling Price Regulation.

SEC. 2. *Adjustable pricing provisions.* On and after July 26, 1952 all steel mill producers subject to this order are authorized to deliver their steel mill products which are subject to this order at prices to be adjusted upwards in accordance with such future order or orders which the Director of Price Stabilization may be required to issue by reason of the said official and mandatory directive of the Acting Director of the Office of Defense Mobilization.

Effective date. This Steel Special Order shall become effective July 30, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8484; Filed, July 30, 1952; 4:39 p. m.]

[Ceiling Price Regulation 15, Interpretation 3]

CPR 15—RETAIL FOOD

INT. 3—APPLICABILITY OF CPR 15 TO 5 AND 10 CENT STORES AND DEPARTMENT STORES (SECS. 2 AND 30 (a))

Section 2 of Ceiling Price Regulation 15 provides that this regulation applies to sales by retailers of food products where these are bought and resold, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. This section applies without distinction to retail sellers of the commodities covered by the regulation regardless of whether or not other commodities are also sold by the food retailer. Hence, any 5 and 10 cent store or department store which sells at retail the "dry" grocery and "perishable" food items listed in the tables contained in CPR 15 must calculate the ceiling prices of such items under CPR 15 if it is a Group 3 or 4 store, or under CPR 16 if it is a Group 1 or 2 store.

In determining the group in which the store falls, section 30 (a) of CPR 15 provides that only the "annual gross sales" of the food department or departments of a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, be used. In addition, all the other requirements of the regulation must be observed, including the posting of a store group sign and the filing of OPS Public Form 5.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8458; Filed, July 30, 1952; 11:20 a. m.]

[Ceiling Price Regulation 22, Amdt. 52]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

REPORTS UNDER SECTION 32, CLARIFICATIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 52 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 43 to Ceiling Price Regulation 22 removed the requirement that manufacturers of certain commodities file OPS Public Forms No. 128 in connection with the establishment of ceiling prices under section 32. Amendment 47 made certain corrections in the list of these commodities. This amendment adds another exception, certain air-conditioning equipment, which was inadvertently omitted in Amendment 43, and also makes it clear that water heaters are included in heating equipment previously listed. Finally, this amendment requires that a description of the differences between the comparison and new commodities be reported for certain of the items listed.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

1. Subparagraph (2) of paragraph (g) of section 32 is amended to read as follows:

(2) *For certain products.* Your report for the commodities listed at the end of this subparagraph should state the name and address of your company; a description of the commodity being priced; a description of the comparison commodity and an explanation why you have selected the comparison commodity as such; an identification of the category in which the commodity being priced and the comparison commodity fall; your ceiling price to the largest buying class of purchaser of your comparison commodity, or if you are not now manufacturing it what this ceiling price would be; a detailed breakdown of the current unit direct cost of the comparison commodity, or what it would be; the gross margin, and the percentage markup over current unit direct cost for the comparison commodity; a detailed breakdown of the current unit direct cost of the commodity being priced; the proposed ceiling price of the commodity being priced; delivery, discount, guaranty and servicing terms and conditions and differentials in effect for sales to all classes of purchasers with respect to the comparison commodity.

Your report for any air-conditioning equipment, automatic temperature controls, heating equipment, refrigeration equipment, plumbing fixtures or valves listed in this subparagraph must include in detail a description of how the commodity being priced differs from the comparison commodity.

The commodities covered by this subparagraph are:

Air conditioning equipment (except window and console self-contained units).
Automatic temperature controls, domestic and commercial.
Certain rubber products and chemicals, as defined in subparagraph (3) of this paragraph.
Food products.
Heating equipment (including water heaters), except the following: vented and unvented circulating space heaters, oil, gas, electric, and coal fire; gas logs; portable utility room heaters; portable radiant heaters, gas or electric.
Plumbing fixtures, fittings, valves and equipment.
Refrigeration equipment, except household refrigerators and home and farm freezers.
Textiles, yarns, threads, twines, cordage, nets, laces and fabrics.
Valves, except tire valves.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on August 5, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8509; Filed, July 31, 1952; 4:00 p. m.]

[Ceiling Price Regulation 74, Interpretation 1]

CPR 74—CEILING PRICES OF PORK SOLD AT WHOLESALE

INT. 1—APPLICATION FOR CEILING PRICE (SEC. 5)

OPS has been asked whether the filing of Public Form 94 pursuant to section 5 of CPR 74 entitles a producer of a pork product to sell that product at his proposed price upon filing of that form.

A producer of a pork product, which he sold in 1950 and which comes within the coverage of section 5 (a) of CPR 74, may sell this product at his GCPR price upon filing of his Form 94. Such producer need not wait for approval of his price by the Director of Price Stabilization. Section 5 (a) merely reserves to the Director the right to issue orders forbidding the sale of the product or revising the ceiling price thereof.

A person, however, who wishes to produce and sell a pork product, which comes within the coverage of section 5 (b) and which he did not produce and sell in 1950, cannot sell such product until the Director has established a ceiling price for sales of that product by him. Section 5 (b) does not permit the producer to sell upon submission of the required application and Form 94. Until the Director has specifically established a ceiling price for sales by that producer, he does not have a ceiling price. This is true even though the producer may, prior to the effective date of CPR 74, have established a ceiling price for that product under the GCPR. CPR 74 superseded the ceiling prices established under the GCPR and, consequently, such a producer is left in the same position as a person who has never, prior to

applying under section 5 (b), sold such product.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8459; Filed, July 30, 1952; 11:20 a. m.]

[Ceiling Price Regulation 94, Interpretation 2]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

INT. 2—TRADE-INS (SEC. 2 (g))

Inquiries received from various dealers in used automobiles indicate that there is some uncertainty as to whether section 2 (g) of CPR 94 prohibits a dealer from taking in trade a car with a higher ceiling price than the car being sold by him. An additional question raised concerning the effect of this section is whether dealers may make overallowances on a car being traded in by a customer, that is, allow more for the trade-in than the ceiling price established in CPR 94 for that car on a straight sale of the car.

Section 2 (g) reads as follows:

You may disregard the ceiling prices established in Appendix A to this regulation on an automobile traded in for a new or used automobile, except that you may not allow a sum greater than the ceiling price of the new or used automobile for which it is being traded in.

Section 2 (g) does not prohibit "trading down", this being the transaction in which the owner of an automobile trades his vehicle for a car which has a lesser ceiling price; nor does this section prohibit a dealer from making an allowance, up to the ceiling price of the car the dealer sells, for a car being traded in, which has a lesser ceiling price than the car the dealer is selling. However, in no case may the ceiling price of the vehicle with a higher ceiling price be disregarded.

Section 2 (g), while permitting a dealer to allow more for a traded in car than the ceiling price for that car on a straight sale, prohibits the ceiling price of the higher priced vehicle from being exceeded when a trade in is involved. The purpose of this restriction is to prevent evasion of this regulation as to the ceiling price established for the vehicle with the higher ceiling price. Of course, the car accepted in trade may not be resold by the dealer at a price in excess of the ceiling price established for that vehicle even though the dealer has allowed a trade in value for the car in excess of its ceiling price for a straight sale.

An example of how section 2 (g) operates is as follows: On December 1, 1951, a dealer in Region "A" had a 1942 Ford Special 4-Door Six. The ceiling price of that vehicle in that region on that date was $385.00. The owner of a 1950 Buick, Special Sedan, 4-Door Six with a ceiling price of $1775.00 desired to make a deal with the dealer. Applying the basic rule set forth above, that is, that the vehicle with the higher ceiling price may not be sold at a price in excess of its ceiling price, the dealer was prohibited from offering the owner of the Buick more than $1775.00 if a straight purchase was involved. However, if the owner of the Buick was willing to accept the 1942 Ford in trade, he is not prohibited by section 2 (g) from allowing any amount he desired for the Ford, in disregard of the $385.00 ceiling price, up to the $1775.00 ceiling price of the Buick. The Ford could not be resold thereafter by its new owner, however, at a price in excess of its ceiling price under CPR 94.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

JULY 30, 1952.

[F. R. Doc. 52-8460; Filed, July 30, 1952; 11:21 a. m.]

[Ceiling Price Regulation 94, Amdt. 5]

CPR 94—SALES OF USED PASSENGER AUTOMOBILES

CHEVROLET AND GMC SUBURBANS AND GRAHAM REMOVAL FROM CPR 94 COVERAGE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 94 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment removes from coverage under CPR 94 the Chevrolet Suburban and the GMC Suburban. CPR 94 covers used passenger automobiles which are defined in the regulation as vehicles "designed primarily for the carriage of passengers." The Chevrolet Suburban and the GMC Suburban which were designed primarily for the hauling of freight were erroneously listed in Appendix "A". They are properly trucks and their ceiling prices will be determined under the GCPR together with other used trucks.

This amendment also removes the listing of the Graham automobile from Appendix "A". The Graham is no longer being manufactured and has been exempted along with other "orphan" vehicles from price control by Amendment 20 to GOR 9.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

CPR 94 is amended in the following respect:

Appendix "A" is amended by striking out therefrom the listing of the Chevrolet Suburban, the GMC Suburban, and the Graham.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective July 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8503; Filed, July 31, 1952; 11:59 a. m.]

[General Ceiling Price Regulation, Amdt. 10 to Supplementary Regulation 13]

GCPR, SR 13—COKE, COAL CHEMICALS AND COKE OVEN GAS

SUCCESSOR LONG-TERM CONTRACTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 10 to Supplementary Regulation No. 13 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 13 to the GCPR recognizes the long established use of long-term contracts in the purchase and sale of coke, coal chemicals and coke oven gas which normally provide for selling prices which are below spot market prices for the commodities covered by the regulation. It is a normal practice, for example, for a gas producer to enter into a long-term contract with a gas distributing utility providing for the supply of gas over a long period, thus assuring the amortization of the investment in coke ovens. Since the principal cost in the operation of a coke oven is the cost of coal, these contracts usually contain provisions for adjustment with changes in coal costs. Owing to their long-term nature and careful negotiations, however, these contracts usually provide for prices below spot prices.

The use of long-term contracts in the purchase and sale of coke and coal chemicals is also long established, and similarly provide prices lower than those in the spot market.

But under Supplementary Regulation 13, only long-term contracts entered into prior to December 19, 1950 are exempted from ceiling price control. The same reasons for exempting the original contract likewise apply to successor contracts which replace the original contracts. This amendment to Supplementary Regulation 13, therefore, provides for the exemption of successor long-term contracts between the same parties which replace the original contracts on terms no less favorable to the purchaser. Under this amendment successor contracts are exempt if they are the same as the original contract or if the terms are such that the successor contract is no less favorable to the purchaser.

It appears that the exemption of these successor long-term contracts from price control will not result in increased ceiling prices to the consumer and will tend to encourage production of commodities which are still inadequate to meet the defense needs.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization, the provisions of this amendment to Supplementary Regulation 13 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 13 to the GCPR, as amended, is further amended in the following respect:

Section 2 (f) is amended by adding the words "or a successor contract between the parties of such expired long-term contract which it replaces on terms no less favorable to the purchaser", after "December 19, 1950", so that the paragraph will read as follows:

(f) A "long-term contract" is a bona fide written contract of two years or longer entered into prior to December 19, 1950, or a successor contract between the parties of such expired contract which it replaces on terms no less favorable to the purchaser.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 10 to Supplementary Regulation 13 to the General Ceiling Price Regulation shall become effective August 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8510; Filed, July 31, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 111]

GCPR, SR 111—CEILING PRICES FOR PULPWOOD PRODUCED AND SOLD FOR USE IN CERTAIN COUNTIES OF THE STATE OF NEW JERSEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 111 to the General Ceiling Price Regulation, is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation establishes dollar-and-cent ceiling prices for sales of rough pulpwood produced in the New Jersey Counties of Camden, Gloucester, Salem, Cumberland, Atlantic, Cape May, Ocean and Burlington when such pulpwood is sold to consumers located in any one of the foregoing counties.

There are approximately six principal consumers of pulpwood in the State of New Jersey. Four of these are located in the northern part of the State and two are located in the area covered by this regulation. Mills in the north historically have paid about $4.00 per long cord (160 cubic ft.) more than the southern mills to compensate the seller for the long haul to the mills. This price relationship was disturbed when, prior to the general freeze in January, 1951, the producers affected, who supplied these northern mills, increased their prices by approximately $5.00 per long cord. The resultant distorted price relationship diverted an abnormal amount of wood to the northern mills and made it impossible for the southern mills to procure the approximately 35,000 cords they had annually purchased in the past.

This regulation is issued, therefore, to correct the foregoing situation, which threatens the continued operation of the southern mills, by properly relating the ceiling prices for pulpwood and restoring the normal flow of wood in the two areas concerned. The ceiling prices established are quoted in terms of tons, the unit of measurement customarily used by the sellers and buyers affected. The ceiling prices set by this regulation, when stated in terms of cords, are directly related to those established for the same species produced in the adjacent area in Pennsylvania which is covered by CPR 102, and the mileage differentials herein are also correspondingly related to those established for that area. These prices are on the average 30 percent higher than those which were in effect in June, 1950, and have continued in effect prior to the issuance of this regulation.

The Director of Price Stabilization has consulted with representatives of the industry, including trade association representatives, insofar as practicable and has considered their recommendations. In the judgment of the Director of Price Stabilization this supplementary regulation is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for pulpwood.
3. Applicability of General Ceiling Price Regulation provisions.
4. Definitions.

AUTHORITY: Sections 1 through 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10151, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation supersedes sections 3 through 7 (pricing provisions) of the General Ceiling Price Regulation with respect to rough pulpwood produced in the Counties of Camden, Gloucester, Salem, Cumberland, Atlantic, Cape May, Ocean and Burlington in the State of New Jersey when such pulpwood is delivered to consumers located in any one of the foregoing Counties. For the sales and commodities covered, this supplementary regulation establishes dollar-and-cent ceiling prices on a per ton basis.

SEC. 2. *Ceiling prices for pulpwood.* (a) The ceiling prices per ton (2,000 lbs.) for pulpwood produced in the New Jersey Counties of Camden, Gloucester, Salem, Cumberland, Atlantic, Cape May, Ocean and Burlington when sold to consumers located in any one of these Counties are the following, delivered to the mill by truck at the seller's expense (up to 25 mile truck haul):

Species	Rough
Pine	$8.00
Hardwoods	6.60

(b) *Mileage differentials.* When you deliver pulpwood by truck to the consumer's mill and the haul from the point of shipment (as defined in section 4) exceeds 25 miles, you may add to the appropriate ceiling price in the above table a sum not over the appropriate differential provided below:

Distance (miles)	Rough pine or hardwood
25 to 45	$0.70
45 to 65	1.40
65 to 85	2.10
Over 85	2.80

SEC. 3. *Applicability of General Ceiling Price Regulation provisions.* Sellers covered by this supplementary regulation shall be subject to all the provisions of the General Ceiling Price Regulation not specifically superseded.

SEC. 4. *Definitions.* (a) When used in this supplementary regulation the term:

(1) "Delivered mill" means pulpwood delivered to a yard or piling area adjacent or contiguous to a consumer's mill.

(2) "Hardwood" includes the wood of all broadleaf, deciduous trees.

(3) "Pine" includes longleaf pine (Pinus palustris), shortleaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), Pond pine (Pinus serotina), sand pine (Pinus clausa), spruce pine (Pinus glabra), white pine (Pinus strobus), and any other species of the genus pinus.

(4) "Point of shipment" means the point at which pulpwood is loaded on the vehicle by which it is to be delivered to the consumer's mill.

(5) "Pulpwood" means any species of wood covered by this supplementary regulation sold for manufacture into wood pulp or defibered wood products.

(6) "Rough pulpwood" means pulpwood from which the bark has not been removed.

Effective date. This supplementary regulation shall become effective August 5, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8512; Filed, July 31, 1952; 4:00 p. m.]

[General Overriding Regulation 9, Amdt. 23]

GOR 9—Exemptions of Certain Industrial Materials and Manufactured Goods

Imported Ores and Concentrates Purchased Between May 8 and June 16, 1952, Miscellaneous Amendments

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 21 to GOR 9 in effect exempted from price control certain imported copper and copper made from imported raw materials purchased after June 16, 1952. This amendment extends that exemption to copper refined from raw materials purchased or received after May 8, 1952. It also clarifies an ambiguity that has appeared in the wording of Amendment 21 and adds a definition of a "copper refiner."

On May 8, 1952, the Chilean government terminated its agreement to sell to the United States part of its copper output at 27½ cents per pound. Pursuant to a directive of the Office of Defense Mobilization, Amendment 21 to GOR 9 was issued which in effect exempted from price control certain refined copper and copper made from imported copper bearing materials, and that permitted Chilean and other foreign copper to be purchased and sold at prices in excess of 27½ cents per pound.

The directive from the Office of Defense Mobilization indicated that any changes should be effective June 16, 1952, and Amendment 21 to GOR 9 exempted imported copper purchased subsequent to that date.

It appears, however, that certain refiners and custom smelters have traditionally purchased copper bearing materials in accordance with contract commitments under which refiners are obligated to pay a price for the copper content of the imported materials on the basis of the published price appearing in the Engineering and Mining Journal for the month following the month in which the copper bearing materials are received. Accordingly, these copper refiners and custom smelters are required to pay the prices published in the Engineering and Mining Journal for the end of June for materials received between May 8 and the end of May and the price appearing in the Engineering and Mining Journal for July for materials received between June 1 and June 16. The impact of the termination of the Chilean agreement has been a rise in the published prices and it appears that the published prices for July will be at least as high as those published for the month of June. The result, therefore, has been that these refiners and custom smelters under their commitments are required to pay for the ores and concentrates received between May 8 and June 16, 1952 an amount in excess of the 27½ cents per pound upon which their ceiling prices had been previously based. It was not the intention of this Agency nor the spirit of the Directive to require any absorption of this increased cost by these refiners and custom smelters.

In view of these considerations and in order to insure that the copper refined from raw materials thus purchased will be disposed of and not held in inventory, this amendment extends the exemption heretofore granted so as to include copper refined from such materials.

Amendment 21 also states that certain materials "purchased" after June 16, 1952, shall be exempt. It appears there is an ambiguity in the regulation where materials may have been "purchased" prior to the date specified—but are received thereafter. This amendment also clarifies this ambiguity by indicating that raw material "purchased by or delivered to" a refiner after the date specified is intended to be included in determining the quantity of refined copper exempted from price control.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Subparagraph 27 (i) of section 2 (a) of GOR 9 is amended to read as follows:

(27) *Certain sales of copper by refiners using imported raw materials.* (i) Sales by a copper refiner who purchases and uses imported raw materials of a quantity of refined copper equivalent to the recoverable copper content of the imported raw materials purchased by or delivered to such refiner after May 8, 1952, and for which such refiner makes payment to the seller on the basis of a price for copper in excess of 27½ cents per pound, provided that the records specified in subdivision (ii) of this subparagraph are kept. "Imported raw materials" means ore, concentrates and other copper bearing materials (including scrap) produced outside the United States, its territories and possessions. "Copper Refiner" includes any person whose business consists in whole or in part of smelting, refining, melting or otherwise processing ores, concentrates and other copper bearing materials (including scrap) into refined copper and any person who has such materials so processed for his account by another person under a toll or conversion agreement.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to General Overriding Regulation 9 shall become effective July 31, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8504; Filed, July 31, 1952; 12:00 m.]

[General Overriding Regulation 23, Amdt. 3]

GOR 23—Territorial Exemptions

Exemption of Fresh Fruits and Vegetables

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

General Overriding Regulation 23, as amended, lists curtain sales, in the territories and possessions of the United States, which are exempt from price control. This amendment adds to those exemptions the sale of fresh fruits and vegetables.

Although the sale of locally produced fresh fruits and vegetables have been exempted from price control by the General Ceiling Price Regulation, certain territorial ceiling price regulations have applied to the sale of fresh fruits and vegetables.

Carrying out the mandate of the Congress of the United States in the Harrison Amendment to the Defense Production Act this amendment removes the sale of fresh fruits and vegetables in the territories and possessions of the United States from the coverage of any ceiling price regulation now or hereafter issued by the Office of Price Stabilization.

In the judgment of the Director of Price Stabilization, this amendment is necessary to comply with the provisions of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

General Overriding Regulation 23 is amended by adding the following new Article III:

ARTICLE III—FRESH FRUITS AND VEGETABLES

SEC. 3.1 *What this article does.* This article exempts the sale, in the territories and possessions of the United States, of fresh fruits and vegetables, from the provisions of any ceiling price regulation of the Office of Price Stabilization issued now or to be issued in the future.

SEC. 3.2 *Exemption of fresh fruits and vegetables.* No ceiling price regulation now or hereafter issued by the Office of Price Stabilization shall apply to sales, in the territories and possessions of the United States, of fresh fruits and vegetables.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to General Overriding Regulation 23 is effective as of July 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8511; Filed, July 31, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Amdt. 1 of July 31, 1952]

M-46—Priorities Assistance for the Petroleum and Gas Industries in United States and Canada

Filing Form PAD-26LP

This amendment to NPA Order M-46 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Section 10 (b) of NPA Order M-46, as amended, is further amended by advancing the filing date for Form PAD-26LP by one month. As so amended, the last item in the list specifying the filing date for Form PAD-26LP reads as follows:

Form PAD-26LP—On or before the first day of the fourth month preceding the calendar quarter in which delivery of material is required.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect July 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8497; Filed, July 31, 1952; 11:11 a. m.]

[NPA Order M-104, Revocation]

M-104—Metalworking Machines—Finishes

Revocation

NPA Order M-104 (17 F. R. 3161) is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-104, nor deprive any person of any rights received or accrued under said order prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective July 31, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8498; Filed, July 31, 1952; 11:11 a. m.]

Chapter XIV—General Services Administration

[Revision 1]

Tungsten Regulation: Domestic Tungsten Program

This regulation, as revised, extends the time within which persons may give notice to the Government of their desire to participate in this purchase program and incorporates the previous regulation, dated May 10, 1951, and five amendments thereto, dated respectively, June 18, 1951, July 21, 1951, November 7, 1951, December 26, 1951, and March 31, 1952. This regulation, as revised, reads as follows:

Sec.
1. Basis and purpose.
2. Definitions.
3. Participation in the Program.
4. Deliveries.
5. Duration of the Program.
6. Specifications and penalties.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended; Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase tungsten concentrates of domestic origin for the fiscal years 1951–1956 as authorized by the Defense Production Administration on March 30, 1951, and outlines the attendant responsibilities and functions of the Administrator of General Services in purchasing such tungsten concentrates for Government use and resale, pursuant to delegation of authority from the Defense Materials Procurement Administrator, dated September 14, 1951. In accordance with the Program set forth herein, the Administrator will buy domestically produced tungsten concentrates, at a base price of $63 per short ton unit of contained tungsten trioxide (WO_3), less penalties.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Program" means the program as set forth in this regulation.

(c) "Milling point" means plant where ores are processed into specification grade tungsten concentrates.

(d) "Tungsten concentrates" means tungsten concentrates produced in the United States, its Territories and possessions from ores mined in the United States, its Territories and possessions.

(e) "Short ton unit" means one percent of 2,000 pounds avoirdupois dry weight.

(f) "Ferberite" means concentrates containing tungsten primarily as $FeWO_4$ with not more than 20 percent of the tungsten as $MnWO_4$.

(g) "Hubnerite" means concentrates containing tungsten primarily as $MnWO_4$ with not more than 20 percent of the tungsten as $FeWO_4$.

(h) "Wolframite" means concentrates containing tungsten as both $FeWO_4$ and $MnWO_4$ in any proportions from 80 percent $FeWO_4$ and 20 percent $MnWO_4$ to 20 percent $FeWO_4$ and 80 percent $MnWO_4$.

(i) "Scheelite" means concentrates containing, in nature, tungsten as $CaWO_4$.

(j) "Synthetic Scheelite" means chemically precipitated scheelite produced from any natural type of ore, and shall be chemically precipitated scheelite produced from any original type of ore, further processed so that not over ten percent of any lot shall pass a 35-mesh Tyler Standard Screen.

SEC. 3. *Participation in the Program.* (a) Any person may participate in the Program by notice given to the nearest General Services Administration regional office, in the form of a letter, postcard or telegram postmarked or dated by the telegraph office not later than June 30, 1953. Such notice shall state that the writer desires to participate in the Program and will either prospect for or produce tungsten, but the giving of such notice will not permit the participant to deliver material in any form other than that of concentrates meeting minimum specifications. Such notification must be signed and a return address given. Any person participating in the Program will promptly be sent a certificate authorizing him to deliver concentrates meeting minimum specifications f. o. b. carriers conveyance, milling point. Miners holding certificates but who do not operate concentrating facilities may participate in this Program to the extent of the ore produced by them, as follows:

(1) By selling such ore to operators of concentrating plants, in which event the resulting concentrates meeting specifications may be sold by such operators to the Administrator under this Program; or

(2) By having such ore treated on a toll basis and selling the resulting concentrates meeting specifications to the Administrator under this Program.

(b) Any operator of a concentrating plant by agreeing to participate in this Program also agrees to purchase or process suitable tungsten contained ores offered to him by independent miners to the limit of the capacity of his plant in excess of that required for his own production and on fair and equitable terms and conditions (including prices). Each operator of a concentrating plant participating in this Program shall promptly establish a schedule setting forth his terms and conditions (including prices) for the purchase and processing of crude tungsten ores. Each such operator shall promptly submit a copy of such schedule to the Administrator, and shall also submit promptly any changes made in such schedule thereafter.

SEC. 4. *Deliveries.* Tungsten concentrates purchased under the Program are to be delivered f. o. b. carriers conveyance any milling point designated by the Administrator. Delivery of less than one short ton of concentrates will not be accepted. Each delivery will be analyzed by the Government after beneficiation at the milling point, and payment will be made in accordance with such analysis. Deliveries not conforming to minimum specifications will be rejected and any expenses in connection therewith will be borne by the seller.

SEC. 5. *Duration of the Program.* The Program shall terminate and be of no further force or effect when 3,000,000 short ton units of tungsten have been delivered to and accepted by the Government under this Program, or on July 1, 1956, whichever occurs first.

SEC. 6. *Specifications and penalties.* (a) The specifications for tungsten concentrates and penalties applicable to deliveries of such concentrates appear below:

(1) Percentage of tungsten trioxide (WO_3) required with respect to each of the following:

	Ferberite	Huebnerite	Wolframite	Scheelite and/or synthetic scheelite
	Percent	*Percent*	*Percent*	*Percent*
Standard	60	60	65	60
Minimum	55	55	60	55

(2) Maximum percentage allowances of the following elements without penalty:

	Ferberite	Huebnerite	Wolframite	Scheelite and/or synthetic scheelite
	Percent	*Percent*	*Percent*	*Percent*
Tin (Sn) max	0.20	0.25	1.50	0.10
Copper (Cu) max	.10	.10	.05	.05
Arsenic (As) max	.15	.10	.25	.10
Antimony (Sb) max	.10	.10	.10	.10
Bismuth (Bi) max	1.00	1.00	1.00	.25
Molybdenum (Mo) max	.50	.50	.40	2.75
Phosphorus (P) max	.07	.05	.05	.05
Sulphur (S) max	.50	.50	.50	.50
Manganese (Mn) max	1.00	(1)	(1)	1.00
Lead (Pb) max	.20	.20	.20	.10
Zinc (Zn) max	.10	.40	.10	.10

[1] Not specified.

(b) The minimum base price shall be subject to the following adjustments:

(1) For each short ton unit of delivered tungsten trioxide (WO_3) the sum of twenty cents ($0.20) shall be deducted from the base price for each one percent of tungsten trioxide (WO_3) below the standard requirements set forth in paragraph (a) of this section. No tungsten concentrates not meeting the minimum requirements set forth in said paragraph (a) of this section will be accepted.

(2) For each short ton unit of delivered tungsten trioxide (WO_3) a deduction of twenty-five cents ($0.25) shall be made for each of the following increments in excess of the maximum allowances (paragraph (a) of this section), as to each of the following elements:

	Percent
Copper (Cu)	0.01
Phosphorus (P)	.01
Arsenic (As)	.10
Bismuth (Bi)	.50
Molybdenum (Mo)	.10
Tin (Sn)	.10
Sulphur (S)	.10
Antimony (Sb)	.10
Manganese (Mn)	1.00
Lead (Pb)	.10
Zinc (Zn)	.10

Dated: July 28, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-8475; Filed, July 31, 1952; 8:56 a. m.]

[Revision 1]

MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

This regulation, as revised, extends the time within which persons may give notice to the Government of their desire to participate in this purchase program and announces the establishment of a purchase depot at Franklin, New Hampshire. This regulation, as revised, incorporates the previous regulation, dated March 12, 1952, and Amendment 1 thereto, dated May 5, 1952, and reads as follows:

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of Programs A and B.
4. Program A.
5. Program B.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2093; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789.

SECTION 1. *Basis and purpose.* This regulation interprets and implements the authority of the Administrator of General Services to purchase, pursuant to delegation of authority from the Defense Materials Procurement Administrator, dated March 12, 1952, hand-cobbed muscovite ruby crude mica and processed muscovite ruby block and film mica, all of domestic origin, as authorized by the Defense Production Administration on February 5, 1952, and outlines the attendant responsibilities and functions of the Administrator in purchasing such mica for Government use and resale. In accordance with Programs A and B set forth herein, the Administrator will buy domestically produced mica conforming to the requirements, at the price, and under the other terms and conditions of this regulation.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Administrator" means the Administrator of General Services.

(b) "Government depot" means the purchase depots of the Government at Franklin, New Hampshire, Spruce Pine, North Carolina, Custer, South Dakota, or any other such depots established hereafter.

(c) "Domestic origin" means mined within the United States (the forty-eight States and the District of Columbia).

(d) "Block mica" means processed muscovite ruby block mica which conforms with the requirements of section 4 (b) of this regulation.

(e) "Film mica" means processed muscovite ruby film mica which conforms with the requirements of section 4 (b) of this regulation.

(f) "Hand-cobbed mica" means run-of-the-mine muscovite ruby mica crystal which is free from dirt, rock and mine run scrap and which conforms with the requirements of section 5 (b) of this regulation.

(g) "Program A" means the Program for purchase by the Government of processed block and film mica of domestic origin.

(h) "Program B" means the Program for purchase by the Government of hand-cobbed mica of domestic origin.

(i) "Regional Director" means the Director of any one of the following General Services Administration regional offices having jurisdiction as indicated below:

Region No.	Address	Government depots over which jurisdiction is exercised
1	Regional Director, General Services Administration, 620 Post Office and Courthouse, Boston 9, Mass.	Franklin, N. H.
4	Regional Director, General Services Administration, 50 Whitehall St., SW., Atlanta 3, Ga.	Spruce Pine, N. C.
6	Regional Director, General Services Administration, 1800 Federal Office Bldg., 911 Walnut St., Kansas City 6, Mo.	Custer, S. Dak.

SEC. 3. *Duration of Programs A and B.* Programs A and B shall terminate and be of no further force or effect at the close of business June 30, 1955, or when the total block, film and hand-cobbed mica delivered to and accepted by the Government under said Programs reaches the equivalent of 25,000 short tons of hand-cobbed mica, whichever first occurs. For the purpose of computing said 25,000 short tons of hand-cobbed mica, 90 pounds of block or film mica shall be deemed to be the equivalent of one (1) short ton of hand-cobbed mica.

SEC. 4. *Program A—(a) Participation in Program.* Any person may participate in Program A by giving notice to the Regional Director having jurisdiction over the Government depot nearest to the location of his mica processing plant. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1953, and shall state: (1) That the applicant has read this regulation and accepts its terms and conditions, and (2) that he desires to participate in "Mica Program A" and will offer mica to the Government pursuant thereto. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver block or film mica which conforms with the requirements set forth in paragraph (b) of this section. A person participating in Program A may not participate simultaneously in Program B.

(b) *Requirements.* (1) All block and film mica purchased under Program A shall in every respect conform to the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of block or film mica by the Government. The qualities which will be accepted are good stained and batter, stained and heavy stained. Ruby mica only will be accepted.

(2) The following grades will be accepted:

Grades	Area of minimum rectangle (square inches)	Minimum dimension of 1 side (inches)
No. 6	1	¾
No. 5½	2¼	1½
No. 5	3	1
No. 4	6	1½
No. 3 and larger	10	2

(3) Each lot of block or film mica must contain not less than 20 percent good stained or better quality.

(4) All block and film mica must be full-trimmed.

(5) The Government reserves the right, at any time during Program A, to utilize electrical inspection in addition to visual inspection as the basis for acceptance of mica and to add to the kind, qualities and grades of mica set forth above.

(c) *Deliveries.* Block and film mica offered to the Government under Program A shall be delivered f. o. b. the Government depot nearest to the participant's processing plant. Delivery of less than forty-five (45) pounds of block or film mica at one time will not be accepted. Prior to delivery a participant must give the Superintendent of the Government depot to which he is shipping, reasonable advance notice with respect to the quantity to be delivered and the proposed delivery date. The Superintendent of the Government depot will then establish a delivery schedule with each participant. The Government reserves the right to reject any deliveries that have not been so scheduled.

(d) *Inspection and acceptance.* Each delivery will be inspected by the Government at the Government depot. Deliveries not conforming to the minimum requirements set forth in paragraph (b) of this section will be rejected and all costs to the Government except inspection costs in connection therewith will be borne by the owner of the mica. The decision of the Government with regard to acceptance (including quality, grade and other requirements) or rejection will be final.

(e) *Price schedule.* The following prices per pound will be paid for processed block and film mica delivered f. o. b. Government depot and accepted by the Government:

PRICE SCHEDULE
[Per pound]

Grades	Qualities		
	Good stained and better	Stained	Heavy stained
No. 3 and larger	$70.00	$18.00	$13.00
No. 4 and No. 5	40.00	8.00	6.00
No. 5½ and No. 6	15.00	5.00	3.00

SEC. 5. *Program B—(a) Participation in Program.* Any person may participate in Program B by giving notice to the Regional Director having jurisdiction over the Government depot nearest to the location of his mine or deposit. Such notice shall be in the form of a letter, postcard or telegram, postmarked or dated by the telegraph office not later than June 30, 1953, and shall state: (1) That the applicant has read this regulation and accepts its terms and conditions; (2) that he desires to participate in "Mica Program B" and will offer mica to the Government pursuant thereto; (3) the location of his mine or deposit; (4) the point at which he desires to have his hand-cobbed mica inspected, in accordance with paragraph (c) of this section; (5) the name, if any, of such mine or deposit; (6) the monthly rate of production of hand-cobbed mica which it is estimated may be obtained from such mine or deposit. Such notice must be signed and a return address given. Any person giving notice in the form required above will promptly be sent a certificate authorizing him to deliver hand-cobbed mica which conforms with the requirements of paragraph (b) of this section. A person participating in Program B may not participate simultaneously in Program A.

(b) *Requirements.* (1) The requirements for hand-cobbed mica under Program B are that it must yield four and one-half (4½) percent block or film mica, grade six (6) or larger and heavy stained or better quality, of which at least eighteen (18) percent must be good stained or better quality and at least twenty-seven (27) percent must be stained or better quality. The block and film mica to be processed from this hand-cobbed mica shall conform in all other respects with the requirements of American Society for Testing Materials Specification D-351, latest revision as of the date of acceptance of each lot of hand-cobbed mica by the Government. Ruby mica only will be accepted.

(2) The Government reserves the right, at any time during Program B, to utilize electrical inspection in addition to visual inspection as the basis for acceptance of mica and to add to the kind, qualities and grade of mica set forth above.

(c) *Inspection and acceptance.* The participant shall give reasonable advance notice to the Superintendent of the Government depot to which he will ship the hand-cobbed mica, stating the quantity he proposes to offer for sale to the Government under Program B. Offerings of quantities that are less than one thousand (1,000) pounds will not be considered by the Government. Upon such notification, the Government shall arrange for inspection of the hand-cobbed mica offered at the point of production or at such other points as is mutually agreed upon between the participant and the Government: *Provided, however,* That such inspection shall not be made beyond a three hundred (300) mile radius of the Government depot to which the participant will ship. After inspection by a Government inspector the hand-cobbed mica will be accepted by the Government if in the judgment of the Government inspector the offered hand-cobbed mica will conform to the requirements of paragraph (b) of this section, and will be rejected by the Government if in his judgment it will not conform to such requirements. Such acceptance or rejection shall be final. If, after processing, the Government determines that any such accepted lot or lots of hand-cobbed mica delivered from a specific mine or deposit fail to yield block or film mica in accordance with the requirements of paragraph (b) of this section, the Government reserves the right to refuse to consider or accept further offerings of hand-cobbed mica from the particular mine or deposit from which such lot or lots were produced.

(d) *Deliveries.* Hand-cobbed mica accepted by the Government under Program B is to be delivered as follows: (1) If shipped by rail, f. o. b. common carrier's conveyance at a railroad delivery point designated by the Government which will be as close as possible to the Government depot; or (2) if shipped by motor truck, f. o. b. Government depot. Hand-cobbed mica accepted by the Government under paragraph (c) of this section shall not be delivered in shipments of less than one thousand (1,000) pounds. Prior to shipment the shipper must give the Superintendent of the Government depot to which he is shipping reasonable advance notice with respect to the quantity to be shipped and the proposed shipping date. The Superintendent of the Government depot will then establish a shipping schedule with each shipper and will instruct the shipper how to prepare the hand-cobbed mica for shipment. The Government reserves the right to reject any hand-cobbed mica which has not been so scheduled and prepared.

(e) *Price.* The price to be paid for hand-cobbed mica accepted by and delivered to the Government in accordance with paragraphs (c) and (d) of this section will be $600 per short ton (2,000 pounds).

Dated: July 28, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-8476; Filed, July 31, 1952; 8:56 a. m.]

Chapter XXIII—Defense Materials Procurement Agency

[Revision 1]

COLUMBIUM-TANTALUM PURCHASE PROGRAM

Section 6 of this regulation is rewritten in its entirety. All other sections remain unchanged.

Sec.
1. Basis and purpose.
2. Definitions.
3. Duration of the program.
4. Participation under the program.
5. Specifications and price.
6. Purchase agents.
7. Deliveries and certification.
8. Weighing, sampling and analysis.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, Pub. Law 96, 82d Cong., 50 U. S. C. App. Sup. 2093; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789, 3 CFR, 1951 Supp.

SECTION 1. *Basis and purpose.* The purpose of this regulation is to establish a guaranteed purchase program designed to encourage the expansion of the production of columbium-tantalum bearing ores and concentrates of both domestic and foreign origin. The program was authorized by the Defense Production Administration on January 1, 1952. Under the program the Government agrees to purchase a minimum of 15,000,000 pounds of contained combined pentoxide (Cb_2O_5 plus Ta_2O_5).

SEC. 2. *Definitions.* (a) "Administrator" means the Administrator of the Defense Materials Procurement Agency.

(b) "Program" means the terms and conditions under which the Administrator will purchase columbium-tantalum bearing ores and concentrates.

(c) "Lot" means shipments of columbium-tantalum bearing ores and concentrates of not less than 2,000 pounds, dry weight.

(d) "Seller" means any individual or firm having title to columbium-tantalum bearing ores and concentrates.

SEC. 3. *Duration of the program.* The program shall terminate and be of no further force or effect as of the close of business on December 31, 1956: *Provided, however,* That the Administrator may terminate the program as of the date when the Government has purchased 15,000,000 pounds of contained combined pentoxides (Cb_2O_5 plus Ta_2O_5).

SEC. 4. *Participation under the program.* Any seller may offer for sale to the Government columbium-tantalum bearing ores and concentrates of either domestic or foreign origin which meet the specifications provided in section 5 of this regulation by delivering and offering such material to the Government in accordance with the terms and conditions as set forth in this regulation, at any time prior to the termination of the program.

SEC. 5. *Specifications and price.* The Government shall pay the following price for columbium-tantalum bearing ores and concentrates meeting the following specifications, determined on a dry weight basis:

(a) For columbium ores and concentrates containing not less than 35 percent combined Cb_2O_5 and Ta_2O_5, and having a Cb_2O_5 and Ta_2O_5 ratio of not less than one to one; impurities not to exceed the following maximum limits:

	Percent
TiO_2	8
SnO_2	8
FeO	25
NnO	13

$1.40 per pound of combined contained pentoxide, plus 2 cents per pound for each additional full percent of combined contained pentoxide above 35 percent.

(b) For tantalum ores and concentrates containing not less than 25 percent Ta_2O_5 and less than 20 percent Cb_2O_5, and containing not in excess of the following maximum impurities:

	Percent
TiO_2	4
SnO_2	4

$3 per pound of contained Ta_2O_5 in ores and concentrates containing 30–40 percent Ta_2O_5, plus 3 cents per pound for each additional full percent of contained Ta_2O_5 above 40 percent, plus an additional 4 cents per pound for each full percent of contained Ta_2O_5 above 50 percent.

PENALTY: For tantalum ores and concentrates containing between 25 and 30 percent of Ta_2O_5, 6.0 cents per pound will be deducted for each full percent of contained Ta_2O_5 under 30 percent.

(c) For columbium-tantalum ores and concentrates containing 25 percent or more of Ta_2O_5 and 20 percent or more of Cb_2O_5, and containing not in excess of the following maximum impurities:

	Percent
TiO_2	4
SnO_2	4

$1.60 per pound of combined contained pentoxide in ores or concentrates containing a minimum of 45 percent combined pentoxide, plus 2 cents per pound for each additional full percent of combined pentoxide above 45 percent.

(d) Columbium-tantalum bearing ores and concentrates failing to meet the specifications set forth in paragraphs (a), (b) and (c) of this section will be considered for purchase by the Government provided the seller bears the cost of upgrading to the minimum specifications.

(e) Bonus: For lots meeting the above specifications, an incentive bonus amounting to 100 percent of the price specified in paragraphs (a), (b) and (c) of this section will be paid on all accepted deliveries, except that no bonus shall be paid on any lot previously owned by the Government.

SEC. 6. *Purchase agents.* The Fansteel Metallurgical Corporation, North Chicago, Illinois, the Wah Chang Corporation, New York, New York, and the Emergency Procurement Service of the General Services Administration, shall act as purchase agents for and on behalf of the Government under this program. Offers of ores to the Government under this program shall be made to such agents. Purchases made hereunder by the Emergency Procurement Service shall be for the national stockpile.

SEC. 7. *Deliveries and certification.* Deliveries of all purchases made under this program shall be in lots of not less than 2,000 pounds, and shall be (a) in the case of materials of foreign origin, c. i. f. Atlantic ports, and (b) in the case of materials of domestic source, f. o. b. depot of purchasing agent. Each lot offered to the Government hereunder shall be accompanied by a certificate disclosing the identity of the actual producer. In the event the seller is not the actual producer of the ore, the seller shall receive payment only in the amount of the base purchase price and the bonus payment shall be paid by the Government direct to the actual producer.

SEC. 8. *Weighing, sampling and analysis.* All deliveries shall be subject to weight, sampling, moisture determination and analysis by the Government at its own expense prior to acceptance. The seller may, at his own expense, have a representative present at the weighing and sampling. Each shipment shall be sampled at the time of unloading at the receiving point by a sampler designated by the Administrator. Each sample shall be analyzed by a recognized commercial laboratory selected by the Administrator. All shipments found not to meet the specifications provided herein shall be rejected. The seller shall be accorded fifteen (15) days to remove the shipment from the unloading site. Upon failure to remove the shipment within fifteen (15) days of due notice, the Administrator may, at his discretion, remove such shipment and the costs of such removal shall be for the account of the seller; or the Administrator may, at his option, otherwise dispose of such shipment without liability therefor.

Dated: July 28, 1952.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 52-8482; Filed, July 31, 1952; 8:56 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PROVISIONAL REGULATIONS

A new § 3.1516 is added as follows:

§ 3.1516 *Instructions relating to increases in statutory awards and the granting thereof to veterans suffering the anatomical loss or loss of use of a creative organ or suffering from arrested tuberculosis.* (a) Public Law 427, 82d Congress reads as follows:

That (A) subparagraph (k), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended to read as follows:

(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of a creative organ, or one foot, or one hand, or blindness of one eye, having only light perception, the rate of compensation therefor shall be $47 per month independent of any other compensation provided in part I, paragraph II, subparagraphs (a) to (j); and in the event of anatomical loss or loss of use of a creative organ, or one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (l) to (n), inclusive, of part I, paragraph II, the rate of compensation shall be increased by $47 per month for each such loss or loss of use, but in no event to exceed $400 per month.

(B) The rate of compensation provided under subparagraph (l), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby increased to $266.

(C) The rate of compensation provided under subparagraph (m), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby increased to $313.

(D) The rate of compensation provided under subparagraph (n), paragraph II, part I, Veterans Regulation Number 1 (a), as amended, is hereby increased to $353.

(E) The rates of compensation provided by subparagraphs (o) and (p), paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, are hereby increased to $400.

SEC. 2. Paragraph II, part I, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by adding a new subparagraph (q) to read as follows:

(q) If the disabled person is shown to have had a service-incurred disability resulting from an active tuberculosis disease, which disease in the judgment of the Administrator of Veterans' Affairs has reached a condition of complete arrest, the monthly compensation shall be not less than $67.

SEC. 3. The rate of compensation provided by the last paragraph of section 202 (3) of the World War Veterans' Act, 1924, as amended (38 U. S. C. 473), for the loss of the use of a creative organ or one or more feet or hands is hereby increased to $47.

SEC. 4. The rate of compensation provided in section 202 (7) of the World War Veterans' Act, 1924, as amended (38 U. S. C. 480), for arrested tuberculosis is hereby increased to $67.

SEC. 5. All rates of compensation provided by the last two provisos of the first paragraph of section 202 (3) of the World War Veterans' Act, 1924, as amended (38 U. S. C. 473), are hereby increased 11 per centum: *Provided,* That in any case the rate of compensation, is increased, shall be further adjusted upward or downward to the nearest dollar.

SEC. 6. The maximum additional sum authorized by section 202 (5), World War Veterans' Act, 1924, as amended (38 U. S. C. 478), for the need of a nurse or attendant is hereby increased to $67.

SEC. 7. The rates of compensation authorized by this act shall be effective from the first day of the second calendar month following the date of approval of this act.

(b) The principles of § 3.131 will be followed in determining entitlement to special monthly compensation under subparagraph (k), Veterans Regulation 1 (a), Part I (or Part II), Paragraph II, as amended (38 U. S. C. ch. 12). As to § 3.131 (b), the word trauma includes disease in all applications of § 3.131; for the particular purpose of subparagraph (k) the requirements of line of duty, incurrence (or aggravation) between specified dates, and requirement of direct service connection as contrasted with service connection by statutory presumption do not apply. The non-application of these three requirements under subparagraph (k) brings it about that a number of World War I veterans having lost the use of a creative organ with additional compensation denied under section 202 (3) by reason of noncompliance with one or more of these requirements may be entitled under subparagraph (k) as well as veterans of World War II, peacetime service, and service within the purview of Public Law 28, 82d Congress. Examinations with proper diagnostic methods may be ordered when avulsion or complete atrophy of an organ is not established. The advice of the Chief Medical Officer should be secured in doubtful cases. As to § 3.131 (f), the cases of women veterans will not be routinely referred to Central Office but will be adjudicated locally.

(c) By virtue of the increases provided by this Act it will be possible to prospectively effect apportionments under subparagraphs (l) through (p) of Veterans Regulation 1 (a), Part I, paragraph II, as amended, or the corresponding peacetime rate, on the current rate for total disability, $172.50 monthly, rather than on the basis of $138 as presently provided by § 3.312 (g).

(d) Section 7 of Public Law 427, 82d Congress, provides that "The rates of compensation authorized by this act shall be effective from the first day of the second calendar month following the date of approval of this act". The effective dates of awards, will be in accordance with the provisions of controlling regulations provided that in no event will benefits under Public Law 427, 82d Congress be awarded for any period prior to August 1, 1952. The increases provided shall be effective August 1, 1952 as to those cases in which no claim is required and as to claims pending or in an appellate status on June 30, 1952. In new claims filed on or after June 30, 1952 and prior to August 1, 1952, the increased rate or new benefit will be effective August 1, 1952. (Instruction No. 1, Pub. Law 427, 82d Cong.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 1, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8439; Filed, July 31, 1952; 8:55 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 858]

MONTANA

MODIFICATION OF WITHDRAWAL OF LANDS ON FORT PECK RESERVATION

By virtue of the authority vested in the President of the United States and delegated to the Secretary of the Interior in Executive Order 10355 (May 26, 1952; 17 F. R. 4831), it is ordered as follows:

The order of the Secretary of the Interior dated September 19, 1934 (54 I. D. 559, 563), temporarily withdrawing from disposal the undisposed-of lands on certain Indian reservations, including the Fort Peck Reservation in Montana, that had theretofore been "opened", or authorized to be "opened", to disposal under the public-land laws, or which were subject to mineral entry and disposal under the mining laws of the United States, and the order of the Assistant Secretary of the Interior dated November 5, 1935, continuing the temporary withdrawal of the undisposed-of "opened" lands on certain Indian reservations, including the Fort Peck Reservation in Montana, are hereby modified to the extent of permitting, where otherwise authorized by existing law, the allotment of such lands on the Fort Peck Reservation in Montana to individual Indians of that reservation.

MASTIN G. WHITE,
Acting Secretary of the Interior.

JULY 25, 1952.

[F. R. Doc. 52-8394; Filed, July 31, 1952; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Federal Security Agency

PART 402—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

TERMS

Pursuant to the authority conferred by the Labor-Federal Security Appropriation Act 1953, Public Law 452, approved July 5, 1952, governing Federal reimbursement for one-half of necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons, the regulations prescribed pursuant to the Labor-Federal Security Appropriation Act 1943, approved July 8, 1947 (12 F. R. 4644), as revised by the regulations relating to the same subject prescribed pursuant to the Omnibus Appropriation Act 1951, Public Law 759, approved September 6, 1950 (15 F. R. 6449), are hereby adopted and prescribed as the regulations under the Labor-Federal Security Appropriation Act 1953, with the following change:

Section 402.2 (a) is hereby changed to read as follows:

§ 402.2 *Terms.* • • •

(a) "Act" means Title II of Public Law 452, approved July 5, 1952, known officially as the "Federal Security Agency Appropriation Act 1953."

(Pub. Law 452, 82d Cong.)

[SEAL] OSCAR R. EWING,
Federal Security Administrator.

JULY 28, 1952.

[F. R. Doc. 52-8415; Filed, July 31, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 324]

EXCISE TAX ON DIESEL FUEL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 2455 and 3791 of the Internal Revenue Code (65 Stat. 452, 53 Stat. 467; 26 U. S. C. 2455, 3791).

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

PART 324—EXCISE TAX ON DIESEL FUEL

SUBPART A—INTRODUCTORY PROVISIONS

Sec.
324.0 Scope of part.

SUBPART B—DEFINITIONS

324.10 Meaning of terms.

SUBPART C—TAX ON DIESEL FUEL

324.20 Effective period.
324.21 Application of the tax on sale of taxable liquid.
324.22 Application of the tax on use of taxable liquid.
324.23 Rate of tax.

SUBPART D—GENERAL EXEMPTIONS

324.30 Sales to States or political subdivisions thereof.
324.31 Sales for export.
324.32 Proof of exportation.
324.33 Shipments to possessions of the United States.

SUBPART E—ADMINISTRATIVE PROVISIONS

324.40 Returns.
324.41 Payment of taxes.
324.42 Records.
324.43 Jeopardy assessments.
324.44 Nontaxable use or sale by vendee.
324.45 Credit or refund generally.
324.46 Penalties and interest.
324.47 Promulgation of regulations.

AUTHORITY: §§ 324.0 to 324.47 issued under 53 Stat. 467, 65 Stat. 452; 26 U. S. C. 3791, 2455.

SUBPART A—INTRODUCTORY PROVISIONS

§ 324.0 *Scope of part.* (a) Sections 324.0 to 324.47, inclusive, apply to the excise tax imposed by Chapter 20 of the Internal Revenue Code, relating to diesel fuel. These sections deal with the determination of tax liability, the computation of the tax, the manner of its application, the collection and return of tax, the imposition of penalties, credits and refunds, tax-free sales, and related matters.

(b) The statutory references are to the Internal Revenue Code, unless otherwise stated.

SUBPART B—DEFINITIONS

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization. • • •

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

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(b) Includes and including. The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 324.10 *Meaning of terms.* (a) As used in this part the terms defined in the applicable provisions of law shall have the meanings so assigned to them.

(b) The term "sale" includes any agreement whereby the seller transfers the property (that is, the title or the substantial incidents of ownership) in goods to the buyer for a consideration called the price, which may consist of money, services or other things.

(c) The term "diesel-powered highway vehicle" includes any vehicle powered or propelled by a diesel motor or engine and of the type which would be licensed by the various States as a highway vehicle. However, the term does not include equipment of the type designed primarily for use in road building, farming, coal mining, lumbering, oil production, etc., which because of its dimensions, weight, or other specifications is not designed for use as a highway vehicle and may not legally move over the highway, except under special permit.

(d) The term "taxable liquid" includes any liquid which is sold or used as a fuel in a diesel-powered highway vehicle but does not include a product taxable under the provisions of section 3412 of the Code, relating to the tax on gasoline.

(e) The term "Territory of the United States" means the territories of Alaska and Hawaii.

SUBPART C—TAX ON DIESEL FUEL

SEC. 2450. TAX ON DIESEL FUEL (AS ADDED BY SECTION 441 (A) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

There is hereby imposed a tax of 2 cents a gallon upon any liquid (other than any product taxable under section 3412)—

(1) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or

(2) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under clause (1). On and after April 1, 1954, the tax imposed by this section shall be 1½ cents a gallon in lieu of 2 cents a gallon.

SEC. 441 (B) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951

(b) *Effective date.* The amendment made by subsection (a) shall take effect on the first day of the first month which begins more than ten days after the date of the enactment of this act.

§ 324.20 *Effective period.* The tax imposed by section 2450 is effective with respect to the sale or use of any taxable liquid as a fuel in a diesel-powered highway vehicle on and after November 1, 1951.

§ 324.21 *Application of the tax on sale of taxable liquid.* (a) The tax imposed by clause (1) of section 2450 of the Code applies to the sale of any taxable liquid to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such a vehicle, regardless of whether the vehicle is actually employed in highway or off-highway use.

(b) For purposes of the tax, the sale of a taxable liquid to an owner, lessee, or other operator of a diesel-powered highway vehicle shall be considered a taxable sale of such liquid (1) where the liquid is delivered by the vendor into the fuel supply tank of the vehicle, or (2) where not so delivered, the vendee indicates in writing at the time of the sale that the entire quantity of the liquid covered by the sale is for use by him as a fuel in a diesel-powered highway vehicle. See § 324.44 for provisions relating to credit or refund where any liquid purchased tax-paid is used by the vendee otherwise than as a fuel in a diesel-powered highway vehicle.

(c) The tax is payable by the person who makes the taxable sale. Where a taxable liquid is consigned to a person for sale and the consignor maintains control over the terms and prices for which the liquid may be sold by the consignee, the consignor is the person liable for the tax when a taxable sale of the liquid is made by the consignee. In the event the consignor maintains no control over the terms and prices for which the liquid may be sold by the consignee, such consignee is the person liable for the tax upon the taxable sale of such liquid.

(d) In the case of a taxable sale on credit, the tax applies whether or not the purchase price of the liquid is actually collected from the vendee.

§ 324.22 *Application of the tax on use of taxable liquid.* (a) If a person acquires a taxable liquid by any means other than through a transaction subject to tax under clause (1) of section 2450 and uses it as a fuel in a diesel-powered highway vehicle, he shall be liable for tax under clause (2) of section 2450 on the quantity of such liquid so used. The tax is applicable regardless of whether the vehicle is actually employed in highway or off-highway use.

(b) The quantity of such taxable liquid placed by the taxpayer-user in the fuel supply tank of a diesel-powered highway vehicle shall be presumed to be used as a fuel in such vehicle, and therefore subject to tax, unless the taxpayer establishes by competent evidence that a portion of the quantity placed in such fuel supply tank was used otherwise than as a fuel in such vehicle. If such fact is established the tax shall apply only to the quantity of the taxable liquid actually used as a fuel in diesel-powered highway vehicle.

§ 324.23 *Rate of tax.* For the period November 1, 1951 through March 31, 1954, the rate of tax is 2 cents a gallon. For the period beginning April 1, 1954, the rate of tax is 1½ cents a gallon.

SUBPART D—GENERAL EXEMPTIONS

SEC. 2453. TAX-FREE SALES AND USES (AS ADDED BY SECTION 441 (A) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Under regulations prescribed by the Secretary, no tax under this chapter shall be imposed with respect to the sale of any liquid for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, or with respect to the use by any of the foregoing of any liquid as fuel in a diesel-powered highway vehicle.

§ 324.30 *Sales to States or political subdivisions thereof, etc.* (a) The tax imposed by section 2450 does not apply in the case of a sale of any taxable liquid by any person to a State, Territory of the United States or any political subdivision thereof, or the District of Columbia, for its exclusive use, or in the case of the use of any taxable liquid by any State, Territory of the United States, or any political subdivision thereof, or the District of Columbia, as a fuel in a diesel-powered highway vehicle.

(b) Any vendor claiming exemption under this section shall be prepared to produce evidence which will establish the right to exemption from the tax imposed by section 2450. Generally, clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, when signed by an authorized officer thereof will be accepted in support of the exemption. However, in the absence of such orders or contracts, a statement signed by such an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or political subdivision thereof, or the District of Columbia, will be acceptable.

EXPORTS, AND SHIPMENTS TO POSSESSIONS OF THE UNITED STATES

SEC. 2454. APPLICABILITY OF ADMINISTRATIVE PROVISIONS (AS ADDED BY SECTION 441 (A) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2705. EXPORTATION.

Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the tax imposed under section 2700 (a) shall not apply in respect of articles sold or leased for export or for shipment to a possession of the United States and in due course so exported or shipped. • • •.

§ 324.31 *Sales for export.* (a) The tax imposed by section 2450 does not apply in the case of a sale of any taxable liquid for export. To be exempt from tax on such a sale for export, it is necessary that the vendor establish (1) the liquid was sold by him for export, and (2) that the liquid was exported in due course.

(b) A sale for export means a sale with the intent of severing the article from the mass of things belonging within the United States and the landing thereof in a foreign country for the purpose of uniting it with the mass of things belonging within such foreign country.

(c) A taxable liquid will be regarded as having been sold by the vendor for export if the vendor has in his possession at the time title to the liquid passes to the vendee, or at the time of shipment to the vendee (whichever is prior), a written order or contract of sale indicating that the liquid is to be exported to a foreign destination prior to use in the United States.

(d) The written order or contract of sale suspends liability for the payment of the tax by the vendor on such sales for export for a period of six months from the date when title passes or the date of shipment to the vendee, whichever is prior. If within such period the vendor has not received proper "proof of exportation" (see § 324.32), then the temporary suspension of the liability for the payment of the tax ceases and the vendor shall include the tax on the sale of such liquid in his return for the month in which such 6-month period expires.

§ 324.32 *Proof of exportation.* (a) Exportation may be evidenced by (1) a copy of the export bill of lading issued by the delivering carrier, or (2) a certificate by the agent or representative of the export carrier showing actual exportation of the liquid, or (3) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (4) where such foreign country has no customs administration, a statement of the foreign consignee showing receipt of the liquid.

(b) In any case where the vendor does not have in his possession within the 6-month period, proof of exportation as outlined herein, the vendor must pay the tax involved. If proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, or a credit may be taken upon any subsequent monthly return, but such action must be taken within the 4-year period of limitations prescribed by section 3313.

(c) In all cases the sales records, together with the evidence of exportation, must be preserved by the vendor for a period of at least four years from the last day of the month following the sale, and must be readily accessible for inspection by internal-revenue officers.

§ 324.33 *Shipments to possessions of the United States.* (a) The same provisions as relate to sales for export and proof of exportation will apply to sales for shipment to a possession of the United States. (See §§ 324.31 and 324.32).

(b) The term "possession of the United States" includes the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, and the Midway Islands.

(c) This exemption does not apply with respect to sales of any taxable liquid for shipment to the Territories of Alaska and Hawaii for the reason that these Territories are by definition included in the term "United States". (See section 3797 (a) (9).)

SUBPART E—ADMINISTRATIVE PROVISIONS

SEC. 2451. RETURNS AND PAYMENT (AS ADDED BY SECTION 441 (A) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Requirement.* Every person liable for tax under this chapter shall make returns and pay the taxes due to the collector for the district in which is located his principal place of business, or if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Secretary may by regulations prescribe.

(b) *Interest.* The tax shall, without assessment or notice, be due and payable to the collector at the time prescribed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 2454. APPLICABILITY OF ADMINISTRATIVE PROVISIONS (AS ADDED BY SECTION 441 (A) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

SEC. 2709. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue Personnel—(1) Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular

officer of the United States. This subsection shall not be construed as exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

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SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, wilfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

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SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

§ 324.40 *Returns.* (a) Every person liable for the payment of the tax imposed by section 2450 of the Code shall file on or before the last day of each month a return showing the tax due for the preceding month on Form 725 in accordance with the instructions thereon. The return shall be filed with the collector of internal revenue for the district in which is located the principal place of business of the person required to make the return. If such person has no principal place of business in the United States, the return shall be filed with the Collector of Internal Revenue, Baltimore, Maryland.

(b) When the last day of the month in which a return and payment are due falls on Sunday or a legal holiday, the return may be filed and payment made on the next secular or business day. A return shall be filed with the collector for each month whether or not any liability has been incurred for that month. If a person ceases the operation of a business for which a return must be filed, the last return shall be marked "Final return".

§ 324.41 *Payment of taxes.* All taxes are due and payable to the collector of internal revenue, without assessment by the Commissioner or notice from the collector, at the time fixed for filing the return. If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time the tax became due to the actual date of payment or assessment, whichever is prior. For provisions with respect to interest generally, including interest on assessments, see § 324.45.

§ 324.42 *Records.* (a) Every person required to file a return and pay tax on the sale or use of any taxable liquid as a fuel in a diesel-powered highway vehicle, shall keep on file at his principal place of business, or some other convenient or safe location, accurate records and accounts of all taxable transactions. Evidence with respect to sales on which no tax is due, such as sales for export, or shipment to a possession of the United States, or sales to States and Territories of the United States or political subdivisions thereof, must be maintained.

(b) The records shall contain sufficient information to enable the Commissioner to determine whether the correct amount of tax has been paid. Such records shall at all times be open for inspection by internal-revenue officers, and shall be maintained for a period of at least four years from the date the tax became due or, in the case of tax-free sales, for a period of at least four years from the last day of the month following the month in which the sale was made.

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 324.43 *Jeopardy assessment.* (a) Whenever, in the opinion of the collector, it becomes necessary to protect the interests of the Government by effecting immediate collection of the tax, the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

(c) Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect by distraint the tax, penalty, and interest, without regard to the 10-day period after notice and demand prescribed in section 3690.

SEC. 2452. CREDITS AND REFUNDS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Non-taxable use or sale by vendee.* A credit against tax under this chapter, or a refund, may be allowed or made to a person in the amount of tax paid by him under this chapter with respect to his sale of any liquid to a vendee for use as fuel in a diesel-powered highway vehicle, if such person establishes, in accordance with regulations prescribed by the Secretary, that—

(1) The vendee used such liquid otherwise than as fuel in such a vehicle or resold such liquid, and

(2) Such person has repaid or agreed to repay the amount of such tax to such vendee, or has obtained the consent of the vendee to the allowance of the credit or refund.

No interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of this subsection.

(b) *Proof required in case of certain overpayments.* No overpayment of tax under this chapter shall be credited or refunded (otherwise than under subsection (a) in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has repaid the amount of the tax to the ultimate purchaser of the article, or files with the Secretary written consent of such ultimate purchaser to the allowance of the credit or refund.

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), • • • or (4) of this subsection, • • • where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

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SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, and except as otherwise provided by law in the case of employment taxes under subchapters A and D of chapter 9, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes, and other than such employment taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 227, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) *Additional assessment defined.* As used in this section the term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency of any income or estate tax imposed by the Revenue Act of 1924, 43 Stat. 253, or by any subsequent Revenue Act.

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SEC. 3772. SUITS FOR REFUND.

(a) *Limitations*—(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

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SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) Within such period suit was begun by the taxpayer, or

(2) Within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

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SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

§ 324.44 *Nontaxable use or sale by vendee.* Where a vendor who has paid tax upon the sale of a taxable liquid for use as a fuel in a diesel-powered highway vehicle establishes that his vendee used such liquid otherwise than as a fuel in a diesel-powered highway vehicle or resold such liquid, he may under the provisions of section 2452 (a) of the Internal Revenue Code take a credit for such tax paid by him against the tax shown to be due on any subsequent monthly return or he may file a claim for refund of such tax on Form 843. If a refund is claimed, Form 843 shall be completed in accordance with the instructions thereon and, in addition, there shall be attached to such form evidence showing (a) the name and address of the vendee, (b) that the taxable liquid was used otherwise than as a fuel in a diesel-powered highway vehicle or was resold by the vendee, (c) the date the tax on the sale of the liquid was paid to the United States, (d) the amount of such tax, (e) that the person claiming the refund has repaid or agreed to repay the amount of such tax to such vendee or has secured the written consent of the vendee to the allowance of the refund. A credit taken on a return shall be supported by the same evidence. No interest shall be allowed on any tax credited or refunded under the provisions of section 2452 (a).

§ 324.45 *Credit or refund generally.* (a) Where a person (vendor or user) has made an overpayment of the tax due, he may under the provisions of section 3770 of the Internal Revenue Code, either file a claim for refund on Form 843 or take credit for such overpayment against the tax due on a subsequent monthly return. A complete statement of the facts involving the overpayment shall be attached either to the claim or to the return on which the credit is claimed. Every claim for refund shall be supported by evidence showing the name and address of the taxpayer, the date of payment of the tax, and the amount of such tax. A credit taken on a return shall be supported by evidence of the same character.

(b) Where the overpayment of tax is made by a vendor with respect to his taxable sales of a taxable liquid no credit or refund shall be allowed whether in pursuance of a court decision or otherwise, unless the taxpayer files a statement explaining satisfactorily the reason for claiming the credit or refund and establishing (1) that he has not included the tax in the price of the liquid with respect to which it was imposed, or collected the amount of the tax from the purchaser, or (2) that he has either repaid the amount of the tax to the ultimate purchaser of the liquid, or has secured the written consent of such purchaser to the allowance of the credit or refund. In the latter case, the written consent of the purchaser shall accompany the statement filed with the credit or refund claim. For the purpose of the credit or refund claimed under section 3770 the "ultimate purchaser" is the person who acquired the liquid for consumption and not for resale. The statement supporting the credit or refund claim shall also show whether any previous claim for credit or refund covering the amount involved, or any part thereof, has been filed with the collector or the Commissioner.

(c) A complete and detailed record of each overpayment must be kept by the taxpayer for a period of at least four years from the date any credit is taken or refund is claimed.

SEC. 3760. CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 2451. RETURNS AND PAYMENT (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(b) *Interest.* The tax shall, without assessment or notice, be due and payable to the collector at the time prescribed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

* * * * *

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

* * * * *

SEC. 2707. PENALTIES.

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax imposed by section 2700 (a), or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3793. PENALTIES AND FORFEITURES.

* * * * *

(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 286 OF TITLE 18 OF THE UNITED STATES CODE

CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SEC. 287 OF TITLE 18 THE UNITED STATES CODE

FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 1001 OF TITLE 18 OF THE UNITED STATES CODE

STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 3325. PENALTIES FOR FALSE STATEMENTS TO PURCHASERS REGARDING TAX.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

§ 324.46 *Penalties and interest.* (a) In the case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. Where reasonable cause is not shown the amount to be added to the tax is 5 per cent if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate.

(b) Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically, without assessment of the tax by the Commissioner or notice to the taxpayer, from the due date of the return to the actual date of payment or assessment, whichever is prior.

(c) Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 percent penalty, and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rate from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

(d) If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

(e) If a false or fraudulent return is willfully made, the penalty, under section 3612 (d) and (e), is 50 per cent of the total tax due for the entire period involved, including any tax previously paid.

(f) Any person who willfully fails to pay any tax due, file return, keep records, or supply information, or who willfully attempts in any manner to evade or defeat the tax, or who fraudulently makes a return or affidavit required by these regulations, is subject to a fine of $10,000, or imprisonment, or both, with costs of prosecution; and may also be liable to a penalty equal to the amount of the tax not paid. These penalties apply to an officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to a person who fails or refuses to perform any of the duties imposed by the Code, i. e., pay the tax, file returns, keep records, supply information, etc.

SEC. 2455. RULES AND REGULATIONS (AS ADDED BY SECTION 441 (a) OF THE REVENUE ACT OF 1951 APPROVED OCTOBER 20, 1951).

The Secretary shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

§ 324.47 *Promulgation of regulations.* In pursuance of the provisions of the law the foregoing regulations are made and promulgated.

[F. R. Doc. 52-8436; Filed, July 31, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-55]

[Docket Nos. M-14, M-20, M-21, M-24, M-26, M-30, M-31, M-33, M-34, M-35, M-37, M-42, M-43, M-45, M-50, M-51, M-52]

ANNUAL REVIEW OF BAREBOAT CHARTERS

NOTICE OF PREHEARING CONFERENCE

1. By notice published in the FEDERAL REGISTER of July 10, 1952 (17 F. R. 6205), the Federal Maritime Board advised interested parties that in accordance with section 3 (e) (1) of Public Law 591, 81st Congress, an annual review had been made of Government-owned, war-built, dry-cargo vessels employed by American-flag operators as of June 30, 1952; that on the basis of the foregoing review the Federal Maritime Board has tentatively found that conditions exist justifying the continuance of the various charters listed in the aforementioned notice, as previously certified by the Federal Maritime Board; and that any interested party might request a hearing with respect to the tentative finding of the Federal Maritime Board made with respect to any charter listed in said notice by filing written objections thereto or for other good cause shown within fifteen (15) days from the date of publication of said notice.

2. The Committee for the Promotion of Tramp Shipping, through their attorneys, timely filed with the Federal Maritime Board a letter dated July 11, 1952, which sets forth objections to the continuance of various charters and requests a hearing on charters made pursuant to recommendations of the Federal Maritime Board in Docket Nos. M-14, M-20, M-21, M-24, M-26, M-30, M-31, M-33, M-34, M-35, M-37, M-42, M-43, M-45, M-50, M-51, M-52.

3. Accordingly, notice is hereby given that a prehearing conference will be held at Washington, D. C., on August 7, 1952, at 10:00 o'clock, a. m., e. d. s. t., in Room 4821, Department of Commerce Building, before Chief Examiner G. O. Basham, preliminary to the hearing with respect to the charters referenced above.

The prehearing conference will be conducted in accordance with § 201.59 of the Board's rules of procedure, for the purpose of considering:

(1) Simplification of the issues;

(2) The necessity or desirability of amendments to the pleadings;

(3) The possibility of obtaining admission of fact and of documents which will avoid unnecessary proof;

(4) Limitations on the number of witnesses;

(5) The procedure at the hearing;

(6) The distribution to the parties prior to the hearing of written testimony and exhibits;

(7) Consolidation of the examination of witnesses by counsel; and

(8) Such other matters as may aid in the disposition of the proceeding.

Also at the prehearing conference a date will be set for the hearing in this proceeding.

The purpose of such hearing will be to receive evidence with respect to whether conditions exist justifying continuance of the charters included within the scope of the hearing.

All persons having an interest in this proceeding will be given an opportunity to be heard if present.

Dated: July 29, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Acting Secretary.

[F. R. Doc. 52-8440; Filed, July 31, 1952; 8:56 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special indus-

try regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Barry Sportswear, Inc., 455 Shrewsbury Street, Worcester, Mass., effective 7-20-52 to 7-19-53; 10 percent of the productive factory force (women's dresses).

Bastian Sportswear, Inc., Bastian, Va., effective 7-18-52 to 1-17-53; 40 learners for expansion purposes (polo shirts, boxer pants, children's overalls and sunsuits).

Bessemer Manufacturing Co., 1601 Carolina Avenue, Bessemer, Ala., effective 7-16-52 to 7-15-53; 10 learners (men's and boys' pajamas and niteshirts).

Coronet Manufacturing Co., Inc., Granby, Mo., effective 7-14-52 to 1-13-53; 15 learners for expansion purposes (army shirts, sport shirts, and robes).

Coronet Manufacturing Co., Inc., Granby, Mo., effective 7-14-52 to 7-13-53; 10 learners (army shirts, sport shirts and robes).

Delmarva Manufacturing Co., Fifth and Gay Streets, Denton, Md., effective 7-16-52 to 1-15-53; 30 learners for expansion purposes (children's and ladies' blouses).

Eugenia Sportswear, 801 James Street, Hazelton, Pa., effective 7-14-52 to 7-2-53; four learners (supplemental certificate) (children's jackets).

Hollywood Corset Co., North Faulk Street, Athens, Tex., effective 7-16-52 to 7-15-53; 10 percent of the productive factory force (brassieres).

Hollywood Corset Co., North Faulk Street, Athens, Tex., effective 7-16-52 to 1-15-53; 60 learners for expansion purposes (brassieres).

Hollywood Corset Co., 109 East Commerce Street, Eastland, Tex., effective 7-25-52 to 7-24-53; 10 percent of the productive factory force or 10 learners whichever is greater (brassieres).

Koppel Fashions, Inc., 401 South Main Street, Taylor, Pa., effective 7-16-52 to 7-15-53; 10 learners (women's blouses).

Lyons Textile Mill, Inc., Greensboro, Ga., effective 7-16-52 to 7-15-53; five learners (coveralls).

Madison Manufacturing Co., Inc., Route 29, Lynchburg, Va., effective 7-21-52 to 7-20-53; 10 learners; learners not to be engaged at subminimum wage rates in the production of women's and children's skirts (maids', waitresses' and nurses' uniforms).

Nelly Ann Dress Co., Inc., 546 Edgar Street, York, Pa., effective 7-15-52 to 7-14-53; 10 percent of the productive factory force or 10 learners, whichever is greater (ladies' dresses).

Rock Hall Manufacturing Co., Rock Hall, Md., effective 7-16-52 to 7-15-53; 10 percent of the productive factory force or 10 learners, whichever is greater (dress shirts).

Florence Stevens, Petersburg, N. Y., effective 7-18-52 to 7-17-53; five learners (children's dresses).

Streamline Garment Corp., 216 South Thirty-second St., Mattoon, Ill., effective 7-18-52 to 7-17-53; 10 percent of the productive factory force or 10 learners, whichever is greater (women's dresses, brunchcoats, and housecoats).

Texas Manufacturing Co., Inc., 222 West Overland Street, El Paso, Tex., effective 7-17-52 to 7-16-53; 10 learners (denim work pants).

Well Made Novelty Co., South Murray Street, Bangor, Pa., effective 7-16-52 to 7-15-53; 10 percent of the productive factory force or 10 learners, whichever is greater (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt., effective 7-30-52 to 7-29-53; 10 percent of the productive factory force engaged in the learner occupations (knitted fabric gloves).

St. Johnsbury Glovers, Inc., St. Johnsbury, Vt., effective 7-22-52 to 1-21-53; 15 learners for expansion purposes (knitted fabric gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Athens Hosiery Mills, Inc., Tellico Avenue, Athens, Tenn., effective 7-18-52 to 1-24-53; 20 additional learners for expansion purposes.

Berkshire Knitting Mills, Andrews, N. C., effective 7-16-52 to 11-2-52; 40 additional learners for expansion purposes (supplemental certificate).

Fayetteville Knitting Mills, Inc., Fayetteville, N. C., effective 7-17-52 to 3-16-53; seven additional learners for expansion purposes.

Fayetteville Knitting Mills, Inc., Fayetteville, N. C., effective 7-17-52 to 7-16-53; five learners.

Trumpet Hosiery Co., Inc., Trumbauersville, Pa., effective 7-18-52 to 7-17-53; five learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Aitkin Deerwood Telephone Co., Crosby, Minn., effective 7-19-52 to 7-18-53.

Aitkin Deerwood Telephone Co., Aitkin, Minn., effective 7-19-52 to 7-18-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Dutchess Underwear Corp., Old Forge, Pa., effective 7-18-52 to 1-17-53; 35 learners for expansion purposes (ladies' knitted underwear and sleeping garments).

Dutchess Underwear Corp., Old Forge, Pa., effective 7-14-52 to 7-13-53; 5 percent of the productive factory force (ladies' knitted underwear and sleeping garments).

McComb Manufacturing Co., McComb, Miss., effective 7-16-52 to 7-15-53; 5 percent of the productive factory force (knitted nylon and rayon lingerie).

McComb Manufacturing Co., McComb, Miss., effective 7-16-52 to 1-15-53; 50 learners for expansion purposes (knitted nylon and rayon lingerie).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Faith Shoe Co., Inc., 25-43 Beekman, Wilkes-Barre, Pa., effective 7-22-52 to 7-21-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Ames Safety Envelope Co., 21 Vine Street, Somerville, Mass., effective 8-2-52 to 2-1-53; five learners; hand and machine operations in making envelopes; 320 hours at 65 cents per hour (specialty and expanding envelopes).

Jack Land, 1 South Eutaw Street, Baltimore 1, Md., effective 7-16-52 to 7-15-53; five learners; machine operators (except cutting), handsewers; 240 hours each at 65 cents per hour (ladies' hats).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Alto Knitting Corp., Aguas Buenas, P. R., effective 7-14-52 to 10-17-52; 12 learners; loopers, examining, latching, mending; each 160 hours at 25 cents per hour (knitted sweaters).

Atlas Products Corp., Toa Alta, P. R., effective 7-15-52 to 1-14-53; 36 learners; Hand cutting leather gloves; 480 hours at 39 cents per hour (leather gloves).

Senorita Hosiery Mills, Inc., Gurabo, P. R., effective 7-15-52 to 7-14-53; 14 learners; knitters and seamers, 160 hours at 25 cents per hour, 320 hours at 30 cents per hour, 460 hours at 32 cents per hour; examiners, 120 hours at 25 cents per hour, 120 hours at 35 cents per hour; menders, 160 hours at 25 cents per hour, 160 hours at 30 cents per hour, 160 hours at 35 cents per hour (full fashioned hosiery).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Virgin Islands Buttons Co., Inc., Charlotte Amalie, St. Thomas, V. I., effective 7-9-52 to 1-8-53; five learners; cutters; 480 hours at 35 cents per hour (button blanks).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of July 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-8395; Filed, July 31, 1952; 8:45 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority No. 7, Rev. 2]

DIRECTOR OF REGION XIV

DELEGATION OF AUTHORITY TO ESTABLISH OR ADJUST CEILING PRICES IN THE TERRITORIES AND POSSESSIONS

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this Revision 2 of Delegation of Authority No. 7 is hereby issued.

1. Authority is hereby delegated to the Director of Region XIV, Office of Price Stabilization, to establish, approve, disapprove, revise or adjust ceiling prices, to approve, disapprove, or require modification of reports, or otherwise act to administer individual reporting or adjustment provisions of price regulations applying to sales in the territories and possessions by any individual seller of commodities, seller of services, or restaurateur, in accordance with the specific provisions of any regulation or order providing for any such action by the Director of Price Stabilization issued by the Office of Price Stabilization pursuant to the Defense Production Act of 1950, as amended.

2. *Redelegation of authority.* The authority conferred by this delegation may be redelegated by the Director of Region XIV in whole or in part to the Territorial Directors of the Office of Price Stabilization.

This delegation of authority shall take effect on August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8505; Filed, July 31, 1952; 12:00 m.]

[Delegation of Authority No. 71]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 5, Revised (16 F. R. 11875), this Delegation of Authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

2. *Redelegation of authority.* The authority hereby delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority shall take effect on August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8506; Filed, July 31, 1952; 12:00 m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1445, G-1680]

MIDSOUTH GAS CO.

ORDER REOPENING HEARING AND FIXING DATE OF HEARING

JULY 24, 1952.

On July 19, 1950, MidSouth Gas Company (MidSouth) filed an application in Docket No. G-1445, and amendments thereto on June 14, August 1, and August 27, 1951 for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas pipeline facilities designed to provide natural gas service to new markets in 25 communities in the State of Arkansas.

On May 1, 1951, MidSouth filed an application in Docket No. G-1680 for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of an existing transmission pipeline from the Arkansas Power & Light Company (Arkansas Power), which pipeline will be used to transport gas purchased by Arkansas Power from the Texas Gas Transmission Corporation (Texas Gas) and to supply MidSouth's proposed distribution systems in certain communities, as outlined in its application in Docket No. G-1445.

The Commission, by its order of July 25, 1951, consolidated the above-entitled proceedings and fixed the date of hearing in connection therewith. Pursuant to due notice, a public hearing was held in Washington, D. C., commencing on August 27, 1951, and concluding August 29, 1951.

The evidence presented at such hearing discloses that:

(i) The proposed projects of MidSouth are predicated upon obtaining a fifth year natural-gas supply from Texas Eastern and Texas Gas in the volumes of 6,665 Mcf. of natural gas and 26,300 Mcf. respectively, which volumes of gas are necessary to meet what MidSouth has referred to as its fifth year estimated maximum daily market requirements.

(ii) If MidSouth obtains less than its fifth year maximum daily gas requirements from Texas Gas, the company proposes to submit a revised plan with respect to the towns in which it proposes to distribute natural gas.

(iii) MidSouth has entered into a Bond Purchase Agreement with the Northwestern Mutual Life Insurance Company whereby the latter has agreed to purchase up to $6,900,000 of first mortgage 3⅝ percent bonds due in 1970. As of August 29, 1951, Northwestern has purchased $2,100,000 principal amount of such bonds and is obligated under the terms of this agreement to purchase $4,800,000 more if tendered before July 1, 1952. The aforementioned agreement provides that The Northwestern Mutual Life Insurance Company's obligation under said agreement to purchase bonds shall cease to be in force and in effect as of the close of business on July 1, 1952.

(iv) The financing of such projects is also based upon receiving the above indicated volumes of gas.

(v) The transportation agreement which MidSouth proposes as a rate schedule, pursuant to which it proposes to transport natural gas for Arkansas Power, in effect provides for a charge by Arkansas Power to MidSouth representing a portion of a lateral charge made to Arkansas Power by Texas Gas. This credit is proposed to be based upon the relative amount of gas delivered at Helena, Arkansas, by Texas Gas for sale to Arkansas Power & MidSouth. It appears, however, that Texas Gas' rate schedule and service agreement with MidSouth for deliveries at Helena includes all charges for delivery of gas at that point and the additional charge that Arkansas Power seeks to impose upon MidSouth, in addition to the Texas Gas rate may not be proper. Further, the agreement herein referred to is not consistent with the Commission's rules in certain other respects.

By the Commission's Opinion Nos. 231 and 232 and accompanying orders in Dockets No. G-1693 [1] and No. G-1487,[2] respectively, there has been reserved temporarily for future allocation volumes of gas less than the amount required to meet the fifth year peak day demands of the towns in which MidSouth proposes to distribute natural gas by means of the projects which are the subject matter of the applications filed in the above entitled matters.

The Commission finds:

(1) The record does not include a proposed alternative project or revised project as suggested by MidSouth based upon the temporary reservation of natural gas under the conditions set forth in Dockets No. G-1693 and G-1847.

(2) The record does not show ability to finance an alternative project.

(3) MidSouth should be afforded an opportunity to submit further evidence with regard to its transportation agreement above referred to.

(4) Good cause exists and it is appropriate to carrying out the provisions of the Natural Gas Act to reopen the record herein for the limited purpose of receiving additional evidence on the matters and issues mentioned above.

(5) It is reasonable and in the public interest that this matter be set for further hearing commencing on August 20, 1952.

The Commission orders:

(A) The record in Docket Nos. G-1445 and G-1680 be and it is hereby reopened for the specific purpose of receiving additional evidence:

(i) Showing a revised application and plan, if any, of MidSouth's proposed distribution of natural gas temporarily reserved for future allocation under the conditions set forth in Dockets Nos. G-1693 and G-1847.

(ii) Showing the feasibility of financing under such plan predicated upon the

[1] In the Matter of Texas Eastern Transmission Corporation, Docket No. G-1693.
[2] In the Matter of Texas Gas Transmission Corporation, Docket No. G-1847.

volumes of gas reserved for MidSouth under the conditions set forth in Dockets Nos. G–1693 and G–1847.

(iii) Such as MidSouth may desire to submit in connection with its proposed transportation agreement with Arkansas Power.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on August 20, 1952 at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the issues as outlined in paragraph (A) above.

Date of issuance: July 25, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8400; Filed, July 31, 1952; 8:46 a. m.]

[Docket No. G–1618]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER EXTENDING TIME TO COMPLY WITH CERTAIN CONDITIONS

JULY 29, 1952.

Notice is hereby given that, on July 28, 1952, the Federal Power Commission issued its order entered July 24, 1952, in the above entitled matter, extending time to comply with certain conditions attached to issuance of certificate and denying request for stay.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8424; Filed, July 31, 1952; 8:51 a. m.]

[Docket Nos. G–1772, G–1847, G–1849, G–1852, G–1853, G–1869, G–1879]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND APPROVING ABANDONMENT OF FACILITIES

JULY 28, 1952.

In the matters of Texas Gas Transmission Corporation, Docket No. G–1847; Ohio River Pipeline Corporation, Docket No. G–1772; Louisville Gas and Electric Company, Docket No. G–1849; Louisiana Natural Gas Corporation, Docket No. G–1852; Texas Northern Gas Corporation, Docket No. G–1853; United Gas Pipe Line Company, Docket Nos. G–1869 and G–1879.

Notice is hereby given that, on July 25, 1952, the Federal Power Commission issued its Opinion No. 232 and order entered July 24, 1952, in the above entitled matters issuing certificate of public convenience and necessity to Texas Gas Transmission Corporation in Docket No. G–1847; Ohio River Pipeline Corporation in Docket No. G–1772; Louisiana Natural Gas Corporation in Docket No. G–1852; Texas Northern Gas Corporation in Docket No. G–1853; and United Gas Pipe Line Company in Docket Nos. G–1869 and G–1879; and approving abandonment of facilities of Louisville Gas and Electric Company in Docket No. G–1849.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8399; Filed, July 31, 1952; 8:46 a. m.]

[Docket Nos. G–1857, G–1970]

KANSAS-NEBRASKA NATURAL GAS CO. INC.

ORDER DENYING REQUESTS THAT APPLICATIONS BE HEARD UNDER THE SHORTENED PROCEDURE, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

JULY 24, 1952.

On December 18, 1951, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), a Kansas corporation having its principal place of business at Phillipsburg, Kansas, filed an application in Docket No. G–1857, as amended on March 14, 1952, and as supplemented on June 10, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, and for modification and amendment of the Commission's orders heretofore issued in Docket Nos. G–683, G–1532, and G–1683, all as described in the application, as amended and supplemented, on file with the Commission and open to public inspection. Notice of the filing of the amended application has been given, including publication in the FEDERAL REGISTER on April 9, 1952 (17 F. R. 3126).

On June 2, 1952, Kansas-Nebraska filed an application in Docket No. G–1970 pursuant to section 7 of the Natural Gas Act, for authority to abandon and remove certain natural gas transmission facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on June 19, 1952 (17 F. R. 5531).

Central Electric & Gas Company, by order of the Commission issued July 2, 1952, was permitted to become an intervener in the proceedings in Docket No. G–1857.

Kansas-Nebraska has requested that both said applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds:

(1) Good cause has not been shown for granting Kansas-Nebraska's requests that its applications in Docket Nos. G–1857 and G–1970 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said requests should be denied as hereinafter ordered.

(2) Said applications appear to be so related that it is appropriate and in the public interest that they be consolidated for the purpose of hearing.

The Commission orders:

(A) The requests made by Kansas-Nebraska Natural Gas Company, Inc. that its applications in Docket Nos. G–1857 and G–1970 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same are hereby denied.

(B) The proceedings on the application in Docket Nos. G–1857 and G–1970 be and the same are hereby consolidated for the purpose of hearing.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a public hearing be held in the consolidated proceedings, commencing on August 19, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by said applications, as amended and supplemented.

(D) Interested State Commissions may participate as provided by § 1.8 and § 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 28, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8396; Filed, July 31, 1952; 8:45 a. m.]

[Docket No. G–1902]

LOPENO GAS CO.

NOTICE OF ORDER AUTHORIZING IMPORTATION OF NATURAL GAS

JULY 28, 1952.

Notice is hereby given that, on July 25, 1952, the Federal Power Commission issued its order entered July 22, 1952, in the above entitled matter, authorizing the importation of natural gas into the United States from a foreign country.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8397; Filed, July 31, 1952; 8:46 a. m.]

[Docket No. G–1941]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 29, 1952.

Notice is hereby given that, on July 28, 1952, the Federal Power Commission issued its order, entered July 24, 1952, issuing certificate of public convenience and necessity, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8425; Filed, July 31, 1952; 8:51 a. m.]

[Docket No. G–2006]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JULY 28, 1952.

Take notice that Consolidated Gas Utilities Corporation (Consolidated), a Delaware corporation having its principal place of business in the Braniff Building, Oklahoma City, Oklahoma, filed on July 17, 1952, an application under section 7 (b) of the Natural Gas Act for authority to abandon certain of its natural-gas facilities in Wheeler County, Texas, or for a declaratory order by the Commission that said facilities are used solely in the production or gathering of natural gas, and therefore, not within the jurisdiction of the Commission as prescribed by section 1 (b) of the Natural Gas Act, and, further, made application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the installation and operation of certain of said natural-gas facilities in certain of its existing "field booster stations."

Consolidated states that it proposes to discontinue operation of said facilities because the natural-gas wells which supplied the natural gas conveyed through said facilities have reached such a low pressure as to cause them to be abandoned. Consolidated proposes to sell certain of the facilities set forth in its application, and to utilize others in its existing Pitsch and Twitty compressor stations.

A full description of the facilities, and their respective locations is contained in the application which is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8398; Filed, July 31, 1952; 8:46 a. m.]

MICHIGAN CONSOLIDATED GAS CO.

NOTICE OF ORDER EXTENDING TIME FOR COMPLIANCE

JULY 29, 1952.

Notice is hereby given that, on July 28, 1952, the Federal Power Commission issued its order entered July 24, 1952, in the above entitled matter, further extending time for compliance with gas plant accounts instruction 2–D of the uniform system of accounts.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52–8426; Filed, July 31, 1952; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54–168, 54–203, 59–12]

AMERICAN POWER & LIGHT CO. AND ELECTRIC BOND & SHARE CO.

NOTICE OF FILING WITH RESPECT TO COMPOSITION OF BOARD OF DIRECTORS OF WASHINGTON WATER POWER COMPANY

JULY 28, 1952.

In the matter of American Power & Light Company, File No. 54–203; Electric Bond and Share Company, American Power & Light Company, File Nos. 54–168, 59–12.

Notice is hereby given that American Power & Light Company ("American"), a registered holding company, has filed with the Commission a list of persons which it proposes as the initial board of directors of The Washington Water Power Company to hold office from the date of the distribution by American of The Washington Water Power Company common stock until their successors are elected at the first annual meeting of stockholders to be held following such distribution date and such successors qualify.

All interested persons are referred to said list of prospective directors of The Washington Water Power Company, which is on file with this Commission, whose names are as follows:

Kinsey M. Robinson, President, The Washington Water Power Co.
J. E. E. Royer, Vice President and General Manager, The Washington Water Power Co.
John J. Burke, President, The Metals Bank & Trust Co., Butte, Mont.
James A. Poore, Jr., Attorney, Butte, Mont.
Howard C. Paulsen, Secretary, Paulsen Estate, Inc., Spokane, Wash.
Rodney G. Aller, Attorney, Lakeville, Conn.
Albert Y. Bingham, Vice President, Chicago Title & Trust Co., Chicago, Ill.
J. Nell Smith, Vice President, United Funds, Inc., Kansas City, Mo.
Raymond Enloe, President, Idaho Portland Cement Co., Spokane, Wash.

On June 5, 1952, the Commission issued its findings and opinion with respect to American's plan, finding that the plan was necessary and fair and equitable provided that American make certain modifications (Holding Company Act Release No. 11301), and on June 6, 1952, the Commission issued its order approving said plan, as modified, in accordance with the Commission's opinion, reserving jurisdication, among other things, over the composition of the initial board of directors of The Washington Water Power Company.

Notice is further given that any interested person may request the Commission in writing that a hearing or argument be held with respect to such proposed directors, or may request that he be notified if the Commission should order a hearing thereon. Any person so objecting shall file such objections by letter filed with the Secretary of the Commission on or before August 11, 1952, at 11:30 a. m., e. d. s. t. Should there be no such objection by that time the Commission may, at any time thereafter, issue an appropriate order with respect to the prospective directors. Any request for hearing or argument shall set forth the nature of the interest asserted, the reasons for such request and the issues, if any, of fact or law to be controverted or argued. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–8403; Filed, July 31, 1952; 8:47 a. m.]

[File No. 70–2902]

DUQUESNE LIGHT CO.

ORDER PERMITTING ISSUANCE OF EIGHTY-DAY BANK LOAN NOTE

JULY 28, 1952.

Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company, has filed a declaration and an amendment thereto pursuant to the act, particularly sections 6 (a) and 7 thereof, with regard to the transaction therein set forth which is summarized as follows:

Duquesne presently has a short-term bank loan indebtedness aggregating $14,810,000 represented by three notes, each bearing interest at 3 percent per annum. The company proposes in the instant declaration to issue a $1,000,000 note bearing interest at 3 percent per annum and maturing approximately 80 days after the date thereof, such note to be issued to Mellon National Bank and Trust Company, of Pittsburgh, Pennsylvania. Duquesne will have the right to prepay such note at any time prior to maturity, without premium. The company proposes to use the proceeds from such note to defray part of the cost of its current construction program involving an estimated total cost of about $30,000,000 for the year 1952. The company has expressed its intention to pay off all outstanding short-term notes with the proceeds expected to be derived from a permanent financing program now being formulated. It is stated that no fees or expenses will be incurred in connection with the proposed $1,000,000 borrowing, other than miscellaneous expense estimated at not more than $100. Declarant states that no State Commission has jurisdiction over the proposed transaction.

Said declaration and amendment thereto having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the

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period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8402; Filed, July 31, 1952; 8:47 a. m.]

[File No. 811-152]

WEBB & KNAPP, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE INVESTMENT COMPANY

JULY 28, 1952.

Notice is hereby given that Webb & Knapp, Inc., 270 Park Avenue, New York, New York, a Delaware corporation formerly known as The American Superpower Corporation and a closed-end, non-diversified management investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 8 (f) of the act requesting an order declaring that the Applicant has ceased to be an investment company within the meaning of the act.

In December 1951 the Applicant entered into an agreement with Mr. William Zeckendorf whereby Zeckendorf, who then owned 333 shares (being all of the outstanding stock) of Webb & Knapp, Inc., a New York corporation engaged in the real estate business, agreed to sell such shares to the Applicant in consideration of the issuance and delivery to him of 1,000,000 shares of the Applicant's Second Preferred Stock, $1.50 Series, and 11,707,004.7 shares of its common stock. At a special meeting of stockholders of the Applicant held on June 30, 1952, stockholders approved the changes in capitalization necessary to effect the plan; a change in the corporate purpose from an investment company to a business primarily engaged in investing and dealing in real estate and in securities incidental to such business; and a change in the corporate name and board of directors.

Subsequently the plan was consummated, and Webb & Knapp, Inc. (New York) became a wholly-owned subsidiary of Webb & Knapp, Inc. (Delaware). As a result, the real estate holdings of the subsidiary became the principal assets of the Applicant. The Applicant is now managed and controlled by persons primarily intereseted in real estate operations and it is contemplated that the portfolio of securities unrelated to the real estate business, which now forms a minor part of the corporate assets, will be converted into cash for general corporate purposes. The application states that the corporation is primarily engaged directly or through its wholly owned subsidiary in the real estate business and that it is not, and does not propose to be, and does not hold itself out as being, engaged primarily in the business of investing, reinvesting or trading in securities.

Section 8 (f) of the act provides, in part, that wherever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after August 15, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 13, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8401; Filed, July 31, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 5]

TENNESSEE CENTRAL RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Tennessee Central Railway Company, because of fire-damaged bridge trestle, is unable to transport traffic over its line between Clarksville, Tennessee, and Hopkinsville, Kentucky:

It is ordered, That:

(a) Rerouting traffic: The Tennessee Central Railway Company, being unable to transport traffic routed over its line between Clarksville, Tennessee and Hopkinsville, Kentucky, because of fire-damaged bridge trestle, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer, of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., July 25, 1952.

(g) Expiration date: This order shall expire at 11:59 p. m., August 24, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., July 25, 1952.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-8423; Filed, July 31, 1952; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 17 NUMBER 151

Washington, Saturday, August 2, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (f) is added to § 6.113 as follows:

§ 6.113 *Department of Labor.* • • •

(f) *Defense Manpower Administration.*

(1) One Administrative Officer (Executive Assistant to Labor members of the Labor Management Manpower Policy Committee).

(2) One Administrative Officer (Executive Assistant to Management members of the Labor Management Manpower Policy Committee).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52-8487; Filed, Aug. 1, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 950—PEACHES GROWN IN UTAH

EXEMPTION FROM INSPECTION, CERTIFICATION, AND ASSESSMENTS

Pursuant to the provisions of §§ 950.41 and 950.53 of Marketing Agreement No. 91 and Order No. 50 (5 F. R. 2631; 16 F. R. 8426, 8973; 7 CFR Part 950), regulating the handling of peaches grown in Utah, which marketing agreement and order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), the Administrative Committee (established under the aforesaid marketing agreement and order) may, with the approval of the Secretary, exempt from the assessment and inspection and certification requirements thereof shipments of peaches not in excess of 1,000 pounds, net weight. Section 950.130, *Peaches exempt from inspection*, of this subpart became effective August 1, 1951, and provides that peaches included in a shipment of peaches which does not aggregate more than 1,000 pounds, net weight, are exempt from the inspection and certification requirements of said marketing agreement and order.

The Administrative Committee has submitted its recommendation that the maximum weight of an exempt shipment be reduced from the present net weight of 1,000 pounds to 500 pounds. The Administrative Committee has also recommended that each of such newly exempted shipments also be exempt from the assessment requirements of said marketing agreement and order.

Upon the basis of the recommendations of the Administrative Committee and other available information, it is hereby found and determined that the provisions of § 950.130 should be amended, and made effective, as hereinafter set forth.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become operative in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER. A reasonable determination as to the supply of, and demand for, Utah peaches must await the development of the crop thereof, and

(Continued on p. 7069)

CONTENTS

Agriculture Department — Page

See also Animal Industry Bureau; Production and Marketing Administration.

Notices:
- Chief, Soil Conservation Service; delegation of authority to execute certain contracts relating to transportation, communication, and fire protective measures ... 7099
- Cibola National Forest; removal of trespassing horses, mules, and burros ... 7099

Animal Industry Bureau

Rules and regulations:
- Hog cholera, swine plague, and other communicable swine diseases; quarantine and regulations restricting interstate transportation of swine and certain swine products because of vesicular exanthema ... 7070

Civil Aeronautics Administration

Rules and Regulations:
- Danger areas; alteration (2 documents) ... 7072

Civil Aeronautics Board

Proposed rule making:
- Limitations for deadhead transportation ... 7096

Rules and regulations:
- Irregular air carrier and off-route rules; aircraft limitations for IFR operations; fully functioning dual controls ... 7071

Civil Service Commission

Rules and regulations:
- Exceptions from the competitive service; Department of Labor ... 7067

Commerce Department

See Civil Aeronautics Administration.

Economic Stabilization Agency

See National Enforcement Commission; Price Stabilization, Office of.

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission — Page

Notices:
- Regional managers, Chief of Field Engineering and Monitoring Bureau, and Chief of Field Operating Division; delegation of authority to declare state of general communications emergency 7099

Proposed rule making:
- Amateur radio service; specific calling, answering and emergency 7097
- Federal Communications Commission—Continued
  - Proposed rule making—Continued
    - Frequency allocations and radio treaty matters; general rules and regulations 7096
    - Maritime mobile service 7096
  - Rules and regulations:
    - Industrial, scientific and medical service; miscellaneous amendments 7092

Federal Power Commission

Notices:
- Hearings, etc.;
  - Northern Natural Gas Co. 7100
  - Tennessee Gas Transmission Co. and Niagara Gas Transmission, Ltd 7100

Federal Security Agency

See Food and Drug Administration.

Food and Drug Administration

Rules and regulations:
- Regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act; imports and exports 7072

Interstate Commerce Commission

Notices:
- Applications for relief:
  - Ammunition boxes from Jackson and Vicksburg, Miss., to Edgewood, Md., and Picatinny, N. J 7106
  - Anhydrous ammonia from:
    - Points in Arkansas, Texas, Kansas and Louisiana to Linder, Ga 7105
    - Vicksburg, Miss., to Texas 7105
  - Animal and poultry feed from Kansas, Oklahoma, and Texas, to Arizona and New Mexico 7104
  - Caustic potash from points in West Virginia and New York to Kansas City, Mo.-Kans 7104
  - Glass containers from points in Illinois to points in Wisconsin 7103
  - Grain and grain products:
    - Between Pacific Coast territory and Memphis and Dyersburg, Tenn 7104
    - From points in Colorado, Kansas, and Oklahoma to Texas 7105
  - Paper and paper articles:
    - Between Texas Ports and the Southwest 7104
    - From Colby, Wis., to Illinois and western trunk-line territories 7105
  - Rubber tires and tubes from Pacific Coast territory to New Orleans, La., Jackson, Miss., and Memphis, Tenn 7106
  - Soybean oil from Kansas and Missouri to points in Illinois, Kansas, and Missouri 7105
  - Railway mail pay 7106
- Rules and regulations:
  - Recordation of documents 7093

National Enforcement Commission — Page

Rules and regulations:
- General procedural regulation 7087
- Interim procedural order 7086

National Production Authority

Rules and regulations:
- Government orders for paper (M-36) 7090
- Iron and steel (M-1):
  - Acceptance of defense orders in reserved space during fourth quarter (Dir. 6) 7088
  - Miscellaneous amendments 7087
- Tin; termination of import restrictions (M-8) 7089

Price Stabilization, Office of

Notices:
- Directors of the Regional Offices; delegation of authority to make adjustments under GCPR, SR 39 7098
- Ford Motor Co.; basic prices and charges for new passenger automobiles 7099
- Island of St. Croix, Virgin Islands; determination of end of harvesting season 7098

Rules and regulations:
- Area milk price adjustments (GCPR, SR 63):
  - Certain Eastern Pennsylvania milk marketing areas (AMPR 27) 7082
  - Johnstown-Altoona milk marketing area No. 9, Commonwealth of Pennsylvania (AMPR 28) 7083
  - Pittsburgh milk marketing area No. 2, Commonwealth of Pennsylvania (AMPR 29) 7085
  - San Francisco District, California; elimination of conflict with State minimum prices (AMPR 12) 7081
- Exemption of certain food and restaurant commodities; spices, seeds and herbs (GOR 7) 7080
- Imports; definition of processing (CPR 31) 7074
- Malt beverages; miscellaneous amendments (CPR 117) 7074
- Manufacturers' general ceiling price regulation; clarification as to exclusion of imported spices, seeds and herbs (CPR 22) 7074
- Rate Adjustments for certain contract motor carriers (GCPR, SR 39) 7078

Production and Marketing Administration

Proposed rule making:
- Irish potatoes grown in Colorado; proposed rate of assessment 7095
- Milk in marketing areas, handling of:
  - Cedar Rapids-Iowa City 7095
  - Springfield, Mo 7094
- Peaches grown in Utah; proposed rule making with respect to expenses and fixing of rate of assessment for 1952–53 fiscal year 7095

CONTENTS—Continued

Production and Marketing Administration—Continued — Page

Rules and regulations:
- Lemons grown in California and Arizona; limitation of shipments (2 documents) 7069, 7070
- Peaches grown in Utah; exemption from inspection, certification, and assessments 7067

Renegotiation Board

Rules and regulations:
- Mandatory exemptions from renegotiations:
  - Corrected reprint 7072
  - Miscellaneous amendments 7074

Securities and Exchange Commission

Notices:
- Hearings, etc.:
  - American & Foreign Power Co., Inc 7102
  - Combined Locks Paper Co 7101
  - Federal Light & Traction Co. et al 7101
  - Federal Mining & Smelting Co 7101
  - Homestake Mining Co 7100
  - Southwestern Development Co. et al 7102
  - United Gas Corp. et al 7103

Soil Conservation Service

Delegation of authority to Chief to execute certain contracts relating to transportation, communication, and fire protective measures (*see* Agriculture Department).

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
- Chapter I:
  - Part 6 7067

Title 7
- Chapter IX:
  - Part 921 (proposed) 7094
  - Part 931 (proposed) 7095
  - Part 950 7067
  - *Proposed rules* 7095
  - Part 953 (2 documents) 7069, 7070
  - Part 958 (proposed) 7095

Title 9
- Chapter I:
  - Part 76 7070

Title 14
- Chapter I:
  - Part 42 7071
  - *Proposed rules* 7096
- Chapter II:
  - Part 608 (2 documents) 7072

Title 21
- Chapter I:
  - Part 1 7072

Title 32
- Chapter XIV:
  - Part 1453 (2 documents) 7072, 7074

Title 32A
- Chapter III (OPS):
  - CPR 22 7074
  - CPR 31 7074
- Title 32A—Continued
  - Chapter III (OPS)—Continued
    - CPR 117 7074
    - GCPR, SR 39 7078
    - GCPR, SR 63, AMPR 12 7081
    - GCPR, SR 63, AMPR 27 7082
    - GCPR, SR 63, AMPR 28 7083
    - GCPR, SR 63, AMPR 29 7085
    - GOR 7 7080
  - Chapter IV:
    - Subchapter D (NEC):
      - GPR 1 7087
      - Interim Proc. Order 7086
  - Chapter VI (NPA):
    - M-1 7087
    - M-1, Dir. 6 7088
    - M-8 7089
    - M-36 7090

Title 47
- Chapter I:
  - Part 2 (proposed) (2 documents) 7096
  - Part 12 (proposed) 7097
  - Part 18 7092

Title 49
- Chapter I:
  - Part 57 7093

adequate information thereon was not available to the Administrative Committee until the second week in July; recommendations as to the need for, and extent of, exempted shipments of such peaches were made at the meeting of such committee at that time, after consideration of all available information relative to the supply and demand conditions for such peaches, and the recommendation and supporting information were thereafter submitted to this Department: shipments of the current crop of such peaches are expected to begin on or about August 4, 1952, and will be subject to grade and size regulations under the marketing agreement and order, and the provisions of this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof; the provisions hereof relieve handlers from the payment of assessments on exempted shipments; and it is essential that the provisions of this amendment become effective as soon as possible to afford adequate notice to all handlers and growers to enable them to arrange their operations accordingly.

It is, therefore, ordered, That the headnote and provisions of § 950.130, *Peaches exempt from inspection*, are hereby amended to read as follows:

§ 950.130 *Peaches exempt from inspection and certification, and assessments.* (a) Peaches included in a shipment of peaches which does not aggregate more than 500 pounds, net weight, shall be exempt from the inspection and certification provisions of the marketing agreement and order.

(b) Peaches that are exempt in accordance with paragraph (a) of this section shall also be exempt from the assessment provisions of the marketing agreement and order.

Terms used herein shall have the same meaning as when used in the marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 30th day of July 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8452; Filed, Aug. 1, 1952; 8:47 a. m.]

[Lemon Reg. 446]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.553 *Lemon Regulation 446*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 30, 1952; such meeting was held, after giving due notice thereof to consider recommen-

dations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 3, 1952, and ending at 12:01 a. m., P. s. t., August 10, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 500 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 445 (17 F. R. 6838) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8532; Filed, Aug. 1, 1952; 8:57 a. m.]

[Lemon Reg. 445, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.552 (Lemon Regulation 445, 17 F. R. 6838) are hereby amended to read as follows:

(ii) District 2: 650 carlods.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] S. R. SMITH
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8533; Filed, Aug. 1, 1952; 8:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 8]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

QUARANTINE AND REGULATIONS RESTRICTING INTERSTATE TRANSPORTATION OF SWINE AND CERTAIN SWINE PRODUCTS BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), the notice of the existence of the swine disease of vesicular exanthema in certain localities and the quarantine and regulations restricting the movement of swine and certain swine products because of vesicular exanthema, contained in Subpart B in Part 76 of Title 9, Code of Federal Regulations, are hereby amended to read as follows:

SUBPART B—VESICULAR EXANTHEMA

Sec.
76.9 Definitions.
76.10 Notice and quarantine.
76.11 General restriction.
76.12 Movement of swine and swine products.
76.13 Disinfection of facilities.

AUTHORITY: §§ 76.9 to 76.13 issued under secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interpret or apply sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123.

SUBPART B—VESICULAR EXANTHEMA

§ 76.9 *Definitions.* As used in this subpart, the following terms shall have the meanings set forth in this section.

(a) *Bureau.* The term "Bureau" means the Bureau of Animal Industry of the United States Department of Agriculture.

(b) *Chief of the Bureau.* The term "Chief of the Bureau" means the Chief of the Bureau or any other official of the Bureau to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Person.* The term "person" means any person, company or corporation.

(d) *Moved.* As applied to swine, the term "moved" means transported, shipped, delivered or received for transportation, driven on foot or caused to be driven on foot, by any person, and as applied to swine products, the term "moved" means transported, shipped or delivered or received for transportation, by any person.

(e) *Swine product.* The term "swine product" means any carcass, part or offal of swine.

(f) *Interstate.* The term "interstate" means from one State, Territory, or the District of Columbia, into or through any other State, Territory, or the District of Columbia.

(g) *Clean stockyard.* The term "clean stockyard" means a public stockyard at which Bureau inspection service is maintained and which is found by the Chief of the Bureau to be free from the infection of vesicular exanthema.

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Jefferson and Mobile Counties in Alabama;
Gila County in Arizona;
the State of California;
Fulton County in Georgia;
Orland Township in Cook County and Lake County in Illinois;
Pocahontas and Woodbury Counties in Iowa;
Geary, Sedgwick and Wyandotte Counties in Kansas;
Buchanan, Clinton, Green, Howell, and Jackson Counties in Missouri;
Box Butte, Dodge, Douglas, Hall, Saunders, and Washington Counties in Nebraska;
Burlington, Gloucester, Hudson, and Ocean Counties in New Jersey;
New York County in New York;
Franklin County in Ohio;
Marion and Multnomah Counties in Oregon;
Minnehaha County in South Dakota;
King and Spokane Counties in Washington; and
Laramie County in Wyoming.

(b) The Secretary of Agriculture, having determined that swine in the States names in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Atchinson, Doniphan, Johnson and Leavenworth counties in Kansas; Clay and Platte counties in Missouri; and Bergen, Essex, Hunterdon, and Union counties in New Jersey.

§ 76.11 *General restriction.* No swine or swine products shall be moved interstate from or through any quarantined area specified in § 76.10 except as provided in the regulations in this subpart.

§ 76.12 *Movement of swine and swine products.*—(a) *From a quarantined area.* (1) No swine shall be moved interstate from any quarantined area specified in § 76.10 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for immediate slaughter and further processing at such establishment in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema: *Provided, however,* That notwithstanding the foregoing restriction, swine which are moved into a quarantined area from a point outside the quarantined areas specified in § 76.10 directly to a clean stockyard in such quarantined area may be moved interstate from such stockyard under conditions prescribed by said Chief, directly to an establishment specifically approved for the purpose by said Chief for immediate slaughter in a manner approved by said Chief, as adequate to prevent the spread of vesicular exanthema, but said Chief may also require the processing of such swine in a manner approved by him if he finds such processing is necessary to prevent the spread of said disease.

(2) No swine products shall be moved interstate from any quarantined area specified in § 76.10 except to an establishment specifically approved for the purpose by the Chief of the Bureau, for processing in a manner approved by said Chief as adequate to prevent the spread of said disease: *Provided, however,* That the following may be moved interstate from a quarantined area without regard to the foregoing restrictions, but under such conditions as may be prescribed by the Chief of the Bureau to prevent the spread of vesicular exanthema: (i) Swine products identified by warehouse receipts or other information satisfactory to said Chief, as having been derived from swine that were slaughtered prior to July 25, 1952; (ii) swine products which have been processed in the course of normal establishment procedures in a manner approved by said Chief as adequate to prevent the spread of vesicular exanthema; (iii) swine products derived from swine which (*a*) were moved into the quarantined area from a point outside the quarantined areas specified in § 76.10 directly to a clean stockyard and (*b*) were slaughtered, immediately upon their removal from such stockyard, at an establishment specifically approved for the purpose by said Chief; (iv) swine products derived from swine which were moved into the quarantined area from a point outside the quarantined areas specified in § 76.10 directly to a slaughtering establishment and there slaughtered immediately upon arrival, under conditions approved by said Chief. The Chief of the Bureau may authorize the movement of swine and swine products not otherwise authorized by this section under such conditions as he may prescribe to prevent the spread of vesicular exanthema. The Chief of the Bureau may require that swine and swine products which have been exposed to or have been affected with vesicular exanthema, and which are moved interstate under this section from any quarantined area to an approved establishment for slaughter and processing or for processing, as the case may be, shall be moved under Bureau seal or accompanied by a representative of the Bureau. Swine and swine products in transit between points outside the quarantined areas specified in § 76.10 through any such quarantined area shall not be deemed to be moved from the quarantined area under this section.

(b) *Through a quarantined area.* No swine or swine products which are moved interstate in transit between points outside the quarantined areas specified in § 76.10 through any such quarantined area shall be unloaded in any such quarantined area unless all facilities to be used therein in connection with the unloading have been approved for such purpose by the Bureau and have been cleaned and disinfected before such use in a manner approved by the Bureau and under the supervision of a person authorized for the purpose by the Bureau.

§ 76.13 *Disinfection of facilities.* Railroad cars, trucks, boats, and all other facilities, including facilities for feeding, watering, and resting swine, which are used in connection with the interstate movement of swine or swine products from a quarantined area specified in § 76.10 shall be thoroughly cleaned and disinfected immediately after each such use. Two percent sodium hydroxide (lye) at the rate of one 13-ounce can to five gallons of water or four percent sodium carbonate (soda ash-sal soda) at the rate of one pound to three gallons of water shall be used in such disinfection.

Effective date. This amendment shall become effective upon issuance.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 29th day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8450; Filed, Aug. 1, 1952; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 42-14]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

AIRCRAFT LIMITATIONS FOR IFR OPERATIONS; FULLY FUNCTIONING DUAL CONTROLS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of July 1952.

The present Civil Air Regulations do not specifically provide that aircraft used for IFR passenger operations in accordance with Part 42 must be equipped with fully functioning dual controls. However, there can be no doubt that such is the intent of the regulations when reference is made to other sections of the part. For example, for such operations a copilot with a currently effective instrument rating is required to be at the controls at all times while taking off and landing. Similarly, aircraft requirements for flight tests and simulated instrument flight require fully functioning dual controls.

Although multiengine aircraft with a "throw-over" yoke have been unknown in the past in passenger air carrier operations, there are now available aircraft of 12,500 pounds or less maximum certificated take-off weight with such a control arrangement. Therefore, in order to clarify the existing regulations, the Board considers it advisable to amend the rules to eliminate any ambiguity and specifically to require fully functioning dual controls for IFR passenger-carrying operations under Part 42.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) as follows, effective September 2, 1952.

By amending § 42.16 (a) to read as follows:

§ 42.16 *Aircraft limitations for IFR and land aircraft overwater operations.*
• • •

(a) *IFR operations.* Aircraft shall be multiengine with fully functioning dual controls and shall meet the appropriate en route operating limitations of § 42.74 or § 42.82.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8486; Filed, Aug. 1, 1952; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 84]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.14, the Knoxville, California, area, published on July 16, 1952 in 17 F. R. 6428, is amended by changing the "Description by Geographical Coordinates" column to read: "A circular area having a radius of 5 statute miles centered at lat. 38°47'00" N., long. 122°23'00" W."

2. In § 608.61, the Chiniak Bay, Alaska, area, published on July 16, 1949 in 14 F. R. 4298, is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 3, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8493; Filed, Aug. 1, 1952; 8:55 a. m.]

[Amdt. 63]

PART 608—DANGER AREAS

ALTERATION

Correction

In F. R. Document 52-8262, appearing in the issue for Tuesday, July 29, 1952, on page 6897, make the following change:

In the table, column 2, designated as "Description by geographical coordinates", line 4, the reference to "lat. 42°30'00" " should read "lat. 42°04'00" ".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

IMPORTS AND EXPORTS

The regulations for the enforcement of the import and export provisions of the Federal Food, Drug, and Cosmetic Act (21 CFR 1.315 to 1.322) are hereby amended as follows:

Section 1.321, *Bonds*, is amended by designating the present paragraph as (a) and adding a new paragraph (b) as follows:

(b) The collector of customs may cancel the liability for liquidated damages incurred under the above-mentioned provisions of such a bond, if he receives an application for relief therefrom, upon the payment of a lesser amount or upon such other terms and conditions as shall be deemed appropriate under the law and in view of the circumstances, but the collector shall not act under this regulation in any case unless the chief of district is in full agreement with the action.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 801, 52 Stat. 1058; 21 U. S. C. 381)

The foregoing amendment shall be effective on the date of publication in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.
OSCAR R. EWING,
Federal Security Administrator.

JULY 29, 1952.

[F. R. Doc. 52-8474; Filed, Aug. 1, 1952; 8:55 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Corrected Reprint

The Renegotiation Board hereby adopts the proposed amendment of § 1453.2 (d) which was published on April 5, 1952 (17 F. R. 3000 to 3001), with the following changes:

1. In subparagraph (3) (ii), the word "purchases" appearing in the third sentence is changed to read "purchase".

2. In subparagraph (7), the word "contents" appearing in the second sentence is changed to read "contract".

3. In subparagraph (7), delete the word "Since" in the next to the last sentence and insert the words "Assuming that".

4. Add a new subparagraph (8).

Paragraph (d) of § 1453.2 as amended reads as follows:

(d) *Profits from increment in value of excess inventory*—(1) *Statutory provision.* Section 106 (b) of the act provides in part as follows:

> Notwithstanding any other provisions of this title, there shall be excluded from consideration in determining whether or not a contractor or subcontractor has received or accrued excessive profits that portion of the profits, derived from receipts and accruals subject to the provisions of this title, attributable to the increment in value of the excess inventory. For the purposes of this subsection the term "excess inventory" means inventory of products, hereinbefore described in this subsection, acquired by the contractor or subcontractor in the form or at the state in which contracts for such products on hand or on contract would be exempted from this title by subsection (a) (2) or (3) of this section, which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders. That portion of the profits, derived from receipts and accruals subject to the provisions of this title, attributable to the increment in value of the excess inventory, and the method of excluding such portion of profits from consideration in determining whether or not the contractor or subcontractor has received or accrued excessive profits, shall be determined in accordance with regulations prescribed by the Board.

(2) *Interpretation.* The basic principles of this exclusion are set forth in the following excerpt from the report of the Senate Committee on Finance:

> Since contracts with the acquirer of a product at its last exempted form or state are entitled to the same exemption as contracts with the producer of such product under your committee bill, there has been added to section 106 (b) a provision similar to that contained in the renegotiation statute in effect during World War II, whereby, to the extent that the profits realized by a contractor or subcontractor by reason of the increment in value of his excess inventory of the products described in section 106 (a) (2) and (3) in the form or state in which contracts therefor are exempted under such paragraphs are applicable to receipts and accruals subject to the provisions of the act, they shall be excluded from consideration in determining excessive profits. The test as to whether or not any contractor or subcontractor has an excess inventory of such materials turns upon whether or not the contractor or subcontractor has in inventory quantities of such materials in excess of the amount reasonably necessary to fulfill existing contracts or orders. The method of determining the portion of the profits applicable to receipts and accruals subject to this act realized by reason of the increment in value of an excess inventory and the method of excluding such portion of such profits from renegotiation will be set out in regulations prescribed by the Board. (Senate Report No. 92, 82d Cong., 1st Sess.)

(3) *Definitions.* For the purposes of this paragraph the following definitions will apply.

(i) *Products.* Products are those materials described in paragraphs (a) and (b) of this section (of the grade, class and type to be used by the contractor in fulfilling contracts for processed or finished goods under which amounts received or accrued are subject to renegotiation under the act) acquired by the contractor in the last form or state in which contracts therefor are exempt under the provisions set forth in paragraphs (a) and (b) of this section.

(ii) *Inventory.* Inventory is the quantity of products on hand or under contract for purchase (including the quantity of such products adjusted for waste, contained in the work in process inventory and the inventory of uninvoiced finished goods) reduced by the quantity of products under contract for sale. Profits or losses from the sale of products are excluded from renegotiation under the raw material and agricultural commodity exemptions, and such transactions must be considered separately in the application of this paragraph. A contract for purchase or contract for sale is a contract under the terms of which (*a*) the quantity, the delivery of which the buyer is committed to accept, is certain, (*b*) the time limits in which such fixed quantity is to be delivered are certain, and (*c*) the price is certain or is to be made certain solely

by factors existing at a time specified in the contract. Special or unusual contractual arrangements with respect to the acquisition or disposition of products or finished or processed goods will be given special consideration in accordance with the facts in the individual case.

(iii) *Existing contracts or orders.* Existing contracts or orders, at any time, are the uninvoiced portions of those contracts or orders for processed or finished goods, the fulfillment of which requires the use of the products in inventory.

(iv) *Excess inventory.* Excess inventory is the inventory of products which is in excess of the quantity reasonably necessary to fulfill existing contracts or orders.

(v) *Replacement value.* Replacement value of excess inventory is the value of such excess inventory calculated by determining the market value of the products of the grade, of the quality, and in the quantities to be used by the contractor in fulfilling the contract. Such market value is determined as of the date on which the contractor enters into a contract under which any amount received or accrued is subject to the provisions of the act. Any factors tending to establish a fair market value will be taken into consideration. If purchase prices or quotations for the particular grade, class and type are used, it will be required that the source of the information be satisfactory, and that the date of the quotation or sale be within a reasonable time of the date of the contract. Inasmuch as the calculation of excess inventory is generally made on a monthly basis, an average of the market prices existing during each month may be used.

(vi) *Renegotiable performance; nonrenegotiable performance.* Renegotiable performance is performance required under contracts to the extent that such performance results in receipts or accruals which are subject to the act. Nonrenegotiable performance includes all other performance of the contractor.

(vii) *Increment in value for the fiscal year.* Increment in value for the fiscal year is the amount by which the replacement value of the portion of the excess inventory allocated to renegotiable performance resulting in receipts or accruals during the fiscal year exceeds the cost of such portion of the excess inventory, as determined by the method of accounting being used in renegotiation.

(viii) *Loss in value for the fiscal year.* Loss in value for the fiscal year is the amount by which the cost, under the method of accounting being used in renegotiation, of the portion of excess inventory allocated to renegotiable performance resulting in receipts or accruals during the fiscal year, exceeds the replacement value of such portion of excess inventory.

(4) *Time for determining excess inventory.* Excess inventory will be determined as of the beginning of the inventory accounting period (month, four weeks' period, or other similar period of inventory accounting employed by the contractor, hereinafter referred to as the "inventory period") in which the contractor enters into contracts under which any amounts received or accrued are subject to renegotiation. If no excess inventory is found to exist at the beginning of the inventory period, it will be deemed that none existed throughout the inventory period. If excess inventory is found to exist at the beginning of the inventory period, transactions within that inventory period will not be deemed to increase the amount of such excess inventory as computed at the beginning of the inventory period until new computations at the beginning of the succeeding inventory period are made. It will not be necessary to take actual physical inventories at the beginning of each inventory period; a cumulative calculation may be made by applying the purchases made and orders taken in each inventory period to the position at the beginning thereof, until the date of the succeeding physical inventory. The Board may, in its discretion, allow a contractor to deviate in individual cases from the inventory accounting basis described above, if available records are considered to be such that some other basis (daily, weekly, etc.) will more accurately bring out the facts in the case. Whatever basis is approved shall be used consistently throughout the period to which the renegotiation relates.

(5) *Treatment of excess inventory.* Upon the establishment of the existence of excess inventory, such inventory is deemed to be the inventory first used by the contractor thereafter, and shall be allocated pro-rata between renegotiable performance and non-renegotiable performance under contracts taken during the inventory period to the extent that such renegotiable performance and nonrenegotiable performance require the use of the products, up to the end of the inventory period in which the excess inventory is exhausted.

(6) *Exclusion of profits attributable to increment in value of excess inventory.* In any case in which it appears that profits attributable to the increment in value of the excess inventory may exist, a tentative determination of excessive profits will be made without regard to the provisions of this paragraph. The tentative excessive profits, so determined, will then be reduced by the portion of the profits attributable to the increment in value of excess inventory. The portion of the profits attributable to the increment in value of excess inventory is an amount equal to the excess of the increment in value for the fiscal year over the loss in value for the fiscal year.

(7) *Example of computation of exclusion.*

A, whose fiscal year ended June 30, 1951, contracted on January 1, 1950, to sell 1,000,000 units of item X to the Army for $1,000,000. Performance of the contract was as follows:

Units	Manufactured	Invoiced
500,000	Jan. 1, 1950–Oct. 31, 1950.	Before Dec. 31, 1950.
300,000	Nov. 1, 1950–Dec. 31, 1950.	Jan. 1, 1951–Apr. 1, 1951.
100,000	Jan. 1, 1951–May 31, 1951.	Before June 30, 1951.
100,000	June 1, 1951–June 30, 1951.	July 1, 1951–Aug. 1, 1951.

In producing one unit of item X, 4 pounds of grade Z raw products are required.

In the renegotiation, it is tentatively determined that A received excessive profits of $50,000 from all of his renegotiable business. At the beginning of the inventory period during which January 1, 1950, fell, A had in inventory 5,000,000 pounds of grade Z raw products. Under his accounting methods this was valued at the lower cost or market and allocated to production on the first in, first out basis. This inventory was acquired as follows:

April 1, 1949, 2,000,000 pounds @ $0.24 per pound.

June 1, 1949, 2,000,000 pounds @ $0.25 per pound.

October 1, 1949, 1,000,000 pounds @ $0.255 per pound.

On January 1, 1950, A had unfilled contracts or commitments requiring the use of 500,000 pounds of grade Z raw products. The quantity of his excess inventory is computed as follows:

	Pounds
Inventory (at beginning of inventory period)	5,000,000
Less raw products required for unfilled contracts	500,000
Excess inventory (long position)	4,500,000

The market price of grade Z raw products on January 1, 1950, was $0.26 per pound. This is the replacement value of the excess inventory.

The 1,000,000 units of item X require 4,000,000 pounds of grade Z raw products. Therefore, of the 4,500,000 pounds of excess inventory, 4,000,000 pounds are allocable to the contract in question. It is now necessary to consider the invoice dates set forth at the beginning of the example. Of the 4,000,000 pounds, 2,000,000 pounds are allocable to performance resulting in receipts or accruals before the effective date of the act and 400,000 pounds to performance resulting in receipts or accruals after the end of the fiscal year. The remaining 1,600,000 pounds are allocable to renegotiable performance resulting in receipts or accruals during the fiscal year. It is the excess of the replacement value over the cost of such 1,600,000 pounds of excess inventory which constitutes the increment in value for the fiscal year. This is computed as follows:

Replacement value		
1,600,000 pounds @ $0.26		$416,000.00
Less cost:		
1,500,000 pounds @ $0.25	$375,000	
100,000 pounds @ $0.255	25,500	
		400,500.00
Increment in value for the fiscal year		15,500.00

Assuming that there was no loss in value for the fiscal year, the portion of profits attributable to increment in value of excess inventory is equal to $15,500. The tentative determination of excessive profits, $50,000, will therefore be reduced by $15,500 to arrive at the excessive profits to be eliminated.

(8) *Procedure.* A contractor who claims that a portion of its profits attributable to the increment in value of excess inventory should be excluded from consideration in determining whether or not it has received excessive profits shall give notice to the Board of such claim at the time of or before such contractor completes the filing of the Standard Form of Contractor's Report (RB Form 1B). The Regional Board to which the contractor is assigned for renegotiation will request the contractor to substantiate its claim before conclusion of the renegotiation if it appears

that, without regard to the provisions of this paragraph, excessive profits exist.

[Sec. 109, Pub. Law 9, 82d Cong.)

Dated: July 10, 1952.

JOHN H. JOSS,
Acting Chairman,
The Renegotiation Board.

[F. R. Doc. 52-7797; Filed, July 15, 1952; 8:50 a. m.]

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Document 52-7302, appearing in the issue for Tuesday, July 8, 1952, at page 6083, make the following change:

In the second paragraph the reference to "Section 1452.5 (b)" should read "Section 1453.5 (b)".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Amdt. 53]

CPR 22—MANUFACTURER'S GENERAL CEILING PRICE REGULATION

CLARIFICATION AS TO EXCLUSION OF IMPORTED SPICES, SEEDS AND HERBS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 22 adds imported spices, seeds and herbs, such as black pepper, cloves, etc., to the commodities excluded by Appendix A from the technical coverage of that regulation.

Although processors of imported spices, seeds and herbs, might technically be considered "manufacturers" under the definition of that term in CPR 22, the language of CPR 31 has always been broad enough so that such processors may properly have considered their operations as falling within the coverage of that regulation. On full consideration of all the factors involved it appears that the commodities better meet the standards and conditions applicable to products governed by CPR 31 (the import regulation) than the commodities subject to CPR 22. For instance, the major cost to those processors is the cost of the raw material in the foreign market, and the processing may be considered as only incidental to the sale of the imported commodity. Under these circumstances, the Director has determined that processors of these imported commodities should unequivocally be covered by CPR 31 and accordingly this amendment adds imported and mixed domestic and imported spices, seeds and herbs to the list of excluded commodities contained in Appendix A of CPR 22. Domestically produced spices, seeds and herbs which are not mixed with imported spices, seeds and herbs are exempt under GOR 7, Revision 1, Amendment 5, and are excluded from CPR 22 as provided in section (a) (3) of Appendix A to that regulation.

FINDINGS OF THE DIRECTOR

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 22 is amended so that subparagraph 27 is added to paragraph (c) of Appendix A, to read as follows:

(27) Imported spices, seeds and herbs, and mixed domestic and imported spices, seeds and herbs, processed as defined in Ceiling Price Regulation 31.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment will become effective on August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52-8550; Filed, Aug. 1, 1952; 10:55 a. m.]

[Ceiling Price Regulation 31, Amdt. 12]

CPR 31—IMPORTS

DEFINITION OF PROCESSING

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 31 amends section 18 (c) (9) which defines processing as used in section 8, by adding to the present definition a new sentence of clarification. To clarify the scope of coverage concerning the grinding of imported spices, seeds and herbs, such as black pepper, cloves, etc., CPR 22 has been amended to make it clear that these commodities are not covered by CPR 22, and at the same time, this amendment will unequivocally place grinders of imported or mixed domestic and imported spices, seeds or herbs under CPR 31. Since the grinding of imported and mixed domestic and imported spices, seeds and herbs is considered to be processing within the meaning of section 18 (c) (9) of CPR 31, those persons affected by this amendment clearly may avail themselves of the provision contained in section 8 of CPR 31 in determining their ceiling prices.

A clarification is also made by this amendment in respect to the shelling, roasting or salting of imported nuts.

FINDINGS OF THE DIRECTOR

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Section 18 (c) (9) is amended to read as follows:

(9) *Processing.* This term means the sorting, grading, cleaning, repacking, assembling, or otherwise manipulating of a commodity but not to the extent that there results therefrom a new and different article having a distinctive character. The term "processing" includes, among other things, the grinding of imported or mixed domestic and imported spices, seeds or herbs, and the shelling, roasting or salting of imported nuts. If you process imported or mixed domestic and imported spices, seeds or herbs, or if you process imported nuts, you may continue to use your ceiling prices in effect on July 31, 1952 for such commodities, but if you have not previously filed for any such commodity under this regulation, you must comply with the provisions of section 7 (b) of this regulation before September 15, 1952 or before making any sales of the commodity, whichever occurs later.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52-8548; Filed, Aug. 1, 1952; 10:54 a. m.]

[Ceiling Price Regulation 117, Amdt. 1 to Revision 1]

CPR 117—MALT BEVERAGES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Revision 1 of Ceiling Price Regulation 117 is hereby issued.

STATEMENT OF CONSIDERATIONS

Sections 50 and 54 of Ceiling Price Regulation (CPR) 117, Revision 1, provide for recalculation of ceiling prices by retailers of malt beverages whenever there is a change in the costs upon which their previously calculated ceiling prices were based. This amendment adds, to each of those sections, a provision stating the day upon which such recalculated ceiling prices must be put into effect.

This amendment also requires a brewer who determines ceiling prices to a sole distributor or a wholly owned distributor, under section 26, pursuant to a contract or other customary method (rather than under the other sections of the regulation) to notify the distributor that his ceiling prices were determined under section 26. It is provided, in turn, that a distributor who receives such a notice applying to a new item and who cannot determine his ceiling price under section 31, 32 or 33, must apply for a ceiling price under section 36 rather than calculate it under section 34. Section 34 directs a distributor to determine his ceiling price for a new item by applying, to the brewer's ceiling price to him, the markup he realizes on a comparable item. If, however, that markup is applied to a brewer's ceiling price which is determined under section 26 and which may be higher than the ceiling price which the brewer could calculate under the other sections of the regulation, the resulting ceiling price of the distributor would be higher than is warranted. Consequently, this safeguard is necessary.

Finally, this amendment makes some clarifying changes in language and corrects various clerical errors and misprints which appear in the regulation.

In the formulation of this amendment the Director of Price Stabilization has, to the extent practicable, consulted with industry representatives, including trade association representatives, and has given consideration to their recommendations. In the judgment of the Director this amendment is generally fair and equitable, is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and complies with all the applicable standards of the Act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 117, Revision 1, is amended in the following respects:

1. The following sentence is added at the end of section 1: "In addition, this CPR 117, Revision 1, supersedes the original CPR 117."

2. Paragraphs (ii) and (iii) of sections 22 (d) (1) and 32 (d) (1) are changed to read as follows:

(ii) You have determined a ceiling price under this regulation for sale to that class of purchaser of an item of the same container size, container type and (if the item you are pricing is sold in bottles or cans) case size as the item you are pricing but of a different brand or type or both (which will be called the "comparable brand") from that of the item you are pricing; and

(iii) You have determined a ceiling price under this regulation for sale to that class of purchaser of your largest selling item of the same brand and type as that of the item you are pricing, and that ceiling price is identical with the ceiling price (to the same class of purchaser) of the "comparable brand" item of the same container size, container type and (if your largest selling item is sold in bottles or cans) case size as that largest selling item.

(The last unnumbered paragraphs of sections 22 (d) (1) and 32 (d) (1) are unchanged.)

3. Section 25 is changed to read as follows:

SEC. 25. *How a brewer is to determine his ceiling price for sales of items when the ceiling price for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are a brewer who wishes to sell to a class of purchaser an item for which you cannot determine a ceiling price to that class of purchaser under sections 21, 22, 23, or 24 of this regulation, and for which you cannot or do not wish to determine your ceiling price to that class of purchaser as permitted under section 22 (e), 26 or 27. In that case if a ceiling price was not established for sales by you of the item to the particular class of purchaser under section 23 of the original CPR 117, you may apply to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., for a ceiling price. However, if a ceiling price for sale of the item to that class of purchaser was established for you by letter-order under section 23 of the original CPR 117 you may either retain that ceiling price (unless otherwise notified by the OPS) or you may request the OPS to re-examine that ceiling price.

If you are requesting re-examination of a ceiling price established under section 23 of the original CPR 117, your request must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section, must give the number of the letter-order issued to you under section 23 of the original CPR 117, and may contain any facts bearing on your request which have arisen since the date of that letter-order. If a ceiling price for sales of the item by you to the particular class of purchaser was not established under section 23 of the original CPR 117, your application for a ceiling price under this section 25 must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) The class of purchaser to whom you wish to sell the item.

(c) An explanation of why you are unable to determine your ceiling price under sections 21, 22 (b), (c) or (d), 23 or 24 for sales of the item to the particular class of purchaser.

(d) The names and addresses (if available) of the two brewers who you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those items (that is, the brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, the case size of each of the items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to whom you wish to sell the item for which you are making application under this section.

After your application or request for re-examination is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to the particular class of purchaser until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR) or CPR 117 for sale of the item to that class of purchaser, you may continue to make such sales at or below such ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event, if a ceiling price for sale of the item to the particular class of purchaser was not established for you under section 23 of the original CPR 117, you may not sell the item to the particular class of purchaser after July 21, 1952, unless and until you first place in the mail, properly addressed and completed, your application for a ceiling price under this section 25.

4. Section 26 is changed to read as follows:

SEC. 26. *Optional method of determination of brewers' ceiling prices to sole distributors and wholly owned distributors.* This section applies to you if you are a brewer who sells or delivers malt beverages to a sole distributor (as defined in section 90 (a) (16)) of your malt beverages or to a corporation or other outlet engaged in the distribution of your malt beverages and wholly owned by you. In that case you may determine your ceiling prices to any one of those types of purchasers either (a) under the other provisions of this regulation which apply to you, or (b) pursuant to a contract, formula or other method customarily used by you to determine selling prices to that type of purchaser before the issuance of this regulation. If, however, you choose to determine your ceiling price for sale of an item to any one of those types of purchasers pursuant to such a contract, formula or other customary method (as explained in (b) above) you must, on or before the date you first sell that item to the particular purchaser at a price in excess of the ceiling price that could be calculated for it under the other sections of this regulation, send that purchaser a written notice identifying the item (by brand, type, container size, container type and case size) and stating that you have determined your ceiling price for sale of that item pursuant to section 26 of CPR 117, Revision 1.

5. A closing parenthesis is added following the last word in section 27 (a).

6. The last sentence in section 27 (b), following the notice, is omitted and the notice in that section is changed to read as follows:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard (list brand and type of the newly labeled malt beverage) and (list brand and type of the "comparable malt beverage") as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of (list brand and type of the newly labeled malt beverage) under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of (list brand and type of the "comparable malt beverage").

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

7. Section 28 (b) is changed to read as follows:

(b) You need only give the above notice to a purchaser once and, of course, you need not give a second notice to a purchaser to whom you gave a notice under section 24 of the original CPR 117. However, if you establish a ceiling price for sale to a purchaser of an item not listed in any previous notice you gave to him (under this section or section 24 of the original CPR 117) you must give the purchaser an additional notice, listing the ceiling price for that item, at or before the time you first deliver the item to him. In addition, if there is a change in the ceiling price which was listed for sale of an item to a purchaser in the last notice you gave to him (under this section or section 24 of the original CPR 117) covering that item, then (1) if the change is an increase you must give the purchaser an additional notice, listing the increased ceiling price, at or before the time you first deliver the item to him at a price higher than the ceiling price listed in that last notice; (2) if the change is a decrease you must give the purchaser an additional notice, listing the decreased ceiling price, at or before the time you first deliver the item to him after that decreased ceiling price becomes effective. You must also, before the time you first deliver to any purchaser an item for which this paragraph (b) requires you to supply an additional notice, send to the Office of Price Stabilization, Alcoholic Beverage Section, Washington 25, D. C., a copy of the notice listing the new ceiling price to purchasers in that particular class, and (if the information is not already included in that notice), a statement indicating: (i) The class of purchaser to whom the notice applies, and (ii) whether the ceiling prices listed in the notice are f. o. b. or delivered prices.

8. Section 34 (a) is changed to read as follows:

SEC. 34. *How a wholesaler is to determine his ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under either section 31, 32 or 33*—(a) *How to use this section.* This section applies to you if you are a wholesaler who wishes to sell to a class of purchaser an item of imported or domestic malt beverages for which you cannot determine your ceiling price to that class of purchaser under either section 31, 32, or 33. In that case, you must determine your ceiling price for such sales (except for delivered sales to consumers, to which section 35 applies) under paragraph (c) of this section and, in determining that ceiling price, you must use the definition of "cost of acquisition" contained in paragraph (b) of this section. If, however, (1) you are a sole distributor of an item or a corporation or other outlet engaged in the distribution of an item and wholly owned by the brewer of that item, and (2) you have received a written notice from the brewer of that item stating that he determined his ceiling price for sale to you under section 26 of CPR 117, Revision 1, then (3) you must not determine your ceiling price for sales of that item under this section; if you cannot determine your ceiling price under section 31, 32 or 33, you must apply for your ceiling price under section 36.

9. Section 36 is changed to read as follows:

SEC. 36. *How a wholesaler is to determine his ceiling prices for sales of items when the ceiling price for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are, or intend to start in business as, a wholesaler of imported or domestic malt beverages and, for any reason, cannot determine your ceiling price for sales of an item to a particular class of purchaser under any other section. In that case if a ceiling price was not established for sales by you of the item to that class of purchaser under section 33 of the original CPR 117, you may apply to your OPS District Office for a ceiling price. However, if a ceiling price for sale of the item to that class of purchaser was established for you by letter-order under section 33 of the original CPR 117 you may either retain that ceiling price (unless otherwise notified by the OPS) or you may request the OPS to re-examine that ceiling price.

If you are requesting re-examination of a ceiling price establishment under section 33 of the original CPR 117, your request must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section, must give the number of the letter-order issued to you under section 33 of the original CPR 117, must contain the information required in paragraph (b) below, and may contain any facts bearing on your request which have arisen since the date of that letter-order. If a ceiling price for sales of the item by you to the particular class of purchaser was not established under section 33 of the original CPR 117, your application for a ceiling price under this section 36 must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) What your "cost of acquisition" (defined in section 34 (b)) for a current customary purchase of that item would be.

(c) The class of purchaser to whom you wish to sell the item.

(d) An explanation of why you are unable to determine your ceiling price under any other section for sales of the item to the particular class of purchaser.

(e) The names and addresses (if available) of the two wholesalers who you think are selling the items that are (or will be) the most closely competitive items to the one for which you wish a ceiling price, and a description of those items (that is, the brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, the case size of each of the items). In addition, also state (if you can obtain the information) the ceiling prices in effect for sales of those two most closely competitive items to the same class of purchaser as that to whom you wish to sell the item for which you are making application under this section.

NOTE: If, before June 9, 1952, you filed an application for ceiling prices under section 33 of the original CPR 117, but did not supply information as to what your "cost of acquisition" for a current customary purchase would be for each item covered by that application, you need not file a second application for those items under this section 36 and need only supply information as to your "costs of acquisition" for current customary purchases of those items if OPS sends you a letter requesting you to do so.

After your application or request for re-examination is filed, the Office of Price Stabilization may, by amendment or order, establish a ceiling price for sales of the item to the particular class of purchaser which is in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to the particular class of purchaser until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR), CPR 31 or CPR 117 for sale of the item to that class of purchaser, you may continue to make such sales at or below such ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event, if a ceiling price for sale of the item to the particular class of purchaser was not established for you under section 33 of the original CPR 117, you may not sell the item to the particular class of purchaser after August 4, 1952, unless and until you first place in the mail, properly addressed and completed, your application for a ceiling price under this section 36. Finally, you must comply with the notification provisions of section 37 (b) of this regulation, if that section applies to you, and of section 38.

10. The first sentence following the notice in section 37 (a) is omitted, and the notice itself is changed to read as follows:

OPS CEILING PRICES FOR ITEM WITH NEW LABEL

The Office of Price Stabilization has authorized us to inform you that, for purposes of calculating your ceiling prices under CPR 117, Revision 1, you must regard (brand and type of newly labeled malt beverage) and (brand and type of the "comparable malt beverage") as the same item. Therefore, you must determine your ceiling prices for each container size, container type and case size of (brand and type of newly labeled malt beverage) under the applicable sections of CPR 117, Revision 1, just as if it were the same item as the particular container size, container type and case size of (brand and type of the "comparable malt beverage").

The Office of Price Stabilization requires you to keep a copy of this notice for examination.

11. Section 38 (b) is changed to read as follows:

(b) You need only give the above notice to a purchaser once and, of course, you need not give a second notice to a purchaser to whom you gave a notice under section 34 of the original CPR 117. However, if you establish a ceiling price for sale to a purchaser of an item not listed in any previous notice you gave to him (under this section or section 34 of the original CPR 117) you must give the purchaser an additional notice, listing the ceiling price for that item, at or before the time you first deliver the item to him. In addition, if there is a change in the ceiling price which was listed for sale of an item to a purchaser in the last notice you gave to him (under this section or section 34 of the original CPR 117) covering that item, then (1) if the change is an increase you must give the purchaser an additional notice, listing the increased ceiling price, at or before the time you first deliver the item at a price higher than the ceiling price listed in that last notice; (2) if the change is a decrease you must give the purchaser an additional notice, listing the decreased ceiling price, at or before the time you first deliver the item to him after that decreased ceiling price becomes effective.

12. Section 50 (b) (4) is changed to read as follows:

(4) (i) Add your "adjustment factor per case" to the price determined in subparagraph (1), if your current "cost of acquisition" is greater than your base "cost of acquisition"; but (ii) subtract your "adjustment factor per case" from the price determined in subparagraph (1), if your current "cost of acquisition" is less than your base "cost of acquisition." The resulting figure is your ceiling price for sales of a case of the particular item to consumers. That ceiling price, however, may be adjusted or modified under the provisions of sections 70, 71, 76, 77, and 78 of this regulation, if applicable. In addition, you may recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it increases above that upon which the last calculation (or recalculation) of your ceiling price was based, but must recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it decreases below that upon which the last calculation (or recalculation) of your ceiling price was based. Such a recalculated ceiling price must be put into effect on the day set out in paragraph (d) of this section. Finally, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

13. Section 50 (c) (5) is changed to read as follows:

(5) Your ceiling price for sale of one individual container of the particular item is the figure arrived at in subparagraph (4), except that if that figure ends in one-half cent you may increase it to the next higher full cent. Your ceiling price for sale of more than one individual container of the item (but less than a full case of the item) is determined by multiplying the figure arrived at in subparagraph (4) by the number of containers being sold and, if the resulting price ends in one-half cent, rounding it to the next higher full cent. The ceiling price you determine (either for sales of one individual container or of more than one individual container) may be adjusted or modified under the provisions of sections 70, 71, 76, 77 and 78 of this regulation, if applicable. In addition, you may recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it increases above that upon which the last calculation (or recalculation) of your ceiling price was based but must recalculate your ceiling price for the item (under the provisions of this section) whenever the "cost of acquisition" incurred for it decreases below that upon which the last calculation (or recalculation) of your ceiling price was based. Such a recalculated ceiling price must be put into effect on the day set out in paragraph (d) of this section. Finally, you must comply with the provisions of section 73 of this regulation, which require you to post your ceiling prices to consumers.

14. The following paragraph (d) is added to section 50:

(d) *When recalculated ceiling prices go into effect.* A ceiling price which is recalculated under this section is to go into effect, except as provided in section 72, on and after the fourth day (not counting Sundays and holidays) following receipt by you of the item whose increased or decreased "cost of acquisition" resulted in the recalculation of your ceiling price. It shall apply (1) to the stock of the item, wherever located, to which you hold title as of that date, (2) to all sales or deliveries made after that date (even if made under a contract entered into before that date), and (3) to offers to sell and contracts to sell made after that date.

15. Section 53 is changed to read as follows:

SEC. 53. *How a retailer is to determine his initial ceiling prices for sales of items when the ceiling prices for those sales cannot be determined under any other section of this regulation.* This section applies to you if you are, or intend to be, a retailer of imported or domestic malt beverages and, for any reason, cannot determine your ceiling prices for sales to consumers of an item under any other section. In that case, if a ceiling price was not established for sales by you of the item to consumers under section 53 of the original CPR 117, you may apply to your OPS District Office for a ceiling price for sale of the item to consumers was established for you by letter-order under section 53 of the original CPR 117 you may either retain that ceiling price (unless otherwise notified by the OPS) or you may request the OPS to re-examine that ceiling price.

If you are requesting re-examination of a ceiling price established under section 53 of the original CPR 117, your request must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section; must give the number of the letter-order issued to you under section 53 of the original CPR 117, must contain the information required in paragraph (b) (below), and may contain any facts bearing on your request which have arisen since the date of that letter-order. If a ceiling price for sales by you of the item to consumers was not established under section 53 of the original CPR 117, your application for a ceiling price under this section must be in writing, signed by you or a duly authorized officer, shall state that it is filed under this section and must contain the following information:

(a) A description of the item for which you wish a ceiling price (that is, the item's brand, type, container size, container type and, if sold in returnable bottles, non-returnable bottles or cans, its case size).

(b) What your "cost of acquisition" (defined in section 90 (c) (1)) for a current customary purchase of that item would be.

(c) An explanation of why you are unable to determine your initial ceiling price under either section 50, 51 or 52 for sales of the item to consumers.

NOTE: If, before June 9, 1952, you filed an application for ceiling prices under section 53 of the original CPR 117, but did not supply information as to what your "cost of acquisition" for a current customary purchase would be for each item covered by that application, you need not file a second application for those items under this section 53 and need only supply information as to your "costs of acquisition" for current customary purchases of those items if OPS sends you a letter requesting you to do so.

After your application or request for re-examination is filed, the Office of Price Stabilization may, by amendment or order, establish initial ceiling prices for case sales and individual container sales of the item to consumers which are in line with the level of ceiling prices otherwise established under this regulation. You may not sell the item to consumers until after such amendment or order is issued and becomes effective. However, if you have established a ceiling price under the General Ceiling Price Regulation (GCPR), CPR 31, or CPR 117 for sales of the item to consumers, you may continue to make such sales at or below such ceiling price until the amendment or order applied for under this section is issued and takes effect. In any event, if a ceiling price for sale of the item to consumers was not established for you under section 53 of the original CPR 117, you may not sell the

item to consumers after August 18, 1952, unless and until you first place in the mail, properly addressed and completed, your application for a ceiling price under this section. Finally, you must comply with the price posting provisions of section 73 and the initial ceiling prices established for you under this section may subsequently be recalculated under the provisions of section 54.

16. The third sentence in section 54 (a) (2) is changed to read as follows:

If you determined your initial ceiling price under section 53 your base "cost of acquisition" is (i) the "cost of acquisition" defined in section 90 (c) (1) incurred for your most recent customary purchase prior to the date upon which you mailed the application required under that section, or (ii) if you made no customary purchase prior to the date you mailed the required application, the "cost of acquisition" (defined in section 90 (c) (1)) incurred for your first customary purchase between that mailing date and the date you first offered the item for sale.

17. The following paragraph (d) is added to Section 54:

(d) *When recalculated ceiling prices go into effect.* A ceiling price which is recalculated under this section is to go into effect, except as provided in section 72, on and after the fourth day (not counting Sundays and holidays) following receipt by you of the item whose increased or decreased "cost of acquisition" resulted in the recalculation of your ceiling price. It shall apply (1) to the stock of the item, wherever located, to which you hold title as of that date, (2) to all sales or deliveries made after that date (even if made under a contract entered into before that date), and (3) to offers to sell and contracts to sell made after that date.

18. Section 70 (b) (1) is changed to read as follows:

(b) (1) If you are a brewer or a wholesaler, or if you are a seller who determines your ceiling prices under the provisions of this regulation which apply to brewers or wholesalers, and the ceiling price you calculate for an item and adjust under sections 76, 77, and 78 includes a fractional part of a cent, you may increase that ceiling price to the next higher full cent if the fraction is one-half cent or more, but must reduce that ceiling price to the next lower full cent if the fraction is less than one-half cent. However, the ceiling price for sale of an item to the United States or any of its agencies must in all cases be carried to four decimal places, and any further fraction is to be disregarded.

19. Section 90 (a) (13) is changed to read as follows:

(13) *Home distributor.* A "home distributor" means a person who obtains his entire supply of one or more items of domestic malt beverages from brewers and wholesalers and sells those items in case lots primarily to consumers (from vehicles owned or operated by him or his employees), New York State "E" licensees, or both.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 117, Revision 1, is effective August 6, 1952.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52-8547; Filed, Aug. 1, 1952; 10:54 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 39, Revision 1]

GCPR, SR 39—RATE ADJUSTMENTS FOR CERTAIN CONTRACT MOTOR CARRIERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revision of Supplementary Regulation 39 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation 39 to the General Ceiling Price Regulation contains a number of changes in, and certain additions to, the original regulation which became effective July 30, 1951. The statement of considerations accompanying Supplementary Regulation 39 discussed the need and justification for that regulation, and the same reasons apply equally in justification of this revision.

Section 1 (a) has been revised to clarify the applicability of the regulation. In many instances a particular carrier may be engaged in conducting an operation to which the adjustment provisions of this regulation apply and, at the same time, may be performing a service which is either exempt from price regulation or is covered by another regulation issued by the Office of Price Stabilization. The significance of the new wording is that the applicability of the regulation is determined by the nature of the service performed. In addition, subparagraph (5) has been added to section 1 (a) making the provisions of the regulation inapplicable to private carrier service.

The original version of SR 39 was limited in its geographic applicability to the 48 States of the United States and the District of Columbia. Section 1 (b) of the regulation has been revised to extend its applicability to meet the needs of a number of contract motor carriers operating in Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

The original version of SR 39 provided for the filing of applications for rate adjustment by a user of a service covered by the regulation. Because this provision has in practice proved to be undesirable, it has been omitted in this revision.

This revision clarifies, and to some extent modifies, the regulation with respect to the eligibility, extent of adjustment, and filing provisions relating to group adjustments. This has been accomplished by providing specifically for the handling of group adjustments in sections 2, 3, 4 and 5.

Significant changes have been made in sections 2 and 3 of the regulation by this revision. Section 2 (a) and section 3 have been changed by deleting reference to available substitute service because by the nature of contract carriage each service is usually tailored to meet the special need of the shipper so that it is impracticable to attempt to determine the rate at which an equivalent service could be obtained from another carrier. The representative period referred to in section 3 has been changed from a period prior to June 24, 1950, to the year 1949 or another appropriate period as defined in section 7. Finally, the extent of adjustment provisions are revised for clarification, without substantially changing the original intent of the regulation.

This revision provides for the filing of all applications at the appropriate Regional or District Office of the Office of Price Stabilization, and eliminates the original distinction between interstate and intrastate filings. It also provides for the processing of applications in the Regional or District Offices. This change is consistent with agency policy to delegate as much price adjustment authority to the field force as practicable. Sections 4 and 5 have been revised accordingly. Section 5 (c) provides for the retroactive collection of adjusted rates which have been charged on open billing pending consideration of an application.

On June 21, 1951, Amendment 3 to Supplementary Regulation 15 to the General Ceiling Price Regulation was issued which, in effect, permitted certain contract motor carriers and their shippers to enter into "long-term contracts" for the furnishing of future transportation service at rates no higher than their existing ceiling rates, but containing a condition that service rendered thereunder subsequent to June 21, 1951, would be subject to any adjusted rates which might later be approved by the Office of Price Stabilization. By formal interpretation the provisions of that amendment are deemed to have become inoperative on July 30, 1951, with respect to carriers covered by Supplementary Regulation 39, so that the adjustable pricing authority did not apply to contracts entered into after that date. Until now, however, recognition has been given to adjustable pricing conditions in appropriate contracts executed prior to July 30, 1951. Amendment 3 to SR 15 was issued as an emergency measure for the benefit of those affected thereby pending the issuance of regulations enabling rate adjustments to be made. It is felt that by now ample opportunity has been afforded for the obtaining of the relief intended. Accordingly, section 5 (c) of this revision provides that on and after the effective date hereof the adjustable pricing authority contained in Amendment 3 to SR 15 shall become entirely inoperative with respect to the services covered by this supplementary regulation.

Section 6 is concerned with the establishing of ceiling rates for contract

motor carriers operating under so-called temporary authority. The Interstate Commerce Commission and several of the State regulatory commissions issue to contract motor carriers temporary authority authorizing such carriers to perform contract carrier operations for a temporary period only. The issuance of such authority is based upon a showing that other transportation services are not available and the authority is limited in duration. The various Commissions issuing temporary authorities usually require the carrier to institute the service covered by the temporary authority within 4 to 5 days after the issuance of the order granting the authority. Because of the nature of a temporary authority operation, it is apparent that the motor carrier receiving the temporary authority does not have ceiling rates covering the service to be performed nor may he use the rates of a closest competitor for the purpose of establishing his ceiling rates. Under the General Ceiling Price Regulation, there is no provision pursuant to which a carrier receiving temporary authority may establish ceiling rates without first obtaining the approval of OPS. The delay incurred by proceeding in this manner imposes a hardship on the carrier and, quite often, the public. Accordingly, Section 6 of this regulation provides that carriers granted temporary authority may establish their ceiling rates and charges for new services by filing with OPS copies of the schedules of minimum rates and charges which have been filed with another appropriate regulatory body. After making such filing, the rates so filed become the lawful ceiling rates for those operations for a period of 60 days from the date of issuance of the temporary operating authority or until the termination of that authority, whichever is earlier. If the temporary authority is issued for a period in excess of 60 days, ceiling rates established under this Special Order shall apply only to service performed during the first 60 days of such authority. Ceiling rates for service performed after such 60-day period must be established in accordance with the provisions of the General Ceiling Price Regulation.

In the formulation of this revised regulation, there have been consultations with the formal Contract Carrier Industry Advisory Committee and with other industry representatives, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the provisions of this revised supplementary regulation are generally fair and equitable and will effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this revised supplementary regulation does.
2. Eligibility for adjustment.
3. Extent of adjustment.
4. Where and how to apply for adjustment.
5. Disposition of applications.
6. Establishing ceiling rates for temporary authority operations.
7. Definitions.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this revised supplementary regulation does.* (a) This revised supplementary regulation provides for the adjustment on an individual basis and, in specific circumstances, on a group basis, of the ceiling rates applicable to the services of the motor carriers affected. It also provides for the establishment of ceiling rates for services initiated under temporary authority granted by Federal or State regulatory bodies. It applies to all transportation by motor carrier except the following:

(1) Common carrier service;
(2) Pick-up and delivery service;
(3) Local transfer service;
(4) The service performed by motor carriers engaged in the transportation of liquid commodities, other than milk, in bulk, in tank vehicles; and
(5) Private carrier service.

(b) The provisions of this regulation are applicable to the 48 States of the United States, the District of Columbia, Alaska, Hawaii, Puerto Rico and the Virgin Islands.

(c) Except as modified in this regulation, the provisions of the General Ceiling Price Regulation shall remain applicable to the carriers covered by this regulation.

SEC. 2. *Eligibility for adjustment*—(a) *Individual adjustments.* An individual motor carrier affected by this revised supplementary regulation shall be eligible for an adjustment of his ceiling rates if the adjustment is necessary to permit the continuance of an essential service; and if either of the following is true:

(1) That the carrier will suffer substantial financial hardship on his overall operation unless the adjustment is granted; or

(2) That the ceiling rates for a particular segment of the carrier's total operation which are the subject of the application do not permit the service to be performed at rates which will yield revenue sufficient to cover the direct costs thereof.

(b) *Group adjustments.* A group of contract motor carriers comprised of all those engaged in the same general class of service transporting fruit, vegetables, or milk for one consignee to a single destination, and all of whose rates are normally established on a uniform basis, shall be eligible for a uniform adjustment of ceiling rates (1) if the adjustment is necessary to permit the continuance of an essential service and (2) if a representative portion of the group will suffer substantial financial hardship unless the adjustment is granted.

SEC. 3. *Extent of adjustment*—(a) *Individual adjustments.* With respect to applications filed under section 2 (a), the Office of Price Stabilization may grant an increase in ceiling rates up to but not higher than:

(1) A level which will result in a ratio of net operating revenue to total operating revenue equal to that enjoyed by the applicant during a representative period (as defined in section 7 (f)), or equal to the ratio of net operating revenue to total operating revenue prevailing in the motor carrier industry generally during such period, whichever of these ratios results in a lower level of rates.

(2) In the case of an applicant who seeks an adjustment for a segment of his total operation, a rate which will yield revenue sufficient to cover the direct costs thereof.

(b) *Group adjustments.* With respect to applications filed under section 2 (b), the Office of Price Stabilization may grant an increase in ceiling rates uniformly to each individual carrier of the group based upon the average need of a representative portion of the group, which average shall be determined by applying the adjustment criteria set forth in subparagraph (1) of paragraph (a) of this section to the individual applications filed by a representative portion of the group.

SEC. 4. *Where and how to apply for adjustment*—(a) *Individual adjustments.* Applications for individual relief under this revised supplementary regulation shall be made by filing properly executed OPS Public Form No. 147, if the applicant's gross transportation revenues in the most recent twelve-month period were less than $15,000, or by filing properly executed OPS Public Form No. 148, if the applicant's gross transportation revenues in the most recent twelve-month period were $15,000 or more. Copies of these forms may be obtained from the Office of Price Stabilization, Washington 25, D. C., or from any Regional or District Office thereof. All such applications shall be filed in duplicate, and shall be sent to the District Office of the Office of Price Stabilization for the district in which the home office of the applicant is located.

(b) *Group adjustment.* An application for a group adjustment under section 2 (b) of this revised supplementary regulation shall be made in the form of a letter submitted by the consignee for whom the transportation services are furnished. In the letter the consignee shall list the name and address of each carrier of the entire group furnishing the same service to the destination for which adjustment is sought, and show the approximate volume transported by each such carrier during the most recent twelve-month period; the present and proposed rate or rates; the commodity or commodities to be transported; and the point or points to be served. Such letter shall be filed, in duplicate, in the District Office of the Office of Price Stabilization, for the district in which the destination served by the group is located. After receipt of such letter the appropriate Regional or District Office will require a filing, in duplicate, either on OPS Pub. Form No. 147 or OPS Pub. Form No. 148, whichever is appropriate, of individual adjustment applications by a representative portion of the carriers composing the group.

(c) *Filing.* Applications under paragraph (a) or (b) of this section, if mailed, must be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing. If the application is delivered in person, a receipt showing the date of filing shall be obtained from the Office of Price Stabilization District Office receiving the application.

SEC. 5. *Disposition of applications—(a) OPS officials authorized to act.* The respective Regional Directors of the Office of Price Stabilization are hereby delegated authority to act upon and to handle to final conclusion all applications for rate adjustment filed under the provisions of this revised supplementary regulation, and the authority hereby delegated may be redelegated by the Regional Directors in whole or in part to the appropriate District Directors of the Office of Price Stabilization.

(b) *Action by OPS—(1) Individual adjustments.* Upon consideration of the application, the OPS will issue an order granting or denying, in whole or in part, the requested adjustment, or may require such additional information as may be deemed necessary. Thirty days after the filing of the required forms under section 4 (a), the applicant may charge the proposed rate or rates unless advised by the OPS that the application has been denied in whole or in part, or unless additional information has been requested. Any written request for additional information shall have the effect of suspending, without the issuance of any specific order thereon, the authority of the applicant to charge the proposed rate or rates until the date of an order issued by the OPS approving the application or until 30 days after the date of filing such additional information, whichever date is earlier. Such additional information must be submitted in writing and in duplicate to the Regional or District Office requesting the information. The additional information, if mailed, must be sent by registered mail, return receipt requested. The date on the return receipt will indicate the effective date of filing. If delivered in person, a receipt showing the date of filing shall be obtained from the appropriate OPS Regional or District Office receiving the additional information. Notwithstanding any other provisions of this section, all rate adjustments, whether obtained by affirmative action or by operation of the 30-day provision, are subject to revocation or modification at any time.

(2) *Group adjustments.* Upon consideration of all the information and forms filed under section 4 (b), an order granting or denying, in whole or in part, the requested adjustment shall be issued by the OPS. This order shall be issued to the consignee submitting the application. No group adjustment applied for under this supplementary regulation shall become effective except by the issuance of an order by the OPS.

(c) *Effectiveness of adjustments.* Any increased rate requested under this revised supplementary regulation may be charged on open billing pending consideration of the application. Collection of any amount in excess of established ceiling rates may not be made until an order has been issued (and then only to the extent permitted thereby), or in the case of individual adjustments until the appropriate 30-day waiting period has expired. To the extent that the carrier has charged the proposed rate or rates on open billing pending consideration of his application, he may, upon approval in whole or in part, or in the case of individual adjustments upon the lapse of the appropriate 30-day waiting period, collect the adjusted rate or rates retroactive to the date of filing of the application, or to the date on which he began charging on open billing, whichever date is later. On and after the effective date of this revision the adjustable pricing authority contained in Amendment 3 to Supplementary Regulation 15 to the General Ceiling Price Regulation shall become entirely inoperative with respect to the services covered by this supplementary regulation.

SEC. 6. *Establishing ceiling rates for temporary authority operations.* A motor carrier who, after the effective date of this revised supplementary regulation, obtains temporary operating authority from the Interstate Commerce Commission or from an appropriate State regulatory body to perform a transportation service covered by this revised supplementary regulation within a specified territory for a limited period of time, may establish ceiling rates for the operation covered by such temporary authority by filing with the District Office of the Office of Price Stabilization for the district in which the home office of the carrier is located, simultaneously with the filing made with the appropriate regulatory body, a copy of the schedule of minimum rates and charges filed with such regulatory body. After making such filing, the rates so filed become the lawful ceiling rates for those operations for a period of 60 days from the date of issuance of the temporary operating authority or until the termination of that authority, whichever is earlier. If the temporary authority is issued for a period in excess of 60 days, the ceiling rates established under this section shall apply only to service performed during the first 60 days of such temporary authority. Ceiling rates for service performed after the 60-day period must be established in accordance with the provisions of the General Ceiling Price Regulation.

SEC. 7. *Definitions.* (a) "Pick-up and delivery" service means the local transportation of property between a terminal of a "line-haul carrier", on the one hand, and the premises of the consignee or consignor, on the other.

(b) "Local transfer" service means the local transportation of property which is moving through under "line-haul carriers' " published rates from one terminal of a "line-haul carrier" to another terminal of the same carrier or to that of another "line-haul carrier".

(c) "Line-haul carrier" means any carrier, including rail carriers, motor carriers, water carriers, air carriers, freight forwarders, and express companies, which performs a non-local transportation service between any two terminal points over its lines or routes.

(d) "Private carrier" service means the transportation service performed by one who is primarily engaged in a non-carrier business, whose motor carrier operations are conducted as a bona fide incident to and in furtherance of such primary business and the transportation performed is not performed with a purpose to profit from the transportation as such.

(e) "Segment operation" means a distinctly separable part of a carrier's operations which can be segregated for operational and accounting purposes from the other parts of the carrier's entire business. For example, an application seeking adjustment of rates applicable to service performed under one contract, without requesting adjustment of rates for services performed under other existing contracts, will be considered a segment adjustment application.

(f) "Representative period" means the calendar year 1949, except as follows:

(1) If the applicant experienced a strike, natural disaster, or other event which resulted in a substantial distortion of the data for 1949, the 12-month period immediately preceding such event shall be the representative period, or

(2) If the applicant commenced his contract motor carrier operations after January 1, 1948, the representative period shall be the first two complete calendar or fiscal years following the inauguration of such operations. If the carrier has not been in operation for two complete years, the representative period shall be the entire period of operation.

Effective date. This Revision 1 of Supplementary Regulation 39 to the General Ceiling Price Regulation shall become effective August 6, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52-8546; Filed, Aug. 1, 1952; 10:54 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 5]

GOR 7—EXEMPTION OF CERTAIN FOOD AND RESTAURANT COMMODITIES

SPICES, SEEDS AND HERBS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, exempts certain enumerated domestically produced spices, seeds and herbs from price control. This exemption does not apply to domestic spices, seeds and herbs which are mixed or combined with imported spices, seeds and herbs.

Spices, seeds and herbs consumed in the United States are processed by spice grinders, most of whom import or buy imported commodities which they process. The bulk of the output of domestic spices, seeds and herbs in this country is sold to food manufacturing industries. When compared to the total materials cost of food manufacturing, the cost of domestic spices, seeds and herbs used in these industries is negligible. At the present time, practically all domestic spices, seeds and herbs are being sold substantially below ceiling prices, all indications being that they will continue to be sold at these low levels. Even if an unexpected rise in price were to occur the effect on the manufactured food commodities would be so small as to have no effect on control of those commodities. On the basis of the most recent information available, it is estimated that 95 percent of the total annual dollar value of spices, seeds and herbs consumed in the United States is imported from abroad. Thus, these domestic spices, seeds and herbs which are being exempted have little or no effect on the cost of living, or the cost of the defense effort. Furthermore, any ceiling price restrictions imposed on the enumerated domestic spices, seeds and herbs would involve an administrative burden out of all proportion to the importance of keeping them under price control. In order to assure equal treatment to all producers of domestic spices, seeds and herbs, there are included in the list of exemptions many spices, seeds and herbs which are generally imported, but which may to some extent also be produced in this country. Earlier exemptions by OPS of certain seeds (such as sunflower seed, sesame seed, etc.) are not modified by the present OPS action, although in some instances there may be repetition of an item already exempt under an earlier price action.

In formulating this amendment the Director of Price Stabilization has consulted extensively with industry representatives including trade association representatives and has given full consideration to their recommendations. In his opinion the exemptions provided by this amendment will not defeat or impair the objectives of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 2 of Article II of General Overriding Regulation 7, Revision 1, is amended by the addition of a new paragraph (h) to read as follows:

(h) *Spices, seeds and herbs.* (1) To the extent that they are produced in the United States and are not mixed or combined with imported spices, seeds and herbs, no ceiling price regulation heretofore issued or which may hereafter be issued by the Office of Price Stabilization shall apply to the following spices, seeds and herbs.

(1) Allspice (Pimento).
(2) Anise seed.
(3) Basil.
(4) Bay leaves.
(5) Canary seed.
(6) Capsicum peppers.
(7) Caraway seed.
(8) Cardamon seed.
(9) Cassia.
(10) Cassia buds.
(11) Celery seed.
(12) Chillies.
(13) Chili powder.
(14) Cinnamon and chips.
(15) Cloves.
(16) Coriander seed.
(17) Cumin seed.
(18) Curry powder.
(19) Dill seed.
(20) Fennel seed.
(21) Foenugreek seed.
(22) Ginger root.
(23) Laurel leaves.
(24) Mace.
(25) Marjoram.
(26) Millet seed.
(27) Mint.
(28) Mustard seed.
(29) Nutmegs.
(30) Oregano.
(31) Paprika.
(32) Parsley flakes.
(33) Pepper, white.
(34) Pepper, black.
(35) Pepper, red.
(36) Pimento (Allspice).
(37) Poppy seed.
(38) Rape seed.
(39) Rosemary.
(40) Saffron.
(41) Sage.
(42) Savory.
(43) Sesame seed.
(44) Sunflower seed.
(45) Tarragon.
(46) Thyme.
(47) Turmeric.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52-8549; Filed, Aug. 1, 1952; 10:55 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 3 to Area Milk Price Regulation 12]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 12—SAN FRANCISCO DISTRICT, CALIFORNIA

ELIMINATION OF CONFLICT WITH STATE MINIMUM PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), the Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679) and Redelegation of Authority No. 23 of the Regional Director, Region XII, Office of Price Stabilization (17 F. R. 674), this Amendment 3 to Area Milk Price Regulation 12 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 106 (b) of the Defense Production Act Amendments of 1952 amends paragraph 3 of subsection (d) of section 402 of the Defense Production Act of 1950, as amended, so as to provide that "Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be." Section 111 of the Defense Production Act Amendments of 1952 adds to section 402 of the Defense Production Act of 1950, as amended, a new subsection providing "(1) No rule, regulation, order, or amendment thereto issued under this title shall fix a ceiling on the price paid or received on the sale or delivery of any material in any State below the minimum sales price of such material fixed by the State law (other than any so-called 'fair trade law') now in effect, or by regulation issued pursuant to such law." This Amendment 3 to AMPR 12 is issued to eliminate any conflict between OPS ceiling prices established by AMPR 12 and minimum prices established by the State of California Bureau of Milk Control.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 12 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 12.

AMENDATORY PROVISIONS

Section 1 of Area Milk Price Regulation No. 12 is amended by adding thereto paragraph (c) as follows:

(c) If a ceiling price otherwise established by this regulation is lower than an applicable corresponding minimum price established by the State of California Bureau of Milk Control, then the ceiling price shall be the minimum price established by the State of California Bureau of Milk Control.

Effective date. This Amendment 3 to Area Milk Price Regulation No. 12 under Supplementary Regulation 63 to the General Ceiling Price Regulation is effective as of July 10, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HOMER F. POTTER,
District Director,
San Francisco District Office.

AUGUST 1, 1952.

[F. R. Doc. 52-8541; Filed, Aug. 1, 1952; 10:52 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 27]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 27—Certain Eastern Pennsylvania Milk Marketing Areas

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this area milk price regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing areas within their districts. Such orders may be issued in response to petitions or upon a district director's own initiative whenever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices for sales by processors, distributors and retail stores of certain milk products for fluid consumption affecting the areas designated as follows, all located in the Eastern portion of the State of Pennsylvania:

Schuylkill Milk Marketing Area, Area No. 4.
Scranton, Wilkes-Barre Milk Marketing Area, Area No. 5.
Lehigh Milk Marketing Area, Area No. 6.
Harrisburg Milk Marketing Area, Area No. 8.
York Milk Marketing Area, Area No. 12.
Williamsport, Sayre-Athens Milk Marketing Area, Area No. 13.
Lancaster Milk Marketing Area, Area No. 14.
Reading-Berks Milk Marketing Area, Area No. 15.

In general, sales are covered by this regulation if the purchaser is located in one of these areas, but it does not cover sales of milk products to be delivered from a plant located in one of these areas to a purchaser located outside of any of the areas listed. Products covered by this regulation are "milk products for fluid consumption", as this term is defined herein. Ceiling prices for products not covered by this regulation remain subject to the GCPR.

In determining whether an area milk price regulation should be issued the Office of Price Stabilization is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such sellers in accordance with the Defense Production Act of 1950, as amended on June 30, 1952, by the addition of the following language:

Where a State regulatory body is authorized to establish minimum and/or maximum prices for sales of fluid milk, ceiling prices established for such sales under this title shall (1) not be less than the minimum prices, or (2) be equal to the maximum prices, established by such regulatory body, as the case may be: (A) *And provided further*, That in the case of prices of milk established under any State regulatory body, with respect to which prices, parties may be deemed to contract, no ceiling price may be maintained under this title which is less than the price so established.

In conformity with section 402 (d) (3) this area milk price regulation establishes ceiling prices for sales by processors and distributors at the precise levels established by the Pennsylvania Milk Control Commission for the eight marketing areas involved. While the Commission's schedules customarily set forth minimum prices only, it has been found by the District Director that the prices actually charged by these sellers historically have coincided with the prices specified in such schedules. Operators of retail stores, however, have in some instances established ceiling prices at levels above the minima prescribed by the Commission. In order to avoid unwarranted rollbacks for these stores, therefore, this regulation permits them to establish their fluid milk ceilings at one of two levels, namely, (1) the minimum prices for retail stores established by the Pennsylvania Milk Control Commission, or (2) those ceilings determined under the GCPR as modified by the upward or downward parity adjustments described in Supplementary Regulation 63.

It is intended that this regulation remain flexible, and it is probable that it will be subject to amendment and modification from time to time to adjust for changing conditions within the dairy industry in the areas involved. Such modification may result from petitions filed by persons described in Supplementary Regulation 63 and in accordance with procedures described therein, or by the Office of Price Stabilization upon its own initiative.

The Office of Price Stabilization has examined the cost and pricing structures of a representative number of resellers of fluid milk within the Philadelphia area on the basis of information available to it. Computations relating to cost of direct labor, containers and raw materials were based upon the latest data available, and the District Director is satisfied that there has been no significant change in such data between the period represented thereby and the present. Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the District Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Philadelphia District Office of the Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The District Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive, and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this regulation.
4. Ceiling prices.
5. Rounding of fractions.
6. Applicability of other ceiling price regulations.
7. Prohibitions.
8. Violation.
9. Definitions.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products in certain Eastern Pennsylvania milk marketing areas for sales by processors, distributors, and operators of retail stores. It provides, as to processors and distributors, that ceiling prices shall be the same as the minimum prices established by order of the Pennsylvania Milk Control Commission for the respective milk marketing areas covered. Ceiling prices for operators of retail stores also will coincide with minimum prices prescribed for such sellers by the Pennsylvania Milk Control Commission, but any operator of a retail store shows ceiling determined under the GCPR exceeds that prescribed by the Commission may elect to use such GCPR ceiling price. In using the GCPR ceiling price the operator of a retail store may adjust his ceiling upward, and must adjust it downward, in accordance with variations in the price of milk paid to his suppliers.

SEC. 2. *Where this area milk price regulation applies.* The areas to which this regulation applies are those defined as follows by the Official General Orders issued by the Pennsylvania Milk Control Commission:

Schuylkill Milk Marketing Area, Area No. 4.
Scranton, Wilkes-Barre Milk Marketing Area, Area No. 5.
Lehigh Milk Marketing Area, Area No. 6.
Harrisburg Milk Marketing Area, Area No. 8.
York Milk Marketing Area, Area No. 12.
Williamsport, Sayre-Athens Milk Marketing Area, Area No. 13.
Lancaster Milk Marketing Area, Area No. 14.
Reading-Berks Milk Marketing Area, Area No. 15.

The said areas embrace certain portions of counties located in the Eastern section of the State of Pennsylvania.

SEC. 3. *Sellers and sales covered by this regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors and operators of retail stores. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A distributor is a person other than the operator of a retail store who buys packaged milk products and resells them in the same form, through a retail outlet, to ultimate consumers primarily for consumption off the premises. For purposes of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor or operator of a retail store as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices*—(a) *Processors and distributors.* If you are a processor or distributor of a milk product for fluid consumption your ceiling price shall be the minimum price established for the sale of that item by the Official General Order of the Pennsylvania Milk Control Commission covering the applicable milk marketing area listed in section 2 of this regulation.

(b) *Operators of retail stores.* (1) If you are the operator of a retail store you may elect to use as your ceiling price for the sale of a milk product to ultimate consumers either (i) the minimum price established for such sale by Official General Order of the Pennsylvania Milk Control Commission, or (ii) your ceiling price for such sale determined under the GCPR.

(2) This subparagraph applies to you if you have elected to use your GCPR ceiling price and if the cost to you of a current customary purchase of a milk product differs from the ceiling price, as determined under this regulation, applicable to sales to you from a customary source of supply. In such case, on the first day following the effective change in your cost you may increase, and you must decrease, your ceiling price established by this regulation by the dollars-and-cents difference per item in the cost.

Example: You operate a retail store and have elected to continue to price a milk item under the GCPR. After the effective date of this regulation you make a customary purchase of a milk item which has been increased by your supplier one cent per quart by operation of this regulation. On the first day following the effective increase in your cost you may increase your ceiling price for the item by the dollars-and-cents amount of such increase to you, namely, one cent per quart.

If, under like circumstances, your supplier's price has been decreased one cent per quart you must decrease your ceiling price by one cent per quart.

SEC. 5. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of

Supplementary Regulation 63) shall be dropped if less than one-half cent or more. If, however, you have customarily billed any particular purchaser or any class or purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 6. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain in all respects subject to the provisions of Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation. The recordkeeping and reporting requirements of those regulations are specifically incorporated in this area milk price regulation by reference and shall remain in full force and effect.

SEC. 7. *Prohibitions.* After the effective date of this regulation, regardless of any contract or obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 8. *Violation*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

(b) *Violation of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for an adjustment of a ceiling price, if he is required to do so, the District Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling prices fixed in this manner will be in line with ceiling prices established by this regulation. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 9. *Definitions*—(a) *Milk products for fluid consumption.* This term means standard milk, homogenized, vitamin and mineral fortified milk, high fat milks, milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk, chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drinks; and any other milk variation of the foregoing sold whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper, or other type of containers, or in bulk. Also included are half and half, cream of various percentages of butterfat, including sour cream. For purposes of this regulation, however, this term does not include cottage, pot and bakers cheese, butter cream, filled cream, cream mixed with other ingredients or gases used as a whipping cream, and other specialized fluid cream products. This definition also is not intended to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective August 1, 1952.

NOTE. The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

CLARENCE A. MCGOWAN,
District Director,
Philadelphia District.

AUGUST 1, 1952.

[F. R. Doc. 52-8542; Filed, Aug. 1, 1952; 10:53 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 28]

GCPR, SR 63—Area Milk Price Adjustments

AMPR 28—Johnstown-Altoona Milk Marketing Area, Area No. 9, Commonwealth of Pennsylvania

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738) and Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), Delegation of Authority No. 41 (16 F. R. 12679) and Region III Redelegation of Authority No. 21 (17 F. R. 171), this Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing areas within their districts. Such orders may be issued in response to petitions or upon a district director's own initiative wherever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this

information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices for sales by processors, distributors, and retail stores of certain milk products for fluid consumption affecting the area designated as the Johnstown-Altoona Milk Marketing Area, Area No. 9, Pennsylvania. In general, sales are covered by this regulation if the purchaser is located in this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area. Products covered by this regulation are "milk products for fluid consumption" as this term is defined herein. Ceiling prices for products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

On June 24, 1952, the Commonwealth of Pennsylvania Milk Control Commission held a hearing in Hollidaysburg, Pennsylvania, for the purpose of considering amendments to the official General Order of the Milk Control Commission for fluid milk products for the Johnstown-Altoona Marketing Area. On the basis of testimony presented by milk producers, processors and distributors at this hearing with respect to increased costs of production, it was determined that a further increase in the State minimum prices would be necessary.

The ceiling prices of fluid milk products in this area have been determined under the General Ceiling Price Regulation. In its most recent amending order, official General Order No. A-444, effective August 1, 1952, the Commonwealth of Pennsylvania Milk Control Commission increased the minimum price for Class I milk to be paid to farm producers from $5.92 per cwt. to $6.20 per cwt. This increase, together with previous increases, allowed since the issuance of the General Ceiling Price Regulation would, under the operation of Section 11 thereof, result in ceiling prices for these fluid milk products lower than those established by the Commission order.

Under the provisions of Supplementary Regulation 63, marketing areas as established by any state milk control agency may be adopted by the OPS as areas to be treated separately under area milk price regulations. Pursuant to such authority, this area milk price regulation is being issued establishing ceiling prices for the Johnstown-Altoona Milk Marketing Area, Area No. 9.

Amendment 1 to Supplementary Regulation 63 authorizes the establishment of ceiling prices for sales by retail stores. The standard employed in the regulation is to preserve for the operators of retail stores the same dollar-and-cent margin which existed immediately prior to the date of the issuance of the area milk price regulation or amendment thereof fixing ceiling prices for retail stores.

Accordingly, to carry out the provisions of section 402 (d) of the Defense Production Act of 1950, as amended, and in order to make required adjustments in OPS prices effective coincident with the State's new minimum prices, the District Director has elected, upon his own initiative, to issue this order to bring the ceiling price of fluid milk products covered herein up to the minimum required by Pennsylvania State law.

In formulation of this regulation special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. However, the District Director has made every effort to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes, cost practices or methods or means or aids to distribution, such provisions are found by the District Director to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Pittsburgh District Office of the Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The District Director gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices.
5. Applicability of other ceiling price regulations.
6. Prohibitions.
7. Violations.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices of milk products for fluid consumption for sales by processors, distributors and operators of retail stores in the Johnstown-Altoona Milk Marketing Area, Area No. 9, as defined by the Commonwealth of Pennsylvania Milk Control Commission.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Johnstown-Altoona Milk Marketing Area, Area No. 9, as defined by the Commonwealth of Pennsylvania Milk Control Commission in section 2 (a) of its official General Order No. A-346 dated February 22, 1950, as amended.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers all sales by processors, distributors and operators of retail stores in this marketing area of milk products for fluid consumption whose minimum selling prices have been established by the Commonwealth of Pennsylvania Milk Control Commission. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A distributor is a person other than the operator of a retail store who buys packaged milk products in the same form in which he sells them. A subdealer for the purpose of this regulation is the same as a distributor. The operator of a retail store is any person, other than a distributor, who buys packaged milk products and resells them in the same form, through a retail outlet, to ultimate consumers primarily for consumption off the premises. For purposes of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor or operator of a retail store as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices*—(a) *Processors and distributors.* The ceiling prices for processors and distributors are the minimum prices established by the Commonwealth of Pennsylvania Milk Control Commission.

(b) *Operators of retail stores.* The ceiling prices for operators of retail stores are the minimum prices to operators of retail stores as fixed by the Commonwealth of Pennsylvania Milk Control Commission plus the retail store operator's established dollar-and-cent margin. Dollar-and-cent margin is the dollar-and-cent difference between the retail store operator's ceiling price and his net cost of acquisition immediately prior to the effective date of this area milk price regulation.

SEC. 5. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain in all respects subject to the provisions of Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation. The recordkeeping and reporting requirements of those regulations are specifically incorporated in this area milk price regulation by reference and shall remain in full force and effect.

SEC. 6. *Prohibitions.* After the effective date of this regulation, regardless of any contract or obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 7. *Violations*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

(b) *Violation of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the District Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling prices fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries, or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 8. *Definitions*—(a) *Milk products for fluid consumption.* This term means milk products for which the Commonwealth of Pennsylvania Milk Control Commission has established minimum prices. This definition is not intended to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter, or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective August 1, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JAMES H. WALLACE, JR.,
District Director,
Pittsburgh District.

AUGUST 1, 1952.

[F. R. Doc. 52-8543; Filed, Aug. 1, 1952; 10:53 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 29]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 29—PITTSBURGH MILK MARKETING AREA, AREA NO. 2, COMMONWEALTH OF PENNSYLVANIA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738) and Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), Delegation of Authority No. 41 (16 F. R. 12679) and Region III Redelegation of Authority No. 21 (17 F. R. 171), this Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation, issued September 19, 1951, authorizes district directors of the Office of Price Stabilization to issue area milk price regulations fixing ceiling prices for milk products for particular milk marketing areas within their districts. Such orders may be issued in response to petitions or upon a district director's own initiative wherever in his judgment, after verification if deemed desirable, he has accurate and adequate information from a representative portion of the processors and distributors in the area, and where this information indicates that an area regulation would be appropriate.

This area milk price regulation establishes ceiling prices for sales by processors, distributors, and retail stores of certain milk products for fluid consumption affecting the area designated as the Pittsburgh Milk Marketing Area, Area No. 2, Pennsylvania. In general, sales are covered by this regulation if the purchaser is located in this area, but it does not cover sales of milk products to be delivered from a plant located outside of the area. Products covered by this regulation are "milk products for fluid consumption" as this term is defined herein. Ceiling prices for products not covered by this regulation remain subject to the General Ceiling Price Regulation.

In determining whether an area milk price regulation should be issued OPS is required to consider the historical marketing pattern determining the precise marketing area involved, cost increases or decreases sustained by processors and distributors serving the area and a fair and equitable margin for such processors and distributors in accordance with the Defense Production Act of 1950, as amended.

On June 30 and July 1, 1952, the Commonwealth of Pennsylvania Milk Control Commission held a hearing in Pittsburgh, Pennsylvania, for the purpose of considering amendments to the official General Order of the Milk Control Commission for fluid milk products for the Pittsburgh Marketing Area. On the basis of testimony presented by milk producers, processors and distributors at this hearing with respect to increased costs of production, it was determined that a further increase in the State minimum prices would be necessary.

The ceiling prices of fluid milk products in this area have been determined under the General Ceiling Price Regulation. In its most recent amending order, official General Order No. A-445, effective August 1, 1952, the Commonwealth of Pennsylvania Milk Control Commission increased the minimum price for Class I milk to be paid to farm producers from $6.05 per hundredweight to $6.30 per hundredweight. This increase, together with previous increases, allowed since the issuance of the General Ceiling Price Regulation would, under the operation of section 11 thereof, result in ceiling prices for these fluid milk products lower than those established by the Commission order.

Under the provisions of Supplementary Regulation 63, marketing areas as established by any state milk control agency may be adopted by the OPS as areas to be treated separately under area milk price regulations. Pursuant to such authority, this area milk price regulation is being issued establishing ceiling prices for the Pittsburgh Milk Marketing Area, Area No. 2.

Amendment 1 to Supplementary Regulation 63 authorizes the establishment of ceiling prices for sales by retail stores. The standard employed in the regulation is to preserve for the operators of retail stores the same dollar-and-cent margin which existed immediately prior to the date of the issuance of the area milk price regulation or amendment thereof fixing ceiling prices for retail stores.

Accordingly, to carry out the provisions of section 402 (d) of the Defense Production Act of 1950, as amended, and in order to make required adjustments in OPS prices effective coincident with the State's new minimum prices, the District Director has elected, upon his own initiative, to issue this order to bring the ceiling price of fluid milk products covered herein up to the minimum required by Pennsylvania State law.

In formulation of this regulation special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable. However, the District Director has made every effort to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes, cost practices or methods or means or aids to distribution, such provisions are found by the District Director to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the District Director of the Pittsburgh District Office of the Office of Price Stabilization, the provisions of this area milk pricing regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The District Director gave due consideration to the national effort to

achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

Sec. REGULATORY PROVISIONS

1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices.
5. Applicability of other ceiling price regulations.
6. Prohibitions.
7. Violations.
8. Definitions.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices of milk products for fluid consumption for sales by processors, distributors and operators of retail stores in the Pittsburgh Milk Marketing Area, Area No. 2, as defined by the Commonwealth of Pennsylvania Milk Control Commission.

SEC. 2. *Where this area milk price regulation applies.* The provisions of this area milk price regulation are applicable to the Pittsburgh Milk Marketing Area, Area No. 2, as defined by the Commonwealth of Pennsylvania Milk Control Commission in section 2 (a) of its official General Order No. A–344 dated February 8, 1950, as amended.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers all sales by processors, distributors and operators of retail stores in this marketing area of milk products for fluid consumption whose minimum selling prices have been established by the Commonwealth of Pennsylvania Milk Control Commission. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A distributor is a person other than the operator of a retail store who buys packaged milk products in the same form in which he sells them. A subdealer for the purpose of this regulation is the same as a distributor. The operator of a retail store is any person, other than a distributor, who buys packaged milk products and resells them in the same form, through a retail outlet, to ultimate consumers primarily for consumption off the premises. For purposes of this regulation a person may be a processor of some items or some quantities of an item of milk product and a distributor or operator of a retail store as to other items or quantities of an item of milk product.

SEC. 4. *Ceiling prices*—(a) *Processors and distributors.* The ceiling prices for processors and distributors are the minimum prices established by the Commonwealth of Pennsylvania Milk Control Commission.

(b) *Operators of retail stores.* The ceiling prices for operators of retail stores are the minimum prices to operators of retail stores as fixed by the Commonwealth of Pennsylvania Milk Control Commission plus the retail store operator's established dollar-and-cent margin. Dollar-and-cent margin is the dollar-and-cent difference between the retail store operator's ceiling price and his net cost of acquisition immediately prior to the effective date of this area milk price regulation.

SEC. 5. *Applicability of other ceiling price regulations.* Except as provided in this area milk price regulation you shall remain in all respects subject to the provisions of Supplementary Regulation 63 and to the provisions of the General Ceiling Price Regulation. The record-keeping and reporting requirements of those regulations are specifically incorporated in this area milk price regulation by reference and shall remain in full force and effect.

SEC. 6. *Prohibitions.* After the effective date of this regulation, regardless of any contract or obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 7. *Violations*—(a) *Civil and criminal action.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Defense Production Act of 1950, as amended.

(b) *Violation of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the District Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling prices fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries, or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 8. *Definitions*—(a) *Milk products for fluid consumption.* This term means milk products for which the Commonwealth of Pennsylvania Milk Control Commission has established minimum prices. This definition is not intended to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(b) *You.* The pronoun "you" as used in this area milk price regulation indicates the person subject thereto.

Effective date. This area milk price regulation is effective August 1, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JAMES H. WALLACE, JR.,
District Director,
Pittsburgh District.

AUGUST 1, 1952.

[F. R. Doc. 52-8544; Filed, Aug. 1, 1952, 10:53 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter D—National Enforcement Commission

INTERIM PROCEDURAL ORDER

Sec.
1. Purpose.
2. Regional Enforcement Commissions.
3. Pending cases.
4. Effect on other orders.
5. Effective date.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950 (15 F. R. 6105); 3 CFR, 1950 Supp., as amended; ESA General Order 18, July 29, 1952 (17 F. R. 6925); General Procedural Order *infra*.

SECTION 1. Purpose. This order is promulgated under the authority vested in the National Enforcement Commission by ESA General Order 18. It is issued to apply the General Procedural Regulation of the National Enforcement Commission (*infra*) to the processing of pending cases.

SEC. 2. *Regional Enforcement Commissions.* The Regional Enforcement Commissions, hereinafter called Regional Commissions, established pursuant to section 5 of General Wage Procedural Regulation No. 1, as amended, shall have, for the limited purposes described herein below, the same authority, functions, duties, organization and procedures as described in said section 5, except that in conformity with ESA General Order 18 they shall operate under the authority of the National Enforcement Commission (hereinafter called the Commission).

SEC. 3. *Pending cases.* (a) There is hereby transferred to each Regional Commission all cases and proceedings which had been heard or considered by it on or before July 29, 1952, and which now await final disposition by it.

(b) Said Regional Commissions are hereby directed to proceed to consider and process only such pending cases and proceedings until further order.

SEC. 4. *Effect on other orders.* Any orders or parts of orders the provisions of which are inconsistent with the provisions of this regulation are hereby superseded or amended accordingly.

SEC. 5. *Effective date.* This regulation is effective July 30, 1952.

Adopted by the National Enforcement Commission July 30, 1952.

HELEN F. HUMPHREY,
Chairman.

[F. R. Doc. 52-8535; Filed, Aug. 1, 1952; 9:48 a. m.]

GPR 1—GENERAL PROCEDURAL REGULATION

Sec.
1. Purpose.
2. Adoption of section 5 of the General Wage Procedural Regulation.
3. Effect on other orders.
4. Effective date.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154.

SECTION 1. *Purpose.* This order is promulgated under the authority vested in the Economic Stabilization Administrator by the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Laws 96 and 429, 82d Cong.), and Executive Order 10161, as amended.

SEC. 2. *Adoption of section 5 of the General Wage Procedural Regulation.* Subject to the provisions of Economic Stabilization Agency General Order 18, there is hereby adopted and promulgated as the General Procedural Regulation No. 1 of the National Enforcement Commission, section 5 of General Wage Procedural Regulation No. 1, as amended, which effective July 30, 1952, was adopted and promulgated by the Administrator in his "order adopting prior wage regulations" (17 F. R. 6906). These procedures are continued in force and effect until further order.

SEC. 3. *Effect on other orders.* Any orders or parts of orders the provisions of which are inconsistent with the provisions of this regulation are hereby superseded or amended accordingly.

SEC. 4. *Effective date.* This regulation is effective July 30, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-8536; Filed, Aug. 1, 1952; 9:48 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Amendment 1 of August 1, 1952]

M–1—IRON AND STEEL

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M–1 as amended July 3, 1952, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects NPA Order M–1, as last amended July 3, 1952, by amending section 3 (a); by deleting the proviso in the last sentence of paragraph (a) of section 8; by adding a sentence to subparagraph (1) of paragraph (a) of section 8; by adding new paragraphs (e) and (f) to section 8; by making a clarifying amendment to section 10; and by adding a new Table II setting forth required acceptance percentages. Reference is made to Direction 6 to NPA Order M–1 issued concurrently with this amendment.

NPA Order M–1, as amended July 3, 1952, is hereby amended in the following respects:

1. Section 3 (a) of NPA Order M–1 is changed to read as follows:

(a) Producers (except producers of steel mill products derived from rerolling of rails and axles) shall produce controlled steel mill products for shipment only in accordance with (1) an NPA production directive, or (2) an authorized production schedule on an approved Form CMP–4B application.

2. Paragraph (a) of section 8 is changed to read as follows:

(a) Each producer shall accept only the following classes of purchase orders for controlled steel mill products (including steel mill products for rerolling or redrawing purposes) and steel castings:

1. Orders pursuant to NPA directives;
2. Steel distributor orders under or in accordance with the provisions of NPA Order M–6A;
3. Further converter orders in accordance with the provisions of this order; and
4. Authorized controlled material orders.

Each producer shall accept the purchase orders mentioned in the preceding sentence for each product until his order books are filled for that product for a particular month, and pursuant to and in accordance with appropriate NPA orders or regulations. However, with respect to authorized controlled material orders, each producer shall have the option (subject to the provisions of subparagraph (1) of this paragraph and of paragraph (e) of this section) of determining which authorized controlled material orders or portions thereof he will accept and schedule for shipment without regard to dates of receipt of such orders.

(1) Within the 15-day period immediately preceding the commencement of lead times, a producer shall accept and schedule for production all authorized controlled material orders offered to him until his order books for a particular product are filled for that product. During such 15-day period such orders shall be scheduled for production with precedence given to the orders received first. Nothing contained in paragraph (e) of this section 8 shall be deemed to alter or affect the provisions of this subparagraph.

(2) Each producer shall, within applicable lead times, accept orders for shipment of each controlled steel mill product in any month until such orders, together with all authorized controlled material orders already on hand for shipment during such month and all orders carried over from preceding months, plus (i) such orders as he has been directed by the NPA to ship, (ii) tonnages set aside for shipment to warehouses, and (iii) tonnages set aside for shipment to further converters, total not less than 110 percent nor more than 115 percent of the tonnage of such product to be produced pursuant to his production directive. When a producer has complied with the provisions of this paragraph, his books shall be deemed filled for a particular month for the product involved. Each producer shall promptly notify NPA, Iron and Steel Division, by telegram if, at the commencement of lead times, he has not received and accepted orders for at least 110 percent of his authorized production of any controlled steel mill product. Such notification shall include the amount of tonnage open for each such product.

3. A new paragraph (e), reading as follows, is added to section 8:

(e) From the date of opening his books for the acceptance of orders for shipment in any month (commencing with the month of October 1952) of each product produced by him and listed in Part A of Table II until the commencement of the 15-day period immediately preceding the commencement of lead time for the particular product involved, each producer shall reserve an amount of space on his books for the acceptance of authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, computed as provided in the following sentence. The amount of space to be so reserved for any such product for a particular month shall be a tonnage computed by applying the percentage set forth in Part A of Table II listed opposite that product, against the indicated tonnage of that product to be produced in that month by the producer pursuant to his production directives: *Provided, however,* That in case of shipments to further converters there shall be deducted from the indicated tonnage, any tonnage of that product to be shipped by him to further converters during that month. Each producer shall accept authorized controlled material orders bearing the above-mentioned symbols and no other orders in the reserved space during such period, and he may reject any such orders during such period after he has so filled the entire space reserved for that product for that month. Any such orders calling for delivery in any month of the fourth quarter 1952 and identified by the quarterly designation "4Q52" accepted prior to the effective date of this amendment for delivery in a particular month shall be included

within the reserved space for that month. Any authorized controlled material order bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, carried over from any calendar quarter prior to the fourth quarter 1952 shall not be included within the reserved space, even though any such order bears the quarterly designation "3Q52" and calls for delivery in October or November 1952. Nothing in this paragraph shall be deemed to prohibit a producer from shipping or accepting such orders for more than the reserved tonnage in any month.

4. A new paragraph (f), reading as follows, is added to section 8:

(f) From the date of opening his books for the acceptance of orders for shipment in any month (commencing with the month of October 1952) of each product produced by him and listed in Part B of Table II until the commencement of a 10-day period immediately preceding the commencement of the lead time for the particular product involved, each producer shall reserve an amount of space on his books for the acceptance of DO-rated orders bearing the program identification A, B, C, or E, followed by one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-2, for the products listed in Part B of Table II, computed as provided in the following sentence. The amount of space to be so reserved for any such product for a particular month shall be a tonnage computed by applying the percentage set forth in Part B of Table II, listed opposite that product, against the tonnage of that product which the producers plan to produce for that particular month. Each producer shall accept the abovementioned DO-rated orders, and no other orders, in the reserved space during such period, and he may, notwithstanding any other NPA order or regulation, reject any such orders during such period after he has so filled the entire space reserved for that product for that month. Any such orders calling for delivery in any month of the fourth quarter 1952 and accepted prior to the effective date of this amendment for delivery in a particular month shall be included within the reserved space for that month. Any such order calling for delivery in the second or third quarter of 1952 shall not be included within the reserved space. Nothing in this paragraph shall be deemed to prohibit a producer from shipping or accepting such orders for more than the reserved tonnage in any month.

5. Section 10 is amended to read as follows:

SEC. 10. *Lead times.* A producer of products as defined in section 2 (b) of this order shall not be required to accept an authorized controlled material order for controlled steel mill products or steel castings or a DO-rated order for forgings or iron products which is not received by him prior to the commencement of the lead time set out under column B of Table I of this order opposite each such product. The lead time for any product is the number of days in advance of the first day of the month of shipment prior to which such purchase order must be placed with a producer.

6. A new table designated as Table II is added to the order and appears below the signature.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

TABLE II OF NPA ORDER M-1

Column A	Column B (Percentage [1] (for products rerolled from rails or axle steel, percentage applies against planned monthly production)	
Product	Carbon	Alloy
Part A		
Ingots	[2] 25	35
Billets—projectile and shell quality	100	(3)
Blooms, slabs, billets	[2] 25	[4] 35
Wire rods	17	25
Structural shapes, (heavy) standard sheet piling	18	XXX
Structural shapes, wide-flange and H bearing piling	17	XXX
Plates—rolled armor	XXX	100
Plates—sheared and Universal Mill	25	60
Plates—strip mill	20	40
Rails—standard over 60 pounds	6	XXX
Rails—all other	2	XXX
Joint bars	5	XXX
Tie plates	6	XXX
Track spikes	5	XXX
Wheels (rolled and forged) and axles	5	XXX
Bars—hot-rolled, projectile and shell quality	(5)	(5)
Bars—hot-rolled, other (including light shapes)	[4] 27	[4] 30
Bars—reinforcing straight lengths as rolled	20	XXX
Bars—cold-finished	40	35
Tool steel	23	25
Die blocks	10	60
Standard pipe and couplings—welded	[7] 9	XXX
Oil country goods and couplings—seamless	(6)	XXX
Oil country goods and couplings—welded (including spiral weld)	(6)	XXX
Line pipe and couplings—seamless	[7] 30	XXX
Line pipe and couplings—welded (including spiral weld)	5	XXX
Mechanical tubing—seamless	35	37
Mechanical tubing—welded	20	XXX
Pressure tubing—seamless	17	17
Pressure tubing—welded	11	XXX
Wire, drawn, high and low carbon	15	25
Wire nails and staples (including steel cut)	5	XXX
Barbed and twisted wire	11	XXX
Wire fence, woven and welded (farm and poultry)	(6)	XXX
Bale ties and/or coiled automatic baler wire	(6)	XXX
Wire—rope and strand	15	XXX
Welded wire mesh	10	XXX

[1] No percentages for nickel-bearing stainless steel products.
[2] This percentage is for any combination of the products ingots, blooms, slabs, billets (excluding projectile and shell quality).
[3] Set asides for alloy projectile and shell quality included in set aside for alloy blooms, slabs, billets.
[4] Projectile and shell quality rounds and squares under 2¾ inches included in bars—hot-rolled, other. Projectile and shell quality rounds and squares 2¾ inches and over included in billets—projectile and shell quality.
[5] Set asides for alloy projectile and shell quality included in set asides for alloy bars—hot-rolled, other.
[6] No military requirements anticipated for these items.
[7] Seamless standard pipe production included with seamless line pipe production.

TABLE II OF NPA ORDER M-1—Continued

Column A	Column B (Percentage [1] (for products rerolled from rails or axle steel, percentage applies against planned monthly production)	
Product	Carbon	Alloy
Part A—Continued		
Netting—woven wire	5	XXX
Tin mill black plate	(8)	XXX
Tin plate, electrolytic	(8)	XXX
Tin plate, hot dipped	(8)	XXX
Ternes—special coated manufacture	(8)	XXX
Sheets—hot-rolled	22	(5)
Sheets—cold-rolled	13	(5)
Sheets, galvanized (including roofing, and siding and accessories)	10	(5)
Sheets—all other coated	10	(5)
Sheets—enameling	XX	XXX
Strip—hot-rolled	20	(5)
Strip—cold-rolled	16	(5)
Electrical sheets and strip:		
Low grade	10	XXX
Medium grade	(10)	XXX
High grade	(10)	XXX
Castings, steel:		
Armor	XX	[10] [11] [12] 100
Other	[12] 45	[11] [12] 40
Part B		
Malleable iron castings	65	XXX
Gray iron castings	60	[11] 65
Pig iron	20	XXX

[8] 5—which percentage is for any combination of tin mill products.
[9] 30—which percentage is for any combination of alloy sheet and strip products.
[10] Subject to direct negotiation by NPA.
[11] Alloy for steel and iron castings means all grades not included as stainless or carbon (includes low alloy) steel and iron castings.
[12] Percentage applies against planned monthly production.

[F. R. Doc. 52-8569; Filed, Aug. 1, 1952; 12:16 p. m.]

[NPA Order M-1, Direction 6 of August 1, 1952]

M-1—IRON AND STEEL

DIR. 6—ACCEPTANCE OF DEFENSE ORDERS IN RESERVED SPACE DURING FOURTH QUARTER

This direction to NPA Order M-1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This direction is issued concurrently with Amendment 1 dated August 1, 1952, to NPA Order M-1, and implements the provisions of said NPA Order M-1 as amended.

Sec.
1. What this direction does.
2. Lead time changes.
3. Reserve space change.
4. Acceptance of orders in reserve space for fourth quarter delivery.
5. Effect on other orders and regulations.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction makes several changes in the present NPA orders and regulations (including Amendment 1 to NPA Order M–1 of August 1, 1952), concerning the acceptance and delivery of purchase orders by producers, particularly the defense order reserve tonnage for the fourth quarter of 1952. These changes are occassioned by the recent work stoppage in the steel industry. This direction also makes changes in certain lead times and periods preceding commencement of lead times.

SEC. 2. *Lead time changes.* Persons placing authorized controlled material orders, with fourth quarter allotments bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, for delivery of steel controlled materials in the month of October 1952, may place any such orders through the close of business August 30, 1952, for any product with a normal lead time of 45 days. No producer shall reject such an order placed by a person pursuant to the foregoing sentence solely because it is placed between August 15, 1952, and August 30, 1952.

SEC. 3. *Reserve space change.* Subparagraph (1) of paragraph (a) of section 8 of NPA Order M–1 and paragraph (e) of section 8 of NPA Order M–1 (contained in said Amendment 1), among other things, require each producer to reserve an amount of space on his books until the commencement of the 15-day period immediately preceding the commencement of lead time for the particular product invoived and during such 15-day period to accept orders with precedence given to the order first received. With respect to authorized controlled material orders (placed with fourth quarter allotments) bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, for controlled steel mill products having a normal lead time of 45 days, said 15-day period is eliminated for October 1952 deliveries and is changed to a 7-day period for November 1952 deliveries. Accordingly, such orders for October 1952 deliveries may be placed in the reserved space up to August 31, 1952, and for November 1952 deliveries up to September 8, 1952.

SEC. 4. *Acceptance of orders in reserve space for fourth quarter delivery.* Whenever a producer finds that acceptance of orders in the reserved space provided by paragraph (e) of section 8 of NPA Order M–1 (contained in said Amendment 1) will require him to accept orders in excess of the maximum percentage provided in paragraph (a) (2) of section 8 of NPA Order M–1, such producer shall, nevertheless, accept orders calling for a sufficient tonnage to fill the reserved space. In any such case, such producer shall postpone delivery dates of other orders to the extent of the excess of the maximum percentage of the orders so accepted, except that such producer shall not so defer any further converter orders, authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, or orders from steel distributors. Whenever a producer accepts orders in the reserved space, he shall schedule the same for shipment during the month for which the orders call for delivery and shall ship on the scheduled delivery dates or as close to the scheduled delivery dates as possible, but in no event later than December 31, 1952. This section is applicable to the months of October, November, and December, 1952.

SEC. 5. *Effect on other orders and regulations.* The provisions of NPA Order M-1 (including said Amendment 1), NPA Order M-6A, and CMP Regulation No. 1, including the directions and amendments thereto (except Direction 3 to NPA Order M-6A, and Direction 15 to CMP Regulation No. 1), and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. The provisions of section 2 (b) of Direction 16 to CMP Regulation No. 1 are superseded to the extent necessary to permit the application of the second sentence of section 4 of this direction so that orders in the reserved space may if necessary defer third quarter 1952 authorized controlled material orders which do not bear a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-2.

This direction shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8570; Filed, Aug. 1, 1952; 12:17 p. m.]

[NPA Order M-8, Amendment 1 of August 1, 1952]

M-8—TIN

TERMINATION OF IMPORT RESTRICTIONS

This amendment to NPA Order M-8 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amendment has been rendered impracticable by the fact that the amendment affects a large number of different trades and industries.

AMENDATORY PROVISIONS

NPA Order M–8, as amended July 21, 1952, is hereby further amended in the following respects:

1. Section 1 is amended, by deleting the reference to the prohibition against the private importation of pig tin, to read as follows:

SECTION 1. *What this order does.* The purpose of this order is to describe how tin remaining after allowing for the requirements of national defense may be distributed and used in the civilian economy. It restricts the use of pig tin in manufacture, processing, and construction. It prohibits all uses of pig tin, secondary tin, and certain tin-bearing products not expressly set forth in the attached Schedules I through VIII. The order also sets forth limitations on inventories of pig tin and alloys and other materials containing tin, and explains the conditions under which reports are required in connection with the production, distribution, importation, use, and inventories of pig tin. In addition, it covers the conditions under which reporting is required in connection with the customs entry of tin importation. It places pig tin under allocation by prohibiting, subject to limited exceptions, any receipts not covered by allocation authorizations issued by the National Production Authority. It is the intent of this order that other materials which are not in short supply will be substituted for tin and alloys and other materials containing tin wherever possible.

2. Paragraphs (a), (b), (c), and (d) of section 7 are amended to provide for the allocation of tin on either a quarterly or a monthly basis, and to eliminate the requirement that pig tin must be purchased from a supplier designated by the National Production Authority, so that section 7 (exclusive of footnote 1 thereto, which remains unchanged) will read as follows:

SEC. 7. *Allocation of pig tin.* (a) Except in the case of importation of pig tin for resale, no person shall accept delivery of pig tin for any purpose except in accordance with the terms of an allocation authorization issued by the National Production Authority. The National Production Authority may specifically direct the purposes for which a person may use pig tin in the manufacture, processing, installation, treating, or construction of any item or product, whether or not such pig tin has been directly allocated to such person. A person who has received pig tin pursuant to an allocation for the purpose of resale must not use the pig tin so allocated, but may only dispose of such pig tin by resale. The issuance of an allocation authorization by the National Production Authority shall not dispense with the necessity of compliance by the purchaser with the requirements of section 8 of this order with regard to certification.

(b) An application for an allocation authorization must be filed with the National Production Authority by the proposed purchaser on Form NPAF–7 not later than the twentieth day of the month preceding the month or quarter in which delivery is sought, and such ap-

plication shall separately indicate the quantity of pig tin requested for use and the quantity requested for resale.

(c) No person shall deliver any pig tin if he knows or has reason to believe that (1) receipt of the tin delivered will cause the purchaser's receipts of tin to exceed his authorized tin allocation, or (2) the person requesting delivery is not permitted to receive it under the inventory limitations of section 11 of this order, or (3) such tin will be used for purposes not permitted by this order, or (4) such tin will be used in excess of the quantity limitations on use contained in section 5 (or as modified under Schedule IV or VIII) of this order.

(d) The provisions of paragraph (a) of this section shall not apply to any: (1) Receipt of pig tin by the Reconstruction Finance Corporation, the General Services Administration, or the Defense Materials Procurement Agency for the stockpile of strategic materials; (2) receipt of pig tin pursuant to specific directives of the National Production Authority; (3) receipt of pig tin by any person whose total receipts during the month in which such receipt occurs are and by such receipt will remain less than 6,000 pounds, and who has not received an allocation authorization for pig tin for that month, and who furnishes to the supplier a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that receipt of this shipment of pig tin in the month requested will not be in violation of the inventory provisions of section 11 of NPA Order M-8; that no allocation authorization for pig tin for that month has been issued to the undersigned by the National Production Authority; that his total receipt of pig tin in that month, including that covered by this order, will not exceed 6,000 pounds; that his total use of pig tin in that month will not exceed his permitted use of pig tin pursuant to section 5 of NPA Order M-8; and that the pig tin herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule ____, item ____,) as follows: [1]

(Specify end use)

Any person who furnishes the foregoing certification shall not be required to furnish, with respect to pig tin, the certification required by section 8 of this order.

3. Paragraph (a) of section 8 is amended to require a purchaser of tin to certify that receipt of the tin purchased will not cause his receipts of tin to exceed his authorized tin allocation, so that paragraph (a) of section 8 will read as follows (footnote 1 remaining unchanged):

SEC. 8. *Certification.* (a) No person shall sell or deliver any pig tin, secondary tin, solder, babbitt, or any other alloys or materials containing 1.5 percent or more tin (excluding ores and concentrates) until the purchaser has furnished a signed certification in substantially the following form:

The undersigned certifies, subject to the penalties of Title 18, U. S. Code (Crimes), section 1001, that the tin or tin product herein ordered will be used only for the purposes permitted by NPA Order M-8 (Schedule ____, item ____,) or as permitted by special authorization from the National Production Authority as follows: [1]

(Specify end use or authorization case number)

and that the tin herein ordered will not bring the receipts of tin by the undersigned to an amount in excess of his authorized tin allocation.

This certification constitutes a representation by the purchaser to the seller and to the National Production Authority that the tin or tin-bearing products or materials delivered will be used either for the purpose or purposes set forth in the attached schedules or for "implements of war," or for resale without change in form (other than packaging), that such use is not prohibited by other applicable orders or regulations of the National Production Authority, and that receipt of the tin delivered will not cause the purchaser's receipts of tin to exceed his authorized tin allocation.

4. Section 13 is deleted, thereby terminating the requirement that the Reconstruction Finance Corporation, acting for the General Services Administration, shall be the sole importer of tin, and sections 14 to 17, inclusive, are redesignated sections 13 to 16, inclusive.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8571; Filed, Aug. 1, 1952; 12:17 p. m.]

[NPA Order M-36, as Amended Aug. 1, 1952]

M-36—GOVERNMENT ORDERS FOR PAPER

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

NPA Order M-36, as amended October 15, 1951, is hereby amended to delete the reference to paperboard grades in paragraph (a) of section 2, to change paragraph (b) of section 6 to conform reporting requirements of this paragraph to revised List B, to amend the provisions respecting adjustments or exceptions, reports, and violations to conform to comparable provisions of other current orders, and to revise List B by changing percentages applicable to certain items and deleting tissue papers (except sanitary and crepe wadding for packing), special food boards, and cardboard.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Reserve production.
4. Directives.
5. Release of reserve production.
6. Reports.
7. Rated orders.
8. Government orders.
9. Relation to other NPA orders and regulations.
10. Request for adjustment or exception.
11. Records and reports.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order provides rules for placing, accepting, and scheduling Government and rated orders for paper. It applies to paper manufacturers, distributors, and any person placing a Government or rated order for paper. Its purpose is to facilitate the procurement of paper by Government agencies and by private contractors to fill Government and rated orders without unnecessarily disrupting the normal distribution of paper or interfering with maximum production.

SEC. 2. *Definitions.* As used in this order:

(a) "Paper" means any kind of primary paper, including, but not limited to, the grades listed on Census Form M-14A.

(b) "Grade", as hereinafter used, means any category of paper as listed in Census Form M-14A, or any subtype of such category although not specifically mentioned in such form.

(c) "Produce" and "manufacture" mean and include all making and finishing operations necessary to the production of primary paper prior to packing or packaging.

(d) "Schedule" means the completion of all steps ordinarily taken by the manufacturer preliminary to actual manufacture, including acknowledgment to buyer, establishment of detailed specifications, and determination of the time when the order will be manufactured and shipment made.

(e) "Government order" means (1) any DO rated order and (2) any order, whether rated or not, for direct or indirect delivery to any activity on List A except those orders for paper intended for resale at retail, such as civilian type items for resale in military exchanges.

SEC. 3. *Reserve production.* (a) Each manufacturer shall reserve for the month of February 1951, and for each calendar month thereafter, machine time, material, and supplies, sufficient to produce and deliver within such month a total amount of paper to be calculated by applying the percentage specified for each grade in List B of this order to his average monthly production of such grade during the most recent calendar quarter, as reported on Form M-14A as revised.

(b) The National Production Authority may from time to time increase or decrease manufacturers' reserve production by changing the percentages in List B of this order or applying the same or different percentages to other types, grades, or combinations of grades.

SEC. 4. *Directives.* On or before the tenth day of any month, the National Production Authority may direct any manufacturer to produce during such month any grade of paper which such manufacturer is qualified to produce, in total tonnage not exceeding the amount of his reserve production for such month less the Government orders he has already scheduled for that month. The National Production Authority may direct a manufacturer to sell and deliver such tonnage to fill any Government order or orders that it may designate.

SEC. 5. *Release of reserve production.* If, on or before the tenth day of any month, a manufacturer has not received from the National Production Authority directives as to the disposition of all production reserved for such month, in excess of the Government orders he has already scheduled for such month, he may, after the tenth day of such month, apply that production for which no directives have been received as he may desire, subject to the provisions of this order and other orders and regulations of the National Production Authority.

SEC. 6. *Reports.* (a) Each manufacturer of paper and paperboard shall report each month his production of paper and paperboard on Census Form M-14A, Part II.

(b) Each manufacturer of a grade of paper specified in List B of this order shall file in Washington by the last day of each month two reports on Form NPAF-27 (using instructions below which supersede instructions printed on Form NPAF-27, dated July 13, 1951) showing Government orders he has scheduled for production, as follows:

(1) One such report shall include all his Government orders scheduled for the next following month.

(2) The other such report shall include all such orders scheduled for the second succeeding month.

In addition, any paper manufacturer may report, on Form NPAF-27, a revised schedule of Government orders at any time during the month preceding that in which they are scheduled, but not oftener than once a week. Having once reported a qualified order as scheduled for production, the manufacturer shall produce such order as reported. He may report the same order as scheduled for a different month only if requested by the buyer to reschedule such order, and the change is indicated on Form NPAF-27.

Example: Manufacturer X shall file by October 31 a preliminary report of his Government orders scheduled for production in December and a revised report of his November schedule. His revised November production report will replace the preliminary report filed on September 30. He may file revisions of his December schedule weekly during November.

(c) The paper manufacturer's reserve tonnage position as shown on his NPAF-27 forms will be taken into consideration by the National Production Authority in issuing such directives as may be found necessary under this order.

SEC. 7. *Rated orders.* (a) No manufacturer shall be required to accept DO rated orders for paper for shipment in any one month in excess of his reserve production for that month less his tonnage of Government orders already scheduled for that month.

(b) Unless specifically directed by the National Production Authority, no manufacturer need accept a DO rated order which is received less than 40 days prior to the first day of the month in which shipment is requested.

SEC. 8. *Government orders.* No person shall knowingly represent to a paper manufacturer that such person's order for paper is a "Government order", which such manufacturer may credit against his reserve production, unless such order actually qualifies as such and he is entitled to do so. No person shall apply or extend a rating, or claim the benefits of this order, for paper after he has received the paper to fill such Government order, nor shall he order any greater amount of paper than actually required to fill a rated order, or to fill a direct or indirect order of any activity on List A of this order. This does not prohibit a person from using a rating or claiming the benefits of this order to replace in his inventory paper used to fill a Government order, subject to the restrictions of paragraph (b) of section 5 of NPA Reg. 2.

SEC. 9. *Relation to other NPA orders and regulations.* This order supplements NPA Reg. 2, as amended, which sets forth the basic rules of the priorities system, and only those provisions of that regulation which are contradictory to this order are superseded. All other provisions of NPA Reg. 2 and all other NPA orders and regulations not in conflict with this order continue to apply to the paper industry.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such other reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 12. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-36.

SEC. 13. *Violations.* Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who willfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M-36

1. United States Department of Defense; including all groups and subgroups.
2. Atomic Energy Commission.
3. United States Coast Guard.
4. National Advisory Committee for Aeronautics.
5. Civil Aeronautics Administration.
6. Tennessee Valley Authority.
7. U. S. Department of Justice, Bureau of Prisons.
8. United States Government Printing Office.
9. United States Bureau of Engraving and Printing.
10. General Services Administration.
11. United States Post Office.
12. Reconstruction Finance Corporation, Office of Rubber Reserve.

13. The Secretary of the Senate and the Clerk of the House of Representatives.
14. Producers of products or parts thereof for any of the activities listed above to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered on a contract or purchase order issued by such activity.
15. Any activity of the United States Government not listed above normally required to obtain paper and printed matter through or from the United States Government Printing Office if and when the GPO grants a waiver of such requirement, and manufacturers of products using paper for any such activity, to the extent that the primary paper is to be used exclusively as a component part of the product to be delivered, on a contract or purchase order issued by such activity if and when such a waiver is granted. Any such waiver must have been granted for the specific contract or purchase order concerned and an adequate identification of the waiver number and date of issuance thereof must be endorsed upon the contract or purchase order.

LIST B OF NPA ORDER M-36

Grade	M-14 A (part II) code Nos.	Percent
Newsprint	10000-10200	5
Groundwood paper, uncoated	11000-11900	5
Paper-machine coated papers and book papers	12000-13990	5
Fine papers (except rag writing papers)	14201-14690	10
Rag writing papers	14101-14119	10
Coarse papers (unbleached kraft grades only)	15111, 15112, 15211, 15212, 15311, 15319, 15911-15919	5
Coarse papers (other than unbleached kraft grades only)	15120, 15191-15194, 15220, 15290, 15320, 15330, 15920, 15991-15999	5
Special industrial papers	16000-16990	15
Sanitary tissue stock	17000-17900	5
Crepe wadding for packing	18700	25
Absorbent papers	19000-19900	5

[F. R. Doc. 52-8572; Filed, Aug. 1, 1952; 12:17 p. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10191]

PART 18—INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 18, rules and regulations relating to Industrial, Scientific and Medical Service, Docket No. 10191.

On May 7, 1952, the Commission issued a notice of proposed rule making in the above-entitled matter. The proposed amendment would provide for group certification of industrial heating equipment and miscellaneous equipment.

Interested persons were given until June 16, 1952, to file comments thereon. Comments were received from three parties. Motorola, Inc., in their comments stated that the suppression of radiated energy to 10 microvolts per meter at a distance of one mile from industrial heating equipment is totally inadequate. Since that matter was resolved at the time Part 18 of the rules was adopted, and no new evidence was introduced, the comments of Motorola were not considered as being relevant to this proceeding.

Radio Corporation of America commented favorably upon the adoption of the proposed amendment without change.

The comments filed by General Electric Company were generally in favor of the adoption of the proposed amendment. General Electric suggested that the figure 20 db proposed in § 18.23 (c) be changed to 6 db. It is the belief of the Commission that the suggested change would not be adequate to assure that the actual lobe of maximum radiation was selected for the purpose of making measurements to a distance of one mile. The figure was changed, however, to 15 db, which is believed to be adequate for the desired purpose.

All comments received have been given careful consideration and it appears that no new issues or facts which would require oral argument or hearing are raised, and it is not believed that oral argument or hearing would contribute to a decision in this matter. Accordingly, it is ordered this 23d day of July 1952, that the amendment to Part 18 of the Commission's rules and regulations relating to Industrial, Scientific and Medical Service as set forth below shall become effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 18.22 to read as follows:

§ 18.22 *Operation outside of assigned frequency bands.* A station license is not required for the operation of industrial heating equipment outside of the frequency bands specified in § 18.21 (a), provided such operation is in accordance with the general conditions of operation set out in the guarantee or certificate required in paragraph (b) of this section, and meets the following conditions:

(a) The equipment used in such operation shall be operated within a room or space with sufficient shielding and power line filtering so that the emissions of radiofrequency energy generated by such operation, including spurious and harmonic emissions will not exceed a strength of 10 microvolts per meter at a distance of one mile from the location of the industrial heating equipment as defined in § 18.22 (d) on frequencies other than those specified in § 18.21 (a): *Provided, however,* That if the certification includes more than one machine, the distance of one mile shall be decreased by an amount equivalent to the radius of the circle encompassing the several units. The radiofrequency field from power lines due to radiofrequency energy originating with such equipment at distances beyond one mile must be less than 10 microvolts per meter when measured at one mile from the location of such equipment and 50 feet from the power line.

(b) There shall be affixed to each unit of equipment so operated or posted in the room or location in which such operation occurs, a dated certificate of a duly qualified engineer, or a dated certificate or name plate of the manufacturer of such equipment, setting forth the general conditions under which such equipment should be operated and certifying that the equipment involved may reasonably be expected to meet the requirements of this section under the described conditions of operation for at least three years. The certification required by this section shall describe with certainty the apparatus covered thereby, and shall include a brief statement of the engineering tests upon which the certification is based and the results thereof. Field intensity measurements in such tests shall be made in accordance with the provisions of § 18.23. It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

(c) The certification required in paragraph (b) of this section shall be renewed for particular equipment by such date as the Commission may specify if the Commission has reason to believe that the operation of such equipment may be inconsistent with the provisions of this part or source of interference to radio communication.

(d) The location of the industrial heating equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 500 feet radius or less, these several units may, at the election of the certifying engineer be considered as a single unit, the location of which will be the center of the smallest enclosing circle.

2. Amend § 18.23 to read as follows:

§ 18.23 *Measurement of field intensity.* Measurements to determine the field intensity of radiofrequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) An approved type of field intensity meter employing loop pickup shall be used for measurements on the frequencies of 18 Mc. and below, and such a meter with a doublet antenna shall be used for measurements on frequencies above 18 Mc. Appropriate techniques shall be resorted to for measurements in the micro-wave region of the spectrum.

(b) Prior to the determination of the maximum field intensity at 1 mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to the equivalent field intensities at 1,000 feet.

(c) The field intensity measurements for the maximum field intensity at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field intensity is in fact the maximum lobe. If two or more lobes of radiation of approximately the same intensity are present, measurements to determine field intensity shall be made along the several radials for such lobes. Where possible, field intensity measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field intensity in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field intensity at one mile. In those cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field intensity measurements will be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field intensity measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the other beyond. At each of these points at least three measurements of field intensity shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet.

(e) The field intensities specified herein refer to the maximum field intensity, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field intensity may exceed that at 12 feet.

3. Amend § 18.31 to read as follows:

§ 18.31 *Miscellaneous equipment.* (a) The operation without a license of miscellaneous equipment, as defined in § 18.2 (d), generating radio frequency power of 500 watts or less, shall be in compliance with the provisions of this part for medical diathermy apparatus.

(b) Operation of such equipment generating radiofrequency power in excess of 500 watts shall be in compliance with the requirements for medical diathermy apparatus except that the maximum radiated field permitted shall be increased as the square root of the ratio of the generated power to 500 watts: *Provided,* That the radiated field shall in no case exceed the fields permitted industrial heating apparatus: *And provided further,* That equipment used in predominantly residential areas and operating on frequencies below 1,000 Mc. shall not be permitted the increase in field with power as indicated in this paragraph, but shall be subject to the restrictions contained in this paragraph for diathermy equipment.

(c) Miscellaneous equipment, as defined in § 18.2 (d), may be type approved under procedures similar to that for diathermy equipment with such changes in the above procedure as may be required because of the nature of the particular equipment involved.

(d) For the purpose of field intensity measurements, the location of the miscellaneous equipment may be considered to be the actual physical location of such equipment or, where several such units are grouped within a circle of 200 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, the location of which will be the center of the smallest enclosing circle: *Provided, however,* That if the certification includes more than one unit, the distance of 1,000 feet at which the maximum permissible radiation is determined shall be decreased by an amount equivalent to the radius of the circle encompassing the several units.

(e) It shall be the responsibility of the operator to have the equipment recertified when changes have been made that might increase the radiation beyond the specified limits.

[F. R. Doc. 52-8481; Filed, Aug. 1, 1952; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 57—RECORDATION OF DOCUMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of July A. D. 1952.

There being under consideration the provisions of section 20c of the Interstate Commerce Act, as amended, providing for the recordation of any mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of railroad rolling stock, as described in said section:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and that all carriers filing such documents for the recordation thereof under the provisions of section 20c of the act, observe and comply with these rules and regulations:

Sec.
57.1 Definitions.
57.2 Submission of documents for recording.
57.3 Eligibility of documents.
57.4 Form and contents of letter of transmittal.
57.5 Administrative procedure.

AUTHORITY: §§ 57.1 to 57.5 issued under 66 Stat. 724; 49 U. S. C. 20c.

§ 57.1 *Definitions.* As used in this part, "document" means:

(a) A mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale or bailment of, railroad cars, locomotives, or other rolling stock used or intended for use in connection with interstate commerce; and

(b) Any assignment of rights or interest under any such instrument, or any supplement or amendment to any such instrument or assignment (including any release, discharge or satisfaction thereof, in whole or in part).

§ 57.2 *Submission of documents for recording.* Documents to be recorded shall be submitted in person or by registered mail addressed to the Secretary of the Interstate Commerce Commission, Washington 25, D. C.

§ 57.3 *Eligibility of documents.* A document shall be eligible for recordation only if:

(a) The document is in writing (handwriting, typewriting, or print), executed by the parties thereto, and acknowledged or verified as provided in paragraph (c) of this section.

(b) The original document and, for retention in the files of the Commission, two counterparts thereof, or, if counterparts have not been executed and acknowledged by the parties, two certified true copies thereof, are submitted. A certified true copy of an original document is one which is a complete copy of the original in all respects, including the dates, signatures, and acknowledgments and to which is attached a certificate of a notary public, stating that such officer has compared the copy with the original document and that it is a true and correct copy in all respects.

(c) Documents submitted for recordation shall be acknowledged or verified:

(1) In a form authorized by the law of the state, territory, district, or possession where executed for the acknowledgment or verification of deeds of land, or

(2) In a form substantially as follows:

INDIVIDUAL FORM OF ACKNOWLEDGMENT

STATE OF ----------
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared (name of signer), to me known to be the person described in and who executed the foregoing instrument and he acknowledged that he executed the same as his free act and deed.

[SEAL] ----------
Title of officer

My commission expires ----------

Corporate Form of Acknowledgment

STATE OF ----------
County of ----------, *ss:*

On this ------ day of ----------, 19----, before me personally appeared (name of signer), to me personally known, who being by me duly sworn, says that he is the (title to office) of (name of corporation), that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

[SEAL] ----------
Title of officer

My commission expires ----------

(d) The document is accompanied by the required recordation fee, which, (1) for each document of the type named in § 57.1 (a), shall consist of $50 for each million dollars, or part thereof, of the indebtedness evidenced by such document, and (2) for each document of the type named in § 57.1 (b) shall be $10. A lease and agreement (Philadelphia Plan) shall be counted as one document.

§ 57.4 *Form and contents of letter of transmittal.* (a) The letter of transmittal requesting the recording of documents as described in § 57.1 (a) and (b) shall be typewritten or printed on paper approximately 8½ x 11 inches with 1½ inch margin on the left side.

(b) The letter shall set forth the names and addresses of the parties to the transaction as follows:

Conditional sale—vendor, purchaser, guarantor.
Mortgage—mortgagor, mortgagee, guarantor.
Equipment trust — vendor, trustee-lessor, lessee, guarantor of lease.
Lease—lessee, lessor, guarantor.
Bailment—bailor, bailee, guarantor.
Other transactions—principal debtors, trustee, guarantor and other parties to the transaction.

(c) A general description of the equipment covered by the document, whether locomotives, car or other rolling stock, the type of such equipment, with A. A. R. mechanical designation, if any, the number of each type, and identifying marks such as the name or initials of the lessee or vendee railroad, the road or serial number, or if more than one number of each type, the first and last inclusive numbers.

(d) In connection with the documents listed in § 57.1 (b) the application shall refer to the prior recording of the document by the recordation number, and the date and hour of such recordation.

(e) The letter of transmittal shall be signed by an executive officer of the transmitting carrier having knowledge of the matters set forth therein and shall show the name and address of the person to whom the original document should be returned.

§ 57.5 *Administrative procedure.* (a) At the time of filing of a document with the Commission pursuant to the provisions of section 20c of the act, there will be stamped upon the original document and also upon the copies of same a consecutive recordation number and the date and hour of recordation with a notation to the effect that it has been filed pursuant to the provisions of section 20c of the act. The original will then be returned and the counterparts or copies retained in the Commission's files.

(b) The Commission will establish, maintain and keep open to public inspection under appropriate rules, an index showing the recordation number, together with other pertinent information of each document recorded under the provisions of section 20c of the act. When the document is one named in § 57.1 (b) a notation to that effect will be made also on the index showing the original recordation.

(c) There will also be established and maintained and kept open to public inspection under appropriate rules, an index showing for each railroad, the recordation number of all documents to which it is a party which have been filed under section 20c of the act.

(d) The Commission cannot undertake to answer inquiries concerning the title to any unit or units of rolling stock, or any document recorded under the provisions of section 20c. Individuals interested in such information, however, may make a personal search of the records or may avail themselves of the service of an agent or attorney.

And it is further ordered, That notice of these regulations will be given to the general public by posting copies in the office of the Secretary, Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8473; Filed, Aug. 1, 1952; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 921]

[Docket No. AO-222 A-2]

HANDLING OF MILK IN SPRINGFIELD, MISSOURI, MILK MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Greene County Courthouse, Springfield, Missouri, beginning at 9:30 a. m., c. s. t., August 7, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Springfield, Missouri marketing area, and to proposed amendments hereinafter set forth, or appropriate modifications thereof to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area (7 CFR Part 921 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Springfield, Missouri, milk marketing area were proposed, as follows:

By the Greene County Milk Producers Association:

1. Delete the last three words of paragraph (a) of § 921.51, namely: "minus 27 cents"; and add the following: "*Provided further*, That for the delivery periods of September 1952 through March 1953 the price for Class I milk shall be the basic formula price for the preceding delivery period plus two dollars ($2.00)."

2. Change the present paragraph (b) of § 921.51 to paragraph (c) and insert the following:

(b) Class I milk moved in bulk to any place more than 125 miles from the City Hall in Springfield, Missouri, during any of the delivery periods of July through March shall be classified separately and its price shall be seventy cents (70¢) per hundredweight, higher than the price otherwise computed pursuant to paragraph (a) of this section.

3. In the first sentence of § 921.51, delete "§ 921.52" and substitute therefor: "§§ 921.52 and 921.53", and add a new section after § 921.52 as follows:

§ 921.53 *Location adjustment credit to handlers.* For that portion of milk which (a) is received directly from producers at an approved plant described in § 921.10 or at a receiving platform, either of which is located more than 35 miles from the City Hall in Springfield and (b) is moved to an approved plant in the marketing area in the form of milk, skim milk or cream, the prices specified in § 921.51 shall be subject to a location adjustment credit to the handler, computed as follows:

Distance from the City Hall in Springfield:	*Cents per hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19

4. Change the numbers of the present §§ 921.81 to 921.88 so these sections will be numbered from §§ 921.82 to 921.89, respectively, and add a new § 921.81 as follows:

§ 921.81 *Location adjustments to producers.* In making payments to producers pursuant to § 921.80, each handler may deduct per hundredweight of milk purchased or received from producers at an approved plant described in § 921.10 or at a receiving platform either of which is located 35 or more miles from the City Hall in Springfield, the applicable amounts set forth below:

Distance from the City Hall in Springfield:	*Cents per hundredweight*
35 to 50 miles	15
50.1 to 65 miles	17
65.1 to 80 miles	19

By The Patton Creamery Company:

5. Delete the last eight words of the last sentence of § 921.87. This section would then read as follows:

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration of this subpart each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk, (including such handler's own production).

By Dairy Branch, Production and Marketing Administration:

6. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 30, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-8469; Filed, Aug. 1, 1952; 8:54 a. m.]

[7 CFR Part 931]

[Docket No. AO-229-A-1]

HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Assembly Room, Chamber of Commerce Building, May's Island, Cedar Rapids, Iowa, beginning at 10:00 a. m., August 7, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the Cedar Rapids-Iowa City marketing area have been proposed as follows:

By Johnson County Cooperative Milk Producers Association, Cedar Rapids Cooperative Dairy Company, and Eastern Iowa Cooperative Milk Producers Association:

1. Delete § 931.50 (a) and substitute therefor the following:

(a) *Class I milk.* The price established per hundredweight of Class I milk under Order No. 44, as amended, regulating the handling of milk in the Quad Cities marketing area.

2. Revise the list of plants contained in § 931.50 (b) (1) to include the Carnation Company, Waverly, Iowa.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 715 American Building, Cedar Rapids, Iowa, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 28, 1952.

[SEAL] GEORGE A. DICE, *Acting Assistant Administrator.*

[F. R. Doc. 52-8488; Filed, Aug. 1, 1952; 8:53 a. m.]

[7 CFR Part 950]

PEACHES GROWN IN UTAH

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952-53 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under the marketing agreement and Order No. 50 (7 CFR Part 950), regulating the handling of peaches grown in Utah, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $6,000.00 are likely to be incurred by said committee during the fiscal year beginning May 1, 1952, and ending April 30, 1953, both dates inclusive, for its maintenance and functioning under the aforesaid marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.015 per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 29th day of July 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch.*

[F. R. Doc. 52-8453; Filed, Aug. 1, 1952; 8:47 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the administrative committee for Area 1, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication in the FEDERAL REGISTER. The proposals are as follows:

§ 958.210 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 1, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $900.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one cent ($0.01) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 29th day of July 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 52-8454; Filed, Aug. 1, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 42]

LIMITATIONS FOR DEADHEAD TRANSPORTATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 2, 1952. Copies of such communications will be available after September 4, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Section 42.48 of Part 42 of the Civil Air Regulations presently provides that time spent in deadhead transportation to or from a duty assignment shall not be considered part of a rest period. It further provides limitations on the time a pilot may be on duty during a 24-hour period. However, there is no limitation on the time which may be spent in deadhead transportation to a flight duty assignment immediately prior to such duty. From testimony offered at recent hearings held as a result of accidents in irregular air carrier operations and from information acquired from other sources it is now apparent that the deadheading of pilots to a point where they are to begin a tour of duty on the flight deck has been carried to undesirable lengths and beyond that contemplated when the flight time limitations were established. There is a record of many cases where a pilot has been required to ride as a passenger for several hours and then take over the duties of pilot in command. In several instances this has resulted in a pilot being on duty in excess of 30 consecutive hours. Under such conditions it is probable that the safety of the flight is jeopardized when a pilot, already fatigued, begins a tour of duty as pilot in command or as copilot.

The Bureau, therefore, proposes to add a new subparagraph to § 42.48 (a) of Part 42 which will provide that time spent in deadhead transportation shall be considered on-duty time though not as time aloft. It is also proposed that the definition of "crew member" as defined in § 42.1 (a) (8) be corrected in order to remove the ambiguity created in § 42.48.

It is therefore proposed to amend Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended), as follows:

1. By amending § 42.1 (a) (8) to read as follows:

§ 42.1 *Definitions.* (a) • • •

(8) *Crew member.* Crew member means any individual assigned for the performance of duty on the aircraft.

2. By amending § 42.48 (a) (2) by striking the second sentence thereof.

3. By adding a new subparagraph (7) to § 42.48 (a) to read as follows:

§ 42.48 *Flight time limitations for pilots on large aircraft.* • • •

(a) *Individual pilot limitations.* • • •

(7) Time involved in transportation of a pilot required and provided by an air carrier to an airport at which he commences service as a flight crew member shall be computed as "on-duty" time but need not be computed as "time aloft". Time spent in any deadhead transportation shall in no case be considered as part of a required rest period.

These amendments are proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated July 29, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-8485; Filed, Aug. 1, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10239]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MARITIME MOBILE SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequencies to stations in the maritime mobile service, Docket No. 10239.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Atlantic City Table of Frequency Allocations (1947) allocates certain bands of frequencies for use by the maritime mobile service. In addition, the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), to which the United States is a signatory, sets forth the coast telegraph assignments for the United States. As an initial step looking toward the licensing of coast telegraph stations in accordance with the Geneva Agreement, the Commission proposes to amend § 2.104 (a) of the Commission's rules and regulations to provide that, as of October 1, 1952, frequencies in the following maritime mobile bands will be available for use only in accordance with the Atlantic City Table of Frequency Allocations:

Kc
4238– 4368
6357– 6525
8476– 8745
12714–13130
16952–17290

3. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951). Existing assignments in the foregoing coast telegraph bands may continue in force until such time as formal proceedings are instituted and consummated for their deletion.

4. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before August 29, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Replies to such comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

5. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-8478; Filed, Aug. 1, 1952; 8:51 a. m.]

[47 CFR Part 2]

[Docket No. 10241]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the Allocation of Frequencies in the Bands 4177–4187 kc, 6265.5–6280.5 kc, 8354–8374 kc, 12531–12561 kc and 16708–16748 kc, Docket No. 10241.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951, the Commission has instituted proceedings to modify the authorizations of certain stations operating in the 4177–4187 kc, 6265.5–6280.5 kc, 8354–8374 kc, 12531–12561 kc and 16708–16748 kc bands of frequencies so as to bring all

authorizations in those bands into conformity with the Atlantic City (1947) Table of Frequency Allocations as of June 3, 1953. It is therefore proposed to amend the Commission's Table of Frequency Allocations in § 2.104 (a) of the Commission's rules to provide that, as of June 3, 1953, frequencies in the above mentioned bands will be available for use only as ship telegraph calling frequencies in accordance with the Atlantic City Table of Frequency Allocations.

3. The proposed amendment is issued under authority of section 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before August 29, 1952, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-8477; Filed, Aug. 1, 1952; 8:51 a. m.]

[47 CFR Part 12]

[Docket No. 10237]

AMATEUR RADIO SERVICE

SPECIFIC CALLING, ANSWERING AND EMERGENCY BANDS

In the matter of amendment of Part 12 of the Commission's rules and regulations to designate specific amateur calling, answering and emergency communications frequency bands, Docket No. 10237.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend Part 12, Amateur Radio Service, to provide:

(a) Specific frequency bands, within the regularly allocated amateur frequency bands, to be used only for calling and answering by amateur stations, except in the case of a communications emergency when they may be used for actual emergency traffic.

(b) Specific frequency bands, within the regularly allocated amateur frequency bands, to be cleared of all normal amateur operation in any given area whenever the Commission determines that a state of communications emergency exists in that area.

(c) Procedure for the expeditious declaration of a state of communications emergency in any area, whenever the Commission has determined that a state of communications emergency actually exists in that area, and the clearing of normal amateur operation in that area from the designated amateur emergency communications bands as well as any other amateur frequency bands or segments of such bands which appear to be essential for emergency communications purposes.

3. The proposed amendments, which are set forth in full below, are issued under the authority of sections 4 (i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the manner proposed herein may file with the Commission on or before September 19, 1952, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within fifteen days from the last day for filing the said original comments or briefs. The Commission will consider all such comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 23, 1952.

Released: July 29, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

1. Add new § 12.112 to read as follows:

§ 12.112 *Exclusive calling and answering frequencies.* (a) Subject to the limitations and restrictions set forth in this section and in §§ 12.111 and 12.114, the following segments of the authorized amateur frequency bands shall be reserved for initial calling and answering for the purpose of establishing communications, or for actual emergency message traffic only, and shall not be available for use by amateur stations when transmitting for other authorized purposes except as may be specifically authorized under the provisions of § 12.156:

Authorized amateur frequency bands:	*Calling and answering band segments*
1800–2000 kc	1800–1807 kc 1993–2000 kc
3500–4000 kc	3500–3510 kc 3990–4000 kc
7000–7300 kc	7095–7105 kc 7290–7300 kc
14000–14350 kc	14040–14050 kc 14220–14230 kc
28.0–29.7 mc	29.63–29.65 mc
50.0–54.0 mc	50.35–50.37 mc
144–148 mc	145.17–145.19 mc
220–225 mc	220.0–220.5 mc

(b) The following restrictions shall be observed by all stations operating in the segments of the amateur frequency bands specified in paragraph (a) of this section, when making initial calls or answering such calls for the purpose of establishing communications:

(1) An initial call, or an answer to an initial call, shall consist of the call sign of the station being called, transmitted not more than four times, the necessary operating procedure signals or words, and the call sign of the station calling transmitted not more than four times. Such initial call or answer to an initial call shall not be repeated for a period of at least five minutes. An initial call may include a general call, including directional, geographical or special indicators if desired, in lieu of the call sign of a specific station being called. When transmitted by telephony, an initial call or an answer to an initial call may include the use of phonetic spelling of the call sign(s) of the station(s) involved.

(2) When communication is established by means of an initial call and an answer to an initial call, further transmissions by the stations involved, in the specified calling and answering band segments, shall be limited to those necessary to determine the frequency or frequencies on which further communication is to be carried on outside those band segments.

(c) The calling and answering frequency band segments specified in paragraph (a) of this section shall not be utilized for the purpose of establishing communication by means other than telegraphy using the International Morse Code, or radiotelephony where authorized, nor shall they be utilized for communications consisting solely of an exchange of signal strength reports or similar information when further communication on other frequencies between the stations involved is not contemplated.

2. Amend § 12.156 to read as follows:

§ 12.156 *Operation in emergencies.* In the event of an emergency disrupting normally available communication facilities in any wide-spread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, in addition to those provided by this section for use only by amateurs participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Regional Manager of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned, using frequencies in the emergency communications bands, shall be only in accordance with the requirements set forth in this section, but such requirements shall in no wise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

(a) The following segments of authorized amateur frequency bands, together with such authorized amateur frequency bands or segments of such bands as may be additionally specified by the Commission in its declaration of a general state of communications emergency, shall become amateur emergency communications bands and shall be available only for use by amateur stations actually engaged in communications essential to the protection of life and property, or the alleviation of human suffering and need:

Authorized amateur frequency bands:	*Amateur emergency communications bands*
1800–2000 kc	1800–1825 kc 1875–1900 kc 1900–1925 kc 1975–2000 kc
3500–4000 kc	3500–3550 kc 3950–4000 kc
7000–7300 kc	7075–7125 kc 7275–7300 kc
14000–14350 kc	14000–14050 kc 14200–14250 kc
28.0–29.7 mc	28. 5–28. 8 mc 29. 4–29. 7 mc
50.0–54.0 mc	50. 0–50. 8 mc 53. 2–54. 0 mc
144–148 mc	145. 0–146. 0 mc 146. 5–147. 5 mc
220–225 mc	220. 0–225. 0 mc

(b) All transmissions within all specified amateur emergency communication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio networks for the handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within those bands.

(c) A 5-minute listening period for the first five minutes of each hour shall be observed, insofar as practicable, by all stations for the purpose of listening for initial calls of major importance or calls from isolated stations in the frequency band segments reserved in § 12.112 for initial calling and answering. During such listening period no transmissions shall be made on the designated calling and answering frequencies other than for initial calls and replies in connection with the emergency situation or for the handling of emergency communications of extreme importance.

(d) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the amateur emergency communications bands, and to warn noncomplying stations observed to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this section by number and shall specify, briefly and concisely, the date of the Commission's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands (other than those specified in this section) which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section.

(e) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

[F. R. Doc. 52–8479; Filed, Aug. 1, 1952; 8:51 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 154, Special Order No. 1]

ISLAND OF ST. CROIX, VIRGIN ISLANDS

DETERMINATION OF END OF HARVESTING SEASON

Ceiling Price Regulation 154 establishes retail dollar and cent ceiling prices for charcoal sold in the Virgin Islands of the United States.

For the Island of St. Croix, the regulation provides special ceiling prices for the "harvesting season" and further provides, in section 3, that for the purpose of the regulation, the beginning and end of the "harvesting season" shall be determined by order of the Director of Region XIV of the Office of Price Stabilization by publication in the FEDERAL REGISTER.

The Director of Region XIV has been advised that the "harvesting season" for sugar cane on the Island of St. Croix will end on July 31, 1952. Accordingly, in accordance with the provisions of section 3 of Ceiling Price Regulation 154,

It is ordered, That, for the purposes of Ceiling Price Regulation 154, the "harvesting season" for sugar cane on the Island of St. Croix of the Virgin Islands of the United States shall end at 11:59 post meridian on July 31, 1952.

This order shall become effective July 31, 1952.

WILLIAM T. CARROLL,
Director of Region XIV.

JULY 31, 1952.

[F. R. Doc. 52–8508; Filed, July 31, 1952; 12:00 m.]

[Delegation of Authority No. 25, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION 1 TO THE GENERAL CEILING PRICE REGULATION

By virtue of the authority vested in me as the Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order No. 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2, as amended (16 F. R. 738, 11626), this Amendment 1 to Delegation of Authority No. 25 is hereby issued.

Section 1 of Delegation of Authority No. 25 (16 F. R. 11406) is amended to read as follows:

1. Authority is hereby delegated to the Directors of the respective Regional Offices of the Office of Price Stabilization:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amendment shall take effect August 6, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52–8545; Filed, Aug. 1, 1952; 10:53 a. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 13, Amdt. 5]

FORD MOTOR CO.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 13 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Ford Motor Company. Subsequent to the issuance of Special Order 13 the Ford Motor Company has introduced new items of factory installed extra, special or optional equipment on its Ford automobiles. Special Order 13 is, therefore, amended to include charges for the new items of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 13 is hereby issued.

1. The following charges for factory installed extra, special or optional equipment are added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 13.

FORD AUTOMOBILES

Tinted glass (all lines and series)	$21.43

Effective date. This Amendment 5 to Special Order 13 shall become effective August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 1, 1952.

[F. R. Doc. 52–8551; Filed, Aug. 1, 1952; 10:55 a. m.]

DEPARTMENT OF AGRICULTURE

Forest Service

CIBOLA NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS

Whereas a number of horses, mules, and burros are trespassing and grazing on the Cibola National Forest in the State of New Mexico; and

Whereas these horses, mules, and burros are consuming forage needed for permitted livestock, are causing extra expense to established permitees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of land in the Cibola National Forest:

Temporary closure from livestock grazing. (a) The following-described area within the Cibola National Forest is hereby closed for the period November 15, 1952 to April 30, 1953, to the grazing of horses, mules, and burros, excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land:

All of the Little Rosa Allotment, San Mateo District. Bounded on the north and east by the Forest boundary, on the south by the Big Rosa Allotment fence, on the west by impassable cliffs interspersed with stretches of fence which constitute the east boundary of the Bear Trap Allotment, and by the Monica Allotment fence.

All of the Madera and Ryan Hill Allotment and the Southeast Corner of the Baldy Allotment, San Augustine District. Bounded on the east and south by the Forest boundary, on the west by the Sawmill Allotment boundary fence, the Baldy Allotment fence from the northeast corner of the Sawmill Allotment across Ryan Hill Canyon to the cliffs of Buck Ridge, and Buck Ridge (an impassable natural barrier), and on the north by an eastward extension of Buck Ridge and the Water Canyon Allotment fence.

All of the La Madera, Placitas and Del Agua Allotments and the North Half of the Rincon Allotment, Sandia District. All of the lands in Township 12 North, Ranges 4 and 5 East, lying within the boundaries of the Cibola National Forest.

All of the Mt. Sedgwick, Agua Fria, Oso Ridge, and Bluewater Allotments, Zuni Ranger District. Beginning at the northeast corner of Township 11 North, Range 12 West, running south 12 miles along a fence on the township line to the southeast corner of Township 10 North, Range 12 West; thence 9 miles west along a fence to the southwest corner of Section 34, Township 10 North, Range 13 West; thence 3 miles north along the allotment boundary to the corner common to Sections 15, 16, 21 and 22, Township 10 North, Range 13 West; thence 3 miles west along the allotment boundary to the range line on the forest boundary; thence along the forest boundary one mile north, 6 miles west, and 4 miles north to the southwest corner of Section 19, Township 11 North, Range 14 West; thence one mile north along a fence line to the northwest corner of Section 19, Township 11 North, Range 14 West; thence 6 miles east along the Oso Ridge-Wells Spring Allotment boundary fence; thence north 3 miles along allotment boundary fence to the township corner common to Townships 11 and 12 North, Ranges 13 and 14 West; thence 2 miles east and 3 miles north along the Cottonwood-Bluewater Allotment boundary fence; thence 3 miles east, one mile south and one mile east to the northeast corner of Section 25, Township 12 North, Range 13 West; thence one mile south, one mile east, one mile south and 5 miles east along the fences and impassable natural barriers making up the Salitre Mesa-Mt. Sedgwick Allotment boundary to the point of beginning.

All of the Guadalupe Allotment, Mt. Taylor Ranger District. On the northeast end of the Mt. Taylor District, bounded on the north and east by the Forest boundary and on the south and west by the L-Bar Allotment.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cibola National Forest is located.

Done at Washington, D. C., this 29th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–8451; Filed, Aug. 1, 1952; 8:47 a. m.]

Soil Conservation Service

CHIEF, SOIL CONSERVATION SERVICE

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS RELATING TO TRANSPORTATION, COMMUNICATION, AND FIRE PROTECTIVE MEASURES

Pursuant to the provisions of the Bankhead-Jones Farm Tenant Act, as amended (50 Stat. 522, 56 Stat. 725; 7 U. S. C. 1000–1029), and by virtue of the authority vested in the Secretary of Agriculture, I, K. T. Hutchinson, Acting Secretary of Agriculture, do hereby amend subsection (a) (7) of the delegation of authority to the Chief, Soil Conservation Service, dated November 11, 1944 (9 F. R. 13547; formerly 7 CFR 1944 Supp. 601.11), to read as follows:

(7) Execute easements, leases, licenses, permits, and other forms of contracts granting privileges to use Title III lands in connection with the construction and maintenance of telephone lines, transmission lines, pipe lines, roads, irrigation and drainage ditches, dams, fire towers, radio towers, television towers, and for other purposes related to transportation, communication, and fire protective measures (but not those power lines or dams, licenses for which are required by law to be granted by the Federal Power Commission).

(50 Stat. 522, 56 Stat. 725; 7 U. S. C. 1000–1029; 5 U. S. C. 22)

Done at Washington, D. C., this 29th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52–8455; Filed, Aug. 1, 1952; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

REGIONAL MANAGERS, CHIEF OF FIELD ENGINEERING AND MONITORING BUREAU, AND CHIEF OF FIELD OPERATING DIVISION

DELEGATION OF AUTHORITY TO DECLARE STATE OF GENERAL COMMUNICATIONS EMERGENCY

In the matter of amendment of Part 0 of the Commission's rules to delegate authority to Regional Managers and other officials of the Field Engineering and Monitoring Bureau with respect to declaring a state of general communications emergency under § 12.156 of the Commission's rules.

At a session of the Federal Communications Commission held in its office in Washington, D. C., on the 23d day of July 1952.

The Commission having under consideration a proposal to amend Part 0 of its rules to delegate authority to its Re-

gional Managers and the Chief, Field Engineering and Monitoring Bureau and the Chief, Field Operating Division to declare that a state of general communications emergency exists in accordance with the provisions of § 12.156 of the Commission's rules; and

It appearing, that a Commission representative in an area affected by an emergency may be in a position to determine more readily the extent and degree of such an emergency and to act more expeditiously in view thereof; and

It further appearing, that it would be in the public interest to delegate authority to Commission field representatives, the Chief, Field Engineering and Monitoring Bureau and the Chief, Field Operating Division to make such determination; and

It further appearing, that such delegation would relate to the Commission's organization and is not substantive in nature, compliance with the public notice and procedure provided for in section 4 of the Administrative Procedure Act is unnecessary and for the same reason this order may be made effective immediately; and

It further appearing, that authority for the amendment of Part 0 of the Commission's rules is contained in section 4 (i) and 5 (e) of the Communications Act of 1934 as amended;

It is ordered, That effective immediately Part 0 of the Commission's rules is hereby amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 5 (e), 48 Stat. 1068, 47 U. S. C. 155 (e))

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

0.153 *Authority delegated to Regional Managers, Chief, Field Engineering and Monitoring Bureau and Chief, Field Operating Division of Field Engineering and Monitoring Bureau.* The Commission's Regional Managers, the Chief, Field Operating Division and the Chief, Field Engineering and Monitoring Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provisions of § 12.156 of the Commission's rules and regulations with respect to the operation of amateur stations during a state of general communications emergency.

[F. R. Doc. 52-8480; Filed, Aug. 1, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1618]

NORTHERN NATURAL GAS CO.

ORDER DENYING IN PART APPLICATION FOR MODIFICATION AND REHEARING AND PROVIDING FOR FURTHER HEARING

JULY 28, 1952.

On July 7, 1952, Northern Natural Gas Company (Northern) filed an application for modification and rehearing of the Commission's Opinion No. 230 and order issued June 24, 1952, that conditionally issued in the above-entitled matter a certificate of public convenience and necessity, subject to Northern's acceptance, authorizing the construction and operation of additional natural gas pipeline facilities designed to increase Northern's delivery capacity north of Kansas from approximately 600,000 Mcf to 825,000 Mcf of natural gas per day.[1]

Upon consideration of the aforesaid application for modification and rehearing, Opinion No. 230 and accompanying order issued June 24, 1952, and the entire record in this proceeding, the Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that Northern's aforesaid application for modification and rehearing be denied in part, and that further public hearings be held, as hereinafter ordered and provided.

(2) No new facts have been presented or alleged, and no new principles of law have been set forth, with respect to those matters and issues raised by Northern's aforesaid application for modification and rehearing, and as to which Northern's application is denied as hereinafter ordered, which were not fully considered by the Commission before it entered its opinion and order issued June 24, 1952, or, having now been considered, warrant modification or rehearing.

The Commission orders:

(A) Northern's aforesaid application for modification and rehearing be and the same is hereby denied in all respects except so far as the said application requests modification and rehearing concerning subparagraphs (B) (1), (B) (2), (B) (3) and (C) (1) of the Commission's order issued June 24, 1952.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Comission by sections 7, 15, 16 and 19 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 10, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid application for modification and rehearing so far as it relates to subparagraphs (B) (1), (B) (2), (B) (3) and (C) (1) of the Commission's aforesaid order issued June 24, 1952, as amended.

(C) This order shall not be construed to limit the right of Northern to accept the certificate issued by order of June 24, 1952, as therein conditioned, if Northern during the pendency of the rehearing herein granted and before final determination thereof by the Commission, accepts the certificate issued by said order upon the terms and conditions set forth in subparagraphs (B) (1), (B) (2), (B) (3) and (C) (1).

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Northern.

Date of issuance: July 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8441; Filed, Aug. 1, 1952; 8:45 a. m.]

[1] Subparagraphs (B) (1) and (B) (2) of the order issued on June 24, 1952, were amended by the Commission's order adopted July 24, 1952, to extend the time for compliance with certain conditions attached to the issuance of the certificate.

[Docket Nos. G-1921, G-1922, G-1969]

TENNESSEE GAS TRANSMISSION CO. ET AL.

ORDER POSTPONING HEARING

JULY 28, 1952.

In the matters of Tennessee Gas Transmission Company, Docket No. G-1921; and Niagara Gas Transmission Limited, Tennessee Gas Transmission Company, Docket Nos. G-1922, G-1969.

On July 16, 1952, the Commission fixed the date of hearing for August 6, 1952, in the above consolidated proceedings.

The Commission finds: Good cause exists to postpone the above hearing date as hereinafter ordered.

The Commission orders: The hearing in the above consolidated proceedings now set to commence on August 6, 1952, be and the same hereby is postponed to commence on September 15, 1952, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the aforesaid applications.

Date of issuance: July 29, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8442; Filed, Aug. 1, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1456]

HOMESTAKE MINING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of July, A. D. 1952.

The Spokane Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $12.50 Par Value, of Homestake Mining Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 19, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8446; Filed, Aug. 1, 1952; 8:46 a. m.]

[File No. 7-1457]

FEDERAL MINING & SMELTING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of July A. D. 1952.

The Spokane Stock Exchange pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $2 Par Value, of Federal Mining and Smelting Company, a security listed and registered on the New York Stock Exchange. Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to August 19, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8447; Filed, Aug. 1, 1952; 8:46 a. m.]

[File No. 31-598]

COMBINED LOCKS PAPER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 29, 1952.

Notice is hereby given that Combined Locks Paper Co. ("Combined Locks"), has filed an application with this Commission requesting exemption on behalf of itself and its subsidiaries, The D. M. Bare Paper Company ("Bare Paper"), a non-utility company, and South Shore Utility Company ("South Shore"), a public-utility company, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than August 8, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after August 8, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Combined Locks and its wholly owned subsidiary, Bare Paper, are engaged in the manufacture and sale of paper of various kinds. For the year 1951, the two companies reported combined net sales in the amount of $12,500,351 and combined net income, after Federal and State income taxes, in the amount of $583,867.

Combined Locks owns all of the outstanding securities, except director's qualifying shares of capital stock, of South Shore which purchases electric energy from Combined Locks and distributes such energy to the employees and former employees of Combined Locks who reside in the Village of Combined Locks, Wisconsin. For the year 1951, South Shore reported gross operating revenues of $2,575 from the sale of electric energy and net income, after Federal and State income taxes, in the amount of $360.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8445; Filed, Aug. 1, 1952; 8:46 a. m.]

[File No. 70-1371]

FEDERAL LIGHT & TRACTION CO. ET AL.

NOTICE OF FILING OF APPLICATIONS FOR ALLOWANCES OF FEES AND EXPENSES AND NOTICE FIXING DATE FOR FILING OF ALL OTHER APPLICATIONS FOR FEES AND EXPENSES

JULY 28, 1952.

In the matter of Federal Light & Traction Company, Cities Service Company, Public Service Company of New Mexico, Federal Liquidating Corporation, File No. 70-1371.

The Commission on September 11, 1947 and June 19, 1950 having issued its orders approving a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Cities Service Company ("Cities"), a registered holding company, Federal Light & Traction Company ("Federal"), formerly a registered holding company subsidiary of Cities and its former subsidiary, Public Service Company of New Mexico, proposing the dissolution and liquidation of Federal; and Federal Liquidating Corporation ("Liquidating Corporation"), organized to facilitate the consummation of the plan, having joined in said filing; and

The Commission in said order of September 11, 1947, having reserved jurisdiction with respect to all fees and expenses to be paid in connection with the plan, the transactions and proceedings relating thereto, and the consummation thereof:

Notice is hereby given that Liquidating Corporation has filed an application requesting the Commission to (a) approve payment of fees and expenses for services rendered in connection with the plan and related transactions and proceedings incurred directly by Federal and Liquidating Corporation, (b) fix a date for the submission of all other claims for fees and expenses for services rendered in connection therewith, and (c) determine any additional amounts to be paid by Liquidating Corporation as fees and expenses for services rendered in connection with this proceeding.

All interested persons are referred to said application, which is on file in the office of the Commission for a full statement of the claims for fees and reimbursement of expenditures, which are summarized as follows:

Frueauff, Burns, Ruch & Ferrell, counsel for Federal and Liquidating Corp	$45,155.35
Niles & Niles, accountants	5,436.50
The New York Trust Co., for services as liquidating and escrow agent	[1] 5,447.31
White & Case, counsel for New York Trust Co., as escrow agent	250.00
Printing, transcripts and photostats	5,593.52
Filing fees and other expenses re: Dissolution of Federal, organization and dissolution of liquidating corporation	376.62
Total	62,259.30

[1] Includes an estimated $250 for final charges for services to be rendered.

Notice is further given that any interested person may, not later than August 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 18, 1952, said application, as filed or as amended, may be granted or the jurisdiction heretofore reserved over fees and expenses may be released as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

It is further ordered, That any person desiring to assert any claims for compensation or reimbursement for fees and expenses in connection with the section 11 (e) plan of Federal and related transactions and proceedings shall, on or before August 18, 1952, file such claim or notification of intention to assert such claim, and, in the event such claims are filed, no notice of such filing will be given unless specifically ordered by the Commission. Any person desiring to receive notice of the filing of such additional claims should specifically request such notice.

It is further ordered, That the Secretary of the Commission shall serve notice of the said hearing by mailing a copy of this notice and order by registered mail to Federal Liquidating Corporation, to all persons granted participation in the proceedings, and that notice of said hearing shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the act, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8448; Filed, Aug. 1, 1952; 8:46 a. m.]

[File No. 70-2898]

AMERICAN & FOREIGN POWER CO., INC.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING LOAN AGREEMENT

JULY 28, 1952.

American & Foreign Power Company, Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, and 12 (c) thereof and Rule U-42 of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

Foreign Power previously entered into a loan agreement with certain banks under which Foreign Power had authority to borrow $15,000,000. Pursuant to that agreement, Foreign Power borrowed the amount of $10,000,000 prior to the year 1952 and on June 30, 1952 exercised its right to borrow the remaining $5,000,000. These loans have been evidenced by promissory notes bearing interest at the rate of 3½ percent per annum, and maturing serially up to 1954. By reason of repayments, there is now outstanding $12,500,000 due by Foreign Power to the banks under that agreement.

Foreign Power proposes to enter into a new agreement with the banks to refund the $12,500,000 principal amount of loans presently outstanding into a new loan, and to have the right to borrow an additional $5,000,000 prior to July 1, 1953. The promissory notes evidencing the principal amount of $12,500,000 will be dated as of June 30, 1952, will bear interest at the rate of 3¾ percent per annum payable quarterly and are to be repaid in ten equal installments payable semi-annually on December 31 and June 30 of each year commencing on December 31, 1952 and ending on June 30, 1957.

Loans made pursuant to the right to borrow the additional $5,000,000 will be evidenced by promissory notes, dated as of the date of such issuance, maturing at the same time as the refunding loan, and bearing interest at the rate which will be ¾ of 1 percent above the prime rate of Bankers Trust Company to commercial borrowers for ninety days maturities in effect at the time of the borrowing, but not less than 3¾ percent nor more than 4 percent per annum. Loans made pursuant to this agreement may be utilized solely for advances by Foreign Power to its subsidiaries for construction purposes or may be used for the purpose of property additions of Foreign Power's subsidiaries. With respect to the unused balance under the loan agreement, a commitment fee of ½ of 1 percent will be payable while the commitment is in effect.

The proposed new agreement would eliminate the present restriction on the payment of dividends by Foreign Power which provides that if Foreign Power pays any dividend on its capital stocks it must apply an amount equal to at least 50 percent of such dividends to prepayment of installments of principal on the loans then outstanding. The new agreement provides that if Foreign Power pays a dividend on its capital stock aggregating in excess of $5,722,168.80 in any one twelve-month period ending on June 30, it will apply an amount equal to at least 50 percent of the amount of such excess to prepayments of installments of principal of the promissory notes then outstanding, such prepayments to be in inverse order of their maturities. This provision will terminate when the total amount outstanding under the loan agreement is not in excess of $5,000,000.

The promissory notes in the amount of $12,500,000 are to be secured by $18,750,000 aggregate principal amount of First and Refunding Mortgage Bonds 4¼ percent Dollar Series, due 1980, of Cuban Electric Company, a subsidiary of Foreign Power. Prior to each additional borrowing by Foreign Power, it will deposit as additional security an aggregate principal amount of mortgage bonds of Cuban Electric Company equal to 150 percent of the aggregate principal amount of such additional borrowing. The agreement also contains certain provisions for substitution of this collateral.

Said declaration having been filed on July 7, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate to permit such declaration to become effective without the imposition of terms and conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8449; Filed, Aug. 1, 1952; 8:47 a. m.]

[File No. 70-2903]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

NOTICE OF FILING

JULY 29, 1952.

In the matter of Southwestern Development Company, Amarillo Gas Company, West Texas Gas Company, File No. 70-2903.

Notice is hereby given that Southwestern Development Company ("Southwestern"), a registered holding company, and two of its wholly-owned subsidiary public-utility companies, Amarillo Gas Company ("Amarillo Gas") and West Texas Gas Company ("West Texas"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants designate sections 7, 10 and 12 (b) of the act as applicable to the proposed transactions.

Notice is hereby further given that any interested person may, not later than August 14, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reasons for such request, and issues, if any, of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission shall order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after August 14, 1952 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the joint application-declaration on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to a supplemental loan agreement dated July 15, 1952, Southwestern proposes to borrow from Guaranty Trust Company of New York ("Bank") $2,700,000, and to issue and sell to the Bank, as evidence of said loan, a two year 3¼ percent unsecured note, in the same principal amount.

Southwestern proposes to advance the total proceeds of said loan ($2,700,000) to Amarillo Gas and West Texas in the principal amounts of $300,000 and $2,400,000, respectively. The two subsidiary companies propose to issue and sell, and Southwestern proposes to acquire from them, their separate two year 3¼ percent unsecured notes in the foregoing respective amounts.

Applicants-declarants state that the proceeds of the proposed loans will be used by the subsidiary companies to provide necessary additional funds for extension of their natural gas facilities, to provide working capital, and for other proper corporate purposes. It is also stated that no State commission approval of the proposed transaction is required. No finders fee or commission is to be paid, and the legal fees and other expenses to be incurred in connection with the proposed transactions are estimated at not to exceed $1,000.

Applicants-declarants request that an order, to become effective upon its issuance, be issued not later than August 15, 1952, granting the application and permitting the declaration to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8444; Filed, Aug. 1, 1952; 8:46 a. m.]

[File No. 70-2907]

UNITED GAS CORP. ET AL.

NOTICE OF FILING REGARDING PURCHASE OF DEBT SECURITIES OF SUBSIDIARY COMPANIES

JULY 29, 1952.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company, File No. 70-2907.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's two wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"), have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, and have designated sections 6 (a), 7, 9 (a) (1), 10, and 12 thereof as applicable to the proposed transactions, which are summarized as follows:

United proposes to purchase from Pipe Line and Pipe Line proposes to issue and sell to United for cash at par $12,000,000 principal amount of Pipe Line's 4½ percent Sinking Fund Debentures due 1971. The proceeds from said sale will be used by Pipe Line for its general corporate purposes, including construction, completion, extension or improvement of its facilities and for reimbursing its treasury for expenditures actually made for said purposes.

United proposes to lend to Union and the latter proposes to borrow from United the sum of $1,000,000. The proposed loan will be evidenced by an unsecured promissory note issued by Union to United or order, payable on or before six years from the date of issuance, and bearing interest at the rate of 4 percent per annum. The proceeds from the loan will be used by Union to increase its working capital.

Under the terms of United's Mortgage and Deed of Trust, as supplemented, securing United's outstanding First Mortgage and Collateral Trust Bonds, the note evidencing the proposed loan to Union is required to be pledged with the Corporate Trustee, and the Debentures which Pipe Line proposes to sell to United must include a statement that they are nonnegotiable and cannot be transferred, assigned or pledged except to a successor of United.

United will obtain the funds necessary to acquire the above-mentioned debt securities of Pipe Line and Union from aggregate borrowings of $15,000,000 from commercial banks, such borrowings to be evidenced by United's 3 Percent Promissory Notes payable on or before December 31, 1952.

The application-declaration states that the proposed transactions have been adopted by the companies for the purpose of securing needed capital funds on an interim basis. The borrowings which will be made by United in the aggregate amount of $15,000,000 from commercial banks will be refinanced on a permanent basis by the latter issuance and sale of securities. The nature and amounts of said securities will be the subject of an application to be filed at a later date with this Commission.

The application-declaration also states that the proposed transactions are initial steps in an over-all financing program designed to provide the companies with funds to finance on a permanent basis their estimated construction requirements for the years 1952 and 1953, including the repayment by United of the bank borrowings described above and the presently outstanding bank loans of United maturing on July 1, 1953, in the aggregate amount of $35,000,000. United's management anticipates that, in order to finance the 1952 and 1953 construction requirements and to repay the above-described bank loans, United will be required to raise, on a permanent basis, approximately $100,000,000.

Notice is further given that any interested person may, not later than August 13, 1952 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 13, 1952, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8443; Filed, Aug. 1, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27259]

GLASS CONTAINERS FROM POINTS IN ILLINOIS TO POINTS IN WISCONSIN

APPLICATION FOR RELIEF

JULY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for The Ahnapee and Western Railway Company and other carriers.

Commodities involved: Glass containers, carloads.

From: Alton, East St. Louis, and Streator, Ill.

To: Algoma, Green Bay, Kewaunee, and Sturgeon Bay, Wis.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3910, Supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found

to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8418; Filed, July 31, 1952; 8:48 a. m.]

[4th Sec. Application 27260]

CAUSTIC POTASH FROM POINTS IN WEST VIRGINIA AND NEW YORK TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

JULY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Alternate Agent H. R. Hinsch and Agent C. W. Boin, for carriers parties to Agent L. C. Schuldt's tariff I. C. C. No. 4238 and Agent Boin's tariff I. C. C. No. A-850.

Commodities involved: Caustic potash, in carloads and tank-car loads.

From: Charleston Industrial District, W. Va., Niagara Falls, Suspension Bridge, Syracuse, and Solvay, N. Y.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4238, Supp. 64; C. W. Boin, Agent, I. C. C. No. A-850, Supp. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8419; Filed, July 31, 1952; 8:48 a. m.]

[4th Sec. Application 27261]

ANIMAL AND POULTRY FEED FROM KANSAS, OKLAHOMA, AND TEXAS, TO ARIZONA AND NEW MEXICO

APPLICATION FOR RELIEF

JULY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. 1528.

Commodities involved: Animal or poultry feed and flax (linseed), carloads.

From: Points in Kansas, Oklahoma, and Texas.

To: Arizona and New Mexico.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. 1528, Supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8420; Filed, July 31, 1952; 8:48 a. m.]

[4th Sec. Application 27262]

GRAIN AND GRAIN PRODUCTS BETWEEN PACIFIC COAST TERRITORY AND MEMPHIS AND DYERSBURG, TENN.

APPLICATION FOR RELIEF

JULY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariffs I. C. C. Nos. 1528 and 1531.

Commodities involved: Grain and grain products, seeds, and related articles, carloads.

Between: Pacific coast territory, on the one hand, and Memphis and Dyersburg, Tenn., on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. 1531, Supp. 121; L. E. Kipp, Agent, I. C. C. No. 1528, Supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8421; Filed, July 31, 1952; 8:49 a. m.]

[4th Sec. Application 27263]

PAPER AND PAPER ARTICLES BETWEEN TEXAS PORTS AND THE SOUTHWEST

APPLICATION FOR RELIEF

JULY 29, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3905.

Commodities involved: Paper and paper articles, carloads.

Between: Galveston, Houston, and Texas City, Tex., on the one hand, and points in southwestern territory, on the other (applicable on export, import, coastwise, and intercoastal traffic).

Grounds for relief: Competition with rail carriers, circuitous routes, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3905, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8422; Filed, July 31, 1952; 8:49 a. m.]

[4th Sec. Application 27264]

GRAIN AND GRAIN PRODUCTS FROM POINTS IN COLORADO, KANSAS, AND OKLAHOMA TO TEXAS

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Atchison, Topeka and Santa Fe Railway Company and the Panhandle and Santa Fe Railway Company.

Commodities involved: Grain and grain products, seeds, and related articles, carloads.

From: Points in Colorado, Kansas, and Oklahoma.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, Supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8464; Filed, Aug. 1, 1952; 8:48 a. m.]

[4th Sec. Application 27265]

ANHYDROUS AMMONIA FROM POINTS IN ARKANSAS, TEXAS, KANSAS AND LOUISIANA TO LINDER, GA.

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers, parties to his tariff I. C. C. No. 3746.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: El Dorado, Ark., Etter and Velasco, Tex., Military, Kans., Lake Charles, Sterlington, and West Lake Charles, La.

To: Linder, Ga.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 89.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8465; Filed, Aug. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27267]

ANHYDROUS AMMONIA FROM VICKSBURG, MISS., TO TEXAS

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3894.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Vicksburg, Miss.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3894, Supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8467; Filed, Aug. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27268]

SOYBEAN OIL FROM KANSAS AND MISSOURI TO POINTS IN ILLINOIS, KANSAS, AND MISSOURI

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Soybean oil and soybean oil foots or sediment, carloads.

From: Points in Kansas and Missouri.

To: Chicago, Ill., Kansas City, Mo.-Kans., and St. Louis, Mo. (on traffic accorded transit privileges at Denison, Tex.).

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: AT & SF Ry tariff I. C. C. No. 14703, Supp. 3; CRI & P RR. tariff I. C. C. No. C-13310, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8468; Filed, Aug. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27269]

PAPER AND PAPER ARTICLES FROM COLBY, WIS., TO ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

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tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3432.

Commodities involved: Paper and paper articles, carloads.

From: Colby, Wis.

To: Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, grouping, and market competition.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3432, Supp. 164.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8469; Filed, Aug. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27270]

RUBBER TIRES AND TUBES FROM PACIFIC COAST TERRITORY TO NEW ORLEANS, LA., JACKSON, MISS., AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. 1547.

Commodities involved: Rubber tires and tubes, carloads.

From: Pacific coast territory.

To: New Orleans, La., Jackson, Miss., and Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. 1547, Supp. 63.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8470; Filed, Aug. 1, 1952; 8:50 a. m.]

[4th Sec. Application 27272]

AMMUNITION BOXES FROM JACKSON AND VICKSBURG, MISS., TO EDGEWOOD, MD., AND PICATINNY, N. J.

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Boxes, ammunition, shell shipping or smokeless powder, carloads.

From: Jackson and Vicksburg, Miss.

To: Edgewood, Md., and Picatinny, N. J.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8472; Filed, Aug. 1, 1952; 8:50 a. m.]

[No. 9200]

RAILWAY MAIL PAY

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 21st day of July A. D. 1952.

Upon consideration of the record in the above-entitled proceeding and of a joint petition filed July 1, 1952, by the Postmaster General and the railroads, applicants at the time the Commission entered its order therein dated November 13, 1951, in 283 I. C. C. 503, for re-examination of the methods prescribed in that order for ascertaining rates and compensation for terminal service in connection with transportation of mail under certain authorizations for storage mail service, and for modification of the order with respect to such mail service on and after July 1, 1952, as more fully stated in the said petition; and for good cause appearing:

It is ordered, That the proceeding be, and it is hereby, reopened for further hearing with respect to the matters included in the said petition, at a time and place to be hereafter fixed;

It is further ordered, That a copy of this order be served upon the Postmaster General, and all carriers by railroad subject to the Railway Mail Pay Act of July 28, 1916, 39 Stat. 412, United States Code, Title 39, sections 524-568; and that notice be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register, the National Archives.

By the Commission.

[SEAL] W. P. BARTEL. *Secretary.*

[F. R. Doc. 52-8463; Filed, Aug. 1, 1952; 8:48 a. m.]

Reference room

FEDERAL REGISTER

VOLUME 17 NUMBER 152

Washington, Tuesday, August 5, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10378

RESTORING CERTAIN LAND AT HILO, HAWAII, TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain land at Hilo, Hawaii, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was set aside for aeronautical purposes of the United States by Executive Order No. 884 of the Governor of Hawaii, dated June 18, 1940; and

WHEREAS the said land is no longer needed for the purposes for which it was set aside, and it is deemed desirable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered that the land situated at Hilo, Hawaii, Territory of Hawaii, which was set aside for aeronautical purposes of the United States by Executive Order No. 884 of the Governor of Hawaii, dated June 18, 1940, be, and it is hereby, restored to the possession, use, and control of the Territory of Hawaii.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 31, 1952.

[F. R. Doc. 52-8591; Filed, Aug. 1, 1952; 4:13 p. m.]

EXECUTIVE ORDER 10379

SUSPENSION OF THE OPERATION OF CERTAIN PROVISIONS OF THE OFFICER PERSONNEL ACT OF 1947 APPLICABLE TO THE RETIREMENT OF COLONELS OF THE REGULAR ARMY AND THE REGULAR AIR FORCE

By virtue of the authority vested in me by subsection (f) of section 514 of the Officer Personnel Act of 1947 (61 Stat. 906), and as President of the United States, it is ordered that the operation of the provisions of paragraph 3, subsection (d), section 514 of the said Officer Personnel Act of 1947, applicable to the mandatory retirement of colonels of the Regular Army and the Regular Air Force be, and it is hereby, suspended for the duration of the emergency proclaimed by Proclamation No. 2914 of December 16, 1950, or until June 30, 1957, whichever is earlier, but only with respect to such colonels of the Regular Army and the Regular Air Force as the appropriate Secretary shall, in his discretion, select for retention on the active list from among those who but for the suspension made by this order would be eliminated from the active list and retired pursuant to the provisions of the said paragraph 3, subsection (d), section 514: *Provided*, that in no event shall the total number of officers so selected by the appropriate Secretary for retention exceed sixty per cent of the total number of officers in the respective service who but for the suspension made by this order would be eliminated from the active list and retired, after the date hereof, pursuant to the provisions of the said paragraph 3, subsection (d), section 514: *And provided further*, that such selection shall be based upon military needs, the qualifications of the officers selected, and such other factors as the appropriate Secretary may deem appropriate, and shall be effected in accordance with rules and regulations prescribed by the said Secretary, with the approval of the Secretary of Defense.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 2, 1952.

[F. R. Doc. 52-8713; Filed, Aug. 4, 1952; 12:07 p. m.]

EXECUTIVE ORDER 10380

DEFINING CERTAIN FUNCTIONS OF THE UNITED STATES HIGH COMMISSIONER FOR GERMANY

By virtue of the authority vested in me by section 109 (d) of the Economic Cooperation Act of 1948 (62 Stat. 142), as amended, and section 507 of the Mutual Security Act of 1951 (65 Stat. 380), and as President of the United States, it is ordered as follows:

(Continued on p. 7109)

CONTENTS

THE PRESIDENT

Executive Orders Page

Defining certain functions of the U. S. High Commissioner for Germany 7107

Restoring certain land at Hilo, Hawaii, to the jurisdiction of the Territory of Hawaii 7107

Suspension of the operation of certain provisions of the Officer Personnel Act of 1947 applicable to retirement of colonels of the Regular Army and the Regular Air Force 7107

EXECUTIVE AGENCIES

Agriculture Department

See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of

Notices:

Vesting orders, etc.:

Klehm, Paul 7132

Klein, Emil 7133

Koehler, Frieda 7133

Air Force Department

New Mexico; withdrawing public land for use of the Department for military purposes (*see* Land Management, Bureau of).

Civil Aeronautics Board

Notices:

Aerovias Interamericanas de Panama, S. A.; service from Tocumen, Panama, to Miami, Fla 7128

Rules and regulations:

Notice and reports of aircraft accidents and missing aircraft; non-air carrier accident reports 7111

Civil Service Commission

Rules and regulations:

Federal employees' pay regulations; general provisions 7109

Commerce Department

See National Productions Authority.

Commodity Credit Corporation

Rules and regulations:

Cotton; 1952 American-Egyptian purchase program 7109

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end (to be announced)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Customs Bureau — Page
Rules and regulations:
Liquidation of duties; procedure and notice — 7111

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area:
Anaconda, Mont., area — 7131
Battle Creek, Mich., area (2 documents) — 7130, 7131
Bridgeport, Conn., area — 7131
Bridgeport, Conn., and Portsmouth, N. H.-Kittery, Maine area — 7130
Portsmouth, N. H.-Kittery, Maine area — 7131

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Communications Commission — Page
Proposed rule making:
Frequency allocations and radio treaty matters:
Ship radiotelephone stations — 7127
Table of frequency allocations, aeronautical mobile (or) service — 7127

Federal Power Commission
Notices:
Hearings, etc.:
Northern Natural Gas Co. — 7129
Texas Eastern Transmission Corp — 7129

General Services Administration
Rules and regulations:
Stock piling of strategic and critical materials — 7125

Housing and Home Finance Agency
Rules and regulations:
Private defense housing in territories and possessions of the U. S.; special assistance for construction of defense housing in certain critical defense housing areas — 7118

Immigration and Naturalization Service
Rules and regulations:
Head tax; exemption of certain aliens connected with international organizations — 7110

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Rubber, crude, from, Texas and Louisiana to Brookhaven, Miss — 7130
Salt from Texas and Louisiana to New Hampshire, New York, Pennsylvania Vermont — 7130
Rules and regulations:
Brokers of property; practices in the matter of postponement of effective date — 7126
Car service, appointment of agent:
Movement of import ores restricted — 7126
Movement of iron ore restricted — 7125
Parts and accessories necessary for safe operation; qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment (2 documents) — 7126

Justice Department
See Alien Property, Office of; Immigration and Naturalization Service.

Land Management, Bureau of
Rules and regulations:
New Mexico; withdrawing public land for use of Department of the Air Force for military purposes — 7125

National Production Authority — Page
Rules and regulations:
Communications (M-77) — 7118
Construction (CMP Reg. 6) — 7115
Residential construction (M-100) — 7118
Steel distributors (M-6A) — 7114
Use of copper and aluminum and certain consumer durable goods and related products (M-47A, M-74) (2 documents) — 7116, 7118
Use of controlled materials in certain consumer durable goods (M-47B) — 7116

Price Stabilization, Office of
Rules and regulations:
Ceiling prices for territorial restaurants and eating and drinking establishments, adjustments (CPR 120) (CPR 120, SR 1) (2 documents) — 7111, 7113
Exemptions and suspensions of certain food and restaurant commodities (GOR 7) — 7112

Production and Marketing Administration
Proposed rule making:
Milk handling in Louisville, Ky., marketing area — 7127
Rules and regulations:
Apple purchase program; fresh Gravenstein — 7110
National Agricultural Conservation Program; 1953 — 7110

Securities and Exchange Commission
Notices:
Hearings, etc.:
Ebensburg Coal Co — 7131
Lawrence Investing Co., Inc. — 7132
Long Island Lighting Co. et al — 7132
Washington Oil Co — 7131

Treasury Department
See also Customs Bureau.
Notices:
2 percent certificates of indebtedness of Series C–1953; offering of certificates — 7128

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims — 7123
Veterans claims — 7123

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
884 (see EO 10378) — 7107
10063 (superseded by EO 10380) — 7107
10378 — 7107
10379 — 7107
10380 — 7107

Title 5
Chapter I:
Part 25 — 7109

CODIFICATION GUIDE—Con.

Title 6 — Page
Chapter IV:
Part 607 — 7109
Part 617 — 7110

Title 7
Chapter VII:
Part 701 — 7110
Chapter IX:
Part 946 (proposed) — 7127

Title 8
Chapter I:
Part 105 — 7110

Title 14
Chapter I:
Part 62 — 7111

Title 19
Chapter I:
Part 16 — 7111

Title 32A
Chapter III (OPS):
CPR 120 — 7111
CPR 120, SR 1 — 7113
GOR 7 — 7113
Chapter VI (NPA):
CMP Reg. 6 — 7115
M-6A, Dir. 3 — 7114
M-47A — 7116
M-47B — 7116
M-74 — 7118
M-74, Dir. 1 — 7118
M-77 — 7118
M-100 — 7118
Chapter XVII (HHFA):
CR 5 — 7118

Title 38
Chapter I:
Part 3 — 7123
Part 4 — 7123

Title 43
Chapter I:
Appendix (Public land orders):
859 — 7125

Title 44
Chapter I:
Part 99 — 7125

Title 47
Chapter I:
Part 2 (proposed) (2 documents) — 7127

Title 49
Chapter I:
Part 95 (2 documents) — 7125, 7126
Part 167 — 7126
Part 193 (2 documents) — 7126

SECTION 1. The United States High Commissioner for Germany (provided for by Executive Order No. 10062 of June 6, 1949, as amended by Executive Order No. 10144 of July 21, 1950), under the immediate supervision of the Director for Mutual Security and the coordination of the Special Representative for Europe (subject, however, to consultation with and ultimate direction by the President), shall be the representative of the said Director and the said Special Representative in all their relations and actions with respect to Germany.

SEC. 2. In performing his duties under section 1 hereof, the said High Commissioner shall be assisted by a Chief of Special Mission who shall be appointed by the Director for Mutual Security and who shall be acceptable to the High Commissioner. The Chief of Special Mission shall have the rank of Minister and shall act under the immediate supervision of the High Commissioner. (This section shall not be deemed to require reappointment of the Chief of Special Mission in office on the effective date of this order.)

SEC. 3. This order supersedes Executive Order No. 10063 of June 13, 1949, entitled "Defining Certain Functions of the United States High Commissioner for Germany".

SEC. 4. This order shall be effective as of August 1, 1952.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 2, 1952.

[F. R. Doc. 52-8714; Filed, Aug. 4, 1952; 12:07 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART B—GENERAL COMPENSATION RULES

GENERAL PROVISIONS

Paragraphs (b) and (c) of § 25.103 are amended to read as follows:

§ 25.103 *General provisions.* • • •

(b) (1) Subject to the mandatory requirements of paragraph (d) of this section and § 25.104, an employee who is reemployed, transferred, reassigned, promoted, repromoted, or demoted may be paid at any scheduled rate for his grade which does not exceed the employee's highest previous rate. If the employee's highest previous rate falls between two scheduled rates of the new grade, he may be given the higher rate. If the employee's existing rate of basic compensation is less than the minimum scheduled rate of the new grade, his compensation shall be increased to the minimum rate.

(2) When the grade of a position is reduced on post audit by the Commission, no rate paid as a result of the agency's classification of the position shall be used as the incumbent's highest previous rate if such agency classification was made, without fundamental change in the nature of the position or in position-classification standards of the Commission for such positions, after the Commission (under the Classification Act of 1923, as amended, or the Classification Act of 1949, as amended) had placed the position in a lower grade or had officially informed the agency that the position belonged in a lower grade (see 30 Comp. Gen. 319). The agency may fix the incumbent's rate of pay at any rate of the grade to which his position is reduced not higher than the rate he would have been receiving if the agency had classified the position in that grade, and may credit him with the service that he would then have had creditable toward his next step increase.

(c) An employee who had earned a rate above the maximum scheduled rate of his grade as the result of one or more longevity step increases in the same or higher grade, may, at the discretion of the department, be given any scheduled rate of his grade, or a comparable step above the maximum rate for his grade, when he is reemployed or transferred in the same or a lower grade or reassigned or demoted.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-8494; Filed, Aug. 4, 1952; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. American-Egyptian Cotton Bulletin 1, Amdt. 2]

PART 607—COTTON

SUBPART—1952 AMERICAN-EGYPTIAN COTTON PURCHASE PROGRAM

PURCHASE RATES

On July 27, 1951, new standards were promulgated for American-Egyptian cotton to be effective on and after August 1, 1952. These standards revise the grade numbers as follows:

New standards	*Old standards*
Grade 1	Grade 1
Grade 2	Grade 1½
Grade 3	Grade 2
Grade 4	Grade 2½
Grade 5	Grade 3
Grade 6	Grade 3½
Grade 7	Grade 4
Grade 8	Grade 4½
Grade 9	Grade 5
Grade 10	Below Grade 5

Section 607.306 of 1952 American-Egyptian Cotton Bulletin 1 (17 F. R. 1875) issued by Commodity Credit Corporation, is therefore, hereby amended to read as follows:

§ 607.306 *Purchase rates.* The following table shows the purchase rates by qualities and by location in cents per pound, net weight, for 1952-crop Amsak and Pima 32 varieties of eligible American-Egyptian cotton:

Grade	Staple					
	1 3/4"		1 5/16"		1 1/2" and longer	
	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas	Arizona and California	New Mexico and Texas
1	104.05	104.45	108.35	108.75	109.80	110.20
2	102.65	103.05	106.90	107.30	108.35	108.75
3	99.75	100.15	104.05	104.45	106.90	107.30
4	94.10	94.50	99.75	100.15	102.65	103.05
5	88.35	88.75	95.50	95.90	98.35	98.75
6	81.20	81.60	86.95	87.35	91.20	91.60
7	74.10	74.50	76.90	77.30	81.20	81.60
8	66.95	67.35	69.85	70.25	71.25	71.65
9	59.80	60.20	62.65	63.05	65.50	65.90

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 30th day of July 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

ELMER F. KRUSE,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8501; Filed, Aug. 4, 1952; 8:47 a. m.]

PART 617—FRUITS AND BERRIES, FRESH

SUBPART—FRESH GRAVENSTEIN APPLE PURCHASE PROGRAM TMP 96a3

§ 617.3 *Fresh Gravenstein apples, program TMP 96a3.* In order to encourage the domestic consumption of fresh Gravenstein apples by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, fresh Gravenstein apples will be purchased during the period July 31, 1952, to and including September 15, 1952, in instances where surpluses have created serious marketing problems, and subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Grades and other specifications, and purchase prices will be contained in purchase announcements which will be issued by the State PMA Office in the State of purchase. Information as to this purchase program may be obtained from the California State PMA Office or the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8531; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061(53)-1, Supp. 1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1953

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1953 National Agricultural Conservation Program, issued July 28, 1952 (17 F. R. 6995), is amended as follows:

Section 701.401 is amended to read as follows:

§ 701.401 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated to any State shall not be reduced more than 15 percent from its proportionate 1952 distribution. The allocation of funds among the States is as follows:

Alabama	$5,946,000
Alaska	27,000
Arizona	1,446,000
Arkansas	4,574,000
California	4,986,000
Colorado	3,248,000
Connecticut	487,000
Delaware	327,000
Florida	2,219,000
Georgia	6,897,000
Hawaii	182,000
Idaho	1,645,000
Illinois	7,936,000
Indiana	5,086,000
Iowa	8,605,000
Kansas	6,381,000
Kentucky	5,851,000
Louisiana	4,035,000
Maine	$917,000
Maryland	1,278,000
Massachusetts	527,000
Michigan	4,549,000
Minnesota	5,496,000
Mississippi	6,253,000
Missouri	8,737,000
Montana	3,455,000
Nebraska	5,969,000
Nevada	281,000
New Hampshire	477,000
New Jersey	711,000
New Mexico	1,775,000
New York	4,635,000
North Carolina	6,042,000
North Dakota	4,460,000
Ohio	5,280,000
Oklahoma	7,203,000
Oregon	2,103,000
Pennsylvania	4,923,000
Puerto Rico	820,000
Rhode Island	82,000
South Carolina	3,184,000
South Dakota	4,645,000
Tennessee	5,166,000
Texas	18,455,000
Utah	1,259,000
Vermont	1,021,000
Virgin Islands	12,000
Virginia	4,091,000
Washington	2,322,000
West Virginia	1,549,000
Wisconsin	5,167,000
Wyoming	1,949,000

(b) The apportionment shown above does not include the amount set aside for administrative expenses, the amount required for size-of-payment adjustments in § 701.479, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 28th day of July 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8530; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter B—Immigration Regulations

PART 105—HEAD TAX

EXEMPTION OF CERTAIN ALIENS CONNECTED WITH INTERNATIONAL ORGANIZATIONS

JULY 18, 1952.

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER of May 20, 1952 (17 F. R. 4950), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and in which there were stated in full the terms of proposed amendments to the rules relating to the classes of aliens who are exempt from payment of head tax. No representations have been received concerning the proposed amendments. The rules, as stated below, are hereby adopted. The provisions of the adopted rules are the same as those stated in the notice of proposed rule making.

Paragraph (p) of § 105.3, Chapter I, Title 8 of the Code of Federal Regulations, is amended so that, when taken with the introductory material, it will read as follows:

§ 105.3 *Aliens not subject to head tax.* The head tax shall not be levied upon the following classes of aliens:

* * * * *

(p) *Aliens connected with certain international organizations.* (1) Representatives of foreign governments in or to international organizations designated by the President by Executive order as entitled to enjoy privileges, exemptions, and immunities as international organizations under the International Organizations Immunities Act (59 Stat. 672; 22 U. S. C. 288d), or officers or employees of such international organizations, and the families, attendants, servants, and employees of such representatives, officers, or employees.

(2) Representatives of foreign governments in or to, or officials of, specialized agencies as defined in Article 57, paragraph 2, of the United Nations Charter (59 Stat. 1031), proceeding to the headquarters district of the United Nations, or the families of such representatives or officials, proceeding to the headquarters district.

(3) Aliens proceeding to the headquarters district of the United Nations who have any of the following relationships to the United Nations or to a specialized agency as defined in Article 57, paragraph 2, of the United Nations Charter:

(i) Experts performing missions for the United Nations or for such specialized agency;

(ii) Representatives of the press, or of radio, film, or other information agencies, who have been accredited by the United Nations or by such specialized agency;

(iii) Other persons invited to the headquarters district by the United Nations or by such specialized agency on official business.

(4) Representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the United Nations Charter.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

The rules stated above shall become effective on the thirty-first day following their publication with this order in the FEDERAL REGISTER.

The basis and purpose of the rules prescribed above are to include in the classes of aliens not subject to head tax all the classes enumerated in section 11 of the United Nations Headquarters Agreement (61 Stat. 761).

[SEAL] ARGYLE R. MACKEY,
Commissioner of Immigration and Naturalization.

Approved: July 28, 1952.

JAMES P. MCGRANERY,
Attorney General.

[F. R. Doc. 52-8518; Filed, Aug. 4, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regulations, Amdt. 62-1]

PART 62—NOTICE AND REPORTS OF AIRCRAFT ACCIDENTS AND MISSING AIRCRAFT

NON-AIR CARRIER ACCIDENT REPORTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of July 1952.

The attention of the Board has been called to the fact that many owners and operators of non-air carrier aircraft fail to report accidents in which no injury results to personnel although the aircraft suffers substantial damage. It appears that many persons are unable to evaluate "substantial damage" as that term is used in Part 62 in the definition of aircraft accident, and would prefer a reporting requirement modeled after State automotive reporting statutes where a dollar amount based upon cost of repair is the established criteria.

Various dollar amounts have been suggested to be consistent with those established for particular States for the reporting of automobile accidents. However, the Board considers that a figure of $100 is sufficiently low to insure that the Board will obtain reports of all incidents where an aircraft suffers substantial damage, and at the same time will not unduly burden it with reports of minor and trivial incidents which would serve no useful purpose.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 62 of the Civil Air Regulations (14 CFR Part 62, as amended), effective September 28, 1952:

1. By amending § 62.36 to read as follows:

§ 62.36 *Report of aircraft accident.* A written report shall be made of every aircraft accident incident to flight, involving aircraft of United States registry, wherever it may occur. Upon request to the pilot, owner, or operator by an authorized representative of the Civil Aeronautics Board or the Civil Aeronautics Administration, a written report will also be required on any aircraft accident not incident to flight, or on any occurrence involving minor injury or minor damage. For the purpose of this section only, "substantial damage", as used in the definition of aircraft accident, is damage where the reasonably estimated cost of repair is $100 or more.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 702, 52 Stat. 1007, 1013; 49 U. S. C. 551, 582)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8534; Filed, Aug. 4, 1952; 8:54 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53059]

PART 16—LIQUIDATION OF DUTIES

PROCEDURE; NOTICE OF LIQUIDATION

In the computation of duties in the liquidation of all formal entries, ad valorem rates are applied to the values in even dollars, in accordance with the customs regulations. It is believed that it would be good administrative practice and in the over-all public interest to authorize the extension of the practice to all other kinds of entries. Accordingly, § 16.2 (a), Customs Regulations of 1943 (19 CFR 16.2 (a)), as amended, is hereby amended by deleting the last sentence.

This amendment shall be effective as to entries liquidated on and after 30 days after publication of this amendment in the weekly Treasury Decisions. Compliance with the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is considered unnecessary and contrary to the public interest inasmuch as the changes prescribed will facilitate the computation of duties and will result in only slight increases or decreases in the amounts of duties as now computed.

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 29, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8490; Filed, Aug. 4, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 120, Amdt. 3]

CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

The restaurant prices in the territories and possessions were frozen by the GCPR, which was effective January 26, 1951, at the highest prices in effect during the base period, December 19, 1950 to January 25, 1951. On March 13, 1951, CPR 11, an interim regulation, was issued which established ceiling prices on the basis of a fixed markup over cost of food.

Since the issuance of CPR 11, however, food costs have become relatively stable

and accordingly, after a thorough study of industry practices in the Territories, on January 17, 1952, CPR 120, freezing restaurant prices at the level prevailing in the period January 2 through January 15, 1952, was issued by the OPS.

Because it was felt desirable, prior to permitting adjustments, to have a period of operating experience under CPR 120, no adjustment provision was set forth in that regulation. Based on operational experience of more than 5 months, the OPS is now ready to provide an adjustment section for the regulation.

Some restaurant operators during the period January 2 to January 15, 1952, were using as their selling prices, prices which were lower than the ceiling prices permitted them under CPR 11. These sellers were absorbing at least a part of the increased cost of food. This amendment, therefore, permits sellers whose food cost ratio per dollar of sales for the three-month period, January–March, 1952, was higher than their food cost ratio per dollar of sales in the base period of CPR 11, to redetermine their ceiling prices, prior to October 1, 1952, to reflect the increased costs. Similarly, a seasonal operator is permitted by this amendment to redetermine his ceiling prices to reflect any increased food costs he experienced in his 1951 or 1952 season over his corresponding seasonal period of operation during the CPR 11 base period.

This adjustment is a one-time action. Food costs in the territories will be constantly observed by the OPS and if it appears that there are subsequent disproportionate increases in costs of certain foods the OPS will consider issuing a further adjustment provision.

There are areas in the territories where the Wage Stabilization Board has permitted one or more wage increases for the employees of the restaurant industry. Historically, the industry has varied prices of meals, food items, and beverages with variations in food cost only. The steady increase in certain areas in the territories, however, has made it necessary under the Industry Earnings Standard of the OPS to permit an adjustment for operators whose labor cost per dollar of sales ratio for the month immediately preceding the month in which his application is filed has increased over the corresponding month of 1951, provided his food cost ratio per dollar of sales for the preceding three-month period has not decreased more than 5% from his food cost ratio per dollar of sales in the corresponding three-month period of 1951. These restaurateurs are permitted by this amendment to apply to the OPS for an increase in ceiling prices which will reflect the increase in the labor cost per dollar of sales ratio. In formulating this amendment, the Director of OPS has consulted with industry representatives in each of the territories, including industry advisory committees and trade association representatives, and has given consideration to their recommendations. In his judgment, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Ceiling Price Regulation 120 is amended by inserting section 13 as follows:

SEC. 13. *Adjustments*—(a) *Food costs.* If the food cost per dollar of sales ratio actually experienced by you during the three month period January–March, 1952, was higher than the food cost per dollar of sales ratio during the adjustment base period (defined in section 20 (a)), you may, not later than October 1, 1952, recalculate your ceiling prices in the following manner:

Divide the food cost per dollar of sales ratio for the three month period January–March, 1952, by the food cost per dollar of sales ratio in the adjustment base period. Multiply your present ceiling price for each meal, food item, or beverage by the result of this division. Example: Your food cost per dollar of sales ratio for the adjustment base period is 40%. Your food cost per dollar of sales ratio for the three month period January–March, 1952, is 42%. .42÷.40=1.05. You sell a dinner with a ceiling price of $1.00 otherwise established under this regulation. $1.00×1.05=$1.05, your new ceiling price for that dinner. The price thus determined is your new ceiling price for that meal, food item, or beverage only when you have made the necessary reports and posted the required posters under the provisions of paragraph (d) of this section.

(b) *Seasonal operators.* If you are a seasonal operator, as indicated in section 5 of this regulation, and the food cost per dollar of sales ratio actually experienced by you during your 1951 or 1952 seasonal period was higher than the food cost per dollar of sales ratio during the corresponding period in the adjustment base period, you may recalculate your ceiling price in the following manner:

Divide the food cost per dollar of sales ratio for the seasonal period of 1951 or 1952 by the food cost per dollar of sales ratio of the corresponding period of the adjustment base period. Multiply your present ceiling price for each meal, food item, or beverage by the result of this division. The price thus computed becomes your ceiling price for that meal, food item, or beverage, only when you have complied with the reporting and posting requirements of paragraph (d) of this regulation.

(c) *Labor or wage increase adjustments.* You may apply by registered mail for an increase in your ceiling price to reflect the increase in your labor cost if your labor cost per dollar of sales ratio for the calendar month preceding the date of your application is more than your labor cost per dollar of sales ratio for the corresponding month of 1951, and if your food cost ratio for the three calendar month period immediately preceding the date of your application has not decreased more than five per cent from your food cost ratio per dollar of sales for the corresponding three month period of 1951. The application, which must be signed, must be addressed to your Territorial Office of the Office of Price Stabilization and must contain the following information:

(1) Name and address of business.

(2) Labor cost per dollar of sales ratio for the calendar month preceding the date of your application (indicating what month is used).

(3) Labor cost per dollar of sales ratio for the corresponding month of 1951 (indicating what month is used).

(4) Food cost per dollar of sales ratio for the three month period immediately preceding the date of your application.

(5) Food cost per dollar of sales ratio for the corresponding three month period of 1951.

(6) Proposed percentage increase in ceiling prices. (Subtract subparagraph (3) from (2).)

The Director of Price Stabilization may, by order, approve, disapprove, or revise downward the percentage markup proposed in your application. You may not use your new ceiling prices based on this markup until the Director has notified you, in writing, of his approval of your markup and until you have inserted your new ceiling prices on a new poster provided by the OPS, and posted it in your restaurant.

(d) *Notification and posting.* (1) You must notify your OPS Territorial Office in writing of the factor you used in recomputing your ceiling prices under paragraph (a) or (b) of this section. You must also in this statement include your business name and address and a statement of the food cost per dollar of sales ratios used by you to determine the factor by which you increased your ceiling prices.

(2) Before you may use the ceiling prices computed under paragraphs (a), (b), and (c) of this regulation, you must obtain a new OPS official poster from your OPS Territorial Office and list on the poster the items required under the regulation. The new poster will take the place of your present poster and must be displayed as required in section 8 of this regulation.

(e) *Rounding of fractions.* You may elect which of the two following methods of rounding you wish to use, but having made that election, you must use that method of rounding for all ceiling prices recomputed under paragraphs (a), (b), or (c) of this section.

(1) You must round ceiling prices to the nearest multiple of 5¢. Prices which are 2½¢ or more higher than the next lowest multiple of 5¢ may be rounded upward, or prices which result in a fraction of less than 2½¢ above the next highest multiple 5¢ figure must be rounded downward; or

(2) Fractions of a cent must be dropped if less than ½¢ and may be increased to the next highest cent if ½¢ or more.

2. Section 20 of CPR 120 is amended by adding at the end of the section the following definitions:

(l) "Food cost per dollar of sales ratio" means the ratio between the total cost of "food" and the total sales. In computing this ratio for periods other than the base period, you must use the same methods as those used in the base period of CPR 11, treating taxes in the same way as you did then, and including only items of expense in food cost that you included then. However, if it was your custom to include in your food cost some nominal non-food items such as ice, straws, and napkins, you may continue to do so. "Food" includes beverages, both alcoholic and non-alcoholic unless you kept separate records showing the cost and gross sales of alcoholic beverages in which case you may maintain a separate "food cost per dollar of sales ratio" for alcoholic beverages.

(m) "Labor cost per dollar of sales ratio" means the ratio between your total expenditures for labor in connection with your restaurant business in a specified period and your total sales in that period. If you maintain a separate food cost ratio for alcoholic beverages, you must compute two separate labor cost ratios, apportioning your labor costs accordingly.

(n) "Adjustment base period" means the calendar year 1950, or the twelve month period ending June 30, 1950.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This ceiling price regulation 120, Amendment 3 is effective August 9, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8709; Filed, Aug. 4, 1952; 4:00 p. m.]

[Ceiling Price Regulation 120, Supplementary Regulation 1]

CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

SR 1—ADJUSTMENTS FOR INCREASES IN FOOD COSTS IN ALASKA, GUAM, AND HAWAII, DUE TO WEST COAST MARITIME STRIKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 1 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

The strike on the west coast of the United States, and the exemption of fresh fruits and vegetables from price control by the Defense Production Act Amendments of 1952, particularly at a time when, because of the strike they are in short supply, has caused an increase in costs to operators of restaurants in Alaska, Guam, and Hawaii, and in some instances a severe squeeze on their margins. Consultation with members of the industry indicates that the continued operation of Ceiling Price Regulation 120 through this strike period might result in restaurant operators receiving less than the margin required by section 402 (k) of the Defense Production Act.

This supplementary regulation, therefore, permits restaurant operators in these three territories to increase their ceiling prices otherwise established under Ceiling Price Regulation 120, by the percentage increase in their food costs during a current 30 day period, as compared with their food costs during the month of May 1952.

The Office of Price Stabilization will revoke this Supplementary Regulation when it deems the strike emergency has ended.

The Office of Price Stabilization has consulted informally with many members of the restaurant industry in these territories, and has given consideration to their recommendations in the formulation of this supplementary regulation. In the judgment of the Director of Price Stabilization, this supplementary regulation is fair and equitable and is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustments.
3. Posting.
4. Records.
5. Applicability of Ceiling Price Regulation 120.
6. Definitions.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation establishes a method whereby operators of restaurants and eating and drinking establishments in the Territories of Alaska and Hawaii and in Guam may recompute their ceiling prices to reflect recent increases in certain food costs.

SEC. 2. *Adjustments.* If you operate a restaurant or eating and drinking establishment in the Territory of Alaska, the Territory of Hawaii, or in Guam, and your ceiling prices are established by Ceiling Price Regulation 120, your ceiling prices otherwise established under CPR 120 may be increased by a percentage markup to be calculated as follows:

(a) *First calculation.* (1) Determine your total food costs for the month of May, 1952. This figure is hereafter referred to as your "base adjustment cost."

(2) Determine your total food cost for the 30 day period immediately preceding the date of your calculation.

(3) Divide subparagraph (2) by subparagraph (1) and subtract 1.00 from the result, which when multiplied by 100 to clear the decimal, is the percentage markup by which your ceiling prices otherwise established under CPR 120 may be increased.

(b) *Second and succeeding calculations.* (1) If you have elected to take advantage of the supplementary regulation you must, at the end of each 30 day period following your original calculation, calculate your total food cost for that 30 day period.

(2) Divide this figure by your base adjustment cost.

(3) If the percentage markup resulting from this division is lower than your percentage markup calculated under paragraph (a) of this section, you must use this lower percentage markup instead of the percentage markup calculated under paragraph (a). You need not, however, decrease your selling prices below the ceiling prices otherwise established under CPR 120. If your percentage markup is higher than that computed under paragraph (a), you may use the higher figure in computing your ceiling prices.

SEC. 3. *Posting.* In the immediate vicinity of the poster which you are required to post in your establishment under section 8 of CPR 120, you must post a statement which is to read as follows: "For the duration of the strike emergency, the OPS has authorized us to increase our prices by ——— percent."

SEC. 4. *Records.* In addition to the records you are required to keep under CPR 120, you must keep, for two years, records showing your food cost for the 30 day periods used in determining your markup. You must also keep your worksheets showing the calculation of the percentage markup.

SEC. 5. *Applicability of Ceiling Price Regulation 120.* Except as modified by the provisions of this supplementary regulation, all of the provisions of CPR 120 remain in full force and effect.

SEC. 6. *Definitions.* The terms "food cost" or "cost of food" as they are used in this supplementary regulation include only customary purchases of customary quantities from your customary type of supplier. Food costs may not exceed your supplier's ceiling prices in any case, nor may food costs include extraordinary shipping charges such as air freight, unless you customarily, prior to January 26, 1951, purchased the same commodity shipped by air freight and passed those freight charges on to your customers, or unless the Office of Price Stabilization by regulation, specifically authorizes the passing through of air freight or other extraordinary freight charges on a specific commodity.

Effective date. This Supplementary Regulation 1 to Ceiling Price Regulation 120 is effective August 4, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8710; Filed, Aug. 4, 1952; 4:00 p. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 6]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

CIGARS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 7, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 7, Revision 1, suspends the provisions of the General Ceiling

Price Regulation (GCPR) and Ceiling Price Regulation (CPR) 31 on and after August 4, 1952, insofar as these regulations are applicable to cigars. This action is taken in line with the agency's general policy relating to the suspension or relaxation of price controls.

Ceiling prices for cigars were set by the GCPR at the start of the present stabilization program. These ceilings have never been changed, except that imported cigars, like other imported commodities, have been placed under CPR 31.

Market prices, thus far, have generally remained at the GCPR ceilings, according to all available evidence. It has been indicated for some time, however, that cigar manufacturers might be entitled to a price increase because of increased costs of labor and leaf tobacco. A survey of the industry's position, therefore, was undertaken by OPS. Upon its completion it became clear that under the industry earnings standard a small increase was in order. In putting such an increase into effect, however, several difficulties would be encountered.

In the first place, a price increase of a few percent would amount to a small fraction of a cent per cigar. Since cigars are sold by the piece, or in units of a few, the minimum increase which would be practical would have to exceed the amount required under the industry earnings standard.

A further increase would be necessary because of special features of the excise tax. This tax is graduated by retail price classes, with a uniform tax rate set for all cigars in each price class. For instance, a tax of $4.00 per thousand applies to cigars sold at retail for over 4 cents and not over 6 cents; a tax of $7.00 per thousand applies to those sold over 6 cents and not over 8 cents; a tax of $10.00 per thousand to those sold over 8 cents and not over 15 cents; and so forth. These price classes, and those below and above them, are set so as to fit the customary price schedules of the industry. If present prices were increased by the minimum practical amounts, some price categories would move from one tax bracket to the next higher and the tax increase would be greater than the price increase. Therefore, a still greater price increase would have to be made so as to allow the industry to raise its revenue by the amount indicated under the industry earnings standard.

On the other hand, there is evidence indicating that the industry would not, and perhaps could not, raise its selling prices as much as ceiling prices would have to be increased. Sales of cigars have tended to decline for a number of years. While the decline in the total number of cigars sold was arrested or reversed in a few of the more recent years, this was due only to the substitution of smaller and low-priced cigars for larger cigars. In spite of this shift in production, the industry has not been able to retain its share of the market for tobacco products. For instance, it is estimated according to the Department of Agriculture figures that last year 15 cigars were sold for each thousand cigarettes while five years earlier the ratio was 19 to a thousand; and, for each dollar spent on cigarettes last year, consumers spent only about 13 cents on cigars, as against 21 cents five years earlier. Thus the amount spent has declined relatively much more sharply than the number of units sold.

There is at present no evidence of inflationary pressure sufficient to modify significantly this long range trend. It, therefore, is safe to conclude that in the absence of control, market prices would be materially below ceiling prices if these were raised not only by the small amount justified under the industry earnings standard but by the substantially larger amount necessitated by the conditions discussed above, especially the excise tax schedule. The available evidence further indicates no prospect that price increases, if any, would be large enough to approach the higher ceilings and would thus require the reimposition of ceilings in the foreseeable future. Thus cigars are found to conform at present to the requirements of the agency's suspension standards. While this finding would technically be more obvious after the otherwise required increase in ceiling prices, the purpose of price stabilization clearly is better served by permitting suspension immediately rather than first issuing ceiling prices inflated to meet the unusual technical difficulties here involved.

It is, therefore, the judgment of the Director of Price Stabilization that price ceilings on cigars at this time are not needed for the achievement of the purposes of the Defense Production Act of 1950, as amended, and therefore should be suspended. The Director may at any time terminate or modify this suspension if he determines that such action is necessary in the interest of the stabilization program, and the suspension will be terminated, in any event, if the prices of cigars generally, or of types of cigars accounting for a substantial proportion of total sales, approach and threaten to exceed the ceiling prices required under the act and the standards of the agency.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. In the judgment of the Director of Office of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by the addition of section 11 to Article III to read as follows:

SEC. 11. *Suspension of controls applicable to cigars.* On and after August 4, 1952, the application of all ceiling price regulations, heretofore or hereafter issued by the OPS, relating to the sales of imported or domestic cigars is suspended. If, however, you are a seller of such cigars and were required by any regulation heretofore issued to keep, prepare, or preserve any record concerning these commodities, you shall continue to preserve and make available for examination by the Office of Price Stabilization in the manner and for the period set forth in that regulation, all such records which you were required to have on August 3, 1952. In addition, the Director of Price Stabilization or his authorized representative may, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, request, or require you to submit data pertaining to prices charged for those commodities and to changes made in the prices of these commodities after August 3, 1952. This suspension will continue unless and until the Director of Price Stabilization terminates or modifies it.

Effective date. This Amendment 6 to GOR 7, Revision 1, is effective August 4, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8708; Filed, Aug. 4, 1952; 12:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-6A, Direction 3 as Amended Aug. 1, 1952]

M-6A—STEEL DISTRIBUTORS

DIR. 3—SUPPLEMENTAL SHIPMENTS BY PRODUCERS; LIMITATIONS ON DISTRIBUTORS' DELIVERIES

This direction, as amended, to NPA Order M-6A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the issuance of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Direction 3, dated July 28, 1952, to NPA Order M-6A is hereby amended as follows:

Section 2 is amended to exclude material in process on July 28, 1952, and to clarify the provisions of said section with respect to its application to each item of steel, section 3 is amended for purposes of clarification and to add a paragraph excluding oil country goods from the provisions of said section.

Sec.
1. What this direction does.
2. Limitations on deliveries by distributors.
3. Shipments to distributors.
4. Item limitation.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10261, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction makes a number of changes in the present orders and regulations concerning steel distributors. These changes are occasioned by the recent work stoppage in the steel industry. It requires certain forms and shapes in stock or acquired by distributors to be shipped or delivered by them only on defense orders for a limited period. It increases the quantities of steel required to be shipped by producers to distributors subject to certain limitations. It makes provision with respect to the recent production losses. It temporarily modifies section 5 of NPA Order M-6A by permitting steel distributors to accept and fill orders for smaller quantities than heretofore required.

SEC. 2. *Limitations on deliveries by distributors.* From the effective date of this direction through the close of business August 7, 1952, no steel distributor shall ship or deliver any item of any steel product in the shapes and forms listed in List A of this direction from his inventory of such steel on hand on July 28, 1952, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C, or E and one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-2: *Provided*, That this limitation shall not apply to any item of any steel product which, as of July 28, 1952, had been processed, or was in process, to meet a customer's particular specifications. No steel distributor, who receives steel in the shapes and forms listed in List A of this direction during the period from the effective date of this direction through the close of business December 31, 1952, shall ship or deliver more than 50 percent of the tonnage of any item of any steel product listed in List A, received in any one shipment during such period for a period of 15 days after receipt of any such shipment, except on authorized controlled material orders bearing a program identification consisting of the letter A, B, C or E and one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-2. Accurate records of each transaction covered by this section shall be set up and maintained by each steel distributor in accordance with and pursuant to the provisions of section 10 of NPA Order M-6A.

SEC. 3. *Shipments to distributors.* (a) Subject to the limitations in this paragraph, each producer shall be obligated to accept purchase orders from steel distributor customers which call for shipments during the months of September, October, and November, 1952, or to ship on unfilled orders calling for earlier delivery, up to a minimum of not less than 120 percent of the base tonnage of each steel distributor customer instead of the 100 percent presently provided in section 3 of NPA Order M-6A. A producer may cancel orders (to the extent hereafter provided) for any product received from any steel distributor customer in excess of such distributor's base tonnage of that product, if the total tonnage of orders for that product scheduled for delivery in that month from steel distributors, from further converters as defined in NPA Order M-1, and from persons placing authorized controlled material orders bearing a program identification consisting of the letter A, B, C or E and one digit (including the program identification B-5 where it appears as a suffix), or the program identification Z-2, exceeds 50 percent of the producer's planned production for that month. The amount by which such orders mentioned in the preceding sentence exceed 50 percent of such producer's planned production is herein referred to as the "supplemental tonnage." If the supplemental tonnage amounts to 20 percent or more of the base tonnage of all steel distributor customers, then all steel distributor orders for that product in excess of the base tonnage shall be cancelled. If the supplemental tonnage is less than 20 percent of the base tonnage of all steel distributor customers then a percentage of the orders for that product from any steel distributor customer in excess of such distributor's base tonnage of that product shall be cancelled. Such percentage shall be determined by dividing the supplemental tonnage by 20 percent of the base tonnage of all steel distributor customers. If any such order is cancelled there shall be no obligation upon the producer cancelling the order to fill the same in a subsequent month.

(b) To the extent practicable and within the limitations of paragraph (a) of this section, producers shall ship during August 1952 to their steel distributor customers up to a minimum of 120 percent of their base tonnage on orders calling for delivery during the month of August or in prior months.

(c) Under section 3 to NPA Order M-6A producers are required to accept purchase orders from steel distributor customers up to a minimum of 100 percent of such distributor's base tonnage. To the extent that shipments of such orders were or are stopped for reasons occasioned by the work stoppage, producers are not required to accept orders pursuant to section 3 of NPA Order M-6A, provided tonnage is shipped to distributors in the quantities provided in section 3 (a) of this direction, it being the intent hereof that the flow of steel to distributors commence immediately pursuant to this section 3, but that producers be relieved of any obligation to make up lost tonnages.

(d) The provisions of this section shall not be applicable to oil country casing, tubing, drill pipe, or couplings.

SEC. 4. *Item limitation.* During the period from the effective date of this direction through the close of business November 29, 1952, no steel distributor shall be required to make delivery on an authorized controlled material order from inventory to any one customer to any one destination during any calendar week of any item of a steel product in quantities in excess of the following:

Any item of carbon steel more than 4,000 pounds.

Any item of alloy steel more than 2,500 pounds.

Any item of stainless steel sheet more than 1,000 pounds.

Any item of stainless bars and plates more than 500 pounds.

Any item of stainless tubing or pipe more than 500 pounds or feet, whichever is less.

In no case shall a steel distributor be required to make deliveries to any one customer aggregating 20,000 pounds or more during any calendar week unless the deliveries include 10 or more different items, subject to the limitations of the preceding sentence as to each item.

This direction, as amended, shall take effect August 1, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A

Bar, hot-rolled.
Bar, cold-finished.
Electrical sheet and strip (high-grade).[1]
Structural shapes (wide-flanged sections).[2]
Pressure tubing—seamless and welded.
Mechanical tubing—seamless.
Plate, sheared.
Sheet and strip—hot-rolled.
Sheet and strip—cold-rolled.

[F. R. Doc. 52-8610; Filed, Aug. 1, 1952; 5:12 p. m.]

[Revised CMP Regulation No. 6, Amendment 3 of August 4, 1952]

CMP REG. 6—CONSTRUCTION

AMENDMENT OF SECTION 24 AND TABLE II

This amendment to Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This amendment affects section 24, and Table II of Revised CMP Regulation No. 6, as last amended by Amendment 2 of July 23, 1952. It completely revokes the present section 24 of the regulation, and substitutes a new section 24 in its place. It changes some of the quantities of copper and aluminum specified in Table II of the regulation for which self-authorization orders may be placed.

AMENDATORY PROVISIONS

Revised CMP Regulation No. 6 is amended in the following respects:

1. Section 24 is amended to read as follows:

[1] AISI—M17, M15, M14, end oriented.

[2] Wide-flanged sections are steel beams or columns having parallel face flanges rolled on a universal structural mill or Gray mill, in sizes ranging in depth from 4 to 36 inches.

SEC. 24. *Limitations on the use of controlled materials.* (a) Except as permitted in paragraph (c) of this section, no person shall use aluminum controlled material (as defined in Table III of this regulation) in, or in connection with, the construction of any building, structure, or project of a type specified in Table I of this regulation (Recreational, entertainment, and amusement construction).

(b) Aluminum controlled material may be used for any purpose in all construction other than the categories specified in Table I of this regulation (Recreational, entertainment, and amusement construction).

(c) In any construction project of the type specified in Table I of this regulation (Recreational, entertainment, and amusement construction), aluminum may be used, but only as a conductor of electric current.

2. Table II is amended to read as follows:

TABLE II—CATEGORIES OF CONSTRUCTION AND QUANTITIES OF CONTROLLED MATERIALS FOR WHICH PURCHASE ORDERS MAY BE SELF-AUTHORIZED

1. *Construction of industrial plants, factories, or facilities:*

NOTE: These quantities are per project, per quarter.

25 tons of carbon steel and alloy steel, including all types of structural shapes (not to include more than 2½ tons of alloy steel and no stainless steel).
5,000 pounds of copper and copper-base alloys.
4,000 pounds of aluminum.

2. *Construction and maintenance of all rural and urban highways, etc., under the jurisdiction of the Bureau of Public Roads (see Table IV of this regulation):*

NOTE: These quantities are per project, and not per quarter.

25 tons of carbon steel (not to include more than 2 tons of all types of structural shapes).
500 pounds of copper and copper-base alloys.
500 pounds of aluminum.
No stainless steel or alloy steel.

3. *Categories of construction specified in Table I of this regulation (Recreational, entertainment, and amusement construction), and housing on military reservations and all military housing under P. L. 211, 81st Congress (Wherry Act) and federally owned housing on federally owned property under the control of the Atomic Energy Commission:*

No self-authorization is permitted.

4. *All other construction (see section 28 of this regulation for exemptions from this regulation):*

NOTE: These quantities are per project, per quarter.

5 tons of carbon steel (not to include more than 2 tons of structural shapes but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No stainless steel or alloy steel.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8692; Filed, Aug. 4, 1952; 11:39 a. m.]

[NPA Order M-47A, Amendment 1 of August 4, 1952]

M-47A—USE OF COPPER AND ALUMINUM IN CERTAIN CONSUMER DURABLE GOODS AND RELATED PRODUCTS

AMENDMENT OF SECTION 3 (a)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different trades and industries.

AMENDATORY PROVISIONS

NPA Order M-47A, as amended October 11, 1951, is hereby further amended by revising paragraph (a) of section 3 to read as follows:

SEC. 3. *Prohibited use of copper and aluminum.* (a) Prior to August 4, 1952, no person who produces any product included in List A or List B of this order or who produces any part specifically designed for use in any such product shall:

(1) Use copper or aluminum, or any part containing either such material, for any ornamental or decorative purpose, except in an end-product which is primarily ornamental or decorative and is not ordinarily permanently attached to or used as a part of another end-product; or

(2) Subject to the same exception as is stated in the preceding subparagraph, use a greater quantity of copper or aluminum, or any part containing a greater quantity of either such material, than is necessary for functional or operational purposes; or

(3) Use a better grade of copper or aluminum, or any part containing a better grade of either such material, than is necessary for functional or operational purposes.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154).

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8693; Filed, Aug. 4, 1952; 11:39 a. m.]

[NPA Order M-47B, as Amended August 4, 1952]

M-47B—USE OF CONTROLLED MATERIALS IN CERTAIN CONSUMER DURABLE GOODS

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different trades and industries.

EXPLANATORY

NPA Order M-47B, as amended April 15, 1952, and as further amended by Amendment 1 of July 14, 1952, is hereby amended by deleting section 5 of the order, which has heretofore prohibited the use of copper and aluminum for certain purposes, and by deleting or amending certain definitions and other provisions of the order to the extent they relate to the prohibited use of such materials. This amendment amends section 1, deletes paragraphs (b) and (c) of section 2, amends section 3, amends paragraphs (a) and (b) of section 4, deletes paragraph (d) of section 4, deletes section 5, redesignates sections 6 through 9 as sections 5 through 8 respectively, and amends Schedule I of the order.

REGULATORY PROVISIONS

Sec.
1. Purpose.
2. Definitions.
3. Application of this order.
4. Authority to use allotments of controlled materials to produce other products.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 8 CFR, 1951 Supp.

SECTION 1. *Purpose.* The purpose of this order is to provide for a degree of flexibility in the production of certain consumer durable goods, by permitting a CMP allotment received for the production of one product to be used, subject to certain limitations, in the production of a different product.

SEC. 2. *Definitions.* The following terms shall have the same meanings as given for such terms in section 2 of CMP Regulation No. 1.

(1) Person.
(2) Controlled material.
(3) Industry division.
(4) Prime consumer.
(5) Allotment.
(6) Class A product.
(7) Class B product.

SEC. 3. *Application of this order.* This order applies to any producer of any Class B product in Schedule I of this order. This order does not apply to the production of controlled materials.

SEC. 4. *Authority to use allotments of controlled materials to produce other products.* (a) Notwithstanding the provisions of any CMP regulation, any prime consumer, who has received from an industry division an allotment of any iron and steel, copper, or aluminum in the controlled material forms and shapes listed in Schedule I to CMP Regulation No. 1 for the production, during any calendar quarter, of any Class B product in Schedule I of this order, may, during such quarter, use all or part of such allotment, and the rating authorized for use in connection therewith, for the production of any other Class B product or products included in Schedule I if each of the other Class B products which the allotment is used to produce is either (1) one for which he also received an allotment for such quarter from an industry division, or (2) one which he has produced, for purpose of sale, on or after July 1, 1949. In all other respects, the provisions of CMP regulations shall apply to such production.

(b) Nothing in this section shall be deemed to increase or to serve as a basis for increasing the amount of any controlled material allotted to any person for production of all products in Schedule I of this order, or for all production.

(c) Paragraph (a) of this section shall not apply to any allotment specifically made for the production of repair or replacement parts.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order, or who relies on section 4 of this order, shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Any person who receives from the Washington office of NPA allotments under two or more product class codes listed in Schedule I of this order shall file NPA Form CMP 60 on or before the first day of the third month of each calendar quarter with the National Production Authority, Washington 25, D. C., Ref: M-47B.

(d) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-47B.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

NPA Order M-47B as so amended shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

SCHEDULE I OF NPA ORDER M-47B

(Note: Listings are in accordance with the official CMP Class B Product List of February 1, 1952)

Product class code	*Products*
2342091	Corset and allied garment accessories.
2392	Housefurnishings, fabric (containing controlled materials).
23940	Canvas products.
24930	Frames for mirrors and pictures.
2511	Wood household furniture, except upholstered.
2512091	Dual-purpose sleeping equipment.
2512092	Wood household furniture, upholstered, n. e. c.
25130	Reed and rattan furniture (including bassinets).
2514	Metal household furniture.
2531092	Public building furniture, n. e. c.
25412	Cases, cabinets, counters, and other fixtures.
25620	Window shades and accessories.
2563	Venetian blind parts and accessories.
25910	Restaurant furniture.
2599092	Furniture and fixtures, n. e. c.
34211	Cutlery, scissors, shears, and trimmers.
34292	Furniture hardware.
3429391 3429392	Vacuum bottles and jugs, 1-quart and over.
3429691	Specialized hardware, fireplace equipment only.
3429699	Harness and saddlery hardware.
34396	Domestic cooking stoves, ranges, and cooking appliances, except electric.
34611	Vitreous-enameled cooking and kitchen utensils, except hospital utensils.
3463794	Ice cube trays and lunch boxes, metal; aluminum ice cube trays only.
3463795	Stamped or pressed metal end products, n. e. c.
34639	Stamped and spun cooking and kitchen utensils, except commercial cooking, kitchen, and hospital utensils, and commercial baking pans.
34712	Incandescent portable lamps.
3471591	Fluorescent portable lamps.
3489695	Wire products, n. e. c.
3499292	Fabricated metal products, n. e. c.
3499294	Bed rails, metal.
35227	Lawn mowers and lawn sweepers.
35811	Household mechanical washing machines.
3581291	Household ironers.
3581292	Household laundry equipment, n. e. c.
3583091	Sewing machines, household.
35841	Vacuum cleaners, household.
35851	Household mechanical refrigerators.
35852	Home and farm freezers.
3589292	Household machines, n. e. c.
36211	Electric fans, except industrial-type.
3621303	Electric razors and dry shavers.
3621394	Small household electric appliances, except fans.
36214	Household ranges, electric.
3699392	Electrical products, n. e. c., Christmas tree lighting outfits only.
37511	Motorcycles, bicycles, and motorcycle and bicycle parts, except repair parts.
39120	Jewelers' findings and materials.
3914091	Flatware, commercial and domestic.
3914092	Silverware, hollow ware and plated ware.
39310	Pianos.
39320	Organs.
39410	Games and toys, except dolls and children's vehicles.
39420	Dolls and stuffed toy animals.
3943092	Children's vehicles and parts.
3949091	Sporting and athletic goods.
3949092	Commercial fishing equipment (except water craft).
39510	Pens, mechanical pencils, and pen points.
39520	Lead pencils.
39540	Artists' materials and equipment.
39610	Costume jewelry and novelties, except precious metal.
39630	Metal buttons and parts, civilian-type.
3964093	Apparel fasteners.
3964094	Household needles, pins, similar notions, n. e. c., civilian-type.
39860	Jewelry cases and instrument cases.
39950	Umbrellas, parasols, and canes.
39960	Tobacco pipes and cigarette holders.
39970	Soda fountain and beer-dispensing equipment.
3999494	Miscellaneous fabricated products, n. e. c.
5012	Specialty products, n. e. c.
8921	Religious goods, n. e. c.

[F. R. Doc. 52-8694; Filed, Aug. 4, 1952; 11:40 a. m.]

[NPA Order M–74 and Direction 1; Revocation]

M–74—Use of Copper and Copper-Base Alloy in Construction Materials

DIR. 1—USE OF COPPER AND COPPER-BASE ALLOY IN INVENTORY AS OF JULY 1, 1951

REVOCATION

NPA Order M–74 (16 F. R. 7708) and Direction 1 of April 17, 1952 (17 F. R. 3457) are hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M–74 or under Direction 1 as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said order or direction prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8695; Filed, Aug. 4, 1952; 11:41 a. m.]

[NPA Order M–77, Amendment 1 of August 4, 1952]

M–77—Communications

AMENDMENT OF SECTIONS 2 (i) AND 5

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment consultation with industry representatives has been impracticable because of the need for immediate action.

AMENDATORY PROVISIONS

NPA Order M–77 as last amended May 6, 1952, is further amended in the following respects:

1. Paragraph (i) of section 2 is amended by striking out all matter following the colon and by substituting the following:

5 tons of carbon steel (not to include more than 2 tons of structural shapes, but no wide-flange beam sections or columns).
1,000 pounds of copper and copper-base alloys.
2,000 pounds of aluminum.
No alloy steel or stainless steel.

2. The present section 5 is deleted, the subsequent sections are renumbered accordingly, and corresponding changes are made in the table of contents.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup 2154).

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8696; Filed, Aug. 4, 1952; 11:41 a. m.]

[NPA Order M–100, Amendment 2 of August 4, 1952]

M–100—Residential Construction

MISCELLANEOUS AMENDMENTS

This amendment to NPA Order M–100 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

This amendment affects sections 1, 4, 5, and 6, and Schedules I and II of NPA Order M–100 as last amended by Amendment 1 of June 18, 1952. The references to Schedule II in subparagraphs (1), (2), and (4) of paragraph (b) of section 4, and in paragraphs (b) and (d) of section 6 are amended to read: Schedule I. The provisions of section 5 are deleted, and the cross reference to section 5 in subparagraph (5) of paragraph (a) of section 1 is deleted. The quantities of copper and aluminum specified in Schedule I are amended, and Schedule II is deleted.

AMENDATORY PROVISIONS

NPA Order M–100 is amended in the following respects:

1. Subparagraph (5) of paragraph (a) of section 1 is amended to read:

(5) Deleted August 4, 1952.

2. The references to Schedule II in subparagraphs (1), (2), and (4) of paragraph (b) of section 4, and in paragraphs (b) and (d) of section 6 are amended to read: "Schedule I."

3. Section 5 is amended to read as follows:

SEC. 5. *Limitations on use of controlled materials for certain purposes in residential construction.* Deleted August 4, 1952.

4. Schedule I is amended to read as follows:

SCHEDULE I OF NPA ORDER M–100

Types and quantities of controlled materials which may be obtained under the self-authorization procedure, and which are the only types and the maximum quantities which may be used in 1- through 4-family residential structures

Residential structure using steel pipe water distribution system, per dwelling unit

New construction:	Pounds
Carbon steel (excluding structural shapes)	2,300
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	200

Residential structure using copper pipe water distribution system, per dwelling unit

New construction:	Pounds
Carbon steel (excluding structural shapes)	1,950
Carbon steel (structural shapes)	None
Alloy steel and stainless steel	None
Aluminum	275
Copper and copper-base alloys	400

NOTES

(1) If a forced hot water heating system is installed, the owner may use and self-authorize purchase orders for an additional 200 pounds of copper and copper-base alloys; and if a radiant heating system is installed, he may use and self-authorize purchase orders for an additional 500 pounds of copper and copper-base alloys.

(2) For alterations, additions, or extensions, not more than 50 percent of the quantities specified above.

5. Schedule II is deleted.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 4, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8697; Filed, Aug. 4, 1952; 11:42 a. m.]

Chapter XVII—Housing and Home Finance Agency

[CR 5]

CR 5—PRIVATE DEFENSE HOUSING IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES: REGULATION GOVERNING AVAILABILITY OF SPECIAL ASSISTANCE FOR CONSTRUCTION OF DEFENSE HOUSING IN CERTAIN CRITICAL DEFENSE HOUSING AREAS

The following regulation of the Housing and Home Finance Agency is issued pursuant to Title I of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 65 Stat. 293), Titles III and IX of the National Housing Act, as amended (12 U. S. C. 1701), Title V of the Housing Act of 1948 (62 Stat. 1268) as amended, Reorganization Plan No. 3 of 1947 (61 Stat. 954), and Executive Order 10296 (16 F. R. 10103).

GENERAL

Sec.
1. Statement of purpose.
2. What this regulation does.
3. Geographical areas affected.
4. Type of housing eligible.
5. Programming by HHFA.
6. Beginning of construction; time limit.
7. Definitions.

HOUSING TO BE HELD FOR RENT

8. Who may apply for construction of programmed rental housing.
9. Where and how builders should apply.
10. Standards for approving applications.
11. Rules and conditions applicable.
12. Eligibility for tenancy.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

13. Who may apply for construction of programmed sales housing.
14. Where and how applications should be made.
15. Standards for approving applications.
16. Rules and conditions applicable.
17. Eligibility for purchase.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply Title VI, 64 Stat. 812, as

amended, Pub. Law 139, 82d Cong.; 50 U. S. C. App. Sup. 2131–2135, E. O. 10296, Oct. 2, 1951, 16 F. R. 10103; 3 CFR 1951 Supp.

GENERAL

SECTION 1. *Statement of purpose.* (a) Title I of the Defense Housing and Community Facilities and Services Act of 1951 and Executive Order 10296, approved October 2, 1951, authorize the Director of Defense Mobilization to designate areas specified by him as critical defense housing areas for purposes of that act. Under that title the Housing and Home Finance Administrator is authorized to determine and announce for any area so designated the number of permanent dwelling units (including information as to types, rentals, and general locations) needed for defense workers and military personnel in the area.

(b) Title II of the Defense Housing and Community Facilities and Services Act of 1951 amends the National Housing Act by adding a new Title IX, "National Defense Housing Insurance", pursuant to which a fund is established and conditions are set forth for the insurance by the Federal Housing Administration (a constituent agency of the Housing and Home Finance Agency) of mortgages covering defense housing in critical defense housing areas. The number of dwelling units in properties covered by mortgages insured under Title IX may not exceed the number authorized by the Housing and Home Finance Administrator from time to time as being needed in any defense area for defense purposes, and provision is also made in Title IX for prescribing procedures necessary to secure to persons engaged in national defense activities preference or priority of opportunity to purchase or rent housing covered by mortgages insured under that title.

(c) Title III of the National Housing Act (as amended by the Defense Housing and Community Facilities and Services Act of 1951 and other acts) provides that the Federal National Mortgage Association (which under the law is administered subject to the direction and control of the Housing and Home Finance Administrator) may give certain preferences, in its program of purchasing mortgages insured by the Federal Housing Administration or guaranteed by the Veterans Administration, to defense housing programmed by the Housing and Home Finance Administrator in critical defense housing areas.

(d) The major purposes of this regulation, issued by the Housing and Home Finance Administrator, are (1) to provide for the programming, pursuant to the laws referred to above, of defense housing needed for in-migrant defense workers or military personnel employed or stationed in critical defense housing areas (listed in the appendix to this regulation) in any Territory or possession of the United States where the failure to provide such housing in the areas would impede national defense activities; and (2) to prescribe uniform conditions and procedures under which housing in such areas in any Territory or possession will be approved as programmed defense housing. Such approval under this regulation is required in order for the housing to be eligible for FHA mortgage insurance under Title IX of the National Housing Act or for the special benefits provided in Title III of that act in connection with FNMA purchases of mortgages covering defense housing programmed by the Housing and Home Finance Administrator. The conditions, procedures, requirements and restrictions set out in this regulation are for the purpose of insuring that the programmed defense housing approved under this regulation will meet the needs of the in-migrant defense workers or military personnel and their families. In addition to the applicable conditions, requirements and restrictions imposed by or pursuant to this regulation, to be eligible for insurance under Title IX of the National Housing Act, applicants will be required to comply with all applicable provisions of regulations issued by the Federal Housing Administration pursuant to that title. Similarly, in addition to the applicable conditions, requirements and restrictions imposed by or pursuant to this regulation, the availability of special preferences in the purchase by the Federal National Mortgage Association of mortgages covering defense housing in the Territories and possessions of the United States will be governed by the regulations of that Association.

SEC. 2. *What this regulation does.* This regulation lists critical defense housing areas in the Territories and possessions of the United States in which this regulation will be applicable and prescribes, among other things, who may apply for the special assistance authorized in such areas under the several laws referred to above; the type of housing eligible; where and how to apply; the basis on which applications will be approved; the rules which applicants and their successors in interest must abide by with respect to holding and offering certain housing for rent or sale to persons engaged in national defense activities and with respect to rents or sales prices which may be charged; and the manner in which eligibility will be determined for the occupancy or purchase of housing programmed under this regulation.

SEC. 3. *Geographical areas affected.* This regulation will be applicable only to property located in "critical defense housing areas" as that term is defined in section 7 of this regulation. A critical defense housing area will be designated as such by the Housing and Home Finance Administrator for purposes of this regulation only where such area has been determined by proper authority to be a "critical defense housing area" within the meaning of the Defense Housing and Community Facilities and Services Act of 1951.

SEC. 4. *Type of housing eligible.* The housing eligible for approval under this regulation as programmed defense housing is limited to family dwellings which are suitable and intended for year-round occupancy. Only single-family dwellings are eligible for approval under sections 13 through 17 of this regulation which concerns sales housing and other housing to be built for owner-occupancy. Housing to be held for rent pursuant to the provisions governing rental housing set out in sections 8 through 12 of this regulation may be of any type which meets the requirements of the first sentence of this section. Thus, it may consist of a single-family home or single-family homes (whether detached, semi-detached, or row houses), two-family structures, or structures containing three or more family dwelling units.

SEC. 5. *Programming by HHFA.* Defense housing will be programmed for each critical defense housing area by the Housing and Home Finance Agency on the basis of housing market field surveys, and applications will be approved under this regulation in accordance with area program schedules of housing needed from time to time to serve in-migrant defense workers or military personnel employed or stationed at defense plants or installations in the area. Detailed area programs will be announced for each critical defense housing area. Such programs will relate to the location of the housing within such critical defense housing area, the number and types of rental or sales units required, the size (by number of bedrooms) of such units, the levels of rentals or sales prices which must be achieved if the housing is to meet the needs of the persons for whom it is intended and similar factors. Applications will be approved pursuant to the detailed procedures, standards, and conditions set out below.

SEC. 6. *Beginning of construction; time limit.* When an application is approved under this regulation, construction of the housing described in the application should be begun not later than sixty calendar days after the date of the approval, and should be continued with reasonable diligence thereafter. This approval automatically expires unless construction is begun either (a) within such sixty-day period or (b) within any extension of that period which shall have been approved by the local office of the Federal Housing Administration, and is continued with reasonable diligence. Applicants are required to furnish, with respect to units for which an application is approved under this regulation, such information concerning the beginning, progress, and completion of construction as may be requested by the Government.

SEC. 7. *Definitions.* As used in this regulation, the following words, terms, and phrases shall have the meaning set out in this section:

(a) *Beginning of construction.* For the purposes of this regulation, construction shall be deemed to be begun when any essential materials which are to be an integral part of the structure have been incorporated into the site in a permanent form (for example, when footings or other foundations have been poured or placed).

(b) *Completion of construction.* For the purposes of this regulation a dwelling unit shall be deemed to be completed when, in conformity with general prac-

tice in the community, it is ready for occupancy.

(c) *Family dwelling.* A "family dwelling" means a house or apartment designed for residential occupancy by two or more persons and which contains kitchen facilities or space designed for kitchen facilities. It does not include hotels, motels, rooming houses, club houses, fraternity or sorority houses, dormitories, or any other structure designed or used either for transient accommodations or for occupancy by single persons or by non-family groups.

(d) *Critical defense housing area.* A "critical defense housing area" (for purposes of this regulation) means an area designated as such by the Housing and Home Finance Administrator in the appendix to this regulation. This designation does not necessarily determine where housing which will be approved under this regulation may be located within the critical defense housing area. More specific information with respect to the location of such housing may be found in the area programs referred to in section 5 of this regulation. Thus, these area programs may specify geographical places (such as a city, county or township) within the critical defense housing area where such housing may be located or may set out a minimum standard for determining where such housing may be located, based on reasonable daily commuting distance from the defense plants or installations appearing in the "defense activity list" for the area.

(e) *Defense activity list.* The "defense activity list" means the list of defense plants or installations or defense-supporting service activities for each critical defense housing area appearing in the area program published in the FEDERAL REGISTER or on file in the FHA office for the district in which the area is located.

(f) *Eligible defense worker.* An "eligible defense worker" means (1) a civilian or a member of the Armed Forces employed or stationed at a defense plant or installation listed on the defense activity list for the particular critical defense housing area who is an in-migrant as defined herein and who requires and is without adequate family housing; or (2) a person engaged in a defense-supporting service activity (as defined in paragraph (k) of this section), which defense-supporting service activity appears on the defense activity list for the particular critical defense housing area and who is an in-migrant as defined herein and who requires and is without adequate family housing. However, a member of the Armed Forces otherwise eligible is an eligible defense worker notwithstanding the date when he brought or moved his family from beyond practicable commuting distance. Nothwithstanding the foregoing requirement that an eligible defense worker be an in-migrant, a person otherwise eligible who is not an in-migrant but who has since December 19, 1950, been evicted from the family dwelling unit occupied by him or his family or is in receipt of a bona fide notice to remove and surrender possession of such family dwelling unit within a period of 90 days or less, is an eligible defense worker hereunder. Such eviction or notice to surrender possession must be for reasons other than the breach of any of the conditions of tenancy by such defense worker. Exceeding a maximum income limitation in any tenancy agreement, however, shall not be deemed for this purpose a breach of a condition of the tenancy by such defense worker. An "eligible defense worker" employed or stationed in one critical defense housing area shall be deemed an "eligible defense worker" within any contiguous critical defense housing area if the area programs (referred to in section 5 of this regulation) for the respective contiguous critical defense housing areas so prescribe.

(g) *In-migrant.* An "in-migrant" is a person (1) whose residence is beyond maximum practicable commuting distance from his place of work or military station or (2) who has since December 19, 1950 (or such other date as may be announced for the critical defense housing area), brought or moved his family from beyond the maximum practicable commuting distance from his place of work.

(h) *Maximum practicable commuting distance.* "Maximum practicable commuting distance" means a distance within which it is possible to commute daily to the place of employment by established common carrier or by private transportation at a cost per person of not more than $1.00 per round trip and with normal traveling time of not more than three hours per round trip, unless another cost or time shall have been announced for the critical defenmse housing area.

(i) *Sales price.* "Sales price" means the total consideration paid (including any charge made a condition to the sale) by the buyer for the dwelling accommodations with accompanying land and improvements. The only items which are excluded are those incidental charges, such as closing costs and brokerage fees or commissions or charges, which buyers of such dwelling accommodations customarily assume in the community where such accommodations are located, and which actually have been incurred for services rendered at the buyer's or seller's request in connection with the sale.

(j) *Public offer.* To "publicly offer" dwellings for rent or sale means that the owner will (1) for the period of offer required by this regulation take such affirmative steps as are customary in the community for making a public offering of family dwellings which will give reasonable notice to eligible defense workers, including members of the Armed Forces, that such dwellings are available for rent or sale, and (2) during construction and until the dwelling units are initially occupied or sold (or, where 4 or more units are involved, until at least 75 percent of the units are initially occupied or sold), maintain in a conspicuous location at the site a sign not less than 2½ feet by 4 feet specifying in words legible at a reasonable distance, the rents or range or rents, or the sales price or range of sales prices, as the case may be, and containing the following language:

Privately Built
Defense Housing
HHFA No. ——

(k) *Defense-supporting service activity.* A defense-supporting service activity as used in this regulation, means any activity (other than activities of defense plants or installations referred to in numbered subparagraph (1) of paragraph (f) of this section) which is directly or indirectly concerned with the activities of defense plants or installations appearing on the defense activity list and which is essential to the efficient operation of such listed defense plants or installations. Defense-supporting service activities may include such activities as police and fire protection, health and educational activities, and the furnishing of transportation and communication services and other public utility services, including installation, operation, and maintenance necessary for such services.

HOUSING TO BE HELD FOR RENT

SEC. 8. *Who may apply for construction of programmed rental housing.* With respect to defense housing programmed by the Housing and Home Finance Administrator for rental occupancy in Territories and possessions of the United States an application for approval of such housing under this regulation may be made only by a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which there is proposed to be erected a new family dwelling or dwellings which will be held for rental to eligible occupants as prescribed below. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 9. *Where and how builders should apply.* Application under this regulation to construct housing to be held for rent should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–2052. (Local offices of the Federal Housing Administration, which is a constituent agency of the Housing and Home Finance Agency, will receive and process such applications on behalf of the Housing and Home Finance Administrator whether the housing in question is to be financed with the aid of a mortgage loan insured by the Federal Housing Administration or guaranteed by the Veterans' Administration.) An original and three signed copies of the application form must be submitted for each application. Each application must contain a statement that the applicant has a commitment or other assurance in writing from a lending institution or other lender that such lender intends, if the application is approved, to provide the financing for the residential property, including the proposed improvements, described in the application. If the application is approved, two copies of the application form will be returned to the applicant endorsed to indicate such approval. One of these copies must be submitted to the lending institution or other lender making the loan. Such lender need not be the lending institution or proposed lender referred to in the application. The applicant will also be notified if the application is rejected. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (HHFA Form No. H–2052) is not transferable or assignable.

SEC. 10. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 8 through 12 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for rental housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The rentals proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the accommodations proposed and the proposed rentals;

(c) The capacity of the applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 11. *Rules and conditions applicable.* (a) In the event that an application under this regulation is approved pursuant to sections 8 through 12 of this regulation, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling units described in the application is begun and when such dwelling units are completed. In such event, the applicant is also hereby required for a period of two years after their completion in the case of structures containing one or two family dwelling units and a period of four years after their completion in the case of structures containing three or more family dwelling units, (unless the applicable period is sooner terminated by the Housing and Home Finance Administrator) to:

(1) Publicly offer any such dwelling unit for rent, for a period of at least thirty calendar days after the dwelling unit described in the application has been completed and for a period of at least thirty calendar days after such unit subsequently becomes vacant, to eligible defense workers unless the unit is sooner rented to such a worker;

(2) Require, upon the renting of any such dwelling unit to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H–2054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a landlord's certificate on HHFA Form No. H–2056 in case such dwelling unit has been publicly offered in good faith for rent to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently rented to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy shall be retained by the applicant or any subsequent owner making such certificate);

(4) Charge not more than the rent or rents and utility and service charges specified in the approved application or not more than such higher rents and utility and service charges as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant or subsequent owner;

(5) Hold the dwelling unit or units for rent unless (i) the property is being sold to a purchaser for investment purposes rather than for his own occupancy, or (ii) prior permission to sell is granted in writing by the Housing and Home Finance Agency, or (iii) a period of at least sixty calendar days has elapsed after the dwelling unit or units described in the application has been completed or after the unit has subsequently become vacant, and the public offer of such unit for rent at the approved rental during said sixty days has not produced a tenant;

(6) Comply with any agreements or conditions made a part of the application HHFA Form No. H–2052, as approved; and

(7) Require that the purchaser, if the property is sold pursuant to subdivision (i) of subparagraph (5) of this paragraph, agree in writing to abide by all the provisions and conditions set forth in this regulation, including this paragraph, which shall be applicable to all successive sales pursuant to said subdivision (i) of subparagraph (5) of this paragraph, made within the period referred to above during which this paragraph is applicable by the first and all successive purchasers for investment purposes.

(b) No purchaser of property for investment purposes (pursuant to paragraph (a) (5) (i) of this section) shall occupy a dwelling unit in such property unless it contains two or more family dwelling units and such purchaser is himself eligible for occupancy of a dwelling pursuant to section 12 of this regulation or unless such occupancy is pursuant to paragraph (c) of this section.

(c) Notwithstanding any provision of this section, if a parcel of real property contains five or more family dwelling units required to be held for rent under sections 8 through 12 of this regulation, the owner of said parcel, or a person actually employed as a resident manager or janitor of said dwelling units, may occupy one of such units. Two such units may be occupied by such owners, resident managers, or janitors if the property required to be held for rent pursuant to said sections contains not less than 20 family dwelling units, and an additional unit may be so occupied for every additional 30 family dwelling units above 20.

(d) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(e) Written notifications required by this section to be given to the Federal Housing Administration shall be deemed to be given as of the date they are received by the FHA or, if mailed, as of the date they are postmarked.

(f) All requirements, conditions and restrictions with respect to holding for rent, rental charges and utility charges imposed by or pursuant to this regulation are in addition to any applicable requirements, conditions and restrictions which may, under certain circumstances, be imposed with respect to the same housing by or pursuant to the Housing and Rent Act of 1947, as amended, or the National Housing Act, as amended. (Note that rental ceilings approved under this regulation are based primarily on market surveys of needs of eligible defense workers for housing classified by number of rooms and approximate rental rather than on detailed plan and specifications of the housing to be constructed. Rental limitations which may be imposed under certain circumstances by the Office of Rent Stabilization or the Federal Housing Administration are based primarily on the actual accommodations provided or to be provided. Therefore rental limitations imposed under this regulation may, in individual cases, be higher or lower than rental limitations imposed under other legal authority. In such event, persons affected by more than one rental limitation or requirement governing the same dwelling unit must comply with whichever one is more restrictive.)

SEC. 12. *Eligibility for tenancy.* Except as otherwise provided in section 11 of this regulation, during the period in which a dwelling unit is required to be held for rent under sections 8 through 12 of this regulation, no person other than an "eligible defense worker", as defined in paragraph (f) of section 7 of this regulation, or his family shall be eligible for tenancy or occupancy of such dwelling unit.

SALES HOUSING AND OTHER HOUSING TO BE BUILT FOR OWNER-OCCUPANCY

SEC. 13. *Who may apply for construction of programmed sales housing.* With respect to housing in a critical de-

fense housing area listed in the appendix to this regulation which may be programmed by the Housing and Home Finance Administrator for sale to, or construction by, prospective owner-occupants, application for approval under this regulation may be made only by (a) an "eligible defense worker" (as defined in paragraph (f) of section 7 of this regulation) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling for his own occupancy or (b) a person (including a corporation, partnership, trust, or other legal entity) who is the owner of, or otherwise has effective control over, the land on which he proposes to erect a new family dwelling or dwellings for sale to eligible defense workers. Effective control over the land, for the purposes of this section, includes control through ownership, a firm contract to purchase, a written option to purchase which may be exercised at the will of the applicant, or a long-term lease for a term of not less than 50 years.

SEC. 14. *Where and how applications should be made.* Application under this regulation by a builder desiring special financing aid for a single-family dwelling or single-family dwellings to be erected for sale to eligible defense workers should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–2053. Application under this regulation by an "eligible defense worker" desiring such special aid with respect to a single-family dwelling to be erected and occupied by the applicant should be made to the appropriate local office of the Federal Housing Administration on HHFA Form No. H–2053–A. Procedures for the submission, processing and subsequent disposition of such applications will be the same as those set forth in section 9 of this regulation with respect to housing to be held for rent. Unless otherwise specifically approved in writing by the local office of the FHA, the approved application (either HHFA Form No. H–2053 or H–2053–A, as the case may be) is not transferable or assignable.

SEC. 15. *Standards for approving applications.* As among applications otherwise eligible for approval under the terms of this regulation, applications made under sections 13 through 17 of this regulation will be approved for dwelling units within a total number consistent with area programs adopted from time to time by the Housing and Home Finance Administrator pursuant to the surveys referred to in section 5 of this regulation. Applications will be approved on the basis of achieving a maximum contribution toward filling the needs for sales-type housing of eligible defense workers and military personnel in the designated areas which the proposed housing is intended to serve. For this purpose the local office of the Federal Housing Administration may consider, in approving applications, any or all of the following factors and circumstances:

(a) The proximity of the site of the proposed housing to the defense plants and installations on the defense activity list, and the desirability of the site with respect to transportation, commercial and community facilities and services, utilities, street improvements and similar relevant factors;

(b) The sales prices proposed to be charged, the size of units in terms of the number of rooms and bedrooms proposed to be provided, and the relationship between the proposed type of construction and special features and the proposed sales prices;

(c) The capacity of the applicant to perform the undertaking for which he applies; and

(d) The order in which applications are filed.

SEC. 16. *Rules and conditions applicable*—(a) *Sales housing.* In any case where an application under this regulation is approved pursuant to sections 13 through 17, with respect to the erection of a dwelling or dwellings for sale, the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwellings described in the application is begun and when such dwellings are completed, and to:

(1) Publicly offer each dwelling for sale, for a period of at least sixty calendar days after the dwelling described in the application has been completed, to eligible defense workers unless the dwelling is sooner purchased by such a worker;

(2) Require, upon the sale of any such dwelling to an eligible defense worker, that such worker fill out in duplicate and submit to the applicant an occupancy eligibility certificate on HHFA Form No. H–2054 (which shall be further executed by the applicant, as indicated therein, who shall forward one copy to the local office of FHA and retain one copy);

(3) Fill out in duplicate a seller's certificate on HHFA Form No. H–2057 in case any such dwelling has been publicly offered in good faith for sale to eligible defense workers, as required by subparagraph (1) of this paragraph, but subsequently sold to a person other than an eligible defense worker (one copy of such certificate shall be forwarded to the local office of FHA and one copy retained by the applicant);

(4) Charge not more than the sales price or prices specified in the approved application for such dwelling or dwellings or such higher price or prices as the local office of the Federal Housing Administration shall have approved on the basis of hardship to the applicant;

(5) Comply with any agreements or conditions made a part of the application, HHFA Form No. H–2053, as approved; and

(6) Require the purchaser to agree in writing that, if such purchaser or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), (i) he will give advance notification in writing to the local office of the FHA that he proposes to sell such dwelling and (ii) he will abide by all the provisions and conditions set forth in this regulation (including this subparagraph) which shall be applicable to all successive sales of said dwelling until it has been occupied for ninety consecutive days after completion by any purchaser or his family. For the purpose of this subparagraph references elsewhere in the regulation to an "applicant" shall be deemed to include subsequent owners and reference to a sixty-day period of public offer after completion of a dwelling shall be deemed to include any subsequent sixty-day period of public offer.

(b) *Other housing to be built for owner-occupancy.* In any case where an application under this regulation is approved pursuant to sections 13 through 17 with respect to a single-family dwelling to be erected and occupied by an "eligible defense worker", the applicant is hereby required to notify the appropriate local office of the Federal Housing Administration in writing when the construction of the dwelling is begun and when it is completed and to comply with any agreements or conditions made a part of the application, HHFA Form No. H–2053–A, as approved. If the "eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to sell such dwelling (whether prior to or after completion), he is hereby further required to give advance notification in writing to such local office of the FHA that he proposes to sell such dwelling, to certify to such office in writing the actual cost of the dwelling, and thereafter to comply with all requirements of paragraph (a) of this section except that for the purposes of this paragraph the reference in paragraph (a) (5) of this section to HHFA Form No. H–2053 shall be deemed to be a reference to HHFA Form No. H–2053–A and the reference in paragraph (a) (4) of this section to the sales price specified in the approved application shall be deemed to be a reference to the actual cost of the dwelling. If the "eligible defense worker" or his family does not reside in the completed dwelling for a period of at least ninety days and he proposes to rent such dwelling, he is hereby further required to give advance notification in writing to such local office of the FHA that he proposes to rent such dwelling, and thereafter, for a period of two years after such notification or after the completion of the dwelling, whichever is later, to publicly offer such dwelling for rent, for a period of at least thirty calendar days after its completion and for a period of at least thirty calendar days after it subsequently becomes vacant, to eligible defense workers (and only to eligible defense workers) unless the dwelling is sooner rented to such a worker.

(c) Sales in the course of judicial or statutory proceedings are not subject to the provisions of this section.

(d) Written notifications required by this section to be given to the FHA shall be deemed to be given as of the date they are received by the Federal Housing Administration or, if mailed, as of the date they are postmarked.

SEC. 17. *Eligibility for purchase.* Except as otherwise provided in section 16 of this regulation, no person other than an "eligible defense worker" as defined in paragraph (f) of section 7 of this regulation shall be eligible for purchase of a dwelling for which an approval has been granted under the provisions of sections 13 through 17 of this regulation.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation is effective as of the 5th day of August 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

APPENDIX TO CR 5

CRITICAL DEFENSE HOUSING AREAS

Area, Including Geographical Description and Date Designated

1. Island of Oahu, Territory of Hawaii, August 5, 1952.

2. Ramey Air Force Base, Aguadilla, Puerto Rico, Area (the municipalities of Aguadilla and Isabela in the northwest corner of the Island of Puerto Rico), August 5, 1952.

[F. R. Doc. 52–8519; Filed, Aug. 4, 1952; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.228 of Part 3, the headnote and paragraphs (a), (c) (5) and (6), (d) (1) and (2), (i), and (j) are amended and paragraph (d) (3) is added as follows:

§ 3.228 *Computation of annual income for the purposes of Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c) of Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress and Public Law 357, 82d Congress*—(a) *Application of annual income limitation*—(1). *Annual income limitation.* For periods prior to July 1, 1952, pension shall not be payable to any veteran without a wife or child, or to a widow without a child, or to a child, whose annual income exceeds $1,000, or to a married veteran, or to a veteran with a child or children, or to a widow with a child or children whose annual income exceeds $2,500. For periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable. Where the claimant's income for the calendar year 1952 exceeds $1,000 (or $2,500) but is not in excess of $1,400 (or $2,700), pension shall not be payable for any period prior to July 1, 1952.

(2) *Basic rule.* Annual income will be computed on the basis of the total income for the entire calendar year. Where the equities indicate, however, such annual income may be computed monthly or proportionately on the basis of the rate of income. Under any method of calculation, the question is whether the actual income exceeds the statutory income limitation.

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(c) *Income included in computation.* • • •

(5) Compensation paid by the Bureau of Employees Compensation, Department of Labor (of the United States), or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death or the collection or recovery of such moneys.

(6) Civil Service retirement benefits, Federal Old Age and Survivor's Insurance, railroad retirement benefits, or retirement benefits paid under a State, municipal, or private business or industrial plan: *Provided*, That where the benefit is received by a former worker based on his own employment, no part of such payments will be considered "annual income" until the full amount of his personal contribution (as distinguished from amounts contributed by the employer and not by the worker) has been received by him: *And provided further*, That such benefits received by a widow on the basis of her husband's employment will be considered as annual income as received. This subparagraph contemplates that the entire amount of the worker's annuity following retirement will be applied each year to amortize the cost of such annuity, after which the entire annuity will be considered as income.

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(d) *Proportionate computations.* Income will be computed on a proportionate basis where:

(1) The income of the claimant exceeds the statutory limitation.

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(2) The income of the veteran or widow exceeds the statutory limitation applicable to a person without dependents but is not in excess of the statutory limitation applicable to a person with dependents.

• • • • •

(3) Where income for the calendar year 1952 exceeds $1,000 (or $2,500, whichever is applicable), income will be computed proportionately from the date of change in status, as described in subparagraphs (1) and (2) of this paragraph, on the basis of the $1,000 (or $2,500) limitation for periods prior to July 1, 1952, and on the basis of the $1,400 (or $2,700) limitation for periods on or after July 1, 1952.

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(i) *Reduction of income.* Where, because the claimant's annual income is in excess of the statutory limitation, a claim has been disallowed or payments discontinued for a particular calendar year or part thereof, pension may be payable from the first of the immediately succeeding calendar year if notice (constituting an informal claim) is received during that year that the claimant's actual or anticipated income will not exceed the statutory limitation and the necessary evidence is furnished within 1 year after the date of request. Otherwise, pension may not be paid for any period prior to the date of receipt of a new claim (formal or informal).

(j) *Failure to return annual income questionnaire.* See § 3.229 (b) (2).

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(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

2. New §§ 3.229 and 3.230 are added as follows:

§ 3.229 *Annual income questionnaires*—(a) *Dispatch of questionnaire.* Where the continuance of pension is subject to the limitation on annual income as provided in Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), or section 1 (c), Public No. 198, 76th Congress (act of July 19, 1939), as amended by section 11, Public Law 144, 78th Congress, and as further amended by Public Law 357, 82d Congress, a questionnaire, VA Form 8–59 or VA Form 8–685, whichever is appropriate, will be sent to each payee at the beginning of each calendar year to obtain information concerning the beneficiary's anticipated annual income.

(b) *Failure to return questionnaire.* (1) A follow-up will be maintained as follows: If at the expiration of 30 days, the questionnaire has not been received, another will be forwarded; if the questionnaire has not been received at the expiration of the second 30 days, the award will be discontinued effective the date of last payment: *Provided however*, That if the payee resides outside the continental limits of the United States, the follow-up will be maintained at such period as in the light of the location of the payee, experience has demonstrated to be expedient. The payee need not be notified of the fact or reason for discontinuance. Where payments are being made to a fiduciary a copy of the second questionnaire will be forwarded to the appropriate chief attorney.

(2) When payments have been discontinued because of failure to return the annual income questionnaire, pension may be payable, if otherwise in order, from the date of last payment, provided the questionnaire or other evidence that the claimant's income is not in excess of the statutory limitation is received within 1 year from the date of issuance of the questionnaire. Otherwise, pension may not be paid for any period prior to the date of receipt of the questionnaire or a new claim (formal or informal).

(c) *Determinations of entitlement.* (1) If the completed questionnaire shows that the anticipated annual income of a beneficiary is not in excess of the applicable statutory limitation, payments will be continued.

(2) (i) If it is shown that the anticipated annual income of the payee is in excess of the statutory limitation, the award will be discontinued effective the date of last payment. (See § 4.86 (g) of this chapter.)

(ii) Payments otherwise proper will be resumed effective the day following the date of last payment, if it is determined after the close of the calendar year that the actual income did not exceed the statutory limitation, and an application for resumption of payments

is received in the Veterans' Administration not later than the end of the succeeding calendar year; if the income for the year in which discontinuance of payments became effective actually exceeds the statutory limitation, pension will be payable from the first of the immediately succeeding calendar year if notice is received in the Veterans' Administration within that year that the income anticipated will not exceed the statutory limitation. The payee will be notified of the provisions of this section.

(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

§ 3.230 *Readjustment of awards of death pension where annual income is a factor.* (a) When an award of death pension to a widow with a child or children has been discontinued for the reason that her annual income is in excess of the statutory limitation, payments to the child or children whose annual income, determined separately, does not exceed the statutory limitation will commence effective the day following the date of last payment to the widow.

(b) When payments are being made to a child or children and evidence is received showing that the annual income of the widow, which was in excess of the statutory limitation, has been reduced to an amount not in excess of the statutory limitation, payments to the child or children will be discontinued effective date of last payment. For the period commencing the date from which the widow is shown to be entitled to the date of last payment to the child or children, the rate for the widow will be the difference between the amount paid to the child or children and the amount which would have been payable for the widow and child or children. The full rate will be payable thereafter.

(Sec. 1, 48 Stat. 1281, as amended, Part III, Vet. Reg. 1 (a), as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503, ch. 12 note)

3. Section 3.292 is revoked.

§ 3.292 *Award action upon failure to return questionnaire as to income under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* [Revoked.]

4. In Part 4, § 4.34 (b) is amended to read as follows:

§ 4.34 *Death of veteran not due to service; Public No. 2, 73d Congress, paragraph III, Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12).* • • •

(b) For periods prior to July 1, 1952, pension shall not be paid to any unmarried person whose annual income exceeds $1,000, or to any widow with minor children whose annual income exceeds $2,500 (paragraph II (a), Part III, Veterans Regulation 1 (a)); for periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable (Public Law 357, 82d Congress). (See also, § 3.228 of this chapter.)

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(Sec. 1, 48 Stat. 8, Pars. I, II, (a), III, Part III, Vet. Reg. 1 (a), as amended, sec. 5, Pub. Law 109, 82d Cong., Pub. Law 357, 82d Cong.; 38 U. S. C. 701, ch. 12 note)

5. In § 4.48, paragraph (b) is amended to read as follows:

§ 4.48 *Death of World War I veteran from disease or injury not the result of military service (Public No. 484, 73d Congress, act of June 28, 1934, as amended).* • • •

(b) *Income limitation; for periods on and after July 19, 1939.* For periods on and after July 19, 1939, and prior to July 1, 1952, no payment of pension shall be made under the provisions of Public No. 484, 73d Congress, as amended, to any widow without a child, or any child, whose annual income exceeds $1,000, or to a widow with a child or children whose annual income exceeds $2,500; for periods on and after July 1, 1952, the increased annual income limitations of $1,400 and $2,700, respectively, shall be applicable (Public Law 357, 82d Congress): *Provided*, That on and after July 13, 1943, where payments to a widow are disallowed or discontinued by reason of annual income, payment to a child or children of the deceased veteran may be made as though there is no widow. The provisions of § 3.228 of this chapter will govern determinations under this paragraph, but in no event will any payments by the United States Government because of disability or death under laws administered by the Veterans Administration be considered (sec. 11, Public Law 144, 78th Congress).

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(Sec. 1, 48 Stat. 1281, as amended, Pub. Law 357, 82d Cong.; 38 U. S. C. 503)

6. In § 4.51, paragraph (d) (1) is amended to read as follows:

§ 4.51 *Concurrent payment of two benefits to the same person.* • • •

(d) *Employees compensation.* (1) Where a person is entitled to compensation from the Bureau of Employees' Compensation based upon death due to service in the Armed Forces and is also entitled based upon the same death to compensation or pension under the laws administered by the Veterans' Administration, he shall elect which benefit he shall receive. Compensation or pension may not be paid in such instances by the Veterans' Administration concurrently with compensation from the Bureau of Employees' Compensation. Election by a widow controls the rights of any of the veteran's children regardless of whether they are in the widow's custody and regardless of the fact that such children may not be eligible to receive benefits under the laws administered by the Bureau of Employees' Compensation, Department of Labor. The provisions of this paragraph are not applicable where the benefit paid by the Bureau of Employees' Compensation is for death resulting from civilian employment; however, where the death cause, held by the Bureau of Employees' Compensation to have been incurred in civilian employment, is also the basis of an award of death compensation by the Veterans' Administration predicated on death due to military service, the Bureau of Employees' Compensation will be notified of the award of death compensation and they will discontinue payment of their benefit, as they hold the two findings to be incompatible.

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7. In § 4.76, a new paragraph (d) is added as follows:

§ 4.76 *Public No. 484, 73d Congress, as amended, non-service-connected death.* • • •

(d) *Public Law 357, 82d Congress.* Pension payable solely by reason of the increase in annual income limitations contained in Public Law 357, 82d Congress, shall commence the day following the date of death of the veteran or July 1, 1952, whichever is the later, if application is filed within 1 year after the date of death, otherwise the date of filing application, but in no event prior to July 1, 1952. A claim pending on May 23, 1952, the date of enactment of the act, shall be considered a claim under this act.

(Sec. 6, 50 Stat. 661, sec. 1, 48 Stat. 1281, as amended, sec. 3, 52 Stat. 353, as amended, sec. 5, 48 Stat. 1282, sec. 4, 58 Stat. 230, as amended, Pub. Laws 28 and 357, 82d Cong.; 38 U. S. C. 472d, 503, 505a, 507, 507b, 735)

8. In § 4.86, paragraphs (g) and (j) are amended and a new paragraph (k) is added as follows:

§ 4.86 *Public No. 2, 73d Congress (act of March 20, 1933), as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (act of March 28, 1934), as amended; Public No. 484, 73d Congress (act of June 28, 1934), as amended; and Public Law 301, 79th Congress (act of February 18, 1946).* Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress, or section 28 or 31, title III, Public No. 141, 73d Congress, or Public No. 484, 73d Congress, as amended, the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

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(g) *Income limitations under Part III, Veterans Regulation 1 (a) (38 U. S. C. ch. 12), and Public No. 484, 73d Congress (act of June 28, 1934), as amended.* Whenever the annual income of any person in receipt of death pension under Part III, Veterans Regulation 1 (a), or Public No. 484, 73d Congress, as amended, exceeds the statutory limitation (for a widow without a child, or a child, $1,000 for periods prior to July 1, 1952, and $1,400 for periods on and after July 1, 1952, and for a widow with a child or children, $2,500 for periods prior to July 1, 1952, and $2,700 for periods on and after July 1, 1952), the award of pension shall be discontinued from the date of last payment. See § 3.229 of this chapter.

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(j) *Commonwealth Army of the Philippines.* (1) In those cases in which an award was approved prior to February 18, 1946, predicated upon service in the organized military forces of the Government of the Commonwealth of the Philippines while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President of the United States dated July 26, 1941, awards of death benefits predicated upon non-service-connected death shall be discontinued effective February 17, 1946, and awards of death benefits predicated upon service-connected death at a dollar rate shall be reduced to authorize payment effective February 18, 1946, at the rate of one Philippine peso for each United States dollar authorized under the law (Pub. Law 301, 79th Cong.).

(2) In those cases in which, subsequent to approval of an award of death compensation, recognition of alleged service is withdrawn, payments will be discontinued effective date of last payment.

(k) *Election to receive Bureau of Employees' Compensation benefits.* Payment of death compensation or pension to any payee under any law administered by the Veterans' Administration shall be discontinued effective date of last payment upon receipt from the Bureau of Employees' Compensation, Department of Labor, of copy of an election showing that such payee has elected to receive benefits from that agency based upon service in the Armed Forces, in lieu of death compensation or pension from the Veterans' Administration: *Provided*, That where payments of death compensation or pension to a widow are discontinued because of her election to receive benefits from the Bureau of Employees' Compensation, Department of Labor, payments to any child or children of the veteran, regardless of whether they are in the widow's custody, will be discontinued effective date of last payment.

9. In § 4.88, paragraph (d) is amended and a new paragraph (f) is added as follows:

§ 4.88 *Recommencement of death pension or compensation.* Death pension or compensation previously discontinued will be recommenced as follows:

• • • • • •

(d) *Recommencement after discontinuance because of failure to file annual income questionnaire.* See § 3.229 of this chapter.

• • • • • •

(f) *Recommencement after discontinuance because payee had elected Bureau of Employees' Compensation benefits.* Where payments on an award of death compensation or pension have been discontinued under § 4.86 (k) because of the receipt from the Bureau of Employees' Compensation, Department of Labor, of a copy of an election to receive benefits from that agency, and there is subsequently received from that agency a statement that the election is not considered valid, the effective date of recommencement of death compensation or pension shall be the day following the date of last payment: *Provided*, That payments shall be recommended only upon receipt of a subsequent election to receive Veterans' Administration death compensation or pension: *Provided further*, That the award of Veterans' Administration death compensation or pension shall be subject to any payments made by the Bureau of Employees' Compensation to that payee based on service in the Armed Forces. The provisions of this paragraph are not applicable to an attempted revocation of a valid election. (See Veterans' Administration claims procedures.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 5, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8529; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 1]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

PURCHASE PROGRAM FOR DOMESTIC CHROME ORE AND CONCENTRATES AT GRANTS PASS, OREGON

DELIVERIES

The above captioned regulation[1] is hereby amended by deleting the last sentence of § 99.105, Deliveries, and substituting therefor the following: "No deliveries in excess of five thousand (5,000) tons per year from any one source will be accepted under this Purchase Program."[2]

This Amendment 1 shall be effective as of April 23, 1952.

(Sec. 205, 63 Stat. 389, as amended, 40 U. S. C. 486. Interpret or apply sec. 3, 60 Stat. 597, 50 U. S. C. 98b)

Dated: July 31, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-8592; Filed, Aug. 4, 1952; 9:09 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 859]

NEW MEXICO

WITHDRAWING PUBLIC LAND FOR THE USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in New Mexico is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Department of the Air Force for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 27 E.,
Sec. 33, SW¼NE¼, that portion lying south of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, and east of the right-of-way of the county road.

The area described contains 31.5 acres.

This order shall take precedence over but not otherwise affect the order of April 8, 1935, of the Secretary of the Interior establishing New Mexico Grazing District No. 6, so far as such order affects the above-described land.

It is intended that the land described shall be returned to the administration of the Department of the Interior when it is no longer needed for the purpose for which it is reserved.

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 29, 1952.

[F. R. Doc. 52-8499; Filed, Aug. 4, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[S. O. 884, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193, 5466, 5953, 6559), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent*, of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 7:00 a. m., August 11, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

[1] 16 F. R. 8680.

[2] The Defense Materials Procurement Agency, Washington 25, D. C., will consider negotiation of purchase or development contracts with producers capable of producing chrome ore or concentrates in excess of five thousand (5,000) tons per year from any one source.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8495; Filed, Aug. 4, 1952; 8:46 a. m.]

[S. O. 885, Amdt. 4]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194, 5466, 5954, 6559), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent,* of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 7:00 a. m., August 11, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., July 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8496; Filed, Aug. 4, 1952; 8:46 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-39]

PART 167—BROKERS OF PROPERTY

PRACTICES OF PROPERTY BROKERS; POSTPONEMENT OF EFFECTIVE DATE

Upon further consideration of the record in the above-entitled proceedings; and good cause appearing therefor:

It is ordered, That the effective date, as subsequently modified, of the order of December 27, 1951, and the prior order of May 16, 1949, as modified by the former order be, and it is hereby, further postponed from July 30, 1952, to September 2, 1952.

Dated at Washington, D. C., this 30th day of July A. D. 1952.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8525; Filed, Aug. 4, 1952; 8:52 a. m.]

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT; FUEL CONTAINER LOCATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of July A. D., 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, and effective July 1, 1952, being under consideration; and

It appearing, that further investigation has established facts which warrant the modification of § 193.65 (a) of said regulation involving the location of fuel containers; and good cause appearing therefor: *It is ordered,* That § 193.65 (a) be amended to read as follows:

(a) *Fuel container location.* No part of any fuel tank or container or intake pipe shall project beyond the overall width of any motor vehicle upon which it is mounted. No part of any fuel tank shall be located forward of the front axle of the power unit upon which it is located, except that this requirement shall not apply to trucks manufactured prior to January 1, 1953, which have a total fuel capacity of less than 20 gallons, nor shall fuel be supplied to the engine of a bus, truck, or truck-tractor from a fuel tank or container located on a semi-trailer or full trailer.

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8527; Filed, Aug. 4, 1952; 8:52 a. m.]

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT; TIRES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of July A. D. 1952.

The matter of parts and accessories necessary for safe operation under the motor carrier safety regulations prescribed by order dated April 14, 1952, effective July 1, 1952, but with § 193.75 thereof, in part, postponed by order of July 1, 1952 until August 1, 1952, being under consideration; and

Upon consideration of the record in the above-entitled proceeding, and of petition of National Automobile Transporters Association, for postponement of the effective date, reconsideration, modification and revision and further hearing of § 193.75, dated June 26, 1952; and good cause appearing therefor: *It is ordered,* That § 193.75 be amended to read as follows:

§ 193.75 *Tires.* (a) Every motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. The tires supporting every motor vehicle intended to be operated in excess of 25 miles per hour shall be of such size that the sum of their capacity as shown by the following table shall at least equal the gross weight of such vehicle:

Tire size and ply rating:	*Capacity in pounds*
7:00 x 20—8 ply rating	2,500
7:50 x 20—8 ply rating	2,970
7:50 x 20—10 ply rating	3,375
8:25 x 20—10 ply rating	3,625
8:25 x 20—12 ply rating	3,938
9:00 x 20—10 ply rating	4,315
9:00 x 20—12 ply rating	4,813
10:00 x 20—12 ply rating	5,000
10:00 x 22—12 ply rating	5,345
10:00 x 24—12 ply rating	5,690
11:00 x 20—12 ply rating	5,625
11:00 x 22—12 ply rating	5,940
11:00 x 24—12 ply rating	6,250
12:00 x 20—14 ply rating	6,565
12:00 x 22—14 ply rating	7,000
12:00 x 24—14 ply rating	7,405

(b) For tire sizes and ply ratings not shown in the table of paragraph (a) of this section, the capacity rating in pounds shall be decided by the Commission upon request.

(c) No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No bus shall be operated on any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No buses shall be operated with regrooved, recapped, or retreaded tires on the front wheels.

It is further ordered, That said petition be, and it is hereby, denied in all other respects;

It is further ordered, That this order shall be effective on the date hereof and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8526; Filed, Aug. 4, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 946]

[Docket No. AO-123 A-15]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Seelbach Hotel, Louisville, Kentucky, beginning at 9:30 a. m., c. d. t., August 13, 1952, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the Louisville, Kentucky, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area (7 CFR Part 946 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area were proposed, as follows:

By the Falls Cities Cooperative Milk Producers' Association, Inc.:

1. Increase the price for Class I milk 44 cents per hundredweight, to become effective at the earliest possible date and to continue through March, 1953.

2. Consider any other changes in the pricing provisions of the order for the purpose of fixing minimum prices at a level which will reflect the economic and emergency conditions existing in the market.

By Dairy Branch, Production and Marketing Administration:

3. Make such changes as may be required to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 565 Starks Building, Louisville 2, Kentucky, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 30, 1952.

[SEAL] F. R. BURKE, *Acting Assisting Administrator.*

[F. R. Doc. 52-8502; Filed, Aug. 4, 1952; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10242]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

SHIP RADIOTELEPHONE STATIONS

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands 4115-4133 kc, 8230-8265 kc, 12340-12400 kc and 16460-16530 kc; Docket No. 10242.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) sets forth a plan for the introduction of the frequency bands allocated for ship use under the Atlantic City Table of Frequency Allocations. In order to facilitate the introduction of the ship bands as set forth in the Geneva Agreement, the Commission proposes to amend Part 2 of its rules so that, as of June 3, 1953, frequencies in the bands 4115-4133 kc, 8230-8265 kc, 12340-12400 kc and 16460-16530 kc will be available for the use of ship radiotelephone stations only in accordance with the Atlantic City Table of Frequency Allocations.

3. The proposed amendment is issued under authority of sections 301, 303 (c) and 303 (r) of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before August 22, 1952, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: July 23, 1952.

Released: July 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 52-8491; Filed, Aug. 4, 1952; 8:45 a. m.]

[47 CFR Part 2]

[Docket No. 10267]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS; AERONAUTICAL MOBILE (OR) SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (OR) service; Docket No. 10267.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Atlantic City (1947) Table of Frequency Allocations allocates the following bands of frequencies for the use of the aeronautical mobile (OR) service:

Kc	*Kc*
3025-3155	11275-11275
4700-4750	13200-13260
5680-5730	15010-15100
6685-6767	17970-18030
8965-9040	

3. The Commission is in receipt of information which indicates that the users of the aeronautical mobile (OR) frequency assignments require the clearance of these bands at an early date in order to establish their air-ground communications on frequencies which are in accordance with the Geneva Agreement. One of the factors involved in the clearance of these bands is the necessity for discontinuing use of those non-Government fixed stations assignments which are on frequencies within the aforementioned OR bands.

4. As an initial step looking toward the clearance of the OR bands the Commission proposes to amend § 2.104 (a) of the Commission's rules and regulations to provide that, as of August 15, 1952, frequencies in the above specified OR bands will be available for use only in accordance with the Atlantic City Table of Frequency Allocations. Existing assignments in the foregoing OR bands may continue in force until such time as formal proceedings are instituted and consummated for their deletion.

5. The proposed amendment to the Rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested person who is of the opinion that the proposed amendment

should not be adopted may file with the Commission on or before August 29, 1952 a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

7. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 24, 1952.

Released: July 28, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8492; Filed, Aug. 4, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1952 Dept. Circ. 912]

2 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES C-1953

OFFERING OF CERTIFICATES

AUGUST 4, 1952.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 2 percent Treasury Certificates of Indebtedness of Series C-1953, in exchange for 1⅞ percent Treasury Certificates of Indebtedness of Series C-1952, maturing August 15, 1952, or 1⅞ percent Treasury Certificates of Indebtedness of Series D-1952, maturing September 1, 1952. Exchanges will be made par for par in the case of the certificates of indebtedness of Series C-1952, and at par with an adjustment of interest as of August 15, 1952, in the case of the certificates of indebtedness of Series D-1952.

II. *Description of certificates.* 1. The certificates will be dated August 15, 1952, and will bear interest from that date at the rate of 2 percent per annum, payable with the principal at maturity on August 15, 1953. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment for certificates allotted hereunder must be made on or before August 15, 1952, or on later allotment. Payment of the principal amount may be made only in Treasury Certificates of Indebtedness of Series C-1952, maturing August 15, 1952, or in Treasury Certificates of Indebtedness of Series D-1952, maturing September 1, 1952, which will be accepted at par and should accompany the subscription. The full amount of interest due on the certificates of Series C-1952 surrendered will be paid to the subscriber following acceptance of the certificates. In the case of the certificates of Series D-1952, accrued interest from October 1, 1951, to August 15, 1952 ($16.34221 per $1,000) will be paid to the subscriber following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-8520; Filed, Aug. 4, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5628]

AEROVIAS INTERAMERICANAS DE PANAMA, S. A.; SERVICE FROM TOCUMEN, PANAMA, TO MIAMI, FLA.

NOTICE OF HEARING

In the matter of the application of Aerovias Interamericanas De Panama, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in scheduled or nonscheduled foreign air transportation between the terminal point Tocumen, Panama, and the terminal point Miami, Florida, with or without intermediate traffic stops in Havana, Cuba, and/or Kingston, Jamaica, and/or Nassau, Bahamas.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on August 19, 1952, at 10:00 a. m. (e. d. s. t.), in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applicant particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before August 19, 1952, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., July 31, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8521; Filed, Aug. 4, 1952; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1382, G-1533, G-1607]

NORTHERN NATURAL GAS CO.

ORDER DENYING MODIFICATION AND STAY OF ORDER AND GRANTING REHEARING IN PART AND DENYING IN PART AND FIXING DATE FOR REHEARING

JULY 28, 1952.

On June 30, 1952, Northern Natural Gas Company (Northern) filed a motion requesting the Commission to modify the order issued June 11, 1952, in the above-entitled proceeding, by deleting the effective date of June 11, 1952, and substituting therefor, either the date of June 12, 1952, or June 27, 1952, and to stay the effectiveness of that order pending filing and determination of Northern's application for rehearing.

On July 7, 1952, the State Corporation Commission of the State of Kansas filed an application for rehearing and on July 9, Northern filed its application for rehearing. On July 11, 1952, Interstate Power Company, intervener, filed an application for rehearing.

Northern states in support of its motion that the order was issued after 8:00 a. m., c. s. t., on June 11, 1952, whereas the "Billing Day" in the tariff prescribed by the Commission's order is "from 8:00 a. m., of one day to 8:00 a. m. of the next day." Northern asserts that the Commission has, thereby, in violation of section 5 (a), attempted to fix rates retroactively. There is no merit to this contention. The Commission's order, as a matter of law, was effective all day June 11.

Northern next states that its "Billing Month" under the tariff prescribed by the Commission is "from 8:00 a. m. of the 27th day of a calendar month to 8:00 a. m. of the 27th day of the succeeding calendar month"; and contends that complications and confusions will result from the necessity of billing at two different rates during the "Billing Month."

The Commission was not unmindful of the fact that split billing would be required for one month when it made the order effective on June 11, but the Commission found no reason then, and Northern's motion contains none, which warrants the exaction of excessive rates from Northern's customers for the 16-day period.

In its application for rehearing, Northern alleges that the Commission erred in its findings and order with regard to the IND-1 and IND-2 rate schedules, attribution under the Kansas order, the volume of sales during the test period, interest during construction, rate of return, Northern's liability for state property taxes and federal income tax, cost allocation, billing demand, BTU content of gas delivered by Northern, rate for overrun gas service, and other detailed findings with regard to the form and amount of the rate and tariff provisions. The Kansas Commission asserts that the Commission's rejection of Northern's claim for an "attribution" price and the cost allocation with regard to the Hugoton area sales are in error.

Northern also asserts that the Commission erred in making an adjustment to its working capital requirements because Northern was not advised that such matter was in issue, and was not given an opportunity to rebut the contentions on which the Commission's opinion was based. Although, as pointed out in the opinion, facts which require the adjustment are in the record, and the propriety of making such an adjustment is hardly open to question, we believe that Northern should have the opportunity of presenting such evidence as it may deem appropriate to establish that the adjustment made by the Commission is in error. Therefore, we shall grant rehearing confined to the following issue, and order that a hearing be held thereon: "Whether the reduction of working capital requirements by an amount of 75 percent of Northern's Federal income tax liability, as discussed on pages 13 and 14 of Opinion No. 228 (mimeographed) is in error."

In all other respects the Commission finds: No new facts have been presented or alleged, and no new principles of law have been set forth in the applications for rehearing of Northern, the Kansas Commission and Interstate Power Company, which either were not fully considered by the Commission before it entered its order issued June 11, 1952, or having now been considered, warrant rehearing, modification or recision of the aforesaid order. Accordingly, it is necessary and appropriate for carrying out the provisions of the Natural Gas Act that the aforesaid applications for rehearing be denied as hereinafter ordered.

The Commission orders:

(A) Northern's motion for modification and stay of the Commission order be, and the same is hereby, denied.

(B) The applications for rehearing by the State Corporation Commission of the State of Kansas and Interstate Power Company be, and the same are hereby, denied.

(C) The application for rehearing by Northern be, and the same is hereby, granted, on the single issue respecting working capital as set out above and in all other respects, denied.

(D) A public hearing be held convening on August 21, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., on the issue set out above.

Date of issuance: July 30, 1952.

By the Commission. Commissioner Wimberly concurring in part and dissenting in part.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8513; Filed, Aug. 4, 1952; 8:48 a. m.]

[Docket No. G-1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

JULY 28, 1952.

The Commission, by order issued May 29, 1952, suspended the operation of Texas Eastern Transmission Corporation's (Texas Eastern) proposed FPC Gas Tariff, first Revised Volume No. 1, and proposed First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2; and directed that a hearing be held at a date and place to be fixed thereafter concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in said tariff and revised sheets.

On July 28, 1952, oral argument was had before the Commission upon the motion filed by Staff Counsel on July 7, 1952, for an order disallowing Texas Eastern's proposed increase in rates and charges for the sales of natural gas in interstate commerce for resale of $41,576,961 annually, based on estimated sales for the estimated calendar year 1953; and for an order dismissing the proceeding herein. Staff Counsel, Public Service Commission of New York, and Texas Eastern participated in the oral argument. Briefs upon the motion were filed by Staff Counsel and Texas Eastern. The motion is presently under advisement.

The Commission finds:

(1) The public hearing in this proceeding should be held at the time and place hereinafter designated.

(2) It is necessary and appropriate to carry out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed shall be followed at the hearing in order to conduct this proceeding with reasonable dispatch.

The Commission orders:

(A) A public hearing be held commencing on August 25, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in Texas Eastern's proposed FPC Gas Tariff, First Revised Volume No. 1, and proposed First Revised Sheets 77 and 78 to its FPC Gas Tariff, Original Volume No. 2.

(B) At the hearing the burden of proof to justify the proposed increase and changes in tariff provisions, as provided by section 4 (e) of the Natural Gas Act, shall be upon Texas Eastern.

(C) At the hearing Texas Eastern shall go forward first and shall present its complete case-in-chief before cross-examination is undertaken. Upon completion of Texas Eastern's case-in-chief, other parties to the proceeding may proceed with such cross-examination as they may wish to conduct at that time and, upon completion of such cross-examination, upon request of any of the parties thereto, the hearing shall be recessed by the Presiding Examiner subject to further order of the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: July 30, 1952.

By the Commission. Chairman Buchanan dissented.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8500; Filed, Aug. 4, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27266]

SALT FROM POINTS IN TEXAS AND LOUISIANA TO POINTS IN NEW HAMPSHIRE, NEW YORK, PENNSYLVANIA, AND VERMONT

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3668.

Commodities involved: Salt, in carloads.

From: Points in Texas and Louisiana.

To: Manchester, N. H., Medina and Silver Springs, N. Y., Spring City, Pa., Brattleboro and Rutland, Vt.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3668, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8466; Filed, Aug. 1, 1952; 8:49 a. m.]

[4th Sec. Application 27271]

CRUDE RUBBER FROM POINTS IN TEXAS AND LOUISIANA TO BROOKHAVEN, MISS.

APPLICATION FOR RELIEF

JULY 30, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariffs I. C. C. Nos. 3906 and 3967.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, in carloads.

From: Baytown, Borger, Houston, and Port Neches, Tex., Lake Charles and West Lake Charles, La.

To: Brookhaven, Miss.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3906, Supp. 135; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 144.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8471; Filed, Aug. 1, 1952; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 65]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 1, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activties at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Battle Creek, Michigan, Area. (The area consists of the City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County; all in Michigan.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8597; Filed, Aug. 4, 1952; 9:10 a. m.]

[CDHA 66]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 1, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Bridgeport, Connecticut, Area. (The area consists of the Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut.)

This supersedes certification under Docket No. 143 dated November 23, 1951.

Portsmouth, New Hampshire-Kittery, Maine, Area. (The area consists of all of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York, in York County, Maine.)

This supersedes certification under Docket No. 306 dated June 17, 1952.

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8598; Filed, Aug. 4, 1952; 9:10 a. m.]

[RC 53; No. 236]

ANACONDA, MONTANA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Anaconda, Montana, Area. (The area consists of all of Deer Lodge County, Montana.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8594; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 53; No. 298]

BATTLE CREEK, MICHIGAN, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Battle Creek, Michigan, Area. (The area consists of the City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County; all in Michigan.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8593; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 53; No. 306]

PORTSMOUTH, NEW HAMPSHIRE–KITTERY, MAINE AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Portsmouth, New Hampshire–Kittery, Maine, Area. (The area consists of all of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8595; Filed, Aug. 4, 1952; 9:09 a. m.]

[RC 54; No. 143]

BRIDGEPORT, CONNECTICUT, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 1, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Bridgeport, Connecticut, Area: (The area consists of the Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut).

This supersedes certification under Docket No. 143 dated December 29, 1952.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-8596; Filed, Aug. 4, 1952; 9:09 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-588]

EBENSBURG COAL CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 30, 1952.

Ebensburg Coal Co. ("Ebensburg") having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting on behalf of itself and its subsidiaries exemption from the provisions of the act applicable to them by reason of the ownership by Ebensburg of all the outstanding common stock of Colver Electric Co., a public-utility company; and

Due notice having been given of the filing of said application and a hearing not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Ebensburg is primarily engaged or interested in one or more businesses other than the business of a public-utility company and does not derive, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company, and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to the provisions of section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Ebensburg and its subsidiaries be, and the same hereby are, exempted from all provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8517; Filed, Aug. 4, 1952; 8:49 a. m.]

[File No. 31-591]

WASHINGTON OIL CO.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 29, 1952.

Washington Oil Company ("Washington") having filed an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935

("act") requesting on behalf of itself and its sole subsidiary, Taylorstown Natural Gas Company ("Taylorstown"), a public utility company, exemption from the provisions of the act applicable to them; and

Due notice having been given of the filing of said application and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined the application and the statements contained therein and having found that Washington and Taylorstown are predominantly intrastate in character and carry on their businesses substantially in the State of Pennsylvania in which each of such companies is organized; and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors and consumers;

It is ordered, Pursuant to section 3 (a) (1) of the act and subject to the provisions of section 3 (c) thereof, that Washington and its subsidiary be, and the same hereby are, exempted from all of the provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8514; Filed, Aug. 4, 1952; 8:48 a. m.]

[File No. 31-593]

LAWRENCE INVESTING CO., INC.

ORDER GRANTING APPLICATION FOR EXEMPTION

JULY 30, 1952.

Lawrence Investing Company, Inc. ("Lawrence"), having filed an application pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting on behalf of itself and its subsidiaries exemption from the provisions of the act applicable to them by reason of the ownership by Lawrence of all of the outstanding common stock of The Lawrence-Park Heat, Light and Power Company, a public-utility company; and

Due notice having been given of the filing of said application and a hearing thereon not having been requested of, or ordered by, the Commission; and

The Commission having examined said application and the statements contained therein and having found that Lawrence is only incidentally a holding company, being primarily engaged in a business or businesses other than that of a public-utility company and not deriving, directly or indirectly, any material part of its income from one or more companies the principal business of which is that of a public-utility company, and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to section 3 (a) (3) (A) of the act and subject to the provisions of section 3 (c) thereof, that Lawrence and its subsidiaries be, and the same hereby are, exempted from all of the provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8516; Filed, Aug. 4, 1952; 8:49 a. m.]

[File No. 54-136]

LONG ISLAND LIGHTING CO. ET AL.

MEMORANDUM OPINION AND ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

JULY 30, 1952.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company; File No. 54-136.

The Commission by order dated November 16, 1949, approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, a then registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company ("Consolidated Corporation").

That order reserved jurisdiction over the payment of all fees and expenses incurred in connection with the plan. Subsequently, applications for payment of fees and expenses were filed by participants in the proceedings relating to the plan.

Public hearings were held on these applications and the staff of the Division of Public Utilities of the Commission issued a recommended findings and opinion thereon. Following the issuance of such recommended findings and opinion the Consolidated Corporation filed a petition stating that certain of the applicants who had requested amounts in excess of those recommended by the Division of Public Utilities have agreed to waive objections to the recommended findings and opinion and to accept the amounts recommended therein. The Consolidated Corporation has requested that it be authorized to pay those applicants who have agreed to reduce their requested amounts as well as those applicants whose requested amounts were not challenged by the staff's recommendations.

Upon careful consideration of the entire record we find that those amounts hereinafter set forth for fees and expenses and which have been recommended by the Division of Public Utilities and agreed to by the applicants concerned and the Consolidated Corporation are reasonable and that we may, therefore, at this time direct their immediate payment. We make no determination at this time, as to any of the other applications for fees and expenses.

It is ordered, That the reservation of jurisdiction in this matter with respect to the following fees and expenses be, and the same hereby is, released, and the Consolidated Corporation be, and hereby is, directed to pay the following applicants the amounts indicated:

	Fee	Expenses	Total
Preferred stockholder—Long Island Lighting Co.: Benjamin F. Gray, chairman; Albert Ullmann, deceased, member; Albert E. Olson, member; Edward Gray, secretary	$7,500.00	$4,034.94	$11,534.94
Unger & Pollack, Milton Pollack, and Jeffrey S. Granger	75,000.00	1,566.31	76,566.31
Percival E. Jackson	40,000.00	.....	40,000.00
Edward de Rivera	2,500.00	.....	2,500.00
Townsend, Elliott & Munson	8,500.00	102.84	8,602.84
John M. Chapman	1,500.00	.....	1,500.00
William A. Cluff	2,000.00	277.22	2,277.22
Bernard D. Fischman	40,000.00	4,100.30	44,100.30
C. Ross Holmes	1,000.00	.....	1,000.00
Paul E. Moses	750.00	.....	750.00
Warren & McGreddy	20,000.00	644.08	20,644.08
McLaughlin & Stern	50,000.00	4,882.43	54,882.43
Gilbert Associates, Inc.	2,000.00	172.05	2,172.05
Howie & Robertson	1,750.00	.....	1,750.00
New York Trust Co.	100.00	.....	100.00
Humes, Smith and Andrews	175.00	2.96	177.96
Guaranty Trust Co. of New York	6,000.00	.....	6,000.00
Davis, Polk, Wardwell, Sunderland & Kiendl	3,000.00	.....	3,000.00

It is further ordered, That the allowance to McLaughlin & Stern is conditioned upon the payment by it to its clients of $7,769.25 received by it from its clients.

It is further ordered, That the reservation of jurisdiction over fees and expenses contained in our order of November 16, 1949, hereby is expressly continued except insofar as specifically released herein.

By the Commission,

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8515; Filed, Aug. 4, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18965]

PAUL KLEHM

In re: Estate of Paul Klehm, deceased. File D-28-13113; E. T. sec. 17227.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Luise Wirth, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of Luise Wirth in and to the Estate of Paul Klehm, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Florence Oskins, administratrix, acting under the judicial supervision of the District Court of Park County, Wyoming.

and it is hereby determined:

4. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8522; Filed, Aug. 4, 1952; 8:51 a. m.]

[Vesting Order 18966]

EMIL KLEIN

In re: Debt owing to Emil Klein. F-28-2763.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Emil Klein, whose last known address is Adolf Hitlerstrasse 30, Hanau A M, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers Trust Company, 45 Beaver Street, New York, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by a check numbered 62193, dated September 26, 1939, in the amount of $301.88, issued by The Mortgage Corporation of New York as Trustee, to Emil Klein, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said check,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emil Klein, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8523; Filed, Aug. 4, 1952; 8:51 a. m.]

[Vesting Order 18967]

FRIEDA KOEHLER

In re: Debts owing to Frieda Koehler. D-28-2552.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frieda Koehler, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Manufacturers Trust Company, 45 Beaver Street, New York, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by nine (9) checks, issued by The Mortgage Corporation of New York as Trustee, dated, numbered and in the amounts as follows:

Dates	Check Nos.	Amounts
Aug. 3, 1939	23391	$6.79
Oct. 28, 1939	27599	6.79
Jan. 30, 1940	197851	6.75
Apr. 26, 1940	133681	6.84
July 25, 1940	168816	7.08
Sept. 3, 1940	175710	2.40
Oct. 25, 1940	192507	6.68
Jan. 30, 1941	248949	6.97
Apr. 22, 1941	274346	6.77

said checks issued to Frieda Koehler together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under the aforesaid checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frieda Koehler, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 30, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8524; Filed, Aug. 4, 1952; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 153

Washington, Wednesday, August 6, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 44—UNITED STATES STANDARDS FOR GRADES OF EDIBLE SUGARCANE MOLASSES

In F. R. Doc. 52-7571, appearing in the issue for Thursday, July 10, 1952 (17 F.R.6181), in the second column on page 6181, line fourteen of paragraph (b) of § 44.3, and line 5 in the third column on page 6183, paragraph (a) of § 44.4 are corrected to have the total sulfites read as follows: "not more than 250 parts".

Issued this 31st day of July 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 52-8566; Filed, Aug. 5, 1952; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter A—Meat Inspection Regulations

PART 9—ANTE-MORTEM INSPECTION

PART 11—DISPOSAL OF DISEASED CARCASSES AND PARTS

MISCELLANEOUS AMENDMENTS

On July 3, 1952, there was published in the FEDERAL REGISTER (17 F. R. 5995) a notice of proposed amendments of the regulations governing the meat inspection of the United States Department of Agriculture (9 CFR, Chapter 1, Subchapter A, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by the Meat Inspection Act, as amended (21 U. S. C. 71-91), the aforesaid regulations are hereby amended as follows:

1. Section 9.6 is amended to read as follows:

§ 9.6 *Animals showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus.* (a) All animals showing on ante-mortem inspection symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, rabies, railroad sickness, or tetanus shall be marked "U. S. condemned" and disposed of in accordance with § 9.16, except that cattle showing symptoms of anaplasmosis, leptospirosis, listerellosis, parturient paresis, or railroad sickness may be set apart and held for treatment under division or other responsible official supervision. If, at the expiration of the treatment period, animals upon examination are found to be free from disease, they may be released for any purpose in accordance with § 9.16, except that when released for slaughter at the official establishment, animals which have been previously affected with listerellosis shall be marked "U. S. suspect."

(b) Animals which have reacted to a test for leptospirosis, but which show no symptoms of the disease, shall be marked "U. S. suspect."

2. Section 9.16 is amended to read as follows:

§ 9.16 *Disposition of condemned animals.* Except as otherwise provided in this part, animals marked "U. S. condemned" shall be killed by the official establishment, if not already dead. Such animals shall not be taken into an establishment to be slaughtered or dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of and tanked in the manner provided for condemned carcasses in Part 14 of this subchapter. The "U. S. condemned" tag shall not be removed from, but shall remain on, the carcass until it goes into the tank at which time, the tag may be removed by a division employee only. The number of such tag shall be reported to the inspector in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass. Any animal condemned on account of hog cholera, swine erysipelas, vesicular exanthema, vesicular stomatitis, railroad sickness, parturient paresis, anasarca, anaplasmosis, leptospirosis, listerellosis, or inflammatory condition including pneumonia, enteritis, and peritonitis, may be set apart and held for treatment under division or other responsible official supervision. The "U. S.

(Continued on p. 7137)

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Carmona, Jesus N.	7173
Fisher, Minna	7173
Halbach, Anna Nargareth Kohl	7174
Kuhmann, Margarete	7173
Nationals of The Netherlands	7174
Animal Industry Bureau	
Rules and regulations:	
Ante-mortem inspection; disposal of diseased carcasses and parts; miscellaneous amendments	7135
Labeling	7137
Army Department	
Rules and regulations:	
Safeguarding security information	7140
Census Bureau	
Rules and regulations:	
Foreign trade statistics; reports of vessel entrances and clearances	7138
Civil Aeronautics Board	
Rules and regulations:	
Operations; pursuant to exemption authority	7137
Commerce Department	
See Census Bureau; International Trade, Office of.	
Customs Bureau	
Rules and regulations:	
Liability for duties, entry of imported merchandise; packing, stamping and marking, trademarks, trade-names and copyrights; additional information on customs invoices	7139
Defense Department	
See also Army Department.	
Notices:	
Chairman of Joint Chiefs of Staff; delegation of authority with respect to the Whittier Defensive Sea Area	7160

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Department—Con. Page
Notices—Continued
Munitions Board; organization and function 7160
Defense Production Administration
Notices:
Request to participate in the formation and activities of an Army Ordnance Integration Committee on:
Automatic aircraft guns, 20MM 7164
U. S. rifles caliber .30 M1 7163
Economic Stabilization Agency
See Office of Price Stabilization.
Federal Communications Commission
Notices:
License modification of certain inland coast stations 7164
Federal Communications Commission—Continued Page
Proposed rule making:
Class B FM broadcast stations; renewed tentative allocation plan 7153
Frequency allocations and radio treaty matters; aeronautical mobile service 7152
Inland waterways; delete certain frequencies 7153
Maritime services; stations on shipboard 7154
Rules and regulations:
Frequency allocations and radio treaty matters; Territory of Hawaii 7149
Federal Power Commission
Notices:
Southern Natural Gas Co. et al.; hearing 7172
Federal Trade Commission
Notices:
Portrait, photographic industry; trade practice conference proceedings 7168
Rules and regulations:
National Institute of Practical Nursing et al.; cease and desist order 7139
Geological Survey
Notices:
Miscellaneous streams; California, Colorado, Idaho, Oregon and Washington 7161
Home Loan Bank Board
Notices:
Guam; inclusion in San Francisco Federal Home Loan Bank District 7164
Rules and regulations:
Definitions; including Guam in the term "State" 7140
Housing and Home Finance Agency
See Home Loan Bank Board.
Interior Department
See Geological Survey.
Internal Revenue Bureau
Notices:
Executive officers; delegation of functions 7154
Western Fire Insurance Co.; surety companies acceptable on federal bonds 7160
International Trade, Office of
Rules and regulations:
Steel licenses, order relating to certain 7139
Interstate Commerce Commission
Notices:
Increased parcel post rates, 1953 7165
Proportional rates, rough staves from Kansas City, Mo., to Memphis, Tenn.; application for relief 7165
Rules and regulations:
Power brakes and drawbars; investigation of power brakes and appliances for operating power brake systems 7150
Justice Department Page
See Alien Property, Office of.
Labor Department
See Wage and Hour Division.
National Production Authority
Rules and regulations:
Distribution of copper raw materials; amendment of sections 2 (f) and 9 (f) (M–16) 7148
Post Office Department
Rules and regulations:
Payment of certificates and interest; withdrawal by mail 7148
Postal service, international; miscellaneous amendments 7149
Price Stabilization, Office of
Notices:
Remington Rand, Inc.; central pricing order 7165
Western Sulphur Industries, Inc.; ceiling prices for export sales and sales for export of sulphur 7168
Rules and regulations:
Beef, ceiling prices at wholesale; imported from New Zealand (CPR 24) 7144
Beet pulp products (CPR 162) 7144
Concrete, ready mixed (general) (GCPR, SR 108, Int. 1) 7143
Manufacturer's general ceiling price regulation; mathematical error in establishing manufacturer's base period selling price for an article (CPR 22, Int. 34) 7144
Production and Marketing Administration
Notices:
Peanuts; redelegation of final authority by State PMA Committees 7163
Proposed rule making:
Pecans, shelled; U. S. Standards 7150
Rules and regulations:
U. S. Standards for grades of edible sugarcane molasses; correction 7135
Securities and Exchange Commission
Notices:
Hearings, etc.:
Blandin Paper Co 7169
Connor Land and Lumber Co 7169
Electric Bond and Share Co 7170
Gilman Paper Co 7163
Kezar Falls Woolen Co 7169
National Fuel Gas Co 7171
New England Gas and Electric Assn. and Algonquin Gas Transmission Co 7171
Potomac Edison Co. and Potomac Light and Power Co 7172
Tarbet, Arthur 7169
Treasury Department
See also Internal Revenue Bureau.
Notices:
Bureau of Internal Revenue; reorganization 7160
Veterans' Administration
Rules and regulations:
Veterans claims; proof of death 7143

CONTENTS—Continued

Wage and Hour Division Page
Notices:
Learner employment certificates: issuance to various industries 7162

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7 Page
Chapter I:
Part 44 7135
Part 51 (proposed) 7150
Chapter VII:
Part 729 7163
Title 9
Chapter I:
Part 9 7135
Part 11 7135
Part 17 7137
Title 14
Chapter I:
Part 290 7137
Title 15
Chapter I:
Part 30 7138
Chapter III:
Part 384 7139
Title 16
Chapter I:
Part 3 7139
Title 19
Chapter I:
Part 8 7139
Part 11 7139
Title 24
Chapter I:
Part 121 7140
Title 32
Chapter V:
Part 505 7140
Title 32A
Chapter III (OPS):
CPR 22, Int. 34 7144
CPR 24 7144
CPR 162 7144
GCPR, SR 108, Int. 1 7148
Chapter VI (NPA):
M–16 7148
Title 38
Chapter I:
Part 3 7148
Title 39
Chapter I:
Part 84 7148
Part 127 7149
Title 47
Chapter I:
Part 2 7149
Proposed rules (2 documents) 7152, 7153
Part 3 7149
Part 7 (proposed) 7153
Part 8 (proposed) (2 documents) 7153, 7154
Title 49
Chapter I:
Part 132 7150

condemned" tag will be removed by a division employee either when the animal is released to a responsible official for treatment, or following treatment under division supervision if the animal is found to be free from disease. When an animal under the provisions of these regulations is to be released for a purpose other than slaughter, the official establishment or the owner of the animal shall first obtain permisison for the movement of such animal from the local State or Federal livestock sanitary official having jurisdiction.

3. Section 11.11 is amended to read as follows:

§ 11.11 *Anthrax, bacillary hemoglobinuria in cattle, blackleg, hemorrhagic septicemia, icterohematuria in sheep, malignant epizootic catarrh, piroplasmosis, pyemia, septicemia, unhealed vaccine lesions; carcasses affected with, to be condemned.* Carcasses of animals affected with or showing lesions of any of the following-named diseases or conditions shall be condemned:

(a) Anthrax.
(b) Bacillary hemoglobinuria in cattle.
(c) Blackleg.
(d) Hemorrhagic septicemia.
(e) Icterohematuria in sheep.
(f) Malignant epizootic catarrh.
(g) Piroplasmosis.
(h) Pyemia.
(i) Septicemia.
(j) Unhealed vaccine lesions (vaccinia).

4. Part 11 is amended by the addition of new §§ 11.35, 11.36 and 11.37 reading as follows:

§ 11.35 *Anaplasmosis.* (a) Carcasses of cattle and calves found on post-mortem inspection to be affected with anaplasmosis shall be condemned.

(b) Carcasses of cattle and calves which are classed as recovered cases of anaplasmosis evidenced by the absence of abnormal symptoms on ante-mortem inspection but which show slight yellow coloration of tissues on post-mortem examination shall be passed for food provided the yellow coloration disappears on chilling. Those carcasses which do not lose such yellow coloration on chilling shall be condemned.

§ 11.36 *Listerellosis.* Carcasses of animals marked "U. S. suspect" because of a history of listerellosis shall be passed for food after condemnation of the head if the carcass is otherwise in good condition.

§ 11.37 *Leptospirosis.* (a) Carcasses of animals affected with leptospirosis shall be condemned.

(b) Carcasses of animals which have reacted to a test for leptospirosis and have been marked "U. S. suspect" on ante-mortem inspection shall be passed for food when no evidence of the disease is found on post-mortem examination provided the carcasses are otherwise in good condition.

The purpose of the foregoing amendments is to outline the requirements for inspection and disposition of animals and carcasses found to be affected with certain disease conditions.

The foregoing amendments shall become effective September 5, 1952.

(Ch. 2907, 34 Stat. 1264; 21 U. S. C. 89)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8565; Filed, Aug. 5, 1952; 8:48 a. m.]

PART 17—LABELING

MISCELLANEOUS AMENDMENTS

On June 10, 1952, there was published in the FEDERAL REGISTER (17 F. R. 5243) a notice of proposed amendment of Part 17 of the regulations governing the meat inspection of the United States Department of Agriculture (9 CFR, Chapter I, Subchapter A, Part 17). After due consideration of all relevant matters presented and pursuant to the authority conferred upon me by the Meat Inspection Act (21 U. S. C. 71–91) the aforesaid Part 17 is hereby amended by adding to § 17.8 (c) the following subparagraph:

(52) The application of curing solution to beef briskets shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured briskets. The application of curing solution to other beef cuts, such as navels, clods, middle ribs, rumps and the like, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

The purpose of the foregoing amendment is to control the composition of certain meat food products along lines which have been thoroughly investigated by the Meat Inspection Division of the Department of Agriculture and to bring into the regulations, orders and instructions that have been given to the field operating forces of the Meat Inspection Division and inspected establishments during the past year. The foregoing amendment shall become effective September 5, 1952.

(Ch. 2907, 34 Stat. 1264; 21 U. S. C. 89)

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8564; Filed, Aug. 5, 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs. Serial No. 175]

PART 290—OPERATIONS UNDER SECTION 9 (b) OF THE ADMINISTRATIVE PROCEDURE ACT

OPERATIONS PURSUANT TO EXEMPTION AUTHORITY

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of July 1952.

On April 28, 1952, with the coming into effect of a new revision of the Board's

Rules of Practice in Economic Proceedings, Part 290 of the Economic Regulations as it had theretofore existed, was rescinded, and all the material formerly contained therein was transferred to such new Rules of Practice.

Under the third sentence of section 9 (b) of the Administrative Procedure Act "in any case in which the licensee has, in accordance with agency rules, made timely and sufficient application for a renewal or a new license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined by the agency."

At the present time, the Board does not have any agency rules relating to the timeliness of the filing or the sufficiency of any such application; nor does it have any published interpretation concerning which of the activities it may authorize by way of exemption are activities of a continuing nature. Accordingly, a proposal for a substitute Part 290 to deal in general with this matter was published as a notice of proposed rule making on April 3, 1952.

A number of air carriers and individuals responded to this invitation for submission of written comments. The comments and suggestions of the carriers have been carefully considered and the proposed rule revised in response to the comments.

Some of the comments objected to the issuance of the proposed rule on the ground that it involved an interpretation by the Board of the Administrative Procedure Act and that the Board had no authority to determine by regulation the scope of such act. The terminology in the third sentence of section 9 (b) of the Administrative Procedure Act is general in scope and it does not contain any specific definitions. The application of this sentence to licenses granted by a particular agency is clearly dependent upon definitions made by the agency in the light of the nature of the license involved. In the proposed regulation the Board is making an effort to acquaint all carriers and other persons who may receive exemptions from the Board of its views on the application of section 9 (b) in the light of the nature of Board exemptions and Board procedures. The Board not only has authority but also a duty to clarify what has become a vague and uncertain area of regulation. A further objection has been raised that the rule provides for the termination of licenses without a hearing. This evidences a misunderstanding of the purposes of the rule. It contemplates no Board action whatsoever except where a carrier asks for advice as to the nature of its exemption and the applicability of section 9 (b) thereto. A particular license comes to an end through its own terms and not through any action by the Board under this regulation.

In consideration of the foregoing and the reasons set forth in the notice of proposed rule-making of April 3, 1952, the Civil Aeronautics Board hereby amends the Economic Regulations by adding thereto a new part 290, effective September 1, 1952, to read as follows:

Sec.
290.0 Applicability of part.
290.1 Definitions and interpretations.
290.2 Procedure to obtain Board interpretation.
290.3 Effect of part.

AUTHORITY: §§ 290.0 to 290.3 issued under sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply section 1001, 52 Stat. 1017, 49 U. S. C. 641)

§ 290.0 *Applicability of part.* This part is applicable to all exemptions granted by the Board pursuant to section 416 (b) of the Civil Aeronautics Act, outstanding on the date this part takes effect, and to all such exemptions thereafter granted; provided that it shall not apply to exemptions which will expire within 60 days of such effective date.

§ 290.1 *Definitions and interpretations.* (a) The Board deems that the following exemption authorizations granted pursuant to section 416 (b) of the Civil Aeronautics Act are not licenses of a continuing nature within the meaning of section 9 (b) of the Administrative Procedure Act and that the authority contained therein terminates upon the date of the expiration of the exemption regardless of whether or not a timely application has been filed for renewal thereof:

(1) Exemptions granted for a specified period of less than 180 days.

(2) Exemptions which terminate upon the happening of an event, completion of a condition, or the occurrence of a contingency.

(b) A "timely" application for a renewal of an exemption authority or a new exemption granting the same authority is one filed not later than 60 days prior to the expiration of said exemption authority, or such other period of time prior to the expiration of said exemption authority as may be specified in the order granting the exemption.

(c) A "sufficient" application for a renewal of an exemption authority or a new exemption granting the same authority is one which contains the information required by the applicable law and regulations, meets the requirements thereof as to form, and which does not seek substantially greater or different authority than that in the existing exemption.

(d) An application for a renewal of an exemption authority or a new exemption granting the same authority shall be considered to be "finally determined" upon the effective date of the Board order denying or approving the application, and such final determination shall not be affected by a petition for reconsideration unless specifically so ordered.

§ 290.2 *Procedure to obtain Board interpretation.* In any case not clearly settled by these rules, the Board will determine, upon written request by an air carrier to which an exemption has been issued pursuant to section 416 (b) of the Civil Aeronautics Act, whether under section 9 (b) of the Administrative Procedure Act any authority granted by such exemption is continued in force beyond the expiration date specified in such exemption and until final determination of a timely application filed by the air carrier to which such exemption was granted for a renewal thereof or for a new exemption granting the same authority. In order to afford sufficient time for consideration and action thereon, a written request for such a determination shall be filed not later than 15 days prior to the expiration date of the exemption authority: *Provided*, That filing of such written request, and Board action thereon, shall not be deemed to affect the timeliness of applications for renewal of an exemption authority or a new exemption granting the same authority as set forth in § 290.1 (b) or other applicable Board regulation or order.

§ 290.3 *Effect of part.* Nothing in this part shall be construed as preventing the Board from terminating at any time, in accordance with law, any exemption authority or any extension thereof; and nothing in this part shall be construed as a determination that any given exemption authorization is a license within the meaning of the Administrative Procedure Act.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-8607; Filed, Aug. 5, 1952; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 71]

PART 30—FOREIGN TRADE STATISTICS

WEEKLY REPORTS OF VESSEL ENTRANCES AND CLEARANCES

Pursuant to section 4 of the Administrative Procedure Act, approved June 11, 1946 (Pub. Law 404, 79th Cong., 2d Sess.), the Foreign Commerce Statistical Decision indicated below is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately:

Section 30.48 is amended to read as follows:

§ 30.48 *Weekly reports of vessel entrances and clearances.* (a) Weekly, not later than noon on Monday of each week, or on the first business day thereafter if Monday is a holiday, Collectors and Deputy Collectors of Customs, with the exception of the Collector at New York, shall mail the duplicate copies for the preceding week of Customs Form 1400, "Record of Vessels Engaged in Foreign Trade—Entered or Arrived Under Permit to Proceed," and Customs Form 1401, "Record of Vessels Engaged in Foreign Trade—Cleared or Granted Permit to Proceed," to the Foreign Trade Division, Bureau of the Census, Washington 25, D. C. The Collector of Customs at New York shall forward a duplicate copy of each daily record on the above forms to the same address on the following business day.

(b) Whenever there are no transactions during any particular period, a report to that effect should be rendered for the required period on Commerce Form 550, "No Transactions."

Foreign Commerce Statistical Decision 70 is rescinded by this decision.

(R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 335, as amended, 336, as amended, 337, as amended, 4200, as amended, sec. 1, 18 Stat. 352, as amended, sec. 1, 27 Stat. 197, as amended, 32 Stat. 172, as amended, sec. 7, 44 Stat. 572, as amended, sec. 1, 52 Stat. 8; 15 U. S. C. 173, 174, 176, 176a, 177, 178, 46 U. S. C. 92, 95, 49 U. S. C. 177.)

[SEAL] ROY V. PEEL,
Director,
Bureau of the Census.

Approved: August 1, 1952.

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-8567; Filed, Aug. 5, 1952; 8:48 a. m.]

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Reg., Amdt. 7]

PART 384—GENERAL ORDERS

ORDER RELATING TO CERTAIN LICENSES FOR STEEL

Part 384, General Orders, is amended in the following particulars: Section 384.12 *Order relating to certain licenses for steel* is hereby deleted.

This amendment shall become effective as of August 4, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-8612; Filed, Aug. 4, 1952; 1:56 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5700]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL INSTITUTE OF PRACTICAL NURSING ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.115 *Jobs and employment;* § 3.135 *Nature—Product or service;* § 3.205 *Scientific or other relevant facts;* § 3.245 *Specifications or standards conformance;* § 3.250 *Success, use or standing.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1540 *Reputation, success or standing:—Goods:* § 3.1670 *Jobs and employment;* § 3.1740 *Scientific or other relevant facts;* § 3.1755 *Success, use or standing.* In connection with the offering for sale, sale, or distribution of courses of instruction and study, whether separately or in combination with equipment for use in connection therewith, in commerce, (1) misrepresenting in any manner the opportunities for employment in any field of endeavor in which a course of instruction is offered; (2) using the word "complete", or any word of similar import or meaning, to designate, describe, or refer to any course or curriculum of instruction in practical nursing which requires less than nine months of forty-hour weeks of supervised instruction, of which a substantial amount is in an institution for the care of the sick; (3) using the words "practical nurse" to describe, designate or otherwise refer to any person who has not satisfactorily completed a course or curriculum of instruction in practical nursing of not less than nine months of forty-hour weeks of supervised instruction, of which a substantial amount is in an institution for the care of the sick; or, (4) representing, contrary to the fact, that any diploma or certificate issued by them is regarded by any hospital or other institution as evidence of proficiency of the holder thereof in the field of endeavor to which such diploma or certificate relates; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Institute of Practical Nursing et al., Washington, D. C., Docket 5700, April 30, 1952]

In the Matter of National Institute of Practical Nursing, a Corporation, and Edward Williams and Lillian J. Williams, Individually and as Officers of Said Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the complaint introduced before a hearing examiner of the Commission theretofore duly designated by it, the hearing examiner's recommended decision and exceptions thereto of counsel supporting the complaint and counsel for respondents, briefs in support of and in opposition to the allegations of the complaint, and oral argument by counsel supporting the complaint (counsel for respondents not appearing, although notified), and the Commission having issued its order disposing of the exceptions to the recommended decision and having made its findings as to the facts[1] and its conclusion[1] that National Institute of Practical Nursing, a corporation, and Edward Williams and Lillian J. Williams, individually and as officers of said corporation, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent National Institute of Practical Nursing, a corporation, and its officers, and the respondents Edward Williams and Lillian J. Williams, individually and as officers of said corporation, and said respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of courses of instruction and study, whether separately or in combination with equipment for use in connection therewith, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting in any manner the opportunities for employment in any field of endeavor in which a course of instruction is offered.

2. Using the word "complete," or any word of similar import or meaning, to designate, describe, or refer to any course or curriculum of instruction in practical nursing which requires less than nine months of forty-hour weeks of supervised instruction, of which a substantial amount is in an institution for the care of the sick.

3. Using the words "practical nurse" to describe, designate or otherwise refer to any person who has not satisfactorily completed a course or curriculum of instruction in practical nursing of not less than nine months of forty-hour weeks of supervised instruction, of which a substantial amount is in an institution for the care of the sick.

4. Representing, contrary to the fact, that any diploma or certificate issued by them is regarded by any hospital or other institution as evidence of proficiency of the holder thereof in the field of endeavor to which such diploma or certificate relates.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 30, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-8581; Filed, Aug. 5, 1952; 8:50 a. m.]

[1] Filed as part of the original document.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53064]

PART 8—LIABILITY FOR DUTIES. ENTRY OF IMPORTED MERCHANDISE

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

FUR PRODUCTS LABELING ACT; INVOICING REQUIREMENTS; LABELING OF FUR PRODUCTS

Section 8.13 (i), Customs Regulations of 1943, as amended, relating to additional information on customs invoices, further amended and new § 11.12a, Customs Regulations of 1943, added.

In view of Public Law 110, 82d Congress, enacted for the protection of consumers and others against misbranding, false advertising, and false invoicing of fur products and furs, it is necessary to require that certain information be included in invoices of such articles, and to provide for the labeling of fur products by amendment of the Customs Regulations of 1943.

Accordingly, it is hereby required that customs invoices of fur products and

furs shall contain, in addition to all other information required by law or regulations, the following information:

1. The name or names (as set forth in the Fur Products Name Guide (16 CFR 301.0) of the animal or animals that produced the fur, and such qualifying statement as may be required pursuant to section 7 (c) of the Fur Products Labeling Act (15 U. S. C. 69e (c));

2. A statement that the fur product contains or is composed of used fur, when such is the fact;

3. A statement that the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

4. A statement that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

5. The name and address of the manufacturer of the fur product; and

6. The name of the country of origin of the furs or those contained in the fur product.

This requirement shall be effective as to certified or commercial invoices filed on or after August 9, 1952.

(Sec. 6, Fur Products Labeling Act, 15 U. S. C. 69d. Sec. 481, 46 Stat. 719; 19 U. S. C. 1481)

Section 8.13 (i), Customs Regulations of 1943 (19 CFR 8.13 (i)), as amended, is further amended by adding the following to the list of merchandise with respect to which additional information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury decision:

Fur products and furs.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U. S. C. 1481, 1624)

Part 11, Customs Regulations of 1943 (19 CFR Part 11), is amended by adding a new § 11.12a, reading as follows:

§ 11.12ae *Labeling of fur products to indicate composition.* (a) Fur products imported into the United States shall have affixed thereto a label as required by section 4 of the Fur Products Labeling Act (15 U. S. C. 69b) and the rules and regulations promulgated thereunder by the Federal Trade Commission (16 CFR 301.1–301.49). The term "fur product" means any article of wearing apparel made in whole or in part of fur or used fur; except that such term shall not include such articles as the Federal Trade Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained therein.

(b) If imported fur products are not correctly labeled and the collector is satisfied that the error or omission involved no fraud or wilful neglect, the importer shall be afforded a reasonable opportunity to label the merchandise under customs supervision to conform with the requirements of such act and the rules and regulations of the Federal Trade Commission.

(c) Packages of fur products subject to the provisions of this section which are not designated for examination may be released pending examination of the designated packages, but only if there shall have been filed in connection with the entry the usual customs single entry or term bond in such amount as is prescribed for such bonds in §§ 25.3 and 25.4 of this chapter.

(d) The collector of customs shall give written notice to the importer of any lack of compliance with the Fur Products Labeling Act in respect of an importation of fur products, and pursuant to § 8.26 (a) of this chapter shall demand the immediate return of the involved products to customs custody, unless the lack of compliance is forthwith corrected.

(e) If the products covered by a notice and demand given pursuant to paragraph (d) of this section are not promptly returned to customs custody and the collector is not fully satisfied that they have been brought into compliance with the Fur Products Labeling Act, appropriate action shall be taken to effect the collection of liquidated damages in an amount equal to the entered value of the merchandise not redelivered, plus the estimated duty thereon as determined at the time of entry, unless the owner or consignee shall file with the appropriate customs officer an application for cancelation of the liability incurred under the bond upon the payment as liquidated damages of a lesser amount than the full amount of the liquidated damages incurred, or upon the basis of such other terms and conditions as the Secretary of the Treasury may deem sufficient. The application shall contain a full statement of the reasons for the requested cancelation and shall be in duplicate and under oath.

(f) If any fraudulent violation of the act with respect to imported articles comes to the attention of a collector of customs, the involved merchandise shall be placed under seizure, or a demand shall be made for the redelivery of the merchandise if it has been released from customs custody, and the case shall be reported to the Federal Trade Commission, Washington 25, D. C.

(R. S. 161, sec. 6, 65 Stat. 178, R. S. 251; sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 69d, 19 U. S. C. 66, 1624)

The provisions of § 11.12a shall apply to importations made on and after August 9, 1952.

The full text of the Fur Products Labeling Act and of the rules and regulations promulgated thereunder by the Federal Trade Commission will be disseminated by means of a Bureau of Customs circular letter.

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: July 31, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8583; Filed, Aug. 5, 1952; 8:50 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter B—Federal Home Loan Bank System

[No. 5382]

PART 121—DEFINITIONS

INCLUDING GUAM IN TERM "STATE"

JULY 31, 1952.

Resolved that, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108), § 121.10 of the regulations for the Federal Home Loan Bank System (24 CFR 121.10) is hereby amended, effective August 6, 1952, to read as follows:

§ 121.10 *State.* Except as defined in § 122.45 of this subchapter, the term "State" means any one of the 48 States, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, or the Territory of Alaska or of Hawaii."

Resolved further that the foregoing amendment being adopted to carry into effect an amendment to section 3 of the Federal Home Loan Bank Act, providing in effect that Guam should be included in one of the Federal Home Loan Bank Districts, notice and public procedure thereon is unnecessary and, as the amendment merely brings the regulation into conformity with the statute, there is no reason for deferment of the effective date under the provisions of section 4 of the Administrative Procedure Act and the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 17, 47 Stat. 36; 12 U. S. C. 1347. Interprets or applies sec. 10, Pub. Law 531, 82d Cong.)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-8585; Filed, Aug. 5, 1952, 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 505—SAFEGUARDING SECURITY INFORMATION

Part 505 is revised to read as follows:

Sec.
505.1 Definitions.
505.2 Compromise or possible compromise.
505.3 Dissemination of classified security information.
505.4 Requests for security information.
505.5 Responsibility for safeguarding technical information.
505.6 Classification of information from commercial firms.
505.7 Dissemination of classified technical information.
505.8 Invitation for bids and contracts.
505.9 Consultations with responsible manufacturers.
505.10 Responsibility of Government contracts.
505.11 Public display of classified matériel.
505.12 Release of information or sale of matériel.
505.13 Authority for admission of visitors.
505.14 Responsibility of commanding officer.
505.15 Responsibility of Government contractors regarding visitors.
505.16 Restricted areas.

AUTHORITY: §§ 505.1 to 505.16 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 380-5, June 6, 1952.

§ 505.1 *Definitions*—(a) *Classified security information.* Information the safeguarding of which is necessary in the interest of national security and which is classified for such purpose by appropriate classifying authority. Classified security information will be Top Secret, Secret, Confidential, or Restricted, depending upon the degree of protection necessary for its safeguarding.

(b) *Document.* Any recorded security information regardless of its physical form or characteristics, including but not limited to:

(1) Written information, whether handwritten, printed, or typed.

(2) Painted, drawn, or engraved information.

(3) Sound or voice recordings or transcriptions.

(4) Printed photographs, slides, and exposed or printed film, still or moving.

(5) Messages.

(6) Reproductions of the foregoing by whatever process.

NOTE: For the purpose of security classification and/or regrading action, a group of physically connected papers which would be incomplete if any were withdrawn may be considered as one document.

(c) *Foreign nationals.* All persons not citizens of the United States (§ 505.13).

(d) *Matériel.* Any document, product, or substance on or in which information may be recorded, embodied, or communicated, regardless of its physical character. "Information" transmitted orally will be considered as "material" for security purposes. Machinery, documents, apparatus, devices, photographs, recordings, reproductions, notes, sketches, maps, and letters, as well as all other products or substances, fall within this general term. The terms "material" and "matter" are synonymous.

(e) *Matériel.* Any article, device, or apparatus. It comprises military arms, armament, and equipment, both complete and in process of research, development, experimentation, and construction, and includes elements, components, accessories, models, fixtures, mock-ups, jigs, and dies associated therewith.

(f) *Technical and scientific information.* Applies to information concerning munitions and equipment, instructions for maintenance and operation, and any descriptive matter or components thereof. This includes development, means of operation, manufacture, use, techniques, processes, and scientific research related thereto. Information pertaining to the various sciences which may be employed directly or indirectly in warfare also are included. Information of a strategic or tactical nature is specifically excluded from the meaning of this term.

(g) *Visitor.* Any person admitted to a Government or civilian establishment or area in which work or a project is being conducted for the Department of the Army, except a person—

(1) Employed on the work or project, or

(2) Directly and officially concerned with the work or project.

§ 505.2 *Compromise or possible compromise.* Any person, civilian or military, under the jurisdiction of the Department of the Army or in its employ who becomes aware of the disclosure or the possibility of disclosure of classified security information to any unauthorized person will report such fact to his immediate superior or commanding officer. In case of disclosure or the possibility of disclosure to any unauthorized person of security information classified Top Secret, Secret, Confidential, or serial matter, the commanding officer will determine and notify by the fastest available means the:

(a) Agency having primary interest in the security information (normally the office of issue).

(b) Commanding officer of the individual having custody of the classified security information.

§ 505.3 *Dissemination of classified security information*—(a) *Discussions.* All discussions, either public or private, of classified security information with or in the presence or hearing of any person unauthorized to have knowledge thereof are prohibited. Classified security information will not be divulged in telephone conversations or over approved circuits. No person is entitled solely by virtue of his grade or position to knowledge or possession of classified security information. Classified security information shall be entrusted only to individuals whose official duties require such knowledge or possession. In imparting classified security information orally, the recipient will be told the classification of the security information. When, in a lecture, address, or informal talk to a group, the subject matter includes classified security information, the speaker will announce the security classification to the audience at the beginning and at the end of the period.

(b) *Persons not subject to military law.* When persons not subject to military law and the provisions of this part are permitted or required to receive or handle classified security information, they will be informed prior to such receipt or handling that it affects the national defense of the United States within the meaning of the Espionage Laws, and that its transmission to an unauthorized person is prohibited. When such personnel are employees of an agency handling classified security information in the performance of normal functions, they shall be informed in the same manner at the beginning of such employment and as often thereafter as is considered necessary by the employing authority (§ 505.4 (c)).

(c) *Commercial publications.* The inclusion of classified security information, in any article, thesis, book, or other product written for publication, distribution, or use beyond the control of the Department of the Army, by military or civilian personnel of the Army Establishment, is prohibited. The contribution in any manner of classified security information, by military or civilian personnel of the Army Establishment, to other persons for use in publications as described above constitutes unauthorized disclosure of classified security information and is expressly prohibited.

§ 505.4 *Requests for security information.* (a) All requests from United States private individuals, firms, or corporations, Federal or State agencies or departments, as well as foreign governments or their nationals for classified security information (except those defined in paragraph (c) of this section) are subject to policies established by the Assistant Chief of Staff, G–2.

(b) (1) Release of classified security information, including technical, to foreign nationals will be made in accordance with instructions issued by the Assistant Chief of Staff, G–2. Where appropriate instructions have not been received or are unavailable, requests for such release will be forwarded through intelligence channels.

(2) Release of unclassified information, including technical, to foreign nationals will be made only through or with the express permission of the Assistant Chief of Staff, G–2.

(c) Applications from outside the Department of the Army requesting access to information or records originated by the Army Establishment or at the request of the Army Establishment, for its use in connection with industrial mobilization activities, will be referred to the Assistant Secretary of the Army (General Management) for disposition. The serving of any process or subpoena requiring production of such information or records will be immediately reported by the recipient to the judge advocate of the appropriate continental army or the Military District of Washington, or, if the subpoena is served within a command outside the continental limits of the United States, the major oversea command judge advocate, and simultaneously direct to the Assistant Secretary of the Army (General Management). Pending instructions from the Assistant Secretary of the Army (General Management), no action toward furnishing the requested information will be taken.

§ 505.5 *Responsibility for safeguarding technical information.* (a) Heads of technical services engaged in the preparation of plans, research, development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional directives as may be required in Army installations for the safeguarding of security information in the offices, establishments, laboratories, shops, or Army posts under their jurisdiction.

(b) Heads of technical services are responsible for the promulgation and enforcement of such additional directives as may be required for the safeguarding of security information in the offices, establishments, shops, laboratories, and other facilities of commercial organizations under contract to the Department of the Army negotiated by that particular technical service as agent for the Department of the Army, for research, development, design, test, production, procurement, storage, or use of classified material. The responsibility of Army representatives will be in accordance with instructions prepared by the heads of the technical services concerned.

(c) All Top Secret, Secret, Confidential, or Restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will, in addition to being identified as "Security Information," be properly marked, when practicable, to indicate classification. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Laws or other pertinent laws and a copy of such notifications will be sent to the head of the technical service concerned.

(d) The heads of the technical services under paragraphs (a) and (b) of this section, or the commanding officer of a military installation under § 505.16 as the case may be, shall cause to be posted in conspicuous and appropriate places throughout the installation any regulation or order, the willful violation of which is made a crime by the Internal Security Act of 1950 (64 Stat. 1005; 50 U. S. C. Supp. IV, 797). Such posted regulation or order shall contain the following warning notice:

> This regulation (or order) is promulgated by the authority of (name of officer) in accordance with the provisions of the regulation promulgated by the Secretary of Defense on 11 May 1951 pursuant to the provisions of Section 21, Internal Security Act of 1950 (50 U. S. C. 797).
>
> WARNING
>
> Whoever willfully shall violate ---------- (this) regulation or order shall be guilty of a misdemeanor and upon conviction thereof, shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both. Section 21, Internal Security Act of 1950 (50 U. S. C. 797).

§ 505.6 *Classification of information from commercial firms.* Information obtained from civilian manufacturers concerning proprietary processes will be classified according to instructions governing classified information other than security information.

§ 505.7 *Dissemination of classified technical information.* Classified security information concerning technical projects or developments may be imparted only to those individuals whose official duties require such knowledge or possession, and to accredited representatives of foreign nations in accordance with § 505.4.

§ 505.8 *Invitations for bids and contracts.* Prior to furnishing a prospective bidder, subbidder, contractor, or subcontractor with drawings, specifications, or other pertinent security information concerning any project or projects of a Top Secret, Secret, Confidential, or Restricted nature, clearance will be obtained by the procurement agency.

§ 505.9 *Consultations with responsible manufacturers.* The commanding officers of arsenals and depots and other offices engaged in work on Government contracts are authorized to consult with all interested manufacturers, or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, insure that all persons engaged in the consultation have been properly cleared for access to classified security information at least to the degree of classification of security information involved, or referred to, in the consultation.

§ 505.10 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the Department of the Army becomes responsible in matters within his or its control for the safeguarding of all security information classified Top Secret, Secret, Confidential, or Restricted that may be disclosed or that may be developed in connection therewith as required by the security regulations promulgated by the head of the technical service concerned. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibiltiy under the Espionage Laws and other pertinent laws. The contractor will execute a Security Agreement (DD Form 441) when his contract involves classified security information.

(b) Contractors will determine that their prospective subcontractors have executed DD Form 441 prior to the release of any classified security information to their subcontractors.

(c) Whenever a contract or subcontract does not initially include classified security information but subsequently involves security information classified Top Secret, Secret, Confidential, or Restricted, the technical service concerned immediately will determine whether or not a contractor or subcontractor has executed DD Form 441 and if not, the technical service will request the contractor or subcontractor to execute DD Form 441 and further will take necessary steps to insure that the project or work is properly classified and the contractor or subcontractor informed of the classification.

§ 505.11 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the head of the technical service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instruction issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the Department of the Army through the head of the appropriate technical service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the Department of the Army for review prior to release.

§ 505.12 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, and foreign manufacture of items of Army, Navy, or air Force matériel and equipment are not permitted unless the Departments of the Army, the Navy, and the Air Force are agreed that military secrecy is not compromised thereby.

§ 505.13 *Authority for admission of visitors*—(a) *General.* Correspondence and messages relating to visits will be routed direct between the various offices concerned. For the purpose of §§ 505.13 to 505.15, a United States citizen while a representative, official, or employee of a foreign government or foreign private or commercial entity is considered a foreign national. Visits to Department of the Army installations and facilities within the United States are authorized under the conditions set forth below.

(b) *Foreign nationals (see § 505.1 (c))*—(1) *Authority of local commanding officer.* Foreign nationals may be admitted to installations of the Army Establishment for social purposes, for activities open to the general public, for authorized medical treatment, and in connection with emergency landings by authority of the commanding officer, provided no classified security information is disclosed.

(2) *Authority of commanding generals, continental armies, or other command.* Members of the armed forces of Canada and Mexico may be admitted to Army installations near the borders of those countries for occasional visits on the authority of the commanding general of the continental army or other command having jurisdiction over the installation without reference to higher authority, provided no classified security information is disclosed.

(3) *Authority of Assistant Chief of Staff, G–2.* (i) Foreign nationals may be admitted to the following only on written authority of the Assistant Chief of Staff, G–2:

(a) Installations and facilities of the Army Establishment except as provided in subparagraphs (1) and (2) of this paragraph.

(b) Government of commercial facilities where classified work, projects, or features will be shown or discussed.

(ii) Foreign visits requests will include the following information:

(a) Name in full.

(b) Official title or position.

(c) Nationality.

(d) Name of installation, facility, or activity to which admission is desired.

(e) Date of visit or dates between which visits are desired.

(f) Purpose of visit.

(g) Sponsor.

(iii) Authorization of visit does not constitute authority for release of documents containing classified security information to visitors.

(c) *Visits by foreign national employees.* Foreign nationals employed by the United States contractor under classified contract to a United States military agency; foreign nationals employed by a nonmilitary United States Federal Government agency engaged in a classified contract with the United States military agency; or foreign nationals employed on a classified project or work by an agency of the United States Armed Forces may visit Department of the Army installations on authority of the commanding officer of the installation or Department of Army representative at the facility without reference to the Assistant Chief of Staff, G–2, under the following procedure:

(1) The necessity for the visit must be attested by the United States military resident representative or inspector on duty at the employing establishment or, in case no resident representative is assigned, by the United States military procurement agency or military agency for which the foreign national is working.

(2) The visit request must state the specific scope of information or items desired to be shown the visitor. A certified true or photostatic copy of the letter of consent for the visitor to have foreign national employment on classified work must accompany the visit request and not be given the visitor.

(3) Foreign national visitors will not be permitted access to security information of a higher classification than that indicated in the letter of consent issued to the visitor to have access to classified work at his place of employment.

(4) If the commanding officer of the installation or Department of the Army representative at the facility to be visited approves the visit, the requester will be so notified.

(5) The foreign national visitor must have in his possession a copy of the approved visit request (copy of letter or consent withdrawn) as well as proper identification.

(d) *United States citizens.* Subject to the approval of the commanding officer of an installation or Department of the Army representative at a facility, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to Department of the Army installations or facilities under the following conditions:

(1) Casual visitors may be admitted, provided no classified security information is disclosed.

(2) Representatives of other United States Government agencies, manufacturers or their representatives, engineers, and inventors cooperating in Department of the Army work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible head of the technical service or other Department of the Army agency. Request for such visitor clearance shall be in accordance with appropriate requirements of the head of the technical service concerned.

(3) Reporters, photographers, and other representatives of public information agencies may be admitted to Department of the Army installations or facilities, provided classified security information projects or processes of manufacture are not shown or discussed with them.

§ 505.14 *Responsibility of commanding officer.* The commanding officer of a military establishment:

(a) Is the local representative of the Department of the Army in all matters regarding the admission of visitors. If, in his opinion, the situation at the time makes the admission of a visitor inadvisable, it is empowered to postpone the visit and request instructions from the office which authorized it.

(b) Will forward through military channels to the Assistant Chief of Staff, G–2, a report on all foreign nationals who visit installations for which they are responsible. The report will be classified according to the classification of the security information contained therein, the classification of the visit, or the approval instrument for the visit, whichever is the highest classification, but in no case will the report be classified lower than Restricted. The report will include the following:

(1) Name, official position, and nationality.

(2) Authority for visit.

(3) Date of visit, to include time in and out.

(4) Matters in which visitor showed greatest interest.

(5) General type of nature of questions asked.

(6) Expressed object of the visit.

(7) Estimate of the real object of the visit.

(8) General estimate of ability, intelligence, and technical knowledge of the visitor and his proficiency in the English language.

(9) A brief of what was shown and explained.

(10) If classified security information was disclosed, the highest security classification of information disclosed to the visitor.

§ 505.15 *Responsibility of Government contractors regarding visitors.* (a) Contractors or subcontractors engaged in work for the Department of the Army must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to Top Secret, Secret, Confidential, or Restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical make-up of individual plants, specific rules are not practicable; local conditions at the plant and the classification of the project will determine the security measures to be adopted.

(b) The following general procedure in regard to visitors at establishments or plants engaged in classified projects for the Department of the Army is prescribed:

(1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary limitations or restrictions, the scope of the visit, and the information which may be furnished.

(2) Unless specifically authorized visitors will not be allowed in any shop, laboratory, drafting room, or section of a plant where Top Secret, Secret, Confidential, or Restricted matériel is located or where classified work is in progress, nor will they be permitted to take photographs.

§ 505.16 *Restricted areas*—(a) *Designation.* The commanding officer of a military reservation, post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas in his military reservation, post, camp, station, or installation. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign stating, in addition to the warning notice set out in § 505.5 (d), that the area is a "restricted area."

(b) *Procedure in case of violation.* (1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise, the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.

(2) When an investigation reveals that a person not subject to military law has entered such restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.

(3) A report will be made through military channels to the commanding general of the Army concerned of each case brought to the attention of civil authority and will include a brief summary of all the facts and copies of all pertinent communications.

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-8568; Filed, Aug. 5, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Interpretation 34]

CPR 22—Manufacturer's General Ceiling Price Regulation

INT. 34—MATHEMATICAL ERROR MADE BY MANUFACTURER IN ESTABLISHING HIS BASE PERIOD SELLING PRICE FOR AN ARTICLE (SECTION 37)

As a result of an arithmetical error, a manufacturer during his base period sold a certain article at a price lower than he otherwise would have charged. He now inquires whether section 37 of CPR 22 authorizes him to use as his base period price for the article what it would have been if the error in calculation had not been made.

Section 37 provides that: "Once you have reported your ceiling price or proposed ceiling price for a commodity, as required by this regulation, you may not thereafter redetermine a higher ceiling price, except for the following reasons and upon compliance with the conditions specified:

"• • • (e) Purely arithmetical errors, however, may be corrected at any time, but the corrections must be reported to the Director of Price Stabilization."

Section 37 (e) refers to a "redetermination" of a ceiling price under CPR 22. Under the facts above stated, the manufacturer is not proposing to redetermine a ceiling price on the basis of an error made in his calculations in determining or reporting such ceiling price. Rather, he desires to establish, as his base period price for the article, a price different from that at which he actually sold the article during his base period. Section 37 does not permit this. The determination of the ceiling price for an article in accordance with the provisions of CPR 22 begins with the selling price in effect for the article during the manufacturer's base period, regardless of the circumstances and conditions under which the manufacturer may have established such selling price.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Herbert N. Maletz,
Chief Counsel,
Office of Price Stabilization.

August 4, 1952.

[F. R. Doc. 52-8711; Filed, Aug. 4, 1952; 4:00 p. m.]

[Ceiling Price Regulation 24, Amdt. 16]

CPR 24—Ceiling Prices of Beef Sold at Wholesale

BEEF IMPORTED FROM NEW ZEALAND

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 16 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits the sale of non-standard beef hindquarters and forequarters imported from New Zealand. Beef customarily has been imported into the United States from Canada. However, because of the prevalence of hoof and mouth disease in the latter country, importation of beef from Canada has been temporarily prohibited. To maintain a normal supply of imported beef, arrangements have been made for New Zealand to sell beef in this country in lieu of Canadian beef. However, approximately fifty million pounds of New Zealand beef had been cut with 3 ribs on the hindquarter and 10 ribs on the forequarter before it was decided to ship this beef to this country.

Ceiling Price Regulation 24 authorizes only the sale of hindquarters containing one rib and forequarters containing twelve ribs. Consequently, prior to this amendment, this New Zealand beef could not legally be sold in this country. The changes made in Schedule I by this amendment permit the sale of this imported New Zealand beef.

Moreover, this amendment permits the sale of imported boneless New Zealand beef free from the requirement of grading ordinarily imposed upon sales of boneless beef by Distribution Regulation 2. Since the boneless New Zealand beef will be imported already boned and packed, no grading will be possible after its arrival. However, sufficient protection against evasion of this regulation is provided by an additional requirement that such beef may be sold ungraded only if it reaches the ultimate processor in the original shipping container bearing the customs stamp or seal.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. Section 11 (b) (1) is amended by adding the following sentence thereto: "You are not prohibited from selling a beef hindquarter with 3 ribs or a forequarter with 10 ribs if this beef cut was imported from New Zealand."

2. A new Special Adjustment (5) is added to Schedule I, section 20, to read as follows:

(5) Your ceiling price for the sale of a beef hindquarter which has 3 ribs, or a beef forequarter which has 10 ribs, and which was imported from New Zealand is the applicable ceiling price listed above, minus 50 cents per cwt., plus any of the appropriate amounts provided in Article IV.

3. Section 29 (a) is amended by adding the following sentence thereto: "This paragraph does not apply to New Zealand beef subject to the provisions of Special Adjustment (5) of Schedule 1."

4. Section 29 (b) is amended by adding the following sentence: "However, notwithstanding any provisions of this regulation or of Distribution Regulation 2, you may sell ungraded imported boneless New Zealand beef, provided such boneless beef is sold in its original shipping container bearing the customs stamp or seal, at prices not to exceed the applicable ceiling prices listed in section 23 of this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interprets or applies sec. 701, 64 Stat. 815, as amended; 50 U. S. C. App. Sup. 2151)

Effective date. This amendment shall become effective August 4, 1952.

Ellis Arnall,
Director of Price Stabilization.

August 4, 1952.

[F. R. Doc. 52-8715; Filed, Aug. 4, 1952; 3:41 p. m.]

[Ceiling Price Regulation 162]

CPR 162—Beet Pulp Products

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 162 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sales of domestic and imported beet pulp products.

The products. Beet pulp products are by-product feeds, obtained from the fibrous mass remaining after the extraction of sugar from sugar beets. The fibrous mass itself contains only 5 to 9 percent of dry matter and is called wet beet pulp. Wet beet pulp is sold either "at the spout" immediately after being produced, or is stored before sale in large pits called "silos." Pressed beet pulp results from a squeezing operation in which the percentage of dry matter of the pulp is increased to 15 percent. Dry beet pulp and dry molasses beet pulp are products containing only 10 percent of moisture and are obtained by running the wet beet pulp through drying equipment.

Beet pulp products are fairly important feeds. The production of dried beet pulp during 1950–1951 was 360,000 tons. Conversion of the estimated production figures for wet and pressed beet pulp products for the same year to the same dry matter basis as dried beet pulp yields an approximate annual production of 720,000 tons for all beet pulp products.

Because of their bulky nature, the distribution of wet beet and pressed beet pulp is generally limited to an area within a 10–60 mile radius of the processing plant. On the other hand, dried beet pulp, like other by-product feeds, is transported over long distances for distribution and sale to feed manufacturers and feeders.

In terms of feeding value, beet pulp products compare favorably with other feed grains and feedstuffs such as barley, wheat bran and alfalfa hay. Dried beet pulp, in particular, is in great demand as a bulk concentrate for lightening the rations of beef cattle, sheep and dairy cattle.

Ceiling prices. This regulation establishes f. o. b. plant ceiling prices for dried beet pulp of $76 per ton at Boston, Massachusetts, less freight from plant to that basing point for plants in the eastern states; $80 per ton at Atlanta, Georgia, less freight from plant to that basing point for plants in the central states; and flat area prices of $58 per ton, $61 per ton, and $65 per ton respectively, for plants in the western states, northern California and southern California. California was divided into separate pricing areas with higher ceiling prices because the state generally and southern California, to an even greater degree, are now deficit feeding areas which at times draw supplies of beet pulp from surrounding regions. Setting prices by reference to the basing points selected for the eastern and central states and the use of flat area pricing for the other areas follow customary industry practices.

Ceiling prices within each area are consistent with historical price relationships to the parity prices or estimated ceiling prices of competitive feeds. The ceiling prices also reflect historical differentials between these areas in beet pulp prices.

Dried molasses beet pulp customarily sells at the same price as dried beet pulp, and, accordingly, the same ceiling prices have been set for both products.

Wet beet pulp ceiling prices were determined on the basis of its price relationship with dried beet pulp. The feeding value of wet beet pulp increases during storage in silos because of the increase in dry matter content. Processors customarily change their prices during the season to reflect this fact. The monthly schedule of wet beet pulp ceiling prices under this regulation permits them to continue to do so.

Specialty beet pulp products (that is, products other than wet and pressed pulp, dried beet pulp and dried molasses beet pulp) are not included in the coverage of this regulation. Processors' ceiling prices for such products will continue to be governed by the applicable regulations now in effect.

Importers' ceiling prices are the same as processors' ceiling prices for the area within which the port-of-entry is located. Distributors determine their ceiling prices by applying fixed dollars-and-cents markups to their suppliers' ceiling prices. The dollars-and-cents markups were based upon information received from distributors and representatives of the mixed feed industry. Should data subsequently received provide sufficient justification for doing so, steps will be taken to change these markups.

When SR 69 to the GCPR was issued September 28, 1951, it was anticipated that it would be possible to issue a tailored regulation shortly thereafter. In order to provide interim relief, processors of beet pulp products were permitted in SR 69 to set their prices without reference to their former ceilings established under GCPR. This was, however, subject to the requirement that processors undertake, in their sales contracts, to refund to the buyers the amount by which their contract prices exceeded ceiling prices subsequently established by the Office of Price Stabilization. Circumstances have prevented issuance of the tailored regulation until now. Contrary to expectations when SR 69 was issued, a series of delays have occurred, and it is clear that refunds, which would have been feasible with reference to a short interim period, would not now be justifiable. Price data available to OPS indicates that in general the actual selling prices contracted since SR 69 was issued do not exceed the new ceiling price. For these reasons, this regulation adopts the actual selling prices as the ceiling prices applicable to the interim period between the effective dates of SR 69 and this new regulation. Accordingly, no refunds will be payable with respect to the SR 69 period.

Last year, the United States Department of Justice instituted proceedings against beet pulp processors for violation of the Federal Anti-Trust Laws. This case is pending at the present time. Should compliance with this regulation conflict with the provisions of any judgment subsequently entered, prompt steps will be taken to amend the regulation accordingly.

FINDINGS OF THE DIRECTOR

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices. Insofar as any provisions of this regulation may operate to compel changes in those practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Processors' ceiling prices for deliveries made before the effective date of this regulation.
3. Processors' ceiling prices, per ton, bulk, carload quantities, f. o. b. plant.
4. Processors' l. c. l. differential.
5. Importers' ceiling prices, per ton, bulk, f. o. b. port-of-entry.
6. Jobbers' ceiling prices, per ton, f. o. b. point of purchase.
7. Wholesalers' and retailers' f. o. b. ceiling prices.
8. Limitation on distributors' mark-ups.
9. Sacking differentials.
10. Pelleting differential.
11. Delivered ceiling prices.
12. Petitions for amendment.
13. Adjustable pricing.
14. Excise, sales or similar taxes.
15. Transfer of business.
16. Records.
17. Interpretations.
18. Compliance and enforcement.
19. Definitions.

Authority: Sections 1 through 19 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 806, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

Section 1. *What this regulation does—(a) Coverage.* This regulation establishes ceiling prices for domestic and imported beet pulp products. For the products and sellers covered, this regulation supersedes the General Ceiling Price Regulation, Supplementary Regulation 69 to the General Ceiling Price Regulation, and Ceiling Price Regulation 31.

(b) *Applicability.* This regulation applies in the 48 States of the United States and the District of Columbia.

(c) *Exemptions.* Export sales and sales for export are exempt from this regulation. Such sales are subject to Ceiling Price Regulation 61.

Sec. 2. *Processors' ceiling prices for deliveries made before the effective date of this regulation.* If you are a processor, your ceiling price for the sale of a beet pulp product on which delivery was made after October 2, 1951, and prior to the effective date of this regulation, is the contract price at which the delivery was made and not the ceiling price established under the other provisions of this regulation.

Sec. 3. *Processors' ceiling prices, per ton, bulk, carload quantities, f. o. b. plant.* If you are a processor, your ceiling prices, from the effective date of this regulation, per ton, bulk, in carload shipments or pool car lots, f. o. b. your plant are as follows:

(a) *Dried beet pulp and dried molasses beet pulp.* (1) If your plant is located in Area A or B, your ceiling price for dried beet pulp and for dried molasses beet pulp is the basing point price listed in Table I for that area less the per ton carload freight rate (including 3 percent transportation tax) for a shipment from your plant to that basing point.

TABLE I.—DRIED BEET PULP AND DRIED MOLASSES BEET PULP—BASING POINT PRICES FOR AREAS A AND B

Area	Basing point	Basing point price per ton
A	Boston, Massachusetts	$76.00
B	Atlanta, Georgia	80.00

(2) If your plant is located in Area C, D, or E, your ceiling price is the price set forth in Table II for that area.

TABLE II—DRIED BEET PULP AND DRIED MOLASSES BEET PULP—CEILING PRICES IN AREA C, D, AND E

Area	Ceiling price per ton
C	$58.00
D	65.00
E	61.00

(b) *Wet beet pulp.* Your ceiling price for wet beet pulp, during each month of delivery is the price listed in Table III for the area in which your plant is located.

TABLE III—WET BEET PULP CEILING PRICES PER TON

Month of delivery	Area B	Area C	California (areas D and E)
August	$1.40	$1.90	$3.00
September	1.40	1.90	3.00
October	1.40	1.90	3.00
November	1.60	2.05	3.10
December	1.85	2.20	3.10
January	2.00	2.40	3.10
February	2.20	2.60	3.20
March	2.35	2.80	3.20
April through July	2.35	2.90	3.35

(c) *Pressed beet pulp.* Your ceiling price for pressed beet pulp is the price listed in Table IV for the area in which your plant is located.

TABLE IV—PRESSED BEET PULP CEILING PRICES

Area	Ceiling price per ton
B	$2.35
C	2.90
California	3.20

SEC. 4. *Processors' l. c. l. differential.* If you are a processor, you may add $1.00 per ton to your ceiling price, as otherwise determined under section 3, for sales in less than carload lots.

SEC. 5. *Importers' ceiling prices, per ton, bulk, f. o. b. port-of-entry.* If you are an importer, your ceiling price for a beet pulp product, per ton, bulk, f. o. b. port-of-entry, in carload shipments, pool car lots or less than carload lots is what the ceiling price of a domestic processor for that product would be under the applicable provisions of sections 3 and 4 if his plant were located at that port-of-entry.

SEC. 6. *Jobbers' ceiling prices, per ton, f. o. b. point of purchase.* If you are a jobber your ceiling price, per ton, f. o. b. the point at which you purchase a beet pulp product is your supplier's ceiling price for the product at that point plus the applicable mark-up set forth in Table V.

TABLE V—JOBBERS' MARK-UPS

Type of delivery made by jobber	Mark-up per ton
Deliveries in pool car lots	$2.25
All other deliveries	2.00

SEC. 7. *Wholesalers' and retailers' f. o. b. ceiling prices.* (a) If you are a wholesaler or retailer your ceiling price for a beet pulp product is your "cost at ceiling" for that product, as determined under paragraph (b) of this section plus the applicable mark-up set forth in Table VI.

TABLE VI—WHOLESALERS' AND RETAILERS' MARK-UPS

	Mark-up per ton
Wholesalers	$5.00
Retailers	9.00

(b) Determine your "cost at ceiling" for a beet pulp product by the following methods:

(1) *Method 1.* If you maintain the identity of any receipt, then, on the sale of such receipt, you may use as your "cost at ceiling" your supplier's ceiling price to you for that receipt plus your transportation cost (as defined in section 19 (d) (5)) if any, to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) *Method 2.* For receipts of a beet pulp product in sacks, use as your "cost at ceiling" the weighted average of your suppliers' ceiling prices to you for receipts in sacks plus your transportation costs, if any, to your warehouse or store. For receipts in bulk, use as your "cost at ceiling" the weighted average of your suppliers' ceiling prices to you for receipts in bulk plus your transportation costs, if any, to your warehouse or store. You are subject to two restrictions in using this method. First, you must apply it to two or more receipts. Second, you must exclude from your calculations any receipt whose identity you maintain and for which you determine your "cost at ceiling" under Method 1. You calculate each weighted average of ceiling prices under Method 2 as follows:

(i) Select a day for calculation and recalculate on that date each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

(a) Step 1: Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

(b) Step 2: Multiply the number of tons of each receipt by your supplier's ceiling price, per ton, to you for that receipt, and add to this amount your transportation costs for the receipt, if any, to your warehouse or store.

(c) Step 3: Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is the "cost at ceiling" which you use in establishing your ceiling price under paragraph (a) of this section.

(iii) Follow the directions of subdivisions (i) and (ii) of paragraph (b) (2) of this section for all succeeding calculations except that you use your latest receipt prior to that day of calculation and all receipts during the 14 day period preceding such last receipt in arriving at your "cost at ceiling."

(iv) You may discontinue the use of Method 2 for a beet pulp product, but when you do you must, on your next recalculation day, calculate the weighted average of your suppliers' ceiling prices to you (plus your transportation costs, if any) for all receipts of the product in your inventory and you must use this weighted average as your "cost at ceiling" for such receipts during the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

SEC. 8. *Limitation on distributors' mark-ups.* Only one mark-up by a jobber and one mark-up by a wholesaler are permitted under this regulation in connection with the sale of any lot of a beet pulp product. If, for example, you are a jobber and you buy a lot from another jobber, your ceiling price is that jobber's ceiling price to you.

SEC. 9. *Sacking differentials.* (a) If you are a processor and you sell and deliver a lot of a beet pulp product in your sacks, or, if you are a wholesaler, importer or retailer and you sack a lot of a beet pulp product which you buy in bulk, add to your ceiling price, as otherwise established under this regulation, the sum of $1.00 per ton plus an amount consisting of the cost per sack, of your most recent customary purchase times the number of such sacks you furnished with the lot delivered.

(b) If you are an importer and you sell a lot of an imported beet pulp product delivered to you in sacks, add to your ceiling price, as established under section 5, the sum of $1.00 plus the reasonable market value (not in excess of the ceiling price) of such sacks.

SEC. 10. *Pelleting differential.* If you pellet a lot of a beet pulp product, add $3.50 per ton to your ceiling price as otherwise established under this regulation.

SEC. 11. *Delivered ceiling prices.* Your delivered ceiling price is your f. o. b. ceiling price, as otherwise established under this regulation, plus your "transportation cost," as defined in section 19 (d) (5).

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 13. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 14. *Excise, sales or similar taxes.* You may collect in addition to your ceiling price the amount of any excise, sales or similar tax actually paid by you if you separately state such tax.

SEC. 15. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any beet pulp product business and carry on the business or continue to deal in any beet pulp product separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business assets or stock, you must either preserve and make available, or turn over to the transferee all records which are necessary for him to comply with the ceiling price or record provisions of this regulation.

SEC. 16. *Records*—(a) *General.* Every person who sells and every person who in the course of business buys a beet pulp product shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(b) *Sales.* (1) Every person making a sale under this regulation to a buyer other than a feeder shall record each such sale on an invoice or bill of sale, a copy of which must be given to the buyer. Every person making a sale to a feeder must keep a record thereof, although it does not have to be in the form of an invoice or bill of sale. A copy of such record, however, shall be given to the feeder upon demand.

(2) Every sales record must indicate the name and address of the seller and buyer; the kind of beet pulp product and the quantity sold; the date of sale and delivery; the point of production (except in the case of sales by a retailer); the buyer's receiving point; the selling price; the sales, excise or similar tax incurred by the seller under section 14 (if the seller collects such tax in addition to his ceiling price); the charges for sacking; pelleting and transportation.

(3) Every person sacking a beet pulp product which he processes or buys in bulk must keep records of his sack purchases.

(c) *Purchases.* Every person making a purchase in the course of trade or business must keep the records which his seller is required to give him under this section.

SEC. 17. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local Office of Price Stabilization District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation No. 1, Revised.

SEC. 18. *Compliance and enforcement*—(a) *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above) you shall not, regardless of any contract or other obligation sell, and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established under this regulation, and you shall make and preserve true and accurate records required under this regulation.

(b) *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted under this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in-agreements, trade understanding, as well as omission from records of true data and inclusion in the records of false data.

(c) *Penalties.* If you violate any provisions of this regulation you are subject to criminal penalties, civil enforcement actions and suits for damages provided by the Defense Production Act of 1950, as amended.

SEC. 19. *Definitions*—(a) *Areas.* (1) "Area A" includes the following States: Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, and Mississippi.

(2) "Area B" includes Minnesota, Iowa, Kansas, Missouri, Louisiana, Texas, Oklahoma, Arkansas, Kansas, Nebraska, Colorado, North Dakota, and South Dakota.

(3) "Area C" includes Montana, Wyoming, Utah, Arizona, New Mexico, Nevada, Idaho, Washington, and Oregon.

(4) "Area D" includes the following counties in California: San Louis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, Imperial, and San Diego.

(5) "Area E" includes all counties in California other than those included in Area D.

(b) *Sellers and related terms.* (1) "Jobber" means, with respect to any lot, any person other than the processor who sells such lot without having previously unloaded it into a warehouse or store.

(2) "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry.

(3) "Processor" means, with respect to any lot, the person who manufactures that product from sugar beets. When a beet pulp product is manufactured by a person who does not own that product, the seller for whom the product is manufactured shall be deemed the processor.

(4) "Retailer" means a person, other than the processor who maintains a "store," and who, with respect to any lot he has purchased and unloaded into the store, resells such lot to a feeder.

(5) "Store" means a building where a regular business of selling and delivering feeds or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis in such business or in a general retail business of which such feed or grain business is a part.

(6) "Wholesaler" means, with respect to any lot:

(i) Any person, other than the processor, who, after having unloaded it into a warehouse or store, sells such lot to anyone other than a feeder, or

(ii) A person, other than the processor, who does not maintain a store and who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(7) "You", means a person subject to this regulation.

(8) "Your supplier", means the person from whom a jobber, wholesaler or retailer purchases the lot for which he is establishing a ceiling price.

(c) *Products covered.* (1) "Beet pulp" means the fibrous residue of beets resulting from the manufacture of sugar from beets which have been cleaned, and freed from crowns, leaves and sand.

(2) "Dried beet pulp" means beet pulp which has been dried through the use of pulp drying equipment.

(3) "Dried molasses beet pulp" means dried beet pulp to which not more than 50 percent molasses has been added.

(4) "Wet beet pulp" means beet pulp other than dried or pressed beet pulp. It includes "green" beet pulp, that is, pulp freshly produced, and "siloed" beet pulp, that is, beet pulp which has been stored in pulp silos for any length of time.

(5) "Pressed beet pulp" means beet pulp which has been pressed to reduce its moisture content and which is thereafter sold without being stored in a silo by a processor.

(6) "Beet pulp product" means dried beet pulp, dried molasses beet pulp, wet beet pulp or pressed beet pulp.

(d) *Miscellaneous.* (1) "Carload shipment" means a lot which, when shipped by rail, takes a carload rate under the applicable railroad tariff requirements, and includes mixed car shipments taking such rate.

(2) "Pool car lot" means a lot being shipped to the buyer as part of a rail carload shipment of products sold by one seller to two or more persons.

(3) "Less-than-carload lot" means any lot of less than 30,000 pounds, other than a carload shipment or pool car lot. It includes any delivery by or into a truck.

(4) "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States

(c) Step 3: Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is the "cost at ceiling" which you use in establishing your ceiling price under paragraph (a) of this section.

(iii) Follow the directions of subdivisions (i) and (ii) of paragraph (b) (2) of this section for all succeeding calculations except that you use your latest receipt prior to that day of calculation and all receipts during the 14 day period preceding such last receipt in arriving at your "cost at ceiling."

(iv) You may discontinue the use of Method 2 for a beet pulp product, but when you do you must, on your next recalculation day, calculate the weighted average of your suppliers' ceiling prices to you (plus your transportation costs, if any) for all receipts of the product in your inventory and you must use this weighted average as your "cost at ceiling" for such receipts during the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

SEC. 8. *Limitation on distributors' mark-ups.* Only one mark-up by a jobber and one mark-up by a wholesaler are permitted under this regulation in connection with the sale of any lot of a beet pulp product. If, for example, you are a jobber and you buy a lot from another jobber, your ceiling price is that jobber's ceiling price to you.

SEC. 9. *Sacking differentials.* (a) If you are a processor and you sell and deliver a lot of a beet pulp product in your sacks, or, if you are a wholesaler, importer or retailer and you sack a lot of a beet pulp product which you buy in bulk, add to your ceiling price, as otherwise established under this regulation, the sum of $1.00 per ton plus an amount consisting of the cost per sack, of your most recent customary purchase times the number of such sacks you furnished with the lot delivered.

(b) If you are an importer and you sell a lot of an imported beet pulp product delivered to you in sacks, add to your ceiling price, as established under section 5, the sum of $1.00 plus the reasonable market value (not in excess of the ceiling price) of such sacks.

SEC. 10. *Pelleting differential.* If you pellet a lot of a beet pulp product, add $3.50 per ton to your ceiling price as otherwise established under this regulation.

SEC. 11. *Delivered ceiling prices.* Your delivered ceiling price is your f. o. b. ceiling price, as otherwise established under this regulation, plus your "transportation cost," as defined in section 19 (d) (5).

SEC. 12. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised (16 F. R. 4974).

SEC. 13. *Adjustable pricing.* Nothing in this regulation prohibits you from

or any other government or their political subdivisions or agencies.

(5) "Transportation cost" means:

(i) When a common carrier, contract carrier, or other carrier, for hire or compensation is employed, the transportation charge (inclusive of 3 percent transportation tax, but exclusive of loading charges not customarily in such transportation charges) which are actually incurred by the seller or the purchaser, as the case may be.

(ii) When the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading) not exceeding the lawful common carrier or contract carrier rate for the same service or any ceiling price established by the Office of Price Stabilization for such service.

(iii) When any movement involves a combination of the types of transportation described in subdivisions (i) and (ii) of this paragraph (d) (5), the sum of the amounts computed separately for each portion of the movement.

Effective date. This regulation becomes effective August 9, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 5, 1952.

[F. R. Doc. 52-8739; Filed, Aug. 5, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 108, Interpretation 1]

GCPR, SR 108—ADJUSTED CEILING PRICES FOR MANUFACTURERS OF READY-MIXED CONCRETE

INT. 1—READY-MIXED CONCRETE (GENERAL)

Section 2 of SR 108 to GCPR provides that the regulation applies to manufacturers of "ready-mixed concrete" and establishes ceiling prices for "that commodity". Some inquiry has been made as to the scope of the term "ready-mixed concrete", particularly, whether or not it includes dry batched materials.

It is the intention of OPS that the regulation cover by this term: (1) Portland cement concrete batched for delivery in a plastic and unhardened state, and delivered in that state to the purchaser; (2) a measured quantity of cement and aggregates similarly batched, but in the dry state, for truck delivery to job-site mixers and which upon mixing with the proper amount of water, will make Portland cement concrete.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8712; Filed, Aug. 4, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-16, Amendment 1 of August 5, 1952]

M-16—DISTRIBUTION OF COPPER RAW MATERIALS

AMENDMENT OF SECTIONS 2 (f) AND 9 (f)

This amendment of NPA Order M-16 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different trades and industries.

NPA Order M-16 as last amended June 19, 1952, is further amended as follows:

1. The following sentence is added to section 2 (f): "Allotments for the purpose of producing such related products shall be in terms of the estimated weight of the brass mill product from which such related product is made."

2. Section 9 (f) is amended in order to clarify the requirements for filing Form NPAF-125, and as amended shall read as follows:

(f) Any scrap dealer or broker whose aggregate end-of-month inventory or aggregate monthly purchases or aggregate monthly sales of scrap averaged 60,000 pounds or more (metal weight) during the first 6 months of 1952, shall complete and return Form NPAF-125 in triplicate not later than August 10, 1952, with regard to his operations during July 1952, and not later than the tenth day of each month thereafter with regard to his operations during each preceding month. All such forms shall be addressed to the Base Metals Branch, Bureau of Mines, Washington 25, D. C.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 5, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8733; Filed, Aug. 5, 1952; 11:15 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

PROOF OF DEATH

In § 3.55, paragraphs (b) and (c) are amended, paragraph (d) is deleted, and former paragraphs (e), (f), and (g) are redesignated (d), (e), and (f) as follows:

§ 3.55 *Proof of death.* Where a claim is filed on account of the death of a person, the proof of death shall be established as follows:

* * * * *

(b) Where death occurs in a hospital or institution under the control of the United States Government, by a death certificate signed by a medical officer of the hospital or institution, or by a clinical summary or other report showing fact and date of death signed by a medical officer of the hospital or institution, or by furnishing the evidence required under paragraph (a) of this section.

(c) Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the Regular Establishment or the Reserve components of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, by an official report of death from the Department of the Army, Air Force, Navy, or Treasury Department, or by furnishing the evidence required under paragraph (a) of this section.

(d) Where death occurs abroad, by a United States consular report of death, bearing the signature and official seal of the United States consul or by a certified copy of the public record of death authenticated by the United States consul or other agency of the State Department.

(e) If the evidence called for in paragraphs (a) through (d) of this section cannot be obtained, the reason must be shown, if such reason is satisfactory, the fact of death may be established by the affidavit of persons who have personal knowledge thereof and have viewed the body of the deceased and know it to be the body of the person whose death is being established, setting forth all the facts and circumstances concerning the death, including the place, date, time and cause thereof.

(f) In cases wherein proof of death, as defined in paragraphs (a) through (e) of this section, cannot be furnished, the director, claims service, in district office cases, or the chief, adjudicating division, in central office cases, may make a finding of fact of death where death is otherwise shown by competent evidence. Where it is indicated that the veteran died under circumstances which precluded recovery or identification of the body, the fact of death should be established by the best evidence, which from the nature of the case must be supposed to exist.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 6, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8528; Filed, Aug. 4, 1952; 8:53 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 84—PAYMENT OF CERTIFICATES AND INTEREST

WITHDRAWAL BY MAIL

In § 84.5 *Withdrawal by mail* amend paragraphs (d) and (e) to read as follows:

(d) *Procedure at paying office.* The postmaster at the office where the certificates were issued, if satisfied as to the applicant's identity, shall follow the directions of the depositor on Form PS 315 as to payment and shall forward the amount withdrawn and any new certificates issued in exchange to him at the stated address, making payment either by a money order, less the usual fee, or by a check on the postmaster's authorized money-order credit with the Treasurer of the United States and using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted a credit with the Treasurer of the United States, he shall send to his central accounting postmaster, with a completed Form PS 320, any new certificates issued in exchange and a requisition for funds on Form 1847 for all of the interest and as much of the principal as is to be paid and shall request the central accounting postmaster by means of Form PS 320-A to forward a check for the amount due direct to the depositor. The amount requisitioned on Form 1847 shall be debited in the postal account as advanced by central accounting postmaster and credited in that account as transferred to postal savings. The amount should be debited in the postal-savings account as a transfer from the postal account. If the depositor has requested that the mailing be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails the withdrawal to the depositor. The payment of the certificates and interest shall be recorded as provided in this part and the leaflet, Form PS 100. The application on Form PS 315 shall be filed with the depositor's card, Form PS 600.

(e) *Withdrawal of interest only.* When such a depositor desires to withdraw only the interest payable on any certificate or certificates, he shall be furnished with a blank application, Form PS 315-A. When the order has been properly filled out and signed, the depositor shall forward it with the certificate or certificates properly indorsed to the postmaster at the office where the account is held, as provided in paragraph (b) of this section. If the depositor's identity is satisfactorily established, the postmaster at the latter office shall proceed as provided in the leaflet, Form PS 100, and shall forward the amount of interest due to the depositor at the stated address by money order, less the usual fee, or by check on the postmaster's authorized credit with the Treasurer of the United States, together with the new certificates issued in lieu of those surrendered, using Form PS 320 as the letter of transmittal. If payment by check has been requested and the paying postmaster has not been granted an authorized credit with the Treasurer of the United States, he shall send to his central accounting postmaster a requisition for funds on Form 1847 for the full amount of interest due with (1) the new certificates issued in exchange, (2) Form PS 320, and (3) a request on Form PS 320-A that the central accounting postmaster forward the check for the amount due direct to the depositor. The amount requisitioned on Form 1847 shall be debited in the postal account as advanced by central accounting postmaster and credited in that account as transferred to postal savings. The amount should be debited in the postal-savings account as a transfer from the postal account. If the depositor has requested that the payment be registered, the minimum registry fee shall be deducted by the paying postmaster or the central accounting postmaster, whichever mails the payment to the depositor. The order on Form PS 315-A shall be filed with the depositor's card, Form PS 600.

(R. S. 161, 396; sec. 10, 37 Stat. 559, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 768)

[SEAL] WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 52-8554; Filed, Aug. 5, 1952; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.19 *Special delivery (Exprés) service* amend paragraph (e) by striking out the first sentence reading "An article intended for special delivery in any of the countries mentioned above (except to Canada where the United States domestic fees apply) must be prepaid 20 cents, in addition to the regular postage, by United States special delivery or other stamps affixed to the cover.", and inserting in lieu thereof the following sentence: "An article intended for special delivery in any of the countries mentioned in paragraph (a) of this section (except Canada, see § 127.227 of this part) must be prepaid 20 cents, in addition to the regular postage, by United States special delivery or other stamps affixed to the cover."

b. In § 127.80 *Unpaid and insufficiently prepaid parcel-post packages* amend paragraph (b) to read as follows:

(b) *Treatment at exchange offices.* When an unpaid or insufficiently prepaid parcel (surface or air) is received at an exchange office for dispatch to a foreign country, such exchange office shall forward the parcel to its destination in the same manner as though fully prepaid (without affixing additional postage). The exchange office shall prepare a notice on Form 2918 concerning the deficiency in postage and send it to the postmaster at the office of mailing (or to the postmaster at the office where the sender is located if it is not the same as the office of mailing). On receipt of the notice by the postmaster steps shall be taken to collect the amount of the deficiency from the sender. Postage-due stamps in the amount involved shall be affixed to the back of the card and canceled, and the card then placed on file at the post office making the collection.

c. In § 127.380 *Yugoslavia* amend subdivision (1) of paragraph (b) (5) (17 F. R. 5193) to read as follows:

(1) Gift parcels to be admitted free in Yugoslavia may not exceed 11 pounds in weight or 10,000 dinars (about $33) in value, and the contents must consist solely of articles designated as duty free by the Yugoslav authorities. Interested mailers can obtain further information from the Office of International Trade, Department of Commerce, Washington 25, D. C., or any field office of that Department. Gift parcels even when duty free are subject to a delivery fee of 200 dinars in Yugoslavia. It is suggested that gift parcels be marked "Gift (Poklon)".

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 52-8553; Filed, Aug. 5, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 3—RADIO BROADCAST SERVICES

TERRITORY OF HAWAII

In the matter of amendment of § 2.104 (a) of the rules and regulations with respect to the allocation of frequencies between 76-88 Mc and 98-108, Mc in the Territory of Hawaii; Docket No. 10094.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1952;

The Commission having under consideration its notice of proposed rule making of November 29, 1951 (16 FR 12436) proposing to amend § 2.104 (a) of the Commission's rules to allocate, in the Territory of Hawaii, the frequency bands 76-88 Mc and 98-108 Mc exclusively to the Fixed Service for use by common carrier fixed stations for inter-island communications only, which frequency bands are presently allocated by § 2.104 (a) for Television Broadcasting and for FM Broadcasting, respectively;

It appearing, that the Mutual Telephone Company of Hawaii, in its petition before the Commission, has established the need for relief from the presently unsatisfactory situation in which only temporary and secondarily available frequencies are allocated for use by common carrier fixed stations for inter-island communications in the Territory of Hawaii; and

It further appearing, that to properly accommodate the present demand for inter-island telephone service, as well as provide for future growth of the service, it is necessary to make an allocation to the Common Carrier fixed service of suitable frequency bands for this service in the Territory of Hawaii; and

It further appearing, that an adequate showing has been made by the petitioner that their estimate of future service requirements is realistic, and that their determination of the frequency bandwidths and position in the radio spectrum necessary to meet the

present as well as the future service demands is technically sound; and

It further appearing, that the non-government spectrum space with suitable propagation characteristics which is of sufficient bandwidth and frequency separation and which can most practically meet the requirements for an adequate inter-island telephone system is in the frequency bands 76–88 Mc and 98–108, presently allocated for Television and FM Broadcasting, respectively; and

It further appearing, that no comments have been filed in this docket in opposition to the allocation of the frequency band 98–108 Mc to the Common Carrier fixed service in the Territory of Hawaii; and

It further appearing, that the table of assignments of television channels contained in § 3.606 of the Commission's rules, Docket 8736, does not assign Channels 5 and 6, 76–88 Mc, to the Territory of Hawaii and that there were no comments filed in Docket 8736 objecting to the proposed allocation to the Territory of Hawaii or suggesting that Channels 5 and 6 should be added thereto; and

It further appearing, that the parties commenting in opposition to the allocation of the frequency band 76–88 Mc to the Common Carrier fixed service in the Territory of Hawaii, namely Pacific Frontier Broadcasting Co., Ltd. KIKI, Ltd. and National Association of Radio and Television Broadcasters, have not made a showing that there is any present or foreseeable demand for television service in the Territory of Hawaii which cannot be satisfied from the VHF and UHF channels already assigned to Hawaii or that the public interest would be served by additionally reserving Channels 5 or 6 for such television broadcasting; and

It further appearing, that it is in the public interest, convenience and necessity to immediately provide bands of frequencies for the development of an inter-island radio telephone service capable of meeting present demands and capable of providing for a sound future growth; and

It further appearing, that it is also necessary to amend §§ 3.203, 3.204 and 3.603 of the Commission's rules as a consequence of the amendment to § 2.104 (a) ordered herein and that because these additional amendments merely reflect the amendment to § 2.104 (a), notice of proposed rule making with respect to them is not necessary; and

It further appearing, that authority for the amendments is contained in sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective September 15, 1952 the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Adopted: July 30, 1952.

Released: July 31, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 2.104 (a) is amended to add the following footnote to the bands 76–88 Mc and 88–108 Mc:

NG28 In the Territory of Hawaii, the frequency bands 76–88 Mc and 98–108 Mc are allocated exclusively to the fixed service for use by common carrier fixed stations for inter-island communications only.

2. In § 3.203 (b), the first sentence is amended to read as follows: "The following frequencies, except as provided in paragraph (c) of this section, are designated as Class A channels and are assigned for use by Class A stations:"

3. Section 3.203 is further amended by the addition of a new paragraph (c) as follows:

(c) In the Territory of Hawaii, the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc, inclusive (Channels 251 through 300 inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

4. In § 3.204 (b), the first sentence is amended to read as follows: "The following frequencies except as provided in paragraph (c) of this section, are designated as Class B channels and are assigned for use by Class B stations:"

5. Section 3.204 is futher amended by the addition of a new paragraph (c) as follows:

(c) In the Territory of Hawaii the frequency band 98–108 Mc is allocated for nonbroadcast use. The frequencies 98.1 through 107.9 Mc inclusive (Channels 251 through 300, inclusive) will not be assigned in the Territory of Hawaii for use by FM broadcast stations.

6. Section 3.603 is amended so that the present text becomes paragraph (a) and is further amended by the addition of a new paragraph (b) as follows:

(b) In the Territory of Hawaii the frequency bands 76–82 Mc and 82–88 Mc are allocated for nonbroadcast use. These frequency bands (Channels 5 and 6) will not be assigned in the Territory of Hawaii for use by TV broadcast stations.

[F. R. Doc. 52-8586; Filed, Aug. 5, 1952; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of July A. D. 1952.

Upon further consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

It is ordered, That the order heretofore entered herein on September 21, 1945, as amended by orders of August 27, 1948, October 10, 1949, October 10, 1950, and June 5, 1951, insofar as said order, as amended, requires the installation of power brakes and appliances on respondents' freight cars used in interchange service on or before June 30, 1952, be, and it is hereby, further amended so as to require that such cars be so equipped on or before December 31, 1952.

(Sec. 6. 36 Stat. 299; 45 U. S. C. 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8574; Filed, Aug. 5, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

INSPECTION, CERTIFICATION AND STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

UNITED STATES STANDARDS FOR SHELLED PECANS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Shelled Pecans under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agricultural Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) to supersede United States Standards for Shelled Pecans effective November 1, 1938.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.343 *Standards for shelled pecans*—(a) *General.* The pecan grading chart to which reference is made in paragraph (g) of this section is the pecan grading chart issued in 1952 by the United States Department of Agriculture. Such pecan grading chart is annexed [1] hereto and made a part hereof.

(b) *Grades*—(1) *U. S. No. 1 Halves.* U. S. No. 1 Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, chipped halves, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See size requirements for halves, paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided*, That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(b) 20 percent, by weight, for chipped halves;

(c) 12 percent, by weight, for broken kernels and particles and dust: *Provided*, That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(d) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

(2) *U. S. Commercial Halves.* U. S. Commercial Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, rancidity, mold, decay, and insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. (See size requirements for halves), paragraph (d) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided*, That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

[1] The pecan grading chart was filed with these United States Standards for Shelled Pecans and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

No. 153——3

(b) 15 percent, by weight, for broken kernels and particles and dust: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(c) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(3) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(b) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

(4) *U. S. Commercial Pieces.* U. S. Commercial Pieces consists of portions of pecan kernels which are well-dried and clean, and which are free from pieces of shell and center wall, foreign material, rancidity, mold, decay, insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See size requirements for pieces, paragraph (e) of this section.)

(i) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(b) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

(c) *Unclassified.* Unclassified consists of shelled pecans which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements for halves.* The size of pecan halves may be specified in accordance with the size designations shown in Table I:

TABLE I

Size designation	Number of halves per pound [1]
Mammoth	200–250
Junior Mammoth	251–300
Jumbo	301–350
Extra Large	351–450
Large	451–550
Medium	551–650
Topper	651–750
Large Amber [2]	400 or less
Regular Amber [2]	More than 400

[1] The number of halves per pound shall be determined on the basis of the weight of the pecan halves after the broken kernels, particles and dust, and foreign material have been removed.

[2] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations specified in Table I, the size of pecan halves may be specified in terms of the number of halves per pound, as, for example, "400", or a range may be stated, as, for example, "600–700".

(2) *Tolerance for counts per pound.* In order to allow for variations incident to proper sizing, the following tolerance shall be permitted:

(i) When an exact number of halves per pound is specified, as, for example, "400", the actual number may vary from the specified number by not more than 5 percent.

(ii) When the size designations shown in Table I are used to specify size, or when a range is specified, as, for example, "600–700", no tolerance for counts above or below those specified shall be allowed.

(e) *Size requirements for pieces.* The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

Size designations	Maximum diameter (will pass through a sieve with round openings of the following diameters)	Minimum diameter (will not pass through a sieve with round openings of the following diameters)
	Inch	*Inch*
Extra Large		8/64
Large	8/64	8/64
Medium	7/64	7/64
Small	6/64	6/64
Midget	5/64	5/64
Regular Amber [1]		4/64
Small Amber [1]	4/64	3/64

[1] This designation is provided for use only in connection with the U. S. Commercial Grade.

(1) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters, expressed in sixteenths of an inch.

(2) *Tolerances for size of pieces.* In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(i) When the size designations "Extra Large", "Large", "Medium", "Small" and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter;

(ii) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than two-sixteenths inch in diameter; and,

(iii) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided*, That when a minimum diameter of two-sixteenths inch is specified, not more than 5 percent of the pieces may be less than two-sixteenths inch in diameter.

(f) *Application of tolerances.* The tolerances in these standards are on a lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers, in which the pecans are found to be materially inferior to those in the majority of the containers, shall be considered a separate lot.

(g) *Definitions.* (1) "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

(2) "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust or dirt.

(3) "Pieces of shell and center wall" means pieces of pecan shell, center wall and any other part of the pecan except the kernel. "Shell" means the hard outer covering of the nut exclusive of the softer, corky or papery material which occurs between the halves and within the grooves of the kernel.

(4) "Chipped half" means a pecan half-kernel which shows more than slight chipping or skinning of the outer, curved surface or the edge, but which does not have more than one-eighth of the original half-kernel missing. The presence or absence of the portion joining both halves of the complete kernel should be disregarded. Two chipped halves, each of which has one-eighth chipped or broken off, are illustrated in the lower right-hand corner of the pecan grading chart referred to in this section.

(5) "Broken kernels" means portions of half-kernels each of which is less than seven-eighths of a complete half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

(6) "Particles and dust" means fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

(7) "Noticeable shriveling" means any shriveling which more than slightly affects the appearance of the individual portion of kernel. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded.)

(8) "Rancidity" means that the portion of kernel is distinctly rancid to the taste.

(9) "Mold" means any mold growth which noticeably affects the exterior or interior of the portion of kernel.

(10) "Decay" means that the portion of kernel is putrid or decomposed.

(11) "Insect injury" means that the insect, web, or frass is present or that the portion of kernel shows other noticeable evidence of insect injury.

(12) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Leanness, when a portion of kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged are illustrated in the center of the upper row of the pecan grading chart referred to in this section;

(ii) Hollowness, when a cross-section of the portion of kernel shows more than a moderate hollowness, or the portion of kernel is not fairly firm and meaty. A half-kernel and cross-section showing moderate hollowness not considered damaged are illustrated in the upper right-hand corner of the pecan grading chart referred to in this section; and,

(iii) Discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(*a*) When the portion of kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart referred to in this section. Natural markings, including dark lines, specks, or mottling, shall not be considered as damage if the ground color is not too dark according to the chart;

(*b*) When there is more than one dark kernel spot on a portion of kernel, or when any spot is more than one-eighth inch in greatest dimension;

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than 5 percent of the surface; and,

(*d*) When internal discoloration is readily noticeable.

(13) "Fairly uniform in size" means that in a representative sample of 100 halves, from which broken kernels and particles and dust have been removed, the weight of the 10 largest halves shall not be greater than twice the weight of the 10 smallest halves.

(14) "Fairly uniform in color" means that the variation in color of the pecan halves in a lot shall not be sufficient to materially detract from the appearance of the lot.

(15) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Shriveling, when materially affecting more than one-third of the portion of kernel. The maximum percentage of shriveling (one-third of the half-kernel) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart referred to in this section. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded);

(ii) Leanness, when a portion of kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart referred to in this section;

(iii) External discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(*a*) When the portion of kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart referred to in this section;

(*b*) When there are more than three dark kernel spots on a portion of kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel or piece of kernel;

(*c*) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface; and,

(iv) Internal discoloration, when dark discoloration extends more than one-third the length of the center ridge of the portion of kernel or more than one-third the length of a piece of kernel which is detached from the center ridge.

Done at Washington, D. C., this 31st day of July 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8608; Filed, Aug. 5, 1952, 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10267]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

AERONAUTICAL MOBILE SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (OR) service, Docket No. 10267.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Atlantic City (1947) Table of Frequency Allocations allocates the following bands of frequencies for the use of the aeronautical mobile (OR) service:

Kc	*Kc*
3025–3155	11175–11275
4700–4750	13200–13260
5680–5730	15010–15100
6685–6767	17970–18030
8965–9040	

3. The Commission is in receipt of information which indicates that the users of the aeronautical mobile (OR) frequency assignments require the clearance of these bands at an early date in order to establish their air-ground communications on frequencies which are in accordance with the Geneva Agreement. One of the factors involved in the clearance of these bands is the necessity for discontinuing use of those non-Government fixed station assignments which are on frequencies within the aforementioned OR bands.

4. As an initial step looking towards the clearance of the OR bands the Commission proposes to amend § 2.104 (a) of the Commission's rules and regulations to provide that frequencies in the above specified OR bands will be available for use only in accordance with the Atlantic City Table of Frequency Allocations. Existing assignments in the foregoing OR bands may continue in force until such time as formal proceedings are instituted and consummated for their deletion.

5. The proposed amendment to the Rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before August 29, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

7. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 24, 1952.

Released: July 30, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8578; Filed, Aug. 5, 1952; 8:50 a. m.]

[47 CFR Part 2]

[Docket No. 10293]

CLASS B FM BROADCAST STATIONS

AMENDMENT OF REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 10293.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General Area	Channels	
	Delete	Add
1. Clemson, S. C.		246
Newberry, S. C.	246	258
Columbia, S. C.	258	
2. Seneca, S. C.		251
Asheville, N. C.	251	

3. The purpose of the proposed amendment is to provide Class B channels in the areas of Clemson and Seneca, South Carolina, thereby facilitating consideration of pending applications requesting Class B assignments in these areas.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 3, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 30, 1952.

Released: July 31, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8589; Filed, Aug. 5, 1952; 8:51 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10275]

COAST OR SHIP TELEGRAPH STATIONS ON INLAND WATERWAYS

PROPOSED DELETION OF CERTAIN FREQUENCIES NOW SHOWN AS ASSIGNABLE

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete certain frequencies now shown as assignable for coast or ship telegraph stations on the Inland Waterways, Docket No. 10275.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Proposed amendments to Parts 7 and 8 of the Commission's rules are set forth below.

3. The Atlantic City (1947) Table of Frequency Allocations, ratified by the United States on June 18, 1948, allocated those frequencies shown below to services other than coast or ship telegraph. Therefore, the Commission proposes to amend Parts 7 and 8 of the rules to delete those frequencies set forth below which are now listed for assignment to coast telegraph stations and in some instances to ship telegraph stations. No replacement telegraph frequencies are contemplated for the stations affected at this time inasmuch as the maritime mobile service conducted on inland waters has completely converted from telegraph to telephone operations during past years. However, other frequencies presently listed in § 7.206 (a) of the rules are still available for assignment to coast stations serving the inland waterways and may be so assigned should the public interest so require in the future.

4. The proposed amendments to the rules are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before September 3, 1952, a written statement or brief setting forth his comments. Comments in reply to original comments may be filed within ten days from the last day for filing said original comments. Persons desiring to support the amendments may also file comments by the same date. The Commission will consider all comments and briefs presented before taking action with respect to the proposed amendments.

6. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 30, 1952.

Released: July 31, 1952.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 7.206 (a) by deleting the following from the list of assignable frequencies (kc):

2274	6330	8570
3030	6380	11040
5520		

2. Amend § 7.206 (b) by deleting subparagraphs (3) and (4), and delete the frequency 8570 in subparagraph (5).

3. Amend § 8.321 (a) (1) by deleting the following from the list of assignable frequencies (kc):

2274	3030

4. Amend § 8.321 (b) by deleting subparagraphs (5) and (6).

[F. R. Doc. 52-8588; Filed, Aug. 5, 1952; 8:51 a. m.]

[47 CFR Part 8]

[Docket No. 10296]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 8.104 and 8.105 of the Commission's rules governing Stations on Shipboard in the Maritime Services, Docket No. 10296.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The proposed amendments to the rules are intended as a part of the Commission's program of implementation of the International Radio Regulations (Atlantic City, 1947) in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951). It is proposed to amend § 8.104 to make the requirements of paragraph (e) (1) of that section effective on and after June 3, 1953 with respect to certain bands of maritime mobile frequencies. These requirements concern the rapidity of change from one operating radio channel to another during transmission or reception by ship stations, using telegraphy in the frequency band 2065 kc to 2107 kc and on the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service. In addition, the section would be amended to indicate more precisely the bands of frequencies affected by the rule. Section 8.104 (e) (1) would be amended by restricting the present exception from this requirement solely to radio telegraph equipment intended for use only in emergencies on frequencies below 515 kc, or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively. Further it is proposed to amend § 8.105 of the Commission's rules effective June 3, 1953, to reflect the requirements of paragraph 591 of the Atlantic City Radio Regulations regarding required radio channels for ship stations using telegraphy in the Atlantic City maritime mobile bands between 4000 and 23000 kc.

3. The proposed amendments are contained below. They are issued under the authority of sections 303 (c), (e), (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should be adopted in the forms set forth may file with the Commission on or before September 3, 1952, a written statement setting forth his comments. Comments and replies to the original comments may be filed within 10 days thereafter. The Commission will consider all comments filed before taking action in this matter.

1. Section 8.104 (e) (1) is amended to read as follows:

(e) (1) Subject to the provisions of subparagraph (2) of this paragraph, each ship station using a multi-channel installation for telegraphy (except equipment intended for use only in emergencies on frequencies below 515 kc, or intended for use on any frequency on board lifeboat, liferaft or survival craft exclusively) shall, when the authorized operator is present at the principal operating location, be capable of changing, after the need to do so occurs, from each operating radio-channel to any other operating radio-channel for transmission or reception by means of telegraphy within:

(i) A period of five seconds if the particular radio-channels are within the same characteristic portion of the spectrum; or

(ii) A period of fifteen seconds if the particular radio-channels are not within the same characteristic portion of the spectrum.

2. Section 8.104 (e) (2) (ii) is amended to read as follows:

(ii) With respect to the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service and radio channels within the frequeney band 2065 kc to 2107 kc, on and after June 3, 1953.

3. Section 8.105 is amended by adding a new paragraph (d) to read as follows:

(d) Each ship station (except on lifeboats, liferafts and survival craft) using telegraphy on the specific frequencies in the bands between 4000 kc and 23000 kc authorized by the International Radio Regulations (Atlantic City, 1947) exclusively for the maritime mobile service shall, in each of the bands for which facilities are provided to carry on its service, be capable of transmitting and receiving Class A1 emission on at least one radio channel authorized for calling and at least two radio channels authorized for working.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of statements or comments shall be furnished the Commission.

Adopted: July 30, 1952.

Released: July 31, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8590; Filed, Aug. 5, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Commissioner's Reorganization Order No. Hdq-1]

EXECUTIVE OFFICERS

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is ordered, subject to my continuing general supervision:

1. *Commissioner's Staff.* There shall be attached to the Office of the Commissioner a Staff, consisting of the Assistant to the Commissioner, the Administrative Assistant to the Commissioner, the Public Information Officer, and the Technical Reviewer, and there are hereby delegated to such officers the functions of the Commissioner described in Exhibit A, set forth below, and other like functions not otherwise delegated.

2. *Assistant Commissioner (Operations).* There is hereby delegated to the Assistant Commissioner (Operations) the authority to perform, manage, administer and provide direction of, the functions of the Commissioner pertaining to field operational activities of the Internal Revenue Service. Such functions shall consist of the functions described in Exhibit B, set forth below, and other like functions not otherwise delegated.

3. *Assistant Commissioner (Technical).* There is hereby delegated to the Assistant Commissioner (Technical) the authority to perform, manage, administer and provide technical direction of, the functions of the Commissioner pertaining to technical planning, technical rulings, and special technical services of the Headquarters office of the Bureau of Internal Revenue. Such functions shall consist of the functions described in Exhibit C, set forth below, and other like functions not otherwise delegated.

4. *Assistant Commissioner (Inspection).* There are hereby delegated to the Assistant Commissioner (Inspection) all functions vested in the office of the Director, Internal Revenue Inspection Service, immediately prior to the effective date of this order. The functions so delegated shall consist of those described in Exhibit D, set forth below, and other like functions not otherwise delegated.

5. *Organizational units.* The functions hereinabove delegated shall be performed by the officers to whom delegated through the organizational units described in the exhibits set forth below or through such other units or subordinate units, as each may establish within his jurisdiction or as authorized by the Commissioner from time to time.

6. *Authority to sign.* Authority is hereby delegated to each Staff Officer and Assistant Commissioner to sign his own name, over his own title, to papers (other than those which, immediately prior to the time this order becomes effective, were required by the Commissioner to bear the Commissioner's signature) relating to functions coming under his jurisdiction.

7. *Authority to redelegate.* The functions delegated by this order to the Staff Officers, the Assistant Commissioners, and the Heads of the organizational units described in the exhibits set forth below may be delegated by each to any other officer or employee of the Bureau of Internal Revenue performing functions under his general supervision and control.

8. *Continuation of functions.* Except as modified by this order, all officers and employees within the Washington Headquarters Office shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at that time, until otherwise provided.

9. *Effective date.* This order shall be effective as of 12:01 a. m., August 11, 1952.

Dated: July 29, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner.

EXHIBIT A

FUNCTIONS OF STAFF OFFICERS

I. *Administrative Assistant to the Commissioner.* Assists the Commissioner in the fields of Personnel, Administrative Services, Training, Budget and Finance and Statistical, and, in such capacity, is responsible for and directs such functions.

A. *Personnel Division.* Directs the personnel program for the Internal Revenue Service, developing programs and policies for position classification, recruitment, promotion, employee relations, qualifications standards, and performance ratings.

1. *Position Classification Branch.* Responsible for organization and implementation of the position classification program at all organizational levels of the Internal Revenue Service.

2. *Recruitment and Standards Branch.* In collaboration with operating officials, determines personnel requirements and develops recruitment programs to accommodate such requirements; establishes, cooperatively with operating officials, experience and education standards for positions in the Revenue Service; works closely with Treasury and Civil Service Commission on development of recruitment programs and standards; develops standard personnel operating procedures, forms and practices. In recruitment matters supervises the operations of the Bureau's Boards of U. S. Civil Service Examiners and Committees of Expert Examiners.

3. *Employee Relations Branch.* Develops programs involving effective employee relationships including the handling of grievances, outside employment, employee health and welfare, and performance rating program for the Service; participates in decisions relating to disciplinary cases—demotions, removals and suspensions; handles fund raising drives.

B. *Administrative Services Division.* Conducts and coordinates the several "housekeeping" or service functions not elsewhere assigned (titles of Branches indicate general scope of Division's responsibilities).

1. *Printing and Reproduction Branch.* Coordinates the preparation, procurement, and distribution of all forms, regulations, tabulating cards, and revenue stamps; controls and distributes Treasury Decisions; prepares the biweekly Internal Revenue Bulletin and the semi-annual Cumulative Bulletin; and processes and distributes all duplicated material such as mimeographs, circulars, etc.

2. *Supplies and Equipment Branch.* Prepares orders for the purchase of all supplies and equipment for the entire service (except field stationery purchases); maintains inventory of equipment and controls the acquisition and release of surplus property; prepares annual reports of official automobiles; maintains records of and audits telephone bills; and supervises the repair and moving of equipment in Washington.

3. *Communications Branch.* Supervises the handling and delivery of all incoming and outgoing post office, inter-office and departmental mail and telegrams; receives incoming express shipments; conducts correspondence regarding unidentified mail; maintains correspondence control; operates telegraph office and telephone switchboard.

4. *Space Procurement and Utilization Branch.* Evaluates those requests for new or additional space for office, storage, laboratory, and garage accommodations which are required to be submitted to Washington under existing regulations; conducts field surveys in cases of complicated space negotiations; prepares annual and special reports on space matters; plans the Bureau's program for disposal of obsolete records and materials and secures required congressional authority; makes all space assignments and reassignments in Washington office; and serves in liaison capacity with other Treasury Bureaus, General Services Administration and other governmental agencies with respect to space matters and records management.

C. *Training Division.* Plans, coordinates and supervises all training activities for the Internal Revenue Service, including the preparation of textual material; conducts certain class instruction in Washington.

1. *Program Development Branch.* Plans the types of training to be offered and content of specific courses; prepares textual material for courses, both by writing and assemblage.

2. *Field Supervision and Coordination Branch.* Provides coordination and full technical supervision of field training work, and gives training courses for field instructors.

3. *Departmental Instructions Branch.* Offers "after hours" courses for secretarial training, and occasionally makes arrangements for conducting technical courses in Washington either for departmental personnel or for field personnel or for field personnel if the subject matter is highly specialized.

D. *Budget and Finance Division.* Prepares Bureau's Financial Plan in accordance with performance programs of operating officials, as approved by the Commissioner; prepares formal submission of budget estimates and participates in budget hearings; conducts continuing appraisal of operating results in light of the Financial Plan; and maintains direct supervision of accounting and financial reporting operations (other than for revenue collections) at the Washington level and technical supervision of such functions at the District Commissioner level.

1. *Budget Branch.* Confers with top officials in respect to needs to be reflected in preliminary request for annual budget ceiling, and drafts such request for submission to the Commissioner; analyzes financial plans submitted by the Assistant Commissioners and the Chief Counsel, drafts the Financial Plan for the Bureau and obtains workload data needed to support the Financial Plan in the formal appropriation estimates; participates in conferences relating to budget matters with representatives of the Treasury Department, the Bureau of the Budget, and Congressional Committees; subject to the Commissioner's approval, effects reconciliation of the Financial Plan with congressional appropriation action, and allots appropriation in accordance with the revised Plan; prepares annual allotments on a quarterly basis of available funds in collaboration with appropriate officials; and conducts continuing evaluation of performance under, and deviations from, the Financial Plan in accordance with the provisions of Com.-Mim., Coll. No. 6750.

2. *Finance Branch.* Maintains central accounts, prepares and interprets financial reports, exercises technical supervision over District accounting operations, and handles all contracts with the Treasury Department, Bureau of the Budget, and General Accounting Office pertaining to accounting (other than for revenue collections).

E. *Statistical Division.* As required by the Internal Revenue Code, the Statistical Division compiles the annual report "Statistics of Income" and other data which provide basic information for income, profits, estate and gift tax legislation by Congress, for administrative use by the offices of the Secretary of the Treasury and Commissioner of Internal Revenue, and for tax studies by the Joint Committee on Internal Revenue Taxation. Executes the Bureau's drafting and related activities program in the preparation of exhibits, displays, pictorial presentations, graphic illustrations and charts.

1. *Coding Branch.* Receives and segregates all corporation, individual and fiduciary income tax returns, partnership returns of income, and other returns which pass through the Statistical Division for the analysis of fiscal and economic data; selects samples employed in compilation of "Statistics of Income"; classifies by means of established codes, fiscal and economic data on corporation, individual, and fiduciary income tax returns, partnership returns of income, estate and gift tax returns, or their corresponding transcript cards; designates by codes, on their respective returns, the major business activity of corporations, individuals and partnerships, and classifies by codes other specified data to be used in various tax studies.

2. *Card Punch and Verifying Branch.* Records by means of card punch machines, fiscal and economic data from individual, fiduciary, and corporation income tax returns, partnership returns of income, and from their respective transcript cards, transcript cards of estate and gift tax returns, production statistics reports, detail action cards of tax cases in litigation and tax compromise cases before the Chief Counsel, analytical data for other divisions of the Bureau and for the Office of the Secretary and other governmental agencies; verifies data punched before releasing for compilation.

3. *Statistical Auditing Branch.* Records on transcript cards fiscal and economic data reported on corporation returns having complicated statements and schedules, corporation returns having assets of $1,000,000 or more and other corporation returns especially designated for transcription; records

matches Forms W-2 received from employers

Reviews revenue agents' and special agents'

Amendment questions; and for the issuance

on transcript cards fiscal and economic data from individual, fiduciary, estate, and gift tax returns, and partnership returns of income; conducts statistical audit of returns transcribed in order to correlate all principal items of income, deductions, assets and liabilities.

4. *Research and Compilation Branch.* Tabulates the punched cards by geographic, economic and other statistical segregations, to be used in the compilation of economic and fiscal reports and statements prepared in the branch; maintains tabulating and transcript card files; by appropriate analysis correlates, rearranges, and directs the retabulation where necessary, and prepares all statistical data in acceptable form for the published reports of "Statistics of Income", and for administrative and economic studies requested by the Office of the Secretary of the Treasury, Commissioner of Internal Revenue, Joint Committee on Internal Revenue Taxation, and other governmental and nongovernmental units; prepares the "Source Book" which is a supplement to "Statistics of Income", and selects for special tax studies data reported on individual, fiduciary, and corporation income tax returns, estate and gift tax returns, and partnership returns of income.

5. *Production Statistics Branch.* Prepares Quarterly Survey which contains production statistics pertaining to the investigation and adjustment of income, profits, estate, and gift tax returns by the field offices of the Bureau; prepares quarterly reports and analytical tables relating to production of field offices; compiles production statistics covering field operations of the Bureau for use in the Monthly Activity Report; compiles data for production reports of the Excess Profits Tax Council; assembles selected data for use in the "Annual Report of the Commissioner of Internal Revenue", and the "Annual Report of the Secretary of the Treasury"; prepares special reports for Bureau officials.

II. *Assistant to the Commissioner.* Assists the Commissioner in the performance of duties required at his level that have not been completely and finally delegated to operating officials. These duties include:

A. *Advisory.* Assists the Commissioner in determining: (1) Action to be taken pursuant to major political, economic, and scientific developments of such character that they bear directly upon revenue administration; (2) programing readjustments required by virtue of the enactment of new tax legislation; (3) revisions in emphasis as among work programs to be made from time to time in the light of changed circumstances; (4) course or policy to be followed in respect to special problems referred to the Commissioner by the Chief Counsel or any of the Assistant Commissioners.

B. *Special problems.* Assists the Commissioner in dealing with all special problems, such as (1) special studies requested by Congressional Committees, (2) requests of officials of the Treasury Department and of other departments and agencies, (3) incentive award programs, (4) Federal-State cooperation at the administrative level, (5) problems of the various tax associations and organizations, (6) special research projects, (7) high level official conferences on matters of tax policy and administration, (8) administrative and procedural aspects of the Committee on Practice, (9) special legislative drafting, (10) preparation of delegation orders, and (11) numerous other special unscheduled problems which confront the Commissioner at irregular intervals.

C. *Official records.* Determines the technical scope and content of (1) segments of the Annual Report of the Secretary of the Treasury that relate to the Internal Revenue Service, (2) Annual Report of the Commissioner of Internal Revenue, (3) economic analyses contained in the "Statistics of Income" series, and (4) Commissioner's Monthly Activity Report; prepares or reviews policywise major public statements and addresses relating to revenue administration.

D. *Improvements.* Spearheads overall directional changes involving new methods of compliance pursuant to major legislative changes, drastic revision in reporting forms, and changes in regulations to meet new industrial and technological developments.

E. *Congressional matters.* Analyzes and responds to all Congressional inquiries relating to operational and procedural policies of tax administration including statistical information; participates in certain phases of legislative drafting and the presentation of legislative proposals to the appropriate committees.

III. *Information Officer.* Develops and executes programs designed to explain and improve public understanding of Federal tax laws and policies; such programs involve use of press, radio, television, motion pictures, magazines, lectures and other available information media; reviews and edits magazines articles, radio and television scripts relating to all phases of tax administration; prepares or reviews all official releases, reports, statements, etc., concerned with informing the public as to policy or operational matters; reviews all proposed tax blanks from the standpoint of readability, clearness, simplicity, understandability to insure getting the tax message across; analyzes public reaction to administrative rules, procedures, and practices for purposes of producing ideas to continually improve voluntary compliance with the tax laws on the part of the public; maintains close daily contact with members of the press for the purpose of keeping them informed as to Bureau matters and from time to time arranges general press conferences; and stimulates interest in taxes at the junior and senior high school levels by preparing materials for use in class work.

IV. *Technical Reviewer.* Reviews for the Commissioner all material of a technical nature which is prepared for the Commissioner's signature or approval, such as proposed regulations, reports on proposed legislation, legislative recommendations to be formally submitted, rulings, inter-agency memoranda, matters involving litigation, reports by the Commissioner to the Joint Committee on Internal Revenue Taxation covering refunds or credits of any income, war profits, excess-profits, estate, or gift taxes in excess of $200,000, and other technical documents. The review is directed to the substance, technical accuracy, and conformity with Bureau policy. Directs such revisions as his review may indicate to be necessary or desirable. Signs the Commissioner's name to all documents except when in his discretion the material is referred to the Commissioner. The review, which ordinarily results in final Bureau action, extends to all matters covering the entire field of internal revenue taxation.

EXHIBIT B

FUNCTIONS OF ASSISTANT COMMISSIONER (OPERATIONS) AND HEADS OF OPERATIONS ORGANIZATION UNITS

1. *Assistant Commissioner (Operations).* Responsible for the administration and operational direction of the functions of the Commissioner's headquarters and field offices of the Bureau of Internal Revenue pertaining to collection, audit, alcohol and tobacco tax, intelligence, and appellate activities.

2. *Field Management and Planning Division.* Aids the Assistant Commissioner (Operations) in the planning and direction of all phases of operations in the headquarters and field offices. Responsible for the coordination of all management, budgetary, personnel, training, and service activities of the divisions under the Assistant Commissioner (Operations). Responsible for the over-all direction and coordination of the reorganization of the Bureau's field service.

A. *Operations Control Branch.* Coordinates and reconciles the personnel requirements for the various District Commissioners' offices and the several types of work and prepares tables of organization for each District Commissioner's office. Coordinate field office liaison and contact with and by representatives of other Divisions. Coordinates the operating programs and conducts continuing study of most effective balance among such programs. Coordinates the organization and methods work and the management improvement program. Coordinates review and appraisal of reports referred from the Inspection Service and follow-through actions in connection therewith. Conducts such special operational surveys and initiates such special projects, generally those pertaining to administrative matters or crossing divisional lines, as the Assistant Commissioner (Operations) may direct.

B. *Budget Management Branch.* Develops and supervises the work performance reporting and prepares and analyzes such reports for management and budget purposes. Reviews, adjusts, and balances the financial plans of the District Commissioners, thereby reconciling the recommendations of the other Division Heads concerning allocation of funds and personnel. Evaluates the execution of the financial plans as approved to insure that the performance of the District Commissioners' offices is in accord with the approved financial plan. Prepares, supports, and justifies budget estimates and conducts liaison with the Budget and Finance Division.

C. *General Services Branch.* Under established guides, coordinates all personnel and training activities for the headquarters and field activities under the Assistant Commissioner (Operations). Under established guides, coordinates all matters relative to space, supplies, equipment, and other services for the headquarters and field offices under the Assistant Commissioner (Operations).

3. *Collection Division.* Plans and directs the activities of the headquarters office of the Collection Division and assists the Assistant Commissioner in planning and directing collection activities in the field. Responsible for developing revenue collection and accounting systems, programs and policies; recommending allocation of funds and personnel; and developing standards for selection, classification, training, and promotion of collection personnel. Through staff assistants, maintains technical and advisory liaison and contact with field offices.

A. *Collection Accounting Branch.* Responsible for policies and procedures relating to all necessary audits or post audits of accounts current; maintenance of necessary ledger accounts; instructions relating to transfer of accountability; contacts with Treasury officials on depositary and revenue accounting problems and purchase, records, control and destruction of Internal Revenue stamps; and recommends for approval models of new stamps or change in size, etc.; reviews and schedules certificates of overassessment; prepares deficiency assessment lists; controls applications for relief under Code Section 722 and prepares a statement of relief allowances for publication in FEDERAL REGISTER; schedules allowances of post-war refunds of excess profits taxes; controls all offers in compromise and makes disposition of offers relating solely to delinquency penalties and interest; mails registered notices of claims rejections; makes final administrative disposition of final closing agreements.

B. *Processing Branch.* Responsible for receiving and sorting information returns showing income and income tax withheld (Forms W-2, W-2a, 1000, 1001, 1087, 1096, 1099, 7872, TCR-1, UST 456, 92, 857, etc.); matches Forms W-2 received from employers and furnishes the District Commissioner with overmatched and undermatched cases, retaining those items which match evenly; sorts income information documents available by Districts and furnishes them to appropriate District Commissioners for association with returns to be audited by the respective Directors of Internal Revenue; performs emergency service operations for District Commissioner and Commissioner, such as mailing blank returns, preparing refund vouchers, preparing lists, etc.

C. *Collection Procedure Branch.* Responsible for the development and continuing appraisal of revenue accounting systems and methods and for devising and establishing improved operational procedures and organizational structures; developing methods and procedures for processing of tax returns and related documents, collection and deposit, credits and refunds of taxes; evaluating office equipment and systems; evaluating reports for management, budgetary and other administrative purposes; and, in cooperation with Field Management and Planning Division, develops staffing standards. Responsible for preparation and maintenance of necessary manuals of instructions for the use of collection personnel.

4. *Audit Division.* Plans and directs the activities of the headquarters office of the Audit Division and assists the Assistant Commissioner (Operations) in planning and directing audit activities in the field.

Responsible for developing audit policies, programs and procedures; recommending allocation of funds and personnel; developing standards for selection, classification, training, and promotion of audit personnel. Through staff assistants, maintains technical and advisory liaison and contact with field offices.

A. *Planning and Procedure Branch.* Develops nation-wide audit program and procedures for selection of returns for audit; prepares operating instructions for the audit activities of the field divisions; drafts, in collaboration with other headquarters representatives, forms and instructions for use by taxpayers, except with respect to alcohol and tobacco taxes, drafts other forms necessary in the other activities of the field divisions; revises and maintains Parts IV and V of the Internal Revenue Manual; issues Post Review Coordination Digest and prepares and maintains other guide materials for use of field offices; maintains record of cases in which action is deferred by Audit Branches of field districts pending determination of similar issues in other cases, and acts upon requests from taxpayers for agreements to suspend the period of limitation for filing suit on disallowed refund claims; advises field and Bureau forces on procedural matters arising in connection with the audit activities of the field divisions.

B. *Uniform Audit Branch.* Post reviews selected cases closed in audit branches of the field divisions to assure uniformity and maintenance of high standards of tax enforcement (issues requiring post review or other consideration by the Pension Trust, Exempt Organizations, Engineering and Valuation, or Reorganization and Dividends Branches of the Special Technical Services Division will be referred to those branches); advises field districts of departures in specific cases from established technical rulings or procedural instructions; refers to Assistant Commissioner, Technical, cases requiring consideration of conflicting interpretations, or original interpretations of law, regulations or established technical precedents; prepares reports for Assistant Commissioner, Technical, on cases indicating tax avoidance and inequities.

Analyzes results of post review operations and submits summaries thereof to the Planning and Procedure Branch or other headquarters staff organizations with recommendations for appropriate action.

Reviews revenue agents' and special agents' reports, determines civil liability and deficiencies in taxes and applicable penalties in all cases involving criminal prosecution and directly associated or related cases under consideration by the Chief Counsel and/or the Department of Justice.

C. *Audit Service Branch.* Responsible for the maintenance and control of general and special files of income, excess profits, estate and gift tax returns, reports, and related documents. Controls, routes, and performs all clerical operations incidental to the closing of cases by the Uniform Audit Branch.

Maintains administrative control of cases involving the special features of bankruptcy, receivership and reorganization.

Administers the publicity provisions of the Internal Revenue Code in furnishing copies of returns and related documents, inspection thereof, and disclosure of information contained therein to qualified persons, other Government agencies and congressional committees.

Administers the provisions of section 3792 of the Internal Revenue Code providing for the payment of rewards to informants for information leading to the detection and punishment of persons violating the internal revenue laws.

Furnishes stenographic and typing services to the Audit Division and to other Bureau divisions.

D. *Delinquent Accounts and Returns Branch.* Responsible for the establishment of policies, formulation of procedures, preparation of instructions, dissemination of legal rulings and opinions, reviewing of proposals for new legislation, and initiation and control of programs with respect to the enforcement provisions of the internal revenue laws with which Directors of Internal Revenue are charged to the extent that such matters are concerned with (1) discovery of delinquencies and procurement of delinquent returns, (2) collection of delinquent taxes, and all additions thereto, and (3) civil phases of the laws and regulations governing wagering taxes.

5. *Alcohol and Tobacco Tax Division.* Plans and directs the activities of the headquarters office of the Alcohol and Tobacco Tax Division and assists the Assistant Commissioner in planning and directing alcohol and tobacco tax activities in the field. Responsible for developing policies, programs and procedures relating to the administration of the laws relating to alcohol and tobacco taxes, and to firearms; recommending allocations of funds and personnel; and developing standards for selection, classification, training and promotion of personnel engaged in the administration of the abovementioned laws. Exercises the authority with respect to claims arising out of the activities of the Bureau of Internal Revenue under 28 U. S. C. 2672, relating to federal tort claims and the Act of December 28, 1922, 42 Stat. 1066, the so-called Small Claims Act. Through staff assistants, maintains technical and advisory liaison and contact with field offices.

A. *Permissive Branch.* Responsible for developing policies, practices, procedures, and regulations for the administration of the internal revenue laws relating to the lawful production, storage, tax payment, rectification, sale, use, etc., of alcoholic liquors, denatured alcohol, and related products, including operations at distilleries, alcohol plants, warehouses, denaturing plants, rectifying plants, bottling houses, wineries, and breweries.

B. *Basic Permit and Trade Practice Branch.* Responsible for developing policies, practices, procedures, and regulations for administering the provisions of the Federal Alcohol Administration Act, including the examination and approval of labels, enforcement of the advertising regulations and prohibitions against interlocking directorates; for field activities relating to trade practice and 21st Amendment questions; and for the issuance, suspension, revocation, and annulment of basic permits.

C. *Enforcement Branch.* Responsible for developing policies, practices, and procedures for the investigation, detection and prevention of fraudulent and/or willful violations of all laws relating to alcohol and tobacco taxes, and firearms.

D. *Tobacco Tax Branch.* Responsible for development of policies, practices, procedures and regulations for the administration of the laws relating to the taxes on manufactured tobacco, snuff, cigars and cigarettes, cigarette papers and tubes, the purchase sale of leaf tobacco; the removal of such articles without payment of tax for export, for use as sea stores and for use of the United States.

6. *Intelligence Division.* Plans and directs the activities of the headquarters office of the Intelligence Division and assists the Assistant Commissioner in planning and directing the Intelligence activities in the field.

Responsible for developing policies, programs and procedures relating to tax fraud investigations (other than Alcohol and Tobacco Tax cases), racketeer and wagering tax investigations, investigations of applicants for enrollment or persons who are enrolled to practice before the Treasury Department, and such other special investigations as the Commissioner may direct; recommending allocation of funds and personnel; and developing standards for selection, classification, training and promotion of Intelligence personnel. Through staff assistants, maintains technical and advisory liaison and contact with field offices.

A. *Tax Fraud Branch.* Responsible for the planning of programs, policies, and procedures necessary for the effective conduct of tax fraud investigations, investigations of charges against enrollees and of applicants for enrollment, and the investigation and handling of informers' claims for rewards; development of operating instructions, forms, manuals, etc., for the use and guidance of personnel engaged in such investigations; for purposes of insuring compliance with prescribed policies and procedures and to establish uniformity of action as to closing and recommendations for prosecution, directs the post review of tax fraud cases referred by field districts to the offices of Enforcement Counsel recommending criminal prosecutions, and also cases returned by field audit branches for civil settlement; channels tax fraud leads, informants' letters, and other information sent directly to the Bureau to appropriate field districts; conducts continuing analyses of action recommended or taken in tax fraud cases to identify areas in which the tax fraud program may be improved; and maintains such records as are necessary to prepare reports in connection with the functions of the Branch.

B. *Special Investigations Branch.* Responsible for the development of programs, policies, and procedures necessary for the effective conduct of the nation-wide tax fraud work which has the purpose of determining the correct tax liabilities of gamblers, racketeers, and other criminal elements within the United States and of collecting the tax liabilities so determined; developing programs, policies, and procedures for the Bureau's wagering tax enforcement program designed to obtain appropriate civil and penal penalties for violations of the wagering tax law; develops and revises operating instructions, forms, etc., for the implementation of both of these programs; directs and plans the post review of selected cases closed by field offices to determine whether policies and procedures have been complied with and to insure uniformity of action as to closing actions and recommendations for prosecution throughout the United States; serves as liaison between the other divisions of the Bureau with respect to any matters having an effect on enforcement policies or

procedures, including Chief Counsel's office; confers with other governmental agencies (national, state and local) to obtain cooperation with respect to problems of mutual concern; and maintains such records as are necessary to prepare reports of status, progress and results.

7. *Appellate Division.* Plans and directs the activities of the headquarters office of the Appellate Division and assists the Assistant Commissioner in planning and directing the appellate activities in the field; exercises executive direction of the Excess Profits Tax Council; responsible for developing policies, programs and procedures relating to the disposition of all income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, firearms and wagering), and employment tax cases including refund claims and overassessment cases, in which the determination of tax liability by a Director of Internal Revenue has been protested in nondocketed status or made the subject of a petition for review filed with the Tax Court; develops policies and programs relating to offers in compromise of such taxes and final closing agreements for past taxable years; recommends allocation of funds and personnel; develops standards for selection, classification, training and promotion of Appellate personnel; through staff assistants, maintains technical and advisory liaison and contact with field offices.

A. Settlement Review Branch. Conducts a continuing review of selected closed cases to determine the degree of uniform action and compliance with Bureau policies; prepares required statistical data for management purposes; exercises supervision over final closing agreements for past taxable years.

B. Compromise Branch. Develops policies and procedures for the uniform handling of offers in compromise; makes recommendations for changes and improvements of such procedures; reviews field action with respect to such offers; advises with respect to the handling of particular cases; performs required statistical data for management purposes.

C. Special Services Branch. Responsible for furnishing specialized advice and assistance to the headquarters and field offices on highly complex engineering and valuation problems; furnishes expert witnesses in trials of tax cases.

D. Excess Profits Tax Council. Exercises, for the Commissioner, final authority within the Bureau of Internal Revenue in respect to all issues arising under section 722; issues rulings of general application relating to the administration and interpretation of section 722; and makes the final determination, for the Commissioner, with respect to the section 722 issues in each case in which a claim for relief has been filed under that section, including cases in which a petition for review has been filed with the Tax Court.

EXHIBIT C

FUNCTIONS OF ASSISTANT COMMISSIONER (TECHNICAL) AND HEADS OF TECHNICAL ORGANIZATION UNITS

1. *Assistant Commissioner (Technical).* Responsible for the administration and technical direction of the functions of the Commissioner of Internal Revenue pertaining to technical planning, rulings, programs, and special technical services of the headquarters office of the Bureau of Internal Revenue.

2. *Office of International Tax Relations.* Is responsible to the Assistant Commissioner (Technical) for negotiations of tax treaties and like agreements with foreign governments; cooperates with State Department and appears before Congressional committees in procedures leading to ratification; directs Bureau functions in matters of treaty administration and relations with foreign tax officials. Collaborates in preparation of treaty regulations. Coordinates rulings involving treaties, and exchange of information pursuant to them. Receives visiting foreign officials. Is responsible for the Bureau's participation in Point IV and related programs.

3. *Technical Planning Division.* Under the Assistant Commissioner (Technical) conducts continuing research studies as to the existence and nature of tax problems which are recurring sources of controversy or which produce loopholes or inequities, determines and makes recommendations as to the need for and advisability of new or amendatory legislation, regulations or other instructions covering such problems, assists in drafting tax legislation of all kinds, and prepares or reviews regulations and other instructions.

A. Technical Program Branch. Is primarily responsible for the functions of the Division with respect to: Reports to Congressional Committees on legislation, legislative recommendations, regulations and Treasury decisions, and circulars, mimeographs and other instructions representing the Bureau position on matters of general application; schedules for preparation and reviews necessary documents; prepares related communications; participates in public proceedings under the Administrative Procedure Act; coordinates for the Assistant Commissioner information and activities required for assistance of Congressional Committees and drafting service, of Tax Advisory Staff and Tax Legislative Counsel, and of Chief Counsel; recommends to Assistant Commissioner, the Bureau position on legislation, regulations, and other matters of general application; maintains contacts with other governmental agencies necessary for work of Branch.

B. Technical Analysis Branch. Initiates and directs, or upon request develops and directs continuing research and analytical studies of technical problems relating to administration of all taxes (other than alcohol and tobacco taxes), with the primary objective of clearly pointing up those problems which are recurring sources of controversy or which produce loopholes, inequities or administrative difficulties; maintains continual contact with field and departmental operations to develop and analyze special case reports and other material on tax problems; prepares and submits to the Technical Program Branch detailed technical reports and suggested remedies which form the basis for reports to Congressional Committees, legislative suggestions, regulations revision or new and improved procedures; arranges and conducts regular meetings between regional field coordinators and Bureau and Treasury officials in order to coordinate technical planning for the Assistant Commissioner; in cooperation with field and departmental representatives makes detailed analyses of recurring technical problems in order to develop more efficient and uniform methods for their solution; conducts research on trade and industry practices affecting the impact of taxes; upon request of Bureau or Treasury officials, supplies personnel for special assignments which are of a highly technical nature or involve difficult problems of administration or procedure; participates in Forms Committee; maintains contacts with other governmental agencies necessary for work of Branch.

4. *Technical Rulings Division.* Under the Assistant Commissioner (Technical) is responsible for the preparation and issuance of rulings, advisory letters, and memoranda on income, excess profits, estate, gift, employment and withholding taxes, and excise taxes (other than alcohol and tobacco taxes) for the guidance of taxpayers, internal revenue agents, Bureau officials and others. Reviews post audit exceptions and other matters referred to Assistant Commissioner (Technical) by Operations which involve application of technical rulings.

A. Technical Advisory Group. Acts in an advisory and consulting capacity to the Head, and Assistant Head, Technical Ruling Division on important, unusual or complicated problems.

B. Corporation Tax Ruling Branch. Prepares and issues specific and precedent rulings, advisory letters, and memoranda on Federal income and excess profits taxes and related statutes applying to corporations (other than corporate reorganizations and distributions). Requests for specific rulings, advice and inquiries on these subjects received from taxpayers and their authorized representatives, District Commissioners, Directors, other Divisions and Branches of the Bureau and other departments and agencies, are referred to this Branch. With respect to these subjects: Prepares replies to District Commissioners and Directors who have requested technical advice in particular cases and special technical matters; reviews letters prepared in the Uniform Audit Branch of the Audit Division taking exception to field closing of cases; confers in the field or in Washington with taxpayers and their authorized representatives in connection with post review exceptions to field closing of cases; also in connection with requests for technical advice from field districts; prepares ruling letters and final closing agreements under section 3760 of the Code relating to specific matters affecting returns not yet due; assists the Technical Planning Division by suggestions in connection with proposed regulations and reports on proposed legislation.

C. Income, Estate and Gift Tax Ruling Branch. Prepares and issues rulings, advisory letters and memoranda on Federal income, estate and gift taxes and related statutes with respect to noncorporate taxpayers (other than those matters relating to pension trusts, engineering and valuation questions, exempt organizations, corporate distributions and withholding on wages). Requests for rulings, advice and inquiries on these subjects received from taxpayers and their authorized representatives, District Commissioners, Directors, other Divisions and Branches of the Bureau, and other departments and agencies, are referred to this Branch. With respect to these subjects, this Branch: Prepares replies to District Commissioners and Directors who have requested technical advice in particular cases and special technical matters; reviews letters prepared in the Uniform Audit Branch of the Audit Division taking exception to field closing of cases; confers in the field or in Washington with taxpayers and their authorized representatives in connection with post review exceptions to field closing of cases; also in connection with requests for technical advice from field districts; prepares ruling letters and final closing agreements under section 3760 of the Code relating to specific matters affecting returns not yet due; assists the Technical Planning Division by suggestions in connection with proposed regulations and reports on proposed legislation.

D. Employment Tax Ruling Branch. Prepares and issues specific and precedent rulings, advisory letters, memoranda and other guide material with respect to the Federal Insurance Contributions Act, Railroad Retirement Act, Income Tax withholding on wages, and certain aspects of the self-employment tax. Requests for specific rulings, advice and inquiries, relating to those taxes received from taxpayers and their authorized representatives, District Commissioners, Directors, other Divisions and Branches of the Bureau and other departments and agencies, are referred to this Branch. With respect to these subjects: Prepares replies to District Commissioners and Directors who have requested technical advice in particular cases and special technical matters; reviews letters prepared in the Uniform Audit Branch of the Audit Division taking exception to field closing of cases;

confers in the field or in Washington with taxpayers and their authorized representatives in connection with post review exceptions to field closing of cases and also in connection with requests for technical advice from field districts. Assists the Technical Planning Division by suggestions in connection with proposed regulations, and reports on proposed legislation.

E. Excise Tax Ruling Branch. Prepares and issues specific and precedent rulings, advisory letters, memoranda and other guide material on excise taxes (other than alcohol and tobacco taxes). Requests for specific rulings, advice and inquiries, relating to these taxes received from taxpayers and their authorized representatives, District Commissioners, Directors, other Divisions and Branches of the Bureau and other departments and agencies, are referred to this Branch. With respect to these subjects: Prepares replies to District Commissioners and Directors who have requested technical advice in particular cases and special technical matters; reviews letters prepared in the Uniform Audit Branch of the Audit Division taking exception to field closing of cases; confers in the field or in Washington with taxpayers and their authorized representatives in connection with post review exceptions to field closing of cases; also in connection with requests for technical advice from field districts. Assists the Technical Planning Division by suggestions in connection with proposed regulations, and reports on proposed legislation.

5. *Special Technical Services Division.* Under the Assistant Commissioner (Technical) is responsible for: Determination of taxable status of exchanges and distributions in corporate reorganizations and liquidations, and ordinary, liquidating and stock dividends; disseminates appropriate rulings and decisions to all field offices concerned. Preparation of rulings on exempt status of corporations under section 101 of Internal Revenue Code. Preparation and distribution of cumulative lists of organizations to which contributions are deductible under section 23 (o) and (q), Internal Revenue Code. Preparation of rulings and making determinations as to qualification of pension trust plans, and the deduction of contributions and the taxability of beneficiaries under such plans. Preparation of rulings and providing other technical service for all Bureau offices relating to engineering and valuation problems arising in connection with tax determinations. Processing of applications to establish replacement funds and bonds executed under section 44 (d), 112 (b) (6), 112 (f) and 131 (c) of the Code. Selection, analysis, digesting, and editorial work in connection with rulings and other technical material for publication in the Internal Revenue Bulletin; processing of all important and novel rulings; maintenance of a library of rulings and other technical material.

A. Exempt Organizations Branch. Prepares rulings with respect to exemption from filing returns and payment of tax under section 101 of the Internal Revenue Code, and with respect to the taxation of unrelated business income of exempt organizations under Supplement U and sections 3813–3814 of the Internal Revenue Code. Prepares cumulative list of organizations, contributions to which are deductible under section 23 (o) or 23 (q) of the Internal Revenue Code. Advises Bureau and Government offices with respect to exempt status of organizations. Reviews post audit exemptions involving charitable contributions and exempt organizations.

B. Pension Trust Branch. Is primarily responsible for: Preparing mimeographs, statements and other releases for the information and guidance of taxpayers and Bureau personnel on pension trusts. Prepparing letters of advice to field offices regarding qualifications of plans under section 165 of the Code, deductions for contributions to such plans under section 23 (p) and the taxability of beneficiaries of such plans. In connection with the uniform audit program, post reviews rulings of field offices involving pension plans.

C. Reorganization and Dividend Branch. Determines the taxable status of exchanges and distributions in corporate reorganizations and liquidations, and where appropriate, disseminates such decision to the field offices concerned. Performs similar technical service with respect to the taxable status of ordinary, liquidating and stock dividends. Processes application to establish replacement funds and bonds executed under sections 44 (d), 112 (b) (6), 112 (f) and 131 (c) of the Code. Furnishes information and prepares rulings on inquiries from taxpayers and their representatives in connection therewith. Reviews post audit exceptions involving corporate reorganizations and distributions.

D. Engineering and Valuation Branch. Values property, tangible and intangible, including natural resources, land and buildings, machinery and equipment, listed and unlisted securities, patents, leaseholds, contracts, franchises and other forms of business interests such as partnerships and sole proprietorships. Rules on bases for gain or loss and allowance for depletion, depreciation and obsolescence. Reviews and post reviews the engineering and valuation features of reports prepared by engineer revenue agents and revenue agents. Furnishes offices of District Commissioners and Directors with quoted prices of stocks and bonds as reported from the principal exchanges and information on file relative to the valuation of unlisted securities. Provides engineering and valuation service for operating officials (especially Appellate Division) and Office of Chief Counsel through means such as conferences, technical reports, field investigations and participating as experts in litigation involving engineering, valuation, accounting and related problems.

E. Bulletin and Ruling Analysis Branch. Initially responsible for the selection, analysis, digesting, and editing of rulings (including opinions of the Chief Counsel) for publication in the Internal Revenue Bulletin, and the preparation for publication of Treasury Decisions, court decisions, mimeographs, and the Commissioner's announcements relating to acquiescences and nonacquiescences in reported Tax Court decisions. Also responsible for the selection, analysis, and digesting of all important and novel rulings for use as reference material; and for the proper maintenance of a library of rulings and other technical material to be used as precedents and guides by Bureau personnel.

EXHIBIT D

FUNCTIONS OF ASSISTANT COMMISSIONER (INSPECTION) AND OFFICERS OF INSPECTION ORGANIZATION UNITS

1. *Assistant Commissioner (Inspection).* Has full responsibility for the organization, staffing and direction of the inspection activities of the Internal Revenue Service which relates to: The assurance of scrupulous adherence to proper ethics and standards of conduct by all personnel, and avoiding and detecting irregularities, defalcations, etc., appraising management and operations to promote economy and efficiency and foster continuing attention to improvement; conducting personnel investigations and such investigations as the Commissioner may direct.

2. *Executive Assistant.* Serves as an Executive Assistant to the Assistant Commissioner (Inspection) and is responsible for the efficient conduct of all duties which are performed by the Chief Inspector, the Planning and Programming Division, the Analysis and Appraisal Division, and the Liaison and Special Investigations Division.

3. *Executive Assistant.* Serves as an Executive Assistant to the Assistant Commissioner (Inspection) and is responsible for the efficient conduct of all duties which are performed by the Chief Inspector, the Personnel Evaluation Division, the Review Division, and the Administrative Division.

4. *Planning and Programming Division.* Plans, develops and prepares procedural instructions to be followed in inspecting field offices; maintains such instruction up to date by preparing necessary revisions to meet new situations or problems; keeps Chief Inspectors informed with respect to changes in operational and managerial functions; prepares and/or reviews proposed mimeographe and policy letters issued by the Inspection Service; reviews inspection schedules of Chief Inspectors and maintains a follow-up to insure proper frequency of inspections; plans and directs the rotation and interchange of assignments of personnel on inspections performed by the various field offices of the Inspection Service; conducts special training programs for inspection personnel; cooperates closely with other Divisional activities of the Inspection Service.

5. *Analysis and Appraisal Division.* Conducts continuing study of all phases of operations of the Bureau with the purpose of recommending methods for eliminating wasteful practices and promoting the effectiveness of management and operations; recommends improvement; analyzes suggestions received for improvements; maintains continuing inspections of pilot installations of new methods and procedures and evaluates the results thereof for extension to all offices; cooperates closely with other operating officials of the Bureau; cooperates closely with other Divisional activities of the Inspection Service.

6. *Liaison and Special Investigations Division.* Observes and reports upon actual inspections made by the Chief Inspectors and their personnel; acts as liaison between the Assistant Commissioner (Inspection) and the Chief Inspectors; insures proper liaison between Chief Inspectors; acts in a liaison capacity with other government agencies such as General Accounting Office, Civil Service Commisison, etc., relating to the examination and operation of Internal Revenue Offices; conducts continuing studies of the organization, methods and procedures of the headquarters and field offices of the Inspection Service for the purpose of evaluating and improving the effectiveness of the inspection program; submits reports to the Assistant Commissioner (Inspection) containing recommendations deemed appropriate to matters investigated; in addition, this Division will perform technical review of tax rulings and determinations where indications of collusion exist; conducts such special investigations as are ordered by the Assistant Commissioner (Inspection); cooperates closely with other Divisional activities of the Inspection Service.

7. *Personnel Evaluation Division.* Plans and implements such measures as will provide for constant evaluation and improvement of the ethical and moral standards of employees of the Bureau; reviews financial statements and reports of examination of the tax returns of Bureau employees and takes such action as may be warranted; insures prompt action on complaints against Bureau employees; reviews and approves character investigation of applicants; reviews, analyzes and approves disciplinary actions; cooperates closely with other Divisional activities of the Inspection Service.

8. *Review Division.* Reviews all inspection reports for the following purposes: Ascertains whether or not the inspection manuals have been followed and whether inspections have been thorough; advises the Assistant Commissioner (Inspection) of those situations requiring immediate attention and insures that inspection reports are uniform and clear; takes corrective action on any reports containing serious errors. Reviews promotions and appointments of key personnel for the purpose of providing operating officials with all pertinent information; cooperates closely with other Divisional activities of the Inspection Service.

9. *Administrative Division.* Is responsible for the performance of the administrative functions of the Inspection Service, covering preparation, control and maintenance of budget allotment; considers and passes on requests from Chief Inspectors for the allowance of funds for travel and miscellaneous operating expenses and maintains allowance records for controlling such expenses; acts on requests for office furniture, equipment and non-expendable items of supply; considers space request accommodations; executes the Bureau personnel program as it pertains to the Inspection Service; initially interviews position applicants; advises offices of Chief Inspectors on a wide variety of subject-matter coverage; prepares instructions issued by the Inspection Service pertaining to administrative matters; prepares periodic and special non-recurring reports pertaining to the activities of the Inspection Service, and represents the Assistant Commissioner (Inspection) at the Washington and field level on all matters of an administrative nature.

[F. R. Doc. 52-8577; Filed, Aug. 5, 1952; 8:49 a. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1952, 77th Supp.]

WESTERN FIRE INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

JULY 31, 1952.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. sections 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $332,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington 25, D. C.

NAME OF COMPANY, LOCATION OF PRINCIPAL EXECUTIVE OFFICE AND STATE IN WHICH INCORPORATED

KANSAS

The Western Fire Insurance Company, Fort Scott.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-8582; Filed, Aug. 5, 1952; 8:50 a. m.]

Office of the Secretary

[Treasury Department Order No. 150-5]

BUREAU OF INTERNAL REVENUE; REORGANIZATION

ABOLITION OF CERTAIN OFFICES IN WASHINGTON HEADQUARTERS AND DETERMINATION OF TITLES OF NEW OFFICES

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of certain existing offices.* The abolition of the offices of Assistant Commissioner, Special Deputy Commissioner and Deputy Commissioner for the Bureau of Internal Revenue shall become effective at 12:00 p. m., midnight, August 10, 1952.

2. *Establishment of new offices.* It is hereby determined, pursuant to section 2 of Reorganization Plan No. 1 of 1952, that there shall be in the Washington Headquarters office of the Bureau of Internal Revenue, effective August 11, 1952, offices having titles as follows:

Assistant to the Commissioner.
Administrative Assistant to the Commissioner.
Head, Alcohol and Tobacco Tax Division.
Head, Appellate Division.
Head, Audit Division.
Head, Collection Division.
Head, Field Management and Planning Division.
Head, Intelligence Division.
Head, Technical Rulings Division.
Head, Technical Planning Division.
Head, Special Technical Services Division.
Executive Assistant, Office of Assistant Commissioner (Inspection).
Executive Assistant, Office of Assistant Commissioner (Inspection).

3. The offices of "Assistant Commissioner of Internal Revenue", for operational purposes, are hereby designated as Assistant Commissioner (Operations), Assistant Commissioner (Technical), and Assistant Commissioner (Inspection), respectively.

Dated: July 29, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-8576; Filed, Aug. 5, 1952; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

CHAIRMAN OF THE JOINT CHIEFS OF STAFF

DELEGATION OF AUTHORITY WITH RESPECT TO WHITTIER DEFENSIVE SEA AREA

By virtue of the authority vested in me by Executive Order 10361, June 11, 1952, 17 F. R. 5357, and pursuant to section 202 (f) of the National Security Act of 1947, as amended, 5 USC 171a, the following designation and delegation of authority is effective this date.

1. The Chairman of the Joint Chiefs of Staff shall exercise the functions, duties and powers (including the power of designation) conferred upon me by Paragraphs 1, 2, 3 and 4 of said Executive Order 10361.

2. The Chairman of the Joint Chiefs of Staff, as he deems necessary, may designate any officer or employee, military or civilian, of the Department of Defense to exercise in whole or in part the authority conferred upon said Chairman of the Joint Chiefs of Staff under Paragraph 1, hereof.

3. The Chairman of the Joint Chiefs of Staff shall have published in the FEDERAL REGISTER any designation made under Paragraph 2, hereof.

ROBERT A. LOVETT,
Secretary of Defense.

JULY 30, 1952.

[F. R. Doc. 52-8538; Filed, Aug. 5, 1952; 8:45 a. m.]

MUNITIONS BOARD

ORGANIZATION AND FUNCTIONS

I. *Authority and purpose.* This directive is issued pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, in order more fully to define the authority and duties of the Munitions Board (hereinafter called the "Board"), established by section 213 of said act, and to define the relationships of the Board with the military departments and other agencies of the Department of Defense, and more fully to define the authority and duties of the Chairman of the Board.

II. *Directive rescinded.* The directive of November 3, 1949, entitled "Munitions Board Charter," as amended by the directive dated September 13, 1950, is hereby rescinded. All other directives of the Secretary of Defense addressed to or relating to the Board or its Chairman shall remain in effect until specifically modified or rescinded by the Secretary of Defense.

III. *Membership.* The Board shall be composed of a civilian Chairman, appointed by the President, who shall be the head thereof, and an Under or assistant Secretary from each of the military departments to be designated by the Secretary of each department. The Secretary of each of the military departments shall also designate an alternate who shall be an Under Secretary or an Assistant Secretary of the department, and who, in the absence of his principal, shall act in his stead with powers of his principal. The Chairman, with the approval of the Secretary of Defense, may designate a Vice Chairman, who shall, in the absence or disability of the Chairman, act for and exercise the powers of the Chairman. In the absence of the duly appointed Chairman and Vice Chairman, the Secretary of Defense will designate a Board member to act as Chairman.

IV. *Authority—A. Authority of the Chairman.* 1. The Chairman of the Board shall be the head thereof and shall, subject to the authority of the Secretary of Defense, have the power of decision upon all matters falling within the jurisdiction of the Board. He shall be the principal advisor and assistant to the Secretary of Defense in supply management and industrial matters.

2. The Chairman of the Board is further authorized to:

a. Take action on any matters which, because of the exigencies of time, do not permit formal Board action.

b. Perform all detailed actions necessary to discharge the Board's duties.

c. Perform all duties which have been or may be assigned specifically to the Chairman individually by the Secretary of Defense.

d. Perform, without being relieved of his responsibility therefor, any of his duties through or with the aid of such members or officials of the Board as the Chairman may designate.

e. Establish, in accordance with policies prescribed by the Secretary of Defense, such continuing or temporary committees, councils, or agencies as may be necessary to conduct studies, assemble information, make recommendations, and otherwise assist in the carrying out of the responsibilities of the Board under his authority, direction and control.

f. Issue directives in the name of the Board or in the name of the Secretary of Defense as may be appropriate.

g. Prepare, with the advice and assistance of the Staff, policies, plans, and programs for presentation to the Board.

h. Represent or arrange for representation of the Department of Defense before and with other governmental departments and agencies on all matters for which the Board or the Chairman has responsibilities under the provisions of this directive.

i. Make appropriate recommendations to the Secretary of Defense for improvement in supply management and industrial matters.

B. *Authority of the Board.* Within its jurisdiction, as defined in the National Security Act of 1947, as amended, and as further defined in this directive, or as may be further directed by the Secretary of Defense, the Board shall be the principal agency of the Secretary of Defense responsible for performing the duties set forth in section V below.

C. *Appeal from decisions.* With respect to any decision by the Chairman on a matter within the jurisdiction of the Board with which any other member does not agree, any such dissenting member may initiate, for submission by the Secretary of the department represented by the member in question, an appeal therefrom to the Secretary of Defense. Prior notification of any such action shall be given to the Chairman and other members of the Board.

V. *Duties of the Board.* Subject to the authority and direction of the Secretary of Defense, and in support of strategic and logistic plans, and in consonance with strategic and logistic guidance provided by the Joint Chiefs of Staff, the Board shall:

1. Perform those duties prescribed in section 213 (c) of the National Security Act of 1947, as amended (subject, however, to the Secretary of Defense memorandum of April 13, 1951, addressed to the Secretaries of the military departments and others transferring to the Assistant Secretary (Manpower & Personnel) those functions of the Munitions Board which relate to manpower, industrial relations, and labor supply); the Strategic and Critical Materials Stock Piling Act (Pub. Law 520, 79th Cong.); the National Industrial Reserve Act of 1948 (Pub. Law 883, 80th Cong.); and any other applicable statute.

2. Establish Department of Defense policies, plans, and programs in the broad fields of production, procurement, distribution, real property, and construction.

3. Insure effective implementation of Department of Defense policies, plans, and programs established by the Board, and take all action necessary or appropriate to insure that the procedures, methods, and practices of the military departments are in compliance therewith.

4. Perform such other duties as have been or may from time to time be prescribed by law or by the Secretary of Defense.

VI. *Administration.* 1. The Secretary of Defense will provide the Chairman with such personnel, facilities, and other administrative services as he from time to time determines are required by the Chairman for the performance of the Chairman's and the Board's duties. Military personnel acceptable to the Chairman of the Board shall be provided by each of the three military departments in accordance with the needs of the Chairman as approved by the Secretary of Defense. Military personnel so assigned to the Board shall, during their tours of duty with the Board, be responsible to the Chairman of the Board rather than to their own department with respect to performance of duty, and their efficiency ratings shall be determined by him.

2. Subject to the general approval of the Secretary of Defense, the internal organization and staffing of the Board and its rules of procedure shall be as prescribed by the Chairman of the Board. The staff of the Board shall be responsible to and shall function under the direction of the Chairman.

3. The Chairman shall keep the Board currently advised of the actions of the Chairman and the staff.

4. The Board shall meet at the call of the Chairman, or at such times as it may fix, and the presence of three members, or their duly designated alternates, shall constitute a quorum.

VIII. *Relationships.* 1. The Chairman and the Board are each authorized to obtain whatever information may be required from, and to communicate directly and expeditiously with, other agencies of the Secretary of Defense and the military departments and appropriate subdivisions thereof concerning any matter within its jurisdiction and in which there exists a mutual interest or responsibility, keeping the Secretaries of the military departments appropriately informed.

2. The Chairman of the Board shall coordinate its efforts with all agencies within and outside the Department of Defense which have a mutual interest or responsibility with respect to any of its programs, and will determine what formal concurrences, if any, are required.

ROBERT A. LOVETT,
Secretary of Defense.

JULY 29, 1952.

[F. R. Doc. 52-8537; Filed, Aug. 5, 1952; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

MISCELLANEOUS STREAMS; CALIFORNIA, COLORADO, IDAHO, OREGON, AND WASHINGTON

POWER SITE CLASSIFICATION NO. 426

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of section 24 of the act of June 10, 1920, as amended by section 211 of the act of August 26, 1935 (16 U. S. C. 818):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 23 N., R. 4 E.,
Sec. 19, NE¼NE¼, and N½N½SE¼NE¼.
T. 33 N., R. 11 W.,
Sec. 12, S½SE¼.
T. 2 S., R. 15 E.,
Sec. 32, NW¼NW¼.
T. 3 S., R. 16 E.,
Sec. 36, lots 7, 15, 16, 17, and 18, SE¼SW¼ (vacant portions).

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 S., R. 78 W.,
Sec. 9, lot 13.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 46 N., R. 16 W.,
Sec. 23, NW¼NE¼, and NE¼NW¼.

BOISE MERIDIAN, IDAHO

T. 3 N., R. 41 E.,
Sec. 5, lot 2.
T. 9 S., R. 15 E.,
Sec. 12, lots 9, and 10.

WILLAMETTE MERIDIAN, OREGON

T. 3 N., R. 18 E.,
Sec. 18, lot 5, SE¼SW¼, and S½SE¼;
Sec. 20, NE¼NE¼;
Sec. 22, SW¼SW¼;
Sec. 28, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, NE¼SE¼;
Sec. 34, SW¼.
T. 3 N., R. 21 E.,
Sec. 10, SE¼SE¼.
T. 3 N., R. 22 E.,
Sec. 4, lot 1;
Sec. 6, lot 5, NE¼SE¼.
T. 4 N., R. 23 E.,
Sec. 20, S½SW¼, and NE¼SE¼;
Sec. 22, SW¼NE¼, and SE¼NW¼.
T. 4 N., R. 24 E.,
Sec. 12, SW¼SW¼;
Sec. 18, lot 5, SE¼NE¼.

T. 4 N., R. 25 E.,
Sec. 2, SE¼NE¼, and S½SW¼;
Sec. 8, lots 5, 6, and 7, SE¼NE¼, and NE¼SE¼;
Sec. 10, N½, and N½S½;
Sec. 11, N½NW¼, SE¼NW¼, and NW¼SE¼.
T. 5 N., R. 25 E.,
Sec. 24, lot 1.
T. 5 N., R. 26 E.,
Sec. 20, lots 1, to 8, inc., S½N½, and S½;
Sec. 22, lots 4, 6, 7, and 8, W½SW¼;
Sec. 23, N½;
Sec. 30, lots 1, 2, 3, and 4, NE¼, E½W½, and SE¼;
Sec. 31, lots 2, and 3, S½NE¼, SE¼NW¼, NE¼SW¼, and NW¼SE¼.
T. 5 N., R. 27 E.,
Sec. 20, N½NE¼, E½NW¼, and NW¼SW¼.
T. 5 N., R. 28 E.,
Sec. 10, N½S½;
Sec. 12, N½S½;
Sec. 16, NW¼NW¼;
Sec. 17, NW¼SW¼.
T. 14 S., R. 1 E.,
Sec. 31, NE¼NE¼.
T. 9 S., R. 2 E.,
Sec. 25, NW¼SW¼.
T. 16 S., R. 2 E.,
Sec. 23, lots 6, 7, and 8;
Sec. 24, SW¼SE¼;
Sec. 25, NE¼NW¼;
Sec. 27, lot 1, SW¼NE¼, NE¼NW¼, SW¼NW¼, N½SW¼, SE¼SW¼, and SE¼.
T. 12 S., R. 3 E.,
Sec. 20, SE¼SW¼;
Sec. 21, SE¼NW¼, and E½SW¼;
Sec. 27, SE¼SW¼, and SW¼SE¼;
Sec. 29, E½SW¼;
Sec. 30, SE¼NE¼;
Sec. 32, S½NE¼, and SE¼NW¼.
T. 16 S., R. 4 E.,
Sec. 12, NW¼SE¼;
Sec. 14, N½NE¼, SW¼NE¼, and SE¼NW¼;
Sec. 15, N½SW¼.
T. 9 S., R. 13 E.,
Sec. 14, lot 9;
Sec. 15, lot 9.

WILLAMETTE MERIDIAN, WASHINGTON

T. 3 N., R. 18 E.,
Sec. 22, N½NE¼, and SE¼NE¼.
T. 3 N., R. 19 E.,
Sec. 21, W½SW¼.
T. 4 N., R. 22 E.,
Sec. 23, SE¼SW¼;
Sec. 24, NE¼NW¼;
Sec. 28, SE¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 4 N., R. 23 E.,
Sec. 12, SE¼NE¼;
Sec. 18, SE¼NE¼, and NE¼SW¼.
T. 5 N., R. 24 E.,
Sec. 32, NE¼SW¼, and N½SE¼;
Sec. 34, SW¼SW¼;
Sec. 35, S½SE¼;
Sec. 36, S½NE¼, SE¼NW¼, and S½.
T. 5 N., R. 25 E.,
Sec. 12, SE¼SE¼;
Sec. 13, lot 5;
Sec. 14, SE¼NE¼, NE¼SW¼, and S½SW¼;
Sec. 22, NW¼NE¼.
T. 5 N., R. 26 E.,
Sec. 12, NW¼NW¼, SE¼NW¼, and NE¼SE¼.
T. 39 N., R. 33 E.,
Sec. 12, lot 6.

The area described aggregates 6,472 acres.

JULIAN D. SEARS,
Acting Director.

JULY 25, 1952.

[F. R. Doc. 52-8439; Filed, Aug. 5, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Artcraft Uniform Co., 938 Penn Avenue, Pittsburgh, Pa., effective 7-21-52 to 7-20-53; five learners (cotton and woolen uniforms).

Athens Garment Co., Athens, Ala., effective 7-29-52 to 1-28-53; 10 learners for expansion purposes (work shirts).

Coronet Manufacturing Co., Inc., Pierce City, Mo., effective 7-21-52 to 1-20-53; 40 learners for expansion purposes (shirts and robes).

Dupont Dress Co., 207 Grant Street, Dupont, Pa., effective 7-25-52 to 7-24-53; five learners (women's dresses).

Frances Gee Garment Co., Richmond, Mo., effective 7-30-52 to 7-29-53; 10 percent of the productive factory force (dresses and uniforms).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa., effective 7-24-52 to 4-10-53; four learners (supplemental certificate) (dresses).

Gary Lee Sportswear Co., 500 Greenwich Street, Belvidere, N. J., effective 7-21-52 to 7-20-53; five learners (ladies' blouses).

Kingdom Dress Co., Inc., 508 Allegheny Street, Huntingdon, Pa., effective 7-25-52 to 7-24-53; 10 percent of the productive factory force or 10 learners, whichever is greater (ladies' and girls' dresses).

Louisiana Garment Manufacturing Co., Inc., 2001 St. Bernard Avenue, New Orleans, La., effective 7-26-52 to 7-25-53; 10 percent of the productive factory force (work pants, slacks, and work shirts).

Maidrite Uniforms, Inc., 37 Hopkins Place, Baltimore 1, Md., effective 7-28-52 to 7-27-53; five learners (cotton uniforms for waitresses and hospital clothing).

Roydon Wear, Inc., McRae, Ga., effective 8-8-52 to 8-7-53; 10 percent of the productive factory force (children's clothing).

Roydon Wear, Inc., McRae, Ga., effective 7-23-52 to 1-22-53; 43 learners for expansion purposes (children's clothing).

Standard Garments, Inc., Chase City, Va., effective 7-24-52 to 7-23-53; 10 percent of the productive factory force (sport shirts, work shirts, and dungarees).

Universal Coat Co., 105 Maplewood Avenue, Gloucester, Mass., effective 7-24-52 to 7-23-53; 10 percent of the productive factory force or 10 learners, whichever is greater (men's and boys' outerwear).

The Warner Brothers Co., Thomasville, Ga., effective 7-25-52 to 1-24-53; 15 learners for expansion purposes (corsets and brassieres).

The Warner Brothers Co., Malone, N. Y., effective 7-25-52 to 1-24-53; 15 learners for expansion purposes (corsets and brassieres).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6828).

Indianapolis Glove Co., Inc., Richmond, Ind., effective 7-25-52 to 7-24-53; 10 learners (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Houlka, Miss., effective 8-15-52 to 7-24-53; 10 percent of the productive factory force engaged in the learner occupations (canton flannel work gloves).

Indianapolis Glove Co., Inc., Coshocton, Ohio, effective 7-25-52 to 7-24-53; 10 learners (canton flannel work gloves).

Indianapolis Glove Co., Inc., Marion, Ind., effective 7-25-52 to 7-24-53; 10 learners (combination leather and cotton work gloves).

Indianapolis Glove Co., Inc., Eaton, Ohio, effective 7-25-52 to 7-24-53; 10 learners (canton flannel work gloves).

Indianapolis Glove Co., Inc., Rushville, Ind., effective 7-25-52 to 7-24-53; 10 learners (canton flannel work gloves).

Indianapolis Glove Co., Inc., Springfield, Ohio, effective 7-25-52 to 7-24-53; 10 learners (jersey work gloves).

Indianapolis Glove Co., Inc., Indianapolis, Ind., effective 7-25-52 to 7-24-53; 10 percent of the productive factory force engaged in the learner occupations (canton flannel, jersey, and combination leather and cotton gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Gem Hosiery Mills, Georgetown, Del., effective 7-22-52 to 7-21-53; four learners.

Huffman Finishing Co., 3½ miles on Highway 321 from Granite Falls, N. C., effective 7-24-52 to 7-23-53; five learners.

Juvenile Hosiery Mills, Inc., Valley Park Drive and Holbrook Street, Greensboro, N. C., effective 7-30-52 to 7-29-53; three learners.

Whisant Hosiery Mills, Inc., Hickory, N. C., effective 7-28-52 to 7-27-53; 5 percent of the productive factory force.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

Mondovi Telephone Co., 205 South Eau Claire Street, Mondovi, Wis., effective 7-23-52 to 7-27-53.

Wamego Telephone Co., Wamego, Kans., effective 7-28-52 to 7-27-53.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 7-29-52 to 11-4-52; 15 learners for expansion purposes (knitted outerwear).

Logan Knitting Mills, Inc., 1094 North Main St., Logan, Utah, effective 7-25-52 to 1-24-53; 10 learners for expansion purposes (knitted outerwear).

Old Dominion Knitting Co., Inc., Galax, Va., effective 7-23-52 to 7-22-53; five learners (polo shirts).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

The Shawy Handbag Co. of Puerto Rico, Caguas, P. R., effective 7-21-52 to 1-20-53; 12 learners; machine sewing operators; 160 hours at 25 cents per hour, 160 hours at 32 cents per hour (corde handbags).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Virgin Islands Button Co., Inc., Charlotte Amalie, St. Thomas, V. I., effective 7-9-52 to 1-8-53; 15 learners; cutters; 480 hours at 35 cents per hour (button blanks).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 28th day of July 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-8540; Filed, Aug. 5, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEES

NOTICE OF REDELEGATION OF AUTHORITY WITH RESPECT TO MARKETING QUOTA REGULATIONS FOR 1952 CROP OF PEANUTS

Section 729.369 of the Marketing Quota Regulations for the 1952 Crop of Peanuts (17 F. R. 4317), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the State Production and Marketing Administration Committees of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. For each State in which redelegations of authority have been made, there are shown below the section of the regulations in which such authority appears and the officer or the committee to whom the authority has been redelegated:

ALABAMA

Sections 729.341 (j) (2) (ii), 729.353 (a), 729.353 (c), and 729.361 (b)—Chairman of the State PMA Committee, or the County PMA Committee.

Sections 729.348 (d) (3), 729.359 (a), 729.362 (c) and 729.366—Chairman of the State PMA Committee.

FLORIDA

Sections 729.341 (j) (2) (ii), and 729.359 (a)—County PMA Committee.

GEORGIA

Sections 729.348 (d) (3), 729.353 (a), 729.353 (c), 729.361 (b), 729.362 (c), and 729.366—T. R. Breedlove, Chairman of the State PMA Committee or William A. Booth, Member of the State PMA Committee.

Section 729.359—Each county PMA committee member and county PMA committee treasurer is authorized to approve Forms MQ-92-Peanuts (1952) executed for farms in the county.

NEW MEXICO

Sections 729.353, 729.361, 729.362, and 729.366—Archie M. Vance, Executive Officer or Lee R. Wanner, Administrative Officer, State PMA Office.

TEXAS

Sections 729.341 (j) (2) (ii) and 729.348 (d) (3)—Edwin F. Rollins, Administrative Assistant, State PMA Office.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1875. Interpret or apply secs. 301, 358, 359, 372-374; 52 Stat. 38, 65, as amended; 55 Stat. 88, as amended, 64 Stat. 40, 65 Stat. 29, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1372-1374.)

Issued at Washington, D. C., this 1st day of August 1952.

[SEAL] G. F. GEISSLER,
Administrator, Production and Marketing Administration.

[F. R. Doc. 52-8609; Filed, Aug. 5, 1952; 8:53 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 47-DPAV-39]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON U. S. RIFLES CALIBER .30 M1

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on U. S. Rifles Caliber .30 M1 in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on U. S. Rifles Caliber .30 M1," dated May 1, 1952, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this U. S. Rifles Caliber .30 M1 Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on U. S. Rifles Caliber .30 M1 in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on U. S. Rifles Caliber .30 M1," dated May 1, 1952, a copy of which is herewith enclosed.

In my opinion, your participation in the formation and activities of this Committee will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on U. S. Rifles Caliber .30 M1 and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

McGraw Electric Co., Line Material Co., Division, Birmingham, Ala.

Harrington & Richardson Arms Co., Worcester, Mass.

International Harvester Co., Refrigerator Division, Evansville, Ind.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: August 4, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-8734; Filed, Aug. 5, 1952; 11:15 a. m.]

[D. P. A. Request No. 48-DPAV-40]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 20MM AUTOMATIC AIRCRAFT GUNS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordance Integration Committee on 20MM Automatic Aircraft Guns in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Governing the Integration Committee on 20MM Automatic Aircraft Guns," dated May 1, 1952, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this 20MM Automatic Aircraft Guns Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on 20MM Automatic Aircraft Guns in accordance with the voluntary plan entitled "Plan and Regulation of the Ordnance Corps Covering the Integration Committee on 20MM Automatic Aircraft Guns," dated May 1, 1952, a copy of which is herewith enclosed.

In my opinion, your participation in the formation and activities of this Committee will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on 20MM Automatic Aircraft Guns and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Buffalo Arms, Inc., Akron, N. Y.
Cline Electric Manufacturing Co., Chicago, Ill.
Crown Cork & Seal Co., Inc., Baltimore, Md.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: August 4, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-8735; Filed, Aug. 5, 1952; 11:16 a. m.]

HOUSING AND HOME FINANCE AGENCY

Home Loan Bank Board

[No. 5381]

INCLUDING GUAM IN DISTRICT OF FEDERAL HOME LOAN BANK OF SAN FRANCISCO

JULY 31, 1952.

Resolved that, pursuant to the authority contained in section 3 of the Federal Home Loan Bank Act, as amended by section 10 of Public Law No. 531, 82d Congress, approved July 14, 1952, Guam is added to Federal Home Loan Bank District No. 11, the district of the Federal Home Loan Bank of San Francisco, located in San Francisco, California.

(Sec. 17, 47 Stat. 36; 12 U. S. C. 1347. Interprets or applies sec. 10, Pub. Law 531, 82d Cong.)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 52-8584; Filed, Aug. 5, 1952; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10297]

CERTAIN INLAND COAST STATIONS

MODIFICATION OF LICENSES

In the matter of modification of licenses of certain inland coast stations operating on certain frequencies between 2.2-12 Mc; Docket No. 10297.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1952:

The Commission having under consideration the question of modifying, as of September 1, 1952, the licenses of coast stations serving inland waterways by deleting the authority for operation on certain coastal telegraph frequencies in order to aid the United States in the implementation of the Atlantic City Table of Frequency Allocations between 2.2-20 Mc:

It appearing, that coast stations on inland waterways are now authorized certain frequencies, for telegraph emission; and

It further appearing, that there is an absence of need at this time for telegraph emission on frequencies between 2.2-20 Mc by coast stations on inland waterways since such stations have been converted to radiotelephone operations: and

It further appearing, that the assignment of certain frequencies between 2.2-12 Mc to coast stations is at variance with the Atlantic City Table of Frequency Allocations, as indicated in Appendix I, set forth below; and

It further appearing, that in order to carry out the provisions of the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) in an orderly and effective manner, the public interest requires that the licenses of certain coast stations now authorized such coast telegraph frequencies between 2.2-12 Mc be modified so as to delete said frequencies.

It is ordered, That pursuant to section 316 of the Communications Act of 1934, as amended, those licensees listed in Appendix I, set forth below, are directed to show cause, on or before September 3, 1952, why their licenses should not be modified as of November 1, 1952, so as to delete those frequencies set forth in Appendix I, below.

Released: August 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX I

Frequency (kc)	Call	Location	Licensee [1]
2274	KJK	Boulder City	LosA
3030	WGK	St. Louis	RMC
4140	WLC	Rogers City	CRT
4140	WGK	St. Louis	RMC
4140	WBL	Martinsville	RMC
4780	WLC	Rogers City	CRT
4780	KJK	Boulder City	LosA
4780	WGK	St. Louis	RMC
4780	WBL	Martinsville	RMC
5520	WLC	Rogers City	CRT
5520	WGK	St. Louis	RMC
5520	WBL	Martinsville	RMC
6520	WGK	St. Louis	RMC
6380	WBL	Martinsville	RMC
6380	WLC	Rogers City	CRT
8280	WLC	Rogers City	CRT
8280	WGK	St. Louis	RMC
8280	WBL	Martinsville	RMC
8570	WGK	St. Louis	RMC
8570	WBL	Martinsville	RMC
8630	WLC	Rogers City	CRT
11040	WLC	Rogers City	CRT
11040	WBL	Martinsville	RMC
11205	WBL	Martinsville	RMC

[1] CRT=Central Radio Telegraph Co. RMC=Radiomarine Corp. of America. LosA=City of Los Angeles, Calif.

APPENDIX II

Maritime telegraph frequencies (kc) now assigned inland water coastal stations	Atlantic City table of frequency allocations
2274	Fixed and mobile.
3030	Aeronautical mobile.
4140 Calling	Ship telegraph working.
4780	Broadcast and fixed.
4760	
5520 Calling	Aeronautical mobile.
6330	Ship telegraph working.
6380	Coast telegraph.
8280 Calling	Ship telegraph working.
8570	Coast telegraph.
8740	
11040 Calling	Fixed.
11205	Aeronautical mobile.

[F. R. Doc. 52-8587; Filed, Aug. 5, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27273]

PROPORTIONAL RATES, ROUGH STAVES AND HEADING FROM CLINTON AND KANSAS CITY, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

AUGUST 1, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Rough staves and rough heading, carloads.

From: Clinton and Kansas City, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: GM&O RR. tariff I. C. C. No. 229, Supp. 23; IC RR. tariff I. C. C. No. 8574, Supp. 9; MP RR. tariff I. C. C. No. A-10266, Supp. 20; ST. L-SF Ry. tariff I. C. C. No. A-345, Supp. 17; St. LSW Ry. tariff I. C. C. No. 5766, Supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F R. Doc. 52-8573; Filed, Aug. 5, 1952; 8:49 a. m.]

[No. 31074]

INCREASED PARCEL POST RATES, 1953

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of July A. D. 1952.

It appearing, that on June 25, 1952, the Postmaster General filed a petition under section 207 of the act of February 28, 1925, as amended, 39 United States Code, Chapter 6, section 247, to obtain consent of the Commission, as required by that act, to increases in rates, or changes in other conditions of mailability of fourth-class mail matter, also referred to as parcel post and that sufficient data is not now available for the fiscal year ended June 30, 1952, with respect to the results of changes in conditions affecting the handling of such mail matter necessary to determine the facts as to the cost of service, and the rates of postage needed to insure the receipt of revenue therefrom adequate to pay such cost, and that the data and information required will not become available until about January 1, 1953:

It is ordered, That the said petition be, and it is hereby, received and docketed as shown in the title hereof, and that when the Postmaster General, in connection therewith, submits to the Commission his proposals for increases in the rates, or for changes in other conditions of mailability of fourth-class mail matter, the proceeding be set for hearing at such time and place as the Commission may thereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8575; Filed, Aug. 5, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 34, Section 10, Special Order 11]

REMINGTON RAND, INC.

CENTRAL PRICING ORDER

Statement of considerations. In accordance with section 10 of Ceiling Price Regulation 34, the applicant named in the accompanying special order, Remington Rand, Inc., has applied to the Office of Price Stabilization for permission to establish out of its central office in New York City uniform ceiling prices for the services which it renders at all of its service outlets throughout the United States. Section 10 of Ceiling Price Regulation 34, as amended, authorizes the Office of Price Stabilization, when it deems it consistent with the purposes of the regulation, to establish uniform prices for sellers owning or operating more than one service establishment. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including data submitted by the applicant that during the base period, December 19, 1950 to January 25, 1951, inclusive, Remington Rand, Inc., had a system of pricing whereby the prices for services sold at all of its service outlets, i. e., repair and maintenance and rental of typewriters, adding machines, calculators, etc., were determined at the central office of Remington Rand, Inc., in New York City and the prices at all of its service outlets were uniform for all of the services rendered and that the establishment of a uniform system of central pricing will not result in an increase in the ceiling prices established under Ceiling Price Regulation 34.

This order will permit any existing service outlet of Remington Rand, Inc., to sell any service at the ceiling price established therefor by the central office of Remington Rand, Inc., regardless of whether or not that service outlet supplied or offered to supply such service during the base period. The order will also permit any new service outlet of Remington Rand, Inc., to establish as the ceiling prices for the services which they render, the ceiling price for such services established by the central office of Remington Rand, Inc. In addition this order authorizes the central office of Remington Rand, Inc., to apply to the Office of Price Stabilization on behalf of all its service outlets for the establishment of a ceiling price for any new service covered by Ceiling Price Regulation 34. In addition this order requires applicant to notify all of its service outlets of this order and any subsequent amendment issued with respect thereto.

Special provisions. (1) On and after the effective date of this special order the ceiling price for the services listed in Appendix "B" rendered at any of the service outlets of Remington Rand, Inc., listed in Appendix "A" attached hereto and made a part of this special order, shall be the prices for the services referred to or listed in Appendix "B" attached hereto and also made a part of this special order.

(2) Lower prices than those authorized in Appendix "B" may be charged by the seller or paid by the purchaser for any specific service covered by this special order at any time.

(3) On and after the effective date of this special order all of the service outlets of Remington Rand, Inc., shall be considered a single seller for the purpose of establishing ceiling prices for new services and the central office of Remington Rand, Inc., shall make application on behalf of all of the service outlets of Remington Rand, Inc., for the establishment of ceiling prices for new services pursuant to the provisions of section 5 of this special order. However, this special order does not relieve each service outlet covered by this order from the filing and posting requirements of section 18 of Ceiling Price Regulation 34.

(4) The ceiling prices for the services rendered at any service outlet of Remington Rand, Inc., which is opened after the effective date of this special order shall be the ceiling prices referred to or set forth in Appendix "B" of this special order. Within 20 days after opening a new branch office, the central office of Remington Rand, Inc., shall request the Director of Price Stabilization, Washington 25, D. C., to amend Appendix "A"

APPENDIX A

of this special order to provide for the inclusion therein of such new branch office. The provisions of section 13 (c) of Ceiling Price Regulation 34 are waived for the purpose of establishing ceiling prices for services rendered by service outlets of Remington Rand, Inc., opened after the effective date of this special order.

(5) On and after the effective date of this special order the central office of Remington Rand, Inc., is authorized to apply to the Director of Price Stabilization, Washington 25, D. C., on behalf of all of its service outlets for the establishment of a ceiling price for any new service in line with the level of prices otherwise established by Ceiling Price Regulation 34, and in the case of a commodity rental or a manufacturing or processing service, a ceiling price consistent with the level of ceiling prices established for the sale of the commodity by the applicable commodity regulation. The application shall contain a description of the service, anticipated direct labor and material costs, and the proposed ceiling price. In addition, the application must contain a description of the most comparable service rendered by the service outlets of Remington Rand, Inc., during the base period, showing the present direct labor and material costs for such service and the present ceiling price therefor. Such application shall also contain a description and ceiling price for any comparable service furnished by the most closely competitive service organization to Remington Rand, Inc.

The service outlets of Remington Rand, Inc., may sell the new service at the proposed ceiling price 20 days after mailing such application to the Director of Price Stabilization, Washington 25, D. C., by registered letter, return receipt requested, unless and until notified that such price has been disapproved.

(6) Within 15 days after the effective date of this special order, Remington Rand, Inc., shall send a copy of this special order to each of its branch offices. Within 15 days after the effective date of any subsequent amendment to the special order, Remington Rand, Inc., shall send a copy of the amendment to each of its branch offices. Copies of this special order and any subsequent amendments to the special order shall be filed by each branch office with their local OPS office within 30 days after the issuance thereof.

(7) This special order does not relieve the individual sellers covered by this order from the filing and posting requirements in section 18 of Ceiling Price Regulation 34.

(8) All provisions of Ceiling Price Regulation 34, except as changed by the pricing provisions of this special order shall remain in full force and effect as far as each outlet of Remington Rand, Inc., is concerned.

(9) This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

(10) The provisions of this special order are applicable in the United States and the District of Columbia.

APPENDIX A

Station	Branch point	Address
Akron	Cleveland	16 South High Street.
Albany		650 Central Avenue.
Albuquerque	Dallas	100 North Second Street.
Allentown	Philadelphia	1041 North Sixth Street.
Altoona	Pittsburgh	1112 Fifteenth Street.
Amarillo	Oklahoma City	609 Taylor Street.
Atlanta		859 Spring Street.
Atlantic City	Philadelphia	Broadwalk National Bank, Arcade Building.
Augusta, Maine	Boston	240 Water Street.
Aurora	Chicago	219 Main Street.
Austin	Houston	1412 Lavaca Street.
Bakersfield	San Francisco	903 Nineteenth Street.
Baltimore 1		735 St. Paul Place.
Baton Rouge	New Orleans	1276 Main Street.
Beaumont	Houston	2705 Railroad Avenue.
Binghamton	Syracuse	352 Main Street.
Birmingham		2216 Fifth Avenue North.
Boise	Portland, Oreg.	609 Bannock Street.
Boston		857 Commonwealth Avenue.
Bridgeport		785 Main Street.
Buffalo		331 Delaware Avenue.
Burlington, Vt	Boston	108 Cherry Street.
Canton	Cleveland	420 Fourth Street Northwest.
Cedar Rapids	Des Moines	317 First Avenue.
Charleston, W. Va	Cincinnati	801 Virginia Street, East.
Charlotte	Greensboro	908 South Tryon Street.
Charlottesville	Richmond	214 Fifth Street, Northeast.
Chattanooga	Nashville	717 Walnut Street.
Chicago		444 West Michigan Avenue.
Cincinnati		325 East Central Parkway.
Cleveland		2115 Chester Avenue.
Columbia, S. C	Atlanta	1122 Lady Street.
Colorado Springs	Denver	321 South Tejon Street.
Columbus, Ga	Atlanta	1301 Broadway.
Columbus, Ind	Indianapolis	Room 26, Charlotte Building, 641 Washington Street.
Columbus 15		697 East Broad Street.
Dallas		2100 North Akard Street.
Davenport	Des Moines	303 North Third Street.
Dayton		20 North Jefferson Street.
Denver		620 Colfax Avenue.
Des Moines		820 Locust Street.
Detroit		2978 West Grand Boulevard.
Duluth	Minneapolis	21 East Superior Street.
Elmira	Syracuse	356 North Main Street.
El Paso	Dallas	408 East Yandell Boulevard.
Erie, Pa	Buffalo	713 French Street.
Evansville, Ind	Louisville	121 Locust Street.
Fort Wayne, Ind	Indianapolis	1117 South Clinton Street.
Fort Worth	Dallas	Corner Commerce and East Twenty-fourth Streets.
Fresno	San Francisco	1212 Van Ness Avenue.
Gadsden, Ala	Birmingham	705 Chestnutt Street.
Glens Falls	Albany	110 Glen Street.
Grand Rapids	Detroit	71 Division Avenue Northwest.
Green Bay	Milwaukee	304 Pine Street.
Greensboro, N. C		408–410 North Eugene Street.
Hammond, Ind	Chicago	5647 Hohman Avenue.
Harrisburg		900 Market Street.
Hartford		106 Ann Street.
Hempstead	New York	155 West Franklin Street.
Hollywood	Los Angeles	7507–7507 Sunset Boulevard.
Houston		2422 San Jacinto.
Huntington, W. Va	Cincinnati	409 Eleventh Street.
Huntington Park	Los Angeles	6354 Rita Street.
Indianapolis		1535 North Meridian Street.
Jackson, Mich	Detroit	141 East Cortland Street.
Jackson, Miss	New Orleans	215 South Lamar Street.
Jacksonville		1417 San Marco Boulevard.
Jamestown	Buffalo	13 North Main Street.
Jefferson City	St. Louis	304 Jefferson Street.
Jersey City	Newark	895 Bergen Avenue.
Johnstown	Pittsburgh	Room 360 Carnegie Building, Main and Clinton Streets.
Kalamazoo 5	Detroit	121 Portage Street.
Kansas City 6		1901 Baltimore Avenue.
Knoxville	Nashville	1816 Magnolia Avenue.
LaFayette, Ind	Indianapolis	Kettelhut Building, Fourth and Ferry Streets.
Lancaster	Harrisburg	48 North Prince Street.
Lansing	Detroit	410 North Michigan Avenue.
Lexington	Louisville	146 North Broadway.
Lima	Cleveland	230 West Elizabeth Street.
Lincoln	Omaha	1221 P Street.
Little Rock, Ark	Memphis	217 West Seventh Street.
Long Beach	Los Angeles	238 East First Street.
Longview, Wash	Portland	1518 Twelfth Street.
Lorain	Cleveland	Room 405–406 Broadway Building.
Los Angeles 14		711 South Olive Street.
Louisville		850 South Third Street.
Lynchburg	Richmond	1018 Church Street.
Macon	Atlanta	307 Cotton Street.
Madison	Milwaukee	201 East Washington Avenue.
Manchester, N. H	Boston	89 Hanover Street.
Memphis 3		341 Madison Avenue.
Miami	Jacksonville	2521 Biscayne Boulevard.
Milwaukee		624 North Broadway.
Minneapolis-St. Paul		330 University Avenue Southeast.
Mobile	Birmingham	266 St. Francis Street.
Montgomery	Birmingham	9 South Lawrence Street.
Muskogee, Okla	Oklahoma City	112 East Callahan Street.
Nashville 3		1712 West End Street.
Newark 2		1015 Broad Street.
New Bedford, Mass	Providence	888 Purchase Street.
New Haven	Bridgeport	7–9 Elm Street.
New London	Bridgeport	43 Church Street.
New Orleans		1711 St. Charles Avenue.

APPENDIX A—Continued

Station	Branch point	Address
Norfolk	Richmond	201 Washington Avenue.
Northport, N. Y	Buffalo	515 East Main Street.
Niagara Falls	Buffalo	501 Third Street.
Norristown	Philadelphia	22 West Airy Street.
Oakland	San Francisco	2025 Franklin Street.
Ogden	Salt Lake City	2568 Washington Blvd.
Oklahoma City		26 Northwest First Street.
Olympia	Seattle	1072 Capitol Way.
Omaha		1501 Howard Street.
Orlando, Fla	Jacksonville	106 Ellison Street.
Peoria	Birmingham	1811 Main Street.
Philadelphia	Chicago	313 South Jefferson Street.
Phoenix, Ariz	Richmond	15 Fatih Street.
Pittsburgh	Los Angeles	1624–1626 Lowist Street.
Pontiac, Mich	Detroit	158 South Central Avenue.
Portland, Maine	Boston	287 North Service Street.
Portland, Oreg	Albany	104 A Exchange Street.
Poughkeepsie		25 Catharine Street.
Pueblo	Denver	216 Sixth Ave. Theater Building.
Racine	Milwaukee	408 Sixth Street.
Raleigh	Greensboro	215 Hillsboro Street.
Reading	Harrisburg	330 Pennsylvania Street.
Richmond 20		1013 Cherry Avenue Southwest.
Roanoke	Richmond	355 East Avenue.
Rockford	Buffalo	314–316 Park Avenue.
Sacramento	San Francisco	1107 J Street.
St. Louis 1	Detroit	1405 Olive Street.
St. Petersburg	Jacksonville	227 Twenty-second Street South.
Salem, Oreg	San Francisco	357 North High Street.
Salinas	Monterey	240 Monterey Street.
Salt Lake City	Ogden	177 East 2 South Street.
San Antonio	Houston	415 South Main Street.
San Bernardino	Los Angeles	1338 E Street.
San Diego	Los Angeles	926 C Street.
San Francisco	San Francisco	389 West Santa Clara Street.
Santa Fe, N. Mex	Dallas	650 Corrillos Road.
Savannah	Jacksonville	1317 Bull Street.
Schenectady	Albany	115 Barrett Street.
Scranton	Syracuse	120 Wyoming Avenue.
Seattle	Seattle	1511 Second Avenue.
Shamokin	Scranton	140 East Independence Street.
Sheboygan	Milwaukee	912 Erie Avenue.
Shreveport, Iowa	Omaha	711 McNeil Street.
Sioux Falls, S. Dak	Omaha	345 Commerce Building.
South Bend	Indianapolis	1211 Northside Boulevard, South Street.
Spokane	Seattle	North 106 Monroe Street.
Springfield, Ill	Chicago	405 East Washington Street.
Springfield, Mass	Hartford	320–341 Worthington Street.
Springfield, Ohio	Columbus	48 West Main Street.
Stamford	Bridgeport	93 Prospect Street.
Stockton	San Francisco	428 East Market Street.
Syracuse	Syracuse	305 Dentsun Building.
Tallahassee	Jacksonville	106A Street.
Tampa, Fla	Jacksonville	312 East Lafayette Street.
Terre Haute	Indianapolis	690 Ohio Street.
Toledo	Cleveland	319–321 Erie Street.
Topeka	Kansas City	823 Jackson Street.
Trenton	Newark	30 South Broad Street.
Tulsa	Oklahoma City	401 South Boston Avenue.
Uniontown, Pa	Pittsburgh	38 West Church Street.
Utica	Syracuse	30 Park Place.
Vallejo	San Francisco	111 South Sixth Street.
Washington, D. C	Washington	2021 I Street, Northwest.
Waterbury	Hartford	59 Lafayette Street.
Waterloo, Iowa	Des Moines	520 Lafayette Street.
Waukegan	Chicago	228 North Genesee Street.
West Palm Beach	Jacksonville	205–206 Citizens Building, corner Clematis and Narcissus.
Wheeling, W. Va	Pittsburgh	1049 Main Building.
White Plains	New York	317 Mamaroneck Avenue.

APPENDIX B

Product	Service	Price list reference
Linen-a-Time	Rental of	Business Machines and Supplies Division, Price List "Rentals and Supplies," page RS-77 (Jan. 1, 1951).
Typewriters	Rental of	Business Machines and Supplies Division, Price List "Typewriters and Supplies," page RS-1 (Jan. 1, 1951).
Adding and calculating machines	Rental of	Business Machines and Supplies Division, Price List, "Adding, Bookkeeping, Calculating Machines," page 1 (Oct. 15, 1948).
Accounting machines	Rental of	Machine Control Division, Price List "Accounting Machines," page 1 (Oct. 15, 1948).
Synchro-matic accounting machines	Rental of	Management Controls Division, Price List "Accounting Machines," Bulletin RB-11 (Sept. 15, 1950).
Tabulating machines	Rental of	Management Controls Division, Price List "Tabulating Machine Equipment," pages 1, 2, 3, 4, 5, 6; DA-1 (Dec. 5, 1950); Price List U. S. Government General Services Administration "Punched Card Equipment," pages 34, D, D, page 4 (Jan. 15, 1951) (Supplement (Sept. 15, 1950); pages 34, D, D, Management Controls Division, Price List "Visible," page 15 (Prices); page VI–73 (terms) (Dec. 14, 1950) Mar. 15, 1949).
Kardex	Rental of	Management Controls Division, Price List "Visible," page 15 (Prices); page VI–73 (terms) (Dec. 14, 1950)
Filing-a-Record	Rental of	Management Controls Division, Price List "Photographic Records," pages FAR–3, 4; page FAR–4B (Dec. 6, 1950) (Dec. 14, 1950).
Typewriters	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Typewriters	Service agreements	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Adding calculating machines	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Adding calculating machines	Service agreements	Page 1 and 2, Adding-Calculating Machine Price List (Sept. 28, 1950).
Adding-calculating machines	Service agreements—new and changed models.	Attached statements (as shown).
Adding calculating machines	Service Department rebuild	Attached Price List (Jan. 1, 1951).
Accounting machines	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Accounting machines	Service agreements	Management Controls Division, Price Bulletin RB–7 (Sept. 30, 1950).
Systems products	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Systems products	Service agreements	Management Controls Division, Price Bulletin GE–200 (Jan. 8, 1951).
Robot-Kardex	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Robot-Kardex	Service agreements	Machine Controls Division, Price Bulletin VI–251c (Oct. 30, 1950).
Photo-Records	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Photo-Records	Service agreements	Systems Price Book, Pages M–5 and 6 (Oct. 31, 1950).
Tabulating machines	Hourly labor rate	General Mechanical Services, Instruction Letter No. 139 (Sept. 28, 1950).
Tabulating machines	Service agreements	Tabulating Machines Price Letter No. M–M–11 (Feb. 1, 1947).
Tabulating machines	Installation charges	Tabulating Machines Equipment Price List (Dec. 5, 1950).

[1] As amended Feb. 1, 1951, to include additional models.

GENERAL MECHANICAL SERVICES REBUILDING DE-

[Ceiling Price Regulation 61, Supplementary

in the conference proceedings. (Note:

all of the outstanding securities

Notice is further given that any

GENERAL MECHANICAL SERVICES REBUILDING DEPARTMENT PRICE POLICY ADDING-CALCULATING MACHINES, EFFECTIVE JANUARY 1, 1951

Model	Retail price
7170-3	$55.00
7180-3	57.50
7190-3	60.00
All 71 special machines	75.00
7371-5	75.00
7381-5	80.00
73101-5	85.00
9190-5	125.00
9190-5	125.00
9371-5	120.00
9381-5	125.00
93101-5	135.00
93100-5	140.00
95100-5	160.00
96100-5	180.00

Add $2.50 for 5" Carriage when 3" is quoted. $10.00 for 13" when 5" is quoted.

Description of service: Machine completely dismantled and washed. All worn parts replaced. All adjustments brought to factory standards. All painted surfaces refinished.

SERVICE AGREEMENT PRICES ON NEW MODELS ANNOUNCED SINCE JANUARY 25, 1951

1. Model 9382-5 Remington Adding Machine announced April 23, 1951. Service Agreement prices of $17.10 one year service agreement and $34.20 three year service agreement established April 23, 1951. Service agreement prices based on closest comparable model 9381-5 on which service agreement prices are $17.10 for one year and $34.20 for three years. This is the same service as sold on the comparable model machine 9381-5 during base period.

2. Model 7382-5 Remington Adding Machine announced April 23, 1951. Service Agreement prices of $13.05 one year service agreement and $26.10 three year service agreement established April 23, 1951. Service agreement prices based on closest comparable model 7381-5 on which service agreement prices are $13.05 for one year and $26.10 for three years. This is the same service as sold on the comparable model machine 7381-5 during base period.

3. Model 98101-5 Remington Printing Calculator announced February 1, 1951. Service Agreement prices of $39.85 for one year service agreement and $79.70 for three year service agreement established February 1, 1951. Service Agreement prices based on closest comparable model 97142-5 on which service agreement prices are $39.85 for one year and $79.70 for three years. This is the same service as sold on the comparable model machine, 97142-5, during the base period.

4. Model designation 73111-5 changed to model 73112-5. No change in machine. No change in service agreement prices. $20.25 for one year and $29.20 for three years.

5. Model designation 93111-5 changed to model 93112-5. No change in machine. No change in service agreement prices. $20.25 for one year and $40.50 for three years.

6. Model designation 97141-5 changed to model 97142-5. No change in machine. No change in service agreement prices. $39.85 for one year and $79.70 for three years.

Effective date. This special order shall become effective August 1, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

JULY 31, 1952.

[F. R. Doc. 52-8507; Filed, July 31, 1952; 12:00 m.]

[Ceiling Price Regulation 61, Supplementary Regulation 8, Amdt. 1 to Special Order No. 1]

WESTERN SULPHUR INDUSTRIES, INC.

CEILING PRICES FOR EXPORT SALES AND SALES FOR EXPORT OF SULPHUR

STATEMENT OF CONSIDERATIONS

On July 10, 1952 this office issued Special Order No. 1 under the provisions of SR 3 to CPR 61. This order was effective July 11, 1952. It established ceiling prices for sales for export of sulphur produced and sold by Western Sulphur Industries, Inc., and also established ceiling prices for export sales by Western Sulphur Industries, Inc. and by merchant exporters of sulphur produced by Western Sulphur Industries, Inc.

This special order in the statement of considerations indicated that the ceiling prices for export sales and sales for export were both to be f. o. b. Sulphurdale, Utah. The term, "f. o. b. Sulphurdale, Utah," was however inadvertently omitted from the sections of the special provisions establishing ceiling prices for sales for export and for export sales. This amendment therefore inserts the term, "f. o. b. Sulphurdale, Utah," in section 1 of the special order which section establishes ceiling prices for sales for export and also in, section 2, which section establishes ceiling prices for export sales.

SPECIAL PROVISIONS

For the reasons set forth in the Statement of Considerations and pursuant to Supplementary Regulation 3 to Ceiling Price Regulation 61, Special Order No. 1 is amended in the following respects:

Before the period in section 1, and before the period in section 2, insert a comma and add the term "f. o. b. Sulphurdale, Utah".

Effective date. This Amendment 1 to Special Order No. 1 shall become effective August 4, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 4, 1952.

[F. R. Doc. 52-8707; Filed, Aug. 4, 1952; 12:03 p. m.]

FEDERAL TRADE COMMISSION

[File No. 21-447]

PORTRAIT PHOTOGRAPHIC INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference under the auspices of the Federal Trade Commission will be held for the Portrait Photographic Industry in the Conrad Hilton Hotel, Chicago, Illinois, August 27, 1952, commencing at 10 a. m., c. d. t.

The industry for which the conference is being held is that engaged in the production and marketing of photographic portraits, and all persons, firms, corporations and organizations so engaged are cordially invited to attend and take part in the conference proceedings. (Note: The production or marketing of portraits for newspaper, periodical, motion picture, television, or other commercial use, is not to be considered as a part of the business of the industry for which the conference is being held.)

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission.

Issued: August 1, 1952.

[SEAL] WM. P. GLENDENING, JR.,
Acting Secretary.

[F. R. Doc. 52-8606; Filed, Aug. 5, 1952; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-587]

GILMAN PAPER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 31, 1952.

Notice is hereby given that Gilman Paper Company ("Gilman"), has filed an application with this Commission pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting exemption on behalf of itself and its subsidiaries from the provisions of the act applicable to them by reason of the ownership by Gilman of all of the outstanding capital stock of Gilman Electric Light & Power Company ("Power Company"), a public utility company.

Notice is further given that any interested person may, not later than August 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after August 18, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Gilman and its subsidiaries are primarily engaged in the manufacture of paper and paper products. In connection with its operations, Gilman generates electric energy for use in its plants and sells a small amount of such power to Power Company which distributes it to employees of Gilman who reside in the village of Gilman, Vermont. Gilman owns all of the outstanding securities, except directors' qualifying shares of capital stock, of Power Company. For the calendar year 1951, Power Company reported gross revenues from the sale of electric energy in the amount of $10,602 and net income, after provision for Federal income tax, in the amount of $4,462.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8559; Filed, Aug. 5, 1952; 8:47 a. m.]

Notice is further given that any interested person may, not later than August 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after August 18, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Blandin is engaged in the manufacture and sale of groundwood pulp and groundwood printing papers. For the calendar year 1951, Blandin reported gross sales in the amount of $8,284,722 and net income, after Federal and state income taxes, in the amount of $544,432.

Blandin owns all of the outstanding securities, except directors' qualifying shares, of Power Company which is engaged in the generation and sale of electric energy, a portion of which is sold to Blandin for use in its operations. For the calendar year 1951, Power Company reported gross revenues of $34,872 from the sale of electric energy and net income, after Federal and state income taxes, in the amount of $13,588.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8563; Filed, Aug. 5, 1952; 8:47 a. m.]

[File No. 31-594]

ARTHUR TARBET, TRUSTEE

ORDER GRANTING EXEMPTION

JULY 31, 1952.

Arthur Tarbet, Trustee of the C. A. Leonard Trust ("Trust"), being engaged in the retail distribution of natural gas, having filed an application pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 requesting exemption from the provisions of the act on behalf of himself and the Trust; and

Due notice of the filing of said application having been given and no hearing thereon having been ordered by, or requested of, the Commission; and

The Commission having examined the application and the statements contained therein and having found that the Trustee maintains his principal place of business in the State of Oklahoma and that the Trust is organized and carries on its business entirely within the State of Oklahoma, and further finding that the granting of the requested exemption will not be detrimental to the public interest or the interests of investors or consumers;

It is ordered, Pursuant to section 3 (a) (1) of the act and subject to the provisions of section 3 (c) thereof, that Arthur Tarbet, Trustee, and the C. A. Leonard Trust be, and the same hereby are, exempted from all of the provisions of the act except section 9 (a) (2) thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8560; Filed, Aug. 5, 1952; 8:47 a. m.]

[File No. 31-596]

BLANDIN PAPER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 31, 1952.

Notice is hereby given that Blandin Paper Company ("Blandin"), has filed an application with this Commission requesting exemption on behalf of itself and its subsidiary, Blandin Power Company ("Power Company"), a public-utility company, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to section 3 (a) (3) (A) thereof.

[File No. 31-597]

KEZAR FALLS WOOLEN CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 31, 1952.

Notice is hereby given that Kezar Falls Woolen Company ("Woolen Company"), has filed an application with this Commission requesting exemption on behalf of itself and its subsidiaries, Cornish and Kezar Falls Light and Power Company ("Power Company"), a public-utility company, and Kezar Falls Water Company ("Water Company"), a non-utility company, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than August 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after August 18, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Woolen Company is engaged in the manufacture and sale of woolen piece goods. For the calendar year 1951, Woolen Company reported net sales of $2,551,247 and a net loss of $75,998. The company reported earned surplus as at December 31, 1951 of $1,028,260.

Woolen Company owns all of the outstanding securities, except directors' qualifying shares of capital stock, of Power Company and Water Company. Power Company is engaged in the generation and sale of electric energy and serves the town in which Woolen Company's manufacturing plant is located. Water Company serves part, but not all, of the area to which Power Company supplies electric energy. For the year 1951, Power Company reported gross revenues from the sale of electric energy in the amount of $78,701 and net income of $11,585.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8561; Filed, Aug. 5, 1952; 8:47 a. m.]

[File No. 31-600]

CONNOR LAND AND LUMBER CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JULY 31, 1952.

Notice is hereby given that The Connor Land and Lumber Company ("Connor"), has filed an application with this Commission requesting exemption on behalf of itself and its subsidiaries, four non-utility companies and Laona Public Service Company ("Laona"), a public-utility company, from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (3) (A) thereof.

Notice is further given that any interested person may, not later than August 18, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request and the issues, if any, of fact or law raised by such application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. Said application may be granted at any time after August 18, 1952.

All interested persons are referred to said application which is on file in the offices of the Commission for a statement of the facts contained therein, which are summarized as follows:

Connor is engaged in the business of logging and the manufacture of lumber and wood products. For the 12 months ended August 31, 1951, Connor reported sales of its products in the amount of $3,023,526 and net income for the period, after provisions for Federal and state income taxes, in the amount of $675,088.

Connor owns all of the outstanding securities, except directors' qualifying shares of capital stock, of Laona which is engaged in the purchase of electric energy generated in the mills of Connor and the resale of such energy to the inhabitants of the village of Laona, Wisconsin, the majority of whom are employees of Connor. For the calendar year 1951, Laona reported gross revenues of $36,727 from the sale of electric energy and net income, after Federal and state income taxes, in the amount of $925.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8562; Filed, Aug. 5, 1952; 8:47 a. m.]

[File No. 54-168]

ELECTRIC BOND AND SHARE CO.

MEMORANDUM OPINION AND ORDER OF THE COMMISSION

JULY 30, 1952.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application and an amendment thereto for the approval of a plan (hereinafter called the "Plan") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), proposing the disposition of its holdings of the common stock of the Washington Water Power Company ("Washington Company") in the event that such stock is received by Bond and Share under a distribution of such stock by American Power & Light Company ("American"), also a registered holding company. Bond and Share has also filed an application under sections 9 and 10 of the act requesting approval of the acquisition of its pro rata distribution of the Washington Company common stock from American.

Bond and Share is the holder of 183,050 shares or 7.8 percent of the outstanding capital stock of American. American is the owner of all the common stock of the Washington Company, consisting of 2,541,800 shares without par value. (American's plan for the distribution of the Washington Company stock was approved by the Commission on June 6, 1952,[1] and ordered enforced and carried out on July 17, 1952 by the United States District Court for the District of Maine, Southern Division, Civil Action No. 731).

Bond and Share states that its Plan for the distribution of the Washington Company stock is submitted pursuant to the terms of the Commission's order dated October 15, 1951, requiring Bond and Share to file a plan providing a suitable method of disposing of any Washington Company common stock which Bond and Share might receive through a distribution by American. The Plan provides that Bond and Share will dispose of such stock within 90 days of its receipt from American, unless the time is extended by the Commission.

After appropriate notice, a public hearing on the Plan was held at which all interested persons had an opportunity to be heard. On the basis of the record, we make the following findings.

Under the Plan, Bond and Share proposes to distribute as a dividend to its stockholders in December 1952, that number of shares of the Washington Company common stock, the market value of which at the time of the declaration of such dividend will be approximately equal to one-half of Bond and Share's estimated net income for the year 1952. Any remaining shares of the Washington Company stock not paid out as a dividend would be sold, prior to the end of 1952. No fractional shares of the Washington Company stock would be distributed and in lieu thereof the dividend agent would sell such shares which would otherwise be delivered as fractional shares and pay the proceeds to the stockholders of Bond and Share entitled thereto. Bond and Share proposes to notify the Commission pursuant to Rule U-44 (c) under the act with respect to the number of shares to be declared as a dividend and the method of sale of the shares of the Washington Company common stock not paid out as a dividend.

On August 22, 1942, the Commission issued an order under section 11 (b) (2), directing that American be dissolved.[2] Subsequently, we approved a joint plan filed by Bond and Share and American for the reorganization of American which became effective on February 15, 1950.[3] One of the provisions of the joint plan provided that Bond and Share would dispose of its interest in American within one year from the effective date of the joint plan, unless such time was extended by the Commission. In our order dated October 15, 1951, in connection with a cash distribution plan of American, we granted Bond and Share an extension of time to January 1, 1952 within which to dispose of its interest in American.[4] Moreover, we said in that findings and opinion that, in the event American distributed the Washington Company stock, Bond and Share should file a plan specifying a suitable method of disposition of such stock within 90 days after receipt thereof.

It appears to us that the Plan provides for a suitable method of disposition of the Washington Company common stock and since Bond and Share has only one class of securities outstanding, that being common stock, to which a pro rata distribution of the major portion of such stock is proposed under the Plan, we find that the provisions of the Plan are necessary and fair and equitable under the standards of section 11 (e) of the act.

Since the acquisition by Bond and Share of its pro rata distribution of the Washington Company common stock would be of a temporary nature and since the acquisition is incidental to the distribution under the Plan which we are approving, we see no basis for adverse findings under section 10 of the act, and we find that the temporary acquisition by Bond and Share of the Washington Company common stock would not be inconsistent with the standards of that section.

No requests for fees and expenses have been made in the proceeding and we shall reserve jurisdiction as to such matters.

We find that our order herein may properly contain the requested recitals under the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

For the reasons set forth herein, we are of the opinion that the Plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby and meets the other applicable standards of the act.

It is therefore ordered, On the basis of the record herein and pursuant to section 11 (e) and other applicable provisions of the act, that the said Plan be, and it hereby is, approved subject to the terms and conditions contained in Rule U-24.

It is further ordered, That the proposed acquisition of shares of common stock of the Washington Company, in the event American effects a distribution of such stock, be, and the same hereby is, approved pursuant to section 10 of the act subject to the terms and conditions of Rule U-24 and subject to the disposition by Bond and Share of all the common stock of the Washington Company it receives from American in distribution prior to December 31, 1952, in a manner consistent with the provisions of the act and the rules and regulations thereunder.

It is further ordered, That jurisdiction be, and it hereby is, reserved to determine the reasonableness and appropriate allocation of all fees and expenses and other remuneration incurred or to be incurred in connection with the Plan and the transactions incident thereto.

It is further ordered, That jurisdiction is reserved to entertain such further proceedings, to make such supplemental findings, and to take such further action as may be necessary in connection with the Plan, the transactions incident thereto, and the consummation thereof.

It is further ordered and recited, That the sale and distribution by Bond and Share of 183,050 shares of common stock of the Washington Company is necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and is necessary or appropriate to

[1] American Power & Light Company, Holding Company Act Release No. 11301 (June 6, 1952).

[2] Electric Bond and Share Company, et al., 11 S. E. C. 1146 (1942) aff'd sub. nom. American Power & Light Company, et al., v. S. E. C. 141 F. 2d 606 (C. A. 1, 1944), aff'd 329 U. S. 90 (1946).

[3] American Power & Light Company, et al., Holding Company Act Release No. 9359-A (September 22, 1949) and No. 9389 (October 4, 1949), plan approved and enforced November 14, 1949, U. S. D. C., S. D. N. Y., Civil Action No. 52-324.

[4] American Power & Light Company, Holding Company Act Release No. 10820 (October 15, 1951).

effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8558; Filed, Aug. 5, 1952; 8:47 a. m.]

[File No. 70-2668]

NATIONAL FUEL GAS CO.

ORDER AUTHORIZING ACQUISITION OF COMMON STOCK OF PENNSYLVANIA GAS COMPANY

JULY 30, 1952.

National Fuel Gas Company ("National"), a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) and 10 thereof, with respect to the following transactions:

National, prior to February 1936, owned 297,624 shares, or 51.67 percent of the total outstanding 576,000 shares of the common capital stock of Pennsylvania Gas Company ("Pennsylvania"). Between February 1936 and May 1938, National purchased, from time to time in small amounts, a total of 2,531 shares of Pennsylvania's common stock, offered to National by minority stockholders, at prices varying from $10 to $12.50 per share, or a total purchase price of $28,894.50. On May 22, 1947, National purchased 2,444 additional shares of Pennsylvania's common stock offered to National by a minority stockholder at a price of $20 per share, or a total cost of $48,880. As a result of the above-mentioned purchases of Pennsylvania's common stock, National increased its holdings to 302,599 shares, or 52.53 percent of Pennsylvania's total outstanding 576,000 shares.

The above purchases of Pennsylvania's common stock were made by National without authorization of this Commission, National not having requested such authorization for the stated reason that the officers of National did not believe that prior approval of such transactions was required, in view of the small amount of the purchases compared to the total of the 576,000 shares outstanding. National now requests that the above-named purchases of Pennsylvania's common stock be authorized by the Commission pursuant to sections 9 (a) and 10 of the act.

Appropriate notice of the filing of said application and an amendment thereto having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding with respect to said application, as amended, that the requirements of the applicable provisions of the Act and Rules are satisfied, and deeming it appropriate that said application, as amended, be granted without the imposition of terms and conditions other than those hereinafter ordered, the Commission deeming the approval of this transaction to be without prejudice to any rights which may exist under section 26 of the act, and the Commission also deeming it appropriate to grant applicant's request that the order herein be effective forthwith upon issuance thereof:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and subject further to the condition that a copy of this order shall be sent by National to the vendors of the securities involved to the extent that they can be located.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8556; Filed, Aug. 5, 1952; 8:46 a. m.]

[File No. 70-2900]

NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND ALGONQUIN GAS TRANSMISSION COMPANY

ORDER AUTHORIZING SALE BY SUBSIDIARY OF REGISTERED HOLDING COMPANY OF PRINCIPAL AMOUNT OF BONDS AND SHARES OF COMMON STOCK AND ACQUISITION BY PARENT OF SHARES OF SUCH COMMON STOCK AND ISSUANCE AND SALE BY IT OF SHORT-TERM NOTES

JULY 31, 1952.

New England Gas and Electric Association ("NEGEA"), a registered holding company, and one of its subsidiary companies, Algonquin Gas Transmission Company ("Algonquin"), having filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Algonquin proposes to issue and sell privately to three insurance companies $9,734,000 aggregate principal amount of its First Mortgage Pipeline Bonds, 4¼ Percent Series, due September 1, 1971. Each of the three prospective purchasers of the bonds were members of the group of four insurance companies which purchased the presently outstanding $27,600,000 principal amount of Algonquin's 3¾ Percent Series Bonds, due 1971. The names of the companies to which the new bonds are to be sold and the respective amounts to be sold to each of them are as follows:

Metropolitan Life Insurance Co.	$5,675,000
John Hancock Mutual Life Insurance Co.	3,446,000
New England Mutual Life Insurance Co.	613,000

The bonds are to be issued under and secured by Algonquin's present Mortgage and Deed of Trust dated as of March 1, 1951, as supplemented by an indenture to be dated as of July 1, 1952. In accordance with the terms of a bond purchase agreement to be entered into between Algonquin and the purchasers, the bonds are to be sold not later than January 30, 1953, for cash at 100 percent of principal amount plus accrued interest. A commitment fee will be paid at the rate of 1 percent per annum of the principal amount of the new bonds from the date of the purchase agreement to the date of closing. The Supplemental Indenture will provide for a contingent sinking fund with respect to Algonquin's presently outstanding First Mortgage Pipeline Bonds, 3¾ Percent Series, due 1971. The contingent sinking fund will provide for payments by Algonquin out of net income and depreciation funds not required for construction until a total of $3,000,000 principal amount of the 3¾ Percent Series Bonds have been retired, after which the regular sinking fund payments applicable to such bonds will be reduced pro rata.

Algonquin also proposes to amend its charter so as to increase the amount of its authorized $100 par value common stock, and to issue and sell, from time to time, pursuant to preemptive rights, 48,660 additional shares of such stock. NEGEA, which does not desire to purchase its proportionate share of the common stock to be offered by Algonquin, proposes to acquire 15,610 shares of Algonquin's additional common stock. Providence Gas Company, another of the present holders of Algonquin's common stock, has waived its preemptive right to purchase any of the additional common stock to be offered by Algonquin; Eastern Gas and Fuel Associates and Texas Eastern Transmission Corporation, the only other stockholders of Algonquin, have indicated that they will purchase, respectively, 18,760 and 14,290 shares of the additional common stock proposed to be offered by Algonquin.

NEGEA states that it contemplates financing the proposed acquisition of the additional shares of Algonquin's common stock by the issuance to banks of short-term notes. In this connection NEGEA requests Commission authorization, pursuant to the first sentence of section 6 (b), to issue to Bank of the Manhattan Company, from time to time, notes with a maturity of not more than nine months from the date of issue and bearing interest at the rate of 3¼ percent per annum aggregating (together with all other outstanding notes and drafts of a maturity of nine months or less as to which NEGEA is liable) not more than $4,166,100. The maximum amount exceeds the limitation of "5 per centum of the principal amount and par value of the other securities . . ." of NEGEA then outstanding as specified in clause (3) of the first sentence of section 6 (b) of the act. NEGEA states that its outstanding short-term notes maturing in less than nine months now aggregate $2,605,100 or 4.86 percent of the principal amount and par value of the other outstanding securities of NEGEA.

Algonquin is presently constructing pipeline facilities to supply natural gas to distributing companies in New Jersey, Connecticut, Rhode Island and Massachusetts. Algonquin states that the $14,600,000 proceeds of the proposed sale of bonds and common stock will be used, together with the $36,800,000 previously realized from the sale of Algonquin's outstanding securities, plus $100,000 interest from short-term investments, to meet the presently estimated cost ($51,500,000) of construction of the company's pipeline, including allowances of $420,000 for working capital and $1,164,600 for contingencies.

The filing states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Algonquin requests an exemption from the competitive bidding requirements of Rule U-50, and joins with NEGEA in requesting that the Commission's order become effective upon issuance.

Due notice having been given of the filing of the application-declaration and amendments thereto and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the interest of investors and consumers that said application-declaration, as amended, including the request for exemption of the proposed sale of bonds from the competitive bidding requirements of Rule U-50, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said application-declaration, as amended, including the request for exemption of the proposed issuance and sale of bonds from the competitive bidding requirements of Rule U-50, be, and it hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction with respect to fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8555; Filed, Aug. 5, 1952; 8:46 a. m.]

[File No. 70-2905]

POTOMAC EDISON CO.; AND POTOMAC LIGHT AND POWER CO.

NOTICE OF FILING REGARDING PROPOSAL BY PARENT COMPANY TO ACQUIRE COMMON STOCK FROM SUBSIDIARY COMPANY FOR CONSIDERATION

JULY 31, 1952.

Notice is hereby given that a joint application-declaration has been filed with this Commission by the Potomac Edison Company ("Potomac Edison"), a registered holding company, and its public utility subsidiary, Potomac Light and Power Company ("Potomac Light"). Applicants-declarants have designated sections 6, 7, 9, 10, 12 (d) and 12 (f) of the act and Rules U-43 and U-44, promulgated thereunder, as applicable to the proposed transactions which are summarized as follows:

Potomac Light proposes to issue and sell 5,685 shares of its common stock at a price equal to the par value thereof of $100 per share, or a total consideration of $568,500. Potomac Edison which owns all the presently outstanding common stock of Potomac Light, proposes to purchase the additional shares for cash.

Potomac Light proposes to use the proceeds from the sale of such shares for construction purposes. Potomac Edison states that it has in its treasury sufficient funds to purchase such shares without resorting to additional financing and that it will pledge such shares as collateral security for its First Mortgage and Collateral Trust Bonds, pursuant to the terms of the Trust Indenture, dated October 1, 1944, between Potomac Edison and Chemical Bank and Trust Company (New York) as Trustee.

Application has been made by Potomac Edison with the Public Service Commission of Maryland and the Public Service Commission of West Virginia for authority to acquire the 5,685 shares of common stock of Potomac Light. It is stated that the estimated expenses involved in the proposed transactions, consisting chiefly of United States documentary tax stamps, will amount to less than $1,000.

It is requested that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than August 21, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8557; Filed, Aug. 5, 1952; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1907, G-1915, G-1961, G-1978]

SOUTHERN NATURAL GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING AND FIXING DATE OF HEARING

JULY 28, 1952.

In the matters of Southern Natural Gas Company, Docket No. G-1907; South Georgia Natural Gas Company, Docket No. G-1915; South Carolina Natural Gas Company, Docket No. G-1961; Newton County Gas Company, Docket No. G-1978.

On March 3, 1952, Southern Natural Gas Company (Southern), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application, as amended on April 15 and June 5, 1952, in Docket No. G-1907, for a certificate of public convenience and necessity authorizing it to construct and operate certain additional transmission facilities for the purpose of increasing its system daily transmission capacity from approximately 670,000 Mcf to a design capacity of 1,020,000 Mcf, exclusive of company use and losses. The estimated cost of construction of the project is estimated at $76,365,200.

On March 14, 1952, South Georgia Natural Gas Company, a Georgia corporation having its principal place of business at Atlanta, Georgia, filed an application in Docket No. G-1915 for a certificate of public convenience and necessity authorizing it to construct and operate certain natural-gas facilities including approximately 335 miles of pipe line, to enable it to provide natural gas service to certain communities in Georgia and Florida, the source for its gas supply to be Southern.

On May 23, 1952, South Carolina Natural Gas Company, a South Carolina corporation having its principal place of business at Columbia, South Carolina, filed an application in Docket No. G-1961 for a certificate of public convenience and necessity authorizing it to construct and operate certain facilities to enable it to sell natural gas to South Carolina Electric and Gas Company for resale to certain communities in South Carolina, the source for its gas supply to be Southern.

On June 20, 1952, Newton Gas Company (Newton), a Georgia corporation having its principal place of business at Covington, Georgia, filed an application in Docket No. G-1978 for an order pursuant to section 7 (a) of the Natural Gas Act directing Southern to establish physical connection of its natural gas transmission pipeline facilities with facilities owned by the United States Army, through which facilities natural gas would be delivered to Newton, and further directing Southern to deliver and sell to Newton a supply of natural gas for resale to the United States Army at the Atlanta General Depot near Conley, Georgia, and to residents of the Holland Park Housing Project located on that reservation.

In its application, Southern states that certain of the proposed facilities are urgently needed in order that it may be enabled to meet its anticipated firm gas requirements during the 1952-53 winter, and that it proposes to construct a portion of the facilities during the current summer. Southern states that firm orders and contracts must be placed at an early date if necessary construction is to be completed before winter 1952-53, and has urged that its application be set for hearing at an early date.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act that the proceedings in Docket Nos. G-1907, G-1915, G-1961 and G-1978 be consolidated for purpose of hearing.

(2) It is reasonable and in the public interest and good cause exists for fixing the date for hearing to commence in these proceedings less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket Nos. G-1907, G-1915, G-1961 and G-1978 be and the same are hereby consolidated for purpose of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on August 11, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: July 31, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8552; Filed, Aug. 5, 1952; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18968]

JESUS N. CARMONA

In re: Securities owned by Jesus N. Carmona. F-14-18.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Jesus N. Carmona, who there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947 was a resident of Germany is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Fourteen (14) shares of $100 par value common capital stock of American Telephone and Telegraph Company (New York) evidenced by the certificates listed below and registered in the name of Jesus N. Carmona:

Certificate Nos.:	Number of shares
PN 58776	6
N 114602	3
M 179705	2
M 182473	2
L 276278	1

said certificates presently in the custody of the Attorney General of the United States in safekeeping account No. 14200028, together with all declared and unpaid dividends thereon, and

b. Twelve (12) shares of $100 par value preferred stock of United States Steel Corporation (New Jersey) evidenced by the certificates listed below, and registered in the name of Jesus N. Carmona:

Certificate Nos.:	Number of shares
C 803584	2
C 787049	6
C 793674	4

said certificates presently in the custody of the Attorney General of the United States in safekeeping account No. 14200028, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Jesus N. Carmona, the aforesaid national of a designated enemy country;

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8599; Filed, Aug. 5, 1952; 8:51 a. m.]

[Vesting Order 18969]

MINNA FISHER

In re: Bank account owned by Minna Fisher. F-28-7606-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Minna Fisher, whose last known address is Brand-Uberndorf, Kreis-Wetclar, Germany, on or since December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the American Building Association, 300 Pennsylvania Avenue, SE., Washington, D. C., arising out of an account, numbered 2076, entitled Mrs. Minna Fisher, maintained with the aforesaid Association, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Minna Fisher, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8600; Filed, Aug. 5, 1952; 8:51 a. m.]

[Vesting Order 18971]

MARGARETE KUHMANN

In re: Debts owing to Margarete Kuhmann. F-28-2786.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Margarete Kuhmann, whose last known address is 12 Reinhardt Strasse, Dresden, Germany, on or since

rence Room

December 11, 1941, and prior to January 1, 1947 was a resident of Germany and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of The Manufacturers Trust Company, 45 Beaver Street, New York, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by nine (9) checks, issued by The Mortgage Corporation of New York as Trustee to Margarete Kuhmann, dated, numbered and in the amounts as follows:

Dates	Check Nos.	Amounts
Aug. 3, 1939	53390	$13.64
Oct. 28, 1939	77938	13.64
Jan. 31, 1940	107850	13.51
Apr. 26, 1940	139930	13.69
July 25, 1940	163815	14.17
Sept. 3, 1940	175709	4.80
Oct. 25, 1940	192306	13.36
Jan. 30, 1941	247948	12.62
Apr. 22, 1941	274345	13.55

together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under the aforesaid checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Margarete Kuhmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8602; Filed, Aug. 5, 1952; 8:52 a. m.]

[Vesting Order 18141, Amdt.]

ANNA MARGARETH KOHL HALBACH

In re: Funds beneficially owned by Anna Margareth Kohl Halbach. F-28-31212.

Vesting Order 18141 dated July 9, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna Margareth Kohl Halbach, also known as Anna Margaretha Kohl Halbach, whose last known address is 39 Nording Landau/Pfalz, Germany, and Ernst Friedrich Halbach, Jr., whose last known address is Alzons, Palatinate, 26 Hauptstrasse, Germany, on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of Ernst Friedrich Halbach, Sr., Deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947 were residents of Germany, are and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

3. That the property described as follows: Any and all rights of the above referred to nationals to the sum of $3,492.20 representing unclaimed wages due Walter C. Halbach, Deceased, a seaman who died on November 7, 1942 as a result of war activities while serving on the S. S. "East Indian," said sum having been deposited with the Treasury Department of the United States, in Miscellaneous Receipt Account 10-591 "Forfeitures, Wages of Seamen Remaining in Registry of Courts More Than Six (6) Years," including in particular all rights to demand, enforce and collect a claim thereto under General Regulation 104, Revised April 5, 1951, issued by the Comptroller General of the United States,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Anna Margaretha Kohl Halbach, also known as Anna Margaretha Kohl Halbach, Ernst Friedrich Halbach, Jr., and the personal representatives, heirs, next of kin, legatees and distributees of Ernst Friedrich Halbach, Sr., Deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That the national interest of the United States requires that the persons referred to in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein, shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8603; Filed, Aug. 5, 1952; 8:52 a. m.]

[Vesting Order 18521, Amdt.]

CERTAIN NATIONALS OF THE NETHERLANDS

In re: Domestic scheduled securities owned by nationals of The Netherlands. F-49-1638.

Vesting Order 18521, dated September 27, 1951, as amended, is hereby further amended as follows and not otherwise:

By deleting from Exhibit A, attached thereto and by reference made a part thereof, all reference to five (5) $1,000.00 Southern California Edison Company, Ltd.-First and Refunding 3¾ percent Bonds Issue of 1935 due 1960, Nos. 4042, 4943, 4944, 41619, 41620 and by substituting therefor the following in the appropriate columns as indicated:

Column I Issue	Column II Principal amount	Column III Numbers
Southern California Edison Co., Ltd., first and refunding 3¾ percent bonds, issue of 1935, due July 1, 1960	$1,000	4042, 4943, 4944
Southern California Edison Co., Ltd., first and refunding 3¾ percent bonds, issue of 1935, due May 1, 1960	1,000	41619, 41620

All other provisions of said Vesting Order 18521, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8604; Filed, Aug. 5, 1952; 8:52 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 17 NUMBER 154

Washington, Thursday, August 7, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.159]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

JULY 24, 1952.

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (a) is amended by the deletion of the following post:

Sebaco, Nicaragua.

2. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (b) is amended by the deletion of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Urucuoa, Vicosa and Vitoria.
India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Izatnagar, Kharagpur, Madras, Nabha, New Delhi, Poona, Shillong, and Simla.

3. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (c) is amended by the deletion of the following post:

Lages Air Force Base, Azores.

4. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (d) is amended by the deletion of the following post:

Wheelus Air Force Base, Libya.

5. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (a) is amended by the addition of the following posts:

Nagpur, India;
Portoviejo, Ecuador;
Quevedo, Ecuador.

6. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo, Urucuoa, Vicosa, and Vitoria.
India, all posts except Bombay, Calcutta, Cuddalore, Delhi, Izatnagar, Karagpur, Madras, Nabha, Nagpur, New Delhi, Poona, Shillong, and Simla.

7. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (c) is amended by the addition of the following post:

Lages Field, Azores.

8. Effective as of the beginning of the first pay period following April 14, 1951, paragraph (d) is amended by the addition of the following post:

Headquarters, Fifth Air Division, Rabat, Morocco.

9. Effective as of the beginning of the first pay period following August 2, 1952, paragraph (d) is amended by the addition of the following post:

Wheelus Field, Libya.

For the Secretary of State.

W. K. SCOTT,
Acting Deputy Under Secretary.

[F. R. Doc. 52-8623; Filed, Aug. 6, 1952; 8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter F—Banks for Cooperatives

[FCA Order 551]

PART 70—LOAN INTEREST RATES AND SECURITY

INTEREST RATES ON RENEWALS AND EXTENSIONS; INTEREST "ESCALATOR" CLAUSE IN LOAN AGREEMENTS

1. Section 70.10, Chapter I, Title 6, Code of Federal Regulations, is hereby repealed, effective as of the close of business on August 14, 1952.

2. Part 70, Chapter I, Title 6, Code of Federal Regulations, is hereby amended, effective August 15, 1952, by adding thereto the following new sections:

(Continued on p. 7177)

CONTENTS

	Page
Agriculture Department	
See Farm Credit Administration; Production and Marketing Administration; Rural Electrification Administration.	
Notices:	
Sale of mineral interests; designation of areas in Georgia	7189
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Certain German nationals	7203
Keinhard, Morton H.	7204
N. V. Soenda Handel Maatschappij	7202
Civil Aeronautics Administration	
Rules and regulations:	
Washington National Airport; traffic patterns	7181
Civil Aeronautics Board	
Proposed rule making:	
Over-the-top operations	7187
Rules and regulations:	
Washington National Airport traffic patterns; air traffic rules	7178
Commerce Department	
See Civil Aeronautics Administration; Civil Aeronautics Board; International Trade, Office of.	
Defense Department	
Rules and regulations:	
Release and authentication of copies of official records	7183
Economic Stabilization Agency	
See also Price Stabilization, Office of.	
Notices:	
Rent Stabilization, organization; delegation of authority to carry out certain provisions of the Defense Production Act of 1950	7195
Salary Stabilization Board; delegation of authority with respect to stabilization of salaries and other compensation of certain persons	7195
Farm Credit Administration	
Rules and regulations:	
Loan interest rates and security; renewals and extensions; "escalator" clause in loan agreements	7175

FEDERAL REGISTER

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REVISED BOOKS

TITLE 32
of the
Code of Federal Regulations

Title 32, containing the regulations of the Department of Defense and other related agencies, has been completely revised. Originally a single book, Title 32 is being reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

These books contain the full text of regulations in effect on December 31, 1951

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CONTENTS—Continued

Federal Power Commission — Page
Notices:
Hearings, etc.:
El Paso Natural Gas Co. (2 documents) 7195, 7198
Kamner, H. A. and W. J. Glover 7197
New York State Electric and Gas Corp. (2 documents) 7196
Southern Counties Gas Co. of California 7197
Tennessee Valley Authority et al 7195
Texas Eastern Transmission Corp. (2 documents) 7196, 7197
United Gas Pipe Line Co 7198
Villiger, Margaret E 7197

Fish and Wildlife Service — Page
Rules and regulations:
Crab Orchard National Wildlife Refuge, Ill.; hunting 7186

Geological Survey
Notices:
Utah; noncoal classification 7189

Housing and Home Finance Agency
Notices:
Designation of Acting Director, Division of Slum Clearance and Urban Redevelopment; organization description, including delegations of final authority 7200

Interior Department
See Fish and Wildlife Service; Geological Survey; Land Management, Bureau of.

International Joint Commission
Notices:
United States and Canada; applications for approval of construction and operation of certain works for development of power in the International Rapids Section of the St. Lawrence River 7200

International Trade, Office of
Rules and regulations:
General licenses; amendments, extensions, transfers; miscellaneous amendments 7181
Positive list of commodities and related matters; castor oil, sugar and molasses 7182

Interstate Commerce Commission
Notices:
Ann Arbor Railroad Co. et al.; rerouting or diversion of traffic 7202
Applications for relief:
Animal tallow from Fort Worth and Dallas, Tex., to Good Hope, La 7202
Machinery from Nashville, Tenn., to certain Gulf ports 7201
Scrap iron and steel from Chicago, Ill., to Hamilton, Ontario 7201
Hay from Official Territory to designated States; reduced rates to disaster area 7202
Proposed rule making:
Uniform system of accounts for freight forwarders; provision for uncollectible accounts 7187

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; small tract classification 7188
Rules and regulations:
Oil and gas leases; offer to lease and issuance of lease (2 documents) 7186

National Production Authority — Page
Rules and regulations:
Iron and steel; acceptance of defense orders in reserved space during fourth quarter; amendment of reserve space change provision (M-1, Dir. 6) 7185

Price Stabilization, Office of
Notices:
Directors of the Regional Offices; delegation of authority to act during epidemic conditions under DR 1, Revision 1 7195
Rules and regulations:
Paper, paperboard, converted paper and paperboard products, allied products and services; exemption of manufacturer's sales of liners for metal or plastic bottle caps (GOR 8) 7184
Services; approval of certain automotive and farm tractor repair service flat rate manuals; approval of manuals and labor schedules (CPR 34, SR 3) 7183

Production and Marketing Administration
Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho, and hop products produced therefrom in these States; salable quantity of 1952 crop 7187
Rules and regulations:
Cotton standards; standards for grades of cottonseed sold or offered for sale for crushing purposes within the U. S. 7177

Rural Electrification Administration
Notices:
Allocation of funds for loans; Indiana 7190
Loan announcements:
Alabama 7190
Colorado (2 documents) 7189, 7191
Georgia (3 documents) 7192, 7193, 7194
Illinois 7193
Indiana (4 documents) 7191, 7192, 7193, 7194
Iowa (3 documents) 7190, 7191, 7193
Kansas 7193
Kentucky (2 documents) 7190
Louisiana (3 documents) 7190, 7193, 7194
Minnesota (2 documents) 7192, 7194
Missouri 7191
Montana 7191
New Jersey 7192
New Mexico 7194
North Carolina (6 documents) 7190, 7191, 7192, 7194
Ohio 7192
Oklahoma 7191
Oregon 7192

CONTENTS—Continued

Rural Electrification Administration—Continued
Notices—Continued
Loan announcements—Con.
South Carolina (2 documents) 7190, 7193
South Dakota (2 documents) 7191, 7192
Tennessee (2 documents) 7193, 7194
Texas (8 documents) 7190, 7191, 7192, 7194, 7195
Utah 7189
Virginia 7194
Washington (2 documents) 7189, 7192
Wisconsin (2 documents) 7193
Wyoming 7190

Securities and Exchange Commission
Notices:
Hearings, etc.:
Boston Stock Exchange 7201
F. L. Andrews Investment Trust 7201
Southern Natural Gas Co 7200

State Department
Notices:
Technical Cooperation Administration; organization 7188
Rules and regulations:
Additional compensation in foreign areas; designation of differential posts 7175

Veterans' Administration
Rules and regulations:
Dependents and beneficiaries claims; cause of death, principal or contributory 7185

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter III:
Part 325 7175

Title 6
Chapter I:
Part 70 7175

Title 7
Chapter I:
Part 28 7177
Chapter IX:
Part 986 (proposed) 7187

Title 14
Chapter I:
Part 40 (proposed) 7187
Part 60 7178
Part 61 (proposed) 7187
Chapter II:
Part 570 7181

Title 15
Chapter III:
Part 371 7181
Part 380 7181
Part 399 7182

Title 32
Subtitle A:
Part 25 7183

Title 32A
Chapter III (OPS):
CPR 34, SR 3 7183
GOR 8 7184
Chapter VI (NPA):
M-1, Dir. 6 7185

Title 38
Chapter I:
Part 4 7185

Title 43
Chapter I:
Part 192 (2 documents) 7186

Title 49
Chapter I:
Part 440 (proposed) 7187

Title 50
Chapter I:
Part 33 7186

§ 70.9 *Interest rates on renewals and extensions.* The interest rate applicable to any renewal or extension of an outstanding loan made by a bank for cooperatives shall be as follows:

(a) *On single maturity loans.* All or any portion of a single maturity loan which is renewed or extended by written agreement beyond the date specified originally in the note or the loan agreement as the maturity date shall bear interest at the rate applicable to new loans of the same kind on the date of renewal or extension.

(b) *On loans repayable in installments.* All or any portion of each installment which is extended by written agreement beyond the date specified originally in the note or loan agreement as the maturity date of such installment shall bear interest at the rate applicable to new loans of the same kind on the date of extension, but the interest rate on any installment or portion thereof not extended shall not be altered.

§ 70.10 *Interest "escalator" clause in loan agreements.* (a) Any bank for cooperatives which desires to do so may adopt a policy of requiring the borrower to agree in the loan agreement to pay, effective as of the date specified in such agreement, such increased interest rate or rates on the unpaid balance of the loan as the Governor of the Farm Credit Administration may from time to time thereafter prescribe for that kind of loan, by regulations promulgated pursuant to section 8 of the Agricultural Marketing Act, as amended (12 U. S. C. 1141f). Any such requirement shall be made uniformly and consistently applicable to all loans of any kind (i. e.—commodity, seasonal operating capital, term operating capital, or facility) which is covered by the policy.

(b) The agreement shall be drawn so as not to conflict with applicable State laws and shall be unilateral in character (binding only upon the borrower and not upon the bank) so as not to render the note non-negotiable.

(Sec. 8, 46 Stat. 14, as amended; 12 U. S. C. 1141f)

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 52–8634; Filed, Aug. 6, 1952; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

On July 2, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5955) regarding the proposed amendment of §§ 28.401 and 28.402 (7 CFR Part 28) of the standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States.

After investigation and due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the amendment hereinafter set forth to the U. S. Standards for Grades of Cottonseed is hereby promulgated pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1953 (Public Law 451, 82d Congress, approved July 5, 1952; 7 U. S. C. 414).

The Department finds that it is unnecessary and contrary to the public interest to postpone the effective date of this amendment to the Standards for Grades of Cottonseed until thirty (30) days after publication in the FEDERAL REGISTER for the reasons that: (1) The marketing season for cottonseed for crushing purposes has already begun in the southernmost sections of the Cotton Belt and it is imperative that the revisions be effective for the grading of the product; (2) no preparation is required by the industry to comply with the amendment; and (3) the use of the linters factor in determining the grade of cottonseed is on an optional basis; therefore the revision hereby promulgated is to become effective August 1, 1952.

The linters factor which will be used in determining the quantity index of cottonseed under the optional method hereinafter set forth in the amendment will be announced from time to time by the Administrator, Production and Marketing Administration, and published in the FEDERAL REGISTER. Until further notice the linters factor to be used in determining the quantity index of cottonseed under the optional method at the present time shall be 2.5.

The amendment is as follows:

§ 28.401 *Determination of grade.* The grade of cottonseed shall be determined from the analysis of samples, and it shall be the result, stated in the nearest whole or half numbers, obtained by multiplying a quantity index by a quality index and dividing the result by 100. The quantity index and the quality index shall be determined as hereinafter provided.

(a) The basic grade of cottonseed shall be grade 100.

(b) High grades of cottonseed shall be those grades above 100.

(c) Low grades of cottonseed shall be those grades below 100.

(d) When linters have been included as a factor in determining the grade of cottonseed, the capital letter (L) in parentheses shall be placed immediately after the numerical grade designation on the cottonseed grade certificate.

§ 28.402 *Determination of quantity index.* (a) When linters are not to be included as a factor in determining the grade of cottonseed, the following formula shall be used in determining the quantity index of cottonseed:

(1) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal the result of 4 times (percentage of oil), plus 6 times (percentage of ammonia), plus 5.

(2) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal the result of 6 times (percentage of oil), plus 6 times (percentage of ammonia), minus 28.

(b) When linters are to be included as a factor in determining the grade of cottonseed, the following formula shall be used in determining the quantity index of cottonseed:

(1) For cottonseed that by analysis contain 16.5 percent or more of oil, the quantity index shall equal the result of 4 times (percentage of oil), plus 6 times (percentage of ammonia), plus the officially announced linters factor times (percentage of residual linters minus 11), plus 5.

(2) For cottonseed that by analysis contain less than 16.5 percent of oil, the quantity index shall equal the result of 6 times (percentage of oil), plus 6 times (percentage of ammonia), plus the officially announced linters factor times (the percentage of residual linters minus 11), minus 28.

(Pub. Law 451, 82d Cong. (66 Stat. 348; 7 U. S. C. 414))

Done at Washington, D. C., this 1st day of August 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-8721; Filed, Aug. 6, 1952; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 9, Amdt. 5]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS; WASHINGTON NATIONAL AIRPORT

Under § 570.55 (c) of this title, operators of aircraft taking off from or landing at Washington National Airport have been required to conform with the traffic patterns established by the Administrator for Washington National Airport and published in the Airman's Guide. The purpose of this amendment is to eliminate reference to the Airman's Guide and to publish the established traffic patterns in the FEDERAL REGISTER. Since the traffic patterns are not being revised, additional burdens are not being imposed upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required. A new § 60.18–7 is adopted to read:

§ 60.18–7 *Traffic patterns for Washington National Airport (CAA rules which apply to § 60.18 (d)).* Operators of aircraft taking off from or landing at Washington National Airport under VFR shall adhere to the following traffic patterns and altitudes made a part thereof unless otherwise authorized or directed by air traffic control:

(a) Traffic shall remain west of the Potomac River while in the vicinity of Washington, D. C.

(b) Flights over residential areas shall be at altitudes above 1,200 feet whenever practicable.

(c) Safe distances shall be maintained from all buildings and from all other aircraft.

(d) The minimum traffic pattern altitude shall be 1,200 feet MSL.

(e) A standard left-hand traffic pattern shall be used when winds are from northerly directions, and a standard right-hand traffic pattern shall be used when winds are from southerly directions.

(f) The Northwest Passage or the Riverdale Lane, indicated in the following traffic patterns, may be used by traffic to and from the northeast.

(g) The applicable Airport traffic pattern drawn and otherwise provided in paragraphs (h) through (o) of this section shall be used. On the drawings

shall indicate the traffic pattern,

shall indicate the traffic pattern entry,

shall indicate the traffic pattern departure, and

shall indicate the traffic pattern with Washington tower approval.

(h) The traffic pattern for runway 3 shall be:

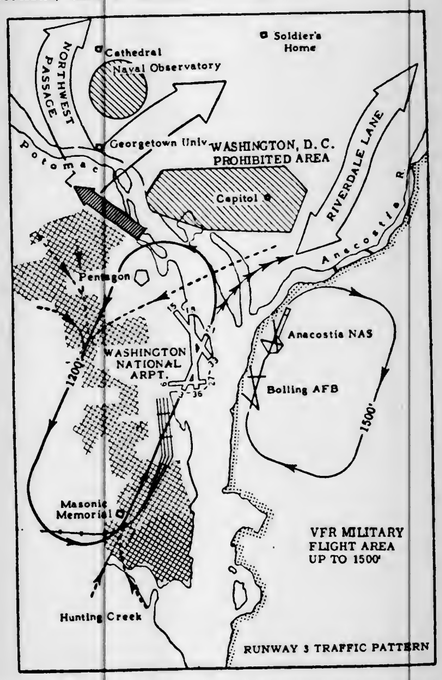

(1) An aircraft landing shall maintain at least 1,200 feet as long as practicable.

(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it intercepts the railroad near the Masonic Temple.

(3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River. With the approval of the Washington tower, a northeast-bound aircraft may make a right turn after taking off.

(i) The traffic pattern for runway 9 shall be specified by the Washington tower.

(k) The traffic pattern for runway 18 shall be:

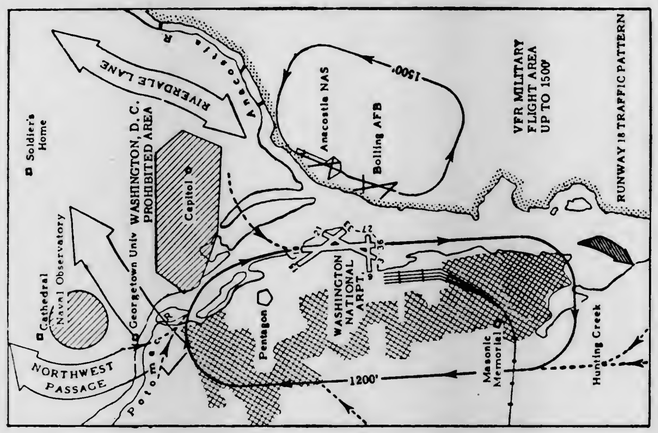

(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg. It shall follow the pattern clear of the Pentagon.

(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(j) The traffic pattern for runway 15 shall be:

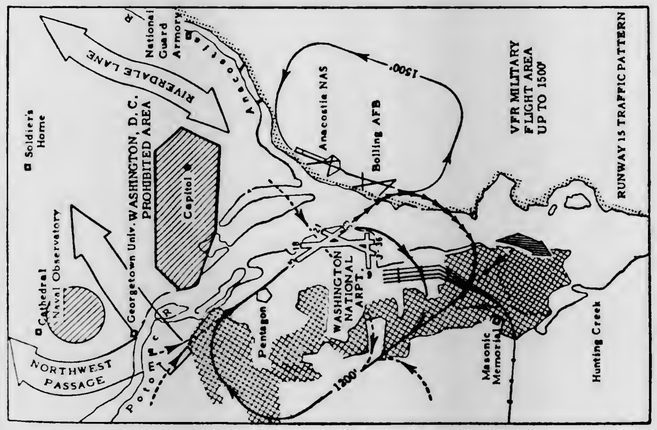

(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg clear of the Pentagon.

(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain 1,200 feet as long as practicable.

(3) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(n) The traffic pattern for runway 33 shall be:

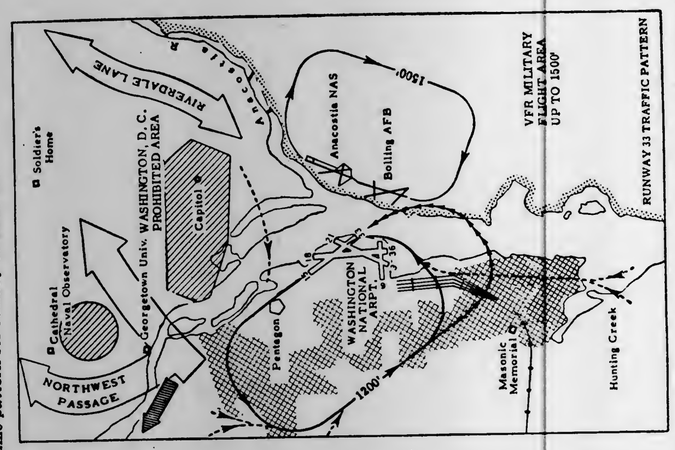

(1) An aircraft landing shall maintain at least 1,200 feet until it is over the Potomac River.

(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River. It shall avoid flight over the Pentagon if practicable.

(o) The traffic pattern for runway 21 shall be:

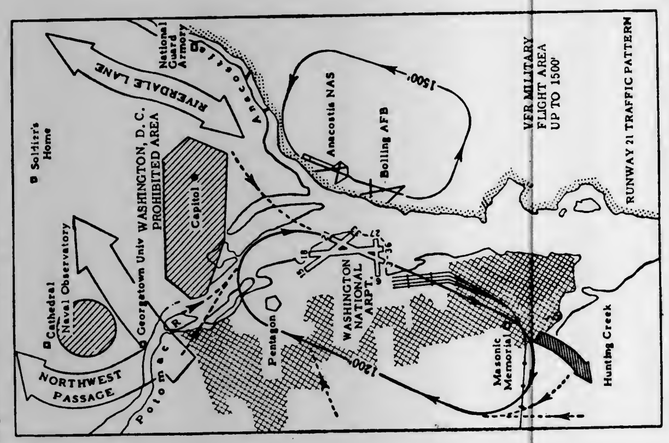

(1) An aircraft landing shall maintain at least 1,200 feet until it turns on its base leg.

(2) An aircraft making a straight-in approach, when authorized by the Washington tower, shall maintain at least 1,200 feet until it has passed the National Guard Armory.

(3) An aircraft taking off shall climb to at least 1,200 feet straight ahead.

(m) The traffic pattern for runway 27 shall be specified by the Washington tower.

(o) The traffic pattern for runway 36 shall be:

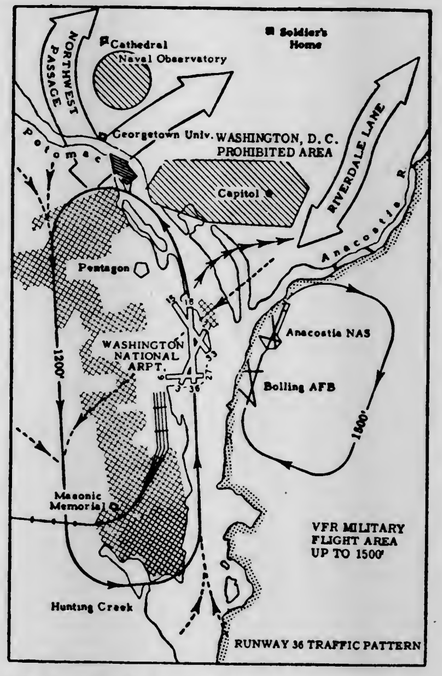

(1) An aircraft landing shall maintain at least 1,200 feet until it is over the Potomac River on its final approach.

(2) An aircraft taking off shall climb to at least 1,200 feet over the Potomac River.

(Sec. 205, 52 Stat. 984, sec. 2, 54 Stat. 688; 49 U. S. C. 425, 2 D. C. Code 1602. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8579; Filed, Aug. 6, 1952; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 570—RULES OF WASHINGTON NATIONAL AIRPORT

TRAFFIC PATTERNS

Under § 570.55 (c), operators of aircraft taking off from or landing at Washington National Airport under visual flight rules are required to conform with the traffic patterns established for Washington National Airport unless the operators are otherwise authorized by air traffic control. The purpose of this amendment is to indicate where in this title the traffic patterns established for Washington National Airport are published. This amendment does not impose additional burdens upon interested persons. Compliance with the notices, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary and therefore is not required. Section 570.55 (c) is revised to read:

§ 570.55 *Landing and take-off rules.*

* * *

(c) Unless otherwise authorized or directed by air traffic control, landings and take-offs shall be made in conformity with the air traffic patterns prescribed by the Administrator in § 60.18-7 of this title. (The patterns are also published jointly in the Airman's Guide by Anacostia Naval Air Station, Bolling Field, and Washington National Airport.)

(Sec. 205, 52 Stat. 984, sec. 2, 54 Stat. 688; 49 U. S. C. 425, 2 D. C. Code 1602. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8580; Filed, Aug. 6, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 6[1]]

PART 371—GENERAL LICENSES

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.18 *Return of certain commodities imported into the United States GLR* is amended by adding thereto a new paragraph (f) to read as follows:

(f) *Exportation of commodities imported under bond for a temporary period.* United States Collectors of Customs are authorized, within their discretion, to clear for export under this General License commodities imported for a temporary period into the United States under bond in compliance with the provisions of the Tariff Act of 1930, as amended (sections 308 and 201, paragraphs 1607, 1747, 1808 and 1809): *Provided*, That:

(1) No commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by means of a star (★) following the Schedule B number are included in an exportation under this general license; and

(2) The exportation is not destined to Hong Kong, Macao, or a Subgroup A country; and

(3) The exportation does not include commodities excluded under paragraph (a) (2) of this section.

(4) The exporter submits a written statement signed in person by the exporter or his authorized agent, and such other evidence as may be required by the collector to show that all commodities included in such exportation were imported into the United States and utilized for authorized purposes only in compliance with the terms of the bond and in accordance with the provisions of the Tariff Act of 1930.

2. Section 380.1 *Transfer of licenses* is amended to read as follows:

§ 380.1 *Transfer of licenses*—(a) *Authorization.* Export licenses shall not be transferred except by prior written authorization of the Office of International Trade. Transfer of export licenses may be effected only by amendment of the original license, except as otherwise provided in this section, and only upon request of the original licensee.

(b) *When transfer may be granted.* A transfer of a validated license may be granted in the following cases:

(1) Where the corporate or firm name of the licensee has been changed;

(2) Where the license is desired for use by a subsidiary or parent corporation of the licensee;

[1] This amendment was published in Current Export Bulletin No. 674, dated July 31, 1952.

(3) Where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred;

(4) In exceptional cases, where there is proof that actual hardship will result to the holder of the license or to the purchaser in the foreign country if the request for transfer is approved.

Only one transfer of the same license will be approved under this section.

(c) *Information from transferor*—(1) *Form of request.* (i) In requesting transfer of less than 15 outstanding licenses (including project licenses), the licensee must submit (*a*) a completed Form IT–763, "Request for and Notice of Amendment Action," in triplicate for each license(s), (*b*) the original license(s) if held by the licensee, (*c*) a signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section, and (*d*) the additional proof required by subparagraph (2) of this paragraph. When setting forth reasons for the requested transfer in Item 10 of Form IT–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in Item 12 of Form IT–763.

If the original license(s) is being held by a collector of customs at the time the licensee submits the request for transfer, he must show in Item 11 of Form IT–763, the address of the collector of customs with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT–763, "Notice to Applicant," showing in Item 4 of one copy the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IT–763 will be used for notifying the transferee of the action taken.

(ii) Where the licensee requests a transfer of fifteen or more outstanding licenses, the request must be made in the form of a letter setting forth the following:

(*a*) Either a list of the OIT case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the number of such outstanding licenses;

(*b*) A listing showing the OIT case numbers of applications for export licenses pending in OIT which are to be transferred;

(*c*) The name and address of the proposed transferee;

(*d*) Facts necessitating transfer;

(*e*) A statement of whether or not any consideration has been or will be paid for the transfer.

(2) *Additional proof.* In addition to the information required under paragraph (c) (1) of this section, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

(d) *Information from transferee.* When the request for transfer from the original license is made for the reason stated in paragraph (b) (2), (3) and (4) of this section, it must be accompanied by a signed letter from the person to whom transfer is to be made stating:

(1) That the transferee certifies that the legal document or authority under which the change of exporter is effected authorizes or imposes the responsibility on the transferee of accepting and fulfilling the legal and contractual obligation of the transferor under the transactions covered by the licenses to be transferred;

(2) Whether any consideration has been or will be paid for the transfer;

(3) That the transferee has an order (or an accepted order, where commodity is subject to the accepted order requirement) from the foreign purchaser named on the license for the commodities described thereon.

(e) *Notification*—(1) *Notification of amendment action.* On an approved request for the transfer of less than fifteen licenses the Office of International Trade will validate all copies of Form IT–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate will be forwarded as the official notice of amendment to the collector of customs designated in Item 11, the triplicate will be forwarded to the individual named in Item 4 of IT–763. If the request is rejected, the reasons therefor will be indicated in the upper right-hand corner, and the triplicate copy returned to the applicant.

(2) *Blanket authorization and notification of clearance.* Upon approval of a request by the licensee to transfer fifteen or more outstanding licenses, the Office of International Trade will issue a blanket authorization and notification to collectors of customs that shipments may be cleared for export against such licenses when presented by the transferee. The transferor and transferee will be notified by letter of the blanket authorization.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

This amendment shall become effective as of July 31, 1952.

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52–8613; Filed, Aug. 6, 1952; 8:45 a. m.]

[6th Gen. Rev. of Export Regs., Amdt. P. L. 5[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

CASTOR OIL, SUGAR, AND MOLASSES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following revisions are made in commodity descriptions:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
224901	Vegetable oils (except essential) and fats, crude: Castor oil, commercial (including sulfonated, n. e. c.) (report medicinal grade in 811100).[1]	Lb.	FATS	250	RO

[1] The above entry is substituted for the entry presently on the Positive List under Schedule B No. 224901. The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

This part of the amendment shall become effective as of July 31, 1952.

2. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
823850	Textile specialty compounds: Castor oil, sulfonated	Lb.	FATS	250	RO
823900	Tanning specialty compounds: Castor oil, sulfonated	Lb	FATS	250	RO

This part of the amendment shall become effective as of 12:01 a. m., August 7, 1952.

3. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
161905	Sugar.
162910	Molasses, inedible (report edible molasses in 163100).

This part of the amendment shall become effective as of July 31, 1952.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Part 2 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., August 7, 1952, may be exported under the previous general license provisions up to and including August 30, 1952. Any such shipment not laden aboard the exporting carrier on or before August 30, 1952, requires a validated license for export.

[1] This amendment was published in Current Export Bulletin No. 674, dated July 31, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON,
Acting Director,
Office of International Trade.

[F. R. Doc. 52–8614; Filed, Aug. 6, 1952; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Subtitle A—Office of the Secretary of Defense

PART 25—RELEASE AND AUTHENTICATION OF COPIES OF OFFICIAL RECORDS

Sec.
25.1 Purpose and authority.
25.2 Definition.
25.3 Applicability.
25.4 Exemptions and conditions.
25.5 Terms and conditions.
25.6 Responsibilities.
25.7 Authentication.

AUTHORITY: §§ 25.1 to 25.7 issued under 61 Stat. 499, as amended; 5 U. S. C. 171–172j.

§ 25.1 *Purpose and authority.* The purpose of this part is to provide the policies and procedures within the Department of Defense, exclusive of the three military departments, governing (a) the release of copies of official records which may be made available to persons properly concerned, and (b) the authentication under the seal of the Department of Defense of copies of official records, as required. These instructions are consistent with section 506 (a) of the Federal Records Act of 1950, the Administrative Procedures Act, 60 Stat. 238, 5 U. S. C. 1002, and section 882 of the Revised Statutes of the United States of America.

§ 25.2 *Definition.* The term "official records", as used in this part, includes all papers, books, maps, photographs, and other documentary material regardless of physical form or characteristics made or received in the Department of Defense, exclusive of the three military departments in pursuance of Federal law or in connection with the transaction of business as evidence of the organization, functions, policies, decisions, procedures or other activities because of the informational value of the data contained therein.

§ 25.3 *Applicability.* The provisions of this part apply to requests or orders directed to the Secretary of Defense for the release and/or authentication of copies of official records of the Department of Defense, exclusive of the three military departments for the purposes stated in this section. Requests for the release and/or authentication of official records from the military departments should be addressed to the department concerned.

(a) Official use of other departments, agencies or bureaus of the Federal Government.

(b) Use in courts of record in cases of private litigation.

(c) Use in courts of record in criminal prosecutions in which the United States of America is not a party.

(d) Use of other party or parties submitting the request.

Nothing contained in this section shall be construed to require authentication of Department of Defense directives, orders, or other similar documents required in the day-to-day internal operation and management of the Department of Defense including the three military departments.

§ 25.4 *Exemptions and conditions*—(a) *Original copies.* Requests for original copies of official records shall not be honored.

(b) *Confidential material.* Confidential material, as defined in the Administrative Procedure Act, section 3 S, 60 Stat. 238, 5 U. S. C. 1002, and other appropriate statutes, shall not be released.

(c) *Personnel records.* Individual personnel records may be released only in accordance with the provisions of Federal Personnel Regulations.

(d) *Classified security information.* Classified security information shall be released only when permitted under the provisions of Executive Order 10290 and appropriate agency security regulations or when approved by the head of the agency or his designated representative.

§ 25.5 *Terms and conditions*—(a) *General.* Requests or orders for the release of and/or authentication of copies of official records must be addressed to the Secretary of Defense and must describe the records in sufficient detail to identify the particular record desired without question.

(b) *Government requests.* (1) Requests from departments, agencies and bureaus of the Federal Government must be made over the signature of the head of the agency.

(2) Requests from committees or subcommittees of Congress must be made over the signature of the chairman of the main committee unless power of issuing subpoenas is conferred on the chairman of the subcommittee in the resolution establishing the subcommittee.

(3) Requests by individual members of the Congress must be made over the signature of the member making the request.

(c) *Orders from a court of record*—(1) *Criminal cases.* The court order or certificate must recite that the information requested is essential to the issues of the case and to the proper administration of justice. The order or certificate must bear the seal of the court in which the case is to be tried.

(2) *Private litigation.* The court order or certificate must recite that the information requested is essential to the issues of the case and to the proper administration of justice. When personnel records are involved the order or certificate must recite that the person whose records are requested or his attorney has been given notice of the application for such order of the court and an opportunity to be heard thereon. Personnel records when received by the court will be impounded with the Clerk of the Court and will not be opened or subject to inspection prior to the trial except with the consent of the individual whose records are involved, or his attorney. Furthermore, the order or certificate must bear the seal of the court in which the case is to be tried.

(3) *A request of an individual.* A request for official records by an individual must be subscribed and sworn to before a Notary Public or other official authorized by law to administer oaths or affirmations. The request must specifically state the need for the copy or copies of authenticated records, and the purpose or purposes for which the record or records are to be used.

§ 25.6 *Responsibilities.* The Director of Administration is responsible for controlling the release of and releasing, when appropriate, copies of official records pursuant to the provisions of this regulation. He is also responsible for authenticating copies of official records, when necessary.

§ 25.7 *Authentication.* The Director of Administration, Office of the Secretary of Defense, is hereby designated as the custodian of the Department of Defense seal. Only the Director of Administration or Acting Director of Administration, or the Assistant to the Director of Administration acting in his behalf, are authorized to attest to the authenticity of official records under the Department of Defense seal.

This regulation is effective July 31, 1952.

ROBERT A. LOVETT,
Secretary of Defense.

JULY 31, 1952.

[F. R. Doc. 52–8611; Filed, Aug. 6, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 34, Amdt. 8 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 8 to Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in

section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statements of Consideration which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (nn), paragraphs (oo) to (qq) inclusive, as follows:

(oo) 1952 Supplement to Hudson 480–490–500 and "A" Series, Flat Rate Manual.

(pp) 1950–51–52 Buick Body Flat Rate Manual.

(qq) 1952 Oldsmobile Flat Rate Manual.

2. Appendices OO to QQ are added after Appendix NN as follows:

APPENDIX OO

This is the "Notice" for the 1952 Supplement to Hudson 480–490–500 and "A" Series, Flat Rate Manual.

NOTICE

You are permitted by OPS to use this Manual, and you must use the Supplement, to arrive at your ceiling price for a given job:

If—

(1) You use the computation table printed in the back part of the 1951 manual to compute the ceiling price for each job, by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $------, Relining brakes on 1951 Blank Cars, $------); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

Important. In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

APPENDIX PP

This is the "Notice" for the 1950–51–52 Buick Body Flat Rate Manual.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $------, Relining brakes on 1951 Blank Cars, $------); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period December 19, 1950, to January 25, 1951, inclusive.)

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 8 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on August 11, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 6, 1952.

[F. R. Doc. 52-8789; Filed, Aug. 6, 1952; 4:00 p. m.]

[General Overriding Regulation 8, Amdt. 6]

GOR 8—PAPER, PAPERBOARD, CONVERTED PAPER AND PAPERBOARD PRODUCTS, ALLIED PRODUCTS AND SERVICES

EXEMPTION OF MANUFACTURERS' SALES OF LINERS FOR METAL OR PLASTIC BOTTLE CAPS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Agency Order No. 2, this Amendment 6 to General Overriding Regulation 8 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from price controls manufacturers' sales and deliveries of liners for metal or plastic bottle caps. These liners include, but are not limited to, paperboard or cork laminated with foil or paper facing and used to line the top inside portion of metal or plastic bottle caps.

The Laminated Bottle Cap Board Industry consists of six manufacturers, two of whom produce almost entirely for their own consumption. All six are located in the Eastern part of the United States and supply the entire United States. The total industry sales in 1950 approximated 6 million dollars.

Bottle cap liners are produced by laminating foil, coated paper and other materials to various types and thicknesses of cork and paperboard backing material. These combinations are sold in several forms such as full width jumbo rolls, narrow strip rolls or discs. By combining the various types of papers, foils, and films to more than thirty backing boards and giving these combinations various types of wax and plastic coatings or sub-backings, many hundreds of different combinations are produced.

Ceiling prices for this industry as established under CPR 133 permitted each manufacturer to apply a uniform factor of 8.6 percent to his GCPR price for each metal or plastic cap liner item. The calculation of this adjustment factor was devised to equal the average percentage change in direct costs for the industry under CPR 22. However, the application of the stated adjustment factor to all items resulted in ceiling price increases which were unwarranted in some instances and inadequate in others due to the wide range of raw material cost increases for each item subsequent to June, 1950.

The exemption of liners for metal or plastic bottle caps will not materially affect the cost of living nor add to the cost of the defense effort. It will permit an overall adjustment of prices by individual manufacturers involving price increases and decreases which will result in a level of prices approximately the same as that under CPR 133. These liners are an insignificant cost factor to the bottler, and any increases will necessarily be moderate due to the ease with which bottlers can equip their plants to produce liners for their own use. It will not be likely to result in a diversion of manpower or materials from more essential uses or cause difficulty in maintaining controls in other areas. Moreover, the nature of the product is such that the establishment and continuance of control would present administrative and enforcement difficulties for the Office of Price Stabilization out of all proportion to any possible gain from a stabilization viewpoint. Therefore, it has been determined that manufacturers' sales of liners for metal or plastic bottle caps should be exempt from price control.

This amendment also changes the language of the introductory paragraph of section 1 (a) on exemptions to clearly establish this regulation as the sole authority with respect to what paper, paperboard, converted paper and paperboard products, allied products and services are exempt from price control.

In view of the foregoing circumstances, the Director of Price Stabilization finds that Amendment 8 to General Overriding Regulation 8 is generally fair and equitable and consistent with the purposes of Title IV of the Defense Production Act of 1950, as amended. In the formulation of this regulation there has been consultation with industry representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 8 is amended in the following respects:

1. That part of section 1 (a) preceding subparagraph (1) thereof is amended to read as follows:

(a) *Exemptions.* No price regulation issued by the Office of Price Stabilization shall apply to the following commodities or services.

2. Section 1 (a) is amended by the addition of subparagraph (5) to read as follows:

(5) Manufacturers' sales of liners for metal or plastic bottle caps.

3. Section 2 (a) is amended by the addition of subparagraph (8) to read as follows:

(8) "Liners for metal or plastic bottle caps" means paper, paperboard or cork, used alone or laminated with other material to line completely the inside top portion of continuous thread or lug type metal or plastic caps for containers, regardless of the contents of the containers. Prior hereto, the sale of these liners was governed by CPR 133 which did not, nor does this suspension, include liners for crown seal closures used largely for bottled beverages, such as beer and soft drinks.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 6 to General Overriding Regulation 8 shall become effective August 6, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 6, 1952.

[F. R. Doc. 52-8790; Filed, Aug. 6, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-1, Direction 6, Amdt. 1 of Aug. 6, 1952]

M-1—IRON AND STEEL

DIR. 6—ACCEPTANCE OF DEFENSE ORDERS IN RESERVED SPACE DURING FOURTH QUARTER

RESERVE SPACE CHANGE

This amendment to Direction 6 dated August 1, 1952, to NPA Order M-1, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950 as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment affects Direction 6 dated August 1, 1952, to NPA Order M-1 by adding a sentence at the end of section 3.

1. Section 3 of Direction 6 to NPA Order M-1 is amended to read as follows:

SEC. 3. *Reserve space change.* Subparagraph (1) of paragraph (a) of section 8 of NPA Order M-1 and paragraph (e) of section 8 of NPA Order M-1 (contained in said Amendment 1), among other things, require each producer to reserve an amount of space on his books until the commencement of the 15-day period immediately preceding the commencement of lead time for the particular product involved and during such 15-day period to accept orders with precedence given to the order first received. With respect to authorized controlled material orders (placed with fourth quarter allotments) bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, for controlled steel mill products having a normal lead time of 45 days, said 15-day period is eliminated for October 1952 deliveries and is changed to a 7-day period for November 1952 deliveries. Accordingly, such orders for October 1952 deliveries may be placed in the reserved space up to August 31, 1952, and for November 1952 deliveries up to September 8, 1952. With respect to authorized controlled material orders (placed with fourth quarter allotments) bearing a program identification consisting of the letter A, B, C, or E, and one digit (including the program identification B–5 where it appears as a suffix), or the program identification Z–2, for controlled steel mill products having a normal lead time of 75 days, said 15-day period is eliminated for November 1952 deliveries, and for orders bearing any one of the aforementioned program identifications for products having a normal lead time of 60 days, said 15-day period is changed to a 7-day period for November 1952 deliveries.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 6, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8783; Filed, Aug. 6, 1952; 10:14 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

CAUSE OF DEATH, PRINCIPAL OR CONTRIBUTORY

Section 4.19 is revised to read as follows:

§ 4.19 *Cause of death, principal or contributory*—(a) *Basic entitlement.* The death of a veteran will be considered as having been due to a service-connected disability when the evidence establishes that such disability was either the principal or a contributory cause of death.

(1) The service-connected disability will be considered as the principal (primary) cause of death when such disability, singly or jointly with some other condition, was the immediate or underlying cause of death or was etiologically related thereto.

(2) Contributory cause of death is inherently one not related to the principal cause. In determining whether the service-connected disability contributed to death, it must be shown that it contributed substantially or materially; that it combined to cause death; that it aided or lent assistance to the production of death. It is not sufficient to show that

it casually shared in producing death, but rather it must be shown that there was a causal connection.

(3) The issue involved will be determined by exercise of sound judgment, without recourse to speculation, after a careful analysis has been made of all the facts and circumstances surrounding the death of the veteran, including, particularly, autopsy reports. If additional evidence or clarification or amplification of evidence of record is considered necessary, full development will be accomplished. This may be done by field examination, if necessary.

(b) *Factors for consideration in contributory cause of death.* (1) Generally minor service-connected disabilities, particularly those of a static nature or not materially affecting a vital organ, would not usually be held to have contributed to death primarily due to unrelated disability. In the same category there would be included service-connected diseases or injuries of any evaluation (even though evaluated as 100 percent disabling) but of a quiescent or static nature involving muscular or skeletal functions and not materially affecting other vital body functions.

(2) Service-connected diseases or injuries involving active processes affecting vital organs should receive careful consideration as a contributory cause of death, the primary cause being unrelated, from the viewpoint of whether there were resulting debilitating effects and general impairment of health to an extent that would render the person materially less capable of resisting the effects of other disease or injury primarily causing death. Where debilitation flowing from service-connected disability is held to have materially contributed to death, the specific facts as to debilitation should be cited except where the service-connected condition affects vital organs as distinguished from muscular or skeletal functions and is evaluated as 100 percent disabling, when debilitation may be assumed.

(3) There are primary causes of death which by their very nature are so overwhelming that eventual death can be anticipated irrespective of coexisting conditions but even in such cases there is for consideration whether there may be a reasonable basis for holding that a service-connected condition was of sufficient severity as to have a material influence in accelerating death. In this situation, however, it would not generally be reasonable to hold that a service-connected condition accelerated death unless such condition affected a vital organ and was of itself of a progressive or debilitating nature.

(c) *Resolution of reasonable doubt.* When, after careful consideration of all procurable and assembled data, a reasonable doubt arises as to whether a service-connected disability was the principal or contributory cause of death, such doubt shall be resolved in favor of the claimant.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective August 7, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8718; Filed, Aug. 6, 1952; 8:56 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

PART 192—OIL AND GAS LEASES

OFFER TO LEASE AND ISSUANCE OF LEASE

The portion of paragraph 2 of the order dated June 16, 1952 (17 F. R. 5566) relating to paragraph (d) of § 192.42, Title 43, Code of Federal Regulations, is rescinded ab initio, in order to avoid any misunderstanding with respect to the continued effectiveness of paragraph (d) of § 192.42 as amended by the order dated June 17, 1952 (17 F. R. 5615).

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 1, 1952.

[F. R. Doc. 52-8621; Filed, Aug. 6, 1952; 8:46 a. m.]

[Circular 1829]

PART 192—OIL AND GAS LEASES

OFFER TO LEASE AND ISSUANCE OF LEASE

Section 192.42 is amended by adding at the end thereof a new paragraph, as follows:

§ 192.42 *Offer to lease and issuance of lease.* * * *

(m) No lease shall be issued before final action has been taken on (1) any prior offer to lease the land, (2) any subsequent offer to lease the land that is based upon an alleged preferential right, and (3) any petition for the renewal or reinstatement of an existing or former lease on the land. If a lease is issued before final action has been taken on such an offer or petition, it shall be canceled, after due notice to the lessee, if the offerer or petitioner is found to be qualified and entitled to receive a lease on the land.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

R. D. SEARLES,
Acting Secretary of the Interior.

JULY 31, 1952.

[F. R. Doc. 52-8620; Filed, Aug. 6, 1952; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

SUBPART—CRAB ORCHARD NATIONAL WILDLIFE REFUGE, ILLINOIS

HUNTING

Basis and purpose. On the basis of observations and reports of officials of the Fish and Wildlife Service, it has been determined that the squirrel population on certain portions of the Crab Orchard National Wildlife Refuge, Illinois, is sufficient so that their periodic removal by controlled hunting can be permitted. This action will not interfere with the primary purpose for which the refuge was established.

Inasmuch as the following regulations are relaxations of existing regulations applicable to the Crab Orchard National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.58 to 33.60, inclusive, are added:

Sec.
33.58 Hunting permitted.
33.59 Entry.
33.60 Special restrictions.

AUTHORITY: §§ 33.58 to 33.60 issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 33.58 *Hunting permitted.* Until further notice the controlled public hunting of squirrels is permitted on Area II of the Crab Orchard National Wildlife Refuge in accordance with State law and regulation, at such times and under such restrictions as are determined annually by the officer in charge of the Crab Orchard National Wildlife Refuge to be in accord with the proper management of wildlife on the refuge, subject to the provisions of Parts 18 and 21 of this chapter and of §§ 33.59 and 33.60.

§ 33.59 *Entry.* Entry on and use of the refuge for participation in the controlled squirrel hunt shall be in accordance with the regulations in Parts 18 and 21 of this chapter and such special requirements as may be issued pursuant to § 33.58, and strict compliance therewith is required.

§ 33.60 *Special restrictions.* The season may be suspended on all or parts of the refuge by the officer in charge when, in his judgment, such action is necessary for the protection of wildlife populations on the area, or for the carrying out of official operations in the area.

Dated: August 1, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-8615; Filed, Aug. 6, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 986]

HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SALABLE QUANTITY OF 1952 CROP HOPS

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to provisions of Marketing Agreement No. 107, as amended, and Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the issuance of such administrative rule consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington, D. C., and which are received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if such tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to provisions of the aforesaid amended agreement and amended order the Hop Control Board, the administrative agency thereunder, has transmitted to the Secretary of Agriculture its estimates relating to hop stocks and consumptive demand for hops, and has recommended that the salable quantity of 1952 crop hops be fixed at 39,200,000.

In arriving at the salable quantity which it has recommended the Board estimated consumptive demand for the 12 months beginning September 1, 1952, at 45,905,000 pounds, comprised of domestic usage for brewing, 35,805,000 pounds, other domestic usage, 600,000 pounds, and exports, 9,500,000 pounds. It estimated that hop stocks would decrease by 3,000,000 pounds during the period and that 1952 production in areas outside of the production area would be 105,000 pounds. The Board estimated that imports during the 12 months beginning September 1, 1952, would be 3,600,000 pounds which, subtracted from its estimate of consumptive demand, as adjusted for the estimated decrease in hop stocks and 1952 production outside of the production area, results in a quantity of 39,200,000 pounds, the salable quantity which the board recommends be supplied from 1952 crop hops produced in the production area.

On the basis of the foregoing data and of other pertinent data of hop supplies and usage, it is proposed to accept the Board's recommendation of the salable quantity of 1952 crop hops.

Therefore, such proposed administrative rule is as follows:

§ 986.204 *Salable quantity of 1952 crop hops.* The maximum quantity of hops produced during 1952 which may be handled in the form of hops and in the form of any hop product shall be 39,200,000 pounds (net dry weight).

Issued at Washington, D. C., this 1st day of August 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-8722; Filed, Aug. 6, 1952; 8:57 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

OVER-THE-TOP OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau has under consideration proposed amendments to Parts 40 and 61 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 22, 1952. Copies of such communications will be available after August 26, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

At the present time Part 61 of the Civil Air Regulations provides that scheduled air carrier aircraft may not fly lower than the pertinent minimum en route altitude for the route being traversed while on an instrument flight plan. Authority has been delegated to the Administrator to establish lower over-the-top minimum en route altitudes than those specified by him for regular instrument operations. This authority has not been exercised since it was believed that more than one published minimum en route altitude for a particular route segment would cause confusion and that a more realistic approach was required.

Authorization for such over-the-top operations requires consideration of several matters. It is considered that such an operation could be conducted in accordance with all the requirements of the instrument flight rules except that the airplane should be flown not less than 1,000 feet above the top of the cloud layer. Complete IFR instrumentation would be required, and alternate airport requirements and IFR gas loads would also have to be complied with. In addition, visibility at flight altitude should be unlimited, and there should be no clouds above the flight altitude.

Accordingly, it is proposed to amend Part 61 and the proposed revised Part 40 to allow scheduled air carriers to conduct over-the-top operations at altitudes below the approved minimum en route altitude for IFR operations, provided that (1) all other requirements for instrument flight are complied with, (2) the airplane be flown at an altitude at least 1,000 feet above the top of the clouds, and (3) the visibility at flight altitude be in excess of 15 miles and there be no other clouds above the top of the cloud deck over which the flight is conducted. In addition to these particular changes it may be necessary to amend the instrument approach provisions to conform to the procedures hereby authorized.

These amendments are proposed under the authority to Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: August 1, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director.

[F. R. Doc. 52-8720; Filed, Aug. 6, 1952; 8:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 440]

UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

PROVISION FOR UNCOLLECTIBLE ACCOUNTS

JULY 24, 1952.

Having under consideration provision which the accounting regulations should make for uncollectible accounts receivable, the Commission by Division 1 has approved modification of the text of account 412, Provision for Uncollectible Accounts, by adding the following as the second paragraph of that text:

This account shall also be charged with amounts determined to be uncollectible when no reserves are provided for doubtful accounts.

Any interested person may on or before August 29, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consider-

ation of representations so received, an order will be entered making the said modification effective October 1, 1952.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8702; Filed, Aug. 6, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF STATE

[Public Notice 113]

ORGANIZATION

TECHNICAL COOPERATION ADMINISTRATION

By virtue of authority vested in me by Executive Order 10159, dated September 8, 1950 (15 F. R. 6103), prescribed under authority of the Act for International Development (64 Stat. 204; 22 U. S. C. Supp. 1557-1557o), and in accordance with the requirements of section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), I hereby amend Public Notice 34 (15 F. R. 1461) by adding the following organizational unit:

TECHNICAL COOPERATION ADMINISTRATION

a. The Technical Cooperation Administration will be responsible, under the general direction of the Secretary of State, for administering the provisions of the Act for International Development, as amended.

b. The Administrator of the Technical Cooperation Administration shall, except as hereinafter provided, perform the functions and exercise those powers relating to the administration of the technical cooperation program vested in the President by the Act for International Development, as amended, and delegated to the Secretary of State. He shall be responsible for the planning, execution, and evaluation of all technical cooperation programs under this act.

c. The Administrator shall have authority to issue regulations governing the administration and operations of the technical cooperation programs. Existing regulations prescribed by the Administrator shall continue in effect until modified or superseded by regulations of the Administrator issued hereunder.

d. In each country in which United States technical cooperation programs are administered by the Technical Cooperation Administration, the Administrator shall appoint, with the concurrence of the regional bureau concerned, a country director for technical cooperation who will be responsible, under the general supervision of the chief of mission, for developing an integrated country program, directing program operations, and evaluating program results.

e. The chief of mission will be responsible for assuring that technical cooperation programs are developed and operated in accordance with, and contribute to, the furtherance of United States policies and objectives and shall accordingly review and approve proposed programs prior to submission to the Department.

f. The regional bureaus will provide policy guidance and participate in the formulation of criteria and assumptions for use in the development of country programs. The Technical Cooperation Administration will submit country programs and Point 4 agreements to be negotiated by chiefs of diplomatic missions with foreign governments to the regional bureaus for review and concurrence prior to approval by the Administrator to insure that the programs are in accordance with United States policies and objectives.

g. The Administrator shall be responsible for coordinating with and securing the advice, assistance, or concurrence, as appropriate, of the Bureaus of United Nations Affairs and Inter-American Affairs with respect to technical assistance programs of international organizations; the economic area with respect to overall economic development and financial policies; the intelligence area; and the administrative services and facilities of the Department. These units of the Department are hereby authorized and directed to provide such advice and assistance.

h. The Institute of Inter-American Affairs shall be administered as an integral part of the Technical Cooperation Administration as its regional office for the conduct of programs in the other American republics.

i. The Administrator shall have authority to arrange for the participation by other agencies of the Government of the United States and other public and private organizations in the administration of the Act for International Development, as amended. The Interdepartmental Advisory Council on Technical Cooperation shall continue to perform its function of advising the Administrator, who shall continue to serve as its chairman.

This notice shall be effective as of November 6, 1951, and as of that date shall supersede Public Notice 66, of November 27, 1950 (15 F. R. 8223).

[SEAL] DEAN ACHESON,
Secretary of State.

JULY 29, 1952.

[F. R. Doc. 52-8622; Filed, Aug. 6, 1952; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 62

AUGUST 1, 1952.

1. Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska, Land District:

BIG LAKE UNIT NO. 3

FOR LEASE AND SALE

For Cabin Sites

Seward Meridian:
T. 17 N., R. 4 W.
Sec. 25: Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 26.
Sec. 26: Lots 3, 4, 5, 6, 8, 9, 10, 11, 12, 16, 19, 20, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36.
Sec. 27: Lots 4, 6, 9, 13, 15, 17, 18, 19, 21, 22, 23, 24, 25, W½SE¼.
Sec. 34: Lots 2, 3, 4, 5, 6.
Sec. 35: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 19, 20, 21, 24, 28, 31, 32, 33, 34, 36, SW¼SW¼.

The above described lands comprise 110 tracts aggregating approximately 524.27 acres.

2. The lands are located along the shoreline of the western portion of Big Lake and three smaller lakes adjacent to Big Lake on the west and south. The area lies approximately 90 miles by automobile in a northerly direction from Anchorage via primary and secondary roads and is accessible throughout most of the year. Of the above tracts, 48 abut on Big Lake; 52 are one or two tiers removed from Big Lake; and the remainder abut on Mud Lake, Flat Lake, and a small unnamed lake to the south of Big Lake. Situated for the most part on well-drained minor uplands, the lands support a vegetative cover of mixed stands of birch, spruce, and aspen. Adequate water for domestic uses may be obtained from wells and sewage disposal may be made by the use of cesspools or privies. No public utilities are available in the area at the present time. The climate is a favorable combination of the temperate coastal climate of south central Alaska and the extreme continental climate of interior Alaska.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on August 21, 1952. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on August 21, 1952, to close of business November 19, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans and filed on August 1, 1952, or thereafter, up to and including 10:00 a. m. on August 21, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on November 20, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on October 31, 1952, or thereafter, up to and including 10:00 a. m. on November 20, 1952, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5, payable in advance for the entire lease period. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 1.5 to 7.5 acres, in accordance with the classification map on file in the Land Office, Anchorage, Alaska. The tracts, where possible, are made to conform in description with the rectangular system of survey, in compact units.

8. Lessees must locate any well or sewage disposal facility according to the regulations and laws of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, along section and/or quarter section lines and 33 feet in width along other tract boundaries, as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, county, or municipality, or any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-8617; Filed, Aug. 6, 1952; 8:46 a. m.]

Geological Survey

UTAH

NONCOAL CLASSIFICATION

Pursuant to authority vested in me by the Act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and to the provisions of applicable regulations (30 CFR Part 201), the following described land, insofar as title thereto remains in the United States, is hereby classified as noncoal land:

SALT LAKE MERIDIAN

T. 37 S., R. 14 W.
Secs. 1 to 20 inclusive;
Sec. 21, NE¼, N½NW¼, SW¼NW¼, S½;
Secs. 22 to 36, inclusive.

The area described aggregates 22,946 acres.

Dated: July 25, 1952.

JULIAN D. SEARS,
Acting Director.

[F. R. Doc. 52-8616; Filed, Aug. 6, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SALE OF MINERAL INTERESTS: DESIGNATION OF AREAS IN GEORGIA

Pursuant to the authority contained in sec. 3, 64 Stat. 769, the counties named below are designated as areas in which reserved mineral interests may be sold for their fair market value. Schedule A, entitled Fair Market Value Areas, accompanying the Secretary's order dated June 26, 1951 (16 F. R. 6318), is therefore amended as follows:

In Schedule A, under Georgia, in alphabetical order, add the counties of "Habersham, Lamar, Polk, Stephens and Telfair."

Done at Washington, D. C., this 5th day of August 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8794; Filed, Aug. 6, 1952; 11:26 a. m.]

Rural Electrification Administration

[Administrative Order 3702]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 35H Pend Oreille	$550,000

[SEAL] CHARLES U. SAMENOW,
Acting Administrator.

[F. R. Doc. 52-8635; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3703]

COLORADO

LOAN ANNOUNCEMENT

JUNE 9, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 14R Alamosa	$490,000

[SEAL] CHARLES U. SAMENOW,
Acting Administrator.

[F. R. Doc. 52-8636; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3704]

UTAH

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Utah 8U Duchesne	$425,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-8637; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3705]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 63E Hyde	$17,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8638; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3706]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 35X Warren	$75,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8639; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3707]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kentucky 34R Barren	$760,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8640; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3708]

ALLOCATION OF FUNDS FOR LOANS

JUNE 17, 1952.

I hereby amend:

(a) Administrative Order No. 250, dated May 20, 1938, by reducing the allocation of $3,000 therein made for "Indiana 8092W1 Jackson" by $78.58 so that the reduced allocation shall be $2,921.42; and

(b) Administrative Order No. 358, dated June 19, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by rescinding the allocation of $2,000 therein made for "Indiana 9-0092W2 Jackson".

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8641; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3709]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 14AD Aiken	$770,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8642; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3710]

WYOMING

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wyoming 11W Lincoln	$2,700,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8643; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3711]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Louisiana 15M Pointe Coupee	$119,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8644; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3712]

ALABAMA

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 39F Lamar	$50,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8645; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3713]

TEXAS

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 64W San Augustine	$210,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8646; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3714]

TEXAS

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 107W Martin	$625,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8647; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3715]

IOWA

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 83D Cedar Rapids	$250,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8648; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3716]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 51M Hoke	$100,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8649; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3717]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 51L Hoke	$570,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8650; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3718]

IOWA

LOAN ANNOUNCEMENT

JUNE 20, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 16L Monona	$190,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8651; Filed, Aug. 6, 1952; 8:49 a. m.]

No. 151——3

[Administrative Order 3719]

MONTANA

LOAN ANNOUNCEMENT

JUNE 20, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 34B Carter	$530,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8652; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3720]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 28N Pawnee	$675,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8653; Filed, Aug. 6, 1952; 8:49 a. m.]

[Administrative Order 3721]

COLORADO

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 17U Prowers	$2,275,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8654; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3722]

INDIANA

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 89R Harrison	$113,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8655; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3723]

TEXAS

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 118M Henderson	$190,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8656; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3724]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 44B Pennington	$43,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8657; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3725]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 28V Barton	$237,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8658; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3726]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 92M South Itasca	$212,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8659; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3727]

NEW JERSEY

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Jersey 6K Sussex	$120,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8660; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3728]

TEXAS

LOAN ANNOUNCEMENT

JUNE 27, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 119L Kimble	$40,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8661; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3729]

OHIO

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936 as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 56H Lorain	$205,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8662; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3730]

OREGON

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oregon 17R Douglas	$375,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8663; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3731]

TEXAS

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 55Y Floyd	$370,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8664; Filed, Aug. 6, 1952; 8:50 a. m.]

[Administrative Order 3732]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 37N Lincoln	$135,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8665; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3733]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 7M Lincoln	$330,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8666; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3734]

INDIANA

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Indiana 24M Carroll	$75,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8667; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3735]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 40U Brunswick	$775,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8668; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3736]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 77R Forsyth	$215,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8669; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3737]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 53R Eau Claire	$180,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8670; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3738]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 21H Taylor	$88,000

[SEAL] RIGGS SHEPPERD,
Acting Administrator.

[F. R. Doc. 52-8671; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3739]

IOWA

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 86A Rock Rapids	$503,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-8672; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order 3740]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 50C Santee	$4,618,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-8673; Filed, Aug. 6, 1952; 8:51 a. m.]

[Administrative Order T-147]

KANSAS

LOAN ANNOUNCEMENT

JUNE 7, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Reno Telephone Cooperative Association, Inc., Kansas 545-A	[1] $158,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 52-8674; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-148]

INDIANA

LOAN ANNOUNCEMENT

JUNE 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Eureka Telephone Co., Inc., Indiana 505-B	$370,000

[SEAL] CHARLES U. SAMENOW,
Acting Administrator.

[F. R. Doc. 52-8675; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-149]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Forest Hill Telephone Co., Inc., Louisiana 512-A	$123,000

[SEAL] CHARLES U. SAMENOW,
Acting Administrator.

[F. R. Doc. 52-8676; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-150]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 10, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Port Bryon Telephone Co., Illinois 508-A	[1] $172,000

[1] Simultaneous allocation and loan.

[SEAL] CHARLES U. SAMENOW,
Acting Administrator.

[F. R. Doc. 52-8677; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-151]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 17, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Nelson-Ball Ground Telephone Co., Georgia 517-B	$59,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-8678; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-152]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Admin-

istrator of the Rural Electrification Administration:

Loan designation:	Amount
Powells Telephone Co., Tennessee 502-B	$57,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8679; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-153]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Yorkville Mutual Telephone Co., Inc., Tennessee 513-B	$118,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8680; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-154]

TEXAS

LOAN ANNOUNCEMENT

JUNE 19, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
West Texas Rural Telephone Cooperative, Inc., Texas 507-B	$357,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8681; Filed, Aug. 6, 1952; 8:52 a. m.]

[Administrative Order T-155]

INDIANA

LOAN ANNOUNCEMENT

JUNE 20, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Hoosier Telephone Cooperative, Inc., Indiana 526-A	[1] $6,618,000

[1] Simultaneous allocation and loan.

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 52-8682; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-156]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 20, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Surry Telephone Membership Corporation, North Carolina 518-A	$595,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8683; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-157

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Marshall County Telephone Co., Minnesota 526-A	$982,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8684; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-158]

LOUISIANA

LOAN ANNOUNCEMENT

JUNE 23, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Reserve Telephone Co., Inc., Louisiana 503-A	$93,000

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8685; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-159]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 26, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Heins Telephone Co., North Caroline 520-A	[1] $985,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8686; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-160]

VIRGINIA

LOAN ANNOUNCEMENT

JUNE 28, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Merchants & Farmers Telephone Co., Virginia 507-A	[1] $274,000

[1] Simultaneous allocation and loan.

[SEAL] RIGGS SHEPPERD, *Acting Administrator.*

[F. R. Doc. 52-8687; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-161]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Roosevelt County Rural Telephone Cooperative, Inc., New Mexico 502-B	$249,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8688; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-162]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Danielsville & Comer Telephone Co., Georgia 501-B	$89,000

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8689; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-163]

TEXAS

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Brazos Telephone Cooperative, Inc., Texas 551-A	[1] $467,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8690; Filed, Aug. 6, 1952; 8:53 a. m.]

[Administrative Order T-164]

TEXAS

LOAN ANNOUNCEMENT

JUNE 30, 1952.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Peoples Telephone Cooperative, Inc., Texas 557-A	[1] $400,000

[1] Simultaneous allocation and loan.

[SEAL] WM. C. WISE, *Acting Administrator.*

[F. R. Doc. 52-8691; Filed, Aug. 6, 1952; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[General Order 8, Revised, Amdt. 2]

GO 8—ORGANIZATION FOR SALARY STABILIZATION

AUGUST 5, 1952.

The following sections of General Order No. 8, Revised, are hereby amended as follows:

1. In section 4 *Delegation of authority*, subsection .01 is deleted and the following subsection .01 is substituted:

.01 The functions delegated to the Economic Stabilization Administrator by the provisions of part IV of Executive Order 10161 of September 9, 1950, as amended, with respect to stabilization of salaries and other compensation of persons who are employed as outside salesmen or in bona fide executive, administrative, or professional capacities, as such terms are defined in the regulation issued in pursuance of Section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended, or as supervisors, as defined by the Labor Management Relations Act, 1947, as amended, except such persons who in their relationships with their employer are represented by duly recognized or certified labor organizations (or are employed in a unit appropriate for bargaining purposes which is represented by a duly recognized or certified labor organization authorized to represent them in their relationships with their employer with reference to their salaries or wages, hours and other conditions of employment), are hereby redelegated to the Salary Stabilization Board, subject to the supervision and direction of the Economic Stabilization Administrator, under the Defense Production Act, as amended.

2. In section 5, subsection .02 is deleted.

3. In section 6, subsection .02 is deleted.

ROGER L. PUTNAM, *Administrator.*

[F. R. Doc. 52-8770; Filed, Aug. 6, 1952; 10:00 a. m.]

[General Order 9, Amdt.]

GO 9—ORGANIZATION FOR RENT STABILIZATION

DELEGATION OF AUTHORITY TO DIRECTOR OF RENT STABILIZATION TO ISSUE REGULATIONS, INTERPRETATIONS, AND ORDERS TO CARRY OUT PROVISIONS OF DEFENSE PRODUCTION ACT RELATING TO HOUSING

Section 4 (a) of General Order No. 9, as amended, is amended by adding at the end thereof the following new sentence: "Effective July 1, 1952, the Director of Rent Stabilization is delegated all authority to issue regulations, interpretations and orders, and to do all things necessary to carry out the provisions of sections 407, 408 and 705 of the Defense Production Act of 1950, as amended, insofar as they relate to the Housing and Rent Act of 1947, as amended."

ROGER L. PUTNAM, *Administrator.*

JULY 31, 1952.

[F. R. Doc. 52-8751; Filed, Aug. 5, 1952; 4:00 p. m.]

Office of Price Stabilization

[Delegation of Authority 11, Revision 1, Amdt. 1]

DIRECTORS OF THE REGIONAL OFFICES

DELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISON 1

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131), Executive Order 10161 (15 F. R. 6105) and Economic Stabilization Agency General Order No. 5, Revised (16 F. R. 11875), this Amendment 1 to Delegation of Authority 11, Revision 1, is hereby issued.

Delegation of Authority 11, Revision 1, is amended by adding a new section 1 (g) to read as follows:

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 1 to Delegation of Authority 11, Revision 1, shall be effective August 5, 1952.

ELLIS ARNALL, *Director of Price Stabilization.*

AUGUST 5, 1952.

[F. R. Doc. 52-8738; Filed, Aug. 5, 1952; 11:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6369]

TENNESSEE VALLEY AUTHORITY ET AL.

NOTICE OF ORDER AMENDING SUPPLEMENTAL ORDER DETERMINING EMERGENCY AND GRANTING EXEMPTION FOR USE OF INTERCONNECTIONS

AUGUST 1, 1952.

In the matters of Tennessee Valley Authority, Atomic Energy Commission, The Cleveland Electric Illuminating Company, Columbus and Southern Ohio Electric Company, Duquesne Light Company, The Toledo Edison Company; Docket No. E-6369.

Notice is hereby given that, on July 30, 1952, the Federal Power Commission issued its order entered July 29, 1952, in the above entitled matters, amending supplemental order determining emergency and granting exemption for use of interconnections.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8624; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket No. G-1963]

EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

AUGUST 1, 1952.

Notice is hereby given that, on July 30, 1952, the Federal Power Commission issued its order, entered July 29, 1952, issuing certificate of public convenience and necessity, in the above entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8625; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket No. G-1999]

NEW YORK STATE ELECTRIC & GAS CORP.

NOTICE OF APPLICATION

JULY 31, 1952.

Take notice that New York State Electric & Gas Corporation (Applicant), a New York corporation having its principal office at 108 East Green Street, Ithaca, New York, filed on July 11, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a pipeline and appurtenant facilities for the transportation of natural gas as hereinafter described.

Applicant proposes to construct and operate a natural-gas pipeline approximately 49 miles in length, consisting of a 10-inch section approximately 25 miles in length extending from the point of interconnection with Applicant's supplier, New York State Natural Gas Corporation, in the Town of DeRuyter, New York, to the City of Norwich, New York, and from that point an 8-inch section approximately 24 miles in length extending to the City and Town of Oneonta, New York, together with appurtenant facilities, and to sell natural gas at retail to these communities wherein Applicant presently distributes and sells manufactured gas, as well as to the Towns of Butternuts, DeRuyter, Georgetown, Morris, New Berlin, North Norwich, Norwich, Otsego, Otselic, Plymouth and Smyra, all in the State of New York. Applicant estimates that the proposed pipeline will have an hourly capacity of 450 Mcf at 200 Psi inlet pressure and that the minimum daily requirements will vary from 300 Mcf in the first year of operation to 400 Mcf in the fifth year. Applicant estimates the cost of the pipeline together with related facilities at $1,732,000, and states that it will be financed in numerous ways as part of a large expansion program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8628; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket No. G-2000]

NEW YORK STATE ELECTRIC & GAS CORP.

NOTICE OF APPLICATION

JULY 31, 1952.

Take notice that New York State Electric & Gas Corporation (Applicant), a New York corporation having its principal office at 108 East Green Street, Ithaca, New York, filed on July 11, 1952, an application for a declaratory order pursuant to section 5 (d) of the Administrative Procedure Act for a determination of its status under sections 1 and 7 of the Natural Gas Act, and, in the event Applicant is found subject to said act, then for a certificate of public convenience and necessity pursuant to section 7 of said act and to the extent required by said act, authorizing the construction and operation of a pipeline, compressor stations, and appurtenant facilities, the continued operation of certain existing pipelines, compressor stations, and appurtenant facilities, and the transportation and sale of natural gas all as hereinafter described.

Applicant proposes to construct and operate the following facilities, all in the State of New York: A 10-inch pipeline approximately 9½ miles in length extending from Auburn to Seneca Falls and looping Applicant's existing pipeline between these points, two compressors at Auburn totaling 2200 horsepower, and appurtenant facilities. Applicant estimates that the expenditures involved will total $649,806, and states that this is part of a large expansion program in which numerous methods of financing will be employed. Applicant states that the purpose of these proposed facilities is to augment the supply of natural gas to various communities served by it on this system and that the additional volumes of gas needed will be obtained from its supplier, New York State Natural Gas Corporation, and that the additional volumes of gas will be sold at retail to customers in the communities, all in the State of New York, now served, namely: the Cities of Auburn and Geneva, the Villages of Cayuga, Clifton Springs, Lyons, Newark, Palmyra, Penn Yan, Phelps, Seneca Falls and Waterloo, and the Towns of Arcadia, Aurelius, Benton, Fayette, Geneva, Lyons, Manchester, Milo, Owasco, Palmyra, Phelps, Seneca Falls, Sennett and Waterloo, except for a sale for resale to the Rochester Gas and Electric Corporation.

Applicant lists its existing facilities herein involved as follows, all in the State of New York: A 10-inch pipe line from Auburn to Geneva, a 6-inch pipe line from Geneva to Penn Yan, a 10-inch pipe line from Geneva to Phelps, a 6-inch pipe line from Phelps to Clifton Springs and a connection with a pipe line owned and operated by Rochester Gas and Electric Corporation, an 8-inch pipe line from Phelps to Newark, 4 and 6-inch pipe lines from Newark to Lyons and Palmyra, an 850 horsepower compressor station at Geneva, an 800 horsepower compressor station at Auburn, and local distribution systems and other facilities; the total original cost of all these facilities is listed as approximately $5,526,000, of which approximately $1,257,000 is for transmission facilities including compressor stations.

In addition, Applicant requests that, irrespective of and pending final disposition herein of the application for a declaratory order, it be issued a temporary certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, for the construction and operation of the above described proposed additional facilities between Auburn and Seneca Falls.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8629; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket No. G-2002]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

JULY 31, 1952.

Take notice that on July 14, 1952, Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale and delivery of natural gas by Texas Eastern to the East Ohio Gas Company (East Ohio).

Texas Eastern states, in its application, that:

(1) On September 12, 1950, the Commission issued an order in Docket No. G-1409 authorizing Texas Eastern, inter alia, to sell and deliver natural gas, under its Rate Schedule TLS which was allowed to take effect by order issued November 3, 1950, to East Ohio up to a maximum quantity of 22,478,500 Mcf;

(2) The service agreement under which such natural gas is sold and delivered to East Ohio will terminate, by its terms, on November 1, 1952, or on the date Texas Eastern places in "full operation" certain natural-gas transmission facilities which it is now constructing from Kosciusko, Mississippi, to its existing compressor station No. 21, near Connelsville, Pennsylvania, whichever is earlier;

(3) Texas Eastern now believes that it will place said natural-gas facilities in "full operation" on or about August 15, 1952;

(4) Up to and including June 30, 1952, Texas Eastern had delivered 11,252,432 Mcf of natural gas to East Ohio under Rate Schedule TLS;

(5) On June 30, 1952, the total quantity of natural gas sold and delivered by Texas Eastern to East Ohio was 6,435,568 Mcf below the cumulative daily maximum quantities deliverable under its service agreement with East Ohio and Rate Schedule TLS;

(6) By August 15, 1952, the approximate date Texas Eastern expects its service agreement with East Ohio to terminate. Texas Eastern believes its total deliveries to East Ohio will be approximately 6,500,000 Mcf of natural gas below the total cumulative daily deliveries to East Ohio deliverable under said service agreement;

(7) East Ohio has advised Texas Eastern that it formulated its underground storage program with the understanding that the total quantity of natural gas deliverable under said service agreement would be delivered, and that the approximate deficiency of 6,500,000 Mcf of natural gas will "have a seriously adverse effect on its future ability to meet winter demands of its firm customers unless they are made up * * *";

(8) By adoption of its Rate Schedule X-32, jointly with Mississippi River Fuel Corporation (Mississippi), Texas Eastern has evidenced a willingness to transport natural gas to be sold and delivered by Mississippi to East Ohio, from Bald Knob, Arkansas, to the existing Mullet Farm, Ohio, delivery point, at which point Texas Eastern now delivers natural gas to East Ohio;

(9) The quantities of natural gas which Texas Eastern will transport for Mississippi, to East Ohio, cannot now be determined, but such quantities are likely to total less than 4,000,000 Mcf.

Therefore, Texas Eastern proposes to sell and deliver natural gas, to East Ohio on an interruptible basis, under the conditions of a proposed agreement, up to 6,500,000 Mcf, less the amount of natural gas which Texas Eastern shall transport and deliver to East Ohio for Mississippi. The maximum daily deliveries Texas Eastern proposes to make to East Ohio, when added to the daily deliveries it will make under said Rate Schedule X-32, will not exceed 50,000 Mcf on any one day, unless East Ohio consents to a greater quantity.

Texas Eastern proposes to make such deliveries of natural gas to East Ohio at the price currently in effect for such deliveries under said Rate Schedule TLS.

The proposed sales and deliveries of natural gas for which authority is sought herein will not involve the construction and operation of any additional natural-gas facilities.

The application is on file with the Commission, and is open for public inspection.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 20th day of August 1952.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8630; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket Nos. ID-1160, ID-1179]

H. A. KAMMER AND W. J. GLOVER

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

AUGUST 1, 1952.

Notice is hereby given that, on July 30, 1952, the Federal Power Commission issued its orders, entered July 29, 1952, authorizing applicants to hold certain positions, pursuant to section 305 (b) of the Federal Power Act, in the above entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8626; Filed, Aug. 6, 1952; 8:47 a. m.]

[Project No. 1419]

MARGARET E. VILLIGER

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

AUGUST 1, 1952.

Notice is hereby given that, on July 30, 1952, the Federal Power Commission issued its order, entered July 29, 1952, accepting surrender of license, in the above entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8627; Filed, Aug. 6, 1952; 8:47 a. m.]

[Docket No. G-2016]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

ORDER SUSPENDING PROPOSED RATE SCHEDULES

JULY 31, 1952.

On June 30, 1952, Southern Counties Gas Company of California (Southern) filed Second Revised Sheet No. 4 and Third Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of August 1, 1952.

Said revised sheets would result in an estimated increase of $495,000 in the presently effective rates and charges to the San Diego Gas and Electric Company, based on estimated sales for the twelve-month period ending July 31, 1953. This proposed increase is alleged to reflect a proposed increase in rates filed by El Paso Natural Gas Company which has been suspended by order of the Commission issued concurrently with this order.

The increased rates and charges provided in said proposed Second Revised Sheet No. 4 and Third Revised Sheet No. 5 as filed on June 30, 1952, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The California Public Utilities Commission and San Diego Gas and Electric Company, Southern's only interstate customer, have advised the Commission that they are not opposed to the passing on of the appropriate share of any increased cost of purchased gas which Southern may sustain as a result of El Paso's proposal to increase its rates and charges, but San Diego has requested that Southern's proposal be suspended in the event El Paso's proposed rate increase is suspended.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of said Second Revised Sheet No. 4 and Third Revised Sheet No. 5 to Southern's FPC Gas Tariff, Original Volume No. 1, and that said sheets and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Second Revised Sheet No. 4, and Third Revised Sheet No. 5 to Southern's FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, said Second Revised Sheet No. 4 and Third Revised Sheet No. 5 to Southern's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof is deferred until January 1, 1953, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(D) The effective date of this order shall be July 31, 1952.

Date of issuance: August 1, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8703; Filed, Aug. 6, 1952; 8:55 a. m.]

[Docket No. G-2017]

TEXAS GAS TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED RATE SCHEDULES

JULY 31, 1952.

On July 8, 1952, Texas Gas Transmission Corporation (Texas Gas) filed its FPC Gas Tariff, First Revised Volume No. 1, containing increased rates and charges which are proposed to be made effective as of August 8, 1952.

Said increased rates and charges would result in an estimated increase of $10,555,000 in the presently effective rates and charges, based on estimated sales for the twelve-month period ending July 31, 1953.

The proposed increase in rates and charges is, among other things, based on claimed increases in cost of gas purchased which may not be realized; upon a claimed rate of return of 6 percent for which no support is supplied; and upon the inclusion in the claimed rate base, to which the claimed rate of return of 6 percent is to be applied, of a working capital provision which disregards the availability of Federal income and other tax accruals for this purpose.

The increased rates and charges provided in said proposed FPC Gas Tariff, First Revised Volume No. 1, as filed on July 8, 1952, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to

aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Texas Gas' FPC Gas Tariff, First Revised Volume No. 1, and that said First Revised Volume No. 1 and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in the aforesaid Texas Gas' FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Texas Gas' FPC Gas Tariff, First Revised Volume No. 1, be and the same is hereby suspended and the use thereof is deferred until January 8, 1953, and until such further time thereafter as said proposed FPC Gas Tariff, First Revised Volume No. 1, may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided in §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(D) The effective date of this order shall be July 31, 1952.

Date of issuance: August 1, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8704; Filed, Aug. 6, 1952; 8:55 a. m.]

[Docket No. G-2018]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING RATE SCHEDULES

JULY 31, 1952.

On June 30, 1952, El Paso Natural Gas Company (El Paso) filed new rate schedules to its FPC Gas Tariff, Original Volume No. 1, to-wit: Fourth Revised Sheet No. 4 to supersede Third Revised Sheet No. 4 of Rate Schedule No. A-1; Fourth Revised Sheet No. 6 to supersede Third Revised Sheet No. 6 of Rate Schedule No. A-2; Third Revised Sheet No. 8 to supersede Second Revised Sheet No. 8 of Rate Schedule No. A-3; Sixth Revised Sheet No. 10 to supersede Fifth Revised Sheet No. 10 of Rate Schedule No. B-1; Fourth Revised Sheet No. 11 to supersede Third Revised Sheet No. 11 of Rate Schedule No. B-2; Original Sheet No. 11-A to supersede Fifth Revised Sheet No. 10 of Rate Schedule No. B-3; Fourth Revised Sheet No. 12 cancelling Rate Schedule No. B-P-1; Fourth Revised Sheet No. 13 to supersede Third Revised Sheet No. 13 of Rate Schedule No. B-P-2; Fourth Revised Sheet No. 14-A to supersede Third Revised Sheet No. 14-A of Rate Schedule B-P-3; Fourth Revised Sheet No. 15 to supersede Third Revised Sheet No. 15 of Rate Schedule No. C-1; Third Revised Sheet No. 17 cancelling Rate Schedule C-2; Fourth Revised Sheet No. 19 cancelling Rate Schedule C-3; Third Revised Sheet No. 19-A cancelling Rate Schedule C-4; Fourth Revised Sheet No. 22 cancelling Rate Schedule No. G-1; Fifth Revised Sheet No. 25 cancelling Rate Schedule No. G-2; and Original Sheets Nos. 27-B, 27-C, and 27-D of Rate Schedule G.

The proposed rates will affect 27 resale customers of El Paso and increase the cost of purchased gas on an overall basis by approximately $15,287,000 annually, based on anticipated sales for a 12 months' period, ending July 31, 1953. The cost data submitted in support of the increase in rates disclose that the proposed increase is based primarily on anticipated cost of natural gas to be purchased by El Paso which will not occur until 1953. Such increases in rates may not be justified.

The rates, charges, classifications, services, rules, regulations and practices as set forth in the aforesaid filing on June 30, 1952, by El Paso Natural Gas Company may be unjust, unreasonable, unduly discriminatory and preferential and place an undue burden upon the consumers of natural gas.

Unless suspended by order of the Commission, the aforesaid Original Sheets Nos. 11-A, 27-B, 27-C, and 27-D; Third Revised Sheets Nos. 8, 17, and 19-A; Fourth Revised Sheets Nos. 4, 6, 11, 19, and 22; Fifth Revised Sheet No. 25; and Sixth Revised Sheet No. 10 will become effective as of August 1, 1952, pursuant to the provisions of the Natural Gas Act and the General Rules and Regulations thereunder.

The Fourth Revised Sheets Nos. 12, 13, 14-A, and 15, included in the aforesaid filing, relate to the sale of natural gas for resale for industrial use only and thus are not subject to suspension by the Commission.

Certain of El Paso's customers and the New Mexico Public Service Commission have requested a hearing concerning the lawfulness of the proposed increase in rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to authority contained in sections 4 and 5 of the Natural Gas Act concerning the lawfulness of the above filing on June 30, 1952, to El Paso's FPC Gas Tariff, Original Volume No. 1; and such rate schedules, save and except said Fourth Revised Sheets Nos. 12, 13, 14-A, and 15, should be suspended as hereinafter provided and use thereof deferred, pending hearing and decision herein.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 5 of the Natural Gas Act, a public hearing be held on a date to be fixed by further order of the Commission in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, and the rules, regulations, and practices relating thereto, subject to the jurisdiction of the Commission, set forth in the aforesaid rate filing by El Paso on June 30, 1952.

(B) If, after hearing, the Commission shall find that any rate, charge, classification, service, rule, regulation, or practice set forth in the aforesaid tariff sheets, filed on June 30, 1952, by El Paso, is unjust, unreasonable, unduly discriminatory or preferential, it will determine and fix by appropriate order just, reasonable and non-discriminatory rates, charges, classifications, services, rules, regulations and practices to be thereafter observed and in force.

(C) Pending such hearing and decision thereon, the aforesaid tariff sheets, save and except Fourth Revised Sheets Nos. 12, 13, 14-A and 15, filed on June 30, 1952, by El Paso, be and they hereby are suspended as provided in section 4 (e) of the Natural Gas Act, and the use of such sheets is deferred until January 1, 1953, and until such further time thereafter as said sheets shall be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State Commission may participate as provided by 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

(E) The effective date of this order shall be July 31, 1952.

Date of issuance: August 1, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8705; Filed, Aug. 6, 1952; 8:55 a. m.]

[Docket No. G-2019]

UNITED GAS PIPE LINE CO.

ORDER ALLOWING CONVERSION TARIFF TO BECOME EFFECTIVE, IN PART, SUSPENDING CONVERSION TARIFF, IN PART, AND SUSPENDING NOTICES OF CANCELLATION

JULY 31, 1952.

On July 3, 1952, United Gas Pipe Line Company (United) filed its proposed conversion tariff, which, unless suspended, will become effective August 3, 1952, and will result in an increase of approximately $9,500,000 to five natural-gas pipe-line companies, based upon United's estimated sales for the twelve-month period ending April 30, 1953. The proposed conversion tariff is designated United Gas Pipe Line Company's FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2.

Concurrently with its filing of July 3, 1952, and subsequently on July 11, 1952, United submitted proposed notices of cancellation of rate schedules on file with the Commission covering, in whole or in part, sales of natural gas which United alleges are no longer in interstate commerce and subject to the jurisdiction of the Commission, or have never been subject to the jurisdiction of the Commission because they do not involve sales of gas in interstate commerce. The proposed notices of cancellation are set forth in Appendix A hereof.

Included in the proposed notices of cancellation is a notice of cancellation purporting to cancel, in part, Rate Schedule FPC No. 73, which covers the sale of natural gas by United to Willmut Gas & Oil Company (Willmut), a distributor of natural gas in Mississippi. Willmut objects to such proposed cancellation asserting that the question of the jurisdiction of the Commission over all of United's sales to Willmut are at issue in the complaint proceeding entitled In the Matter of Willmut Gas & Oil Company, et al. v. United Gas Pipe Line Company at Docket No. G-1158, in which proceeding hearings have been held, briefs have been filed, and the matter is now pending before the Presiding Examiner for initial decision.

By its proposed conversion tariff and proposed notices of cancellation United proposes to supersede all of the rate schedules it has on file with the Commission.

The principal changes which would be effected by the proposed conversion tariff for city-gate sales are the establishment of specific rates for industrial gas in lieu of the existing revenue-sharing arrangements, a changeover from all-requirement service to specific volumetric obligations upon execution of new service agreements, the elimination of tax adjustment clauses and provisions relating to negotiation of changes in rates, standardization of measurement bases and billing practices, and minimum heat content guarantee.

The proposed conversion tariff respecting sales to and services for United's pipeline customers involves (a) restatements of two rate schedules as Rate Schedules PL-1 and PL-2 without change, (b) proposed substantial increases in rates for other sales under the conversion tariff Rate Schedule PL-3, and (c) proposed substantial increases in rates for transportation services under the conversion tariff Rate Schedules T-1, T-2, and T-3. The increases in rates approximate $9,500,000 under the proposed conversion tariff Rate Schedules PL-3, T-1, T-2, and T-3.

United also requests permission, pursuant to § 154.52 of the regulations under the Natural Gas Act (18 CFR 154.52), to file the transportation contract with Mississippi River Fuel Corporation and three exchange service arrangements, now rendered under letter agreements, as special rate schedules to be contained in Original Volume No. 2. No changes are proposed in these arrangements.

In addition, United filed, pursuant to § 154.85 of the regulations under the Natural Gas Act (18 CFR 154.85), statements of the presently effective rate schedules, identifying the contract provisions which are not superseded by or in conflict with other applicable provisions of the rate schedules and the General Terms and Conditions of the proposed tariff and which are to remain in effect.

United asserts that increased rates are necessary because of the impact of the general trend of increasing costs, including the cost of purchased gas, the Texas gas gathering tax, proposed payroll increases, and pension costs for past service benefits.

In addition to adjustments to book costs for the foregoing, United's claimed costs of service are premised on a rate base including the total amounts in its Gas Plant Acquisition Adjustment account which, in whole or in part, may be improper for this purpose; and amounts for working capital which have been computed without regard to the availability of Federal and other tax accruals for such purpose. United also claims a rate of return of 6½ percent without submitting financial facts in support thereof, income taxes associated with such rate of return, and the expense of amortizing the total amounts in the aforesaid Gas Plant Acquisition Adjustment account on an accelerated basis.

It appears, therefore, that for these reasons, among others, the proposed increase in rates and charges as contained in proposed Rate Schedules PL-3, T-1, T-2, and T-3 and changes in conversion tariff provisions relating thereto may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful, and may place an undue burden upon ultimate consumers of natural gas.

All of United's customers, as well as interested regulatory agencies, were invited to submit comments with respect to the application for the proposed changes in rates. Comments have been received from the five pipeline customers, seven city-gate customers, and two State commissions. Generally, the customers and State commissions object to the proposed increase, or assert they are unable to determine that the proposed increase is justified, or request that the Commission suspend the proposed conversion tariff.

The Commission finds:

(1) It is necessary or appropriate to carry out the provisions of the Natural Gas Act and to aid in the enforcement thereof in the public interest, that the Commission enter upon a hearing pursuant to the authority contained in section 4 (e) thereof, concerning the lawfulness of the proposed rates, charges, classifications or services contained in Rate Schedules PL-3, T-1, T-2, and T-3 as set forth in United's proposed conversion tariff together with the applicable General Terms and Conditions and pre-existing contract statements pertinent thereto; and concerning the lawfulness of the proposed notices of cancellation set forth in Appendix A hereof and, pending hearing and decision thereon, that the operation of United's proposed Rate Schedules PL-3, T-1, T-2, and T-3 together with the applicable General Terms and Conditions and pre-existing contract statements pertinent thereto; and United's proposed notices of cancellation as set forth in Appendix A hereof be suspended and the use thereof deferred as provided by the Natural Gas Act. In all other respects it is appropriate to permit United's FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2, including the applicable General Terms and Conditions together with the pre-existing contract statements pertinent thereto, to become effective as of August 3, 1952.

(2) Good cause has been shown to permit the filing of the special operating arrangements set forth in Original Volume No. 2 as special rate schedules pursuant to the provisions of § 154.52 of the Commission's regulations under the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place and at a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, classifications or services, subject to the jurisdiction of the Commission, as set forth in proposed Rate Schedules PL-3, T-1, T-2, and T-3 of United Gas Pipe Line Company's proposed FPC Gas Tariff, Original Volume No. 1, including the applicable General Terms and Conditions together with the pre-existing contract statements pertinent thereto; and concerning the lawfulness of the proposed notices of cancellation set forth in Appendix A hereof.

(B) Pending such hearing and decision thereon, United Gas Pipe Line Company's proposed Rate Schedules PL-3, T-1, T-2, and T-3 as set forth in United Gas Pipe Line Company's proposed FPC Gas Tariff, Original Volume No. 1, including the applicable General Terms and Conditions together with the pre-existing contract statements pertinent thereto; and United Gas Pipe Line Company's proposed notices of cancellation set forth in Appendix A hereof, be and the same are hereby suspended and their use deferred until January 3, 1953, and until such further time as such proposed rate schedules, applicable General Terms and Conditions together with the pre-existing contract statements pertinent thereto, and proposed notices of cancellation may be made effective in the manner prescribed by the Natural Gas Act.

(C) In all other respects, United Gas Pipe Line Company's proposed FPC Gas Tariff, Original Volume No. 1 and Original Volume No. 2, including the applicable General Terms and Conditions together with the pre-existing contract statements pertinent thereto, be and they are hereby allowed to become effective as of August 3, 1952.

(D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 of the Natural Gas Act, particularly subsections (b) and (c) thereof; nor shall it be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such services or rates provided for in the above-described tariff, the applicable General Terms and Conditions together with pre-existing contract statements pertinent thereto; nor shall it be deemed as recognition of any claimed contractual right or obligation affecting or relating to such services or rates.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in Docket No. G-1142, Docket No. G-1158, and in any proceeding now pending, or hereafter instituted, by or against United Gas Pipe Line Company.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.37 (f)) of the Commission's rules of practice and procedure.

(G) The effective date of this order shall be July 31, 1952.

Date of issuance: August 1, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

APPENDIX A

UNITED GAS PIPE LINE COMPANY

Proposed Notices of Cancellation Filed July 3, 1952

Name of customer	Supplement No.	To rate schedule
Palestine Light, Heat & Power Co	7	2
Louisiana Power & Light Co	7	17
New Orleans Public Service, Inc	9	18
United Gas Corp	4	26
Town of Abita Springs, La	1	31
Village of Delcambre, La	2	51
Town of Glenmora, La	3	52
City of Kaplan, La	2	53
Louisiana Public Utilities Co., Inc	6	54
Village of Sunset, La	2	55
Town of Baldwin, La	2	57
Town of Scott, La	2	58
Louisiana Power & Light Co	4	62
Town of Breaux Bridge, La	2	63
Arkansas Louisiana Gas Co	2	69
Hattiesburg Gas Co	2	71
Interstate Natural Gas Co	1	74
LaPlace Gas & Fuel Co., Inc	1	79
Reserve Public Utilities Corp	1	80
Village of Gonzales, La	1	81
Norco Gas & Fuel Co., Inc	2	82
Joseph Hotard	1	83
Town of Denham Springs, La	1	84
Suburban Utilities, Inc	1	85
Gulf South Utilities, Inc	1	89
United Gas Corp	13	[1] 27
Do	16	[1] 28
Do	16	[1] 29
Do	8	[1] 34
Do	11	[1] 37
Do	10	[1] 56
Willimut Gas & Oil Co	7	[1] 73
Louisiana Power & Light Co	4	[1] 96
Do	1	[1] 122

[1] Canceled in part.
[2] This notice was filed on July 11, 1952.

[F. R. Doc. 52-8706; Filed, Aug. 6, 1952; 8:55 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING DIRECTOR, DIVISION OF SLUM CLEARANCE AND URBAN REDEVELOPMENT

ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

I hereby designate and appoint, subject to the provisions hereof, an Acting Director of the Division of Slum Clearance and Urban Redevelopment, Office of the Administrator, Housing and Home Finance Agency. In the event the Director of the Division is unable to act as Director due to his absence, illness or other cause, or in the event of a vacancy in that office, the Deputy Director of the Division shall be the Acting Director and shall serve in the place and stead of the Director; and in the event the Director and the Deputy Director are unable to act because of any such reason, the Chief, Planning and Engineering Branch in such Division shall be the Acting Director and shall serve in the place and stead of the Director.

While serving in such capacity, the Acting Director shall exercise the powers and functions and assume the duties and responsibilities of the Director.

All designations of an Acting Director and delegations of authority to him heretofore made by the Director of the Division of Slum Clearance and Urban Redevelopment are hereby ratified and approved; and all official acts and things performed pursuant to such designations and delegations of authority are hereby ratified, confirmed and approved in all respects to the same extent as if such acts were performed by the Director of the Division of Slum Clearance and Urban Redevelopment.

This order supersedes the order effective May 12, 1951 (16 F. R. 4477) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1268, 1283-85 (1948), 12 U. S. C. 1701c (Supp. 1949), as amended by Pub. Law 475, 81st Cong., 2d Sess., sec. 503 (April 20, 1950); 63 Stat. 413, 417 (1949), 42 U. S. C. 1456 (Supp. 1949); 63 Stat. 440 (1949), 12 U. S. C. 1701d-1 (Supp. 1949))

Effective the 4th day of August 1952.

RAYMOND M. FOLEY, *Housing and Home Finance Administrator.*

[F. R. Doc. 52-8716; Filed, Aug. 6, 1952; 8:56 a. m.]

INTERNATIONAL JOINT COMMISSION

[Docket No. 68]

UNITED STATES AND CANADA

APPLICATIONS FOR APPROVAL OF CONSTRUCTION AND OPERATION OF CERTAIN WORK FOR DEVELOPMENT OF POWER IN INTERNATIONAL RAPIDS SECTION OF THE ST. LAWRENCE RIVER

AUGUST 1, 1952.

Public notice. In the matter of the applications of the Governments of the United States and Canada for approval of the construction and operation of certain works for the development of power in the International Rapids Section of the St. Lawrence River, notice is hereby given that under the provisions of section 10 of the Commission's rules of procedure, the Chairmen of the Commission have determined that statements in response to said applications may be filed with the International Joint Commission, or with the consent of either Government, by interested parties at any time up to and including August 18, 1952.

The statements in response of interested parties in the United States should be forwarded to the Secretary, United States Section, International Joint Commission, Washington 25, D. C. Fifty copies of such statements are required.

JESSE B. ELLIS, *Secretary, United States Section, International Joint Commission, Washington, D. C.*
E. M. SUTHERLAND, *Secretary, Canadian Section, International Joint Commission, Ottawa, Canada.*

[F. R. Doc. 52-8740; Filed, Aug. 6, 1952; 8:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2909]

SOUTHERN NATURAL GAS CO.

NOTICE OF PROPOSED INCREASE IN AUTHORIZED COMMON STOCK AND PARTIAL DISTRIBUTION THEREOF TO COMMON STOCKHOLDERS

AUGUST 1, 1952.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Southern proposes at a special meeting of its stockholders to be held on or about August 29, 1952 to submit for their approval a proposal to amend the charter of Southern so as to increase the number of authorized shares of capital stock from 2,000,000 shares of the par value of $7.50 per share to 4,000,000 shares of the par value of $7.50 per share.

If the increase in authorized capital stock is approved by the stockholders Southern intends to issue to its stockholders one additional share of common stock, par value $7.50 per share, for each share of such stock held by them. The proposed transaction would result in doubling the number of shares held by each stockholder without any change in the par value (i. e., $7.50) of each share. The number of issued shares would thus be increased from 1,711,005 to 3,422,010. The Common Stock Capital account would be increased by an amount equal to the aggregate par value ($12,832,537.50) of the additional shares issued, and this would be effected by a transfer to capital account of $9,075,754.05 from premium on common stock account, of $1,237,573.08 from capital surplus account, and the balance, $2,519,210.37, from earned surplus account.

Notice is further given that any interested person may, not later than August 25, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-8632; Filed, Aug. 6, 1952; 8:48 a. m.]

[File No. 811-441]

F. L. ANDREWS INVESTMENT TRUST

NOTICE OF APPLICATION

JULY 31, 1952.

Notice is hereby given that an application pursuant to section 8 (f) of the Investment Company Act of 1940 (the act), for an order of the Commission declaring that F. L. Andrews Investment Trust (the Trust) has ceased to be an investment company within the meaning of said act, has been filed on behalf of the Trust by Reuben L. Lurie, Receiver of said Trust.

F. L. Andrews Investment Trust formerly of Fall River, Massachusetts, is registered under said act as a closed-end, non-diversified, management company. In proceedings commenced in the District Court of the United States for the District of Massachusetts by this Commission against said Trust and Alan H. Andrews, Civil Action File No. 8845, said Court ordered said Trust into receivership and on November 30, 1949, said Court appointed Reuben L. Lurie as Receiver. The Commission has been advised that the Trust has been completely liquidated, that all assets of the Trust have been distributed to creditors and stockholders whose claims were allowed, that no further assets of the Trust remain to be accounted for, that said Receiver's final report to said Court has been allowed and accepted, and that said receivership has been terminated and the Receiver discharged.

All interested persons are referred to said application which is on file at the Washington, D. C. offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after August 18, 1952 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under said act. Any interested person may, not later than August 15, 1952, at 5:30 p. m., e. d. s. t., submit to the Commission in writing his views or any additional facts bearing upon said application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8633; Filed, Aug. 6, 1952; 8:48 a. m.]

BOSTON STOCK EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission today announced that it had declared effective a Plan filed on June 30, 1952, by the Boston Stock Exchange pursuant to § 240.17a-6 (Rule X-17A-6) under the Securities Exchange Act of 1934, for the disposal of all applications, reports and documents filed with that Exchange prior to January 1, 1947, pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934, or any rule or regulation promulgated by the Commission pursuant to any of such sections; except that the Exchange proposes to keep on file for an indefinite period the original applications for registration under the Securities Exchange Act of 1934. The Exchange intends to commence disposing of the specified material as soon as practicable. The Plan also contemplates that thereafter, as soon as practicable after January 1st of each year, regular disposition will be made of similar material which has been on file with the Exchange more than five years. Notice of the Commission's proposal to declare the Plan effective was published for comment in Securities Exchange Act Release 4725.

The purpose of the Plan is to alleviate the record storage problem of the Exchange and to facilitate the availability of material filed with the Exchange within five years. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a) and 24 (b) thereof and § 240.17a-6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Plan filed on June 30, 1952, by the Boston Stock Exchange pursuant to § 240.17a-6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days' written notice to the Boston Stock Exchange.

The Commission finds that § 240.17a-6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action may be and is hereby declared to be effective July 31, 1952.

By the Commission.

ORVAL L. DUBOIS, *Secretary.*

JULY 30, 1952.

[F. R. Doc. 52-8631; Filed, Aug. 6, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27274]

SCRAP IRON AND STEEL FROM CHICAGO, ILL., TO HAMILTON, ONT.

APPLICATION FOR RELIEF

AUGUST 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for the Detroit, Toledo and Ironton Railroad Company and other carriers.

Commodities involved: Scrap iron or steel, carloads.

From: Chicago, Ill.

To: Hamilton, Ontario.

Grounds for relief: Circuitous routes, competition with water carriers, and additional routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8698; Filed, Aug. 6, 1952; 8:54 a. m.]

[4th Sec. Application 27275]

MACHINERY FROM NASHVILLE, TENN., TO GULF PORTS

APPLICATION FOR RELIEF

AUGUST 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1254, pursuant to fourth-section order No. 15101.

Commodities involved: Machinery and machines, carloads.

From: Nashville, Tenn.

To: New Orleans, La., Gulfport, Miss., Mobile, Ala., Pensacola and Panama City, Fla.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8699; Filed, Aug. 6, 1952; 8:54 a. m.]

[4th Sec. Application 27276]

ANIMAL TALLOW FROM FORT WORTH AND DALLAS, TEX., TO GOOD HOPE, LA.

APPLICATION FOR RELIEF

AUGUST 4, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to his tariff I. C. C. No. 758.

Commodities involved: Inedible animal tallow, in tank-car loads.

From: Fort Worth and Dallas, Tex.

To: Good Hope, La. (for export).

Grounds for relief: Competition with rail carriers and to maintain port rate relations.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 758, Supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8700; Filed, Aug. 6, 1952; 8:54 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 3, Amdt. 1]

ANN ARBOR RAILROAD CO. ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 3 and good cause appearing therefor:

It is ordered, That:

Taylor's I. C. C. Order No. 3 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., August 31, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., August 3, 1952; and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 1, 1952.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 52-8701; Filed, Aug. 6, 1952; 8:54 a. m.]

[Drouth Order 46]

HAY FROM OFFICIAL TERRITORY TO DESIGNATED STATES

REDUCED RATES TO DISASTER AREAS

AUGUST 4, 1952.

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that by reason of a prolonged drouth the Acting Secretary, Department of Agriculture, pursuant to the authority vested in him by Public Law No. 38, 81st Congress, has designated the following States as a disaster area:

Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, South Carolina, Tennessee.

and has requested this Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay, in carloads, at reduced rates from points in Official territory and Western Trunk-Line territory, as hereinafter defined, to points in said disaster area;

It is ordered, That carriers by railroad participating in the transportation of hay, in carloads, from points in Official territory (as defined in the Eastern Class-Rate Investigation, 164 ICC 314) and Western Trunk-Line territory (as defined in Western Trunk-Line Class Rates, 164 ICC 1) to points in the States designated in the preceding paragraph hereof be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and to maintain until December 31, 1952, reduced rates for the transportation of hay, in carloads, from points in Official territory and Western Trunk-Line territory to points in the designated States, such rates to be established by publication and filing in the manner provided in section 6 of the Interstate Commerce Act except that the rates may be made effective one day after publication and filing instead of thirty.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as shippers and consignees of carloads of hay for feeding to livestock in the designated disaster area.

It is further ordered, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate designations outside of the disaster area and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association—Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, and to the Traffic Vice-President of the Association of American Railroads, Washington, D. C.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8719; Filed, Aug. 6, 1952; 8:56 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18970]

N. V. SOENDA HANDEL MAATSCHAPPIJ

In re: Debts owing to N. V. Soenda Handel Maatschappij. F-49-811.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.: 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are listed below:

Name and Address

H. C. Meyer, Sr., Harburg, Germany;
Mrs. O. Sellschap-Meyer, Harburg, Germany;
Mrs. K. von Lovinius-Meyer, Berlin, Germany;

on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees of H. C. Meyer, Jr., deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That N. V. Soenda Handel Maatschappij, the last known address of which is Laan Copes Van Cattenburch 58, The Hague, The Netherlands, is a corporation organized under the laws of the Netherlands which on or since December 11, 1941 and prior to January 1, 1947 has been, controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by the aforesaid H. C. Meyer, Sr., Mrs. O. Sellschap-Meyer, Mrs. K. von Lovinius-Meyer and the personal representatives, heirs, next of kin, legatees and distributees of H. C. Meyer, Jr., deceased, and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

4. That the property described as follows:

a. That certain debt or other obligation of the Hudson Trust Company, 51 Newark Street, Hoboken, New Jersey, arising out of a blocked account in the name of Soenda Trading Corporation, maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the J. Henry Schroder Banking Corporation, 57 Broadway, New York 15, New York, arising out of a current account in the name of N. V. Soenda Handel Maatschappij, maintained with the aforesaid corporation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by N. V. Soenda Handel Maatschappij, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That N. V. Soenda Handel Maatschappij is, and prior to January 1, 1947 was, controlled by or acting for or on behalf of a designated enemy country (Germany), or persons within such country and is, and prior to January 1, 1947 was, a national of a designated enemy country (Germany);

6. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2 and 3 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-8601; Filed, Aug. 5, 1952; 8:52 a. m.]

[Vesting Order 500A-298]

CERTAIN GERMAN NATIONALS

In re: Copyrights.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Congress, 65 Stat. 451, Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR 1945, Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) named in Column 4 of Exhibit A, attached hereto and made a part hereof, and whose last known addresses are listed in said Exhibit A as being in a foreign country (Germany), on or since December 11, 1941, and prior to January 1, 1947, were residents of, or organized under the laws of, and had their principal places of business in, such foreign country and are, and prior to January 1, 1947, were, nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons named in Column 4 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this order including said Exhibit A, who, on or since December 11, 1941, and prior to January 1, 1947, were citizens and residents of, or which on or since December 11, 1941, and prior to January 1, 1947, were organized under the laws of or had their principal places of business in, Germany, and are, and prior to January 1, 1947, were, nationals of such foreign country, in, to, and under the following:

a. The literary property in the works described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is and prior to January 1, 1947, was property of, and property payable or held with respect to copyrights or rights related thereto in which interests are and prior to January 1, 1947, were held by, and such property itself constitutes interests which are and prior to January 1, 1947, were held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 18, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

EXHIBIT A

Column 1 Copyright No.	Column 2 Title of work	Column 3 Name of author	Column 4 Name and last known address of owner
Unknown.....	Das Leben.....	Dr. Herbert Michael....	Verlag von Georg Dollheimer Leipzig, Germany.

[F. R. Doc. 52–8605; Filed, Aug. 5, 1952; 8:52 a. m.]

[Vesting Order 18972]

MORTON H. MEINHARD

In re: Trust under the will of Morton H. Meinhard, deceased. File No. D 28–13118.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Martha Zimmerman (Designated in the Will as "Martha Kreiger"), whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the trust created under the Will of Morton H. Meinhard, deceased, which is in the process of administration by Edward F. Addiss, Benjamin J. Buttenwiesser, Fred Meissner and the United States Trust Company of New York, as trustees, acting under the judicial supervision of the Surrogate's Court of the County of New York, New York, is property which is, and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that such a person be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 4, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52–8717; Filed, Aug. 6, 1952; 8:56 a. m.]

rence Room

FEDERAL REGISTER

VOLUME 17 NUMBER 155

Washington, Friday, August 8, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10381

AMENDMENT OF EXECUTIVE ORDER No. 9805,[1] PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

By virtue of the authority vested in me by the act of August 2, 1946, ch. 744, 60 Stat. 806, it is ordered that section 21 of Executive Order No. 9805 of November 25, 1946, prescribing regulations governing payment of travel and transportation expenses of civilian officers and employees of the United States when transferred from one official station to another for permanent duty, be, and it is hereby, amended to read as follows:

"SEC. 21. *Means of shipment.* Transportation services, including allowances specified in sections 18 and 19 hereof, may be procured by the agency concerned from any available common carrier: *Provided, however,* that an employee may elect to have his effects moved by some means other than the means selected by the Government on the condition that he shall pay the amount, if any, by which the charges for the means of transportation selected by him exceed the charges for the means of transportation selected by the Government."

HARRY S. TRUMAN

THE WHITE HOUSE,
August 6, 1952.

[F. R. Doc. 52-8863; Filed, Aug. 7, 1952; 10:13 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—GYPSY MOTH AND BROWN-TAIL MOTH

MISCELLANEOUS AMENDMENTS

On July 1, 1952, there was published in the FEDERAL REGISTER (17 F. R. 5913) a notice of proposed rule making concerning amendments of §§ 301.45, 301.45–1 (e), 301.45–2, 301.45–3 (b), 301.45–4 (c), 301.45–5, 301.45–7, and 301.45–8 of Notice of Gypsy Moth and Brown-Tail Moth Quarantine No. 45 and regulations supplemental thereto (7 CFR 301.45 et seq.). After due consideration of relevant matters presented, and pursuant to section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture hereby amends said §§ 301.45, 301.45–1 (e), 301.45–2, 301.45–3 (b), 301.45–4 (c), 301.45–5, 301.45–7, and 301.45–8 to read, respectively, as follows:

§ 301.45 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended, and having held the public hearing required thereunder, the Secretary of Agriculture quarantines the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905, the Secretary of Agriculture prescribes regulations to prevent further spread of the gypsy moth (Porthetria dispar L.) and the brown-tail moth (Nygmia phaeorrhoea Donov.), injurious insects of foreign origin not widely distributed within and throughout the United States. Hereafter the following articles shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed herein or in the regulations supplemental hereto, viz: (a) Live gypsy moths or brown-tail moths in any stage of development; (b) timber and timber products; (c) plants having persistent woody stems and parts thereof, including Christmas trees; (d) stone and quarry products; and (e) any other commodities or articles when found on inspection to be infested with the aforesaid insects in any of their stages: *Provided,* That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, within the quarantined

(Continued on p. 7207)

[1] 11 F. R. 13823; 3 CFR 1946 Supp.

CONTENTS

THE PRESIDENT

Executive Order — Page

Amendment of Executive Order No. 9805, prescribing regulations governing payment of certain travel and transportation expenses — 7205

EXECUTIVE AGENCIES

Agriculture Department

See Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Civil Aeronautics Board

Notices:
- Hearings, etc.:
  - Braniff Airways, Inc — 7255
  - Pan American-Grace Airways, Inc — 7255

Rules and regulations:
- Classification and exemption of air taxi operators; temporary exemption from limitation on scope of service; correction — 7209
- Operations pursuant to exemption authority; correction — 7209

Economic Stabilization Agency

See also Price Stabilization, Office of; Rent Stabilization, Office of; Wage Stabilization Board.

Notices:
- Critical defense housing areas; approval of extent of relaxation of credit controls in:
  - Anaconda, Mont — 7256
  - Portsmouth, N. H.-Kittery, Maine — 7256

Entomology and Plant Quarantine Bureau

Rules and regulations:
- Quarantine notices, domestic; gypsy and brown-tail moth — 7205

Federal Power Commission

Notices:
- Northern Natural Gas Co.; notice of opinion, findings and order — 7256

Federal Trade Commission

Rules and regulations:
- Cease and desist orders:
  - Michigan City Novelty Co. and E. F. Ploner — 7210
  - Norlon Corp. et al — 7209

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Fish and Wildlife Service — Page
Rules and regulations:
Southeastern Alaska area fisheries other than salmon; herring fishery — 7249

Indian Affairs Bureau
Proposed rule making:
Wapato Indian Irrigation Project, Washington; orders fixing operation and maintenance charges — 7252

Interior Department
See also Fish and Wildlife Service; Indian Affairs Bureau.

Interior Department—Con. — Page
Notices:
Commissioner of Reclamation et al.; delegation of authority with respect to reconveyance of donated lands — 7253

Internal Revenue Bureau
Proposed rule making:
Income tax; taxable years beginning after December 31, 1941; alternative tax on corporations in case of capital gains; treatment of capital gains and losses — 7249
Rules and regulations:
Excess profits tax; taxable years after June 30, 1950; corporations which mine strategic materials — 7217
Income tax; taxable years beginning after December 31, 1941 (2 documents) — 7211, 7215

Interstate Commerce Commission
Notices:
Applications for relief:
Cans from Dade City, Fla., to points in Georgia — 7259
Sulphuric acid from Exum and Birmingham, Ala., to Tupelo, Miss — 7259

Labor Department
See Public Contracts Division.

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegation of authority to act:
Region II, New York, N. Y.; under:
CPR 23 — 7257
CPR 26 — 7257
CPR 74 — 7256
CPR 98 — 7256
Region III, Philadelphia, Pa.; under CPR 23 — 7257
Region V, Atlanta, Ga.; under:
CPR 7, SR 6 — 7258
CPR 24 — 7258
CPR 31 — 7257
CPR 101 — 7257
CPR 117 — 7257
Region VII, Chicago, Ill.; under:
CPR 23 — 7258
CPR 31 — 7258
Region VIII, Minneapolis, Minn.; under CPR 98 — 7258
Region X, Dallas, Tex.; under CPR 26 — 7259
Region XI, Denver, Colo.; under CPR 23 — 7259
Kaiser-Frazer Corp.; basic prices and charges for new passenger automobiles — 7259
Rules and regulations:
Aluminum mill products, producers of (GCPR, SR 113) — 7224
Ceiling prices for certain foods sold at retail; over the counter sales by gift package shippers:
Group 1 and 2 stores (CPR 16) — 7221
Group 3 and 4 stores (CPR 15) — 7220

Price Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Machinery and related manufactured goods, resellers' ceiling prices; primary aluminum mill products (CPR 67) — 7221
Pacific Northwest logs, ceiling prices (CPR 97) — 7222
Paper and paper products sold in Puerto Rico, ceiling prices for certain; miscellaneous amendments (CPR 143) — 7222

Production and Marketing Administration
Proposed rule making:
Cotton warehouse regulations — 7252
Irish potatoes grown in Colorado; proposed budget and rate of assessment (2 documents) — 7254
Milk handling in St. Louis, Mo. — 7254
Rules and regulations:
Irish potatoes grown in Washington; approval of budget of expenses and fixing rate of assessment — 7208

Public Contracts Division
Notices:
Textile Industry; change of date and place of hearing on prevailing minimum wage — 7255

Renegotiation Board
Rules and regulations:
Agreements, clearances and statements — 7218
Authority and organization for renegotiation — 7218
Determination of renegotiable business and costs — 7218
Mandatory exemptions from renegotiation; list of exempt raw materials — 7219
Military renegotiation forms — 7218
Procedure for renegotiation — 7218
Statutes, orders and directives — 7218

Rent Stabilization, Office of
Rules and regulations:
Petition for security deposit:
Hotels — 7227
Housing — 7227
Motor courts — 7227
Rooms — 7227

State Department
Notices:
Technical Cooperation Administration; delegation of authority to execute purchase authorities and other documents — 7255
Rules and regulations:
Informational media guaranties under the Economic Cooperation Act of 1948, as amended — 7210

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education; Veterans Readjustment Assistance Act of 1952 — 7228

CONTENTS—Continued

Wage Stabilization Board — Page
Rules and regulations:
Interpretations of GWR 21; questions and answers — 7225

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
9805 (amended by EO 10381) — 7205
10381 — 7205
Title 7
Chapter I:
Part 101 (proposed) — 7252
Chapter III:
Part 301 — 7205
Chapter IX:
Part 903 (proposed) — 7254
Part 958 (proposed) (2 documents) — 7254
Part 992 — 7208
Title 14
Chapter I:
Part 290 — 7209
Part 298 — 7209
Title 16
Chapter I:
Part 3 (2 documents) — 7209, 7210
Title 22
Chapter I:
Part 99 — 7210
Title 25
Chapter I:
Part 130 (proposed) — 7252
Title 26
Chapter I:
Part 29 (2 documents) — 7211, 7215
Proposed rules — 7249
Part 40 — 7217
Title 32
Chapter XIV:
Part 1421 — 7218
Part 1422 — 7218
Part 1423 — 7218
Part 1425 — 7218
Part 1427 — 7218
Part 1428 — 7218
Part 1453 — 7219
Title 32A
Chapter III (OPS):
CPR 15 — 7220
CPR 16 — 7221
CPR 67 — 7221
CPR 97 — 7222
CPR 143 — 7222
GCPR, SR 113 — 7224
Chapter IV:
Subchapter B (WSB):
GWR 21, Interpretations — 7225
Chapter XXI (ORS):
RR 1 — 7227
RR 2 — 7227
RR 3 — 7227
RR 4 — 7227
Title 38
Chapter I:
Part 21 — 7228
Title 50
Chapter I:
Part 116 — 7249

States, as are now or may hereafter be designated by the Secretary of Agriculture as regulated areas, adequate, in his judgment, to prevent the spread of the gypsy and brown-tail moths, except that any such limitation shall be conditioned upon the affected State or States providing for and enforcing the control of the intrastate movement of the regulated articles under the conditions which apply to their interstate movement under provisions of the Federal quarantine regulations, currently existing, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestations: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulation, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation will be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

* * * * *

§ 301.45–1 *Definitions.* * * *

(e) *Suppressive area.* That part of the regulated area in which suppressive measures are cooperatively carried out with the objective of eradicating infestations.

* * * * *

§ 301.45–2 *Regulated area.* The following area is hereby designated as regulated:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland and Windham; towns of Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Plymouth, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Washington, Warren, Watertown, Winchester, Woodbury, in Litchfield County; towns of Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Hamden, Madison, Meriden, Middlebury, Naugatuck, New Haven, North Branford, North Haven, Orange, Prospect, Seymour, Wallingford, Waterbury, West Haven, Wolcott, and Woodbridge, in New Haven County.

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Venzie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including the towns of Stratford, Odell, Dummer, and Cambridge.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Chesterfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls in Warren County.

Rhode Island. The entire State.

Vermont. Counties of Addison, Bennington, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Croton, Kirby, Peacham, Ryegate, St. Johnsbury, Waterford, in Caledonia County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston, and the cities of Burlington and Winooski, in Chittenden County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; and the town of Elmore, in Lamoille County.

There are included in the regulated area three classifications of area: The suppressive area, the generally infested area, and the brown-tail moth area. These areas are defined as follows:

(a) *The suppressive area:*

Connecticut. Towns of Bethlehem, Canaan, Cornwall, Goshen, Kent, Litchfield, Morris, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Washington, Warren, and Woodbury, in Litchfield County; towns of Ansonia, Beacon Falls, Bethany, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, West Haven, and Woodbridge, in New Haven County.

Massachusetts. County of Berkshire; and the town of Monroe, in Franklin County.

New York. Counties of Rensselaer, Saratoga, Schenectady, and Washington; all of Albany County except the town of Rensselaerville; all of Columbia County except the towns of Clermont, Germantown, Greenport, and Livingston, and the city of Hudson; towns of Amenia, Northeast, and Pine Plains, in Dutchess County; towns of Ches-

terfield, Crown Point, Essex, Moriah, Ticonderoga, Westport, and Willsboro, in Essex County; towns of Broadalbin, Johnstown, Mayfield, Northampton, and Perth, and the cities of Gloversville and Johnstown, in Fulton County; towns of Coxsackie and New Baltimore, in Greene County; towns of Amsterdam, Florida, Glen, and Mohawk, and the city of Amsterdam, in Montgomery County; and the towns of Bolton, Caldwell, Hague, Luzerne, Queensbury, Stony Creek, Thurman, and Warrensburg, and the city of Glens Falls, in Warren County.

Vermont. All of Addison County except the towns of Granville and Hancock; towns of Arlington, Bennington, Glastonbury, Pownal, Rupert, Sandgate, Shaftsbury, Stamford, Sunderland, and Woodford, in Bennington County; towns of Bolton, Buels Gore, Charlotte, Colchester, Essex, Hinesburg, Huntington, Jericho, Richmond, St. George, Shelburne, South Burlington, and Williston and the cities of Burlington and Winooski, in Chittenden County; towns of Benson, Brandon, Castleton, Fair Haven, Hubbardton, Ira, Middletown Springs, Pawlet, Pittsford, Poultney, Sudbury, Wells, West Haven, in Rutland County.

(b) *Generally infested area.* All of the regulated area, exclusive of the suppressive area, constitutes the generally infested area.

(c) *Brown-tail moth area.* The area under regulation on account of the brown-tail moth is the same as that classified as the generally infested area.

§ 301.45–3 *Articles under regulations.* • • •

(b) *Regulated movement.* The movement of the following articles is regulated in accordance with the regulations in this subpart:

(1) Timber and timber products, including lumber, planks, poles, logs, cordwood, pulpwood, and similar materials.

(2) Plants having persistent woody stems and parts thereof, including Christmas trees.

(3) Stone and quarry products.

(4) Any other articles when found on inspection to be infested with the gypsy or brown-tail moths.

§ 301.45–4 *Conditions governing the movement of regulated articles.* • • •

(c) *Contingent restrictions on movement between points within the suppressive area.* Whenever it is determined by the Chief of the Bureau of Entomology and Plant Quarantine that control or eradication of the gypsy moth in any section of the suppressive area is being hampered or jeopardized through movement of regulated articles into such section, the Chief of the Bureau may, after appropriate notice, require inspection and certification, as provided in § 301.45–5 (a), for any or all regulated articles moving into such designated section from other parts of the suppressive area.

• • • • •

§ 301.45–5 *Conditions governing the issuance of certificates and permits*—(a) *Certificates.* Certificates may be issued for the interstate movement of regulated articles under one or more of the following conditions: (1) When, in the judgment of the inspector, they have not been exposed to infestation; (2) when they have been inspected and found apparently free from infestation; (3) when they have been treated by approved methods under the observation of an inspector; and (4) when they have been grown, produced, manufactured, stored or handled in such a manner that, in the judgment of the inspector, no infestation could be transmitted thereby: *Provided,* That subsequent to certification, the regulated articles must be safeguarded against reinfestation as required by the inspector.

(b) *Limited permits.* Limited permits may be issued for the movement of noncertified, regulated articles to specified destinations for specified processing, handling, or utilization. Persons shipping, transporting or receiving such articles may be required to enter into written agreements to maintain such safeguards against the establishment and spread of infestation as may be required by the inspector.

(c) *Cancellation of certificates or limited permits.* Certificates or limited permits issued under these regulations may be withdrawn or canceled by the inspector and further certificates or limited permits refused whenever, in his judgment, the further use of such certificates or permits might result in the dissemination of infestation.

• • • • •

§ 301.45–7 *Assembly of regulated articles for inspection.* Persons intending to move interstate any of the articles covered by this subpart shall make application for certification as far in advance as possible and may be required to prepare and assemble materials at such points and times and in such manner as the inspector shall designate, so that thorough inspection may be made, or approved treatments applied. Articles to be inspected as a basis for certification must be in such condition as permits adequate inspection. The United States Department of Agriculture will not be responsible for any cost incident to inspection, treatment, or certification other than the services of the inspector and will be responsible for no injury incident thereto.

§ 301.45–8 *Marking.* Every regulated article or container of regulated articles intended for interstate movement shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate or limited permit issued in compliance with this subpart: *Provided,* That for lot shipments one certificate or limited permit may be attached to one article or container of each shipment and another to the accompanying waybill, and for carlot freight or express shipments, either in containers or in bulk, a certificate or limited permit need be attached to the waybill only. For movement by road vehicle, a certificate or limited permit shall accompany the vehicle and, except when transportation is by common carrier, it shall be surrendered to consignee upon delivery of shipment.

These amendments shall be effective August 9, 1952.

The purpose of the amendment of § 301.45 is to rephrase and simplify the items that are subject to quarantine.

The amendment of § 301.45–2 adds to the regulated area in Connecticut the towns of Bethlehem, Roxbury, Washington, Watertown, and Woodbury, in Litchfield County, and the towns of Ansonia, Beacon Falls, Bethany, Cheshire, Derby, East Haven, Hamden, Middlebury, Naugatuck, New Haven, Orange, Prospect, Seymour, Wallingford, West Haven, and Woodbridge, in New Haven County. The amendment also adds to the suppressive area in Connecticut all of the above-mentioned towns with the exception of Watertown, in Litchfield County, and Cheshire and Wallingford, in New Haven County. The latter three towns are added to the generally infested area.

Section 301.45–3 (b) is also amended to conform with changes in the notice of quarantine, and §§ 301.45–1 (e), 301.45–4 (c), 301.45–5, 301.45–7, and 301.45–8 are rephrased in a number of minor respects in the interest of clarity and improved efficiency of quarantine operation.

Prompt action is necessary with respect to the newly regulated areas in order to control the movement therefrom of articles that might spread the gypsy and brown-tail moths. Other changes are of assistance to the public in interpreting the regulations. Therefore, good cause is found, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) for making the foregoing amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 141, 143, 161)

Done at Washington, D. C., this 4th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8730; Filed, Aug. 7, 1952; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER (17 F. R. 6127). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the State of Washington Potato Committee (established pursuant to said marketing agreement and order), the following rules and regulations are hereby approved.

§ 992.204 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $19,580.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992).

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of August 1952, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8731; Filed, Aug. 7: 1952; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-175]

PART 290—OPERATIONS PURSUANT TO EXEMPTION AUTHORITY

Correction

In Federal Register Document 52-8607, appearing at page 7137 of the issue for Wednesday, August 6, 1952, the bracketed serial number and the part headnote should read as set forth above.

[Regs. Serial No. ER-172]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

SPECIAL ECONOMIC REGULATION; TEMPORARY EXEMPTION OF AIR TAXI OPERATORS FROM LIMITATION ON SCOPE OF SERVICE

Correction

In F. R. Doc. 52-7928, appearing in the issue for Friday, July 18, 1952, on page 6577, the following change should be made:

In column 2, line 7, insert the word "served" between "routes" and "by".

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5741]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NORLON CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages or connections—Producer status of dealer or seller—Manufacturer;* § 3.20 *Comparative data or merits;* § 3.170 *Qualities or properties of product or service;* § 3.195 *Safety.* In connection with the offering for sale, sale and distribution of the drug preparation "Sural," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, (a) that the taking of said preparation will constitute an adequate, effective or reliable treatment for sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic condition; (b) that said preparation will arrest the progress or correct the underlying causes of, or will cure, sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic conditions; (c) that said preparation will afford any relief of severe aches, pains, and discomforts of sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic conditions, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary relief of minor aches, pains, or fever; (d) that said preparation may safely be taken over prolonged periods of time; (e) that said preparation is superior to and causes less gastric irritation than other salicylates; or, (f) that respondents are the manufacturers of said preparation; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Norlon Corporation et al., New York, N. Y., Docket 5741, May 1, 1952]

In the Matter of Norlon Corporation, a Corporation, and E. Edward Shinkel, Milton L. Marks, Ralph S. Marks, and John J. Anthony, Individually and as Officers of Said Corporation

This proceeding was heard by Abner E. Lipscomb, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation entered into by counsel for respondents and counsel supporting the complaint, wherein it was stipulated and agreed that the entire transcript of all hearings held and to be held in Dolcin Corporation et al., Docket 5692, should become a part of the record in the proceeding to the same extent as if such transcript had been received in regular course of hearings in the matter, and that it might be adjudicated upon the basis of such transcript, supplemented by the stipulations between counsel contained in the record.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, and the above mentioned transcript and stipulations, presentation of proposed findings as to the facts and conclusions having been waived by counsel, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom[1] and order to cease and desist.

Thereafter, the Commission having extended the date on which said initial decision would have otherwise become the decision of the Commission, the matter was disposed of by the "Decision of the Commission and order to file report of compliance", Docket 5741, May 1, 1952, as follows:

Service of the initial decision of the hearing examiner in this proceeding having been completed on March 19, 1952, and the Commission having on April 17, 1952, extended until further order of the Commission the date on which the said initial decision would otherwise become the decision of the Commission; and

The Commission having duly considered the record herein and being of the opinion that said initial decision is adequate and appropriate to dispose of this proceeding:

It is ordered, That the initial decision of the hearing examiner, a copy of which is attached, shall, on the 1st day of May, 1952, become the decision of the Commission.

It is further ordered, That the respondents Norlon Corporation, Milton L. Marks, and Ralph S. Marks, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

It is ordered, That respondents Norlon Corporation, a corporation, and Milton L. Marks and Ralph S. Marks, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the drug preparation "Sural," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That the taking of said preparation will constitute an adequate, effective or reliable treatment for sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(b) That said preparation will arrest the progress or correct the underlying causes of, or will cure, sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic condition;

(c) That said preparation will afford any relief of severe aches, pains, and

[1] Filed as part of the original document.

discomforts of sciatica, neuritis, lumbago, bursitis, or any other kind of arthritic or rheumatic condition, or have any therapeutic effect upon any of the symptoms or manifestations of any such condition in excess of affording temporary relief of minor aches, pains, or fever;

(d) That said preparation may safely be taken over prolonged periods of time;

(e) That said preparation is superior to and causes less gastric irritation than other salicylates;

(f) That respondents are the manufacturers of said preparation.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondents E. Edward Shinkel and John J. Anthony, without prejudice to the right of the Commission to institute further proceedings against them, should future facts so warrant.

Issued: May 1, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8752; Filed, Aug. 7, 1952; 8:53 a. m.]

[Docket 5786]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MICHIGAN CITY NOVELTY CO.

Subpart—*Using or selling lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, E. F. Ploner t. a. Michigan City Novelty Company, Michigan City, Ind., Docket 5786, April 30, 1952]

In the Matter of E. F. Ploner, Individually, and Trading as Michigan City Novelty Company

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and a substitute answer, filed pursuant to the granting of motion so to do, in which, tendered on condition that the initial decision of the examiner be deferred until final determination by the Commission of the proceeding in Superior Products, Docket 5561, respondent admitted all of the material allegations of fact in the complaint and waived the taking of testimony and other procedure, but reserved the right to appeal from any decision rendered in the matter by the examiner or the Commission.

Thereafter, the Commission having rendered its final decision on January 29, 1952, in said Superior Products case, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and substitute answer, all intervening procedure having been waived, and said examiner, having duly considered the matter, and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion drawn therefrom[1] and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 30, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, E. F. Ploner, individually and trading as Michigan City Novelty Company or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act, push cards, punchboards, or other lottery devices which are to be used or may be used in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

By "Decision of the Commission and order to file report of compliance", Docket 5786, April 30, 1952, which announced and decreed fruition of said initial decision, and noted Commissioner Mason's concurrence in the findings as to the facts and conclusion, but not in the form of order to cease and desist, for the reason stated in his opinion concurring in part and dissenting in part in Worthmore Sales Co., Docket 5203, March 10, 1950, 46 F. T. C. 606, report of compliance with the said order was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: April 30, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-8742; Filed, Aug. 7, 1952; 8:49 a. m.]

[1] Filed as part of the original document.

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter A—The Department

[Dept. Reg. 108.160]

PART 99—INFORMATIONAL MEDIA GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948, AS AMENDED

Preamble. In furtherance of the Mutual Security Act of 1951, as amended, in order to facilitate and maximize the use of private channels of trade, and pursuant to the authority contained in 111 (b) of the Economic Cooperation Act of 1948, as amended, supplemented and continued (herinafter called the "act"), the following rules and regulations are prescribed for the making of guaranties of investments in enterprises producing or distributing informational media (hereinafter called "Informational Media Guaranties").

A new Part 99 is added as follows:

Sec.
99.1 Scope of this part.
99.2 Application for guaranties and place of filing.
99.3 Fees for guaranties.
99.4 Designation of Export-Import Bank of Washington as agent.
99.5 Saving clause.

AUTHORITY: §§ 99.1 to 99.5 issued under sec. 104, 62 Stat. 138, as amended; 22 U. S. C. Sup. 1503. Interpret or apply sec. 111, 62 Stat. 143, as amended; 22 U. S. C. Sup. 1509. E. O. 10300, Nov. 1, 1951, 16 F. R. 11203; 3 CFR, 1951 Supp., E. O. 10368, June 30, 1952, 17 F. R. 5929.

§ 99.1 *Scope of this part.* This part shall cover Informational Media Guaranties.

§ 99.2 *Applications for guaranties and place of filing.* Applications for Informational Media Guaranties should be made in writing to the Informational Media Guaranty Section, Department of State, 2 Park Avenue, New York, New York. There is no prescribed form of application, but published information on current policies of the informational media guaranty program, including the contents of applications, may be obtained on request from the Department of State at the address indicated. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 99.3 *Fees for guaranties.* The recipient of a guaranty shall pay to the Department of State or its duly authorized representative, annually in advance, a fee of 1 percent per annum of the face amount of such guaranty, unless unusual circumstances are found by the Department of State to exist with respect to any guaranteed investment, rendering it desirable, in furtherance of the purpose of the act, to charge a smaller fee.

§ 99.4 *Designation of Export-Import Bank of Washington as agent.* Export-Import Bank of Washington is hereby designated by the Department of State as its agent, upon such terms as specified by the Department, to issue in its name and administer Informational Media Guaranties.

§ 99.5 *Saving clause.* The Department of State may waive, withdraw or amend at any time or from time to time any or all of the provisions of this part.

Date of issuance: July 31, 1952.

DAN LACY,
Acting Assistant Administrator for the Information Center Service, International Information Administration.

[F. R. Doc. 52-8726; Filed, Aug. 7, 1952; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[Regs. 111; T. D. 5924]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

MISCELLANEOUS AMENDMENTS

On January 3, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 78), in order to conform Regulations 111 (26 CFR Part 29) to certain provisions of Parts I and III of Title III of the Revenue Act of 1950, approved September 23, 1950, to section 11 of the Internal Security Act of 1950, enacted September 23, 1950, and to section 601 of the Revenue Act of 1951, approved October 20, 1951. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (o)–1 the following:

SEC. 11. DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS (INTERNAL SECURITY ACT OF 1950, ENACTED SEPTEMBER 23, 1950).

(a) Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board [the Subversive Activities Control Board] requiring such organization to register under section 7.

• • • • • •

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Amendment of section 23 (o).* Section 23 (o) (2) is hereby amended by striking out "legislation;" and inserting in lieu thereof the following: "legislation. For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2);".

• • • • • •

PAR. 2. Section 29.23 (o)–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended by inserting immediately preceding the last sentence of the first paragraph thereof the following: "For disallowance of certain charitable deductions otherwise allowable under section 23 (o) (2), see sections 3813 and 162 (g) (2) and the regulations promulgated pursuant thereto. For certain provisions with respect to gifts made before January 1, 1951, see § 29.101–3 (a),"

PAR. 3. There is inserted immediately preceding § 29.23 (q)–1 the following:

SEC. 11. DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS (INTERNAL SECURITY ACT OF 1950, ENACTED SEPTEMBER 23, 1950).

(a) Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board (the Subversive Activities Control Board) requiring such organization to register under section 7.

• • • • • •

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • • •

(b) *Amendment of section 23 (q).* Section 23 (q) (2) is hereby amended by striking out "legislation; or" and inserting in lieu thereof the following: "legislation. For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2); or".

• • • • • •

PAR. 4. Section 29.23 (q)–1, as amended by Treasury Decision 5796, approved July 19, 1950, is further amended by inserting immediately after the last sentence of the first paragraph thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under section 23 (q) (2), see sections 3813 and 162 (g) (2) and the regulations promulgated pursuant thereto. For certain provisions with respect to gifts made before January 1, 1951, see § 29.101–3 (a)."

PAR. 5. There is inserted immediately preceding § 29.101–1 the following:

SEC. 11. DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS (INTERNAL SECURITY ACT OF 1950, ENACTED SEPTEMBER 23, 1950).

• • • • • •

(b) No organization shall be entitled to exemption from Federal income tax, under section 101 of the Internal Revenue Code, for any taxable year if at any time during such taxable year (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board (the Subversive Activities Control Board) requiring such organization to register under section 7.

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • • •

(b) *Feeder organizations.* Section 101 is hereby amended by adding at the end thereof the following paragraph:

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

(c) *Technical amendments.* (1) Section 101 is hereby amended (A) by striking out "The following organizations shall be exempt" and inserting in lieu thereof "Except as provided in supplement U, the following organizations shall be exempt", and (B) by adding at the end of such section (following the paragraph added by subsection (b) of this section) the following paragraph:

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

• • • • • •

SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part [sections 301, 302, and 303 of the Revenue Act of 1950] shall be applicable only with respect to taxable years beginning after December 31, 1950. The determination as to whether an organization is exempt under section 101 of the Internal Revenue Code from taxation for any taxable year beginning before January 1, 1951, shall be made as if section 301 (b) of this Act had not been enacted and without inferences drawn from the fact that the amendment made by such section is not expressly made applicable with respect to taxable years beginning before January 1, 1951.

PAR. 6. There is inserted immediately after § 29.101–2 the following:

§ 29.101–3 *Limitations on exemption*—(a) *In general.* Under section 11 (b) of the Internal Security Act of 1950, no organization is entitled to exemption under section 101 for any taxable year if at any time during such year such organization is registered under section 7 of such act or if there is in effect a final order of the Subversive Activities Control Board established by section 12 of such act requiring such organization to register under section 7 of such act. Under sections 3813 and 3814 of the Internal Revenue Code, certain organizations described in section 101 (6) may be denied exemption under section 101 (6) for taxable years beginning after December 31, 1950. See §§ 29.3813–1 and 29.3814–1. Section 302 of the Revenue Act of 1950, as amended by section 601 of the Revenue Act of 1951, prescribes the following rules respecting exemption of certain organizations for taxable years beginning prior to January 1, 1951:

(a) *Trade or business not unrelated.* For any taxable year beginning prior to January 1, 1951, no organization shall be denied exemption under paragraph (1), (6), or (7) of section 101 of the Internal Revenue Code on the grounds that it is carrying on a trade or business for profit if the income from such trade or business would not be taxable as unrelated business income under the provisions of Supplement U of the Internal Revenue Code, as amended by this Act, or if such trade or business is the rental by such organization of its real property (including personal property leased with the real property).

(b) *Period of limitations.* In the case of an organization which would otherwise be exempt under section 101 of the Internal Revenue Code were it not carrying on a trade or business for profit, the filing of the information return required by section 54 (f) of the Internal Revenue Code (relating to returns by tax-exempt organizations) for any taxable year beginning prior to January 1, 1951, shall be deemed to be the filing of a return for the purposes of section 275 of the Internal Revenue Code (relating to period of limitation upon assessment and collection). In the case of such an organization which was, by the provisions of section 54 (f) of the Internal Revenue Code, specifically not required to file such information return, for the purposes of the preceding sentence a return shall be deemed to have been filed

at the time when such return should have been filed had it been so required. The provisions of this subsection shall not apply to a taxable year of such an organization with respect to which, prior to September 20, 1950, (1) any amount of tax was assessed or paid, or (2) a notice of deficiency under section 272 of the Internal Revenue Code was sent to the taxpayer.

(c) *Denial of deductions.* A gift or bequest to an organization prior to January 1, 1951, for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals) otherwise allowable as a deduction under section 23 (o) (2), 23 (q) (2), 162 (a), 505 (a) (2), • • • of the Internal Revenue Code, may not be denied under such sections if a denial of exemption to such organization for the taxable year of the organization in which such gift or bequest was made is prevented by the provisions of subsections (a) or (b) of this section.

(d) *Profits inuring to the benefit of certain educational organizations or hospitals.* For any taxable year beginning prior to January 1, 1951, an organization operated for the primary purpose of carrying on a trade or business for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual and all of the net earnings of which inure to the benefit of an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on, or to the benefit of a hospital, or an institution for the rehabilitation of physically handicapped persons, which maintains or is building for proper maintenance a hospital or institution staffed or to be staffed by qualified professional persons for the treatment of the sick and/or the rehabilitation of the physically handicapped, shall not be denied exemption from taxation under section 101 of the Internal Revenue Code on the ground that it is carrying on a trade or business for profit. The determination as to whether an organization other than one described in this subsection is exempt under section 101 of the Internal Revenue Code from taxation for any taxable year beginning before January 1, 1951, shall be made as if this subsection and section 301 (b) [adding the last two sentences to section 101, relating to feeder organizations] of this Act had not been enacted and without inferences drawn from the fact that this subsection and the amendment made by section 301 (b) are not expressly made applicable with respect to taxable years beginning before January 1, 1951.

(b) *Feeder organizations.* In the case of an organization operated for the primary purpose of carrying on a trade or business for profit, exemption is not allowed under any paragraph of section 101 on the ground that all the profits of such organization are payable to one or more organizations exempt from taxation under section 101. For the purpose of this section, the term "trade or business" does not include the rental by an organization of its real property (including personal property leased with the real property). In determining the primary purpose of an organization, all the circumstances must be considered, including the size and extent of the trade or business and the size and extent of those activities of such organization which are specified in the applicable paragraph of section 101. If a subsidiary organization of a tax-exempt organization would itself be exempt on the ground that its activities are an integral part of the exempt activities of the parent organization, its exemption will not be lost because, as a matter of accounting between the two organizations, the subsidiary derives a profit from its dealings with its parent organization, for example, a subsidiary organization which is operated for the sole purpose of furnishing electric power used by its parent organization, a tax-exempt educational organization, in carrying on its educational activities. However, the subsidiary organization is not exempt from tax if it is operated for the primary purpose of carrying on a trade or business which would be an unrelated trade or business (that is, unrelated to exempt activities) if regularly carried on by the parent organization. For example, if a subsidiary organization is operated primarily for the purpose of furnishing electric power to consumers other than its parent organization (and the parent's tax-exempt subsidiary organizations), it is not exempt since such business would be an unrelated trade or business if regularly carried on by the parent organization. Similarly, if the subsidiary is owned by several unrelated exempt organizations, and is operated for the purpose of furnishing electric power to each of them, it is not exempt since such business would be an unrelated trade or business if regularly carried on by any one of the tax-exempt organizations.

In certain cases an organization which carries on a trade or business for profit but is not operated for the primary purpose of carrying on such trade or business is subject to tax under Supplement U of chapter 1 of the Internal Revenue Code (which Supplement begins with section 421) on its unrelated business net income.

PAR. 7. Immediately preceding each of §§ 29.101 (1)–1 to 29.101 (5)–1, inclusive, each of §§ 29.101 (7)–1 to 29.101 (13)–1, inclusive, § 29.101 (18)–1, and immediately after section 101 (19) (which section is set forth immediately after § 29.101 (18)–1, there is inserted the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(b) *Feeder organizations.* Section 101 is hereby amended by adding at the end thereof the following paragraph:

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

(c) *Technical amendments.* (1) Section 101 is hereby amended (A) by striking out "The following organizations shall be exempt" and inserting in lieu thereof "Except as provided in supplement U, the following organizations shall be exempt", and (B) by adding at the end of such section (following the paragraph added by subsection (b) of this section) the following paragraph:

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

• • • • •

SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 301, 302, and 303 of the Revenue Act of 1950) shall be applicable only with respect to taxable years beginning after December 31, 1950. The determination as to whether an organization is exempt under section 101 of the Internal Revenue Code from taxation for any taxable year beginning before January 1, 1951, shall be made as if section 301 (b) of this Act had not been enacted and without inferences drawn from the fact that the amendment made by such section is not expressly made applicable with respect to taxable years beginning before January 1, 1951.

PAR. 8. There is inserted immediately preceding § 29.101 (6)–1 the following:

SEC. 301. INCOME OF EDUCATIONAL, CHARITABLE, AND CERTAIN OTHER EXEMPT ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(b) *Feeder organizations.* Section 101 is hereby amended by adding at the end thereof the following paragraph:

An organization operated for the primary purpose of carrying on a trade or business for profit shall not be exempt under any paragraph of this section on the ground that all of its profits are payable to one or more organizations exempt under this section from taxation. For the purposes of this paragraph the term "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

(c) *Technical amendments.* (1) Section 101 is hereby amended (A) by striking out "The following organizations shall be exempt" and inserting in lieu thereof "Except as provided in supplement U, the following organizations shall be exempt", and (B) by adding at the end of such section (following the paragraph added by subsection (b) of this section) the following paragraph:

Notwithstanding supplement U, an organization described in this section (other than in the preceding paragraph) shall be considered an organization exempt from income taxes for the purpose of any law which refers to organizations exempt from income taxes.

• • • • •

SEC. 303. EFFECTIVE DATE OF PART I (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 301, 302, and 303 of the Revenue Act of 1950) shall be applicable only with respect to taxable years beginning after December 31, 1950. The determination as to whether an organization is exempt under section 101 of the Internal Revenue Code from taxation for any taxable year beginning before January 1, 1951, shall be made as if section 301 (b) of this Act had not been enacted and without inferences drawn from the fact that the amendment made by such section is not expressly made applicable with respect to taxable years beginning before January 1, 1951.

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(c) *Amendment of section 101 (6).* Section 101 (6) is hereby amended by striking out "legislation;" and inserting in lieu thereof the following: "legislation. For loss of exemption under certain circumstances, see sections 3813 and 3814;".

• • • • •

PAR. 9. Section 29.101 (6)–1 is amended by adding at the end thereof the following undesignated paragraph:

Sections 3813 and 3814 set forth rules under which certain organizations described in section 101 (6) may be denied exemption. See § 29.3813–1 and § 29.3814–1.

PAR. 10. There is inserted immediately preceding § 29.162–1 the following:

SEC. 11. DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS (INTERNAL SECURITY ACT OF 1950, ENACTED SEPTEMBER 23, 1950).

(a) Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board [the Subversive Activities Control Board] requiring such organization to register under section 7.

• • • • •

PAR. 11. Section 29.275–1, as amended by Treasury Decision 5516, approved May 27, 1946, is further amended by adding at the end thereof the following undesignated paragraph:

For special provisions with respect to taxable years beginning prior to January 1, 1951, in the case of an organization which would be exempt from tax under section 101 were it not carrying on a trade or business for profit, see section 302 (b) of the Revenue Act of 1950, set forth in § 29.101–3 (a).

PAR. 12. There is inserted immediately preceding § 29.505–1 the following:

SEC. 11. DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS (INTERNAL SECURITY ACT OF 1950, ENACTED SEPTEMBER 23, 1950).

(a) Notwithstanding any other provision of law, no deduction for Federal income-tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution (1) such organization is registered under section 7, or (2) there is in effect a final order of the Board [the Subversive Activities Control Board] requiring such organization to register under section 7.

• • • • •

SEC. 332. TECHNICAL AMENDMENTS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

• • • • •

(d) *Amendment of section 505 (a).* Section 505 (a) (2) is hereby amended by adding at the end thereof the following: "For disallowance of certain charitable, etc., deductions otherwise allowable under this paragraph, see sections 3813 and 162 (g) (2)."

• • • • •

PAR. 13. There is inserted immediately preceding Subpart H of Regulations 111 (26 CFR 29.6000) the following:

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

SEC. 3813. REQUIREMENTS FOR EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND FOR DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS.

(a) *Organizations to which section applies.* This section shall apply to any organization described in section 101 (6) except—

(1) A religious organization (other than a trust);

(2) An educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on;

(3) An organization which normally receives a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 101 (6)) from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public;

(4) An organization which is operated, supervised, controlled, or principally supported by a religious organization (other than a trust) which is itself not subject to the provisions of this section; and

(5) An organization the principal purposes or functions of which are the providing of medical or hospital care or medical education or medical research.

(b) *Prohibited transactions.* For the purposes of this section, the term "prohibited transaction" means any transaction in which an organization subject to the provisions of this section—

(1) Lends any part of its income or corpus, without the receipt of adequate security and a reasonable rate of interest, to;

(2) Pays any compensation, in excess of a reasonable allowance for salaries or other compensation for personal services actually rendered, to;

(3) Makes any part of its services available on a preferential basis to;

(4) Makes any substantial purchase of securities or any other property, for more than adequate consideration in money or money's worth, from;

(5) Sells any substantial part of its securities or other property, for less than an adequate consideration in money or money's worth, to; or

(6) Engages in any other transaction which results in a substantial diversion of its income or corpus to;

the creator of such organization (if a trust); a person who has made a substantial contribution to such organization; a member of the family (as defined in section 24 (b) (2) (D)) of an individual who is the creator of such trust or who has made a substantial contribution to such organization; or a corporation controlled by such creator or person through the ownership, directly or indirectly, of 50 per centum or more of the total combined voting power of all classes of stock entitled to vote or 50 per centum or more of the total value of shares of all classes of stock of the corporation.

(c) *Denial of exemption to organizations engaged in prohibited transactions*—(1) *General rule.* No organization subject to the provisions of this section which has engaged in a prohibited transaction after July 1, 1950, shall be exempt from taxation under section 101 (6).

(2) *Taxable years affected.* An organization shall be denied exemption from taxation under section 101 (6) by reason of paragraph (1) only for taxable years subsequent to the taxable year during which it is notified by the Secretary that it has engaged in a prohibited transaction, unless such organization entered into such prohibited transaction with the purpose of diverting corpus or income of the organization from its exempt purposes, and such transaction involved a substantial part of the corpus or income of such organization.

(d) *Future status of organization denied exemption.* Any organization denied exemption under section 101 (6) by reason of the provisions of subsection (c), with respect to any taxable year following the taxable year in which notice of denial of exemption was received, may, under regulations prescribed by the Secretary, file claim for exemption, and if the Secretary, pursuant to such regulations, is satisfied that such organization will not knowingly again engage in a prohibited transaction, such organization shall be exempt with respect to taxable years subsequent to the year in which such claim is filed.

(e) *Disallowance of certain charitable, etc., deductions.* No gift or bequest for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), otherwise allowable as a deduction under section 23 (o) (2), 23 (q) (2), 162 (a), 505 (a) (2), • • • shall be allowed as a deduction if made to an organization which, in the taxable year of the organization in which the gift or bequest is made, is not exempt under section 101 (6) by reason of the provisions of this section. With respect to any taxable year of the organization for which the organization is not exempt pursuant to the provisions of subsection (c) by reason of having engaged in a prohibited transaction with the purpose of diverting the corpus or income of such organization from its exempt purposes and such transaction involved a substantial part of such corpus or income, and which taxable year is the same, or prior to the, taxable year of the organization in which such transaction occurred, such deduction shall be disallowed the donor only if such donor or (if such donor is an individual) any member of his family (as defined in section 24 (b) (2) (D)) was a party to such prohibited transaction.

(f) *Definition.* For the purposes of this section, the term "gift or bequest" means any gift, contribution, bequest, devise, legacy, or transfer.

• • • • •

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Subsections (c) and (d) of section 3813 • • • of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950, and subsection (e) of section 3813 of the Internal Revenue Code shall apply only with respect to gifts or bequests (as defined in section 3813 of the Internal Revenue Code) made on or after January 1, 1951.

§ 29.3813–1 *Denial of exemption to organizations engaged in prohibited transactions.* (a) The prohibited transactions enumerated in section 3813 (b) are in addition to and not in limitation of the restrictions contained in section 101 (6). Even though an organization has not engaged in any of the prohibited transactions referred to in section 3813 (b), it still may not qualify for tax exemption in view of the general provisions of section 101 (6). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) An organization described in section 101 (6), other than an organization excepted by section 3813 (a), which has engaged in any prohibited transaction (as described in section 3813 (b)) after July 1, 1950, shall not be exempt from taxation under section 101 (6) for any taxable year subsequent to the taxable year in which there is mailed to it a notice in writing by the Commissioner that it has engaged in such prohibited transaction. Such notification by the Commissioner shall be by registered mail to the last known address of the organization. However, notwithstanding the requirement of notification by the Commissioner, exemption shall be denied with respect to any taxable year beginning after December 31, 1950, if such organization during or prior to such taxable year commenced the prohibited transaction with the purpose of diverting income or corpus from its exempt purposes and such transaction involved a substantial part of the income or corpus of such organization. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

Example (1). A creates a foundation in 1949 ostensibly for educational purposes. B, as trustee, accumulates the foundation's income from 1952 until 1955 and then uses a substantial part of this accumulated income to send A's children to college. The foundation would lose its exemption for the taxable years 1952 through 1955 and for subsequent taxable years until it regains its exempt status.

Example (2). If under the facts in example (1) such private benefit was the purpose of the foundation from its inception, such foundation is not exempt by reason of the general provisions of section 101 (6) and without regard to the provisions of section 3813 for all years since its inception, that is, for the taxable years 1949 through 1955 and subsequent taxable years, since under section 101 (6) the organization must be organized and operated exclusively for exempt purposes. (See § 29.101 (6)–1. See also § 29.3814–1 for loss of exemption in the case of certain organizations accumulating income.)

§ 29.3813–2 *Future status of organization denied exemption.* (a) Any organization denied exemption under section 101 (6) by reason of the provisions of section 3813 (c) may file, in any taxable year following the taxable year in which notice of denial of exemption was issued, a claim for exemption with the collector for the district in which is located the principal place of business or principal office of the organization. Form 1023, the exemption application, a copy of which may be obtained from any collector, shall be used for this purpose. The claim must contain or have attached to it, in addition to the information generally required of an organization claiming exemption under section 101 (6), an affidavit, by a principal officer of such organization authorized to make such affidavit, that the organization will not knowingly again engage in a prohibited transaction. See § 29.101–2 for proof of exemption requirements in general.

(b) If the Commissioner is satisfied that such organization will not knowingly again engage in a prohibited transaction and that the organization also satisfies all other requirements under section 101 (6), he shall so notify the organization in writing. In such case the organization will be exempt (subject to the provisions of sections 101 (6), 3813 and 3814) with respect to the taxable years subsequent to the taxable year in which such claim is filed. Section 3813 contemplates that an organization denied exemption because of the terms of such section will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

§ 29.3813–3 *Disallowance of certain charitable, etc., deductions.* (a) No gift or contribution made on or after January 1, 1951, which would otherwise be allowable as a charitable or other deduction under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2), shall be allowed as a deduction if made to an organization which at the time the gift or contribution is made is not exempt under section 101 (6) by reason of the provisions of section 3813.

(b) If an organization, which receives a gift or contribution made after December 31, 1950, is not exempt under section 101 (6) because it engaged in a prohibited transaction involving a substantial part of its income or corpus with the purpose of diverting its income or corpus from its exempt purposes, and if the taxable year of the organization during which such gift or contribution is made begins after December 31, 1950, and is the same as, or is prior to, the taxable year of the organization in which such transaction occurred, then a deduction by the donor with respect to the gift or contribution shall not be disallowed under the preceding paragraph unless the donor (or any member of his family if the donor is an individual) is a party to such prohibited transaction. For the purpose of the preceding sentence, the members of an individual donor's family include only his brothers and sisters, whether by whole or half blood, spouse, ancestors, and lineal descendants.

Example. In 1952, corporation A, which files its income tax returns on the calendar year basis, creates a foundation purportedly for charitable purposes and deducts from its gross income for that year the amount of the gift to the foundation. Corporation A makes additional gifts to this foundation in 1953, 1954, and 1955, and takes charitable deductions for such years. B, an individual, also contributes to the foundation in 1953, 1954, and 1955, and takes charitable deductions for such years. In 1953, the foundation commences purposely to divert its corpus to the benefit of corporation A, and a substantial amount of such corpus is so diverted by the close of the taxable year 1954. For 1953 and subsequent taxable years, the exemption allowed the foundation under section 101 (6) is denied by reason of the provisions of section 3813 (c). Both corporation A and individual B would be disallowed any deduction for the contributions made during 1955 to the foundation. Moreover, the charitable deductions taken by corporation A for contributions to the foundation in the years 1953 and 1954 would also be disallowed since corporation A was a party to the prohibited transaction. If the facts and surrounding circumstances indicate that the contribution in 1952 by corporation A was for the purpose of the prohibited transaction, then the charitable deduction for the year 1952 shall also be disallowed with respect to corporation A, since the prohibited transaction would then have commenced with the making of such contribution and the exemption allowed the foundation under section 101 (6) would then be denied for 1952 by reason of provisions of section 3813 (c).

SEC. 331. EXEMPTION OF CERTAIN ORGANIZATIONS UNDER SECTION 101 (6) AND DEDUCTIBILITY OF CONTRIBUTIONS MADE TO SUCH ORGANIZATIONS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

Chapter 38 is hereby amended by inserting at the end thereof the following new sections:

* * * * *

SEC. 3814. DENIAL OF EXEMPTION UNDER SECTION 101 (6) IN THE CASE OF CERTAIN ORGANIZATIONS ACCUMULATING INCOME.

In the case of any organization described in section 101 (6) to which section 3813 is applicable, if the amounts accumulated out of income during the taxable year or any prior taxable year and not actually paid out by the end of the taxable year—

(1) Are unreasonable in amount or duration in order to carry out the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under section 101 (6); or

(2) Are used to a substantial degree for purposes or functions other than those constituting the basis for such organization's exemption under section 101 (6); or

(3) Are invested in such a manner as to jeopardize the carrying out of the charitable, educational, or other purpose or function constituting the basis for such organization's exemption under section 101 (6),

exemption under section 101 (6) shall be denied for the taxable year.

* * * * * *

SEC. 333. EFFECTIVE DATES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * section 3814 of the Internal Revenue Code, added by section 331 of this Act, shall apply with respect to taxable years beginning after December 31, 1950. * * *.

§ 29.3814–1 *Denial of exemption under section 101 (6) in the case of certain organizations accumulating income.* (a) The restrictions enumerated in section 3814 are in addition to and not in limitation of the restrictions contained in section 101 (6). Even though an organization has not violated any of the terms of section 3814, it still may not qualify for tax exemption in view of the general provisions of section 101 (6). Thus, if a trustee or other fiduciary of the organization (whether or not he is also a creator of such organization) enters into a transaction with the organization, such transaction will be closely scrutinized in the light of the fiduciary principle requiring undivided loyalty to ascertain whether the organization is in fact being operated for the stated exempt purposes.

(b) For any taxable year beginning after December 31, 1950, any organization described in section 101 (6) other than an organization described in section 3813 (a) (1) through (5), inclusive, shall not be exempt under section 101 (6) if the amounts accumulated out of income during the taxable year, or any prior taxable year (including taxable years beginning prior to January 1, 1951), and not actually paid out for exempt purposes by the end of the taxable year, are unreasonable. Amounts accumulated out of income become unreasonable when more income is accumulated than is needed, or when the duration of the accumulation is longer than is needed, in order to carry out the purpose constituting the basis for the organization's exemption. Furthermore, an organization shall not be exempt under section 101 (6) if amounts accumulated out of income are used to a substantial degree for purposes or functions other than those constituting the basis for the organization's exemption, or if such amounts are invested in such a manner as to jeopardize the carrying out of the purpose or function constituting the basis for the organization's exemption.

(c) For the purpose of section 3814, the term "income" means gains, profits, and income determined under the principles applicable in determining the earnings or profits of a corporation. The amount accumulated out of income during the taxable year or any prior taxable year shall be determined under the principles applicable in determining the accumulated earnings or profits of a corporation. In determining the reasonableness of an accumulation out of income, there will be disregarded the following: (1) The accumulation of gain upon the sale or exchange of a donated asset to the extent that such gain represents the excess of the fair market value of such asset when acquired by the organization over its substituted basis in the hands of the organization; (2) the accumulation of gain upon the sale or exchange of property held for the production of investment income, such as dividends, interest, and rents, where the proceeds of such sale or exchange are within a reasonable time reinvested in property acquired and held in good faith for the production of investment income.

(d) Whether the conditions specified in paragraphs (1), (2) and (3) of section 3814 are present in any case must be determined from all the facts. The conditions specified in section 3814 (1), (2) and (3) may result from the use of only one organization or of a chain of two or more organizations.

(e) An organization that has lost its exempt status by reason of the provisions of section 3814 may, in order to reestablish its exemption, file a claim for exemption with the collector for the district in which is located the principal place of business or principal office of the organization. Form 1023, the exemption application, a copy of which may be obtained from any collector, shall be used for this purpose. The claim for exemption must contain or be accompanied by information or evidence showing that the circumstances that caused the loss of exemption under section 3814 no longer exist, and an affidavit, by a principal officer of such organization authorized to make such affidavit, that the organization will not knowingly again violate the terms of section 3814. See § 29.101–2 for proof of exemption requirements in general. The provisions of section 3814 contemplate that an organization denied exemption thereunder will be subject to taxation for at least one full taxable year. For the purpose of this section, the term "taxable year" means the established annual accounting period of the organization; or, if the organization has no such established annual accounting period, the "taxable year" of the organization means the calendar year.

(f) In the case of an organization denied exemption under section 101 (6) solely by reason of the provisions of section 3814, deductions otherwise allowable under section 23 (o) (2), 23 (q) (2), 162 (a), or 505 (a) (2) for gifts or contributions to such organization shall not be disallowed.

(53 Stat. 32; 26 U. S. C. 62)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: August 4, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-8743; Filed, Aug. 7, 1952; 8:50 a. m.]

[Regs. 111; T. D. 5925]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS OF AFFILIATED CORPORATIONS

On June 4, 1952, notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5041) to conform § 29.141–1 of Regulations 111 (26 CFR Part 29) to the Revenue Act of 1950, approved September 23, 1950, to the Excess Profits Tax Act of 1950, approved January 3, 1951, and to the Revenue Act of 1951, approved October 20, 1951. No objection to the rules proposed having been received within the 30 days following such publication, the amendments of Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. There is inserted immediately preceding § 29.141–1 the following:

SEC. 121. INCREASE IN RATE OF CORPORATION INCOME TAXES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

* * * * *

(f) *Tax under consolidated returns.* Section 141 (c) (relating to computation and payment of tax on consolidated returns) is hereby amended by inserting after the first sentence the following: "If the affiliated group includes one or more western hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the western hemisphere trade corporations included in such group."

* * * * *

SEC. 123. EFFECTIVE DATE OF PART II (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

The amendments made by this part (sections 121, 122, and 123, Revenue Act of 1950) shall be applicable only with respect to taxable years ending after December 31, 1949. * * *

SEC. 301. CONSOLIDATED RETURNS (EXCESS PROFITS TAX ACT OF 1950, APPROVED JANUARY 3, 1951).

Effective with respect to taxable years ending after June 30, 1950, section 141 of the Internal Revenue Code (relating to consolidated returns) is hereby amended to read as follows:

SEC. 141. CONSOLIDATED RETURNS.

(a) *Privilege to file consolidated returns.* An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making a consolidated return for the taxable year in lieu of separate returns. The making of a consolidated return shall be upon the condition that all corporations which at any time during the taxable year have been members of the affiliated group consent to all the consolidated return regulations prescribed under subsection (b) prior to the last day prescribed by law for the filing of such return. The making of a consolidated return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year, the consolidated return shall include the income of such corporation for such part of the year as it is a member of the affiliated group.

(b) *Regulations.* The Secretary shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making a consolidated return and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income- and excess-profits-tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability.

(c) *Computation and payment of tax.* In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such return; except that the tax imposed under section 15 or section 204 shall be increased by 2 per centum of the consolidated corporation surtax net income of the affiliated group of includible corporations. If the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase of 2 per centum provided in the preceding sentence shall be applied only on the amount by which the consolidated corporation surtax net income of the affiliated group exceeds the portion (if any) of the consolidated corporation surtax net income attributable to the Western Hemisphere trade corporations included in such group. For the purposes of the tax imposed by section 430, the sum of the excess profits credit and the unused excess profits credit adjustment of the affiliated group shall not be increased under the last sentence of section 431 to an amount in excess of $25,000 for the entire group.

(d) *Definition of "affiliated group".* As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class

of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(e) *Definition of "includible corporation".* As used in this section, the term "includible corporation" means any corporation except—

(1) Corporations exempt from taxation under section 101.

(2) Insurance companies subject to taxation under section 201 or 207.

(3) Foreign corporations.

(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from sources within possessions of the United States.

(5) Corporations organized under the China Trade Act, 1922.

(6) Regulated investment companies subject to tax under Supplement Q.

(7) Any corporation described in section 449, or in section 454 (d), (f), and (g) (without regard to the exception in the initial clause of section 454), but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year ending after June 30, 1950, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary.

(8) Regulated public utilities described in section 448 (d) which compute their excess profits credit under section 448 but not including any such regulated public utility which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit without regard to section 448. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

(f) *Includible insurance companies.* Despite the provisions of paragraph (2) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of this chapter shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

(g) *Subsidiary formed to comply with foreign law.* In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this chapter as a domestic corporation.

(h) *Suspension of running of statute of limitations.* If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

(i) *Allocation of income and deductions.* For allocation of income and deductions of related trades or businesses, see section 45.

(j) *Includible regulated public utilities.* Despite the provisions of paragraph (8) of subsection (e), two or more regulated public utilities each of which has made and filed a consent, applicable to the taxable year, to compute its excess profits credit under section 448 only, shall be considered as includible corporations for the purpose of the application of subsection (d) to such regulated public utilities alone. The consent shall be made and filed at such time and in such manner as may be prescribed by the Secretary. The consent shall be applicable to the taxable year for which filed and to each consecutive subsequent taxable year for which a consolidated return is filed.

SEC. 613. CONSOLIDATED RETURNS; INCLUDIBLE CORPORATION (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

If an affiliated group making a consolidated return with respect to the first taxable year of the group ending after June 30, 1950, included a corporation described in section 454 (f) of the Internal Revenue Code pursuant to the consent provided in section 141 (e) (7) of such code, such corporation may withdraw such consent at any time within ninety days after the enactment of this act. If such consent is withdrawn under the preceding sentence, the tax liability of the affiliated group and its several members for the taxable year shall be determined, assessed, and collected as if such corporation had never joined in the making of the consolidated return.

PAR. 2. Section 29.141–1, as amended by Treasury Decision 5441, approved February 28, 1945, is hereby further amended as follows:

(A) By changing paragraph (a) thereof to read as follows:

(a) *In general.* Section 141 prescribes rules for the making of consolidated income and excess profits tax returns by affiliated groups of corporations. Parts 23 and 33 of the subchapter (Regulations 104 and Regulations 110) are applicable, respectively, to the making of the consolidated income tax return and the consolidated excess profits tax return in the case of a taxable year ending prior to January 1, 1950. Part 24 of this subchapter (Regulations 129) are applicable to the making of the consolidated income and excess profits tax return in the case of a taxable year ending after December 31, 1949. The determination, computation, assessment, collection, and adjustment of income and excess profits tax liabilities of the affiliated group and each member thereof both during and after the period of affiliation shall be made under the applicable provisions of such regulations.

(B) By striking the word "and" which follows the semicolon in subparagraph (6) of paragraph (c).

(C) By striking subparagraph (7) from paragraph (c) and inserting in lieu thereof the following:

(7) With respect to taxable years beginning after December 31, 1943, and ending before July 1, 1950, a personal service corporation described in section 725 (a), or a corporation described in section 727 (e), (g), or (h) which without regard to the exception stated in the initial clause of section 727 would be exempt from the excess profits tax imposed by subchapter E of chapter 2, except as otherwise provided in section 141 (e) (7) with respect to such taxable years. As to the exception provided in section 141 (e) (7), see the provisions of this section set forth below;

(8) With respect to taxable years ending after June 30, 1950, a personal service corporation described in section 449 or a corporation described in section 454 (d), (f), or (g) which without regard to the exception stated in the initial clause of section 454 would be exempt from the excess profits tax imposed by subchapter D of chapter 1, except as otherwise provided in section 141 (e) (7). As to the exception provided in section 141 (e) (7), see the provisions of this section set forth below; and

(9) With respect to taxable years ending after June 30, 1950, a regulated public utility corporation described in section 448 (d), except as otherwise provided in section 141 (e) (8) and section 141 (j). As to the exception provided in section 141 (e) (8), see the provisions of this section set forth below. As to the exception provided in section 141 (j), see paragraph (g) of this section.

The corporations described in section 727 (e), (g), and (h), and in section 454 (d), (f), and (g), are personal holding companies as defined in section 501, certain domestic corporations which derive a specified part of their gross income from sources outside the United States (section 727 (g) and section 454 (f)), and certain corporations which receive compensation from the United States for the transportation of mail by aircraft (section 727 (h) and section 454 (g)).

Any corporation which otherwise would not be an includible corporation under subparagraphs (7) or (8) of this paragraph and section 141 (e) (7) may make and file a consent for any taxable year beginning after December 31, 1943, to be treated as an includible corporation. A corporation which has made and filed such consent for any taxable year ending prior to July 1, 1950, shall be treated as an includible corporation for the taxable year for which such consent is filed and for each subsequent taxable year ending before July 1, 1950. A corporation which has made and filed a consent for any taxable year ending after June 30, 1950, shall be treated as an includible corporation for such taxable year and for each subsequent taxable year. With respect to the subsequent taxable years in either such case, such corporation shall be deemed to be an includible corporation regardless of whether the affiliated group of which such corporation is a member during the subsequent taxable year is the same as the affiliated group of which it was a member when the consent was filed. If such corporation is a common parent corporation, the making and filing of the consolidated income tax return shall constitute the making and filing of its consent under section 141 (e) (7). If such corporation is a subsidiary, the filing for a taxable year ending before July 1, 1950, of its authorization and consent on Forms 1122 and 1122E in the manner prescribed by § 23.12 (b) of this subchapter (Regulations 104) and § 33.12 (b) of this subchapter (Regulations 110) shall constitute the making and filing of such consent; the filing for a taxable year ending after June 30, 1950, of its authorization and consent on Form 1122 in the manner prescribed by § 24.12 (b) of this subchapter (Regulations 129) shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (e) (7) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed, except as otherwise provided in section 613 of the Revenue Act of 1951. Section 613 of that act relates to the withdrawal within 90 days after October 20, 1951 (the date of enactment of that act), of consents for the first taxable year ending after June 30, 1950, with respect to corporations described in section 454 (f).

Under section 141 (e) (8), any regulated public utility corporation may make and file a consent for any taxable year ending after June 30, 1950, to compute its excess profits credit without regard to section 448. A corporation which has made and filed such consent shall be treated as an includible corporation under section 141 (e) (8) for the taxable year for which such consent is filed and for each consecutive subsequent taxable year for which a consolidated return is made or is required to be made by the affiliated group of which it was a member at the time such consent was filed unless it has ceased to be a member of such group. If such corporation is a common parent corporation, the making and filing of a consolidated return in which the consolidated excess profits credit is determined under provisions other than those of section 448 shall constitute the making and filing of its consent under section 141 (e) (8). If such corporation is a subsidiary, the filing of an authorization and consent on Form 1122, in the manner prescribed by § 24.12 (b) of this subchapter (Regulations 129), indicating thereon its consent to compute its excess profits credit without regard to section 448 shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (e) (8) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed; however, if a separate return is properly filed by such a corporation for a subsequent taxable year, it is not thereafter an includible corporation under section 141 (e) (8) unless another consent under such section is made and filed.

(D) By striking the last sentence of paragraph (c) and inserting in lieu thereof the following: "In the case of taxable years ending before July 1, 1950, see sections 725 (b) and 727, and in the case of taxable years ending after June 30, 1950, see section 449 and section 454."

(E) By striking that part of paragraph (e) which follows the first sentence and inserting in lieu thereof the following: "The option to treat such foreign corporation as a domestic corporation must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. However, in the case of taxable years ending before January 1, 1950, the option must be exercised at the time of making the first consolidated return for any taxable year beginning after December 31, 1941, and ending before January 1, 1950. If the foreign corporation is included or is required to be included in the consolidated return of the affiliated group of which it is a member for any taxable year, it must be included in the consolidated return for each consecutive taxable year thereafter for which such group makes or is required to make a consolidated return. Furthermore, if the option is exercised at the time of making the first consolidated return for any taxable year beginning after December 31, 1941, and ending before January 1, 1950, the foreign corporation must be included in the consolidated return of the group for each subsequent taxable year ending before January 1, 1950, for which such group makes or is required to make a consolidated return, whether or not such taxable year is preceded by a taxable year for which separate returns are made."

(F) By striking the last sentence of paragraph (f) and inserting in lieu thereof the following: "For example, if the consolidated corporation surtax net income of an affiliated group for a taxable year is $40,000, the increase in the surtax for such taxable year is $800, that is, 2 percent of $40,000. For taxable years ending after December 31, 1949, if the affiliated group includes one or more Western Hemisphere trade corporations (as defined in section 109), the increase shall be applied in the manner provided in § 24.30 (b) (1) of this subchapter (Regulations 129)."

(G) By inserting immediately after paragraph (f) the following:

(g) *Consolidated returns of regulated public utilities computing excess profits credit under section 448.* For taxable years ending after June 30, 1950, a regulated public utility which has made and filed a consent to compute its excess profits credit under section 448 only may be included in an affiliated group (within the meaning of section 141 (d)) comprised solely of regulated public utility corporations each of which has made and filed such a consent. If such consent of a regulated public utility corporation is filed for any taxable year ending after June 30, 1950, such corporation shall be an includible corporation within the meaning of section 141 (j) for the taxable year for which such consent is filed and for all consecutive subsequent taxable years for which such affiliated group of which such corporation is a member makes or is required to make a consolidated return. If such corporation is a common parent corporation, the making and filing of a consolidated return in which the consolidated excess profits credit is determined under the provisions of section 448 shall constitute the making and filing of its consent under section 141 (j). If such corporation is a subsidiary, the filing of its authorization and consent on Form 1122, in the manner prescribed by § 24.12 (b) of this subchapter (Regulations 129), indicating thereon its consent to compute its excess profits credit with respect to section 448 only, shall constitute the making and filing of such consent. A consent to be treated as an includible corporation under section 141 (j) cannot be withdrawn or revoked at any time after the consolidated return is filed for the first taxable year for which the consent is filed. However, if a separate return is properly filed by such a corporation for a subsequent taxable year, it is not thereafter an includible corporation under section 141 (j) unless another consent under such section is made and filed.

(58 Stat. 32, 58, 467; 26 U. S. C. 62, 141, and 6791)

NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

Approved: August 4, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–8744; Filed, Aug. 7, 1952; 8:50 a. m.]

[Regs. 130; T. D. 5923]

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS AFTER JUNE 30, 1950

CORPORATIONS WHICH MINE STRATEGIC MINERALS

Regulations 130 (26 CFR Part 40) are amended as follows:

PARAGRAPH 1. There is inserted immediately following the words "in section 450 (b)" as they appear in the parenthetical clause in the first sentence of § 40.450–1 (a) the following: "and in paragraph (e) of this section" so that, as amended, such sentence shall read as follows: "If a domestic corporation is engaged in mining a strategic mineral (as defined in section 450 (b) and in paragraph (e) of this section) within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from excess profits tax."

PAR. 2. Section 40.450–1 (e) is redesignated as § 40.450–1 (f), and there is inserted immediately following § 40.450–1 (d) the following:

(e) In addition to the minerals defined in section 450 (b) as strategic minerals the following minerals have been certified, on the date indicated, to the Secretary as being within such definition:

(1) On May 23, 1951, block steatite talc;

(2) On November 5, 1951, rare earths (metals of successive atomic numbers beginning with lanthanum 57 and extending through lutecium 71 of the periodic table) conforming to National Stockpile Specification P–35, as revised December 12, 1950.

This Treasury decision merely sets forth the minerals certified to the Secretary of the Treasury by other Government agencies and the dates of such certifications. Accordingly, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: August 4, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52–8745; Filed, Aug. 7, 1952; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter A—Military Renegotiation Regulations Under the 1948 Act

PART 1421—AUTHORITY AND ORGANIZATION FOR RENEGOTIATION

PART 1422—PROCEDURE FOR RENEGOTIATION

PART 1423—DETERMINATION OF RENEGOTIABLE BUSINESS AND COSTS

PART 1425—AGREEMENTS, CLEARANCES AND STATEMENTS

PART 1427—MILITARY RENEGOTIATION FORMS

PART 1428—STATUTES, ORDERS AND DIRECTIVES

MISCELLANEOUS AMENDMENTS

Part 1421 is amended in the following respects:

1. Subpart A.—*Summary of the 1948 act and related statutes*, is deleted in its entirety and the following inserted in lieu thereof: "Subpart A. [Reserved.]"

2. The first sentence of § 1421.123–1 is deleted and the following inserted in lieu thereof: "For purposes of the Code of Federal Regulations, the Military Renegotiation Regulations under the Renegotiation Act of 1948 have been assigned to Title 32, Chapter XIV, Subchapter A, comprising Parts 1400 to 1449, inclusive."

3. Subpart C—*Organization and function of the Renegotiation Boards*, is deleted in its entirety and the following inserted in lieu thereof:

SUBPART C—ORGANIZATION AND FUNCTION OF THE RENEGOTIATION BOARD

Sec.

1421.130 Statutory authority.
1421.130–1 Renegotiation Act of 1948.
1421.130–2 Renegotiation Act of 1951.
1421.131 Delegation by the Secretary of Defense to The Renegotiation Board.
1421.132 Redelegation by The Renegotiation Board to the Secretary of Defense.
1421.133 Redelegation by the Secretary of Defense to the Secretaries of the Army, Navy and Air Force.

AUTHORITY: §§ 1421.130 to 1421.133 issued under 62 Stat. 259, as amended; sec. 109, Pub. Law 9, 82d Cong. (65 Stat. 22); 50 U. S. C. App. 1193.

§ 1421.130 *Statutory authority.*

§ 1421.130–1 *Renegotiation Act of 1948.* The authority and discretion to administer the Renegotiation Act of 1948 are conferred upon the Secretary of Defense with power of delegation (subsections (f) and (g); see § 1428.801 of this subchapter).

§ 1421.130–2 *Renegotiation Act of 1951.* Section 107 (f) of the Renegotiation Act of 1951 provides in part that, notwithstanding any other provisions of law, the Secretary of Defense is authorized to delegate, in whole or in part, to The Renegotiation Board created by that act, the powers, functions and duties conferred upon him by any other renegotiation law.

§ 1421.131 *Delegation by the Secretary of Defense to The Renegotiation Board.* On January 18, 1952, effective January 20, 1952, the Secretary of Defense delegated to The Renegotiation Board all of the powers, functions and duties conferred upon him by the Renegotiation Act of 1948, as amended or supplemented (see § 1428.824 of this subchapter).

§ 1421.132 *Redelegation by The Renegotiation Board to the Secretary of Defense.* On January 20, 1952, The Renegotiation Board redelegated to the Secretary of Defense the power, function and duty of eliminating excessive profits under subsection (b) of the Renegotiation Act of 1948, as amended or supplemented, with power of redelegation (see § 1428.825 of this subchapter).

§ 1421.133 *Redelegation by the Secretary of Defense to the Secretaries of the Army, Navy and Air Force.* On January 20, 1952, the Secretary of Defense redelegated to each of the Secretaries of the Army, the Navy and the Air Force, respectively, the power, function and duty of eliminating excessive profits under subsection (b) of the Renegotiation Act of 1948, as amended or supplemented, with power of redelegation (see § 1428.826 of this subchapter).

Part 1422 is amended by adding a new Subpart J to read as follows:

SUBPART J—CONTROL OF RENEGOTIATION RECORDS AND INFORMATION CONTAINED THEREIN

NOTE: The regulations on this subject are set forth in Part 1480 of the Renegotiation Board Regulations under the Renegotiation Act of 1951 (Title 32, Chapter XIV, Subchapter B; 17 F. R. 2542).

Part 1423 is amended in the following respects:

1. Subpart A—Fiscal year basis for renegotiations and exceptions, is amended by adding thereto § 1423.310 to read as follows:

§ 1423.310 *Fiscal year beginning in 1950 and ending in 1951.* In the case of a fiscal year beginning in 1950 and ending in 1951, as in the case of any other fiscal year, renegotiation will generally be conducted on the fiscal year basis (see § 1423.301). However, no proceeding under the 1948 act will include any amounts received or accrued by the contractor after December 31, 1950 from its renegotiable prime contracts and subcontracts. Upon request of any contractor, the Board will enter into an agreement for combined renegotiation pursuant to section 102 (c) of the Renegotiation Act of 1951 in any case of a fiscal year beginning in 1950 and ending in 1951 when such contractor has receipts or accruals before January 1, 1951 from prime contracts and subcontracts subject to the 1948 act and also has receipts or accruals after December 31, 1950 subject to the 1951 act, but only when, if no such agreement were made, a contractor would be renegotiated under one or both of such acts. Regulations pertaining to such agreements, including the form thereof, are set forth in § 1457.2 of the Renegotiation Board Regulations issued under the 1951 act.

2. Section 1423.331–1 is amended by adding thereto paragraph (e) to read as follows:

(e) Section 102 (c) of the Renegotiation Act of 1951 provides in part as follows:

The Renegotiation Act of 1948 shall not be applicable to any contract or subcontract to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contract or subcontract was made on, before or after such first day.

Whenever in this part any of the terms "subject contracts", or "subject to renegotiation", or "renegotiable contracts or subcontracts", or "renegotiable business", or similar language is used, such term shall be deemed to include any amounts received or accrued by the contractor or subcontractor on or after the first day of January 1951 whether the contract or subcontract from which such receipt or accrual arose was made on, before or after such first day.

3. Section 1423.332–1 is amended by deleting the first sentence thereof and inserting in lieu thereof the following: "All contracts required by the Renegotiation Act of 1948, as amended or supplemented, to contain a Renegotiation Article are subject to that act except to the extent of amounts received or accrued on or after January 1, 1951 (see section 102 (c) of the Renegotiation Act of 1951)."

4. Appendix A to Subpart E of Part 1423 is amended by inserting after the heading thereof the following:

Section 102 (c) of the Renegotiation Act of 1951 provides that the Renegotiation Act of 1948 shall not be applicable to any contract or subcontract to the extent of the amounts received or accrued by a contractor or subcontractor on or after the first day of January 1951, whether such contract or subcontract was made on, before, or after such first day. The following exemptions relate only to contracts and subcontracts to the extent of amounts received or accrued prior to January 1, 1951.

5. Subpart F—*Commencement and completion of renegotiation*, is deleted in its entirety and the following inserted in lieu thereof.

SUBPART F—LIMITATIONS ON COMMENCEMENT AND COMPLETION OF RENEGOTIATION

Sec.

1423.361 Statutory provision.
1423.362 Commencement of renegotiation proceedings.
1423.362–1 Period of commencement.
1423.362–2 Effect of false statement in Standard Form of Contractor's Report.
1423.363 Completion of renegotiation proceedings.

AUTHORITY: §§ 1423.361 to 1423.363 issued under 62 Stat. 259, as amended; sec. 109, Pub. Law 9, 82d Cong. (65 Stat. 22); 50 U. S. C. App. 1193.

§ 1423.361 *Statutory provision.* Section 202 of the Renegotiation Act of 1951 provides as follows:

No proceeding under the Renegotiation Act of 1948 to determine the amount of excessive profits for any fiscal year shall be commenced more than one year after the mandatory statement required by the regulations issued pursuant to such Act is filed with respect to such year, or more than six months after the date of the enactment of this title, whichever is the later, and if such proceeding is not so commenced (in the manner provided by the regulations prescribed pursuant to such Act), all liabilities of the contractor or subcontractor under such Act for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits under such Act is not made within two years following the commencement of the renegotiation proceeding, then upon the expiration of such two years all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (1) such two-year period may be extended by mutual agreement, and (2) if within such two years such an order is duly issued pursuant to such Act, such two-year limitation shall not apply to the review of such order by any renegotiation board duly authorized to undertake such review.

§ 1423.362 *Commencement of renegotiation proceedings.*

§ 1423.362–1 *Period of commencement.* Under § 1422.241 of this subchapter, renegotiation proceedings are commenced by mailing of a notice to that effect, by registered mail, to the contractor or subcontractor. Unless renegotiation proceedings are commenced within one year after the Standard Form of Contractor's Report prescribed in § 1422.222–1 of this subchapter is filed with respect to any fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. For the purposes of this paragraph, the filing of the Standard Form of Contractor's Report is considered to be the filing of the mandatory statement referred to in section 202 of the Renegotiation Act of 1951.

§ 1423.362–2 *Effect of false statement in Standard Form of Contractor's Report.* The Standard Form of Contractor's Report provides the information upon the basis of which it is determined whether the contractor or subcontractor will or will not be renegotiated under the act. If the purported Standard Form of Contractor's Report filed by any contractor or subcontractor for any fiscal year contains a false statement of a material fact, either fraudulently or negligently made, the filing of such purported statement will not be regarded as a filing of the Standard Form of Contractor's Report, sufficient to start the one-year period of limitations running as prescribed in section 202 of the Renegotiation Act of 1951, and even if the renegotiation is not commenced within one year after the filing thereof, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved is not discharged.

§ 1423.363 *Completion of renegotiation proceedings.* Unless an agreement or order determining the amount of excessive profits (see Parts 1425 and 1426 of this subchapter) is made within two years after the commencement of a renegotiation proceeding with respect to any fiscal year, the liability of the contractor or subcontractor for excessive profits received or accrued during such fiscal year is discharged. If in the course of such proceeding, the contractor makes, either fraudulently or negligently, a false statement of a material fact, the liability of the contractor or subcontractor for excessive profits received or accrued during the fiscal year involved is not discharged even though renegotiation is not completed by the Board within two years after the commencement of such renegotiation proceeding.

6. Subpart H—*Costs allocable and allowable against renegotiable business*, is amended by deleting § 1423.388–2 and inserting in lieu thereof the following:

§ 1423.388–2 *Charitable and other contributions.* (a) Contributions will, to the extent allocable thereto, be allowed as a cost of renegotiable business if such contributions are estimated to be deductible in the fiscal year under review for Federal income tax purposes under section 23 (o) and (q) of the Internal Revenue Code.

(b) The primary consideration in determining the extent to which such contributions are allocable to renegotiable business is whether they are reasonably necessary for the conduct of such business. In this connection weight will be given to the practice of the contractor prior to the year under review with respect to charitable contributions.

Part 1425 is amended by deleting § 1425.508 in its entirety.

Part 1427 is amended by inserting the following immediately after the heading:

NOTE: Except with respect to Form MRR 702, Standard Form of Contractor's Report, set forth in § 1427.702, the Board may direct any contractor to employ the forms approved for use under the Renegotiation Act of 1951, and any contractor who uses such a form, in compliance with such a direction, shall be deemed to have complied with the regulations in this subchapter.

Part 1428 is amended as follows:

1. Subpart A: *Statutes* is amended by deleting the word "Reserved" in § 1428.805 and inserting in lieu thereof the following:

§ 1428.805 *Section 102 (c), Renegotiation Act of 1951 (Pub. Law 9, 82d Cong.).*

(c) *Renegotiation Act of 1948.* The Renegotiation Act of 1948 shall not be applicable to any contract or subcontract to the extent of the amounts received or accrued by a contractor or subcontractor on or after the 1st day of January 1951, whether such contract or subcontract was made on, before, or after such first day. In the case of a fiscal year beginning in 1950 and ending in 1951, if a contractor or subcontractor has receipts or accruals prior to January 1, 1951, from contracts or subcontracts subject to the Renegotiation Act of 1948, and also has receipts or accruals after December 31, 1950, to which the provisions of this title are applicable, the provisions of this title shall, notwithstanding subsection (a), apply to such receipts and accruals prior to January 1, 1951, if the Board and such contractor or subcontractor agree to such application of this title; and in the case of such an agreement the provisions of the Renegotiation Act of 1948 shall not apply to any of the receipts or accruals for such fiscal year.

2. Subpart B: *Directives* is amended by adding thereto §§ 1428.825, 1428.826 and 1428.827 to read as follows:

§ 1428.825 *Delegation by the Secretary of Defense to The Renegotiation Board.* For the text of this delegation, see 17 F. R. 736.

§ 1428.826 *Redelegation by The Renegotiation Board to the Secretary of Defense.* For the text of this redelegation, see 17 F. R. 736.

§ 1428.827 *Redelegation by the Secretary of Defense to the Secretaries of the Army, Navy and Air Force.* For the text of this redelegation, see 17 F. R. 1065.

(62 Stat. 259, as amended; sec. 109, Pub. Law 9, 82d Cong. (65 Stat. 22); 50 U. S. C. App. 1193)

Dated: August 5, 1952.

JOHN T. KOEHLER, *Chairman, The Renegotiation Board.*

[F. R. Doc. 52–8750; Filed, Aug. 7, 1952; 8:53 a. m.]

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

LIST OF EXEMPT RAW MATERIALS

This part is amended by deleting § 1453.2 (b) (3) in its entirety, and inserting in lieu thereof the following:

(3) *List of exempt raw materials.* (i) The Board has determined that the following products are exempt under section 106 (a) (3) of the act and subparagraph (2) of this paragraph when they represent products of a mine, oil or gas well, or other mineral or natural deposit, or timber, which have not been processed, refined or treated beyond the first form or state suitable for industrial use, and are not exempt if manufactured from raw materials which do not fall within the above description or which have at some prior stage been processed, refined or treated beyond such first form or state suitable for industrial use. For example, magnesium or salt products derived from sea water, products manufactured from the atmosphere, secondary aluminum pigs and ingots, and other similar products are not considered exempted products.

(ii) This list is not intended to be comprehensive but is being promulgated as a guide to contractors in completing the Standard Form of Contractor's Report, prescribed in § 1470.3 (a) of this subchapter. The Board may from time to time add to the list, or revise it if errors are found.

RAW MATERIALS EXEMPTION LIST

Aggregates, including such items as washed or screened sand, gravel or crushed stone.
Alumina; aluminum sulphate; aluminum ingots and pigs.
Asphalt, natural and natural tar.
Antimony ore, crude; antimony ore, concentrated; antimony metal; antimony oxide; antimony sulphide; liquated antimony.
Arsenic, crude; arsenic powder; arsenious oxide (white arsenic).
Asbestos rock; asbestos fibre.
Barytes, crude crushed.
Bauxite crude; calcined or dried bauxite; bauxite abrasive grains.

Bentonite, dried, crushed, granulated and pulverized.

Beryl ore and concentrates; beryllium oxide; beryllium metal; beryllium master alloys.

Bismuth metal.

Borax.

Cadmium flue dust; cadmium oxide; metallic cadmium.

Celestite, ores and concentrates.

Cement, natural and Portland.

China clay; kaolin; fire clay; brick and tile made from clays other than kaolin, china and fire clay.

Chlorine, hydrogen and sodium produced directly by electrolysis of salt brine.

Chromium ore and ferrochrome; chromite not processed beyond the form or state suitable for use as a refractory; bichromates.

Coal, prepared; run-of-mine coal.

Cobalt oxide; cobalt anodes, shot and rondelles.

Columbium ore and concentrates; columbium oxide, ferrocolumbium.

Copper ore, crude; copper ore, concentrated; copper matte; blister copper, copper billets, unrefined anodes, cathodes, cakes, ingots, ingot bars, powder, slabs and wirebars.

Corundum ore and concentrates; corundum grain.

Cryolite ore and concentrates.

Diaspore; diaspore brick.

Diatomaceous silica, lump, block, brick and powder.

Dolomite; crushed dolomite.

Feldspar, crude and ground.

Ferrosilicon.

Fluorspar ore; fluorspar fluxing gravel; lump ceramic ground fluorspar; acid grades of fluorspar.

Fuller's earth.

Gas, natural, not processed or treated further than the processing or treating customarily occurring at or near the well.

Germanium chloride, germanium oxide.

Graphite ore and concentrates; flake graphite; graphite fines, lump and chip; graphite powder.

Gypsum, crude; calcined gypsum.

Indium metal.

Industrial diamonds.

Iridium metal, including ingot and powder.

Iron ore, crude; pig iron.

Iron pyrites, ores and concentratea.

Kyanite ore and concentrates; kyanite brick.

Lead ore; refined lead bars, ingots and pigs; antimonial lead bars, ingots and pigs.

Lime, including quick lime.

Limestone, crushed limestone.

Lithium bearing ores and concentrates; lithium carbonate; lithium hydroxide; lithium chloride.

Magnesite; dead burned magnesite.

Magnesium-bearing minerals, including brucite; magnesium oxide; magnesium chloride; metallic magnesium, pigs and ingots.

Mercury ore, mercury metal.

Manganese ore; ferromanganese, including spiegeleisen, silicomanganese; metallic manganese.

Mesothorium.

Mica, crude, hand-cobbed; block mica; sheet mica; film mica; splittings; wet or dry ground mica.

Molybdenum ore and concentrates; molybdenum oxide; calcium molybdate; ferromolybdenum.

Monel ore; monel matte; monel ingots, pigs, and shot, produced from monel matte.

Natural gasoline; casinghead gasoline; residue gas.

Nickel ore and and concentrates; nickel matte; nickel oxide; nickel ingots, cathodes and shot; nickel metal powder.

Oil, crude, not processed or treated further than the processing or treating customarily occurring at or near the well.

Osmium metal, including ingot and powder.

Palladium metal, including ingot and powder.

Phosphate rock; elemental phosphorus, ferrophosphorus; phosphorus pentoxide and phosphoric acid derived directly by treatment of phosphate rock; superphosphate.

Platinum ore and concentrates; platinum metal, including ingot and powder.

Pumice, lump.

Quartz crystal, raw.

Radium bromide; radium sulfate; radium gas.

Rare earth minerals, rare earth products; didymium (neodymium) carbonate; lanthamm oxide; neodymium oxalate, rare earth chloride, technical; rare earth nitrate.

Rhodium metal, including ingot and powder.

Ruthenium metal, including ingot and powder.

Salt, rock; evaporated salt; soda ash, ammonia and electrolytic caustic soda and bicarbonate of soda when derived directly by treatment of brine.

Sea shells; oyster shells; clam and reef shells.

Selenium metal.

Silver, refined, including bars, shot, powder and grains.

Sodium aluminate.

Stone, rough and dimension.

Sulfur, crude.

Sulfuric acid; oleum (other than sulfuric acid or oleum produced from crude sulfur or any other product having an industrial use).

Standing timber, logs, logs sawed into length, and logs with or without bark.

Talc, crude, lump, ground and sawed.

Tantalum ore and concentrates; tantalum double fluoride.

Tellurium metal.

Thorium nitrate.

Tin ore and concentrates; refined pig tin.

Titanium-bearing ores and concentrates, including ilmenite and rutile; titanium oxide; metallic titanium; ferrotitanium; ferro carbon titanium; titanium potassium oxalate.

Tungsten ore and concentrates; sodium tungstate; ferro-tungsten, metallic tungsten, including powder; tungstic oxide; tungstic acid.

Uranium ores and concentrates; uranium oxide.

Vanadium ores and concentrates; sodium vanadate; vanadium pentoxide; ferrovanadium.

Vermiculite ore, crude, crushed and expanded.

Whiting, chalk lump.

Zeolites derived from glauconite.

Zinc ores and concentrates; zinc anodes, bars, oxide, powder and slabs.

Zirconium concentrates; metallic zirconium; zirconium minerals not processed beyond the form or state suitable for use as a refractory.

(Sec. 109, Pub. Law 9, 82d Cong. (65 Stat. 22))

Dated: August 5, 1952.

JOHN T. KOEHLER,
Chairman,
The Renegotiation Board.

[F. R. Doc. 52-8749; Filed, Aug. 7, 1952; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amdt. 17]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

OVER THE COUNTER SALES BY GIFT PACKAGE SHIPPERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 17 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment will permit retailers, 65 percent of whose sales are shipped via mail or express and thus already under the GCPR, to price the balance of their sales of CPR 15 items under the GCPR.

There are approximately 2,000 to 3,000 retailers in the United States doing a collective volume of approximately $60,000,000 annually whose major business is the sale of gift and holiday packages which are shipped via mail or express. In Florida alone there are approximately 400 such establishments doing collectively over $5,000,000 in sales annually.

Historically, this group of retailers had markups much higher than the highest markups now permitted under CPR 15. Available data indicate that the Florida group, for instance, has historically had an average markup of 67 percent. This difference in markup has already been recognized by a prior amendment providing that all retail sales of gift holiday packages which are shipped via mail or express were to be excluded from the provisions of this regulation and placed under the GCPR.

However, one factor was not considered at that time, namely, that all these retailers have some over-the-counter business. This over-the-counter business was left under the provisions of CPR 15 with the result that in a substantial number of cases the same item has had two ceiling prices depending on whether it was to be shipped or sold over-the-counter. This has arisen from the fact that retailers involved package almost all items they sell in such form that they can be readily shipped via mail or express because they do not know whether any particular package will be sold over-the-counter or shipped. Requiring that a package sold for shipment be under the GCPR, while an identical package sold over-the-counter be under CPR 15 has caused difficulties for the retailers in their relations with the public. The Director has determined that in view of the relatively small volume of over-the-counter sales, providing separate ceiling prices is not necessary for the purposes of the price stabilization program.

In view of the foregoing considerations, this amendment permits retailers who qualify to apply to the OPS District Office for their area for an adjustment putting under the GCPR all sales of items covered by CPR 15. Immediately upon filing this application the retailer may begin to price under the GCPR, subject to disapproval by the OPS.

In the formulation of this amendment, it has been found impracticable to consult with the official advisory committee. However, the provisions of this amendment incorporate the recommendations of trade association representatives and other persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

A new section 26b is inserted in Article III after Section 26a to read as follows:

SEC. 26b. *How certain stores that ship most of their sales via mail or express may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department ships 65 percent or more by dollar volume of the items it sells via mail or express, you may obtain permission to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(b) In order to obtain this permission you must file an application with the OPS District Office for your area and furnish the following information:

(1) Your total dollar volume of food sales in the calendar year or fiscal year preceding the date of your application.

(2) Total dollar volume of food sales shipped via mail or express in the calendar year or your fiscal year preceding the date of your application.

(c) You may consider your store or food department excluded from the requirement that you use the markups prescribed by this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. You must then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 12, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8873; Filed, Aug. 7, 1952; 4:00 p. m.]

[Ceiling Price Regulation 16, Amdt. 17]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND 2 STORES

OVER THE COUNTER SALES BY GIFT PACKAGE SHIPPERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 17 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment will permit retailers, 65 percent of whose sales are shipped via mail or express and thus already under the GCPR, to price the balance of their sales of CPR 16 items under the GCPR.

There are approximately 2,000 to 3,000 retailers in the United States doing a collective volume of approximately $60,000,000 annually whose major business is the sale of gift and holiday packages which are shipped via mail or express. In Florida alone there are approximately 400 such establishments doing collectively over $5,000,000 in sales annually.

Historically, this group of retailers had markups much higher than the highest markups now permitted under CPR 16. Available data indicate that the Florida group, for instance, has historically had an average markup of 67 percent. This difference in markup has already been recognized by a prior amendment providing that all retail sales of gift holiday packages which are shipped via mail or express were to be excluded from the provisions of this regulation and placed under the GCPR.

However, one factor was not considered at that time, namely, that all these retailers have some over-the-counter business. This over-the-counter business was left under the provisions of CPR 16 with the result that in a substantial number of cases the same item has had two ceiling prices depending on whether it was to be shipped or sold over-the-counter. This has arisen from the fact that retailers involved package almost all items they sell in such form that they can be readily shipped via mail or express because they do not know whether any particular package will be sold over-the-counter or shipped. Requiring that a package sold for shipment be under the GCPR, while an identical package sold over-the-counter be under CPR 16 has caused difficulties for the retailers in their relations with the public. The Director has determined that in view of the relatively small volume of over-the-counter sales, providing separate ceiling prices is not necessary for the purposes of the price stabilization program.

In view of the foregoing considerations, this amendment permits retailers who qualify to apply to the OPS District Office for their area for an adjustment putting under the GCPR all sales of items covered by CPR 16. Immediately upon filing this application the retailer may begin to price under the GCPR, subject to disapproval by the OPS.

In the formulation of this amendment, it has been found impracticable to consult with the official advisory committee. However, the provisions of this amendment incorporate the recommendations of trade association representatives and other persons representing substantial segments of the industry. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

A new section 24b is inserted in Article III after section 24a to read as follows:

SEC. 24b. *How certain stores that ship most of their sales via mail or express may under specific conditions apply to be excluded from using the markups in this regulation for the purpose of establishing their ceiling prices.* (a) If your store or food department ships 65 percent or more by dollar volume of the items it sells via mail or express, you may obtain permission to be excluded from using the markups in this regulation for the purpose of establishing your ceiling prices.

(b) In order to obtain this permission you must file an application with the OPS District Office for your area and furnish the following information:

(1) Your total dollar volume of food sales in the calendar year or fiscal year preceding the date of your application.

(2) Total dollar volume of food sales shipped via mail or express in the calendar year or your fiscal year preceding the date of your application.

(c) You may consider your store or food department excluded from the requirement that you use the markups prescribed by this regulation for the purpose of establishing your ceiling prices as soon as you have filed your application in accordance with this section. You must then figure all your ceiling prices for food items under the General Ceiling Price Regulation, as amended. This authority may be withdrawn if it is determined by OPS that your store or food department does not qualify for adjustment under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 12, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8874; Filed, Aug. 7, 1952; 4:00 p. m.]

[Ceiling Price Regulation 67, Amdt. 11]

CPR 67—RESELLER'S CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

PRIMARY ALUMINUM MILL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization

Agency General Order No. 2, this amendment to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment places primary aluminum mill products under the coverage of this regulation.

Prior to the issuance of this amendment there had been no change in the ceiling price of primary aluminum mill products since the issuance of the General Ceiling Price Regulation. Since the ceiling prices established by resellers of these products under the General Ceiling Price Regulation had been determined generally in accordance with normal practice, there was no prior necessity for placing these resellers under this regulation. The Office of Price Stabilization is issuing simultaneously herewith, Supplementary Regulation 113 to the General Ceiling Price Regulation—Producers of Aluminum Mill Products, and because of the necessity of providing resellers of these aluminum products with pricing methods which enable them to reflect the increases provided for in this supplementary regulation in accordance with their normal practice, it is considered appropriate to include all such products in CPR 67.

In view of the emergency nature of this amendment special circumstances has rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended by adding the following items to Appendix A:

Primary aluminum mill products. (This term means any new or unused pig, ingot, sheet, coil, plate, blanks, circles, foil, wire, rod and bar (including structurals), extrusions (including shapes, tubing, pipe), tubing (drawn and welded), bare electrical conductor cables, roofing and siding, powder and paste, and roll formed shapes made from aluminum or aluminum alloys.) It does not include any fabricated product made from any of the foregoing products.

Effective date. This amendment is effective as of August 4, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 6, 1952.

[F. R. Doc. 52-8813; Filed, Aug. 6, 1952; 4:44 p. m.]

[Ceiling Price Regulation 97, Amdt. 9]

CPR 97—CEILING PRICES FOR PACIFIC NORTHWEST LOGS

ADDITION OF ACCREDITED SCALERS AND GRADERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order No. 2, Delegation of Authority No. 30, this Amendment 9 to Ceiling Price Regulation 97 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation No. 97 carries out the intention expressed in section 19 by adding to Appendix A certain employees of previously accredited log scaling and grading bureaus, and individual scalers and graders who have been found qualified by the Regional Director of Region 13 to scale and grade logs subject to the regulation.

The persons accredited by this amendment have submitted the information and statements required under section 19. The Regional Director of Region 13 has requested the appropriate log scaling and grading bureaus named in this section to examine into the qualifications of each applicant. The Regional Director has evaluated whatever findings were made by the appropriate bureau, has considered whatever other information has been brought to his attention, and is of the opinion that each applicant is qualified for listing as an accredited scaler and grader.

This amendment also deletes from subparagraph (4) of paragraph (b) one accredited employee and adds him to subparagraph (3) of paragraph (b); deletes from subparagraph (5) of paragraph (b) three accredited employees who are no longer scaling and grading logs; deletes from subparagraph (6) of paragraph (b) two accredited employees who are no longer scaling and grading logs; and deletes from paragraph (c) an individual scaler and grader, who by this amendment has been accredited as an employee scaler and grader under subparagraph (5) of paragraph (b).

In the formation of this amendment, there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 97 is hereby amended in the following respects:

1. Subparagraph (1) of paragraph (b) of Appendix A is amended by inserting the name "Coughlin, Robert A." immediately after the name "Copple, Wilburn L."; inserting the name "Jolly, Gordon F." immediately after the name "Johnson, Norman Donald"; inserting the name "McHone, Don L." immediately after the name "McEvoy, Roy J."; inserting the name "Murphy, Thomas W." immediately after the name "Muir, Gordon"; inserting the name "Petrie, Ross" immediately after the name "Perin, Warren W."; and inserting the name "Rackloff, Howard E." immediately after the name "Pearson, Clinton."

2. Subparagraph (3) of paragraph (b) of Appendix A is amended by inserting the name "Hayes, Roy A." immediately after the name "Cairns, Richard."

3. Subparagraph (4) of paragraph (b) of Appendix A is amended by deleting the name "Hayes, Roy A." therefrom.

4. Subparagraph (5) of paragraph (b) of Appendix A is amended by deleting the names "Cacy, Harold B.," "Hubbard, Herman H.," and "Hufford, Marion D." therefrom.

5. Subparagraph (5) of paragraph (b) of Appendix A is amended by inserting the name "Crabb, Glen E." immediately after the name "Blomgren, George V."; inserting the name "Donivan, Bryan" and the name "Farrier, J. Merle," in that order, immediately after the name "Crawford, Elmer B."; inserting the name "Johnson, John F." immediately after the name "Flynn, Harry"; inserting the name "Morris, Ivan G." immediately after the name "Moore, Elmer H."; and inserting the name "Petty Norman" and the name "Phillips, Jack F." immediately after the name "Nosler, Dan L."

6. Subparagraph (6) of paragraph (b) of Appendix A is amended by deleting the name "Duerfeldt, Bill" and the name "Hudson, Frederick" therefrom.

7. Subparagraph (6) of paragraph (b) of Appendix A is amended by inserting the name "Scofield, Roger" immediately after the name "Phillips, Wm. S."

8. Subparagraph (8) of paragraph (b) of Appendix A is amended by inserting the names "Randall, Lavern" and "White Allen R.," in that order, immediately after the name "Cain, Leonard E."

9. Paragraph (c) of Appendix A is amended by deleting the name "Farrier, J. Merle, Eugene, Oregon" therefrom.

10. Paragraph (c) of Appendix A is amended by inserting the name "Beck, Ira Alan, Myrtle Creek, Oregon" immediately after the name "Baxter, Laurance, Springfield, Oregon," and inserting the name "Hess, Charles J., Bandon, Oregon" immediately after the name "Garland, James E., Corvallis, Oregon."

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 9 to Ceiling Price Regulation 97 is effective August 7, 1952.

HAROLD WALSH,
Regional Director, Region 13,
Office of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8872; Filed, Aug. 7, 1952; 11:56 a. m.]

[Ceiling Price Regulation 143, Amdt. 1]

CPR 143—CEILING PRICES FOR CERTAIN PAPER AND PAPER PRODUCTS SOLD IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 143 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 143 establishes ceiling prices for certain paper and paper products sold in Puerto Rico at various levels on the basis of direct cost plus a percentage markup.

The regulation as issued was intended to allow sellers of these commodities their customary margins received prior to Korea. Subsequent investigations have disclosed that distributors of standard wrapping paper and grocers' paper bags have traditionally received certain commissions and service allowances as part of their markup which by the provision of the regulation, as originally issued, were not to be included as part of the direct cost nor were they taken into consideration in determining the markup. This amendment allows distributors of standard wrapping paper and grocers paper bags to add commissions and service allowances to direct cost provided that the amount so added does not exceed that customarily received during the period May 24 to June 24, 1950. Distributors who did not receive any commission or service allowance during this period but instead were quoted prices to which the equivalent of a commission or service allowance had already been deducted from the invoice price may apply to the Territorial Director of the Office of Price Stabilization in Puerto Rico for permission to add that commission or service allowance to their direct cost. Any person who became a distributor after June 24, 1950 and receives a commission or service allowance, may also apply for authorization to add such commission or allowance to his direct cost.

Article 3 has been further amended to provide a single markup for sales at all levels of distribution instead of a separate markup at the distribution and wholesale level. This change is necessary in order to conform to customary business practices of sellers of standard wrapping paper and grocers bags who usually are distributors selling at both the distributor and wholesale level.

As originally issued, Article 3 of the regulation established ceiling prices for grocers and variety paper bags sold in Puerto Rico. After issuance of the regulation, it was brought to the attention of the OPS that sellers of variety paper bags in Puerto Rico normally enjoy higher markups on variety paper bags than grocers bags and shipping sacks. Accordingly, the regulation has been amended to exclude variety bags from the coverage of CPR 143. This action restores the applicability of the GCPR to sales of locally manufactured variety bags and CPR 9, Revision 1, to sales of variety bags not produced in Puerto Rico.

In addition, certain of the provisions of Ceiling Price Regulation 143 are amended for the purpose of clarification. Section 1.7 has been revised in order to specify in greater detail the notification requirements when the item sold bears one overall markup for all levels of distribution and in cases where there is one markup for each level.

A new paragraph has been added to section 1.9 providing a fourth method for determining ceiling prices for different cost inventories. This method provides that if a seller purchases a commodity under separate invoices at different prices and has in his inventory identical items at different costs, the ceiling price for the entire inventory of identical items must be determined on the basis of the last delivered cost, provided the units of the commodity included in the last delivered cost are not less than 33 percent of inventory on hand (including units last received) of identical commodities at date of invoice corresponding to the last delivered cost.

The notification requirement in section 2.2 has been eliminated from that section and is now included in section 1.7.

In formulating this amendment, the Director has consulted with the Territorial Industry Advisory Committee for Wrapping Paper and other industry representatives including trade association representatives and has given full consideration to their recommendations. In his judgment, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 143 is amended in the following respects:

1. Section 1.7 is amended to read as follows:

SEC. 1.7 *Notification and posting—*(a) *Notification to purchasers, commodities subject to a single markup.* Every distributor selling, except at retail, any of the commodities covered by this regulation for which one ceiling price has been established for sales at all levels of distribution, shall, with each delivery, supply the purchaser with a statement of the ceiling price of the commodity, as follows: "The ceiling price for the sale of this commodity determined under Ceiling Price Regulation 143 is $_____ per _____". On all subsequent sales of such commodities, the price charged must not be higher than the ceiling price indicated on the sales invoice of the distributor to purchasers of such items.

(b) *Notification to purchasers, commodities having specific markups on sales at different levels.* On and after the effective date of this regulation, every person selling commodities covered by this regulation having specific markups on sales at different levels other than at retail, shall, with each delivery, supply the purchaser with a statement of the ceiling price of the commodity at the time of delivery as follows: "The ceiling price of this commodity determined under Ceiling Price Regulation 143, is $_____ per _____ on sales to wholesalers and $_____ per _____ on sales at wholesale."

(c) *Posting.* On and after the effective date of this regulation every person offering to sell any commodity covered by this regulation at retail shall display the ceiling and selling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The ceiling and selling prices may be displayed on the commodity itself or may be posted in a place in the establishment where the commodity is offered for sale.

2. Section 1.9 is amended by changing in the second sentence of the first paragraph the word "three" to read "four" and by adding a new paragraph (d) to read as follows:

(d) *Last delivered cost.* Your ceiling price must be computed on the basis of the last delivered cost, provided the units of the commodity included in the last delivered cost are not less than 33 percent of inventory on hand (including units last received) of identical commodities at date of invoice corresponding to the last delivered cost.

3. Section 2.2 is amended to read as follows:

SEC. 2.2 *Ceiling prices.* If you are a seller of wrap tissue paper, your ceiling price is the sum of the following amounts, multiplied by 1.20:

(a) The direct cost to the distributor, as defined in section 1.17 of this regulation.

(b) An amount equal to additional charges, separately itemized by the distributor's customary supplier in the invoice, for engraving and printing performed on wrap tissue paper at the request of the purchaser.

4. Paragraph (b) of section 3.1 is amended to read as follows:

(b) "Grocers paper bags" means any unbleached kraft paper bags, machine finished, containing 90 percent or more of unbleached kraft fiber, 30 pounds basis weight and up for use as grocers bags or shopping sacks.

5. Section 3.2 is amended to read as follows:

SEC. 3.2 *Ceiling prices.* (a) If you are a seller of standard wrapping paper or grocers paper bags, your ceiling price is the sum of the following amounts, multiplied by 1.23:

(1) An amount equal to the selling price of the distributor's customary supplier, less all discounts, except discounts for prompt payment, commissions, and allowances for services. The rate of commissions and allowances for services shall not exceed those customarily received during May 24 to June 24, 1950.

(2) An amount equal to charges for forwarding, ocean freight, war risk, and marine insurance, actually incurred.

(3) An amount equal to excise or custom duties actually paid.

(b) The ceiling price in every case must be figured on purchases of customary quantity from a customary type of supplier.

(c) The ceiling price for purchases of non-customary quantity or from a non-customary type of supplier must be figured on the basis of the latest purchase of a customary quantity from a customary type of supplier.

(d) If you are a distributor and did not receive any commission and/or service allowance during the period May 24, 1950–June 24, 1950, but instead you were quoted prices to which the equivalent of a commission and/or service allowance had already been deducted from the invoice prices, or if you became a distributor after June 24, 1950 and receive a commission and/or allowance for service, you may file with the Territorial Director of the Office of Price Stabilization in Puerto Rico an application for authorization to include such commission and/or service allowance as part of the direct cost. This application must be signed by the applicant and must contain:

(1) The name and business address of the applicant.

(2) The percentage commission and/or service allowance which has been deducted from your invoice price during the period May 24 to June 24, 1950, or after June 24, 1950, as the case may be.

(e) You may not include such commission and/or service allowance in the computation of direct cost until notified by the Territorial Director of the Office of Price Stabilization in Puerto Rico of his approval of your application.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 143 is effective August 12, 1952.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8875; Filed, Aug. 7, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 113]

GCPR, SR 113—PRODUCERS OF ALUMINUM MILL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this supplementary regulation to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation provides an increase in ceiling prices for primary aluminum (including pig and ingot), and aluminum mill products.

There are only three producers of primary aluminum in the United States. These are the Aluminum Company of America, the Kaiser Aluminum and Chemical Corporation, and the Reynolds Metals Company. Each of these three producers has filed an individual request with the Office of Price Stabilization for the adjustment of his ceiling prices.

The petition of the Aluminum Company of America, which was filed on July 9, 1952, requests an increase of 2¢ per pound in the price of pig aluminum and of 10 percent in the ceiling prices of ingot and aluminum mill products.

On July 18, the Kaiser Aluminum and Chemical Corporation filed an application for price relief which was later amended on July 28, 1952. The amended application requested an increase of 2.35¢ per pound in the price of pig aluminum and 12.8 percent in the price of aluminum mill products.

The Reynolds Metals Company originally requested an increase of the same magnitude as the Aluminum Company of America, but subsequently increased the amount of the requested relief approximately in line with that submitted by Kaiser.

Each of the three petitions recited various grounds as justifying the price relief requested. Each emphasized the cost increases which have occurred since the end of 1950 when the present prices were first established and the further increases which were anticipated as a result of wage negotiations which have just been concluded.

The petitions submitted by Kaiser and Reynolds referred specifically to the provisions of section 3 (b) (2) of General Overriding Regulation 29. This regulation provides for the individual adjustment of ceiling prices for essential manufacturers of essential commodities. In general, it provides that prices will be adjusted to the break-even point where the applicant's profits on his total business compare favorably with his base period experience, but that the adjustment will allow for a reasonable profit margin where an applicant's over-all profits compare unfavorably with his base period experience.

Section 3 (b) (2) of the regulation, however, provides for ceiling price adjustments beyond the break-even level regardless of the profit position in special cases where this is necessary in the interests of national defense. This section reads in part as follows:

(2) If the Director of Price Stabilization deems it necessary, in order to promote the national defense, he may establish an adjusted ceiling price which includes an amount over your "total unit operating cost", despite the fact that your "current rate of return on net worth" equals or exceeds 85 percent of your "average rate of return on net worth in your normal base period."

On July 24, 1952, the Administrator of Defense Production Administration sent a letter to the Director of Price Stabilization describing in detail the importance of maintaining and increasing the supply of aluminum for the defense program. On the basis of the information contained in this letter, the Director finds that aluminum qualifies under the criteria established in section 3 (b) (2) and that price adjustment adequate to maintain a reasonable profit is necessary in order to promote the national defense.

GOR 29 was intended to permit relief in appropriate cases to individual manufacturers. In the case of aluminum, however, there are only three producers of primary metal, and the prices charged by all three have always been uniform. If varying degrees of relief were separately provided for each of these companies under the provision of GOR 29, serious market disruption would be inevitable. Moreover, the conditions warranting relief are similar in the case of all three companies. Consequently, the Director of Price Stabilization has determined that it would be appropriate in this case to consider all three applications together and to issue a single regulation providing uniform relief for the entire industry.

The three producers of primary aluminum sell only a minor portion of their output in the form of aluminum pig and ingot. The bulk is sold in the form of mill products. While there are only three producers of primary aluminum, there are many manufacturers who produce the same kinds of aluminum mill products as the three primary producers. It would be clearly inappropriate to adjust the prices of aluminum mill products sold by the primary producers without providing similar adjustments at the same time for the non-integrated producers. Consequently, this supplementary regulation is not limited to the three primary producers but provides an adjustment of ceiling prices for non-integrated producers as well.

In determining the amount of relief appropriate under provisions of section 3 (b) (2) of GOR 29, the general policy of OPS has been to restore as nearly as possible the dollar-and-cents profits per unit of product which prevailed before the Korean outbreak. This same standard has therefore been applied in the present case.

Each of the three primary producers has submitted data showing the increase in its costs and prices since the period preceding the Korean outbreak, and the further increases anticipated as a result of the wage negotiations just concluded. While the cost increases shown are not entirely uniform, they are reasonably consistent. On the basis of the figures submitted, the Director of Price Stabilization has determined that an increase of 1¢ per pound in the ceiling price of aluminum pig, and ingot and of 5 percent in the ceiling prices of alloy ingot and aluminum mill products is required to restore the general level of unit profits prevailing before Korea. While the required adjustments for individual products do not in all cases conform with this general pattern, it is important as a practical matter to maintain insofar as possible the existing relationships between the prices of pig, ingot and the various kinds of aluminum mill products. In the judgment of the Director of Price Stabilization the adjustments provided in this supplementary regulation are such as to maintain appropriate price relationships while granting the over-all amount of relief required.

Although the adjustments provided in this regulation were based upon data submitted by the three primary producers only, it was urgent that this action be taken very promptly in order to ensure an adequate supply of aluminum and aluminum products for the defense program. It was impossible to take the time which would have been required to obtain comparable cost data from non-integrated producers. While it is believed that the adjustments here provided are equitable as to such producers as well as to the three integrated producers, the Office of Price Stabilization is, of course, prepared at any time to review the position of the nonintegrated producers in order to determine whether any further action may be required.

In the judgment of the Director of Price Stabilization the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation increases the ceiling prices as determined under the General Ceiling Price Regulation for the aluminum and aluminum alloy products listed herein. This supplementary regulation applies only to sales by the producers of these products. Sales by resellers of these products are established under Ceiling Price Regulation 67.

SEC. 2. *Ceiling prices.* (a) *Primary aluminum pig, primary aluminum alloy pig and primary aluminum ingot.* If you are a producer of primary aluminum pig, primary aluminum alloy pig, or primary aluminum ingot, your ceiling price per pound for these products is your ceiling price as established under the General Ceiling Price Regulation plus one cent.

(b) *Other listed aluminum products.* If you are a producer of the aluminum products listed in Table A, your ceiling price for these products is your ceiling price determined under the General Ceiling Price Regulation plus five percent of your ceiling base price and extras as determined under the General Ceiling Price Regulation. You may round any ceiling price so determined so that it will be expressed in the nearest cent or fraction of a cent you normally employ. If you elect to round any such ceiling price you must round all such ceiling prices so as to reflect decreases as well as increases.

TABLE A

Primary aluminum alloy ingot (including billets).
Sheet, coil, plate, blanks, circles and foil.
Wire, rod and bar (including structurals).
Extrusions (including shapes, tubing and pipe).
Tubing, drawn and welded.
Electrical conductor cables, bare (ACSR) and all aluminum).
Roofing and siding not fabricated beyond the forming operation.
Aluminum powder and paste.
Roll formed shapes.

Effective date. This supplementary regulation is effective as of August 4, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 6, 1952.

[F. R. Doc. 52-8814; Filed, Aug. 6, 1952; 4:46 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

[General Wage Regulation 21, Interpretations]

INTERPRETATIONS OF GENERAL WAGE REGULATION 21

QUESTIONS AND ANSWERS ON GENERAL WAGE REGULATION 21

These questions and answers illustrate various provisions of pension plans and profit-sharing plans of the deferred compensation type that conform to the requirements of General Wage Regulation 21 and will be approved upon initial review. They also illustrate provisions which under current policies of the Board generally will be approved upon review although they do not meet the requirements of General Wage Regulation 21. The illustrations contained below are not exhaustive. Other provisions in plans which the Board finds to be within the spirit of the regulation and not unstabilizing will also be approved.

1. Q. How may a pension plan or a profit-sharing plan of the deferred compensation type be established or amended?

A. Parties may establish or amend a pension plan or profit-sharing plan of the deferred compensation type only in accordance with the standards and provisions of General Wage Regulation 21.

2. Q. What procedure must a petitioner (employer and union, if any) follow to obtain Board approval of a pension or profit-sharing plan under General Wage Regulation 21?

A. Form 502 should be filed directly with Wage Stabilization Board, Washington 25, D. C. These forms may be obtained at the local offices of the Wage-Hour Division, United States Department of Labor. Receipt of petitions will be acknowledged by the Wage Stabilization Board. Plans may be put into operation 30 days after the date of the acknowledgment letter unless within that period the petitioner receives a notification to the contrary. The effective date of the plan may be made retroactive to the extent permitted by Question 20, below. If in its acknowledgment letter the Board specifically approves the plan it may be put into effect without waiting the prescribed 30 days.

Resolution 93 provides a procedure for obtaining approval of plans covering employees of more than one employer.

PENSION PLANS

3. Q. Will the Board disapprove pension plans providing for a normal retirement age for any employees at less than age 65?

A. Under its current policies the Board will not disapprove a pension plan only because it provides that the normal retirement age for female employees is age 60.

4. Q. May a pension plan provide permanent and total disability benefits?

A. Yes.

5. Q. May a pension plan filed under General Wage Regulation 21 provide for retirement prior to normal retirement age?

A. Yes, provided that under the plan benefits for an employee who retires prior to normal retirement age will be reduced:

(a) in accordance with section 2 (a) (1), which requires that the benefits for an employee who retires before normal retirement age, but does not receive pension payments until normal retirement age, shall be reduced in an amount which takes account of the additional years of service the employee would have accrued had he remained in service until normal retirement age. However, if the plan provides for maximum benefits after a specified number of years of credited service, section 2 (a) (1) does not require a reduction in the benefits for an employee who retires before normal retirement age and who at the time of retirement has acquired the maximum number of years of credited service, and

(b) in accordance with section 2 (a) (2), which requires that benefits for an employee who retires before normal retirement age and receives pension payments commencing at some time before normal retirement age (except in the case of early retirement for permanent and total disability) must be reduced in accordance with (a) above and must be further reduced actuarially to take into account the fact that he receives benefits over a longer period of time.

The following chart illustrates the reductions required by sections 2 (a) (1) and 2 (a) (2). Assume that a plan provides a maximum pension of $100 per month to employees with 25 years of credited service who retire at or after age 65.

Age at which credited service starts	Monthly benefit		
	Retirement at age 65	Retirement at age 60	
	Benefits payable	Benefits payable at age 65	Benefits payable at age 60 [1]
35 or earlier	$100	$100	$66.67
40	100	80	53.33
45	80	60	40.00

[1] Assumes actuarial equivalent to be 66⅔ percent.

(It is noted that under section 2 (a) (1) the amount which an employee who retires early may receive at age 65 is computed by dividing benefits he would receive if he retired at age 65 by years of credited service he would have had had he continued in the service of the employer or by years of credited service necessary to obtain maximum benefits, whichever is lower, and multiplying this quotient by years of credited service at early retirement age or by years of credited service necessary to obtain maximum benefits, whichever is lower.)

6. Q. Why are unit benefit plans excepted from the requirement of section 2 (a) (1) that retirement benefits for an employee who retires prior to normal retirement age shall be reduced in an amount which takes account of the addi-

tional years of service the employee would have accrued had he remained in service until normal retirement age?

A. Under a unit benefit plan, for each year of credit service an employee's retirement benefit is increased by either a fixed amount or by a fixed percentage of compensation (compensation may be defined as the average annual compensation during the entire period of credited service or during some predetermined portion of credited service). Since under such plan the amount of the retirement benefit is dependent on the number of years of credited service acquired by the employee, the reduction contemplated by section 2 (a) (1) of General Wage Regulation 21 automatically results from the normal operation of such plan. Thus a further reduction under section 2 (a) (1) is not required with respect to benefits for an employee who retires before normal retirement age, but does not receive benefits until normal retirement age. However, if the employee receives benefits prior to normal retirement age the reduction required by section 2 (a) (2) must be made.

7. Q. Does section 2 (a) (1) require a reduction in the retirement benefit for an employee who retires prior to normal retirement age under a money purchase plan?

A. A money purchase plan is a pension plan under which an employee receives retirement benefits derived from contrbutions each year for his account, which contributions are either a fixed amount or a fixed percentage of annual compensation of the employee. Since under such plan contributions and therefore benefits are directly dependent upon the number of years of credited service, the reduction contemplated by section 2 (a) (1) of General Wage Regulation 21 automatically results from the normal operation of such plan. Thus a further reduction under section 2 (a) (1) is not required with respect to benefits for an employee who retires before normal retirement age. However, if the employee receives benefits prior to normal retirement age the reduction required by section 2 (a) (2) must be made.

8. Q. Will the Board disapprove pension plans which provide permanent and total disability benefits which are not reduced in accordance with section 2 (a) (1)?

A. The Board under its current policies will not disapprove a pension plan only because it provides for permanent and total disability benefits which are not reduced in accordance with section 2 (a) (1).

9. Q. May a pension plan filed under General Wage Regulation 21 provide death benefits?

A. (a) Although the primary purpose of a pension plan must be to provide retirement benefits, a pension plan may provide benefits upon death of an employee prior to retirement in the following amounts:

(1) an amount not larger than 100 times the monthly age benefit which the individual employee would receive upon retirement at the normal retirement age, or

(2) for plans which provide benefits through insurance contracts, the amount permitted under (1) above, the total amount of premiums paid with respect to the account of the individual employee, or the cash value credited to the employee whichever is larger.

(b) A pension plan may provide benefits upon death of an employee after retirement consistent with the amount of death benefit provided in the same plan for death of an employee prior to retirement.

(c) The Board will consider the approvability of provisions in pension plans which provide death benefits in amounts other than amounts permitted under (a) and (b) above on the merits of the individual case. The Board will take into consideration the amount of death benefits provided under any other type of plan which may be in effect for the employees covered by the pension plan.

10. Q. Is General Wage Regulation 21 applicable to contributory pension plans and profit-sharing plans of the deferred compensation type?

A. Yes, except that benefits derived wholly from employee contributions plus accrued interest on such contributions may be paid without regard to the provisions of General Wage Regulation 21.

11. Q. Section 2 (b) requires that all benefits except death benefits shall be payable at least over the lifetime of the employee. Must the benefits be paid in equal installments?

A. All benefits except death benefits must be paid in equal installments extending at least over the lifetime of the employee; however under its current policies the Board will not disapprove a pension plan only because it provides that in the event of early retirement the benefit (after being reduced in accordance with sections 2 (a) (1) and 2 (a) (2)) may be distributed over the lifetime of the employee in such manner as to provide level retirement benefits if combined with Social Security benefits.

The Board will not disapprove a pension plan only because permanent and total disability benefits are computed on a different basis than age retirement benefits, or only because the plan provides that permanent and total disability benefits shall be limited to the duration of the disability or until attainment of the normal retirement age at which time the employee will receive the normal retirement benefit.

12. Q. Does General Wage Regulation 21 place any restrictions on the payment of benefits to an employee whose employment terminates prior to retirement?

A. Benefits for employees whose employment terminates prior to retirement, derived from employer contributions, shall not carry a cash surrender value and shall be deferred to the normal retirement date and then must be paid in equal installments over the employees' lifetime. However, if the pension plan permits retirement prior to normal retirement age in accordance with sections 2 (a) (1) and 2 (a) (2) the Board will not disapprove such a plan only because it also provides for the payment of benefits to an employee whose employment terminates prior to retirement at the early retirement age permitted in the plan.

13. Q. Will the Board disapprove plans which provide for lump sum payment where the monthly benefit is very small?

A. Under current policies the Board will not disapprove a pension plan only because it provides for payment of benefits over a period of less than the employee's lifetime, or in a lump sum, if the benefit would amount to $10 or less per month if payable for life.

PROFIT-SHARING PLANS

14. Q. Will the Board approve a profit-sharing plan which provides that retirement benefits shall be payable for life rather than for at least 10 years?

A. Yes.

15. Q. Since section 3, as amended, requires that the retirement age under a profit-sharing plan shall be age 65, will the Board therefore disapprove profit-sharing plans providing for retirement age at less than age 65?

A. Under its current policies the Board will not disapprove a profit-sharing plan only because it provides for retirement of female employees at age 60.

16. Q. In order to comply with the requirements of Section 3, as amended, must benefit payments under profit-sharing plans of the deferred compensation type be in equal installments over the 10-year period?

A. Yes. However, under current policies the Board will not disapprove a profit-sharing plan only because it provides that if benefits would amount to less than $25 per month over the 10-year period, payments at a rate of $25 per month may be made over a lesser period.

17. Q. May a profit-sharing plan filed under General Wage Regulation 21 provide death benefits to an employee's beneficiary in the event of the employee's death?

A. (a) In the event of an employee's death prior to his retirement, a profit-sharing plan may provide for a death benefit in an amount not greater than the employee's share in the profit-sharing fund.

(b) In the event of death of an employee after retirement, a profit-sharing plan may provide for a death benefit in an amount not to exceed the employee's share in the profit-sharing fund less the total amount of retirement benefits paid to the employee from date of retirement until the time of his death.

PENSION AND PROFIT-SHARING PLANS

18. Q. How do the requirements in General Wage Regulation 21 for Bureau of Internal Revenue approval of pension and profit-sharing plans affect operative dates of such plans?

A. Parties may file Form 502 and the Wage Stabilization Board may approve a pension or profit-sharing plan of the deferred compensation type before Bureau of Internal Revenue approval is obtained.

Pension plans may be put into effect upon approval by the Wage Stabilization Board, and before Bureau of Internal Revenue approval has been obtained. In the event the Bureau of Internal Revenue subsequently notifies the employer that the plan does not meet the requirements of the Internal Revenue Code, employer contributions must cease from the date of receipt of such notification. On the other hand, profit-sharing plans, although approved by the Wage Stabilization Board, may not be put into effect before approval of the plan by the Bureau of Internal Revenue is obtained.

19. Q. Under what circumstances may a pension plan or a profit-sharing plan be made retroactive?

A. Pension and profit-sharing plans may be made effective to a date not earlier than the beginning of the employer's fiscal year in which any of the following dates occurred: (a) The expiration date of the prior contract; (b) the date upon which the contract was reopened pursuant to its terms; (c) if there was voluntary reopening, the date upon which negotiations began pursuant to the agreement to reopen; (d) if there was no prior contract, the date of certification or recognition of the union; (e) the same date as the plan was put into effect for another appropriate employee unit, provided the employees in both units traditionally and consistently received adjustments in compensation effective the same date; (f) the date that the plan was formally determined and communicated to the employees.

20. Q. Where an employer has established a plan under the provisions of General Wage Regulation 6, what action may be taken to eliminate the cost of such plan from the amount charged against the permissible general increase under General Wage Regulation 6?

A. Under section 7, a petition must be filed with the Wage Stabilization Board, Washington 25, D. C., on Form 502, describing the provisions of the plan, with an additional statement requesting the elimination of the charge under General Wage Regulation 6. The statement should indicate the amount which was offset under General Wage Regulation 6 at the time the plan was instituted.

NATHAN P. FEINSINGER,
Chairman, Wage Stabilization Board.

JULY 29, 1952.

[F. R. Doc. 52-8868; Filed, Aug. 7, 1952; 11:26 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 10]

[Rent Regulation 2, Amdt. 9]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

PETITION FOR SECURITY DEPOSIT

Effective August 8, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of August 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

1. Section 73 (g) of Rent Regulation 1 is amended to read as follows:

(g) *Petition for security deposit*—(1) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this section, any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Director may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(2) *Deposit based on prior rental practices.* Notwithstanding the preceding provisions of this section, any landlord at the time the housing accommodations are vacant may petition for an order authorizing the demand and receipt of a security deposit not in excess of one month's rent. If the landlord establishes that on the maximum rent date he had a practice in the structure in which the housing accommodations are situated of collecting a security deposit for a certain specific purpose or that there was on the maximum rent date a practice in the community where the housing accommodations are situated of collecting a security deposit for a certain specific purpose in connection with the rental of comparable housing accommodations, the Director may enter an order authorizing a security deposit not in excess of one month's rent for similar purposes which shall be specified in the order.

2. Section 73 (e) of Rent Regulation 2 is amended to read as follows:

(e) *Petition for security deposit*—(1) *Deposits to secure the return of certain movable articles.* Notwithstanding the preceding provisions of this section, any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Director may enter an order authorizing a security deposit, not in excess of ten dollars, to secure the return of the movable articles specified in the order.

(2) *Deposit based on prior rental practices.* Notwithstanding the preceding provisions of this section, any landlord at the time the room is vacant may petition for an order authorizing the demand and receipt of a security deposit not in excess of one month's rent. If the landlord establishes that on the maximum rent date he had a practice in the structure in which the room is situated of collecting a security deposit for a certain specific purpose or that there was on the maximum rent date a practice in the community where the room is situated of collecting a security deposit for a certain specific purpose in connection with the rental of comparable housing accommodations, the Director may enter an order authorizing a security deposit not in excess of one month's rent for similar purposes which shall be specified in the order.

[F. R. Doc. 52-8727; Filed, Aug. 7, 1952; 8:46 a. m.]

[Rent Regulation 3, Amdt. 9]

[Rent Regulation 4, Amdt. 3]

RR 3—HOTELS

RR 4—MOTOR COURTS

PETITION FOR SECURITY DEPOSIT

Effective August 8, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 5th day of August 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

1. A new paragraph (c) is added to section 45 of Rent Regulation 3, reading as follows:

(c) *Petition for security deposit.* Notwithstanding the provisions of section 44 and the preceding provisions of this section, any landlord at the time the room is vacant may petition for an order authorizing the demand and receipt of a security deposit not in excess of one month's rent. If the landlord establishes that on the maximum rent date he had a practice in the structure in which the room is situated of collecting a security deposit for a certain specific purpose or that there was on the maximum rent date a practice in the community where the room is situated of collecting a security deposit for a certain specific purpose in connection with the rental of comparable housing accommodations, the Director may enter an order authorizing a security deposit not in excess of one month's rent for similar purposes which shall be specified in the order.

2. Section 45 of Rent Regulation 4 is amended to read as follows:

SEC. 45. *Petition for security deposit*—(a) *Deposits to secure the return of certain movable articles.* Notwithstanding the provisions of section 44, any landlord may petition for an order authorizing the demand and receipt of a deposit to secure the return of movable articles. If the landlord shows that he has a special need therefor, the Director may enter an order authorizing a security deposit, not in excess of $10 to secure the return of the movable articles specified in the order.

(b) *Deposit based on prior rental practices.* Notwithstanding the provisions of section 44, any landlord at the time the room is vacant may petition for an order authorizing the demand and receipt of a security deposit not in excess of one month's rent. If the landlord establishes that on the maximum rent date he had a practice in the structure in which the room is situated of collecting a security deposit for a certain specific purpose or that there was on the maximum rent date a practice in the community where the room is situated of collecting a security deposit for a certain specific purpose in connection with the rental of comparable housing accommodations, the Director may enter an order authorizing a security deposit not in excess of one month's rent for similar purposes which shall be specified in the order.

[F. R. Doc. 52-8728; Filed, Aug. 7, 1952; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS READJUSTMENT ASSISTANCE ACT OF 1952

A new subpart E is added as follows:

SUBPART E—VETERANS READJUSTMENT ASSISTANCE ACT OF 1952

Sec.
21.2000 Statement of policy.

EDUCATIONAL AND VOCATIONAL ASSISTANCE

21.2005 Definitions.

ELIGIBILITY

21.2010 Entitlement to education or training generally.
21.2011 Determinations respecting active service requirements.
21.2012 Commencement; time limitations.
21.2013 Expiration of all education and training.
21.2014 Duration of veteran's education or training.
21.2015 Considerations respecting training under other laws administered by the Veterans' Administration.

ENROLLMENT

21.2030 Selection of program.
21.2031 Applications; approval.
21.2032 Change of program.
21.2033 Avocational and recreational courses.
21.2034 Discontinuance for unsatisfactory progress.
21.2035 Minimum number of nonveteran students required.
21.2036 Period of operation for approval.
21.2037 Institutions listed by the Attorney General.

PAYMENTS TO VETERANS

21.2050 Special certification required for nonaccredited courses.
21.2051 Conditions governing payment of education and training allowance.
21.2052 Rates of education and training allowances.
21.2053 Education and training allowance payable where trainee is in receipt of disability compensation at the rate of 50 percent or more; Public Law 877, 80th Congress cases.
21.2054 Effective beginning dates of entrance or re-entrance into training and for payment of education and training allowance.
21.2055 Effective closing dates of an authorization of education or training allowance.
21.2056 Effective date of change or discontinuance of education or training.
21.2057 Duplication of benefits.
21.2058 Jurisdiction over domestic relations determinations.
21.2059 Definitions and proof of relationship and dependency.
21.2060 Dependency of husband of female veteran.
21.2062 Dependency of child of female veteran.
21.2063 Apportionment of education or training allowance.
21.2066 Measurement of full- or part-time courses.
21.2067 Overcharges by educational institutions.

STATE APPROVING AGENCIES

21.2150 Designation of State approving agencies under Public Law 550, 82d Congress.
21.2151 Approval of courses under Public Law 550, 82d Congress.
21.2152 Cooperation between State approving agency and the Veterans' Administration under Public Law 550, 82d Congress.
21.2153 Reimbursement of expenses under Public Law 550, 82d Congress.

APPROVAL OF COURSES OF EDUCATION AND TRAINING

21.2200 Apprentice or other training on-the-job; definition.
21.2201 Approval of courses of apprentice or other training on-the-job.
21.2202 Institutional on-farm training.
21.2203 Approval of accredited courses.
21.2204 Approval of nonaccredited courses.
21.2205 Approval of cooperative courses.
21.2206 Approval of correspondence courses.
21.2207 Notice of approval of courses.
21.2208 Disapproval of courses and discontinuance of allowances under Public Law 550, 82d Congress.

MISCELLANEOUS PROVISIONS

21.2300 Policy of providing educational and vocational guidance.
21.2301 Control by agencies of the United States.
21.2302 Conflicting interests.
21.2303 Reports by institutions.
21.2304 Liability of educational institution or training establishment on account of overpayments of education and training allowances.
21.2305 Overpayments of education and training allowances and other Veterans' Administration benefits.
21.2306 Examination of records.
21.2307 False or misleading statements.
21.2308 Criminal penalties and forfeiture; forfeiture of rights.
21.2309 Appeals.

AUTHORITY: §§ 21.2000 to 21.2309 issued under Pub. Law 550, 82d Cong. (66 Stat 663).

§ 21.2000 *Statement of policy.* The statement of policy as contained in Title I of the Veterans' Readjustment Assistance Act of 1952 (Public Law 550, 82d Cong.) is as follows:

The Congress of the United States hereby declares that the veterans' education and training program created by this act is for the purpose of providing vocational readjustment and restoring lost educational opportunities to those service men and women whose educational or vocational ambitions have been interrupted or impeded by reason of active service in the Armed Forces during a period of national emergency and for the purpose of aiding such persons in attaining the educational and training status which they might normally have aspired to and obtained had they not served their country; and that the home, farm, and business-loan benefits, the unemployment compensation benefits, the mustering out payments, and the employment assistance provided for by this Act are for the purpose of assisting in the readjustment of such persons from military to civilian life.

EDUCATIONAL AND VOCATIONAL ASSISTANCE

§ 21.2005 *Definitions.* (a) For the purposes of Public Law 550, 82d Congress, the following definitions apply:

(1) The term "basic service period" means the period beginning on June 27, 1950, and ending on such date as shall be determined by Presidential proclamation or concurrent resolution of the Congress.

(2) The term "eligible veteran" means any person who is not in the active service in the Armed Forces and who:

(i) Has served in the active service in the Armed Forces at any time during the basic service period,

(ii) Has been discharged or released from such active service under conditions other than dishonorable as defined in § 3.64 of this chapter, and

(iii) Has served in the active service in the Armed Forces for 90 days or more (exclusive of any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman at one of the service academies), or has been discharged or released from active service by reason of an actual service-incurred injury or disability.

(3) The term "program of education or training" means any single unit course or subject, any curriculum, or any combination of unit courses of subjects, which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

(4) The term "course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specific amount of related subject matter for which credit toward graduation or certification is usually given.

(5) The term "dependent" means:

(i) A child (as defined in paragraph VI of Veterans Regulation Numbered 10, as amended) of an eligible veteran.

(ii) A parent (as defined in paragraph VII of Veterans Regulation Numbered 10, as amended) of an eligible veteran, if the parent is in fact dependent upon the veteran, and

(iii) The wife of an eligible veteran, or, in the case of an eligible veteran who is a woman, her husband if he is in fact dependent upon the veteran.

(6) The term "educational institution" means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, scientific or technical institution, or other institution furnishing education for adults.

(7) The term "training establishment" means any business or other establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprentice committee, or the Bureau of Apprenticeship established in accordance with Public Law 308, 75th Congress, or any agency of the Federal Government authorized to supervise such training.

(8) The term "Armed Forces" means the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard of the United States.

(9) The term "State" means the several States, the Territories and possessions of the United States, and the District of Columbia.

(10) The term "Administrator" means the Administrator of Veterans' Affairs.

(11) The term "Commissioner" means the United States Commissioner of Education.

(12) The term "Law" wherever it appears in subpart E of Part 21 means Title II of the Veterans' Readjustment Assistance Act of 1952. (Public Law 550, 82d Congress, approved July 16, 1952.)

(13) The term "delimiting date" means August 20, 1954, or the date 2 years after the veteran's discharge or release from active service, whichever is the later.

ELIGIBILITY

§ 21.2010 *Entitlement to education or training generally.* (a) Any person shall be entitled to education or training, under the conditions and within the limitations hereinafter specified, who:

(1) Had active service in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, or the United States Coast Guard at any time during the basic service period;

(2) Has been discharged or released from such active service under conditions other than dishonorable;

(3) Performed active service for 90 days or more excluding any period during which he was assigned to a civilian institution for the pursuit of a course of education or training substantially the same as established courses offered by the institution to civilians and exclusive of any period of assignment as a cadet or midshipman at one of the Service academies, or was discharged or released from active service after fewer than 90 days where his discharge or release was by reason of an actual service-incurred injury or disability; and

(4) Is not in the active service in the Armed Forces.

§ 21.2011 *Determinations respecting active service requirements*—(a) *Evidence bearing on active service.* The length and character of military service shall be determined on the basis of official evidence from the appropriate Service Department which may be:

(1) The original, a certified or a photostatic copy of DD Form 214, Report of Separation, showing discharge or release from active duty.

(2) An official report from the Service Department received in response to an appropriate request on VA Form 3101 Series.

(3) A true, certified or photostatic copy of discharge or release from active duty.

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable, and it is not clear whether the circumstances under which the veteran was discharged or released from active duty might bar eligibility to education or training, the question will be referred by memorandum to the adjudication division (regional office) or claims division, veterans claims service (central office) for appropriate determination, prior to initiating further action toward the issuance of a Certificate for Education and Training.

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days' service as defined in paragraph (d) of this section, but was discharged for disability, the vocational rehabilitation and education activity will refer the facts in the case to the adjudication division (regional office cases) or the claims division, veterans' claims service (central office cases) for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

(d) *Computation of 90-day service requirement.* The 90 days or more of active service requirement will be met if the 90 days were continuous calendar days extending into or beyond the basic service period. The requirements as to active service for a total of 90 days or more may be satisfied by two or more periods of service wholly or partly within the basic service period if all were terminated under conditions other than dishonorable.

(e) *Exclusion from active service time because of military assignments to civilian institutions.* For the purpose of the required deduction from active service credit by reason of assignments by the Armed Forces to civilian institutions, a "civilian institution" shall mean any school, college or university, public or private, providing education for adults, including business, trade, vocational and technical schools other than an institution organized and operated solely for the purpose of providing education to personnel in the Armed Forces. Any course for which a service person was assigned by the Armed Forces in such a civilian institution will meet the definition "substantially the same as established courses offered to civilians" if it was a course within the regularly prescribed and established program or curriculum of the school—whether or not a regular academic degree or certificate was conferred—and notwithstanding the inclusion or exclusion of certain required or elective subjects or curricular changes or deviations incident to the military duties or assignments of such service person.

§ 21.2012 *Commencement; time limitations*—(a) *Initiation of program.* The veteran must actually commence the active pursuit of the approved program of education or training not later than his delimiting date, i. e. enroll in and begin the course. A program to be pursued exclusively by correspondence study will be held to have been initiated (commenced) when the first lesson has been transmitted to the veteran by the institution.

(b) *Continuous pursuit.* There are no requirements as to continuous pursuit of a program of education or training as to any period prior to the veteran's delimiting date. However, on and after his delimiting date a veteran who, prior to the delimiting date, has commenced pursuit of his approved program must pursue his program continuously to completion, except that he may suspend the pursuit of his program for a period or for periods of not more than 12 consecutive months in length without Veterans' Administration approval, and without limitation as to the number of such suspensions. If a veteran does suspend the pursuit of his program at any time for a period in excess of 12 consecutive months he may resume the pursuit of his program only upon Veterans' Administration approval based upon a finding by the Veterans' Administration that the suspension for the portion of such period in excess of 12 consecutive months was occasioned by conditions beyond the veteran's control. The burden of proof in this matter shall be upon the veteran and in any case he will be required to establish by competent and acceptable evidence that the suspension for such period was necessitated by conditions over which he had no control.

§ 21.2013 *Expiration of all education and training.* (a) No education or training shall be afforded to any individual veteran beyond a date 7 years following the end of the basic service period, or the date 7 years after his discharge or release from active service, whichever is the earlier.

(b) The date of discharge or release from active service means the date of discharge or release from the last period of active service, any part of which occurs during the basic service period.

§ 21.2014 *Duration of veteran's education or training*—(a) *Computation of entitlement.* Each eligible veteran shall have a period of basic entitlement to education or training under Public Law 550, 82d Congress, measured in months and days (or the equivalent thereof in part-time training). The basic entitlement shall be computed by multiplying one and one-half times the duration of the veteran's active service, whether performed in one or more active duty assignments during the basic service period. In computing the duration of his active service, the following periods of time will be excluded:

(1) The extent of any period or periods during which he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered by the institution to civilians.

(2) The extent of any period or periods during which he was a cadet or midshipman at one of the Service Academies (United States Military Academy, West Point, New York; United States Naval Academy, Annapolis, Maryland; United States Coast Guard Academy, New London, Connecticut).

(3) The extent of any period or periods of agricultural, industrial, or indefinite furlough; time under arrest in the absence of acquittal; time for which the individual was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court martial. Time lost through intemperate use of drugs or alcoholic liquor or through disease or injury the result of person's

own misconduct shall not be excluded in such computation.

(b) *Limitations and extensions.* (1) Notwithstanding the length of basic entitlement computed as provided in paragraph (a) of this section, the period of time during which education or training may be pursued under Public Law 550, 82d Congress, shall not exceed 36 months in any case, except where extension of entitlement is in order under subparagraph (3) of this paragraph, and in such event entitlement will terminate at the end of such period of extension.

(2) Except for the limit of any period of such extension determined to be in order under subparagraph (3) of this paragraph, the aggregate of time in pursuit of education or training under Public Law 550, 82d Congress, plus time previously expended in pursuit of training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, or Public Law 346, 78th Congress, as amended, or any combination thereof, shall not exceed 48 months.

(3) Whenever the period of entitlement to education or training of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester and after a major part of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester. In all other courses offered by educational institutions, except flight courses and correspondence courses, whenever the period of eligibility ends after a major portion of the course is completed such period may be extended either (i) to the end of the course or (ii) for 9 weeks, whichever is the lesser period. In a correspondence course, when the period of entitlement ends after a major portion of the course is completed such period of entitlement will be extended to the end of the particular unit course in which the veteran is enrolled or for a period of nine weeks, whichever is lesser. In a flight training course, where the veteran's period of entitlement is exhausted after completion of a major portion of the course, his period of entitlement will be extended to the end of the course or for the total additional amount of instruction that $78.75 will provide, whichever is the lesser.

(4) In apprentice or other training on-the-job courses entitlement will not be extended under any circumstances.

(5) For the purposes of these provisions the following definitions will apply:

(i) "Quarter" means the division of the school year constituting usually a period of from 10 to 13 weeks in institutions operating on a quarterly basis.

(ii) "Semester" means the period ordinarily of from 15 to 19 weeks in institutions operating on a semester basis.

(iii) "Summer quarter" (term or session) means the whole of the summer period of instruction specified for the course in which the veteran is pursuing education or training, without regard to any divisions of such a period which may be made by the institution for administrative or other purposes.

(iv) "Major part of such quarter or semester" means more than one-half of such a period, in point of time, and the measurement of the major part of such a quarter or semester will be adjudicated in the individual cases on the basis of the beginning and ending dates of the quarter or semester as specified by literature of the institution for the particular course in which the veteran is enrolled.

(v) A major portion of a flight course will have been completed when the veteran has received instruction in more than half of the average number of flight hours comprising the course.

(vi) As to correspondence courses the major portion of the course will be considered completed when more than one-half of the lessons comprising the course have been serviced by the institution.

(vii) A major portion of a course offered by an educational institution not organized on a quarter or semester basis—excluding flight courses and correspondence courses—will have been completed when more than one-half of the certified length of the course, in months, weeks or hours, as applicable, has been completed.

(c) *Charges against and exhaustion of entitlement*—(1) *General.* Charges against a veteran's period of entitlement—except where flight training is involved—will be made in terms of months and days for periods during which the veteran is carried in a training status. The period to be charged will be determined by subtracting the calendar date on which the veteran commenced training from the ending calandar date of the certified period of enrollment. If, after dates are expressed in months and days, it becomes necessary to "borrow" a month to permit a subtraction of days, 30 days will be considered a month. In order to account for both the beginning and ending dates of the certified period of enrollment, one day will be added to the result obtained. If an interruption or discontinuance occurs at a date prior to the ending date of the certified period of enrollment, such date of interruption or discontinuance will be substituted as the minuend in the subtraction made to determine the charge against the veteran's entitlement, and the necessary adjustments in the entitlement accounting record will be made as appropriate. Where a course is pursued on a part-time basis, the resulting period of months and days obtained by subtraction will be multipled by the appropriate part-time fraction. A fraction of more than one-half day in the final result will be counted as 1 day. A fraction of one-half day or less will be disregarded. For the purpose of determining the aggregate maximum of 48-months training stipulated in paragraph (b) (2) of this section, time expended in training under other laws will be computed according to these formulae except that in computing time expended in pursuit of training under Public Law 16, 78th Congress, as amended, or Public Law 894, 81st Congress, as amended, there shall be excluded the period for which subsistence allowance is payable after determination of employability. (Par. 3, Part VII, Veterans Regulation 1 (a), as amended.) (38 U. S. C. ch. 12.)

(2) *Flight training courses.* A veteran pursuing a flight training course will have charged against his entitlement one day for each $1.25 which is paid to him as an education and training allowance. This entitlement charge will be in addition to all other proper entitlement charges on account of his pursuit of education or training other than flight training.

(i) To arrive at the charge against entitlement for the pursuit of a flight training course the following formula will be employed:

(*a*) Divide the amount payable as education and training allowance by $1.25 to obtain the number of days for which entitlement will be charged. Divide the result obtained by 30.4 to convert the days into months and days. This entitlement charge will be assessed in the beginning—that is, upon receipt of certification of the veteran's entrance into the course and will be premised at that time upon the basis of 75 per centum of the established charge for the courses which non-veteran enrollees in the same flight course are required to pay for tuition. In the event of interruption of the course prior to completion or upon completion of the course any necessary adjustments in entitlement charges will be made based upon the actual amount which has been paid to the veteran as an education and training allowance.

(3) *Correspondence courses.* In the case of any veteran who is pursuing a program of education or training exclusively by correspondence, one-fourth of the elapsed time in following such program of education or training shall be charged against the veteran's period of entitlement. Elapsed time will be computed from the date of enrollment to the date the last lesson was serviced by the institution.

§ 21.2015 *Considerations respecting training under other laws administered by the Veterans' Administration*—(a) *Training under Public Law 550, 82d Congress, following training under Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* Where a veteran who has pursued training under Part VII or Part VIII applies for education or training under this law, the period of any entitlement when added to the total period that such veteran pursued training under Part VII or Part VIII shall not exceed 48 months except as provided in § 21.2014 (b).

(b) *Training under Part VII, Veterans Regulation 1 (a), following training under Public Law 550, 82d Congress.* (1) For the purpose of preventing the pyramiding of benefits a veteran who enters, continues to pursue or resumes training under this law after need for vocational rehabilitation has been established will be limited to a total period of training under both the law and Part VII which will not exceed:

(i) The time that normally would have been required to train the veteran to employability in the objective selected had he chosen training under Part VII when he became eligible therefor; or

(ii) The total of the veteran's original entitlement under this Law, whichever is the greater.

(2) When a veteran while in training or during a period of interruption for a valid reason under this Law becomes eligible under Part VII and is determined to be in need of vocational rehabilitation, there shall be prescribed and provided whatever course of rehabilitation is needed to restore his employability notwithstanding any education or training he may have received under any laws administered by the Veterans' Administration. If period of time required to rehabilitate the veteran under Part VII combined with total period of training which the veteran has received under all other laws administered by the Veterans' Administration will exceed 48 months, the provisions of § 21.206 will be for application.

(c) *Educational and vocational guidance required for veterans eligible under both Part VII Veterans Regulation 1 (a) and Public Law 550, 82d Congress.* (1) When a veteran who has basic eligibility under Part VII applies for education or training under this Law he will be notified to report for required educational and vocational guidance prior to action on his application and if he does report a determination will be made as to whether he is in need of vocational rehabilitation. If need is determined to exist, the right of the veteran to select a program under this Law will not thereby be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(2) When a veteran while in training or during a period of interruption for a valid reason under this Law becomes eligible under Part VII, he will be notified to report for required educational and vocational guidance and if he does report, a determination will be made as to whether he is in need of vocational rehabilitation. If need is determined to exist, the right of the veteran to continue training under this Law will not thereby be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(3) If the veteran, upon due notification wilfully or through neglect fails to report for educational and vocational guidance as required in subparagraphs (1) and (2) of this paragraph, his eligibility under Part VII will be forfeited.

(4) For the purposes of this paragraph a veteran will be presumed to have basic eligibility under Part VII when a Veterans' Administration claims activity has determined that compensation is or would be payable under the provisions of Part I, Veterans Regulation 1 (a), as amended, and the veteran has been notified to that effect.

(5) A veteran who has basic eligibility under Part VII at the time of application for, or who becomes eligible under Part VII while in, training under this law, or in a valid interrupted status, and who is in a foreign country (other than the Republic of the Philippines) either at the time of application for benefits under the Law or determination of basic eligibility under Part VII will not be requested to report for advisement and guidance. However, such veteran will be notified that any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section if he continues training under this Law.

(d) *Training under Public Law 550, 82d Congress where a veteran is in training under Part VII or Part VIII, Veterans Regulation 1 (a), on his delimiting date.* (1) A veteran in training under Part VII or Part VIII on his delimiting date will be deemed to have met the requirement for initiation of a program under this Law, subject to the following:

(i) Where the veteran after his delimiting date is rehabilitated under Part VII or completes his course under Part VIII, training under this Law will be approved only if the program applied for is a normal progression from the completed course.

(ii) When, after his delimiting date, the veteran's training under Part VII or Part VIII is discontinued prior to the completion of his course, and while the veteran's conduct and progress were satisfactory, training under this Law may be approved only after all of the following conditions are met:

(*a*) The veteran has not made more than one change of course subsequent to August 19, 1952;

(*b*) The veteran resumes training in the same course;

(*c*) Such course meets all conditions for approval of a program under this law.

(iii) When, after his delimiting date, the veteran's training under Part VII or Part VIII is discontinued because of unsatisfactory conduct, training under this law may be approved only after all of the following conditions are met:

(*a*) The institution or establishment in which the veteran was pursuing his course certifies that it is willing to readmit him;

(*b*) The veteran resumes training in the same course;

(*c*) Such course meets all requirements for approval of a program under this law.

(iv) When, after his delimiting date, the veteran's training under Part VII or Part VIII is discontinued because of unsatisfactory progress, training under this law will be approved only if all of the following conditions are met:

(*a*) There has been no change of course subsequent to August 19, 1952;

(*b*) It is determined that the veteran's unsatisfactory progress was not due to his own misconduct, his own neglect, or his own lack of application;

(*c*) The program to which the veteran desires to change under this law is determined through educational and vocational guidance to be more in keeping with his aptitudes or previous education or training.

(d) A veteran residing in a foreign country (other than the Republic of the Philippines) whose training is discontinued for unsatisfactory progress may not pursue further training under this law so long as he remains in a foreign country inasmuch as educational and vocational guidance is not provided in foreign countries.

(e) *Veteran interrupted under Part VII Veterans Regulation 1 (a).* Training under Public Law 550, 82d Congress, will not be approved for a veteran while he is in training or in an interrupted status under Part VII unless he elects to terminate his Part VII training.

ENROLLMENT

§ 21.2030 *Selection of program.* (a) Subject to such limitations as are established by Public Law 550, 82d Congress, and Veterans' Administration regulations, each eligible veteran may select a program of education or training to assist him in attaining an educational, professional, or vocational objective at any educational institution or training establishment selected by him, whether or not located in the state in which he resides, which will accept and retain him as a student or trainee in any field of knowledge which such institution or establishment finds him qualified to undertake or pursue.

(b) The selection of a program of education or training by an eligible veteran will consist of:

(1) The determination and specific identification of an educational, professional, or vocational objective.

(2) The choice of a type of training and approved course or courses, or curriculum or curricula generaly considered necessary for attainment of the objective.

(3) The choice of an approved educational institution or training establishment which can provide the veteran the program of education or training required for the attainment of the objective.

(c) Veterans who request assistance in in choosing an objective or in selection of a program of education or training will be provided educational and vocational guidance.

(d) For purposes of determining and identifying the objective to be attained through a program of education or training, the following criteria will be applied;

(1) An educational objective will be designated as

(i) The completion of a unit course or subject, or

(ii) The completion of an approved curriculum or curricula leading to the award of a diploma, degree, or certificate which indicates educational attainment as distinguished from certificates or licenses which indicate qualification to practice a trade or profession. The educational objective will be stated in terms of the highest diploma, degree or certificate to be obtained if the pursuit of more than one curriculum is involved in reaching the objective.

(2) A professional or vocational objective will be designated in terms of an occupation normally pursued as a means of earning a livelihood for which an eligible veteran desires to prepare himself or in which he desires to improve his chances for success or advancement.

(3) An educational objective may be designated without specific indication of its relationship to a professional or vocational goal or objective. When a professional or vocational objective is designated, however, it may be held to include such educational objectives as may be essential to the attainment of the professional or vocational objective. Any program consisting of a series of courses

not leading to an educational objective as defined in subparagraph (1) of this paragraph must be related directly to the attainment of or advancement in a professional or vocational objective, and in such cases the professional or vocational objective must be designated.

(e) The pursuit of education or training under Public Law 550, 82d Congress, in any educational institution or training establishment located outside the continental limits of the United States or its possessions is permitted only if the veteran's program is pursued in an approved institution of higher learning. In the case training is to be, or is being, pursued at an approved institution of higher learning located in a foreign country, the veteran's application will be denied or his pursuit of the program will be discontinued, as the case may be, upon a finding by the Veterans' Administration that his enrollment in or the pursuit of such a program is or would be against his best interests or the best interests of the Government of the United States. For the purpose of this paragraph only institutions of collegiate or university rank giving educational courses leading to recognized degrees, licentiates or the equivalent will be approved as institutions of higher learning.

§ 21.2031 *Applications; approval*—(a) *Application.* (1) Each original application for a program of education or training of whatever character permitted under Public Law 550, 82d Congress, shall be filed with the Veterans' Administration on VA Form 7–1990 and the effective date of any such application will be the date of its receipt in the Veterans' Administration except that, where the application is filed with or through an educational institution or training establishment, the effective date for the commencement of benefits by virtue of such application shall be the date certified by the institution or establishment as the date of the commencement of the training if such application is received by the Veterans' Administration within 15 days following the date of such commencement of training, subject to the further provisions of § 21.2054 (a).

(2) The receipt of VA Form 7–1990 in the Veterans' Administration fully and completely executed as to all essential items is a prerequisite to the approval of the program of education or training applied for and in no instance will any action be taken to issue a Certificate for Education or Training or to authorize benefits prior to the receipt of a completed formal application.

(3) A veteran will be required to specify in his application (VA Form 7–1990) the program of education or training for which he applies and the name and address of the institution or establishment wherein he expects to commence his program. If the veteran intends to pursue a program in a college or university, he shall state the curriculum or curricula which he intends to pursue in order to reach his objective. Thus, his program will be stated in terms such as Bachelor of Science, Bachelor of Arts, Master of Arts, and the like. If the veteran does not intend to pursue a program leading to a degree, he must state the specific subjects constituting his program. If the veteran intends to pursue his program in an institution other than a college or university, such as a high school, business college, or a vocational or trade school, he shall list in terms as designated by the school the course or courses which he intends to pursue in order to reach his objective. If the veteran intends to pursue a program of apprenticeship or other on-the-job training, he shall specify his employment objective and such objective must be a recognized employment objective as listed in the Dictionary of Occupational Titles.

(4) In connection with his application for a program of institutional on-farm training, the veteran will submit to the Veterans' Administration a detailed outline of his program as planned and approved by the school, which shall include a statement of the name of the objective and the length of the program, together with a certification by a responsible official of the school which is to offer such program that the program as planned satisfies all the requirements of § 21.2202. In addition, the veteran must submit to the Veterans' Administration acceptable evidence to establish that he is assured of control of the farm or other agricultural establishment until the completion of his program and must certify that the farm and training program will occupy his full time. No action will be taken to approve an application for a program of institutional on-farm training unless and until all of the provisions of this subparagraph have been satisfied.

(5) Applications shall be supported by appropriate discharge document or active service record as specified in § 21.2011 (a).

(6) If an application is not complete at the time of the original submission, the veteran will be notified of the evidence necessary to complete the application. Any communication from or action by a claimant or his duly authorized representative which clearly indicates an intent to apply for benefits under the Law may be considered an informal application thereunder if followed promptly by a formal application, VA Form 7–1990, properly executed. The act of a veteran in enrolling in an approved institution does not, in itself, constitute an informal application.

(7) Where, for any reason, the veteran is found either not to meet the basic active service requirements for general eligibility under Public Law 550, 82d Congress, or it is determined that the program of education or training for which he has applied may not be approved, the veteran will be informed of the denial of his application, the reasons therefor and of his right of appeal. (Where an application is received from a person who is shown to be in active service in the Armed Forces the application will be denied, and the veteran informed of the reason for the denial.)

(8) Public Law 550, 82d Congress, imposes no restrictions upon a change of institution or establishment for pursuit of the same course or program. However, where subsequent parts or courses or curricula of the approved program are to be pursued in an institution other than the one providing the first part or course or curriculum of his program, the veteran must apply to the Veterans' Administration for approval of a change of institution. If otherwise in order, a supplemental certificate will be issued to the veteran authorizing him to continue the pursuit of his approved program in the second institution which shall have been designated in his request.

(b) *Approval of application; Certificate for Education and Training.* (1) Upon a determination, after receipt in the Veterans Administration of a valid completed formal application as defined in paragraph (a) of this section, that the veteran has satisfied all the requirements of Public Law 550, 82d Congress, and VA Regulations for the pursuit of the program of education or training applied for, a Certificate for Education and Training, VA Form 7–1993, will be prepared and issued to the veteran.

(2) The Certificate for Education and Training will be specifically limited by endorsement to the educational, professional, or vocational objective. The name of the institution or establishment in which the program is to be commenced will be stated. The limit of the veteran's entitlement in months and days will be entered upon the Certificate, together with a statement of the date by which the program applied for must be commenced.

(3) Veterans and educational institutions and training establishments are cautioned that a valid Certificate for Education and Training constitutes the only authentic document evidencing a veteran's eligibility and entitlement to education or training under Public Law 550, 82d Congress. Accordingly, if a veteran who is not in possession of a duly authenticated Certificate for Education and Training enters the pursuit of a program in an institution or establishment he will do so at his own risk, subject to possible determination that the Veterans' Administration may not authorize any payments to him.

(4) No application will be approved and no Certificate for Education and Training will be issued in any case where it is not clearly established that all the provisions of Public Law 550, 82d Congress, are fully satisfied.

(5) Where the issuance of a certificate is withheld for further investigation or development the applicant will be fully informed of the reasons for such action and of the matters essential to the clearance of his case.

§ 21.2032 *Change of program*—(a) *General.* Public Law 550, 82d Congress, does not permit more than one change of program in any case. A change of program is authorized under the following conditions:

(1) An eligible veteran may make one change of program upon request prior to his delimiting date, provided that if the program previously initiated has been interrupted or discontinued due to his own misconduct, neglect, or lack of application, he may not be provided any additional education or training. For

purposes of determining whether interruption or discontinuance of education or training was due to the veteran's own misconduct, neglect, or lack of application, a report will be obtained from the institution or establishment setting forth the reasons for the interruption or discontinuance.

(i) If among the reasons given for interruption or discontinuance was misconduct of such nature that the institution or establishment refuses to readmit the veteran, further education or training under the law will be denied.

(ii) If it is shown that the veteran failed to maintain a satisfactory attendance record, this will be considered to constitute neglect and the veteran will be denied further education or training under the Law unless the veteran can satisfactorily establish that such unsatisfactory attendance record was due to reasons beyond his control.

(iii) When it has been determined that the interruption or discontinuance was not due to misconduct or neglect as defined for purposes of this section, the matter of lack of application will be for consideration. In all such cases except as to a veteran residing in a foreign country other than the Republic of the Philippines, the veteran will be scheduled by the Veterans' Administration for educational and vocational guidance. If it is determined through educational and vocational guidance that the veteran's aptitudes and abilities are such that successful pursuit of the program previously initiated might reasonably have been expected, failure to make satisfactory progress in such program will constitute evidence of lack of application on the part of the veteran and further education or training under the Law in the absence of other satisfactory evidence to explain such failure, will be denied. If it is determined through educational and vocational guidance that the aptitudes and abilities of the veteran are such that satisfactory progress in the program previously initiated could not reasonably have been expected, a change of program may be approved provided the objective and program selected are determined to be in keeping with the aptitudes, abilities and interests of the veteran.

(iv) If the veteran is residing in a foreign country other than the Republic of the Philippines the registration officer shall determine whether the discontinuance was due to the veteran's misconduct, neglect or lack of application and whether a change of program may be approved.

(2) When a veteran who has not made a change of program of education or training requests such change after his delimiting date, his request will be approved only when one of the following conditions is found to exist:

(i) The program to which the veteran desires to change, while not a part of the program pursued by him, is a normal progression from such program.

(ii) The veteran is not making satisfactory progress in the program previously initiated and failure is not due to his own misconduct, neglect, or lack of application and it is determined through educational and vocational guidance that a program to which he desires to change is more in keeping with his aptitudes or previous education and training, than is his current program. If the veteran is residing in a foreign country other than the Republic of the Philippines, the veteran may not pursue further training under this Law so long as he remains in a foreign country.

(b) *What constitutes a change of program.* A change of program is considered to consist of:

(1) A change in the predetermined and identified educational, professional, or vocational objective for which the veteran entered education or training, and

(2) Corresponding changes in the type of training, and courses, or curriculum which may be required to attain the new objective. For example, when the predetermined and identified objective is an educational objective without designation of a professional or vocational goal, such as attainment of a Bachelor's degree in an institution of higher learning, if the veteran, having pursued such program sucessfully, later desires to change that objective to include advanced or specialized courses leading to a Master's degree, or a professional degree or certificate, such change will be considered a change of program because the predetermined objective and the courses required to attain it have been changed, even though such change of program may constitute a normal progression from the present program.

(c) *Normal progression.* For the purpose of the regulations in this subpart "normal progression" involves additional education or training which constitutes a true advancement or progression to a higher level of either knowledge or skills, or both, where, ordinarily or normally and as a matter of custom and practice within the area where the training is being pursued, the satisfactory completion of the one course or program is essential for enrollment in and successful pursuit of the other.

(d) *Adjustments not considered a change of program.* When the predetermined and identified objective is an educational objective without designation of a professional or vocational goal, such as attainment of a degree in an institution of higher learning, changes in types of courses pursued shall not be considered a change of program, provided such changes do not involve either a material loss of credit or an extension of the time originally planned for completion of the program. When the veteran's training status is changed by reason of such adjustments in program, however, such as changing from full time training to part time, the institution shall inform the Veterans' Administration of such change.

(e) *Requests for change of program.* Any veteran who has not made a change of program of education or training and who desires to make such a change will be required to submit his request upon VA Form 7–1995 to the Regional office in possession of his records, provided:

(1) That the veteran may indicate on the form that educational and vocational guidance is requested to assist him in selecting his objective and in planning his program; and information regarding his new program will be entered upon completion of counseling, or

(2) That when the request submitted by a veteran does not indicate clearly the objective to be attained or present an adequate description of the progam to be pursued, the veteran's request will not be disapproved until the veteran has been informed of the availability of counseling to assist him in clarifying his educational or occupational plans.

(f) *Certificate issued.* When the veteran has requested educational or vocational guidance on VA Form 7–1995, a Certificate for Education and Training may not be issued until counseling has been completed and the objective and training program have been properly set forth on the Request for Change of Program form and Certificate D, VA Form 7–1902k, together with the name and location of the educational institution or training establishment, provided that when the latter information is not found upon Certificate D, it may be supplied by the veteran by letter or memorandum.

(g) *Report of conduct and progress.* Before issuing a Certificate for Education and Training for the purpose of effecting a change of program, a report of conduct and progress will be required from the educational institution or training establishment currently or last attended to serve as a basis for determining whether such certificate may be issued in accordance with Public Law 550, 82d Congress, and Veterans' Administration Regulations.

§ 21.2033 *Avocational and recreational courses.* (a) The Veterans' Administration is prohibited from approving the enrollment under Public Law 550, 82d Congress, of any veteran in any bartending course, dancing course or personality development course.

(1) Where a physical education course in an institution of higher learning which is offered for credit as an integral part of a program leading to an educational objective includes instruction in dancing such a course is not within the restrictions of the law.

(b) The Veterans' Administration may not approve the enrollment of a veteran in any course which is avocational or recreational in character. The following courses are under the statutory presumption of being avocational or recreational in character and require justification for their pursuit:

(1) Any photography course or entertainment course, or

(2) Any music course—instrumental or vocal—public speaking course, or course in sports or athletics such as horseback riding, swimming, fishing, skiing, golf, baseball, tennis, bowling, sports officiating, or other sport or athletic courses, except courses of applied music, physical education, or public speaking which are offered by institutions of higher learning for credit as an integral part of a program leading to an educational objective, or

(3) Any other type of course which the Administrator by Veterans' Administration Regulation determines to be avocational or recreational.

(c) To overcome the presumption that a course applied for is avocational or recreational in character the veteran will be required to support his application by justification to establish that the course will be of bona fide use in the pursuit of his present or contemplated business or occupation. Justification as stipulated under these provisions must be submitted to and approved by the Veterans' Administration prior to the issuance of a Certificate for Education and Training.

(1) All adjudications under these provisions will take into account any evidence of record in the Veterans' Administration or otherwise properly within the knowledge of those charged with the adjudication.

§ 21.2034 *Discontinuance for unsatisfactory progress*—(a) *Satisfactory pursuit of training.* Entitlement to a period of education or training is subject to the provision that a veteran, having selected a program of education or training and having commenced the pursuit of such program, continues to maintain satisfactory progress and conduct throughout the period in accordance with the regularly prescribed standards and practices of the institution in which he is enrolled.

(b) *Maintenance of satisfactory conduct.* In any case where it is established that a veteran by reason of his unsatisfactory conduct will no longer be retained as a student or trainee, or would not be readmitted as a student or trainee, by the educational institution or training establishment in which he is or was enrolled there will be no further entitlement to education or training under Public Law 550, 82d Congress.

(c) *Interruption or discontinuance of training because of unsatisfactory progress prior to, on, or after the delimiting date.* Where a veteran's training is interrupted or discontinued prior to, on, or after the delimiting date because of unsatisfactory progress any further training under Public Law 550, 82d Congress, will be approved only under the provisions of § 21.2032 (a).

§ 21.2035 *Minimum number of non-veteran students required.* (a) The Administrator is not authorized to approve the enrollment or re-enrollment of any eligible veteran in any non-accredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution for any period during which the Administrator finds that more than 85 percent of the students enrolled in the course are having all or any part of their tuition, fees or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a), (38 U. S. C. ch. 12), or under the provisions of Public Law 550, 82d Congress, or all of them.

(1) A student will be deemed as receiving part of full payment of tuition for or by the institution when one of the following conditions exist:

(i) A student attends under a scholarship or other grant from the institution which reduces the charges of the course to the student whether such payments are made before, during, or after attending the institution.

(ii) A student employed by the institution where compensation for work performed is in excess of usual or prevailing rate for employment of the same or similar nature.

(iii) A student who for any reason has all or part of his tuition, fees or other course charges waived by the institution.

(2) In determining the number of students comprising the 85 percent required in a course:

(i) Each part-time student will be counted on the ratio that the part-time training bears to full-time training.

(ii) In a school offering flight training courses the actual hours of logged instructional time for enrolled students (eliminating plane rental time for which no bona fide instruction was furnished by the school) will provide the basis for the determination.

(3) For the purpose of this section the ratio of veteran to non-veteran students shall be determined for each course approved as a course by the State approving agency.

(4) A school will be deemed to be a proprietary non-profit school when it is privately owned and operated whether by an individual, or individuals, or by a corporation, and when it is exempt from taxation under paragraph (6) Section 101 of the Internal Revenue Code.

§ 21.2036 *Period of operation for approval*—(a) *General.* The enrollment of an eligible veteran will not be approved in any course offered by an educational institution, when such a course has been in operation for less than two years immediately prior to the date of enrollment except that this provision not apply:

(1) To courses pursued in a public or tax supported educational institution,

(2) To courses pursued in institutions which may be considered parochial or religious in character whose credits are acceptable without condition in the public school system in fulfillment of requirements for graduation.

(3) To any course which is offered by an educational institution which has been in operation for more than 2 years if the course is similar in character to a course previously offered by the institution,

(4) To any course which has been offered by an institution for a period of more than 2 years notwithstanding the fact that the institution has moved to another location in the same general locality.

(b) *Operation for 2 years.* A course is considered to have been in operation for 2 years when it has been given continuously for 24 calendar months inclusive of reasonable vacation and holiday periods. Where courses are only offered on an ordinary school year basis (approximately 9 months) two ordinary school years in the 24 calendar months will constitute a 2-year period. Where short courses of less than an ordinary school year are offered on a regular cycle each calendar year, two cycles of such operation will constitute the 2-year period.

(c) *Course similar in character.* A course will be considered similar in character if the course provides training in the same general occupational or educational objective, and involves the same or related instructional processes, tools and materials, as courses previously furnished by the institution which has been in operation for a period of more than 2 years. In each case of an approval by the State approving agency of a new course which has not been in operation for a period of more than 2 years but which is thought by the State to be similar in character to an approved course which has been in operation for more than 2 years, the State will furnish the regional office with a copy of the approval and the basis for its view as to the similarity in character to the approved course being offered by the institution. (For correspondence courses, the State will furnish the basis for its determination to the Director, Training Facilities Service for Vocational Rehabilitation and Education, Veterans' Administration, Washington 25, D.C.)

(d) *Move to new location.* An institution will be considered to have moved to a new location in the same general locality when the new location is at a point within normal commuting distance of the original location.

(e) *Change of ownership or management.* Where an institution changes ownership or management, but it is found by the Veterans' Administration that the institution remains essentially the same as to faculty and student body and offers the same courses, such change in ownership or management will not make such school subject to the 2-year limitation.

§ 21.2037 *Institutions listed by attorney general.* (a) The Administrator will not approve enrollment of, nor payment of an education or training allowance to, any eligible veteran in any course in an educational institution or training establishment while such institution or establishment is listed by the Attorney General under Section 3 of Part III of Executive Order 9835, as amended.

(b) The director, training facilities service, will furnish promptly to each regional office and each State approving agency current information on the schools and establishments listed by the Attorney General under section 3 of Part III of Executive Order 9835.

PAYMENTS TO VETERANS

§ 21.2050 *Special certification required for non-accredited courses.* The enrollment or re-enrollment of a veteran in a non-accredited course below the college level offered by a proprietary profit or proprietary non-profit educational institution may not be approved unless such institution certifies on VA Form 7–1999 that at the time of the veteran's enrollment or re-enrollment not more than 85 per cent of the students enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution, or by the Veterans' Administration under Part VII or Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), Public Law 894, 81st Congress, as amended, or Public Law 550, 82d Congress, and unless the institution certifies that the enrollment or re-enrollment of the veteran does not exceed enrollment limitations established by the State approving agency. Notwithstanding the certification of the institution as prescribed in this section, the Veterans' Administration will deny the enrollment or re-enrollment of a veteran in such course if it is known by the Veterans' Administration that the limitations prescribed in this section are not being complied with.

§ 21.2051 *Conditions governing payment of education and training allowance.* (a) The education and training allowance shall be paid only for the period of the veteran's approved enrollment. In no event, however, shall such allowances be paid

(1) To any veteran enrolled in an accredited course or a course of institutional on-farm training for any period when the veteran is not pursuing his course in accordance with the regularly established policies and regulations of the institution and the requirements of Public Law 550, 82d Congress, or

(2) To any veteran enrolled in a non-accredited course or in a course of apprentice or other training on-the-job for any day of absence in excess of the rate of 30 days for a 12-months' period not counting as absences weekends or legal holidays established by Federal or State law during which the educational institution or training establishment is not regularly in session or operation, or

(3) To any veteran pursuing his program of education exclusively by correspondence for any quarter during which no lessons were serviced by the institution, or

(4) To any veteran pursuing a course consisting exclusively of flight training for any month during which no instruction was received.

(b) The education and training allowance shall be paid to an eligible veteran for any period only after the Veterans' Administration shall have received from the educational institution a Certification of Training certified by the eligible veteran and the educational institution or training establishment on a form provided by the Veterans' Administration for that purpose showing that the veteran has been pursuing his course as required by Public Law 550, 82d Congress. In the cases of veterans pursuing all types of courses except those pursued exclusively by correspondence (wherein the Certification of Training shall be quarterly), monthly Certifications of Training are required. If enrollment is on or after the 20th of the month, the Certification of Training for the rest of that month shall be included with the certification for the following calendar month. Any such Certifications of Training received in the Veterans' Administration later than 10 days following the close of the certification period may not be paid until the following month. Where the course is pursued exclusively by correspondence the Certifications of Training covering all lessons serviced during the reporting period will be submitted so as to be received in the Veterans' Administration by the 10th day of February, May, August and November of each year.

(c) Upon receipt by the Veterans' Administration of an Enrollment Certification from the institution showing that the veteran has entered or re-entered training, the veteran will be notified of the official Veterans' Administration authorization of his training status. Educational institutions organized on a term, quarter, or semester basis, may certify a veteran's enrollment period as being for a term, semester, quarter, or the regular ordinary school year, as the case may be. Such period of enrollment may not include a summer session as part of the enrollment for the regular school year. In all other types of training the Enrollment Certification will be for the length of the course. Since payments may be made by the Veterans' Administration only to veterans pursuing a course during a term of enrollment in accordance with the regularly established policies and regulations of the institution, enrollment for the regular ordinary school year is encouraged and will reduce administrative effort for the school, the veteran and the Veterans' Administration. Where the educational institution is organized on a term, quarter or semester basis and the educational institution certifies the veteran's enrollment on the Enrollment Certification to be for an ordinary school year, the veteran and the institution may certify that the veteran was enrolled in and pursuing his course during the regular school vacation periods and periods of not in excess of 15 days between terms, quarters or semesters (excluding summer sessions) and the education and training allowance will be paid for such periods. Where the veteran's enrollment in such an institution is certified by the institution to be only for the term, quarter or semester, the veteran and the institution shall not certify on the monthly Certification of Training that the veteran was enrolled in and pursuing his course during periods between terms, quarters or semesters and no education and training allowance will be paid for such interim periods.

(d) The veteran will be carried in a training status for the period of approved enrollment or the extent of his remaining entitlement, whichever is the lesser, so long as the veteran remains in regular attendance, his conduct and progress continues to be satisfactory according to the regularly prescribed standards and practices of the institution, and the periodic Certifications of Training are received by the Veterans' Administration. However, actual payment of education and training allowances will be made in arrears after receipt of the monthly or quarterly Certifications of Training referred to in paragraph (b) of this section. Payments shall, insofar as practicable, be made within 20 days after receipt of the periodic Certifications.

(e) For each veteran pursuing a course of on-the-job training, or a non-accredited course (except correspondence courses and courses consisting of flight training only) the Veterans' Administration will maintain a record of absences from training on the award account card. This record will be based upon the monthly Certification of Training submitted by the veteran, and certified to by the educational institution or the on-the-job training establishment. The purpose of this record is to insure that education and training allowances will not be paid for any day of absence in excess of 30 days in a 12 months' period for a course pursued on a schedule of 5 or 6 days per week (or a pro-rata part thereof where the period of enrollment is less than 12 months' duration or where the course is pursued on a schedule of less than 5 days per week, except where the standard work week established through bona fide collective bargaining is less than 5 days per week).

(f) For courses pursued on a schedule of 5 or 6 days per week the maximum number of absences for which an education and training allowance may be paid is 30 days in a 12-months' period. Therefore, where a course is pursued on a schedule of less than 5 days per week the maximum number of absences for which an education and training allowance may be paid is that pro rata part of 30 days which the number of days per week of training bears to 5.

(1) *Examples.* The following are examples of the maximum days of absence for which an education and training allowance may be paid:

(i) Where a veteran is enrolled in a course requiring 5 or 6 days per week of attendance for 12 months he would be entitled to a maximum of 30 days.

(ii) Where a veteran is enrolled in a course requiring attendance for 2 days per week for a 12-months' course, he would be entitled to a maximum of 12 days, i. e., $\frac{2}{5}$ of 30. If, however, his course is 6 months in duration, he would be entitled to 6 days, i. e., $\frac{1}{2}$ of 12.

(iii) Where a veteran is enrolled in a course requiring attendance of 4 days per week for a period of 12 months he would be entitled to a maximum of 24 days, i. e., $\frac{4}{5}$ of 30. If his course is 9 months in duration he would be entitled to 18 days, i. e., $\frac{3}{4}$ of 24.

(iv) Where a veteran is enrolled in a course requiring attendance of only 1 day per week for a period of 12 months his maximum number of absences would be 6, i. e., $\frac{1}{5}$ of 30. If his course is 4 months in duration, he would be entitled to 2 days, i. e., $\frac{1}{3}$ of 6.

(v) These principles apply whether the veteran is pursuing his course on a full, $\frac{3}{4}$, $\frac{1}{2}$ or less than $\frac{1}{2}$ time basis. This policy will not apply to courses pursued exclusively by correspondence, or to flight training courses, since education and training allowances in these courses are paid on the basis of lessons completed and services, or flight instruction actually received.

(2) *Basis for reduction of education and training allowance on account of excessive absences.* The education and training allowance of a veteran enrolled in a non-accredited course (other than flight training and correspondence courses) on a full-time, $\frac{3}{4}$, $\frac{1}{2}$, or less than $\frac{1}{2}$ time basis will be reduced each month for any day of absence which absence when combined with absences previously approved without deduction in the current 12 months' period ex-

ceeds the rate of 2½ days per month in a course pursued on a schedule of 5 or 6 days per week, or a lesser number of days per month (consistent with the policy in paragraph (e) of this section) where the course is pursued on a schedule of less than 5 days per week except where the standard work week established through bona fide collective bargaining is less than 5 days a week, in which event, the rate of 2½ days per month will apply. For example, where the veteran's course is pursued on a schedule of 4 days per week the reduction would be effected for those days of absence which exceed the rate of 2 days per month ($\frac{1}{12} \times \frac{1}{5} \times 30$). Since on-the-job training may not be pursued on less than a full-time basis, the reduction would be effected where the absence exceeds the rate of 2½ days per month.

(3) *Amount of reduction for excessive absences.* (i) In all non-accredited courses (other than flight training or correspondence courses) pursued on a full-time, ¾ time or ½ time basis, the amount of the reduction for each day of absence in excess of the maximum number for which payment may be made will be 1/25th of the veteran's monthly education and training allowance. In all on-the-job training courses reduction will be at the same rate except where the standard work week established through bona fide collective bargaining requires a different adjustment. Where the standard work week established through bona fide collective bargaining requires less than 5 days a week, the reduction for excessive absence will be determined pursuant to the table set forth in subdivision (ii) of this subparagraph.

(ii) In all non-accredited courses pursued on less than ½-time basis, the amount of reduction for each day of absence in excess of the maximum number for which payment may be made will be that part of the veteran's monthly education and training allowance which is indicated in the following table:

Days of scheduled attendance per week:	Amount of reduction per day of excessive absence
5 or more ($\frac{5}{5} \times \frac{1}{25}$)	$\frac{1}{25}$th
4 ($\frac{4}{5} \times \frac{1}{25}$)	$\frac{1}{20}$th
3 ($\frac{3}{5} \times \frac{1}{25}$)	$\frac{1}{15}$th
2 ($\frac{2}{5} \times \frac{1}{25}$)	$\frac{1}{10}$th
1 ($\frac{1}{5} \times \frac{1}{25}$)	$\frac{1}{5}$th

(iii) Reduction of education and training allowance in those instances where the excess constitutes less than a full day will be at the appropriate rate for a full day of absence. For example, if a veteran in pursuit of a full-time non-accredited course on a schedule of 5 days per week is absent for 3 days in the first month, he will have exceeded by ½ day the maximum number of days of absences for which payment may be made. Therefore, his education and training allowance will be reduced for one full day. If no absences are reported for the second month of training, but 5 absences are reported for the third month, no reduction of education and training allowance would be effected for the third month since his allowance has previously been reduced for a full day because of an excess absence of ½ day.

(4) *Certification for part of month.* Where the period covered by the first monthly certification is a period of less than 15 days, reduction will be made for each day of absence. If the period represents more than 15 days, the number of absences for which education and training allowance may be paid will be the maximum number allowable for a full month.

(5) *Absences disclosed following termination of training.* The reduction of education and training allowances for absences in excess of the maximum number for which payment may be made will be accomplished even though the veteran may have completed or interrupted his course of training, as in instances where the Veterans' Administration receives reports of absences subsequent thereto which should have been reported while the veteran was in a training status. In these circumstances, appropriate action will be accomplished to reduce the payment of education and training allowance.

(g) Where the Veterans' Administration fails to receive the properly completed certifications for two consecutive reporting periods or in correspondence or flight training courses if reports were received but no lessons were serviced or no instruction was received for two consecutive reporting periods, it will be presumed that the veteran is no longer pursuing his course under Public Law 550, 82d Congress. Therefore, the veteran's course of training will be discontinued. Re-entrance into training, if otherwise in order, will be accomplished by the use of VA Form 7–1999.

§ 21.2052 *Rates of education and training allowances*—(a) *Institutional training; full- and part-time rates.* (1) The rate of education and training allowance payable to a veteran who is pursuing a program of education or training in an educational institution shall be as follows:

(i) If such program is pursued on a full-time basis, such allowance shall be computed at the rate of $110 per month, if the veteran has no dependent, or at the rate of $135 per month, if he has one dependent, or at the rate of $160 per month if he has more than one dependent.

(ii) If such program is pursued on a three-quarter time basis such allowance shall be computed at the rate of $80 per month if the veteran has no dependent, or at the rate of $100 per month if he has one dependent, or at the rate of $120 per month if he has more than one dependent.

(iii) If such program is pursued on a half-time basis, such allowance shall be computed at the rate of $50 per month, if the veteran has no dependent, or at the rate of $60 per month if he has one dependent, or at the rate of $80 per month if he has more than one dependent.

(iv) If such program is pursued on a less than half-time basis, such allowance will be computed at the rate of (*a*) the established charges for tuition and fees which the institution requires similarly circumstanced non-veterans enrolled in the same course to pay, or (*b*) $110 per month for a full-time course, whichever is the lesser.

Example. Where a 3-hour course is pursued in an institution of higher learning, $\frac{3}{11}$ of $110 would be for application under subdivision (b) of this subdivision.

(b) *Cooperative course.* (1) The education and training allowance of an eligible veteran who is pursuing a full-time program of education and training in a cooperative course shall be computed at the rate of $90 per month, if he has no dependent, or $110 per month, if he has one dependent, or $130 per month, if he has more than one dependent.

(2) No allowance will be authorized for a cooperative course of less than full time.

(c) *On-the-job training.* (1) The education and training allowance for an eligible veteran pursuing apprentice or other training on-the-job shall be computed at the rate of $70 per month, if he has no dependent, or $85 per month, if he has one dependent, or $105 per month if he has more than one dependent, except that his basic rate of education and training allowance shall be reduced at the end of each four-month period as his program progresses by an amount which bears the same ratio to the basic education and training allowance as 4 months bears to the total duration of his apprentice or other training on-the-job; but in no case shall the education and training allowance be authorized under this paragraph in an amount which, when added to the monthly compensation to be paid to the veteran for productive labor performed as a part of his course in accordance with his approved training program would exceed the rate of $310 per month.

(2) For the purpose of computing allowances under this paragraph, the duration of the training of an eligible veteran shall be the original approved certified period of enrollment in the course plus such additional period, if any, as is necessary to make the number of months of such training a multiple of four. For example, a veteran's approved certified period of enrollment is 18 months. A period of 2 months will be added to make the total a multiple of 4, thereby requiring a reduction of $\frac{1}{5}$ of the basic education and training allowance each 4 months. Where there occurs a change in the dependency status after the commencement of the program the rate to be paid from the proper effective date will be that adjusted amount which would have been appropriate had the dependency status existed from the beginning of the veteran's enrollment in the program, subject to the ceiling provisions.

(3) If in any case the State approving agency extends the length of the period required to complete the approved program of the veteran, no education and training allowance for such extended period will be authorized.

(4) No allowance will be authorized for a course of on-the-job training pursued on a less than full-time basis.

(d) *Institutional on-farm training.* (1) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be

computed at the rate of $95 per month, if he has no dependent, or $110 per month, if he has one dependent, or $130 per month if he has more than one dependent, except that his education and training allowance shall be reduced at the end of each 4-month period as his program progresses by an amount which bears the same ratio to $65 per month, if the veteran has no dependent, or $80 per month, if he has one dependent, or $100 per month if he has more than one dependent, as 4 months bears to the total duration of such veteran's institutional on-farm training.

(2) For the purpose of computing allowances under this paragraph the duration of the training of an eligible veteran shall be the original approved certified period of enrollment in the course plus such additional period, if any, as is necessary to make the number of months of such training a multiple of four. For example, a veteran with one dependent is enrolled in an approved course of 21 months in duration. A period of 3 months will be added to make the total a multiple of 4, thereby requiring a reduction of $\frac{1}{6}$ of $80 each 4 months, since $80 is the fixed statutory rate upon which reductions will be based in this case. Where there occurs a change in the dependency status after the commencement of the program the rate to be paid from the proper effective date will be that adjusted amount which would have been appropriate had the dependency status existed from the beginning of the veteran's enrollment in the program.

(3) If in any case the State approving agency or the school extends the length of the period required to complete the approved program of the veteran, no education and training allowance for such extended period will be authorized.

(e) *Correspondence course.* The education and training allowance of an eligible veteran pursuing a program of education or training exclusively by correspondence shall be computed on the basis of the established charge which the institution requires non-veterans to pay for the same course or courses. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the veteran and the institution.

(1) No education and training allowance will be paid for correspondence courses pursued by a veteran whose program of education or training consists in part of institutional on-farm, training on-the-job, or institutional training in residence.

(2) Where a veteran's program of education or training includes a course consisting of correspondence instruction with provisions for a limited period of less than a month of classroom instruction provided by the institution, such course will be considered a course pursued exclusively by correspondence and the educational and training allowance will be based on the established charges for the correspondence portion only.

(3) The established charge for a correspondence course shall not be considered to be more than the lowest charge which is customarily paid by a non-veteran student under any payment plan exclusive of a cash discount arrangement for advance payments.

(4) The training institution offering approved correspondence courses will transmit to the Director, Training Facilities Service, Veterans' Administration, Washington 25, D. C., a list of all approved courses and any additions or changes made subsequently thereto and a certified statement of the established charges to non-veterans for each course. Such statement will list consecutively the lessons in each course, the books, supplies, tools and equipment to be supplied with each lesson, other pertinent charges, the established practices in detail of servicing a lesson or lessons and the standards for determining completed lessons including a statement of the grading policy and methods of determining progress.

(5) Only such charges for books, supplies, tools and equipment in the same quantity and quality as are necessary and are required to be purchased by non-veterans may be charged to veterans. Only those items furnished directly by the institution to enrollees as a part of the course, may be included as a part of the established charges for the course. Where items of equipment are furnished on a rental basis to non-veterans, only the rental charge shall be considered in reporting the established charges for the course. Where books, supplies, tools and equipment are furnished at the end of the course or after completion of regular lessons and such were not needed for the successful completion of the course of education and training the charges therefor will not be included in computing the established charges for the course.

(6) In the event an institution desires to change its charges for courses after submittal of a statement of charges and services as set forth in this paragraph, such proposed charges will be promptly reported to the Director, Training Facilities Service, Veterans' Administration, Washington 25, D. C., together with the effective date applicable to non-veteran students. Where the director, training facilities service determines on the basis of the information submitted that it is necessary to revise the education and training allowance for veterans enrolling after the effective date of such changes, the institution and the regional offices will be notified of the change in courses and charges which will affect the computation of the education and training allowance and the effective date thereof. The education and training allowance of an eligible veteran who is already enrolled in such course will continue to be based on established charges and services in effect on date of his enrollment despite any changes made subsequent thereto.

(7) For the purpose of payment of an education and training allowance a lesson will be considered as completed by the veteran and serviced by the institution when:

(i) The lesson assignment has been completed by the veteran in accordance with the criteria of the institution and has been submitted to the institution for review, and

(ii) The institution has reviewed and graded the lesson and provided the veteran in writing with its evaluation and comments in accordance with its standards and has recorded the results of such servicing.

(*a*) Only one servicing of a lesson may be charged to the veteran.

(f) *Flight courses.* Each eligible veteran who is pursuing an approved course of flight training shall be paid an education and training allowance to be computed at the rate of 75 per centum of the established charge which similarly circumstanced non-veterans enrolled in the same courses are required to pay for tuition for the course. If his program of education or training consists of flight training and other education or training, the allowance payable under this paragraph shall be in addition to any education and training allowance payable to him under one of the preceding paragraphs of this section. Such allowance shall be paid monthly upon receipt of certification from the eligible veteran and the institution as to the actual hours of instruction of flight training received by the veteran and the established cost thereof. For example, the veteran is enrolled in a private pilot course where the established cost for dual instruction is $11.50 per hour, and for ground instruction is $0.70 per hour. Within a particular month the veteran received 8 hours of dual instruction and 4 hours of ground instruction. The total established charges for this instruction is $94.80. Therefore, the veteran's education and training allowance for this month will be $71.10 (75 percent of $94.80).

§ 21.2053 *Education and training allowance payable where trainee is in receipt of disability compensation at the rate of 50 percent or more; Public Law 877, 80th Congress, cases.* A veteran may not receive concurrently increased disability compensation and increased education and training allowance because of his dependent or dependents. In each case a determination will be made as to which of the following is the greater: (*a*) The sum of the education and training allowance payable because of dependency and the basic disability compensation payable to a person without a dependent, or (*b*) the sum of the disability compensation payable including the additional compensation for a dependent or dependents and the rate of education and training allowance payable in the individual's case without regard to the existence of a dependent. Education and training allowance will be authorized in an amount equal to the difference between the greater benefit as computed in this section and total amount of disability compensation awarded by the adjudication division (i. e., basic rate plus additional amounts for dependents).

§ 21.2054 *Effective beginning dates of entrance or re-entrance into training and for payment of education and training allowance.* (a) The effective beginning date for the payment of education and training allowance will be the date of receipt of application therefor in the Veterans' Administration, or the date of entrance or re-entrance into training as

certified by the institution or establishment on VA Form 7–1999, or the date of the approval of the course by the appropriate approving agency, or the date the institution or establishment applied for approval of the course, whichever is the later, except that where the application is filed with or through an educational institution or training establishment, the effective date for the commencement of benefits by virtue of such application shall be the date certified by the institution or establishment as the date of the commencement of the training if such application is received by the Veterans' Administration within 15 days following the date of such commencement of training.

(b) All authorization actions accomplished by the registration and research section entering veterans into education or training (full-time or part-time institutional training, on-the-job or apprenticeship training, etc.) will authorize education and training allowance at the rate provided for a person without a dependent or dependents, unless satisfactory evidence of dependency accompanies his application or is of record which warrants an authorization of education and training allowance on account of the dependents. If evidence of relationship or dependency accompanies the veteran's application or is of record, the appropriate rate reflecting such dependency will be authorized.

(c) Where the veteran asserts on his original application for education and training allowances that he has a dependent or dependents, he will be informed of the necessity to submit satisfactory evidence of such dependents, and that until such evidence is received in the Veterans' Administration education or training allowance on the basis of the dependents will not be authorized. If satisfactory evidence of such dependents is received within 1 year of the date of request therefor, education or training allowance payable because of the dependents will be authorized effective as of the date of entrance into training or the receipt of the application if received at a later date. If such evidence is received after 1 year of the date of request therefor, the effective date of an authorization for education or training allowance on account of dependents will be as of the date of the receipt by the Veterans' Administration of the evidence showing entitlement thereto. If such evidence is in the claims folder, duplicate evidence will not be required.

§ 21.2055 *Effective closing dates of an authorization of education or training allowance*—(a) *Schools, colleges and universities.* The effective closing date shall be the ending date of the course, or the ending date of the period of enrollment as certified by the school or the expiration date of the veteran's entitlement, whichever is the earlier.

(b) *Apprenticeship or other on-the-job training.* The effective closing date shall be the ending date of the period of training as established by the training agreement, or the ending date of the period of enrollment as certified by the establishment, or the expiration of the veteran's entitlement, whichever is the earlier.

(c) *Institutional on-farm training.* The effective closing date shall be the ending date of the course as contained in the veteran's application and certified by the institution, or the expiration date of the veteran's entitlement, whichever is the earlier.

(d) *Final date for payments.* No education or training allowance shall be authorized to any veteran beyond seven years after either (1) his discharge or release from active service or (2) the end of the basic service period, whichever is earlier.

§ 21.2056 *Effective date of change or discontinuance of education or training allowance.* (a) The effective date of a change in the authorization of education or training allowance shall be:

(1) In the event of death of a dependent, as of the date following the date of death.

(2) In the event of divorce, the date of divorce.

(3) In case of a child, the date of the eighteenth anniversary of date of birth, or, if attending school after age 18, the date following cessation of school attendance or the date of the twenty-first anniversary of the date of birth, whichever is the earlier; or the date of marriage; or in the case of cessation of incapacity to support self by reason of mental or physical defect, last day of month in which reduction is approved.

(4) In the event of a change in the extent of the course being pursued, the date the change in the extent of the course occurred, e. g., change from full-time to part-time pursuit of course.

(5) In the event of a change in the scheduled trainee wage rate, as of the date the change is scheduled to occur.

(6) In the event veteran applies for an additional education or training allowance because of a dependent or dependents while in training such additional allowance will be authorized as of the date of change or the date of reentrance into training, whichever is later, if application therefor is received in the Veterans' Administration within 45 days, otherwise from date of receipt of application provided satisfactory evidence of such dependent or dependents is received in the Veterans' Administration within 1 year of the date of request therefor.

(b) The effective date of discontinuance of education and training allowance shall be:

(1) In the event of death of the veteran, as of the date of death.

(2) In the event of termination of training because of the veteran's re-entry into the active military service as of the date prior to such re-entry into the military service, or last date of attendance, or in the case of a veteran enrolled in a correspondence course as of the date the last lesson was serviced, or in the case of a veteran pursuing a flight training course as of the last date instruction was received, whichever is earlier.

(3) In the event it is found that the conduct or progress of the veteran is unsatisfactory, as of the date the veteran is dropped by the educational institution or establishment or as of the date such determination is made by the Administrator, whichever is earlier.

(4) In the event a school or establishment in which the veteran is enrolled is subsequently listed by the Attorney General under section 3, Part III of Executive Order 9835, as of the date preceding the date of such listing.

(5) As of the date of enrollment in the event the Veterans' Administration fails to receive the properly completed periodic Certifications of Training for the first two reporting periods in a period of enrollment; or in courses pursued exclusively by correspondence, if the Certification of Training was received but no lessons were completed and serviced during the first two quarters; or in courses of flight training, if the Certification of Training was received but no instruction was furnished during the first two months.

(6) As of the end of the month for which the last proper payment was made, in the event the veteran has commenced his course but the Veterans' Administration fails to receive the properly completed periodic Certification of Training for two consecutive reporting periods; or in courses pursued exclusively by correspondence, if the report was received but no lessons were completed and serviced during two consecutive quarters; or in courses of flight training, if the report was received but no instruction was furnished during two consecutive months.

(7) In the event of disapproval of a course by the State approving agency, as of the date of receipt in the Veterans' Administration of such notice of disapproval or as of the date of such disapproval, whichever is later, or, in the event of disapproval of a course by the Administrator as of the date of such disapproval.

(8) In the event a course of training fails to continue to meet the criteria as prescribed in Public Law 550, 82d Congress, as of the date notice of such finding by the State approving agency, is received by the Veterans' Administration, or the date such finding is made by the Veterans' Administration, whichever is earlier.

(9) In the event a veteran interrupts training in a course other than correspondence or flight training prior to completion of the course or completion of the certified period of enrollment as of the last date of attendance.

(10) In the event a veteran interrupts training in a correspondence course as of the date the last lesson is serviced for which payment is made by the Veterans' Administration.

(11) In the event a veteran interrupts a flight training course, as of the date the last instruction was received.

(12) In the event the veteran shall forfeit all rights, claims, and benefits as of the date of the commission of the act upon which the central committee on waivers and forfeitures based the forfeiture: *Provided, however,* That if the evidence of record establishes that the veteran was guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies within the meaning of section 4, Public Law 144, 78th Congress, as of the date of commission of the offense or of original entrance into training, whichever is the later.

§ 21.2057 *Duplication of benefits.* No eligible veteran shall be paid an education and training allowance under Public Law 550, 82d Congress, for any period during which he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law, other than this law, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury. Where the veteran is enrolled in a program of education or training and is the recipient of a grant or fellowship or is appointed as a trainee or student under any program where the payment to the veteran is for the specific purpose of providing an allowance for either living expenses or tuition, or both, and derives in whole or in part from funds appropriated from the Federal Treasury and granted or administered by other Federal Agencies, the veteran cannot concurrently receive the benefits of this Law and other Federal benefits which would constitute a duplication. Thus a veteran participating in the U. S. Maritime Commission training program, or receiving a fellowship from the Atomic Energy Commission, or the Public Health Service, could not concurrently receive education and training allowances under this Law. This section does not bar payment of an education or training allowance to a student enrolled in a land-grant college which is receiving Morrill-Nelson and Bankhead-Jones funds nor to a student enrolled in a vocational training course conducted under the act of February 23, 1917, as amended (39 Stat. 927), or the Vocational Education Act of 1946, nor to a veteran who is enrolled in an educational institution and participating in the ROTC programs of the Army or contract NROTC plan of the Navy nor to a veteran participating in an on-the-job training program in a Government establishment such as a Navy Yard nor to a veteran receiving benefits under Public Law 584, 79th Congress (Fulbright Act). It does preclude payment of an education and training allowance under this law to a student participating either in the program provided under Public Law 729, 80th Congress (56 Stat. 464) or in the program provided under Public Law 51, 82d Congress (62 Stat. 75).

§ 21.2058 *Jurisdiction over domestic relations determinations.* (a) Determinations of domestic relations questions other than those indicated in § 14.502 of this chapter will be made by the registration officer in all cases unless the circumstances involved differ from those present in cases which have formed the basis of formal opinions rendered by the solicitor. (See § 3.6 of this chapter.) Where the domestic relations question is one of doubtful legality and cannot be related to a precedent formal opinion of the solicitor, a request for an opinion will be submitted to the chief attorney in regional office cases or to the solicitor in central office cases. Such requests will be made by memorandum setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved.

(b) Within the limitations described in paragraph (a) of this section, the registration officer will make determinations on domestic relations questions, including the legality of adoption except where the letters of adoption are not regular on their face or circumstances surrounding the adoption suggest that the procedure was not accomplished in conformity with the law of the State involved.

(c) Current determinations of relationship and dependency and domestic relations questions made in accordance with existing instructions by either the vocational rehabilitation and education activity or the adjudication activity will be binding one upon the other in the absence of clear and unmistakable error.

§ 21.2059 *Definitions and proof of relationship and dependency.* The following classes of dependents, when such dependency status is established by the veteran in accordance with the provisions of §§ 3.40 through 3.57 of this chapter, may be recognized for the purpose of payment of increased rates of education and training allowance as provided in § 21.2051: Child, parent, wife, husband.

§ 21.2060 *Dependency of husband of female veteran.* The husband of a female veteran-trainee may be considered to be her dependent for the purpose of additional education and training allowance if he is in fact dependent upon her. In such case the husband will be determined to be in fact dependent upon her only where it is established that his dependency results from physical or mental incapacity and his monthly income from sources proper to consider (as defined in § 3.57 of this chapter) is not sufficient to provide him with reasonable maintenance, and he is not being otherwise maintained at the expense of the Federal Government.

CROSS REFERENCE: Requirements for Submission of Evidence—See §§ 3.30 through 3.33 of this chapter.

CROSS REFERENCE: Evidence Requirements to Establish Marital Status—See § 4.17 (b) of this chapter.

CROSS REFERENCE: Determinations Where Evidence of Marital Status Is Incomplete—See § 4.17 (c) of this chapter.

CROSS REFERENCE: Common-Law Marriages—See § 4.17 (d) of this chapter.

§ 21.2062. *Dependency of child of female veteran.* A minor child of a female veteran may be considered to be her dependent for the purpose of education and training allowance. Such child may be considered to be a dependent of the female veteran where the husband, who is also a veteran, is in training under Public Law 550, 82d Congress, and is in receipt of an increased education and training allowance based on the wife and the same child.

§ 21.2063 *Apportionment of education or training allowances.* There is no authority under Public Law 550, 82d Congress for the apportionment of shares of the education or training allowance to dependents of the veteran-trainee.

§ 21.2066 *Measurement of full- or part-time courses*—(a) *Institutional trade or technical courses.* (1) Institutional trade or technical courses offered on a clock-hour basis below the college level involving shop practice as an integral part thereof offered by any kind of an institution, and an institutional trade or technical course involving shop practice as an integral part thereof offered by a collegiate institution but for which credit is not given toward a standard collegiate degree, shall be measured as follows:

(i) Full time: A minimum of 30 hours per week of required attendance with not more than $2^1/_2$ hours rest periods per week and required attendance for not fewer than 5 days per week.

(ii) Three-fourths time: Less than 30 hours but not less than 22 hours per week of attendance required with not more than 2 hours of rest periods per week.

(iii) One-half time: Less than 22 but not less than 15 hours per week of attendance required with not more than $1^1/_4$ hours of rest periods per week.

(iv) Less than one-half time: Less than 15 hours per week of required attendance.

(2) In a school that grants rest periods in part-time courses, the aggregate time per day devoted to such rest periods shall not exceed the rate of 5 minutes per hour of attendance and the payment of training allowance will be consistent with the basic requirements for full-time training. A "trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only courses of training for occupations which are customarily learned through apprenticeships or other training on-the-job, i. e., the skilled, semiskilled, and unskilled occupations as listed under first digits 4 through 9, inclusive, and the personal service occupations listed under digits 2–26 through 2–32, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(b) *Academic courses below college level on a clock-hour basis.* An institutional course offered on a clock-hour basis below the college level in which theoretical or classroom instruction predominates (i. e., more than 50 percent of the required hours per week) offered by any kind of an institution, and an institutional course in which theoretical or classroom instruction predominates offered by a collegiate institution but for which credit is not given toward a standard collegiate degree, shall be measured as follows:

(1) Full time: A minimum of 25 hours per week net of instruction, exclusive of shop practice periods and any rest period, but not excluding regularly scheduled laboratory periods or supervised study periods or customary 5 or 10 minute intervals between classes for the purpose of changing student or teacher stations as required by the school, and attendance required for not fewer than 5 days per week.

(2) Three-fourth time: Less than 25 hours but not less than 18 hours per week net of required instruction.

(3) One-half time: Less than 18 hours but not less than 12 hours per week of required instruction.

(4) Less than one-half time: Less than 12 hours per week net of required instruction.

(c) *Non-accredited institutional course.* A non-accredited institutional course approved under section 254 of Public Law 550, 82d Congress, in which theoretical or classroom instruction predominates (i. e., more than 50 percent of the required hours per week) offered by a school which requires high school graduation or the equivalent as a prerequisite to entering the course shall be measured on a clock-hour basis as in paragraph (b) of this section, unless the course is measured on a credit hour basis under paragraph (d) of this section.

(d) *Institutional undergraduate course recognized for credit toward a standard college degree.* An institutional undergraduate course offered by a degree granting college or university for which standard units of credit are granted toward a standard college degree and which is either recognized by a nationally recognized accrediting association or although not so recognized its component units of credit have been and will be accepted at full value without examination toward a standard college degree by at least 3 collegiate institutions which are members of nationally recognized accrediting associations or agencies shall be measured as follows:

(1) Full time: A minimum of 14 semester hours or its equivalent, i. e., not less than 14 standard semester hours of credit per semester or the equivalent of 14 standard semester hours of credit per semester in quarter hours, term hours, or in other measures of credit used by a particular institution.

(i) A veteran pursuing an accredited course in a college or university will be considered to be pursuing the equivalent of a 14 semester hour course when:

(*a*) The veteran is enrolled for a term shorter than a regular school term, e. g., a summer session, for the number of semester credit hours which bears the same ratio to 14 as the number of weeks in the short term bears to the number of weeks in the regular semester. For example, if the standard semester is 16 weeks and the veteran attends a summer session of 8 weeks duration the course will be considered full-time if the veteran is enrolled for 7 semester hours credit for the summer session.

(*b*) The veteran is enrolled for courses which are acceptable for 14 semester hours or equivalent credit but for which credit may not be awarded to the particular veteran-student because of his failure to meet college entrance requirements or for some other equally valid reason, provided the veteran performs all of the work prescribed for other students who are enrolled for credit.

(*c*) The veteran is enrolled for 14 semester hours or equivalent credit in courses in a department of an accredited institution of higher learning, such as a technical institute, which department does not grant degrees but which does measure its course in terms of standard credit-hours and can demonstrate that these credits are acceptable at full value by the regular degree-granting elements of the institution.

(2) Three-fourths time: Less than 14 semester hours per semester or the equivalent but not less than 10 semester hours per semester or the equivalent.

(3) One-half time: Less than 10 semester hours per semester or the equivalent but not less than 7 semester hours or the equivalent.

(4) Less than one-half time: Less than 7 semester hours per semester or the equivalent.

(e) *Accredited graduate or advanced professional courses.* An accredited graduate or advanced professional course pursued at a collegiate institution which consists of or includes research or a comparable prescribed activity regardless of whether standard units of credit are or are not given, shall be measured as follows:

(1) Full time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a full-time in residence basis.

(2) Three-quarter time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a ¾-time in residence basis.

(3) One-half time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a ½-time in residence basis.

(4) Less than ½ time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a less than ½-time in residence basis. Also, course pursued in absentia shall be measured as less than ½ time.

(f) *Law course.* (1) An accredited law course pursued in an accredited law school for the LL. B. degree where, as is usual, the units of credit are of greater value than the standard units of credit for other courses leading to undergraduate degrees in other schools shall be measured as in paragraph (e) of this section, except that an accredited 4-year night law course shall be considered part-time and shall be measured as not more than ¾ time.

(2) A non-accredited law course pursued in a non-accredited school will be measured on a clock-hour basis as in paragraph (b) of this section.

(g) *Apprentice or other training on-the-job.* A course of apprentice training or other training on-the-job shall be measured as follows:

(1) Full time: The number of hours which constitute the standard workweek of the establishment at which the training is pursued but not less than 36 hours of required attendance per week except that for apprentice training full-time training shall be not more than the hours established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

(2) Apprentice or other training on-the-job which is less than full time is not authorized.

(h) *Cooperative course.* (1) The course referred to and authorized in Public Law 550, 82d Congress, as consisting of institutional courses and on-the-job courses and as further defined and described in § 21.2205 shall be measured as full time when the school portion measures full time under either paragraph (b) (1), (c), or (d) (1) of this section and a responsible official of the school offering the course certifies to the Veterans' Administration that the establishment offering the on-the-job portion will require of the veteran not less than 36 hours per week of attendance in training, except where, in a particular establishment, less than 36 hours per week have been established as the standard workweek through bona fide collective bargaining between employers and employees, and the official further certifies that the on-the-job portion meets the other criteria stated in § 22.2201.

(2) Cooperative courses involving continuous part-time work and part-time study in combination shall be measured on the basis of the ratio which each such portion of the training bears to full time as defined in subparagraph (1) of this paragraph.

(3) Training in a cooperative course on less than a full-time basis is not authorized.

(i) *Institutional on-farm training.* As specifically prescribed in Public Law 550, 82d Congress, the approved course shall provide that the operation of the farm, together with the group instruction part of the course, shall occupy the full time of the veteran.

(1) In no case will the veteran be deemed to be devoting full time to the pursuit of his program of institutional on-farm training during any period when he engages in remunerative employment, other than the conduct of his institutional on-farm training program, and such remunerative employment:

(i) Exceeds 180 hours during any 12-month segment of his enrollment period or a pro rata part thereof during a segment at the end of his period of enrollment which is shorter than 12 months. For example: If the veteran's approved program is 18 months in length, remunerative employment in excess of 180 hours during the first 12 months of his enrollment or in excess of 90 hours during the last 6 months would require interruption of the veteran's training; or

(ii) Totals 180 hours or less during a 12-months' segment of his enrollment period, unless the school finds that such employment does not impede or interfere with the veteran's pursuit of his farm training program.

(2) Day-for-day exchange of labor for farming operations, when performed in accordance with the farm practices of the community and then only to the extent permitted by the school, is considered to be labor in connection with the conduct of the veteran's farm training program, and will not be regarded as remunerative employment.

(3) The law does not permit the pursuit of institutional on-farm training on less than a full-time basis.

§ 21.2067 *Overcharges by educational institutions.* (a) The Administrator is required to disapprove any educational institution for the enrollment of any veteran, not already enrolled therein, if he finds that such educational institution has charged or received from any eligible veteran any amount in excess of the institution's established charges for tuition and fees which the institution requires similarly circumstanced non-veterans to pay, except that if a tax supported public educational institution has no established charges for tuition and fees (i. e., it does not charge any amount for either tuition or fees) which non-veteran resident students are required to pay, Public Law 550, 82d Congress, provides that the Administrator is not required to disapprove an institution if it charges to each eligible resident veteran an amount not in excess of the cost of teaching personnel and supplies for instruction but in no event to exceed $10.00 per month for a full-time course or a pro rata part thereof for less than a full-time course. The tax supported public institutions which charge resident veterans, although having no established charges for tuition and fees for resident non-veterans, will notify the appropriate regional office in writing of such charge and the date such charge is to be effective. Such notice to the Veterans' Administration will include a certification by the president or other authorized official that the institution does not have established charges for tuition and fees which it requires non-veteran residents to pay, and that the charge to veterans does not exceed the amount stated in the law.

(b) The charges for tuition and fees which would be applicable to resident non-veteran students, if any were enrolled, by approved non-profit educational institutions which are not subject to the limitation of 15 percent non-veteran students and which do not have any non-veterans enrolled in the same course in which eligible veterans are enrolled will be considered as the established charge.

STATE APPROVING AGENCIES

§ 21.2150 *Designation of State approving agencies under Public Law 550, 82d Congress.* (a) The Chief Executive of each State will be requested by the Administrator to create or designate a State department or agency as the "State approving agency" for his State for the purposes of assuming the responsibilities delegated to the State under the law; or if the law of the State provides otherwise, to indicate the agency provided by such law.

(b) The Chief Executive of each State will notify the Administrator in the event of any change in the designation of a "State approving agency."

(c) The Administrator will recognize separate agencies or departments of a State as the State approving agency for different types of education or training institutions or establishments if such agencies or departments are so designated by State law, or if not are so designated by the Chief Executive of the State. In the event any State does not have and fails or declines to create or designate a State approving agency, the provisions of the law which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Administrator, and the Administrator will arrange for the discharge of the approval authority by Veterans' Administration personnel, or otherwise.

(d) In the case of courses subject to approval by the Administrator under this law, the provisions which refer to a State approving agency shall be deemed to refer to the Administrator, and are hereby delegated to the assistant administrator for vocational rehabilitation and education.

§ 21.2151 *Approval of courses under Public Law 550, 82d Congress.* (a) An eligible veteran shall receive the benefits of the law, while enrolled in a course of education or training offered by an educational institution or training establishment only if such course is approved by the State approving agency for the State where such educational institution or training establishment is situated or by the Administrator where appropriate.

(b) Approval of courses by State approving agencies shall be in accordance with the provisions of the law, and such other regulations and policies as the State approving agency may adopt not in conflict therewith.

(c) The Administrator shall be responsible for the approval of courses of education or training offered by any agency of the Federal Government authorized under other laws to offer such education or training. The Administrator may approve any course in any other educational institution or training establishment in accordance with the provisions of the law.

(d) Applications for approval by the Administrator shall be submitted to the assistant administrator for vocational rehabilitation and education who is hereby delegated the authority to approve or disapprove such applications subject to the provisions of the law and VA Regulations. Such applications shall contain the information as required by the regulations in this subpart with respect to applications to a State approving agency.

(e) Upon notification that the appropriate State approving agency does not intend to act upon the application of any educational institution or training establishment desiring to offer education or training under the law such institution or establishment may submit to the Administrator an appropriate application for approval. Such application should be supported by explanation of the reasons for failure of the State approving agency to act.

§ 21.2152 *Cooperation between State approving agency and the Veterans' Administration under Public Law 550, 82d Congress.* (a) The provisions of the law require that the Administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State approving agency under its terms. The law further requires compliance by the State authorities with its provisions as a condition for payment for its services. The contracts must so provide. The cooperation of the Administrator and the State approving agency is essential in confining the activities of their respective agencies to those duties, functions, and responsibilities as assigned to each by the provisions of the law so as to assure that such programs are effectively and efficiently administered.

(b) The law contemplates that State approving agencies are responsible for inspecting and supervising educational institutions and training establishments within the borders of the State and in determining those courses which may be approved for the enrollment of eligible veterans under the terms of the law and, where appropriate, for establishing the maximum number of students that may be enrolled at any one time in any course. State approving agencies are also responsible for ascertaining whether an institution or establishment at all times complies with its established standards relating to the course or courses which institutions and training establishments have been approved to offer.

(c) The Administrator will furnish State approving agencies with copies of such Veterans' Administration informational and instructional material as may aid them in carrying out the provisions of this law.

§ 21.2153 *Reimbursement of expenses under Public Law 550, 82d Congress—*(a) *Contracts or agreements.* If a State or local agency desires to be paid for rendering the service contemplated by the law contracts or agreements will be negotiated with State agencies to pay such State agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in:

(1) Rendering necessary services in ascertaining the qualifications of educational institutions and training establishments for furnishing courses of training to eligible veterans under VA Regulations, and in the supervision of such educational institutions and training establishments, and

(2) Furnishing any other services in connection with the law as may be requested by the Administrator.

(b) *Salaries and travel.* Such contracts or agreements will provide for reimbursement of the reasonable and necessary expenses of salaries at not to exceed the rates of pay for other employees of the State for equivalent duties and responsibilities and the reasonable and necessary expenses of travel at not to exceed expenses allowable under the provisions of applicable State laws or other State regulations for transportation and per diem allowances or actual expense in lieu of per diem.

(c) *Other expenses.* Reimbursement will not be provided by the Veterans' Administration for expenditures other than salaries and travel of personnel required to perform the services required under the contract. Reimbursement will not be authorized directly or indirectly for supplies, equipment, printing, postage, telephone, rentals, and other miscellaneous expenses.

(d) *Inspection, approval and supervision.* Reimbursement will not be provided under these agreements:

(1) For the salaries and travel of personnel when they are engaged in activi-

ties other than those in connection with the inspection, approval or supervision of educational institutions and on-the-job training establishments, except for expenses for attending out-of-state meetings and conferences where such travel is performed upon prior approval and at the request of the Administrator.

(2) For the supervision of educational institutions or training establishments which do not have veterans in training under the law.

(3) Where payment will constitute a duplication of payment made under other contracts.

(4) For the preparation of instructional material.

(e) *Reimbursement.* Reimbursement under each such contract or agreement shall be conditioned upon compliance with the standards and provisions of the contract and the law.

(1) If it is established by the manager of the regional office that the State has failed to comply with the standards and provisions of the law and with the terms of the reimbursement agreement between the State and the Administrator, the manager shall withhold reimbursements for claimed expenses under the contract pending resolution of the matter to the satisfaction of the State and the Veterans' Administration. All such matters shall be reported to the assistant administrator for vocational rehabilitation and education if they are not satisfactorily settled.

APPROVAL OF COURSES OF EDUCATION AND TRAINING

§ 21.2200 *Apprentice or other training on-the-job; definition.* (a) A course which is pursued at a business or other establishment providing apprentice or other training on-the-job (as distinguished from a course of education or training in an educational or training institution), including any such course under the supervision of a college or university or any State department of education, or any State apprenticeship agency or any State board of vocational education or any joint apprentice committee or the Bureau of Apprenticeship established in accordance with Public Law 308, 75th Congress, or any agency of the Federal Government authorized to supervise apprentice or other training on-the-job.

(1) *Apprentice course.* Any training on-the-job course of not less than two years in length which has been established as an apprentice course under the supervision of a joint apprentice committee or the Federal Bureau of Apprenticeship or which has been set up as an apprentice course by the training establishment and, although not under the supervision of such committee or Bureau, nevertheless has been approved as an apprentice course for purposes of the law by the State approving agency or by the Administrator and which in addition satisfies the requirements of § 21.2201 (b).

(2) *Other training on-the-job course.* Any training on-the-job course of not more than two years in length which does not qualify as an apprentice course, as defined in subparagraph (1) of this paragraph, but which otherwise satisfies the requirements of § 21.2201 (b).

§ 21.2201 *Approval of courses of apprentice or other training on-the-job—*(a) *Application required.* Any training establishment desiring to furnish a course of apprentice or other training on-the-job shall submit a written application to the appropriate State approving agency setting forth the following:

(1) Title and description of the specific job objective for which the eligible veteran is to be trained;

(2) The length of the training period;

(3) A schedule listing various operations or major kinds of work or tasks to be learned and showing for each job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task; the schedule must be in such terms and in such detail as will enable the State approving agency to determine whether, in a genuine sense, the completion of training under the schedule will qualify the trainee for the job;

(4) The wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;

(5) The entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained; and

(6) The number of hours of supplemental related instruction required.

(b) *Criteria for approval.* The appropriate State approving agency shall investigate the courses offered and training facilities of each training establishment which submits an application in accordance with paragraph (a) of this section and may approve the course or courses covered by such application only when its investigation shows that the training establishment has met the following criteria:

(1) The training content of the course is adequate to qualify the eligible veteran for appointment to the job for which he is to be trained.

(2) There is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period. This requires assurance from the employer-trainer that he has such job in his establishment and that, except for unforeseeable and unexpected eventualities or unsatisfactory conduct or progress on the part of the veteran, he will appoint the veteran to that job upon the satisfactory completion of the course. Such assurance will consist of a written statement by the employer-trainer in the training agreement.

(3) The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job, not on such factors as length of service and normal turnover.

(4) The wages to be paid the eligible veteran for each successive period of training are not less than those customarily paid in the training establishment and in the community to a learner in the same job who is not a veteran.

(5) The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training, except that this provision shall not apply to apprentice training.

(6) The length of the training period is no longer than that customarily required by the training establishment and other training establishments in the community to provide an eligible veteran with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent on the job for which he is being trained.

(7) Provision is made for related instruction for the individual eligible veteran who may need it.

(8) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(9) Adequate records are kept to show the progress made by each eligible veteran toward his job objective. This requires that the employer-trainer maintain a record of the veteran's accomplishments and failures as he proceeds in the course so that the current state of his advancement therein will be clearly indicated by the employer-trainer's records.

(10) Appropriate credit is given the eligible veteran for previous training and job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him and his training period shortened accordingly and provision is made for certification by the training establishment that such credit has been granted and the beginning wage adjusted accordingly. No course of training will be considered bona fide if given to an eligible veteran who is already qualified by training alone, by experience alone or by a combination of both for the job objective.

(i) A veteran will be considered already qualified for the job objective when:

(*a*) He has at any time in the past been employed as a qualified workman in such a job.

(*b*) He has completed a recognized course of apprenticeship or he has completed a course of training on the job other than apprenticeship which is customarily accepted as qualifying for employment in the objective either in the area where he was trained or where he requests to be trained.

(c) He has completed a school course for that objective which is one of the professional objectives listed in the Dictionary of Occupational Titles, Code No. 0–01.00 through 0–39.99, e. g.: In no case will a veteran who has completed a school course for a professional objective, such as engineer, pharmacist, accountant, teacher, etc., be placed in training on the job for such objective except that:

(*1*) An eligible veteran training for the objective, Physician (Doctor of Medicine or Doctor of Osteopathy), may upon graduation from school be provided an internship, and

(2) An eligible veteran training for the objective, Lawyer, on graduation from law school may pursue in the States of Pennsylvania, New Jersey, Delaware, Vermont, Rhode Island, or other State having similar requirements, a bona fide course of on-the-job training for the study of clerkship of 6 or 9 months' duration required in such State to be pursued in a law office as a condition precedent to admission to the bar examination and to practice.

(*d*) He has completed a course for that objective below the professional level in a school whose graduates commonly obtain employment in that job objective without a course of on-the-job training, e. g., completion of a course in a school of watchmaking whose graduates do so qualify. This will not preclude apprenticeship or other training on the job for objectives usually reached through apprenticeship or other training on the job where an eligible veteran has pursued a course of school training which gives him some theory or shop practice in the objective but which does not qualify him for meeting employment requirements, provided the employer-trainer, as required by section 251 (b) (10) of Public Law 550, 82d Congress, gives him appropriate credit for the training pursued in school.

(*e*) He is appointed to that job under Federal, State or municipal civil service and on the regular payroll of the Federal Government, State or municipality, even though as an employee he receives some in-service training, e. g., the job of policeman or fireman.

(*f*) He is performing the job operations of his objective and receiving little or no instruction other than what is commonly provided by the establishment to qualified employees in the occupation; e. g., an eligible veteran who is performing as a salesman for a company, with the majority of his time being spent selling the goods or services of the company unaccompanied by any trainer.

(*g*) He is performing the job operations of his objective in essentially the same manner as a journeyman in the occupation, and is not receiving organized instruction; e. g., an eligible veteran who is performing as a barber or apprentice barber and is assigned to a chair and serves all who come to his chair in the same way that customers are served by the journeymen barbers in the same shop.

(11) A signed copy of the training agreement for each eligible veteran, including the training program and wage scale as approved by the State approving agency, is provided to the veteran and to the Veterans' Administration regional office and the State approving agency by the employer. Additionally, the training agreement will include: A certification that there is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period; a certification of whether related instruction is needed and if so, what provision has been made for obtaining it; a certification of what credit has been given the veteran for previous training or experience.

(12) Upon completion of the course of training furnished by the training establishment, the eligible veteran is given a certificate by the employer indicating the length and type of training provided and that the eligible veteran has completed the course of training on the job satisfactorily.

(13) That the course meets such other criteria as may be established by the State approving agency over and above the preceding requirements so long as such additional criteria do not abrogate the twelve specific criteria in this paragraph.

§ 21.2202 *Institutional on-farm training.* (a) The appropriate State approving agency may approve a course of full-time institutional on-farm training when it satisfies the following requirements:

(1) The course combines organized group instruction in agricultural and related subjects of at least 200 hours per year and not less than 8 hours in any one month at an educational institution, with supervised work experience on a farm or other agricultural establishment. The term "farm or other agricultural establishment" shall mean any place on which the basic activity is the cultivation of the ground, such as the raising and harvesting of crops, including fruits, vegetables, pastures, and/or the feeding, breeding, and managing of livestock, including poultry, and other specialized farming commonly followed in the area. Within the meaning of Public Law 550, 82d Congress, institutional on-farm training will not apply to training in those establishments which are engaged primarily in the processing, distribution, or sale of agricultural products, or combinations thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards, florist shops, and so forth. Etablishments desiring to offer such training must obtain approval of such courses as on the job training.

(2) The eligible veteran will perform a part of such course on a farm or other agricultural establishment under his control.

(3) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts. The duration of an approved course shall be as long as, but no longer than, necessary to attain the objective of the course outlined to meet the particular needs of the individual veteran. The carrying out of this requirement makes it mandatory that the course be developed to fit the needs of the veteran in his individual farming situation and consequently, that the length of the training period shall be ascertained by developing an individual plan with training goals and training practices clearly stated and then by determining how long the realization of the plan will require.

(4) The eligible veteran will receive not less than 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm or other agricultural establishment with not less than 2 visits by the instructor to such farm in any such month. Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products.

(5) The eligible veteran will be assured of control of such farm or other agricultural establishment (whether by ownership, lease, management agreement, or other tenure arrangement) until the completion of his course. This means that the farm must be under the veteran's operational control so he will be free to carry out the teachings of his training program without interference from anybody else. His control must be such that he is free to fertilize, cultivate, select and grow crops, raise livestock, market his shares, etc., employing the improved practices which are the foundation of his course of training. The number of veterans who may be processed into training on a single farm ordinarily will be limited to one. However, in a particular case, where the training institution and the Veterans' Administration have found that conditions are so highly favorable as to assure the success of two veterans for training and subsequent self-employment on the same farm, two, but not more than two, may be processed into or continued in training on a single farm provided the training situation with reference to each veteran meets in every respect the criteria set forth in Public Law 550, 82d Congress, and provided further, that there is furnished documentary evidence that the two veterans have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(6) Such farm or other agricultural establishment shall be of a size and character which:

(i) Will, together with the group-instruction part of the course, occupy the full time of the eligible veteran,

(ii) Will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible veteran an opportunity to apply to the operation of his farm or other agricultural establishment the major portion of the farm practices taught in the group instruction part of the course, and

(iii) Will assure him a satisfactory income for a reasonable living under normal conditions at least by the end of his course.

(7) Prior to approval of enrollment in such course the institution and the veteran shall certify to the Veterans' Administration that the training offered

does not repeat or duplicate training previously received by the veteran.

(8) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency over and above the preceding seven requirements but not abrogating any of those requirements.

§ 21.2203 *Approval of accredited courses*—(a) *Accredited courses.* (1) Courses offered by educational institutions may be approved as accredited courses when:

(i) Such courses have been accredited and approved by a nationally recognized accrediting agency or association; this includes courses above secondary level offered by the accredited departments or schools of a college or the accredited departments, schools or colleges of a university for credit toward a collegiate certificate or degree and also secondary level courses offered for Carnegie units of credit by accredited secondary schools.

(ii) Credit for such courses are approved by the State department of education for credit toward a high school diploma;

(iii) Such courses are conducted under the act of February 23, 1917 (Smith-Hughes Act), as amended (39 Stat. 927), or the Vocational Education Act of 1946 (George-Barden Act); or

(iv) Such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree.

(2) An accrediting agency or association to be considered as nationally recognized shall appear on the list of nationally recognized accrediting agencies or associations (including nationally recognized regional accrediting associations which Public Law 550, 82d Congress, requires the Commissioner of Education to publish as indication of the accrediting agencies which he determines to be reliable authority as to the quality of training offered by an educational institution.) The accreditation indicated by the list of nationally recognized accrediting agencies and associations listed by the Commissioner may be utilized by the State approving agency for approving courses specifically accredited and approved by such accrediting associations and agencies.

(3) An institution desiring to enroll veterans under Public Law 550, 82d Congress, in accredited courses shall make application for approval of such courses to the State approving agency and shall submit copies of its catalog or bulletin together with such other information as will make it possible for the State approving agency to determine as a condition to approving the course whether:

(i) Adequate records are kept by the educational institution to show the progress of each eligible veteran enrolled under this law, and

(ii) The educational institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training with the training period shortened proportionately and the veteran and the regional office so notified.

§ 21.2204 *Approval of non-accredited courses*—(a) *Non-accredited courses.* (1) Non-accredited courses are any courses (other than institutional on-farm training) which are not approvable as accredited courses under the standards specified in Public Law 550, 82d Congress, which are offered by a public or private, profit or nonprofit, educational institution. These include non-accredited courses offered by extension centers or divisions, or by vocational or adult education departments of institutions of higher learning and non-accredited courses offered by secondary schools.

(2) Any educational institution desiring to enroll veterans under Public Law 550, 82d Congress, in non-accredited courses shall submit a written application to the appropriate State approving agency for approval of such course.

(i) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official of the institution and shall include the following:

(*a*) Identifying data, such as volume number and date of publication;

(*b*) Names of the institution and its governing body, officials and faculty;

(*c*) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(*d*) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(*e*) Institution policy and regulations relative to leave, absences, class cuts, make-up work, tardiness and interruptions for unsatisfactory attendance;

(*f*) Institution policy and regulations relative to standards of progress required of the student by the institution. This policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student;

(*g*) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(*h*) Detailed schedule for fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(*i*) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

(*j*) A description of the available space, facilities, and equipment;

(*k*) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

(*l*) Policy and regulations of the institution relative to granting credit for previous education and training.

(ii) The appropriate State approving agency may approve the application of such institution when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

(*a*) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and private schools in the State, with recognized accepted standards.

(*b*) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(*c*) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(*d*) The institution maintains a written record of the previous education and training of the veterman and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the veteran and the Administrator so notified.

(*e*) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct will be furnished the veteran upon enrollment.

(*f*) Upon completion of training, the veteran is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(*g*) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(*h*) The institution complies with all local, city, county, municipal, State and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

(*i*) The institution is financially sound and capable of fulfilling its commitments for training.

(*j*) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency:

(*1*) Has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and

(*2*) Has, if such an order has been issued, given due weight to that fact.

(*k*) The institution does not exceed its enrollment limitations as established by the State approving agency.

(*l*) The institution's administrators, directors, owners and instructors are of good reputation and character.

(*m*) The institution has and maintains a policy for the refund of unused portion of tuition, fees, and other charges in the event the veteran fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the veteran for tutition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

(*n*) Such additional criteria as may be deemed necessary by the State approving agency.

§ 21.2205 *Approval of cooperative courses.* (a) The courses which are referred to in Public Law 550, 82d Congress, as the full-time program of education and training consisting of institutional and on-the-job training, with the on-the-job training portion strictly supplemental to the institutional portion, may be approved as cooperative courses when the school offering such courses submits to the State approving agency along with its application statements of fact showing at least the following:

(1) That the alternate in-school periods of the course are at least as long as the alternate on-the-job periods;

(2) That the courses are set up as cooperative courses in the school catalog or other literature of the school;

(3) That the school itself arranges with the employer's establishment for providing the alternate on-job periods of training on such basis that the on-job portion of the course will be training in a real and substantial sense and will supplement the in-school portion of the course;

(4) That the school arranges directly with the employer's establishment for placing the individual student in that establishment and exercises supervision and control over the student's activities at the establishment to an extent that assures training in a true sense to the student; and

(5) That the school grants credit for the on-job portion of the course which credit although not necessarily in terms of credit hours will as a minimum be credit granted by the school for completion of a part of the work required for granting a degree or certificate to any student enrolled in the course.

§ 21.2206 *Approval of correspondence courses*—(a) *Definition.* A course conducted by mail, consisting of a series of written lesson assignments furnished by a school to the student for study and requiring the submittal to the school by the student of written answers to a series of questions and solutions to specified problems or work projects which are corrected and graded by the school and returned to the trainee.

(b) *Approval.* (1) A correspondence school desiring to enroll veterans under Public Law 550, 82d Congress, for correspondence courses may be approved when it meets the provisions of section 253 or 254 of the law, as applicable and when its application together with any other material such as specimen copies

of the course as the approving agency may require, demonstrates that the course is satisfactory in all of the following elements and any others which the approving agency may specify:

(i) Each portion of the course that is offered as a lesson to be paid for shall show upon inspection information of such kind, scope, and organization that it is clearly appropriately valuable and ample to cover substantially the subjects treated;

(ii) Based upon the inspection of the individual lessons of the course as in subdivision (i) of this subparagraph, the course clearly is composed of information of such kinds and scope that it affords adequate coverage of the field referred to and is adequate for the claimed purpose or objective of the course; also, the organization of the material in the total course is such as to show good instructional arrangement as to sequence of subject matter, etc;

(iii) The kind, amount and instructional value of the service to be performed by the school on each lesson sent in by the student;

(iv) The course does not require:

(*a*) Unnecessary duplication of material;

(*b*) Furnishing high-cost supplies not actually needed or before they are actually required for use in the course or which amount to a bonus for the veteran's enrollment; and

(*c*) Furnishing books and other supplies to be paid for by the veteran which are not adequately identified and are not clearly necessary for the student to own personally as against being furnished for the student's temporary use and return to the school.

(2) Whenever the State approving agency approves a correspondence course for training of veterans under the law, it shall immediately notify the Director, Training Facilities Service, Veterans' Administration, Washington 25, D. C., clearly identifying the correspondence school, the course or courses which have been approved and the educational or vocational objective of each approved course.

§ 21.2207 *Notice of approval of courses.* (a) The State approving agency, upon determining that an educational institution or establishment has complied with all the requirements of Public Law 550, 82d Congress, will issue a letter to such institution or establishment setting forth the courses which have been approved for the purposes of the law and will furnish an official copy of such letter and attachments and will furnish later any subsequent amendments to the Veterans' Administration. In the case of the approval of a correspondence course, the State approving agency will forward notice of approval to the Director, Training Facilities Service, Veterans' Administration, Washington 25, D. C. In all other cases the notice of approval to the Veterans' Administration will be forwarded to the regional office having jurisdiction over the territory in which the institution or establishment is located. The letter of approval for each institution shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

(1) Date of letter and effective date of approval of courses;

(2) Proper address and name of each educational institution or training establishment;

(3) Authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;

(4) Name of each course approved:

(5) Where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;

(6) Signature of responsible official of State approving agency; and

(7) Such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

NOTE: In respect to institutions of higher learning the letter of approval may identify accredited courses and subjects approved by reference to page numbers in the catalog or bulletin of the institution in lieu of a listing by name as required in subparagraph (4) of this paragraph.

(b) In addition to the copy of the approval letter and attachments as set forth in paragraph (a) of this section the State approving agency will furnish to the Veterans' Administration regional office having jurisdiction over the territory in which the institution or establishment is located, one copy of the approved application submitted by the institution or establishment as follows:

(1) The application required to be submitted by the training establishment under the provisions of section 251 (a) of Public Law 550, 82d Congress.

(2) The application required to be submitted by the educational institution for non-accredited courses approved under authority of section 254 (b) of the law.

§ 21.2208 *Disapproval of courses and discontinuance of allowances under Public Law 550, 82d Congress.* (a) Any course approved for the purposes of the Law, which fails to meet any of the requirements thereof shall be immediately disapproved by the appropriate State approving agency. The State approving agency is required to notify any educational institution or training establishment of the disapproval of any course or courses by registered letter of notification and to secure a return receipt. It is incumbent upon the State approving agency to investigate the conduct of courses and to take immediate appropriate action in each case in which it is found that the conduct of a course in any manner fails to comply with the requirements of the law.

(b) It is required that each State approving agency shall also immediately notify the appropriate Veterans' Administration regional office of each course which it has disapproved under the provisions of the law.

(c) In compliance with provisions of the law the Veterans' Administration regional office shall immediately notify the State approving agency of its action in each case wherein any educational in-

stitution or training establishment is disapproved by the Veterans' Administration for furnishing courses under the provisions of Part VII of Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).

(d) Notwithstanding the approval of a course by a State approving agency, the Administrator is charged with the responsibility to discontinue the education and training allowance of any eligible veteran if he finds that the course of education or training in which such veteran is enrolled fails to meet any of the requirements of the law, or if he finds that the educational institution or training establishment offering such course has violated any provision of the law. In any case in which the regional office reasonably establishes that a course offered by an educational institution or training establishment fails to meet any of the requirements or that the institution or training establishment has violated any provisions of the law, the manager shall suspend further payments of education and training allowances to veterans enrolled in such course or institution effective on the first day of the following month. Immediately upon such determination, the manager shall forward to the State approving agency a summary of the facts and his conclusions in order that the State approving agency may take appropriate action with respect to its continued approval of the institution or training establishment. The manager's letter will include a request for a report within 15 days from the State approving agency as to the action taken. In any case in which the State approving agency fails to act within 15 days or continues the approval of the course or courses where in the opinion of the manager the cause for the suspension of payments has not been removed, the manager will arrange for a hearing before a Board of Review as provided in this paragraph to be conducted within an interval of not more than 7 calendar days from the date the report was due from the State or the date of receipt of notification of the State's continued approval. Such hearing will afford an opportunity to the institution or establishment to present arguments or briefs in the matter of the asserted failure of the course or courses to meet any of the requirements of the law or in the matter of violation by the institution or establishment of any of the provisions of the law. The membership of the Board of Review shall be comprised of three staff employees of the regional office selected by the manager, one of whom shall be the chief, vocational rehabilitation and education division. The Board is empowered to make the final decision of the Veterans' Administration as to whether the course offered by the educational institution or training establishment fails to meet any of the requirements or has violated any of the provisions of the law. If payments of allowances are discontinued because of such finding, the effective date shall be the date on which they were originally suspended. If payments of allowances are not discontinued, they will be resumed as of the date of suspension or the date the cause for suspension was removed, whichever is the later.

MISCELLANEOUS PROVISIONS

§ 21.2300 *Policy of providing educational and vocational guidance.* (a) It will be the policy of the Veterans' Administration to encourage eligible veterans to obtain educational and vocational guidance either from non-profit school, college, or community counseling centers or through the counseling service provided by the Veterans' Administration before finally determining their objectives and outlining their programs of education or training.

(1) In accordance with the above policy, counseling will be provided upon request to eligible veterans either prior to the initiation of a program of education or training, while pursuing such program, or during a period of valid interruption.

(i) A veteran whose problems of personal adjustment are such as to interfere with satisfactory attainment of vocational readjustment will, upon request, be provided personal adjustment counseling. This provision will be applicable when such counseling is needed:

(*a*) In connection with providing educational and vocational guidance;

(*b*) While a veteran is pursuing a program of education or training under Public Law 550, 82d Congress, or during a period of valid interruption of such program of education or training.

(2) Travel at Government expense may be authorized when the applicant for education or training under Public Law 550, 82d Congress, is required by the Veterans' Administration, in accordance with VA Regulations, to report to a field station or to another designated place for educational and vocational guidance. The travel order will provide for return to the place from which travel was authorized. Travel at Government expense will not be authorized for veterans who voluntarily request educational and vocational guidance or personal adjustment counseling under this law.

(3) For the purpose of this section, educational and vocational guidance will include the application, as appropriate in invidual cases, of the vocational counseling techniques and procedures which have been established by Veterans' Administration Regulations and manuals for counseling veterans who are eligible for benefits under Part VII or Part VIII, Veterans Regulation I (a), as amended (38 U. S. C. ch. 12).

§ 21.2301 *Control by agencies of the United States.* The law provides that no department or agency or officer of the United States, shall exercise any supervision or control, whatsoever, over any State approving agency, State educational agency, or State apprenticeship agency, or any educational institution or training establishment. However, the provisions of this section shall not be construed to abrogate the responsibility of the Administrator under the law:

(a) To define full time training in the case of certain courses of education or training,

(b) To determine whether overcharges were made by an educational institution and to disapprove such an educational institution for enrollment of any veteran not already enrolled therein,

(c) To determine whether the State approving agencies under the terms of contracts or reimbursement agreements are complying with the standards and provisions of the law,

(d) To examine the records and accounts of educational institutions and training establishments which are required by the law to be made available for examination by duly authorized representatives of the government, and

(e) To disapprove schools or courses for reasons stated in the law or to approve schools or courses notwithstanding lack of State approval.

§ 21.2302 *Conflicting interests.* (a) Public Law 550, 82d Congress, provides that any Veterans' Administration employee who owns any interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible veteran is pursuing a course of education under the law shall be immediately dismissed, unless it is decided after a public hearing that no detriment will result to the United States or to eligible veterans by reason of such interest or connection of such employee. When there are reasonable grounds to believe that an employee may have violated this law, action will be initiated immediately in accordance with the provisions of Veterans' Administration personnel procedures, for the purpose of reaching a decision as to whether or not there was a statutory violation and if requested by the employee whether or not a waiver may be justified.

(b) When the manager of a regional office determines that an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under Public Law 550, 82d Congress, he shall notify the State agency in writing that unless he is notified within 15 days of action to terminate the services of such employee he will suspend payments under contract to the State as of the beginning of the month in which the violation was reported to the State. The manager will submit the case to the assistant administrator for vocational rehabilitation and education with pertinent comments and recommendations. If the State approving agency shall without delay take such steps as may be necessary to terminate the employment of such person payments will not be suspended. Where payments are suspended they will be resumed by the regional office manager only after he receives evidence of the termination of such employment in which case payments will be resumed effective as of the beginning of the month following such termination.

(c) There is no authority for the State approving agency to approve or to continue the approval of any course offered by an educational institution operated for profit if it is found that any officer or employee of the Veterans' Administration or in the office of education or in the State approving agency owns an interest in or receives any wages, salary, dividends, profits, gratuities, or services from such institution. Such course, if approved, shall be disapproved. Where the appropriate agency believes that an exception is desirable, that agency may request a waiver of the requirement that the course be disapproved and will forward the request together with facts and a detailed justification to the assistant administrator for vocational rehabilitation and education through the regional office where the manager will add appropriate comments and recommendations. When a regional office manager determines that there has been a violation of the provisions of this paragraph he will submit his findings together with his recommendations to the assistant administrator for vocational rehabilitation and education.

(d) The Administrator will determine, based upon such evidence as he may require, whether to waive the provisions of section 264, Public Law 550, 82d Congress. Where it is found that paragraphs (b) and (c) of this section are for application the regional office manager will be directed to issue notice to those concerned and to initiate board action similar to that provided for in Veterans' Administration personnel procedures except that at least 1 board member will not be an employee of the Veterans' Administration.

§ 21.2303 *Reports by institutions—*(a) *Certification forms required.* Educational institutions and training establishments shall promptly certify to the Veterans' Administration the enrollment or re-enrollment of an eligible veteran in a course of education and training under the provisions of Public Law 550, 82d Congress. Such educational institutions and training establishments are also required to submit for each veteran enrolled therein periodic Certifications of Training showing the veteran's continued pursuit of his course, attendance, conduct, progress, lessons completed in correspondence courses, instruction received in flight training courses, interruption or termination of training, and modifications of course which affect the charge against entitlement or the payment of education and training allowance (or tuition charges in a course pursued on less than ½ time basis).

(1) The enrollment or re-enrollment of a veteran shall be certified by the educational institution or training establishment on VA Form 7–1999.

(2) The periodic Certifications of Training shall be certified by the educational institution or training establishment on the following prescribed forms at the intervals stated:

(i) Accredited Courses and Institutional On-Farm Courses, VA Form 7–1996a, (Monthly),

(ii) Non-accredited Courses, Apprentice Training Courses, and Other On-the-Job Training Courses, VA Form 7–1996b, (Monthly),

(iii) Flight Courses, VA Form 7–1996c, (Monthly).

(iv) Correspondence Courses, VA Form 7–1996d, (Quarterly).

(b) *Reporting the interruption or termination of training—*(1) *Accredited courses.* Educational institutions offering accredited courses shall promptly notify the Veterans' Administration on VA Form 7–1996a to interrupt or terminate the training of any veteran enrolled therein in any case where:

(i) The veteran's training is interrupted or terminated by the veteran or by the educational institution; or

(ii) The veteran ceases to attend or ceases to maintain satisfactory conduct and progress in accordance with the regularly prescribed standards and practices of the educational institution.

(2) *Non-accredited courses (except correspondence courses).* Educational institutions offering non-accredited courses (except correspondence courses) shall promptly notify the Veterans' Administration on VA Form 7–1996b or VA Form 7–1996c, as appropriate, to interrupt or terminate the training of any veteran enrolled therein in any case where:

(i) The veteran's training is interrupted or terminated by the veteran or by the educational institution; or

(ii) The veteran ceases to attend or ceases to maintain satisfactory conduct and progress in accordance with the regularly prescribed standards and practices of the educational institution.

(3) *Correspondence courses.* Educational institutions offering correspondence courses shall promptly notify the Veterans' Administration on VA Form 7–1996d to interrupt or terminate the training of any veteran enrolled therein in any case where the veteran's training is interrupted or terminated by the veteran or by the educational institution.

(4) *Institutional on-farm training.* The school in which the veteran is enrolled to pursue his program of institutional on-farm training shall promptly notify the Veterans' Administration on VA Form 7–1996a to interrupt or terminate the veteran's training in any case where:

(i) The veteran's training is interrupted or terminated by the veteran or the school; or

(ii) The veteran ceases to devote his full time and attention to his farm; or

(iii) The veteran ceases to have managerial control of his farm as required by Public Law 550, 82d Congress; or

(iv) The veteran absents himself from his farm, thereby making himself unavailable for the prescribed individual instruction and farm work or he fails to attend the prescribed classes for group instruction at the school; or

(v) The veteran ceases to maintain satisfactory conduct and progress in accordance with the regularly prescribed standards and practices of the school.

(5) *Apprentice training or other training on-the-job.* The training establishment in which the veteran is enrolled and employed to pursue his program of apprentice or other training on-the-job shall promptly notify the Veterans' Administration on VA Form 7–1996b to interrupt or terminate the veteran's training in any case where:

(i) The veteran's training is interrupted or terminated by the veteran or the training establishment; or

(ii) The training establishment will no longer continue to pay the veteran-trainee at the wage or salary rate specified in the approved training program; or

(iii) The veteran ceases to attend or ceases to maintain satisfactory conduct and progress in accordance with the regularly prescribed standards and practices of the training establishment.

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans' Administration under Public Law 550, 82d Congress, an allowance at the rate of $1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications.

(2) The amount of such allowance to be paid each eligible institution shall be computed on the basis of $1.50 for each required certification of training actually received by the Veterans' Administration during the reporting period.

(3) No administrative allowance shall be paid to an educational institution for a veteran enrolled in a course pursued exclusively by correspondence.

(4) Payments will be made to the institution by the regional office upon presentation by the institution of properly prepared vouchers supported by certificates of training.

(5) No allowance shall be paid to such institution for the month or months during which such reports or certifications were not submitted as required by the Administrator.

§ 21.2304 *Liability of educational institution or training establishment on account of overpayments of education and training allowances.* If an overpayment to a veteran occurs under circumstances which render a school or training institution liable therefor under the provisions of section 266 of Public Law 550, 82d Congress, recovery will first be made or sought from the veteran in accordance with existing procedures for the collection of overpayments. If the veteran refuses or fails to repay the amount within 60 days after notice of the overpayment, the matter will be referred by the finance division to the registration and research section, which will notify the school of the intention to apply the liability provisions and the amount of the overpayment. If the school denies liability it may be afforded, if requested, a hearing by a Board of Review constituted as in § 21.2208. The decision of the Board may be appealed to the assistant administrator for Vocational Rehabilitation and Education by either the school or the manager. Liability determined administratively or by the Board—or appellate procedure—will be certified to the finance service for collection. In determining liability it must be shown that the failure to report excessive absences or discontin-

uance or interruption of a course resulting in overpayment was due to the willful or negligent act of the institution. Mere error will not create liability in respect to excessive absences or discontinuance or interruption of a course. However, as payments can be made only upon a joint certification of training, it is not apparent how overpayment could be caused in the event of discontinuance or interruption except upon a false certification. In the latter event, liability is not contingent upon willfullness or negligence, but simply upon falsity of the report. It does not appear that waiver as to a veteran would ever be proper in that he must join in the certification and hence, could not be without fault; but in any event waiver would not relieve the school of liability. If, however, recovery is had from the veteran, it must be credited to the school's liability and refunded to the school if its liability has been paid.

§ 21.2305 *Overpayments of education and training allowances and other Veterans' Administration benefits.* (a) Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under laws administered by the Veterans' Administration, and due the Government, the registration and research activity may not thereafter re-enter the veteran into training so long as the overpayment is outstanding. In any such instance, the registration and research activity will be responsible for giving proper notification to the veteran and the institution.

(b) Where a veteran has been denied further education and training under the condition referred to in paragraph (a) of this section, and subsequently makes satisfactory arrangements with the finance activity to restore or refund an outstanding overpayment, the effective date of commencement of education and training allowance shall not be earlier than the date the veteran makes satisfactory arrangements to refund the overpayment.

§ 21.2306 *Examination of records.* (a) The records and accounts of educational institutions and training establishments pertaining to eligible veterans who received or are receiving education or training under Public Law 550, 82d Congress, shall be available for examination by duly authorized representatives of the Government. The records pertaining to eligible veterans receiving education or training under the law shall include accounting evidence of tuition and fees charged to and received from all students both veteran and non-veteran who are or have been enrolled in courses in which eligible veterans received or are receiving training under the law.

(b) Each educational institution which is enrolling or has enrolled eligible veterans under Public Law 550, 82d Congress, shall upon request by duly authorized representatives of the Veterans' Administration or other Federal agencies, make available for examination all appropriate records and accounts including but not limited to:

(1) Records and accounts which are evidence of tuition and fees charged to and received from all eligible veterans enrolled under the law and from similarly circumstanced non-veterans,

(2) Records of previous education or training of veterans enrolled under the law at the time of admission as students and records of advance credit, if any, granted by the institution at the time of admission, and

(3) Records of the veteran's grades and progress.

(c) The institutions approved under section 254 of Public Law 550, 82d Congress, will make available in addition to the records and accounts required in paragraph (b) of this section the following:

(1) Records of leave, absences, class cuts, make-up work, tardiness and interruptions for unsatisfactory conduct or attendance, and

(2) Records of refunds of tuition, fees and other charges made to a veteran who fails to enter the course or withdraws or is discontinued prior to completion of the course.

(d) The institutions approved under section 252 of Public Law 550, 82d Congress will make available in addition to the records and accounts required in paragraph (b) of this section the following:

(1) Records of the individual and organized group instruction furnished.

(e) Failure to make such records available shall be grounds for removing the school from the approved list.

§ 21.2307 *False or misleading statements.* The Veterans' Administration shall not make any payments under Public Law 550, 82d Congress, to any person found by the Veterans' Administration to have willfully submitted any false or misleading claim. In each case where the manager of a regional office finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment has submitted such a claim, the manager shall make a complete report of the facts of the case to the appropriate State approving agency and where deemed advisable to the United States district attorney for appropriate action. The latter shall be done in accord with existing VA Regulations by the chief attorney or the solicitor if he is of the opinion there is a basis for either civil or criminal action.

§ 21.2308 *Criminal penalties and forfeitures; forfeiture of rights.* (a) Public Law 550, 82d Congress, makes provision for certain penalties upon a finding of willful, fraudulent acts, having to do with any claim for payment or any matter arising under that Law, including forfeiture or rights, claims and benefits thereunder and under Public No. 2, 72d Congress, as amended. When any employee of the Veterans' Administration discovers what is thought to be:

(1) A false or fraudulent affidavit, declaration, certificate, statement, voucher, endorsement, or paper or writing purporting to be such, concerning any claim or the approval of any claim for benefits under this Law, or pertaining to any matter arising under this Law, or

(2) Indication of the making or presentation of any paper required under this Law wherein a date has been willfully inserted other than the date upon which it was actually signed or acknowledged by the claimant, or

(3) A false certification by any person that a declarant, affiant or witness names in an affidavit, declaration, voucher, endorsement, or other paper or writing appeared personally before such person and was sworn thereto or that such person acknowledged the execution thereof, or

(4) Indication that any beneficiary under this Law has accepted and converted to his own use payments for any period during which he was not actually pursuing a course of education or training under this Law for which period payment was made, such employee shall refer the case to the chief attorney within a regional office, or the solicitor if in central office, who after such preliminary investigation as may be necessary, will determine

(5) Whether there is prima facie evidence of violation of a criminal statute, and

(6) Whether there is prima facie evidence of an offense subject to the forfeiture provisions of section 15, Public No. 2, 73rd Congress.

In the event of affirmative finding as to subparagraph (5) of this paragraph, the chief attorney, or the solicitor, will refer the case to the United States Attorney, or to the Department of Justice, as the case may be, for consideration or any necessary action; and if the finding as to subparagraph (6) of this paragraph, be in the affirmative, that is, that the forfeiture provisions of Public No. 2, 73rd Congress are involved, will refer the case to the appropriate adjudication officer for reference to the committee on waivers and forfeiture of central office.

§ 21.2309 *Appeals.* All questions respecting any adjudicatory determination under Public Law 550, 82d Congress, are subject to the right of the veteran to appeal to the Administrator of Veterans Affairs, and any notice of a determination adverse to the interest of the claimant shall include information respecting such right of appeal. All standing regulatory provisions governing notice of right of appeal, reception, development, processing and certification of appeal upon the part of the vocational rehabilitation and education activity of original jurisdiction are governing.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8747; Filed, Aug. 7, 1952; 8:51 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

HERRING FISHERY

Basis and purpose. On the basis of information developed by field representatives of the Fish and Wildlife Service on the age composition of the commercial herring catches of Southeastern Alaska and the availability of the stocks to the commercial fishery it has been determined that effective conservation of these fisheries does not require retention of the present maximum quota of 100,000 barrels.

It also appears that the maximum quota of 100,000 barrels probably will be filled this date.

In order to permit optimum utilization of these fisheries Part 116, Southeastern Alaska Area Fisheries Other Than Salmon is amended in § 116.3 by deleting the first sentence of text.

This amendment shall be effective immediately.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

ALBERT M. DAY,
Director.

[F. R. Doc. 52-8723; Filed, Aug. 7, 1952; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

[Regs. 111]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1941

ALTERNATIVE TAX ON CORPORATIONS IN CASE OF CAPITAL GAINS; TREATMENT OF CAPITAL GAINS AND LOSSES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 [26 CFR Part 29] to section 123 (relating to the alternative tax on corporations in the case of capital gains) and section 322 (relating to the treatment of capital gains and losses) of the Revenue Act of 1951, approved October 20, 1951, such regulations are hereby amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.22 (n)–1, as added by Treasury Decision 5425, approved December 29, 1944, the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * *

(c) *Technical amendments*—(1) *Amendment of section 22 (n).* Section 22 (n) (relating to the definition of adjusted gross income) is hereby amended by striking out the word "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and", and by inserting after paragraph (6) the following new paragraph:

(7) *Long-term capital gains.* The deduction allowed by section 23 (ee).

* * * * *

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 2. Section 29.22 (n)–1, as added by Treasury Decision 5425, is amended as follows:

(A) By striking the word "and" immediately preceding "(6)" in the paragraph (c) thereof.

(B) By striking the period at the end of paragraph (c) and inserting in lieu of such period a semicolon and the following: "and (7) for taxable years beginning on or after October 20, 1951, the deduction for long-term capital gains allowed by sections 23 (ee) and 117 (b)."

PAR. 3. There is inserted immediately after § 29.23 (bb)–1, as added by Treasury Decision 5873, approved December 7, 1951, the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of long-term capital gains and losses*—(1) *Amendment of section 23.* Section 23 (relating to deductions from gross income) is hereby amended by adding at the end thereof the following new subsection:

(ee) *Long-term capital gains.* In the case of a taxpayer other than a corporation, the deduction for long-term capital gains provided in section 117 (b).

* * * * *

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 4. There is inserted immediately preceding § 29.117–1 the following:

SEC. 123. COMPUTATION OF ALTERNATIVE CAPITAL GAINS TAX (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 117 (c) (1) (relating to alternative tax on corporations) is hereby amended by striking out the second paragraph and inserting in lieu thereof the following:

(A) A partial tax shall first be computed upon the net income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted.

(B) There shall then be ascertained an amount equal to 25 per centum of such excess, except that in the case of any taxable year beginning after March 31, 1951, and before April 1, 1954, there shall be ascertained an amount equal to 26 per centum of such excess.

(C) The total tax shall be the partial tax computed under subparagraph (A) plus the amount computed under subparagraph (B).

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Treatment of long-term capital gains and losses.*

* * * * *

(2) *Amendment of section 117 (b).* Section 117 (b) (relating to treatment of long-term capital gains and losses) is hereby amended to read as follows:

(b) *Deduction from gross income.* In the case of a taxpayer other than a corporation, if for any taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 per centum of the amount of such excess shall be a deduction from gross income. In the case of an estate or trust, the deduction shall be computed by excluding the portion (if any), of the gains for the taxable year from sales or exchanges of capital assets, which, under section 162 (b) or (c), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.

(b) *Alternative tax.* Section 117 (c) (2) (relating to alternative tax) is hereby amended to read as follows:

(2) *Other taxpayers.* If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, there shall be levied, collected, and paid, in lieu of the tax imposed by sections 11 and 12 (or, in the case of certain tax-exempt trusts, in lieu of the tax imposed by section 421), a tax determined as follows, if and only if such tax is less than the tax imposed by such sections:

(A) A partial tax shall first be computed upon the net income reduced by an amount equal to 50 per centum of such excess, at the rates and in the manner as if this subsection had not been enacted.

(B) There shall then be ascertained an amount equal to 25 per centum of the excess of the net long-term capital gain over the net short-term capital loss. In the case of any taxable year beginning after October 31, 1951, and before November 1, 1953, there shall be ascertained, in lieu of the amount computed under the preceding sentence, an amount equal to 26 per centum of the excess of the net long-term capital gain over the net short-term capital loss.

(C) The total tax shall be the partial tax computed under subparagraph (A) plus the amount computed under subparagraph (B).

(c) *Technical amendments.*

* * * * *

(2) *Amendment of section 117 (a).* Paragraphs (2) and (4) of section 117 (a) (relating to definitions of short-term capital gain and long-term capital gain) are each hereby amended by striking out "net income" and inserting in lieu thereof "gross income."

(3) *Amendment of section 117 (j).* Section 117 (j) (2) (A) (relating to gains and losses from involuntary conversion and from the sale or exchange of certain property used in the trade or business) is hereby amended to read as follows:

(A) In determining under this paragraph whether gains exceed losses, the gains described therein shall be included only if and to the extent taken into account in computing gross income and the losses described therein shall be included only if and to the extent taken into account in computing net income, except that subsection (d) shall not apply.

• • • • •

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. In determining under section 117 (e) of the Internal Revenue Code the amount of the carryover to a taxable year beginning on or after such date, of the capital loss for a taxable year beginning before such date, such amendments shall not affect the computation of the amount of the net capital loss or of the net capital gain for any taxable year beginning before such date.

PAR. 5. Section 29.117–1, as amended by Treasury Decision 5893, approved April 4, 1952, is further amended as follows:

(A) By striking the second sentence of paragraph (b) thereof and inserting in lieu thereof the following: "Gains and losses from the sale or exchange of such property are not treated as gains and losses from the sale or exchange of capital assets, except to the extent provided in section 117 (j)."

(B) By striking from the fifth sentence of paragraph (b) thereof the words "is not subject to the limitations of section 117 (b), (c), and (d)" and inserting in lieu thereof the words "is not subject to the provisions of section 117."

(C) By striking from the fourth sentence of paragraph (d) thereof the words "are not subject to the percentage provisions of section 117 (b) and losses from such transactions are not subject to the limitation on losses provided in section 117 (d)" and inserting in lieu thereof the words "are not subject to the limitations provided in section 117".

(D) By striking from the paragraph (g) of such section (beginning "Gains and losses from the sale or exchange") the second sentence thereof.

(E) By striking the fifth sentence from paragraph (i) thereof.

PAR. 6. Section 29.117–2, as amended by Treasury Decision 5893, is further amended as follows:

(A) By striking all that precedes paragraph (b) thereof and inserting in lieu thereof the following:

§ 29.117–2 *Percentage of capital gain or loss taken into account; deduction for long-term capital gains; limitation on capital losses; net capital loss carryover—*(a) *General—*(1) *Taxable years beginning prior to October 20, 1951.* In computing the net capital gain, net capital loss, adjusted gross income, and net income of a taxpayer, other than a corporation, for a taxable year beginning prior to October 20, 1951 (the date of the enactment of the Revenue Act of 1951), only the following percentages of the gain or loss (computed under section 111, recognized under section 112, and taken into account without regard to section 117) upon the sale or exchange of a capital asset shall be taken into account:

(i) One hundred percent if the capital asset has been held for 6 months or less;

(ii) Fifty percent if the capital asset has been held for more than 6 months.

For instance, if unimproved real estate purchased by an individual for $20,000 is a capital asset and is sold by him for $25,000 after having been held for more than 6 months, only 50 percent of the recognized gain ($5,000), or $2,500, shall be taken into account in computing net income; or if such property is sold for $14,000, only 50 percent of the recognized loss ($6,000), or $3,000 shall be so taken into account. (In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 211 and the regulations thereunder for the determination of the net amount of capital gains subject to tax with respect to taxable years beginning on or after January 1, 1950.)

(2) *Taxable years beginning on or after October 20, 1951.* (i) In computing gross income, adjusted gross income, net income, net capital gain, and net capital loss, for a taxable year beginning on or after October 20, 1951, 100 percent of any gain or loss (computed under section 111, recognized under section 112, and taken into account without regard to section 117) upon the sale or exchange of a capital asset shall be taken into account regardless of the period for which the capital asset has been held. Nevertheless, the net short-term capital gain or loss and the net long-term capital gain or loss must be separately computed. In computing the adjusted gross income or the net income of a taxpayer other than a corporation, if for any such taxable year the net long-term capital gain exceeds the net short-term capital loss, 50 percent of the amount of the excess is allowable as a deduction from gross income under sections 23 (ee) and 117 (b). For instance, if an individual realizes $2,000 of long-term capital gain and sustains $1,500 of short-term capital loss during the taxable year, the whole amount of the gain ($2,000) is includible in gross income. Since the net long-term capital gain exceeds the net short-term capital loss by $500, 50 percent of the excess ($250) is allowable as a deduction under section 23 (ee).

(ii) In the case of an estate or trust, for the purpose of computing the deduction allowable under section 23 (ee), any long-term or short-term capital gains which under section 162 (b) or (c) are includible in the gross income of its income beneficiaries as gains derived from the sale or exchange of capital assets must be excluded in determining whether for the taxable year of the estate or trust its net long-term capital gain exceeds its net short-term capital loss. For example, during 1952 a trust realized a gain of $1,000 upon the sale of stock held for 10 months. Under the terms of the trust instrument all of such gain must be distributed not later than 30 days after the close of the year to A, the sole income beneficiary. The trust is not entitled to any deduction with respect to such gain under sections 23 (ee) and 117 (b). On the other hand, assuming A had no other capital gains or losses in 1952, he would be entitled to a deduction of $500.

(B) By striking the second, third, and fourth sentences of paragraph (b) thereof and inserting in lieu of such sentences the following:

• • • Thus, where in a taxable year beginning prior to October 20, 1951, an individual taxpayer, having an ordinary net income of $5,000, has a loss of $4,000 from the sale of a capital asset which he held for more than 6 months, of which loss $2,000 (50 percent of $4,000) is taken into account, such net long-term capital loss of $2,000 is allowable only to the extent of $1,000, the remaining $1,000 being a net capital loss. If the taxpayer's ordinary net income had been $400 instead of $5,000, only $400 of the net long-term capital loss of $2,000 would have been allowed, leaving a net capital loss of $1,600. If the taxable year in this illustration were a taxable year beginning on or after October 20, 1951, the entire $4,000 loss would be taken into account as a net long-term capital loss, of which $1,000 and $400 would be allowable as deductions under the respective assumptions, and the net capital loss would be $3,000 and $3,600, respectively. (For carry-over of a net capital loss, see paragraph (c) of this section.) • • •

(C) By striking all that follows the first paragraph of (c) of such section and inserting in lieu thereof the following:

The practical operation of the provisions of section 117 (e) (1) may be illustrated by the following example:

Example. For the taxable years 1950 to 1954, inclusive, an individual is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and net income as follows:

	1950	1951	1952	1953	1954
Carry-over from prior years:					
From 1950		($50,000)	($29,500)	($29,500)	
From 1952				(19,500)	($13,000)
Net short-term loss (computed without regard to the carry-overs)	($30,000)	(5,000)	(10,000)		
Net short-term gain (computed without regard to the carry-overs)				40,000	
Net long-term loss:					
50 percent taken into account	(20,500)				
100 percent taken into account			(10,000)	(5,000)	
Net long-term gain:					
50 percent taken into account		25,000			
100 percent taken into account					12,000
Ordinary net income (computed without regard to capital gains and losses)	500	500	500	1,000	500
		20,500		26,000	
Net capital gain (computed without regard to the carry-overs)					
Net capital loss	(50,000)		(19,500)		
Deduction allowable under sec. 23 (ee)			None	None	1,000
Net income (computed with regard to deduction allowable under sec. 23 (ee))			None	None	1,500

Net Capital Loss of 1950

The net capital loss is $50,000. This figure, computed by taking into account 100 percent of short-term gains and losses and 50 percent of long-term gains and losses, is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains from such sales or such exchanges, and (2) ordinary net income of $500. This amount may be carried forward in full as a short-term loss to 1951. However, in 1951 there was a net capital gain of $20,500, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1), against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1952 and 1953 since there was no net capital gain in 1952. In 1953 this $29,500 is allowed in full against net capital gain of $36,000, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1). For 1952 and 1953 the net long-term capital loss is computed by taking into account 100 percent of gains and losses upon the sale or exchange of capital assets held for more than 6 months. However, in determining the amount of the capital loss carry-over ($29,500) to 1952 and 1953, the net capital loss for 1950 is computed by taking into account only 50 percent of gains and losses upon the sale or exchange of capital assets held for more than 6 months, and the net capital gain for 1951 is similarly computed.

Net Capital Loss of 1952

The net capital loss is $19,500. This figure, computed by taking into account 100 percent of both long-term and short-term gains and losses, is the excess of the losses from sales or exchanges of capital assets over the sum of (1) gains from such sales or exchanges and (2) ordinary net income of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $6,500, as defined by section 117 (a) (10) (B) and limited by section 117 (e) (1), against which this net capital loss of $19,500 is allowed in part. The remaining portion—$13,000—may be carried forward to 1954. Since this amount is treated as a short-term capital loss in 1954 under section 117 (e) (1), the excess of the net long-term capital gain over the net short-term capital loss is $2,000. Half of this excess is allowable as a deduction under sections 23 (ee) and 117 (b). Thus, the taxpayer has a net income of $1,500 for 1954.

PAR. 7. Section 29.117–3 is amended as follows:

(A) By striking the second sentence of paragraph (a) thereof and inserting in lieu thereof the following: "For any taxable year beginning prior to October 20, 1951 (the date of the enactment of the Revenue Act of 1951), this alternative tax is the sum of (1) a partial tax, computed at the rates provided by sections 11 and 12 on the net income, excluding therefrom for this purpose the whole amount of such excess of the net long-term capital gain (determined by taking into account only 50 percent of the gains and losses upon the sale or exchange of capital assets held for more than 6 months) over the net short-term capital loss, plus (2) 50 percent of such excess. In the case of a taxable year beginning on or after October 20, 1951, this alternative tax is the sum of (1) a partial tax, computed at the rates provided by sections 11 and 12 on the net income reduced by an amount equal to 50 percent of the excess of the net long-term capital gain (determined by taking into account 100 percent of the gains and losses upon the sale or exchange of capital assets held for more than 6 months) over the net short-term capital loss, plus (2) 25 percent (or 26 percent if the taxable year begins after October 31, 1951, and before November 1, 1953) of the excess of the net long-term capital gain over the net short-term capital loss."

(B) By inserting immediately after the words "25 percent" in the second sentence of paragraph (b) thereof the following: "(or 26 percent if the taxable year begins after March 31, 1951, and before April 1, 1954)".

(C) By inserting immediately after the words "provisions of this section" in the first sentence of paragraph (c) thereof the following: "(other than those applicable to a taxable year beginning on or after October 20, 1951)".

PAR. 8. Section 29.117–6, as amended by Treasury Decision 5881, is further amended as follows:

(A) By striking from the first sentence of paragraph (a) thereof the words "the percentage of the recognized gain or loss to be taken into account under section 117 (b) from a short sale shall be computed" and inserting in lieu thereof the following: "whether the recognized gain or loss from a short sale is long-term or short-term capital gain or loss shall be determined".

(B) By striking from the second sentence of paragraph (a) thereof the words "100 percent of the recognized gain or loss would be taken into account under section 117 (b)" and inserting in lieu thereof the following: "the recognized gain or loss would be considered short-term capital gain or loss".

PAR. 9. Section 29.117–7, as amended by Treasury Decision 5881, is further amended as follows:

(A) By striking therefrom paragraphs (b) and (c) and inserting in lieu thereof the following:

(b) In determining whether such gains exceed such losses for the purposes of section 117 (j), losses upon the destruction in whole or in part, theft or seizure, requisition or condemnation of the property described in section 117 (j) are included whether or not there was a conversion of such property into money or other property. For example, if a capital asset held for more than six months, with an adjusted basis of $400, is stolen, and the loss from this theft is not compensated for by insurance or otherwise, the $400 loss is included in the computations under section 117 (j) to determine whether gains exceed losses. Furthermore, in making this computation for any taxable year, the gains and losses described in section 117 (j) are taken into account in full, that is, 100 percent of such gains and losses is taken into account. For example, if a taxpayer for a taxable year beginning before October 20, 1951, sustains a loss of $400 upon the sale under threat of condemnation of a capital asset, held for more than six months, such loss is taken into account for the purpose of section 117 (j) to the extent of $400, even though only $200 would be taken into account under section 117 (b), prior to its amendment by the Revenue Act of 1951, in computing net income. Similarly, the provisions of section 117 (d) limiting the deduction of capital losses are not applicable to exclude any losses from the computations under section 117 (j). With these exceptions, gains are included in the computations under section 117 (j) only to the extent that they are taken into account in computing gross income, and losses are included only to the extent that they are taken into account in computing net income. Thus, losses which are not deductible items under section 24 or section 118 are not included in the computations under section 117 (j). Similarly, if a taxpayer reports on the installment basis under section 44 the gain on the sale of property described in section 117 (j), only the portion of the gain reported under section 44 is included in the computations for such taxable year under section 117 (j). Any gains and losses which are not recognized under section 112 are not included in the computations under section 117 (j). Thus, if property is involuntarily converted into similar property, so that the gain on such conversion is not recognized under the provisions of section 112 (f), such gain is not included in the computations under section 117 (j).

(c) If it is determined under the above computations that the gains exceed the losses, all of such gains and losses are treated as gains and losses from the sale or exchange of capital assets held for more than six months. All such gains and losses are then subject to the limitations of section 117 (c) and (d), relating to the alternative tax in the case of capital gains and losses and the extent to which capital losses are allowed; and in the case of taxable years beginning prior to October 20, 1951, such gains and losses are taken into account only to the extent of 50 percent. If it is determined under the above computations that the gains do not exceed the losses, none of such gains and losses are treated as gains and losses from the sale or exchange of capital assets. Such gains and losses are then to be taken into account in full, and such losses are not subject to the limitations provided in section 117 (d). For example, if the taxpayer during the taxable year 1942 has losses of $1,000 on the sale of certain depreciable machinery used in his trade or business, held for more than six months, and a gain of $400 on the sale under threat of condemnation of a capital asset held for more than six months, such losses exceed such gain, and such losses and gain are not treated as losses and gain from the sale or exchange of capital asets. The gain on the sale of the capital asset would therefore be taken into account in full, instead of to the extent of 50 percent.

(B) By inserting in the second sentence of Example (1) thereof immediately following the words "section 117 (b)," the following: "prior to its amendment by the Revenue Act of 1951,".

(C) By inserting in the second sentence of the second paragraph of Example (1) thereof immediately following the words "section 117 (b)," the

following: "prior to its amendment by the Revenue Act of 1951,".

(D) By inserting in the second sentence of Example (3) thereof immediately following the words "section 117 (b)" the following: ", prior to its amendment by the Revenue Act of 1951,".

PAR. 10. There is inserted immediately preceding § 29.122–1 the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(c) *Technical amendments.*

* * * * * * *

(4) *Amendment of section 122 (d) (4).* Section 122 (d) (4) (relating to computation of net operating loss deduction) is hereby amended to read as follows:

(4) The amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from such sales or exchanges. The deduction provided in section 23 (ee) shall not be allowed.

* * * * * * *

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 11. Section 29.122–3 is amended as follows:

(A) By striking subparagraph (4) from paragraph (a) thereof and inserting in lieu thereof the following:

(4) Gains and losses recognized upon sales or exchanges of capital assets held for more than 6 months shall be taken into account in full. The deduction provided in sections 23 (ee) and 117 (b), applicable to taxable years beginning on or after October 20, 1951, shall not be allowed;

(B) By striking out the words "(as defined in section 117 (a) (4))" from the second sentence of paragraph (d) (1) thereof.

PAR. 12. There is inserted immediately preceding § 29.162–1 the following:

SEC. 322. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * * * * *

(c) *Technical amendments.*

* * * * * * *

(5) *Amendment of section 162 (a).* Section 162 (a) (relating to computation of net income of estates and trusts) is hereby amended by striking out the semicolon and inserting in lieu thereof a period and the following: "Where any amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the trust under section 23 (ee);".

(d) *Effective date.* The amendments made by this section shall be applicable only with respect to taxable years beginning on or after the date of the enactment of this act. * * *

PAR. 13. Section 29.162–1, as amended by Treasury Decision 5838, approved April 17, 1951, is further amended by inserting, immediately before the last sentence of paragraph (a) thereof, the following: "For any taxable year beginning before October 20, 1951 (the date of the enactment of the Revenue Act of 1951), if an amount of the income so paid or set aside is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 162 (a) must be determined with reference to the requirement that only 50 percent of such gains be included in gross income of the trust. See United States v. Benedict et al., Trustees, (1950) 338 U. S. 692. Similarly, in a taxable year beginning on or after October 20, 1951, where any amount of the income so paid or set aside for the charitable uses or purposes referred to or described in section 162 (a) is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 162 (a) must be determined with regard to the inclusion of 100 percent of such gains in gross income and with appropriate adjustment for the deduction provided in sections 23 (ee) and 117 (b) of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. See § 29.117–2 (a) (2). The application of these rules is illustrated in the following examples:

Example (1). Under the terms of a trust created by the will of a decedent, the trust net income (including capital gains) is to be distributed, one-half to certain individual beneficiaries and one-half to M University, an organization exempt from taxation under section 101 (6). During 1951 the trust has ordinary net income of $100,000, and in addition $100,000 of gains from the sale of capital assets held for more than six months, of which only 50 percent, or $50,000, is includible in gross income. The trust pays $100,000—one-half of its net income under the terms of the trust—to M University. The deduction allowable to the trust under section 162 (a) is limited to $75,000, since only 50 percent of the capital gains is included in gross income for tax purposes.

Example (2). During 1952 the trust referred to in example (1) also has ordinary net income of $100,000, plus $100,000 of gains from the sale of capital assets held for more than six months. In computing the gross income of the trust for tax purposes 100 percent of such gains are includible. M University receives a total of $100,000 from the trust in respect of the year 1952. However, the amount allowable to the trust as a deduction under section 162 (a) is subject to appropriate adjustment for the deduction allowable under section 23 (ee). In view of the distributions made to individual beneficiaries, the deduction allowable to the trust under section 23 (ee) is limited by the provisions of section 117 (b) to $25,000. Since the whole of this deduction is attributable to the distribution to M University, the deduction allowable in 1952 to the trust under section 162 (a) will be $75,000."

[F. R. Doc. 52–8746; Filed, Aug. 7, 1952; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES FOR THE WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

AUGUST 1, 1952.

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238; 5 U. S. C. 1001) and authority contained in the acts of Congress approved August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) and by virtue of authority delegated by the Secretary to the Commissioner of Indian Affairs by Order No. 2508 approved January 11, 1949 (14 F. R. 259) and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director by Order No. 551, Amendment No. 1, approved June 5, 1951 (16 F. R. 5457), notice is hereby given of intention to modify § 130.86 of Title 25, Code of Federal Regulations, dealing with the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, as follows:

By increasing the annual storage operation and maintenance charge per acre by 15 cents for each irrigable acre of Class B land within the Wapato Indian Irrigation Project.

The foregoing proposed charge is to become effective for the irrigation season 1953 and to continue in effect thereafter until further notice.

Section 130.86 as amended will, therefore, read as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1953 and subsequent years until further notice are hereby fixed as follows:

(a) Minimum charges for all tracts in noncontiguous single ownership	$7.25
(b) Flat rate upon all farm units or tracts for each accessable acre	5.50
(c) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	.45

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to E. Morgan Pryse, Area Director, Bureau of Indian Affairs, Building 1, Swan Island, Portland 18, Oregon, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

E. MORGAN PRYSE,
Area Director.

[F. R. Doc. 52–8741; Filed, Aug. 7, 1952; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 101]

COTTON WAREHOUSE REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture proposes to amend the Cotton Warehouse Regulations (7 CFR Part 101) under the United States Warehouse Act, as amended (7 U. S. C. 241–273) as follows:

1. A new § 101.3a would be added to read:

§ 101.3a *All facilities to be licensed or exempted.* All facilities within the same city or town used for the storage of cotton by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a cotton warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of nonfederally licensed facilities, there would be no likelihood of interchange or substitution of cotton stored in such facilities with cotton stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this paragraph, the applicant shall not be licensed under the act as a cotton warehouseman in the city or town in which the facilities in question are located. Each applicant for a warehouse license must apply for a license covering all facilities operated by him for the storage of cotton within the same city or town or for exemption as provided in this paragraph. If a licensed cotton warehouseman acquires any additional cotton storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No cotton storage facility acquired by a licensed cotton warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of cotton until it qualifies for license and is licensed or is exempted as provided in this paragraph. If any one of the licensed cotton storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of cotton until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of cotton by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of cotton.

2. Section 101.4 would be amended to read:

§ 101.4 *Grounds for not issuing a license.* A license for the conduct of a warehouse, or any amendment to a license, shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the storage of cotton, that the warehouseman does not possess a good reputation or is insolvent or incompetent to conduct such warehouse in accordance with the act and the regulations in this part, or that there is any other sufficient reason within the intent of the act for not issuing such license. If all the facilities operated for the storage of cotton by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a cotton warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 101.3a.

3. Section 101.5 would be amended to read:

§ 101.5 *Net assets.* (a) The warehouseman operating a warehouse for which application for license has been made, shall have and maintain, above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the operation of the warehouse equal to at least 4 percent of the total value of the maximum number of bales of cotton that the warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided,* That a warehouseman who does not meet the net assets requirement specified in this paragraph may be licensed under the act and the regulations in this part if he furnishes the bond required under § 101.12 for such warehouseman. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman has applied for a license to operate two or more warehouses in the same state, the maximum number of bales which all the warehouses to be licensed will accommodate when stored in the manner customary to the warehouses, shall be considered in determining whether the warehouseman meets the net worth requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a state agency licensed or applying for a license as provided in section 9 of the act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the maximum net asset requirements of this section.

4. The third and fourth sentences in § 101.7 would be amended to read: "The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has ceased to conduct such licensed warehouse; (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse; (f) has made unreasonable or exorbitant charges for services rendered; (g) is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of cotton which is not covered by a license or an exemption as provided in § 101.3a; or (h) has in any other manner violated or failed to comply with any provision of the act or the regulations in this part. Whenever any of the conditions mentioned in paragraphs (a) to (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify immediately the Administrator of the existing condition."

5. Section 101.12 would be amended to read:

§ 101.12 *Amount of bond; additional amounts.* (a) Exclusive of any amount which may be added in accordance with paragraph (c) of this section, the amount of bond to be furnished by a warehouseman who has met the net assets requirement of § 101.5 (a) shall be at least 6 percent of the total value of the maximum number of bales of cotton that his warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided,* That in any case the amount of bond shall not be less than $5,000 nor more than $200,000. The amount of bond, exclusive of any amount which may be added in accordance with paragraph (c) of this section, to be furnished by a warehouseman who has not met the net assets requirement of § 101.5 (a) shall be calculated in the manner prescribed above in this section except that it shall be at least 12 percent of the total value above specified and in any case shall not be less than $10,000 nor more than $400,000.

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same state and his total assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the state. In such case all of his warehouses in the state shall be deemed to be one warehouse and the maximum number of bales that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purpose of determining the amount of bond required under §§ 101.12 through 101.15.

(c) In case the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount fixed in accordance with para-

graph (a) of this section a further amount to meet such conditions.

5. Section 101.16 (f) would be amended to read:

§ 101.16 *Forms.* • • •

(f) Licensed receipts issued to cover linters shall be clearly and conspicuously marked "Linters".

6. Section 101.50 would be amended to read:

§ 101.50 *License fees.* There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, classifier, and/or weigher.

7. Section 101.51 would be amended to read:

§ 101.51 *Warehouse inspection fee.* There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of the cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

8. The first sentence in § 101.86 would be amended to read:

§ 101.86 *Bonds required.* Every person applying for a license, or licensed, under section 9 of the act, shall, as such, be subject to all portions of these regulations so far as they may relate to warehousemen. • • •

The proposed amendments would require all cotton warehouse facilities in the same city or town operated by a warehouseman holding a cotton warehouse license under the United States Warehouse Act to be covered by such license, except under specified conditions. The amendments would increase the amount of net assets and bond required of licensed warehousemen and the fees for inspection of warehouses, and for licenses of warehousemen, samplers, classifiers and weighers. The amendments would also modify the provisions of the regulations relating to suspension and revocation of warehouse licenses.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments, may do so by filing them with the Director of the Transportation and Warehousing Branch within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8748; Filed, Aug. 7, 1952; 8:51 a. m.]

[7 CFR Part 903]

[Docket No. AO-10 A-16]

HANDLING OF MILK IN ST. LOUIS, MO., MILK MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chase Hotel, St. Louis, Missouri, beginning at 9:30 a. m., c. d. t., August 11, 1952, for the purpose of receiving evidence with respect to emergency, and other economic conditions which relate to the handling of milk in the St. Louis, Missouri, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area (7 CFR 903 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, milk marketing area were proposed, as follows:

By Sanitary Milk Producers:

1. Delete that portion of § 903.51 (a) which reads: "*And provided further*, That the plus amount to be added for each delivery period from the effective date hereof through December 1951 shall be $1.80," and replace it with the following: "*And provided further*, That the plus amount to be added for each delivery period from September 1, 1952 through March 31, 1953 shall be $2.27."

By Dairy Branch, Production and Marketing Administration:

2. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 4, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-8732; Filed, Aug. 7, 1952; 8:48 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth, which were recommended by the administrative committee for Area 2, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication in the FEDERAL REGISTER. The proposals are as follows:

§ 958.211 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the administrative committee for Area No. 2, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $3,024.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-tenth of one cent ($0.001) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of August 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8760; Filed, Aug. 7, 1952; 8:54 a. m.]

[7 CFR Part 958]

IRISH POTATOES GROWN IN COLORADO

PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment, hereinafter set forth, which were recommended by the administrative committee for Area 3, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication in the FEDERAL REGISTER. The proposals are as follows:

§ 958.212 *Budget of expenses and rate of assessment.* (1) The expenses necessary to be incurred by the administrative committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $2,100.00.

(2) The rate of assessment to be paid by each handler who first ships potatoes shall be $0.00015 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 5th day of August 1952.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8768; Filed, Aug. 7, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2548, Amdt. 5]

BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY

A new section 6, reading as follows, is added to Order No. 2548 (14 F. R. 7598):

SEC. 6. *Reconveyance of donated lands.* Where real property or any interest therein has been donated to the United States for use in connection with a Federal reclamation project and the Commissioner of Reclamation, an Assistant Commissioner, or a Regional Director of the Bureau of Reclamation determines that such property or any portion thereof is not required for project purposes, such officials are severally authorized to reconvey in the name of the Secretary, without charge, such property or any part thereof to the donating grantor, or to the heirs, successors, or assigns of such grantor. The Commissioner of Reclamation may prescribe limitations upon, and procedures for, the exercise by subordinate officials of the Bureau of Reclamation of the authority granted in this section.

(43 U. S. C., 1946 ed., sec. 376; sec. 2, Reorganization Plan No. 3 of 1950, 15 F. R. 3174)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 1, 1952.

[F. R. Doc. 52-8724; Filed, Aug. 7, 1952; 8:46 a. m.]

DEPARTMENT OF STATE

[Public Notice 114, Delegation of Authority No. 58]

TECHNICAL COOPERATION ADMINISTRATION

DELEGATION OF AUTHORITY TO EXECUTE PURCHASE AUTHORITIES AND OTHER DOCUMENTS

By virtue of the authority vested in me by Public Notice 113, effective November 6, 1951, I hereby delegate to the Director of Supply and Requirements Staff, Technical Cooperation Administration, and to any official legally designated to act for him during his absence or incapacity, and to the Chief of the Program Supply Control Section, Technical Cooperation Administration, authority to issue Purchase Authorities, Procurement Authorizations, and other documents authorizing the procurement of supplies, equipment, and services under the technical cooperation program and other programs administered by the Technical Cooperation Administration, United States Department of State, and to issue letters of commitment to suppliers, and enter into contracts with banks in the United States for the issuance of letters of credit to finance such procurement, and other documents required in implementation thereof.

The authority hereby delegated is subject to all other applicable provisions of law and to all restrictions, regulations, and directives which are now in effect or which may be issued hereafter governing the operation of such programs.

This delegation of authority shall be effective as of the date of its publication in the FEDERAL REGISTER.

STANLEY ANDREWS,
Administrator,
Technical Cooperation Administration.

JULY 31, 1952.

[F. R. Doc. 52-8725; Filed, Aug. 7, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

TEXTILE INDUSTRY; PREVAILING MINIMUM WAGE

NOTICE OF CHANGE OF HEARING DATE AND PLACE

On July 26, 1952, notice was published in the FEDERAL REGISTER that a public hearing would be held on September 4, 1952, at 10:00 a. m. in Room 1214, Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Administrator of the Wage and Hour and Public Contracts Divisions, or a representative designated to preside in his place, for the purpose of determining the prevailing minimum wages in the textile industry pursuant to the provisions of the Walsh-Healey Public Contracts Act (act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35-45).

Notice is hereby given: That the date of the proposed hearing is changed to September 3, 1952, and the place is changed to Conference Room A of the Inter-Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

Signed at Washington, D. C., this 6th day of August 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-8864; Filed, Aug. 7, 1952; 10:31 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2755]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Pan American-Grace Airways, Inc., over its entire system.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 9, 1952 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 5, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8618; Filed, Aug. 7, 1952; 8:45 a. m.]

[Docket No. 5142]

BRANIFF AIRWAYS, INC.; FINAL MAIL RATES, DOMESTIC OPERATIONS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Braniff Airways, Inc., in its domestic operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, originally assigned for July 28, 1952, and thereafter postponed to August 12, 1952, is further postponed to a time and place to be assigned hereafter.

Dated at Washington, D. C., August 6, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8619; Filed, Aug. 7, 1952; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1881]

NORTHERN NATURAL GAS CO.

NOTICE OF OPINION AND FINDINGS, AND ORDER

AUGUST 4, 1952.

Notice is hereby given that on July 30, 1952, the Federal Power Commission issued its opinion and order, entered July 28, 1952, dismissing proceedings in part in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8729; Filed, Aug. 7, 1952; 8:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 116]

ANACONDA, MONTANA, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9th, 1950 and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Director of Defense Mobilization, dated August 1, 1952, that the Anaconda, Montana, area (this area consists of all of Deer Lodge County, Montana) is a critical defense housing area, and in view of the defense housing program announced for the said area on January 29, 1952 by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Anaconda, Montana, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

AUGUST 6, 1952.

[F. R. Doc. 52-8853; Filed, Aug. 7, 1952; 10:14 a. m.]

[Determination 117]

PORTSMOUTH, NEW HAMPSHIRE-KITTERY, MAINE, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 1, 1952, that the Portsmouth, New Hampshire-Kittery, Maine, area (this area consists of all of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York in York County, Maine) is a critical defense housing area, and in view of the defense housing program announced for the said area on June 26, 1952, by the Administrator of the Housing and Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Portsmouth, New Hampshire-Kittery, Maine, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

ROGER L. PUTNAM,
Administrator.

AUGUST 6, 1952.

[F. R. Doc. 52-8854; Filed, Aug. 7, 1952; 10:14 a. m.]

Office of Price Stabilization

[Region II, Redelegation of Authority No. 11, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. II, pursuant to Delegation of Authority No. 32 Revision 1 (17 F. R. 5917), this Revision 1 to Redelegation of Authority No. 11 is hereby issued.

1. Authority is hereby redelgated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49 and 60 of Ceiling Price Regulation 74.

This redelegation of authority shall take effect on August 5, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 5, 1952.

[F. R. Doc. 52-8755; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region II, Redelegation of Authority No 26 Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 26 is hereby issued.

Redelegation of Authority No. 26 is amended by adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98 as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove, or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98 as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This redelegation of authority shall take effect on August 5, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 5, 1952.

[F. R. Doc. 52-8753; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region II, Redelegation of Authority No. 35, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 63 Revision 1 (17 F. R. 5739), this Revision 1 to Redelegation of Authority No. 35 is hereby issued.

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York, and Newark and Trenton, New Jersey, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 8, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 5, 1952.

[F. R. Doc. 52-8757; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region II, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c), and 22 of CPR 26, revised.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised. All actions in respect to the foregoing sections of CPR 26 revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 5, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 5, 1952.

[F. R. Doc. 52-8756; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region III, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, at Philadelphia, Pennsylvania, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Revision 1 to Redelegation of Authority No. 33 is hereby issued.

Redelegation of Authority No. 33 is revised to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 8, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 5, 1952.

[F. R. Doc. 52-8754; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 24, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TE SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 52, Revision 1 (17 F. R. 5618), this revised redelegation of authority is hereby issued.

Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, with offices located in Birmingham and Montgomery in Alabama, Jacksonville and Miami in Florida, Atlanta and Savannah in Georgia, Jackson in Mississippi, Columbia in South Carolina and Memphis and Nashville in Tennessee, to act as follows:

1. To act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. To issue orders, pursuant to section 71 of CPR 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall take effect as of July 1, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

AUGUST 5, 1952.

[F. R. Doc. 52-8758; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 66, Revision 1 (17 F. R. 5437) this Revision 1 of Redelegation of Authority 33 is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the District Directors of the Office of Price Stabilization, Region V, with offices located in Birmingham and Montgomery in Alabama, Jacksonville and Miami in Florida, Atlanta and Savannah in Georgia, Jackson in Mississippi, Columbia in South Carolina, and Memphis and Nashville in Tennessee, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulations 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This revised redelegation of authority shall take effect as of July 1, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

AUGUST 5, 1952.

[F. R. Doc. 52-8759; Filed, Aug. 5, 1952; 4:40 p. m.]

[Region V, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 38, as amended (16 F. R. 12299, 17 F. R. 1784, 5045), this redelegation of authority is hereby issued.

Authority, as indicated in the paragraph immediately following, is hereby

redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Birmingham and Montgomery in Alabama, Jacksonville and Miami in Florida, Atlanta and Savannah in Georgia, Jackson in Mississippi, Columbia in South Carolina, and Memphis and Nashville in Tennessee:

1. To act under section 4 (d), 7, 12, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c) and 49 (a) of CPR 101, as amended.

This redelegation of authority shall take effect as of July 1, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

AUGUST 5, 1952.

[F. R. Doc. 52-8760; Filed, Aug. 5, 1952; 4:41 p. m.]

[Region V, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Birmingham and Montgomery in the State of Alabama, Jacksonville and Miami in the State of Florida, Atlanta and Savannah in the State of Georgia, Jackson in the State of Mississippi, Columbia in the State of South Carolina, and Memphis and Nashville in the State of Tennessee, to act under sections 15, 21 (a), 42 (a), 42 (b), 46 (c), 49 A (b), 49 A (c), 49 B (a), 49 B (b), and 50 (u) of CPR 24, as amended.

This redelegation of authority shall take effect as of July 1, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

AUGUST 5, 1952.

[F. R. Doc. 52-8761; Filed, Aug. 5, 1952; 4:41 p. m.]

[Region V, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Birmingham and Montgomery in the State of Alabama, Jacksonville and Miami in the State of Florida, Atlanta and Savannah in the State of Georgia, Jackson in the State of Mississippi, Columbia in the State of South Carolina, and Memphis and Nashville in the State of Tennessee, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 1, 1952.

GEORGE D. PATTERSON, Jr.,
Director of Regional Office V.

AUGUST 5, 1952.

[F. R. Doc. 52-8762; Filed, Aug. 5, 1952; 4:41 p. m.]

[Region VII, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Revision 1 to Redelegation of Authority No. 34 is hereby issued.

Redelegation of Authority No. 34 is revised to read as follows:

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 5, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 5, 1952.

[F. R. Doc. 52-8763; Filed, Aug. 5, 1952; 4:41 p. m.]

[Region VII, Redelegation of Authority No. 36, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437), this revised redelegation of authority is hereby issued.

1. *Authority to act under sections 5 and 6 of CPR 31.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This redelegation of authority shall take effect on August 5, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 5, 1952.

[F. R. Doc. 52-8764; Filed, Aug. 5, 1952; 4:42 p. m.]

[Region VIII, Redelegation of Authority No. 24, Amendment 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority 53, dated June 30, 1952 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 24 is hereby issued.

Redelgation of Authority No. 24 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (c) of CPR 98, as amended.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This Amendment 1 to Redelegation of Authority No. 24 shall take effect as of June 30, 1952.

JOSEPH ROBBIE, Jr.,
Regional Director, Region VIII.

AUGUST 5, 1952.

[F. R. Doc. 52-8765; Filed, Aug. 5, 1952; 4:42 p. m.]

[Region X, Redelegation of Authority No. 37]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 14, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 5, 1952.

[F. R. Doc. 52-8766; Filed, Aug. 5, 1952; 4:42 p. m.]

[Region XI, Redelegation of Authority No. 40, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 63, Revision 1 (17 F. R. 5739), this Revision 1 to Redelegation of Authority No. 40 is hereby issued.

1. *Authority to act under sections 6, 7 and 8 of CPR 23.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to take appropriate action under sections 6, 7 and 8 of CPR 23. All actions taken by district offices under sections 6, 7 and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 10, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

AUGUST 5, 1952.

[F. R. Doc. 52-8767; Filed, Aug. 5, 1952; 4:42 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 6]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. The Kaiser-Frazer Corporation has now increased the price of its Henry J and Allstate automobiles to its dealers, the total prices being less than its previously established ceiling prices. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and mark-ups thereon, and is applicable to all automobiles which have been sold by Kaiser-Frazer Corporation at the increased prices.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16 is hereby issued.

1. The list of basic prices for automobiles manufactured by Kaiser-Frazer Corporation in paragraph one is amended to read as follows:

HENRY J PASSENGER AUTOMOBILES

(Sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

Henry J Vagabond	$1,238.63
Henry J Vagabond-DeLuxe	1,373.44
Henry J Corsair	1,331.57
Henry J Corsair-DeLuxe	1,466.38

HENRY J PASSENGER AUTOMOBILES

(Sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

Henry J Vagabond	$1,293.18
Henry J Vagabond-DeLuxe	1,427.99
Henry J Corsair	1,386.12
Henry J Corsair-DeLuxe	1,520.93

ALLSTATE PASSENGER AUTOMOBILES

(Sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

Allstate—4-cylinder (with circular tail lamps)	$1,238.63
Allstate—6-cylinder (with circular tail lamps)	1,373.44
Allstate—4-cylinder (with tail lamps in rear fender fins)	1,331.57
Allstate—6-cylinder (with tail lamps in rear fender fins)	1,466.38

ALLSTATE PASSENGER AUTOMOBILES

(Sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

Allstate—4-cylinder (with circular tail lamps)	$1,293.18
Allstate—6-cylinder (with circular tail lamps)	1,427.99
Allstate—4-cylinder (with tail lamps in rear fender fins)	1,386.12
Allstate—6-cylinder (with tail lamps in rear fender fins)	1,520.93

Effective date. This amendment to Special Order 16 shall become effective August 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8871; Filed, Aug. 7, 1952; 11:56 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27277]

SULPHURIC ACID FROM EXUM AND BIRMINGHAM, ALA., TO TUPELO, MISS.

APPLICATION FOR RELIEF

AUGUST 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Birmingham, Ala., and points grouped therewith, also Exum, Ala.

To: Tupelo, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8736; Filed, Aug. 7, 1952; 8:48 a. m.]

[4th Sec. Application 27278]

CANS FROM DADE CITY, FLA., TO GEORGIA

APPLICATION FOR RELIEF

AUGUST 5, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 519.

Commodities involved: Cans, iron, steel, or tin, carloads.

From: Dade City, Fla.

To: Points in Georgia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 519, Supp. 282.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8737; Filed, Aug. 7, 1952; 8:49 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

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VOLUME 17 1934 NUMBER 156

Washington, Saturday, August 9, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

PART 672—WOOL

SUBPART—1952 WOOL PRICE SUPPORT PROGRAM (SHORN WOOL)

This bulletin states the requirements with respect to the 1952 Wool Price Support Program for shorn wool formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

PROGRAM OPERATION

Sec.
672.301 Administration.

ELIGIBILITY

672.302 Eligible persons.
672.303 Eligible wool.

INELIGIBLE WOOL

672.304 Liability.

ADVANCE LOANS BY CCC

672.305 Advance loans.

APPRAISALS

672.306 Determination of appraisal value.
672.307 Reappraisals.
672.308 New appraisals.

NONRECOURSE LOANS BY CCC

672.309 Nonrecourse loans.
672.310 Loan value.
672.311 Determination of weights.
672.312 Distribution of proceeds of nonrecourse loan.
672.313 Account of Loan Settlement.
672.314 Charges by handler.
672.315 Limitation on charges by handler.
672.316 Repayment of nonrecourse loans.

GROWER POOLS

672.317 Wool received by handler from pools.

LIQUIDATION OF LOANS NOT REPAID BY MATURITY DATE

672.318 Liquidation of unpaid loans.

APPRAISAL CHARGES ON WOOL APPRAISED BUT ON WHICH LOAN IS NOT MADE BY CCC

672.319 Appraisal and reappraisal charges.

INSURANCE AND RISK OF LOSS

Sec.
672.320 Insurance and risk of loss.

GENERAL

672.321 Transfer in interest under loan.
672.322 Contractual rights.

AUTHORITY: §§ 672.301 to 672.322 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421.

PROGRAM OPERATION

§ 672.301 *Administration.* The program will be carried out by PMA under the general supervision and direction of the President of CCC and in accordance with the bylaws of CCC. Prices of shorn wool will be supported by means of loans made through wool dealers and cooperative associations (such wool dealers and cooperative associations are hereinafter referred to as "handlers") who enter into agreements with CCC to obtain loans on, handle, and store wool while it is pledged to CCC as security for a loan. In the field, the program will be administered through PMA Commodity Offices. Names of approved handlers may be obtained from County PMA Committees and PMA Commodity Offices. PMA Commodity Offices and State and County PMA Committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

ELIGIBILITY

§ 672.302 *Eligible persons.* Loans will be made by CCC to approved handlers for the benefit of growers who have title and beneficial interest in the wool.

§ 672.303 *Eligible wool.* Eligible wool shall be wool which meets the following requirements:

(a) The wool must be shorn in the continental United States or Territories from sheep or lambs.

(b) The wool must be received by the handler from the original grower thereof or from a pool of such original growers and, in either event, the original grower must at all times have had title and beneficial interest in the wool.

(c) The wool must be covered by the following applicable documents:

(Continued on p. 7263)

CONTENTS

	Page
Agriculture Department	
See Commodity Credit Corporation; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Bessonneau, Maurice Louis	7321
Milioto, Francesco, et al	7322
Oliverio, Maria Teresa, et al	7322
Civil Aeronautics Administration	
Notices:	
Organization and functions; miscellaneous amendments	7304
Civil Aeronautics Board	
Notices:	
Northwest Airlines, Inc.; notice of oral argument	7308
Commerce Department	
See Civil Aeronautics Administration; National Production Authority.	
Commodity Credit Corporation	
Rules and regulations:	
Wool; 1952 price support program:	
Pulled wool	7267
Shorn wool	7261
Economic Stabilization Agency	
See also Price Stabilization, Office of; Rent Stabilization, Office of.	
Notices:	
Bridgeport, Conn., critical defense housing area; approval of extent of relaxation of credit controls	7308
Federal Communications Commission	
Notices:	
Western Union Telegraph Co.; hearing	7316
Rules and regulations:	
Practice and procedure; operation pending action on renewal of application	7290
Federal Power Commission	
Notices:	
Hearings, etc.:	
Allentown-Bethlehem Gas Co. et al	7317
Cities Service Gas Co	7318
Lone Star Gas Co	7318

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Michigan-Wisconsin Pipe Line Co — 7317
Mississippi River Fuel Corp — 7317
Philadelphia Electric Co — 7317
Pond's Lodge, Inc., and Charles Pond — 7319
Pulsifer, Oliver T., and Orlando B. Swift — 7319
Southern Natural Gas Co and Lopeno Gas Co — 7317
Transcontinental Gas Pipe Line Corp — 7318

Fish and Wildlife Service — Page
Rules and regulations:
Aleutian Islands National Wildlife Refuge; waterfowl and ptarmigan hunting — 7290

Geological Survey
Notices:
New Mexico; definitions of known geological structures of producing oil and gas fields — 7304

Interior Department
See also Fish and Wildlife Service; Geological Survey.
Notices:
Delegations of authority; general; correction — 7304

Interstate Commerce Commission
Notices:
Applications for relief:
Class rates in Southwestern and Western Trunk-Line Territories — 7319
Coal tar, crude, from Ashland, Ky., and Ironton, Ohio, to Birmingham and Alabama City, Ala — 7321
Crude petroleum oil from Watford City, N. Dak., to Chicago and Manhattan, Ill — 7321
Cryolite from Natrona, Pa., to New Orleans and Chalmette, La — 7320
Liquid caustic soda from McIntosh, Ala., to Bastrop and Spring Hill, La — 7320
Magazines and periodicals from Louisville, Ky., to Charlotte, N. C — 7320
Malt liquors from Peoria, Ill., to Texas — 7321
Stone, crushed or broken, From Granite Hill, Ga., to Savannah, Ga — 7320
Sulphuric acid from Mobile, Ala., to Saddle Creek, Fla — 7320
Rules and regulations:
Explosives and other dangerous articles; miscellaneous amendments — 7279

Justice Department
See Alien Property, Office of.

National Production Authority
Notices:
Weinstein Ladder Co.; suspension order — 7307

Post Office Department
Rules and regulations:
International postal service: Postage rates, service available, and instructions for mailing (3 documents) — 7278

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegations of authority to act:
Region I, Boston, Mass.; under:
CPR 7, SR 6 — 7309
CPR 23 — 7309
CPR 26 — 7309

CONTENTS—Continued

Price Stabilization, Office of—Continued — Page
Notices—Continued
Directors of District Offices; redelegations of authority to act—Continued
Region I, Boston, Mass.; under—Continued
CPR 74 — 7309
CPR 98 — 7308
CPR 117 — 7308
Region II, New York, N. Y.; under CPR 134 — 7314
Region III, Philadelphia, Pa.; under:
CPR 7, SR 6 — 7310
CPR 26 — 7309
CPR 74 — 7309
Region IV, Richmond, Va.; under:
CPR 7, SR 6 — 7315
CPR 23 — 7315
CPR 26 — 7315
CPR 74 — 7314
CPR 98 — 7314
CPR 117 — 7314
CPR 134 — 7315
Region VI, Cleveland, Ohio; under:
CPR 7 — 7310
CPR 7, SR 6 — 7311
CPR 23 — 7311
CPR 26 — 7311
CPR 74 — 7310
CPR 98 — 7310
CPR 117 — 7310
Region VII, Chicago, Ill.; under:
CPR 26 — 7311
CPR 74 — 7311
CPR 98 — 7311
CPR 134 — 7315
Region VIII, Minneapolis, Minn.; under:
CPR 26 — 7315
CPR 74 — 7312
CPR 134 — 7315
Region X, Dallas, Tex.; under:
CPR 7, SR 6 — 7312
CPR 23 — 7312
CPR 74 — 7312
CPR 98 — 7312
CPR 134 — 7316
Region XI, Denver, Colo.; under CPR 134 — 7316
Region XII, San Francisco, Calif.; under:
CPR 23 — 7313
CPR 26 — 7310
CPR 74 — 7313
Region XIII, Seattle, Wash.; under:
CPR 24 — 7314
CPR 31 — 7313
CPR 74 — 7313
CPR 98 — 7313
CPR 101 — 7313
CPR 134 — 7316
Rules and regulations:
Exemptions:
New drugs, chemical specialties, cosmetics and experimental chemicals and drugs (GOR 3) — 7275
Scrap leather not suitable for producing cut parts (GOR 4) — 7276

CONTENTS—Continued

Production and Marketing Administration — Page
Proposed rule making:
Milk handling in:
Boston, Lowell-Lawrence, Springfield, Worcester and Fall River, Mass — 7291
Fort Wayne, Ind — 7304
Rules and regulations:
Lemons grown in California and Arizona; limitation of shipments — 7274
Naval stores conservation program; 1953 — 7269
Peanuts; marketing quota regulations for 1952 crop — 7273
Pears, varieties grown in Oregon, Washington, and California; regulation by grades and sizes — 7274
Potatoes, Irish, grown in Eastern South Dakota production area; recodification; correction — 7275
Sugar requirements and quotas: Hawaii and Puerto Rico; 1952 calendar year — 7273

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas in South Carolina:
Hotels — 7277
Housing — 7277
Motor courts — 7277
Rooms — 7277

Securities and Exchange Commission
Notices:
Hearings, etc.:
Consolidated Natural Gas Co. — 7319
Standard Gas and Electric Co — 7319

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6	Page
Chapter IV:	
Part 672 (2 documents)	7261, 7267
Title 7	
Chapter VII:	
Part 706	7269
Part 729	7273
Chapter VIII:	
Part 812	7273
Chapter IX:	
Part 904 (proposed)	7291
Part 932 (proposed)	7304
Part 934 (proposed)	7291
Part 939	7274
Part 947 (proposed)	7291
Part 953	7274
Part 979	7275
Part 996 (proposed)	7291
Part 999 (proposed)	7291
Title 32A	
Chapter III (OPS):	
GOR 2	7275
GOR 4	7276

CODIFICATION GUIDE—Con.

Title 32A—Continued	Page
Chapter XXI (ORS):	
RR 1	7277
RR 2	7277
RR 3	7277
RR 4	7277
Title 39	
Chapter I:	
Part 127 (3 documents)	7278
Title 47	
Chapter I:	
Part 1	7290
Title 49	
Chapter I:	
Part 71	7279
Part 72	7279
Part 73	7279
Part 74	7282
Part 77	7282
Part 78	7282
Title 50	
Chapter I:	
Part 36	7290

(1) Producer's Designation of Handler, in form prescribed or approved by CCC and signed by the grower, to act as the grower's representative in commingling the grower's wool with wool delivered by other growers, in pledging such wool to CCC as security for loans, in redemption of such wool from loans, and in receiving and distributing proceeds. Such document shall include a statement by the grower that he owned the sheep or lambs from which the wool covered thereby was shorn and that the title and beneficial interest in such wool is and has always been in him since the wool was shorn, and that such wool is free and clear of liens and encumbrances except those in favor of lienholders listed in the document and who have signed a lienholder's waiver in form prescribed or approved by CCC. The handler shall obtain such a document from each grower delivering wool (other than that covered by the pool documents described in subparagraphs (2) and (3) of this paragraph) to the handler, which may be pledged to CCC as security for an advance or nonrecourse loan.

(2) Producer's Designation of Pool Manager, in a form prescribed or approved by CCC and signed by the grower, to act as the grower's representative in a wool pool by delivering his and other growers' wool in the pool to the handler, by authorizing the handler to commingle and pledge such wool to CCC as security for loans and to exercise the power of redemption, and by receiving proceeds from the handler and distributing them to the grower members of the pool. This document shall include the same statements by the grower with respect to production of the wool, title and beneficial interests therein, and liens and encumbrances as is required in subparagraph (1) of this paragraph. The handler shall obtain from the pool manager a separate designation from each grower who contributed wool to the accumulation delivered by the pool manager, which may be pledged to CCC as security for an advance or nonrecourse loan.

(3) Pool Manager's Designation of Handler, in a form prescribed or approved by CCC and signed by the pool manager, to act as representative of grower members of the pool in commingling wool received from such pool together with wool owned by other growers, in pledging such commingled wool to CCC as security for loans, in redemption of such wool from loans, and in receiving proceeds and distributing them to the pool manager. The handler shall obtain a separate designation from the pool manager for each accumulation of wool delivered by him which may be pledged to CCC as security for an advance or nonrecourse loan.

(d) The wool must be free and clear of all liens and encumbrances.

(e) The wool must be stored in a warehouse approved by CCC.

(f) The wool must be handled in such manner that growers will receive loan proceeds based on the grade, quantity and quality of wool delivered unless the grower authorizes settlement on the basis of weight alone without regard to grade and quality.

(g) If wool is received from a pool of growers, the identity of each grower's lot must be maintained when the wool is delivered to the handler unless the growers have authorized settlement solely on the basis of the weight of wool delivered without regard to grade and quality.

(h) If wool is to be pledged as security for a nonrecourse loan, an appraisal or new appraisal, if applicable, of such wool must be requested not later than November 30, 1952.

(i) If wool is to be pledged as security for a nonrecourse loan, it must be packed in bags or bales.

(j) If California processing type wool (i. e., tags, defective fall and 8-months wool, and defective lamb's wool, produced in California) are to be pledged as security for a nonrecourse loan, they must be scoured or carbonized.

(k) If wool is to be pledged as security for a nonrecourse loan, the application for loan must be made not later than December 31, 1952.

INELIGIBLE WOOL

§ 672.304 *Liability.* If CCC, either before or after maturity of the note and sale of the collateral, determines that the handler pledged to it as security for a nonrecourse loan any wool which is ineligible under the program, that portion of the note or notes equal to the amount loaned by CCC on the ineligible wool pledged, according to its grade and quality, plus charges and accrued interest on such amount, shall become fully recourse. If CCC determines that it is impracticable to determine the grade and quality of, and amount loaned, with respect to the ineligible wool, the grade and quality of the ineligible wool so pledged shall be deemed to be equal to the average grade and quality of the lot or lots into which such ineligible wool was graded as determined by CCC. If CCC further determines that the handler fraudulently pledged such ineligible wool, the entire amount of the note or notes, plus charges and accrued interest, covering the lot or lots of wool into

which the ineligible wool was graded as determined by CCC, shall become fully recourse. Notwithstanding the fact that CCC may have purchased the collateral at a price equal to the amount of the loan (including charges and accrued interest) for the purpose of facilitating liquidation of the nonrecourse loan, the amount of the deficiency with respect to any nonrecourse loan, or portion thereof, which becomes fully recourse as a result of the pledging of ineligible wool, shall be the amount, if any, by which the amount of the loan (including charges and accrued interest), or such portion thereof, exceeds the market value of the collateral on the date of the liquidation sale, as determined by CCC. The handler shall not be held personally liable for the pledging of ineligibe wool as a result of fraudulent representations made by a producer or pool manager of which the handler had no knowledge when such ineligible wool was pledged to CCC as security for a loan. Nothing in this section shall be in derogation of any further rights of CCC or the United States against the handler, or any grower, pool manager, or other person, under any applicable federal statute or otherwise.

ADVANCE LOANS BY CCC

§ 672.305 *Advance loans*—(a) *Amount and maturity date.* The handler may obtain advance loans (i. e., recourse loans which CCC will make, under the terms and conditions set forth herein on wool prior to the time the wool is put in a merchantable condition for appraisal) from CCC in an amount not in excess of seventy (70) percent of the estimated appraisal value of the wool, as determined by the handler and accepted by CCC, pledged as security for the advance loan. The note covering any advance loan made under the program shall be payable on or before 5 months from the date of such note or December 15, 1952, whichever is earlier, and shall bear interest at the rate of 3½ percent per annum.

(b) *Application.* After wool is placed in a warehouse approved by CCC, the handler may apply for an advance loan from CCC on any quantity of wool, which requires further processing or preparation in order for a nonrecourse loan to be made thereon, by executing and delivering to the PMA Commodity Office in the area in which the wool is stored a note in form prescribed by CCC accompanied by warehouse receipts representing the wool pledged to CCC, and such other documents as CCC may specify.

(c) *Disbursement by CCC.* Upon receipt of the documents specified herein, in proper form and properly executed by the handler, the PMA Commodity Office shall promptly pay to the handler the amount of the loan.

(d) *Distribution of proceeds.* The handler shall within 20 days after receipt of the advance loan proceeds, distribute to the respective growers, or pool managers representing growers' pools, the full proceeds of the advance loan made on wool owned by such growers or the growers in such pools, less the amounts of any advances previously made to such growers or pool managers by the handler. In the event the amount due is not distributed within 20 days after the handler receives the advance loan proceeds, in addition to any rights which may accrue to CCC as a result of the handler's failure to distribute proceeds of the advance loan promptly, the handler shall include in the payment due each such grower or pool manager a payment for interest at the rate of 6 percent per annum on the amount due such grower or pool from the date on which the handler received the advance loan proceeds until the date when payment is made.

(e) *Repayment.* At any time on or before the maturity date of the note covering an advance loan, the handler may make application, in accordance with paragraph (a) of § 672.309, for a nonrecourse loan or loans on the wool pledged as security for the advance loan, showing in each such application the amount of advance loan or loans received by the handler on such wool and the date of disbursement of the proceeds of the note covering such advance loan or loans. If the nonrecourse loan is approved by CCC, CCC shall deduct from the gross proceeds of the nonrecourse loan or loans the respective amounts of the advance loan or loans received by the handler in connection with such wool and record payments of those respective amounts on the applicable note covering the advance loan or loans. Interest shall be computed on that part of the note covering the nonrecourse loan which represents repayment of an advance loan or loans, in whole or in part, from the date of disbursement of the proceeds of the note covering such advance loan or loans. The handler shall repay to CCC, at the time the nonrecourse loan is applied for, any amount by which the loan received by the handler with respect to such wool exceeds the gross loan proceeds due the handler under the nonrecourse loan, together with interest. If the note covering the advance loan is not repaid in its entirety as described in this paragraph before its maturity date, the handler shall pay to the PMA Commodity Office, not later than the maturity date of such note, the unpaid balance of such note plus interest at the rate of 3½ percent per annum.

APPRAISALS

§ 672.306 *Determination of appraisal value.* Wool must be in a warehouse approved by CCC and in merchantable condition before an appraisal is requested and the handler must make a written request, in form approved by CCC, for appraisal of wool not later than November 30, 1952. The Appraiser shall not be required to appraise wool unless the handler has accumulated an aggregate of at least 24,000 pounds of graded wool or 50 bags of original bag wool. Appraisals will be made only of lots consisting of at least 250 pounds of graded wool or 10 bags of original bag wool of uniform grade. Growers who have smaller quantities of wool may have such wool appraised by delivering it to a handler with authorization to grade or group it with similar wool received from other growers, to form a lot of the required size. The appraisal value of wool for the purpose of obtaining a nonrecourse loan from CCC under the program shall be based on:

(a) The grade, length, type, and classification of the wool as determined by one or more appraisers employed by the United States Department of Agriculture;

(b) The shrinkage as determined by the core-test method under the supervision of the United States Department of Agriculture unless CCC authorizes the shrinkage to be determined on the basis of an inspection by the Appraiser; and

(c) The value thereof as shown in the Schedule of Loan Values for Domestic Shorn Wool appearing in § 672.227 (17 F. R. 3262). If CCC determines that any wool offered for appraisal should be graded, scoured or carbonized, it may require the wool to be graded, scoured or carbonized before the appraisal is made. All California processing type wools shall be scoured or carbonized before appraisal.

§ 672.307 *Reappraisals.* The determination of appraisal value shall be subject to the right of a reappraisal upon written request by the handler to CCC not later than 15 days after the date of the Appraisal Certificate if such wool is available for reappraisal in the same warehouse and in the same quantity and state (i. e., grease, scoured or carbonized) as at the time of the original appraisal. Any such reappraisal shall be final.

§ 672.308 *New appraisals.* If, at the time the handler makes application for a nonrecourse loan, the wool is in the same warehouse in which it was stored at the time of appraisal and is in the same condition, the loan value shall be based on the value determined by the appraisal or reappraisal, whichever is applicable. If any part of the wool is removed from the warehouse (except with the specific written authorization of CCC), becomes damaged or the appraisal value thereof is otherwise altered, a new appraisal shall be required on any part of such wool which is still eligible for a nonrecourse loan. This provision, however, shall not be construed to require a new appraisal of the remaining part of such wool in cases where bags or bales of wool are sold from the lot, provided the handler maintains an accurate record of such withdrawals. Any request for a new appraisal must be made by the handler not later than November 30, 1952, and the wool will be subject to an appraisal charge as in the case of an original appraisal.

NONRECOURSE LOANS BY CCC

§ 672.309 *Nonrecourse loans*—(a) *Application.* At any time after wool has been appraised, but not later than December 31, 1952, and after such wool has been packed in bags or bales, the handler may make application for a nonrecourse loan (i. e., a nonrecourse loan with a maturity date of January 31, 1953, which CCC will make, under the terms and conditions set forth in this subpart, on wool that has been appraised) on such wool by executing and delivering to the PMA Commodity Office a note, in form prescribed by CCC, accompanied by warehouse receipts representing the wool, Appraisal Certificates, and such other documents as CCC may specify.

(b) *Delivery of note.* In the case of a note received by mail, the time of the postmark recorded by the Post Office Department on the envelope shall be deemed to be the time of delivery to CCC. In all cases where the note is not mailed or if mailed and the postmark is not recorded by the Post Office Department, the time when the note is received by the PMA Commodity Office shall be deemed to be the time of delivery.

(c) *Disbursement by CCC and maturity date.* Upon receipt of the documents specified in this subpart, in proper form and properly executed by the handler, the PMA Commodity Office shall promptly pay to the handler the gross loan proceeds computed in accordance with paragraph (b) of § 672.310, less any amount previously paid to the handler in accordance with § 672.305 as an advance loan with respect to such wool. The note covering any nonrecourse loan made under the program will be payable on or before January 31, 1953, together with interest at the rate of 3½ percent per annum.

§ 672.310 *Loan value*—(a) *Face value of note.* The face value of the note covering any nonrecourse loan made by CCC shall be the appraisal value of the wool pledged as security therefor, grease, scoured or carbonized basis, as the case may be (depending upon the state of the wool when appraised), less the deduction for freight, if applicable, specified in paragraph (b) (1) of this section. In the case of wool on which transit privileges or concentration privileges are protected at the point of storage, the note shall also include the amount due the handler under his agreement with CCC as reimbursement for inbound freight charges in connection with such wool.

(b) *Gross loan proceeds.* The amount to be disbursed to the handler as gross loan proceeds shall be the appraisal value of the wool pledged as security for the nonrecourse loan, grease, scoured, or carbonized basis, as the case may be (depending upon the state of the wool when appraised), less the following applicable charges:

(1) *Charge for freight.* On wool stored, at the time the nonrecourse loan is applied for in a warehouse located outside the Boston, Massachusetts, storage area (i. e., the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut), there shall be a charge for freight, based on gross shipping weight, as follows:

(i) The minimum carload rail freight rate or rail and water freight rate, whichever is the lower, from the point where the wool is stored to Boston, except in cases where transit privileges or concentration privileges are protected by the handler.

(ii) In cases where transit privileges or concentration privileges are protected by the handler and such privileges will be available to CCC, the minimum through carload rail freight rate or rail and water freight rate, whichever is the lower, from the grower's original shipping point to Boston plus the cost of applicable transit or concentration privileges and pick-up and delivery service.

(iii) In cases where water rates are used in computing the freight charge, there shall also be a charge to cover wharfage, and complete marine and war risk insurance.

(iv) Applicable federal transportation taxes shall be included in the freight charge.

(2) *Appraisal and reappraisal charge.* The grower or pool owning wool on which a nonrecourse loan is made by CCC shall be required to pay an appraisal charge of $\frac{1}{10}$ cent per pound in the case of grease wool or $\frac{5}{10}$ cent per pound in the case of scoured or carbonized wool and a reappraisal charge of the same amount in any case where the reappraisal confirms the results of the original appraisal.

§ 672.311 *Determination of weights.* All weights shall be taken by a responsible weighmaster, and the weight sheets shall be signed by the weighmaster and show the number and weight of each bag or bale of wool in the lot and the date on which the weights were taken. The weights prescribed in this section shall be reduced as a result of the withdrawal of bags or bales of wool from the lot after such weights are taken, and the weight sheets shall clearly show all such adjustments including the dates and quantities of withdrawals.

(a) *Grease wool.* The loan value of grease wool will be determined on the basis of weights taken not earlier than 5 days before the handler's request for appraisal of such wool. In the event a reappraisal is made in accordance with § 672.308, CCC will have the right to require that the weight of such wool be taken on or after the date on which core samples are drawn for the reappraisal and that the loan value be determined on the basis of such weight. Wool received in a wet or damp condition shall not be commingled with other wool until it is properly dried and the commingling is authorized by the Appraiser.

(b) *Scoured or carbonized wool.* The loan value of scoured or carbonized wool will be determined on the basis of the weights of the bags or bales taken by the scouring mill promptly upon completion of the processing. (These are the weights customarily taken by the scouring mill for preparing the scouring or carbonizing report.)

§ 672.312 *Distribution of proceeds of nonrecourse loan.* The handler shall, within 20 days after receipt of any nonrecourse loan proceeds from CCC, pay to each grower or pool manager the net nonrecourse loan value of the wool received from him after deducting the charges set forth in § 672.314. In cases where wool is commingled and the grower has given specific written authorization for the distribution of loan proceeds to him on the basis of weight without regard to the grade or quality of wool delivered by such grower, the handler or pool manager, as the case may be, may make payment of the net loan value on that basis. In all other cases where more than one grower or pool has contributed to a line of wool that is scoured or carbonized, the amount to be paid them shall be prorated among them on the basis of the quantity of wool each has in the line and on the basis of the length, quality (grade), shrinkage, and extent of the defect in each individual lot of wool as determined by the handler before scouring or carbonizing. In the event the amount due is not distributed to growers within 20 days after the handler receives loan funds, in addition to any rights which may accrue to CCC as a result of the handler's failure to distribute proceeds of the loan to growers promptly, the handler shall include in the payment due each grower or pool manager a payment for interest at the rate of 6 percent per annum on the amount due such producer or pool manager from the date on which the handler received the gross loan proceeds until the date payment is made.

§ 672.313 *Account of Loan Settlement.* When the handler makes payment of the net proceeds of nonrecourse loans on wool as set forth in § 672.312, he shall transmit to the person entitled thereto an Account of Loan Settlement in form approved by CCC. In cases where wool received from a single grower or pool is appraised separately, such Account of Loan Settlement shall be accompanied by a copy of the Appraisal Certificate. The handler shall show on the Account of Loan Settlement the grade, shinkage, weight, and appraisal value of each grade of such wool as shown by the Appraisal Certificate in the case of wool that has been grouped into lines. The handler shall identify such certificates by serial numbers.

§ 672.314 *Charges by handler.* The following are charges which, where applicable, may be deducted by the handler from the gross nonrecourse loan proceeds received by the handler in order to determine the net nonrecourse loan proceeds to be distributed to the growers or pool managers entitled thereto:

(a) *Charge for handling.* A charge for handling at not to exceed the following rates:

(1) Two cents per pound of grease wool, or 4 cents per pound of scoured or carbonized wool, in quantities of 5,000 pounds or more.

(2) Four and three-fourths cents per pound of grease wool, or 9½ cents per pound of scoured or carbonized wool, in quantities of less than 5,000 pounds: *Provided*, That in no instance shall the charge for a lot of less than 5,000 pounds exceed the maximum charge for a lot of 5,000 pounds as specified in subparagraph (1) of this paragraph. The aggregate quantity of wool received from each grower or each member of a pool and pledged to CCC as security for a loan shall be used for determining the applicable handling rate. Handling shall include weighing wool out of the warehouse, damage to bags and bale covers in core testing, the use of bags or bale covers utilized in the proper handling of wool that is pledged to or owned by CCC and remains in the custody of the handler, and all other services which the handler or pool manager renders or provides with respect to wool pledged to CCC

as security for a loan or wool to which CCC acquires title. Where the wool is received from a pool manager, the division of the handling charges as between the handler and the pool manager shall be as agreed upon by them.

(b) *Charge for grading.* Any wool for which the handler has provided grading shall be subject to a grading charge at a rate not in excess of 1¼ cents per pound of grease wool, in quantities of more than 1,000 pounds, or 2 cents per pound of grease wool, in quantities of 1,000 pounds or less, provided that in no instance shall the charge for a lot of 1,000 pounds or less exceed $12.50. The aggregate quantity of wool received from a single grower or pool manager and covered by a single Account of Loan Settlement shall be used for determining the applicable grading charge.

(c) *Charge for scouring and carbonizing.* Any wool scoured or carbonized shall be subject to a charge in an amount not to exceed the actual scouring or carbonizing costs paid or payable by the handler, including the cost of sorting the wool and transporting it from the warehouse to the scouring mill and, if necessary, from the scouring mill to the place of storage.

(d) *Charge for storage.* A storage charge from the date from which the handler provided storage through January 31, 1953: *Provided*, That, if the nonrecourse loan is repaid before the maturity date, the handler shall refund to each grower or pool manager any storage charges deducted for the period from the date of repayment of the loan through January 31, 1953. The storage charge shall be computed at rates not in excess of the following rates per month or fraction thereof: *Provided*, That in no event shall the rates on which the charge is based exceed the maximum rates determined under regulations of the Office of Price Stabilization for the warehouse in which such wool was stored:

[Rate in cents per hundredweight]

Type of wool	In compressed bales	Not in compressed bales
(1) For wool stored in Texas and New Mexico:		
Grease wool	5	7
Scoured or carbonized wool	7½	12½
(2) For wool stored elsewhere:		
Grease wool appraised under a territory or Texas classification	7	9
Grease wool appraised under a fleece wool classification	7	12
Scoured or carbonized wool	13	24

(e) *Warehouse in-charge.* A charge for receiving wool in the warehouse at not to exceed the lowest of the following rates for such services:

(1) Rate established in the storage tariff of the warehouse at which the wool is received;

(2) Twenty-five cents per bag of wool or 35 cents per bale of wool;

(3) Maximum rate determined under regulations of the Office of Price Stabilization for the warehouse in which the wool is received.

(f) *Advance.* Any amount previously advanced by the handler to the grower or pool manager.

§ 672.315 *Limitation on charges by handler.* The handler shall make no charges on wool on which CCC makes a nonrecourse loan which are not authorized by this subpart without the written approval of CCC unless the charge is authorized in writing by the grower entitled to the loan proceeds. In determining the amount due the grower, any charges in addition to those specified in §§ 672.310 and 672.314 shall be clearly itemized on the Account of Loan Settlement and shall be identified as charges specifically authorized by the grower.

§ 672.316 *Repayment of nonrecourse loans.* If the handler desires to repay all or part of a nonrecourse loan and to obtain the release of wool securing the amount repaid, he shall execute and file with the PMA Commodity Office a Redemption Request, in form approved by CCC, accompanied by payment of the amount repaid plus interest at the rate of 3½ percent per annum. The repayment and redemption of wool by the handler shall be based on the net weight of such wool used in determining the amount of the nonrecourse loan made thereon. Upon receipt of payment and the Redemption Request properly executed, CCC shall, in the case of full payment, release the note and applicable warehouse receipt to the handler, or, in the case of partial payment, apply the payment to the note and release the wool securing such note to the extent of the partial payment. In the event the note is paid in whole or in part before January 31, 1953, the handler shall immediately refund to the growers entitled thereto with respect to the wool that is redeemed any storage charges withheld from the grower's loan proceeds for the period from the date of repayment through January 31, 1953.

GROWER POOLS

§ 672.317 *Wool received by handler from pools.* With respect to all wool received by the handler from any grower pool, the identity of the wool contributed to the pool by each grower-member shall be maintained until such wool is received by the handler, who shall handle the wool owned by each grower-member in the same manner as is required by this bulletin with respect to growers who are not members of pools, except that, if any grower-member of the pool has given specific written authorization for the distribution of loan proceeds to him on the basis of weight without regard to the grade or quality of wool delivered by such grower, the pool manager may commingle the wool before delivering it to the handler. The handler shall distribute to the pool manager on behalf of the grower-members of the pool, in accordance with paragraph (d) of § 672.305 or § 672.312, as the case may be, the proceeds of any loan made by CCC and, in accordance with paragraph (d) of § 672.318, the amount of any overplus received from CCC. The pool manager shall distribute to grower-members of the pool any loan proceeds received from the handler within 20 days after such receipt and any overplus payment within 90 days after such payment is received from the handler. If such distribution is not made within such respective periods, the pool manager shall include in the payment due each grower-member interest at the rate of 6 percent per annum on the amount due such grower from the date on which the pool manager received the loan proceeds or other payment, as the case may be, until the date when payment to the grower-member is made.

LIQUIDATION OF LOANS NOT REPAID BY MATURITY DATE

§ 672.318 *Liquidation of unpaid loans.*—(a) *General.* In the event the handler does not, on or before maturity, repay the full amount, including accrued interest, of any advance or nonrecourse loan, CCC shall have the right to sell the pledged collateral in accordance with the provisions of the applicable note, and CCC may become the purchaser at such sale.

(b) *Advance loans.* If CCC purchases the collateral securing an advance loan, CCC shall pay the market value of the collateral on the date of sale, as determined by it. The handler shall be liable to CCC for any deficiency resulting from the unpaid amount of the loan, including charges and accrued interest, being in excess of the net proceeds of the sale. Any overplus resulting from the net proceeds of the sale exceeding the unpaid amount of the loan, including charges and accrued interest, shall be paid to the handler for distribution to growers.

(c) *Nonrecourse loans.* The handler shall not be liable for any deficiency resulting from the unpaid amount of any nonrecourse loan, including charges and accrued interest, being in excess of the net proceeds of the sale of the collateral except in accordance with § 672.304. Any overplus resulting from the net proceeds of the sale exceeding the unpaid amount of the loan, including charges and accrued interest, shall be paid to the handler for distribution to growers.

(d) *Distribution of overplus to growers.* The handler shall pay the full amount of any overplus received from CCC to the respective growers or pool managers according to the respective interests of the growers, including pool members, in the wool with respect to which the overplus was paid by CCC. The method of determining the share of each grower shall be the same as that used in accordance with this subpart, in distributing to growers, including pool members, the proceeds of the loan with respect to which such overplus was paid by CCC. If payment of the overplus to such growers or pool managers is not completed within 90 days after such overplus is received by the handler, in addition to any rights which may accrue to CCC as a result of the handler's failure to make proper payments, the handler shall include in the payment to each grower or pool manager interest at the rate of 6 percent per annum on the amount due such grower or pool manager from the date on which the handler received the amount of the overplus until the date payment is made.

APPRAISAL CHARGES ON WOOL APPRAISED BUT ON WHICH LOAN IS NOT MADE BY CCC

§ 672.319 *Appraisal and reappraisal charges.*—(a) *Amount.* All wool on which an appraisal is requested shall be subject to a charge for the appraisal of $\frac{1}{10}$ cent per pound, in the case of grease wool, or $\frac{5}{10}$ cent per pound, in the case of scoured or carbonized wool, unless the handler notifies CCC in writing before any of the appraisal operations are commenced that the wool is not to be appraised or unless the wool is not appraised because the handler does not follow the instructions of the Appraiser to grade, regrade, scour, and/or carbonize the wool before submitting it for appraisal. Similarly, all wool on which a reappraisal is requested shall be subject to a reappraisal charge of $\frac{1}{10}$ cent per pound, in the case of grease wool, or $\frac{5}{10}$ cent per pound, in the case of scoured or carbonized wool, if the reappraisal confirms the results of the original appraisal.

(b) *Remittance to CCC.* If the handler does not obtain a nonrecourse loan on all or any part of such wool on or before December 31, 1952, or if a new appraisal is required under § 672.308, the handler shall be responsible for the original appraisal and reappraisal charges and shall on or before December 31, 1952, remit to the PMA Commodity Office the amount of any charges due.

INSURANCE AND RISK OF LOSS

§ 672.320 *Insurance and risk of loss.*—(a) *Advance loans.* The handler shall, during the period that wool is pledged to CCC as security for an advance loan, insure such wool, in his own name and without cost to CCC, against loss or damage by fire, lightning, windstorm, tornado, flood, rainstorm, water damage, and any other hazards normally insured against for wool, in an amount not less than the handler's estimate of the appraisal value of such wool used in determining the amount of the advance loan.

(b) *Nonrecourse loans.* Unless directed in writing to do so by CCC, the handler shall not be obligated to insure wool that is pledged to CCC as security for a nonrecourse loan after disbursement of the nonrecourse loan proceeds by CCC. If CCC determines at any time that the storage conditions of any wool pledged to it as security for a nonrecourse loan are such that the additional protection of insurance is necessary, the handler, upon written notice by CCC, shall insure such wool, in his own name and without cost to CCC, against loss or damage from such of the hazards described in paragraph (a) of this section, as CCC directs, and in an amount not less than the appraisal value of the wool. So long as the handler has not been directed by CCC to insure wool pledged to it as security for nonrecourse loans, CCC shall assume the risk, up to the amount of the loan plus accrued interest, of any uninsured physical loss of, or damage to, the wool after disbursement of the loan proceeds by CCC, resulting solely from an external cause other than insect infestation or vermin, if CCC has been given immediate notice in writing of such loss or damage, if such loss or damage occurred without fault, negligence, conversion, or theft of the grower, pool manager, handler, or of any public or private warehouseman, carrier, or other person in whose custody the handler placed the wool, and if there has been no fraudulent representation made by the grower, pool manager, or handler in connection with obtaining the loan. CCC shall not be responsible for loss of, or damage to, any wool prior to the disbursement of the nonrecourse loan proceeds with respect to such wool. Where disbursement of loan proceeds is made by draft or check, the date of the draft or check shall constitute the date of disbursement of the proceeds.

(c) *Loss or damage.* In the event of any loss of or damage to wool pledged to CCC, or to the warehouse or other structure containing such wool, whether or not much loss was insured against, the handler shall immediately notify CCC and the growers or pool manager who delivered such wool to the handler and, if the handler is required by the terms of his agreement with CCC to carry insurance on the wool so lost or damaged, he shall collect any insurance proceeds due and pay such insurance proceeds to CCC after first satisfying any equity the growers may have in such wool as determined by CCC. In the event the handler or other person in whose custody he has placed the wool insures wool when not required under paragraphs (a) and (b) of this section, or insures wool against hazards not required thereunder, such insurance shall inure to the benefit of CCC and the growers owning the wool, as their interests may appear.

GENERAL

§ 672.321 *Transfer in interest under loan.* CCC shall have the right to impose such restrictions upon the transfer by the handler of any right, title or interest of the grower in or to any wool while it is pledged to CCC as it determines are desirable to effectuate the purposes of the 1952 Wool Price Support Program.

§ 672.322 *Contractual rights.* Nothing in this subpart shall change or affect the contractual rights and obligations under the wool handling agreements entered into by and between CCC and the handlers.

Issued this 6th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President, Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8849; Filed, Aug. 8, 1952; 8:55 a. m.]

PART 672—WOOL

SUBPART—1952 WOOL PRICE SUPPORT PROGRAM (PULLED WOOL)

This bulletin states the requirements with respect to the 1952 Wool Price Support Program for pulled wool formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Production and Marketing Administration (hereinafter referred to as "PMA").

PROGRAM OPERATION

Sec.
672.351 Administration.

ELIGIBILITY

672.352 Eligible persons.
672.353 Eligible wool.

INELIGIBLE WOOL

672.354 Liability.

APPRAISALS

672.355 Determination of appraisal value.
672.356 Reappraisals.
672.357 New appraisals.

PURCHASES BY CCC

672.358 Agreement to purchase.
672.359 Payment of purchase price.
672.360 Purchase price.
672.361 Determination of weights.
672.362 Payment of purchase price to pullery.
672.363 Account sales.
672.364 Passage of title.
672.365 Risk of loss.

APPRAISAL CHARGES ON WOOL APPRAISED BUT NOT SOLD TO CCC

672.366 Appraisal and reappraisal charges.

GENERAL

672.367 Contractual rights.

AUTHORITY: §§ 672.351 to 672.367 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421.

PROGRAM OPERATION

§ 672.351 *Administration.* The program will be carried out by PMA under the general supervision and direction of the President of CCC and in accordance with the bylaws of CCC. Prices of pulled wool will be supported by means of purchases made from pullers who enter into agreements with CCC to store, handle and sell wool for the account of CCC or from pulleries through wool dealers who enter into agreements with CCC to purchase, store, handle and sell wool for the account of CCC (such pullers and wool dealers are hereinafter referred to as "handlers"). In the field, the program will be administered through PMA Commodity Offices. Names of approved handlers may be obtained from PMA Commodity Offices. PMA Commodity Offices and State and County PMA Committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

ELIGIBILITY

§ 672.352 *Eligible persons.* Pulled wool will be purchased through handlers from pulleries or directly from handlers who are pullers having agreements with CCC.

§ 672.353 *Eligible wool.* Eligible wool shall be wool which meets the following requirements:

(a) The wool must have been removed from the skins of sheep or lambs after slaughter, which have been raised in the continental United States or territories.

(b) The wool must be packed in new bags or bale covers or No. 1 used bags or bale covers that have been disinfected of moth eggs or larvae.

(c) The wool must be wool which does not consist of or contain samples left from wool sold in the open market, vat wool, machine wool, mohair, horse hair, sisal, improperly scoured wool, or any type of wool or foreign matter rejected by the Appraiser.

(d) If the wool is purchased through a handler who is not a puller, it must have been received by the handler from the pullery.

(e) If the wool is purchased through a handler who is not a puller, it must be covered by a statement, which must be preserved in the handler's records, signed by the pullery authorizing the handler to act as the pullery's representative in selling such wool to CCC and certifying that such wool was removed by the pullery from the skins of sheep or lambs raised in the continental United States or territories, that title and beneficial interest in such wool are and have always been in the pullery since the wool was so removed, and that such wool is free and clear of any and all liens and encumbrances.

(f) The wool must meet the other applicable requirements set forth in this subpart.

INELIGIBLE WOOL

§ 672.354 *Liability.* If the handler sells to CCC any wool which is ineligible under the program, as determined by CCC, the handler shall pay to CCC, as liquidated damages, a sum computed at the rate of 10 cents per pound of ineligible grease wool and 15 cents per pound of ineligible scoured or carbonized wool thus sold. A handler who is not a puller shall not be held personally liable for the sale of ineligible wool to CCC as a result of fraudulent representations made by the pullery which delivered such wool to the handler, of which the handler had no knowledge when such ineligible wool was sold to CCC; but in any such case the handler shall exercise reasonable efforts, as directed by CCC, to collect from the pullery and remit to CCC the amount of its damages calculated at the rates specified in this section. Nothing in this section shall be in derogation of any further rights of CCC or the United States against the handler, pullery, or other person under any applicable Federal statute or otherwise.

APPRAISALS

§ 672.355 *Determination of appraisal value.* Wool must be in a warehouse approved by CCC and in merchantable condition before an appraisal is requested and the handler must make a written request, in form approved by CCC, for appraisal of the wool not later than November 30, 1952. The Appraiser shall not be required to appraise wool unless it is in lots of not less than 10,000 pounds of grease wool of the main grades (clear white and stained wools of 50's quality and above), in lots of not less than 5,000 pounds of grease wool of the other grades, and in lots of not less than 2,500 pounds of scoured or carbonized wool irrespective of grade; and the aggregate quantity of grease wool on which an appraisal is requested shall be not less than 25,000 pounds. The appraisal value of wool offered to CCC under this program shall be based on:

(a) The grade, length, type, and classification of the wool as determined by one or more Appraisers employed by the United States Department of Agriculture;

(b) The shrinkage as determined by the core-test method under the supervision of the United States Department of Agriculture unless CCC authorizes the shrinkage to be determined on the basis of an inspection by the Appraiser; and

(c) The value thereof as shown in the Schedule of Purchase Values for Pulled Domestic Wool appearing in § 672.228 (17 F. R. 3263).

If CCC determines that any wool offered for appraisal should be scoured or carbonized, it may require the wool to be scoured or carbonized before the appraisal is made.

§ 672.356 *Reappraisals.* The determination of appraisal value shall be subject to the right of a reappraisal upon written request by the handler to CCC not later than 15 days after the date of the Appraisal Certificate if such wool is available for reappraisal in the same warehouse and in the same quantity and state (i. e., grease, scoured or carbonized) as at the time of the original appraisal. Any such reappraisal shall be final.

§ 672.357 *New appraisals.* If, after wool is appraised or reappraised, any part of it is removed from the warehouse (except with the specific written authorization of CCC), becomes damaged, or the appraisal value thereof is otherwise altered, a new appraisal shall be required on any part of such wool which is still eligible before it is sold to CCC. This provision, however, shall not be construed to require a new appraisal of the remaining part of such wool in cases where bags or bales of wool are sold from the lot or selling samples are removed from bags or bales in the lot, provided the handler maintains an accurate record of such withdrawals. Any request for a new appraisal must be made by the handler not later than November 30, 1952, and the wool will be subject to an appraisal charge as in the case of an original appraisal.

PURCHASES BY CCC

§ 672.358 *Agreement to purchase.* CCC will purchase, subject to the terms and conditions set forth in this subpart, any eligible wool tendered to it on the basis of the appraisal or reappraisal, whichever is applicable: *Provided*, That, at the time the handler requests payment of the purchase price, the wool is in the same warehouse and in the same condition as at the time of appraisal: *And provided further*, That the handler shall refund to CCC the full purchase price on any wool which is lost, destroyed, or damaged before the date of payment of the purchase price to the handler by the PMA Commodity Office (see § 672.365).

§ 672.359 *Payment of purchase price.* (a) *Request for payment.* At any time after wool has been appraised or reappraised, but not later than December 31, 1952, the handler may notify CCC of the election to sell such wool to CCC by executing and delivering to the PMA Commodity Office a Request for Payment, in form prescribed by CCC, accompanied by such documents as CCC may prescribe.

(b) *Delivery of request for payment.* In the case of a Request for Payment received by mail, the time of the postmark recorded by the Post Office Department on the envelope shall be deemed to be the time of delivery to CCC. In all cases where the Request for Payment is not mailed, or if mailed and the postmark is not recorded by the Post Office Department, the time when the Request for Payment is received by the PMA Commodity Office shall be deemed to be the time of delivery.

(c) *Payment by CCC.* Upon receipt of the documents specified, in proper form and properly executed by the handler, the PMA Commodity Office will promptly pay to the handler the purchase price of such wool computed in accordance with § 672.360.

§ 672.360 *Purchase price.* The purchase price paid by CCC for wool sold to it under this program will be the appraisal value thereof, grease, scoured, or carbonized basis, as the case may be, less the following applicable charges:

(a) *Charge for freight.* In the case of wool which is sold to CCC while it is stored in a warehouse located outside the Boston, Massachusetts, storage area (i. e., the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut), there shall be a charge for freight based on the gross shipping weight, as follows:

(1) The minimum carload rail freight rate or rail and water freight rate, whichever is lower, from the point where the wool is stored to Boston.

(2) In cases where water rates are used in computing the freight charge, there shall also be a charge to cover wharfage, and complete marine and war risk insurance.

(3) Applicable Federal transportation taxes shall be included in the freight charge.

(b) *Appraisal and reappraisal charge.* The handler selling wool to CCC shall be required to pay an appraisal charge of $\frac{1}{10}$ cent per pound, in the case of grease wool, and $\frac{5}{10}$ cent per pound, in the case of scoured or carbonized wool, and a reappraisal charge of the same amount in any case where the reappraisal confirms the results of the original appraisal.

§ 672.361 *Determination of weights.* All weights shall be taken by a responsible weighmaster, and the weight sheets shall be signed by the weighmaster and show the number and weight of each bag or bale of wool in the lot and the date on which the weights were taken. The weights prescribed in this section shall be reduced as a result of the withdrawal of selling samples from the bags or bales and the withdrawal of entire bags or bales of wool from the lot after such weights are taken, and the weight sheets shall clearly show all such adjustments including the dates and quantities of withdrawals.

(a) *Grease wool.* All purchases of grease wool will be on the basis of weights taken within 5 days before or within 5 days after the date core samples are drawn or the date scheduled by CCC for taking core samples. In the event a reappraisal is made in accordance with § 672.356, CCC will have the right to require that the weight of such wool be taken on or after the date on which core samples are drawn for the reappraisal and that the purchase by CCC be made on the basis of such weight.

(b) *Scoured or carbonized wool.* All scoured or carbonized wool will be purchased by CCC on the basis of the weights of the bags or bales taken by the scouring mill promptly upon completion of the processing. (These are the weights customarily taken by the scouring mill for preparing the scouring or carbonizing report.)

§ 672.362 *Payment of purchase price to pullery.* When wool is purchased from a pullery which has not signed an agreement with CCC, the handler will, within 20 days after receiving the purchase price from CCC, pay to the pullery the purchase price of such wool, less any amount agreed upon between the handler and the pullery as the handling charge; except that such charge shall not exceed $1\frac{3}{4}$ cents per pound of grease wool or $2\frac{1}{4}$ cents per pound of scoured or carbonized wool. In the event the purchase price, less the applicable handling charge, is not paid to the pullery within 20 days after the handler receives the purchase price, in addition to any rights which may accrue to CCC as a result of the handler's failure to pay such amount to the pullery promptly, the handler shall add to the amount due the pullery a payment for interest at the rate of 6 percent per annum on the amount due from the date the handler received the purchase price until the date payment is made to the pullery.

§ 672.363 *Account sales.* When the handler makes payment for wool that is purchased from a pullery which does not have an agreement with CCC, he shall transmit to the pullery an Account Sale in form approved by CCC, accompanied by a copy of the Appraisal Certificate.

§ 672.364 *Passage of title.* Title to wool purchased by CCC will pass to CCC upon the date of payment of the purchase price to the handler in accordance with § 672.362, except that title shall not so pass on any wool which is lost, destroyed, or damaged prior to the date of such payment of the purchase price (see § 672.365).

§ 672.365 *Risk of loss.* CCC will not be responsible for loss of or damage to any wool prior to the date of payment of the purchase price to the handler as provided in paragraph (c) of § 672.359. Where payment of the purchase price is made by draft or check, the date of the draft or check shall constitute the date of payment of the purchase price.

APPRAISAL CHARGES ON WOOL APPRAISED BUT NOT SOLD TO CCC

§ 672.366 *Appraisal and reappraisal charges.*—(a) *Amount.* All wool on which an appraisal is requested shall be subject to a charge for the appraisal of $\frac{1}{10}$ cent per pound, in the case of grease wool, or $\frac{5}{10}$ cent per pound, in the case of scoured or carbonized wool, unless the handler notifies CCC in writing before any of the appraisal operations are commenced that the wool is not to be appraised or unless the wool is not appraised because the handler does not follow the instructions of the appraiser to scour and/or carbonize the wool before submitting it for appraisal. Similarly, all wool on which a reappraisal is requested shall be subject to a reappraisal charge of $\frac{1}{10}$ cent per pound, in the case of grease wool, or $\frac{5}{10}$ cent per pound, in the case of scoured or carbonized wool, if the reappraisal confirms the results of the original appraisal.

(b) *Remittance to CCC.* If CCC is not notified of the election to sell the wool to CCC within the period specified in paragraph (a) of § 672.359 or if a new appraisal is required under § 672.357, the handler shall be responsible for the original appraisal and reappraisal charges and shall on or before December 31, 1952, remit to the PMA Commodity Office the amount of any charges due.

GENERAL

§ 672.367 *Contractual rights.* Nothing in this subpart shall change or affect the contractual rights and obligations under the Wool Handler's Agreements (Pulled Wool) or Wool Puller Agreements entered into by and between CCC and the handlers.

Issued this 6th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8848; Filed, Aug. 8, 1952; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Bulletin NSCP-1701]

PART 706—NAVAL STORES CONSERVATION PROGRAM

SUBPART—1953

Payments will be made for participation in the 1953 Naval Stores Conservation Program (hereinafter referred to as "this program") in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Payments are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the faces in the tract or drift where an approved conservation practice is carried out.

This program provides for payments for conservation practices only on turpentine farms having tracts or drifts of faces which were installed during, or after, the 1949 season.

GENERAL PROVISIONS

Sec.
706.401 Required performance.
706.402 Inspection assistance.
706.403 Fire protection.

CONSERVATION PRACTICES AND RATES OF PAYMENT

706.410 Conservation practices and rates of payment.
706.411 Cupping only trees 9 inches or over d. b. h.; 2 cents per face.
706.412 Continuation of working faces on trees 9 inches or over d. b. h.; ½ cent per face.
706.413 Cupping only trees 10 inches or over d. b. h.; 3½ cents per face.
706.414 Continuation of working faces on trees 10 inches or over d. b. h.; 2 cents per face.
706.415 Cupping only trees 11 inches or over d. b. h.; 4½ cents per face.
706.416 Continuation of working faces on trees 11 inches or over d. b. h.; 2½ cents per face.
706.417 Restricted cupping; 5 cents per face.
706.418 Continuation of restricted cupping practice; 2½ cents per face.
706.419 Selective cupping; 7 cents per face.
706.420 Continuation of selective cupping practice on selected trees; 3 cents per face.
706.421 Bark chipping; 2 cents per face.
706.422 Pilot plant tests; 8 cents or 11 cents per face.

GENERAL PROVISIONS RELATING TO PAYMENTS

706.423 Increase in small payments.
706.424 Maintenance of practices.
706.425 Practices defeating purposes of programs.
706.426 Payment computed and made without regard to claims.
706.427 Assignments.
706.428 Death, incompetency, or disappearance of producer.
706.429 Payments limited to $2,500.
706.430 Evasion.

APPLICATION FOR PAYMENT

706.431 Persons eligible to file applications.
706.432 Time and manner of filing applications and information required.

APPEALS

706.433 Appeals.

DEFINITIONS

706.434 Definitions.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

706.435 Authority.
706.436 Availability of funds.
706.437 Applicability.
706.438 Administration.

AUTHORITY: §§ 706.401 to 706.438 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q.

GENERAL PROVISIONS

§ 706.401 *Required performance.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1953 turpentine season, carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1949, 1950, 1951, 1952,

or 1953 season, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no payment will be made for any faces in such tracts or drifts.

§ 706.402 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (area forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (area forester) in counting faces;

(f) Submitting an application for payment (Form NSCP 1703) and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (area forester) in checking compliance with the terms and conditions of this program.

§ 706.403 *Fire protection.* Each producer shall cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

CONSERVATION PRACTICES AND RATES OF PAYMENT

§ 706.410 *Conservation practices and rates of payment.* No tract or drift can qualify for payment under more than one conservation practice other than provided for under § 706.421. No tract or drift having virgin faces installed can qualify for a payment unless the shoulder of the first streak on any face on a round tree which is not deformed is less than 18 inches from the ground. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 706.411 *Cupping only trees 9 inches or over d. b. h.; 2 cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1953 season.

(b) *Performance.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice. If faces have been installed contrary to these performance requirements, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

§ 706.412 *Continuation of working faces on trees 9 inches or over d. b. h.; ½ cent per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts having faces installed during the 1949, 1950, 1951 or 1952 season, together with any new faces that may have been installed within such tracts or drifts during the 1953 season.

(b) *Performance.* With the exception of back faces on trees having a worked-out face, the only faces that may be continued as working faces are those on trees which are at least 9 inches d. b. h., and not more than one face may be continued on any tree which is less than 14 inches d. b. h.: *Provided, however*, That faces installed during or after the 1949 season which do not meet the above requirements but were approved for payment under a previous program, will be accepted under this practice if such faces are still being worked in 1953. If faces have been installed contrary to the requirements, the cups and tins on such faces shall be removed within 30 days after being discovered, unless a longer period of time for their removal is approved by the Forest Service.

§ 706.413 *Cupping only trees 10 inches or over d. b. h.; 3½ cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1953 season.

(b) *Performance.* Trees on which faces are installed shall be selected in a manner that will result in having no working faces on round trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice. If faces have been installed contrary to these performance requirements, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

§ 706.414 *Continuation of working faces on trees 10 inches or over d. b. h.; 2 cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts which met the requirements described in § 706.413 in 1950, 1951 or 1952.

(b) *Performance.* New faces installed on any trees in these tracts or drifts will disqualify the tracts or drifts for payment under this practice. If, however, new faces have been installed on any trees, the entire tracts or drifts will be considered only for qualification under the provisions of § 706.412. There may be withheld or required to be refunded, 2 cents per face for each face in the tracts or drifts in which such installation occurs and for which a payment was made in 1950, 1951 or 1952.

§ 706.415 *Cupping only trees 11 inches or over d. b. h.; 4½ cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1953 season.

(b) *Performance.* Trees on which faces are installed shall be selected in a manner that will result in having no working faces on round trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice. If upon inspection it is found that round trees are cupped below 11 inches d. b. h., the producer may qualify for practices described in § 706.411 or § 706.413.

§ 706.416 *Continuation of working faces on trees 11 inches or over d. b. h.; 2½ cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts which met the requirements described in § 706.415 in 1949, 1950, 1951 or 1952.

(b) *Performance.* New faces installed on any trees in these tracts or drifts which earned a payment for the 11 inches cupping practice will disqualify the tracts or drifts for payment under this practice. If, however, new faces have been installed on any trees, the entire tracts or drifts will be considered for qualification only under the provisions of § 706.412. There may be withheld or required to be refunded 2½ cents per face for each face in the tracts or drifts in which such installation occurs and for which payment was made in 1949, 1950, 1951 or 1952.

§ 706.417 *Restricted cupping; 5 cents per face*—(a) *Payment.* This practice limits the installation of new 1953 virgin faces to previously worked trees.

(b) *Performance.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees. If, upon inspection, it is found that this requirement is not met, tracts or drifts may qualify for payment under the practice specified in §§ 706.411, 706.413 or 706.415.

§ 706.418 *Continuation of restricted cupping or selective recupping practices; 2½ cents per face*—(a) *Payment.* Payment for this practice is limited to those tracts or drifts which qualified for the restricted cupping or selective recupping practices in 1950, 1951 or 1952.

(b) *Performance.* New faces installed on any trees in these tracts or drifts which earned a payment for the restricted cupping or selective recupping practices will disqualify the tracts or drifts for payment under this practice. If, however, new faces have been installed on any trees, the entire tract or drift will be considered for qualification only under the provisions in § 706.412. There may be withheld or required to be refunded 3 cents per face for each face in the tracts or drifts in which such installation occurs and for which a payment was made in the 1950, 1951, or 1952 program.

§ 706.419 *Selective cupping; 7 cents per face.* Only trees which should be removed to improve the timber stand will be cupped

(a) *Payment.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1953 season.

(b) *Performance.* Trees on which faces are installed shall be selected in a manner that will result in leaving well distributed over the area at least as many round trees 9 inches or more d. b. h. uncupped as are cupped. The working area shall have a minimum of 25 uncupped round trees per acre which are 9 inches or more d. b. h. when these requirements are not met, the area will be considered for qualification under one of the diameter cupping practices as specified in §§ 706.411, 706.413 or 706.415.

§ 706.420 *Continuation of selective cupping practice on selected trees; 3 cents per face*—(a) *Payment.* Payment for this practice is limited to those tracts or drifts which qualified for the selective cupping practice in the 1949, 1950, 1951 or 1952 program.

(b) *Performance.* New faces installed on round trees in these tracts or drifts will disqualify the tracts or drifts for payment under this practice. If however, new faces have been installed on round trees the entire tract or drift will be considered for qualification only under the provisions of § 706.412. There may be withheld or required to be refunded 4 cents per face for each face in the tracts or drifts in which such installation occurs, and for which a payment was made in 1949, 1950, 1951 and 1952 program.

§ 706.421 *Bark chipping; 2 cents per face*—(a) *Payment.* Payment for this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1953 season as provided for under §§ 706.411, 706.413, 706.415, 706.417, 706.419, or 706.422. This payment is in addition to that authorized for meeting the requirements of §§ 706.411, 706.413, 706.415, 706.417, 706.419, or 706.422.

(b) *Performance.* Trees on which faces are installed shall be chipped in a manner that will result in removing only the bark down to the wood. This payment is conditioned on the continuation of the bark chipping method throughout the life of the face in accordance with § 706.424.

§ 706.422 *Pilot plant tests; 8 cents or 11 cents per face*—(a) *Payment.* Payment for this practice will be limited to a small number of producers who are selected by the Forest Service to conduct controlled experiments in new methods and equipment for gum production. The 8 cents per face payment will apply to faces which meet the requirements of § 706.411 or § 706.412. The 11 cents per face payment will apply to faces which meet the requirements of §§ 706.413, 706.414, 706.415, 706.416, 706.417, 706.418, 706.419, or 706.420.

(b) *Performance.* The experiments are to be carried out in accordance with provisions prescribed by the Forest Service.

GENERAL PROVISIONS RELATING TO PAYMENTS

§ 706.423 *Increase in small payments.* The total payment computed for any producer with respect to his turpentine farm shall be increased as follows: (a) Any payment amounting to 71 cents or less shall be increased to $1.00; (b) any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent; (c) any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1.00 to $1.99	$0.40	$32.00 to $32.99	$10.40
$2.00 to $2.99	.80	$33.00 to $33.99	10.60
$3.00 to $3.99	1.20	$34.00 to $34.99	10.80
$4.00 to $4.99	1.60	$35.00 to $35.99	11.00
$5.00 to $5.99	2.00	$36.00 to $36.99	11.20
$6.00 to $6.99	2.40	$37.00 to $37.99	11.40
$7.00 to $7.99	2.80	$38.00 to $38.99	11.60
$8.00 to $8.99	3.20	$39.00 to $39.99	11.80
$9.00 to $9.99	3.60	$40.00 to $40.99	12.00
$10.00 to $10.99	4.00	$41.00 to $41.99	12.10
$11.00 to $11.99	4.40	$42.00 to $42.99	12.20
$12.00 to $12.99	4.80	$43.00 to $43.99	12.30
$13.00 to $13.99	5.20	$44.00 to $44.99	12.40
$14.00 to $14.99	5.60	$45.00 to $45.99	12.50
$15.00 to $15.99	6.00	$46.00 to $46.99	12.60
$16.00 to $16.99	6.40	$47.00 to $47.99	12.70
$17.00 to $17.99	6.80	$48.00 to $48.99	12.80
$18.00 to $18.99	7.20	$49.00 to $49.99	12.90
$19.00 to $19.99	7.60	$50.00 to $50.99	13.00
$20.00 to $20.99	8.00	$51.00 to $51.99	13.10
$21.00 to $21.99	8.20	$52.00 to $52.99	13.20
$22.00 to $22.99	8.40	$53.00 to $53.99	13.30
$23.00 to $23.99	8.60	$54.00 to $54.99	13.40
$24.00 to $24.99	8.80	$55.00 to $55.99	13.50
$25.00 to $25.99	9.00	$56.00 to $56.99	13.60
$26.00 to $26.99	9.20	$57.00 to $57.99	13.70
$27.00 to $27.99	9.40	$58.00 to $58.99	13.80
$28.00 to $28.99	9.60	$59.00 to $59.99	13.90
$29.00 to $29.99	9.80	$60.00 to $185.99	14.00
$30.00 to $30.99	10.00	$186.00 to $199.99	(1)
$31.00 to $31.99	10.20	$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 706.424 *Maintenance of practices.* Any payment for performance of approved practices included in this program will be subject to the condition that the producer to whom the payment is made will maintain such practices in accordance with good forestry practices.

§ 706.425 *Practices defeating purposes of programs.* If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to, the following:

(a) The cutting contrary to good forestry practice of turpentine trees in drifts or tracts (including current nonworking areas) on which conservation payments have been or would be made under this or the 1949, 1950, 1951, or 1952 programs. There may be withheld or required to be refunded 3 cents per face for each face that was worked in 1949, 1950, 1951, 1952, or 1953 in the tracts or drifts in which such cutting occurs. Conformity to the following rules shall be considered good cutting practice.

(1) When turpentine trees are cut for thinnings at least 150 trees per acre of approximately the same size as the trees which are cut should be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting at least six thrifty turpentine seed trees per acre, 10 inches d. b. h. or more shall be left uncut and undamaged, or if clear cut artificial planting of at least 500 trees per acre will be accomplished within two years.

(b) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of the payment earned under this program on the drifts or tracts in which such improper burning occurs.

(c) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1948 turpentine season. There may be withheld or required to be refunded, 2 cents per face for each working face installed during or prior to 1948 in the tracts or drifts in which such installation occurs.

§ 706.426 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 706.427 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (12 F. R. 1187)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 706.427 *Assignments.* Any producer who may be entitled to any payment in connection with this program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with the applicable instructions (ACP-70) witnessed, however, by an inspector or the program supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

§ 706.428 *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended. (15 F. R. 2875; 6 F. R. 1647, 4430; 9 F. R. 12237)

§ 706.429 *Payments limited to $2,500.* The total of all payments made in connection with the 1953 Naval Stores

Conservation Program and the 1953 Agricultural Conservation Program to any producer participating in said program(s) shall not exceed the sum of $2,500.

§ 706.430 *Evasion.* All or any part of any payment which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 706.429.

APPLICATION FOR PAYMENT

§ 706.431 *Persons eligible to file applications.* An application for payment may be filed by any producer who is working faces for the production of gum naval stores, during the 1953 turpentine season, which were installed during or after the 1949 season. If one producer conducts the operation of a turpentine farm during a portion of the 1953 turpentine season and another producer conducts the operation of the turpentine farm during the remainder of the season, the producer who completes the conservation practices shall file the application.

§ 706.432 *Time and manner of filing applications and information required.* Payments will be made only when a report of performance is submitted to the Forest Service on or before January 15, 1954, on the prescribed form (NSCP–1703) Application for Payment. Payment may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

APPEALS

§ 706.433 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of payment with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 30 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the American Turpentine Farmers Association Cooperative, Valdosta, Georgia, in writing to appoint a committee of fellow producers to review the case; if the committee does not concur with the decision of the Regional Forester, the producer may request the Chief of the Forest Service to review the case and render his decision, which shall be final.

DEFINITIONS

§ 706.434 *Definitions*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum rosin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either of the two species, longleaf pine (Pinus palustria) or slash pine (Pinus caribaea).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer, on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Crop.* 10,000 faces.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured 4½ feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Bark chipping.* A method of chipping by which only the bark is removed down to the wood leaving the face round.

AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 706.435 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.

§ 706.436 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments provided for in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1954.

§ 706.437 *Applicability.* (a) The provisions of this program are not applicable to any turpentining operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or a political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Reconstruction Finance Corporation, or the Federal Farm Mortgage Corporation, Production Credit Associations, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

§ 706.438 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street, NE., Atlanta 5, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 5th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8792; Filed, Aug. 8, 1952; 8:50 a. m.]

[1026 (Peanuts–52)–1, Amdt. 2]

PART 729—PEANUTS

MARKETING QUOTA REGULATIONS FOR 1952 CROP

Basis and purpose. Section 359 (a) of the Agricultural Adjustment Act of 1938, as amended, provides that the marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty at a rate equal to 50 per centum of the basic rate of the loan (calculated to the nearest tenth of a cent) for farm marketing quota peanuts for the marketing year August 1–July 31. When the Marketing Quota Regulations for the 1952 Crop of Peanuts were issued by the Secretary of Agriculture on May 8, 1952, the basic loan rate per pound of peanuts was not available and the exact rate of penalty could not be included in such regulations. Such loan rate, which is based on the parity price for peanuts on July 15, 1952, is now available and the purpose of the amendment contained herein is to establish and include in the regulations the exact rate of the penalty per pound of peanuts for the 1952 crop.

Peanuts are presently being harvested in the southwesterly areas of the United States and it is necessary that the amendment set forth herein be made effective at the earliest possible date in order that the exact rate of penalty may be made known to producers who desire to market peanuts, and to buyers who are charged in the regulations with the duty of collecting the penalty on peanuts marketed subject to the penalty. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendment contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 729.355 (a) of the Marketing Quota Regulations for the 1952 Crop of Peanuts (17 F. R. 4317), is amended by changing the second sentence to read as follows: "The basic rate of the loan or support price for peanuts of the 1952 crop is 11.97 cents per pound, and the basic penalty rate is, therefore, 6.0 cents per pound."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. and Sup. 1375. Interprets or applies sec. 359, 55 Stat. 90, as amended; 7 U. S. C. and Sup. 1359)

Done at Washington, D. C., this 5th day of August 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-8793; Filed, Aug. 8, 1952; 8:50 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812, Amdt. 1]

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

CALENDAR YEAR 1952

Basis and purpose. The revised determination of sugar requirements and the revised sugar quotas for Puerto Rico set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948 (hereinafter called the "act"). The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that the estimate of requirements for Puerto Rico for the calendar year 1952, announced on December 27, 1951, was too low. The purpose of this revision is to make such estimate and the quota related thereto conform to the requirements presently indicated on the basis of the applicable factors specified in section 203 of the act.

The determination of sugar requirements affects the amount of sugar refined in Puerto Rico for local distribution and it is desirable, for economic reasons, for refining to be completed while sugarcane is being ground or in a short period after its completion. In order to effectively carry out the purposes of the Sugar Act, it is necessary that the revision in the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C., Sup. I, 1100) and the Administrative Procedure Act (60 Stat. 237), Sugar Regulation 812 determining sugar requirements and quotas for the Territory of Hawaii and Puerto Rico for the calendar year 1952 is hereby amended by revising § 812.5 to read as follows:

§ 812.5 *Sugar requirements and quotas*—(a) *Revised sugar requirements.* It is hereby determined pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1952 is 45,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1952 is 110,000 short tons, raw value.

(b) *Revised local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1952 the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	45,000
Puerto Rico	110,000

Statement of bases and considerations. Sugar Regulation 812 (17 F. R. 6) established the 1952 sugar requirements and quota for local consumption in Puerto Rico at 100,000 tons of sugar, raw value, on the basis that 97,000 tons of sugar, raw value, had been distributed during the 12 months ending October 31, 1951. The rate of distribution has increased so that a total of about 102,000 short tons, raw value, was distributed both in the calendar year 1952 and in the 12 months ended June 30, 1952. Furthermore, the quantity charged to the local quota (largely raw sugar to be further refined) can be expected to exceed "distribution" (currently almost wholly refined sugar) by about 3,500 tons a year.

At the end of 1951, refiners in Puerto Rico held no stocks intended for local distribution in 1952 before sugar became available from new-crop operations. To insure availability of adequate supplies of sugar for local consumption in Puerto Rico at all times, it appears desirable for the refiners to carry some year-end stocks. Sugar for such stocks at the end of 1952 to be held by refiners who are not themselves allottees of the local quota would be charged to the local quota for 1952 and would be available for distribution without charge to a 1953 quota or allotment. Any acquisition of local quota sugar by refiners for year-end stocks will further increase the excess of quota charges over distribution in 1952.

Experience in 1951 indicated that some growers of sugarcane might not have equitable opportunities to market sugar received in payment for cane, if the local quota proved somewhat in excess of the quantity actually needed. The allotment order for 1952, issued after the initial quota was determined, provides for equitable adjustment of grower participation in local allotments regardless of the size of the quota. Accordingly, there now appears to be no disadvantage in a quota for local consumption in Puerto Rico large enough to insure continuous availability of 1951–52 crop sugar for local distribution at competitive prices until sugar becomes generally available under the 1953 quota.

These factors warrant an increase to 110,000 short tons, raw value, in the quota for local consumption in Puerto Rico for 1952.

No change is made in the requirements and quota for local consumption in Hawaii.

(Sec. 403, 61 Stat. 933; 7 U. S. C. 1153)

Done at Washington, D. C., this 6th day of July 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. J. McCORMICK,
Acting Secretary.

[F. R. Doc. 52-8850; Filed, Aug. 8, 1952; 8:56 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Pear Order 5]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 939.305 *Pear Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 39, as amended (7 CFR Part 939), regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than August 11, 1952. A reasonable determination as to the composition of the available supplies of such pears, and therefore the extent of grade and size regulation warranted, must await the development of the crop; recommendations as to the need for, and the extent of, regulation of shipments of such pears were made by said committee on July 15, 1952, after consideration of all information then available relative to the supply and demand conditions for such pears, at which time such recommendations and supporting information were submitted to the Department and notice thereof given to handlers and growers; necessary supplemental information was not available to the Department until August 5, 1952; shipments of the current crop of such pears are expected to begin on or about August 12, 1952, and this section should be applicable to all shipments of such pears in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 11, 1952, and ending at 12:01 a. m., P. s. t., July 1, 1953, no handler shall, except to the extent otherwise prescribed in this paragraph ship:

(i) Any Beurre D'Anjou pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 195 size: *Provided*, That Beurre D'Anjou pears may be shipped to destinations other than export markets when bearing unhealed broken skins or skin punctures measuring not to exceed three-sixteenth of one inch in diameter or depth, as the case may be, if they otherwise meet the requirements of the U. S. Combination Grade;

(ii) Any Winter Nelis pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 225 size;

(iii) Any Beurre Bosc or Doyenne du Comice pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size; or

(iv) Any Beurre Easter or Beurre Clairgeau pears unless such pears grade at least U. S. No. 2 and are of a size not smaller than the 180 size.

(2) Pears grown in the Medford District or in the Hood River-White Salmon-Underwood District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury may be shipped to destinations other than export markets: *Provided*, That such pears are not very seriously misshapen.

(3) Pears grown in the Wenatchee District or in the Yakima District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury or healed hail marks may be shipped to destinations other than export markets: *Provided*, That such pears are not very seriously misshapen.

(4) As used in this section, "pears," "handler," "ship," "shipments," "shipped," "export markets," "Hood River-White Salmon-Underwood District," "Wenatchee District," "Yakima District," and "Medford District" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 2," "U. S. Combination Grade," "frost injury," and "hail marks" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and other similar varieties, issued by the United States Department of Agriculture (7 CFR 51.332); "very seriously misshapen" shall mean that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut one good half or two fairly uniform quarters; and "180 size," "195 size," and "225 size" shall mean that the pears are of a size which, as indicated by the size number, will pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 180, 195, or 225 pears, respectively, in a standard western pear box (inside dimensions, 18 inches long by 11½ inches wide by 8½ inches deep).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8905; Filed, Aug. 8, 1952; 11:21 a. m.]

[Lemon Reg. 447]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.554 *Lemon Regulation 447*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 6, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 10, 1952, and ending at 12:01 a. m., P. s. t., August 17, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 450 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Aug. 3, 1952]

DISTRICT NO. 2

[12:01 a. m. Aug. 10, 1952, to 12:01 a. m. Aug. 24, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.240
American Fruit Growers, Inc., Fullerton	.346
American Fruit Growers, Inc., Upland	.258
Badington Fruit Co	.189
Ventura Coastal Lemon Co	2.646
Ventura Pacific Co	2.943
Glendora Lemon Growers Association	1.189
La Verne Lemon Association	.587
La Habra Citrus Association	1.060
Yorba Linda Citrus Association, The	.595
Escondido Lemon Association	1.911
Alta Loma Heights Citrus Association	.610
Etiwanda Citrus Fruit Association	.260
Mountain View Fruit Association	.177
Old Baldy Citrus Association	.685
San Dimas Lemon Association	.680
Upland Lemon Growers Association	6.019
Central Lemon Association	.645
Irvine Citrus Association	.644
Placentia Mutual Orange Association	.275
Corona Citrus Association	.131
Corona Foothill Lemon Co	2.847
Jameson Co	.633
Arlington Heights Citrus Co	.573
College Heights Orange & Lemon Association	2.570

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Chula Vista Citrus Association, The	0.632
Escondido Cooperative Citrus Association	.172
Fallbrook Citrus Association	1.836
Lemon Grove Citrus Association	.279
Carpinteria Lemon Association	3.446
Carpinteria Mutual Citrus Association	3.407
Goleta Lemon Association	4.836
Johnston Fruit Co	6.386
Hazeltine Packing Co	.345
North Whittier Heights Citrus Association	.626
San Fernando Heights Lemon Association	.289
Sierra Madre-Lamanda Citrus Association	.384
Briggs Lemon Association	2.757
Culbertson Lemon Association	1.565
Fillmore Lemon Association	.838
Oxnard Citrus Association	6.490
Rancho Sespe	.993
Santa Clara Lemon Association	3.977
Santa Paula Citrus Fruit Association	3.619
Saticoy Lemon Association	4.904
Seaboard Lemon Association	5.318
Somis Lemon Association	4.022
Ventura Citrus Association	1.305
Ventura County Citrus Association	.512
Limoneira Co	2.867
Teague-McKevett Association	.676
East Whittier Citrus Association	.441
Leffingwell Rancho Lemon Association	.604
Murphy Ranch Co	1.590
Chula Vista Mutual Lemon Association	.633
Index Mutual Association	.269
La Verne Cooperative Citrus Association	1.730
Orange Belt Fruit Distributors	.474
Ventura County Orange & Lemon Association	2.546
Whittier Mutual Orange & Lemon Association	.099
Allen, Floyd L	.000
Evans Bros. Packing Co	.000
Huarte, Joseph D	.000
Latimer, Harold	.021
MacDonald Fruit Co	.000
Paramount Citrus Association, Inc.	.059
Torn Ranch	.000
Valdora, Albert	.000

[F. R. Doc. 52-8897; Filed, Aug. 8, 1952; 8:49 a. m.]

PART 979—IRISH POTATOES GROWN IN EASTERN SOUTH DAKOTA PRODUCTION AREA

RECODIFICATION

Correction

In F. R. Doc. 52-8174, appearing at page 6810 of the issue for Friday, July 25, 1952, the following changes should be made:

1. In the fifth line of § 979.7, "directed" should be "directly" so that the line now reads: "directly to burden, obstruct, or affect".

2. In the first sentence of § 979.23 (b), "Selection" should be "Election" so that the first phrase of the sentence now reads: "Election of nominees may be effected".

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 3, Amdt. 5]

GOR 3—EXEMPTIONS OF CERTAIN RUBBER, CHEMICAL AND DRUG COMMODITY TRANSACTIONS

EXEMPTION OF NEW DRUGS, CHEMICAL SPECIALTIES, COSMETICS AND EXPERIMENTAL CHEMICALS AND DRUGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 3 exempts from price control the first $25,000 sales of a chemical specialty or cosmetic when sold by a small manufacturer thereof. It also exempts a manufacturer's sales of a new drug until sales reach $1,000. Finally, it exempts a manufacturer's sales of a chemical or drug in the experimental stage of production, until sales reach $25,000, at which time further exemption may be requested.

General Overriding Regulation 3 now exempts sales by a manufacturer of a chemical which he did not sell prior to January 26, 1951, until sales of that chemical exceed $1,000. The drug industry, like the chemical industry, engages in extensive programs of research and development. These result in the introduction of numerous new products, many of which are short-lived and of insignificant importance to the economy so long as sales are in small quantity. This amendment, therefore, provides that drugs, as well as chemicals be included in the exemption of section 2 (a).

The great majority of firms which manufacture chemical specialties and cosmetics have total annual sales of less than $250,000. They are often set up with limited financial resources to launch a single product. A large variety of new products are introduced to the market annually and are often discontinued after preliminary marketing. As a result, a large number of manufacturers enter and leave the industry annually. Small firms find it difficult to ascertain costs, especially in the early stages of production, or to promote the product until public acceptance has been won. Accordingly, the new paragraph 2 (b) exempts the first $25,000 sales of a chemical specialty or cosmetic by a manufacturer whose total annual sales for all commodities are $250,000 or less, if he did not sell that product before January 26, 1951.

General Overriding Regulation 3 now exempts chemicals in the experimental stage of production on condition that no sales be made which will bring total sales of that chemical over $1,000, unless the manufacturer applies for further exemption. Because of the extensive research

and development programs necessary before a chemical is ready for commercial manufacture, the $1,000 exemption has proven to be too low. In order to reduce the reporting requirements for affected manufacturers as well as the administrative workload on the Office of Price Stabilization, this amendment raises to $25,000 the amount of total sales which are exempt without the necessity of applying for further exemption. Likewise, drugs are now included in this exemption, since experimental problems and development programs in the case of drugs are similar to those in the chemical industry. Accordingly, the former paragraph (b) of section 2 has been so amended and designated paragraph (c). This has made it necessary to change the designations of former paragraphs (c), (d), (e) and (f) of section 2 to (d), (e), (f) and (g) respectively.

Section 5 has been added to define the major terms used in the regulation. The definitions of "Drug" and "Cosmetic" are in accordance with those used in Ceiling Price Regulation 22, Appendix A and SR 67 to the General Ceiling Price Regulation, respectively. "Chemical specialty" is defined to include a large variety of chemical compositions for household, institutional and industrial use.

When an exemption under section 2 terminates, a manufacturer is, of course, bound to establish a ceiling price for the formerly exempt commodity and to observe the reporting and record-keeping requirements of the applicable regulation.

This amendment will relieve manufacturers and the Office of Price Stabilization from the burden of establishing ceiling prices for numerous small transactions in new commodities, which transactions are insignificant in their effect on the stabilization program.

In the formulation of this amendment special circumstances have rendered consultation with industry representatives impracticable. Affected individuals were, however, met with informally and consideration given their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 3 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *Exemption of certain chemical and related commodity transactions.* No price regulation issued by the Office of Price Stabilization shall apply to the following:

(a) *New chemicals and drugs.* Sales of a chemical or drug by a manufacturer thereof which that manufacturer did not sell or offer for sale before January 26, 1951, until the total sales of that chemical or drug exceed $1,000.

(b) *New chemical specialties and cosmetics.* Sales of a chemical specialty or cosmetic by a manufacturer thereof which that manufacturer did not sell or offer for sale before January 26, 1951 until the gross sales for that chemical specialty or cosmetic exceed $25,000. This exemption shall apply only to a manufacturer whose total gross sales for all commodities during the last fiscal year were less than $250,000 or who has not completed his first fiscal year of business, and shall terminate when the total gross sales for all commodities for any fiscal year or part thereof reach $250,000.

(c) *Experimental chemicals and drugs.* Sales of a chemical or drug which is in the experimental stage of production by a manufacturer thereof on condition, however, that before making any sale of any such chemical or drug which would bring the total sales thereof to a sum in excess of $25,000, the manufacturer must file with the Office of Price Stabilization, Rubber, Chemicals and Drugs Division, Washington 25, D. C., a report setting forth his name and address and a description of the chemical or drug, the reasons why he considers the chemical or drug to be in an experimental stage of production, the prices he proposes to charge for the chemical or drug during the experimental stage of production, and the monthly volume which he believes would represent commercial production as opposed to the experimental stage of production. Unless the Office of Price Stabilization by letter disapproves this report or requests further information within twenty days, sales of the chemical or drug shall continue to be exempted from price control until the volume of production specified in the report as commercial production is reached or until the Office of Price Stabilization notifies the manufacturer that his report has been disapproved.

(d) *Certain reagent chemicals.* The following when sold for the purpose of scientific and medical research, for analytical and educational uses, and for quality control of industrial products: Reagent chemicals, laboratory reagent specialty solutions and prepared culture media.

(e) *Butadiene.* Butadiene derived from non-petroleum sources when sold for use in the manufacture of synthetic rubber.

(f) *Certain fertilizer materials.* All sales of the following listed fertilizer materials when sold within the 48 States of the United States and the District of Columbia:

Acid fish scrap.
Almond shells.
Beet sugar residue.
Cocoa shell meal.
Cocoa tankage.
Compost.
Cotton hull ashes.
Distillery waste.
Furfural waste.
Grape pomace.
Guano.
Hoof and horn meal.
Humus.
Manure (animal and fowl excrement only).
Mowrah meal.
Muck.
Mustard meal.
Peanut hulls.
Peat.
Peat moss.
Precipitated bone.
Rapeseed meal.
Ravison meal.
Spent bone black.
Tung nut hulls.
Tung oil pomace.
Wood ashes.
Wood waste.

(g) *Uranium compounds.* Sales of uranium salts and oxides produced and sold under license of the Atomic Energy Commission.

2. A new section designated section 5 is added to read as follows:

SEC. 5. *Definitions.* When used in this regulation the terms:

(a) "Chemical specialty" means a chemical composition or mixture prepared for (1) institutional or household purposes, including but not limited to cleaning and sweeping compositions, disinfectants, household insecticides, germicides, mothproofing agents, polishes for automobiles, furniture, floor, glass and silver, bleaches, blueing, household cements, pastes and adhesives, and stain remover; or (2) industrial use in the processing or treatment of textiles, leather, paper and pulp, rubber, ceramics and petroleum, as well as for use in metal refining and working, electroplating, laundry and dry cleaning operations, building and plant maintenance and similar industrial operations.

(b) "Drug" means any proprietary drug product, and any drug and medicine of the kind listed in Major Group 65, Standard Commodity Classification, Technical Paper No. 26, Volume 1, United States Government Printing Office, 1943, except those commodities (such as Phenol U. S. P., aluminum sulfate and magnesium sulfate) which manufacturers generally sell principally for non-medicinal uses.

(c) "Cosmetic" means any product intended to be rubbed, poured, sprinkled or sprayed upon, or introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance. "Cosmetic" does not include any product for internal or external use intended to be used for the diagnosis, cure, mitigation, or prevention of diseases of man or other animals, or any product whose label indicates it may be for such use. Soaps are not cosmetics, but as used herein, the term "cosmetic" includes shaving soaps and liquid shampoos.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment shall become effective August 7, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8880; Filed, Aug. 7, 1952, 4:34 p. m.]

[General Overriding Regulation 4, Revision 1, Amdt. 6]

GOR 4—EXEMPTIONS AND SUSPENSIONS OF CERTAIN CONSUMER SOFT GOODS

EXEMPTION OF SCRAP LEATHER NOT SUITABLE FOR PRODUCING CUT PARTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to General Overriding Regulation 4, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from ceiling price control all sales of scrap leather not suitable for producing cut parts. Sales of this commodity have been subject to the General Ceiling Price Regulation. Amendment 4 to General Overriding Regulation 4, Revision 1, issued June 23, 1952, suspended from price control manufacturers' and wholesalers' sales of all other leather, except sales made in the territories and possessions of the United States. Scrap leather not suitable for producing cut parts was not included in this suspension because information available to the Director of Price Stabilization indicated that the situation of the commodity did not meet suspension criteria. For example, this scrap leather is currently and has been selling at ceiling prices.

A further study of this commodity, however, revealed facts that have led the Director to conclude that it should be exempted from price control. In the judgment of the Director, scrap leather not suitable for producing cut parts should be exempted from the application of any ceiling price regulation because it is of minor significance to the cost of living, the cost of the defense effort or general current industrial costs, and has no appreciable effect upon the price ceilings of other commodities which are important to such costs, and because retaining it under price control will involve an administrative and enforcement burden out of all proportion to its importance.

The scrap leather exempted by this amendment is produced by shoe manufacturers, tanners and leather cutters as a by-product of their operations. It is generally too small or otherwise unsuitable for cutting into parts to be used in shoes or other manufactured articles. Many producers consider it as a nuisance and are willing to sell all of it at a nuisance price in order to avoid the trouble and expense of disposing of it by dumping or burning. Some other producers will incur the expense of bagging or baling their sole leather scrap, keeping it free from other waste materials, and storing it out of the weather in order to obtain the slightly higher prices that the leatherboard manufacturers and shredders pay for such scrap.

The best available information indicates that the total annual value of all scrap leather produced is less than one and a half million dollars. This compares with a total annual sales volume of the shoe manufacturing, tanning and leather cutting industries of over three billion dollars.

Nearly all of the upper leather scrap and a large proportion of the sole leather scrap goes into tankage, a component of some fertilizers. The annual value of the fertilizer produced in the United States is about $500,000,000, thus the scrap leather component of the tankage amounts to less than one-half percent of this total.

Even though there is a demand for the scrap leather, the products made from it are highly competitive with products made from other materials. Aside from the insignificance of the scrap leather in the economy, it is apparent that because of the competitive brake on the prices of the end products there cannot be a runaway price rise in this scrap leather as a result of competitive bidding for the supply of it by the consumers.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 4, Revision 1, as amended, is further amended in the following respects:

1. Section 2 is amended by adding the following paragraph:

(l) Scrap leather not suitable for producing cut parts.

2. Section 3 is amended by deleting from paragraph (j) the words "scrap leather not suitable for producing cut parts", so that paragraph (j) reads as follows:

(j) Imported and domestic leather, including finished or unfinished splits and leather cut stock, except sales in the territories and possessions of the United States, and sales at retail.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 7, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 7, 1952.

[F. R. Doc. 52-8881; Filed, Aug. 7, 1952; 4:34 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 67 to Schedule A]

[Rent Regulation 2, Amdt. 65 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

SOUTH CAROLINA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 9, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of August 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
South Carolina				
(28th) Orangeburg	A	Bamberg County; and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence, and Vance.	Jan. 1, 1952	Aug. 11, 1952

[F. R. Doc. 52-8796; Filed, Aug. 8, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 75 to Schedule A]

[Rent Regulation 4, Amdt. 19 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

SOUTH CAROLINA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 9, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 6th day of August 1952.

ED DUPREE,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(280b) Orangeburg...	South Carolina...	Bamberg County; and Orangeburg County, except the Townships of Elloree, Eutaw, Holly Hill, Providence, and Vance.	Jan. 1, 1952	Aug. 11, 1952

[F. R. Doc. 52-8795; Filed, Aug. 8, 1952; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.10 *Small packets* make the following changes:

1. Amend paragraph (e) by inserting "Rhodesia, Northern" and "Rhodesia, Southern" in alphabetical order in the list of countries therein.

2. Amend paragraph (f) by deleting "Rhodesia, Northern" and "Rhodesia, Southern" from the list of countries therein.

b. In § 127.213 *Barbados* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other regular-mail articles, 38 cents for the first 2 ounces and 17 cents for each additional 2 ounces. (See § 127.20.)

2. In subdivision (i) of paragraph (b) (1) *Table of rates* make the following changes:

a. Insert immediately following the table of surface parcel rates and preceding the tabulation of information thereunder, the following subdivision:

(ii) Air parcel rates: $0.65 for first 4 ounces; $0.35 for each additional 4 ounces or fraction.

b. Amend the tabulated information now following new subdivision (ii) by adding the following information:

Weight of air parcels limited to 22 pounds.
Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

c. In § 127.258 *French settlements in India* amend paragraph (b) (1) *Table of rates* as follows:

1. Insert a new subdivision (ii) immediately following the table of surface parcel rates and preceding the tabulated information in subdivision (i) to read as follows:

(ii) Air parcel rates: $1.75 for first 4 ounces; $0.90 for each additional 4 ounces or fraction.

2. Amend the tabulated information now following new subdivision (ii) by adding the following information:

Weight of air parcels limited to 22 pounds.
Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

d. In § 127.338 *Rhodesia, Northern* amend paragraph (a) (1) to read as follows:

(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, § 127.1. Small packets accepted.

e. In § 127.339 *Rhodesia, Southern* amend paragraph (a) (1) to read as follows:

(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, § 127.1. Small packets accepted.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-8784; Filed, Aug. 8, 1952; 8:48 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.229 *Ceylon* amend paragraph (a) (4) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

b. In § 127.258 *French settlements in India (Chandermagore, Karikal, Mahe, Pondichery and Yanaon)* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

c. In § 127.298 *Madeira Islands* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

d. In § 127.306 *Morocco (French)* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

e. In § 127.333 *Portuguese East Africa (Mozambique)* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

f. In § 127.334 *Portuguese India* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

g. In § 127.336 *Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince's Island)* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

h. In § 127.348 *Saudi Arabia (Kingdom of)* amend paragraph (a) (5) *Air mail service* (17 F. R. 6595) by adding the following sentence: "Air-letter sheets, 10 cents each."

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-8785; Filed, Aug. 8, 1952; 8:48 a.m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.307 *Morocco (Spanish Zone, including the Spanish Post Office in the International Zone of Tangier)* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

2. Amend paragraph (b) (1) *Table of rates* by adding a new subdivision (ii) immediately after the table of surface parcel rates and before the tabulated information thereunder, to read as follows:

(ii) Air parcel rates: $1.25 for the first 4 ounces, and $0.50 for each additional 4 ounces or fraction.

3. In the tabulated information now following new paragraph (b) (1) (ii) make the following changes:

a. Strike out "Weight limit: 44 pounds." and insert in lieu thereof "Weight limit: [1] 11, 44 pounds."

b. Add a footnote below the table to read:

[1] Air parcels are limited to 11 pounds in weight.

b. In § 127.305 *Morocco, Tangier (International Zone)* amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20).

c. In § 127.356 *Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa: Ceuta, Melilla, Alhucemas, Chaferinas or Zafarani Islands, and Penon de Velez de la Gomera; also Andorra)* make the following changes:

1. Amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20).

2. Amend subdivision (ii) of paragraph (b) (1) *Table of rates* to read as follows:

(ii) Air parcel rates: $1.25 for first 4 ounces, and $0.50 for each additional 4 ounces or fraction. Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b) of Subpart B.)

d. In § 127.348 *Saudi Arabia (Kingdom of)* make the following changes:

1. Amend the table of rates in subdivision (ii) of paragraph (b) (1) *Table of rates* to read:

Rates: $1.60 for first 4 ounces; $0.80 for each additional 4 ounces or fraction.

2. Amend paragraph (b) (4) to read as follows:

(4) *Observations.* Parcel post service (surface and air) extends to the following places only:

Al Gaba.	Khobar.
Al Lith.	Mecca.
Al Wejh.	Medina.
Daha.	Qunfidha.
Dammam.	Rabigh.
Dhahran.	Rastanurra.
Hassa.	Riyadh.
Jiddah.	Umm Lej.
Jizam.	Yenbo.
Katif.	

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 52-8786; Filed, Aug. 8, 1952; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 6]

PARTS 71–78 EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of July, 1952.

It appearing, that pursuant to the Transportation of Explosives Act of March 4, 1921 (41 Stat. 1444), sections 831–835 of Title 18 of the United States Code approved June 25, 1948, and Part II of the Interstate Commerce Act, as amended, the Commission has heretofore formulated and published certain regulations for the transportation of explosives and other dangerous articles.

It further appearing, that in application received we are asked to amend the aforesaid regulations as set forth in provisions made a part thereof.

It is ordered, That the aforesaid regulations for the transportation of explosives and other dangerous articles be, and they are hereby, amended as follows:

PART 71—GENERAL INFORMATION AND REGULATIONS

Amend § 71.12 paragraph (b) (15 F. R. 8262, Dec. 2, 1950) (49 CFR 71.12, 1950 Rev.) to read as follows:

§ 71.12 *Export shipments by domestic carriers by rail and motor vehicles.* • • •

(b) Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

Amend § 72.5 (15 F. R. 8263, 8265, 8266, 8267, 8268, 8269, 8270, 8271, 8272, 8273, Dec. 2, 1950) (16 F. R. 11775, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 72.5) as follows:

§ 72.5 *List explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Dimethylamine, anhydrous	F. G.	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Grenades, hand or rifle, with gas, smoke or incendiary material but without bursting charges.	See §§ 73.88 (d), 73.330, 73.350.			
Magnesium scrap (borings, chunks clippings, shavings, sheets or turnings)	F. S.	73.153, 73.229	Yellow	100 pounds.
Monomethylamine, anhydrous	F. G.	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Perchloro-methyl mercaptan	Pois. B.	73.345, 73.360	Poison	10 pounds.
Trimethylamine, anhydrous	F. G.	73.302, 73.306, 73.314, 73.315.	Red Gas	300 pounds.
Add				
Aldrin	Pois. B.	73.376	Poison	200 pounds.
Aldrin mixture, liquid	Pois. B.	73.361	Poison	55 gallons.
Aldrin mixture, dry, with more than 15 percent aldrin.	Pois. B.	73.376	Poison	200 pounds.
Carbon, activated. See Charcoal, activated.				
Chloride and magnesium chloride mixture	Oxy. M.	73.153, 73.229	Yellow	100 pounds.
Cyclotrimethylenetrinitramine, desensitized. See High explosives.				
Cyclotrimethylenetrinitramine, wet with not less than 10 percent of water. See High explosives.				
Illuminating projectiles fuzed or not fuzed, with expelling charges. See Special fireworks.				
Isopropyl percarbonate, stabilized	Cor. L.	No exemption, 73.282.	White	Not accepted.
Isopropyl percarbonate, unstabilized	F. S.	No exemption, 73.218.	Yellow	Not accepted.
Pressurized flammable liquid, n. o. s.	F. L.	No exemption, 73.142.	Red	10 gallons.
Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See Special fireworks.				
Smoke projectiles with bursting charges. See Explosive projectile.				
Smoke projectiles with expelling charge but without bursting charge. See Special fireworks.				
Cancel				
Carboperoxide, stabilized	Cor. L.	No exemption, 73.282	White	Not accepted.
Carboperoxide, unstabilized	F. S.	No exemption, 73.218.	Yellow	Not accepted.
Illuminating projectiles fuzed and with expelling charges. See Explosive projectiles.				
Illuminating projectiles not fuzed and without expelling charges. See Special fireworks.				
Projectiles, illuminating, incendiary or smoke. See § 73.56 and Special fireworks.				

PART 73—SHIPPERS

Amend § 73.9 paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.9, 1950 Rev.) to read as follows:

§ 73.9 *Import and export shipments.* (a) Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by rail freight, rail express, motor vehicle, or water must comply with all requirements of the regulations in Parts 71–78 of this chapter. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed in Parts 71–78 of this chapter. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed in this part. Except for the requirements of §§ 77.817 and 77.823 of this chapter, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

• • • • •

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.33 paragraph (o) (15 F. R. 8282, Dec. 2, 1950) (49 CFR 73.33, 1950 Rev.) to read as follows:

§ 73.33 *Qualification, maintenance, and use of cargo tanks.* • • •

(o) Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, shall be provided with an approved suitable automatic excess-flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

(Exception remains unchanged.)

(Subparagraphs (1) and (2) remain unchanged.)

(3) Filling and discharge lines shall be provided with manually operated shut-off valves located as close to the tank as is practicable, except where an automatic quick-closing internal valve is used, in which case the manually operated shut-off valve may be located anywhere in the line ahead of the hose connection. The use of so-called "Stop-Check" valves to satisfy with one valve the requirements of this rule and of paragraph (o) of this section is forbidden.

• • • • • •

2. Amend § 73.34 Exception (k) (10) (15 F. R. 8284, Dec. 2, 1950) (49 CFR 73.34, 1950 Rev.) to read as follows:

§ 73.34 *Qualification, maintenance, and use of cylinders.* • • •

(k) • • •

(10) ICC–9 cylinders must be tested in accordance with the requirements of §§ 78.63–13 (a) and 78.63–17 (a) (2) of this chapter.

• • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.65 paragraphs (b) and (e) (15 F. R. 8289, Dec. 2, 1950) (49 CFR 73.65, 1950 Rev.) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(b) Ammonium picrate, nitroguanidine, nitrourea, urea nitrate, picric acid, tetryl, trinitroresorcinol, trinitrotoluene, pentolite and cyclotrimethylenetrinitramine (desensitized), in dry condition, in addition to containers prescribed in paragraph (a) (1) to (5) of this section, may be shipped in containers complying with the following specifications:

(No change in subparagraphs (1) and (2).)

• • • • •

(e) Ammonium picrate, picric acid, urea nitrate, trinitrobenzene, trinitroresorcinol, trinitrotoluene and cyclotrimethylenetrinitramine when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in containers complying with the following specifications:

(1) Spec. 10B (§ 78.156 of this chapter). Wooden barrels or kegs. Not over 50 gallons nominal capacity.

(2) (See § 73.192 for shipments of wet ammonium picrate, wet picric acid and wet urea nitrate not in excess of 16 ounces and § 73.193 for shipment of wet picric acid and wet urea nitrate not in excess of 25 pounds.) (See § 73.212 for shipments of wet trinitrobenzene and wet trinitrotoluene not in excess of 16 ounces.)

(3) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter.) Fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 200 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material which must be securely closed and then placed in the fiber drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol and water of such proportions that freezing will not occur in transit.

• • • • •

2. Amend § 73.69 paragraph (c) (15 F. R. 8291, Dec. 2, 1950) (49 CFR 73.69, 1950 Rev.) to read as follows:

§ 73.69 *Detonating fuzes, boosters, or other detonating fuze parts containing an explosive.* • • •

(c) Each outside package must be plainly marked "DETONATING FUZES — HANDLE CAREFULLY — DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVE" or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY."

• • • • • •

3. Amend § 73.88 paragraph (d) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.88, 1950 Rev.) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles and smoke projectiles fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives), and flash cartridges, consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

• • • • • •

4. Amend § 73.100 paragraph (e) (15 F. R. 8295, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 *Definition of class C explosives.* • • •

(e) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 73.53 (g) (2)).

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraph (b) to § 73.115 (15 F. R. 8297, Dec. 2, 1950) (49 CFR 73.115, 1950 Rev.) to read as follows:

§ 73.115 *Flammable liquids; definition.* • • •

(b) A pressurized flammable liquid for the purpose of Parts 71–78 of this chapter is any mixture other than a compressed gas in which the gas is used as an expellant, if any one of the following occurs:

(1) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(2) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(3) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Add paragraph (c) (22) to § 73.118 (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) • • •

(22) Pressurized flammable liquids.

3. Amend § 73.119 paragraph (a) (12) (16 F. R. 5323, June 6, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) • • •

(12) Spec. 103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 104A–AL–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II,[1] ARA–III,[1] ARA–IV,[1] or ARA–IV–A[1] (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.294, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274 or 78.289 of this chapter). Tank cars: For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

• • • • • •

4. Add paragraph (a) (3) to § 73.127 (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 *Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet.* (a) • • •

(3) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet.

• • • • • •

5. Add § 73.142 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.142, 1950 Rev.) to read as follows:

§ 73.142 *Pressurized flammable liquids.* (a) Pressurized flammable liquids must be packed in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas except acetylene.

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

(3) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with inside metal containers not over 30 cubic inches (16.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. Amend § 73.153 paragraph (c) (8) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) • • •

(8) Isopropyl percarbonate, unstabilized.

• • • • • •

2. Amend § 73.158 paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.158, 1950 Rev.) to read as follows:

§ 73.158 *Benzoyl peroxide, dry, lauroyl peroxide, dry, chlorobenzoyl peroxide (para), dry, or succinic acid peroxide, dry.* (a) • • •

(1) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing, not over 1 pound capacity each. Each inside container surrounded by asbestos or fire-resisting cushioning material which will protect contents with equal efficiency; net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, net weight not over 100 pounds is authorized.

• • • • • •

3. Amend § 73.162 paragraph (a) (1) (15 F. R. 8304, Dec. 2, 1950) (49 CFR 73.162, 1950 Rev.) to read as follows:

§ 73.162 *Charcoal.* (a) • • •

(1) Charcoal, activated or carbon, activated.

• • • • • •

4. Add paragraph (a) (6) to § 73.184 (15 F. R. 8308, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.184 *Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet.* (a) • • •

(6) Spec. 42F (§ 78.110 of this chapter). Aluminum barrels or drums. Authorized only for nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular or flake, wet.

• • • • • •

5. Amend § 73.193 paragraph (a) (1) (15 F. R. 8309, Dec. 2, 1950) (49 CFR 73.193, 1950 Rev.) to read as follows:

§ 73.193 *Picric acid or urea nitrate, wet.* (a) • • •

(1) Spec. 15A (§ 78.168 of this chapter). Wooden box with inside containers of tightly closed glass or earthenware, cushioned, in outside container. The net weight in an outside package must not exceed 25 pounds dry weight. (See § 73.65 (e) for shipment of wet picric acid and wet urea nitrate in excess of 25 pounds, and § 73.192 for exemption up to 16 ounces.)

6. Amend entire § 73.218 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.218, 1950 Rev.) to read as follows:

§ 73.218 *Isopropyl percarbonate, unstabilized.* (a) Isopropyl percarbonate, unstabilized, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter). Wooden boxes with glass or earthenware inside containers of not over 2 gallons capacity each which must be maintained at a temperature below 0° F. Shipments are authorized for transportation by carrier by motor vehicle only.

7. Amend entire § 73.220 (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.220, 1950 Rev.) to read as follows:

§ 73.220 *Magnesium scrap (borings, chunks, clippings, shavings, sheets, or turnings).* (a) Magnesium scrap consisting of borings, shavings, or turnings, when shipped in carloads or truckloads, must be packed in tightly and securely closed metal barrels, wooden barrels, metal pails, or four-ply paper bags. In less-than-carload or less-than-truckload quantities it must be packed in tightly and securely closed metal drums, metal pails, or wooden barrels.

(b) Magnesium scrap consisting of chunks, clippings, or sheets may be shipped in bulk in carload or truckload quantities. Cars must be tight boxcars or tightly closed steel or wood covered gondola cars and trucks or trailers must have closed or completely covered bodies.

(c) Magnesium scrap consisting of chunks, clippings, or sheets in tightly and securely closed metal drums, wooden barrels, or wooden boxes is exempt from specification packaging, marking, or labeling requirements.

8. Amend § 73.229 heading and introductory text of paragraph (a), and paragraph (c) (15 F. R. 8312, Dec. 2, 1950) (49 CFR 73.229, 1950 Rev.) to read as follows:

§ 73.229 *Chlorate and borate mixtures and chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures when containing no other ingredient must be packed as follows:

• • • • • •

(c) Chlorate and borate mixtures and chlorate and magnesium chloride mixtures containing no other ingredient and containing less than 50 percent chlorate, packed in strong tight metal or fiber drums or in wooden boxes with tight inside metal containers are exempt from specification packaging, marking, and labeling requirements for transportation by rail freight or highway.

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.244 paragraph (c) (13) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) • • •

(13) Isopropyl percarbonate, stabilized.

• • • • • •

2. Add paragraph (a) (11) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(11) Spec. 43A (§ 78.18 of this chapter). Rubber drums.

3. Amend § 73.262 paragraph (a) (1) (16 F. R. 11778, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.262) to read as follows:

§ 73.262 *Hydrobromic acid.* (a) • • •

(1) Spec. 1A, 1C, 1D, or 1E (§§ 73.1, 78.3, 78.4, or 78.7 of this chapter). Carboys in boxes, kegs or plywood drums.

• • • • • •

4. Add paragraph (a) (16) to § 73.264 (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(16) Spec. 1F (§ 78.10 of this chapter). Polyethylene carboys. Authorized for acid not over 60 percent strength.

• • • • • •

5. Amend § 73.265 paragraph (a) (2) (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.265, 1950 Rev.) to read as follows:

§ 73.265 *Hydrofluosilicic acid.* (a) • • •

(2) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs with inside containers of natural rubber or ceresine.

• • • • •

6. Add paragraph (a) (9) to § 73.271 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(9) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter). Tank cars. Authorized for phosphorus oxychloride only. Spec. 103A tanks must be of steel at least 10 percent nickel clad and Spec. 103A–W tanks must be of steel at least 20 percent nickel clad.

• • • • •

7. Amend § 73.282 Heading and introductory text of paragraph (a) (15 F. R. 8322, Dec. 2, 1950) (49 CFR 73.282, 1950 Rev.) to read as follows:

§ 73.282 *Isopropyl percarbonate, stabilized.* (a) Isopropyl percarbonate, stabilized, must be packed in specification containers as follows:

• • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. Amend § 73.300 entire paragraph (b) (15 F. R. 8324, Dec. 2, 1950) (49 CFR 73.300, 1950 Rev.) to read as follows:

§ 73.300 *Compressed gases; definition.* • • •

(b) Any compressed gas as defined in paragraph (a) of this section shall be classified as a flammable compressed gas if any one of the following occurs:

(1) If either a mixture of 13 percent or less (by volume) with air forms a flammable mixture (Note 2) or the flammability range (Note 2) with air is greater than 12 percent regardless of the lower limit.

(2) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 3), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus (see Note 3), there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 3), there is any explosion of the vapor-air mixture in the drum.

NOTE 1. American Society for Testing Materials Method of Test for Vapor-Pressure of Petroleum Products (D–323).

NOTE 2. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Bureau of Explosives. The flammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms a flammable mixture.

NOTE 3. A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

2. Amend the entry "Anhydrous ammonia" in paragraph (a) Table, § 73.308 fled gas" in paragraph (a) Table, § 73.308 and cancel Note 9 (16 F. R. 9376, Sept. 15, 1951) (15 F. R. 8327, Dec. 2, 1950) (49 CFR 1950 Rev., 1951 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (percent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e)
Anhydrous ammonia	54	ICC–4; ICC–3AA480; ICC–3AA480; ICC–3A480X; ICC–4AA480; ICC–3.

• • • • • • •

3. Amend § 73.315 paragraph (a) (1) Table and add Note 7 (15 F. R. 8330, Dec. 2, 1950) (49 CFR 73.315, 1950 Rev.) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (psig)
Anhydrous ammonia	56	82 see Note 5	ICC–51, MC–330	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330	150.
Anhydrous monomethylamine	60	See Note 7	ICC–51, MC–330	150.
Anhydrous trimethylamine	57	See Note 7	ICC–51, MC–330	150.
Carbon dioxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC–330	See subpar. (1) of this section.
Nitrous oxide	See par. (c) of this section.	95	ICC–51, MC–330	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	170; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	ICC–51, MC–330	125, see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6.	ICC–51	225.

• • • • • • •

NOTE 7: Tanks must be filled by weight.

• • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.353 paragraphs (a) (3), (a) (5) and (b) (17 F. R. 1562, Feb. 20, 1952) (16 F. R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1951 Supp., 73.353) to read as follows:

§ 73.353 *Methyl bromide.* (a) • • •

(3) Spec. 3A225, 3AA225, 3B225, 3E1800, 4A225, 4B225, or 4BA225 (§§ 78.36, 78.37, 78.38, 78.42, 78.49, 78.50, or 78.51 of this chapter). Metal cylinders of not over 125 pounds water capacity (nominal). Valves or other closing devices must be protected, to prevent injury in transit, by screw-on metal caps or by packing the cylinders in strong boxes or crates. Cylinders having a wall thickness of less than 0.08 inch must be packed in boxes or crates (see § 73.25).

(No change in Note 1.)

• • • • •

(5) Spec. 104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, or 106A800 (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, 78.289, 78.275, or 78.276 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 104A, 104A–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, or 105A600W (§§ 78.270, 78.285, 78.271, 78.286, 78.272, 78.287, 78.273, 78.288, 78.274, or 78.289 of this chapter) at 105° F., spec. 106A500, 106A500X, or 106A800 (§ 78.275 or 78.276 of this chapter) at 130° F.

• • • • • • •

2. Add § 73.360 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.360, 1950 Rev.) to read as follows:

§ 73.360 *Perchloro-methyl-mercaptan.* (a) Perchloro-methyl-mercaptan in any quantity must not be packed with any other article. When offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(1) Spec. 11A or 11B (§§ 78.160 or 78.161 of this chapter). Wooden barrels or kegs, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(2) Spec. 15A, 15B, 15C, or 16A (§§ 78.168, 78.169, 78.170, or 78.185 of this chapter). Wooden boxes, with inside containers which must be glass bottles not over 2 quarts capacity each, individually enclosed in tightly closed metal cans and cushioned therein with incombustible material. Net weight not over 100 pounds in one outside container.

(3) Spec. 5H (§ 78.87 of this chapter). Lead-lined metal barrels or drums not over 33 gallons each.

3. Add § 73.361 (15 F. R. 8336, Dec. 2, 1950) (49 CFR 73.361, 1950 Rev.) to read as follows:

§ 73.361 *Aldrin mixtures, liquid.* (a) Aldrin mixtures, liquid, must be shipped in specification containers as follows:

(1) As prescribed in § 73.346.

(2) Spec. 6A, 6B, or 6C (§§ 78.97, 78.98, or 78.99 of this chapter). Metal barrels or drums. Authorized only for viscous mixtures or those which may become partially solid.

(3) Spec. 17C or 17H (§§ 78.115 or 78.118 of this chapter). Metal drums (single-trip). Drums with opening exceeding 2.3 inches in diameter authorized only for viscous mixtures or those which may become partially solid.

4. Amend entire § 73.376 (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.376, 1950 Rev.) to read as follows:

§ 73.376 *Aldrin and aldrin mixtures, dry.* (a) Aldrin and aldrin mixtures, dry, must be packed in specification containers as follows:

(1) As prescribed in § 73.365.

(b) Dry mixtures containing not more than 20 percent aldrin and no other material classed as dangerous under these regulations must be packed in specification containers as follows:

(1) As prescribed in paragraph (a) (1) of this section.

(2) Spec. 36A or 36B (§§ 78.230 or 78.233 of this chapter). Triplex bags.

(3) Spec. 44B, 44C, or 44D (§§ 78.236, 78.237, or 78.238 of this chapter). Multiwall paper bags.

(c) Dry mixtures containing not more than 15 percent aldrin and no other material classed as dangerous under these regulations are exempt from specification packaging, marking, and labeling requirements.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. Amend § 73.414 note to label in paragraph (a) (15 F. R. 8343, Dec. 2, 1950) (49 CFR 73.414, 1950 Rev.) to read as follows:

§ 73.414 *Radioactive materials labels.* (a) • • •

NOTE: This label must be duly executed by the shipper and the number of radiation units must be shown. For purposes of these regulations 1 unit equals 1 milliroentgen per hour at 1 meter for hard gamma radiation or the amount of radiation which has the same effect on film as 1 mrhm or hard gamma rays of radium filtered by ½ inch of lead.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART D—UNLOADING FROM CARS

Amend wording of the 15th line on "Dangerous—Empty" placard in paragraph (c) § 74.563 (15 F. R. 8353, Dec. 2, 1950) (49 CFR 74.563, 1950 Rev.) to read as follows:

§ 74.563 *"Dangerous—Empty" placard.* • • •

(c) • • •

having a handle at least 36 inches long.

• • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. Amend § 77.803 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.803, 1950 Rev.) to read as follows:

§ 77.803 *Import shipments by domestic carriers by motor vehicle.* • • •

(b) Import shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such import shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

2. Amend § 77.804 paragraph (b) (15 F. R. 8362, Dec. 2, 1950) (49 CFR 77.804, 1950 Rev.) to read as follows:

§ 77.804 *Export shipments by domestic carriers by motor vehicle.* • • •

(b) Export shipments transferred in port areas by motor vehicle: Except for the requirements of §§ 77.817 and 77.823, the provisions of Parts 71–78 of this chapter do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors). Further transportation of such export shipments by connecting water carrier shall be subject to the regulations prescribed by the Commandant of the Coast Guard.

SUBPART B—LOADING AND UNLOADING

1. Amend § 77.835 paragraph (f) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 77.835, 1950 Rev.) to read as follows:

§ 77.835 *Explosives.* • • •

(f) *Explosives vehicles, floors tight and lined.* Motor vehicles transporting class A or class B explosives shall have tight floors; shall have that portion of the interior in contact with the load lined with either non-metallic material or non-ferrous metals; and shall have the interior of the cargo space in good condition so that there will not be any likelihood of containers being damaged by exposed bolts, nuts, broken side panels or floor boards, or any similar projections.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. Add § 78.10 to § 78.10–6 (15 F. R. 8379, Dec. 2, 1950) (49 CFR 78.10–78.10–6, 1950 Rev.) to read as follows:

§ 78.10 *Specification 1F; polyethylene carboys in plywood drums.*

§ 78.10–1 *Compliance.* (a) Required in all details.

§ 78.10–2 *Capacity and marking of carboy.* (a) Containers 5 to 13 gallons capacity are classed as carboys. Actual capacity must be the marked capacity plus 5 percent minimum. Must be permanently marked to indicate capacity, maker, month and year of manufacture; mark of maker to be registered with the Bureau of Explosives.

§ 78.10–3 *Polyethylene carboys.* (a) Carboys shall be made of polyethylene with no plasticisers or additives and have a maximum melt index value of 2.5 grams per 10 minutes as determined in accordance with method acceptable to the Bureau of Explosives. Carboys must have a minimum weight and wall thickness in accordance with the following table:

Marked capacity	Minimum wall thickness	Minimum weight of bottles
Gallons 6½ 13	*Inch* 1/16 1/16	*Pounds* 4 8

(b) Closing device shall be of material resistant to the lading and adequate to prevent leakage.

(c) Polyethylene carboys, as manufactured and filled to marked capacity with a material which remains in a liquid form, shall be capable of withstanding a 4-foot drop without leakage, after prior conditioning for 24 hours to at least −10° Fahr. or lower, onto solid concrete so as to strike diagonally on the bottom corner.

§ 78.10–4 *Outside containers.* (a) Plywood drums completely enclosing body of carboy or completely enclosing body and neck of carboy and constructed as follows:

(1) Lumber must be well seasoned, commercially dry, and free from decay, loose knots that interfere with nailing, and other defects that would materially lessen the strength. Plywood sections used in construction of this container shall be firmly glued together with waterproof glue. A section of plywood from any part when immersed in water at room temperature for 48 hours shall show no delamination or separation of plies to qualify glue as waterproof.

(2) Body shell must be of two 2-ply sections of good commercial box or sheathing grade hardwood veneer, each having a minimum thickness of 1/12 inch up to 6½ gallons and 1/11 inch up to 13 gallons, made up by telescoping one 2-ply shell with the outer shell. The body shall be butt-jointed and shall be fastened on the outside with a 28-gauge metal strip not less than 1½ inches in width and with staples of 17-gauge metal driven on each side of the outer joint and spaced not more than 1½ inches apart and clinched on inside of the outer body. The grain of outside ply should be parallel and grain of inner ply vertical to plane of the heads.

(3) Heads must be of at least three plies of good commercial box or sheathing grade hardwood veneer having a total minimum thickness of 3/8 inch up to 6½ gallons and 7/16 inch up to 13 gallons. The grain of alternate plies shall be at

right angles. Each head shall be circled to fit snugly within the body shell.

(4) Hoops must be of three plies of good commercial box or sheathing grade hardwood veneer having a minimum of 5/24 inch thickness by 2½ inches width up to 6½ gallons and 3/10 inch thickness by 3 inches width up to 13 gallons. The grain of alternate plies shall be at right angles. Hoops shall butt or slightly gap and shall be fastened to the body sections with staples of 17-gauge metal spaced on not less than 3-inch centers and clinched on inner surface.

(5) Head liners must be of hardwood veneer having a minimum of ⅓ inch thickness and ⅝ inch width up to 6½ gallons and ¼ inch thickness by ¾ inch width up to 13 gallons. The top head liners shall be fastened to body shell with staples of 17-gauge metal on not less than 3-inch centers and clinched on inner surface. The bottom head liners shall be fastened the same as top head liners, or by 14-gauge metal staples driven through the head liner and body into outer hoop on not less than 4-inch centers.

§ 78.10–5 *Marking of outside container.* (a) Each outside container must be plainly marked with letters and figures at least ¾ inch high applied by hot branding iron or dark colored printing ink with high pressure dies as follows:

(1) ICC–1F. This mark shall be understood to certify that the complete package complies with all specification requirements.

(2) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with the specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in paragraph (a) (1) of this section.

§ 78.10–6 *Tests.* (a) Samples, taken at random and with inner container filled to marked capacity with water and closed as for use, shall be capable of withstanding prescribed tests without leakage. Tests shall be made of each size by each company starting production. The type tests are as follows:

(1) Compression test side to side against flat surfaces of at least 5,000 pounds without deflection of over 1 inch.

(2) One 4-foot drop onto solid concrete so as to strike diagonally on either chime.

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

Amend § 78.23–1 paragraph (a) Table (15 F. R. 8380, Dec. 2, 1950) (49 CFR 78.23–1, 1950 Rev.) to read as follows:

§ 78.23–1 *Construction.* (a) • • •

Maximum weight of contents (pounds)	Minimum [1] weight (per 500 sheets 24" x 36") and strength			
	One sheet		Other sheet	
	Weight [1] (pounds)	Strength, Mullen test	Weight [1] (pounds)	Strength, Mullen test
2	30	30	30	30
6	50	50	40	40
12	60	60	50	50
26	70	70	60	60

[1] Footnote remains the same.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. Amend § 78.43 heading and § 78.43–2 paragraph (a) (15 F. R. 8396, 8397, Dec. 2, 1950) (49 CFR 78.43, 78.43–2, 1950 Rev.) to read as follows:

§ 78.43 *Specification 3A480X; seamless steel cylinders.*

• • • • •

§ 78.43–2 *Type, size, and service pressure*—(a) *Type and size.* Seamless, having not more than 278 pounds nominal water capacity.

• • • • •

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Amend § 78.80–2 paragraph (a) (15 F. R. 8432, Dec. 2, 1950) (49 CFR 78.80–2, 1950 Rev.) to read as follows:

§ 78.80–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.80–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

2. Amend § 78.81–2 paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81–2, 1950 Rev.) to read as follows:

§ 78.81–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.81–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity nor greater than rated capacity plus 2 percent plus 2 quarts.

3. Amend § 78.82–2 paragraph (a) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82–2, 1950 Rev.) to read as follows:

§ 78.82–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.82–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

4. Amend § 78.83–2 paragraph (a) and § 78.83–13 paragraph (a) (15 F. R. 8434, 8435 and 8436, Dec. 2, 1950) (49 CFR 78.83–2 and 78.83–13, 1950 Rev.) to read as follows:

§ 78.83–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.83–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.83–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

5. Amend § 78.84–2 paragraph (a), § 78.84–13 paragraph (a) and § 78.84–14 paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84–2, 78.84–13 and 78.84–14, 1950 Rev.) to read as follows:

§ 78.84–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.84–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.84–13 *Type tests.* (a) Sample containers, before lining is applied, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

§ 78.84–14 *Leakage test.* (a) Each container, with lining material applied, shall be tested, with seams under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representative of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Removable head containers not required to be tested with heads in place except that samples taken at random and closed as for use, of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

6. Amend § 78.86–2 paragraph (a) and § 78.86–13 paragraph (a) (15 F. R. 8437, 8438, Dec. 2, 1950) (49 CFR 78.86–2 and 78.86–13, 1950 Rev.) to read as follows:

§ 78.86–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.86–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.86–13 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 4 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

7. Amend § 78.87–2 paragraph (a) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87–2, 1950 Rev.) to read as follows:

§ 78.87–2 *Rated capacity.* (a) Rated capacity is marked, see § 78.87–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

8. Amend § 78.88–2 paragraph (a) and § 78.88–12 paragraph (a) (15 F. R. 8439, Dec. 2, 1950) (49 CFR 78.88–2 and 78.88–12, 1950 Rev.) to read as follows:

§ 78.88–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.88–10 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.88–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 40 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

9. Amend § 78.90–2 paragraph (a) and § 78.90–12 paragraph (a) (15 F. R. 8440, 8441, Dec. 2, 1950) (49 CFR 78.90–2 and § 78.90–12, 1950 Rev.) to read as follows:

§ 78.90–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.90–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

§ 78.90–12 *Type tests.* (a) Samples, taken at random and closed as for use, must be capable of withstanding prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 12 months, except as provided in subparagraph (3) of this paragraph. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with water to 98 percent capacity, from height of 6 feet onto solid concrete so as to strike diagonally on chime, or when without chime seam, to strike on other circumferential seam; also additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime or rolling hoops must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 80 pounds per square inch sustained for 5 minutes.

(3) Periodic drop and hydrostatic tests are not required where container has satisfactorily met prescribed tests at the original start of production. Satisfactory test results must be obtained on samples of subsequent containers that have been altered in design or construction. Samples so tested must be retained.

10. Amend § 78.91–2 paragraph (a) (15 F. R. 8441, Dec. 2, 1950) (49 CFR 78.91–2, 1950 Rev.) to read as follows:

§ 78.91–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.91–11 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

11. Amend § 78.97–2 paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97–2, 1950 Rev.) to read as follows:

§ 78.97–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.97–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

12. Amend § 78.98–2 paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98–2, 1950 Rev.) to read as follows:

§ 78.98–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.99–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

13. Amend § 78.99–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99–2, 1950 Rev.) to read as follows:

§ 78.99–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.99–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

14. Amend § 78.100–2 paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.100–2, 1950 Rev.) to read as follows:

§ 78.100–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.100–9 (a) (3). Actual capacity of straight-sided containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts; actual capacity of bilge-type containers must be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 2 quarts.

15. Amend § 78.101–2 paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101–2, 1950 Rev.) to read as follows:

§ 78.101–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.101–9 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

16. Add § 78.110 to § 78.110–11 (15 F. R. 8447, Dec. 2, 1950) (49 CFR 78.110, 1950 Rev.) to read as follows:

§ 78.110 *Specification 42F; aluminum barrels or drums.* Removable heads.

§ 78.110–1 *Compliance.* (a) Required in all details.

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Minimum thickness of material (inch)		Rolling hoops
			Body	Head	
50	450	Bilge	0.091	0.102	None

§ 78.110–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.110–8 (a) (3). Actual capacity shall be not less than rated capacity, nor greater than rated capacity plus 2 percent plus 1 gallon.

§ 78.110–3 *Composition.* (a) Body and heads of aluminum alloy 61S, or an aluminum base alloy of equivalent corrosion resistance and physical properties.

§ 78.110–4 *Seams.* (a) None. Body shall be seamless.

§ 78.110–5 *Parts and dimensions.* (a) Parts and dimensions as follows:

§ 78.110–6 *Closures.* (a) Adequate to prevent leakage; gaskets required.

(b) Closures must be of bolted ring type made of not less than 10 gauge carbon steel with drop forged threaded lugs and $\frac{5}{8}$" minimum diameter cap screw.

§ 78.110–7 *Defective containers.* (a) Leaks and other defects shall be repaired by welding, using welding material of same composition as parts being repaired.

§ 78.110–8 *Marking.* (a) Marking on each container by embossing on head with raised marks as follows:

(1) ICC–42F***; stars to be replaced by the authorized gross weight (for example, ICC–42F450, etc.). This mark shall be understood to certify that the container complies with all specification requirements.

(2) Name or symbol (letters) of maker; this must be recorded with the Bureau of Explosives.

(3) Gauge of metal, Brown and Sharpe, in thinnest part; rated capacity, in gallons; and year of manufacture (for example, 11–50–52). When gauge of metal in body differs from that in head, both must be indicated with slanting line between and with gauge of body indicated first (for example, 11/10–50–52 for body 11 gauge and head 10 gauge).

§ 78.110–9 *Size of markings.* (a) Size of markings (minimum): $\frac{1}{2}$" high for 33 gallons or less, $\frac{3}{4}$" for over 33 gallons.

§ 78.110–10 *Type tests.* (a) Samples, taken at random and closed as for use, shall withstand prescribed tests without leakage. Tests to be made of each type and size by each company starting production and to be repeated every 4 months. Samples last tested to be retained until further tests are made. The type tests are as follows:

(1) Test by dropping, filled with dry, finely powdered material to the authorized gross weight, from height of 4 feet onto solid concrete so as to strike diagonally on top chime, or when without chime seam to strike on other circumferential seam; also an additional drop test on any other parts which might be considered weaker than the chime. Closing devices and other parts projecting beyond chime must also be capable of withstanding this test.

(2) Hydrostatic pressure test of 30 pounds per square inch sustained for 5 minutes. Leakage through closure shall not constitute failure.

§ 78.110–11 *Leakage test.* (a) Each container shall be tested under water or covered with soapsuds or heavy oil, by interior air pressure of at least 15 pounds per square inch. Equally efficient means of testing are authorized upon demonstration and proof of satisfactory tests to representatives of Bureau of Explosives. Leakers shall be rejected or repaired and retested. Containers not required to be tested with heads in place, except that samples taken at random and closed as for use of each type and size, must be tested at start of production and repeated every 4 months. Samples so tested must be retained until further tests are made.

17. Amend § 78.115–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.115–2, 1950 Rev.) to read as follows:

§ 78.115–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.115–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

18. Amend § 78.116–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.116–2, 1950 Rev.) to read as follows:

§ 78.116–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.116–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

19. Amend § 78.117–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.117–2, 1950 Rev.) to read as follows:

§ 78.117–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.117–11 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 2 quarts.

20. Amend § 78.118–2 paragraph (a) (17 F. R. 4297, May 10, 1952) (49 CFR 78.118–2, 1950 Rev.) to read as follows:

§ 78.118–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.118–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent plus 2 quarts.

21. Amend § 78.119–2 paragraph (a) (5 F. R. 8450, Dec. 2, 1950) (49 CFR 78.119–2, 1950 Rev.) to read as follows:

§ 78.119–2 *Rated capacity.* (a) Rated capacity as marked, see § 78.119–10 (a) (3). Actual capacity of containers shall be not less than rated (marked) capacity plus 2 percent, nor greater than rated capacity plus 2 percent, plus 1 quart, except that for containers over 30 gallons marked capacity actual capacity shall be not less than rated capacity plus 2 percent; nor greater than rated capacity plus 2 percent plus 2 quarts.

22. Amend § 78.125–5 paragraph (a) Table (17 F. R. 4297, May 10, 1952) (49 CFR 1950 Rev., 1951 Supp., 78.125–5) to read as follows:

§ 78.125–5 *Parts and dimensions.* (a) • • •

Marked capacity not over (gallons)	Authorized gross weight not over (pounds)	Type of container	Welded side seam required	Minimum thickness in the black (gauge, United States standard)	
				Body sheet	Head sheet
"	60	Straight side	No	26	26
	80	do	No	24	24
	160	do	No	22	22
	300	do	No	20	20
	425	do	No	19	19
	480	do	Yes	19	19
	880	do	Yes	18	18

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

Amend § 78.218–4 paragraph (a) (15 F. R. 8480, Dec. 2, 1950) (49 CFR 78.218–4, 1950 Rev.) to read as follows:

§ 78.218–4 *Stitching staples.* (a) If used, shall be of steel wire, copper-coated or equivalent in nonsparking quality, at least $\frac{3}{32}$" by 0.019" or equivalent cross section formed into staples approximately $\frac{7}{16}$" wide.

SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Add paragraph (c) to § 78.245–1 (15 F. R. 8483, Dec. 2, 1950) (49 CFR 78.245–1, 1950 Rev.) to read as follows:

§ 78.245–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated portable tank shall, unless it is constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend § 78.270 entire paragraph ICC–12 (15 F. R. 8495, Dec. 2, 1950) (49 CFR 78.270, 1950 Rev.) to read as follows:

§ 78.270 *Specification for tank cars having lagged riveted steel tanks, Class ICC–104A.* • • •

ICC–12. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–12. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

2. Amend § 78.280 AAR–6 (j–1) Note 1 paragraph (b) (16 F. R. 11783, Nov. 21, 1951) (49 CFR 1950 Rev., 1951 Supp., 78.280) to read as follows:

§ 78.280 *Specification for tank cars having fusion-welded steel tanks Class ICC–103–W.* • • •

AAR–6. *Nondestructive tests.* (j–1) • • •

NOTE 1: • • •

(b) Should the length of slag inclusions or cavities, if any, described in paragraph AAR–6 (j–12) be not greater than $\frac{T}{16}$, where T is the thickness of the weld, and the number of such imperfections is not in excess of one (1) for any fifteen (15) foot increment of radiographed longitudinal and circumferential fusion welded joint of all three tanks, then only the intersections of all longitudinal and circumferential fusion welded joints of all remaining tanks in the first group of twenty (20) covered by the same purchase order shall be radiographed.

• • • • •

3. Amend § 78.285 entire paragraph ICC–11 (15 F. R. 8514, Dec. 2, 1950) (49 CFR 78.285, 1950 Rev.) to read as follows:

§ 78.285 *Specification for tank cars having lagged fusion-welded steel tanks Class ICC–104A–W.* • • •

ICC–11. *Venting, loading and discharging, gauging and sampling devices.* (a) Venting, and loading and discharging valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Interior pipes of the liquid and gas discharge valves must be equipped with check valves.

ICC–11. (b) Gauging device, sampling valve, and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve must be equipped with check valves of approved design. Thermometer well must be closed with screw plug.

4. Add § 78.294 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.294, 1950 Rev.) to read as follows:

§ 78.294 *Specification for tank cars having fusion-welded aluminum tanks, Class ICC–104A–AL–W.* This specification covers Class ICC–104A–AL–W tank cars having lagged fusion-welded aluminum tanks to which have been added A. A. R. details which are not inconsistent therewith. Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (b), (c), (d), and (e) Procedure.

(a) *General requirements.* Tanks built under this specification must comply with all provisions of Specification ICC–103–AL–W, except as modified in the following paragraphs (paragraph numbers refer to like numbers in § 78.291 Specification ICC–103–AL–W):

ICC–1. *Type.* (a) Tanks built under this specification must be cylindrical, with heads dished convex outward. The tank must be provided with a manhole nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and provide for the proper mounting of venting, loading, unloading, sampling, and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank prohibited, except those required for testing anchor rivets and their protective coverings.

ICC–1. (b) The tank shell and manhole nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahr. differential in temperature per hour. The entire insulation must be covered with a metal jacket, efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each pipe may be reduced in thickness equivalent to one-half that required for shell.

AAR-1. (a) See paragraph ICC-1 (b).

ICC-2. *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

AAR-2. (b) The opening in the tank for manhole nozzle must be reinforced so as to provide the required cross-sectional area as determined by formula shown on Figure 14-A.

ICC-4. *Thickness and width of plates.* (a) The minimum thickness of plates for heads, shell, and bottom must be $^{11}/_{16}$".

AAR-5. (a-1) The tank heads must be ellipsoidal for pressure on the concave side.

AAR-5. (a-2) This paragraph does not apply.

AAR-5. (b-1) This paragraph does not apply.

ICC-6. (b) Manhole nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

ICC-9. *Expansion dome.* (a) Expansion dome prohibited.

ICC-9. (b) This paragraph does not apply.

ICC-9. (c) This paragraph does not apply.

AAR-9. (a) This paragraph does not apply.

AAR-9. (b) This paragraph does not apply.

AAR-9. (c) This paragraph does not apply.

AAR-9. (d) This paragraph does not apply. See paragraph AAR-2 (b).

ICC-10. *Manhole nozzle, cover and protective housing.* (a) Manhole nozzle must be of cast, forged, pressed, or fabricated aluminum alloy or other material not subject to rapid deterioration by the lading, at least 18" inside diameter having approved wall thicknesses and dimensions.

ICC-10. (b) Manhole cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manhole cover must be attached to manhole nozzle by through bolts not entering tank.

ICC-10. (c) The shearing value of the bolts attaching protective housing to manhole cover must not exceed 70 percent of shearing value of bolts attaching manhole cover to manhole nozzle.

ICC-10. (d) All joints between manhole cover and manhole nozzle, and between manhole cover and valve or other appurtenances mounted thereon, must be made tight against vapor pressure.

ICC-10. (e) Protective housing of cast, pressed, or fabricated steel or other approved materials must be bolted to manhole cover. Housing must be equipped with a cover that can be securely closed. Housing cover on tanks used for the transportation of flammable compressed gases must be provided with an opening equipped with an approved weatherproof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

AAR-10. *Manhole cover.* (a) For dimensions and tolerances of manhole covers see Figure 8 and 8-A.

ICC-11. *Venting, loading and discharging, gauging and sampling devices.* (a) These devices must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The venting and loading and discharging valves must be directly bolted to seatings on manhole cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement. Thermometer well and sampling valve, if applied, must be closed with screw plugs or valves.

ICC-11. (b) The interior pipes of the liquid and gas discharge valves, except as prescribed in paragraph ICC-11 (c) may be equipped with check valves of an approved design.

ICC-11. (c) Tanks for the use in transportation of liquefied compressed flammable gases must have the interior pipes of the liquid and gas discharge valves equipped with check valves of an approved design.

ICC-11. (d) Gauging device, sampling valve, check valves, and thermometer well are not specification requirements on tanks used for the transportation of commodities other than those classed as liquefied compressed flammable gases.

ICC-12. (a) This paragraph does not apply.

AAR-12. (a) This paragraph does not apply.

ICC-13. (a) Bottom discharge outlet prohibited.

ICC-13. (b) This paragraph does not apply.

ICC-13. (c) This paragraph does not apply.

AAR-13. (a) This paragraph does not apply.

AAR-13. (b) This paragraph does not apply.

AAR-13. (c) This paragraph does not apply.

AAR-13. (d) This paragraph does not apply.

AAR-13. (e) This paragraph does not apply.

AAR-13. (f) This paragraph does not apply.

AAR-13. (g) This paragraph does not apply.

ICC-14. *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved type, made of metal not subject to rapid deterioration by lading and mounted on manhole cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

ICC-14. (b) This paragraph does not apply.

ICC-14. (c) The safety valves must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see paragraph ICC-18).

ICC-14. (d) This paragraph does not apply.

AAR-14. (a) Safety valve must be of approved design. See Appendix "A" for formula for calculating discharge capacity of valve and method of testing sample valve of a particular design to determine its actual discharge capacity which must at least equal the capacity calculated as necessary to prevent building up pressure in the tank in excess of 75 pounds per square inch.

AAR-14. (b) This paragraph does not apply.

ICC-15. *Fixtures, reinforcements, and attachments, not otherwise specified.* (a) Attachments, other than the anchorage and those mounted on manhole nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

AAR-15. (b) This paragraph does not apply.

ICC-16. *Plugs for openings.* (a) Plugs must be of approved type with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

ICC-17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity having a temperature which must not exceed 100° F. during test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves, must be in place while test is made.

ICC-17. (c) Tests of exterior heater systems not a specification requirement.

AAR-17. (b) See paragraph ICC-17 (a).

ICC-18. *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

AAR-18. (a) This paragraph does not apply.

ICC-19. *Retests of tanks and safety valves.* (a) Tanks must be retested at intervals of 5 years or less to a pressure as prescribed in paragraph ICC-17 (a), except that the tank lagging and jacket need not be removed unless the pressure in the tank drops during the test period, indicating leakage; and safety valves must be retested to a pressure as prescribed in paragraphs ICC-14 (c) and ICC-18. Tanks must be retested before being returned to service after any repairs requiring welding. Reports must be rendered as prescribed in paragraph ICC-21.

AAR-19. (a) See paragraph ICC-19 (a).

ICC-20. (b) ICC-104A-AL-W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

ICC-20. (g) This paragraph does not apply.

ICC-20. (h) This paragraph does not apply.

ICC-20. (j) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in paragraphs ICC-20 (c) and ICC-20 (d). This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within three feet of the right or left side of ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows: Water Capacity 000000 Pounds.

5. Add Figures 8A and 14A to Appendix C, Part 78, Subpart I (15 F. R. 8534, 8536, Dec. 2, 1950) (49 CFR Appendix C, Part 78, Subpart I, 1950 Rev.) as follows:

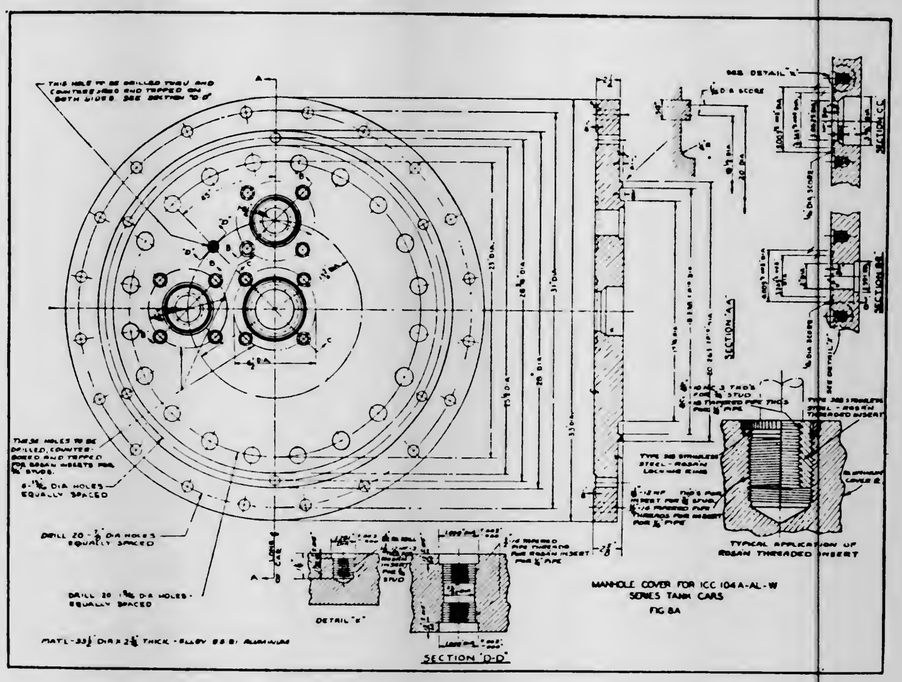

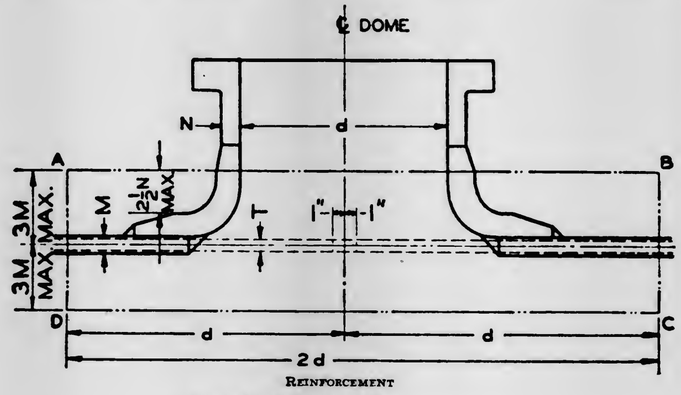

REINFORCEMENT

d = inside diameter of nozzle.
T = shell thickness required by specifications.
M = actual shell thickness.
N = nozzle thickness.

Cross-section area available equals actual area in rectangle *ABCD*. (Use $3M$ or $2½N$ whichever is less.) =
Area required equals $2T(d-1)$ =

Excess area over requirements =

FIGURE 14A—Nozzle reinforcement (ICC 104A-AL-W).

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

Add paragraph (c) to § 78.336–1 (15 F. R. 8556, Dec. 2, 1950) (49 CFR 78.336–1, 1950 Rev.) to read as follows:

§ 78.336–1 *Requirements for design and construction.* • • •

(c) On and after August 31, 1953, every uninsulated cargo tank permanently attached to a tank motor vehicle shall, unless it be constructed of aluminum, stainless steel, or other bright nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color.

It is further ordered, That the foregoing amendments to the aforesaid regulations shall have full force and effect on October 25, 1952, and that such regulations as herein amended shall thereafter be observed until further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations as herein amended is hereby authorized on and after the date of service of this order.

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. Sup. 835. Interpret or apply 62 Stat. 738; 18 U. S. C. 831–834)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8807; Filed, Aug. 8, 1952; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

OPERATION PENDING ACTION ON RENEWAL APPLICATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1952;

The Commission having under consideration § 1.384 of the Commission's rules and regulations;

It appearing, that § 1.384 of the Commission's rules and regulations should be amended so as to make this section expressly consistent with the requirements of the Administrative Procedure Act; and

It further appearing, that this amendment is procedural in character and that, therefore, the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable and that the amendment may be made effective immediately; and

It further appearing, that the amendment is issued pursuant to the authority contained in sections 4 (i) and (j) and 303 (r) of the Communications Act of 1934, as amended, and section 9 (b) of the Administrative Procedure Act;

It is ordered, That effective immediately § 1.384 of the Commission's rules and regulations is amended to read as follows:

§ 1.384 *Operation pending action on renewal application.* (a) When there is pending before the Commission at the time of expiration of license any proper and timely application for renewal of license with respect to any activity of a continuing nature, in accordance with the provisions of section 9 (b) of the Administrative Procedure Act, such license shall continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to the renewal application. No operation by any licensee under this section shall be construed as a finding by the Commission that the operation will serve public interest, convenience, or necessity nor shall such operation in any way affect or limit the action of the Commission with respect to any pending application or proceeding. A licensee operating by virtue of this section shall, after the date of expiration specified in the license, post in addition to the original license the acknowledgment received from the Commission that the renewal application has been accepted for filing or a signed copy of the application for renewal of license which has been submitted by the licensee or, in services other than broadcast and common carrier, a statement certifying that the licensee has mailed or filed a renewal application, specifying the date of mailing or filing.

(b) Where there is pending before the Commission at the time of expiration of license any proper and timely application for renewal or extension of the term of a license with respect to any activity not of a continuing nature, the Commission may in its discretion grant a temporary extension of such license, pending determination of such application. No such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, or necessity beyond the express terms of such temporary extension of license nor shall such temporary extension in any way affect or limit the action of the Commission with respect to any pending application or proceeding.

(c) Except where an instrument of authorization clearly states on its face that it relates to an activity not of a continuing nature, or where the authorization is expressly denominated "temporary", or where the non-continuing nature is otherwise clearly apparent upon the face of the authorization, all licenses issued by the Commission shall be deemed to be related to an activity of a continuing nature.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: August 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE, *Secretary*

[F. R. Doc. 52-8808; Filed, Aug. 8, 1952; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 36—ALASKA REGION

SUBPART—ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

WATERFOWL AND PTARMIGAN HUNTING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that the continuation of waterfowl and ptarmigan hunting can be permitted on a part of Adak Island in the Aleutian Islands National Wildlife Refuge, Alaska, without interfering with the primary purpose of the refuge.

Inasmuch as the following regulation is a relaxation of existing regulations applicable to the Aleutian Islands National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 36.11 is revised to read as follows:

§ 36.11 *Waterfowl and ptarmigan hunting permitted.* Hunting migratory waterfowl and ptarmigan is permitted on all of Adak Island of the Aleutian Islands National Wildlife Refuge except that part south and west of a line extending from the head of the South Arm of Three Arm Bay to the head of the Bay of Waterfalls, as designated by posting by the officer in charge of the refuge, subject to the provisions, restrictions and requirements of §§ 36.12 and 36.13. Migratory waterfowl may be taken during the season prescribed and in accordance with the provisions of applicable Federal laws and regulations during the 1952 calendar year. Ptarmigan may be hunted in the daylight hours during the period August 20, 1952, to February 28, 1953, inclusive, in accordance with the provisions of current Alaska game law regulations.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 4, 1952.

O. H. JOHNSON, *Acting Director.*

[F. R. Doc. 52-8772; Filed, Aug. 8, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Parts 904, 934, 947, 996, 999]

[Docket Nos. AO–14–A21, AO–83–A17, AO–203–A3, AO–204–A3, AO–113–A14, A11 RO–1]

HANDLING OF MILK IN GREATER BOSTON, LOWELL-LAWRENCE, SPRINGFIELD, WORCESTER, AND FALL RIVER, MASS., MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Barre, Vermont, on January 28; West Springfield, Massachusetts, on January 29; and Boston, Massachusetts, on January 30 through February 1, 1952, pursuant to a notice thereof which was issued on December 27, 1951 (17 F. R. 91) and reopened at Boston, Massachusetts, on May 12–15, 1952, pursuant to a notice thereof which was issued March 6, 1952 (17 F. R. 2063) and a revised notice thereof issued April 28, 1952 (17 F. R. 3888) upon proposed amendments to the tentative marketing agreements and to the orders now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on April 15, 1952 and July 8, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decisions and opportunity to file written exceptions thereto which were published in the FEDERAL REGISTER on April 19, 1952 (17 F. R. 3496) and July 12, 1952 (17 F. R. 6271).

Rulings. Within the periods reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions, and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

Issues considered. The material issues considered at the hearing and herein decided upon were concerned with the following:

1. The level and basis of pricing Class I milk in all five markets.
2. The classification of skim milk for human consumption in all five markets.
3. A revision of the definition of concentrated milk in all five markets.
4. Extension of the limits of the Boston marketing area.
5. Revision of the Lowell-Lawrence pool plant requirements.
6. Proposals relating to handlers' obligations with respect to members of cooperative associations of producers in all five markets.
7. Modification of the classification provisions with reference to second transfers of milk between certain plants under the Boston, Springfield, Worcester, and Lowell-Lawrence orders.
8. Extension of the zone differentials under the Boston order to reflect additional mileage distances.
9. Revision of the exempt milk definition under the Lowell-Lawrence order to include receipts from nonpool plants for custom bottling.
10. An extension of the nearby differential area under the Springfield order to include the town of Stafford, Connecticut.
11. An extension of the Springfield marketing area.
12. A revision of the emergency milk provisions under the Springfield order to reduce the pool obligations on receipts of emergency outside milk.
13. Modification of differentials under the Worcester order.
14. Revision of the Boston and Worcester orders with respect to the classification of inter-market transfers of fluid milk products.
15. Miscellaneous non-substantive changes in the order provisions.

Findings and conclusions. The following findings and conclusions are based upon the evidence introduced at the hearing including the reopened hearing and the record thereof.

1. *Class I price.* The principal issue at the January–February hearing and at the reopened hearing dealt with the current level of Class I prices in each of the five Massachusetts Federal order markets in relation to the standards for establishing prices set forth in the Agricultural Marketing Agreement Act and the selection of certain automatic adjustment factors which would modify such Class I prices in the future in accordance with changed circumstances. It is concluded that the Class I prices in each of these orders be related to a "New England basic Class I formula" price. The basic formula price should be determined by combining indexes of wholesale commodity prices, New England disposable income, and a feed grain-farm wage rate index, all related to a 1951 base, and by applying to such basic price certain percentage adjustments to reflect above or below normal supplies of milk relative to Class I sales and a schedule of seasonal price adjustments. The operation of the supply-demand adjustment to reduce the price should be limited to a possible 4 percent reduction until March 1953. The resultant price should continue to be expressed in intervals of 22-cent price change.

The Class I price in each of these Massachusetts markets is determined currently by a formula method which was adopted initially as a part of the Boston order, April 1, 1948. On the basis of the hearing record of January 28–February 1, certain changes in the formula were recommended and subsequently amendments carrying out those recommendations became effective April 1, 1952. By these amendments the formula was revised to make use of currently published indexes of wholesale prices and per capita disposable income in New England and the schedule of prices related to the index factors was adjusted to the current price level. The evidence presented at the May 12–15 hearing confirms the findings on the previous record that certain revisions should be made in the indexes used in the basic formula and that the current basic price level should be continued subject to changes in the relationship of milk receipts from producers to the total Class I sales.

The most important revision in the pricing formula recommended at this time is a proposed method of increasing or decreasing the formula Class I price according to a schedule which indicates whether the current supply relative to Class I sales is above or below normal. To measure the percentage of normal supply, the formula would make use of the latest published data on receipts from producers and Class I sales in the Federal order markets of Boston, Lowell-Lawrence, Springfield, and Worcester, Massachusetts. The orders regulating the handling of milk in each of these markets are generally similar in that they provide for market-wide pools and encourage handlers to operate their plants in the pool on a year-round basis. The combined utilization of milk in these four markets represents a substantial part of the Class I sales in Massachusetts and the receipts from producers to supply those sales. Therefore, the ratio of the combined receipts to the combined sales should provide a good measure of the adequacy of the supply of milk in the region.

The exact figure at which the supply should be regarded as normal cannot be determined with pinpoint accuracy. There are a number of variables which affect both the supply of milk and the Class I sales so that any estimate of prospective requirements measured from even the most recent data available is subject to some degree of error. The evidence indicated that handlers who have city distributing business and who also receive milk at country plants consider it is necessary to have at least 13 percent more milk in November than they utilize in Class I sales. This reserve is calculated to be necessary to allow for the daily variation in producer receipts and in Class I sales. The reserve estimate was made on the assumption that some inventory would be carried along to meet the usual weekly peak of daily sales. Other estimates of the margin of reserve

necessary to supply Class I sales during the shortest supply month ranged as high as 20 percent. Most witnesses indicated that about 18 percent reserve is needed during November in order to be assured of having an adequate supply at all times. Because of the highly variable conditions of supply, it appears desirable to establish a goal which represents an ample rather than a scanty margin of reserve for Class I sales. It is concluded therefore that the optimum supply relative to sales should be established on the generous side with graduated price adjustments designed to direct the supply within that normal range. The normal supply relative to Class I sales for the four markets can be expressed according to this record in terms of 80 to 84 percent Class I during the month of November.

In order to relate percentages of Class I in other months of the year to the November standard, the normal pattern of seasonal variation in producer receipts and Class I sales for the four markets must be recognized. A schedule of normal Class I percentages equivalent to 82 percent Class I in November should be used as the basis for measuring deviations from the normal during the most recent two months for which data are available. The record indicates that a two-month average is more stable than a one-month average and any longer period of time increases the necessary lag in the data used without adding appreciably to the accuracy of the prediction from such data.

The price adjustments for deviations from normal supply should amount to about a 2 percent price change for each change from the normal November Class I percent of 2 percentage points when the percent of normal supply (normal percent of Class I divided by current percent of Class I) varies from 95 to 105 percent. The 2 percent price adjustments should be related to a smaller change in the normal supply when the supply is outside this middle range. The schedule of price adjustments should extend to a 12 percent plus adjustment when the normal supply is 91½ percent or under and to a minus 12 percent when the supply is 112 percent or more of the normal rate. If the supply moves outside these limits or remains for any period of time in the outer adjustment brackets, the schedule of adjustment and the basic price should be reconsidered at a hearing.

The supply-demand adjustment should be instituted on a gradual scale so that any reduction prior to January 1953 would be limited to 2 percent of the price and in January and February 1953 the effect of the adjustment could not reduce the price more than 4 percent regardless of the level of supply. Recent announcements of the receipts of milk from producers relative to Class I sales as shown on public releases of the Boston, Springfield, Worcester, and Lowell-Lawrence Federal milk market administrator (official notice being taken of such releases) show a marked increase in the ratio of receipts to Class I sales. If the current level of supply relative to sales continues, the supply demand adjustment might operate to reduce the price as much as 10 percent at the outset. It is concluded that the formula should be permitted to operate for some time with only a moderate adjustment for oversupply in order to observe whether the current supply situation will be corrected by the other factors in the formula.

The evidence at the hearing indicated that the seasonal adjustments to the price should be made in terms of percent to reflect changes in the price level, rather than in fixed amounts; and that the adjustments should be graduated over a wider seasonal range with less abrupt changes from month to month. The revised seasonal price schedule is designated to encourage producers to deliver a larger share of their annual milk production during the period from September through February.

The record indicates that price adjustments should be effected as soon as any of the various formula factors indicate the need for a price change. However, representatives of producers, handlers, and state milk control agencies testified at the hearing that they favored retarding price adjustments until their accumulated effect would bring about a change of 22 cents in the Class I price. Class I price changes in New England markets have been made in multiples of 20 or 22 cents for several years and the industry has become accustomed to such adjustments. Although the record indicates that such bracketed price adjustments have in the past brought about too late and too abrupt price changes, several revisions proposed in the pricing formula at this time reduce the lag and the precipitous effect of the price adjustments. The effect of the bracketed price changes on the operation of the revised formula may not seriously retard the necessary adjustments. It is concluded, therefore, that the pricing should be continued at this time on the basis of bracketed 22-cent price changes.

Certain witnesses at the May 12–15 hearing proposed that the formula indexes be related to 1950 as a base period and that a base price of $5.36 be constructed. If the New England disposable income factor had been used in the pricing formula in 1950, the price would have averaged for the year $4.92 instead of the actual average of $5.14. The witnesses who supported the substitution of the disposable income factor for the previously used department store sales index testified that the prices which would have resulted from the use of the disposable income factor were reasonable. In 1951 the substitution of the disposable income factor would have had very little effect on the average price for the year. It appears desirable therefore to adopt the 1951 base which is more up to date and which can be used with the base price computed on the same period. By adopting the 1951 base period, it is apparent that the basic price level would change in the future from the 1951 level in accordance with changes in the formula index and the percentage of normal supply. Since the measure of normal supply proposed at this time, during the first six months of 1952, was close to 100 percent, it appears that the prices in 1951 were about right to maintain a normal supply. If the evidence in future months indicates that the current price level is not maintaining the normal level of supply, the adjustment feature of the pricing formula would make the necessary change automatically. In computing the 1951 base for New England per capita disposable income, official notice has been taken of the revised series of United States per capita disposable income figures reported by the Council of Economic Advisers to the President and the base has been adjusted accordingly.

Since the formula involves several complicated calculations, it is important to avoid any unnecessary computations. The record indicates that farm wage rates published for the New England region as a whole vary about the same as the rates for the individual States in the milkshed. Accordingly, the regional rates should be used to reflect the farm labor cost factor of the formula.

With the adoption of more frequent seasonal price changes, it is not likely that the proposed formula would produce price changes contrary to the desirable seasonable price pattern except during the months of November and December. It is concluded therefore that the order provide that the Class I formula price shall not be lower in the months of November and December than it was in the preceding month. Exceptions were filed to the failure to retain the contra-seasonal provisions effective from September through December. The basis for such exceptions was largely the anticipation of possible aberrations in the supply-demand adjustment which might bring about a price drop in September or October. Since the contra-seasonal in those months would have no effect unless the decline in other formula factors offset the 4 percent seasonal price rise, it would require a major change in the formula factors to effect a price drop. In such event, the price change would appear to be warranted.

The record indicates that the basic Class I pricing formula should be the same for each of the five Massachusetts Federal order markets. The changes in Class I prices in each of these markets should take place at the same time and in the same amount in order to maintain the appropriate differentials between the prices established for the different markets and zone locations. The differentials between the five market Class I prices have been established at the present level for several years. There is no evidence in this record to support any change in the present market differentials.

A representative of the Massachusetts Milk Control Board urged at the hearing that the Class I pricing provisions make specific requirement for yearly hearings on the Class I price and the appointment of a committee to study the Class I pricing problem. Since the situations which may indicate the need for a hearing cannot be expected to occur at regular yearly intervals, there appears to be no basis for scheduling hearings in advance of some showing that an amendment to the order may be needed.

Interested persons have joined together voluntarily to prepare testimony and evidence to be presented at public

hearings. The group which is known as the "Boston Class I Price Committee" is such an unofficial voluntary company of persons interested in milk pricing. Certain witnesses appear to have gained the impression that this voluntary group is commissioned by the Department of Agriculture to assume some responsibility in determining Class I pricing methods suitable for these New England Federal order markets. To formalize the committee's organization would appear to encourage this impression. Since the responsibility for determining prices which will effectuate the declared policy of the act rests with the Department of Agriculture, such an impression would be misleading. Therefore, it does not appear desirable to provide for a permanent and formalized committee as a part of the order regulation.

2. *Classification of skim milk.* The present classification provisions of all five New England orders should be revised to provide for the classification of fluid skim milk disposed of for human consumption as Class I milk. Such milk under the present provisions is classified as Class II. At the time this classification scheme was adopted, fluid skim milk for human consumption was an inconsequential item limited primarily to certified skim milk dispensed under doctor's prescription. In recent years the use of fluid skim milk for human consumption has become more commonplace. Recent promotional sales work on "fat free" milk for diet conscious consumers has emphasized this product as a basic food item and an acceptable replacement for regular fluid milk. The record indicates that the same health regulations apply to fluid skim milk as to fluid whole milk. Since fluid skim milk for human consumption in the Massachusetts Federal order markets is produced from Massachusetts approved milk, it competes directly with items presently classified as Class I for available supplies of local producer milk. Accordingly, it is concluded that milk used to produce skim milk for human consumption should be classified and priced at the same level as milk used for other fluid products presently classified as Class I under each of the five Massachusetts orders.

Classification of milk disposed of as fluid skim milk should be determined in the same manner as milk disposed of as fluid whole milk. While it was proposed that the size of container be used as the determining criteria of use and accordingly classification, it is not clear how size of container would be any indication of ultimate use particularly in case of sales to restaurants, soda fountains, etc., it is concluded therefore that sales of fluid skim milk to consumers, irrespective of the type or size of container, be considered as a Class I sale. Sales of fluid whole milk and flavored skim milk are classified currently on this basis.

The classification of skim milk as Class I requires a modification of the assignment of skim milk received from producer-handlers under four of these orders. All skim milk received from producer-handlers is presently assigned to Class II under the Boston order and to Class II to the extent of a handler's Class II disposition under the Springfield, Worcester, and Lowell-Lawrence orders. However, under each of these orders, packaged milk received by a handler from a producer-handler is exempted from equalization. It is concluded that packaged skim milk should be treated in the same manner.

3. *Concentrated milk.* The definition of concentrated milk in the Fall River, Boston, Springfield, Worcester, and Lowell-Lawrence orders should be revised. The revision proposed at the hearing would define as concentrated milk only the concentrated product which is disposed of for fluid consumption. Under the definition which is presently contained in these orders, it is difficult to distinguish between the concentrated milk product and the product known as plain condensed milk. If the definition is limited to only the product which is disposed of for fluid consumption, handlers will not be charged inadvertently a Class I price for milk on hand in the form of condensed milk but eventually utilized in a form other than fluid.

Although the determination that concentrated milk was disposed of for fluid consumption may be difficult to ascertain under certain circumstances, the volume of the product sold is small and such determinations should be infrequent. Accordingly, the orders should be revised to assume that the product is not a fluid milk product until it is established that the product is disposed of for fluid consumption.

Handlers proposed also that the quantity of milk classified as Class I concentrated milk be the quantity actually sold, plus a reconstituting factor, rather than the quantity of milk used to produce the product. Under the used-to-produce method of accounting, handlers are denied any loss sustained in processing and packaging the product. Similar losses on handling whole milk may be classified in Class II up to 2 percent of the product handled.

There appears to be a wide variation in the quantity of milk represented by each quart of concentrated milk. In some instances, excessive losses in manufacture have been sustained. The orders are designed presently so that normal losses may be classified in Class II but excessive losses shall be classified as Class I. This principle should not be modified. However, in order to allow handlers of concentrated milk some adjustment for loss, only 98 percent of the quantity of milk used to produce concentrated milk shall be classified as Class I. This method will automatically provide the maximum loss allowance even though a smaller loss is sustained. However, the quantity of the product handled is small and the flat allowance can have little effect on producer returns.

4. *Extension of Boston marketing area.* The Greater Boston marketing area should be extended to include the town of Bedford, Massachusetts. The town of Bedford borders the present marketing area on the northwest boundary. The sales of milk in Bedford are made principally by handlers regulated under the Boston order. During some periods, however, occasional sales of milk in Bedford, have been supplied under contract by handlers not subject to the Boston order. In those instances, the milk has returned to producers a lower price than that established under the Boston order. Since the sales of milk in the town of Bedford are largely an extension of sales on handlers' routes originating in the marketing area and the contract sales are usually supplied by Boston handlers, it is necessary to maintain a Class I price level equivalent to that in the Boston market in order to provide a continuous supply for the town of Bedford. The occasional sales of milk in this town, which were purchased at less than the prevailing price for Class I milk, tend to impair the level of price necessary to provide an adequate supply of milk for consumers in the marketing area.

It was proposed at the hearing that several other towns which form a corridor between the Boston and Lowell-Lawrence markets be included also in the Boston marketing area. It is concluded that such towns except Bedford should not be added to the marketing area. The record shows no need for extending the marketing area in this direction for the purpose of maintaining orderly marketing of milk. On the other hand, the inclusion of this corridor in the Greater Boston market would transfer certain Class I sales from producers delivering to the Lowell-Lawrence market to the producers delivering to the Greater Boston market. Such an arbitrary transfer of Class I disposition should not be effected unless the market stability is threatened.

5. *Lowell-Lawrence pooling requirements.* The basis for computing the percentage of receipts required to be shipped to the market by a country plant in order to qualify as a pool plant under the Lowell-Lawrence order should be revised. A handler regulated under the Lowell-Lawrence order proposed that the pooling requirements be modified to require the shipment of only 20 percent of a plant's fluid milk receipts to the marketing area as milk in order to qualify for pooling during the months of September through March. The present shipping requirement is 30 percent. The handler testified that he anticipated the possibility that he would not be able to maintain the required amount of sales in the marketing area and as a result would be required to market all of his sales in the marketing area at a price which would return to his producers only the Class II price.

The difficulty in maintaining the required percentage of shipments to the market comes about because the handler's total receipts from producers increased substantially from 1950 to 1951 and his Class I sales outside the marketing area rose from 45 percent of total Class I sales in 1950 to 55 percent of his Class I sales in 1951. The handler does a retail and wholesale business in fluid milk products in Manchester, New Hampshire, and supplies other handlers in several New Hampshire markets as well as Lowell-Lawrence. A large part of the milk supplied to other markets is in packaged products.

The service provided by the handler for other handlers in New Hampshire is largely a matter of supplying their extra seasonal needs which is partially the service which he provides for Lowell-Lawrence handlers. His direct sales to consumers in Manchester are not the usual operation of a country plant which specializes in supplying milk to other handlers.

The sales made direct to consumers outside the marketing area are fairly constant from month to month and therefore require no unusual seasonal reserve. The sales made to other handlers outside the marketing area are highly seasonal and tend to be highest when the Lowell-Lawrence market is relatively short of milk. The shipping requirement imposes an obligation on the country plant handler to offer milk at reasonable prices to handlers in the marketing area rather than solicit sales outside the market. This obligation to sell milk to handlers in the marketing area is a necessary performance requirement for plants which enjoy the privilege of pooling their surplus milk.

This obligation to sell milk to handlers in the marketing area should not extend to the point where the handler would be required to curb his direct sales to consumers outside the marketing area. The order should provide therefore that Class I sales direct to consumers outside the marketing area be deducted from total receipts and a minimum of 30 percent of the remainder be required to be shipped to the marketing area during the qualifying months. It should be provided also that such a pool plant maintain sales in the marketing area to the same extent as that required of city plants which is 10 percent of total receipts.

6. *Obligations with respect to members of cooperative associations.* The provisions of the five New England orders should be revised to require a handler to supply to an association of producers information on quantities of milk delivered to the handler by each member of the association whose name the association has previously furnished the handler. The orders presently provide that handlers make dues deductions and pay the amount deducted to the association for whom such deduction was made. Since an association would have no basis for checking the correctness of the deductions without information as to the pounds of milk delivered by each of its producer members, it is concluded that such information should be supplied promptly after producer payments are made. The proponents further requested that the order provisions be so written as to require handlers to allow an association access to receiving records, butterfat tests, and samples of its producer members. The record shows that state laws presently require that such information be made available to individual producers or the producer's authorized agent. Accordingly, it is unnecessary that such a provision be included in the orders.

The addition of a definition of an "association of producers" under the Boston order will facilitate writing the language of the other order provisions. The term is common to Federal milk marketing orders and is presently included in the secondary market orders. Section 75 of the Boston order which refers to the collection of membership dues should refer to the new definition of "association of producers."

7. *Classification of milk transferred from second plant.* The classification provisions under the Boston, Lowell-Lawrence, Springfield, and Worcester orders concerning milk which is transferred to the second unregulated plant should be revised. It was proposed at the hearing that the provisions of these orders be modified to permit the classification of milk moved through two unregulated plants in a class other than Class I. Under the present provisions, pool milk moved out of a regulated plant of a nonpool handler or out of an unregulated plant in the form of any fluid milk product except cream, is automatically classified as Class I milk. The hearing record indicates that many times such fluid milk products are moved to a plant at which the utilization of all milk is audited by the market administrator. Several of the movements take place between plants which are located inside the marketing area. Since the checking on these additional movements of fluid milk products requires no extensive examination of additional plants' records, the orders should provide that classification may be followed through the second plant movement in the case of these plants which are not regulated plants of pool handlers.

In order to avoid undue expense in verifying the classification of fluid milk products moved between plants, the privilege of claiming classification in a class other than Class I when the milk is moved from the unregulated plant as a Class I product should be limited to movements within the New England states and New York. The record indicates no necessity for movements outside these states which comprise the entire milk supply area for uses other than Class I milk.

8. *Boston zone price differentials.* No change should be made in the provisions of the Boston order establishing differentials for milk received at different zone locations. A handler currently operating in the Boston market indicated his intention of extending country plant operations to an area located more than 400 miles from Boston and proposed that the table of differentials be extended to distances up to 450 miles.

The information in this record is not sufficient to form a basis for reappraising the table of price differentials. Since milk at such distant plants would ordinarily be classified as Class II, it is particularly important to consider whether the resultant price at such point after allowing a location adjustment would be less than the prevailing level of prices paid in other regions for milk used in similar products. This matter was not discussed at the hearing.

Since the handler has not yet acquired a plant at the more distant location, there is no urgency to reach a decision. Accordingly, no change in the zone price schedule should be made on the basis of this record.

9. *Exempt milk under the Lowell-Lawrence order.* The definition of exempt milk under the Lowell-Lawrence order should be extended to include receipts from nonpool plants at a pool plant which are received for custom bottling and returned to the nonpool plant. The record indicates that a handler subject to the Lowell-Lawrence order has facilities for custom bottling milk received from nonpool plants. The milk is received from the nonpool plants, processed, packaged, and returned to such nonpool plants for distribution outside the marketing area. Such exemption is provided under the Boston, Springfield, and Worcester orders.

10. *Location differential area under the Springfield order.* The Springfield order should be revised to provide that producers residing in the town of Stafford, Connecticut, receive the 46 cent nearby location differential payment on milk delivered to Springfield handlers. The town of Stafford adjoins the towns of Ellington and Somers in Connecticut and Hampden County in Massachusetts, all of which are included in the 46 cent nearby differential area. Producers in the town of Stafford, just as those producers residing in the territory now included in the nearby differential area, have the opportunity to market their milk in a number of urban areas either directly for themselves or through the large number of handlers serving these many communities. The prices which producers in this area receive are comparable to the prices paid to producers who receive the 46 cent differential under the Springfield order.

11. *Extension of the Springfield marketing area.* The Springfield marketing area should not be extended to include the town of Hampden. A representative of the proponent of this extension of the marketing area testified at the hearing that most of the sales in this area are already covered by the regulation of the Springfield area and there is no economic necessity for extending the marketing area to include Hampden.

12. *Payments on emergency outside milk under the Springfield order.* No change should be made in the provisions which require payments on outside milk received by handlers under the Springfield order. It was proposed at the hearing that the payments on outside milk be terminated during periods in which the market administrator declared that an emergency existed with respect to the supply of milk available from producer sources for the market. In requesting this amendment, the handler proponent declared that emergency conditions had existed in recent months.

The record indicates that the supply of milk available to the Springfield market is great enough so that a handler should be able to locate a supply of producer milk within a reasonable distance of the market. It is concluded, therefore, that there is no need at this time for provisions relating to the declaration of an emergency and the termination of payments on outside milk.

13. *Differentials under the Worcester order.* No change should be made at this time in the differentials under the Worcester order which establish the Class I price at country plants or in the nearby location differentials under such order.

The country plant differentials under the Worcester order are established currently in such a way that the Class I price at country points is about the same whether the milk is delivered to the Worcester market or to the Boston market. Large quantities of milk which are pooled under the Boston order are shipped to the Worcester market for sale in the Worcester marketing area. Under the present schedule of differentials, the price remains the same whether the plant is pooled under the Boston order or under the Worcester order.

A handler operating a country plant under the Worcester order contended that during each month of the period November 1951 through February 1952, his country blend price ran under the Boston blend for competing plants and as a result he experienced considerable difficulty in holding his producers. He proposed that the order be amended to provide that the country plant price never be allowed to go below the Boston blend at that point and that whenever this would otherwise occur the nearby differential be reduced by the amount necessary to equalize the country plant prices.

The pricing plan should provide a Worcester blend price at least equivalent to the Boston blend at such points on an annual basis in view of the relatively higher proportion of Class I milk in the Worcester market. The evidence concerning lower Worcester prices for a few months does not mean, however, that the Worcester price is tending to run lower than the Boston price on an annual basis in the same zone. Under normal circumstances the seasonal pattern of blend prices in the Boston and Worcester markets varies so that the Worcester price tends to run higher than the Boston price in the flush production season and lower in the short production season.

14. *Classification and pricing of products transferred between Worcester and Boston.* The present provisions of the Worcester order dealing with the computation of the uniform price should be amended to deduct any amounts which a Worcester handler is required to pay into the Boston pool for milk disposed of to consumers in the Boston marketing area.

Receipts at a Boston pool plant from a Worcester handler are presently considered as receipts of outside milk and are assigned to Class II without regard to the specific use of such receipts. Class I products disposed of by a Worcester handler directly to consumers in the Boston marketing area, on the other hand, are subject to a payment into the Boston pool of the difference between the Boston Class I and Class II prices. In addition the Worcester handler must account to the Worcester pool at the full Class I price for such sales. The resulting charge is excessive since it totals more than the Class I price on the quantity of milk sold in such a manner.

The record indicates that milk transferred from the Worcester market to Boston pool plants is usually seasonal surplus milk in Worcester and that during the short production season Worcester handlers depend on the Boston pool for supplementary milk supplies to meet the Class I needs of the market.

Because of the present generally short supply of milk received from producers for the Worcester market in relation to the Class I sales in that area, it is unlikely that Worcester producers could regularly supply all of the Class I requirements of additional customers located in the Boston marketing area. Therefore, it is possible that such sales direct to consumers in the Boston marketing area might be regarded as surplus to the Worcester pool since Worcester producers would have only enough milk over their own market requirements to fill such sales during the flush production season.

Although the record of the reopened hearing indicates that there is some possibility that the Boston pool may receive double Class I sales in some instances in which milk was transferred from a Boston pool plant to a Worcester plant and then to a second Worcester plant from which sales were made in the Boston marketing area, the arguments for establishing equal cost of Class I milk regardless of the order source are more compelling than the avoidance of such a possibility. If the quantity of milk disposed of by Worcester handlers direct to consumers in the fringe territory of the Boston marketing area amounts to a considerable part of the sales in such territory at any time in the future, a reexamination of the area boundaries or a review of this decision to credit the Worcester pool with Class II value on such sales should be made.

Certain witnesses at the hearing contended that the present provisions of the Boston and Worcester orders give an unreasonable advantage to Boston producers and handlers at the expense of Worcester producers and handlers and they proposed that the order of treatment be reversed to the advantage of the Worcester producers and handlers. The record indicates, however, that the Worcester pool under this plan of assignment suffers no loss of Class I sales which Worcester producers could supply on a year around basis.

15. *Miscellaneous.* The present price computation provisions of each of the four Massachusetts Federal order markets operating under a market-wide type of pool should be revised to exclude from the current pool any handler who is in default of payments to the producer-settlement fund for the preceding month. The orders presently provide that any handler be excluded from the current pool if he is in default of such payments for any month since the most recent order amendment. Hence, the first month following each order amendment, all handlers filing reports for such month are pooled irrespective of the outstanding obligations of such handler. Under the provision, it is possible that a handler might owe considerable moneys to the settlement fund for past months, have no intention or ability to make current payments, and yet be pooled with the result that the solvency of the settlement fund is jeopardized. The language herein proposed is that commonly found in Federal orders with market pools and should serve to adequately protect the solvency of the settlement fund.

The other changes in order provisions herein proposed deal with nonsubstantive changes and are made merely as clarifying or conforming language changes which tend to provide uniformity in the language of the administrative provisions of the several orders.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and in the orders, now in effect, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Order of the secretary directing that referenda be conducted; determination of representative periods; and designation of agents to conduct such referenda. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that referenda be conducted among producers (as defined in the orders regulating the handling of milk in the Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, marketing areas) who, with respect to Boston, during the month of March 1952, and with respect to Lowell-Lawrence, Springfield, Worcester, and Fall River, during the month of June 1952, were engaged in the production of milk for sale in the marketing areas specified in the aforesaid orders to determine whether such producers favor the issuance of the respective orders, amending the orders, now in effect, which are filed herewith.

In the case of Boston, the month of March 1952, and in the case of Lowell-Lawrence, Springfield, Worcester, and Fall River, the month of June 1952, is hereby determined to be the representative period for the conduct of such referenda.

In the case of Boston, Lowell-Lawrence, Worcester, and Springfield, Richard D. Aplin, and in the case of Fall River, John J. Hogan, is hereby designated agent of the Secretary to conduct such referenda in accordance with the procedure for the conduct of referenda to determine producer approval of milk

marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5179), such referenda to be completed on or before the 15th day from the date this decision is filed.

Marketing agreements and orders. Annexed hereto and made a part hereof are marketing agreements regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, and orders amending the orders, now in effect, regulating the handling of milk in the Greater Boston, Lowell-Lawrence, Springfield, Worcester, and Fall River, Massachusetts, marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders now in effect, and as hereby proposed to be amended respectively by the attached orders which will be published with this decision.

This decision filed at Washington, D. C., this 5th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area*

§ 904.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this order, as amended, and as hereby further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe with respect to all of his receipts of milk from producers (including such handler's own production) and his receipts of outside milk.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.1 (b) by adding the town of Bedford to the list of Massachusetts cities and towns included in the marketing area.

2. Amend § 904.2 by renumbering paragraphs (f) through (k) as paragraphs (g) through (l) respectively and by adding a new paragraph (f) as follows:

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

3. Delete § 904.4 (h) and substitute therefor the following:

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

4. Delete § 904.15 and substitute therefor the following:

§ 904.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

5. Delete § 904.16 and substitute therefor the following:

§ 904.16 *Classification of milk and milk products utilized at regulated plants of pool handlers and buyer-handlers.* Subject to §§ 904.17 and 904.29 (a), milk and milk products received at a regulated plant of any pool handler or buyer-handler shall be classified in accordance with their utilization at such plant.

6. Delete § 904.17 and substitute therefor the following:

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants.* Any fluid milk product, except cream, which is moved from a regulated plant of a pool handler or a buyer handler to any other plant shall be classified as follows:

(a) If moved to a producer-handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at that plant.

(b) If moved to a producer-handler's plant or to an unregulated plant and thence to another plant, it shall be classified by applying § 904.16 or paragraph (a) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, it shall be classified as Class I milk.

7. Revise § 904.29 (c) by inserting after the words "Skim milk" the words "in bulk."

8. Delete § 904.40 and substitute therefor the following:

§ 904.40 *Class I price.* The Class I price per hundredweight at plants located in the 201–210 mile zone shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

9. Add a new § 904.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 price computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.056]		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.056 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

10. Amend § 904.51 (a) by deleting the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

11. Revise § 904.75 of the Boston order by deleting the present language and substituting therefor the following:

§ 904.75 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area*

§ 934.0 *Findings and determinations*—(a) *Findings upon the basis of the*

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 934.2 (e) by deleting the phrase "a dairy farmer who ordinarily delivers to a handler's pool plant" and substituting therefor "a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant."

2. Delete § 934.4 (g) and substitute therefor the following:

(g) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant or from the dairy farmer who produced it, for processing and bottling and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

3. Delete § 934.4 (h) and substitute therefor the following:

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

4. Amend § 934.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necesary to enable him to exercise his powers and perform his duties.

5. Delete paragraphs (a) and (b) of § 934.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk.

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

6. In § 934.16 (e), delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

7. Delete § 934.22 (a) and substitute:

(a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products other than cream.

8. Amend § 934.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (c), (g), and (j).

9. Delete § 934.40 and substitute therefor the following:

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 934.48 plus 52 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

10. Add a new § 934.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell - Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98

Percentage of normal supply—Con.	*Supply-demand adjustment factor*
104–105	0.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

11. In § 934.51 (a) delete the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefore the phrase "for the preceding month."

12. Revise § 934.51 by deleting paragraph (b) and renumbering paragraphs (c) through (f) as paragraphs (b) through (e), respectively.

13. In § 934.70, delete the period at the end of the section and substitute therefor the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations.*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 947.12 and substitute therefor the following:

§ 947.12 *Concentrated milk.* "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. In § 947.41 delete paragraph (a) and subparagraph (1) of paragraph (b) and substitute therefor the following:

(a) Class I milk shall be all milk and milk products sold, distributed, or disposed of as milk which contains one half of 1 percent or more but less than 16 percent butterfat; chocolate or flavored whole milk or skim milk, skim milk, buttermilk, or cultured skim milk for human consumption; 98 percent, by weight, of the fluid milk products used to produce concentrated milk, and all fluid milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

products the utilization of which is not established as Class II.

(b) • • •

(1) Sold, distributed, or disposed of as other than the items specified in paragraph (a) of this section; and

3. Add a new § 947.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 947.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than 0.98 prior to the January 1953 price computation or less than 0.96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.03
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0361		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0361 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

4. Delete § 947.50 and substitute:

§ 947.50 *Class I prices.* Each handler shall pay producers or cooperative associations for Class I milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the New England basic Class I price per hundredweight determined for the month pursuant to § 947.48 plus 81 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

5. Amend § 947.72 by adding a sentence at the end of the section as follows: "Such payment shall be accompanied by a statement showing the pounds of milk delivered by each producer for which such deduction was made."

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area

§ 996.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 996.4 (g) and substitute therefor the following:

(g) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. Amend § 996.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

3. Delete paragraphs (a) and (b) of § 996.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk.

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

4. In § 996.16 (e) delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

5. Amend § 996.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (e), (g), and (j).

6. Delete § 996.40 and substitute therefor the following:

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 52 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

7. Add a new § 996.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce of the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell - Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective

month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than 0.98 prior to the January 1953 computation or less than 0.96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

8. In § 996.51 (a) delete the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

9. Amend § 996.64 (b) by inserting the words "and Suffield" the word "Stafford."

10. In § 996.71 delete the period at the end of the section and substitute therefore the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

Order[1] Amending the Order as Amended, Regulating the Handling of Milk in the Worcester, Massachusetts, Marketing Area

§ 999.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 999.4 (g) and substitute therefor the following:

(g) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. Amend § 999.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

3. Delete paragraphs (a) and (b) of § 999.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

4. In § 999.16 (e) delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

5. Amend § 999.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (c), (g), and (j).

6. Delete § 999.40 and substitute therefore the following:

"§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 52 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

7. Add a new § 999.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

8. Amend § 999.50 by adding a new paragraph (g) as follows:

(g) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.66 (b) of the Boston order.

9. Amend § 999.51 (a) by deleting the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

10. In § 999.71 delete the period at the end of the section and substitute therefor

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

[F. R. Doc. 52-8847; Filed, Aug. 8, 1952; 8:54 a. m.]

[7 CFR Part 932]

[Docket No. AO-33—A-20]

HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that a public hearing will be held on proposed amendments to the tentative marketing agreement and to the order, as amended regulating the handling of milk in the Fort Wayne, Indiana, marketing area, beginning at 10:00 a. m., c. d. t., on August 13, 1952, in the American Room, Y. M. C. A., 226 East Washington Boulevard, Fort Wayne, Indiana. Evidence will be received on the proposed amendments set forth below, or appropriate modifications thereof, and the economic and market conditions which relate thereto. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Wayne Cooperative Milk Producers, Inc.:

1. Delete § 932.51 (a) and substitute therefor the following:

(a) Add:

(1) 80¢ during each of the delivery periods of April, May, and June;

(2) $1.65 during each of the delivery periods of October, November, and December;

(3) $1.20 during each of the other delivery periods.

2. Amend § 932.51 (b) (3) by deleting the numbers —38, —50, —50, —50, —50, —50 and substituting therefor —26, —26, —26, —26, —26, —26 in the column headed "April, May, June, and July (Cents)" under the general heading "Supply-demand adjustment for specified delivery periods, is."

Proposed by Central Dairy, Inc.:

3. Add to the proviso in § 932.84, the words "Producer and other source milk so treated shall be limited to the total of producer milk received by the plant paying the producer for such milk."

Additional evidence will also be received at this hearing on all of the proposals considered at the hearing held in Fort Wayne on May 5, 1952, notice of which was issued on April 29, 1952 (17 F. R. 3859).

Copies of this notice of hearing and of the notice of the hearing held on May 5, 1952, and of the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area may be procured from the Market Administrator, 407 Strauss Building, Fort Wayne 2, Indiana, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: August 6, 1952.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 52-8866; Filed, Aug. 8, 1952; 8:57 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Geological Survey

NEW MEXICO

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

(5) NEW MEXICO

Name of Field, Effective Date, and Acreage

Anderson Field (revision), July 10, 1952	2,749
Bagley Field, Mar. 1, 1952	3,361
Denton Field, Apr. 24, 1952	4,277
East Caprock Field, Apr. 25, 1952	1,120
Forest Field, July 10, 1952	1,879
Hightower Field, Mar. 28, 1952	1,200
Levers Field, July 10, 1952	160
North Maljamar Field (revision), Oct. 10, 1950	960
South High Lonesome Field (revision), July 10, 1952	517
Square Lake-Robinson Field (revision and consolidation), July 8, 1952	15,688

W. E. WRATHER, *Director.*

[F. R. Doc. 52-8773; Filed, Aug. 8, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2509, Amdt. 16]

DELEGATIONS OF AUTHORITY; GENERAL

Correction

In F. R. Doc. 52-8070, appearing at page 6793 of the issue for Thursday, July 24, 1952, make the following change:

In the last line of section 26, the word "interstate" should read "intestate".

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 9]

ORGANIZATION AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended.

Items 1 and 10 provide for Aviation Safety reorganization. Item 10 also brings up to date the locations of Aviation Safety District Offices.

Items 2, 7, and 8 provide for the realignment of air traffic control and communications functions in the Federal Airways System.

Item 3 adds to the Office of Aviation Defense Requirements the newly established Aviation Resources Division.

Items 4 and 5 give the revised addresses of the Region 3 and Region 9 headquarters offices.

Items 6 and 9 provide for organizational changes in Region 9, namely, the establishment of Budget and Management, Personnel, General Services, and Facilities Divisions.

Item 11 describes the Alaska Air Terminals Division in Region 8.

Item 12 brings up to date the locations of district and field offices of the International Region.

1. Section 33 is amended to read:

SEC. 33. *Office of Aviation Safety*—(a) *Functions.* (1) Develops new and currently modified Civil Air Regulations dealing with the technical regulation and improvement of aviation safety, and recommends them for approval by the Administrator and for promulgation by the Civil Aeronautics Board.

(2) Develops technical publications for the use of the public, and technical standards, manuals, and directives to guide the activities of CAA Washington and field personnel in the technical regulation and improvement of aviation safety.

(3) Develops and recommends to the Administrator new and currently modified nation-wide programs and objectives to govern CAA activities in the technical regulation and improvement of aviation safety.

(4) Develops and recommends or approves new and currently modified policies and procedures for nation-wide application in the technical regulation and improvement of aviation safety, with authority to approve finally those policies and procedures which do not have major program, policy, precedent, or public relations impacts, in the perspective of the total program of CAA.

(5) Conducts or supervises centrally the engineering work on power plant type certification and approval of the vibration characteristics of installed power plants; operates systems for the central registration of aircraft, airmen, and air agencies; conducts or supervises centrally documentary and laboratory research and development work in medicine, physiology, psychology and related sciences as applied to aviation.

(6) Evaluates the need for, recommends, maintains liaison with, and as appropriate participates in pertinent research, development and testing projects of the Technical Development and Evaluation Center and other organizations.

(7) Develops and recommends the CAA position on matters involving the technical regulation and improvement of aviation safety for consideration by the Air Coordinating Committee, ICAO, or other national and international groups; and provides technical assistance or representation in such groups, as assigned.

(8) Provides technical assistance and advice on the technical regulation and improvement of aviation safety to the Office of the Administrator, other CAA offices, and other organizations, as appropriate.

NOTE: As used in this section, the term "the technical regulation and improvement of aviation safety" applies to the examination, certification, inspection, and improvement of: the design, manufacture, and maintenance of aircraft and aircraft components; the competency and physical fitness of airmen; and the flight operations and technical facilities of air carriers, other aircraft operators, airman schools, and other air agencies.

(b) *Subordinate offices.*

Executive Staff Division.
Technical Staff Division.
Air Carrier Safety Division.
Aircraft Engineering Division.
General Safety Division.
Medical Division.

2. Section 34 (b) is amended by deleting "Communications Division" and "Air Traffic Control Division" and by adding "Airways Operations Division."

3. Section 36 (b) is amended by adding a new office at the end to read:

Aviation Resources Division.

4. Section 42 (c) (1) is amended to read:

185 North Wabash Avenue, Chicago 1, Ill.

5. Section 42 (i) (1) is amended to read:

Hawaiian Life Insurance Building, Kapiolani Boulevard and Piikoi Street, Honolulu, T. H.

6. Section 43 (d) (3) is amended to read:

(3) *Regions 8 and 9.* In Region 8 there is also a Transportation Branch and an Alaska Supply Branch (located in Seattle, Wash.); there is no Project Audit Branch. In Region 9 these functions are performed by a Budget and Management Division, a Personnel Division, and a General Services Division.

7. Section 43 (e) (1) is amended to read:

(e) *Airways Operations Division*—(1) *Functions.* Operates the air traffic control and aeronautical communications system in the region.

Trains supervisors and employees engaged in traffic control and communications activities.

Inspects and evaluates Airways Operations activities in the interest of effective program execution.

Provides staff assistance to the Office of the Regional Administrator on matters pertaining to air traffic control and aeronautical communications in the region.

Conducts studies for the improvement and implementation of the Airways Operations program in the region.

Evaluates policies, operating methods, and procedures issued by the Washington Office of Federal Airways and recommends any necessary modifications on the basis of field experience.

Maintains liaison with military agencies to ensure coordination between the regional Airways Operations services and military facilities in the interest of national defense.

Collaborates with the Facilities Division in the development of over-all policies and program plans for a coordinated Federal Airways program in the region.

Cooperates with the Aviation Safety Division in the interest of coordinated Airways Operations and Aviation Safety activities.

Maintains liaison with other agencies, representatives of the aviation industry, and others with respect to air traffic control and communications services.

8. Section 43 (e) (2) is amended to read:

(2) *Subordinate offices.*

Technical Services and Planning Branch.
Air Defense Liaison Branch (except Region 9).
Program Requirements Branch.
Facility Operations Branch:
  Air Route Traffic Control Centers.
  Airport Traffic Control Towers.
  Interstate Airway Communications Stations.
  Overseas Foreign Aeronautical Communications Stations.

9. Section 43 (f) (3) is amended to read:

(3) *Regions 8 and 9.* In Region 8 the functions of this division are performed by a Plant and Structures Division, an Electronics Division, and an Airways Flight Inspection Division. In Region 9 these functions are performed by a Facilities Division and a Flight Inspection Division.

10. Section 43 (h) is amended to read:

(h) *Aviation Safety Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator in the administration of the regional Aviation Safety program.

Directs and coordinates the regional Aviation Safety programs, including all such activities relating to airmen, aircraft, air agencies, fixed base operators, air carriers, and other operations that are specifically assigned to the Region.

Directs and conducts the medical examination and evaluation activities of the Region.

Develops regional Aviation Safety work programs in accordance with policies and objectives established by Washington and Regional Administrator.

Coordinates division activities with other divisions and with agencies and responsible individuals outside the Civil Aeronautics Administration, as necessary.

Participates with the Assistant to the Regional Administrator in planning field programs for the fostering of aviation, personal flying, and aviation education.

Plans and administers regional programs of training and proficiency flying for Aviation Safety personnel.

Recommends the establishment or discontinuance of Aviation Safety District Offices, and directs and coordinates their activities.

(2) *Subordinate offices.*

Air Carrier Safety Branch.
Aircraft Engineering Branch.
General Safety Branch.
Aviation Safety District Offices.

(3) *Regions 8 and 9.* In Region 8 the subordinate offices are a Flight Operations Branch, an Airman Standards Branch, a Maintenance Inspection Branch, and three Aviation Safety District Offices. This division has no subordinate offices in Region 9.

(4) *Aviation Safety District Offices*—(1) *Functions.* These offices, each under the supervision of a Supervising Agent and manned by Aviation Safety Agents, serve as a contact point with the general public and designated industry representatives. The offices are responsible for the initial handling of all matters dealing with the aeronautical competency of airmen, air agencies, and air carriers; the airworthiness of aircraft and components; the compliance with rules and standards governing flight operations; the investigation of accidents and violations; and the promotion of safe flying and the maintenance of close liaison with state and local enforcement agencies.

Those offices designated by a (G) specialize in Aviation Safety activities relating to air agencies, general operators (operators of aircraft other than: scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross take-off weight of more than 12,500 pounds, and commercial operators which are certificated under Part 45 of the Civil Air Regulations), general aircraft in service (aircraft of general operators), general airmen (all persons who hold or are eligible for airmen certificates other than: airline transport pilot, airport control tower operator, dispatcher, or air crewman), and other general aviation activities.

Those offices designated by a (C) specialize in Aviation Safety activities relating to air carrier operations (operations of scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross take-off weight of more than 12,500 pounds, and

REGION 3

State	City	No.	Address	Specialty
Illinois	Chicago	3-1	6013 South Central Avenue	(C)
	do	3-20	do	(C)
	Elmhurst	3-11	Administration Bldg., Elmhurst Airport, Lake St. and Route 83.	(C)
	Monsanto	3-17	Monsanto Post Office	(C)
	Springfield	3-7	P. O. Box 167	(C)
Indiana	Indianapolis	3-5	Weir Cook Municipal Airport	(C)
	South Bend	3-18	St. Joseph Field, Municipal Airport	(C)
	Lowell	3-13	Lowell Field, Administration Bldg.	(C)
Kentucky	Grand Rapids	3-10	Kent County Airport	(C)
Michigan	Inkster	3-3	Detroit-Wayne Major Airport, Administration Bldg.	(C)(F)
	Muskegon	3-23	P. O. Box 588	(F)
	Ypsilanti	3-2	Ford-Willow Run Airport, Box 1, Administration Bldg.	(C)
Minnesota	Minneapolis	3-21	Wold-Chamberlain Field, Administration Bldg.	(C)
	do	3-21	do	(C)
	Rochester	3-16	Rochester Airport	(C)
	Bismarck	3-14	Municipal Airport, P. O. Box 156	(C)
North Dakota	Fargo	3-14	Hector Field, 1 Mile North Walker Bldg.	(C)
	Minot	3-24	Minot Municipal Airport, 1800 Trindet Blvd.	(C)
Ohio	Cincinnati	3-6	Lunken Airport, Administration Bldg.	(C)
	Cleveland	3-4	6200 Rocky River Dr., Municipal Airport	(C)
	Columbus	3-12	Room 220-223, Administration Bldg., Port Columbus International Airport.	(C)
	Middletown	3-22	Aeronca Manufacturing Corp.	(F)
	Wellsville	3-13	Toledo Municipal Airport, Box 281	(C)
Wisconsin	Milwaukee	3-8	General Mitchell Field, R. R. 2	(C)
	Wausau	3-19	125 West Washington St	(C)

REGION 4

State	City	No.	Address	Specialty
Arkansas	Little Rock	4-6	P. O. Box 127	(C)
Louisiana	New Orleans	4-13	P. O. Box 847, Gentilly Station, New Orleans	(C)
	Shreveport	4-9	Administration Bldg., Municipal Airport, P. O. Box 85.	(G)
New Mexico	Albuquerque	4-2	1229 South Yale	(C)
Oklahoma	Bethany	4-19	% Aero Design & Engineering Co., P. O. Box 16.	(C)
	Oklahoma City	4-7	P. O. Box 4156, Farley Station, Municipal Airport.	(C)
Texas	Tulsa	4-10	P. O. Box 4585, Municipal Airport	(C)
	Amarillo	4-4	P. O. Box 2006, Amarillo Air Terminal	(C)(F)
	Brownsville	4-12	Airport Branch Post Office, Love Field	(C)
	Dallas	4-16	3214 Terminal Bldg., Love Field	(C)
	El Paso	4-11	El Paso International Airport	(C)
	Fort Worth	4-1	P. O. Box 1689, Meacham Field	(C)
	do	4-14	% Hall Aircraft Corp., P. O. Box 182	(C)
	Fort Worth (Hurst)	4-5	3d Floor, National Guard Hangar, Municipal Airport.	(C)
	Houston	4-15	do	(C)
	do	4-17	Route 10, Box 280, San Antonio Airport	(C)
	San Antonio	4-8	Midland Air Terminal, P. O. Box 158	(C)
	Terminal (Midland)	4-16		

REGION 5

State	City	No.	Address	Specialty
	CAA District Office Bldg., Stapleton Airfield	5-7		(GC)
Colorado	Denver	5-7	P. O. Box 1689, Walker Field	(GC)
	Grand Junction	5-14	P. O. Box 1967, Municipal Airport	(GC)
Iowa	Cedar Rapids	5-12	Municipal Airport	(GC)
	Des Moines	5-13	P. O. Box 1594, Municipal Airport	(GC)
Kansas	Dodge City	5-11	101 Flight Operations Bldg., Municipal Airport	(GC)
	Wichita	5-6	P. O. Box 2511, Municipal Airport	(GC)
	do	5-21	% Beech Aircraft Corp	(F)
	do	5-22	232 East Elm St	(F)
	do	5-23	% Cessna Aircraft Co	(F)
Missouri	Kansas City	5-10	P. O. Box 7612, Municipal Airport	(GC)
	Sherwood	5-2	Administration Bldg., Lambert Field-St. Louis Airport, Box 127.	(GC)
	St. Louis	5-5	P. O. Box 1718, Terminal Bldg., Municipal Airport.	(G)
Nebraska	Lincoln	5-5	P. O. Box 4006, Municipal Airport	(G)
	North Platte	5-17	Municipal Airport	(G)
	Omaha	5-9	P. O. Box 1748, Bellemdun Airport	(G)

REGION 1

State	City	No.	Address	Specialty
Connecticut	Bridgeport	1-23	% Sikorsky Aircraft Corp	(F)
	Windsor Locks	1-21	% Kaman Aircraft Corp., National Guard Hangar.	(F)
Delaware	New Castle	1-26	% Bellanca Aircraft Corp	(F)
District of Columbia	Washington	1-19	Hangar 8K, Washington National Airport	(C)
Maine	Portland	1-30	Municipal Bldg., Municipal Airport	(C)
Maryland	Baltimore	1-25	% Glenn Martin Co. (D), "B" Bldg. Balcony	(F)
	Millville River	1-29	287 Marginal St	(F)
Massachusetts	East Boston	1-22	Municipal Airport	(C)
	Norwood	1-13	M. O. Box 243, Barnes Westfield Airport	(C)
	Westfield	1-17	M. O. Box 243, Barnes Airport	(C)
New Hampshire	Concord	1-16	Central Airport	(C)
New Jersey	Newark	1-27	Room 202, Administration Bldg., Municipal Airport.	(C)
	Teterboro	1-17	Teterboro Air Terminal	(C)
New York	Buffalo	1-24	Municipal Airport, North Walk and Ave	(C)
	Flushing (Queens)	1-14	LaGuardia Field, Box 325, Terminal Bldg.	(C)
	Long Island	1-15	Zahn's Airport, North Wellwood Ave., Jackson Heights.	(F)
	do	1-28	International Airport, Room 102, Federal Bldg., Jamaica.	(C)
	do	1-31	International Airport, Room 104, Federal Bldg., Jamaica.	(C)
	Rochester	1-10	Municipal Airport	(C)
	Syracuse	1-11	Hancock Field	(C)
	Waterford	1-12	Albany Airport	(C)
	Westhampton	1-26	Albany Northeastern-Easton Airport	(C)
Pennsylvania	Allentown	1-6	Harrisburg State Airport	(C)
	Bedford	1-24	Allegheny County Airport	(C)
	Pittsburgh	1-9	% Lycoming Division Aviation Corp	(F)
	Williamsport	1-25	Avco Field, 2501 Richmond Highway	(C)
Virginia	Alexandria	1-8	Beaver Field, Box 1	(C)
	Norfolk	1-18	Municipal Airport	(C)
	Roanoke	1-7	P. O. Box 296, Byrd Field	(C)
West Virginia	Clarksburg	1-1	P. O. Box 1148, Bennedum Airport	(C)

REGION 2

State	City	No.	Address	Specialty
Alabama	Birmingham	2-2	Municipal Airport	(C)
	Mobile (Springhill)	2-15	Box 74, Route 5	(C)
Florida	Jacksonville	2-16	100 Hanford Bldg., International Airport Branch	(C)
	Miami	2-14	P. O. Box 2212, Peter O. Knight Airport	(C)
	Orlando	2-11	P. O. Box 2511, Municipal Airport	(C)
	Tampa	2-12	P. O. Box 2753, Peter O. Knight Airport	(C)
Georgia	Atlanta	2-5	P. O. Box 7526, Municipal Airport	(C)
Mississippi	Jackson	2-17	P. O. Box 1828, Municipal Airport	(C)
North Carolina	Charlotte	2-18	P. O. Box 1555, 1207 Insurance Bldg.	(C)
	Greensboro-Salem	2-19	P. O. Box 2506, Smith-Reynolds Airport	(C)
	New Bern	2-20	P. O. Box 1761, Lda Grande Airport	(C)
South Carolina	Columbia	2-21	Box 2626	(C)
Tennessee	Memphis	2-22	Municipal Airport	(C)
	Nashville	2-23	Berry Field	(C)

commercial operators which are certificated under Part 45 of the Civil Air Regulations), air carrier aircraft in service (aircraft of air carriers, as defined herein), air carrier airmen (persons who hold or are candidates for certificates as airline transport pilot, airport control tower operator, dispatcher, or air crewman), and related air carrier activities.

Those offices designated by an (F) are usually located at factories and other locations convenient to the aviation manufacturing industry, and specialize in aircraft engineering and manufacturing inspection, including matters pertaining to the type, production, and original airworthiness of new or modified aircraft and components, and to service difficulties.

Those offices with more than one specialty are designated by a combination of the letters F, C, and G. All offices are generally familiar with and can furnish information and advice on aviation safety matters outside their area of specialization.

(ii) *Locations.*

NOTE: Mail should be addressed as in this example—CAA Aviation Safety District Office 1-27, Room 202, Administration Building, Municipal Airport, Newark, N. J.

REGION 5—Continued

State	City	No.	Address	Specialty
South Dakota	Huron	5-8	P. O. Box 96, Municipal Airport	(G)
	Rapid City	5-15	Municipal Airport	(G)
Wyoming	Cheyenne	5-4	Municipal Airport, 3801 Evans Ave	(G)

REGION 6

State	City	No.	Address	Specialty
Arizona	Phoenix	6-11	Sky Harbor Airport, P. O. Box 992	(G)
California	Burbank	6-3	Hangar No. 4, Lockheed Air Terminal	(C)
	do	6-23	% Lockheed Aircraft Corp., Plant A-1, Bldg. 19.	(F)
	Fresno	6-5	Fresno Air Terminal, P. O. Box 591	(G)
	Long Beach	6-8	Administration Bldg., Municipal Airport	(G)
	Los Angeles	6-1	5651 West Manchester Ave	(G)
	do	6-16	do	(C)
	do	6-24	% McCulloch Motors Corp., Helicopter Division, 9775 Airport Blvd.	(F)
	Oakland	6-2	Municipal Airport	(G)
	Palo Alto	6-9	P. O. Box 1240, Municipal Airport	(G)
	do	6-25	% Hiller Helicopters, 1350 Willow Rd., P. O. Box 1280.	(F)
	Ontario	6-6	Administration Bldg., Ontario International Airport.	(G)
	Sacramento	6-4	Municipal Airport	(G)
	San Diego	6-10	Administration Bldg., Lindbergh Field	(G)
	do	6-21	% Consolidated-Vultee Aircraft Corp., Bldg. 33, Lindbergh Field.	(F)
	Santa Monica	6-22	% Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	(F)
	South San Francisco	6-17	International Terminal Bldg., Room 301, c/o Pan American Airways.	(C)
Nevada	Las Vegas	6-15	Administration Bldg., McCarran Field, P. O. Box 1752.	(G)
	Reno	6-12	328 Gazette Bldg., P. O. Box 499	(G)
Utah	Salt Lake City	6-7	Municipal Airport No. 1	(G)

REGION 7

State	City	No.	Address	Specialty
Idaho	Boise	7-6	1412 Idaho St	(G)
Montana	Billings	7-8	208 Stapleton Bldg	(G)
	Helena	7-7	P. O. Box 1167, Municipal Airport	(G)
Oregon	Eugene	7-3	23 West 6th St	(G)
	Portland	7-2	Service Office Bldg., 5410 Northeast Marine Dr	(G)
Washington	Seattle	7-1	P. O. Box 18, Boeing Field	(GC)
	do	7-9	P. O. Box 17, Boeing Field	(F)
	do	7-10	P. O. Box 3167	(F)
	Spokane (Parkwater)	7-5	Felts Field, P. O. Box 26	(G)
	Yakima	7-4	2300 West Washington Ave	(G)

REGION 8

State	City	No.	Address	Specialty
Alaska	Anchorage	8-1	Merrill Field, Communications Bldg., P. O. Box 440.	(GC)
	Fairbanks	8-2	Wien-Alaska Airlines Hangar, Weeks Field, P. O. Box 700.	(G)
	Juneau	8-3	McKinley Bldg., P. O. Box 2449	(G)

11. Section 43 (i) is amended to read:

(i) *Alaska Air Terminals Division (Region 8)—(1) Functions.* Provides staff assistance to the Regional Administrator with respect to the protection, operation, improvement, and maintenance of CAA airports at Anchorage and Fairbanks; and the planning and provision of facilities of a commercial nature at all airports operated by the Region.

12. Section 44 (c) (2) is amended to read:

(2) *Location—(i) CAA International District Offices.*

Fort Worth CAA International District Office, CAA Reservation, Haslet Road, Fort Worth, Tex. (P. O. Box 1689).

Kansas City CAA International District Office, Administration Building, Fairfax Airport, Kansas City, Kans.

Miami CAA International District Office, 656 East Drive, Miami Springs, Fla. (P. O. Box 234, Miami 48, Fla.).

Minneapolis CAA International District Office, Administration Building, Wold-Chamberlain Field, Minneapolis, Minn.

New York CAA International District Office, Federal Building-New York International Airport, Jamaica, Long Island, N. Y.

San Francisco CAA International District Office, Rooms 101-105, International Terminal Building, San Francisco Municipal Airport, South San Francisco, Calif. (P. O. Box 629, South San Francisco, Calif.).

(ii) *CAA International Field Offices.*

Balboa CAA International Field Office, Room 301, Civil Affairs Building, Ancon, Canal Zone (P. O. Box J, Balboa Heights, C. Z.).

Bangkok CAA International Field Office, c/o United States Embassy, 125 Sathorn Road, Bangkok, Thailand.

Beirut CAA International Field Office, c/o American Legation, TCA Building, Beirut, Lebanon.

Buenos Aires CAA International Field Office, Florida 935, 2C, Buenos Aires, Argentina (c/o United States Embassy, Avda. R. S. Pena 567, Buenos Aires, Argentina).

Lima CAA International Field Office, Corpac Terminal Building-Limatambo Airport, c/o United States Embassy, Lima, Peru.

London CAA International Field Office, c/o United States Embassy, No. 1 Grosvenor Square, London, England.

Manila CAA International Field Office, Seafront Compound, Manila, P. I. (c/o United States Embassy, A. P. O. 928, c/o Postmaster, San Francisco, Calif.).

Paris CAA International Field Office, Room 321, Embassy Building "F", c/o United States Embassy, 1 Rue de Pressbourg, Paris, France.

Rio de Janeiro CAA International Field Office, Avenue Presidente Roosevelte, 194/400, c/o United States Embassy, Rio de Janeiro, Brazil.

Tokyo CAA International Field Office, Room 102, Empire House, A Avenue near X Avenue, Tokyo, Japan (A. P. O. 500, c/o Postmaster, San Francisco, Calif.).

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8771; Filed, Aug. 8, 1952; 8:45 a. m.]

National Production Authority

WEINSTEIN LADDER CO.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 9th day of July 1952 before James M. Fawcett, Esq., a Hearing Commissioner of the National Production Authority, on a Statement of Charges made by the General Counsel, National Production Authority, in accordance with the National Production Authority General Administrative Order 16-06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799), dated August 30, 1951, and Delegation of Authority under NPA-GAO 16-06 (17 F. R. 2098); and

The respondents, Weinstein Ladder Company, a corporation, Sam Weinstein and David Weinstein, as officers of said Weinstein Ladder Company, and individually, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures which govern these proceedings; and

The National Production Authority being represented by William E. Kennedy and Jonathan Rintels, and the respondents being represented by Harry D. Gross, Esq. of Newark, N. J.; and

The respondents having filed an answer herein admitting the allegations set forth in the Statement of Charges dated May 17, 1952, but denying any intentional violations of the acts so alleged, and the Hearing Commissioner having considered testimony in mitigation of the offenses charged and having heard and considered the argument of counsel, it is hereby determined:

Findings of fact. 1. During the calendar month of February 1951, Weinstein Ladder Company used in the manufacture of ladders 7,588 pounds of aluminum in excess of the amount permitted to said respondents during said period.

2. During the calendar quarter commencing April 1, 1951, Weinstein Ladder Company used in the manufacture of ladders 4,071 pounds of aluminum in excess of the amount permitted to said respondent during said period.

3. During the calendar quarter commencing October 1, 1951, Weinstein Ladder Company obtained and used in the manufacture of ladders 25,481 pounds of aluminum in excess of that provided for in the authorized production schedules of respondent for said period.

4. During the calendar quarter commencing July 1, 1951, Weinstein Ladder Company, having been granted an allotment of 39,000 pounds of aluminum,

used in manufacture only 20,926 pounds during said period, leaving an unused balance of 18,072 pounds, and such excess allotments were not returned as required.

5. During the calendar quarter commencing January 1, 1952, Weinstein Ladder Company, having been granted an allotment of 36,000 pounds of aluminum, used in manufacture only 5,045 pounds during said period, leaving an unused balance of 30,955 pounds, and such excess allotments were not returned as required.

6. During the calendar quarter commencing October 1, 1951, Weinstein Ladder Company placed authorized controlled material orders in excess of the allotment received by it for said period by placing orders for 46,481 pounds of aluminum when entitled to order only 21,000 pounds, thereby ordering 25,481 pounds in excess of the related allotment received by said respondent.

7. During the calendar quarters commencing July 1, 1951, October 1, 1951, and January 1, 1952, Weinstein Ladder Company failed to maintain accurate records of allotments received and procurement pursuant to allotments as required.

8. Sam Weinstein and David Weinstein, owned, dominated, managed, and controlled Weinstein Ladder Company and directed and supervised the commission of the violations hereinbefore mentioned.

Conclusion. During the period February 1, 1951, to March 31, 1952, the respondents, Weinstein Ladder Company, a corporation, Sam Weinstein and David Weinstein violated the provisions of National Production Authority regulations, orders, and directives as follows:

(a) The unauthorized consumption of 7,588 pounds of aluminum in February 1951 contrary to the provisions of NPA Order M-7, section 5 (b), as amended February 1, 1951 (16 F. R. 1122).

(b) The unauthorized consumption of 4,071 pounds of aluminum during the calendar quarter commencing April 1, 1951, contrary to the provisions of NPA Order M-7, section 5 (a), as amended April 6, 1951 (16 F. R. 3118).

(c) The unauthorized consumption of 25,481 pounds of aluminum in excess of that provided for in the related authorized production schedule contrary to the provisions of CMP Regulation No. 1, section 17 (b), issued May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11869).

(d) The failure to return excess allotments for 18,072 pounds of aluminum during the calendar quarter commencing July 1, 1951, and the failure to return excess allotments for 30,955 pounds of aluminum during the calendar quarter commencing January 1, 1952, contrary to the provisions of CMP Regulation No. 1, section 18 (b), dated May 3, 1951 (16 F. R. 4127).

(e) The unauthorized placing of orders with suppliers for 25,481 pounds of aluminum more than respondents were entitled to order during the calendar quarter commencing October 1, 1951, contrary to the provisions of CMP Regulation No. 1, section 19 (f), dated May 3, 1951 (16 F. R. 4127), and amended November 23, 1951 (16 F. R. 11869).

(f) The failure to maintain accurate records of allotments received and procurement pursuant thereto during the period July 1, 1951, to March 31, 1952, contrary to the provisions of CMP Regulation No. 1, section 23 (a), dated May 3, 1951 (16 F. R. 4127), as amended November 23, 1951 (16 F. R. 11869).

Accordingly, it is ordered: That all priority assistance be withdrawn and withheld from Weinstein Ladder Company, a corporation, and Sam Weinstein and David Weinstein as officers and individually, their successors and assigns, and that all allocations and allotments of controlled materials be withdrawn and withheld from said aforementioned respondents, their successors and assigns, for a period of 6 months from date hereof.

Issued this 26th day of July 1952.

NATIONAL PRODUCTION AUTHORITY,
By JAMES M. FAWCETT,
Hearing Commissioner.

[F. R. Doc. 52-8877; Filed, Aug. 7, 1952; 2:19 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2539]

NORTHWEST AIRLINES, INC.; TRANS-PACIFIC OPERATIONS

NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Northwest Airlines, Inc. in its trans-Pacific operations.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 11, 1952 at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 6, 1952.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-8791; Filed, Aug. 8, 1952; 8:49 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 78, Amdt. 1]

BRIDGEPORT, CONNECTICUT, CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

In view of the joint certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 1, 1952 (17 F. R. 7131), that the Bridgeport, Connecticut, area is a critical defense housing area as defined by section 204 (1) of the Housing and Rent Act of 1947, as amended, section 2 of Economic Stabilization Agency Determination No. 78 (17 F. R. 1374) is hereby amended to apply to the area described as:

Bridgeport, Connecticut (this area consists of the Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut).

ROGER L. PUTNAM,
Administrator.

AUGUST 7, 1952.

[F. R. Doc. 52-8898; Filed, Aug. 8, 1952; 9:44 a. m.]

Office of Price Stabilization

[Region I, Redelegation of Authority No. 28, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 52, Revision 1 (17 F. R. 5618) this revision of Redelegation of Authority No. 28 (17 F. R. 1639) is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This revised redelegation of authority shall take effect as of July 7, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8829; Filed, Aug. 6, 1952; 4:50 p. m.]

[Region I, Redelegation of Authority No. 29, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of

Price Stabilization, No. I, and pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this amendment to Redelegation of Authority No. 29 (17 F. R. 1956) is hereby issued.

Redelegation of Authority No. 29 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This amendment shall take effect as of July 8, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8828; Filed, Aug. 6, 1952; 4:50 p. m.]

[Region I, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917) this revision of Redelegation of Authority No. 33 (17 F. R. 2462) is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49 and 60 of Ceiling Price Regulation 74.

This revised redelegation of authority shall take effect as of July 8, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8827; Filed, Aug. 6, 1952; 4:50 p. m.]

[Region I, Redelegation of Authority No. 43]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 69 (17 F. R. 5679) this redelegation of authority is hereby issued.

Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 7, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8824; Filed, Aug. 6, 1952; 4:49 p. m.]

[Region I, Redelegation of Authority No. 44]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this redelegation of authority is hereby issued.

Authority to act under sections 6, 7, and 8 of CPR 23. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 8, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8825; Filed, Aug. 6, 1952; 4:49 p. m.]

[Region I, Redelegation of Authority No. 45]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 8, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 6, 1952.

[F. R. Doc. 52-8826; Filed, Aug. 6, 1952; 4:49 p. m.]

[Region III, Redelegation of Authority No. 20, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, at Philadelphia, Pennsylvania, pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this Revision 1 to Redelegation of Authority No. 20 is hereby issued.

Redelegation of Authority No. 20 is revised to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation No. 74.

This redelegation of authority shall take effect as of July 11, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 6, 1952.

[F. R. Doc. 52-8840; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region III, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, at Philadelphia, Pennsylvania, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised. All actions in respect to the foregoing sections of CPR 26, revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 11, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 6, 1952.

[F. R. Doc. 52-8841; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region III, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, at Philadelphia, Pennsylvania, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 11, 1952.

JOSEPH J. MCBRYAN,
Director of Regional Office No. III.

AUGUST 6, 1952.

[F. R. Doc. 52-8842; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region XII, Redelegation of Authority No. 50]

DIRECTORS OF THE DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CFR 26, revised.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Fresno, Sacramento, San Francisco, Los Angeles, and San Diego, California; Phoenix, Arizona; and Reno, Nevada, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

AUGUST 6, 1952.

[F. R. Doc. 52-8843; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority 2, Revision 1, Amdt. 1, Corr.]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 39A AND 39C OF CPR 7

Due to a clerical error, the second paragraph of Redelegation of Authority 2, Revision 1, Amendment 1 (17 F. R. 5702) refers to "Redelegation of Authority 5, Revision 1." This should read instead "Redelegation of Authority 2, Revision 1." Accordingly, the second paragraph of Redelegation of Authority 2, Revision 1, Amendment 1, is corrected to read as follows:

Paragraph 1 of Redelegation of Authority 2, Revision 1, is amended to read as follows:

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8835; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority No. 10, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This redelegation of authority shall take effect as of July 15, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8837; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority 24, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 52 Revision 1 (17 F. R. 5618), this Revision 1 to Redelegation of Authority No. 24 (17 F. R. 1432) is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices mentioned above to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect as of July 7th, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8836; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority No. 25, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority 25 (17 F. R. 1831) is hereby issued.

Redelegation of Authority 25 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices mentioned above to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This amendment shall be effective as of July 15th, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8838; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Revision 1 to Redelegation of Authority 33 (17 F. R. 4660) is hereby issued.

Redelegation of Authority No. 33 is revised to read as follows:

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky; and Toledo, Ohio, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by the said field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

The redelegation of authority shall take effect as of July 15, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8839; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region VI, Redelegation of Authority 37]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

DELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this Redelegation of Authority No. 37 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 7th, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8833; Filed, Aug. 6, 1952; 4:51 p. m.]

[Region VI, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Detroit, Michigan; Grand Rapids, Michigan; Louisville, Kentucky and Toledo, Ohio, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, revised. All actions in respect to the foregoing sections of CPR 26, revised, taken by the said field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 15, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 6, 1952.

[F. R. Doc. 52-8834; Filed, Aug. 6, 1952; 4:51 p. m.]

[Region VII, Redelegation of Authority No. 24, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 24 (17 F. R. 1701) is hereby issued.

Redelegation of Authority 24 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve, disapprove or revise proposed ceiling prices and to revoke ceiling prices established under section 16 (c).

This Amendment 1 to Redelegation of Authority No. 24 shall take effect on August 6, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 6, 1952.

[F. R. Doc. 52-8831; Filed, Aug. 6, 1952; 4:51 p. m.]

[Region VII, Redelegation of Authority No. 29, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this Redelegation of Authority No. 29, Revision 1, is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This redelegation of authority shall take effect on August 6, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 6, 1952.

[F. R. Doc. 52-8832; Filed, Aug. 6, 1952; 4:51 p. m.]

[Region VII, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by field offices previous to this authority, are hereby confirmed and validated.

[Region XII, Redelegation of Authority No.

This redelegation of authority shall take effect on August 6, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 6, 1952.

[F. R. Doc. 52-8830; Filed, Aug. 6, 1952; 4:50 p. m.]

[Region VIII, Redelegation of Authority No. 12, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 32, Revision 1, dated June 27, 1952 (17 F. R. 5917), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This revised redelegation of authority shall take effect as of July 8, 1952.

JOSEPH ROBBIE, Jr.
Regional Counsel, Region VIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8823; Filed, Aug. 6, 1952; 4:49 p. m.]

[Region X, Redelegation of Authority No. 13, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this Revision 1 to Region X Redelegation of Authority No. 13 is hereby issued.

Region X Redelegation of Authority No. 13 is revised to read as follows:

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to take appropriate action under Sections 12, 43, 44, 45, 46, 47, 49 and 60 of Ceiling Price Regulation 74.

This redelegation of authority shall take effect as of July 14, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 6, 1952.

[F. R. Doc. 52-8820; Filed, Aug. 6, 1952; 4:48 p. m.]

[Region X, Redelegation of Authority No. 25, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this Amendment 1 to Redelegation of Authority No. 25 is hereby issued.

a. Redelegation of Authority No. 25 is amended by adding the following number and heading to the existing second paragraph:

1. *Authority under section 40 of CPR 98.*

b. Redelegation of Authority No. 25 is further amended by adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under Section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This amendment shall take effect as of July 14, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 6, 1952.

[F. R. Doc. 52-8821; Filed, Aug. 6, 1952; 4:48 p. m.]

[Region X, Redelegation of Authority No. 30, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Revision 1 to Region X Redelegation of Authority No. 30 is hereby issued.

Region X Redelegation of Authority No. 30 is revised to read as follows:

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 14, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 6, 1952.

[F. R. Doc. 52-8822; Filed, Aug. 6, 1952; 4:49 p. m.]

[Region X, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Little Rock, Arkansas; Tulsa, Oklahoma; Oklahoma City, Oklahoma; Shreveport, Louisiana; New Orleans, Louisiana; Lubbock, Texas; Fort Worth, Texas; Dallas, Texas; Houston, Texas; and San Antonio, Texas, District Offices of Price Stabilization, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of July 18, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 6, 1952.

[F. R. Doc. 52-8826; Filed, Aug. 6, 1952; 4:53 p. m.]

[Region XII, Redelegation of Authority No. 11, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 32, Revision 1 (17 F. R. 5917), Redelegation of Authority No. 11, heretofore issued by me on December 10, 1951 (17 F. R. 172), is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization located at San Francisco, Fresno, Sacramento, Los Angeles, and San Diego, California; Reno, Nevada; and Phoenix, Arizona, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This amendment shall take effect as of July 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

AUGUST 6, 1952.

[F R. Doc. 52-8844; Filed, Aug. 6, 1952; 4:52 p. m.]

[Region XII, Redelegation of Authority No. 43, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), Redelegation of Authority No. 43, heretofore issued by me on April 28, 1952 (17 F. R. 4403) is amended to read as follows:

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization located at San Francisco, Fresno, Sacramento, Los Angeles, and San Diego, California; Reno, Nevada; and Phoenix, Arizona, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by field offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This amendment shall take effect as of July 15, 1952.

JOHN H. TOLAN, Jr.,
Director of Regional Office No. XII.

AUGUST 6, 1952.

[F. R. Doc. 52-8845; Filed, Aug. 6, 1952; 4:53 p. m.]

[Region XIII, Redelegation of Authority No. 14, Revision 1]

DIRECTORS OF DISTRICT OFFICES REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 40, 10 (e) AND (c) OF CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 53, as amended (17 F. R. 1236, 17 F. R. 5971) this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to accept applications for the establishment of ceiling prices or adjustment in extras made in accordance with the provisions of section 40 of Ceiling Price Regulation 98, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling prices or extras, to establish ceiling prices or extras, and to modify or revoke ceiling prices or extras established under section 40 of Ceiling Price Regulation 98.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to accept applications for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications to approve, disapprove or revise proposed ceiling markups and to modify or revoke ceiling markups established under that section.

3. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to accept applications for the establishment of ceiling markup prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This revised redelegation of authority shall become effective as of July 14, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8815; Filed, Aug. 6, 1952; 4:47 p. m.]

[Region XIII, Redelegation of Authority No. 15, Revision 1]

DIRECTORS OF DISTRICT OFFICES REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 101, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 38, as amended (16 F. R. 12299, 17 F. R. 1784, 17 F. R. 5045), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under sections 7, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), and 49 (a) of Ceiling Price Regulation 101, as amended.

2. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under section 12 of Ceiling Price Regulation 101, as amended.

3. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under section 4 (d) of Ceiling Price Regulation 101, as amended.

This redelegation of authority shall become effective as of July 17, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8816; Filed, Aug. 6, 1952; 4:47 p. m.]

[Region XIII, Redelegation of Authority No. 18, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SPECIFIED SECTIONS OF CPR 74

By virtue of the Authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 32 (16 F. R. 11752), and Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to modify, revise or request further information concerning applications filed pursuant to section 14 (c) of CPR 74 and to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This redelegation of authority shall become effective as of July 17, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8817; Filed, Aug. 6, 1952; 4:47 p. m.]

[Region XIII, Redelegation of Authority No. 29]

DIRECTORS OF DISTRICT OFFICES REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of

Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 66, Revision 1 (17 F. R. 5437), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to receive and examine reports filed under the provisions of sections 5 and 6 of Ceiling Price Regulation 31; to ascertain whether such reports conform to requirements of Ceiling Price Regulation 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of Ceiling Price Regulation 31.

This redelegation of authority shall become effective as of July 14, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8818; Filed, Aug. 6, 1952; 4:47 p. m.]

[Region XIII, Redelegation of Authority No. 30]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 68 (17 F. R. 4961), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under sections 15, 21 (a), 21 (b), 42 (a), 42 (b), 46 (c), 49A (b), 49A (c), 49B (a), 49B (b), and 50 (u) of Ceiling Price Regulation 24, as amended.

This redelegation of authority shall become effective as of July 14, 1952.

JOHN L. SALTER,
Regional Director, Region XIII.

AUGUST 6, 1952.

[F. R. Doc. 52-8819; Filed, Aug. 6, 1952; 4:48 p. m.]

[Region II, Redelegation of Authority No. 33, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this Revision 1 to Redelegation of Authority No. 33 is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at New York City, Buffalo, Rochester, Syracuse and Albany, New York and Newark and Trenton, New Jersey, to act under sections 4a (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This redelegation of authority shall take effect on August 7, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 7, 1952.

[F. R. Doc. 52-8883; Filed, Aug. 7, 1952; 4:34 p. m.]

[Region IV, Redelegation of Authority No. 10, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 74

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 32, Revision 1 (17 F. R. 5917), this Revision 1 to Region IV, Redelegation of Authority No. 10 (17 F. R. 1198) is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to take appropriate action under sections 12, 43, 44, 45, 46, 47, 49, and 60 of Ceiling Price Regulation 74.

This Revision 1 to Redelegation of Authority No. 10 shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8884; Filed, Aug. 7, 1952; 4:34 p. m.]

[Region IV, Redelegation of Authority No. 25, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICES PURSUANT TO SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 52, Revision 1 (17 F. R. 5618), this Revision 1 to Region IV, Redelegation of Authority No. 25 (17 F. R. 1957) is hereby issued.

1. *Authority to act under sections 36 and 53 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act, by order, on all applications under the provisions of sections 36 and 53 of Ceiling Price Regulation 117, Revision 1.

2. *Authority to act under section 71 of CPR 117.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to issue orders, pursuant to section 71 of Ceiling Price Regulation 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This Revision 1 to Redelegation of Authority No. 25 shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8885; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region IV, Redelegation of Authority No. 26, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 10 (e) AND 16 (c) CPR 98, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 53, Amendment 1 (17 F. R. 5971), this Amendment 1 to Region IV Redelegation of Authority No. 26 (17 F. R. 1957) is hereby issued.

Region IV Redelegation of Authority 26 is amended by redesignating the present paragraph 2 as paragraph 4 and adding new paragraphs 2 and 3 to read as follows:

2. *Authority under section 10 (e) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept application for the establishment of ceiling markups made in accordance with the provisions of section 10 (e) of Ceiling Price Regulation 98, as amended, to request further information in connection with such applications, to approve, disapprove or revise proposed ceiling markups, and to modify or revoke ceiling markups established under that section.

3. *Authority under section 16 (c) of CPR 98, as amended.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to accept applications for the establishment of ceiling warehouse prices made in accordance with the provisions of section 16 (c) (2) of Ceiling Price Regulation 98, as amended, to request further information in connection with such application, to approve or disapprove such ceiling prices and to revoke ceiling prices established under section 16 (c).

This Amendment 1 to Redelegation of Authority No. 26 shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8886; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region IV, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this Revision 1 to Region IV Redelegation of Authority No. 31 (17 F. R. 3757) is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This Revision 1 to Redelegation of Authority No. 31 shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8887; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region IV, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 6, 7, AND 8 OF CPR 23

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 63, Revision 1 (17 F. R. 5739), this Revision 1 to Region IV Redelegation of Authority No. 34 (17 F. R. 4960) is hereby issued.

1. *Authority to act under sections 6, 7, and 8 of CPR 23.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to take appropriate action under sections 6, 7, and 8 of CPR 23. All actions taken by District offices under sections 6, 7, and 8 of CPR 23, previous to this authority, are hereby confirmed and validated.

This Revision 1 to Redelegation of Authority No. 34 shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8888; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region IV, Redelegation of Authority No. 38]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 6 TO CPR 7

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 69 (17 F. R. 5679), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under Supplementary Regulation 6 to Ceiling Price Regulation 7.

This redelegation of authority shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8889; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region IV, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by District offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 7, 1952.

[F. R. Doc. 52-8890; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region VII, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois; Green Bay and Milwaukee, Wisconsin; and Indianapolis, Indiana; to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This redelegation of authority shall take effect on August 7, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 7, 1952.

[F. R. Doc. 52-8891; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region VIII, Redelegation of Authority No. 32, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 61, Revision 1, dated July 14, 1952 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This revised redelegation of authority shall take effect as of July 16, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

AUGUST 7, 1952.

[F. R. Doc. 52-8892; Filed, Aug. 7, 1952; 4:35 p. m.]

[Region VIII, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 70, dated June 27, 1952 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. *Authority to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under sections 5 (c) (3), 7, 21 (c) and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by district offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of July 15, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

AUGUST 7, 1952.

[F. R. Doc. 52-8893; Filed, Aug. 7, 1952; 4:36 p. m.]

[Region X, Redelegation of Authority No. 35, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this Revision 1 to Region X Redelegation of Authority No. 35 is hereby issued.

Region X Redelegation of Authority No. 35 is revised to read as follows:

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This revised redelegation of authority shall take effect as of July 26, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 7, 1952.

[F. R. Doc. 52-8894; Filed, Aug. 7, 1952; 4:36 p. m.]

[Region XI, Redelegation of Authority No. 38, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This revised redelegation of authority shall take effect as of July 21, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

AUGUST 7, 1952.

[F. R. Doc. 52-8895; Filed, Aug. 7, 1952; 4:36 p. m.]

[Region XIII, Redelegation of Authority No. 23, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle, and Spokane District Offices of Price Stabilization, respectively, to act, by order, on all applications under the provisions of sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of Ceiling Price Regulation 134.

This redelegation of authority shall become effective as of July 25, 1952.

HAROLD WALSH,
Regional Director, Region XIII.

AUGUST 7, 1952.

[F. R. Doc. 52-8896; Filed, Aug. 7, 1952; 4:36 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10274]

WESTERN UNION TELEGRAPH CO.

ORDER ASSIGNING HEARING

In the matter of The Western Union Telegraph Company, new and increased charges for tickers furnished in connection with leased facilities; Docket No. 10274.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1952;

The Commission, having under consideration new tariff schedules filed on June 5 and 10, 1952, by The Western Union Telegraph Company, to become effective July 6 and July 10, 1952,[1] stating new and increased charges for certain interstate and foreign leased facilities and new regulations affecting such charges, and data submitted in connection therewith; also having under consideration requests filed on July 21, 1952, on behalf of the Chicago Board of Trade and the New York Curb Exchange, asking the Commission to suspend the above proposed new and increased charges and new regulations; and also having under consideration a petition filed on June 24, 1952, on behalf of the New York Stock Exchange, requesting leave to intervene in any proceeding growing out of objections filed to proposed increased rates for 60 or 75 speed receiving-only tickers and for leave to present evidence as to the just and reasonable differential between the rates for 60 or 75 speed tickers and for 100 speed tickers;

It appearing, that said tariff schedules state increased charges for 60 or 75 speed tickers and new charges for 100 speed tickers and circuit facilities furnished in connection with interstate Leased Facilities Service and Leased Facilities Service to Havana, Cuba, and new regulations affecting such charges; and that questions are presented regarding the lawfulness of the above charges and regulations under the Communications Act of 1934, as amended;

It further appearing, that if the above new tariff schedules of The Western Union Telegraph Company applicable to 100 speed service were to be suspended as requested by the Chicago Board of Trade and the New York Curb Exchange, there would be no tariff provisions in effect whereby users could be furnished 100 speed ticker service by Western Union; and that such a situation would be detrimental to the public;

It further appearing, that the Chicago Board of Trade, the New York Curb Exchange, and other users will have adequate opportunity to seek a refund, pursuant to sections 206 through 209 of the Communications Act of 1934, as amended, of any charges which they may pay under the above-mentioned new tariff schedules in excess of the charges found to be just and reasonable by the Commission after the investigation and hearing hereinafter provided for;

It is ordered, That the above requests for suspension of the above-mentioned new tariff schedules of The Western Union Telegraph Company applicable to Leased Facilities Service are denied; and that the matters presented in said requests for suspension and in the said petition for intervention shall be considered in connection with the hearing and investigation hereinafter ordered;

It is further ordered, That, pursuant to sections 201 through 205, inclusive, and section 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the new and increased charges and new regulations contained in said revised tariff schedules;

It is further ordered, That, without in any way limiting the scope of the hearing and investigation herein, it shall include consideration of the following specific matters:

(1) The lawfulness under section 201 (b) of the Communications Act of 1934, as amended, of the charges and regulations provided for in the above-mentioned new tariff schedules;

(2) Whether the aforesaid charges and regulations would result in any unjust or unreasonable discrimination or undue or unreasonable preference, advantage, prejudice, or disadvantage in violation of section 202 (a) of the Communications Act of 1934, as amended;

It is further ordered, That The Western Union Telegraph Company is made party respondent to this proceeding; that a copy hereof be served upon such respondent; upon the Chicago Board of Trade, the New York Curb Exchange and the New York Stock Exchange, each of which is given leave to intervene and participate fully in the proceeding herein; upon the agency of each state which has regulatory jurisdiction with respect to communication rates and services and the National Association of Railroad and Utilities Commissioners;

It is further ordered, That this proceeding is assigned for hearing at 10 a. m. on the 12th day of November 1952, at the offices of the Federal Communications Commission in Washington, D. C. before a Presiding Officer to be designated hereafter who shall certify the record to the Commission for decision without preparing either a Recommended Decision or Initial Decision.

Released: August 1, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8899; Filed Aug. 8, 1952; 8:53 a. m.]

[1] The above effective dates have been postponed to August 1, 1952 by Supplement No. 10 to The Western Union Telegraph Company Tariff F. C. C. No. 219.

FEDERAL POWER COMMISSION

[Docket No. G-1641]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF OPINION NO. 234 AND ORDER DENYING CERTAIN MOTION, APPLICATIONS, AND REFUND

AUGUST 5, 1952.

Notice is hereby given that on August 4, 1952, the Federal Power Commission issued its opinion and order entered July 29, 1952, denying motion for leave to adduce additional evidence, denying application for rehearing of Commission's order omitting intermediate decision procedure, denying application for increased rates and charges, and ordering refund of increased rates and charges collected under bond in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8777; Filed, Aug. 8, 1952; 8:47 a. m.]

[Docket Nos. G-1971, G-1977]

SOUTHERN NATURAL GAS CO. AND LOPENO GAS CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 5, 1952.

In the matters of Southern Natural Gas Company, Docket No. G-1971; Lopeno Gas Company, Docket No. G-1977.

Notice is hereby given that on August 4, 1952, the Federal Power Commission issued its orders entered July 31, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8778; Filed, Aug. 8, 1952; 8:47 a. m.]

[Docket Nos. G-1678, G-1996]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER ADVANCING DATE FOR HEARING

JULY 31, 1952.

By order issued July 10, 1952, in the above-entitled dockets, the Commission consolidated the dockets for hearing and fixed September 16, 1952, as the date for resumption of hearings in Docket No. G-1678 and for the beginning of hearings in Docket No. G-1996.

To meet other commitments of the Presiding Examiner, it now appears necessary to advance the date of hearing, as hereinafter ordered.

The Commission orders: The hearing in the above-entitled dockets now set for September 16, 1952, be advanced to September 8, 1952.

Date of issuance: August 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8781; Filed, Aug. 8, 1952; 8:48 a. m.]

[Docket No. G-1910]

ALLENTOWN-BETHLEHEM GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

In the matters of Allentown-Bethlehem Gas Company, Consumers Gas Company, The Harrisburg Gas Company, Lancaster County Gas Company, The United Gas Improvement Company; Docket No. G-1910.

On March 6, 1952, the Allentown-Bethlehem Gas Company (Allentown-Bethlehem), Consumers Gas Company (Consumers), The Harrisburg Gas Company (Harrisburg), and Lancaster County Gas Company (Lancaster), "Applicants", filed a joint application and amendment thereto on July 11, 1952, pursuant to section 7 (b) of the Natural Gas Act for an order of the Commission authorizing the abandonment of certain facilities and services of the Applicants.

The United Gas Improvement Company (U. G. I.), also a party to the joint application filed on March 6, 1952, and amendment thereto on July 11, 1952, referred to above, seeks a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to acquire and operate the facilities and render the services, the abandonment of which is sought by the Applicants.

The facilities, which are the subject matter of the joint application as amended, are fully described therein, and said application is on file with the Commission and open for public inspection.

Applicants have requested that their joint application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on August 29, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.38 (f)) of the said rules of practice and procedure.

Date of issuance: August 5, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8782; Filed, Aug. 8, 1952; 8:48 a. m.]

[Docket No. G-2001]

PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

AUGUST 4, 1952.

Take notice that on July 14, 1952, Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business in Philadelphia, Pennsylvania, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission pipeline facilities hereinafter described in paragraphs (a), (b), and (c). With respect to the facilities described in paragraphs (b) and (c) below, Applicant requests that such facilities be determined not to be subject to the Commission's jurisdiction.

Applicant seeks authorization to construct and operate the following described facilities:

(a) Approximately 58,200 feet of 8⅝ inch O. D. main in Bucks County, Pennsylvania, extending from a point of proposed connection with the transmission main of Transcontinental Gas Pipe Line Corporation in Lower Makefield Township to a point of connection with the hereinbelow mentioned proposed service supply pipe, in the bed of a public highway abutting land of the hereinafter more fully mentioned United States Steel Corporation in Falls Township.

(b) Approximately 35 feet of 8⅝ inch O. D. service-supply pipe in said Falls Township, extending from its point of connection with the proposed main to a metering and delivering point on land of United States Steel Corporation in said Falls Township.

(c) Regulators, meters and associated equipment on land of United States Steel Corporation at the aforementioned metering and delivering point.

The facilities for which authorization is sought are to be used for the sale and delivery of natural gas on an interruptible basis to United States Steel Corporation at its "Fairless Works" now in the course of construction in Falls Township, Pennsylvania, including possible use by other subsidiaries of the United States Steel Corporation, and including possible uses by associated independently-owned enterprises which provide services and/or which produce primarily for the "Fairless Works," all situated

on the premises of United States Steel Corporation in Falls Township. Applicant estimates that its annual sales will approximate 5,395,400 Mcf of natural gas. Such annual estimate assumes daily delivery to the United States Steel Corporation of a proposed maximum contract quantity of 23,500 Mcf per day during Applicant's off-peak months of May through October and of monthly quantities during the remainder of the year as follows:

January, 85,800 Mcf; February, 55,760 Mcf; March, 54,980 Mcf; April, 624,050 Mcf; November, 248,550 Mcf; and December 2,240 Mcf.

The estimated cost of the proposed facilities is $398,000 which will be financed by Applicant out of its general funds.

Applicant further requests that the Commission proceed in accordance with § 1.32 of the Commission's rules of practice and procedure in processing this application, and that the Commission omit the intermediate decision procedure, and Applicant waives oral hearings and opportunity for filing exceptions to the decision of the Commission.

Applicant further requests temporary authorization for the construction and operation of the facilities herein proposed pending final action on this application.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 22d day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8774; Filed, Aug. 8, 1952; 8:46 a. m.]

[Docket No. G-2005]

LONE STAR GAS CO.

NOTICE OF APPLICATION

AUGUST 4, 1952.

Take notice that on July 16, 1952, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing it to construct and operate a compressor station and approximately 5.7 miles of 16-inch connecting pipeline, and to store gas in a field reservoir located in Clay County, Texas. Said application was amended on July 25, 1952, so that 12-inch instead of 16-inch connecting pipeline would be constructed, to extend a distance of 5 instead of 5.7 miles.

Applicant proposes to inject an average daily amount of 20,000 Mcf for 200 days per year into the reservoir, the oil and gas leasing rights of which are owned by Applicant's subsidiary, Lone Star Producing Company. In order to store such quantities, Applicant would construct approximately 5 miles of 12-inch pipeline connecting with its Line B and Government 10-inch line at a point in Clay County near Bellevue, Texas, and would construct a compressor station of approximately 2,640 horsepower. Cost of the proposed facilities is estimated at $762,687.

Applicant states that storage of gas in the reservoir will enable it to more efficiently render service to its North Texas market.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., on or before the 22d day of August 1952. The application, as amended, is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8775; Filed, Aug. 8, 1952; 8:46 a. m.]

[Docket No. G-2007]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

AUGUST 5, 1952.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation, with its principal place of business at Oklahoma City, Oklahoma, filed on July 21, 1952, an application for a certificate of public convenicnce and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 16 miles to 20 inch and 16 inch natural-gas pipeline from Applicant's Tonganoxie compressor station to Applicant's Hund pipeline junction in Leavenworth County, Kansas.

Applicant proposes to utilize these facilities to enable Applicant to increase its wintertime maximum daily delivery supply, thereby assisting it to meet increased market demands on its system north of the Tonganoxie station.

The estimated cost of the proposed facilities is $544,000 which Applicant proposes to finance through bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8797; Filed, Aug. 8, 1952; 8:51 a. m.]

[Docket No. G-2008]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

AUGUST 4, 1952.

Take notice that on July 22, 1952, Transcontinental Gas Pipe Line Corporation (Transcontinental), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to deliver additional quantities of natural gas to certain of its customers, namely Consolidated Edison Company of New York, Public Service Electric and Gas Company, Long Island Lighting Company, and Philadelphia Electric Company, for a period not to exceed sixty days.

Transcontinental states, in its application, that the deliveries of natural gas for which it seeks authority are made necessary by the following stated circumstances:

(1) On April 28, 1950, the Commission issued an order, accompanying Opinion No. 191, in Docket No. G-1277, authorizing Transcontinental, inter alia, "to transport not more than 60,000 Mcf per day (16.7 psia) of natural gas on an interruptible basis for the account of Sun Oil Company • • • at Marcus Hook, Pennsylvania." (Op. No. 191, mimeo., p. 48.)

(2) That the Sun Oil Company has been refining aviation gasoline at its Marcus Hook refinery; and that a residual of such refining is Bunker C oil, which the Marcus Hook refinery obtains in the amount of 10,000 barrels per day.

(3) That normally, Sun Oil Company sells 5,000 barrels of Bunker C oil per day to steel companies, and 5,000 barrels to other purchasers.

(4) That because of the "present" steel strike, Sun Oil Company's sales of Bunker C oil to steel companies have been "completely eliminated", and that the "available market for the other 5,000 barrels has been glutted."

(5) That Sun Oil Company has "requested Transcontinental to curtail completely its deliveries of natural gas during the period of the present steel strike • • •"

(6) That despite the provision in the order of April 28, 1950, aforementioned, that Transcontinental was to transport natural gas to Sun Oil Company "on an interruptible basis," Transcontinental "has the legal right to 'put' substantial quantities of gas to Sun Oil Company and Sun is obligated to either take the natural gas tendered or pay the transportation charges established in the contract."

(7) That "Transcontinental is, in the public interest, undesirous of compelling acceptance of deliveries of natural gas by Sun even though Transcontinental is in dire need of the revenues involved."

Therefore, Transcontinental proposes to make deliveries, not exceeding the period of sixty days from July 22, 1952, of quantities of natural gas up to an aggregate amount not exceeding 22,500 Mcf per day to the above-named customers.

The application is on file with the Commission, and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or

1.10) on or before the 22d day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8776; Filed, Aug. 8, 1952; 8:46 a. m.]

[Docket Nos. ID-1180, 1181]

OLIVER T. PULSIFER AND ORLANDO B. SWIFT

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

AUGUST 5, 1952.

In the matters of Oliver T. Pulsifer, Docket No. ID-1180; Orlando B. Swift, Docket No. ID-1181.

Notice is hereby given that on August 4, 1952, the Federal Power Commission issued its orders entered July 31, 1952, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8779; Filed, Aug. 8, 1952; 8:47 a. m.]

[Project No. 1413]

CHARLES POND AND POND'S LODGE, INC.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MAJOR)

AUGUST 5, 1952.

Notice is hereby given that on June 6, 1952, the Federal Power Commission issued its order entered June 5, 1952, approving transfer of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8780; Filed, Aug. 8, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1422]

STANDARD GAS AND ELECTRIC CO.

ORDER PERMITTING WITHDRAWAL OF APPLICATION-DECLARATION

AUGUST 4, 1952.

Standard Gas and Electric Company ("Standard"), a registered holding company, having filed an application-declaration regarding a proposed sale of all its then holdings of common stock, aggregating 750,000 shares, of its public utility subsidiary Oklahoma Gas and Electric Company ("Oklahoma"); and

The Commission, by order dated January 22, 1947, having granted said application and permitted said declaration to become effective; and

Standard having subsequently sold 250,000 shares of such stock pursuant to this Commission's authorization at File No. 70-1946 and having proposed the distribution of substantially all of its remaining holdings of Oklahoma stock pursuant to a pending plan of liquidation and dissolution at File No. 54-191; and

Standard, by reason of the foregoing, having requested permission to withdraw its application-declaration regarding the sale of 750,000 shares of Oklahoma common stock:

It is ordered, That the application-declaration heretofore filed herein be, and the same hereby is, permitted to be withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8787; Filed, Aug. 8, 1952 8:49 a. m.]

[File No. 70-2891]

CONSOLIDATED NATURAL GAS CO. ET AL.

SUPPLEMENTAL ORDER GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE WITH RESPECT TO ISSUANCE AND SALE OF PROMISSORY NOTES BY SUBSIDIARIES TO PARENT COMPANY

AUGUST 5, 1952.

In the matter of Consolidated Natural Gas Company, the East Ohio Gas Company, Hope Natural Gas Company, the People Natural Gas Company, New York State Natural Gas Corporation, the River Gas Company, File No. 70-2891.

The Commission by order dated July 11, 1952, having granted and permitted to become effective a joint application-declaration filed pursuant to sections 6 (b), 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") by Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and certain of its subsidiaries with respect to the issue and sale of common stock and promissory notes by such subsidiaries to Consolidated; and said order having reserved jurisdiction, until such time as the record shall be completed, with respect to the issuance and sale of $5,000,000 principal amount of 3¼ percent promissory notes by Hope Natural Gas Company ("Hope") to Consolidated, and the issuance and sale of $100,000, principal amount of 3¼ percent promissory notes by The River Gas Company ("River") to Consolidated; and

The record now having been completed with respect to the proposed issuance and sale of notes by Hope and River; and

The Public Servie Commission of West Virginia by order dated July 18, 1952, having approved the proposed issuance and sale of notes by Hope, and the Public Utilities Commission of Ohio by order dated July 17, 1952, having approved the proposed issuance and sale of notes by River; and

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration as further amended be granted and permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that jurisdiction heretofore reserved over the issuance and sale of $5,000,000 principal amount of notes by Hope to Consolidated, and the issuance and sale of $100,000 principal amount of notes by River to Consolidated be, and hereby is, released, and that the said application-declaration, as further amended, with respect to such issuance and sale of notes by Hope and River to Consolidated be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8788; Filed, Aug. 8, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 17279]

CLASS RATES IN SOUTHWESTERN AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers respondents in Class Rate Investigation, 1939, 281 I. C. C. 213.

Commodities involved: Various commodities, carloads and less-than-carloads, subject to class rates governed by the uniform freight classification.

Territory: Within western trunk-line territory, including Illinois territory, also between points in those territories and southwestern territory.

Grounds for relief: To maintain grouping and to maintain higher rates from and to intermediate points subject to ratings in exceptions to the classification.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request

filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8798; Filed, Aug. 8, 1952; 8:51 a. m.]

[4th Sec. Application 27280]

LIQUID CAUSTIC SODA FROM MCINTOSH, ALA., TO BASTROP AND SPRING HILL, LA.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3883.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: McIntosh, Ala.

To: Bastrop and Spring Hill, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3883, Supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8799; Filed, Aug 8, 1952; 8:51 a. m.]

[4th Sec. Application 27281]

MAGAZINES AND PERIODICALS FROM LOUISVILLE, KY., TO CHARLOTTE, N. C.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062.

Commodities involved: Magazines and periodicals, also parts or sections, carloads.

From: Louisville, Ky.

To: Charlotte, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, Supp. 56.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8800; Filed, Aug. 8, 1952; 8:51 a. m.]

[4th Section Application 27282]

SULPHURIC ACID FROM MOBILE, ALA., TO SADDLE CREEK, FLA.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for The Alabama Great Southern Railroad Company and other carriers.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Mobile, Ala.

To: Saddle Creek, Fla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 54.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8801; Filed, Aug. 8, 1952; 8:51 a. m.]

[4th Sec. Application 27283]

CRUSHED OR BROKEN STONE FROM GRANITE HILL, GA., TO SAVANNAH, GA.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Atlantic Coast Line Railroad Company and other carriers.

Commodities involved: Stone, limestone, granite, or marble, broken or crushed, carloads.

From: Granite Hill, Ga.

To: Savannah, Ga.

Grounds for relief: Circuitous routes and to meet intrastate rates.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 998, Supp. 205.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8802; Filed, Aug. 8, 1952; 8:52 a. m.]

[4th Sec. Application 27284]

CRYOLITE FROM NATRONA, PA., TO NEW ORLEANS AND CHALMETTE, LA.

APPLICATION FOR RELIEF

AUGUST 6, 1952

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-911, pursuant to fourth-section order No. 16101.

Commodities involved: Cryolite, carloads.

From: Natrona, Pa.

To: New Orleans and Chalmette, La.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8803; Filed, Aug. 8, 1952; 8:52 a. m.]

[4th Sec. Application 27285]

CRUDE PETROLEUM OIL FROM WATFORD CITY, N. DAK., TO CHICAGO AND MANHATTAN, ILL.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Great Northern Railway Company for itself and on behalf of carriers parties to its tariff I. C. C. No. A-8051.

Commodities involved: Crude petroleum oil in its natural state or crude petroleum oil which has been subject to natural weathering, etc., in tank-car loads.

From: Watford City, N. Dak.

To: Chicago, Ill., and points taking same rates, also Manhattan, Ill.

Grounds for relief: Competition with motor-rail carriers and market competition.

Schedules filed containing proposed rates: GN Ry. tariff I. C. C. No. A-8051, Supp. 202.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8804; Filed, Aug. 8, 1952; 8:52 a. m.]

[4th Sec. Application 27286]

CRUDE COAL TAR FROM ASHLAND, KY., AND IRONTON, OHIO, TO BIRMINGHAM AND ALABAMA CITY, ALA.

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt, Agent, for carriers parties to his tariff I. C. C. No. 4510.

Commodities involved: Tar, coal, crude, in tank-car loads.

From: Ashland, Ky., and Ironton, Ohio.

To: Birmingham, Ala., and points grouped therewith, and Alabama City, Ala.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4510, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8805; Filed, Aug. 8, 1952; 8:52 a. m.]

[4th Sec. Application 27287]

MALT LIQUORS FROM PEORIA, ILL., TO TEXAS

APPLICATION FOR RELIEF

AUGUST 6, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Malt liquors: Ale, beer, beer tonic, porter, and stout, and cereal beverages, carloads.

From: Peoria, Ill.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, Supp. 130.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8806; Filed, Aug. 8, 1952; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MAURICE LOUIS BESSONNEAU

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Maurice Louis Bessonneau, Puteaux (Seine), France; Claim No. 41386; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 2,157,783 and 2,185,581.

ance Room

Executed at Washington, D. C., on August 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8812; Filed, Aug. 8, 1952; 8:54 a. m.]

FRANCESCO MILIOTO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Francesco Milioto, Via Riggio, Cattolica, Eraclea-Agrigento, Italy; Claim No. 40115; $431.68 in the Treasury of the United States;

Calogero Milioto, Via Preto, Cattolica, Eraclea-Agrigento, Italy; Claim No. 40116; $431.69 in the Treasury of the United States;

Anna Milioto, Via Marrugello, Cattolica, Eraclea-Agrigento, Italy; Claim No. 40117; $431.69 in the Treasury of the United States;

Rosa Milioto, Via Canale, Gotteghelle, Eraclea-Agrigento, Italy; Claim No. 40118; $431.69 in the Treasury of the United States;

Giuseppina Milioto, Via Aranci No. 145, Cattolica, Eraclea-Agrigento, Italy; Claim No. 40119; $431.69 in the Treasury of the United States.

Executed at Washington, D. C., on August 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8810; Filed, Aug. 8, 1952; 8:53 a. m.]

MARIA TERESA OLIVERIO FU PASQUALE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Teresa Oliverio fu Pasquale, Cosenza, Italy; Maria Maritizo, Cosenza, Italy; Rosa Maritizio, Cosenza, Italy; Luigi Maritizio, Cosenza, Italy; Claim No. 40946; the following cash amounts in the Treasury of the United States: $2,671.17 to Maria Teresa Oliverio fu Pasquale; $1,780.77 to Maria Maritizio; $1,780.78 to Rosa Maritizio; $1,780.78 to Luigi Maritizio.

Executed at Washington, D. C., on August 5, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8811; Filed, Aug. 8, 1952; 8:54 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

1934 OF THE UNITED STATES

VOLUME 17 NUMBER 157

Washington, Tuesday, August 12, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10382

PROVIDING FOR THE LIQUIDATION OF THE AFFAIRS OF THE DISPLACED PERSONS COMMISSION

By virtue of the authority vested in me as President of the United States, and for the purpose of accomplishing the liquidation of the outstanding affairs of the Displaced Persons Commission after the termination of the Commission, as provided by law, on August 31, 1952, it is ordered as follows:

1. The Secretary of State shall make appropriate provision, effective September 1, 1952, for the taking of possession by the Department of State of any remaining records and property of the Commission and for the designation of officials of the Department of State who shall certify any vouchers which are payable from funds of the Commission and which may require certification after August 31, 1952.

2. When no longer needed for carrying out the provisions of this order, the said remaining records and property of the Commission shall be disposed of in accordance with applicable laws and regulations.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 9, 1952.

[F. R. Doc. 52-8956; Filed, Aug. 11, 1952; 10:16 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 75]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.109 *Amber civil airway No. 9 (Charleston, S. C., to New York, N. Y.)* is amended between the Norfolk, Va., radio range station and the Salisbury, Md., VHF radio range station to read: "Norfolk, Va., radio range station. From the Norfolk, Va., VHF radio range station via the intersection of the north course of the Norfolk, Va., VHF radio range and the southwest course of the Salisbury, Md., VHF radio range; Salisbury, Md., VHF, radio range station;"

2. Section 600.656 *Blue civil airway No. 56 (Elizabeth City, N. C., to Washington, D. C.)* is amended by changing the first portion to read: "From the Weeksville, N. C. (Coast Guard), radio range station via the intersection of the northwest course of the Weeksville, N. C. (Coast Guard), radio range and the southwest course of the Norfolk, Va., VHF radio range to the Norfolk, Va., VHF radio range station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., August 12, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8878; Filed, Aug. 11, 1952; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 1, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

Regulations issued by the Commodity Credit Corporation and the Production

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Order — Page
Providing for liquidation of the affairs of the Displaced Persons Commission ... 7323

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Commodity Credit Corporation.

Animal Industry Bureau
Proposed rule making:
Importation of certain animals and poultry and certain animal and poultry products ... 7342

Atomic Energy Commission
Notices:
Applications filed with Patent Compensation Board:
Giannini, G. M., & Co., Inc. ... 7357
Kerner, Edward H. ... 7357

Civil Aeronautics Administration
Rules and regulations:
Civil airways alterations ... 7323

Commerce Department
See Civil Aeronautics Administration; Federal Maritime Board.

Commodity Credit Corporation
Rules and regulations:
Rice; 1952 crop loan and purchase agreement program ... 7323

Economic Stabilization Agency
See Price Stabilization, Office of; Wage Stabilization Board.

Federal Communications Commission
Notices:
Non-Government coast telegraph station frequency assignments; transfer of assignments ... 7354
Proposed rule making:
Maritime service stations on land; deletion of authority for coast stations to operate on certain frequencies ... 7351
Television broadcast service; utilization of certain frequencies (2 documents) ... 7349, 7350

Federal Maritime Board
Notices:
Pacific Transport Lines, Inc., et al.; notice of agreements filed for approval ... 7352

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission Page
Notices:
Northern Natural Gas Co.; notice of application 7359

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Automobiles from St. Louis, Mo., to points in Louisiana and Mississippi 7360
Woodpulp from Nairns Falls, Quebec, to Chester and Philadelphia, Pa., and Wilmington, Del 7359

Labor Department Page
See Wage and Hour Division.

Land Management, Bureau of
Notices:
Colorado; restoration order 7351

National Production Authority
Notices:
Suspension orders:
Midwest Piping and Supply Co 7353
Universal Shank Co 7352
Rules and regulations:
Basic rules of the Controlled Materials Plan; producers of Class B products:
Automatic allotment procedure (CMP Reg. 1, Dir. 18) 7340
Procedures for obtaining minimum quantities of materials (CMP Reg. 1, Dir. 1) 7339
Self-authorization procedure (CMP Reg. 1, Dir. 17) 7339

Price Stabilization, Office of
Notices:
Directors of the Regional Offices; delegation of authority to make area adjustments under CPR 117 7357
Rules and regulations:
Ferromanganese, manganese metal and other manganese products (CPR 163) 7333
Fir and hemlock refuse wood produced in the Columbia River District of Washington and Oregon, ceiling prices (GCPR, SR 112) 7332
Gasolines, napthas, fuel oils and liquefied petroleum products, natural gas, casinghead gas, and refinery gas; area adjustment of tank wagon ceiling prices of fuel oil distributors (CPR 17) 7325
Machinery and related goods; adjustments under the Defense Production Act of 1950; option to propose an alternate method (CPR 30, SR 4) 7326
Milk in San Francisco, Almeda-Contra Costa and San Mateo County marketing areas, revision of ceiling prices (GCPR, SR 63, AMPR 12) 7337
Pacific Northwest Douglas fir, true fir, and West Coast hemlock lumber, ceiling prices; miscellaneous amendments (CPR 128) 7326

Securities and Exchange Commission
Notices:
Hearings, etc.:
General Public Utilities Corp. et al 7357
Granite State Electric Co. and Suburban Gas and Electric Co 7358
Narragansett Electric Co 7358
Niagara Hudson Power Corp. 7357

Wage and Hour Division
Notices:
Learner employment certificates; issuance of special certificates 7354

Wage Stabilization Board Page
Rules and regulations:
Ratification of actions 7339

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter II (Executive orders):	
10382	7323
Title 6	
Chapter IV:	
Part 601	7323
Title 9	
Chapter IX:	
Part 92 (proposed)	7342
Part 93 (proposed)	7342
Title 14	
Chapter II:	
Part 600	7323
Title 32A	
Chapter III (OPS):	
CPR 17	7325
CPR 30, SR 4	7326
CPR 128	7326
CPR 163	7333
GCPR, SR 63, AMPR 12	7337
GCPR, SR 112	7332
Chapter IV:	
Subchapter B (WSB):	
Res. 105	7339
Chapter VI (NPA):	
CMP Reg. 1, Dir. 1	7339
CMP Reg. 1, Dir. 17	7339
CMP Reg. 1, Dir. 18	7340
Title 47	
Chapter I:	
Part 3 (proposed) (2 documents)	7349, 7350
Part 7 (proposed)	7351

and Marketing Administration published in 17 F. R. 5272, and containing the requirements for the 1952–Crop Rice Price Support Program are hereby amended as follows:

Section 601.1858 *Support rates* is amended by including in the table in paragraph (a) *Basic rates*, the value factors for head and broken rice to be used in determining the basic support rates for the various classes of Rough Rice so that the amended section reads as follows:

§ 601.1858 *Support rates.* Loans will be made and rice delivered under purchase agreements will be purchased at the support rates set forth in this section.

(a) *Basic rates.* The basic support rate for 100 pounds of rough rice in approved storage and with all accrued charges, except receiving and loading out charges, paid through April 30, 1953, shall be computed as follows:

Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class). Similarly, multiply the difference between the total yield and head rice yield (in pounds per hundredweight)

by the applicable value factor for broken rice. Add the results of these two computations to obtain the basic loan or purchase rate per 100 pounds of rough rice and express such rate in dollars and cents, rounded to the nearest whole cent.

VALUE FACTORS FOR HEAD AND BROKEN RICE

Rough rice class	Head rice	Broken rice
Rexoro (including Rexark), Patna, Blue Bonnet, and Nira	0.0955	0.0400
Fortuna, R. N., and Edith	.0894	.0400
Blue Rose (including Improved Blue Rose, Greater Blue Rose, Kamrose, and Arkrose), Magnolia, Zenith, Prelude, and Lady Wright	.0854	.0400
Early Prolific, Pearl, Calady, Calrose, and other classes	.0756	.0400

(b) *Premiums and discounts.* The basic support rates, determined under paragraph (a) of this section, per 100 pounds of rough rice shall be adjusted by the following premium or discount for the grade applicable to an individual lot of rough rice:

Grade U. S. No. 1: Premium of 20 cents per 100 pounds.

Grade U. S. No. 2: Premium of 10 cents per 100 pounds.

Grade U. S. No. 3: Discount of 5 cents per 100 pounds.

Grade U. S. No. 4: Discount of 20 cents per 100 pounds.

Grade U. S. No. 5: Discount of 40 cents per 100 pounds.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 6th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-8865; Filed, Aug. 11, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 17, Amdt. 7]

CPR 17—GASOLINES, NAPHTHAS, FUEL OILS AND LIQUEFIED PETROLEUM PRODUCTS, NATURAL GAS, PETROLEUM GAS, CASINGHEAD GAS AND REFINERY GAS

AREA ADJUSTMENT OF TANK WAGON CEILING PRICES OF FUEL OIL DISTRIBUTORS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 17 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 17 provides for area adjustments of the ceiling prices of tank wagon distributors of heating oils in a retail marketing area when the net margins of these distributors are reduced to such an extent that their earnings fall below the level of their earnings in the year ended May 31, 1950.

While it does not appear that distributors' gross margins are less than those required by section 402 (k) of the Defense Production Act, distributors in certain retail marketing areas have submitted data to show that increased costs have substantially reduced their net earnings. The industry earnings standard, the basic standard by which OPS measures the need for ceiling price adjustments, provides that relief may be considered if an industry can show that its current earnings are less than 85 percent of its earnings in the best three of the four years 1946–1949.

Experience has demonstrated that the industry earnings standard is difficult to apply in the wholesaling and retailing of heating oil. There are many thousands of heating oil marketers at the tank wagon level—too many to consider in one data collection project. Moreover, the need and the scope of relief required are not uniform, and may be very different in one area than in another. Consequently it appears preferable in this case to provide for adjustments on an area rather than an industry wise basis. In addition, the bookkeeping records of many of these heating oil jobbers are entirely inadequate to supply the information for the years 1946–1949 required for a direct application of the industry earnings standard. Analysis of available data shows that the granting of area adjustments on the basis of earnings in the year ended May 31, 1950, as provided in this amendment, will yield results in this field consistent with results that would be obtained by use of the industry earnings standard. This approach is adopted as the best means of measuring the relief to be granted in the absence of complete data for the years 1946–1949.

A reporting form is provided for use by the heating oil distributors requiring the submission of income data for the base period year and comparative data for the fiscal year ended May 31, 1952.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization the method of ceiling price adjustment established by this amendment is generally fair and equitable and is consistent with the purpose of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Section 11 to Ceiling Price Regulation 17 is amended by adding a new paragraph (d) to read as follows:

(d) *Area adjustments of tank wagon ceiling prices for fuel oil distributors.* The Director of Price Stabilization may adjust the tank wagon ceiling prices for Heating Oils (kerosene, No. 1 and No. 2 Oil, Furnace Oil, Range Oil and Stove Oil) sold by tank wagon distributors in a retail marketing area when the net margins of such distributors in the area are insufficient to maintain their level of earnings in the fiscal year ended May 31, 1950. Such area adjustment shall be made only after sufficient information has been received for comparison of current earnings with the earnings of the fiscal year ended May 31, 1950. Applications for area adjustments shall be filed with the OPS District Office having jurisdiction over the area for which an adjustment is requested. The data supporting such an application shall then be filed on OPS Public Form No. 151 which will be furnished by the OPS District Office when OPS determines that a survey of the area is appropriate. Application for the institution of an area survey shall be filed with the OPS District or Regional Office having jurisdiction over the majority of the population of the area for which adjustment is requested. Such applications shall contain the following information:

(1) Name and address.

(2) Type of operation, e. g., bulk plant, tank-wagon distributor, etc.

(3) A statement identifying the application as one made under CPR 17, Amdt. 7.

(4) An identification of the market area for which you believe a ceiling price adjustment to be necessary.

(5) Gallonage of light fuel oils delivered at tank wagon level in the periods June 1949–May 1950 and June 1951–May 1952 showing separately, for each period, the gallonage delivered to resellers and to ultimate consumers.

(6) Net operating income derived from the sale of light fuel oils in each of the periods specified in subparagraph (5) of this paragraph.

(7) A statement as to why you believe an area ceiling price adjustment to be necessary for the market area identified in subparagraph (4) of this paragraph. This statement should be based upon information readily available to you; any systematic collection of data from other firms will, where needed, be done by OPS and should not be undertaken by an applicant under this section.

If OPS determines that an area survey is appropriate, the survey will be conducted by the use of OPS Public Form 151.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 13, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 8, 1952.

[F. R. Doc. 52-8919; Filed, Aug. 8, 1952; 12:28 p. m.]

[Ceiling Price Regulation 30, Amdt. 8 to Supplementary Regulation 4]

CPR 30—Machinery and Related Goods

SR 4—Adjustments Under Section 402 (d) (4) of the Defense Production Act of 1950, as Amended

Option to Propose an Alternate Method

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 30 is hereby issued.

Statement of Considerations

This amendment permits manufacturers subject to Ceiling Price Regulation 30 to propose a method of adjusting their ceiling prices in accordance with the provisions of section 402 (d) (4) of the Defense Production Act of 1950, as amended, where they can satisfactorily prove that they find it impracticable to avail themselves of the other provisions of Supplementary Regulation 4 relating to adjustments.

It has been brought to the attention of the Office of Price Stabilization that some manufacturers subject to Ceiling Price Regulation 30 follow long established specialized accounting practices based on engineering cost studies in determining selling prices. These procedures are generally so highly specialized that they effect direct cost allocations of material and direct labor by product, and overhead cost allocations on a departmental, product line, or class-of-customer basis. The use of the specific methods of cost allocations incorporated in SR 4, such as the allocation of labor and overhead on an over-all basis, tends to cause these manufacturers to make unwarranted deviations from historical accounting practices and result in distorted ceiling prices. Accordingly, this action is taken to permit, in certain instances, the proposal of alternate methods of calculating adjustment factors.

A manufacturer who wishes to propose his own method must fully explain his reasons for making such an application and provide certain required data and examples. His resulting ceiling prices under this method must be substantially in line with the level of ceiling prices for the same items under the other provisions of Supplementary Regulation 4. He may not put his proposed method into effect until notified that the method has been approved.

In the opinion of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of The Defense Production Act of 1950, as amended.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

Amendatory Provisions

Supplementary Regulation 4 to CPR 30 is amended by adding the following new section immediately after section 17:

Sec. 17a. *Option to propose a method*—(a) *Applicability.* If you find that due to your historic accounting practices it is impracticable to adjust your ceiling prices established under Ceiling Price Regulation 30 in the manner prescribed by this supplementary regulation, you may propose a substitute method by filing the report required by paragraph (b) of this section with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Your proposed method must be consistent in principle with the same general techniques, limitations, and definitions as the method already provided in this supplementary regulation and must achieve the same basic result. You may only include increases in labor, materials, and overhead costs incurred up to July 26, 1951.

(b) *Report.* Your report must contain the following information.

(1) The name and address of your company and statement designating it as an application under this section.

(2) A general description of your manufacturing operations, the commodities you sell and your principal classes of purchasers.

(3) A statement of the reasons why your accounting practices make it impracticable for you to adjust your ceiling prices under the other provisions of this regulation.

(4) A step-by-step description of your proposed method and cost allocations, together with a statement that the proposed allocations of costs are consistent with your customary accounting practices.

(5) Using your proposed method, actual mathematical calculations of proposed ceiling prices for the two largest (in terms of dollar volume) selling commodities in each product line covered by your application and the ceiling prices for the same commodities established under other provisions of this regulation.

(c) *When you put your proposed method into effect.* You may not put the method proposed under this section into effect without prior written approval of the Director of Price Stabilization. The Director of Price Stabilization may approve, disapprove, modify, or request further information concerning the methods proposed under this section.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 13, 1952.

Note: The record keeping and reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Ellis Arnall,
Director of Price Stabilization.

August 8, 1952.

[F. R. Doc. 52-8920; Filed, Aug. 8, 1952; 12:28 p. m.]

[Ceiling Price Regulation 128, Amdt. 1]

CPR 128—Ceiling Prices for Pacific Northwest Douglas Fir, True Fir, and West Coast Hemlock Lumber

Miscellaneous Amendments

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 128 is hereby issued.

Statement of Considerations

This amendment provides a number of clarifications and corrections of typographical errors in Ceiling Price Regulation 128, as well as the addition of miscellaneous footnotes which were inadvertently omitted from the regulation as it was originally issued.

This amendment provides that where a shipment on a delivered sale is made by a common or contract carrier, the transportation addition shall be computed on the basis of established weights. As issued, CPR 128 limited the use of established weights on delivered sales to shipments by rail. The amendment also makes Portland, Oregon, available as a basing point in the computation of the transportation addition on certain delivered sales where shipment is by common or contract carrier or by private truck, instead of limiting the use of that basing point to rail shipments as originally provided in CPR 128. The amendment further provides that on shipments by private truck, where the distance is greater than 30 miles, the transportation addition on delivered sales shall be computed in the same manner as is provided for shipments by common carrier. These changes are accomplished by rewriting sections 12, 13, and 14. They are made in order to make the regulation conform with customary industry practices.

The pricing rule for waiver of moisture content of lumber in Section 20 is changed by the amendment to permit the seller to use established weights for green lumber in the computation of transportation charges instead of the established weights for dry lumber. This change is accomplished in the interest of fairness, because, in such a case, the seller may only charge the ceiling price for green lumber.

Section 35, which deals with invoices, is changed so that the invoice for a sale made on a delivered basis must show the delivered price of the sale instead of the f. o. b. price. This is in line with historical practices of the industry.

A list of ceiling prices for timbers longer than 40 feet is added to the regulation by this amendment. This list was inadvertently omitted from the footnotes on timbers when the regulation was originally issued.

Ceiling prices for B and Better vertical grain and C grade vertical grain have been deleted from the table of ceiling prices covering shop lumber, since these are not appropriate grades for shop lumber, not being listed in Rules No. 14.

Various pertinent paragraph references appearing in Standard Grading and Dressing Rules No. 14, issued by the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947, are added by this amendment. This has been done in the interest of clarification, by amending footnotes to ceiling price tables in certain cases and adding new footnotes in others.

Other changes provide for the addition or deletion of footnotes which refer to differentials in grade, dimension, species and grain, and the addition of certain items to the ceiling price tables which were not included in the regulation as originally issued. Ceiling prices for the new items have been determined, in general, by applying differentials in line with the historical practices of the lumber industry.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting of a subcommittee of the Douglas Fir Lumber Industry Advisory Committee.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act.

Amendatory Provisions

1. Section 12 is amended to read as follows:

Sec. 12. *Delivered sales: Shipment by common or contract carrier.* When you sell on a delivered basis and you ship your lumber by common or contract carrier, the delivered ceiling prices are the f. o. b. prices set forth in section 45 plus an addition for transportation. The transportation addition is computed by multiplying the appropriate established weight shown in section 45 by the applicable common or contract carrier freight rate in effect at the time of shipment. Where trucking to a yard or job site after a rail haul is required, the transportation addition may also include a charge for making the truck delivery as well as a charge for transferring the lumber from rail car to truck. However, where a part of the transportation to the buyer is by means of water shipment, no addition to the f. o. b. prices may be made for transportation that occurs before the lumber is placed f. a. s. except as specifically authorized elsewhere in this regulation. You should note that when you sell on a delivered basis, the delivered price need not thereafter be revised or adjusted even if the amount actually charged by the common or contract carrier for carrying your lumber is different from the addition for transportation included in your delivered price.

Note: The provisions of this section do not apply to retail sales of the kind described in section 18.

2. Section 13 is amended to read as follows:

Sec. 13. *Delivered sales; Shipment by private truck.* (a) When you sell on a delivered basis, shipping your lumber in a truck which you own or hire, the delivered ceiling prices are the f. o. b. prices set forth in section 45, plus an addition determined as follows:

(1) For distances of 10 miles or less, as much as $3.00 per M'BM.

(2) For a distance greater than 10 miles and as far as 20 miles, as much as $4.00 per M'BM.

(3) For a distance greater than 20 miles and as far as 30 miles, as much as $5.00 per M'BM.

(4) When the distance is greater than 30 miles, as much as an addition computed in the manner set forth in section 12, using applicable common or contract carrier truck rates.

(b) *"Distance" defined.* As used in the section, the term "distance" refers to the actual mileage from your mill or plant to the point of destination as measured by truck speedometer. It does not include the return mileage from the point of destination to your mill or plant. The term "point of destination" includes a yard or job site.

Note: The provisions of this section do not apply to retail sales of the kind described in section 18.

3. Section 14 is amended to read as follows:

Sec. 14. *Delivered sales; Portland, Oregon, basing point rate.* Notwithstanding the provisions of sections 12 and 13, you may compute the transportation addition for delivered sales authorized by sections 12 and 13 by multiplying the appropriate established weight by the applicable rail freight rate from Portland, Oregon, to the point of final destination when:

(a) A shipment to a buyer located in California originates at a mill or plant in California from which the rail freight rate to the California point of final destination is less than the rail freight rate from Portland, Oregon, to the same destination; or

(b) A shipment to a buyer located outside Oregon and Washington originates at a mill or plant in Oregon or Washington from which the rail freight rate to the point of final destination outside Oregon and Washington is less than rail freight rate from Portland, Oregon, to the same destination.

Note: The provisions of this section do not apply to retail sales of the kind described in section 18.

4. Paragraph (d) of section 20 is amended to read as follows:

(d) When a buyer waives moisture content requirements, you may not charge more than the appropriate ceiling price for green lumber; but in that case, when lumber is sold on a delivered basis, you may use the appropriate established weights for green lumber in computing transportation charges.

5. Section 35 is amended to read as follows:

Sec. 35. *Invoices.* (a) On all sales of lumber covered by this regulation, you must submit an invoice to the buyer which includes a description of the lumber. Any working, specification, extras, or services which bear upon the price charged for your lumber must be separately set forth on the invoice, but the invoice need not separately show the charge for such items.

(b) For sales made on an f. o. b. or f. a. s. basis, in addition to the information required by paragraph (a) of this section, your invoice must show the f. o. b. (or f. a. s.) price.

(c) For sales made on a delivered basis, in addition to the information required by paragraph (a) of this section, your invoice must show:

(1) The delivered price;

(2) The destination of the shipment; and

(3) The applicable rail or truck freight rate.

6. Table (1), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 132 through 139.
West Coast Hemlock and Noble Fir—Paragraphs 532 through 539.
White Fir—Paragraph 809.

7. Table (2), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 154 through 157.
West Coast Hemlock and Noble Fir—Paragraphs 554 through 557.
White Fir—Paragraph 811.

8. Table (3), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 141 through 144.
West Coast Hemlock and Noble Fir—Paragraphs 541 through 544.
White Fir—Paragraph 810.

9. So much of the footnote to Table (4), section 45, which reads, "[1] Regular loading random lengths is as follows:" is amended to read as follows:

[1] Regular loading random lengths is as per Paragraph 23 in rules No. 14; see section 46 (m):

10. Table (4), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Firs—Paragraphs 112 through 115.
West Coast Hemlock and Noble Fir—Paragraphs 512 through 515.
White Fir—Paragraphs 806 through 807.

11. Table (5), section 45, is amended by deleting the figures, "4 to 20", in the column heading which reads "R/L 4 to 20'", so that the column heading reads: "R/L'".

12. The footnote to Table (5), section 45, which reads "For $1\frac{3}{8}$" and $1\frac{5}{8}$" industrial clears thicknesses—add $5.00 to 5/4 price of same size and grade.", is amended to read as follows:

For $1\frac{3}{8}$" and $1\frac{5}{8}$" thicknesses, price same as 5/4 and 6/4 of same size and grade and compute footage on $1\frac{3}{8}$" and $1\frac{5}{8}$" count.

13. The footnote to Table (5), section 45, which reads, "Rough dry, add $10.00 to surfaced prices." is amended to read as follows:

Rough dry, deduct $10.00 from surfaced prices.

14. The footnote to Table (5), section 45, which reads, "Rough green, add $5.00 to surfaced prices." is hereby deleted.

15. The footnote to Table (5), section 45, which begins with the words "Scaffold plank:" is amended to read as follows:

Scaffold plank: Paragraph 314, 8" and wider, add $5.00 per M to price of "C" for corresponding size and grain. For paragraph 315 see tables on boards, dimension, plank and small timbers.

16. The footnote to Table (5), section 45, which begins with the words "Pole stock:", is amended to read as follows:

Pole stock: Paragraph 323, add $90.00 to B and better price of same size and grain.

17. The footnote to Table (5), section 45, which begins with the words "Car framing and running boards:", is amended to read as follows:

Car framing and running boards: Paragraphs 425 through 433, add to prices of corresponding size, grade and grain in tables for finish and clears as follows:

(a) All sizes for flat grain or vertical grain, add $15.00 per M.

(b) For odd and fractional lengths not listed within range of lengths covered by the foregoing table, add $9.00 to the price of, and compute on next longer listed length.

(c) For fractional or odd widths not listed, price the same as next wider even width. Compute footage on next wider even width.

18. The footnotes to Table (5), section 45, which read, "For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 to the price of, and compute footage on next longer listed length," and "For fractional or odd widths not listed, price the same on next wider even width. Compute footage on next wider even width," are hereby deleted.

19. Table (5), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 112 through 115, and 300 through 303.

West Coast Hemlock and Noble Fir—Paragraphs 512 through 515, and 700 through 703.

White Fir—Paragraphs 804 through 807, and 845 through 848.

20. The table of shipping weights for Finish and Clears, following Table (5), section 45, is amended to read as follows:

(5) SHIPPING WEIGHTS FOR FINISH AND CLEARS

	Fir and hemlock, dry S4S standard	Fir, green S4S, standard	Hemlock, green S4S, standard	Fir and hemlock, rough, dry	Fir, rough green	Hemlock, rough green
1 x 2"	1,800	2,300	2,600	2,800	3,500	4,000
1 x 3" and 4"	1,900	2,400	2,800	2,800	3,500	4,000
1 x 5" and wider	2,000	2,500	3,000	2,800	3,500	4,000
1¼ x 2"	2,000	2,400	2,800	2,900	3,500	4,000
1¼ x 3" and 4"	2,100	2,600	3,000	2,900	3,500	4,000
1¼ x 5" and wider	2,200	2,800	3,200	2,900	3,500	4,000
1½ x 2"	2,100	2,500	2,900	2,900	3,500	4,000
1½ x 3" and 4"	2,200	2,700	3,100	2,900	3,500	4,000
1½ x 5" and wider	2,300	2,900	3,300	2,900	3,500	4,000
2 x 2"	1,900	2,300	2,700	2,900	3,500	4,000
2 x 3" and 4"	2,000	2,500	2,900	2,900	3,500	4,000
2 x 5" and wider	2,100	2,700	3,100	2,900	3,500	4,000

21. Table (6), section 45, is amended to read as follows:

(6) THICK CLEARS B AND BETTER ROUGH

Green mixed grain

	R/L 6/20'	6/20' specified length	R/L 22/30'	22/30' specified length	R/L 32/40'	32/40' specified length
3 x 3"	$170	$170	$195	$210	$210	$232.50
3 x 4"	165	174	190	205	205	227.50
3 x 5"	175	184	200	215	215	237.50
3 x 6" and 8"	170	179	195	210	210	232.50
3 x 10" and 12"	195	204	220	235	235	257.50
4 x 4"	170	179	195	210	210	232.50
4 x 6"	$175	$184	$200	$215	$215	$237.50
4 x 8"	180	189	205	220	220	242.50
4 x 10" and 12"	200	209	225	240	240	262.50
5 x 5"	225	234	250	265	265	287.50
5 x 6" and 8"	240	249	265	280	280	302.50
5 x 10" and 12"	250	259	275	290	290	312.50
6 x 6"	240	249	265	280	280	302.50
6 x 8"	245	254	270	285	285	307.50
6 x 10" and 12"	250	259	275	290	290	312.50
8 x 8"	250	259	275	290	290	312.50
8 x 10" and 12"	255	264	280	295	295	317.50

Dry mixed grain

	R/L 6/20	6/20' specified length	R/L 22/30'	22/30' specified length	R/L 32/40'	32/40' specified length
3 x 3"	$200	$215	$225	$250	$240	$290
3 x 4"	195	210	220	245	235	285
3 x 5"	205	220	230	255	245	295
3 x 6" and 8"	200	215	225	250	240	290
3 x 10" and 12"	225	240	250	275	265	315
4 x 4"	200	215	225	250	240	290
4 x 6"	205	220	230	255	245	295
4 x 8"	210	225	235	260	250	300
4 x 10" and 12"	230	245	255	280	270	320
5 x 5"	270	285	295	320	310	360
5 x 6" and 8"	275	290	300	325	315	365
5 x 10" and 12"	295	310	320	345	335	385
6 x 6"	285	300	310	335	325	375
6 x 8"	290	305	315	340	330	380
6 x 10" and 12"	295	310	320	345	335	385
8 x 8"	310	325	335	360	350	400
8 x 10" and 12"	315	330	340	365	355	405

22. The footnote to Table (6), section 45, which begins with the words "C Grade", is amended to read as follows:

C grade: Paragraphs 305, 705 and 850, deduct $10.00 per M from B & Btr price of corresponding size and grain.

23. The footnote to Table (6), section 45, which begins with the words "D Grade", is amended to read as follows:

D grade: Paragraphs 306, 706 and 851, deduct $35.00 per M from B & Btr price of corresponding size and grain.

24. The footnote to Table (6), section 45, which begins with the words "Turning squares", is amended to read as follows:

Turning squares: Paragraphs 307 and 852, add $5.00 per M to B & Btr price of the same size.

25. The footnote to Table (6), section 45, which begins with the words "Scaffold plank", is amended to read as follows:

Scaffold plank: Paragraph 314, 8" and wider, add $40.00 per M'BM to the price of C clear of the same size and grain.

26. The footnote to Table (6), section 45, which begins with the words "Car framing and running boards", is amended to read as follows:

Car framing and running boards: Paragraphs 427, 430, 432 and 433, add to prices of corresponding size, grade and grain in the foregoing table:

(a) For flat grain 3" and 4" thicknesses, up to 8" in width, add $15.00 per M'BM.

(b) For flat grain 3" and 4" thicknesses, wider than 8"; and sizes thicker than 4", all widths, add $10.00 per M'BM.

(c) For vertical grain, 3 x 3", 3 x 4" and 4 x 4", add $15.00 per M'BM; all other widths and thicknesses, add $10.00 per M'BM.

(d) For odd and fractional lengths not listed within the range of lengths covered by the foregoing table, add $9.00 per M'BM to price of, and compute footage on next longer listed length.

(e) For fractional or odd widths not listed, price the same as next wider even width. Compute footage on next wider even width.

27. Table (6), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraph 304.

West Coast Hemlock and Noble Fir—Paragraph 704.

White Fir—Paragraph 849.

28. Table (6), section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Full sawn rough dry, add $5.00 per M'BM to rough dry prices.

Full sawn rough green, add $5.00 per M'BM to rough green prices.

29. So much of the footnote to Table (10), section 45, which begins "[1] Regular loading random lengths is as follows:" is amended to read as follows:

[1] Regular loading random lengths is as per Paragraph 23 in rules No. 14; see section 46 (m):

30. The footnote to Table (10), section 45, which begins with the words "For rough dry", is amended to read as follows:

For rough dry: Deduct $5.00 per M'BM from finished price of same size, grade and grain. (Use 2900 pound weight.)

31. Table (10), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 108 through 111.

West Coast Hemlock and Noble Fir—Paragraphs 508 through 511.

White Fir—Paragraph 808.

32. Table (11), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 545 through 549.

West Coast Hemlock and Noble Fir—Paragraphs 545 through 549.

White Fir—Paragraphs 813 through 817.

33. Table (12), section 45 is amended to read as follows:

(12) LATH AND SHINGLE BANDS

Green per 1,000 pieces	Fence	No. 1 (20 percent No. 2) plaster	No. 1 plaster	No. 2 plaster	No. 3 plaster	No. 1 shingle bands
48", 1⅛", or 1⅜", 3 pieces to 1"		$12.00	$12.50	$10.00	$6.25	
32", 1½", or 1⅜", 3 pieces to 1"		9.00	9.50	7.25	4.00	
48", 1½", or 1⅜", 2 pieces to 1"	$14.00					
101½", 24" x 1½"						$12.50

Fence lath must contain 80 percent No. 1.

For 100 percent No. 1 fence lath add $1.50 per M pcs. to price of fence lath shown above.

For dry plaster lath add $1.00 per M pcs.

For dry fence lath add $1.50 per M pcs.

For lengths 3 feet up to 4 feet, price same as 4 feet, with weight to be based on a corresponding percentage of the 4 feet weight.

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 177 and 178.

West Coast Hemlock and Noble Fir—Paragraphs 577 and 578.

White Fir—Paragraphs 821 and 822.

SHIPPING WEIGHTS FOR LATH

	Weight per M pieces dry	Weight per M pieces green
4' fir	500	800
4' hemlock	400	1,000
4' fence fir	800	1,100
4' fence hemlock	700	1,100

34. The heading of Table (13), section 45, which reads "(13) Douglas Fir handle squares, Rough green." is amended to read as follows:

(13) HANDLE SQUARES, ROUGH GREEN.

35. Table (14), section 45, is amended to read as follows:

(14) PICKETS

	3'	3' 6"	4'	5'	6'
Paragraph 181 dry:					
1 x 3" Gothic S4S No. 1	$98	$110	$123	$145	$180
1 x 3" Gothic S4S No. 2	83	95	108	130	165
1 x 4" Gothic S4S No. 2	85	96	83	100	120

Prices are per 1,000 pickets. Pickets pointed one angle only—deduct $3.00 per M pieces from Gothic type above. Pickets pointed two angles—same price as Gothic type above.

Shipping weights for fir pickets:

	Dry, per M pieces
1 x 3"–3'	1,350
1 x 3"–3'6"	1,550
1 x 3"–4'	1,750
1 x 3"–5'	2,200
1 x 3"–6'	2,650

36. Table (15), section 45, is amended to read as follows:

(15) GUTTER

	R/L 8/20'	R/L 8/30'	R/L 8/40'	R/L 16/40'	R/L 20/40'
Paragraphs 325 and 504 green 3 x 4", 3 x 5", 4 x 5", and 4 x 6"	$170	$180	$190	$200	$210

For specified lengths 8/20'—add $15 per M'BM to R/L 8/20' price.

For specified lengths 22/30'—add $25 per M'BM to R/L 16/40' price.

For specified lengths 32/40'—add $30 per M'BM to R/L 20/40' price.

For R/L 8/30' specified 20' or longer average—add $25 per M'BM to R/L 8/30' price.

For R/L 8/40' specified 20' or longer average—add $25 per M'BM to R/L 8/40' price.

For Rough Green Gutter Stock—deduct $30 per M'BM from price of corresponding size and length shown above.

SHIPPING WEIGHTS FOR FIR GUTTER, GREEN

	Pattern	Rough
3 x 4" and 3 x 5"	1,400	3,500
4 x 5"	1,500	3,500
4 x 6"	1,600	3,500

For hemlock add 100 pounds to fir weights.

37. Table (17), Section 45, is amended to read as follows:

(17) FIR SHOP LUMBER

	Rough green	Surfaced kiln dried
4/4 through 8/4 x 5" and wider:		
Select VG	$110	$130
No. 1 VG	95	115
No. 2 VG	65	75
No. 3 VG	30	40

For flat grain shop deduct $10 per M'BM from VG price corresponding item above.

For 10/4 thickness add $5 per M'BM to price of corresponding item above.

For Hemlock shop deduct $10 per M'BM from corresponding item Fir shop above.

For 12/4 thickness and shop cants apply for special price as provided for in section 30.

Clear door stock and panel stock—see special notations under Clears.

NOTE: Shop lumber shall be invoiced upon the nominal sizes shown in paragraphs 358 and 364 for Fir and paragraphs 858 and 864 for Hemlock.

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 357 through 381.

West Coast Hemlock and Noble Fir—Paragraphs 757 through 762a.

White Fir—Paragraphs 857 through 877.

SHIPPING WEIGHTS FOR SHOP LUMBER

	Fir weight rough green	Hemlock weight rough green	Fir and hemlock weight rough dry	Fir and hemlock weight S2S standard dry
1 x 5 and wider surfaced to 13/16"	3,500	4,000	3,000	2,300
1⅜ x 5" and wider surfaced to 1 3/32"	3,500	4,000	3,000	2,350
1⅝ x 5" and wider surfaced to 1 13/32"	3,500	4,000	3,000	2,450
2 x 5" and wider surfaced to 1 25/32"	3,500	4,000	3,000	2,500
2⅛ x 5" and wider surfaced to 2 1/32"	3,500	4,000	3,100	2,600
3 x 5" and wider surfaced to 2¾"	3,500	4,000	3,100	2,800

38. Table (18), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

West Coast Hemlock and Noble Fir—paragraphs 763 through 767.

White Fir—Paragraphs 885 through 891.

39. Table (20), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:

Douglas Fir—Paragraphs 186 through 190.

West Coast Hemlock and Noble Fir—Paragraphs 586 through 590.

White Fir—Paragraphs 825 through 829.

40. The footnote to Table (21), section 45, which begins with the words "Scaffold plank", is amended to read as follows:

Scaffold plank, paragraph 315, 5/4" and 6/4", and 8" and wider—add $60.00 to the No. 1 price.

41. The footnote to Table (21), section 45, which begins with the words "For amounts of 3 M feet or less", is amended to read as follows:

For amounts 3 M feet or less a flat set-up charge of $15 may be added.

42. Table (21), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 186 through 190.
West Coast Hemlock and Noble Fir—Paragraphs 586 through 590.
White Fir—Paragraphs 825 through 829.

43. Table (21), section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Full sawn rough dry, add $5.00 per M'BM to rough dry price.
Full sawn rough green, add $5.00 per M'BM to rough green price.

44. In the table of shipping weights for boards in Table (21), section 45, the heading of the fifth column which reads "Dry S/L D & M CM" is amended to read as follows:

Fir and Hemlock Dry S L D & M CM.

45. In the table of shipping weights for boards in Table (21), section 45, the heading of the sixth column which reads "Hemlock S4S" is amended to read as follows:

Hemlock S4S green.

46. Table (22), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 202 and 204 through 209.
West Coast Hemlock and Noble Fir—Paragraphs 602 and 604 through 609.
White Fir—Paragraphs 832 through 836.

47. The heading of Table (23), section 45, which reads "(23) Dry Dimension S4S—A. D. S. (Rough, Deduct $3 Per M)" is amended to read as follows:

(23) Dry Dimension S4S—A. L. S. (Rough, Deduct $3 per M.)

48. In Table (23), section 45, the heading of the last column in the table applicable to No. 3 Dimension Dry S4S, which reads "3/21" is amended to read as follows:

22/24'.

49. The footnote to Table (23), section 45, which begins with the words "Scaffold plank", is amended to read as follows:

Scaffold plank, paragraph 315 8" and wider, add $60.00 per M'BM to the rough select structural price.

50. In the table of shipping weights in Table (23), section 45, the fifth item in the column headed "Fir and hemlock, S4S standard dry" is amended by deleting the figures "2,260" and inserting the figures "2,250" therefor.

51. Table (23), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

For surfacing to 1 9/16" thickness, deduct $5.00 per M'BM from A. L. S. surfaced price of the same grade, size and length and scale as 2". Deduct 100 pounds from A. L. S. shipping weights for dimensions.

52. Table (23), section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Select factory flooring and roofing plank, Paragraph 327: Use same price as select structural of corresponding size.
Standard factory flooring and roofing plank, Paragraph 328: Use same price as No. 1 of corresponding size.

53. Table 23, section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Full sawn rough dry, add $5.00 per M'BM to rough dry prices.
Full sawn rough green, add $5.00 per M'BM to rough green prices.

54. Table (23), section 45, is amended by adding a new footnate at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 202 and 204 through 209.
West Coast Hemlock and Noble Fir—Paragraphs 602 and 604 through 609.
White Fir—Paragraphs 832 through 836.

55. The footnote to Table 24, section (45), which begins with the words "Widths: Odd or fractional widths", is amended to read as follows:

Widths: Odd or fractional widths under 12" not listed, add $3.00 per M'BM to price of next wider even width and compute footage on nominal rough measurement of the odd or fractional width.

56. The footnote to Table (24), section 45, which begins with the words "Scaffold plank", is amended to read as follows:

Scaffold plank, paragraph 315, 8" and wider, add $60.00 per M'BM to the select structural price of corresponding size.

57. Table (24), section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Select factory flooring and roofing plank, Paragraph 327: Use same price as select structural of corresponding size.
Standard factory flooring and roofing plank, Paragraph 328: Use same price as No. 1 of corresponding size.

58. Table (24), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Pargraphs 202 and 204 through 209.
West Coast Hemlock and Noble Fir—Paragraphs 602 and 604 through 609.
White Fir—Paragraphs 832 through 836

59. The price tables in Table (25), section 45, are amended to read as follows:

(25) Timbers: Select Structural Green Rough—Paragraphs 212 and 216

	Random lengths			Specified lengths		
	8/20'	22/30'	32/40'	20' and shorter	22/30'	32/40'
6 x 6" and 6 x 8"	$102	$107	$111	$106	$111	$115
6 x 10" and 6 x 12"	101	106	110	105	110	114
8 x 8"	101	106	110	105	110	114
8 x 10" and 8 x 12"	100	105	109	104	109	113
10 x 10" and 10 x 12"	100	105	109	104	109	113
12 x 12"	100	105	109	104	109	113
6 x 14" and 8 x 14"	105	115	119	109	125	129
8 x 16" and 8 x 16"	110	120	124	114	130	134
6 x 18" and 8 x 18"	115	125	129	119	135	139
10 x 14" and 12 x 16"	102	107	111	106	111	115
10 x 16"	105	110	114	109	114	118
10 x 18"	120	130	134	124	140	144
10 x 20"	125	135	139	129	145	149
12 x 18"	110	115	119	114	119	123
12 x 14" and 14 x 14"	102	107	111	106	111	115
14 x 16" and 16 x 16"	102	107	111	106	111	115
14 x 18"	107	112	116	111	116	120
16 x 18"	107	112	116	111	116	120
18 x 18"	105	110	114	109	114	118

No. 1 Green Rough—Paragraphs 214 and 218

6 x 6" and 6 x 8"	$87	$92	$96	$91	$96	$100
6 x 10" and 6 x 12"	86	91	95	90	95	99
8 x 8"	86	91	95	90	95	99
8 x 10" and 8 x 12"	85	90	94	89	94	98
10 x 10" and 10 x 12"	85	90	94	89	94	98
12 x 12"	85	90	94	89	94	98
6 x 14" and 8 x 14"	90	100	104	94	110	114
8 x 16" and 8 x 16"	95	105	109	99	115	119
6 x 18" and 8 x 18"	100	110	114	104	120	124
10 x 14" and 12 x 16"	87	92	96	91	96	100
10 x 16"	90	95	99	94	99	103
10 x 18"	105	115	119	109	125	129
10 x 20"	110	120	124	114	130	134
12 x 18"	95	100	104	99	104	108
12 x 14" and 14 x 14"	87	92	96	91	96	100
14 x 16" and 16 x 16"	87	92	96	91	96	100
14 x 18"	92	97	101	96	101	105
16 x 18"	92	97	101	96	101	105
18 x 18"	90	95	99	94	99	103

No. 2 (No. 1 Mining) Green Rough—Paragraph 219

	Random lengths			Specified lengths		
	8/20'	22/30'	32/40'	20' and shorter	22/30'	32/40'
6 x 6" and 6 x 8"	$83	$88	$92	$87	$92	$96
6 x 10" and 6 x 12"	82	87	91	86	91	95
8 x 8"	82	87	91	86	91	95
8 x 10" and 8 x 12"	81	86	90	85	90	94
10 x 10" and 10 x 12"	81	86	90	85	90	94
12 x 12"	81	86	90	85	90	94
6 x 14" and 8 x 14"	86	96	100	90	106	110
8 x 16" and 8 x 16"	91	101	105	95	111	115
6 x 18" and 8 x 18"	96	106	110	100	116	120
10 x 14" and 12 x 16"	83	88	92	87	92	96
10 x 16"	86	91	95	90	95	99
10 x 18"	101	111	115	105	121	125
10 x 20"	106	116	120	110	126	130
12 x 18"	91	96	100	95	100	104
12 x 14" and 14 x 14"	83	88	92	87	92	96
14 x 16" and 16 x 16"	83	88	92	87	92	96
14 x 18"	88	93	97	92	97	101
16 x 18"	88	93	97	92	97	101
18 x 18"	86	91	95	90	95	99

No. 3 Green Rough—Paragraph 220

6 x 6" and 6 x 8"	$62	$67	$71	$66	$71	$75
6 x 10" and 6 x 12"	61	66	70	65	70	74
8 x 8"	61	66	70	65	70	74
8 x 10" and 8 x 12"	60	65	69	64	69	73
10 x 10" and 10 x 12"	60	65	69	64	69	73
12 x 12"	60	65	69	64	69	73
6 x 14" and 8 x 14"	65	75	79	69	85	89
8 x 16" and 8 x 16"	70	80	84	74	90	94
6 x 18" and 8 x 18"	75	85	89	79	95	99
10 x 14" and 12 x 16"	62	67	71	66	71	75
10 x 16"	65	70	74	69	74	78
10 x 18"	80	90	94	84	100	104
10 x 20"	85	95	99	89	105	109
12 x 18"	70	75	79	74	79	83
12 x 14" and 14 x 14"	62	67	71	66	71	75
14 x 16" and 16 x 16"	62	67	71	66	71	75
14 x 18"	67	72	76	71	76	80
16 x 18"	67	72	76	71	76	80
18 x 18"	65	70	74	69	74	78

No. 1 Green Rough—Permitting up to 25 Percent No. 2

6 x 6" and 6 x 8"	$85	$90	$94	$89	$94	$98
6 x 10" and 6 x 12"	84	89	93	88	93	97
8 x 8"	84	89	93	88	93	97
8 x 10" and 8 x 12"	83	88	92	87	92	96
10 x 10" and 10 x 12"	83	88	92	87	92	96
12 x 12"	83	88	92	87	92	96
6 x 14" and 8 x 14"	88	98	102	92	108	112
8 x 16" and 8 x 16"	93	103	107	97	113	117
6 x 18" and 8 x 18"	98	108	112	102	118	122
10 x 14" and 12 x 16"	85	90	94	89	94	98
10 x 16"	88	93	97	92	97	101
10 x 18"	103	113	117	107	123	127
10 x 20"	108	118	122	112	128	132
12 x 18"	93	98	102	97	102	106
12 x 14" and 14 x 14"	85	90	94	89	94	98
14 x 16" and 16 x 16"	85	90	94	89	94	98
14 x 18"	90	95	99	94	99	103
16 x 18"	90	95	99	94	99	103
18 x 18"	88	93	97	92	97	101

60. The footnote to Table (25), section 45, which begins with the word "Workings", is amended to read as follows:

Workings: Surfacing S1S, S1E, S2S, S2E, S1S1E, S1S2E, S2S1E and S4S A. L. S. 6 x 6" to 16 x 16" add $6.00 per M'BM; if thicker than 16" and/or wider than 20" add $15.00 per M'BM.

61. The footnote to Table (25), section 45, which begins with the word "Surfacing", is amended to read as follows:

Surfacing 1/4" off—Add $3.00 per M to price of the same surfaced A. L. S. grade, width and length.

62. Table (25), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

For lengths 40 to 50', add the amount listed below for the lengths specified to the 40' specified length price for corresponding size and grade:

41'	$5.00	46'	$30.00
42'	10.00	47'	35.00
43'	15.00	48'	40.00
44'	20.00	49'	45.00
45'	25.00	50'	50.00

For lengths longer than 50' apply for special ceiling price as provided for in section 30.

63. Table (25), section 45, is amended by adding a new footnote at the end thereof which reads as follows:

The following grade paragraphs to rules No. 14 are applicable:
Douglas Fir—Paragraphs 212, 214, 216, 218, 219 and 220.
West Coast Hemlock and Noble Fir—Paragraphs 614, 618, 619 and 620.
White Fir—Paragraphs 838 through 841.

64. Table (25), section 45, is amended by adding two new footnotes at the end thereof which read as follows:

Full sawn rough dry, add $5.00 per M'BM to rough dry prices.
Full sawn rough green, add $5.00 per M'BM to rough green prices.

65. Footnote 5 to Table (26), section 45, is amended to read as follows:

5. Prices in this table cover Douglas Fir, West Coast Hemlock and all species of true Fir railroad ties graded in accordance with Standard Grading and Dressing Rules No. 14 of the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947, which are produced in a plant or mill located in California or in the parts of Washington and Oregon that extend eastward from the Pacific Ocean to, and including, the Cascade Mountains.

66. The footnote to Table (27), section 45, which begins with the words "Random lengths", is amended to read as follows:

Random lengths, 24' or under—Invoice each length at specified length price and deduct $5.00 per M.

67. The footnote to Table (27), section 45, which begins with the words "Lengths longer than listed", is amended to read as follows:

Random lengths longer than 24'—add $8.00 per M for each extra 2' to the longest price shown of corresponding size.

68. The footnote to Table (28), section 45, which begins with the word "Rough:", is amended to read as follows:

Rough: Deduct $10.00 per M from D & M price.

69. The footnote to Table (29), section 45, which begins "1 1/4" and 1 1/2" thickness dry:" is amended to read as follows:

1 1/4" and 1 1/2" thickness dry: Add $10.00 per M to the 2" price.

70. The heading of the unnumbered price table covering "Rough car decking and end lining, rough green", is amended by inserting the table number (30) and by changing the heading so that the heading reads as follows:

(30) Car Decking and End Lining, Rough Green

71. The footnote to Table (31), section 45, which begins with the words "'C' grade ship decking", is amended to read as follows:

"C" grade ship decking, Paragraph 311, (as now established by the West Coast Bureau of Grades and Inspection) deduct $20.00 per M from Paragraph 310 prices.

72. Paragraph (a) of section 46 is amended to read as follows:

(a) Additions to ceiling prices for the special provisions permitted by the paragraph may be made only when the special provisions are specifically requested by the buyer, and when they are not included in the requested grade in order to satisfy the standards set forth in Standard Grading and Dressing Rules No. 14, issued by the West Coast Bureau of Lumber Grades and Inspection, effective August 1, 1947. When additions are made for Paragraphs 222, 223, 224, 225, 227, and 229, the seller

must retain a copy and furnish the buyer with an official certificate of grade by either the West Coast Bureau of Lumber Grades and Inspection, the Pacific Lumber Inspection Bureau, A. M. Hickox, Inspection Service, Inc., Portland, Oregon; Robert W. Hunt Co., Portland, Oregon, and Seattle, Washington; or by A. E. Green, Eugene, Oregon. This certificate must be attached to the original invoice, except on truck orders involving more than one shipment where a certificate must be furnished either upon completion of the order or at the end of every 30-day period during the time of shipment on such specific order. This rule applies regardless of quantity, except that an order for less than 20,000 board feet for truck shipment direct to the job may be covered by mill certificate only, and in the case of railroads who do their own inspections a certificate need not be furnished.

73. Section 46 (a) (1) is amended to read as follows:

(1) *Grain.* (i) Where grain paragraphs may be applied to grade paragraphs in accordance with rules No. 14, the following additions may be made to the applicable ceiling prices:

For Paragraph 222—$2.50 per M.
For Paragraph 223—$5.00 per M.
For Paragraph 224—$12.50 per M.

(ii) Slope of grain No. 1 and higher grades of common: When not provided for in grades specified, slope of grain not exceeding 1" in 10", add $1.25 per M; for 1" in 12", add $2.50 per M; for 1" in 15", add $5.00 per M to the price of the same size, length and grade.[1]

(iii) Slope of grain D and better grades: Not exceeding 1" in 10", add $2.50 per M; for 1" in 12", add $5.00 per M; for 1" in 15", add $10.00 per M to the price of the same size, length and grade.[1]

74. The heading of section 46 (a) (2) is amended to read as follows:

(2) *Heartwood, Paragraph 225. (When specified in grades of No. 1 and Better, three inches and thicker.)*

75. The heading of section 46 (a) (3) is amended to read as follows:

(3) *F. O. H. C. Paragraph 229.*

76. Two new lines are added at the end of the price table in section 46 (a) (3) which read as follows:

	No. 1	Select structural
3 x 6 and 3 x 8	$1.00	$1.00
4 x 4, 4 x 6 and 4 x 8	1.50	1.50

77. Section 46 (a) (3) (i) is amended to read as follows:

(i) Timbers wider and/or thicker than listed—For each 1" in width or thickness above 18" x 18" add $10.00 to the 18" x 18" prices.

78. In section 46 (a) (4) the word "sign" following the word "same" is deleted and the word "size" inserted therefor, so that section 46 (a) (4) begins as follows:

(4) *Working charges.* The following working charges may be added to the ceiling price of surfaced lumber of the same size, length, and grade:

79. The word "Outgaging" is deleted from the heading of the price table in section 46 (a) (4), and the word "Outgauging" is inserted therefor.

80. In section 46 (j) the word "nearest" is deleted and the word "next" is inserted therefor so that section 46 (j) begins as follows:

(j) Established weights for non-standard surfaced lumber: When lumber is surfaced to a non-standard size, or where the established weights are not specifically listed in the tables in section 45, established weights for transportation are computed by applying to the appropriate average rough weight shown below, a percentage factor determined by the ratio of the area of the rough to the surfaced sizes. The resulting weight should then be rounded to the next 50 pounds:

81. A new paragraph (n) is added to section 46 at the end thereof which reads as follows:

(n) When Paragraph 226 may be applied to grade paragraphs in accordance with rules No. 14, an addition of $5.00 per M may be made to applicable ceiling prices of same size, grade and grain.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective on August 13, 1952.

NOTE: The record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 8, 1952.

[F. R. Doc. 52-8923; Filed, Aug. 8, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 112]

GCPR, SR 112—CEILING PRICES FOR FIR AND HEMLOCK REFUSE WOOD PRODUCED IN THE COLUMBIA RIVER DISTRICT OF WASHINGTON AND OREGON

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 112 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation is issued to alleviate conditions that have resulted in hardship to some producers of refuse wood in the Columbia River District of Washington and Oregon whose sales are subject to the GCPR.

During the period of December 19, 1950 to January 25, 1951, the base period of the GCPR, prevailing prices for refuse wood in the Columbia River District were more than $4.35 per unit cord for Fir and $5.21½ per unit cord for Hemlock. Most producers were able to establish these or higher prices as their GCPR ceiling prices. A small minority of the producers, however, made no deliveries at the prevailing prices during the base period because of existing long term requirement contracts which utilized their entire output, and which were entered into during periods of depressed prices. These latter producers thus established abnormally low GCPR ceiling prices.

To alleviate hardship cases, this supplementary regulation increases the few abnormally low GCPR ceiling prices to the approximate level of the GCPR ceiling prices for refuse wood produced in the Columbia River District, and permits such increased ceiling prices to apply to deliveries made after January 1, 1952 under long term contracts.

The increases granted by this supplementary regulation will have no forseeable effect upon the ceiling prices for wood pulp which is the principal product made from refuse wood.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

Special circumstances have rendered impracticable formal consultation with industry advisory committees or with trade association representatives. However, the Director has consulted individual members of the industry and has given consideration to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for refuse wood produced in the Columbia River District.
3. Long-term contract adjustment.
4. Definitions.
5. Applicability of the General Ceiling Price Regulation.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803 as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation to the General Ceiling Price Regulation increases the GCPR ceiling prices of some producers of refuse wood in the Columbia River District. It also increases the GCPR ceiling prices of some producers with respect to deliveries of refuse wood made after January 1, 1952, under contracts of more than a year's duration entered into before January 26, 1951.

SEC. 2. *Ceiling prices for refuse wood produced in the Columbia River District.* (a) If you produce refuse wood in the Columbia River District and your existing ceiling prices for refuse wood are lower than the basic ceiling prices set forth in paragraph (b) of this section, your existing GCPR ceiling prices are increased to those basic ceiling prices; if, however, your existing GCPR ceiling prices for refuse wood are higher than the basic ceiling prices set forth in paragraph (b) of this section, your existing GCPR ceiling prices remain unchanged.

(b) The basic ceiling prices established by this supplementary regulation, per unit cord of refuse wood, at the producer's point of loading or chipping, are:

Type of refuse wood:	Ceiling price per unit cord
Fir	$4.35
Hemlock	5.21½

SEC. 3. *Long-term contract adjustment.* If you are a producer of refuse wood in the Columbia River District, and before January 26, 1951, you entered into a written contract for a period of one year or more to sell refuse wood, and your GCPR ceiling prices for deliveries under that contract are less than the ceiling prices set forth in section 2 (b) of this supplementary regulation, your ceiling price on all deliveries made under such contract after January 1, 1952, shall be the basic ceiling prices set forth in section 2 (b) of this supplementary regulation.

SEC. 4. *Definitions.* When used in this supplementary regulation:

(a) "Refuse wood" means selected Douglas Fir or Hemlock sawmill slabs, edgings, trimmings, and blocks, suitable for conversion into pulpwood chips.

(b) A "unit cord" is a quantity of refuse wood which will produce 200 cubic feet of pulpwood chips after chipping.

(c) "Columbia River District" means Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat Counties in Washington, and Benton, Clackamas, Clatsop, Columbia, Hood River, Linn, Marion, Multnomah, Polk, Wasco, Washington, and Yamhill Counties in Oregon.

SEC. 5. *Applicability of the General Ceiling Price Regulation.* Except to the extent modified by this supplementary regulation, all provisions of the General Ceiling Price Regulation remain unchanged in their applicability to sales and purchases of refuse wood.

Effective date. This supplementary regulation shall become effective August 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 8, 1952.

[F. R. Doc. 52-8922; Filed, Aug. 8, 1952; 12:28 p. m.]

[Ceiling Price Regulation 163]

CPR 163—FERROMANGANESE, MANGANESE METAL AND OTHER MANGANESE PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for sales by producers of ferromanganese, silicomanganese, spiegeleisen and manganese metal. It covers sales of imported products, export sales and sales for export. It does not cover sales by resellers.

Manganese metallurgical products are indispensable as alloying elements and sulphur counteractants in the production of steel. Steel ingot production and steel casting production which consumes 93 percent of all manganese metallurgical products, 90 percent of which are ferromanganese, requires on the average about 14 pounds of manganese for each ton of steel produced.

In view of the importance of these products to the defense program and the civilian economy it is imperative that ceiling prices be maintained at levels which will achieve the objectives of the stabilization program and encourage the high rate of production needed for the defense effort.

Approximately 90 percent of the ore, from which the products covered by this regulation are produced, is imported, principally from India and Africa. During the period June 1950 to April 1952 the average cost of imported ore increased from $68.08 to $132.02 per ton of ferromanganese produced. Other direct material and conversion costs increased an average of $10.21 per ton of ferromanganese produced. Average increases from June 1950 to July 1951, the cut-off date of the Capehart Amendment, amounted to $48.56 per ton of ferromanganese. These increases were offset by a $13.00 per ton increase in the selling price of ferromanganese prior to the issuance of the GCPR.

Data obtained from a substantial segment of the industry indicate that its earnings have fallen below the Industry Earnings Standard level but the data available are not as comprehensive nor as conclusive as is usually required for an application of the Industry Earnings Standard. However, the seriousness of the hardship in the industry resulting from the increases in the cost of ore and the essentiality of manganese metallurgical products to the defense effort justify granting an interim adjustment in ceiling prices on the basis of the information currently available without the further expenditure of time and manpower in the collection of additional data.

Accordingly this regulation establishes ceiling prices for these manganese metallurgical products at a level which reflects the average price increase to which the industry is entitled under the provisions of the Capehart Amendment and a part of the increase to which the industry is apparently entitled by the Industry Earnings Standard. This is less than the amount to which the industry is apparently entitled as measured by preliminary findings under the Industry Earnings Standard. The effect of this adjustment on the cost of steel will be approximately $0.32 per ton of steel ingots or an average of $0.46 per ton of finished steel produced. It is anticipated that the ceiling prices established by this regulation will alleviate in substantial measure the difficult situations prevailing in the industry. If the required detailed information as to costs and earnings are submitted, OPS will undertake to determine more precisely the ceiling price level required by the Industry Earnings Standard.

This regulation sets forth specific ceiling prices for various grades and sizes of ferromanganese, silicomanganese, manganese metal and spiegeleisen. It also establishes premiums and penalties for manganese content in excess of or less than that set forth in the specifications and the charges which may be made for special packing and truck shipment. A producer of manganese metallurgical products of a unique grade, size or analysis must apply to the Office of Price Stabilization for a ceiling price.

In the judgment of the Director of Price Stabilization the provisions of this ceiling price regulation are generally fair and equitable and are necessary to effectuate the purpose of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability. In the judgment of the Director the provisions of this regulation comply with all of the requirements with respect to the establishment of ceiling prices set forth in the Defense Production Act of 1950, as amended.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

In particular, the Director has consulted at several meetings with the Industry Advisory Committee with respect to the trade practices and the coverage of this regulation and has, in general, adopted the recommendations of the committee.

The provisions of this ceiling price regulation and their effect upon business practices, cost practices, or means or aids to distribution in the industry have been considered. It is believed that no changes in such practices or methods have been effected. To the extent, however, that the provisions of this regulation may operate to compel changes in such practices or methods, such provisions are necessary to prevent circumvention or evasion of the regulation and effectuate the policies of the act.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Ceiling prices.
3. Applications for establishment of ceiling prices.
4. Customary terms of sale.
5. Petitions for amendment.
6. Adjustable pricing.
7. Excise, sales and similar taxes.
8. Record-keeping requirements.
9. Interpretations.
10. Prohibitions.
11. Evasions.
12. Supplementary regulations.
13. Definitions.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does—*(a) *Commodities covered.* This regulation establishes ceiling prices for ferro-

[1] Where a specification includes slope of grain and more exacting slope of grain is required, the charge under these notes shall be the difference between the charge permissible had the specification been free from slope of grain and the permissible charge for the slope of grain required. For example: Paragraph 202 requires slope of grain not more than 1" in 12". If specified 1" in 15", the maximum charge would be $2.50 per M.

manganese, silicomanganese, manganese metal and spiegeleisen. The terms "ferromanganese", "silicomanganese", "manganese metal", and "spiegeleisen" are defined in section 13, Definitions.

(b) *Persons and transactions covered.* (1) This regulation applies to all sales of the commodities covered by this regulation by a producer of such commodities including export sales and sales for export. It also covers sales of any commodity covered by this regulation by any person who is also a producer of the commodity, including sales of imported commodities. To this extent this regulation supersedes CPR 31 (Imports). It does not apply to resellers who are not also producers of the commodity which they resell.

(2) This regulation also applies, insofar as purchases are concerned, to any person who, in the regular course of trade or business, buys the commodities covered by this regulation from a producer of these commodities.

(c) *Geographical applicability.* This regulation applies in the 48 States of the United States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands.

SEC. 2. *Ceiling prices*—(a) *General provisions.* Paragraph (b) of this section sets forth specific ceiling prices for direct plant sales and sales from a producer's warehouse of standard ferromanganese when shipped from specified points and the premiums which may be charged for special packing and truck shipment. Paragraph (c) sets forth ceiling prices for briquets, low iron ferromanganese, medium carbon ferromanganese, low carbon ferromanganese, silicomanganese and manganese metal and the premiums which may be charged for spot sales, special packing and truck shipment. Paragraph (d) sets forth ceiling prices for spiegeleisen. Paragraph (e) sets forth ceiling prices for ferromanganese powders and manganese metal powders.

(b) *Ceiling prices for standard ferromanganese*—(1) *Direct plant shipments.* Your ceiling price for standard ferromanganese containing a minimum of 70 percent manganese when shipped directly from a plant located at a point listed in Table A is the price set forth in that table for the grade, size and quantity shipped.

TABLE A—STANDARD FERROMANGANESE—LUMP AND CRUSHED SIZES

Size	Carload lots						Gross ton lots						Less than gross ton lots			
	Bulk						Packed			Packed				Packed			
	A	B	C	D	E	F	A	B	D	A	B	D	E	A	B	D	E
Regular grade:																	
Lump	$225	$225	$226	$227	$227	$228	$237	$235	$239	$252	$252	$254	$252	$269	$269	$271	$269
2" x down	236	230	[1]231	233	.....	.....	248	241	.....	265	260	.....	265	284	279	.....	284
½" x down	241	236	237	.....	.....	.....	253	246	.....	271	266	.....	271	293	288	.....	293
¾" x down	244	.....	.....	.....	.....	.....	256	.....	.....	275	.....	.....	275	298	.....	.....	298
¾" x 12 mesh	256	.....	.....	.....	.....	.....	268	.....	.....	287	.....	.....	278	310	.....	.....	302
8 mesh x down	246	.....	.....	.....	.....	.....	258	.....	.....	277	.....	.....	278	302	.....	.....	302
20 mesh x down	248	.....	.....	.....	.....	.....	260	.....	.....	279	.....	.....	283	306	.....	.....	306
Low phosphorous grade:																	
Lump	235	.....	.....	.....	.....	.....	247	.....	.....	262	.....	.....	.....	279	.....	.....	.....
2" x down	246	.....	.....	.....	.....	.....	258	.....	.....	275	.....	.....	.....	294	.....	.....	.....

Prices are per gross ton, f. o. b. shipping point. Packed prices include packing in containers containing 500 pounds or more of materials. A pro rata increase or decrease must be made for manganese content over 82 percent or under 78 percent, at the rate of $2.80 per 1 percent of contained manganese, or fraction thereof.

A—Alloy, W. Va.; Ashtabula, Ohio; Baltimore, Md.; Niagara Falls, N. Y.; Marietta, Ohio.
B—Sheridan, Pa.; Lynchburg, Va.
C—Anaconda, Mont., or Great Falls, Mont.
D—Johnstown, Pa.
E—Chattanooga, Tenn.
F—Etna, Pa.

[1] 2 x 4 size.

(2) *Warehouse sales.* Your ceiling price for standard ferromanganese containing a minimum of 70 percent manganese when shipped from a warehouse owned, leased, rented or operated by a producer and located at a point listed in Table B is the price set forth in that table for the grade, size and quantity shipped.

TABLE B—STANDARD FERROMANGANESE—REGULAR GRADE—WAREHOUSE PRICES

Size	Carload lots or combination cars				Truck lots bulk 20,000-pound minimum	Gross ton lots, packed			Less than gross ton lots, packed		
	Bulk		Packed								
	A	B	A	B	B	A	B	C	A	B	C
Lump	$258	.....	$270	.....	.....	$285	.....	$267	$302	.....	$284
2" x down	269	$244.48	281	$256.48	$254.48	298	$265	280	317	$284	299
½" x down	.....	249.48	.....	261.48	.....	.....	271	286	.....	293	308
¾" x down	.....	252.48	.....	264.48	.....	.....	275	290	.....	298	313
¾" x 12 mesh	289	.....	301	.....	.....	320	.....	302	343	.....	325
8 mesh x down	279	254.48	291	266.48	.....	310	277	292	335	302	317
20 mesh x down	281	256.48	293	268.48	.....	312	279	294	339	306	321

Prices are per gross ton f. o. b. shipping point. Packing prices include packing in containers containing 500 pounds or more of material.

A pro rata increase or decrease must be made for manganese content over 82 percent or under 78 percent, at the rate of $2.80 per 1 percent of contained manganese, or fraction thereof.

Column A—Producers' Warehouse, Los Angeles, Calif.; Oakland, Calif.; Portland, Oreg.; or Tacoma, Wash.
Column B—Producers' Warehouse, Philo, Ohio.
Column C—Producers' Warehouse, Chicago, Ill.

(3) *Premiums.* The premiums which may be added to the ceiling prices set forth in Tables A and B for packing in smaller than standard containers and for loading on trucks at Etna, Pennsylvania, are set forth in Table D.

TABLE C

These prices are f. o. b. freight cars at any destination named by the buyer within the territorial limits of continental United States excluding Alaska, except electrolytic manganese metal which is as indicated in the table. Packed prices include packing in containers containing 500 pounds or more of material, except electrolytic manganese metal and briquets which are packed in containers holding 250 pounds or more of material.

FERROMANGANESE

[Cents per pound of contained manganese]

Grade	Quantity	Lump					Crushed	
		50 pound x 2"	25 pound x ¾"	4" x down	2" x down	1" x down	8 mesh x down	20 mesh x down
Medium carbon: Mn 80-85 percent; C 1.25-1.50 percent maximum.	Carload lots, bulk	0.2135	.....	0.2135	0.2160	0.2185	0.2245	.....
	Carload lots, packed	.2210	.....	.2210	.2235	.2260	.2320	.....
	2,000 pounds up to carload, packed	.2320	.....	.2320	.2345	.2370	.2470	.....
	Less than 2,000 pounds, packed	.2440	.....	.2440	.2470	.2495	.2655	.....
Low carbon:								
Mn 90 percent minimum; P 0.06 percent maximum; C 0.07 percent maximum.	Carload lots, bulk	.....	0.2845	.....	.2870	.....	.....	0.2980
	Carload lots, packed	.....	.2920	.....	.2945	.....	.....	.3055
	2,000 pounds up to carload, packed	.....	.3030	.....	.3055	.....	.....	.3185
	Less than 2,000 pounds, packed	.....	.3150	.....	.3180	.....	.....	.3360
Mn 85-90 percent; C 0.07 maximum.	Carload lots, bulk	.2795	.2795	.....	.2820	.....	.....	.2930
	Carload lots, packed	.2870	.2870	.....	.2895	.....	.....	.3005
	2,000 pounds up to carload, packed	.2980	.2980	.....	.3005	.....	.....	.3135
	Less than 2,000 pounds, packed	.3100	.3100	.....	.3130	.....	.....	.3310
Mn 85-90 percent; C 0.10 maximum.	Carload lots, bulk	.2770	.2770	.....	.2795	.....	.....	.2905
	Carload lots, packed	.2845	.2845	.....	.2870	.....	.....	.2980
	2,000 pounds up to carload, packed	.2955	.2955	.....	.2980	.....	.....	.3110
	Less than 2,000 pounds, packed	.3075	.3075	.....	.3105	.....	.....	.3285
Mn 85-90 percent; C 0.15 maximum.	Carload lots, bulk	.2745	.2745	.....	.2770	.....	.....	.....
	Carload lots, packed	.2820	.2820	.....	.2845	.....	.....	.....
	2,000 pounds up to carload, packed	.2930	.2930	.....	.2955	.....	.....	.....
	Less than 2,000 pounds, packed	.3050	.3050	.....	.3080	.....	.....	.....
Mn 85-90 percent; C 0.30 maximum.	Carload lots, bulk	.2695	.2695	.....	.2720	.....	.....	.....
	Carload lots, packed	.2770	.2770	.....	.2795	.....	.....	.....

TABLE C—Continued

Grade	Quantity	Lump					Crushed	
		50 pound x 2"	25 pound x ¾"	4" x down	2" x down	1" x down	8 mesh x down	20 mesh x down
Low carbon—Con.								
Mn 85-90 percent; C 0.30 maximum—Con.	2,000 pounds up to carload, packed	.2880	.2880	.....	.2905	.....	.....	.....
	Less than 2,000 pounds, packed	.3000	.3000	.....	.3030	.....	.....	.....
Mn 85-90 percent; C 0.50 maximum.	Carload lots, bulk	.2645	.2645	.....	.2670	.....	.....	.....
	Carload lots, packed	.2720	.2720	.....	.2745	.....	.....	.....
	2,000 pounds up to carload, packed	.2830	.2830	.....	.2855	.....	.....	.....
	Less than 2,000 pounds, packed	.2950	.2950	.....	.2980	.....	.....	.....
Mn 80-85 percent; Si 5-7 percent; C 0.75 maximum.	Carload lots, bulk	.2345	.....	.....	.2370	.....	.....	.....
	Carload lots, packed	.2420	.....	.....	.2445	.....	.....	.....
	2,000 pounds up to carload, packed	.2530	.....	.....	.2555	.....	.....	.....
	Less than 2,000 pounds, packed	.2650	.....	.....	.2680	.....	.....	.....
Mn 90 percent minimum.	Bulk, carload or truckload.	.2795	.2795	.....	.2795	.....	.....	.....
Carbon 0.10 percent maximum.	Packed, 2,000 pounds and over.	.2835	.2835	.....	.2835	.....	.....	.....
Silicon 1.25 percent maximum.	Packed, less than 2,000 pounds.	.2860	.2860	.....	.2860	.....	.....	.....
Low iron:								
Mn 85-90 percent	Carload lots, packed	.....	.....	.....	.1835	.....	.1905	.1930
Fe 2 percent maximum; Si 3 percent maximum, C 7 percent approximate.	2,000 pounds up to carload, packed.	.....	.....	.....	.1940	.....	.2025	.2050
	Less than 2,000 pounds, packed.	.....	.....	.....	.2055	.....	.2165	.2190

SILICOMANGANESE

[Cents per pound of material, gross weight]

Grade	Quantity	Lump, 75 pounds x 2"	Crushed, 2" x down
C 1.50 percent maximum; Mn 65-68 percent; Si 18-20 percent.	Carload lots, bulk	0.1110	0.1160
	Carload lots, packed	.1215	.1235
	2,000 pounds up to carload, packed	.1305	.1325
	Less than 2,000 pounds, packed	.1405	.1425
C 2.00 percent maximum; Mn 65-68 percent; Si 15-17.50 percent.	Carload lots, bulk	.1120	.1140
	Carload lots, packed	.1195	.1215
	2,000 pounds up to carload, packed	.1285	.1305
	Less than 2,000 pounds, packed	.1385	.1405
C 3.00 percent maximum; Mn 65-68 percent; Si 12-14.50 percent.	Carload lots, bulk	.1090	.1110
	Carload lots, packed	.1165	.1185
	2,000 pounds up to carload, packed	.1255	.1275
	Less than 2,000 pounds, packed	.1355	.1375

BRIQUETS

[Cents per pound of briquet, gross weight]

Grade	Quantity	Plain	Notched
Silico manganese:			
3½ pounds (total weight), ½ pound Si; 2 pounds Mn.	Carload lots, bulk	0.1265	0.1290
	Carload lots, packed	.1315	.1370
	2,000 pounds up to carload, packed	.1425	.1450
	Less than 2,000 pounds, packed	.1515	.1520
4¼ pounds (total weight); ½ pound Si, 2 pounds Mn.	Carload lots, bulk	.1041	.1062
	Carload lots, packed	.1107	.1128
	Truckload, bulk, 20,000 pounds minimum [1]	.1098	.1119
	2,000 pounds to carload, packed	.1163	.1184
	Less than 2,000 pounds, packed	.1248	.1269
Ferro manganese 3 pounds (total weight); 2 pounds Mn.	Carload lots, bulk	.1245	.1270
	Carload lots, packed	.1325	.1350
	Truckload, bulk, 20,000 pounds minimum [1]	.1318	.1343
	2,000 pounds up to carload, packed	.1405	.1430
	Less than 2,000 pounds, packed	.1495	.1520

[1] Available subject to truck carrier restrictions on bulk shipment.

MANGANESE METAL

[Cents per pound of metal]

Grade	Quantity	Crushed sizes	
		2" x down	8 mesh x down
Mn 99.00 percent minimum; Fe 2.50 percent maximum; Si 1.00 percent maximum; C 0.20 percent maximum.	Carload lots, bulk	0.3620	0.3745
	Carload lots, packed	.3695	.3820
	2,000 pounds up to carload, packed	.3815	.3945
	Less than 2,000 pounds, packed	.4015	.4320

ELECTROLYTIC MANGANESE METAL

Prices are cents per pound of metal f. o. b. Knoxville, Tenn., with cheaper of rail or truck freight allowed to any destination east of Mississippi River. On shipment west of Mississippi River, cheaper of rail or truck freight allowed between Knoxville, Tenn., and St. Louis, Mo.

For less than 250 pounds freight charges are for customers account.

Grade	Quantity	Price
Mn 99.98 percent minimum	40,000 pounds or more	$0.30
	2,000 pounds to 39,999 pounds	.32
	250 pounds to 1,999 pounds	.34
	Less than 250 pounds	.37

TABLE D—PREMIUMS AND EXTRAS

[Cents per pound except where otherwise indicated]

	Medium carbon	Low carbon	Low iron	Silico-manganese	95-percent manganese metal	Briquets	Standard ferro-manganese
Spot sales [1]	[2] 0.0025	[2] 0.0025	[2] 0.0025	0.0025	0.020	0.0025	.....
Ocean shipment export:							
(a) 50-gallon oak barrels	[3] .0020	[3] .0015	[3] .0015	.0020	.....	.....	[4] $1
(b) 25-gallon oak barrels	[3] .0040	[3] .0040	[3] .0040	.0050	.0035	.....	[4] 8
(c) Triple burlap bags	.....	.....	.....	.....	.....	.0025	.....
Packing (smaller than standard container):							
(a) 5-99 to 250 pounds	[3] .0060	[3] .0060	[3] .0055	.005	.005	.....	[4] 11
(b) Under 250 pounds	[3] .0120	[3] .0120	[3] .0110	.010	.010	.0025	[4] 22
Loading on truck at Etna, Pa.	.....	.....	.....	.....	.....	.....	[4] 10

[1] Lots under 100 pounds are f. o. b. shipping point.
[2] Per gross ton.
[3] Per pound contained manganese.

(c) *Ceiling prices for medium carbon ferromanganese, low carbon ferromanganese, low iron ferromanganese, silicomanganese, briquets and manganese metal.* Your ceiling price for contract sales of medium carbon ferromanganese, low carbon ferromanganese, low iron ferromanganese, silicomanganese, briquets, and manganese metal is the applicable ceiling price set forth in Table C for the grade, size and quantity shipped. The premiums which may be added to the ceiling prices set forth in Table C for spot sales, special packing for export shipment and packing in smaller than standard containers are set forth in Table D in paragraph (b) (3) of this section. The terms "contract sales" and "spot sales" are defined in section 13 (definitions).

(d) *Ceiling prices for spiegeleisen.* Your ceiling price for spiegeleisen is the applicable ceiling price set forth in Table E for the grade and quantity shipped.

TABLE E—SPIEGELEISEN

Grades, manganese content	Quantity	F. o. b. cars Pittsburgh or Palmerton, Pa.
		Per gross ton
Maximum 3 percent silicon:		
16–19 percent	Bulk, carload, 25 gross tons minimum	$84.00
19–21 percent	do	85.00
21–23 percent	do	85.00
23–25 percent	do	85.00
25–28 percent	do	95.00

Prices are contract or spot sales.
Truck shipment, Palmerton, Pa., 5 gross tons or over, add $2 to above prices.

(e) *Ceiling prices for ferromanganese powders and manganese metal powders.* Your ceiling price for ferromanganese powders and manganese metal powders is the applicable ceiling price set forth in Table F for the grade, size and quantity shipped.

TABLE F—MANGANESE POWDERS

Product	Ferromanganese standard (B)		Ferromanganese medium carbon (C)			Ferromanganese low carbon (C)			Manganese metal (C)		
Package	Paper bags, 100 pounds net		Paper bags, 100 pounds net			Steel pails, 100 pounds net			Steel pails, 100 pounds net		
Price basis	Per net ton of material		Per pound of material			Per pound contained manganese			Per pound of material		
Quantity	Carload	Less carload	Carload	1 ton to carload	Less than 1 ton	1 ton to carload	500 pounds to 1 ton	Less than 500 pounds	2,000 pounds and up	500 pounds to 1,999 pounds	Less than 500 pounds
Size											
50/325 mesh	$260 (A)	$276 (A)	$0.258	$0.273	$0.293	$0.434	$0.4545	$0.4965	$0.555	$0.595	$0.635
50/200 mesh	260 (A)	276 (A)									
100/325 mesh											
80/325 mesh		291 (A)		[1] 556							
30 mesh x down											

[1] Per net ton in less than carload quantity.

(A) A pro rata increase or decrease must be made for manganese content over 82 percent or under 78 percent at the rate of $2.80 per 1 percent of contained manganese or fraction thereof.
(B) Spot sales $2.50 higher.
(C) Spot sales $0.01 higher. Stabilization $0.07 higher.
All prices are f. o. b. shipping point.

SEC. 3. *Applications for establishment of ceiling prices.* (a) If you sell any of the commodities covered by this regulation and cannot determine a ceiling price under section 2, you must file an application with OPS for the establishment of a ceiling price. Any such application must be filed by registered mail with the Industrial Materials and Manufactured Goods Division, Office of Price Stabilization, Washington 25, D. C., and must contain the following information: Your name and address; a metallurgical analysis and physical description of the commodity you propose to sell, including a statement of the reasons why you are unable to determine a ceiling price under the provisions of this regulation; your proposed ceiling price and a statement of how you determined such price, and why you believe it is in line with the ceiling prices otherwise established by this regulation.

(b) Any ceiling price established by OPS pursuant to this section will be in line with the ceiling prices otherwise established by this regulation.

(c) After receipt of an application pursuant to this section OPS may approve or disapprove your proposed ceiling price, establish a different ceiling price, or request additional information. Pending any such action, you may sell the commodity covered by your application at your proposed ceiling price, *Provided*, that you agree with the purchaser to refund the amount, if any, by which your proposed ceiling price exceeds the ceiling price established by OPS. If OPS has not acted upon your application within 30 days of the receipt thereof, your proposed ceiling price shall be deemed to be established for all deliveries made between the date of filing of your application and the date of any order issued by OPS disposing of your application.

(d) If you are required to file an application pursuant to this section and do not do so, OPS may issue an order establishing ceiling prices for you. Any ceiling price set forth in any such order will be in line with the ceiling prices otherwise established in this regulation and will apply to all deliveries for which a ceiling price was not otherwise established by this regulation, including deliveries completed prior to the date of the order. The issuance of such an order will not relieve you of your obligation to comply with the requirements of this regulation or of the various penalties for your failure to do so.

SEC. 4. *Customary terms of sale.* You must adjust the ceiling prices determined in accordance with section 2 of this regulation to reflect all cash discounts which you had in effect on January 25, 1951, and such price must carry all guarantees, servicing terms, and other applicable conditions of sale which you had in effect on that date. You may make a charge for extension of credit to a buyer if you customarily made such a charge therefor on January 25, 1951, but the amount of such charge must not be greater than that which you had in effect on that date.

SEC. 5. *Petitions for Amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revised.

SEC. 6. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit any person making a contract or offer to sell a product covered by this regulation at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. No person, however, may deliver or agree to deliver such product at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery.

SEC. 7. *Excise, sales and similar taxes.* Any person may collect in addition to the ceiling price established by this regulation, any excise, sales or similar tax imposed upon him by reason of his sale of any product covered by this regulation if he is not prohibited by law from making such collection and if he states separately from his selling price the amount of the tax collected and provided such separate statement and collection of the amount of the tax is not prohibited by law.

SEC. 8. *Record-keeping requirements.* (a) (1) Every seller covered by this regulation, and every person who, in the course of trade or business, buys from such seller, must prepare and keep for inspection by the Director of Price Stabilization for a period of two years accurate records or invoices of each sale of the commodities covered by this regulation showing: The date of sale; the name and address of the seller and buyer; the commodity sold, as described in the nomenclature used in this regulation; the quantity of each such commodity; the price charged for each such commodity; the point or points of shipment and the buyer's receiving point, and the amount of the transportation charges, if any, and by whom they were paid.

(2) Every seller covered by this regulation shall deliver to the purchaser at the time of any sale of a commodity covered by this regulation an invoice which shall set forth the information required by paragraph (a) (1).

(b) Retention by the buyer of an invoice issued in connection with the sale of a commodity covered by this regulation will be considered compliance with the provisions of this section if the invoice contains all the information required by paragraph (a).

SEC. 9. *Interpretations.* If any person wants an official interpretation of this regulation, he should write to the Division Counsel, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. Any action taken in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 10. *Prohibitions.* No person shall do any act prohibited or omit to do any act required by this regulation, nor shall any person offer, solicit, attempt, or agree to do or omit to do any such acts.

Specifically (but not in limitation of the above), no person shall, regardless of any contract or other obligation, sell, deliver, or negotiate the sale or delivery of any product, and no person in the regular course of trade or business shall buy or receive any product, at a price higher than the ceiling price established by this regulation. Every person covered by this regulation shall keep, make and preserve true and accurate records and reports, required by this regulation. If any person violates any provisions of this regulation, he is subject to criminal penalties, enforcement action, and action for damages.

SEC. 11. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, fees, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

No seller shall require a purchaser to subdivide a requirement into small or partial orders nor shall a purchaser subdivide his requirements into small or partial orders for the purpose of enabling the seller to obtain a higher unit price.

SEC. 12. *Supplementary regulations.* The Director of Price Stabilization may issue supplementary regulations modifying or supplementing this regulation as he deems appropriate.

SEC. 13. *Definitions.* (a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing; the United States or any agency thereof; or any other government or any of its political subdivisions, or any agency of the foregoing.

(b) "Contract sale" means a sale pursuant to a written agreement whereby the producer agrees to deliver, within a specified period, a specified amount or a certain percentage of the purchaser's requirements.

(c) "Spot sale" means a single or isolated sale other than a contract sale.

(d) "You" means any person covered by this regulation.

(e) "Imported" means transported from a place outside of the United States, Alaska, Guam, Hawaii, Puerto Rico or the Virgin Islands to a point inside thereof.

(f) "Export sale" means the sale of a commodity to a person located outside the continental United States or a territory or possession of the United States and which is shipped to the purchaser outside the continental United States or a territory or possession of the United States, regardless of where the invoicing is done.

(g) "Sale for export" means a sale to a buyer located in the continental United States or a territory or possession of the United States of a commodity destined for export and subsequent shipment, without resale, to any place outside the continental United States or a territory or possession of the United States.

(h) "OPS" means the Office of Price Stabilization.

(i) "Carload" means any quantity to which a minimum railroad carload freight rate is applicable.

(j) "Shipping point" means the point from which any product covered by this regulation is loaded on a conveyance for shipment to the buyer's receiving point.

(k) "Commodity" means any product which is covered by this regulation.

(l) "Producer" means any person engaged in any phase of the manufacture of the commodity being priced, including smelting, cleaning, sizing, or briquetting.

(m) "Reseller" means any person who purchases a product or products covered by this regulation of which he is not a producer and resells such product or products in substantially the same form or condition.

(n) "Ferromanganese" means an iron-manganese alloy containing 40 percent to 95 percent manganese, including standard ferromanganese, medium carbon ferromanganese, low carbon ferromanganese and low iron ferromanganese.

(o) "Standard ferromanganese" means a high carbon ferromanganese containing a minimum of 70 percent manganese, including regular and low Phosphorous grades.

(p) "Standard ferromanganese—regular grade" means a high carbon ferromanganese containing 78 percent to 82 percent manganese, 7 percent carbon (approximately) and 1 percent silicon (maximum).

(q) "Standard ferromanganese—low phosphorous grade" means a high carbon ferromanganese containing 78 percent to 82 percent manganese, 7 percent carbon (maximum), 2 percent silicon (maximum) and 0.10 percent phosphorous (maximum).

(r) "Medium carbon ferromanganese" means a ferromanganese which conforms to one of the analyses for medium carbon ferromanganese set out in Table C.

(s) "Low carbon ferromanganese" means a ferromanganese which conforms to one of the analyses of low carbon ferromanganese set out in Table C.

(t) "Low iron ferromanganese" means a ferromanganese which conforms to one of the analyses for low iron ferromanganese set out in Table C.

(u) "Spiegeleisen" means an alloy, consisting principally of iron and manganese which conforms to one of the analyses set out in Table E.

(v) "Silicomanganese" means an alloy, consisting principally of manganese, silicon and iron which conforms to one of the analyses set out in Table C.

(w) "Manganese metal" means a metal containing a minimum of 96 percent manganese and a maximum of 2.5 percent iron.

(x) "Electrolytic manganese metal" means a metal containing a minimum of 99.98 percent manganese.

Effective date. This Ceiling Price Regulation 163 shall become effective August 8, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 8, 1952.

[F. R. Doc. 52-8921; Filed, Aug. 8, 1952; 12:28 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 4 to Area Milk Price Regulation 12]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENT

AMPR 12—SAN FRANCISCO DISTRICT, CALIFORNIA

REVISION OF CEILING PRICES FOR FLUID MILK IN THE SAN FRANCISCO, ALAMEDA-CONTRA COSTA AND SAN MATEO COUNTY MARKETING AREAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), the Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority No. 41 of the Director of Price Stabilization (16 F. R. 12679) and Redelegation of Authority No. 23 of the Regional Director, Region XII, Office of Price Stabilization (17 F. R. 674), this Amendment 4 to Area Milk Price Regulation 12 pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment adjusts ceiling prices for fluid milk in three Northern California markets. In the cases of the San Francisco Marketing Area and the San Mateo County Marketing Area, the adjustment takes the form of a one-half cent raise for quarts of milk and proportional increases for pints and half-pints of milk at all levels of distribution. The adjustment in the Alameda-Contra Costa Marketing Area is confined to retail, home-delivered prices, and provides for a decrease of one cent per quart together with a three cent delivery charge for each delivery of fluid milk to a retail customer.

These adjustments conform ceiling prices with increases in minimum prices ordered by the State of California Bureau of Milk Control in the San Francisco and San Mateo County Marketing Areas and with the installation of a retail delivery charge ordered in the Alameda-Contra Costa Marketing Area.

For the reasons set forth in the Statement of Considerations accompanying Amendment 3 to AMPR 12, issued and effective July 10, 1952, Section 1 (c) was added in order to eliminate conflicts between ceiling prices and minimum prices established by the State of California Bureau of Milk Control. Reliance on this provision for resolving the present conflict would not, however, have provided corresponding increases on kinds of fluid milk other than standard milk to which the industry is entitled under the criteria of Supplementary Regulation 63. This amendment authorizes a re-determination of ceiling prices on such items as buttermilk, chocolate drink and non-fat milk. These items are not subject to minimum price regulation by the State of California Bureau of Milk Control.

In the judgment of the District Director the provisions of this amendment to Area Milk Price Regulation No. 12 in Region XII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1951, and the Defense Production Act Amendments of 1952.

The District Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950 to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director consulted the industry involved to the fullest extent practicable prior to the issuance of this amendment to Area Milk Price Regulation No. 12.

AMENDATORY PROVISIONS

1. Appendix I to Area Milk Price Regulation 12 is hereby revoked and Appendix I, Revision 1, which appears hereafter is substituted therefor.

APPENDIX I (REVISION 1)

SAN FRANCISCO MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the San Francisco Marketing Area, which comprises San Francisco County, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk, per gallon	$0.68		
Gallon bottle	.76	$0.86	$0.90
Half-gallon container (fiber or glass)	.38	.43	.45
Quart container (fiber or glass)	.195	.22	.23
Pint container (fiber or glass)	.1125	.13	.14
Third-quart or three-quarter pint container (fiber or glass)	.076		
Half-pint container (fiber or glass)	.064		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)		.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in section 1, above, plus an amount proportionate (according to container size) to either of such excesses. For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore in this appendix provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk.

Ceiling prices determined under this section of the appendix shall be reported in accordance with section 3 of this regulation, but if a previous report has been made stating the differentials used in determining ceiling prices under the provisions of this section of the appendix, no new report is required.

4. The prices herein provided are based upon a producer paying price of $5.80 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in provision 1 of section A of article I of San Francisco Order No. 35 issued by the State of California Bureau of Milk Control effective February 1, 1952.

2. Appendix II, Revision 1, to Area Milk Price Regulation 12 is hereby revoked and Appendix II, Revision 2, which appears hereafter is substituted therefor.

APPENDIX II (REVISION 2)

ALAMEDA-CONTRA COSTA MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the Alameda-Contra Costa Marketing Area, which comprises Alameda and Contra Costa Counties, California.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered [1]
Bulk, per gallon	$0.68		
Gallon bottle	.78	$0.88	$0.88
Half-gallon container (fiber or glass)	.39	.44	.44
Quart container (fiber or glass)	.195	.22	.22
Pint container (fiber or glass)	.1125	.13	.13
Third-quart or three-quarter pint container (fiber or glass)	.078		
Half-pint container (fiber or glass)	.065		

[1] The prices provided for retail, home-delivered sales are subject to the provisions of section 4 below.

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized) [1]		.04	.02		

[1] The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19.5 cents per quart or the retail home-delivered base period price was in excess of 20.5 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in section 1, above, plus an amount proportionate (according to container size) to either of such excesses.

For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore in this appendix provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk.

Ceiling prices determined under this section of the appendix shall be reported in accordance with section 3 of this regulation, but if a previous report has been made stating the differentials used in determining ceiling prices under the provisions of this section of the appendix, no new report is required.

In the case of retail home-delivered sales, ceiling prices determined under this section of the appendix shall be subject to the provisions of section 4 below.

4. In the case of fluid milk, either standard or other kinds (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk), sold to retail home-delivery consumers, a delivery charge of three cents ($0.03) may be made, in addition to the retail home-delivered prices determined under sections 1 and 3 of this appendix, for each delivery to each customer where fluid milk is sold.

5. The prices herein provided are based upon a producer paying price of $5.80 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions set forth in provision 1 of section A of article I, of Alameda-Contra Costa Order No. 32 issued by the State of California Bureau of Milk Control effective February 1, 1952.

3. Appendix III to Area Milk Price Regulation 12 is hereby revoked and Appendix III, Revision 1, which appears hereafter is substituted therefor.

APPENDIX III (REVISION 1)

SAN MATEO COUNTY MARKETING AREA

This appendix covers milk and cream (excluding sour cream) in the San Mateo County Marketing Area.

1. For standard milk (including homogenized) ceiling prices are as follows:

Size of container	Wholesale, f. o. b. purchaser's business location	Retail store, carry-out	Retail, home-delivered
Bulk, per gallon	$0.68		
Gallon bottle	.76	$0.86	$0.90
Half-gallon container (fiber or glass)	.38	.43	.45
Quart container (fiber or glass)	.195	.22	.23
Pint container (fiber or glass)	.1125	.13	.14
Third-quart or three-quarter pint container (fiber or glass)	.076		
Half-pint container (fiber or glass)	.064		

2. For the following items the ceiling price is the base period price plus the following additions:

Type of sale	Container size				
	Per gallon bulk	½ gallon	Quart	Pint	½ pint
Half and half	$0.16	$0.08	$0.04	$0.02	$0.01
Table cream	.24	.12	.06	.03	.015
All-purpose cream	.40	.20	.10	.05	.025
Whipping cream	.40	.20	.10	.05	.025
Other retail sales of standard milk (including homogenized)		.05	.025		

The "other retail sales" referred to above are retail sales f. o. b. distributor's processing plant or producer's ranch.

3. For standard milk (including homogenized) sold in remote areas where the retail store carry-out base period price was in excess of 19 cents per quart or the retail home-delivered base period price was in excess of 20 cents per quart, the ceiling price for all kinds of sales shall be the applicable price provided in section 1, above, plus an amount proportionate (according to container size) to either of such excesses. For other kinds of fluid milk (such as buttermilk, chocolate drink, non-fat milk, and special grades of milk) the ceiling price shall be the ceiling price as hereinbefore in this appendix provided for standard milk in the same sized container plus or minus, as the case may be, the dollars-and-cents difference between the seller's base period prices for such kind of milk and standard milk.

Ceiling prices determined under this section of the appendix shall be reported in accordance with section 3 of this regulation, but if a previous report has been made stating the differentials used in determining ceiling prices under the provisions of this section of the appendix, no new report is required.

4. The prices herein provided are based upon a producer paying price of $5.77 per hundredweight of milk containing 3.8 percent milk fat for Class 1 fluid milk purchased f. o. b. processor's plant, subject to the deductions and additions set forth in provision 1 of section A of article I, of San Mateo County Order No. 27 issued by the State of California Bureau of Milk Control effective February 1, 1952.

5. "San Mateo County Marketing Area" means that area as defined in said San Mateo County Order No. 27.

Effective date. This Amendment 4 to Area Milk Price Regulation 12 under Supplementary Regulation 63 to the General Ceiling Price Regulation is effective as of August 1, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

H. MARSHALL HANSEN,
Acting District Director,
San Francisco District Office.

AUGUST 7, 1952.

[F. R. Doc. 52-8882; Filed, Aug. 7, 1952; 4:34 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter B—Wage Stabilization Board

[Resolution 105]

RATIFICATION OF ACTIONS

AUGUST 5, 1952.

In order to provide for continuity in wage stabilization, and in conformity with the provisions of the Defense Production Act of 1950, as amended, and ESA General Order No. 16, it is resolved, that the Wage Stabilization Board, pending its further action, hereby adopts the regulations, resolutions, interpretations, orders, decisions, rules, rulings, directives and other actions heretofore taken by the Wage Stabilization Board, and hereby ratifies all actions heretofore taken in conformity therewith on or after July 30, 1952.

ARCHIBALD COX,
Chairman.

[F. R. Doc. 52-8962; Filed, Aug. 11, 1952; 11:53 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 1, Amdt. 2 of Aug. 11, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 1—PROCEDURES FOR OBTAINING MINIMUM QUANTITIES OF MATERIALS BY PRODUCERS OF CLASS B PRODUCTS

TERMINATION DATE

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

AMENDATORY PROVISIONS

Direction 1, as last amended June 30, 1952, to CMP Regulation No. 1 is hereby amended by adding a new section 7 to read as follows:

SEC. 7. *Termination date of this direction.* The self-authorization procedure provided for in this direction shall terminate on December 31, 1952, and shall not be used to place orders calling for delivery after the fourth calendar quarter of 1952, except as provided in Direction 16 to CMP Regulation No. 1. Producers of Class B products shall obtain their material requirements for any calendar quarter, beginning with the first calendar quarter of 1953, under Direction 17 to CMP Regulation No. 1 (Self-Authorization Procedure) or under Direction 18 to CMP Regulation No. 1 (Automatic Allotment Procedure) or pursuant to application submitted on Form CMP-4B, whichever is appropriate.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 11, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8963; Filed, Aug. 11, 1952; 11:59 a. m.]

[CMP Regulation No. 1, Direction 17 of Aug. 11, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 17—SELF-AUTHORIZATION PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Persons affected by self-authorization procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction relates only to producers of Class B products who did not receive allotments pursuant to applications submitted on Form CMP-4B for the third calendar quarter of 1952. Such producers may self-authorize purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their total requirements of controlled materials do not exceed certain maximum amounts. A producer of a Class B product who did not receive an allotment for such product pursuant to Form CMP-4B for the

third quarter of 1952, and whose requirements of controlled materials commencing with the first quarter of 1953 exceed the self-authorization limits of this direction, must submit an application on Form CMP–4B. He may not operate under Direction 18 to CMP Regulation No. 1 which provides an automatic allotment procedure beginning with the first quarter of 1953 only for producers who received allotments pursuant to applications submitted on Form CMP–4B for the third quarter of 1952. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

SEC. 2. *Definition.* As used in this direction "product class" means a Product Class Code as shown in the Official CMP Class B Product List.

SEC. 3. *Persons affected by self-authorization procedure.* (a) A producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP–4B, self-authorize purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class do not exceed the amounts specified below:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the self-authorization procedure provided by this direction if he has received an allotment pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 for the manufacture of the same product and all other products in the same product class. Instead, a producer who has received such allotment shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 18 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, whichever is appropriate.

(b) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(c) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may self-authorize purchase orders without filing a Form CMP–4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(d) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 18 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, and may not use the self-authorization procedure of this direction or the automatic allotment procedure of Direction 18 for one or more kinds of controlled materials and submit a Form CMP–4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may self-authorize purchase orders without filing a Form CMP–4B, is authorized to use the allotment symbol SU, or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B–5 to the allotment symbol SU in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of the allotment symbol SU, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may self-authorize purchase orders without filing a Form CMP–4B, is authorized to use the rating DO–SU, or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B–5 to the rating DO–SU in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This direction shall take effect August 11, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8964; Filed, Aug. 11, 1952; 11:59 a. m.]

[CMP Regulation No. 1, Direction 18 of Aug. 11, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP–4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP–4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP–4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

SEC. 2. *Definitions.* As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (carbon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP–4B or Form CMP–10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class.

SEC. 3. *Persons affected by automatic allotment procedure.* (a) Subject to the limitations of paragraph (b) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP–4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including wrought iron).	500 tons.
Alloy steel (except nickel-bearing stainless steel).	90 tons.
Nickel-bearing stainless steel.	10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952, or if his total third quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third quarter allotment, or whose total third quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for any calendar quarter a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 60 tons of total third quarter 1952 allotment, plus 60 percent of any excess between 60 tons and 500 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 80 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 500 pounds of total third quarter 1952 allotment, plus 80 percent of any excess between 500 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

Provided, however, That such a producer need not during any calendar quarter, regardless of the foregoing calculation, reduce his allotment authority below the specified quantity of each of the following kinds of controlled material for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

(c) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(d) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(e) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(f) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP–4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(g) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP–4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders

for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B–5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the rating DO–SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B–5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This direction shall take effect August 11, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–8065; Filed, Aug. 11, 1952, 12:00 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 92, 93]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by sections 6, 7, 8, and 10 of the act of Congress approved August 30, 1890, as amended (26 Stat. 416, as amended; 21 U. S. C. 102–105) and section 2 of the act of Congress approved February 2, 1903, as amended (32 Stat. 792, as amended; 21 U. S. C. 111), proposes to revoke the special regulations governing the importation of livestock, other animals, and poultry from Mexico now contained in §§ 93.2 through 93.12, as amended, Part 93, Subchapter D, Chapter 1, Title 9, Code of Federal Regulations, and to amend the regulations now governing the importation of certain animals and poultry and certain animal and poultry products (except from Mexico) contained in Title 9, Chapter 1, Subchapter D, Part 92, as amended, to make them applicable to importations from Mexico and to make other changes therein. It is proposed to amend said Part 92 to read as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

§ 92.1 *Definitions.* Whenever in this part the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

(f) *Cattle.* Animals of the bovine species.

(g) *Ruminants.* All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas, and giraffes.

(h) *Swine.* The domestic hog and all varieties of wild hogs.

(i) *Horses.* Horses, asses, mules, and zebras.

(j) *Poultry.* Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl, of all ages, including eggs for hatching.

(k) *Accredited areas.* Areas in Canada in which the percentage of cattle infected with tuberculosis is officially declared by the Canadian Government to be less than one-half of 1 percent.

(l) *Restricted areas.* Areas in Canada that are in process of becoming accredited as defined in paragraph (k) of this section.

(m) *Recognized slaughtering center.* Any point where slaughtering operations are regularly carried on and where Federal, State, or local inspection approved by the Bureau, is maintained.

(n) *Immediate slaughter.* Consignment from the port of entry to some recognized slaughtering center and slaughter thereat within 2 weeks from the date of entry.

(o) *Communicable disease.* Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

(p) *Fever tick.* Boophilus annulatus, including, but not limited to, the varieties Americana and Australis.

(q) *Permitted dip.* A dip permitted by the Bureau to be used in the official dipping of cattle and horses for fever ticks and for dipping cattle and sheep for scabies.

§ 92.2 *General prohibition.* No animal or product subject to the provisions of this part shall be imported or brought into the United States except in accordance with the provisions of this part and Part 94; nor shall any such animal or product be handled or moved after physical entry into the United States and before final release from quarantine or any other form of governmental detention except in compliance with such regulations.

§ 92.3 *Ports designated for the importation of animals*—(a) *Ocean ports.* The following ports are hereby designated as quarantine stations and all animals except those from Canada and Mexico shall be entered through said stations, viz: Boston, Mass.; New York, N. Y.; Baltimore, Md.; Jacksonville, Miami, and Tampa, Fla.; San Juan, P. R.; New Orleans, La.; Galveston, Tex.; San Diego, Los Angeles, and San Francisco, Calif.; Portland, Oreg.; Tacoma and Seattle, Wash.; and Honolulu, Hawaii.

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Eastport, Calais, Vanceboro, Houlton, Monticello, Bridgewater, Fort Fairfield, Limestone, Van Buren, Madawaska, Fort Kent, Jackman and Holeb, Maine; Beecher Falls (Canaan), Island Pond, Derby Line, North Troy, Newport, Richford, St. Albans, Highgate Springs, and Alburg, Vt.; Rouses Point, Mooers Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Rooseveltown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, N. Y.; Detroit, Port Huron, and Sault Ste. Marie, Mich.; Noyes, Minn.; Pambina and Portal, N. Dak.; Sweetgrass, Mont.; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Wash.; and Juneau and Skagway, Alaska.

(c) *Mexican border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Mexico: Brownsville, Hidalgo, Rio Grande City, Roma, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California.

(d) The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Chief of Bureau with the concurrence of the Secretary of the Treasury.

§ 92.4 *Import permits for ruminants, swine, and poultry and for animal semen*—(a) *Ruminants, swine, and poultry.* For ruminants, swine, and poultry intended for importation from any part of the world except Canada and except as provided in §§ 92.27 and 92.31, the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed for their arrival or at any time during 3 weeks immediately following, after which time the permit shall be void. Animals will not be eligible for entry if shipped from any foreign port other than that designated in the permit.

(b) *Animal semen.* (1) No animal semen may be imported from any part of the world unless the importer first obtains a permit from the Bureau. However, the Chief of Bureau, when he finds that such action may be taken without endangering the livestock industry of the United States, may authorize the importation of animal semen from Canada without such permit. No permit will be issued for the importation of semen derived from domestic ruminants or swine in any country where foot-and-mouth disease or rinderpest has been determined to exist.

(2) The permit will be in two sections, one for presentation to the American Consul in the district which includes the port of shipment and the other for presentation to the collector of customs at the port of entry specified therein. The semen will be received at the specified port on the date prescribed for its arrival or at any time during three weeks immediately following, after which time the permit shall be void.

§ 92.5 *Certificate for ruminants, swine, and poultry*—(a) *Ruminants and swine.* All ruminants and swine offered for importation from any part of the world except as provided in §§ 92.20, 92.21, 92.22, 92.28, 92.29, 92.35, 92.36, 92.37, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin, stating that such animals have been kept in said country at least

60 days immediately preceding the date of movement therefrom and that said country during such period has been entirely free from foot-and-mouth disease, rinder-pest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild ruminants or wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And provided further,* That in the case of sheep, goats, and swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine the certificate shall also show that for 60 days immediately preceding the date of movement from the premises of origin no hog cholera, swine plague, or erysipelas has existed on such premises or on adjoining premises.

(b) *Poultry.* All poultry, except eggs for hatching, offered for importation from any country of the world except as provided in §§ 92.26, 92.38, and 92.40, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such country and that they were then found to be free of evidence of pullorum disease (bacillary white diarrhea) and other communicable disease; and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 60 days immediately preceding the date of such movement. Certificates for such poultry 60 days of age or older shall also state that the poultry have been kept in the country from which they are offered for importation for at least 60 days immediately preceding the date of movement therefrom and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease (avian pneumoencephalitis) occurred in the locality or localities where the poultry were kept during such period. All eggs for hatching offered for importation from any part of the world except as provided in §§ 92.26 and 92.38 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin stating that the flock or flocks of origin were found upon inspection to be free from evidence of pullorum disease (bacillary white diarrhea) and other communicable disease and that as far as it has been possible to determine such flock or flocks were not exposed to any such disease common to poultry during the preceding 60 days.

§ 92.6 *Diagnostic tests*—(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20 and 92.35 (b) and (c) all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation: *Provided,* That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§ 92.21 and 92.36 (b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the animals, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Further tests during quarantine.* Animals that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in § 92.11, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Chief of Bureau.

§ 92.7 *Presentation of papers to collector of customs.* The certificates and affidavits required by the regulations in this part shall be presented by the importer to the collector of customs at the port of entry upon arrival of the animals at such port.

§ 92.8 *Inspection at port of entry.* Inspection shall be made at the port of entry of all horses, ruminants, swine, and poultry offered for importation from any part of the world except as provided in §§ 92.24, 92.25, 92.30, and 92.33. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may waive inspection at the port of entry or provide for inspection at some other point with respect to importations from Canada of eggs for hatching, newly hatched poultry and poultry consigned for immediate slaughter. All animals found to be free from communicable disease and not to have been exposed thereto within 60 days prior to the offer for importation shall be admitted subject to the other provisions in this part. Animals found to be affected with a communicable disease or to have been exposed thereto within 60 days prior to the offer for importation shall be refused entry. Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103), or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct. Such portions of the transporting vessel, and of its cargo, as have been exposed to any such animals or their emanations

shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, before the cargo is allowed to land.

§ 92.9 *Articles accompanying animals.* No litter or manure, fodder or other ailment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about animals governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 92.10 *Movement from conveyances to quarantine station.* Platforms and chutes used for handling imported ruminants or swine shall be cleaned and disinfected under Bureau supervision after being so used. The said animals shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under Bureau supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid animals upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 92.11 *Periods of quarantine*—(a) *Cattle.* (1) Cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry.

(2) Cattle imported from Canada, countries of Central America and the West Indies, and Mexico shall be subject to the provisions of §§ 92.20, 92.28, 92.34, and 92.35, respectively.

(b) *Other ruminants and swine.* (1) Swine and ruminants other than cattle imported from any part of the world except Canada, countries of Central America and the West Indies, and Mexico shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild ruminants and wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Chief of Bureau to determine their freedom from disease and the infection of disease.

(2) Sheep and goats, and swine imported from Canada shall be subject to the provisions of §§ 92.21 and 92.22 respectively. Ruminants and swine imported from countries of Central America and the West Indies shall be subject to the provisions of §§ 92.28 and 92.29, respectively. Swine and ruminants other than cattle imported from Mexico shall be subject to the provisions of §§ 92.34, 92.36, and 92.37.

(c) *Poultry.* Poultry 60 days of age or older imported from any part of the world except Canada and except as provided in § 92.34 (b) shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to such inspections, disinfections, blood tests or other tests as may be required by the Chief of Bureau to determine their freedom from disease or the infection of disease. Any other poultry may be quarantined at the port of entry for such period as the Chief of Bureau may require.

§ 92.12 *Feed and attendants for animals in quarantine.* (a) Importers of animals subject to quarantine under the regulations in this part shall arrange for their care, feed, and handling from the time of unloading at the port of entry to the time of release from quarantine. At ports where facilities are not maintained by the Bureau, importers shall provide suitable facilities for the quarantine of such animals, subject in all cases to the approval of the inspector in charge at the port of entry. Each owner, or his agent, shall give satisfactory assurance to the inspector prior to the time of quarantine that such provision will be made. Owners shall keep clean, to the satisfaction of such inspector, the sheds and yards occupied by their animals. If for any cause owners of animals refuse or neglect to arrange for their care, feed, and handling, the service may be furnished by the Bureau in the same manner as though the owner, or his agent, had made arrangements for such service as provided by paragraph (b) of this section, or the animals may be disposed of as the Chief of Bureau may direct.

(b) At a port where quarantine facilities are maintained by the Bureau, the importer, or his agent, may arrange with the inspector in charge for care, feed, and handling of animals from the time they arrive at the quarantine station for the port until the time of release from quarantine. The importer, or his agent, must request such service in writing and agree to reimburse the Bureau or pay in advance for the cost thereof, as may be required, and waive all claim against the Bureau or any employee of the Bureau for damages which may arise from such service. The Chief of Bureau may prescribe reasonable rates for the service provided under this paragraph.

(c) The charge for any service furnished under paragraphs (a) or (b) of this section shall be a lien on the animals. After the expiration of one-third of the quarantine period, if payment has not been made, the owners of the animals will be notified by the inspector that if said charges are not immediately paid, or satisfactory arrangements made for payment, the animals will be sold at public auction at the expiration of the period of quarantine to pay the expense of feed and care during that period. Notice of the sale will be published in a newspaper in the county where the quarantine station is located. The sale will be held after the expiration of the quarantine period, at such place as may be designated by the said inspector. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the owner within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(d) Amounts collected from importers for service rendered and amounts realized for such purposes under paragraph (c) of this section shall be deposited so as to be available for defraying the expenses involved in this service.

§ 92.13 *Quarantine stations; visiting restricted; sales prohibited.* Visitors shall not be admitted to the quarantine enclosure during any time that animals are in quarantine except that an importer (or his accredited agent or veterinarian) may be admitted to the yards and buildings containing his quarantined animals at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers of registry societies, and others having official business or whose services may be necessary in the removal of the animals may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 92.14 *Milk from quarantined animals.* Milk or cream from animals quarantined under the provisions of this part shall not be used by any person other than those in charge of such animals, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he may consider necessary in each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 92.15 *Manure from quarantined animals.* No manure shall be removed from the quarantine premises until the release of the animals producing the same.

§ 92.16 *Appearance of disease among animals in quarantine.* If any contagious disease appears among animals during the quarantine period, special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected animals shall be disposed of as the Chief of Bureau may direct, depending upon the nature of the disease.

§ 92.17 *Horses; accompanying forage and equipment.* Horses offered for importation from any part of the world except Mexico, and countries of Central America and the West Indies and except as provided in § 92.24 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the country of origin showing

that the animals described in the certificate have been in the said country during the preceding 60 days, and that as far as it has been possible to ascertain no case of dourine, glanders, surra, or epizootic or ulcerative lymphangitis has occurred in the locality or localities where the horse or horses have been kept during such period. Horses arriving at a port of entry unaccompanied by the aforesaid certificate, if otherwise eligible for importation, may upon permission first secured from the Chief of Bureau be landed subject to such quarantine and blood tests or other tests as he may direct. Even though accompanied by said certificate they may be so quarantined and tested when deemed necessary by the Chief of Bureau. Upon inspecting horses at the port of entry and before permitting them to land, the inspector may require their disinfection and the disinfection of their accompanying equipment as a precautionary measure against the introduction of foot-and-mouth disease or other disease dangerous to the livestock of the United States. When no disease is discoverable in an importation of horses, the hay, straw, or other forage accompanying them may remain on board the ship to be returned: *Provided*, That in the case of a vessel carrying cattle, sheep, other ruminants, or swine from the United States on the return voyage, such material shall be stored in the vessel in a place and manner approved by the said inspector and shall not be used in the feeding or bedding of animals exported.

§ 92.18 *Dogs for handling livestock.* Collie, shepherd, and other dogs imported from any part of the world except Canada, Mexico, and countries of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, Taenia coenurus. If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

CANADA[1]

§ 92.19 *Animals from Canada; declaration of purpose.* For all cattle, sheep, goats, swine and poultry offered for importation from Canada there shall be presented to the collector of customs at the time of entry a statement signed by the owner or importer showing clearly the purpose for which said animals are to be imported.

§ 92.20 *Cattle from Canada*—(a) *Health certificates; detention at port of entry.* Cattle offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can be determined, they have not been exposed to any such disease during the preceding 60 days. Any such cattle may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau, and the importer shall be responsible for the care, feeding, and handling of such cattle during the period of detention.

(b) *Tuberculin-test certificates.* Importations of cattle from Canada, for purposes other than immediate slaughter as provided in § 92.23, shall be in compliance with the following conditions and requirements:

(1) Cattle from Canadian-listed tuberculosis-free accredited herds shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from such herds and that said herds have been tuberculin tested within 1 year of the date of importation. The date of such tuberculin test shall be shown on the certificate.

(2) Cattle from herds in accredited areas in Canada, other than accredited herds, shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be from herds in such areas and that the animals offered for entry have been turberculin tested with negative results within 30 days preceding their offer for entry. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(3) Cattle from herds in restricted areas in Canada—other than range cattle and cattle from accredited herds—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (i) that they have been tuberculin tested with negative results within 30 days preceding their offer for entry, (ii) that all cattle in the herd or herds from which the animals proceed have been tuberculin tested with negative results not more than 12 months nor less than 90 days before the date of the offer for entry, and (iii) that the animals presented for entry, accepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd tests. However, cattle from herds in such areas—other than range herds—in which one or more reactors to the tuberculin test have been disclosed shall not be imported until the said herds have reached full tuberculosis-free status under Canadian regulations.

(4) Range cattle[2] shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to be range cattle and that they have been tuberculin tested with negative results within 30 days preceding their offer for entry.

(5) No cattle other than range cattle or those from accredited herds shall be imported from areas in Canada that are neither restricted nor accredited under Canadian regulations, except for immediate slaughter as provided in § 92.23.

(c) *Brucellosis test certificates.* Cattle 6 months or older, offered for importation from Canada—except steers, spayed heifers, and all cattle for immediate slaughter—shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing them to have been tested for brucellosis, with negative results within 30 days preceding their being offered for entry. However, such cattle need not have been so tested if they are accompanied by a certificate, similarly issued or endorsed showing that they were officially vaccinated as calves 6 to 8 months of age in accordance with Canadian regulations, within 22 months prior to their being offered for entry. The certificate accompanying such vaccinated cattle shall also show the date of vaccination of each animal.

(d) *Certificates; information required.* The certificates prescribed in paragraphs (b) and (c) of this section shall give the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(e) *United States cattle returning from expositions in Canada.* Cattle from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other recognized expositions in Canada and have not been in that country more than 30 days may be returned to the United States within 10 days from the close of such fair or exposition without the certificates specified in paragraphs (b) and (c) of this section, if they are accompanied by copies of the tuberculin- and brucellosis-test certificates accepted by the Canadian authorities for their entry into Canada and if it is shown to the satisfaction of the inspector at the United States port of reentry that they are the identical cattle covered by the said certificates.

§ 92.21 *Sheep and goats from Canada*—(a) *For purposes other than immediate slaughter.* Sheep or goats offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that they have been inspected on the premises of origin and found free from evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days. If unaccompanied by such certificate, the said sheep or goats shall be held in quarantine at the port of entry for not less than 10 days during which they shall be dipped and subjected to such tests or other treatment as may be ordered by the Chief of Bureau.

[1] Importations from Canada shall be subject to §§ 92.19 to 92.26, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

[2] Cattle of the beef breeds raised under range conditions in the western provinces of Canada.

(b) *For immediate slaughter.* Sheep or goats for immediate slaughter may be imported from Canada without the certificate specified in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.22 *Swine from Canada—(a) For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing (1) that no hog cholera or swine plague has existed within a radius of 5 miles of the premises on which the swine were kept during the 60 days preceding the date of movement therefrom, or (2) that no hog cholera or swine plague has existed on the premises of origin during such period and that the swine have been immunized against hog cholera by the simultaneous method and thereafter disinfected with a 2-percent solution of an approved cresylic disinfectant. If unaccompanied by such certificate, the swine shall be held in quarantine at the port of entry for not less than 2 weeks.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§ 92.8, 92.19, and 92.23.

§ 92.23 *Animals from Canada for immediate slaughter.* Cattle, sheep, goats, and swine imported from Canada for immediate slaughter shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry, or upon special permission obtained from the Chief of Bureau they may be reconsigned to other points and there slaughtered within the aforesaid period.

§ 92.24 *Horses from Canada.* Horses from Canada shall be inspected as provided in §92.8 and when so ordered by the Chief of Bureau shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing said horses to have been mallein-tested with negative results, or shall be so tested by a veterinary inspector at the port of entry. Those used in connection with local activities along the border may be admitted without inspection for a temporary period not exceeding 10 days, and the same provision shall apply to horses returning to the United States after a stay in Canada of not to exceed 10 days.

§ 92.25 *In-bond shipments from Canada.* Cattle, sheep, swine and poultry from Canada, transported in-bond for export, if accompanied by certificates showing freedom from disease as required by §§ 92.20 (a), 92.21 (a), 92.22 (a) or 92.26 respectively, and also horses from Canada transported in-bond for export, may proceed without inspection at the border port of entry, subject to inspection at the United States port of export: *Provided, however,* That such animals shall be inspected at the port of entry or at points en route at which the Bureau has inspectors stationed, if so directed by the Chief of Bureau.

§ 92.26 *Poultry from Canada.* All poultry offered for importation from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that such poultry have been inspected on the premises of origin and that, as far as it has been possible to determine, such poultry are free of evidence of any communicable disease or exposure thereto. However, the Chief of Bureau, when he finds that such action may be taken without endangering the poultry industry of the United States, may authorize the importation from Canada, without such certification, of eggs for hatching, newly hatched poultry, and poultry consigned for immediate slaughter.

COUNTRIES OF CENTRAL AMERICA AND WEST INDIES[3]

§ 92.27 *Animals from Central America and the West Indies; permits required.* A permit as provided in § 92.4 shall be secured for the importation of ruminants and swine from countries of Central American into any port of the United States and for the importation of ruminants and swine from countries of the West Indies into the continental United States. The importation of cattle from any area infested with fever ticks, Boophilus annulatus, is prohibited.

§ 92.28 *Ruminants from Central America and the West Indies.* Ruminants offered for importation from countries of Central America and the West Indies shall be accompanied by a certificate of a veterinary officer of the national government of the country of origin showing that they have been in the said country for a period of at least 60 days immediately preceding the date of shipment therefrom, that he has inspected them and found them to be free from evidence of communicable disease, and that as far as he has been able to determine they have not been exposed to any such disease during that period. If no such veterinary officer is available in the country of origin, the animals may be accompanied by an affidavit of the owner or importer stating that they have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Animals for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least 7 days and during that time shall be subjected to such dipping, blood tests, or other tests as may be ordered by the Chief of Bureau to determine their freedom from communicable disease. If imported for immediate slaughter they shall be handled as provided in § 92.23.

§ 92.29 *Swine from Central America and the West Indies.* Swine offered for importation from countries of Central America and the West Indies shall be accompanied by an affidavit of the owner or importer stating that the said animals have been in the country from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom and that during such time no communicable disease has existed among them or among animals of their kind with which they have come in contact. Unless imported for immediate slaughter, said swine shall be quarantined at the port of entry for not less than 1 week, and in the absence of said affidavit shall be quarantined for not less than 2 weeks. While under quarantine the said swine, with the exception of wild swine, shall be immunized against hog cholera under the supervision of a veterinary inspector, at the owner's expense, by one of the methods recognized by the Department. Wild swine shall be subjected to such blood tests or other tests as may be ordered by the Chief of Bureau in each instance to determine their freedom from communicable disease. Swine imported for immediate slaughter shall be handled as provided in § 92.23.

§ 92.30 *Horses from Central America and the West Indies.* When so ordered by the Chief of Bureau, horses from countries of Central America and the West Indies shall be subjected to such quarantine and blood tests or other tests as he may deem necessary to determine their freedom from communicable disease. Any such horses that are found to be infested with fever ticks, Boophilus annulatus, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Chief of Bureau. In lieu of inspection at the port of entry as prescribed in § 92.8, race horses returning from the West Indies may be inspected at such points as the Chief of Bureau may direct.

MEXICO[4]

§ 92.31 *Permits for ruminants, swine, and poultry, and for animal semen.* (a) For ruminants and swine, intended for importation from the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, the importer or his agent shall deliver to the inspector in charge at the port of entry in writing an application for inspection so that the inspector in charge and representatives of the Bureau of Customs may make mutually satisfactory arrangements for the orderly inspection of the animals. The inspector in charge will provide the importer or his agent with a written statement assigning inspection dates when the animals may be presented for entry.

[3] Importations from countries of Central America and the West Indies shall be subject to §§ 92.27 to 92.30, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

[4] Importations from Mexico shall be subject to §§ 92.31 to 92.40, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

(b) For ruminants and swine, intended for importation from States of Mexico other than those listed in paragraph (a) of this section and poultry from all of Mexico the importer shall first obtain from the Bureau a permit in two sections. One section will be for presentation to the American Consul in the district which includes the point of origin and the other for presentation to the collector of customs at the port of entry specified therein. The animals will be received at the specified port on the date prescribed in the permit for their arrival or at any time during one week immediately following, after which time the permit shall be void.

(c) Animal semen: A permit as provided in § 92.4 (b) shall be secured for the importation of animal semen from Mexico.

§ 92.32 *Declaration of purpose.* For all cattle, sheep, goats, swine, and poultry offered for importation from Mexico, there shall be presented to the collector of customs, at the time of entry, a statement signed by the importer or his agent showing clearly the purpose for which said animals are to be imported.

§ 92.33 *Inspection at port of entry.* (a) All horses, ruminants, swine, and poultry offered for entry from Mexico, including such animals intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such animals found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Animals found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 92.35 (a) (2). Ruminants and swine refused entry shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103) or quarantined or otherwise disposed of as the Chief of Bureau may direct. Horses and poultry refused entry, unless exported within a time fixed in each case by the Chief of Bureau, shall be disposed of as said Chief may direct.

(b) Animals covered by paragraph (a) of this section shall be imported through ports, designated in § 92.3, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

§ 92.34 *Detention at port of entry and periods of quarantine.* (a) Cattle, other ruminants, and swine imported from Mexico and originating in the Mexican States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, except animals being transported in bond for immediate return to Mexico and except animals imported for immediate slaughter, may be detained at the port of entry and there subjected to such disinfection, blood tests, other tests, and dipping as may be required by the Chief of the Bureau to determine their freedom from any communicable disease or infection with such disease, and the importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) Cattle, other ruminants, and swine originating in States of Mexico, other than those listed in paragraph (a) of this section, and all poultry, imported from Mexico, except animals being transported in bond for immediate return to Mexico and eggs for hatching, shall be quarantined at the port of entry for not less than 15 days, counting from the date of arrival at such port. During their quarantine cattle, other ruminants, swine, and poultry shall be subjected to such inspections, disinfection, blood tests, other tests, and dipping as may be required by the Chief of Bureau to determine their freedom from any communicable disease or infection with such disease. Any offering for entry from Mexico of cattle, other ruminants, and swine which includes any such animals from Mexican States other than those listed in paragraph (a) of this section, shall be subject to the provisions of this paragraph rather than to the provisions of paragraph (a) of this section.

§ 92.35 *Cattle from Mexico—(a) Fever ticks.* (1) Except as provided in subparagraph (2) of this paragraph, all cattle offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he inspected the said cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenetic, southern, or tick fever, during the preceding 60 days, and if shipped by rail or truck the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained or quarantined as provided in § 92.34 and shall be dipped at least once, under supervision of an inspector, in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution, or in a permitted scabies dip, depending on the origin of the animals and subject to the discretion of the inspector. The owner or his agent shall first execute an application for inspection and dipping as provided in paragraph (a) (2) (iii) of this section.

(2) Cattle which have been infested with or exposed to fever ticks may be imported from Mexico into the State of Texas, provided the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that he has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, except splenetic, southern, or tick fever, during the 60 days immediately preceding their movement to the port entry.

(ii) The cattle shall be shown by a certificate of a salaried veterinarian of the Mexican Government to have been dipped in an arsenical solution containing a minimum of 0.22 percent of arsenious oxide in solution within 7 to 12 days before being offered for entry.

(iii) The importer, or his duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in a permitted dip under the supervision of an inspector 7 to 14 days after the dipping required by subdivision (ii) of this subparagraph. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by subdivision (ii) of this subparagraph.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(b) *Tuberculosis.* All cattle offered for importation from Mexico, except strictly range cattle[5] and those offered for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for tuberculosis with negative results within 30 days preceding their being offered for entry. The said certificate shall give the date and place of such testing, names of the consignor and consignee, and a description of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Brucellosis.* All dairy or breeding cattle 6 months of age or older, except steers and spayed heifers, and cattle for immediate slaughter, offered for importation from Mexico shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing that the animals have been tested for brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and

[5] It has been determined that the incidence of tuberculosis is much less than one-half of 1 percent among range cattle in the northern states of Mexico, where importations of this class of cattle originate. Such cattle, however, will be subject to the tuberculin-test requirements of the state of destination.

method of testing, names of the consignor and consignee, and a description of the cattle, including the breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such cattle shall be detained or quarantined as provided in § 92.34 and a blood sample shall be obtained under the supervision of the inspector and the animals retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry, and, unless returned to the country of origin, shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

§ 92.36 *Sheep and goats from Mexico.*[6] (a) Sheep and goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such sheep and goats on the premises of origin, no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days; and, if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained or quarantined as provided in § 92.34, and shall be dipped at lease once in a permitted scabies dip under supervision of an inspector.

(b) All goats offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinarian of the Mexican Government showing them to have been tested for tuberculosis and brucellosis with negative results, within 30 days preceding their being offered for entry. The said certificate shall give the date and method of testing, names of consignor and consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 92.34 and retested for brucellosis. Animals failing to pass said retest with a negative reaction shall be refused entry and unless returned to the country of origin shall be disposed of as provided by section 8 of the act of August 30, 1890 (26 Stat. 416; 21 U. S. C. 103).

§ 92.37 *Swine from Mexico.*[7] Swine offered for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate signed by a salaried veterinarian of the Mexican Government showing that for a period of 60 days prior to their movement from the premises on which they were kept no swine plague or hog cholera has existed within a radius of 5 miles therefrom. In addition, all such swine shall be immunized against hog cholera under the supervision of an inspector at the port of entry at the owner's expense in accordance with one of the methods recognized by the Department for preventing the spread of this disease. In the absence of the certificate as herein specified, such swine shall be detained or quarantined as provided in § 92.34 and, in addition to immunization against hog cholera, shall be subjected to such inspections and tests as may be deemed necessary by the Chief of Bureau to determine their freedom from communicable disease.

§ 92.38 *Poultry from Mexico.* Poultry, except eggs, for hatching, offered for entry from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement therefrom; that they were then found to be free of evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, they were not exposed to any such diseases during the 60 days immediately preceding the date of such movement. The certificate shall also state that the poultry have been kept in Mexico for at least 60 days immediately preceding the date of movement therefrom, or since they were hatched; that, in so far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease, (avian pneumoencephalitis) occurred in the localities where the poultry were kept during such period. Eggs for hatching offered for importation from Mexico shall be accompanied by a certificate of a salaried veterinary officer of the national government of Mexico stating that the flock or flocks of origin of such eggs were inspected on the premises of origin immediately before the date of movement of the eggs therefrom, and found to be free from evidence of communicable diseases of poultry; and that, as far as it has been possible to determine, such flock or flocks were not exposed to any such diseases during the preceding 60 days.

§ 92.39 *Horses from Mexico*—(a) *Horses from tick-infested areas.* Horses offered for importation from tick-infested areas of Mexico shall be chute inspected unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Chief of Bureau. If they are found to be infested with fever ticks they shall be refused entry but may be reoffered for importation following treatment as prescribed in § 92.35 (a) (2) for cattle from tick-infested areas.

(b) *Horses from dourine-injected areas.* All horses offered for importation from Mexico, other than those moving in bond for immediate reentry into Mexico, those imported for immediate slaughter, and geldings unless judged by the inspector to be capable of serving mares, shall be detained at the border port of entry where a blood sample shall be obtained from each animal under the supervision of the inspector, said samples to be forwarded to the Bureau laboratory where they will be tested by the complement-fixation method for dourine. Any such animal that is found by said test to be affected with dourine shall be refused entry.

§ 92.40 *Animals for immediate slaughter.* Cattle, other ruminants, and swine from the Mexican states of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, Sonora, Durango, and the Territory of Baja California, and horses and poultry from any part of Mexico, may be imported, subject to the applicable provisions of §§ 92.31, 92.32, 92.33, 92.35 (a) (2) and 92.39 (a), for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government showing that, as a result of a careful physical examination by him of such animals on the premises of origin, no evidence of communicable disease was found, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the animals are shipped by rail or truck, the certificate shall further specify that the animals were loaded into cleaned and disinfected cars or trucks for transportation direct to the port of entry. Such animals shall be consigned from the port of entry to some recognized slaughtering center and there slaughtered within 2 weeks from the date of entry. Such animals shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Cattle, other ruminants, and swine from Mexican States other than those designated above may be imported only in compliance with other applicable sections in this part.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed action may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., on or before August 25, 1952.

Done at Washington, D. C., this 8th day of August 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-8957; Filed, Aug. 11, 1952; 10:42 a. m.]

[6] Certificates will not be required for wild sheep, deer, and other wild ruminants originating in and shipped direct from Mexico, but said animals are subject to inspection at the port of entry as provided in § 92.33.

[7] A certificate as specified in this section will not be required for wild swine for exhibition purposes, and such animals will not be required to undergo immunization against hog cholera but are subject to inspection at the port of entry as provided in § 92.33 of this part.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST SERVICE

By the Commission. Commissioner Sterling not participating; Commissioner Jones concurring in part; Commissioner Hennock dissenting.[1]

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs. for television broadcasting, Docket No. 8976.

1. The Commission has before it a petition filed May 28, 1952, by Evangeline Broadcasting Company, Inc., which requests that the Commission reconsider its Sixth Report and Order in the above-entitled proceeding and delete the assignment of VHF Channel 5 to Alexandria, Louisiana, and assign that channel to Lafayette, Louisiana; or reopen the record for further hearing with respect to the assignment of television channels to Lafayette; or grant such other relief as may be just and proper. On June 9, 1952, Alexandria Broadcasting Company filed an opposition to the said petition.

2. The history of this matter is as follows: On July 11, 1949, the Commission issued a notice of further proposed rule making (FCC 49-948) which proposed a nationwide Table of Assignments and proposed to assign two channels to Alexandria, Louisiana, VHF Channel 5 and VHF Channel 11; and one channel to Lafayette, Louisiana, UHF Channel 41. That notice also set forth the Commission's proposals to amend its television rules, regulations, and engineering standards. Thereafter, on March 22, 1951, following extensive hearings the Commission issued its third notice of further proposed rule making (FCC 51-244) in which it set forth its proposed conclusions based on the record with respect to the general issues and afforded interested parties the opportunity to object to such conclusions. That notice proposed a revised Table of Assignments and proposed to assign two channels to Alexandria, VHF Channels 11 and 13; and two channels to Lafayette, VHF Channel 5 and UHF Channel 38. In the Sixth Report and Order the Commission revised the Assignment Table proposed in the Third Notice and assigned to Alexandria VHF Channel 5 and UHF Channel 62 and assigned to Lafayette UHF Channels 38 and 67. The Commission concluded:

In the Third Notice the Commission proposed the assignment of Channel 13 to Alexandria and Houston at a separation of 204 miles and to Alexandria and Biloxi at a separation of 217 miles in Zone III. Since these separations in Zone III are below the minimum for the area we are required to delete one or two assignments on Channel 13 to comply with the requisite separation. The population of both Houston and Biloxi is greater than that of Alexandria. Two VHF channels were proposed for Alexandria, one for Biloxi and three for Houston. In order to remove the sub-standard separation on Channel 13 we are faced with the choice of deleting this channel from Alexandria or from both Houston and Biloxi. In view of the foregoing, we believe the deletion of Channel 13 from Alexandria is warranted. In replacement for Channel 13 in Alexandria we are assigning VHF Channel 62.

Further, the assignments proposed in the Third Notice would result in the assignment of Channel 11 to Alexandria and Galveston at a separation of 197 miles in Zone III. Since this separation is below the minimum for this area we are required to delete one assignment of Channel 11 to comply with the requisite separation. The population of Galveston is approximately twice that of Alexandria. In view of the relative size of these cities we believe the deletion of Channel 11 from Alexandria and the assignment of that channel to Galveston is warranted.

In view of the action taken above the City of Alexandria would be left with no VHF assignments. In the Third Notice Channels 5 and 38 were proposed to be assigned to Lafayette, a city of 34,000. Since we are required to delete the assignments proposed for Alexandria, that city with a somewhat larger population than Lafayette, would have no VHF channels assigned to it. In view of the comparative size of Lafayette and Alexandria, it is our view that the deletion of Channel 5 from Lafayette and the assignment of that Channel to Alexandria is warranted. As a replacement for Channel 5 at Lafayette we are assigning UHF Channel 67.

3. Petitioner contends, among other things, that the action of the Commission deleting the assignment of Channel 5 from Lafayette in the Sixth Report and Order was illegal because adequate legal notice had not been furnished petitioner in accordance with the requirements of the Administrative Procedure Act; and that if it had had such notice it would have demonstrated that the deletion of Channel 5 in Lafayette and its addition in Alexandria was not in the public interest. We do not find it necessary to pass upon either of these contentions, however, since on reconsideration of the matter we have determined that we were in error in contending in the Sixth Report that it was necessary to leave Lafayette without any VHF assignment in order to make one available to Alexandria. For while we reaffirm the assignment of Channel 5 to Alexandria, this can be accomplished without depriving Lafayette of a VHF assignment by the following revisions of the assignments listed in the table, which provides a VHF channel to Lafayette without depriving any other community of a VHF assignment:

City	VHF channel No.	
	Delete	Add
Baton Rouge, La	10	2
New Orleans, La	2	8
Mobile, Ala	8	10
Lafayette, La	----	10

The assignment of channels in accordance with the above revisions will meet the prescribed co-channel and adjacent channel assignment separations adopted in our Sixth Report and Order.

4. We believe, however, that in order that all parties may have an opportunity to comment on these assignment changes that a notice of further rule making should be issued before such changes are made final. In view of the foregoing the petition of Evangeline Broadcasting Company, Inc. is hereby granted insofar as it requests further proceedings with respect to the assignment of a VHF channel to Lafayette, Louisiana.

5. The Commission gives notice that it proposes to make the following changes in the channel assignments § 3.606 of the Commission's rules and regulations:

City	Channel No.	
	Delete	Add
Baton Rouge, La	10	2
New Orleans, La	2	8
Mobile, Ala	8	10
Lafayette, La	----	10

In light of these changes the Table of Assignments contained in § 3.606 of the Commission's rules and regulations would be amended to read as follows:

Alabama:	Channel No.
Mabile	5+, 10+, 42, 48+
Louisiana:	
Baton Rouge	2, 28, 34, 40—
Lafayette	10, 38—, 67—
New Orleans	4+, 6+, 8, 20—, 26, 32+, 61

6. In light of the issuance of this notice of further rule making applications will not be processed for television stations on Channel 10 in Baton Rouge, Louisiana, Channel 2 in New Orleans, Louisiana, Channel 8 in Mobile, Alabama, and Channel 5 in Alexandria, Louisiana, during the pendency of these proceedings.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (b), (c), (d), (e), (f), (g), (h), and (r), and section 307 (b) of the Communications Act of 1934, as amended.

8. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 3, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

9. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of

[1] Concurring statement of Commissioner Jones and dissenting statement of Commissioner Hennock filed as part of the original document.

all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 30, 1952.

Released: August 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8855; Filed, Aug. 11, 1952; 8:46 a. m.]

[47 CFR Part 3]

[Docket Nos. 8736, 8975, 8976, 9175]

RADIO BROADCAST SERVICES

TELEVISION BROADCAST SERVICE

By the Commission. Commissioner Sterling not participating; Commissioner Jones concurring in part; Commissioner Hennock dissenting.[1]

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the Band 470 to 890 Mcs, for television broadcasting, Docket No. 8976.

1. The Commission has before it for consideration the petition filed April 25, 1952, by Bell Broadcasting Company, Temple, Texas, requesting a rehearing of the Commission's denial in the above-entitled proceedings of its counterproposal seeking the assignment of Channel 6 to Temple, Texas.

2. In the third notice of further proposed rule making (FCC 51-244) issued on March 22, 1951, in these proceedings, the Commission proposed the assignment of two channels, UHF Channels 16 and 22, to Temple, Texas. Bell Broadcasting Company filed a counterproposal and supporting evidence requesting the additional assignment of VHF Channel 6 to Temple. No other changes in the channel assignments as proposed in the third notice were suggested by Bell in order to accomplish this assignment. The evidence submitted by Bell indicated that Channel 6 at Temple would be only 183 miles from the co-channel assignment proposed for San Angelo, Texas. Both Temple and San Angelo are situated in Zone II as described by the Commission in its Sixth Report and Order (FCC 52-294) issued in these proceedings on April 14, 1952. The Commission provided in the above Report for a minimum separation of 190 miles between co-channel assignments in Zone II. Accordingly, since the Commission found that the assignment of Channel 6 to Temple would not meet the minimum spacing requirements, the Bell Broadcasting Company counterproposal was denied.

3. On April 25, 1952, Bell Broadcasting Company filed the instant petition requesting "a rehearing of that portion of the Commission's Sixth Report and Order released April 14, 1952, wherein the allocation of Channel 6 to Temple, Texas, was denied." Petitioner requests the following relief, in the alternative:

(1) That a rehearing be granted so that on the basis of the 190 mile minimum co-channel separation for the assignments in Zone II it may show that the removal of Channel 6 from San Angelo to Temple will better serve the public interest, or

(2) That the Sixth Report and Order be amended so as to move Channel 6 from San Angelo to Temple; or

(3) That the Commission give such other relief as it may deem to be equitable and proper and which will best serve the public interest.

4. Petitioner contends that in the third notice the Commission proposed a minimum co-channel spacing for VHF channels of 180 miles, and that the evidence submitted by petitioner in these proceedings indicated that Channel 6 at Temple would be at least 180 miles from all co-channel assignments. The closest city to which Channel 6 was proposed to be assigned by the third notice was San Angelo, Texas, a distance of 183 miles from Temple. Petitioner states that it therefore made no objection in these proceedings to the assignment of Channel 6 to San Angelo. It is noted further by petitioner that if Channel 6 were removed from San Angelo, this assignment would be made in Temple in conformity with the minimum separations requirements as prescribed by the Sixth Report. Petitioner urges that if it had been on notice that it would be required to meet a 190 mile separation, it would have requested that Channel 6 be moved from San Angelo to Temple.

5. Petitioner points out that pursuant to the assignment Table adopted by the Sixth Report and Order, San Angelo has been assigned four channels: VHF Channels 6 and 8 and UHF Channels 17 and 23, with Channel 23 reserved for noncommercial educational use. Petitioner argues that "there is no valid reason why the city of San Angelo and Tom Green County should have been allocated 2 VHF channels and 2 UHF channels, while the City of Temple in Bell County should have been allocated 2 UHF channels." Petitioner contends that the evidence in the record discloses that Temple is the largest city in Bell County with a population of 24,970 and that the population of Bell County is 73,824 persons. The evidence also indicates that Bell County contains two large military installations, one with a military complement of approximately 35,000 persons and that Temple is a hospital center with a combined annual registration in its private hospitals of 50,000 persons, and that it also contains a large veteran hospital. Petitioner submits that the population of San Angelo and Tom Green County, in which this community is situated, does not warrant the assignment of four channels if it limits the assignment of channels to Temple. San Angelo, it is noted, has a population of 52,093 persons and Tom Green County a population of 58,929 persons. Petitioner urges, therefore, that Channel 6 be moved from San Angelo to Temple. Such action, petitioner submits would still leave San Angelo with 3 channels: one VHF and 2 UHF.

6. We do not believe it necessary to pass upon either the question whether petitioner had adequate legal notice of the minimum assignment separations adopted in the Sixth Report or whether in any appropriate comparative consideration of the needs and requirements of Temple and San Angelo, Channel 6 should have been assigned to one city rather than the other. For upon consideration of the matter we are convinced that the Sixth Report was in error in concluding that it was necessary to deny Temple's request for Channel 6 because of the separation between Temple and San Angelo. For it appears that Channel 3 can be assigned to San Angelo in lieu of Channel 6, and that Channel 6 can, therefore, be assigned to Temple, as petitioner originally requested, without involving any violation of the specified minimum separations and without depriving San Angelo or any other community of any assignment listed in the third notice or Sixth Report. Such assignments, moreover, will fully meet the prescribed co-channel adjacent channel assignment separations adopted in the Sixth Report and Order.

7. We believe, however, that in order that all parties may have an opportunity to comment on these assignment changes that a notice of further rule making should be issued before such changes are made final. In view of the foregoing the petition of Bell Broadcasting Company is hereby granted insofar as it requests further proceedings with respect to the assignment of a VHF channel to Texas.

8. The Commission gives notice that it proposes to make the following channel assignments in § 3.606 of the Commission's rules and regulations:

City	Add channel No.	Delete channel No.
San Angelo, Tex.	3	6
Temple, Tex.	6	----

In light of these changes the Table of Assignments contained in § 3.606 of the Commission's rules and regulations would be amended to read as follows:

Texas:	*Channel No.*
Beaumont-Port Arthur.	4—, 6—, 31+, 37
Corpus Christi	6+, 10—, 16+, 22
San Angelo	3—, 8+, 17+, 23—
Temple	6, 16, 22+

In the light of the issuance of this notice of further rule making applications will not be processed for television stations on Channel 6 in San Angelo, Texas, during the pendency of these proceedings.

9. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (b), (c) (d), (e), (f), (g), (h), and (r), and section 307 (b) of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 3, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 30, 1952.

Released: August 4, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8856; Filed, Aug. 11, 1952; 8:46 a. m.]

[1] Concurring statement of Commissioner Jones and dissenting statement of Commissioner Hennock filed as part of the original document.

[47 CFR Part 7]

[Docket No. 10280]

STATIONS ON LAND IN THE MARITIME SERVICES

DELETION OF AUTHORITY FOR COAST STATIONS TO OPERATE ON CERTAIN FREQUENCIES

In the matter of amendment of Part 7 of the Commission's rules and regulations to delete authority for coast stations to operate on the frequencies 4140, 6210, 8280, 12420, and 16560 kc, Docket No. 10280.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The frequencies 4140, 6210, 8280, 12420, and 16560 kc were designated as ship calling frequencies under the Cairo (1938) Radio Regulations and as such were also assignable to coast stations under those regulations. However, the Atlantic City (1947) Table of Frequency allocations designates frequencies other than those above for ship telegraph calling purposes, and the target date for the introduction of these new Atlantic City ship telegraph calling frequencies is June 3, 1953. As a consequence, it will not be appropriate for coast stations to operate on the frequencies 4140, 6210, 8280, 12420, and 16560 kc after June 3, 1953.

3. The Commission, therefor, proposes to amend Part 7 of its rules to make unavailable for assignment to coast stations the frequencies 4140, 6210, 8280, 12420, and 16560 kc. The licenses of those coast stations now operating on these frequencies expire on February 1, 1953. No application for renewal of any of these licenses will be granted and any authority to operate on these frequencies issued after the expiration of existing licenses will expressly limit the duration of such authorization to the period remaining until June 3, 1953, and will be nonrenewable after that date.

4. The proposed amendments are issued under the authority of sections 4 (i) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person of the opinion that the proposed amendment should not be adopted should file with the Commission on or before September 3, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs before taking final action. An original and fourteen copies of each brief or written statement should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: July 30, 1952.

Released: July 31, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-8857; Filed, Aug. 11, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

RESTORATION ORDER NO. 4 (R-IV) UNDER FEDERAL POWER ACT

AUGUST 1, 1952.

Pursuant to the following-listed determinations of the Federal Power Commission, and in accordance with Order No. 427, § 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the stipulation that if and when the land is required wholly or in part for purposes of power development, any structures or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States, its permittees or licensees:

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
DA-298-Colorado	Power site classification No. 92 of Apr. 3, 1925.	Under the applicable public land laws.	Colorado: T. 6 S., R. 89 W., 6th P. M., Sec. 21, SW¼, SW¼SE¼.
DA-307-Colorado	....do	....do	Colorado: T. 7 S., R. 88 W., 6th P. M., Sec. 28, Lots 27, 28, 29, and 30.
DA-314-Colorado	....do	....do	Colorado: T. 6 S., R. 89 W., 6th P. M., Sec. 21, NW¼.
DA-316-Colorado	Power site reserve No. 116 of July 10, 1910.	....do	Colorado: T. 5 S., R. 86 W., 6th P. M., Sec. 1, Lot 8.
	Power site reserve No. 253 of Mar. 23, 1912 as per interpretation No. 38 of Aug. 6, 1923.	....do	Colorado: T. 5 S., R. 86 W., 6th P. M., Sec. 2, Lot 5.
DA-317-Colorado	Power site classification No. 92 of Apr. 3, 1925.	....do	Colorado: T. 6 S., R. 89 W., 6th P. M., Sec. 16, W½NW¼, SW¼, Sec. 17, NE¼, Sec. 21, NW¼.
DA-318-Colorado	Power site reserve No. 253 of Mar. 23, 1912.	....do	Colorado: T. 4 S., R. 83 W., 6th P. M., Sec. 18, Lot 6 and NE¼SW¼.

The character of the above-described lands is as follows:

DA-298-Colorado: Steep mountain land principally valuable for grazing and suitable for sale.

DA-307-Colorado: Steep mountain land principally valuable for grazing, with some level ground suitable for small tract lease.

DA-314-Colorado: Steep mountain land principally valuable for grazing and suitable for sale.

DA-316-Colorado: Steep mountain land principally valuable for grazing and suitable for sale, with some level ground suitable for small tract lease.

DA-317-Colorado: Steep mountain land principally valuable for grazing and suitable for sale. The NE¼ Section 17 is valuable for recreational purposes, such as winter sports.

DA-318-Colorado: Rolling sagebrush lands bordered by rough foothills and sandstone cliffs, valuable for grazing. A minor portion

of the land has a potential value for the mining of building stone.

These lands will not be subject to occupancy for non-mining purposes until they have been classified. No applications for these lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Colorado for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 91st day after the date of publication of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 91st day after the date of publication shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 91st day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 181st day after the date of publication, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 181st day after the date of publication, shall be treated as though filed simultaneously at the hour specified on such 181st day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Application for these lands, which shall be filed in the Land and Survey Office, Denver, Colorado, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Denver, Colorado.

H. BYRON MOCK,
Regional Administrator.

[F. R. Doc. 52-8879; Filed, Aug. 11, 1952; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC TRANSPORT LINES, INC. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 7846-1 (revised) Pacific Transport Lines, Inc., and Pacific Argentine Brazil Line, Inc., and Pope & Talbot, Inc., modifies the basic Agreement No. 7846 by including Los Angeles Harbor as an additional port of transshipment. Agreement No. 7846 covers the transportation of cargo from the Far East to specified ports in Puerto Rico with transshipment at San Francisco and Oakland.

2. Agreement No. 7565-1, between Alaska Steamship Company and Railway Express Agency Incorporated, modifies basic Agreement No. 7565 between said parties by adding a new article, numbered XIII, providing that the exemption from liability covered by Article VII of the basic agreement shall apply to all vessels, their owners and charterers, owned, operated or chartered by the Steamship Company and to the owners or lessees of wharves or other property leased or used by the Steamship Company, and that the Express Company shall save and hold harmless such vessels, their owners and charterers and the owners and lessees of said wharves and other property from all claims and demands, judgments and actions covering loss and damage to its own property and to all property, express matter and valuables carried under this agreement, except packages carried for the Steamship Company pursuant to Article VI of the basic agreement, and covering injury to or death of its officers, agents or employees while engaged in the transportation business of the Express Company, and from all costs and expenses on account thereof. Agreement No. 7565 covers the transportation of all freight, packages and treasure that the Express Company may tender to the Steamship Company at its regular ports of call. The Express Company assumes all risk of loss or damage on express cargo and all risk of injury or death to its employees and agents while transacting its business even though caused by the negligence of the Steamship Company.

3. Agreement No. 8150, between Linea De Vapores Garcia, S. A., Lykes Bros. Steamship Co., Inc., and United Fruit Company, provides for the creation of a conference to be known as the Gulf and South Atlantic-Cuban Outports Conference for the establishment and maintenance of agreed rates of every lawful type, charges, classifications and practices together with rules and regulations for and in connection with the transportation of cargo in the trade from U. S. South Atlantic and Gulf ports to ports in Cuba other than Havana, Mariel, Matanzas and Santiago de Cuba.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER written statements with reference to any of the agreements and their position as to approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: August 7, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 52-8876; Filed, Aug. 11, 1952; 8:50 a. m.]

National Production Authority

[Suspension Order 19, Docket No. 19]

UNIVERSAL SHANK COMPANY

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 10th day of June 1952 before Honorable Frederick J. Moreau, a Hearing Commissioner of the National Production Authority, on the statement of charges made by the National Production Authority pursuant to General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 thereto (16 F. R. 8799), and Respondent, Universal Shank Company having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and Universal Shank Company having appeared herein by its attorney, David L. Millar, 408 Pine Street, St. Louis, Mo., and Universal Shank Company having stipulated on the 10th day of June 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support and in opposition to the statement of charges, and said stipulation and the respective statements of counsel having been duly considered, it is hereby determined as follows:

Findings of fact. 1. That during the period commencing October 2, 1951, and ending on May 1, 1952, Universal Shank Company, an organization duly registered under section 417.20, Revised Statutes of Missouri 1949, accepted deliveries of items of carbon steel upon the receipt of which its inventories of said items were in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operations during the succeeding 45 days, resulting in excess inventories of these items amounting to an overall excess of 103,310 pounds.

Conclusion. During the period beginning October 2, 1951, and ending May 1, 1952, Universal Shank Company committed acts prohibited by section 3 (a) of CMP Regulation No. 2, dated May 10, 1951, and as amended October 12, 1951 (16 F. R. 4370; 16 F. R. 10489), in that it accepted deliveries of items of carbon steel upon receipt of which its inventories of such items were in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operation during the succeeding 45 days. The receipt of these items was in violation of the said provisions of CMP Regulation No. 2 and has resulted in excess inventories of these items amounting to 103,310 pounds of carbon steel as aforesaid.

In order to correct excess inventories of the aforesaid items of carbon steel occasioned by the aforesaid unauthorized receipts,

It is accordingly ordered: 1. That all allocations and allotments of carbon steel, which have been or may be made to Universal Shank Company, for use during the third quarter 1952 and the fourth quarter of 1952, be reduced as follows:

A. For the third quarter beginning July 1, 1952, and ending September 30, 1952, by 50,000 pounds or 25 tons.

B. For the fourth quarter beginning October 1, 1952, and ending December 31, 1952, by 50,000 pounds or 25 tons; and

The Universal Shank Company, its successors and assigns, are hereby prohibited, during each of the aforesaid periods, from acquiring any items of carbon steel in excess of their carbon steel allocations and allotments as so reduced; and Universal Shank Company, its successors and assigns, are further prohibited, so long as the Defense Production Act of 1950 as amended, or as it may hereafter be amended or extended, remains in effect, from accepting any items of carbon steel if its inventory of any of said items is, or by such receipt would be, in violation of the provisions of CMP Regulation No. 2, as amended October 12, 1951, or as it may be hereafter amended: *Provided, however,* That, notwithstanding the above provisions of this order, respondent, Universal Shank Company may, and is hereby authorized to accept delivery on the following purchase orders now outstanding and calling for third quarter 1952 delivery, to wit: Order No. C774, dated February 29, 1952, for 4,174 pounds of Item 5/16" x .058 and 20,624 pounds of Item 1/2" x .058; and Purchase Order No. C853, dated May 5, 1952, for 20,000 pounds of 5/16" x .058; 12,000 pounds of 1/2" x .042, and 30,000 pounds of 1/2" x .058; said purchase orders being for delivery during July, August, and September, 1952.

Issued this 10th day of June 1952 at St. Louis, Mo.

NATIONAL PRODUCTION AUTHORITY,
By FRED J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-8966; Filed, Aug. 11, 1952; 12:00 m.]

[Suspension Order 20, Docket No. 22]

MIDWEST PIPING AND SUPPLY COMPANY

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 11th day of June 1952 before Frederick J. Moreau, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the National Production Authority General Administrative Order 16-06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16-06 (16 F. R. 8799); and

The respondent, Midwest Piping and Supply Company, having been duly apprised of the specific alleged violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

Midwest Piping and Supply Company having appeared herein by its attorney, Walter R. Mayne, 506 Olive Street, St. Louis, Mo.; and

Midwest Piping and Supply Company having stipulated on the 10th day of June 1952 to a statement of facts to be filed in these proceedings in lieu of the presentation of other evidence in support of and in opposition to the statement of charges, it is hereby determined:

Findings of fact. 1. During the period beginning July 3, 1951, and ending May 23, 1952, the Midwest Piping and Supply Company engaged in acts prohibited by the language of section 3 (a) of CMP Regulation No. 2 dated May 10, 1951, and as amended October 12, 1951 (16 F. R. 4370; 16 F. R. 10489), in that it accepted deliveries of certain items of steel controlled materials upon receipt of which its inventories of such items were in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operation within the time limit as set out in said regulations. The receipt of these certain items, according to stipulation, did result in excess inventories of the certain items classed as overage in the amount of 600.68 tons of steel as of December 30, 1952.

In order to correct excess inventories of certain items of steel occasioned by the unauthorized receipt of such items,

It is accordingly ordered: 1. That all allocations and allotments of steel which may be granted to the Midwest Piping and Supply Company, its successors and assigns, for use during the third quarter 1952 and fourth quarter 1952, be reduced as follows:

(a) By 400 tons during the period beginning July 1, 1952, and ending September 30, 1952.

(b) By 200 tons during the period beginning October 1, 1952, and ending December 31, 1952; and

Midwest Piping and Supply Company, its successors and assigns, are prohibited, during each of such periods, from acquiring any items of steel controlled materials in excess of their steel allocations and allotments as so reduced, but shall not in any way be prohibited from making applications to obtain exceptions of any type of material.

2. Nothing herein contained shall be construed to prohibit Midwest Piping and Supply Company from obtaining its usual and necessary allotments of steel materials after December 31, 1952, in accordance with the regulations then in force and effect.

Issued this 11th day of June 1952 at St. Louis, Mo.

NATIONAL PRODUCTION AUTHORITY,
By FRED J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-8967; Filed, Aug. 11, 1952; 12:00 m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Carolyn's Fashions, Inc., R. D. No. 3, Moscow, Pa., effective 8-4-52 to 8-3-53; five learners (children's dresses and ladies' blouses).

Croyden Manufacturing Corp., 1511-15 West Beverley Street, Staunton, Va., effective 8-4-52 to 8-3-53; 10 percent of the productive factory force (ladies' pajamas).

Dungaree Corp. of America, 194 Silver Street, Sharon, Pa., effective 8-1-52 to 1-31-53; 40 learners for expansion purposes (overalls).

Dunhill Shirt Co., Holden, Mo., effective 7-28-52 to 1-27-53; 10 learners for expansion purposes (shirts).

Emmaus Pajama Co., Inc., Keystone and Ridge Streets, Emmaus, Pa., effective 7-31-52 to 1-30-53; 10 learners for expansion purposes (men's and boys' pajamas).

Emmaus Pajama Co., Inc., Keystone and Ridge Streets, Emmaus, Pa., effective 7-31-52 to 7-30-53; 10 percent of the productive factory force (men's and boys' pajamas).

Forest City Manufacturing Co., DuQuoin, Ill., effective 7-31-52 to 1-30-53; 15 learners for expansion purposes (junior and women's dresses).

Freeland Shirt Co., 1015 Dewey Street, Freeland, Pa., effective 8-4-52 to 8-3-53; 10 percent of the productive factory force (sport shirts and jackets).

Glaser Bros., Inc., Eldon, Mo., effective 7-30-52 to 7-29-53; 10 percent of the productive factory force (men's dress and sport trousers).

Kaplan & Koral, 595-597 Main Street, Edwardsville, Pa., effective 7-31-52 to 7-30-53; five learners (women's dresses).

Over The Top, Inc., Picayune, Miss., effective 7-31-52 to 1-30-53; 25 learners for expansion purposes (ladies' shirts and dungarees).

Piedmont Shirt Co., New Buncombe Road, Greenville, S. C., effective 7-29-52 to 7-28-53; 10 percent of the productive factory force (shirts).

Roanoke Manufacturing Co., West Point Street, Roanoke, Ala., effective 7-31-52 to 1-30-53; 50 learners for expansion purposes (sport shirts).

Superior Garment Co., Corner Blaine and Franklin Streets, Newberg, Oreg., effective 8-4-52 to 8-3-53; 10 learners (shirts).

Wentworth Manufacturing Co., Lake City, S. C., effective 7-28-52 to 1-27-53; 32 learners for expansion purposes (dresses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

The Boss Manufacturing Co., 319 West Main Cross Street, Findlay, Ohio, effective 8-2-52 to 8-1-53; 10 learners (work gloves).

The Boss Manufacturing Co., 901 Hawley Street, Toledo, Ohio, effective 8-2-52 to 8-1-53; 10 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Vogue Hosiery Mills, Inc., 145 Williamsboro Street, Oxford, N. C., effective 7-30-52 to 7-29-53; 1 learner.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Mullins Textile Mills, Inc., Cypress Street, Mullins, S. C., effective 8-20-52 to 2-19-53; 10 learners for expansion purposes (outerwear and underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Carmo Shoe Manufacturing Co., Union, Mo., effective 8-10-52 to 8-9-53; 10 percent of the productive factory force.

Mercer Shoe Co., 1701 South Oakes, San Angelo, Tex., effective 7-31-52 to 7-30-53; three learners.

Owensville Shoe Manufacturing Corp., Owensville, Mo., effective 8-10-52 to 8-9-53; 10 percent of the productive factory force.

Washington Shoe Manufacturing Corp., Washington, Mo., effective 8-10-52 to 8-9-53; 10 percent of the productive factory force.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

The David Calvin Co., LeRaysville, Pa., effective 8-1-52 to 1-31-53; one learner; sewing machine operator; 320 hours at 65 cents per hour (plastic menu covers, envelopes and aprons).

Nord Buffum Pearl Button Co., Louisiana, Mo., effective 8-1-52 to 1-31-53; three learners; blank button cutting, finished button sorting; each 480 hours; 65 cents per hour for the first 320 hours and 70 cents per hour for the remaining 160 hours (pearl buttons).

Radiant Chenilles, Inc., Heflin, Ala., effective 8-4-52 to 2-3-53; two learners; machine operator; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (chenille bedspreads).

G. H. Rauschenberg Co., Box 76, Dalton, Ga., effective 8-4-52 to 2-3-53; 10 learners; machine operator; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (chenille cotton robes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 523.

Signed at Washington, D. C., this 5th day of August 1952.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52-8901; Filed, Aug. 11, 1952; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

TRANSFER OF NON-GOVERNMENT COAST TELEGRAPH STATION ASSIGNMENTS TO BANDS BETWEEN 4 AND 20 MC. STIPULATED IN GENEVA AGREEMENT

LIST OF ASSIGNMENTS FOR FREQUENCIES IN NEW INTERNATIONAL FREQUENCY LIST

JULY 24, 1952.

As part of the coordinated United States' effort to put into the Atlantic City (1947) Table of Frequency allocations, in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), the Commission desires to take the preliminary actions which are necessary to inaugurate use of the non-Government coast telegraph station frequency assignments stipulated in the Geneva Agreement for the frequency bands between 4 and 20 Mc. Such coast telegraph frequency assignments for the 22 Mc band have already been licensed by the Commission.

There is no specific provision in the Geneva Agreement as to the dates upon which any particular coast telegraph station assignment will be introduced, and, in addition, that Agreement anticipates the cooperation of Administrations signatory to the Agreement, on a voluntary basis, in clearing the new coast telegraph assignments.

The Commission has made a preliminary study of this matter and has reached the conclusion that the most practical approach would be as follows:

a. Determination at an early date of the licensees who will be authorized to use each of the frequencies contained in the new International Frequency List for the coast telegraph bands in the Atlantic City Table of Frequency Allocations (Annex 6 to the Geneva Agreement).

b. The authorizing, on the condition of causing no interference to services of any other station, for an initial period of approximately 6 months, of the new assignments resulting from the determination in paragraph (a) above.

c. The evaluation of the on-the-air results of the initial use of new assignments made pursuant to paragraph (b) above with a view to stabilizing such new assignments as soon as possible on a regular basis subject only to the restrictions in the Geneva Agreement, including the causing and receiving of no harmful interference.

d. The deletion of existing coast telegraph assignments which are not in accordance with the Geneva Agreement as soon as the new assignments have been stabilized pursuant to paragraph (c) above.

In order to inaugurate use of the coast telegraph frequencies as expeditiously as possible, the Commission has prepared the tentative list of assignments set forth below for the frequencies contained in the new International Frequency List. The Commission's list of assignments is designed to make provision for the needs of existing coast telegraph users. However, before making any assignments on these frequencies, the Commission wishes to afford all interested parties an opportunity to submit comments on the tentative frequency list. Such comments should be filed with the Commission on or before August 29, 1952. After considering any comments which are filed, the Commission will determine if temporary licenses, as set forth in paragraph (b) above, should be issued in accordance with the proposed frequency list or a revised frequency list. An appropriate notice will be issued prior to any date the Commission sets for the filing of applications.

It should be emphasized, however, that should the Commission decide to issue temporary licenses for coast stations in accordance with a frequency list, no one will be precluded from filing applications for any of the frequencies in question whether or not they have filed comments pursuant to this notice. If mutually exclusive applications are filed, they will, of course, be handled in accordance with the applicable provisions of the Communications Act.

Any temporary authorizations that are issued to licensees by the Commission for the operation of coast telegraph stations on these frequencies will be subject to the following conditions:

1. Causing of no harmful interference to the service of any other station during an initial period of approximately 1 to 6 months.

2. The notification to the Commission, attention Frequency Allocation and Treaty Division, of the particulars of use of each assignment which is activated pursuant to the terms of any such special temporary authorization, in the format required by Article 32 of the Geneva Agreement.

3. Notification to the Commission, attention Frequency Allocation and Treaty Division, 5 days in advance of the initial use of any assignment which may be authorized.

Adopted: July 23, 1952.

[SEAL] WM. P. MASSING,
Acting Secretary.

Call	Location	Licensee	Geneva frequency (kc)	Geneva power (kw)	Existing frequency (kc)
WSC	Tuckerton	RMCA	4331	3	4780
			6502	3	6210
			8610	10	6340
			8695	1	6350
			12745.5	15	8280
			12948	15	8420
			17003.6	15	11040
			17292.4	15	11175
					11280
					12420
					12675
					16560
					16860
KFS	Palo Alto	MRT	4271	5	4140
			6395.5	5	5520
			8558	10	5561
			12844.5	10	6210
			17026.4	10	6270
					8280
					8360
					11040
					12420
					12950
					16560
					16780
WLO	Mobile	Mobileradio	6440	1	8280
			8714	1	8690
			13123.5	1	11040
			17170.4	1	11295
					16560
					16920
WLC	Rogers City	Central Rail. Telegraph Co.			4140
					4780
					5520
					6380
					8280
					8640
					11040
KHK	Kahuku	RCC	4295	5	6440
			6407.5	5	8280
			8542	10	8640
			12824	10	12420
			16978.4	10	12570
					16560
					16920
KMH	Belmont	PW	6428.5	5	6440
			8552	10	8550
			12834	10	11040
			17053.2	10	16700
WGK	St. Louis	RMCA			3030
					4140
					4780
					5520
					6380
					8280
					8570
WSL	Annapolis	MRT	4343	5	4140
			6418	5	5520
			8511	12.5	5555
			8558	10	6210
			12667.5	10	6260
			13024.5	12.5	8280
			16956.6	10	8800
			17021.6	12.5	11040
					11115
					12420
					12585
					16560
					16800
WBL	Martinsville	RMCA			4140
					4780
					5520
					6380
					8280
					8570
					11040
					11295
WNY	New York	RMCA	4307	.2	4140
			13060.5	.2	4780
					6210
					6340
					11040
					11280
WCO	Hicksville	PW	4346	2.5	4705
			6542.5	5	6450
			8502	10	8090
			13020	5	11055
			13033.5	25	16720
			16968.8	25	
WOE	Lake Worth	RMCA	4292	3	4780
			6411	3	5520
			8486	3	6210
			12970.5	3	6570
			17160.8	3	8280
					8420
					11040
					11280
					12420
					13080
					16560
					16970

Call	Location	Licensee	Geneva frequency (kc)	Geneva power (kw)	Existing frequency (kc)
WNU	Kenner	TRT	6495	2 2 2 2 2	4140
			8791		4795
			12938.5		6210
					6300
					11040
					11245
					12365
					15565
					16080
WBF	Hingham	TRT			4140
					4782
					5565
					6210
					6300
					8280
					8470
					12525
					15560
					16080
WHD	New York	N. Y. Times Co	4316	2.5	4430
			6512.5	5	6550
			8702	10	8990
			13021	15	13355
			13033.5	15	16720
			17288.8	25	
WFD	Tampa	C. L. Wood	4274	.25	8280
			6141	1	8470
			8742	.25	
			13051.5	1	
			17170.1	.25	
WFR	Ensenada	SPR	4241	.5	8280
			8752	.5	8470
			13110	.5	12125
					12575
WFA	Port Arthur	RMCA	4122	.3	5520
			6135.5	.3	6210
			8750	.3	6300
			12840	.3	8280
			17117.6	.3	8470
KLB	Kent	MRT	4310	2.5	5565
			6511	2.5	8280
			8762	2.5	8470
			8855	2.5	12125
			12967.5	2.5	12560
			17067.2	2.5	16775
KSE	Torrance	RMCA	4307	.5	5520
			6523	1	8280
			8942	1	8470
			12912	1	11045
			17218.4	1	12425
					13055
					16664

RMCA—Radiomarine Corp. of America. MRT—Mackay Radio & Telegraph Co., Inc. RCA—RCA Communications, Inc. PW—Press Wireless, Inc. GW—Globe Wireless, Ltd. TRT—Tropical Radio Telegraph Co. SPR—South Porto Rico Sugar Co.

[F. R. Doc. 52-8858; Filed, Aug. 11, 1952; 8:48 a. m.]

Call	Location	Licensee	Geneva frequency (kc)	Geneva power (kw)	Existing frequency (kc)
WCC	South Chatham	RMCA	1268	3	4780
			6505.5	3	4795
			8886	10	8520
			8939	10	6210
			12961.5	15	6300
			16923.6	3	8280
			17271.2	15	8470
					11040
					11250
					12425
					12045
					13056
					16560
					16680
KJK	Boulder City	City of Los Angeles	4217	3	4780
KPH	Bolinas	RMCA	6477.5	3	8520
			6488	3	6210
			8760	10	6300
			12808.5	15	8280
			13002	15	8470
			17016.8	15	11040
			17088.8	15	11250
KTK	Mussel Rock	GW	1358	1.5	12425
			6210	1.5	12045
			8711	1.5	13056
			12941	1.5	16560
			17141.8	1.5	16680
KOK	Clayvale	MRT	4254	5	8560
			6513.5	5	8570
			8754	10	12120
			12941	10	12575
			17061.8	10	11130
					16564
KLC	Galveston	MRT	1256	2.5	16776
			6469	2.5	8280
			8961	2.5	8415
			13038.4	2.5	12425
			17248.8	2.5	12560
					16556
WSE	Jacksonville	Caribbean Rad	8722	1	16775
			13078.5	1	8280
			17109.1	1	11130
					16560
WSV	Savannah	RMCA	1250	3	16680
			6467.5	3	6210
			8965	3	8280
			12952.5	3	8415
			17256.8	3	12425
					12575
WAX	Ojus	TRT	4300	3	4795
			8520	3	6210
			13011	3	8280
			17109.2		8470
					11130
					12425
					13055
					16560
					16680

12 kw may be licensed

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 72]

DIRECTORS OF REGIONAL OFFICES

DELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803, 65 Stat. 131) and Executive Order No. 2 as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. Authority is hereby delegated to each Regional Director of the Office of Price Stabilization:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

2. The authority delegated by this delegation of authority may be redelegated to the District Directors of the Office of Price Stabilization.

This delegation of authority shall take effect on August 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 8, 1952.

[F. R. Doc. 52-8924; Filed, Aug. 8, 1952; 3:40 p. m.]

ATOMIC ENERGY COMMISSION

Patent Compensation Board

[Docket No. 11]

G. M. GIANNINI & CO., INC.

NOTICE OF APPLICATION

Notice is hereby given that G. M. Giannini & Co. have filed an application before the Patent Compensation Board, United States Atomic Energy Commission for determination of reasonable royalty fees, just compensation and granting of award. The application is based on Patent Number 2,206,634, issued July 2, 1940, to Enrico Fermi et al., assignors, for Process for the Production of Radioactive Substances.

The application of G. M. Giannini & Co., Inc., is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., not later than thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

JULY 29, 1952.

[F. R. Doc. 52-8851; Filed, Aug. 11, 1952; 8:45 a. m.]

[Docket No. 12]

EDWARD H. KERNER

NOTICE OF APPLICATION

Notice is hereby given that Edward H. Kerner has filed an application before the Patent Compensation Board, United States Atomic Energy Commission for an award. The application is based on an invention relating to the transformation of nuclear energy directly into mechanical work in an internal combustion type of engine.

The application of Edward H. Kerner is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
Acting Clerk,
Patent Compensation Board.

JULY 29, 1952.

[F. R. Doc. 52-8852; Filed, Aug. 11, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-170, 54-172]

NIAGARA HUDSON POWER CORP.

INTERIM ORDER APPROVING PAYMENT OF FEE

AUGUST 6, 1952.

The Commission having on August 25, 1949, issued its order approving plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Niagara Hudson Power Corporation ("Niagara Hudson"), a registered holding company, providing for the consolidation of Niagara Hudson's three major subsidiaries into a single new operating utility company, Niagara Mohawk Power Corporation ("Niagara Mohawk"), and for the dissolution of Niagara Hudson; and

Said order having reserved, among other things, jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred by Niagara Hudson in connection with the plans and the transactions incident thereto; and Niagara Hudson having been dissolved pursuant to said plans and Niagara Mohawk having assumed the liabilities of Niagara Hudson; and

Applications for fees and expenses having been filed by various participants in the proceedings, hearings having been held and the Division of Public Utilities having filed its recommendation for findings and opinion to be issued by the Commission with respect to such fee applications; and

Joshua Morrison, secretary and member of the Committee for First Preferred Stockholders of Niagara Hudson, having requested that an order be entered approving his application for a fee for services rendered in the proceedings in the amount of $2,500 and reimbursement of expenses in the sum of $145.98 in accordance with the recommendations of the Division of Public Utilities; and

The Commission having considered the record and finding that the services rendered by Joshua Morrison were necessary and of a benefit to the estate of Niagara Hudson and that the requested fee in the amount of $2,500 and reimbursement of expenses in the amount of $145.98 is not unreasonable.

It is ordered, That the payment by Niagara Mohawk of the fee and expenses of Joshua Morrison in the amounts of $2,500 and $145.98, respectively, be, and hereby is, approved and said company, be and hereby is, authorized and directed to make payment of such amounts to Joshua Morrison.

It is further ordered, That jurisdiction is reserved with respect to all other fees and expenses to be paid in connection with this proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-8862; Filed, Aug. 11, 1952; 8:49 a. m.]

[File No. 70-2894]

GENERAL PUBLIC UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO ISSUANCE AND SALE OF SECURITIES

AUGUST 6, 1952.

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, File No. 70-2894.

General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aelec"), subsidiary of GPU and also a registered holding company, and Pennsylvania Electric Company ("Penelec"), a subsidiary of Aelec and an operating utility company, having filed a joint application-declaration and an amendment thereto, pursuant to sections 6 (b), 9 (a), 10 and other sections of the Public Utility Holding Company Act of 1935 ("the act") regarding, inter alia, the issue and sale by Penelec, pursuant to the competitive bidding requirements of Rule U-50, of $9,500,000 principal amount of additional First Mortgage Bonds, __ Percent Series due 1982 ("New Bonds") and 45,000 additional shares of Cumulative Preferred Stock, __ Percent Series F, par value $100 per share ("New Preferred Stock"); and

The Commission by order entered July 22, 1952, having granted said application-declaration subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

1. That the proposed issuance and sale of the New Bonds and New Preferred Stock should not be consummated until the results of competitive bidding and the public offering price of said securities should be made a matter of record in this proceeding and a further order entered in the light of the record so completed;

2. That jurisdiction be also reserved with respect to the payment of all fees for legal and accounting services; and

Penelec having filed on August 6, 1952, a further amendment to its application stating that it offered the New Bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Annual interest rate (percent)	Price to company [1] (percent of principal)	Annual cost to company (percent)
Kidder, Peabody & Co.	3¾	100.11	3.369146
Kuhn, Loeb & Co.	3¾	100.100	3.369677
Equitable Securities Corp.	3⅜	100.035	3.373139
The First Boston Corp.	3½	102.0799	3.389017
Halsey, Stuart & Co. Inc.	3½	101.80999	3.403249

[1] Exclusive of accrued interest from Aug. 1, 1952.

The amendment further stating that Penelec also offered the New Preferred Stock for sale pursuant to said Rule U-50 and has received the following bids:

Bidder	Annual dividend rate (per share)	Price to company (per share)	Annual cost to company (percent)
Kuhn, Loeb & Co.	$4.50	$100.33	4.485199
Kidder, Peabody & Co.	4.50	100.09	4.495954
W. C. Langley & Co. and Glore, Forgan & Co.	4.50	100.05	4.497751
Harriman Ripley & Co., Inc.	4.55	100.14	4.543639
The First Boston Corp.	4.60	100.77	4.564851
Smith, Barney & Co.	4.70	100.269	4.687391

The amendment further stating that Penelec has accepted the bid of Kidder, Peabody & Co. for the New Bonds as set forth above, and that said bonds will be offered for sale to the public at a price of 100.47 percent of the principal amount thereof, resulting in an underwriter's spread of 0.36 percent; and that Penelec has also accepted the bid of Kuhn, Loeb & Co. for the New Preferred Stock as set forth above, and that said stock will be offered for sale to the public at a price of 102.27 percent of the par value thereof, resulting in an underwriter's spread of 1.94 percent; and

The Commission having examined said amendments and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, the redemption prices thereof, the interest rate thereon, and the underwriter's spread; and the Commission likewise finding no basis for imposing terms and conditions with respect to the price to be received for the preferred stock, the redemption prices thereof, the dividend rate thereon, and the underwriter's spread:

It is ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds and preferred stock be and the same hereby is released, and that said application-declaration as further amended be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over legal and accounting fees in connection with said transactions be, and the same hereby is, continued in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8859; Filed, Aug. 11, 1952; 8:48 a. m.]

[File No. 70-2899]

GRANITE STATE ELECTRIC CO. AND SUBURBAN GAS AND ELECTRIC CO.

ORDER AUTHORIZING PROPOSED NOTE ISSUES

AUGUST 6, 1952.

Granite State Electric Company ("Granite") and Suburban Gas and Electric Company ("Suburban"), public-utility subsidiary companies of New England Electric System, a registered holding company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder, in respect of the following proposed transactions:

The declaration states that Granite presently has outstanding a 3 percent six months unsecured promissory note payable November 15, 1952, to the First National Bank of Boston in the amount of $350,000, and proposes to issue, from time to time but not later than September 30, 1952, to said bank, additional unsecured six months promissory notes in the amount of $100,000. Granite will use the entire proceeds from the notes it proposes to issue for construction purposes. Suburban presently has outstanding 3 percent six months unsecured promissory notes payable to the First National Bank of Boston in the aggregate principal amount of $1,450,000 and proposes to issue to said bank from time to time but not later than September 30, 1952, additional unsecured six months promissory notes in the amount of $475,000. Suburban will use $375,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay an equal amount of its notes maturing September 25, 1952, and will use the remaining proceeds for construction purposes.

The proposed additional unsecured promissory notes are to bear interest at the prime rate of interest at the time of issuance and, it is stated, that said interest rate at the present time is 3 percent. In the event that said interest rate is in excess of 3¼ percent at the time of issuance of any of the proposed additional promissory notes, the issuing company will file an amendment to this declaration setting forth therein the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Granite and Suburban request that this amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

The declaration states that the exact nature and timing of permanent financing by Granite and Suburban of its note indebtedness is not presently determinable. However, the declaration further states that the proceeds of any permanent financing will be applied in reduction of, or in total payment of, unsecured promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for Granite and $400 for Suburban, an aggregate of $900.

The declaration further states that the Public Utilities Commission of New Hampshire has exempted the issuance of the proposed notes by Granite and that no other State commission or Federal commission, other than this Commission, has jurisdiction over any of the transactions proposed in the declaration.

Granite and Suburban request that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8860; Filed, Aug. 11 1952; 8:49 a. m.]

[File No. 70-2901]

NARRAGANSETT ELECTRIC CO

ORDER AUTHORIZING PROPOSED NOTE ISSUES

AUGUST 6, 1952.

The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 (b) (2) thereunder, in respect of the following proposed transactions:

The declaration indicates that Narragansett contemplates that it will have outstanding at July 31, 1952, $3,600,000 principal amount of unsecured six months promissory notes payable to banks. Narragansett proposes to issue to banks, from time to time but not later than September 30, 1952, additional unsecured six months promissory notes in an aggregate principal amount not in excess of $3,100,000. Narragansett further proposes that the principal amount of all of its unsecured promissory notes outstanding at any one time prior to September 30, 1952, will not exceed $5,500,000.

Each of the proposed notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said interest rate for such notes at the present time is 3 percent per annum. In the event that such interest rate is in excess of 3¼ percent per annum at the time any of said additional promissory notes are to be issued, Narragansett will file an amendment to its declaration setting forth therein the name of the bank or banks, the terms of the note or notes and the rate of interest at least five days prior to the issuance of said note or notes. Narragansett requests that such amendment become effective at the end of such period unless the Commission notifies it to the contrary within said period.

Narragansett will use $1,200,000 of the proceeds derived from the proposed issuance of additional promissory notes to pay an equal principal amount of outstanding promissory notes maturing September 30, 1952, and will use the remainder of such proceeds for other corporate purposes. The declaration indicates that Narragansett estimates that it will have construction expenditures in August and September of this year in the aggregate amount of $2,553,500. Narragansett proposes that the proceeds of any permanent financing will be applied in reduction of, or in total payment of, promissory notes then outstanding, and the amount of authorized but unissued notes, if any, will be reduced by the amount, if any, by which such permanent financing exceeds the notes at the time outstanding.

The declaration states that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $900. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Narragansett requests that the Commission's order herein become effective forthwith upon issuance.

Notice of the filing of the declaration having been given in the manner and form provided by Rule U-23 of the rules and regulations promulgated under the act, and a hearing not having been requested or ordered by the Commission within the time specified in said notice; and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, and that this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-8861; Filed, Aug. 11, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2009]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 6, 1952.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed on July 22, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the following natural-gas transmission pipe line facilities:

(a) Approximately 6.5 miles of 30-inch diameter pipe line beginning at Applicant's Bushton Compressor Station in Rice County, Kansas, and extending in a northeasterly direction to a point in Ellsworth County, Kansas;

(b) Approximately 1.4 miles of 8⅝-inch diameter pipe line beginning at a point on Applicant's Omaha branch pipe line and extending in an easterly direction to a proposed measuring and regulating station in Sarphy County, Nebraska;

(c) A measuring and regulation station in Sarphy County, Nebraska, at the terminus of the pipe line described in subparagraph (b); and,

(d) One (1) 1320 HP Compressor Unit to be added to Applicant's Hugoton, Kansas, Compressor Station.

The service proposed to be rendered by Applicant is the delivery and sale, on a firm basis, of up to 12,000 Mcf per day of natural gas to the Nitrogen Division, Allied Chemical & Dye Corporation (Allied), for use in a plant proposed to be constructed by Allied near LaPlatte, Nebraska, for the production of urea and other nitrogen fertilizer products. Construction of Allied's plant, according to the application, will require approximately one and one-half to two years and will not commence until Applicant has received the certificate sought by the application. The application states that the gas to be delivered and sold to Allied will be used by it as the raw material source for hydrogen; that a small percentage of such gas will be used for Allied's incidental manufacturing requirements; and that none of such gas will be used as industrial boiler fuel.

The facilities for which certificate is sought are estimated to cost $952,000, which cost is to be financed from general funds which Applicant states it has available. Applicant estimates, for each of the first 5 years of service, that its sales to Allied will approximate 3.754 billion cubic feet; that its revenues therefrom, at the minimum contract rate of 30 cents per Mcf, will approximate $1,126,200 and, that such revenues will exceed the estimated incremental cost of service for each year of this period by $592,461.

The application states that the gas reserves of Applicant to support service to Allied's plant consist of reserves over and above those shown by Applicant in support of its application in Docket G-1618 to increase its system capacity to 825 Mcf per day north of Kansas; and, since the time of its gas reserve showing in said Docket No. G-1618, Applicant has acquired gas purchase contracts which represent gas reserves capable of delivering in excess of 12,000 Mcf per day for a period of 20 years.

Applicant alleges that the products of Allied's proposed plant at LaPlatte will be a necessary supplement to the nation's nitrogen requirements for both military and agricultural needs, and, accordingly that the construction and operation of Applicant's proposed facilities for the sale of gas to Allied is in the public interest.

Applicant requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity to filing exceptions to the decision of the Commission, and requests that the application be disposed of pursuant to the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8867; Filed, Aug. 11, 1952; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27288]

WOODPULP FROM NAIRNS FALLS, QUEBEC, TO CHESTER AND PHILADELPHIA, PA., AND WILMINGTON, DEL.

APPLICATION FOR RELIEF

AUGUST 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Canadian National Railway's tariff I. C. C. No. E-471.

Commodities involved: Woodpulp and woodpulp screenings, carloads.

From: Nairns Falls, Quebec, Canada.

To: Chester and Philadelphia, Pa., and Wilmington, Del.

Grounds for relief: Competition with rail and water carriers and circuitous routes.

Schedules filed containing proposed rates: CN Ry. tariff I. C. C. No. E-471, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8869; Filed, Aug. 11, 1952; 8:50 a. m.]

[4th Sec. Application 27289]

AUTOMOBILES FROM ST. LOUIS, MO., TO POINTS IN LOUISIANA AND MISSISSIPPI

APPLICATION FOR RELIEF

AUGUST 7, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1118.

Commodities involved: Automobiles and parts, carloads.

From: St. Louis, Mo.

To: Points in Louisiana and Mississippi.

Grounds for relief: Competition with rail carriers and motor-water carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1118, Supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8870; Filed, Aug. 11, 1952; 8:50 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 17 NUMBER 158

Washington, Wednesday, August 13, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10383

RESTORING CERTAIN LANDS AT PALAAU, MOLOKAI, TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands located at Palaau, Molokai, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were set aside for the uses and purposes of the United States in connection with the Molokai Airport Military Reservation (Homestead Field) by Executive Order No. 923 of January 30, 1941, of the Governor of the Territory of Hawaii; and

WHEREAS the said lands are no longer needed for such purposes, and it is deemed advisable and in the public interest that they be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described parcels of land situate at Palaau, Molokai, Territory of Hawaii, are hereby restored to the possession, use, and control of the Territory of Hawaii:

PARCEL 1

Beginning at the west corner of this parcel of land and on the south side of Keonelele Avenue, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "Middle Hill" being 2539.29 feet North and 14172.68 feet West, as shown on Government Survey Registered Map 1288, and running by azimuths measured clockwise from True South:

1. 279° 55' 30" 706.09 feet along the south side of Keonelele Avenue;
2. 60° 25' 00" 529.09 feet along the remainder of Molokai Airport;
3. 148° 25' 00" 449.49 feet along same to the point of beginning; containing 2.728 acres.

PARCEL 2

Beginning at the northeast corner of this parcel of land, the west corner of the Molokai Airport Military Reservation, and on the south side of Keonelele Avenue, the coordinates of the said point of beginning referred to Government Survey Triangulation Station "Middle Hill", being 2539.29 feet North and 14172.68 feet West, as shown on Government Survey Registered Map 1288, and running by azimuths measured clockwise from True South:

1. 328° 25' 00" 449.49 feet along Molokai Airport Military Reservation;
2. 60° 25' 00" 500.00 feet along remainder of Molokai Airport;
3. 148° 25' 00" 874.26 feet along same;
4. 279° 55' 30" 667.28 feet along the south side of Keonelele Avenue to the point of beginning; containing 7.593 acres.

The total area of the two parcels of land is 10.321 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 11, 1952.

[F. R. Doc. 52-8997; Filed, Aug. 12, 1952; 10:26 a. m.]

EXECUTIVE ORDER 10384

RESTORING CERTAIN LAND RESERVED IN CONNECTION WITH THE HILO AIRPORT MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain land located at Waiakea, Hilo City, South Hilo, Island of Hawaii, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was set aside for the uses and purposes of the United States in connection with the Hilo Airport Military Reservation by Executive Order No. 925 of February 3, 1941, of the Governor of the Territory of Hawaii; and

WHEREAS the said land is no longer needed for such purposes, and it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described land situate at Waiakea, Hilo City, South Hilo, on the Island of Hawaii, Territory of Hawaii, is hereby restored to the possession, use, and control of the Territory of Hawaii:

Beginning at the northeast corner of this parcel of land and on the east boundary of

(Continued on next page)

CONTENTS

THE PRESIDENT

Executive Orders Page

Restoring certain lands at Palaau, Molokai, to the jurisdiction of the Territory of Hawaii 7361
Restoring certain lands reserved in connection with the Hilo Airport Military Reservation to the jurisdiction of the Territory of Hawaii 7361

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of

Notices:
Vesting orders, etc.:
Ambrican Investments, Ltd. 7375
Appel, Emma 7376
Bachman, Frieda 7376
Compagnie des Forges et Acieries de la Marine et d'Homecourt 7377
Granat, Elie 7378
Kuhmann, Alfred 7378
Schmidtke, Carl 7377
von Knobelsdorff, Adela 7377
Willenbrock, Marie Louise 7378

Animal Industry Bureau

Rules and regulations:
Hog cholera, swine plague, and other communicable swine diseases; changes in areas quarantined because of vesicular exanthema 7367

Commodity Credit Corporation

Rules and regulations:
Wheat; 1952 loan and purchase agreement program 7363

Federal Communications Commission

Rules and regulations:
Assignment of frequencies:
Radio stations in Alaska other than amateur and broadcast 7369
Stations on land in the Maritime Service 7369
Stations on shipboard in the Maritime Service 7369

FEDERAL REGISTER

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission — Page
Notices:
Hearings, etc.:
Atlantic Seaboard Corp. et al. — 7373
California Electric Power Co. — 7372
Cities Service Gas Co. — 7373
Gas Lateral Co. — 7373
Hope Natural Gas Co. — 7373
Indiana Gas & Water Co., Inc. and Panhandle Eastern Pipe Line Co. — 7372

Fish and Wildlife Service
Rules and regulations:
Nonmigratory species; importation of foreign wild animals, wild birds, and their eggs; prohibited species and exceptions; compliance with other regulations — 7371

Interior Department — Page
See Fish and Wildlife Service; Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Asphalt filler from Murphy, N. C., to East St. Louis, Ill. — 7374
Asphalt from Norfolk and Newport News, Va., to Selma, N. C. — 7375
Caustic soda from points in Louisiana to points in Virginia — 7375
Grain from points in Arkansas, Illinois, Missouri and Tennessee to points in Texas — 7375
Pipe and related articles from official, southern, western trunk-line, and southwestern territories to Texas — 7374
Pipe from Galveston, Houston, and Orange, Tex., to points in Missouri — 7375
Seatrain Lines rail-water class rates from and to the South — 7374
Rules of practice; notice of proposed revision — 7374
Rules and regulations:
Car service:
Movement of import ores restricted; appointment of agent — 7371
Movement of iron ore restricted; appointment of agent — 7371
Railroad freight cars to be stopped to complete loading — 7371

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Rules and regulations:
Withdrawal or reservation of lands for use of Federal or State agencies — 7368

National Production Authority
Rules and regulations:
Chemicals and allied products, allocation; polyethylene; revocation (M–45, Sched. 5) — 7368
Tin plate and terneplate; amendment of provisions respecting permitted uses (M–24) — 7368

Price Stabilization, Office of
Rules and regulations:
Anthracite delivered from mine or preparation plant; adjustments on certain sizes (CPR 4) — 7367

Production and Marketing Administration
Proposed rule making:
Milk handling in Puget Sound, Washington, area — 7372
Rules and regulations:
Fruits and berries, canned; Canned Concentrated Orange Juice Program TMP 41a. — 7363
Pork and swine carcasses, establishment of official U. S. standards for grades — 7363

Production and Marketing Administration—Continued — Page
Rules and regulations—Con.
Sugar, allotment quotas; Puerto Rico, 1952 — 7366

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
Title 3	
Chapter II (Executive orders):	
10383	7361
10384	7361
Title 6	
Chapter IV:	
Part 601	7363
Part 619	7363
Title 7	
Chapter I:	
Part 53	7363
Chapter VIII:	
Part 814	7366
Chapter IX:	
Part 925 (proposed)	7372
Title 9	
Chapter I:	
Part 76	7367
Title 32A	
Chapter III (OPS):	
CPR 4	7367
Chapter VI (NPA):	
M–24	7368
M–45, Sched. 5	7368
Title 43	
Chapter I:	
Part 295	7368
Title 47	
Chapter I:	
Part 7	7369
Part 8	7369
Part 14	7369
Title 49	
Chapter I:	
Part 95 (3 documents)	7371
Title 50	
Chapter I:	
Part 7	7371
Part 9	7371

the Hilo Airport, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Halai" being 1217.00 feet North and 15508.53 feet East, as shown on Government Survey Registered Map 2540, and running by azimuths measured clockwise from True South:

1. 360° 00′ 599.74 feet along the west side of a 50-foot road;
2. 90° 00′ 1282.50 feet along the Hawaii National Guard Rifle Range (Governor's Executive Order 286);
3. 172° 55′ 160.75 feet along Hilo Airport;
4. 220° 45′ 581.09 feet along same;
5. 270° 00′ 923.01 feet along same to the point of beginning; containing an area of 15.98 acres.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 11, 1952.

[F. R. Doc. 52–8996; Filed, Aug. 12, 1952; 10:26 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supp. 1, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulation issued by Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3693, 4103, 4834, 5785, and 6069, and containing the specific requirements for the 1952-crop wheat price support program is hereby amended as follows:

1. Section 601.1708 (a) (2) is amended by changing certain states in the four areas so that the amended subparagraph (2) reads as follows:

§ 601.1708 *Determination of support rates.* • • •

(a) *Support rates at designated terminal markets.* • • •

(2) (i) When shipped by rail or water and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(ii) For wheat received by truck and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal located in—	*Amount of deduction (cents per bushel)*
Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington	12½
Area II: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin	12½
Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior	13
Area IV: All States not listed in Area I, II, and III above	14

2. Section 601.1708 (b) (1) is amended to include a provision with respect to wheat shipped at other than the domestic interstate freight rate so that the amended subparagraph (1) reads as follows:

§ 601.1708 *Determination of support rates.* • • •

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such wheat to the point of storage: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 7th day of August 1952.

[SEAL] W. E. UNDERHILL,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52–8938; Filed, Aug. 12, 1952; 8:55 a. m.]

PART 619—FRUITS AND BERRIES, CANNED

SUBPART—CANNED CONCENTRATED ORANGE JUICE PURCHASE PROGRAM TMP 41a

§ 619.2 *Canned Concentrated Orange Juice, Program TMP 41a.* In order to encourage the domestic consumption of oranges by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Production and Marketing Administration will offer to purchase canned concentrated orange juice from United States processors on the offer and acceptance basis and will accept offers to the extent that industry marketing needs warrant, subject to limitations imposed by the capacity of available outlets to utilize supplies without waste and by the amount of funds available for such purchases. Specifications of the purchase will be contained in announcements which will be issued by the Fruit and Vegetable Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C., during the period August 4, 1952, to and including August 30, 1952.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 7th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52–8904; Filed, Aug. 12, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

ESTABLISHMENT OF OFFICIAL U. S. STANDARDS FOR GRADES OF CERTAIN PORK CARCASSES AND CERTAIN SWINE

On October 6, 1951, a notice of rule making was published in the FEDERAL REGISTER (16 F. R. 10217) regarding the establishment of official United States standards for grades of barrow and gilt carcasses and official United States standards for grades of slaughter barrows and gilts under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), and the item for marketing services contained in the Department of Agriculture Appropriation Act.

After due consideration of all relevant material submitted pursuant to the notice and under said sections 203 and 205 of the Agricultural Marketing Act of 1946 and the item for marketing services contained in the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong.) official United States standards for grades of barrow and gilt carcasses and official United States standards for grades of slaughter barrows and gilts are hereby established, to appear in Part 53, as follows:

PORK CARCASSES

Sec.
53.140 Bases for pork carcass standards.
53.141 Pork carcass classes.
53.142 Application of standards for grades of barrow and gilt carcasses.
53.143 Specifications for official United States standards for grades of barrow and gilt carcasses.

SWINE

53.150 Bases for swine standards.
53.151 Slaughter swine classes.
53.152 Application of standards for grades of slaughter barrows and gilts.
53.153 Specifications for official United States standards for grades of slaughter barrows and gilts.

AUTHORITY: §§ 53.140 to 53.153 issued under sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624. Interpret or apply sec. 203, 60 Stat. 1087; 7 U. S. C. 1622.

PORK CARCASSES

§ 53.140 *Bases for pork carcass standards.* The standards for pork carcasses developed by the United States Department of Agriculture, provide for segregation according to (a) class, as determined by the apparent sex condition of the animal at the time of slaughter, and (b) grade, which reflects quality of pork and the relative proportion of lean cuts to fat cuts in the carcass.

§ 53.141 *Pork carcass classes.* The five classes of pork carcasses, comparable to the same five classes of slaughter hogs, are barrow, gilt, sow, stag, and boar carcasses.

§ 53.142 *Application of standards for grades of barrow and gilt carcasses.* (a) Differences in barrow and gilt carcasses due to sex condition are minor, and the grade standards are equally applicable for grading both classes.

(b) Barrow and gilt carcasses are graded primarily on the basis of (1) differences in yields of lean cuts and of fat cuts, and (2) differences in quality of cuts. These factors vary rather uniformly and consistently from one grade to another. The Choice grade includes carcasses which are firm and have indications of adequate marbling, or fat interspersed within the lean, to produce the acceptable palatability of Choice grade pork. Quality of the trimmed lean cuts is similar in all Choice grade carcasses, but divisions of the grade reflect the decreased ratio of lean cuts to fat cuts in carcasses with increased degrees of finish in excess of the minimum required for the Choice grade. Medium grade carcasses are underfinished and produce Medium grade pork, in which the lean and fat are slightly soft and the lean has little or no marbling. The Cull grade includes those carcasses which are decidedly underfinished, resulting in typical Cull grade pork with soft, watery lean and no visible marbling. Only carcasses with firmness appropriate to the degree of finish are included under the standards described in this part. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with these standards provided they are specially identified as soft or oily along with the grade.

(c) Measurements of average back fat thickness in relation to carcass weight or length are closely related to yield of cuts and the quality of the cuts. The following table of measurements provides an objective guide in determining the barrow and gilt carcass grades.

WEIGHT AND MEASUREMENT GUIDES TO GRADES FOR BARROW AND GILT CARCASSES

[Average back fat thickness (inches) [1]]

Carcass weight or carcass length [2]	Grade				
	Choice No. 1	Choice No. 2	Choice No. 3	Medium	Cull
Under 120 pounds or under 27 inches	1.4 to 1.7	1.7 to 2.0	2.0 or more	1.0 to 1.4	Less than 1.0.
120 to 164 pounds or 27 to 29.9 inches	1.5 to 1.8	1.8 to 2.1	2.1 or more	1.1 to 1.5	Less than 1.1.
165 to 209 pounds or 30 to 32.9 inches	1.6 to 1.9	1.9 to 2.2	2.2 or more	1.2 to 1.6	Less than 1.2.
210 or more pounds or 33 or more inches	1.7 to 2.0	2.0 to 2.3	2.3 or more	1.3 to 1.7	Less than 1.3.

[1] Average of measurements made opposite the first and last ribs and last lumbar vertebra.
[2] Either carcass weight or length may be used with back fat thickness as a reliable guide to grade. The table shows the normal length range for given weights. In extreme cases where the use of length with back fat thickness indicates a different grade than by using weight, final grade is determined subjectively as provided in paragraph (d) of this section. Carcass weight is based on a chilled, packer style carcass. Carcass length is measured from the forward point of the aitch bone to the forward edge of the first rib.

(d) The standards for grades of barrow and gilt carcasses include carcass measurements and descriptions of the characteristics of carcasses which indicate the lean and fat yields and imply the quality of meat typical of the minimum degree of finish of each grade. Visual estimates of fat thickness normally alleviate the necessity for measuring carcasses. In addition to the measurement guides to grade differences, the standards also provide the basis for consideration of other characteristics. While carcass measurements furnish a reliable general guide to pork quality, for borderline carcasses between Choice and Medium and between Medium and Cull grades, the final grade of the carcass may vary from that indicated by carcass measurements because of other visual evidences of quality. Similarly, within the Choice grade, the determination of the division of the grade, i. e., Choice No. 1, Choice No. 2, or Choice No. 3, may include, in addition to consideration of carcass measurements, a consideration of such characteristics as length in relation to weight, conformation of hams, loins, bellies, and shoulders, and uniformity of width, depth, and fat covering. However, application of these additional factors is limited to borderline carcasses, and in no case may the final grade division be more than one-half of the width of a grade division different than that indicated by carcass measurements. The standards describe carcasses typical of each grade or major grade division, and no attempt is made to describe the nearly limitless number of combinations of characteristics that may qualify a carcass for a particular grade or division thereof.

§ 53.143 *Specifications for official United States standards for grades of barrow and gilt carcasses*—(a) *Choice grade*—(1) *Choice No. 1.* (i) Carcasses in this grade division have near the minimum degree of finish required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is slightly high. Carcasses possessing the minimum finish for Choice No. 1 tend to be moderately wide and long in relation to weight. The back and loins are moderately full and thick with a uniformly full, well-rounded appearance. Hams are usually moderately thick, plump, and smooth, and are slightly full in the lower part toward the hocks. Bellies are moderately long, smooth, slightly thick, and moderately uniform in thickness; the belly pocket is slightly thick. Shoulders are full-fleshed but usually blend smoothly into the sides. The carcass is moderately well-balanced and smooth. There are moderate quantities of interior fats in the region of the pelvis, a slightly thin but fairly extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

(ii) Carcasses with other characteristics typical of the thinner one-half of Choice No. 1, but with the firmness, belly thickness, and quantity and distribution of interior fats typical of that in the Medium grade shall be graded Medium.

(2) *Choice No. 2.* Carcasses in this grade division have a higher degree of finish than the minimum required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is slightly low; yield of fat cuts is correspondingly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish for Choice No. 2 tend to be wide and slightly short in relation to weight. The back and loins are full and thick and appear fuller near the edges than at the center. Hams are usually thick, plump, and smooth, and are moderately full in the lower part toward the hocks. Bellies are thick, smooth, slightly short, and rather uniform in thickness; the belly pocket is moderately thick and full but blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are slightly large quantities of interior fats in the region of the pelvis, a slightly thick and moderately extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

(3) *Choice No. 3.* Carcasses in this grade division have a decidedly higher degree of finish than the minimum required for the production of Choice grade cuts. Meatiness based on yield of lean cuts in relation to carcass weight is low; yield of fat cuts is correspondingly high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish for Choice No. 3 tend to be very wide and short in relation to weight. The back and loins are very full and thick and appear especially full near the edges. Hams are usually thick, very plump, and smooth, and are full in the lower part toward the hocks. Bellies are very thick, smooth, short, and uniform in thickness; the belly pocket is thick. Shoulders are thickly-fleshed but blend smoothly into the sides. The carcass is well-balanced and smooth with uniform development of the various parts. There are large quantities of interior fats in the region of the pelvis, a moderately thick and nearly complete layer of fat lining the inside surface of the ribs, and moderately abundant feathering. The flesh is firm. Both exterior and interior fats are firm, white, and of excellent quality.

(b) *Medium grade.* Carcasses in this grade have a slightly lower degree of finish than the minimum required for the production of Choice grade cuts. Yield of lean cuts in relation to carcass weight is moderately high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is slightly low. Carcasses with the minimum finish required for the Medium grade tend to be narrow and long in relation to weight. The back and loins are slightly thin, deficient in fullness, and appear to slope away from the center toward the sides. Hams are usually slightly thin, lacking in plumpness, and taper slightly toward the hocks. Bellies are long, slightly thin and wrinkled, and moderately uneven in thickness; the belly pocket is slightly thin. Shoulders are slightly thin and flat, but often show prominence at the junction with the sides. The carcass tends to be uneven and rough with slightly irregular development of the various parts. There are slightly small quantities of interior fats in the region of the pelvis, a scanty and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. Both exterior and interior fats are moderately soft, white to creamy white, and of slightly low quality. The flesh is moderately soft and has little evidence of marbling. Carcasses with other characteristics typical of the fatter one-half of the Medium grade but with the firmness, belly thickness, and quantity and distribution of interior fats comparable to that of the Choice No. 1 shall be graded Choice No. 1. Carcasses with other characteristics typical of the thinner one-half of the Medium grade shall be graded Cull when quality indications are comparable to those of the Cull grade.

(c) *Cull grade.* Carcasses in this grade have a considerably lower degree of finish than the minimum required for the production of Choice grade cuts, and most cuts are suitable only for processing. Yield of lean cuts in relation to carcass weight is high; yield of fat cuts is correspondingly low. The ratio of total lean and fat to bone is low. Carcasses with typical Cull grade finish are narrow and long in relation to weight. The back and loins are thin and decidedly lacking in fullness with a definite slope away from the center toward the sides. Hams are thin, flat, and wrinkled, and show a definite taper toward the hocks. Bellies are very long, thin and wrinkled, and very uneven in thickness; the belly pocket is very thin. Shoulders are thin and flat but prominent at the junction with the sides. The carcass is uneven and rough with irregular development of the various parts. There are small quantities of interior fats in the region of the pelvis and little or no fat in the area of the inside surface of the ribs. Both exterior and interior fats are soft, creamy white to white, and of very low quality. The flesh is soft and watery and has no evidence of marbling. Carcasses with other characteristics typical of nearly maximum degree of finish for the Cull grade, but with the firmness, belly thickness, and quantity and distribution of interior fats comparable to that of the Medium grade shall be graded Medium.

SWINE

§ 53.150 *Bases for swine standards.* The market standards for swine developed by the United States Department of Agriculture provide for segregation according to (a) intended use, as slaughter or feeder and stocker animals, (b) class, as determined by sex condition, and (c) grade, or degree of excellence and suitability for a particular purpose.

§ 53.151 *Slaughter swine classes.* There are five classes of slaughter swine—barrows, gilts, sows, stags, and boars—defined as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a female swine that has not produced young and has not reached an evident stage of pregnancy.

(c) *Sow.* A sow is a female swine that shows evidence of having reproduced or has reached an evident stage of pregnancy.

(d) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar.

(e) *Boar.* A boar is an uncastrated male swine.

§ 53.152 *Application of standards for grades of slaughter barrows and gilts.* (a) In the barrow and gilt classes, sex condition has exerted little effect on secondary physical characteristics, and barrows and gilts are treated as a single class in marketing and for standardization purposes. Therefore, the grade standards in § 53.153 are equally applicable to both slaughter barrows and gilts.

(b) The standards are based on the standards for grades of barrow and gilt carcasses. The two major factors forming the basis for the grades are (1) differences in yield of lean cuts and of fat cuts, and (2) differences in quality of cuts. There are rather consistent variations in these characteristics from one grade of barrows and gilts to another. The grade standards identify the hogs which produce pork of each of the three grades—Choice, Medium, and Cull. Choice grade barrows and gilts have at least the minimum finish required to produce Choice grade pork cuts in which the lean is firm and has sufficient marbling, or fat interspersed within the lean, to result in the tenderness, juiciness, and flavor associated with acceptable palatability. Hogs of Choice grade produce comparable quality lean cuts, but may differ widely in the degree of fatness. Hence, this grade is further divided into three segments—No. 1, No. 2, and No. 3—to reflect the decreased yields of lean cuts and increased yields of fat cuts as finish exceeds the minimum required for the Choice grade. Medium grade barrows and gilts are slightly to moderately underfinished and have higher ratios of lean to fat than Choice grade hogs, but they produce Medium grade pork cuts in which the lean is slightly soft and has little or no marbling. Cull grade hogs are decidedly underfinished resulting in higher lean to fat ratios than in any other grade, but they produce Cull grade pork cuts which are soft and watery and have no visible marbling in the lean.

(c) Application of the standards requires an accurate appraisal of the live animal characteristics which indicate the grade. The standards describe the characteristics of typical animals having the minimum degree of finish for each grade. No attempt is made to describe the numerous combinations of characteristics that may indicate the qualifications for a specific grade, and making appropriate compensations for varying combinations requires the use of sound judgment.

(d) The general limits of grades for barrows and gilts are determined by degree of finish, but other factors are considered in certain cases to accomplish further refinement of the grades. Animals at the borderlines between the divisions of the Choice grade with respect to degree of finish are graded by consideration of length in relation to weight and other body proportions, conformation of hams, loins, bellies, and shoulders, and uniformity of width, depth, and fat covering of the animal. The application of these compensating factors is limited primarily to borderline cases within the Choice grade, and the final grade division of an animal is in no case more than one-half the width of a grade division different than that indicated by apparent degree of finish.

§ 53.153 *Specifications for official United States standards for grades of slaughter barrows and gilts*—(a) *Choice grade*—(1) *Choice No. 1.* Slaughter barrows and gilts of this division of Choice grade have an intermediate degree of finish as indicated by body proportions and other evidences of fatness. Hogs of the minimum finish for Choice No. 1 tend to be moderately wide over the top, and width of body over the top appears nearly equal to that at the underline. The back, from side to side, is moderately full and thick and usually appears well-rounded and blends smoothly into the sides. Width through the hams is usually nearly equal to that through the shoulders. The sides appear moderately long and thick and are usually smooth; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams tend to be moderately thick and full with a slightly thick covering of fat. Jowls are usually trim but moderately full and thick. Barrows and gilts in this grade division produce Choice No. 1 carcasses.

(2) *Choice No. 2.* Slaughter barrows and gilts of this grade division have a high degree of finish as indicated by body proportions and other evidences of fatness. Hogs of the minimum finish for Choice No. 2 tend to be wide over the top, and width of body appears slightly greater over the top than at the underline. The back, from side to side, is full and thick and often appears slightly flat with a noticeable break into the sides. Width may be slightly greater through the shoulders than

Recent Subparts B and C in Part

The allotments as revised herein give

(b) The Secretary of Agriculture hav-

Done at Washington, D. C., this 7th

through the hams. The sides appear slightly short, thick, and smooth; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to that at the fore flank. Hams tend to be thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears short. Barrows and gilts in this grade division produce Choice No. 2 carcasses.

(3) *Choice No. 3.* Slaughter barrows and gilts of this grade division have a very high degree of finish as indicated by body proportions and other evidences of fatness. Hogs possessing the minimum finish for Choice No. 3 tend to be very wide over the top, and width of body appears somewhat greater over the top than at the underline. The back, from side to side, is very full and thick and often appears nearly flat with a pronounced break into the sides. Width may be greater through the shoulders than through the hams. The sides appear short, thick, and smooth; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams tend to be very thick and full with a thick covering of fat, especially over the lower part. Jowls are very thick and full, and the neck appears very short. Barrows and gilts in this grade division produce Choice No. 3 carcasses.

(b) *Medium grade.* Slaughter barrows and gilts of this grade have a slightly low degree of finish as indicated by body proportions and other evidences of fatness. Hogs possessing the minimum finish for the grade tend to be narrow over the top, and width over the top appears slightly less than that at the underline. The back, from side to side, is slightly thin and appears peaked at the center, especially at and immediately behind the shoulders, with a distinct slope toward the sides. Hips may appear slightly prominent. Width may be slightly less through the shoulders than through the hams. The sides appear long and slightly thin and wrinkled, with thin flanks. Depth at the rear flank is less than that at the fore flank. Hams tend to be thin and flat with a slight taper toward the shanks. Jowls are usually slightly thin and flat, and the neck appears rather long. Barrows and gilts in this grade produce Medium grade carcasses.

(c) *Cull grade.* Slaughter barrows and gilts of this grade are decidedly lacking in finish. Hogs with the fleshing typical of the grade are narrow over the top, and width of body appears somewhat less over the top than at the underline. The back, from side to side, is thin, lacks fullness, and appears peaked at the center with a decided slope toward the sides. Hips are prominent. Width may be somewhat less through the shoulders than through the hams. The sides appear very long, thin, and wrinkled, and the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are very thin and flat with a decided taper toward the shanks. Jowls are usually very thin and flat, and the neck appears very long. Barrows and gilts in this grade produce Cull grade carcasses.

Present Subparts B and C in Part 53, Title 7, Code of Federal Regulations, are consolidated into one subpart designated as "Subpart B—Standards."

This order shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8939; Filed, Aug. 12, 1952; 8:56 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.7, Amdt. 3]

PART 814—ALLOTMENT OF SUGAR QUOTAS

PUERTO RICO, 1952

Basis and purpose. This amendment is issued under section 205 (a) of the Sugar Act of 1948 (hereinafter called the "act") for the purpose of revising § 814.7 (17 F. R. 2477; 17 F. R. 6759; 17 F. R. 7008) which allots the 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1952 sugar quota for local consumption in Puerto Rico among persons (1) whose Puerto Rican raw sugar is brought into the continental United States or who transfer such sugar for further processing and shipment to the continental United States as direct-consumption sugar, and (2) who market sugar for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to respectively as "local quota" and "local allotments."

The allotments established by the initial order and Amendments 1 and 2 were based in part upon estimates of production of sugar from the 1951–52 crop by each allottee and to guard against the possibility of a processor exceeding its final allotment, only 80 percent of each quota was allotted.

Each allottee under § 814.7 agreed to waive its right to a public hearing prior to the issuance of a revised order based upon the same allotment formula as the initial order but using final 1951–52 crop production data in place of the estimated data used in the initial order.

Actual production data are now available and this amendment provides for the substitution of the actual data. A similar agreement was made to provide for revisions to take account of changes in quotas without further hearings. Amendment 1 to Part 812 (14 F. R. 3257) increased the quota for local consumption in Puerto Rico from 100,000 to 110,000 short tons, raw value.

The allotments as revised herein give effect to the final production data and the increase in local quota and make available to the allottees the full amount of both quotas. However, they are determined by the use of the same formula as that utilized in determining the initial allotments.

Since a number of allottees have already marketed their previous allotments, they are precluded from marketing additional quantities of sugar until this amendment becomes effective. It is imperative, therefore, that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraphs (a) and (c) (1) of § 814.7 are hereby amended in the following manner:

1. Paragraph (a) of § 814.7 is amended to read as follows:

§ 814.7 *Allotments of 1952 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1952 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 955,155 short tons of sugar, raw value, and the 1952 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment	Local allotment
	(1)	(2)
Antonio Roig, Sucesores, S. en C.	21,971	23,290
Arturo Lluberas (estate of) y Sobrinos (San Francisco)	4,016	1,376
Asociacion Azucarera Cooperativa (Lafayette)	28,984	699
Central Aguirre Sugar Co., a trust	99,920	1,284
Central Coloso, Inc	49,079	801
Central Eureka, Inc	30,388	1,456
Central Guanajuibo, Inc	8,853	1,200
Central Igualdad, Inc	21,714	17,692
Central Juanita, Inc	20,043	2,808
Central Mercedita, Inc	48,927	17,902
Central Monserrate, Inc	22,431	1,387
Central San Jose, Inc	17,806	22
Central San Vicente, Inc	49,639	2,024
Compania Azucarera del Carmay, Inc. (Rio Llano)	14,194	92
Compania Azucarera del Tea	20,929	5
Cooperativa Azucarera Los Canos	32,483	97
Corporacion Azucarera Saint & Subira (Constancia Ponce)	9,917	1,553
Eastern Sugar Associates, a trust	103,083	16,122
Fajardo Sugar Co	106,702	106
Land Authority of Puerto Rico	61,962	9
Mario Mercado e Hijos (Rufina)	27,722	1,529
Mayaguez Sugar Company, Inc. (Rochelaise)	9,337	181
Plata Sugar Co	42,856	552
Soller Sugar Co	11,240	11
Southern Porto Rico Sugar Co. of Puerto Rico	74,799	17,111
Total quotas	955,155	110,000

[1] Includes Central Victoria.

2. Paragraph (c) (1) of § 814.7 is amended to read as follows:

(c) *Restrictions on marketing.* (1) Each processor named in paragraph (a) of this section, together with the producers with whom it shares its allotments under paragraph (b) of this section, is hereby prohibited from bringing into the continental United States for consumption therein, or marketing for that purpose, or from marketing for local consumption in Puerto Rico, any sugar in excess of the allotments established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926, 7 U. S. C. Sup., 1115)

Done at Washington, D. C., this 8th day of August 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8941; Filed, Aug. 12, 1952; 8:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 9]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

Jefferson and Mobile counties in Alabama;
The State of California;
Cook county in Illinois;
Woodbury county in Iowa;
Geary and Wyandotte counties in Kansas;
Buchanan, Clinton and Green counties, and Kaw township in Jackson county, in Missouri;
Douglas county, Platte township in Dodge county, Alda township in Hall county, and Gilmore and Richland townships in Sarpy county, in Nebraska;
Burlington, Gloucester, Hudson, and Ocean counties in New Jersey;
New York county in New York;
Multnomah county in Oregon;
Minnehaha county in South Dakota; and
King county in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union counties in New Jersey.

Effective date. This amendment shall become effective upon issuance.

This amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, all of Cook county, Illinois, and Gilmore and Richland townships in Sarpy county, Nebraska. Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76 as amended (17 F. R. 7070) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

The amendment excludes from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established Gila county in Arizona; Fulton county in Georgia; Lake county in Illinois; Pocahontas county in Iowa; Sedgwick county in Kansas; Howell county and Jackson county except Kaw township in Missouri; Box Butte, Saunders, and Washington counties, and Dodge county except Platte township, and Hall county except Alda township in Nebraska; Franklin county in Ohio; Marion county in Oregon; Spokane county in Washington; and Laramie county in Wyoming, and further excludes from the quarantined area Atchison, Doniphan, Johnson, and Leavenworth counties in Kansas, and Clay and Platte counties in Missouri. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76 as amended (17 F. R. 7070) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123)

Done at Washington, D. C., this 7th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-8907; Filed, Aug. 12, 1952; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 4, Amdt. 4]

CPR 4—ANTHRACITE DELIVERED FROM MINE OR PREPARATION PLANT

ADJUSTMENTS ON CERTAIN SIZES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 4 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases ceiling prices of certain industrial sizes of Pennsylvania anthracite by 75 cents per net ton f. o. b. mines. These increases apply only to No. 1 Buckwheat, Rice, Barley, and Buckwheat No. 4 and smaller sizes, all of which represent about 45 percent of total sales of anthracite.

Members of the Industry Advisory Committee requested this increase and contended that it was justified under the industry earnings standard. In order to qualify for a price increase under that standard, an industry must show that its current earnings are less than 85 percent of the industry's average earnings during the three best years during the 1946–1949 period. The Office of Price Stabilization has made a study of the anthracite industry, on the basis of which it appears that the requested price increase is justified under the earnings standard.

The larger or domestic sizes of anthracite are used mostly for home heating by consumers in New England, New York, Pennsylvania, Delaware, Maryland, and the District of Columbia. Industrial users account for most of the sales of the smaller sizes, which are used primarily for the production of electricity in power plants and as metallurgical coals.

When CPR 4 was issued it granted certain increases on the larger sizes of anthracite greater than those granted on industrial sizes. Thus, in following the recommendation of the Industry Advisory Committee that the present price increases be uniformly applied to the industrial sizes rather than on the domestic consumer sizes, OPS is not only minimizing the impact on the cost of living, it is also bringing ceiling prices on the commercial sizes into a more customary relationship with the ceiling prices on the domestic sizes.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting of the Industry Advisory Committee for Anthracite, and separate

conferences with several producers of anthracite.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In the judgment of the Director of Price Stabilization this amendment is generally fair and equitable and is necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950.

AMENDATORY PROVISIONS

1. The ceiling prices in Appendix A, provision 1, are amended by an increase of 75-cents per net ton on commercial sizes so that provision 1 of Appendix A will read as follows:

1. The following ceiling prices, subject to the exceptions set forth in this regulation, are established for anthracite f. o. b. mine:

	Per net ton		Per net ton
Broken	$14.20	Buckwheat	$8.75
Egg coal	14.45	Rice	7.15
Stove	14.70	Barley	5.85
Chestnut	14.60	Buckwheat No. 4 and smaller	4.85
Pea	11.40		

2. The ceiling prices for "sub-standard" anthracite in Appendix A, provision 3, are amended by an increase of 75 cents per net ton on commercial sizes so that provision 3 of Appendix A will read as follows:

3. The ceiling prices for anthracite (including anthracite for which a ceiling price has been established by any special order issued under this regulation, or otherwise), which does not meet the quality standards and price specifications set forth in Appendix B hereof, shall be the applicable ceiling price set forth below:

	Per net ton		Per net ton
Broken	$13.05	Buckwheat	$8.05
Egg coal	13.30	Rice	6.55
Stove C	13.55	Barley	5.35
Chestnut	13.45	Buckwheat No. 4 and smaller	4.45
Pea	10.40		

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment 4 to CPR 4 shall become effective August 12, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 12, 1952.

[F. R. Doc. 52-9002; Filed, Aug. 12, 1952; 4:00 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-24, Amendment 1 of August 12, 1952]

M-24—TIN PLATE AND TERNEPLATE

PERMITTED USES

This amendment to NPA Order M-24 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-24, as amended March 4, 1952, is hereby further amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Permitted uses.* Subject to the exceptions provided in sections 4 and 5 of this order, tin plate, terneplate, reconditioned tin plate, and reconditioned terneplate may be used only for the items or purposes set forth in Schedule A of this order, and only in accordance with the limitations, restrictions, and conditions specified in Schedule A with respect to the particular item or purpose for which such plate is to be used.

2. Section 4 is amended to read as follows:

SEC. 4. *Additional permitted uses.* (a) Any person may use specification production plate, terneplate, reconditioned tin plate, reconditioned terneplate, or menders for any purpose, except in the manufacture of any item or in any process set forth in Schedule B of this order, if his total annual consumption of such plate does not exceed 100 base boxes.

(b) Any person may use mill accumulation plate, unassorted temper tin plate, unmended menders, waste-waste, or other coated secondaries without regard to the restrictions and limitations of this order, but such use shall be subject to all restrictions and limitations imposed by any other order or regulation of NPA.

3. Item 33 of Schedule A is amended by deleting the figure "10" in column (3) and by inserting the figure "20" in its stead, so that item 33 (with column headings as indicated below) will read as follows:

Permitted use (1)	Permitted material (2)	Maximum permitted coating of tin or terne metal (per single base box) (3)
33. Roofing, fire doors, gutters, downspouts, and fittings for same; roof flashings, exterior louvres, and exterior shutters, where such flashings, louvres, and shutters are to be soldered and painted.	Roofing ternes	20 pounds per base box

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8998; Filed, Aug. 12, 1952; 10:41 a. m.]

[NPA Order M-45, Schedule 5, Revocation]

M-45—ALLOCATION OF CHEMICALS AND ALLIED PRODUCTS

SCHED. 5—POLYETHYLENE

REVOCATION

Schedule 5 (16 F. R. 4465) to NPA Order M-45 is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under Schedule 5 to NPA Order M-45, nor deprive any person of any rights received or accrued under that schedule prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect August 12, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-8999; Filed, Aug. 12, 1952; 10:42 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1830]

PART 295—WITHDRAWALS AND RESTORATIONS

The following center heading and sections are added at the end of Part 295:

WITHDRAWAL OR RESERVATION OF LANDS FOR THE USE OF FEDERAL OR STATE AGENCIES

Sec.
295.9 Application by Federal or State agency.
295.10 Segregative effect of application by Federal or State agency.
295.11 Action on application by Federal or State agency.

AUTHORITY: §§ 295.9 to 295.11 issued under R. S. 161, 2478; 5 U. S. C. 22, 43 U. S. C. 1201. Interpret or apply E. O. 10355, May 26, 1952, 17 F. R. 4831.

§ 295.9 *Application by Federal or State agency.* (a) Except where the matter is classified for national security reasons, the head of any Federal or State agency (or an officer designated by him) desiring lands owned or controlled by the United States to be withdrawn or reserved under the authority of Executive Order 10355 (May 26, 1952, 17 F. R. 4831) for the use of the agency shall file an application for such withdrawal or reservation with the manager of the land office for the area in which the lands are situated, or, if there is no land office for the area, with the Director of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

(b) A classified application for the withdrawal or reservation of lands pursuant to Executive Order 10355 shall be submitted to the Secretary of the Interior, Washington 25, D. C.

(c) An application for the withdrawal or reservation of lands pursuant to Executive Order 10355 for the use of a Federal or State agency shall contain the following information:

(1) Name of the agency for which the withdrawal or reservation is desired.

(2) Description and acreage of the lands desired, describing the lands in terms of the public land surveys or, if unsurveyed, by metes and bounds, with the approximate area. A metes and bounds description should be connected by course and distance with some corner of the public land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, or other prominent topographical points or natural objects or monuments.

(3) Purpose of the requested withdrawal or reservation (if the purpose is classified for security reasons, so state).

(4) A statement showing the agency's need for all the land requested.

(5) A statement indicating whether the withdrawal or reservation should preclude the following activities on the affected lands: (i) Grazing, (ii) mineral leases, and (iii) mining locations.

(6) Citation of statutory authority under which the withdrawal or reservation may be made.

§ 295.10 *Segregative effect of application by Federal or State agency.* (a) The recording in the serial register and the noting on the official plats and in the tract books maintained by the land office for the area, or by the Bureau of Land Management if there is no land office for the area, of information indicating that an application for the withdrawal or reservation of lands has been received from a Federal or State agency shall temporarily segregate such lands from settlement, location, sale, selection, entry, lease, and other forms of disposal under the public land laws, including the mining and the mineral leasing laws, to the extent that the withdrawal or reservation applied for, if effected, would prevent such forms of disposal. To that extent, action on all prior applications the allowance of which is discretionary, and on all subsequent applications, respecting such lands will be suspended until final action on the application for withdrawal or reservation has been taken. Such temporary segregation shall not affect the administrative jurisdiction over the segregated lands.

(b) An application may be amended at any time by the applicant agency so as to eliminate therefrom lands no longer desired for withdrawal or reservation. The noting upon the proper public records of information regarding such amendment shall relieve the lands so eliminated of the segregative effect of the agency's application; and any suspended applications from other persons for the eliminated lands may be processed without regard to the agency's application.

(c) An amendment of an agency's application so as to include additional lands shall have as to such lands the segregative effect provided for in paragraph (a) of this section from the date of the entry of information regarding the receipt of such request on the records mentioned in paragraph (a) of this section. Such an amendment will be given the serial number of the original application, and it will be processed either as a part of that application or separately, as the facts may warrant.

§ 295.11 *Action on application by Federal or State agency.* (a) The Secretary of the Interior (or his delegate) may, in his discretion and if the public interest seems to require it, afford members of the public an opportunity to object to an application by a Federal or State agency for the withdrawal or reservation of lands. Notice of such opportunity (Form 4-1493[1]) shall be published in the FEDERAL REGISTER and shall fix the time and place for the filing of written objections or for an oral hearing, as may be determined by the Secretary (or his delegate).

(b) If the Secretary of the Interior (or his delegate) denies an agency's application in whole or in part, a Notice of Determination on Form 4-1194[1] will be issued. Upon publication of the Notice of Determination in the FEDERAL REGISTER, the affected lands will no longer be subject to the segregative effect of the agency's application; and any suspended applications from other persons for such lands may be processed as the facts warrant.

(c) If the Secretary (or his delegate) determines that the withdrawal or reservation requested by a Federal or State agency should be made, in whole or in part, he will issue a public land order to that effect, for publication in the FEDERAL REGISTER. Appropriate action will thereupon be taken on all suspended applications from other persons for the affected lands.

NOTE: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 7, 1952.

[F. R. Doc. 52-8900; Filed, Aug. 12, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10231]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

ASSIGNMENT OF FREQUENCIES

In the matter of amendment of Parts 7, 8, and 14 of the Commission's rules concerning assignment of frequencies in the bands 14–150 kc, 150–200 kc, and 200–535 kc, and amendment of the rules concerning the assignment of frequencies between 10 kc and 25,000 kc to coast stations using telegraphy; Docket No. 10231.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration a proposal to amend Parts 7, 8, and 14 of the Commission's rules to terminate the availability of certain frequencies for use by coast and ship stations, to make new frequencies available to such stations in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) and to amend Part 7 of the Commission's rules so as to provide that in addition to the frequencies listed in the rules, other frequencies in the bands allocated for coast stations using telegraphy may be available for assignment to such stations;

It appearing, that notice of proposed rule making setting forth the proposed new rules and amendments was adopted by the Commission on July 10, 1952, and was published in the FEDERAL REGISTER, which notice provided that interested parties might file statements or briefs with respect to the said amendments on or before July 21, 1952, and replies to said original statements or briefs within five days from the date for filing original comments and briefs; and

It further appearing, that no statements or briefs with respect to the proposed new rules and amendments have been filed; and

It further appearing, that the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) provides for the implementation of the band 14–150 kc by August 15, 1952, and it is therefore necessary that these amendments to the rules be made effective as of that date; and

It further appearing, that these amendments are issued under the authority of sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective August 15, 1952, Parts 7, 8, and 14 of the Commission's rules are amended as set forth below.

(Sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION.
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 7.104 (a) is amended as follows:

a. Subparagraph (1), change the phrase "365 to 515 kc" to read "405 to 535 kc."

b. Subparagraph (1) (i) change the phrase "365 to 515 kc" to read "405 to 535 kc."

c. Subparagraph (1) (ii) change the band "365 to 515 kc" to read "405 to 535 kc."

2. Section 7.188 is amended as follows:

a. In each paragraph (a) and (b) change the phrase "365 to 515 kc" to read "405 to 535 kc."

b. Paragraph (c) change the phrase "100 to 160 kc" to read "90 to 160 kc."

3. Section 7.206 (a) is amended by deleting the following frequencies in kilocycles together with footnotes 4

[1] Filed as part of the original document.

and 5 from the assignable frequencies listed therein immediately following the sentence beginning "Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency * * *":

*105	135	171	418
*107	136	173	420
*109	137	174	422
*110	138	176	425
111	139	177	430
112	140	178	432
114	141	179	436
116	145	180	438
117	146	181	442
118	147	182	448
119	148	183	452
120	149	184	454
121	150	186	*460
123	161	187	462
124	162	188	466
125	163	189	472
126	164	191	474
127	165	193	476
129	166	392	478
130	167	394	482
131	168	406	484
133	169	408	
134	170	410	

and by revising the table following the sentence "Each of the following frequencies is available for assignment to coast stations located within the general portion of the seacoast area of the continental United States as indicated below" to read as follows:

North Atlantic: 112.85, 124.05, 146.80, 130.35, 147.50, 132.10, 22407, 134.55, 22485, 137.00, 22503, 418, 22521, 436, 22599, 442, 22617, 460,[1] 472, 476, 482.
South Atlantic: 137.70, 434, 464, 472, 488, 22431, 22503, 22569.
Central Atlantic: 482.
North Pacific: 482, 22539.
South Pacific: 418, 464, 22413, 22467.
Central Pacific: 128.15, 22425, 147.85, 22479, 436, 22515, 460,[1] 22557, 476, 22635, 488.
Great Lakes: 482.
Gulf of Mexico: 139.80, 416, 420, 434, 438, 478, 484, 22431, 22467, 22569.

and by revising the sentence immediately following the foregoing table now reading "The following frequency is available for assignment to coast stations located within the Territory of Hawaii: 22509 kc." to read as follows:

The following frequencies are available for assignment to coast stations located in Puerto Rico and within the Territory of Hawaii:

Territory of Hawaii: 472 kc—Kahuku, T. H.; 22,509 kc—any location within T. H.
Puerto Rico: 486 kc—Ensenada; 128.95 kc—Ensenada.

4. Section 7.206 (a) (7) is amended to read as follows:

(7) In addition to the specific frequencies listed in paragraph (a) of this section, other frequencies within bands between 10 kc and 25,000 kc shown in the Commission's Table of Frequency Allocations contained in § 2.104 (a) of the rules as being allocated for use by coast stations using telegraphy may be assigned to such coast stations: *Provided, however,* That initial authorizations for such frequencies shall be limited to six months duration.

5. Section 7.206 (b) is amended as follows:

a. Delete subparagraphs (1) and (6).

b. Modify subparagraph (2) by deleting the reference therein to 448 kc, 452 kc, 454 kc and 462 kc.

6. Section 7.207 (a) is amended by modifying the reference therein to "365 to 515 kc" to read "405 to 535 kc."

7. Section 7.207 (b) is amended by modifying each reference to the phrase "100 to 160 kc" to read "90 to 160 kc."

8. Section 7.208 (d) is amended as follows:

a. In subparagraph (1) change the phrase "110 to 194 kc" to "110 to 150 kc."

b. In subparagraph (2) change the phrase "385 to 485 kc" to "415 to 490 kc."

9. Section 7.211 (a) (2) is amended by changing the phrase "365 to 515 kc" to read "405 to 535 kc."

10. Section 8.105 is amended as follows:

a. In paragraph (a) change the phrase "365 kc to 515 kc" to read "405 kc to 535 kc."

b. In paragraph (b) change the phrase "100 kc to 160 kc" to read "90 kc to 160 kc."

11. Section 8.201 is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

12. Section 8.221 is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

13. Section 8.222 is amended by changing the phrase "100 to 160 kc" to read "90 to 160 kc."

14. Section 8.321 (a) is amended as follows:

a. Delete the following frequencies from those set forth therein:

160 355 375 394 400

b. Insert in proper numerical order the following frequency and phrase:

448 (Region 2 only)

c. Delete footnote designator 1 following frequency "480".

15. Section 8.321 (b) is amended as follows:

a. Subparagraph (1) is modified by changing the last sentence to read: "Effective November 1, 1952, the use by ship stations of the radio channel of which 355 kc is the assigned frequency shall be discontinued."

b. Subparagraph (2) is amended to read as follows:

(2) In addition to the transmission of specific signals for purposes of radiolocation, the radio channel of which 410 kc is the assigned frequency may be used for communication by radiotelegraphy with direction finding stations in connection with established international operating procedure, relative to radiolocation by means of direction finding. The radio channel of which 375 kc is the assigned frequency, however, may be used for this purpose in lieu of 410 kc until not later than 3:00 a. m., e. s. t., November 1, 1952.

c. Subparagraph (3) is amended by deleting the frequencies 394 kc, 400 kc, and 410 kc.

d. Subparagraph (4) is deleted.

16. Section 8.322 (a) is amended by changing the phrase "365 to 515 kc" to read "405 to 535 kc."

17. Section 8.323 is amended as follows:

a. Paragraph (a) is amended by changing the phrase "365 and 515 kc" to read "405 and 535 kc."

b. Paragraph (b) is amended by changing the phrase "100 to 160 kc" in each of two places therein to read "90 to 160 kc."

18. Section 8.324 (b) is amended by revising this paragraph to read as follows:

(b) Ship and aircraft stations using telegraph and working on frequencies within the band 415 to 490 kc shall use whenever practicable, an authorized working frequency of which 425, 448, 454, 468 or 480 kc is the assigned frequency. The frequency 448 kc may be used in Region 2 only.

19. Section 8.324 (f) is amended as follows:

a. In subparagraph (1) change the phrase "110 to 184 kc" to read "110 to 150 kc."

b. In subparagraph (2) change the phrase "385 to 485 kc" to read "415 to 490 kc."

20. Section 8.327 (a) (2) is amended by changing the phrase "365–515 kc" to read "405–535 kc."

21. Section 8.330 is amended as follows:

a. In paragraph (a) (1) change the phrase "100 to 515 kc" to read "90 to 535 kc."

b. In paragraph (b) change the phrase "100 to 515 kc" to read "90 to 535 kc."

22. Section 8.403 is amended by modifying the first sentence to read as follows: "*Provided* * * *, That equipment may be operated (outside the territorial waters of a foreign country) on such radio-channels within the band 285–325 kc (285–315 Mc only in Region 1) as may be expressly authorized in each case by the Commission under authority of the ship station license, with A1 or A2 emission and a maximum plate input power of 30 watts, provided that interference shall not be caused by such operation to any maritime radionavigation service."

23. Sections 14.11, 14.12 and 14.13 are deleted.

24. A new § 14.10 is added to read as follows:

§ 14.10 *Frequencies for communication from non-Government to Government and between non-Government stations.* The following frequency is allocated for communication from non-Government to Government stations, and between non-Government stations using A1 emission, maximum authorized transmitter power 650 watts:

149.60 kc

a. Section 14.33 (a) is amended to read as follows:

"(a) *Calling and working.* 416 and 438 kc, A1, A2 emission, maximum authorized transmitter power 265 watts.

[F. R. Doc. 52-8906; Filed, Aug. 12, 1952; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 884, Amdt. 5]

PART 95—CAR SERVICE

MOVEMENT OF IRON ORE RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August A. D. 1952.

Upon further consideration of Service Order No. 884 (17 F. R. 5193, 5466, 5953, 6559, 7125), and good cause appearing therefor: It is ordered, that:

Section 95.884 *Movement of iron ore restricted; appointment of agent,* of Service Order No. 884 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 6:59 a. m., August 25, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 7:00 a. m., August 11, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8935; Filed, Aug. 12, 1952; 8:54 a. m.]

[S. O. 885, Amdt. 5]

PART 95—CAR SERVICE

MOVEMENT OF IMPORT ORES RESTRICTED; APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D., 1952.

Upon further consideration of Service Order No. 885 (17 F. R. 5194, 5466, 5954, 6559, 7126), and good cause appearing therefor: It is ordered, that:

Section 95.885 *Movement of import ores restricted; appointment of agent,* of Service Order No. 885 be, and it is hereby further amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* This section shall expire at 6:59 a. m., August 25, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 7:00 a. m., August 11, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8936; Filed, Aug. 12, 1952; 8:55 a. m.]

[S. O. 889]

PART 95—CAR SERVICE

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of August, A. D., 1952.

It appearing, that upon representations of the Defense Transport Administration there is a critical shortage of railroad freight cars suitable for the transportation of lumber and/or lumber products; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of the opinion that an emergency requiring immediate action exists in the States of Oregon and Washington: It is ordered, that:

§ 95.889 *Railroad freight cars to be stopped to complete loading.*—(a) *Movement of cars loaded with lumber or lumber products.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car, which car is loaded with lumber, and/or lumber products, in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the lumber, and/or lumber products loaded in the car at the first loading point equals or exceeds fifty percent of the marked capacity of the car used.

(b) *Application.* The provisions of this section shall apply to intrastate and foreign commerce as well as interstate commerce.

(c) *Regulations suspended; announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(d) *Effective date.* This section shall become effective at 12:01 a. m., August 12, 1952.

(e) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8937; Filed, Aug. 12, 1952; 8:55 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 7—NONMIGRATORY SPECIES

PART 9—IMPORTATION OF FOREIGN WILD ANIMALS, AND WILD BIRDS AND THEIR EGGS

PROHIBITED SPECIES AND EXCEPTIONS; COMPLIANCE WITH OTHER REGULATIONS

Basis and purpose. The provisions of 18 U. S. C. Supp. IV, 42, which prohibit the importation into the United States, or any Territory or district thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, and the starling, also prohibit the importation of such other birds and animals as the Secretary of the Interior may declare to be injurious to the interests of agriculture or horticulture. The provisions of 19 U. S. C. 1201, paragraph 1671, are directly related in that they prohibit the importation of the eggs of wild birds, except those of game birds, for propagating purposes.

On June 11, 1952, the public was invited to participate in the preparation of amended regulations governing the importation of foreign wild animals, and wild birds and their eggs, by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before June 26, 1952 (17 F. R. 5326). Careful consideration has been given to the views, data, and arguments received, and it has been determined that the following prohibitions against the importation of certain foreign wild animals, and wild birds and their eggs should be promulgated.

1. Section 7.11 *Importation of certain game bird eggs* is repealed.

2. The following regulation, as §§ 9.1 and 9.2, constituting a new part, are adopted:

Sec.
9.1 Prohibited species and exceptions.
9.2 Compliance with other regulations.

AUTHORITY: §§ 9.1 and 9.2 issued under par. 1671, 46 Stat. 677; 19 U. S. C. 1201, par. 1671. Interpret or apply sec. 1, 62 Stat. 687, as amended; 18 U. S. C. Sup. 42.

§ 9.1 *Prohibited species and exceptions.* In accordance with the provisions of 18 U. S. C. Supp. IV, 42 which prohibit the importation into the United States, or any Territory or district thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, "and such other birds and animals as the Secretary of the Interior may declare to be injurious to the interests of agriculture or horticulture," and the provisions of 19 U. S. C. 1201, paragraph 1671, which prohibit the importation of the eggs of wild birds except those of game birds for propagating purposes, I have determined and hereby declare that in addition to those named in the statutes the following also are subject to the prohibitions against importation:

(a) Mynahs and starlings of the genera Acridotheres and Sturnus, family Sturnidae, except those for exhibition in zoological parks.

(b) All other wild birds and their eggs except:

(1) Game birds and their eggs for propagation and stocking purposes, and for exhibition in zoological parks.

(2) Non-game birds which are to be confined in cages or otherwise, and for exhibition in zoological parks.

(c) European rabbit, Lepus cuniculus, and European hare Lepus europaeus, except that such animals may be permitted entry for fur farming and other agricultural purposes, if such animals are to be kept in confinement.

(d) With respect to any importations permitted under the exceptions in paragraphs (a), (b), and (c) of this section, the importer thereof must file with the Collector of Customs an affidavit to the effect that the birds or their eggs, or the European rabbits and hares are to be used for propagation purposes, confined to cages, exhibited in zoological parks, or used for fur farming and other agricultural purposes, as the case may be.

(e) None of the provisions of paragraphs (a), (b), and (c) of this section, shall apply to migratory birds or their eggs the importation of which is governed by regulations in Part 6 of this subchapter or to the importations of natural history specimens, dead or alive, for museums or scientific collections in accordance with the provisions of 18 U. S. C. Supp. IV, 42.

§ 9.2 *Compliance with other regulations.* Any importation permitted by § 9.1 is also subject to any applicable health, quarantine, agriculture, customs, or other requirements imposed by law or by regulations of duly authorized Federal, Territorial, or State agencies and municipalities.

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 7, 1952.

[F. R. Doc. 52-8899; Filed, Aug. 12, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 925]

HANDLING OF MILK IN THE PUGET SOUND, WASH., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, which was issued July 21, 1952 (17 F. R. 6777), is hereby extended to August 23, 1952.

Dated: August 8, 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-8940; Filed, Aug. 12, 1952; 8:56 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. E-6448]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

AUGUST 7, 1952.

Take notice that on August 4, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware, and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of 350,000 shares of Common Stock, par value $1 per share, to be issued on or about October 8, 1952. Applicant seeks an exemption from the Commission's competitive bidding requirements with respect to the proposed Stock issue; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 27th day of August 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8916; Filed, Aug. 12, 1952; 8:50 a. m.]

[Docket Nos. G-1813, G-1937]

INDIANA GAS & WATER CO., INC., AND PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF CONTINUANCE OF HEARING

AUGUST 7, 1952.

Upon consideration of the motion filed August 6, 1952, by Commission Staff Counsel, for postponement of the hearing now scheduled to commence August 11, 1952, in the above-designated matters;

Notice is hereby given that the hearing in the above-designated matters be and it is hereby continued to September 15, 1952, at 10:00 a. m., in the Commission Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8917; Filed, Aug. 12, 1952; 8:51 a. m.]

[Docket Nos. G-1175, G-1261, G-1448, G-1658, G-1787, G-1850, G-1893, G-1901, G-1905, G-1911, G-1931, G-1936, G-1943, G-1952]

ATLANTIC SEABOARD CORP. ET AL.

NOTICE OF ORDER SEVERING PROCEEDING AND DISMISSING APPLICATION FOR WANT OF JURISDICTION

AUGUST 7, 1952.

In the matters of Atlantic Seaboard Corporation, Docket Nos. G-1175, G-1850; Virginia Gas Transmission Corporation, Docket No. G-1261; Shenandoah Gas Company, Docket No. G-1448; Peterstown Gas Co., Inc., Docket No. G-1658; The Ohio Fuel Gas Company, Docket Nos. G-1787, G-1911, G-1931, G-1936, and G-1943; Manufacturers Light and Heat Company, Natural Gas Company of West Virginia, and Home Gas Company, Docket No. G-1893; Rockland Light and Power Company, Docket No. G-1901; Central Kentucky Natural Gas Company, Docket No. G-1905; United Fuel Gas Company, Docket No. G-1952.

Notice is hereby given that on August 6, 1952, the Federal Power Commission issued its order entered July 31, 1952, in the above-entitled matters, severing the proceeding involving the application of Peterstown Gas Co., Inc., Docket No. G-1658, from the above-entitled consolidated proceedings, and dismissing said application in Docket No. G-1658 for want of jurisdiction.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8918; Filed, Aug. 12, 1952; 8:51 a. m.]

[Docket No. G-1946]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

On April 22, 1952, Hope Natural Gas Company (Applicant), a West Virginia corporation, having its principal place of business at Clarksburg, West Virginia, filed an application, as supplemented on June 23, 1952, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 7, 1952 (17 F. R. 4227).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on August 22, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (b) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8902; Filed, Aug. 12, 1952; 8:46 a. m.]

[Docket No. G-1986]

GAS LATERAL CO.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

On June 30, 1952, Gas Lateral Company (Gas Lateral), an Illinois corporation having its principal place of business at 134 East Main Street, Decatur, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 4-inch gas pipeline, approximately 1.6 miles in length, extending from a point of connection with the natural-gas pipeline of Texas Illinois Natural Gas Pipeline Company (Texas Illinois) near Monticello, Illinois, to a point of connection with the distribution system to be constructed by Illinois Power Company (Illinois Power), Gas Lateral's parent company, in Monticello, Illinois.

By means of the proposed facilities, Gas Lateral proposes to transport natural gas from the pipeline of Texas Illinois to the facilities of Illinois Power for ultimate distribution by the latter in Monticello, Illinois.

On June 6, 1952, the Commission issued an order In the Matter of Texas Illinois Natural Gas Pipeline Company, Docket No. G-1875, issuing a certificate of public convenience and necessity to Texas Illinois authorizing, inter alia, the sale and delivery by Texas Illinois of a maximum volume of 575 Mcf of natural gas per day to Illinois Power for resale in Monticello, Illinois.

Due notice of the filing of said application has been given, including publication in the FEDERAL REGISTER on July 11, 1952 (17 F. R. 6234).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on August 25, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Date of issuance: August 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8915; Filed, Aug. 12, 1952; 8:50 a. m.]

[Docket No. G-1987]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

On June 30, 1952, Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, filed an application pursuant to section 7 (b) of the Natural Gas Act for approval and permission to abandon certain natural-gas facilities, subject to the jurisdiction of the Commission as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 17, 1952 (17 F. R. 6572).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on August 27, 1952, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing,

forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 7, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8903; Filed, Aug. 12, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte 55]

RULES OF PRACTICE

NOTICE OF PROPOSED REVISION

AUGUST 8, 1952.

The last revision of the rules of practice was made in September 1942, and changes in statutes administered by the Interstate Commerce Commission have occurred since then. Hence there is merit to the request of the Association of Interstate Commerce Commission Practitioners that consideration now be given to possible revision of the rules; and submission of proposed changes is invited on or before October 1, 1952. Each desired change should be briefly stated, preferably in rule form, be accompanied by a statement of the reason why it is proposed, and be submitted in triplicate.

Prior to the 1942 revision some of the interested associations circularized their memberships and thereafter submitted to the Commission a single document which consolidated and analyzed the proposals thus received, concluding with recommendations as to which proposals were deemed to have merit. As the advantages of such a submission method are readily apparent, it is desired that associations now follow a similar plan. Submissions from individuals are welcome.

After their filing with the Commission all proposed changes will receive preliminary consideration by the Commission's Committee on Legislation and Rules acting in collaboration with an appropriate committee of the Interstate Commerce Commission Practioners' Association. If the proposed rule changes emerging from such deliberations are of such importance as thus to merit, they will be made the subject of a proposed report to which exceptions may be filed, and oral argument requested.

Notice is being given to the public by depositing a copy hereof in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8904; Filed, Aug. 12, 1952; 8:51 a. m.]

[4th Sec. Application 27290]

SEATRAIN LINES RAIL-WATER CLASS RATES FROM AND TO THE SOUTH

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Seatrain Lines, Inc., for carriers parties to its tariff I. C. C. No. 84.

Involving: Class rates governed by Uniform Freight Classification.

Between: Edgewater, N. J., also points in trunk-line and New England territories, on the one hand, and points in Alabama, Georgia, and Tennessee, on the Central of Georgia Railway, on the other, over routes partly by rail and partly by water.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain rates differentially related to all-rail rates.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8908; Filed, Aug. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27291]

PIPE AND RELATED ARTICLES FROM OFFICIAL, SOUTHERN, WESTERN TRUNK-LINE, AND SOUTHWESTERN TERRITORIES TO TEXAS

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3982.

Commodities involved: Steel or wrought iron pipe and related articles, carloads.

From: Points in official, southern, western trunk-line, and southwestern territories.

To: Points in Texas.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3982, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8909; Filed, Aug. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27292]

ASPHALT FILLER FROM MURPHY, N. C., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company, for itself and on behalf of the Cincinnati, New Orleans and Texas Pacific Railway Company.

Commodities involved: Asphalt filler, viz: soapstone, pulverized, and tank tailings, pulverized, carloads.

From: Murphy, N. C.

To: East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 112.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8910; Filed, Aug. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27293]

PIPE FROM GALVESTON, HOUSTON, AND ORANGE, TEX., TO POINTS IN MISSOURI

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3957.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston, and Orange, Tex.

To: Anabel, Durham, Hunnewell, Macon, Maywood, and Shelbina, Mo.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 146.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8911; Filed, Aug. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27294]

ASPHALT FROM NORFOLK AND NEWPORT NEWS, VA., TO SELMA, N. C.

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for the Atlantic and Danville Railway Company, Chesapeake and Ohio Railway Company, and Southern Railway Company.

Commodities involved: Asphalt, in tank-car loads.

From: Norfolk and Newport News, Va.

To: Selma, N. C.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8912; Filed, Aug. 12, 1952; 8:49 a. m.]

[4th Sec. Application 27295]

CAUSTIC SODA FROM BATON ROUGE, NORTH BATON ROUGE, AND LAKE CHARLES, LA., TO POINTS IN VIRGINIA

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Caustic soda, in solution, in tank-car loads.

From: Baton Rouge, North Baton Rouge, and Lake Charles, La.

To: Ampthill, Deep Run Spur, and Hopewell, Va.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8913; Filed, Aug. 12, 1952; 8:50 a. m.]

[4th Sec. Application 27296]

GRAIN FROM POINTS IN ARKANSAS, ILLINOIS, MISSOURI, AND TENNESSEE TO TEXAS

APPLICATION FOR RELIEF

AUGUST 8, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3941.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Arkansas, Illinois, and Missouri, and Memphis, Tenn.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, Supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8914; Filed, Aug. 12, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18974]

AMBRICAN INVESTMENTS, LTD.

In re: Securities owned by and debts owing to Ambrican Investments, Ltd.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Heinrich Koppers, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That Beleggings-Societeit N. V., is a corporation, partnership, association or other business organization, organized under the laws of the Netherlands, whose principal place of business is located in Amsterdam, and is or, on or since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by, the aforesaid personal representatives, heirs, next of kin, legatees and distributees of Heinrich Koppers, deceased, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

3. That Ambrican Investment, Ltd., is a corporation, partnership, association or other business organization, organized under the laws of Canada, whose principal place of business is located in Toronto, Canada, and is or, since December 11, 1941, and prior to January 1, 1947, has been controlled by or a substantial part of the stock of which has been owned or controlled directly or indirectly by, the aforesaid Beleggings-Societeit N. V., Amsterdam, and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

4. That the property described as follows:

a. Two Thousand two hundred and fifty (2,250) shares of $10 par value capital stock of the Canadian Bank of Commerce, evidenced by certificate numbered 227 for 2,000 shares and certicate numbered 228 for 250 shares, said certificates registered in the name of Cobb & Company and presently in the custody of the New York Trust Company, 100 Broadway, New York 15, New York, in a blocked account maintained with the aforesaid company in the name of Ambrican Investments, Ltd., together with all declared and unpaid dividends,

b. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York 15, New York, arising out of a checking account in the name of Ambrican Investments, Ltd., maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York 15, New York, arising out of a foreign currency account in the name of Ambrican Investments, Ltd., maintained with the aforesaid company, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Ambrican Investments, Ltd., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

5. That Beleggings-Societeit N. V., and Ambrican Investments, Ltd., are, and prior to January 1, 1947, were acting for or on behalf of a designated enemy country (Germany) or persons within such country and are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

6. That the national interest of the United States requires that the persons referred to in subparagraph 1 and identified in subparagraphs 2 and 3 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8925; Filed, Aug. 12, 1952; 8:51 a. m.]

[Vesting Order 18975]

EMMA APPEL

In re: Bank account owned by Emma Appel. F-28-9138 & C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.); and pursuant to law, after investigation, it is hereby found:

1. That Emma Appel, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Plainfield Trust Company, Plainfield, New Jersey, arising out of funds received by Lena Brown as Executrix of Estate of Karl Funk, deceased, in behalf of Emma Appel, and being a portion of funds on deposit in an account entitled Lena Brown, Executrix of Estate of Karl Funk, deceased, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Emma Appel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8926; Filed, Aug. 12, 1952; 8:51 a. m.]

[Vesting Order 18976]

FRIEDA BACHMAN

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Frieda Bachman, deceased. F-28-13392 & C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Frieda Bachman, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the Plainfield Trust Company, Plainfield, New Jersey, arising out of funds received by Lena Brown as Executrix of Estate of Karl Funk, deceased, in behalf of Frieda Bachman, and being a portion of funds on deposit in an account entitled Lena Brown, Executrix of Estate of Karl Funk, deceased, maintained at the aforesaid bank, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Frieda Bachman, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8927; Filed, Aug. 12, 1952; 8:52 a. m.]

[Vesting Order 18921, Amdt.]

ADELA VON KNOBELSDORFF ET AL.

In re: Debts owing to and securities owned by Adela von Knobelsdorff also known as Adela Elise von Knobelsdorff, Viktor von Knobelsdorff and Victoria Louise von Braun.

Vesting Order 18921, dated June 26, 1952, is hereby amended as follows and not otherwise: By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 18921, the certificate numbers "4533" and "45322" set forth with regard to 2 and 30 shares, respectively, of stock of the Public Service Electric & Gas Co., and substituting therefor the certificate numbers "YO-45330" and "YO45332."

All other provisions of said Vesting Order 18921 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8931; Filed, Aug. 12, 1952; 8:53 a. m.]

COMPAGNIE DES FORGES ET ACIERIES DE LA MARINE ET D'HOMECOURT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Compagnie des Forges et Acieries de la Marine et d'Homecourt, Paris, France; Claim No. 41706; Property described in Vesting Order Nos. 666 (8 F. R. 5047, April 17, 1943), and 3976 (9 F. R. 10599, August 30, 1944), relating to United States Letters Patent and patent contract interests identified in Schedule A, attached hereto and made a part hereof.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

SCHEDULE A

PATENTS AND CONTRACT INTERESTS VESTED FROM COMPAGNIE DES FORGES ET ACIERIES DE LA MARINE ET D'HOMECOURT

I. An undivided one-half interest in the following:

Patent No.	Date issued	Inventor	Title	Vesting Order No.
1,569,922	1-19-26	Elie Granat	Electric Control System for all Movable Elements Operating by a Very Small Power and Chiefly for the Gyroscopic Compass.	666
1,571,592	2- 2-26	....do	Electric Distant Control System	666
1,604,121	12- 4-26	....do	Electric Distant Control Device	3976
1,697,976	1- 8-29	....do	Disconnecting and Reconnecting Device for Distant Control Arrangements.	3976
1,701,671	2-12-29	....do	Differential Electric Distant Control Device Comprising Static Transmitters.	3976
1,753,850	4- 8-30	Robert De Coursepilles	Loading Device for Semiautomatic Naval Guns	666
1,764,867	6-17-30	Elie Granat	Static Transmitter for Polyphase Distant Control Systems.	666
1,765,292	6-24-30	....do	Automatic Switch	666
1,788,670	1-13-31	....do	Distant Electric Control Device	666
1,800,282	5-24-32	....do	Equilibrated Turret for Machine Guns on Board Aeroplanes.	666
1,883,711	10-18-32	....do	Variable Speed Transmitter for Distant Control Devices	666
1,883,783	10-18-32	....do	Relay for Distant Control	666
1,899,905	2-28-33	....do	....do	666
1,962,070	6-5-34	....do	Ship's Log	666
2,071,889	2-23-37	....do	Distant Transmission of Angular Movements	666
2,138,121	11-29-38	....do	Distant Electric Control system	666
2,160,779	5-30-39	....do	Concordance Restoring System for Distant Control Means.	666
2,201,896	5-21-40	....do	Electric Variable Pitch Log	666
2,261,249	11-4-41	....do	Transmitting Station for Distant Control systems	666

II. The entire interest in the following:

1,665,176	4-3-28	Emile Limaillo	Arrangement Providing for the Aiming of an Artillery Carriage in all Directions.	666
1,613,720	1-11-27	....do	Traveling Lock for Gun Carriages	666
1,368,211	2-8-26	....do	Traveling Track Device with Pneumatic suspension	666

III. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all advances for breach of the agreement hereinafter described, together with the right to sue therefor) created in Compagnie des Forges et Acieries de La Marine et d'Homecourt by virtue of an agreement dated June 28, 1929 (including all modifications thereof and supplements thereto, if any) by and between Elie Granat and Compagnie des Forges et Acieries de La Marine et d'Homecourt and Westinghouse Electric & Manufacturing Company, which agreement relates, among other things, to Patent No. 1,701,671, to the extent owned by Compagnie des Forges et Acieres de La Marine et d'Homecourt immediately prior to the vesting thereof by Vesting Order No. 3976.

[F. R. Doc. 52-8932; Filed, Aug. 12, 1952; 8:53 a. m.]

[Vesting Order 18978]

CARL SCHMIDTKE

In re: Debt owing to Carl Schmidtke. F-28-31982.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Carl Schmidtke, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Weingarten & Company, 551 Fifth Avenue, New York 17, New York, arising out of an account maintained on the books of the aforesaid Weingarten & Company in the name of Carl Schmidtke, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on

account of, or owing to, or which is evidence of ownership or control by Carl Schmidtke, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8929; Filed, Aug. 12, 1952; 8:52 a. m.]

[Vesting Order 18979]

MARIE LOUISE WILLENBROCK

In re: Debt owing to Marie Louise Willenbrock. F-28-28496-D-1/2.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Marie Louise Willenbrock, who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the City Bank Farmers Trust Company, 22 William Street, New York 15, New York, arising out of accumulated distributions on Two (2) Declaration of Trust Certificates described in Vesting Order 16340, dated December 8, 1950, said distributions held by the said Company, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Marie Louise Willenbrock, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8930; Filed, Aug. 12, 1952; 8:53 a. m.]

[Vesting Order 18977]

ALFRED KUHMANN

In re: Debts owing to Alfred Kuhmann. F-28-2785.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Alfred Kuhmann, whose last known address is 4 Max Klinger Strasse, Dresden, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations of the Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, as Successor Trustee to The Mortgage Corporation of New York, evidenced by nine (9) checks, issued by The Mortgage Corporation of New York, as Trustee, dated, numbered and in the amounts as follows:

Dates and Check Nos.:	*Amounts*
Aug. 3, 1939, 53389	$13.64
Oct. 28, 1939, 77697	13.64
Jan. 31, 1940, 107849	13.51
Apr. 26, 1940, 133929	13.69
July 25, 1940, 163814	14.17
Sept. 3, 1940, 175708	4.80
Oct. 25, 1940, 192305	13.36
Jan. 30, 1941, 248047	12.62
Apr. 22, 1941, 274344	13.56

said checks issued to Alfred Kuhmann together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under the aforesaid checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Kuhmann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-8928; Filed, Aug. 12, 1952; 8:52 a. m.]

ELIE GRANAT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Elie Granat, Paris, France; Claim No. 41707; property described in Vesting Order Nos. 666 (8 F. R. 5047, April 17, 1943), and 3976 (9 F. R. 10599, August 30, 1944), relating to United States Letters Patent and patent contract interests identified in Schedule A, attached hereto and made a part hereof.

Executed at Washington, D. C., on August 6, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

SCHEDULE A

I. Patents vested from Elie Granat, inventor:

Patent No.	Date issued	Title	Extent of Interest	Vesting Order No.
1,559,922	1-19-26	Electric Control System for all Movable Elements Operating by a Very Small Power and Chiefly for the Gyroscopic Compass.	Undivided one-half	666
1,571,262	2-2-26	Electric Distant Control System	do	666
1,694,121	12-4-28	Electric Distant Control Device	do	3976
1,697,976	1-8-29	Disconnecting and Reconnecting Device for Distant Control Arrangements.	do	3976
1,701,671	2-12-29	Differential Electric Distant Control Device Comprising Static Transmitters.	do	3976
1,794,867	6-17-30	Static Transmitter for Polyphase Distant Control Systems	do	666
1,799,292	6-24-30	Automatic Switch	do	666
1,788,070	1-13-31	Distant Electric Control Device	do	666
1,890,282	5-24-32	Equilibrated Turret for Machine Guns on Board Aeroplanes	do	666
1,883,711	10-18-32	Variable Speed Transmitter for Distant Control Devices	do	666
1,883,783	10-18-32	Relay for Distant Control	do	666
1,906,905	5-2-33	do	do	666
1,952,070	6-5-34	Ship's Log	do	666
2,071,689	2-23-37	Distant Transmission of Angular Movements	do	666
2,138,421	11-29-38	Distant Electric Control System	do	666
2,160,779	5-30-39	Concordance Restoring System for Distant Control Means	do	666
2,201,896	5-21-40	Electric Variable Pitch Log	do	666
2,241,249	11-4-41	Transmitting Station for Distant Control Systems	do	666
1,642,438	9-13-27	Electric Transmission System	Entire	3976

II. Control interests vested from Elie Granat: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Elie Granat by virtue of an agreement dated June 28, 1929 (including all modifications thereof and supplements thereto, if any) by and between Elie Granat and Compagnie des Forges et Aciéries de La Marine et d'Homecourt and Westinghouse Electric & Manufacturing Co., which agreement relates, among other things, to Patent No. 1,701,671, to the extent owned by Elie Granat immediately prior to the vesting thereof by Vesting Order No. 3976.

[F. R. Doc. 52-8933; Filed, Aug. 12, 1952; 8:53 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 159

Washington, Thursday, August 14, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SUBPART C—OVERTIME, NIGHT, AND HOLIDAY PAY REGULATIONS

1. Paragraph (a) of § 25.222 is amended to read as follows:

§ 25.222 *Computation of overtime employment.* The computation of the amount of overtime employment of an officer or employee shall be subject to the following conditions:

(a) *Leave with pay.* Absence from duty on authorized leave with pay under the annual and sick leave act of October 30, 1951, as amended, during the time when an employee would otherwise have been required to be on duty during the basic workweek (including authorized absence on legal holidays, nonwork days established by Executive or administrative order, and days of compensatory time off provided for in §§ 25.212 and 25.221 (b)) shall be considered to be employment and shall not have the effect of reducing the amount of overtime compensation to which the employee may be entitled during an administrative workweek. Leave of absence with pay under the act cited shall not be charged for any absence which does not occur during the 40 hours prescribed as the basic workweek.

2. Section 25.232 is amended to read as follows:

§ 25.232 *Computation of night pay differential*—(a) *Absence on leave or holidays, or in travel status.* Payment of a night pay differential is not authorized during any period when the officer or employee is in a leave status or is excused from duty on a holiday or other nonworkday; but it is authorized for all night hours of the employee's regularly scheduled tour of duty while he is in official travel status, whether performing actual duty or not.

(b) *Relation to overtime and holiday pay.* Payment of a night pay differential shall be in addition to any extra overtime or holiday compensation paid in accordance with this subpart. The amount of the night pay differential which an employee earns for working during a night overtime period is not affected by whether the employee is paid in cash or granted compensatory time off for such overtime services. The night pay differential shall not be included in the rate of basic compensation in computing any overtime or holiday compensation to which the officer or employee may be entitled.

(c) *Temporary assignment to different tour of duty.* The payment of the night pay differential is authorized for night work performed when an employee is assigned temporarily to a regularly scheduled tour of duty other than his own regular tour of duty.

3. Section 25.241 is amended to read as follows:

§ 25.241 *Identification of holidays.* The following days shall be holidays:

(a) Subject to the provisions of paragraph (b) of this section, the 1st day of January; the 22d day of February; the 30th day of May; the 4th day of July; the first Monday in September; the 11th day of November; the fourth Thursday in November; the 25th day of December; and any day designated as a holiday by Federal statute or Executive order.

(b) Executive Order 10358 of June 9, 1952, defines "workday" for holiday purposes to mean those hours which comprise in sequence the employee's regular daily tour of duty within any 24-hour period, whether falling entirely within one calendar day or not, and provides that:

(1) Whenever a holiday falls on a Sunday, Federal offices and establishments shall be closed to public business on the following Monday.

(2) Any employee whose basic workweek does not include Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever a holiday falls on Sunday.

(3) Any employee whose basic workweek includes Sunday and who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek

(Continued on p. 7383)

CONTENTS

	Page
Agriculture Department	
See Production and Marketing Administration.	
Civil Aeronautics Administration	
Rules and regulations:	
Aeronautical fixed communications; assessment of fees	7385
Alterations:	
Designation of civil airways	7384
Designation of control areas, control zones, and reporting points	7384
Standard instrument approach procedure; use of radio ranges requiring flight check	7384
Civil Aeronautics Board	
Notices:	
Mid-Continent Airlines and Ozark Airlines; reopened north central route investigation case	7400
Civil Service Commission	
Rules and regulations:	
Pay regulations, Federal employees'; overtime, night, and holiday	7381
Coast Guard	
Delegation of authority to Commandant to make final determination in physical disability retirement cases (*see* Treasury Department).	
Defense Mobilization, Office of	
Rules and regulations:	
Employment of older workers in the Defense Program	7390
Economic Stabilization Agency	
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.	
Federal Civil Defense Administration	
Rules and regulations:	
Official Federal Civil Defense Administration seal	7390
Federal Power Commission	
Notices:	
Hearings, etc.:	
Bonneville Project	7402
Central Louisiana Electric Co. and Gulf Public Service Co., Inc	7402

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission—Continued — Page
Notices—Continued
Hearings, etc.—Continued
Northern Natural Gas Co. — 7402
Potomac Gas Co. — 7401
Southern California Gas Co. — 7401
Southern Natural Gas Co. — 7402
Tennessee Gas Transmission Co. — 7401
Texas Eastern Transmission Corp. and Mississippi River Fuel Corp. — 7401

Federal Power Commission—Continued — Page
Rules and regulations:
Applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act, as amended; operation, sales, service, construction, extension or acquisition for which a certificate is requested — 7385

Fish and Wildlife Service
Proposed rule making:
Wild bird feathers, importation — 7397
Rules and regulations:
Migratory birds and certain game mammals; amendatory provision — 7397

Housing and Home Finance Agency
Notices:
Special representatives of the Housing and Home Finance Administrator; delegation of authority to perform certain functions in connection with relaxation of housing credit controls in certain installations of the Atomic Energy Commission — 7401

Interior Department
See Fish and Wildlife Service; Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Merchandise in mixed carloads from Ashboro, N. C., to Chicago and East St. Louis, Ill., and St. Louis, Mo. — 7404
Newsprint paper from Ontario and Quebec, Canada, to Omaha, Nebr., and Hiawatha, Kans. — 7404

Land Management, Bureau of
Notices:
Nevada; filing of plat of resurvey and extension survey — 7399

National Production Authority
Notices:
Chandeysson Electric Co.; suspension order — 7400
Rules and regulations:
Steel industry, rescheduling of deliveries under NPA directives affected by work stoppage (NPA Reg. 2, Dir. 5) — 7395

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegation of authority to act:
Region I, Boston, Mass.; under:
CPR 13 — 7404
CPR 134 — 7403

Price Stabilization, Office of—Continued — Page
Notices—Continued
Directors of District Offices; redelegation of authority to act—Continued
Region V, Atlanta, Ga.; under CPR 134 — 7404
Territorial Director for Hawaii; redelegation of authority to act under CPR 72 — 7404
Rules and regulations:
Adjustments in ceiling prices of mixed fertilizers on basis of increased freight rates (GCPR, SR 114) — 7393
Manufacturers' general ceiling price regulation (CPR 22, SR 31) — 7391

Production and Marketing Administration
Proposed rule making:
Almonds grown in California, handling of; salable and surplus percentages — 7398
Expenses and rate of assessment for 1952–53 fiscal year:
Grapes, Tokay, grown in California — 7398
Peaches grown in Mesa County, Colo. — 7398
Rules and regulations:
Peaches grown in Mesa County, Colo.; regulation by grades and sizes — 7383

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas; North Dakota:
Hotels — 7396
Housing — 7396
Motor courts — 7396
Rooms — 7396

Salary Stabilization Board
Rules and regulations:
Authorized adjustments in salaries and other compensation under GSO 6, as amended — 7395

Securities and Exchange Commission
Notices:
Hearings, etc.:
Delaware Power & Light Co. and Eastern Shore Public Service Co. of Maryland (2 documents) — 7403
Philadelphia Co. — 7403

Treasury Department
Notices:
Commandant, U. S. Coast Guard; delegation of authority to make final determination in physical disability retirement cases — 7399

Veterans' Administration
Rules and regulations:
Life insurance, U. S. Government and National Service; cash value — 7396

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5	Page
Chapter I:	
Part 25	7381
Title 7	
Chapter IX:	
Part 909 (proposed)	7398
Part 940	7383
Proposed	7398
Part 951 (proposed)	7398
Title 14	
Chapter II:	
Part 600	7384
Part 601	7384
Part 609	7384
Part 612	7385
Title 18	
Chapter I:	
Part 157	7385
Title 32	
Chapter XVII:	
Part 1709	7390
Title 32A	
Chapter I (ODM):	
DMP 7	7390
Chapter III (OPS):	
CPR 22, SR 31	7391
GCPR, SR 114	7393
Chapter IV:	
Subchapter A (SSB):	
Int. 5	7395
Chapter VI (NPA):	
Reg. 2, Dir. 5	7395
Chapter XXI (ORS):	
RR 1	7396
RR 2	7396
RR 3	7396
RR 4	7396
Title 38	
Chapter I:	
Part 6	7396
Part 8	7396
Title 50	
Chapter I:	
Proposed	7397
Part 6	7397

whenever a holiday falls on a day that has been designated by the agency as his "regular" weekly non-workday in lieu of Sunday.

(4) Any employee who would ordinarily be excused from work on a holiday falling within his basic workweek shall be excused from work on the next workday of his basic workweek whenever the first Monday of September or the fourth Thursday of November, or any other holiday which always occurs on a specific day of the calendar week (other than Sunday), falls on a day outside the employee's regular basic workweek.

(5) Any employee whose workday covers portions of two calendar days and who would, except for this section, ordinarily be excused from work scheduled for the hours of any calendar day on which a holiday falls, shall instead be excused from work on his entire workday which commences on any such calendar day, or on a day treated as a holiday under subparagraphs (3) or (4) of this paragraph.

(c) In the case of employees whose regularly scheduled basic workweek includes both Sunday and Monday, either day, as determined by the head of the department, but not both days, shall be treated as a holiday when a holiday falls on Sunday. In the case of employees whose regularly scheduled basic workweek includes Sunday but not Monday, only Sunday shall be treated as a holiday when a holiday falls on Sunday.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52-9005; Filed, Aug. 13, 1952; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Peach Order 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

REGULATION BY GRADES AND SIZES

§ 940.304 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than August 14, 1952. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Administrative Committee until July 23, 1952; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on July 23, 1952, after consideration of all information then available relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department, and made available to growers and handlers; necessary supplemental information was not available to the Department until August 8, 1952; in order to effectuate the declared policy of the act, the regulation of peach shipments during the present fiscal year should, insofar as practicable, be applicable to all shipments of such peaches; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., m. s. t., August 14, 1952, and ending at 12:01 a. m., m. s. t., October 16, 1952, no handler shall ship:

(i) Any peaches which do not grade at least U. S. No. 1, or

(ii) Any peaches which are of a size smaller than 2 inches in diameter: *Provided*, That any lot of peaches shall be deemed to be of a size not smaller than 2 inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2 inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2 inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 78 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box.

(2) *Definitions.* As used in this section, "peaches," "handler," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order; "U. S. No. 1," "diameter," "count," and "standard pack" shall have the same meaning as when used in the United States Standards for Peaches (7 CFR 51.312); and "peach box" shall mean a box of the following inside dimensions: 4½–5" x 11½" x 16⅛".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9016; Filed, Aug. 13, 1952; 9:03 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 74]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 600 is amended as follows:

1. Section 600.602 *Blue civil airway No. 2 (Montgomery, Ala., to Erie, Pa.)* is amended by changing the first portion to read: "From the intersection of the north course of the Crestview, Fla., radio range and the southeast course of the Craig, Ala., AFB, radio range via the intersection of the southeast course of the Craig, Ala., AFB, radio range and the south course of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station;"

2. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by deleting "Iowa City omnirange 253° True" and by adding in lieu thereof "Iowa City omnirange 252° True".

3. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by deleting "Iowa City omnirange 253° True" and by adding in lieu thereof "Iowa City omnirange 252° True".

4. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Nashville, Tenn.)* is amended between the Ontario, Calif., omnirange station and the El Paso, Tex., omnirange station to read: "That airspace over United States territory from the Ontario, Calif., omnirange station via the intersection of the Ontario omnirange 91° True and the Blythe omnirange 288° True radials; Blythe, Calif., omnirange station to the Hassayampa, Ariz., omnirange station. From the Tucson, Ariz., omnirange station via the Cochise, Ariz., omnirange station; Columbus, N. Mex., omnirange station; El Paso, Tex., omnirange station, including a north alternate;"

5. Section 600.6039 is amended by changing the caption to read: *"VOR civil airway No. 39 (Gordonsville, Va., to Boston, Mass.)"*, and by adding the following last portion to read: "From the Gardner, Mass., omnirange station to the Boston, Mass., omnirange station."

6. Section 600.6097 *VOR civil airway No. 97 (Charleston, S. C., to Minneapolis, Minn.)* is amended between Lone Rock, Wis., omnirange station and Minneapolis, Minn., omnirange station to read: "Lone Rock, Wis., omnirange station, including a west alternate; LaCrosse, Wis., omnirange station to the Minneapolis, Minn., omnirange station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., August 19, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8986; Filed, Aug. 13, 1952; 8:54 a. m.]

[Amdt. 79]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest, and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1039 is amended to read:

§ 601.1039 *Control area extension (Portland, Oreg.).* All that airspace within a 20-mile radius of the Portland, Oreg., radio range station lying within the southeast, southwest and northwest quadrants of the radio range including that airspace within 5 miles either side of the Portland, Oreg., ILS localizer course extending from the Sauvies Island non-directional radio beacon to a point 15 miles northwest of the non-directional beacon, and within 5 miles either side of the west course of the Portland, Oreg., radio range to a point 30 miles west of the radio range station.

2. Section 601.1294 is added to read:

§ 601.1294 *Control area extension (Everett, Wash.).* All that airspace bounded on the north by a line 5 miles north of and parallel to the east course of the Everett, Wash., radio range, on the northeast by an arc of a circle 5 miles in radius centered on the intersection of the east course of the Everett, Wash., radio range and the northeast course of the Seattle, Wash., radio range, on the southeast by a line 5 miles southeast of and parallel to the northeast course of the Seattle, Wash., radio range, on the south by Green civil airway No. 2 and on the west by Amber civil airway No. 1.

3. Section 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended after "Palacios, Tex., radio range station;" by adding the following reporting point: "the intersection of the northeast course of the Galveston, Tex., radio range and the south course of the Beaumont, Tex., radio range;"

4. Section 601.4217 *Red civil airway No. 17 (St. Louis, Mo., to Baltimore, Md.)* is amended by deleting the following reporting point: "Martinsburg, W. Va., radio range station;"

5. Section 601.4261 is amended to read:

§ 601.4261 *Red civil airway No. 61 (Butler, Pa., to Washington, D. C.).* The intersection of the northwest course of the Arcola, Va., radio range and the west course of the Martinsburg, W. Va., radio range.

6. Section 601.6039 is amended to read:

§ 601.6039 *VOR civil airway No. 39 control areas (Gordonsville, Va., to Boston, Mass.).* All of VOR civil airway No. 39.

7. Section 601.6097 is amended to read:

§ 601.6097 *VOR civil airway No. 97 control areas (Charleston, S. C., to Minneapolis, Minn.).* All of VOR civil airway No. 97 including an east alternate and west alternates.

8. Section 601.7001 *VOR reporting points* is amended by adding the following reporting point: "Mt. Lola intersection: The intersection of the Reno, Nev., omnirange 268° True and the Sacramento, Calif., omnirange 40° True radials."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., August 19, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8987; Filed, Aug. 13, 1952; 8:54 a. m.]

[Amdt. 16]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURE

USE OF RADIO RANGES REQUIRING FLIGHT CHECK

The purpose of this amendment is to indicate that VHF radio ranges will be shut down when they are "ground checked only, awaiting flight check." The amendment of § 609.3 (d), published on December 22, 1951, in 16 F. R. 12865, provided that only the navigational feature of a VHF radio range would be shut down when the range had been ground checked only and was awaiting flight check. Transmission of the radio range identification was continued, and radio broadcasts and ground to air communication services remained operative. It developed that some pilots attempted to use these facilities for navigational guidance during the time the navigational feature was shut down and were misled by the indications they received. Complete shutdown of the radio range (consisting of the navigational, voice, and identification features) is therefore necessary.

This amendment is adopted to become effective when indicated in order to provide for the protection of air traffic. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and therefore is not required.

Section 609.3 (d) is amended to read:

§ 609.3 *Introduction.* • • •

(d) *Use of radio ranges requiring flight check.* When a flight check of a radio range is required, the following will apply:

(1) If the radio range is a very high frequency type (112.1 through 117.9 mcs) range, the entire radio range (consisting of the navigational, voice, and identification features) will be shut down. A NOTAM will be issued stating: "QAROS (meaning 'radio range out of service for an unknown duration'), ground checked only, awaiting flight check."

(2) If the radio range is a low frequency type (200 through 400 kcs) nonsimultaneous range, the navigational feature will be shut down, and no utilization for navigational purposes will be authorized. A NOTAM will be issued stating: "Ground checked only, awaiting flight check."

(3) If the radio range is a low frequency type (200 through 400 kcs) simultaneous range, it may be used as a homing facility only. A NOTAM will be issued stating: "Ground checked only, awaiting flight check."

(i) In addition, this type of radio range may be used as an ADF approach aid by scheduled air carriers, provided that their operations specifications authorize an ADF instrument approach to the airport concerned.

(ii) Irregular air carriers and other operators may use this type of radio range as an ADF instrument approach aid if an ADF procedure for the airport concerned is prescribed by the Administrator, or if an approach is conducted using the same course for an ADF track as that specified in the approved range procedure and with identical altitudes as used in the range approach.

This paragraph shall not apply in the Territory of Alaska, including the Aleutian Islands, or in the central and western Pacific islands under United States jurisdiction, including the Territory of Hawaii and the islands of Canton, Wake and Guam until further notice.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective September 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8988; Filed, Aug. 13, 1952; 8:54 a. m.]

[Amdt. 2]

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

ASSESSMENT OF FEES

This amendment reduces the rate for transmitting Category B messages, reduces the number of words in a message unit, and reduces the communications tax to be collected on national messages. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Section 612.3 is revised to read:

§ 612.3 *Assessment of fees.* No fee shall be assessed for the transmission of a message which is of a type or types specified in § 612.2 (a) (1) through (7) or (b). A separate fee shall be assessed for the transmission to each addressee of a message which contains, in whole or in part, matter related to any of that described in § 612.2 (a) (8) or (c).

Transmission of such a message to an addressee may in some cases consist of receipt of the message from a non-CAA communications station and the forwarding of that message without additional use of the CAA communications system. Only one fee per addressee shall be assessed regardless of the number of CAA communications stations through which the message may be sent. Each fee shall be computed on the basis of twenty-five cents for each ten words or portion thereof contained in the text and signature of the message. If delivery of the message involves refiling with a non-CAA communications facility, such refiling will be accomplished on a "Collect" basis at no additional cost to, or assumption of liability by, the CAA. Local telecommunications facilities required for the acceptance or delivery of messages will be provided by the user without expense to the CAA.

NOTE: The Internal Revenue Code provides that there shall be imposed on the amount paid within the states of the United States, the Territories of Alaska and Hawaii, and the District of Columbia, for each telegraph, cable, or radio dispatch or message, a tax equal to (a) fifteen percent of the amount so paid, or (b) ten percent of the amount so paid in the case of an international communication. (Sec. 3797 (a) (9), 53 Stat. 469, Sec. 3465 (a) (1) (B), 56 Stat. 975; 26 U. S. C. 3797, 3465)

(Sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. and Sup. 425, 1159. Interpret or apply secs. 301, 302, 52 Stat. 985, sec. 606, 56 Stat. 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606)

This amendment shall become effective September 1, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8958; Filed, Aug. 13, 1952; 8:49 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

Subchapter E—Regulations Under Natural Gas Act

[Docket No. R-120]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION OR ACQUISITION FOR WHICH A CERTIFICATE IS REQUESTED

JULY 28, 1952.

In the matter of Amendment of Part 157 of Subchapter E, Regulations Under Natural Gas Act, to prescribe requirements for form and filing of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act; Docket No. R-120.

In this proceeding the Commission has under consideration the amendment of Part 157, entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act as Amended" of Subchapter E, Regulations under Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations.

General public notice of the proposed rule-making in the above-entitled matter was given by publication of notice in the FEDERAL REGISTER on March 14, 1951 (16 F. R. 2400), and by mailing notices to interested persons, including natural-gas companies, and to State and Federal regulatory agencies. A supplemental notice of proposed rule-making was published in the FEDERAL REGISTER on May 14, 1952 (17 F. R. 4388), and similarly mailed to such interested persons.

In response to the original and supplemental notices numerous suggestions and comments were submitted by interested persons respecting the changes in the Commission's rules therein proposed. All such suggestions and comments have been carefully considered and, to the extent deemed pertinent and desirable, have been embodied in the amendments herein adopted.

The Commission finds:

(1) Adoption and promulgation of the proposed amendments, as revised, will effect needed changes in the requirements for form and filing of applications for certificates of public convenience under section 7 of the Natural Gas Act.

(2) The amendments as hereinafter adopted are necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7 and 16 thereof (52 Stat. 824, 830; 15 U. S. C. 717f and 717o), orders:

(A) Part 157, Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act as Amended, Subchapter E, Regulations Under Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, be and the same is hereby amended so that § 157.5 to 157.22 of Part 157 will read as set forth below.

(B) The new and amended rules and regulations herein prescribed be and they are hereby made effective on and after September 15, 1952.

(C) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT CONCERNING ANY OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION, OR ACQUISITION

Sec.
157.5 Purpose and intent of rules.
157.6 Applications; general requirements.
157.7 Abbreviated applications.
157.8 Acceptance for filing or rejection of applications.
157.9 Notice of application.
157.10 Protests and interventions.
157.11 Hearings.

Sec.
157.12 Dismissal of application.
157.13 Form of exhibits to be attached to applications.
157.14 Exhibits.
157.15 Requirements for applications covering acquisitions.
157.16 Exhibits relating to acquisitions.
157.17 Applications for temporary certificates in cases of emergency.
157.20 General conditions applicable to certificates.
157.22 Exemption of temporary acts and operations.

AUTHORITY: §§ 157.5 to 157.22 issued under sec. 16, 52 Stat. 830; 15 U. S. C. 717o. Interpret or apply sec. 7, 52 Stat. 824, as amended; 15 U. S. C. and Sup. 717f.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT CONCERNING ANY OPERATION, SALES, SERVICE, CONSTRUCTION, EXTENSION, OR ACQUISITION

§ 157.5 *Purpose and intent of rules.* (a) Applications under section 7 of the Natural Gas Act shall set forth all information necessary to advise the Commission fully concerning the operation, sales, service, construction, extension, or acquisition for which a certificate is requested. Some applications may relate to facilities which are additions to existing facilities or facilities of such character that an abbreviated application may be justified under the provisions of § 157.7. However, every applicant shall file all pertinent data and information necessary for a full and complete understanding of the proposed project as well as its effect upon applicant's present and future operations.

(b) Every requirement of this part shall be considered as a forthright obligation of the applicant which can only be avoided by a definite and positive showing that the information or data called for by the applicable rules is not necessary for the consideration and ultimate determination of the application.

(c) This part will be strictly applied to all applications as submitted and the burden of adequate presentation in intelligible form as well as justification for omitted data or information rests with the applicant.

§ 157.6 *Applications; general requirements*—(a) *Applicable rules.* Applications shall conform to the requirements of §§ 157.5 through 157.14, and other applicable requirements of the Commission's rules of practice and procedure, particularly §§ 1.5, 1.15, 1.16, and 1.17 of this chapter. Amendments to or withdrawals of applications shall conform to the requirements of § 1.11 of this chapter. If the application involves an acquisition of facilities, it shall conform to the additional requirements prescribed by §§ 157.15 and 157.16.

(b) *General content of application.* Each application filed shall set forth the following information:

(1) The exact legal name of applicant; its principal place of business; whether an individual, partnership, corporation, or otherwise; State under the laws of which organized or authorized; and the name, title, and mailing address of the person or persons to whom communications concerning the application are to be addressed.

(2) The facts relied upon by applicant to show that the proposed service, sale, operation, construction, extension, or acquisition is or will be required by the present or future public convenience and necessity.

(3) A concise description of applicant's existing operations.

(4) A concise description of the proposed service, sale, operation, construction, extension, or acquisition, including the proposed dates for the beginning and completion of construction, the commencement of operations and of acquisition, where involved.

(5) A full statement as to whether any other application to supplement or effectuate applicant's proposals must be or is to be filed by applicant, or any other person, with any other Federal, State, or other regulatory body; and if so, the nature and status of each such application.

(6) A table of contents which shall list all exhibits and documents filed in compliance with §§ 157.5 through 157.16, as well as all other documents and exhibits otherwise filed, identifying them by their appropriate titles and alphabetical letter designations: *Provided, however,* That alphabetical letter designations specified in §§ 157.14 and 157.16 must be strictly adhered to and extra exhibits submitted at the volition of applicant shall be designated in sequence under the letter X (X 1, X 2, X 3, etc.).

(c) *Requests for shortened procedure.* If shortened procedure is desired a request therefor shall be made in conformity with § 1.32 (b) of this chapter, and may be included in the application or filed separately.

§ 157.7 *Abbreviated applications.* When the operations, sales, service, construction, extensions, or acquisitions proposed by an application do not require all the data and information specified by §§ 157.5 through 157.16 to disclose fully the nature and extent of the proposed undertaking, an abbreviated application may be filed provided it contains all information and supporting data necessary to explain fully the proposed project, its economic justification, its effect upon applicant's present and future operations and upon the public proposed to be served, and is otherwise in conformity with the applicable requirements of §§ 157.5 through 157.16 regarding form, manner of presentation, and filing. Such an application shall (a) state that it is an abbreviated application; (b) specify which of the data and information required by §§ 157.5 through 157.16 are omitted; and (c) relate the facts relied upon to justify separately each such omission.

§ 157.8 *Acceptance for filing or rejection of applications.* Applications will be docketed when received and the applicant so advised. Any application which does not conform to the requirements of §§ 157.5 through 157.16 will be rejected by the Secretary as provided by § 1.14 of this chapter. All copies of a rejected application will be returned. An application which relates to an operation, sale, service, construction, extension, or acquisition, concerning which a prior application has been filed and rejected, shall be docketed as a new application. Such new application shall state the docket number of the prior rejected application.

§ 157.9 *Notice of application.* Notice of each application filed, except when rejected in accordance with § 157.8, will be published in the FEDERAL REGISTER and copies of such notice mailed to States affected thereby. Persons desiring to receive a copy of the notice of every application shall so advise the Secretary.

§ 157.10 *Protests and interventions.* Notices of applications, as provided by §157.9, will fix the time within which any person desiring to participate in the proceeding or to file a protest regarding the application, may file a petition to intervene or protest, and within which any interested regulatory agency, as provided by § 1.8 of this chapter, desiring to intervene may file its notice of intervention. Failure to make timely filing will constitute ground for denial of participation, in the absence of extraordinary circumstances for good cause shown. See §§ 1.7, 1.8, 1.10, and 1.37 (f) of this chapter. A copy of each application, supplement, and amendment thereto, except exhibits required by §§ 157.14 and 157.16, shall upon request be promptly supplied by the applicant to anyone who has filed a petition for leave to intervene or given notice of intervention. A person entitled to receive a copy of the application, as herein provided, shall be promptly supplied by applicant with a copy of such of the exhibits required by §§ 157.14 and 157.16 as such person shall specifically request.

§ 157.11 *Hearings*—(a) *General.* The Commission will schedule each application for public hearing at the earliest date possible giving due consideration to statutory requirements and other matters pending, with notice thereof as provided by § 1.19 (b) of this chapter: *Provided, however,* That when an application is filed less than fifteen days prior to the commencement of a hearing theretofore ordered on a pending application and seeks authority to serve some or all of the markets sought in such pending application or is otherwise competitive with such pending application, the Commission will not schedule the new application for hearing until it has rendered its final decision on such pending application, except when, on its own motion, or on appropriate application, it finds that the public interest requires otherwise.

(b) *Shortened procedure.* If no protest or petition to intervene raises an issue of substance, the Commission may upon request of the applicant dispose of an application in accordance with the provisions of § 1.32 (b) of this chapter.

§ 157.12 *Dismissal of application.* Except for good cause shown, failure of an applicant to go forward on the date set for hearing and present its full case in support of its application will constitute ground for the summary dismissal of the application and the termination of the proceedings.

§ 157.13 *Form of exhibits to be attached to applications.* Each exhibit attached to an application must conform to the following requirements:

(a) *General requirements.* Each exhibit shall contain a title page showing applicant's name, docket number (to be left blank), title of the exhibit, the proper letter designation of the exhibit, and, if of 10 or more pages, a table of contents, citing by page, section number or subdivision, the component elements or matters therein contained.

(b) *Reference to previous applications.* An application may refer to previous applications provided the docket number and the portions thereof referred to are specified with particularity and the exact page or exhibit numbers are stated, including the page numbers in any exhibit to which reference is made. No part of a rejected application may be incorporated by reference.

(c) *Interdependent applications.* When an application considered alone is incomplete and depends vitally upon information in another application, it will not be accepted for filing until the supporting application has been filed. When applications are interdependent, they shall be filed concurrently.

(d) *Measurement base and B. t. u. content.* All gas volumes shall be stated upon a uniform pressure of 14.73 psia, at 60° F. temperature, and shall also show the B. t. u. content by proper reference.

§ 157.14 *Exhibits*—(a) *To be attached to each application.* All exhibits specified shall accompany each application when tendered for filing.

(1) *Exhibit A—Articles of incorporation and bylaws.* If applicant is not an individual, a conformed copy of its articles of incorporation and bylaws, or other similar documents.

(2) *Exhibit B—State authorization.* For each State where applicant is authorized to do business, a statement showing the date of authorization, the scope of the business applicant is authorized to carry on and all limitations, if any, including expiration dates and renewal obligations. A conformed copy of applicant's authorization to do business in each State affected shall be supplied upon request.

(3) *Exhibit C—Company officials.* A list of the names and business addresses of applicant's officers and directors, or similar officials if applicant is not a corporation.

(4) *Exhibit D—Subsidiaries and affiliation.* If applicant or any of its officers or directors, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of any other person or organized group of persons engaged in production, transportation, distribution, or sale of natural gas, or of any person or organized group of persons engaged in the construction or financing of such enterprises or operations, a detailed explanation of each such relationship, including the percentage of voting strength represented by such ownership of securities. If any person or organized group of persons, directly or indirectly, owns, controls, or holds with power to vote, 10 percent or more of the outstanding voting securities of applicant—a detailed explanation of each such relationship.

(5) *Exhibit E—Corporate authorization.* A certified copy of the resolution or other instrument of the board of directors authorizing (i) the proposed project, and (ii) the filing of the application.

(6) *Exhibit F—Location of facilities.* A geographical map of suitable scale and detail showing, and appropriately differentiating between, all of the facilities proposed to be constructed or acquired and existing facilities of applicant, the operation or capacity of which will be directly affected by the proposed facilities, including:

(i) Location, length, and size of pipelines.

(ii) Location and size (rated horsepower) of compressor stations.

(iii) Location and designation of each point of connection of existing and proposed facilities with (a) main-line industrial customers, gas pipeline or distribution systems, showing towns and communities served and to be served at wholesale and retail, and (b) gas-producing and storage fields, or other sources of gas supply.

(7) *Exhibit G—Flow diagram showing daily design capacity and reflecting operation with proposed facilities added.* A flow diagram showing daily design capacity and reflecting operating conditions with proposed facilities and existing facilities in operation, including the following:

(i) Diameter, wall thickness, and length of pipe to be installed.

(ii) For each proposed new compressor station and existing station, the size, type and number of compressor units, horsepower required, horsepower to be installed, volume of gas to be used as fuel, suction and discharge pressures, and compression ratio.

(iii) Pressures and volumes of gas at the main-line inlet and outlet connections at each compressor station.

(iv) Pressures and volumes of gas at each intake and takeoff point and at the beginning and terminus of all proposed facilities.

(8) *Exhibit G–I—Flow diagram reflecting maximum capabilities.* If Exhibit G does not reflect the maximum deliveries of which applicant's existing and proposed facilities would be capable of achieving under most favorable operating conditions, without installation of any facilities in addition to those proposed in the application, include an additional diagram or diagrams to depict such maximum capabilities.

(9) *Exhibit G–II—Flow diagram data.* Exhibits G and G–I shall be accompanied by a statement of engineering design data in explanation and support of the diagrams and the proposed project, setting forth:

(i) Assumptions, bases, formulae, and methods used in the development and preparation of such diagrams and accompanying data.

(ii) A description of the pipe and fittings to be installed, specifying the diameter, wall thickness, yield point, ultimate tensile strength, method of fabrication, and methods of testing proposed.

(iii) When lines are looped, the length and size of the pipe in each loop.

(iv) Type, capacity, and location of each natural gas storage field or facility, and of each dehydration, desulphurization, natural gas liquefaction, hydrocarbon extraction, or other similar plant or facility directly attached to the applicant's system, indicating which of such plants are owned or operated by applicant, and which by others, giving their names and addresses.

(10) *Exhibit H—Total gas supply data.* A statement of the total gas supply committed to, controlled by, or possessed by applicant which is available to it for the acts and the services proposed, together with:

(i) The estimated total volume of proven reserves in place for each reservoir in each field from which applicant takes or proposes to take natural gas, giving names and location of fields (State, county, or parish).

(ii) The estimated total volumes of proven reserves available to applicant by fee or under lease, segregated by gas fields and reservoirs thereof, giving names and locations of fields (State, county, or parish).

(iii) The names and addresses of persons with whom applicant has gas purchase contracts, the effective dates and remaining terms in years of such contracts, and the estimated volumes of gas reserves applicant has available under each contract, segregated by gas fields and reservoirs thereof with names and locations of fields (State, county, or parish).

(iv) A deliverability study, showing the daily volumes of natural gas which can and are proposed to be obtained each year from each source of supply.

(v) A conformed copy of each gas purchase contract upon which applicant proposes to rely.

(vi) A legible and clearly lettered map or maps showing: The location of each gas field; the proven limits of each reservoir; acreage committed to applicant's project; volumes of gas which are or may be withdrawn from each reservoir under existing contracts and identity of pipeline companies or others receiving gas; and all pipelines and other facilities to be utilized to deliver gas to applicant's pipeline system, indicating ownership if other than by applicant. Information respecting different reservoirs in a gas field shall be shown on separate maps except when a single map will clearly show all required information without confusion.

(vii) A study of each proposed gas storage field showing: Location; geology; original and present reserves for each reservoir; original and present pressure of each reservoir; proposed top and base storage pressures; proposed top and base gas volumes to be stored; a deliverability study, including daily and annual injection and withdrawal rates and pressures; and maximum daily deliverability and maximum storage capacity under the proposed plan of development.

(11) *Exhibit I—Market data.* A system-wide estimate of the volumes of gas to be delivered during each of the first 3 full years of operation of the proposed facilities, and actual data of like import

for each of the 3 years next preceding the filing of the application, together with:

(i) Names and locations of customer companies and municipalities, showing the number of residential, commercial, firm industrial, interruptible industrial, residential space-heating, commercial space-heating, and other types of customers for each distribution system to be served at retail or wholesale; and the names and locations of each firm and interruptible direct industrial customer whose estimated consumption totals 10,000 Mcf or more in any calendar month or 100,000 Mcf or more per year.

(ii) Applicant's total annual and peak day gas requirements by classification of service in subdivision (i) of this subparagraph, divided as follows: Gas requirements (*a*) for each distribution area where gas is sold by applicant at retail; (*b*) for each wholesale customer; (c) for all main line direct industrial customers; and (*d*) company use and unaccounted-for gas, for both the applicant and each wholesale customer.

(iii) Total past and expected curtailments of service for both applicant and each wholesale customer, all to be listed by the classifications of service in subdivision (i) of this subparagraph.

(iv) Explanation of basic factors used in estimating future requirements, including, for example: Peak-day and annual degree-day deficiencies, annual load factors of applicant's system and of its deliveries to its proposed customers; individual consumer peak-day and annual consumption factors for each class of consumers, with supporting historical data; forecasted saturation of space-heating as related to past experience; and full detail as to all other sources of gas supply available to applicant and to each of its customers, including manufacturing facilities and liquid petroleum gas.

(v) Conformed copy of each contract for sale or transportation of natural gas by means of the proposed facilities.

(vi) A full description of all facilities, other than those covered by the application, necessary to provide service in the communities to be served, the estimated cost of such facilities, by whom they are to be constructed, and evidence of economic feasibility.

(vii) A copy of each market survey made within the past 3 years.

(viii) A statement showing the franchise rights of applicant or other person to distribute gas in each community in which service is proposed.

(ix) When an application requires a statement of total peak-day or annual market requirements of affiliates, whose operations are integrated with those of applicant, to demonstrate applicant's ability to provide the service proposed or to establish a gas supply, estimates and data required by this subparagraph shall also be stated in like detail for such affiliates.

(12) *Exhibit J—Conversion to natural gas.* If manufactured gas service exists in a community proposed to be served, submit with respect to each such community:

(i) Description of existing gas manufacturing facilities and their physical condition, including: the type, size, daily output capacity, and installation date of each gas generating unit; daily sendout capacity of plant; and capacity of storage holders.

(ii) Statement of kind of gas proposed to be distributed; use proposed to be made of gas manufacturing facilities in connection with such service; estimated cost of converting gas manufacturing facilities to high B. t. u. gas production, showing B. t. u. content, whether such conversion of manufacturing facilities is planned, and estimated daily sendout capacity after conversion.

(iii) Study showing estimated cost of converting consumers' appliances to natural gas and the accounting proposed for such cost.

(iv) Description, location, and estimated cost of new facilities, if any, to be constructed for the receipt and distribution of natural gas.

(v) Study showing savings, if any, for each of the first 3 full years of proposed natural gas operation and the basis therefor.

(vi) Study showing any rate reduction and for improvement in service to the ultimate consumers.

(13) *Exhibit K—Cost of facilities.* A detailed estimate of total capital cost of the proposed facilities for which application is made, showing cost of construction by operating units such as compressor stations, main pipelines, laterals, measuring and regulating stations, and separately stating the cost of rights-of-way, damages, surveys, materials, labor, engineering and inspection, administrative overhead, fees for legal and other services, interest during construction, and contingencies.

(14) *Exhibit L—Financing.* Plans for financing the proposed facilities for which the application is filed, together with:

(i) A detailed description of applicant's outstanding and proposed securities and liabilities, showing amount (face value and number), interest or dividend rate, dates of issue and maturity, voting privileges, and principal terms and conditions applicable to each.

(ii) The manner in which applicant proposes to dispose of securities by private sale, competitive bidding or otherwise; the persons, if known, to whom they will be sold or issued, and if not known, the class or classes of such persons.

(iii) A statement showing for each proposed issue, by total amount and by unit, the estimated sale price and estimated net proceeds to the applicant.

(iv) An itemized statement of estimated expenses, fees, and commissions to be paid by applicant in connection with each proposed issue.

(v) A statement showing whether the consent of any holder of any security is necessary to permit the issuance of the additional securities proposed, and whether, as to the proposed issue of securities, a like restriction is to be made applicable to any securities issued thereafter.

(vi) Statement of anticipated cash flow, including provision during the period of construction and the first 3 full years of operation of proposed facilities for interest requirements, dividends, and capital retirements.

(vii) Statement showing, over the life of each issue, the annual amount of securities which applicant expects to retire through operation of a sinking fund or other extinguishment of the obligation.

(viii) A balance sheet and income statement (12 months) of most recent date available.

(ix) Comparative pro forma balance sheets and income statements for the period of construction and each of the first 3 full years of operation, giving effect to the proposed construction and proposed financing of the project.

(x) Conformed copies of all agreements, contracts, mortgages, deeds of trust, indentures, agreements to advance materials or supplies or render services in return for applicant's securities, underwriting agreements, and any other agreements or documents of a similar nature.

(xi) Conformed copies of all reports, letters, or other documents, submitted by applicant to underwriters, insurance companies, or others regarding financing, including business studies, forecasts of earnings, and other similar financial or accounting reports, statements, or documents.

(xii) Conformed copies of all applications and supporting exhibits, registration statements, or other similar submittals, if any, to the Securities and Exchange Commission, including all supplements, changes or modifications of the above.

(xiii) Any additional data and information upon which applicant proposes to rely in showing the adequacy and availability to it of resources for financing its proposed project.

(15) *Exhibit M—Construction, operation, and management.* A concise statement setting forth arrangements for supervision, management, engineering, accounting, legal, or other similar service to be rendered in connection with the construction or operation of the project, if not to be performed by employees of applicant, including reference to any existing or contemplated agreements therefor, together with:

(i) A statement showing affiliation between applicant and any parties to such agreements or arrangements. See Exhibit D, paragraph a (4) of this section.

(ii) Conformed copies of all construction, engineering, management, and other similar service agreements or contracts in any way operative with respect to construction, operation, or financing of facilities which are the subject of the application or will be applicable under system operations.

(16) *Exhibit N—Revenues—Expenses—Income.* Pro forma statements for each of the first 3 full years of operation of the proposed facilities, showing:

(i) Gas system annual revenues and volumes of natural gas related thereto, subdivided by classes of service, and further subdivided by sales to direct industrial customers, sales to other gas utilities, and other sales, indicating billing quantities used for computing charges, e. g., actual demands, billing demands, volumes, heat-content adjustment or other determinants. In addition, if enlargement or extension of facilities is involved, the revenues attributable solely to the proposed facilities shall be stated separately, and the basis and data used in such computation shall be clearly shown.

(ii) Gas system annual operating expenses classified in accordance with the Commission's Uniform System of Accounts for Natural Gas Companies; the annual depreciation, depletion, taxes, utility income, and resulting rate of return on net investment in gas plant, including working capital. In addition, if enlargement or extension of facilities is involved, the cost of service attributable solely to the proposed facilities shall be stated separately with supporting data.

(17) *Exhibit O—Depreciation and depletion.* Depreciation and depletion rates to be established, the method of determination and the justification therefor.

(18) *Exhibit P—Tariff.* (i) A statement of the rates to be charged for the proposed sales or service, including: (*a*) Identification of the applicable presently effective rate schedules, when no additional tariff filings will be required, or (*b*) when changes are required in applicant's presently effective tariff, or if applicant has no tariff, pro forma copies of appropriate changes in or additions to the effective tariff or a pro forma copy of the new gas tariff proposed.

(ii) When new rates or changes in present rates are proposed or when the proposed facilities will result in a material change in applicant's average cost of service, such statement shall be accompanied by supporting data showing:

(*a*) System cost of service for the first calendar year of operation after the proposed facilities are placed in service.

(*b*) An allocation of such costs to each particular service classification, with the basis for each allocation clearly stated.

(c) The proposed rate base and rate of return.

(*d*) Gas operating expenses, segregated functionally by accounts.

(*e*) Depletion and depreciation.

(*f*) Taxes with the basis upon which computed.

(b) *Additional exhibits.* Applicant shall submit additional exhibits necessary to support or clarify its application. Such exhibits shall be identified and designated as provided by § 157.6 (b) (6).

(c) *Additional information.* Upon request by the Secretary, prior to or during hearing upon the application, applicant shall submit such additional data, information, exhibits, or other detail as may be specified. Such additional information shall conform to the requirements of §§ 1.15, 1.16, and 1.17 of the rules of practice and procedure unless otherwise directed by the Secretary.

§ 157.15 *Requirements for applications covering acquisitions.* An application for a certificate authorizing acquisition of facilities, in addition to complying with the applicable provisions of §§ 157.5 through 157.14, shall include a statement showing:

(a) The exact legal name of the vendor, lessor, or other party in interest (hereinafter referred to as "vendor"), the State or other laws under which vendor was organized, location of vendor's principal place of business, and a description of the business, operation or property of vendor covered by the application.

(b) Any certificate from the Commission, held by vendor, relating directly to the facilities which applicant seeks to acquire, citing the order, date thereof, docket designation, and title of the proceeding; reference to and designation of any companion applications by vendor for permission and approval pursuant to section 7 (b) of the Natural Gas Act.

(c) The manner in which the facilities are to be acquired, the consideration to be paid, the method of arriving at the amount thereof, and anticipated expenses in addition to the consideration.

(d) The facilities to be acquired, their present use, their proposed use after acquisition, and whether they constitute all of vendor's facilities.

(e) Any franchise, license, or permit respecting the facilities involved, showing expiration date thereof, and the effect of the proposed acquisition thereon.

§ 157.16 *Exhibits relating to acquisitions.* In addition to complying with the applicable requirements of § 157.14, every application involving acquisition of facilities shall be accompanied by the following exhibits:

(a) *Exhibit Q—Effect of acquisition on existing contracts and tariffs.* A statement showing the effect of the proposed transaction upon any agreements for the purchase, sale, or interchange of natural gas, and upon any rate schedules or tariffs on file with this Commission, together with pro forma rate schedule sheets, notices of cancellation, or other tariff filings required to be made with this Commission.

(b) *Exhibit R—Acquisition contracts.* A summary statement of all contracts, agreements or undertakings relating to the proposed acquisition, including:

(1) A conformed copy of each contract or other agreement covering or relating to the acquisition of the facilities.

(2) The names and addresses of all persons employed or to be employed concerning the transaction, including engineering, financial accounting, legal, or other services, and the compensation, fees, or other payments, paid or payable, to such persons.

(3) A disclosure of affiliation between applicant and vendor or between either of them and any other party in interest in the proposed acquisition. See Exhibit D, § 157.14 (a) (4).

(c) *Exhibit S—Accounting.* A statement showing:

(1) The amounts recorded upon the books of the vendor as being applicable to the facilities to be acquired, and the related depreciation, depletion, and amortization reserves.

(2) The original cost of the facilities to be acquired, segregated by accounts prescribed in the Commission's Uniform System of Accounts for Natural Gas Companies; the method by which the original cost was determined; and whether such statement of original cost has been approved by any regulatory body.

(3) If the original cost has not been determined, an estimate thereof, based upon records or data of vendor or its predecessors, together with an explanation of the manner in which such estimate was made and the name and address of the present custodian of all existing pertinent records and data.

(4) The depreciation, depletion, and amortization reserve requirements applicable to the original cost of the facilities to be acquired, estimated service lives, the approximate average age of the facilities to which the depreciation reserve applies, the amortization period, and the depletion rates and estimated gas reserves upon which accruals to the depletion reserve are based.

(5) The amount at which applicant proposes to record the facilities upon its books; the amount of the original cost to be recorded, the depreciation, depletion, and amortization reserves; and the acquisition adjustments, if any, together with applicant's proposed disposition of all adjustments.

(6) Duplicate facilities to be acquired and retired, property which must be extensively rehabilitated, including a clear description of such property, the additional costs to be incurred, and the accounting therefor proposed.

(7) A balance sheet of the company to be acquired as of the most recent date available, if the acquisition involved is by purchase of capital stock and liquidation of the acquired company.

(8) A pro forma consolidating balance sheet, as of the date of the merger if the acquisition is by merger, showing the merging of the accounts and the adjustments relating thereto.

§ 157.17 *Applications for temporary certificates in cases of emergency.* In cases of emergency and pending the determination of an application on file with the Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, application may be made for a temporary certificate authorizing the construction and operation of such extensions of existing facilities and such interconnections of pipeline systems as may be required to assure maintenance of adequate service, or to serve particular customers. Such application shall be submitted in writing, shall be subscribed and verified by a responsible officer of applicant having knowledge of the facts, and shall state clearly and specifically the exact character of the emergency, the proposed method of meeting it, and the facts claimed to warrant issuance of a temporary certificate.

§ 157.20 *General conditions applicable to certificates.* Except as otherwise specifically ordered by the Commission, such of the following terms and conditions, among others, as the Commission shall find is required by the public convenience and necessity, shall attach to the issuance of each certificate and to the exercise of the rights granted thereunder.

(a) The certificate shall be void and without force or effect unless accepted in writing by applicant within 30 days from the issue date of the order issuing such certificate: *Provided, however,* That when an application for rehearing of such order is filed in accordance with section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days from the issue date of the order of the Commission upon the application for rehearing or within 30 days from the date on which such application may be deemed to have been denied when the Commission has not acted on such application within 30 days after it has been filed: *Provided further,* That when a petition for review is filed in accordance with the provisions of section 19 of the Natural Gas Act, such acceptance shall be filed within 30 days after final disposition of the judicial review proceedings thus initiated.

(b) Any authorized construction, extension, or acquisition shall be completed and in actual operation by applicant and any authorized operation, service, or sale shall be actually undertaken and regularly performed by applicant within (period of time to be specified by the Commission in each order) from the issue date of the Commission's order issuing the certificate.

(c) Applicant shall file with the Commission, in writing and under oath, an original and four conformed copies of the following: (1) Within 10 days after the bona fide beginning of construction, notice of the date of such beginning; (2) each 3 months after the date of the issuance of the order granting the certificate, a progress report showing the exact status of authorized construction; (3) within 10 days after authorized facilities have been constructed and placed in service or any authorized operation, sale, or service has commenced, notice of the date of such placement and commencement; and (4) within 6 months after authorized facilities have been constructed and placed in service and authorized operations have commenced, a statement showing the actual cost of constructing authorized facilities by operating units, and showing separately the actual cost of labor, materials, rights-of-way, damages, surveys, engineering, inspection, overhead, interest during construction, contingencies, and all other items of cost, together with a statement showing and explaining the cause for any difference between actual cost and estimates of cost relied upon by applicant in the proceeding in which the certificate is issued.

(d) With respect to an acquisition authorized by the certificate, applicant shall file with the Commission, in writing and under oath, an original and four conformed copies of the following: (1) Each 3 months after the issue date of the Commission's order issuing this certificate, a progress report showing the exact status of the acquisition; (2) within 10 days after acquisition and the beginning of authorized operations, notice of the dates of acquisition and the beginning of operations; and (3) within 6 months after consummation of the acquisition, a statement showing and explaining the cause for any differences between the actual cost of the facilities acquired and the estimates of cost relied upon by applicant in the proceeding in which the certificate is issued.

(e) The certificate issued to applicant is not transferable in any manner and shall be effective only so long as applicant continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as applicable rules, regulations, and orders of the Commission.

§ 157.22 *Exemption of temporary acts and operations.* Public interest does not require the issuance of a certificate for the construction and operation of facilities necessary to assure maintenance of adequate natural-gas service where interruption or serious curtailment of service exists or is threatened because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such acts and operations are limited to a single period of not more than sixty days: *Provided, however,* That:

(a) Every person undertaking any such construction or operation shall immediately advise the Commission and within ten days file a full statement, in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the facilities, sales or services involved, a description of the operation and specific facilities constructed, and the anticipated duration of the emergency.

(b) Emergency operations thus undertaken without a certificate shall be discontinued upon expiration of the 60-day period, and all facilities installed for such temporary acts or operations shall be promptly removed and the Commission so advised in writing and under oath within 10 days following expiration of such 60-day period.

Date of Issuance: August 11, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8952; Filed, Aug. 13, 1952; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XVII—Federal Civil Defense Administration

PART 1709—OFFICIAL FEDERAL CIVIL DEFENSE ADMINISTRATION SEAL

The following regulations, which consist of Part 1709, Official Federal Civil Defense Administration Seal, are hereby issued.

Sec.
1709.1 Purpose.
1709.2 Description of official seal.
1709.3 Uses of official seal.
1709.4 Manufacture or reproduction of official seal.
1709.5 Violations.

AUTHORITY: §§ 1709.1 to 1709.5 issued under sec. 204, 64 Stat. 1254; 50 U. S. C. App. Sup. 2253.

§ 1709.1 *Purpose.* The purpose of this part is to describe the official seal of the Federal Civil Defense Administration and to prescribe its uses.

§ 1709.2 *Description of official seal.* (a) The official seal of the Federal Civil Defense Administration, approved by the President by Executive Order 10350, dated May 14, 1952, is described as follows: On a disk of defenders blue a white triangle superimposed by a shield of the coat of arms of the United States proper, all encircled by a white band edged in defenders blue containing the inscription "Federal Civil Defense Administration" in scarlet letters.

(b) The seal may be reproduced in the above colors, in black and white, or in the color of the surface upon which reproduced and one other color.

§ 1709.3 *Uses of official seal.* (a) The official seal shall be used on all official documents requiring a seal.

(b) Where appropriate, it may be used as follows:

(1) On official reports, publications, documents and letterheads of the Administrator.

(2) On materials, supplies, and equipment of the Federal Civil Defense Administration.

(3) As an identification device by employees of the Federal Civil Defense Administration and such other persons performing emergency civil defense services at the Federal level as the Administrator may deem desirable.

(c) It shall have such additional uses as the Administrator may direct.

§ 1709.4 *Manufacture or reproduction of official seal.* No manufacture or reproduction, or sale of the official seal, or any colorable imitation thereof, shall be made except upon order of the Administrator.

§ 1709.5 *Violations.* Whoever shall manufacture, possess, or wear the official seal of the Federal Civil Defense Administration, or any colorable imitation thereof, except as authorized under this part, shall be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both.

These regulations shall be effective on August 14, 1952.

J. J. WADSWORTH,
Acting Administrator,
Federal Civil Defense Administration.

[F. R. Doc. 52-8968; Filed, Aug. 13, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 7]

EMPLOYMENT OF OLDER WORKERS IN THE DEFENSE PROGRAM

Preface. This policy has been recommended by the interagency Manpower Policy Committee and by the national Labor-Management Manpower Policy Committee of the Office of Defense Mobilization. It is issued for information and guidance to labor and management concerned with defense production; and assigns to Government agencies the responsibility for providing assistance and leadership in the fields of action required of them.

I. *Introduction.* Approximately 3½ million additional workers will be needed by the end of 1953 to meet defense production requirements and expected levels of civilian output. Older workers, here considered to be men and women over 45 years, constitute the largest potential source of needed additions to the labor force, with the largest single reserve being among women of these ages.

Traditional employment preference has been for younger workers despite the fact that the proportion of persons in our population who are between 16 and 34 years of age has progressively declined from 1900 to 1950. Obstacles to the employment of available and qualified older workers increase competition for the preferred and less available younger groups, contribute to unnecessary migration and turnover, and other types of community problems, and add unnecessarily to the adjustment problem of older peoples and to the burden of providing financial support for them.

In the field of employment, the older worker's problem is two-fold; first, the most serious, finding a new job once he becomes unemployed; and second, compulsory retirement at an arbitrary age. Older workers who become unemployed often suffer excessively long periods of unemployment as is indicated by a much higher proportion of older workers unemployed for periods of 20 weeks and over and exhausting unemployment insurance benefits. Studies by the Department of Labor show that older workers are at a heavy disadvantage in competition with younger workers. This is true in practically all occupational categories and in all types of labor markets, including tight labor markets. Orders placed with local employment offices restrict referrals of applicants by some maximum age limitation, usually 45 for men and 35 for women, in about 50–70 percent of the cases, depending upon the local area. These data contrast with the common assumption that high employment, with the attendant competition for workers, offers a complete solution to the problems of older workers. Restrictive conditions are found in areas of tight and surplus labor supply. To the extent that employment policies and practices stand as barriers to the recruitment and effective utilization of older workers, such policies and practices are undesirable from the point of view of employers, employees, and the public as a whole.

II. *Purpose.* It is the purpose of this Manpower Policy to direct attention to the importance of employing and effectively utilizing older workers and to stimulate voluntary action by labor, management, and Government to modify unnecessary restrictions which limit the employment and utilization of older workers in both private and public employment.

III. *Statement of policy.* It is the policy of the Federal Government:

1. To promote the employment and effective utilization of older workers in public employment.

2. To encourage labor and management to adopt policies and practices which will promote the employment and effective utilization of older workers in private employment.

To aid in achieving increased employment opportunity and more effective utilization of older workers, it is recommended that the following policies be adopted and applied as rapidly as possible:

1. That selection of workers for employment or for training be made on the basis of individual ability and qualifications to perform the job, regardless of age.

2. That older women be given equal consideration with men for employment, on the basis of individual ability and qualifications to perform the job.

3. That, when their services are needed, older workers now employed who are eligible for retirement be encouraged to continue working at jobs for which they are qualified and able, and that retired workers who possess needed skills in critical occupations be encouraged to return to work to the greatest extent possible.

4. That workers who are subject to retirement or dismissal upon reaching a specified age be offered, where practicable, an opportunity to continue working at their regular jobs if they are still qualified to perform such jobs; that workers not qualified and able to continue their regular jobs be offered an opportunity to work at less exacting jobs wherever practicable.

5. That good labor standards, including health and safety measures and equal pay for comparable work be maintained as effective means of increasing the employment and effective utilization of older workers.

IV. *Assignment of responsibility.* It is recognized that labor and management share the primary responsibility for action designed to achieve the objectives of this policy. However, the Federal Government, through its appropriate agencies and in cooperation with labor, management, and other private groups, can promote the employment and utilization of older workers by providing assistance and leadership in the following fields of required action:

A. The Civil Service Commission shall:

1. In cooperation with other appropriate agencies of the Federal Government, explore the possibilities of: (a) Further modifying or eliminating maximum age provisions in required qualifications for civilian positions in the Federal Government; and (b) measures designed to increase the opportunities in Federal employment of qualified older workers.

2. With the cooperation of appropriate agencies of the Federal Government, investigate and make recommendations regarding the possibilities of re-employing retired workers whenever such employment would be of value to the Government.

B. The Federal Security Agency shall:

1. In cooperation with other concerned Federal agencies, continue to explore and make recommendations with respect to retirement insurance programs provided for by Federal legislation other than those systems covering Federal employees exclusively as to whether revisions are needed in such legislation to further the policy of the Federal Government to promote the employment and effective utilization of older workers when their services are needed.

2. Working with States and community groups, extend and improve rehabilitation of older workers, including the provision of assistance, encouragement, and retraining to older persons who have important skills which are in short supply (such as nurses and other health personnel, certain types of teachers, etc.).

3. In collaboration with other Federal agencies, primarily through the occupational health program of the U. S. Public Health Service, continue to exercise leadership in the promotion of high levels of health for older workers.

C. The Department of Labor and the Federal Security Agency shall:

1. Provide available information on pertinent provisions of collective bargaining agreements and related pension plans to management and unions desiring to make appropriate changes in private pension plans.

D. The Department of Labor shall:

1. With the cooperation of the Civil Service Commission, the Department of Commerce (National Production Authority), the Department of Defense, and the Federal Security Agency, collect and disseminate widely facts concerning the employment and utilization of older workers to employers and labor groups, and to Federal, state, and local public agencies.

2. Extend and improve counseling, placement and job analysis programs for older workers who are seeking work, are poorly adjusted in work, or are facing compulsory retirement. Special attention should be given to counseling older workers on ways and means of re-entering the labor market.

3. Encourage, provide technical assistance, and undertake studies designed to establish facts regarding the performance of older workers in paid employment and problems arising in connection with their employment. The fields requiring comprehensive study include: Productivity, turnover, absenteeism, accident rates, and mobility.

V. This policy shall take effect on August 14, 1952.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9004; Filed, Aug. 12, 1952; 1:21 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 22, Supplementary Regulation 31]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 31—ADJUSTMENTS IN CEILING PRICES OF MIXED FERTILIZERS ON BASIS OF INCREASED FREIGHT RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Sup-

plementary Regulation 31 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 22 is issued for the same reasons, and accomplishes the same objectives, as Supplementary Regulation 114 to the General Ceiling Price Regulation. The Statement of Considerations accompanying the issuance of that supplementary regulation is therefore incorporated herein.

Adjustment of Ceiling Price Regulation 22 ceiling prices is authorized under this supplementary regulation to reflect increased transportation costs based on increased freight rates since April 1, 1951, or since July 26, 1951, in the case of those producers of mixed fertilizers whose Ceiling Price Regulation 22 ceiling prices have already been adjusted under the Capehart Amendment.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including industry trade association representatives, to the extent practicable, and consideration has been given to their recommendations. Formal consultation was held with the Mixed Fertilizers Industry Advisory Committee, and consideration has been given to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of Ceiling Price Regulation 22 ceiling prices.
3. Definitions and explanations.
4. Applicability of Ceiling Price Regulation 22.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation applies to you if you are a manufacturer of mixed fertilizers whose ceiling prices for these mixed fertilizers are established under Ceiling Price Regulation 22. It permits you to adjust these ceiling prices to reflect increases in inbound freight costs of your raw materials, and in outbound freight costs incurred in delivering the mixed fertilizers to purchasers. This adjustment of ceiling prices may reflect increases in such freight costs only if these increases resulted from increases in freight rates which occurred since April 1, 1951, and which were approved by a governmental body empowered to do so. However, if your ceiling prices established under Ceiling Price Regulation 22 have been adjusted under Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22 or General Overriding Regulation 20, your adjustments under this supplementary regulation may reflect only increases in freight costs resulting from increases in freight rates since July 26, 1951. The methods for computing the adjustment are set forth in section 2. The term "mixed fertilizer" is defined in section 3.

SEC. 2. *Adjustment of Ceiling Price Regulation 22 ceiling prices.* (a) You may adjust your ceiling prices of mixed fertilizer established under Ceiling Price Regulation 22 by adding to these ceiling prices an amount equal to your inbound freight adjustment or your outbound freight adjustment, as computed under subparagraphs (1) and (2) of this paragraph, or the sum of these adjustments.

(1) *Inbound freight adjustment.* You compute your adjustment for your increased costs of inbound freight for your raw materials used in the making of mixed fertilizer, as set forth below. Raw materials, for the purposes of these calculations, include only the nitrogenous material, superphosphate, potash materials and filler materials used in making the mixed fertilizers. You must calculate your inbound freight adjustment separately for each plant.

(i) Find the dollars and cents difference in the freight rate per ton between April 1, 1951, or July 26, 1951, if your ceiling prices have been adjusted pursuant to Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, or General Overriding Regulation 20, and the effective date of this regulation, applicable to each of the raw materials which you use in your mixed fertilizers. Determine this freight rate for both periods on the basis of your customary quantities purchased (such as carload, truckload, or bargeload), and your customary method of transportation from the nearest shipping point of your largest volume supplier of that particular raw material during the marketing season ending June 30, 1952.

(ii) Multiply the number of tons of each raw material used by you during your last complete fiscal year in the manufacture of all of your mixed fertilizers by the freight rate increase found in subdivision (i) of this subparagraph applicable to that raw material. The resultant figure will be the total amount of additional freight charges that you would have paid for that raw material had current freight rates been in effect during your entire fiscal year. Add the resultant figures for each raw material to get the total additional inbound freight charges for all of your raw materials.

(iii) Divide the dollars and cents amount which you have found under subdivision (ii) by the adjusted dollar sales of all of your mixed fertilizers during your last complete fiscal year. The resultant percentage will be the percentage of adjustment of the ceiling prices for your mixed fertilizers. Adjusted dollar sales means your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(iv) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (iii). The resultant dollars and cents amount is your inbound freight adjustment which, together with the outbound freight adjustment computed under subparagraph (2), may be added to your Ceiling Price Regulation 22 ceiling prices for that commodity.

(2) *Outbound freight adjustment.* If you sell mixed fertilizer on a delivered or freight equalized basis, you may make an outbound freight adjustment in your ceiling prices for mixed fertilizer, which you compute in the manner set forth below. Make a separate determination for each marketing area in which you customarily quote a uniform delivered price.

(i) Select the month in 1952, prior to the effective date of this regulation, in which the largest volume of mixed fertilizers was shipped by you by carrier, as that term is defined in section 3, and determine the tonnage shipped by carrier during that month.

(ii) Determine the freight costs for that tonnage at freight rates in effect on April 1, 1951, or July 26, 1951, if your ceiling prices have been adjusted under the provisions of Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, or General Overriding Regulation 20.

(iii) Make the same determination at freight rates in effect on the effective date of this regulation.

(iv) Subtract the amount found in subdivision (ii) from the amount found in subdivision (iii) of this subparagraph.

(v) Divide the difference found in subdivision (iv) by the adjusted dollar sales of the tonnage of your mixed fertilizers found in subdivision (i). The resultant percentage will be the percentage of adjustment of the ceiling price for your mixed fertilizer. Adjusted dollar sales mean your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(vi) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (v). The resultant dollars and cents amount is your outbound freight adjustment.

(b) *Rounding of ceiling prices.* You may round your ceiling prices adjusted under paragraph (a) to the nearest five cents. If you elect to round any of your ceiling prices under this paragraph, you must round all of them.

(c) *Records supporting your calculations.* You may not adjust any ceiling prices under paragraph (a) of this section unless your calculations of such adjustments are supported by carriers' invoices, freight bills, or other statements of transportation charges; records of your purchases of raw materials which provided the bases for your calculations under paragraph (a) (1) of this section; and records of your deliveries of mixed fertilizers which provided the bases for your calculations under paragraph (a) (2) of this section. In addition, you must prepare a worksheet showing in detail how you calculated your adjustments. You must keep such invoices, freight bills, statements, records, and worksheets for so long as Title IV of the Defense Production Act of 1950, as amended, is in effect, and for two years thereafter.

SEC. 3. *Definitions and explanations.* When used in this supplementary regulation, the term:

(a) *You.* "You" means a manufacturer of mixed fertilizers. "Your" and "yours" are construed accordingly.

(b) *Person.* "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(c) *Manufacturer of mixed fertilizer.* A "manufacturer of mixed fertilizer" is a person who produces, mixes or processes mixed fertilizer.

(d) *Mixed fertilizer.* "Mixed fertilizer" means any substance containing any two or more of the basic fertilizer materials, namely, nitrogenous material, superphosphate and potash, when marketed or sold as an aid to the growth of crops or plants. The term does not include, however, any such substance sold in packages or containers of less than 80 pounds net weight, or containers of a gallon or less.

(e) *Freight rates.* "Freight rates" means the authorized or published tariffs for transportation of commodities by carriers, including excise taxes applicable thereto.

(f) *Carrier.* "Carrier" means a common or contract carrier by rail, or by water, or by truck, or any combination of common or contract carrier, whose rates are established or approved by the Interstate Commerce Commission, or a State regulatory body having jurisdiction by law to establish freight rates for common or contract carriers, or by the Director of Price Stabilization.

(g) *Ton.* "Ton" means 2,000 pounds net weight.

SEC. 4. *Applicability of Ceiling Price Regulation 22.* All the provisions of Ceiling Price Regulation 22 remain applicable to you in your sales of mixed fertilizers covered by this supplementary regulation, except as those provisions are modified and supplemented by this supplementary regulation. The ceiling prices adjusted under this supplementary regulation shall be deemed to be ceiling prices established under Ceiling Price Regulation 22.

Effective date. This supplementary regulation is effective August 13, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 13, 1952.

[F. R. Doc. 52-9064; Filed, Aug. 13, 1952; 12:16 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 114]

GCPR, SR 114—ADJUSTMENTS IN CEILING PRICES OF MIXED FERTILIZERS ON BASIS OF INCREASED FREIGHT RATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation 114 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation permits all manufacturers of mixed fertilizers, whose ceiling prices for sales of these commodities are established under the General Ceiling Price Regulation, to adjust these ceiling prices to reflect increases in their in-bound freight rates for their raw materials and in their outbound freight costs incurred in delivering the mixed fertilizers to purchasers. The increases which provide the bases for this adjustment are those which result from increases in freight rates between April 1, 1951, and the effective date of this regulation and which have been approved or authorized by a governmental body empowered to do so. Where a manufacturer's ceiling prices for his sales of mixed fertilizers have been adjusted pursuant to General Overriding Regulation 20 or 21, his adjustment under this regulation is based on freight rate increases which occurred since July 26, 1951. The regulation sets forth certain methods for computing the in-bound and out-bound freight adjustments, and permits such adjustments only where certain records are kept which support the manufacturer's calculations of these adjustments.

Increases in rail freight rates, authorized since April 1, 1951, have totaled 15 per cent, with some exceptions. Other freight rates have also increased since that date. Mixed fertilizers are generally sold on a delivered basis. They are bulky materials and the costs of transportation are high. They are, in turn, made from materials of similar characteristics such as nitrogenous materials, superphosphate and potash, and the costs of transporting these raw materials are likewise high. Potash, an essential raw material for mixed fertilizer, is not only a heavy commodity, but is produced in limited areas, such as Carlsbad, New Mexico, and Trona, California, thus requiring long hauls to the points of production of mixed fertilizer.

The raw materials which go into the production of mixed fertilizer account for 50 to 70 per cent of the selling price of the finished product, and one-third of the cost of the raw materials represents the cost of inbound transportation. Outbound freight costs represents from 5 to 12 per cent of the cost of the finished product to the consumer. Both in and outbound freight costs account for 22 to 29 per cent of the final price charged the consumer for mixed fertilizer. Increases in these costs substantially affect the total costs of producing mixed fertilizer.

In general, producers are required to absorb both transportation and other cost increases within the limits of the Industry Earnings Standard and the Product Standard. In the case of mixed fertilizer, however, the net increase in transportation cost is a very substantial percentage of the profit margin. Information available to the Director thus far indicates that profit margins have been decreased by approximately 30 to 50 per cent as a result of freight rate increases. This decrease, superimposed upon a decline in unit profits of about 50 per cent since 1947, furnishes grounds for the belief that the earnings of the mixed fertilizer industry have been reduced below the minimum requirements of the Earnings or Product Standard. Ordinarily, in such a situation, the Office of Price Stabilization would make a financial survey of the industry's earnings, or a study of the cost-price relationship, in order to determine the exact amount of any price increase which would be required under these standards. Such studies require a considerable expenditure of the Agency's resources, as well as a considerable amount of time. The importance of mixed fertilizers to the agricultural economy is such as to require that there be no obstacles to maximum production of mixed fertilizers and to a balanced geographical distribution of these commodities. Since these commodities are generally sold on a delivered basis, increases in freight costs induce producers to withdraw from markets distant from their production points, and there are indications that this may already be taking place.

The problem has been discussed with the Industry Advisory Committee and the Committee's members have urged upon this office the need for quick action, and have indicated willingness to absorb other cost increases pending further study, provided quick action is taken on the freight rate increase problem.

On the basis of the advice received from the Industry Advisory Committee and other information now available, the Director of Price Stabilization is of the opinion that a pass-through of the freight rate increases, which have occurred since April 1, 1951, should be allowed, pending further study of the application of the Industry Earnings Standard and the Product Standard. It is believed that this pass-through will afford the industry sufficient relief to permit it to continue maximum production and to maintain its traditional distribution pattern.

The mixed fertilizers covered by this regulation are those sold in large quantities and, for the most part, are used by farmers in the production of crops on a commercial basis. Mixed fertilizers sold in small packages for home garden use are generally specialty products, commanding a higher profit margin than that commanded by most mixed fertilizers sold. Because of this fact, this supplementary regulation does not permit adjustments of the ceiling prices of mixed fertilizers sold in packages of less than 80 pounds net weight or in containers of a gallon or less.

In the formulation of this supplementary regulation there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations. This consultation has included a meeting with the Mixed Fertilizer Industry Advisory Committee, as previously indicated.

A companion supplemental regulation to Ceiling Price Regulation 22 is being issued to afford similar relief to manufacturers of mixed fertilizers whose ceiling prices are established under that regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Adjustment of General Ceiling Price Regulation ceiling prices.
3. Definitions and explanations.
4. Applicability of the General Ceiling Price Regulation.

SEC. 5. *Adjustment of General Ceiling Price Regulation ceiling prices.* (a) You may adjust your ceiling prices established under General Ceiling Price Regulation by adding to these ceiling prices an amount equal to your inbound freight adjustment or your outbound freight adjustment, as computed under subparagraphs (1) and (2) of this paragraph, or the sum of these adjustments.

(1) *Inbound freight adjustment.* You compute your adjustment for your increased costs of inbound freight for your raw materials used in the making of mixed fertilizer, as set forth below. Raw materials, for the purposes of these calculations, include only the nitrogenous material, superphosphate, potash materials and filler materials used in making the mixed fertilizers. You must calculate your inbound freight adjustment separately for each plant.

(i) Find the dollars and cents difference in the freight rate per ton between April 1, 1951, or July 26, 1951, if your ceiling prices have been adjusted pursuant to Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, or General Overriding Regulation 20, and the effective date of this regulation, applicable to each of the raw materials which you use in your mixed fertilizers. Determine this freight rate for both periods on the basis of your customary quantities purchased (such as carload, truckload, or bargeload), and your customary method of transportation from the nearest shipping point of your largest volume supplier of that particular raw material during the marketing season ending June 30, 1952.

(ii) Multiply the number of tons of each raw material used by you during your last complete fiscal year in the manufacture of all of your mixed fertilizers by the freight rate increase found in subdivision (i) of this subparagraph applicable to that raw material. The resultant figure will be the total amount of additional freight charges that you would have paid for that raw material had current freight rates been in effect during your entire fiscal year. Add the resultant figures for each raw material to get the total additional inbound freight charges for all of your raw materials.

(iii) Divide the dollars and cents amount which you have found under subdivision (ii) by the adjusted dollar sales of all of your mixed fertilizers during your last complete fiscal year. The resultant percentage will be the percentage of adjustment of the ceiling prices for your mixed fertilizers. Adjusted dollar sales means your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(iv) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (iii). The resultant dollars and cents amount is your inbound freight adjustment which, together with the outbound freight adjustment computed under subparagraph (2), may be added to your Ceiling Price Regulation ceiling prices for that commodity.

(2) *Outbound freight adjustment.* If you sell mixed fertilizer on a delivered or freight equalized basis, you may make an outbound freight adjustment in your ceiling prices for mixed fertilizer, which you compute in the manner set forth below. Make a separate determination for each marketing area in which you customarily quote a uniform delivered price.

(i) Select the month in 1952, prior to the effective date of this regulation, in which the largest volume of mixed fertilizers was shipped by you by carrier, as that term is defined in section 3, and determine the tonnage shipped by carrier during that month.

(ii) Determine the freight costs for that tonnage at freight rates in effect on April 1, 1951, or July 26, 1951, if your ceiling prices have been adjusted under the provisions of Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, or General Overriding Regulation 20.

(iii) Make the same determination at freight rates in effect on the effective date of this regulation.

(iv) Subtract the amount found in subdivision (ii) from the amount found in subdivision (iii) of this subparagraph.

(v) Divide the difference found in subdivision (iv) by the adjusted dollar sales of the tonnage of your mixed fertilizers found in subdivision (i). The resultant percentage will be the percentage of adjustment of the ceiling price for your mixed fertilizer. Adjusted dollar sales mean your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(vi) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (v). The resultant dollars and cents amount is your outbound freight adjustment.

(b) *Rounding of ceiling prices.* You may round your ceiling prices adjusted under paragraph (a) to the nearest five cents. If you elect to round any of your ceiling prices under this paragraph, you must round all of them.

(c) *Records supporting your calculations.* You may not adjust any ceiling prices under paragraph (a) of this section unless your calculations of such adjustments are supported by carriers' invoices, freight bills, or other statements of transportation charges; records of your purchases of raw materials which provided the bases for your calculations under paragraph (a) (1) of this section; and records of your deliveries of mixed fertilizers which provided the bases for your calculations under paragraph (a) (2) of this section. In addition, you must prepare a worksheet showing in detail how you calculated your adjustments. You must keep such invoices, freight bills, statements, records, and worksheets for so long as Title IV of the Defense Production Act of 1950, as amended, is in effect, and for two years thereafter.

SEC. 6. *Definitions and explanations.* When used in this supplementary regulation, the term:

(a) *You.* "You" means a manufacturer of mixed fertilizers. "Your" and "yours" are construed accordingly.

(b) *Person.* "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(c) *Manufacturer of mixed fertilizer.* A "manufacturer of mixed fertilizer" is a person who produces, mixes or processes mixed fertilizer.

(d) *Mixed fertilizer.* "Mixed fertilizer" means any substance containing any two or more of the basic fertilizer materials, namely, nitrogenous material, superphosphate and potash, when marketed or sold as an aid to the growth of crops or plants. The term does not include, however, any such substance sold in packages or containers of less than 80 pounds net weight, or containers of a gallon or less.

(e) *Freight rates.* "Freight rates" means the authorized or published tariffs for transportation of commodities by carriers, including excise taxes applicable thereto.

(f) *Carrier.* "Carrier" means a common or contract carrier by rail, or by water, or by truck, or any combination of common or contract carrier, whose rates are established or approved by the Interstate Commerce Commission, or a State regulatory body having jurisdiction by law to establish freight rates for common or contract carriers, or by the Director of Price Stabilization.

(g) *Ton.* "Ton" means 2,000 pounds net weight.

SEC. 7. *Applicability of General Ceiling Price Regulation.* All the provisions of General Ceiling Price Regulation remain applicable to you in your sales of mixed fertilizers covered by this supplementary regulation, except as those provisions are modified and supplemented by this supplementary regulation. The ceiling prices adjusted under this supplementary regulation shall be deemed to be ceiling prices established under General Ceiling Price Regulation.

Effective date. This supplementary regulation is effective August 13, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 13, 1952.

[F. R. Doc. 52-9065; Filed, Aug. 13, 1952; 12:16 p. m.]

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation applies to you if you are a manufacturer of mixed fertilizers whose ceiling prices for these mixed fertilizers are established under the General Ceiling Price Regulation. It permits you to adjust these ceiling prices to reflect increases in inbound freight costs of your raw materials, and outbound freight cost incurred in delivering the mixed fertilizers to purchasers. This adjustment of ceiling prices may reflect increases in such freight costs only if these increases resulted from increases in freight rates which occurred since April 1, 1951, and which were approved by a governmental body empowered to do so. If you have adjusted your General Ceiling Price Regulation ceiling prices under the provisions of General Overriding Regulation 20 or 21, your adjustments under the supplementary regulation may reflect only such freight rate increases which occurred after July 26, 1951. The methods for computing the adjustment are set forth in section 2. The term "mixed fertilizer" is defined in section 3.

SEC. 2. *Adjustment of General Ceiling Price Regulation ceiling prices.* (a) You may adjust your ceiling prices established under the General Ceiling Price Regulation for sales of mixed fertilizer by adding to these ceiling prices an amount equal to your inbound freight adjustment or your outbound freight adjustment, as computed under subparagraphs (1) and (2) of this paragraph, or the sum of these adjustments.

(1) *Inbound freight adjustment.* You compute your adjustment for your increased costs of inbound freight for your raw materials used in the making of mixed fertilizer as set forth below. Raw materials, for the purposes of these calculations, include only the nitrogenous material, superphosphate, potash materials and filler materials used in making the mixed fertilizers. You must calculate your inbound freight adjustment separately for each plant.

(i) Find the dollars and cents difference in the freight rate per ton between April 1, 1951 (or July 26, 1951, if your ceiling prices have been adjusted under General Overriding Regulation 20 or 21), and the effective date of this regulation applicable to each of the raw materials which you use in your mixed fertilizers. Determine this freight rate for both periods on the basis of your customary quantities purchased (such as carload, truckload or bargeload), and your customary method of transportation from the nearest shipping point of your largest volume supplier of that particular raw material during the marketing season ending June 30, 1952.

(ii) Multiply the number of tons of each raw material used by you during your last complete fiscal year in the manufacture of all of your mixed fertilizers by the freight rate increase found in subdivision (i) applicable to that raw material. The resultant figure will be the total amount of additional freight charges that you would have paid for that raw material had current freight rates been in effect during your entire fiscal year. Add the resultant figures for each raw material to get the total additional inbound freight charges for all of your raw materials.

(iii) Divide the dollars and cents amount which you have found under subdivision (ii) by the adjusted dollar sales of all of your mixed fertilizers during your last complete fiscal year. The resultant percentage will be the percentage of adjustment of the ceiling prices for your mixed fertilizers. Adjusted dollar sales means your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(iv) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (iii). The resultant dollars and cents amount is your inbound freight adjustment which, together with the outbound freight adjustment computed under subparagraph (2), may be added to your General Ceiling Price Regulation ceiling prices for that commodity.

(2) *Outbound freight adjustment.* If you sell mixed fertilizer on a delivered or freight equalized basis, you may make an outbound freight adjustment in your ceiling prices for mixed fertilizer, which you compute in the manner set forth below. Make a separate determination for each marketing area in which you customarily quote a uniform delivered price.

(i) Select the month in 1952, prior to the effective date of this regulation, in which the largest volume of mixed fertilizers was shipped by you, by carrier, as that term is defined in section 3, and determine the tonnage shipped by carrier during that month.

(ii) Determine the freight costs for that tonnage at freight rates in effect on April 1, 1951, (or July 26, 1951, if your ceiling prices have been adjusted under General Overriding Regulation 20 or 21).

(iii) Make the same determination at freight rates in effect on the effective date of this regulation.

(iv) Subtract the amount found in subdivision (ii) of this subparagraph from the amount found in subdivision (iii).

(v) Divide the difference found in subdivision (iv) by the adjusted dollar sales of the tonnage of your mixed fertilizers found in subdivision (i). The resultant percentage will be the percentage of adjustment of the ceiling price for your mixed fertilizer. Adjusted dollar sales mean your gross sales realization, excluding commissions and discounts, but not excluding outbound freight costs contained in the selling price.

(vi) Apply to the ceiling price of each mixed fertilizer the percentage found in subdivision (v). The resultant dollars and cents amount is your outbound freight adjustment.

(b) *Rounding of ceiling prices.* You may round your ceiling prices adjusted under paragraph (a) of this section to the nearest five cents. If you elect to round any of your ceiling prices under this paragraph, you must round all of them.

(c) *Records supporting your calculations.* You may not adjust any ceiling prices under paragraph (a) of this section unless your calculations of such adjustments are supported by carriers' invoices, freight bills or other statements of transportation charges; records of your purchases of raw materials which provided the bases for your calculations under paragraph (a) (1) of this section; and records of your deliveries of mixed fertilizers which provided the bases for your calculations under paragraph (a) (2) of this section. In addition, you must prepare a worksheet showing in detail how you calculated your adjustments. You must keep such invoices, freight bills, statements, records, and worksheets for so long as Title IV of the Defense Production Act of 1950, as amended, is in effect, and for two years thereafter.

SEC. 3. *Definitions and explanations.* When used in this supplementary regulation, the term:

(a) *You.* "You" means a manufacturer of mixed fertilizers, "your" and "yours" are construed accordingly.

(b) *Person.* "Person" includes any individual, corporation, partnership, association or any other organized group of persons, or legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(c) *Manufacturer of mixed fertilizers.* A "manufacturer of mixed fertilizers" is a person who produces, mixes or processes mixed fertilizer.

(d) *Mixed fertilizer.* "Mixed fertilizer" means any substance containing any two or more of the basic fertilizer materials, namely, nitrogenous material, superphosphate and potash, when marketed or sold as an aid to the growth of crops or plants. The term does not include, however, any such substance sold in packages or containers of less than 80 pounds net weight, or containers of a gallon or less.

(e) *Freight rates.* "Freight rates" means the authorized or published tariffs for transportation of commodities by carriers, including excise taxes applicable thereto.

(f) *Carrier.* "Carrier" means a common or contract carrier by rail, or by water, or by truck, or any combination of common or contract carrier, whose rates are established or approved by the Interstate Commerce Commission, or a State regulatory body having jurisdiction by law to establish freight rates for common or contract carriers, or by the Director of Price Stabilization.

(g) *Ton.* "Ton" means 2,000 pounds net weight.

SEC. 4. *Applicability of the General Ceiling Price Regulation.* All the provisions of the General Ceiling Price Regulation remain applicable to you in your sales of mixed fertilizers covered by this supplementary regulation, except as these provisions are modified and supplemented by this supplementary regulation. The ceiling prices determined under this supplementary regulation shall be deemed to be ceiling prices established under the General Ceiling Price Regulation.

Effective date. This supplementary regulation is effective August 13, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 13, 1952.

[F. R. Doc. 52-9066; Filed, Aug. 13, 1952; 12:16 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 5, Amdt. 1]

INT. 5—AUTHORIZED ADJUSTMENTS IN SALARIES AND OTHER COMPENSATION UNDER GENERAL SALARY ORDER 6, AS AMENDED

MISCELLANEOUS AMENDMENTS

This amendment is designed to set forth substitute methods of computation, allowable under section 5 of General Salary Order 6, as amended, of the percentage increase in base compensation granted in a payroll period, which may be used by employers without prior approval of the Office of Salary Stabilization.

Interpretation 5 is amended by the addition of the following paragraphs:

5.2 Q. An employer grants an across-the-board percentage increase in base compensation of the kind specified in paragraph 2.2 to all employees in the Wage Stabilization Board Group in a single payroll period. He grants no other increases of this kind on a non-uniform or non-percentage basis in the same payroll period. In this specific situation, may this percentage increase be used, without further computation, as the percentage increase in base compensation granted to the Wage Stabilization Board Group in this payroll period under the formula set forth in General Salary Order 6, as amended?

A. Yes.

Example: Between January 25, 1951, and June 30, 1952, the Wage Stabilization Board Group received a few scattered individual increases and an across-the-board increase of three (3) percent granted in the payroll period ending June 30, 1952. The employer has not granted any increases in base compensation, of the kind taken into account under GSO-6, to the Salary Stabilization Board Group during this period. He may give a three (3) percent increase to the Salary Stabilization Board Group on June 30, 1952, if, as of June 30, 1952, the gross percentage increase granted to the Wage Stabilization Board Group exceeds the gross percentage increase granted to the Salary Stabilization Board Group by three (3) percent. In determining the gross percentage increase granted to the Wage Stabilization Board Group to June 30, 1952, the employer may, at his option, disregard minor increases granted in other payroll periods during the period covered by the computation. However, by so doing, the employer gives up the right to use these minor increases in any subsequent computation. (See paragraph 2.8.)

5.3 Q. If the percentage increase granted to all the employees in the Wage Stabilization Board Group (see paragraph 5.2) had been based upon the average hourly rate of compensation for these employees rather than their total base compensation during the payroll period, would the employer, without further computation, be able to use the percentage increase in the average hourly rate as the percentage increase granted in the payroll period to the Wage Stabilization Board Group under the formula set forth in General Salary Order 6, as amended?

A. Yes.

5.4 Q. An employer has 50 employees in the Wage Stabilization Board Group and grants a one and one-half (1½) percent cost-of-living increase to 40 of these employees but does not grant such increase to the remaining ten employees. Based on this increase, how is the percentage increase granted to the entire Wage Stabilization Board Group computed?

A. *Step 1.* Obtain the total dollar amount of the increase granted to the 40 employees by multiplying their combined base compensation by one and one-half (1½) percent.

Step 2. Divide the figure obtained in Step 1 by the total base compensation of all 50 Wage Stabilization Board Group employees. The resultant figure is the percentage increase granted to the entire Wage Stabilization Board Group.

5.5 Q. An employer has 120 employees in his Wage Stabilization Board Group. One hundred of these employees are in Division A and 20 are in Division B. The average wage for employees in Division A is $70 per week and the average wage for Division B is $40 per week. All employees in Division A receive an increase in base compensation of one percent and all employees in Division B receive an authorized increase in base compensation of four percent. What is the proper method of computation of the percentage increase for the entire Wage Stabilization Board Group?

A. *Step 1.* Compute the total base compensation and the total amount of increase as follows:

	Number of employees	Average base compensation per week	Total base compensation	Percent increase	Amount of increase
Division A	100×	$70=	$7,000×	1%=	$70
Division B	20×	40=	800×	4%=	32
Total Wage Stabilization Board Group			7,800		102

Step 2. Divide the total dollar amount of the increase ($102) by the total base compensation ($7,800). The resultant figure, 1.3 percent, is the percentage increase for the Wage Stabilization Board Group.

5.6 Q. If an employer's records show the base compensation of the Wage Stabilization Board Group most clearly in terms of hourly wage rates, may he compute the percentage increase for the Wage Stabilization Board Group in terms of a percentage increase in the hourly wage rates?

A. Yes.

(Sec. 704, 64 Stat. 816, Pub. Law 96, 82d Cong.; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization, August 8, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9062; Filed, Aug. 12, 1952; 11:51 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Reg. 2, Direction 5, as Amended August 13, 1952]

NPA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 5—RESCHEDULING OF DELIVERIES UNDER NPA DIRECTIVES AFFECTED BY WORK STOPPAGE IN STEEL INDUSTRY

This amended direction to NPA Reg. 2 is found necessary and appropriate to promote the National Defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Postponement of delivery date.
3. NPA directives issued on or after August 13, 1952.
4. Rescheduling of delivery.
5. Notification to customers and to NPA.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction permits any producer of steel or of any other product containing steel to postpone, and requires him to reschedule, the delivery date specified in any NPA directive issued to him prior to August 13, 1952 where his inability to meet the specified delivery date is due to the work stoppage which existed in the steel industry on July 10, 1952 (the date when this direction was originally issued). The effect of this direction is thus to amend such NPA directives with respect to their delivery dates.

SEC. 2. *Postponement of delivery date.* Whenever any producer of steel or of any other product containing steel finds that due to a shortage of steel resulting from the recent work stoppage in the steel industry, he is unable to meet the delivery date specified in any NPA directive issued to him and dated prior to August 13, 1952, he is hereby authorized to postpone such delivery date until such time as he is able to make delivery in accordance with section 4 of this direction.

SEC. 3. *NPA directives issued on or after August 13, 1952.* This direction does not apply to any NPA directive dated on or after August 13, 1952, which may be issued to any producer.

SEC. 4. *Rescheduling of delivery.* As soon as practicable after resumption of steel production (in the case of steel producers) or after resumption of receipts of steel (in the case of producers of other products containing steel), each producer shall reschedule his operations in such a manner as to accomplish delivery on all orders covered by NPA directives issued to him and dated prior to August 13, 1952, in the sequence of their original specified delivery dates.

SEC. 5. *Notification to customers and to NPA.* Upon determination of the rescheduled delivery dates on orders covered by NPA directives, as in this direction provided, the producer shall immediately give written notice of such rescheduled dates to his customers, specifying the NPA directive numbers (if any). Copies of such notices shall be promptly forwarded to the National Production Authority, Washington 25, D. C. The giving of such notice shall have the effect of amending such NPA directives as to delivery date.

This direction, as amended, shall take effect August 13, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9049; Filed, Aug. 13, 1952; 11:15 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 68 to Schedule A]

[Rent Regulation 2, Amdt. 66 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NORTH DAKOTA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 14, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
North Dakota				
(223g) Williston	A	Williams County; and that part of McKenzie County north of the south line of Township No 150.	Apr. 1, 1951	Aug. 14, 1952

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

[F. R. Doc. 52-8971; Filed, Aug. 13, 1952; 8:50 a. m.]

[Rent Regulation 3, Amdt. 76 to Schedule A]

[Rent Regulation 4, Amdt. 20 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NORTH DAKOTA

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 14, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 11th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(223g) Williston	North Dakota	Williams County; and that part of McKenzie County north of the south line of Township No 150.	Apr. 1, 1951	Aug. 14, 1952

[F. R. Doc. 52-8972; Filed, Aug. 13, 1952; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

1. In Part 6, § 6.115 is revised to read as follows:

§ 6.115 *Cash value, other than 5-year level premium term policy.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 6.105 (b), shall become effective at the completion of the first policy year on any plan of United States Government life insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3½ percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full or waived, shall be the reserve together with any dividend accumulations. For each month after the first policy year, for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, made by the insured while the policy is in force, but not later than 3 calendar months from the due date of the premium in default, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. A surrender will be deemed completed on the date the check for the cash value is mailed to the insured's last known address of record: *Provided*, That the application has not been revoked, or the policy has not matured on or prior to said date: *Provided further*, That if the insurance is surrendered pursuant to section 5 of the Servicemen's Indemnity Act of 1951, the surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If forwarded through military channels the date the request is placed in military channels will be taken as the date of delivery. The provisions of the "cash value" clause in United States Government life insurance policies are hereby amended accordingly.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, § 8.27 is revised to read as follows:

§ 8.27 *Cash value*—(a) *Cash value on National Service life insurance other than insurance issued under section 620 of the National Service Life Insurance Act, as amended.* Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.29 (b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan; all values, reserves, and net single premiums being based on the American Experience Table of Mortality, with interest at the rate of 3 percent per annum. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve together with any dividend accumulations. For each month after the first policy year for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year. Upon written request therefor and upon complete surrender of the policy with all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. A surrender will be deemed completed on the date the check for the cash value is mailed to the insured's last known address of record: *Provided*, That the application has not been revoked, or the policy has not matured on or prior to said date: *Provided further*, That if the insurance is surrendered pursuant to section 5 of the Servicemen's Indemnity Act of 1951, the surrender shall be effective as of the date written request therefor is delivered to the Veterans' Administration. If forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If forwarded through military channels the date the request is placed in military channels will be taken as the date of delivery. The provisions of the "cash value" clause in United States Government life insurance policies are hereby amended accordingly.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

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(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation effective July 25, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8974; Filed, Aug. 13, 1952; 8:52 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

In the document appearing in the July 31, 1952, issue of the FEDERAL REGISTER (F. R. Doc. 52-8345), "Section 6.4 (b)" in amendatory provision 1 should read "Section 6.3 (b)".

JOEL D. WOLFSOHN,
Acting Secretary.

AUGUST 11, 1952.

[F. R. Doc. 52-9000; Filed, Aug. 13, 1952; 8:57 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Ch. I]

IMPORTATION OF WILD BIRD FEATHERS

NOTICE OF PROPOSED RULE MAKING

The act of July 17, 1952 (Pub. Law 580, 82d Cong., 66 Stat. 755), which will become effective at midnight, August 16, 1952, amends paragraph 1518 of the Tariff Act of 1930 (19 U. S. C., sec. 1001, par. 1518), so as to effect certain changes in the provisions thereof which prohibit the importation of the feathers of wild birds. Section 1 of the act amends paragraph 1518 by inserting "(a)" after "1518." and by striking out the two provisos at the end of the first subparagraph and all of the second subparagraph, and by inserting in lieu thereof new subparagraphs (b) to (f), inclusive.

Subparagraph (b) prohibits the importation of the feathers or skin of any bird except as provided in subparagraphs (c) and (d). Subparagraph (c) provides that the prohibition against importation shall not apply in certain designated circumstances which are not material for the purposes of this notice. Subparagraph (d) provides that there may be entered, or withdrawn from warehouse, for consumption in each calendar year the following quotas of skins bearing feathers:

(1) For use in the manufacture of artificial flies used for fishing: (A) not more than 5,000 skins of grey jungle fowl (Gallus sonneratii), and (B) not more than 1,000 skins of mandarin duck (Dendronessa galericulata); and

(2) For use in the manufacture of artificial flies used for fishing, or for millinery purposes, not more than 45,000 skins, in the aggregate, of the following species of pheasant: Lady Amherst pheasant (Chrysolophus amherstiae), golden pheasant (Chrysolophus pictus), silver pheasant (Lophura nycthemera), Reeves pheasant (Syrmaticus reevesii), blue-eared pheasant (Crossoptilon auritum), and brown-eared pheasant (Crossoptilon mantchuricum).

Under the terms of section 4 of the act, the import quotas set out above, which ordinarily would be for a full calendar year, will be available for the period beginning on August 17, 1952, and ending on December 31, 1952.

Subparagraph (e) provides that no article specified in subparagraph (d)

shall be entered, or withdrawn from warehouse, for consumption except under a permit issued by the Secretary of the Interior. The said subparagraph (e) further provides that the Secretary of the Interior shall prescribe such regulations as may be necessary to carry out the purposes and provisions of subparagraph (d), including regulations providing for equitable allocation among qualified applicants of the import quotas established by such subparagraph.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237), and in anticipation of the effective date, midnight, August 16, 1952, of the amendments to paragraph 1518 of the Tariff Act of 1930 made by the said act of July 17, 1952, notice is hereby given that the Secretary of the Interior proposes to take the following action:

To devise and adopt procedures under which permits may be applied for and issued for the entry, or withdrawal from warehouse for consumption, of the articles specified in subparagraph (d), and to adopt regulations providing for equitable allocation among qualified applicants of the import quotas established by such subparagraph.

The public generally and, in particular, importers, dealers, distributors, processors, manufacturers, and others who, directly or indirectly, may be interested or engaged in the manufacture of artificial flies used for fishing, or the manufacture of millinery products, and may desire to share in the allocation ultimately to be made of the import quotas established by the said subparagraph (d), are hereby invited to participate in the preparation of the proposed regulations by submitting their views, data, or arguments in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before September 2, 1952.

Issued at Washington, D. C., this eighth day of August 1952.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-8942; Filed, Aug. 13, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 909]

HANDLING OF ALMONDS GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO SALABLE AND SURPLUS PERCENTAGES

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 119 and Order No. 9, regulating the handling of almonds grown in California (7 CFR 1951 Sup., Part 909), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if the tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

Pursuant to the provisions of the aforesaid agreement and order, the Almond Control Board, the administrative agency thereunder, has transmitted to the Secretary of Agriculture its estimates relating to production, handler carryover, trade demand for almonds, and its recommendation as to salable and surplus percentages to be fixed for the crop year beginning July 1, 1952.

The Department has considered the Almond Control Board's estimates, and the following summary of the almond supply and demand situation, in terms of kernel weight, is based on such estimates and other available information: (1) 1952 California production 37,000,000 pounds; (2) trade demand for California almonds for the crop year beginning July 1, 1952, 39,950,000 pounds; (3) carry in by packers and shellers on July 1, 1952, 11,500,000 pounds; (4) portion of trade demand to be satisfied from 1952 California crop (item 2 minus item 3) 28,450,000 pounds; (5) quantity of 1952 California crop available for handling, with salable percentage of 85 percent (85 percent of item 1) 31,450,000 pounds; (6) estimated carry out June 30, 1953 (item 5 minus item 4) 3,000,000 pounds.

On the basis of information now available to the Department, a salable percentage of 85 percent would make sufficient almonds available to satisfy the estimated trade demand and provide an adequate quantity to be carried over by handlers on June 30, 1953.

Therefore, such proposed administrative rule is as follows:

§ 909.202 *Salable and surplus percentages for almonds during the crop year beginning July 1, 1952.* The salable and surplus percentages during the crop year beginning July 1, 1952, applicable to almonds, edible kernel weight basis, received by handlers for their own accounts, shall be 85 percent and 15 percent, respectively.

Issued at Washington, D. C., this 8th day of August 1952.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-8983; Filed, Aug. 13, 1952; 8:52 a. m.]

[7 CFR Part 940]

PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL YEAR

Consideration is being given to the following proposals which were submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $5,600.00 are likely to be incurred by said committee during the fiscal year beginning March 1, 1952, and ending February 28, 1953, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.007 per bushel basket of peaches, or its equivalent of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 11th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch Production and Marketing Administration.

[F. R. Doc. 52-8985; Filed, Aug. 13, 1952; 8:53 a. m.]

[7 CFR Part 951]

TOKAY GRAPES GROWN IN THE STATE OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 SEASON

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951), regulating the handling of Tokay grapes grown in the State of California, as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $39,520.00 are likely to be incurred by said committee during the season beginning April 1, 1952, and ending March 31, 1953, both dates inclusive, for its maintenance and functioning under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapes shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid season, the rate of assessment at $0.025 per hundred pounds of Tokay grapes shipped by such handler during said season.

All persons who desire to submit written data, views, or arguments for consideration in connection with the aforesaid proposals may do so by mailing the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 11th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-8984; Filed, Aug. 13, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

[Treasury Department Order No. 154; CGFR 52-40]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF AUTHORITY TO MAKE FINAL DETERMINATIONS IN PHYSICAL DISABILITY RETIREMENT CASES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U. S. C. 631, the powers, duties, and functions vested in me by Title IV of the Career Compensation Act of 1949, as amended, to make final determinations and to take final action in cases of members of the United States Coast Guard processed for physical disability retirement are hereby transferred and conferred upon the Commandant, United States Coast Guard.

Dated: August 7, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-8970; Filed, Aug. 13, 1952; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF FILING OF PLAT OF RESURVEY AND EXTENSION SURVEY

AUGUST 6, 1952.

Notice is given that the plat accepted March 24, 1952, of (1) resurvey comprising secs. 1, 2, 3, NE¼ secs. 4, 10, 11 and 12, T. 40 N., R. 27 E., delineating a retracement and reestablishment of portions of the original survey as shown upon the plat approved December 27, 1873, and (2) extension survey of lands hereinafter described will be officially filed in the Land and Survey Office, Reno, Nevada, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 40 N., R. 27 E.,
Sec. 4, lots 5 through 15, inclusive, and SW¼SW¼.
Sec. 9, all.

The areas described aggregate 1,121.22 acres.

Available data indicates the described lands are rough, mountainous land.

No application for the above-described lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference (under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Reno, Nevada.

A. L. SIMPSON,
Manager.

[F. R. Doc. 52-8943; Filed, Aug. 13, 1952; 8:45 a. m.]

DEPARTMENT OF COMMERCE

National Production Authority

[Suspension Order 18, Docket No. 18]

CHANDEYSSON ELECTRIC CO.

SUSPENSION ORDER

A hearing having been held in the above-entitled matter on the 10th day of June 1952 before Honorable Frederick J. Moreau, a Hearing Commissioner of the National Production Authority, on the statement of charges made by the National Production Authority pursuant to General Administrative Order 16–06 (16 F. R. 8628) dated July 21, 1951, and Implementation 1 thereto (16 F. R. 8799); and Respondent Chandeysson Electric Company having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and Chandeysson Electric Company having appeared herein by its attorney, R. Forder Buckley, 506 Olive Street, St. Louis, Mo., and Chandeysson Electric Company having stipulated on the 10th day of June 1952 to a stipulation of facts to be filed in these proceedings in lieu of the presentation of other evidence in support and in opposition to the statement of charges; and said stipulation and the respective statements of counsel having been duly considered, it is hereby determined as follows:

Findings of fact. 1. That during the period commencing December 12, 1951, and ending May 26, 1952, Chandeysson Electric Company, a Missouri Corporation, accepted deliveries of items of carbon steel and items of copper, upon the receipt of which its inventory of said items and each of them became and were in excess of the quantities of such items necessary to meet its deliveries, supply its services, and perform its operations on the basis of its then currently scheduled method and rate of operation, resulting in excess inventories of items of steel amounting to 281 tons and excess inventories in items of copper amounting to 91,948 pounds.

2. That Exhibit II attached to the stipulation of facts received in evidence herein further discloses that Respondent's inventories of the aforesaid controlled materials listed by size and shape exceeded its estimated requirements through the third quarter 1952 in the amount therein stated, except as to the following items as to each of which Respondent's inventory as of May 26, 1952, is below a reasonable estimate of its requirements through said third quarter of 1952, to wit:

Description	Inventory May 26, 1952	Future receipts	Total inventory	Estimated usage through Sept. 30, 1952	Estimated quantity in excess
Carbon steel bars—Flat					
¾" x 1"	652		652	652	
¾" x 3½"	1,716		1,716	1,716	
¾" x 4"	326		326	326	
Carbon steel plate					
1" x 48⅛₆"		15,680	15,680	15,680	
1¾" x 10¾"	8,160		8,160	8,160	
Commutator copper bars					
0.3363" x 0.4412" x 2"	1,439		1,439	1,439	
Magnet wire—square D. C. C.—in pounds					
No. 11½	2,025		2,025	2,025	
No. 12½	1,125		1,125	1,125	
Magnet wire—rectangular D. C. C.					
0.162" x 0.138"	2,868	4,800	7,668	7,668	

3. That during the period commencing December 12, 1951, and ending May 26, 1952, Chandeysson Electric Company committed acts prohibited by sections 3 (a) and 3 (b) by CMP Regulation No. 2 dated May 10, 1951, and as amended October 12, 1951 (16 F. R. 4370; 16 F. R. 10489), in that it accepted deliveries of the aforesaid items of the aforesaid controlled materials, upon receipt of which its inventory of said items became and were in excess of the quantities of such items necessary to meet its delivery, supply its services, and perform its operation on the basis of its then currently scheduled method and rate of operation, and that the receipt of said items and each of them was in violation of the said provisions of said sections of CMP Regulation No. 2.

In order to correct excess inventories of the aforesaid items of steel and copper occasioned by the aforesaid unauthorized receipts.

It is accordingly ordered: That all allocations and allotments of carbon steel, copper bars, and magnet wire which have been or may be granted to Chandeysson Electric Company, its successors and assigns, for use during the third quarter of 1952 and the fourth quarter of 1952, be and the same hereby are suspended; and the said Chandeysson Electric Company, its successors and assigns, are prohibited during each of said periods from accepting any delivery of the aforesaid items of the aforesaid controlled materials, except as follows, to wit:

The Chandeysson Electric Company, notwithstanding any provision of this order, shall be entitled to issue purchase orders against its allotments and receive deliveries thereon as to each of the items listed by size and shape in paragraph 2 supra of this order, to the extent necessary to bring its inventories of said items and each of them up to amounts necessary to meet its deliveries, supply its services, and perform its operations on the basis of its currently scheduled method and rate of operations with respect to said items: *Provided, however,* That such receipts do not result in inventories of said items or any of them in violation of the provisions of the aforesaid CMP Regulation No. 2: *And provided further,* That said Chandeysson Electric Company shall be permitted to receive delivery on the following purchase orders now outstanding for third quarter delivery, to wit:

Size	Quantity (pounds)	Purchase order No.	Delivery schedule
Carbon steel bars—flat			
1" x 4"	14,000	6727	July.
1" x 4½"	16,000	6727	July.
Carbon steel plate			
1" x 48⅛₆"	15,680	6728	July.
1¼" x 48⅛₆"	6,720	6728	July.
1¾" x 48⅛₆"	9,240	6728	July.
2¼" x 60"	7,920	6728	July.
Carbon steel sheets			
0.0625"	40,000	6729	July.
Commutator copper bars			
0.3335" x 0.9131" x 2"	5,000	6802	July.
0.7702" x 0.9128" x 2"	5,000	6802	July.
Magnet wire—square D. C. C.			
No. 8	2,000	6831	September.
No. 11	1,000	6831	September.
No. 12	1,000	6831	September.

Issued this 10th day of June 1952 at St. Louis, Mo.

NATIONAL PRODUCTION AUTHORITY,
By FRED J. MOREAU,
Hearing Commissioner.

[F. R. Doc. 52-9050; Filed, Aug. 13, 1952; 11:15 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4603 et al.]

MID-CONTINENT AIRLINES AND OZARK AIRLINES; REOPENED NORTH CENTRAL ROUTE INVESTIGATION CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (h) and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 3, 1952, at 10:00 a. m., eastern daylight time, in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Without limiting the scope of the issues raised by the Board's order serial number E–5952 reopening the proceeding, particular attention will be directed to the questions (a) whether the public convenience and necessity require the suspension of Mid-Continent Airlines' temporary certificate of public convenience and necessity for route No. 106 insofar as such certificate authorizes service to Milwaukee, Wis., and (b) whether the public convenience and necessity require the amendment of Ozark Airlines' temporary certificate of public convenience and necessity so as to extend the St. Louis, Mo.-Rockford, Ill. segments (segment number 1) of said route to Milwaukee, Wis.

For further details concerning the issues involved in the proceeding, interested persons are referred to the above-mentioned reopening order and to the report of the prehearing conference held on May 19, 1952, which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before September 3, 1952, a written statement setting forth such relevant propositions of fact or law as he desires to advance, and that upon such filing such person may participate in the hearing as provided in Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., August 8, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F R. Doc. 52-8973; Filed, Aug. 13, 1952; 8:51 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

SPECIAL REPRESENTATIVES OF HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH RELAXATION OF HOUSING CREDIT CONTROLS IN AREAS AFFECTED BY SAVANNAH RIVER (S. C. AND GA.), PADUCAH (KY.), AND REACTOR TESTING STATION (IDAHO) INSTALLATIONS OF ATOMIC ENERGY COMMISSION

The delegation of authority, effective June 20, 1951 (16 F. R. 6779), as amended, effective December 4, 1951 (16 F. R. 12407) and February 13, 1952 (17 F. R. 1400), is hereby further amended to read as follows:

The following representatives of the Housing and Home Finance Administrator are hereby authorized each in his respective assigned area to take any action (including the making of any determination and the approval of any application) which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 2, 16 F. R. 11728 (1951), as now or hereafter amended, which regulation pertains to the processing and approval, for the areas affected by the Savannah River (S. C. and Ga.), Paducah (Ky.), and Reactor Testing Station (Idaho) installations of the Atomic Energy Commission, of exceptions from residential credit restrictions otherwise applicable and to the terms and conditions attached to such approval:

McClellan Ratchford (Savannah River Office, Aiken, S. C.),

John McCollum (Paducah, Ky.), and

Lindley R. Durkee or his designee (Idaho Falls, Idaho).

Each of said representatives is hereby authorized, in his respective assigned area, to take any action necessary with respect to one-family or two-family dwellings to release applicants or their successors in interest from their obligation under CR 2 to hold any such dwelling for rent.

Any action taken by any of the aforementioned delegates in this connection is hereby ratified, confirmed and adopted.

(Reorganization Plan No. 3 of 1947, 61 Stat. 954; Title V of the Housing Act of 1948, as amended, 12 U. S. C. 1701c; Titles VI and VII of the Defense Production Act of 1950, as amended, 50 U. S. C. 2131 et seq.; Executive Order 10161, as amended, 50 U. S. C. App. 2071, Note; sec. 6 (p) of Regulation X, as amended, 32A CFR Chapter XV; HHFA CR 1, as amended, and HHFA CR 2, as amended, 32A CFR Chapter XVII)

Effective as of the 14th day of August 1952.

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-8969; Filed, Aug. 13, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1169]

POTOMAC GAS CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 8, 1952.

Notice is hereby given that on August 5, 1952, the Federal Power Commission issued its order entered July 31, 1952, dismissing application for certificate of public convenience and necessity and terminating proceeding in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8944; Filed, Aug. 13, 1952; 8:45 a. m.]

[Docket No. G–1556]

SOUTHERN CALIFORNIA GAS CO.

NOTICE OF ORDER DENYING APPLICATION FOR TRANSFER OF AMOUNTS TO EARNED SURPLUS AND AUTHORIZING TRANSFER TO OTHER RESERVES ACCOUNT

AUGUST 8, 1952.

Notice is hereby given that on August 6, 1952, the Federal Power Commission issued its order entered July 31, 1952, denying application for transfer of amounts to earned surplus and authorizing transfer to other reserves account in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8945; Filed, Aug. 13, 1952; 8:46 a. m.]

[Docket No. G–1960]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

On March 31, 1952, Tennessee Gas Transmission Company (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed an application as amended on July 1, 1952, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission pipeline facilities.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on September 2, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-8949; Filed, Aug. 13, 1952; 8:47 a. m.]

[Docket Nos. G–1960, G–1975]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

AUGUST 8, 1952.

In the matters of Texas Eastern Transmission Corporation, Docket No. G–1960; Mississippi River Fuel Corporation, Docket No. G–1975.

Notice is hereby given that on August 7, 1952, the Federal Power Commission issued its orders entered July 31, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8946; Filed, Aug. 13, 1952; 8:46 a. m.]

[Docket No. G-1993]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

JULY 31, 1952.

On July 3, 1952, Southern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission pipeline facilities or in the alternative requests an order by the Commission disclaiming jurisdiction with respect to the proposed facilities.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a public hearing be held commencing on September 4, 1952, at 10: 00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 8, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8950; Filed, Aug. 13, 1952; 8:47 a. m.]

[Docket No. G-2010]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 7, 1952.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with its principal office at 2223 Dodge Street, Omaha, Nebraska, filed on July 22, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas transmission pipeline facilities:

(A) *Pipelines.*

(1) [9 miles of 24 inch pipeline which forms a segment of] 36.3 Miles 16"-20"-24" Trunkline Texas Co., Oklahoma AGP (Stonebraker) Acreage.

(2) [12 miles of 26-inch pipeline which forms a segment of] 28.2 Miles 16"-24"-26" Trunkline Morton-Stevens Co., Kansas AGP Acreage.

(3) 41.0 Miles 24" Trunkline Hugoton Field Sta. to Kearny-Grant Trunkline.

(4) 2.5 Miles 20" Suction and Discharge Lines Tate Field Station.

(5) 2.0 Miles 26" Second Suction Line Holcomb Sta.

(6) 4.16 Miles 24" Trunkline Morton Co., Kansas Continuation of Item (1) above.

(B) *Compressor Stations.*

(1) Hugoton—13,200 H. P. Station.

(2) Tate—880 H. P. Station.

(3) Tate—1-440 H. P. Addition.

(C) *Transmission System.*

(1) 19.4 Miles 16" Second Branch Line—Omaha.

(2) Increase Branch Capacity for Old Communities.

(3) 0.3 Mile Albert Lea, Minnesota Line Extension.

(4) River Undercrossing Replacements (Solomon, Salt, Saline, and Stevens Creek).

(5) Replace 7,500 Feet 12" with 20" High Bridge Power Plant Line.

(6) 2.0 Miles Fourth Line to Minneapolis.

(7) Little Blue River Bridge Extension.

(D) *Town Border & Main Lines Sales Meas. Stations.*

(1) Omaha Second Measuring Station.

(2) Des Moines Second Measuring Station.

(3) Albert Lea, Minn., New Measuring Station.

(4) Relocate and Replace High Bridge Power Plant Measuring Station.

Applicant states that it is the purpose of this application to comply with conditions set forth in subparagraph (C) (8) (a) and (C) (8) (b) of the Commission's Opinion No. 230 and order issued June 24, 1952. In the Matter of Northern Natural Gas Company, Docket No. G-1618. Applicant further states that this application, in compliance with the condition contained in subparagraph (C) (8) (a) of the Commission's aforesaid opinion and order in Docket No. G-1618, seeks authorization for the facilities described in (A) and (B) above, and in compliance with the condition contained in subparagraph (C) (8) (b) of the Commission's aforesaid opinion and order, sets forth facts upon which Applicant requests the Commission to find that the facilities described in (C) and (D) above do not require certificate authorization, or, in the alternative, to grant certificate authorization therefor.

The estimated cost of facilities for which Applicant seeks certificate authorization and which are described in (A) and (B), above, is $7,827,407, and of the facilities described in (C) and (D) above for which Applicant requests the Commission to find that no certificate authorization is required, or, in the alternative, to grant certificate authorization therefor, is $3,865,140.

Applicant states that its application is unusual in character in that the facilities involved have already been considered by the Commission and sanctioned to the extent that they form an essential part of the overall project described and approved by the Commission in its Opinion No. 230 and order issued June 24, 1952 in Docket No. G-1618. For such reason Applicant refers to the showings made in that docket and to the findings of the Commission therein and requests that the Commission consider the same in connection with its determination of the instant application.

Applicant requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission, and requests that its application be disposed of pursuant to the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of August 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8951; Filed, Aug. 13, 1952; 8:47 a. m.]

[Docket No. IT-5519]

BONNEVILLE PROJECT COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF SUPPLEMENTAL ORDER CONFIRMING AND APPROVING RATES FOR EXPERIMENTAL SERVICE

AUGUST 8, 1952.

Notice is hereby given that on August 6, 1952, the Federal Power Commission issued its order entered July 31, 1952, confirming and approving rates for experimental service in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8947; Filed, Aug. 13, 1952; 8:46 a. m.]

CENTRAL LOUISIANA ELECTRIC CO., INC.; SUCCESSOR TO GULF PUBLIC SERVICE CO., INC.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS

AUGUST 8, 1952.

Notice is hereby given that on August 7, 1952, the Federal Power Commission issued its order entered July 31, 1952, approving and directing disposition of amounts classified in Account 100.5 and Account 107 in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8948; Filed, Aug. 13, 1952; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2389]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

SUPPLEMENTAL ORDER WITH RESPECT TO ISSUANCE AND SALE OF PROMISSORY NOTES AND COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION OF SUCH SECURITIES BY PARENT COMPANY

AUGUST 8, 1952.

The Commission having on December 6, 1951, issued its order extending the time to December 31, 1952, within which Eastern Shore Public Service Company of Maryland ("Maryland"), a wholly owned subsidiary of Delaware Power & Light Company ("Delaware"), a registered holding company, was authorized to issue and sell to Delaware $1,000,000 principal amount of its 4 percent promissory notes and 10,000 shares of its common stock; and

The joint applicants-declarants on July 30, 1952, having filed a supplemental amendment with this Commission stating that none of the above-mentioned notes or common stock have been issued or sold, and having requested the Commission to approve a revised form of note to be used in the issuance and sale of such notes, which differs from the form of note filed with the original application-declaration in this proceeding; and

The Commission having considered the revised form of note which Maryland proposes to issue to Delaware and it appearing to the Commission that the revised form of note is not inconsistent with the standards of the act or the rules and regulations promulgated thereunder and that the application-declaration as supplemented be granted and permitted to become effective:

It is ordered, That the application-declaration, as supplemented by supplemental amendment dated July 30, 1952, be and the same is hereby granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-8954; Filed, Aug. 13, 1952; 8:48 a. m.]

[File No. 70-2816]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

SUPPLEMENTAL ORDER WITH RESPECT TO ISSUANCE AND SALE OF PROMISSORY NOTES AND COMMON STOCK BY SUBSIDIARY COMPANY AND ACQUISITION OF SUCH SECURITIES BY PARENT COMPANY

AUGUST 8, 1952.

The Commission having on March 27, 1952, issued its Order authorizing Eastern Shore Public Service Company of Virginia ("Virginia"), a wholly-owned subsidiary of Delaware Power & Light Company ("Delaware"), a registered holding company, to issue and sell to Delaware prior to December 31, 1953, its 4 percent promissory notes in the total principal amount of not to exceed $700,000 and its common stock in a total of not to exceed 7,000 shares; and

The joint applicants-declarants on July 30, 1952, having filed a supplemental amendment with this Commission stating that none of the above-mentioned notes or common stock have been issued or sold, and having requested the Commission to approve a revised form of note to be used in the issuance and sale of such notes, which differs from the form of note which was filed with the original application-declaration in this proceeding; and

The Commission having considered the revised form of note which Virginia proposes to issue to Delaware in accordance with its order dated March 27, 1952, approving the transaction, and it appearing to the Commission that the revised form of note is not inconsistent with the standards of the act or the rules and regulations promulgated thereunder and that the application-declaration as supplemented be granted and permitted to become effective:

It is ordered, That the application-declaration, as supplemented by supplemental amendment dated July 30, 1952, be and the same is hereby granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-8955; Filed, Aug. 13, 1952; 8:49 a. m.]

[File No. 70-2904]

PHILADELPHIA CO.

ORDER GRANTING AUTHORITY TO RENEW BANK LOAN NOTES

AUGUST 8, 1952.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies, having filed a declaration pursuant to sections 6 (a) and 7 of the act with respect to the following transaction:

On August 21, 1950, the Commission issued its findings, opinion, and order (Holding Company Act Release No. 10044), which among other things permitted Philadelphia to issue bank loan notes, aggregating $17,500,000 to Mellon National Bank and Trust Co. of Pittsburgh, Pennsylvania, Chase National Bank of the City of New York, New York, Continental Illinois National Bank and Trust Company of Chicago, Illinois, and Harris Trust and Savings Bank of Chicago, Illinois. The notes, which were issued on August 23, 1950, provide for maturity one year after issuance, with an option on Philadelphia's part to renew them for two further periods of one year each, and for an interest rate of 2 percent per annum for the first year and, if renewed, 2⅛ percent thereafter. Said order of August 21, 1950, prohibited Philadelphia from extending the maturity of any of the bank loan notes without securing a further order of this Commission permitting such extension.

On July 31, 1951, Philadelphia prepaid $1,500,000 of said bank loan notes. On August 23, 1951, it renewed the remainder of said notes, in accordance with an order of this Commission, dated August 10, 1951 (Holding Company Act Release No. 10718), in the aggregate amount of $16,000,000, for a further period of one year from August 23, 1951. Philadelphia now proposes to renew such notes, in accordance with their terms, for another period of one year from August 23, 1952.

Philadelphia states that the expenses in connection with the proposed transaction will be nominal. It requests that the Commission's order herein become effective upon issuance.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-8953; Filed, Aug. 13, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 38, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, and pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this revision of Redelegation of Authority No. 38 (17 F. R. 4268) is hereby issued.

Authority to act under CPR 134. Authority is hereby redelegated to the Directors of the District Offices of the Office

of Price Stabilization in Region I, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This revised redelegation of authority shall take effect as of July 21, 1952.

JOSEPH M. McDONOUGH,
Regional Director, Region I.

AUGUST 14, 1952.

[F. R. Doc. 52-8979; Filed, Aug. 11, 1952; 4:50 p. m.]

[Region I, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT ON FINAL PRICING METHOD AND ADJUSTMENT PROVISIONS OF CPR 13

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. 1, and pursuant to Delegation of Authority No. 62 (17 F. R. 3258), this redelegation of authority is hereby issued.

Authority is hereby redelegated to each District Director of the Office of Price Stabilization in Region I:

(a) To request of any seller of petroleum products who is covered by Ceiling Price Regulation 13 further information regarding such seller's filing of a price under the provisions of sections 13 and 18 of Ceiling Price Regulation 13, or regarding his application for adjustment under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(b) To grant, revise or deny applications for adjustment made under the provisions of sections 16 and 17 of Ceiling Price Regulation 13;

(c) To approve, disapprove or revise ceiling prices determined under the provisions of sections 13 and 18 of Ceiling Price Regulation 13.

This redelegation of authority shall take effect as of July 21, 1952.

JOSEPH M. McDONOUGH,
Regional Director, Region I.

AUGUST 11, 1952.

[F. R. Doc. 52-8978; Filed, Aug. 11, 1952; 4:50 p. m.]

[Region V, Redelegation of Authority No. 29, Revised]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134, AS AMENDED

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 61, Revision 1 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Birmingham and Montgomery in the State of Alabama, Jacksonville and Miami in the State of Florida, Atlanta and Savannah in the State of Georgia, Jackson in the State of Mississippi, Columbia in the State of South Carolina, and Memphis and Nashville in the State of Tennessee, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This revised redelegation of authority shall take effect as of July 30, 1952.

MAURICE S. CULP,
Acting Director of Regional Office V.

AUGUST 11, 1952.

[F. R. Doc. 52-8980; Filed, Aug. 11, 1952; 4:51 p. m.]

[Region XIV, Redelegation of Authority No. 19]

TERRITORIAL DIRECTOR FOR HAWAII

REDELEGATION OF AUTHORITY TO APPROVE CEILING PRICES PROPOSED UNDER SECTION 8 OF CPR 72

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XIV, pursuant to Delegation of Authority No. 7, Revision 2 (17 F. R. 7062), this redelegation of authority is hereby issued.

1. Authority is hereby delegated to the Office of Price Stabilization Territorial Director for Hawaii, to act under section 8 of CPR 72 to approve or revise downward ceiling prices proposed under section 8 of CPR 72 so as to bring them in line with ceiling prices otherwise established by this regulation.

This redelegation of authority shall take effect on August 12, 1952.

WILLIAM T. CARROLL,
Regional Director.

AUGUST 11, 1952.

[F. R. Doc. 52-8981; Filed, Aug. 11, 1952; 4:51 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27297]

MIXED CARLOADS OF MERCHANDISE FROM ASHBORO, N. C., TO CHICAGO AND EAST ST. LOUIS, ILL., AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff ICC No. 1305.

Commodities involved: Merchandise, in mixed carloads.

From: Ashboro, N. C.

To: Chicago and East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, ICC No. 1305, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8960; Filed, Aug. 13, 1952; 8:49 a. m.]

[4th Sec. Application 27298]

NEWSPRINT PAPER FROM ONTARIO AND QUEBEC, CANADA, TO OMAHA, NEBR., AND HIAWATHA, KANS.

APPLICATION FOR RELIEF

AUGUST 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to schedules listed below.

Commodities involved: Newsprint paper, carloads.

From: Points in Ontario and Quebec, Canada.

To: Omaha, Nebr., and Hiawatha, Kans.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Canadian National Railways tariff ICC No. E-447, supl. 103, Canadian Pacific Railway tariff ICC No. E-2550, supl. 87.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-8959; Filed, Aug. 13, 1952; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 160

Washington, Friday, August 15, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 3 to Supp. 1, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 3771, 4834, and 5713, and containing the specific requirements for the 1952-crop Barley Price Support Program are hereby amended as follows:

Section 601.1558 (b) (1) is amended to include a provision with respect to barley shipped at other than the domestic interstate freight rate so that the amended subparagraph (1) reads as follows:

§ 601.1558 *Support rates.* * * *

(b) *Support rates for barley in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Supps., 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup., 714, 7 U. S. C. Sup., 1447, 1421)

Issued this 12th day of August 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9010; Filed, Aug. 14, 1952; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER THE UNITED STATES COTTON FUTURES ACT

SUBPART B—STANDARDS

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR THE GRADE OF AMERICAN UPLAND COTTON

On June 7, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5195) regarding the proposed revision of the Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR 27.151 through 27.186). Pursuant to the notice, a public meeting was held in Washington on June 19, 1952, to allow interested persons to inspect the proposed revised standards and to submit data, views, or arguments concerning the proposed revision. The pro-

(Continued on p. 7407)

CONTENTS

Agriculture Department Page
See Farm Credit Administration; Production and Marketing Administration.

Civil Aeronautics Board
Notices:
Hearings, etc.:
Accident occurring at International Airport, Miami, Fla ---- 7438
Irregular air carrier investigation ---- 7438
Rules and regulations:
General operation rules; aircraft operating limitations ---- 7419
Rules of practice in economic proceedings; motions for consolidation or contemporaneous consideration ---- 7419

Commodity Credit Corporation
Rules and regulations:
Barley; 1952 loan and purchase agreement program ---- 7405

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Farm Credit Administration
Notices:
Deputy Production Credit Commissioner and Assistant Deputy Production Credit Commissioner; authority and designation of order of precedence to act as Production Credit Commissioner in his absence ---- 7438

Federal Power Commission
Notices:
Hearings, etc.:
Colorado Interstate Gas Co. ---- 7439
Iowa-Illinois Gas and Electric Co ---- 7439
Mid-Georgia Natural Gas Co. ---- 7439
Public Service Electric and Gas Co ---- 7440

Internal Revenue Bureau
Notices:
Head, Alcohol and Tobacco Tax Division; delegation of authority with respect to certain functions ---- 7437

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Interstate Commerce Commission — Page
Notices:
Cured meats from Rio Grande River crossings to Chicago, Ill., Kansas City and St. Louis, Mo.; application for relief — 7440

National Production Authority
Rules and regulations:
Iron and steel scrap; alloy scrap segregation (M–20, Dir. 1) — 7429

National Production Authority—Continued
Rules and regulations—Con.
Platinum (M–54) — 7430
Restrictions on placing authorized controlled materials orders (CMP Reg. 1, Dir. 3) — 7429

Price Stabilization, Office of
Rules and regulations:
Beef, allocation to the military; applicability during periods of inadequate over-all supply (DR 3) — 7428
Castings; adjustment in ceiling prices of copper and copper alloy castings (CPR 60) — 7421
Eastern Wood Preserving Industry, ceiling prices; correction (CPR 157) — 7428
Food and restaurant commodities, certain, exemptions and suspensions; edible molasses (GOR 7) — 7427
Foods sold at wholesale, ceiling prices of certain; service fee wholesalers (CPR 14) — 7420
Malt beverages; extension of coverage to sales in Territory of Hawaii of malt beverages produced in Hawaii (CPR 117) — 7427
Paints, varnishes and lacquers, ceiling prices for manufacturers' sale (CPR 22, SR 6) — 7422

Production and Marketing Administration
Proposed rule making:
Almonds, shelled, U. S. standards — 7435
Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; registration; shipments for experimental use — 7436
Rules and regulations:
Cotton classification; official standards for grade of American Upland cotton — 7405
Florida grapefruit, U. S. standards — 7408
Grapes, Tokay, grown in San Joaquin and Sacramento Counties, Calif — 7417
Milk handling in the Omaha-Lincoln-Council Bluffs marketing area — 7411
Peas and cauliflower, fresh, grown in Alamosa, Rio Grande, Conejos, Castilla, and Saguache Counties in Colorado; expenses and rate of assessment — 7411

Rent Stabilization, Office of
Rules and regulations:
Defense-rental areas in Arizona, California, Illinois, Indiana and Pennsylvania:
Housing — 7432
Rooms — 7432

Rent Stabilization, Office of—Continued
Rules and regulations—Con.
Defense-rental areas in Arizona, California and Indiana:
Hotels — 7432
Motor courts — 7432

Securities and Exchange Commission
Notices:
Great Northern Gas Co., Ltd.; order extending exemption — 7440

Tariff Commission
Notices:
Hard fiber cords and twines; hearing — 7440

Treasury Department
See Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Life insurance:
National Service; proof of death — 7434
U. S. Government and National Service; miscellaneous amendments — 7432

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page
Title 6
Chapter IV:
Part 601 — 7405
Title 7
Chapter I:
Part 27 — 7405
Part 51 — 7408
Proposed — 7435
Part 162 (proposed) — 7436
Chapter IX:
Part 910 — 7411
Part 935 — 7411
Part 951 — 7417
Title 14
Chapter I:
Part 43 — 7419
Part 302 — 7419
Title 32A
Chapter III (OPS):
CPR 14 — 7420
CPR 22, SR 6 — 7422
CPR 60 — 7421
CPR 117 — 7427
CPR 157 — 7428
DR 3 — 7428
GOR 7 — 7427
Chapter VI (NPA):
CMP Reg. 1, Dir. 3 — 7429
M–20, Dir. 1 — 7429
M–54 — 7430
Chapter XXI (ORS):
RR 1 — 7432
RR 2 — 7432
RR 3 — 7432
RR 4 — 7432
Title 38
Chapter I:
Part 6 — 7432
Part 8 (2 documents) — 7432, 7434

posed revised standards were presented for approval to representatives of the signatories to the Universal Cotton Standards Agreements at a meeting held in Le Havre, France, on July 17, 1952.

After investigation and due consideration of all relevant matters presented as a result of the aforesaid notice and meetings, the following Official Cotton Standards of the United States for the Grade of American Upland Cotton are hereby promulgated, to supersede the provisions in Title 7, Code of Federal Regulations, §§ 27.151 through 27.186, pursuant to the authority contained in the United States Cotton Futures Act (39 Stat. 476, as amended, codified at 53 Stat. 210; 26 U. S. C. 1920 et seq.) and in the United States Cotton Standards Act (42 Stat. 1518, as amended; 7 U. S. C. 51 et seq.):

WHITE COTTON

Sec.
27.151 Good Middling.
27.152 Strict Middling.
27.153 Middling.
27.154 Strict Low Middling.
27.155 Low Middling.
27.156 Strict Good Ordinary.
27.157 Good Ordinary.

SPOTTED COTTON

27.158 Good Middling Spotted.
27.159 Strict Middling Spotted.
27.160 Middling Spotted.
27.161 Strict Low Middling Spotted.
27.162 Low Middling Spotted.

TINGED COTTON

27.163 Good Middling Tinged.
27.164 Strict Middling Tinged.
27.165 Middling Tinged.
27.166 Strict Low Middling Tinged.
27.167 Low Middling Tinged.

YELLOW STAINED COTTON

27.168 Good Middling Yellow Stained.
27.169 Strict Middling Yellow Stained.
27.170 Middling Yellow Stained.

GRAY COTTON

27.171 Good Middling Gray.
27.172 Strict Middling Gray.
27.173 Middling Gray.
27.174 Strict Low Middling Gray.

GENERAL

27.175 General.
27.176 Alternate title for standards.

AUTHORITY: §§ 27.151 to 27.176 issued under sec. 6, 42 Stat. 1518, sec. 1926, 53 Stat. 213; 7 U. S. C. 56, 26 U. S. C. 1926.

WHITE COTTON

§ 27.151 *Good Middling.* Good Middling shall be American upland cotton which in color, leaf, and preparation is better than Strict Middling.

§ 27.152 *Strict Middling.* Strict Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling, effective August 15, 1953."

§ 27.153 *Middling.* Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling, effective August 15, 1953."

§ 27.154 *Strict Low Middling.* Strict Low Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling, effective August 15, 1953."

§ 27.155 *Low Middling.* Low Middling shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling, effective August 15, 1953."

§ 27.156 *Strict Good Ordinary.* Strict Good Ordinary shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary, effective August 15, 1953."

§ 27.157 *Good Ordinary.* Good Ordinary shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Good Ordinary, effective August 15, 1953."

SPOTTED COTTON

§ 27.158 *Good Middling Spotted.* Good Middling Spotted shall be American upland cotton which in leaf and preparation is Good Middling, but which in spot or color or both is between Good Middling and Good Middling Tinged.

§ 27.159 *Strict Middling Spotted.* Strict Middling Spotted shall be American upland cotton which in leaf and preparation is Strict Middling, but which in spot or color or both is between Strict Middling and Strict Middling Tinged.

§ 27.160 *Middling Spotted.* Middling Spotted shall be American upland cotton which in leaf and preparation is Middling, but which in spot or color or both is between Middling and Middling Tinged.

§ 27.161 *Strict Low Middling Spotted.* Strict Low Middling Spotted shall be American upland cotton which in leaf and preparation is Strict Low Middling, but which in spot or color or both is between Strict Low Middling and Strict Low Middling Tinged.

§ 27.162 *Low Middling Spotted.* Low Middling Spotted shall be American upland cotton which in leaf and preparation is Low Middling, but which in spot or color or both is between Low Middling and Low Middling Tinged.

TINGED COTTON

§ 27.163 *Good Middling Tinged.* Good Middling Tinged shall be American upland cotton which in color, leaf, and preparation is better than Strict Middling Tinged.

§ 27.164 *Strict Middling Tinged.* Strict Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Middling Tinged, effective August 15, 1953."

§ 27.165 *Middling Tinged.* Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Middling Tinged, effective August 15, 1953."

§ 27.166 *Strict Low Middling Tinged.* Strict Low Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Low Middling Tinged, effective August 15, 1953."

§ 27.167 *Low Middling Tinged.* Low Middling Tinged shall be American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Low Middling Tinged, effective August 15, 1953."

YELLOW STAINED COTTON

§ 27.168 *Good Middling Yellow Stained.* Good Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Good Middling Tinged, but which in color is deeper than Good Middling Tinged.

§ 27.169 *Strict Middling Yellow Stained.* Strict Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Strict Middling Tinged, but which in color is deeper than Strict Middling Tinged.

§ 27.170 *Middling Yellow Stained.* Middling Yellow Stained shall be American upland cotton which in leaf and preparation is Middling Tinged, but which in color is deeper than Middling Tinged.

GRAY COTTON

§ 27.171 *Good Middling Gray.* Good Middling Gray shall be American upland cotton which in leaf and preparation is Good Middling, but which is more gray in color than Good Middling and no darker in color than the dullest bale in Strict Low Middling.

§ 27.172 *Strict Middling Gray.* Strict Middling Gray shall be American upland cotton which in leaf and preparation is Strict Middling, but which is more gray in color than Strict Middling and no darker in color than the dullest bale in Low Middling.

§ 27.173 *Middling Gray.* Middling Gray shall be American upland cotton which in leaf and preparation is Middling, but which is more gray in color than Middling and no darker in color than the dullest bale in Strict Good Ordinary.

§ 27.174. *Strict Low Middling Gray.* Strict Low Middling Gray shall be American upland cotton which in leaf and preparation is Strict Low Middling, but which is more gray in color than Strict Low Middling and no darker in color than the dullest bale in Good Ordinary.

GENERAL

§ 27.175 *General.* American upland cotton which in color, leaf, and preparation is within the range of the standards established by this subpart, but which contains a combination of color, leaf, and preparation not within any one of the standards set out in this subpart, shall be designated according to the standard which is equivalent to, or if there be no exact equivalent is next below, the average of all the factors that determine the grade of the cotton: *Provided*, That in no event shall the grade assigned to any cotton or sample be more than one grade higher than the grade classification of the color or leaf contained therein.

• § 27.176 *Alternate title for standards.* Since these standards have been agreed upon and accepted by the leading European cotton associations and exchanges, they may also be termed and referred to as the "Universal Standards for American Cotton."

Effective date. The provisions in §§ 27.151 through 27.176 shall become effective at 12:01 a. m., e. s. t., August 15, 1953.

The provisions in §§ 27.151 through 27.176 on their effective date shall supersede the present provisions in §§ 27.151 through 27.186.

Done at Washington, D. C., this 12th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9003; Filed, Aug. 14, 1952; 8:49 a. m.]

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

U. S. STANDARDS FOR FLORIDA GRAPEFRUIT

On July 3, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 5995) regarding proposed United States Standards for Florida Grapefruit. A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Florida Grapefruit are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.193 *Standards for Florida grapefruit*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See tolerances for defects, paragraph (c) (1) of this section.)

(2) *U. S. No. 1.* U. S. No. 1 consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(i) In this grade not more than one-third of the surface in the aggregate may be affected with discoloration. (See tolerances for defects, paragraph (c) (2) of this section.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (2) of this section.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (3) of this section.)

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See tolerances for defects, paragraph (c) (3) of this section.)

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (4) of this section.)

(7) *U. S. No. 2.* U. S. No. 2 consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage, caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(i) Each grapefruit may be only slightly colored.

(ii) Not more than one-half of the surface in the aggregate, may be affected with discoloration. (See tolerances for defects, paragraph (c) (5) of this section.)

(8) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (2) of this section.)

(9) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected with discoloration. (See tolerances for defects, paragraph (c) (6) of this section.)

(10) *U. S. No. 3.* U. S. No. 3 consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and free from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See tolerances for defects, paragraph (c) (7) of this section.)

(b) *Unclassified.* Unclassified consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the followinig tolerances are provided as specified:

(1) *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1, U. S. No. 1 Bright, and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(d) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(e) *Standard pack for grapefruit.* (1) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
36's	5	5 9/16
45's or 46's	4 11/16	5 1/16
54's or 56's	4 5/16	4 13/16
64's	4 1/16	4 5/16
70's or 72's	3 15/16	4 1/16
80's	3 13/16	4 1/16
96's	3 5/16	4 1/16
112's	3 1/16	4
125's or 126's	3 1/16	3 15/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 6/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(f) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow in color with practically no trace of green color.

(3) "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Mature" means the same as that term is set forth in section 601.16 Florida Statutes, Chapter 26492, known as the Florida Citrus Code of 1949, as amended.

(6) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(7) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting appearance of the individual fruit;

(ii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(iii) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(iv) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(8) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(9) "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

(10) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(11) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose;

(ii) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(iii) Green spots or oil spots, when materially affecting the appearance of the individual fruit;

(iv) Scab, when it cannot be classed as discoloration or appreciably affects shape or texture;

(v) Scale, when occurring as a blotch and its size exceeds the area of a circle ¾ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1¼ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch ¾ inch in diameter or a ring 1¼ inches in diameter on a 70-size grapefruit;

(vi) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(vii) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(viii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(12) "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

(13) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

(14) "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

(15) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(ii) Buckskin, when affecting the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(iii) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(iv) Green spots or oil spots, when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(v) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(vi) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle 1½ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch one inch in diameter or a ring 1½ inches in diameter on a 70-size grapefruit;

(vii) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(viii) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration;

(ix) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration; and,

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(16) "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed;

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(iii) Bird pecks, when not healed;

(iv) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked;

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(vi) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(vii) Scab, when aggregating more than 25 percent of the surface of the fruit;

(viii) Scale, when covering more than 20 percent of the surface of the fruit;

(ix) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(x) Sunburn, when seriously affecting more than one-third of the fruit surface; and,

(xi) Thorn punctures, when not healed or the fruit is seriously weakened.

(20) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(g) *Effective time.* The United States Standards for Florida Grapefruit contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 12th day of August 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-9012; Filed, Aug. 14, 1952; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 910—FRESH PEAS AND CAULIFLOWER GROWN IN ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE COUNTIES IN COLORADO

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations effective under Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910) regulating the handling of fresh peas and cauliflower grown in Alamosa, Rio Grande, Conejos, Costilla, and Saguache Counties in Colorado, was published in the FEDERAL REGISTER (17 F. R. 6596). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Administrative Committee (established pursuant to said marketing agreement and order, as amended), the following rules and regulations are hereby approved.

§ 910.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to Marketing Agreement No. 67 and Order No. 10, as amended, to enable such committee to carry out its functions pursuant to the aforesaid amended marketing agreement and order, during the fiscal year ending May 31, 1953, will amount to $2,000.00;

(b) The rate of assessment to be paid by each handler who first ships fresh peas or cauliflower shall be one-half of one cent ($0.005) per bushel of peas or per crate of cauliflower, or the respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 67 and Order No. 10, as amended (7 CFR Part 910).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 12th day of August 1952, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9014; Filed, Aug. 14, 1952; 8:54 a. m.]

PART 935—MILK IN THE OMAHA-LINCOLN-COUNCIL BLUFFS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

Sec.
935.0 Findings and determinations.

DEFINITIONS

935.1 Act.
935.2 Secretary.
935.3 Omaha-Lincoln-Council Bluffs marketing area.
935.4 Person.
935.5 Producer.
935.6 Handler.
935.7 Approved plant.
935.8 Unapproved plant.
935.9 Producer-handler.
935.10 Cooperative association.
935.11 Producer milk.
935.12 Other source milk.
935.13 Emergency milk.
935.14 Butter price.

MARKET ADMINISTRATOR

935.20 Designation.
935.21 Powers.
935.22 Duties.

REPORTS, RECORDS AND FACILITIES

935.30 Delivery period report of receipts and utilization.
935.31 Mid-delivery period reports.
935.32 Reports of payments to producers.
935.33 Producer-handler and other handler reports.
935.34 Records and facilities.
935.35 Retention of records.

CLASSIFICATION OF MILK

935.40 Skim milk and butterfat to be classified.
935.41 Classes of utilization.
935.42 Shrinkage.
935.43 Responsibility of handlers and reclassification of milk.
935.44 Transfers.
935.45 Emergency milk.
935.46 Computation of skim milk and butterfat in each class.
935.47 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

935.50 Basic price to be used in computing the Class I price.
935.51 Class prices.
935.52 Emergency price provision.
935.53 Location differential to handlers.

APPLICATION OF PROVISIONS

935.55 Producer-handlers.
935.56 Handlers subject to other orders.
935.57 Other source milk in Class I.

DETERMINATION OF UNIFORM PRICE

935.60 Computation of the value of milk received from producers.
935.61 Computation of uniform price.
935.62 Notification of handlers.

PAYMENTS

935.65 Time and method of payment.
935.66 Butterfat differential to producers.
935.67 Location differential to producers.
935.68 Producer-settlement fund.
935.69 Payments to the producer-settlement fund.
935.70 Payments out of the producer-settlement fund.
935.71 Adjustment of accounts.
935.72 Adjustment of errors in payments to producers.
935.73 Expense of administration.
935.74 Termination of obligations.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

935.80 Effective time.
935.81 Suspension or termination.
935.82 Continuing obligations.
935.83 Liquidation.

MISCELLANEOUS PROVISIONS

935.90 Agents.
935.91 Separability of provisions.

AUTHORITY: §§ 935.0 to 935.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 935.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices

as will reflect the aforesaid factions, insure a sufficient quantity of pure and wholesome milk and be in the public interest, and

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products delivered by handlers, as defined herein, are in the current of interstate or foreign commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(5) It is hereby found that the expense of the market administrator for the maintenance and functioning of such agency will require the payment monthly by each handler, as his pro rata share of such expenses, two cents per hundredweight, or such amount not exceeding two cents per hundredweight as the Secretary may prescribe, with respect to all milk received by him during the month from producers (including such handler's own production) and with respect to other source milk and emergency milk received by him during such month which is classified as Class I.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1952. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Omaha-Lincoln-Council Bluffs marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective September 1, 1952 (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Omaha-Lincoln-Council Bluffs marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Omaha-Lincoln-Council Bluffs marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (May 1952) were engaged in the production of milk for the Omaha-Lincoln-Council Bluffs marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended to read as follows:

DEFINITIONS

§ 935.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed., 601 et seq.).

§ 935.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

§ 935.3 *Omaha - Lincoln - Council Bluffs Marketing Area.* "Omaha-Lincoln-Council Bluffs Marketing Area," hereinafter called "marketing area" means the territory within the corporate limits of the cities of Omaha, and Lincoln, Nebraska, and Council Bluffs, Iowa; within Kane, Lake, Garner and Lewis townships in Pottawattamie County, Iowa; within Florence, Union, McArdle, Moorhead, McHugh, Benson, Beechwood, Pershing, Dundee, Loveland, Boystown, Ralston, Ashland and May precincts in Douglas County, Nebraska; within Gilmore, Highland and Bellevue precincts in Sarpy County, Nebraska; within West Lincoln precinct including the Lincoln Air Base, and the Veterans' Administration Hospital in Lancaster precinct, both in Lancaster County, Nebraska.

§ 935.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 935.5 *Producer.* "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided,* That such milk is (a) produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 935.56.

§ 935.6 *Handler.* "Handler" means (a) any person in his capacity as the operator of an approved plant(s), and (b) a cooperative association with respect to milk which it causes to be delivered from a producer to an approved plant or which it causes to be diverted to an unapproved plant for the account of such cooperative association, and such milk shall be deemed to have been received at an approved plant by the cooperative association. In the case of recognized divisions of a corporation which are operated as separate business units each such division shall be deemed to be a handler.

§ 935.7 *Approved plant.* "Approved plant" means (a) any milk processing plant from which skim milk and butterfat are disposed of as Class I milk (1) to any Federal agency located within the marketing area, or (2) on wholesale or retail routes (including plant stores) within the marketing area under a Grade A permit issued by any municipal or state health authority having jurisdiction in the marketing area, or (b) a plant which is under regular inspection by one or more of the several health authorities having jurisdiction in the marketing area, which is approved by such authority for the receiving of Grade A milk, and from which Grade A milk is regularly disposed of to plants described in paragraph (a) (2) of this section for Class I use.

§ 935.8 *Unapproved plant.* "Unapproved plant" means any milk processing plant other than an approved plant.

§ 935.9 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers: *Provided,* That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

§ 935.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) has its entire activities under the control of its members, and (b) has and is exercising full authority in the sale of milk of its members.

§ 935.11 *Producer milk.* "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

§ 935.12 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk or emergency milk.

§ 935.13 *Emergency milk.* "Emergency milk" means skim milk or butterfat other than that in producer milk which is received by a handler under the conditions and subject to the limitations prescribed in § 935.45.

§ 935.14 *Butter price.* "Butter price" means the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the delivery period.

MARKET ADMINISTRATOR

§ 935.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 935.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 935.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 935.73 the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to § 935.30 or (2) made payments pursuant to §§ 935.65 and 935.69;

(e) Promptly verify the information contained in reports submitted by handlers;

(f) Publicly announce by such means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 3d day after the end of each delivery period, the minimum class prices computed pursuant to § 935.51, and the butterfat differential computed pursuant to § 935.66;

(2) On or before the 9th day after the end of each delivery period, the uniform price computed pursuant to § 935.61.

(g) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 935.30 *Delivery period report of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, who purchases or receives milk from producers or associations of producers shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The respective quantities of skim milk and butterfat contained in producer milk, other source milk (except products disposed of in the form in which received without further processing or packaging in the plant of the handler), and emergency milk received during the delivery period;

(b) The quantities of skim milk and butterfat contained in the opening and closing inventories;

(c) The utilization of all skim milk and butterfat reported pursuant to paragraphs (a) and (b) of this section; and

(d) Such other information with respect to such receipts and utilization as the market administrator may request.

§ 935.31 *Mid-delivery period reports.* On or before the 22d day of each delivery period each handler shall report to the market administrator the pounds of milk received by him from each producer or association of producers during the first 15 days of the delivery period.

§ 935.32 *Reports of payments to producers.* On or before the 17th day after the end of each delivery period, each handler shall submit to the market administrator his producer payroll for the delivery period which shall show for each producer:

(a) The total pounds of milk received and the average butterfat content thereof;

(b) The price, amount, and date of payment made pursuant to § 935.65; and

(c) The nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 935.33 *Producer-handler and other handler reports.* Each producer-handler and each handler who receives milk only from other handlers which are not cooperative associations shall make reports to the market administrator at such time and in such manner as the market administrator may request.

§ 935.34 *Records and facilities.* Each handler shall maintain and make available to the market administrator, or his representative, during the usual hours of business, such accounts and records of his operations, including those of any other person upon whose utilization the classification of milk depends, and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The receipts and utilization in whatever form of all skim milk and butterfat required to be reported pursuant to § 935.30;

(b) The weights and tests for butterfat and other contents of all milk and milk products received or utilized; and

(c) Payments to producers or cooperative associations.

§ 935.35 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period the market administrator notifies the handler in writing that the retention of such records or of specific books and records is necessary in connection with the proceedings under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 935.40 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream and milk products required to be reported pursuant to § 935.30, which during the delivery period were received by a handler at an approved plant or caused by a cooperative association to be diverted to an unapproved plant shall be classified by the market administrator in the classes set forth in § 935.41.

§ 935.41 *Classes of utilization.* Subject to the conditions set forth in §§ 935.43, 935.44, and 935.47, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, yogurt, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) and eggnog, (2) used in the production of concentrated milk, not sterilized, for fluid consumption, and (3) not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce a milk product not specified in paragraph (a) of this section, (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations and of emergency milk, and (3) in shrinkage of other source milk.

§ 935.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler.

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in (1) producer milk and emergency milk, and (2) other source milk.

§ 935.43 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 935.41, the burden rests upon the handler who received such skim milk or butterfat from producers or cooperative associations to prove to the market administrator that

such skim milk or butterfat should not be classified as Class I.

(b) Any skim milk or butterfat which has been classified by the market administrator shall be reclassified if verification discloses that the original classification was incorrect.

§ 935.44 *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler which is not a cooperative association from an approved plant to an approved plant of another handler who receives milk from producers or from a cooperative association shall be Class I if transferred in the form of milk, skim milk or cream: *Provided,* That if the selling handler, on or before the 7th day after the end of the delivery period during which such transfer is made, furnishes the market administrator with a statement signed by the buyer indicating that such skim milk or butterfat was used in a different class, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the buyer after the subtraction of receipts of other source milk.

(b) Skim milk and butterfat when transferred or diverted by a handler to a producer-handler shall be Class I if transferred or diverted in the form of milk, skim milk or cream.

(c) Skim milk and butterfat which is caused to be delivered from producers to an approved plant by a cooperative association which is a handler for the account of such cooperative association shall be ratably apportioned over the receiving handler's total utilization of producer milk.

(d) Skim milk and butterfat when transferred from an approved plant to an unapproved plant located more than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream.

(e) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant located less than 150 miles from the marketing area shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler reports that such skim milk or butterfat was used in Class II: *Provided,* That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be classified as Class I: *Provided further,* That if upon audit of the buyer's records it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I.

(f) Skim milk and butterfat received by a handler as other source milk shall, except as provided in § 935.57, be classified in the lowest class in which such handler has use.

(g) Skim milk and butterfat received by a handler as emergency milk shall be ratably apportioned over the receiving handler's total utilization of milk.

(h) Skim milk and butterfat of a handler's own production shall be ratably apportioned over such handler's total utilization of producer milk.

§ 935.45 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler is insufficient for such handler's disposition of Class I milk, skim milk and butterfat other than that in producer milk which is received by a handler and which is permitted by a health authority having jurisdiction in the marketing area to be disposed of as Grade A milk shall be considered emergency milk up to an amount equal to the difference between the receipts of skim milk or butterfat in producer milk by such handler and 107 percent of his total disposition of skim milk or butterfat in Class I milk.

§ 935.46 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 935.47 *Allocation of skim milk and butterfat classified.* After computing, pursuant to § 935.46, the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers in the following manner.

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk allocated to shrinkage of producer milk;

(2) Subtract from the pounds of skim milk in Class I the pounds of skim milk in other source milk allocated to Class I pursuant to § 935.57;

(3) Subtract from the remaining pounds of skim milk in Class II the remaining pounds of skim milk in other source milk: *Provided,* That, if the pounds of skim milk in such other source milk are greater than the remaining pounds of skim milk in Class II, an amount equal to the difference shall be subtracted from Class I;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to § 935.44 (a);

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(6) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in (i) milk of the handler's own production, (ii) emergency milk, and (iii) milk received from a cooperative association which is a handler;

(7) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. Any amount in excess of that in Class II shall be subtracted from Class I. The amounts so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

§ 935.50 *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk for each delivery period shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture, divided by 3.5, and multiplied by 3.8, and adjusted to the nearest cent:

Present Operator of Plant and Location of Plant

Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Northfield, Minn.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
Dean Milk Co., Pecatonica, Ill.
Fort Dodge Creamery Co., Fort Dodge, Iowa.
Pet Milk Co., Shullsburg, Wis.
United Milk Products Co., Argo Fay, Ill.

(b) The price computed pursuant to § 935.51 (b) for the preceding delivery period for Class II milk containing 3.8 percent butterfat plus 15 cents.

§ 935.51 *Class prices.* Subject to the provisions of §§ 935.52 and 935.53 the minimum prices per hundredweight to be paid by each handler for milk received by him from producers or from a cooperative association during the delivery period shall be as follows:

(a) *Class I milk.* The price per hundredweight of Class I milk containing 3.8 percent butterfat shall be the basic price computed pursuant to § 935.50 plus $1.40.

(1) The price per hundredweight of butterfat in Class I shall be computed by adding $28.00 to the price computed pursuant to paragraph (b) (1) of this section for the preceding delivery period.

(2) The price per hundredweight of skim milk in Class I shall be computed by (i) multiplying by 0.038 the price computed pursuant to subparagraph (1) of this paragraph, (ii) subtracting the result from the price computed pursuant to this paragraph for Class I milk containing 3.8 percent butterfat, (iii) dividing the result by 0.962, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* The price per hundredweight of Class II milk containing 3.8 percent butterfat shall be that computed by multiplying by 3.8 the price computed pursuant to subparagraph (1) (iii) of this paragraph and adding thereto the amount computed pursuant to subparagraph (2) (i) of this paragraph.

(1) The price per hundredweight of butterfat in Class II milk shall be computed by (i) multiplying the butterfat price by 1.25, (ii) subtracting 8 cents, (iii) adjusting to the nearest cent, and (iv) multiplying the result by 100.

(2) The price per hundredweight of skim milk in Class II shall be computed by (i) adding to 17 cents, 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound, (ii) dividing the resulting sum by 0.962, and (iii) adjusting to the nearest cent. The price per pound of non-fat dry milk solids to be used shall be the simple average of carlot prices for nonfat dry milk solids for human consumption both spray and roller process, delivered at Chicago as reported by the Department of Agriculture during the delivery period. In the event the Department does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, there shall be used the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month, and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

§ 935.52 *Emergency price provision.* Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 935.53 *Location differential to handlers.* With respect to milk received from producers at an approved plant located outside the marketing area and which is transferred to an approved plant located within the marketing area in the form of milk, skim milk or cream, the Class prices computed pursuant to § 935.51 shall be reduced 5 cents per hundredweight with respect to milk received at a plant located in Waterloo precinct in Douglas County, Nebraska, and 10 cents per hundredweight with respect to milk received at any other plant located more than 45 miles from the marketing area.

APPLICATION OF PROVISIONS

§ 935.55 *Producer-handlers.* Sections 935.40 to 935.47, 935.50 to 935.53, 935.60 to 935.62, and 935.65 to 935.74 shall not apply to a producer-handler.

§ 935.56 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with § 935.34.

(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which are classified as Class I milk under this subpart, is less than the price provided by this subpart, such handler, on or before the 10th day after the end of the delivery period in which a bill is rendered, shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

§ 935.57 *Other source milk in Class I.* (a) In the case of approved plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of the actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

(b) During any delivery period prior to November 1, 1952, Grade A skim milk and butterfat in other source milk which is received in bulk at an approved plant from an unapproved plant which receives Grade A milk in packaged form for Class I use from the approved plant, shall be allocated to Class I in an amount not in excess of the amounts of skim milk and butterfat either (1) transferred from the unapproved to the approved plant as Grade A milk, or (2) transferred from the approved to the unapproved plant in packaged form, whichever is the lesser amount.

DETERMINATION OF UNIFORM PRICE

§ 935.60 *Computation of the value of milk received from producers.* The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class computed pursuant to § 935.47 by the applicable class prices and adding together the resulting amounts and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat there shall be added to the above value an amount computed by multiplying the pounds of overage by the applicable class prices;

(b) If any skim milk or butterfat in other source milk has been subtracted from Class I pursuant to § 935.47 (a) (3) in any delivery period, other than one in which any handler has received skim milk or butterfat which has been designated by the market administrator as emergency milk, the market administrator in computing the value of milk of such handler shall add an amount computed by multiplying the hundredweight of skim milk or butterfat so subtracted by the difference between the Class I and Class II prices.

§ 935.61 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 935.60 for all handlers who filed the reports prescribed by § 935.30 and who made the payments pursuant to §§ 935.65 and 935.69 for the preceding delivery period;

(b) Subtract during each of the delivery periods of April, May, and June, an amount equal to 8 percent of the resulting sum;

(c) Add during each of the delivery periods of September, October, and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total value of the location differentials computed pursuant to § 935.67;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.8 percent, or add, if such butterfat content is less than 3.8 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 935.66 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. The result shall be known as the "uniform price" for milk received from producers.

§ 935.62 *Notification of handlers.* On or before the 9th day of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to §§ 935.47 and 935.60;

(b) The uniform price computed pursuant to § 935.61;

(c) The amount, if any, due such handler from the producer-settlement fund or the amount to be paid by such handler to the producer-settlement fund; and

(d) The total amounts to be paid by such handler pursuant to §§ 935.65 and 935.69.

PAYMENTS

§ 935.65 *Time and method of payment.* Each handler shall make payment for milk received during the delivery period as follows:

(a) *Final payment.* On or before the 12th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler at not less than the uniform price computed in accordance with § 935.61, subject to the butterfat and location differentials computed pursuant to

§§ 935.66 and 935.67, and less the amount of the payment made to such producers pursuant to paragraph (b) (1) of this section.

(2) To a cooperative association which is a handler for milk which it caused to be delivered to such handler by such cooperative association at not less than the value of such milk at the applicable class prices, less the amount of the payment made pursuant to paragraph (b) (2) of this section.

(b) *Mid-delivery period payment.* On or before the 27th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler an amount computed by multiplying the hundredweight of milk delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

(2) To a cooperative association which is a handler for milk which was caused to be delivered to such handler by such cooperative association an amount computed by multiplying the hundredweight of milk caused to be so delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

§ 935.66 *Butterfat differential to producers.* If any handler has received from any producer during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler, in making the payment pursuant to § 935.65 (a) (1) shall add to the uniform price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent not less than, or shall subtract for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.8 percent not more than an amount computed as follows: add 20 percent to the butter price, divide the resulting sum by 10, and adjust to the nearest cent.

§ 935.67 *Location differential to producers.* In making payments to producers pursuant to § 935.65 (a) (1) there shall be deducted with respect to milk received at an approved plant located in Waterloo precinct in Douglas County, Nebraska, 5 cents per hundredweight, and with respect to milk received at approved plants located more than 45 miles from the marketing area, 10 cents per hundredweight.

§ 935.68 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 935.56, 935.69 and 935.71 and out of which he shall make all payments to handlers pursuant to §§ 935.70 and 935.71.

§ 935.69 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the total value of the milk received by such handler from producers computed pursuant to § 935.60 is greater than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1).

§ 935.70 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers computed pursuant to § 935.60 is less than the amount required to be paid producers by such handler pursuant to § 935.65 (a) (1): *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 935.71 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund pursuant to §§ 935.69 and 935.70, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 935.72 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 935.65, the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 935.73 *Expense of administration.* As his pro rata share of the expense of administration of this subpart each handler on or before the 12th day after the end of the delivery period shall pay to the market administrator, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe with respect to all milk received from producers (including such handler's own production) and cooperative associations and with respect to emergency milk or other source milk which is classified as Class I. As its pro rata share of the expense of administration of this subpart, a cooperative association which is a handler, shall pay to the market administrator on or before the 12th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to an unapproved plant, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this section.

§ 935.74 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses with respect to any obligation under this subpart, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 935.80 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 935.81.

§ 935.81 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 935.82 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 935.83 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 935.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 935.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 12th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F R Doc. 52-9013; Filed, Aug. 14, 1952; 8:52 a. m.]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 951.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Lodi, California, beginning on March 31, 1952, upon proposed amendments to the marketing agreement, as amended, and Order No. 51, effective August 20, 1940, as amended (7 CFR Part 951; 16 F. R. 9353, 10016), regulating the handling of Tokay grapes grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California in the same manner as, and is applicable to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the grapes covered thereby;

(4) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any sub-division of the production area would not effectively carry out the declared policy of the act; and

(5) All handling of Tokay grapes which are grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after such publication (60 Stat. 237; 5 U. S. C. 1001 et seq.).

It is necessary, in the public interest, to make this order effective as soon as practicable, so as to facilitate, promote, and maintain orderly marketing of the grapes covered hereunder. Shipments of Tokay grapes grown in San Joaquin and Sacramento Counties will begin to be made in a limited way early in August and in volume soon thereafter. It is necessary, therefore, to make this order effective promptly so that regulations may be formulated and issued prior to the commencement of volume shipments. Furthermore, the Industry Committee must be afforded adequate opportunity for the consideration of such changes in the current rules and regulations as may be appropriate in view of the amendatory provisions hereof, and such changes should be in effect prior to the beginning of the Tokay grape shipping season. Thus, the benefits of the program will be available to producers and handlers throughout the marketing season of the 1952 crop. The provisions of this order are well known to handlers, the public hearing on the amendments having been held in Lodi, California, on March 31 and April 1, 1952, and the recommended decision and final decision having been published on May 28 (17 F. R. 4855, 5043), and June 20, 1952 (17 F. R. 5575), respectively. Handlers and producers have received copies of the text of the amendatory order; and compliance with the provisions hereof will not require any advance preparation on the part of persons subject thereto that cannot be completed prior to such effective date.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Tokay Grapes Grown in San Joaquin and Sacramento Counties in the State of California," (so redesignated in order to identify the actual production area) upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the grapes covered by this order) who, during the period April 1, 1951, through March 31, 1952, shipped not less than 50 percent of the volume of Tokay grapes covered by said order, as amended and hereby further amended;

(2) The aforesaid marketing agreement, as amended, has been executed by handlers who were signatory parties to the marketing agreement, as amended, regulating the handling of Tokay grapes grown in the State of California and who, during the aforesaid marketing season, shipped not less than fifty (50) percent of the volume of Tokay grapes, grown in the State of California, shipped during such season by all handlers signatory to said marketing agreement;

(3) The issuance of this order, amending the said order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (April 1, 1951, through March 31, 1952), were engaged within the production area specified in said order in the production of Tokay grapes for market, such producers having also produced for market at least two-thirds of the volume of Tokay grapes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Tokay grapes grown in the pro-

duction area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 951.4 *Grapes* and insert, in lieu thereof, the following:

§ 951.4 *Grapes.* "Grapes" means all strains of Tokay grapes grown in the production area.

2. Delete § 951.7 *Handle* and insert, in lieu thereof, the following:

§ 951.7 *Handle.* "Handle" is synonymous with "ship" and means to sell, load in a conveyance for transportation, offer for transportation, transport, or in any other way to place grapes in the current of commerce between any point within the production area and any point outside thereof. The term "handle" also means to deliver grapes to a refrigerated storage warehouse for storage purposes, either within the production area or outside thereof. The term "handle" shall not include the sale of grapes on the vine or the transportation of grapes from a vineyard, or a packing shed within the production area, to a packing shed within the production area.

3. Delete § 951.11 *District* and insert, in lieu thereof, the following:

§ 951.11 *District.* "District" means the applicable one of the following described subdivisions of the production area;

(a) "Lodi District" means the County of San Joaquin in the State of California, and shall be divided into the following Election Districts: (1) "Acampo Election District" means the school district of Houston; (2) "Woodbridge Election District" means the school district of Woods, and that portion of the Galt Joint Union School District situated in San Joaquin County; (3) "Lafayette Election District" means the school districts of Lafayette, Henderson, Turner, Ray, Terminous and New Hope; (4) "Victor Election District" means the school districts of Bruella, Victor, Lockeford, Oak View and Clements; (5) "Alpine Election District" means the school districts of Alpine and Lodi; (6) "Live Oak Election District" means all of the school districts in the Lodi District, other than those included in the Acampo, Woodbridge, Lafayette, Victor, and Alpine Election Districts. The boundaries of the foregoing school districts shall be those in effect on October 1, 1947.

(b) "Florin District" means the County of Sacramento in the State of California.

4. Add after § 951.11 a new definition as follows:

§ 951.12 *Production area.* "Production area" means the Counties of San Joaquin and Sacramento in the State of California.

5. Delete the words "State of California" appearing in § 951.32 (l) and insert, in lieu thereof, the words "production area."

6. Delete paragraphs (a), (b), (c), and (d) of § 951.40 *Shippers' Advisory Committee* and insert, in lieu thereof, the following:

(a) A Shippers' Advisory Committee, consisting of seven members who are individual persons selected by the handlers in accordance with the provisions of this subpart, is hereby established. There shall be an alternate for each member of such committee. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) Six members and six alternate members of the Shippers' Advisory Committee shall be elected by the handlers at a general meeting of all handlers, at which each handler shall have one vote for each member position and each alternate member position for which he is eligible to vote. Three of such members shall be elected by, and from among, the five largest handlers (determined on the basis of the quantity of grapes shipped by the respective handler during the preceding season), or the employees or representatives of such handlers. Three alternate members for such members shall also be elected by such handlers. Three members and their alternates shall be elected by all other handlers. The seventh member of such committee and his alternate shall be elected jointly by the members of the Industry Committee and the other six members of the Shippers' Advisory Committee. The provisions of this paragraph shall first become effective for the election of members of the Shippers' Advisory Committee who are to serve during the season beginning April 1, 1953.

(c) Any individual person, other than a member or an alternate member of the Industry Committee, shall be eligible for membership on the Shippers' Advisory Committee.

(d) The initial meeting of handlers, at which members of the Shippers' Advisory Committee are to be elected, shall be called and conducted by the Secretary or his agent as soon as possible after the selection of initial members of the Industry Committee. Each handler who desires to vote at the said meeting for the election of members of such committee shall file with the Secretary or his agent an affidavit stating his shipments of grapes during the preceding season. Election meetings held subsequent to the initial meeting shall be called and conducted each season by the Industry Committee as much in advance of the shipping season as is practical; and each handler who desires to vote thereat shall file, with the Industry Committee, a statement of his shipments of grapes during the season immediately preceding the season during which such meeting is held.

7. Delete § 951.52 *Exemptions* and insert, in lieu thereof, the following:

§ 951.52 *Exemptions.* (a) The Industry Committee shall, subject to the approval of the Secretary, adopt such procedural rules as are necessary to govern the issuance of exemption certificates under paragraph (b) of this section.

(b) In the event the Secretary issues a regulation pursuant to § 951.51, the Industry Committee shall issue an exemption certificate to any grower who furnishes proof, satisfactory to such committee, that by reason of conditions beyond his control he will be prevented, because of the regulation issued, from shipping or having shipped in fresh fruit channels from a particular vineyard a percentage of his crop of grapes equal to (1) the average percentage of grapes produced in and so shipped from his district during the preceding three seasons or (2) the average percentage of grapes produced in and so shipped from such vineyard during the preceding three seasons, whichever percentage is the greater. The certificate shall permit such grower to ship, or have shipped, in fresh fruit channels, a percentage of his crop of grapes from such vineyard equal to such greater percentage. In computing the aforesaid quantities that were shipped during the preceding three seasons, there shall be omitted the aggregate quantities of grapes shipped under exemption certificates.

(c) If any grower is dissatisfied with the action of the Industry Committee taken with respect to his application for an exemption certificate, such grower may appeal to the Secretary: *Provided*, That such appeal shall be made promptly. The Secretary may, upon an appeal made as aforesaid, modify or reverse the action of the committee. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate shall be final and conclusive.

(d) The Industry Committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of grapes thus exempted, and such additional information with respect thereto as the Secretary may request.

8. Delete paragraph (j) of § 951.60 *Definitions* and insert, in lieu thereof, the following:

§ 951.60 *Definition.* • • •

(j) "Handle" is synonymous with "ship" and means to transport by railroad, or to prepare for transportation by railroad (which shall include, but not be limited to, packaging and precooling) or to load in a conveyance for delivery to assembly points or to transport to assembly points, for transportation by railroad, in the current of commerce between any point within the State of California and any point outside thereof within the continental limits of North America.

9. Delete § 951.87 *Grapes for charitable purposes* and insert, in lieu thereof, the following:

§ 951.87 *Grapes not subject to regulation.* (a) Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to ship:

(1) Grapes in any quantity for consumption by a charitable institution;

(2) Grapes in any quantity for distribution for relief purposes;

(3) Grapes in any quantity for distribution by a relief agency;

(4) Grapes in commercial quantities for commercial conversion into by-products, including wine and juice;

(5) Grapes not in excess of such quantity as may be established by the Industry Committee, with the approval of the Secretary, as the minimum quantity below which shipments may be made without limitation; or

(6) Grapes in such types of shipments as may be established by the Industry Committee, with the approval of the Secretary, as the types of shipments which may be made without limitation.

(b) No assessment shall be levied on any grapes not subject to regulation under paragraph (a) of this section. The Industry Committee may, with the approval of the Secretary, prescribe such rules and regulations as it may deem necessary to prevent grapes so shipped from entering commercial fresh fruit channels of trade contrary to, or in violation of, this subpart.

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 12th day of August 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9018; Filed, Aug. 14, 1952; 8:55 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 8]

PART 43—GENERAL OPERATION RULES

AIRCRAFT OPERATING LIMITATIONS

Section 43.10 (b) provides that aircraft operating limitations shall be set forth in a form and manner prescribed by the Administrator. Such limitations have either been issued in the form of a CAA approved airplane or rotorcraft flight manual prepared by the manufacturer or set forth in Forms ACA-309 or 309a for aircraft not required by regulation to have such manuals. In order to reduce the number of official documents issued by the CAA and required to be carried in an aircraft, after August 20, 1952, Forms ACA-309 and 309a will no longer be issued by an Aviation Safety Agent or a representative of the Administrator for the purpose of listing operating limitations of aircraft required under § 43.10 (b). This does not relieve the aircraft owner or pilot of the requirement of § 43.10 (b) that the aircraft may not be operated unless there are available in the aircraft appropriate aircraft operating limitations in the form and manner prescribed by the Administrator.

The following rules prescribe the form and manner by which the aircraft owner may comply with § 43.10 (b). Due and timely execution of CAA functions and public demand require that these rules be made effective without delay. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and unnecessary, and therefore is not required.

Sections 43.10-1 and 43.10-2 as published on July 16, 1949, in 14 F. R. 4272, and on February 11, 1950, in 15 F. R. 767, are deleted, and the following new § 43.10-1 is adopted:

§ 43.10-1 *Operating limitations (CAA rules which apply to § 43.10 (b)).* Aircraft operating limitations prescribed by the Administrator shall consist of one of the following:

(a) A current CAA approved "Airplane Flight Manual" for airplanes, or a current "Rotorcraft Flight Manual" for helicopters, issued by the manufacturer, or

(b) Forms ACA-309 or ACA-309a issued by CAA to the aircraft as part of the airworthiness certificate prior to the effective date of this section,[1] or

(c) (1) Placards or listings or combination of both, containing the following operating limitations,[2] insofar as they have been prescribed by the Administrator for a particular aircraft:

Engine limits (take-off, altitude, RPM, manifold pressure).
Airspeed limits (level flight or climb, glide or dive, flaps extended).
Maximum weights (take-off, landing).
Empty weight and useful load.
Datum.
Center of gravity range.
Empty center of gravity.
Any special limitation prescribed by a CAA representative at the time the aircraft is presented for certification.

(2) The placards or listings shall be accessible to the pilot, legible and not easily erased or disfigured.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 62 Stat. 1216; 49 U. S. C. 551, 553)

This supplement shall become effective August 20, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-8990; Filed, Aug. 14, 1952; 8:45 a. m.]

[1] The Administrator will accept Forms ACA-309 or ACA-309a issued as satisfying the requirements of § 43.10 (a) and § 43.10-1 (b) until such time as the aircraft is altered or modified to such an extent as to render inapplicable any one of the prescribed limitations, in which event the owner will be required to comply with § 43.10-1 (c).

[2] It is the responsibility of the aircraft owner to prepare and place in the aircraft current operating limitations. The technical data necessary to develop these limitations may be obtained from the pertinent aircraft specifications issued by the Administrator. These specifications are furnished upon request, free of charge, by all CAA regional offices. These specifications are also available for review only at all Aviation Safety District Offices.

Where the Administrator has never published an aircraft specification or limitation for a particular aircraft, the Administrator will prescribe the appropriate limitations at the time the aircraft is presented for certification or at any time the owner requests such information.

Subchapter C—Procedural Regulations

[Regs., Serial No. PR-17]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

REVISIONS OF RULES OF PRACTICE RELATING TO MOTIONS FOR CONSOLIDATION OR CONTEMPORANEOUS CONSIDERATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 11th day of August 1952.

On June 9, 1952 the Board gave notice that it had under consideration a revision of § 302.12 of the procedural regulations (14 CFR 302.12) relating to the filing of motions for consolidation of two or more proceedings or for contemporaneous consideration thereof. Interested persons were invited to participate in the proposed rule-making by submitting such written data, views, or arguments as they might desire.

The proposed rule places the burden of seeking consolidation or contemporaneous consideration of an application upon the applicant. It requires that a motion for such consolidation or contemporaneous consideration shall be filed not later than the prehearing conference in the proceeding with which the consolidation or contemporaneous consideration is requested and shall relate only to a then pending application. Provision is made that a motion that is not timely filed or does not relate to an application pending at the time of or before the appropriate prehearing conference shall be dismissed unless the motion shall clearly show good cause for failure to file the motion or application within the prescribed period.

A number of air carriers and individuals responded to the Board's invitation for the submission of written comments. The comments of carriers have been carefully considered and certain revisions have been made in the proposed rule in response thereto. The Board is therefore now adopting the revision of § 302.12 to the procedural regulations.

None of the carriers objected to the principle of providing a cut-off date for the filing of motions for consolidation or contemporaneous hearing. However, some of them commented that the prehearing conference was not an appropriate cut-off date, since in many cases the parties may not know until the conference the exact scope of a proceeding or a request for consolidation may be made at a conference, which affects a carrier's position, and which necessitates a motion for consolidation or contemporaneous hearing, not previously considered. It has therefore been suggested that a cut-off date be made at some point after the prehearing conference.

We have carefully considered these comments and recognize the merit of the contention that there will be cases in which a party cannot reasonably file a request for consolidation or contemporaneous consideration at the prehearing conference. However, we do not believe that such cases will be as frequent as suggested in the comments. We further believe that situations of this type can adequately be taken care of under the provisions in the proposed rule relating to late filed requests or applications

where good cause is shown therefor. Moving the cut-off date forward to a period sometime after the prehearing conference would not solve the problem raised by the comments. A motion for consolidation or contemporaneous hearing could be made at that time which would reasonably apprise a carrier and would necessitate a further period of time for additional motions. We believe that the rule as it stands will bring before the Board in most cases requests to consolidate or for contemporaneous hearing at the prehearing conference stage. In those cases where good cause reasonably justifies a late filed petition or one relating to a late filed application, it will be permitted.

One carrier has objected to the provision in the regulation which places upon applicants the burden of seeking consolidation or contemporaneous consideration on the ground that the burden of seeking out such applications from the docket rests upon the Civil Aeronautics Board under the Civil Aeronautics Act and cannot be shifted. No provision of the act or other authority for this contention is cited. We do not believe that it is a sound argument. To whatever extent a right to consolidation or contemporaneous consideration may exist, it can be made subject to reasonable conditions imposed by the agency. We believe the requirement involved to be reasonable, particularly considered in the light of the facts as to the Board's docket. During the past several years the Board on the average has disposed of between 400 and 450 proceedings out of an average of some 1,400–1,500 applications on file. If, in every instance the Board were required to search its docket to find appropriate applications for consolidation or contemporaneous consideration, it would be necessary to have a substantial staff performing no other function. We of course will examine the docket but cannot assume the responsibility if a competing application is missed.

We have concluded that the proposed rule will make for a more orderly procedure and enable the Board to conduct its proceedings in a manner more conducive to proper dispatch of business and to the ends of justice. For the year ending May 31, 1952, the Board processed some 329 new route applications or amendments to route applications and 139 other applications for a total of 569 formal proceedings. It is absolutely essential, if the Board is to keep up this volume of work without undue delays which prejudice the rights of carriers and the public interest, that motions for consolidations or contemporaneous hearing be promptly filed at a stage of a proceeding early enough so that exhibits and other evidentiary material relating thereto may be prepared without affecting procedural schedules. We conclude that the prehearing conference is the appropriate time for the filing of motions for consolidation or contemporaneous hearing in order to achieve this objective. Prehearing conference notices generally apprise those attending of the purposes of the conference and the scope of the proceedings. Consequently, we believe that ordinarily parties should be prepared to make appropriate motions, including those relating to consolidation and contemporaneous hearing, at such conferences. In those instances where circumstances indicate that this is impracticable the proposed rule is sufficiently flexible to permit a later request. However, it should be emphasized that these requests will be closely scrutinized and those that are not timely filed will be dismissed unless reasonable grounds for the late filing are clearly shown to exist.

In consideration of the foregoing and the reasons set forth in the Board's notice of proposed rule making of June 9, 1950, the Civil Aeronautics Board hereby amends its procedural regulations, effective September 15, 1952, by striking out the present § 302.12 and substituting therefor the following § 302.12 to read as follows:

§ 302.12 *Consolidations.* (a) The Board, upon its own initiation or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. Although the Board may, in any particular case, consolidate or contemporaneously consider two or more proceedings on its own motion, the burden of seeking consolidation or contemporaneous consideration of a particular application shall rest upon the applicant and the Board will not undertake to search its docket for all applications which might be consolidated or contemporaneously considered.

(b) *Time for filing.* A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application. If made at such conference the motion may be oral. All motions for consolidations or for consideration of issues which enlarge, expand, and change the nature of a proceeding shall be addressed to the Board, unless made orally at the prehearing conference, in which event the presiding Examiner will present such motion to the Board for its decision. A motion which is not timely filed shall be dismissed unless the movant shall clearly show good cause for his failure to file such motion on time. A motion which does not relate to an application pending at the time of or before the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested shall likewise be dismissed unless the movant shall clearly show good cause for his failure to file the application within the prescribed period.

(c) *Answer.* If a motion to consolidate two or more proceedings is filed with the Board, any party to any of such proceedings, or any person who has a petition for intervention pending, may file an answer to such motion within such period as the Board may permit. The Examiner may require that answers to such motions be stated orally at the prehearing conference in the proceeding with which the consolidation is proposed.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-9019; Filed, Aug. 14, 1952; 8:55 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 14, Amdt. 16]

CPR 14—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

SERVICE FEE WHOLESALERS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), This Amendment 16 to Ceiling Price Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment relieves service fee wholesalers from the requirement that they maintain fee and service charges no higher than the charges they made during the month prior to the effective date of this regulation.

Service fee wholesalers, heretofore, computed their ceiling prices by adding to their net cost those fee and service charges which were a compulsory part of their plan of operation immediately before the regulation became effective. However, their ceiling prices have been further limited by an overriding requirement that during each four-week period their "net cost" plus the service charges they make to a customer may not exceed what their ceiling prices would have been had they used the Table A markups which conform with their delivery practice. Finally, they must reduce those Table A markups to 1.10 for all categories of commodities having markups over 1.10, except frozen foods. Of course, where the Table A markup for a category of commodities is lower than 1.10, they must use the lower markup.

It now appears that, because of the comparatively new and experimental nature of this type of wholesale operation, some service fee wholesalers who began operations shortly before the issuance of this regulation established fees and charges which have turned out to be too low to carry the operation. The ceiling prices of service fee wholesalers, even at the level of the special maxima fixed for them under the regulation, are generally lower than those for other types of comparable wholesalers. Ceiling prices of their retail customers are consequently lower than they would otherwise be, and the benefit to consumers is obvious. The Director has therefore determined that it would be consistent with the purposes of the stabilization program to permit service fee wholesalers to make full use of the prescribed maximum markups. Thus, under this amendment, these wholesalers will no longer be limited to the fees and charges they had in effect during the month before the regulation became effective. They will, of course, continue to be subject to the same maximum markups that have been in force up to now.

Since the historical limitation on fee and service charges is being removed, there is no longer any reason for distinguishing between wholesalers who conducted service fee operations prior to April 5, 1951, and those who started service fee operations after that date. For that reason the regulation is being amended to permit any wholesaler who wishes to figure his ceiling prices as a service fee wholesaler to do so upon filing a notification of his intent to operate in this manner with his OPS District Office. Wholesalers who, prior to this amendment, have filed as service fee operators need not send another notice to OPS.

In formulating this amendment, the Director of Price Stabilization has consulted with representatives of industry, including trade association representatives, to the extent practicable and given consideration to their recommendations. In the judgment of the Director, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 14 is amended in the following respects:

1. Section 26a is revised by deleting from paragraph (a) the words "prior to April 5, 1951, and at the present time."

2. Section 26a is further revised by changing the first sentence of paragraph (b) to read as follows:

(b) If you are a service fee wholesaler, you shall figure your ceiling prices in accordance with sections 3 and 4 of this regulation for all items covered by this regulation by adding to your "net cost," as defined in section 4 of this regulation, those fee and service charges which are compulsory under your plan. • • •

3. Section 26a is further revised by deleting the present paragraph (d) and inserting the following paragraph:

(d) You must notify the OPS District Office for your area of your intention to operate as a service fee wholesaler. You may begin using the provisions of this section as soon as you have mailed your notification to your OPS District Office.

4. Section 28a is deleted.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 19, 1952.

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9114; Filed, Aug. 14, 1952; 4:00 p. m.]

[Ceiling Price Regulation 60, Amdt. 7]

CPR 60—CASTINGS

ADJUSTMENT IN CEILING PRICES OF COPPER AND COPPER ALLOY CASTINGS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 60 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 60 permits a producer of copper or copper alloy castings to increase his ceiling prices for such commodities to reflect increases in the cost of foreign copper, in accordance with a directive issued by the Acting Director of the Office of Defense Mobilization.

Under the terms of an agreement between the United States and Chile, at the time CPR 60 was issued the price of Chilean copper sold to the United States was set at 27½ cents per pound. On May 8, 1952, Chile terminated this agreement. Since that date all Chilean copper has been offered for sale through ordinary commercial channels for sale at market prices.

Since the supply of domestic copper is insufficient to meet defense and essential civilian requirements, the Acting Director of the Office of Defense Mobilization on May 21, 1952, established and announced the policy which would be followed by the United States Government in order to meet the changed situation. The text of this announcement follows:

The agreement between the United States Government and the Chilean Government allocated 80 percent of the production of companies in Chile controlled by United States interests for purchase and import into the United States by U. S. private firms at 27½ cents a pound. It left the remainder of the production of copper in Chile to sell at much higher prices on the world market. This agreement was terminated by Chile as of May 8, 1952. The termination of this agreement and the copper strike in Chile, together with the Chilean stoppage of copper shipments since May 8 have produced shortages of copper for essential uses of the mobilization program in the United States.

It is necessary to meet the difficulties raised by these shortages and to permit the resumption of imports from Chile. It is also desirable to encourage an increase in the imports of copper from foreign countries, including Chile, over those previously prevailing. Consequently, the Government of the United States has adopted the following policies to meet the emergency:

1. In order to encourage importation of adequate supplies of foreign copper by private buyers under existing conditions, the United States Government is acting through the Office of Price Stabilization to permit brass mills and copper wire mills to add to their ceiling prices an amount representing 80 percent of any increase in cost of foreign copper above the 27½ cent level contained in the Chilean agreement which has just been terminated. The Office of Price Stabilization will periodically announce the permitted increases in ceiling prices which will be adjusted to reflect variation in foreign prices of copper and in the ratio of foreign copper used. The initial adjustments will become effective on June 16, 1952.

Comparable treatment will be provided for other primary users of refined foreign copper, including copper produced in this country from foreign ores and concentrates. The impact of any changes in the ceiling prices of primary copper products at subsequent levels of production and distribution will be treated in accordance with the existing pricing standards of the Office of Price Stabilization.

2. It is the policy of the United States Government not to make now and to avoid in the future changes in the existing price ceilings on domestically refined copper, brass mill scrap, or copper or copper alloy scrap.

3. In order to maintain a uniform price policy on brass and copper wire mill products, taking into account the changes in the price of foreign copper, the National Production Authority will allocate foreign and domestic supplies as equitably as practicable among United States users. Allocation will be used to equalize the impact of any higher foreign prices for copper and to permit in this way the import of more copper for the total use of the United States defense program.

Subsequently, industry representatives raised very strong objections to the policy embodied in this Directive. One of the principal objections was that many producers of copper and copper alloy castings had previously used little or no foreign copper and thus their costs and prices were based on 24½ cents rather than 27½ cents metal. Therefore, it was argued that any pass-through should be computed from the 24½ cents level in order to avoid doing serious injustice to these producers. On the basis of these representations, the Directive from the Acting Director of the Office of Defense Mobilization was revised to provide that the adjustment in the ceiling price of copper and copper alloy castings be related to the 24½ cents rather than the 27½ cents level. The brass mill and copper wire mill industries have already been allowed to increase their prices in accordance with the revised directive.

In order to provide comparable treatment to producers of copper and copper alloy castings, this amendment permits them to adjust their ceiling prices for copper castings and copper alloy castings to reflect 80 percent of the difference between the cost of foreign primary copper (including copper refined from imported copper-bearing materials and imported scrap) and the price of domestic copper which is 24½ cents per pound. Since the records of most producers will not show the proportion of foreign copper and of domestic copper contained in a particular casting, it will not generally be possible for them to determine the cost of foreign copper contained in a casting. However, the records of the producers will show the amount of copper contained in a particular casting. These records will also show the amount of copper used by a producer during a given period (e. g. a calendar month) for which he paid more than 24½ cents per pound

which is the ceiling price of domestic copper, thus reflecting the amount used of foreign refined copper and copper refined from imported copper-bearing materials and imported scrap. Therefore, producers of copper and copper alloy castings are permitted under this amendment to add an average increase per pound of primary copper contained in such castings to the ceiling prices otherwise computed under CPR 60.

This average increase is to be calculated by each producer at the beginning of each calendar month by taking the percentage of copper used by him during the preceding calendar month for which he paid more than 24½ cents per pound and multiplying this by 80 percent of the cost of such copper in excess of 24½ cents per pound. For the first calendar month following the effective date of this amendment, each producer of copper alloy castings will calculate the average increase to be applied that month by taking the percentage of copper for which he paid more than 24½ cents per pound as 40 percent and the cost of such copper as 36½ cents per pound. It is anticipated that the National Production Authority will allocate copper on the basis of 60 percent domestic copper and 40 percent foreign copper. The price currently quoted by the Bank of Chile is the equivalent of 36½ cents per pound delivered Connecticut Valley basis.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant facts of general applicability. In the judgment of the Director, the provisions of this amendment comply with the applicable provisions of the Defense Production Act of 1950, as amended.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable, and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

1. Section 2a is amended by adding a new paragraph (e) which reads as follows:

(e) *Adjustment in ceiling prices for copper and copper alloy castings.* (1) If you are a producer of copper castings or copper alloy castings, you may add to your ceiling prices otherwise established under this regulation for such castings an amount per pound of primary copper contained in such castings, which amount is to be determined in accordance with subparagraph (2) of this paragraph.

(2) The amount to be applied during each calendar month is to be calculated by each producer of copper or copper alloy castings at the beginning of such calendar month by multiplying the percentage of primary copper actually used by him during the preceding calendar month for which he made payment to the seller on the basis of a price for copper in excess of 24½ cents per pound by 80 percent of the cost of such copper in excess of 24½ cents per pound. For the first calendar month following the effective date of this amendment, each producer of copper or copper alloy castings shall calculate the amount to be applied that first month by taking the percentage of copper for which he made payment on the basis of a price in excess of 24½ cents per pound as 40 percent and the cost of such copper as 36½ cents per pound. However, you may not reflect in such monthly calculation any amount paid by you in excess of the applicable ceiling price or in excess of the applicable price prevailing at your usual source of supply.

Effective date. This amendment is effective August 19, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9115; Filed, Aug. 14, 1952; 4:00 p. m.]

[Ceiling Price Regulation 22, Supplementary Regulation 6, Revision 1]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 6—CEILING PRICES FOR MANUFACTURERS FOR THE SALE OF PAINTS, VARNISHES AND LACQUERS

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Public Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this revised Supplementary Regulation 6 to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This revised supplementary regulation provides manufacturers of paints, varnishes and lacquers, with alternative methods of establishing ceiling prices. For the purpose of this supplementary regulation, paints, varnishes and lacquers include: (1) Paints, mixed and ready for use or in dry or paste form; (2) varnishes, including spirit varnishes but not including shellac gum; (3) lacquers and lacquer thinners; (4) fillers, putty and caulking compounds; (5) paint and varnish removers; (6) "water-proofing" compounds excepting metallic compounds but including roof coating and roof cements; (7) artists' oils and water colors; (8) enamels; (9) top dressings.

The original Supplementary Regulation 6 provided two methods of establishing ceiling prices for all products of the industry. The basic method was the same as provided for in Ceiling Price Regulation 22, but subject to two qualifications:

(1) A mandatory base period of April 1 through June 24, 1950, was established;

(2) Use of a specified list of raw materials cost increase factors contained in an appendix to the regulation was required where applicable. The second method provided was an alternative whereby manufacturers, in lieu of computing individual adjustment factors, could elect to apply an adjustment ratio of 115 percent to base period prices. Manufacturers who used this latter method were required to use it for all commodities which they made during the base period. Ceiling prices for new commodities were required to be established under methods provided for in CPR 22.

One essential change made by this revision recognizes the distinct problems inherent in the pricing of certain industrial paint formulations as contrasted to what are generally referred to by the industry as "trade sales". Whereas this latter classification of products is largely constituted of the stock type commodities normally distributed through the wholesale-retail channels of distribution, the industrial products are specific formulas made to satisfy particular end uses of limited classes of users. This regulation establishes two groups of such industrial products; industrial product finishes and industrial maintenance paints. The former are specifically formulated to meet conditions of use of the articles to which they are applied as a part of the manufacturing process. The latter are specifically formulated for application to certain types of plants, bridges, highways, railroad and maritime equipment, where atmospheric conditions, or the presence of gases, chemicals and similar substances require specially and individually devised resistant paints, varnishes and lacquers. Thousands of such industrial formulations are prepared by the industry. Consequently, use of the pricing techniques authorized by Ceiling Price Regulation 22 (CPR 22), impose an enormous burden on the manufacturer (as well as on the administrative facilities of the Agency). Therefore, a formula method of pricing has been devised which simplifies compliance yet assures resulting ceiling prices which will not be out of line with those established by CPR 22 or the original Supplementary Regulation 6 (SR 6). Basically, this method permits manufacturers who so elect to establish ceiling prices by first computing what the price of the industrial products would have been in the base period, following their historical practice of determining price by relation to cost and using base period standard raw materials and labor costs and mark-up. To the "base period" price so determined, the manufacturer then applies an adjustment ratio of 115 percent. This method is in lieu of computing individual labor and materials cost adjustment factors. The option remains with the manufacturer to price such commodities under applicable methods of CPR 22, subject, however, to the limitations with respect to the April 1 to June 24, 1950 base period and use of the materials cost appendix already described.

Complementing the above, another important feature of this revision permits manufacturers to establish ceiling prices for trade-sales as a group and industrial products as a group under different sections of the regulation. Methods available for trade sales include the CPR 22 methods, subject to the same limitation as to use of a base period and raw materials cost increases as described above, or the application of the 115 percent adjustment ratio to base period prices.

New sellers of industrial products, are, of course, faced with the same complexity in establishing prices as established sellers. Yet, because of the inherently diverse and individual characteristics of such products, pricing under section 33 of CPR 22 would rarely be practicable or possible. Therefore, this revision permits new sellers to propose to the Office of Price Stabilization a formula for establishing ceiling prices based on materials and labor costs, other manufacturing costs and markup. A 20-day waiting period after submission of the report before making any sales is required.

This supplementary regulation effects changes in the filing and record-keeping requirements of SR 6. Reporting and filing requirements have been eliminated for sales of industrial products finishes and industrial maintenance paints except where new sellers propose formulas, or base period sellers propose new formulas. Also, a simplified form has been devised for reporting ceiling prices established under section 32 of CPR 22. However, if any manufacturer elects pursuant to section 4 of this regulation to use a CPR 22 method to establish ceiling prices, he must comply with the reporting requirements of CPR 22, and file an OPS Public Form No. 8.

The establishment of a single base period in all cases of April 1 to June 24, 1950 is continued in the revision. Consultation with industry established this period as representative for all manufacturers concerned. Further, this permitted the establishment of specified raw materials cost increase factors listed in Appendix A which similarly is maintained in this revision. These factors were determined after surveying quotations published in industry journals. Consultation with industry representatives since the issuance of the original supplementary regulation and immediately prior to the preparation of this revision establish that these factors are not excessive and are sufficiently accurate to justify their use. This revision also continues the provision for the adjustment of ceiling price for paints containing at least 60 percent by weight of metallic zinc or lead.

In general, this revision does not operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry, and where such changes are involved the action is found to be necessary to prevent circumvention or evasion of this regulation.

In the formulation of this revised regulation there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This consultation included a meeting of the Industry Advisory Committee, and in addition, several informal meetings and consultations with industry representatives as well as trade association representatives.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Coverage.
3. Base period.
4. Establishment of ceiling prices.
5. Alternate pricing method; percentage increase.
6. Optional method; ceiling prices for industrial product finishes and industrial maintenance paints for which you had no base period price.
7. Ceiling prices for paints containing lead and zinc.
8. Records, reports, filings and sales.
9. Relation to supplementary regulations of CPR 22.
10. Modification of ceiling prices by Director of Price Stabilization.
11. Definitions.

AUTHORITY: Sections 1 to 11 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation provides alternative pricing methods to all manufacturers of paints, varnishes and lacquers. It includes sales of these commodities by manufacturers at retail.

SEC. 2. *Coverage—(a) Commodities covered.* The commodities covered by this supplementary regulation are paints, varnishes and lacquers. "Paints, varnishes and lacquers" are the following:

(1) Paints, mixed and ready for use or in dry or paste form;

(2) Varnishes, including spirit varnishes but not including shellac gum;

(3) Lacquers and lacquer thinners;

(4) Fillers, putty and caulking compounds;

(5) Paint and varnish removers;

(6) "Water-proofing" compounds excepting metallic compounds but including roof coating and roof cements;

(7) Artists' oils and water colors;

(8) Enamels;

(9) Top dressings.

(b) *Sellers and sales covered.* This supplementary regulation covers you if you are a manufacturer (as defined in section 11) of paints, varnishes and lacquers and if you are located in the United States or the District of Columbia. It applies to all your sales of paints, varnishes and lacquers which you manufacture, including your sales at retail. All the provisions of Ceiling Price Regulation 22 shall be applicable to you in your sales of the commodities covered by this supplementary regulation except as those provisions are inconsistent with, modified or supplemented by the provisions of this supplementary regulation. You must notice also that this supplementary regulation does not exempt any sales by you nor may you elect not to use this supplementary regulation. To this extent section 1 of Ceiling Price Regulation 22 is superseded.

SEC. 3. *Base period.* The base period which you must use for all purposes under this supplementary regulation shall be the period April 1, 1950 through June 24, 1950. The option given in CPR 22 to use one of the three preceding quarters as a base period is not available to you.

SEC. 4. *Establishment of ceiling prices.* Unless you are eligible and choose to use the alternative pricing methods set forth in sections 5 and 6 of this supplementary regulation, you establish your ceiling prices under the provisions of Ceiling Price Regulation 22 but subject to the following limitations: (a) Your base period shall be as provided in section 3; (b) in calculating your materials cost adjustment in the computation of your ceiling price you must, for the raw materials which you use and which are listed in Appendix A of this supplementary regulation, apply the materials cost increase factors set forth in Appendix A of this supplementary regulation.

SEC. 5. *Alternative pricing methods; percentage increase—(a) Who may use this section.* (1) You may apply this section to your sales of paints, varnishes and lacquers for which you had a base period price. You may also apply this section to your sales of paints, varnishes and lacquers in the same categories as those for which you had a base period price (for the definition of "category" see section 5 of CPR 22). This section furnishes a method which you may elect to use in lieu of section 4 of this supplementary regulation. If you elect to use this section for industrial product finishes or if you elect to use it for industrial maintenance paints, you must use is for all industrial product finishes and all industrial maintenance paints which you manufacture. In other words, your election with respect to either of these groups of commodities is binding on both. Industrial product finishes and industrial maintenance paints are defined in section 11 of this supplementary regulation.

(2) If you elect to use this section to establish ceiling prices for other paints, varnishes and lacquers dealt in during the base period or in the same categories as other paints, varnishes and lacquers dealt in during the base period, then you must use it for all such commodities which you now manufacture and sell. "Other paints, varnishes and lacquers" means all commodities covered by this supplementary regulation other than industrial product finishes and industrial maintenance paints. Once made, any election under this section is final.

(b) *Ceiling prices for commodities with base period prices.* If a commodity you are now selling had a base period price, your ceiling price for sales of that commodity is 115 percent of your base period price. This method of determining your ceiling prices shall be in lieu of the materials cost adjustment and labor cost adjustment provided for in section 4 of this supplementary regulation and in Ceiling Price Regulation 22.

(c) *Ceiling prices for other commodities for which you had no base period price.* If a commodity you are now selling or propose to sell did not have a base period price but falls within a category in which you dealt during the base period, you determine your ceiling price in accordance with instructions given in section 32 of Ceiling Price Regulation 22. (Note, however, that you may determine ceiling prices for new industrial product finishes and industrial

UNIVERSITY OF MICHIGAN LIBRARIES

maintenance paints under section 6 of this regulation.) With respect to the comparison commodity you must use a ceiling price determined under paragraph (b) of this section. For the definition of "category" see section 5 of CPR 22. For the selection of a "comparison commodity" see section 32 of CPR 22. You need not comply with the reporting requirements of section 32 of Ceiling Price Regulation 22, but you must maintain the records and, for any commodity other than an industrial product finish or industrial maintenance paint, you must also file an OPS Public Form No. 150 as required by section 8 of this supplementary regulation. Note, too, that the reporting exemption granted in section 32 of CPR 22 where net sales are not expected to exceed $10,000 applies to this supplementary regulation.

SEC. 6. *Optional method; ceiling prices for industrial product finishes and industrial maintenance paints for which you had no base period price.* If you manufacture industrial product finishes or industrial maintenance paints (as defined in section 11), you may determine your ceiling prices for such a product not offered for sale during the base period by first calculating what your base period price for the commodity would have been had you manufactured it then. You determine your base period price for such a commodity by using either the price determining method which you last had in effect during your base period, or if you had no price determining method in effect during your base period, by using a price determining method approved by OPS. You use this price determining method to determine a base period price for the commodity to your largest buying class of purchasers. Multiply the base period price you so calculate by 115 percent. Subject to the requirements of paragraph (c) of section 8, the resulting figure is your ceiling price for sales of the industrial product finish or industrial maintenance paint to your largest buying class of purchasers.

(a) *Price determining method where you had one in effect during your base period.* You use the method of determining price by relation to cost that you last had in effect during your base period for determining the selling prices of commodities of the same or a similar type. This means that you must use the materials costs, labor rates, rates for general administrative and selling expenses, profit markup, discounts and allowances, and any other bases of computing price by relation to cost that were last in use in your plant during your base period and are applicable to the commodity being priced. You determine costs in accordance with paragraphs (d) through (f) of this section.

(b) *Price determining method where you had none in effect during your base period.* If you are a new seller of industrial products finishes or industrial maintenance paints, or if for any other reason you had no method of determining price by relation to cost in effect during your base period for commodities of the same or a similar type, you must file a proposed price determining method with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C., before you deliver any commodity which is covered by this section. Wherever possible, and insofar as they are applicable, this price determining method must relate to labor and material costs, overhead rates, administrative and selling expenses, other cost factors, and to profit margins which you had in effect in your plant during your base period for comparable commodities. You determine your costs in accordance with the provisions of paragraphs (d) through (f) of this section. As soon as you decide upon such a price determining method, you file a report, in accordance with section 8 (c) (2), by registered mail with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C.

(c) *Application of price determining method.* You must apply your base period price determining method, or the price determining method approved by the OPS, in accordance with paragraphs (d) to (g), inclusive, of this section.

(d) *Direct labor costs*—(1) *Method of determining base period direct labor costs.* You determine direct labor costs by multiplying the straight-time labor rate for each classification of labor last in effect during your base period (see subparagraph (2) of this paragraph) by the estimated number of clock hours of that classification of labor. This estimate of the number of clock hours shall be based on previous production experience. However, if in computing your selling prices during the base period you employed standard pre-determined costs or allowances for each operation, or each unit of a finished commodity covered by this section, which represented the value of direct labor normally required under efficient conditions at normal capacity to produce that commodity, you may determine your labor costs by using those standard costs or allowances established in your last computations during the base period. If you were not in operation during the base period you determine direct labor costs as provided in subparagraph (2) for classifications of labor not used in the base period.

(2) *Labor rates.* The rates used in determining allowable direct costs are the rates in your plant for each classification of labor that was last prevailing during your base period. If you require the use of labor of a classification not employed by you in your plant during your base period, you use as the rate for that classification of labor, the rate last prevailing during your base period in the locality in which the manufacturing is to be performed. If the labor of that classification was not employed in that locality during your base period, you use the rate last prevailing during your base period in the most comparable locality as accurately as you are able to determine that rate by the use of reasonable diligence.

(3) *Overtime and shift premium.* In calculating a base period price computed by formula, you are required to use as elements of the formula only straight-time labor rates. After you have calculated a base period price in this way, you may add an amount for overtime or shift premium, if that will be required to produce the commodity. The amount to be added for overtime or shift premium is determined by multiplying the estimated number of overtime or shift premium hours, which you expect will be required to produce the commodity, by the overtime or shift premium rate in your plant for each classification of labor that was last prevailing during your base period. If you require the use of labor of a classification not employed by you in your plant during your base period, you use as the rate for that classification of labor, the rate last prevailing during your base period in the locality in which the manufacturing is to be performed. If labor of that classification was not employed in that locality during your base period, you use the rate last prevailing during your base period in the most comparable locality, as accurately as you are able to determine that rate by the use of reasonable diligence.

(e) *Material costs.* (1) You determine the allowable cost of raw materials as follows: Multiply the base period cost for each material by the estimated quantity of that material. This estimate of the quantity of the material which is to be used in the production of the commodity shall be based upon your previous production experience. However, if in computing your selling prices during the base period you employed standard predetermined costs or allowances for each operation, or each unit of a finished commodity covered by this section, which represented the value of direct materials normally required under efficient conditions at normal capacity to produce that commodity, your may determine your material costs by using those standard costs or allowances established in your last computations during the base period.

(2) If you are unable to ascertain your material cost under subparagraph (1), either because you were not in operation during the base period or because you use materials that you did not use during the base period, you must determine and employ the cost as of June 24, 1950, of each material to be used for which you are unable to ascertain the cost under subparagraph (1) by reference to the issue of the American Paint Journal or to the Oil, Paint and Drug Reporter which quotes or reports applicable costs as of that date. You may determine base period costs for materials not reported in the American Paint Journal or the Oil, Paint, and Drug Reporter by reference to the base period costs of your closest competitor or, if those materials were not used by your closest competitor then the base period cost of any other comparable manufacturer, as accurately as you are able to determine those costs by the use of reasonable diligence.

(f) *Other costs.* All other costs which you may compute in applying your proposed method or fomula (such as, but not limited to, container costs, transportation costs, sales expense) must be those last in effect during the base period. Determination of such costs shall be made wherever possible by reference to your own records, or, if you were not in

operation during the base period, by reference to rates, charges, or price prevailing in the locality where your manufacturing operations are being performed, or, where necessary, in the locality most comparable to that where your manufacturing operations are being performed.

(g) *New formulas.* If, after establishing your base period method or formula under paragraph (a), or your new formula under paragraph (b), you plan to manufacture a commodity subject to this section which you believe cannot practicably be priced under the formula you have already established, you may propose a new formula in accordance with the provisions of paragraph (b) of this section. For each new formula you propose you must keep the records and make the report required by section 8 (c) (2) of this regulation. This requirement shall apply to all manufacturers who propose a new method or formula and the reporting exemption otherwise provided in paragraph (c) of section 8 shall not apply to such new formulas.

SEC. 7. *Ceiling prices for paints containing lead and zinc.* This section applies to you if you manufacture paints, including pastes and semi-pastes, containing at least 60 percent by weight of metallic lead or zinc, or both, and applies only to such paints.

(a) *How to compute tentative ceiling price.* First compute the ceiling price for the zinc or lead formulation using any method contained in this supplementary regulation which you are eligible to use. In other words, determine what your ceiling price for the formulation would be if this section were not part of this supplementary regulation.

(b) *Metals adjustment factor.* (1) Determine the amount by weight of metallic lead or zinc, or both, contained in the formulation.

(2) Determine the increase in the cost of metallic lead or zinc used by you in this formulation over the highest cost to you of the same quantity of these metals in the period April 1, 1950 to June 24, 1950.

(3) Multiply the amount by weight of metals as computed in subparagraph (1) of this section by the cost increase of the metals as determined in subparagraph (2), or by 2 cents per pound of metal, whichever is less.

(4) Add the figure arrived at in subparagraph (3) to the tentative ceiling price for the formulation determined in paragraph (a) of this section. The resulting figure is your ceiling price under this section.

SEC. 8. *Records, reports, filings and sales*—(a) *Ceiling price under Section 4.* If you establish ceiling prices under section 4 of this supplementary regulation you must comply with the applicable reporting requirements of CPR 22.

(b) *Ceiling prices under section 5.* (1) If under section 5 of this supplementary regulation you establish ceiling prices for a commodity other than an industrial product finish or industrial maintenance paint, you need not file any of the reports required by CPR 22. However, you must file the following with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C.

(i) If you manufactured and sold the commodity during the base period, a price list or statement identifying the commodity and showing its base period price and applicable discounts.

(ii) If you did not manufacture and sell the commodity during the base period, a completely executed and signed OPS Public Form No. 150.

(2) If you establish ceiling prices for industrial product finishes or industrial maintenance paints under section 5 of this supplementary regulation, you need not render any report or filing to the Office of Price Stabilization. However, you are required to prepare and maintain in your files for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, all records of your base period prices used to establish ceiling prices under paragraph (b) of section 5.

(3) You are further required to prepare and maintain all records, worksheets and computations you use to determine your ceiling prices under paragraph (c) of section 5, and all records showing the prices at which you sell the commodities whose ceiling prices you establish under section 5. Such records, worksheets and computations shall be kept in your files for a period of 2 years from the date such computations, charges or offers are made.

You may put your ceiling prices established under section 5 into effect immediately upon complying with the reporting and record-keeping requirements of this section. Notwithstanding the foregoing the Director of Price Stabilization may at any time require that you submit further information, or may at any later date disapprove or revise your ceiling price.

(c) *Ceiling prices under section 6.* (1) If you establish ceiling prices under section 6 (a) of this supplementary regulation you need not render any report or filing to the Office of Price Stabilization. However, you must prepare and maintain the following in your files for the life of the Defense Production Act of 1950, as amended, and for two years thereafter:

(i) A description of the method or formula you use, including a breakdown of materials cost, labor costs, general selling and administrative costs, estimated factory expenses, and showing profit markup.

(ii) Base period delivery terms, cash, trade and volume discounts, premiums and extras, deductions, guarantees, and all the terms and conditions of sale.

(iii) The base period commodity for which the formula was used.

You must also prepare worksheets showing your calculations of ceiling prices for each new commodity by use of your formula, and a record of the selling price of each such new commodity. You must maintain such worksheets and records for a period of 2 years from the date of each such calculation or sale.

(2) If you establish ceiling prices as a new seller or otherwise under section 6 (b) or (g) you must file with the Office of Price Stabilization, Industrial Materials and Manufactured Goods Division, Washington 25, D. C. by registered mail, a report relating to the first commodity to which you apply your method or formula, which shall contain the following:

(i) The name and address of your company.

(ii) The commodity to which you are applying the formula.

(iii) A description of the method or formula you establish including a breakdown of materials costs, labor costs, general selling and administrative costs, estimated factory expenses, and showing profit markup.

(iv) Delivery terms, cash, trade and volume discounts, premiums and extras, deductions, guarantees and other terms and conditions of sale which you will apply to and use for each sale under the proposed formula.

(v) Your calculations of the ceiling prices you establish.

(vi) The date as of which the costs set forth in subdivision (iii) of this subparagraph were in effect.

(vii) The source or sources from which you obtained all costs data used in subdivision (iii).

(3) You shall make the same form of report at any time you propose a new formula as permitted by section 6 (g).

(4) You may not sell any of the commodities whose ceiling prices you establish under section 6 (b) or 6 (g) until and unless your method or formula is approved by the Director of Price Stabilization, except as permitted in the following paragraph. However, unless the Director disapproves or requests further information your method or formula, and ceiling prices thereunder, shall be deemed to be approved 20 days after you mail your report. Notwithstanding the foregoing, the Director of Price Stabilization may at any later date disapprove or revise your ceiling prices, or your method or formula, or request further information.

(5) In the 20-day waiting period after mailing the required report under this section you may continue to sell, offer for sale, or deliver the commodity or commodities concerned at the ceiling price or prices you establish under any other regulation. Thereafter, you may not sell at ceiling prices exceeding these established under this supplementary regulation. In addition, you may during the 20-day period make a contract or offer to sell an industrial product finish or industrial maintenance paint according to the adjustable pricing provisions of section 40 of CPR 22.

SEC. 9. *Relation to supplementary regulations of CPR 22*—(a) *Supplementary Regulation 2.* If you establish ceiling prices under section 4 or 5 of this supplementary regulation you may, where applicable and if you so elect, apply the provisions of Supplementary Regulation 2 (SR 2) to Ceiling Price Regulation 22 in establishing ceiling prices for your sales of commodities dealt in by you during the base period. However, your application of SR 2 to CPR 22 shall be subject to the following:

(1) In all cases your base period shall be April 1 through June 24, 1950.

(2) You may establish as your "permissive ceiling price ratio" referred to in

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section 3 (f) of SR 2, the 115 percent figure used in section 5 of this supplementary regulation. This option shall be in lieu of your computing a total cost adjustment factor as is otherwise required by SR 2.

(3) If you elect to compute your total cost adjustment factor you must use the materials cost increase figures listed in Appendix A of this supplementary regulation wherever possible in determining your materials cost adjustment factor.

(b) *Relation to SR's 17 and 18 to CPR 22.* Notwithstanding any of the provisions of this supplementary regulation, nothing contained herein shall preclude you from applying for an adjustment of your ceiling prices in accordance with the terms of Supplementary Regulation 17 (SR 17) or Supplementary Regulation 18 (SR 18) to CPR 22. It shall not be necessary as a prerequisite to the application of either SR 17 or SR 18 that you determine pre-adjusted ceiling prices under CPR 22. Nor are you required to file any forms or reports for your ceiling prices under this Supplementary Regulation 6 other than as required by section 8 above. However, if you elect to use SR 17 or SR 18, you must follow the methods therein prescribed and you must comply with the reporting and filing requirements of whichever of these supplementary regulations is applicable.

SEC. 10. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or revise downward ceiling prices proposed to be used or being used under this revised supplementary regulation so as to bring them into line with the level of ceiling prices otherwise established by this revised supplementary regulation.

SEC. 11. *Definitions.* Unless otherwise specified, the following definitions shall in all cases be controlling:

(a) *Base period.* Defined in section 3.

(b) *Industrial maintenance paints.* Any organic product covered by this supplementary regulation specifically formulated to meet special conditions in the maintenance and use of the following equipment and facilities: Breweries, chemical plants, food products processing plants, rubber plants, textile mills, highway and railroad bridges, highways, highway posts and guard rails, railroad rolling stock, locomotives and omnibuses, and commercial maritime vessels.

(c) *Industrial product finishes.* Any organic product covered by this supplementary regulation specifically formulated to meet the conditions of application and use of the article to which applied, and applied to such article as part of the manufacturing process of that article.

(d) *Manufacturer.* Any person who produces, processes, packages or repackages paints, varnishes and lacquers on his own premises or with his own equipment for sale under his own brand or trade name or under the brand or trade name of any other person.

(e) *Trade sales.* For the purpose of the supplementary regulation those paints, varnishes and lacquers commonly referred to by the industry as "trade sales" are included in the term "other paints, varnishes and lacquers" as defined in section 5 (a).

Effective date: The effective date of this supplementary regulation is October 13, 1952, or such earlier date between August 13, 1952 and October 13, 1952, as you may select. If you select such earlier date, this supplementary regulation becomes effective as to you upon that date for all your commodities covered by this supplementary regulation.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 13, 1952.

APPENDIX A

MATERIALS COST INCREASE FACTORS

There are listed in this Appendix various materials for which you must use the increase factor in the Appendix if you are pricing under section 4 of this Supplementary Regulation 6. The first column lists the material. The second column lists the unit to which the increase factor shown in the third column shall apply. The third column in some instances indicates the dollars and cents increase for the indicated unit of the material, and in other cases indicates the percentage increase factor to be applied to your cost of the listed material in the base period April 1, 1950 through June 24, 1950. The percentage factor applied to your base period cost for the indicated unit of material is the dollars and cents amount to be applied as the increase in cost for that unit of material. In some cases the third column indicates a decrease in cost for a listed material. In respect to those materials the decrease in cost must be computed and recognized in the same manner as the indicated cost increases.

Material	Unit for price	Unit price increase (dollars or percent)
Acids:		
Abietic, commercial	Pound	$0.02.
Castor oil, split	Pound	$0.09.
Chromic, 99¾–99¾	Pound	$0.015.
Coconut oil, double distilled	Pound	$0.06.
Cottonseed oil, distilled	Pound	$0.1075.
Cresylic, imported, 75% at 215° C	Gallon	163.0%.
Linseed oil, regular distilled	Pound	$0.04.
Naphthenic 220–230	Pound	$0.01.
Soybean, double distilled	Pound	$0.085.
Stearic, double pressed	Pound	$0.1025.
Alcohol:		
Allyl	Pound	No increase.
Amyl, fermentation, ref. 126–132°	Pound	No increase.
Butyl, fermentation, normal	Pound	154.0%.
Denatured, SD1	Gallon	192.0%.
Ethyl, tax free	Gallon	157.0%.
Allyl Starch, 40% solution	Pound	$0.035.
Aluminum:		
Naphthenate, liquid, 1–7%	Pound	$0.0375.
Paste, standard	Pound	$0.015.
Powder, varnish, Std	Pound	$0.10.
Stearate, dibasic	Pound	$0.125.
Ammonium linoleate, tech	Pound	No increase.
Antimony oxide	Pound	84.5%.
Antimony sulphide, 62–64%	Pound	$0.21.
Arsenic, trioxide, USP	Pound	No increase.
Arsenic, metal, lump	Pound	No increase.
Asbestos, Canadian fiber, 3T	Short ton	$83.50.
Asphaltum, cut-back	Gallon	No increase.
Asphalt, gilsonite, select	Ton	$0.50.
Asphalt, Trinidad, Manjack No. 10	Pound	No increase.
Baryte ore	Short ton	No increase.
Black, bone	Pound	No increase.
Butyl acetate, fermentation, normal	Pound	163.0%.
Butyl, lactate, fermentation	Pound	$0.07.
Cadmium metal, ingots	Pound	$0.55.
Calcium chromate	Pound	No increase.
Calcium naphthenate, 4% Ca	Pound	$0.0225.
Calcium Resinate, precip	Pound	$0.035.
Casein, domestic, standard	Pound	$0.195.
Casein, imported, ground	Pound	$0.175.
Castor beans	Long ton	$185.00
Cashewnut liquid, treated	Pound	No increase.
China clay, imported, white, powd	Short ton	No increase.
Chromium acetate solution 7½ percent	Pound	$0.005.
Coaltar, refined	Gallon	$0.005.
Cobalt acetate	Pound	$0.175.
Cobalt linoleate, fused 8½ Co	Pound	$0.045 decrease.
Cobalt naphthenate, 6 percent Co	Pound	$0.05.
Cobalt resinate, 3 percent Co	Pound	$0.0375.
Copper naphthenate 8 percent Cu	Pound	$0.035.
Creosote, coaltar, refined	Gallon	$0.035.
Cresols, tech	Pound	$0.045.
Dextrin, corn, Canary	100 pounds	$1.15.
Diatomaceous earth, imported, Mexican	Short ton	No increase.
Dibutyl phthalate, fermentation	Pound	$0.115.
Diethylethanolamine, fermentation	Pound	$0.06.
Dipentene, steam-dist	Gallon	$0.01 decrease.
Ethyl acetate, fermentation	Pound	$0.10.
Ethyl lactate, fermentation	Pound	$0.0325.
Ethyl Silicate, 40 percent	Pound	No increase.
Glue, bone, 110 jellygrams	Pound	$0.05.
Glue, Hide, 229–330	Pound	$0.05.
Glycerin, refined, 98 percent	Pound	$0.32.
Graphite, imported, Crystal	Pound	No increase.
Green, chrome, CP, 26–30 percent blue	Pound	$0.06.
Green, chromium oxide, hydrated	Pound	$0.20.
Gums:		
Copal, Congo, No. 1	Pound	$0.005.
Copal, Manila DBB	Pound	$0.05.
Pontianak, chips	Pound	$0.115.
Dammar, Batavia, A/E	Pound	No increase.
East India, Batu, bold	Pound	$0.01.
Singapore No. 1	Pound	$0.06.
Elemi	Pound	$0.035.
Ester, gum resin, imported	Pound	$0.085.
Karaya, powdered No. 1	Pound	$0.07.
Kauri	Pound	No increase.
Gypsum, crude	Short ton	$12.95.
Irish moss, prime	Pound	$0.12.
Iron acetate, 28°	Pound	No increase.
Iron naphthenate, 6% Fe	Pound	$0.03.
Lanolin, anhydrous, USP	Pound	No increase.
Lead acetate, gran	Pound	$0.0325.
Blue, basic sulphate	Pound	$0.0475.
Metallic, paste	Pound	$0.0525.
Naphthenate, 24% Pb	Pound	$0.015.
Red, 95% Pb_3O_4	Pound	$0.0525.
Red, 97% Pb_3O_4	Pound	$0.0525.
Red, 98% Pb_3O_4	Pound	$0.055.
Resinate, precip	Pound	$0.0375.
Talate, liquid, 19% Pb	Pound	$0.03.
White, basic carbonate	Pound	$0.0375.
White, basic sulphate	Pound	$0.035.
White, basic silicate	Pound	24.0%.
Leaded zinc oxide, 35%	Pound	$0.0175.
Lecithin, tech., bleached	Pound	$0.07.
Litharge, powd	Pound	$0.0525.
Lithopone, ordinary	Pound	$0.0125.
Lithopone, titanated	Pound	$0.01375.
Magnesium carbonate, USP	Pound	$0.005.
Manganese, borate, tech	Pound	$0.01
Manganese, dioxide, 84–87%	Short ton	No increase.
Manganese, linoleate, liq., 4.35%	Pound	$0.08¾ decrease.
Manganese, linoleate, sol. 8.2%	Pound	$0.08 decrease.
Manganese, naphthenate, 6% Mn	Pound	$0.025.
Manganese, resinate, precip, Mn	Pound	$0.05.
Mannitol, commercial	Pound	No increase.

Material	Unit for price	Unit price increase (dollars or percent)
Metacresol	Pound	$0.20.
Methyl abietate	Pound	No increase.
Methyl abietate, hydrogenated	Pound	No increase.
Mercury, quicksilver	76-pound flask	$145.00.
Mica, dry grd	Pound	$0.0025.
Molasses, blackstrap	Gallon	280.0%.
Naphthalene, refined, industrial	Pound	$0.0234.
Naphthenic acid 230–240	Pound	No increase.
Nitrocellulose, ester soluble 30–40 sec	Pound	$0.05.
Nitrocellulose, spirits soluble 40–50 sec	Pound	$0.12.
Oils:		
Castor, blown	Pound	$0.1715.
Castor, dehydrated, bodied	Pound	$0.186.
Castor, refined and decolorized	Pound	$0.175.
Castor, sulphonated, 66°	Pound	$0.07.
Coconut, crude	Pound	$0.0634.
Cottonseed, crude	Pound	$0.0834.
Linseed, raw	Pound	$0.057.
Menhaden, refined, alkali	Pound	$0.115.
Olitices, liquid	Pound	$0.16.
Peanut, refined	Pound	$0.1144.
Pine, steam distilled	Pound	$0.022.
Safflower	Pound	$0.014.
Sardine, refined, alkali	Pound	$0.115.
Soybean, refined alkali	Pound	$0.07.
Tall, refined	Pound	$0.0075.
Tar, pine	Pound	$0.006.
Tung, domestic	Pound	$0.17.
Tung, imported	Pound	$0.18.
Orange, cadmium lithopone	Pound	$0.55.
Orange, chrome	Pound	$0.07.
Orange, molybdated	Pound	$0.05.
Orthocresol, pure	Pound	No increase.
Paracresol, 98%	Pound	No increase.
Pintar, retort	Pound	$0.006.
Pitch:		
Coaltar, 150° F	Short ton	$1.80.
Cottonseed	Pound	$0.03.
Linseed	Pound	No increase.
Soybean	Pound	$0.0025.
Potassium cyanide	Pound	No increase.
Potassium bichromate	Pound	$0.0025.
Protein, soya, chem. isolated	Pound	$0.04.
Red, cadmium light	Pound	$0.70.
Red, cadmium, orange	Pound	$0.65.
Red, Cadmium, Lithopone, deep	Pound	$0.52.
Red, iron oxide, 75–78% copperas	Pound	No increase.
Red, mercury oxide	Pound	$2.22.
Red, Persian Gulf	Pound	No increase.
Red, Spanish oxide, grade 1	Pound	$0.0012.
Red, Turkey	Pound	No increase.
Red, quicksilver	Pound	$0.12 decrease.
Rosin, wood, FF	100 pounds	$2.50.
Rosin, gum, WG	100 pounds	$3.99.
Shellac, bleached, bone dry	Pound	$0.10.
Shellac, superfine	Pound	$0.20.
Sodium Bichromate	Pound	No increase.
Sodium Chromate	Pound	No increase.
Sodium molybdate, anhy	Pound	$0.06.
Sodium prussiate, yellow	Pound	$0.01.
Sorbitol, cryst	Pound	No increase.
Starch, corn	100 pounds	$1.03.
Talc fibrous, 98.5–99.5%, 325 mesh	Short ton	5.9%.
Titanium dioxide, chalk resist	Pound	$0.0134.
Titanium pigment, calcium-rutile	Pound	$0.006.
Tributyl phosphate, fermentation	Pound	$0.07.
Tributyl citrate, tech., fermentation	Pound	No increase.
Tricresyl phosphate, coaltar, imported	Pound	$0.0614.
Turpentine, gum	Gallon	$0.52.
Turpentine, wood, steam dist	Gallon	$0.36.
Wax, bees, bleached, USP	Pound	$0.19.
Wax, Candelilla, refined	Pound	$0.2514.
Wax, Carnauba, North country	Pound	$0.48.
Wax, Ouricury, refined	Pound	$0.24.
Wax, Japan	Pound	$0.13.
Wax, Montan, refined	Pound	No increase.
Wax, sugar cane, imported	Pound	$0.12.
Whiting, Paris white	Short ton	No increase.
Woodflour, 40 mesh	Short ton	No increase.
Yellow, barium chromate CP	Pound	$0.0475.
Yellow, Cadmium, CP, all shades	Pound	$0.55.
Yellow, Cadmium lithopone, all shades	Pound	$0.37.
Yellow, Chrome, CP	Pound	$0.07.
Yellow, iron oxide, natural	Pound	No increase.
Yellow, mercury oxide	Pound	$2.22.
Yellow, zinc	Pound	$0.06.
Zein	Pound	$0.05.
Zinc, cyanide	Pound	$0.072.
Zinc dust	Pound	$0.091.
Zinc naphthanate, 8% Zn liquid	Pound	$0.0325.
Zinc oxide, pigment, acicular	Pound	$0.0325.
Zinc resinate, precip	Pound	$0.04.
Zinc stearate, tech	Pound	$0.12.
Zinc sulphide, pure	Pound	$0.04.
Zinc cadmium sulphide, fluorescent	Pound	$0.10.

[F. R. Doc. 52-9078; Filed, Aug. 13, 1952; 4:25 p. m.]

[Ceiling Price Regulation 117, Amdt. 2 to Revision 1]

CPR 117—MALT BEVERAGES

EXTENSION OF COVERAGE TO SALES IN THE TERRITORY OF HAWAII OF MALT BEVERAGES PRODUCED IN HAWAII

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 117, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 117, Revision 1, establishes ceiling prices for all sellers of imported and domestic malt beverages in the 48 States of the United States and in the District of Columbia.

The regulation does not apply to the Territory of Hawaii. At the present time sales of malt beverages produced in Hawaii are covered by the General Ceiling Price Regulation and sales of malt beverages brought into Hawaii for resale are covered by Ceiling Price Regulation 9, Revision 1.

Brewers in Hawaii have traditionally been considered an integral part of the total brewing industry of the United States. Their pricing techniques and operating practices over the last six years have paralleled or followed mainland brewers and mainland market tendencies and fluctuation of mainland costs and prices have been reflected in the operations of Hawaiian breweries. Materials are purchased from the same sources, employees are members of the same union, are subject to the same federal laws and taxes, and Hawaiian beers compete with mainland beers in the local market. This competition has resulted in placing the Hawaiian brewers in an unfavorable position since mainland brewers have been permitted increases by Ceiling Price Regulation 117, Revision 1, plus pass through of taxes while local brewers whose prices are frozen by the General Ceiling Price Regulation have been permitted only to pass through the increase in taxes.

The local brewers in Hawaii have requested the Office of Price Stabilization to include them in the coverage of Ceiling Price Regulation 117, Revision 1, citing as their reasons for this request the similarity of operation with mainland breweries and the fact that during the administration of the Office of Price Administration they were included in the coverage of the mainland regulation.

Accordingly, the geographical applicability provision of Ceiling Price Regulation 117, Revision 1 is amended by this amendment to include the Territory of Hawaii in the coverage of Ceiling Price Regulation 117, Revision 1, by providing that the regulation shall apply to sales in the Territory of Hawaii of malt beverages produced in Hawaii.

In the formulation of this amendment the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations. In the judgment of the Director of Price Stabilization the ceiling prices established by this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 2 of Ceiling Price Regulation 117, Revision 1, is amended to read as follows:

SEC. 2. *Where this regulation applies.* This regulation applies in the 48 States of the United States and in the District of Columbia. This regulation also applies to sales in the Territory of Hawaii of malt beverages produced in Hawaii.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 117, Revision 1, is effective August 14, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9110; Filed, Aug. 14, 1952; 11:58 a. m.]

[General Overriding Regulation 7, Revision 1, Amdt. 7]

GOR 7—EXEMPTIONS AND SUSPENSIONS OF CERTAIN FOOD AND RESTAURANT COMMODITIES

EDIBLE MOLASSES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order Number 2, this Amendment 7 to Revision 1 of the General Overriding Regulation 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 2 (d) (8) of General Overriding Regulation (GOR) 7, Revision 1, exempts producers of edible sugar cane molasses from price control. The provisions of that section also require those producers, in general, to continue keeping records of all their sales and purchases and to notify the Office of Price Stabilization of any sales made above the

prices in effect on the day price controls were removed from them.

Experience has shown that, since controls on edible sugar cane molasses were lifted, information available from other sources is satisfactory for the needs which this original requirement was intended to meet. In accordance with Office of Price Stabilization policy to discontinue these requirements whenever possible, the records and reports required under section 2 (d) (8) are hereby eliminated.

In view of the nature of the amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

General Overriding Regulation 7, Revision 1, is amended by deleting the last sentence in the first paragraph of section 2 (d) (8) and subdivisions (i) and (ii) of section 2 (d) (8).

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 14, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9113; Filed, Aug. 14, 1952; 11:58 a. m.]

[Ceiling Price Regulation 157, Corr.]

CPR 157—CEILING PRICES FOR THE EASTERN WOOD PRESERVING INDUSTRY

CORRECTION

Through inadvertence, the established weights for Douglas fir and Western larch poles in section 6, paragraph (a), tables I and V, respectively, are incorrectly set out.

Accordingly, these tables are corrected to read as follows:

TABLE I—DOUGLAS FIR POLES

[Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Lengths (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					320	280	250	210	175	160
18					360	315	280	235	200	180
20	580	530	490	440	400	350	310	260	220	200
22	615	570	530	505	460	405	350	310	265	220
25	700	650	600	575	525	460	400	350	300	250
30	1,110	930	810	690	600	510	480	420	390	
35	1,435	1,260	1,085	875	770	665	595	560		
40	1,760	1,560	1,320	1,120	920	800	680			
45	2,070	1,845	1,575	1,350	1,125	945	810			
50	2,500	2,150	1,850	1,600	1,300	1,100	950			
55	2,800	2,495	2,145	1,815	1,540	1,320				
60	3,360	2,820	2,460	2,040	1,730					
65	3,835	3,250	2,795	2,340	2,015					
70	4,340	3,640	3,080	2,590	2,240					
75	4,800	4,050	3,450	2,925						
80	5,240	4,400	3,760	3,200						
85	5,780	4,930	4,165							
90	6,300	5,400	4,950							
95	6,935	5,985	5,605							
100	7,600	6,700	6,300							

NOTE.—The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

TABLE V—WESTERN LARCH POLES

Established weights in pounds per pole, classed according to American Standard Association specifications, in effect, on the effective date of this regulation]

Length (feet)	Classes									
	1	2	3	4	5	6	7	8	9	10
16					335	295	260	215	185	165
18					380	330	295	245	205	190
20	610	555	515	460	420	365	325	275	230	210
22	645	600	555	530	485	425	370	325	275	230
25	735	680	630	605	550	485	420	365	315	260
30	1,165	975	850	725	630	535	505	470	410	
35	1,505	1,325	1,140	920	810	700	625	590		
40	1,850	1,640	1,385	1,175	965	840	715			
45	2,175	1,935	1,655	1,415	1,180	990	850			
50	2,625	2,255	1,940	1,680	1,365					
55	3,005	2,600	2,250	1,905	1,615					
60	3,530	2,980	2,585	2,190	1,825					
65	4,025	3,410	2,935	2,455	2,115					
70	4,555	3,820	3,235	2,720	2,350					
75	5,040	4,270	3,620	3,070						
80	5,580	4,620	3,950	3,360						
85	6,070	5,175	4,375							
90	6,615	5,670	5,195							

NOTE.—The weights in this table are based on treatment with a final retention of 8-pound grade 1 creosote oil. For other retentions add to or subtract from the basic weights 1 pound per cubic foot for each 1 pound variation in the retention of the preservative specified.

(Sec. 704, 64 Stat., 816, as amended; 50 U. S. C. App. Sup. 2154)

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9111; Filed, Aug. 14, 1952; 11:58 a. m.]

[Distribution Regulation 3, Amdt. 1]

DR 3—ALLOCATION OF BEEF TO THE MILITARY

APPLICABILITY DURING PERIODS OF INADEQUATE OVERALL SUPPLY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended (16 F. R. 11620), and Economic Stabilization Agency General Order 5, Revision (16 F. R. 11875), this Amendment 1 to Distribution Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment modifies Distribution Regulation 3 to conform with the requirements of the recent amendment to section 101 of the Defense Production Act of 1950, as amended. As amended, that section now reads in part:

[Nor] shall any requirements or regulations be established or maintained relating to the allocation or distribution of meat or meat products unless, and for the period for which, the Secretary of Agriculture shall have determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor:

This amendment to Distribution Regulation 3 indicates that the regulation, which deals with the allocation of beef to the military, is inoperative except during the periods for which the Secretary of Agriculture shall have determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor. Since this regulation had practical application only during times of shortage of beef supply, even prior to the amendment to section 101 of the Defense Production Act quoted above, the present amendment makes no change in the effect of this regulation at this time.

CONCLUSIONS

The provisions of this amendment do not modify the policy of the Office of Price Stabilization under this regulation. Since this amendment implements an express mandate of Congress, the Director of Price Stabilization has not consulted in its formulation with industry representatives. Accordingly, the Director finds that special circumstances which caused this amendment have rendered consultation with industry representatives, including trade association representatives, impracticable.

In the judgment of the Director, the provisions of this amendment are necessary and appropriate to promote the national defense, are generally fair and equitable, are necessary to effectuate the purposes of Title I of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

1. A new section 16 is added to read as follows:

SEC. 16. *Effective periods.* This regulation is effective only when, and for the periods for which, the Secretary of Agriculture shall have determined and certified to the President that the over-all supply of meat and meat products is inadequate to meet the civilian or military needs therefor. These periods are stated in supplements to this regulation which will be issued from time to time.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective as of July 1, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9112; Filed, Aug. 14, 1952; 11:58 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 3 as Amended Aug. 14, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 3—RESTRICTIONS ON PLACING AUTHORIZED CONTROLLED MATERIALS ORDERS

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 3, as last amended April 23, 1952, to CMP Regulation No. 1 by amending paragraph (b) of section 1. As so amended, Direction 3 to CMP Regulation No. 1 reads as follows:

SECTION 1. (a) Subject to the limitations of section 17 (a) of CMP Regulation No. 1 and unless previously authorized in writing by NPA, no prime consumer who has received an allotment of controlled materials shall place orders calling for delivery of more than 40 percent of the quantity of controlled materials stated in such allotment during each of the first 2 months of the quarter for which the said allotment is valid: *Provided, however,* That any prime consumer who has received an advance allotment of controlled materials, as provided in section 10 of CMP Regulation No. 1, may place orders calling for delivery of not in excess of 50 percent of the quantity of controlled materials stated in such advance allotment during each of the first 2 months of the quarter for which the said advance allotment is valid: *And provided further,* That the limitation on the placement of orders imposed by this section shall not apply to orders placed pursuant to supplemental allotments.

(b) Notwithstanding the provisions of this direction as amended, no person shall be required to reduce any delivery order below the minimum mill quantity specified in Schedule IV of CMP Regulation No. 1. Notwithstanding the provisions of this direction and of CMP Regulation No. 2, no person shall be required to reduce a delivery order for carbon steel, copper, or aluminum (1) below a carload lot, or (2) below his allotment authority if it is less than a carload lot: *Provided, however,* That he does not exceed his allotment authority by ordering such a quantity.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This direction, as amended, shall take effect August 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9100; Filed, Aug. 14, 1952; 11:04 a. m.]

[NPA Order M-20, Direction 1 of Aug. 14, 1952]

M-20—IRON AND STEEL SCRAP

DIR. 1—ALLOY SCRAP SEGREGATION

This direction to NPA Order M-20 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Segregation required.
3. Sale and delivery.
4. Mingling prohibited.
5. Use limitation.
6. Exceptions.
7. Reports.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Melter" means a person who produces an alloy product (which may be either ferrous or nonferrous) by melting.

(c) "Alloy scrap" means ferrous or nonferrous scrap containing 0.5 percent or more of nickel. (Reference is made to the exceptions contained in section 6 of this direction.)

SEC. 2. *Segregation required.* Any person, except a melter, who, as a result of a production or manufacturing operation, generates during any calendar month a total of 20 gross tons or more of alloy scrap, shall segregate such scrap into the appropriate type or types indicated in List A of this direction.

SEC. 3. *Sale and delivery.* (a) No person shall accept delivery of any of the types of alloy scrap described in List A of this direction which have been segregated into lots of 20 gross tons or more, except where such scrap is to be used for melting pursuant to section 5 of this direction, or except where such scrap is purchased for resale as permitted in paragraphs (b) and (c) of this section.

(b) Any person, except a melter, who, as a result of a production or manufacturing operation, generates alloy scrap shall, as soon as he has accumulated or otherwise holds 20 gross tons or more of any type of alloy scrap, offer it for sale and immediate shipment to a melter or scrap dealer or to a broker for further immediate shipment by him to a melter. If his terms of sale are met, he shall make delivery of all such scrap to the purchaser, but if his terms of sale are not met, he shall report the tonnage of each type of scrap offered, the proposed terms of sale, the names of the persons to whom offered, and any other pertinent information in writing to NPA, Washington 25, D. C., Ref: M-20, Dir. 1, within 10 days from the date on which he accumulated the minimum tonnage of scrap specified in this paragraph.

(c) Any scrap dealer, or any other person (except a melter or generator) who accumulates alloy scrap shall, as soon as he has accumulated 20 gross tons or more of any type of alloy scrap, offer it for sale and immediate shipment to a melter or to a broker for further immediate shipment by him to a melter. If his terms of sale are met, he shall make delivery of all such scrap to the purchaser, but if his terms of sale are not met, he shall report the tonnage of each type of scrap offered, the proposed terms of sale, the names of the persons to whom offered, and any other pertinent information in writing to NPA, Washington 25, D. C., Ref: M-20, Dir. 1, within 10 days from the date on which he accumulated the minimum tonnage of scrap specified in this paragraph.

SEC. 4. *Mingling prohibited.* No person shall (except in melting pursuant to section 5 of this direction) mingle alloy scrap segregated pursuant to section 2 of this direction with scrap which is unclassified or of a different type, or ship or deliver such scrap without clearly identifying the type to which it belongs.

SEC. 5. *Use limitation.* No person shall melt any alloy scrap except in the production of ferrous or nonferrous alloys in which nickel is required.

SEC. 6. *Exceptions.* The provisions of this direction shall not be applicable to copper scrap or copper-base alloy scrap (as defined in NPA Order M-16) nor to aluminum scrap (as defined in NPA Order M-22).

SEC. 7. *Reports.* Each person who purchases any alloy scrap for melting shall report to NPA by the seventh day

of each month on Form NPAF–113 his inventory at beginning and end of the month and his receipts during the month, beginning with the report for September 1952, for each type of scrap indicated on List A of this direction.

This direction shall take effect August 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M–20—NICKEL ALLOYS

Type	Name	AISI Specification No.
1.	Nickel types and nickel chromium types (nickel 1.0% to 5.25%).	2300, 2500, 3100, and 3300 series.
2.	Nickel molybdenum types and high nickel chromium molybdenum (nickel 1.0% to 5.25%).	4300, 4600, 4800, 9300, and 9800 series.
3.	Low nickel chromium molybdenum types (nickel under 1.0%, molybdenum 0.08% to 0.65%).	8600, 8700, and 9700 series.
4.	Stainless steel 6.0% to 12.0% nickel	301, 302, 303, 304, 305, 308, and 321.
5.	Stainless steel 12.0% to 22.0% nickel	309, 310, 311, 314, and 325.
6.	Stainless steel 10.0% to 14.0% Ni, 1.75% to 4.0% Mo	316, 317, and 318.
7.	Stainless steel 9.0% to 12.0% Ni plus Cb or CbTa	347 and 19–9DL.
8.	Stainless steel 1.25% to 2.50% nickel	414 and 431.
9.	16–25–6 alloy, 25% nickel	
10.	Inconel, 70%+ nickel	
11.	Nimonic, 70%+ nickel	
12.	S816 etc., 20%+ nickel with Co, Cr, W, Mo, & Cb	
13.	Monel, 65%+ nickel	
14.	Nickel, 95%+ nickel	
15.	Other nickel alloys (not described in types 1 to 14, inclusive—give complete composition).	

[F. R. Doc. 52–9101; Filed, Aug. 14, 1952; 11:04 a. m.]

[NPA Order M–54 as Amended Aug. 14, 1952]

M–54—PLATINUM

This order, as amended, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. However, consultation with representatives of all trades and industries affected in advance of the issuance of this amended order has been rendered impracticable due to the number of industries affected.

EXPLANATORY

This order, as amended, affects NPA Order M–54, of March 31, 1951, in the following respects:

1. A new paragraph (c) is inserted in section 3 of the order, and former paragraphs (c) through (f), inclusive, of section 3 are accordingly redesignated as paragraphs (d) through (g), respectively. Paragraph (e) of section 3, as redesignated, is amended to include appropriate reference to the new paragraph (c) of that section.

2. The designation of "lighters" in List A of the order is changed to read "lighter cases".

3. The last sentence of paragraph (b) of section 3 and paragraphs (b) and (c) of section 5, and sections 6, 7, and 9 of the order are amended to conform with the wording of corresponding provisions contained in more recent NPA orders and regulations.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on sale, purchase, delivery receipt, and manufacture.
4. Restrictions on sale or accumulation of scrap.
5. Restrictions on inventory accumulations.
6. Records and reports.
7. Request for adjustment or exception.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; Secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order restricts platinum deliveries to dealers, refiners, distributors, processors, and consumers, prohibits the use of platinum and platinum alloys in jewelry and other items, places restrictions on the sale and delivery of scrap, prohibits delivery of platinum to processors having more than a specified amount of scrap, and limits processors' and consumers' inventories of platinum.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons and includes agencies of the United States or any other government.

(b) "Platinum" means the metal platinum, and platinum salts, compounds, alloys, solutions, or mixtures, containing more than 0.25 percent platinum by weight, in any form, including but not limited to matte, residues, sponge, bar, sheet, wire, semifabricated forms, and partially fabricated products, but excluding ores and concentrates. It also includes scrap and secondary materials, the platinum content of which is more than 0.25 percent by weight. It does not include finished parts, articles, or equipment regardless of platinum content.

(c) "Consumer" means a person who purchases, accepts delivery of, or owns finished parts, articles, or equipment containing platinum, other than jewelry, for use for any purpose other than resale or investment.

(d) "Processor" means a person who uses platinum by incorporating it in the parts, articles, or products which he manufactures, and includes a person who produces dental restorations.

(e) "Dealer" means a person who makes a regular business of buying and selling platinum at an established address in the continental United States.

(f) "Distributor" means a person who makes a regular business of acting as buying or selling agent for dealers or processors at an established address in the continental United States.

(g) "Refiner" means a person regularly engaged in the business of refining platinum.

(h) "Process" means cut, draw, machine, stamp, melt, alloy, cast, forge, roll, turn, spin, or otherwise alter by physical or chemical means. The term does not include buffing or polishing an assembled article.

(i) "Put into process" means the first change by the processor in the form of material from that form in which it is received by him.

(j) The term "assemble" shall mean the normal putting together of components or parts but shall not be deemed to include the putting together of an article after delivery to a sales outlet or consumer in knockdown form pursuant to an established custom. The term "assemble" shall also not be deemed to include adding stones or finished parts to an otherwise finished article when the placing of one or more stones or finished parts, or the size or type of one or more stones or finished parts, is determined by the choice of the ultimate consumer or the use to which the ultimate consumer is to put the article.

(k) The terms "deliver" and "receive" shall be deemed to include deliveries and receipts under toll agreements.

(l) "Finished parts, articles, or equipment" means products which are finished to the extent that they are ready for their final end use without further processing or are ready for attachment to equipment or parts of equipment which are not platinum.

(m) "Scrap" means all platinum materials or objects which are the waste or by-product of processing, or which have been discarded on account of wear, failure, obsolescence, or other reason.

SEC. 3. *Restrictions on sale, purchase, delivery, receipt, and manufacture.* (a) Commencing April 1, 1951, no person shall: (1) Sell, transfer, or otherwise deliver platinum except to a person known by the seller or transferror to be a refiner, dealer, distributor, processor, or consumer of platinum; or purchase or accept delivery of platinum unless he is a refiner, dealer, distributor, processor, or consumer of platinum; (2) sell, transfer, or otherwise deliver platinum to any person for use in the manufacture of any item included in List A of this order, or purchase or accept delivery of platinum for use in the manufacture of any item included in such List A.

(b) Commencing April 1, 1951, no person shall put into process any platinum in the manufacture of any item included in List A of this order. However, this prohibition shall not apply to such use of any platinum which was in such person's inventory on April 1, 1951, or to the platinum content of any completed jewelry or parts thereof. Every person who relies on the provisions of the preceding sentence shall prepare a detailed record showing the quantities of platinum in his inventory on the first days of January, February, March, and April 1951, and the platinum content of any completed jewelry or parts thereof delivered to him after March 31, 1951. Such record shall be maintained for at least 3 years and shall be made available at the usual place of business where maintained for inspection and audit by duly authorized representatives of the National Production Authority.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, any manufacturer of any item included in List A of this order may accept delivery of the platinum (or its equivalent by weight) which is recovered from scrap or sweepings resulting from his use of platinum in the manufacture of any such item as permitted by paragraph (b) of this section; and may reuse or use (as the case may be), such delivered platinum in the manufacture of any item or items included in such List A. Any platinum refiner may redeliver such recovered platinum, or may deliver its equivalent by weight, to the manufacturer from whom he received such scrap or sweepings.

(d) The restrictions of paragraphs (a) and (b) of this section shall not prohibit the sale, delivery, purchase, or receipt of jewelry or parts thereof which are finished and complete except for the addition of stones or other finished parts or which are finished and complete except for buffing or polishing.

(e) Commencing April 1, 1951, and except as permitted by paragraphs (b) and (c) of this section, no person may use in the manufacture of any article, or any component part thereof, a greater quantity of platinum, or an alloy containing a greater percentage of platinum, than is necessary for functional or operational purposes.

(f) The prohibitions of this section apply notwithstanding the provisions of NPA Reg. 2 with respect to the filling of rated orders.

(g) The provisions of paragraph (a) of this section shall not apply to any delivery of platinum to the General Services Administration for the stockpile of strategic materials.

SEC. 4. *Restrictions on sale or accumulation of scrap.* (a) No processor shall purchase or accept delivery of any platinum if he owns or has in his possession more than a 30-day accumulation of scrap, exclusive of sweepings, unless such accumulation aggregates less than 25 ounces, platinum content, or unless it is in the process of being refined: *Provided, however,* That a processor who refines his own scrap may purchase or accept delivery of platinum if he owns or has in his possession not more than a 60-day accumulation of scrap.

(b) No person shall sell or deliver scrap except to a distributor, a dealer, or a refiner: *Provided, however,* That dental scrap may be sold to a person who produces or sells dental alloys.

SEC. 5. *Restrictions on inventory accumulations.* (a) No processor or consumer shall purchase or accept delivery of platinum in the form of raw materials, semiprocessed materials, subassemblies, finished parts, or finished products if the total platinum content of his inventory in all forms, including finished parts and products but excluding scrap in the process of being refined, is, or by such receipt would become, in excess of the quantity of platinum contained in the final products required to meet his deliveries or supply his services on the basis of his scheduled method and rate of operation during the succeeding 60-day period, or in excess of a "practicable minimum working inventory" as defined in NPA Reg. 1, whichever is less.

(b) Except as otherwise provided by this section, NPA Reg. 1, and particularly section 10 thereof entitled "Imported Materials," will apply to platinum.

(c) This order does not require the disposal of excess inventory already on hand, but such excess inventory may be subject to requisition as provided by section 201 (a) of Title II of the Defense Production Act of 1950, as amended.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 7. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C. Ref: M–54.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

This order as amended shall take effect August 14, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

LIST A OF NPA ORDER M–54

(See section 3)

Jewelry, including but not limited to:
- Badges.
- Bracelets.
- Brooches.
- Buckles.
- Buttons.
- Chains.
- Combs.
- Cuff links.
- Earrings.
- Hair and head ornaments.
- Insignia.
- Medallions and other objects of personal adornment.
- Pendants.
- Rings.
- Studs.
- Watch cases.

Miscellaneous:
- Bookbinding.
- Candlesticks.
- Cigarette cases.
- Electroplating (except for functional purposes).
- Flatware.
- Hardware.
- Leather goods
- Lettering.
- Lighter cases.
- Medals, trophies and objects of art.
- Metalized glass and ceramic ware.
- Musical instruments.
- Optical frames.
- Pencils.
- Pens (except pen point tips).
- Picture frames.
- Sign painting.
- Tableware.
- Toilet sets.
- Decorative and ornamental uses, not elsewhere specified.

[F. R. Doc. 52–9102; Filed, Aug. 14, 1952; 11:04 a. m.]

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Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 69 to Schedule A]

[Rent Regulation 2, Amdt. 67 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, CALIFORNIA, ILLINOIS, INDIANA, AND PENNSYLVANIA

Effective August 15, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Schedule A, Item 16, is amended to read as follows:

(16) [Revoked and decontrolled.]

This decontrols: (a) All unincorporated localities in the Tucson, Arizona, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) all incorporated localities in said defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

2. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

Monterey County, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas, and all unincorporated localities.

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Monterey and Pajaro, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas, and all unincorporated localities.

In Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols all unincorporated localities in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area.

3. Schedule A, Item 83, is amended to describe the counties in the defense-rental area as follows:

Cook County, except (i) the Cities of Berwyn, Blue Island, Calumet City, Chicago Heights, Des Plaines, Harvey, Park Ridge, and that portion of the City of Elgin located therein, (ii) the Town of Cicero, (iii) the Villages of Arlington Heights, Bartlett, Bellwood, Brookfield, Burnham, Calumet Park, Crestwood, Dolton, East Hazelcrest, Evergreen Park, Flossmoor, Franklin Park, Glencoe, Glenview, Hazelcrest, Hillside, Homewood, Kenilworth, La Grange, La Grange Park, Lansing, Lemont, Lyons, Markham, Matteson, Morton Grove, Mt. Prospect, Northfield, North Riverside, Oak Forest, Orland Park, Palatine, Phoenix, Riverdale, River Forest, Riverside, South Holland, Thornton, Tinley Park, Westchester, Western Springs, Wheeling, Wilmette, Winnetka, and (iv) those portions of the Villages of Barrington, Hinsdale and Steger located in said Cook County; Kane County, except that portion of the City of Elgin located therein, the Cities of Batavia, Geneva and St. Charles, and the Villages of Carpentersville, East Dundee, Hampshire, South Elgin and West Dundee; and Lake County, except the City of Lake Forest, the Villages of Deerfield and Grayslake, and that portion of the Village of Barrington located therein.

This decontrols the Villages of Evergreen Park and North Riverside in Cook County, Illinois, portions of the Chicago, Illinois, Defense-Rental Area.

4. Schedule A, Item 88b, is amended to describe the counties in the defense-rental area as follows:

Peoria County, except the Cities of Chillicothe and Peoria, and the Villages of North Chillicothe and Peoria Heights, and all unincorporated localities in said county; Tazewell County, except the City of Washington, the Village of Morton, and all unincorporated localities.

This decontrols the Village of Peoria Heights in Peoria County, Illinois, and the Village of Morton in Tazewell County, Illinois, portions of the Peoria, Illinois, Defense-Rental Area.

5. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond, Hobart and Whiting, the Towns of Highland and Munster, and the Townships of Cedar Creek, Eagle Creek, Hanover, West Creek and Winfield.

Ditto.

In Lake County, the City of Whiting, the Towns of Highland and Munster, and the Townships of Hanover and Winfield.

This decontrols the City of Crown Point in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

6. Schedule A, Item 267, is amended to describe the counties in the defense-rental area as follows:

Allegheny County, except the Boroughs of Bethel, Churchill, Elizabeth, Ingram, Rosslyn Farms and Wilkinsburg, and the Townships of Crescent, Mount Lebanon, Ohio, Penn and Shaler; Armstrong County; Beaver County, except the Borough of Beaver and the Township of Brighton; Lawrence County, except the Borough of New Wilmington; Westmoreland County; in Butler County, the City of Butler; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Jefferson, Monongahela, Morgan and Franklin, except the Borough of Waynesburg; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

That part of Beaver County north and east of the Ohio River, except the Townships of Economy, Harmony and Brighton, and the Boroughs of Ambridge, Baden, Beaver and Conway, and (effective February 28, 1952) that part of the Borough of Ellwood City which lies in Beaver County.

In Beaver County, the Townships of Potter and Center and the Borough of Monaca.

In Beaver County, Brighton Township.

This decontrols the Borough of Waynesburg in Greene County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by these amendments, except those in item 1 thereof, are based entirely on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-9006; Filed, Aug. 14, 1952; 8:51 a. m.]

[Rent Regulation 3, Amdt. 77 to Schedule A]

[Rent Regulation 4, Amdt. 21 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ARIZONA, CALIFORNIA, AND INDIANA

Effective August 15, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. Schedule A, Item 16, is amended to read as follows:

(16) [Revoked and decontrolled.]

This decontrols: (a) All unincorporated localities in the Tucson, Arizona, Defense-Rental Area, based on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; and (b) all incorporated localities in said defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of said act.

2. Schedule A, Item 33a, is amended to describe the counties in the defense-rental area as follows:

In Monterey County, the Townships of Alisal, Castroville, Gonzales, Pajaro and Monterey, except the Cities of Carmel-by-the-Sea, Monterey, Pacific Grove and Salinas, and all unincorporated localities; in Santa Cruz County, the Township and City of Watsonville; in San Benito County, the Townships of Hollister and San Juan.

This decontrols all unincorporated localities in Monterey County, California, portions of the Monterey Bay, California, Defense-Rental Area.

3. Schedule A, Item 102, is amended to describe the counties in the defense-rental area as follows:

Lake County, except the Cities of Crown Point, East Chicago, Hammond and Hobart, and the Townships of Cedar Creek, Eagle Creek and West Creek.

This decontrols the City of Crown Point in Lake County, Indiana, a portion of the Gary-Hammond, Indiana, Defense-Rental Area.

All decontrols effected by these amendments, except those in item 1 thereof, are based entirely on resolutions submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 52-9007; Filed, Aug. 14, 1952; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

MISCELLANEOUS AMENDMENTS

1. In Part 6, § 6.47 is revised to read as follows:

§ 6.47 *To a policy at a higher rate of premium as of original effective date.* A United States Government life insurance policy on any plan of insurance may be exchanged for a policy of the same amount, bearing the same date, and based on the same age, on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force: *Provided*, That in any case, where an insured under a 5-year convertible term plan or 5-year level premium term plan either prior to or within the first premium month following the expiration of the current term period expresses a desire to the Veterans' Administration to convert his insurance, such as makes a written inquiry or tenders a payment, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements for conversion within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951.

2. Section 6.51 is revised to read as follows:

§ 6.51 *To a policy at a higher rate of premium as of a current effective date.* A United States Government life insurance policy on the 5-year convertible term plan or the 5-year level premium term plan may be exchanged for a policy of the same amount on any plan of insurance issued by the Veterans' Administration at a higher rate of premium, upon payment of the difference between the reserve on the new policy and the reserve on the old policy. Such exchange will be made without medical examination and upon complete surrender of the policy while in force and within 5 years from the effective date of the policy: *Provided further*, That in any case where an insured either prior to or within the first premium month following the expiration of the current term period expresses a desire to the Veterans' Administration to convert his insurance, such as makes a written inquiry or tenders a payment, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements for conversion within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification, such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951.

3. In § 6.170, the introductory paragraph is amended to read as follows:

§ 6.170 *Renewal of United States Government life insurance on the 5-year level premium term plan.* Pursuant to the provisions of an amendment approved August 2, 1951, amending section 301 of the World War Veterans' Act of 1924, as amended (Pub. Law 101, 82d Cong., approved August 2, 1951), all or any part of United States Government life insurance on the 5-year level premium term plan, in any multiple of $500 and not less than $1,000, may be renewed without medical examination for successive 5-year periods, upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before the expiration of the current 5-year period. The renewal of insurance for any successive 5-year period will become effective as of the day following the expiration of the preceding 5-year period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed by any person who has exercised his optional right to change to another plan of insurance: *Provided further*, That in any case where an insured, either prior to or within the first premium month following the expiration of the current term period, expresses a desire to the Veterans' Administration to continue insurance protection, such as makes a written inquiry, tenders a payment or has a credit to his account, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951. The renewal of the insurance in accordance with the law and regulations will be evidenced by the following certificate:

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, Pub. Law 23, 82d Congress; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

4. In Part 8, §§ 8.33 and 8.34 are revised to read as follows:

§ 8.33 *Exchange of a 5-year level premium term policy as of a current effective date.* National Service life insurance on the level premium term plan, other than nonconvertible 5-year level premium term insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, which is in force may be exchanged, effective as of the date any premium becomes due within the term period, for insurance of the same amount, on any other plan, on the same reserve basis, issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, upon payment by the insured (except where premium waiver under section 602 (n) of the act, as amended, is effective) of the current monthly premium at the attained age of the insured for the plan of insurance selected: *Provided*, That where premium waiver is effective under section 622 of the National Service Life Insurance Act, as amended, that portion of the current monthly premium at the attained age of the insured for the plan of insurance selected which is not required for the pure insurance risk must be paid. The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective: *Provided*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums: *Provided further*, That in any case where an insured either prior to or within the first premium month following the expiration of the current term period expresses a desire to the Veterans' Administration to convert his insurance, such as makes a written inquiry or tenders a payment, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements for conversion within 31 days from day of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951.

(Sec. 10, Pub. Law 23, 82d Cong.)

§ 8.34 *Exchange of a level premium term policy as of a date prior to the current month.* National Service life insurance on the level premium term plan, other than nonconvertible 5-year level premium term insurance issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, which is in force may be exchanged effective as of the date any premium has become due within the term period, for insurance of the same amount, on any other plan, on the same reserve basis, issued by the Veterans' Administration under the National Service Life Insurance Act of 1940, as amended, upon payment by the insured of the difference between the reserve on the new policy and the reserve on the old policy

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and payment by the insured (except where premium waiver under section 602 (n) of the act, as amended, is effective) of the current monthly premium at the attained age of the insured as of the effective date of the new policy: *Provided*, That where premium waiver is effective under section 622 of the National Service Life Insurance Act, as amended, the required reserve on the new policy must be paid together with that portion of the current monthly premium at the attained age of the insured as of the effective date of the new policy which is not required for pure insurance risk: *Provided further*, That conversion to an endowment plan may not be made while the insured is totally disabled. The exchange will be made without medical examination, except when deemed necessary to determine whether an applicant for exchange to an endowment plan is totally disabled, and upon complete surrender of the policy while in force by payment or waiver of premiums: *Provided*, That waiver of the premiums on the new policy shall not be effective prior to the date such policy change was made: *Provided further*, That in any case where an insured either prior to or within the first premium month following the expiration of the current term period expresses a desire to the Veterans' Administration to convert his insurance, such as makes a written inquiry or tenders a payment, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements for conversion within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951.

(Sec. 10, Pub. Law 23, 82d Cong.)

5. Sections 8.85 and 8.86 are revised to read as follows:

§ 8.85 *Renewal of National Service life insurance on the 5-year level premium term plan other than insurance issued under section 621 of the National Service Life Insurance Act, as amended.* Pursuant to the provisions of an amendment approved August 2, 1951, amending subsection 602 (f) of the National Service Life Insurance Act of 1940, as amended (Public Law 104, 82d Congress, approved August 2, 1951), all or any part of National Service life insurance on the 5-year level premium term plan, other than insurance issued under section 621 of the National Service Life Insurance Act, as amended, in any multiple of $500 and not less than $1,000, may be renewed without medical examination for successive 5-year periods, upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before the expiration of the current term period: *Provided further*, That in any case in which the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this section, shall be automatically renewed for an additional period of 5 years at the premium rate for the then attained age. The renewal of insurance for any 5-year period will become effective as of the day following the expiration of the preceding term period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day: *Provided*, That no insurance may be renewed by any person who has exercised his optional right to change to another plan of insurance: *Provided further*, That in any case where an insured, either prior to or within the first premium month following the expiration of the current term period, expresses a desire to the Veterans' Administration to continue insurance protection, such as makes a written inquiry, tenders a payment or has a credit to his account, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made. The terms of this section shall be deemed to have been in effect as of January 1, 1951.

§ 8.86 *Renewal of National Service life insurance on 5-year level premium term plan issued under the provisions of section 621 of the National Service Life Insurance Act, as amended April 25, 1951.* All or any part of a National Service life insurance policy issued under the provisions of section 621 of the National Service Life Insurance Act, as amended, in any multiple of $500 and not less than $1,000, may be renewed without medical examination for successive 5-year term periods upon application therefor and payment of the premium at the 5-year level premium term rate required at the attained age of the insured, before expiration of the current 5-year period: *Provided further*, That where the insured is shown by evidence satisfactory to the Administrator to be totally disabled at the expiration of the level premium term period of his insurance under conditions which would entitle him to continued insurance protection but for such expiration, such insurance, if subject to renewal under this section, shall be automatically renewed for an additional period of 5 years at the premium rate for the then attained age. The renewal of insurance for the second and successive 5-year periods will become effective as of the day following the expiration of the preceding 5-year period, and the premium for such renewal will be at the 5-year level premium term rate for the attained age of the applicant on that day. *Provided further*, That in any case where an insured, either prior to or within the first premium month following the expiration of the current term period, expresses a desire to the Veterans' Administration to continue insurance protection, such as makes a written inquiry, tenders a payment or has a credit to his account, the insurance shall be deemed not to have expired: *Provided*, That the insured completes any necessary requirements within 31 days from date of notification of such requirements: *Provided further*, That if death occurs prior to notification of requirements or within 31 days from date of such notification, such requirements shall be deemed to have been fully met. Any premiums due in such cases shall be deducted from the proceeds of the insurance when settlement is made.

(Sec. 10, Pub. Law 23, 82d Cong.)

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective August 15, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8976; Filed, Aug. 14, 1952; 8:48 a. m.]

PART 8—NATIONAL SERVICE LIFE INSURANCE

PROOF OF DEATH

In § 8.52, paragraphs (b) and (c) are amended to read as follows:

§ 8.52 *Proof of death.* Where a claim is filed for National Service life insurance on account of the death of a person, such death may be established as follows:

* * * * *

(b) Where death occurs in a hospital or institution under the control of the United States Government, by a death certificate signed by a medical officer of the hospital or institution, or by a clinical summary or other report showing fact and date of death signed by a medical officer of the hospital or institution, or by furnishing the evidence required under paragraph (a) of this section.

(c) Where death occurs while deceased was on the retired list, in an inactive duty status, or in the active service in the Regular Establishment or the Reserve component of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard, by an official report of death from the Department of the Army, Navy, Air Force, or Treasury Department, or by furnishing the evidence required under paragraph (a) of this section.

* * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, Pub. Law 23, 82d Cong.; 38 U. S. C. 808. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective August 15, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-8975; Filed, Aug. 14, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR SHELLED ALMONDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Shelled Almonds under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952) to supersede United States Standards for Shelled Almonds (16 F. R. 7197) effective August 23, 1951.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with M. W. Baker, Deputy Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth (30) day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 51.457 *Standards for shelled almonds*—(a) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 3 percent;

(*c*) *For kernels injured by chipping or scratching.* 5 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(*f*) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for serious damage.

(2) *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 5 percent: *Provided*, That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening $\frac{20}{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(3) *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 15 percent: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $\frac{20}{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(4) *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 15 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 5 percent: *Provided*, That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening $\frac{20}{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(5) *U. S. Standard Sheller Run.* U. S. Standard Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See size requirements and tolerances for size.)

(i) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(*b*) *For doubles.* 25 percent;

(*c*) *For kernels damaged by chipping and scratching.* 20 percent;

(*d*) *For foreign material.* Two-tenths of 1 percent (0.20%);

(*e*) *For particles and dust.* One-tenth of 1 percent (0.10%);

(*f*) *For split and broken kernels.* 15 percent: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $\frac{20}{64}$ inch in diameter; and,

(*g*) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

(6) *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(ii) Unless otherwise specified, the minimum diameter shall be not less than $\frac{20}{64}$ of an inch. (See other size requirements and tolerances for size.)

(iii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(*a*) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

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(b) *For doubles.* 35 percent;
(c) *For foreign material.* Three-tenths of 1 percent (0.30%);
(d) *For particles and dust.* One-tenth of 1 percent (0.10%);
(e) *For undersize.* 5 percent; and,
(f) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(7) *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(i) Unless otherwise specified, the minimum diameter shall be not less than 5/64 of an inch. (See other size requirements and tolerances for size.)

(ii) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(a) *For bitter almonds mixed with sweet almonds.* 1 percent;
(b) *For foreign material.* Three-tenths of 1 percent (0.30%);
(c) *For particles and dust.* 1 percent; and,
(d) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

(b) *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

(c) *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided*, That the kernels are fairly uniform in size.

Count range per ounce

16 to 18, inclusive.
18 to 20, inclusive.
20 to 22, inclusive.
22 to 24, inclusive.
23 to 25, inclusive.
24 to 26, inclusive.
26 to 28, inclusive.
27 to 30, inclusive.
30 to 34, inclusive.
36 to 40, inclusive.
40 to 50, inclusive.
50 and smaller.

(e) *Tolerances for size.* When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided*, That not more than one-half of this amount, or 5 percent, may be below the minimum size specified.

(f) *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

(2) "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

(3) "Clean" means that the kernel is practically free from dirt and other foreign substance.

(4) "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

(5) "Decay" means that the kernel is putrid or decomposed.

(6) "Rancidity" means that the kernel is noticeably rancid to the taste.

(7) "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

(8) "Foreign material" means pieces of shell, hulls or other foreign matter which will not pass through a round opening 8/64 of an inch in diameter.

(9) "Doubles" means kernels that developed in shells containing two kernels. One side of a double kernel is flat or concave.

(10) "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening 5/64 of an inch in diameter.

(11) "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening 8/64 of an inch in diameter.

(12) "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(i) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

(13) "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for and one defect shall be considered as damage:

(i) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(ii) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(iii) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(iv) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(v) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

(14) "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

(15) "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

(16) "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

Done at Washington, D. C., this 11th day of August 1952.

[SEAL] GEORGE A. DICE,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-9017; Filed, Aug. 14, 1952; 8:54 a. m.]

[7 CFR Part 162]

ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

REGISTRATION; SHIPMENTS FOR EXPERIMENTAL USE

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Secretary of Agriculture, pursuant to sections 4 and 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed., Supp. IV, 135b, 135d), proposes to amend §§ 162.10 and 162.17 for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act (7 CFR 162.10, 162.17) as follows:

1. Section 162.10 would be amended by adding thereto new paragraphs (h) and (i) to read, respectively:

§ 162.10 *Registration.* • • •

(h) *Duration of registration.* Unless canceled in accordance with the provisions of section 4. c. of the act or with the acquiesence of the registrant, or unless continued in effect in accordance with the provisions of paragraph (i) of this section, the registration of an economic poison shall be canceled at the end of a period of five years following the date of registration of such economic poison or following the date of any subsequent registered change in formula or labeling or following the date of any continuance of registration pursuant to paragraph (i) of this section: *Provided, however*, That prior to any such cancellation the Insecticide Division shall send to the registrant a notice of intent to cancel, and, in the event such notice is not sent to the registrant 30 days prior to the expiration of the five year period, the registration shall remain in effect until 30 days following the date such notice has been sent to the registrant at his latest address submitted to the Insecticide Division.

(i) *Continuance of registration.* If a registrant desires to continue the registration in effect, he shall notify the Insecticide Division in writing and it shall be continued in effect under the same terms as the original registration: *Provided, however*, That if, on the basis of information available at the time, it appears that the product or its labeling fails to comply with the act the registrant shall be so notified and an opportunity given to make the necessary corrections. If the corrections are not made continued registration without protest shall be refused but registration under protest as provided in section 4. c. of the act shall be issued if requested in writing by the registrant.

2. Subparagraph (2) of § 162.17 (b) would be amended and new subparagraphs (3), (4), (5), and (6) would be added to § 162.17 (b) to read, respectively:

§ 162.17 *Shipments for experimental use.* • • •

(b) *Articles for which permit is required.* • • •

(2) If an economic poison is to be tested for a use which is likely to result in a residue on or in food or feed a permit for shipment or delivery will be issued only when:

(i) The food or feed product will not be used for food or feed except for laboratory animals, or

(ii) Proof satisfactory to the Director is submitted by the applicant that the proposed use will not result in a residue which is hazardous to man or other animals.

(3) A permit for shipment or delivery of any experimental economic poison for testing in any place likely to be frequented by people will be granted only if it is clearly shown in the application for such permit that proper safeguards will be taken to prevent injury to all persons concerned.

(4) All applications for permits covering shipments for experimental use shall be filed in duplicate and must be signed by the shipper or the person making the delivery and must contain the following:

(i) Name and address of the shipper and place or places from which the shipment will be made.

(ii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iii) A statement of the composition of material to be covered by the permit which should apply to a single material or group of closely allied formulations of the material.

(iv) A statement of the approximate quantity to be shipped.

(v) Available data on the acute toxicity of the economic poison.

(vi) A statement of the proposed experimental program, including the pests or organisms to be experimented with, the crops or animals for which it is to be used, the localities where it will be tested, and all of the circumstances of the proposed experimental program, and including a full statement of the results of previous tests where necessary to justify the quantity requested.

(vii) When food or feed are likely to be contaminated, either a full statement of action which will be taken to prevent the food or feed from being consumed, or a full statement of the probable quantity of the contamination together with all available experimental data on chronic toxicity of the economic poison.

(viii) The percentage of the total quantity specified under subdivision (iv) of this subparagraph which will be delivered without cost to the user.

(ix) A statement that the economic poison is intended for experimental use only.

(x) Proposed labeling which must bear (*a*) the prominent statement "For Experimental Use Only" on the container label and any accompanying circular or other labeling, (*b*) a warning or caution statement which may be necessary and if complied with adequate for the protection of those who may handle or be exposed to the experimental formulations, (c) the name and address of the applicant for the permit, (*d*) the name or designation of the formulation, and (*e*), if the economic poison is to be sold, an ingredient statement.

(5) The Director may limit the quantity of economic poison covered by a permit to such less quantity than requested as he may determine if the available information on effectiveness, toxicity or other hazards is not sufficient to justify the scope of experimental use proposed in the application, or make such other limitations in the permit as he may determine to be necessary for the protection of the public.

(6) An economic poison intended for experimental use shall not be offered for general sale by a retailer or others, or advertised for general sale.

3. Section 162.17 (d) would be amended to read:

(d) *Cancellation of permits.* Any permit for shipment for experimental use may be cancelled at any time for any violation of the terms thereof or if it shall appear to the Director that the permit should be cancelled for the protection of the public.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief of the Insecticide Division, Livestock Branch, Production and Marketing Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 12th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9015; Filed, Aug. 14, 1952; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[Operations Reorganization Order No. 1]

HEAD, ALCOHOL AND TOBACCO TAX DIVISION

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Pursuant to the authority vested in me by Commissioner's Reorganization Order No. Hdq.-1, dated July 29, 1952, there is delegated to the Head, Alcohol and Tobacco Tax Division, the functions, under the direction and supervision of the Assistant Commissioner, Operations, to administer and enforce the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the Act of August 9, 1939, as it relates to firearms, the shipment of liquor in interstate commerce, and the Federal Tort Claims Act as it relates to acts of Bureau employees, including the supervision and regulation of the liquor and tobacco industries, the determination of appeals in administrative proceedings involving the denial of applications for permits and the annulment, revocation and suspension of permits, and the acceptance or rejection of compromise offers submitted pursuant to the Federal Alcohol Administration Act.

Dated: August 11, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52-9053; Filed, Aug. 14, 1952; 8:56 a. m.]

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[FCA Order 553]

DEPUTY PRODUCTION CREDIT COMMISSIONER AND ASSISTANT DEPUTY PRODUCTION CREDIT COMMISSIONERS

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE TO ACT AS PRODUCTION CREDIT COMMISSIONER IN HIS ABSENCE (REVOCATION OF ORDER NO. 421)

K. L. Scott, Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner is unavailable to act by reason of absence from the Washington office of the Farm Credit Administration or for any other cause.

Paul Fankhauser, Assistant Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner and Deputy Production Credit Commissioner Scott, are both unavailable to act by reason of absence from the Washington office of the Farm Credit Administration or for any other cause.

Homer G. Smith, Assistant Deputy Production Credit Commissioner, is authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Production Credit Commissioner in the event that the Production Credit Commissioner, Deputy Production Credit Commissioner Scott, and Assistant Deputy Production Credit Commissioner Fankhauser are all unavailable to act by reason of absence from the Washington office of the Farm Credit Administration or for any other cause.

The foregoing revokes Farm Credit Administration Order No. 421, dated May 9, 1945, 10 F. R. 5491.

[SEAL] I. W. DUGGAN, *Governor.*

[F. R. Doc. 52-9011; Filed, Aug. 14, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-262]

ACCIDENT OCCURRING AT INTERNATIONAL AIRPORT, MIAMI, FLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N-79096 which occurred at International Airport, Miami, Florida, on August 4, 1952.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on August 19, 1952, at 9:00 a. m. (local time), in the City Commissioners' Room, City Hall, LeJuene Road and Coral Way, Coral Gables, Florida.

Dated at Washington, D. C., August 12, 1952.

[SEAL] ALLEN P. BOURDON, *Presiding Officer.*

[F. R. Doc. 52-9009; Filed, Aug. 14, 1952; 8:50 a. m.]

[Docket No. 5132 et al.]

IRREGULAR AIR CARRIER INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation of air services by large irregular carriers and irregular transport carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, 401, 416, and 1002 thereof, that a hearing in the above entitled proceeding is assigned to be held on September 3, 1952, at 10:00 a. m., e. d. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiners Ralph L. Wiser and Richard A. Walsh, and is to be recessed for further hearing in Miami, Florida, Los Angeles, California, and Seattle, Washington, at places and at times which shall be designated hereafter.

This proceeding involves (A) a general investigation into all matters relating to and concerning air transportation by large irregular carriers, as defined by Part 291 of the Board's Economic Regulations, and irregular transport carriers to whom individual exemption orders have been issued exempting them from the provisions of section 401 insofar as such provisions would prevent them from engaging in air transportation on an irregular and infrequent basis, and (B) applications for exemptions and for certificates of public convenience and necessity authorizing limited or controlled air transportation of an additional and supplemental nature. Without limiting the scope of the issues presented by the applications and the Board's orders, particular attention will be directed to the following matters:

A. The general investigation herein contemplates the formulation of conclusions of policy, including the critical scrutiny of certain existing regulations, as well as the possible amendment of such regulations or the promulgation of new regulations. In this respect, the proceeding is to be determined on the basis of the standards set forth in the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205 (a), 401 (d), 416 (b), 1002 (d) and 1002 (e) thereof, and the issues presented are those set forth in subparagraphs (1) through (7) of paragraph numbered (1) of the ordering clause of Order Serial No. E-5722, as amended, which specification of issues is hereby quoted as follows:

(1) Is there a need for air transportation services by the Large Irregular Carriers and Irregular Transport Carriers in addition to and supplemental to services performed by the carriers holding certificates of public convenience and necessity (hereinafter called the "certificated carriers").

(2) If the answer to the foregoing issue is in the affirmative, what type or types of such supplemental services would be best adapted to the performance of the transportation service required to meet the need. In this connection, the following will be considered:

a. Geographical distribution.

b. Frequency and degree of irregularity.

c. Types of traffic to be carried, i. e., persons, property, and mail.

d. Relative price of service.

e. Character of obligations to the public.

(3) What would be the effect of such supplemental services on the air transportation system and are such services in the public interest? Would such services:

a. Encourage and promote the development of an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense.

b. Promote the regulation of air transportation in such manner as to recognize and preserve the inherent advantages in such transportation.

c. Promote adequate, economical, and efficient service by air carriers at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices.

d. Foster sound economic conditions in air transportation.

e. Constitute the type of competition that would assure the sound development of an air transportation system properly adapted to the needs of the foreign and domestic service of the United States, of the Postal Service, and of the national defense.

f. Promote the regulation of air transportation to improve the relations between, and coordinate transportation by, air carriers.

g. Promote the regulation of air transportation to assure the highest degree of safety in such transportation.

h. Be conducted economically on a continuing basis.

i. Involve diversion of traffic, including the most profitable long-haul traffic (frequently referred to as "cream skimming"), from the certificated carriers.

(4) Is the Board empowered under the act, as now written, to authorize by certificate of public convenience and necessity under section 401 of the act or by exemption under section 416 of the act, such supplemental services limited as to type of service, type of traffic, quality or quantity of service, and/or equipment used, or otherwise restricted or defined.

(5) Should such supplemental services be authorized in whole or in part by permanent or temporary certificate of public convenience and necessity, or by exemption orders or regulations issued pursuant to section 416 (b) of the act, or by more than one of these methods depending upon the facts and circumstances presented in individual cases, and should any classes or groups of carriers be established.

(6) What conditions, regulations or other requirements should be imposed by the Board for the purpose of achieving and defining such supplemental services, including:

a. The extent to which existing applicable regulations, limitations, restrictions or other requirements should be modified or amended, including, for example, the modification of the so-called 3- and 8-trip limitation, requirements relating to lease of aircraft, etc.

b. Whether maximum or minimum rates, fares and charges should be established and made applicable to such supplemental services.

(7) Should the supplemental services be provided by air carriers already certificated or exempted or by air carriers yet to be certificated or exempted.

B. With respect to disposition of the individual carrier applications, certain additional issues are presented, as follows:

1. Insofar as concerns authorization by certificate of public convenience and necessity, on the basis of the standards set forth in sections 401 (d) and 401 (f) of the Civil Aeronautics Act of 1938, as amended:

a. Whether the particular applicant is a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act.

b. Whether the particular applicant is fit, willing and able to perform properly the transportation covered by the respective application, and to conform to the provisions of the Civil Aeronautics Act and the rules, regulations and requirements of the Board thereunder.

c. Whether the public convenience and necessity require the whole or any part of the transportation covered by the particular application. As to this issue, the various issues presented by the general investigation concerning future policy, as quoted above, will likewise be relevant, with specific reference to the particular application, including the issues whether any certificate of convenience and necessity found to be required should be permanent or temporary, and what terms, conditions, and limitations the public interest might require to be attached to the exercise of the privileges granted by such certificate.

2. Insofar as concerns authorization by exemption, on the basis of the standards set forth in section 416 (b) of the Civil Aeronautics Act of 1938, as amended:

a. Whether the particular applicant is a citizen of the United States as defined by section 1 (13) of the Civil Aeronautics Act.

b. Whether the enforcement of Title IV of the Civil Aeronautics Act or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, insofar as it affects the particular applicant, is or would be an undue burden on such applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and is not in the public interest.

In connection with the public interest aspects of this issue, the various issues presented by the general investigation, concerning future policy, as quoted above, will likewise be relevant, with specific reference to the particular application, including the issues as to what the scope should be of any exemption authority found to be desirable in the public interest and what terms, conditions, and limitations should be made applicable to such authority.

The above issue of public interest also embraces, as one of the subsidiary issues, the question whether the particular applicant, on the basis of its past record and all other relevant circumstances, should be entrusted with authority, by way of exemption, to engage in the air transportation covered by the respective application.

For further details of the issues involved in the proceeding, interested persons are referred to the applications as amended, the examiners' prehearing conference report and supplement thereto and notices to the parties, and the orders entered in the proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than parties of record, desiring to be heard in this proceeding should file with the Board on or before September 2, 1952, a statement setting forth the issues of fact or law raised by the proceeding on which he desires to be heard, and such person may appear and participate at the hearing in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., August 12, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 52-9008; Filed, Aug. 14, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1115]

COLORADO INTERSTATE GAS CO.

NOTICE OF OPINION NO. 235, FINDINGS AND ORDER

AUGUST 11, 1952.

Notice is hereby given that on August 8, 1952, the Federal Power Commission issued its opinion and order entered July 31, 1952, reducing rates in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9001; Filed, Aug. 14, 1952; 8:49 a. m.]

[Docket No. G-2012]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

AUGUST 11, 1952.

Take notice that on July 28, 1952, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois corporation having its principal office in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of an 8-inch pipeline approximately 22 miles in length, extending from a point on the transmission pipeline of the Natural Gas Pipeline Company of America, in Mahaska County, Iowa, to a point in Ottumwa County, Iowa, should it be ultimately determined that the proposed construction and operation are subject to the Commission's jurisdiction.

The estimated cost of the proposed construction is $500,000 which Applicant purposes to finance from funds on hand.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 29th day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8991; Filed, Aug. 14, 1952; 8:45 a. m.]

[Docket No. G-2015]

MID-GEORGIA NATURAL GAS CO.

NOTICE OF APPLICATION

AUGUST 11, 1952.

Take notice that on July 28, 1952, Mid-Georgia Natural Gas Co., (Applicant), a Georgia corporation having its principal place of business in Atlanta, Georgia, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a town border station located on Transcontinental Gas Pipe Line Corporation's main line which passes between Conyers and Porterdale, Georgia, and pipelines which will extend from such border station through the several communities to be served, namely Conyers, Porterdale, Covington, and Oxford, Georgia, and their environs.

The application recites that on April 28, 1950, the Commission issued a certificate of public convenience and necessity to the Transcontinental Gas Pipe Line Corporation, in Docket No. G-1277, authorizing Transcontinental to sell and deliver up to 1,876 Mcf of natural gas per day to Newton County Gas Co. for distribution and sale in the cities of Conyers, Porterdale, Covington, and Oxford, Georgia, and their environs.

The application further shows that Applicant is the successor to Newton County Gas Co., having received that portion of Newton County Gas Co.'s system now ready to begin operations by transfer on July 18, 1952, and under an agreement of July 18, 1952, will successively construct and put into operation facilities to serve the balance of the communities upon the completion of facilities to serve Conyers and the adjoining unincorporated area of Milstead.

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The application is on file with the Commisison for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) before the 29th day of August 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8992; Filed, Aug. 14, 1952; 8:45 a. m.]

[Docket No. G-2021]

PUBLIC SERVICE ELECTRIC AND GAS CO.

NOTICE OF APPLICATION

AUGUST 11, 1952.

Take notice that on August 1, 1952, Public Service Electric and Gas Company (Applicant), a New Jersey Corporation having its principal place of business at Newark, New Jersey, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of a 16-inch natural-gas transmission pipeline extending 11.3 miles from a point of connection at Linden, New Jersey, with the transmission pipeline owned and operated by Texas Eastern Transmission Corporation, to the Town of Harrison, New Jersey, from which town branch lines consisting of 2.04 miles of 12-inch pipe and 2.96 miles of 10-inch pipe would extend to Applicant's Harrison Gas Works at Harrison, New Jersey, and its West End Gas Works at Jersey City, New Jersey.

Through such pipeline, Applicant proposes to transmit natural gas purchased from Texas Eastern Transmission Corporation to Applicant's production plants where it will be used in the production of mixed gas to be distributed by Applicant to its New Jersey market. Cost of the proposed facilities is estimated at $4,200,000, to be derived from Applicant's general funds.

The application is filed pursuant to the Commission's order accompanying Opinion No. 231 in Docket No. G-1693, which order provided that specific quantities of gas be reserved by Texas Eastern Transmission Corporation for Applicant, subject to conditions set forth in such order.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of August 1952. The application is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-8993; Filed, Aug. 14, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27299]

CURED MEATS FROM RIO GRANDE RIVER CROSSINGS TO CHICAGO, ILL., KANSAS CITY AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

AUGUST 11, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff ICC No. 3843.

Commodities involved: Cured meat, carloads.

From: Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Texas (on traffic imported from Mexico).

To: Chicago, Ill., Kansas City and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, equalization of rates through various Rio Grande River crossings.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, ICC No. 3843, supl. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-8961; Filed, Aug. 13, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-439]

GREAT NORTHERN GAS CO., LTD.

ORDER EXTENDING EXEMPTION

AUGUST 11, 1952.

The Commission, on December 2, 1938, having issued its findings and opinion and order pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 granting to Great Northern Gas Company, Limited ("Great Northern") exemption to the extent specified from certain provisions of the act applicable to it as a subsidiary of North Continent Utilities Corporation, a registered holding company, such exemption to terminate on December 31, 1940, without prejudice, however, to the right of Great Northern to apply for an extension of the time during which such order shall be effective (see Holding Company Act Release No. 1340); and

The Commission, from time to time thereafter upon requests of Great Northern, having by order further extended the date upon which such exemption should terminate; and

Great Northern having filed an application requesting a further extension of the time during which said order of December 2, 1938, shall be effective; and

The Commission having considered such application and deeming it appropriate in the public interest and in the interest of investors and consumers to grant such application:

It is ordered, That the time during which said order of December 2, 1938, shall be effective be, and hereby is, extended to and including January 31, 1953, without prejudice, however, to the right of Great Northern Gas Company, Limited, to apply for a further extension of the time during which such order shall be effective or for such enlargement of any of the provisions thereof as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 52-8994; Filed, Aug. 14, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 17]

HARD FIBER CORDS AND TWINES

NOTICE OF HEARING

A public hearing has been ordered by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D. C., beginning at 10 a. m., on December 1, 1952, in the investigation with respect to hard fiber cords and twines instituted on July 11, 1952, under section 7 of the Trade Agreements Extension Act of 1951 (17 F. R. 6576).

Request to appear. Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above public hearing was ordered by the Tariff Commission on the 8th day of August 1952.

DONN N. BENT, *Secretary.*

[F. R. Doc. 52-8995; Filed, Aug. 14, 1952; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 161

Washington, Saturday, August 16, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF THE FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND THE CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

ST. ELIZABETHS HOSPITAL

1. Effective August 1, 1952, the list of positions excluded from the provisions of the Federal Employees Pay Act and the Classification Act in § 27.1 is amended by the following addition, restatement and change of title, respectively:

§ 27.1 *Exclusion from provisions of Federal Employees Pay Act and Classification Act.* • • •

Chaplain resident, second year of clinical training following completion of four or more years of approved postgraduate theological training.
Chaplain intern, first year of clinical training following completion of three or more years of approved postgraduate theological training.
Chaplain student intern, approved training during second year of approved postgraduate training.

2. Effective August 1, 1952, the list of positions for which maximum stipends have been prescribed in § 27.2 is amended by adding a maximum stipend for chaplain resident at St. Elizabeths Hospital and by changing the titles and maximum stipends previously established for chaplain interns at St. Elizabeths Hospital to read as follows:

§ 27.2 *Maximum stipends prescribed.* • • •

Chaplain resident—St. Elizabeths Hospital: Second year of clinical training following completion of four or more years of approved postgraduate theological training	$2,800
Chaplain intern—St. Elizabeths Hospital: First year of clinical training following completion of three or more years of approved postgraduate theological training	2,600
Chaplain student intern—St. Elizabeths Hospital: Approved training during second year of approved postgraduate theological training, per month	$183

(61 Stat. 737; 5 U. C. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS, *Executive Director.*

[F. R. Doc. 52-9063; Filed, Aug. 15, 1952; 8:56 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—Farm Housing Loans and Grants

[FHA Instruction 424.13]

PART 304—CONSTRUCTION AND REPAIR

Subchapter B—Farm Ownership Loans

[FHA Instruction 424.3]

PART 324—CONSTRUCTION AND REPAIR (FARM OWNERSHIP AND FARM HOUSING PROGRAMS)

CONSOLIDATION OF CERTAIN FARM OWNERSHIP AND FARM HOUSING REGULATIONS

In order to consolidate regulations with respect to performing farm development in the Farm Ownership and Farm Housing Programs and to incorporate current amendments, Parts 304 and 324, Chapter III, Title 6, Code of Federal Regulations, are changed as set forth herein.

1. Part 304 is revoked.

NOTE: The material contained in §§ 304.41 through 304.46 is amended and consolidated with similar regulations concerning the Farm Ownership Program in §§ 324.41 through 324.45 of this chapter.

2. The title of Part 324 is changed to: "Construction and Repair (Farm Ownership and Farm Housing Programs)."

3. Subpart C, Part 324, Title 6, Code of Federal Regulations, as amended (13 F. R. 9406; 15 F. R. 4366, 6308, 9353), is revised as follows:

(Continued on p. 7443)

CONTENTS

	Page
Agriculture Department	
See Commodity Credit Corporation; Farmers Home Administration; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Keller, Ernst Bruno	7523
Marasco, Maria	7524
Schlottman, Frederick and Frieda	7524
Wenzel, Heinz	7524
Civil Service Commission	
Rules and regulations:	
Exclusion from provisions of Federal Employees Pay Act and Classification Act and establishment of maximum stipends for positions in Government hospitals filled by student or resident trainees; St. Elizabeths Hospital	7441
Coast Guard	
Rules and regulations:	
Aliens serving as licensed officers on merchant vessels:	
Licensed officers and certified men	7495
Waivers of navigation and vessel inspection laws and regulations (2 documents)	7494, 7495
Commerce Department	
See International Trade, Office of.	
Commodity Credit Corporation	
Notices:	
Sales of certain commodities at fixed prices; August domestic and export price lists	7513
Customs Bureau	
Notices:	
Tariff classification; repliqued articles	7512
Defense Department	
See Defense Mobilization, Office of.	
Delegation of authority to Secretary with respect to application of Newton County Gas Co. for procurement of natural gas service (*see* General Services Administration).	7441

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Defense Mobilization, Office of — Page
Notices:
Placement of procurement in Milford, Mass., area; notification to Department of Defense and General Services Administration — 7520

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Farmers Home Administration
Rules and regulations:
Construction and repair; consolidation of certain farm ownership and farm housing regulations — 7441

Federal Communications Commission — Page
Notices:
Hearings, etc.:
Aladdin Radio & Television, Inc., and Denver Television Co — 7518
American-Republican, Inc., and WATR, Inc — 7518
Brush-Moore Newspapers, Inc., and Stark Broadcasting Corp — 7519
KMYR Broadcasting Co. and Metropolitan Television Co — 7518
McLennan Broadcasting Co — 7518
Oregon Television, Inc., and Columbia Empire Telecasters, Inc — 7519
Penn Jersey Broadcasting Co. et al — 7518
Pioneer Broadcasters, Inc., et al — 7518
WMRO, Inc — 7519
Proposed rule making:
Aeronautical services — 7511
Class B FM Broadcast Stations; revised tentative allocation plan — 7510
Frequency allocations and treaty matters; designation of certain frequencies as ship telegraph calling frequencies — 7510
Stations on land and shipboard; deletion and assignment of frequencies — 7511
Television Broadcast Stations; table of assignments — 7510
Rules and regulations:
Practice and procedure; forms — 7495
Radio broadcast services; availability of channels — 7495

Federal Power Commission
Notices:
Hearings, etc.:
East Tennessee Natural Gas Co — 7520
Iowa-Illinois Gas and Electric Co — 7520
Pacific Power & Light Co — 7519
Wisconsin Power and Light Co — 7519

Fish and Wildlife Service
Rules and regulations:
Long Lake National Wildlife Refuge, North Dakota; fishing — 7497

General Services Administration
See Defense Mobilization, Office of.
Notices:
Secretary of Defense; delegation of authority with respect to application of Newton County Gas Co. for procurement of natural gas service — 7520

Geological Survey
Delegation of authority to Director with respect to applications for suspension of operations and production (*see* Interior Department).
Notices:
Regional oil, gas and mining supervisors; suspension of operations and production — 7513

Interior Department
See also Fish and Wildlife Service; Geological Survey; Land Management, Bureau of.
Notices:
Delegations of authority with respect to certain functions:
Bureau of Land Management — 7513
Commissioner, Bureau of Reclamation — 7513
Director, Geological Survey — 7513

International Trade, Office of
Rules and regulations:
Amendments, extensions, transfers — 7448
Denial or suspension of export privileges — 7448
Licensing policies and related special provisions — 7448
Positive list of commodities and related matters — 7451
Priority ratings and supply assistance — 7448
Provisions for individual and other validated licenses — 7448

Interstate Commerce Commission
Notices:
Applications for relief:
Alumina, calcined or hydrated, from Baton Rouge and North Baton Rouge, La. to points in Official and Illinois Territories — 7522
Bituminous coal from Alabama to Boykin, Fla — 7523
Carbon dioxide from Memphis, Tenn. to Louisville, Ky — 7522
Motor-rail-motor rates for all commodities between Chicago, Ill., and Kansas City, Mo — 7523
Onions (without tops) from Racine, Wis. to points in Mississippi Valley Territory — 7522
Pig iron from Rockwood, Tenn. to points in Official and Illinois Territories — 7523
Rules and regulations:
Car service; railroad freight cars to be stopped to complete loading — 7496
Uniform system of accounts for carriers by inland and coastal waterways; miscellaneous amendments — 7497

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Delegation of authority to Bureau in connection with lands and resources (*see* Interior Department).
Notices:
Alaska; filing of plat of survey — 7512
Rules and regulations:
Kansas; transferring jurisdiction over oil and gas deposits in certain lands owned by the U. S — 7494

CONTENTS—Continued

National Production Authority — Page
Rules and regulations:
Cans; made of certain specified materials exempted from can material specifications and quotas (M–25) — 7489
Electric utilities (M–50) — 7489
Temporary reduction of maximum inventory limitations on steel (M–50, Dir. 2) — 7493

Post Office Department
Rules and regulations:
International postal service: Postage rates, service available, and instructions for mailing; Australia — 7494

Price Stabilization, Office of
Notices:
Basic prices and charges for new passenger automobiles:
General Motors Corp — 7517
Kaiser-Frazer Corp — 7517
Directors of District Offices, San Francisco, Calif.; redelegation of authority to act under CPR 134 — 7516
Field office locations and boundaries; organization statement — 7515
List of community ceiling price orders:
Regions V, VIII and XII — 7517
Regions V and XII — 7517
Rules and regulations:
Area milk price adjustments for State of New Jersey (AMPR 18) — 7487
Commercial motor vehicles, rental of certain types; miscellaneous amendments (CPR 70) — 7453
Consumer goods, retail ceiling prices for certain (CPR 7) — 7454
General Ceiling Price Regulation; exemption for producers whose gross sales do not exceed $25,000 (GCPR) — 7487
Industrial materials and manufactured goods, exemption of certain:
Experimental metals, metal alloys, sintered carbides and metallic carbides (GOR 9) — 7488
Suspension of application of CPR to sales and conversion of certain ships (GOR 9) — 7488
Manufacturers General Ceiling Price Regulation:
Exemption for producers whose gross sales do not exceed $25,000 (CPR 22) — 7486
Translation of f. o. b. into delivered ceiling prices for certain consumer goods (CPR 22, SR 30) — 7486
Territories and Possessions:
Ceiling prices for manufacturers making sales subject to CPR 9; pass through of freight increases (CPR 9, SR 2) — 7485
Special provisions for increasing ceiling prices of sellers whose costs are increased by West Coast strike (CPR 9, SR 4) — 7485

Production and Marketing Administration — Page
Proposed rule making:
Market agencies operating at North Salt Lake Union Stock Yards; petition for modification of rate order — 7498
Milk handling:
Chicago, Ill — 7505
Detroit, Mich — 7500
Milwaukee, Wis — 7498
Minneapolis-St. Paul, Minn — 7508
Rules and regulations:
Irish potatoes grown in the Counties of Crook, Deschutes, Jefferson, Klamath, and Lake in Oregon, and Modoc and Siskiyou in California; limitation of shipments — 7447
Lemons grown in California and Arizona; limitation of shipments — 7447

Reclamation Bureau
Delegation of authority to Commissioner with respect to acquisition of lands and water rights (*see* Interior Department).

Rent Stabilization, Office of
Rules and regulations:
Housing and rooms:
Defense-rental areas in Pennsylvania — 7493
Specific provisions relating to individual defense-rental area or portions thereof; miscellaneous amendments — 7493

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arkansas Power & Light Co — 7522
Arlington Gas Light Co. et al — 7521

Treasury Department
See Coast Guard; Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 27 — 7441

Title 6
Chapter III:
Part 304 — 7441
Part 324 — 7441

Title 7
Chapter IX:
Part 907 (proposed) — 7498
Part 924 (proposed) — 7500
Part 941 (proposed) — 7505
Part 953 — 7447
Part 959 — 7447
Part 973 (proposed) — 7508

Title 15
Chapter III:
Part 372 — 7448
Part 373 — 7448

Title 15—Continued — Page
Chapter III—Continued
Part 380 — 7448
Part 382 — 7448
Part 398 — 7448
Part 399 — 7451

Title 32A
Chapter III (OPS):
CPR 7, Coll. 3 — 7454
CPR 9, SR 2 — 7485
CPR 9, SR 4 — 7485
CPR 22 — 7486
CPR 22, SR 30 — 7486
CPR 70 — 7453
GCPR — 7487
GCPR, SR 63, AMPR 18 — 7487
GOR 9 (2 documents) — 7488
Chapter VI (NPA):
M–25 — 7489
M–50 — 7489
M–50, Dir. 2 — 7493
Chapter XXI (ORS):
RR 1 (2 documents) — 7493
RR 2 (2 documents) — 7493

Title 33
Chapter I:
Part 19 — 7494

Title 39
Chapter I:
Part 127 — 7494

Title 43
Chapter I:
Appendix (Public land orders):
860 — 7494

Title 46
Chapter I:
Part 154 — 7495
Part 155 — 7495

Title 47
Chapter I:
Part 1 — 7495
Proposed — 7510
Part 2 (proposed) — 7510
Part 3 — 7495
Proposed — 7510
Part 7 (proposed) — 7511
Part 8 (proposed) — 7511
Part 9 (proposed) — 7511

Title 49
Chapter I:
Part 95 — 7496
Part 324 — 7497

Title 50
Chapter I:
Part 33 — 7497

SUBPART C—FARM OWNERSHIP AND FARM HOUSING PROGRAMS; PERFORMING FARM DEVELOPMENT

Sec.
324.41 General.
324.42 Farm development performed by the contract method.
324.43 Farm development performed by the borrower method.
324.44 Inspection of farm development work.
324.45 Effecting changes in Form FHA-643, "Farm Development Plan."

AUTHORITY: §§ 324.41 to 342.45 issued under sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438; 7 U. S. C. 1015 (1), 42 U. S. C. 1480 (g). Interpret or apply secs. 3 (b) (4), 12 (c) (4), 44 (b), 60 Stat. 1074, 1076, 1069,

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secs. 502 (b) (4), 506 (a), 63 Stat. 433, 435; 7 U. S. C. 1003 (b) (4), 1005b (c) (4), 1018 (b), 42 U. S. C. 1472 (b) (4), 1476 (a). Other statutory provisions interpreted or applied are cited to text in parentheses.

SUBPART C—FARM OWNERSHIP AND FARM HOUSING PROGRAMS; PERFORMING FARM DEVELOPMENT

§ 324.41 *General.* All farm development work planned and agreed upon on Form FHA–643, "Farm Development Plan," will be performed in accordance with this subpart.

(a) *Time of starting farm development.* All farm development work will be started as soon as practicable after the disbursement of funds is authorized. Prior to this time, no commitments with respect to performing farm development will be made by the County Supervisor or the borrower, and the borrower will not be authorized to incur debts with respect to planned farm development.

(b) *Checking cost estimates prior to performing work.* Before authorizing the borrower to start any item of farm development work or to award a contract, the County Supervisor should be reasonably sure that the item can be completed according to plans and specifications and within available funds. If at this time it appears that sufficient funds are not available to complete all the farm development as planned on Form FHA–643 and the borrower cannot furnish the additional funds needed without jeopardizing his farming operation or repayment ability, the County Supervisor will request the services of the Engineer. The Engineer and the County Supervisor will contact the borrower and consider revising the plans and specifications or Form FHA–643 in such a way that the planned items of farm development can be completed satisfactorily and consistent with minimum standards. When additional funds are to be furnished by the borrower or revisions are to be made in the plans and specifications or Form FHA–643, change orders will be processed in accordance with §§ 324.42 (i) and 324.45 as appropriate. If the borrower cannot furnish the additional funds or if satisfactory revisions cannot be made, consideration should be given to making a subsequent loan.

(c) *Use of supervised bank account.* Before the loan or grant is closed, the County Supervisor will make sure that the borrower understands the use of the supervised bank account in connection with disbursing funds for farm development purposes.

(d) *Real property insurance.* The County Supervisor will be responsible for seeing that the borrower obtains property insurance.

§ 324.42 *Farm development performed by the contract method.* Farm development performed by the contract method means performance of work in accordance with an executed Form FHA–296, "Construction Contract." Preferably one or more items of farm development will be included in one contract. However, in those instances where it is desirable, the performance of any item of farm development may be divided between two or more contractors, each of whom will execute a separate Form FHA–296.

(a) *Contract provisions.* When farm development work is to be performed under the contract method, the following determinations will be made regarding the special conditions which will be provided for in the particular contract involved:

(1) *Time for performance of the work.* The borrower and the County Supervisor will agree upon the desired dates to be inserted in the contract for starting and completing the work.

(2) *Liquidation damages.* The borrower and the County Supervisor will determine what amount, if any, should be inserted in paragraph III of the "General Conditions" as liquidated damages for each calendar day of delay in completing the work. Such amount must represent the best estimate it is possible to make of the damages which delay in completing the work will cause to the borrower.

(3) *Method of payment.* The borrower and County Supervisor will make a preliminary determination as to the method of payment which will be used. The method of payment to be used will be either one of the following three methods:

(i) Payment in one lump sum upon completion of all of the work.

(ii) Partial payments as the work progresses in the amount of 60 percent of the value of work in place.

(iii) Partial payments as the work progresses in the amount of 90 percent of the value of work in place and of the value of material suitably stored at the site.

(b) *Surety bond.* Surety bond will be required in any case where partial payments are to be made to the contractor in excess of 60 percent of the value of the work in place, or whenever in the opinion of the Engineer or the County Supervisor it appears advisable to require surety bond in order to insure the borrower against possible loss through default of the contractor. Surety bond may also be required in the event that the borrower requests this guaranty in connection with any contract work on his farm. When surety bond is to be required in connection with a contract, such bond will be obtained from a bonding company legally doing business in the State and will be furnished on Form FHA–200, "Performance and Payment Bond."

(c) *Obtaining bids.* The borrower will be advised to obtain bids on the farm development work to be performed by the contract method from as many qualified contractors as practicable. This will be accomplished by inviting bids or by direct negotiation. When it is necessary for the County Supervisor to assist the borrower in obtaining bids, invitations to bid will be issued to as many qualified contractors as practicable. Each bidder will be notified of the time and place the bids will be opened. Form FHA–927, "Invitation for Bid and Bid Form," may be used in obtaining bids on farm development work. All contractors from whom bids are requested will be informed regarding surety bond requirements, time for performance of the work, liquidated damages, and method of payment. A copy of contract Form FHA–926 will also be provided for their information.

(d) *Selection of contractor.* When bids on the farm development work have been obtained, the borrower, with the assistance of the County Supervisor, will consider the bids and the contractors' qualifications to perform the work and, on the basis of these considerations, will select a contractor.

(e) *Preparation of contract.* After the contractor has been selected, Form FHA–296 will be prepared. The payment clause to be inserted in paragraph C of the contract will depend upon whether or not surety bond is to be required.

(1) *Surety bond required.* When surety bond is required in connection with contract work, the following payment clause will be inserted in paragraph C of the contract:

Partial payments will be made at intervals of _____ week(s) in the amount of 90 percent of the value of the work in place and the value of materials suitably stored at the site less the aggregate of previous payments. All estimates will be made by the Representative. Estimates of the value of the work in place will be based on the approved breakdown of contract price. Upon acceptance by the Owner and the Representative of all work required hereunder, the amount due the Contractor will be paid.

(2) *Surety bond not required.* When surety bond is not required in connection with the contract, the clause to be inserted in paragraph C will depend on the method of payment agreed upon by the contractor and the borrower as follows:

(i) When lump sum payment has been agreed upon, insert:

Payment will be made only in one lump sum for the whole contract upon acceptance by the Owner and the Representative of all work required hereunder.

(ii) When partial payments have been agreed upon, insert:

Partial payments will be made at intervals of _____ week(s), in the amount of 60 percent of the value of the work in place less the aggregate of previous payments. Estimates of the value of the work in place will be made by the Representative based on the approved breakdown of contract price. Upon acceptance by the Owner and the Representative of all work required hereunder, the amount due the Contractor will be paid

(f) *Approval of contract.* Before a contract is awarded, it must be reviewed and approved by the Engineer, except that a contract in the amount of $500 or less may be approved by the County Supervisor. The official authorized to approve the contract will consider the qualifications of the contractor, the proposed price for doing the work, time limits, the method of payment, and surety bond requirements. He will also make certain that the plans and specifications fully describe the work and are properly identified in the contract. If the contract is satisfactory with respect to these conditions, he will approve the contract.

(g) *Awarding the contract.* After approval of the contract, the signatures of the contractor and the borrower will be obtained on an original and two copies of Form FHA–296. When surety bond is required, the contractor will furnish the County Supervisor with a properly executed bond before the borrower signs the contract. A signed copy of Form FHA–296 will be delivered to the contractor and he will be instructed to proceed with the work.

(h) *Schedule of prices of partial payments.* When partial payments are provided for in the contract, the contractor will be required, at a time prior to receiving payment, to submit for the approval of he official authorized to approve the contract, a breakdown of his contract price on Form FHA–983, "Schedule of Prices for Contract Payments," in an original and three copies.

(i) *Effecting changes in the contract.* Changes in the contract may be made at the request of the borrower and with the approval of the County Supervisor and agreement by the contractor. Form FHA–925, "Contract Change Order," will be processed before such changes are made by the contractor. Form FHA–925 will not be approved by the County Supervisor when such changes will significantly alter the farm development as planned on Form FHA–643 until Form FHA–924, "Request for Development Changes," has been processed in accordance with § 324.45. However, when the change involves any transfer of funds, Form FHA–924 will be processed.

(1) *Recommendation of engineer.* The recommendation of the Engineer will be required on Form FHA–925 when a change in construction or land development requiring technical engineering is involved or a substitution of materials is involved.

(2) *Preparation of Form FHA–925.* The original and all copies will be signed as follows: The borrower will sign as requesting the change; the contractor will sign as accepting the change; the Engineer will sign as recommending the change, if the nature of the change requires his recommendations; and the County Supervisor will sign if he approves the change.

(j) *Payment of contract work.* Prior to countersigning the check covering final payment on any contract, the County Supervisor will have in his possession Form FHA–232 (Form Letter—Certificate of Contractor's Release) executed by the contractor and a Form FHA–205, "Release by Claimants," executed by all persons who furnished materials or labor in connection with the contract.

§ 324.43 *Farm development performed by the borrower method.* Farm development performed by the borrower method means performance of work by or under the direction of the borrower using one or more of the ways specified in paragraph (a) of this section. The borrower should understand that no changes will be made in Form FHA–643 without prior approval of the Farmers Home Administration.

(a) *Ways of performing the work.* The borrower will accomplish the work by one or more of the following ways:

(1) He will purchase the material and do the work himself.

(2) He will purchase the material and hire qualified workman on an hourly or daily basis to do the work under his direction.

(3) He will purchase the material and hire labor on the basis of written lump sum agreements acceptable to the County Supervisor for:

(i) Minor items of work, the total cost of which does not exceed $500, such as the labor for the construction of a barn, or the labor and material for small service buildings, small repair jobs, and items of land development, or

(ii) Material or equipment which involves a single trade and is to be installed by the seller, such as the purchase and installation of heating facilities, electric wiring, painting, liming, sodding, and so forth.

(b) *Payment for work done by the borrower method.* Payment will be made by check signed by the borrower and countersigned by the County Supervisor.

(1) *Payments for labor.* Before the County Supervisor countersigns checks for payment of labor, he will require the borrower to submit a completed Form FHA–997, "Statement of Labor Performed," for each hired workman performing labor during the pay period. Ordinarily, checks drawn in payment for labor will be made payable to the workman involved. However, under justifiable circumstances, when the borrower has made payment for labor with personal funds and has obtained signatures of the workmen on Form FHA–997 as having received payment, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenditures. Reimbursements may be made only with respect to farm development items planned at the time of expenditure. Reimbursements may not be made for expenses paid before the disbursement of loan funds is authorized except under circumstances similar to those described in § 301.1 (e) (1) of this chapter. Under no circumstances will the County Supervisor permit funds to be withdrawn from the supervised bank account to pay the borrower for his own labor.

(2) *Payments for material.* Before the County Supervisor countersigns checks in payment for materials, he will have in his possession an itemized statement from the creditor covering the materials purchased. Such statement will be signed by the borrower. Ordinarily, checks drawn in payment for material will be made payable to the seller. However, under justifiable circumstances, when the borrower has made payment for material with personal funds and has obtained an itemized receipted statement from the seller certified by the borrower as being correct and received, the County Supervisor may countersign a check made payable to the borrower reimbursing him for these expenditures. Reimbursements may be made only with respect to farm development items planned at the time of expenditure. Reimbursements may not be made for expenses paid before the disbursement of loan funds is authorized except under similar circumstances to those described in § 301.1 (e) (1) of this chapter.

(3) *Payments under lump sum agreements.* Payments for material or labor furnished under a lump sum agreement will be made only when all such material or labor has been received as provided in the agreement and the borrower has signed the lump sum agreement as accepting the material or labor furnished under the agreement.

(4) *Additional requirements applicable to all payments made under borrower method.* Whenever in connection with any payment, the County Supervisor has reason to believe that there may be danger of claims because of disputes, dissatisfactions, or other causes, he will require the borrower to secure the signatures of appropriate lienors or claimants on Form FHA–205, before countersigning the check.

§ 324.44 *Inspection of farm development work.* The following policies will govern the inspection of farm development work performed by the contract method or the borrower method.

(a) *Responsibility for inspection*—(1) *Periodic inspections.* Periodic inspections of all farm development work in progress will be made.

(2) *Final inspections.* The County Supervisor may make a final inspection of any item of farm development the estimated cash cost of which is $1,000 or less, except that the Engineer will make the inspection in those cases in which the nature and character of the work requires inspection by the Engineer. The Engineer will make the final inspection of any item of farm development the estimated cash cost of which is more than $1,000.

(b) *Frequency of inspection.* Farm development work will be inspected as frequently as necessary to assure that construction and land development conform with plans and specifications. A final inspection will be made at the earliest possible date after completion of each item of farm development.

(c) *Follow-up on deficiencies.* It will be the responsibility of the County Supervisor to follow up on the correction of deficiencies. When the inspections of work performed by the borrower method indicate that actual costs are in excess of estimated costs to the extent that farm development cannot be completed in accordance with Form FHA–643 and the borrower cannot furnish the additional funds needed without jeopardizing his farming operations or repayment ability, the County Supervisor will request the services of the Engineer. The Engineer and the County Supervisor will contact the borrower and consider revising the plans and specifications on Form FHA–643 in a way that the planned items of farm development can be completed satisfactorily and consistent with minimum standards. When additional funds are to be furnished by the borrower or revisions are to be made in the plans and specifications or Form FHA–643, change orders will be processed in accordance with § 324.45. If the borrower cannot furnish the additional funds or if satisfactory revisions cannot be made, consideration should be given to making a subsequent loan.

§ 324.45 *Effecting changes in Form FHA–643.* If a subsequent loan is not required, changes in farm development planned on Form FHA–643, regardless of the method of performance, may be made at the request of the borrower and with the consent of the County Supervisor or the State Field Representative as hereinafter provided. All such changes will be recorded and approved on Form FHA–924. If the change in

UNIVERSITY OF MICHIGAN

Form FHA–643 involves work being performed by the contract method, Form FHA–924 must be approved before Form FHA–925 is processed.

(a) *Limitations.* The County Supervisor and the State Field Representative are authorized to approve changes in Form FHA–643, as specified in paragraphs (b) and (c) of this section provided that the following limitations are complied with:

(1) *Limitations applicable to both Farm Ownership and Farm Housing Programs.* (i) Such a change is for an authorized purpose.

(ii) Such a change has been discussed with and approved in writing by the County Committee in the case of any basic change which affects substantially the method of operation of the farm or the Government's security.

(iii) Sufficient funds have been deposited in the borrower's supervised bank account to cover the contemplated change when the change involves additional funds to be furnished by the borrower.

(iv) The recommendation of the Engineer has been secured when a change in construction or land development requiring technical engineering is involved, a substitution of materials is involved, or a change in the method of performing farm development is involved.

(v) The recommendation of the appraiser has been secured when an appreciable change in land development is involved.

(2) *Limitations applicable to the Farm Ownership Program.* (i) If the change involves the use of additional funds to be furnished by the borrower for the completion of planned items of farm development which will not change the fair and reasonable value of the farm when completed, and which is occasioned by necessary substitution of materials or equipment, costs in excess of estimates, errors in design or other factors beyond the control of the borrower, then, notwithstanding the limitation in § 311.26 (b) (1) of this chapter, the additional investment and change may be approved by the loan approval official.

(ii) If the change involves the use of additional funds to be furnished by the borrower for items of farm development other than those which were considered by the County Committee in connection with its certification of the fair and reasonable value of the farm, the change may be approved by the loan approval official only upon the following conditions:

(*a*) The County Committee reconsider the fair and reasonable value of the farm as improved, including the proposed change, and recertify such value on a revised Form FHA–491.

(*b*) The recertified value of the farm does not exceed the average value for the county.

(*c*) The revised total investment does not exceed the recertified value of the farm.

(*d*) The revised total investment does not exceed the total investment limit established for the county or the limit established for the farm pursuant to § 311.28 of this chapter.

(3) *Limitations applicable to the Farm Housing Program.* (i) Such a change does not involve a transfer of funds from land to building or from building to land items.

(ii) Such a change does not involve a transfer of funds from fees to a land item or from a land item to fees.

(b) *Changes authorized by County Supervisor.* Subject to the limitations set forth in paragraph (a) of this section, the County Supervisor is authorized to approve changes which involve:

(1) Extensions of time within the 15 month maximum limit for completion of farm development. Before granting such extensions of time, a definite understanding must be reached for completion of the work within the additional time allotted.

(2) Minor changes of items in Form FHA–643 which do not affect the method of operation of the farm or the Government's security.

(3) A change in the method of performing farm development work.

(4) An increase in cost of planned farm development to be paid from the borrower's funds which will not affect the method of operation of the farm or the Government's security.

(5) Transfer of unexpended funds from completed farm development items to uncompleted items to the extent necessary to meet the differences between estimated costs on Form FHA–643 and actual costs.

(6) Transfer of funds between uncompleted farm development items to the extent necessary to meet the difference between estimated costs on Form FHA–643 and actual costs, provided that sufficient funds remain available to complete the items as originally planned and that such a transfer does not reduce the item more than 10 percent.

(7) Transfers of funds planned for refinancing, farm development items, and fees as follows:

(i) From unexpended amount planned for refinancing to farm development items or to the item of fees to the extent necessary to meet the difference between estimated costs and actual costs.

(ii) From unexpended amount planned for fees to farm development items or to the item of refinancing to the extent necessary to meet the difference between estimated costs and actual costs.

(iii) From any farm development items to the item of refinancing or to the item of fees to the extent necessary to meet the difference between estimated costs and actual costs, provided that it is determined that adequate funds are available to complete all the planned farm development, the amount transferred from any one item does not exceed 10 percent of the amount planned for that item, and the total amount transferred from all farm development items does not exceed $100.

(c) *Changes authorized by State Field Representative.* Subject to the limitations set forth in paragraph (a) of this section, the State Field Representative is authorized to approve changes which involve:

(1) Extensions of time beyond the maximum limit. Before granting such extensions of time, a definite understanding must be reached for completion of the work within the additional time allotted.

(2) Basic changes in Form FHA–643 which affect the method of operation of the farm or the Government's security.

(3) An increase in cost of planned farm development to be paid from the borrower's funds which will affect the method of operation of the farm or the Government's security.

(4) Transfer of funds between uncompleted farm development items to the extent necessary to meet the differences between estimated costs on Form FHA–643 and actual costs when such transfers will result in decreasing the funds for any item more than 10 percent.

(5) A transfer of funds from any farm development items to the item of refinancing or to the item of fees to the extent necessary to meet the difference between estimated costs and actual costs when the amount to be transferred from any one item exceeds 10 percent of the amount planned for that item or when the total amount to be transferred from all farm development items exceeds $100: *Provided*, That it is determined that adequate funds are available to complete all the planned farm development.

(6) Transfer of funds remaining after completion of all planned items to additional items not previously planned: *Provided*, That:

(i) All planned items have been completed in accordance with the approved plans and specifications and the final inspections have been made.

(ii) The excess funds will be used for an authorized loan purpose for the type of loan received by the borrower.

(iii) The excess funds will be disbursed in the same manner as though the additional item had been included in the original plan.

(iv) The plans and specifications for the additional item of farm development comply with minimum standards.

(v) In cases where the amount of funds to be transferred exceeds $300, the written approval of the County Committee is obtained, and in the case of a Farm Ownership loan, the County Committee further certifies in writing that after the expenditure the fair and reasonable value of the farm based upon earning capacity will not exceed the county average value.

(Secs. 2 (a), (b), 3 (a), 60 Stat. 1073, 1074, sec. 508 (b), 63 Stat. 436; 7 U. S. C. 1002 (a), (b), 1003 (a), 42 U. S. C. 1478 (b))

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 5, 1952.

Approved: August 12, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9046; Filed, Aug. 15, 1952; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Regulation 448]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.555 *Lemon Regulation 448*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 13, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1952, and ending at 12:01 a. m., P. s. t., August 24, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2; 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 447 (17 F. R. 7274) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9152; Filed, Aug. 15, 1952; 9:37 a. m.]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

§ 959.308 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established under said marketing agreements and amended order, and other available information, it is hereby found that such limitation of shipments as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until thirty days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) shipments of the 1952 crop of Irish potatoes grown in the production area will have begun, (ii) more orderly marketing in the public interest than would otherwise prevail will be promoted by limiting in the manner set forth below shipments of potatoes on and after the effective date hereinafter provided, (iii) information regarding the committee's recommendation has been made available to producers and handlers in the production area, (iv) compliance with this regulation will not require any preparation on the part of handlers which cannot be completed by such effective date and (v) a reasonable time is permitted under the circumstances, for such preparation.

(b) *Order.* (1) During the period from August 18, 1952, to June 30, 1953, both dates inclusive, no handler shall ship potatoes grown in the production area which do not meet the following requirements: (i) U. S. No. 2 or better grade, and not smaller than 1⅞ inches minimum diameter or 3 ounces in weight, or (ii) U. S. No. 1 grade, size B, as such grades and sizes are defined in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(2) Pursuant to § 959.54, each handler may make one shipment of not in excess of five hundredweight of potatoes per week without regard to the limitations set forth in subparagraph (1) of this paragraph, and §§ 959.41 and 959.60.

(3) During the period from August 18, 1952, to November 30, 1952, both dates inclusive, no handler shall ship any lot of potatoes which are more than slightly skinned, which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or feathered, as such terms are used in the U. S. Standards for Potatoes: *Provided*, That one lot of not to exceed 100 hundredweight of each variety of potatoes of each producer may be handled every seven days without regard to the aforesaid maturity requirements if the handler thereof reports prior to such handling the name and address of the producer of each such lot and each such lot is handled as an identifiable entity: *Provided further*, That the provisos set forth in subparagraph (1) of this paragraph will be equally applicable to potatoes shipped under the maturity requirements set forth in this subparagraph.

(4) Pursuant to § 959.55, the limitations set forth in subparagraph (1) of this paragraph shall not be applicable to: (i) Shipments of potatoes for grading or storing in the production areas; (ii) shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions; (iii) shipments of potatoes for manufacturing or conversion into starch, flour, alcohol, dehydrated products, canned products, frozen products, and potato chips; (iv) shipments of potatoes for livestock feed; and (v) shipments of seed potatoes.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.104 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pur-

UNIVERSITY OF MICHIGAN LIBRARIES

suant to § 959.60, and for each shipment made pursuant to subdivisions (ii) and (iii) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subdivisions (ii) and (iii) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and the buyers certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further*, That each shipment for livestock feed, made pursuant to subdivision (iv) of subparagraph (4) of paragraph (b), which leaves the production area shall be appropriately marked with dye as required by the committee.

(6) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59 (7 CFR 959.1 et seq.) and the aforementioned grades and sizes shall have the same meanings assigned to these terms in the U. S. Standards for Potatoes (7 CFR 51.366), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 14th day of August 1952 to become effective August 18, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9087; Filed, Aug. 15, 1952; 8:59 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Deparment of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 8[1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

PART 398—PRIORITY RATINGS AND SUPPLY ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. Section 372.3 *How to file an application for export license* is amended in the following particular:

Note 6. *Inquiries and correspondence* following paragraph (c) *Information required* is amended to read as follows:

6. *Inquiries and correspondence.* Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of 3 weeks after receipt of returned acknowledgment card, Form IT–116, or, in case of commodities with established filing dates, 3 weeks after close of such filing period, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

Requests for information concerning the application of regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

When inquiries are made concerning the status of applications, exporters should submit to Exporters' Service Section, Office of International Trade, Department of Commerce, Washington 25, D. C., Form IT–743–A, in duplicate, in accordance with the instructions contained thereon.[2] After receipt of the form and a determination of the status of an application, OIT will return the form, indicating thereon a statement of the desired information. A separate form must be submitted for each application. For convenience of mailing, the form is designed for use in a standard window envelope.

Information as to the probable action of the Office of International Trade respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

A supporting letter should give additional information only for the application to which it is attached.

When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, postal zone number, and state, must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of these requests by the telegraph companies.

Telegraphic replies will be made at the expense of the inquirer.

This part of the amendment shall become effective as of August 7, 1952.

2. Section 373.11 *Special provisions for ferrous or nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraph (f) *Zinc scrap* is renumbered paragraph (g) *Zinc scrap*.

b. A new paragraph (f) is added to read as follows:

(f) *Copper refinery shapes.* All applications for license to export copper refinery shapes, Schedule B No. 641200, shall include, in the commodity description column of Form IT–419, a statement indicating the origin, U. S. or foreign, of the ores and concentrates from which the copper shapes covered by the application were produced.

This part of the amendment shall become effective as of August 7, 1952.

3. Section 373.24 *Statement of past participation in exports for certain commodities*, paragraph (b) *Commodities requiring statement of past participation* is amended by adding thereto a new subparagraph (6) to read as follows:

(6) *Cobalt-chromium dental alloys and dental alloys and amalgams containing cobalt, Schedule B Nos. 664539 and 915590.* A separate report on Form IT–821 shall be filed for each Schedule B number and shall cover the quantity, in pounds, of exports from the United States made during each of the calendar years 1949 and 1950, where the combined total of such exports for both commodities was $500 or more for any one year.

This part of the amendment shall become effective with the submission of applications for the fourth quarter 1952, for which filing dates will be announced in the near future. However, exporters may submit Form IT–821 at any time.

4. Section 373.51 *Supplement No. 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended in the following particulars:

a. For the third quarter 1952 the entry for "Copper and manufactures" under "Commodities other than controlled materials" is amended to read as follows:

Copper and manufacturers except refined copper.	Schedule B No. 641200.

b. For the fourth quarter 1952 the following entries and related submission dates are added:

Dept. of Commerce Schedule B No.	Commodity	Submission dates—fourth quarter 1952
641300 641900 644100	Copper and copper-base alloy scrap (except No. 1 copper scrap and brass mill scrap). Copper-base alloy, ingot form	Sept. 1–Sept. 15, 1952.

This part of the amendment shall become effective as of August 7, 1952.

5. Section 380.1 *Transfer of licenses* is corrected in the following particulars:

a. In subparagraph (4) of paragraph (b) *When transfer may be granted* the last word of the subparagraph "approved" is corrected to read as follows: "disapproved".

b. In the first unnumbered subparagraph of paragraph (d) *Information from transferee* the word "license" is corrected to read as follows: "licensee".

6. Section 382.51 *Table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
"Hantra" Transit-Handelsgesellschaft, St. Jakobstrasse 21, Basel, Switzerland.	7–18–52	7–18–55	General and validated licenses, all commodities, any destination; also exports to Canada.	17 F. R. 6796, 7–24–52.
Hanfstadter, Ozyash B., 220 Broadway, New York 7, N. Y.	7–18–52	7–18–55	.....do.....	17 F. R. 6796, 7–24–52.
Hanfstadter, O. B., Co., 220 Broadway, New York 7, N. Y.	7–18–52	7–18–55	.....do.....	17 F. R. 6796, 7–24–52.
von Hornung, Gustav, "Hantra" Transit-Handelsgesellschaft, St. Jakobstrasse 21, Basel, Switzerland.	7–18–52	7–18–55	.....do.....	17 F. R. 6796, 7–24–52.

This part of the amendment shall become effective as of August 7, 1952.

7. Section 398.1 *DO (priority) ratings for foreign aircraft* is amended to read as follows:

§ 398.1 *DO (priority) ratings and allotment symbols (CMP) for foreign aircraft*—(a) *Delegation of authority.* (1) The Civil Aeronautics Administration has delegated to the Office of International Trade, Department of Commerce, the right to assign DO ratings, using defense program symbols, on purchase orders for maintenance, repair, and operating supplies, and supporting navigational aids for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in paragraph (c) of this section. This rating authority will be exercised in accordance with a program established by the National Production Authority, and limited in total dollar value for each calendar quarter.

(2) The Office of International Trade is further authorized to assign allotment symbols for the procurement of controlled materials (CMP) for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in paragraph (c) of this section.

(b) *Programs.* (1) The Office of International Trade will consider requests under the Civil Air Carrier Program for Foreign Aircraft for the assignment of:

(i) Allotment symbols for the procurement of controlled materials, and

(ii) DO ratings for commodities other than controlled materials.

(2) When such requests are approved, OIT will assign the appropriate allotment symbol or rating, using the following Department of Defense program identification symbols:

(i) A–1 Aircraft Program;

(ii) A–7 Electronics and Communications Equipment Program;

(iii) B–9 Production Equipment Program;

(iv) C–9 Miscellaneous Program;

(c) *Ratings not assigned by OIT.* Requests for DO ratings or allotment symbols on purchase orders for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the following countries shall be submitted to the Industrial Commodities Division, Mutual Security Agency, 806 Connecticut Avenue NW., Washington 25, D. C.

EUROPEAN COUNTRIES

Austria.
Belgium-Luxembourg Economic Union.
Denmark.
France (including the Saar).
Germany (Federal Republic).
Greece.
Iceland.
Ireland.
Italy.
Netherlands.
Norway.
Portugal.
Sweden.
Switzerland.
Trieste, Free Territory of.
Turkey.
United Kingdom (including the Channel Islands).
Yugoslavia.

OVERSEAS TERRITORIES

Belgian Overseas Territories:
  Belgian Congo.
  Ruanda-Urundi.
British Overseas Territories:
  Gibraltar.
  Malta and Gozo.
  Cyprus.
  British West Africa:
    Nigeria.
    Gold Coast and Territories.
    Gambia, Togoland, British Cameroons.
    Sierra Leone.
  Northern Rhodesia.
  Southern Rhodesia.
  British East Africa:
    Kenya.
    Uganda.
    Tanganyika, Nyasaland.
    Zanzibar and Pemba.
    Somaliland.
  Basutoland, Bechuanaland, Swaziland.
St. Helena, Ascension Island.
Mauritius and Dependencies.
  Seychelles.
  Aden (Colony and Protectorate).
Bahrein Island, Kuwait, Qatar and Trucial Oman.
British Malaya (including Singapore).
British Borneo (North Borneo, Sarawak, and Brunei).
  Hong Kong.
  Fiji Islands.
  Other British Islands of the Pacific.
  Bermuda.
  Bahamas.
  Jamaica and Dependencies.
Windward Islands (including Dominica).
Leeward Islands.
  Barbados.
  Trinidad and Tobago.
British Honduras.
British Guiana.
Falkland Islands and Dependencies.
French Overseas Territories:
  Tunisia.
  Algeria.
  Morocco.
  Somaliland.
  French West Africa.
  Togoland.
  French Equatorial Africa.
  The Cameroons.
  Madagascar and Comoro Islands.
  Saint Pierre and Miquelon.
  New Caledonia and Dependencies.
  French Oceania.
  French E. Indian Possessions.
  Reunion Island.
  Guadeloupe.
  Martinique.
  French Guiana.
Italian Overseas Territories:
  Somaliland.
Netherlands Overseas Territories:
  Surinam.
  Curacao.
Portuguese Overseas Territories:
  Angola (Port. West Africa).
  Mozambique (Port. East Africa).
  Cape Verde Islands and Portuguese Guinea.
  Sao Thome and Principe.
  Timor.
  Macao.
  Portuguese East India.

FAR EAST COUNTRIES

China (Taiwan).
Indochina.
Thailand.
Philippines.
Korea, Republic of.

(d) *Submission of requests for assignment of DO ratings or allotment symbols.* Requests to the Office of International Trade to assign DO ratings or allotment symbols to purchase orders shall be by letter, addressed to the Producers' Equipment Division, Office of International Trade, Department of Commerce, Washington 25, D. C. The following information and documents must be attached to the letter:

(1) Duplicate copies of the purchase order or bill of materials containing the following information:

(i) The name of the foreign airline for which materials are required;

(ii) The supplier's name;

(iii) Purchase order number of the Air Carrier;

(iv) Total dollar value; and

(v) End delivery date.

(2) A statement that the supplier will not deliver the material without a DO rating or allotment symbol and that the air carrier cannot obtain the material from any other source.

(3) In the case of commodities other than controlled materials, a statement as to whether any of the material covered by the order requires a validated export license from either the Department of State or the Department of Commerce (see § 370.5 of this subchapter). If a license is required from the Department of Commerce, submit either Form IT–419, or the OIT case number or export license number; if from the Department of State, furnish the license application number or the export license number.

(4) In the case of controlled materials, the request for allotment symbol must be submitted simultaneously with the application for export license, Form IT–419, when a license is required under the export control regulations.

In cases when an exporter desires to made shipment of a controlled material not requiring an individual export license (under General Licenses GLV, GO or GRO), the request for the allotment symbol shall specify the net weight, type of controlled material, and Schedule B number.

Suppliers may also request DO ratings or allotment symbols on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air

[1] This amendment was published in Current Export Bulletin No. 675, dated August 7, 1952, with the exception of the corrections to § 380.1.

[2] Filed as part of the original document. Form IT–743–A may be obtained at all Department of Commerce field offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C.

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carrier or its representative, in writing, that a request for DO rating or allotment symbol has been made and send a copy of such notification to the Producers' Equipment Division, Office of International Trade, Department of Commerce, Washington 25, D. C.

This part of the amendment shall become effective as of August 7, 1952.

8. Section 398.7 *Supply assistance for foreign mining operations: MRO and capital additions*, paragraph (f) *Requests for supply assistance in obtaining materials for major capital additions or other equipment costing more than $5,000* is amended in the following particular:

The second sentence of the text following the headnote is amended to read as follows: "Such applications are filed with OIT on Form IT–835 in accordance with the procedure specified in § 398.4, except where the applications form part of a large new construction or expansion project, in which case applications are filed according to the procedure set forth in § 398.9."

This part of the amendment shall become effective as of August 7, 1952.

9. Section 398.8 *Supply assistance for foreign petroleum operations*, paragraph (f) *Instructions for Form PAD–26A and IT–824* is amended in the following particulars:

Subparagraph (3) is amended to read as follows:

(3) Similarly, in item 11 (a) of Form IT–824, exporters should omit the OIT Reference Code in filing for controlled materials and Class A products. Items 11 (d), (e), and (f) are to be filled in only with respect to the following controlled materials: Oil country tubular goods, large and small diameter line pipe, plate, structurals, tinplate, and nickel stainless steel. The inventory information required under item 11 (d) of Form IT–824 is to be as of 30 days prior to the deadline date for the submission of Forms IT–824 covering controlled materials. (See § 398.8 (e) for filing dates.)

This part of the amendment shall become effective as of August 7, 1952.

10. Part 398, Priority Ratings and Supply Assistance, is amended by adding thereto a new § 398.9 to read as follows:

§ 398.9 *Supply assistance for large foreign enterprises—(a) Scope.* (1) When assistance in obtaining supplies and equipment to construct or expand large foreign facilities is required (except petroleum operations,[1]) a single integrated presentation must be made to the Office of International Trade if:

(i) Such project is located in a friendly foreign country; and

(ii) The Office of International Trade has been authorized to act as claimant agency for the export requirements of that country;[2] and

(iii) The delivery of all materials and equipment is required according to a fixed construction or erection schedule in order to create a functioning unit abroad; and

(iv) The nature of the operation as well as the size and variety of materials and equipment needed require a single decision by the appropriate government agencies on the matter of priority assistance for the entire proposal.

(2) Examples of such foreign enterprises are: A new sulfuric acid plant, a pharmaceutical plant, a national railways rehabilitation program, expansion of a copper mine or smelting plant.

(3) Such enterprises generally will be covered by OIT Special Project (SP) Licenses as established in Part 374 of this subchapter, but may be covered by individual licenses.[3] They may or may not be privately financed and may or may not be Government-sponsored or covered by one or more export license applications Form IT–419.

(b) *Who may submit requests.* (1) Requests may be submitted under this section by any person subject to the jurisdiction of the United States, who is in fact the exporter, or by his duly authorized agent, according to the provisions of § 372.2 of this subchapter.

(2) Alternatively, where a number of exporters and/or manufacturers are filling the orders for the materials required by the foreign enterprise, the request for supply assistance may be submitted by a duly authorized agent (subject to the jurisdiction of the United States) of the foreign consignee; or by a representative in the United States of the foreign government in whose country the foreign enterprise is located.

(c) *Where requests are submitted.* Requests for supply assistance submitted under this section should be addressed to the Director, Projects and Technical Data Division, Office of International Trade, Department of Commerce, Washington 25, D. C. For enterprises for which a project license has not been requested or issued, a request for supply assistance should be addressed to the licensing division, OIT, identified by processing code, responsible for the major items of the enterprise for which supply assistance is requested.

(d) *When requests may be submitted.* Requests for supply assistance may be made at any time: Prior to, subsequent to, or at the time of filing the necessary export license applications. It is urged, however, that all persons requesting supply assistance under this section submit their requests, at the earliest possible date, preferably in advance of the filing of license applications, so that a decision on the request can be made before construction is commenced or far advanced, or before substantial procurement of materials available without supply assistance or from non-U.S. sources is undertaken. This recommendation is made to protect the interests of the person requesting supply assistance in the event his request is denied, and thus to prevent immobilization of materials and investment in an enterprise which cannot be completed according to the original schedule.

(e) *Procedure for submittal of requests.* (1) Requests for supply assistance for a foreign enterprise under this section are made by letter addressed to the Office of International Trade. Complete details explaining and justifying the request must be set forth, as listed in form titled "Required Data, Supply Assistance for Large Foreign Enterprises."[4]

(2) It is necessary for the Office of International Trade to receive complete information on the status and requirements of the foreign project, including availability from other sources, degree of completion, immediate and long-range effects upon the economy of the importing country of completion or delay in completion of the enterprise. The person submitting the request should furnish to OIT all relevant background information which will assist in evaluation of the enterprise. Separate schedules showing bills of materials, for example, and very often maps, charts, construction schedules, supplementary tables, and blueprints will need to be attached to the letter of request, as well as the information required by form titled "Required Data, Supply Assistance for Large Foreign Enterprises."

(3) In the interests of expediting the handling of such request, personal conferences are recommended between the person submitting the request and the appropriate officials of the commodity division concerned, the Projects and Technical Data Division, Office of International Trade, in Washington, D. C., or appropriate officials of Department of Commerce field offices, before submitting the data indicated above.

(4) The letter of request must be signed by an authorized official and must include the following certification:

The undersigned hereby certifies that the information furnished is correct and complete to the best of his knowledge and belief.

Signature of authorized official

Title of authorized official

(f) *Action by the Office of International Trade.* (1) The Office of International Trade will review the request in the light of availability in the United States of the materials needed, as well as the availability of such materials from possible alternative sources, and will determine the extent to which the foreign project will contribute to any of the following programs:

(i) Defense program of friendly countries.

(ii) Promotion of increased supplies of all materials essential to strengthening the free world.

(iii) Maintenance and necessary expansion of essential services and production facilities, and maintenance of minimum essential civilian consumption requirements of the free world.

(iv) Reduction of dependence of the importing country upon the U. S. for military and economic assistance.

(v) Decreased dependence upon the Soviet Bloc of the importing country or other friendly countries.

(2) The OIT will consult informally with other interested U. S. Government agencies, with foreign government representatives in the United States, and with U. S. representatives abroad, as appropriate, in arriving at a decision as to the essentiality of the project. Further information may be required from the person submitting the request.

(3) If the request is approved, the Office of International Trade will present the request to and will sponsor it before the National Production Authority, recommending that the requested supply assistance be authorized.

(g) *Nature of supply assistance granted on approved requests.* (1) A request may be approved in whole or in part by the National Production Authority. If approved, NPA may grant a single DO–W–2 or DO–Z–1 priority rating to the person whose request is approved or to his supplier(s) individually in terms of total dollar value for a specified listing of materials and products for the project; NPA may issue a series of DO–W–2 and/or DO–Z–1 ratings to the person whose request is approved and or his suppliers; NPA may provide informal assistance in placing orders for the person whose request is approved without use of a priority rating; it may authorize production scheduling of certain types of equipment (e. g. power or transportation equipment) under the applicable "M" orders; or it may on occasion issue directives to producers to secure the required delivery.

(2) In any case, once a foreign enterprise has received official approval as a unit, the required supply assistance is generally provided without any further screening as to essentiality within the limits of U. S. availabilities and competing demands.

NOTE: Requirements of the foreign enterprise for controlled materials and other items under export allocation must be charged to OIT's normal quarterly quotas, and approval of the request for priority assistance to a foreign enterprise under this section does not generally mean any increase in OIT's quotas. Thus, if such quotas are heavily over-subscribed, there may be some delay in authorizing particular items for the foreign enterprise, but it would normally be expected that requirements of enterprises for which assistance is approved would be considered as among the most essential claimants for the export quotas and would be approved at the earliest possible date. Delivery dates of other equipment may therefore be determined by the delivery dates of controlled materials.

This part of the amendment shall become effective as of August 7, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9068; Filed, Aug. 15, 1952; 8:57 a. m.]

[1] Requests for supply assistance for all foreign petroleum operations are filed in accordance with procedures established in § 398.8 rather than under the provisions of this section.

[2] For countries in which the Mutual Security Agency has aid programs established (refer to listing given in § 398.1 (c)), requests for supply assistance should be addressed to the Mutual Security Agency, Malatico Building, Washington 25, D. C., according to procedures established by that agency.

[3] In some instances, requests for assistance submitted by large foreign enterprises for which a project license has not been requested or issued may be considered in accordance with this procedure; in such cases a request for supply assistance should be addressed, by processing code, to the licensing division responsible for the major items of the enterprise for which supply assistance is requested.

[4] This form may be obtained at all Department of Commerce field offices and from the Office of International Trade, Department of Commerce, Washington 25, D. C.

[6th Gen. Rev. of Export Regs., Amdt. P. L. 4[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
839000	Other industrial chemicals: Selenium dioxide[1]	.....	SALT	10	RO

[1] This commodity is subject to dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., August 14, 1952.

2. The following revisions are made in commodity descriptions. These revisions include changes in validated license control where indicated:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
	Crude natural rubber and allied gums (report compounded or semi-processed in 266400)				
266300	Natural pale crepe, Types 1, IX, and II[1]	Lb.	RUBR 2	100	RO
266400	Other crude natural rubber (report natural liquid latex in terms of total dry latex solids (TDLS).[1]	Lb.	RUBR 2	250	RO
	Buildings, prefabricated and knockdown, with or without appurtenances:				
618976	Iron and steel, except corn cribs, grain bins, and silos (specify by name)[2 22]	Lb.	STEE	1,000	RO
	Metal powders:				
619110	Carbonyl iron powders for all purposes (see § 373.2 [1] [2 23]	Lb.	STEE	10	RO
	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment (see § 399.2				
	Other metals, except precious (specify by name and type of metal)[2]				
619930	Brass or bronze bushings[4]	Lb.	GIEQ	200	RO
619970	Other brass or bronze manufactures, n. e. c.[4]	Lb.	CIGS	100	RO
657907	Zinc die castings (specify whether finished or unfinished)[2 22]	Lb.	NONF	100	RO
	Molybdenum:				
664350	Ore and concentrates (molybdenum content) (formerly 663600 and 839850) (see § 373.11 of this subchapter) [2 22]	C. lb.	MINL	None	RO
	Electrical quantity measuring and testing instruments, and parts:				
705525	Electrical testing instruments, n. e. c. (specify by name)[2]	No.	ELME 2	None	RO
705850	Parts, n. e. c., specially fabricated for integrating meters (except watt-hour), electrical quantity indicating and recording instruments, and electrical testing instruments (specify by name)[2]	.....	ELME 2	None	RO
705560	Electric mining and industrial locomotives, underground type[18]	No.	MINE	None	RO
705560	Electric mining and industrial locomotives, surface type[19]	No.	TRAN	None	RO
	Radio and television apparatus:				
707025	Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c.[2 21]	.....	RADA	None	RO
708460	Carrier current equipment (high frequency wire transmitting and receiving apparatus), n. e. c., and specially fabricated parts, n. e. c. (see § 370.5 of this subchapter)[2]	.....	ELME 1	None	R
760960★	Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.[2]	.....	GIEQ	None	RO
	Metal hardness testers adapted to or incorporating diamond penetrators (indenters-brales) and specially fabricated parts and accessories, n. e. c. (See §§ 373.1, 373.9 of this subchapter). [2 21 22]				
776035★	Electronic, fluorescent and incandescent bulb and tube (lamp) manufacturing and assembling machines, and specially fabricated parts, n. e. c. (report bulb and tube glass blank-making machines in 776020)[2 21]	.....	GIEQ	100	RO
775400	Pillow blocks assembled with ball or roller bearings (specify type and size of bearing)[2 21]	.....	GIEQ 3	25	RO
	Parts for commercial automobiles, trucks and busses:				
792010	Parts and accessories, n. e. c., specially fabricated for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard pipes; door locks; fog lights; heaters; horns; hub caps; hydraulic truck dumping hoists; lighters, oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; thermostats; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the internal components are shipped simultaneously or in a series of partial shipments).[2]	.....	TRAN	100	R

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 675, dated August 7, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
792620	Parts, n.e.c., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps, oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signals, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items (see § 373.7 of this subchapter).[16]	--------	TRAN 6	500	R
796114	Locomotives, underground mine (except electric), new [17]	No.	MINE	None	RO
796117	Used and rebuilt locomotives (except electric), underground type.[18]	No.	MINE	None	RO
796117	Used and rebuilt locomotives (except electric), surface type.[18]	No.	TRAN	None	RO
796172	Parts and accessories, n. e. c., specially fabricated for underground-type locomotives.[19]	--------	MINE	500	RO
796172	Parts and accessories, n. e. c., specially fabricated for surface-type locomotives.[19]	--------	TRAN	500	RO
	Parts, for locomotives and railway cars (report electric propulsion motors, generators, and controls in 704330; wheels and axles in 610515-610538):				
796182	Parts, and accessories, n. e. c., specially fabricated for railway cars, except: dashlights and parts; illuminating lights and parts; pinlock brakes and parts; release handles and parts; pressed steel wheels; maintenance car parts; and inspection car parts (specify by name).[20 21 22]	--------	TRAN	500	RO
766950	Controls, regulators, indicators, meters, and timers, for ventilating, air conditioning, commercial refrigeration and air cooling equipment; and specially fabricated parts, n. e. c.[23]	--------	GIEQ	100	R

★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 200100. The effect of this revision is to reduce the GLV dollar-value limit for natural pale crepe Types I, IX, and II, from $250 to $100; and to indicate that natural pale crepe, Types I, IX, and II, are subject to the DL restrictions (see § 374.2 of this subchapter) by showing the letter "B" in the column headed "Commodity Lists."

[2] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 618976. This amendment makes no substantive change in validated license control. Prefabricated and knockdown corn cribs, grain bins, and silos were classified under Schedule B No 787150 prior to Jan. 1, 1952, and were not included on the Positive List at the time they were reclassified. The unit "pound" has been added.

[3] The above revised entry is substituted for entries presently on the Positive List under Schedule B Nos. 619110 and 619120. The amendment corrects the present Positive List entries without making substantive change. Carbonyl iron powder for all purposes is correctly classified under Schedule B No. 619110.

[4] The above two entries are substituted for the eleventh and twelfth entries presently on the Positive List under Schedule B No. 619950. The effect of this revision is to change the processing code for brass or bronze bushings from NONF to GIEQ and the processing code for other brass or bronze manufacturers from NONF to CDGS; to reduce the GLV dollar-value limit for brass or bronze shims, now included in the above second entry, from $200 to $100; and to add the unit of quantity "pound" to the above second entry, thereby indicating that license applications for export of such commodities shall be shown in pounds.

[5] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 657307 The amendment corrects the present Positive List entry without making substantive change. Prior to Jan. 1, 1952, unfinished zinc die castings were included on the Positive List under Schedule B No. 657307, and finished zinc die castings were included under Schedule B No. 658998.

[6] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 664550. The effect of this amendment is to reduce the GLV dollar-value limit of molybdic acid from $25 to none, and molybdenum trioxide, molybdenum oxide briquettes, and molybdenum trioxide briquettes from $100 to none. Prior to Jan. 1, 1952, these commodities were included on the Positive List under Schedule B No. 830980.

[7] The above entry is substituted for the three entries presently on the Positive List under Schedule B No. 703825. The effect of this revision is (1) to decrease the GLV dollar-value limit on bridges for measuring impedance, capacitance, and resistance from $200 to none; (2) to change the controls from R to RO; (3) to add such bridges to the list of commodities subject to the IC/DV procedure (§ 373.34 of this subchapter); and (4) to extend the coverage, including IC/DV coverage, to include all electrical testing instruments classified under Schedule B No. 703825.

[8] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 703850. The effect of this revision is (1) to change the controls from R to RO on specially fabricated parts for bridges for measuring impedance, capacitance, and resistance and to add them to the list of commodities subject to the IC/DV procedure (§ 373.34 of this subchapter); and (2) to extend the Positive List coverage, including applicability of IC/DV procedure, to include specially fabricated parts for all electrical quantity-measuring and testing instruments classified under Schedule B No. 703850, except parts for watt-hour meters.

[9] The exportation of (1) bridges for measuring impedance, capacitance, and resistance, and (2) electrical testing instruments "of laboratory standards," and (3) their specially fabricated parts, become subject to the IC/DV procedure effective Sept. 29, 1952.

[10] The above two entries are substituted for the entry presently on the Positive List under Schedule B No. 705560. The effect of this revision is to change the processing code from ELME to MINE for new underground-type electric locomotives and from ELME to TRAN for new surface-type electric locomotives. Both types are subject to the IC/DV procedure (§ 373.34 of this subchapter).

[11] The above revised entry is substituted for the two entries presently on the Positive List under Schedule B No. 707625. No substantive change is made by combining these two entries.

[12] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 708160. Since telemetering equipment is essentially a receiver and transmitter, this revision merely clarifies the description without making substantive change. Military telemetering equipment requires export authorization from the Department of State. (See § 370.5, of this subchapter Note 1.)

[13] The above revised entry is substituted for the second, tenth, and eleventh entries presently on the Positive List under Schedule B No. 766990. The effect of this revision is to combine these entries without making substantive change.

[14] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 775035. The effect of this revision is to add to the Positive List specially fabricated parts for electronic fluorescent, and incandescent bulb and tube (lamp) manufacturing and assembling machines, making the parts subject to the same licensing requirements as the machines.

[15] The above entry is added to the Positive List under Schedule B No. 775400. This amendment makes no substantive change in validated license control, as the commodity was on the Positive List under Schedule B Nos. 769100 and 769200 prior to the 1952 revision of the Schedule B Commodity Classifications and was inadvertently omitted from the revised Positive List, Amendment P. L. 68 (Fifth General Revision). Exporters are now required to specify the size and the type of bearing.

[16] The above two revised entries are substituted for the entries presently on the Positive List under Schedule B Nos. 792610 and 792620. This amendment makes no substantive change in validated license control. Hydraulic truck dumping hoists, formerly under Schedule B No. 792700 and not included on the Positive List prior to the 1952 revision of the Schedule B Commodity Classifications, are now classified under Schedule B Nos. 792610 and 792620, and are added to the lists of commodities excepted from the Positive List under these Schedule B numbers.

[17] The above entry is substituted for the two entries presently on the Positive List under Schedule B No. 796114. The effect of this revision is to change the controls from R to RO on underground mine locomotives, other steam and electric (both of which are presently under RO control) and to place these locomotives under DL restrictions (§ 374.2(e) of this subchapter). The commodities listed under this entry are subject to the IC/DV procedure (§ 373.34 of this subchapter).

[18] The above two entries are substituted for the two entries presently on the Positive List under Schedule B No. 796117. The effects of this revision are to change the controls from R to RO and the processing code from TRAN to MINE on used and rebuilt underground mine locomotives, except steam and electric (both of which are presently under RO control), and to change the processing code from MINE to TRAN on the used and rebuilt surface-type steam locomotives. The net result of these changes is to place under MINE all underground types of locomotives, and under TRAN all surface-type locomotives, with the same controls on each type. The commodities listed under these entries are subject to the IC/DV procedure (§ 373.34 of this subchapter).

[19] The above two entries are substituted for the three entries presently on the Positive List under Schedule B No. 796172. The effects of this revision are (1) to change the controls from R to RO on parts and accessories specially fabricated for locomotives other than steam (which are presently under RO control); (2) to increase the GLV dollar-value limit from $100 to $500 on the "parts and accessories specially fabricated for underground mine locomotives, except steam and electric (formerly 733990)," and (3) to change the processing code from TRAN to MINE on parts and accessories specially fabricated for steam, diesel, diesel-electric, and other internal combustion locomotives, underground type. The net result of these changes is to place under MINE all parts and accessories for underground-type locomotives and under TRAN all parts and accessories for surface-type locomotives. The commodities listed under these entries are subject to the IC/DV procedure (§ 373.34 of this subchapter).

[20] The above revised entry is substituted for the entry presently on the Positive List under Schedule B No. 796182. This amendment makes no substantive change in validated license control. Maintenance car parts and inspection car parts, formerly under Schedule B No. 796900, and pressed steel wheels, formerly under Schedule B No. 799500, were not included on the Positive List prior to the 1952 revision of the Schedule B Commodity Classifications.

[21] The commodities included in this Positive List entry are subject to the IC/DV procedure (see § 373.34 of this subchapter).

[22] The commodities included in this Positive List entry are subject to dollar-limit (DL) restrictions (see § 374.2 of this subchapter).

[23] The effect of this revision is to clarify the coverage of the entry and makes no substantive change.

This part of the amendment shall become effective as of 12:01 a. m., August 14, 1952.

3. The dollar value limit in the column headed "GLV dollar-value limit" set forth opposite the commodities listed below is amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limit
	Rubber or balata belts and belting:	
208625	V-belts, except home appliance (report automotive in 208620)	100
	Compounded or semi-processed natural and/or synthetic rubbers (dry or liquid latex) and allied gums, for further manufacture (specify type):	
209800	Pliofilm	100
209800	Liquid rubber compounds; and liquid rubber, drum compounded	100
	Attachments, n. e. c., for track-laying or wheel-type tractors, or trucks (specify by name):	
722030	Clamshell attachments; conveying attachments; excavating attachments; hydraulic and cable controls for track-laying tractors, loading attachments; pipe layers; trenching attachments; and winches for track-laying tractors	None

This part of the amendment shall become effective as of 12:01 a. m., August 14, 1952.

4. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Naval stores:
211710	Pine oil.
211720	Pine tar (formerly 211800).

This part of the amendment shall become effective as of August 7, 1952.

5. The following commodities are made subject to the IC/DV procedure (see § 373.34 of this subchapter). Accordingly, the Positive List is amended by adding opposite the commodity entries listed below the letter "A" in the column headed "Commodity Lists".

Dept. of Commerce Schedule B No.	Commodity
650050	Aluminum scrap (new and old).

This part of the amendment shall become effective as of September 22, 1952. Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of changes set forth in Items 1, 2 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., August 14, 1952, may be exported under the previous general license provisions up to and including September 6, 1952. Any such shipment not laden aboard the exporting carrier on or before September 6, 1952, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9069; Filed, Aug. 15, 1952; 8:57 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 70, Amdt. 1]

CPR 70—RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Amendment 1 to Ceiling Price Regulation 70 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 70 is intended to conform certain provisions of the regulation to practices existing in the motor vehicle rental industry. The changes made by the amendment, refer primarily to the provisions of section 5 *Service not furnished during the "base period"*, and to section 7 *Exemption of certain rental-purchase option agreements*, of the regulation.

The first change in section 5 is concerned with the 30-day waiting period provided for in the last two paragraphs of that section. Inasmuch as the Office of Price Stabilization has determined that it can complete its action in connection with reports filed under this section within a shorter period than the 30-day period now provided and, as a shorter period would serve the best interests of the industry by expediting the establishment of ceiling rates in many instances, this section is amended to provide for a 15-day waiting period.

The second change in section 5 provides that rates proposed may be charged pending consideration of them by the Office of Price Stabilization. Since the equipment for which rates are proposed is generally in the possession of the lessor during the time the rates are being considered, and since a large percentage of the truck and car rental business is transient, a provision for open billing pending OPS action is not practicable. Therefore, it is the opinion of the Director that it will be more equitable to allow the collection of the proposed rates, provided ample safeguards are made for refunding any amounts in excess of the finally approved rates.

The six changes in section 7 of the regulation are intended to conform its provisions to long-established trade practices in the industry.

The first of these changes revises the wording of the regulation to provide that an option to purchase may be exercised only after cancellation or termination of the rental agreement.

Secondly, the method of computing the ceiling price of a vehicle in cases where the lessee exercises his right to purchase has been revised. This change was deemed necessary because, in its present form, the provision creates the possibility of vehicles being purchased at prices that may result in lessors finding themselves in the automotive sale business rather than in the rental business.

The depreciation factor contained in section 7 (a) (2) has been changed from 2 percent to 1¾ percent of the retail ceiling price to conform with long established practice in the industry.

In addition to the above-described changes, two new paragraphs have been added to section 7. Since the exemption provisions of this section might be used as a guise for evading other regulations of the Office of Price Stabilization, paragraph (b) limits the exemption to truck and car rental operators who were doing business as such when Ceiling Price Regulation 70 was originally issued. All other lessors must first receive approval of the Director of Price Stabilization for inclusion within the exemption. Such approval will be granted upon a showing that the lessor is doing business as a bona fide truck or car rental operator. Paragraph (c) makes the amended section applicable to rental-purchase option agreements executed since the issuance of Ceiling Price Regulation 70. It further limits the effect of the exempting provision to January 1, 1953.

In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

The changes effected in Ceiling Price Regulation 70 by this amendment are, in large part, the result of informal suggestions of the industry affected. While formal Industry Advisory Committee consultation with representatives of the industry was not practicable, it is the opinion of the Director of Price Stabilization that these changes reflect, generally, the views of the industry. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 70 is amended in the following respects:

1. The last two paragraphs of section 5 are amended to read as follows:

The respective District Directors are hereby delegated authority to act upon and to handle to final conclusion all reports filed pursuant to the provisions of this section. Fifteen days after the report has been received by the appropriate District Office of the Office of Price Stabilization, or 15 days after the receipt of such additional information as may be requested, the proposed ceiling rate shall be deemed approved unless the lessor is advised by the Office of Price Stabilization that the proposed rate has been disapproved or modified.

Upon receipt of the report by the appropriate District Office the service may be furnished and the proposed rate may be charged, provided the lessor maintains complete records of all persons using the service, and all rental agreements expressly provide that any amount collected in excess of the rate approved by the Office of Price Stabilization will be refunded to the lessees.

2. Section 7 is amended to read as follows:

SEC. 7. *Exemption of certain rental-purchase option agreements.* (a) Services offered under a rental-purchase option agreement, having a term of not less than 1 year and granting to the lessee upon its termination or cancellation after 1 year an option to purchase the vehicle or vehicles covered by the agreement, are exempt from the other provisions of this regulation, provided the purchase price specified in the option agreement does not exceed (1) in the case of trucks, tractors, trailers, semi-trailers and busses, other than school busses, the Office of Price Stabilization retail ceiling price for the same type of vehicle at the time the lease was executed plus make-ready costs minus a deduction of 1 percent of the total of such ceiling price and make-ready costs for each 30-day period from

the date of execution of the lease until the date the purchase option is exercised; or (2) in the case of passenger automobiles and taxicabs, the OPS retail ceiling price for the same type of vehicle at the time the lease was executed plus make-ready costs minus a deduction of 1¾ percent of the total of the retail ceiling price and make-ready costs for each 30-day period from the date of execution of the lease until the date the purchase option is exercised, and the rental rate under such rental-purchase option agreement does not exceed the lessor's transient ceiling rate for such vehicle or vehicles.

(b) The exemption contained in this section applies only to (1) lessors who were in the business of renting vehicles on or before September 12, 1951; or (2) lessors to whom this exemption is extended by specific authorization of the Director of Price Stabilization. Requests for such authorization shall be made in writing to the Office of Price Stabilization, Services, Transportation and Foreign Trade Division, Washington 25, D. C., and shall contain a detailed justification for such authorization.

(c) The provisions of this section shall apply to rental-purchase option agreements executed since September 12, 1951, but its provisions shall expire on January 1, 1953, unless extended by a subsequent amendment to this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 70 shall become effective August 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9184; Filed, Aug. 15, 1952; 12:03 p. m.]

[Ceiling Price Regulation 7, Collation 3]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

COLL. 3—INCLUDING AMENDMENTS 1–22

Ceiling Price Regulation 7 is republished to incorporate the text of the Corrections issued February 27, 1951, and of Amdts. 1 through 22, inclusive. Ceiling Price Regulation 7 was issued February 26, 1951 (16 F. R. 1872). Statements of Consideration for Ceiling Price Regulation 7, and for Amdts. 1–22, inclusive, as previously published, are applicable to this republication. The effective dates of this regulation, and of the amendments are shown in a note preceding the first section of the regulation.

REGULATORY PROVISIONS

ARTICLE I—SCOPE OF REGULATION

Sec.
0. Introduction.
1. What commodities are covered.
2. What sales are covered.
3. What sellers are covered.
4. Where this regulation applies.
5. When to begin using pricing rules.

ARTICLE II—PRICING CHARTS

11. Filing of charts.
12. Failure to file charts.
13. Contents of charts: general.
14. Contents of charts: related general information.
15. Column 1: List of categories offered for sale.
16. Column 2: List of net costs.
17. Column 3: Offering prices.
18. Category average percentage markup.
19. Circled price.
20. Column 4: Percentage markups.
21. Column 5: List of invoices.
22. Amendment of charts.

ARTICLE III—COMPUTING CEILING PRICES

30. How to compute ceiling prices.
30a. Permitted increase.
31. Net cost; OPS adjustment charge.
32. Rule 1: Articles belonging to a category on your chart and with a net cost listed on your chart.
33. Rule 2: Articles belonging to a category listed on your chart but having a net cost lower than the lowest cost listed for that category.
34. Rule 3: Articles belonging to a category listed on your chart, but having a net cost higher than the highest cost listed for that category.
35. Rule 4: Articles belonging to a category listed on your chart, but having a net cost between two net costs listed for that category.
36. Rule 5: Articles belonging to a category comparable to a category listed on your chart.
37. Rule 6: Articles belonging to a category where your chart has at least three categories in the same group of categories.
38. Rule 7: Pricing method for repaired or reconditioned items.
38a. Rule 8: Pricing method for articles before February 27, 1951, and for which seller has no cost record.
38b. Alternative pricing methods to avoid having different ceiling prices for units of the same article offered for sale at the same time.
39. Ceiling prices for new sellers or for sellers who cannot price under other sections of the regulation.
39a. Adding a unit to a chain which prices centrally and uniformly.
39b. Adding a new unit to a chain which does not price centrally and uniformly.
39c. A seller with a single unit who wishes to open another unit and to establish prices for the new unit centrally and uniformly.
39d. A seller who has previous experience and wishes to open a new unit or to add a category.
39e. When to use Appendix E markups.
39f. Applications by certain sellers who sell exclusively in sets (groups of articles) to which services have been added.
39g. Applications by sellers who repair or recondition.

ARTICLE IV—CEILING PRICES IN SPECIAL CASES

40. "Upstream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers.
41. Pricing methods for certain chain stores, and mail order establishments.
42. Transfers of business.
43. Uniform dollar-and-cents ceiling prices for certain articles.

ARTICLE V—GENERAL PROVISIONS

50. How to treat taxes.
51. Marking, tagging, or posting.
52. Records.
53. Records and reports of initial markups or gross margins.
54. Sales slips.
55. What acts are prohibited by this regulation.
56. Enforcement.
57. Petitions to amend this regulation.
58. Supplementary regulation modifying this regulation.
59. Definitions.

AUTHORITY: Sections 0 to 59 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

DERIVATION: Sections 0–59 contained in Ceiling Price Regulation 7, February 26, 1951 (16 F. R. 1872), except as otherwise noted in brackets following text affected.

EFFECTIVE DATES: CPR 7, February 27, 1951, 16 F. R. 1949. Correction, February 27, 1951, 16 F. R. 1949.

Amendment 1, March 19, 1951, 16 F. R. 2564.
Amendment 2, April 10, 1951, 16 F. R. 3096.
Amendment 3, April 26, 1951, 16 F. R. 3614.
Amendment 4, April 27, 1951, 16 F. R. 3649.
Amendment 5, May 28, 1951, 16 F. R. 5008.
Amendment 6, June 1, 1951, 16 F. R. 5253.
Amendment 7, June 18, 1951, 16 F. R. 5836.
Amendment 8, June 30, 1951, 16 F. R. 6372.
Amendment 9, June 30, 1951, 16 F. R. 6374.
Amendment 10, October 13, 1951, 16 F. R. 10257, 11109.
Amendment 11, December 17, 1951, 16 F. R 12644.
Amendment 12, December 31, 1951, 16 F. R 13127.
Amendment 13, January 22, 1952, 17 F. R. 599.
Amendment 14, February 12, 1952, 17 F. R. 1212.
Amendment 15, March 3, 1952, 17 F. R. 1749.
Amendment 16, March 26, 1952, 17 F. R. 2484.
Amendment 17, March 29, 1952, 17 F. R. 2563.
Amendment 18, April 5, 1952, 17 F. R. 2812.
Amendment 19, June 3, 1952, 17 F. R. 4927.
Amendment 20, June 20, 1952, 17 F. R. 5650.
Amendment 21, July 14, 1952, 17 F. R. 6196.
Amendment 22, July 14, 1952, 17 F. R. 6196.

Article I—Scope of Regulation

SECTION 0. *Introduction.* This regulation fixes ceiling prices for sales by retailers of a wide range of commodities. The pricing chart method of determining applicable mark-ups or margins is used. Retailers are required to file with the Office of Price Stabilization (hereafter referred to as OPS) a "list date pricing chart" and to fix their ceiling prices by using this chart. (Sample charts are shown in Appendix "A.") The list date under this regulation is February 24, 1951, except where another list date is specified in section 13 (b).

[Last sentence above added by Amdt. 2]

Article I tells you the scope of this regulation.

Article II tells you how to prepare your charts.

Article III sets forth the rules for computing ceiling prices by reference to your charts. It also tells you how to fix your ceiling prices if you cannot use the pricing rules.

Article IV prescribes rules for pricing in special cases (for example, up-stream and cross stream sales, transfers of business, sales of branded articles, etc.).

Article V contains general provisions such as record-keeping requirements, marking or posting ceiling prices, how to treat taxes, sales slips, prohibitions, etc.

SEC. 1. *What commodities are covered.* This regulation applies only to sales at retail of the articles listed in Appendix B. This includes a wide variety of consumer goods. They are grouped into categories and each category is given a category number. For example, men's and boys' underwear and nightwear constitute category 116.

From time to time articles not listed may be added by amendments to this regulation.

This regulation supersedes the General Ceiling Price Regulation for all articles listed in Appendix B. It does not apply, however: (1) to such articles listed in Appendix B for which ceiling prices for sales at retail are hereafter established by other regulations; nor (2) to any article for which sales at retail are hereafter exempted or suspended from price control by this or any other regulation; nor (3) to any imported article if it is sold by the one who imports it; nor (4) to antiques (any article made prior to 1850).

SEC. 2. *What sales are covered.* This regulation applies to sales at retail. It applies to all sales to ultimate consumers of all kinds (including individual, commercial, and industrial users[1]) of articles which are "bought and sold in substantially the same form." (See definition in section 59.) It applies to sales to persons other than ultimate consumers (such as other retailers and wholesalers) if those sales customarily amount to less than 10 percent of the retailer's total sales of articles covered by this regulation and the retailer's ceiling prices for those sales are fixed by Section 40.

SEC. 3. *What sellers are covered.* (a) This regulation applies to you if you are a seller whose sales to individual ultimate consumers of articles covered by this regulation constitute more than 10 percent of sales of the merchandise covered by this regulation which you buy and sell in substantially the same form. You may, however, elect to continue to fix your ceiling prices under the General Ceiling Price Regulation:

(1) For all articles covered by this regulation if all your sales to individual ultimate consumers are "accommodation sales" (see definition in section 59 of this regulation); or

(2) For articles in Categories 101 through 607; 610 through 620; 701 through 895; 920; and 1001 through 1030, if your annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $20,000; or

[Subparagraph (2) amended by Amdt. 8]

(3) For articles in Categories 901 through 908; 915 through 919; 921 through 924; 940 through 951; 970 through 985; 1050 through 1070,

[Subparagraph (3) amended by Amdt. 8]

(i) If your[1a] annual net dollar volume of total sales of articles in those categories which you buy and sell in substantially the same form in all your departments taken together to individual ultimate consumers amounts to less than $60,000 or

(ii) If your[1a] annual net dollar volume of total sales in all departments taken together of all merchandise which you buy and sell in substantially the same form amounts to less than $100,000.

An election in accordance with the provisions of this paragraph must, if made, apply without exception to all categories in the group as to which the particular election is permitted. You may not subsequently alter an election made under this paragraph, except that if you are a seller permitted to elect to price under the provisions of the General Ceiling Price Regulation pursuant to this paragraph, you may, if you have already filed your chart, exercise this election by requesting the return of your chart from your OPS office on or before July 2, 1951.

The election provided in this paragraph does not apply to new sellers. As used in this paragraph "annual" means your most recent calendar or fiscal year (or if you were in business less than one year the dollar volume for the period you were in business projected to cover a one year period.)

[Paragraph (a) amended by Amdt. 5]

(b) When used in this regulation, the word "seller" refers to each single separate seller covered by this regulation. (1) If a seller makes sales at retail through more than one selling unit or department, each selling unit or department is considered to be a separate seller subject to all the provisions of this regulation. (2) A person who sells through salesmen making sales at uniform prices is a single seller. (3) All of the selling outlets of a chain, which are under common ownership or control and which are included in one group, zone, class or area to which immediately prior to January 26, 1951, the chain regularly sent invoices or statements showing the same selling prices for certain articles in a category (whether or not costs were shown), and which regularly sold those articles at such uniform prices, constitute, as to the categories in which those articles are included, a single seller.

(4) A selling outlet which has received, from a seller from whom it purchases articles on consignment, a copy of an order issued by OPS pursuant to section 5 (b) of Supplementary Regulation 1, by the terms of which that outlet is constituted a separate seller, is a separate seller to the extent provided in that order.

[Subparagraph (4) added by Amdt. 17]
[Paragraph (b) amended by Amdt. 3]

(c) Notwithstanding any other provisions of this regulation any seller at retail of an article for which a ceiling price has been established under section 43 (Uniform dollar and cents prices for certain articles) of this regulation or for which a ceiling price is established under a Supplementary Regulation to this regulation shall be permitted to sell the article at the price so established.

SEC. 4. *Where this regulation applies.* This regulation shall be applicable in the forty-eight states and the District of Columbia.

SEC. 5. *When to begin using pricing rules.* (a) (1) You may begin to use the applicable pricing rules after you file your chart, but you must begin to use the rules not later than May 30, 1951 (unless you are a mail order establishment subject to paragraph (b) of this section). Where under the provisions of section 11 you file a part of your chart separately, you may begin using the rules for pricing the categories in any such part after you have filed it.

[Paragraph (a) amended by Amdts. 1, 2 and 4; redesignated (1) by Amdt. 8]

(2) Whenever new categories are added to this regulation after June 30, 1951, you may begin to use the applicable pricing rules after you file your chart, but you must begin to use the applicable pricing rules not later than 3 months after the effective date of the amendment which adds the new categories (unless you are a mail order establishment subject to paragraph (b) of this section).

[Subparagraph (2) added by Amdt. 8]

(b) If you operate a mail order establishment as defined in section 59 of this regulation you are not required to observe the pricing rules of this regulation as to any mail order sales of articles covered by any of your catalogs, booklets, circulars, flyers, or other forms of printed lists which were printed before the list date. Your ceiling prices for such sales continue to be established by the General Ceiling Price Regulation for so long as the printed price lists remain in effect or until you establish a price for an article pursuant to the pricing rules of this regulation. However, you are required to observe the other requirements of this regulation and to price new articles, new catalogs, booklets, circulars, flyers or other forms of printed price lists on the basis of the pricing rules in this regulation.

Article II—Pricing Charts

SEC. 11. *Filing of charts.* (a) If you are a seller subject to this regulation you must prepare two copies of a list date pricing chart. The chart must be dated and must be signed by one of your officers or owners. A chart for an outlet which is itself a separate seller under this regulation or a department in a departmentalized establishment may be signed by the store manager or department head. One copy of the chart must be kept for your use and for inspection by the Office of Price Stabilization and the other must be filed with your OPS office[2] on or before May 30, 1951.

[Paragraph (a) amended by Amdts. 1, 2 and 4]

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[1] Examples of ultimate consumers who are not individual ultimate consumers are hospitals, schools, and clubs.

[1a] For the purpose of exercising this election, insofar as chain food stores are concerned, each retail outlet (or each department in such outlet) of the chain may be considered a seller, even though the chain determines uniform prices centrally.

[2] Your OPS office is the office having jurisdiction over the area in which your place of business is located. If you are a chain which under this regulation is a single seller and if your principal office and all of your outlets for all your groups or zones taken together, or, if you are a person who sells through salesmen making sales at uniform prices and your principal office and all of your branch offices taken together (1) are located within an OPS district, your OPS office is the district office of the OPS for that district; (2) are located in more than one OPS district within an OPS region, your OPS office is the district office of the OPS having jurisdiction over the area in which your principal office is located; or (3) are located in more than one OPS region, your OPS office is the Wholesale and Central Pricing Branch, Office of Price Stabilization,

(b) You may at your option prepare a separate list date chart for Categories 860–895; 901–924 and 940–985, and file that as a supplemental chart instead of including those categories as part of the initial list date chart prepared in accordance with this regulation. If you file a supplemental chart, you must prepare it in accordance with this regulation, numbering the pages as if they followed the last page of your original chart. One copy of this supplemental chart must be kept with your original list date chart for your use and for inspection by the OPS, and the other must be filed with your OPS office [2] on or before May 30, 1951.

[Paragraph (b) added by Amdt. 2; amended by Amdt. 4]

(c) If, by the addition to this regulation of Categories 860–895; 901–924; and 940–985 you are a seller subject to this regulation, you must prepare two copies of a list date pricing chart in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office [2] on or before May 30, 1951.

[Paragraph (c) added by Amdt. 2; amended by Amdt. 4]

(d) If you are a seller who has already filed a pricing chart, and by the addition of categories to this regulation you are required to file a chart for the new categories, you must prepare two copies of a supplemental chart for the new categories in accordance with this regulation, numbering the pages as if they followed the last page of the chart already filed. One copy of the supplemental chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office [2] within 3 months after the effective date of the amendment which adds the categories.[2a]

[Paragraph (d) added by Amdt. 8]

(e) If by the addition of categories to this regulation you are for the first time a seller subject to this regulation, you must prepare two copies of a list date pricing chart for all categories in accordance with this regulation. One copy of the chart must be kept for your use and for inspection by the OPS and the other must be filed with your OPS office [2] within 3 months after the effective date of the amendment which adds the categories.[2a]

[Paragraph (e) added by Amdt. 8]

SEC. 12. *Failure to file charts.* (a) On and after May 30, 1951, you may not offer, sell, or deliver any article covered by this regulation unless you have filed the chart described above. On and after July 31, 1951, you may not offer, sell or deliver any article covered by this regulation until you have received from the OPS an acknowledgment of the filing of your chart.

[Paragraph (a) redesignated by Amdt. 8; amended by Amdts. 1, 4 and 9]

(b) If by the addition of new categories after June 30, 1951, you become subject to the regulation as to any categories, you may not offer, sell or deliver any article covered by any categories for which you are required to or elect to file a chart unless you file that chart within 3 months after the effective date of the amendment which adds the categories. On and after 30 days from the last date for filing that chart you may not offer, sell, or deliver any article in the categories covered by that chart unless you have received from the OPS an acknowledgment of the filing of that chart.

[Paragraph (b) added by Amdt. 8]

SEC. 13. *Contents of charts; general.* Put at the top of your chart the following general information:

(a) Your business name and address;

(b) *Your list date or list dates.* Your list date is February 24, 1951, except:

(1) It is March 31, 1951 for Categories 860 to 895; 901 to 924; and 940 to 985, or for all categories (other than Categories 610 through 620 and 1050 through 1070) if you first became subject to or first elected to become subject to the regulation between April 10, 1951 and June 30, 1951[1];

(2) It is June 23, 1951 for Categories 610 through 620 or for all categories (except Categories 1050 through 1070) if you first become subject to or first elect to become subject to the regulation on or after June 30, 1951.

(3) It is December 10, 1950 for Categories 1050 through 1070.[2a]

In the event you were not open for business on the appropriate list date, except where your list date is December 10, 1950, your list date is the most recent date in 1951 before that date on which you were open for business and offered for sale any article covered by the regulation.

[Paragraph (b) amended by Amdts. 2 and 8]

(c) Your type of store.[3] First, state whether it is a mail order establishment, a chain outlet, or an independent retail store; and second, state whether it is a men's and boys' clothing and furnishing store, a women's clothing store, an infants' and children's wear shop, a women's specialty shop, a millinery store, a shoe store, a department in a department store, a general merchandise store, a limited price variety store, a dry goods store, a furniture store, a home furnishings store, or other type of store. (A department in a departmentalized establishment must also state its department number or name; and a group of outlets which is a single seller under section 3 (b) must show the names and addresses of all retail outlets in the group.)

[Paragraph (c) amended by Amdt. 3]

(d) State which of the following brackets includes the approximate net dollar volume of your total retail sales of all commodities covered by this regulation in the calendar year 1950 or your most recent fiscal year:

Over—	Up to and including—
	$10,000
$10,000	30,000
30,000	50,000
50,000	100,000
100,000	300,000
300,000	500,000
500,000	1,000,000
1,000,000	2,000,000
2,000,000	5,000,000
5,000,000	10,000,000
10,000,000	20,000,000
20,000,000	

(A department in a departmentalized establishment may omit the volume of its retail sales if the establishment files a statement of its approximate total net dollar volume of retail sales of all commodities in all departments, although each department is required to file a separate chart.)

[Paragraph (d) amended by Amdt. 6]

(e) Number each page of your chart.

SEC. 14. *Contents of charts: related general information.* This section tells what the chart must contain about the costs and offering prices of each category which you offered for sale on the list date. List the information in five (5) columns below the general information called for in the preceding section. List an article as "offered for sale on the list date" if it was in your store, unpacked, and available for sale on that date. (If you are a mail order establishment list an article as "offered for sale on the list date" if it was listed in one of your catalogs, booklets, circulars, flyers, or other printed price lists in effect on that date.)

If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, in preparing your chart you shall omit every item which you repaired or reconditioned before sale. Note on the chart each category from which such items have been omitted.

If you offered for sale on the list date any article which you acquired by a transfer from another department or part of the same legal entity you must omit such article in preparing your chart.

When the phrase "you offered" is used in this regulation it means "you offered for sale on the list date." Before you begin to prepare your list date chart study the sample charts in Appendix A for the appropriate form. (The OPS will not supply chart forms.)

SEC. 15. *Column 1: List of categories offered for sale.* In the first column from the left, list by the number given for that category in Appendix B, each category which you offered. If you are including in a "general" category (as defined in Appendix B) any article not specifically listed for that category in Appendix B, list such article in parenthesis in column 1 immediately below the category number in which you are including it.

For the purpose of listing categories, you may list as a separate category or amend your chart to list as a separate category each of the separate descriptive classifications in Categories 908 and 919 (for example, 908–4—Cleaning Supplies; 919–2—Closet Shop Accessories). If you treat any descriptive classification in Category 908 or in Category 919 as a separate category, you must so treat each classification within the category.

[Above Paragraph added by Amdt. 8]

SEC. 16. *Column 2: List of net costs.* In the second column from the left, list opposite each category shown in column 1, the last "net cost" at which you bought each different article, style, model, or lot number in that category which you offered. Follow these directions for listing net costs:

(a) Find your "net cost" by deducting all discounts (including cash discounts)[3a] from the invoice cost on the last invoice you received [4] before the list date for a particular article, style, model or lot number which you have listed. In order that markups on your chart may as nearly as possible reflect your normal markups, if your last invoice was received after January 1, 1951 and your selling price on the list date was unchanged from your initial offering price based on the next to the last invoice which you had received for that article prior to February 24, 1951, you may list the net cost on the next to the last invoice received prior to February 24, 1951. Deduct discounts you could have taken whether you took them or not. No freight, handling charge, OPS adjustment charge, or other similar charge may be added.[5]

[Paragraph (a) amended by Amdts. 2, 4, and 6]

(b) List your net costs in order from the lowest to the highest.

(c) List each different net cost separately even though you bought other articles, styles, models, or lot numbers in the category for the same gross invoice cost. Thus, if you bought three different articles, styles, models, or lot numbers in a category at $3.50, 8/10 EOM,[6] $3.50, 3/10 EOM, or $3.50 net, list each of these net costs separately as $3.22, $3.40, and $3.50, respectively.

(d) List each different net cost only once in the category even though you offered more than one article, style, model, or lot number of that net cost in that category.

(e) If you offered a particular style, model, or lot number which you bought at more than one net cost, list only the net cost shown on the last invoice you received before the list date for that style, model, or lot number, unless you are permitted by paragraph (a) of this section to use an earlier invoice.

(f) List each net cost per unit. Thus, if you buy at "per dozen" prices divide the net cost per dozen by 12 and list the result as your net cost per unit. Similarly, if you buy at a price per gross or per hundred, divide your net cost per gross by 144, or per hundred by 100 to find your net unit cost.

(g) You may round your cost to the nearest cent. Thus, you may list $1.735 as $1.74 and $1.734 as $1.73.[7]

SEC. 17. *Column 3: Offering prices.* In the third column from the left, list opposite each net cost shown in column 2, each different price at which you offered to your most numerous class of purchaser [3] an article of that category having that net cost. Follow these directions for listing offering prices:

(a) Do not list offering prices which are higher than your ceiling price for the article on the list date. If your offering price was higher than your ceiling price on the list date you must list your ceiling price.

(b) To avoid the distortion caused by markdowns you may list as your offering price for an article either the price at which you actually offered it on the list date or the price at which you offered the article when you first offered it for sale. If you list your first offering price rather than your list date offering price, place the letter "M" after the price in this column.

(c) To avoid the distortion caused by your having re-marked an article prior to January 26, 1951, to a price greater than that at which you first offered it, you must list in column 3 the price at which you first offered it. If you list such a price you must place a letter "U" after the price in column 3.

(d) To avoid the distortion caused by your having initially marked an article since December 1, 1950, at a price greater than that at which you normally would have marked that article you must list in column 3 the price at which you normally would have marked that article (as, for example, if you had marked the article in anticipation of an increase in replacement cost). You must put the actual price at which you offered the article on the list date in parentheses beside the net cost in column 2 and place a letter "R" after each such price listed in column 3.

(e) If your offering price includes a tax on a particular sale or delivery (such as a sales tax or a compensating use tax) which the law permits you to state separately from the price, you must deduct the full amount of such tax included in your offering price before you list it. You need not deduct from your offering price any tax which you stated separately from and in addition to your offering price.

(f) You will find that in some cases you have listed more than one offering price opposite a single net cost in a particular category. You must draw a circle around one of these prices; section 19 tells you which offering price to circle. To select your circled price you first have to find your average percentage markup for the category. Section 18 explains how to find a category average percentage markup.

SEC. 18. *Category average percentage markup.* Compute your average percentage markup for a category as follows:

Step 1. Add together all the net costs listed for that category in column 2. To find the correct average, you must, of course, add together an equal number of costs and offering prices. Therefore, just for purposes of this step (you should use a separate work sheet), you must add in each net cost as many times as you have listed different offering prices opposite it;

Step 2. Add together all the offering prices listed in column 3 for that category;

Step 3. Subtract the total of the net costs found in Step 1 from the total of the offering prices found in Step 2;

Step 4. Divide the remainder found in step 3 by the total of the net costs found in Step 1. The result is your average percentage markup on cost.[8] When you have found your average percentage markup for a category, enter it in column 1 for that category.

Example: The way to compute average percentage markup for men's and boys'

Washington 25, D. C. If you are a single seller as to any category, each unit (or in a departmentalized establishment each department) covered by the single seller chart shall use as its OPS office for all its categories the OPS office in which you are required to file the single seller chart under the foregoing rules.

If you are a mail order establishment, your OPS office is the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C. If you are a consignor, an order issued pursuant to section 5 (b) of Supplementary Regulation 1 to CPR 7 may provide that for specific purposes your OPS office is the Wholesale and Central Pricing Branch, Office of Price Stabilization, Washington 25, D. C.

[Footnote 2 amended by Amdts. 6, 17 and 19]

[2a] For Categories 1050 through 1070 a special method for preparing charts and determining what articles were offered on the list date is provided in section 7 of Supplementary Regulation 2.

[Footnote 2a added by Amdt. 8]

[3] "Store" means a separate seller as defined in section 3(b), or the separate establishment or a department in the establishment at or from which you make sales to ultimate consumers. A mail order establishment is also called a store.

[3a] An alternative method for preparing charts for and pricing Categories 940 through 943 and 970 through 985 which permits discounts for prompt payment (cash discounts) not to be deducted from net invoice cost and which permits the use of a cost record other than an invoice in certain instances is provided in Supplementary Regulation 2 to this regulation.

[Footnote 3a added by Amdt. 6]

[4] If you are an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 3 (b) of this regulation, you may use the invoice furnished by your central office.

[5] An alternative method for preparing charts for and pricing categories 701 to 752, which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

[6] "8/10 EOM" means 8 percent discount if paid within 10 days after the end of the month.

[7] You may, if you wish, list your gross invoice cost per dozen, per gross, or per hundred, and your purchase discounts, in parenthesis, following the net unit cost. Thus, you might list $1.29 ($16.00, 3/10 EOM per doz.).

[8] This will be the class containing the greatest number of purchasers. However, if your most numerous class of purchaser is one to whom accommodation sales are made, you may prepare your chart based on your offering prices to the most numerous class other than accommodation purchasers, but you must state in a footnote any differentials you have for your accommodation sales. If you have more than one class of purchaser, use a footnote to show the class of purchaser used in preparing your chart. Section 30 provides that other classes of purchasers must get their customary differentials.

[Footnote 8 amended by Amdt. 22]

[9] You may, if you wish, figure your percentage markups as "margins on selling price" instead of on your net cost, but you must use the same method of figuring all percentage margins and average percentage margins. If you have chosen to list margins on selling price, you must state this on your chart, and must use margins on offerings (or selling) price wherever this regulation refers to a markup over net cost.

shirts, category 117, may be illustrated as follows:

Total the net costs	*Total the offering prices*
$1.21	$1.98
1.25	1.98
1.38	2.25
(1.38)	2.50
1.82	2.98
1.94	3.50
3.64	5.95
(3.64)	6.95
5.34	7.95
(5.34)	8.95
26.94	44.99

(Note that the costs in parentheses appear only on your work sheet. They do not appear on your chart.)

Subtract the total of the net costs from the total of the offering prices ($44.99—$26.94=$18.05). Divide the remainder, $18.05 by the total of the costs, $26.94 ($18.05÷$26.94=67%). The result, 67 percent, is the average percentage markup on cost for category 117. Enter 67% in column 1.

SEC. 19. *Circled price.* Where you have listed more than one offering price opposite a single net cost in a particular category, you must draw a circle around the offering price which comes closest to reflecting the average percentage markup for the category. If the price you get is midway between two offering prices, draw a circle around the lower of the two.

Example. You have listed offering prices of $2.88, $3.00 and $3.25 for a net cost of $2.00 in category 202, and your average percentage markup for category 202 is 52%. To apply this rule multiply $2.00 by 52% ($2.00×0.52=$1.04) and add $2.00 to the result ($2.00+$1.04=$3.04) resulting in a price of $3.04. When you look at the three offering prices which you have listed for a $2.00 net cost, you find that the offering price closest to $3.04 is $3.00. Therefore, $3.00 is the "circled" price.

If your average percentage markup had been 47% you would have found a price of $2.94 ($2.00×0.47=$0.94; $2.00+$0.94=$2.94). Since $2.94 is midway between your listed offering prices of $2.88 and $3.00, you would have selected the lower of the two, and $2.88 would have been your circled price.

SEC. 20. *Column 4: Percentage markups.* In the fourth column from the left, list the percentage markup for each different net cost listed in column 2. If more than one offering price is listed opposite the same net cost in a category, you list the percentage markup for the circled price only. To figure a percentage markup, subtract the net cost listed in column 2 from the offering price listed opposite it in column 3, and divide the difference by the net cost. Round the result to one decimal place. For example, you should list 53.72 percent as 53.7 percent and 53.75 percent as 53.8 percent.

Example. If you have listed a net cost of $3.22 and an offering price of $4.95, you subtract $3.22 from $4.95 ($4.95—$3.22=$1.73) and divide the difference, $1.73, by the net cost, $3.22 ($1.73÷$3.22=0.53773). Your percentage markup over cost for your $3.22 net cost is, therefore, 53.8%. Enter 53.8% in Column 4 opposite the $3.22 net cost.

SEC. 21. *Column 5: List of invoices—(a) What invoices must be listed.* In the fifth column from the left, list one invoice for every offering price shown in column 3. The invoice you list must cover your purchase at the corresponding net cost listed in column 2 for an article of that category which you offered at that price. If pursuant to section 16 (a) you have listed in column 1 a net cost from an invoice other than the last invoice you got before the list date, you must place a letter "E" beside the invoice listed in column 5.

(b) *How to list an invoice.* State your supplier's name and the date and number of the invoice. In parenthesis following the listing of the invoice you must identify the article the purchase of which at the cost shown in column 2 is covered by the invoice. (An alternative method of listing invoices is provided in Supplementary Regulation 2 to this regulation.)

(c) *Inspection of invoices.* On request you must supply for examination to the OPS or its agent any invoice which you have listed in column 5.

SEC. 22. *Amendment of charts—(a) Amendment by seller.* (1) If you find that you have filed an incorrect chart you must file an amendment to your chart with the OPS office where you filed your original chart and you must attach to the amendment a statement explaining why the changes conform your chart to the requirements of the regulation.

Example. If you wish to amend an inaccurate offering price listed on your original chart, you must also recompute your average percentage markup for that category, and reexamine your circled prices for that category to see if the new category average percentage markup requires a change in any of them. If changes are required, the amendment to your chart must show all the corrections which were necessary.

You may not use the amendment to your chart in fixing ceiling prices until you have received acknowledgment from your OPS office of receipt of the amendment.

[Subparagraph (1) redesignated by Amdt. 8]

(2) Whenever under a provision of Ceiling Price Regulation 7 added to this regulation after May 30, 1951, you are required or permitted to amend your chart, you must file the amendment to your chart with your OPS office on or before the thirtieth day following the effective date of that provision. You must attach to the amendment a statement which will designate under what provision you are filing.

Example of statement. This amendment is filed pursuant to Amendment 8 to Ceiling Price Regulation 7, effective June 30, 1951. This amendment allows retailers to handle each classification in Category 908 and Category 919 as a separate category.

You must, when you amend your chart, pursuant to this subparagraph, use the amendment to your chart in fixing ceiling prices after the date you file the amendment to your chart. You may not offer, sell, or deliver any article covered by the amendment to your chart after thirty days from the date you file your amendment unless you have received an acknowledgment from your OPS office of receipt of the amendment.

[Subparagraph (2) added by Amdt. 8]

(b) *Amendment by Office of Price Stabilization.* The OPS may at any time issue an order amending your chart to bring your mark-ups into line with mark-ups established by this regulation for sellers of the same class. Also, upon examination of your chart and any amendment thereto if the records necessary to substantiate information appearing on your chart or the amendment are inadequate the OPS may issue an order amending your chart to bring the mark-ups in line with the level of mark-ups established under this regulation.

Article III—Computing Ceiling Prices

SEC. 30. *How to compute ceiling prices.* To compute your ceiling price for the sale to an ultimate consumer, of an article covered by this regulation, refer to your chart and use the first applicable pricing rule found below in this Article III. (Note that sales covered by this regulation to persons other than ultimate consumers must be priced under section 40, "'Upstream' and 'Cross Stream' Sales and sales of 'Cross Stream' articles to ultimate consumers.")

In applying these rules, you must compute your ceiling price for each article to the class of purchaser you used in preparing your chart and apply your customary differentials to that price to find your ceiling price to all other classes of purchasers. You may not change the terms, allowances, discounts, or differentials which you customarily gave to various classes of purchasers, if the change would result in a higher net price.

Wherever this regulation refers to a list date chart it means only a chart correctly prepared in accordance with sections 13 to 21 of this regulation. If your chart is improper or inaccurate, your ceiling prices shall be prices computed on the basis of a correct chart.

SEC. 30a. *"Permitted increase."* Various OPS regulations may provide for increases in your supplier's ceiling prices. Some of these regulations may require your supplier to break down his price to you into two parts, the first part being the basic price and the second part a "permitted increase" (that is, the portion of the increase granted your supplier which the regulation allows you to pass on to the consumer). You must use the basic price (without adding the "permitted increase") to find your net cost for determining your ceiling price under this regulation. Then you may add the amount designated as a "permitted increase to your ceiling price as otherwise determined under this regulation.

[Sec. 30 (a) added by Amdt. 2]

SEC. 31. *Net cost; OPS adjustment charge.* "Net cost," in this regulation means net unit cost of an article after deducting all discounts you could have taken,[9] or your supplier's ceiling price [10]

[9a] An alternative method for pricing Categories 940 to 943 and 970 to 985 which permits discounts for prompt payment (cash discounts) not to be deducted is provided in Supplementary Regulation 2 to this regulation.

[Footnote 9a added by Amdt. 6]

[10] If you operate an outlet of a chain not included in a group of outlets for which your central office is permitted to use the same pricing chart in accordance with section 3(b), and if your chart was not prepared on the basis of net cost of articles to your central office, "your supplier's ceiling price" for articles shipped to you by your central office is the amount shown on your central office's invoice to you correctly prepared under Supplementary Regulation 1 to this Regulation.

for the article, whichever is lower. (You may round your cost to the nearest cent.) You may not include in "net cost" any item on an invoice received by you labelled "OPS adjustment charge." Freight, handling charge, or other similar charges may not be added.[11]

SEC. 32. *Rule 1: Articles belonging to a category on your chart and with a net cost listed on your chart.* If the article you are pricing is in a category listed in Column 1 of your chart, and if it has a net cost listed in column 2, its ceiling price is the offering price you listed in column 3 for that net cost and category. If you have a circled price for that net cost and category, the circled price is the ceiling price for the article.

Example. You wish to price a pair of men's pajamas which cost you $1.29 net. On your chart you have listed offering prices of $2.00 and $2.24 for a $1.29 net cost in category 116. You have circled $2.00. Therefore, your ceiling price for these pajamas is $2.00 per pair.

If you had listed only one price $2.24 for a $1.29 net cost, your ceiling price would be, of course, $2.24.

SEC. 33. *Rule 2: Articles belonging to a category listed on your chart but having a net cost lower than the lowest cost listed for that category.* If the article you are pricing has a net cost lower than the lowest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the average of the percentage markups in column 4 of the two lowest costs shown on the chart for that category, and adding the result to the net cost.

Example. You wish to price a girl's sweater having a $1.94 net cost. The two lowest net costs on your chart for category 208 are $2.07 and $2.26. The percentage markups listed for the last two are 55.6% and 54% respectively. You average the last two (55.6+54=109.6÷2=54.8) and find that 54.8% is the average. The ceiling price for the sweater is found by multiplying $1.94 by 54.8 (1.94×54.8=1.06) and adding the result, $1.06 to $1.94 (1.94+1.06=3.00). The total, $3.00 is your ceiling price.

SEC. 34. *Rule 3. Articles belonging to a category listed on your chart, but having a net cost higher than the highest cost listed for that category.* If the article you are pricing has a net cost higher than the highest net cost listed for that category in column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the *lower* of (a) the average of the percentage markups listed in column 4 for the two highest costs shown on the chart for that category, or (b) the average percentage markup for the category, and adding the result to the net cost.

Example. You wish to price a woman's slip having a $7.95 net cost. The two highest net costs on your chart for category 211 are $6.95 and $5.95. The percentage markups listed for the last two are 67.6% and 63.5%, respectively. You average the last two (67.6+63.5=131.1÷2=65.6) and find 65.6%. The category average percentage markup for category 211 is 67%. Since the average of the percentages for the two highest cost lines (65.6%) is lower than the category average (67%), you use 65.6% to find the ceiling price of the slip. The ceiling price for the slip is found by multiplying $7.95 by 65.6 (7.95×65.6=5.22) and add the result $5.22 to the net cost, $7.95 (7.95+5.22=13.17). The total, $13.17 is the ceiling price.

SEC. 35. *Rule 4; articles belonging to a category listed on your chart but having a net cost between two net costs listed for that category.* If the article you are pricing has a net cost between two net costs listed for that category in Column 2 of your chart, you compute your ceiling price by multiplying the net cost of the article by the average of the percentage markups listed in Column 4 for the next higher net cost and the next lower net cost than the one you are pricing, and by adding the result to the net cost.

Example. You wish to price a woman's dress with a net cost of $7.75 and you have not listed any net cost of $7.75 for Category 1010. The next higher net cost on your chart for Category 1010 is $8.75, and the next lower net cost is $6.75. The percentage markups listed for the last two are 59.4% and 62.2%, respectively. You average the last two (59.4+62.2=121.6÷2=60.8%) and find that 60.8% is the average. The ceiling price for the woman's dress is found by multiplying $7.75 by 60.8% ($7.75×.608=$4.71) and adding the result, $4.71, to $7.75 ($7.75+$4.71=$12.46). The total $12.46 is your ceiling price.

Until July 31, 1951, you may, when pricing under Rule 4 is called for, use Rule 4 as it existed prior to June 18, 1951.

[Section 35 amended by Amdts. 1 and 7]

SEC. 36. *Rule 5: Articles belonging to a category comparable to a category listed on your chart.* If the article you are pricing does not belong to a category which is listed in column 1 of your chart, look in Appendix C where you will find for each category a list of other categories which are "comparable" to that category. See whether column 1 of your chart contains the first comparable category listed in Appendix C for the category to which the article you are pricing belongs. If it does not contain the first comparable category, see whether you have listed in column 1 the second, then the third, and so on until you find a comparable category which is listed on your chart. Then compute your ceiling price by applying Rules 1, 2, 3, or 4, as if the article you are pricing belonged in that comparable category.

Example. You have not listed category 701 on your chart, but now purchase a bedroom suite at a net cost of $85.00. You look in Appendix C and find that categories 706, 708, 714, 703, and 710 are listed as comparable to category 701. When you look in column 1 of your chart, see whether you have listed any of these categories. You have not listed category 706 on your chart, but you have listed category 708. Rule 5 requires you to figure your ceiling price for this bedroom suite as if it belonged to category 708. You find that you have listed a net cost of $85.00 in column 2 for category 708, and an offering price of $150.00 in column 3 for that net cost. You therefore apply Rule 1 and your ceiling price for the bedroom suite is $150.00.

SEC. 37. *Rule 6. Articles belonging to a category where your chart has at least three categories in the same group of categories.* If the article you are pricing is not in a category on your chart and you have no comparable category but you do have on your chart at least three categories in the same group [12] of categories, you compute your ceiling price under this rule. (If you cannot price under this rule you determine your price under section 39 which provides for the use of a markup table or in special instances for application for a pricing method.)

(a) *Groups of categories.* All categories are divided into the following groups:

Group I—Categories 101–607.
Group II—Categories 701–752.
Group III—Categories 801–854.
Group IV—Categories 1001–1030.
Group V—Categories 880–883, 890–891, 905, 915–916, 922–923.
Group VI—Categories 871–876, 878, 884, 892, 894, 906, 908, 919–921, 924, 940, 942, 950, 984–985, 1050–1058, 1062–1064.
Group VII—Categories 860–861, 877, 893, 895, 901–904, 907, 917–918, 941, 943–946, 951, 970–983, 1059–1061, 1070.

[Paragraph (a) amended by Amdt. 13]

(b) *Pricing method.* (1) *List the appropriate categories and category average percentages.* If you have at least three categories of the appropriate group [11] on your chart, you list as many of these categories as you have on your chart, setting forth opposite each, your average percentage markup [12] for each category. Note: You may not use this rule for a category in Group II (701–752) if your chart for these categories was prepared pursuant to the alternative method provided in Section 5 of Supplementary Regulation 2 to this regulation.

(2) *Compute the "group average" for these categories.* You do this by adding together all the average markups for the categories you have listed and dividing this sum by the number of categories which you have listed.

(3) *Apply table in Appendix D.* Turn to the table in Appendix D. The top row of the table is divided into a series of percentage brackets. In the first column to the left find the category number which includes the article you are pricing. Follow this category number across and find the markup which appears in the column under the percentage bracket which includes the "group average which you computed under subparagraph (2). This is your percentage markup over cost for the new category.

(4) *Multiply the net cost of the article you are pricing by this percentage markup.* Add the result to the net cost of the article. This final result is your ceiling price for the article you are pricing.

[11] An alternative method for pricing categories 701–752 which permits freight to be reflected is provided in Supplementary Regulation 2 to this regulation.

[12] "Group" as defined for this purpose includes any category which appears in the appropriate series of category numbers excluding categories 105A, 105B, 105C, 105D, 204, 214, 353, and 803D.

[12] Computations under this section are based on markups over cost. If you are on the "retail system," that is, if your chart markups are expressed as percentages of selling prices, you must convert your category markups to markups over cost. You do this by subtracting your average percentage margin on selling price for the category from 100%. You divide the result thus obtained into your percentage margin on selling price. After the percentage margin on selling price for all your categories have been converted to markups on cost you proceed as set forth above.

Example. You wish to price a set of boy's ear muffs on which your net cost is 50 cents. Ear muffs belong to category 123 on the CPR 7 chart. You find, on examining your chart, that neither this category, nor any one of the "comparable" categories is listed on your chart.

Since category 123 belongs to the group of categories numbered from 101–607, inclusive, you look on your chart to find whether you have listed at least three categories in this group. If you do not have at least three such categories listed on your chart (excluding categories 105A, 105B, 105C, 105D, 204, 214 and 353), you cannot use this pricing rule and the ear muffs must be priced under section 39.

Let us assume that actually you have listed on your chart articles belonging to eight categories of this group of numbers. These categories have percentage markups over cost as follows:

Category:	Average percentage markup	Category:	Average percentage markup
102	63	215	62
105	63	217	68
110	63	302	65
116	65	304	60

You must compute your "group average" for all these categories by adding the average markups for these categories and dividing the result by the number of categories which you have listed above (509÷8). Your "group average" is 63.625%.

You next turn to the table in Appendix D. In the first column to the left you will find a series of category numbers. Follow this column downward until you reach category 123.

Follow this row across the table until you come to the percentage bracket appearing in the top row of the table which includes your "group average"—in this case the bracket designated "over 62 including 65." At this point you will find that the allowable percentage markup for category 123 is 65.7%. This is your percentage markup for this category and for the article you are pricing.

You next multiply the net cost of the article you are pricing by this percentage markup ($.50×.657=$.328). Add this figure to your net cost of the article you are pricing ($.50+.33=$.83). The result, $.83, is your ceiling price for the article you are pricing.

(5) *Group averages above table in Appendix D.* If, in pricing a category included in Group I (101–607), your group average is over 101 percent; in Group II (701–752) over 127 percent; Group III (801–854) over 101 percent; Group IV (1001–1030) over 109 percent; Group V (880–883, 890–891, 905, 915–916, 922–923) over 72 percent; Group VI (871–876, 878, 884, 892, 894, 906, 908, 919–921, 924, 940, 942, 950, 984–985, 1050–1058, 1062–1064) over 101 percent; and, Group VII (860–861, 877, 893, 895, 901–904, 907, 917–918, 941, 943–946, 951, 970–983, 1059–1061, 1070) over 128 percent, you find your percentage markup over cost by multiplying your group average by the multiplier listed for that category in Appendix F.

[Subparagraph (5) amended by Amdt. 13]

Example. If you are a house to house seller and have a "group average" of 150% for your categories in the group 101 to 607, inclusive, and you now wish to sell handbags (category 218) which you find you must price under this rule, you determine your markup over net cost as follows: refer to the multiplier opposite category 218 in Appendix F. There you will find the figure 1.045. This means that your markup on cost for handbags is 156.8% (150×1.045=156.75).

(c) *Articles which cannot be priced under Rule 6.* If the article you are pricing is included in categories 204, 214, 353 and 803D; or if your chart for categories 701–752 was prepared pursuant to the alternative method provided in section 5 of Supplementary Regulation 2 to this regulation; or if you do not have three categories in the appropriate group on your chart, you price such article under section 39.

Departments in departmentalized establishments are provided with methods additional to those set forth in pricing rules 1 through 6. These rules which are set forth in section 8 of Supplementary Regulation 1 to this regulation must be used before such a seller resorts to section 39.

[Above paragraph added by Amdt. 14]

[Paragraph (c) amended by Amdt. 13]

SEC. 38. *Rule 7: Pricing method for repaired or reconditioned items.* If in the course of your business you regularly buy used or imperfect articles (including such articles when received as trade-ins) for the purpose of repairing and reconditioning them and selling them as reconditioned or repaired, and your chart as filed indicates that such articles have been omitted, you may compute a price for such a used or imperfect article which you have repaired or reconditioned in the following manner: (a) add to the net cost of the article the net cost of reconditioning or repairing the article) but not a cost greater than that required to restore the article to a factory standard article of the same type); (b) multiply the total thus obtained by the category average percentage markup for the category including the article you are pricing; and (c) add the result to the total found in (a). If your chart has no markup for that category you use the markup for the category in Appendix E.

[Sec. 38 amended by Amdt. 1]

SEC. 38a. *Rule 8: Pricing method for articles acquired before February 27, 1951, and for which seller has no cost record.* If the article you are pricing is one which you acquired prior to February 27, 1951, and for which you have no cost record, your ceiling price for that article is the ceiling price as determined under the General Ceiling Price Regulation. This pricing method may not be used for any article acquired after February 27, 1951.

[Section 38a added by Amdt. 6]

SEC. 38b. *Alternative pricing methods to avoid having different ceiling prices for units of the same article offered for sale at the same time.* When you have in stock units of the same article [13a] for which you would otherwise have different ceiling prices by the application of Rules 1 to 8, you may determine a single ceiling price for all units of the article offered for sale at any one time by using either of the following methods:

(a) *First-in, first-out (Fifo).* To use the "Fifo" method you proceed as follows:

(1) Determine how many units of the article you have in stock.

(2) Determine, in the following manner, how many units are covered by each of the invoices for that article: If the number of units on hand is less than or equal to the number of units covered by the last (most recent) invoice, all the units on hand are deemed covered by the last invoice; if the number of units on hand is more than the number of units covered by the last invoice, a number of units equivalent to the number of units in the last invoice is deemed covered by the last invoice; the remaining units to the extent that they do not exceed the number in the next-to-the-last invoice are deemed covered by the next-to-the-last invoice; if there are any remaining units, they are deemed covered in the same way by previous invoices, proceeding in order from the more recent to the less recent invoices.

(3) When you have determined how many units of the article in your inventory are covered by the respective invoices you mark all of the units in your inventory at or below the ceiling price based on the earliest invoice until you have sold a quantity equal to the number of units covered by that invoice.

(4) You then mark the balance of the units in your inventory at or below the ceiling price based on your next invoice until you have sold a quantity equal to the number of units on that invoice. You follow the same procedure with each successive invoice in chronological order.

(b) *Averaging of ceiling prices.* This method permits you to sell all units of the same article in stock at the same time at a ceiling price which is the same for all articles in stock.

(1) *First use of averaging.* You find this ceiling price as follows:

(i) Determine how many units of the article you have in stock.

(ii) Determine, in the following manner, how many units are covered by each of the invoices for that article: If the number of units on hand is less than or equal to the number of units covered by the last (most recent) invoice, all the units on hand are deemed covered by the last invoice; if the number of units on hand is more than the number of units covered by the last invoice, a number of units equivalent to the number of units in the last invoice is deemed covered by the last invoice; the remaining units to the extent that they do not exceed the number in the next-to-the-last invoice are deemed covered by the next-to-the-last invoice; if there are any remaining units, they are deemed covered in the same way by previous invoices, proceeding in order from the more recent to the less recent invoices.

(iii) Multiply the number of units covered by each invoice by the ceiling price based on that invoice.

(iv) Add the amounts found in step (iii) and divide the sum by the total number of units in stock. The resulting amount is your new ceiling price.

(2) *Continued use of averaging.* Whenever you receive additional units of the article, you determine a new ceiling price as follows:

[13a] "Same article," as used in this section, is defined in paragraph (c).

(i) Multiply the number of units already in stock by their ceiling price as previously determined.

(ii) Multiply the number of units on the new invoice by the ceiling price based on that invoice.

(iii) Add the results of (i) and (ii) and divide the sum by the total of the units in (i) and (ii). The resulting amount is your new ceiling price.

Example. You have in stock 50 units of an article with a ceiling price of $5.00 each and you receive 75 additional units of the same article with a ceiling price of $4.75 each. You multiply $5.00 by 50 (total $250.00) and $4.75 by 75 (total $356.25). You add the dollar-and-cents amount ($250.00+$356.25=$606.25). You also add the number of units (50+75=125). You divide the dollar-and-cents sum ($606.25) by the number of units (125) to find your new ceiling price ($4.85).

Now assume that you have sold 35 of your 125 units when you receive an additional 60 units of the same article with a ceiling price of $4.95 each. You multiply $4.85 by 90, the number of units in stock (total $436.50) and $4.95 by 60 (total $297.00). You divide the dollar-and-cents sum ($436.50+$297.00=$733.50) by the unit sum (90+60=150) to find your new ceiling price ($4.89).

[Above example corrected by Amdt. 22]

(3) *Changing methods.* After establishing your ceiling prices by this method, you may continue to use it each time you receive additional units of the article or you may segregate the additional units, treat the number of units for which ceiling prices have already been determined under this paragraph as if they were covered by one invoice on the basis of which the ceiling price would be the last average ceiling price, and use either the "Fifo" method or the other methods of pricing provided in this regulation.

(c) *When two articles are the same article under this section.* Two articles are the same article (for the purposes of this section) if they meet all six of the following tests:

(1) They serve the same purpose.

(2) They are made of the same basic materials of equivalent quality and construction.

(3) They consume substantially the same quantities of these basic materials for the same size.

(4) They have the same grade, quality, and type of construction.

(5) They are interchangeable in trade and consumer acceptance.

(6) Retailers of the same class, handling both articles at the same time, in actual practice would customarily have sold both at the same price under the same conditions.

(d) *Record-keeping.* Whenever you use the method of paragraph (a) or (b) of this section, you must record the method used, a reference to the invoices covering the units of the article in stock when you begin to use it, and the number of units covered by each invoice together with the ceiling price based on that invoice. When you receive additional units, you must record the number of each new invoice, the number of units of the article covered by the new invoice, and the ceiling price based on that new invoice. If you use the method of paragraph (b) of this section, you must also keep a record of your computations, showing clearly how you figured your ceiling prices.

[Section 38b added by Amdt. 18]

SEC. 39. *Ceiling prices for new sellers or for sellers who cannot price under other sections of the regulation.* You determine your ceiling prices under sections 39a–39g [13b] if you are a new seller; or if you are unable to establish your ceiling prices pursuant to sections 30–38a; or if you elected to remain under the General Ceiling Price Regulation and thereafter you take on articles in a CPR 7 category and prior to taking on such articles you did not handle any articles in that category pursuant to the General Ceiling Price Regulation.

If you are a chain which prices centrally and uniformly and you are adding a new unit, you use section 39a. If you are a chain which does not price centrally and uniformly and you are adding a new unit, you use section 39b. If you are a seller with a single unit for which you have filed a chart and you wish to add another unit for which you will determine prices centrally and uniformly with your existing unit, you follow section 39c. If you are a seller who had previous experience in handling articles covered by CPR 7 at markups higher than those in Appendix E or related articles at prices which for those articles are higher than those received by the average seller and you wish to open a unit or to add a category handling CPR 7 articles at markups higher than Appendix E, you follow section 39d. In all other instances a seller uses section 39e.

All applications, notifications, and reports required by section 39a through 39g must be signed by the applicant or a duly authorized officer or agent.

[Section 39 amended by Amdts. 3, 6, 9 and 12]

SEC. 39a. *Adding a unit to a chain which prices centrally and uniformly.* A chain or group of stores which constitutes a single seller under section 3 (b) (3), or which has become a chain pursuant to section 39c or pursuant to section 7 of Supplementary Regulation 1 to this regulation, may include in the chain or group any new unit opened by it and may determine prices for sales from that unit pursuant to the chart filed for the chain or group if prior to opening the unit the chain or group sends a notification containing the information described below to its OPS office and receives an acknowledgment thereof from the OPS.

[Above paragraph amended by Amdts. 19 and 22]

(a) *Notification.* The notification must include the following information:

(1) The name of the chain or group and the address of its principal office;

(2) The name and address of the new unit;

(3) The date of opening the new unit; and

(4) A statement:

(i) That central and uniform pricing with other members of the chain or group is to be maintained in the new unit;

(ii) That the new unit will be the same type of operation; will extend the same services; provide the same class of merchandise; and cater to the same class of purchaser, as the units comprising the chain or group immediately prior to January 26, 1951 (or the units comprising the chain created pursuant to section 39c or any unit in the chain created pursuant to section 7 of Supplementary Regulation 1).

(b) *Authorization.* The OPS will acknowledge a notification containing the information set forth in paragraph (a) of this section. Two copies of the acknowledgment of notification will be sent to the applicant, one to be retained in the principal office of the chain and the other to be kept in the new unit for inspection by the OPS.

[Paragraph (b) amended by Amdt. 22]

[Section 39a added by Amdt. 12]

SEC. 39b. *Adding a new unit to a chain which does not price centrally and uniformly.* A chain which does not constitute a single seller under section 3(b) (3) (i. e., a chain which does not price centrally and uniformly), and which is opening a new unit may file an application to use the chart of another unit in the chain to determine ceiling prices for sales from that new unit.

(a) *Application.* The application must be filed with the District Office having jurisdiction over the area in which the unit to be opened will be located and must include:

(1) The name and address of the principal office of the chain;

(2) The name and address of the new unit and date of opening;

(3) A list of the categories proposed to be handled in the new unit;

(4) A statement of the type of supplier from whom merchandise is to be purchased (e. g., wholesalers, distributors, jobbers, manufacturers, etc.);

(5) The name and address of the unit the chart of which is sought to be used and the address of the OPS District Office with which that chart was filed;

(6) The names and addresses of the three (3) closest competitors (if three are available);

(7) Information showing that the unit to be opened and the unit the chart of which is sought to be used will:

(i) Be the same type of operation;

(ii) Extend the same services and provide the same class of merchandise;

(iii) Cater to the same class of purchasers; and

(iv) Be located in similar trading areas and in comparable locations within those trading areas.

(b) *Authorization.* (1) The OPS may, by order, authorize the use of a chart already filed for another unit of the chain if the new unit and the one

[13b] Any seller who prior to December 31, 1951, filed a report or application pursuant to section 39 may apply or report in accordance with sections 39a through 39d inclusive and must add to any report or application otherwise required by these sections a notation that it intends its prior application, report or order to be superseded under whichever one of these sections it applies or reports.

[Footnote 13b amended by Amdt. 22]

whose chart is sought to be used meet the requirements of paragraph (a) (7) above.

(2) If the new unit and the one whose chart is sought to be used do not meet the requirements of paragraph (a) (7) above, the OPS may, by order, authorize the use of the chart of the unit named under paragraph (a) (5) or of another unit of the chain if the chart results in markups in line with or lower than those of the closest competitors, (three (3), if available).

(3) If the new unit is to carry categories not on the chart sought to be used, or if any categories on the chart sought to be used under sub-paragraph (2) of this paragraph have markups in excess of those of competitors, then for such categories the OPS may authorize the use of the chart, if any, for that particular category of some other unit in the chain which would result in markups in line with or lower than those of competitors. The OPS in such case will give you an opportunity to produce such a chart for the particular categories, indicating the acceptable category average for each. Thereafter, if no chart for the particular category is produced, the OPS will authorize the use of a markup for the category in line with those of the competitors.

[Section 39b added by Amdt. 12]

SEC. 39c. *A seller with a single unit who wishes to open another unit and to establish prices for the new unit centrally and uniformly.* A seller who has a single unit and wishes to open a new unit and to establish prices for that new unit centrally and uniformly with the unit for which he has filed a chart may do so if prior to opening the new unit he sends a notification containing the information described below to his OPS office and receives an acknowledgment thereof from OPS.

[Above paragraph amended by Amdts. 19 and 22]

(a) *Notification.* The notification must include the following information:

(1) His name and address and the name and address of the unit for which he has already filed a chart;

(2) The name and address of the unit to be opened;

(3) The proposed date of opening; and

(4) A statement:

(i) That central and uniform pricing is to be maintained in the two units;

(ii) That the new unit will be the same type of operation, will extend the same services, provide the same class of merchandise, and cater to the same class of purchaser as the existing unit.

(b) *Authorization.* The OPS may authorize a seller with one unit to become a chain, centrally and uniformly pricing, if the notification includes the information set forth in paragraph (a) of this section. Two copies of the acknowledgment of notification will be sent to the applicant, one to be retained in the principal office of the chain and the other to be kept in the new unit for inspection by the OPS.

[Paragraph (b) amended by Amdt. 22]

[Section 39c added by Amdt. 12]

SEC. 39d. *A seller who has previous experience and wishes to open a new unit or to add a category.* If you are a seller not covered by sections 39a, 39b or 39c, who has the experience qualifications described in paragraph (a) below, you may use this section when opening a new unit or when adding a category which you are unable to price under prior sections of this regulation. If you are adding a category or opening a new unit under this section, you apply for authorization to use category markups in line with or lower than those of sellers carrying on business most nearly like that in which you propose to use the markups (i. e., with your closest competitors).

(a) *Eligibility.* You may apply for authorization under this section if:

(1) You already own one or more establishments selling articles covered by Ceiling Price Regulation 7 which have ceiling prices higher than those yielded by markups in Appendix E; or

(2) You already own one or more establishments selling articles related to those covered by Ceiling Price Regulation 7 which have ceiling prices which for such articles are higher than the average ceiling prices received by sellers of the articles in the trading area; or

(3) You (if you are an individually owned establishment) or any of the principal stockholders or partners actually engaged in the business or the manager of the business had previous merchandising experience as owner, officer, principal, or employee in an executive or managerial capacity in a business handling articles covered by CPR 7 at prices higher than those yielded by Appendix E markups (or if handling related articles not covered by CPR 7, at prices which for such articles are higher than average). For the purpose of this sub-paragraph, experience for more than a year as a route salesman or door-to-door salesman shall be considered the equivalent of managerial experience in processing applications to establish markups for that type of seller.

[Subparagraph (3) amended by Amdt. 22]

(b) *Application to establish a new unit.* If you are opening a new unit pursuant to this section, your application must be filed with the District Office having jurisdiction over the area in which the unit to be opened will be located and must include:

(1) The name and address of the applicant and proposed name and address of the establishment; the names and addresses of all owners, stockholders, and officers of the business establishment. (Stockholders holding less than 10 percent of the total number of shares of corporations need not be listed.)

(2) Evidence to establish eligibility under paragraph (a) above. If the claim of eligibility is made under paragraph (a) (3), the statement must include the names of persons upon whose past experience the claim for eligibility rests and evidence of such qualifying experience, including the name and address of the store (or stores) in which the experience was gained (if that store is no longer in existence, the name and address of the store which was its closest competitor); and the dates of the periods in which such experience was acquired.

(3) The date or proposed date of opening of the new unit.

(4) A list of categories (identified by the appropriate Appendix B category number) intended to be handled, indicating as to each the category markup requested.

(5) The type of unit the applicant intends to operate (for example, dry goods, furniture, men's furnishings, specialty shop, department store, etc.).

(6) Customer services which will be offered (installment selling, charge accounts, free delivery service, free alterations, etc.).

(7) If applicant is a leased department, the name and address of the prior lessee; if the department was operated by the lessor this should be stated.

(8) The names and addresses of the three (3) closest competitors.

(9) A statement of the types of suppliers from whom merchandise is to be purchased (e.g., wholesalers, distributors, jobbers, manufacturers, etc.).

(c) *Application to add a new category.* If pursuant to this section, you are adding a category which you are unable to price under prior sections of the regulation, your application must be filed with your OPS Office and must include:

(1) Your name and address and the name and address of the unit to which the category is to be added;

(2) The category number and description of the category to be added and the markup requested;

(3) A statement that the category cannot be priced pursuant to the prior sections of the regulation; and

(4) The names and addresses of the three (3) closest competitors handling the category.

[Paragraph (c) amended by Amdt. 19]

(d) *Authorization.* Upon application made pursuant to paragraph (b) or (c) the OPS may, by order, authorize you to use markups for each category in line with (or, if requested, lower than) those of three (3) competitors (if three are available) not exceeding your own past experience as established under paragraph (b) (2) or (c) above.

(e) *Reports of changes in ownership.* Any seller who has received an order authorizing him to establish prices under this section must report to the District Office which granted the order any change in ownership or management occurring subsequent to the filing of the application involving persons named in the application under paragraph (b). However, if the seller is a corporation, only transfers of more than 10 percent of corporate stock to any individual need be reported. The report should include the name of any new owner, partner or principal stockholder or managing officer actually engaged in the business and, of that person replacing the person or persons upon whose experience eligibility was established under paragraph (b) (2) above, a statement of the previous business connections with respect to CPR 7 articles or related commodities which would qualify him.

[Section 39d added by Amdt. 12]

SEC. 39e. *When to use Appendix E markups.* If you cannot determine your ceiling prices under any previous section of this regulation or under section 39f or section 39g, you use Appendix E markups.

(a) *Pricing method.* You find your ceiling price for all articles which must be priced under this section as follows by using the table in Appendix E. On the left side is listed a column of category numbers; opposite each category number is a percentage markup. Find the percentage markup for the category to which the article you are pricing belongs. Multiply the net cost of the article you are pricing by this percentage markup. Add the result so obtained to the net cost of the article. The amount so arrived at is your ceiling price for the article you are pricing.

(b) *Reports.* You may not sell or deliver any article which you are required to price under this section until you have filed whichever of the following reports is applicable with your OPS office:

(1) You must file a statement that you have filed a list date pricing chart (if that is a fact) and a list of the categories you intend to price under paragraph (a) of this section; or

(2) If you have not filed a list date pricing chart, you must file a statement containing the following information:

(i) Your name and address or your proposed name and address and the names and addresses of all owners, stockholders, or officers of the business establishment. (Owners holding less than 10 percent of the total number of shares of corporations preparing this statement need not be listed.)

(ii) The date or the proposed date of the organization of the business establishment.

(iii) A list of the categories which you intend to price under this section.

(iv) The type of store you operate or intend to operate (dry goods, furniture, men's furnishings, specialty shop, etc.).

(v) Customer services which you offer or intend to offer (installment selling, charge accounts, free deliveries, etc.).

(vi) If you are a leased department, the name and address of the prior lessee; if the department was previously operated by the lessor, this should be stated.

[Paragraph (b) amended by Amdt. 22]

(c) *Reduction of Appendix E markups.* If you use Appendix E markups, the OPS may, by order, reduce your markups to bring your markups into line with markups for sellers of the same class.

[Section 39e added by Amdt. 12]

SEC. 39f. *Applications by certain sellers: to sell exclusively in sets (groups of articles) to which services have been added*—(1) *Eligibility.* If prior to your list date, you have been engaged in the business of assembling, packaging, and selling sets (groups of articles) to which you have added services the cost of which is more than 10 percent of the total of the net costs of the constituent articles of the assembled sets, you may apply to your OPS office for a pricing method for the sale of your assembled sets. You must file two (2) copies of an application containing the following information:

(i) Your name and address;

(ii) Date when you entered business:

(iii) Description of manner in which you conduct your business (indicating whether you are a department store, a leased department, a specialty store, or other; cash, installment or other terms; and class of merchandise you handle);

(iv) A list of all sets offered by you for sale on the list date, enumerating for each the articles included in each set, the cost of each set, the cost of each article, the cost of services added by you on each set, and the selling price of each set on the list date; and

(v) Substantiating evidence such as advertisements, catalogs, or prospectuses to show that you sold or offered for sale the sets (listed under (iv)) on the list date.

(2) *Authorization.* Upon application made pursuant to subparagraph (2), the OPS may, by order, permit you to add to the total of the net costs of the constituent articles the cost of the services you provide (packaging, monogramming, etc.) and a markup in line with the level of prices established by this regulation.

[Section 39f amended by Admt. 8; redesignated by Amdt. 12]

SEC. 39g. *Applications by sellers who repair or recondition.* If you do not have a list date pricing chart and you are in or propose to enter the business of regularly buying (or taking in as trade-ins) used or imperfect articles for the purpose of reconditioning them and selling them as reconditioned or repaired, you may apply to your OPS office for a pricing method which will reflect your costs of repairing or reconditioning the articles which you sell. In such a case the OPS may, by order, permit you to add to the ceiling price established under this regulation the actual net cost of reconditioning or repairing the articles which you sell. In no case shall the cost of reconditioning or repairing include a cost greater than that required to restore the article to a factory standard article of the same type.

[Section 39g redesignated by Amdt. 12]

Article IV—Ceiling Prices in Special Cases

SEC. 40. *"Up stream" and "cross stream" sales and sales of "cross stream" articles to ultimate consumers.* If your sales to persons other than ultimate consumers constitute less than 10% of your total sales of articles covered by this regulation you are governed by this regulation as to those sales and your ceiling prices for those sales are computed under this section.

(a) *Ceiling prices for "up stream" sales.* Your ceiling price for a sale of any article covered by this regulation to any person other than an individual ultimate consumer, another retailer, or an industrial, commercial, or institutional user, is the net cost of that article to you.

(b) *Ceiling prices for "cross stream" sales.* (1) Your ceiling price for a sale to another retailer of any article covered by this regulation shall be the sum of the following items:

(i) the net cost of the article to you (which, as defined in Section 31 excludes any freight, OPS adjustment charge or handling charge);

(ii) the incoming freight allocable to that article which you have paid in addition to the net cost;

(iii) the OPS adjustment charge, if any, shown on the invoice received by you;

(iv) the handling charge, if any, which you customarily made when selling articles covered by this regulation to another retailer immediately prior to January 26, 1951. In no event, however, may your handling charge exceed 10 percent of the net cost of the article to you.

You must give to the buyer an invoice which must state separately each item making up your costs as itemized in this subparagraph (1) and, in addition, must contain the following notice:

NOTICE

You must compute the price for resale of the above articles pursuant to section 40 (c) of Ceiling Price Regulation 7.

(2) If you customarily made sales of commodities covered by this regulation to other retailers immediately prior to January 26, 1951, on which you figured your price by granting a specific discount from your retail price, you may continue to make such sales (excepting sales of articles purchased by you from other retailers). On such sales you must furnish the buyer with an invoice, which, in addition to showing your retail price as established by this regulation and the discount you granted, must contain the following notice:

NOTICE OF CEILING PRICE

Under Section 40 of Ceiling Price Regulation 7 you may not sell the above articles to consumers at prices higher than our retail ceiling shown on this invoice.

(c) *Ceiling prices for sales to ultimate consumers of articles purchased from other retailers.* (1) If you purchase articles covered by this regulation from another retailer and pay the seller his costs permitted to him under paragraph (b) (1), you must determine your ceiling price for sales of these articles to ultimate consumers in accordance with the pricing rules of this regulation taking your net cost from your supplier's invoice and excluding all freight, OPS adjustment charge and handling charges.

(2) If you purchase articles covered by this regulation and pay the seller his retail price less a specified discount, you must use as your ceiling price for sales of those articles to ultimate consumers the seller's retail price as stated on his invoice to you.

(d) *Articles acquired by transfer from another seller in the same selling establishment.* If one department or part of the same legal entity acquired an article by a transfer from another part of the same legal entity, the transferee pricing such an article must use as his net cost the net cost determined from the invoice received by the transferor.

The document covering the transfer must show the original invoice cost and must be preserved for inspection by the OPS.

SEC. 41. *Additional and alternative methods provided in supplementary regulations.* Methods of preparing pricing charts and methods of determining

ceiling prices additional or alternative to those specified in this regulation are provided in supplementary regulations as follows:

(a) Special pricing methods for certain chain stores, mail order establishments, departmentalized establishments, and consignor and consignee-outlets are set forth in Supplementary Regulation 1.

(b) Alternative and special methods for preparing list date charts and pricing in certain cases are set forth in Supplementary Regulation 2.

(c) Supplementary Regulation 3 provides the method for establishment of ceiling prices by wholesalers and retailers for certain home canning supplies.

(d) Supplementary Regulation 4 provides a method for the establishment by manufacturers and wholesalers of uniform dollar-and-cent ceiling prices for retail or wholesale and retail sales of certain branded articles.

(e) A method for deleting "unrepresentative" category charts is set forth in Supplementary Regulation 6.

[Section 41 amended by Amdts. 17 and 20]

SEC. 42. *Transfers of business*—(a) *How a transferee fixes his ceiling prices.* This section applies to you if:

(1) After the list date, you purchase or otherwise acquire a substantial part of the business, assets, or stock in trade of any business which sells or sold any articles covered by this regulation at retail; and

(2) You carry on the business or continue to sell at retail articles in any category covered by this regulation and sold by your transferor before the transfer; and

(3) You carry on the business or continue to sell in a store separate from any other store previously owned or operated by you for the sale of such articles at retail. If this section applies to you, your ceiling prices are the same as those which your transferor would have had if the transfer had not taken place (except as provided in paragraph (c) of this section). Your obligation to keep records sufficient to verify such prices shall be the same as if the transfer had not taken place. The transferor must either preserve and make available to you or turn over to you all records of transactions before the transfer which you need to comply with this regulation.

(b) *Filing charts.* If your transferor has not already filed a chart, you must prepare a chart based on his experience on the list date, using the list date which he would have used if no transfer had occurred. If your transferor has filed a chart, you must file a statement showing your business name and address and the date of the transfer. (You must attach a copy of this statement to the chart in your possession.) If the transferor's records are not available to you, you must fix your ceiling prices under section 39.

(c) *Mergers and combinations.* If, after the list date, two or more sellers merge, consolidate, or combine and continue operations as one seller, the seller who continues to operate shall fix his ceiling prices under this regulation on the same basis as that which the seller who had the largest dollar volume of sales of articles covered by this regulation during the 12 months immediately preceding the merger or combination would have had to follow.

SEC. 43. *Uniform dollar-and-cents ceiling prices for certain articles.* A special method of establishing uniform dollar-and-cents ceiling prices for certain branded articles is provided in Supplementary Regulation 4 to this regulation. After March 26, 1952, the provisions of this section 43 as they existed prior to that date shall remain in effect only to the limited extent provided in Supplementary Regulation 4, except that applications for orders filed before December 17, 1951 may be granted until April 1, 1952.

[Section 43 amended by Amdts. 4, 11 and 16]

Article V—General Provisions

SEC. 50. *How to treat taxes.* The ceiling prices determined under the pricing rules in this regulation are your ceiling prices exclusive of tax. If a tax on a particular sale or delivery such as a sales tax or a compensating use tax is imposed and the tax law permits the tax to be separately stated, you may charge or collect the tax on the sale or delivery of the article in addition to the ceiling price fixed under the pricing rules.

[Section 50 amended by Amdt. 6]

SEC. 51. *Marking, tagging or posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless it is marked or tagged with the selling price in a manner plainly visible to, and understandable by, the purchasing public. If, however, you become subject to the regulation after June 30, 1951, as to particular categories, you may not offer or sell any article in those categories after the last date for filing your chart, unless it is marked or tagged in accordance with this section.

[Above paragraph amended by Amdt. 8]

(a) *Marking.* You may mark the selling price on the shelf, bin, rack, or other holder or container upon or in which the article is kept provided all the articles kept on, or in the shelf, bin, rack, holder or container have the same selling price.

(b) *Tagging.* If you do not wish to mark the prices as described in (a) you must mark the selling price on each article itself by writing the price directly on the article or by attaching to the article a tag or ticket stating the selling price.

(c) *Posting.* On and after July 1, 1951, you may not offer or sell any article covered by this regulation unless you post in a prominent and clearly visible position in your store, a sign stating the following:

NOTICE

The prices of merchandise in this store are no higher than the OPS ceiling prices of the articles.

(d) *Rule for mail order establishments.* Mail order establishments must mark their ceiling prices for articles listed in printed price lists which have been printed after the list date in either of the following ways:

(1) State the ceiling price for each article covered by this regulation and listed in the price list, at the place in the publication where the article is listed.

(2) Print on the front cover of each printed price list (or on the front page of any list that has no cover) the following statement:

NOTICE

No price for any article listed or described herein exceeds the ceiling price for that article, as determined under the applicable OPS ceiling price regulation.

SEC. 52. *Records.* The records required by this section must be kept for as long as the Defense Production Act of 1950 remains in effect and for two years thereafter. All such records must be kept at your store, except in the case of certain chain stores for which special record keeping requirements are provided in Supplementary Regulation 1 to this regulation.

(a) *List date records.* You must preserve for inspection by the OPS:

(1) All records which you were required to prepare and preserve pursuant to section 16 (a) (1) and (4) of the General Ceiling Price Regulation [14] relating to articles covered by this regulation;

(2) All records relating to articles covered by this regulation which you were required to prepare and keep pursuant to section 16 (b) of the General Ceiling Price Regulation [14] from January 26, 1951, to the date you begin pricing under this regulation, not later than the date you are required to begin using the pricing rules under section 5 (a) of this regulation;

[Subparagraph (2) amended by Amdts. 1, 4 and 8]

(3) The last invoice which you received before the list date for each kind, style, model, or lot number of the articles offered for sale by you on the list date, and all other invoices which you used in preparing your list date chart; and

(4) All other records and data, such as sales slips, inventory records or work sheets, used by you in preparing your

[14] The pertinent section of the General Ceiling Price Regulation is as follows:

"Sec. 16. *Records.* This section tells you what records you must preserve and what additional records you must prepare.

"(a) *Base period records.*

"(1) You must preserve and keep available for examination by the Director of Price Stabilization those records in your possession showing the prices charged by you for the commodities or services which you delivered or offered to deliver during the base period, and also sufficient records to establish the latest net cost incurred by you prior to the end of the base period in purchasing the commodities (if you are a wholesaler or retailer). • • •

"(4) You must also prepare and preserve a statement of your customary price differentials for terms and conditions of sale and classes of purchasers, which you had in effect during the base period."

[15] The pertinent section follows: "(b) *Current records.* If you sell commodities or services covered by this regulation you must prepare and keep available for examination by the Director of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for the commodities or services. In addition, you must prepare and preserve records indicating clearly, the basis upon which you have determined the ceiling price for any commodities or services not delivered by you or offered for delivery during the base period. If you are a retailer you are required to preserve your purchase invoices and to record thereon both your initial selling price and the section of this regulation under which you have determined your ceiling price."

chart or showing your costs and offering prices on the list date.

(b) *Current records*—(1) *Obtaining and preserving invoices.* On and after the effective date of the regulation or any amendment applicable to you, you must obtain a purchase invoice (or some other record of cost) and preserve the purchase invoices (or other cost record) which you received for all articles covered by this regulation. You must keep these invoices according to some recognized filing system, such as alphabetical, numerical, or chronological order. Upon request of any authorized agent of the OPS, you must let him examine your purchase invoices for any articles covered by this regulation.

[Subparagraph (1) amended by Amdt. 8]

(2) *"Retailing" invoices.* Before selling or offering for sale any article covered by this regulation which is delivered to you on or after the effective date of the regulation or any amendment applicable to you, you must "retail" the invoice, that is, you must mark your first selling price for each article on the invoice covering your purchase of the article, and the number of the section or the pricing rules under this regulation, or the special order or other order under which you figured your ceiling price for the article. The pricing rule and method may be stated merely as "Rule 1" or "Rule 3" or "Rule 6."

If the invoice does not state the quantity of each article, style, model or lot number which it covers, you must also enter the quantity on each invoice.

[Subparagraph (2) amended by Amdt. 8]

(3) *Preserving sales slips.* If you customarily prepared your sales slips in more than one copy, you must preserve for at least six months after delivery a duplicate copy of each sales slip delivered by you pursuant to section 54.

(4) *Listing items in General Category not enumerated in category or on chart.* If you fix ceiling prices for articles in a "general" category (as described in Appendix B) not specifically listed in that category and not offered for sale by you on the list date, you must prepare and preserve with your chart a list of such articles designating as to each the general category in which you placed the item.

SEC. 53. *Records and reports of initial markups or gross margins*—(a) *Records and reports of initial percentage markups*—(1) *Records.*

(i) *Base period records of initial percentage markups.* If you use the so-called "retail method" of accounting, or if you have other records from which the following information can be readily computed, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as department, subdepartment, or store) for which you have such records:

(a) Your initial percentage markup on total purchases (not including opening inventory) for the calendar quarter beginning July 1, 1949 (or if your fiscal quarters begin on some other date, the fiscal quarter beginning nearest to July 1, 1949); and

(b) The corresponding initial percentage markup for each of the subsequent three calendar or fiscal quarters.

[Subdivision (ii) deleted by Amdt. 15]

(2) *Reports.*

(i) *Base period reports of initial percentage markups.* If you have the records required by paragraph (a) (1) (i) above you must prepare two copies of a report labelled "Initial Percentage Markups Report," listing your name and address and the initial percentage markup for each subdivision of your business for which you have such records for the periods described in paragraph (a) (1) (i). You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS.[16]

[Subdivision (ii) deleted by Amdt. 15]

(b) *Records and reports of gross margin*—(1) *Records*—(i) *Base period records of gross margin.* If you do not keep the records described in paragraph (a) (1) (i) above and your annual dollar volume of articles covered by this regulation exceeds $50,000.00 for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949, you must preserve for inspection the data showing for each of the smallest subdivisions of your business (such as department, subdepartment or store) for which you have such records, as follows:

(a) Your quarterly percentage of gross margin for the calendar quarter beginning July 1, 1949 (or if your fiscal quarter begins on some other date, the fiscal quarter beginning nearest to July 1, 1949).

(b) The corresponding percent of gross margin for each of the subsequent three calendar or fiscal quarters.

(c) If you do not have monthly or quarterly records of gross margin your percentage of gross margin for the calendar year 1949 or your fiscal year beginning nearest to June 1, 1949.

"Gross margin" as used in this regulation is found as follows:

Step 1. Add the invoice cost of your beginning inventory for the reporting period and the invoice cost of your total purchases for the reporting period.

Step 2. Subtract the cost of your ending inventory from the total found in Step 1. The result is cost of goods sold.

Step 3. Subtract the cost of goods sold found in Step 2 from your total sales. The result is your dollar gross margin.

Step 4. Divide the dollar gross margin by your total sales. This is your percentage gross margin on sales.

Example: Period—January 1, 1949–December 31, 1949.

Step 1:	
Beginning inventory	$100,000
Total purchases	250,000
Total	350,000
Step 2:	
Ending inventory	−90,000
Cost of goods sold	260,000
Step 3:	
Total sales	395,000
Cost of goods sold	−260,000
Gross dollar margin	135,000

Step 4: 135,000 ÷ 395,000 = 34.2% = Percentage gross margin on sales.

[Subdivision (ii) deleted by Amdt. 15]

[16] This report may be filed on OPS Public Form No. 3, available at OPS district or regional Offices.

[Footnote 16 amended by Amdt. 22]

(2) *Reports*—(i) *Base period reports of gross margin.* If you are covered by paragraph (b) (1) (i) above you must prepare two copies of a report labelled "Gross Margin Report," listing your name and address and the gross margin percentages for each of the subdivisions of your business for which you have such records for the periods described in that paragraph. You must file one copy of this report with your list date chart and keep the other available for inspection by the OPS.[17]

[Subparagraph (2) amended by Amdt. 1; Subdivision (ii) deleted by Amdt. 15]

SEC. 54. *Sales slips.* If you customarily gave your customers a sales slip, receipt, or similar evidence of purchase you must continue to do so. Upon request from a customer, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, a description of each article sold and the price received for it.

SEC. 55. *What acts are prohibited by this regulation.* On and after February 27, 1951, regardless of any contract or other obligation, the following practices are forbidden:

(a) *Charging more than ceiling prices.* You are prohibited from selling or delivering any article at a price higher than the ceiling price permitted by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than ceiling price.* You are prohibited from buying or receiving, in the course of trade or business, any article sold in violation of any of the provisions of this regulation.

(c) *Changing customary terms of sale.* You are prohibited from changing your customary terms, discounts, allowances, or price differentials on sales of articles, if the change results in a higher net price. This includes differentials allowed to cash purchasers by sellers who customarily extend credit.

(d) *Combination sales.* You are prohibited from requiring any purchaser to buy or agree to buy any other article, service, package, or wrapper in connection with the sale or delivery of any article covered by this regulation. Every person is likewise prohibited from making a sale of articles which is conditioned directly or indirectly on the purchase of any other commodity or service. (Sets of articles, however, if designed for sale at a unit price, and so purchased by you, may be sold at a unit price; matched groupings of furniture articles (covered by categories 701–752) may also be sold at a unit price as suites or sets, if all the articles in the groupings were produced by the same manufacturer; and sets priced pursuant to section 39 (c) may be sold at a unit price.)

[Paragraph (d) amended by Amdt. 13]

(e) *Indirect price increases.* You are prohibited from doing any other act which directly or indirectly increases, above the ceiling price, the consideration paid for any article or delivery of any article, or, for the purposes of evading the price limitations set forth in this

[17] This report may be filed on OPS Public Form No. 3, available at OPS district or regional offices.

[Footnote 17 amended by Amdt. 22]

"Director of Price Stabilization". This

regulation, to purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with you. You shall not do any other act which directly or indirectly increases the consideration paid for any article. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright sale above the ceiling price.

(f) *Attempts to violate.* Every person is prohibited from agreeing, offering, soliciting, or attempting to do any of the acts prohibited by this regulation.

(g) *Changing delivery practices.* It shall not be deemed a violation of this section for a retailer to discontinue a practice of delivering parcels which are sufficiently small and light in weight to be carried in hand from the store by the purchaser.

[Paragraph (g) added by Amdt. 21]

SEC. 56. *Enforcement.* Any person who violates any provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for damages, provided by the Defense Production Act of 1950.

SEC. 57. *Petitions to amend this regulation.* Any person may file a petition for an amendment of general applicability to any provision of this regulation in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 58. *Supplementary regulations modifying this regulation.* The provisions of this regulation, as applied to certain commodities or persons subject to this regulation, may be modified by Supplementary Regulations issued under this section.

SEC. 59. *Definitions:*

"Accommodation sale" means a sale made entirely without profit, solely for the benefit or convenience of the purchaser. For example, a sale by an employer to his employees, or by a school to its students—and not for the purpose of promoting trade is an accommodation sale. It does not include sales by cooperative, nonprofit, or other organizations which make sales initially above cost, but later give refunds, bonuses, dividends, or other allowances to purchasers.

"Buy and sell in substantially the same form." An article is bought and sold in substantially the same form if the article which you sell belongs to the same category as the article you bought and, except as provided in section 38 and section 39 (d) (pricing of repaired or reconditioned articles) if, before offering it for sale you have not added to the article you sell, materials which cost you more than 10 percent of the net cost (as defined in section 31) of the original article.

"Consignor" means a person subject to this regulation who sells articles to ultimate consumers through outlets the ownership of which is not in the same legal entity as his own and who retains title to such articles until the articles are sold to ultimate consumers. The words "consignment," "sale on consignment," "purchase on consignment," "consignment outlet" and "consignee" shall be construed accordingly.

APPENDIX A

EXAMPLES OF A LIST DATE PRICING CHART

(a) Men's Furnishings Department List Date Pricing Chart

Men's Furnishings Department (Dept. No. 21) in Chain Store (Statement of Total Store Volume Filed Separately)

ABC Department Store, 123 Maine Street, New City, Kansas

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 116, Underwear and Nightwear (Sleeping Shorts).	$0.32 (4.00, 3/10 EOM, per dozen)..	$0.49	63.1	#12345 ABC Underwear Co., 2/1/51 (boy's undershirt).
	$0.34 (4.25, 3/10 EOM, per dozen)..	.59	73.5	#23456 XYZ Underwear Co., 2/5/51 (Man's undershirt).
	$0.36 (4.50, 3/10 EOM, per dozen)..	.59	63.9	#34567 CBA Underwear Co., 12/15/50 (man's undershirt).
Average percentage markup 70.9%.	$0.44 (5.50, 3/10 EOM, per dozen)..	.79M	79.5	#45678 ZYX Underwear Co., 10/8/50 man's undershort).
	$0.46 (5.75, 3/10 EOM, per dozen)..	.79	71.7	#56789 ABC Underwear Co., 11/10/50 (man's undershort).
	$0.49 (6.00, 3/10 EOM, per dozen)..	.79	61.2	#67890 XYZ Underwear Co., 1/18/51 (boy's undershort).
	$0.57 (7.00, 3/10 EOM, per dozen)..	1.00	75.4	#54321 ABC Underwear Co., 1/15/51 (T Shirt).
	$0.58 (7.00, net, per dozen).....	1.00	72.4	#65432 ZYX Underwear Co., 2/6/51 (man's undershort).
	$0.77 (9.50, 3/10 EOM, per dozen)..	1.39	80.5	#76543 ABC Underwear Co., 1/26/51 (man's union suit)
	$0.85 (10.50, 3/10 EOM, per dozen)..	1.49	75.3	#87654 ABC Underwear Co., 12/19/50 (boy's union suit).
	$1.01 (12.50, 3/10 EOM, per dozen)..	1.69U	67.3	#98765 XY Underwear Co., 2/14/51 (boy's union suit).
	$1.82 (22.50, 3/10 EOM, per dozen)..	2.98	63.7	#13579 MNO Pajama Co., 1/17/51 (man's sleeping shirt).
	$2.43 (30.00, 3/10 EOM, per dozen). (4.50)	3.98R	63.8	#35791 MNO Pajama Co., 12/19/50 (man's pajama).
	$2.79 (34.50, 3/10 EOM per dozen)..	4.98	78.5	#57913 MNO Pajama Co. 12/28/50 (man's pajama).
	$2.88 (34.50 net, per dozen).....	4.98	72.9	#79135 S. & L. Pajama Co., 2/5/51 (man's pajama).
	[Category 116 amended by Amdt. 1]			
Category 117, Shirts..	$1.21 (15.00, 3/10 EOM, per dozen)..	1.98	63.6	#91357 Ace Shirt Co., 1/17/51 (man's business shirt).
Average percentage markup, 67%.	$1.25 (15.50, 3/10 EOM, per dozen)..	1.98	58.4	#97531 Excellent Shirt Co., 1/9/51 (boy's business shirt).
	$1.38 (16.50 net, per dozen).....	($2.25)	63.0	#75319 Top Shirt Co. 12/20/50 (man's business shirt).
		2.50	.....	#53197 Ace Shirt Co., 1/4/51 (man's business shirt).
	$1.82 (22.50, 3/10 EOM, per dozen)..	2.98M	63.7	#31975 Ace Shirt Co., 12/6/50 (man's business shirt).
	$1.64 (24.00, 3/10 EOM, per dozen)..	3.50	80.4	#19753 Top Shirt Co., 12/18/50 (man's business shirt).
	$3.64 (3.75, 3/10 EOM).....	($5.98)	63.5	#24680 Sportswear, Inc., 1/24/51 (boy's sport shirt).
		6.95	.....	#46802 X Sport Shirts, Inc. 2/8/51 (man's sport shirt).
	$5.34 (5.50, 3/10 EOM).....	7.95	.....	#68024 Sportswear, Inc. 2/9/51 (man's sport shirt).
	[Category 117 amended by Amdt. 1]	($5.95)	67.6	#80246 X Sport Shirts, Inc., 1/11/50 (man's sport shirt).
Category 118, hosiery.	$0.22 (2.75, 3/10 EOM, per dozen)..	.35	59.1	#23451 E. & F. Hosiery Co., 1/3/51 (anklets).
Average percentage markup, 63.7%.	$0.24 (3.00, 3/10 EOM, per dozen)..	.39	62.5	#34512 Stockings, Inc., 2/2/51 (boy's socks).
	$0.25 (3.00, 2/10 EOM, per dozen)..	.39	56.0	#45123 G. & H. Hosiery Mills 2/5/51 (men's socks).
	$0.30 (3.75, 3/10 EOM, per dozen)..	.49	63.3	#51234 E. & F. Hosiery Co., 12/11/50 (men's socks).
	$0.34 (4.25, 3/10 EOM, per dozen)..	.59	73.5	#45215 Stockings, Inc. 12/20/50 (sweat socks).
Category 119, handkerchiefs, scarves, mufflers, (neckerchiefs).	$0.10 (1.25, 3/10 EOM, per dozen)..	.15	50.0	#94326 Handkerchiefs, Inc., 2/2/51 (handkerchiefs).
	$0.12 (1.50, 3/10 EOM, per dozen)..	.19M	58.3	#45170 P. & Q. Handkerchief Co., 1/10/51 (handkerchiefs).
	$0.14 (1.75 3/10 EOM, per dozen)..	.25	78.6	#16201 Smith Handkerchief Co., 10/18/50 (handkerchiefs E.
Average percentage markup 85.5%.	$0.15 (1.85, 3/10 EOM, per dozen)..	.25	66.7	#24920 Handkerchief Inc., 11/11/50 (handkerchief).
	$0.53 (6.50, 3/10 EOM, per dozen)..	1.00	88.7	#15890 M & S Knitting Co., 2/2/51 (scarf).
	$0.55 (6.75, 3/10 EOM, per dozen)..	1.00	81.8	#16641 T & U Mills, Inc., 2/3/51 (scarf).
	$0.57 (7.00, 3/10 EOM, per dozen)..	1.00	75.4	#15642 Jones Company, 12/19/50 (neckerchief).
	$1.09 (13.50, 3/10 EOM, per dozen)..	2.00	83.5	#17750 T & U Mills, Inc., 12/19/50 (scarf).
	$1.21 (15.00, 3/10 EOM, per dozen)..	($2.00)	65.3	#19143 R. & S. Knitting Co., 2/3/51 (scarf).
		2.50	.....	#15936 Jones Co., 2/6/51 (scarf).
	$1.25 (15.00 net, per dozen).....	2.50	100.0	#18706 T & U Mills, Inc., 2/10/50 (scarf).
	[Category 119 amended by Amdt. 1]			
Category 120, Ties (Tie and handkerchief set).	$0.52 (6.75, 7/10 EOM, per dozen)..	1.00	92.3	#32154 J.K.L. Neckwear Co., 12/12/50 (bow tie).
	$0.54 (7.00, 7/10 EOM, per dozen)..	1.00	85.3	#21543 Ties, Inc., 1/16/51 (four-in-hand tie).
Average percentage, markup 92.3%.	$0.75 (9.50, 7/10 EOM, per dozen)..	1.50U	102.7	#15432 J.K.L. Neckwear Co., 2/6/51 (bow tie).
	$0.81 (10.50, 7/10 EOM, per dozen)..	1.50	85.2	#34152 Fashion Neckwear, 2/7/51 (four-in-hand tie).
	$1.04 (13.50, 7/10 EOM, per dozen)..	2.00	90.8	#78251 Ties, Inc., 12/18/50 (four-in-hand tie).
	$1.16 (15.00, 7/10 EOM, per dozen)..	($2.00)	72.4	#64790 J.K.L. Neckwear Co., 1/4/51 (ascot tie).
		2.50	.....	#72195 Ties Inc., 1/17/51 (four-in-hand handkerchief set).

APPENDIX A—Continued

EXAMPLES OF A LIST DATE PRICING CHART

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 122, Gloves and mittens.	$1.70 (21.00, 3/10 EOM, per dozen)..	$2.98	75.3	#12660 Superior Gloves, 11/6/50 (leather glove).
	$1.82 (22.50, 3/10 EOM, per dozen). (3.50)	2.98R	63.7	#10660 Brown Knitting Co., 2/2/51 (crocheted glove).
Average percentage markup, 71.4%.	$2.18 (27.00, 3/10 EOM, per dozen)..	3.98	82.6	#18605 Green Mills Inc., 11/21/50 (wool lined gloves).
	$2.43 (30.00, 3/10 EOM, per dozen)..	3.98	63.8	#18031 Superior Gloves, 2/9/51 (leather glove).

*Based on sales to cash customers.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: ABC DEPARTMENT STORE, DEPARTMENT 21,
By: JOHN DOE, *Dept. Head.*

[Category 122 amended by Amdt. 1]

(b) Furniture Store—List Date Pricing Chart for Store including Freight in determining Markups

L.M Furniture Co., 1115 Massachusetts Ave., Barre, Vermont

[Type of store—independent furniture store. Total retail sales 100,000-299,000]

Category (1)	Net cost (per unit) (2) (Freight)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoices (5)
Category 701, Wood bedroom suites.	$32.34 (33.00, 2/10) 3.10.....	$56.85	75.8	F. C. Mfg. Co., #1134, 1/2/51 (3 pc. maple).
	$39.20 (40.00, 2/10) 3.50.....	66.45	69.5	K. F. Furniture Co., #6910, 11/12/50 (3 pc. walnut veneer).
	$41.16 (42.00, 2/30) 3.60.....	70.60	71.5	C. B. Furniture Co., #7315, 12/18/50 (3 pc. maple).
Average percentage markup 76.1%.	$47.04 (48.00, 2/10) 5.50.....	($82.00)	78.6	K. F. Furniture Co., #6910, 1/14/51 (3 pc. walnut veneer).
	6.00.....	92.00	.....	T. H. Jones Co., #142, 11/17/50 (5 pc. maple).
	$55.00 (net).....	95.00	72.7	S. W. Mfg. Co., #23691, 1/25/51 (3 pc. mahogany).
	$61.74 (63.00, 2/10) no freight.....	109.60	76.6	T. Smith Industries Inc., #29, 1/5/51 (5 pc. walnut veneer).
	$63.70 (65.00, 2/10) 7.40..... (110.60)	111.60R	75.2	A. B. Bedroom Co., #4210, 1/15/51 (3 pc. mahogany).
	$96.00 (100.00, 2/30) 6.00.....	173.60	76.5	XY Mfg. Co., #25496, 2/5/51.
	$103.88 (106.00, 2/10) 7.50.....	181.50	74.7	S. A. Mfg. Co., #54691, 10/12/50 (5 pc. mahogany).
	$151.99 (159.50, 5/10) 11.15.....	267.85	76.3	H. M. Co., #4569, 10/9/50 (7 pc. bleached mahogany).

Signed: L. M. FURNITURE COMPANY,
By: CHARLES COE, *President.*

[Category 701 amended by Amdt. 1]

(c) Furniture Store—List Date Pricing Chart for Store not including Freight in determining Markups

XY Furniture Co., 1010 Pennsylvania Ave., Rutland, Vermont

[Type of store—independent furniture store. Total retail sales 300,000-499,000]

Category (1)	Net cost (per unit) (2)	Offering price (per unit)* (3)	Percentage markup on cost (4)	Supporting invoice (5)
Category 709, Upholstered chairs and rockers.	$4.50 (net).....	$7.95	76.7	Brown Furniture Company #6789, 2/2/51 (occasional).
	$6.37 (6.50, 2/10).....	10.95	71.9	Smith Furniture Company #1234, 12/18/50 (occasional).
Average percentage markup 82.9%.	$8.33 (8.50, 2/10).....	14.95	79.5	Jones Mfg. Co., #2345, 9/13/50 (maple).
	$11.27 (11.50, 2/10).....	19.95M	77.0	Brown Furniture Co., #6789, 10/24/50 (lounge).
	$13.72 (14.00, 2/30).....	24.95	81.9	Brown Furniture Co., #6789, 1/17/51 (lounge).
	$16.17 (16.50, 2/15).....	29.50	82.4	Northern Furniture Co., #10123, 12/6/50 (rocking).
	$17.15 (17.50, 2/10).....	29.50	.....	Smith Furniture Co., #9213, 10/14/50 (barrell).
		($32.50)	89.5	L. & W. Chair Co., #3435, 1/12/51 (wing chair).
	$21.00 (22.00, 2/10).....	39.50	88.2	Brown Furniture Co., #5910, 1/30/51 (channel back).
	$24.01 (24.50, 2/10).....	44.50	85.3	Northern Mfg. Co., #5724, 9/21/50 (platform rocker).
	$32.34 (33.00, 2/10).....	59.50U	84.0	L. & W. Chair Company, #2478, 10/10/50 (club).
	$37.24 (38.00, 2/10).....	69.50	86.6	Smith Furniture Company, #9533, 2/7/51 (barrel).
	$38.00 net.....	69.50	82.9	Upholstered Furniture Co., 2/2/51, #4025 (channel back).
	$43.12 (44.00, 2/10).....	79.50	84.4	W. K. Sales Company, #251, 10/11/50 (wing).

*These prices are for sales to customers who pay cash. Credit sales made on basis of additional charge of 6% per annum of unpaid balance.

Percentage markups on offering prices may be listed if so labeled in this column.

Signed: XY FURNITURE COMPANY,
By: RICHARD ROE, *President.*

[Above definition added by Amdt. 17]

"Director of Price Stabilization." This term extends to any official (including officials of regional or district offices) to whom the Director of Price Stabilization by order delegates the function, power or authority referred to in this regulation.

[Above definition amended by Amdt. 22]

"Mail order establishment" means a person who regularly makes deliveries by mail to individual ultimate consumers in response to orders received by mail on the basis of catalogs, booklets, circulars, flyers or other forms of printed price lists.

"Office of Price Stabilization." Wherever the Office of Price Stabilization (OPS) is referred to in connection with some action to be taken it means action by the Director of Price Stabilization.

"Person." A person includes an individual, corporation, partnership, association or other organized groups of persons, legal successor or representative of any of the foregoing and includes the United States, any agent thereof, any other government, or any of its subdivisions, and any agency of the foregoing.

"Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution or individual consumer) or for purchasers located in different areas or for purchasers of different quantities or grades or under different conditions of sale.

"Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

"Sale at retail" or *"retailer."* "Selling at retail" means a sale or selling to an ultimate consumer (including an industrial or commercial user) of an article which you buy and sell in substantially the same form. A seller who in the regular course of business makes sales at retail is a retailer.

"Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly. Nothing in this regulation shall be construed to prohibit the making of a contract to sell an article at a price not to exceed the ceiling price at the time of delivery.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.
By JOSEPH L. DWYER,
Recording Secretary.

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APPENDIX B

What Commodities Are Covered by This Regulation

This appendix describes the articles covered by this regulation. These articles are grouped into "categories," each of which is given a number in this appendix. Paragraph (A) lists some categories of apparel and apparel accessories. Paragraph (B) lists the categories of piece goods and certain household textile commodities covered. Paragraph (C) lists the categories of certain consumer durable goods covered. Paragraph (D) lists women's, misses', teens', girls' and toddlers' apparel.

Each category is intended to be a "general" category unless designated as "specific" category. A "specific" category is one which includes only the articles that are specifically listed for that category. A "general" category is one which includes not only the articles that are specifically listed for that category but also all other related articles that fall within the general category description and are not listed in any other category in this appendix. In making your chart you must include in a "general" category all the articles listed in that category; you must include in addition all other related articles that fall within the general description and are not listed in any other category.

If you buy together at a unit price two or more articles (unless the combination is listed in a particular category) place the combination in the category of the article which bears the greatest percentage of the cost price of the combination.

(A) *Categories of Apparel and Apparel Accessories*

(1) Masculine Apparel and Apparel Accessories.

Certain categories are for men only and certain ones for boys only. There are some categories that apply to both men and boys apparel, and some categories which apply to men, women and children. No categories include sizes commonly known as toddlers' or infants'.

Category 101—Men's Tailored Topcoats and Overcoats

This category does not include any military or civilian uniform overcoats, topcoats, raincoats or other coats covered by categories 105, 105A, 106, 107. Among the articles included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats, and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 102—Men's Suits and Sport Coats

This category does not include any garments covered by categories 104, 105, 105A, 106 and sport and utility heavy outerwear covered by Category 107. Among the garments included are:

Tailored suits made of cotton, rayon, wool, or other fibres, or of mixtures.
Separate tailored sport coats.

Category 103—Men's Trousers and Related Items

This category does not include any staple work clothing or any garments covered by categories 105, 105A, 106, 107. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants and jodhpurs.
Knickers and walking shorts.
Vests made of woven cloth.

Category 104—Men's Slack Suits

Category 105—Men's Civilian Uniforms

Among the garments included are:

Uniform suits (such as conductors', chauffeurs', policemen's, firemen's, bands, military schools, etc.).
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 105A—Men's Overalls, including Bib and Dungarees, and Overall Jackets

Category 105b—Men's Work Shirts, Work Pants and Match Sets, including Work Uniforms

Category 105C—Men's Work Accessories, including gloves, bandannas, hosiery, caps and hats (including straw) which are used primarily as work or farm hats

Category 105D—Men's One-piece Work Suits and Men's Smocks

Category 106—Men's U. S. Regulation Military Uniforms

Suits, topcoats and overcoats.
Fingertip length coats and rain and reversible coats of all lengths.
Separate jackets, middies, and blouses made in the manner commonly used for jackets.
Separate trousers, breeches, and tropical shorts.

Category 107—Men's Sports and Utility Heavy Outerwear

Sport and loafer jackets and non-tailored coats except water repellent jackets and sleeveless styles.
Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Ski and skating jackets and pants.

Category 107A—Hunting and Fishing Apparel (Men, Women and Children)

Cotton shell coats, jackets and vests (lined and unlined).
Hunting and fishing coats, jackets, breeches, vests and caps.

Category 107B—Men's Raincoats and Water Repellent Garments

Jackets, such as water repellent poplin.
Non-tailored raincoats, rain caps and hats.
Suits.
Pants.
Overalls.
Aprons.
Vests.
Leggings.

Category 108—Juvenile and Boy's Topcoats and Overcoats, sizes 3 to 10 and 6 to 16.

This category does not include uniform overcoats and topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 108A—Topcoats and Overcoats, Cadets' sizes 10 to 20 and Students'

This category does not include uniform overcoats or topcoats covered by Categories 111, 112, 112A. Among the garments included are:

Tailored topcoats and overcoats.
Tailored fingertip-length coats and tailored rain and reversible coats of all lengths.
Detachable coat linings.

Category 109—Juvenile and Boys' Suits and Sport Coats Sizes 3 to 10 and 6 to 16

This category does not include any garments covered by Categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool, or other fibres or of mixtures.
Separate tailored sport coats.

Category 109A—Suits and Sport Coats, Cadets' sizes 10 to 20 and students'

This category does not include any garment covered by categories 111, 112, 112A. Among the garments included are:

Tailored suits, including tailored sport suits made of cotton, rayon, wool or other fibres or of mixtures.
Separate tailored sport coats.

Category 110—Juvenile and Boys' Trousers and Related Items, Sizes 3 to 10 and 6 to 16

This category does not include any staple work clothing covered by category 111 or any garments covered by Categories 111, 112 and 112A. Among the garments included are:

Separate trousers, pants, and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 110A—Trousers and Related Items, Cadets' sizes 10 to 20 and Students

This category does not include any staple work clothing covered by 111A or any garment covered by Categories 111, 112, 112A.

Separate trousers, pants and slacks.
Breeches, riding pants, and jodhpurs.
Knickers and outer shorts.
Vests made of woven cloth.

Category 111—Boys' Civilian Uniforms

Uniform suits (such as messenger boys', ushers', bellhops', busboys', boy scouts', etc.
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 111A—Boys' Work Clothes

This includes dungarees, coveralls, overalls and similar garments:

Work suits.
Work shirts.

[Title of Category 111A amended by Amdt. 13]

Category 112—Boys' Sport and Utility Heavy Outerwear

Leather coats and jackets.
Combination leather and fabric coats and jackets.
Wool coats and jackets made of woven cloth (such as mackinaws, parkas, loafer coats, swagger coats, melton jackets).
Sport and loafer jackets and non-tailored sport coats except water repellent types.
Ski and skating jackets and pants.
Snow suits, legging sets and separate leggings.

Category 112A—Boys' Raincoats and Water Repellent Garments

This category includes:

Jackets such as water repellent poplin.
Non-tailored raincoats.
Caps, hats.
Suits, jackets, pants, overalls, aprons, vests, and leggings.

Category 113—Boys' Play Clothes

Slack suits.
Play suits and play clothes.
Wash suits.
Cowboys', soldiers', sailors', firemen's and related suits.

[Title of Category 113 amended by Amdt. 13]

Category 114—Men's and Boys' Bathing Wear

Bathing suits and trunks.

Category 115—Men's and Boys' Sweaters

This category includes all knitted outerwear and garments combined of knitted and other fabrics. Among the garments included are:

Sweaters.
Sweater vests.
Sweater coats.
Knitted pull-overs.
Knitted cardigans.

Category 116—Men's and Boys' Underwear and Nightwear

This category includes all underwear and nightwear garments made of either knitted or woven fabrics. Among the garments included are:

Union suits.
Shorts, drawers, and briefs.
Undershirts and T shirts.
Pajamas.
Nightshirts and sleeping coats.

Category 117—Men's and Boys' Shirts

This category includes all types of shirts made from all fabrics, except that it does not include any staple work shirts which are covered by Categories 105B and 111A. It includes military shirts. Among the garments included are:

Dress shirts.
Neck-band shirts.
Collar-attached shirts.
Business shirts.
Sport shirts.
Polo and basque shirts.
Boys' blouses.
Sweat shirts.

Category 118—Men's and Boys' Hosiery

This category includes:

Regular length socks.
Golf socks.
Slack socks.
Crew or sweat socks.
Work socks.
Anklets.
Full length stockings.

Category 119—Men's and Boys' Handkerchiefs, Scarves, and Mufflers

Among the articles included are:

Pocket handkerchiefs.
Sport handkerchiefs.
Fancy handkerchiefs.
Woolen mufflers and scarves.
Knitted mufflers and scarves.

Category 120—Men's and Boys' Neckties

Among the articles included are:

Bow ties.
Four-in-hand ties.
Cravats.
Ascot ties.

Category 121—Men's and Boys' Sundries

The articles included are:

Suspenders, garters, and arm bands.
Belts.
Separate collars.
Spats.
Men's Wallets.

[Category 121 amended by Amdt. 1]

Category 122—Men's and Boys' Gloves and Mittens

This category does not include any staple work gloves or athletic gloves covered by categories 105C and 351.

Among the articles included are:

Gloves.
Mittens.

Category 123—Men's and Boys' Hats (other than Straws)

This category does not include any military or civilian uniform hats and caps covered by Categories 105, 105C, 106 and 111, or hats and caps covered by Categories 107B and 112A. It includes:

Hats and caps.
Helmets.
Hoods.
Ear muffs.

Category 123A—Men's and Boys' Straw Hats

This is a "specific" category. It covers all types of summer straw hats, except those

covered by Category 105C. It includes soft styles and stiff styles that are made of woven straw, grass fibres or any imitation thereof and any combination of these materials with any other material.

Category 124—Men's and Boys' Lounging Wear

Among the garments included are:

Bathrobes, beach robes, beach coats, and dressing gowns.
Smoking jackets and coats.
Cocktail and lounging jackets and coats.

(2) Feminine Apparel and Apparel Accessories.

NOTE: Categories 201 to 206 include apparel only in women's, misses', and juniors' size ranges. These are called "women's" categories.

Categories 207 to 209 include apparel only in teen age, girls', children's, and toddlers' size ranges. These are called "children's" categories

Categories 210 to 218 include feminine apparel and accessories in all size ranges except infants' size ranges. These are called "women's and children's" categories:

Coats.
Suits.
Dresses.
Jackets.
Skirts.
Blouses.
Slacks.
Ski Suits.

To price these articles refer to Group 4, Women's, Teen's, Children's and Toddlers' Ready to Wear Categories 1001 through 1030.

Category 201—Women's Sportswear and Beachwear

This category does not include items covered by Category 405—Women's and Growing Girls' Shoes.

Among the articles included are:

Shorts, culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Bathing suits.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing and shower caps.
Sweat shirts.

[Category 201 amended by Amdt. 13]

Category 202—Women's Knitted Outerwear

This category does not include garments which are covered by Categories 1006, 1007, 1010, 1011, 1011A, 1014 and 1017.

Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.

Category 203—Women's Rainwear

This category does not include uniform rainwear covered by Category 205 or any garment which does not have as its chief use protection against rain. (Excluded are garments covered by Categories 1001, 1002, 1003 and 1014.)

Among the garments included are:

Raincoats.
Raincapes
Rain jackets.
Rain hats.
Rain hoods.

Category 204—Women's Foundation Garments

Among the articles included are:

Corsets, girdles, and corselettes.
Brassieres.
Garters and garter belts.
Sanitary belts and aprons.
Combinations or all-in-ones.
Supports.
Leg shields.
Bust forms.
Bust developing and slenderizing appliances.

Category 205—Women's Military Uniforms

This is a "specific" category. It includes uniforms for all the armed services and the Red Cross. The articles covered are:

Coats, capes, and suits.
Separate uniform jackets and skirts.
Uniform blouses.
Uniform dresses.
Uniform hats and caps.
Uniform slacks.
Raincoats and capes and rain hats and hoods.

Category 206—Women's and Girls' Civilian Uniforms and Washable Service Apparel

Among the garments included are:

Uniforms (such as elevator operators', usherettes', nurses', waitresses', maids', messengers', beauticians', laundry workers', etc.) and separate parts of uniforms.
Uniform coats and capes.
Uniform dresses.
Uniform blouses.
Uniform hats and caps.
Uniform slacks and overalls.
Uniform aprons.
Separate uniform jackets and skirts.
Work and shop aprons, frocks, dresses, brunch coats, smocks, gowns, jackets, coats, slacks, coveralls, hats, caps, work gloves, etc.
All other aprons and hooverettes.

Category 207—Children's Sportswear and Beachwear

Among the articles included are:

Shorts and culottes and pedal pushers.
Playsuits, sunsuits, and halters.
Polo shirts and basque shirts.
Beach coats, robes, and capes.
Beach pajamas.
Beach bags.
Bathing caps.
Sweat shirts.
Bathing suits.

Category 208—Children's Knitted Outerwear

This category does not include garments which are covered in categories 1005, 1009, 1013, 1016, 1019. Among the garments included are:

Sweaters, sweater coats, jackets, and cardigans.
Jerkins and vestees.
Dresses, skirts, and suits.
Knitted coats and legging sets.

Category 209—Children's Rainwear

This category excludes any garment which does not have as its chief use protection against rain. (Such garments are covered by categories 1005 and 1006.) Among the garments included are:

Raincoats.
Raincapes.
Rain jackets.
Rain hats.
Rain hoods.

Category 210—Women's and Children's Riding Wear and Jackets

Among the garments included are:

All riding breeches and jodhpurs.
All plastic and all leather and imitation leather coats, windbreakers, jackets and vests.

Category 211—Women's and Children's Woven Underwear and Nightwear

Among the garments included are:

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.

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Category 212—Men's and Boys' Robes and Housecoats

Among the articles included are:

Robes.
Housecoats.
Dressing gowns.
Lounging jackets.

Category 213—Men's and Boys' Pajamas

Category 214—Men's and Boys' Work Clothing

Among the articles included are:

Work suits.
Work shirts.
Work pants.
Overalls.
Aprons.
Vests.
Leggings.

Category 215—Men's and Boys' Service Apparel

Among the articles included are:

Uniform suits (such as messenger boys', ushers', bellhops', busboys', boy scouts', etc.
Uniform overcoats and topcoats.
Uniform jackets.
Uniform trousers.
Uniform hats and caps.

Category 216—Men's and Boys' Washable Suits

Among the articles included are:

Suits.
Jackets.
Pants.
Vests.

Category 217—Men's and Boys' Washable Outerwear

Among the articles included are:

Jackets.
Vests.
Coats.

Category 218—Men's and Boys' Washable Shirts

Among the articles included are:

Dress shirts.
Neck-band shirts.
Collar-attached shirts.
Business shirts.
Sport shirts.
Polo and basque shirts.
Boys' blouses.
Sweat shirts.

(B) *Piece Goods and Certain Household Textile Commodities*

Category 301—Cotton Broadwoven Fabrics

Category 302—Rayon and Other Manmade Fiber Broadwoven Fabrics

Category 303—Silk Broadwoven Fabrics

Category 304—Wool Broadwoven Fabrics

Category 305—Linen and Other Broadwoven Fabrics

Category 306—Knitted Fabrics

Category 307—Narrow Fabrics

Category 308—Lace and Other Embroidered Fabrics

Category 309—Pile Fabrics

Category 310—Blankets

Category 311—Sheets and Pillowcases

Category 312—Towels

Category 313—Curtains and Draperies

Category 314—Tablecloths and Napkins

Category 315—Bedspreads and Quilts

Category 316—Other Household Textile Commodities

(C) *Certain Consumer Durable Goods*

Category 401—Furniture

Category 402—Floor Coverings

Category 403—Refrigerators

Category 404—Other Major Household Appliances

Category 405—Women's and Growing Girls' Shoes

Category 406—Men's and Boys' Shoes

Category 407—Infants' and Children's Shoes

(D) *Women's, Misses', Teens', Girls' and Toddlers' Apparel*

Category 1001—Women's Coats

Category 1002—Women's Suits

Category 1003—Women's Dresses

Category 1004—Women's Skirts

Category 1005—Women's Blouses

Category 1006—Women's Sweaters

Category 1007—Women's Jackets

Category 1008—Women's Slacks

Category 1009—Women's Knitted Outerwear

Category 1010—Women's Knitted Dresses

Category 1011—Women's Knitted Suits

Category 1011A—Women's Knitted Skirts

Category 1012—Women's Ski Suits

Category 1013—Women's Sportswear

Category 1014—Women's Rainwear

Category 1015—Women's Uniforms

Category 1016—Women's Beachwear

Category 1017—Women's Robes and Housecoats

Category 1018—Women's Foundation Garments

Category 1019—Women's Underwear and Nightwear

Category 1020—Women's Hosiery

Category 1021—Women's Headwear

Category 1022—Women's Gloves and Mittens

Category 1023—Women's Neckwear

Category 1024—Women's Handkerchiefs

Category 1025—Women's Scarves

Category 1026—Women's Shawls and Stoles

Category 1027—Women's Belts

Category 1028—Women's Sundries

Category 1029—Women's Costume Jewelry

Category 1030—Women's Costume Accessories

Category 1031—Misses' Coats

Category 1032—Misses' Suits

Category 1033—Misses' Dresses

Category 1034—Misses' Skirts

Category 1035—Misses' Blouses

Category 1036—Misses' Sweaters

Category 1037—Misses' Jackets

Category 1038—Misses' Slacks

Category 1039—Misses' Knitted Outerwear

Category 1040—Misses' Knitted Dresses

Category 1041—Misses' Knitted Suits

Category 1041A—Misses' Knitted Skirts

Category 1042—Misses' Ski Suits

Category 1043—Misses' Sportswear

Category 1044—Misses' Rainwear

Category 1045—Misses' Uniforms

Category 1046—Misses' Beachwear

Category 1047—Misses' Robes and Housecoats

Category 1048—Misses' Foundation Garments

Category 1049—Misses' Underwear and Nightwear

Category 1050—Misses' Hosiery

Category 1051—Misses' Headwear

Category 1052—Misses' Gloves and Mittens

Category 1053—Misses' Neckwear

Category 1054—Misses' Handkerchiefs

Category 1055—Misses' Scarves

Category 1056—Misses' Shawls and Stoles

Category 1057—Misses' Belts

Category 1058—Misses' Sundries

Category 1059—Misses' Costume Jewelry

Category 1060—Misses' Costume Accessories

Category 1061—Teens' Coats

Category 1062—Teens' Suits

Category 1063—Teens' Dresses

Category 1064—Teens' Skirts

Category 1065—Teens' Blouses

Category 1066—Teens' Sweaters

Category 1067—Teens' Jackets

Category 1068—Teens' Slacks

Category 1069—Teens' Knitted Outerwear

Category 1070—Teens' Knitted Dresses

Category 1071—Teens' Knitted Suits

Category 1071A—Teens' Knitted Skirts

Category 1072—Teens' Ski Suits

Category 1073—Teens' Sportswear

Category 1074—Teens' Rainwear

Category 1075—Teens' Uniforms

Category 1076—Teens' Beachwear

Category 1077—Teens' Robes and Housecoats

Category 1078—Teens' Foundation Garments

Category 1079—Teens' Underwear and Nightwear

Category 1080—Teens' Hosiery

Category 1081—Teens' Headwear

Category 1082—Teens' Gloves and Mittens

Category 1083—Teens' Neckwear

Category 1084—Teens' Handkerchiefs

Category 1085—Teens' Scarves

Category 1086—Teens' Shawls and Stoles

Category 1087—Teens' Belts

Category 1088—Teens' Sundries

Category 1089—Teens' Costume Jewelry

Category 1090—Teens' Costume Accessories

Category 1091—Girls' Coats

Category 1092—Girls' Suits

Category 1093—Girls' Dresses

Category 1094—Girls' Skirts

Category 1095—Girls' Blouses

Category 1096—Girls' Sweaters

Category 1097—Girls' Jackets

Category 1098—Girls' Slacks

Category 1099—Girls' Knitted Outerwear

Category 1100—Girls' Knitted Dresses

Category 1101—Girls' Knitted Suits

Category 1101A—Girls' Knitted Skirts

Category 1102—Girls' Ski Suits

Category 1103—Girls' Sportswear

Category 1104—Girls' Rainwear

Category 1105—Girls' Uniforms

Category 1106—Girls' Beachwear

Category 1107—Girls' Robes and Housecoats

Category 1108—Girls' Underwear and Nightwear

Category 1109—Girls' Hosiery

Category 1110—Girls' Headwear

Category 1111—Girls' Gloves and Mittens

Category 1112—Girls' Neckwear

Category 1113—Girls' Handkerchiefs

Category 1114—Girls' Scarves

Category 1115—Girls' Shawls and Stoles

Category 1116—Girls' Belts

Category 1117—Girls' Sundries

Category 1118—Girls' Costume Jewelry

Category 1119—Girls' Costume Accessories

Category 1120—Toddlers' Coats

Category 1121—Toddlers' Suits

Category 1122—Toddlers' Dresses

Category 1123—Toddlers' Skirts

Category 1124—Toddlers' Blouses

Category 1125—Toddlers' Sweaters

Category 1126—Toddlers' Jackets

Category 1127—Toddlers' Slacks

Category 1128—Toddlers' Knitted Outerwear

Category 1129—Toddlers' Knitted Dresses

Category 1130—Toddlers' Knitted Suits

Category 1130A—Toddlers' Knitted Skirts

Category 1131—Toddlers' Ski Suits

Category 1132—Toddlers' Sportswear

Category 1133—Toddlers' Rainwear

Category 1134—Toddlers' Uniforms

Category 1135—Toddlers' Beachwear

Category 1136—Toddlers' Robes and Housecoats

Category 1137—Toddlers' Underwear and Nightwear

Category 1138—Toddlers' Hosiery

Category 1139—Toddlers' Headwear

Category 1140—Toddlers' Gloves and Mittens

Category 1141—Toddlers' Neckwear

Category 1142—Toddlers' Handkerchiefs

Category 1143—Toddlers' Scarves

Category 1144—Toddlers' Shawls and Stoles

Category 1145—Toddlers' Belts

Category 1146—Toddlers' Sundries

Category 1147—Toddlers' Costume Jewelry

Category 1148—Toddlers' Costume Accessories

Nightgowns.
Bed jackets and shoulderettes.

Category 211A—Women's and Children's Knitted Underwear and Nightwear

Union suits and combinations.
Undershirts and vests.
Bloomers, panties and briefs, drawers, and step-ins.
Slips and petticoats.
Chemises and camisoles.
Dance sets.
Sleeping pajamas and sleepers.
Nightgowns.
Bed jackets and shoulderettes.

Category 212—Women's and Children's Lounging Wear

It includes garments made from both woven and knitted fabrics. Among the garments included are:

Housecoats.
Negligees and bathrobes.
Dressing gowns and lounging robes.
Hostess gowns.
Lounging or hostess tunics and slacks.
Cocktail coats.
Lounging pajamas.

Category 212—Women's and Chaldren's Hosiery

Among the articles included are:

Full length stockings.
Knee length stockings and socks.
Other socks.
Anklets.
Peds and sockettes.
Bed socks and foot warmers.

Category 214—Women's and Children's Millinery

Among the articles included are:

Hats. Bonnets.
Berets. Bridal veils.

Category 215—Women's and Children's Gloves and Mittens

This category does not include any work gloves which are covered by category 206 or any athletic gloves covered by category 351. Among the articles included are:

Gloves.
Mittens.
Mitts.
Appliances to hold gloves to handbags.

Category 216—Women's and Children's Handkerchiefs and Related Items

This category includes:

Pocket handkerchiefs.
Fancy handkerchiefs.
Evening handkerchiefs.
Sport handkerchiefs.

Category 217—Women's and Children's Neckwear and Related Items

This category includes:

Artificial flowers or ornaments for hair, dresses or coats, scarves and kerchiefs.
Dickies, vestees, gilets, and bigs.
Collars, cuffs, and collar and cuff sets.
Fascinators, parkas, and babushkas.
Ties.
Ruchings and edgings.
Blousettes.

Category 218—Women's and Children's Handbags

This category does not include items covered by Category 201—Women's Sportswear and Beachwear.

This category includes:

Handbags, purses, and pocketbooks.
Muff bags.
Belts.
Wallets, keyholders, etc.
Appliance to attach handbag to a table.

[Category 218 amended by Amdt. 13]

(3) Infants' Apparel and Accessories

NOTE: Categories 301–307 include apparel in infants' size ranges for both sexes and accessories designed for use by infants.

Category 301—Infants' Coats, Snowsuits, and Leggings

This category includes garments made of either knitted or woven fabric, or made of leather, plastic, or other materials. Among the articles included are:

Coats and coat sets.
Snowsuits and snowsuit sets.
Separate leggings.

Category 302—Infants' Knitted and Crocheted Outerwear

This category does not include any knitted coats, snowsuits, or leggings. Among the articles included are:

Sweaters, sweater sets, and knitted suits.
Jackets. Shawls and scarves.
Mittens and gloves. Booties.

Category 303—Toddlers' Woven Outerwear

This category does not include any coats, snowsuits, or leggings.
Among the articles included are:

Rompers, creepers, and crawlers.
Sunsuits and playsuits.
Dresses and wash suits.
Overalls (long and short).
Woven jackets.

Category 304—Infants' Headwear

This category includes all crocheted, knitted, and woven hats. Among the articles included are:

Hats. Caps.
Bonnets. Hoods.

Category 305—Infants' Dresses, Underwear and Nightwear

Among the articles included in this category are:

Panties.
Gowns and sleepers.
Kimonos, wrappers, and bath robes.
Sacques.
Dresses, slips and gertrudes.
Training pants and training suits.
Socks, stockings, and anklets.
Bands.
Soakers.
Plastic or rubber lined diapers and diaper protectors.

[Category 305 amended by Amdt. 1]

Category 306—Infants' Bedding and Related Items

This category includes:

Tick or sateen covered pillows.
Crib sheets, pillow cases, and blankets.
Other infants' blankets.
Rubber sheets.
Pads (including pads for cribs, high chairs, play pens, baskets, bassinets, and nursery floor pads).
Diaper bags.
Buntings and carriage suits.
Infants' towels and wash cloths.
Mattress pads and similar quilted pads.

Category 306A—Diapers

This category includes diapers of birds eye, cheese cloth, and all other materials, including disposable types.

Category 307—Miscellaneous Infants' Items

This category does not include any article that can be priced under categories 308, 309 and 310. Among the articles included are:

Carriage covers.
Blanket covers.
Infants' quilts.
Bibs.
Crib and carriage spreads.
Fancy pillows.
Trimmed baskets and bassinets.

Category 308—Infants' Metal and Wood Wheel Goods and Other Metal Goods

Some of the items included in this category are:

Strollers.
Walkers.
Collapsible carriages.
Swings.
Automobile and carrying baskets.

[Category 308 corrected by Amdt. 13]

Category 309—Infants' Staple Accessories

Among the items included in this category are:

Staple notions.
Infant toiletries.
Bottles and nipples.
Reed and metal hampers.
Diaper pails.
Untrimmed baskets (except metal covered by category 308).

Category 310—Infants' Novelties

Included in this category are such items usually designated as gifts. Some of the items included are:

Comb and brush sets.
Record books.
Baby scales.
Bottle warmers.
Bottle sterilizers.
Food dishes.
Rattles.
Teethers.
Ear conformers.
Thumb guards.
Safety straps.

(4) Masculine and Feminine Apparel

NOTE: Categories 351–353 include apparel and accessories for men and women and girls and boys in all size ranges except infants' size ranges.

Category 351—Athletic Clothing and Accessories

Among the articles included in this category are:

All athletic uniforms (such as baseball, softball, football, basketball, and related suits and separate parts of suits).
Gym, track, and related suits.
Colored warm-up suits.
Tennis, boxing, track, and related shorts.
Bloomers (for girls and women).
Abdominal, athletic, ankle, and similar supporters.
Special athletic hose (such as baseball and football hose).
Knee, shoulder, chest, hip, and similar pads, guards, and protectors.
Athletic gloves.

Category 352—Umbrellas and Canes

This is a "specific" category. The articles covered are:

Umbrellas.
Parasols and sunshades.
Umbrella cases and separate umbrella covers.
Canes.

Category 353—Miscellaneous Clothing

Among the garments included in this category are:

Costumes.
Regalia.
Baptismal suits.
Ecclesiastical vestments and habits.
Academic gowns.
All other related garments.

(5) Footwear

NOTE: Categories 401–410 include footwear of all descriptions and in all sizes for both sexes, including corrective footwear.

Category 401—Men's Dress Shoes

Street shoes.
Sport shoes.
Evening pumps and shoes.
High top street shoes.
Low-cut shoes or oxfords, other than work oxfords.
Sandals, casuals, and moccasins for outdoor wear.

Category 402—Men's Work Shoes

This does not include shoes priced under category 402A, 402B and 410. Among the shoes included are:

High top work shoes.
Low-cut oxford type work shoes.
Logger boots, utility cowboy boots, and men's high-cut laced boots.
Shearling or felt shoes (other than slippers).

Category 402A—Overshoes for Men, Women and Children

This category does not include any shoes in category 402B; it does include:

Rubbers.
Rubber boots.
Rubber overshoes.
Similar articles made of plastic or other materials.

Category 402B—Men's, Women's and Children's Rubber-Soled Canvas Shoes

This category includes all shoes commonly known as tennis shoes or sneakers.

Category 403—Little Gents', Youths' and Boys' Shoes

Among the shoes included are:

Street shoes.
Sport shoes.
High top shoes.
Low-cut shoes or oxfords.
Sandals, casuals, and moccasins for outdoor wear.
Work shoes.

Category 405—Women's and Growing Girls' Shoes

This category does not include any shoes covered by 402A, 402B or 409 or any safety shoes covered by category 410. Among the shoes included are:

Street shoes.
Sport shoes
Evening slippers.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Beach shoes, clogs, and sandals.
Play shoes.
Stadium boots.

Category 406—Misses' and Children's Shoes

This category does not include any shoes covered by Category 402A, 402B, 409 and 410. It includes shoes in sizes only up to and including size 3. Among the shoes included are:

Street shoes.
Pumps and step-ins.
Strap shoes.
Ties and oxfords.
High top shoes.
Sandals, casuals, and moccasins for outdoor wear.
Play shoes.

Category 407—Infants' Shoes

Among the shoes included are:

Soft-soled shoes.
Hard-soled shoes.
Sandals.
High top shoes.
Strap shoes.
Ties or oxfords.

Category 408—Men's, Women's and Children's and Infants' House Slippers

This category includes house shoes and slippers made of all materials in all size ranges and for both sexes. Not included are footwarmers covered in Category 213. Among the shoes and slippers included are:

Bedroom slippers.
House slippers.
Mules.
Scuffs.
Hard-soled house shoes and slippers.
Soft-soled house shoes and slippers.
Romeos.
Pullman slippers.
Juliets.
Lounging shoes and slippers for indoor wear.
Moccasins for indoor wear.
Leather and other fabric soles with knitted socks attached.

Category 409—Men's, Women's and Children's Athletic Shoes

This category includes shoes in all size ranges and for both sexes. Among the shoes included are:

Baseball, basketball, football, soccer, track, tennis, and related athletic shoes.
Gym shoes.
Spiked Golf shoes.
Golfing shoes.
Skating shoes.
Boxing shoes.
Ski boots.
Riding boots and jodhpur boots.

Category 410—Men's, Women's and Children's Safety Shoes

This category includes safety shoes for both men and women. Among the shoes included are:

Shoes having steel box toes.
Industrial protective footwear.

(B) *Categories of Household Textile Commodities, Drapery Hardware, Certain Yard Goods, Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.*

[Above title amended by Amdt. 8]

(1) Certain Household Textile Commodities and Certain Yard Goods

Category 501—Bed Linens

This is a "specific" category. It does not include any crib sheets, pillow cases, or rubber sheets, pillow cases covered by category 306, or rubber sheets covered by category 505. It includes articles made of all types of fabrics. The articles covered are:

Bed sheets.
Pillow slips and cases.

Category 502—Blankets and Electric Blankets

This category does not include any infants' or crib blankets covered by categories 306 and 307. Among the articles included are:

Electric blankets.
Blankets.
Blanketing and blanket robe cloth.
Auto robes.
Steamer rugs.
Afghans and throws.

Category 502A—Quilts

This category does not include any infants' or crib quilts covered by categories 306 and 307. Among the articles included are:

Comforts.
Quilts.

Category 502B—Spreads

This category does not include any infants' or crib spreads covered by categories 306 and 307. Among the articles included are:

Chenille spreads.
Woven spreads.
Ready-made spreads of all fabrics.
Matching ensembles of a spread and window drape.

Category 502C—Bed Pillows

This category includes all bed pillows regardless of cover and contents, except that it does not include any infants' or crib pillows covered by categories 306 and 307. Among the articles included are:

Feather pillows. Cotton pillows.
Kapok pillows. Rubber pillows.

Category 503—Bath and Kitchen Linens and Accessories

This category does not include any infants' towels or wash cloths covered by category 306. It includes articles as listed below whose value has not been enhanced by printing, hemstitching, embroidery or other embellishment.

Turkish or terry cloth towels, towel sets, and toweling.
Huck towels, towel sets, and toweling.
Kitchen towels and toweling.
All other towels and toweling.
Wash cloths.
Dish cloths.
Bath mats, not covered by category 803A.

Category 504—Fancy Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Fancy linens other than bed linens.
Dresser sets.
Scarves and runners.
All towels not covered by category 503.

Category 504A—Staple Table and Household Linens

In this category are items made of woven materials, plastics, cork, etc., whose value has not been enhanced by printing, embroidery, hemstitching, or other embellishments. Among the articles included are:

Table cloths.
Woven table cloth material.
Napkins.
Table cloth and napkin sets.
Table pads and padding.
Bridge sets.
Doilies and doily sets.
Place mats and luncheon sets.
Fancy linens other than bed linens.
Dresser sets.
Scarves and runners.

Category 505—Domestics

Among the articles covered are:

Sheeting materials, bleached and unbleached, narrow and wide width.
Pillow covers.
Mattress covers.
Ticks and ticking.
Batts and batting.
Blanket covers and quilt covers.
Waterproofed sheets and sheeting.
Bed pads.
Duck and khaki.

Category 506—Curtains and Drapes

Among the articles in this category are:

Window and door curtains.
Ready-made draperies.
Kitchen curtains and cottage sets.

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Category 506A—Ready-Made Slip Covers (for Chairs, Sofas, Studio Couches, etc.)

Among the articles in this category are:
Slip covers of all fabrics.
Knitted slip covers.
Woven slip covers.
Plastic slip covers.

Category 506B—Shower Curtains and Drapes

Included in this category are items made of all materials including plastics:

Shower curtains.
Matching window drapes, not covered by Category 506.
Sets or combinations of the above.

Category 507—Curtain, Drapery, and Upholstery Fabrics

Included in this category are the following:
Curtain fabrics.
Drapery fabrics.
Upholstery fabrics.
Slip-cover fabrics.
Drapery lining and interlining.

Category 508—Drapery Hardware

This category includes all articles made of metal, plastic, or other hard materials designed to make possible the hanging of curtains or drapes, or to improve the appearance of the curtains or drapes or the opening to which the drapery or curtain is attached. Among the items included are:

Solid and extending rods.
Traverse rods and track.
Hooks.
Tie-backs.
Cornices.
Poles.
Pulls.
Traverse cords.
Chains.
Traverse pulleys.
Pleaters.

Category 509—Window Shades and Venetian Blinds

In this category are included:
Window shades of paper.
Window shades of cloth.
Window shades of other materials.
Window shades of shade cloth.
Shade rollers.
All types of Venetian blinds (wood, metal, paperboard or any other material).

Category 510—Outdoor Shades and Awnings

In this category are included all types of rigid, roll-up and other styles used outside of windows and doors or on porches. Included are:

Canvas awnings and shades.
Metal awnings.
Bamboo shades.

(2) Certain Yard Goods

Category 601—White and Solid Colored Cottons, Linens and Plastics

This category covers all cotton yard goods, linens and plastic yard goods of all weaves and constructions that are either all white or a solid color unless otherwise covered by Categories 502, 503, 503A, 505, 507 and 607. This category also covers all yard goods that contain 50% or more by weight of cotton, linen or plastic and less than 25% by weight of wool. Some of the items included are:

Cheesecloth.
Nainsooks.
Batistes.
Dimities.
Lawns.
Combed muslins.
Organdies.
Percales.
Broadcloths.
Flannelettes.
Corduroy and velveteen.
Terrycloth for apparel.
Denims.
Linings.
Sateens.
Handkerchief linens.
Dress linens.
Jerseys.
Solid colored cotton suitings.

Category 602—Fancy Yard Goods (Cottons, Linens, Plastics)

This category includes all types of yard goods described in Category 601 but which have printed, embroidered or woven patterns in different colors or other embellishments. Some of the items included are:

Nainsooks.
Embroidered batiste.
Dimities.
Lawns.
Combed muslins.
Organdies.
Printed percales.
Striped flannelettes.
Corduroy and velveteen.
Terrycloth for apparel.
Denims.
Linings, sateens.
Handkerchief linens.
Dress linens.
Woven ginghams.
Dotted Swisses.
Jacquards.
Matelasses.

Category 603—All Wool Yard Goods Costing Over $2.45 Net Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 603A—All Wool Yard Goods Costing $2.45 Net or Less Per Yard

This category does not include any blanketing covered by category 502 or drapery or upholstery fabrics covered by category 507. It includes all woolen and worsted yard goods, woven or knitted of yarns containing 25 percent or more by weight of wool fibers. Any yard goods having less than 25 percent wool are to be priced in the category that governs the yarn which by weight forms the greatest percentage of the total contents. Among the fabrics included are:

Woven woolen and worsted yard goods.
Knitted woolen and worsted yard goods.

Category 605—Solid Color Rayon, Silk, and Synthetic Fiber Yard Goods, Pile Fabrics and Mixtures

This category includes all types and weaves of woven and knitted fabrics made of these yarns or mixtures of more than 50 percent of weight of these yarns combined with cottons, linens and plastics. Excluded are fabrics covered by categories 601, 603A, 605A and 606. Among the fabrics included are:

Flat crepes.
Surface interest crepes.
Taffeta.
Bengaline.
Satin.
Faille.
Jersey.
Romain.
Alpaca.
Spun types and flannel.
Butcher Rayon.
Shantung.
Gabardine.
Suitings.
Synthetic and silk corduroys.
Transparent velvet.

Category 605A—Fancy Rayon, Silk, and Synthetic Fiber Goods, Pile Fabrics and Mixtures

This category includes all types of yard goods described in category 605 but which have printed or embroidered patterns or patterns woven in different color or any other embellishment. Jacquards and matelasse are included.

Category 606—Sheers, Lace, Net, and Miscellaneous Fancy Fabrics

This category includes woven, knitted, and crocheted fabrics. Included are:

Marquisette, chiffon, georgette, nets, made of cotton, rayon, nylon, or other synthetic fiber.
Burnt sheers made of rayon or nylon.
Organdies made of rayon or nylon.
Velvaray made of rayon or nylon.
Embroidered sheers of all above types.
Laces (35" and wider).
Tulle, maline, tarlatan.

Category 607—Coated Fabrics

Oil cloth.
Rubberized fabrics.
Pyroxylin coated fabrics.

(3) Hand Knitting Yarn and Crochet Thread, Laces and Trimmings, and Ribbons.

Category 610—Hand Knitting Yarn and Crochet Thread.

Category 615—Laces and Trimmings.
Examples of articles included are:

Laces up to 35" wide (See Category 606 for width 35" or over).
Val lace.
Venice lace.
Irish crochet.
Alencon.
Frogs, fringes, braids.
Plumes and feather trimmings.
Veils and veiling.
Fur fabric trimming.

[Category 615 amended by Amdt. 13]

Category 620—Ribbons.

The articles included are ribbons of all materials and all widths.

[Subparagraph (3) added by Amdt. 8]

(C) *Categories of Consumer Durable Goods and Related Articles*

[Headnote (C) amended by Amdt. 2]

(1) Household furniture.

Category 701—Bedroom Suites and Open Stock Pieces

Wood and metal bedroom suites and open stock bedroom pieces including:

Beds.
Chest of drawers.
Dressers.
Night tables.
Vanities.
Vanity benches.
Wardrobes.
Chiffoniers.

Category 703—All Other Metal and Wood Beds and Bedroom Pieces That You Did Not Buy Matched with a Bed and At Least One Other Piece to Make a Three-Piece Ensemble Possible

Among the pieces included are:

Individual beds.
Vanities.
Chest of drawers.
Dressers.
Vanity benches.
Night tables.
Chiffoniers.

Category 704—Boudoir Chairs

Furniture distinguished by its construction and coverings as intended for use in bedrooms including:

Boudoir chairs and rockers.
Chaise longues.
Ottomans.

Category 705—Cedar Chests

This category includes any wood finished cedar or cedar-lined chests.

Category 706—Dining Room Suites and Open-Stock Pieces

This category includes wood dining-room suites, dinette suites, and all open stock of dining room and dinette pieces:

Dining and dinette tables.
Buffets.
Credenzas.
Chairs.
Cabinets.
Servers.
China closets.
Cupboards.
Hutches.

Category 706A—Metal Dinette Suites and Separate Pieces

All metal tables or metal combined with any other material, for example, metal legs with wood tops and suites containing tables:

Chairs, all metal or metal combined with other materials. All metal dinette pieces including tables, buffets, credenzas, chairs, cabinets, servers, china closets, cupboards, hutches, and benches.

Category 708—Individual Pieces of Dining-room Furniture

Pieces not bought as matched sets (a table, chairs, and at least one other article) which are commonly offered as individual pieces:

Chairs.
China cabinets.
Buffets.
Tables.
Benches.
Cupboards.
Cabinets.
Servers.
Hutches.

Category 709—Chairs and Rockers

All wood chairs, all over-stuffed chairs, all upholstered or combination type including those known as pull-up, occasional, and desk chairs. This category includes chaise longues and ottomans. It does not include dining room and dinette chairs, boudoir chairs, kitchen or bathroom chairs or chairs in Categories 717 and 717A.

Category 710—Upholstered Suites, Sofas and Love Seats

This category includes suites containing a sofa or love seat and one or more matching chairs. Does not include any sofa or suite in Categories 717 and 717A.

Category 712—Upholstered Dual Purpose Sleeping Equipment

This category includes upholstered sofabeds, single and double studio couches, love seats, chairs, davenports, etc., which open into beds and a suite of these articles with one or more chairs.

Category 713—Living-Room Tables of All Types

This category includes cocktail, end, coffee, gate-leg, lamp, drop-leaf, etc., tables made of wood, glass, plastic, etc., non-folding rigid bridge tables and complete rigid bridge sets.

Category 714—Desks, Secretaries and Break-Fronts

Category 715—Living-Room Novelty Pieces

This category includes smokers, cellarets, magazine racks, bookcases, record cabinets, sewing cabinets, telephone sets, costumers and stools, portable and stationary bars, bar stools and bar benches.

Category 716—Kitchen and Utility Cabinets, Kitchen Tables, Chairs and Stools

This category includes kitchen cabinets of all kinds, kitchen tables, kitchen chairs, kitchen stools, utility cabinets, kitchen step stools, electric roaster base cabinets, sink cabinet bases without plumbing, storage hampers, bath room stools and chairs.

Category 717—Furniture for Outdoor Use and Bridge Tables

Included in this category are all items that may be used outdoors.

This category includes porch and lawn furniture, whether made of wood, metal, reed fiber, rattan or any combination of these. Included here are chairs, rockers, tables, settees, garden and beach umbrellas, gliders, swings, garden umbrella sets, collapsible folding chairs, Adirondack chairs, rustic chairs, etc., all folding bridge tables, folding bridge chairs, and combinations of bridge tables and chairs.

Category 717A—Sun Parlor Furniture

Suites and individual pieces made of wood, metal, reed, fiber, rattan or any combination of these whether upholstered or not but which cannot remain outdoors without damage; also suites and pieces made of wood including oak, maple or other wood usually displayed with wood fronts. Included are:

Chairs.
Tables.
Sofas.
Settees.
Chaise longues.

Category 718—Juvenile Furniture

This category includes all articles of infants', nursery, and youths' furniture. Among these are:

Bassinets.
Cribs.
Play yards.
Porch gates.
Chests.
Dressers.
Chifforobes.
High chairs.
Bathinettes.
Nursery seats.
Juvenile tables.
Chairs.
Rockers, etc.

Category 719—Unfinished Furniture

This category includes all unfinished furniture such as unfinished kitchen sets, tables and chairs, bookcases, chests, dressers, beds, magazine racks, record cabinets, etc. A coat of shellac, varnish or other surface covering material merely to prevent soiling of this furniture does not remove it from this category.

Category 720—Pictures and Mirrors

Included in this category are all framed and unframed pictures and mirrors.

(2) Bedding

These categories do not cover household textile commodities such as sheets, pillow cases, mattress protectors, blankets, comforters, etc., which are included in Paragraph (b) of this appendix, nor pillows.

Category 751—Mattresses, Springs, Mattress Pads, and Headboards

This category includes mattresses, springs, box springs, mattress pads, rubber mattresses, upholstered and non-upholstered headboards of all types and materials. It also includes box springs on legs, set combinations of a matching mattress and box spring on legs, headboard sets (consisting of a headboard and box spring with or without a mattress), etc.

Category 752—Wood and Metal Cots

This category includes folding and non-folding cots of all kinds and any combination set consisting of a cot and mattress or mattress pad.

(3) Floor coverings and certain wall covering

All floor coverings are included in these categories.

[Category 752 amended by Amdt. 1]

Category 801—Soft Surface Carpeting by the Yard and Rugs Made of This Carpeting

This category includes all kinds of carpeting made of cotton (except those covered in category 803A and 803C), wool, jute, rayon, or other fibers or any combination of these materials, which is sold on the basis of the price per yard or square yard and is to be cut from the bolt. Also all rugs made of this carpeting cut from the bolt in all sizes.

Category 802—Soft Surface Larger Rugs

This category includes all kinds of rugs, 4' x 6' or larger, made of cotton (except those covered by category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which you buy on the basis of the price per rug.

Category 803—Soft Surface Smaller Rugs

This category includes all kinds of rugs smaller than 4' x 6', made of cotton (except those covered by Category 803A or 803C), wool, jute, rayon, or other fibers or any combination of these materials, which are sold on the basis of the price per rug. This does not include any rug in Category 803A or 803C.

[Category 803 amended by Amdt. 22]

Category 803A—String and Chenille Cotton Rugs

All string rugs.
Looped pile.
Cut pile.
Chenille rugs. Also bolt materials of the above descriptions.
Rugs and toilet lid cover sets.
Separate toilet lid covers.

Category 803B—American, Chinese or Japanese Hooked Rugs of all Sizes (if not imported by seller)

This category also includes numdah type rugs.
Animal skin rugs.

Category 803C—Miscellaneous Floor Covering and Linings

This category includes all yard goods and rugs not covered by Categories 803, 803A, 803B. Included are: rugs made of rags, braid, waste, felted materials, cocoa and other door mats, stair pads, carpet pads, padding and carpet paper. Also included are rugs and tiles made of grass, fiber, etc., most frequently designated as summer rugs.

Category 803D—Genuine Oriental Rugs

Included are rugs of all sizes commonly known as Genuine or Real Orientals that are not imported by you.

Category 804—Hard Surface Floor Covering

This category includes all kinds of hard surface floor covering and wall covering, inlaid linoleum, felt base linoleum, rubber and plastic sold by square yard from bolts; also tiles of linoleum, rubber, asphalt, plastic, etc., sold by square foot, square yard or by tile.

Category 805—Hard Surface Rugs

This category includes all kinds of hard surface floor covering (linoleum, felt base, etc.), which is bought by you on the basis of the price per rug.

(4) Lamps and Lamp Shades

Category 851—Floor Lamps

This category includes floor lamps, reflector lamps, bridge lamps, etc., of all types and materials.

Category 852—Table and Desk Lamps costing over $2.94.

The price of $2.94 is net cost to you f. o. b. factory and includes packing charges. This category includes all lamps not priced under categories 851 and 852A.

Category 852A—Table and Desk Lamps costing $2.94 and under

The price of $2.94 is net cost f. o. b. factory and includes package charges. This category includes all lamps not priced under categories 851 and 852.

Category 854—Lamp Shades and Covers

This category covers lamp shades of all types, sizes and materials and all styles of lamp shade covers.

(5) *Categories of Musical Instruments*

Category 860—Pianos, Electric Organs and Electronic Attachments for Pianos or Organs

This is a "specific" category.

Category 861—Other Musical Instruments

This category includes all musical instruments other than those in Category 860. Including but not limited to the following:

Strings
- Violins
- Violas
- 'Cellos
- Double Basses
- Mandolin
- Guitar

Wood Winds
- Clarinets
- Saxophones
- Oboes
- Bassoons
- English Horns
- Flutes
- Piccolos

Brasses
- Trumpets
- Cornets

Brasses—Con.
- Trombones
- Baritones
- Basses
- Sousaphones
- French Horns

Percussion
- Drums (kettle, bass, and snare)
- Drummers' accessories such as gourds, cymbals, and maracas

Miscellaneous
- Harps
- Marimbas
- Xylophones

(6) Radios

Category 871—Table Radios

Category 872—Portable Radios

Category 873—Table Radio-Phonograph Combinations

Category 874—Amateur or Communications Type Short-Wave Table Radios

Category 875—Console and Consolette Radios

Category 876—Console Radio-Phonograph Combinations, with a net cost of less than $225

Category 877—All types of radios and radio-phonograph combinations (custom cabinet, etc.) with a net cost of $225 or more

Category 878—Radio Replacement Parts

(7) Television Sets and Television Accessories

Category 880—Table Television Sets

Category 881—Console Television Sets up to and Including 16" Picture Tube

Category 882—Console Television Sets, 17" Picture Tube and Larger

Category 883—All Television Combinations

Examples: Television-Radio Combinations
Television-Radio-Phonograph Combinations

Category 884—Television Antennae, Boosters, Accessories, Replacement Parts

(8) Phonographs and Recorders

Combinations are covered by categories 873, 876, 877, and 883.

Category 890—Record Player Attachments with a net cost of less than $17

Category 891—Record Player Attachments with a net cost of $17 and over

Category 892—Portable Phonographs and Separate Phonographs

Category 893—Magnetic Recorders, Tape or Wire (not including office equipment for recording correspondence)

Category 894—Phonograph Records (all types)

Category 895—Tape and Wire for Magnetic Recording

(9) Housewares

Categories 901 to 908 include certain houseware categories similar to those found in the housewares department of a department store or the housewares section of a hardware store. Kitchen furniture which is covered by categories 706 and 706A is not included in these categories. Category 908, a single category, covers 20 classifications of housewares.

Category 901—Household Cleaning Brushes

This category includes all types of household cleaning brushes. Excluded are personal brushes such as toilet brushes, hair brushes, etc. Examples of the articles included are:

- Scrubbing brushes
- Vegetable brushes
- Sink brushes
- Radiator brushes
- Bathtub brushes
- Pastry brushes
- Tumbler brushes

Category 902—Fireplace Equipment

Examples of the articles included are:

- Mantels
- Screens
- Andirons
- Pokers
- Fireplace shovels
- Artificial fireplaces
- Electric logs, etc.

Category 903—Household Thermometers

This category includes all types of household thermometers. Excluded from this category are clinical thermometers. Examples of the articles included are:

- Oven thermometers
- Outdoor thermometers
- Room thermometers
- Meat thermometers
- Candy thermometers
- Deep fat thermometers, etc.

Category 904—Kitchen Cutlery

This category includes all types of kitchen cutlery. Excluded from this category is silver cutlery which is covered by category 940. Examples of the articles included are:

- Kitchen forks
- Kitchen knives
- Slicers
- Carving sets and carving aids
- Knife and fork sets
- Steak sets
- Kitchen shears
- Kitchen saws
- Food choppers
- Poultry shears
- Boning shears

Category 905—Power Lawn Mowers

This is a "specific category." Hand lawn mowers (not power driven) are covered by category 908.

Category 906—Small Electrical (Houseware) Appliances

This category includes all types of small electrical houseware appliances. Excluded are large major appliances, such as refrigerators.

Examples of the articles included are:

- Electric toasters
- Electric mixers
- Electric grills
- Electric waffle irons
- Electric irons (including steam iron and travel irons)
- Electric heating pads
- Electric coffeemakers
- Electric fans
- Electric ventilators
- Electric juicers
- Electric sun lamps
- Electric broilers
- Electric hot plates
- Electric roasters
- Electric portable heaters
- Electric bottle warmers
- Electric curling irons
- Electric hair dryers
- Electric casseroles
- Electric chafing dishes
- Electric corn poppers
- Electric egg cookers
- Electric teakettles, etc.

Category 907—Utility Cabinets (Movable)

This category covers movable utility cabinets. Excluded are composition wardrobes which are covered by category 919. Examples of the articles included are:

- Steel wardrobes and chests
- Steel shelf cabinets
- Broom cabinets
- Wall cabinets
- Base cabinets, etc.

Category 908—General Housewares

The following 20 classifications of housewares are all covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 908-4—Cleaning Supplies.

[Above paragraph amended by Amdt. 8]

1. Bathroom Accessories

Not included in Bathroom Accessories are: shower curtains and matching draperies covered by category 506B; bathroom rugs, toilet lid covers and lid cover sets covered by categories 803A and 503; and bathroom stools and chairs covered by category 716.

Examples of the articles included in Bathroom Accessories are:

- Shelves
- Towel bars
- Soap dishes
- Racks
- Glass rods
- Bathroom tumblers
- Bathroom scales
- Hampers, etc.

2. Door Chimes

3. Cleansing Equipment

Not included in Cleansing Equipment are: dish cloths covered by category 503; and household brushes covered by category 901.

Examples of the articles included in Cleansing Equipment are:

- Brooms
- Mops
- Dust pans
- Sponges
- Carpet sweepers
- Dusters, etc.

4. Cleaning Supplies

Examples of the articles included are:

- Waxes
- Polishes
- Cleaners
- Deodorizers
- Steel wool
- Cleansing cloth, etc.

[Above list amended by Amdt. 6]

5. Cooking Utensils (pots and pans)

Examples of the articles included are:

- Aluminum ware cooking utensils
- Cast iron ware cooking utensils
- Tin ware cooking utensils
- Copper ware cooking utensils
- Glass ware cooking utensils
- Enamel ware cooking utensils
- Stainless steel cooking utensils
- Plastic cooking utensils, etc.

6. Food Bags and Covers

Examples of the articles included are:

- Bowl covers
- Bowl cover sets
- Food bags
- Appliance covers, etc.

[Subparagraph 7 deleted by Amdt. 13]

8. Food Preparation Devices—Kitchen Aids and Gadgets and Kitchen Tools

Examples of the articles included are:

- Cookie cutters
- Corks
- Moulds
- Cake turner
- Can opener
- Strainers
- Spatulas
- Measuring cup
- Basters
- Peelers
- Mashers
- Cork screws
- Ladles
- Sifters
- Slicers
- Choppers
- Juicers
- Grapefruit knife
- Cheese knife
- Ice picks
- Ice crushers
- Beaters
- Bottle openers
- Shredders
- Salt and pepper shakers
- Tea balls
- Nut crackers
- Peppermills
- Knife sharpeners
- Kitchen scales
- Ice-cream dippers
- Butter churns
- Food mills
- Kitchen tools, etc.

[Subparagraph 8 amended by Amdt. 13]

9. Galvanized Ware

Examples of the articles included are:

- Ash cans
- Garbage cans
- Washtubs
- Water pails
- Wash boilers, etc.

10. Garden Equipment

Not included in Garden Equipment are power lawn mowers which are covered by category 905.

Examples of the articles included in Garden Equipment are:

- Weeders
- Rakes
- Spades
- Garden shovels
- Garden hoes
- Pruning shears
- Hand lawn mowers
- Garden hose
- Sprinklers, etc.

11. Grocery Carts

12. Miscellaneous Household Equipment, Window Ventilators, Radiator Shields

Examples of the articles included are:

- Humidifiers
- Air Moistener pans
- Radiator shields
- Ventilators
- Trays
- Waste baskets, etc.

13. Kitchen Glassware and Pottery (including plastics)

Examples of the articles included are:

- Waterbottles
- Butterdishes
- Cocktail shakers
- Range sets
- Servers
- Casseroles
- Bowls and Bowl sets
- Coffeemakers (not electric)
- Refrigerator sets, etc.

14. Miscellaneous Kitchen Utensils

Examples of the articles included are:

- Basins
- Double boilers
- Colanders
- Teakettles and teapots
- Percolators
- Pitchers
- Ovens
- Canning accessories, etc.

15. Kitchen Wooden Ware (plain)

Examples of the articles included are:

- Rolling pins
- Knife and fork boxes
- Knife racks
- Pastry boards
- Spoons
- Potato mashers
- Cutting or bread boards, etc.

16. Laundry Equipment

Examples of the articles included are:

- Outdoor dryers
- Indoor dryers
- Clothes baskets
- Clothes props
- Clothes pins
- Clothes pin bags
- Curtain stretchers
- Washboards
- Wringers
- Laundry bags
- Ironing boards
- Sleeve boards
- Pads and covers
- Ladders, etc.

17. Oilcloth and Paper Household Needs

This category does not include paper household needs covered by Category 915.

Examples of the articles included are:

- Chair pads
- Paper napkins
- Paper bags
- Paper doilies
- Paper drapes, etc.

[Classification 17 amended by Amdt. 3]

18. Pantry Ware

Examples of the articles included are:

- Cake box
- Canister sets
- Bread boxes
- Step-on cans
- Floor cans
- Cookie jars
- Vegetable bins
- Dust pans
- Stove mats, etc.

19. Picnic Supplies

Examples of the articles included are:

- Picnic jugs
- Picnic grills
- Picnic baskets
- Fitted picnic suit cases
- Paper plates
- Paper cups
- Vacuum bottles

20. Rubber Kitchen Ware and Rubber Covered Wire Goods

All kinds of rubber mats and rubber implements for sink and kitchen.
Rubber covered wire goods.

(10) Categories of Notions

Category 915—Sanitary Napkins, Tampons, Toilet Tissues and Other Paper Items

This category does not include paper household needs included in Category 908, Classification 17. Examples of the articles included are: Sanitary napkins, Tampons, Facial Tissue, Toilet Tissue, Paper Towels, Wax paper.

[Category 915 amended by Amdt. 3]

Category 916—Threads and Similar Items

Examples of articles included are:

- Mercerized threads
- Sewing Silks
- Cottons
- Basting
- Mending and Darning Cottons
- Buttonhole Twists
- Carpet Threads

Category 917—Hair Goods

Examples of articles included are:

- Make-up capes
- Shower caps
- Curlers and clips
- Curling irons
- Barrettes
- Wire and bone hair pins
- Combs of all types
- Wave caps
- Slumber caps
- Hair nets
- Comb cleaners
- Bobbie Pins
- Metallic Braids
- Wigs—Toupees
- Hair Rats and Switches
- Hair Braids

Category 918—Staple and Novelty Buttons and Buckles

This category includes all buttons and buckles.

Category 919—General Notions

The following 14 classifications of notions are covered by this one category. Items not to be included in this category are noted following each classification. Each of the classifications may, at your option, be used as a separate category. If you elect to divide this category, you will list the categories on your chart by adding to the present category number a dash followed by the classification number and designation, for example, 919-2—Closet Shop Accessories.

[Above paragraph amended by Amdt. 8]

1. Bathing Accessories

Examples of the articles included are:

- Bathing belts
- Rubber flowers
- Rubber and wooden beach sandals
- Cosmetic cases

2. Closet Shop Accessories

Examples of the articles included are:

- Garment bags
- Shoe bags
- Laundry bags
- Hat boxes
- Blanket boxes
- Blanket bags
- Paper or plastic covered utility shoe chests
- Composition wardrobes
- Hose boxes
- Glove boxes
- Jewelry boxes
- Handkerchief boxes
- Shelf edging
- Shoe, mittens, hat stands
- Pants, coat, suit, dress, skirt and blouse hangers
- Shoe racks
- Tie racks

3. Elastics and garters

Examples of the articles included are:

- Elastic by yard (all widths)
- Round garters
- Girdle supporters
- Hank elastic

4. Household Notions

Examples of the articles included are:

- Rubber gloves
- Mending cement and glue
- Pressure adhesive tapes
- Moth preventatives

5. Identification Tapes

This category includes all identification tapes, such as embroidered or printed name tape, tape with initials, etc.

6. Notion Novelties

Examples of articles included are:

- Powder puffs
- Sachets
- Wooden novelties
- Carry-alls
- Card table covers
- Plastic table covers

7. Sanitary Goods

This category does not include the following items covered by Category 204: girdles, brassieres, garter belts, sanitary aprons, and sanitary belts and supports; nor the following items covered by Category 915: sanitary napkins, tampons, facial tissue.

Examples of articles included are:

- Dress shields
- Back shields
- Chafe guards
- Rubber bloomers
- Sanitary petticoats
- Sanitary step-ins

8. Sewing Boxes and Stands

Examples of articles included are:

- Spool holders
- Knitting boxes and bags
- Sewing kits

9. Sewing and gift cutlery sets

This category does not include poultry, boning and other shears which are included in Category 904.

Examples of articles included are:

- All scissors, shears
- Manicure scissors
- Pedicure scissors
- Baby scissors
- Scissor sets for sewing uses
- Scissor sets for manicure uses

10. Replacement Sewing Needs

Examples of articles included are:

- Collars
- Cuffs
- Neck bands
- Pockets
- Leather patches
- Knitted cuffs
- Press on mending tapes

11. Sewing Supplies

Examples of articles included are:

- Snaps
- Fasteners by cards or yard; hook and eye tape
- Carpet Binding
- Blanket Binding
- Belting
- Bias tape
- Skirt markers
- Featherboning
- Seam binding
- Thimbles
- Needles
- Pins
- Darners
- Tape measures
- Press weights
- Collar supports
- Shoulder pads
- Pin cushions
- Brassiere straps & replacement parts
- Other small sewing needs

12. Shoe Findings and Accessories

Examples of articles included are:

- Shoelaces
- Polishes
- Dyes
- Suede Brushes
- Shoe trees (Men's and Women's)
- Shoe polishing brushes and cloths
- Shoe horns
- Boot calks

13. Dryer forms

This category includes all sweater, glove and hose dryers.

14. Zippers and other slide fasteners

(11) Luggage and Sporting Goods

Category 920—Luggage and Related Items

Included are men's and women's hard-side and soft-side luggage and other related articles made of plastic, canvas, leather, fiber, nylon, etc. Not included are golf bags included in category 921.

Examples of the articles included are:

Animal carriers	Kit bags
Attache cases	Laundry cases
Binocular and Camera cases	Lockers
Boston bags	Nurses bags
Bottle cases	One suiters
Brief bags and cases	Overnight and weekend bags and cases
Club bags	Physicians' bags
Companion bags	Pullman cases
Duffle bags and cases	Sample cases
Fitted cases	Tourists' cases
Fiber cases	Traincases
Fishing rod cases	Trunks
Gladstone bags	Two-suiters
Gun cases	Wardrobe bags and cases
Hat and shoe bags	Zipper envelopes
Jackknife cases	

Category 921—Sporting Goods

This sporting goods category does not include the following: golf and tennis balls, which are included in category 922; bicycles which are included in category 923; all athletic clothing, shoes, and accessories which are included in categories 351 and 409.

Examples of articles included are:

Archery equipment
Badminton equipment
Bags (caddy, golf, punching, etc.)
Baseball equipment (bats, balls, masks, etc.)
Basket balls
Boxing, wrestling and striking bag equipment
Croquet sets and equipment
Fishing tackle
Fishing rods
Other fishing accessories
Football equipment
Golf clubs
Handball equipment
Helmets (athletic)
Hockey equipment
Lacrosse equipment
Shuffle board equipment
Shuttle cock
Skates (ice and roller)
Ski equipment (skis, poles, binding, etc.)
Snowshoes
Soccer balls
Softball equipment (balls, bats and masks)
Squash equipment
Surf boards
Table tennis equipment
Tennis rackets
Toboggans, bob-sleds and equipment
Volley ball equipment

Category 922—Golf and Tennis Balls

This is a "specific" category.

Category 923—Bicycles

This is a "specific" category.

Category 924—Bicycle Accessories

Examples of articles included are:

Horns
Bells
Lights, etc.

(12) Silverware, China and Glassware

Category 940—Sterling Flatware

Examples of articles included are:

Cutlery (sets and separate pieces)
Flatware (sets and individual pieces)
Serving pieces

Category 941—Plated Flatware

Examples of articles included are:

Flatware (individual pieces or sets)
Serving pieces
Cutlery with plated blades or handles (sets or separate pieces)

Category 942—Sterling or Plated Hollowware

This category includes articles of hollowware which are sterling silver, silver-plated, chromium plated, or plated with other materials.

Examples of articles included are:

Butter dishes
Vegetable dishes
Water pitchers
Cheese and cracker dishes
Casseroles
Ice buckets
Cocktail shakers
Salad sets
Salt and pepper shakers
Bowls
Candle holders
Candelabras
Trays and platters
Sugar and creamers

Category 943—Silverware Accessory Items

Examples of articles included are:

Silverware chests
Covered bags for silverware
Silverware Polishing Cloths

Category 944—Chinaware, Earthenware and Plastic Sets

Examples of articles included are:

China and earthenware and plastic sets for table use.

Category 945—Chinaware, Earthenware and Plastic, Open Stock or Individual Pieces

This category includes open stock and individual pieces of china, earthenware and plastic for table use.

Category 946—China and Earthenware Giftware

This category includes individual decorative items made of china and earthenware.

Examples of articles included are:

Vases	Ash trays
Figurines	Artificial fruit
Cigarette sets	Plaques
Bowls	

Category 950—Machine-made Glassware Sets and Individual Glass Pieces

This category does not include glass cooking ware which is covered by category 908.

Examples of articles included are:

Tumblers
Drinkware sets or separate pieces
Salt and pepper sets
Dinner, bridge and luncheon sets
Console sets and individual pieces of these sets.

Category 951—Handmade Glassware Sets and Individual Glass Pieces

This category includes hand-pressed, hand-blown and hand-molded glassware sets and individual glass pieces; and hand-cut, hand-etched, hand-painted and engraved stemware, drinkware items and individual pieces.

(13) Jewelry, Watches, and Clocks

NOTE. Categories 970–985 do not include articles described here as "precious jewelry." "Precious jewelry" when the value of the "precious stone" (or "precious stones") exceeds the value of the total of the other component parts of the finished article, includes the following:

(1) Any article a component part of which is a "precious stone" (or "precious stones"); or

(2) A mounting into which a "precious stone" (or "precious stones") is set.

A "precious stone" for this purpose means a natural pearl, diamond, ruby, sapphire or emerald. The term "precious stone" also includes the following when the selling price for the item by the cutter, wholesale dealer or importer is $25.00 or more:

(1) Any other genuine stone, including a semi-precious stone.

(2) Any synthetic stone.

(3) Any cultured pearl or group of cultured pearls (combined in a single article).

[Headnote to Categories 970–985 amended by Amdt. 3]

Category 970—Precious Metal Jewelry (Gold, platinum, etc.)

This precious metal jewelry category does not include sterling silver jewelry which is included in Category 971.

Examples of articles included are:

Rings	Pendants
Bracelets	Brooches
Necklaces	Lavalieres
Earrings	Charms
Lockets	Emblem Pins

[Category 970 amended by Amdt. 13]

Category 971—Costume Jewelry

This category includes articles which are gold filled or gold or silver plated, or are made of base metals.

Examples of articles which are included are:

Rings	Lavalieres
Bracelets	Charms
Necklaces	Emblem Pins
Earrings	Simulated pearl jewelry
Lockets	
Pendants	Bead jewelry
Brooches	Plastic jewelry

Category 972—Ring Mountings and Mountings for Other Jewelry Items

This category includes all mountings for jewelry made from gold, platinum, silver, or any other metal. (Note the exception in the headnote preceding section 970.)

Category 973—Wedding Rings

This category includes all wedding rings made of gold, platinum, silver, or any other metal.

Category 974—Religious Jewelry

Category 975—Watch attachments (Precious Metal)

This category includes articles made of gold, platinum and sterling silver.

Examples of articles included are:

Watch Bands
Watch Fobs
Watch Charms

Category 976—Watch Attachments (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated, base metal, leather, plastic and any other watch attachments. Not included are watch attachments made of precious metals which are included in Category 975.

Examples of articles included are:

Watch Fobs
Watch Charms
Watch Bands

Category 977—Precious Metal Unfitted Compacts, Cigarette Cases and Miscellaneous Cases

This category includes unfitted compacts, cigarette cases and miscellaneous cases made of gold, sterling silver, platinum and other precious metals.

Examples of articles included are:

Compacts (unfitted)	Match cases
Cigarette cases	Pill boxes
Cigar cases	Snuff boxes

Category 978—Unfitted Compacts, Cigarette Cases and Miscellaneous Cases (Other Than Precious Metal)

This category includes gold-filled, gold-plated, silver-plated unfitted compacts, cigarette cases, and miscellaneous cases, and all such cases made of any base metal, plastic, wood or any other material. Excluded from this category are such cases made of precious metal which are included in Category 977.

Examples of articles included are:

Compacts (unfitted)	Snuff boxes
Cigarette cases	Match cases
	Pill boxes

Category 979—Dresser Sets and Military Sets (Precious Metal)

This category includes dresser sets and military sets made of gold, sterling silver and platinum. Excluded are infants' sets which are covered by Category 310.

Category 980—Dresser Sets and Military Sets (Other Than Precious Metal)

This category includes dresser sets and military sets made of any material other than precious metals. Excluded are the articles covered by Category 979; also excluded are infants' sets, which are covered by Category 310.

Category 981—Watches

This category includes all watches.

Category 982—Men's Jewelry (Precious Metal)

This category includes articles made of gold, sterling silver, platinum, or other precious metal.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 983—Men's Jewelry (Other Than Precious Metal)

This category includes articles made of any material other than precious metals. Excluded are the articles made of precious metals which are included in Category 982.

Examples of articles included are:

Cuff links	Tie ornaments
Tie clips	Pins
Tie holders	Collar buttons

Category 984—Clocks (Electric)

This category includes all electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

Category 985—Clocks (Non-Electric)

This category includes all non-electric clocks.

Examples of articles included are:

Desk and table clocks	Novelty clocks
Kitchen clocks	"Grandfather" clocks
Alarm clocks	

[Categories 860-985, inclusive, added by Amdt. 2]

(D) Women's, Teen's, Children's and Toddlers' Ready to Wear Group

NOTE: For other items of apparel and accessories refer to categories 201 through 218.

Category 1001—Women's Fur Trimmed and Fur Lined Coats

Included are all coats not covered by categories 201, 203, 205, 206, 351, 353 and 1014. It includes coats for women, misses and jr. misses commonly bought in sizes 7 to 17 size range:

Fur trimmed coats.
Fur lined coats.
Coats with removable fur linings.
Removable fur linings.

Category 1002—Women's Untrimmed Coats

This includes all coats for women, misses and jr. misses usually bought in sizes 7 to 17, but does not include any coats covered by categories 201, 203, 206, 351, 353 and 1014.

Category 1004—Teen Age and Girls' Coats

This includes all coats in sizes 10 to 16 and 7 to 14 not covered by categories 206, 207, 209, 351, 353 and 1015.

Category 1005—Girls' and Toddlers' Coats

This includes all coats size 6x and smaller except those covered by Categories 303 and 1016. Also included are coat and legging sets, coat, hat and legging sets other than those covered by Category 302.

(1) Women's and Girls' Suits

For this regulation a suit consists of a coat and skirt priced together, or a coat with two or more skirts, or a coat, vest and skirt or skirts, provided they are bought as a unit and priced as a unit. The intent is to separate clearly in your chart suits from two-piece dresses which are to be priced under categories 1010 to 1013. One definition of a suit is a two-piece garment, the skirt of which may be worn without the coat in combination with a blouse.

Category 1006—Women's Suits

Included are all women's suits usually brought in the size range of 32's, 34's, etc., women's half sizes, women's extra large or extra long suits. Not included are suits covered by categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1007—Misses' and Jr. Misses' Suits

Included in this category are all suits bought in sizes 10 to 20 and 7 to 17, but does not include any suit in categories 201, 205, 206, 351, 353, 1023 and 1026.

Category 1008—Teen Age and Girls' Suits

This includes all suits for girls in size 7 to 14 and 10 to 16 except those covered in categories 205, 206, 207, 351 and 353.

Category 1009—Girls' and Toddlers' Suits

This includes all suits for both boys and girls both in size ranges 3 to 6x but does not include boys' suits that are usually bought in size ranges from 3 to 8 or 3 to 12 which are priced under categories 109, 113 and 303.

(2) Dresses

These categories cover dresses for all ages and sizes for girls and women. All style dresses are covered including one- and two-piece models, the latter consisting of a skirt and a separate blouse or a separate unlined jacket sold at one unit price. The intent of this regulation is to price two-piece dresses under these categories and not under suit Categories 1006, 1007 and 1008. Excluded are all women's dresses covered by Categories 202, 205 and 206, and girls' dresses covered by Categories 202, 206 and 208, and toddlers' dresses covered by Category 303 and all infants' dresses. All other dresses of all materials are included, such as: Street dresses, afternoon dresses, party dresses, formals, house dresses, jumpers and pinafores.

Category 1009A—Wedding Dresses

Included are: All wedding dresses in women's, misses', and juniors' sizes. One characteristic of dresses in this category is long sleeves or a long-sleeved jacket that is sold with the dress. This category does not include formals which are covered by Categories 1010 and 1011.

Category 1010—Women's Dresses Costing Over $2.53

All dresses in women's sizes, such as 36's, 38's, etc., all half-sizes, all extra sizes, with a cost at source of over $2.53 after all discounts have been deducted.

[Category 1010 amended by Amdt. 1]

Category 1010A—Jr. Size Dresses costing over $2.53

This category covers all dresses bought in jr. sizes (7 to 17), costing at source over $2.53 after all discounts have been deducted.

[Category 1010A amended by Amdt. 1]

Category 1011—Misses' Dresses Costing Over $2.53

Included are all dresses bought in misses' sizes (10 to 20) and costing at source, $2.53 net after all discounts have been deducted.

Category 1011A—Dresses Costing $2.53 and Less

Included in this category are dresses of all descriptions bought in women's sizes, misses' sizes and jr. sizes (7 to 17) costing at the source $2.53 and less after all discounts have been deducted.

Category 1012—Teen Age and Girls' Dresses

This category covers dresses of all descriptions for teen age girls usually bought in size scale 10 to 16 and girls' sizes 7 to 14.

Category 1013—Small Girls' and Toddlers' Dresses

This category includes all dresses for toddlers and girls in size 6x and smaller.

(3) Jackets, Vests and Ski Clothes

Separate jackets are garments which can be opened from neck to bottom, with or without sleeves, which ordinarily are not worn tucked into skirts, slacks or shorts. Included in these categories are ski jackets, ski pants, ski suits, snow suits, skating jackets and jackets of all types. These categories cover jackets made of all materials including leather, artificial leather, plastics and knitted yard goods. Not included are garments covered by Categories 202, 203, 1023, 1024 and 1025.

Category 1014—Women's Jackets

Included are jackets bought in sizes 36's, 38's, etc., misses' jackets bought in sizes 10 to 20 and jackets bought in jr. sizes 7 to 17.

Category 1015—Teen Age and Larger Girls' Jackets

This category covers jackets for girls usually bought in sizes 7 to 14 and in teen age sizes 10 to 16.

Category 1016—Girls' and Toddlers' Jackets

This includes jackets bought in size 6x and smaller. Excluded are all apparel for boys bought in 3 to 8 and 3 to 12 ranges which are covered by categories 112 and 112A.

[Category 1016 amended by Amdt. 13]

(4) Separate Skirts.

Categories 1017 to 1019 cover separate skirts for women and girls, made of all materials except those covered by categories 202, 205, 206 and 208.

Category 1017—Women's and Misses' Skirts

This category includes skirts bought in women's sizes, misses' sizes and in jr. sizes, 7 to 17, also in waist sizes corresponding to these sizes.

Category 1018—Girls' and Teen Age Skirts

This category covers all skirts bought to fit teen age girls, sizes 10 to 16 and girls' sizes 7 to 14 and in waist band sizes to correspond to these sizes.

Category 1019—Girls' and Toddlers' Skirts

This covers all skirts bought for girls in size 6x and smaller.

(5) Blouses and Shirts.

Categories 1020 through 1022 cover all types of blouses and shirt waists made of all materials except those garments covered by categories 201, 202, 205, 206, 207 and 208.

Category 1020—Women's and Misses' Blouses

This category covers blouses usually bought in sizes 34's, 36's, etc., sizes 10 to 20 and 7 to 17 and in any sizes that correspond to these.

Category 1021—Teen Age and Girls' Blouses

This category covers all blouses bought in sizes 10 to 16 and 7 to 14 and in any size range that corresponds to these sizes.

Category 1022—Girls' and Toddlers' Blouses

This category covers blouses bought in size 6x or smaller. Excluded are all boys' blouses and shirts bought in 3 to 12 year size range which are covered by category 117 and toddler garments that are covered by category 303.

(6) Slacks and Slack Suits

Categories 1023, 1024 and 1025 cover separate slacks, slack suits and slack sets made of all materials in sizes for women, girls and children. A slack suit is a combination of a slack (covered by this category) and a separate jacket, separate blouse or attached blouse sold as a unit. Excluded are items covered by Category 206. Some of the garments included are overalls (other than work clothes), slacks, jodhpurs, slack suits, slack sets. Garments covered by this category are full-length garments and excludes all garments that are covered by categories 201, 205, 206 and 207.

Category 1023—Women's Slacks and Slack Suits

Included are garments in all sizes for women, misses and juniors, sizes 7 to 17 and in waist sizes equivalent to these sizes.

Category 1024—Girls' and Teen Age Girls' Slacks

This category covers garments in girls' sizes 7 to 14 and teen age sizes 10 to 16 and garments bought in waist sizes equivalent to these.

Category 1025—Girls' and Toddlers' Slack Suits

This includes all garments bought in sizes 6x and smaller except toddler garments covered by category 303 and except boys' garments covered by categories 110, 111, 112 and 113.

(7) Ski and Snow Suits

Categories 1026 and 1027 cover ski and snow suits of all materials for women, misses, girls and teenage girls. All one-piece and two-piece snow suits and ski suits with separate or attached hood are included when sold at a unit price.

Category 1026—Women's Ski and Snow Suits

Included are garments in all sizes for women, misses and juniors, and in waist sizes equivalent to these sizes.

Category 1027—Girls' and Teen-Age Ski and Snow Suits

This category covers garments in girls' sizes 7 to 14 and teenage sizes 10 to 16 and garments bought in waist sizes equivalent to these.

(8) Legging Sets and Separate Leggings

The following category covers legging sets and separate leggings for girls, children and toddlers. Included are all sets consisting of coats or jackets with leggings, with or without hats, hoods, or caps sold at a unit price.

Category 1028—Legging Sets and Separate Leggings

This category includes legging sets for girls, children and toddlers (sizes 1-14) and separate leggings (sizes 1-14, inclusive).

(9) Separate Ski Pants for Women and Children

Category 1029—Women's, Misses' and Junior Misses' Separate Ski Pants

Category 1030—Toddler, Girls' and Teen-Age Separate Ski Pants

[Categories 1026-1030, inclusive, added by Correction]

(E) Toys, Games, and Christmas Decorations.

Category 1050—Dolls.

Examples of articles included are:
Dolls.
Doll accessories.
Stuffed toys.

Category 1051—Toy Miniature Movie Projectors and Toy Cameras.

Examples of articles included are:
Toy slides.
Toy movie projectors.
Films for toy projectors.
Toy cameras.

Category 1052—Box Goods.

Examples of articles included are:
Games.
Kindergarten materials.
Paint sets. Cut outs.
Crayons. Clay.
Coloring books. Blocks.

Category 1053—Toy Phonographs, Toy Musical Instruments, and Musical Toys.

Examples of articles included are:
Toy phonographs. Musical tops.
Toy drums. Musical toys.
Toy horns.

Category 1054—Electric Trains and Accessories.

Category 1055—Construction Toys and Scientific Toys.

Examples of articles included are:
Chemical sets. Construction toys.
Scientific toys.

Category 1056—Toy Guns and Related Items.

Examples of articles included are:
Toy guns. Toy holsters.
Toy pistols.

Category 1057—Masks and Masquerade Outfits.

This category does not include costumes described in Category 113.

Category 1058—Plastic and Rubber Toys.

This category includes plastic and rubber toys and all kinds of infants' novelty toys, other than those you listed under Category 310 on your chart.

Category 1059—Large Juvenile Toys.

Examples of articles included are:
Pool tables. Hobby horses.
Blackboards. Shoofilies.

Category 1060—Wheel Toys and Sleds.

This category does not include bicycles which are covered in Category 923.

Examples of articles included are:
Doll carriages. Scooters.
Velocipedes. Autos.
Tricycles. Hand cars.
Wagons. Sleds.

Category 1061—Wood and Hobby Toys.

Examples of articles included are:
Pre-school toys. Doll house furniture.
Pull toys. Aeroplane kits.
Doll houses. Kites.

Category 1062—Small Metal Toys.

Examples of articles included are:
Mechanical toys.
Mechanical trains and accessories (non-electric).
Metal doll houses. Cast iron toys.
Service stations.

Category 1063—Athletic Toys.

Category 1064—Toy Housewares.

Examples of articles included are:
Toy laundry.
Toy cleaning equipment.
Toy cooking and tableware items.

Category 1070—Christmas Home Decorations.

Examples of articles included are:
Tree ornaments. Stands.
Lights (electric).

[Paragraph (E) added by Amdt. 8]

APPENDIX C

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
101	102	105	108A	108	109A	109	112	117	1007
102	101	109A	109	108A	108	107	112	117	1007
103	110A	110	107	112	115	117	102		
104	103	115	117	114	113	110	1023		
105	107	112	103	110	106				
105A [1]									
105B	105C								
105C	105B								
105D	107A	101							
106	102	101	108	109	109A	108A	206		
107	112	102	101	108	109				
107A	107H	107	112	109	1014				
107B	112A	107A	112	102	101	108	109		
108	109	108A	109A	101	102	109	107	1005	
108A	109A	108A	109	108	101	102			
109	108	102	101	112	107H				
109A	108A	109	108	1008					
110	110A	103	112	107	115	1014	1018		
110A	110	103	112	107A	115	1014	1018		
111	101	109	105	107A	112				
111A	105B								
112	107	108	109	102	101				
112A	107H	107A	112	109	107	107			
113	110	107A	117	202	111				
114	115	113	201	203	117				
115	107	202	208	117					
116	118	115	211	211A	117				
117	115	201	116						
118	116	119	213						
119	118	216	120	122	217				
120	119	122	217	216					
121	119	120	214	218					
122	215	119	120	121					
123	103	107	112						
123A	*123	107A	112						
124	212	107A	112						
201	202	207	208	115	117	1020	1017	1023	
202	201	208	207	115	1020	1017			
203	209	112A	107B	1014					
204 [1]									
205	106	203							
206	1011	1014							
207	208	201	202	114	209	213	1020	1017	
208	207	202	201	115	114				
209	207	203	112A	201	202				
210 [1]									
211	211A	201	212	207					
211A	211	201	212	207	116				
212	211	202	124	117	116				

See footnotes at end of table.

APPENDIX C—Continued

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
213	116	117	217	216					
214 [1]									
215	217	211	122	117					
216	119	217	120	121	218				
217	215	216	119	213	120	121			
218	405	211		107					
301	208	302	303	202	1005	1028	108		
302	208	202	115	201	1005	1028	112		
303	207	201	113	202	1005	1028	202		
304	123	218	214	204					
305	211	116	1013	1022	201	202			
306	205	303	307						
306A [1]									
307	306	305							
308 [1]									
309 [1]									
310 [1]									
351 [1]									
352	215	122	218	1020	202				
353 [1]									
401	403	402	406	123					
402	410	403	401	123					
402A [1]									
402B [1]									
403	406	401	113						
405	406	407	408						
406	403	401	218						
407	406	408	302	305	218				
408	406	407	403	202	1020				
409	401	403	408	107	112	351			
410	111A	105	107						
501 [1]									
502 [1]									
502A	502B	502C	504A						
502B	502C	502A	504A						
502C	502A	502B							
503	505								
504	506								
504A	502C	502B	502A						
505	503	502A	502B						
506	504	506A							
506A	506B	506	504						
506B	506	507	506A						
507	506	506A	506B						
508	507								
509	508								
510	509								
601	602	605	605A	606					
602	601	605	605A						
603	605	605A	602						
603A [1]									
605	605A	602	601	606					
605A	605	602	606	601					
606	605A	605	602	601					
607	602	605	605A						
610 [1]									
615 [1]									
620 [1]									
701	706	708	714	703	710				
703	708	709	713	712	706A				
704	703	705	709	712	720				
705	704	708	714						
706	701	708	714	713					
706A	716	703	712						
708	704	703	705	714	713				
709	712	710	704	703					
710	712	709	714	704					
712	710	709	704	711					
713	703	715	709						
714	701	708	709						
715	713	709	703						
716	718	719							
717	715	713	717A						
717A	717	715	713						
718	716								
719	716	718	706A						
720	708	704							
751	709	712	710						
752	751	722							
801	802								
802	801								
803	803C	803A	803B						
803A	803C	803	803B						
803B	803C	803	803A						
803C	803	803A	803B						
804	801	805							
805	806	802							
851	852	801	802	803	751				
852	851	801	802	803	751				
852A	851	803A							
854	805	803A	802	971					
860	861								
861	863	895							
871	872	873	906						
872	873	871	906						
873	872	871	906						
874	876	872	873	871	906				
875	871	892	872	873					
876	874	873	872						
877	902	941	970	971	854	852A			
878	881	874	876	884	985				
880	881	882							
881	882	880							
882	881	880							
883	881	882							
884	878	874	876	984	985				

See footnotes at end of table.

APPENDIX D

APPENDIX C—Continued

Category you are pricing	Comparable categories								
	First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth
890									
891	892	875							
892	891	875							
893	895	861	719						
894	904	920							
895	893	861							
901	903	902	941	943	977	981			
902	877	941	970	854	852A				
903	901	943	977	981					
904	908	920	917						
905	923	922	891						
906	923	922	871	875					
907	945	752	804	717A	752	804			
908	919	921	924						
915	916								
916	915								
917	919								
918	951	974	975	978	979	980	214		
919	908	940	942	504	601	921			
920	904	940	942	911	218				
921	908	924	940	942	409	351			
922	923	906							
923	922	906							
924	921	908	874	876	921	919			
940	942	904	920	908					
941	971	970	944	902	919				
942	940	904	920	908	941	901			
943	977	982	983	981					
944	946	902	877	973					
945	976	950	907						
946	944	902	877	973					
950	968	984	985						
951	978	979	980	918	974	975			
970	971	941	973	977	902				
971	970	941	973	977	902				
972	975	978	974	979	980	974			
973	920	951	941	940	944				
974	978	975	973	951	980				
975	974	978	973	951	979				
976	972	945							
977	982	943	983	981					
978	979	980	974	975	951	918			
979	978	980	974	975	951	918			
980	978	979	974	975	951	918			
981	977	943	982	983					
982	983	977	943	981					
983	982	977	943	981					
984	985	876	874						
985	984	876	874						
1001	1002	1006	1007	1010	1020				
1002	1001	1006	1007	1010	1011				
1004	1008	1012	1014	1002	1011	1020	1009		
1005	1009	1016	1019	1013	1022	1012	1011		
1006	1007	1002	1001	1014	1017	1010	1011		
1007	1006	1002	1001	1014	1001	1011	1010	1020	1008
1008	1004	1015	1012	1021	1011	1010	1020	1012	1028
1009	1005	1011	1019	1013	1022	1008	1012		
1009A	1011								
1010	1011	1001	1002	1006	1014	1007	1017	202	
1010A	1011	1010	1008						
1011	1010	1007	1017	1014	1006	1020	1021	1002	202
1011A	1012	1013	1021						
1012	1018	1015	1008	1004	1021	1011	1017	1014	1007
1013	1019	1016	1009	1005	1028	1022	1010		
1014	1007	1002	1017	1006	1010	1011	1020		
1015	1008	1004	1018	1012	1021	1014	1011	1020	
1016	1009	1005	1019	1013	1022	1015	1028		
1017	1014	1007	1011	1020	202	1010	1002		
1018	1015	1008	1004	1012	1021	1017	1011	202	
1019	1016	1009	1005	1013	1022	1018	1012	1015	1028
1020	202	1017	1014	1023	1006	1011	1021	1010	
1021	202	1018	1015	1024	1012	1011	1020	1004	
1022	1013	1019	1016	1028	1030	1025	1002	1005	
1023	1017	1020	202	1014	1006	1010	1011	1026	1002
1024	1018	1015	1007	1012	1021	1014	1011	1004	202
1025	1020	1028	1014	1016	1009	1005	1022	1013	
1026	1023	1017	1014	1006	202	1020	1001	1010	1011
1027	1024	1028	1015	1018	1008	1004	1012	202	1021
1028	1019	1009	1016	1005	1013	1022	1030	1025	
1029	1026	1023	1017	1014	1006	202	1020	1010	1011
1030	1027	1024	1028	1029	1018	1015	1019	1005	
1050	1058	1052	308	301	620	1009	121		
1051	1055	981	120						
1052	1058	1050	308	301	620	1009	121		
1053	1052	1058	301	308	121	1009	620		
1054	1056	1052	121	308					
1055	1051	981	903	120					
1056	1052	1058	121	301	308				
1057	209	1019	211	308					
1058	1052	1050	301	121	620	1009			
1059	1060	1061	718	719	717				
1060	1059	1061	718	717	716				
1061	1060	1059	718	719	717				
1062	1063	852A							
1063	1062	852A	971						
1064	1053	1050	1009	301	620				
1070	1059	1061	980	979					

[1] No comparable categories.

[*] You establish a price for a straw hat (Category 123A) by pricing it as if it belonged to Category 123. After you have found the price under the appropriate pricing rule as if the straw hat belonged to Category 123, you may add 8% of that selling price to the selling price and the result is your ceiling price for the straw hat.

Example: If you are pricing a straw hat, Category 123A, having a net cost of $3.00, you look at your chart for Category 123. Assume there is a net cost of $3.00 and an offering price of $5.00 on your chart for Category 123. Your ceiling price for the straw hat will be $5.00 plus 8% of $5.00 (5.00+ .40). Thus the ceiling price will be $5.40.

[Appendix C amended by Amdts. 1, 6, 9, 10, 13, and 22]

APPENDIX D

TABLE FOR FIXING IN-LINE CATEGORY MARK-UPS UNDER RULE 6 (SECTION 37)

Category Group I	Under and including 36	Over 36 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
101	36.3	39.5	42.7	46.0	49.2	52.4	55.6	58.8	62.0	65.3	68.5	71.7	74.9	78.1	81.4	84.5	87.8	91.0	94.2	97.4	100.7	103.9	107.1
102	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
103	32.9	35.8	38.7	41.6	44.5	47.4	50.3	53.2	56.2	59.1	62.0	64.9	67.8	70.7	73.6	76.6	79.5	82.4	85.3	88.2	91.1	94.0	96.9
104	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
105	30.2	32.8	35.5	38.2	40.9	43.5	46.2	48.9	51.6	54.2	56.9	59.6	62.3	65.0	67.6	70.3	73.0	75.7	78.3	81.0	83.7	86.4	89.0
105A	16.0	17.4	18.8	20.3	21.7	23.1	24.5	25.9	27.3	28.8	30.2	31.6	33.0	34.4	35.9	37.3	38.7	40.1	41.5	42.9	44.4	45.8	47.2
105B	23.8	26.0	28.1	30.2	32.3	34.4	36.5	38.6	40.8	42.9	45.0	47.1	49.2	51.3	53.4	55.6	57.7	59.8	61.9	64.0	66.1	68.2	70.4
105C	23.8	26.0	28.1	30.2	32.3	34.4	36.5	38.6	40.8	42.9	45.0	47.1	49.2	51.3	53.4	55.6	57.7	59.8	61.9	64.0	66.1	68.2	70.4
105D	20.7	22.5	24.3	26.1	28.0	29.8	31.6	33.5	35.3	37.1	39.0	40.8	42.6	44.5	46.3	48.1	50.0	51.8	53.6	55.5	57.3	59.1	60.9
106	33.4	36.4	39.3	42.3	45.3	48.2	51.2	54.1	57.1	60.1	63.0	66.0	69.0	71.9	74.9	77.9	80.8	83.8	86.7	89.7	92.7	95.6	98.6
107	31.7	34.6	37.4	40.2	43.0	45.8	48.6	51.4	54.3	57.1	59.9	62.7	65.5	68.3	71.1	74.0	76.8	79.6	82.4	85.2	88.0	90.8	93.7
107A	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
107B	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
108	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
108A	33.9	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	93.9	96.9	99.9
109	33.9	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	93.9	96.9	99.9
109A	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
110	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
110A	31.9	34.7	37.5	40.4	43.2	46.0	48.9	51.7	54.5	57.3	60.2	63.0	65.8	68.7	71.5	74.3	77.1	80.0	82.8	85.6	88.5	91.3	94.1
111	23.8	26.0	28.1	30.2	32.3	34.4	36.5	38.6	40.8	42.9	45.0	47.1	49.2	51.3	53.4	55.6	57.7	59.8	61.9	64.0	66.1	68.2	70.4
111A	27.2	29.6	32.1	34.5	36.9	39.3	41.7	44.1	46.6	49.0	51.4	53.8	56.2	58.6	61.0	63.5	65.9	68.3	70.7	73.1	75.5	78.0	80.4
112	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2
112A	31.7	34.6	37.4	40.2	43.0	45.8	48.6	51.4	54.3	57.1	59.9	62.7	65.5	68.3	71.1	74.0	76.8	79.6	82.4	85.2	88.0	90.8	93.7
113	31.8	34.6	37.4	40.2	43.1	45.9	48.7	51.5	54.3	57.2	60.0	62.8	65.6	68.4	71.3	74.1	76.9	79.7	82.5	85.4	88.2	91.0	93.9
114	35.9	39.1	42.3	45.4	48.6	51.8	55.0	58.2	61.4	64.5	67.7	70.9	74.1	77.3	80.4	83.6	86.8	90.0	93.2	96.4	99.5	102.7	105.9
115	32.8	35.7	38.6	41.5	44.4	47.3	50.3	53.2	56.1	59.0	61.9	64.8	67.7	70.6	73.5	76.4	79.3	82.3	85.2	88.1	91.0	93.9	96.8
116	33.1	36.0	39.0	41.9	44.8	47.8	50.7	53.7	56.6	59.6	62.5	65.4	68.3	71.3	74.2	77.1	80.1	83.0	86.0	88.9	91.8	94.8	97.7
117	32.3	35.2	38.1	41.0	43.8	46.7	49.6	52.4	55.3	58.2	61.0	63.9	66.8	69.6	72.5	75.4	78.2	81.1	84.0	86.8	89.7	92.6	95.5
118	33.2	36.2	39.1	42.0	45.0	47.9	50.9	53.9	56.8	59.7	62.7	65.6	68.5	71.5	74.4	77.4	80.3	83.3	86.2	89.2	92.1	95.0	98.0
119	35.3	38.4	41.6	44.7	47.9	51.0	54.1	57.2	60.4	63.5	66.7	69.8	72.9	76.1	79.2	82.3	85.5	88.6	91.7	94.8	98.0	101.1	104.3
120	39.1	42.6	46.1	49.6	53.0	56.5	60.0	63.5	67.0	70.4	73.9	77.4	80.9	84.3	87.8	91.3	94.7	98.2	101.7	105.2	108.7	112.1	115.6
121	37.4	40.7	44.0	47.3	50.7	54.0	57.3	60.6	63.9	67.3	70.6	73.9	77.2	80.5	83.8	87.2	90.5	93.8	97.1	100.4	103.7	107.1	110.4
122	35.8	39.0	42.2	45.4	48.5	51.7	54.9	58.0	61.2	64.4	67.6	70.8	74.0	77.2	80.3	83.5	86.7	90.0	93.0	96.2	99.4	102.6	105.7
123	34.8	37.9	41.0	44.1	47.2	50.3	53.4	56.4	59.5	62.6	65.7	68.8	71.9	75.0	78.1	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8
123A*																							
124	36.0	39.2	42.4	45.6	48.8	52.0	55.2	58.4	61.6	64.8	68.0	71.2	74.4	77.6	80.8	84.0	87.2	90.3	93.6	96.8	100.1	103.2	106.4
125	37.8	41.1	44.4	47.8	51.1	54.5	57.8	61.2	64.5	67.9	71.2	74.6	78.0	81.3	84.6	88.0	91.3	94.7	98.0	101.4	104.7	108.1	111.4
126	35.7	38.8	42.0	45.2	48.3	51.5	54.7	57.8	61.0	64.2	67.4	70.5	73.7	76.9	80.1	83.2	86.4	89.6	92.8	95.9	99.1	102.3	105.4
127	38.4	41.8	45.2	48.6	52.0	55.4	58.9	62.2	65.7	69.1	72.5	75.9	79.3	82.8	86.2	89.6	92.9	96.3	99.8	103.2	106.6	110.0	113.4
128	34.5	37.6	40.6	43.7	46.8	49.8	52.9	56.0	59.0	62.1	65.1	68.2	71.3	74.3	77.4	80.4	83.5	86.6	89.6	92.7	95.8	98.8	101.9
129	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
130	35.0	38.0	41.0	44.0	47.0	50.0	53.0	56.0	59.0	62.0	65.0	68.0	71.0	74.0	77.0	80.0	83.0	86.0	89.0	92.0	95.0	98.0	101.0
131	36.5	39.7	43.0	46.2	49.4	52.7	55.9	59.2	62.4	65.6	68.9	72.1	75.3	78.6	81.8	85.0	88.3	91.7	94.8	98.0	101.2	104.5	107.7
131A	34.7	37.8	40.8	43.9	46.9	50.0	53.1	56.2	59.3	62.3	65.4	68.5	71.6	74.6	77.7	80.8	83.9	86.9	90.0	93.1	96.2	99.2	102.3
132	36.9	40.2	43.4	46.7	50.0	53.3	56.5	59.8	63.1	66.4	69.6	72.9	76.2	79.4	82.7	86.0	89.3	92.5	95.8	99.1	102.4	105.6	108.9
133	37.4	40.7	44.0	47.3	50.6	53.9	57.2	60.5	63.9	67.2	70.5	73.8	77.1	80.4	83.7	87.1	90.4	93.7	97.0	100.3	103.6	106.9	110.2
134	33.9	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	93.9	96.9	99.9
135	34.7	37.8	40.8	43.9	46.9	50.0	53.1	56.2	59.3	62.3	65.4	68.5	71.6	74.6	77.7	80.8	83.9	86.9	90.0	93.1	96.2	99.2	102.3
136	35.5	38.6	41.8	44.9	48.1	51.2	54.4	57.5	60.7	63.8	67.0	70.1	73.2	76.4	79.5	82.7	85.8	89.0	92.1	95.3	98.4	101.5	104.7
137	36.3	39.4	42.5	45.6	48.8	51.9	55.1	58.3	61.5	64.7	67.9	71.1	74.3	77.5	80.7	83.9	87.1	90.3	93.4	96.6	99.8	103.0	106.2
138	35.2	38.3	41.4	44.5	47.7	50.8	53.9	57.0	60.1	63.3	66.4	69.5	72.6	75.7	78.9	82.0	85.1	88.2	91.3	94.5	97.6	100.7	103.8
139	36.2	39.4	42.6	45.8	49.0	52.2	55.5	58.7	61.9	65.1	68.3	71.5	74.7	77.9	81.1	84.3	87.5	90.8	94.0	97.2	100.4	103.6	106.8
140	35.1	38.0	41.0	44.0	47.0	50.0	53.0	56.0	59.0	62.0	65.0	68.0	71.0	74.0	77.0	80.0	83.0	86.0	89.0	92.0	95.0	98.0	101.0
141	34.3	37.4	40.4	43.5	46.5	49.5	52.6	55.6	58.7	61.7	64.8	67.8	70.8	73.9	76.9	80.0	83.0	86.1	89.1	92.1	95.2	98.2	101.3
142	32.5	35.4	38.3	41.2	44.1	47.0	49.9	52.8	55.6	58.5	61.4	64.3	67.2	70.1	73.0	75.8	78.7	81.6	84.5	87.4	90.3	93.2	96.1
143	32.6	35.5	38.4	41.3	44.2	47.1	49.9	52.8	55.7	58.6	61.5	64.4	67.3	70.2	73.1	76.0	78.9	81.7	84.6	87.5	90.4	93.3	96.2
143A	25.3	27.6	29.8	32.0	34.3	36.5	38.7	41.0	43.3	45.5	47.8	50.0	52.2	54.5	56.7	59.0	61.2	63.5	65.7	68.0	70.2	72.5	74.7
144	33.0	35.9	38.9	41.8	44.7	47.6	50.6	53.5	56.4	59.3	62.3	65.2	68.1	71.1	74.0	76.9	79.8	82.8	85.7	88.6	91.5	94.5	97.4
145	33.4	36.4	39.3	42.3	45.3	48.2	51.2	54.1	57.1	60.1	63.0	66.0	69.0	71.9	74.9	77.9	80.8	83.8	86.7	89.7	92.7	95.6	98.6
146	31.7	34.6	37.4	40.2	43.0	45.8	48.6	51.4	54.3	57.1	59.9	62.7	65.5	68.3	71.1	74.0	76.8	79.6	82.4	85.2	88.0	90.8	93.7
147	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
147A	35.0	38.1	41.2	44.3	47.5	50.6	53.7	56.8	59.9	63.0	66.1	69.2	72.3	75.4	78.5	81.6	84.7	87.8	90.9	94.1	97.2	100.3	103.4
148	34.4	37.4	40.5	43.5	46.6	49.6	52.7	55.7	58.8	61.8	64.9	67.9	70.9	74.0	77.0	80.1	83.1	86.2	89.2	92.3	95.3	98.4	101.4
149	33.9	36.9	39.9	42.9	45.9	48.9	51.9	54.9	57.9	60.9	63.9	66.9	69.9	72.9	75.9	78.9	81.9	84.9	87.9	90.9	93.9	96.9	99.9
150	31.2	34.0	36.8	39.5	42.3	45.1	47.9	50.6	53.4	56.2	58.9	61.7	64.5	67.2	70.0	72.8	75.5	78.3	81.1	83.9	86.6	89.4	92.2

*For Category 123A see Rule 6 (c). Seven percent must be added to retail price determined under Category 123.

[Category Group I amended by Amdts. 1, 3, 9 and 13]

APPENDIX D—Continued

TABLE FOR FIXING IN-LINE CATEGORY MARK-UPS UNDER RULE 6 (SECTION 37)

Category Group II*	Under and including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101	Over 101 including 104	Over 104 including 107	Over 107 including 110	Over 110 including 113	Over 113 including 116	Over 116 including 119	Over 119 including 122	Over 122 including 125	Over 125 including 127
701	64.9	68.1	71.3	74.5	77.7	80.9	84.2	87.4	90.6	93.8	97.0	100.2	103.5	106.7	109.8	113.1	116.3	119.5	122.8	126.0	129.2	132.4	135.6
703	60.8	63.8	66.8	69.8	72.8	75.8	78.8	81.9	84.9	87.9	90.9	93.9	96.9	99.9	102.9	106.0	109.0	112.0	115.0	118.0	121.0	124.0	127.1
704	63.4	66.6	69.7	72.8	76.0	79.1	82.3	85.4	88.6	91.7	94.9	98.0	101.1	104.3	107.4	110.6	113.7	116.9	120.0	123.2	126.3	129.4	132.6
705	65.1	68.4	71.6	74.8	78.0	81.3	84.5	87.7	91.0	94.2	97.4	100.7	103.9	107.1	110.3	113.6	116.8	120.0	123.3	126.5	129.7	132.9	136.2
706	71.4	75.0	78.5	82.0	85.6	89.1	92.7	96.2	99.7	103.3	106.8	110.3	113.9	117.4	121.0	124.5	128.1	131.6	135.1	138.7	142.2	145.8	119.3
706A	59.8	62.8	65.8	68.7	71.7	74.7	77.6	80.6	83.6	86.5	89.5	92.5	95.4	98.4	101.4	104.3	107.3	110.3	113.2	116.2	119.2	122.2	125.1
708	63.4	66.6	69.7	72.8	76.0	79.1	82.3	85.4	88.6	91.7	94.9	98.0	101.1	104.3	107.4	110.6	113.7	116.9	120.0	123.2	126.3	129.4	132.6
709	59.2	62.2	65.1	60.1	71.0	73.9	76.9	79.8	82.7	85.7	88.6	91.6	94.5	97.4	100.4	103.3	106.2	109.2	112.1	115.1	118.0	120.9	123.9
710	65.7	69.0	72.2	75.5	78.8	82.0	85.3	88.5	91.7	95.1	98.3	101.6	104.8	108.1	111.3	114.6	117.9	121.1	124.4	127.6	130.9	134.2	137.4
712	62.1	65.2	68.2	71.3	74.4	77.5	80.6	83.6	86.7	89.8	92.9	96.0	99.0	102.1	105.2	108.3	111.3	114.4	117.5	120.6	123.7	126.7	129.8
713	59.0	62.0	64.9	67.8	70.8	73.7	76.6	79.5	82.5	85.4	88.3	91.3	94.2	97.1	100.0	103.0	105.9	108.8	111.7	114.7	117.6	120.5	123.5
714	64.9	68.1	71.4	74.6	77.8	81.0	84.2	87.5	90.7	93.9	97.1	100.3	103.6	106.8	110.0	113.2	116.4	119.7	122.9	126.1	129.3	132.5	135.8
715	57.7	60.6	63.4	66.3	69.2	72.0	74.9	77.8	80.6	83.5	86.3	89.2	92.1	94.9	97.8	100.6	103.5	106.4	109.2	112.1	115.0	117.8	120.7
716	52.7	55.3	57.9	60.5	63.2	65.8	68.4	71.0	73.6	76.2	78.8	81.4	84.1	86.7	89.3	91.9	94.5	97.1	99.7	102.3	105.0	107.6	110.2
717	52.7	55.3	57.9	60.5	63.2	65.8	68.4	71.0	73.6	76.2	78.8	81.4	84.1	86.7	89.3	91.9	94.5	97.1	99.7	102.3	105.0	107.6	110.2
717A	58.2	61.1	64.0	66.8	69.7	72.6	75.5	78.4	81.3	84.2	87.0	89.9	92.8	95.7	98.6	101.5	104.3	107.2	110.1	113.0	115.9	118.8	121.7
718	51.4	54.0	56.5	59.1	61.6	64.2	66.7	69.3	71.8	74.4	76.9	79.5	82.1	84.6	87.2	89.7	92.3	94.8	97.4	99.9	102.5	105.0	107.6
719	54.4	57.1	59.8	62.5	65.2	67.9	70.6	73.3	76.0	78.7	81.4	84.1	86.8	89.5	92.2	94.9	97.6	100.3	103.0	105.7	108.4	111.1	113.8
720	62.5	65.6	68.7	71.8	74.9	78.0	81.1	84.2	87.3	90.4	93.5	96.6	99.7	102.8	105.9	109.0	112.1	115.2	118.3	121.4	124.5	127.5	130.6
751	55.6	58.4	61.1	63.9	66.6	69.4	72.2	74.9	77.7	80.4	83.2	85.9	88.7	91.5	94.2	97.0	99.7	102.5	105.2	108.0	110.8	113.5	116.3
752	59.4	62.4	65.3	68.3	71.2	74.2	77.1	80.1	83.0	86.0	88.9	91.9	94.8	97.8	100.7	103.7	106.6	109.6	112.5	115.4	118.4	121.3	124.3

*These mark-ups are to be applied to net cost of item excluding freight charges.

Category Group III	Under and including 35	Over 35 including 38	Over 38 including 41	Over 41 including 44	Over 44 including 47	Over 47 including 50	Over 50 including 53	Over 53 including 56	Over 56 including 59	Over 59 including 62	Over 62 including 65	Over 65 including 68	Over 68 including 71	Over 71 including 74	Over 74 including 77	Over 77 including 80	Over 80 including 83	Over 83 including 86	Over 86 including 89	Over 89 including 92	Over 92 including 95	Over 95 including 98	Over 98 including 101
801	35.4	38.6	41.8	44.9	48.1	51.3	54.5	57.6	60.8	64.0	67.2	70.3	73.5	76.7	79.8	83.0	86.2	89.4	92.5	95.7	98.9	102.0	105.2
802	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803	35.1	38.2	41.4	44.5	47.7	50.8	53.9	57.1	60.2	63.4	66.5	69.7	72.8	75.9	79.1	82.2	85.4	88.5	91.7	94.8	97.9	101.1	104.2
803A	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
803B	34.5	37.6	40.7	43.8	46.9	50.0	53.0	56.1	59.2	62.3	65.4	68.5	71.6	74.7	77.8	80.9	83.9	87.0	90.1	93.2	96.3	99.4	102.5
803C	28.4	31.0	33.5	36.1	38.6	41.2	43.7	46.3	48.8	51.4	53.9	56.5	59.0	61.5	64.1	66.6	69.2	71.7	74.3	76.8	79.4	81.9	84.5
804	36.3	39.6	42.8	46.1	49.3	52.6	55.8	59.1	62.3	65.6	68.8	72.1	75.3	78.6	81.8	85.1	88.3	91.6	94.8	98.1	101.3	104.6	107.8
805	31.0	33.8	36.6	39.4	42.1	44.9	47.7	50.5	53.3	56.0	58.8	61.6	64.4	67.2	69.9	72.7	75.5	78.3	81.1	83.8	86.6	89.4	92.2
851	35.4	38.6	41.7	44.9	48.1	51.2	54.4	57.6	60.7	63.9	67.1	70.2	73.4	76.6	79.7	82.9	86.1	89.2	92.4	95.6	98.8	101.9	105.1
852	35.4	38.6	41.7	44.9	48.1	51.2	54.4	57.6	60.7	63.9	67.1	70.2	73.4	76.6	79.7	82.9	86.1	89.2	92.4	95.6	98.8	101.9	105.1
852A	31.4	34.2	37.0	39.8	42.7	45.5	48.3	51.1	53.9	56.7	59.5	62.3	65.2	68.0	70.8	73.6	76.4	79.2	82.0	84.9	87.7	90.5	93.3
854	31.1	33.9	36.7	39.5	42.3	45.0	47.8	50.6	53.4	56.2	59.0	61.8	64.6	67.3	70.1	72.9	75.7	78.5	81.3	84.1	86.8	89.6	92.4

[Category Group III amended by Amdt. 13]

Category Group IV	Under and including 37	Over 37 including 40	Over 40 including 43	Over 43 including 46	Over 46 including 49	Over 49 including 52	Over 52 including 55	Over 55 including 58	Over 58 including 61	Over 61 including 64	Over 64 including 67	Over 67 including 70	Over 70 including 73	Over 73 including 76	Over 76 including 79	Over 79 including 82	Over 82 including 85	Over 85 including 88	Over 88 including 91	Over 91 including 94	Over 94 including 97	Over 97 including 100	Over 100 including 103	Over 103 including 106	Over 106 including 109
1001	32.4	35.9	39.3	42.8	46.3	49.8	53.3	56.7	60.2	63.7	67.2	70.6	74.1	77.6	81.1	84.6	88.0	91.5	95.0	98.5	101.9	105.4	108.9	112.4	115.9
1002	32.5	36.0	39.6	43.1	46.6	50.1	53.7	57.2	60.7	64.2	67.7	71.3	74.8	78.3	81.8	85.3	88.9	92.4	95.9	99.4	103.0	106.5	110.0	113.5	117.0
1004	30.4	33.8	37.1	40.4	43.7	47.0	50.3	53.6	56.9	60.2	63.5	66.8	70.1	73.4	76.7	80.0	83.3	86.6	89.9	93.2	96.5	99.8	103.1	106.4	109.7
1005	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4	110.7
1006	32.6	36.1	39.7	43.3	46.8	50.4	53.9	57.5	61.1	64.6	68.2	71.8	75.3	78.9	82.5	86.0	89.6	93.2	96.7	100.3	103.9	107.4	111.0	114.6	118.1
1007	32.5	36.0	39.6	43.1	46.6	50.1	53.6	57.2	60.7	64.4	67.7	71.3	74.8	78.3	81.8	85.3	88.9	92.4	95.9	99.4	103.0	106.5	119.0	113.5	117.0
1008	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1009	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.5	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4	110.7
1009A	33.8	37.5	41.2	44.9	48.6	52.3	56.0	59.7	63.4	67.1	70.8	74.5	78.2	81.9	85.6	88.7	92.4	96.1	99.8	103.5	107.2	110.9	114.6	118.3	122.0
1010	33.2	36.7	40.3	43.9	47.4	51.0	54.5	58.1	61.7	65.2	68.8	72.4	75.9	79.5	83.1	86.6	90.2	93.8	97.3	100.9	104.5	108.0	111.6	115.2	118.7
1010A	31.7	35.2	38.7	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1011	32.8	36.3	39.9	43.4	46.9	50.4	53.9	57.5	61.0	64.5	68.0	71.6	75.1	78.6	82.1	85.6	89.2	92.7	96.2	99.7	103.3	106.8	110.3	113.8	117.3
1011A	30.4	33.8	37.2	40.6	44.0	47.4	50.8	51.2	54.6	58.0	62.4	65.8	69.2	73.6	78.0	78.4	82.8	86.2	89.6	93.0	96.4	99.8	103.2	106.6	110.0
1012	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1013	27.4	30.3	33.3	36.2	39.1	42.0	44.9	47.8	50.7	53.6	56.6	59.5	62.4	65.3	68.2	71.1	74.0	77.0	79.9	82.8	85.7	88.6	91.5	91.4	97.3
1014	31.3	34.7	38.1	41.5	44.9	48.3	51.7	55.1	58.4	61.8	65.2	68.6	72.0	75.4	78.8	82.2	85.6	89.0	92.4	95.7	99.1	102.5	105.9	109.3	112.7
1015	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1016	30.4	33.7	37.1	40.4	43.8	47.1	50.5	53.8	57.2	60.5	63.9	67.2	70.6	73.9	77.2	80.6	83.9	87.3	90.6	94.0	97.3	100.7	104.0	107.4	110.7
1017	31.7	35.2	38.7	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1018	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1019	29.1	32.3	35.5	38.7	41.9	45.2	48.4	51.6	54.8	58.0	51.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.9	103.1	106.3
1020	31.0	34.4	37.8	41.2	44.6	48.0	51.4	54.8	58.1	61.5	64.9	68.3	71.7	75.1	78.5	81.9	85.3	88.7	92.1	95.4	98.8	102.2	105.6	109.0	112.4
1021	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1022	26.9	30.0	33.0	36.2	39.4	42.6	45.8	49.0	52.2	55.4	58.5	61.7	64.9	68.1	71.3	74.5	77.7	80.8	81.0	87.2	90.4	93.6	96.8	100.0	103.2
1023	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1024	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1025	32.3	34.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1026	30.3	33.7	37.0	40.3	43.6	46.9	50.2	53.5	56.8	60.1	63.4	66.7	70.0	73.3	76.6	79.9	83.2	86.5	89.8	93.1	96.4	99.7	103.0	106.3	109.6
1027	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1028	29.1	32.3	35.5	38.7	41.9	45.2	48.4	51.6	54.8	58.0	61.2	64.5	67.7	70.9	74.1	77.3	80.6	83.8	87.0	90.2	93.4	96.6	99.9	103.1	106.3
1029	31.7	35.2	38.6	42.1	45.5	48.9	52.4	55.8	59.2	62.7	66.1	69.5	73.0	76.4	79.8	83.3	86.7	90.1	93.6	97.0	100.4	103.9	107.3	110.8	114.2
1030	29.1	32.3	35.5	38.7	41.8	45.0	48.2	51.4	54.5	57.7	60.9	64.1	67.2	70.4	73.6	76.7	79.9	83.1	86.3	89.4	92.6	95.8	99.0	102.1	105.3

[Category Group IV amended by Amdts. 9, 10 and 13]

APPENDIX D—Continued

TABLE FOR FIXING IN-LINE CATEGORY MARKUPS UNDER RULE 6 (SEC. 37)

Category Group V	16 through 18	19 through 21	22 through 24	25 through 27	28 through 30	31 through 33	34 through 36	37 through 39	40 through 42	43 through 45	46 through 48	49 through 51	52 through 54	55 through 57	58 through 60	61 through 63	64 through 66	67 through 69	70 through 72
880	12.1	14.4	16.8	19.1	21.4	23.7	26.0	28.4	30.7	33.0	35.3	37.6	40.0	42.3	44.6	46.9	49.2	51.6	53.9
881	12.1	14.4	16.8	19.1	21.4	23.7	26.0	28.4	30.7	33.0	35.3	37.6	40.0	42.3	44.6	46.9	49.2	51.6	53.9
882	14.3	17.1	19.8	22.6	25.3	28.0	30.8	33.5	36.3	39.0	41.7	44.5	47.2	50.0	52.7	55.4	58.2	60.9	63.7
883	15.8	18.8	21.9	24.9	27.9	30.9	33.9	37.0	40.0	43.0	46.0	49.0	52.1	55.1	58.1	61.1	64.1	67.2	70.2
890	9.3	11.0	12.8	14.5	16.3	18.0	19.8	21.5	23.3	25.0	26.7	28.5	30.2	32.0	33.7	35.5	37.2	39.0	40.7
891	18.0	21.5	24.9	28.4	31.8	35.2	38.7	42.1	45.6	49.0	52.4	55.9	59.3	62.8	66.2	69.6	73.1	76.5	80.0
905	17.3	20.6	23.9	27.2	30.5	33.8	37.1	40.4	43.7	47.0	50.3	53.6	56.9	60.2	63.5	66.8	70.1	73.4	76.7
915	9.3	11.0	12.8	14.5	16.3	18.0	19.8	21.5	23.3	25.0	26.7	28.5	30.2	32.0	33.7	35.5	37.2	39.0	40.7
916	9.3	11.0	12.8	14.5	16.3	18.0	19.8	21.5	23.3	25.0	26.7	28.5	30.2	32.0	33.7	35.5	37.2	39.0	40.7
922	18.0	21.5	24.9	28.4	31.8	35.2	38.7	42.1	45.6	49.0	52.4	55.9	59.3	62.8	66.2	69.6	73.1	76.5	80.0
923	18.0	21.5	24.9	28.4	31.8	35.2	38.7	42.1	45.6	49.0	52.4	55.9	59.3	62.8	66.2	69.6	73.1	76.5	80.0

[Category Group V added by Amdt. 10]

Category Group VI	33 through 35	36 through 38	39 through 41	42 through 44	45 through 47	48 through 50	51 through 53	54 through 56	57 through 59	60 through 62	63 through 65	66 through 68	69 through 71	72 through 74	75 through 77	78 through 80	81 through 83	84 through 86	87 through 89	90 through 92	93 through 95	96 through 98	99 through 101
871	28.2	30.7	33.2	35.8	38.3	40.8	43.4	45.9	48.4	50.9	53.5	56.0	58.5	61.1	63.6	66.1	68.7	71.2	73.7	76.2	78.8	81.3	83.8
872	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
873	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
874	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
875	28.2	30.7	33.2	35.8	38.3	40.8	43.4	45.9	48.4	50.9	53.5	56.0	58.5	61.1	63.6	66.1	68.7	71.2	73.7	76.2	78.8	81.3	83.8
876	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
878	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
884	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
892	27.2	29.6	32.0	34.5	36.9	39.4	41.8	44.2	46.7	49.1	51.6	54.0	56.4	58.9	61.3	63.8	66.2	68.6	71.1	73.5	76.0	78.4	80.8
894	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
906	28.2	30.7	33.2	35.8	38.3	40.8	43.4	45.9	48.4	50.9	53.5	56.0	58.5	61.1	63.6	66.1	68.7	71.2	73.7	76.2	78.8	81.3	83.8
908	37.8	41.2	44.6	48.0	51.3	54.7	58.1	61.5	64.9	68.2	71.6	75.0	78.4	81.8	85.1	88.5	91.9	95.3	98.7	102.0	105.4	108.8	112.2
919	36.3	39.5	42.8	46.0	49.3	52.5	55.8	59.0	62.3	65.5	68.8	72.0	75.3	78.5	81.8	85.0	88.3	91.5	94.8	98.0	101.2	104.5	107.8
920	37.8	41.2	44.6	48.0	51.3	54.7	58.1	61.5	64.9	68.2	71.6	75.0	78.4	81.8	85.1	88.5	91.9	95.3	98.7	102.0	105.4	108.8	112.2
921	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
924	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
940	36.3	39.5	42.8	46.0	49.3	52.5	55.8	59.0	62.3	65.5	68.8	72.0	75.3	78.5	81.8	85.0	88.3	91.5	94.8	98.0	101.2	104.5	107.8
942	37.8	41.2	44.6	48.0	51.3	54.7	58.1	61.5	64.9	68.2	71.6	75.0	78.4	81.8	85.1	88.5	91.9	95.3	98.7	102.0	105.4	108.8	112.2
950	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
984	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
985	33.8	36.8	39.8	42.8	45.9	48.9	51.9	54.9	57.9	61.0	64.0	67.0	70.0	73.0	76.0	79.1	82.1	85.1	88.1	91.2	94.2	97.2	100.2
1050	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1051	36.3	39.5	42.8	46.0	49.3	52.5	55.8	59.0	62.3	65.5	68.8	72.0	75.3	78.5	81.8	85.0	88.3	91.5	94.8	98.0	101.2	104.5	107.8
1052	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1053	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1054	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1055	36.3	39.5	42.8	46.0	49.3	52.5	55.8	59.0	62.3	65.5	68.8	72.0	75.3	78.5	81.8	85.0	88.3	91.5	94.8	98.0	101.2	104.5	107.8
1056	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1057	33.3	36.3	39.3	42.2	45.2	48.2	51.2	54.1	57.1	60.1	63.0	66.0	69.0	71.9	74.9	77.9	80.9	83.8	86.8	89.8	92.7	95.7	98.7
1058	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3
1062	37.8	41.2	44.6	48.0	51.3	54.7	58.1	61.5	64.9	68.2	71.6	75.0	78.4	81.8	85.1	88.5	91.9	95.3	98.7	102.0	105.4	108.8	112.2
1063	37.8	41.2	44.6	48.0	51.3	54.7	58.1	61.5	64.9	68.2	71.6	75.0	78.4	81.8	85.1	88.5	91.9	95.3	98.7	102.0	105.4	108.8	112.2
1064	34.7	37.8	40.9	44.0	47.2	50.3	53.4	56.5	59.6	62.8	65.9	69.0	72.1	75.2	78.4	81.5	84.6	87.7	90.8	94.0	97.1	100.2	103.3

[Category Group VI added by Amdt. 10]

Category Group VII	72 through 74	75 through 77	78 through 80	81 through 83	84 through 86	87 through 89	90 through 92	93 through 95	96 through 98	99 through 101	102 through 104	105 through 107	108 through 110	111 through 113	114 through 116	117 through 119	120 through 122	123 through 125	126 through 128
860	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
861	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
877	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
893	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
895	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
901	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
902	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
903	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
904	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
907	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
917	59.2	61.8	64.3	66.8	69.4	71.9	74.4	76.9	79.5	82.0	84.5	87.1	89.6	92.1	94.7	97.2	99.7	102.2	104.8
918	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
941	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
943	64.3	67.0	70.0	72.5	75.3	78.0	80.8	83.5	86.3	89.0	91.8	94.5	97.3	100.0	102.8	105.5	108.3	111.0	113.8
944	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
945	88.0	91.8	95.5	99.3	103.1	106.9	110.7	114.4	118.2	122.0	125.8	129.6	133.3	137.1	140.9	144.7	148.5	152.2	156.0
946	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
951	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
970	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
971	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
972	81.6	85.1	88.6	92.1	95.6	99.0	102.5	106.0	109.5	113.0	116.5	120.0	123.5	127.0	130.5	130.9	134.4	137.9	141.4
973	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
974	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
975	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
976	99.6	103.8	108.1	112.4	116.7	120.9	125.2	129.5	133.7	138.0	142.3	146.5	150.8	155.1	159.4	163.6	167.9	172.2	176.4
977	64.3	67.0	70.0	72.5	75.3	78.0	80.8	83.5	86.3	89.0	91.8	94.5	97.3	100.0	102.8	105.5	108.3	111.0	113.8
978	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
979	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
980	72.2	75.3	78.4	81.5	84.6	87.6	90.7	93.8	96.9	100.0	103.1	106.2	109.3	112.4	115.5	118.5	121.6	124.7	127.8
981	64.3	67.0	70.0	72.5	75.3	78.0	80.8	83.5	86.3	89.0	91.8	94.5	97.3	100.0	102.8	105.5	108.3	111.0	113.8
982	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
983	66.4	69.3	72.1	75.0	77.8	80.6	83.5	86.3	89.2	92.0	94.8	97.7	100.5	103.4	106.2	109.0	111.9	114.7	117.6
1059	56.4	58.8	61.3	63.6	66.0	68.4	70.8	73.2	75.6	78.0	80.4	82.8	85.2	87.6	90.0	92.4	94.8	97.2	99.6
1060	56.4	58.8	61.3	63.6	66.0	68.4	70.8	73.2	75.6	78.0	80.4	82.8	85.2	87.6	90.0	92.4	94.8	97.2	99.6
1061	56.4	58.8	61.3	63.6	66.0	68.4	70.8	73.2	75.6	78.0	80.4	82.8	85.2	87.6	90.0	92.4	94.8	97.2	99.6
1070	58.5	61.0	63.5	66.0	68.5	71.0	73.5	76.0	78.5	81.0	83.5	86.0	88.5	91.0	93.5	96.0	98.5	101.0	103.5

[Category Group VII added by Amdt. 10]

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39

Category you are pricing	Percentage markup on cost	Category you are pricing	Percentage markup on cost
101	67.7	502B	61.1
102	64.1	502C	60.2
103	61.6	503	62.2
104	65.3	504	63.0
105	57.9	504A	59.2
105A	30.2	505	58.0
105B	45.0	506	66.3
105C	45.0	506A	65.9
105D	39.0	506B	65.9
106	63.0	507	69.4
107	60.1	508	65.9
107A	66.1	509	60.2
107B	66.1	510	61.0
108	64.9	601	66.7
108A	63.8	602	61.9
109	63.8	603	62.6
109A	64.9	603A	55.3
110	59.5	605	66.4
110A	60.2	605A	64.9
111	46.1	606	69.6
111A	51.4	607	58.9
112	60.2	610	69
112A	59.9	615	69
113	60.2	620	69
114	66.0	701	98.1
115	62.1	703	91.9
116	62.4	704	95.9
117	61.3	705	98.5
118	62.6	706	108.0
119	65.9	706A	90.5
120	72.1	708	95.9
121	69.2	709	89.6
122	66.5	710	99.4
123	66.6	712	93.9
123A*		713	89.3
124	66.9	714	98.2
201	72.3	715	87.3
202	67.0	716	79.7
203	72.2	717	79.7
204	72.5	717A	88.0
205	65.1	718	77.8
206	64.9	719	82.3
207	63.3	720	94.5
208	62.9	751	84.1
209	66.8	752	89.9
210	68.9	801	84.7
211	65.6	802	83.9
211A	69.5	803	83.9
212	70.0	803A	75.1
213	62.9	803B	82.5
214	82.6	803C	66.0
215	67.5	803D	78.0
216	67.1	804	86.8
217	67.8	805	74.2
218	66.2	851	84.6
301	67.8	852	84.6
302	62.9	852A	75.1
303	64.1	854	74.4
304	65.7	860	85
305	61.9	861	81
306	62.0	871	54
306A	47.8	872	56
307	62.8	873	56
308	69.1	874	58
309	62.3	875	51
310	67.9	876	58
351	63.7	877	75
352	63.5	878	58
353	74.2	880	39
401	63.7	881	39
402	58.2	882	39
402A	61.2	883	42
402B	58.2	884	58
403	58.2	890	25
405	63.4	891	49
406	62.2	892	51
407	62.2	893	81
408	60.2	894	66
409	60.7	895	81
410	54.0	901	72
501	47.8	902	75
502	57.3	903	72
502A	58.4	904	66

*Use mark-up for category 123 and add 8 percent to retail price thus obtained.

APPENDIX E—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39—Continued

Category you are pricing	Percentage markup on cost	Category you are pricing	Percentage markup on cost
905	47	970	75
906	50	971	75
907	88	972	85
908	61	973	78
915	22	974	81
916	22	975	81
917	66	976	92
918	81	977	72
919	63	978	81
920	66	979	81
921	61	980	81
922	49	981	72
923	49	982	72
924	61	983	72
940	63	984	58
941	75	985	58
942	63	1001	72.1
943	72	1002	72.8
944	78	1004	68.1
945	92	1005	68.6
946	78	1006	73.3
950	58	1007	72.8
951	81	1008	68.0

APPENDIX E.—TABLE FOR FIXING CATEGORY MARKUPS UNDER SECTION 39—Continued

Category you are pricing	Percentage markup on cost	Category you are pricing	Percentage markup on cost
1009	68.5	1027	71.0
1009A	75.0	1028	65.7
1010	73.9	1029	71.0
1010A	70.2	1030	65.2
1011	73.1	1050	69
1011A	60.4	1051	72
1012	68.0	1052	69
1013	60.4	1053	69
1014	70.0	1054	66
1015	68.0	1055	72
1016	68.6	1056	69
1017	71.0	1057	66
1018	68.0	1058	69
1019	65.7	1059	78
1020	69.7	1060	78
1021	68.0	1061	78
1022	62.9	1062	75
1023	71.0	1063	75
1024	71.0	1064	69
1025	68.0	1070	81
1026	68.0		

[Appendix E amended by Amdts. 2, 3, 8, 9, and 13]

APPENDIX F

GROUP I

[Multipliers for Group A verages over 101 for categories in Groups I and III; for Group A verage over 127 for categories in Group II; for Group A verage over 109 for Categories in Group IV of Appendix D]

Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier
101	1.078	111A	.896	207	.881	308	1.040	502C	.941
102	1.021	112	.926	208	.975	309	.961	503	.976
103	.576	112A	.943	209	1.047	310	1.062	504	.901
104	1.041	113	.942	210	1.084	351	1.043	504A	.961
105	.890	114	1.000	211	1.030	352	1.040	505	.996
105A	.475	115	.952	211A	1.052	401	1.042	506	1.142
105B	.708	116	.984	212	1.114	402	.959	506A	1.105
105C	.708	117	.960	213	1.000	402A	.964	506B	1.105
105D	.613	118	.987	215	1.102	402B	.959	507	1.081
106	.990	119	1.020	216	1.054	403	.959	508	1.105
107	.945	120	1.103	217	1.000	405	.964	509	.945
107A	1.041	121	1.111	218	1.047	406	.964	510	.951
107B	1.041	122	1.062	301	1.075	407	.979	601	1.105
108	1.021	123	1.035	302	.942	408	.945	602	.987
108A	1.000	124	1.171	303	.954	409	.955	603	.987
109	1.000	201	1.122	304	1.020	410	.850	603A	1.042
109A	1.021	202	1.062	305	.967	501	.752	605	1.105
110	.928	203	1.142	306	.999	502	.942	605A	1.021
110A	.948	205	1.025	306A	.772	502A	.917	606	1.105
111	.708	206	1.021	307	.881	502B	.960	607	.925

[Group I amended by Amdts. 1, 3, and 9]

GROUP II

701	1.072	706A	.960	713	.976	717A	.963	752	.962
703	1.005	708	1.018	714	1.074	718	.840		
704	1.048	709	.979	715	.954	719	.869		
705	1.057	710	1.080	716	.871	720	1.053		
706	1.181	712	1.026	717	.871	751	.969		

GROUP III

801	1.057	803A	.987	851	1.084	852	1.096		
802	1.048	803B	1.020	853	.920	852A	.967		
803	1.048	803C	.820	851	1.056				

[Group III amended by Amdt. 13]

GROUP IV

1001	1.011	1009	.961	1013	.851	1020	.976	1027	.961
1002	1.018	1009A	1.044	1014	.961	1021	.974	1028	.961
1004	.955	1010	1.035	1015	.954	1022	.850	1029	.893
1005	.961	1010A	1.004	1016	.801	1023	.994	1030	.833
1006	1.026	1011	1.023	1017	.994	1024	.994		
1007	1.018	1011A	.974	1018	.954	1025	.974		
1008	.954	1012	.954	1019	.770	1026	.954		

[Group IV amended by Amdts. 9 and 13]

GROUP V

880	0.773	.883	1.066	905	1.109	922	1.046		
881	.773	890	.783	915	.783	923	1.046		
882	.913	891	1.140	916	.583				

[Group V added by Amdt. 10 Correction]

APPENDIX F—Continued

GROUP VI

Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier	Category you are pricing	Multiplier
871	0.843	884	1.006	921	1.006	1050	1.040	1056	1.040
872	1.006	892	.813	924	1.006	1051	1.110	1057	1.060
873	1.006	894	1.006	940	1.083	1052	1.040	1058	1.040
874	1.006	906	.843	942	1.126	1053	1.040	1062	1.100
875	.843	908	1.126	950	1.006	1054	1.040	1063	.100
876	1.006	919	1.083	984	1.006	1055	1.110	1064	1.040
878	1.006	920	1.126	985	1.006				

[Group VI added by Amdt. 10 Correction]

GROUP VII

860	1.030	904	0.946	946	1.030	976	1.423	1059	.890
861	1.030	907	1.030	951	1.030	977	.916	1060	.890
877	1.030	917	.843	970	.946	978	1.030	1061	.890
893	1.030	918	1.030	971	1.030	979	1.030	1070	.833
895	1.030	941	.946	972	1.103	980	1.030		
901	1.030	943	.916	973	1.030	981	.916		
902	1.030	944	1.030	974	1.030	982	.946		
903	1.030	945	1.200	975	.946	983	.946		

[Group VII added by Amdt. 10 Correction]

[F. R. Doc. 52-9130; Filed, Aug. 14, 1952; 4:57 p. m.]

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 2, Revision 1, Amdt. 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 2—CEILING PRICES FOR MANUFACTURERS MAKING SALES SUBJECT TO CPR 9

PASS THROUGH OF FREIGHT INCREASES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Supplementary Regulation 2, Revision 1, to Ceiling Price Regulation 9, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 2, Revision 1, to Ceiling Price Regulation 9, Revision 1, establishes ceiling prices for mainland manufacturers selling commodities which at the time of sale are located in one of the territories or possessions of the United States.

In computing his ceiling price under this supplementary regulation, the manufacturer is permitted to reflect shipping costs in the period December 19, 1950 to January 25, 1951, if during that period he included such costs in his territorial selling price.

Since that base period, however, there have been several increases in shipping rates to most of the territories and in the cost of preparation for shipment and the result has been a narrowing of the margins of manufacturers.

Since under Ceiling Price Regulation 9 or Ceiling Price Regulation 61, the export regulation, a seller is permitted his customary markup over landed costs, the Office of Price Stabilization considers it necessary to permit manufacturers covered by this supplementary regulation to include the increase in freight charges in their ceiling prices. Accordingly, this amendment provides that manufacturers subject to Supplementary Regulation 2, Revision 1, to Ceiling Price Regulation 9, Revision 1, may add to their ceiling prices established under the supplementary regulation, the difference between base period shipping charges and charges for preparation for shipment, and the current charges incurred.

In the formulation of this amendment, it has been impracticable due to the nature of the action taken, to consult with industry representatives, including trade association representatives. However, recommendations have been received from several manufacturers covered by the supplementary regulation and full consideration has been given to their recommendations. In the opinion of the Director, this amendment is fair and equitable and is necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 2 of Supplementary Regulation 2, Revision 1, to Ceiling Price Regulation 9, Revision 1, is amended to read as follows:

SEC. 2. *Ceiling prices.* If you are a manufacturer, your ceiling price for a sale subject to CPR 9, Revision 1, is the sum of the following amounts:

(a) An amount equal to your current ceiling price for the commodity computed under the applicable ceiling price regulation (other than CPR 61) to the same class of purchaser at the port of shipment.

(b) An amount equal to your customary markup for the commodity for sales in the particular territory in which the commodity is located, computed in accordance with section 3 of this supplementary regulation. If you made a sale of the commodity in the base period, but customarily had no differential between port of shipment selling prices and territorial selling prices, your ceiling price for the commodities, established under this supplementary regulation, may not include any amount under this paragraph.

(c) The difference between the base period cost of shipment and preparation for shipment, and the current cost of shipment and preparation for shipment actually incurred by you on the commodity for which the ceiling price is established by this supplementary regulation.

The term "base period," as used in this regulation, means the period December 19, 1950–January 25, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Supplementary Regulation 2, Revision 1, to Ceiling Price Regulation 9, Revision 1, is effective as of June 28, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9180; Filed, Aug. 15, 1952; 12:01 p. m.]

[Ceiling Price Regulation 9, Revision 1, Supplementary Regulation 4, Revision 1]

CPR 9—TERRITORIES AND POSSESSIONS

SR 4—SPECIAL PROVISIONS FOR INCREASING CEILING PRICES OF SELLERS WHOSE COSTS ARE INCREASED BY WEST COAST STRIKE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 of Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, was issued by the Office of Price Stabilization in order to afford some relief for sellers of food products in the Territory of Hawaii, who, because of the maritime strike on the west coast of the United States, necessarily incurred increased shipping costs. As stated in the Statement of Considerations, food products of necessity would have to be shipped from ports in the continental United States other than west coast ports. Supplementary Regulation 4 permitted sellers of food products in the Territory of Hawaii to pass through any increase in overland or ocean freight charges incurred by reason of such shipments.

This Revision 1 of Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, extends to all sellers in the Territory of Hawaii covered by Ceiling Price Regulation 9, Revision 1, the privilege of passing through the increased freight charges previously authorized only for sellers of food products. This action is deemed necessary because the continuance of the maritime strike on the west coast has exhausted the inventories of sellers of all types of merchandise usually shipped to Hawaii through west coast ports.

When the strike emergency has ended the Office of Price Stabilization anticipates the revocation of this supplementary regulation as to all commodities not actually delivered or in transit at that time.

Because of the nature of this supplementary regulation special circum-

stances have rendered consultation with industry representatives, including trade association representatives, impracticable.

REGULATORY PROVISIONS

Sec.
1. Freight increases.
2. Invoices.
3. Applicability of Ceiling Price Regulation 9, Revision 1.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup., 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110 E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *Freight increases.* (a) If you sell a commodity for which a ceiling price is established by Ceiling Price Regulation 9, Revision 1, and if, because of the maritime strike on the west coast of the United States the commodity was shipped from a port in the continental United States other than the port from which your supplier customarily ships to you, your ceiling price is that price which would otherwise be your ceiling price under Ceiling Price Regulation 9, Revision 1, plus an amount not to exceed the difference between (1) the cost of shipping charges actually incurred by you on the last shipment of the commodity shipped from the continental United States prior to May 26, 1952, which was included in your direct cost for the purpose of computing your ceiling price and (2) shipping charges incurred by you on the shipment of the commodity covered by this supplementary regulation, provided that such additional amount which you charge the buyer is shown on your invoice, for all sales except sales at retail, as the amount of shipping charges passed on by you as required by section 2 of this regulation.

(b) If you sell any commodity for which a ceiling price is established by Ceiling Price Regulation 9, Revision 1, and if, because of the maritime strike on the west coast of the United States increased shipping charges authorized by paragraph (a) of this section are passed on to you by your supplier under this regulation, you must, in determining your ceiling price for the commodity under the applicable ceiling price regulation, exclude from your direct cost the amount listed on your supplier's invoice to you as the amount of shipping charges passed on to you for the commodity. You may then charge the buyer, in addition to such ceiling price, an amount not to exceed the amount of shipping charges passed on to you by your supplier as shown by your supplier's invoice for the commodity, provided that such additional amount which you charge the buyer is shown on your invoice, for all sales except sales at retail, as the amount of shipping charges passed on by you, as required by section 2 of this regulation.

SEC. 2. *Invoices.* If you sell any commodities under this supplementary regulation you must furnish each purchaser, except a retail purchaser, an invoice stating separately for each commodity the amount of the increased shipping charges passed on by you under this supplementary regulation. This information may be included on the invoice you customarily furnish or which you are required to furnish under Ceiling Price Regulation 9, Revision 1.

SEC. 3. *Applicability of Ceiling Price Regulation 9, Revision 1.* All of the provisions of Ceiling Price Regulation 9, Revision 1, except as modified by this supplementary regulation continue in full force and effect.

Effective date. This Revision 1 of Supplementary Regulation 4 to Ceiling Price Regulation 9, Revision 1, is effective August 15, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9182; Filed, Aug. 15, 1952; 12:02 p. m.]

[Ceiling Price Regulation 22, Amdt. 54]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

EXEMPTION FOR PRODUCERS WHOSE GROSS SALES DO NOT EXCEED $25,000

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts small manufacturers from coverage by CPR 22 with certain exceptions. Any manufacturer whose gross sales of commodities manufactured by him did not exceed $25,000 in his last complete fiscal year prior to July 1, 1952, for all manufacturing units under his ownership and control is exempted. The exemption is also extended to any new manufacturer who has not completed a fiscal year but who expects his gross sales during his first complete fiscal year not to exceed $25,000 for all manufacturing units under his ownership and control. In any event, the exemption ceases if sales reach $25,000 during the seller's first complete fiscal year ending after July 1, 1952. The reasons for this action are spelled out more fully in the Statement of Considerations to Amendment 33 to the General Ceiling Price Regulation issued concurrently herewith.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Appendix A, paragraph (a), is amended by adding a subparagraph numbered "4" reading as follows:

(4) (1) Sales or deliveries of commodities made or produced by a seller whose gross sales of such commodities did not exceed $25,000 in his last complete fiscal year prior to July 1, 1952 for all manufacturing units under his ownership and control.

(2) Sales or deliveries of commodities made or produced by a seller who did not complete a fiscal year prior to July 1, 1952 whose gross sales of such commodities are not expected to exceed $25,000 in his first complete fiscal year for all manufacturing units under his ownership and control.

(3) In the event that the gross sales for all manufacturing units under the ownership and control of a seller exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the seller's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases immediately.

(4) The preceding subparagraphs of this general exemption do not apply to sales or deliveries by producers of saw logs, pulpwood, wooden mine materials, ties, poles and piling, and related forest products.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9181; Filed, Aug. 15, 1952; 12:02 p. m.]

[Ceiling Price Regulation 22, Amdt. 1 to Supplementary Regulation 30]

CPR 22—MANUFACTURERS' GENERAL CEILING PRICE REGULATION

SR 30—TRANSLATION OF F. O. B. INTO DELIVERED CEILING PRICES FOR CERTAIN CONSUMER DURABLE GOODS

ADDITIONS TO APPENDIX

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2 this Amendment 1 to Supplementary Regulation 30, Ceiling Price Regulation 22 is hereby issued.

STATEMENT OF CONSIDERATIONS

The statement of considerations which was issued to Supplementary Regulation 30 to Ceiling Price Regulation 22 stated, in part, as follows:

"This regulation is limited at present to those areas where relief appears to be most greatly needed and where the method of calculation provided by this regulation can be used. New areas will be included within this supplementary regulation as need for relief in such areas is shown and as additional methods of calculation are developed."

It has now been ascertained that certain manufacturers of electric and gas cooking stoves are in need of the relief afforded by SR 30, CPR 22. It has also been ascertained that the method of calculating the adjusted delivered ceiling prices set forth in SR 30 may readily be used by these manufacturers. Accordingly, this amendment is being issued.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives and has given full consideration to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 30 to Ceiling Price Regulation 22 is amended by addition of the consumer durable goods item "Gas and Electric Cooking Stoves", so that Appendix A to SR 30, CPR 22, shall read as follows:

APPENDIX A

Refrigerators.
Home freezers.
Gas and electric cooking stoves.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1, Supplementary Regulation 30 to Ceiling Price Regulation 22, is effective August 20, 1952.

NOTE: The record-keeping and reporting requirements of this supplementary regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9183; Filed, Aug. 15, 1952; 12:02 p. m.]

[General Ceiling Price Regulation, Amdt. 33]

GENERAL CEILING PRICE REGULATION

EXEMPTION FOR PRODUCERS WHOSE GROSS SALES DO NOT EXCEED $25,000

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this amendment to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Numerous requests to the Office of Price Stabilization by small producers for relief from the administrative burdens of ceiling price regulations inspired a re-examination of section 14 (n) of the General Ceiling Price Regulation. That section exempted sales or deliveries of commodities made or produced by the seller at his own home, solely for his own account, without the assistance of hired employees, if the total of such sales or deliveries did not exceed $1,000 in any one calendar month.

It was determined that the restrictive terms of the section substantially frustrated the original intent to exempt commodities made and sold by small producers. The use of a calendar month, the $1,000 limitation, and the defining of the locale of production as the home eliminated a large number of small producers from the relief the exemption was designed to give.

This amendment eliminates the restrictive features formerly contained in the exemption and broadens it to include all producers whose gross sales are less than $25,000 a year for all units under their ownership and control with the exceptions noted. Exemption of these small producers will have no appreciable effect on the cost of living, the defense effort or the level of current industrial costs. The retention of controls on these small producers simply imposes a record keeping burden on them which is difficult to discharge and an unwarranted administrative burden on OPS.

This amendment deletes the requirement that commodities to be exempt as the products of small business must be made in the seller's home and without the assistance of hired employees. The commodities of any producer who did not complete a fiscal year by July 1, 1952 are exempt if he does not expect his gross sales for his first complete fiscal year to reach $25,000 for all units under his ownership and control. If a producer's gross sales exceed $25,000 during his first fiscal year ending after July 1, 1952, the sales of his commodities are thereafter no longer exempt from price control.

It has been determined that this exemption shall not apply to saw logs, pulpwood, wooden mine materials, ties, poles and piling, and related forest products. Because of the insufficiency of data and information relating to the major economic implications of exempting these commodities, the Director of Price Stabilization has deemed it inadvisable that they should be covered by this vehicle at this time. However, further study and consideration is being devoted in regard to the feasibility of their eventual exemption.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 14 (n) is amended to read as follows:

(n) (1) Sales or deliveries of commodities made or produced by a seller whose gross sales of such commodities did not exceed $25,000, in his last complete fiscal year prior to July 1, 1952, for all units under his ownership and control.

(2) Sales or deliveries of commodities made or produced by a seller who did not complete a fiscal year prior to July 1, 1952 whose gross sales of such commodities are not expected to exceed $25,000 in his first complete fiscal year for all units under his ownership and control.

(3) In the event that the gross sales for all units under the ownership and control of a seller exempt under the preceding subparagraphs (1) and (2) of this paragraph reach $25,000 during the seller's first fiscal year ending after July 1, 1952, the exemption under this paragraph ceases immediately.

(4) The preceding subparagraphs of this general exemption do not apply to sales or deliveries by producers of saw logs, pulpwood, wooden mine materials, ties, poles and piling, and related forest products.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 20, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9186; Filed, Aug. 15, 1952; 12:03 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Amdt. 1 to Area Milk Price Regulation 18]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 18—MILK MARKETING AREAS 3, 4 AND 5, STATE OF NEW JERSEY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Delegation of Authority 41 (16 F. R. 12679), and Redelegation of Authority No. 18 (16 F. R. 12913), this Amendment 1 to Area Milk Price Regulation 18 (17 F. R. 3204) pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended (16 F. R. 9559; 17 F. R. 446, 893), is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued in compliance with a directive of August 1, 1952, issued by the Director of Price Stabilization. In the opinion of the Director of Price Stabilization the increase in the differential between home delivered milk and milk sold by retail stores, which results from the provisions of AMPR 18 as originally issued, is sufficient to disturb normal marketing practices in the areas covered by this regulation. He has accordingly directed, in order to maintain normal marketing practices, that AMPR 18 be amended to provide for an increase of ⅛ cent per quart over GCPR ceiling prices on sales to distributors and subdealers and ½ cent per quart on all other sales.

Experience in administering AMPR 18 indicates that the use of a uniform adjustment of GCPR ceiling prices rather than specific dollars and cents ceiling prices would be the more equitable method of applying the granted increase. The use of specific dollars and cents ceiling prices in this regulation was based on the desire to facilitate enforcement and to satisfy the request of the industry and of the Office of Milk Industry of the State of New Jersey for this type of regulation. The effect has been to give unjustified increases in some instances and to work undue hardships in others. A review of the reports submitted under the provisions of section 5 reveals that there is much less uniformity of price, particularly on sales to subdealers, than the Office of Price Stabilization had reason to believe. While the prices specified by section 4 are representative, they permit some processors to increase their subdealer prices and require others to reduce theirs. This effect was not intended, and this amendment, therefore, substitutes uniform adjustments of GCPR ceiling prices for specific dollars and cents ceiling prices.

This method of establishing ceiling prices permits the reporting requirements of the regulation to be simplified.

Except as modified by the foregoing, the statement of considerations set forth in AMPR 18 applies to this amendment.

AMENDATORY PROVISIONS

Area Milk Price Regulation No. 18 to Supplementary Regulation 63 to GCPR is hereby amended in the following respects:

Sec.

1. The first and second sentences of section 1 *What this area milk price regulation does* are amended to read as follows: "This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, as amended, provides uniform adjustments of ceiling prices determined under section 3 of the General Ceiling Price Regulation (hereinafter referred to as GCPR base period prices) for fluid milk, as defined in section 13 (hereinafter referred to as milk), when sold in Milk Marketing Areas 3, 4 and 5 as fixed by the Office of Milk Industry of the State of New Jersey. It provides adjustments for milk in designated types and sizes of containers."

2. Section 4 is deleted and a new section 4 is added to read as follows:

SEC. 4. *Ceiling prices*—(a) *Ceiling prices of milk sold by processors to distributors and subdealers.* Your ceiling prices for milk sold to distributors and subdealers shall be your GCPR base period prices for the same type of milk when delivered in the same size and type of container to a purchaser of the same class, plus the following uniform adjustments:

Size container:	*Adjustment (cent)*
½ pint	1½
1 pint	1½
1 quart	1⅛
All other sizes (per quart)	1⅛

(b) *Ceiling prices of milk sold by processors, distributors and subdealers to all other classes of purchasers.* Your ceiling prices for milk sold to all other classes of purchasers shall be your GCPR base period prices for the same type of milk when delivered in the same size and type of container to a purchaser of the same class, plus the following uniform adjustments:

Size container:	*Adjustment (cent)*
½ pint	⅛
1 pint	¼
1 quart	½
All other sizes (per quart)	½

(c) *Price differentials.* Ceiling prices established pursuant to sections 4 (a) and 4 (b) must be modified by price differentials which existed between your GCPR base period prices and which resulted from discounts, allowances, premiums, extras, locations of purchasers and terms and conditions of sale or delivery.

(d) *Modification of proposed ceiling prices by District Director of Price Stabilization.* The District Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

3. Section 5 is deleted and a new section 5 is added to read as follows:

SEC. 5. *Reporting of GCPR prices.* Within five days after the effective date of this amendment you shall submit to the District Office of the Office of Price Stabilization, 200 East State Street, Trenton, N. J., by registered mail, return receipt requested, your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, unless you have previously mailed such price lists by registered mail to the Director who is issuing this amendment to the regulation. You shall not sell at the ceiling prices computed pursuant to section 4 until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

4. Section 6 (a) is amended to read as follows:

(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under section 4, your ceiling price for the sale of milk to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR, as amended) to the same class of purchaser.

5. The first sentence of section 7 (a) *How to obtain your ceiling price* is amended to read as follows: "If you cannot determine a ceiling price under section 4 or section 6, you must apply to the District Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk."

6. The first sentence of section 8 (a) is amended to read as follows: "The following prices are the prices for raw milk on which are based the uniform adjustments specified in or determined pursuant to section 4 of this area milk price regulation."

Effective date. This Amendment 1 to Area Milk Price Regulation No. 18 under Supplementary Regulation 63 of the General Ceiling Price Regulation, as amended, is effective as of August 15, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

HARRY A. WALSH,
District Director,
Office of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9187; Filed, Aug. 15, 1952; 12:04 p. m.]

[General Overriding Regulation 9, Amdt. 24]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

SUSPENSION OF APPLICATION OF CPR TO SALES AND CONVERSION OF CERTAIN SHIPS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 24 to General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment suspends from price control sales or deliveries, by the builder, of new ships, motor boats, rowboats, sailboats, or other marine craft 65 feet and under in size, whether propelled manually, by sail, by motive power, or towed by other craft.

Sales of ships over 65 feet are already suspended from price control. This amendment by placing all shipbuilding into the same category will remove the differentiation now being made between shipyards building larger vessels and those making small craft. It has been determined that the problems faced by shipbuilders which motivated the suspension of large ships are also encountered by small shipyards and that in fact many shipyards build both large and small vessels.

The repair and conversion of vessels 65 feet and under are unaffected by this amendment. These services will continue to be subject to CPR 34.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 9 is amended in the following respects:

Subparagraph (4) of Section 2 (b) is amended to read as follows:

(4) *Ships.* Sales or deliveries, by the builder, of any new ship, boat, barge, canal boat, lighter or tug, or other marine craft whether propelled manually, by sail, by motor power or towed by other craft.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9188; Filed, Aug. 15, 1952; 12:04 p. m.]

[General Overriding Regulation 9, Amdt. 25]

GOR 9—EXEMPTIONS OF CERTAIN INDUSTRIAL MATERIALS AND MANUFACTURED GOODS

EXEMPTION OF EXPERIMENTAL METALS, METAL ALLOYS, SINTERED METAL CARBIDES AND METALLIC CARBIDES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 25 to General Overriding Regulation 9, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to GOR 9 suspends from price control sales by producers of experimental metals, metal alloys, sintered metal carbides, and metallic carbides until such sales total $25,000 for any commodity or $100,000 for any category.

This amendment was issued for the same reasons and accomplishes the same objectives as Amendment 17 to General Overriding Regulation 9. Accordingly the statement of considerations involved in the issuance of that amendment is equally applicable to this amendment.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

GOR 9 is amended in the following respects:

Section 2 (b) (7) is amended to read as follows:

(7) *Experimental metals, metal alloys, sintered metal carbides and metallic carbides.* Sales and deliveries by producers of experimental metals, metal alloys, sintered metal carbides or metallic carbides so long as the total sales of any such commodity do not exceed $25,000 and the total sales of all such commodities falling within the same category do not exceed $100,000. A commodity is "experimental" only where it is the resulting product of research, testing and sampling done in a laboratory or pilot-plant, or both. When a commodity ceases to be experimental or when sales of any commodity reach $25,000, or when the total sales of all such commodities falling within the same category reach $100,000, future sales shall be subject to the General Ceiling Price Regulation or the applicable numbered ceiling price regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 25 to the General Overriding Regulation 9 shall become effective August 15, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9189; Filed, Aug. 15, 1952; 12:04 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-25, Amendment 1 of August 15, 1952]

M-25—CANS

CANS MADE OF CERTAIN SPECIFIED MATERIALS EXEMPTED FROM CAN MATERIAL SPECIFICATIONS AND CAN QUOTAS

This amendment to NPA Order M-25 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

NPA Order M-25, as amended May 14, 1952, is hereby further amended in the following respect:

Subparagraph (1) of paragraph (b) of section 9 is amended to read as follows:

(b) *Can materials.* (1) the can material specifications and the quantity usage limitations of this order do not apply to cans or parts of cans made entirely of any of the following materials or entirely of any combination thereof:

Mill accumulation plate.
Unassorted temper tin plate.
Unmended menders.
Tin plate waste-waste.
Tin plate waste.
Terneplate waste-waste.
Terneplate waste.
Black plate.
Black plate rejects.
Black plate waste-waste.
Black plate wasters.
Black plate waste.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 15, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9172; Filed, Aug. 15, 1952; 11:25 a. m.]

[NPA Order M-50, as Amended Aug. 15, 1952]

M-50—ELECTRIC UTILITIES

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of the Defense Production Act of 1950 as amended. In the formulation of this order, as amended, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

EXPLANATORY

This amendment affects NPA Order M-50 as amended April 16, 1952, as follows: Paragraphs (l), (m), (n), and (o) of section 2 are revised; a new paragraph (q) is added to section 2; paragraph (d) of section 21 and sections 33, 43, and 45 are amended; Appendices A, B, C, D, and E are revised to provide the full fourth quarter 1952 quotas of controlled materials for minor requirements and to authorize advance allotments for minor requirements for the first three quarters of 1953.

As amended, NPA Order M-50 reads as follows:

REGULATORY PROVISIONS

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Applications for adjustment or exception.
4. Records and reports.
5. Communications.
6. Violations.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

21. Effect on other orders.
22. Restrictions on receipt of controlled materials.
23. Use of allotment numbers, rating designations, and certifications.

ARTICLE III—MAJOR PLANT ADDITIONS

31. Restrictions on construction.
32. Construction schedules and allotments for major plant additions.
33. Required use of excess inventory.
34. Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.

ARTICLE IV—MINOR REQUIREMENTS

41. Allotments of controlled materials for minor requirements.
42. Quarterly controlled material quotas for minor requirements.
43. Applications for increased controlled materials quotas.
44. Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements.
45. Inventory restrictions.

AUTHORITY: Sections 1 to 45 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this order does.* This order provides rules of special application to the procurement and use of materials by electric utilities. It sets forth the procedure by which electric utilities procure materials under the Controlled Materials Plan. It modifies the application to electric utilities of CMP Regulations Nos. 2 and 6, as well as other orders and regulations of the National Production Authority.

SEC. 2. *Definitions.* (a) "Electric utility" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, located in the United States, its territories or possessions, supplying, or having facilities built for supplying, electric power, directly or indirectly, for general use by the public or, in the case of a cooperative, for use by its members. If an electric utility is engaged in the supply of electric power and in other activities, this order shall apply only to the procurement and use of materials required directly or indirectly for the supply of electric power.

(b) "DEPA" means the Administrator of the Defense Electric Power Administration.

(c) "Maintenance" means the continuation of any plant, facility, or equipment in sound working condition; and "repair" means the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like. "Maintenance" and "repair" include the replacement of any equipment regardless of its accounting classification, but neither "maintenance" nor "repair" includes the improvement of any plant, facility, or equipment, or the replacement of material which is in sound working condition with material of a better kind, quality, design, or of greater capacity.

(d) "Operating supplies" means material, other than fuel, which is consumed in the course of an electric utili-

ty's operations, except in maintenance, repair, and plant additions.

(e) "Gross weight of conductor" means, in the case of overhead lines, the weight of conductor as installed, including steel content in the case of conductor containing steel, without deduction for material salvaged; and in the case of underground lines the copper and aluminum content only, without deduction for material salvaged.

(f) "Line construction" means construction of both overhead and underground lines.

(g) "Net material cost" means the cost of all material, including any commodity, equipment, accessory, part, assembly, or product of any kind, incorporated in plant, less the cost of all material removed from plant, priced in accordance with the electric utility's regular accounting practice.

(h) "Plant addition" means the construction or installation of new facilities or the replacement of existing facilities with facilities of greater capacity. Single plant additions may not be combined or subdivided for purposes of affecting their classification as "major plant additions," as defined in this section. To assist in determining whether particular construction constitutes one or more than one plant addition, it shall be considered that a single plant addition consists of:

(1) Any construction of related facilities, excluding maintenance and repair work, which is completed during a continuous period of construction, not interrupted by periods of time such as months or years, except where such interruption is caused by uncontrollable forces, such as adverse weather conditions.

(2) In the case of line construction, a single continuous integrated system of lines, with necessary connected substations. (Thus, several sections of line emanating from different points on a utility's system would be several plant additions, not one plant addition.)

(i) "Major plant addition" means any plant addition which involves one or more of the following:

(1) Line construction designed for operation at more than 15 kv where the plant addition requires more than 10,000 pounds gross weight of conductor; or

(2) Line construction designed for operation at 15 kv or less where the plant addition has a net material cost exceeding $50,000; or

(3) Nonline construction necessary for the generation, transmission, and distribution of electric power, where the plant addition has a net material cost over $50,000, excluding construction of facilities for use as a garage, warehouse, operating headquarters, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(j) "Approved major plant addition" means any major plant addition in which DEPA has authorized commencement or continuation of construction.

(k) "Minor requirements" means electric utility requirements of controlled materials and other materials for all purposes (including MRO) except major plant additions, and except construction of facilities for use as a garage, warehouse, office building, administrative building, or other similar use, unless such facilities are essential for the generation, transmission, and distribution of electric power.

(l) "Inventory" of any item of controlled material means new or salvaged controlled material in the possession of an electric utility, unless physically incorporated in plant, without regard to its accounting classification, excluding, however:

(1) Any controlled material specifically set aside on April 1, 1951, for use in time of emergency, and replacement thereof; and

(2) Any controlled material set aside on July 17, 1951, or thereafter, for use in an approved major plant addition. Any controlled material set aside for use in any such major plant addition shall be returned to inventory as soon as it becomes apparent that such controlled material will not be used in such major plant addition.

(m) "Practicable minimum working inventory" means the smallest quantity of controlled material from which an electric utility can reasonably supply its services on the basis of its currently scheduled method and rate of operation. In the absence of unusual circumstances, an electric utility's inventory will be considered in excess of a practicable minimum working inventory if the ratio of its inventory to its currently scheduled operations is substantially greater than the ratio which it normally maintained between its inventory and its operations during any reasonably representative period in the 6 months ending June 30, 1950.

(n) "Permissible inventory" of any item of controlled material means the quantity of such controlled material which is necessary for use in supplying electric service on the basis of an electric utility's scheduled method and rate of operation pursuant to this order during the succeeding 90-day period, or a practicable minimum working inventory, whichever is less.

(o) "Excess inventory" of any item of controlled material means that part of an electric utility's inventory of such item which exceeds its permissible inventory of such item.

(p) "Commence construction," "authorized construction schedule," "controlled material," "allotment," "Class A product," "Class B product," "delivery order," and "authorized controlled material order" shall have the meanings respectively assigned to such terms in Revised CMP Regulation No. 6; "repairman" shall have the meaning assigned to such term in CMP Regulation No. 7.

(q) "Controlled material" means steel, copper, and aluminum, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, as modified by Direction 9 to CMP Regulation No. 1.

SEC. 3. *Applications for adjustment or exception.* (a) Any electric utility affected by any provision of this order may file a request for adjustment or exception on the ground that such provision works an undue or exceptional hardship upon such utility not suffered generally by other electric utilities, or that its enforcement against such utility would not be in the interest of national defense or in the public interest. Each request shall be in writing, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

(b) Each such request shall be addressed to DEPA and, if approved, DEPA will grant an appropriate adjustment or exception.

SEC. 4. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority or DEPA, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to DEPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 5. *Communications.* All communications concerning this order shall be addressed to the Defense Electric Power Administration, Washington 25, D. C., Ref: NPA Order M–50.

SEC. 6. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials, or of using facilities under priority or allocation control, and to deprive him of further priorities assistance.

ARTICLE II—PROCUREMENT OF CONTROLLED MATERIALS GENERALLY

SEC. 21. *Effect on other orders.* (a) This order modifies the application of Revised CMP Regulation No. 6 (Construction) to electric utilities and supersedes any conflicting provisions in Revised CMP Regulation No. 6. All of the provisions of Revised CMP Regulation No. 6 apply to electric utilities except as modified by this order.

(b) The provisions of CMP Regulation No. 5 shall not apply to electric utilities.

Electric utilities shall procure materials for maintenance, repair, and operating supplies in the manner provided in Article IV of this order.

(c) The provisions of CMP Regulation No. 7 apply to repairmen doing work for an electric utility. A repairman must use the H–4 allotment symbol to obtain the controlled materials needed to do repair work for an electric utility. Controlled materials so ordered shall constitute a charge against the utility's minor requirements allotments. Controlled materials necessary for the repair of utility customers' electric appliances shall not be ordered by use of the H–4 allotment symbol. Instead, such controlled materials shall be obtained in the manner provided in CMP Regulation No. 7.

(d) The inventory provisions of this order supersede any conflicting provisions in CMP Regulation No. 2 or any other order concerning inventory of controlled materials. For products and materials other than controlled materials, the inventory limitations in NPA Reg. 1 and any other National Production Authority order or regulation are applicable to electric utilities.

SEC. 22. *Restrictions on receipt of controlled materials.* Unless prior authorization is granted by DEPA, no electric utility shall receive any controlled materials which were not ordered pursuant to an allotment made by DEPA.

SEC. 23. *Use of allotment numbers, rating designations, and certifications.* Authorized controlled materials orders for major plant additions shall show the allotment number H–3; authorized controlled material orders for minor requirements shall show the allotment number H–4. Such orders shall also show the calendar quarter in which the allotment is valid. For example, a delivery order for controlled materials placed pursuant to an allotment valid for the first quarter of 1952 shall be designated as follows:

For major plant additions—
H–3–1Q52
For minor requirements—
H–4–1Q52

In addition, each authorized controlled material order shall be certified as follows:

Certified under Revised CMP Regulation No. 6 and NPA Order M–50 and shall be signed as provided in NPA Reg. 2. DO–H–3 rated orders and DO–H–4 rated orders shall also be certified and signed in such manner.

ARTICLE III—MAJOR PLANT ADDITIONS

SEC. 31. *Restrictions on construction.* No electric utility may commence construction of any major plant addition or use any controlled material in any major plant addition without specific authorization from DEPA. DEPA authorization to commence or continue construction does not necessarily mean that DEPA will allot materials in the amounts requested by any electric utility.

SEC. 32. *Construction schedules and allotments for major plant additions.* A construction schedule for each major plant addition will be authorized by DEPA on Form DEPA 7. Construction schedules will be authorized on the basis of information furnished by electric utilities on Form DEPA 9 submitted for such major plant addition, or pursuant to application made in such manner as DEPA may hereafter require.

SEC. 33. *Required use of excess inventory.* Any electric utility which has an excess inventory of any controlled material shall use such material in approved major plant additions to the extent, and on the earliest date, that such material is required in any approved major plant addition. In filing applications for allotments of controlled materials for major plant additions, excess inventories shall be taken into account, and in stating its requirements of controlled materials for any major plant addition no electric utility shall include in its requirements any quantity of controlled material which is available in excess inventory.

SEC. 34. *Authorization to use DO rating to obtain products and materials other than controlled materials for major plant additions.* Subject to any special provisions contained in any appendix to this order, a DO–H–3 rating is hereby assigned to each authorized construction schedule for a major plant addition. This rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required and on a date or dates no earlier than required to fulfill such schedule or to replace in inventory products and materials other than controlled materials used to fulfill authorized construction schedules for major plant additions.

ARTICLE IV—MINOR REQUIREMENTS

SEC. 41. *Allotments of controlled materials for minor requirements.* Subject to the restrictions contained in section 45 of this order, each electric utility is hereby granted an allotment of controlled materials for minor requirements in the amount of its quota for each controlled material as provided in section 42 of this order, and is authorized to use such allotment for minor requirements. No electric utility shall place authorized controlled material orders for minor requirements of any controlled material in excess of its quota for such controlled material. Each authorized controlled materials order for minor requirements shall contain the allotment number H–4 as provided in section 23 of this order.

SEC. 42. *Quarterly controlled material quotas for minor requirements.* Unless DEPA has prescribed otherwise, an electric utility may elect to use either a standard quota or an alternative quota, but may not thereafter change from one quota to the other without the express approval of DEPA.

(a) *Standard quota.* An electric utility's standard quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which was used for minor requirements in the calendar year 1950 (or, if it operated on a fiscal year basis, in its fiscal year ending nearest to December 31, 1950).

(b) *Alternative quota.* An electric utility's alternative quota for any controlled material for any calendar quarter is the percentage specified in the applicable appendix to this order of the quantity of such material which it used in the corresponding calendar quarter of 1950 (or, if it operated on a fiscal year basis, in the corresponding quarter of its fiscal year ending nearest to December 31, 1950).

(c) *Quota where 1950 base inapplicable.* An electric utility not in operation throughout the year 1950 (calendar or fiscal) shall establish its standard or alternative controlled material quota in accordance with this section by adjusting, in direct proportion, its actual use of such controlled material for part of the year to an annual basis. To determine an alternative quota in such cases, the adjusted annual use may be unequally distributed among four quarters to reflect seasonal variations. An electric utility not in operation throughout 1950 shall report to DEPA the controlled material quota which it establishes in accordance with this section. If an electric utility was not in operation during any part of the year 1950 (calendar or fiscal), it may apply to DEPA for a controlled material quota supplying, in detail, information pertinent to a proper evaluation of its application.

(d) *Quotas established by DEPA.* DEPA may, by notice addressed to individual electric utilities, prescribe quarterly controlled material quotas for minor requirements greater or less than such utility's standard or alternative quotas.

(e) *Emergency excess of quotas.* If an electric utility has so far exhausted its minor requirements allotment that an insufficient allotment remains in any quarter to procure necessary controlled material for maintenance or repair of its equipment or property, other than buildings, which is damaged or destroyed by extraordinary cause such as explosion, fire, sabotage, act of the public enemy, flood, storm, or similar catastrophe, the utility may exceed its minor requirements allotment for that quarter to the extent necessary to procure such controlled material: *Provided, however,* That any such excess of minor requirements allotment must be immediately reported, together with the reasons therefor, to DEPA.

SEC. 43. *Applications for increased controlled materials quotas.* Each application for an increased controlled material quota shall contain the following information:

(a) Statement of the amount of any special authorization which the utility has received.

(b) Statement of the total amount, in pounds or tons, of each controlled material requested to be authorized for use in minor requirements during each quarter, including the base-period quota permitted by the applicable appendix to this order.

(c) Detailed statement of necessity for larger quota.

(d) Quantity in inventory of the items applied for, and any additional informa-

2. *Copper quotas for minor requirements*

3. *Alloy steel quotas for minor require-*

SECTION 1. *What this direction does.*

In Clinton County, the City of Lock Haven,

tion which may be pertinent to proper evaluation of the application.

SEC. 44. *Authorization to use DO ratings to obtain products and materials other than controlled materials for minor requirements*—(a) *Assignment of DO–H–4 ratings.* Subject to any special provisions in any appendix to this order, and subject to the provisions of paragraph (b) of this section, each electric utility is hereby authorized to use a DO–H–4 rating to order products and materials other than controlled materials necessary for use in connection with any minor requirements project which involves the use of any portion of its minor requirements allotment of any controlled material, and to order such additional amounts of products and materials other than controlled materials as are necessary for the operation, maintenance, and repair of its electric system.

(b) *Restrictions on the use of the DO–H–4 rating.* Use of the DO–H–4 rating by electric utilities is subject to the following restrictions:

(1) The DO–H–4 rating may be used only to acquire products and materials other than controlled materials in the minimum practicable amounts required, and on a date or dates no earlier than required, for the purposes specified in paragraph (a) of this section, or to replace in stock products and materials other than controlled materials used for such purposes.

(2) No electric utility shall use the DO–H–4 rating to obtain any item costing more than $10,000 without specific authorization by DEPA. (For the purposes of this subparagraph, two or more single-phase transformers to be operated in one bank shall constitute a single item.) Requests for such authorization may be made by letter setting forth a complete description of the equipment, number of units, name of supplier, purchase value, and utility's order number if the order has been placed, and the present and estimated future loads to be served from the installation for which such item is ordered. In addition, the request shall describe the location and facility where the equipment will be installed, such as "69/4.2 kv Bolmer Substation in Fisk, Iowa." If the equipment is for replacement, explain why existing equipment is inadequate. When the equipment is to be used as spare or stand-by facilities such as spare transformers, oil circuit breakers, and generator windings, the request shall clearly indicate that such equipment is spare, and shall justify its proposed use on the basis of previous experience, operating characteristics, and the number of installations for which the item will serve as spare and for which no other adequate spare facilities are available, and shall set forth any other information pertinent to proper evaluation of such request.

(3) No electric utility shall use the DO–H–4 rating to obtain any materials on lease.

(4) No electric utility shall use the DO–H–4 rating to obtain any material listed in Schedules I and II of CMP Regulation No. 5, as amended from time to time.

SEC. 45. *Inventory restrictions.* No electric utility shall place delivery orders for, or accept delivery of, any item of controlled material if its inventory of such item is, or by receipt of such material would become, in excess of a permissible inventory. If an electric utility would be authorized by this section to place a delivery order for a quantity of any item of controlled material less than the minimum sales quantity of such item, it may accept delivery of the minimum sales quantity of such item. The minimum sales quantity of any item of controlled material shall be the quantity designated in Schedule IV of CMP Regulation No. 1.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

The issuance of this amended order does not in any way affect M–50, Direction 1 of July 22, 1952.

This order as amended shall take effect August 15, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

APPENDIX A OF NPA ORDER M–50—ALUMINUM

1. *Definition.* "Aluminum" means aluminum in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Aluminum quotas for minor requirements for third quarter of 1952.*

	Percent
Standard quota	20.0
Alternative quota	80.0

3. *Aluminum quotas for minor requirements for fourth quarter of 1952.*

	Percent
Standard quota	22.5
Alternative quota	90.0

4. *Advance aluminum quotas for minor requirements.*

	Percent
(a) First quarter, 1953:	
Standard quota	18.0
Alternative quota	72.0
(b) Second quarter, 1953:	
Standard quota	16.9
Alternative quota	67.5
(c) Third quarter, 1953:	
Standard quota	13.5
Alternative quota	54.0

5. *Exemption from quantity restrictions.* The quantity restrictions applicable to aluminum shall not apply to any electric utility which orders for delivery, in any calendar quarter, a weight of aluminum which does not exceed 1,000 pounds.

6. *Special provisions for ACSR.* Delivery orders for Aluminum Conductor Steel Reinforced shall bear the allotment symbol H–3 for major plant additions and H–4 for minor requirements, plus the appropriate quarter's designation. Orders so placed shall constitute a charge against each utility's aluminum allotment in the amount of the aluminum content of ACSR, but shall not constitute a charge against its steel allotment.

APPENDIX B OF NPA ORDER M–50—COPPER

1. *Definition.* "Copper" means the shapes and forms indicated in Schedule I of CMP Regulation No. 1 under the headings "Copper and copper-base alloy brass mill products," "Copper wire mill products," and "Copper and copper-base alloy foundry products and powder."

2. *Copper quotas for minor requirements for third quarter of 1952.*

	Percent
Standard quota	12.5
Alternative quota	50.0

3. *Copper quotas for minor requirements for fourth quarter of 1952.*

	Percent
Standard quota	12.5
Alternative quota	50.0

4. *Advance copper quotas for minor requirements.*

	Percent
(a) First quarter, 1953:	
Standard quota	10.0
Alternative quota	40.0
(b) Second quarter, 1953:	
Standard quota	9.4
Alternative quota	37.5
(c) Third quarter, 1953:	
Standard quota	7.5
Alternative quota	30.0

5. *Exemption from quantity restrictions.* The quantity restrictions applicable to copper shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of copper which does not exceed 1,000 pounds in the aggregate.

6. *Special provisions for Amerductor and Copperweld conductor.* Delivery orders for Amerductor and Copperweld conductor shall bear the allotment symbol H–3 for major plant additions and H–4 for minor requirements, plus the appropriate quarter's designation. Orders so placed shall constitute a charge against each utility's copper allotment in the amount of the copper content of Amerductor or Copperweld conductor, but shall not constitute a charge against its steel allotment.

APPENDIX C OF NPA ORDER M–50—CARBON STEEL

1. *Definition.* "Carbon steel" means carbon steel, including wrought iron, in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Carbon steel quotas for minor requirements for third quarter of 1952.*

	Percent
Standard quota	18.75
Alternative quota	75.0

3. *Carbon steel quotas for minor requirements for fourth quarter of 1952.*

	Percent
Standard quota	15.0
Alternative quota	60.0

4. *Advance carbon steel quotas for minor requirements.*

	Percent
(a) First quarter, 1953:	
Standard quota	14.0
Alternative quota	56.0
(b) Second quarter, 1953:	
Standard quota	11.25
Alternative quota	45.0
(c) Third quarter, 1953:	
Standard quota	11.25
Alternative quota	45.0

5. *Exemption from quantity restrictions.* The quantity restrictions applicable to carbon steel shall not apply to any electric utility which orders for delivery in any calendar quarter a quantity of carbon steel which does not exceed 1,000 pounds.

APPENDIX D OF NPA ORDER M–50—ALLOY STEEL (EXCEPT STAINLESS STEEL)

1. *Definition.* "Alloy steel" means alloy steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

2. *Alloy steel quotas for third quarter of 1952.*

	Percent
Standard quota	18.75
Alternative quota	75.0

3. *Alloy steel quotas for minor requirements for fourth quarter of 1952.*

	Percent
Standard quota	15.0
Alternative quota	60.0

4. *Advance alloy steel quotas for minor requirements.*

	Percent
(a) First quarter, 1953:	
Standard quota	14.0
Alternative quota	56.0
(b) Second quarter, 1953:	
Standard quota	11.25
Alternative quota	45.0
(c) Third quarter, 1953:	
Standard quota	11.25
Alternative quota	45.0

APPENDIX E OF NPA ORDER M–50—STAINLESS STEEL

1. *Definition.* "Stainless steel" means a stainless steel, wrought, cast, or sintered, containing 1 percent or more of nickel.

2. *Special provisions for stainless steel.* The quotas expressed in this appendix are percentages of base-period use of stainless steel as reported on Form DEPA–8, Revision 1, even though such usage may have included stainless steel containing less than 1 percent of nickel.

3. *Stainless steel quotas for minor requirements for the third quarter of 1952.*

	Percent
Standard quota	11.25
Alternative quota	45.0

4. *Stainless steel quotas for minor requirements for fourth quarter of 1952.*

	Percent
Standard quota	9.4
Alternative quota	37.5

5. *Advance stainless steel quotas for minor requirements.*

	Percent
(a) First quarter, 1953:	
Standard quota	4.7
Alternative quota	18.25
(b) Second quarter, 1953:	
Standard quota	2.5
Alternative quota	10.0
(c) Third quarter, 1953:	
Standard quota	2.5
Alternative quota	10.0

[F. R. Doc. 52–9173; Filed, Aug. 15, 1952; 11:25 a. m.]

[NPA Order M–50, Direction 2 of August 15, 1952]

M–50—ELECTRIC UTILITIES

DIR. 2—TEMPORARY REDUCTION OF MAXIMUM INVENTORY LIMITATIONS ON STEEL

This direction under NPA Order M–50 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Suspension of inventory limitations.
3. Relation to NPA Order M–50.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 403, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to reduce temporarily the permissible inventories of certain steel items held by electric utilities.

SEC. 2. *Reduction of permissible inventories of steel.* At no time during the period September 1, 1952, through December 31, 1952, shall an electric utility accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1, if its inventory of such items is, or by such receipt would become, in excess of the quantity of such item necessary for use in supplying electric service on the basis of its scheduled method and rate of operation during the succeeding 60-day period, or a practicable minimum working inventory, whichever is less.

SEC. 3. *Relation to NPA Order M–50.* This direction, in effect, temporarily, amends in part the definition of "permissible inventory" contained in section 2 (n) of NPA Order M–50, and thereby modifies the inventory restrictions set forth in section 45 of NPA Order M–50.

This direction shall take effect August 15, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52–9174; Filed, Aug. 15, 1952; 11:25 a. m.]

Chapter XX!—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 70 to Schedule A]

[Rent Regulation 2, Amdt. 68 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

PENNSYLVANIA

Effective August 16, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

Schedule A, Item 272, is amended to describe the counties in the defense-rental area as follows:

In Lycoming County, the City of Williamsport, the Boroughs of Duboistown, Montgomery, Montoursville and South Williamsport, and the Townships of Armstrong, Clinton, Loyalsock and Old Lycoming.

In Montour County, the Borough of Danville, and the Township of Mahoning; in Northumberland County, the Cities of Shamokin and Sunbury, the Boroughs of Northumberland and Riverside, and the Townships of Coal, Gearhart, Point, Rockefeller and Upper Augusta; in Snyder County, the Borough of Selinsgrove, and the Townships of Monroe and Penn including Shamokin Dam; and in Union County, the Borough of Lewisburg, and the Townships of Buffalo and East Buffalo.

In Clinton County, the City of Lock Haven, the Boroughs of Flemington, Mill Hall and Renovo, and the Townships of Allison, Bald Eagle, Castanea, Dunnstable, Pine Creek, Wayne and Woodward.

This recontrols the Borough of Danville and the Township of Mahoning in Montour County, Pennsylvania, and the Borough of Riverside and the Township of Gearhart in Northumberland County, Pennsylvania, portions of the Williamsport, Pennsylvania Defense-Rental Area, which localities had previously been decontrolled as of December 31, 1949.

[F. R. Doc. 52–9071; Filed, Aug. 15, 1952; 8:58 a. m.]

[Rent Regulation 1, Amdt. 15 to Schedule B]

[Rent Regulation 2, Amdt. 15 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE RENTAL AREAS OR PORTIONS THEREOF

PENNSYLVANIA

Effective August 16, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below:

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 13th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

1. A new item 60 is added to Schedule B of Rent Regulation 1, reading as follows:

60. *Provisions relating to the recontrol of the Borough of Danville and the Township of Mahoning in Montour County, Pennsylvania, and the Borough of Riverside and the Township of Gearhart in Northumberland County, Pennsylvania, portions of the Williamsport, Pennsylvania, Defense-Rental Area (Item 272 of Schedule A).*

Effective August 16, 1952, the provisions of this regulation shall apply to housing accommodations in the territory to which this item of Schedule B relates, except as modified by the following provisions:

(a) All orders in effect on December 20, 1949, in accordance with this regulation shall be in full force and effect.

(b) Section 81 and those which precede section 91, relating to the establishment of maximum rents, shall be applicable and sections 91 and those which follow, relating to the establishment of maximum rents, shall be inapplicable.

(c) If on August 16, 1952, there was a ground for adjustment under sections 126 to 141 for which no order had previously been issued, and a petition for adjustment is filed on or before September 30, 1952, the adjustment shall be effective as of August 16, 1952.

(d) In section 140 wherever the date July 31, 1951, appears, the date August 16, 1952 shall be substituted.

(e) If, on August 16, 1952, the services provided with any housing accommodations are less than the minimum required by section 76, the landlord shall either restore and maintain such minimum services or file a petition on or before September 30, 1952, requesting approval of the decreased services. If, on August 16, 1952, the furniture, furnishings, or equipment provided with any housing accommodations are less than the minimum required by section 76, the landlord shall file, on or before September 30, 1952, a

written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph (e), the provisions of sections 146 to 149 shall be applicable to all such cases.

(f) In the case of any action which on August 16, 1952, was required or authorized by this regulation to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from August 16, 1952.

2. A new item 66 is added to Schedule B of Rent Regulation 2, reading as follows:

66. Provisions relating to the recontrol of the Borough of Danville and the Township of Mahoning in Montour County, Pennsylvania, and the Borough of Riverside and the Township of Gearhart in Northumberland County, Pennsylvania, portions of the Williamsport, Pennsylvania, Defense-Rental Area (Item 272 of Schedule A):

Effective August 16, 1952, the provisions of this regulation shall apply to housing accommodations in the territory to which this item of Schedule B relates, except as modified by the following provisions:

(a) All orders in effect on December 20, 1949, in accordance with this regulation shall be in full force and effect.

(b) Section 81 and those which precede section 91, relating to the establishment of maximum rents, shall be applicable and sections 91 and those which follow, relating to the establishment of maximum rents, shall be inapplicable.

(c) If, on August 16, 1952, there was a ground for adjustment under sections 126 to 137 for which no order had previously been issued, and a petition for adjustment is filed on or before September 30, 1952, the adjustment shall be effective as of August 16, 1952.

(d) In section 137 wherever the date July 31, 1951, appears, the date August 16, 1952, shall be substituted.

(e) If, on August 16, 1952, the services provided with any housing accommodations are less than the minimum required by section 76, the landlord shall either restore and maintain such minimum services or file a petition on or before September 30, 1952, requesting approval of the decreased services. If, on August 16, 1952, the furniture, furnishings, or equipment provided with any housing accommodations are less than the minimum required by section 76, the landlord shall file, on or before September 30, 1952, a written report showing the decrease in furniture, furnishings, or equipment. Except as modified by this paragraph (e), the provisions of sections 146 to 149 shall be applicable to all such cases.

(f) In the case of any action which on August 16, 1952, was required or authorized by this regulation to be taken within a specified period of time, the same time period shall be applicable but such time period shall be counted from August 16, 1952.

[F. R. Doc. 52-9070; Filed, Aug. 15, 1952; 8:58 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

ALIENS SERVING AS LICENSED OFFICERS ON MERCHANT VESSELS

CROSS REFERENCE: For revocation of § 19.15 *Employment of aliens as watch officers on United States merchant vessels* see F. R. Doc. 52-9077, Title 46, Chapter I, Part 154, *infra*.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

AUSTRALIA

a. In § 127.34 *Recall and change of address* amend paragraph (f) by inserting the following phrase immediately after "Australia": "(applies only to regular-mail articles)".

b. In § 127.71 *Sealing* amend paragraph (a) by inserting, in proper alphabetical order, "Australia (insured)" in the list of countries shown therein.

c. In § 127.76 *Group shipments* amend paragraph (b) by inserting, in proper alphabetical order, "Australia" in the list of countries shown therein.

d. In § 127.82 *Recall and change of address* delete "Australia" from the list of countries shown in the second paragraph.

e. In § 127.102 *Special provisions applicable to international insurance service* add "Australia" in alphabetical order to the list of countries in paragraph (a).

f. In § 127.209 *Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island)* make the following changes:

1. In the tabulated information appearing under subdivision (ii) of paragraph (b) (1), make the following changes:

a. Amend "Sealing: Optional" to read "Sealing: Insured parcels must, and ordinary parcels may, be sealed".

b. Amend "Group shipments: No" to read "Group shipments: Yes. (See § 127.76)."

c. Amend "Insurance: No" to read "Insurance: Yes".

2. Amend paragraph (b) (2) to read as follows:

(2) *Indemnity.* See subparagraph (4) of this paragraph.

3. In paragraph (b), redesignate subparagraphs (4) and (5) as (6) and (7), respectively, and insert new subparagraphs (4) and (5) to read as follows:

(4) *Insurance.* Parcel-post packages may be insured subject to the following limits of indemnity when prepaid at the appropriate postage rates in addition to the insurance fees mentioned hereunder:

Limit of indemnity:	Fee (cents)
Not over $10	20
From $10.01 to $25	25
From $25.01 to $50	35
From $50.01 to $100	55
From $100.01 to $165	60

(5) *Insurance return receipt.* Requested at time of mailing, 5 cents; after mailing, 10 cents. (See § 127.102 (d).)

4. Add the following new subdivisions to paragraph (b) (6) *Observations:*

(vii) Each insured parcel must be marked to show (both in arabic figures and in roman letters spelled out in full) in United States currency the amount for which the parcel is insured. (See § 127.102 (b) (5).)

(viii) Parcels containing bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

For further information concerning insurance service, see Subpart C of this part.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9080; Filed, Aug. 15, 1952; 8:59 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 860]

KANSAS

TRANSFERRING JURISDICTION OVER THE OIL AND GAS DEPOSITS IN CERTAIN LANDS OWNED BY THE UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising the warehouse site of the Smoky Hill Air Force Base, Kansas, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831) it is ordered as follows:

1. The jurisdiction over the oil and gas deposits in the following-described lands is hereby transferred from the Department of the Air Force to the Department of the Interior:

SIXTH PRINCIPAL MERIDIAN

T. 15 S., R. 4 W.

A certain parcel of land lying in sec. 24, as shown on map entitled "Smoky Hill A. F. B. Warehouse Site, October 19, 1949, Installation No. 2795, Drawing No. Kansas 13-A", a copy of which is on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and more particularly described as follows:

Beginning at a point 2,350 feet east of the southwest corner of said sec. 24, thence:
North, 950 feet;
East, 300 feet;
N. 58° E., 940 feet;
N. 36½° W., 470 feet to a point on the south line of McArthur Avenue;
N. 55½° E., 2,260 feet along south line of McArthur Avenue;
N. 34½° W., 365 feet to a point on the south line of Newton Street;
N. 55½° E., 635 feet along south line of Newton Street;
S. 34½° E., 365 feet to a point on the south line of McArthur Avenue; thence
Northeasterly and easterly 5,480 feet along south line of McArthur Avenue to the corner of secs. 17, 18, 19, and 20, T. 15 S., R. 3 W.;
South, 300 feet to the northerly right-of-way of Missouri Pacific Railroad;
Southwesterly, 9,350 feet along the northerly right-of-way of Missouri Pacific Railroad to a point on the south boundary of sec. 24, T. 15 S., R. 4 W.;
West, 250 feet on south boundary of sec. 24 to the point of beginning.

The area as described contains 221.10 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such land.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for air force purposes.

4. Prior to any advertisement for bids to lease any of the lands mentioned herein, the Department of the Air Force shall be given the opportunity to indicate any further restrictions that it deems necessary to be incorporated in the proposed lease or leases.

5. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

AUGUST 12, 1952.

[F. R. Doc. 52-9025; Filed, Aug. 15, 1952; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 52-42]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN REGULATIONS DURING EMERGENCY

ALIENS SERVING AS LICENSED OFFICERS ON MERCHANT VESSELS

The purpose of this document is to revoke the waiver order designated as 46 CFR 154.15, as well as 33 CFR 19.15, and the regulations in 46 CFR Part 155, regarding employment of aliens as watch officers on United States merchant vessels and the qualifications for alien officers.

It has been determined upon investigation that there is sufficient experienced personnel in the merchant marine industry to meet the requirements of certain navigation and vessel inspection laws relating to manning of merchant vessels and to meet the citizenship requirements for watch officers in the United States merchant marine. Therefore, the waiver order designated as 46 CFR 154.15, as well as 33 CFR 19.15, and the regulations in 46 CFR Part 155 relating to aliens serving as licensed officers on merchant vessels are no longer necessary. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury, dated January 23, 1951, identified as CGFR 51-1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order and regulations are revoked effective upon the date of publication of this document in the FEDERAL REGISTER.

1. Section 154.15 *Employment of aliens as watch officers on United States merchant vessels* is revoked.

2. Sections 155.01-1 to 155.10-50, inclusive, which comprise the entire Part 155, are revoked.

(Secs. 1, 2, 64 Stat. 1120; 46 U. S. C. Sup. note prec. 1)

Dated: August 11, 1952.

[SEAL] MERLIN O'NEILL,
Vice Adm., U. S. Coast Guard, Commandant.

[F. R. Doc. 52-9077; Filed, Aug. 15, 1952; 8:59 a. m.]

[1] Also codified as 33 CFR Part 19.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

FORMS

In the matter of amendment of FCC Forms 301, 303, 314 and 315.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952.

It appearing, that the statement of program service required of television applicants by paragraphs 1 through 7 of section IV of FCC Form 301 (Revised 3-21-52) duplicates the substance of information required by paragraph 10 of this section which may thus be deleted; and

It further appearing, that the corresponding paragraphs 1 through 7 of section IV of FCC Forms 303, 314 and 315, respectively (Revised 6-16-48), are inapplicable to television applicants and should be made applicable thereto in conformity with FCC Form 301 by amending these paragraphs pursuant to which the corresponding paragraph 10 of this section of FCC Forms 303, 314, and 315, respectively, may be deleted for the reason above stated; and

It further appearing, that in the light of the nature of the amendments adopted herein the provisions of section IV of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable, and that the amendment may be effective immediately; and

It further appearing, that the authority for the amendments adopted herein is contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended;

It is ordered, That effective immediately FCC Form 301, "Application for Authority to Construct a New Broadcast Station or Make Changes in an Existing Station" is amended by the deletion of paragraph 10 of section IV; and FCC Form 303 "Application for Renewal of Broadcast Station License", FCC Form 314 "Application for Consent to Assignment of Radio Broadcast Station Construction Permit or License", and FCC Form 315 "Application for Consent to Transfer of Control of Corporation Holding Radio Broadcast Station Construction Permit or License" are amended as follows:

1. Delete the language of Instruction 1 of section IV and substitute the following: "Both parts of this section are to be completed by all applicants".

2. Delete paragraph 10 of section IV.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 301, 303)

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9027; Filed, Aug. 15, 1952; 8:46 a. m.]

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

AVAILABILITY OF CHANNELS

By the Commission, Commissioner Sterling not participating, Commissioner Jones dissenting.[1]

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 mcs. for Television Broadcasting, Docket No. 8976.

The Commission has before it for consideration a Petition for Reconsideration and Modification of § 3.607 (b) in the above entitled proceeding filed June 18, 1952 by South Jersey Broadcasting Company, Camden, New Jersey.

In the Third Notice of Further Proposed Rule Making (FCC 49-948) issued on March 22, 1951 in these proceedings the Commission proposed with reference to the Table of Assignments of television channels that a channel assigned to a community should be available, without the necessity of rule making proceedings, to any unlisted community located within 15 miles of the assigned community provided the minimum separations

[1] The dissenting opinion of Commissioner Jones filed as part of the original document.

were met. In the Sixth Report and Order in these proceedings the Commission adopted § 3.607 (b) of the rules governing television stations which provides in part that "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community." Assignment separations and station separations are prescribed in another section of these rules. In the Third Notice of Further Proposed Rule Making the Commission did not propose the assignment of any channels to Camden, New Jersey, thus Camden was unlisted in the proposed Table of Assignments. In the Sixth Report and Order, the Commission on the basis of the record in these proceedings assigned Channel 80 to Camden and reserved that channel exclusively for non-commercial educational use with the result that Camden is listed in the Table of Assignments which was adopted. Camden is within 15 miles of Philadelphia, Pennsylvania.

Petitioner requests that § 3.607 (b) of the Commission's rules and regulations be modified by adding after the final sentence thereof language to the following effect: "For the purpose of this section a community shall be deemed unlisted if no commercial television channel has been allocated thereto."

In support of its request petitioner states that the Commission's action assigning Channel 80 to Camden and reserving that channel exclusively for non-commercial educational use acts to preclude an applicant for a television station in Camden from applying for a Philadelphia channel; that it believes such result inadvertent and, if not, then arbitrary, contrary to the public interest and in contravention of section 307 (b) of the Communications Act; that the County of Camden has a population of 301,000; that Camden is the 5th largest city in New Jersey with a population of 125,000; that petitioner's study of assignments shows there is no availability of an additional channel for assignment to Camden under the provisions of § 3.609 (c) of the rules governing television stations; that under § 3.607 (b) as now worded applicants may file for the Philadelphia channels in various small suburban communities near Philadelphia but this same privilege is denied applicants from Camden because of the reserved channel; that the types of service to be provided by commercial and non-commercial educational licensees are not similar; and that Camden, considering its size and its location across the Delaware River in a different State with differing political, economic, and social interests, should at least have the opportunity to compete in a comparative proceeding for channels allocated to the Philadelphia area.

We have reexamined and reconsidered the effect of § 3.607 (b) of the rules as adopted in these proceedings. It is our view that the assignment of a single television channel to a community and the reservation of that channel exclusively for non-commercial educational use should not preclude the availability to that community of other television channels which would otherwise be available to it under § 3.607 (b) and that this section of the rules should be revised in keeping with this view. A revision in the nature, if not in the exact wording, of that requested by petitioner should thus be adopted.

In view of the foregoing, the above named petition is hereby granted, in substance and it is ordered that effective September 15, 1952 § 3.607 (b) of the rules governing television stations is amended as follows:

§ 3.607 *Availability of channels.*

* * *

(b) A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community. In addition, a channel assigned to a community listed in the Table of Assignments and not designated for use by noncommercial educational stations only, is available upon application in any other community within 15 miles thereof which, although listed in the Table, is assigned only a channel designated for use only by noncommercial educational stations. Where channels are assigned to two or more communities listed in combination in the Table of Assignments the provisions of this paragraph shall apply separately to each community so listed. The distance between communities shall be determined by the distance between the respective coordinates thereof as set forth in the publication of the United States Department of Commerce entitled "Air Line Distance Between Cities in the United States."[2] If said publication does not contain the coordinates of either or both communities, the coordinates of the main post office in either or both of such communities shall be used. The method to be followed in making the measurements is set forth in § 3.611 of this subpart.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 301, 303)

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9026; Filed, Aug. 15, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 95—CAR SERVICE

[Rev. S. O. 889]

RAILROAD FREIGHT CARS TO BE STOPPED TO COMPLETE LOADING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of August A. D. 1952.

It appearing, that upon representations of the Defense Transport Administration there is a critical shortage of railroad freight cars suitable for the transportation of lumber and/or lumber products; that shippers are appropriating such cars and shipping them almost empty to other points to complete loading; that such practice is wasteful and aggravates the car shortage, depleting and diminishing the use, control, supply, distribution and interchange of such cars; the Commission is of the opinion that an emergency requiring immediate action exists in the States of Oregon and Washington: It is ordered, that:

§ 95.889 *Railroad freight cars to be stopped to complete loading—(a) Movement of cars loaded with lumber or lumber products.* No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, or transport or move, any railroad freight car, which car is loaded with lumber, and/or lumber products, in Oregon or Washington and tendered to be forwarded to another point to be stopped off to complete the loading thereof, unless or until the lumber, and/or lumber products loaded in the car at the first loading point equals or exceeds fifty percent of the marked capacity of the car used. Partially loaded cars arriving at stop-off point to complete loading shall be charged against the total daily distributive share of cars available for the final shipper's loading.

(b) *Special and general permits; appointment of agent.* (1) Paragraph (a) of this section shall be subject to any special or general permits issued by the Permit Agent named in this section.

(2) Charles W. Taylor, Director, Bureau of Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed as Permit Agent of the Interstate Commerce Commission with authority to issue special or general permits to meet exceptional circumstances.

(c) *Application.* The provisions of this section shall apply to intrastate and foreign commerce as well as interstate commerce.

(d) *Regulations suspended, announcement required.* The operation of all rules, regulations and practices, insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing such suspension.

(e) *Effective date.* This section shall become effective at 12:01 a. m., August 15, 1952.

(f) *Expiration date.* This section shall expire at 11:59 p. m., December 31, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9060; Filed, Aug. 15, 1952; 8:56 a. m.]

[2] This publication may be purchased from the Government Printing Office, Washington, D. C.

Subchapter C—Carriers by Water

PART 324—UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY INLAND AND COASTAL WATERWAYS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of August A. D. 1952.

The matter of modifying the "Uniform System of Accounts for Carriers by Inland and Coastal Waterways," being under consideration pursuant to the provisions of section 20 of part I and section 313 of part III of the Interstate Commerce Act, as amended (54 Stat. 917 and 944, 49 U. S. C. 20 (3) and 313 (c)); and,

It appearing, that a notice dated June 25, 1952, was served on all carriers by inland and coastal waterways subject to provisions of the act, to the effect that certain modifications had been approved, such notice also being published in the FEDERAL REGISTER on July 8, 1952 (17 F. R. 6116) pursuant to provisions of section 4 of the Administrative Procedure Act; and,

It further appearing, that the notice provided for written views or arguments to be filed by any interested person on or before July 31, 1952, and consideration having been given to all representations so received: It is ordered, that:

(1) *Effective date.* The modifications which are set forth below and made a part hereof, relating to the subject matter of said notice, shall become effective January 1, 1953.

(2) *Notice.* A copy of this order including the modifications set forth below shall be served on every carrier by inland and coastal waterway subject to the Act and on every trustee, receiver, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

No. 161——8

1. Cancel paragraph (b) of § 324.45 *Water-line property acquired* and substitute the following for it:

(b) When the assets acquired include not only transportation property but also securities and other assets, a reasonable estimate, as nearly as determinable of the value inherent in such securities and other assets, except intangible assets, shall be deducted from the total cash cost and the remainder shall be included in account 151, "Acquisition adjustment." The values assigned to the securities and other assets acquired shall be included in the accounts appropriate for such assets. The cost of intangible assets such as operating rights shall be retained in account 151, "Acquisition adjustment." (See account 223, "Amortization reserves—Intangible assets.") The par or recorded value of any securities issued and the cash value at date of contract of other liabilities assumed shall be included in determining the cost of the transportation property acquired with contra credit to the appropriate liabiliy accounts. Any necessary adjustment between par value and cash value of securities issued shall be included in the appropriate premium or discount accounts.

2. In paragraph (c) of § 324.1–151 *Acquisition adjustment* change the designation to read paragraph (d); cancel the last sentence of the paragraph and substitute the parenthetical instruction: "(See § 324.49.)" for that sentence.

3. Insert the following to be designated paragraph (c) of § 324.1–151 *Acquisition adjustment:*

(c) This account shall also include the cost of operating rights and other intangible assets. (See account 223, "Amortization reserves—Intangible assets."

4. Following § 324.1–175 *Other deferred assets* change the center heading "Intangible Assets" to read: "Organization."

5. In § 324.1–180 *Organization* change the headnote of the section to read: "§ 324.1–180 *Organization expenses,*" and cancel paragraph (c), substituting the following for it:

(c) Charges to income under a program to amortize organization expenses shall be credited to account 223, "Amortization reserves—Intangible assets."

6. In § 324.1–223 *Other reserves* redesignate this section as § 324.1–229 *Other reserves* and insert the following additional section ahead of it:

§ 324.1–223 *Amortization reserves; intangible assets.* (a) This account shall be credited with amounts charged to account 531, "Miscellaneous amortization charges to income," which will equitably distribute the cost of intangible assets over a definite period. When an intangible asset is sold or relinquished, or otherwise expires or is abandoned, the reserve shall be charged with the balance therein with respect to such asset and the remainder of the cost of the asset shall be charged to account 531.

(b) This account shall be maintained so that a separate reserve is stated for each item of intangible property.

7. In paragraph (c) of § 324.7–452 *Loss and damage; freight* correct the reference to "account 223, 'Other reserves,'" to read: "229. 'Other reserves.'"

8. In paragraph (c) of § 324.7–455 *Injuries to persons* correct the reference to "account 223, 'Other reserves,'" to read: "229. 'Other reserves.'"

[F. R. Doc. 52-9061; Filed, Aug. 15, 1952; 8:56 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 33—CENTRAL REGION

LONG LAKE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA; FISHING

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service, it has been determined that a relaxation of the existing restriction regarding the use of boats can be effected without interfering with the primary purpose for which the refuge was established. It has been further determined to be desirable to modify the periods during which fishing can be permitted, including a liberalization to permit winter fishing.

Since the following regulations generally are relaxations of existing restrictions regarding fishing within the refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.96 and 33.98 are revised to read as follows:

§ 33.96 *Fishing permitted.* Noncommercial fishing is permitted during the daylight hours of the period May 1 to September 30 of each year, and from December 15 to February 28 of the following year, on those areas of the Long Lake National Wildlife Refuge which are designated by suitable posting by the officer in charge in accordance with the provisions of §§ 33.97 to 33.99, inclusive.

§ 33.98 *Use of boats.* The use of boats while fishing within certain areas of the refuge as designated by suitable posting by the officer in charge is permitted. The use of outboard motors of not to exceed 5-horsepower in conjunction with boats used only for fishing also is permitted.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: August 11, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9020; Filed, Aug. 15, 1952; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 457]

MARKET AGENCIES OPERATING AT NORTH SALT LAKE UNION STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on January 18, 1952 (11 A. D. 15), continuing through March 7, 1953, an authorization to assess the current rates and charges. The rates currently authorized are set forth in an order dated October 21, 1948 (7 A. D. 947).

On August 5, 1952, respondents filed a petition requesting authority to put into effect a new schedule of rates and charges, filed with the petition, which contains certain modifications of the currently authorized schedule.

The proposed new schedule of rates and charges is set forth below:

DEFINITIONS

Article 1

Calves are animals of the bovine species, weighed in drafts, the average weight of the animals in which is 450 pounds or under.

Cattle are animals of the bovine species, weighed in drafts, the average weight of animals in which is over 450 pounds.

Bulls are uncastrated male animals of the bovine species, weighed in drafts, the average weight of the animals in which is over 600 pounds.

Hogs are swine, weighed in drafts, irrespective of weight.

Sheep are animals of the ovine species, irrespective of weight, including lambs and goats.

A consignment, for the purpose of assessing selling charges, is all of the livestock of one species delivered in the name of one person to the market agency to be offered for sale during the trading hours of one day.

Purchase order, for the purpose of assessing buying charges, is all of the livestock of one species bought at one time but shipped or delivered to one person on one market day.

A draft is all the animals in one consignment or purchase order weighed as a single sales or purchase classification.

A person is either an individual, a partnership, a corporation or an association of any such acting as a unit.

Article 2

SECTION A

Straight car—single ownership:

	Per car
Cattle and calves:	
Single deck	$32.00
Double deck	40.00
Swine:	
Single deck	32.00
Double deck	40.00
Sheep:	
Single deck	26.00
Double deck	36.00

NOTE: All species of livestock arriving by rail in trailer cars shall carry the charges set out in Section A of Article 2 as follows: Livestock arriving in double deck trailer shall be charged one double deck carload commission: livestock arriving in single deck trailer shall be charged one single deck commission.

SECTION B

	Per head
Other modes of arrival:	
Cattle and calves:	
Calves:	
Consignments of 1 head	$0.85
Consignments of more than 1 head:	
1 to 15 head, inclusive	.65
Each head over 15	.50
Cattle:	
Consignments of 1 head	1.20
Consignments of more than 1 head:	
1 to 15 head, inclusive	1.00
Each head over 15	.90
Bulls:	
Over 600 pounds	1.50
Pure bred bulls or cows of any weight sold for breeding purposes	5.00
Exhibition livestock—All livestock entered in the livestock show which is consigned to a commission firm for care and sold in regular Livestock Show Auction Sale of Exhibition Livestock:	
Calves or cattle	1.50
Hogs	.85
Sheep	.50
Hogs:	
Consignments of 1 head	.60
Consignments of more than 1 head:	
First 10 head	.50
Next 15 head	.45
Each head over 25	.35
Sheep:	
Consignments of 1 head	.50
Consignments of more than 1 head:	
First 10 in each 250 head	.40
Next 50 in each 250 head	.25
Next 60 in each 250 head	.15
Next 130 in each 250 head	.10

Article 3

SECTION A

Selling Charges

Drafts: On consignments where more than three drafts are necessary or requested 25 cents per draft in excess of three, maximum of $3.00 will be charged.

SECTION B

Buying Charges

The rates for buying livestock shall be the same as selling like species except as follows:

When a commission firm weighs up livestock destined for slaughter or of a consignment, then no buying commission shall be charged on that transaction, but a service charge of $9.00 per car shall be assessed against the buyer.

When livestock consigned to a commission firm is sold to a buyer and who issues out of town drafts or checks in payment for same, service charges of 1/10 of 1 percent of the gross cost of livestock shall be charged to the buyer.

If authorized, the proposed rates and charges will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 13th day of August 1952.

[SEAL] AGNES B. CLARKE, *Hearing Clerk.*

[F. R. Doc. 52-9047; Filed, Aug. 15, 1952; 8:53 a. m.]

[7 CFR Part 907]

[Docket No. AO-212-A4 (2d Part)]

HANDLING OF MILK IN MILWAUKEE, WIS., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Milwaukee, Wisconsin, on May 19–20, 1952, pursuant to notice thereof which was issued on May 8, 1952 (17 F. R. 4353).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Secretary on June 13, 1952, filed with the Hearing Clerk, United States Department of Agriculture, a decision on several of the issues which required emergency action and for which a final order was issued on June 26, 1952 (17 F. R. 5796). The remaining issues are dealt with in the present decision. With respect to such issues, the Assistant Administrator, Production and Marketing Administration, on July 11, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 17, 1952 (17 F. R. 6563). No exceptions were filed.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-7856; 17 F. R. 6563) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete all findings and conclusions relating to issue No. 3 as set forth in Columns 1 and 2, 17 F. R. 6564, and substitute therefor the following:

(1) The "butter-cheese" price formula employed as a basic price formula should be deleted; the cheese price formula proposed to replace the butter-cheese price formula should not be adopted at this time (issue No. 3).

The basic formula price used to determine Class I and Class II prices is currently the highest of three formula prices computed for the preceding month. The formulas involved are: The average condensary pay price, the butter-nonfat dry milk solids formula, and the butter-cheese formula. Class I and Class II prices for the month are determined by adding to this basic formula price the appropriate Class I and Class II price differentials subject to an adjustment based on changes in the supply-demand relationship. A proposal was made to introduce an additional basic price formula based on cheese price quotations as follows: 2.75 times the simple average, as published by the Department, of prices per pound for "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, with the result multiplied by 3.5.

The record shows that the proposal is intended to produce a formula which will correspond to competitive prices paid to dairy farmers by Wisconsin cheese factories for milk used in the manufacture of cheese. It was stated that the factor 2.75 is intended to be a figure which when multiplied by the Wisconsin Cheese Exchange quotation for Cheddars will approximate the price per pound of butterfat paid to farmers by competitive cheese factories. Considerable evidence was submitted for the record which related this formula price to the average price paid farmers by Wisconsin cheese factories as reported by the Department and by the Wisconsin State Department of Agriculture. In essence this formula is designed to measure the value of milk used for cheese from the standpoint of competitive "pay" prices as differentiated from a "cost and yield" method. Reduced to its simplest form this formula is 9.625 times the average Cheddar cheese price (3.5 times 2.75=9.625).

Since the production of cheese has been increasing in recent years and represents a major use of milk in the State of Wisconsin and the Milwaukee supply area, a formula based on Cheddar cheese would be appropriate as one of the basic price formulas under the Milwaukee order. Statistical examination of the proposed formula indicates, however, that prior to its adoption as a basic price formula further consideration of its effects in relation to shortrun variations in cheese prices is desirable. In view of this it is concluded that the formula should not be incorporated into the order at this time.

Under current conditions as shown by the record, the butter-cheese formula does not reflect the value of milk utilized by cheese factories in the production area and therefore does not adequately serve its intended purpose. For this reason it is concluded that the latter formula should be deleted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of August 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Amending the Order, as Amended Regulating the Handling of Milk in the Milwaukee, Wisconsin, Marketing Area

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Add to the introductory language of § 907.33 (preceding paragraph (a)) following the word "handler" the phrase, "including any producer-handler."

2. Delete from § 907.45 (a) the phrase "except a producer-handler" and substitute therefor the phrase "including a producer-handler."

3. Delete § 907.45 (c).

4. Delete § 907.50 (b).

5. Delete at the end of § 907.90 the phrase "except as provided in § 907.10" and add the following: "except where the text of such section(s) of the order indicate that such section(s) should apply and except as provided in § 907.10."

6. Delete the semicolon and the word "or" at the end of § 907.91 (a) (1) and substitute in lieu thereof a period.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR Part 908]

[Docket No. AO-225-A2]

HANDLING OF MILK IN GREEN BAY, WISCONSIN, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Green Bay, Wisconsin, on May 19–20, 1952, pursuant to notice thereof which was issued on May 8, 1952 (17 F. R. 4354).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Secretary on June 13, 1952, filed with the Hearing Clerk, United States Department of Agriculture, a decision on several of the issues which required emergency action and for which a final order was issued on June 26, 1952 (17 F. R. 5797). The remaining issues are dealt with in the present decision. With respect to such issues, the Assistant Administrator, Production and Marketing Administration, on July 11, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 17, 1952 (17 F. R. 6564). No exceptions were filed.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-7857; 17 F. R. 6564) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, subject to the following revisions:

1. Delete all findings and conclusions relating to issue No. 3 as set forth in Columns 1 and 2, 17 F. R. 6565, and substitute therefor the following:

(1) The "butter-cheese" price formula employed as a basic price formula should be deleted; the cheese price formula proposed to replace the butter-cheese price formula should not be adopted at this time (issue No. 3).

The basic formula price used to determine Class I and Class II prices is currently the highest of three formula prices computed for the preceding month. The formulas involved are: The average condensary pay price, the butter-nonfat dry milk solids formula, and the butter-cheese formula. Class I and Class II prices for the month are determined by adding to this basic formula price the appropriate Class I and Class II price differentials subject to an adjustment based on changes in the supply-demand relationship. A proposal was made to introduce an additional basic price formula based on cheese price quotations as follows: 2.75 times the simple average, as published by the Department, of prices per pound for "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, with the result multiplied by 3.5.

The record shows that the proposal is intended to produce a formula which will correspond to competitive prices paid to dairy farmers by Wisconsin cheese factories for milk used in the manufacture of cheese. It was stated that the factor 2.75 is intended to be a figure which when multiplied by the Wisconsin Cheese Exchange quotation for Cheddars will approximate the price per pound of butterfat paid to farmers by competitive cheese factories. Considerable evidence was submitted for the record which related this formula price to the average price paid farmers by Wisconsin cheese factories as reported by the Department and by the Wisconsin State Department of Agriculture. In essence this formula is designed to measure the value of milk used for cheese from the standpoint of competitive "pay" prices as differentiated from a "cost and yield" method. Reduced to its simplest form this formula is 9.625 times the average Cheddar cheese price (3.5 times 2.75=9.625).

Since the production of cheese has been increasing in recent years and represents a major use of milk in the State of Wisconsin and the Green Bay supply area, a formula based on Cheddar cheese would be appropriate as one of the basic price formulas under the Green Bay order. Statistical examination of the proposed formula indicates, however, that prior to its adoption as a basic price formula further consideration of its effects in relation to shortrun variations in cheese prices is desirable. In view of this it is concluded that the formula should not be incorporated into the order at this time.

Under current conditions as shown by the record, the butter-cheese formula does not reflect the value of milk utilized by cheese factories in the production area and therefore does not adequately serve its intended purpose. For this reason it is concluded that the latter formula should be deleted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of March 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Green Bay, Wisconsin, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Green Bay, Wisconsin, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Green Bay, Wisconsin, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of August 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

Order[1] Amending the Order, as Amended Regulating the Handling of Milk in the Green Bay, Wisconsin, Marketing Area

§ 908.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Green Bay, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Green Bay, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Add to the introductory language of § 908.33 (preceding paragraph (a)) following the word "handler" the phrase, "including any producer-handler."

2. Delete from § 908.45 (a) the phrase "except a producer-handler" and substitute therefor the phrase "including a producer-handler."

3. Delete § 908.45 (c).

4. Delete § 908.50 (b).

5. Delete at the end of § 908.90 the phrase "except as provided in § 908.10" and add the following: "except where the text of such section(s) of the order indicate that such section(s) should apply and except as provided in § 908.10."

6. Delete the semicolon and the word "or" at the end of § 908.91 (a) (1) and substitute in lieu thereof a period.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Milwaukee, Wisconsin, Marketing Area, and Designation of Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area) who, during the month of March 1952, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order (amending the aforesaid order) which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

H. H. Erdmann is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-9084; Filed, Aug. 15, 1952; 8:59 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A2]

HANDLING OF MILK IN DETROIT, MICH., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Detroit, Michigan on May 12–16, 1952, pursuant to notice thereof which was issued on April 17, 1952 (17 F. R. 3415). A decision with respect to proposed amendments to certain classification and pricing provisions of the order considered at the hearing was filed June 13, 1952 (17 F. R. 5524) and an order on such amendments was issued June 19, 1952 (17 F. R. 5634). The findings and conclusions with respect to the issues dealt with herein were specifically deferred pending further study and consideration.

The material issues remaining for consideration are concerned with the following:

(1) A reduction or, alternatively, an expansion in the extent of the marketing area;

(2) Revision of the determination of milk to be priced under the order, with respect to the designation of health authorities, handler qualifications, and the level of sales at which handler exemption should be determined;

(3) Provision for a separate classification for milk utilized as fluid cream and the assignment of inventory variation to the lowest class instead of to Class I;

(4) Changes in the pricing provisions which would (a) alter the basic formula by (i) increasing the number of local plants, (ii) deleting all basic formula prices except the local plants, and (iii) substituting a cheese pricing formula for the butter-cheese formula; (b) alter Class I pricing by (i) using the basic formula prices for the previous month, (ii) providing for seasonal variation in the Class I price differential, and (iii) modifying various features of the supply-demand adjustment; (c) alter Class II pricing by (i) eliminating the butter-powder formula pricing alternative and (ii) providing transportation credits on milk moved for manufacture; (d) establish appropriate prices for milk in the proposed new classifications; and (e) revise the butterfat differentials and location adjustments.

(5) The substitution of individual handler pooling for marketwide pooling and modification of various features of the base rating plan for distributing returns to the producers; and

(6) Modification of administrative provisions of the order relating to administrative assessments, marketing service payments, and reporting dates.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Marketing area.* The marketing area should remain unchanged. A group of 9 handlers who operate primarily in Ann Arbor, Ypsilanti and the adjacent territory proposed eliminating from the marketing area the townships of Ann Arbor, Superior, and Ypsilanti in Washtenaw County and Canton, Van Buren and Sumpter townships in Wayne County. The latter three townships are east of Ann Arbor and Ypsilanti and between these cities and Detroit. The proposal which called specifically for the elimination for these six townships further provided that the market area include only an adjacent and contiguous territory within which the population is not less than 7,500 persons per township. This would have eliminated Ann Arbor and Ypsilanti and also would have eliminated the townships in the Northeastern portion of the marketing area and the city of Port Huron. As an alternative to this proposed reduction to the marketing area, these handlers proposed adding 49 townships situated west of the present marketing area.

These proposals and the testimony of the proponents do not conform to the economic standards on which a marketing area should be determined. The marketing area specified in the Detroit order includes the metropolis of Detroit and the immediately adjacent cities, the comparatively much smaller but still sizeable nearby cities of Ann Arbor, Ypsilanti, Pontiac, and Port Huron, and those of the townships lying between these cities and the central metropolitan area in which milk distribution is significant. Within this area the marketing of milk is of a sufficiently uniform and interrelated character to make a single system of pricing and pooling effective and desirable.

On the supply side these homogeneous elements include the Michigan Milk Producers Association, the largest organization of producers in the territory with a membership accounting for 85 percent of all producers supplying milk to the marketing area, and a common milkshed within which farmers supplying plants located in Ann Arbor or Ypsilanti are intermingled with farmers supplying plants in other portions of the marketing area. Milk from farms approved for shipment to Detroit is acceptable for shipment to Ann Arbor and Ypsilanti, and during the period September 1951 through April 1952, Detroit-approved sources furnished one-fourth as much milk to handlers located in Ann Arbor and Ypsilanti as was received by them directly from producers.

There are also many elements of milk distribution which are common to all parts of the marketing area. Two of the major handlers in Ann Arbor are subsidiaries of firms which are also distributors of milk in the city of Detroit. One handler whose plant is located in Ypsilanti has a sizable proportion of his total business in territory which would remain in the marketing area after the proposed deletions. There is also a substantial and growing distribution of milk throughout the marketing area from pasteurization and bottling plants located in the city of Detroit. Milk distributed from such plants competes actively with milk from plants in all other portions of the marketing area except within the city limits of Ann Arbor and Port Huron where health ordinances require that milk be pasteurized within the city or a limited adjacent area.

A milk marketing area need not be composed of contiguous territory and the marketing areas defined in several of the Federal orders are composed of two or more physically separate entities such as municipalities and public institutions.

Even if the Detroit marketing area were to be defined in terms of the territory within the boundaries of the incorporated municipalities now included in the marketing area, the reasons for including Ann Arbor and Ypsilanti in such a marketing area would be virtually the same as those which prompted the inclusion of these cities in the contiguous area defined in the order.

With regard to the proponents' alternative proposal to greatly expand the marketing area, no detailed testimony was offered on the nature of milk supplies and distribution in the additional townships. There is, therefore, no basis for judging whether milk marketing conditions in such townships are such as to make it necessary or desirable to include them in the marketing area.

(2) *Milk to be priced.* The handler definition should be modified to include Wayne County Health Department approval.

The Wayne County Health Department enforces the provisions of local health ordinances for those communities in the county which do not have a health officer. The model Michigan milk ordinance serves as the basis for interpretation of the local ordinances by the County Health Department. Inasmuch as the area in which the proponent distributes milk does not come under the jurisdiction of any of the Health Departments specified in the order, Wayne County Health Department approval should also be permitted. Such a provision would tend to assure the market of a more adequate supply of pure and wholesome milk.

Proposals were put forward to modify the qualifications for maintaining status as a handler. The order now provides that a person who operates a country plant (one from which no milk is distributed on routes in the marketing area) must move 10 percent or more of the milk received from dairy farmers at such plant to a city plant in November and December to remain a handler. The three proposals to modify this qualification ranged from a requirement that the country plant supply the market with 50 percent of its receipts during the 4-month period, October–January, to a requirement that a country plant continue to qualify on the basis of formal offers to ship milk to city plants during the shortage season at specified prices and terms of sale.

The evidence failed to show any present necessity either for making it more difficult or easier to maintain handler status. No plant engaged primarily in supplying other markets was meeting the minimum qualifications as handlers merely to participate in the pool on a year-'round basis. Neither had any of the handlers experienced nor did they foresee undue difficulty in meeting the 10-percent requirement. In the circumstances, it is concluded that no change be made in the handler qualification until further experience under the order or more specific developments in the market clearly indicate a need for modification.

To facilitate administration the current order exempts from all but the reporting and auditing provisions of the order those handlers who operate bottling plants outside the marketing area and dispose of not more than 600 pounds of Class I milk per day in the marketing area as prices that might be appropriate in the marketing area might not be appropriate in the localities where most of the sales of these distributors might be made. Testimony does not warrant modification of this provision.

One proposal would exclude from order provisions those handlers who distribute less than 50,000 pounds of milk per day in the marketing area. However, this would eliminate so large a percentage of handlers as to render the order inoperative. Another proposal would exclude from order provisions those handlers who are located within the marketing area and dispose of not more than 4,000 pounds of Class I milk per day for any month in which the total Class I disposition of such handlers does not exceed 1¾ percent of the total Class I disposition of all handlers. This would mean that the individual handler would not know if he were subject to the order for a given month until the total Class I sales for the month were determined. If the group of handlers with sales of 4,000 pounds or less represented over 1¾ percent of the total Class I sales, the group would be reduced to 1¾ percent by eliminating from the exempt list those handlers with the largest Class I sales. Individual handlers would not plan a consistent marketing program because of this monthly uncertainty of not knowing until the following month if they had been subject to the order the preceding month.

(3) *Classification.* Skim milk and butterfat utilized in fluid cream and cream products containing in excess of 6 percent butterfat should not be classified separately from that used in other Class II products.

Testimony disclosed that fluid cream priced under the order must compete directly with cream from unregulated sources which is available to handlers and also may be sold directly at wholesale and retail in the marketing area. There was no showing that the marketing of fluid cream is sufficiently different from that of most other Class II products to result in siginificant price differences; separate classification would, therefore, be meaningless.

Variations in handlers' month-end inventories are currently included in Class I under the order, since they are not specifically defined in Class II. Handlers proposed that these inventory variations be assigned and priced as Class II as a matter of proper inventory accounting practice and to reduce the valuation of any increase in inventory. The compelling objection to this proposal is that many handlers have no producer milk left in Class II after allocating other source milk. This is particularly likely in the late fall season of shortest supplies and on the part of handlers who purchase milk from a producers' cooperative association in quantities calculated to just cover their Class I requirements. The impossibility of treating all handlers alike if inventory variations were assigned to Class II and the fact that the financial gains and losses resulting from increases and decreases in inventories tend to balance out over a period of time, make it desirable to continue to classify them as Class I utilization.

(4) *Class prices.* The order should be amended to provide for adoption of a revised cheese formula, an increase of the number of local plants to 9, use of the basic formula prices for the previous month to determine Class I prices, revision of the supply-demand formula, a Class II price equal to the Class I price, the same butterfat differentials to handlers on Class I and Class II sales as that now applicable to producers, and an extension of the location adjustment rate schedule applicable to Class I and producer prices.

(a) *Basic formula prices.* The Class I price should continue to be based on a formula representing the highest value for milk for manufacturing as determined by four alternative basic formulas: prices paid dairy farmers at 18 Midwest dairy manufacturing plants, prices paid dairy farmers at 9 Michigan dairy manufacturing plants, a butter-powder formula price, and a revised cheese formula.

Distributors proposed that only the average paying price of local Michigan dairy manufacturing plants be used in determining the Class I price. They directed considerable testimony toward the elimination of the butter-powder formula as one of the basic formulas. However, it must be recognized that more butterfat and skim milk is manufactured into butter and nonfat dry milk solids, respectively, than into any other manufactured dairy product, that these two products and cheddar cheese are the only products directly eligible for Federal price support, and that the numerous interrelationships between Detroit and other markets under Federal order make it important that changes in basic price levels be closely similar. In the circumstances, the butter-powder formula should be retained as one of the basic formula prices.

Distributors consider the butter-cheese formula antiquated and therefore requested the elimination of such a formula. Although producers and handlers stated at the hearing that they had had insufficient time to analyze the revised cheese formula as introduced and explained at the hearing by the Dairy Branch, it seems desirable to include the revised cheese formula in the order since it would more directly reflect the value of milk used for cheese making than the present butter-cheese formula.

Although the distributors' proposal was to eliminate the average price of the 18 Midwest dairy manufacturing plants as one of the basic formulas, there was no specific testimony directed towards such an elimination. It should be retained in order that the basic formula will continue to represent the broadest possible coverage of nationally determined values of manufacturing milk.

The number of local Michigan dairy manufacturing plants should be raised to 9. In order to increase the number of local plants the same consideration governing the selection of the original five should govern the selection of the additional plants, namely:

(1) Cooperative plants should not be included as their reported pay price does not usually represent the entire return to farmers.

(2) Plants operated by a handler under the order should not be inclu ed.

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(3) The plants selected should represent a wide variety of manufactured products.

(4) Plants selected should be representative of the entire milkshed. The following 4 Michigan plants appear to most nearly meet these requirements and should be added to the present 5 plants, thereby increasing the number of plants used in determining a basic formula price to 9. The larger number of local Michigan manufacturing plants should yield a more representative price for local manufactured milk. The four additional plants are:

Nestle Co., Ubly, Mich.
Kraft Cheese Co., Pinconning, Mich. Borden Co., Perrinton, Mich. Carnation Co., Sparta, Mich.

(b) *Class I price.* The Class I price should be determined by adding the Class I differential to the basic formula price of the previous month. Using the basic formula price for the previous month instead of for the current month will enable handlers to know this major element of their cost of Class I milk at the beginning of each month.

The current relationship between market supply and market demand in the supply-demand adjustment should be based on the most recent two-month period, the first and second months preceding the month for which a price is being computed. Both producers and handlers are of the opinion that the one-month lag between the period used for computing the supply-demand utilization and the month in which the adjustment becomes effective in the present order is unnecessary and is not the most accurate means of estimating current and prospective supply and demand conditions. The advantages of more nearly current computation of the adjustment were generally felt to outweigh the fact that the amount of the adjustment in any given month cannot be known until the middle of that month. It is therefore concluded that the current relationship between market supply and market demand should be based on the ratio of total producer receipts to gross Class I sales in the first and second months preceding the month for which a price is being computed. Assurance to producers that prices will be changed promptly in response to any change in the relationship between market supply and demand for milk should encourage them to continue to supply milk to the market.

It was suggested that bulk sales of Class I milk outside the market area be excluded from the supply-demand adjustment. Historically, such sales have been small in this market so that their inclusion or exclusion would have had little effect in adjusting prices. Ideally, the adjustment should reflect all sales which represent regular outlets for the milk supply of the market. The difficulty of defining and computing those sales which could be considered as irregular, together with the comparatively small volumes involved, leads to the conclusion that bulk sales of Class I milk outside the marketing area should be included in computation of the supply-demand adjustment. Similarly, a proposal to exclude inventory variations from the computation of the supply-demand adjustment should be denied. These variations may be sizeable in the case of an individual handler but they are of an essentially random character and offsetting adjustments would tend to leave only insignificant variations in the marketwide data.

The base schedule of the adjustment should be revised to reflect more recent experience including that obtained while operating under the order. The base period should reflect the seasonal pattern both of production and of sales. Adjusting the producer receipts and Class I sales of the May 1948–July 1951 period for trend appears to provide the most accurate measure of the seasonality of utilization. This is the most recent period for which consistent data covering a large proportion of receipts and sales in the market are available. Experience in the fall of 1951 under the order indicates that when utilization for a month dropped below 112.5 percent, the supply of milk is not sufficient because of the daily and weekly variations in receipts and sales, and allocation of milk supplies among dealers becomes necessary. A supply of more than 122.5 percent of Class I utilization in the shortest supply month enhances the possibility of burdensome increases in the amount of reserve milk in the flush period. The base supply-demand ratio for other months which would correspond to 117.5 percent, the midpoint of the 112.5 percent–122.5 percent range in November, which is normally the shortest supply month, may therefore be computed by adjusting this ratio by a seasonal variation in utilization computed in the above prescribed manner.

The range within which no supply-demand adjustment is effected is reduced from 7.5 percentage points up or down from the midpoint to 5 percentage points in this recommended schedule. The three cents per percentage point remains a desirable rate of supply-demand adjustment of the Class I price differential and a price change of 15 cents is applied for the first 5 percentage points variation in the ratio. Inasmuch as the supply-demand adjustment based upon the revised schedule cannot result in a succeeding change in the opposite direction unless the ratio varies at least 10 percentage points there appears to be little justification for continuing the additional one-half percentage point which is now required to bring about a succeeding change in the opposite direction.

Handlers' proposals for a seasonal variation in the Class I differential should be denied as testimony by distributors and producers clearly indicates that the majority in the market wish to continue the base-excess plan as a method of leveling-out production. Seasonal variation in pricing is an alternative means of encouraging a more even seasonal distribution of production. If the Class I differential was varied seasonally while continuing the base plan, it would reduce the difference between the base and excess prices during the flush season, thereby reducing the price reward for the producer who achieved a high base the previous fall while correspondingly reducing the price penalty on the uneven, low-base producer.

(c) *Class II prices.* The Class II price should be based solely on the average of the prices paid by the 9 Michigan dairy manufacturing plants used as one of the alternative basic formula prices.

Both handlers and producers concurred that by increasing the number of local plants and eliminating the butter-powder price a Class II price would result that would more closely represent the value of milk which is not used for fluid milk sales in the marketing area. Increasing the number of local plants minimizes the danger of the prices paid by the local plants being lower than the market prices of manufactured dairy products would justify. The butter-powder formula should be eliminated as a measure of the value of milk disposed of as Class II except as a measure of the credit allowed on milk disposed of specifically as butter and powder in the months of May, June, and July which became a part of the order June 20, 1952, on the basis of testimony taken at the same hearing upon which this decision is based.

(d) *Handler butterfat differentials.* The handler butterfat differentials applicable to Class I and Class II prices should be the same as the producer butterfat differential.

Inasmuch as the sales of low testing milk products are increasing and the sales of high butterfat content products are decreasing, it seems desirable to transfer more of the Class I butterfat differential from the fat to the skim. With respect to Class II, the butterfat differential now contained in the order is not greatly different from the producer butterfat differential and the latter appears to be an adequate measure of the relative values of fat and skim in Class II uses.

(e) *Location adjustments.* The present schedule in the order should be extended at an additional 1 cent per hundredweight for each 8-mile zone to a limit of 26 cents, which applies to any location beyond 137 miles.

The cooperative which proposed to extend the schedule of location adjustments recognized that a longer haul in view of the expanding boundaries of the milkshed, necessitates a higher transportation cost on the part of handlers. Therefore it appears that the zones with respect to freight rates should be extended in order to insure the marketing area of an adequate future supply of milk.

A proposal which would enable handlers who receive milk from producers at a plant more than 29 miles from the Detroit City Hall to receive a credit with respect to such milk disposed of as Class I should be denied. Competition among marketing area handlers both for sales and supply has increased since the promulgation hearing and this development suports the principle that the price for Class I milk should be the same for all handlers located within the defined marketing area.

The schedule of producer location adjustments should continue to be the same as handler location adjustments. Therefore the revised schedule discussed above should also be adopted as the schedule of producer location adjustments.

The handlers' request for a transportation credit on Class II milk moved from point of delivery by producers to a manufacturing plant should be denied. The Class II prices recommended in this decision are designed to cover the cost of converting reserve milk into manufactured dairy products irrespective of the method of reserve disposal. In the Detroit area there are different types of distributors ranging from those who have a full supply contract with a producers cooperative association and virtually no disposal problem to distributors who receive all their milk supply from producers, either at a city bottling plant or at country plants, and manufacture the receipts in excess of their fluid milk needs into dairy products. Certain handlers manufacture Class II milk at point of receipt while other handlers turn the milk back to the cooperative or move it to a manufacturing plant at the distributors' expense. These are normal competitive differences in the handling of excess milk and should not be altered by allowing credits to the particular group who transport the milk for manufacture. Each distributor should continue to be obligated to pay the same Class II price to producers and dispose of his Class II milk to the best possible advantage.

(5) *Payments to producers.* Marketwide pooling should be maintained. The base plan should be modified to permit any producer to receive the uniform price in lieu of base and excess prices for the remaining months of 1952, to permit the establishment of new bases at 90 percent of deliveries during October, November, and December, to provide for payment of all producers at the base or uniform price during any of the months of August through December (the base-forming period) that the supply-demand adjustment operates to increase the Class I price, and to allow to a producer who relinquishes his old base in order to establish a new one beginning August 1 or September 1 the same credit from such new base as one who does not relinquish his old base.

One handler proposed that producers be paid on the basis of the classified utilization of milk by the individual handler to whom the milk is delivered rather than on the average utilization of all handlers. The cost of milk to handlers is, of course, not affected since each pays for milk in accordance with his utilization. However, the substitution of individual-handler pooling for marketwide pooling would tend to bring about a generally uneconomic reorganization of the milk marketing structure. Each handler would have to care for any seasonal or daily excess of milk not needed for fluid use, either by establishing manufacturing facilities or delivering the excess milk to a manufacturing plant. Under the marketwide pool, producers throughout the territory receive uniform prices while manufacturing operations are concentrated in comparatively few plants at which volume, location, and variety of equipment all contribute to operating efficiency.

Several proposals were made to modify the base-excess plan which returns sales proceeds to the individual producer in accordance with the seasonality of his production.

One would give any producer the option of receiving the uniform price in lieu of base and excess prices throughout 1952. It was recognized at the hearing that much of the year would have passed before the proposed amendment could become effective. However, even during the remainder of 1952 the option would benefit producers who are establishing or expanding their bases for next year and will thereby encourage a maximum production of milk during the fall months.

A second proposed modification of the base plan would allow producers to establish base during any 5 months of the period August through February. This proposal would extend the base-forming period into months during which market supplies are normally more than sufficient to meet requirements. The standard base-making period of August through December is already modified in favor of those producers whose production is temporarily low by allowing a full base for 122 days delivery, and by allowing a producer to relinquish his old base and establish a new one. The latter choice should be further modified by permitting new bases to be established at 90 percent of deliveries during October, November, and December, the 3 months of shortest supply, instead of at 80 percent of deliveries, as now provided by the order. This will benefit any new producer or an old one whose cows fail to freshen or whose production is otherwise unavoidably low on August 1 but has reached more volume by October 1. This modification will achieve many of the same benefits as the proposal to establish bases during any 5 months of the August-February period.

It was proposed that payments on base and excess prices be suspended and all producers be paid the uniform price whenever there was a plus supply-demand price adjustment in operation during the base-forming period. The supply-demand adjustment operates to increase the Class I price whenever there is a definite indication of shortage of milk to meet market requirements. Any such indication in the fall months is of immediate importance and all producers should be encouraged to maximize production, regardless of their previously established bases, by being paid the uniform price rather than continuing to be paid at base and excess prices.

The order now provides that any producer who enters the August–December base-making period with a base made either during the corresponding months of the previous year or during a subsequent 3-month period but who fails to make as large a new base shall receive a credit up to 10 percent of his old base. In other words he keeps his old base so long as the new one is 90 percent or more of the old one. If the new one is less than 90 percent of the old one, he gets a carryover credit of 10 percent of the old base to be added to the new one. Producers proposed that this same credit be extended to a producer who had established a new base during August, September, and October by relinquishing his old base as of August 1. Under the present order such a producer would use his new, 3-month base during October–January, and for the year beginning February 1 would be assigned a new base equal to his deliveries during the entire August–December period. The credit would be of benefit to him for the year starting February 1 in the event his full 5-month base was less than the 3-month base. It is concluded that such credit should be allowed on bases established either during August, September, and October or on those established September, October, and November as well as on previously established bases carried into the new base-forming period.

One proposal would give each producer an annual option of being paid either at the uniform price or under base and excess prices. Such an option would be virtually certain to destroy the plan. Producers with the most uneven seasonal pattern would have the greatest incentive to choose to be paid at the uniform price rather than on base and excess. The removal from the base plan of those producers with the most uneven seasonal production pattern would, of course, defeat the primary objective of achieving an even seasonality of production. Since the base plan is the means chosen to regulate seasonality of production in this market, the option to be paid at the uniform price cannot be granted.

The proposal that a producer be allowed to transfer his base with the sale of the herd is also denied. Unless an entire herd is transferred to a single buyer, the base goes with the last cow disposed of, and the administrative problem of identifying bases with individual cows would be formidable. Furthermore, the fact that bases are reestablished annually and that, in addition, each producer may relinquish his base and establish a new one once each 12 months, minimizes any need which might otherwise exist for transfers of base upon sale of the herd.

(6) *Administrative provisions.* Additional time should be allowed the handlers and the market administrator for the submission of reports, computation of marketwide prices, and preparation of producer payrolls. In order to avoid a large portion of the expenses and inconvenience involved in having uniform, base, and excess prices announced by the 11th and in making payments to producers by the 15th of the month following the delivery month, these dates are changed to the 12th and 17th, respectively. The problem has been particularly acute when holidays occur during the first 15 days of the month and will be substantially relieved by the extension of time.

The administrative expenses of the order should continue to be defrayed by an assessment of not to exceed 2 cents on all milk received from producers instead of at a correspondingly higher rate on Class I sales only, as proposed by certain handlers. The slight differences in the relative position of handlers under the proposed change do not appear to warrant the additional administrative measures which would be involved.

A proposal that deductions for marketing services be made only upon spe-

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cific authorization of the individual producers should not be adopted. It is an essential part of the verification of proper payments by handlers to producers that weighing, testing, and similar services be carried out, either by the market administrator or by a qualified association.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and certain handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. In § 924.6 (b) insert "or of Wayne County" following "Port Huron".

2. Delete § 924.22 (j) (1) and substitute therefor the following:

(1) On or before the 5th day of each month, the basic formula price, the Class II price, and the Class II butterfat differential for the preceding month computed according to § 924.50, § 924.52, and § 924.53 (b) respectively; and on or before the 15th day of each month the Class I price and the Class I butterfat differential for the current month computed according to § 924.51 and § 924.53 (a), respectively.

3. In § 924.22 (j) (2) delete "11th day" and substitute therefor "12th day".

4. In § 924.31 (b) delete "20th day" and substitute therefor "22nd day".

5. In § 924.65 delete "11th day" and substitute therefor "12th day".

6. In § 924.80 delete "15th day" and substitute therefor "17th day".

7. In §§ 924.84, 924.86, and 924.87 delete "13th day" and substitute therefor "14th day".

8. In § 924.86 delete "13th day" and substitute therefor "14th day".

9. In § 924.50 delete "and (d)" and insert the word "and" between "(b)" and "(c)".

10. Delete § 924.50 (c) and substitute therefor the following:

(b) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin Primary Markets ("Cheddars", f. o. b. Wisconsin assemblying points, cars or truckloads) as reported by the U. S. D. A. during the month;

(2) Add 0.902 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month; and

(3) Subtract 34.3 cents.

11. Add the following plants to the list contained in § 924.50 (d):

Borden Co., Perrinton, Mich.
Carnation Co., Sparta, Mich.
Kraft Cheese Co., Pinconning, Mich.
Nestle Co., Ubly, Mich.

12. In § 924.51 (a) insert the phrase "for the preceding month" between the phrase "basic formula price" and the phrase "plus $1.35."

13. Delete § 924.51 (b) and substitute therefor the following:

(b) The percentage which total receipts of producer milk by all handlers during the next two preceding months is of total Class I utilization of all handlers during such period shall be computed each month by the market administrator and for the month in which the computation is made the Class I price shall be decreased 15 cents if such percentage is 5.0 percentage points or more above the average of the percentages for the corresponding months in the following schedule and increased 15 cents if such percentage is 5.0 percentage points or more below the average of the percentages for the corresponding months in such schedule and the Class I price shall be decreased or increased an additional 15 cents for each additional full 5 percentage points which such ratio of producer milk receipts to Class I utilization is above or below such average percentage:

Month:	*Percentages*
January	121.3
February	123.1
March	129.6
April	138.1
May	152.6
June	156.3
July	142.9
August	140.1
September	129.6
October	121.7
November	117.5
December	122.3

14. Delete § 924.52 and substitute therefor the following:

§ 924.52 *Class II milk price.* (a) The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § 924.6 for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month, which is classified as Class II utilization, shall be the price per hundredweight as described in § 924.50 (c): *Provided*, That for the months of May, June and July, there shall be credited to each handler with respect to butterfat used in the manufacture of butter and skim milk used in the manufacture of non-fat dry milk solids in the handler's plant, or transferred to and so used in a plant not operated by a handler after first allocating such butterfat and skim milk to any uses in such plant other than for the manufacture of butter and non-fat dry milk solids, (1) an amount per pound of butterfat equal to the excess of the Class II price determined under this paragraph over a formula price hereinafter described, such excess to be multiplied by 0.18, and, (2) an amount per hundredweight of skim milk equal to such excess multiplied by 0.36.

(b) The formula price per hundredweight of milk, referred to above shall be computed by multiplying the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by U. S. D. A. during the month by 4.2; adding 8.2 times the simple average of the weighted average carlot prices per pound of nonfat dry milk solids, spray and roller process respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the U. S. D. A.; and subtracting 67 cents.

15. Delete paragraphs (a) and (b) of § 924.53 and substitute therefor the following:

(a) *Class I milk.* The producer butterfat differential applicable to milk delivered in the previous month.

(b) *Class II milk.* The producer butterfat differential applicable to milk delivered in the current month.

16. In § 924.60 (c) delete from the tabulation appearing at the end of the section the reference to zone 8 and add the following:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundredweight
8	More than 97 miles but not more than 105 miles	$0.21
9	More than 105 miles but not more than 113 miles	.22
10	More than 113 miles but not more than 121 miles	.23
11	More than 121 miles but not more than 129 miles	.24
12	More than 129 miles but not more than 137 miles	.25
13	More than 137 miles	.26

17. In § 924.64 (b) delete "§ 924.70 (b)" and insert "§ 924.70 (b), (c), and (d)".

18. In § 924.70 substitute "on December 1" for "previous to August 1".

19. In the next to the last sentence of § 924.70 (b) delete the phrase "August through December by .8" and substitute therefor the phrase "August and September by .8 and October, November and December by .9".

20. Delete § 924.70 (c) and substitute therefor § 924.70 (c) and § 924.70 (d) as follows:

(c) From the effective date of this part, as amended, amendment through December 1952, each producer shall have the option, upon request to the market administrator, of being paid at the uniform price for all milk delivered.

(d) Whenever, during the months of August through December, the Class I price for the month is increased pursuant to § 924.51 (b), all producers and cooperative associations shall be paid the uniform price for all milk delivered.

Filed at Washington, D. C., this 12th day of August 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-9082; Filed, Aug. 15, 1952; 8:59 a. m.]

[7 CFR Part 941]

[Docket No. AO-101-A14]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chicago, Illinois, on April 14-17, 1952, pursuant to notice thereof which was issued on March 24, 1952 (17 F. R. 2683).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on July 8, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on July 12, 1952 (F. R. Doc. 52-7634) (17 F. R. 6276).

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-7634, 17 F. R. 6276) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein subject to the following revisions:

1. Delete the fifth paragraph beginning in Column 2, 17 F. R. 6278 and substitute therefor the following:

A suggestion was made to remove Shelby County, Illinois, from the presently defined surplus milk manufacturing area. Recently a plant located in this county which had been a "pool plant" became an unregulated plant. However, the record does not indicate that the facilities at such plant will not continue to be available for the disposal of reserve quantities of milk from pool plants. This county should be retained for the present as part of the surplus milk manufacturing area.

2. Delete the third, fourth, fifth, and sixth paragraphs in Column 3, 17 F. R. 6278, all of Column 1, 17 F. R. 6279, and Column 2, 17 F. R. 6279 as far as the third paragraph beginning in such column and substitute therefor the following:

(5) A milk price formula based on Cheddar cheese price quotations should not be adopted at this time as one of the basic formula prices in the Chicago order; the butter-cheese formula should be deleted from the basic formula price provisions; and milk utilized in the manufacture of cheese (other than cottage cheese) should continue to be priced under the present Class IV (butter-nonfat dry milk solids) price formula.

The basic formula price used to determine Class I and Class II prices is presently the higher of either the Class III or Class IV prices as computed for the preceding month. Specifically, this may be one of three formula prices which are: The average condensery pay price, the butter-nonfat dry milk solids formula, or the butter-cheese formula. Class I and Class II prices for the month are determined by adding to this basic formula price the appropriate Class I and II price differentials subject to an adjustment based on changes in the supply-demand relationship.

The present provisions of Order 41 classify all milk used in the manufacture of cheese other than cottage cheese as Class IV milk and as such its price is established each month by the butter-nonfat dry milk solids formula.

There were two proposals submitted relating to a cheese price formula. One producer association proposed that the formula be 2.75 times the simple average, as published by the Department, or prices per pound for "Cheddars" on the Wisconsin Cheese Exchange at Plymouth, Wisconsin, for the trading days that fall within the month, with the result multiplied by 3.5. It was proposed that the price resulting from this formula be substituted for the butter-cheese formula as a basic formula price and that in addition it be used to price milk utilized in Class IV for the manufacture of cheese. The second proposal was made by another producer association and in effect stated that in the event that milk used in cheese were to be classified and priced separately such milk should be priced by the following formula: 9.745 times the average price of Cheddars on the Wisconsin Cheese Exchange as now published by the market administrator plus 0.28 times the average price of 92-score butter at Chicago plus 86 percent of the price per hundredweight for whey reported for the month by the Western Condensing Company at Appelton, Wisconsin. From this amount subtract $0.494 per hundredweight and the result would be the price per hundredweight, on a 3.5 percent butterfat basis, for milk utilized in cheese.

The record shows that the first proposal is intended to produce a price level which will correspond closely to the average of prices paid to dairy farmers by Wisconsin cheese factories for milk used in the manufacture of cheese. It was stated that the factor 2.75 is intended to be a figure which when multiplied by the Wisconsin Cheese Exchange quotation for Cheddars will approximate the price per pound of butterfat paid to farmers by cheese factories. Considerable evidence was submitted for the record which related this formula price to the average price paid farmers by Wisconsin cheese factories as reported by the Department and by the Wisconsin State Department of Agriculture. In essence this formula is designed to measure the value of milk used for cheese from the standpoint of competitive "pay" prices as differentiated from the "cost and yield" method. Reduced to its simplest form this formula is 9.625 times the average Cheddar cheese price (3.5 times 2.75=9.625).

The second cheese formula is designed to measure the value of milk used in the manufacture of Cheddar cheese by the use of a cost and yield method. Evidence submitted by the cooperative proposing this formula included cost data from its own plant to substantiate a $0.494 per cwt. manufacturing allowance. At the same time proponents testified that they were not proposing to substitute their formula to lower the Class IV price if the present Class IV formula could continue as the basis for pricing milk utilized in cheese manufacture. Their formula was offered for consideration in the event it were decided that milk used for cheese should be classified and priced separately from milk used for butter and other Class IV milk products. The proponents of this formula offered no criticism of pricing milk used for cheese at the butter-nonfat dry milk solids formula price other than that market fluctuations in prices between butter and cheese cause returns from a cheese operation to fluctuate widely in some months when the milk is so priced.

Since the production of cheese has been increasing in recent years and represents a major use of milk in the Chicago supply area, a formula based on Cheddar cheese would be appropriate as one of the basic price formulas under the Chicago order. Under current conditions the butter-cheese formula does not fully reflect the value of milk utilized by cheese factories in the production area. Proponents of the first cheese formula discussed above have focused attention upon the growing importance of cheese manufacture as a factor in the determination of the price level for manufacturing milk to which Chicago milk prices are related. As a basic price formula their suggested cheese formula would employ a factor to relate market prices for cheese to prices paid to dairy farmers by representative cheese factories based upon the average relationship between

the two price series over a considerable period of time. Statistical examination indicates that important short-run relationships of cheese prices to farm prices for milk manufactured into cheese may not be reflected by the suggested formula to the degree desired in establishing a basic formula price by this method. It is concluded that prior to the adoption of the formula as one of the alternates for computing the basic formula price it be further reviewed in hearing when the opportunity is presented. For these reasons the cheese price formula should not be incorporated in the order at this time.

The pricing of milk under the order which is utilized in the manufacture of cheese by either of the suggested formulas presents certain problems, among which is the pricing of milk used for cheeses not of the Cheddar type. At present all cheese other than cottage cheese is classified as Class IV milk and is priced at the butter-nonfat dry milk solids formula price. While the present record contains evidence pertaining to Cheddar cheese, it is concluded that the method of pricing other cheeses of the speciality type which represent a large proportion of the total quantity of cheese made from Order 41 milk should be given more consideration at a subsequent hearing before any change in the pricing of milk going into cheese is made.

3. Delete the third, fourth, fifth, and sixth paragraphs beginning in Column 1, 17 F. R. 6281 and substitute therefor the following:

(10) The average wholesale price of cheese (Cheddars) at Wisconsin primary markets should not be utilized at this time in connection with price formulas included in the order.

It was testified that price quotations are reported four days a week (excluding Fridays) for "Wisconsin primary markets" which are based on actual sales of cheese. There have been only a few instances in the past several years when sufficient sales have not been made on the Wisconsin primary markets on which to base a report. The Wisconsin Cheese Exchange at Plymouth, Wisconsin, on the other hand meets each Friday so that a quotation is available for only one day of each week. The volume of cheese sold on the Wisconsin Exchange is small in relation to the total volumes of cheese sold on Wisconsin primary markets. Moreover, there have been numerous occasions when no sales of cheese were made through the Wisconsin Cheese Exchange and at times such conditions have existed for a considerable period. It has been necessary therefore in connection with price formulas in the order to use prices for weeks when no sales were reported which were derived from either bids or offers rather than from actual sales. It appears that for the purposes of price formulas employing cheese prices the price of cheese at Wisconsin primary markets would be more satisfactory than the Exchange price. However, since the cheese formula proposed has not been adopted and the butter-cheese formula currently in the order is deleted in the attached amending order, there is no need for a revised cheese price quotation.

Rulings on exceptions. Exceptions relating to the findings, conclusions and amendment action recommended by the Assistant Administrator with respect to the recommended decision (F. R. Doc. 52–7634) were filed by the following parties:

1. Beatrice Foods Company et al.
2. Consolidated Badger Cooperative et al.
3. Baldwin Cooperative Creamery et al.
4. Galesburg Pure Milk Association.
5. Associated Milk Dealers, Inc.
6. Pure Milk Association.

In arriving at the findings, conclusions and amendment action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and amendment action decided upon herein are at variance with the exceptions, such exceptions are overruled.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of February 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C. this 13th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Chicago, Illinois, Marketing Area

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Add the following as § 941.17:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any person engaged in processing food other than milk or cream in fluid form or ice cream.

2. Delete in the introductory language of § 941.40 the phrase "paragraph (b) of this section" and substitute therefor the reference "§ 941.41".

3. Delete § 941.40 (b) and substitute therefor the following:

(b) Any milk moved as milk or skim milk in fluid form, or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat, from a regulated plant to any plant located outside the following area, referred to in this subpart as the "surplus milk manufacturing area", shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: The State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, Shelby, and Knox, in the State of Illinois; the Counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkart, in the State of Indiana; the Counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the County of Van Wert in the State of Ohio: *Provided,* That any handler who causes producer milk to be delivered to a plant located outside the surplus milk manufacturing area during the period of a work stoppage at regulated plants due to a labor dispute between employer and employee, may request the market administrator in writing to classify such milk according to its utilization at the unregulated plant and the milk so delivered shall be classified under § 941.41 according to its utilization at the latter plant if (1) the market administrator determines that the volume of the Class I milk packaged by all pool plants as described in § 941.66 (a) has been reduced not less than 50 percent by such work stoppage, and (2) the unregulated plant makes its books and records of milk utilization available to the market administrator for audit verification purposes and the market administrator determines to his satisfaction that utilization of the milk so delivered can be established on the basis of adequate daily records. If the conditions described under subparagraphs (1) and (2) of this paragraph do not prevail the milk so delivered shall be classified as Class I milk.

4. Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk: *Provided,* That if such unregulated plant receives no milk, skim milk or cream from sources other than a regulated plant(s) and if satisfactory proof is furnished to the market administrator that any such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk items, respectively (as defined in § 941.41) at the latter plant, such excess shall be classified according to its utilization.

5. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to in this subpart as Class III (a) milk);

6. Delete from the introductory language of § 941.52 (c) the phrase "the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph" and substitute therefor the following: "the higher of the prices resulting from the formulas set forth in subparagraph (1) of this paragraph."

a. Delete § 941.52 (c) (2).

7. Delete in § 941.61 the reference "§ 971.70" and substitute therefor the reference "§ 941.70".

8. Replace the period at the end of § 941.61 with a colon and add the following proviso: "*Provided,* That if no source is indicated by the handler which may be verified by the market administrator, the milk or milk products shall be deemed to be 'overrun' and subject to the provisions of § 941.62 rather than to the conditions of this section."

9. Delete the third proviso of § 941.66 (c).

10. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October and November is (i) shipped as milk, skim milk or cream in fluid form to a regulated plant(s), or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October and November, it is willing to ship an amount of milk in fluid form to any regulated plant(s) which together with such amount of milk, skim milk and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall include not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided,* That:

(i) Said notice shall contain at least the following information: The specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; and the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 9 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk as is in excess of the amount offered for sale on said day by said notice shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

(3) Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

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(4) Any handler who desires to accept an offer shall notify the offering plant, or the person whom the offering handler has designated as his agent to receive acceptance, of his willingness to accept such offer at least 4 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a regulated plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(5) In computing required percentages of milk, skim milk, and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise.

11. Delete § 941.68 (a) and substitute therefor the following:

(a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions of this order or to §§ 941.80 through 941.88.

12. Delete that portion of § 941.70 prior to paragraph (a) and substitute the following:

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk shall be computed for each handler (based upon his reports as corrected), as follows:

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Chicago, Illinois, Marketing Area, and Designation of an Agent to Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7. U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area) who, during the month of February 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-9085; Filed, Aug. 15, 1952; 8:59 a. m.]

[7 CFR Part 973]

[Docket No. AO 178-A3]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et sec.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Minneapolis, Minnesota, on July 16, 1952, pursuant to notice thereof which was issued on July 2, 1952 (17 F. R. 6201) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area.

The material issues on the record related to (1) increasing the level of the Class I differential, (2) increasing the "make allowance" in the Class II price, and (3) whether the facts presented on the record warrant the omission of a recommended decision and exceptions thereto.

Findings and conclusions. The following findings and conclusions on these issues are based upon the evidence introduced at the hearing and the record pertaining thereto.

(1) The Class I differentials should be revised upward.

This market is faced with a severe shortage of milk during the next few months, unless steps are taken to increase the level of Class I prices relative to those in effect in the Chicago market. In that area of Wisconsin immediately adjacent to the Minneapolis-St. Paul market there are several plants which are regulated by the Chicago marketing order. These plants are in competition with Minneapolis-St. Paul plants for the Grade A milk supply produced in the area. As a result of recent amendments to the Chicago order, Minneapolis and St. Paul plants are at a competitive disadvantage and handlers have for several months paid substantial premiums in order to retain their present supply.

In addition to the Chicago plants, there are in the supply area, both in Wisconsin and Minnesota, plants whose principal outlets are the deficit producing areas of the South and Southwest. For some time these plants have paid higher prices than the uniform prices announced by the market administrator for competing plants subject to the Minneapolis-St. Paul, marketing order.

At the time the order was last amended, the Class I differential averaged 8.5 cents less than the Class I differential provided in the Chicago order. Since then the Class I prices provided in the Minneapolis-St. Paul order have fallen far below the levels prevailing in the Chicago order. As a result of a recent amendment to the latter order, the Class I differentials were increased to a point where they now average 24 cents higher than the differentials in the Minneapolis-St. Paul market. In addition the Chicago order provides that the Class I price shall be adjusted each month as the relationship of sales to receipts varies from the established norm. For the month of July 1952 the Class I price was increased an additional 15 cents because of this adjustment. An analysis of supply and demand conditions in the Chicago market indicates that for the next several months the adjustment will average very close to the 15 cents reflected for the month of July. It appears therefore that the average difference in the differentials in the two markets for the next several months will average approximately 39 cents.

An offsetting factor which must be considered in a comparison of differentials between the two markets is the fact that the "butter-powder" formula, which is one of the alternatives used to determine the Class I price, in the Chicago order has been reduced several cents since the latest amendment to the Minneapolis-St. Paul order. During the 30-month period, January 1950 to June 1952, the "butter-powder" formula in the Minneapolis-St. Paul order was the effective formula during 19 months. Had the butter-powder formula of the Chicago order been in effect it would have determined the Class I price in only 8 of these months and the Class I price would have averaged 6.1 cents lower for the period.

A proposal was made to change the "butter-powder" formula, which is also the Class II price, to correspond to the formula in Chicago. For reasons discussed below it has been determined that no change should be made in this formula at the present time.

In order to restore a proper relationship between Chicago and Minneapolis-St. Paul prices, it appears necessary to increase the differentials in the Minneapolis-St. Paul order substantially, especially during the months of July through November, in each of which it has been necessary for the past few years to import emergency supplies to meet the needs of the market. Accordingly the differentials should be increased to 70 cents during the months of January through April, to 60 cents during the months of May and June, to $1.10 during the months of July through November, and to 80 cents during the month of December.

In their proposal producers advocated that the differentials be adjusted each month by the amount that the "supply-demand" ratio in the Chicago order affects the Chicago price. As noted above it appears that the "supply-demand" factor in the Chicago order will result in an average increase of 15 cents in the Chicago price during the next several months. The Minneapolis-St. Paul differential has been adjusted by this amount, but it has been applied seasonally to encourage a greater production of milk during the months of July through November.

It would appear desirable to establish a supply and demand factor for the Minneapolis-St. Paul market, based on conditions in that market rather than on conditions in the Chicago market. However, the record fails to provide data on which an adequate analysis of the market supply and demand relationship can be determined. As a temporary expedient to correct the present maladjustment between the two markets, the adoption of the proposed differentials should suffice.

It is contemplated that a hearing on a complete revision of the provisions of the Minneapolis-St. Paul order will be conducted in the immediate future. It is expected that sufficient data will be developed and entered in the record of the hearing, to provide a basis for establishing a pattern of differentials which will adjust themselves to changing competitive conditions while developing and maintaining a sufficient supply of milk for the market.

(2) No change should be made in the Class II price at the present time.

The record of the hearing does not provide sufficient basis for changing the present formula. The only reason advanced in support of the change was the fact that the proposal was identical to the Class IV price in the Chicago market. There is a wide difference in the products classified as Class II in the Minneapolis-St. Paul market and those classified as Class IV in the Chicago market.

The record does not contain a breakdown of yield and cost factors, nor does it contain any information with respect to the relative positions of plants producing different products. There can be little doubt that the manufacture of certain Class II products may be fairly profitable while the manufacture of other products may result in actual loss to the processor. On these points, however, the record is silent.

Accordingly it must be concluded that any revision of the Class II should be postponed until the forthcoming hearing at which time all of the factors bearing on its proper pricing can be thoroughly explored.

(3) The due and timely execution of the function of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and exceptions thereto.

Immediate action must be taken if an amendment is to meet effectively the urgent supply and demand problem sought to be alleviated and relieve the disorderly marketing conditions which threaten the stability of the market. With respect to such problem, the critical situation will be aggravated on and after September 1, 1952. The delay necessarily involved in the preparation, filing, and publication of a recommended decision and exceptions thereto would defeat the purposes of the amendment.

Every point covered in the briefs filed by interested parties was carefully considered along with the record evidence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the bases of the facts found and stated in connection with the conclusions in this decision.

General findings and conclusions. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical to those contained in the attached order amending the order as amended which will be published with this decision.

This decision filed at Washington, D. C., this 13th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Minneapolis-St. Paul, Minnesota, Marketing Area

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, supps., 900.1 et seq.), a public hearing was held at Minneapolis, Minnesota, on July 16, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete § 973.50 (a) and substitute therefor the following:

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 70 cents during the delivery periods of January to April, inclusive; plus 60 cents during May and June; plus $1.10 during the delivery periods of July to November, inclusive; and plus 80 cents during December.

[F. R. Doc. 52-9083; Filed, Aug. 15, 1952; 8:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10310]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, Docket No. 10310.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations as follows:

General area:	Channels Delete	Add
Cullman, Ala	------	254

3. The purpose of the proposed amendment is to provide a Class B channel in Cullman, Alabama, thereby facilitating consideration of a pending application requesting a Class B assignment there:

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934 as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 15, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9032; Filed, Aug. 15, 1952; 8:48 a. m.]

[47 CFR Part 2]

[Docket No. 10302]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

DESIGNATION OF CERTAIN FREQUENCIES AS SHIP TELEGRAPH CALLING FREQUENCIES

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the designation of certain frequencies in the band 2088.5–2093.5 kc as ship telegraph calling frequencies; Docket No. 10302.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Atlantic City Radio Regulation number 269 stipulates that, in Region 2, the frequency band 2088.5–2093.5 kc is reserved exclusively for ship telegraph calling. Atlantic City Radio Regulation number 751 states, in part, that frequencies assigned to ship stations for radio telegraph communication in the bands between 1605 and 2850 kc must, as far as possible, be harmonically related to the frequencies assigned to ship stations in the 4000 kc radio telegraph band.

3. Accordingly, preparation for the introduction of the ship telegraph calling bands above 4000 kc in accordance with the Atlantic City (1947) Table of Frequency Allocations and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951), it is proposed to amend § 2.104 (a) of the Commission's rules and regulations so that, as of June 3, 1953, the frequencies shown below may be authorized for ship telegraph stations for calling purposes in the band 2088.5–2093.5 kc.

4. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

5. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before September 15, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Replies to such comments may be filed within ten days from the last date for filing of original comments. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

6. Fifteen copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 2.104 (a), *Table of Frequency Allocations*, is amended as follows:

a. In the band 2065–2105 kc amend the entries in columns 7 through 11 to read as follows:

7	8	9	10	11
2065-2105 (NG1, NG38)	Maritime mobile.	Ship.		Ship (telegraphy).

b. Add the following footnote at the bottom of the page:

NG38 The following frequencies may be authorized for use by ship telegraph stations for calling purposes:

Kc	Kc	Kc
2089	2090.5	2092
2089.5	2091	2092.5
2090	2091.5	2093

[F. R. Doc. 52-9029; Filed, Aug. 15, 1952; 8:47 a. m.]

[47 CFR Part 3]

[Docket No. 10309]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Rules Governing Television Broadcast Stations; Docket No. 10309.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In accordance with a petition filed by Wolfe Broadcasting Corporation, on June 17, 1952, and now made part of this docket, and it appearing that the petition complies with § 3.609 of the Commission's rules in that it proposes an assignment of a television channel in a community which is not listed in the Table and is not within 15 miles of a city so listed nor would the proposed assignment require any other changes in the Table, it is proposed to amend § 3.606, *Table of assignments*, Rules Governing Television Broadcast Stations, as follows:

a. Add to Table of Assignments under the State of Ohio:

	Channel No.
Fremont	59+

3. The purpose of the proposed amendment is to provide a television channel assignment in the community named in paragraph 2 above not otherwise available under the rules.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before September 15, 1952, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9031; Filed, Aug. 15, 1952; 8:47 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 10308]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICE

DELETION AND ASSIGNMENT OF FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority of ship telephone and ship telegraph stations and coast stations to operate on certain frequencies and to make available an additional frequency to ship telephone stations; Docket No. 10308.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) provides for bringing into use the aeronautical mobile (R) service frequency assignments of 5559 and 8828.5 kc for meteorological broadcasts. In order to bring those frequencies into use for meteorological broadcasts, it is proposed to amend Part 7 of the rules so as to make unavailable for assignment to coast stations the frequencies 5555 kc, 5560 kc, and 5565 kc, and to amend Part 8 of the rules so as to make unavailable for assignment to ship telephone stations the frequency 8830 kc. In addition, it is proposed to amend Part 8 of the rules to make unavailable for assignment to ship telegraph stations the freqeuncy 8260 kc and to make the frequency 8262.3 kc available for assignment to ship telephone stations as a replacement for 8830 kc. The proposed amendments to the rules are set forth below.

3. The proposed amendments are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Radio Conference (Geneva, 1951).

4. Any interested party who is of the opinion that the proposed rule should not be adopted or should not be adopted in the form set forth herein may file with the Commission, on or before September 15, 1952, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments that are received before taking final action in the matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

1. Section 7.206 (a) is amended by deleting the following frequencies in kilocycles from the assignable frequencies listed therein immediately following the sentence beginning, "Each of the specific frequencies in kilocycles hereinafter designated in this paragraph may be licensed as an assigned frequency • • •":

5555 5560 5565

2. Section 8.321 (a) (1) is amended by deleting from the list of frequencies the freqency 8260 kc.

3. Section 8.351 (a) is amended as follows:

a. Delete from the list of frequencies the frequency 8830 kc.

b. Insert in the list of frequencies the frequency 8262.3 kc.

4. Section 8.355 (a) (1) is amended as follows:

a. delete from the list of frequencies the frequency 8830 kc.

b. Insert in the list of frequencies the frequency 8262.3 kc.

[F. R. Doc. 52-9030; Filed, Aug. 15, 1952; 8:47 a. m.]

[47 CFR Part 9]

[Docket No. 10276]

AERONAUTICAL SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 9.321 (e), 9.331 (a), and 9.412 (b) of the Commission's rules and regulations Governing Aeronautical Services; Docket No. 10276.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend §§ 9.321 (e), 9.331 (a), and 9.412 (b) of Part 9 of the Commission's rules and regulations governing Aeronautical Services as set forth below to implement that portion of the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) which made the frequency 3023.5 available for assignment to aircraft.

3. The Radio Regulations of the International Telecommunication Union, Atlantic City, 1947, allocated, among others, the frequency band 2850–3025 kilocycles to the aeronautical mobile (R) service, and allocated, among others, the frequency band 3025–3155 kilocycles to the aeronautical mobile (OR) service.

4. Frequencies in the bands allocated to the aeronautical (R) service are reserved for communications between any aircraft and those aeronautical stations primarily concerned with the safety and regularity of flight along national or international air routes.

5. Frequencies in the bands allocated to the aeronautical (OR) service are reserved for communications between any aircraft and aeronautical stations other than those primarily concerned with flight along national or international civil air routes.

6. Based upon the decisions of the International Administrative Aeronautical Radio Conference (I. A. A. R. C.), Geneva, 1948–49, the Extraordinary Administrative Radio Conference (Geneva, 1951) agreed, among other things, that a frequency common to the previously mentioned R and OR bands, namely 3023.5 kilocycles, would be authorized for world wide use aboard aircraft for (1) communications with approach and airdrome control stations, (2) communications with an aeronautical station when other frequencies of the station are either unavailable or unknown, and (3) intercommunication between mobile stations engaged in coordinated search and rescue operations at the scene of a disaster. These communications are presently conducted on the frequencies 3105, 4495, and 3000 kc, respectively. The proposed amended sections pertain only to the communications between civil aircraft and approach and airdrome con-

trol stations and do not pertain to any frequency changes affecting the communications presently conducted on the government frequencies 4495 and 3000 kc. It is understood that certain communications now conducted on the latter frequencies will also be transferred to 3023.5 kc.

7. Use of the frequency 3105 kilocycles by civil aviation, including listening watches on the ground, is to be discontinued since it is in the band, allocated on a world wide basis, to the aeronautical mobile (OR) service by the International Telecommunications Conference, Atlantic City, 1947.

8. The International Civil Aviation Organization (ICAO) has selected March 15, 1953, for the inauguration of certain new aeronautical mobile (R) service frequencies to be introduced in the North Atlantic Area. This action involves frequency changes which have an impact on the use of the frequencies 3105 and 3023.5 kc.

9. Pursuant to coordinated United States policy, the Commission proposes to make the frequency 3023.5 kc available for assignment in accordance with finalization of this proposed rule making. The ground watch on this frequency must be implemented by March 15, 1953, so that the present use of 3105 kc can be discontinued and the frequency can be occupied by the new user on that date. Until March 15, 1953 aircraft may continue to use 3105 kc and a ground watch must be kept on that frequency until that date.

10. The authority for the proposed amendment is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunications and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

11. Any interested person may file with the Commission, on or before September 15, 1952, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing the described original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action. If any comments are received which appear to warrant the Commission in holding an oral argument before final action is taken, notice of the time and place of such oral argument will be given such interested parties.

12. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: August 6, 1952.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9028; Filed, Aug. 15, 1952; 8:47 a. m.]

1. Section 9.321 (e) is proposed to be amended to read as follows:

(e) 3023.5 kilocycles (or 3105 kc until March 15, 1953): Available to air carrier aircraft only where service on the appropriate very high frequency is not available or where service is suspended due to equipment failure.

2. Section 9.331 (a) is proposed to be amended to read as follows:

(a) 3023.5 kilocycles (or 3105 kc until March 15, 1953): Aircraft calling and working frequency for use by private aircraft.

3. Section 9.412 (b) is proposed to be amended to read as follows:

(b) The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operation on the aircraft calling and working frequencies 3023.5 kc (and 3105 kc until March 15, 1953) and 122.5 Mc., and on the emergency frequency 121.5 Mc.: *Provided, however,* That upon application therefor the Commission may exempt any station from the emergency frequency watch requirement, when a showing is made that such service is not required in the preservation of life and property in the air. Upon further notice a listening watch may be required on either the frequencies 122.7 or 122.9 megacycles.

[F. R. Doc. 52-9028; Filed, Aug. 15, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[471.46]

TARIFF CLASSIFICATION

REPLIQUED ARTICLES

AUGUST 13, 1952.

A repliqued article is one ornamented with a pattern cut at the end of the basic material forming the article and then turned over and stitched to the body of the article thereby serving as a hem and also producing a highly decorative effect. The Bureau, by letter to the collector of customs, New York, New York, dated August 13, 1952, ruled that repliqued articles are dutiable under paragraph 1529, Tariff Act of 1930, as modified, either as articles in part of trimmings, if the ornamented part, if separated, would be commercially known as a trimming; or, otherwise, as appliqued articles under the same paragraph.

This ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9076; Filed, Aug. 15, 1952; 8:59 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

AUGUST 1, 1952.

Notice is given that the plat of original survey of the following described lands, accepted March 27, 1952, will be officially filed in the Land Office, Anchorage, Alaska, effective at 10:00 a. m., on the 35th day after the date of this notice:

SEWARD MERIDIAN

T. 17 N., R. 4 W.:
Secs. 22, 23, 24, 25, 26, 27, 34, 35, 36.

The area described contains 3,978.86 acres.

Of the land described, Lot 19, Sec. 25, S½ Lot 22 and Lot 24, Sec. 26, Lot 7, N½ and N½S½ Lot 8, N½ Lot 10, and Lot 16, Sec. 27, and Lot 1, Sec. 34, are withdrawn for recreational purposes under Public Land Order No. 735 of July 26, 1951.

The lands are located on the western end of Fish Lake, approximately 19 miles west of Wasilla, Alaska, and are accessible by automobile over a road which terminates at the eastern end of the lake and thence by boat. The land may also be reached by seaplane directly or by land based aircraft on a nearby field, thence by boat over the lake. There are presently no public facilities in the area. Water for domestic use may be obtained from the lake or by sinking wells. Sewage disposal may be made by cess-pools or septic tanks.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

VIRGIL O. SEISER,
Manager.

[F. R. Doc. 52-9048; Filed, Aug. 15, 1952; 8:53 a. m.]

Geological Survey

[Survey Order 218]

REGIONAL OIL AND GAS SUPERVISORS AND REGIONAL MINING SUPERVISORS

AUTHORIZATION TO ACT ON APPLICATIONS FOR SUSPENSION OF OPERATIONS AND PRODUCTION

SECTION 1. *Suspension of operations and production.* Pursuant to the authority contained in Order No. 2699 of August 11, 1952, of the Secretary of the Interior, the regional oil and gas supervisors and the regional mining supervisors of the Geological Survey are hereby authorized to act on applications for suspension of operations or production or both, filed pursuant to 43 CFR 191.26, 191.27, and to terminate suspensions of this kind which have been or may be granted.

SEC. 2. *Appeals.* Any person aggrieved by the action of a regional oil and gas supervisor or a regional mining supervisor may appeal to the Director of the Geological Survey, and from his decision to the Secretary of the Interior pursuant to the provisions of 30 CFR 221.66.

Dated: August 11, 1952.

W. E. WRATHER,
Director, Geological Survey.

Approved: August 11, 1952.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-9021; Filed, Aug. 15, 1952; 8:45 a. m.]

Office of the Secretary

[Order 2583, Amdt. 3]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

AUGUST 11, 1952.

Order No. 2583 is amended as follows:

PART 2—AUTHORITY IN SPECIFIED MATTERS

MINERALS

1. Section 2.41 is amended to read:

SEC. 2.41 *Mineral leasing; relief and suspensions.* With the concurrence of the Director, Geological Survey, the waiver, suspension, or reduction of the rental or minimum royalty or the reduction of the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-9022; Filed, Aug. 15, 1952; 8:46 a. m.]

[Order 2625, Amdt. 1]

COMMISSIONER OF THE BUREAU OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO ACQUISITION OF LANDS AND WATER RIGHTS

AUGUST 12, 1952.

Subsection (a) (2) of section 1 of Order No. 2625 (16 F. R. 3311) is amended to read as follows:

SECTION 1. *Acquisition of lands and water rights.* (a) • • •

(2) Contract for and effect the purchase or exchange of lands or interests in lands and water rights at the appraised value, and acquire at more than the appraised value easements for $100 or less, if necessary and in the interest of the Government, but any exchange involving public lands, except public lands within the Columbia Basin Project, shall be effected only with the concurrence of the Director of the Bureau of Land Management.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-9024; Filed, Aug. 15, 1952; 8:45 a. m.]

[Order 2699]

DIRECTOR, GEOLOGICAL SURVEY

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATIONS FOR SUSPENSION OF OPERATIONS AND PRODUCTION

AUGUST 11, 1952.

SECTION 1. *Suspension of operations and production.* The Director, Geological Survey, may act for the Secretary of the Interior in finally approving applications for suspension of operations or production or both, filed pursuant to 43 CFR 191.26, 191.27, and in terminating suspensions of this kind which have been or may be granted.

SEC. 2. *Redelegation.* (a) The Director may, by an order to be published in the FEDERAL REGISTER, redelegate the authority vested in him by section 1 to any qualified officer or employee of his bureau in Washington or in the field.

(b) Any order of redelegation pursuant to this section must be approved by the Secretary and published in the FEDERAL REGISTER.

SEC. 3. *Appeals.* Any person aggrieved by the action of the Director of the Geological Survey pursuant to the delegation of authority in section 1 of this order may appeal to the Secretary of the Interior as provided in 30 CFR 221.66.

SEC. 4. *Revocation.* Section 1 of Order No. 2530 (14 F. R. 5245) is hereby revoked.

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

[F. R. Doc. 52-9023; Filed, Aug. 15, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

AUGUST 1952 DOMESTIC AND EXPORT PRICE LIST

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950 (15 F. R. 1583), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

AUGUST 1952 DOMESTIC PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Domestic sales price
Rough pea seed, bagged 6 hundredweight	$7 per 100 pounds basis f. o. b. point of production, plus paid-in freight as applicable.
Timothy (other than timothy mixed with redtop) certified, bagged, 30 hundredweight.	$5.50 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Wheat, bulk, 25,000,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location. (See note on Ceiling Price Certification at the end of this price list.) Examples of minimum prices per bushel: Chicago, No. 1 HW, ex rail or barge, $2.68; Minneapolis, No. 1 HDNS, ex rail or barge, $2.67; Chicago, No. 1 RW, ex rail or barge, $2.68.
Oats, bulk, 4,800,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1952 county loan rate, plus (1) 19 cents per bushel if delivered by truck, or (2) 10 cents per bushel if delivered by rail or barge. At other points, the foregoing plus average paid-in freight. Examples of minimum prices, per bushel: Chicago, No. 3 or better, ex rail or barge, 98 cents; Minneapolis, No. 3 or better, ex rail or barge, 93 cents.
Barley, bulk, 8,300,000 bushels [1]	Basis in store, the market price but in no event less than the applicable 1952 loan rate for the class, grade, quality and location. (See note on Ceiling Price Certification at the end of this price list.) Examples of minimum prices per bushel: Minneapolis, No. 1 Barley, ex rail or barge, $1.52; San Francisco, No. 1 Western Barley, ex rail or barge, $1.56.
Corn, bulk, 50,000,000 bushels [1]	At points of production, basis in store, the market price but not less than the applicable 1951 county loan rate for No. 3 bushel if received by truck, or (2) 10 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $2; St. Louis, No. 3 yellow, $1.93; Kansas City, No. 3 yellow, $1.96. For other classes, grades, and quality, market differentials apply.
Rice, rough, 195,000 hundredweight	Prices for rough rice, basis f. o. b. point of production, plus paid-in freight, as applicable. Examples of minimum prices per hundredweight: No. 1 Grade 1949 [1] crop: $7.39 per 100 pounds, basis f. o. b. California area. No. 1 Grade 1949 [1] crop: $7.12 per 100 pounds, basis f. o. b. Idaho area; available Portland FMA Commodity office. No. 1 Grade 1951 crop: $8.56 per 100 pounds, basis f. o. b. California area. No. 1 Grade 1951 crop: $8.06 per 100 pounds, basis f. o. b. Idaho and California areas; available Portland and San Francisco FMA Commodity offices. No. 1 Grade 1950 and 1951 crops: $8.30 per 100 pounds f. o. b. Michigan area.
Dry edible beans	$4 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco FMA Commodity offices.
Corn, bulk, 50,000,000 bushels [1]	$87.23 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. $87.81 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. $82.50 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco FMA Commodity offices.
Rice, rough, 195,000 hundredweight	$105.75 per 100 pounds, basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland and San Francisco FMA Commodity offices.
Dry edible beans	$23.65 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office. $19.35 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available New Orleans FMA Commodity office. $18 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office. $21 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Dry edible peas	$21.10 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office. $21.65 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available San Francisco FMA Commodity office. $21.50 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago FMA Commodity office.
Dry edible beans	$24.40 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Dry edible peas	$21.10 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Mustard, brown or yellow, bagged, 100 hundredweight.	$4 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Sudan grass seed, bagged, 7 hundredweight.	$5 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Chicago FMA Commodity office.
Hairy vetch seed, bagged, 70,000 hundredweight.	$1 plus support price at point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.
Irrigated 1951 seed, bagged, 140 hundredweight	$79.47 per 100 pounds basis f. o. b. point of production, plus paid-in freight, as applicable. Available Portland FMA Commodity office.

[1] These same lots are available at domestic sales prices announced today.

Ceiling Price Certification. Any purchaser from CCC of flax linseed oil must be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his actual suppliers for the commodity in the quantity and at the place and season that delivery is made.

AUGUST 1952 EXPORT PRICE LIST

Commodity and approximate quantity available (subject to prior sale)	Export price list
Cottonseed oil, bleachable prime summer yellow, 100,000,000 pounds.	Market price f. o. b. tank cars at points of storage locations.
Dry edible beans.	No. 1 Grade delivered on track present location, on basis costs and freight paid to f. a. s. vessel at locations shown below. For export to Western Hemisphere countries—$6.50 per 100 pounds. For export to other than Western Hemisphere countries—$5.50 per 100 pounds. East Coast ports. $6.60 per 100 pounds, U. S. Gulf ports (see note below).
Pea, bagged, 1950 crop, 11,000 hundredweight.[2]	$4 per 100 pounds, San Francisco Bay area.
Great Northern, bagged, 1948 crop, 208,000 hundredweight.[2]	$8.90 per 100 pounds Portland, Oreg., and Gulf ports; $7 per 100 pounds Mexico border points.
Baby lima, bagged, 1949 crop, 1,000 hundredweight.	NOTE: Available at PMA commodity offices at: Portland, Oreg., for West Coast shipments and for Western Hemisphere countries; Kansas City, Mo., for Texas-Mexico border points and Gulf ports. "U. S. Gulf ports" means ports with freight rates not greater than to New Orleans, any excess freight will be for account of the buyer.
Pinto, bagged, 1949 crop, 385,000 hundredweight.	Discounts for grades on all beans: No. 2, 25 cents less than No. 1; No. 3, 50 cents less than No. 1. Appropriate discounts will also be given for "off-size" beans.
Great Northern, bagged, 1949 crop, 385,000 hundredweight.[2]	At CCC's option, 1949 crop beans may be furnished in place of 1948 beans in instances where stocks of this bean of the type and grade desired are exhausted.

[1] These same lots are available at domestic sales prices announced today.

Ceiling Price Certification. Any purchaser from CCC of Pinto or Great Northern beans for export, or of Pea beans for export to Western Hemisphere countries, need be able and will be required to certify that the price paid to CCC does not exceed the highest ceiling price he could pay any of his actual suppliers for the commodity in the quantity and at the place and season that delivery is made.

AUGUST 1952 EXPORT PRICE LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Export price list
Austrian winter peas, bagged, not certified for purity or germination, 1,700,000 hundredweight.[1]	In Portland, Oreg., and San Francisco areas only; the domestic market price for feed but not less than $5.50 per 100 pounds, f. o. b. point of storage plus paid-in freight, as applicable.
Wheat, bulk, 25,000,000 bushels [1]	Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon.
Oats, bulk, 4,800,000 bushels [1]	Do.
Barley, bulk, 8,300,000 bushels [1]	Do.
Corn, bulk, 50,000,000 bushels [1]	Do.

[1] These same lots are available at domestic sales prices announced today.

(Pub. Law 439, 81st Cong.)

Issued: August 13, 1952.

[SEAL]

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9081; Filed, Aug. 15, 1952; 8:59 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

FIELD OFFICE LOCATIONS AND BOUNDARIES

ORGANIZATION STATEMENT

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), sections 30 and 33 of Article III—Field Organization—of the Organization Statement, as published in the FEDERAL REGISTER dated January 21, 1952 (17 F. R. 675), are hereby amended.

1. In section 30 *Basic field organization*, delete the sentence in parentheses at the end of the section and add the following: "The geographic boundaries of the 14 Regional Offices remain unchanged. As indicated in section 33 below, certain district offices are being consolidated with Regional Offices, and some with other district offices, which will absorb the territory serviced by those former district offices; branch offices will replace those district offices eliminated by the consolidation, except in cities where district offices were located in the same cities as the regional offices."

2. Section 33 is amended to read as follows:

SEC. 33. *Locations of Field Offices.* The locations of and the areas serviced by regional and district offices of the Office of Price Stabilization, are as follows:

REGION I—BOSTON, MASSACHUSETTS

The Boston Regional Office will service the entire State of Massachusetts; this area was formerly serviced by the Boston and Springfield, Massachusetts, District Offices; a branch office will be located at Springfield, Massachusetts.

District Offices: District Offices will continue to be located at Hartford, Connecticut, servicing the entire State of Connecticut; Portland, Maine, servicing the entire State of Maine; Manchester, New Hampshire, servicing the entire State of New Hampshire; Providence, Rhode Island, servicing the entire State of Rhode Island; and Montpelier, Vermont, servicing the entire State of Vermont.

REGION II—NEW YORK, NEW YORK

The New York Regional Office will service that part of the State of New York comprising the counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; this area was formerly serviced by the New York District Office.

District Offices: District offices will continue to be located at: Newark, New Jersey, servicing the entire State of New Jersey, except the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem; this area was formerly serviced by the Newark and Trenton, New Jersey, District Offices; a branch office will be located at Trenton, New Jersey; and Syracuse, New York, servicing that part of the State of New York comprising the counties of Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming, and Yates; this area was formerly serviced by the Syracuse, Albany, Buffalo, and Rochester, New York, District Offices; branch offices will be located in Albany, Buffalo, and Rochester, New York.

REGION III—PHILADELPHIA, PENNSYLVANIA

The Philadelphia Regional Office will service that part of the State of Pennsylvania comprising the counties of Adams, Berks, Bradford, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York, and that part of the State of New Jersey comprising the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem; this area was formerly serviced by the Philadelphia, Pennsylvania, and Camden, New Jersey, District Offices; a branch office will be located at Camden, New Jersey.

District Offices: District offices will continue to be located at Wilmington, Delaware, servicing the entire State of Delaware; and Pittsburgh, Pennsylvania, servicing that part of the State of Pennsylvania comprising the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Somerset, Venango, Warren, Washington, and Westmoreland; this area was formerly serviced by the Pittsburgh and Erie, Pennsylvania, District Offices; a branch office will be located at Erie, Pennsylvania.

REGION IV—RICHMOND, VIRGINIA

The Richmond Regional Office will service the entire State of Virginia; this area was formerly serviced by the Richmond and Norfolk, Virginia, District Offices; a branch office will be located at Norfolk, Virginia.

District Offices: District Offices will continue to be located at Washington, D. C., servicing the District of Columbia; Baltimore, Maryland, servicing the entire State of Maryland; Charleston, West Virginia, servicing the entire State of West Virginia; and Charlotte, North Carolina, servicing the entire State of North Carolina and that part of the State of Tennessee comprising the counties of Carter, Johnson, Sullivan, Unicoi, and Washington; this area was formerly serviced by the Charlotte and Raleigh, North Carolina, District Offices; a branch office will be located at Raleigh, North Carolina.

REGION V—ATLANTA, GEORGIA

The Atlanta Regional Office will service the entire State of Georgia; this area was formerly serviced by the Atlanta and Savannah, Georgia, District Offices, a branch office will be located at Savannah, Georgia.

District Offices: District Offices will continue to be located at Montgomery, Alabama, servicing the entire State of Alabama; this area was formerly serviced by the Montgomery and Birmingham, Alabama, District Offices; a branch office will be located at Birmingham, Alabama;

Jacksonville, Florida, servicing the entire State of Florida; this area was formerly serviced by the Jacksonville and Miami, Florida, District Offices; a branch office will be located at Miami, Florida;

Jackson, Mississippi, servicing the entire State of Mississippi;

Columbia, South Carolina, servicing the entire State of South Carolina; and

Nashville, Tennessee, servicing the entire State of Tennessee, except the counties of Carter, Johnson, Sullivan, Unicoi, and Washington; this area was formerly serviced by the Nashville and Memphis, Tennessee, District Offices; a branch office will be located at Memphis, Tennessee.

REGION VI—CLEVELAND, OHIO

The Cleveland Regional Office will service the entire State of Ohio and that part of the State of Kentucky comprising the counties of Boone, Campbell, and Kenton; this area was formerly serviced by the Cleveland, Toledo, Columbus, and Cincinnati, Ohio, District Offices; branch offices will be located at Toledo, Columbus, and Cincinnati, Ohio.

District Offices: District offices will continue to be located at—

Louisville, Kentucky, servicing the entire State of Kentucky, except the counties of Boone, Campbell, and Kenton; and

Detroit, Michigan, servicing the entire State of Michigan; this area was formerly serviced by the Detroit and Grand Rapids, Michigan, District Offices; a branch office will be located at Grand Rapids, Michigan.

REGION VII—CHICAGO, ILLINOIS

The Chicago Regional Office will service the entire State of Illinois, except the counties of Madison and St. Clair, and that part of the State of Indiana comprising the county of Lake; this area was formerly serviced by the Chicago, Springfield, and Peoria, Illinois, District Offices; branch offices will be located at Springfield and Peoria, Illinois.

District Offices: District Offices will continue to be located at—

Indianapolis, Indiana, servicing the entire State of Indiana, except the county of Lake; and

Milwaukee, Wisconsin, servicing the entire State of Wisconsin, except the county of Douglas; this area was formerly serviced by the Milwaukee and Green Bay, Wisconsin, District Offices; a branch office will be located at Green Bay, Wisconsin.

REGION VIII—MINNEAPOLIS, MINNESOTA

The Minneapolis Regional Office will service the entire State of Minnesota and that part of the State of Wisconsin comprising the county of Douglas; this area was formerly serviced by the St. Paul and Duluth, Minnesota, District Offices; branch offices will be located at St. Paul and Duluth, Minnesota.

District Offices: District Offices will continue to be located at—

Helena, Montana, servicing the entire State of Montana;

Fargo, North Dakota, servicing the entire State of North Dakota; and

Sioux Falls, South Dakota, servicing the entire State of South Dakota.

REGION IX—KANSAS CITY, MISSOURI

The Kansas City Regional Office will service that part of the State of Missouri comprising the counties of Andrew, Atchison, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Livingston, McDonald, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Oregon, Osage, Ozark, Pettis, Platte, Polk, Pulaski, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Texas, Vernon, Webster, Worth, and Wright, and that part of the State of Kansas comprising the counties of Johnson and Wyandotte; this area was formerly serviced by the Kansas City District Office.

District Offices: District offices will continue to be located at—

Des Moines, Iowa, servicing the entire State of Iowa;

Wichita, Kansas, servicing the entire State of Kansas, except the counties of Johnson and Wyandotte;

St. Louis, Missouri, servicing that part of the State of Missouri comprising the counties of Adair, Audrain, Bollinger, Butler, Cape Girardeau, Carter, Charlton, Clark, Crawford, Dent, Dunklin, Franklin, Gasconade, Iron, Jefferson, Knox, Lewis, Lincoln, Linn, Macon, Madison, Maries, Marion, Mississippi, Monroe, Montgomery, New Madrid, Pemiscot, Perry, Phelps, Pike, Ralls, Randolph, Reynolds, Ripley, St. Charles, Ste. Genevieve, St. Francois, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Warren, Washington, Wayne, and the City of St. Louis, and that part of the State of Illinois comprising the counties of Madison and St. Clair; and

Omaha, Nebraska, servicing the entire State of Nebraska.

REGION X—DALLAS, TEXAS

The Dallas Regional Office will service that part of the State of Texas comprising the counties of Anderson, Andrews, Archer, Armstrong, Bailey, Baylor, Bell, Borden, Bosque, Bowie, Briscoe, Brown, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland Ector, Ellis, Erath, Falls, Fannin, Fisher, Floyd, Foard, Franklin, Freestone, Gaines, Garza, Glasscock, Gray, Grayson, Gregg, Hale, Hall, Hamilton, Hansford, Hardeman, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Howard, Hunt, Hutchinson, Irion, Jack, Johnson, Jones, Kaufman, Kent, King, Knox, Lamar, Lamb, Lampasas, Limestone, Lipscomb, Loving, Lubbock, Lynn, McCulloch, McLennan, Marion, Martin, Menard, Midland, Mills, Mitchell, Montague, Moore, Morris, Motley, Nacogdoches, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Potter, Rains, Randall, Reagan, Red River, Roberts, Rockwall, Runnels, Rusk, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Upshur, Upton, Van Zandt, Ward, Wheeler, Wichita, Wilbarger, Winkler, Wise, Wood, Yoakum, and Young; this area was formerly serviced by the Dallas, Ft. Worth, and Lubbock, Texas, District Offices; branch offices will be located at Ft. Worth and Lubbock, Texas.

District Offices: District Offices will continue to be located at—

Little Rock, Arkansas, servicing the entire State of Arkansas;

New Orleans, Louisiana, servicing the entire State of Louisiana; this area was formerly serviced by the New Orleans and Shreveport, Louisiana, District Offices; a branch office will be located at Shreveport, Louisiana;

Oklahoma City, Oklahoma, servicing the entire State of Oklahoma; this area was formerly serviced by the Oklahoma City and Tulsa, Oklahoma, District Offices; a branch office will be located at Tulsa, Oklahoma; and

San Antonio, Texas, servicing that part of the State of Texas comprising the counties of Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, Culberson, DeWitt, Dimmit, Duval, Edwards, El Paso, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinble, Kinney, Kleberg, La Salle, Lavaca, Lee, Leon, Liberty, Live Oak, Llano, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Milam, Montgomery, Newton, Nueces, Orange, Pecos, Polk, Presidio, Real, Reeves, Refugio, Robertson, Sabine, San Augustine, San Jacinto, San Patricio, Starr, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, and Zavala; this area was formerly serviced by the San Antonio and Houston, Texas, District Offices; a branch office will be located at Houston, Texas.

REGION XI—DENVER, COLORADO

The Denver Regional Office will service the entire State of Colorado; this area was formerly serviced by the Denver District Office.

District Offices: District Offices will continue to be located at—

Albuquerque, New Mexico, servicing the entire State of New Mexico;

Salt Lake City, Utah, servicing the entire State of Utah; and

Cheyenne, Wyoming, servicing the entire State of Wyoming.

REGION XII—SAN FRANCISCO, CALIFORNIA

The San Francisco Regional Office will service that part of the State of California comprising the counties of Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Fresno, Glenn, Humboldt, Kings, Lake, Madera, Marin, Mariposa, Mendocino, Merced, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba, and those portions of the counties of Nevada, Placer, and El Dorado which lie west of the crest of the Sierra Nevada Mountains; this area was formerly serviced by the San Francisco-Oakland, Fresno, and Sacramento, California, District Offices; branch offices will be located at Fresno and Sacramento, California.

District Offices: District Offices will continue to be located at—

Phoenix, Arizona, servicing the entire State of Arizona;

Reno, Nevada, servicing the entire State of Nevada and that part of the State of California comprising the counties of Alpine, Lassen, Modoc, Mono, Plumas, and Sierra, and those portions of the counties of Nevada, Placer and El Dorado which lie east of the crest of the Sierra Nevada Mountains; and

Los Angeles, California, servicing that part of the State of California comprising the counties of Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura; this area was formerly serviced by the Los Angeles and San Diego, California, District Offices; a branch office will be located at San Diego, California.

REGION XIII—SEATTLE, WASHINGTON

The Seattle Regional Office will service the entire State of Washington, except the counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum, and that part of the State of Idaho comprising the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; this area was formerly serviced by the Seattle and Spokane, Washington, District Offices; a branch office will be located in Spokane, Washington.

District Offices: District Offices will continue to be located at—

Boise, Idaho, servicing the entire State of Idaho, except the counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone, and that part of the State of Oregon comprising the county of Malheur; and

Portland, Oregon, servicing the entire State of Oregon, except the county of Malheur, and that part of the State of Washington comprising the counties of Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum.

REGION XIV—WASHINGTON, D. C.

The jurisdiction of the Territorial Regional Office remains unchanged. District (Territorial and Commonwealth) Offices will continue to be located at Juneau, Alaska, servicing the entire territory of Alaska; Agana, Guam, servicing the entire territory of Guam; Honolulu, Hawaii, servicing the entire territory of Hawaii; San Juan, Puerto Rico, servicing the entire Commonwealth of Puerto Rico; and St. Thomas, Virgin Islands, servicing the entire territory of the Virgin Islands.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9190; Filed, Aug. 15, 1952; 12:09 p. m.]

[Region XII, Redelegation of Authority No. 41, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES
REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization, No. XII, pursuant to Delegation of Authority 61, Revision 1 (17 F. R. 6424), Redelegation of Authority No. 41, heretofore issued by me on April 29, 1952 (17 F. R. 3894), is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII, to act under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134.

This amendment shall take effect as of July 25, 1952.

JOHN H. TOLAN, JR.
Director of Regional Office No. XII.

AUGUST 11, 1952.

[F. R. Doc. 52-8981; Filed, Aug. 11, 1952; 4:51 p. m.]

REGION V, REGION VIII, AND REGION XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on August 7, 1952.

REGION V

Jacksonville Order G1-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:34 p. m.

Jacksonville Order G1-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:36 p. m.

Jacksonville Order G2-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:34 p. m.

Jacksonville Order G2-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:37 p. m.

Jacksonville Order G3-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:35 p. m.

Jacksonville Order G3-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:38 p. m.

Jacksonville Order G3A-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:35 p. m.

Jacksonville Order G3A-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:38 p. m.

Jacksonville Order G4-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:35 p. m.

Jacksonville Order G4-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:39 p. m.

Jacksonville Order G4A-13, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:35 p. m.

Jacksonville Order G4A-14, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:40 p. m.

REGION VIII

Fargo Order G1-13, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 3:40 p. m.

Fargo Order G1-14, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 3:41 p. m.

Fargo Order G2-14, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 3:42 p. m.

Fargo Order G4-13, Amendment 1, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 3:41 p. m.

Fargo Order G4-14, covering retail prices for certain dry grocery items sold in the Fargo Area, filed 3:43 p. m.

REGION XII

Fresno Order G1-11, Amendment 3, changing certain prices for certain food items for retail sales of certain food items in the Fresno Area, filed 3:43 p. m.

Fresno Order G2-11, Amendment 3, changing certain prices for certain food items for retail sales of certain foods items in the Fresno Area, filed 3:44 p. m.

Fresno Order G4-11, Amendment 3, changing certain prices for certain food items for retail sales of certain food items in the Fresno Area, filed 3:44 p. m.

Fresno Order G4A-11, Amendment 3, changing certain prices for certain food items for retail sales of certain food items in the Fresno Area, filed 3:45 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-8977; Filed, Aug. 11, 1952; 4:50 p. m.]

REGION V AND REGION XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on August 12, 1952.

REGION V

Jacksonville Order G1-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:52 a. m.

Jacksonville Order G2-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:53 a. m.

Jacksonville Order G3-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:53 a. m.

Jacksonville Order G3A-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:53 a. m.

Jacksonville Order G4-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:54 a. m.

Jacksonville Order G4A-14, Amendment 1, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 10:54 a. m.

REGION XII

Fresno Order G1-12, revocation of ceiling prices for certain dry grocery items sold in the Fresno Area, filed 10:52 a. m.

Fresno Order G2-12, revocation of ceiling prices for certain dry grocery items sold in the Fresno Area, filed 10:52 a. m.

Fresno Order G4-12, revocation of ceiling prices for certain dry grocery items sold in the Fresno Area, filed 10:52 a. m.

Fresno Order G4A-12, revocation of ceiling prices for certain dry grocery items sold in the Fresno Area, filed 10:52 a. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-9079; Filed, Aug. 13, 1952; 4:25 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 11, Amdt. 10]

GENERAL MOTORS CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 11 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the General Motors Corporation. Subsequent to the issuance of Special Order 11 the General Motors Corporation has introduced a new item of factory installed extra, special or optional equipment on its Chevrolet new passenger automobiles and wholesale ceiling prices have been approved for this new item. Special Order 11 is, therefore, amended to include a charge for the new item of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 11 is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 11:

CHEVROLET PASSENGER AUTOMOBILES

Tires, set of 5, 7:00 x 15, 4 ply (DeLuxe Convertible when equipped with automatic transmission)	$31.00

Effective date. This Amendment 10 to Special Order 11 shall become effective August 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9185; Filed, Aug. 15, 1952; 12:03 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 7]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. Subsequent to the issuance of Special Order 16 the Kaiser-Frazer Corporation has introduced a new accessory group of factory installed extra, special or optional equipment on its Henry J new passenger automobiles and a wholesale ceiling price has been approved for this new accessory group. Special Order 16 is, therefore, amended to include the new accessory group of factory installed extra, special or optional equipment.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceil-

ing Price Regulation 83, this amendment to Special Order 16, is hereby issued.

1. The following charge for factory installed extra, special or optional equipment is added to the list of extra, special or optional equipment contained in paragraph 2 of Special Order 16:

HENRY J. AUTOMOBILES

Accessory Group No. 27 (all Henry J) (includes Accessory Group No. 9, oil filter, rear window vents, radio and antenna (6 tube), heater and defroster—fresh air, and air duct—right)	$276.18

Effective date. This Amendment 7 to Special Order 16 shall become effective August 13, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 13, 1952.

[F. R. Doc. 52-9065; Filed, Aug. 13, 1952; 12:16 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8624, 10277]

AMERICAN-REPUBLICAN, INC., AND WATR, INC.

ORDER SCHEDULING HEARING

In re applications of American-Republican, Inc., Waterbury, Connecticut, Docket No. 8624, File No. BPCT-204; WATR, Incorporated, Waterbury, Connecticut, for television construction permits, Docket No. 10277, File No. BPCT-965.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceedings;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9036; Filed, Aug. 15, 1952; 8:48 a. m.]

[Docket Nos. 9041, 10240]

ALADDIN RADIO & TELEVISION, INC., AND DENVER TELEVISION CO.

ORDER SCHEDULING HEARING

In re applications of Aladdin Radio & Televison, Inc., Denver, Colorado, Docket No. 9041, File No. BPCT-426; Denver Television Company, Denver, Colorado, Docket No. 10240, File No. BPCT-951; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9037; Filed, Aug. 15, 1952; 8:49 a. m.]

[Docket Nos. 9043, 10238]

KMYR BROADCASTING CO., AND METROPOLITAN TELEVISION CO.

ORDER SCHEDULING HEARING

In re applications of KMYR Broadcasting Company, Denver, Colorado, Docket No. 9043, File No. BPCT-488; Metropolitan Television Company, Denver, Colorado, for television construction permits, Docket No. 10238, File No. BPCT-941.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the bove-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9038; Filed, Aug. 15, 1952; 8:49 a. m.]

[Docket Nos. 9136, 9137, 10243]

PIONEER BROADCASTERS, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Pioneer Broadcasters, Inc., Portland, Oregon, Docket No. 9136, File No. BPCT-431; KOIN, Incorporated, Portland, Oregon, Docket No. 9137, File No. BPCT-493; KXL Broadcasters, Inc., Portland, Oregon, Docket No. 10243, File No. BPCT-954; for television construction permits.

At a session of the Federal Communications Commission held at its offces in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9039; Filed, Aug. 15, 1952; 8:49 a. m.]

[Docket Nos. 10118, 10119, 10120, 10121]

PENN JERSEY BROADCASTING CO., ET AL.

ORDER CONTINUING HEARING

In re applications of Penn Jersey Broadcasting Company, Bristol, Pennsylvania, Docket No. 10118, File No. BP-8062; Leroy Bremmer and Dorothy Bremmer, d/b as Atlantic City Broadcasting Company, Atlantic City, New Jersey, Docket No. 10119, File No. BP-8090; Herbert Michels, Albert Spiro and John J. Farina, d/b as Garden State Broadcasting Company, Atlantic City, New Jersey, Docket No. 10120, File No. BP-8112; Press-Union Publishing Company, Atlantic City, New Jersey, for construction permits, Docket No. 10121, File No. BP-8143.

The Commission having under consideration a petition filed on July 22, 1952, on behalf of Press-Union Publishing Company (Docket No. 10121), requesting that the hearing in the above-entitled proceeding, which is now scheduled to be held in Atlantic City, New Jersey, on August 11, 1952, be continued for a period of approximately six weeks; and

It appearing, that no opposition has been filed to a grant of the said petition by any of the parties to the above-entitled proceeding;

It is ordered, This 29th day of July 1952, that the above petition be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Monday, September 22, 1952, at Atlantic City, New Jersey.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9033; Filed, Aug. 15, 1952; 8:48 a. m.]

[Docket No. 10181]

MCLENNAN BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of McLennan Broadcasting Co., Waco, Texas, for construction permit for new standard broadcast station, Docket No. 10181, File No. BP-8031.

The Commission having under consideration a petition filed July 25, 1952, by McLennan Broadcasting Co., requesting a continuance until August 26, 1952, of the hearing on the above-entitled application presently scheduled for August 4, 1952; and

It appearing, that counsel for Red River Valley Broadcasting Corporation, licensee of Station KRRV, Sherman, Texas, the only party to file an appearance in this proceeding, and counsel for the Chief, Broadcast Bureau, have agreed to a grant of this petition; and

It further appearing, that good cause for the requested continuance has been shown;

It is ordered, This 31st day of July 1952, that such hearing be and it is hereby continued to August 26, 1952, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R Doc. 52-9034; Filed, Aug. 15, 1952; 8:48 a. m.]

[Docket No. 10190]

WMRO, INC. (WMRO)

ORDER CONTINUING HEARING

In re application of WMRO, Incorporated (WMRO) Aurora, Illinois, for renewal of license of station WMRO, File No. BR-995, Docket No. 10190.

The Commission having under consideration a petition filed August 5, 1952, by WMRO, Incorporated (WMRO), Aurora, Illinois, for an indefinite continuance of the hearing now scheduled in Washington, D. C., on August 11, 1952; and

It appearing that on July 17, 1952, on the basis of a petition and supplemental petition filed by petitioner on July 15 and 16, 1952, a continuance of the hearing on the above-entitled matter then scheduled for July 21, 1952, was granted to August 11, 1952; that said initial continuance was granted in part on the basis of petitioner's statement that it was in the process of preparing for filing a petition for reconsideration and grant and that additional time for that purpose was necessary; that petitioner now alleges it has been unable to complete preparation of such a petition but will do so on or before August 11, 1952; that a grant of said petition for reconsideration would obviate the necessity for a hearing; that petitioner is the only party to this proceeding and that the counsel for the Broadcast Bureau does not oppose a grant of this request for indefinite continuance, and has consented to immediate consideration of this petition so that the provisions of § 1.745 of our rules have been met; that no party or the public interest would be adversely affected by a grant of this petition;

Therefore, it is ordered, This 5th day of August 1952, that the petition of WMRO, Incorporated (WMRO), Aurora, Illinois, for indefinite continuance is granted and the hearing on the above-entitled matter now scheduled for August 11, 1952 is continued without date, subject to further order of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9035; Filed, Aug. 15, 1952; 8:48 a. m.]

[Docket Nos. 10246, 10247]

OREGON TELEVISION, INC., AND COLUMBIA EMPIRE TELECASTERS, INC.

ORDER SCHEDULING HEARING

In re applications of Oregon Television, Inc., Portland, Oregon, Docket No. 10246, File No. BPCT-938; Columbia Empire Telecasters, Inc., Portland, Oregon, for television construction permits, Docket No. 10247, File No. BPCT-982.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9040; Filed, Aug. 15, 1952; 8:49 a. m.]

[Docket Nos. 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC., AND STARK BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT-264; Stark Broadcasting Corporation; Canton, Ohio, for television construction permits, Docket No. 10273, File No. BPCT-949.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding;

It is ordered, That the hearing in the above-entitled proceedings be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 8, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9041; Filed, Aug. 15, 1952; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6449]

WISCONSIN POWER AND LIGHT CO.

NOTICE OF APPLICATION

AUGUST 13, 1952.

Take notice that on August 8, 1952, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Wisconsin Power and Light Company (hereinafter called "Wisconsin"), a corporation organized under the laws of the State of Wisconsin and doing business in said State, with its principal business office at Madison, Wisconsin, seeking an order authorizing the merger or consolidation of Wisconsin's facilities with those of Nekoosa-Edwards Light and Power Company (hereinafter called "Nekoosa"). The facilities to be merged are all the electric operating facilities of Nekoosa, being electric distribution facilities only, located in Wood County, Wisconsin. Such facilities are presently being used to serve the public in the municipalities of Nekoosa and Port Edwards, and adjacent rural areas. The consideration to be paid for the facilities by Wisconsin is stated in the application to be $300,000, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 1st day of September 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9051; Filed, Aug. 15, 1952; 8:53 a. m.]

[Docket No. E-6450]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION

AUGUST 13, 1952.

Take notice that on August 11, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon and Washington, with its principal business office at Portland, Oregon,

seeking an order authorizing the issuance of $7,500,000 in aggregate principal amount of its First Mortgage Bonds, ____ percent series due September 1982. Applicant proposes to invite competitive bidding for the purchase of said Bonds. The interest rate to be borne by the Bonds and the price to be paid Applicant for the Bonds are to be determined by such competitive bidding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 1st day of September 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9052; Filed, Aug. 15, 1952; 8:53 a. m.]

[Docket No. G-1899]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 12, 1952.

On February 28, 1952, Iowa-Illinois Gas and Electric Company (Applicant), an Illinois Corporation, with its principal place of business in Davenport, Iowa, filed an application for an order disclaiming jurisdiction or, in the alternative, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the continued operation of 23 miles of 4-inch duplicate transmission pipeline serving its Ottumwa district in Iowa, and 17 miles of 10-inch duplicate-transmission pipe line serving its Davenport district in Iowa, should it be ultimately determined that the said facilities and operation thereof are subject to the Commission's jurisdiction.

Due notice of filing such application has been given, including publication in the FEDERAL REGISTER on March 20, 1952 (17 F. R. 56).

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

The Commission finds: Good cause has not been shown for granting Applicant's request that its application in Docket No. G-1899 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

The Commission orders:

(A) Iowa-Illinois Gas and Electric Company's request that its application in Docket No. G-1899 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same is hereby denied.

(B) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 9, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9042; Filed, Aug. 15, 1952; 8:50 a. m.]

[Docket No. G-1948]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 12, 1952.

On April 24, 1952, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation having its principal place of business at Knoxville, Tennessee, filed an application, as supplemented on July 7, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas transmission facilities, subject to the jurisdiction of the Commission, as described in the application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1952 (17 F. R. 4248).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 2, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 12, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9043; Filed, Aug. 15, 1952; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO APPLICATION OF NEWTON COUNTY GAS CO. FOR PROCUREMENT OF NATURAL GAS SERVICE

1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Application of Newton County Gas Company for Procurement of Natural Gas Service, before the Federal Power Commission, Docket No. G-1978, is hereby delegated to the Secretary of Defense.

2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.

4. This delegation of authority shall be effective as of July 16, 1952.

Dated August 11, 1952.

JESS LARSON,
Administrator.

[F. R. Doc. 52-9067; Filed, Aug. 15, 1952; 8:56 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4. Notification 56]

PLACEMENT OF PROCUREMENT IN THE MILFORD, MASS., AREA

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its findings and recommendation in the matter of placement of procurement in the Milford area. The recommendation has been reviewed within the Office of Defense Mobilization to determine its relationship to other polices affecting procurement for which

this Office has responsibility and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to give preference to the Milford area, with the exception of the textile and apparel industries located in that area, in the placement of Government contracts, in accordance with the attached findings of the Committee and the provisions of Defense Manpower Policy No. 4. The Department of Defense and the General Services Administration are hereby requested to take the actions specified in paragraph 6 of section III of Defense Manpower Policy No. 4.

The textile and apparel industries are excluded from the provisions of this notification pursuant to Notification 38 dated June 4, 1952, and Notification 53 dated July 19, 1952.

The Department of Defense and the General Services Administration are requested to submit the first written report of the actions taken under this notification on September 15, 1952, and thereafter each 30 days until further notice.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

FINDINGS AND RECOMMENDATION OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE MILFORD, MASSACHUSETTS AREA UNDER DEFENSE MANPOWER POLICY NO. 4

Under date of July 22, 1952, the Defense Manpower Administration of the Department of Labor certified to this Committee, under Defense Manpower Policy No. 4, the existence of the Milford area as a surplus labor area under standards established by the Secretary of Labor. The Milford area is composed of the towns of Hopedale, Mendon, Milford, Northbridge, Upton, and Uxbridge in Worcester County and towns of Medway and Millis in Norfolk County.

On the basis of information contained in the files of the Committee and furnished by the Department of Labor relative to the manpower situation in the Milford area, and by the Boston Regional Defense Mobilization Committee relative to facilities in the Milford area, the Committee makes the following findings and recommendation:

FINDINGS

The Committee finds:

1. That the Milford area, as defined by the Defense Manpower Administration, is an area of current labor surplus, including a surplus of manpower possessing skills necessary to the fulfillment of Government contracts;

2. That there exist in the Milford area a comparatively small number of suitable facilities for the performance of additional Government contracts;

3. That in order to accomplish the objectives of Defense Manpower Policy No. 4, the public interest dictates the need for the negotiation of available Government contracts at reasonable prices in the Milford area provided that a substantial portion of the work involved in the execution of the contracts will be performed in the Milford area, and provided further that contractors in the said area will be afforded the opportunity to meet prices obtainable in any labor market area classified by the Department of Labor as Group I, II, or III.

4. That no price differential for the Milford area is considered necessary in order to effectuate the objectives of Defense Manpower Policy No. 4, provided that the operations under the notification recommended herein will be reviewed within a reasonable period of time to determine whether the establishment of an appropriate maximum price differential is required in order to effectuate Defense Manpower Policy No. 4 for the Milford area.

RECOMMENDATION

The Committee recommends that the Director of Defense Mobilization conclude that it is in the public interest to give preference to the Milford area in the placement of contracts in accordance with the Committee's findings, and that the Director so notify the Secretary of Defense and the Administrator of the General Services Administration.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-9125; Filed, Aug. 14, 1952; 3:21 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2906]

ARLINGTON GAS LIGHT CO., ET AL.

NOTICE OF FILING REGARDING ISSUANCE OF PROMISSORY NOTES

AUGUST 12, 1952.

In the matter of Arlington Gas Light Company, Beverly Gas and Electric Company, Central Massachusetts Gas Company, Gloucester Gas Light Company, Lawrence Gas and Electric Company, Malden and Melrose Gas Light Company, Northampton Gas Light Company, Northern Berkshire Gas Company, Salem Gas Light Company, Suburban Gas and Electric Company, Wachusett Gas Company, File No. 70-2906.

Notice is hereby given that the above-named public-utility subsidiary companies of New England Electric System, a registered holding company, hereinafter individually referred to as "Arlington", "Beverly", "Central Mass.", "Gloucester Gas", "Lawrence", "Malden Gas", "Northern Berkshire", "Salem Gas", "Suburban" and "Wachusett" and collectively referred to as the "borrowing companies", have filed applications, pursuant to the Public Utility Holding Company Act of 1935, and have designated section 6 (b) of the act and Rules U-23, U-42 (b) (2) and U-50 (a) (2) thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue to The National City Bank of New York before September 5, 1952, unsecured promissory notes in an aggregate amount of $4,540,000. Said notes will be payable in ten equal instalments beginning on September 1, 1953 and ending on September 1, 1962. Interest on the annual instalments payable September 1, 1953, and September 1, 1954, will be at the rate of 3¼ percent pen annum, on the annual instalments payable September 1, 1955, through September 1, 1957, at the rate of 3½ percent per annum and on the annual instalments payable September 1, 1958, through September 1, 1962 at the rate of 3¾ percent per annum or an over-all cost of money for the ten-year period of 3.668 percent. Under certain conditions, the notes may be prepaid, in whole or in part without premium.

The applications state that the Massachusetts Department of Public Utilities has granted all of the borrowing companies, except Gloucester Gas and Wachusett, authority to amortize the costs of conversion to the use of natural gas over a period of ten years and that it is expected that the Massachusetts Commission will authorize a like period of amortization for these two companies. The amount of the note each borrowing company proposes to issue is set forth in the table below and, in each case, such amount is substantially equal to the estimated amount of unamortized conversion costs at August 31, 1952. The proceeds of the proposed notes will be applied solely to the payment of short-term note indebtedness incurred or to be incurred by the borrowing companies for costs of conversion to the use of natural gas.

	Amount of proposed notes	Estimated amount of notes outstanding after reduction of short-term indebtedness
Arlington	$995,000	$1,435,000
Beverly	285,000	1,990,000
Central Massachusetts	200,000	400,000
Gloucester Gas	125,000	625,000
Lawrence	835,000	1,415,000
Malden Gas	1,240,000	2,760,000
Northampton	195,000	305,000
Northern Berkshire	220,000	1,080,000
Salem Gas	280,000	1,170,000
Suburban	325,000	1,225,000
Wachusett	170,000	430,000
Total	4,540,000	12,835,000

The applications further state that incidental services in connection with the proposed note issues will be performed, at cost, by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $500 for each of the borrowing companies, or an aggregate of $5,000. The applications further state that the Massachusetts Department of Public Utilities has jurisdiction over the proposed transactions and that no other state commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than August 29, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after said date, the applications, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9045; Filed, Aug. 15, 1952; 8:52 a. m.]

[File No. 70-2910]

ARKANSAS POWER & LIGHT CO.

NOTICE OF FILING PURSUANT TO RULE REGARDING ISSUANCE OF FIRST MORTGAGE BONDS

AUGUST 12, 1952.

Notice is hereby given that Arkansas Power & Light Company ("Arkansas"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, and has designated section 6 (b) thereof and Rule U-50 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which may be summarized as follows:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, __ percent series, due 1982, to be issued under and secured by the company's Mortgage and Deed of Trust dated as of October 1, 1944, as heretofore supplemented, and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of September 1, 1952. The proceeds of the proposed sale of bonds will be used to finance, in part, Arkansas' construction program for the years 1952 and 1953 which is estimated to require the expenditure of approximately $60,000,000 of which approximately $8,800,000 had been expended by June 30, 1952;

Notice is further given that any interested person may, not later than August 22, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 22, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9044; Filed, Aug. 15, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27300]

CARBON DIOXIDE FROM MEMPHIS, TENN., TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for the Southern Railway Company and the Cincinnati, New Orleans and Texas Pacific Railway Company.

Commodities involved: Carbon dioxide, solidified (dry ice), carloads.

From: Memphis, Tenn.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1172, Supp. 113.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9054; Filed, Aug. 15, 1952; 8:53 a. m.]

[4th Sec. Application 27301]

ONIONS (WITHOUT TOPS) FROM RACINE, WIS., TO POINTS IN MISSISSIPPI VALLEY TERRITORY

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 699.

Commodities involved: Onions (without tops), carloads.

From: Racine, Wis.

To: Points in Mississippi Valley territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 699, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9055; Filed, Aug. 15, 1952; 8:54 a. m.]

[4th Sec. Application 27302]

ALUMINA, CALCINED OR HYDRATED, FROM BATON ROUGE AND NORTH BATON ROUGE, LA., TO POINTS IN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariffs I. C. C. Nos. 378 and 413.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 378, Supp. 205; W. P. Emerson, Jr., Agent, I. C. C. No. 413, Supp. 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9056; Filed, Aug. 15, 1952; 8:54 a. m.]

[4th Sec. Application 27303]

PIG IRON FROM ROCKWOOD, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1136.

Commodities involved: Pig iron and related articles, carloads.

From: Rockwood, Tenn.

To: Points in official and Illinois territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1136, Supp. 43.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9057; Filed, Aug. 15, 1952; 8:55 a. m.]

[4th Sec. Application 27304]

BITUMINOUS COAL FROM ALABAMA TO BOYKIN, FLA.

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company, for itself and on behalf of the Louisville and Nashville Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Mines in Alabama, on the St. Louis-San Francisco Railway.

To: Boykin, Fla.

Grounds for relief: Rail and water competion and additional origins.

Schedules filed containing proposed rates: St. L.-S. F. Ry. tariff I. C. C. No. A-265, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9058; Filed, Aug. 15, 1952; 8:55 a. m.]

[4th Sec. Application 27305]

MOTOR-RAIL-MOTOR RATES BETWEEN CHICAGO, ILL., AND KANSAS CITY, MO.

APPLICATION FOR RELIEF

AUGUST 13, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company and Prucka Transportation, Inc.

Commodities involved: All commodities.

Between: Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, I. C. C. No. 39, Supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9059; Filed, Aug. 15, 1952; 8:55 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 13980]

ERNST BRUNO KELLER

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Ernst Bruno Keller, deceased. F-28-3954-D-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Ernst Bruno Keller, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: Seventy-five (75) shares of $100.00 par value preferred capital stock of Pohatcong Hosiery Mills, Inc., 744 Broad Street, Newark 2, New Jersey, evidenced by a certificate numbered P-106, registered in the name of Ernst Bruno Keller, together with all declared and unpaid dividends thereon,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Ernst Bruno Keller, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being

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deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-9072; Filed, Aug. 15, 1952; 8:58 a. m.]

[Vesting Order 18981]

FREDERICK AND FRIEDA SCHLOTTMAN

In re: Debt owing to Frederick Schlottman and Frieda Schlottman. F-28-17666.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Frederick Schlottman and Frieda Schlottman, each of whose last known address is (1) Berlin-Johannistal, Grune Avenue 3, Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation, evidenced by a bank money order, issued by American Trust Company, Civic Center Office, San Francisco, California, drawn to the order of Attorney General, U. S. A., numbered 31380, dated June 14, 1950, and in the amount of $122.10, presently in the custody of the Attorney General of the United States, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bank money order, including particularly but not limited to the right to possession and presentation for collection and payment of the said bank money order,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Frederick Schlottman and Frieda Schlottman, the aforesaid nationals of a designated enemy country (Germany); and it is hereby determined:

3. That the national interest of the United States requires that the persons identified in subparagraph 1 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-9073; Filed, Aug. 15, 1952; 8:58 a. m.]

[Vesting Order 18982]

HEINZ WENZEL

In re: Debt owing to Heinz Wenzel. F-28-7925-C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Heinz Wenzel, whose last known address is Pinneberg/Holstein, Prisdorferstrasse 19B, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of John F. Weinzierl, Riverside, Texas, evidenced by a promissory note executed February 21, 1935, by John F. Weinzierl and payable to Heinz Wenzel, said note in the amount of $1,401.60, due six months after date, and presently in the custody of Baker, Botts, Andrews & Parish, Esperson Building, Houston 2, Texas, and extended on March 6, 1939, and February 7, 1950, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said promissory note,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Heinz Wenzel, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-9074; Filed, Aug. 15, 1952; 8:59 a. m.]

MARIA MARASCO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Marasco, a/k/a Mariantonia Gallo, Rogliano, Cosenza, Italy; Claim No. 42164; $1,712.88 in the Treasury of the United States. Certificate No. 4000, representing stock purchase warrant for 50/500 share of stock of Stokely Foods, Inc., deposited with Federal Reserve Bank of New York.

Executed at Washington, D. C., on August 8, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Acting Director,
Office of Alien Property.

[F. R. Doc. 52-9075; Filed, Aug. 15, 1952; 8:59 a. m.]

FEDERAL REGISTER

VOLUME 17 NUMBER 162

Washington, Tuesday, August 19, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10385

EXTENSION OF TIME RELATING TO THE REMOVAL OF CERTAIN TEMPORARY HOUSING

By virtue of the authority vested in me by section 611 of the act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, and having determined, after considering the needs of national defense and the effect of the extension provided for herein upon the general housing situation and the national economy, that such extension is in the public interest, it is ordered as follows:

The time stipulated in section 313 of the said act approved October 14, 1940, as amended, within which, subject to the qualifications stated in the said section 313, housing of a temporary character under the jurisdiction of the Housing and Home Finance Administrator and constructed under certain laws must be removed is hereby extended from December 31, 1952, to July 1, 1954.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 16, 1952.

[F. R. Doc. 52-9207; Filed, Aug. 18, 1952; 9:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1952 C. C. C Grain Price Support Bulletin 1, Amdt. 3 to Supp. 1, Flaxseed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 17 F. R. 4517, and 4836, and containing the specific requirements for the 1952-crop Flaxseed Price Support Program are hereby amended as follows:

Section 601.2108 (b) (1) is amended to include a provision with respect to flaxseed shipped at other than the domestic interstate freight rate so that the amended subparagraph reads as follows:

§ 601.2108 *Support rates.* • • •

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such flaxseed to such terminal market: *Provided*, That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such flaxseed to the point of storage: *And provided further*, That in the case of flaxseed stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sups., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 14th day of August 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9151; Filed, Aug. 18, 1952; 8:56 a. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page
Extension of time relating to the removal of certain temporary housing — 7525

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Credit Corporation.

Alien Property, Office of
Notices:
Vesting orders, etc.:
De Prahal, Ana Christiansen and Franz Prahl (2 documents) — 7566

Army Department
Rules and regulations:
Discharge or separation from Service; dependency or hardship — 7535

Civil Aeronautics Administration
Rules and regulations:
Juneau Airport; traffic patterns — 7533

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Proposed rule making:
Air taxi operators; operations over certified helicopter routes — 7549

Commerce Department
See Civil Aeronautics Administration; International Trade, Office of.

Commodity Credit Corporation
Rules and regulations:
Cotton; 1952 price support program:
Schedule of base loan and purchase rates for warehouse-stored cotton — 7527
Schedule of base loan rates by counties for farm-stored cotton — 7532
Flaxseed; 1952-crop loan and purchase agreement program — 7525

Customs Bureau
Notices:
Dowels, rough dowels and rough rounds; tariff classification — 7551

Defense Department
See Army Department.

FEDERAL REGISTER

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CONTENTS—Continued

Page

Defense Mobilization, Office of
Notices:
Findings and determination of critical defense housing areas:
California — 7563
Illinois — 7564
North Carolina — 7563
North Carolina and Virginia — 7564
Oregon and New York — 7564
Washington — 7563

Defense Production Administration
Notices:
Request to participate in the formation and activities of an Army Ordnance Integration Committee on 20mm cartridge cases — 7552

Economic Stabilization Agency
See Price Stabilization, Office of; Salary Stabilization Board.

CONTENTS—Continued

Page

Federal Communications Commission
Notices:
Hearings, etc.:
Greenwich Broadcasting Corp. et al — 7555
Mt. Pleasant Broadcasting Co — 7555
Mt. Scott Telecasters, Inc., and Vancouver Radio Corp — 7556
Westinghouse Radio Stations, Inc., and Portland Television, Inc — 7555
Television broadcast applications; list of cities grouped in accordance with priorities established in temporary processing procedure; second issue — 7556
Proposed rule making:
Aeronautical mobile service; allocation of certain frequency bands — 7549
Rules and regulations:
Radio Broadcast Services; main studio location — 7547
Stations in Alaska other than amateur and broadcast — 7548
Stations on land in the Maritime Service — 7548
Stations on shipboard in the Maritime Service — 7548

Federal Power Commission
Notices:
Hearings, etc.:
Cincinnati Gas & Electric Co — 7560
Consolidated Gas Utilities Corp — 7562
Kansas-Nebraska Natural Gas Co., Inc — 7561
Michigan-Wisconsin Pipe Line Co — 7561
Texas Eastern Transmission Corp — 7561

General Services Administration
Notices:
Secretary of the Treasury; delegation of authority to negotiate certain contracts relating to the Bureau of Engraving and Printing — 7562

Indian Affairs Bureau
Notices:
Area Directors; delegation of authority with respect to execution of construction contracts — 7552

Interior Department
See also Indian Affairs Bureau; Land Management, Bureau of.
Notices:
Bureau of Land Management; delegation of authority to Acting Director, Acting Associate Director and Acting Assistant Director, with respect to certain functions — 7552

International Joint Commission
Notices:
United States and Canada; hearings:
Construction of works for power development in the International Rapids Section of the St. Lawrence River — 7563
Water levels of Lake Ontario — 7562

CONTENTS—Continued

Page

International Trade, Office of
Rules and regulations:
General orders; iron and steel products — 7535

Interstate Commerce Commission
Notices:
Applications for relief:
Fertilizer from points in Arkansas, Kansas, Louisiana, and Texas to Reserve, La — 7565
Pine lumber from New Orleans, La. to Memphis, Tenn — 7565
Roofing and building materials from points in official and Illinois Territories to points in Southern Territory — 7565
Volcanic scoria or slag from points in New Mexico to points in Arkansas — 7565
Proposed rule making:
Class I common and contract motor carriers of property — 7550
Rules and regulations:
Divisions of joint rates applicable to railway fuel — 7549
Filing of contracts by common carriers subject to Part I of the Interstate Commerce Act — 7548

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Nevada; small tract classification order; correction — 7552
Rules and regulations:
Exchanges of privately owned lands under Taylor Grazing Act; determination of values; publication of notice of exchange — 7547

National Production Authority
Rules and regulations:
Sulfuric acid; revocation (M–94) — 7547

Price Stabilization, Office of
Notices:
Directors of the District Offices; redelegation of authority to act:
Region I, Boston, Mass.: under DR 1 — 7553
Region II, New York, N. Y.; under:
GCPR, SR 39 — 7553
GCPR, SR 65 — 7553
Region IV, Richmond, Va.; under:
GCPR, SR 39 — 7553
GCPR, SR 65 — 7553
Region VII, Chicago, Ill.; under:
GCPR, SR 39 — 7553
GCPR, SR 65 — 7554
Region VIII, Minneapolis, Minn.; under:
GCPR, SR 39 — 7554
GCPR, SR 65 — 7554
Region X, Dallas, Tex.; under:
GCPR, SR 39 — 7554
GCPR, SR 65 — 7554
Region XII, San Francisco, Calif.; under GCPR, SR 65 — 7554
Region XIII, Seattle, Wash.; under GCPR, SR 65 — 7555

CONTENTS—Continued

Page

Price Stabilization, Office of—Continued
Notices—Continued
Deputy Director et al.; delegation of authority to act as Director of Price Stabilization — 7555
Rules and regulations:
Canned baby and junior foods, ceiling price adjustment; authorization to certain processors to furnish notice to retailers (GCPR, SR 107) — 7538
Foods sold at retail, ceiling prices of certain stores:
Group 1 and 2 (CPR 16) — 7536
Group 3 and 4 (CPR 15) — 7536
Services; handling and storage of grain under the uniform grain storage agreement of the U. S. Department of Agriculture (CPR 34, SR 23) — 7537

Salary Stabilization Board
Rules and regulations:
Stabilization and general adjustments of salaries and other compensation (GSSR 1) — 7539

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Power & Light Co. et al — 7564
Pennsylvania Gas & Electric Corp. et al — 7565

Treasury Department
See Customs Bureau.
Delegation of authority to Secretary to negotiate certain contracts relating to the Bureau of Engraving and Printing (*see* General Services Administration).

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Page

Title 3
Chapter II (Executive orders):
10385 — 7525

Title 6
Chapter IV:
Part 601 — 7525
Part 607 (2 documents) — 7527, 7532

Title 14
Chapter I:
Part 60 — 7533
Part 298 (proposed) — 7549

Title 15
Chapter III:
Part 384 — 7535

Title 32
Chapter V:
Part 582 — 7535
Chapter VII:
Part 882 (see Part 582) — 7535

Title 32A
Chapter III (OPS):
CPR 15 — 7536
CPR 16 — 7536

CONTENTS—Continued

Page

Title 32A—Continued
Chapter III (OPS)—Continued
CPR 34, SR 23 — 7537
GCPR, SR 107 — 7538
Chapter IV:
Subchapter A (SSB):
GSO 1–3 (see GSSR 1) — 7539
GSO 5 (see GSSR 1) — 7539
GSO 6 (see GSSR 1) — 7539
GSO 10 (see GSSR 1) — 7539
GSSR 1 — 7539
GSSR 3 (see GSSR 1) — 7539
Chapter VI (NPA):
M–94 — 7547

Title 43
Chapter I:
Part 146 — 7547

Title 47
Chapter I:
Part 2 (proposed) — 7549
Part 3 — 7547
Part 7 — 7548

Title 49
Chapter I:
Part 4 — 7548
Part 206 (proposed) — 7550

[1952 CCC Cotton Bulletin 1, Amdt. 1]

PART 607—COTTON

SUBPART—1952 COTTON PRICE SUPPORT PROGRAM

SCHEDULE OF BASE LOAN AND PURCHASE RATES FOR WAREHOUSE-STORED COTTON

The 1952 Cotton Loan Bulletin (1952 CCC Cotton Bulletin 1) is hereby amended by adding § 607.354 to read as follows:

§ 607.354 *Basic loan and purchase rates by warehouse locations.* The base loan and purchase rates applicable to Middling White and extra white $^{15}/_{16}$-inch upland cotton, under Commodity Credit Corporation's 1952 Cotton Price Support Program, are as follows:

ALABAMA

City and county:	*Basis Middling White and Extra White $^{15}/_{16}$'' loan rate*
Abbeville, Henry	32.36
Akron, Hale	32.25
Albertville, Marshall	32.47
Alexander City, Tallapoosa	32.58
Aliceville, Pickens	32.14
Altoona, Etowah	32.58
Andalusia, Covington	32.25
Anniston, Calhoun	32.58
Arab, Marshall	32.47
Ardmore, Limestone	32.25
Ashford, Houston	32.36
Ashland, Clay	32.58
Athens, Limestone	32.25
Atmore, Escambia	32.14
Attalla, Etowah	32.58
Auburn, Lee	32.58
Banks, Pike	32.36
Bankston, Fayette	32.25
Belk, Fayette	32.25
Berry, Fayette	32.25
Birmingham, Jefferson	32.36
Blountsville, Blount	32.47
Boaz, Marshall	32.47
Boligee, Greene	32.14
Brantley, Crenshaw	32.25
Brantley, Dallas	32.25
Brent, Bibb	32.36
Brewton, Escambia	32.14
Bridgeport, Jackson	32.36

ALABAMA—Continued

City and county:	*Basis Middling White and Extra White $^{15}/_{16}$'' loan rate*
Browntown (P. O. Henager), Jackson	32.36
Brundidge, Pike	32.36
Butler, Choctaw	32.14
Camden, Wilcox	32.14
Camp Hill, Tallapoosa	32.58
Carbon Hill, Walker	32.25
Carrollton, Pickens	32.14
Centerville, Bibb	32.36
Centre, Cherokee	32.58
Chavies, De Kalb	32.47
Childersburg, Talladega	32.58
Clanton, Chilton	32.36
Clayton, Barbour	32.47
Clio, Barbour	32.47
Collinsville, De Kalb	32.47
Columbia, Houston	32.36
Columbiana, Shelby	32.47
Cooper, Chilton	32.36
Cordova, Walker	32.25
Courtland, Lawrence	32.25
Cullman, Cullman	32.36
Dadeville, Tallapoosa	32.58
Dancy, Pickens	32.14
Decatur, Morgan	32.36
Demopolis, Marengo	32.14
Detroit, Lamar	32.14
Dothan, Houston	32.36
Dozier, Crenshaw	32.25
Dutton, Jackson	32.36
Elba, Coffee	32.36
Elkmont, Limestone	32.25
Enterprise, Coffee	32.36
Ethelsville, Pickens	32.14
Eufaula, Barbour	32.47
Eutaw, Greene	32.14
Evergreen, Conecuh	32.14
Fackler, Jackson	32.36
Fadette, Geneva	32.36
Faunsdale, Marengo	32.14
Fayette, Fayette	32.25
Flat Rock, Jackson	32.36
Florala, Covington	32.25
Florence, Lauderdale	32.14
Fort Deposit, Lowndes	32.25
Fort Payne, De Kalb	32.47
Fyffe, De Kalb	32.47
Gadsden, Etowah	32.58
Gantt, Covington	32.25
Geneva, Geneva	32.36
Georgiana, Butler	32.25
Glen Allen, Fayette	32.25
Good Water, Coosa	32.47
Gordo, Pickens	32.14
Goshen, Pike	32.36
Greensboro, Hale	32.25
Greenville, Butler	32.25
Guin, Marion	32.14
Guntersville, Marshall	32.47
Hackleburg, Marion	32.14
Haleyville, Winston	32.25
Hamilton, Marion	32.14
Hanceville, Cullman	32.36
Hartford, Geneva	32.36
Hartselle, Morgan	32.36
Headland, Henry	32.36
Heflin, Cleburne	32.58
Henagar, De Kalb	32.47
Hodges, Franklin	32.14
Hollywood, Jackson	32.36
Huntsville, Madison	32.36
Hurtsboro, Russell	32.58
Ider, De Kalb	32.47
Jacksonville, Calhoun	32.58
Jasper, Walker	32.25
Jemison, Chilton	32.36
Kennedy, Lamar	32.14
Lafayette, Chambers	32.58
Larkinsville, Jackson	32.36
Leighton, Colbert	32.14
Lester, Limestone	32.25
Linden, Marengo	32.14
Lineville, Clay	32.58
Livingston, Sumter	32.14
Louisville, Barbour	32.47
Luverne, Crenshaw	32.25

ALABAMA—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
McCullough, Escambia	32.14
Madison, Madison	32.36
Malvern, Geneva	32.36
Maplesville, Chilton	32.36
Marion, Perry	32.25
Millport, Lamar	32.14
Mobile, Mobile	32.02
Monroeville, Monroe	32.14
Montevallo, Shelby	32.47
Montgomery, Montgomery	32.36
Moores Bridge, Tuscaloosa	32.25
Moores Valley, Wilcox	32.14
Moulton, Lawrence	32.25
Moundville, Hale	32.25
Newbern, Hale	32.25
New Brockton, Coffee	32.36
New Hope, Madison	32.36
Newville, Henry	32.36
Northport, Tuscaloosa	32.25
Notasulga, Macon	32.47
Oakman, Walker	32.25
Oneonta, Blount	32.47
Opelika, Lee	32.58
Opp, Covington	32.25
Ozark, Dale	32.36
Panola, Sumter	32.14
Pell City, St. Clair	32.47
Peterman, Monroe	32.14
Phil Campbell, Franklin	32.14
Pickensville, Pickens	32.14
Pine Hill, Wilcox	32.14
Pisgah, Jackson	32.36
Pollard, Escambia	32.14
Prattville, Autauga	32.36
Red Bay, Franklin	32.14
Red Level, Covington	32.25
Reform, Pickens	32.14
Repton, Conecuh	32.14
Roanoke, Randolph	32.58
Rogersville, Lauderdale	32.14
Russellville, Franklin	32.14
Samantha, Tuscaloosa	32.25
Samson, Geneva	32.36
Scottsboro, Jackson	32.36
Section, Jackson	32.36
Selma, Dallas	32.25
Sheffield, Colbert	32.14
Slocomb, Geneva	32.36
Stevenson, Jackson	32.36
Stewart, Hale	32.25
Sulligent, Lamar	32.14
Sweet Water, Marengo	32.14
Sylacauga, Talladega	32.58
Sylvania, De Kalb	32.47
Talladega, Talladega	32.58
Tallassee, Elmore	32.47
Thomasville, Clarke	32.14
Thorsby, Chilton	32.36
Troy, Pike	32.36
Tuscaloosa, Tuscaloosa	32.25
Tuscumbia, Colbert	32.14
Tuskegee, Macon	32.47
Union Springs, Bullock	32.47
Uniontown, Perry	32.25
Vernon, Lamar	32.14
Vina, Franklin	32.14
Wadley, Randolph	32.58
Warrior, Jefferson	32.36
Webb, Houston	32.36
Wetumpka, Elmore	32.47
Winfield, Marion	32.14
Woodville, Jackson	32.36
York, Sumter	32.14

ARIZONA

All points in State	31.16

ARKANSAS

Arkadelphia, Clark	31.89
Ashdown, Little River	31.89
Batesville, Independence	31.89
Blytheville, Mississippi	31.94
Boughton, Nevada	31.89
Bradley, Lafayette	31.89
Brinkley, Monroe	31.94
Camden, Ouachita	31.89

ARKANSAS—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
Conway, Faulkner	31.89
Cotton Plant, Woodruff	31.94
Dardanelle, Yell	31.89
Dell, Mississippi	31.94
Dumas, Desha	31.92
Earle, Crittenden	31.94
England, Lonoke	31.92
Eudora, Chicot	31.91
Evadale, Mississippi	31.94
Fordyce, Dallas	31.89
Forrest City, St. Francis	31.94
Fort Smith, Sebastian	31.89
Gurdon, Clark	31.89
Harrisburg, Poinsett	31.94
Helena, Phillips	31.93
Hope, Hempstead	31.89
Hughes, St. Francis	31.94
Hulbert (P. O. West Memphis) Crittenden	31.98
Jonesboro, Craighead	31.94
Junction City, Union	31.89
Leachville, Mississippi	31.94
Lepanto, Poinsett	31.94
Little Rock, Pulaski	31.92
Lonoke, Lonoke	31.92
McCrory, Woodruff	31.94
McGehee, Desha	31.92
Magnolia, Columbia	31.89
Malvern, Hot Springs	31.89
Marianna, Lee	31.94
Marked Tree, Poinsett	31.94
Marvell, Phillips	31.94
Morrilton, Conway	31.89
Nashville, Howard	31.89
Newport, Jackson	31.92
Osceola, Mississippi	31.94
Paragould, Greene	31.94
Pine Bluff, Jefferson	31.92
Portland, Ashley	31.89
Prescott, Nevada	31.89
Russellville, Pope	31.89
Searcy, White	31.92
Sparkman, Dallas	31.89
Truman, Poinsett	31.94
Waldo, Columbia	31.89
Walnut Ridge, Lawrence	31.92
Warren, Bradley	31.89
West Memphis, Crittenden	31.98
Wilson, Mississippi	31.94
Wynne, Cross	31.94

CALIFORNIA

All points in State	31.16

FLORIDA

Pensacola, Escambia	32.02

GEORGIA

Abbeville, Wilcox	32.58
Adairsville, Bartow	32.70
Adrian, Emanuel	32.70
Alamo, Wheeler	32.58
Albany, Dougherty	32.58
Allentown, Wilkinson	32.70
Alma, Bacon	32.58
Alvaton, Meriwether	32.70
Americus, Sumter	32.58
Arlington, Calhoun	32.47
Ashburn, Turner	32.58
Athens, Clarke	32.82
Atlanta, Fulton	32.70
Augusta, Richmond	32.82
Bainbridge, Decatur	32.47
Barnesville, Lamar	32.70
Bartow, Jefferson	32.70
Baxley, Appling	32.58
Bishop, Oconee	32.82
Blackshear, Pierce	32.47
Blakely, Early	32.47
Braselton, Jackson	32.82
Bronwood, Terrell	32.58
Brooklet, Bulloch	32.70
Buchanan, Haralson	32.70
Buena Vista, Marion	32.70
Buford, Gwinnett	32.70
Butler, Taylor	32.70

GEORGIA—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
Byromville, Dooly	32.58
Cadwell, Laurens	32.70
Cairo, Grady	32.47
Calhoun, Gordon	32.70
Camilla, Mitchell	32.47
Canon, Franklin	32.82
Carrollton, Carroll	32.70
Cartersville, Bartow	32.70
Cedartown, Polk	32.70
Chauncey, Dodge	32.70
Chester, Dodge	32.70
Claxton, Evans	32.58
Cochran, Bleckley	32.70
Colquitt, Miller	32.47
Columbus, Muscogee	32.70
Comer, Madison	32.82
Commerce, Jackson	32.82
Conyers, Rockdale	32.70
Cordele, Crisp	32.58
Covington, Newton	32.70
Culloden, Monroe	32.70
Cuthbert, Randolph	32.47
Dallas, Paulding	32.70
Dalton, Whitfield	32.70
Davisboro, Washington	32.70
Dawson, Terrell	32.58
Dexter, Laurens	32.70
Doerun, Colquitt	32.47
Donalsonville, Seminole	32.47
Douglas, Coffee	32.58
Dublin, Laurens	32.70
Dudley, Laurens	32.70
Eastman, Dodge	32.70
East Point, Fulton	32.70
Eatonton, Putnam	32.70
Edison, Calhoun	32.47
Elberton, Elbert	32.82
Ellaville, Schley	32.70
Fairburn, Fulton	32.70
Farrar, Jasper	32.70
Fayetteville, Fayette	32.70
Findlay, Dooly	32.58
Fitzgerald, Ben Hill	32.58
Forsyth, Monroe	32.70
Fort Gaines, Clay	32.47
Fort Valley, Peach	32.70
Gainesville, Hall	32.82
Garfield, Emanuel	32.70
Gay, Meriwether	32.70
Glennville, Tattnall	32.58
Grantville, Coweta	32.70
Graymont, Emanuel	32.70
Greensboro, Greene	32.82
Greenville, Meriwether	32.70
Gresston, Dodge	32.70
Griffin, Spalding	32.70
Haralson, Coweta	32.70
Harrison, Washington	32.70
Hartsfield, Colquitt	32.47
Hartwell, Hart	32.82
Hawkinsville, Pulaski	32.70
Hogansville, Troup	32.70
Hollonville (P. O. Williamson), Pike	32.70
Ideal, Macon	32.70
Jackson, Butts	32.70
Jefferson, Jackson	32.82
Jeffersonville, Twiggs	32.70
Jesup, Wayne	32.58
Jonesboro, Clayton	32.70
Kelly, Jasper	32.70
Kingston, Bartow	32.70
Kite, Johnson	32.70
La Fayette, Walker	32.70
La Grange, Troup	32.70
Lavonia, Franklin	32.82
Lawrenceville, Gwinnett	32.70
Leary, Calhoun	32.47
Leslie, Sumter	32.58
Lilly, Dooly	32.58
Lincolnton, Lincoln	32.82
Locust Grove, Henry	32.70
Loganville, Walton	32.70
Louisville, Jefferson	32.70
Lumpkin, Stewart	32.58
Luthersville, Meriwether	32.70
McDonough, Henry	32.70

GEORGIA—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
McRae, Telfair	32.58
Macon, Bibb	32.70
Madison, Morgan	32.70
Manchester, Meriwether	32.70
Mansfield, Newton	32.70
Marietta, Cobb	32.70
Marshallville, Macon	32.70
Meansville, Pike	32.70
Meigs, Thomas	32.47
Metter, Candler	32.70
Midville, Burke	32.70
Milan, Dodge	32.70
Milledgeville, Baldwin	32.70
Millen, Jenkins	32.70
Monroe, Walton	32.70
Montezuma, Macon	32.70
Monticello, Jasper	32.70
Montrose, Laurens	32.70
Moreland, Coweta	32.70
Moultrie, Colquitt	32.47
Newnan, Coweta	32.70
Ochlocknee, Thomas	32.47
Ocilla, Irwin	32.58
Oglethorpe, Macon	32.70
Omega, Tift	32.58
Orchard Hill, Spalding	32.70
Parrott, Terrell	32.58
Pelham, Mitchell	32.47
Perry, Houston	32.70
Pinehurst, Dooly	32.58
Pitts, Wilcox	32.58
Plains, Sumter	32.58
Portal, Bulloch	32.70
Pulaski, Candler	32.70
Rebecca, Turner	32.58
Rentz, Laurens	32.70
Reynolds, Taylor	32.70
Rhine, Dodge	32.70
Richland, Stewart	32.58
Roberta, Crawford	32.70
Rochelle, Wilcox	32.58
Rockmart, Polk	32.70
Rocky Ford, Screven	32.70
Rome, Floyd	32.70
Royston, Franklin	32.82
Rutledge, Morgan	32.70
Sandersville, Washington	32.70
Savannah, Chatham	32.70
Scotland, Telfair	32.58
Senoia, Coweta	32.70
Shady Dale, Jasper	32.70
Sharpsburg, Coweta	32.70
Shellman, Bartow	32.70
Shellman, Randolph	32.47
Social Circle, Walton	32.70
Soperton, Treutlen	32.70
Sparta, Hancock	32.70
Statesboro, Bulloch	32.70
Summit, Emanuel	32.70
Swainsboro, Emanuel	32.70
Sycamore, Turner	32.58
Sylvania, Screven	32.70
Sylvester, Worth	32.58
Tallapoosa, Haralson	32.70
Taylorsville, Bartow	32.70
Temple, Carroll	32.70
Tennille, Washington	32.70
Thomaston, Upson	32.70
Thomson, McDuffie	32.82
Tifton, Tift	32.58
Tignall, Wilkes	32.82
Toccoa, Stephens	32.82
Turin, Coweta	32.70
Twin City, Emanuel	32.70
Tyrone, Fayette	32.70
Unadilla, Dooly	32.58
Valdosta, Lowndes	32.47
Vidalia, Toombs	32.58
Vienna, Dooly	32.58
Villa Rica, Carroll	32.70
Wadley, Jefferson	32.70
Warrenton, Warren	32.82
Washington, Wilkes	32.82
Watkinsville, Oconee	32.82
Waynesboro, Burke	32.70
West Point, Troup	32.70

GEORGIA—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
Williamson, Pike	32.70
Winder, Barrow	32.82
Woodbury, Meriwether	32.70
Woodland, Talbot	32.70
Wrightsville, Johnson	32.70
Zebulon, Pike	32.70

ILLINOIS

Cairo, Alexander	31.96

LOUISIANA

Alexandria, Rapides	31.89
Arcadia, Bienville	31.89
Bernice, Union	31.89
Bryceland, Bienville	31.89
Bunkie, Avoyelles	31.89
Chatham, Jackson	31.89
Choudrant, Lincoln	31.89
Coushatta, Red River	31.89
Delhi, Richland	31.90
Dubach, Lincoln	31.89
Farmerville, Union	31.89
Ferriday, Concordia	31.91
Franklinton, Washington	31.96
Gibsland, Bienville	31.89
Haynesville, Claiborne	31.89
Homer, Claiborne	31.89
Jonesboro, Jackson	31.89
Lake Charles, Calcasieu	31.89
Lake Providence, East Carroll	31.91
Logansport, De Soto	31.89
Mansfield, De Soto	31.89
Marion, Union	31.89
Minden, Webster	31.89
Monroe, Ouachita	31.89
Natchitoches, Natchitoches	31.89
Newellton, Tensas	31.91
New Orleans, Orleans	31.96
Oak Grove, West Carroll	31.90
Opelousas, St. Landry	31.89
Plain Dealing, Bossier	31.89
Rayville, Richland	31.89
Ringgold, Bienville	31.89
Ruston, Lincoln	31.89
Shreveport, Caddo	31.89
Springhill, Webster	31.89
Tallulah, Madison	31.91
Winnsboro, Franklin	31.89

MISSISSIPPI

Aberdeen, Monroe	32.02
Amory, Monroe	32.02
Batesville, Panola	32.02
Belmont, Tishomingo	32.02
Belzoni, Humphreys	31.96
Booneville, Prentiss	32.02
Brookhaven, Lincoln	31.98
Canton, Madison	32.02
Carthage, Leake	32.02
Clarksdale, Coahoma	31.96
Cleveland, Bolivar	31.96
Coffeeville, Yalobusha	32.02
Columbia, Marion	31.98
Columbus, Lowndes	32.02
Como, Panola	32.02
Corinth, Alcorn	32.02
Drew, Sunflower	31.96
Durant, Holmes	32.02
Flora, Madison	31.96
Forest, Scott	31.98
Gloster, Amite	31.96
Goodman, Holmes	32.02
Greenville, Washington	31.96
Greenwood, Leflore	31.96
Grenada, Grenada	32.02
Gulfport, Harrison	31.96
Hattiesburg, Forrest	31.98
Hollandale, Washington	31.96
Holly Springs, Marshall	32.02
Houston, Chickasaw	32.02
Indianola, Sunflower	32.96
Inverness, Sunflower	31.96
Itta Bena, Leflore	31.96
Jackson, Hinds	31.98
Kosciusko, Attala	32.02
Laurel, Jones	31.98

MISSISSIPPI—Continued

City and county:	Basis Middling White and Extra White 15/16'' loan rate
Leland, Washington	31.96
Lexington, Holmes	31.96
Liberty, Amite	31.98
Louisville, Winston	32.02
McComb, Pike	31.98
Macon, Noxubee	32.02
Magee, Simpson	31.98
Magnolia, Pike	31.98
Marks, Quitman	31.96
Meridian, Lauderdale	32.02
Mount Olive, Covington	31.98
Natchez, Adams	31.96
New Albany, Union	32.02
Newton, Newton	31.98
Okolona, Chickasaw	32.02
Oxford, Lafayette	32.02
Philadelphia, Neshoba	32.02
Pontotoc, Pontotoc	32.02
Port Gibson, Claiborne	31.96
Quitman, Clarke	31.98
Ripley, Tippah	32.02
Rolling Fork, Sharkey	31.96
Rosedale, Bolivar	31.96
Ruleville, Sunflower	31.96
Shaw, Bolivar	31.96
Shelby, Bolivar	31.96
Shuqualak, Noxubee	32.02
Sledge, Quitman	31.96
Summit, Pike	31.98
Tunica, Tunica	31.96
Tupelo, Lee	32.02
Tutwiler, Tallahatchie	31.96
Tylertown, Walthall	31.98
Union, Newton	32.02
Vicksburg, Warren	31.96
Water Valley, Yalobusha	32.02
Wesson, Copiah	31.93
West Point, Clay	32.02
Yazoo City, Yazoo	31.96

MISSOURI

Arbyrd, Dunklin	31.94
Caruthersville, Pemiscot	31.94
Charleston, Mississippi	31.92
Gideon, New Madrid	31.92
Hayti, Pemiscot	31.94
Kennett, Dunklin	31.92
Lilbourn, New Madrid	31.92
Malden, Dunklin	31.92
Portageville, New Madrid	31.92
Sikeston, Scott	31.92

NEW MEXICO

Animas, Hidalgo	31.16
Artesia, Eddy	31.61
Carlsbad, Eddy	31.61
Hobbs, Lea	31.68
Las Cruces, Dona Ana	31.60
Lovington, Lea	31.68
Roswell, Chaves	31.61
Socorro, Socorro	31.60

NORTH CAROLINA

Avondale, Rutherford	32.94
Battleboro, Nash	32.84
Benson, Johnston	32.84
Bethel, Pitt	32.84
Bladenboro, Bladen	32.84
Bostic, Rutherford	32.94
Candor, Montgomery	32.94
Carthage, Moore	32.94
Charlotte, Mecklenburg	32.94
Cherryville, Gaston	32.94
Clayton, Johnston	32.84
Clinton, Sampson	32.84
Columbus, Polk	32.94
Concord, Cabarrus	32.94
Dunn, Harnett	32.84
Durham, Durham	32.94
Edenton, Chowan	32.84
Elizabeth City, Pasquotank	32.84
Enfield, Halifax	32.84
Farmville, Pitt	32.84
Fayetteville, Cumberland	32.84
Forest City, Rutherford	32.94
Franklinton, Franklin	32.84

NORTH CAROLINA—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Gastonia, Gaston	32.94
Goldsboro, Wayne	32.84
Greensboro, Guilford	32.94
Gumberry, Northampton	32.84
Harris, Rutherford	32.94
Henderson, Vance	32.84
Hickory, Catawba	32.94
Hope Mills, Cumberland	32.84
Jackson, Northampton	32.84
Kings Mountain, Cleveland	32.94
Kinston, Lenoir	32.84
LaGrange, Lenoir	32.84
Laurel Hill, Scotland	32.84
Laurinburg, Scotland	32.84
Lewiston, Bertie	32.84
Lilesville, Anson	32.94
Lincolnton, Lincoln	32.94
Littleton, Halifax	32.84
Louisburg, Franklin	32.84
Lumberton, Robeson	32.84
Marshville, Union	32.94
Matthews, Mecklenburg	32.94
Maxton, Robeson	32.84
Monroe, Union	32.94
Mooresville, Iredell	32.94
Morven, Anson	32.94
Mount Gilead, Montgomery	32.94
Mount Olive, Wayne	32.84
Murfreesboro, Hartford	32.84
Nashville, Nash	32.84
Newton, Catawba	32.94
Norlina, Warren	32.84
Parkton, Robeson	32.84
Pates, Robeson	32.84
Pembroke, Robeson	32.84
Pikeville, Wayne	32.84
Pinetops, Edgecombe	32.84
Raeford, Hoke	32.84
Raleigh, Wake	32.84
Ranlo, Gaston	32.94
Red Springs, Robeson	32.84
Reidsville, Rockingham	32.94
Rich Square, Northampton	32.84
Roanoke Rapids, Halifax	32.84
Rockingham, Richmond	32.94
Rocky Mount, Edgecombe	32.84
Rowland, Robeson	32.84
Rutherfordton, Rutherford	32.94
Saint Pauls, Robeson	32.84
Salisbury, Rowan	32.94
Sanford, Lee	32.94
Scotland Neck, Halifax	32.84
Seaboard, Northampton	32.84
Shelby, Cleveland	32.94
Smithfield, Johnston	32.84
Springhope, Nash	32.84
Stantonsburg, Wilson	32.84
Statesville, Iredell	32.94
Tarboro, Edgecombe	32.84
Wadesboro, Anson	32.94
Wagram, Scotland	32.84
Wake Forest, Wake	32.84
Warrenton, Warren	32.84
Washington, Beaufort	32.84
Weldon, Halifax	32.84
Wilmington, New Hanover	32.84
Wilson, Wilson	32.84
Woodland, Northampton	32.84

OKLAHOMA

Ada, Pontotoc	31.89
Altus, Jackson	31.80
Anadarko, Caddo	31.80
Ardmore, Carter	31.80
Carter, Beckham	31.80
Chandler, Lincoln	31.80
Chickasha, Grady	31.80
Clinton, Custer	31.80
Cushing, Payne	31.89
Durant, Bryan	31.89
Elk City, Beckham	31.80
Erick, Beckham	31.80
Foss, Washita	31.80
Frederick, Tillman	31.80
Guthrie, Logan	31.80
Hobart, Kiowa	31.80

OKLAHOMA—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Hugo, Choctaw	31.89
Lawton, Comanche	31.80
McAlester, Pittsburg	31.89
Mangum, Greer	31.80
Marlow, Stephens	31.80
Mountain View, Kiowa	31.80
Muskogee, Muskogee	31.89
Oklahoma City, Oklahoma	31.80
Pauls Valley, Garvin	31.80
Purcell, McClain	31.80
Ryan, Jefferson	31.80
Sentinel, Washita	31.80
Shawnee, Pottawatomie	31.89
Snyder, Kiowa	31.80
Stroud, Lincoln	31.89
Tipton, Tillman	31.80
Waurika, Jefferson	31.80
Weleetka, Okfuskee	31.89
Wynnewood, Garvin	31.80

SOUTH CAROLINA

Abbeville, Abbeville	32.94
Aiken, Aiken	32.94
Allendale, Allendale	32.84
Anderson, Anderson	32.94
Andrews, Georgetown	32.84
Angelus, Chesterfield	32.94
Ashwood, Lee	32.84
Atkins, Lee	32.84
Bamberg, Bamberg	32.84
Barnwell, Barnwell	32.84
Batesburg, Lexington	32.94
Belton, Anderson	32.94
Bennettsville, Marlboro	32.84
Bethune, Kershaw	32.94
Bishopville, Lee	32.84
Blacksburg, Cherokee	32.94
Blackstock, Fairfield	32.94
Blackville, Barnwell	32.84
Blairs, Fairfield	32.94
Blaney, Kershaw	32.94
Blenheim, Marlboro	32.84
Bowman, Orangeburg	32.84
Boykin, Kershaw	32.94
Brunson, Hampton	32.84
Calhoun Falls, Abbeville	32.94
Camden, Kershaw	32.94
Cameron, Calhoun	32.84
Campobello, Spartanburg	32.94
Carlisle, Union	32.94
Catawba, York	32.94
Cateechee, Pickens	32.94
Centenary, Marion	32.84
Central, Pickens	32.94
Chappells, Newberry	32.94
Charleston, Charleston	32.84
Cheraw, Chesterfield	32.94
Chesnee, Spartanburg	32.94
Chester, Chester	32.94
Chesterfield, Chesterfield	32.94
Clinton, Laurens	32.94
Clio, Marlboro	32.84
Clover, York	32.94
Columbia, Richland	32.94
Conestee, Greenville	32.94
Cope, Orangeburg	32.84
Cordova, Orangeburg	32.84
Cowpens, Spartanburg	32.94
Crockettville, Hampton	32.84
Cross Anchor, Spartanburg	32.94
Cross Hill, Laurens	32.94
Darlington, Darlington	32.84
Davis Station, Clarendon	32.84
Dillon, Dillon	32.84
Drake, Marlboro	32.84
Due West, Abbeville	32.94
Dunbar, Marlboro	32.84
Dunbarton, Barnwell	32.84
Duncan, Spartanburg	32.94
Easley, Pickens	32.94
Edgefield, Edgefield	32.94
Ehrhardt, Bamberg	32.84
Elko, Barnwell	32.84
Ellenton, Aiken	32.94
Elliott, Lee	32.84
Elloree, Orangeburg	32.84

SOUTH CAROLINA—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Enoree, Spartanburg	32.94
Estill, Hampton	32.84
Eureka, Aiken	32.94
Eutawville, Orangeburg	32.84
Fairfax, Allendale	32.84
Fair Forest, Spartanburg	32.94
Fairmont, Spartanburg	32.94
Filbert, York	32.94
Fingerville, Spartanburg	32.94
Florence, Florence	32.84
Fountain Inn, Greenville	32.94
Gaffney, Cherokee	32.94
Gray Court, Laurens	32.94
Greenville, Greenville	32.94
Greenwood, Greenwood	32.94
Greer, Greenville	32.94
Hamer, Dillon	32.84
Hampton, Hampton	32.84
Hartsville, Darlington	32.84
Heath Springs, Lancaster	32.94
Hickory Grove, York	32.94
Holly Hill, Orangeburg	32.84
Honea Path, Anderson	32.94
Inman, Spartanburg	32.94
Iva, Anderson	32.94
Jefferson, Chesterfield	32.94
Jenkinsville, Fairfield	32.94
Johnsonville, Florence	32.84
Johnston, Edgefield	32.94
Jonesville, Union	32.94
Kershaw, Kershaw	32.94
Kings Creek, Cherokee	32.94
Kingstree, Williamsburg	32.84
Kline, Barnwell	32.84
Kollock, Marlboro	32.84
Lake City, Florence	32.84
Lamar, Darlington	32.84
Lancaster, Lancaster	32.94
Landrum, Spartanburg	32.94
Lanford, Laurens	32.94
Latta, Dillon	32.84
Laurens, Laurens	32.94
Leesville, Lexington	32.94
Lester, Marlboro	32.84
Liberty, Pickens	32.94
Little Rock, Dillon	32.84
Lowrys, Chester	32.94
Lugoff, Kershaw	32.94
Luray, Hampton	32.84
Lynchburg, Lee	32.84
McBee, Chesterfield	32.94
McColl, Marlboro	32.84
McCormick, McCormick	32.94
Manning, Clarendon	32.84
Marion, Marion	32.84
Mauldin, Greenville	32.94
Mayesville, Sumter	32.84
Mount Carmel, McCormick	32.94
Mount Croghan, Chesterfield	32.94
Mullins, Marion	32.84
Neeses, Orangeburg	32.84
Newberry, Newberry	32.94
Newry, Oconee	32.94
New Zion, Clarendon	32.84
Ninety Six, Greenwood	32.94
Norris, Pickens	32.94
North, Orangeburg	32.84
Norway, Orangeburg	32.84
Olanta, Florence	32.84
Olar, Bamberg	32.84
Orangeburg, Orangeburg	32.84
Oswego, Sumter	32.84
Owings, Laurens	32.94
Pageland, Chesterfield	32.84
Pamplico, Florence	32.94
Parksville, McCormick	32.94
Pelzer, Anderson	32.94
Pendleton, Anderson	32.94
Pickens, Pickens	32.94
Piedmont, Greenville	32.94
Plum Branch, McCormick	32.94
Pomaria, Newberry	32.94
Princeton, Laurens	32.94
Remini, Clarendon	32.84
Richburg, Chester	32.94
Ridge Springs, Saluda	32.94

SOUTH CAROLINA—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Ridgeway, Fairfield	32.94
Rock Hill, York	32.94
Roebuck, Spartanburg	32.94
Rowesville, Orangeburg	32.84
Salley, Aiken	32.94
Saluda, Saluda	32.94
Sandy Springs, Anderson	32.94
Scotia, Hampton	32.84
Seigling, Allendale	32.84
Sellers, Marion	32.84
Seneca, Oconee	32.94
Sharon, York	32.94
Silver, Clarendon	32.84
Simpsonville, Greenville	32.94
Six Mile, Pickens	32.94
Smoaks, Colleton	32.84
Spartanburg, Spartanburg	32.94
Springfield, Orangeburg	32.84
Starr, Anderson	32.94
St. Matthews, Calhoun	32.84
Summerton, Clarendon	32.84
Sumter, Sumter	32.84
Swansea, Lexington	32.94
Syracuse, Darlington	32.84
Tatum, Marlboro	32.84
Timmonsville, Florence	32.84
Trenton, Edgefield	32.94
Union, Union	32.94
Vance, Orangeburg	32.84
Van Wyck, Lancaster	32.94
Wagener, Aiken	32.94
Walhalla, Oconee	32.94
Wallace, Hampton	32.84
Walterboro, Colleton	32.84
Waterloo, Laurens	32.94
Wedgefield, Sumter	32.84
Westminster, Oconee	32.94
West Union, Oconee	32.94
Whitmire, Newberry	32.94
Whitney, Spartanburg	32.94
Williamston, Anderson	32.94
Williston, Barnwell	32.84
Windsor, Aiken	32.94
Winnsboro, Fairfield	32.94
Wisacky, Lee	32.64
Wolfton, Orangeburg	32.84
Woodruff, Spartanburg	32.94
York, York	32.94

TENNESSEE

Appleton, Lawrence	32.14
Brownsville, Hayward	32.00
Chattanooga, Hamilton	32.58
Covington, Tipton	32.00
Decherd, Franklin	32.36
Dyersburg, Dyer	32.00
Flora, Lincoln	32.25
Fayetteville, Lincoln	32.25
Five Points, Lawrence	32.14
Halls, Lauderdale	32.00
Henderson, Chester	32.02
Jackson, Madison	32.02
Knoxville, Knox	32.58
Lawrenceburg, Lawrence	32.14
Loretto, Lawrence	32.14
Memphis, Shelby	32.02
Milan, Gibson	32.00
Murfreesboro, Rutherford	32.25
Ripley, Lauderdale	32.00
South Pittsburg, Marion	32.47
Tiptonville, Lake	32.00
Winchester, Franklin	32.36

TEXAS

Albernathy, Hale	31.71
Abilene, Taylor	31.78
Ackerly, Dawson	31.71
Afton, Dickens	31.78
Aiken, Floyd	31.71
Albo, Wood	31.89
Alvarado, Johnson	31.80
Amherst, Lamb	31.71
Anson, Jones	31.78
Anton, Hockley	31.71
Aspermont, Stonewall	31.78
Athens, Henderson	31.89

TEXAS—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Atlanta, Cass	31.89
Austin, Travis	31.80
Austonio, Houston	31.80
Avery, Red River	31.89
Balleyboro, Bailey	31.71
Ballinger, Runnels	31.78
Barry, Navarro	31.80
Bartlett, Bell	31.80
Beaumont, Jefferson	31.89
Beckville, Panola	31.89
Belton, Bell	31.80
Bertram, Burnett	31.80
Big Spring, Howard	31.71
Bledsoe, Cochran	31.71
Bloomburg, Cass	31.89
Bogota, Red River	31.89
Bonham, Fannin	31.89
Bovina, Parmer	31.71
Brady, McCulloch	31.78
Brenham, Washington	31.80
Broadview, Lubbock	31.71
Brownfield, Terry	31.71
Brownsville, Cameron	31.71
Brownwood, Brown	31.80
Bryan, Brazos	31.80
Bula, Bailey	31.71
Bynum, Hill	31.80
Caldwell, Burleson	31.80
Calvert, Robertson	31.80
Cameron, Milam	31.80
Carthage, Panola	31.89
Celina, Collin	31.80
Center, Shelby	31.89
Chapel Hill, Washington	31.80
Childress, Childress	31.78
Chillicothe, Hardeman	31.80
Clarksville, Red River	31.89
Cleburne, Johnson	31.80
Coble, Hockley	31.71
Coleman, Coleman	31.78
Colorado City, Mitchell	31.78
Commerce, Hunt	31.89
Cooper, Delta	31.89
Corpus Christi, Nueces	31.76
Corsicana, Navarro	31.80
Crockett, Houston	31.80
Crosbyton, Crosby	31.71
Cuero, DeWitt	31.80
Daingerfield, Morris	31.89
Dallas, Dallas	31.80
Dean, Hockley	31.71
Dean, Clay	31.80
Dean, Leon	31.80
Decatur, Wise	31.80
Denison, Grayson	31.89
Denton, Denton	31.80
Deport, Lamar	31.89
Dublin, Erath	31.80
Eden, Concho	31.78
Edgewood, Van Zandt	31.89
El Campo, Wharton	31.80
Elgin, Bastrop	31.80
Elkhart, Anderson	31.80
El Paso, El Paso	31.60
Elysian Fields, Harrison	31.89
Emhouse, Navarro	31.80
Enloe, Delta	31.89
Ennis, Ellis	31.80
Enochs, Bailey	31.71
Fabens, El Paso	31.60
Fairfield, Freestone	31.60
Farwell, Parmer	31.71
Floydada, Floyd	31.78
Forney, Kaufman	31.80
Fort Stockton, Pecos	31.68
Fort Worth, Tarrant	31.80
Frisco, Collin	31.80
Gainesville, Cooke	31.89
Galveston, Galveston	31.89
Ganado, Jackson	31.80
Garland, Dallas	31.89
Gary, Panola	31.89
Gatesville, Coryell	31.80
Gilmer, Upshur	31.89
Gonzales, Gonzales	31.80
Grand Saline, Van Zandt	31.89

TEXAS—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Grandview, Johnson	31.80
Granger, Williamson	31.80
Grapeland, Houston	31.80
Grassland, Lynn	31.71
Greenville, Hunt	31.89
Hale Center, Hale	31.71
Hamilton, Hamilton	31.80
Hamlin, Jones	31.78
Harlingen, Cameron	31.71
Hart, Castro	31.71
Haskell, Haskell	31.78
Hearne, Robertson	31.80
Hebron, Denton	31.80
Hedley, Donley	31.78
Henderson, Rusk	31.89
Hillsboro, Hill	31.80
Honey Grove, Fannin	31.89
Houston, Harris	31.89
Hubbard, Hill	31.80
Hughes Spring, Cass	31.89
Huntsville, Walker	31.80
Irene, Hill	31.80
Itasca, Hill	31.80
Jacksonville, Cherokee	31.89
Jarrell, Williamson	31.80
Jayton, Kent	31.78
Jefferson, Marion	31.89
Jewett, Leon	31.80
Kaufman, Kaufman	31.89
Kenedy, Karnes	31.76
Kerens, Navarro	31.80
Killeen, Bell	31.80
Knox City, Knox	31.78
Krum, Denton	31.80
Ladonia, Fannin	31.89
La Grange, Fayette	31.80
Lamesa, Dawson	31.71
Levelland, Hockley	31.71
Lindale, Smith	31.89
Littlefield, Lamb	31.71
Lobo, Culberson	31.61
Lockhart, Caldwell	31.80
Lockney, Floyd	31.71
Longview, Gregg	31.89
Loraine, Mitchell	31.78
Lorenzo, Crosby	31.71
Lovelady, Houston	31.80
Lubbock, Lubbock	31.71
Lueders, Jones	31.78
McAdoo, Dickens	31.78
McGregor, McLennan	31.80
McKinney, Collin	31.89
McLean, Gray	31.78
Madisonville, Madison	31.80
Marfa, Presidio	31.61
Marlin, Falls	31.80
Marshall, Harrison	31.89
Mart, McLennan	31.80
Maypearl, Ellis	31.80
Meadow, Terry	31.71
Memphis, Hall	31.78
Mereta, Tom Green	31.78
Merkel, Taylor	31.78
Mexia, Limestone	31.80
Midland, Midland	31.71
Midlothian, Ellis	31.80
Mineola, Wood	31.89
Monahans, Ward	31.68
Morton, Cochran	31.71
Mt. Pleasant, Titus	31.89
Muleshoe, Bailey	31.71
Munday, Knox	31.78
Nacogdoches, Nacogdoches	31.89
Naples, Morris	31.89
Navasota, Grimes	31.80
Needmore, Bailey	31.71
Needmore, Delta	31.89
New Boston, Bowie	31.89
New Braunfels, Comal	31.80
Nocona, Montague	31.80
Norton, Runnels	31.78
O'Donnell, Lynn	31.71
Old Glory, Stonewall	31.78
Olton, Lamb	31.71
Omaha, Morris	31.89
Paducah, Cottle	31.78

TEXAS—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Palestine, Anderson	31.80
Paris, Lamar	31.89
Patricia, Dawson	31.71
Peacock, Stonewall	31.78
Pecos, Reeves	31.68
Petersburg, Hale	31.71
Pettit, Hockley	31.71
Pilot Point, Denton	31.80
Pittsburg, Camp	31.89
Plainview, Hale	31.71
Plano, Collin	31.89
Post, Garza	31.71
Presidio, Presidio	31.61
Princeton, Collin	31.89
Quanah, Hardeman	31.80
Quitaque, Briscoe	31.71
Quitman, Wood	31.89
Ralls, Crosby	31.71
Raymondville, Willacy	31.71
Rice, Navarro	31.80
Roans Prairie, Grimes	31.80
Roaring Springs, Motley	31.78
Robstown, Nueces	31.76
Roby, Fisher	31.78
Rochelle, McCulloch	31.78
Rochester, Haskell	31.78
Rockwall, Rockwall	31.89
Roscoe, Nolan	31.78
Rosebud, Falls	31.80
Rotan, Fisher	31.78
Rowlett, Dallas	31.89
Royse City, Rockwall	31.89
Rule, Haskell	31.78
Salado, Bell	31.80
San Angelo, Tom Green	31.78
San Augustine, San Augustine	31.89
San Marcos, Hays	31.80
Schulenburg, Fayette	31.80
Seagraves, Gaines	31.71
Seguin, Guadalupe	31.80
Seymour, Baylor	31.80
Shallowater, Lubbock	31.71
Shamrock, Wheeler	31.78
Sherman, Grayson	31.89
Shiner, Lavaca	31.80
Shiro, Grimes	31.80
Silverton, Briscoe	31.71
Slaton, Lubbock	31.71
Snyder, Scurry	31.78
Spade, Mitchell	31.78
Spade, Lamb	31.71
Spur, Dickens	31.78
Stamford, Jones	31.78
Stanton, Martin	31.71
Streetman, Freestone	31.80
Sudan, Lamb	31.71
Sugar Land, Fort Bend	31.89
Sulphur Springs, Hopkins	31.89
Sweetwater, Nolan	31.78
Swenson, Stonewall	31.78
Taft, San Patricio	31.76
Tahoka, Lynn	31.71
Tatum, Rusk	31.89
Taylor, Williamson	31.80
Teague, Freestone	31.80
Temple, Bell	31.80
Tenaha, Shelby	31.89
Terrell, Kaufman	31.89
Texarkana, Bowie	31.89
Texas City, Galveston	31.89
Timpson, Shelby	31.89
Troup, Smith	31.89
Turkey, Hall	31.71
Twitty, Wheeler	31.78
Tyler, Smith	31.89
Valley Mills, Bosque	31.80
Van Horn, Culberson	31.61
Venus, Johnson	31.80
Vernon, Wilbarger	31.80
Victoria, Victoria	31.80
Waco, McLennan	31.80
Wall, Tom Green	31.78
Waxahachie, Ellis	31.80
Wellington, Collingsworth	31.78
Weslaco, Hidalgo	31.71
West, McLennan	31.80
Whitewright, Grayson	31.89

TEXAS—Continued

City and county:	Basis Middling White and Extra White 15/16" loan rate
Wichita Falls, Wichita	31.80
Wills Point, Van Zandt	31.89
Wilson, Lynn	31.71
Winnsboro, Wood	31.89
Winters, Runnels	31.78
Wolfe City, Hunt	31.89
Wolfforth, Lubbock	31.71
Yoakum, Lavaca	31.80
Yorktown, De Witt	31.80

VIRGINIA

Brodnax, Brunswick	32.84
Kenbridge, Lunenburg	32.84
Norfolk, Norfolk	32.84

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 14th day of August 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9149; Filed, Aug. 18, 1952; 8:54 a. m.]

[1952 CCC Cotton Bulletin 1, Amdt. 2]

PART 607—COTTON

SUBPART—1952 COTTON PRICE SUPPORT PROGRAM

SCHEDULE OF BASE LOAN RATES BY COUNTIES FOR FARM-STORED COTTON

The 1952 Cotton Loan Bulletin (1952 CCC Cotton Bulletin 1) is hereby amended by adding § 607.355 to read as follows:

§ 607.355 *Basic loan rates for farm-stored cotton.* The base loan rates applicable to Middling White and Extra White 15/16-inch upland cotton, under Commodity Credit Corporation's 1952 Cotton Price Support Program, are as follows:

[All rates expressed in cents per pound, gross weight, basis Middling, White and Extra White, 15/16-inch cotton]

ALABAMA

In all counties east of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	32.58
In the counties of De Kalb, Marshall, Blount, St. Clair, Shelby, Coosa, Elmore, Macon, Bullock, and Barbour	32.47
In the counties of Madison, Jackson, Morgan, Cullman, Jefferson, Bibb, Chilton, Autauga, Montgomery, Pike, Coffee, Dale, Henry, Geneva, and Houston	32.36
In the counties of Limestone, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Hale, Perry, Dallas, Lowndes, Butler, Crenshaw, and Covington	32.25
In the counties of Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Greene, Sumter, Marengo, Choctaw, Wilcox, Monroe, Clarke, Washington, Escambia, and Conecuh	32.14
In the counties of Mobile and Baldwin	32.03

ARIZONA

In all counties	31.16

ARKANSAS

In the counties of Craighead, Crittenden, Cross, Greene, Lee, Mississippi, Monroe, Phillips, Poinsett, St. Francis, and Woodruff	31.94
In the counties of Arkansas, Clay, Cleveland, Desha, Jackson, Jefferson, Lawrence, Lincoln, Lonoke, Prairie, Pulaski, and White	31.02
In the county of Chicot	31.91
In all counties not listed above	31.89

CALIFORNIA

In all counties	31.16

FLORIDA

In all counties east of Jackson, Liberty, and Franklin	32.47
In the counties of Bay, Calhoun, Franklin, Gulf, Holmes, Jackson, Liberty, and Washington	32.26
In the county of Walton	32.25
In the county of Okaloosa	32.14
In the counties of Santa Rosa and Escambia	32.02

GEORGIA

In all counties east of Union, Lumpkin, Dawson, Forsyth, Gwinnett, Walton, Morgan, Putnam, Hancock, Jefferson, Glascock, and Burke	32.82
In all counties except Dade and counties having a rate of 32.82, north of Stewart, Webster, Sumter, Dooly, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, and Bryan	32.70
In county of Dade and all counties south of Chattahoochee, Marion, Schley, Macon, Houston, Pulaski, Dodge, Laurens, Treutlen, Emanuel, Candler, Bulloch, Effingham, and Chatham, and north of Quitman, Randolph, Calhoun, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn	32.58
In all counties south of Stewart, Webster, Terrell, Dougherty, Worth, Tift, Irwin, Coffee, Bacon, Appling, Wayne, and McIntosh	32.47

ILLINOIS

In all counties	31.66

KENTUCKY

In all counties	32.00

LOUISIANA

In the Parishes of East Baton Rouge, East Feliciana, Livingston, Orleans, St. Helena, St. Tammany, Tangipahoa, Washington, and West Feliciana	31.96
In the Parishes of Concordia, East Carroll, Madison, and Tensas	31.91
In the Parish of West Carroll	31.80
In all Parishes not listed above	31.89

MISSISSIPPI

In the counties of Alcorn, Attala, Benton, Calhoun, Carroll, Chickasaw, Choctaw, Clay, De Soto, Grenada, Itawamba, Kemper, Lafayette, Lauderdale, Leake, Lee, Lowndes, Madison, Marshall, Monroe, Montgomery, Neshoba, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha	32.02
In the counties of Clarke, Copiah, Covington, Forrest, George, Greene, Hinds, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Newton, Perry, Pike, Rankin, Scott, Simpson, Smith, Stone, Walthall, and Wayne	31.93

MISSISSIPPI—Continued

In the counties of Adams, Amite, Bolivar, Claiborne, Coahoma, Franklin, Hancock, Harrison, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Pearl River, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, Warren, Washington, Wilkinson, and Yazoo	31.96

MISSOURI

In the counties of Dunklin, New Madrid, and Pemiscot	31.94
In the counties of Butler, Mississippi, Scott, and Stoddard	31.92
In all counties not listed above	31.89

NEW MEXICO

In the county of Lea	31.68
In the county of Eddy	31.61
In the counties of Chaves, Colfax, Curry, De Baca, Dona Ana, Guadalupe, Harding, Lincoln, Mora, Otero, Quay, Roosevelt, San Miguel, Sierra, Socorro, Torrance, and Union	31.60
In all counties not listed above	31.16

NORTH CAROLINA

In all counties west of Granville, Wake, Harnett, Hoke, and Scotland	32.94
In all counties east of Person, Durham, Chatham, Lee, Moore, and Richmond	32.84

OKLAHOMA

In all counties east of Kay, Noble, Logan, Oklahoma, Cleveland, McClain, Garvin, Murray, Carter, and Love	31.89
In all counties west of Osage, Pawnee, Payne, Lincoln, Pottawatomie, Pontotoc, Johnston, and Marshall; and east of Woods, Woodward, and Ellis	31.80
In all counties west of Alfalfa, Major, Dewey, and Roger Mills	31.78

SOUTH CAROLINA

In all counties west of Marlboro, Darlington, Lee, Sumter, Calhoun, Orangeburg, and Barnwell	32.94
In all counties east of Chesterfield, Kershaw, Richland, Lexington, and Aiken	32.84

TENNESSEE

In all counties east of Marion, Sequatchie, Bledsoe, Cumberland, Morgan, and Scott	32.58
In the counties of Marion, Sequatchie, Grundy, Bledsoe, and Cumberland	32.47
In the counties of Franklin, Coffee, Warren, Van Buren, White, and Overton	32.36
In the counties of Lincoln, Giles, Moore, Bedford, Marshall, Rutherford, Cannon, De Kalb, and Wilson	32.25
In the counties of Lawrence, Wayne, Lewis, Perry, Hickman, Humphreys, Dickson, Davidson, Williamson, and Maury	32.14
In the counties of Hardin, Decatur, Chester, Fayette, Hardeman, Henderson, McNairy, Madison, and Shelby	32.02
In the counties of Benton, Stewart, Carroll, Crockett, Dyer, Gibson, Haywood, Henry, Lake, Lauderdale, Obion, Tipton, and Weakley	32.00

TEXAS

In all counties east of Montague, Denton, Dallas, Ellis, Navarro, Anderson, Houston, Trinity, Walker, Grimes, Waller, Wharton, and Matagorda	31.89

TEXAS—Continued

In all counties west of Cooke, Collin, Rockwell, Kaufman, Henderson, Cherokee, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, and Brasoria; and east of Childress, Cottle, Knox, Haskell, Jones, Taylor, Coleman, San Saba, Llano, Gillespie, Kendall, Bexar, Wilson, Karnes, Goliad, Bee, and San Patricio	31.80
In the counties of Childress, Coke, Coleman, Collingsworth, Concho, Cottle, Dickens, Donley, Fisher, Gillespie, Gray, Hall, Haskell, Jones, Kendall, Kent, Llano, Knox, King, McCulloch, Mason, Mitchell, Motley, Nolan, Runnels, San Saba, Scurry, Stonewall, Taylor, Tom Green, and Wheeler	31.78
In the counties of Bee, Bexar, Goliad, Karnes, Nueces, San Patricio, and Wilson	31.76
In all counties west of Gray, Donley, Hall, Motley, Dickens, Kent, Scurry, Mitchell, Coke, Tom Green, Mason, Gillespie, Kendall, Bexar, Wilson, Karnes, Bee, San Patricio, and Nueces; and east of Winkler, Ward, Pecos, Terrell, and Val Verde	31.71
In the counties of Loving, Pecos, Reeves, Terrell, Ward, Winkler, and Val Verde	31.68
In the counties of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio	31.61
In the county of El Paso	31.60

VIRGINIA

In all counties	32.84

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 14th day of August 1952.

[SEAL] JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

HAROLD K. HILL,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 52-9150; Filed, Aug. 18, 1952; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 9, Amdt. 4]

PART 60—AIR TRAFFIC RULES

TRAFFIC PATTERNS; JUNEAU AIRPORT

The following rules are adopted for the purpose of prescribing traffic patterns for the Juneau (Alaska) Airport. The traffic patterns have been coordinated with interested segments of the aviation industry in Alaska, and are adopted without delay in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. New § 60.18–6 is adopted to read:

§ 60.18–6 *Traffic patterns for Juneau Airport (CAA rules which apply to § 60.18 (d).* Aircraft taking off from or landing on the Juneau (Alaska) Airport shall adhere to the following traffic patterns and the altitudes made a part thereof, unless otherwise authorized by Air Traffic Control. The traffic patterns shall be contained within the air space described by a 3-mile horizontal radius of the Juneau Airport and extending vertically to 2,000 feet MSL.

(a) *General.* (1) Traffic patterns at the Juneau Airport shall be rectangular, and for each runway the traffic pattern shall be to the south side of the runway. (Chart 1 and 2) Taxi patterns shall conform to Chart 3.

(2) Light and heavy aircraft shall follow their respective patterns as indicated in this section. Light and heavy aircraft shall be distinguished as follows:

(i) *Light aircraft.* Aircraft which normally use a final approach true air speed of 100 m. p. h. or less.

(ii) *Heavy aircraft.* Aircraft which normally use a final approach true air speed greater than 100 m. p. h.

(b) *Take-off*—(1) *Aircraft remaining in the traffic pattern*—(i) *Runway 7.* (Chart 2):

(a) *Light aircraft.* Light aircraft remaining in the traffic pattern shall execute a 90° turn to the right after passing the end of the runway, climbing to a traffic altitude of 600 feet mean sea level, following the rectangular traffic pattern for Runway 7.

(b) *Heavy aircraft.* Heavy aircraft remaining in the traffic pattern shall execute a 90° turn to the right after passing the end of the runway, climbing to a traffic altitude of 1,200 feet MSL following the traffic pattern for Runway 7.

NOTE: An initial left turn following take-off is permitted to allow a larger radius for the cross wind and down wind turns to the right.

(ii) *Runway 25.* (Chart 1):

(a) *Light aircraft.* Light aircraft remaining in the traffic pattern shall execute a 90° turn to the left after passing the end of the runway, climbing to a traffic altitude of 600 feet MSL, following the rectangular traffic pattern for Runway 25.

(b) *Heavy aircraft.* Heavy aircraft remaining in the traffic pattern shall execute a 90° turn to the left after passing the end of the runway, climbing to a traffic altitude of 1200 feet MSL, following the traffic pattern for Runway 25.

NOTE: An immediate 10° to 15° turn will usually be desirable on take-off to pass over the "Cut" on Mendenhall Arm, followed later by the full cross wind turn.

(2) *Departing aircraft*—(i) *Runway 7.* (Chart 2):

(a) *Light aircraft.* Light aircraft shall execute a 90° turn to the right after passing the end of the runway, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the left.

(b) *Heavy aircraft.* Heavy aircraft shall depart by:

(1) Extending take-off leg beyond the traffic pattern area, or

(2) Continuing within the traffic pattern and departing from it by extending the down-wind leg beyond the traffic pattern area.

(ii) *Runway 25.* (Chart 1):

(a) *Light aircraft.* Light aircraft remaining in the traffic pattern shall execute a 90° turn to the left after passing the end of the runway, climbing to a traffic altitude of 600 feet MSL, following the rectangular traffic pattern for Runway 25.

(b) *Heavy aircraft.* Heavy aircraft remaining in the traffic pattern shall execute a 90° turn to the left after passing the end of the runway, climbing to a traffic altitude of 1200 feet MSL, following the traffic pattern for Runway 25.

(c) *Touch-and-go.* Touch-and-go operations shall be conducted in accordance with the traffic patterns for take-off.

(d) *Low approach.* Low approaches shall be conducted in accordance with the traffic patterns for take-off.

(c) *Landing*—(1) *Runway 7.* (Chart 2):

(i) *Light aircraft.* Light aircraft shall enter the traffic pattern at the end of the runway, descending to a traffic altitude of 600 feet MSL, and execute a 90° turn to the left, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the left.

(ii) *Heavy aircraft.* Heavy aircraft shall enter the traffic pattern at the end of the runway, descending to a traffic altitude of 1200 feet MSL, and execute a 90° turn to the left, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the left.

(2) *Runway 25.* (Chart 1):

(i) *Light aircraft.* Light aircraft shall enter the traffic pattern at the end of the runway, descending to a traffic altitude of 600 feet MSL, and execute a 90° turn to the right, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the left.

(ii) *Heavy aircraft.* Heavy aircraft shall enter the traffic pattern at the end of the runway, descending to a traffic altitude of 1200 feet MSL, and execute a 90° turn to the right, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the left.

(d) *Exceptions.* Aircraft may deviate from the traffic patterns prescribed in this section when necessary to avoid other aircraft, or when deviation is authorized by Air Traffic Control.

(e) *Effective date.* This section shall become effective 30 days after publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9151; Filed, Aug. 18, 1952; 8:56 a. m.]

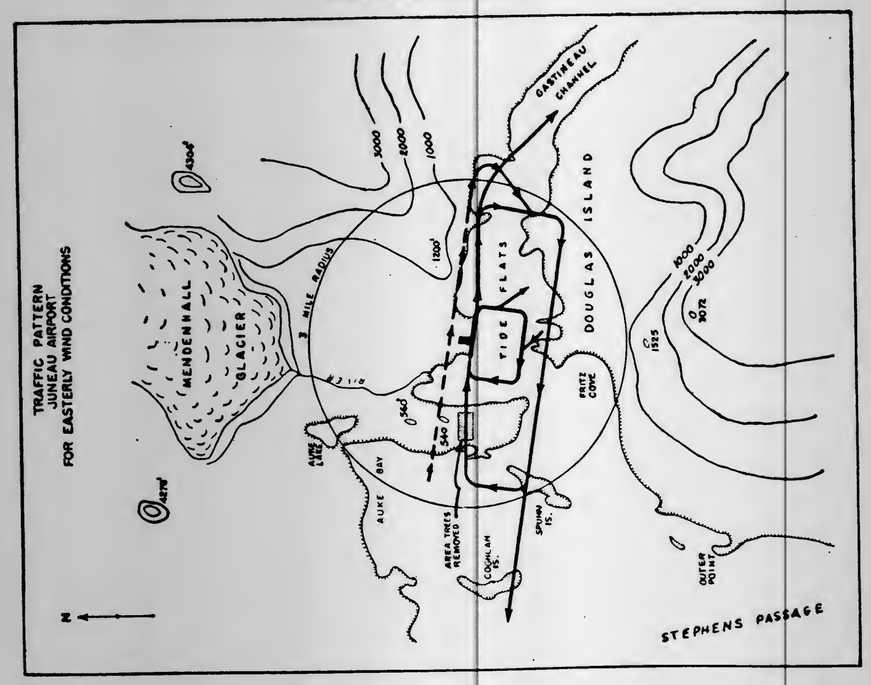

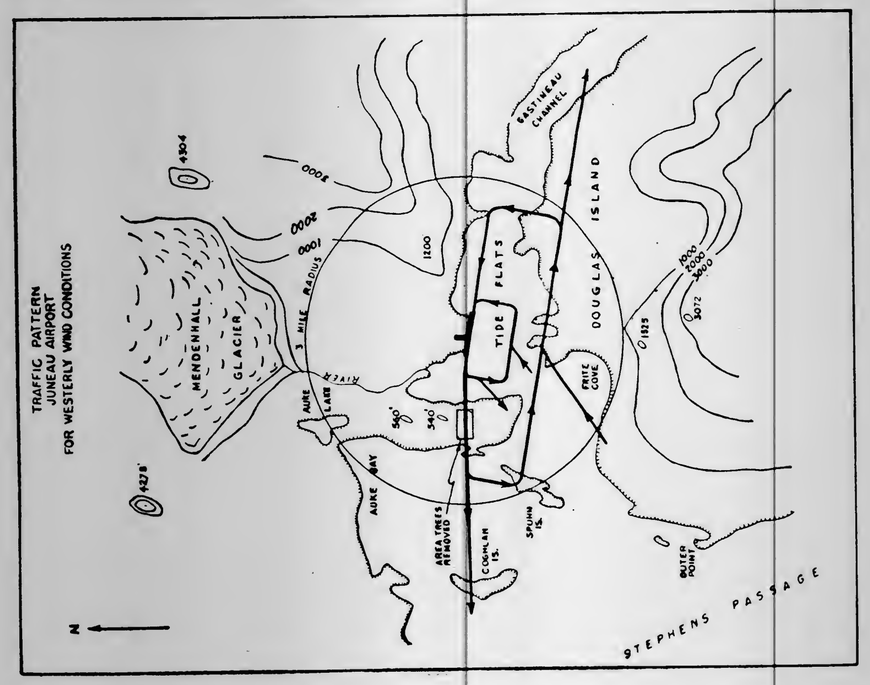

(ii) *Runway 25.* (Chart 1):

(a) *Light aircraft.* Light aircraft shall execute a 90° turn to the left after passing the end of the runway, and at the approximate mid-point of the initial cross-wind leg, execute a turn of 45° to the right.

(b) *Heavy aircraft.* Heavy aircraft shall depart by:

(1) Extending take-off leg beyond the traffic pattern area, or

(2) Continuing within the traffic pattern and departing from it by extending the down-wind leg beyond the traffic pattern area.

(c) *Landing*—(1) *Light aircraft, Runways 7 and 25.* (i) Enter down-wind leg at an altitude of 600 feet MSL at an angle of 45° to the approximate mid-point of the down-wind leg.

(ii) Enter the final approach leg at a distance of at least 1,000 feet from the approach end of the runway.

(2) *Heavy aircraft, runway 7.* (Chart 2): Enter the cross-wind leg (up-wind end of the field) at an altitude of 1200 feet MSL at an angle of 45° to the approximate mid-point of the cross-wind leg.

(3) *Heavy aircraft, runway 25.* (Chart 1): Enter the down-wind leg at an altitude of 1200 feet MSL at an angle of 45° to the approximate mid-point of the down-wind leg.

(d) *Special restriction.* A heavy aircraft shall not land or take off while another is taxiing along the edge of the runway. Aircraft in the pattern shall plan their approaches accordingly.

(Sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. 425, 1159. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 A. s. t., August 30, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

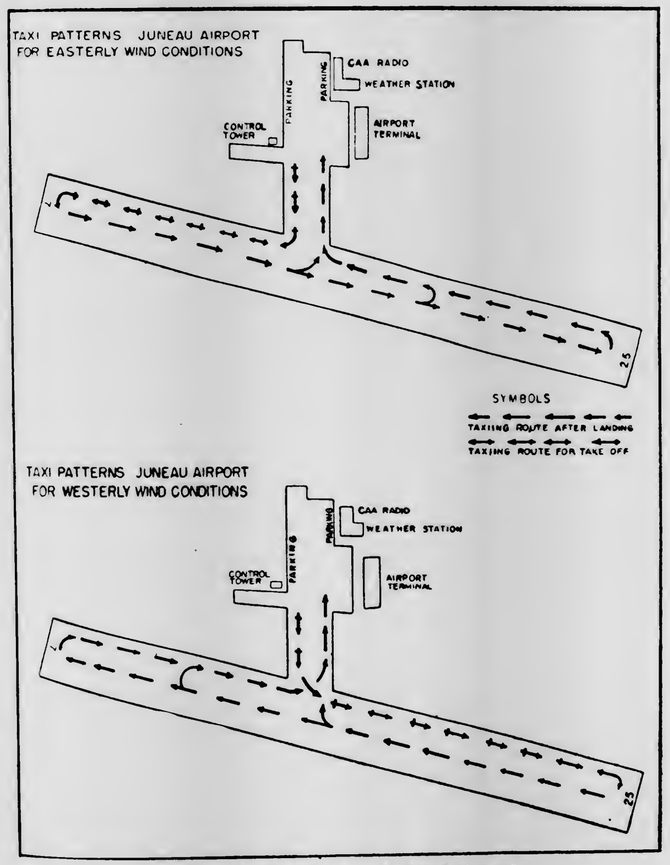

[F. R. Doc. 52-8989; Filed, Aug. 18, 1952; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 9]

PART 384—GENERAL ORDERS

IRON AND STEEL PRODUCTS

Section 384.8 *Orders modifying validity of certain export licenses* is amended in the following particulars:

Paragraph (d) *Steel products* is amended to read as follows:

(d) *Iron and steel products.* (1) The validity period of all export licenses covering iron and steel products identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the Processing Codes "STEE" and "TNPL", having an expiration date on or after June 2, 1952 is hereby extended up to and including midnight November 10, 1952. This extension of the validity period applies even though the exporter's source of supply was not involved in the work stoppage.

(2) In addition, the validity period is hereby extended through December 31, 1952 for licenses bearing allotments of controlled iron and steel products for the second and third quarters of 1952, and through March 31, 1953 for licenses bearing allotments of controlled iron and steel products for the fourth quarter of 1952.

(3) Extension of iron and steel licenses beyond the dates provided for above must be requested on Form IT-763 in accordance with § 380.4 of this subchapter.

This amendment shall become effective as of August 18, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9191; Filed, Aug. 18, 1952; 9:06 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

DEPENDENCY OR HARDSHIP

Section 582.2 (b) is amended by adding a new subdivision (v) to subparagraph (3), as follows:

§ 582.2 *Discharge because of dependency or hardship.* * * *

(b) *Application of laws.* * * *

(3) *Conditions affecting determination regarding separation for dependency or hardship.* * * *

(v) For the purpose of separation under this section, the term "members

of the family" includes only spouse, children, father, mother, brothers, sisters, and any person who stood in loco parentis to the enlisted person prior to entry into the service.

* * * * *

[C3, AR 615-362, Aug. 1, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 187, as amended, 55 Stat. 627; 10 U. S. C. 652, 50 U. S. C. App. 354)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-9086; Filed, Aug. 18, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 15, Amdt. 18]

CPR 15—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

CANNED BABY FOOD

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 18 to Ceiling Price Regulation 15 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendment 18 to Ceiling Price Regulation 15 and Amendment 18 to Ceiling Price Regulation 16. These amendments are being issued simultaneously with Amendment 1 to Supplementary Regulation 107 of the General Ceiling Price Regulation. Amendment 1 to SR 107 permits manufacturers who have customarily sold and invoiced canned baby and junior foods on a "net price" basis to notify retailers purchasing from them that the retailers may calculate ceiling prices for sales of these items by applying their CPR 15 or CPR 16 markups to the "net cost" supplied by the manufacturers. The manufacturers are permitted to provide retailers with adjusted "net costs" which are to be arrived at by dividing the manufacturer's ceilings by .98. Use of this adjusted figure will offset the variation in retail ceilings arising out of the difference in billing practice of these manufacturers as compared to manufacturers who made a separate statement of cash discounts on their invoices. The reasons for this action are set forth in the Statement of Considerations accompanying Amendment 1 to SR 107. These amendments to CPR's 15 and 16 permit retailers to use these adjusted net costs when computing their ceiling prices.

In addition, these amendments require retailers to compute ceiling prices for canned baby foods on the basis of units of three. That is, retailers will henceforth figure their ceiling prices for canned baby food by using as their "net cost" the cost of three cans.

The Director has decided to take this latter action because it has come to his attention that processors of canned baby food were unable, because of the single unit method retailers formerly were required to use to compute net cost, to realize the Johnston earnings standard increase granted them by SR 107 without forcing the retailers to absorb the increase. Since it has been the generally prevailing practice of the retail grocery industry to sell canned baby foods in multiple units, with three the most common multiple unit, the Director has determined that a requirement that retailers must determine ceiling prices by computing "net cost" on a three can basis will more closely conform to their customary practice. It will, moreover, relieve them of the burden of absorbing the increase allowed under SR 107. Finally, it will result in simplification of administration of the retail grocers regulations. By virtue of these amendments, and consistently with the described change in fixing retail ceiling prices, retailers selling canned baby food must now offer for sale multiple units of three cans. They must, of course, also offer for sale single cans of baby food so as not to force consumers to make a multiple unit purchase. To determine ceiling prices for single units retailers must divide the ceiling prices of multiple units by three and adjust all fractions to the next higher cent.

In formulating this amendment the Director has consulted to the extent practicable with industry representatives, including trade association representatives and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 15 is amended in the following respects:

1. Paragraph (a) of section 4 is revised by inserting after subparagraph (2) two new subparagraphs to read as follows:

(3) When figuring your net cost of canned baby food (Category #1, Table A), compute your net cost on a unit of three cans to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters cent are rounded up to the next cent.) You must get the net cost of a unit of three cans by dividing your invoice cost per case by one-third of the number of cans in the case. (For example, you would divide the cost of a case of twenty-four cans by eight.) To determine your ceiling price for a single can of baby food divide your ceiling price for a unit of three cans by three and, in the event that any fraction results, round up to the next cent.

(4) If you are figuring your net cost of canned baby food on the basis of a purchase from a manufacturer on a net price basis (that is, a net price to you which includes all cash discounts), and you receive a notice from him pursuant to SR 107 to the GCPR, you may use as your "net cost" the adjusted net cost furnished in the notice, plus transportation charges you paid, if any, as defined in this section.

2. Paragraph (a) of section 4 is further revised by redesignating present subparagraphs (3) and (4) as (5) and (6) respectively.

3. Paragraph (c) of section 4 is revised to read as follows:

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change the ceiling price except in accordance with section 6.

(2) If you sell canned baby food (Category #1, Table A), determine your ceiling price for a single can by dividing your ceiling price for the multiple unit by three and rounding any resulting fractions of a cent to the next higher cent. Moreover, if you sell canned baby food you must offer for sale multiple units of three cans as well as single units of one can.

4. Section 10 is revised by inserting after the first sentence a new sentence to read as follows: "However, you must display for canned baby foods (Category #1, Table A) your current selling prices for multiple units of three cans."

5. Paragraph (b) of section 39 is revised by changing the third sentence of the third undesignated paragraph to read as follows: "'Net cost' per unit means, in the case of dry groceries, the 'net cost' of a single unit (one can, one jar, etc.), except in the case of canned baby food (Category #1, Table A) where it means the 'net cost' of a multiple unit of three cans."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 19, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9131; Filed, Aug. 14, 1952; 4:57 p. m.]

[Ceiling Price Regulation 16, Amdt. 18]

CPR 16—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 1 AND 2 STORES

CANNED BABY FOOD

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 18 to Ceiling Price Regulation 16 is hereby issued.

STATEMENT OF CONSIDERATIONS

This statement of considerations covers Amendment 18 to Ceiling Price Regulation 15 and Amendment 18 to Ceiling Price Regulation 16. These amendments are being issued simultaneously with Amendment 1 to Supplementary Regulation 107 of the General Ceiling Price Regulation. Amendment 1 to SR 107 permits manufacturers who have customarily sold and invoiced canned baby and junior foods on a "net price" basis to notify retailers purchasing from them that the retailers may calculate ceiling prices for sales of these items by applying their CPR 15 or CPR 16 markups to the "net cost" supplied by the manufacturers. The manufacturers are permitted to provide retailers with adjusted "net costs" which are to be arrived at by dividing the manufacturer's ceilings by .98. Use of this adjusted figure will offset the variation in retail ceilings arising out of the difference in billing practice of these manufacturers as compared to manufacturers who make a separate statement of cash discounts on their invoices. The reasons for this action are set forth in the Statement of Considerations accompanying Amendment 1 to SR 107. These amendments to CPR's 15 and 16 permit retailers to use these adjusted net costs when computing their ceiling prices.

In addition, these amendments require retailers to compute ceiling prices for canned baby foods on the basis of units of three. That is, retailers will henceforth figure their ceiling prices for canned baby food by using as their "net cost" the cost of three cans.

The Director has decided to take this latter action because it has come to his attention that processors of canned baby food were unable, because of the single unit method retailers formerly were required to use to compute net cost, to realize the Johnston earnings standard increase granted them by SR 107 without forcing the retailers to absorb the increase. Since it has been the generally prevailing practice of the retail grocery industry to sell canned baby foods in multiple units, with three the most common multiple unit, the Director has determined that a requirement that retailers must determine ceiling prices by computing "net cost" on a three can basis will more closely conform to their customary practice. It will, moreover, relieve them of the burden of absorbing the increase allowed under SR 107. Finally, it will result in simplification of administration of the retail grocery regulation. By virtue of these amendments, and consistently with the described change in fixing retail ceiling prices, retailers selling canned baby food must now offer for sale multiple units of three cans. They must, of course, also offer for sale single cans of baby food so as not to force consumers to make a multiple unit purchase. To determine ceiling prices for single units retailers must divide the ceiling prices of multiple units by three and adjust all fractions to the next higher cent.

In formulating this amendment the Director has consulted to the extent practicable with industry representatives, including trade association representatives and has given consideration to their recommendations. In his judgment the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that act.

AMENDATORY PROVISIONS

Ceiling Price Regulation 16 is amended in the following respects:

1. Paragraph (a) of section 4 is revised by inserting after subparagraph (2) two new subparagraphs to read as follows:

(3) When figuring your net cost of canned baby food (Category #1, Table A), compute your net cost on a unit of three cans to the nearest half-cent. (Fractions of exactly one-quarter cent are rounded up to one-half cent and fractions of exactly three-quarters cent are rounded up to the next cent.) You must get the net cost of a unit of three cans by dividing your invoice cost per case by one-third of the number of cans in the case. (For example, you would divide the cost of a case of twenty-four cans by eight.) To determine your ceiling price for a single can of baby food divide your ceiling price for a unit of three cans by three and, in the event that any fraction results, round up to the next cent.

(4) If you are figuring your net cost of canned baby food on the basis of a purchase from a manufacturer on a net price basis (that is, a net price to you which includes all cash discounts), and you receive a notice from him pursuant to SR 107 to the GCPR, you may use as your "net cost" the adjusted net cost furnished in the notice, plus transportation charges you paid, if any, as defined in this section.

2. Paragraph (a) of section 4 is further revised by redesignating present subparagraphs (3) and (4) as (5) and (6) respectively.

3. Paragraph (c) of section 4 is revised to read as follows:

(c) *Ceiling price.* (1) Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change the ceiling price except in accordance with section 6.

(2) If you sell canned baby food (Category #1, Table A), determine your ceiling price for a single can by dividing your ceiling price for the multiple unit by three and rounding any resulting fractions of a cent to the next higher cent. Moreover, if you sell canned baby food you must offer for sale multiple units of three cans as well as single units of one can.

4. Section 10 is revised by inserting after the first sentence a new sentence to read as follows: "However, you must display for canned baby foods (category #1, Table A), your current selling prices for multiple units of three cans."

5. Paragraph (b) of section 34 is revised by changing the third sentence of the third undesignated paragraph to read as follows: "'Net cost per unit' means, in the case of dry groceries, the 'net cost' of a single unit (one can, one jar, etc.), except in the case of canned baby food (Category #1, Table A) where it means the 'net cost' of a multiple unit of three cans."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 19, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9132; Filed, Aug. 14, 1952; 4:57 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 23]

CPR 34—SERVICES

SR 23—HANDLING AND STORAGE OF GRAIN UNDER THE UNIFORM GRAIN STORAGE AGREEMENT OF THE UNITED STATES DEPARTMENT OF AGRICULTURE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to Ceiling Price Regulation 34 establishes dollars and cents ceiling prices for the handling and storage of grain for the Commodity Credit Corporation under the provisions of the Uniform Grain Storage Agreement. These ceiling rates are the same as the rates currently set forth in the uniform schedule of rates in contracts for the handling and storage of Commodity Credit Corporation grain.

All of the contracts for the storage and handling of Commodity Credit Corporation grain include a uniform schedule of rates covering such services. This schedule was amended early in 1952 to cover the contract year of 1952–53. The renewal dates are June 1 for some principal grain areas, and July 1 for other grain areas. The Commodity Credit Corporation has recommended that OPS permit sellers to use this new schedule of rates as their ceiling prices.

From the point of view of price control, the principal change that has been made by the new schedule of rates issued under the Uniform Grain Storage Agreement is the elimination of free storage time that had been allowed in previous agreements. The rates for handling charges, however, are the same as were in effect when the General Ceiling Price Regulation was issued, and in some cases storage rates have been reduced. Therefore, although the elimination of free time may in an individual case result in a higher rate being paid for storage, it is the opinion of officials of the Department of Agriculture and of other experts in this field that the annual cost of storing grain will remain substantially the same as it has been for the past three years. These parties unanimously express the belief that the change made in the schedule of rates is not in fact an increase since the amounts finally payable are dependent on the period of time that the grain remains in storage. It is estimated that this period will average between 5½ and 9 months.

This regulation also permits elevators and warehouses to charge private and commercial users the same rates for storage as those applicable to the Commodity Credit Corporation, if prior to the issuance of the General Ceiling Price Regulation the operator had followed a pattern of charging private and commercial users the same rates established under previous Uniform Grain Storage Agreements. At the time the grain is stored it is not known in many instances whether the charges will be paid by the Commodity Credit Corporation or by the storer of the grain. This is true because weeks or months may elapse before the storer decides whether to redeem the grain or to let title pass to the Commodity Credit Corporation.

Finally, this supplementary regulation is made effective as of June 1, 1952, since that is the earlier renewal date for the services covered by the agreement.

In the formulation of this regulation there have been consultations with representatives of the Commodity Credit Corporation and industry representatives, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization the ceiling prices established by this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Relationship to CPR 34.
3. Ceiling prices.

AUTHORITY: Sections 1 to 4, issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* This regulation establishes dollar and cents ceiling prices for the handling and storage of grain by signatories to the Uniform Grain Storage Agreement of the United States Department of Agriculture.

SEC. 2. *Relationship to CPR 34.* All provisions of Ceiling Price Regulation 34, as amended, except as changed by the pricing provisions of this supplementary regulation, shall remain in full force and effect.

SEC. 3. *Ceiling prices.* (a) The ceiling prices which may be charged the Commodity Credit Corporation by warehouses and elevators for the handling and storage of grain shall be as follows:

GRAIN RECEIVED BY TRUCK

Commodity	Areas	Receiving, insuring, conditioning and storing for first 10 days (cents)	Storing, insuring, conditioning, and all other charges after first 10 days for remainder of the annual period and each succeeding annual period [1] (in cents per diem)	Loading out (cent)
Oats	All	3	180 days at 1/30—balance annual period 1/40	½
Corn:				
Commingled	All	4	150 days at 1/20—balance annual period 1/40	½
Identity preserved	All	4	1/30 per diem	½
Barley:				
Commingled	All	5	150 days at 1/20—balance annual period 1/40	½
Identity preserved	All	5	1/30 per diem	½
Flax:				
Commingled	All	6½	210 days at 1/20—balance annual period 1/30	¾
Identity preserved	All	6½	1/25 per diem	¾
Wheat and all other grain	I [a]	6	90 days at 1/20—balance annual period 1/30	½
	II [b]	6	120 days at 1/20—balance annual period 1/30	½
	III [c]	6½	150 days at 1/20—balance annual period 1/30	½
	IV [d]	7½	180 days at 1/20—balance annual period 1/30	½

GRAIN RECEIVED BY RAIL OR WATER

Commodity	Area	Receiving charges (cents)	Storing, insuring, conditioning, and all other charges for each annual period [1] (in cents per diem)	Loading out (cent)
Oats	All	1½	First 180 days at 1/30—next 185 days at 1/40	¾
Corn:				
Commingled	All	1½	First 150 days at 1/20—next 215 days at 1/40	¾
Identy preserved	All	1½	1/30 per diem	¾
Barley:				
Commingled	All	1½	First 150 days at 1/20—next 215 days at 1/40	¾
Identity preserved	All	1½	1/30 per diem	¾
Flax:				
Commingled	All	2	First 210 days at 1/20—next 155 days at 1/30	¾
Identity preserved	All	2	1/25 per diem	¾
Wheat and all other grain	I [a]	1½	First 90 days at 1/20—next 275 days at 1/30	¾
	II [b]	1½	First 120 days at 1/20—next 245 days at 1/30	¾
	III [c]	1½	First 150 days at 1/20—next 215 days at 1/30	¾
	IV [d]	1½	First 180 days at 1/20—next 185 days at 1/30	¾

[1] Annual period begins on the date of the warehouse receipt.

NOTE: Charges on flax shall be computed on a gross bushel basis.

[a] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[b] Area II includes: Minnesota, Montana, North Dakota, South Dakota, also Superior, Wisconsin.
[c] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin, except Superior.
[d] Area IV includes: All States not listed in Areas I, II, and III above.

Direct transfer 1½ cents per bushel.
Add customary port authority or mandatory charges where grain is received at port locations.

(b) The ceiling rates established in paragraph (a) of this section shall apply to private and commercial users, if prior to January 26, 1951, the grain warehouse or elevator had charged such users the same rates as those established by previous Uniform Grain Storage Agreements of the United States Department of Agriculture.

Effective date. This supplementary regulation to Ceiling Price Regulation 34 shall become effective as of June 1, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9133; Filed, Aug. 14, 1952; 4:57 p. m.]

[General Ceiling Price Regulation, Amdt. 1 to Supplementary Regulation 107]

GCPR, SR 107—CEILING PRICE ADJUSTMENT FOR CANNED BABY AND JUNIOR FOODS

AUTHORIZATION TO CERTAIN PROCESSORS TO FURNISH NOTICE TO RETAILERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 107 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation (SR) 107 to the General Ceiling Price Regulation (GCPR) permits those baby food processors who have customarily sold and invoiced canned baby and junior foods on a "net price basis" to notify retailers that they may calculate ceiling prices for sales of these items at retail pursuant to Ceiling Price Regulations 15 and 16 by using "net cost" figures supplied by the processors. In other words, such a processor will continue his customary practice of selling and billing canned baby and junior foods on a "net price basis" but the retailer, instead of applying his markup under Ceiling Price Regulations 15 or 16 to the invoice cost when it is a net cost, will be permitted to use a higher figure. However, this amendment will not give any baby food processor a greater increase than was intended in the issuance of SR 107 but will permit the increases authorized therein to be passed on in distribution channels. The grocery distribution regulations, Ceiling Price Regulations 15 and 16, are being amended simultaneously with this amendment to permit retailers to compute new ceiling prices based on a higher net cost than shown on the invoice when they receive a notice from the processor that such action is permitted.

Need for this action arises from the situation which has resulted from the recent increase in ceiling prices authorized under SR 107 to baby food processors under OPS's industry earnings standard. Although most baby food processors sell under contracts of sale which expressly give varying allowances as stated on the invoices, including the allowances for cash payments, at least one of these processors sells to retailers on a net basis which reflects the usual allowances, including the allowances for cash discounts. Under the retail distribution regulations, Ceiling Price Regulations 15 and 16, retailers compute their ceiling prices by applying their markup under those regulations to a "net cost" which is based on the price paid the supplier, less all discounts except the discount for prompt payment and label and swell allowances, plus incoming freight paid by the retailer. The combined effect of various provisions of the retail regulations, particularly the definition of "net cost" and the requirement that "net cost" be figured on a single unit basis, is that processors using the net price system will not be able to take the increases to which they are entitled by law without drastically reducing retail margins in many cases. Available data indicate that this is particularly true where the retailers buy directly from the manufacturer and in carload lots. With but a few baby food processors making up the industry, it becomes impossible for any member of the industry to obtain the price increase which OPS has found the industry entitled to unless all members of the industry are permitted to pass on to distributors the increases authorized by OPS. This industry has in the past been most competitive and as a result prices for similar price lines of baby or junior foods of all members of the industry have generally been the same in a particular retail store.

Baby food items which are entirely fruits or entirely vegetables have been decontrolled by Amendment 2 to Revision 1 of GOR 7 because of the Harrison Amendment to the Defense Production Act of 1950, as amended, exempting from price control fruits and vegetables in fresh or processed form. Accordingly, this amendment to SR 107 covers only those canned baby and junior foods which remain subject to price control. However, since the items which have been decontrolled have customarily been sold as a part of uniform price lines which include other baby or junior food items remaining under price control, the practice permitted by this amendment will probably be employed in connection with sales of the decontrolled products as well as in connection with sales of the items remaining subject to price control.

The Director of Price Stabilization has consulted with industry representatives before issuing this amendment and has given consideration to their recommendations. It is his judgment that the provisions of this amendment are generally fair and equitable, comply with all applicable provisions of the Defense Production Act of 1950, as amended, and are necessary to effectuate the purposes of that Act.

AMENDATORY PROVISION

Supplementary Regulation 107 to the General Ceiling Price Regulation is amended by adding section 6 to read as follows:

SEC. 6. *Authorization to processors who sell on a net basis to notify retailers of a different method of determining net cost for items of canned baby and junior foods.* (a) (1) If you are a processor of canned baby and junior foods who customarily sold and invoiced these products to your retail purchasers on a "net price basis" which reflected an allowance for cash discounts, not separately stated on the invoice, you may notify retailers that they may compute new ceiling prices for items of canned baby and junior foods in accordance with the notice you furnish them.

(2) To obtain the net cost figure which you may furnish retailers purchasing canned baby and junior food from you, you shall divide your ceiling price for each item of baby or junior food as determined under this supplementary regulation by 98 per cent. The figure resulting from this division may be furnished each retailer purchasing baby and junior food from you.

(b) You may notify each retailer purchasing items of baby and junior food from you on or after August 19, 1952 that he may figure a new ceiling price for each item of canned baby and junior food by using as his "net cost" in applying the markup applicable under Ceiling Price Regulation 15 or 16, the figure specified in your notice to him as determined under paragraph (a) of this section rather than the price of the item named in the invoice. The notice shall be furnished with or stamped on the invoice and shall be in substantially the following form:

NOTICE

We have been authorized by section 6 of SR 107 to the GCPR to notify you that you may compute new ceiling prices for all items of canned baby and junior food listed below by applying the markup applicable to you under CPRs 15 or 16 to the following "net costs" rather than to the costs of these items as shown on the invoice.

Item and quantity of canned baby and junior food	If your invoice cost is the amount in this column	Your "net cost" to which you apply your markup is the amount in this column
All items of strained baby food in tin		
All items of strained baby food in glass		
All items of chopped junior food in tin		
All items of chopped junior food in glass		

Company name

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 107 to the General Ceiling Price Regulation is effective August 19, 1952.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9134; Filed, Aug. 14, 1952; 4:58 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

[General Salary Stabilization Regulation 1, Amended]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

Statement of considerations. This regulation incorporates changes required by the Defense Production Act Amendments of 1952 and combines in a single regulation salary stabilization regulations relating to general adjustments in salaries, adjustments to maintain compensation relationships between groups of employees, and to avoid hardships and inequities, and adjustments for individual employees in the form of merit or length-of-service increases, promotions, transfers, other changes in positions and extended workweek compensation.

This regulation in addition to amending General Salary Stabilization Regulation 1, as amended, supersedes General Salary Stabilization Regulation 3, as amended, General Salary Orders 1 through 3, 5 and 6, as amended, and General Salary Order 10. The following General Salary Stabilization Regulations and General Salary Orders remain in effect:

General Salary Stabilization Regulation 2 (Profit Sharing and Other Bonuses).
General Salary Stabilization Regulation 4, Revised (Stock Option and Stock Purchase Plans).
General Salary Stabilization Regulation 5 (Compensation of Sales Employees).
General Salary Stabilization Regulation 6 (Pension Plans and Deferred Profit-sharing and Stock Bonus Plans).
General Salary Stabilization Regulation 7 (Salaries and Other Compensation for Professional Athletes).
General Salary Stabilization Regulation 8, Revised (Health and Welfare Plans).
General Salary Order 12 (New Profit-sharing and Other Bonuses).
General Salary Order 13 (Death Benefits).

General Salary Orders 4 and 8 were previously superseded by General Salary Order 10, now superseded by this regulation; General Salary Order 9 was superseded by General Salary Stabilization Regulation 4, Revised, and General Salary Order 11 was superseded by General Salary Stabilization Regulation 8. General Salary Order 7 (Christmas or Year-end Bonuses not exceeding $40.00 in value in the absence of a prior practice) is not applicable to any years subsequent to 1951.

In the formulation of this regulation, due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. *Amendment of General Salary Stabilization Regulation 1, as amended.* General Salary Stabilization Regulation 1, as amended, is amended to read as follows:

ARTICLE I—GENERAL PROVISIONS

Sec.
1. Scope of this regulation.
2. Definitions.

Sec.

SEC. 2. *Definitions.* As used in this

(a) Physicians employed in a profes-

ble ten (10) percent under any salary

Sec.
3. Employees not subject to salary stabilization regulations.
4. State and local government employees.
5. Employees of certain non-profit organizations.
6. Applicability to "sales employees."
7. Applicability to "professional athletes."
8. Reduction in compensation not required.
9. Inequities created by salary adjustments.
10. Effect of adjustments in salaries and other compensation authorized under salary stabilization regulations.

ARTICLE II—STABILIZATION OF SALARIES AND OTHER COMPENSATION

21. General stabilization of salaries and other compensation.
22. Increases in salaries and other compensation to correct certain inequities.

ARTICLE III—COST-OF-LIVING INCREASES

31. Certain terms defined.
32. Certain cost-of-living increases permissible without approval.
33. "Charge-off" of cost-of-living increases.

ARTICLE IV—MAINTENANCE OF COMPENSATION RELATIONSHIPS

41. Percentage increases to maintain historical or customary relationships.
42. Adjustment of inter-plant inequities.
43. Tandem salary increases.
44. Compensation for regularly extended workweek.

ARTICLE V—MERIT AND LENGTH OF SERVICE INCREASES

51. General provisions.
52. Merit and length of service increases under the salary range method of payment.
53. Merit and length of service increases under the random or personal method of payment.

ARTICLE VI—PROMOTIONS AND CHANGES IN POSITION

61. Promotions or transfers to higher or lower paid positions.
62. Salaries for new employees.
63. Salaries for new or changed positions.
64. Salary reductions not required for transferred employees.

ARTICLE VII—NEW OR MODIFIED SALARY SCHEDULES OR PLANS

71. Prerequisites for approval of new salary plans or modifications of existing salary plans.
72. Extension of existing merit or length of service increase plans or practices to new plants of an employer.

ARTICLE VIII—SALARY SCHEDULES FOR NEW PLANTS

81. Definitions.
82. Criteria for establishing rates of salaries in new plants.
83. Procedures for establishing rates of salaries in new plants.
84. Requests for modification.

ARTICLE IX—AUXILIARY PAY PRACTICES

91. Auxiliary pay practices authorized.

ARTICLE X—ADMINISTRATIVE PROVISIONS

101. Record-keeping required.

AUTHORITY: Sections 1 to 101 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *Scope of this regulation.* Except as otherwise provided herein, this regulation applies to all employees, as defined in section 2.

SEC. 2. *Definitions.* As used in this regulation:

(a) The term "employee" means an employee subject to the jurisdiction of the Salary Stabilization Board and, unless otherwise qualified, includes any person employed in a bona fide executive, administrative, professional or outside salesman capacity, as those terms are defined in paragraph (b), or as a supervisor, as defined by the Labor Management Relations Act, 1947, as amended, who is neither represented by a duly recognized or certified labor organization in his relationship with his employer nor employed in a unit appropriate for bargaining purposes which is represented by a duly recognized or certified labor organization authorized to represent him in his relationship with his employer with reference to his salary or wages, or hours and other conditions of employment.

(b) The terms "outside salesmen" and "bona fide executive, administrative, or professional capacity" shall have the meaning ascribed to such terms in the regulations under section 13 (a) (1) of the Fair Labor Standards Act of 1938, as amended. The pertinent provisions of such regulations are published as Part 541 of Chapter V of Title 29 (29 CFR, 1950 Supp.).

(c) The term "salaries and other compensation" means salaries and other compensation within the meaning of Title IV of the Defense Production Act of 1950, as amended, and includes all forms of remuneration to employees for personal services (regardless of the form, time or method in which paid or payable), including but not limited to overtime bonuses or rates; shift differentials; penalty or premium rates; night shift and other similar bonuses or rates; vacation and holiday payments; year-end bonuses; incentive payments; options; employer payments of, or contributions to provide sickness, accident, disability, or death benefits, or pension, retirement, or annuity benefits; employer contributions to a pension, retirement, profit-sharing, stock bonus, or stock purchase plan, fund, or trust; and employer contributions to a savings or thrift plan, fund or trust.

(d) The term "base compensation" means salaries paid to an employee for the normal workweek, month or other normal time unit including shift differentials and time and incentive earnings, but excluding bonuses of the type specified in General Salary Stabilization Regulation 2 and all other compensation (except that for the purposes of Articles IV to VII shift differentials and time and incentive earnings shall be excluded).

(e) The term "group of employees" means all employees whom an employer has historically treated together in making an adjustment in salaries or other compensation of the nature proposed to be made.

(f) The term "salary stabilization regulations" includes General Salary Orders.

SEC. 3. *Employees not subject to salary stabilization regulations.* The following employees are not subject to salary stabilization regulations:

(a) Physicians employed in a professional capacity by licensed hospitals, clinics and like medical institutions for the care of the sick or disabled;

(b) Attorneys licensed to practice law employed in a professional capacity by an attorney or a firm of attorneys engaged in the practice of his or their profession;

(c) Professional engineers employed in a professional capacity;

(d) Professional architects employed in a professional capacity by an architect or firm of architects engaged in the practice of his or their profession;

(e) Certified public accountants licensed to practice as such, employed in a professional capacity by a certified public accountant or firm of certified public accountants engaged in the practice of his or their profession;

(f) Effective July 30, 1952, persons employed in small business enterprises in which a total or 8 or less persons are employed in all its establishments, branches, units or affiliates, subject to such further regulations or orders as may be issued from time to time pursuant to the provisions of the Defense Production Act of 1950, as amended, excluding from this exemption enterprises (on the basis of industries, type of business, occupations or areas) the exemption of which would be unstabilizing or otherwise contrary to the purposes of the Defense Production Act, as amended;

(g) Employees subject to the provisions of the Railway Labor Act, as amended;

(h) Employees who are bona fide residents of and actually employed in Puerto Rico, the Virgin Islands, or the Panama Canal Zone.

SEC. 4. *State and local government employees.* Adjustments in the salaries and other compensation of employees of state, county, municipal and other local governments whose salaries and other compensation are fixed by statute, ordinance, or regulation of duly constituted authorities of such governmental bodies may be made in general conformance with salary stabilization regulations and without approval by the Office of Salary Stabilization. The Office may review such adjustments and revoke or modify them if they are found to be in conflict with salary stabilization regulations.

SEC. 5. *Employees of certain non-profit organizations.* (a) Adjustments in the salaries and other compensation of employees of religious, charitable, scientific, literary, educational organizations, cemetery companies, which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code, and of credit unions authorized under the Federal Credit Union Act or the laws relating to credit unions of any state or territory of the United States and which are exempt from Federal income taxes under section 101 of the Internal Revenue Code, may be made in general conformance with the salary stabilization regulations without approval by the Office of Salary Stabilization. The Office of Salary Stabilization may review such adjustments and revoke or modify them if they are found to be in conflict with salary stabilization regulations.

(b) The authorization granted by this section shall not apply to the salaries or other compensation of persons employed in an "unrelated trade or business" (as such term is defined in section 422 of the Internal Revenue Code) carried on by or on behalf of an organization exempt from Federal income taxes under section 101 (6) of the Internal Revenue Code in any case in which the income from such unrelated trade or business, or any part thereof, is subject to Federal income taxes under the Internal Revenue Code.

SEC. 6. *Applicability to "sales employees."* To the extent that the provisions of this regulation conflict with the provisions of General Salary Stabilization Regulation 5 relating to "sales employees", the provisions of the latter regulation shall govern.

SEC. 7. *Applicability to "professional athletes."* To the extent that the provisions of this regulation conflict with the provisions of General Salary Stabilization Regulation 7 relating to "professional athletes", the provisions of the latter regulation shall govern.

SEC. 8. *Reduction in compensation not required.* Nothing in any salary stabilization regulation shall be construed to require the stabilization of salaries or other compensation for any position at a rate less than that paid during the period from May 24, 1950, to June 24, 1950, inclusive.

SEC. 9. *Inequities created by salary adjustments.* No inequity created by an adjustment in salary or other compensation authorized by any salary stabilization regulation shall constitute a basis for further adjustments of salaries and other compensation.

SEC. 10. *Effect of adjustments in salaries and other compensation authorized under salary stabilization regulations.* The authorization of an adjustment in salaries or other compensation under any salary stabilization regulation does not constitute a determination that such salary or other compensation or the adjustment thereof is reasonable, valid or proper under any other law of the United States or any State, territory or possession or political subdivision thereof, or the District of Columbia, or of any regulation promulgated under any such law.

ARTICLE II—STABILIZATION OF SALARIES AND OTHER COMPENSATION

SEC. 21. *General stabilization of salaries and other compensation.* (a) Except as authorized by salary stabilization regulations or by written determinations of the Office of Salary Stabilization, no employer shall pay, and no employee shall receive, any salary or other compensation at a rate in excess of the rate at which such employee was compensated on January 25, 1951; and no employee hired after January 25, 1951, shall be compensated at a rate higher than that in effect on January 25, 1951, for the position for which he is employed.

(b) The rate in effect on January 25, 1951, for the purpose of this section, shall be the rate in effect on such date as legally increased pursuant to applicable salary stabilization regulations, or written determinations of the Office of Salary Stabilization (or, prior to May 10, 1951, pursuant to General Wage Regulations or determinations of the Wage Stabilization Board).

(c) The salary stabilization regulations shall apply regardless of any obligation heretofore or hereafter incurred.

SEC. 22. *Increases in salaries and other compensation to correct certain inequities.*—(a) *Ten percent increase authorized.* (1) Salaries and other compensation of a group of employees may be increased without prior approval of the Office of Salary Stabilization in amounts up to, but not in excess of, ten (10) percent over the aggregate base compensation of such group for the first regular payroll period ending on or after January 15, 1950. Except as otherwise provided in this or any other salary stabilization regulation, any increases made after such payroll period, and any other increases chargeable against such permissible ten (10) percent under any salary stabilization regulation or under any written determination of the Office of Salary Stabilization shall be deducted from the increase authorized under this section. Such increase shall be computed on a weekly, bi-weekly, semi-monthly, or monthly payroll period basis in accordance with the employer's payroll practice.

(2) In calculating the ten (10) percent increase authorized under subparagraph (1) of this paragraph, proportionate adjustments may be made for increases and shall be made for decreases in the number of employees in the group.

(3) "Other compensation" and "aggregate base compensation", as used in subparagraph (1) of this paragraph, shall not include commission rates or commission earnings, nor shall any commission rate or commission earnings be increased under this paragraph.

(b) *Relationship of ten percent increases in compensation.* For the purposes of paragraph (a) of this section:

(1) Increases in base compensation prior to January 26, 1951, need not be included, unless they increased base compensation for the group one (1) percent or more in a single payroll period, but such increase of less than one (1) percent shall be included if made on or after January 26, 1951.

(2) Increases in base compensation do not include merit or length of service increases or adjustments as the result of a promotion, transfer or assignment to a new or changed position.

(3) Increases in base compensation do not include increases in bonuses of the type specified in General Salary Stabilization Regulation 2 or General Salary Order 12, and such bonuses shall not be included in any manner in the computation of any increase authorized by paragraph (a) of this section.

(4) Increases in other compensation need not be included if made prior to January 26, 1951. However, to the extent that such increases are not authorized without charge against the permissible ten (10) percent, under any salary stabilization regulation or under any written determination of the Office of Salary Stabilization or, prior to May 10, 1951, of the Wage Stabilization Board, such increases shall be included if made on or after January 26, 1951.

(c) *Base pay period abnormalities.* Employers who did not have a payroll period ending on or about January 15, 1950, because they were not in operation at that time, or who had plainly abnormal pay levels during that period because of seasonal peculiarities, broad changes in product mix, wide swings in employment, and the like, may apply to the Office of Salary Stabilization for appropriate adjustments of the amount of base compensation paid for the payroll period against which changes in compensation are to be measured. The Office is authorized to give consideration on application to the special problems of seasonal industries, and to unusual cases involving firms or industries in which the rates on or about January 15, 1950, were grossly out of line with their normal relationships, provided the employer did not have adequate opportunity to correct such misalignment by January 25, 1951.

(d) *Rare and unusual cases.* In rare and unusual cases where the critical needs of essential civilian or defense production require it, the Office of Salary Stabilization is authorized to approve increases in salaries and other compensation greater in amount than those specified in paragraph (a). Such cases are limited to situations of serious manpower shortages in which other governmental agencies concerned with production and manpower problems certify to the Office of Salary Stabilization that a concerted program has been undertaken to remedy the shortages and that an increase in salaries or other compensation is indispensable to attract required labor to or retain it in essential civilian or defense industries or plants.

ARTICLE III—COST-OF-LIVING INCREASES

SEC. 31. *Certain terms defined.* As used in this Article III:

(a) The term "cost-of-living provisions" means a provision in a written contract or in a written salary plan which establishes a defined relationship between the salaries of employees covered by the provision and an acceptable index.

(b) "Acceptable index" means any Consumers Price Index (frequently referred to as the cost-of-living index) published by the Bureau of Labor Statistics, or such other applicable index as may be approved from time to time by the Wage Stabilization Board.

SEC. 32. *Certain cost-of-living increases permissible without approval.* Increases required by cost-of-living provisions formally determined and communicated to the employees on or before January 25, 1951, may be put into effect without approval by the Office of Salary Stabilization.

SEC. 33. *"Charge-Off" of cost-of-living increases.* Increases under this Article III made after January 15, 1950, based upon changes in an acceptable index up to and including January 15, 1951, shall

be charged against the ten (10) percent increase authorized under section 22 (a) of this regulation. Increases under this Article III based upon changes in an acceptable index after January 15, 1951, need not be charged against, and may exceed, such ten (10) percent increase.

ARTICLE IV—MAINTENANCE OF COMPENSATION RELATIONSHIPS

SEC. 41. *Percentage increases to maintain historical or customary relationships.*—(a) *Authorized percentage increases.* An employer may from time to time make adjustments in the salaries and other compensation of employees subject to the jurisdiction of the Salary Stabilization Board, as provided in paragraphs (b) and (c) of this section, without approval of the Office of Salary Stabilization, in order to reestablish or maintain historical or customary relationships and differentials which existed on January 25, 1951, between the compensation of employees under the jurisdiction of the Wage Stabilization Board and employees under the jurisdiction of the Salary Stabilization Board. Such adjustments may be made retroactive to dates not earlier than the dates on which wage adjustments for employees of the same employer subject to the jurisdiction of the Wage Stabilization Board are effective.

(b) *Computation of authorized percentage increases.* (1) For the purposes of this section, an increase in base compensation shall include, among others, any cost-of-living or tandem increases under the provisions of wage or salary stabilization regulations but shall exclude merit or length of service increases, increases as the result of promotions or transfers or the assignment of an employee to a new or changed position, increases out of the ten (10) percent general increase fund permitted under wage or salary stablization regulations, and increases granted in individual cases because of interplant inequities.

(2) The employer shall make separate computations for all the employees on his payroll subject to the jurisdiction of the Wage Stabilization Board, consolidating all such payrolls for the purpose on a uniform payroll period basis, and for the employees on his payroll subject to the jurisdiction of the Salary Stabilization Board, consolidating all such payrolls for the purpose on the same uniform payroll period basis.

(3) The employer may make such computations, without approval of the Office of Salary Stabilization, as follows:

(i) Take all payroll periods beginning with the first payroll period commencing after January 26, 1951, and ending with the payroll period as of which the adjustment in base compensation authorized by this section is being computed.

(ii) Compute for each such payroll period the dollar amount of all increases in base compensation granted in each such payroll period to employees subject to the jurisdiction of the Wage Stabilization Board.

(iii) Divide the dollar amount of the total increases in base compensation for each payroll period in which increases have taken place by the dollar amount of the total base compensation paid all such employees for the payroll period. The result shall be considered the percentage increase granted in that payroll period.

(iv) Add the percentage increases for each payroll period. The result shall be considered the gross percentage increase in base compensation granted such employees for all payroll periods included under subdivision (i) of this subparagraph.

(v) Compute similarly the gross percentage decrease in base compensation of such employees for all such payroll periods and deduct such percentage from the gross percentage increase computed in subdivision (iv) of this subparagraph. The result shall be considered the net percentage increase in base compensation granted such employees during all payroll periods included under subdivision (i) of this subparagraph.

(vi) Compute the net percentage increase in the base compensation of employees subject to the jurisdiction of the Salary Stabilization Board for all payroll periods included under subdivision (i) of this subparagraph in the same manner as the net percentage increase in the base compensation of employees subject to the jurisdiction of the Wage Stabilization Board was computed in subdivisions (i) to (v) of this subparagraph.

(4) If the net percentage increase granted to employees subject to the jurisdiction of the Salary Stabilization Board is less than the net percentage increase granted to employees subject to the jurisdiction of the Wage Stabilization Board, the difference represents the authorized percentage of base compensation of the employees under the jurisdiction of the Salary Stabilization Board by which their salaries and other compensation may be adjusted. The dollar amount obtained by multiplying by this authorized percentage the total base compensation payroll for such employees for the last payroll period included in the computation is the fund available to the employer per payroll period for increases in salaries and other compensation.

(c) *Increases subsequent to the computation of the first adjustment.* (1) If an employer desires to make adjustments in salaries and other compensation of employees under the jurisdiction of the Salary Stabilization Board pursuant to this section subsequent to the first computation of the amount of authorized percentage increases pursuant to paragraph (b) of this section, he may proceed in the same manner as outlined in paragraph (b) of this section. Each subsequent computation, however, shall begin with the payroll period immediately following the close of the last payroll period used by the employer in the preceding computation made pursuant to this section.

(2) Any authorized percentage increase in the compensation of employees subject to the jurisdiction of the Salary Stabilization Board available to but unused by the employer under a preceding computation of percentage increases authorized under this section, may be added by the employer to the authorized percentage increase obtained in a subsequent computation and may be used in computing the dollar amount thereof.

(d) *Distribution of authorized increases.* (1) The aggregate fund computed under this section, or any portion thereof, shall be available for adjustments in salaries and other compensation for employees under the jurisdiction of the Salary Stabilization Board. However, no employer shall pay, and no employee shall receive, out of the fund an increase in salary or other compensation in excess of the authorized net percentage available under this section, unless such excess is paid to restore historical or customary differentials in the company between the compensation of foremen and supervisors in positions comparable to foremen and employees supervised by them or to remove existing inequities in the compensation of employees or groups of employees subject to the jurisdiction of the Salary Stabilization Board.

(2) To the extent that the aggregate fund computed under this section has not been otherwise distributed, any part of the balance may be made part of the bonus fund authorized by General Salary Stabilization Regulation 2 or by General Salary Order 12 and paid by way of bonuses.

(3) Any increase in salaries and other compensation authorized by this section shall not be chargeable against the ten (10) percent general increase available to an employer for increases in salaries and other compensation under section 22 (a) of this regulation.

(e) *Substitute methods of computation.* In any case in which, because of the employer's payroll practices or for any other reason, the employer is unable to make the computations provided for in paragraphs (b) and (c) of this section, he may apply to the Office of Salary Stabilization for approval of a substitute computation to accomplish substantially the same purpose as the computation provided for in such sections. The Office of Salary Stabilization may approve any such application provided that it finds that the substitute formula is consistent with the computation provided for in, and with the purposes of, this section.

SEC. 42. *Adjustment of inter-plant inequities.* Except as provided in sections 9 and 41 (d), the Office of Salary Stabilization is authorized to approve adjustments in salaries and other compensation of employees subject to the jurisdiction of the Salary Stabilization Board in order to correct inter-plant inequities in a manner consistent with the general policies of the Salary Stabilization Board and based upon industry or area practice and other pertinent factors.

SEC. 43. *Tandem salary increases.* (a) As used in this section 43, the term "tandem relationship" means a well established and maintained practice whereby the timing, amount and nature of general adjustments in the salaries and other compensation of employees in a given group have been directly related to the salaries and other compensation of another group of employees of the same employer or of other employers, including a group of employees under the jurisdiction of the Wage Stabilization Board.

(b) *Approval of adjustments to restore tandem relationships.* The Office of Salary Stabilization is authorized to approve applications for approval of adjustments required to restore tandem relationships which have been disrupted. Such applications shall contain (1) proof of a tandem relationship, including a statement of how adjustments in the group involved have been related, in the past five years, to the adjustments in the group with which the tandem relationship is claimed; (2) an explanation of the circumstances which have disrupted the tandem relationship; and (3) such other supporting data as the applicant may deem pertinent.[1] If the tandem relationship has existed for less than five years, the application for approval shall set forth the circumstances in full.

SEC. 44. *Compensation for regularly extended workweek.*—(a) *Scope of this section.* This section applies to additional compensation which may be paid to employees for hours worked in excess of a normal workweek.

(b) *Maintenance of past practices.* An employer who on or prior to January 25, 1951, had a plan or practice of paying employees under the jurisdiction of the Salary Stabilization Board additional compensation for hours worked in excess of a normal workweek may continue to pay additional compensation to such employees in accordance with such plan or practice.

(c) *New practices.* (1) An employer who on or prior to January 25, 1951, did not have a plan or practice of paying employees additional compensation for hours worked during a regularly extended workweek in excess of the normal workweek may pay such compensation, without prior approval of the Office of Salary Stabilization, provided that the employee is in one of the following categories:

(i) A foreman or a supervisor in a position comparable to a foreman.

(ii) An employee whose compensation is so related to, or whose work is so associated with, that of employees in the categories referred to in subdivision (i) of this subparagraph or with other employees properly receiving extended workweek compensation, as to make the payment of such additional compensation necessary to maintain customary differentials in compensation or to avoid intraplant inequities.

(2) The Office of Salary Stabilization is authorized to approve applications to pay additional compensation for hours worked during a regularly extended workweek in excess of the normal workweek to employees under the jurisdiction of the Salary Stabilization Board (except corporate officers, other executive and administrative employees having company-wide responsibilities and outside salesmen), if the application clearly indicates that the payment of such compensation is:

(i) In accordance with industry or area practice; or

(ii) Required to remedy or prevent intraplant inequities; or

(iii) Required to remedy or prevent undue hardship in the case of individual employees; or

(iv) Necessary to restore or continue historical relationships and customary compensation differentials among groups of employees.[1]

(3) This paragraph does not apply to an employee who is not subject to a regularly scheduled work period.

(d) *Definition of regularly extended workweek.* The term "regularly extended workweek" means additional hours of employment, which have been approved for an employee by a duly authorized superior, and which are in excess of the normal practice applying to such employee or to the position which he occupies. Although the number of additional hours of employment may vary from week to week, the term refers to a substantial period of time during which the employee's workweek is to be regularly extended in order to cope with increased work loads. The term does not include iregular or occasional additional work inherent in the requirements of the position or which has not been required by proper supervisory authority.

(e) *Rate of extended workweek compensation.* Additional compensation authorized for any employee under paragraph (c) of this section shall not be paid at a rate in excess of his straight-time rate without prior approval of the Office of Salary Stabilization.

(f) *Records to be maintained.* In addition to the record-keeping requirements of Article X, an employer paying extended workweek compensation shall maintain records indicating the hours actually scheduled on a regularly extended workweek, and the number of such hours actually worked by each employee.

ARTICLE V—MERIT AND LENGTH OF SERVICE INCREASES

SEC. 51. *General provisions*—(a) *Definitions.* (1) The term "established salary range" means a scale of salaries for a position or classification with minimum and maximum salaries which are either clearly designated or are established by specific formula contained in a written schedule in effect on January 25, 1951, or subsequently established in accordance with the appropriate provisions of this or other applicable wage or salary stabilization regulations or written determinations of the Office of Salary Stabilization or, prior to May 10, 1951, of the Wage Stabilization Board. Each range is defined by a minimum and a maximum salary and may be expressed as the spread between the two, or it may be expressed by a series of specific salaries between the minimum and maximum.

(2) The term "salary range method of payment" means the determination of individual salaries in accordance with an established salary range, based on merit or length of service or a combination of the two.

(3) The term "personal or random method of payment" for a group of employees means the method of payment employed for such employees in the absence of the salary range method of payment.

(b) *Applicability to revised salary schedules.* This Article V shall apply only to salaries, salary ranges and salary plans in effect on January 25, 1951, or thereafter specifically approved or authorized under applicable general wage or salary stabilization regulations.

(c) *Increases shall not justify price increases.* Salary adjustments made under this Article V shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, and employers making such adjustments shall be deemed to have made a representation to that effect.

SEC. 52. *Merit and length of service increases under the salary range method of payment.* Subject to the provisions of paragraph (e) of this section, merit or length of service increases in the salaries of individual employees may be made without approval by the Office of Salary Stabilization in accordance with the provisions of paragraphs (a) or (b) or (c) of this section.

(a) *The past practice option.* Under this option, the total amount of all merit and length of service increases combined that may be granted in the current calendar year to an appropriate group of employees in positions or classifications with established salary ranges, expressed as a percentage of the total base compensation, shall not exceed the corresponding percentage so granted in 1950. The amount that may be granted under this option shall be computed as follows:

(1) Select the payroll period in the calendar year 1950 in which the total number of employees in the appropriate group was nearest to the average for the year.

(2) Total the base compensation for the selected period of all the employees in the appropriate group. This total may be expressed as a weekly, monthly or other figure in accordance with past payroll practice.

(3) Total the merit and length of service increases combined which were granted to employees in the group in the calendar year 1950. This total shall be expressed on the same basis (weekly, monthly, etc.) as in subparagraph (2) of this paragraph.

(4) Express the increase granted as determined in subparagraph (3) of this paragraph as a percentage of the total base compensation as determined in subparagraph (2) of this paragraph.

(5) Total the base compensation of employees in the appropriate group for the payroll period ending nearest January 15 of the current calendar year and apply the percentage computed in subparagraph (4) of this paragraph to this total. The resulting figure is the total dollar amount which may be granted for merit and length of service increases in the current calendar year.

(6) If base compensation has increased during the course of the current calendar year, a larger fund for merit and length of service increases may be

[1] For particular data to be furnished, see instructions accompanying OSS Form 300.

obtained by averaging the totals of the base compensation for the payroll periods ending nearest the 15th of each elapsed month of the year and applying the percentage computed in subparagraph (4) of this paragraph to this average.

In distributing this amount, no employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification. All merit or length of service increases, including those granted to employees who thereafter quit or were thereafter promoted, transferred, or otherwise separated from their position or classification, shall be charged against the allowable total. Increases granted to temporary and part-time employees, trainees and those employed on a trial basis and increases resulting from promotions or transfers of employees shall not be charged against the allowable total.

(b) *The six (6) percent option.* Under this option, the total amount of all merit and length of service increases combined that may be granted in the current calendar year to an appropriate group of employees in positions or classifications with established salary ranges shall not exceed six (6) percent of the total of the base compensation of such employees. The amount that may be granted under this option shall be computed as follows:

(1) Total the base compensation for the payroll period ending nearest January 15 of the current calendar year of all the employees in the appropriate group. This total may be expressed as a weekly, monthly or other figure, in accordance with past payroll practice. Six (6) percent of this figure is the total dollar amount which may be granted for merit and length of service increases in the current calendar year.

(2) If base compensation has increased during the course of the year, a larger fund for merit and length of service increases may be obtained by averaging the totals of the base salaries for the payroll periods ending nearest the 15th of each elapsed month of the year and applying the six (6) percent to this average.

In distributing this amount, no employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification. All merit or length of service increases, including those granted to employees who thereafter quit or were thereafter promoted, transferred or otherwise separated from their jobs, shall be charged against the allowable total. Increases granted to temporary and part-time employees, trainees and those employed on a trial basis and increases resulting from promotions or transfers of employees shall not be charged against the allowable total.

(c) *The established salary plan option.* An established salary plan is one which meets the following tests:

(1) It must have been contained on January 25, 1951, either in a written statement of policy or procedure, or in a written notice that had been furnished to or posted for the employees or in some combination of these documents, or subsequently approved under the provisions of this or other applicable wage or salary stabilization regulations, or written determinations of the Office of Salary Stabilization or, prior to May 10, 1951, of the Wage Stabilization Board; and

(2) It must contain a schedule of salary ranges with clearly designated minimum and maximum rates for each position or classification; and

(3) In accordance with the normal operation of the plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at or before the time the increase is granted; and

(4) It must set forth maximum amounts or maximum percentages of merit or length of service increases which may normally be made.

Merit or length of service increases may be granted in accordance with the terms of an established plan to the employees covered by it, provided:

(i) No employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification.

(ii) Notwithstanding contrary provisions of an esablished plan, merit or length of service increases shall not be granted in advance of otherwise normal minimum time intervals or in excess of otherise normal maximum amounts or maximum percentages.

(d) *Records and reports concerning salary ranges revised between June 24, 1950, and January 25, 1951.* If (1) the maximum salary of a position or classification or salary grade was increased or first established in the period June 24, 1950, to January 25, 1951, and (2) the amount of the increase in the maximum salary was greater than the amount of increase granted at the time to any incumbent in the position or classification or salary grade, and (3) the maximum of such salary range was on January 25, 1951, more than 15 percent above the highest salary paid to any employee in such position or classification or salary grade in the period January 1, 1950, to January 25, 1951, the employer, shall keep available, for such inspection and the filing of such reports as may be authorized or required by the Office of Salary Stabilization, records showing the salary range together with the highest salary within that salary range actually being paid to incumbents on January 25, 1951. If such records are kept, merit or length of service increases may continue to be granted within this salary range unless and until the Office of Salary Stabilization, within three years after such salary range was increased or first established, disappproves or modifies it with respect to increases thereafter.

(e) *Over-all limitation on merit and length of service increases.* Notwithstanding anything in this section to the contrary, the total dollar amount of all merit and length of service increases combined that may be granted in any calendar year to all employees subject to the jurisdiction of the Salary Stabilization Board shall in on event exceed six (6) percent of the total of their base compensation during such year.

SEC. 53. *Merit or length of service increases under the random or personal method of payment.* (a) It is recognized that in many companies the positions of employees subject to the jurisdiction of the Salary Stabilization Board do not have formal salary ranges contained in written schedules in effect on January 25, 1951, but on that date:

(1) A diversity of salaries was paid to incumbents; or

(2) All the incumbents happened to be paid the same salaries although there was a practice in effect of granting merit or length of service increases; or

(3) There was only one employee in a classification in which it has been the practice to make merit or length of service increases; or

(4) Salary schedules were in existence which set forth minimum salaries above which merit or length of service increases have been granted.

(b) An employer with such a personal or random method of payment for a group of employees may make merit or length of service increases to such employees without approval by the Office of Salary Stabilization within the following limitations:

(1) The total dollar amount of all merit and length of service increases combined that may be granted in the current calendar year to employees in a group, expressed as a percentage of the total of their base compensation, shall not exceed six (6) percent (computed as in section 52 (b) of this regulation) and

(2) The maximum increases granted to any one employee shall not exceed ten (10) percent of his base compensation.

ARTICLE VI—PROMOTIONS AND CHANGES IN POSITION

SEC. 61. *Promotions or transfers to higher or lower paid positions.* (a) When a bona fide promotion or transfer of an employee to a higher paid position is made and the employee is required to perform the normal duties of such position, the employee's salary may be increased subject to the following limitations:

(1) If the position to which the employee is promoted or transferred has a salary range, the salary within the range to which he may be increased shall be governed by the practices or policies set forth in a written statement of policy or procedure in actual operation on January 25, 1951. If such written statement did not exist or it did not contain specific policies or practices governing the salary to which a newly promoted or transferred employee may be increased, the employee may be increased to a salary corresponding to his ability, experience and training, provided such salary is not in excess of the salary paid to the employee having the most nearly comparable duties and responsibilities, as established by relevant records. Such increase shall not be deemed a merit or length of service increase if made within 90 days after the promotion or transfer. In no event shall the employee's salary be increased to a salary in excess of the maximum of the salary range of the classification to which he is promoted or transferred.

(2) An employee in or promoted or transferred into a group with the personal or random method of payment may be promoted or transferred to a higher paid position and increased to a salary corresponding to his ability, experience and training, provided such salary is not in excess of the highest salary paid to the employee having the most nearly comparable duties and responsibilities, as established by relevant records. Such increase shall not be deemed a merit or length of service increase if made within 90 days after the promotion or transfer.

(b) (1) Except as provided in subparagraph (2) of this paragraph, an employee permanently transferred to a lower paid position shall be paid no more than the maximum salary for such position. Such transfer shall be deemed permanent if the employee remains in the lower paid position for more than 90 days.

(2) If an employee has been in a higher paid position for at least three (3) years and is transferred or demoted to a lower paid position, the employer may pay to such employee a salary not in excess of his salary in the previous position.

(c) In the case of increases in compensation made as the result of promotions or transfers, there shall be attached to the payroll or personnel records of the employer a supporting certificate sworn to by an officer of the corporation, or if the employer is a partnership, by one of the partners, or if a sole proprietorship, by the proprietor. Such certificate shall in each case state that the promotion or transfer which has resulted in the increase in compensation is a bona fide promotion or transfer and the pertinent facts supporting that conclusion. Such certificate shall be made at the time of the promotion or transfer or at least once a month with respect to all employees promoted or transferred during the preceding month.

SEC. 62. *Salaries for new employees.* The following limitations apply to the salaries of new employees:

(a) A new employee may not be hired at a salary exceeding the minimum of the established salary range of the classification into which he is hired, except that a new employee with more than the minimum ability, experience and training required for the classification into which he is hired may be hired at a salary within the established salary range corresponding to his ability, experience and training, or he may be hired at a lower salary and subsequently increased to a salary corresponding to his ability, experience and training within a period not to exceed 120 days, but in no event shall he be paid a salary higher than the maximum of the salary range of the classification into which he is hired. Such increases shall not be deemed merit or length of service increases.

(b) An employee hired into a group with the personal or random method of payment may be hired at a salary corresponding to his ability, experience and training, provided such salary is not in excess of the salary paid to the employee having the most nearly comparable duties and responsibilities as established by relevant records, or he may be hired at a lower salary and subsequently increased within a period not to exceed 120 days to a salary corresponding to his ability, experience and training, but not in excess of the salary paid to an employee having the most nearly comparable duties and responsibilities. Such increases shall not be deemed merit or length of service increases.

SEC. 63. *Salaries for new or changed positions.* (a) Salaries for new or changed positions may be established in accordance with the methods and principles in effect on January 25, 1951, for maintaining a balanced relationship between the salaries for the various positions and jobs in the company; or if no such system was in effect on that date the salaries established for the new or changed positions must be related to salaries for the most nearly comparable positions, making proper allowances for the difference, if any, in the requirements of knowledge, skills, duties, responsibilities or other factors normally taken into account. Slight or inconsequential changes in duties or responsibilities shall not provide the basis for establishing new classifications, salaries or salary ranges, nor justify changes in existing classifications, salaries or salary ranges.

(b) In the case of each new or changed position, there shall be attached to the payroll or personnel records of the employer a supporting certificate sworn to by an officer of the corporation, or if the employer is a partnership, by one of the partners, or if a sole proprietorship, by the proprietor. Such certificate shall in each case state that the new or changed position is necessary to the operations of the company and has been established in good faith and the pertinent facts supporting that conclusion. Such certificate shall be made at the time of the creation of such new or changed position, or at least once a month with respect to all new or changed positions created during the preceding period.

SEC. 64. *Salary reductions not required for transferred employees.* Notwithstanding any other provision of this Article VI, an employee regularly employed at a plant of an employer and who was actually employed in good faith for the purpose of working at such plant may be transferred to a similar or comparable position in another plant of the same employer without reduction in salary or other compensation, and any such transferred employee may continue to be paid in accordance with the authorized plans or practices of the employer applicable to the position in the plant from which he was transferred.

ARTICLE VII—NEW OR MODIFIED SALARY SCHEDULES OR PLANS

SEC. 71. *Prerequisites for approval of new salary plans or modifications of existing salary plans.* (a) A new salary plan or modification of an existing salary plan governing individual salary increases relating either to existing plants or to a new plant, as such term is defined in section 81 of this regulation, either of an existing or of a new employer, may be approved by the Office of Salary Stabilization. Such a plan must include:

(1) Description of each position or classification.

(2) The grouping of positions into grades, if any.

(3) Salary range for each position or classification.

(4) Specified limits for increases.

(5) The time or times for review for the purpose of merit or length of service increases.

(b) The Office of Salary Stabilization is authorized to approve new salary plans or modifications of existing salary plans in the light of the employer's past practice and of relevant practice in the industry, occupation or area, as may be appropriate. Adequate data in support of the application must be submitted by the applicant.

SEC. 72. *Extension of existing merit or length of service increase plans or practices to new plants of an employer.* An employer may extend existing merit or length of service plans or practices to a new plant, as such term is defined in section 81 of this regulation, by granting merit and length of service increases in accordance with the methods and practices authorized by this regulation and applicable at the most nearly comparable plant of such employer.

ARTICLE VIII—SALARY SCHEDULES FOR NEW PLANTS

SEC. 81. *Definitions.* The term "new plant" means a plant, enterprise, or other employment unit, which on January 25, 1951, had not commenced the production of the materials or services for which it is established or converted.

SEC. 82. *Criteria for establishing rates of salaries in new plants.* The following criteria shall be applied in determining and evaluating a schedule of rates of salaries in new plants:

(a) In a new plant of an existing enterprise, established at the same location, the rates of salaries for the jobs in the new plant shall be the same as the lawful rates for the same or comparable jobs in the existing enterprise.

(b) In all other cases the schedule of rates for the new plant shall not exceed:

(1) Rates for the same or comparable jobs in the same industry in the same local labor market area, or, if none,

(2) Rates for the same or comparable jobs in a comparable industry in the same local labor market area, or, if none,

(3) Rates for the same or comparable jobs in the same industry located in the most nearly comparable labor market area.

(c) For the purposes of paragraph (b) of this section, where only the comparable rates for key jobs are available in a given labor market, such rates may be selected, and the schedule may be constructed by interpolation with proper relationships between the rates of other jobs and the rates of the key jobs.

SEC. 83. *Procedures for establishing rates of salaries in new plants.* (a) A new plant shall file with the Office of Salary Stabilization a report containing the following:

(1) A statement of the facts relied upon to support the conclusion that it is a new plant; and

(2) A schedule of the rates of salaries which are in effect for each job classification; and

(3) A statement explaining how the criteria specified in section 82 have been applied in determining the rates of salaries.[1]

(b) The report required by paragraph (a) of this section must be filed at least three weeks prior to the proposed date for hiring employees. If, after submitting the report, the employer receives no communications pertinent thereto from the Office of Salary Stabilization, the rates may be put into effect, subject to the condition, which shall be communicated by the employer to all employees affected by the schedule, that the rates are interim rates payable pending receipt of a ruling as to their approvability and subject to adjustment with respect to payroll periods beginning after the date of receipt by the employer of any ruling of partial disapproval.

SEC. 84. *Requests for modification.* The Office of Salary Stabilization, in accordance with regulations or statements of policy issued by the Salary Stabilization Board, will consider requests for modification of the criteria specified in section 82 where the application of such criteria with respect to the internal structure of a salary schedule or with respect to supplemental compensation practices would be unworkable or would cause undue hardships in the circumstances of the particular case. Such requests should be accompanied by a full and clear statement of the circumstances on which the request is based. Terms of compensation not in accordance with section 82 may not be put into effect without prior authorization by the Office of Salary Stabilization.

ARTICLE IX—AUXILIARY PAY PRACTICES

SEC. 91. *Auxiliary pay practices authorized.* Operation of any of the following plans or practices may continue if such plan or practice was in effect on or before January 25, 1951, and the method of application is consistent with the method of application over a reasonable period of time prior to January 25, 1951.

(a) The normal operation or application of incentive rates or plans; or

(b) Change from one shift to another; or

(c) Vacations, holidays or time off with pay; or

(d) Severance or termination pay; or

(e) Other similar auxiliary pay practices.

ARTICLE X—ADMINISTRATIVE PROVISIONS

SEC. 101. *Record-keeping required.* (a) An employer making an adjustment in salary or other compensation authorized by salary stabilization regulations or any written determination of the Office of Salary Stabilization shall keep his records in such manner as to be able readily to identify:

(1) The name and position of each employee to whom an adjustment was granted;

(2) The payroll period for which the adjusted salary or other compensation was first paid;

(3) If such adjustment was granted retroactively, the payroll period as of which it was granted;

(4) The salary and other compensation of the employee prior to and subsequent to the adjustment and the amount of the adjustment;

(5) The type of increase (such as "ten percent increase", "merit or length of service increase", "inter-plant inequity"), or the date of the written determination of the Office of Salary Stabilization if the adjustment was made pursuant to such written approval;

(6) The certificates covering promotions and transfers required under sections 61 and 63;

(7) The new positions created, the number of employees involved and aggregate sums paid to such employees.

(b) In addition to the requirements set forth in paragraph (a) of this section, if the adjustment in salary or other compensation is made under a provision of any salary stabilization regulation which permits increases as a percentage of compensation (e. g., 10 percent increases under section 22 of this regulation, merit or length of service increases made in accordance with a percentage formula, authorized net percentage increases under section 41 of this regulation), a record shall be prepared in the form of a separate summary statement stating the type of adjustment for each group and summarizing for each group of employees the calculation thereof. This statement shall summarize the computations on which the employer based his adjustments and shall include the following data:

(1) A description of the employee group to which the increase was granted;

(2) The amount initially available to the group, for adjustments in salaries and other compensation, on a per payroll period calendar year or other basis, whichever may be applicable;

(3) The amount which has already been used at the time the adjustment is made; and

(4) The amount, if any, remaining available, after the adjustment is made.

(c) The initial summary statement, required to be prepared on or before May 14, 1952, shall be kept current on a quarterly basis. This statement shall be certified to by an officer of the corporation, or if the employer is in partnership, by one of the partners, or, if a sole proprietorship, by the proprietor, or by an individual designated for the purpose by such officer, partner or proprietor. Certification is not required for any quarter in which no adjustments have been made. The summary statement shall be kept by the employer as a part of his business records for the purposes of this section.

(d) If any adjustment in the salary or other compensation of an employee, authorized under salary stabilization regulations or under any determination of the Office of Salary Stabilization, is based upon a written plan or procedure of the employer relating to the compensation of his employees, a copy of such plan or procedure shall be made a part of the records required by this section.

(e) The employer shall keep the records required by this section in such manner as shall clearly show the required data and so that he can readily demonstrate compliance with the applicable salary stabilization regulations or written determinations of the Office of Salary Stabilization. If such data are clearly shown by his payroll or personnel records, such records shall be sufficient.

(f) The records and summary statement required by this section shall be kept accessible for inspection authorized by the Office of Salary Stabilization or any governmental department or agency concerned therewith and the summary statement shall be kept available for filing if directed by the Office of Salary Stabilization.

(g) The records and summary statements required by this section shall be preserved as long as the Defense Production Act of 1950, as heretofore or hereafter amended, is in effect and for a period of two years thereafter.

2. *Certain regulations and orders superseded.* The following general salary stabilization regulations and general salary orders are hereby superseded:

(a) General Salary Stabilization Regulation 3, adopted on September 12, 1951, as amended.

(b) General Salary Order 1, dated August 3, 1951.

(c) General Salary Order 2, dated September 28, 1951.

(d) General Salary Order 3, dated October 12, 1951.

(e) General Salary Order 5, dated October 29, 1951.

(f) General Salary Order 6, dated October 30, 1951, as amended.

(g) General Salary Order 10, dated January 30, 1952.

3. *General Salary Stabilization Regulation 1, Revised, rescinded.* General Salary Stabilization Regulation 1, Revised, dated October 30, 1951, as amended, is rescinded.[2]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board this 22nd day of July, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 13, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9223; Filed, Aug. 18, 1952; 11:53 a. m.]

[1] For particular data to be furnished, see instructions accompanying OSS Form 300.

[2] This regulation has never become effective. See 16 F. R. 12981 (1951), 17 F. R. 662 (1952).

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-94, Revocation]

M-94—SULFURIC ACID

REVOCATION

NPA Order M-94 (17 F. R. 31) as amended February 28, 1952 (17 F. R. 1825), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under NPA Order M-94, nor deprive any person of any rights received or accrued under that order prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation shall take effect August 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9219; Filed, Aug. 18, 1952; 10:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1831]

PART 146—EXCHANGES OF PRIVATELY OWNED LANDS UNDER TAYLOR GRAZING ACT

DETERMINATION OF VALUES; PUBLICATION OF NOTICE OF EXCHANGE

In order to make clear the fact that a decision directing publication of notice of a private exchange is not a final determination of any material fact, § 146.3 (b) is amended to read as follows:

§ 146.3 *Determination of values; publication of notice of exchange.* • • •

(b) The authorized officer, if he has no basis to determine that the value of the selected land exceeds the value of the offered lands, that the exchange is not in the public interest, or that there is other reason not to do so, shall direct publication of the notice of exchange in the newspaper or newspapers designated by him, and require the applicant to submit proof of publication and comply with the provisions of §§ 146.4, 146.5 and 146.7. However, until patent to the selected land is issued, the authorized officer may at any time determine that the exchange should not be completed, and the applicant has no contractual or other rights against the United States, and no action taken will create any contractual or other obligation of the United States other than an obligation to pay one-half the cost of publication.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

AUGUST 13, 1952.

[F. R. Doc. 52-9090; Filed, Aug. 18, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket Nos. 8736, 8975, 8976, 9175]

PART 3—RADIO BROADCAST SERVICES

MAIN STUDIO LOCATION

In the matters of amendment of § 3.606 of the Commission's rules and regulations, Docket Nos. 8736 and 8975; amendment of the Commission's rules, regulations and Engineering Standards Concerning the Television Broadcast Service, Docket No. 9175; utilization of frequencies in the band 470 to 890 Mcs. for Television Broadcasting, Docket No. 8976.

The Commission has before it for consideration a petition filed by WSIX Broadcasting Station requesting that the Commission reconsider its Sixth Report and Order and repeal or modify § 3.613 of the Commission's rules and regulations which provides as follows:

§ 3.613 *Main studio location.* (a) The main studio of a television broadcast station shall be located in the principal community to be served.

(b) In cases where a showing is made that, due to the existence of unusual circumstances, compliance with the provisions of paragraph (a) of this section will result in severe and undue hardship, the Commission will give consideration to the use of a main studio location other than that specified above. The licensee or permittee of a television broadcast station shall not move his main studio outside the borders of the community in which it is located without first securing a modification of construction permit or license. Such licensee or permittee shall notify the Commission promptly of any change in the location of the main studio within the community.

Petitioner argues that the term "main studio" is not defined in § 3.613 and that no method is provided for determining the geographical limits of the "principal community to be served." In addition, petitioner argues that there is no reason for the designation of any of the studios of a television station as a "main studio." It is claimed that there is no basis for assuming any correlation between the location of such a studio within any arbitrary political boundary line and its utility for effectuating an applicant's program proposals. Petitioner asserts that "the requirements of producing live television programs are such that studio facilities located outside city boundary lines may well be much better adapted to the purpose and more efficient than studios located within such boundary lines. Section 3.613 does not permit any showing as to the suitability or superiority of a location outside as compared to a location within whatever artificial boundary the Section is intended to describe and, in a case where the location outside a city line is superior to one inside, imposes a burden of showing severe and undue hardship before an application will be authorized to provide a superior public service. This, on its face, is arbitrary and unreasonable."

Finally, petitioner requests that if the Commission should decide to provide a new rule in place of § 3.613 "then in view of the fact that § 3.613 was adopted without notice or opportunity to be heard, no such substitute rule should be adopted until after appropriate notice and opportunity to be heard has been afforded interested parties."

As we view it, the substance of petitioner's argument is that the only requirements which the Commission may properly establish with respect to the location of a main studio relate to the ability of an applicant to carry out its program proposals. It is in effect claimed that aside from such requirements such other requirements as are imposed by § 3.613 are unnecessary and arbitrary.

The Commission has for many years had as part of its broadcasting rules, provisions with respect to location of main studios. The basis and purpose of these rules is set out in the Commission's decision in Docket 8747 issued December 4, 1950. The Commission there said:

> We have consistently held that the term "radio service" as used in section 307 (b) comprehends both transmission and reception service. Transmission service is the opportunity which a radio station provides for the development and expression of local interests, ideas, and talents and for the production of radio programs of special interest to a particular community. Reception service on the other hand is merely the presence in any area of a listenable radio signal. It is the location of the studio rather than the transmitter which is of particular significance in connection with transmission service. A station often provides service to areas at a considerable distance from its transmitter but a station cannot serve as a medium for local self expression unless it provides a reasonably accessible studio for the origination of local programs.
>
> In large portions of the United States today reception service is reasonably satisfactory. There are many communities, however, some of considerable size, which still do not have adequate radio outlets for local self expression. Thus, in recent years transmission service has become an increasingly significant factor in the application of section 307 (b); and a considerable number of the Commission's decisions with respect to competing applications have turned upon the question of which proposal would provide the more needed transmission service.
>
> It is apparent that section 307 (b) and the Commission's efforts to apply it may be largely frustrated if, after a station is licensed for the purpose of providing both reception and transmission service to a particular community, it removes its main studio to a distant point and originates all or substantially all of its programs in a city or town other than that which it was licensed to serve. Such action on the part of the station may substantially cut away the basis of the Commission's decision authorizing the establishment of the station.
>
> In the Matter of the Promulgation of Rules and Regulations concerning the origination point of programs of standard and FM Broadcast Stations. Docket No. 8747, December 4, 1950.

The philosophy expressed in this decision with respect to the AM and FM services is equally applicable to the television service.

A basic purpose of the Commission's television assignment plan is the fur-

nishing of local television service to individual communities. That service consists of two basic elements. First, the transmission of a television signal; second, and equally important is the availability of a local television facility to the community. The location of the main studio of a broadcast station is directly related to the manner in which a station fulfills its obligation to serve the needs and interests of the community which it is licensed to serve. The members of the public frequently identify a television broadcast station with the studio of that station. They are required usually to come to that studio in important dealings with the station. The accessibility of the broadcast station's main studio may well determine in large part the extent to which the station (1) can participate and be an integral part of community activities and (2) can enable members of the public to participate in live programs and present complaints or suggestions to the station.

It was in recognition of these considerations that the Commission in 1945 established the following rules with respect to the location of the main studios of television broadcast stations.

§ 3.603 *Community stations.* • • •

(c) The main studio of a community station shall be located in the city or town served and the transmitter shall be located as near the center of the city as practicable.

§ 3.604 *Metropolitan stations.* • • •

(c) The main studio for metropolitan stations shall be located in the city or metropolitan district with which the station is associated and the transmitter should be located so as to provide the maximum service to the city or metropolitan district served.

§ 3.605 *Rural stations.* • • •

(c) The main studio of rural stations shall be located within the 500 uv/m contour.

These rules remained in effect from 1945 to April 14, 1952 when the Commission issued its Sixth Report and Order. The extensive changes in the Commission's rules with respect to television broadcast stations effected in the Sixth Report and Order made it necessary to revise the then existing rules with respect to the location of the main studios of television broadcast stations. It should be noted that in establishing § 3.613 the Commission in effect liberalized the then existing rules by making it possible for the main studio of television broadcast stations to be located outside of the principal community to be served.

With respect to the determination of the geographical limits of the "principal community" we have herein further defined this term in accordance with our action of June 20, 1952 (FCC 52-619). We do not believe that the term "main studio" requires further definition. We recognize, however, that occasions may arise where the location of the main studio of a television broadcast station outside the boundaries of the principal community to be served will not be inconsistent with operation in the public interest. We have accordingly upon reconsideration of the Sixth Report and Order amended § 3.613 to permit the establishment of the main studio of a television broadcast station outside the principal community to be served where an adequate showing is made that there is good cause for so locating the main studio and that to do so would not be inconsistent with the operation of the station in the public interest. *Accordingly, it is ordered,* That § 3.613 is amended as follows:

§ 3.613 *Main studio location.* (a) The main studio of a television broadcast station shall be located in the principal community to be served. Where the principal community to be served is a city, town, village or other political subdivision, the main studio shall be located within the corporate boundaries of such city, town, village or other political subdivision. Where the principal community to be served does not have specifically defined political boundaries, applications will be considered on a case-to-case basis in the light of the particular facts involved to determine whether the main studio is located within the principal community to be served.

(b) In cases where an adequate showing is made that there is good cause for locating a main studio outside the principal community to be served and that to do so would not be inconsistent with the operation of the station in the public interest, the Commission will permit the use of a main studio location other than that specified in paragraph (a) of this section. The licensee or permittee of a television broadcast station shall not move his main studio outside the principal community in which it is located without first securing a modification of construction permit or license. Such licensee or permittee shall notify the Commission promptly of any change of the location of the main studio within the community. In any case where the main studio is located outside the principal community to be served, the licensee or permittee of a television broadcast station shall not move his main studio without first securing a modification of construction permit or license.

In view of the fact that our action herein relieves an existing restriction, it is ordered that the foregoing revision of § 3.613 is adopted forthwith.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

Adopted: August 6, 1952.

Released: August 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9121; Filed, Aug. 18, 1952; 8:52 a. m.]

[Docket No. 10231]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 14—STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

NOTICE OF ERRATA

In the matter of amendment of Parts 7, 8, and 14 of the Commission's rules concerning assignment of frequencies in the bands 14–150 kc, 150–300 kc and 200–535 kc, and amendment of the rules concerning the assignment of frequencies between 10 kc and 25,000 kc to coast stations using telegraphy; Docket No. 10231.

The order in the above-entitled proceeding, dated August 6, 1952, should be corrected by making the following change in the Appendix attached thereto:

The amendment relating to section "7.206 (a) (7)" should refer to "7.206 (b) (7)".

Released: August 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9120; Filed, Aug. 18, 1952; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 4—FILING OF CONTRACTS BY COMMON CARRIERS SUBJECT TO PART I OF THE INTERSTATE COMMERCE ACT

At a general session of the Interstate Commerce Commission held at its offices in Washington, D. C., on the 5th day of August A. D. 1952.

Section 6 (5) of the Interstate Commerce Act being under consideration; and

It appearing, that the filing with the Commission by common carriers subject to Part I of the act, of copies of contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this part to which it may be a party is required by section 6 (5) of the act;

And it further appearing, that section 6 (5) provides "that the Commission, by regulations, may provide for exceptions from the requirements of this paragraph in the case of any class or classes of contracts, agreements, or arrangements, the filing of which, in its opinion, is not necessary in the public interest," and that compliance with the notice and other procedures of section 4 of the Administrative Procedure Act for the granting of relief as provided in said section 6 (5) is unnecessary: It is ordered, that:

§ 4.1 *Filing of contracts, agreements, or arrangements with other common carriers.* Common carriers subject to Part I of the Interstate Commerce Act are hereby relieved from the provisions of section 6 (5) of said act requiring the filing with the Commission of copies of all contracts, agreements, and arrangements with other common carriers, except that common carriers subject to Part I of said act shall file with the Commission copies of all such contracts, agreements, and arrangements as shall have been or may hereafter be required to be filed by order, rule or regulation of the Commission, including any requirement contained in any annual or other report form.

The Commission reserves the right to modify this regulation upon appropriate notice, at any time in the future, by enlarging or reducing the specifications contained herein, and this regulation is subject to the further condition that the carrier promptly furnish upon request of the Commission, or any bureau thereof, a copy of any contract, agreement, or arrangement as may be requested by such bureau or Commission.

It is further ordered, that notice of this order be given to common carriers subject to Part I of the act by posting a copy in the office of the Secretary and by filing a copy with the Director, Division of the Federal Register.

It is further ordered, that this order shall become effective September 15, 1952.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 5, 63 Stat. 486; 49 U. S. C. Sup. 6)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9104; Filed, Aug. 18, 1952; 8:49 a. m.]

[Ex Parte 52]

PART 5—DIVISIONS OF JOINT RATES APPLICABLE TO RAILWAY FUEL

The Commission promulgated regulations which required the filing with the Commission of division sheets or statements showing divisions of joint rates applicable to railway fuel coal in its order of December 22, 1915, the effectiveness of which was postponed by orders of February 11, 1916, and March 4, 1916, until May 1, 1916, and also promulgated regulations in its order of February 14, 1916, requiring the filing of division sheets or statements of divisions of joint rates applicable to railway fuel other than coal by May 1, 1916. Copies of these orders, which also required the filing of amendments in and changes to division sheets or statements of divisions of joint rates, were served upon all carriers subject to their requirements. The orders, however, have not heretofore been published in the FEDERAL REGISTER or the Code of Federal Regulations.

The following codified version of these regulations is submitted for inclusion in the Code of Federal Regulations as Part 5 at this time:

Sec
5.1 Filing statements of divisions of joint rates applicable to railway fuel coal and railway fuel other than coal.
5.2 Changes and amendments to division sheets.

AUTHORITY: §§ 5.1 and 5.2 issued under sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12.

§ 5.1 *Filing statements of divisions of joint rates applicable to railway fuel coal and railway fuel other than coal.* Each carrier subject to the act to regulate commerce shall, on or before May 1, 1916, file with the Interstate Commerce Commission division sheets or statements showing the divisions of all joint rates applicable upon shipments of railway fuel coal and railway fuel other than coal as to which it is a party.

§ 5.2 *Changes and amendments to division sheets.* Each such carrier shall file with the Commission, on or before their effective dates, all changes in and amendments to said division sheets or statements, and also all new division sheets or statements which in any wise affect or determine the division of joint rates applicable upon shipments of railway fuel coal and railway fuel other than coal as to which it is a party, together with a statement of facts upon which the carriers rely in justifying any changes in the amounts of such divisions.

Dated at Washington, D. C., this 5th day of August A. D. 1952.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9103; Filed, Aug. 18, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Economic Regulations Draft Release No. 55A]

AIR TAXI OPERATORS; OPERATIONS OVER CERTIFICATED HELICOPTER ROUTES

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING IN RESPONSE TO PETITION

AUGUST 15, 1952.

In the notice of proposed rule making on this matter published in the FEDERAL REGISTER on July 18, 1952 (17 F. R. 6596), it was stated that the Board would consider all relevant matter in communications received on or before August 18, 1952. The Board has been requested by an interested party to extend the date by which comments must be filed with the Board from August 18, 1952 to September 12, 1952. Because of the importance of the proposed rule, the Board desires to give all interested persons sufficient time in which to consider the subject matter thoroughly, so that the Board will have the benefit of complete comments on the proposed rule.

Accordingly, the second sentence of the next to the last paragraph of the aforementioned notice is amended to read as follows: "All relevant matter in communications received on or before September 12, 1952, will be considered by the Board before taking final action on the proposed rule."

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004, 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 52-9263; Filed, Aug. 18, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 10304]

AERONAUTICAL MOBILE SERVICE

ALLOCATION OF CERTAIN FREQUENCY BANDS

In the matter of amendment of Part 2 of the Commisison's rules and regulations concerning the allocation of certain frequency bands to the aeronautical mobile (R) service; Docket No. 10304.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The Atlantic City (1947) Table of Frequency Allocations allocates the following bands of frequencies for the use of the aeronautical mobile (R) service:

Kc	*Kc*
2850–3025	8815–8965
3400–3500	10005–10100
4650–4700	11275–11400
5450–5680	13200–13360
6526–6685	17900–17970

3. One of the factors involved in the clearance of these bands is the necessity for discontinuing use of those non-Government fixed and maritime mobile station assignments which are on frequencies within the aforementioned R bands.

4. As an initial step looking towards the clearance of the R bands the Commission proposes to amend § 2.104 (a) of the Commission's rules and regulations to provide that, as of March 15, 1953, frequencies in the above specified R bands will be available for assignment only in accordance with the Atlantic City Table of Frequency Allocations. Existing assignments in the foregoing R bands may continue in force until such time as formal proceedings are instituted and consummated for their deletion.

5. The proposed amendment to the rules is issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication and Radio Conferences, Atlantic City (1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before September 15, 1952, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Replies to such comments may be filed within ten days from the last date for filing of original comments. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendment.

7. Fifteen copies of each brief or written statement should be filed as required

by § 1.764 of the Commission's rules and regulations.

Adopted: August 6, 1952.

Released: August 7, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9119; Filed, Aug. 18, 1952; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 206]

CLASS I COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

NOTICE OF PROPOSED RULE MAKING

JULY 31, 1952.

The Commission, by Division 1, having under consideration the matter of freight commodity statistics to be compiled and reported by Class I common and contract motor carriers of property, has approved the regulations shown below.

Any interested person may on or before September 30, 1952, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, an order will be entered making the regulations effective January 1, 1953.

Individual returns filed pursuant to these regulations will not be open for public inspection.

§ 206.1 *Freight commodity statistics.* Beginning January 1, 1953, and continuing thereafter until further order of the Commission, all Class I common and contract motor carriers of property subject to Part II of the Interstate Commerce Act, and not hereinafter specifically exempted from the requirements of this part, shall compile and report annually certain freight traffic statistics according to commodity groups and classes named in Appendix I hereto, and in conformity with formal instructions to be included in the appropriate report forms when supplied.

§ 206.2 *Exempt carriers.* Until further order of the Commission those Class I common and contract motor carriers of property which are predominantly engaged in the types of carriage or service indicated in this section will be exempt from the requirements for compiling and reporting freight commodity statistics.

(a) Household goods;
(b) Dump trucking;
(c) Armored truck service;
(d) Film and associated commodities;
(e) Retail store delivery;
(f) Specific commodities not grouped in Classes 1 to 16, inclusive, Schedule 20 of Motor Carrier Annual Report Form A.

§ 206.3 *Items to be reported.* Information respecting truckload shipments shall be compiled and reported for each commodity class named in Appendix I, as follows:

(a) Revenue freight originated:

Terminating with carrier:
Number of shipments;
Number of tons (2,000 pounds);
Freight revenue.

Delivered to another motor carrier:
Number of shipments;
Number of tons (2,000 pounds);
Freight revenue.

(b) Revenue freight received from another motor carrier:

Terminating with carrier:
Number of shipments;
Number of tons (2,000 pounds);
Freight revenue.

Delivered to another motor carrier:
Number of shipments;
Number of tons (2,000 pounds);
Freight revenue.

(c) Total truckload revenue freight:

Number of shipments;
Number of tons (2,000 pounds);
Freight revenue.

§ 206.4 *Truckload traffic defined.* For purposes of this part a truckload shipment shall mean any shipment of not less than 10,000 pounds of a single commodity represented by one of the classes of the Commission's freight commodity classification or any sub-division of such classes which moves on a single bill of lading. It is recognized that more than one shipment of 10,000 pounds will at times move in the same truck but, in compiling the information, each such shipment will be treated as a truckload shipment. Truckload shipments received from or delivered to a carrier other than a motor carrier shall be classified as originating and terminating, respectively, with the reporting carrier.

§ 206.5 *Definitions.* "*Freight revenue*" as used in § 206.3 means the reporting carrier's proportion of the revenue shown on each freight bill without subsequent adjustment for errors in rates, extensions, interline divisions, etc.

[SEAL] W. P. BARTEL,
Secretary.

LIST OF COMMODITY GROUPS AND CLASSES

GROUP I—PRODUCTS OF AGRICULTURE

Class
1. Wheat.
3. Corn.
5. Sorghum Grains.
7. Oats.
9. Barley and Rye.
11. Rice.
13. Grain, N. O. S.
15. Flour, Wheat.
17. Meal, Corn.
19. Flour, Edible, N. O. S.
21. Cereal Food Preparations, N. O. S.
23. Mill Products, N. O. S.
25. Hay.
27. Straw.
29. Tobacco, Unmanufactured.
31. Tobacco Siftings, Sweepings, and Waste.
33. Cotton in Bales.
35. Cotton Linters, Nolls, and Regins.
37. Cottonseed.
39. Cottonseed Oil Cake and Meal.
41. Cottonseed Hulls and Bran.
43. Soybeans.
45. Soybean Oil Cake and Meal.
47. Vegetable and Nut Oil Cake and Meal, N. O. S.
49. Apples, Fresh, Not Frozen.
51. Bananas, Fresh.

GROUP I—PRODUCTS OF AGRICULTURE—con.

Class
53. Berries, Fresh, Not Frozen.
55. Cantaloupes and Melons, N. O. S.
57. Grapes, Fresh.
59. Lemons, Limes, and Citrus Fruits, N. O. S.
61. Oranges and Grapefruit.
63. Peaches, Fresh, Not Frozen.
65. Pears, Fresh, Not Frozen.
67. Watermelons.
69. Fruits, Fresh, N. O. S., Not Frozen.
71. Fruits, Dried, Dehydrated, and Evaporated, N. O. S.
73. Fruits and Berries, Fresh, Frozen.
75. Coffee.
77. Cabbage.
79. Celery.
81. Lettuce.
83. Onions, Dry.
85. Potatoes, Other Than Sweet.
87. Tomatoes.
89. Vegetables, Fresh, N. O. S., Not Frozen.
91. Beans and Peas, Dried.
93. Vegetables, Dried, Dehydrated, and Evaporated, N. O. S.
95. Vegetables, Fresh, Frozen.
97. Peanuts.
101. Sugar Beets.
103. Malt, N. O. S.
105. Flaxseed.
107. Seeds, N. O. S.
199. Products of Agriculture, N. O. S.
(900) Total products of Agriculture.

GROUP II—ANIMALS AND PRODUCTS

201. Horses, Mules, Ponies and Asses.
203. Cattle and Calves, Single-Deck.
205. Calves, Double-Deck.
207. Sheep and Goats, Single-Deck.
209. Sheep and Goats, Double-Deck.
211. Swine, Single-Deck.
213. Swine, Double-Deck.
215. Meats, Fresh, N. O. S.
217. Meats, Cooked, Cured, Dried, and Smoked.
219. Packing House Products, Edible, N. O. S.
221. Margarine, N. O. S.
223. Poultry, Live.
225. Poultry, Dressed and Frozen.
227. Eggs.
229. Butter.
231. Cheese.
233. Dairy Products, N. O. S.
235. Wool and Mohair in Grease.
237. Wool and Mohair, N. O. S.
239. Hides, Skins, and Pelts, N. O. S.
241. Leather, N. O. S.
243. Sea Food, N. O. S.
245. Fish and Sea Animal Oil.
299. Animals and Products, N. O. S.
(910) Total Animals and Products.

GROUP III—PRODUCTS OF MINES

301. Anthracite Coal, N. O. S.
303. Anthracite Coal to Breakers and Washeries.
305. Bituminous Coal.
307. Coke.
309. Iron Ore.
311. Aluminum Ore and Concentrates
313. Copper Ore and Concentrates.
315. Lead Ore and Concentrates.
317. Zinc Ore and Concentrates.
319. Ores and Concentrates, N. O. S.
321. Barytes.
323. Clay and Bentonite.
325. Sand, Industrial.
327. Gravel and Sand, N. O. S.
329. Stone and Rock: Broken, Ground, and Crushed.
331. Fluxing Stone and Raw Dolomite.
333. Stone, Rough, N. O. S.
335. Stone, Finished, N. O. S.
337. Petroleum, Crude.
339. Asphalt.
341. Salt.
343. Phosphate Rock
345. Sulphur.
399. Products of Mines, N. O. S.
(920) Total Products of Mines.

GROUP IV—PRODUCTS OF FORESTS

Class
401. Logs, Butts, and Bolts.
403. Posts, Poles, and Piling, Wooden.
405. Wood, Fuel.
407. Ties, Railroad.
409. Pulpwood.
411. Lumber, Shingles and Lath.
413. Box, Crate, and Cooperage Materials.
415. Veneer, Plywood, and Built-up Wood.
417. Rosin and Turpentine.
499. Products of Forests, N. O. S.
(930) Total Products of Forests.

GROUP V—MANUFACTURES AND MISCELLANEOUS

501. Gasoline.
503. Fuel, Road, and Petroleum Residual Oils, N. O. S.
505. Lubricating Oils and Greases.
507. Petroleum Products, Refined, N. O. S.
509. Gases, Other Than Petroleum, N. O. S.
511. Cottonseed Oil.
513. Linseed Oil.
515. Soybean Oil.
517. Vegetable and Nut Oils, N. O. S.
519. Oils, N. O. S.
521. Oil Foots, Sediment, and Tank Bottoms.
523. Rubber, Crude, Natural, and Synthetic.
525. Rubber Goods, N. O. S.
527. Chemicals, N. O. S.
529. Sulphuric Acid.
531. Acids, N. O. S.
533. Sodium (Soda) Products.
535. Alcohol, N. O. S.
537. Blacks, N. O. S.
539. Fertilizers, N. O. S.
541. Insecticides and Fungicides, N. O. S.
543. Tar, Pitch, and Creosote.
545. Tanning Material, N. O. S.
547. Paint, Paint Material, Putty, and Varnish.
549. Plastics.
551. Cellulose Articles, N. O. S.
553. Drugs, Medicines, and Toilet Preparations.
555. Aluminum: Bar, Ingot, Pig, and Slab.
557. Aluminum, N. O. S.
559. Copper: Ingot, Matte, and Pig.
561. Copper, Brass, and Bronze, N. O. S.
563. Lead and Zinc: Bar, Ingot, and Pig.
565. Lead and Zinc, N. O. S.
567. Magnesium Metal and Alloy.
569. Alloys for Steel Manufacture.
571. Metals and Alloys, N. O. S.
573. Iron, Pig.
575. Iron and Steel: Billet, Bloom, and Ingot.
577. Iron and Steel: Bar, Rod, and Slab.
579. Iron and Steel, N. O. S.
581. Iron and Steel Nails and Wire (Woven and Not Woven) N. O. S.
583. Manufactured Iron and Steel.
585. Cast Iron Pipe and Fittings.
587. Iron and Steel Pipe and Fittings, N. O. S.
589. Tanks, N. O. S.
591. Agricultural Implements, N. O. S.
593. Agricultural Implement Parts N. O. S.

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
595. Machinery and Machines, N. O. S.
597. Machinery Parts.
601. Business and Office Machines N. O. S.
603. Railway Equipment Moved on Own Wheels.
605. Railway Equipment, S. U., Not Moved on Own Wheels.
607. Railway Equipment Parts.
609. Rails and Railway Track Material, Iron and Steel.
611. Vehicles, Other Than Motor.
613. Automobiles, Passenger.
615. Automobiles, Freight.
617. Vehicles, Motor, N. O. S.
619. Military Vehicles, N. O. S.
621. Automobiles and Autotrucks, K. D.
623. Vehicle Parts, N. O. S.
625. Airplanes, Aircraft, and Parts.
627. Tires and Tubes, Rubber.
629. Guns, Small Arms, and Parts, N. O. S.
631. Ammunition and Explosives.
633. Cement: Natural and Portland.
635. Cement, N. O. S.
637. Brick, Common.
639. Brick, N. O. S., and Building Tile.
641. Refractories.
643. Artificial Stone, N. O. S.
645. Lime, N. O. S.
647. Plaster: Stucco and Wall.
649. Sewer Pipe and Drain Tile (Not Metal).
651. Broken or Ground Brick, Blocks, Crockery, and Glass.
653. Woodpulp.
655. Scrap Paper and Rags.
657. Newsprint Paper.
659. Printing Paper, N. O. S.
661. Wrapping Paper.
663. Paper, Bags.
665. Paper and Paper Articles, N. O. S.
667. Printed Matter, N. O. S.
669. Paperboard, Fibreboard, and Pulpboard.
671. Wallboard.
673. Building Paper and Prepared Roofing Materials.
675. Insulating Materials, N. O. S.
677. Building Woodwork and Millwork.
679. Building Materials, N. O. S.
681. Buildings and Houses, Fabricated and Portable, N. O. S.
683. Asbestos Articles, N. O. S.
685. Electrical Equipment and Parts, N. O. S.
687. Furnaces, Heaters, Radiators, and Parts.
689. Bathroom and Lavatory Fixtures and Sinks.
691. Hardware, N. O. S.
693. Glass.
695. Glassware, N. O. S.
697. Glass Bottles, Jars, and Packing Glasses, N. O. S.
701. Chinaware, Crockery, and Earthenware.
703. Woodenware.
705. Household Utensils, N. O. S.
707. Refrigerators, Freezing Apparatus, and Parts.

GROUP V—MANUFACTURES AND MISCELLANEOUS—continued

Class
709. Laundry Equipment.
711. Stoves, Ranges, and Parts.
713. Floor Covering.
715. Furniture, N. O. S.
717. Furniture Parts.
719. Tools and Parts, N. O. S.
721. Abrasives, Other Than Crude.
723. Bagging: Burlap, Cotton, Gunny, and Jute, N. O. S.
725. Bags: Burlap, Cotton, Gunny, and Jute, N. O. S.
727. Cotton Cloth and Cotton Fabrics, N. O. S.
729. Cotton Factory Products.
731. Synthetic Fibre and Yarns (Rayon or Nylon).
733. Cloth and Fabrics, N. O. S.
735. Rope, Cordage, and Binder Twine, N. O. S.
737. Boots, Shoes, and Findings, N. O. S.,
739. Luggage and Handbags, N. O. S.
741. Athletic, Gymnasium, Playground, and Sporting Equipment, N. O. S.
743. Games and Toys.
745. Liquors, Alcoholic, N. O. S.
747. Wine.
749. Liquors, Malt.
751. Beverages, N. O. S.
753. Ice.
755. Syrup and Molasses, Refined.
757. Molasses, Residual.
759. Sugar.
761. Candy and Confectionery.
763. Food Products, N. O. S., In Cans and Packages, Not Frozen.
765. Food Products, N. O. S., Frozen.
767. Starch.
769. Soap and Cleaning and Washing compounds.
771. Matches.
773. Feed, Animal and Poultry, N. O. S.
775. Manufactured Tobacco, N. O. S.
777. Cigarettes.
779. Containers, Metal.
781. Containers, Wooden.
783. Containers, Fibreboard and Paperboard, K. D.
785. Containers, N. O. S.
787. Containers, Returned Empty.
789. Scrap Iron and Scrap Steel.
791. Iron and Steel Borings, Turnings, etc.
793. Furnace Slag.
795. Waste Materials for Remelting, N. O. S.
797. Waste Materials, N. O. S.
799. Manufactures and Miscellaneous, N. O. S.
(940) Total Manufactures and Miscellaneous.

GROUP VI—FORWARDER TRAFFIC

950. Forwarder Traffic.
(960) Grand Total Truckload Traffic.

[F. R. Doc. 52-9109; Filed, Aug. 18, 1952; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.39]

CERTAIN DOWELS, ROUGH DOWELS AND ROUGH ROUNDS

TARIFF CLASSIFICATION

AUGUST 13, 1952.

It appears probable that dowels, rough dowels, and rough rounds are properly classifiable as wood, unmanufactured, not specially provided for, under paragraph 405, Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, as amended (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise as lumber under paragraphs 401 and 1803, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9126; Filed, Aug. 18, 1952; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 5]

AREA DIRECTORS

DELEGATION OF AUTHORITY WITH RESPECT TO EXECUTION OF CONSTRUCTION CONTRACTS

That part of section 305, Order 551, Amendment 4, April 14, 1952, 17 F. R. 3516, *Construction contracts*, preceding subsection (a) is amended to read as follows:

SEC. 305. *Construction contracts.* The execution of construction contracts where the amount involved does not exceed $10,000. When authorized by the Executive Officer or the Acting Executive Officer, such contracts involving amounts in excess of $10,000 may be executed by the Area Director.

D. S. MYER,
Commissioner.

[F. R. Doc. 52-9088; Filed, Aug. 18, 1952; 8:46 a. m.]

Bureau of Land Management

NEVADA

SMALL TRACT CLASSIFICATION ORDER NO. 88; CORRECTED

JULY 25, 1952.

Nevada Small Tract Classification Order No. 88, dated June 13, 1952 (17 F. R. 5776), is hereby corrected as follows:

Paragraph 3 should read:

(3) This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act, as follows:

In paragraph 3, section (b), that portion of the first sentence following the word "unappropriated" shall be deleted and the following substituted: "shall become subject to disposal under the Small Tract Act."

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 52-9091; Filed, Aug. 18, 1952; 8:47 a. m.]

Office of the Secretary

[Order 2700]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY TO ACTING DIRECTOR, ACTING ASSOCIATE DIRECTOR AND ACTING ASSISTANT DIRECTOR WITH RESPECT TO CERTAIN FUNCTIONS

SECTION 1. *Acting Director.* (a) The Associate Director of the Bureau of Land Management shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director.

(b) The Assistant Director of the Bureau of Land Management shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director and Associate Director.

(c) The Chief, Division of Administration, shall perform the duties of the Director in case of the death, resignation, absence, or sickness of the Director, the Associate Director, and the Assistant Director.

SEC. 2. *Acting Associate Director.* (a) The Assistant Director shall perform the duties of the Associate Director, when for any reason that officer is not available.

(b) The Chief, Division of Administration, shall perform the duties of the Associate Director, when for any reason the Associate Director and the Assistant Director are not available.

SEC. 3. *Acting Assistant Director.* (a) The Chief, Division of Administration shall perform the duties of Assistant Director, when for any reason that officer is not available.

SEC. 4. *Title of "acting" officer.* An officer acting under authority of this order shall sign documents as "Acting Director," "Acting Associate Director," or "Acting Assistant Director," as the case may be.

SEC. 5. *Revocation.* Order No. 2659 is revoked.

(5 U. S. C. 1946 edition, section 22a; Reorganization Plan No. 3 of 1950, 5 U. S. C. Supp., 133z-15)

JOEL D. WOLFSOHN,
Acting Secretary of the Interior.

AUGUST 12, 1952.

[F. R. Doc. 52-9089; Filed, Aug. 18, 1952; 8:46 a. m.]

DEFENSE PRODUCTION ADMINISTRATION

[D. P. A. Request No. 44-DPAV-41]

REQUEST TO PARTICIPATE IN FORMATION AND ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON 20MM CARTRIDGE CASES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the request set forth below to participate in the formation and activities of an Army Ordnance Integration Committee on 20MM Cartridge Cases in accordance with the voluntary plan entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Cartridge Cases," dated February 25, 1952, was approved by the Attorney General after consultations with respect thereto between the Attorney General, the Chairman of the Federal Trade Commission, and the Administrator of the Defense Production Administration, and was accepted by the companies listed below.

The voluntary plan provides for the formation and operation of this 20MM Cartridge Cases Integration Committee and will make available to all the participating companies the production experience and techniques of each. It will also, among other things, integrate the facilities of the participants which will result in the quick attainment of maximum production and the maintenance thereof. This voluntary plan has been approved by the Administrator of the Defense Production Administration and found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

You are requested to participate in the formation and activities of an Integration Committee on 20MM Cartridge Cases in accordance with the voluntary plan entitled "Plan and Regulations of the Ordnance Corps Governing the Integration Committee on 20MM Cartridge Cases," dated February 25, 1952, a copy of which is herewith enclosed.

In my opinion, your participation in the formation and activities of this Committee will assist in the accomplishment of our national defense program.

The Attorney General has approved this request after consultations with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission, and representatives of the Administrator of the Defense Production Administration, pursuant to section 708 of the Defense Production Act of 1950, as amended.

The Administrator of the Defense Production Administration has approved the voluntary plan and has found it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly send two copies thereof to the Procurement Division, Production Branch, Office of the Assistant Chief of Staff, G-4, United States Army, Pentagon Building, Washington 25, D. C.

Immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Integration Committee on 20MM Cartridge Cases and your participation therein are within the limits set forth in the voluntary plan.

Your cooperation in this matter will be appreciated.

Sincerely yours,

HENRY H. FOWLER,
Administrator.

LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE

Nesco, Inc., 947 West St. Paul Avenue Milwaukee, Wis.
Norris-Thermador Corp., 5215 South Boyle Avenue, Vernon, Calif.
The Northwestern Corp., Morris, Ill.
Proctor Electric Co., Philadelphia, Penn.
Stoner Manufacturing Co., Aurora, Ill.
West Bend Aluminum Co., West Bend, Wis.
Ekco Products Co., 1949 North Cicero Ave., Chicago, Ill.

(Sec. 708, 64 Stat. 818, Pub. Law 429, 81st Cong.; 50 U. S. C. App. Sup. 2158; E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.)

Dated: August 15, 1952.

HENRY H. FOWLER,
Administrator.

[F. R. Doc. 52-9218; Filed, Aug. 18, 1952; 10:47 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 36, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO TAKE CERTAIN ACTIONS UNDER DR 1, REVISION 1, AS AMENDED: AUTHORITY TO ACT UNDER SECTION G

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 11, Revision 1, Amendment 1 (17 F. R. 7195) this amendment to Redelegation of Authority No. 36 (17 F. R. 3562), adding subparagraph (g), is hereby issued.

(g) Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I to grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This amendment to Redelegation of Authority No. 36 shall take effect August 15, 1952.

JOSEPH M. MCDONOUGH,
Regional Director, Region I.

AUGUST 14, 1952.

[F. R. Doc. 52-9136; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region II, Redelegation of Authority No. 7, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION OF 1 TO THE GCPR

By virtue of the authority vested in me as the Director of Price Stabilization, No. II, pursuant to Delegation of Authority No. 25 Amendment 1 (17 F. R. 7098), this Amendment 1 to Redelgation of Authority No. 7 is hereby issued.

Section 1 of Redelegation of Authority No. 7 (16 F. R. 12238) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This redelegation of authority shall take effect on August 15, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 14, 1952.

[F. R. Doc. 52-9137; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region II, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, Pursuant to Delegation of Authority No. 71 (17 FR 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 15, 1952.

JAMES G. LYONS,
Regional Director, Region II.

AUGUST 14, 1952.

[F. R. Doc. 52-9138; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region IV, Redelegation of Authority No. 22, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Amendment 1 to Delegation of Authority No. 25 (17 F. R. 7098), this Amendment 1 to Region IV Redelegation of Authority No. 22 (17 F. R. 1956) is hereby issued.

Section 1 of Region IV Redelegation of Authority No. 22 (17 F. R. 1956) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV;

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 22 shall take effect on September 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 14, 1952.

[F. R. Doc. 52-9140; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region IV, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION IV, RICHMOND, VA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. IV, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region IV, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on September 1, 1952.

W. F. BAILEY,
Regional Director, Region IV.

AUGUST 14, 1952.

[F. R. Doc. 52-9139; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region VII, Redelegation of Authority No. 9, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 25, Amendment 1 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority No. 9 is hereby issued.

Redelegation of Authority No. 9 (17 F. R. 171) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria, and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the

provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 9 shall take effect on August 15, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 14, 1952.

[F. R. Doc. 52-9141; Filed, Aug. 14, 1952; 5:01 p. m.]

[Region VII, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION VII, CHICAGO, ILL.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VII, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Chicago, Peoria and Springfield, Illinois, Green Bay and Milwaukee, Wisconsin, and Indianapolis, Indiana, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 15, 1952.

HYMAN RASKIN,
Director of Regional Office No. VII.

AUGUST 14, 1952.

[F. R. Doc. 52-9142; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region VIII, Redelegation of Authority No. 7, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority 25, dated August 1, 1952 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority No. 7 is hereby issued.

Section 1 of Redelegation of Authority No. 7 (16 F. R. 12239) is amended to read as follows:

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment 1 to Redelegation of Authority No. 7 shall take effect as of August 6, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

AUGUST 14, 1952.

[F. R. Doc. 52-9144; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region VIII, Redelegation of Authority No. 40]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 71, dated July 31, 1952 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by district offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 1, 1952.

JOSEPH ROBBIE, JR.,
Regional Director, Region VIII.

AUGUST 14, 1952.

[F. R. Doc. 52-9143; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region X, Redelegation of Authority No. 5, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SUPPLEMENTARY REGULATION 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 25, Amendment 1, (17 F. R. 7098), this Amendment 1 to Region X Redelegation of Authority No. 5 is hereby issued.

Section 1 of Redelegation of Authority No. 5 (16 F. R. 11406) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region X:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amended redelegation of authority shall take effect on August 18, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 14, 1952.

[F. R. Doc. 52-9146; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region X, Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION X, DALLAS, TEX.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by District Offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 16, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 14, 1952.

[F. R. Doc. 52-9145; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region XII, Redelegation of Authority No. 52]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Office of Price Stabilization located at Los Angeles, California, Reno, Nevada, and Phoenix, Arizona, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect on August 17, 1952.

JOHN H. TOLAN, JR.,
Director of Regional Office No. XII.

AUGUST 14, 1952.

[F. R. Doc. 52-9147; Filed, Aug. 14, 1952; 5:02 p. m.]

[Region XIII, Redelegation of Authority No. 32]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER SUPPLEMENTARY REGULATION 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to act under section 3 (f) of SR 65 to the GCPR.

This redelegation of authority shall become effective as of August 11, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

AUGUST 14, 1952.

[F. R. Doc. 52-9148; Filed, Aug. 14, 1952; 5:02 p. m.]

[Delegation of Authority No. 2, Revision 2]

DEPUTY DIRECTOR, DIRECTOR OF PRICE OPERATIONS, CHIEF COUNSEL, AND ECONOMIC ADVISOR

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR OF PRICE STABILIZATION

By virtue of the authority vested in me as the Director of Price Stabilization pursuant to Executive Order 10161, Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626) General Order No. 5, revised (16 F. R. 11875), and General Order No. 15 (17 F. R. 2994), this Revision 2 of Delegation of Authority 2, as amended and revised (16 F. R. 3594, 8668, 17 F. R. 4191) is hereby issued.

1. Whenever the Director of Price Stabilization is absent from the City of Washington, D. C., the functions delegated to him by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Deputy Director, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

2. Whenever the Director of Price Stabilization and the Deputy Director, Office of Price Stabilization, are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Director of Price Operations, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

3. Whenever the Director of Price Stabilization, the Deputy Director, Office of Price Stabilization, and the Director of Price Operations, Office of Price Stabilization, are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Chief Counsel, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

4. Whenever the Director of Price Stabilization, the Deputy Director, Office of Price Stabilization, the Director of Price Operations, Office of Price Stabilization, the Chief Counsel, Office of Price Stabilization are absent from the City of Washington, D. C., the functions delegated to the Director of Price Stabilization by General Orders No. 2, as amended, No. 5, revised, and No. 15 of the Economic Stabilization Agency are hereby further delegated to the Economic Advisor, Office of Price Stabilization, and shall be exercised by him as Acting Director of Price Stabilization.

This Revision 2 shall take effect on August 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 15, 1952.

[F. R. Doc. 52-9205; Filed, Aug. 15, 1952; 4:53 p. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8716, 9503, 9504]

GREENWICH BROADCASTING CORP. ET AL.

ORDER CONTINUING HEARING

In re applications of Greenwich Broadcasting Corporation, Greenwich, Connecticut, Docket No. 8716, File No. BP-6315, for construction permit; World Wide Broadcasting Corporation (WRUL, WRUA, WRUW, WRUX and WRUS), Scituate, Massachusetts, Docket No. 9503, File Nos. BRIB-23, BRIB-12, BRIB-16, BRIB-26, BRIB-24, for renewal of licenses; World Wide Broadcasting Corporation (WRUW), Scituate, Massachusetts, Docket No. 9504, File No. BPIB-63, for construction permit.

The Commission having under consideration a petition filed by Greenwich Broadcasting Corporation on July 31, 1952, requesting that the partial hearing in the above-entitled proceeding, now scheduled to be commenced on August 19, 1952, be continued to August 22, 1952; and

It appearing, that counsel for the applicant will be out of the city on August 19 and will not return until August 21; and

It further appearing, that all parties to the proceeding have agreed to the continuance, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business;

Now therefore it is ordered, This 8th day of August 1952, that the petition is granted, and the partial hearing presently scheduled to commence August 19 is continued to August 22, 1952, at 10:00 a. m., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9122; Filed, Aug. 18, 1952; 8:52 a. m.]

[Docket Nos. 9138, 10245]

WESTINGHOUSE RADIO STATIONS, INC. AND PORTLAND TELEVISION, INC.

ORDER SCHEDULING HEARING

In re applications of Westinghouse Radio Stations, Inc., Portland, Oregon, Docket No. 9138, File No. BPCT-494; Portland Television, Inc., Portland, Oregon, Docket No. 10245, File No. BPCT-956; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding:

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. R. MASSING,
Acting Secretary.

[F. R. Doc. 52-9123; Filed, Aug. 18, 1952; 8:53 a. m.]

[Docket No. 10195]

MT. PLEASANT BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Winston O. Ward, trading as Mt. Pleasant Broadcasting Co., Mt. Pleasant, Texas, Docket No. 10195, File No. BP-8039; for construction permit.

It is ordered, On the Commission's own motion, this 7th day of August 1952, that the hearing presently scheduled for August 14, 1952, on the above-entitled application, concerning which there is pending a petition (filed July 7, 1952) in behalf of the applicant to reconsider and grant, be, and it is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9118; Filed, Aug. 18, 1952; 8:51 a. m.]

[Docket Nos. 10248, 10249]

MT. SCOTT TELECASTERS, INC. AND VANCOUVER RADIO CORP.

ORDER SCHEDULING HEARING

In re applications of Mt. Scott Telecasters, Inc., Portland, Oregon, Docket No. 10248, File No. BPCT-939; Vancouver Radio Corporation, Vancouver, Washington, Docket No. 10249, File No. BPCT-939; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding:

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9124; Filed, Aug. 18, 1952; 8:53 a. m.]

TELEVISION BROADCAST APPLICATIONS

LIST OF CITIES GROUPED IN ACCORDANCE WITH PRIORITIES ESTABLISHED IN TEMPORARY PROCESSING PROCEDURE; SECOND ISSUE

AUGUST 6, 1952.

The attached list of cities which appear in the Commission's Table of Assignments and which are grouped herein according to the priorities set forth in the Temporary Processing Procedure supplements the list published on May 22, 1952 (FCC 52-490). Those cities which are identified with an asterisk (*) are cities containing television channels for which applications have been submitted to the Commission. These applications fall into one of the following categories:

(1) Applications filed prior to April 14, 1952, which have not been amended pursuant to paragraph (j) of the Temporary Processing Procedure.

(2) Applications received prior to April 14, 1952, which have been amended pursuant to paragraph (j) of the Temporary Processing Procedure and which have been tendered or accepted for filing.

(3) Applications received after April 14, 1952, which have been tendered or accepted for filing.

(4) Applications which have been designated for hearing.

Cities in which all available television channels have been authorized are not listed. As of August 1, 1952, the Commission had considered applications in Group A up to the city of Evansville, Indiana, and in Group B up to the city of Fort Lauderdale, Florida.

Released: August 6, 1952.

[SEAL] WM. P. MASSING,
Acting Secretary.

APPENDIX A

GROUP A-2

Location	1950 population	Distance to nearest TV station
*Denver, Colo.	415,786	330
*Portland, Oreg.	373,628	142
*Tampa-St. Petersburg, Fla.	220,119	170
*Youngstown, Ohio	168,330	52
*Wichita, Kans.	168,279	130
*Flint, Mich.	163,143	46
*Spokane, Wash.	161,721	240
*Beaumont-Port Arthur, Tex.	150,244	83
*Duluth, Minn.-Superior, Wis.	139,856	135
*Sacramento, Calif.	137,572	83
*Fort Wayne, Ind.	133,607	96
*Austin, Tex.	132,459	71
*Chattanooga, Tenn.	130,061	102
*El Paso, Tex.	130,485	225
*Mobile, Ala.	129,009	130
*Evansville, Ind.	128,636	100
Processing line A		
*Shreveport, La.	127,566	175
*Baton Rouge, La.	125,629	71
*Scranton, Penna.	125,536	46
*Knoxville, Tenn.	124,769	150
*Savannah, Ga.	119,638	129
*South Bend, Ind.	115,911	62
*Peoria, Ill.	111,856	72
*Corpus Christi, Tex.	108,287	130
*Montgomery, Ala.	106,525	70
*Little Rock, Ark.	102,213	153
*Lincoln, Nebr.	98,884	49
*Jackson, Miss.	98,271	102
*Madison, Wis.	96,056	72
*Wheeling, W. Va.-Steubenville, Ohio	94,747	46
*Rockford, Ill.	92,927	80
*Saginaw, Mich.	92,918	56
*Roanoke, Va.	91,921	82
*Fresno, Calif.	91,669	152
*Brownsville-Harlingen-Weslaco, Tex.	90,160	248
*Columbia, S. C.	86,914	84
*Waco, Tex.	84,806	84
*Sioux City, Iowa	83,991	79
*Manchester, N. H.	82,732	43
*Springfield, Ill.	81,628	82
*Columbus, Ga.	79,311	58
*Topkea, Kans.	78,791	60
*St. Joseph, Mo.	77,488	49
*Portland, Me.	77,634	98
*Wilkes Barre, Pa.	76,833	59
*Amarillo, Tex.	74,246	247
*Charleston, W. Va.	73,391	44
*Springfield, Mo.	72,894	144
*Cedar Rapids, Iowa	72,296	65
*Lubbock, Tex.	71,747	260
*Augusta, Ga.	71,508	134
*Durham, N. C.	71,311	50
*Stockton, Calif.	70,853	61
*Macon, Ga.	70,232	75
*Charleston, S. C.	70,174	185
*Wichita Falls, Tex.	68,042	105
*Galveston, Tex.	66,568	49
Decatur, Ill.	66,269	105
*Raleigh, N. C.	65,679	65
*Waterloo, Iowa	65,198	72
*Terre Haute, Ind.	64,214	52
*Pueblo, Colo.	63,685	290
*San Bernardino, Calif.	63,058	45
*Champaign-Urbana, Ill.	62,397	128
*Atlantic City, N. J.	61,657	56
*Muncie, Ind.	58,479	50
*Greenville, S. C.	58,161	78
Gadsden, Ala.	53,725	58
*Lexington, Ky.	53,534	68
*Pittsfield, Mass.	53,348	40.1
*Asheville, N. C.	53,009	83
*Green Bay, Wis.	52,795	96
*Sioux Falls, S. Dak.	52,496	160
*Bay City, Mich.	52,523	66
*Orlando, Fla.	52,367	122
*San Angelo, Tex.	52,093	185
Laredo, Tex.	51,910	145
*Lima, Ohio	50,246	68
*Warren, Ohio	49,856	44
*Elmira, N. Y.	49,716	44
Dubuque, Iowa	49,671	68
*Muskegon, Mich.	48,429	42
*Fort Smith, Ark.	47,942	103
*Lynchburg, Va.	47,797	90
*La Crosse, Wis.	47,535	126
*Riverside, Calif.	46,764	42
Tuscaloosa, Ala.	46,396	48
*Abilene, Tex.	45,570	144
*Colorado Springs, Colo.	45,472	270
*Tucson, Ariz.	45,454	105
*Williamsport, Pa.	45,047	70
*Wilmington, N. C.	45,043	103
*Santa Barbara, Calif.	44,953	90
*Mansfield, Ohio	44,564	60
*Pensacola, Fla.	43,479	175
*Jamestown, N. Y.	43,354	43

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
*West Palm Beach, Fla.	43,162	68
*Salem, Oreg.	43,140	190
Sheboygan, Wis.	42,365	46
*Meridian, Miss.	41,893	139
*Quincy, Ill.	41,650	170
*Lake Charles, La.	41,272	188
*Oshkosh, Wis.	41,084	70
Poughkeepsie, N. Y.	41,023	53
*Lewiston, Maine	40,974	120
*Zanesville, Ohio	40,547	53
*Great Falls, Mont.	39,214	403
*Tyler, Tex.	38,968	95
*Joplin, Mo.	38,711	102
Kokomo, Ind.	38,622	49
*Monroe, La.	38,572	210
*Yakima, Wash.	38,486	110
*Fargo, N. Dak.	38,256	210
*Danville, Ill.	37,864	52
*Cumberland, Md.	37,679	48
*Hulxal, Miss.	37,495	78
*Muskogee, Okla.	37,289	44
Pine Bluff, Ark.	37,162	140
*Spartanburg, S. C.	36,795	53
*Hagerstown, Md.	36,260	62
*Eau Claire, Wis.	36,058	80
*Enid, Okla.	36,017	62
*Eugene, Oreg.	35,879	210
Port Huron, Mich.	35,725	53
Elkhart, Ind.	35,646	57
*Easton, Pa.	35,632	31.5
*Lafayette, Ind.	35,568	60
*Hazleton, Pa.	35,491	67
*Danville, Va.	35,068	42
*Alexandria, La.	34,913	165
*Bakersfield, Calif.	34,784	97
*Lawton, Okla.	34,257	81
Fayetteville, N. C.	34,715	89
*Boise, Idaho	34,393	295
*Watertown, N. Y.	34,350	60
Bloomington, Ill.	34,163	105
*Bellingham, Wash.	34,112	78
*Appleton, Wis.	34,010	85
*Owensboro, Ky.	33,651	95
Ottumwa, Iowa	33,631	95
*Hutchinson, Kans.	33,573	170
*Lafayette, La.	33,541	120
*Butte, Mont.	33,155	192
Burlington, Vt.	32,828	120
*Paducah, Ky.	32,725	110
*Bristol, Tenn.-Bristol, Va.	32,496	104
*Reno, Nev.	32,044	80
*Clarksburg, W. Va.	31,974	118
*Columbia, Mo.	31,935	470
*Cheyenne, Wyo.	31,834	385
Billings, Mont.	31,798	200
*Bangor, Maine	31,643	31
Galesburg, Ill.	31,425	152
*Albany, Ga.	31,155	77
Anniston, Ala.	31,066	160
*Lakeland, Fla.	30,851	58
Burlington, Iowa	30,613	44
*New London, Conn.	30,551	126
*Wausau, Wis.	30,414	145
Oak Ridge, Tenn.	30,229	75
*Jackson, Tenn.	30,207	85
*Daytona Beach, Fla.	30,187	81
*Salinas-Monterey, Calif.	30,122	59
Marion, Ind.	30,081	55
Fond du Lac, Wis.	29,996	135
Greenville, Miss.	29,956	75
*Rochester, Minn.	29,885	75
*Parkersburg, W. Va.	29,684	78
Rome, Ga.	29,615	69
Beloit, Wis.	29,590	69
*Odessa, Tex.	29,495	285
Hattiesburg, Miss.	29,474	110
*Sandusky, Ohio	29,375	45
*Fairmont, W. Va.	29,346	185
Hot Springs, Ark.	29,307	65
Greenville, Miss.	29,003	63
Northampton, Mass.	28,817	43
*Kingston, N. Y.	28,410	65
*St. Cloud, Minn.	28,180	58
Athens, Ga.	27,958	59
*Santa Fe, N. Mex.	27,958	60
Concord, N. H.	27,868	85
*Mason City, Iowa	27,980	100
Wyckoff, Miss.	27,948	90
*Johnson City, Tenn.	27,864	90
Rocky Mount, N. C.	27,697	70
Manitowoc, Wis.	27,598	105
Tallahassee, Fla.	27,237	165
*Iowa City, Iowa	27,212	75
Gainesville, Fla.	26,861	70
Grand Forks, N. Dak.	26,836	270
Sharon, Pa.	26,451	128
Key West, Fla.	26,423	140
Salina, Kans.	26,176	145
Pocatello, Idaho	26,131	245
Charlottesville, Va.	25,969	95
Kankakee, Ill.	25,856	240
Panama City, Fla.	25,814	162
*Roswell, N. Mex.	25,738	120
Temple, Tex.	25,467	420
Rapid City, S. Dak.	25,310	43
*Fort Dodge, Iowa	25,115	

[1] Includes populations of Mercedes and San Benito, Tex., pursuant to footnote 1 of Table of Assignments.

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
*Jefferson City, Mo.	25,099	110
Laurel, Miss.	25,038	135
Winona, Minn.	25,031	100
La Grange, Ga.	25,025	60
Janesville, Wis.	24,899	65
*Texarkana, Tex.	24,753	165
*Las Vegas, Nev.	24,624	255
*Longview, Tex.	24,502	160
Walla Walla, Wash.	24,102	215
Florence, Ala.	23,879	105
Findlay, Ohio	23,845	42
*Ashtabula, Ohio	23,696	40.1
*Casper, Wyo.	23,673	320
Norwich, Conn.	23,429	45
Auburn, Maine	23,134	125
*Austin, Minn.	23,100	95
El Dorado, Ark.	23,076	205
*Eureka, Calif.	23,058	225
Wilson, N. C.	23,010	105
Olean, N. Y.	22,884	60
Selma, Ala.	22,840	78
Natchez, Miss.	22,740	152
Grand Island, Nebr.	22,682	125
Gulfport, Miss.	22,559	65
Middletown, N. Y.	22,536	45
Florence, S. C.	22,513	110
*Missoula, Mont.	22,485	398
Freeport, Ill.	22,467	68
Marshall, Tex.	22,327	140
Minot, N. Dak.	22,032	445
Santa Cruz, Calif.	21,950	55
Pekin, Ill.	21,858	180
Richland, Wash.	21,849	160
*Midland, Tex.	21,713	275
Paris, Tex.	21,743	95
Dothan, Ala.	21,584	175
*Cape Girardeau, Mo.	21,578	98
*North Adams, Mass.	21,567	45
Oxnard, Calif.	21,567	65
Bluefield, W. Va.	21,396	100
Goldsboro, N. C.	21,454	108
Orange, Tex.	21,174	105
Aberdeen, S. Dak.	21,031	260
*Logansport, Ind.	21,031	70
Augusta, Maine	20,973	150
Biddeford, Maine	20,856	75
Uniontown, Pa.	20,471	45
*Hannibal, Mo.	20,344	100
Jacksonville, Ill.	20,387	78
Greeley, Colo.	20,354	375
Sedalia, Mo.	20,351	75
Lompoc, Calif.	20,339	108
Stillwater, Okla.	20,328	46
*Hastings, Nebr.	20,211	315
Sumter, S. C.	20,185	100
Brownwood, Tex.	20,181	120
Ponca City, Okla.	20,180	70
*Sherman, Tex.	20,150	60
Chillicothe, Ohio	20,133	44
*Salisbury, N. C.	20,102	45
*McAllen, Tex.	20,067	220
*Valdosta, Ga.	20,046	115
Boulder, Colo.	19,999	348
Decatur, Ala.	19,921	78
Staunton, Va.	19,927	95
Marshalltown, Iowa	19,821	40.9
*Anderson, S. C.	19,770	105
Aberdeen, Wash.	19,685	75
Glens Falls, N. Y.	19,610	50
Oil City, Pa.	19,581	50
*Kingsport, Tenn.	19,571	120
*Beckley, W. Va.	19,397	81
*Pittsburg, Kans.	19,341	112
Bartlesville, Okla.	19,328	41
*Idaho Falls, Idaho	19,218	189
Corsicana, Tex.	19,211	52
*Manhattan, Kans.	19,056	106
Tiffin, Ohio	18,952	41.5
*Wayross, Ga.	18,866	79
Sarasota, Fla.	18,806	180
Vincennes, Ind.	18,801	65
Portsmouth, N. H.	18,830	47
Mankato, Minn.	18,809	68
*Benton Harbor, Mich.	18,769	52
Bismarck, N. Dak.	18,640	345
Bowling Green, Ky.	18,347	65
Kinston, N. C.	18,336	135
Waterville, Maine	18,287	158
Bryan, Tex.	18,102	87
Greenwood, Miss.	18,061	117
Bonham, Tex.	18,059	218
Carlsbad, N. Mex.	17,975	293
Brunswick, Ga.	17,954	58
Sault Ste. Marie, Mich.	17,912	258
Santa Rosa, Calif.	17,902	47
Ardmore, Okla.	17,890	98
*Mcalester, Okla.	17,878	80
*Bogalusa, La.	17,798	60
*Plattsburg, N. Y.	17,798	148
Rutland, Vt.	17,659	82
Twin Falls, Idaho	17,600	180
Helena, Mont.	17,581	268
Mattoon, Ill.	17,577	102
Denison, Tex.	17,501	70

No. 162——5

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Modesto, Calif.	17,389	76
Bradford, Pa.	17,354	64
*Clovis, N. Mex.	17,318	209
Medford, Oreg.	17,305	318
Big Spring, Tex.	17,286	248
Martinsville, Va.	17,251	42
*Chambersburg, Pa.	17,242	67
Marquette, Mich.	17,202	239
Columbus, Miss.	17,172	97
Coffeyville, Kans.	17,113	65
Fayetteville, Ark.	17,071	102
Traverse City, Mich.	16,974	132
Kingsville, Tex.	16,888	196
Logan, Utah	16,832	63
*Greenville, S. C.	16,724	206
Berlin, N. H.	16,615	140
Pampa, Tex.	16,583	192
Stevens Point, Wis.	16,564	125
Clarksdale, Miss.	16,539	75
San Buenaventura, Calif.	16,534	70
Streator, Ill.	16,469	92
New Iberia, La.	16,467	105
Alice, Tex.	16,439	118
Huntsville, Ala.	16,437	98
Jonesboro, Ark.	16,310	65
*Hibbing, Minn.	16,276	170
Clarksville, Tenn.	16,206	42
*Blythesville, Ark.	16,234	53
Corvallis, Oreg.	16,207	215
*Nampa, Idaho	16,185	392
Ogdensburg, N. Y.	16,166	109
Keokuk, Iowa	16,144	91
*Victoria, Tex.	16,126	102
Faribault, Minn.	16,028	47
Ada, Okla.	15,995	72
Dalton, Ga.	15,958	73
*Klamath Falls, Oreg.	15,875	309
Chickasha, Okla.	15,852	44
Olympia, Wash.	15,819	49
New Bern, N. C.	15,812	127
Emporia, Kans.	15,699	102
*Keene, N. H.	15,628	68
Martinsburg, W. Va.	15,621	61
Mt. Vernon, Ill.	15,600	71
Laramie, Wyo.	15,581	309
*Clearwater, Fla.	15,581	180
Lewiston, Idaho	15,570	66
Connersville, Ind.	15,550	47
North Platte, Nebr.	15,433	249
Duncan, Okla.	15,325	80
Orangeburg, S. C.	15,322	124
Merced, Calif.	15,278	105
Escanaba, Mich.	15,170	187
*Salisbury, Md.	15,141	84
*Lufkin, Tex.	15,135	121
Greenfield, Mass.	15,075	70
Poplar Bluff, Mo.	15,064	114
Hornell, N. Y.	15,059	58
Fort Madison, Iowa	14,954	77
Fort Collins, Colo.	14,937	157
Parsons, Kans.	14,750	93
Lancaster, N. H.	14,745	76
Cambridge, Ohio	14,729	76
Greenville, Tex.	14,727	48
Grand Junction, Colo.	14,504	211
Middlesborough, Ky.	14,482	143
*Thomasville, Ga.	14,424	153
Lincoln, Ill.	14,362	110
Midland, Mich.	14,285	63
Del Rio, Tex.	14,211	146
*San Luis Obispo, Calif.	14,180	163
*Marinette, Wis.	14,178	137
Plainview, Tex.	14,044	257
Lewistown, Pa.	13,894	72
Hobbs, N. Mex.	13,875	278
*Centralia, Ill.	13,863	56
*Winchester, Va.	13,841	59
*Greenwood, S. C.	13,806	95
Seymour, Tex.	13,779	128
Rochester, N. H.	13,776	59
Las Vegas, N. Mex.	13,763	86
Sweetwater, Tex.	13,619	185
Bradenton, Fla.	13,604	189
Oneonta, N. Y.	13,564	48
Albert Lea, Minn.	13,545	93
Fort Pierce, Fla.	13,502	117
Wisconsin Rapids, Wis.	13,496	152
Junction City, Kans.	13,462	123
San Benito, Tex.	13,271	232
*Fort Myers, Fla.	13,195	121
Massena, N. Y.	13,137	125
Alpena, Mich.	13,135	172
Moberly, Mo.	13,115	114
Wenatchee, Wash.	13,072	104
Morristown, Tenn.	13,019	138
Lewiston, Idaho	12,985	287
Fergus Falls, Minn.	12,917	193
Arkansas City, Kans.	12,903	85
Scottsbluff, Nebr.	12,858	395
Claremont, N. H.	12,811	90
Atchison, Kans.	12,792	44
Huron, S. Dak.	12,788	283
Crowley, La.	12,784	179
Bastrop, La.	12,769	203

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Watertown, S. Dak.	12,669	189
Great Bend, Kans.	12,605	207
Vernon, Tex.	12,651	140
Brainerd, Minn.	12,617	105
Cleveland, Tenn.	12,605	98
El Centro, Calif.	12,590	100
Hopkinsville, Ky.	12,528	65
Virginia, Minn.	12,466	178
*Tulare, Calif.	12,445	155
Edinburg, Tex.	12,382	214
Waynesboro, Va.	12,357	85
Astoria, Oreg.	12,331	123
Nacogdoches, Tex.	12,327	139
Las Cruces, N. Mex.	12,325	190
Opelika, Ala.	12,295	100
*Chico, Calif.	12,272	138
Trinidad, Colo.	12,204	176
Coeur d'Alene, Idaho	12,198	262
Fredericksburg, Va.	12,158	45
Mitchell, S. Dak.	12,123	200
Cairo, Ill.	12,123	122
Kearney, Nebr.	12,115	169
La Salle, Ill.	12,083	70
Bellingham, Wash.	12,022	250
Snyder, Tex.	12,010	212
Gainesville, Ga.	11,936	47
Sanford, Fla.	11,935	105
Brawley, Calif.	11,922	98
Frankfort, Ky.	11,916	47
Beaver Dam, Wis.	11,897	53
Seminole, Okla.	11,863	52
Beatrice, Nebr.	11,813	80
Miami, Okla.	11,801	80
Albemarle, N. C.	11,798	55
Pendleton, Oreg.	11,771	215
*Visalia, Calif.	11,749	160
Ocala, Fla.	11,741	85
Coshocton, Ohio	11,675	62
Athens, Ohio	11,660	67
Guadalupe, La.	11,639	128
Sikeston, Mo.	11,640	120
Moultrie, Ga.	11,639	140
Mexico, Mo.	11,633	100
Newton, Kans.	11,590	150
Wayneville, Calif.	11,572	65
Tupelo, Miss.	11,527	88
Dixon, Ill.	11,523	55
Houma, La.	11,505	46
Sheridan, Wyo.	11,500	375
Du Bois, Pa.	11,497	56
Ironwood, Mich.	11,466	181
Bend, Oreg.	11,409	250
Mount Pleasant, Mich.	11,392	70
Americus, Ga.	11,389	139
*Lock Haven, Pa.	11,381	96
Camden, Ark.	11,372	205
Norfolk, Nebr.	11,371	71
Independence, Kans.	11,335	140
Bozeman, Mont.	11,325	343
Defiance, Ohio	11,295	49
Dodge City, Kans.	11,262	210
Anaconda, Mont.	11,254	370
*Gainesville, Tex.	11,246	63
Helena, Ark.	11,230	61
Port Angeles, Wash.	11,223	63
Carthage, Mo.	11,188	116
Madisonville, Ky.	11,132	91
Oskaloosa, Iowa	11,124	72
Hoquiam, Wash.	11,123	85
Kirksville, Mo.	11,100	130
Santa Paula, Calif.	11,049	57
El Dorado, Kans.	11,037	125
*Harrisburg, Ill.	10,999	110
Henderson, N. C.	10,995	76
Washington, Ind.	10,987	49
Carbondale, Ill.	10,921	76
Columbia, Tenn.	10,911	42
Garden City, Kans.	10,905	250
Dyersburg, Tenn.	10,885	65
Rock Springs, Wyo.	10,857	221
*Harrisonburg, Va.	10,810	97
Springfield, Oreg.	10,807	147
Pascagoula, Miss.	10,805	96
Sheffield, Ala.	10,767	103
Mission, Tex.	10,765	210
Elizabethton, Tenn.	10,754	97
Lamesa, Tex.	10,734	269
Jamestown, N. Dak.	10,697	263
Red Wing, Minn.	10,645	44
Bath, Maine	10,644	121
Ashland, Wis.	10,640	158
Macomb, Ill.	10,592	72
Durant, Okla.	10,541	90
Madera, Calif.	10,497	138
Caldwell, Idaho	10,487	312
Barnstable, Mass.	10,480	58
Marion, Ill.	10,459	91
Santa Maria, Calif.	10,440	142
Cadillac, Mich.	10,425	199
McComb, Miss.	10,401	91
Ruston, La.	10,372	102
Cambridge, Md.	10,351	58
Fort Scott, Kans.	10,345	98
Charles City, Iowa	10,309	92

[Docket Nos. 10248, 10249]

Mt. Scott Telecasters, Inc. and Vancouver Radio Corp.

ORDER SCHEDULING HEARING

In re applications of Mt. Scott Telecasters, Inc., Portland, Oregon, Docket No. 10248, File No. BPCT-939; Vancouver Radio Corporation, Vancouver, Washington, Docket No. 10249, File No. BPCT-939; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of August 1952;

The Commission having under consideration the above-entitled applications which were designated for hearing on July 11, 1952; and

It appearing, that no date was previously scheduled by the Commission in the above-entitled proceeding:

It is ordered, That the hearing in the above-entitled proceeding be held at 10:00 a. m., October 1, 1952, in Washington, D. C.

Released: August 11, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9124; Filed, Aug. 18, 1952; 8:53 a. m.]

Television Broadcast Applications

LIST OF CITIES GROUPED IN ACCORDANCE WITH PRIORITIES ESTABLISHED IN TEMPORARY PROCESSING PROCEDURE; SECOND ISSUE

AUGUST 6, 1952.

The attached list of cities which ap-

APPENDIX A

GROUP A-2

Location	1950 population	Distance to nearest TV station
•Denver, Colo	415,786	330
•Portland, Oreg	373,628	142
•Tampa-St. Petersburg, Fla	221,419	170
•Youngstown, Ohio	168,330	52
•Wichita, Kans	168,279	130
•Flint, Mich	163,143	46
•Spokane, Wash	161,721	230
•Beaumont-Port Arthur, Tex	151,541	83
•Duluth, Minn.-Superior, Wis	139,836	135
•Sacramento, Calif	137,572	83
•Fort Wayne, Ind	133,607	96
•Austin, Tex	132,459	71
•Chattanooga, Tenn	131,041	102
•El Paso, Tex	130,485	225
••Mobile, Ala	129,009	130
•Evansville, Ind	128,636	100
Processing line A		
•Shreveport, La	127,206	175
•Baton Rouge, La	125,629	71
•Scranton, Penna	125,536	46
•Knoxville, Tenn	124,769	150
•Savannah, Ga	119,638	120
•South Bend, Ind	115,911	62
•Peoria, Ill	111,856	72
•Corpus Christi, Tex	108,287	130
•Montgomery, Ala	106,525	70
•Little Rock, Ark	102,213	153
•Lincoln, Nebr	98,884	49
•Jackson, Miss	98,271	102
•Madison, Wis	96,056	72
•Wheeling, W. Va.-Steubenville, Ohio	94,763	46
•Rockford, Ill	92,927	80
•Saginaw, Mich	92,918	56
•Roanoke, Va	91,921	82
•Fresno, Calif	91,669	152
•Brownsville-Harlingen-Weslaco, Tex	190,360	248
•Columbia, S. C	86,914	84
•Waco, Tex	84,706	84
•Sioux City, Iowa	83,991	79
•Manchester, N. H	82,732	43
•Springfield, Ill	81,628	82
•Columbus, Ga	79,611	98
•Topkea, Kans	78,791	60
•St. Joseph, Mo	78,588	49
•Portland, Me	77,634	98
•Wilkes Barre, Pa	76,826	59
•Amarillo, Tex	74,246	247
•Charleston, W. Va	73,501	44

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
•West Palm Beach, Fla	43,162	68
•Salem, Oreg	43,140	190
Sheboygan, Wis	42,365	46
•Meridian, Miss	41,893	139
•Quincy, Ill	41,450	130
•Lake Charles, La	41,272	158
•Oshkosh, Wis	41,084	70
Poughkeepsie, N. Y	41,023	53
•Lewiston, Maine	40,974	126
•Zanesville, Ohio	40,517	53
•Great Falls, Mont	39,214	465
•Tyler, Tex	38,908	95
•Joplin, Mo	38,711	102
Kokomo, Ind	38,672	49
•Monroe, La	38,572	210
•Yakima, Wash	38,486	110
•Fargo, N. Dak	38,256	245
•Danville, Ill	37,864	82
•Cumberland, Md	37,679	48
•Biloxi, Miss	37,425	78
•Muskogee, Okla	37,289	41
Pine Bluff, Ark	37,162	140
•Spartanburg, S. C	36,705	53
•Hagerstown, Md	36,260	62
•Eau Claire, Wis	36,058	80
•Enid, Okla	36,017	62
•Eugene, Oreg	35,879	240
Port Huron, Mich	35,725	53
Elkhart, Ind	35,646	57
•Easton, Pa	35,632	41
•Lafayette, Ind	35,568	60
•Hazleton, Pa	35,491	67
•Danville, Va	35,066	42
•Alexandria, La	34,913	165
•Bakersfield, Calif	34,784	97
•Lawton, Okla	34,757	81
Fayetteville, N. C	34,715	89
•Boise, Idaho	34,393	295
•Watertown, N. Y	34,350	60
Bloomington, Ill	34,163	100
•Bellingham, Wash	34,112	78
•Appleton, Wis	34,010	85
•Owensboro, Ky	33,651	81
Ottumwa, Iowa	33,631	95
•Hutchinson, Kans	33,575	170
•Lafayette, La	33,541	118
•Butte, Mont	33,251	360
Burlington, Vt	33,155	192
•Paducah, Ky	32,828	120
•Bristol, Tenn.-Bristol, Va	32,725	110
•Reno, Nev	32,496	183
•Clarksburg, W. Va	32,014	89

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Richmond, Ky.	10,268	87
Winfield, Kans.	10,264	94
Redding, Calif.	10,256	193
Dublin, Ga.	10,232	120
Bellefontaine, Ohio	10,232	45
Pasco, Wash	10,228	181
Owatonna, Minn.	10,191	62
Albany, Oreg	10,115	210
Chanute, Kans.	10,109	82
Kennewick, Wash.	10,106	181
Ottawa, Kans.	10,081	49
Mercedes, Tex.	10,081	226
Fulton, Mo.	10,052	97
Hanford, Calif.	10,028	169
Sanford, N. C.	10,013	53
Bemidji, Minn	10,001	190
San Marcos, Tex.	9,980	46
Presque Isle, Maine	9,954	330
Los Alamos, N. Mex.	9,934	58
Natchitoches, La.	9,914	198
Huntsville, Tex.	9,820	70
Minden, La.	9,787	202
Corinth, Miss.	9,785	75
Morgan City, La.	9,759	72
Yazoo City, Miss.	9,746	162
Kalispell, Mont.	9,737	375
Altus, Okla.	9,735	122
Union, S. C.	9,730	49
Washington, N. C.	9,698	155
Iron Mountain, Mich.	9,679	189
Paragould, Ark.	9,668	73
Jennings, La.	9,663	157
Kilgore, Tex.	9,638	113
Brattleboro, Vt.	9,606	84
Ludington, Mich.	9,506	88
Malone, N. Y.	9,501	129
Baker, Oreg.	9,471	250
Cedartown, Ga.	9,470	52
Cordele, Ga	9,462	129
Shelbyville, Tenn.	9,456	49
Douglas, Ariz.	9,442	208
Bay City, Tex.	9,427	61
Willmar, Minn.	9,410	92
Rolla, Mo	9,354	99
New Ulm, Minn.	9,348	78
Beeville, Tex.	9,348	83
Abbeville, La.	9,338	125
Miles City, Mont.	9,243	495
Rockland, Maine	9,234	151
Winchester, Ky.	9,226	81
Pulaski, Va.	9,202	90
Blackwell, Okla	9,199	85
Lumberton, N. C.	9,186	110
Palatka, Fla.	9,176	46
Andalusia, Ala.	9,162	152
Yuma, Ariz	9,145	153
Raymondville, Tex.	9,136	102
Gallup, N. Mex.	9,133	122
Elkins, W. Va.	9,121	108
Taylor, Tex	9,071	100
Sulphur Springs, Tex.	8,991	73
Mayfield, Ky	8,990	112
Weston, W. Va.	8,945	102
Columbus, Nebr.	8,884	75
Marshall, Mo.	8,850	70
Milledgeville, Ga.	8,835	81
Paris, Tenn.	8,826	90
Rhinelander, Wis.	8,774	175
*Delano, Calif	8,717	125
Chillicothe, Mo	8,694	72
McPherson, Kans.	8,689	107
Danville, Ky.	8,686	67
Kennett, Mo.	8,685	72
Uvalde, Tex.	8,674	81
*Laurens, S. C.	8,658	73
Centralia, Wash.	8,657	75
De Land, Fla	8,652	92
Manistee, Mich	8,642	105
La Grande, Oreg.	8,635	258
*Maysville, Ky.	8,632	51
Hays, Kans.	8,625	250
Williamson, W. Va.	8,624	50
Athens, Tenn.	8,618	112
Caruthersville, Mo.	8,614	70
Olney, Ill	8,612	112
Conway, Ark	8,610	147
Jacksonville, Tex.	8,607	104
Hope, Ark	8,605	192
Montpelier, Vt	8,599	148
*Coldwater, Mich.	8,594	46
Troy, Ala.	8,555	124
St. Albans, Vt	8,552	155
Ellensburg, Wash.	8,430	95
Tucumcari, N. Mex.	8,419	163
Roseburg, Oreg.	8,390	310
Hillsboro, Tex.	8,363	52
Alma, Mich	8,341	44
Creston, Iowa	8,317	82
Levelland, Tex.	8,264	261
Artesia, N. Mex.	8,244	200
Raton, N. Mex.	8,241	177
Fairmont, Minn.	8,193	110
Eunice, La.	8,184	146
Russellville, Ark	8,166	171
Roanoke Rapids, N. C.	8,156	80

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Fitzgerald, Ga.	8,130	143
Grants Pass, Oreg.	8,116	325
Front Royal, Va.	8,115	58
Portales, N. Mex.	8,112	195
Longmont, Colo.	8,099	355
Havre, Mont.	8,086	545
Malvern, Ark.	8,072	176
Pecos, Tex.	8,054	310
Hammond, La.	8,010	45
Nevada, Mo.	8,009	88
Bennington, Vt.	8,002	44
Elk City, Okla	7,962	109
College Station, Tex.	7,925	83
Worthington, Minn.	7,923	150
Alliance, Nebr.	7,891	362
Rumford, Maine	7,888	149
Yuba City, Calif	7,861	98
Oelwein, Iowa	7,858	101
Brookhaven, Miss	7,801	117
Mineral Wells, Tex.	7,801	50
Brookings, S. Dak.	7,764	178
Carrollton, Ga.	7,753	42
Wellington, Kans.	7,747	108
Corbin, Ky.	7,744	127
Marysville, Tenn.	7,742	137
Ashland, Oreg	7,739	305
Thibodaux, La.	7,730	47
La Junta, Colo	7,712	264
Yankton, S. Dak.	7,709	137
Cherokee, Iowa	7,705	107
Cloquet, Minn	7,685	123
Livingston, Mont.	7,683	343
McCook, Nebr	7,678	255
The Dalles, Oreg	7,676	150
Union City, Tenn.	7,665	98
Flagstaff, Ariz.	7,663	120
Knoxville, Iowa	7,625	55
Centerville, Iowa	7,625	98
Childress, Tex	7,619	173
Forrest City, Ark	7,607	52
McMinnville, Tenn.	7,577	66
Lake City, Fla.	7,571	70
Bainbridge, Ga.	7,562	186
Tullahoma, Tenn.	7,562	63
Clinton, Okla	7,555	81
Newberry, S. C.	7,546	76
Sterling, Colo.	7,534	376
Pratt, Kans.	7,523	155
Cullman, Ala.	7,523	47
Cuero, Tex	7,498	79
Dickinson, N. Dak	7,469	477
Durango, Colo.	7,459	166
Spencer, Iowa	7,446	102
*Douglas, Ga.	7,428	118
Humboldt, Tenn.	7,426	69
Rawlins, Wyo.	7,415	252
Leesburg, Fla.	7,395	108
Grenada, Miss	7,388	95
Williston, N. Dak	7,378	542
St Johnsbury, Vt	7,370	144
Crookston, Minn.	7,352	248
Kelso, Wash.	7,345	102
Portage, Wis	7,334	86
Fairfield, Iowa	7,299	88
Conroe, Tex	7,298	40.5
Enterprise, Ala.	7,288	161
Stuttgart, Ark	7,276	107
Eagle Pass, Tex.	7,276	128
Belle Glade, Fla	7,219	70
Crystal City, Tex	7,198	97
Mount Airy, N. C.	7,192	54
Concordia, Kans.	7,175	166
Lancaster, S. C.	7,159	45
Stephenville, Tex.	7,155	65
Laurinburg, N. C.	7,134	92
Liberal, Kans.	7,131	210
Starkville, Miss	7,107	118
Somerset, Ky.	7,097	100
Iola, Kans.	7,094	93
Aiken S. C.	7,083	123
Sturgeon Bay, Wis	7,054	125
Bonham, Tex.	7,049	68
Canton, Miss.	7,048	173
Glasgow, Ky	7,025	77
Silver City, N. Mex	7,022	188
Camden, S. C.	6,986	78
Hazard, Ky.	6,985	85
Marion, Va.	6,982	110
*Storm Lake, Iowa	6,954	91
Brenham, Tex	6,941	68
Shenandoah, Iowa	6,938	46
Thief River Falls, Minn	6,926	258
Cookeville, Tenn	6,924	70
Anacortes, Wash	6,919	62
Magnolia, Ark	6,918	207
Saranac Lake, N. Y.	6,913	99
Kermit, Tex.	6,912	300
Eufala, Ala.	6,906	138
Rice Lake, Wis	6,898	80
Pauls Valley, Okla	6,896	60
Nebraska City, Nebr.	6,872	41
Valley City, N. Dak.	6,851	269
Maryville, Mo.	6,834	85
Marion, S. C.	6,834	124

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Henderson, Texas	6,833	123
Tifton, Georgia	6,831	143
Lamar, Colo.	6,829	302
Grinnell, Iowa	6,828	53
Lake Wales, Fla.	6,821	167
Fort Valley, Ga	6,820	90
Arkadelphia, Ark	6,819	197
Lebanon, Mo	6,808	143
Brigham, Utah	6,790	52
Alamogordo, N. Mex.	6,783	155
Greenville, Ala.	6,781	116
Toccoa, Ga	6,781	79
Loveland, Colo.	6,773	358
Elberton, Ga.	6,772	90
Jackson, La.	6,772	92
Prescott, Ariz	6,764	77
Kosciusko, Miss.	6,753	117
Big Rapids, Mich.	6,736	62
Estherville, Iowa	6,719	114
Little Falls, Minn.	6,717	91
Falfurrias, Tex	6,712	150
Tuskegee, Ala	6,712	97
Picayune, Miss	6,707	46
McMinnville, Oreg	6,635	170
Mexia, Tex.	6,627	78
Breckenridge, Tex	6,610	96
Welch, W. Va	6,603	75
Lewistown, Mont	6,573	448
Morenci, Ariz	6,541	156
Littlefield, Tex.	6,540	256
Coleman, Tex	6,530	142
Red Oak, Iowa	6,526	41.5
Winslow, Ariz.	6,518	131
Quincy, Fla.	6,505	185
Alva, Okla	6,505	109
Atlantic, Iowa	6,480	49.6
Petoskey, Mich	6,468	180
West Point, Miss	6,432	110
Devils Lake, N. Dak	6,427	244
Lead, S. Dak.	6,422	450
Globe, Ariz	6,419	75
Batesville, Ark	6,414	106
Fairbury, Nebr	6,395	101
Harriman, Tenn	6,389	128
Canon City, Colo	6,345	245
Mount Pleasant, Tex.	6,342	109
Alexandria, Minn	6,319	122
Monahans, Tex	6,311	301
Benton, Ark	6,277	159
International Falls, Minn.	6,269	247
Newport, Ark	6,254	88
El Campo, Tex.	6,237	64
Carroll, Iowa	6,231	64
Fort Payne, Ala.	6,226	88
Dover, Del	6,223	45
Falls City, Nebr	6,203	86
Holdenville, Okla	6,182	70
Anadarko, Okla	6,184	54
York, Nebr	6,178	91
Brownfield, Tex	6,161	279
Nogales, Ariz.	6,153	161
Franklin, La.	6,144	88
Columbia, Miss.	6,124	92
Ukiah, Calif	6,120	105
Cedar City, Utah	6,106	240
*Hendersonville, N. C.	6,103	75
*North Bend, Oreg	6,099	304
Statesboro, Ga	6,097	148
Clinton, Mo	6,075	68
Conway, S. C.	6,073	156
Decorah, Iowa	6,060	132
South Boston, Va.	6,057	65
Murray, Ky	6,035	90
Houlton, Maine	6,029	301
Searcy, Ark	6,024	108
Grand Rapids, Minn.	6,019	157
Price, Utah	6,010	100
Georgetown, S. C.	6,004	168
Hugo, Okla	5,984	113
Lexington, Va.	5,976	105
Belfast, Maine	5,960	170
Brady, Tex	5,944	130
Crockett, Tex.	5,932	110
Burley, Idaho	5,924	158
Marshall, Minn.	5,923	132
Dalhart, Tex	5,918	258
Woodward, Okla.	5,915	122
Sparta, Wis.	5,893	128
Lebanon, Oreg.	5,873	212
Covington, Va.	5,860	123
Marianna, Fla	5,845	208
Springdale, Ark.	5,835	102
Vidalia, Ga.	5,819	142
Ajo, Ariz.	5,817	93
De Ridder, La	5,799	149
Detroit Lakes, Minn.	5,787	181
Hinton, W. Va.	5,780	98
Abilene, Kans.	5,775	140
Pulaski, Tenn.	5,762	68
Millinocket, Maine	5,755	253
Tell City, Ind.	5,735	56
Pierre, S. Dak	5,715	308
Cheboygan, Mich.	5,667	200
Deming, N. Mex.	5,672	104

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Emporia, Va.	5,664	72
Gonzales, Tex.	5,659	62
Winnfield, La.	5,629	204
Oakdale, La.	5,598	163
Walsenburg, Colo.	5,596	204
Cairo, Ga	5,577	168
Harrison, Ark.	5,542	160
Vinita, Okla	5,518	57
Morrilton, Ark.	5,483	162
Wildwood, N. J.	5,475	72
Ely, Minn	5,474	211
Vandalia, Ill	5,471	60
Frederick, Okla.	5,467	120
Montevideo, Minn.	5,459	124
Fayetteville, Tenn	5,447	69
Lawrenceburg, Tenn.	5,442	69
Algona, Iowa	5,415	32
Elko, Nev	5,393	198
Prairie du Chien, Wis.	5,392	110
Princeton, Ky.	5,388	90
Hobart, Okla	5,380	98
Alamosa, Colo	5,354	168
Vermillion, S. Dak.	5,337	118
Fort Morgan, Colo.	5,315	410
Ballinger, Tex.	5,302	171
Louisville, Miss.	5,282	132
Alpine, Tex	5,261	318
Glendive, Mont.	5,254	560
Guntersville, Ala.	5,253	67
Hancock, Mich.	5,223	166
Newport, Vt.	5,217	181
Jasper, Ind	5,215	68
Hereford, Tex.	5,207	238
Athens, Tex	5,194	68
Blackfoot, Idaho	5,180	166
Pikeville, Ky.	5,154	62
Madison, S. Dak.	5,153	200
Brewton, Ala	5,146	158
Wahpeton, N. Dak.	5,125	186
Lake City, S. C.	5,112	126
Manistique, Mich.	5,086	213
Angola, Ind	5,081	59
Logan, W. Va.	5,079	44
Lexington, Nebr.	5,068	199
Hot Springs, S. Dak.	5,030	410
Montrose, Colo.	4,964	245
Demopolis, Ala	5,004	90
West Plains, Mo.	4,918	151
Kellogg, Idaho	4,913	204
Red Bluff, Calif.	4,905	166
Grafton, N. Dak.	4,901	307
Lampasas, Tex.	4,869	113
Gladstone, Mich.	4,831	197
Harlan, Ky.	4,786	118
Monett, Mo.	4,771	126
Guymon, Okla.	4,718	232
Goodland, Kans.	4,690	340
Clanton, Ala.	4,640	45
Richland Center, Wis.	4,608	126
Calais, Maine	4,589	270
Ephrata, Wash.	4,589	131
Quanah, Tex.	4,589	156
Hot Springs, N. Mex.	4,563	140
St. George, Utah	4,562	271
Salida, Colo.	4,553	242
Jerome, Idaho	4,523	189
Farmington, Mo.	4,490	58
Pearsal, Tex.	4,481	52
Larned, Kans.	4,447	205
Fort Stockton, Tex.	4,444	182
Perryton, Tex.	4,417	195
Jasper, Tex	4,403	121
Farmville, Va	4,375	53
Socorro, N. Mex	4,334	72
Miami, Ariz.	4,329	68
Norton, Va.	4,315	102
Coolidge, Ariz	4,306	46
Hebbronville, Tex.	4,302	145
Swainsboro, Ga	4,300	142
Southern Pines, N. C.	4,272	65
Sandpoint, Idaho	4,265	275
Rexburg, Idaho	4,253	208
Richfield, Utah	4,212	140
Worland, Wyo.	4,202	305
Casa Grande, Ariz.	4,181	44
Riverton, Wyo.	4,142	238
Delta, Colo.	4,097	245
Leadville, Colo	4,081	312
Iron River, Mich.	4,048	210
Preston, Idaho	4,045	90
Payette, Idaho	4,032	339
Sidney, Mont.	3,987	615
Weiser, Idaho	3,961	347
Jacksonville, N. C.	3,960	155
Wadena, Minn.	3,958	138
Boulder City, Nev.	3,903	218
Rogers City, Mich.	3,873	190
Cody, Wyo.	3,872	297
Evanston, Wyo.	3,863	59
Colby, Kans.	3,859	322
Houghton, Mich.	3,829	265
Glasgow, Mont.	3,821	580
Littleton, N. H.	3,819	136

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Distance to nearest TV station
Powell, Wyo.	3,804	319
Bisbee, Ariz	3,801	188
Deer Lodge, Mont	3,779	490
Safford, Ariz.	3,756	142
Mobridge, S. Dak.	3,753	453
Van Buren, Maine	3,732	358
Cut Bank, Mont.	3,731	475
Laurel, Mont.	3,663	370
Emporium, Pa.	3,646	88
Henderson, Nev.	3,643	210
Farmington, N. Mex.	3,637	145
Marfa, Tex.	3,603	140
Eloy, Ariz.	3,580	58
Ahoskie, N. C.	3,579	58
Ely, Nev.	3,558	190
Belle Fourche, S. Dak.	3,540	461
Lordsburg, N. Mex.	3,525	298
Clayton, N. Mex.	3,515	214
Campbellsville, Ky.	3,477	65
Sturgis, S. Dak.	3,471	440
Clifton, Ariz.	3,466	159
Broken Bow, Nebr.	3,396	192
Newcastle, Wyo.	3,395	445
Lander, Wyo.	3,349	215
Kingman, Ariz.	3,342	163
Dillon, Mont.	3,268	310
Whitefish, Mont.	3,268	378
Winner, S. Dak.	3,252	247
Torrington, Wyo.	3,247	406
Yreka, Calif	3,227	272
Floydada, Tex.	3,210	142
Green River, Wyo.	3,187	137
Wallace, Idaho	3,140	299
Lovington, N. Mex.	3,134	241
Gooding, Idaho	3,099	206
Rupert, Idaho	3,098	154
Burns, Oreg	3,093	320
Carson City, Nev.	3,082	170
Craig, Colo	3,080	222
Emmett, Idaho	3,067	317
Shelby, Mont.	3,058	490
Fort Kent, Maine	3,001	353
Bad Axe, Mich.	2,973	99
Rugby, N. Dak	2,907	397
Thermopolis, Wyo.	2,870	270
Winnemucca, Nev.	2,847	298
Vernal, Utah	2,845	125
Alturas, Calif.	2,819	273
Grand Coulee, Wash.	2,741	159
Red Lodge, Mont	2,730	332
Hamilton, Mont	2,678	390
Buffalo, Wyo.	2,674	361
Bar Harbor, Maine	2,572	195
Dover-Foxcroft, Maine	2,566	209
Wolf Point, Mont.	2,557	592
Douglas, Wyo.	2,544	361
Lovell, Wyo.	2,508	332
Thomasville, Ala.	2,425	121
Fallon, Nev	2,400	226
Harvey, N. Dak.	2,337	374
Holbrook, Ariz	2,336	143
Hardin, Mont.	2,306	406
McGill, Nev.	2,297	178
Wheatland, Wyo	2,286	370
Polson, Mont.	2,280	382
Bottineau, N. Dak	2,268	431
Greybull, Wyo	2,262	322
Gillette, Wyo.	2,191	406
New Rockford, N. Dak.	2,185	337
Williams, Ariz.	2,152	122
Carrington, N. Dak	2,101	331
West Branch, Mich.	2,098	108
Lusk, Wyo	2,089	407
East Tawas, Mich.	2,040	120
Lisbon, N. Dak.	2,031	239
Hawthorne, Nev.	1,861	210
Lovelock, Nev.	1,604	267
Tonopah, Nev.	1,375	270
Calumet, Mich	1,256	270
Carlin, Nev	1,203	215
Yerington, Nev.	1,157	191
Goldfield, Nev.	336	248

APPENDIX B

GROUP B-1

Location	1950 population	Number services	Distance to nearest TV station
*Bridgeport, Conn.	158,709	1	18
*Canton, Ohio	116,912	1	35
*Fall River, Mass.	111,963	1	20
*Reading, Pa	109,320	1	27
*New Bedford, Mass.	109,189	1	27
*Allentown, Pa.	106,756	1	39
*Waterbury, Conn.	104,477	1	10

APPENDIX A—Continued

GROUP A-2—continued

Location	1950 population	Number services	Distance to nearest TV station
*Harrisburg, Pa.	89,544	1	32
Racine, Wis	71,193	1	16
Kenosha, Wis.	54,368	1	36
*Jackson, Mich.	51,088	1	35
*New Castle, Pa	48,834	1	39
*Battle Creek, Mich.	48,666	1	18
Anderson, Ind	46,820	1	33
Meriden, Conn.	44,088	1	10
*High Point, N. C.	39,973	1	13
Portsmouth, Ohio	36,798	1	39
(Processing line B)			
Everett, Wash.	33,849	1	25
Marion, Ohio	33,818	1	39.1
Belleville, Ill.	32,721	1	14
Alton, Ill.	32,550	1	20
Amsterdam, N. Y.	32,240	1	22
*Ashland, Ky.	31,131	1	15
*Massillon, Ohio	29,594	1	35
Kannapolis, N. C.	28,448	1	25
*Lebanon, Pa.	28,156	1	25
Bremerton, Wash.	27,678	1	10
Norman, Okla	27,006	1	25
Washington, Pa	26,280	1	25
Burlington, N. C.	24,560	1	15
Rock Hill, S. C.	24,502	1	25
Gloversville, N. Y.	23,634	1	35
Butler, Pa	23,482	1	28
Lawrence, Kansas	23,351	1	35
Gastonia, N. C.	23,069	1	2
Shawnee, Okla	22,948	1	36
Leavenworth, Kans.	20,579	1	25
*East Lansing, Mich.	20,325	1	3
*Meadville, Pa.	18,972	1	32
Columbus, Ind	18,370	1	32
Okmulgee, Okla.	18,317	1	35
Dunkirk, N. Y.	18,007	1	37
Statesville, N. C.	16,901	1	36
Shelby, N. C.	15,508	1	25
Hickory, N. C.	14,755	1	33
St. Augustine, Fla	13,555	1	32
Murfreesboro, Tenn.	13,052	1	30
Sapulpa, Okla.	13,031	1	14
Cleburne, Tex.	12,905	1	32
Elizabeth City, N. C.	12,685	1	39
Bedford, Ind.	12,562	1	22
Mt. Vernon, Ohio	12,185	1	39
*Boone, Iowa	12,164	1	12
Shelbyville, Ind.	11,734	1	27
Newton, Iowa	11,723	1	39
El Reno, Okla	10,991	1	28
Guthrie, Okla	10,113	1	21
Weatherford, Tex.	8,093	1	32
Lebanon, Tenn.	7,913	1	30
Gallipolis, Ohio	7,871	1	33
Lebanon, Ind.	7,631	1	25
Webster City, Iowa	7,611	1	34
Atrisco-Five Points, N. Mex.	7,367	1	5
Williamsburg, Va.	6,735	1	37
Springfield, Tenn.	6,506	1	27
Rosenburg, Tex.	6,210	1	27
Olathe, Kans	5,593	1	20
Claremore, Okla	5,494	1	25
Festus, Mo.	5,199	1	28
Gallatin, Tenn	5,107	1	28
Belen, New Mex	4,495	1	32
Pryor Creek, Okla	4,486	1	39.5
Covington, Tenn.	4,379	1	30
*Lowell, Mass	97,249	2	19
Lawrence, Mass.	80,536	2	20
Springfield, Ohio	78,508	2	32
*Bethlehem, Pa	66,340	2	36
Richmond, Ind.	39,539	2	35
Auburn, N. Y.	36,722	2	25
Nashua, N. H.	34,669	2	30
Clinton, Iowa	30,379	2	25
*Ithaca, N. Y.	29,257	2	39
Bessemer, Ala	28,445	2	10
Michigan City, Ind.	28,395	2	39
Oswego, N. Y	22,647	2	25
Muscatine, Iowa	19,041	2	25
Bridgeton, N. J.	18,378	2	35
Batavia, N. Y.	17,799	2	32
Piqua, Ohio	17,447	2	32
Kewanee, Ill.	16,821	2	32
Fremont, Nebr.	14,762	2	31
Napa, Calif	13,579	2	34
Talladega, Ala	13,134	2	29.8
New Braunfels, Tex.	12,210	2	30
Terrell, Tex	11,544	2	27
McKinney, Tex.	10,560	2	32
Seguin, Tex.	9,733	2	33
Sylacauga, Ala.	9,606	2	[illegible]
Jasper, Ala.	8,589	2	36
Stillwater, Minn.	7,674	2	18
Madison, Ind	7,506	2	29.4
Northfield, Minn.	7,487	2	36
Tooele, Utah	7,269	2	28
Hastings, Minn.	6,709	2	22
Elizabethtown, Ky.	5,807	2	39
*Akron, Ohio	274,605	3	18

APPENDIX B—Continued

GROUP B-1—continued

Location	1950 population	Number services	Distance to nearest TV station
*Worcester, Mass	203,486	3	30
*Trenton, N. J	128,009	3	28
Pontiac, Mich	73,681	3	19
Brockton, Mass	62,860	3	20
*Lorain, Ohio	51,202	3	26
*Ann Arbor, Mich	48,251	3	31
Newark, Ohio	34,275	3	33
Lancaster, Ohio	24,180	3	30
Denton, Tex	21,372	3	30
Marietta, Ga	20,687	3	10
Cortland, N. Y	18,152	3	24
Griffin, Ga	13,982	3	36
Waxahachie, Tex	11,294	3	26
Petaluma, Calif	10,315	3	33
Newnan, Ga	8,218	3	37
Cartersville, Ga	7,270	3	34
Port Chicago, Calif	3,240	3	28
Gary, Ind	133,911	4	22
*Hammond, Ind	87,594	4	23
Joliet, Ill	51,601	4	31
Aurora, Ill	50,576	4	36
Elgin, Ill	44,223	4	33
Waukegan, Ill	38,946	4	35
*Hamilton-Middletown, Ohio	91,646	5	20
*Frederick, Md	18,142	5	56
Asbury Park, N. J	17,084	6	33
Paterson, N. J	139,336	7	12
Stamford-Norwalk, Conn	123,753	7	31
*New Brunswick, N. J	38,811	7	25
Corpus, Calif	10,223	7	37
Annapolis, Md	10,047	7	25

GROUP B-2

Location	1950 population	Number stations
*Albany-Schenectady-Troy, N. Y	299,091	1
*Grand Rapids, Mich	176,515	1
*New Haven, Conn	164,443	1
*Utica-Rome, N. Y	143,213	1
*Erie, Pa	130,803	1
*Wilmington, Del	110,356	1
*Lansing, Mich	92,129	1
*Binghamton, N. Y	80,674	1
*Greensboro, N. C	74,389	1
*Lancaster, Pa	63,774	1
*Johnstown, Pa	63,232	1
*Kalamazoo, Mich	57,704	1
*Bloomington, Ind	28,163	1
*Ames, Iowa	22,898	1
*Dallas, Tex	434,462	2
*Louisville, Ky	369,129	2
*Birmingham, Ala	326,037	2
*Dayton, Ohio	243,872	2
*Davenport, Iowa-Rock Island-Moline, Ill	160,656	2
*Philadelphia, Pa	2,071,605	3
*Detroit, Mich	1,849,568	3
*Baltimore, Md	949,708	3
*Cleveland, Ohio	914,808	3
*Cincinnati, Ohio	503,998	3
*Columbus, Ohio	375,901	3
*Atlanta, Ga	331,314	3
*Chicago, Ill	3,620,962	4
*Washington, D. C	802,178	4
*New York, N. Y	7,891,557	6
*Los Angeles, Calif	1,970,358	7

GROUP B-3

Location	1950 population	Number services	Distance to nearest TV station
*Des Moines, Iowa	177,965	1	28
*Hartford, Conn	177,397	1	30
*Tacoma, Wash	143,673	1	23
*San Jose, Calif	95,280	1	38.5
*Winston-Salem, N. C	87,811	1	23
*Altoona, Pa	77,177	1	28
*Petersburg, Va	35,034	1	22
Mesa, Ariz	16,790	1	14

APPENDIX B—Continued

GROUP B-4

Location	1950 population	Number services	Number stations
*St. Louis, Mo	856,796	1	1
*Pittsburgh, Pa	676,806	1	1
*Buffal-Niagara Falls, N. Y	671,004	1	1
*Milwaukee, Wis	637,392	1	1
*Houston, Tex	596,163	1	1
*New Orleans, La	570,445	1	1
*Seattle, Wash	467,591	1	1
*Kansas City, Mo	456,622	1	1
*Indianapolis, Ind	427,173	1	1
*Memphis, Tenn	396,000	1	1
*Norfolk-Portsmouth-Newport News, Va	335,910	1	1
*San Diego, Calif	334,387	1	1
*Rochester, N. Y	332,488	1	1
*Toledo, Ohio	303,616	1	1
*Miami, Fla	249,276	1	1
*Oklahoma City, Okla	243,504	1	1
*Richmond, Va	230,310	1	1
*Jacksonville, Fla	204,517	1	1
*Tulsa, Okla	182,740	1	1
*Nashville, Tenn	174,307	1	1
*Charlotte, N. C	134,042	1	1
*Phoenix, Ariz	106,818	1	1
*Albuquerque, N. Mex	96,815	1	1
*Huntington, W. Va	86,353	1	1

GROUP B-5

Ogden, Utah	57,112	2	0
*Provo, Utah	28,937	2	0
*Fort Worth, Tex	278,778	2	1
*Providence, R. I	248,674	2	1
*Minneapolis-St. Paul, Minn	833,067	2	2
*Boston, Mass	801,444	3	2
*San Antonio, Tex	408,442	2	2
*Omaha, Nebr	251,117	2	2
*Salt Lake City, Utah	182,121	2	2
*San Francisco, Calif	1,159,932	3	3

[F. R. Doc. 52-9127; Filed, Aug. 18, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6451]

CINCINNATI GAS & ELECTRIC CO.

ORDER SUSPENDING RATE SCHEDULE

AUGUST 12, 1952.

Cincinnati Gas & Electric Company (Cincinnati) on July 17, 1952, submitted for filing a proposed supplemental rate schedule, tentatively designated as Supplement No. 3 to Rate Schedule FPC No. 2, increasing its rates or charges to Union Light, Heat and Power Company (Union), its subsidiary, by an amount of $307,200 (13 percent) annually based on sales for the year 1951. Unless suspended by order of the Commission, Supplement No. 3 will become effective August 17, 1952, pursuant to the provisions of the Federal Power Act and the general rules and regulations promulgated thereunder.

The rate schedule now in effect contains a two-part rate having monthly charges of $1.40 per kw of demand and 3.5 mills per kwh subject to a fuel adjustment of .065 mills per kwh for each 10-cent variation from $3.00 per ton of coal. Charges under the fuel clause averaged 2.34 mills per kwh during 1951, resulting in a total energy charge of 5.84 mills. Cincinnati now proposes to increase the demand charge by 50 cents per kw per month resulting in a demand charge of $1.90 per kw per month, but no other change is proposed.

The change in rates and charges proposed by Supplement No. 3 may result in excessive rates or charges; may place an undue burden upon ultimate consumers; may be unduly discriminatory or preferential; and may result in increased rates and charges which have not been shown to be justified.

The Kentucky Public Service Commission and Union were invited to comment on the proposed supplemental rate schedule. No response has been received from Union, but the Kentucky Commission, by letter of August 5, 1952, advised that there is presently pending before it a proposed increase in the rates and charges of Union, and the filing with the Federal Power Commission of the proposed increase by Cincinnati "vitally affects the rate case." The Kentucky Commission questions the basis of the date furnished by Cincinnati in support of its filing with respect to the apportionment of its transmission system to the Kentucky business and the apportionment of plant and expenses as between demand and commodity, and requests in the event Cincinnati's proposed rate is suspended that it will be given opportunity to intervene in any proceeding before the Federal Power Commission.

The Commission finds:

(1) The increased rates or charges proposed by Supplement No. 3 to Cincinnati's Rate Schedule FPC No. 2 may be unjust, unreasonable, unduly discriminatory or preferential.

(2) It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the rates or charges proposed by Supplement No. 3 to Rate Schedule FPC No. 2 and that said proposed rates or charges be suspended pending such hearing and decision thereon.

The Commission orders:

(A) A public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates or charges proposed in Supplement No. 3 to Cincinnati Gas & Electric Company Rate Schedule FPC No. 2.

(B) Pending such hearing and decision thereon, the proposed Supplement No. 3, referred to in paragraph (A) above, be and the same is hereby suspended and the use of the rates or charges provided therein deferred until January 17, 1953, and may not be applied to any deliveries of energy prior to that date. Thereafter such proposed supplemental rate schedule shall go into effect in the manner prescribed by the Commission in accordance with the Federal Power Act.

(C) During the period of suspension, the rates or charges heretofore in effect under Cincinnati Gas & Electric Company Rate Schedule FPC No. 2, as supplemented by Supplements Nos. 1 and 2 on file with the Commission, shall remain and continue in effect.

(D) At the hearing ordered herein, the burden of proof to show that the proposed increased rates or charges are just and reasonable and not unduly discriminatory or preferential shall be upon the company.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the codification and reissuance of the Commission's rules, effective January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Date of issuance: August 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9095; Filed, Aug. 18, 1952; 8:47 a. m.]

[Dockets Nos. G-683, G-1532, G-1683, G-1857, G-1970]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

ORDER REOPENING PROCEEDINGS, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

AUGUST 12, 1952.

On December 18, 1951, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), a Kansas corporation having its principal place of business at Phillipsburg, Kansas, filed an application in Docket No. G-1857, as amended on March 14, 1952, and as supplemented on June 10, 1952, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, and for modification and amendment of the Commission's orders heretofore issued in Docket Nos. G-683, G-1532, and G-1683, all as described in the application, as amended and supplemented, on file with the Commission and open to public inspection. Notice of the filing of the amended application has been given, including publication in the FEDERAL REGISTER on April 9, 1952 (17 F. R. 3126).

On June 2, 1952, Kansas-Nebraska filed an application in Docket No. G-1970 pursuant to section 7 of the Natural Gas Act, for authority to abandon and remove certain natural gas transmission facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission facilities subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in FEDERAL REGISTER on June 19, 1952 (17 F. R. 5531).

On July 24, 1952, the Commission adopted an order (1) denying requests that applications filed at Docket Nos. G-1857 and G-1970 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings, (2) consolidating the proceedings at Docket Nos. G-1857 and G-1970 and (3) fixing August 19, 1952, as the date of hearing on the matters at Docket Nos. G-1857 and G-1970.

Applicant has requested in its amended application filed at Docket No. G-1857 on March 14, 1952, that the Commission modify the identified certificate orders to reflect the following changes:

(a) Paragraph (e) of the description of facilities in the Commission's order issued November 9, 1951, Docket No. G-1683, so as to change the 52 miles of 8⅝-inch pipeline therein authorized to 49 miles of 10¾-inch pipeline.

(b) Paragraph (1) of the description of facilities in the Commission's order issued February 28, 1951, Docket No. G-1532, so as to change the authorized 2,000 hp. capacity of the new Holcomb Compressor Station from one 2,000 hp. unit to four 500 hp. units.

(c) Paragraph 14 of the description of facilities in the Commission's order issued February 28, 1951, Docket No. G-1532, so as to eliminate the words, "and Stanton" from the last line of Item 14.

(d) Paragraph (d) (vii) (g) of the description of facilities in the Commission's order, date March 30, 1946, Docket No. G-683, so as to change said lateral from 8 miles of 2⅜-inch pipeline to 3 miles of 2⅜-inch pipeline.

The commission finds:

(1) It is appropriate for carrying out the provisions of the Natural Gas Act that the Commission reopen the proceedings in Docket Nos. G-1683, G-1532, and G-683 for the sole purpose of determining whether the orders therein should be modified as requested in the first amended application filed March 14, 1952, in Docket No. G-1857, and consolidate the reopened proceedings with those in Docket Nos. G-1857 and G-1970 for the purpose of hearing.

(2) Good cause exists for fixing the date of hearing of the above reopened proceedings with the proceedings in Docket Nos. G-1857 and G-1970 heretofore consolidated and ordered to be heard commencing August 19, 1952, and for less than 15 days after publication of the notice in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket Nos. G-1683, G-1532, and G-683 be and they are hereby reopened for the sole purpose of determining whether the requested modifications, as set forth above, should be allowed.

(B) The proceedings in Docket Nos. G-1857, G-1970 and the reopened proceedings referred to in Paragraph (A) above be and they are hereby consolidated for the purpose of hearing.

(C) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, the consolidated proceedings at Docket Nos. G-1683, G-1532, G-683, G-1857, and G-1970 be and are hereby set for hearing commencing on August 19, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented in the aforementioned consolidated proceedings.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9096; Filed, Aug. 18, 1952; 8:48 a. m.]

[Docket No. G-1947]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF AMENDED APPLICATION

AUGUST 13, 1952.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware Corporation, having its principal place of business at Shreveport, Louisiana, filed on August 7, 1952, an amendment to its April 24, 1952, application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, notice of which was published in the FEDERAL REGISTER on May 13, 1952.

The changes set forth in the amended application provide for the use of 24-inch pipe of 0.321-inch wall thickness instead of 24-inch pipe of 0.330-inch wall thickness in a 22 mile section of the 315 mile pipeline proposed to be constructed and operated. In addition, the amended application does not contemplate the construction of a 5,500 horsepower compressor station originally proposed to be constructed and operated in Shelby County, Texas.

Applicant now proposes to transport up to 140,000 Mcf of Natural gas per day into its existing system by means of the facilities for which authorization is sought rather than the 200,000 Mcf per day originally proposed. The total capital cost of the facilities has been changed from $25,943,079 to the presently proposed figure of $23,283,540.

The application is on file with the Commission for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of September 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9098; Filed, Aug. 18, 1952; 8:48 a. m.]

[Docket No. G-1953]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

AUGUST 12, 1952.

On May 6, 1952, Michigan-Wisconsin Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in the City of Detroit,

Michigan, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities as fully described in said application, now on file with the Commission and open for public inspection.

Applicant has requested that its application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure. No request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 24, 1952 (17 F. R. 4775).

The Commission finds: (1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on August 20, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 13, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9097; Filed, Aug. 18, 1952; 8:48 a. m.]

[Docket No. G-2014]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

AUGUST 13, 1952.

Take notice that Consolidated Gas Utilities Corporation (Consolidated), a Delaware corporation having its principal place of business in the Braniff Building, Oklahoma City, Oklahoma, filed on July 28, 1952, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas facilities, to-wit:

(1) Approximately 9 miles of 12¾ inch pipeline extending from a point of connection in section 32, Township 11 North, Range 25 West, Beckham County, Oklahoma, with Consolidated's main transmission pipeline to a point of connection in Section 11, Township 9 North, Range 25 West, Beckham County, Oklahoma, with Consolidated's Sayre-Altus system.

(2) One 750 hp. compressor station in section 11, Township 9 North, Range 25 West, Beckham County, Oklahoma, at the point of interconnection between the proposed 9 miles of 12¾ inch pipeline, aforementioned, and Consolidated's Sayre-Altus system.

(3) Approximately 12,000 feet of 4½ inch pipeline extending from a point of connection in section 9, Township 25 North, Range 4 West, Grant County, Oklahoma, with Consolidated's main transmission pipe line to a point of connection in section 7, Township 25 North, Range 4 West, Grant County, Oklahoma, with a gasoline plant and compressor station now being constructed by W. O. Morse, with whom Consolidated has entered into a gas purchase contract whereby it will receive natural gas from said gasoline plant.

(4) Approximately 30,000 feet of 6⅝ inch pipeline extending from a point of connection in section 14, Township 32 South, Range 4 East, Cowley County, Kansas, with Consolidated's main transmission pipeline to a point of connection in section 32, Township 31 South, Range 5 East, Cowley County, Kansas, with Consolidated's existing natural-gas facilities.

(5) An underground gas storage reservoir in the West Earlton gas field, located in Township 28 South, Ranges 16 and 17 East, Wilson County, Kansas, and to install approximately 4 miles of 6⅝ inch pipeline extending from said proposed gas storage project in section 30, Township 28 South, Range 16 East, to a point of interconnection with Consolidated's existing natural-gas facilities in section 12, Township 29 South, Range 16 East, Wilson County, Kansas.

Consolidated proposes to serve no new customers by means of the proposed facilities, but merely to more adequately serve its existing customers.

The total cost of the proposed facilities is estimated by Consolidated to be $574,574.00, to be financed from company funds now on hand.

A full description of the facilities is contained in said application which is on file with the Commission for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of September 1952.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9099; Filed, Aug. 18, 1952; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE TREASURY

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO BUREAU OF ENGRAVING AND PRINTING

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Treasury to negotiate, without advertising, contracts and purchases pursuant to section 302 (c) (2), (4), (9), (10), and (12) of the act in connection with the current program for modernization of the equipment and operations of the Bureau of Engraving and Printing, designed to increase productive capacity and decrease the cost of printing currency.

2. This authority shall be exercised in accordance with applicable limitations in the act, including section 307 requiring written findings, preservation of data, and reports to the General Accounting Office, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

3. Subject to the limitations in section 307 (b) of the act, the Secretary of the Treasury is hereby authorized to redelegate the authority contained herein to any officer, official, or employee of the Treasury Department.

4. This delegation of authority shall be effective as of the date hereof.

Dated: August 12, 1952.

JESS LARSON, *Administrator.*

[F. R. Doc. 52-9092; Filed, Aug. 18, 1952; 8:47 a. m.]

INTERNATIONAL JOINT COMMISSION

[Docket No. 67]

UNITED STATES AND CANADA

HEARING ON WATER LEVELS OF LAKE ONTARIO

In order to determine, having regard for all other interests, whether measures can be taken to regulate the level of Lake Ontario for the benefit of property owners on the shore of the lake so as to reduce the extremes of stages which have been experienced, the Governments of the United States and Canada have agreed to refer the matter to the International Joint Commission under a reference dated June 25, 1952, for investigation and report pursuant to Article IX of the Treaty relating to boundary waters, signed January 11, 1909. The Commission is directed to study the various factors which affect the fluctuations of water level on Lake Ontario and any diversion into or out of the Great Lakes Basin, and shall determine whether in its judgment, action can be taken by either or both Governments to bring about a more beneficial range of stage, having regard to the proposed Plan of improvement for navigation and power of the International Rapids Section of the St. Lawrence River and the proposed method of regulation of the levels of Lake Ontario which is an essential feature of that Plan.

Notice is hereby given that hearings will be held by the International Joint Commission on the above matter in Watertown, New York, at 10:00 a. m., e. d. t., on Friday, September 5, 1952, at the Jefferson County Court Room.

Interested parties are invited to attend.

In order to permit all interests to present a full expression of views, it is suggested that, whenever possible, written statements be filed with the Commission and that fifty copies of such statements be prepared.

JESSE B. ELLIS, *Secretary, United States Section, International Joint Commission, Washington, D. C.*

E. M. SUTHERLAND, *Secretary, Canadian Section, International Joint Commission, Ottawa, Canada.*

AUGUST 13, 1952.

[F. R. Doc. 52-9116; Filed, Aug. 18, 1952; 8:51 a. m.]

[Docket No. 68]

UNITED STATES AND CANADA

HEARING ON CONSTRUCTION OF WORKS FOR POWER DEVELOPMENT IN THE INTERNATIONAL RAPIDS SECTION OF THE ST. LAWRENCE RIVER

The Governments of the United States and Canada each have submitted to the International Joint Commission, under the provisions of the Boundary Waters Treaty of January 11, 1909, applications requesting the Commission to approve the construction of certain works for the development of power, as further described in the applications, in the International Rapids Section of the St. Lawrence River, giving consideration to such effects as the construction and operation of these works may have on the levels of water resulting therefrom, to be maintained in Lake Ontario; and, further, these applications are filed with the International Joint Commission with the understanding on the part of each Government specified in the applications.

Notice is hereby given that a Public Hearing in the above matter will be held in Albany, New York, on Wednesday, September 3, 1952, at 10:00 a. m., e. d. t., in the State Capitol Building, Court of Claims Room No. 250.

Interested persons and organizations are invited to attend.

In order to permit all interests to present a full expression of views, it is suggested that, whenever possible, written statements be filed with the Commission and that fifty copies of such statements be prepared.

JESSE B. ELLIS, *Secretary, United States Section, International Joint Commission, Washington, D. C.*

E. M. SUTHERLAND, *Secretary, Canadian Section, International Joint Commission, Ottawa, Canada.*

AUGUST 13, 1952.

[F. R. Doc. 52-9117; Filed, Aug. 18, 1952; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 67]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the Authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Colville, Washington. (The area consists of Census Division 3 and the portions of Census Divisions 1 and 2 lying east of the Columbia River, including the City of Colville, all in Stevens County, Washington.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9194; Filed, Aug. 15, 1952; 3:09 p. m.]

[CDHA 68]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Klamath, California. (The area consists of Klamath Judicial Township including Klamath and Klamath Glen, in Del Norte County, California).

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9195; Filed, Aug. 15, 1952; 3:10 p. m.]

[CDHA 69]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Elizabeth City, North Carolina, Area. (The area consists of Pasquotank County, including Elizabeth City town, North Carolina.)

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9196; Filed, Aug. 15, 1952; 3:10 p. m.]

[CDHA 71]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

[File Nos. 54-177, 59-91]

From: New Orleans, La., and points temporary relief is found to be neces-

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Roseburg, Oregon, Area. (The area consists of the precincts of Brown, Civil Bend, Edenbower East 1 and 2, Edenbower West 1 and 2, Garden Valley, Green, Mill, Parrott and Wilbur, including the City of Roseburg, all in Douglas County, Oregon.)

This supersedes certification under Docket No. 224 dated July 25, 1952.

Corning-Painted Post, New York Area. (The area consists of the towns of Thurston, Campbell, Hornby, Rathbone, Addison, Erwin, Corning, Woodhull, Tuscarora, Lindley and Caton, the city of Corning and the villages of Painted Post, Woodhull, Addison, Riverside and South Corning, all in Steuben County, New York and the town of Catlin in Chemung County, New York).

This supersedes certification under Docket No. 134 dated July 14, 1952.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9197; Filed, Aug. 15, 1952; 3:10 p. m.]

[CDHA 72]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in each of the areas set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that each of said areas is a critical defense housing area.

Kinston, North Carolina, Area. (The area consists of all of Lenoir County and the town of Grifton in Pitt County, North Carolina.)

This supersedes certification under Docket No. 43 dated December 17, 1951.

Norfolk-Portsmouth, Virginia, Area. (The area consists of Norfolk and Princess Anne Counties; the independent cities of Norfolk, South Norfolk, and Portsmouth; and that portion of Nansemond County lying north of U. S. Highway Number 17 and east of the Nansemond River; all in Virginia.)

This supersedes certification under Docket No. 78 dated October 5, 1951.

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9198; Filed, Aug. 15, 1952; 3:10 p. m.]

[CDHA 74]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 15, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations, and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Great Lakes-North Chicago-Waukegan, Illinois. (The area consists of all of Lake County, Illinois.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9199; Filed, Aug. 15, 1952; 3:11 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-168, 54-203, 59-12]

AMERICAN POWER & LIGHT CO. AND ELECTRIC BOND AND SHARE CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO BOARD OF DIRECTORS OF THE WASHINGTON WATER POWER COMPANY

AUGUST 12, 1952.

In the matter of American Power & Light Company, File No. 54-203; Electric Bond and Share Company, American Power & Light Company, File Nos. 54-168 and 59-12.

The Commission, on June 6, 1952, having issued an order approving a section 11 (e) plan, as amended, of American Power & Light Company ("American"), a registered holding company, providing, among other things, for the pro rata distribution to American's stockholders of all the common stock of the Washington Water Power Company ("Washington Company"), a public utility subsidiary company of American; and

American having provided in its section 11 (e) plan, as amended, that it would submit to the Commission a list of names of nine persons to serve as members of the initial board of directors of the Washington Company on and after the distribution date until their successors are elected at the first annual meeting of stockholders to be held following the distribution date in accordance with the amended Articles of Incorporation and amended by-laws of the Washington Company; and

The Commission in its order dated June 6, 1952, having reserved jurisdiction with respect to the selection or election and the composition of the initial board of directors of the Washington Company; and

American having filed with the Commission a list of names of nine persons selected to serve as the initial board of directors of the Washington Company, whose names are as follows:

Kinsey M. Robinson, President, The Washington Water Power Co.
J. E. E. Royer, Vice President and General Manager, The Washington Water Power Co.
John J. Burke, President, The Metals Bank & Trust Co., Butte, Mont.
James A. Poore, Jr., Attorney, Butte, Mont.
Howard C. Paulsen, Secretary, Paulsen Estate, Inc., Spokane, Wash.
Rodney G. Aller, Attorney, Lakeville, Conn.
Albert Y. Bingham, Vice President, Chicago Title & Trust Co., Chicago, Ill.
J. Neil Smith, Vice President, United Funds, Inc., Kansas City, Mo.
Raymond Emloe, President, Idaho Portland Cement Co., Spokane, Wash.

American having represented that none of the said persons are officers, directors or employees of American or of Electric Bond and Share Company and are well qualified to serve, and American further representing that the qualifications and selection of the said persons have been discussed with and approved by the holders of a substantial number of shares of common stock of American; and

The Commission having considered the list of names of the nine persons submitted by American as the proposed initial board of directors of the Washington Company to hold office until the first annual meeting of stockholders, and having determined that such persons afford reasonably appropriate representation of the security holders who will have voting power after consummation of the plan and otherwise meet the requirements specified in American's plan, as amended, and in our findings and opinion dated June 5, 1952, and of the act:

It is ordered, That the jurisdiction heretofore reserved with respect to the selection or election and the composition of the initial board of directors of the Washington Company be and it is hereby released.

It is further ordered, That the jurisdiction heretofore reserved with respect to other matters in connection with the proceedings be and it is hereby continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9093; Filed, Aug. 13, 1952; 8:47 a. m.]

[File Nos. 54-177, 59-91]

PENNSYLVANIA GAS & ELECTRIC CORP. ET AL.

ORDER GRANTING FURTHER EXTENSION OF TIME TO MODIFY PLAN

AUGUST 12, 1952.

In the matter of Pennsylvania Gas & Electric Corporation, North Penn Gas Company, Allegany Gas Company, Dempseytown Gas Company, Alum Rock Gas Company, Penn-Western Service Corporation, applicants, File No. 54-177; Pennsylvania Gas & Electric Corporation, and its subsidiary companies; File No. 59-91, respondents.

Pennsylvania Gas & Electric Corporation ("Penn Corp."), a registered holding company, having filed a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for the dissolution of Penn Corp.;

The Commission having issued its findings and opinion dated June 5, 1952, concluding that the aforesaid plan may be approved if within 30 days or such additional time as may be granted upon a proper showing the aforesaid plan is modified in accordance with the views expressed in said findings and opinion;

The Commission, by order dated July 21, 1952, having extended to August 8, 1952, the period in which Penn Corp. may file an amendment modifying the plan;

Penn Corp., in a letter of August 5, 1952, having requested, in view of the nature of the issues presented, a further extension of the period in which it may modify the plan;

The Commission having considered Penn Corp's request and having concluded that a further extension of time may appropriately be granted;

It is ordered, That the time within which an amendment may be filed to modify the aforesaid plan in accordance with the views expressed in said findings and opinion dated June 5, 1952, be and hereby is extended to September 8, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9094; Filed, Aug. 18, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27306]

PINE LUMBER FROM NEW ORLEANS, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

AUGUST 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Fine lumber, carloads (import traffic).

From: New Orleans, La., and points grouped therewith.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9105; Filed, Aug. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27307]

ROOFING AND BUILDING MATERIALS FROM POINTS IN OFFICIAL AND ILLINOIS TERRITORIES TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, L. C. Schuldt, and I. N. Dee, Agents, jointly, for carriers parties to Agent Boin's tariff I. C. C. No. A-800 and other tariffs.

Commodities involved: Roofing and building materials and roofing slate, carloads.

From: Points in official and Illinois territories.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, grouping, market competition, operation through higher-rated territory, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9106; Filed, Aug. 18, 1952; 8:49 a. m.]

[4th Sec. Application 27308]

FERTILIZER FROM POINTS IN ARKANSAS, KANSAS, LOUISIANA, AND TEXAS TO RESERVE, LA.

APPLICATION FOR RELIEF

AUGUST 14, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Points in Arkansas, Kansas, Louisiana, and Texas.

To: Reserve, La., and points taking same rates.

Grounds for relief: Rail and market competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 90.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9107; Filed, Aug. 18, 1952; 8:50 a. m.]

[4th Sec. Application 27309]

VOLCANIC SCORIA OR SLAG FROM NEW MEXICO TO ARKANSAS

APPLICATION FOR RELIEF

AUGUST 14, 1952.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3904.

Commodities involved: Volcanic scoria or slag, carloads.

From: Points in New Mexico.

To: Points in Arkansas.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3904, Supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9108; Filed, Aug. 18, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18984]

ANA CHRISTIANSEN DE PRAHL AND FRANZ PRAHL

In re: Rights of Ana Christiansen de Prahl and Franz Prahl under insurance contract. File No. F-28-31902-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Ana Christiansen de Prahl and Franz Prahl, whose last known address is Calle Anzoategui No. 103, Puerto Cabello, Venezuela, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 235-301 issued by the Pan American Life Insurance Company, New Orleans, Louisiana, to Ana Christiansen de Prahl, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-9128; Filed, Aug. 18, 1952; 8:54 a. m.]

[Vesting Order 18985]

FRANZ PRAHL AND ANA CHRISTIANSEN DE PRAHL

In re: Rights of Franz Prahl and Ana Christiansen de Prahl under insurance contract. File No. F-28-23604-H-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Franz Prahl and Ana Christiansen de Prahl, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 235-300 issued by the Pan American Life Insurance Company, New Orleans, Louisiana, to Franz Prahl, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Dora Valeska Prahl, a resident of Venezuela, and the aforesaid Pan American Life Insurance Company, together with the right to demand, receive and collect said net proceeds, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Franz Prahl and Ana Christiansen de Prahl, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons named in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 14, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52-9129; Filed, Aug. 18, 1952; 8:54 a. m.]

ce Room

FEDERAL REGISTER

VOLUME 17 NUMBER 163

Washington, Wednesday, August 20, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2985

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the productive capacity of physically-handicapped workers, when they are employed in positions suited to their physical abilities and skills, has been demonstrated beyond question; and

WHEREAS there is a need for greater understanding of the employment capabilities of the physically handicapped and of proved methods of matching their abilities with job requirements; and

WHEREAS there is also a need for greater public participation in educational and promotional activities that have as their objective the suitable employment of physically-handicapped workers who have been adequately prepared and are willing and able to work; and

WHEREAS the Congress, by a joint resolution approved on August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week, and has requested the President to issue a proclamation calling public attention to the need for Nation-wide support of and interest in the employment of otherwise qualified but physically-handicapped men and women:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby call upon the people of our Nation to observe the week beginning October 5, 1952, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Physically Handicapped in carrying out the purposes of the aforementioned joint resolution of Congress.

I also request the Governors of States, the mayors of municipalities, other public officials, leaders of industry and labor, and members of religious, civic, veterans', agricultural, women's, handicapped-persons', and fraternal organizations, as well as other groups representative of our national life, to take part in the observance of the designated week, in order to enlist the widest possible public support of programs designed to increase opportunities in employment for the physically handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of August in the year of our Lord nineteen hundred and [SEAL] fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

HARRY S. TRUMAN

By the President:

DAVID BRUCE, *Acting Secretary of State.*

[F. R. Doc. 52-9224; Filed, Aug. 18, 1952; 2:16 p. m.]

PROCLAMATION 2986

MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT IN THE RATE OF DUTY WITH RESPECT TO DRIED FIGS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the Statutes, including section 350 of the Tariff Act of 1930, as amended, on April 21, 1951, I entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade of certain foreign countries, including the Republic of Turkey, which trade agreement consists of the Torquay Protocol to the General Agreement on Tariffs and Trade, dated April 21, 1951, including the Annexes thereto, and by Proclamation No. 2929 of June 2, 1951 (3 CFR, 1951 Supp., 27; TD 52739), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of

(Continued on p. 7569)

CONTENTS

THE PRESIDENT

Proclamations — Page

Modification of trade agreement concession and adjustment in the rate of duty with respect to dried figs ---- 7567

National Employ the Physically Handicapped Week, 1952 ---- 7567

EXECUTIVE AGENCIES

Agriculture Department

See Animal Industry Bureau; Farm Credit Administration; Farmers Home Administration; Production and Marketing Administration; Soil Conservation Service.

Animal Industry Bureau

Rules and regulations:

Hog cholera, seine plague, and other communicable swine diseases; notice and quarantine ---- 7570

Civil Service Commission

Rules and regulations:

Air Force Department; exceptions from the competitive service ---- 7570

Commerce Department

See Federal Maritime Board; International Trade, Office of; National Production Authority.

Customs Bureau

Rules and regulations:

Air commerce regulations:

Broward County Airport, Fort Lauderdale, Fla. ---- 7594

Sky Harbor Seaplane Base, Duluth, Minn. ---- 7594

Defense Mobilization, Office of

Notices:

Placement of procurement with the Apparel Industry ---- 7611

Economic Stabilization Agency

See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Farm Credit Administration

Notices:

Deputy Governor et al., delegation of authority to act in absence of Governor ---- 7607

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Farmers Home Administration — Page
Rules and regulations:
Average values of farms and investment limits; certain States — 7570

Federal Communications Commission
Rules and regulations:
Forms:
Practice and procedure — 7601
Radio broadcast services — 7601

Federal Maritime Board
Notices:
Annual review of bareboat charters — 7607
Rules and regulations:
Determination of profit in contracts and subcontracts for construction, reconditioning, or reconstruction of ships — 7594

Federal Power Commission — Page
Notices:
Hearings, etc.:
Ohio Fuel Gas Co. (2 documents) — 7610
Pacific Gas and Electric Co. — 7610

Geological Survey
Notices:
Colorado; noncoal classification — 7609

Interior Department
See Geological Survey; Reclamation Bureau.

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters; deletions from list — 7571

Interstate Commerce Commission
Notices:
Applications for relief:
Canned or preserved foodstuffs between points in official territory — 7612
Cement from Kansas and Oklahoma to points in official territory — 7611
Glassware between Baltimore, Md., and border territory — 7612
Iron and steel articles from Cincinnati and Portsmouth, Ohio, and Louisville, Ky., to Orangeburg, S. C. — 7612
Sewer pipe from Illinois territory to southern territory — 7612

Labor Department
See Wage and Hour Division.

Maritime Administration
See Federal Maritime Board.

National Production Authority
Notices:
Day Co.; suspension order — 7607
Rules and regulations:
Ex-allotment acquisition and use of carbon conversion steel:
Basic rules of the Controlled Materials Plan (CMP Reg. 1, Dir. 19) — 7589
Construction (CMP Reg. 6, Dir. 7) — 7590
Railroad transportation equipment (M–95) — 7592
Sulfur (M–69) — 7591

Price Stabilization, Office of
Notices:
Auto Ventshade Co.; manufacturers suggested resale prices — 7609
Rules and regulations:
Adjustments for iron and steel products (GCPR, SR 100) — 7585
Retail and wholesale sale of new passenger automobiles (CPR 83) — 7572

Post Office Department
Rules and regulations:
Special delivery mail registered, insured, or sent c. o. d. — 7572

Production and Marketing Administration — Page
Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho and hop products produced therefrom in these States; budget of expenses of the Hop Control Board for the marketing season beginning August 1, 1952, and rate of assessment — 7602
Regulations under Packers and Stockyards Act; hearings on proposed revision — 7602

Reclamation Bureau
Notices:
Arizona; first form reclamation withdrawal — 7608
Notice for filing objections to order withdrawing public lands — 7608

Rent Stabilization, Office of
Rules and regulations:
Hotels; specific provisions relating to individual defense rental-area and portions thereof — 7593

Salary Stabilization Board
Rules and regulations:
Pension plans and deferred profit sharing and stock bonus plans; filing and record-keeping requirements (GSSR 6) — 7588
Reporting requirements:
Profit-sharing and other bonuses (GSSR 2) — 7588
Salaries and other compensation for professional athletes (GSSR 7) — 7589
Stock option and stock purchase plans; reports and record keeping (GSSR 4) — 7588

Securities and Exchange Commission
Notices:
Detroit Stock Exchange; record disposal plan — 7611
United Gas Corp.; filing of subordination agreement — 7611
Proposed rule making:
General rules and regulations, Securities Act of 1933; revision of Regulation A; general exemption — 7603

Soil Conservation Service
Rules and regulations:
Functions and procedures; land conservation and utilization — 7570

Tariff Commission
Modification of trade agreement concession and adjustment in the rate of duty with respect to dried figs (*see* Proclamations).

Treasury Department
See Customs Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 7609

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter I (Proclamations):	
2867 (suspended in part by Proc. 2986)	7567
2874 (suspended in part by Proc. 2986)	7567
2929 (see Proc. 2986)	7567
2985	7567
2986	7567
Title 5	
Chapter I:	
Part 6	7570
Title 6	
Chapter III:	
Part 311	7570
Title 7	
Chapter VI:	
Part 600	7570
Chapter IX:	
Part 986 (proposed)	7602
Title 9	
Chapter I:	
Part 76	7570
Chapter II:	
Part 201 (proposed)	7602
Title 15	
Chapter III:	
Part 399	7571
Title 17	
Chapter II:	
Part 230 (proposed)	7603
Title 19	
Chapter I:	
Part 6 (2 documents)	7594
Title 32A	
Chapter III (OPS):	
CPR 83	7572
GCPR, SR 100	7585
Chapter IV:	
Subchapter A (SSB):	
GSSR 2	7588
GSSR 4	7588
GSSR 6	7588
GSSR 7	7589
Chapter VI (NPA):	
CMP Reg. 1, Dir. 19	7589
CMP Reg. 6, Dir. 7	7590
M–69	7591
M–95	7592
Chapter XXI (ORS):	
RR 3	7593
Title 39	
Chapter I:	
Part 53	7572
Title 46	
Chapter II:	
Part 285	7594
Title 47	
Chapter I:	
Part 1	7601
Part 3	7601

THE PRESIDENT

CONTENTS—Continued

Federal Power Commission — Page
Notices:
Hearings, etc.:
Ohio Fuel Gas Co. (2 documents) — 7610
Pacific Gas and Electric Co. — 7610

Geological Survey
Notices:
Colorado; noncoal classification — 7609

Interior Department
See Geological Survey; Reclamation Bureau.

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters; deletions from list — 7571

Interstate Commerce Commission
Notices:
Applications for relief:
Canned or preserved foodstuffs between points in official territory — 7612
Cement from Kansas and Oklahoma to points in official territory — 7611
Glassware between Baltimore, Md., and border territory — 7612
Iron and steel articles from Cincinnati and Portsmouth, Ohio, and Louisville, Ky., to Orangeburg, S. C. — 7612
Sewer pipe from Illinois territory to southern territory — 7612

Labor Department
See Wage and Hour Division.

Maritime Administration
See Federal Maritime Board.

National Production Authority
Notices:
Day Co.; suspension order — 7607
Rules and regulations:
Ex-allotment acquisition and use of carbon conversion steel:
Basic rules of the Controlled Materials Plan (CMP Reg. 1, Dir. 19) — 7589
Construction (CMP Reg. 6, Dir. 7) — 7590
Railroad transportation equipment (M–95) — 7592
Sulfur (M–69) — 7591

Price Stabilization, Office of
Notices:
Auto Ventshade Co.; manufacturers suggested resale prices — 7609
Rules and regulations:
Adjustments for iron and steel products (GCPR, SR 100) — 7585
Retail and wholesale sale of new passenger automobiles (CPR 83) — 7572

Post Office Department
Rules and regulations:
Special delivery mail registered, insured, or sent c. o. d. — 7572

Production and Marketing Administration — Page
Proposed rule making:
Hops grown in Oregon, California, Washington, and Idaho and hop products produced therefrom in these States; budget of expenses of the Hop Control Board for the marketing season beginning August 1, 1952, and rate of assessment — 7602
Regulations under Packers and Stockyards Act; hearings on proposed revision — 7602

Reclamation Bureau
Notices:
Arizona; first form reclamation withdrawal — 7608
Notice for filing objections to order withdrawing public lands — 7608

Rent Stabilization, Office of
Rules and regulations:
Hotels; specific provisions relating to individual defense rental-area and portions thereof — 7593

Salary Stabilization Board
Rules and regulations:
Pension plans and deferred profit sharing and stock bonus plans; filing and record-keeping requirements (GSSR 6) — 7588
Reporting requirements:
Profit-sharing and other bonuses (GSSR 2) — 7588
Salaries and other compensation for professional athletes (GSSR 7) — 7589
Stock option and stock purchase plans; reports and record keeping (GSSR 4) — 7588

Securities and Exchange Commission
Notices:
Detroit Stock Exchange; record disposal plan — 7611
United Gas Corp.; filing of subordination agreement — 7611
Proposed rule making:
General rules and regulations, Securities Act of 1933; revision of Regulation A; general exemption — 7603

Soil Conservation Service
Rules and regulations:
Functions and procedures; land conservation and utilization — 7570

Tariff Commission
Modification of trade agreement concession and adjustment in the rate of duty with respect to dried figs (*see* Proclamations).

Treasury Department
See Customs Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries — 7609

MODIFICATION OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT IN THE RATE OF DUTY WITH RESPECT TO DRIED FIGS

By the President of the United States of America

A PROCLAMATION

1. WHEREAS the United States of America and other countries participating in the General Agreement on Tariffs and Trade have heretofore entered into a trade agreement known as the Torquay Protocol to the General Agreement on Tariffs and Trade, which was done at Torquay, England, on April 21, 1951, and which was proclaimed by the President of the United States of America on June 6, 1951 (3 CFR, 1951 Supp., 32; TD 52836); and

2. WHEREAS, as set forth in the 7th recital of the said Proclamation No. 2929, and in accordance with paragraph 3 of the said Torquay Protocol, Schedule XX contained in Annex A of the said Protocol (hereinafter referred to as the "Torquay schedule") became a schedule to the General Agreement on Tariffs and Trade relating to the United States of America on June 6, 1951; and

3. WHEREAS item 740 in Part I of the Torquay schedule reads as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
740	Figs, fresh, dried, or in brine	2½¢ per lb.

4. WHEREAS, pursuant to the said Proclamation No. 2929 and the said notification of the President to the Secretary of the Treasury of October 2, 1951, duty at the rate of 2½ cents per pound has been applied to the products described in the said item 740, entered, or withdrawn from warehouse, for consumption since October 17, 1951, which duty reflects the prevailing United States concession with respect to such products under the said General Agreement on Tariffs and Trade as supplemented by the said Torquay schedule; and

5. WHEREAS the United States Tariff Commission has submitted to me its report of investigation and hearing under section 7 of the Trade Agreements Extension Act of 1951 (Public Law 50, 82d Congress, approved June 16, 1951), on the basis of which investigation and hearing it has found that dried figs described in the said item 740 are, as a result in part of the duty reflecting the concession granted thereon in the said General Agreement on Tariffs and Trade as supplemented by the Torquay schedule, being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products, and as to threaten continuance of such injury; and

6. WHEREAS the said Tariff Commission has recommended that the concession granted in the said General Agreement as supplemented by the Torquay schedule with respect to dried figs described in the said item 740 be modified to permit the application to such products of a rate of duty of 4½ cents per pound, which rate the Commission found and reported to be necessary to prevent the continuance of serious injury to the domestic industry producing like or directly competitive products; and

7. WHEREAS section 350 (a) (2) of the Tariff Act of 1930, as amended, authorizes the President to proclaim such modifications of existing duties as are required or appropriate to carry out any foreign trade agreement that the President has entered into under the said section 350 (a); and

8. WHEREAS, upon the modification of the concession granted in the said General Agreement as supplemented by the Torquay schedule with respect to dried figs described in the said item 740 in accordance with the recommendation of the Tariff Commission mentioned in the 6th recital of this proclamation, it will be appropriate to carry out the said General Agreement as supplemented by the Torquay schedule to apply to the said dried figs the rate of duty specified in the said 6th recital:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and by section 7 (c) of the Trade Agreements Extension Act of 1951, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim—

(a) That the provisions of item 740 of Part I of the Torquay schedule shall be modified, effective at the close of business August 29, 1952, so as to read as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
740	Figs:	
	Fresh or in brine	2½¢ per lb.
	Dried	4½¢ per lb.

(b) That, until the President otherwise proclaims, the rates of duty specified in such modified item 740, as set forth in paragraph (a) above, shall be applied to articles entered, or withdrawn from warehouse, for consumption after the close of business August 29, 1952. The said Proclamation No. 2929 is modified accordingly. So long as this proclamation remains in force, the provisions of Proclamation No. 2867 of December 22, 1949 (3 CFR, 1949 Supp., 55; TD 52373) and Proclamation No. 2874 of March 1, 1950 (3 CFR, 1950 Supp., 21; TD 52423), insofar as they provide for carrying out United States obligations with respect to the rate of duty on dried figs described in item 740 of Part I of Schedule XX in Annex A of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, shall be suspended.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of August in the year of our Lord nineteen hundred and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL]

HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-9251; Filed, Aug. 19, 1952; 10:00 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, § 6.107 (d) (3) is amended to include the designation NC/PD, to read as follows:

§ 6.107 *Department of the Air Force.* • • •

(d) *General.* • • •

(3) NC/PD. Until December 31, 1956, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR 1947 Supp. E. O. 9973, June 25, 1948, 13 F. R. 3600, 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] C. L. EDWARDS,
Executive Director.

[F. R. Doc. 52-9193; Filed, Aug. 19, 1952; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; CERTAIN STATES

For the purpose of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values and investment limits set forth below for said counties.

COLORADO

County	Average value	Investment limit
Huerfano	$24,000	$12,000
Las Animas	25,000	12,000
Montrose	25,000	12,000

IDAHO

County	Average value	Investment limit
Ada	$18,000	$12,000
Adams	16,000	12,000
Bear Lake	20,000	12,000
Benewah	15,000	12,000
Blaine	20,000	12,000
Boise	18,000	12,000
Boundary	18,000	12,000
Butte	16,000	12,000
Caribou	18,000	12,000
Cassia	19,000	12,000
Clark	19,000	12,000
Custer	25,000	12,000
Elmore	16,000	12,000
Franklin	20,000	12,000
Gem	18,000	12,000
Gooding	18,000	12,000
Idaho	18,000	12,000
Jerome	20,000	12,000
Lemhi	25,000	12,000
Lincoln	20,000	12,000
Payette	14,000	12,000
Power	20,000	12,000
Twin Falls	24,000	12,000

KANSAS

Edwards	$24,000	$12,000
Marion	18,500	12,000
Rice	24,000	12,000
Woodson	15,000	12,000

NORTH CAROLINA

Alexander	$15,000	$12,000
Bladen	12,000	12,000
Burke	14,000	12,000
Cabarrus	13,000	12,000
Caldwell	12,000	12,000
Cherokee	11,500	11,500
Clay	12,000	12,000
Davidson	15,000	12,000
Davie	16,000	12,000
Duplin	12,000	12,000
Forsyth	15,000	12,000
Gaston	12,000	12,000
Graham	10,000	10,000
Iredell	13,500	12,000
Jackson	10,500	10,500
Lenoir	13,500	12,000
Macon	11,000	11,000
McDowell	12,000	12,000
Mecklenburg	15,000	12,000
Montgomery	15,500	12,000
New Hanover	11,500	11,500
Pender	12,000	12,000
Polk	12,000	12,000
Rowan	15,000	12,000
Rutherford	12,500	12,000
Stanley	17,500	12,000
Stokes	13,500	12,000
Swain	10,000	10,000
Union	15,000	12,000
Watauga	13,000	12,000
Wilkes	15,000	12,000
Yadkin	18,000	12,000

OHIO

Fairfield	$18,000	$12,000
Fayette	20,000	12,000
Guernsey	12,000	12,000
Hocking	12,000	12,000
Huron	18,000	12,000
Madison	20,000	12,000
Perry	12,000	12,000

PENNSYLVANIA

Armstrong	$12,000	$12,000
Beaver	12,000	12,000
Butler	12,000	12,000
Centre	13,500	12,000
Clinton	12,000	12,000
Dauphin	14,000	12,000
Lawrence	12,000	12,000
Lycoming	12,000	12,000
Mercer	12,000	12,000
Monroe	12,000	12,000
Northampton	15,000	12,000
Susquehanna	7,500	7,500
Venango	10,000	10,000
Westmoreland	12,000	12,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 15th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9168; Filed, Aug. 19, 1952; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VI—Soil Conservation Service, Department of Agriculture

PART 600—FUNCTIONS AND PROCEDURES

LAND CONSERVATION AND UTILIZATION

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237, 238; 5 U. S. C. 1002) and the delegation of authority to me dated November 11, 1944, as amended on July 29, 1952 (9 F. R. 13547, 17 F. R. 7099), paragraph (g) of § 600.3 of Chapter VI, Title 7, Code of Federal Regulations is amended to read as follows:

§ 600.3 *Land conservation and utilization.* • • •

(g) Easements, leases, licenses, permits, and other forms of contracts granting privileges to use land administered under Title III of the Bankhead-Jones Farm Tenant Act, in connection with the construction and maintenance of telephone lines, transmission lines, pipe lines, roads, irrigation and drainage ditches, dams, fire towers, radio towers, television towers, and other purposes related to transportation, communication, and fire protective measures (but not those power lines or dams, licenses for which are required by law to be granted by the Federal Power Commission) may be obtained from Regional Directors.

(Sec. 32, 50 Stat. 525, 56 Stat. 725; 7 U. S. C. 1011)

Done at Washington, D. C. this 11th day of August 1952.

[SEAL] ROBT. M. SALTER,
Chief,
Soil Conservation Service.

[F. R. Doc. 52-9171; Filed, Aug. 19, 1952; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 10]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

NOTICE AND QUARANTINE

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Cook county in Illinois;
Woodbury county in Iowa;
Geary county and the area within the corporate limits of Kansas City in Wyandotte county in Kansas;
Kaw township in Jackson county in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union townships in Douglas county, Platte township in Dodge county, Alda township in Hall county, and Richland township in Sarpy county, in Nebraska;
Burlington, Gloucester, Hudson, and Ocean counties in New Jersey;
New York county and Clarkstown township in Rockland county, in New York;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah county in Oregon;
Sioux Falls township in Minnehaha county in South Dakota; and
Township 25 North, Range 5 West in King county in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union counties, in New Jersey.

Effective date. This amendment shall become effective upon issuance. This amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Clarkstown township in Rockland county in New York. Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7367) apply with respect to shipments of swine and carcasses, parts and offal of swine from this locality.

The amendment excludes from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Jefferson and Mobile counties in Alabama; Wyandotte county, except the area within the corporate limits of Kansas City, in Kansas; Buchanan, Clinton and Green counties in Missouri; Douglas county, except Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union townships, and Gilmore township in Sarpy county, in Nebraska; Multnomah county, except townships 1 and 2 North, Range 1 East of Willamette Meridian, in Oregon; Minnehaha county, except Sioux Falls township, in South Dakota; and King county, except Township 25 North, Range 5 West, in Washington. Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7367) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123)

Done at Washington, D. C., this 15th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9204; Filed, Aug. 19, 1952; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 5]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

DELETIONS FROM LIST

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	Table flatware and specially fabricated parts, n. e. c.:
611930	Platinum and platinum allied metals (specify type of metal).
611940	Aluminum, copper, brass and bronze (specify type of metal).
611960	Other nonferrous metals, except precious (specify type of metal).
	Hollow ware, solid or plated, and specially fabricated parts, n. e. c.:
611970	Platinum and platinum allied metals (specify type of metal).
611980	Copper, brass and bronze (specify type of metal).
611990	Other metals, except iron, steel, and precious (specify type of metal).
	Cooking, kitchen, and hospital utensils, and specially fabricated parts, n. e. c.:
	Stamped and spun:
612150	Copper, brass and bronze (specify type of metal).
612190	Other nonferrous metals, except precious (specify type of metal).
	Basic hardware:
	Hinges and butts:
618170	Aluminum; copper, and zinc.
	Wood screws:
618230	Brass and bronze.
618250	Other copper-base alloy.
618270	Copper.
618290	Other nonferrous metals, except aluminum (specify type of metal) (report iron and steel wood screws in 618210).
	Furniture hardware and specially fabricated parts, n. e. c. (specify by name):
618430	Brass and bronze.
618450	Other copper-base alloys.
618460	Aluminum; copper; lead; and zinc.
618490	Other nonferrous metals (specify type of metal).
	Car and marine hardware, n. e. c., and specially fabricated parts, n. e. c. (specify by name):
618830	Brass and bronze anchor nuts and cabin hooks.
618850	Other copper-base alloy car and marine hardware, n. e. c. (including brass and bronze).
618870	Car and marine hardware, n. e. c., of aluminum; copper; lead; and zinc.
618890	Other nonferrous metal car and marine hardware, n. e. c. (report iron and steel car and marine hardware, n. e. c. in 618810).
	Hardware, n. e. c. (specify by name):
618830	Brass and bronze cable clamps; eyelets (except shoe and clothing); plumbers' furnaces; section brackets, turnbuckles; and valve gaskets.
618830	Other brass and bronze hardware, n. e. c.
618830	Other copper-base alloy.
618840	Aluminum; copper; and zinc.
618840	Other nonferrous metals (report iron and steel hardware, n. e. c. in 618610).
618859	Zinc plumbing fixtures and fittings, and specially fabricated parts, n. e. c.
	Pipe fittings not specially fabricated for particular machines or equipment (see § 3002):
618859	Other metal pipe fittings (specify by name)
	Chains, n. e. c., and specially fabricated parts, n. e. c.:
618896	Brass and bronze (report iron and steel chains in 618864 and 618865).
	Metal signs, except electric (report electric signs in 709698):
619863	Aluminum.
619865	Other metals (specify type of metal) (report iron and steel signs in 619861).

This statement shall become effective as of 12:01 a. m., August 20, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9166; Filed, Aug. 19, 1952; 8:49 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 53—SPECIAL-DELIVERY

SPECIAL-DELIVERY MAIL REGISTERED, INSURED, OR SENT C. O. D.

In § 53.16 *Special-delivery mail registered, insured, or sent c. o. d.*, strike out the second sentence of the section and insert in lieu thereof the following sentence: "When special-delivery mail is insured at the minimum fee, it shall be treated as ordinary special-delivery mail."

(R. S. 161,396; sec. 2, 24 Stat. 221, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 171)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9162; Filed, Aug. 19, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 83, Revision 1]

CPR 83—RETAIL AND WHOLESALE SALE OF NEW PASSENGER AUTOMOBILES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Ceiling Price Regulation 83, Revision 1, is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of CPR 83 provides for the establishment of ceiling prices by resellers of new passenger automobiles and extra equipment on the basis of the reseller's practices prevailing either during the period May 24 to June 24, 1950, or January 26 to February 24, 1951, as he shall elect. Thus, in general, if during his chosen base period, the seller added certain charges to the manufacturer's list price to establish his selling price, he continues to use the list price of the manufacturer and adds his charges to the list price. If, on the other hand, during his elected base period, he individually marked up the net invoice or delivered cost of the new automobile or item of equipment, he establishes his ceiling price today by applying the percentage markup he then used to the net invoice or delivered cost of the commodity and adding the additional charges he had in effect during the same period.

This technique marks a departure from CPR 83 as originally issued. That regulation established uniform dollar and cents basic prices for new automobiles and factory installed extra equipment. To these specific prices the dealer was permitted to add certain charges. The Director was of the opinion that new passenger automobiles and extra equipment, a highly standardized group of commodities sold nationally in a relatively uniform marketing pattern, were well suited to a uniform dollar and cents regulation, and that the pricing techniques used in CPR 83 were wholly fair and equitable and conformed to all provisions of the Defense Production Act.

However, representations have been made by the industry to the Director that automobile dealers ought to have their prices determined in accordance with their individual historical practice, and that whatever basis there was for the uniformity introduced by CPR 83 for the purposes and needs of price stabilization, CPR 83 introduced, at least in many areas of the country, a uniformity that did not exist pre-Korea. The industry asked for techniques available to other dealers in machinery, etc., who, under CPR 67, are permitted to use individual pricing experience. The industry claimed that individual pricing is particularly feasible for automobile dealers because of the ready availability of pre-Korean records as to markups and charges then prevailing.

In addition to these considerations, the changes recently made by Congress in the so-called "Herlong Amendment" require revision of CPR 83 in several respects. The Herlong Amendment has been revised to require that all regulations must maintain the customary margin existing during the base period May 24 to June 24, 1950. The amendment also added the words "or their customary charges" and pursuant thereto the Director, in the revision of CPR 83 has made provision for the inclusion of ceiling prices of certain customary charges made by certain individual dealers in the base period. More fundamentally, the recent amendment to section 402 (k) requires the Director to issue regulations giving full consideration to the customary percentage margin during the period May 24 to June 24, 1950, where the antitrust laws of any State have been construed to prohibit adherence by sellers of material at wholesale or retail to uniform suggested resale prices. This provision was enacted specifically to cover Texas automobile dealers.

In addition to the reasons set forth in the foregoing paragraphs this amendment persuades the Director to issue a regulation which will be general in its application rather than to issue a regulation containing specialized provisions for a certain state.

The dealer is given an option to elect either the period May 24, 1950, to June 24, 1950, or January 26, 1951, to February 24, 1951, as his base period. However, once a dealer elects to use either period he must use it for all purposes of the regulation. The Director has consulted with representatives of the National Automobile Dealers' Association, a trade association representing the majority of new automobile dealers in the United States, and members of industry, on the base periods to be adopted. Initially, because of representations made to him by industry members and the National Automobile Dealers' Association in particular, it had been the Director's intention in this revision of CPR 83, to restore the pre-Korea pricing practices as well as to afford dealers the markup required by the Herlong Amendment (which specified the May 24 to June 24, 1950 period as the base period). The Association has recently claimed, however, that dealers have for many purposes been accustomed to use a January 26, 1951, to February 24, 1951, period in the calculation of certain charges pursuant to CPR 83 and SR 5 to GCPR, and that for some dealers the mandatory use of the pre-Korea period would result in a rollback which they assert would be inequitable. The Director, therefore, has decided to accede to the specific requests of representatives of the National Automobile Dealers' Association to add the January–February period as an optional period.

As has been set forth in the outset of this statement, resellers must use their base period practice of selling on manufacturer's list or, their practice of using their individual markup over cost. If a dealer is unable to use either of these methods he will apply to the proper District Office servicing his area for a price determining method. The dealer may use the method he proposes unless notified it is unacceptable. The ceiling price of cars and equipment which the dealer did not sell in the base period will be determined generally on the basis of the most comparable items sold by the dealer during his base period. Dealers who are unable to determine comparability may rely on manufacturers' list prices for the new car or equipment provided the manufacturer states that the markup is no higher than the markup of the most comparable commodity sold by the manufacturer in the base period.

This revised regulation permits dealers to include in their ceiling price the charges that they made during their elected base period for transportation, excise taxes, delivery and handling and other charges. The dealer will be required to post his prices and charges substantially as previously required by CPR 83, and to render to his purchasers a proper invoice.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, i. e., the National Automobile Dealers Association and the Retail Motor Vehicle Industry Advisory Committee, and consideration has been given to their recommendations. In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable to buyers and sellers alike, and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

REGULATORY PROVISIONS

Sec.
1. Sellers and sales covered by this regulation.
2. Base period.
3. Ceiling prices determined by published suggested list price, or factory retail price.
4. Ceiling prices not determined by manufacturers' published suggested list price, or factory retail price.
5. New products.

Sec.
6. Automobiles and items of optional equipment whose ceiling prices cannot be determined under sections 3, 4 or 5.
7. Charges that may be added to ceiling price.
8. Charges that cannot be determined under section 7.
9. Transfers of business or stock in trade.
10. Notice to be posted.
11. Invoices.
12. Adjustable pricing.
13. Petition for amendment.
14. Records.
15. Prohibition against dealing in new automobiles at prices above ceiling.
16. Evasion.
17. Violations.
18. Definitions.

AUTHORITY: Sections 1 to 18 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Sup.

SECTION 1. *Sellers and sales covered by this regulation.* This regulation applies to you if you sell as a retail dealer, wholesale distributor or any other reseller in the United States and the District of Columbia, new passenger automobiles and items of optional equipment therewith which are produced in the United States. The provisions of this regulation supersede, in their entirety, those provisions of General Ceiling Price Regulation, Supplementary Regulation 5, and Ceiling Price Regulation 83, as amended and all special orders issued thereunder covering the sale of new passenger automobiles and items of optional equipment.

SEC. 2. *Base period.* You may at your election choose either (a) the period from May 24, 1950 to June 24, 1950 or (b) the period from January 26, 1951 to February 24, 1951 as your base period. As used in this regulation the term "your base period" refers to whichever of the aforementioned periods you have elected. Once you have elected your base period you must continue to use it for all purposes of this regulation.

SEC. 3. *Ceiling prices determined by published suggested list price or factory retail price—*(a) *Applicability.* If you meet the following conditions, you must determine your ceiling prices in accordance with this section:

(1) The manufacturer must have published a suggested list price or factory retail price for the automobile and items of optional equipment, and you followed that list price or factory retail price during your base period. To your price so determined you may, of course, have added your charges for transportation, delivery and handling, taxes and other charges.

(2) The manufacturer's current suggested list price or factory retail price must reflect the same percentage markup over the manufacturer's net price as it did during your base period and all discounts, terms and conditions of sale must be consistent with those in effect during your base period. If the manufacturer's current list price or factory retail price does not reflect your base period discounts, you may use that list price or factory retail price provided the discount change results in a markup lower than that in effect during your base period.

(b) *Ceiling price.* If you have met the conditions outlined in paragraph (a) of this section, your ceiling price for the sale of automobiles and items of optional equipment to a purchaser of the same class is the manufacturer's current list price or factory retail price plus any charges you are permitted to include under section 7. Your ceiling price for all classes of purchasers must reflect the same discount, and terms and conditions of sale which you had in effect during your base period.

SEC. 4. *Ceiling prices not determined by manufacturer's published suggested list price or factory retail price.* This section is applicable to you if your selling prices for automobiles and items of optional equipment were not determined on the basis of the manufacturer's published suggested list price or factory retail price during your base period, or if for any other reason you are unable to meet the conditions for the use of the manufacturer's current price list or factory retail price in accordance with section 3. You determine your ceiling price under this section by adding to your cost the amount computed by multiplying your cost of the automobile and item of optional equipment determined under paragraph (a) of this section, by your percentage markup determined under either paragraphs (b) or (c) of this section and adding any charges you are permitted to include in your ceiling price under section 7.

You use paragraph (b) of this section to determine your percentage markup, when during your base period you determined your selling price for the automobile and item of optional equipment by applying a percentage markup to the net invoice cost of the automobile or item of optional equipment to you. You use paragraph (c) of this section to determine your percentage markup, when during your base period you determined your selling price for the automobile and item of optional equipment by applying a percentage markup to your delivered cost. An explanation of the terms "net invoice cost" and "delivered cost" is contained in section 18 (*Definitions*).

(a) *Cost of the automobile.* The cost of the automobile or item of optional equipment that you must use in determining your ceiling price shall be your most recent net invoice cost or your most recent delivered cost depending upon whether during your base period you applied your percentage markup to net invoice cost or delivered cost.

(b) *Percentage markup over net invoice cost.* If, during your base period you determined your selling price for automobiles or items of optional equipment by applying a percentage markup to net invoice cost, you must use the first of the following methods to determine your percentage markup. If you determine your ceiling price under this paragraph you may not again include in your ceiling price any of the charges set forth in section 7 of this regulation that are contained in your net invoice cost.

(1) The highest percentage markup over net invoice cost that you had in effect during your base period on the sale of an automobile of the same make, line, series and body style, or the item of optional equipment or its counterpart, to purchasers of the same class. If during your base period you did not sell an automobile of the same body style in a given line or series, you use the highest markup you had in effect for an automobile of the same line or series.

(2) The highest percentage markup over net invoice cost that you had in effect during your base period on the sale of an automobile of the same make, line, series and body style, or the item of optional equipment or its counterpart to a purchaser of a different class, adjusted to reflect the differential between the two classes of purchasers which you had in effect during your base period, or if none, then the differential last in effect before your base period. If you are selling to an entirely new class of purchaser, you must determine your ceiling price under section 6 of this regulation for that class of purchaser.

(c) *Percentage markup over delivered cost.* If, during your base period you determined your selling price for an automobile or item of optional equipment by applying a percentage markup to delivered cost, you must determine your ceiling price by applying a percentage markup to delivered cost. In such case, you must determine your ceiling price in accordance with the provisions of paragraph (b) of this section, except that you must substitute the phrase "delivered cost" for the phrase "net invoice cost", wherever the phrase "net invoice cost" appears in paragraph (b) of this section. If you determine your ceiling price under this paragraph you may not again include in your ceiling price any of the charges set forth in section 7 of this regulation that are contained in your delivered cost.

SEC. 5. *New products.* You use any of the following methods to establish your ceiling prices for automobiles and items of optional equipment for which you have no base period counterparts. You may use this section only if the manufacturer states in writing that there is no base period counterpart for the particular automobile or item of optional equipment.

(a) You may use the same markup as you used for the most comparable item during your base period. You determine the most comparable item on the basis of purpose, function and sales volume.

(b) You may use the manufacturer's list price or factory retail price provided the manufacturer states in writing that the suggested list price or factory retail price reflects a markup which is no higher than the markup in effect for the most comparable item manufactured during the base period.

SEC. 6. *Automobiles and items of optional equipment whose ceiling prices cannot be determined under sections 3, 4 or 5.* If for any reason you are unable to use sections 3, 4 or 5 of this regulation to determine your ceiling price for an automobile or item of optional

equipment, you must request authorization in writing from the Director of Price Stabilization to use a price determining method which you will propose and the use of which will result in a price in line with ceiling prices generally prevailing in your market area. The method may be a method of establishing your ceiling prices that is similar to the methods described in section 3 or 4. That is, you may propose to use prices in the manufacturer's published price list or factory retail price or you may propose that you will use a markup over either net invoice cost or delivered cost, or your proposed method may be a combination of the use of manufacturer's price list or factory retail price and a markup. You may include in your ceiling price those charges permitted under section 7, but if you propose a delivered cost technique, you may not again include in your ceiling price any charge already contained in your delivered cost. In order to obtain this authorization by the Director of Price Stabilization, you must file a report by registered mail, with the Office of Price Stabilization before you sell, offer to sell, or deliver the automobile or items of optional equipment. This report must be filed with the District Office of the Office of Price Stabilization servicing your area. The report must contain the following information:

(a) A description of the automobile (or automobiles) or items of optional equipment for which you seek a price determining method. This description shall include the manufacturer's name, type of automobile, or item of optional equipment, and any other specifications commonly shown in price sheets for similar products. The enclosure of the manufacturer's price sheets will satisfy this requirement.

(b) Your most recent net invoice or delivered cost of the product or products. Itemize all components of your net invoice or delivered cost.

(c) The most recent manufacturer's list price, or factory retail price, if any, for the product or products.

(d) Your proposed price determining method and the classes of purchasers to which ceiling prices determined by this method are to apply.

(e) An explanation of the reasons why you cannot determine the ceiling price for the product or products under sections 3, 4 or 5 of this regulation.

After receipt of this report, the Office of Price Stabilization may approve, disapprove or establish a different price determining method by order, or request further information. You may use your proposed price determining method until such time as the Office of Price Stabilization shall notify you that this method has been disapproved.

The price determining method established in the manner set forth above will be applicable to all subsequent sales and deliveries. However, if the Office of Price Stabilization determines that prices determined in accordance with this method are not in line with ceiling prices established by this regulation, it may disapprove this method at any time. This disapproval will not be retroactive as to any deliveries made before the date of such disapproval.

SEC. 7. *Charges that may be included in ceiling prices.* You may include in your ceiling prices determined under this regulation the charges or costs listed in this section only if your base period records or invoices show that you made such charges during the base period. You may not include in your ceiling prices any costs or charges not authorized by this section.

(a) *Transportation charges.* You determine your charges for transportation by one of the following methods:

(i) You may use the same transportation charge which you had in effect just prior to the issuance of this regulation.

(ii) You may determine your transportation charge in the same manner employed by you during your base period. For example, if it was your practice during your base period to make a uniform charge for transportation equal to the cost of rail freight whatever your method of transportation employed, you may continue to do so; if it was your practice during your base period to markup freight charges, you may continue to do so.

(iii) You may charge the same transportation charge made to you by the manufacturer who has prepaid transportation costs.

(b) *Taxes.* (i) The charge for Federal excise tax on the new automobile and on items of optional equipment must not exceed the amount invoiced to you by the manufacturer.

(ii) You may charge to the customer an amount equal to the expense for any State and local taxes imposed on the sale of the new automobile or upon your gross receipts and likewise on the sale of any items of optional equipment supplied with the automobile.

(iii) You may only make these charges if such was your practice during your base period. Thus, if they were included in your delivered cost when you calculate your ceiling price under section 4 you may not again add a charge for taxes.

(c) *Delivery and handling.* You may make the same charge for delivery and handling as you made for the same make, line and series in your base period.

(d) *Other base period charges.* You determine any other charges you made to the purchaser during your base period by using the same charge you had in effect during your base period. If you determined a charge as a percentage of some other charge or cost, you may continue that practice.

(e) *Installation charges.* If you are required to install any item of optional equipment, the number of hours charged for the installation of this equipment must not be greater than the number of hours upon which you customarily based your charges during your base period. You may use labor rates not in excess of those prevailing on March 15, 1951.

SEC. 8. *Charges that cannot be determined under section 7.* This section is applicable if you were not in business during either of the base periods described in section 2, or if you did not perform a particular service of installation during any one of those periods, or if you do not qualify as a transferee under section 9 of this regulation.

(a) *Delivery and handling.* If you are unable to determine your delivery and handling charges in accordance with section 7 (c) of this regulation you must use the delivery and handling charge of the nearest dealer handling the same make of automobile.

(b) *Installation charges.* If you are unable to determine your installation charges in accordance with section 7 (e) of this regulation you must propose a method to the District Office servicing your area in accordance with the following formula:

(1) State the number of hours required to perform those services necessary to install the optional equipment and multiply by your current labor rate.

(2) State the amount of materials and multiply by the current price therefor.

(3) Set forth the sum of the products of 1 and 2.

(4) The result is your proposed installation charge.

Your application must contain your name and address and the name of the item of optional equipment for which you are applying for an installation charge.

(c) *Action on applications.* Charges proposed under this section may be approved, disapproved, or modified by OPS or further information may be required concerning these charges. You may use your proposed charges until such time as you are notified that the charges have been disapproved.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after the issue date of this regulation, and the transferee carries on the business, or continues to deal in the same make of automobiles, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which this transferor would have been subject to if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor must either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 10. *Notice to be posted.* (a) If you are a retail dealer you must keep posted in a conspicuous place on your premises where new passenger automobiles are offered for sale a notice not less than 18" x 24" in size, legibly stating for each make and body style in each line or series of each new automobile offered for sale, the section of this regulation under which the ceiling prices are determined, your base period, and the following information:

(1) An identification of the make, body style, and line or series.

(2) If you use section 3 of this regulation, your manufacturer's published list price, or factory retail price.

(3) Your ceiling price established under sections 3, 4, or 5 including standard equipment.

(4) The charge for transportation, if any.

(5) The charge for Federal excise tax, if any. Where the manufacturer's invoice combines the charge for transportation and the charge for Federal excise tax, these charges may be combined for posting purposes.

(6) The charge for State or local taxes on sales or delivery, if any;

(7) Charge for delivery and handling, if any.

(8) An itemization of any other charges.

SEC. 11. *Invoices.* Whenever you make any sale after the effective date of this regulation, you must prepare an invoice in duplicate, one copy of which is to be given to the purchaser within 7 days and the other copy is to be retained in your records.

This invoice must set forth the following information unless any item of the following is contained in any other document which is delivered to the purchaser within 7 days from the date of the sale and of which a copy is retained in your files.

(a) Date of sale.

(b) Make of automobile, model, line or series, body style, motor number or serial number.

(c) Selling price including standard equipment, charges included in your selling price such as transportation charge, delivery and handling, Federal excise tax, selling price of each item of optional equipment, including charge for installation, if any, each of which shall be separately stated if you determine your ceiling price under section 3 of this regulation.

(d) State and local taxes.

(e) An itemization of the charges for other services or items of other equipment requested (undercoating, glazing, seat covers, etc.).

(f) Finance charges, name of finance company, method of payment and amount of cash received.

(g) If a used car is traded in as part payment for the new automobile, the invoice must show the following information with respect to the car traded in:

(1) Make of automobile traded in, model, line, series and body style.

(2) Allowance made on the trade in.

(3) Motor number or serial number.

SEC. 12. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit your making a contract or offer to sell an automobile or item of optional equipment at the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver an automobile at a price to be adjusted upward in accordance with any increase in the ceiling price after delivery.

SEC. 13. *Petition for amendment.* If you wish to have this regulation amended you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 14. *Records.* (a) The provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 83 as issued on October 15, 1951 are hereby continued in effect insofar as they apply to the preparation and preservation of such "current records" as you were required to make covering sales between January 26, 1951, and the effective date of this regulation.

(b) You must preserve for two years the invoices required to be retained in section 11 of this regulation and all other records showing your costs, prices and charges for automobiles and items of optional equipment sold subject to this regulation, and any costs which serve as bases for determining your ceiling price.

SEC. 15. *Prohibition against dealing in new automobiles at prices above ceiling.* (a) After the effective date of this regulation, regardless of any contract or other obligation, no person may sell or deliver any new automobile or item of optional equipment at a price higher than the ceiling price permitted by this regulation.

(b) No person in the course of trade or business may buy or receive a new automobile or item of optional equipment at a price higher than the ceiling price permitted by this regulation.

(c) No person may agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a) and (b) of this section.

SEC. 16. *Evasion.* (a) No person subject to this regulation may charge directly or indirectly a price above the applicable ceiling price in connection with any sale of a new automobile or item of optional equipment. Any device by which you increase your total realization on the sale of a new automobile or item of optional equipment over the ceiling price established by this regulation is an evasion of the regulation.

(b) *Specific practices.* The following practices are specifically but not exclusively, among the practices prohibited by paragraph (a) of this section and are itemized here only to lessen the frequency of interpretative inquiries which experience indicates are likely to be raised under the general evasion provision:

(1) Requiring the purchaser as a condition of sale to make payment over a period of time, or to finance the purchase through any particular lending agency.

(2) Requiring the purchaser to purchase optional equipment, accessories, parts or services or any other commodity in order to receive delivery of a new automobile. However, no authorization is necessary for equipment which is required by State law to be installed on a new automobile before delivery.

(3) Requiring the purchaser or any other person to trade in or otherwise transfer to the seller or his designee an automobile in order to obtain delivery on a new automobile whether as part of the same transaction or as a separate transaction.

(4) Granting less than a reasonable allowance for automobiles received in trade.

(5) Renting or leasing a new automobile under a rental contract with an option to buy at an agreed valuation which, together with the amount paid for the rental, is higher than the applicable ceiling price of the new automobile plus any service charge made during the period of rental or at the time the rental contract is entered into.

(6) Using an increase in finance charges as a mode of increasing the price of an automobile or item of optional equipment.

SEC. 17. *Violations.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) The penalty provisions of CPR 83 as issued October 15, 1951 and the penalty provisions of the General Ceiling Price Regulation insofar as they apply to violations of SR 5 to the GCPR are hereby continued insofar as they apply to violations of SR 5 to the GCPR and CPR 83 during the period those regulations were in effect.

(c) It shall be a violation to make a charge for any item of optional equipment for which the purchaser did not make a request in writing. However, no prior authorization from the purchaser is necessary for equipment which is required by State law to be installed on a new automobile before delivery.

SEC. 18. *Definitions*—(a) *Automobiles.* (1) A "passenger automobile" is an automobile designed primarily for the carriage of passengers, whether intended for private, commercial or other use, including its standard equipment, manufactured in the United States and having a seating capacity of less than 11 persons, and propelled by an internal combustion engine.

(2) "New Automobile" is an automobile, including its standard equipment, that has never been sold at retail or has not been used prior to sale by the manufacturer. However, a demonstrator or a dealer owned executive car is new during the time the model is currently being sold by the manufacturer or until 120 days after the date of the public announcement by the manufacturer of a superseding model, or until the introduction of a superseding line or series and provided that the franchised dealer sells the automobile with a new car guarantee.

(3) "Make" of an automobile indicates the manufacturer thereof, and bears the manufacturer's trade or brand name. A manufacturer may produce more than one "make", in which case different trade names are used to differentiate the several makes.

(4) "Line or series" refers to a subgroup of a make bearing a title, trade name, or other classificatory designation.

(5) "Body style" means one of the various body types used in any line or series of each make of automobile.

(6) "Model" refers to the year in which the automobile was produced or its year designation.

(7) "Counterpart model" or "Counterpart" means a replacement of a body style or line or series in a make of automobile by the manufacturer, not de-

viating substantially from the specifications of the previous model of the automobile. It also refers to a replacement of an item of optional equipment not deviating substantially from the specifications of the previous model of the item.

(b) *Class of purchaser or purchaser of the same class.* These terms refer to the practices adopted by the seller in setting different prices for sales to different purchasers or kinds of purchasers (for example, wholesale distributors, retail dealer, Government agency, fleet owner) or for purchasers located in different areas or for purchasers of different quantities.

(c) *Dealer.* A dealer is any person other than the manufacturer who is generally engaged in the business of selling new automobiles.

(d) *Delivered costs.* This term means the net invoice cost plus any separately stated charges which are paid by you.

(e) *Delivery and handling.* This term, sometimes also referred to as "new-car make ready", means those services commonly performed in connection with the sale of a new car by a franchised dealer.

(f) *Director of Price Stabilization or Director.* This term applies to any official (including officials of regional or district offices) to whom the Director of Price Stabilization by order delegates a function, power or authority referred to in this regulation.

(g) *Distributor.* A distributor or wholesale distributor is any person who is generally engaged in the business of selling new automobiles at wholesale to retail dealers (this includes master dealers).

(h) *Net invoice cost.* This term refers to your invoice cost less any discount you took or could have taken. It does not include separately stated charges, such as freight, taxes, etc., except that the manufacturer's excise taxes may be included.

(i) *Optional equipment.* This term refers to any equipment which is not standard equipment defined in this section and which is sold by the manufacturer. This term also includes extra or special equipment.

(j) *Reasonable allowance.* This term means an allowance for a used automobile which is traded in on a new automobile that is fairly related to the current market value of the used automobile.

(k) *Sales.* (1) A "sale at retail" means any sale to an ultimate user.

(2) A "sale at wholesale" means any sale to a reseller.

(3) "Sale or sell". This term includes sell, supply, dispose, barter, exchange, transfer and deliver, and contracts and offers to do any of the foregoing. The term "buy" and "purchaser" shall be construed accordingly.

(l) *Standard equipment.* This term refers to any equipment listed in Appendix "A" for the several makes and models sold by the manufacturer.

(m) *You.* "You", means the person subject to this regulation. "Your" and "yours" are construed accordingly.

Effective date. This regulation shall become effective August 23, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 18, 1952.

APPENDIX A

1. Items of standard equipment on 1952 model automobiles manufactured by the General Motors Corporation:

(a) CHEVROLET PASSENGER AUTOMOBILES

Description	Body styles on which included
Arm rest, front doors	All Deluxe.
Ash receiver, front	Do.
Ash receiver, rear	All Deluxe (except Station Wagon).
Cigar lighter, front	All Deluxe.
Carpet insert, front floor mat	Do.
Rubber front floor mat	All Specials.
Clock, spring wind	All Deluxe.
Door locks	All body styles.
Dome light switch, automatic	All Deluxe.
Gravel pads, rear fender, rubber	All Specials.
Gravel pads, rear fender, steel	All Deluxe.
Guards, bumper, front and rear	All body styles.
Horn ring	All Deluxe.
Mirror, rear view, inside	All body styles.
Seat cushion, Foamtex	All Deluxe (front only on Station Wagon).
Solenoid starter, on dash	All body styles.
Wheel shield, rear	All Deluxe.
Windshield wipers, dual	All body styles.
Visor, left hand	Do.
Visor, right hand	All Deluxe.
Jack and jack handle	All body styles.

(b) PONTIAC PASSENGER AUTOMOBILES

Arm rest, front doors	All body styles.
Arm rest, rear doors	Do.
Ash receiver, front compartment	Do.
Ash receiver, rear compartment	Do.
Cigarette lighter, front compartment	Do.
Clock, electric	Deluxe body styles.
Light, courtesy	Convertible and Catalina body styles.
Light, dome automatic	All body styles.
Mouldings, fender	Deluxe body styles.
Mouldings, reveal	All body styles.
Pump, vacuum booster	Do.
Shields, gravel, rear fender, rubber	Standard body styles.
Shields, gravel, rear fender, steel	Deluxe body styles.
Sun visor, right hand, inside	Deluxe body styles.
Switch, starter dash	All body styles.
Tires, 6-ply	Do.
Wheel, steering deluxe	Station Wagon body styles.
Wheel, disc	Deluxe body styles.
Jack and jack handle	Deluxe body styles except Deluxe Station Wagon.
Tool kit (includes screw driver and pliers)	All body styles.
	Do.

(c) OLDSMOBILE PASSENGER AUTOMOBILES

Arm rest, front and/or rear door or rear quarter	All body styles.
Arm rest, rear compartment center	98 4-door Sedan.
Ash receiver, front seat	All body styles.
Ash receiver, rear seat	Do.
Ash receiver, chrome die-cast and package compartment door.	Do.
Bumper and bumper guards	All Holiday Coupes and 98 4-door Sedan.
Carpet front and rear to match interior color combination.	All Super 88 body styles except Holiday Coupe and 98 Convertible Coupe.
Rubber simulated carpet front and rear to match interior color combination.	All Deluxe 88 body styles.
Gray rubber simulated carpet front and rear	All except Convertible Coupes.
Coat hooks	All 98 body styles.
Clock, electric	All body styles.
Compartment, lined luggage	Do.
Compartment, instrument panel package	98 Holiday and 98 Convertible Coupes.
Door, hydraulically operated, rear quarter windows and front seat adjuster.	All body styles.
Glass, safety plate	All except Convertible Coupes.
Headlining, cloth	All body styles.
Horns, dual	Do.
Lighter, cigarette	All except Holiday Coupes and 98 4-door Sedan.
Dome lamp (single)	All Holiday Coupes and 98 4-door Sedan.
Side roof courtesy lamps (two)	

(d) BUICK PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Automatic transmission	70 series.
Hydraulic control, window and seat	46C–56C–76C–76R.
Two-tone paint, standard combinations	72R–76R–76MR.
Arm rest, front and rear	50–70 series.
Arm rest, front and rear	41D–45R–46C–48D.
Arm rest, rear seat center	51–52–72R.
Ash receivers, front compartment	All body styles.
Ash receivers, rear compartment	Do.
Cigarette lighter, front compartment	Do.
Cigarette lighter, rear compartment	51–52–72R.
Cleaner air, oil bath	All body styles.
Filler, oil	Do.
Light, dash compartment or map	Do.
Light, dome automatic	Do.
Moldings, fender side	Do.
Pump, vacuum booster	Do.
Robe rail or cord	50–70 series (except Estate Wagons).
Robe rail or cord	41D–48D.
Shields, gravel, rear fender, steel	All body styles.
Sun visor, right and left inside	Do.
Tires, oversize	Do.
Directional signals	50–70 series.
Jack and jack handle	All body styles.

(e) CADILLAC PASSENGER AUTOMOBILES

Rear seat center arm rest	All except 61 Coupe and 62 Convertible.
Back-up lights	All body styles.
Cigarette lighter, rear compartment	All except 61 Coupe, 62 Coupe and 62 Convertible.
Electric clock	All body styles.
Foamtex cushion seats	Do.
Trunk light	Do.
Rear-view nonglare mirror	Do.
Two-tone paint	All except 62 Convertible.
Rear wheel cover panels	All body styles.
Directional signals	Do.
Deluxe steering wheel	Do.
Outside rear-view mirror	62 Convertible.
Hydra-Matic	62 and 60 Special.
Automatic window lifts and seat controls	60 Special, Coupe De Ville, Convertible Coupe, and all 75 body styles.
Jack and jack handle	All body styles.

2. Items of standard equipment on 1952 model automobiles manufactured by the Ford Motor Company:

(a) FORD PASSENGER AUTOMOBILES

Arm rests	All Customline, all Crestline.
Ash tray, rear seat	Do.
Cigar lighter	Do.
Clock, stem wind	Do.
Foam rubber seat cushions	All Mainline, all Customline, all Crestline.
Jack, bumper	Do.
Tires, 5 (8.00 x 16, 4-ply)	All Mainline, except Ranch Wagon.
Tires, 5 (7.10 x 15, 4-ply)	Mainline Ranch Wagon.
Tires, 5 (8.70 x 15, 4-ply)	All Customline except Country Sedan and all Crestline except Country Squire.
Tires, 5 (7.10 x 15, 6-ply)	Customline Country Sedan and Crestline Country Squire.
Visor, interior, left hand	All Mainline, all Customline, all Crestline.

(b) BUICK PASSENGER AUTOMOBILES

Windshield washer	70 series.
Nonglare mirror	Do.
Safety group:	
Back-up lights	Do.
Inner bumper grille guards	Do.
Parking brake warning light	Do.
Accessory group:	
Electric clock	50–70 series.
License plate frame	Do.
Wheel covers	70 series.
Luggage compartment light	50–70 series.
Wheel trim rings	50 series.
Deluxe steering wheel	50–70 series.
Foamtex cushion seat	Do.

(c) OLDSMOBILE PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Lights, dual stop	All body styles.
Lights, parking	Do.
Locks, rear doors adjusted for free-wheeling	All 4-door Sedans.
Mirror, rear view, inside	All body styles.
Mirror, rear view, outside, left-hand	All Convertible Coupes.
Moulding, windshield reveal	All body styles.
Moulding, rear window reveal	All except Convertible Coupes.
Moulding, belt	All body styles.
Moulding, front fender and front door side	Do.
Moulding, rear fender and/or rear door	Do.
Moulding, front and rear door and roof quarter loop-reveal.	98 4-door Sedan.
"Ninety-Eight" Script/or "88" numerals, rear door or fender, stainless steel.	All except Deluxe 88.
Pads, foam rubber seat cushion	Do.
Panels, rear fender	All 98 body styles.
Plates, door sill aluminum	All body styles.
Pump, vacuum booster	Do.
Rings, wheel trim, stainless steel	All 98 body styles.
Roof bows, chrome plated	All Holiday Coupes.
Robe rail, front seat back	All except Deluxe 88.
Sash, rear fender stainless steel above rear door and/or rear fender moulding and deluxe tail lamps.	Do.
Seat, front, adjustable manually	All except 98 Holiday and Convertible Coupe.
Shield, gravel, rubber	Deluxe 88.
Shield, gravel, stainless steel	All except Deluxe 88.
Signal, turn	All 98 body styles.
Starter, key starter	All body styles.
Straps, assist, 2-door models only	Deluxe 88 2-door and Super 88 2-door.
Top, black or tan or green	All Convertible Coupes.
Top, hydraulically operated	Do.
Upholstery, all leather	Do.
Upholstery, combination cloth and leather	All Holiday Coupes.
Upholstery, gray basket weave corded cloth	All Deluxe 88.
Upholstery, two-tone trim, deluxe	All Super 88 except Holiday and Convertible Coupes and 98 4-door Sedan.
Ventipanes, front window	All body styles.
Ventipanes, rear window, 4-door sedans	All 4-door Sedans.
Visors, sun, two interior	All body styles.
Washer, windshield	All 98 body styles.
Wheel, steering deluxe and horn ring	Do.
Wheels, five wheels and five low-pressure tires	All body styles.
Wipers, dual	Do.
Windshield, single-piece, curved	Do.
Jack and jack handle	Do.

(d) BUICK PASSENGER AUTOMOBILES

Windshield washer	70 series.
Nonglare mirror	Do.
Safety group:	
Back-up lights	Do.
Inner bumper grille guards	Do.
Parking brake warning light	Do.
Accessory group:	
Electric clock	50–70 series.
License plate frame	Do.
Wheel covers	70 series.
Luggage compartment light	50–70 series.
Wheel trim rings	50 series.
Deluxe steering wheel	50–70 series.
Foamtex cushion seat	Do.

(A) FORD PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Visor, interior, right hand	All Customline, all Crestline.
Wheel, spare	All Mainline, all Customline, all Crestline.
Windshield wipers, dual	Do.

(B) MERCURY PASSENGER AUTOMOBILES

Arm rests	All body styles.
Ash tray, rear seat	Do.
Cigar lighter	Do.
Clock, electric	Do.
Fender shields	Special Custom 4-door Monterey Coupe and Convertible.
Foam rubber seat cushions	All body styles.
Jack, bumper	Do.
Rocker panel molding	Special Custom 4-door Monterey Coupe and Convertible.
Tires, 5 (7.10 x 15, 4-ply)	All Mercuries except 6-passenger Station Wagon and 8-passenger Station Wagon.
Tires, 5 (7.60 x 15, 4-ply)	6-passenger Station Wagon and 8-passenger Station Wagon.
Vacuum booster pump	All body styles.
Visor, interior, left hand	Do.
Visor, interior, right hand	Do.
Wheel, spare	Do.
Windshield wipers, dual	Do.

(C) LINCOLN COSMOPOLITAN PASSENGER AUTOMOBILES

Arm rests	All body styles.
Ash tray, rear seat	Do.
Automatic transmission	Do.
Cigar lighter	Do.
Clock, electric	Do.
Directional signals	Do.
Fender shields	Do.
Foam rubber seat cushions	Do.
Jack, bumper	Do.
Oil bath air cleaner	Do.
Oil filter	Do.
Rocker panel molding	Special Custom 4-door Capri Coupe and Convertible.
Tires, 5 (8.00 x 15, 4-ply)	All Lincoln Cosmopolitans except Convertible.
Tires, 5 (8.20 x 15, 4-ply)	Convertible.
Vacuum, booster pump	All body styles.
Visor, interior, left hand	Do.
Visor, interior, right hand	Do.
Wheel cover	Do.
Wheel, spare	Do.
Windshield wipers, dual	Do.

3. Items of standard equipment on 1952 model automobiles manufactured by the Chrysler Corporation:

(A) PLYMOUTH PASSENGER AUTOMOBILES

Air cleaner, oil bath	All.
Ash receiver, instrument panel	Do.
Ash receiver, back of front seat	4-door Sedans, Cranbrook only.
Ash receiver, rear side quarters	Cranbrook Coupes.
Arm rests, front doors	Savoy and Cranbrook.
Bumper, front and rear	All.
Bumper guards front (2)	All except 3-passenger and 2-door.
Bumper jack and wheel wrench	All.

(A) PLYMOUTH PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Door holding checks, all doors	All.
Door cylinder lock, front doors	Do.
Front sway eliminator	All except 3-passenger and 2-door.
Floor mat, front compartment, rubber	All except Convertible Coupe and Belvedere.
Floor mat, rear compartment, rubber	Concord body styles only.
Floor mat, rear compartment, wale rubber	Cambridge and Cranbrook except Convertible Coupe and Belvedere.
Floor carpet, front and rear	Convertible Coupe and Belvedere.
Floor cover, luggage compartment	All.
Glove box	Do.
Glove box lock	Cranbrook and Savoy.
Horn, single	All Concords except Savoy.
Horns, dual	Cambridge, Cranbrook and Savoy.
Horn blowing ring	Cranbrook and Concord Savoy.
Mirror, inside rear view	All.
Oil filter, by-pass type	Cambridge and Cranbrook only.
Rear leaf springs with covers	Suburban and Savoy.
Rear leaf springs with inner liners	All except Suburban and Savoy.
Shock absorbers, 1 inch	All.
Safety glass throughout	All except Convertible Coupe, rear window.
Sun visor, single inside	3-passenger and 2-door.
Sun visor, dual	All except 3-passenger and 2-door.
Tires, 6.40 x 15, 4-ply black, (5)	3-passenger and 2-door.
Tires, 6.70 x 15, 4-ply black, (5)	All except 3-passenger and 2-door.
Tail lamps, dual	All.
Windshield wipers, dual electric	Do.

(B) DODGE PASSENGER AUTOMOBILES

Air cleaner, oil bath	All.
Ash receiver, front compartment instrument panel	Do.
Ash receiver, rear compartment	All except Wayfarer.
Arm rests, front doors	Do.
Arm rests, rear	All except Wayfarer and Convertible.
Airfoam seat cushion, front	All except Wayfarer.
Airfoam seat cushion, rear	Coronet except Convertible, Diplomat, and Sierra.
Automatic choke	All.
Automatic dome light	All except Wayfarer and Convertible.
Bumpers, front and rear	All.
Bumper jack and wheel wrench	Do.
Coat hooks, pair, rear compartment	Coronet Sedans and Club Coupe only.
Cowl vent, screened	All.
Crankcase floating oil intake filter	Do.
Door cylinder locks, dual, front door, outside	All except Wayfarer.
Fluid coupling	All.
Floor mat, front, rubber	Do.
Floor mat, rear compartment carpet	All except 3-passenger Coupe and Sierra.
Glove box with lock	Coronet only.
Glove box with latch	All except Coronet.
Grab handles, pair, rear compartment	Coronet Sedans only.
Gas tank fuel filter	All.
Horns, dual	All except Wayfarer.
Horn, one	Wayfarer.
Horn blowing ring	All except Wayfarer.
Hub caps (4)	All.
Ignition key operated solenoid starter	Do.
Map light	Diplomat and Convertible only.
Mirror, inside, rear view	All.
Oil filter, engine replaceable cartridge	All except Wayfarer.
Remote control gear shift on outside of steering column	All.

(B) DODGE PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Rear spring inner liners	Wayfarer only.
Resistor type spark plugs	All.
Shock absorbers, 1-inch	Do.
Sway eliminator, front	Do.
Spring covers, rear	All except Wayfarer.
Safety glass	All except Convertible rear window.
Sun visors, dual	All except Wayfarer.
Splash-proof ignition system	All.
Tires, low-pressure (5) 6.70 x 15 4-ply black	Wayfarer.
Tires, low-pressure (5) 7.10 x 15 4-ply black	All, except Wayfarer, Sierra, and 8-passenger.
Tires, low-pressure (5) 7.60 x 15 4-ply black	Sierra only.
Tires, low-pressure (5) 8.20 x 15 4-ply black	8-passenger only.
Tail lamps, dual	All.
Wheels, 15 x 4.50 (5) safety rim	Do.
Windshield wipers, dual electric	Do.
Clock, electric	Coronet Convertible.
Cigar lighter	Do.

(C) DE SOTO PASSENGER AUTOMOBILES

Ash receiver on instrument panel	All.
Ash receiver in back of front seat	All sedans.
Ash receiver in back of front seat (2)	Suburban.
Ash receiver in rear quarter (2)	De Luxe Club Coupe and Custom 4-door sedan, Club Coupe and Sportsman.
Ash receiver in rear arm rest (2)	8-passenger sedan.
Back-up lights, dual	All.
Bumpers, front and rear	Do.
Bumper guards, front and rear	Do.
Bumper jack, wheel wrench, wheel block, pliers (1), screw driver (1).	Do.
Cigar lighter	Do.
Carpet in front compartment	Custom except Station Wagon.
Carpet in rear compartment	All except Station Wagon.
Coat hooks (2)	Sedans and Club Coupes.
Dual horns	All.
Dual tail lamps	Do.
Directional signals	Custom.
Door holding checks on all doors	All.
Dual electric windshield wipers, 2-speed	Do.
Door cylinder locks, front door	Do.
Fluid drive and tip-toe shift transmission	Custom.
Front door arm rest (1)	De Luxe.
Front door arm rest (2)	Custom.
Foamed latex seat cushion, front	All.
Foamed latex seat cushion, rear	All Custom except Suburban and Station Wagon.
Glove box	All.
Glove box lock	Do.
Grab handles (2)	All 8-passenger Sedans and Suburbans, Custom 4-door Sedans.
Horn blowing ring	All.
Inside sun visors, dual	Do.
Luggage compartment floor mat	All except Station Wagon.
Oil bath air cleaner	All.
Outside rear view mirror	Sedan Convertible Coupe, Sportsman and Suburban.
Rear fender stone shields	Custom.
Rubber mat in front compartment	DeLuxe and Station Wagon.
Rubber mat in rear compartment	Station Wagon.
Rear compartment side arm rests	4-door Sedans.
Rear compartment foot rest	Custom 8-passenger Sedan.

(C) DE SOTO PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Special plastic steering wheel	Custom convertible Coupe and Sportsman.
Shroud enclosed steering column	All.
Shock absorbers, oriflow type, 1 inch	Do.
Solenoid starting motor	Do.
Spring covers	Do.
Stainless steel wheel covers	Custom.
Safety glass throughout except rear window of Convertible Coupe which is plastic.	All.
Tires 7.60 x 15, 4-ply (5)	All except 8-passenger Sedan and Suburban.
Tires 8.20 x 15, 4-ply (5)	8-passenger Sedan and Suburban.

(D) CHRYSLER 6-CYLINDER PASSENGER AUTOMOBILES

Air cleaner, oil bath	All.
Arm rests, all doors	All except rear of Town and Country Wagon.
Arm rest, folding center rear	Windsor DeLuxe 4-door.
Ash receiver, front	All.
Ash receiver, rear (1)	All Sedans.
Ash receiver, rear (2)	All Coupes and 8-passenger.
Airfoam seat cushion front and rear	All.
Automatic entrance light	Do.
Bumper, front and rear	Do.
Bumper guards, 2 front and 2 rear	Do.
Bumper jack, wheel wrench, pliers, 2 screw drivers, wheel block.	Do.
Cigar lighter (1)	All except 4-door Sedan and Town and Country Wagon.
Cigar lighter (2)	4-door Sedan and Town and Country Wagon.
Coat hooks	4-door, Club Coupe and 8-passenger.
Cowl vent, screened	All.
Crankcase floating oil intake filter	Do.
Door cylinder locks, front doors	Do.
Door holding checks, all doors	Do.
Dual tail lights	Do.
Dual parking lights	Do.
Electric clock	Windsor DeLuxe only.
Floor cover, front compartment, rubber	Windsor only.
Floor cover, front compartment, carpet	Windsor DeLuxe only.
Floor cover, rear compartment, carpet	All.
Floor cover, luggage compartment, jute	All except Town and Country Wagon, Convertible and Newport Coupe.
Floor cover, luggage compartment, rubber	Convertible and Newport Coupe only.
Glove box with lock	All.
Grab handles, back of front seat	4-door and Town and Country Wagon.
Grab handles, 2 on rear body hinge pillar	8-passenger sedan.
Horns, dual	All.
Horn blowing ring	Do.
Lights, back-up	Do.
Lights, directional signal, dual	Do.
Light, glove box	Do.
Light, luggage compartment	Do.
Mirror, inside rear view	Do.
Oil filter, full flow type	Do.
Outside rear view mirror, (2)	Convertible Coupe and Newport.
Plastic steering wheel	All.
Resistor type spark plugs	Do.
Sun visor, inside dual	Do.
Shock absorbers, 1-inch	Do.
Spring covers, rear	Do.
Safety glass throughout	Do.

(D) CHRYSLER 6-CYLINDER PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Safety crash pad	All.
Shroud enclosed steering column	Do.
Splash proof ignition system	Do.
Tires, 7.60 x 15 4-ply black (5)	All except 8-passenger.
Tires, 8.20 x 15 4-ply black (5)	8-passenger only.
Transmission, fluidmatic drive	Windsor DeLuxe only.
Undercoating	All.
Vacu-ease brake	8-passenger and Town and Country Wagon only.
Wheel covers, stainless steel (4)	All.
Windshield wipers, dual electric	Do.
Wheel (5) 15 x 5.50 with safety rims	Do.

(E) CHRYSLER SARATOGA, CHRYSLER NEW YORKER, CHRYSLER IMPERIAL, PASSENGER AUTOMOBILES

Automatic entrance lights	All.
Arm rests on all doors, except Saratoga Town and Country Wagon.	Do.
Arm rests, folding center rear, 4-door sedan	Saratoga, Imperial.
Arm rests, folding center front, 4-door sedan	New Yorker, Imperial.
Ash receiver in instrument panel (1)	All.
Ash receivers in back of front seat (1)	4-door New Yorker, Saratoga Sedans and Town and Country Wagon.
Ash receivers in rear door, 4-door Sedan (2)	Imperial.
Ash receivers in rear quarter panels	All Coupes.
Arm rests on rear quarter panels (2)	Newport and Club Coupes.
Airfoam cushions, front and rear	All.
Airfoam seat backs	Imperial.
Bumpers, front and rear	All.
Bumper guards, front and rear	Do.
Booster brakes	Do.
Bumper jack, wheel wrench, 2 screw drivers, pliers, wheel block.	Do.
Cigar lighter, in instrument panel (1)	Do.
Cigar lighter, in rear of 4-door Sedans (1)	Saratoga, New Yorker.
Cigar lighter, in rear of 4-door Sedans (2)	Imperial.
Cigar lighter, in rear of Town and Country Wagon (1).	Saratoga.
Carpet in luggage compartment	All Imperials and New Yorker Newports.
Coat hooks (2)	4-door Sedan, 8-passenger Sedan, Club Coupe.
Cowl vent screened	All.
Dual parking lights	Do.
Dual tail lights	Do.
Directional signals	Do.
Dual back-up lights	Do.
Door holding checks, all doors	Do.
Door cylinder locks, all front doors	Do.
Electric clock	Do.
Electric windshield wiper, 2-speed	Do.
Electric window lifts, all doors	Imperial.
Fluid-matic transmission	All.
Full flow oil filter	Do.
Floor carpet in front and rear compartment	All, except Town and Country Wagon.
Glove box lights	All.
Glove box with lock	Do.
Grab handles, back of front seat	4-door Sedan, Town and Country Wagon.
Horn-blowing ring	All.
Inter-leaf springs, rear	Do.
Inside sun visor (2)	Do.
Luggage-compartment light	Do.
Oil-bath air cleaner	Do.
Outside rear-view mirror	All Newports and Convertible Coupes.

(E) CHRYSLER SARATOGA, CHRYSLER NEW YORKER, CHRYSLER IMPERIAL, PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Plastic steering wheel	All.
Printed jute in luggage compartment	Saratoga Sedans and Club Coupes and New Yorker 4-door Sedan.
Rubber floor mat in front and rear compartment	Town and Country Wagon.
Robe cord	Imperial 4-door Sedan.
Resistor spark plugs	All.
Shroud enclosed steering column	Do.
Shock absorbers, oriflow, 1-inch	Do.
Stainless-steel wheel covers (4)	Do.
Safety glass throughout	Do.
Splash-proof ignition system	Do.
Safety crash pad	Do.
Tires, 8.00 x 15, 4-ply (5)	All Saratogas except 8-passenger Sedan.
Tires, 8.20 x 15, 4-ply (5)	All Imperials, all New Yorkers, Saratoga 8-passenger Sedan.
Undercoating	All.
Wheels, 5, 15 x 5.50, with safety rims	Saratoga.
Wheels, 5, 15 x 6.00, with safety rims	New Yorker, Imperial.

(F) CHRYSLER CROWN IMPERIAL PASSENGER AUTOMOBILES

Automatic window lifts (electric), all doors	All.
Automatic window lifts (electric), partition glass.	Limousine.
Airfoam cushions and seat backs	All.
Automobile robes (2) with storage bags	Limousine.
Bumpers, front and rear	All.
Bumper guards, front and rear	Do.
Bumper jack, wheel wrench, pliers, 2 screw drivers, wheel block.	Do.
Cigar lighters, 1 in front, 2 in rear	Do.
Carpet in front compartment	8-passenger Sedan.
Carpet in rear compartment	All.
Carpet in luggage compartment	Do.
Cowl ventilator, screened	Do.
Crankcase floating oil intake filter	Do.
Dual parking lamps	Do.
Dual tail lamps	Do.
Directional signals	Do.
Disc brakes	Do.
Door holding checks, all doors	Do.
Door cylinder locks, front doors	Sedan.
Door cylinder locks, front and rear doors	Limousine.
Dual back up lights	All.
Electric clock (2)	Do.
Fluid-matic drive transmission	Do.
Fluid torque drive	Do.
Full flow oil filter	Do.
Front and rear seat folding center arm rests	8-passenger Sedan.
Grab handles	All.
Glove box with lock	Do.
Glove box, rear (2)	Do.
Horn blowing ring	Do.
Hydraguide power steering	Do.
Heater	Do.
Inner leaf springs	Do.
Inside sun visors (2)	Do.
Oil bath air cleaner	Do.
Outside rear view mirrors (2)	Do.
Plastic steering wheel, 18-inch	Do.
Radio and antenna	Do.
Rear seat folding center arm rest	Limousine.
Rubber pad in front compartment	Do.

(F) CHRYSLER CROWN IMPERIAL PASSENGER AUTOMOBILES—Continued

Description	Body styles on which included
Resistor type spark plugs	All.
Shock absorbers, 1-inch	Do.
Stainless steel wheel covers (4)	Do.
Safety glass throughout	Do.
Splash proof ignition system	Do.
Safety crash pad	Do.
Tires, 8.90 x 15, 6-ply (5)	Do.
Undercoating	Do.
Wheels, 5, 15 x 6.50 with safety rims	Do.

4. Items of standard equipment on 1952 model automobiles manufactured by the Studebaker Corporation:

(A) STUDEBAKER CHAMPION PASSENGER AUTOMOBILES

Arm rests, front and rear	All DeLuxe and Regal.
Arm rests, rear	Custom 5-passenger Coupe.
Ash receiver, instrument panel	All.
Ash receiver, rear seat (2)	DeLuxe 5-passenger Coupe and all Regal.
Bumpers, front and rear with vertical guards	All.
Cap, 7-pound pressure radiator	Do.
Caps, moisture proof rubber spark plug	Do.
Carpet, front floor	Convertibles.
Carpet, rear floor	All Regal.
Choke, automatic	All.
Deflectors, rubber rear fender gravel	All DeLuxe and Regal except Convertibles.
Deflectors, bright metal rear fender gravel	Convertibles.
Frame, bright metal windshield	Soft top Convertible.
Frame, bright metal window	Convertibles.
Glass, safety throughout	All.
Grille, bright metal radiator	Do.
Grille, bright metal radio	All DeLuxe and Regal.
Hood lock, dash controlled	All.
Horn, one	All Custom.
Horn, two	All DeLuxe and Regal.
Horn ring, bright metal half circle	All Regal.
Instruments, illuminated by black light	All.
Instrument panel, painted	Do.
Knob, plastic, glove compartment door	All Custom.
Knob, bright metal glove compartment door, with lock.	All DeLuxe and Regal.
Latches, rotary door	All.
Light, dome, painted rim	All Custom.
Light, dome, bright metal	All DeLuxe and Regal except soft top convertible.
Light, dome, door operated	All DeLuxe and Regal except soft top convertible.
Light, dome, manually operated	All Custom.
Light, map, on instrument panel, door operated	All DeLuxe and Regal.
Light, parking, painted rims	All Custom.
Light, parking, bright metal rims	All DeLuxe and Regal.
Light, sealed beam head, painted rims	All Custom.
Light, sealed beam head, bright metal rims	All DeLuxe and Regal.
Light, tail, painted rims	All Custom.
Light, tail, bright metal rims	All DeLuxe and Regal.
Locks, right and left hand door	All.
Mat, rubber, front floor	All except Convertibles.
Mat, rubber, rear floor	All Custom and DeLuxe.
Mat, rubber, trunk	All.
Mirror, inside rear view	Do.
Moulding, bright metal drip	Hard top Convertible.
Moulding, bright metal body sill	All Regal.
Moulding, door trim panel	All DeLuxe and Regal.

(A) STUDEBAKER CHAMPION PASSENGER AUTOMOBILES—continued

Description	Body styles on which included
Moulding, bright metal rear window reveal	Regal 2- and 4-door Sedans and hard top Convertible.
Moulding, bright metal trim above windshield	Hard top Convertible.
Moulding, rubber window reveal	All Custom.
Moulding, bright metal window reveal	All DeLuxe and Regal except Convertibles.
Moulding, painted window garnish	All except Convertibles.
Moulding, bright metal window garnish	Convertibles.
Moulding, painted windshield garnish	All.
Moulding, bright metal windshield reveal	All Regal except Convertibles.
Moulding, bright metal body belt	Hard top Convertible.
Ornaments, glove compartment door	All DeLuxe and Regal.
Ornaments, hood	Do.
Pads, leatherette door kick	All Custom and DeLuxe.
Pads, foam rubber seat	All Regal.
Paint, solid colors, standard	All except hard top Convertible.
Paint, two-tone, standard combination	Hard top Convertible.
Panel moulding, bright metal door kick	All Regal.
Parking brake release, push button	All.
Plates, plastic inside door handle escutcheon	All except Convertibles.
Plates, bright metal inside door handle escutcheon	Convertibles.
Shield, frame rear	All DeLuxe and Regal.
Shock absorbers, front and rear	All.
Springs, coil, front	Do.
Springs, leaf, rear	Do.
Stabilizers, front	Do.
Steering wheel, three-spoke	Do.
Straps, assist	DeLuxe and Regal 2-door Sedans and 5-passenger Coupes.
Tires (5), 6.40 x 15, 4-ply, black	All.
Top, electrically operated	Soft top Convertible.
Trim, woolen bedford cord	All Custom.
Trim, pile fabric	All DeLuxe.
Trim, woolen flat cloth	All Regal except Convertibles.
Trim, nylon bedford cord and leatherette combination.	Convertibles.
Vent wings, painted front door	All Custom and DeLuxe.
Vent wings, bright metal front door	All Regal.
Visor, sun, one	All Custom.
Visor, sun, two	All DeLuxe and Regal.
Wheels (5), disc painted	All.
Window, rear, one-piece	All 2- and 4-door Sedans.
Window, rear, divided	All 5-passenger Coupes.
Window, rear, three-piece	Hard top Convertible.
Windshield, one-piece	All.
Windshield wiper, dual vacuum	Do.

(B) STUDEBAKER COMMANDER PASSENGER AUTOMOBILES

Arm rests, front and rear	All.
Arm rest, center rear seat	Land Cruiser.
Ash receiver, rear seat (2)	All except Regal 2-door Sedan and Land Cruiser.
Ash receiver, rear seat (1)	Regal 2-door Sedan and Land Cruiser.
Ash receiver, instrument panel	All.
Bumpers, front and rear with vertical guards	Do.
Cap, 7-pound pressure radiator	Do.
Caps, moisture proof rubber spark plug	Do.
Carpet, front floor	All State.
Carpet, rear floor	Do.
Choke, automatic	All.
Clock	Land Cruiser.
Deflectors, rubber rear fender gravel	All Regal.
Deflectors, bright metal rear fender gravel	All State.

(B) STUDEBAKER COMMANDER PASSENGER AUTOMOBILES—continued

Description	*Body styles on which included*
Filter, oil	Land Cruiser.
Frame, bright metal windshield	Soft top Convertible.
Frame, bright metal window	Convertibles.
Glass, safety throughout	All.
Grille, bright metal radiator	Do.
Grille, bright metal radio	Do.
Hill holder	Do.
Hood lock, dash controlled	Do.
Horn, two	Do.
Horn ring, bright metal half circle	Do.
Instruments, illuminated by black light	Do.
Instrument panel, painted	Do.
Knob, bright metal glove compartment door with lock.	Do.
Latches, rotary door	Do.
Light, dome, bright metal	All except soft top Convertible.
Light, dome, door operated	Do.
Light, map, on instrument panel, door operated	All.
Light, parking, bright metal rims	Do.
Light, sealed beam head, bright metal rims	Do.
Light, tail, bright metal rims	Do.
Light, trunk	Land Cruiser.
Locks, right and left hand door	All.
Mat, rubber, front floor	All Regal.
Mat, rubber, rear floor	Do.
Mat, rubber, trunk	All except Land Cruiser.
Mat, mattex, trunk	Land Cruiser.
Mirror, inside rear view	All.
Moulding, bright metal drip	Hard top Convertible.
Moulding, bright metal body sill	All.
Moulding, door trim panel	Do.
Moulding, bright metal rear window reveal	All 2- and 4-door Sedans and hard top Convertible.
Moulding, bright metal trim above windshield	Hard top Convertible.
Moulding, bright metal window reveal	All except Convertibles.
Moulding, painted window garnish	Do.
Moulding, bright metal window garnish	Convertibles.
Moulding, painted windshield garnish	All.
Moulding, bright metal windshield reveal	All except Convertibles.
Moulding, bright metal body belt	Hard top Convertible.
Ornaments, front fender	All State.
Ornaments, hood	All.
Ornaments, radio grille	Do.
Pads, carpet door kick	All Regal.
Pads, foam rubber seat	All.
Paint, solid colors, standard	All except hard top Convertible.
Paint, two-tone, standard combination	Hard top Convertible.
Panel moulding, bright metal door kick	All State.
Panel, painted front seat back with ash receiver	Land Cruiser.
Parking brake release, push button	All.
Plates, plastic inside door handle escutcheon	All except Convertibles and Land Cruiser.
Plates, bright metal inside door handle escutcheon	Convertibles and Land Cruiser.
Robe cord	Land Cruiser.
Shield, frame rear	All.
Shock absorbers, front and rear	Do.
Springs, coil, front	Do.
Springs, leaf, rear	Do.
Stabilizers, front	Do.
Stabilizers, rear	Land Cruiser.
Steering wheel, three-spoke	All.

(B) STUDEBAKER COMMANDER PASSENGER AUTOMOBILES—continued

Description	*Body styles on which included*
Straps, assist	All except Convertibles.
Tires (5), 7.10 x 15, 4-ply, black	All.
Top, electrically operated	Soft top Convertible.
Trim, nylon bedford cord and leatherette combination.	Convertibles.
Trim, woolen broadcloth	All Regal.
Trim, nylon bedford cord or two-tone broadcloth	Land Cruiser.
Trim, nylon terrace weave	All State except Convertibles.
Vent wings, bright metal front door	All.
Vent wings, bright metal rear door	Land Cruiser.
Visor, sun, two	All.
Wheels (5), disc painted	Do.
Window, rear, one-piece	All 2- and 4-door Sedans.
Window, rear, divided	All 5-passenger Coupes.
Window, rear, three-piece	Hard top Convertible.
Windshield, one-piece	All.
Windshield wiper, dual electric	Do.

5. Items of standard equipment on 1952 model automobiles manufactured by the Hudson Motor Company:

(A) HUDSON PASSENGER AUTOMOBILES

Tires, 5 blackwall, 15 x 7.10	All lines and series, except Commodore Six, Hornet, and Commodore Eight Convertibles.
Tires, 5 blackwall, 15 x 7.60	Commodore Six, Hornet, and Commodore Eight Convertibles.
Sunvisors, two	All lines and series.
Clock, electric	Hornet and Commodore Eight.
Clock, mechanical	Wasp and Commodore Six.
Cigar lighter	Hornet and Commodore Eight.
Foam rubber seats	Do.
Bumpers, front and rear	All lines and series.
Two front bumper guards	Pacemaker and Wasp.
Three front bumper guards	Commodore Six, Hornet, and Commodore Eight.
Two rear bumper guards	Pacemaker.
Three rear bumper guards	All lines and series, except Pacemakers.
Arm rests, right and left front and rear doors	All lines and series.
Arm rests, center rear compartment	Commodore Six, Hornet, and Commodore Eight.
Assist straps	Pacemaker and Hornet.
Metal hand grips	All lines and series, except Pacemaker.
Ash receivers, front, one	Pacemaker and Wasp.
Ash receivers, front (3)	Commodore Six, Hornet, and Commodore Eight.
Ash receivers, rear (2)	Pacemaker and Wasp.
Ash receivers, rear (2)	Commodore Six, Hornet, and Commodore Eight.
18-inch deluxe steering wheel with horn ring	All lines and series, except Pacemaker.
Front fender ornaments	All lines and series, except Pacemaker.
Large hub caps	All lines and series, except Pacemaker and Wasp.
Small hub caps	Pacemaker and Wasp.
Side panel ornamentation	All lines and series, except Pacemaker.
Dual windshield wipers	All lines and series.
Standard tool equipment (jack and wheel hub wrench).	Do.
Standard body colors (choice of five)	Pacemaker.
Standard body colors (choice of seven)	All lines and series, except Pacemaker.

6. Items of standard equipment on 1952 model automobiles manufactured by the Kaiser-Frazer Corporation:

(A) KAISER PASSENGER AUTOMOBILES

Description	*Body styles on which included*
Arm rests, door	All Kaisers.
Ash receiver, front	Do.
Ash receiver, rear	Do.
Bumper guards (bridge)	Do.
Cigarette lighter, front	Do.
Dual windshield wipers	Do.
Fender nameplates	Do.
Foam rubber seat cushions	All Kaisers "Manhattan" and "Virginian Deluxe."
Glove box light	Do.
Glove box lock	Do.
Hood ornament	All Kaisers.
Horn ring, chrome	All Kaisers "Manhattan" and "Virginian Deluxe."
Ignition switch and starter combined (illuminated).	All Kaisers.
Mouldings, belt line (under side windows)	All Kaisers "Manhattan" and "Virginian Deluxe."
Mouldings, instrument panel	Do.
Mouldings, interior door trim	Do.
Mouldings, rear wheel opening cover	Do.
Mouldings, rub rail (along lower part of fenders and doors).	Do.
Mouldings, window reveal	All Kaisers.
Mouldings, windshield and rear window	All Kaisers "Manhattan" and "Virginian Deluxe."
Oil filter	All Kaisers.
One piece windshield	All Kaisers "Deluxe" and "Manhattan."
Padded instrument panel	All Kaisers "Manhattan" and "Virginian Deluxe."
Parking lights (2)	All Kaisers.
Pillar lamps (2)	Do.
Spare wheel	Do.
Springs, rear, semielliptic, full covered	All Kaisers except Traveler models.
Springs, rear, two-stage, variable capacity	All Kaiser Traveler models.
Steering column covers	All Kaiser "Manhattan" and "Virginian Deluxe" except those equipped with hydramatic transmission.
Sun visors (2)	All Kaisers.
Tail lights (2)	Do.
Tires (5), 6.70 x 15 x 4-ply	Do.
Tools (jack and wheel wrench)	Do.

(B) HENRY J PASSENGER AUTOMOBILES

Ash receiver, front	"Corsair Deluxe" and "Deluxe Vagabond."
Dual windshield wipers	All Henry J.
Fender nameplates	Do.
Folding rear seat	Do.
Hood ornament	Do.
Mouldings, exterior, windshield and rear window	"Corsair Deluxe" and "Deluxe Vagabond."
Oil bath air cleaner	All Henry J.
Parking lights (2)	Do.
Spare wheel	Do.
Sun visor, left	Do.
Tail lights (2)	Do.
Tools (jack and wheel wrench)	Do.
Tires (5), 5.90 x 15 x 4 ply	Do.

(C) ALLSTATE PASSENGER AUTOMOBILES

Description	*Body styles on which included*
Ash receiver, front	6 cylinder.
Dual windshield wipers	4 and 6 cylinder.
Folding rear seat	Do.
Hood ornament	Do.
Mouldings, exterior, windshield and rear window	6 cylinder.
Oil bath air cleaner	4 and 6 cylinder.
Parking lights (2)	Do.
Spare wheel	Do.
Sun visor, left	Do.
Tail lights (2)	Do.
Tools (jack and wheel wrench)	Do.
Tires (5), 5.90 x 15 x 4-ply	Do.

7. Items of standard equipment on 1952 model automobiles manufactured by the Nash-Kelvinator Corporation:

(A) NASH RAMBLER AUTOMOBILES

Arm rest, front and rear door or rear quarter	All body styles except Station Wagon.
Ash receiver, front seat	All body styles.
Ash receiver, rear seat (dual)	All body styles except Station Wagon.
Bumper and bumper guards	All body styles.
Rubber simulated carpet front inserts	All Custom models.
Gray rubber simulated carpet rear	All body styles.
Clock, electric	All Custom models.
Compartment, instrument panel package	All body styles.
Glass, safety, plate	Do.
Headlining cloth	Do.
Horns, dual	Do.
Lighter, cigarette	Do.
Dome lamp, single	Do.
Lights, dual stop	Do.
Lights, parking	Do.
Mirror, rear view, inside	Do.
Molding, windshield reveal	Do.
Molding, rear window reveal	Country Club hard top only.
Molding, fenders and door sides	All body styles.
"Rambler" and "Super" or "Custom" or "Country Club" script on front fenders.	All models.
Pads, foam rubber seat cushion	Custom models only.
Pump, vacuum booster	Overdrive equipped cars only.
Radio and antenna	All body styles.
Rings, wheel trim, stainless steel	All Custom models.
Seat, front adjustable manually	All body styles.
Signal, turn	All Custom models.
Starter, clutch	All body styles.
Straps, assist	Hard top and Convertible models only.
Top, black or tan	Convertible only.
Top, electrically operated	Do.
Upholstery, vinyl leather	Suburban model only.
Upholstery, twotone	All Custom models.
Ventilators, front window	All body styles.
Visors, sun (two interior)	Do.
Wheel, steering custom and horn ring	All Custom models.
Wipers, dual	All body styles.
Windshield, single piece curved	Do.
Jack and jack handle	Do.
Wheel, five wheels and low pressure tires, size 5.90 x 15, 4 ply.	Super.
Wheel, five wheels and low pressure tires, size 6.40 x 15, 4 ply.	Custom.

(B) NASH STATESMAN AND AMBASSADOR PASSENGER AUTOMOBILES

Arm rest, front and/or rear door or rear quarter	All body styles.
Arm rest, rear compartment center	All Custom models.
Ash receiver, front seat, dual	All body styles.

(B) NASH STATESMAN AND AMBASSADOR PASSENGER AUTOMOBILES—continued

Description	*Body styles on which included*
Ash receiver, rear seat, dual	All body styles.
Bumper and bumper guards	Do.
Carpet, front and rear	All Custom models.
Carpet inserts front, and full rear carpet	All Super models.
Coat hooks	All body styles.
Clock, electric	All Custom models.
Compartment, lined luggage	All body styles.
Compartment, instrument panel package	Do.
Fender guards	All Ambassador models.
Glass, safety plate	All body styles.
Headlining, cloth	Do.
Horns, dual	Do.
Lighter, cigarette	Do.
Dome lamp (single)	Do.
Lights, dual stop	Do.
Lights, parking	Do.
Locks, front and rear doors	All 4-door Sedans.
Mirrors, rear view, inside	All body styles.
Molding, windshield reveal	Do.
Molding, rear window reveal	Do.
Molding, fenders and door sides	Do.
"Ambassador" or "Statesman" and "Custom" or "Super" script on front fenders.	Do.
Pads, foam rubber seat cushion	All Custom models.
Pump, vacuum booster	All overdrive or hydramatic equipped cars.
Rings, wheel trim	All Custom models.
Robe rail, front seat back	Custom 4-door models.
Seat, front adjustable manually	All body styles.
Signal, turn	All Custom models.
Starter, clutch	All body styles.
Straps, assist	2-door models only.
Upholstery, combination cloth and leather	Hard top models only.
Upholstery, two-tone trim	All Custom models.
Ventilators, front window	All body styles.
Ventilators, rear window	All 4-door Sedans.
Visors, sun (two interior)	All body styles.
Wheel, steering custom and horn ring	All Custom models.
Wipers, dual	All body styles.
Windshield, single piece, curved	Do.
Jack and jack handle	Do.
Wheel, five wheels and low pressure tires, size 6.70 x 15, 4 ply.	Statesman, all body styles.
Wheel, five wheels and low pressure tires, size 7.10 x 15, 4 ply.	Ambassador, all body styles.

8. Items of standard equipment on 1952 model automobiles manufactured by the Willys-Overland Motors, Incorporated:

(A) STATION WAGONS

Air cleaner, oil bath type	4 x 473 Station Wagons.
Arm rest, on front door panel	All Station Wagons.
Arm rest, over wheelhouse	Do.
Ash receivers, rear two	Do.
Ash tray, mounted on instrument panel	Do.
Bumper, front and rear, and license tag bracket, front.	Do.
Cap, spare wheel hub	473, 673 and 685 Station Wagons.
Cleaner, air, dry type	473, 673 and 685 Station Wagons.
Cylinder head, option of 7.4 to 1 or 7.8 to 1	All Station Wagons.
Door, key locks	Do.
Door vent window wings	Do.
Glove box, passenger side	Do.
Horn	Do.

(A) STATION WAGONS—continued

Description	*Body styles on which included*
Lamp, dome, front	All station wagons.
Lamps, tail, license and stop (dual)	All Station Wagons except 685.
Lamps, tail, license and stop (single)	685 Station Wagons.
Mirror, rear view, inside mount	All Station Wagons.
Pump, fuel and vacuum combination	Do.
Rear bumper bar extension	Do.
Seat, driver's, 2-passenger, sliding adjustable	Do.
Seats, for four additional passengers, one front, three rear.	Do.
Spare wheel	Do.
Standard tool kit (jack, combination jack handle and lug wrench, screw driver and pliers).	Do.
Standard transmission and 4.88 axle ratio	473, 673 and 685 Station Wagons.
Standard transmission and 5.38:1 axle ratio	4 x 473 Station Wagons.
Sun visors, driver and passenger side	All Station Wagons.
Tires, (5) black wall, 4-ply, 6.70 x 15	473, 673 and 685 Station Wagons.
Tires, (4) black wall, 4-ply, 7.00 x 15, all service tread.	4 x 473 Station Wagons.
Windshield wipers, dual automatic	All Station Wagons.

(B) PASSENGER AUTOMOBILES

Arm rest, front with chrome trim, two	Super DeLuxe and Custom.
Arm rest, rear with chrome trim, two	Do.
Ash receiver, front	All passenger automobiles.
Ash receiver, rear	Super DeLuxe and Custom.
Assist cords, two	Do.
Bumpers, front and rear	All passenger automobiles.
Cigar lighter	Super DeLuxe and Custom.
Cylinder head option (7.6 to 1 ratio or 8.1 to 1 ratio).	Do.
Dome light	Do.
Dome light switch, automatic	Custom.
Emblem, grille and rear deck	All passenger automobiles.
Floor mats, front and rear carpet with jute pad	Custom.
Floor mats, front and rear, rubber, with jute pad	Super DeLuxe.
Floor mats, rubber, front and rear	DeLuxe.
Glove box and lock	Super DeLuxe and Custom.
Horn, single	DeLuxe.
Horn, double	Super DeLuxe and Custom.
Hub caps, small	All passenger automobiles.
Instrument switch	DeLuxe.
Instrument panel, large plastic discs	Super DeLuxe and Custom.
Lock and key, front door, right and left side	All passenger automobiles.
Mirror, rear view, painted, inside	Super DeLuxe.
Mirror, rear view, chrome plated, inside	Custom.
Moulding, belt, chrome plated	Super DeLuxe and Custom.
Moulding, cover, drip moulding, chrome plated	Custom.
Moulding, chrome finish, outside windshield	Super DeLuxe and Custom.
Moulding, chrome finish, outside rear window	Do.
Moulding, chrome plated reveal, bottom outside window.	Custom.
Moulding, chrome plated, door and quarter, garnish valance.	Do.
Moulding, windshield, painted garnish	DeLuxe.
Name plates "Willys", left and right	All passenger automobiles.
Paint, single color	Do.
Rear window, one piece	DeLuxe and Super DeLuxe.
Rear window, three piece	Custom.
Regulator, quarter windows	Super DeLuxe and Custom.
Rubber scuff plates	DeLuxe.
Runway channels, door and quarter, glass stainless steel edge.	Super DeLuxe and Custom.

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Seat back pad
Seat pads, cot
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Spare wheel, t
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Stop lights, d
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Tires, black w
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9. Items of
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Arm rest, rear
Ash receiver,
Automatic tra
Bumper and b
Cigarette ligh
Cigarette ligh
Cleaner, air, c
Clock, electri
Covers, disc t
Cushions, seat
Cushions, seat
Deluxe steerin
Directional sig
Filter, oil
Horns, dual
Jack and jack
Light, courtesy
Light, glove co
Light, trunk c
Louvre, fende
Nonglare mirro
Pad, gravel, r
Robe rail, fron
Shrouds, fend
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(B) PASSENGER AUTOMOBILES—continued

Description	*Body styles on which included*
Seat cushion pads, cotton and hair, front and rear	Super DeLuxe and Custom.
Seat back pads, cotton, front and rear	Do.
Seat pads, cotton, front and rear	Do.
Seat pads, cotton	DeLuxe.
Spare wheel, tire and tube	All passenger automobiles.
Steering column jacket	Super DeLuxe and Custom.
Steering wheel with horn ring	All passenger automobiles.
Stop lights, dual	DeLuxe and Super DeLuxe.
Sun visor, single	DeLuxe.
Sun visor, dual, grain board	Super DeLuxe.
Sun visor, dual, cloth covered	Custom.
Switch, solenoid starter, key operated	All passenger automobiles.
Tires, black wall, 5.90 x 15, 4-ply	Do.
Tools (jack handle and lug wrench)	Super DeLuxe and Custom.
Transmission (remote control shift and 4.1 to 1 rear axle ratio).	Do.
Vent, wing frame, stainless steel	DeLuxe.
Vent, wing division bar, stainless steel	Do.
Window frames, door and quarter	Super DeLuxe and Custom.
Window frame covers, stainless steel	Do.
Windshield, two piece	All passenger automobiles.
Windshield wiper, dual, chrome blades	Do.

9. Items of standard equipment on 1952 model automobiles manufactured by the Packard Motor Car Company:

(A) PACKARD PASSENGER AUTOMOBILES

Arm rest, front door	All body styles.
Arm rest, rear door	200 Deluxe, 300–400 series.
Arm rest, rear compartment center	300–400 series.
Ash receiver, front compartment	All body styles.
Ash receiver, rear compartment	200 Deluxe, 250–300–400 series.
Automatic transmission	400 series.
Bumper and bumper guards	All body styles.
Cigarette lighter, front compartment	200 Deluxe, 250–300–400 series.
Cigarette lighter, rear compartment	300–400 series.
Cleaner, air, oil bath	250–300–400 series.
Clock, electric	200 Deluxe, 250–300–400 series.
Covers, disc type hub shell	250–300–400 series.
Cushions, seat, foam rubber, front	200 Deluxe, 250–300–400 series.
Cushions, seat, foam rubber, rear	300–400 series.
Deluxe steering wheel	400 series.
Directional signals	200 Deluxe, 250–300–400 series.
Filter, oil	250–300–400 series.
Horns, dual	All body styles.
Jack and jack handle	Do.
Light, courtesy, front and dome rear	Do.
Light, trunk compartment	250–300–400 series.
Light, glove compartment	200 Deluxe, 250–300–400.
Louvre, fender	250–400 series.
Nonglare mirror	250–300–400 series.
Pad, gravel, rear fender chrome	400 series.
Robe rail, front seat back	200 Deluxe, 250–300–400 series.
Shrouds, fender rear	250–300–400 series.
Tappets, valve hydraulic	Do.
Two-tone paint	250 series.
Visors, sun, right and left inside	All body styles.
Wheel trim rings, chrome	200 Deluxe series.
Vent wings, front window	All body styles.
Vent wings, rear window	200 Deluxe, 250–300–400 series.

[F. R. Doc. 52-9235; Filed, Aug. 18, 1952; 4:31 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Rev. 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Revision 1 to Supplementary Regulation 100 of the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This revision of Supplementary Regulation 100 to the General Ceiling Price Regulation increases the ceiling prices of producers of carbon, alloy, and stainless steel mill products in accordance with the directive of the Acting Director of the Office of Defense Mobilization of July 24, 1952. Appropriate action will be taken to permit the same increases for those producers who are signers of the voluntary agreement.

The directive which requires this action having been transmitted to the Office of Price Stabilization by the Administrator of the Economic Stabilization Agency deprives the Office of Price Stabilization and the Director thereof of any independent discretion or authority in connection with steel prices and removes from the Office of Price Stabilization and the Director thereof any policy, control, jurisdiction or determination over the said subject matter. The directive reads as follows:

On June 2, 1952, a strike was called among the employees of the steel-producing industry, resulting in substantially complete suspension of the operations of the industry. As a result of collective bargaining, the issues in the steel strike have now been tentatively settled. It is the position of the steel industry, however, that it is unable to absorb the entire amount of the increase involved.

Steel is vital to major military production programs, such as aircraft, guided missiles, ships, tanks, weapons, ammunition and electronics and communication equipment. Steel is also required for defense-supporting production and basic industrial expansion. The Department of Defense and the Defense Production Administration have advised me that the continued shut-down of steel production would paralyze these and other programs essential to our national defense and to the security of our troops in Korea.

In the light of these factors and in order to carry out the purposes of the Defense Production Act to achieve maximum production to support the developments and maintenance of military strength, acting through the Director of Price Stabilization, you are hereby directed to authorize effective upon resumption of steel production, an increase in ceiling prices to basic steel producers for their carbon iron and steel products (with a proportionate increase for alloy and stainless steel) equivalent to $1.66 per ton of carbon steel plus 70¢ per ton of carbon steel to cover the freight increase authorized by the Interstate Commerce Commission effective on May 2, 1952.

This directive is based upon and limited to the facts of the steel industry.

The above increase of $2.36 per ton of carbon steel is in addition to the increase of 2.6 percent, equivalent to an average of $2.84 per ton of carbon steel, authorized pursuant to the Capehart amendment by the Office of Price Stabilization on April 25, 1952, in Supplementary Regulation 100 to the General Ceiling Price Regulation and letters to signers of the voluntary agreement, making a total increase equivalent to an average of $5.20 per ton of carbon steel. The increase of $2.84 per ton represented the increase in the average cost of producing carbon steel between the second quarter of 1950 and the second quarter of 1951, less the amount by which carbon steel prices actually increased during that period.

In accordance with the terms of the directive of the Office of Defense Mobilization of July 24, 1952, the OPS, with the cooperation of the General Steel Products Industry Advisory Committee, has determined dollars and cents increases for carbon steel and certain alloy steel products by applying the $5.20 per ton increase on a basis proportional to the man-hours required in the production of each product. Under this technique a product with a low number of man-hours is given an increase of less than $5.20 per ton and a product with a high number of man-hours is given an increase of more than $5.20 per ton. However, the increase for all carbon steel products on a dollar-and-cents basis will average $5.20 per ton.

In arriving at the above dollar-and-cents figures for carbon steel products and in verification thereof, the product mix for the last quarter of 1951, as published by the American Iron and Steel

Institute, was used. This procedure appears reasonable in the light of known defense needs for the remainder of the year.

Under the terms of the directive, a proportionate increase in ceiling prices is authorized for alloy and stainless steel and certain carbon steel specialties. By relating the increase of $5.20 per ton, to the average realization on carbon steel of $110.38 per ton this proportion was determined to be approximately 4.7 percent. Because of the large number of individual products which are included in the above categories, it has been necessary to permit producers of these products to increase ceiling prices by this percentage. It is contemplated that a further review and modification of some of these prices may be undertaken by the Agency.

In the formulation of this regulation there has been consultation with industry representatives including the Industry Advisory Committee and representatives of trade associations, to the extent practicable, and full consideration has been given to their recommendations.

In the formulation of this regulation, the Office of Price Stabilization has been relegated to the restricted position of serving as an Agency for merely making mathematical and statistical calculations as to the allocation of steel price increases in accordance with the said directive.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Persons and products covered.
3. Adjustments in ceiling prices for carbon steel products.
4. Adjustments in ceiling prices for high strength, low alloy steel products.
5. Adjustments in ceiling prices for products in SAE, NES, and other structural alloy grades of steel.
6. Adjustments in ceiling prices for carbon tool steels, alloy tool steels, etc.
7. Adjustments in ceiling prices for stainless steel.
8. Definitions.
9. Rounding adjusted ceiling prices.
10. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat., as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup., 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* This supplementary regulation permits a producer of any steel mill products for which ceiling prices are established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation to increase the ceiling prices for such steel mill products to the extent herein set forth.

SEC. 2. *Persons and products covered.* This supplementary regulation applies to you if you are a producer of steel mill products and if your ceiling prices for such products are established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this supplementary regulation. As used in this supplementary regulation, the term "steel mill products" includes the following iron and carbon, stainless, or other alloy steel products of both prime and secondary or rejected quality:

(a) Ingots, blooms, billets, slabs, tube rounds, die blanks, skelp, sheet and tin bars, wire rods, and muck bars.

(b) Structural shapes (including bearing piles) and sheet piling and accessories.

(c) Plates (universal mill, sheared, and floor).

(d) Rails and rail accessories.

(e) Hot rolled bars (including forged, galvanized and wrought iron bars and special sections).

(f) Concrete reinforcing bars (unfabricated).

(g) Cold finished bars.

(h) Sheet and strip, hot rolled and cold rolled.

(i) Tin mill black plate, tin plate, and terne plate.

(j) Tubing: welded, seamless, and drawn.

(k) Tool steel, including drill rod.

(l) Wire rope and strand.

(m) Standard and line pipe, water well tubular products, and couplings (including steel and wrought iron pipe).

(n) Oil country casing, tubing, drill pipe and couplings.

(o) Galvanized, coated, or painted sheet and strip; formed roofing and siding (painted, black, galvanized or lead coated); and valley, ridge roll, and flashing.

(p) Nails (cut and wire, but not including tacks), brads, and fence and netting staples.

(q) Wire, drawn.

(r) Wire bale ties.

(s) Hoops and baling bands.

(t) Wire (barbed and twisted) and wire fence (woven or welded).

(u) Wire netting.

(v) Fence posts (other than fabricated).

(w) Welded and woven wire fabric.

SEC. 3. *Adjustments in ceiling prices for carbon steel products.* (a) If you produce any of the following carbon steel mill products, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus the applicable amount set forth below for such products.

	Per net ton
(1) Ingots	$2.00
(2) Blooms, billets and slabs—forging	4.50
(3) Blooms, billets, and slabs—rerolling	3.00
(4) Blooms and billets—shell	4.50
(5) Seamless pipe and tube blooms and billets	3.00
(6) Skelp	4.00
(7) Tube rounds	5.50
(8) Wire rods	4.50
(9) Structural shapes, including bearing piles	4.00
(10) Sheet piling	4.50
(11) Plates—sheared and UM	4.00
(12) Plates—floor	4.00
(13) Light rails—60 pounds, or under per linear year	$5.00
(14) Standard rails—over 60 pounds per linear yard	3.50
(15) Track spikes	10.00
(16) Joint bars	4.50
(17) Tie plates	5.50
(18) Hot-rolled bars and special bar sections	5.00
(19) Concrete reinforcing bars—unfabricated	5.00
(20) Cold-finished bars	7.50
(21) Tin plate—electric, per base box	.25
(22) Tin plate—hot dip, per base box	.25
(23) Black plate, per base box	.25
(24) Terneplate, per base box	.25
(25) Hot-rolled sheets	3.50
(26) Cold-rolled sheets	4.50
(27) Enameling sheets	5.50
(28) Galvanized sheets, including formed roofing and siding and valley, ridge roll, and flashing	5.50
(29) Sheets—long terne	5.50
(30) Sheets—all other coated	5.50
(31) Electrical sheets—pole grade	3.50
(32) Electrical sheets—field grade	12.00
(33) Hot-rolled strip	4.50
(34) Hoops, baling bands and cotton ties	8.00
(35) Standard and line pipe:	
(i) Buttweld:	
Black P. E. (3¼ pts.)	6.50
Black T & C (3½ pts.)	7.00
Galvanized P. E. (3½ pts.)	7.00
Galvanized T & C (3¾ pts.)	7.50
(ii) Seamless lapweld and electric weld black:	
2"–4" Nom. P. E. (5¼ pts.)	10.50
2"–4" Nom. T & C (5½ pts.)	11.00
5" Nom. and over P. E. (3 pts.)	6.00
5" Nom. and over T & C (3¼ pts.)	6.50
(iii) Seamless lapweld and electric weld galvanized:	
2"–4" Nom. P. E. (5½ pts.)	11.00
2"–4" Nom. T & C (5¾ pts.)	11.50
5" Nom. and over P. E. (3¼ pts.)	6.50
5" Nom. and over T & C (3½ pts.)	7.00
(36) Oil country goods—seamless, electric weld and lapweld:	
(i) Casing F–25	6.50
(ii) Casing H–40	6.50
(iii) Casing J–55	6.50
(iv) Casing N–80 (Carbon)	9.00
(v) Casing Deepwell	9.00
(vi) Tubing N–40	11.00
(vii) Tubing F–25	11.00
(viii) Tubing J–55	11.00
(ix) Drill pipe—grade D	11.00
(x) Drive pipe	6.50
(xi) Miscellaneous tubular—couplings	33.00
(37) Drawn wire—Acme spring, basic and Bessemer, box binding, buckle, con key, chain, check power, clothes pin, coat hanger, scrapless nut, link, split rivet, tubular rivet, tuning pin, wood screw, welding, strand wire, tying wire, wool wire, pear shape, square, nail wire, pump, stapling (bright all other), bale tie cross head wire, bale tie wire, baling wire, merchant quality, galvanized, annealed, premier spring	7.50
(38) Nails—cut and wire	9.00
(39) Staples	8.00
(40) Wire tacks	22.00
(41) Woven fence	9.00
(42) Welded fence	14.00
(43) Wire netting	14.00
(44) Fence posts, commonly produced by steel mills	8.00
(45) Wire bale ties—coil and loop	9.00
(46) Barbed and twisted wire	8.00
(47) Wire reinforcing mesh—welded precast	14.00
(48) All other wire reinforcing mesh	7.50
(49) Chain link fabric	10.00
(50) Ornamental fence and trellis, commonly produced by steel mills	8.00

	Per net ton
(51) Tubular fence posts and fence rails, commonly made by steel mills	$7.00
(52) Wire rope and cord	31.00
(53) Guard rail strand	15.00
(54) Strand (other than guard rail)	16.00
(55) Wire loops	8.00
(56) Clothes line	10.00
(57) Cold rolled strip, low carbon	9.00
(58) Cold rolled strip, high carbon	17.00
(59) Cold rolled strip, specialties—bag tie, band saw steel, bobby hair pin steel, boning steel, box band, butcher blade steel, camera main spring and camera setter steel, cleat steel, carpet blade steel, diaphragm steel, doctor blade steel, door check steel, feeler and clearance gauge steel, fish tape steel, flapper valve, gong bell, heddle and drop steel, knife and scraper blade steel, lock spring steel, pen steel, pendulum spring steel, pile steel, piston ring and piston ring expander steel, reed steel, rule steel for rulers, sash balance steel, scoring rule steel, side link chain steel, sinker steel, snap spring steel, square blade steel, stitching flat, surgical blade steel, tape line steel, type bar steel, umbrella strip, vibrator reed steel, window regulator steel, tempered strip	31.50

(b) If you produce any of the following carbon steel mill products, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by the applicable percentage set forth below for such product.

	Percent
(1) Seamless and welded mechanical and pressure tubing	5.5

(c) If you produce any of the following carbon steel mill products, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by the applicable percentage set forth below for such product.

	Percent
(1) Drawn wire—all drawn wire other than that listed above in subparagraph (37) of paragraph (a) of this section	4.7
(2) Steel hardware cloth	4.7
(3) Steel screen cloth	4.7
(4) Wrought iron	4.7
(5) All carbon steel products not otherwise listed in this section	4.7

SEC. 4. *Adjustments in ceiling prices for high strength, low alloy steel products.* If you produce any of the following high strength, low alloy steel mill products, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus the applicable amount set forth below for such product.

	Per net ton
(a) Ingots, blooms, billets, and slabs	$4.50
(b) Hot-rolled bars	7.50
(c) Structural shapes	6.00
(d) Plates	6.00
(e) Hot-rolled strip	7.00
(f) Hot-rolled sheets	5.50
(g) Cold-rolled sheets	7.50
(h) Galvanized sheets	8.50
(i) Cold-rolled strip	15.00

SEC. 5. *Adjustments in ceiling prices for products in SAE, NES or other structural alloy grades of steel.* (a) If you produce any of the following steel mill products in SAE, NES, or other structural alloy grades of steel, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus the applicable amount set forth below for such product.

	Per net ton
(1) Ingots	$3.00
(2) Blooms, billets, and slabs	6.00
(3) Structural shapes	7.50
(4) Plates	10.00
(5) Hot-rolled bars	7.50
(6) Cold-finished bars	12.00
(7) Hot-rolled sheets	12.00
(8) Cold-rolled sheets	12.00
(9) Electrical sheets—all alloy grade	12.00
(10) Hot-rolled strip	12.00
(11) Cold-rolled strip—other than razor	28.00
(12) Cold-rolled strip—razor	90.00
(13) Wire	12.00
(14) Tubing N-80	14.00
(15) Drill pipe, Grade E	12.37
(16) Casing, N-80 (Alloy)	9.00

(b) If you produce any of the following steel mill products in SAE, NES, or other structural alloy grades of steel, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter ordered issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by the applicable percentage set forth below for such product.

(1) Mechanical tubing:

	Percent
(i) Schedule J—hot	5.0
(ii) Schedule J—cold	5.0
(iii) Schedule J—bearing—hot	6.0
(iv) Schedule J—bearing—cold	6.0
(v) Schedule K—aircraft—cold	8.0

(2) Pressure tubing:

	Percent
(i) Schedule B-2—hot	4.7
(ii) Schedule B-2—cold	4.7
(iii) Schedule B-3—hot	5.0
(iv) Schedule B-3—cold	5.0

(c) If you produce any other steel mill products in SAE, NES, or other structural alloy grades of steel, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by 4.7 percent.

SEC. 6. *Adjustments in ceiling prices for carbon tool steel products, alloy tool steel products, etc.* If you produce any carbon tool steel mill products, alloy tool steel mill products, or alloy steel mill products (other than alloy steel mill products listed in sections 4 and 5 of this regulation, and stainless steel), your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by 4.7 percent.

SEC. 7. *Adjustments in ceiling prices for stainless steel.* If you produce any stainless steel mill product, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by 4.7 percent.

SEC. 8. *Definitions*—(a) *Extras and deductions.* As used in this supplementary regulation, the term "extras and deductions" means additions to or deductions from the base price to make adjustments for variations in the products, such as variations in size or other physical characteristics, chemical analysis, processing, quality, or quantity. It does not include any outgoing freight costs or other delivery charges.

(b) *Individual letter order.* As used in this supplementary regulation, the term "individual letter order" means any individual letter or letter order issued over the signature of the Director of Price Stabilization, but it does not include any individual letter or letter order issued pursuant to Supplementary Regulation 100 to the General Ceiling Price Regulation.

SEC. 9. *Rounding adjusted ceiling prices.* You may round any adjusted ceiling price for which an increase is determined under this supplementary regulation by using a percentage figure so that it will be expressed in the nearest cent or fraction of a cent you normally employ. If you elect to round any such ceiling prices you must round all such ceiling prices so as to reflect decreases as well as increases.

SEC. 10. *Incorporation of GCPR provisions.* Any person subject to this supplementary regulation is also subject to all provisions of the General Ceiling Price Regulation not inconsistent with the provisions of this regulation.

Effective date. This revision to Supplementary Regulation 100 shall become effective August 19, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 19, 1952.

[F. R. Doc. 52-9270; Filed, Aug. 19, 1952; 12:00 m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 2, Amdt. 1]

GSSR 2—PROFIT-SHARING AND OTHER BONUSES

REPORTING REQUIREMENTS

STATEMENT OF CONSIDERATIONS

Upon a re-examination of existing reporting and filing requirements, the Salary Stabilization Board has determined that the reporting of increases in a bonus fund due to a change in the number of employees eligible to receive bonuses is no longer necessary for the effective administration of General Salary Stabilization Regulation 2. This amendment is designed to eliminate the existing requirement for the submission of such reports.

AMENDATORY PROVISIONS

Section 10 of General Salary Stabilization Regulation 2 is amended to read as follows:

SEC. 10. *Record-keeping required.* Employers shall keep records sufficient to establish compliance with this regulation. Such records shall be maintained for three years following each calendar year in which bonus payments are made for the purpose of such inspection as the Office of Salary Stabilization may hereafter authorize or require.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on August 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 13, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9254; Filed, Aug. 19, 1952; 10:44 a. m.]

[General Salary Stabilization Regulation 4, Revised, Amdt. 1]

GSSR 4—STOCK OPTION AND STOCK PURCHASE PLANS

REPORTS AND RECORD KEEPING

STATEMENT OF CONSIDERATIONS

Upon a reexamination of existing reporting and filing requirements, the Salary Stabilization Board has determined that the filing of relevant documents with the Office of Salary Stabilization is no longer necessary for the effective administration of General Salary Stabilization Regulation 4, Revised. It has also been determined that the submission of the report relating to the grant and exercise of stock options or rights to purchase stock under stock purchase plans can appropriately be made semi-annually rather than quarterly. This amendment is designed to eliminate the filing requirements contained in the regulation and to effect appropriate changes in the reporting and record-keeping requirements.

AMENDATORY PROVISIONS

Paragraph (a) of section 7 of General Salary Stabilization Regulation 4, Revised, is amended to read as follows:

SEC. 7. *Reports and record-keeping.* (a) Every corporation which subsequent to January 25, 1951, granted a stock option to any of its employees, or which may hereafter grant such a stock option, shall keep the following documents as part of its records: (1) The plan (if any), (2) the contract pursuant to which the stock option was granted, and (3) the resolution referred to in paragraph (d) and the warranty provided for in paragraph (f) of section 3 of this regulation. Such documents shall be kept accessible for any inspection authorized by the Office of Salary Stabilization or any governmental department or agency concerned therewith. Not later than August 31, 1952, and semiannually thereafter, each such corporation shall file a report with the Office of Salary Stabilization containing such information pertinent to the grant and exercise of the stock option and in such form as the Office of Salary Stabilization may prescribe.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on August 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 13, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9255; Filed, Aug. 19, 1952; 10:44 a. m.]

[General Salary Stabilization Regulation 6, Amdt. 1]

GSSR 6—PENSION PLANS AND DEFERRED PROFIT SHARING AND STOCK BONUS PLANS

FILING AND RECORD-KEEPING REQUIREMENTS

STATEMENT OF CONSIDERATIONS

Upon a re-examination of existing reporting and filing requirements, the Salary Stabilization Board has determined that the filing of relevant documents with the Office of Salary Stabilization is no longer necessary for the effective administration of General Salary Stabilization Regulation 6. This amendment is designed to eliminate all filing requirements contained in the regulation and to provide for the incorporation of appropriate record-keeping requirements.

AMENDATORY PROVISIONS

Section 6 of General Salary Stabilization Regulation 6 is amended to read as follows:

SEC. 6. *Record-keeping required.* An employer who establishes, modifies or extends a new trust or plan authorized under this regulation shall keep, as part of his records, the trust or contract and the plan of which the trust or contract forms a part, together with the ruling from the Commissioner of Internal Revenue that the trust or plan is or continues to be qualified as exempt from federal income tax under the provisions of section 165 (a) of the Internal Revenue Code. Such documents shall be kept accessible for any inspection authorized by the Office of Salary Stabilization or any governmental department or agency concerned therewith.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on August 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 13, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9256; Filed, Aug. 19, 1952; 10:45 a. m.]

[General Salary Stabilization Regulation 7, Amdt. 1]

GSSR 7—SALARIES AND OTHER COMPENSATION FOR PROFESSIONAL ATHLETES

REPORTING REQUIREMENTS

STATEMENT OF CONSIDERATIONS

Upon a re-examination of existing reporting and filing requirements, the Salary Stabilization Board has determined that the reporting requirements contained in General Salary Stabilization Regulation 7 are no longer necessary for the effective administration of the regulation. This amendment is designed to eliminate all existing reporting requirements from the regulation.

AMENDATORY PROVISIONS

General Salary Stabilization Regulation 7 is amended by the deletion of section 7.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on August 1, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 13, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9257; Filed, Aug. 19, 1952; 10:45 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 19 of August 18, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 19—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Disposal of carbon conversion steel.
7. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; Sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with authorized production schedules for the manufacture of Class A and B products containing steel may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definition.* As used in this direction, "finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Schedule I of CMP Regulation No. 1.

SEC. 3. *Acquisition and use without submitting application.* Any person who has received an authorized production schedule and a related allotment of carbon steel for the fourth calendar quarter of 1952 or the first calendar quarter of 1953 may, by self-authorization, order for delivery in each of such calendar quarters, with respect to each such authorized production schedule, up to 500 tons of finished carbon conversion steel without charging the related allotment; and use such steel to increase such authorized production schedule: *Provided, however,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation: *And provided further,* That if his requirements for delivery with respect to any such schedule in any such calendar quarter exceed 500 tons of finished carbon conversion steel, he shall submit an application in accordance with the provisions of section 4 of this direction.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Any person who has received an authorized production schedule and a related allotment of carbon steel for the fourth calendar quarter of 1952, or the first calendar quarter of 1953, and who desires to acquire and use, without charging the related allotment, more than 500 tons of finished carbon conversion steel in either of such quarters with respect to any such authorized production schedule, shall submit an application to NPA in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That no such person shall request authorization to order for delivery with respect to any such schedule in any such calendar quarter, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of the tonnage of his allotment of carbon steel for such schedule in such calendar quarter. (For example, if the allotment is 2,500 tons of carbon steel, authorization shall not be requested for more than 1,000 tons of finished carbon conversion steel.)

(b) Each application filed pursuant to paragraph (a) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 19 to CMP Regulation No. 1. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(6) For each such carbon steel product, the tonnage by months of shipment.

(c) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized production schedule: *Provided, however,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such

steel producer is required to accept pur-

approved by the Bureau of the Budget in

blooms, billets, slabs, rods, skelp, and

product to be produced in the forms and

(b) An authorized controlled material

tions. Since there is no trade association

steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 19 to CMP Regulation No. 1

which shall be signed as provided in section 8 of NPA Reg. 2. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized production schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Disposal of carbon conversion steel.* If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in section 17 (d) of CMP Regulation No. 1.

SEC. 7. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect August 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9240; Filed, Aug. 18, 1952; 5:01 p. m.]

[Revised CMP Regulation No. 6, Direction 7 of August 18, 1952]

CMP REG. 6—CONSTRUCTION

DIR. 7—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This direction under Revised CMP Regulation No. 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Exemptions.
7. Disposal of carbon conversion steel.
8. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with construction schedules authorized pursuant to Revised CMP Regulation No. 6, or NPA Order M-100, may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definition.* As used in this direction, "finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Table II of Revised CMP Regulation No. 6, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Table II of Revised CMP Regulation No. 6.

SEC. 3. *Acquisition and use without submitting application.* Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the fourth calendar quarter of 1952 or the first calendar quarter of 1953 may, by self-authorization, order for delivery in each of such calendar quarters, with respect to each such authorized construction schedule, up to 500 tons of finished carbon conversion steel without charging the related allotment; and use such steel to increase such authorized construction schedule: *Provided, however,* That if his requirements for delivery with respect to any such schedule in any such calendar quarter exceed 500 tons of finished carbon conversion steel, he shall submit an application in accordance with the provisions of section 4 of this direction.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the fourth calendar quarter of 1952, or the first calendar quarter of 1953, and who desires to acquire and use, without charging the related allotment, more than 500 tons of finished carbon conversion steel in either of such quarters with respect to any such authorized schedule, shall submit an application to NPA in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That no such person shall request authorization to order for delivery with respect to any such schedule in any such calendar quarter, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of the tonnage of his allotment of carbon steel for such schedule in such calendar quarter. (For example, if the allotment is 2,500 tons of carbon steel, authorization shall not be requested for more than 1,000 tons of finished carbon conversion steel.)

(b) Each application filed pursuant to paragraph (a) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 7 to Revised CMP Regulation No. 6. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Table II of Revised CMP Regulation No. 6.

(6) For each such carbon steel product, the tonnage by months of shipment.

(c) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized construction schedule. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 7 to Revised CMP Regulation No. 6

which shall be signed as provided in section 12 of Revised CMP Regulation No. 6. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized construction schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Exemptions.* This direction is not applicable to any person engaged in the construction of a recreational, entertainment, or amusement construction project (see Table I of Revised CMP Regulation No. 6).

SEC. 7. *Disposal of carbon conversion steel.* If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in section 17 (f) of Revised CMP Regulation No. 6.

SEC. 8. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, Revised CMP Regulation No. 6, and NPA Order M-100, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. Further, no person shall obtain or use any form or shape of finished carbon conversion steel pursuant to this direction if the acquisition or use of such type of form or shape is prohibited by Revised CMP Regulation No. 6 or NPA Order M-100. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect August 18, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9241; Filed, Aug. 18, 1952; 5:02 p. m.]

[NPA Order M-69 as Amended August 19, 1952]

M-69—SULFUR

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this amended order there has been consultation with industry representatives and consideration has been given to their recommendations. Since there is no trade association in this industry, consultation with trade association representatives was not possible.

This amended order revises NPA Order M-69, as amended February 28, 1952, by making the following changes:

1. The quantity of sulfur each user may hold in inventory under section 8 is increased from a 25-day supply to a 60-day supply.

2. Certain obsolete references to reports are deleted from paragraphs (c) and (d) of section 9.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Restrictions on use.
4. Restrictions on sales and deliveries.
5. Certification.
6. Directives.
7. Exemption.
8. Limitations on inventory.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; Secs. 402, 405, E. O. 10281, Aug. 28, 1951; 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order restricts the quantity of sulfur which any person may use to 90 percent of his use during the calendar year 1950. This restriction applies on a company, rather than a plant, basis. If, however, NPA finds that interplant transfers of sulfur by any company have caused severe maldistribution of any material produced from sulfur, NPA will take appropriate remedial action. In addition, this order prohibits suppliers from delivering sulfur to purchasers who do not furnish written certification of compliance with its provisions.

SEC. 2. *Definitions.* As used in this order: (a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "Sulfur" means elemental sulfur (brimstone) which has been mined, recovered, or otherwise produced, of a purity of 97 percent or greater.

(c) "Supplier" means any person who produces or imports sulfur for sale or for his own use.

(d) "Base period" means the year ended December 31, 1950.

(e) "Toll agreement" means any agreement or arrangement by which title to the material remains vested in a person other than the one processing such material.

(f) "NPA" means the National Production Authority.

SEC. 3. *Restrictions on use.* (a) Subject to the provisions of paragraph (b) of this section, no person shall use sulfur for any purpose during the month of January 1952, or during any calendar

month thereafter, in a quantity by weight in excess of 90 percent of his average monthly use of sulfur for such purpose during the base period.

(b) If in any calendar month a person uses less sulfur than he may use in that month under paragraph (a) of this section, he may use an additional amount during the next succeeding 5 months equal to the difference between the amount authorized and the amount actually used.

(c) In addition to the quantity of sulfur which may be used under paragraph (a) of this section, sulfur mined or recovered by means of facilities or equipment installed and in production no earlier than June 24, 1950, may be used for any purpose (including processing under a toll agreement) during any calendar month. Such sulfur may be used in accordance with this paragraph (c) only by the person who mines or recovers it, or who owns the material from which it is recovered.

SEC. 4. *Restrictions on sales and deliveries.* No person shall sell or deliver sulfur to any other person if he knows, or has reason to believe, that such material is to be used in violation of the provisions of this order, and no person shall purchase or accept delivery of sulfur if such material is to be used in violation of the provisions of this order.

SEC. 5. *Certification.* No person shall sell or deliver more than 20 short tons of sulfur to any other person, and no person shall purchase or accept delivery of sulfur, unless the purchaser furnishes to the seller a signed certification as follows:

Certified under NPA Order M-69

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of such sulfur may be accepted by the purchaser under this order, and will not be used by the purchaser in violation of the order.

SEC. 6. *Directives.* NPA may, from time to time, issue specific directives concerning the delivery and use of sulfur and, unless otherwise provided therein, such directives will prevail over the provisions of this order.

SEC. 7. *Exemption.* The provisions of paragraph (a) of section 3 of this order shall not apply to the use by any person of no more than 20 short tons of sulfur during any calendar month.

SEC. 8. *Limitations on inventory.* (a) In addition to the provisions of NPA Reg. 1, relating to inventory control, it is considered that a more exact requirement applying to users of sulfur is necessary. No person shall receive sulfur at any plant if his inventory at such plant is, or by such receipt would become, in excess of his requirements for the next succeeding 60 calendar days at his currently scheduled rate and method of operation, or in excess of a practicable minimum working inventory (as defined in NPA Reg. 1), whichever is less.

(b) The provisions of paragraph (d) of section 5 of NPA Reg. 1, relating to seasonal deliveries, shall not apply to sulfur, except that any person whose inventory at any plant does not exceed his requirements for the next succeeding 60 calendar days, and who during the base period regularly received sulfur shipped by vessel or barge in quantities in excess of his requirements for the next succeeding 60 calendar days, may receive sulfur shipped by vessel or barge at such plant without regard to the provisions of paragraph (a) of this section: *Provided,* That after receipt of any such shipment he may not receive any additional delivery of sulfur so long as his inventory continues to exceed his requirements for the next succeeding 60 calendar days.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Every person who uses more than 20 short tons of sulfur during any calendar month shall file with NPA on or before the fifteenth day of the next succeeding month, a report of his use of sulfur on Forms NPAF-157 and NPAF-158, and shall furnish all other information required by those forms, in accordance with the instructions accompanying those forms.

(d) Every supplier shall file with the Bureau of Mines on or before the tenth day of each month, a report of his sales, production, imports, shipments, and stocks of sulfur during the preceding calendar month on Bureau of Mines' Forms 6-1230-M and 6-1238-M, and shall furnish all other information required by those forms, in accordance with the instructions accompanying those forms.

(e) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139f).

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that his business operation was commenced during or after the base period, that any provision otherwise works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-69.

SEC. 12. *Violations.* Any person who willfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order, as amended, shall take effect August 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary

[F. R. Doc. 52-9261; Filed, Aug. 19, 1952; 11:38 a. m.]

[NPA Order M-95 as Amended August 19, 1952]

M-95—RAILROAD TRANSPORTATION EQUIPMENT

This order as amended is found necessary and appropriate to promote the national defense, and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended order, there has been no consultation with industry representatives because the amendment effects no changes in the reporting practice that has been previously followed.

This amended order revises NPA Order M-95 of January 4, 1952, by changing section 3 (a) to require the report to cover the current and succeeding three quarters.

REGULATORY PROVISIONS

Sec.
1. What this order does.
2. Definitions.
3. Reports.
4. NPA directive action.
5. Request for adjustment or exception.
6. Records and reports.
7. Communications.
8. Violations.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this order does.* This order applies particularly to producers of railroad transportation equipment, and makes provision for obtaining essential information pertaining to the production or delivery of such transportation equipment in order to assure that orders for such equipment will be filled to meet the needs of the national defense program.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(b) "Railroad transportation equipment" means locomotives, railroad freight cars, and industrial cars, of the type set out in Schedule A of this order. Items listed in Schedule A include all of the products contained under a single product code classification number as listed in the NPA Official CMP Class B Product List, except as otherwise expressly indicated in that schedule.

(c) "Producer" means any person engaged in the production of new railroad transportation equipment or who operates a plant for the purpose of rebuilding or redesigning railroad transportation equipment. It does not include persons engaged in normal maintenance or repair operation.

(d) "NPA" means the National Production Authority.

SEC. 3. *Reports.* (a) Not later than the fifteenth day of the first month of each calendar quarter, a producer, unless otherwise directed by NPA, shall file with NPA a report of his proposed production and delivery of railroad transportation equipment for the current and succeeding three quarters in the manner prescribed by Form NPAF-150. The first such quarterly report shall be filed not later than January 15, 1952.

(b) Not later than the fifth day of each calendar month, a producer, unless otherwise directed by NPA, shall file with NPA a report of his actual deliveries for the preceding monthly period in the manner prescribed by Form NPAF-151. The first such monthly report shall be filed not later than February 5, 1952.

SEC. 4. *NPA directive action.* With respect to the production or delivery of railroad transportation equipment, NPA, upon request of a claimant agency, may direct the modification or alteration of a producer's production or delivery schedule to meet the requirements of national defense. Such direction may be made in the discretion of NPA without regard to the provisions of NPA Reg. 2 or to the preferences created by rated orders.

SEC. 5. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing by letter in triplicate, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139-139F).

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-95.

SEC. 8. *Violations.* Any person who wilfully violates any provision of this order or any other order or regulation of NPA or who wilfully furnishes false information or conceals a material fact in the course of operation under this order is guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect August 19, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

SCHEDULE A OF NPA ORDER M-95

Product Class Code	Product
3741111	Locomotives, steam, railroad road service, except turbine.
3741121	Locomotives, straight-electric railroad road service.
3741130	Locomotives, Diesel-electric A units, railroad road service.
3741140	Locomotives, Diesel-electric B units, railroad road service.
3741151	Locomotives, steam turbine, railroad road service.
3741155	Locomotives, gas turbine, railroad road service.
3741211	Locomotives, steam switching.
3741221	Locomotives, straight-electric switching.
3741230	Locomotives, Diesel-electric switching.
3741311	Locomotives, Diesel-mechanical (except mining).
3741331	Locomotives, electric, industrial (except mining).
3741351	Locomotives, steam, industrial (except mining).
3741371	Locomotives, gasoline-mechanical (except mining).
3742211	Cars, box, freight train.
3742215	Cars, flat, freight train.
3742221	Cars, stock, freight train.
3742225	Cars, gondola, freight train.
3742231	Cars, hopper, freight train.
3742238	Cars, tank, freight train.
3742241	Cars, refrigerator, freight train.
3742245	Cars, caboose, freight train.
3742251	Cars, rail, industrial, not for passenger use (except mining, motor rail-gang, section, inspection-railroad).

[F. R. Doc. 52-9262; Filed, Aug. 19, 1952; 11:38 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 3, Amdt. 18 to Schedule B]

RR 3—HOTELS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

INDIANA

Effective August 20, 1952, Rent Regulation 3 is amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 15th day of August 1952.

WILLIAM G. BARR,
Acting Director of Rent Stabilization.

A new item 18 is added to Schedule B of Rent Regulation 3, reading as follows:

18. *Provisions relating to the Gary-Hammond, Indiana, Defense-Rental Area (Item 102 of Schedule A):*

The application of this regulation is terminated with respect to rooms in any hotel which on August 1, 1952 (a) was commonly known as a hotel in the community where it is located and (b) provided all of the following services: Use and upkeep of furniture, central telephone communication service,

maid service, and the furnishing and laundering of linens.

All provisions of this regulation insofar as they are applicable to the Gary-Hammond, Indiana, Defense-Rental Area, are hereby amended to the extent necessary to carry the provisions of this item 18 of Schedule B into effect.

[F. R. Doc. 52-9192; Filed, Aug. 19, 1952; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53076]

PART 6—AIR COMMERCE REGULATIONS

BROWARD COUNTY AIRPORT, FORT LAUDERDALE, FLA.

AUGUST 13, 1952.

The Broward County Airport, Fort Lauderdale, Florida, is hereby designated as an international airport for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)), effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), as amended, is hereby further amended to include the location and name of this airport.

Notice of the proposed designation of the Broward County Airport as an international airport was published in the FEDERAL REGISTER of July 4, 1952 (17 F. R. 6048), pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003).

The designation of this airport is based on a determination that a sufficient need exists to justify such designation and the designation is made for the purpose of providing for convenient compliance with customs requirements.

(Sec. 7, 44 Stat. 572, as amended; 49 U. S. C. 177)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9201; Filed, Aug. 19, 1952; 8:52 a. m.]

[T. D. 53077]

PART 6—AIR COMMERCE REGULATIONS

SKY HARBOR SEAPLANE BASE, DULUTH, MINN.

The designation of Sky Harbor Seaplane Base, Duluth, Minnesota, as an international airport for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (49 U. S. C. 179 (b)) is hereby revoked effective 30 days after publication of this Treasury decision in the FEDERAL REGISTER.

The list of international airports in § 6.12, Customs Regulations of 1943 (19 CFR 6.12), as amended, is hereby further amended by deleting therefrom the location and name of said airport.

Notice of the proposed revocation of the designation of Sky Harbor Seaplane Base as an international airport was published in the FEDERAL REGISTER of July 4, 1952 (17 F. R. 6048) pursuant to the provisions of the Administrative Procedure Act (5 U. S. C. 1003). The revocation is made by reason of lack of use of the base.

(Sec. 7, 44 Stat. 572, as amended; 49 U. S. C. 177)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9202; Filed, Aug. 19, 1952; 8:53 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[General Order 30 Revised]

PART 285—DETERMINATION OF PROFIT IN CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION, RECONDITIONING, OR RECONSTRUCTION OF SHIPS

Effective on the date of publication of this General Order 30 Revised in the FEDERAL REGISTER, it does hereby supersede and revise General Order 30 as amended by Supplement 1 (§§ 285.1 to 285.99, inclusive), published in the FEDERAL REGISTER (4 F. R. 2421, 5 F. R. 3635), to read as follows:

GENERAL

Sec.
285.1 Application of regulations.
285.2 Intent.
285.3 Disposition of questions.
285.4 Acceptance of statements and certificates.
285.5 Audits.
285.6 Final accounting.
285.7 Grievances.
285.8 Hearings.

DEFINITIONS

285.11 Definitions.

SUBCONTRACTS

285.21 Contract requirement.
285.22 Failure to effect contract requirement.
285.23 Series of subcontracts.
285.24 Replenishment of general stores.
285.25 Designated scientific equipment.
285.26 A. B. S. inspection, intangibles, and professional fees.
285.27 Availability to Administration.

BOOKS AND RECORDS

285.31 Manner of keeping books.
285.32 Submission of accounting data to Administration.
285.33 Basis for reporting profits.
285.34 Improper and inadequate accounting.
285.35 Failure to maintain adequate cost records.

COMPLETION DATES

285.41 Contract completion date.
285.42 Subcontract completion date.

DETERMINATION OF PROFIT

285.51 Profit or loss defined.
285.52 Cost of performing a contract or subcontract.
285.53 Alphabetical list of representative items of cost.

FILING OF REPORTS

285.61 Contractors.
285.62 Subcontractors.
285.63 Transmittal.
285.64 Revision of report forms.

AUTHORITY: §§ 285.1 to 285.64 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interpret or apply sec. 505, 49 Stat. 1998, as amended; 46 U. S. C. 1155.

§ 285.1 *Application of regulations.* Unless otherwise provided by the contract, profit under the contract and related subcontracts will be determined by the Administration in accordance with the regulations in this part.

§ 285.2 *Intent.* It is the intent that the regulations in this part shall be fairly and equitably applied in each case, and that the determination of financial outcome under a contract or subcontract shall be consistent with applicable laws, the prime contract, the regulations in this part, and, to the extent not controlled by the foregoing, generally accepted accounting practice.

§ 285.3 *Disposition of questions.* (a) Questions arising with respect to statutory authority pursuant to which a contract and subcontracts thereunder are awarded, the grouping of contracts, subcontracts, or both for the purpose of determining financial outcome thereunder for a particular income taxable year, subcontracts not subject to profit-limiting provisions, allowability of costs and accounting methods, or any other matters relating to a determination of profit or loss, should be referred to the Administration for disposition.

(b) In the event provisions of a contract are in conflict with any provisions of the regulations in this part, the provisions of the contract shall prevail.

§ 285.4 *Acceptance of statements and certificates.* Acceptance by the Administration or its agent or representative of any statement or certificate shall not constitute a waiver by the Administration of its right to examine the books, files, and records of the contractor or subcontractor, if it shall deem such examination to be necessary or appropriate to a proper finding with respect to the contractor's or subcontractor's profit.

§ 285.5 *Audits.* (a) The Administration will scrutinize construction costs and overhead expenses to determine that they are fair, just, and not in excess of a reasonable market price for commodities or goods or services purchased or charged.

(b) In the case of contracts with a shipbuilder (i. e., contracts for the construction, reconditioning or reconstruction of a ship or ships) the Administration will ordinarily designate an auditor or auditors to be stationed at the shipyard of the contractor during performance of the contract.

(c) In the case of contracts or subcontracts for materials or commodities of a general commercial character not especially designed or manufactured for the particular purpose of becoming a part of the ship or for materials or commodities with respect to which there is an established or readily ascertainable open market price, the Administration may in its discretion accept, subject to the right of audit, the notarized statement of a responsible officer or independent public accountants in the form prescribed by the Administration setting forth the total contract or subcontract price, the total cost of performance thereof, the total amount of overhead charged to such cost, the net profit and the percentage such net profit bears to the contract or subcontract price, and certifying that the profit so reported is the true profit as reflected by the books of the contractor or subcontractor and was determined in accordance with generally accepted accounting practice and with the principles of profit determination prescribed in this part.

(d) In the case of other contracts and subcontracts (those involving items especially manufactured for the particular purpose of becoming a part of a ship) the Administration will ordinarily either station an auditor or auditors at the contractor's or subcontractor's plant or, in its discretion, provide for periodic visits by its auditors.

(e) All accounts, books, documents, memoranda, minutes, and records of every kind of the contractor or subcontractor involving the cost of performing a contract or subcontract are subject to inspection and audit by the Administration. The authority of the Administration's auditors in this connection shall be respected.

§ 285.6 *Final accounting.* Upon final accounting with respect to profit under any contract or subcontract, the Administration will examine the notarized report of profit of the contractor or subcontractor, together with reports of audit and any other related data. If the Administration's determination of profit shall differ from that reported by the contractor or subcontractor, the Administration will furnish notice of the Administration's proposed findings and the contractor or subcontractor shall be heard with respect thereto, provided it so requests within sixty days after such notice.

§ 285.7 *Grievances.* Any contractor or subcontractor being aggrieved with respect to any matters in connection with the audit of its accounts or the determination of profit under its contract or subcontract shall be entitled to a hearing under such procedure as the Administration shall deem appropriate.

§ 285.8 *Hearings.* Hearings under the regulations in this part shall be before the Administrator, or such person or persons as the Administrator may designate.

DEFINITIONS

§ 285.11 *Definitions.* The following meanings shall be given to the words and terms employed in this part:

(a) *Act.* "Act" means the Merchant Marine Act, 1936 (49 Stat. 1985), as amended.

(b) *Administration.* "Administration" means the Maritime Administration, Department of Commerce, or its duly authorized representative or representatives.

(c) *Board.* "Board" means the Federal Maritime Board or its duly authorized representative or representatives.

(d) *Contract.* "Contract" means any agreement of the Board or Administration the terms of which make the regulations in this part applicable.

(e) *Contractor.* "Contractor" means any party entering into a contract with the Board or Administration.

(f) *Subcontract.* "Subcontract" means an agreement (purchase order, requisition, or other form of agreement) between a contractor and any third party covering construction, reconditioning, or reconstruction of a vessel or portion thereof or for the manufacture or furnishing of any materials, supplies, goods or other personal property or the rendering of any services directly for such construction, reconditioning or reconstruction.

(g) *Subcontractor.* "Subcontractor" means any party entering into a subcontract with a contractor.

SUBCONTRACTS

§ 285.21 *Contract requirement.* A contractor shall obligate subcontractors to the Administration or Board as required by the contract, particularly with respect to the profit-limiting provisions therein.

§ 285.22 *Failure to effect contract requirement.* In the event a contractor fails to obtain agreement of a subcontractor to the profit-limiting provisions as required by the contract, the contractor so failing shall pay to the Administration as damages for its failure, the excess profit under the particular subcontract as determined by the Administration or, in the event the Administration is unable by reason of such failure to determine financial outcome under the subcontract by audit of the subcontractor's books and records, the contractor shall pay to the Administration as liquidated damages for such failure a sum equal to fifteen percent of the total adjusted contract price of the particular subcontract.

§ 285.23. *Series of subcontracts.* Any series of subcontracts let by a contractor to a subcontractor for items of a like general class shall be deemed a single subcontract if related to the same contract, or a group of contracts, any parts of which are performed concurrently: *Provided*, That if it be shown to the satisfaction of the Administration that a bona fide new offer and acceptance based on bids received from two or more suppliers is involved in any subcontract of such series, and that no subdivision or subcontract has been made for the purpose of evading statutory or contractual profit-limiting provisions, such subcontract shall be deemed a separate subcontract.

§ 285.24 *Replenishment of general stores.* Subcontracts which, in the opinion of the Administration, are for the furnishing of replenishments of a contractor's general stores and relating to materials or commodities usable by the contractor for general work in its plant and in practice so used, without being specifically destined for use on a particular contract or group of contracts, are not subject to profit-limiting provisions.

§ 285.25 *Designated scientific equipment.* Subcontracts for equipment designated by the Administration or Board as scientific equipment used for communication and navigation are not subject to profit-limiting provisions. A designation of equipment furnished under a particular contract or subcontract shall not be construed as designation under any other contract or subcontract unless, with respect to designations still in effect, the Administration or Board shall concur in a claim that equipment being furnished under the subsequent contract or subcontract is of the nature, kind and utility entitling said equipment to exemption under a designation previously made by the Administration or Board.

§ 285.26 *A. B. S. inspection, intangibles, and professional fees.* Subcontracts for American Bureau of Shipping inspection, or for such intangibles as insurance, surety and the like, or subcontracts for expert or professional services (including the furnishing of technical information or data) are not subject to profit-limiting provisions.

§ 285.27 *Availability to Administration.* Contractors shall make available to the Administration all subcontracts, purchase orders, or other agreements, and shall furnish copies of such instruments when requested.

BOOKS AND RECORDS

§ 285.31 *Manner of keeping books.* Contractors and subcontractors subject to the provisions of this part should keep their books in a consistent manner conforming to generally accepted accounting practice. In cases where a diversified line of operations, commodities, products or services is carried on or dealt in, the books should clearly distinguish between such several lines.

§ 285.32 *Submission of accounting data to administration.* (a) A contractor upon entering into a contract should submit promptly to the Administration a full statement of current accounting principles and methods unless previously submitted, together with a copy of related forms, manual of accounting procedure, and classification of accounts and any revisions thereof. Approval of a contractor's accounting methods shall not preclude the Administration's action with respect to any steps which may later be found necessary for the proper determination of profit consistent with the principles prescribed in this part.

(b) During the progress of a contract for ship construction, the contractor shall submit copies of such monthly financial and cost statements as are normally prepared for its own use. Ordinarily these will include a Trial Balance, Balance Sheet (including exhibits supporting major items), Profit and Loss Statement, Cost Statement of the vessels by hulls and contracts, and Overhead Statements detailed according to the contractor's classification of accounts. A breakdown should be made of accounts such as taxes, insurance, and the like, which include several types of items under one general designation. In in-

stances where the Administration has assigned a Resident Auditor, statements should be routed to him; otherwise, they should be mailed to Maritime Administration, Department of Commerce, Washington 25, D. C.

(c) Other contractors and all subcontractors shall submit financial statements and supporting data upon request of the Administration.

§ 285.33 *Basis for reporting profits.* A contractor or subcontractor having in effect a system of determining costs conforming to generally accepted accounting practice, fully responsive to the particular conditions prevailing at its shipyard or plant and in its business, consistently followed, and yielding adequate accounting information for the purposes of this part may base its report of profit thereon subject to such adjustments as are necessary to conform to the regulations in this part.

§ 285.34 *Improper and inadequate accounting.* Should it be found that improper or inadequate accounting methods have been or are being followed, the Administration may require the contractor or subcontractor to restate its accounts or otherwise satisfactorily account for the profit under its contract or subcontract so as to accord with generally accepted accounting practice and the regulations in this part.

§ 285.35 *Failure to maintain adequate cost records.* If a contractor or subcontractor shall be found not to have kept its books and records in such manner that a proper determination of profit in accordance with generally accepted accounting practice and the regulations in this part can be made therefrom or shall have failed to retain any books or records essential to compliance with the provisions of the act or of the regulations in this part, the Administration will allow as cost of performance only such charges as are shown by the contractor or subcontractor on evidence satisfactory to the Administration to have been properly incurred in the performance of such contract or subcontract, and the profit shall be deemed to be the difference between the contract price as defined in the applicable contract or subcontract and the total of such charges.

COMPLETION DATES

§ 285.41 *Contract completion date.* The date of completion of a contract for the construction, reconditioning or reconstruction of a vessel or vessels for the purpose of fixing the taxable year for accounting for profit or loss shall be the date of delivery and acceptance of the last vessel thereunder. The date of completion of other contracts for the purpose of fixing the taxable year for accounting for profit or loss shall be the date of delivery of the last material or performance of the last service required under any provision of the contract except the guarantee clause.

§ 285.42 *Subcontract completion date.* The date of completion of a subcontract for the purpose of fixing the taxable year for accounting for profit or loss shall be the date of delivery of the last material or performance of the last service required under any provision of the subcontract except the guarantee clause.

DETERMINATION OF PROFIT

§ 285.51 *Profit or loss defined.* (a) Profit under a particular contract or subcontract is the excess of the adjusted contract price over the total allowed cost of performance.

(b) Loss under a particular contract or subcontract is the excess of the total allowed cost of performance over the adjusted contract price.

§ 285.52 *Cost of performing a contract or subcontract.* (a) Cost of performing a contract or subcontract shall consist, for the purpose of this part (see §§ 285.61 and 285.62 for required forms) of four general classifications as follows: Direct material, direct labor, other direct charges and overhead.

(1) *Direct material.* (i) Direct material shall include the cost of all items purchased, supplied, manufactured or fabricated, which enter directly into the end product or which are used or consumed directly in connection with the manufacturing, fabricating, processing, furnishing or converting of such product. It is suggested that all material intended for vessel construction should if at all possible be charged directly to the vessel construction contracts involved.

(ii) The prices at which materials are charged shall be fair, just, and not in excess of a reasonable market price. Prices paid to any supplier associated or affiliated with the contractor or subcontractor will be scrutinized in this connection. All materials, including fittings, parts, auxiliaries, etc., must be taken into account at prices not in excess of the net cost thereof (as to requirement with respect to accounting for discounts, see § 285.53 (m)), but materials purchased for and drawn from general stores may be priced by any recognized method of pricing stores withdrawals conforming to generally accepted accounting practice and consistently followed. The net effect of any adjustments related to inventory accounts shall be taken into account to the extent that the propriety of such adjustments is established to the satisfaction of the Administration. In determining any question as to the propriety of prices at which materials purchased specifically for the performance of a contract or subcontract are charged as related to a reasonable market price, the market prices prevailing at the time of commitment for purchase shall govern. In any cases where the contractor's or subcontractor's accounts do not cause transportation charges to follow cost of materials, the method of allocating such charges, whether through overhead or otherwise, must be equitable and consistently followed.

(2) *Direct labor.* (i) Direct labor generally covers the wages and other compensation of employees whose time can be definitely and accurately measured as a direct charge to contracts or subcontracts.

(ii) It is preferable that direct labor be taken into account upon the basis of the individual rates actually paid. Where a contractor or subcontractor follows consistently a method of accounting for direct labor on a productive hour basis at average rates or employs other approximations to reduce clerical work, such method may be allowed provided it shall be shown to the satisfaction of the Administration that substantial accuracy is attained thereby. Compensation paid to leading men, quartermen and foremen whose time can be accurately allocated to specific work may, and preferably should be accounted for as direct labor, but an arbitrary allocation of supervisory pay roll or of any part thereof to "direct labor" will be allowed only if and to the extent that it is shown to the satisfaction of the Administration to be conducive to an accurate determination of cost. Overtime, production bonuses, premiums and other labor incentive payments to employees whose time is accounted for as direct labor are preferably to be included as direct labor but if charged in whole or in part to overhead the method of taking such charges into account must be such that no part of such charges incurred by reason of other work is inequitably borne by the contracts or subcontracts.

(3) *Direct charges—other.* (i) Direct charges—other usually include costs of builder's risk insurance, performance and payment bonds, royalties, outside professional services, inspection, drafting and engineering, mold loft patterns, wood staging and shoring, repair and maintenance of metal staging, launching, docking, trials, cleaning, general material handling, temporary lights, freight on direct material, and spoilage and other similar items.

(ii) Costs of builder's risk insurance, performance and payment bonds, royalties, outside professional services, inspection, etc., which are incurred on account of a contract or subcontract may be charged directly thereto: *Provided*, That such method is consistently followed and that no similar charges on account of other work are made through overhead in such manner as to prorate any part thereof inequitably to a contract or subcontract.

(4) *Overhead.* (i) Overhead comprises all indirect construction costs, including administrative and general expenditures, indirect labor and material, depreciation, etc., which are not directly chargeable to contracts or subcontracts.

(ii) The following provisions apply to the distribution of overhead in determining profit under this part:

(*a*) All charges which are not directly allocable to particular contracts or subcontracts, and constituting what is broadly regarded and herein referred to as "overhead", shall be distributed over all operations in such manner as will approximate as closely as practicable an accurate determination of cost. To that end the method of distributing overhead must conform to generally accepted accounting practice, and where more than one class of work is being performed must be such that no class of work is caused bo bear appreciably any part of the indirect expense which should properly be borne by some other class of work.

(*b*) The distribution of the various classes of overhead equally over all or substantially all varieties of production work will not ordinarily be accepted as in accordance with generally accepted accounting practice unless it shall be shown to the satisfaction of the Administration that such method results, under prevailing conditions, in a substantially accurate determination of cost.

(*c*) The practice of determining separate departmental rates for overhead distribution applicable to the corresponding direct labor charges is acceptable.

(*d*) Distribution of various classes of factory overhead otherwise than upon the basis of direct labor may be accepted if it be shown to the satisfaction of the Administration that a substantially equitable distribution is effected.

(*e*) The use of machine-hour rates or of standard or specification manufacturing costs properly determined is acceptable.

(*f*) A differential distribution of overhead to various classes of work, as for example, the use of a variety of fixed percentages suitably determined by periodic cost-engineering survey or by other acceptable means, so that each class of work bears its apropriate overhead rate may be accepted if it be shown to the satisfaction of the Administration that a substantially equitable distribution is thereby effected.

(*g*) In cases where, by the use of predetermined rates (departmental, machine-hour, differential, etc.) or otherwise, the actual total of all indirect charges incurred in or allocable to a particular month or other relatively brief accounting period is not exactly absorbed, the under- or over absorption must be completely distributed currently either ratably or by such other means as will effect an accurate and equitable allocation. The equalizing of seasonal expenses, such as heating, is permissible if a consistent policy is maintained in such connection.

(*h*) In passing upon the general acceptability of the contractors' or subcontractors' principles and methods of accounting, the Administration will inquire particularly into the method of overhead distribution and no change should be made therein during progress of work without prior notice to the Administration.

(b) *Representative items of cost.* Representative items of cost are summarized in this paragraph under three general categories consisting of those ordinarily allowable, those subject to qualification or disallowance, and those unallowable in the determination of recapturable profit. Further clarification is contained in the explanatory text in the paragraphs under § 285.53.

(1) *Items ordinarily allowable.*

	See sections—
Bidding Expenses	285.53 (d)
Bonds	285.53 (e)
Bonuses	285.53 (f)
Castings	285.53 (h)
Direct Charges—Other	285.52 (a) (3)
Direct Labor	285.52 (a) (2)
Direct Material	285.52 (a) (1)
Directors' Fees	285.53 (l)
Dredging	285.53 (o)
Drydocks	285.53 (p)
Excess Material (Credits)	285.53 (s)
Guarantee Period Expenses	285.53 (z)
Inspection Services	285.53 (bb)
Insurance	285.53 (cc)
Material Operations — Departmental	285.53 (jj)
Overhead	285.52 (a) (4)
Pension and Retirement Payments	285.53 (ll)
Scrap (Credits)	285.53 (pp)
Towing	285.53 (ss)
Travel Expenses	285.53 (tt)
Welfare Expense—Employee	285.53 (ww)

(2) *Items subject to qualification or disallowance.*

Advertising Expenses	285.53 (a)
Central Office Expenses	285.53 (i)
Depreciation of Plant Facilities	285.53 (k)
Discounts	285.53 (m)
Donations	285.53 (n)
Dues and Memberships	285.53 (q)
Fees, Legal, Accounting, and Other Professional	285.53 (v)
Fees of Transfer Agents and Registrars	285.53 (w)
Fuel, Lube Oil, and Fresh Water on Board Vessel on Date of Delivery	285.53 (y)
Interest	285.53 (dd)
Intracompany and Intercompany Charges	285.53 (ee)
Launching Expense — Ceremonial	285.53 (ff)
Maintenance and Repair Costs	285.53 (ii)
Reserves	285.53 (mm)
Royalties	285.53 (nn)
Salaries	285.53 (oo)
Selling Expenses	285.53 (qq)
Taxes	285.53 (rr)
Unclaimed Wages	285.53 (uu)

(3) *Unallowable items.*

Amortization of Asset Appreciation	285.53 (b)
Bad Debts	285.53 (c)
Capital Gains and Losses	285.53 (g)
Damages	285.53 (j)
Entertainment Expenses	285.53 (r)
Excess Profits	285.53 (t)
Expense and Income — Non-operating	285.53 (u)
Fines and Penalties	285.53 (x)
Income from Investments	285.53 (aa)
Liquidated Damages	285.53 (gg)
Losses or Profits Under Other Contracts and Subcontracts	285.53 (hh)
Organization and Reorganization Expenses	285.53 (kk)
Unreasonable Charges	285.53 (vv)

§ 285.53 *Alphabetical list of representative items of cost.* In connection with specific items, there are offered the following descriptive and explanatory comments:

(a) *Advertising expenses.* The Administration's general policy in regard to advertising for the purpose of effecting sales, as distinguished from institutional advertising in trade or technical journals, is described as follows:

(1) As a general rule a contractor's cost of advertising is not allowable on the reasoning that advertising is not required in order to do business with the Government. However, certain kinds of advertising of an industrial or institutional character, placed in trade or technical journals, not primarily with the object of selling particular products but essentially for the purpose of offering financial support to such trade or technical journals, because they are of value for the dissemination of trade and technical information for the industry, are not really an advertising expense to effect sales so much as an operating expense incurred as a matter of policy for the benefit of the business and the industry. Thus the reasonable cost of such advertising placed in trade publications as relates to the particular business may be allowed.

(2) The reasonable cost of advertising consistent with the normal and usual practice of a subcontractor may be allowed in determining the cost of performing a subcontract.

(3) The cost of advertising to obtain employees ordinarily is allowable as a part of personnel expense distributable to contracts and subcontracts unless determined to be excessive.

(4) Reasonable expenses of non-elaborate publications issued for the purpose of morale, production, protection, or welfare of a contractor's or subcontractor's employees, which are in the scope of a plant publication are allowable costs.

(b) *Amortization of asset appreciation.* Amortization of asset depreciation shall not be taken into account in determining the cost of performing contracts or subcontracts.

(c) *Bad debts.* (1) Bad debts may be defined as uncollectible or worthless notes or accounts receivable arising from sales of products or other transactions entered into for the purpose of profit. Such items or expenses related thereto are not allowable in contract or subcontract performance costs.

(2) Advances in reasonable amounts made to employees in connection with allowances for traveling expenses which have not been recovered are not regarded as bad debts, but as ordinary business losses allowable in cost directly, if practicable, or through distributable overhead.

(d) *Bidding expenses.* Reasonable preliminary expenses incident to preparation of bids inclusive of other necessary costs such as legal, accounting and other professional fees and traveling expenses, are allowable costs through distributable overhead; such expenditures as a direct charge to a contract or subcontract will be allowed only when approved by the Administration.

(e) *Bonds.* Premiums for performance and payment bonds required by a contract or subcontract are allowable.

(f) *Bonuses.* Payments to employees in pursuance of a regularly established and properly administered incentive bonus system may, subject to the limitations in paragraphs (oo) and (vv) of this section, be allowed in costs provided the aggregate compensation paid to each individual is reasonable and appropriate to services actually rendered in the regular course of business.

(g) *Capital gains and losses.* Capital gains and losses except as provided under the heading "Depreciation of Plant Facilities" in § 285.53 (k) of this part shall not be taken into account in determining recapturable profit.

(h) *Castings.* Castings made in the contractor's or subcontractor's own foundry may be charged upon fixed price per pound or other arbitrary basis provided that the scale of prices takes account, when appropriate, of differences in size and kind of castings, and that proper adjustments on such charges are made for the actual cost of castings as determined by reasonably frequent inventories

of foundry materials or by other adequate foundry cost methods. The method of pricing foundry raw materials, particularly such higher cost materials as copper, spelter, aluminum, etc., must be consistent with the principles prescribed herein for the pricing of materials generally.

(i) *Central office expenses.* Whenever a contractor or subcontractor operates through a central or home office, expense of administration thereof shall be referred to the Administration for determination as to allowability in contract or subcontract performance costs.

(j) *Damages.* Damages payable by a contractor to the Board or the Administration, whether such payment be effected directly or by deduction from sums otherwise payable by the Board or Administration to the contractor, shall not be allowed.

(k) *Depreciation of plant facilities.* (1) Depreciation of buildings, machinery, equipment, and other plant facilities will be allowed as a cost in the determination of profit in general upon the basis of the schedule of rates of depreciation in current use by the contractor or subcontractor and taking into consideration the rates used by the Treasury Department for income tax purposes, including reasonable amortization of emergency facilities if covered by certificates of necessity, subject, however, to the approval of the Administration.

(2) In the case of buildings, machinery, equipment and other plant facilities subject to depreciation which are used in and are necessary for performance of a contract or subcontract and which during the performance or upon the completion of the contract or subcontract are demolished, dismantled, sold as used machinery or equipment or as scrap or, in the absence of a market therefor, are abandoned, in such manner and under such circumstances as shall establish the fact to the satisfaction of the Administration that such demolition, dismantlement, sale or abandonment is in good faith and not with a view to continued use in the contractor's or subcontractor's business, the depreciation chargeable against operations on account thereof may be redetermined upon the basis of the facts as to useful life and residual value as thus established, and the proportion of such depreciation as so redetermined applicable to contracts or subcontracts with respect to which a final determination of profit shall not theretofore have been made shall be allowed in determining the profit thereunder.

(l) *Directors' fees.* Fees and traveling expenses in connection with authorized meetings of Boards of Directors are allowable as distributable overhead: *Provided*, That such fees and expenses are reasonable, and are in accordance with contractors' or subcontractors' usual procedure, subject to the limitation provided in paragraph (oo) of this section.

(m) *Discounts.* Earned discounts of all kinds, including trade discounts, cash discounts, special allowances, etc., must be taken into account in such manner that, in the determination of profit, effect is given to the net prices actually paid. Discounts taken on material bills may be deducted from the purchase price in charging to inventory or to the contract or subcontract, or the discounts may be accounted for by distributing discounts earned as a credit item in the overhead, or by a separate computation of net material cost or by such other means as may accord with the contractor's or subcontractor's accounting practice and this requirement of accounting for discounts. If a contractor fails to take advantage of discounts or allowances amounting to one percent or more, only the net amounts of invoices after deduction of such discounts shall be admissible as the cost of performance, unless adequate justification exists for failure to take discounts.

(n) *Donations.* Donations may not be taken into account except to the extent that necessary service is rendered to the contractor or subcontractor by the recipient, for example, donations to a local hospital serving the contractor or subcontractor or those which, by local general custom, constitute necessary and proper business expenses, such as donations to the Community Chest or the American Red Cross.

(o) *Dredging.* (1) Where it is the established practice of the contractor or subcontractor to accrue a reserve for dredging and to charge to such reserve the cost of particular dredging operations necessary for launching or for the maintenance of depth of water at and for access to the shipyard, such accruals may be taken into account as part of the overhead to the extent that it shall be shown that such accruals represent a reasonable average of such expenses actually incurred over an appropriate period. Direct charges for dredging are allowable only when no such reserve is included in the contractor's or subcontractor's established practice, and then only to such extent as may be reasonably allocated.

(2) In waters open to public navigation, in the absence of reserves for dredging, the costs of dredging may be charged to contract or subcontract performance costs provided such costs are equitably allocated to the contracts or subcontracts accommodated by such dredging.

(3) The initial cost of dredging of privately owned "slips" should be capitalized; amortization or depreciation of such costs is not allowable, but costs of redredging to established depths of such slips, in the absence of reserves, are allowable when properly allocated to contracts or subcontracts affected.

(p) *Drydocks.* Where the contractor or subcontractor uses its own drydock in the performance of the contract or subcontract, it is allowable to base the charge to the contract or subcontract for the use of such drydock upon the average cost of operation of the drydock, inclusive of maintenance, depreciation and taxes, as determined over a suitable accounting period not in excess of one year: *Provided*, That the total such charge shall not exceed an amount determined by use of the prevailing commercial rate for similar services in the vicinity or where the nearest comparable services are available.

(q) *Dues and memberships.* Dues and memberships in regular trade associations and technical societies are in general allowable if approved by the Administration's financial representative, but other dues and memberships may not be allowed.

(r) *Entertainment expenses.* Entertainment expenses are not allowable costs of performing a contract or subcontract. Reasonable luncheon costs necessarily incurred in the normal conduct of a contractor's or subcontractor's business may be allowed.

(s) *Excess material.* (1) Excess material refers to material, in usable condition, which is left over after a contract or subcontract is completed and resulting mainly from overpurchases, overproduction, overdrawn stores, or as a result of changes and extras. Excess material should not be confused with scrap which is such material as is produced during the course of construction or manufacture and which has only scrap value. (See paragraph (pp) *Scrap* of this section.)

(2) Material which has been charged to the cost of performing a contract or subcontract and is found in excess of actual requirements and has not been incorporated in the work shall be credited, at the reasonable value thereof, to the cost of performing the contract or subcontract to which it was originally charged.

(3) If such materials credited to cost are reissued for use in performing a contract or subcontract the materials should be charged into costs at amounts not in excess of the value agreed upon as the reasonable credit.

(t) *Excess profits.* Excess profits paid or repayable to the United States under any contract, whether under the Merchant Marine Act or otherwise, shall not be treated as a deduction or used in any way as a factor in the determination of profit under any other contract.

(u) *Expense and income—nonoperating.* Expense and income—nonoperating (including such items as Income from Investments, Interest, and Royalties, individually commented upon under their respective captions) ordinarily may not be taken into account in determining recapturable profit. Their inclusion in exceptional cases will be subject to the specific approval of the Administration.

(v) *Fees, legal, accounting, and other professional.* (1) Fees, Legal, Accounting, and other Professional, for services required in the performance of a contract or subcontract are allowable to the extent deemed reasonable by the Administration.

(2) Generally speaking, legal and accounting fees in connection with the prosecution of claims against the United States, including income tax matters, are not allowable costs. In cases, however, where such fees are incurred and result in successful adjudication or negotiation of the validity of a claim by a contractor or subcontractor, reasonable expenditures may be taken into account in connection with such contracts or related subcontracts with the Board or the Administration.

(w) *Fees of transfer agents and registrars.* (1) Fees of Transfer Agents and Registrars of stock or other securities and of trustees under mortgage or similar indentures, regularly employed in and necessary to the normal operation of the business, may be allowed as overhead costs, if reasonable in amount.

(2) Fees for the same purposes, covering the organization or reorganization of a corporation, shall not be allowed.

(x) *Fines and penalties.* Fines and penalties incurred for violation of law are not allowable in costs of performing a contract or subcontract.

(y) *Fuel, lube oil, and fresh water on board vessel on date of delivery.* Any quantity of fuel, lube oil, or fresh water remaining aboard on the date the vessel is delivered and accepted which is not covered by a contract specification requiring it to be aboard shall be inventoried and evaluated on the basis of prices at which purchased. The value of the inventory shall be credited to vessel construction costs and billed to the Administration which will pay for any reasonable quantities remaining in excess of construction and trial run needs. This procedure automatically excludes from vessel costs the value of the inventory of the items mentioned.

(z) *Guarantee period expenses.* Expenses incurred during the guarantee period, for the reconstruction of items determined by the Administration to be the contractor's or subcontractor's responsibility, are allowable as costs of performance of the contract or subcontract.

(aa) *Income from investments.* Income from investments shall not be taken into account in determining recapturable profit.

(bb) *Inspection services.* The reasonable cost of inspection services, such as those normally rendered by the American Bureau of Shipping, may be allowed in determining recapturable profit.

(cc) *Insurance.* (1) Monies paid into State funds for compensation insurance, and net premiums paid or accrued for payment to insurance companies for insurance of risks not found by the Administration to be unusual or excessive coverage or inconsistent with reasonable and prudent business practice are allowable items of cost.

(2) If the contractor or subcontractor assumes its own insurable risks (i) for compensation payable to employees for injuries received in the performance of their duties, or (ii) for unemployment risks in States where insurance is required, or (iii) for other risks not found by the Administration to be excessive or unusual coverage or inconsistent with reasonable and prudent business practice, there may be allowed in costs the charges set up for such self-insurance under a system of accounting regularly and consistently employed by the contractor or subcontractor, at rates not exceeding the lawful or approved rates of insurance companies for such insurance reduced by amounts representing the "acquisition cost" (i. e., commissions, fixed expenses and excess losses) in such companies and after giving effect to any credits for safety provisions, experience, etc., to which the contractor or subcontractor would be entitled in determining such rates, but losses actually sustained must be charged only to the reserves created by such self-insurance charges.

(3) If the contractor or subcontractor assumes its own insurable risks and does not record current charges to operations in the manner contemplated by subparagraph (2) of this paragraph, losses sustained from such risks during the performance of the contract or subcontract shall be allowable only by such means and to such extent as the Administration considers equitable under the circumstances attendant upon a specific case.

(4) If the contractor or subcontractor assumes its own insurable risks and its practice with respect to charges therefor is not covered by the principles set forth in subparagraphs (1), (2) and (3) of this paragraph, the contractor or subcontractor shall submit the matter to the Administration for determination at the earliest practicable date after execution of the contract or subcontract, and such charges shall be taken into account in such manner as the Administration shall determine.

(5) Premiums covering insurance on the lives of corporate officers, partners, proprietors, or other executives or employees, where the contractor or the subcontractor is the beneficiary directly or indirectly, shall not be allowed in determining recapturable profit.

(6) Reasonable premiums and other reasonable costs of group insurance plans in existence on the date the contract or subcontract was awarded and consistently administered are allowable. No costs under group insurance plans effective after such date will be allowed unless the plan is specifically approved by the Administration.

(dd) *Interest.* (1) Interest received, paid, or accrued for receipt or payment will not be taken into account in determining profit except that reasonable amounts of interest on bank loans of a contractor for construction, reconditioning or reconstruction of a ship obtained for the purpose of discounting bills or for current working funds, which loans mature not later than six months after the date of delivery of the last vessel covered by the contract, may be allowed to the extent attributable to the contract: *Provided*, That interest on such loans shall not be allowed unless the contractor shall show to the satisfaction of the Administration the necessity for such loans.

(2) Similarly, interest on bank loans of other types of contractors and subcontractors (for example, suppliers of direct materials), when deemed by the Administration to be reasonable and for the purposes enumerated in the preceding subparagraph of this paragraph, shall be allowed to the extent attributable to performance under the contract or subcontract: *Provided also*, That such loans mature not later than six months after the date of timely delivery of the last material or timely performance of the last service, excluding provisions of the guarantee clause.

(ee) *Intracompany and intercompany charges.* (1) Intracompany transfers between plants or divisions must be made at cost, excluding any internal or intermediate profit.

(2) Transactions with subsidiary, affiliated or controlled companies covering material purchases or transfers, services, expense allocations or any other type of charge must be disclosed fully. The net allowable cost of intercompany transactions may not exceed the cost of comparable goods or services from alternative outside sources.

(ff) *Launching expense—ceremonial.* The following is prescribed as a general guide, in connection with vessels constructed by the Administration for Government use, to the nature of expenses incidental to launching ceremonies which will be regarded as not excessive and, consequently, chargeable to performance costs.

(1) In particular instances where a budget or a program for launching ceremonies has been approved by the Administration, or where special instructions with respect thereto have been issued by the Administration, such budget, program, or instructions will govern.

(2) In other cases, expenses not deemed to be excessive would include such items as the erection of launching platform and decorations, erection and use of public address system, christening champagne and preparation of bottle, but would not include expenses of reception, banquets, transportation and entertainment of guests, sponsor's gift and other incidental expenses. In general, traveling and hotel expenses of the sponsor and escort, and cost of invitations are unallowable unless otherwise designated by the Administration in specific instances.

(gg) *Liquidated damages.* Liquidated damages paid by a contractor or subcontractor for failure to meet contract or subcontract requirements are not allowable costs of performance.

(hh) *Losses or profits under other contracts and subcontracts.* In the determination of excess profit under the provisions of contracts executed under the authority of the Merchant Marine Act, 1936, as amended, and under subcontracts related thereto, such contracts and subcontracts, completed in a taxable year, shall be grouped for the determination of excess profit: *Provided however*, That there shall not be grouped with any such contracts or subcontracts any contracts authorized under acts other than the Merchant Marine Act, 1936, as amended, or any subcontracts thereunder. In the determination of excess profit under the provisions of contracts executed under the authority of acts other than the Merchant Marine Act, 1936, as amended, such contracts and related subcontracts may be grouped only when the provisions of the respective contracts and subcontracts so stipulate.

(ii) *Maintenance and repair costs.* Maintenance and repair costs which are of such a nature and extent as under generally accepted accounting practice are chargeable to depreciation reserve or capitalized may not be taken into account except through proper charges for depreciation. Job orders for such major plant and equipment maintenance or repairs should be submitted to the Administration before such work is undertaken

or while it is in progress, for a determination as to whether or not the costs may properly be charged to current operations. Major plant and equipment maintenance or repair expenditures, the orders for which are not so submitted before or while the work is in progress, will be deemed to be capital expenditures or chargeable to depreciation reserve unless it shall be shown otherwise to the satisfaction of the Administration.

(jj) *Material operations — departmental.* In cases where a contractor or subcontractor manufactures for stores or for direct charge to a contract or subcontract items such as rivets, paint, acetylene, etc., such items may be charged upon a fixed price basis, provided that proper adjustments approved by the Administration are made to such charges at reasonably frequent accounting intervals so as to reflect their actual cost.

(kk) *Organization and reorganization expenses.* Costs incident to the formation or refinancing of corporations, partnerships, or proprietorships such as the issuance of capital stock, bonds or other securities, taxes on the issue or transfer of securities, discounts on securities sold, bankers' commissions, or other like financial costs, legal and accounting fees involved in developing organizations or reorganizations, shall not be allowed in determining recapturable profit.

(ll) *Pension and retirement payments.* Pension and retirement payments to employees and payments made into trust funds for pension and retirement purposes: *Provided*, That such trust funds are alienated from the contractor's ownership, may be allowed in the determination of recapturable profit. The Administration shall, in every case, be satisfied that the payments are reasonable in amount and are consistently and equitably distributed.

(mm) *Reserves.* Charges resulting in the creation or increase of reserves for general contingencies or other reserves which are not properly chargeable to current operations shall not be allowed.

(nn) *Royalties.* (1) Income from royalties shall not be taken into account in determining recapturable profit under contracts or subcontracts.

(2) In some cases, royalty expense in connection with material or equipment furnished under a contract or subcontract is not properly chargeable inasmuch as the Government may have a royalty-free license for such material or equipment. Under the Royalty Adjustment Act of 1942, the Government has negotiated a number of agreements providing for the waiver of, or reduction in, royalties. As some agreements are in force and others may be executed, all royalty agreements should be referred to the Administration.

(oo) *Salaries.* (1) Contracts, and subcontracts thereunder, ordinarily limit the per annum rate of salary for the purpose of determining profit. The limitation applies to the full time of an individual. Accordingly, when an individual devotes only a portion of his time to a contractor or subcontractor, the limitation will be reduced proportionately.

(2) "Salary" is construed in its broadest sense to include a bonus, director's fee, and all other forms of compensation. Charges or accruals for salaries, year-end bonuses, vacation pay, or other compensation, not actually paid at the date of completion of a contract or subcontract must be approved by the Administration as to allowability.

(pp) *Scrap.* Scrap is such material as is produced during the course of construction or manufacture and having only scrap value and should not be confused with excess material (see paragraph (s) of this section). Scrap must be credited at the price obtained when sold, or at the current market price if used by the contractor or subcontractor or held for sale beyond the period of the contract or subcontract. If practicable, the credit should be given to the job from which the scrap was derived, otherwise credit should be given through distributable overhead at reasonably frequent intervals.

(qq) *Selling expenses.* (1) Generally, expenses incurred for the distribution of the products of a contractor through usual trade and business channels and methods are not regarded as allowable costs under contracts for the reason that such expenses are not incident to or necessary in doing business with the Government.

(2) Ordinary selling expenses should not be confused with technical, consulting and other services of the application and adaptation of products to the uses and requirements of the customer. Manufacturers' employees attached to sales departments, who are primarily technicians and product service engineers, render services that are as important and essential when products are sold to the Government as when they are sold to other customers.

(3) Special premiums, bonuses, commissions, etc., paid in connection with negotiations for or the procurement of a contract are not allowable in determining the cost of performing the contract.

(4) Selling expenses which represent the cost of marketing an article, as distinguished from the cost of producing an article, are not to be considered a part of the cost of performing a contract.

(5) Reasonable selling expenses consistent with the normal and usual practice of a subcontractor may be allowed in determining the cost of performing a subcontract.

(rr) *Taxes.* (1) Income and excess profit taxes and surtaxes, Federal, State and other, are not allowed as contract or subcontract performance costs; such taxes merely represent a payment of a part of the net profits to the Government.

(2) Franchise and excise taxes, property taxes (except taxes on property held in reserve or for investment, or for other extraneous purposes), social security taxes and the like (not including payments deducted from or chargeable to employees, including corporate officers) are allowable cost items. In those cases where a State franchise tax is in lieu of a State income tax, the portion thereof deemed to be paid for the exercise of the right to do business and the portion thereof deemed to be a tax on income shall be determined by the Administration.

(3) Taxes for which exemptions are available are not allowable costs.

(ss) *Towing.* Where the contractor or subcontractor uses its own tugs or other floating equipment in the performance of a contract or subcontract, reasonable charges therefor are allowable.

(tt) *Travel expenses.* (1) The actual costs of authorized business trips such as transportation, maintenance, communication and other necessary business costs of the traveler during his period of travel may be allowed to the extent such costs are shown to the Administration to be reasonable and equitably charged to a contract or subcontract.

(2) The Administration may accept in lieu of such actual costs a reasonable allowance agreed upon by the traveler prior to his departure if such allowance is deemed to be warranted by the circumstances, conditions, and nature of the assignment involved.

(uu) *Unclaimed wages.* Unclaimed wages charged to contracts and subcontracts shall be adjusted by an allowance for future claims against unclaimed moneys and the remainder shall be reliably credited to the cost of performing the contracts and subcontracts. The allowance and the credit must be satisfactory to the Administration.

(vv) *Unreasonable charges.* Excessive or unreasonable payments, as for example, exorbitant compensation to anyone, expenditures for the personal benefit of officers of the contractor or subcontractor, payments in excess of reasonable market values of any kind including payments to affiliates and payments to individuals who are associated with the contractor or subcontractor through directorship or employment, whether in cash, stock, or other property, shall not be allowed as costs in determining recapturable profit.

(ww) *Welfare expense—employee.* Welfare expense—employee is allowable as a part of overhead, subject to proper distribution, provided the contractor or subcontractor shall, if required, show the reasonableness thereof to the satisfaction of the Administration.

FILING OF REPORTS

§ 285.61 *Contractors.* A contractor for the construction, reconditioning or reconstruction of a ship shall file with the Administration a notarized Shipbuilder's Report of Profit with respect to each contract, in the form prescribed from time to time by the Administration (see accompanying Form MA-250),[1] within 90 days after the expiration of the guarantee period prescribed by the contract, unless the time for filing such report be extended by the Administration. Other contractors shall file on the form prescribed from time to time by the Administration (see accompanying Form MA-251)[1] as soon as possible after the completion of the contract or the expiration of the guarantee period but in no event later than 90 days after the date upon which the contractor is required to file Federal income tax returns (or as extended). Such reports shall reflect all information indicated in the prescribed forms.

[1] Filed as a part of the original document with the Division of the Federal Register; requests for copies should be addressed to the Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 285.62 *Subcontractors.* Each subcontractor whose subcontract is subject to a profit-limiting provision shall file with the Administration as soon as possible after the completion of the subcontract or the expiration of the guarantee period, but in no event later than 90 days after the date upon which it is required to file its Federal income tax return (or as extended), a report, notarized, with respect to each such subcontract completed by it within the income taxable year, setting forth in the form prescribed from time to time by the Administration (see accompanying Form MA-252)[1] the total contract price, the total cost of performing the subcontract, the amount of overhead charged to such cost and such other information as indicated upon the report form.

§ 285.63 *Transmittal.* All reports made by a contractor for the construction, reconditioning or reconstruction of a ship or other contractor or by a subcontractor, should be mailed to the Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 285.64 *Revision of report forms.* The Administration may from time to time revise the form of reports required in this part. Contractors and subcontractors should obtain current forms from the Administration.

Dated: July 21, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. McDONALD,
Acting Secretary.
E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-9154; Filed, Aug. 19, 1952; 8:45 a. m.]

[1] See footnote on p. 7600.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

FORMS

In the matters of revision of FCC Form 340, adoption of FCC Forms 341 and 342, amendment of the Commission's rules and regulations concerning the use of FCC Forms 340, 341 and 342.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of July 1952;

It appearing, that the application form for authority to construct a new noncommercial educational FM broadcast station, FCC Form 340, has not been revised since it was adopted in June 1944 and that a revision of that form is desirable at this time; and

It further appearing, that particular application forms for license, original and renewal, for noncommercial educational FM broadcast stations have not been adopted as yet and that §§ 3.511 and 3.520 contemplate the availability of such application forms; and

It further appearing, that the issuance of new and revised application forms as contemplated herein necessitates certain minor editorial changes in the Commission's rules and regulations concerning the use of application forms in the noncommercial educational FM broadcast service; and

It further appearing, that the proposed changes relate to rules of procedure and practice and that therefore the provisions of section 4 of the Administrative Procedure Act with respect to notice of proposed rule making are inapplicable; and

It further appearing, that this order can be issued pursuant to the authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended; and

It is ordered, That, effective September 3, 1952, FCC Form 340 "Application for Authority to construct or Make Changes in a Noncommercial Educational FM Broadcast Station" is revised and re-adopted in the form hereto attached;[1] and

It is further ordered, That, effective September 3, 1952, FCC Form 341 "Application for Noncommercial Educational FM Broadcast Station License" is adopted in the form hereto attached;[1] and

It is further ordered, That, effective September 3, 1952, FCC Form 342 "Application for Renewal of Noncommercial Educational FM Broadcast Station License" is adopted in the form hereto attached;[1] and

It is further ordered, That the above new forms may be used immediately upon their availability at Commission offices; and

It is further ordered, That, effective September 3, 1952, §§ 1.311, 1.317 (b), 1.318 (b), 1.319 (b), 1.320 (c), 3.511, 3.520 (a), and 3.557 (b) are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: August 20, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 1.311 is amended as follows: Delete the present language of paragraph (e) and substitute the following: FCC Form 340, "Application for Authority to Construct or Make Changes in a Noncommercial Educational FM Broadcast Station."

2. Section 1.317 (b) is amended as follows:

a. Add new subparagraph (4) as follows:

(4) FCC Form 341, Application for Noncommercial Educational FM Broadcast Station License.

b. Redesignate present subparagraph (4) as (5).

3. Section 1.318 (b) is amended as follows:

a. Add a new subparagraph (2) as follows:

(2) FCC Form 341, "Application for Noncommercial Educational FM Broadcast Station License." To be used for all applications for license to use the former main transmitter as the auxiliary transmitter when no new construction is involved.

b. Redesignate present subparagraph (2) as (3).

c. Redesignate present subparagraph (3) as (4).

d. Redesignate present subparagraph (4) as (5).

e. Redesignate present subparagraph (5) as (6).

f. Redesignate present subparagraph (6) as (7).

g. Redesignate present subparagraph (7) as (8).

h. Redesignate present subparagraph (8) as (9).

i. Redesignate present subparagraph (9) as (10).

j. Redesignate present subparagraph (10) as (11).

k. Redesignate present subparagraph (11) as (12).

l. Redesignate present subparagraph (12) as (13).

4. Section 1.319 (b) is amended as follows:

a. Add new subparagraph (4) as follows:

(4) FCC Form 340, "Application for Authority To Construct or Make Changes in a Noncommercial Educational FM Broadcast Station." To be used for all applications for modification of any term of an existing authorization for a noncommercial educational FM broadcast station.

b. Redesignate present subparagraph (4) as (5).

c. Redesignate present subparagraph (5) as (6).

d. Redesignate present subparagraph (6) as (7).

e. Redesignate present subparagraph (7) as (8).

f. Redesignate present subparagraph (8) as (9).

g. Redesignate present subparagraph (9) as (10).

h. Redesignate present subparagraph (10) as (11).

5. Section 1.320 (c) is amended as follows:

a. Delete present language of subparagraph (2) and substitute the following:

(2) FCC Form 311, "Application for Renewal of International, Facsimile, or Experimental Broadcast Station License". To be used for all applications for renewal of licenses of international, facsimile and experimental broadcast stations.

b. Add a new subparagraph (4) as follows:

(4) FCC Form 342. "Application for Renewal of Noncommercial Educational FM Broadcast Station License."

c. Redesignate present subparagraph (4) as (5).

[1] Forms filed as part of the original document. Copies of the forms may be obtained from the Federal Communications Commission.

d. Redesignate present subparagraph (5) as (6).

6. Section 3.511 is amended as follows: Delete text of present section and substitute therefor the following:

§ 3.511 *Application for noncommercial educational FM broadcast stations.* Each applicant for a construction permit for a new noncommercial educational FM broadcast station, change in facilities of any existing noncommercial educational FM broadcast station, or noncommercial educational FM broadcast station license or modification of license shall file with the Commission in Washington, D. C., two copies of applications and a like number of exhibits and other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. If the application is for authority to construct or make changes in a noncommercial educational FM broadcast station, Form FCC No. 340 should be filed; for a noncommercial educational FM license, Form No. 341 should be filed.

7. Section 3.520 (a) is amended as follows:

a. Change parenthetical reference to FCC Form No. 343 to FCC Form No. 342.

b. Delete footnote 4.

8. Section 3.557 (b) is amended as follows:

a. Change parenthetical reference to FCC Form No. 342 to FCC Form No. 340.

b. Delete footnote 7.

[F. R. Doc. 52-9200; Filed, Aug. 19, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

BUDGET OF EXPENSES OF HOP CONTROL BOARD FOR MARKETING SEASON BEGINNING AUGUST 1, 1952, AND RATE OF ASSESSMENT

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 107, as amended, and Order No. 86, as amended, regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (17 F. R. 6626), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such administrative rule consideration will be given to data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the tenth day after publication of this notice in the FEDERAL REGISTER, except that if such tenth day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following work day.

The Hop Control Board, established pursuant to the provisions of the aforesaid amended marketing agreement and amended order, at a duly called meeting in Portland, Oregon, on July 18 and 19, 1952, adopted by unanimous vote a budget of expenses of $154,450 for its maintenance and functioning during the marketing season beginning August 1, 1952. The Board anticipates increased operating expenses, and the budget recommended is $6,550 larger than the budget approved for the 1951-52 marketing season.

The Board also recommended by unanimous vote a rate of assessment of four-tenths of a cent per pound, net dry weight, of hops (including hop products in terms of hops) handled during the marketing season which began on August 1, 1952. The proposed rate of assessment when applied to the quantity of hops (including hop products in terms of hops) which it is estimated will be handled during the said marketing season would provide sufficient funds for the recommended budget of expenses.

Therefore, the proposed rule is as follows:

§ 986.303 *Budget of expenses for the marketing season beginning August 1, 1952, and rate of assessment*—(a) *Budget of expenses.* Expenses in the amount of $154,450 are reasonable and likely to be incurred by the Hop Control Board (including but not limited to the Growers Allocation Committee and the several Growers Advisory Committees) for its maintenance and functioning during the marketing season beginning August 1, 1952; and

(b) *Rate of assessment.* The rate of assessment for the marketing season beginning August 1, 1952, shall be four-tenths ($\frac{4}{10}$) of a cent per pound, net dry weight, of hops handled, and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio on ratios between hops and the respective hop products as determined pursuant to § 986.73 of said amended agreement and amended order.

Done at Washington, D. C., this 14th day of August 1952.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch.*

[F. R. Doc. 52-9169; Filed, Aug. 19, 1952; 8:50 a. m.]

[9 CFR Part 201]

REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

NOTICE OF HEARINGS ON PROPOSED REVISION

Notice is hereby given that public hearings will be held on the dates and at the times and places set forth below to consider the advisability of revising the regulations issued under the Packers and Stockyards Act, 1921, as amended and supplemented (9 CFR 201 et seq.; 7 U. S. C. 181 et seq.).

Date (1952)	Local time	Location
Sept. 8 and 9	10 a. m.	Livestock Exchange Bldg., Chicago, Ill.
Sept. 10	9 a. m.	Post Office Bldg., South St. Paul, Minn.
Sept. 11	9 a. m.	Western Livestock Reporter Bldg., Billings, Mont.
Sept. 12	9 a. m.	Livestock Exchange Bldg., Portland, Oreg.
Sept. 15	9 a. m.	Livestock Exchange Bldg., Denver, Colo.
Sept. 16	9 a. m.	Livestock Exchange Bldg., Oklahoma City, Okla.
Sept. 17	9 a. m.	Livestock Exchange Bldg., Kansas City, Mo.
Sept. 18	9 a. m.	Livestock Exchange Bldg., Indianapolis, Ind.
Sept. 19	9 a. m.	Room 5709 South Bldg., U. S. Department of Agriculture, Washington, D. C.

At the hearings consideration will be given, among other things, to inclusion in the regulations of provisions:

(1) Requiring market agencies to exclude dealers, packers, and others representing interests which conflict with those of consignors from participation in the making of rules and regulations governing relationships of market agencies to their consignors;

(2) Establishing reasonable standards with respect to the qualifications of persons desiring to register under the act as market agencies or dealers;

(3) Prohibiting, except under certain conditions, the registration of any person as both a market agency and dealer;

(4) Requiring persons registered as both a market agency and dealer to file separate bonds to cover their financial obligations incurred in each capacity;

(5) Providing for the registration under the act of regularly-employed packer buyers;

(6) Defining the term "yardage" and providing that stockyard owners may require payment of reasonable charges for special facilities and services not included within the definition of yardage;

(7) Prohibiting, after one year from the effective date of the revision, clearance of the financial obligations of market agencies;

(8) Providing that after a specified date only applicants for registration as dealers may, in lieu of filing bonds, file satisfactory equivalents thereto;

(9) Providing that after a specified date no market agency selling livestock on commission shall act in the capacity of broker or clearing agency;

(10) Increasing the minimum bond coverage for market agencies and dealers to $5,000.00;

(11) Providing that no brand inspection agency shall impound the net proceeds from the sale of livestock of questioned ownership until market agencies and consignors have been given a reasonable period of time, at least sixty days after sale, within which to establish ownership;

(12) Requiring every market agency selling livestock on commission to set up and maintain a Custodial Account for Shippers' Proceeds and to keep adequate records in connection therewith;

(13) Prohibiting, except upon certain conditions, the sale of consigned livestock by market agencies to buyers in whom the market agencies or their personnel have financial interests;

(14) Requiring that sellers', buyers', and consignors' names, or understandable abbreviations of such names, appear on scale tickets;

(15) Prohibiting persons subject to the act from giving truckers any gratuities except advertising novelties not exceeding fifty cents in value;

(16) Prohibiting persons subject to the act from allowing their owners, officers, agents, or employees to make or receive gifts, payments, loans, or considerations, in connection with the furnishing of stockyard or market agency services, other than the established charges for such services;

(17) Providing that weights shown on accountings or bills issued by persons subject to the act shall be actual weights obtained on stockyard scales at the time of sale unless appropriately explained on the accountings or bills issued;

(18) Providing that no market agency shall use consigned livestock to fill orders except at a price higher than the highest available bid on the open market and that where consigned livestock is used to fill orders market agencies shall collect for their services only the authorized selling commissions plus expense charges not exceeding one-half of the order-buying charges in effect at the market;

(19) Prohibiting owners, officers, agents, or employees of auction markets from buying livestock from consignments for speculative purposes and from sharing in profits from the resale of consigned livestock;

(20) Prohibiting auctioneers, starters, ringmen, graders, weighers, and other employees of auction markets having comparable duties from buying livestock from consignments for any purpose for their own accounts;

(21) Permitting employees of auction markets whose duties are not directly related to the actual auction selling to purchase livestock from consignments in competitive bidding for their own accounts other than for purposes of resale, provided disclosure of the facts is made to consignors;

(22) Prohibiting owners, officers, agents, or employees of market agencies and licensees from purchasing livestock or live poultry from consignments for their own account and from sharing in profits from the resale of consigned livestock or live poultry.

(23) Prohibiting the sale regularly by market agencies of their owners', officers', agents', or employees' livestock in pens assigned to the market agencies in competition with consigned livestock;

(24) Prohibiting market agencies selling livestock on commission from clearing or financing dealers, and prohibiting, except under certain conditions, market agencies buying livestock on commission from clearing or financing dealers;

(25) Prohibiting the employment of full-time salesmen by market agencies on a split-commission basis but permitting the making of incentive payments or bonuses to employees based upon over-all operating results of the market agencies;

(26) Prohibiting the utilization or employment by market agencies, after acceptance of consignments or purchase orders, of dealers or packers or their employees in connection with the rendition of buying or selling services;

(27) Prohibiting dealers and packers from owning, managing, financing, or being affiliated with market agencies;

(28) Prohibiting dealers, packers, order buyers, and their representatives from operating in concert with each other and from furnishing information concerning their proposed buying operations to their competitors for the purpose of, or which would result in, limiting competition, affecting prices, or controlling the movement of livestock through posted stockyards;

(29) Requiring persons subject to the act to employ only competent persons of good character and known integrity to operate scales and requiring such employees to be rotated in their weighing assignments and be removed if found to be operating scales incorrectly, carelessly, or in a manner to favor or injure any party through incorrect weights;

(30) Requiring stockyard owners to assign pens and facilities on a reasonable basis and to review such assignments periodically;

(31) Requiring dealers to operate in the pens assigned to them by the stockyard owner but permitting bona fide planting of livestock for sale or resale in pens assigned to market agencies;

(32) Requiring packer scales to be maintained and operated in a manner comparable to scales at posted stockyards;

(33) Requiring packers to permit authorized representatives of the Secretary of Agriculture to inspect their property and records in order to carry out the provisions of the act and the rules and regulations thereunder; and

(34) Amending the definitions contained in the regulations.

All interested persons will be afforded an opportunity at such hearings to appear and be heard, in person or by attorney, upon any of the proposals referred to above or any other proposed amendments to the regulations. Persons desiring to obtain further information concerning such proposals may do so by requesting the same from the Chief of the Packers and Stockyards Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

It is contemplated that after such hearings have been held and all testimony and material presented thereat have been considered, a notice of proposed rule making setting forth any proposed amendments to the regulations will be published in the FEDERAL REGISTER. At that time all interested persons will be afforded a reasonable opportunity to submit their views, arguments, and data, in writing, on such proposals prior to the issuance of the final revision of the regulations.

Done at Washington, D. C., this 14th day of August 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9170; Filed, Aug. 19, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REVISION OF REGULATION A; GENERAL EXEMPTION

The Securities and Exchange Commission has under consideration a proposed revision of Regulation A under the Securities Act of 1933. This regulation provides an exemption from registration under the act for certain securities.

One of the principal changes which would be effected by the proposed revision is the requirement that an offering circular containing certain specified information be used in offering securities under this regulation. However, the revised regulation would permit limited advertising prior to the sending or giving of the required offering circular.

Provision would be made in the revised regulation for denying or suspending the exemption in cases where the Commission finds that the terms and conditions of the exemption have not been met; that the offering circular or other sales literature is misleading; or that fraud or deceit is being perpetrated in connection with the offering or sale of the securities. This provision for denial or suspension of the exemption in individual cases is not intended as a substitute for the Commission's customary letter of comment procedure. The Commission contemplates that this provision will be invoked only in those cases in which it is apparent that the normal procedures will not be sufficient to prevent the perpetration of fraud or deceit or other violation of the Securities Act in connection with the offering or sale of the securities.

The revised regulation would also provide for the filing of semi-annual reports showing the progress of the offering. This requirement merely formalizes in the rules the present administrative practice of requesting such reports. No further reports would be required after completion or termination of the offering and the filing of a final report.

The Commission invites comments and suggestions on the proposed regulation from all interested persons. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C., on or before September 15, 1952.

A copy of the proposed regulation is set forth below.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

AUGUST 14, 1952.

REGULATION A: GENERAL EXEMPTION

§ 230.220 *Definitions of terms used in §§ 230.220 to 230.229.* As used in §§ 230.220 to 230.229, the following terms shall have the meanings indicated:

(a) An "affiliate" of an issuer is a person controlling, controlled by or under common control with such issuer. An individual who controls and issuer is an affiliate of such issuer.

(b) A "predecessor" of an issuer is a person from which such issuer has acquired, directly or indirectly, a substantial portion of its assets.

(c) A "principal underwriter" is an underwriter who is a party to the underwriting agreement (whether written or oral) with the issuer or other person on whose behalf the securities are offered hereunder. "Underwriter" shall have the meaning given in section 2 (11) of the act.

(d) A "promoter" of an issuer is a person who took an important part in the organization of such issuer, the acquisition of its assets or the distribution of its securities.

(e) A "resident" of the United States is an individual resident thereof, or a corporation or other organization which is incorporated or organized under the laws of the United States, any State or Territory or the District of Columbia.

§ 230.221 *Securities exempted.* (a) Except as hereinafter provided in this section, securities issued by any resident of the United States having his or its principal place of business in the United States shall be exempt from registration under the act if offered in accordance with the terms and conditions of §§ 230.220 to 230.229.

(b) No exemption under §§ 230.220 to 230.229 shall be available for any of the following securities:

(1) Assessable securities.

(2) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights.

(3) Certificates of interest as defined in § 230.360.

(4) Securities of any investment company which is subject to the Investment Company Act of 1940.

(5) Securities of any issuer if such issuer or any of its predecessors or affiliates:

(i) Has filed a registration statement which is the subject of pending proceedings under sections 8 (b), 8 (d) or 8 (e) of the act or is subject to an order entered under any such section; or

(ii) Is subject to pending proceedings under § 230.228 or to an order entered thereunder.

(6) Securities of any issuer if such issuer or any of its directors, officers, affiliates or predecessors, any of its promoters presently connected with it in any capacity, or any principal underwriter of the securities to be offered hereunder:

(i) Has been convicted within five years preceding the filing of the letter of notification required by § 230.223 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer;

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or

(iii) Is subject to a United States Post Office fraud order.

(7) Securities of any issuer, if any of its directors, officers or affiliates, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered hereunder, participated in or was connected with any offering of securities of any other issuer which has been at any time subject to:

(i) An order under section 8 (b) or 8 (d) of the act;

(ii) An order under § 230.228; or

(iii) A United States Post Office fraud order,

unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied in a particular case.

(c) The exemption provided by §§ 230.220 to 230.229 shall terminate, as to any securities remaining unsold, if the issuer or any of its directors, officers or affiliates, any promoter currently connected with it in any capacity, any principal underwriter of the securities offered hereunder or any security holder on whose behalf any of the securities are offered (1) shall be convicted of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, or (2) shall be enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

(d) The exemption provided by §§ 230.220 to 230.229 shall be suspended, and no securities may be offered hereunder, during the pendency of (1) any indictment of any person specified in paragraph (c) of this section for any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, (2) any proceeding initiated by the Commission for the purpose of enjoining any such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or (3) any proceeding under section 8 (b), 8 (d), or 8 (e) of the act with respect to the issuer or any of its affiliates.

§ 230.222 *Amount of securities exempted.* (a) The aggregate offering price of all securities of the issuer, its predecessors and affiliates offered under this regulation and all securities of such persons sold in violation of section 5 (a) of the act shall not exceed $300,000 during any period of one year: *Provided,* That the aggregate offering price of all securities of such persons so offered or sold on behalf of persons other than the issuer thereof shall not exceed $100,000 during any period of one year.

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the letter of notification, or the offering price to the public, whichever is higher: *Provided,* That the aggregate gross proceeds actually received from the public shall not exceed the maximum aggregate offering price permitted, in the particular case, by paragraph (a) of this section.

(c) Where securities are offered in exchange for outstanding securities, claims or property, the aggregate offering price thereof shall be computed upon the basis of the market value of the securities, claims or property to be received in exchange, as established by bona fide sales made within a reasonable time, or in the absence of such sales, upon the basis of the fair value of the securities, claims or property to be received in exchange as determined by some accepted standard.

(d) Unsold securities the offering of which has been withdrawn by amending the letter of notification required by § 230.223 to reduce the amount stated therein as proposed to be offered, need not be included in computing the amount of securities which may be offered under §§ 230.220 to 230.229 subsequent to such withdrawal.

§ 230.223 *Letter of notification.* At least 10 days (Saturdays, Sundays and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.220 to 230.229, there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal place of business is located, three copies of a letter of notification on Form S–3B–1. The letter of notification shall be signed by the issuer, each principal underwriter of the securities to be offered hereunder and by each person, other than the issuer, on whose behalf any of such securities are to be offered. If the letter of notification is signed by any person on behalf of any other person except the issuer, evidence of authority to sign on behalf of such other person shall be filed with the letter of notification.

§ 230.224 *Filing and use of offering circular.* (a) No securities shall be offered orally or otherwise under §§ 230.220 to 230.229 unless an offering circular containing the information specified in paragraph (b) of this section is concurrently given or has previously been given to the person to whom the offer is made, or has been sent to such person under such circumstances that it would normally have been received by him at or

prior to the time of the offering: *Provided,* That in the case of transactions effected on a national securities exchange, a copy of such circular shall be delivered to the purchaser not later than the time of delivery of the confirmation of the sale to such purchaser.

(b) The offering circular required by paragraph (a) of this section shall be dated and shall contain the following information:

(1) The following statement shall be set forth on the outside front cover page of the offering circular in capital letters in type as large as that used generally in the body of such circular:

These securities are offered pursuant to an exemption from registration with the Securities and Exchange Commission. The Commission does not pass upon the merits of any securities nor does it pass upon the accuracy or completeness of any offering circular or other selling literature.

(2) The name and address of the issuer, the name of the State or other jurisdiction in which it was incorporated or organized and the date of its incorporation or organization.

(3) The type and amount of securities to be offered and if any of such securities are to be offered for the account of security holders, the name and address of each such security holder, the total amount owned and the amount to be offered.

NOTE: See Supplemental Instructions to Regulation A, attached to Form S–3B–1, which indicate more specifically the information required.

(4) A brief description of the method by which the securities are to be offered, and if the offering is to be made through underwriters, the name and address of each principal underwriter and the amount of the participation of each such underwriter, indicating the nature of any material relationship between the issuer and any such underwriter.

(5) The price at which the securities are to be offered to the public, the underwriting discounts or commissions and the proceeds to the issuer or other person on whose behalf the securities are offered. This information shall be furnished both on a per-share basis and in the aggregate and shall be set forth in tabular form on the outside front cover page of the offering circular.

(6) The purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating how the actual proceeds will be used if they are insufficient for the purposes stated.

(7) If any of the securities are to be offered otherwise than for cash, the nature, amount and value of the consideration to be received for the securities, the basis upon which the offering is to be made per unit of securities offered, the persons or classes of persons to whom the offering is to be made, and the nature and amount of any commissions or solicitation expenses to be paid in connection with such offering.

(8) A brief description of the business and property of the issuer.

NOTE: See Supplemental Instructions to Regulation A, attached to Form S–3B–1, which indicate more specifically the information required.

(9) The full names and addresses of all directors, officers and promoters of the issuer, their remuneration from and their direct or indirect interests in the issuer and its affiliates and in any material transactions within the past two years or any material proposed transaction to which the issuer or any of its affiliates was or is to be a party.

(10) A brief description of all options or warrants presently outstanding or proposed to be granted to purchase securities of the issuer, including the names of the principal holders of such options or warrants, the terms and conditions upon which they may be exercised, and the price at which the securities may be acquired pursuant thereto.

(11) Appropriate financial statements of the issuer showing the issuer's financial condition as of a date within ninety days prior to filing the letter of notification, and its income and expenses, or receipts and disbursements as appropriate, for a period of at least two years prior to the statement of financial condition, or for the period of the issuer's existence if less than two years.

NOTE: See Supplemental Instructions to Regulation A, attached to Form S–3B–1, which indicates more specifically the financial statements required.

(c) All printed offering circulars shall be set in roman type at least as large as ten-point modern type. All type shall be leaded at least two points.

(d) Three copies of the offering circular required by this rule, which is to be used at the commencement of the offering, shall be filed with, and shall be deemed a part of, the letter of notification required by § 230.223 at the time such letter is filed. If the offering circular is revised or amended subsequent to the commencement of the offering, three copies of the revised or amended circular shall be filed with the office of the Commission with which the letter of notification is filed at least ten days prior to its use, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

§ 230.225 *Use of limited advertisements and other communications.* Notwithstanding § 230.224, any advertisement or other communication which contains only the information specified below may be published or distributed to any person prior to the sending or giving to such person of an offering circular containing the information required by § 230.224:

(a) The name of the issuer;

(b) A brief statement of the type of business, including information, where applicable, that the issuer is not in commercial production;

(c) A brief statement as to the location of the issuer's property;

(d) The title and offering price of the securities;

(e) The name and address of the person or persons from whom an offering circular meeting the requirements of § 230.224 may be obtained; and

(f) A detachable form, substantially as follows, for use in requesting a copy of the offering circular:

Please send me a copy of the offering circular relating to _____
Name _____
Address _____

§ 230.226 *Other material to be filed.* Three copies of every written or other communication prepared or authorized by the issuer or any of its affiliates or any principal underwriter of the securities to be offered which is proposed to be used, in addition to the offering circular, at the commencement of the public offering under §§ 230.220 to 230.229 or intended to be sent or given thereafter to more than ten persons shall be filed at least five days (exclusive of Saturdays, Sundays and holidays) prior to any use thereof, with the office of the Commission with which the letter of notification is filed.

§ 230.227 *Prohibition of certain statements.* No offering circular or other written or oral communication used in connection with any offering under §§ 230.220 to 230.229 shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such offering circular or other communication are accurate or complete.

§ 230.228 *Denial and suspension of exemption.* (a) The Commission may, at any time after the filing of a letter of notification, enter an order temporarily denying the exemption, or if the public offering has commenced, it may enter an order temporarily suspending the exemption, if it has reason to believe that:

(1) No exemption is available under §§ 230.220 to 230.229 for the securities purported to be offered hereunder;

(2) The letter of notification, the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) Any device, scheme or artifice to defraud is being or would be employed in connection with the offering or sale of the securities, or the offering is being or would be made in such manner as to operate as a fraud or deceit upon the purchaser; or

(4) The person on whose behalf the letter of notification was filed has otherwise failed to comply with any of the terms and conditions of §§ 230.220 to 230.229.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the persons on whose behalf the letter of notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission will, upon receipt of a written request, set the matter down for hearing within 20 days after the receipt of such request at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect until it

is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of an opportunity for such hearing, either vacate the order or enter an order permanently denying or suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the person or persons on whose behalf the letter of notification was filed by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the letter of notification. In addition, all such notices will be published in the FEDERAL REGISTER.

§ 230.229 *Reports of sales under §§ 230.220 to 230.229.* Within 30 days after the end of each six-month period following the commencement of the offering of the securities under §§ 230.220 to 230.229, the issuer or other person on whose behalf the securities are offered shall file with the Commission four copies of a report on Form S-3B-1A containing the information called for by such form. A final report may be made upon completion or termination of the offering prior to the end of the six-month period in which the last sale is made.

FORM S-3B-1

LETTER OF NOTIFICATION UNDER REGULATION A

The following information is given with respect to an offering of securities to be made pursuant to §§ 230.220 to 230.229 (Regulation A) of the general rules and regulations under the Securities Act of 1933.[1] The offering circular required by § 230.224 (Rule 224) is filed with and is to be deemed a part of this letter of notification.

Item 1. Jurisdiction in which securities are to be offered. State the names of the jurisdictions (States, Territories, District of Columbia and foreign countries) in which it is proposed to offer the securities covered by this letter of notification. If all or any part of the offering is to be made by use of the facilities of a national securities exchange, it will be sufficient or to the securities to be so offered to name the exchange. No securities shall be offered or sold in any jurisdiction not mentioned until an amendment to this letter of notification has been filed stating the name of the additional jurisdiction or jurisdictions.

Item 2. Contemplated additional offerings. State whether or not the issuer or any of its affiliates presently contemplates the offering or sale of any securities in addition to those covered by this letter of notification. If so, describe fully the proposed transaction or transactions in which it is contemplated such additional securities will be offered or sold.

Item 3. Unregistered securities sold within one year. As to all unregistered securities of the issuer or of any of its predecessors or affiliates which were sold at any time within one year prior to the date of filing this letter of notification, state the following:

(a) Name and complete address of the issuer of such securities.

(b) Name and complete address of each person on whose behalf any of such securities were sold.

(c) Title and amount of securities sold on behalf of each such person, the aggregate offering price thereof, and the method of computing such price.

(d) Indicate the section of the act or the rule of the Commission under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available.

Item 4. Predecessors and affiliates of issuer. List the full name and complete address of each predecessor and each affiliate of the issuer. As to any predecessor which is no longer in existence, give its full name and last address prior to its dissolution.

Item 5. Judicial action within five years. State whether the issuer or any of its predecessors or affiliates or any of its promoters, directors or officers presently connected with it in any capacity, or any underwriter of the securities to be offered hereunder:

(a) Has been convicted within five years preceding the filing of this letter of notification of any crime or offense involving the purchase or sale of any security, or

(b) Is subject to an order, judgment or decree of any court entered within five years preceding the date of such filing enjoining it or him from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or

(c) Is subject to any United States Post Office fraud order.

SIGNATURE[2]

This letter of notification has been signed in the city of ----------, State of ----------, on the ------ day of ---------- 19-----.

(Issuer)

By ----------
(Name and title)

(Selling security holder)

(Principal underwriter)

SUPPLEMENTAL INSTRUCTIONS AS TO THE PREPARATION OF THE OFFERING CIRCULAR REQUIRED BY § 230.224 (RULE 224)

Instructions to paragraph (b) (3). In stating the type of the securities to be offered, there shall be given such information as will indicate the general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or non-cumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(b) In the case of debt securities, the rate of interest; the date of maturity or if the issue matures serially, a brief indication of the serial maturities such as "maturing serially from 1955 to 1965;" if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of securities, appropriate information of a comparable character.

Instructions to paragraph (b) (8). In furnishing the information called for by paragraph (b) (8), the following instructions shall be observed:

A. For issuers engaged in mining or exploratory mining operations:

1. The location and means of access to the mining properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held.

2. State the mineral produced or the nature of the deposit to be explored, indicating whether surface or under ground operations are to be involved.

3. No claim shall be made as to the existence of a body of commercial ore which has not been sufficiently tested to be classified properly as proven ore or probable ore. For the purpose of this rule, the term "proven ore" means a body of ore so extensively surrounded by sampled faces that the risk of failure in continuity is reduced to a minimum, and the term "probable ore" means ore as to which the risk of failure in continuity is greater than for proven ore, but as to which there is sufficient warrant for assuming continuity of the ore.

4. If statements are made as to the existence of proven or probable ore, furnish for the information of the Commission copies of the pertinent reports and other supporting data with respect to such ore.

B. For issuers engaged in the oil and gas industry:

1. State the area, location of and means of access to the various properties proposed to be developed or exploited by the issuer and the nature of the issuer's interest therein.

2. State the development which has occurred to date on or near the properties held.

3. State (in tabular form) for such properties which are productive, net production of oil and gas to issuer's interests from each of the properties by years prior to the latest year, and by months for the latest year, as well as the number of net producing wells owned by the issuer which contributed to the production during each of the time periods involved.

4. State the estimated future reserves net to issuer's interest in such properties which are proved.

5. If statements concerning geology or engineering are made, furnish for the information of the Commission copies of the pertinent reports and other supporting data.

C. For issuers engaged or intending to engage in general commercial, financial or industrial businesses:

1. Nature of issuer's present or proposed products or services.

2. Length of time issuer has been in commercial production.

3. Methods of production and distribution and nature of market for products or services.

4. Location and general character of the plants or other physical properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held.

5. If the issuer intends to exploit or develop any new invention or process, set forth how such invention or process is to be applied commercially and whether or not it is covered by any patent, issued or pending. Identify by serial number and date any applicable patents or patent applications.

Instructions to paragraph (b) (11). 1. The financial statements required shall be prepared in accordance with generally accepted accounting principles and practices but need not be certified by independent public or certified public accountants.

2. If the issuer is a commercial, industrial or mining company in the promotional, exploratory or development state the financial statements shall include separate statements of assets and unrecovered promotional exploratory and development costs; liabilities; and capital shares and a statement of cash receipts and disbursements itemized as appropriate to the nature of the enterprise. In these statements dollar amounts shall be extended only for cash transactions. Amounts due to or from, or paid to or received from, underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates shall be stated separately for each such class of persons, if significant in amount.

Instructions as to exhibits. Three copies of each of the following documents shall be filed as exhibits to the letter of notification:

1. The issuer's charter.
2. The issuer's by-laws.
3. Any indenture or other constituent instrument defining the rights of holders of the securities to be offered hereunder.
4. All underwriting contracts relating to the securities to be offered hereunder.

FORM S-3B-1A

FOR REPORTS PURSUANT TO § 230.229 (RULE 229 OF REGULATION A)

1. Name of issuer ----------
2. Date on which offering was commenced --
3. (a) Number of shares or other units offered ----------
   (b) Price per share or other unit at which offered ----------
4. (a) Number of shares or other units sold during period covered by this report ----------
   (b) Total proceeds received by issuer therefrom $----------
   (c) Purposes for which such proceeds have been used and amount used for each such purpose----------
   ----

   ----
5. (a) Number of shares or other units still being offered hereunder ----------
   (b) Price per share or other unit at which such securities are being offered --

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(Issuer)

By ----------
(Name and title)

Date ----------

(Selling security holder)

Date ----------

[F. R. Doc. 52-9163; Filed, Aug. 19, 1952; 8:48 a. m.]

[1] The letter of notification shall contain the item numbers and captions to all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

[2] The letter of notification shall be signed in accordance with § 230.223 (Rule 223).

E. F. Seiller, Deputy Governor, or one of the four commissioners, or one of the deputy commissioners, in the Farm Credit Administration, who is designated by the Governor for such purpose, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Colvin, and T. F. Murphy, Deputy Governor In Charge of Finance and Accounts and Administrative Divisions, are unavailable to act, by reason of absence or for any other cause.

The foregoing revokes Farm Credit Administration Order No. 487, dated July 26, 1948, and Farm Credit Administration Order No. 439, dated July 26, 1948, 13 F. R. 4375.

[SEAL] I. W. DUGGAN, *Governor.*

Approved: August 15, 1952.

CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9167; Filed, Aug. 19, 1952; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-55]

[Docket Nos. M-20, M-24, M-30, M-31, M-34, M-42, M-43, M-45]

ANNUAL REVIEW OF BAREBOAT CHARTERS

NOTICE OF HEARING

1. By notice published in the FEDERAL REGISTER of July 10, 1952 (17 F. R. 6205), the Federal Maritime Board advised interested parties that in accordance with section 3 (e) (1) of Public Law 591, 81st Congress, an annual review had been made of Government-owned, war-built, dry-cargo vessels employed by American-flag operators as of June 30, 1952; that on the basis of the foregoing review the Federal Maritime Board has tentatively found that conditions exist justifying the continuance of the various charters listed in the aforementioned notice, as previously certified by the Federal Maritime Board; and that any interested party might request a hearing with respect to such tentative finding.

2. The Committee for the Promotion of Tramp Shipping, through their attorneys, timely filed with the Federal Maritime Board a letter dated July 11, 1952, which set forth objections to the continuance of various charters and requested a hearing on charters made pursuant to recommendations of the Federal Maritime Board in Docket Nos. M-14, M-20, M-21, M-24, M-28, M-30, M-31, M-33, M-34, M-35, M-37, M-42, M-43, M-45, M-50, M-51, M-52. (Subsequently, protest was withdrawn except as to the dockets listed in headnote above.)

3. A prehearing conference was held on August 7, 1952 (17 F. R. 7061), resulting in agreement on the following matters:

(a) The Committee will proceed first.

(b) The issues involved are whether the services for which such vessels are chartered are required in the public interest and are not adequately served, and whether privately owned American-flag vessels are available for charter on reasonable conditions and at reasonable rates for use in such services.

(c) The trades will be considered in the following order: Alaska, Intercoastal, Offshore; and charterers will be heard in rebuttal in the following order: Alaska Steamship Company (M-41), Coastwise Line (M-24, 30), Pacific-Atlantic Steamship Company (M-43), Pope & Talbot, Inc. (M-42), American President Lines (M-20), and Prudential S. S. Corporation (M-34, 45).

(d) All testimony is to be on a common record, but the question of relevancy of general testimony to any particular trade or charterer, as well as cross-examination thereon, may be reserved until the particular trade or charterer is reached in the hearing.

(e) Counsel for the Committee is to furnish to all parties, by September 2, 1952, an exhibit showing the number of ships available for charter, where they are located, whether they have intercoastal privileges, and as to each ship the length of charter to be offered and the charter rate thereon.

4. Notice is hereby given that a hearing will be held in this proceeding at Washington, D. C., on September 8, 1952, at 10 o'clock a. m., e. d. s. t., in Room 4821, Department of Commerce Building. The general purpose of such hearing will be to receive evidence with respect to whether conditions exist justifying continuance of the charters included within the scope of the hearing. All persons having an interest in this proceeding will be given an opportunity to be heard if present.

5. The parties may have oral argument before the examiner following the close of the hearing, in lieu of briefs, and the examiner will issue a recommended decision. Parties may have seven (7) days or such shorter time as may be agreed to at the hearing within which to file exceptions to, or memoranda in support of the examiner's recommended decision, but the Board reserves the right to determine whether oral argument on exceptions will be granted and whether briefs in connection therewith will be received.

Dated: August 14, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD, *Acting Secretary.*

[F. R. Doc. 52-9153; Filed Aug. 19, 1952; 8:45 a. m.]

National Production Authority

[Suspension Order 21; Docket No. 31]

DAY CO.

SUSPENSION ORDER

A hearing having been held in the above entitled matter on the 25th day of July 1952 before Palmer D. Edmunds, a Hearing Commissioner of the National Production Authority, on a statement of charges made by the National Produc-

NOTICES

tion Authority in accordance with General Administrative Order 16–06 (16 F. R. 8628), dated July 21, 1951, and Implementation 1 to National Production Authority General Administrative Order 16–06 (16 F. R. 8799); and

The respondent, the Day Company, having been duly apprised of the specific violations charged, and having been fully informed of the rules and procedures which govern these proceedings and the administrative action which may be taken; and

The Day Company having appeared and filed its answer herein by its attorneys Johnson, Sands, Brumfield and Maloney, 1127 First National Soo Line Building, Minneapolis, Minn.; and

Evidence having been taken and statements of counsel heard with respect to the matters set forth in the statement of charges and the respondent's answer, it is hereby determined:

Findings of fact: 1. The Day Company, respondent, is a corporation organized and existing under and by virtue of the laws of the State of Minnesota, maintaining its principal office and place of business in the City of Minneapolis, Minn. Said company, during all times material herein, has been and now is engaged in the engineering, manufacture, fabrication, and installation of filters and dust control systems for the food and chemical industries.

2. During the calendar quarter commencing July 1, 1951, the Day Company made allotments of and placed authorized controlled material orders for controlled material consisting of carbon steel in a total amount which was 99,073 pounds in excess of the related allotment received by it.

3. During the calendar quarter commencing October 1, 1951, the Day Company made allotments of and placed authorized controlled material orders for controlled material consisting of carbon steel in a total amount which was 313,719 pounds in excess of the related allotment received by it.

4. The allotments and authorized controlled material orders thus made and placed by the Day Company were occasioned by inadvertence and mistake by reason of inadequate bookkeeping and accounting system, and violations of applicable CMP regulations therein involved were unintentional.

5. At the termination of the third quarter, 1951, the Day Company failed to return within the prescribed time, or at any time thereafter, its unused allotments for third quarter, 1951, of 6,786 pounds of stainless steel, 480 pounds of copper and copper-base alloy products, and 942 pounds of copper wire mill products.

6. At the termination of the fourth quarter, 1951, the Day Company failed to return within the prescribed time, or at any time thereafter, its unused allotments for fourth quarter, 1951, of 2,538 pounds of stainless steel, and 228 pounds of copper and copper-base alloy foundry products and powder.

Conclusion: During the period beginning July 1, 1951, and ending January 10, 1952, the Day Company committed acts prohibited by sections 12 (b) and (19 (f) of CMP Regulation No. 1 dated May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), and by section 18 (b) of CMP Regulation No. 1 dated May 3, 1951 (16 F. R. 4127), and as amended November 23, 1951 (16 F. R. 11860), in that it made allotments of and placed authorized controlled material orders for controlled material consisting of carbon steel in amounts in excess of the related allotments received by it, and in that it failed to return within the prescribed time its unused allotments of controlled materials for the third and fourth quarters of 1951. The total amount of carbon steel for which the Day Company made excessive allotments and placed excessive authorized controlled material orders is 412,792 pounds. The total amounts of controlled materials with respect to which the Day Company failed to return its unused allotments is 9,324 pounds of stainless steel, 708 pounds of copper and copper-base alloy foundry products and powder, and 942 pounds of copper wire mill products.

In order to correct the unauthorized and excessive making of allotments and placing authorized controlled material orders for controlled material consisting of carbon steel, and in order to correct the damage occasioned by the failure to return unused allotments, all as hereinbefore set forth, and in order to prevent future violations of regulations, orders, and directives of the National Production Authority by the respondent,

It is accordingly ordered: 1. That the Day Company's presently outstanding allotments of carbon steel for the third quarter of 1952 be, and they hereby are, reduced in the amount of 212,792 pounds.

2. That, commencing with the fourth quarter of 1952, the acquisition and use of carbon steel which may have been, or hereinafter may be, authorized to the Day Company, its successors and assigns, for said fourth quarter or succeeding quarters, by allotments, allocations, or orders issued by the National Production Authority be, and the same hereby are, reduced by 50 percent until such time as the allotments and allocations of carbon steel so withdrawn and withheld shall total 200,000 pounds.

3. That the Day Company, its successors and assigns, be and hereby are prohibited, during each and all of said periods, from acquiring any items of carbon steel in excess of their carbon steel allocations and allotments as so reduced.

4. That all allotments of stainless steel, copper and copper-base alloy foundry products and powder, and copper wire mill products be withdrawn and withheld from the Day Company until the conclusion of the third quarter of 1952.

Issued this 8th day of August 1952 at Chicago, Ill.

NATIONAL PRODUCTION AUTHORITY,
By PALMER D. EDMUNDS,
Hearing Commissioner.

[F. R. Doc. 52-9263; Filed, Aug. 19, 1952; 11:28 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENTRAL ARIZONA PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

MAY 9, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515, of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal, as provided by section 3 of the Act of June 17, 1902, (32 Stat. 388).

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 26 N., R. 10 E.,
Sec. 4, Lots 1 to 6 inc., $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 8, $E\frac{1}{2}$;
Sec. 16, Lot 1, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $NW\frac{1}{4}$, $SE\frac{1}{4}$;
Sec. 22, Lots 1 to 4, inc.;
Sec. 28;
Sec. 34, Lots 1 to 4 inc., $SW\frac{1}{4}SE\frac{1}{4}$.
T. 27 N., R. 10 E.,
Sec. 4;
Sec. 8;
Sec. 22, Lots 1 to 4 inc., $NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$;
Sec. 23, Lots 1 to 5 inc., $N\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, $S\frac{1}{2}SW\frac{1}{4}$.

The above areas aggregate 4,329.10 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted accordingly.

WILLIAM PINCUS,
Assistant Director,
Bureau of Land Management.

JUNE 24, 1952.

[F. R. Doc. 52-9156; Filed, Aug. 19, 1952; 8:46 a. m.]

CENTRAL ARIZONA PROJECT, ARIZONA

NOTICE FOR FILING OBJECTIONS TO ORDER[1] WITHDRAWING PUBLIC LANDS

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with proposed Coconino Dam and Reservoir, Central Arizona Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all

[1] See F. R. Doc. 52-9156, *supra*.

interested parties of record and the general public.

G. W. LINEWEAVER,
Assistant Commissioner.

[F. R. Doc. 52-9157; Filed, Aug. 19, 1952; 8:46 a. m.]

Geological Survey

COLORADO

NONCOAL CLASSIFICATION

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and to the provisions of applicable regulations (30 CFR Part 201), the following described land, insofar as title thereto remains in the United States, is hereby classified as noncoal land:

SIXTH PRINCIPAL MERIDIAN

T. 13 S., R. 86 W.,
Sec. 31, lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, and $SE\frac{1}{4}SE\frac{1}{4}$.
T. 14 S., R. 86 W.,
Sec. 5, $SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SW\frac{1}{4}$;
Sec. 6, lots 3, 8, 9, 10, 11 and $NE\frac{1}{4}SE\frac{1}{4}$.

The area described aggregates 702.21 acres.

W. E. WRATHER,
Director.

AUGUST 13, 1952.

[F. R. Doc. 52-9155; Filed, Aug. 19, 1952; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Alby Sportswear Co., 414 Pine St., Scranton, Pa., effective 8–11–52 to 8–10–53; six learners (dresses and blouses).

Colonial Shirt Corp., Woodbury, Tenn., effective 8–11–52 to 2–10–53; 30 learners for expansion purposes (dress and sport shirts).

David Crystal, Inc., 1135 Moss Street, Reading, Pa., effective 8–8–52 to 8–7–53; 10 percent of the productive factory force (ladies' sportswear).

Marion Culver, Inc., 336 North Magnolia Boulevard, Melbourne, Fla., effective 8–11–52 to 8–10–53; five learners; learners not to be engaged at subminimum wage rates in the production of skirts (sportswear).

Day's Tailor D Clothing, Inc., Tacoma, Wash., effective 8–6–52 to 2–5–53; 50 learners for expansion purposes (trousers, jackets and cruisers).

Dick's Dress Co., 25 Forest Street, Rutland, Vt., effective 8–8–52 to 8–7–53; 10 percent of the productive factory force (dresses).

Four's Co., Inc., Blairsville, Pa., effective 8–7–52 to 8–6–53; 10 learners (children's dresses).

J. Freezer & Son, Inc., Radford, Va., effective 8–6–52 to 2–5–53; 40 learners for expansion purposes (men's sport shirts).

Kramer Manufacturing Co., 313 Arch Street, Philadelphia, Pa., effective 8–8–52 to 8–7–53; three learners (work and semidress pants).

Legion Dress Co., Main and Paxton Streets, Centralia, Pa., effective 8–6–52 to 8–5–53; 10 percent of the productive factory force (ladies' dresses).

The Owenby Manufacturing Co., Marietta, Ga., effective 7–30–52 to 7–29–53; 10 percent of the productive factory force (children's wear).

Rocket Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark., effective 8–12–52 to 10–11–52; 25 learners for expansion purposes (women's and misses' house robes and blouses).

Southern Textiles, Inc., Alamo, Tenn., effective 8–11–52 to 8–10–53; 10 learners (corsets).

Taunton Garment Corp., 42 Adams Street, Taunton, Mass., effective 8–6–52 to 8–5–53; 10 percent of the productive factory force (dresses).

Todd Manufacturing Co., Elkton, Ky., effective 8–9–52 to 8–8–53; 10 percent of the productive factory force (work shirts).

Toni Styles, Inc., 129 West Market Street, Scranton, Pa., and 1204 South Main Street, Old Forge, Pa., effective 8–4–52 to 8–3–53; 10 learners (dresses).

Top Mode Manufacturing Co., Warsaw, N. C., effective 8–11–52 to 2–10–53; 40 learners for expansion purposes (women's cotton house dresses).

Whittemore Manufacturing Co., Wolfe City, Tex., effective 8–8–52 to 8–7–53; five learners; learners not to be engaged at subminimum wage rates in the manufacture of women's or children's skirts (ladies' dresses, blouses, jackets and children's garments).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Indianapolis Glove Co., Inc., Houlka, Miss., effective 8–8–52 to 2–7–53; 15 learners for expansion purposes (canton flannel work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Skyland Textile Co., Salisbury Road, Statesville, N. C., effective 8–8–52 to 4–7–53; 30 learners for expansion purposes.

West Hickory Color & Chemical Co., Hickory, N. C., effective 8–8–52 to 8–7–53; three learners.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Louis Gallet Knitting Mills, Inc., Penn-Craft, East Millsboro, Pa., effective 8–8–52 to 2–7–53; 10 learners for expansion purposes (outerwear).

Lloyd's Lingerie, Inc., 4405½ Oakland Avenue, Greensboro, N. C., effective 8–5–52 to 2–4–53; 10 learners for expansion purposes (ladies' and children's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

G. H. Rauschenberg Co., Box 76, Dalton, Ga., effective 8–4–52 to 2–3–53; 10 percent of the productive factory force; sewing machine operators; 320 hours; 65 cents per hour for the first 160 hours and 70 cents per hour for the remaining 160 hours (cotton chenille robes) (replacement certificate).

The following special learner certificate was issued to the school-operated industries listed below.

Emmanuel Missionary College, Berrien Springs, Mich., effective 9–1–52 to 8–31–53; bookbinder, bindery workers and related skilled and semi-skilled occupations; 25; 200 hours at 55 cents, 200 hours at 60 cents, 200 hours at 70 cents; pressman, compositor and related skilled and semi-skilled occupations; 35; 350 hours at 55 cents, 325 hours at 60 cents, 325 hours at 70 cents; assembler (furniture), machine operator, furniture finisher and related skilled and semi-skilled occupations; 55; 250 hours at 55 cents, 250 hours at 60 cents, 250 hours at 70 cents; bookkeeper, typist and related skilled and semi-skilled occupations; 15; 200 hours at 55 cents, 200 hours at 60 cents, 200 hours at 70 cents.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of August 1952.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F. R. Doc. 52-9158; Filed, Aug. 19, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Ceiling Price Regulation 67, Supplementary Regulation 2, Special Order 2]

AUTO VENTSHADE CO.

MANUFACTURERS SUGGESTED RESALE PRICES

Statement of considerations. A schedule of suggested price lists and discounts for resellers of ventshades manufactured by the Auto Ventshade Company is established by this special order pursuant to section 2 of Supplementary Regulation 2 of Ceiling Price Regulation 67. Sup-

plementary Regulation 2 to Ceiling Price Regulation 67 authorizes the Director of Price Stabilization to approve manufacturers' new published price lists provided the manufacturers' net ceiling price per item will not be affected by the new price lists, and that the weighted average margins of resellers using the proposed price list will not exceed the weighted average margins of resellers using the price list in effect in the period April 1, 1950 to June 24, 1950.

On the basis of the statements made in the application of the Auto Ventshade Company and the facts submitted by them, it appears that the Auto Ventshade Company is proposing a change in their published price list for ventshades, and that their own net ceiling price per item will not be affected by the change. It further appears that on the basis of resellers' volume of sales during the 1950 fiscal year and other data submitted by the Auto Ventshade Company, the weighted average margin of resellers using the proposed price list will be no greater than the weighted average margin of resellers using the price list in effect in the period April 1, 1950 to June 24, 1950.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Supplementary Regulation 2 to Ceiling Price Regulation 67, this special order is hereby issued.

1. The following revised published price list of the Auto Ventshade Company, Chamblee, Georgia, for their ventshades is hereby approved:

SUGGESTED LIST PRICES

2-piece sets	$5.25
4-piece sets	10.00
Full-length hard tops	15.00

2. The list prices in paragraph 1 are subject to the following:

DISCOUNT SCHEDULE AND TERMS

(a) Discount to retail dealers, 40 percent from list prices.

(b) Discount to jobbers and distributors on orders other than factory-packed case lots, 50 percent from list prices.

(c) Discounts to jobbers and distributors on orders in factory packed case lots, 60 percent from list price.

(d) Freight perpaid on orders of 48 sets or more in one shipment. Orders for less than 48 sets are F. O. B. Chamblee, Georgia.

(e) Terms to accounts of approved credit are 2 percent discount for payment on or before the 10th day of the succeeding month.

3. The discount schedule and terms approved in paragraph 1 of this special order will be applicable to any ventshades subsequently added to the price list of the Auto Ventshade Company.

4. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

Effective date. This Special Order 2 shall become effective August 15, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 14, 1952.

[F. R. Doc. 52-9135; Filed, Aug. 14, 1952; 4:58 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2011]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

AUGUST 14, 1952.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on July 25, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2.2 miles of 6⅝-inch and 7-inch natural-gas transmission pipeline, representing replacement of a portion of its existing Line E–2 and extension of said Line E–2 to a new point of delivery to the National Fireproofing Corporation, at Haydenville, Ohio, and in connection therewith, the abandonment of a portion of said Line E–2 consisting of 1.3 miles of 4½-inch pipe not suitable for continued service.

Said facilities were constructed by Applicant in 1950 and the abandoned facilities were disconnected and abandoned in the ground. Applicant states that said facilities were constructed in order to increase the capacity of pipelines delivering natural gas to National Fireproofing Corporation to permit the delivery of approximately 1,100 Mcf per day of natural gas required by that company as a result of changing several coal-fired kiln to operation on natural gas. Applicant requests a certificate of public convenience and necessity and permission and approval to abandon facilities or in the alternative, a determination that the facilities hereinbefore described are not subject to the jurisdiction of the Commission.

The total over-all capital cost of the construction was $31,011. The retirements, consisting of $2,954 credit to Fixed Capital, $51 for cost of retirement, and $53 for salvage, resulted in a net increase in investment of $28,057.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9159; Filed, Aug. 19, 1952; 8:47 a. m.]

[Docket No. G-2013]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

AUGUST 14, 1952.

Take notice that The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed on July 28, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 34.5 miles of 20-inch natural-gas transmission pipeline in Fairfield, Franklin, Delaware, and Licking Counties, in Ohio, extending from a point of connection with the transmission facilities of Texas Eastern Transmission Corporation to a point near Johnstown, Ohio, and partially looping Applicant's existing Lines B–100 and "B" between its Crawford and its Treat Compressor Stations.

Applicant proposes, by means of the proposed facilities, to increase the capacity of its transmission facilities northward from the point of connection with Texas Eastern Transmission Corporation and from its Crawford Station by approximately 52,000 Mcf per day in order to make available approximately 50,000 Mcf per day for delivery into Applicant's proposed Holmes Storage Area during July 1953. Applicant proposes, also, to utilize the proposed facilities to provide additional winter market capacity for the Columbus, Ohio, area.

The total estimated capital cost of construction of the proposed facilities is $1,675,000. Applicant proposes to finance such cost from funds which its parent, The Columbia Gas System, Inc. has agreed to provide.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9160; Filed, Aug. 19, 1952; 8:47 a. m.]

[Docket No. G-2022]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

AUGUST 14, 1952.

Take notice that Pacific Gas and Electric Company (Applicant), a California corporation, located at 245 Market Street, San Francisco 6, California, filed on August 4, 1952, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain pipeline facilities hereinafter described.

Applicant proposes to construct and operate 14.5 miles of 12¾-inch O. D. pipeline for the transportation of natural gas which will loop a portion of its existing Ripon-Salida pipeline in San Joaquin and Stanislaus Counties, California. It is proposed to construct 4.1 miles in 1952 and the remainder in 1954 and 1956.

The estimated cost of the proposed facilities is $474,388 which will be met from presently available funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or

1.10) on or before the 3d day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9161; Filed, Aug. 19, 1952; 8:47 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 53, Amdt.]

PLACEMENT OF PROCUREMENT WITH THE APPAREL INDUSTRY

Paragraph 1 of the recommendations of the Surplus Manpower Committee concerning the apparel industry under Defense Manpower Policy No. 4 (17 F. R. 6675) is amended to read as follows:

1. The Department of Defense should conduct a test to determine whether the cutting of jackets or coats and trousers in the same lay is more economical, resulting in a smaller cloth consumption than if these garments are cut separately, and report the results of progress thereon to the Office of Defense Mobilization by September 15, 1952.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F R. Doc. 52-9252; Filed, Aug. 19, 1952; 10:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION

DETROIT STOCK EXCHANGE

RECORD DISPOSAL PLAN

The Securities and Exchange Commission today announced that it had declared effective a Plan filed on July 17, 1952, by the Detroit Stock Exchange pursuant to § 240.17a–6 (Rule X-17A–6) under the Securities Exchange Act of 1934 for the disposal of the following material filed with the Exchange prior to January 1, 1946:

(1) Forms 10K and Amendments thereto filed pursuant to section 13 of the Securities Exchange Act of 1934 or the rules and regulations thereunder.

(2) Forms 4, 5 and 6 filed pursuant to section 16 of the Securities and Exchange Act of 1934 or the rules and regulations thereunder.

The Exchange proposes to commence disposing of the specified material as soon as practicable after the Commission has declared its Plan effective. Notice of the Commission's proposal to declare this Plan effective was published for comment in Securities Exchange Act Release No. 4735.

The purpose of the Plan is to alleviate the record storage problem of the Exchange and to facilitate the availability of material filed with the Exchange subsequent to January 1, 1946. Information contained in the material to be disposed of by the Exchange is on file with the Commission where it will continue to be available.

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a), 23 (a), and 24 (b) thereof and § 240.17a–6 thereunder, having due regard for the public interest and for the protection of investors, and deeming it necessary in the public interest, for the protection of investors and for the exercise of the functions vested in it, does hereby declare effective the Plan filed on July 17, 1952, by the Detroit Stock Exchange pursuant to § 240.17a–6, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of the said Plan by sending at least 10 days written notice to the Detroit Stock Exchange.

The Commission finds that § 240.17a–6 and this action taken thereunder have the effect of granting exemption and relieving restriction, and that this action may be and is hereby declared to be effective August 13, 1952.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 12, 1952.

[F. R. Doc. 52-9165; Filed, Aug. 19, 1952; 8:49 a. m.]

[File No. 70-2911]

UNITED GAS CORP.

NOTICE OF FILING CONCERNING SUBORDINATION AGREEMENT

AUGUST 14, 1952.

Notice is hereby given that United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (1), 10 (a) (1), 10 (b) and 10 (c) thereof with respect to certain proposed transactions which are summarized as follows:

United, together with the other holders of the outstanding 6 percent promissory notes of Carthage-Hydrocol, Inc. ("Hydrocol"), proposes the subordination of such notes to borrowings made and to be made by Hydrocol from June 6, 1952, to October 1, 1952, in the aggregate principal amount of not to exceed $3,000,000. There is presently outstanding $28,000,000 principal amount of such 6 percent notes of Hydrocol, of which the amount of $3,747,000 is held by United.

The commission has previously authorized the subordination by United of its holdings of the 6 percent notes by Hydrocol to borrowings to be made by Hydrocol from June 6, 1952, to August 1, 1952, in the aggregate principal amount of not to exceed $2,000,000. Pursuant to such agreement, Hydrocol has borrowed from the Texas Company, an aggregate principal amount of $1,000,000 and has issued its 6 percent notes therefor in like amount. The effect of the transaction herein proposed is to increase the amount which Hydrocol may borrow under the subordination agreement to $3,000,000, and to extend the date for such borrowings to October 1, 1952.

The application states that the funds to be obtained by Hydrocol from the borrowings will be used to enable it to continue its operations and to allow it sufficient time to work out a plan of reorganization.

Notice is further given that any interested person may, not later than August 27, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after August 27, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9164; Filed, Aug. 19, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27310]

CEMENT FROM POINTS IN KANSAS AND DEWEY, OKLA., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A–3758.

Commodities involved: Cement and related articles, carloads.

From: Fort Scott, Fredonia, Humboldt, Independence, and Iola, Kans., and Dewey, Okla.

To: Points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A–3758, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9175; Filed, Aug. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27311]

CANNED OR PRESERVED FOODSTUFFS BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent Boin's tariff I. C. C. No. A-962.

Commodities involved: Canned or preserved foodstuffs, carloads.

Between: Points in official territory, including extended Zone C territory.

Grounds for relief: Rail and motor competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-962.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9176; Filed, Aug. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27312]

GLASSWARE BETWEEN BALTIMORE, MD., AND BORDER TERRITORY

APPLICATION FOR RELIEF

AUGUST 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 668.

Commodities involved: Glassware, other than cut, viz: tumblers, glass, pressed or machine made, in carloads.

Between: Baltimore, Md., on the one hand, and points in North Carolina, Kentucky, southern Virginia, and northeastern Tennessee, on the other, over rail-water and water-rail routes.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 668, Supp. 209.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9177; Filed, Aug. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27313]

IRON AND STEEL ARTICLES FROM CINCINNATI AND PORTSMOUTH, OHIO, AND LIMEVILLE, KY., TO ORANGEBURG, S. C.

APPLICATION FOR RELIEF

AUGUST 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1258.

Commodities involved: Manufactured iron and steel articles, carloads.

From: Cincinnati and Portsmouth, Ohio, and Limeville, Ky. (applicable on traffic originating at Cleveland, Ohio).

To: Orangeburg, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, Supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9178; Filed, Aug. 19, 1952; 8:51 a. m.]

[4th Sec. Application 27314]

SEWER PIPE FROM ILLINOIS TERRITORY TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 15, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to his tariff I. C. C. No. 766.

Commodities involved: Sewer pipe and related articles, carloads.

From: Illinois territory.

To: Southern territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 766.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9179; Filed, Aug. 19, 1952; 8:51 a. m.]

Room

FEDERAL REGISTER

VOLUME 17 NUMBER 164

Washington, Thursday, August 21, 1952

TITLE 3—THE PRESIDENT

PROCLAMATION 2987

FIRE PREVENTION WEEK, 1952

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS destructive fires continue to take an enormous toll of life and property despite the compelling need for the conservation of our human and natural resources in order to strengthen the defense of the Nation; and

WHEREAS a more concerted and widespread effort to prevent such fires must be made during the coming year if the lives of approximately eleven thousand of our citizens are to be spared, and the suffering and disability of many thousands more prevented; and

WHEREAS, in this period of crisis, the Nation can ill afford the needless waste of nearly a billion dollars in irreplaceable materials, facilities, and resources:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate the week beginning October 5, 1952, as Fire Prevention Week.

I urge that every man, woman, and child in this great country contribute to the nation-wide effort to strengthen the United States by accepting a personal responsibility in the never-ending campaign to save life and property by preventing destructive fires. I request that State and local governments, the American National Red Cross, the National Fire Waste Council, the Chamber of Commerce of the United States, and business, labor, and farm organizations, as well as churches, schools, civic groups, and agencies of public information, cooperate fully in the observance of Fire Prevention Week. I also direct the appropriate agencies of the Federal Government to assist in this crusade against the loss of life and property resulting from fires.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of August in the year of our Lord nineteen hunded and fifty-two, and of the Independence of the United States of America the one hundred and seventy-seventh.

[SEAL] HARRY S. TRUMAN

By the President:

DAVID BRUCE,
Acting Secretary of State.

[F. R. Doc. 52-9292; Filed, Aug. 20, 1952; 11:27 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[(1022-Burley and Flue-53)-3]

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

§ 725.403 *Basis and purpose.* This section is issued to announce the results of the flue-cured tobacco marketing quota referendum for the marketing year beginning July 1, 1953, and for the three-year period beginning July 1, 1953. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for flue-cured tobacco for the 1953-54 marketing year (17 F. R. 6022). The Secretary announced (17 F. R. 6058) that a referendum would be held on July 19, 1952, to determine whether flue-cured tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning July 1, 1953, and to determine whether flue-cured tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning July 1, 1953. Since the only purpose of this proclama-

(Continued on next page)

CONTENTS

THE PRESIDENT

Proclamation Page
Fire Prevention Week, 1952 7613

EXECUTIVE AGENCIES

Agriculture Department
See Entomology and Plant Quarantine Bureau; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Droesse, Clara Raffloer 7684
Fritz-Schoula, Karoline 7684

Army Department
Rules and regulations:
Range regulations for firing ammunition for training and target practice; revocation of part 7677

Civil Aeronautics Administration
Rules and regulations:
General operation rules; annual and periodic inspections 7675

Civil Aeronautics Board
See also Civil Aeronautics Administration.
Notices:
Air freight rate investigation; directional rates; certificated and non-certificated air carriers 7680
Province of Saskatchewan, Dominion of Canada, Department of Public Health air ambulance service; notice of hearing 7681
Reopened North Central Route investigation case; notice of postponement of hearing 7681

Coast Guard
Rules and regulations:
Marine engineering regulations 7626

Commerce Department
See Civil Aeronautics Administration.

FEDERAL REGISTER

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CONTENTS—Continued

Customs Bureau Page
Rules and regulations:
Liability for duties, entry of imported merchandise; invoices; glassware and glass articles 7625

Defense Department
See Army Department; Navy Department.

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of.

Entomology and Plant Quarantine Bureau
Proposed rule making:
Foreign quarantine notices; restricted entry orders; pink bollworm of cotton, foreign cotton lint, cottonseed products from all foreign countries; extension of time 7677

Federal Power Commission Page
Notices:
Hearings, etc.:
Cities Service Gas Co. and Panhandle Eastern Pipe Line Co 7681
Mountain States Power Co 7681
Texas-Ohio Gas Co 7682

Interior Department
See Land Management, Bureau of.

Interstate Commerce Commission
Notices:
Applications for relief:
Fertilizer from points in Arkansas, Louisiana, and Texas to Virginia 7684
Sand and gravel from Dickason Pit, Ind., to Wellington, Ill 7684

Justice Department
See Alien Property, Office of.

Land Management, Bureau of
Notices:
Alaska; shorespace restoration order No. 486 and small tract classification 7678
Wyoming; classification order 7680
Rules and regulations:
Withdrawals and restorations 7677

Navy Department
Notices:
Organization statement; Bureau of Supplies and Accounts 7677

Price Stabilization, Office of
Notices:
Chiefs of Branches, Consumer Goods Division; redelegation of authority to request further information concerning proposed ceiling prices 7681
Rules and regulations:
Grocers, variety and specialty paper, film and foil bags (CPR 164) 7615

Production and Marketing Administration
Rules and regulations:
Burley and flue-cured tobacco; proclamation of the results of marketing quota referendum 7613

Rent Stabilization, Office of
Rules and regulations:
Specific provisions relating to individual defense-rental area or portions thereof; Florida:
Hotels and motor courts 7625
Housing and rooms 7625

Securities and Exchange Commission
Notices:
Hearings, etc.:
Fiduciary Management, Inc., and R. Paul Weesner 7683
Southwestern Development Co. et al 7682
United Gas Corp. et al 7683

Treasury Department
See Coast Guard; Customs Bureau.

Veterans' Administration Page
Rules and regulations:
Servicemen's Readjustment Act of 1944; Title III; loan guarantee; miscellaneous amendments 7625

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3	Page
Chapter I (Proclamations):	
2987	7613
Title 7	
Chapter III:	
Part 319 (proposed)	7677
Part 321 (proposed)	7677
Chapter VII:	
Part 725	7613
Title 14	
Chapter I:	
Part 43	7675
Title 19	
Chapter I:	
Part 8	7625
Title 32	
Chapter V:	
Part 514	7677
Title 32A	
Chapter III (OPS):	
CPR 164	7615
Chapter XXI (ORS):	
RR 1	7625
RR 2	7625
RR 3	7625
RR 4	7625
Title 38	
Chapter I:	
Part 36	7625
Title 43	
Chapter I:	
Part 295	7677
Title 46	
Chapter I:	
Part 32	7627
Part 46	7628
Part 51	7628
Part 52	7633
Part 53	7650
Part 54	7652
Part 55	7657
Part 56	7667
Part 57	7672
Part 59	7672
Part 60	7672
Part 76	7672
Part 94	7673
Part 113	7673
Part 162	7673

year period beginning July 1, 1953. In a referendum of farmers engaged in the production of the 1952 crop of flue-cured tobacco held on July 19, 1952, 260,163 farmers voted. Of those voting, 254,317, or 97.8 percent, favored quotas for a period of three years beginning July 1, 1953; 2,639, or 1.0 percent, favored quotas for only the one year beginning July 1, 1953; and 3,207, or 1.2 percent, were opposed to quotas. Therefore, the national marketing quota of 1,234 million pounds proclaimed July 1, 1952 (17 F. R. 6022) for flue-cured tobacco for the 1953–54 marketing year will be in effect for such year and marketing quotas on flue-cured tobacco will be in effect for three marketing years beginning July 1, 1953.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 18th day of August 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9239; Filed, Aug. 20, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 164]

CPR 164—GROCERS, VARIETY AND SPECIALTY PAPER, FILM AND FOIL BAGS

Pursuant to the Defense Production Act of 1950, as Amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 164 is hereby issued.

STATEMENT OF CONSIDERATION

This regulation establishes ceiling prices for all manufacturers of bags made from paper, film, or foil. These bags exclude paper shipping sacks covered by Ceiling Price Regulation 115, but include those other bags made of paper and those made wholly or partly of plastic film, mesh, foil or protective laminants, and those made wholly or partly by hand or machine. However, manufacturers whose ceiling prices have been established under General Overriding Regulation 20 or 21, or under Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, may elect to retain their ceiling prices so established for products covered by this regulation.

The ceiling price provisions of the regulation are divided into two subarticles under Article II. Subarticle I covers all bags which are made to standard specifications and the ceiling prices for the most part are spelled out. Subarticle II covers all bags which are made to order to the specifications and quantity requirements of an individual buyer and the ceiling prices are computed by a formula for each order.

Generally speaking, the bags covered by Subarticle I are carried in stock by manufacturers for sale to wholesale buyers who in turn stock these bags for resale to retail stores. However, the bags covered by Subarticle II are generally sold and shipped by the manufacturer directly to the ultimate user.

Description of the product and the industry covered. The largest single segment of bags covered by Subarticle I is composed of retail store bags, commonly used for over-the-counter delivery of food and other consumer merchandise. Within this segment the largest single grade is the grocers bag. The cubic capacity, basic weight and minimum strength of paper for each grocers bag size have been standardized by the U. S. Department of Commerce, National Bureau of Standards, in Simplified Practice Recommendation R42–43.

All other types of standard-size bags used in retail stores, such as notion and millinery bags used by department stores, garment bags used by dry-cleaning establishments and bottle bags used by package stores are commonly designated in the trade as Variety bags. Some of these Variety bags also have been standardized by the U. S. Bureau of Standards in Simplified Practice Recommendations R129–41 and R107–31, covering millinery and notion, and glassine bags, respectively.

A third, well-established group of bags which is covered by Subarticle I of Article II is designated in the trade as Household bags, and includes bags designed for household, hospital, restaurant, and similar uses, such as kitchen and garbage bags, lunch bags, sandwich bags and moth-proof storage bags. Although Household bags also are manufactured for stock in standard sizes, their specification standards (and also some variety bags) may vary as between different manufacturers, whereas grocers bags specifications are standardized for all manufacturers by the Government.

More than 100 manufacturers produce Standard bags of the types which fall under Subarticle I. Twenty-eight of them produce Grocers and Variety bags. The others produce one or more types of Variety or Household bags or both. The total volume of all bags covered by Subarticle I is estimated at 700,000 tons annually, with a sales value of approximately $200,000,000.

In the Grocers and Variety bag group, 10 of the 28 manufacturers are integrated, i. e., producers of most of their raw materials, and the remaining 18 are converters who buy the raw materials from which they manufacture bags. In general, the 18 converters distribute in less-than-carload lots of their respective local markets, while the integrated manufacturers distribute nationally on a carload basis. The 10 integrated manufacturers produce approximately 75 percent of the total tonnage of Grocers and Variety bags made by this group.

Many of the manufacturers who produce Standard bags covered by Subarticle I produce some types of Specialty bags covered by Subarticle II. There are also many converters who produce Specialty bags only. Combined, over 150 manufacturers produce Specialty bags covered by Subarticle II. No exact figures are available, but it is estimated that these Specialty bags total 90,000 tons annually, with a sales value of $100,000,000. This is about four times the value-per-ton of the Standard bags in Subarticle I, due to the use of higher priced materials and to the higher-cost "tailored-made" nature of the manufacturing operations required for Specialty as compared with Standard bags.

Recent economic developments. Although some stability is exhibited by this industry in price, there is an unusual degree of stability in consumption of bags. For the large volume items, grocers bags, the average annual shipment from 1936 through 1940 was 12.7 million bales while for the comparable period 10 years later, 1946 through 1950, it was 12.1 million bales. During World War II there was an extreme shortage, shipments dropping to as low as 7.6 million bales in 1945. For the year 1951, there were 13.0 million bales shipped, 3.2 percent above the 1950 rate of 12.6 million bales.

Much of the growth in the industry's volume lines occurred in grocers sacks, reflecting a change in consumer habits and the development of supermarkets where this type of bag has extensive use. For the period 1937 through 1940, shipments of grocers sacks averaged 1.6 million bales annually while 10 years later for the comparable period (1947-50) this average was 3.1 million bales. The average weight of each bale of sacks is about the same as of grocers bags (60 pounds) but there are five times as many bags as there are sacks in a bale. Only 1.5 million bales of sacks were shipped in 1945, the low point of the World War II shortage. During the year 1951, there were 4.0 million bales of sacks shipped, which was 10 percent above 1950.

The most representative product for this segment of the bag industry is the 12-pound grocers bag. It is of medium size and is made of 35-pound basis weight paper, which is about an average for all grocers bags. The raw material paper cost is about two-thirds of the selling price of the finished bag. Over the past five years the domestic price of 35-pound basis weight unbleached kraft paper rose from an average of $120 per ton in 1947 to $137 in 1950 and $156 in 1951. The corresponding price movement of the 12-pound bag in carload lots was from an average of $182 per ton in 1947 to $192 in 1950 and $226 in 1951. In 1947, paper cost was 66 percent of the price of the bag, in 1950 it was 71 percent and in 1951 it was 69 percent.

Summary of the main features of the regulation. Dollar-and-cent ceilings are established in section 4 for about 75 percent of the tonnage of Standard bags. For the remaining 25 percent of the tonnage, ceiling prices are fixed in section 5 by applying the historical differential of each manufacturer to the dollar-and-cent ceiling price established for his largest volume item in the category in which the product for which he is de-

tion is to announce the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 725.404 *Proclamation of the results of the flue-cured tobacco marketing quota referendum for the marketing year beginning July 1, 1953, and for the three-*

termining a ceiling price falls; or if there are no spelled out ceiling prices in section 4 of grades produced by him, the manufacturer's ceiling prices on all items are those which he had in effect on November 1, 1951. On new grades, ceiling prices are determined by use of his most closely competitive manufacturer's price or by relating the bag in question to his own most comparable grade.

For many years most paper bag manufacturers have priced their standard product by the use of discounts from base lists and this regulation utilizes that technique in specifying the ceiling prices of Standard and Variety bags. These discounts are stated in terms of so many "fives"; that is, each successive "five" representing 5 percent discount from the previous net figure. A common base list is used by the trade so that any difference in price can be recognized and measured immediately for any size and grade of bag by the difference in discount. Base list and discount tables are located in Appendix A.

Ceiling prices for the Specialty bags are related directly to the individual specifications and quantities requested by each buyer. Consequently, they are computed by a formula which adds a markup, or a profit margin, to the material and conversion cost factors used in pricing the production of the exact specifications and quantity which the customer requests. Whatever formula was in use during the base period, January 25 through February 24, 1951, becomes the basis for determining the ceiling price on any such Specialty bag. All the factors in the formula, except for the basic raw materials (paper, film or foil), are frozen as of the base period.

For the basic raw materials an adjustment is made necessary by the particular pricing conditions which existed during the general freeze period. Standard bag prices generally are highly sensitive to competitive conditions and move more widely and quickly than Specialty bag prices which are set by relatively fixed formula, reflecting changes in costs with a fixed profit margin, and without the sensitivity to market conditions which obtains on Standard bag prices. For this reason, Specialty bag prices had not moved upward, by the time of the general freeze, to the extent that Standard bags had adjusted themselves to the demand and, consequently, there was an imbalance between the two categories of bag production.

Being tailor-made, Specialty bags normally sell at prices netting more dollars per ton than do Standard bags made of identical material. The distortion during the freeze period reversed this relationship and the present action corrects this distortion by permitting the use, in this raw material factor, of costs for the basic raw materials (paper, film and foil) not exceeding the ceiling prices initially established in tailored regulations covering such raw materials, or until such a regulation is issued, the highest cost incurred for such basic raw materials up to and including December 31, 1951.

Although this adjustment affects unbleached bag specialties to a limited extent due to the light weight paper differentials of CPR 88, it is of prime consequence in only about one-sixteenth of the tonnage of this industry, in the bleached paper and plastics group where it is quite important to a large number of the smaller companies which tend toward production to individual specification and might otherwise be forced out of this type of manufacture or to the use of substitute materials.

The level of ceiling prices under this regulation. The ceiling prices established for standard bags are at or below the ceilings which were in effect under the General Ceiling Price Regulation and reflect current prices except in the case of standard plastic film bags, where cost studies have indicated that the appropriate level lies between the GCPR ceilings and the lower selling prices currently in effect. The spelled out ceiling prices established for Standard stock size bags, for orders of minimum lots of 600 bales or more, are those which manufacturers accounting for most of the production of such bags had in effect during the base period January 25 through February 24, 1951, and have currently in effect. They are substantially below the ceiling prices that have been filed for this tonnage with the Office of Price Stabilization under Ceiling Price Regulation 22. Orders for intermediate quantities (250 to 599 bales) take a one "five" upcharge above the ceiling price for minimum orders of 600 bales. Orders for less than 250 bales take an upcharge of three "fives" above the ceiling price for minimum orders of 600 bales of paper bags, other than those made from glassine paper and from plastic films.

The ceiling prices on Standard bags made from glassine paper are adjusted to the current level which is 7 percent less than the prices in effect during the base period. Standard bags made from plastic film have ceiling prices about 3 percent less than those in effect during the base period and 5 percent higher than prices currently in effect. The ceiling prices for Standard bags made of plastic film were developed by adjusting their prices prior to June 1950 for changes in costs other than basic raw materials through July 26, 1951 and reflecting the increase in basic raw material costs up to and including December 31, 1951.

Ceiling prices for Specialty bags will be above those which have been in effect since January 25, 1951, but well below the filed ceiling prices which were permitted many manufacturers under Ceiling Price Regulation 22. These ceiling prices will correct the imbalance, referred to above, between the ceiling prices for specialty bags and the ceiling prices for standard bags which were in effect under the General Ceiling Price Regulation.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization, the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period January 25 through February 24, 1951, and just before the issuance of this regulation, and to relevant factors of general applicability.

In the formulation of this regulation there has been consultation with industry representatives, including meetings with the industry advisory committee and with trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practice or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

ARTICLE I—APPLICABILITY

Sec.
1. What this regulation does.
2. Applicability.
3. What this regulation supersedes.

ARTICLE II—CEILING PRICES

SUBARTICLE I—CEILING PRICES FOR STANDARD BAGS

4. Grocers and certain variety bags.
5. Standard bags not listed in section 4 of this regulation.
6. Standard bags not covered by sections 4 and 5 of this regulation.

SUBARTICLE II—CEILING PRICES FOR SPECIALTY BAGS

7. Application for base period formulas.
8. Ceiling prices for new manufacturers.
9. Application for approval of new formula factors.

ARTICLE III—REPORTS AND RECORDS

10. Base period records.
11. Current records.
12. Agents of manufacturers.

ARTICLE IV—GENERAL PROVISIONS

13. Export sales and shipments to territories and possessions of the United States.
14. Cash discounts and terms of sale.
15. Petitions for amendment.
16. Modification of ceiling prices.
17. Adjustable pricing.
18. Interpretations.
19. Transfer of business or stock in trade.
20. Prohibitions and violations.
21. Evasions.
22. Definitions and explanations.

APPENDIX A: Industry Base Lists and Discount Tables and General specifications of certain Standard bags.

AUTHORITY: Sections 1 to 22 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

ARTICLE I—APPLICABILITY

SECTION 1. *What this regulation does.* (a) This regulation establishes ceiling prices for sales by manufacturers of all types of bags produced in the United States, which are made from paper, film, foil or any combination thereof (except shipping sacks). This includes bags wholly or in part of bag-making plastic films, paper, paper mesh, foil or protective laminants. It also includes paper bags made with a textile mesh window.

(b) Ceiling prices for all bags which are made in standard specification are established under Subarticle I of Article II. For most of these, uniform dollar-and-cent ceiling prices per thousand bags are established in section 4 of this regulation in the form of discounts from base lists and net price tables which are located in Appendix A. Ceiling prices for the remaining Standard bags, covered by section 5, are determined by the application of historical differentials to the grades of bags having spelled-out ceiling prices in section 4 of this regulation.

(c) Ceiling prices of all Specialty (made-to-order) bags are established under Subarticle II of Article II. A separate ceiling price for each bag is determined by the application of each manufacturer's base period formula. In applying the formula, he may not use raw material costs higher than the ceiling prices which existed during the base period, except for the basic raw material (paper, film, or foil) which cost may be adjusted to the ceiling price established in the initial tailored regulation or, until such regulation is issued, the highest cost to the manufacturer of such basic raw materials through December 31, 1951.

SEC. 2. *Applicability.* The provisions of this regulation are applicable to all sales by manufacturers to purchasers located in the United States, the District of Columbia and the territories and possessions of the United States.

SEC. 3. *What this regulation supersedes.* The ceiling prices in this regulation supersede those established under the provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 22. Ceiling Price Regulation 61 and 9 are superseded with respect to shipments to the territories and possessions of the United States. However, manufacturers who have received ceiling price adjustments under General Overriding Regulation 20 or 21, or under Supplementary Regulation 17 or 18 to Ceiling Price Regulation 22, may elect to retain the ceiling prices which have been established thereunder, but in all other respects are subject to this regulation. If a manufacturer so elects, he must do so for all the products covered by this regulation for which his ceiling prices are now determined under GOR 20 or 21, or SR 17 or 18 to CPR 22.

ARTICLE II—CEILING PRICES

SUBARTICLE I—CEILING PRICES FOR STANDARD BAGS

SEC. 4. *Grocers and certain variety bags.* (a) For the grades of grocers and variety bags listed below and further specified in Appendix A, ceiling prices are determined by applying the following discounts to the corresponding industry base price lists included in Appendix A to obtain a net ceiling price. This net ceiling price for each bag is obtained by deducting 5 percent from the base price, then deducting 5 percent from the resultant figure, and so on until the indicated number of "fives" has been applied. The net price tables with each base list provide a method of rapid determination of the net ceiling prices for standard sizes and grades of bags after deducting the manufacturer's discount but before applying any cash discount or other terms of sale. This section applies to a manufacturer who publishes net prices as well as to one who publishes base price lists and discounts.

STANDARD GROCERS AND VARIETY BAGS

Column No. / Items	Minimum discounts (1) 600 bales minimum	(2) 250 to 599 bales	(3) Less than 250 bales	(4) Base list No. (Appendix A)
Grocers bags, automatic:				
Popular weight brown M. F	18/5	17/5	15/5	1
Popular weight white M. F	14/5	13/5	11/5	1
Popular weight white M. G. striped	13/5	12/5	10/5	1
Heavy weight brown M. F	14/5	13/5	11/5	1
Extra heavy weight brown M. F	18/5	17/5	15/5	2
Grocers bags, square or flat:				
Popular weight brown M. F	19/5	18/5	16/5	1
Popular weight white M. F	15/5	14/5	12/5	1
Popular weight white M. G. striped	14/5	13/5	11/5	1
Grocers sacks, satchel bottom:				
Standard Bundle, Brown M. F Poultry	19/5	18/5	16/5	3
Bread bags, square:				
30-pound brown M. F	14/5	13/5	11/5	4
30-pound brown M. G. striped	13/5	12/5	10/5	4
25-pound brown M. G. striped	15/5	14/5	12/5	4
30-pound white M. F	10/5	9/5	7/5	4
30-pound white M. G. striped	9/5	8/5	6/5	4
Candy bags, automatic, flat:				
30-pound white M. F. automatic	7/5	6/5	4/5	5
30-pound white M. F. flat	8/5	7/5	5/5	5
Garment and pants bags, flat with shoulder:				
30-pound brown M. F. striped	14/5	13/5	11/5	6
25-pound brown M. F. striped	15/5	14/5	12/5	6
30-pound brown M. G. striped	12/5	11/5	9/5	6
25-pound brown M. G. striped	13/5	12/5	10/5	6
30-pound white M. F. striped	10/5	9/5	7/5	6
25-pound white M. F. striped	11/5	10/5	8/5	6
30-pound white M. G. striped	9/5	8/5	6/5	6
25-pound white M. G. striped	10/5	9/5	7/5	6
Garbage bags (bulk square): 41-pound brown M. F. waxed	11/5	10/5	8/5	7
Liquor bags, square: Brown M. F	18/5	17/5	15/5	8
Mail bags, automatic: Brown M. F	18/5	17/5	15/5	9
Notion and millinery bags, flat:				
30-pound brown M. F	13/5	12/5	10/5	10
28-pound brown M. F	14/5	13/5	11/5	10
30-pound brown M. G. striped	12/5	11/5	9/5	10
28-pound brown M. G. striped	13/5	12/5	10/5	10
Shoe bags, square:				
30-pound brown M. F	15/5	14/5	12/5	11
30-pound brown M. G. striped	14/5	13/5	11/5	11
38-pound brown M. F	18/5	17/5	15/5	11
Glassine bags:				
25-pound white glassine, flat			10/5	12
25-pound white glassine, square			10/5	13
Cellophane bags, satchel bottom, flat or square:				
Merchants discount			18/5-2½	14
Consumers discount			17/5-2½	14

[1] The affix "2½" after the discount in column (3) for cellophane bags means that an additional reduction of 2½ percent is applied to the net price to establish a ceiling price for these bags. Example: The ceiling price for sale to the merchants on a 1-pound satchel bottom cellophane bag made from 300 M.S.T. is shown as 8/5-2½ from the industry base list No. 14 in Appendix A. 8/5 applied to that base list for that grade and size bag is $7.04 per thousand. That price is reduced by 2½ percent or by $0.18, resulting in a ceiling price of $6.86 per thousand for that grade and size of bag.

NOTE.—M. F. means machine finished and M. G. means machine glazed.

(b) The discounts in the column (1) above apply to the base price lists (indicated by number in the fourth column above) which appear in Appendix A. The resulting net ceiling prices apply to orders of no less than 600 bales of Grocers or Variety bags or a combination of both shipped at one time to one buyer, one shipping destination f. o. b. the bag manufacturer's plant with the same amount of freight allowance as was allowed by each manufacturer during the base period.

(c) The discounts in column (2) above apply to the base price lists (indicated by the number in the fourth column above) which appear in Appendix A. The resulting net ceiling prices apply to orders of 250 through 599 bales of Grocers or Variety bags or a combination of both shipped at one time to one buyer, one shipping destination f. o. b. the bag manufacturer's plant with the same amount of freight allowance as was allowed by each manufacturer during the base period.

(d) The discounts in the column (3) above apply to the base price lists (indicated by number in the fourth column above) which appear in Appendix A. The resulting net ceiling prices apply to orders of less than 250 bales of Grocers or Variety bags f. o. b. the bag manufacturer's plant subject to the same freight allowance for the same minimum order quantities that each manufacturer had in effect during the base period.

(e) For glassine bags, the resulting net ceiling prices shall apply to all orders shipped to all destinations covered by

this regulation, except those shipments made into the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Utah, Nevada, Colorado, Arizona or New Mexico. On orders to be shipped to points in those eleven States all manufacturers shall be permitted to use a price 7 percent higher than the ceiling prices established in section 4 (a) of this regulation on glassine bags.

SEC. 5. *Standard bags not listed in section 4 of this regulation.* For all other grades of Standard bags for which you had a published base or net price list in effect on November 1, 1951, you shall establish your ceiling prices f. o. b. your plant, with the same amount of freight allowance as was allowed by you during the base period by the following procedure:

(a) Select from your November 1, 1951, price list those items which are listed in section 4 and which are in the same category as the item for which you are determining a ceiling price under this section. From such items, select that one which was your largest volume item. This selection is your "reference item". Your largest volume item can be measured by tons or by sales dollars as of the calendar year 1950 or, if you began manufacturing bags after January 1950, as of the first 12 months of your operations. The determination of category is by the material from which the bag is made: (1) Paper other than glassine; (2) glassine paper; (3) cellophane, plastic, and other films. Where a product for which the ceiling price is to be determined by the provisions of this section is made of materials which fall within more than one of the three categories, your reference item should be chosen from the category of the material which adds most to the cost of the product.

(b) Next determine the difference, if any, between the net price on the price list which you had in effect on November 1, 1951, for the largest quantity sales of your reference item and the net price given for that same item in the corresponding quantity in section 4 of this regulation. This difference is your "adjustment factor".

(c) Then apply the adjustment factor, determined above, to the price for each size bag in the same category shown on those base or net price lists which you had in effect on November 1, 1951, other than those items listed in section 4. The prices resulting from application of the adjustment factor are your ceiling prices under this regulation for Standard bags not listed in section 4 of this regulation.

Example A: Assume that your reference item is popular weight Brown M. F. Grocers Bags for which item section 4 establishes a discount of 18/5's and that on November 1, 1951, your discount for the reference item on your price list was 16/5's. Since this is a difference of 2/5's, your ceiling prices on all your Standard bags made of other than glassine or films, which do not appear in section 4 are your November 1, 1951, prices reduced by 2/5's.

Example B: Assume that your reference item is satchel bottom cellophane bags and that you wish to price a 1 lb. size bag made from 300 M S T cellophane:

(1) On the effective date of this regulation the discount in section 4 resulting from the application of 8/5's–2½ for this size bag produces a ceiling price of $6.86 per M to the merchants for those manufacturers using net price lists and that,

(2) On November 1, 1951 your price on this 1 lb. bag was $7.36 per thousand. It follows that:

(3) The ceiling price of $6.86 per thousand is 6.8 percent below your November 1, 1951 price of $7.36 per thousand for this size bag.

Consequently, your ceiling prices on all your Standard bags made from cellophane, plastic, or other films, which do not appear in section 4 are your November 1, 1951 net list prices reduced by 6.8 percent.

SEC. 6. *Standard bags which are not covered by sections 4 and 5 of this regulation.* (a) If you cannot determine a ceiling price for any Standard bag under the provisions of sections 4 and 5 of this regulation you must apply for approval of a ceiling price by filing your application with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C. Your application shall contain the following:

(1) The reason why you cannot determine a ceiling price for that same item under the provisions of sections 4 and 5 of this regulation.

(2) Your proposed ceiling price for that same item which may not exceed the ceiling price of that same item established by your most closely competitive manufacturer to purchasers of the same class.

(3) The ceiling price of your most closely competitive manufacturer for that same item to purchasers of the same class and the reason why you have selected him as your most closely competitive manufacturer.

(4) The name and address of your most closely competitive manufacturer.

(b) If the item is one for which you are unable to find that another manufacturer has established a ceiling price under this regulation, you shall propose a ceiling price calculated as follows:

(1) Find the percentage markup (margin factor) over total current unit direct cost of labor and materials which you are currently receiving on the most comparable item for which you have established a ceiling price under sections 4 and 5 of this regulation.

(2) Apply not more than the same margin factor to the total current unit direct cost of labor and materials of the proposed item to determine your proposed price.

(c) You may not sell the item priced under this section 6 of this regulation until the Director of Price Stabilization in writing establishes your ceiling price for the item. However, if the commodity is one required to be priced under this section, and which, prior to the effective date of this regulation, you sold or offered for sale upon the basis of a ceiling price determined under the GCPR or CPR 22, you may continue to use your ceiling price which was applicable on the effective date of this regulation for 21 days from the filing of your application, or until you receive notice from the Director of Price Stabilization concerning your proposed ceiling price if such notice is received before the 21 day period expires. If within 21 days from the filing of the application you have not received notice from the Director approving, disapproving, or modifying the proposed ceiling price, requesting additional information, or extending for cause the time within which to do any of the foregoing, such application may be deemed to have been approved, subject to non-retroactive disapproval or modification at any later time by the Director.

SUBARTICLE II—CEILING PRICES FOR SPECIALTY BAGS

SEC. 7. *Application of base period formulas.* (a) For all Specialty bags, as defined in section 22 (b) (7) of this regulation, each manufacturer shall determine his ceiling prices by using the formula which he had in effect during the base period January 25, 1951, through February 24, 1951.

(b) His formula shall contain the following factors: Raw material, conversion, margin and delivery. The ceiling price for each bag shall be established by computing the sum of those factors in the same manner that prices were determined during the base period, subject, however, to the following limitations in the determinations of each factor.

(1) *Raw material factors.* Your basic raw material costs shall be calculated in your base period manner:

(i) Except as provided in subdivision (ii) of this subparagraph, in calculating your factor for basic raw materials (paper, film and foil) you may use, and shall not exceed, the ceiling prices of the basic raw materials as initially established by a tailored regulation or, until such a regulation is issued, the highest costs to you of such basic raw materials up to and including December 31, 1951. For all other raw material you may use the highest lawful costs to you during the base period.

(ii) If you produce any basic raw material and during the base period it was your practice to use a transfer price for that basic raw material which was lower than your market price, you shall reduce the ceiling price in the tailored regulation for such basic raw material by the same dollar amount as your transfer price was below your market price during the base period. If, however, you did not have a market price for such basic raw material during the base period, you shall reduce the ceiling price in the tailored regulation for such basic raw material by the same dollar amount as your transfer price was below the market price of your most closely competitive manufacturer who had a market price during the base period.

(iii) If you included amounts for waste or spoilage in computing your raw material factor during the base period, you may continue to do so in your base period manner. However, you may not add more than the same percentage allowed for waste or spoilage during the base period, and you must subtract credits received from the sale or other disposition of waste material in the same manner in which such credits were subtracted during the base period.

(2) *Conversion factor.* (i) Conversion charges for any hand or machine operation, or both, incident to the manufacture of the bags, including make-ready, fabrication, printing, assembly, marking and packing, shall be computed in accordance with the hourly or piece rates, or both, and standards of production which you used for the same commodity during the base period, or if any of these supplementary operations were covered by a price list during the base period, the same base period prices may be added to, but not included in, the formula for these supplementary operations.

(ii) Conversion charges for a bag which was not offered or manufactured by you during the base period shall be calculated by the same method as for your conversion charges for the most comparable bag upon which you did quote a price during the base period.

(3) *Margin factor.* Your margin factor is the difference between your selling price f. o. b. your plant and the sum of your raw material and conversion factors as computed during the base period. Your margin factor may be figured on a percentage basis, or on a rate per unit of material basis, or it may be included in the machine hour rate. It may also be a combination of any or all of these methods, but it must be based upon the same accounting and costing practices which you used during the base period. In no event shall the margin factor exceed the following limitations:

(i) If the bag is one which you sold to the same class of purchaser during the base period, your margin factor shall not exceed the margin factor employed by you for sales of the same bag to the same class of purchaser during the base period.

(ii) If the bag is one that you did not sell to the same class of purchaser during the base period, the margin factor shall not exceed that employed by you in pricing the most comparable bag which you sold to the same class of purchaser during the base period.

(iii) If you did not sell any bag to the same class of purchaser, then you should apply for a margin factor under section 9.

(4) Differentials for quantities shall be no less favorable to the buyer than those you had in effect during the base period for the same or similar type of bag to the same class of purchaser.

(5) *Delivery factor.* With respect to all delivery charges, you shall continue to use the method employed by you during the base period, for example, f. o. b. mill pricing, f. o. b. mill pricing with a freight allowance, delivered pricing, delivered zone pricing, or any other method which you applied consistently during the base period.

SEC. 8. *Ceiling prices for new manufacturers.* (a) If you are a manufacturer of Specialty bags who started business after February 24, 1951, and before the date of issuance of this regulation, your ceiling prices shall be determined under the provisions of Subarticle II of this regulation except insofar as you are concerned, the term "base period" wherever used in this regulation shall refer to the thirty day period immediately preceding the issuance of this regulation. Your ceiling prices shall be subject to non-retroactive modification by the Director of Price Stabilization.

(b) If you are a manufacturer of Specialty bags who starts business after the effective date of this regulation, you shall file a proposed formula with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., including such items as, but not limited to, hourly rates or piece rates for hand or machine operations, or rates per thousand units, and standards of production applicable thereto, as defined in section 22 of this regulation, make-ready charges, delivery charges, and margin factors employed by you in determining the selling price of each commodity or service, as well as one sample estimate showing how each formula is applied. You may not sell the commodity or service until the Director of Price Stabilization, in writing, approves your formula. If the Director does not approve your formula within twenty-one days from the date your formula is filed, your formula may be deemed to be approved subject to non-retroactive disapproval or modification at any later time by the Director of Price Stabilization.

SEC. 9. *Application for approval of new formula factors.* (a) If you are a manufacturer who was in business during the base period and who has subsequently installed new equipment or methods of production requiring new conversion or margin factors, or if you cannot establish a margin factor under section 7, you shall file by registered mail return receipt requested, an application with the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., which shall include your proposed factors for approval, disapproval or modification.

(b) Your application for approval of a new conversion factor shall include: (1) The hourly or piece rates for similar hand or machine operations generally prevailing in your immediate competitive area during the base period, and (2) an explanation for any variance between such generally prevailing rate and the rate you now wish to apply.

(c) Your application for approval of a new margin factor shall include: (1) The location of your plants; (2) the type of equipment you use; (3) the capacity of your equipment; (4) a list of the products you intend to produce; (5) the margins proposed; and (6) a statement and an example of the method you use to determine special differentials.

(d) You may use the proposed conversion or margin factors as soon as you file your application. However, until your application has been approved by the Director of Price Stabilization, you shall notify the purchaser in writing that all prices which have been based upon the proposed conversion or margin factors are subject to adjustment by you, and to refunds if necessary, to conform with the conversion or margin factors as established by the Director of Price Stabilization. If the Director does not disapprove or revise your formula or factor by letter order within twenty-one days from the date of the return receipt of the application (or date of receipt by the Office of Price Stabilization if the application is delivered by hand), the factors requested may be deemed to be approved subject to non-retroactive disapproval or revision at any later time by the Director. In the event that more information is requested, your ceiling price shall not be deemed to be approved until fifteen days after filing the additional information.

ARTICLE III—REPORTS AND RECORDS

SEC. 10. *Base period records.* On and after the effective date of this regulation, and for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, each manufacturer shall maintain and keep for examination by the Director of Price Stabilization:

(a) All of his existing records, relating to prices and terms of sale which he charged for bags sold or offered for sale during the base period, and his published base or net price list which was in effect on November 1, 1951.

(b) His price formulas or estimating manuals for grades under section 7 of Article II which were employed by him during the base period for each formula including such items as, but not limited to, material costs, hourly rates or piece rates per thousand units and standards of production applicable thereto as defined in section 22 of this regulation, make-ready charges, charges for all extra operations such as printing, tin tie or handle attachment, punching, die cutting, special packing, etc., margins and delivery charges, plus one sample of each formula to show how it was applied.

SEC. 11. *Current records.* (a) Each manufacturer, and each person who in the course of business buys bags from manufacturers covered by this regulation, shall keep for inspection by the Director of Price Stabilization for a period of two years from date of sale accurate records or invoices for each sale or purchase made after the effective date of this regulation showing (1) the date of the sale or purchase, (2) the name and address of the seller and purchaser, (3) the price charged or paid, and (4) the quantity and specifications of the bag.

(b) Each manufacturer who produces bags covered by this regulation shall keep and maintain so long as the Defense Production Act, as amended, shall remain in effect and for two years thereafter for inspection by the Director of Price Stabilization:

(1) His net price lists, or base price lists and discount tables and his actual discounts or prices put into effect after determining ceiling prices under sections 5 and 6 of this regulation.

(2) The calculation by which his ceiling price was determined for each bag covered by Subarticle II of Article II of this regulation.

SEC. 12. *Agents of manufacturers.* Within 30 days of the effective date of this regulation each manufacturer shall file with the Forest Products Division, Office of Price Stabilization, Washington 25, D. C., the names of his authorized agents, as defined in section 22 of this regulation.

ARTICLE IV—GENERAL PROVISIONS

SEC. 13. *Export sales and shipment to territories and possessions of the United States.* (a) Ceiling prices for export sales and sales for export to foreign countries are established under Ceiling Price Regulation 61.

(b) If you are a manufacturer located within the continental United States and you ship a commodity covered by this regulation to one or more of the territories and possessions, your ceiling price for the sale of that commodity is your ceiling price on that commodity as established under this regulation for a domestic sale, f. o. b. the nearest domestic port of exit, plus all actual direct or indirect costs incident to such transactions, such as but not limited to, special packaging, warehousing, transportation, insurance and taxes.

SEC. 14. *Cash discount and terms of sale.* Your cash discount and terms of sale shall be no less favorable to your purchaser than you allowed during the base period to the same or most comparable class of purchaser.

SEC. 15. *Petitions for amendment.* Any person who wishes to have this regulation amended may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 16. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 17. *Adjustable pricing.* Nothing in this regulation shall be construed to prohibit the making of a contract or offer to sell paper bags at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery.

SEC. 18. *Interpretations.* If you want an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 19. *Transfer of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation and the transferee carries on the business or continues to deal in the same type of commodities in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee, with respect to sales of bags, shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available for so long as the Defense Production Act of 1950, as amended, remains in effect, and for two years thereafter, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 20. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell, and no person in the regular course of trade or business shall buy from you, at a price higher than the ceiling prices established by this regulation, and you and buyers from you shall keep and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 21. *Evasion.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, constitutes an evasion and is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, gross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 22. *Definitions and explanations*—(a) *General.* (1) "Authorized agent" means a person whom the manufacturer designates as his representative and who is directed by that manufacturer to sell the latter's products at prices and terms no higher than those authorized by that manufacturer, and who bills and collects in his own name or his firm name. This does not include any manufacturer's sales representative whose orders are billed by the manufacturer to the customer.

(2) "Class of purchaser" refers to the practice adopted by you in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers. The practice may (but need not) be based on the characteristics or distributive level of the buyer (for instance manufacturer, wholesaler, individual retail store, retail chain, mail order house, government agency, public institution). It may (but need not) be based on the location of the purchaser or the quantity purchased by him. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of purchaser.

If in your industry a practice prevails of charging different prices for sales to groups of buyers based on their characteristics or distributive level, any such group to whom you did not make sales during your base period and for whom you did not have a customary differential in effect during or before your base period, is a separate class of purchaser as to you.

(3) "Contract to sell" means the written acceptance of any written or oral order or an oral acceptance of a written order.

(4) "Fives" means the number of consecutive 5 percent discounts (each taken from the previous net figure) from any of the base price lists.

(5) "Manufacturer" means any person who fabricates paper, film or foil or a combination of any of these materials into bags, and includes any person who sells such bags as an "authorized agent" of the manufacturer as that term is defined in this section.

(6) "Most closely competitive manufacturer" means the manufacturer who is your most direct competitor by reason of his sales of similar grades to similar classes of purchasers.

(7) "Person" means any individual, corporation, partnership, association, or other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or other political subdivisions or agencies.

(8) "Sell" means sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "buy", "purchase", or "purchaser" shall be construed accordingly.

(9) "You" means any person subject to this regulation. "Your" and "yours" are construed accordingly.

(b) *Grade identifications.* (1) "Bag" means any type, shape or style of flexible container, sealed at one end and on either one or both sides, and produced from paper, film, foil, or any combination thereof, including those made of paper with a textile mesh window. They are used chiefly for over-the-counter delivery of food and other consumer merchandise.

(2) "Grocers bags" mean standard bags manufactured for all-purpose over-the-counter use in food stores in accordance with the specifications of the U. S. Department of Commerce, National Bureau of Standards, Simplified Practice Recommendation R–42–43 or any revision thereof. Such bags are usually identified by the mark (SWS) which means standard weight and size.

(3) "Household bags" mean standard bags manufactured for use in hospitals, restaurants, homes, etc., on which standard specifications have been established by individual manufacturers.

(4) "Most comparable bag" means the bag of the same general class furnished by you during the base period which differs the least from the bag to be priced as determined by the use of the following tests, applied successively:

(i) Size and shape and number of walls.

(ii) Kind and quantity of raw materials per M bags.

(iii) Supplementary operations, such as printing, attachment of handles, punching, and string and button attachment.

(5) "Most comparable grade" means the grade of bag furnished by you for which you have established a ceiling under this regulation and which differs the least from the grade to be priced in terms of end use, materials and construction.

(6) "Shipping sacks" mean new bags or sacks manufactured basically from shipping sack kraft paper, rope paper, or a combination of rope and kraft paper for use as (i) plant-packed shipping containers designed to carry 25 pounds or more of any particular commodity either as the primary container or as an overship for the primary container or as a container (baler) for assembly of a number of primary containers into a single shipping unit; or (ii) plant-packed consumer packages, designed to carry one pound or more of the same commodities which are also packed in the larger shipping containers.

(7) "Specialty bags" mean any bag manufactured to individual order in the specifications and in the quantity requested by the buyer.

(8) "Standard bags" mean any bags manufactured in standardized specifications, viz: size, shape, kind and basis weight of paper. A bag is considered to be standard whether its specifications are standardized for the entire industry or only by an individual manufacturer.

(9) "Variety bags" mean standard bags manufactured primarily for use in retail stores, other than grocers bags. Industry specifications for certain variety bags (millinery, notion and glassine) are given in the U. S. Department of Commerce, National Bureau of Standards, Simplified Practice Recommendations R–129–41 and R–107–31. Other grades of variety bags have been standardized by individual manufacturers.

(c) *Technical terms and miscellaneous.* (1) "Base period" means the period from January 25, 1951, through February 24, 1951, except as provided in section 8 of this regulation.

(2) "Base price list and discount table" means a schedule of base prices for each size in a given grade of standard bags, with a computation of net selling prices for each bag size at various discounts. (See Appendix A.)

(3) "File, filed or filing" means the forwarding of any records or reports by registered mail, return receipt requested, to the Office of Price Stabilization, Washington 25, D. C. The date of filing shall be construed as the date of receipt by the Office of Price Stabilization in Washington, D. C. If hand delivered, the date of delivery shall be the date of receipt.

(4) "Hourly rates" mean the cost per hour for labor, machine overhead, and other manufacturing expenses as established in your base period accounting procedures for estimating purposes.

(5) "Make-ready" means the preparation of a machine for a particular conversion operation, including such procedures as adjustment of feeding devices, installation of proper printing plates, adjustment of gears or cutting knives and cleaning of the machine after the completion of the conversion operation.

(6) "Piece rate" means the cost per numerical unit for labor, machine, machine overhead and other manufacturing expenses as established for estimating purposes in your base period accounting procedures.

(7) "Published price" means the price listed in any form of written or printed notice to the trade or to a sales representative by which a manufacturer offers his product for sale.

(8) "Rate per unit of material" means a method used by some manufacturers in computing the margin on the basis of bag wall area and weight or both. (For example: $\$\_\_\_\_$ per pound of paper per M Sacks.)

(9) "Standards of production" means the number of units produced in relation to machine or man-hours.

Effective date: This regulation shall become effective August 25, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 19, 1952.

APPENDIX A

The basic manufacturers' price lists, and the computation of discounts off such lists as referred to in Article II of this regulation are set forth below, together with the general specifications of such grade:

GROCERS BAGS, POPULAR AND HEAVY WEIGHT, LIST NO. 1

Specifications

S W S sizes	½	1	2	3	4	5	6	8	10	12	16	20	25
"Popular" basis weight	30	30	30	30	30	35	35	35	35	35	40	40	40
"Heavy" basis weight						40			40	40	50	50	50
Base list	$2 10	$2 60	$3 20	$4 00	$4 70	$5 60	$6 40	$7 40	$8 20	$9 30	$12 60	$13 60	$15 00
Discount table:													
1/5	2 00	2 47	3 04	3 80	4 47	5 32	6 08	7 03	7 79	8 84	11 97	12 92	14 25
2/5	1 90	2 35	2 89	3 61	4 24	5 05	5 78	6 68	7 40	8 39	11 37	12 27	13 54
3/5	1 80	2 23	2 74	3 43	4 03	4 80	5 49	6 34	7 03	7 97	10 80	11 66	12 86
4/5	1 71	2 12	2 61	3 26	3 83	4 56	5 21	6 03	6 68	7 57	10 26	11 08	12 22
5/5	1 62	2 01	2 48	3 10	3 64	4 33	4 95	5 73	6 35	7 20	9 75	10 52	11 61
6/5	1 54	1 91	2 35	2 94	3 45	4 12	4 70	5 44	6 03	6 84	9 26	10 00	11 03
7/5	1 47	1 82	2 23	2 79	3 28	3 91	4 47	5 17	5 73	6 49	8 80	9 50	10 47
8/5	1 39	1 72	2 12	2 65	3 12	3 72	4 25	4 91	5 44	6 17	8 36	9 02	9 95
9/5	1 32	1 64	2 02	2 52	2 96	3 53	4 03	4 66	5 17	5 86	7 94	8 57	9 45
10/5	1 26	1 56	1 92	2 39	2 81	3 35	3 83	4 43	4 91	5 57	7 54	8 14	8 98
11/5	1 19	1 48	1 82	2 28	2 67	3 19	3 64	4 21	4 66	5 29	7 17	7 74	8 53
12/5	1 13	1 41	1 73	2 16	2 54	3 03	3 46	4 00	4 43	5 03	6 81	7 35	8 11
13/5	1 08	1 33	1 64	2 05	2 41	2 87	3 29	3 80	4 21	4 77	6 47	6 98	7 70
14/5	1 02	1 27	1 56	1 95	2 29	2 73	3 12	3 61	4 00	4 54	6 15	6 63	7 32
15/5	.97	1 20	1 48	1 85	2 18	2 59	2 97	3 43	3 80	4 31	5 84	6 30	6 95
16/5	.92	1 14	1 41	1 76	2 07	2 46	2 82	3 26	3 61	4 09	5 55	5 99	6 60
17/5	.88	1 09	1 34	1 67	1 97	2 34	2 68	3 09	3 43	3 89	5 27	5 69	6 27
18/5	.83	1 03	1 27	1 59	1 87	2 22	2 54	2 94	3 26	3 69	5 00	5 40	5 96
19/5	.79	.98	1 21	1 51	1 77	2 11	2 42	2 79	3 09	3 51	4 76	5 13	5 66
20/5	.75	.93	1 15	1 43	1 68	2 01	2 29	2 65	2 94	3 33	4 52	4 88	5 38
21/5	.72	.89	1 09	1 36	1 60	1 91	2 18	2 52	2 79	3 17	4 29	4 63	5 11
22/5	.68	.84	1 04	1 29	1 52	1 81	2 07	2 39	2 65	3 01	4 08	4 40	4 85
23/5	.65	.80	.98	1 23	1 44	1 72	1 97	2 27	2 52	2 86	3 87	4 18	4 61
24/5	.61	.76	.93	1 17	1 37	1 64	1 87	2 16	2 39	2 72	3 68	3 97	4 38
25/5	.58	.72	.89	1 11	1 30	1 55	1 78	2 05	2 27	2 58	3 50	3 77	4 16
26/5	.55	.69	.84	1 05	1 24	1 48	1 69	1 95	2 16	2 45	3 32	3 58	3 95
27/5	.53	.65	.80	1 00	1 18	1 40	1 60	1 85	2 05	2 33	3 15	3 40	3 75
28/5	.50	.62	.76	.95	1 12	1 33	1 52	1 76	1 95	2 21	3 00	3 23	3 57
M's per bale	10	8	6	5	4	3	3	2	2	2	1	1	1

EXTRA HEAVY DUTY GROCERS SIZES, LIST NO. 2

Specifications

"SWS" sizes	1	2	3	4	5	6	8	10	12	16	20	25
Basis	50	50	50	50	50	50	60	60	60	60	60	60
Base list	$4.00	$5.00	$6.20	$7.00	$8.00	$9.70	$12.60	$14.00	$15.60	$19.80	$21.20	$23.40
Discount table:												
1/5	3.80	4.75	5.89	6.65	7.60	9.22	11.97	13.30	14.82	18.81	20.14	22.23
2/5	3.61	4.51	5.60	6.32	7.22	8.75	11.37	12.64	14.08	17.87	19.13	21.12
3/5	3.43	4.29	5.32	6.00	6.86	8.32	10.80	12.00	13.38	16.98	18.18	20.06
4/5	3.26	4.07	5.05	5.70	6.52	7.90	10.26	11.40	12.71	16.13	17.27	19.06
5/5	3.10	3.87	4.80	5.42	6.19	7.51	9.75	10.83	12.07	15.32	16.40	18.11
6/5	2.94	3.68	4.56	5.15	5.88	7.13	9.26	10.29	11.47	14.55	15.58	17.20
7/5	2.79	3.49	4.33	4.89	5.59	6.77	8.80	9.78	10.89	13.83	14.80	16.34
8/5	2.65	3.32	4.11	4.64	5.31	6.43	8.36	9.29	10.35	13.14	14.06	15.52
9/5	2.52	3.15	3.91	4.41	5.04	6.11	7.94	8.82	9.83	12.48	13.36	14.75
10/5	2.39	2.99	3.71	4.19	4.79	5.81	7.54	8.38	9.34	11.85	12.69	14.01
11/5	2.28	2.84	3.53	3.98	4.55	5.52	7.17	7.96	8.87	11.26	12.06	13.31
12/5	2.16	2.70	3.35	3.78	4.32	5.24	6.81	7.57	8.43	10.70	11.46	12.65
13/5	2.05	2.57	3.18	3.59	4.11	4.98	6.47	7.19	8.01	10.16	10.88	12.01
14/5	1.95	2.44	3.02	3.41	3.90	4.73	6.15	6.83	7.61	9.66	10.34	11.41
15/5	1.85	2.32	2.87	3.24	3.71	4.49	5.84	6.49	7.23	9.17	9.82	10.84
16/5	1.76	2.20	2.73	3.08	3.52	4.27	5.55	6.16	6.87	8.71	9.33	10.30
17/5	1.67	2.09	2.59	2.93	3.34	4.06	5.27	5.85	6.52	8.28	8.86	9.78
18/5	1.59	1.99	2.46	2.78	3.18	3.85	5.00	5.56	6.20	7.86	8.42	9.29
19/5	1.51	1.89	2.34	2.64	3.02	3.66	4.76	5.28	5.89	7.47	8.00	8.83
20/5	1.43	1.79	2.22	2.51	2.87	3.48	4.52	5.02	5.59	7.10	7.60	8.39
21/5	1.36	1.70	2.11	2.38	2.72	3.30	4.29	4.77	5.31	6.74	7.22	7.97
22/5	1.29	1.62	2.01	2.26	2.59	3.14	4.08	4.53	5.05	6.41	6.86	7.57
23/5	1.23	1.54	1.91	2.15	2.46	2.98	3.87	4.30	4.80	6.09	6.52	7.19
24/5	1.17	1.46	1.81	2.04	2.34	2.83	3.68	4.09	4.56	5.78	6.19	6.83
25/5	1.11	1.39	1.72	1.94	2.22	2.69	3.50	3.88	4.33	5.49	5.88	6.49
26/5	1.05	1.32	1.63	1.84	2.11	2.56	3.32	3.69	4.11	5.22	5.59	6.17
27/5	1.00	1.25	1.55	1.75	2.00	2.43	3.15	3.50	3.90	4.96	5.31	5.86
28/5	.95	1.19	1.47	1.66	1.90	2.31	3.00	3.33	3.71	4.71	5.04	5.56

GROCERS SACKS, SATCHEL BOTTOM MF KRAFT, LIST NO. 3

Specifications

Grade	Standard sacks			Poultry sacks			Bundle	
Size	¼ barrel 17 x 27—6			⅓ barrel 14⅓ x 21—4¾			⅓ barrel 17 x 21—6	
Basis weight	40	60	70	40	50	60	50	60
Base list	$34.00	$43.00	$50.00	$21.90	$24.30	$28.20	$20.00	$33.00
Discount table:								
1/5	32.30	40.85	47.50	20.81	23.09	26.79	27.55	31.35
2/5	30.69	38.81	45.13	19.76	21.93	25.45	26.17	29.78
3/5	29.15	36.87	42.87	18.78	20.83	24.18	24.86	28.29
4/5	27.69	35.02	40.73	17.84	19.79	22.97	23.62	26.88
5/5	26.31	33.27	38.69	16.95	18.80	21.82	22.44	25.54
6/5	24.99	31.61	36.76	16.10	17.86	20.73	21.32	24.26
7/5	23.74	30.03	34.92	15.29	16.97	19.69	20.25	23.04
8/5	22.56	28.53	33.17	14.53	16.12	18.71	19.24	21.89
9/5	21.43	27.10	31.51	13.80	15.31	17.77	18.28	20.80
10/5	20.36	25.74	29.94	13.11	14.55	16.88	17.36	19.76
11/5	19.34	24.46	28.44	12.46	13.82	16.04	16.50	18.77
12/5	18.37	23.24	27.02	11.83	13.13	15.24	15.67	17.83
13/5	17.45	22.07	25.67	11.24	12.47	14.48	14.89	16.94
14/5	16.58	20.97	24.39	10.68	11.85	13.75	14.14	16.09
15/5	15.75	19.92	23.17	10.15	11.26	13.07	13.44	15.29
16/5	14.96	18.92	22.01	9.64	10.69	12.41	12.76	14.52
17/5	14.22	17.98	20.91	9.16	10.16	11.79	12.12	13.80
18/5	13.50	17.08	19.86	8.70	9.65	11.20	11.52	13.11
19/5	12.83	16.23	18.87	8.27	9.17	10.64	10.94	12.45
20/5	12.19	15.42	17.93	7.85	8.71	10.11	10.40	11.83
21/5	11.58	14.65	17.03	7.46	8.28	9.60	9.88	11.24
22/5	11.00	13.91	16.18	7.08	7.86	9.12	9.38	10.68
23/5	10.45	13.22	15.37	6.73	7.47	8.67	8.91	10.14
24/5	9.93	12.56	14.60	6.39	7.10	8.23	8.47	9.64
25/5	9.43	11.93	13.87	6.08	6.74	7.82	8.04	9.15
26/5	8.96	11.33	13.18	5.77	6.40	7.43	7.64	8.70
27/5	8.51	10.76	12.52	5.48	6.08	7.06	7.26	8.26
28/5	8.09	10.23	11.89	5.21	5.78	6.71	6.90	7.85

BREAD BAGS, LIST NO. 4

Specifications

Size	Vienna	Large vienna	Round loaf
Dimensions (square)	5¼ x 3¼ x 18	5¼ x 3¼ x 20	8 x 4 x 14
Base list	$6.10	$6.60	$6.70
Discount table:			
1/5	5.80	6.27	6.37
2/5	5.51	5.96	6.05
3/5	5.23	5.66	5.74
4/5	4.97	5.38	5.46
5/5	4.72	5.11	5.18
6/5	4.48	4.85	4.93
7/5	4.26	4.61	4.68
8/5	4.05	4.38	4.44
9/5	3.84	4.16	4.22
10/5	3.65	3.95	4.01
11/5	3.47	3.75	3.81
12/5	3.30	3.57	3.62
13/5	3.13	3.39	3.44
14/5	2.97	3.22	3.27
15/5	2.83	3.06	3.10
16/5	2.68	2.90	2.95
17/5	2.55	2.76	2.80
18/5	2.42	2.62	2.66
19/5	2.30	2.49	2.53
20/5	2.19	2.37	2.40

CANDY BAGS, FLAT AND AUTOMATIC, BLEACHED KRAFT, LIST NO. 5

Specifications

"SS" size	½	1	2
Basis	30	30	30
Dimensions Automatic	3 x 1¾ x 5⅞ 4⅝ x 6⅝	3½ x 2⅜ x 6¾ 5⅛ x 7⅝	4⅝ x 2⅝ x 9⅛ 6⅛ x 8⅝
Flat			
Base list	$2.20	$2.80	$4.05
Discount table:			
1/5	2.09	2.66	3.85
2/5	1.99	2.53	3.66
3/5	1.89	2.40	3.47
4/5	1.79	2.28	3.30
5/5	1.70	2.17	3.13
6/5	1.62	2.06	2.98
7/5	1.54	1.96	2.83
8/5	1.46	1.86	2.69
9/5	1.39	1.76	2.55
10/5	1.32	1.68	2.42
11/5	1.25	1.59	2.30
12/5	1.19	1.51	2.18
13/5	1.13	1.44	2.08
14/5	1.07	1.37	1.98
15/5	1.02	1.30	1.88
16/5	.97	1.23	1.78
17/5	.92	1.17	1.69
18/5	.87	1.11	1.61
19/5	.83	1.06	1.53
20/5	.79	1.00	1.45

LIQUOR BOTTLE BAGS, LIST NO. 8

Specifications

Size	Pint	Quart
Dimensions	3¾ x 2¼ x 11½	4½ x 2½ x 10¼
Basis	35	35
Base list	$4.00	$6.00
Discount table:		
8/5	2.65	3.98
9/5	2.52	3.78
10/5	2.39	3.59
11/5	2.28	3.41
12/5	2.16	3.24
13/5	2.05	3.08
14/5	1.95	2.93
15/5	1.85	2.78
16/5	1.76	2.64
17/5	1.67	2.51
18/5	1.59	2.38
19/5	1.51	2.26
20/5	1.43	2.15
21/5	1.36	2.04
22/5	1.29	1.94
23/5	1.23	1.84
24/5	1.17	1.75
25/5	1.11	1.66
26/5	1.05	1.58
27/5	1.00	1.50
28/5	.95	1.43

GARMENT AND PANTS BAGS, LIST NO. 6

Specifications

Size	23⅜ x 36	23⅜ x 54	18 x 30
Base list	$32.10	$47.50	$22.00
Discount table:			
5/5	24.84	36.76	17.02
6/5	23.60	34.92	16.17
7/5	22.42	33.17	15.36
8/5	21.30	31.51	14.59
9/5	20.23	29.93	13.86
10/5	19.22	28.44	13.17
11/5	18.26	27.02	12.51
12/5	17.35	25.67	11.89
13/5	16.48	24.38	11.29
14/5	15.66	23.17	10.73
15/5	14.87	22.01	10.19
16/5	14.13	20.90	9.68
17/5	13.42	19.86	9.20
18/5	12.75	18.87	8.74
19/5	12.11	17.93	8.30
20/5	11.51	17.03	7.89
21/5	10.93	16.18	7.49
22/5	10.38	15.37	7.12
23/5	9.87	14.60	6.76
24/5	9.37	13.87	6.42
25/5	8.90	13.18	6.10

GARBAGE BAGS, SQUARE, WAXED KRAFT, LIST NO. 7

Specifications

Size	8 x 7¾ x 17⅛	7 x 6½ x 14
Basis weight	41	35
Base list	$19.20	$12.15
Discount table:		
1/5	18.24	11.54
2/5	17.33	10.97
3/5	16.46	10.42
4/5	15.64	9.90
5/5	14.86	9.40
6/5	14.11	8.93
7/5	13.41	8.48
8/5	12.74	8.06
9/5	12.10	7.66
10/5	11.50	7.27
11/5	10.92	6.91
12/5	10.38	6.57
13/5	9.86	6.24
14/5	9.36	5.93
15/5	8.90	5.63
16/5	8.45	5.35
17/5	8.03	5.08
18/5	7.63	4.83
19/5	7.25	4.59
20/5	6.88	4.36

NAIL BAGS, LIST NO. 9

Specifications

Basis (pounds)... Weight (pounds)...	3 50	5 50	10 60	16 60	20 60	25 60
List price	$5.55	$6.70	$11.95	$16.85	$18.00	$19.45
1/5	5.27	6.37	11.35	16.01	17.10	18.48
2/5	5.01	6.05	10.78	15.21	16.25	17.55
3/5	4.76	5.74	10.25	14.45	15.43	16.68
4/5	4.52	5.46	9.73	13.72	14.66	15.84
5/5	4.29	5.18	9.25	13.04	13.93	15.05
6/5	4.08	4.93	8.78	12.39	13.23	14.30
7/5	3.88	4.68	8.35	11.77	12.57	13.58
8/5	3.68	4.44	7.93	11.18	11.94	12.90
9/5	3.50	4.22	7.53	10.62	11.34	12.26
10/5	3.32	4.01	7.15	10.09	10.78	11.65
11/5	3.16	3.81	6.80	9.58	10.24	11.06
12/5	3.00	3.62	6.46	9.11	9.73	10.51
13/5	2.85	3.44	6.13	8.65	9.24	9.98
14/5	2.71	3.27	5.83	8.22	8.78	9.49
15/5	2.57	3.10	5.54	7.81	8.34	9.01
16/5	2.44	2.95	5.26	7.42	7.92	8.56
17/5	2.32	2.80	5.00	7.05	7.53	8.13
18/5	2.20	2.66	4.75	6.69	7.15	7.73

NAIL BAGS, LIST NO. 9—Continued

Specifications—Continued

Basis (pounds)... Weight (pounds)...	3 50	5 50	10 60	16 60	20 60	25 60
List price	$5.55	$6.70	$11.95	$16.85	$18.00	$19.45
19/5	2.09	2.53	4.51	6.36	6.79	7.34
20/5	1.99	2.40	4.28	6.04	6.45	6.97
21/5	1.89	2.28	4.07	5.74	6.15	6.62
22/5	1.80	2.17	3.87	5.45	5.82	6.29
23/5	1.71	2.06	3.67	5.18	5.53	5.98
24/5	1.62	1.96	3.49	4.92	5.26	5.68
25/5	1.54	1.86	3.31	4.67	4.99	5.40
26/5	1.46	1.77	3.15	4.44	4.74	5.13
27/5	1.39	1.68	2.99	4.22	4.51	4.87
28/5	1.32	1.59	2.84	4.01	4.28	4.63
29/5	1.25	1.51	2.70	3.81	4.07	4.39
30/5	1.19	1.44	2.56	3.62	3.86	4.17
31/5	1.13	1.37	2.44	3.44	3.67	3.97
32/5	1.08	1.30	2.32	3.26	3.49	3.77
33/5	1.02	1.23	2.20	3.10	3.31	3.58
34/5	.97	1.17	2.09	2.95	3.15	3.40
35/5	.92	1.11	1.98	2.80	2.99	3.23

NOTION AND MILLINERY BAGS, LIST NO. 10

Specifications

Grade	Notion Bags up to but not including bags 10 inches wide or 13 inches long					Millinery Bags, bags 10 inches and wider or 13 inches and longer				
Bag size	4 x 6¼	5 x 7½	6¼ x 9¼	7½ x 10½	8¼ x 11	10 x 13	12 x 15	15 x 18	17 x 21	21 x 24
Llp	1 5/16	¾	1	1	1¼	—	—	—	—	—
Base list	$1.50	$1.90	$2.60	$3.40	$4.00	$5.30	$6.90	$10.40	$13.40	$19.20
Discount table:										
1/5	1.43	1.81	2.47	3.23	3.80	5.04	6.56	9.88	12.73	18.24
2/5	1.35	1.71	2.35	3.07	3.61	4.78	6.23	9.39	12.09	17.33
3/5	1.29	1.63	2.23	2.92	3.43	4.54	5.92	8.92	11 49	16.46
4/5	1.22	1.55	2.12	2.77	3.26	4.32	5.62	8.47	10.91	15.64
5/5	1.16	1.47	2.01	2.63	3.10	4.10	5.34	8.05	10.37	14.86
6/5	1.10	1.40	1.91	2.50	2.94	3.90	5.07	7.65	9.85	14.11
7/5	1.05	1.33	1.82	2.37	2.79	3.70	4.82	7.26	9.36	13.41
8/5	1.00	1.26	1.72	2.26	2.65	3.52	4.58	6.90	8.89	12.74
9/5	.95	1.20	1.64	2.14	2.52	3.34	4.35	6.55	8.44	12.10
10/5	.90	1.14	1.56	2.04	2.39	3.17	4.13	6.23	8.02	11.50
11/5	.85	1.08	1.48	1.93	2.28	3.01	3.92	5.92	7.62	10.92
12/5	.81	1.03	1.41	1.84	2.16	2.86	3.73	5.62	7.24	10 38
13/5	.77	.98	1.33	1.75	2.05	2.72	3.54	5.34	6.88	9.86
14/5	.73	.93	1.27	1.66	1.95	2.58	3.37	5.07	6.54	9.36
15/5	.69	.88	1.20	1.58	1.85	2.46	3.20	4.82	6.21	8.90
16/5	.66	.84	1.14	1.50	1.76	2.33	3.04	4.58	5.90	8.45
17/5	.63	.79	1.09	1.42	1.67	2.22	2.88	4.35	5.60	8.03
18/5	.60	.75	1.03	1.35	1.59	2.11	2.74	4.13	5.32	7.63
19/5	.57	.72	.98	1.28	1.51	2.00	2.60	3.92	5.06	7.25
20/5	.54	.68	.93	1.22	1.43	1.90	2.47	3.73	4.80	6.88
21/5	.51	.65	.89	1.16	1.36	1.81	2.35	3.54	4.56	6.54
22/5	.49	.61	.84	1.10	1.29	1.71	2.23	3.36	4.33	6.21
23/5	.46	.58	.80	1.05	1.23	1.63	2.12	3.20	4.12	5.90
24/5	.44	.55	.76	.99	1.17	1.55	2.01	3.04	3.91	5.61
25/5	.42	.53	.72	.94	1.11	1.47	1.91	2.88	3.72	5.33

SHOE BAGS, SQUARE STYLE, LIST NO. 11

Specifications

Size	Dimensions
Small	6½ x 2½ x 15
Large	6¾ x 3¾ x 18

BASE LIST AND NET PRICE DISCOUNT TABLE

Bag size	Net cost on $100	Small	Large	Bag size	Net cost on $100	Small	Large
List price		$6.50	$8.10	List price		$6.50	$8.10
1/5	$95.00	6.18	7.70	16/5	44.01	2.86	3.56
2/5	90.25	5.87	7.31	17/5	41.81	2.72	3.39
3/5	85.74	5.57	6.94	18/5	39.72	2.58	3.22
4/5	81.45	5.29	6.60	19/5	37.74	2.45	3.06
5/5	77.38	5.03	6.27	20/5	35.85	2.33	2.90
6/5	73.51	4.78	5.95	21/5	34.06	2.21	2.76
7/5	69.83	4.54	5.66	22/5	32.35	2.10	2.62
8/5	66.34	4.31	5.37	23/5	30.74	2.00	2.49
9/5	63.02	4.10	5.10	24/5	29.20	1.90	2.37
10/5	59.87	3.89	4.85	25/5	27.74	1.80	2.25
11/5	56.88	3.70	4.61	26/5	26.35	1.71	2.13
12/5	54.04	3.51	4.38	27/5	25.03	1.63	2.03
13/5	51.33	3.34	4.16	28/5	23.78	1.55	1.93
14/5	48.77	3.17	3.95	29/5	22.59	1.47	1.83
15/5	46.33	3.01	3.75	30/5	21.46	1.39	1.74
M's per bale		3	2	M's per bale		3	2

CELLOPHANE BAGS, LIST NO. 14
CELLOPHANE SATCHEL BOTTOM BAGS
[Prices listed are per M unless otherwise specified]

No.	Size	Base list	Discounts 1/5	2/5	3/5	4/5	5/5	6/5	7/5	8/5	9/6	10/5	11/5	12/5
	300 MST													
¼	3¼ x 6	$7.55	$7.17	$6.81	$6.47	$6.13	$5.94	$5.55	$5.27	$5.01	$4.76	$4.52	$4.29	$4.08
½	3¼ x 8	10.40	9.87	9.37	8.91	8.44	8.17	7.64	7.25	6.89	6.55	6.23	5.90	5.62
1	4¼ x 8	11.22	10.66	10.13	9.63	9.11	8.82	8.25	7.83	7.44	7.07	6.72	6.37	6.06
2	4¼ x 9	13.26	12.60	11.97	11.37	10.77	10.43	9.75	9.26	8.80	8.36	7.95	7.54	7.17
3	5¼ x 10	16.00	15.20	14.44	13.72	13.03	12.63	11.76	11.17	10.61	10.08	9.58	9.10	8.64
	450 PT													
¼	3¼ x 6	7.72	7.33	6.96	6.61	6.28	5.97	5.67	5.39	5.12	4.86	4.62	4.39	4.17
½	3¼ x 7	8.90	8.36	7.94	7.54	7.16	6.90	6.46	6.14	5.83	5.54	5.26	5.00	4.75
1	4¼ x 8	11.22	10.66	10.13	9.62	9.14	8.84	8.25	7.84	7.45	7.07	6.72	6.38	6.06
2	4¼ x 9	12.90	12.26	11.65	11.07	10.52	10.18	9.47	9.00	8.55	8.12	7.71	7.33	6.96
3	5¼ x 10	14.78	14.04	13.34	12.67	12.04	11.65	10.84	10.30	9.79	9.30	8.84	8.40	7.98
¼	5¼ x 11¼	17.39	16.52	15.69	14.91	14.16	13.70	12.75	12.11	11.51	10.93	10.39	9.87	9.38
½	6¼ x 12	22.47	21.35	20.29	19.27	18.31	17.71	16.48	15.65	14.87	14.13	13.42	12.75	12.12
1	6¼ x 12	25.06	23.80	22.61	21.48	20.41	19.74	18.37	17.45	16.58	15.75	14.96	14.21	13.50
	450 MST													
1	4¼ x 8	12.39	11.77	11.18	10.62	10.09	9.59	9.11	8.65	8.22	7.81	7.42	7.05	6.70
2	5¼ x 9	15.86	15.07	14.32	13.60	12.92	12.27	11.66	11.08	10.52	10.00	9.50	9.02	8.57
3	6¼ x 10	19.86	18.87	17.93	17.03	16.18	15.37	14.60	13.87	13.18	12.52	11.89	11.30	10.73
4	7¼ x 11¼	25.64	24.36	23.14	21.98	20.88	19.84	18.85	17.91	17.01	16.16	15.35	14.58	13.86
5	8¼ x 12	28.49	27.07	25.72	24.43	23.21	22.05	20.95	19.90	18.91	17.96	17.06	16.21	15.40

CELLOPHANE FLAT BAGS

No.	Size	300 MST Base list	Discounts 1/5	2/5	3/5	4/5	5/5	6/5	7/5	8/5	9/5	10/5	11/5	12/5
	1-ounce	$5.27	$5.01	$4.70	$4.52	$4.29	$4.06	$3.88	$3.69	$3.50	$3.33	$3.16	$3.00	$2.85
	1-ounce	4.81	4.60	4.37	4.15	3.94	3.74	3.55	3.37	3.20	3.04	2.89	2.75	2.61
	1-ounce	4.81	4.57	4.32	4.10	3.89	3.69	3.50	3.32	3.15	2.99	2.84	2.70	2.57
	No. 1 peanut	5.21	5.00	4.75	4.50	4.28	4.06	3.85	3.66	3.47	3.30	3.13	2.98	2.83
¼	3¼ x 6¼	6.04	5.80	5.49	5.26	5.05	4.80	4.56	4.33	4.11	3.91	3.71	3.53	3.35
½	3¼ x 7¼	6.30	6.04	5.72	5.47	5.25	5.00	4.75	4.51	4.28	4.07	3.87	3.68	3.49
1	4¼ x 8¼	8.30	7.97	7.55	7.22	6.93	6.59	6.26	5.95	5.65	5.37	5.10	4.85	4.60
2	4¼ x 9¼	9.45	9.07	8.59	8.21	7.88	7.49	7.12	6.76	6.42	6.10	5.79	5.51	5.23
3	5¼ x 7¼	10.17	9.76	9.25	8.84	8.48	8.07	7.66	7.28	6.92	6.57	6.24	5.93	5.63
4	5¼ x 7¼	11.77	11.30	10.70	10.23	9.81	9.34	8.87	8.43	8.01	7.61	7.23	6.87	6.52

CELLOPHANE SQUARE BAGS

No.	Size	300 MST Base list	Discounts 1/5	2/5	3/5	4/5	5/5	6/5	7/5	8/5	9/5	10/5	11/5	12/5
	300 MST													
¼	2¼ x 3¼ x 6½	$6.30	$5.99	$5.69	$5.40	$5.13	$4.87	$4.63	$4.40	$4.18	$3.97	$3.77	$3.58	$3.40
½	2½ x 3¼ x 7½	6.85	6.51	6.18	5.87	5.58	5.30	5.03	4.78	4.54	4.31	4.09	3.89	3.69
1	3¼ x 4¼ x 8¼	8.19	7.78	7.39	7.02	6.67	6.33	6.02	5.71	5.43	5.16	4.90	4.66	4.42
2	3½ x 4¼ x 9¼	11.92	11.32	10.75	10.21	9.70	9.22	8.76	8.32	7.91	7.51	7.14	6.78	6.44
3	4 x 5¼ x 10¼	14.00	13.30	12.63	12.00	11.40	10.83	10.29	9.78	9.29	8.82	8.38	7.96	7.56
	450 MST													
1	3 x 1¾ x 8¼	11.86	11.27	10.71	10.17	9.66	9.18	8.72	8.28	7.87	7.48	7.10	6.75	6.41
2	3½ x 2¼ x 9¼	15.50	14.74	14.04	13.34	12.67	12.04	11.44	10.87	10.32	9.81	9.32	8.86	8.41
3	4 x 2¾ x 10¼	18.19	17.28	16.42	15.60	14.82	14.08	13.38	12.71	12.07	11.47	10.90	10.35	9.84
4	4½ x 3¼ x 13	23.79	22.60	21.48	20.41	19.39	18.42	17.50	16.63	15.80	15.01	14.26	13.55	12.88
5	5¼ x 3¼ x 15	25.79	24.50	23.28	22.12	21.01	19.96	18.96	18.01	17.11	16.26	15.44	14.67	13.94

[F. R. Doc. 52-9275; Filed, Aug. 19, 1952; 4:23 p. m.]

GLASSINE BAGS, FLAT, 25-POUND WAXE GLASSINE, LIST NO. 12

Specifications

Size	1 ounce	No. 1 peanut	No. 2 peanut	Collar	¼ pound	½ pound	1 pound	2 pounds	Sandwich	Pie	Cake
Lip dimensions	2¾ x 4⅛—1	3 x 5⅛—1	3¼ x 4¾—1	3½ x 5⅛—1	3½ x 6⅛—1	4¼ x 7¾—1	5¼ x 9⅛—1	6¼ x 9⅛—1	5½ x 9⅛—1	10 x 11—1	11¼ x 12—1
Base list	$1.60	$1.80	$1.75	$3.50	$2.35	$2.90	$3.75	$4.00	$3.00	$8.50	$10.00
Discount table:											
1/5	1.62	1.62	1.56	3.33	2.23	2.76	3.56	4.66	2.85	8.05	10.07
2/5	1.44	1.44	1.39	3.16	2.12	2.62	3.38	4.42	2.71	7.67	9.57
3/5	1.37	1.37	1.34	3.00	2.01	2.49	3.22	4.20	2.57	7.29	9.09
4/5	1.30	1.30	1.27	2.85	1.91	2.36	3.05	3.99	2.44	6.92	8.63
5/5	1.24	1.24	1.22	2.71	1.82	2.24	2.90	3.79	2.32	6.57	8.20
6/5	1.18	1.18	1.16	2.57	1.73	2.13	2.76	3.60	2.20	6.24	7.79
7/5	1.12	1.12	1.10	2.44	1.64	2.02	2.62	3.42	2.09	5.93	7.40
8/5	1.06	1.06	1.04	2.32	1.56	1.92	2.49	3.25	1.98	5.64	7.03
9/5	1.01	1.01	1.00	2.21	1.48	1.82	2.36	3.09	1.89	5.36	6.68
10/5	.96	.96	.95	2.10	1.41	1.74	2.25	2.93	1.80	5.09	6.35
11/5	.91	.91	.90	1.99	1.34	1.65	2.13	2.78	1.71	4.84	6.03
12/5	.86	.86	.85	1.89	1.27	1.56	2.02	2.64	1.62	4.59	5.73
13/5	.82	.82	.81	1.80	1.21	1.49	1.92	2.51	1.54	4.36	5.44
14/5	.78	.78	.77	1.71	1.15	1.41	1.83	2.39	1.46	4.15	5.17
15/5	.74	.74	.73	1.62	1.09	1.34	1.74	2.27	1.39	3.94	4.91
16/5	.70	.70	.69	1.54	1.04	1.27	1.65	2.16	1.32	3.75	4.67
17/5	.67	.67	.66	1.47	.99	1.21	1.57	2.05	1.25	3.57	4.45
18/5	.64	.64	.63	1.40	.94	1.15	1.49	1.95	1.19	3.40	4.24
19/5	.61	.61	.60	1.33	.90	1.09	1.42	1.85	1.13	3.24	4.03
20/5	.57	.57	.57	1.25	.84	1.04	1.34	1.75	1.06	3.09	3.90

GLASSINE BAGS, SQUARE, WHITE GLASSINE, LIST NO. 13

Specifications

Size	¼ lb.	½ lb.	1 lb.	1½ lb.	2 lb.	3 lb.	4 lb.	5 lb.	6 lb.	Cookie	Rye bread	Vienna bread	Round loaf
Lip dimensions	2½ x 3¼ x 6½	3 x 3¼ x 7½	3½ x 3¼ x 8½	3½ x 4¼ x 9¼	4 x 3¾ x 9—¾	4½ x 3¾ x 10—¾	5 x 3¾ x 11—¾	5½ x 3¾ x 12—¾	6 x 3¾ x 13—¾	4 x 2¾ x 11—¾	3 x 3 x 18—¾	3½ x 3½ x 20—¾	3½ x 3½ x 14—¾
Base list	$2.35	$2.90	$3.75	$4.70	$4.90	$6.30	$7.30	$8.25	$9.65	$6.30	$10.75	$12.85	$13.50
Discount table:													
1/5	1.87	2.32	3.00	3.76	3.92	5.04	5.84	6.60	7.72	5.04	8.60	10.28	10.80
2/5	1.72	2.13	2.76	3.46	3.60	4.63	5.37	6.07	7.10	4.63	7.91	9.45	9.93
3/5	1.58	1.96	2.53	3.18	3.31	4.26	4.93	5.58	6.53	4.26	7.28	8.69	9.14
4/5	1.45	1.80	2.33	2.92	3.04	3.91	4.54	5.13	6.01	3.92	6.70	8.00	8.41
5/5	1.33	1.65	2.14	2.69	2.80	3.60	4.17	4.72	5.53	3.61	6.16	7.36	7.74
6/5	1.22	1.52	1.97	2.47	2.57	3.31	3.84	4.34	5.09	3.32	5.67	6.77	7.12
7/5	1.12	1.39	1.81	2.27	2.36	3.04	3.53	3.99	4.68	3.05	5.22	6.23	6.55
8/5	1.03	1.28	1.66	2.09	2.17	2.80	3.24	3.67	4.31	2.81	4.80	5.73	6.03
9/5	.95	1.18	1.53	1.92	2.00	2.57	2.98	3.38	3.96	2.58	4.42	5.27	5.55
10/5	.87	1.09	1.41	1.77	1.84	2.37	2.74	3.11	3.65	2.38	4.07	4.85	5.11
11/5	.80	1.00	1.30	1.63	1.69	2.18	2.52	2.86	3.36	2.19	3.74	4.47	4.70
12/5	.74	.92	1.20	1.50	1.56	2.01	2.32	2.63	3.09	2.01	3.44	4.11	4.33
13/5	.68	.85	1.10	1.38	1.44	1.85	2.14	2.42	2.85	1.86	3.17	3.78	3.98
14/5	.63	.78	1.01	1.27	1.32	1.70	1.97	2.23	2.62	1.71	2.92	3.48	3.67
15/5	.58	.72	.93	1.17	1.22	1.57	1.81	2.05	2.41	1.57	2.69	3.21	3.38
16/5	.54	.67	.86	1.08	1.12	1.44	1.67	1.89	2.22	1.45	2.48	2.96	3.11
17/5	.50	.62	.80	1.00	1.04	1.33	1.54	1.74	2.05	1.33	2.28	2.72	2.87
18/5	.46	.57	.74	.93	.96	1.23	1.42	1.61	1.89	1.23	2.11	2.51	2.65
19/5	.43	.53	.68	.86	.89	1.14	1.32	1.49	1.75	1.14	1.95	2.33	2.46
20/5	.40	.50	.64	.80	.83	1.06	1.23	1.39	1.63	1.06	1.82	2.17	2.29

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 16 to Schedule B]

[Rent Regulation 2, Amdt. 16 to Schedule B]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

FLORIDA

Effective August 21, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. A new item 61 is added to Schedule B of Rent Regulation 1, reading as follows:

61. *Provisions relating to the Seminole County, Florida, Defense-Rental Area (Item 64a of Schedule A):*

(a) Wherever the words "December 1 to March 31" appear in section 41, the words "December 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the Seminole County, Florida, Defense-Rental Area, are hereby amended to the extent necessary to carry these provisions of item 61 into effect.

2. A new item 67 is added to Schedule B of Rent Regulation 2, reading as follows:

67. *Provisions relating to the Seminole County, Florida, Defense-Rental Area (Item 64a of Schedule A):*

(a) Wherever the words "December 1 to March 31" appear in section 42, the words "December 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the Seminole County, Florida, Defense-Rental Area, are hereby amended to the extent necessary to carry these provisions of item 67 into effect.

[F. R. Doc. 52-9228; Filed, Aug. 20, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 14 to Schedule B]

[Rent Regulation 4, Amdt. 7 to Schedule B]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE B—SPECIFIC PROVISIONS RELATING TO INDIVIDUAL DEFENSE-RENTAL AREA OR PORTIONS THEREOF

FLORIDA

Effective August 21, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 18th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. A new item 19 is added to Schedule B of Rent Regulation 3, reading as follows:

19. *Provisions relating to the Seminole County, Florida, Defense-Rental Area (Item 64a of Schedule A):*

(a) Wherever the words "December 1 to March 31" appear in section 27, the words "December 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the Seminole County, Florida, Defense-Rental Area, are hereby amended to the extent necessary to carry these provisions of item 19 into effect.

2. A new item 19 is added to Schedule B of Rent Regulation 4, reading as follows:

19. *Provisions relating to the Seminole County, Florida, Defense-Rental Area (Item 64a of Schedule A):*

(a) Wherever the words "December 1 to March 31" appear in section 26, the words "December 1 to April 30" are substituted.

(b) All provisions of this regulation insofar as they are applicable to the Seminole County, Florida, Defense-Rental Area, are hereby amended to the extent necessary to carry these provisions of item 19 into effect.

[F. R. Doc. 52-9229; Filed, Aug. 20, 1952; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53079]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES; GLASSWARE AND GLASS ARTICLES

In order to assist collectors of customs in properly classifying glass articles sold as beverage, toilet, cruet, or other sets, customs invoices for glassware commercially known as plated or cased glass and for articles of every description, not specially provided for, wholly-or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, shall contain the separate value of each component article when such articles are imported in sets.

This requirement shall be effective as to certified or commercial invoices filed after the expiration of 30 days after the publication of this ruling in the weekly Treasury Decisions.

Section 8.13 (i), Customs Regulations of 1943 (19 CFR 8.13 (i)), as amended, is further amended by adding the following to the list of merchandise with respect to which information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury decision:

§ 8.13 *Contents of invoices; incomplete invoices; general requirements supplemented.* • • •

(i) • • •

Glassware commercially known as plated or cased glass, and articles of every description, not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner; all the foregoing when imported in sets.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 481, 46 Stat. 719; 19 U. S. C. 1481)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 14, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9234; Filed, Aug. 20, 1952; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

MISCELLANEOUS AMENDMENTS

1. In § 36.4301, paragraph (a) is amended to read as follows:

§ 36.4301 *Definitions.* • • •

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as the "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, 2d session (62 Stat. 1206), Public Law 475, 81st Congress, 2d session (64 Stat. 48), Public Law 139, 82d Congress, 1st session (65 Stat. 293), Public Law 142, 82d Congress, 1st session (65 Stat. 320), and Public Law 550, 82d Congress, 2d session (66 Stat. 663) (38 U. S. C. 694, et seq.).

• • • • •

2. In § 36.4302, paragraph (c) is amended to read as follows:

§ 36.4302 *Computation of guaranties or insurance credits.* • • •

(c) The following formula shall govern the ascertainment of the amount of the guaranty or insurance entitlement which remains available to an eligible veteran after prior use of entitlement: Add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $4,000. The sum remaining is the amount available for the guaranty or insurance of a real estate loan other than a section 501 (b) loan and one-half of such sum is so available for a non-real estate loan. For the purpose of ascertaining the amount of guaranty entitlement which remains available for a section 501 (b) loan after prior use of entitlement, add to the amount of such entitlement previously used for realty, twice the amount previously used for non-realty purposes. Subtract this sum from $7,500. Subject to the provisions of paragraph (j) of this section, the sum remaining is the amount of entitlement available for section 501 (b) purposes.

• • • • •

3. Section 36.4331 is revised to read as follows:

§ 36.4331 *Disqualification of lenders.* In the event the Administrator takes action under section 514 of the act to suspend a lender or holder from obtaining the guaranty or insurance of loans or from acquiring guaranteed or insured loans, such lender or holder shall there-

upon become entitled then or thereafter to apply to the Administrator for a hearing at which the lender or holder shall be afforded full opportunity to introduce evidence showing why such suspension should be terminated or modified. The Administrator shall designate such time and place as he may deem appropriate for such hearing. The person or persons designated by the Administrator to conduct such hearing shall have the authority to administer oaths to witnesses. The lender concerned shall have the right to appear at such hearing in person or by attorney or both and to submit such evidence as he may deem material. Based on the evidence presented at such hearing the Administrator will determine whether to terminate the suspension conditionally or otherwise, or affirm its continuance for a definite period or permanently.

4. The centerhead "Real Estate Loans" immediately preceding § 36.4346 is hereby deleted.

5. Section 36.4347 is revised to read as follows:

§ 36.4347 *Minimum property and construction requirements.* No loan for the purchase or construction of residential property shall be eligible for guaranty or insurance unless such property complies or conforms with those standards of planning, construction, and general acceptability that may be applicable thereto and prescribed by the Administrator pursuant to section 504 (b) of the act.

6. In § 36.4501, paragraph (a) is amended to read as follows:

§ 36.4501 *Definitions.* • • •

(a) "Act" means Public Law 346, 78th Congress (58 Stat. 284), cited as "Servicemen's Readjustment Act of 1944," as amended by Public Law 268, 79th Congress (59 Stat. 626), Public Law 864, 80th Congress, 2d session (62 Stat. 1206), Public Law 475, 81st Congress, 2d session (64 Stat. 48), Public Law 139, 82d Congress, 1st session (65 Stat. 293), Public Law 142, 82d Congress, 1st session (65 Stat. 320), Public Law 325, 82d Congress, 2d session (66 Stat. 64), and Public Law 550, 82d Congress, 2d session (66 Stat. 663) (38 U. S. C. 694, et seq.).

• • • • •

7. Section 36.4521 is revised to read as follows:

§ 36.4521 *Minimum property and construction requirements.* No loan for the purchase or construction of residential property shall be eligible for guaranty or insurance unless such property complies or conforms with those standards of planning, construction, and general acceptability that may be applicable thereto and prescribed by the Administrator pursuant to section 504 (b) of the act.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective August 21, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9232; Filed, Aug. 20, 1952; 8:49 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 52-9]

MARINE ENGINEERING REGULATIONS

A notice regarding the proposed revision of the marine engineering regulations and material specifications, together with certain proposed changes and transfer of requirements relating to marine engineering presently published in the tank vessel regulations, load line regulations, and general rules and regulations for vessel inspection, was published in the FEDERAL REGISTER dated August 16, 1951, 16 F. R. 8136–8139, as Items I to IX, inclusive, on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 18, 1951, in Washington, D. C. Another notice regarding further proposed changes in the marine engineering regulations and material specifications was published in the FEDERAL REGISTER dated February 27, 1952, 17 F. R. 1727–1731, as Items VII, and XII to XVII, inclusive, on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on March 25, 1952, in Washington, D. C. Since the 1948 Convention for Safety of Life at Sea becomes effective on and after November 19, 1952, and it is necessary to change the regulations to complement and implement this Convention, a revision in the format of the regulations presently contained in Chapter I of Title 46 (Shipping), Code of Federal Regulations, is necessary in order that the regulations may be published in compliance with the Administrative Procedure Act. In order to have an orderly presentation of marine engineering regulations, only those changes in 46 CFR Parts 51 to 57, inclusive, which will not be affected by the general revision of regulations to be made to implement the 1948 Convention, are contained in this document. The proposed changes described in the notices published in the FEDERAL REGISTER dated August 16, 1951, and February 27, 1952, and considered by the Merchant Marine Council at public hearings held September 18, 1951, and March 25, 1952, which have not been included in this document, will be incorporated in the document containing the necessary revision of Chapter I (Shipping) expected to be published before the 1948 Convention becomes effective November 19, 1952.

All the comments, views, and data submitted either in writing or orally at the public hearings were considered and, where practicable, were incorporated into the regulations.

The purpose of the amendments to the regulations contained in this document is to revise and bring up to date the requirements for marine engineering and material specifications applicable to merchant vessels and to transfer to the marine engineering regulations certain revised engineering requirements from the tank vessel regulations, load line regulations, and general rules and regulations for vessel inspection, as well as to establish a new specification for automatically controlled, packaged auxiliary boilers.

The requirements for steering apparatus have been revised, consolidated and transferred to 46 CFR Subpart 57.25 in the marine engineering regulations. This was done to eliminate conflicting requirements, as well as to clarify Coast Guard regulations previously contained in over 14 different sections in 46 CFR Chapter I, which were also published in the Tank Vessel Regulations (CG–123), Load Line Regulations (CG–176) and the various General Rules and Regulations for Vessel Inspection (CG–170, 188, 189, and 185). Where necessary, appropriate cross references have been made. This was considered as Item IX on the agenda for the public hearing held September 18, 1951, and Item VII on the agenda for the public hearing held March 25, 1952. The revised regulations for steering apparatus are in substantial agreement with the American Bureau of Shipping Rules and the petitions from several manufacturers and others were considered and incorporated into the regulations.

This revision of the marine engineering regulations in 46 CFR Parts 51 to 57, inclusive, as well as the Marine Engineering Regulations and Material Specifications (CG–115), changes the requirements to permit the use of liberalized design stresses based upon a factor of safety of four under certain restricted requirements which must be met in order to use the higher stresses allowed; to utilize common practices and procedures employed in the industry insofar as possible; to clarify existing requirements; to effect necessary editorial changes; and to bring the requirements into closer agreements with the rules of the American Bureau of Shipping, standards for the American Society for Testing Materials, and various codes of the American Society of Mechanical Engineers. While relaxations have been made to permit the use of liberalized design stresses under certain conditions, the application of the revised regulations may in certain isolated cases be more stringent than before. This will be based on individual findings of each Officer in Charge, Marine Inspection. The petitions received from industry, as well as the many comments submitted, were considered and in most cases were accepted with minor modifications.

The revision of 46 CFR Part 51, regarding materials and material specifications used in marine engineering construction, has been made in order to utilize insofar as possible the practices and procedures used by industry. In this revision of material requirements, the Coast Guard has adopted by reference various material specifications of the American Society for Testing Materials and, where necessary, only those specific limitations applicable to certain materials are set forth in the regulations. Since the A. S. T. M. specifications have been widely accepted and are normally used in specifying requirements for materials purchased from steel manufacturers, the adoption of standard specifications with limitations

applicable to certain materials when used in marine service, will be beneficial to both the steel manufacturer and the purchaser. A new regulation designated 51 CFR 51.01–95 permits the use of materials complying with the requirements set forth in applicable A. S. T. M. emergency alternate provisions for the period of the National Emergency proclaimed by the President on Dec. 16, 1950. The revision also relaxes material requirements for flange and firebox quality steel plate in order that the maximum temperature permitted may be increased from 500° to 650° F. to be consistent with the limitations imposed on this material when used as flange material in piping systems.

The revision of the construction regulations in 46 CFR Part 52, as well as in the Marine Engineering Regulations and Material Specifications (CG–115), brings these regulations up to date with modern usages and practices of industry; changes certain definitions and general requirements by incorporating the American Society of Mechanical Engineers stresses in the design formulas governing shells and heads of boilers and unfired pressure vessels; provides stress tables for ferrous materials; establishes definite limitations for the design of boilers and unfired pressure vessels employing stresses based upon a factor of safety of four, such as corrosion allowance, removal of welding reinforcement, and consideration of additional stresses imposed by effects other than internal pressure; establishes new tables for allowable welded joint efficiencies, which permit increases in the basic welding efficiencies for classes I, II, and III pressure vessels by the removal of weld reinforcement and by the use of spot radiography and stress relief; revises design formulas for cylindrical shells and dished heads of boilers and unfired pressure vessels, welding requirements covering furnaces, fireboxes, and waterlegs on fire tube boilers, and formulas for determining the allowable pressure and minimum thickness of boiler tubes so that these requirements will be in closer agreement with the American Society of Mechanical Engineers boiler code as petitioned by manufacturers; and provides a method for determining the ligament efficiency in tube sheets with unsymmetrically spaced holes.

The changes in 46 CFR Part 53, regarding low pressure heating boilers, (Marine Engineering Regulations and Material Specifications (CG–115)) make the Coast Guard requirements similar to the current heating boiler code of the American Society of Mechanical Engineers. The factor of safety of five has been retained for the design of heating boilers. However, the requirements regarding the capacity and testing of safety and relief valves on low pressure heating boilers have been revised in part and further changes will be considered by the Merchant Marine Council at its next public hearing. New requirements have been added covering automatically controlled packaged type heating boilers.

The revision of the unfired pressure vessel regulations in 46 CFR Part 54, as well as in the Marine Engineering Regulations and Material Specifications (CG–115), establishes a uniform set of requirements for the design and construction of unfired pressure vessels. The requirements covering stress relieving of unfired pressure vessels constructed of A. S. T. M. A204 and A212 steel plate have been revised to agree with the American Society of Mechanical Engineers unfired pressure vessel code. There have been added a table of stresses for nonferrous materials and cast iron; design formulas for tube sheets and tubes of heat exchangers, and cast iron heads; and requirements regarding access and inspection openings to provide for suitable inspection and cleaning of unfired pressure vessels. The requirements have been revised for nozzle openings and reinforcements and pressure relief devices on unfired pressure vessels.

The piping system regulations in 46 CFR Part 55, as well as in Marine Engineering Regulations and Material Specifications (CG–115), have been revised and new requirements have been added for new materials permitted. The piping material stress table has been revised by incorporating additional piping materials for use in high temperature service and a number of new nonferrous grades have been added. The design pressures for piping have been clarified in order to establish minimum design requirements for saturated and superheated steam piping. The requirements covering the design of pipe pierced with tube holes have been revised to agree with the American Society of Mechanical Engineers code. The allowable variations in pressures and temperatures above the design limit for piping have been clarified. Certain requirements covering design of valves, plug cocks, and flange joints have been revised to clarify their intent. The design of boiler feed and blow-off piping has been revised to require a design pressure of not less than 125 percent of the maximum allowable pressure of the boiler. The number and location of independent bilge suctions required have been revised to agree with the 1948 Convention for Safety of Life at Sea. Changes have also been made to the fuel oil service requirements to permit a vessel having an auxiliary packaged boiler not exceeding 3,000 pounds per hour generating capacity to be equipped with a single fuel oil pump and heater. Vessels buring fuel oils of low viscosity will no longer be required to be equipped with fuel oil heaters. Certain requirements covering lubricating oil systems have been revised to agree with the American Bureau of Shipping Rules. The regulations for sounding pipes have been revised to clarify their intent.

The welding regulations in 46 CFR Part 56, as well as in the Marine Engineering Regulations and Material Specifications (CG–115), have been revised by clarifying the scope of the regulations; redefining welding terms employed in welding processes to agree with the American Welding Society standard, and changing certain requirements regarding acceptable types of welded joints to agree with the American Society of Mechanical Engineers' codes and American Bureau of Shipping rules. The revision of Subpart 56.01, regarding arc welding and gas welding, deals with the scope of the regulations; definition of welding terms used; approval of plans showing essential fabrication details; requirements for submerged arc welding electrodes; joint efficiency requirements for classes II and III welded pressure vessels; revised figures illustrating joint details; requirements for various types of welded joints, seal welding and intermittent welding; stress relieving requirements for class II welded pressure vessels; classes I and II welded piping connections; and slip-on flanges of class I welded piping. The revision of Subpart 56.06, regarding tests and inspection, deals with new requirements for spot radiography of welded joints for class II welded pressure vessels designed with a factor of safety of 4. The changes in Part 56 bring the regulations into closer agreement with American Welding Society standards, American Society of Mechanical Engineers' codes, Navy Department requirements, and American Bureau of Shipping rules.

The requirements regarding installations, tests, inspections, repairs, etc., in 46 CFR Part 57, and considered as Item VIII on the agenda of the Merchant Marine Council at the public hearing held September 18, 1951, were considered favorably but the publication of the revised regulations is being postponed in order that these regulations will not be further amended by changes in section numbers and cross references when it is necessary to revise the arrangement of regulations in 46 CFR Chapter I (Shipping). These regulations will be included in the document containing the necessary revision of Chapter I expected to be published before the 1948 Convention of Safety of Life at Sea becomes effective November 19, 1952.

The new specification regarding automatically controlled, packaged, auxiliary boilers has been added as a new Subpart 162.026 in Subchapter Q (Specifications) in 46 CFR Chapter I. This specification sets forth the requirements for the manufacturer to follow in manufacturing such equipment and covers design, construction, controls required, boiler alarms, tests and inspections required, and procedure for approval.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), as well as the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 30 days after the date of publication of this document in the FEDERAL REGISTER:

Subchapter D—Tank Vessels

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.35—MAIN AND AUXILIARY MACHINERY

1. Section 32.35–25 is amended to read as follows:

§ 32.35–25 *Steering apparatus on tank vessels—TB/ALL.* Tank vessels shall be provided with steering apparatus as required by Subpart 57.25 of Subchapter F (Marine Engineering) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4417a, as amended; 46 U. S. C. 391a)

2. Section 32.35-30. *Steering apparatus on tank ships constructed on or after July 1, 1951—T/ALL* is canceled.

3. Section 32.35-35 *Steering apparatus on tank barges—B/ALL* is canceled.

Subchapter E—Load Lines

PART 46—SUBDIVISION LOAD LINES FOR PASSENGER VESSELS

RULES FOR DETERMINING SUBDIVISION LOAD LINES FOR PASSENGER VESSELS ENGAGED ON FOREIGN AND COASTWISE VOYAGES

1. Section 46.40 *Auxiliary steering apparatus* is canceled.

(Sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 88a)

Subchapter F—Marine Engineering

1. Part 51 is amended to read as follows:

PART 51—MATERIALS

SUBPART 51.01—GENERAL

Sec.
51.01-1 Statutory requirements.
51.01-5 Basic information requirements.
51.01-10 General classification of materials.
51.01-15 Inspection and testing of class A material.
51.01-20 Chemical analyses.
51.01-25 Certification of class B material.
51.01-30 Tension tests.
51.01-40 Retests.
51.01-45 Rejections.
51.01-50 Appeals.
51.01-55 Process of steel manufacture.
51.01-60 Stamping plates and specimens.
51.01-65 Stock plates.
51.01-70 Workmanship and finish.
51.01-75 Heat treatment.
51.01-80 Reclassification of materials.
51.01-85 Alternative materials.
51.01-90 Material specification standards.
51.01-95 Emergency alternate provisions.

SUBPART 51.04—MARINE BOILER STEEL PLATE

51.04-1 Scope.
51.04-5 Heat treatment.
51.04-10 Test specimens.
51.04-15 Marking.

SUBPART 51.07—STAYBOLT AND RIVET STEEL

51.07-1 Scope.

SUBPART 51.10—STEEL BARS AND SHAPES

51.10-1 Scope.
51.10-5 Process.
51.10-10 Chemical composition.
51.10-15 Tensile properties.
51.10-20 Modification in elongation.
51.10-25 Bending properties.
51.10-30 Test specimens.
51.10-35 Number of tests.
51.10-40 Finish.
51.10-45 Marking.

SUBPART 51.13—STAYBOLT AND RIVET IRON

51.13-1 Scope.

SUBPART 51.22—FLANGE AND FIREBOX STEEL PLATES

51.22-1 Scope.

SUBPART 51.25—CARBON AND ALLOY-STEEL AND WROUGHT IRON TUBES

51.25-1 Scope.

SUBPART 51.34—CARBON AND ALLOY-STEEL AND WROUGHT IRON PIPE

51.34-1 Scope.

SUBPART 51.46—STEEL FORGINGS

Sec.
51.46-1 Scope.
51.46-5 Hydrostatic tests.

SUBPART 51.49—CARBON AND ALLOY-STEEL BOLTING AND NUT MATERIAL

51.49-1 Scope.

SUBPART 51.58—STEEL CASTINGS

51.58-1 Scope.
51.58-5 Hydrostatic tests.

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

51.61-1 Scope.
51.61-5 Hydrostatic tests.

SUBPART 51.67—COPPER AND COPPER-ALLOY PLATE

51.67-1 Scope.

SUBPART 51.70—SEAMLESS COPPER AND COPPER-ALLOY PIPE

51.70-1 Scope.

SUBPART 51.73—SEAMLESS COPPER AND COPPER-ALLOY TUBES

51.73-1 Scope.

SUBPART 51.76—COPPER-ALLOY CASTINGS

51.76-1 Scope.
51.76-5 Hydrostatic tests.

SUBPART 51.79—ALUMINUM-ALLOY PLATE

51.79-1 Scope.

AUTHORITY: §§ 51.01-1 to 51.79-1 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275.

SUBPART 51.01—GENERAL

§ 51.01-1 *Statutory requirements.* (a) Plates, bars, and shapes used as pressure parts of boilers intended for marine service shall be tested, inspected, and stamped by an inspector in accordance with the requirements of Title 52 of the Revised Statutes of the United States.

(b) Material used for pressure parts in the construction of pressure vessels other than boilers shall conform to the requirements of this part.

§ 51.01-5 *Basic information requirements.* When ordering material for the construction of boilers or unfired pressure vessels to be installed on vessels subject to the inspection of the Coast Guard, boiler manufacturers shall, as far as practicable, furnish the following information to the manufacturer of the material and to the Officer in Charge, Marine Inspection, in the district where the boiler or unfired pressure vessel is to be fabricated:

(a) Name and location of manufacturer's works.

(b) Type and size of boiler or unfired pressure vessel.

(c) Manufacturer's serial or shop number.

(d) Design pressure.

(e) Name of shipyard and hull number.

(f) Vessel's name.

§ 51.01-10 *General classification of materials.* (a) The materials to be used in the construction of boilers and unfired pressure vessels, piping, valves, fittings, and appurtenances below listed shall be of three general classes of which classes A and B shall be used for pressure parts and class C may be used for other parts as specified.

Class A: Tested materials manufactured under the supervision of the Coast Guard, tests of which shall be witnessed by an inspector.

Class B: Certified materials tested by the manufacturers, and certified by them as conforming to the requirements.

Class C: Materials for nonpressure parts of boilers or unfired pressure vessels such as casings for water-tube boilers, uptakes, furnace fronts, and operating equipment shall be of good commercial quality. No detail requirements are herein specified for materials in this class. Class C materials shall be accepted by inspectors without requiring tests or certification by manufacturers.

(b) Except as may be otherwise required, the classification of materials under classes A and B and the sections of this part in which they are specified, are as follows:

CLASS A

Subparts
51.04 Marine boiler steel plate.
51.07 Staybolts and rivet steel.
51.10 Steel bars and shapes.
51.13 Staybolt and rivet iron.

CLASS B

51.22 Flange and firebox steel plates.
51.25 Carbon and alloy-steel and wrought iron tubes.
51.34 Carbon and alloy-steel and wrought iron pipe.
51.46 Steel forgings.
51.49 Carbon and alloy-steel bolting material.
51.58 Steel castings.
51.61 Malleable iron and gray iron castings.
51.67 Copper and copper-alloy plate.
51.70 Seamless copper and copper-alloy pipe.
51.73 Seamless copper and copper-alloy tubes.
51.76 Copper-alloy castings.
51.79 Aluminum-alloy plate.

§ 51.01-15 *Inspection and testing of class A material.* Inspectors shall have free entry at all times to those parts of the works where material subject to the regulations in this part is being manufactured. The manufacturer shall afford inspectors all reasonable facilities to satisfy them that the material is being manufactured in accordance with the requirements of the Commandant. Unless otherwise authorized, tests and inspection shall be made at the place of manufacture prior to shipment and shall be so conducted as not to interfere unnecessarily with the operation of the works. Inspectors shall assure themselves that test specimens are marked for positive identification with the materials which they represent. Unless otherwise specified, tests shall be made at ordinary temperature.

§ 51.01-20 *Chemical analyses.* (a) A ladle analysis of each melt of class A materials shall be made by the manufacturer and a certified report thereof shall be furnished by him to the inspector upon request. This analysis shall be made from a test ingot taken during the pouring of the melt. The chemical composition thus determined shall conform to the specified requirements. This requirement shall apply also to the following class B materials:

(1) Flange and firebox quality steel plates specified in Subpart 51.22.

(2) Steel forgings specified in Subpart 51.46.

(3) Alloy-steel bolting material specified in Subpart 51.49.

(4) Steel castings specified in Subpart 51.58.

(5) Copper-alloy plate specified in Subpart 51.67.

(6) Copper-alloy castings specified in Subpart 51.76.

(b) A check analysis may be made at the discretion of the Commandant from test specimens representing material for which chemical composition is specified in any section of this part, in either class A or B. The chemical composition thus determined shall conform to the requirements.

§ 51.01-25 *Certification of class B material.* (a) Certification of chemical analyses and physical tests of materials of class B shall be an affidavit by the manufacturer certifying that all materials of this class supplied by him for marine service do, or will conform to all the requirements of the regulations in this part applicable thereto.

(b) Materials in this class are not required to be tested in the presence of an inspector, but whenever deemed necessary by the Commandant, he may detail an inspector to witness such tests and satisfy himself that the requirements of the specification for class B materials are met.

§ 51.01-30 *Tension tests.* All tension tests shall be made on standard calibrated machines. The yield point in tension tests shall be determined by the drop of the beam or the halt in the gauge of the testing machine. Except where otherwise specified in this part, the speed of the crosshead of the machine shall not exceed 1/16 inch per minute per inch of gauge length up to the yield point, nor shall it exceed ½ inch per minute per inch of gauge length beyond the yield point. Any convenient speed of the crosshead may be used from the start of loading the test specimen until a value estimated as one-half of the yield point is reached. In determining the yield strength by use of an extensometer, the crosshead speed shall not exceed 0.025 inch per minute per inch of gauge length. In the event the machine is stopped in taking readings, the speed may be exceeded in the take up only. The ends of all test specimens shall be of form to fit the holders of the testing machine in such a way that the load will be axial.

§ 51.01-40 *Retests.* When the result of any of the physical tests specified for any of the materials does not conform to the requirements, two additional specimens may, at the request of the manufacturer, be taken from the same lot and tested in the manner specified, but in such case, both of the specimens shall conform to the requirements. In the case of tension tests, this retest shall be allowed if the percentage of elongation obtained is less than required, or if any part of the fracture is outside of the middle third of the gauge length. If any test specimen develops flaws, it shall be discarded and another specimen from the same lot substituted.

§ 51.01-45 *Rejections.* Failure of the tests (or retests) specified in the regulations in this subchapter for each particular material shall be cause for rejection. Unless otherwise required, any rejection shall be reported by the inspector within 5 working days from the receipt of the test specimen. Acceptance of material on results of tests at the place of manufacture shall not prejudice the right to reject any of such material in which injurious defects are subsequently discovered. The manufacturer shall be promptly notified of such subsequent rejections, and the records shall be corrected.

§ 51.01-50 *Appeals.* In case of dissatisfaction with the results of any test, the manufacturer may appeal to the Coast Guard District Commander from the decision of the Officer in Charge, Marine Inspection. Should the Coast Guard District Commander sustain the Officer in Charge, Marine Inspection, the manufacturer may appeal to the Commandant. Tested specimens which represent rejected material shall be retained for at least 30 days.

§ 51.01-55 *Process of steel manufacture.* Unless otherwise officially authorized by the Commandant, all wrought steel to be used in the construction of boilers or unfired pressure vessels to be installed on vessels shall be manufactured by the open-hearth, electric furnace, or crucible process.

§ 51.01-60 *Stamping plates and specimens.* (a) Class A plates shall be stamped by the manufacturer, before they are tested, with his name or trademark, the word "Marine", the letter indicating the grade of the steel, and the minimum tensile strength of the plate per square inch of cross-sectional area expressed in thousands. Inspectors shall permit cutting a plate into two or more parts before testing, but each part shall be stamped or match-marked for identification before cutting. All plates accepted by the inspector as conforming to the requirements shall be stamped by him near the manufacturer's stamp with the official stamp of the Coast Guard, the initials of his name, and the serial number. All test specimens shall be ring-stamped or match-marked for identification before being detached. Plates shall be stamped lengthwise in two places on one long side about 18 inches from the edges at the corners. Each butt strap shall be stamped lengthwise of the plate about the middle of the strap.

(b) The impression of the official stamp of the Coast Guard for stamping plates and specimens shall be as shown below:

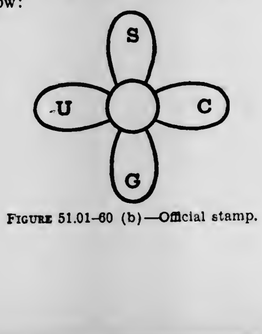

FIGURE 51.01-60 (b)—Official stamp.

§ 51.01-65 *Stock plates.* Plates may be ordered to be carried in stock ashore or on shipboard for repairs to boilers and unfired pressure vessels. Such plates shall be inspected and tested at the place of manufacture and stamped for identification as stock plates. A test report for such plates shall be furnished to the Coast Guard District Commander of the district where the purchaser is located, with a copy to the purchaser. The Coast Guard District Commander shall furnish a copy thereof to the Officer in Charge, Marine Inspection, in the district where the material is kept in stock, and if the material is to be used by persons other than the original purchaser, they shall also be furnished with a copy of such report, for submittal by them to the Officer in Charge, Marine Inspection, in the district where the repairs are actually to be made before the material may be used. Vessels carrying such stock plates shall obtain and carry identification and test records of each plate. Where such plates are cut into pieces for repairs, the Officer in Charge, Marine Inspection, shall, upon request, stamp each piece so detached for identification with the original plate and a record of such stamping shall be made.

§ 51.01-70 *Workmanship and finish.* All materials within the scope of the regulations in this subchapter shall be free from injurious defects and shall have a workmanlike finish.

§ 51.01-75 *Heat treatment.* Some of the materials herein specified require heat treatment. This may consist of annealing, or of normalizing, or of normalizing followed by annealing, or of normalizing followed by a draw back to a temperature below the critical range. Annealing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in the furnace. Normalizing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in still air.

§ 51.01-80 *Reclassification of materials.* When more than one grade is specified for any material or purpose and tests of a material of a superior grade fail to meet the requirements, such material may be reclassified and accepted as a specified lower grade if it fulfills the specified requirements for the latter. In such cases, the material shall be restamped or re-marked as required for proper identification, and revised records shall be made to cover it.

§ 51.01-85 *Alternative materials.* If, in the development of industrial arts, other suitable or improved materials differing from those specified in this part are developed, their use will be given consideration, upon formal application to the Commandant with full information as to the characteristics of the material, and such scientific data and facts as may be necessary to establish the suitability and safety of the material for the use proposed. The material requirements in this subchapter are minimum

requirements and are not intended to bar better materials.

§ 51.01–90 *Material specification standards.* (a) The specifications prescribed in this part cover materials for use in the construction of boilers, unfired pressure vessels, piping, valves, fittings, and appurtenances, and shall comply with the standard specifications issued by the American Society for Testing Materials (A. S. T. M.), as listed in this part, subject to the limitations noted in the applicable subparts.

(b) Reference copies of all A. S. T. M. specifications listed in this part are available for reading purposes at U. S. Coast Guard Headquarters, Washington 25, D. C., and are on file with various Coast Guard District Commanders.

(c) The A. S. T. M. Standards referred to in this subchapter may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pa.

§ 51.01–95 *Emergency alternate provisions.* For the period of the National Emergency proclaimed by the President on December 16, 1950 (Proclamation 2914, 3 CFR, 1950 Supp.), the "Emergency Alternate Provisions" issued by the American Society for Testing Materials affecting the A. S. T. M. Standards specified in this part may be used as alternate specifications.

SUBPART 51.04—MARINE BOILER STEEL PLATE

§ 51.04–1 *Scope.* (a) The material specifications covering marine boiler steel plate subject to class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations given in this subpart:

TABLE 51.04–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
A201–52T	A and B	A and B
A212–52T	A and B	C and D
A204–52T	A, B, and C	E, F, and G

(b) Steel plates for any part of a boiler subject to pressure and exposed to the fire or products of combustion shall be of firebox quality, steel plates for any part of a boiler subject to pressure and not exposed to the fire or products of combustion shall be of either flange or firebox quality.

(c) The grades listed in paragraph (a) of this section are suitable for arc or gas welding, but are not suitable for forge welding.

(d) Sufficient discard from the top of each ingot shall be made at any stage of the manufacture, to secure freedom from piping and undue segregation in the finished product, but in no case shall the amount of top discard be less than 30 percent.

§ 51.04–5 *Heat treatment.* (a) Plates over 2 inches in thickness, before being fabricated, shall be uniformly heat-treated to produce grain refinement. Heat treatment involving quenching in a liquid medium is prohibited. If this treatment is not done at the rolling mill, the testing shall be carried out in accordance with paragraph (d) of this section.

(b) When plates are heat-treated to produce grain refinement the test specimens and the plates shall be stamped "G. R." The tensile strength of the plates in the grain-refined state shall be not less than the minimum of the specified range.

(c) Orders to the plate manufacturer or the fabricator shall specify when plates subject to the requirements of this section are to be stress-relieved and when they are to be heat-treated for grain-refinement so that proper provision may be made for the treatment of test specimens.

(d) When a fabricator, equipped to perform the work, elects to do the required heat treatment of plates for grain refinement, he shall accept the plates on the basis of the mill tests. The plate manufacturer shall make the tests prescribed in this subpart. The tension and bend test specimens shall be prepared from full thickness pieces heat-treated under conditions he considers appropriate for grain refinement and to meet the test requirements. The manufacturer shall inform the fabricator of the procedure followed in treating the pieces at the mill for guidance in treating the plates. The required physical properties shall be determined after heat treatment of the plates on specimens prepared from pieces similarly and simultaneously treated with the plates. Pieces for two tension tests, one top and one bottom, shall be provided from each plate as rolled. These pieces shall be stamped by the inspector with his official stamp for identification.

NOTE: The term "plate as rolled" as used in this section and in § 51.04–10 (c) refers to the unit plate rolled from a slab or directly from an ingot in its relation to the location and number of specimens; not to its condition.

(e) In the case of plates over 2 inches in thickness which subsequently are to be stress-relieved, the test specimens for such plates shall, before testing, be stress-relieved following the heat treatment for grain refinement.

§ 51.04–10 *Test specimens.* (a) For plates 2 inches and under in thickness, tension and bent test specimens shall be the full thickness of the material and shall be machined to the form and dimensions shown in figure 51.04–10 (a); or the bend test specimen may be machined with both edges parallel.

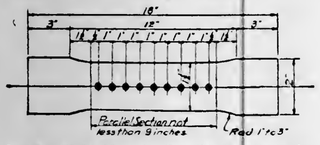

FIGURE 51.04–10 (a)—Standard rectangular tension-test specimen with 8-inch gauge length.

(b) For grade A or B plates over 2 inches and not over 4 inches in thickness, tension-test specimens may be the full thickness of the material and of the form shown in figure 51.04–10 (a); when adequate testing machine capacity is available.

(c) For plates over 2 inches in thickness, except as permitted in paragraph (b) of this section, tension-test specimens shall be machined to the form and dimensions shown in figure 51.04–10 (c); and the axis of each such specimen shall be located midway between the center and the top or bottom surface of the plate. The bend test specimens shall be at least 1½ inches in width, with both edges parallel, and may be reduced to 2 inches in thickness; but shall have one surface as rolled.

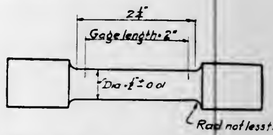

FIGURE 51.04–10 (c)—Standard round tension-test specimen with 2-inch gauge length.

§ 51.04–15 *Marking.* The quality classification to be marked on all class A plates in accordance with § 51.01–60 shall be the word, "Marine" followed by the letter designating the grade of the steel.

SUBPART 51.07—STAYBOLT AND RIVET STEEL

§ 51.07–1 *Scope.* The material specifications covering staybolt and rivet steel subject to class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.07–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
A31–52T	A	A
A31–52T	B	B
A302–52T	A	C

SUBPART 51.10—STEEL BARS AND SHAPES

§ 51.10–1 *Scope.* (a) The material specifications covering round steel bars and structural steel shapes subject to class A inspection shall comply with the following standard specification issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

A. S. T. M. designation:	Grade
A107–52T	1010 through 1030

§ 51.10–5 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.

§ 51.10–10 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

Phosphorus, maximum, percent:	
Acid	0.05
Basic	.04
Sulfur, maximum percent	.05

§ 51.10–15 *Tensile properties.* The material shall conform to the following requirements as to tensile properties:

Tensile strength, p. s. i.	55,000 to 65,000
Yield point, p. s. i.	0.5 tensile strength
Elongation in 8 inches, minimum, percent	1,500,000 ÷ tensile strength
Elongation in 2 inches, minimum, percent	26

§ 51.10–20 *Modification in elongation.* For material over ¾ inch in thickness, a deduction from the percentages of elongation specified in § 51.10–15 of 0.125 percent shall be made for each increase of 1/32 inch of the specified thickness above ¾ inch.

§ 51.10–25 *Bending properties.* The bend test specimen shall stand being bent cold through 180° without cracking on the outside of the bent portion to an inside diameter which shall have the following relation to the thickness of the specimen:

TABLE 51.10–25—BENDING TEST

Thickness of material	Ratio of inside diameter of bend to thickness of specimen
¾ inch and under	½
Over ¾ to 1 inch, inclusive	1
Over 1 to 1½ inches, inclusive	1½
Over 1½ to 2 inches, inclusive	2½
Over 2 inches	3

§ 51.10–30 *Test specimens.* (a) Test specimens shall be of the full thickness or diameter of material as rolled, except as specified in paragraphs (b) and (c) of this section.

(b) Test specimens for shapes and flats may be machined to the form and dimensions shown in figure 51.04–10 (a), or with both edges parallel.

(c) Test specimens for bars over 1½ inches in thickness or diameter may be machined to a thickness or diameter of at least ¾ inch for a length of at least 9 inches; or tension test specimens may conform to the dimensions shown in figure 51.04–10 (c). Bend test specimens may be 1 by ½ inch in section.

§ 51.10–35 *Number of tests.* (a) One tension and one bend test shall be made from each melt; except that if material from one melt differs ⅜ inch or more in thickness, one tension and one bend test shall be made from both the thickest and the thinnest material rolled.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.10–15 and any part of the fracture is more than ¾ inch from the center of the gauge length of a 2-inch specimen, or is outside the middle third of the gauge length of an 8-inch specimen, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.

§ 51.10–40 *Finish.* The finished material shall be free from injurious defects and shall have a workmanlike finish.

§ 51.10–45 *Marking.* Bars shall, when loaded for shipment, be properly separated, and marked with the name or brand of the manufacturer and melt number for identification. The melt number shall be legibly marked on each test specimen.

SUBPART 51.13—STAYBOLT AND RIVET IRON

§ 51.13–1 *Scope.* The material specifications covering wrought iron bars for stays and staybolts and wrought iron rivets subject to class A inspection shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.13–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
A84–39	Staybolts	A
A152–39	Rivets	B

SUBPART 51.22—FLANGE AND FIREBOX STEEL PLATE

§ 51.22–1 *Scope.* The material specifications covering carbon steel plate of flange and firebox quality, class B, certified material, shall comply with the following standard specification issued by the American Society for Testing Materials:

TABLE 51.22–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
A285–52T	A (flange quality)	A
A285–52T	B (flange quality)	B
A285–52T	C (flange quality)	C
A285–52T	A (firebox quality)	A
A285–52T	B (firebox quality)	B
A285–52T	C (firebox quality)	C

SUBPART 51.25—CARBON AND ALLOY STEEL AND WROUGHT IRON TUBES

§ 51.25–1 *Scope.* (a) The material specifications covering steel and iron tubes, class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.25–1 (a)—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon steel and iron:		
A83–46	Type A (low-carbon seamless steel).	T83–A
A178–51T	Type A (low-carbon electric-resistance-welded steel).	T178–A
A178–51T	Type B (electric-resistance welded iron).	T178–B
A178–51T	Type C (medium-carbon electric resistance-welded steel).	T178–C
A179–51T	Low-carbon seamless steel condenser tubes.	T179
A192–51T	Low-carbon seamless steel	T192
A210–51T	Medium-carbon seamless steel	T210
A226–51T	Electric-resistance welded steel	T226
Alloy steel:		
A209–51T	T1 (C–Mo)	T1
A209–51T	T1a (C–Mo)	T1a
A209–51T	T1b (C–Mo)	T1b
A213–51T	T2 (1.75 Cr–0.75 Mo)	T2
A213–51T	T5 (5 Cr–0.50 Mo)	T5
A213–51T	T11 (1.25 Cr–0.50 Mo)	T11
A213–51T	T12 (1 Cr–0.50 Mo)	T12
A213–51T	T14 (2 Cr–0.50 Mo)	T14
A213–51T	T21 (3 Cr–1 Mo)	T21
A213–51T	T22 (2.25 Cr–1 Mo)	T22
A213–51T	TP321 (18 Cr–8Ni+Ti)	TP321
A213–51T	TP347 (18 Cr–8Ni+Co)	TP347

(b) Grade T179 shall be permitted only for use as tube material in heat exchangers.

SUBPART 51.34—CARBON AND ALLOY STEEL AND WROUGHT IRON PIPE

§ 51.34–1 *Scope.* The material specifications covering steel and wrought iron pipe, class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.34–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel and iron:		
A53–52T	Lap-welded steel	P53–LW
A53–52T	Butt-welded steel	P53–BW
A53–52T	A (seamless steel)	P53–A
A53–52T	B (seamless steel)	P53–B
A53–52T	A (electric-resistance-welded steel).	P53–RW–A
A53–52T	B (electric-resistance-welded steel).	P53–RW–B
A106–52T	A (seamless steel)	P106–A
A106–52T	B (seamless steel)	P106–B
A135–51T	A (electric-resistance-welded steel).	P135–A
A135–51T	B (electric-resistance-welded steel).	P135–B
A72–45	Lap-welded wrought iron	P72–LW
A72–45	Butt-welded wrought iron	P72–BW
Alloy-steel:		
A335–52T[1]	(A206) P1 (C—Mo)	P1
A335–52T[1]	(A280) P2 (0.50 to 0.70 Cr—0.50 Mo).	P2 (P280)
A335–52T[1]	(A158) P3a (1.75 Cr—0.70 Mo).	P3a
A335–52T[1]	(A158) P3b. (2 Cr.—0.50 Mo).	P3b
A335–52T[1]	(A158) P11 (1.25 Cr—0.50 Mo).	P11
A335–52T[1]	(A315) P12 (1 Cr—0.50 Mo).	P12 (P315)
A335–52T[1]	P21 (3 Cr—0.90 Mo)	P21
A335–52T[1]	P22 (2.25 Cr—1 Mo)	P22
A312–51T[1]	(A158) TP321 (18 Cr—8Ni+Ti).	TP 321
A312–51T[1]	(A158) TP347 (18 Cr—8Ni+Co).	TP 347

[1] This A. S. T. M. specification for seamless ferritic alloy steel pipe for high temperature service is a combination of, and is intended to replace A. S. T. M. specifications A206–51T, A280–51T, A158–51T, and A315–51T, with the addition of two new grades P21 and P22.

[2] The austenitic grades TP321 and TP347 formerly in A. S. T. M. specifiction A158 have been incorporated in specification A312.

SUBPART 51.46—STEEL FORGINGS

§ 51.46–1 *Scope.* The material specifications covering carbon-steel and alloy-steel pipe flanges, forged fittings, valves and parts of class B, certified material, intended for general service and high-temperature service, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.46–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel:		
A105–46	I	F105–I
A105–46	II	F105–II
A181–49	I	F181–I
A181–49	II	F181–II
Alloy-steel:		
182–52T	F1 (C—Mo)	F1
182–52T	F2 (1 Cr—0.50 Mo)	F2
182–52T	F5 (5 Cr—0.50 Mo)	F5
182–52T	F22 (2.25 Cr—1 Mo)	F22
182–52T	Fsm (18 Cr—8 Ni+Mo)	Fsm
182–52T	Fsc (18 Cr—8 Ni+Co)	Fsc
182–52T	Fst (18 Cr—8 Ni+Ti)	Fst

§ 51.46–5 *Hydrostatic tests.* Valve bodies or fittings and other pressure-containing parts shall be tested after machining to the hydrostatic test pressures specified in tables 55.07–15 (e12) and 55.07–15 (e13) in § 55.07–15 of this subchapter.

SUBPART 51.49—CARBON AND ALLOY-STEEL BOLTING AND NUT MATERIAL

§ 51.49–1 *Scope.* The material specifications covering carbon and alloy-steel

bolts and nuts of class B, certified material, shall comply with the following

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

ing standard specifications issued by the American Society for Testing Mate-

SUBPART 51.79—ALUMINUM-ALLOY PLATE

(j) *Maximum allowable pressure.* The

design stress shall not exceed the maxi-

mum allowable stresses for the material

bolts and nuts of class B, certified material, shall comply with the following standard specifications of the American Society for Testing Materials:

TABLE 51.49–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel bolting:		
A261–51T	BO	BO
A307–50T	B	B
Alloy-steel bolting:		
A193–51T	BA (ferritic alloy)	BA
A193–51T	BB (ferritic alloy)	BB
A193–51T	BC (ferritic alloy)	BC
A193–51T	B5 (5 Cr—0.50 Mo)	B5
A193–51T	B6 (12 Cr)	B6
A193–51T	B7 (1 Cr—0.20 Mo)	B7
A193–51T	B7a (1 Cr—0.60 Mo)	B7a
A193–51T	B14 (1 Cr—0.35 Mo—0.25 Va)	B14
A193–51T	B16 (1 Cr—0.55 Mo—0.30 Va)	B16
A193–51T	B8c (18 Cr—8Ni+Co)	B8c
A193–51T	B8t (18 Cr—8Ni+Ti)	B8t
A193–51T	B8F (18 Cr—8 Ni)	B8F
Carbon and alloy steel nuts:		
A194–51	Class 1 (carbon-steel)	1
A194–51	Class 2 (carbon-steel)	2
A194–51	Class 2H (carbon steel)	2H
A194–51	Class 3 (5 Cr—0.50 Mo—1W)	3
A194–51	Class 4 (0.15 Si—0.20 Mo)	4

SUBPART 51.58—STEEL CASTINGS

§ 51.58–1 *Scope.* (a) The material specifications covering carbon and alloy-steel castings of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.58–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Carbon-steel:		
A95–44		A
A216–47T	WCA	WCA
A216–47T	WCB	WCB
Alloy-steel:		
A217–49T	WC1 (C—Mo)	WC1
A217–49T	WC4 (1 Ni—0.65 Cr—0.50 Mo)	WC4
A217–49T	WC5 (0.80 Ni—0.70 Cr—1 Mo)	WC5
A217–49T	WC6 (1.25 Cr—0.50 Mo)	WC6
A217–49T	WC9 (2.25 Cr—1 Mo)	WC9
A217–49T	C5 (5 Cr—0.50 Mo)	C5
A217–49T	C12 (9 Cr—1 Mo)	C12

(b) Grades C5, C12, WCA, WCB, WC1, WC4, WC5, WC6, and WC9 are suitable for arc or gas welding. Other grades may be considered weldable when employing proper welding technique approved by the Commandant.

§ 51.58–5 *Hydrostatic tests.* (a) Castings intended for use as pipe flanges and flanged fittings shall be tested after machining to the hydrostatic test pressures specified in tables 55.07–15 (e12) and 55.07–15 (e13) in § 55.07–15 of this subchapter, and show no leaks.

(b) Pressure containing castings other than those specified in paragraph (a) in this section shall be tested to a hydrostatic pressure of 2 times the maximum allowable pressure and show no leaks.

SUBPART 51.61—MALLEABLE IRON AND GRAY IRON CASTINGS

§ 51.61–1 *Scope.* The material specifications covering malleable and gray iron castings of class B, certified material, used for pipe fittings, valves, flanges, and manifolds, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.61–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Malleable iron:		
A47–48	32510	A1
A47–48	35018	A2
A197–47	Cupola	B
Cast iron:		
A126–42	Class A (regular)	C
A126–42	Class B (higher strength)	D
A126–42	Class C (high-test)	E
A48–48	Class No. 20	No. 20
A48–48	Class No. 25	No. 25
A48–48	Class No. 30	No. 30
A48–48	Class No. 35	No. 35
A48–48	Class No. 40	No. 40
A48–48	Class No. 50	No. 50

§ 51.61–5 *Hydrostatic tests.* Castings intended for use as pipe flanges and flanged fittings shall be tested after machining to a hydrostatic pressure as required by § 55.07–30 of this subchapter.

SUBPART 51.67—COPPER AND COPPER-ALLOY PLATE

§ 51.67–1 *Scope.* (a) The material specifications covering copper and copper-alloy rolled plate of class B, certified material, suitable for use as shells and tube sheets of heat exchangers and unfired pressure vessels, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.67–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
Copper:		
B11–49	Type ETP (tough pitch copper nonarsenical).	B11–1
B11–49	Type DHP (phosphorized copper nonarsenical).	B11–2
B11–49	Type ATP (tough pitch arsenical copper).	B11–3
B11–49	Type DPA (phosphorized arsenical copper).	B11–4
Copper-alloy:		
B171–51	Naval brass	B171–A
B171–51	Copper nickel alloy	B171–B
B171–51	Aluminum bronze	B171–C

(b) When copper plates are to be welded, grades B11–2 and B11–4 only shall be employed.

SUBPART 51.70—SEAMLESS COPPER AND COPPER-ALLOY PIPE

§ 51.70–1 *Scope.* The material specifications covering seamless copper and copper-alloy pipe, of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.70–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
B42–51	Seamless copper	B42
B43–51	Red brass	B43

SUBPART 51.73—SEAMLESS COPPER AND COPPER-ALLOY TUBES

§ 51.73–1 *Scope.* (a) The material specifications covering seamless copper and copper-alloy tubes, of class B, certified material, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.73–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
B88–51	Copper type K	Bss K
B88–51	Copper type L	Bss L
B88–51	Copper type M	Bss M
B13–49	Arsenical copper boiler tubes	B13–A
B13–49	Nonarsenical copper boiler tubes.	B13–B
B75–51T	Phosphorized copper type DLP.	B75–A
B75–51T	Phosphorized copper type DHP.	B75–B
B75–51T	Phosphorized arsenical copper type DPA.	B75–C
B111–51	Copper	B111–A
B111–51	Arsenical copper	B111–B
B111–51	Admiralty metal grade B, C, or D.	B111–C
B111–51	Aluminum brass	B111–D
B111–51	Aluminum bronze	B111–E
B111–51	Red brass	B111–F
B111–51	Copper nickel 70–30	B111–G
B111–51	Copper nickel 80–20	B111–H
B111–51	Copper nickel 90–10	B111–I

(b) When copper tubes are to be welded, deoxidized copper shall be employed.

SUBPART 51.76—COPPER-ALLOY CASTINGS

§ 51.76–1 *Scope.* The material specifications covering bronze castings of class B, certified material, for pressure-containing parts of valves, pipe fittings, and similar appliances, shall comply with the following standard specifications issued by the American Society for Testing Materials, subject to the limitations noted in this subpart:

TABLE 51.76–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
B62–51	Composition brass or ounce metal.	4A
B61–51	Steam or valve bronze	2A
B143–49	Tin bronze, 1A	1A
B143–49	Tin bronze, 1B	1B

§ 51.76–5 *Hydrostatic tests.* Castings intended for use as pipe flanges and flanged fittings shall be tested after machining to a hydrostatic test as required by § 55.07–30 of this subchapter.

SUBPART 51.79—ALUMINUM-ALLOY PLATE

§ 51.79–1 *Scope.* The material specifications covering aluminum-alloy plate of class B, certified material, suitable for use as shells and tube sheets of unfired pressure vessels and heat exchangers, shall comply with the following standard specifications issued by the American Society for Testing Materials:

TABLE 51.79–1—MATERIAL SPECIFICATIONS

A. S. T. M. designation	A. S. T. M. grade	Coast Guard grade
B178–51T	990A (2S)	990A
B178–51T	M1A (3S)	M1A
B178–51T	GR20A (52S)	GR20A
B178–51T	GS11A (61S)	GS11A

PART 52—CONSTRUCTION

SUBPART 52.01—PROCEDURE AND GENERAL REQUIREMENTS

1. Sections 52.01–1, 52.01–5, 52.01–10, and 52.01–15 are amended to read as follows:

§ 52.01–1 *Definitions*—(a) *Main boiler.* A main boiler is a steam boiler used for generating steam for propulsion purposes on shipboard.

(b) *Auxiliary or donkey boiler.* An auxiliary or donkey boiler is a steam boiler used for all purposes on shipboard for which steam may be required other than propulsion.

(c) *Pressure vessel.* A pressure vessel is an unfired vessel containing gases, vapors, or liquids under pressure. (See § 54.01–5 of this subchapter.)

(d) *Water-tube boiler.* A water-tube boiler is a steam boiler in which the boiler tubes contain water and steam, the heat being applied to the outside surface of the tubes; and is composed generally of drums, headers, and tubes.

(e) *Internally-fired fire-tube boiler (Scotch boiler).* An internally-fired fire-tube boiler is a steam boiler containing furnaces, one or more combustion chambers and tubes or flues, which are surrounded by water and through which the products of combustion pass from the furnace to the uptake. In such boilers no part of the shell is in contact with the fire or products of combustion.

(f) *Externally fired fire-tube or flue boiler (horizontal return tubular).* An externally fired fire-tube or flue boiler is a steam boiler, part of the outer shell of which is exposed to fire or to the products of combustion, and containing flues through which such products pass from the furnace to the uptake.

(g) *Factor of safety.* Factor of safety is the ratio of the ultimate strength of the material to the maximum allowable stress.

(h) *Pressure or p. s. i.* Pressure or p. s. i. is the gauge pressure or the pressure above the atmospheric pressure in pounds per square inch.

(i) *Design pressure.* Design pressure is the theoretical bursting pressure of the weakest part of a boiler, pressure vessel, or piping divided by its factor of safety.

(j) *Maximum allowable pressure.* The maximum allowable pressure of a boiler and its appurtenances or of an unfired pressure vessel shall be considered as the highest setting of the safety valves or relief valves.

(k) *Repair.* Repair is the restoration of any damaged or impaired part to an effective and safe condition.

(l) *Alteration.* Alteration is a structural modification of or departure from an approved design or existing construction.

(m) *Packaged boiler.* A packaged boiler is a steam boiler equipped, and shipped complete with fuel burning equipment, mechanical draft equipment, feed water apparatus and all necessary controls for manual or automatic operation, all completely mounted on a common base and requiring only to be connected to fuel, water and electric supplies to be ready for use.

§ 52.01–5 *Plans.* (a) Manufacturers intending to fabricate boilers, unfired pressure vessels or appliances of riveted, welded, brazed, or seamless material to be installed on vessels subject to inspection by the Coast Guard, shall submit detail plans in triplicate which shall be fully descriptive of the pressure containing parts of such boilers, unfired pressure vessels, or appliances to be manufactured, to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel. When due to location of the shipyard or design office, such a procedure would result in unnecessary delay in transmission, the plans may be forwarded directly to the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C.

(b) The procedure specified in paragraph (a) of this section shall apply also to proposed alterations in boilers, unfired pressure vessels, or appliances of riveted, welded, brazed, or seamless material.

(c) In addition to the requirements specified in paragraph (a) of this section, manufacturers intending to fabricate packaged boilers to be installed on vessels subject to inspection by the Coast Guard shall submit detail plans, in triplicate, fully descriptive of the manual or automatic features of such boilers, to the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C. Manufacturers intending to fabricate automatically controlled packaged auxiliary boilers shall submit plans and descriptive data, in quadruplicate, as specified in Subpart 162.026 of Subchapter Q (Specifications) of this chapter.

§ 52.01–10 *Automatically controlled packaged boilers.* All automatically controlled packaged auxiliary boilers shall be designed, constructed and tested in conformance with the requirements of Subpart 162.026 of Subchapter Q (Specifications) of this chapter.

§ 52.01–15 *Conditions for approval.* (a) Manufacturers of boilers to be installed on vessels subject to inspection by the Coast Guard shall make calculations of the pressure parts of such boilers using the formulas provided in this subchapter, and submit such calculations together with the drawings required by § 52.01–5. In making calculations, the design stress shall not exceed the maximum allowable stresses for the material permitted in this subchapter.

(b) When it is determined that the design of the boiler complies with all of the requirements specified in this subchapter and in Part 162 of Subchapter Q (Specifications) of this chapter, the drawings shall be approved for the maximum allowable pressure at which the boiler may be operated. If it is determined that the design does not comply with the specified requirements, the manufacturer will be notified by a written statement which will list the reasons for disapproval.

(R. S. 405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

2. Section 52.01–35, is amended to read as follows:

§ 52.01–35 *Auxiliary, donkey, and low-pressure heating boilers.* (a) All auxiliary and donkey boilers shall be designed, constructed, installed, and inspected in accordance with the requirements specified in this subchapter for main boilers, and shall be subject to the same initial procedure and general requirements.

(b) Low-pressure steam and hot-water heating boilers, the maximum allowable pressure of which does not exceed 30 pounds per square inch, shall conform to the requirements of Part 53 of this subchapter. Boilers of this type, the maximum allowable pressure of which exceeds 30 pounds per square inch, shall conform to the requirements specified in this subchapter for main boilers.

(R. S. 4405, as amended, 4463, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 52.05—CYLINDRICAL SHELLS

3. Sections 52.05–5, 52.05–10, 52.05–15, and 52.05–20 are amended and § 52.05–12 is added to Part 52 and these sections read as follows:

§ 52.05–5 *Materials.* (a) Plates shall be of marine boiler steel complying with Subpart 51.04 of this subchapter, except that boilers designed for pressures not exceeding 150 pounds per square inch may be constructed of steel plate meeting the specifications of Subpart 51.22 of this subchapter, and which are tested, inspected, and stamped as required by § 51.01–1 of this subchapter.

(b) Boiler shells not exceeding 24 inches in diameter may be of seamless pipe or tubing in accordance with requirements of § 52.05–15. Boiler shells not exceeding 18 inches in diameter may be fabricated of electric-resistance butt-welded pipe in accordance with § 52.05–20.

§ 52.05–10 ***Computations.*** **(a) The maximum allowable pressure and the minimum thickness of cylindrical shells subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness and tensility of the material, the efficiency of the longitudinal joint, or of the ligament efficiency between the tube holes in the shell or drum (whichever is the least), the inside or outside radius of the course, and the maximum allowable stress. Shell plates for boilers shall not be less than ¼ inch thick. Where the thickness of the shell does not exceed one-half of the inside radius, formula (1) or (2) shall be used; where the thickness exceeds or is equal to one-half of the inside radius, formula (3) may be used.**

$$P=\frac{STE}{R+0.6T} \quad (1)$$

$$T=\frac{PR}{SE-0.6P} \quad (2)$$

$$P=SE\frac{(R_o^2-R^2)}{(R_o^2+R^2)} \quad (3)$$

Where:

P = maximum allowable pressure, in pounds per square inch.
S = maximum allowable stress, in pounds per square inch, taken from tables 52.05–10 (a) and 54.03–10 (c) and subject to the limitations of § 52.05–12.
T = minimum thickness of the shell plates, in inches.
R = inside radius of the shell, in inches.
R_o = outside radius of the shell, in inches.
E = minimum efficiency of the longitudinal joints or of ligaments between tube holes or other openings.

TABLE 52.05–10 (a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS

[Boilers, unfired pressure vessels, boiler tubes, and bolting]

Specification subpart	A. S. T. M. designation	Grade A.S.T.M.	Grade C. G.	Minimum tensile strength (p. s. i.)	Notes	For metal temperatures not exceeding °F.[3] −20 to 650	700	750	800	850	900	950	1,000	1,050
PLATE														
Carbon steel:														
51.04	A201	A	A	55,000		13,750	13,250	12,050	10,200					
51.04	A201	B	B	60,000		15,000	14,350	12,950	10,800					
51.04	A212	A	C	65,000		16,250	15,500	13,850	11,400					
51.04	A212	B	D	70,000		17,500	16,600	14,750	12,000					
51.22	A285	A	A	45,000		11,250								
51.22	A285	B	B	50,000		12,500								
51.22	A285	C	C	55,000		13,750								
Alloy steel:														
51.04	A204	A	E	65,000	(5)	16,250	16,250	16,250	15,650	14,400	12,500			
51.04	A204	B	F	70,000	(5)	17,500	17,500	17,500	16,900	15,000	12,750			
51.04	A204	C	G	75,000	(5)	18,750	18,750	18,750	18,000	15,900	13,000			
PIPES AND TUBES														
Seamless carbon steel:														
51.25	A53	A	T53–A	(47,000)	(4)	11,750	11,500	10,700						
51.25	A192	----------	T192	(47,000)	(4)	11,750	11,500	10,700	9,000					
51.25	A210	----------	T210	(60,000)	----------	15,000	14,350	12,950	10,800					
51.25	A179	----------	T179	(47,000)	(6)	11,750	11,500	10,700						
51.34	A53	A	T53–A	48,000	----------	12,000	11,650	10,700						
51.34	A53	B	T53–B	60,000	----------	15,000	14,350	12,950						
51.34	A106	A	T106–A	48,000	----------	12,000	11,650	10,700	9,000					
51.34	A106	B	T106–B	60,000	----------	15,000	14,350	12,950	10,800					
Seamless alloy steel:														
51.25	A209	T1	T1	55,000	(4)	13,750	13,750	13,750	13,450	13,150	12,500			
51.25	A209	T1a	T1a	60,000	(4)	15,000	15,000	15,000	14,400	13,750	12,500			
51.25	A209	T1b	T1b	53,000	(5)	13,250	13,250	13,250	13,000	12,750	12,500			
51.25	A213	T3	T3	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.25	A213	T5	T5	60,000	(7)	----------	15,000	15,000	12,800	12,400	11,500	10,000	7,300	5,200
51.25	A213	T11	T11	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.25	A213	T12	T12	60,000	----------	15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,800	5,500
51.25	A213	T14	T14	60,000	----------	15,000	15,000	15,000	14,700	14,000	12,500	10,000	6,200	4,200
51.25	A213	T21	T21	60,000	----------	15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,200
51.25	A213	T22	T22	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.25	A213	TP321	TP321	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.25	A213	TP347	TP347	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.34	A335 (A206)	P1	P1	55,000	(8)	13,750	13,750	13,750	13,450	13,150	12,500			
51.34	A335 (A280)	P2	P2	55,000	----------	13,750	13,750	13,750	13,450	13,150	12,500			
51.34	A335 (A158)	P3a	P3a	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.34	A335 (A158)	P3b	P3b	60,000	----------	15,000	15,000	15,000	14,700	14,000	12,500	10,000	6,200	4,200
51.34	A335 (A158)	P11	P11	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.34	A335 (A315)	P12	P12	60,000	----------	15,000	15,000	15,000	14,750	14,200	13,100	11,000	7,800	5,500
51.34	A335	P21	P21	60,000	----------	15,000	14,800	14,500	13,900	13,200	12,000	9,000	7,000	5,200
51.34	A335	P22	P22	60,000	----------	15,000	15,000	15,000	15,000	14,400	13,100	11,000	7,800	5,500
51.34	A312	TP321	TP321	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.34	A312	TP347	TP347	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
Electric-resistance-welded carbon steel:														
51.34	A53	A	P53–RW–A	48,000	(8)	10,200								
51.34	A53	B	P53–RW–B	60,000	(8)	12,750								
51.34	A135	A	P135–A	48,000	(8)	10,200								
51.34	A135	B	P135–B	60,000	(8)	12,750								
51.25	A178	A	T178–A	(47,000)	(4 9)	10,000	9,800	9,100						
51.25	A178	C	T178–C	60,000	(8)	12,750	12,200	11,000						
51.25	A226	----------	T226	(47,000)	(4 9)	10,000	9,800	9,100	7,650					
FORGINGS														
Carbon steel:														
51.46	A105	I	F105–I	60,000	----------	15,000	14,350	12,950	10,800					
51.46	A105	II	F105–II	70,000	----------	17,500	16,600	14,750	12,000					
51.46	A181	I	F181–I	60,000	----------	15,000	14,350	12,950	10,800					
51.46	A181	II	F181–II	70,000	----------	17,500	16,600	14,750	12,000					
Alloy steel:														
51.46	A182	F1	F1	70,000	(8)	17,500	17,500	17,500	16,900	15,500	12,750			
51.46	A182	F2	F2	70,000	(7)	----------	16,150	15,500	14,850	14,200	13,100	11,000	7,800	5,500
51.46	A182	F5	F5	60,000	(7)	----------	17,500	16,600	14,500	13,000	11,500	10,000	7,300	5,200
51.46	A182	F22	F22	70,000	----------	17,500	17,500	17,500	17,500	16,000	14,000	11,000	7,800	5,500
51.46	A182	Fsm	Fsm	75,000	----------	17,050	17,000	16,900	16,750	16,500	16,000	15,100	14,000	12,200
51.46	A182	Fsc	Fsc	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.46	A182	Fst	Fst	75,000	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100

See footnotes at end of table.

TABLE 52.05–10 (a)—MAXIMUM ALLOWABLE STRESSES[1] FOR FERROUS MATERIALS—Continued

[Boilers, unfired pressure vessels, boiler tubes, and bolting]

Specification subpart	A. S. T. M. designation	Grade A.S.T.M.	Grade C. G.	Minimum tensile strength (p. s. i.)	Notes	For metal temperatures not exceeding °F.[3] −20 to 650	700	750	800	850	900	950	1,000	1,050
BOLTING														
Carbon steel:														
51.49	A261	BO	BO	100,000	(9)	16,250	14,950	12,500						
51.49	A307	----------	B	55,000	(10)	7,000								
Alloy steel:														
51.49	A193	BA	BA	----------	(9)	16,250	14,950	13,650						
51.49	A193	BB	BB	----------	(9)	18,750	17,200	15,650						
51.49	A193	BC	BC	----------	(9)	20,000	18,400	16,750						
51.49	A193	B5	B5	----------	(9)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300	
51.49	A193	B6	B6	----------	(9)	20,000	18,400	16,700	14,300	11,800	8,400			
51.49	A193	B7	B7	----------	(9)	20,000	20,000	20,000	20,000	16,250	12,500			
51.49	A193	B7a	B7a	----------	(9)	20,000	20,000	20,000	20,000	17,250	13,750	10,300	7,300	
51.49	A193	B14	B14	----------	(9)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250
51.49	A193	B16	B16	----------	(9)	20,000	20,000	20,000	20,000	18,750	16,650	14,250	11,000	6,250
51.49	A193	B8c	B8c	----------	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.49	A193	B8t	B8t	----------	----------	14,850	14,800	14,700	14,550	14,300	14,100	13,850	13,500	13,100
51.49	A193	B8F	B8F	----------	----------	14,850	14,800	14,700						
CASTINGS														
Carbon steel:														
51.58	A95	----------	A	70,000	(11)	17,500	16,600	14,750	12,000					
51.58	A216	WCA	WCA	60,000	(11)	15,000	14,350	12,950	10,800					
51.58	A216	WCB	WCB	70,000	(11)	17,500	16,600	14,750	12,000					
Alloy steel:														
51.58	A217	WC1	WC1	65,000	(11 12)	16,250	16,250	16,250	15,650	14,400	12,500			
51.58	A217	WC4	WC4	70,000	(11 12)	17,500	17,500	17,500	17,000	15,800	14,000			
51.58	A217	WC5	WC5	70,000	(11 12)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,500
51.58	A217	WC6	WC6	70,000	(11 12)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	
51.58	A217	WC9	WC9	70,000	(11 12)	17,500	17,500	17,500	17,000	15,800	14,000	11,000	7,800	5,800
51.58	A217	C5	C5	90,000	(11)	22,500	21,600	20,400	19,000	17,000	13,600	10,000	7,300	
51.58	A217	C12	C12	90,000	(11)	22,500	22,000	21,000	19,400	17,300	15,000	11,750	8,500	

[1] In general, the allowable S values in table 52.05–10 (a), except for welded pipe and tubing, and bolting, are based on one-fourth of the minimum of the specified tensile range of the material for temperatures of 650° and below; and on creep stress or stress-rupture for temperatures above 650° F.

[2] Intermediate values of S may be obtained by interpolation.

[3] Carbon-molybdenum alloy-steel plate, pipe, forging, and cast material shall be limited to a maximum temperature of 875° F.

[4] The minimum tensile strength employed not given in the specification; tensile strength value assumed.

[5] Permitted only for use as tube material in heat exchangers.

[6] This material shall be limited to a temperature of 875° F. when used in the design of pressure vessels.

[7] Maximum allowable stress values for temperatures below 700° F. are as follows:

A. S. T. M. designation	Grade	For metal temperatures not exceeding °F. −20 to 400	500	600	650
A213	T5	15,000	14,500	14,000	13,700
A182	F2	17,500	17,500	17,500	16,800
A182	F5	22,500	21,000	20,100	19,000

[8] These stresses include weld joint efficiency of 0.85.

[9] Between temperatures of −20° to 400° F., stress values equal to the lower of the following will be permitted: 20 percent of the minimum tensile strength or 25 percent of the minimum yield strength.

[10] Material not permitted for temperatures exceeding 450° F.

[11] To these stresses a quality factor as specified in § 52.05–13 shall be applied.

[12] These stresses apply to the normalized material only.

(b) (1) The efficiency E for riveted joints shall be calculated as required by § 52.10–10.

(2) The efficiency E for ligaments between tube holes shall be calculated as required by § 52.40–5 and 52.40–15.

(3) The efficiency E for seamless shells may be taken as 100 percent.

(4) The efficiency E for welded joints shall be as given in § 56.01–30 of this subchapter.

(5) The efficiency E for brazed unfired pressure vessels shall be taken as 90 percent.

§ 52.05–12 ***Maximum allowable stress.*** (a) The maximum allowable stresses given in tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter may be used in the formulas for determining the maximum allowable pressure and the minimum thickness of seamless or arc- or gas-welded shells which do not require staying, unstayed blank hemispherical and ellipsoidal heads, with the pressure on the concave side, flat heads which do not require staying, bolting flanges, and reinforced openings in shells and heads of boilers and unfired pressure vessels, provided the fabrication complies with the requirements of this section.

(b) The pressure parts of boilers designed in accordance with the requirements of paragraph (a) of this section, shall have a minimum thickness of ½ inch, and to the calculated thickness as determined by the applicable design formula, a corrosion allowance of 0.1 inch shall be added.

(c) The pressure parts of unfired pressure vessels, designed in accordance with the requirements of paragraph (a) of this section, shall have a corrosion allowance of one sixth of the calculated thickness, or 1/16 inch, whichever is smaller, added to the calculated thickness as determined by the applicable design formula, except that no additional thickness need be provided when suitable corrosion-resistant materials are employed.

(d) All weld reinforcement on both inside and outside of the plates at the longitudinal and circumferential joints shall be removed substantially flush with the surface of the plate.

(e) Class II welded pressure vessels which are not given a complete radiographic examination shall have portions of the welded joints examined by spot radiography as required by § 56.05–6 of this subchapter.

(f) The stresses due to hydrostatic head shall be taken into account in determining the maximum thickness of the shell or head of any pressure vessel. Additional stresses, imposed by effects other than internal pressure or static head, which increase the average stress over substantial sections of the shell or head by more than 10 percent of the allowable stress shall be taken into account. These effects include the weight of the vessel and its contents, and method of support, impact loads, superimposed loads, localized stresses due to the reactions of supports, and stresses due to temperature gradient.

(g) (1) The maximum allowable stress used in the formulas for determining the maximum allowable pressure and the minimum thickness of the following pressure parts of boilers and unfired pressure vessels, shall not exceed 80 percent of the values given in tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter for:

(i) Riveted or brazed shells.

(ii) Dished heads, other than hemispherical or ellipsoidal.

(iii) Unstayed hemispherical or ellipsoidal heads with pressure on the convex side.

(iv) Hemispherical and ellipsoidal heads with flanged-in or other reinforced manholes.

(v) All stays, braces, and parts requiring staying.

(2) Where the maximum allowable stress does not exceed 80 percent of the values given in tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter, compliance with the other provisions of this section is not required.

§ 52.05–13 *Quality factors for steel castings.* (a) A quality factor as specified in this section shall be applied to the allowable stresses for steel casting materials as given in table 52.05–10 (a), when used in special design of pressure parts.

(b) A factor not to exceed 80 percent shall be applied when a casting is produced only in accordance with the material specifications given in Subpart 51.58 of this subchapter.

(c) A factor not to exceed 90 percent may be used for castings which have been radiographed at all critical sections [1] and found free of injurious defects.

(d) Radiographing, where required shall conform to the requirements of § 56.05–5 of this subchapter.

(e) Serious defects shall be the basis for rejection of the casting. Defects which are not considered as impairing the strength of the castings may be repaired by welding in accordance with the applicable requirements of this subchapter for welding repairs to defective carbon-steel or alloy-steel castings.

(f) Castings to which a quality factor exceeding 80 percent is to be applied shall be marked as required by § 51.58–5 of this subchapter, and in addition, the applicable quality factor shall be clearly stamped on the casting.

§ 52.05–15 *Seamless pipe shells.* Shells may be of seamless pipe or tubing with or without integral heads not exceeding 24 inches in diameter, provided the material conforms to Subpart 51.25 or 51.34 of this subchapter, except that grades T83, P53–A and P53–B shall not be used for diameters exceeding 18 inches.

§ 52.05–20 *Electric-resistance-welded pipe shells.* (a) Shells not exceeding 18 inches in diameter may be fabricated of electric-resistance-welded pipe or tubing made of open-hearth or electric furnace steel, as specified in Subpart 51.25 or 51.34 of this subchapter. The maximum allowable stress values in table 52.05–10 (a) shall be substituted in formulas (1) or (2) of § 52.05–10 for the values of *SE*.

(b) Holes for tubes, nozzles or other openings shall not be drilled in the weld.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

4. Section 52.05–25 *Cylindrical shells pierced for tubes* is canceled.

5. Subparts 52.10, 52.15, 52.20, and 52.25 consisting of §§ 52.10–1 to 52.10–25, 52.15–1 to 52.15–15, 52.20–1 to 52.20–20, and 52.25–1 to 52.25–20 are amended and Subparts 52.22 and 52.24 are added to Part 52 and these subparts and sections read as follows:

[1] Critical sections of a casting are defined as the sections where defects are usually encountered, such as the junction of risers, gates, or feeders to the castings, and at abrupt changes in section. All integrally cast bosses and all chaplets and internal chills shall be radiographed.

SUBPART 52.10—SHELL JOINTS

Sec.
52.10–1 Type of shell joints.
52.10–5 Materials and workmanship.
52.10–8 Longitudinal riveted joints.
52.10–10 Efficiency of riveted joints.
52.10–15 Butt straps and computations.
52.10–20 Circumferential joints.
52.10–25 Welded joints.

§ 52.10–1 *Type of shell joints.* The shells of boilers or unfired pressure vessels may be fabricated by riveting or welding.

§ 52.10–5 *Materials and workmanship.* (a) The butt straps of riveted joints shall be of steel conforming with the specifications and requirements for the shell plates.

(b) Rivets shall conform to the requirements of Part 51 of this subchapter, as follows:

Steel rivets ..... Subpart 51.07
Iron rivets ..... Subpart 51.13

(c) Rivet holes shall be drilled wholly and fairly, preferably in position. After drilling, plates and straps shall be disassembled, burrs removed, and edges of holes faired before the plates are riveted together. Drifting of rivet holes is prohibited.

(d) The calking edges of plates, butt-straps, and heads shall be beveled to an angle not sharper than 70° to the plane of the plate and as near thereto as practicable. Every portion of the unfinished surfaces of the calking edges of plates, butt-straps, and heads shall be planed or milled to a depth of not less than ¼ of the thickness of the plate, but in no case less than ⅛ inch. Calking shall be done with a tool of such form that there is no danger of scoring or damaging the plate underneath the calking edge, or splitting the calked sheet.

(e) Plates and shapes shall be so closely fitted, metal to metal, as to require a minimum of calking to obtain tightness.

(f) The seal welding of rivet heads to secure tightness is prohibited.

§ 52.10–8 *Longitudinal riveted joints.* (a) The longitudinal joints of drums and shells of all boilers shall be of riveted double-butt strap construction, at least double-riveted.

(b) The longitudinal joints of externally fired fire-tube or flue boilers shall be located above the fire line of the setting.

(c) Boiler shell plates having longitudinal joints shall be rolled or formed by pressure, not blows, to the proper curvature.

(d) The maximum allowable pitch of rivets in longitudinal joints shall be such as to insure good calking.

(e) The distance between the center lines of any two adjacent rows of rivets in longitudinal joints or the "back pitch" measured at right angles to the direction of the joint, shall have the following minimum values:

(1) If $\frac{P}{d}$ is 4 or less, the minimum value shall be: $2d$, or

(2) If $\frac{P}{d}$ is over 4, the minimum value shall be: $2d+0.1(P-4d)$

Where:
P = Pitch of the rivets in outer row where a rivet in the inner row is located midway between two rivets in the outer row, in inches, or
P' = pitch of rivets in the outer row less pitch of rivets in the inner row where two rivets in the inner row is located between two rivets in the outer row, in inches.
d = diameter of the rivet holes, in inches.

(3) The "back pitch" of rivets shall be measured either on the flat plate before rolling or on the median line after rolling. The "back pitch" thus measured shall govern the locations of the rivet holes in the butt-straps. The diagonal ligaments between staggered rivets shall have the proper strength, as determined by figure 52.40–5 (c) (4).

(f) On longitudinal joints the distance from the center of rivet holes to the edge of the plate, except rivet holes in the ends of butt-straps, shall be not less than 1½ and not more than 1¾ times the diameter of the rivet holes, the distance to be measured from the center of the rivet holes to the calking edge of the plate before calking.

§ 52.10–10 *Efficiency of riveted joints.* (a) The efficiency of riveted joints is the ratio which the strength of the joint bears to the strength of the solid plate. The efficiency of a riveted joint is determined by calculating the breaking strength of a unit section of the joint, considering each possible mode of failure separately, and dividing the lowest result by the breaking strength of the solid plate of a length equal to that of the section considered. It shall be computed in accordance with the following formulas:

(1) For plate section:

$$E=\frac{P-d}{P} \quad (1)$$

(2) For rivet section:

$$E=\frac{Nas}{PST} \quad (2)$$

(3) For combined efficiency of plate in second row and shearing strength of rivet in outer row:

$$E=\frac{p-d}{p}+\frac{nas}{PST} \quad (3)$$

(4) For combined efficiency of plate in second row and crushing strength of butt strap in front of rivet in outer row:

$$E=\frac{p-d}{p}+\frac{ncdt}{PST} \quad (4)$$

where:
E = efficiency of riveted joint in ratio to solid plate.
P = pitch in inches of rivets in outer row.
p = pitch in inches of rivets in second row.
d = diameter of rivet hole, in inches.
N = total number of rivets per pitch P.
n = number of rivets in outer row per pitch P.
T = thickness of shell plate, in inches.
t = thickness of butt strap, in inches.
a = sectional area of the driven rivet, in square inches.
c = crushing strength of plate in front of rivets. (Assumed as 95,000 pounds per square inch.)
S = tensile strength of plate in pounds per square inch.

[1] It is assumed that the joints are of the usual construction where the rivets are symmetrically spaced.

s = shearing strength of rivets in pounds per square inch of sectional area, assumed as follows:

Iron rivets in single shear	38,000
Iron rivets in double shear	76,000
Steel rivets, grade A, in single shear	44,000
Steel rivets, grade A, in double shear	88,000
Steel rivets, grade B, in single shear	52,000
Steel rivets, grade B, in double shear	104,000
Alloy-steel rivets, grade C, in single shear	60,000
Alloy-steel rivets, grade C, in double shear	120,000

(b) Where the drums of water-tube boilers are pierced through the longitudinal butt-strap joint for the purpose of inserting tubes to connect the headers to the drum, the combined thickness of both butt straps shall be taken in computing the efficiency of the ligament between tube holes. This efficiency shall in no case be less than that required for the riveted joint.

§ 52.10–15 *Butt straps and computations.* (a) The thickness of butt straps shall be such as to permit efficient calking of the edges. Where the pitch of the rivets is so great as to make effective calking doubtful, as occurs in quadruple riveting, the edge should be scalloped around the outer rivets.

(b) The thickness of the outer butt strap shall be not less than that determined by the following formula, but it shall in no case be less than ¼ inch:

$$t=\frac{5T(P-d)}{8(P-Kd)} \quad (1)$$

where:
t = thickness of outer strap, in inches.
T = required thickness of shell plate, in inches.
P = pitch of rivets in outer rows, in inches.
d = diameter of rivet holes, in inches.
K = ratio of pitch of rivets in outer row to minimum pitch in inner rows.

(c) The thickness of the inner butt strap shall equal t plus 0.125 inch, but is not required to exceed the thickness of the shell plate.

(d) The thickness of butt straps on drums of water-tube boilers pierced for the purpose of inserting tubes to connect the headers to the drums, shall be increased if necessary to maintain the efficiency on which the allowable pressure is based.

(e) Butt straps shall be formed to the curvature of the shell by rolling or pressing.

§ 52.10–20 *Circumferential joints.* (a) The minimum strength of circumferential joints attaching shells to heads of boilers or other pressure vessels shall bear the following ratios to that required for the longitudinal joints of the shell:

(1) Fifty percent when no part of the load on the head is supported by either tubes or stays.

(2) Forty percent when one-half or more of the load on the head is sustained by stay tubes, flues, or stays; except that circumferential head joints of externally fired fire-tube or flue boilers exposed to fire or to the products of combustion, shall have a minimum strength of not less than 50 percent of that of the longitudinal joint.

(b) The strength of the circumferential joints connecting courses of the shell shall be not less than 75 percent of that required for the longitudinal joints of the shell except that in the case of externally fired flue boilers the strength of circumferential joints need not exceed 60 percent of the strength of the longitudinal joint.

(c) Circumferential end joints of shell plates over ⅝ inch thick and circumferential joints connecting courses of shells, the required thickness of which is over ½ inch, shall be at least double riveted. Where the thickness of the shell plate exceeds 1⅜ inches for single-ended boilers, and 1⅜16 inches for double-ended boilers, the circumferential seams connecting shell courses shall be triple riveted.

(d) On circumferential joints of shells having heads which are not supported by tubes or through stays, the distance from the center of rivet holes to the calking edges of the plates, shall be not less than 1½ and not more than 1¾ times the diameter of the rivet holes. The distance from the centers of rivet holes of circumferential joints to the edges of the plate in boilers having heads which are supported by tubes or through stays shall not be less than 1¼ times the diameter of the rivet holes.

(e) The distance between any two rows of rivets in a circumferential joint or the "back pitch" shall be not less than 1¾ times the diameter of the rivet hole.

§ 52.10–25 *Welded joints.* (a) Drums, shells, or other cylindrical pressure parts and non-cylindrical pressure parts of boilers and unfired pressure vessels, except stays or braces as specified in Subpart 52.35, may be fabricated by means of arc or gas welding, provided the construction meets the requirements for material and design as specified in Parts 51 and 52 of this subchapter, and the welding conforms to the requirements of Part 56 of this subchapter.

(b) Arc or gas welding used in the fabrication of the pressure parts of boilers, as specified in paragraph (a) of this section, need not be radiographed, unless otherwise specified in this subchapter, provided the stress or load is carried by other construction which conforms to the requirements of the regulations in this subchapter, such as stays, staybolts, and stay tubes, and where the adequacy of the boiler design is not solely dependent upon the strength of the weld. Welding done under these provisions shall otherwise conform in all respects to Part 56 of this subchapter, unless otherwise specified in this subchapter.

(c) Arc or gas welding is permitted in the construction of boilers and unfired pressure vessels for the purpose of securing tightness in parts of riveted joints which are otherwise constructed fully in accordance with the regulations in this subchapter.

(d) The ends of inner butt-straps of riveted butt-strap longitudinal joints may be arc- or gas-welded to the edges of heads or of the adjoining shell plate, or to the circumferential butt-straps for tightness. When the butt-strap of a longitudinal joint does not extend the full length of the shell plates, the abutting edges of the shell plate may be welded provided the distance from the end of the butt-strap to the edge of the flange of the head or adjacent shell plate is not greater than 2½ inches.

(e) The longitudinal and circumferential joints of corrugated furnaces may be fabricated by arc welding in accordance with the requirements of § 52.50–15 (g).

(f) (1) A furnace in a fire tube boiler may be attached to an outwardly flanged opening in a front tube sheet by a circumferential fillet weld, or, the furnace may be attached to either tube sheet by flaring the end which extends beyond the outside face of the head to an angle of 20 to 30 degrees, and using a circumferential fillet weld, provided:

(i) The area of the heads around the furnace is stayed by tubes or braces in accordance with the requirements of Subpart 52.35;

(ii) The joint is wholly outside the furnace;

(iii) The throat of the full fillet weld is not less than 0.7 times the thickness of the head;

(iv) Unless protected by refractory material, the furnace shall not extend beyond the outside face of the tube sheet a distance greater than the thickness of the tube sheet. Any excess shall be removed before welding.

(v) The welding conforms in all respects to Part 56 of this subchapter, except that radiographic examination is not required.

(2) A furnace may also be attached by a full penetration weld, provided the furnace extends through the full thickness of the tube sheet. The furnace shall not extend beyond the toe of the weld and the toe shall not project beyond the face of the tube sheet by more than 3/32 inch.

(g) Arc- or gas-welded construction may be used in lieu of riveted joints in the fire boxes of internally-fired boilers provided the welds are located between two rows of staybolts, or in the case of flat surfaces, the weld is not less than one half of a staybolt pitch from the corner of the knuckle.

(h) The bottom edges of plates of vertical tubular and firebox types of boilers may be attached by full penetration butt welds provided the load due to internal pressure is carried by staybolting and the inside width of the waterleg does not exceed 4 inches. The plates may be considered as fully supported if the distance from the welds to the nearest row of staybolts is not more than one-half the pitch allowed by Subpart 52.35.

(i) Mud rings of plate material may be used in the construction of waterlegs of vertical fire-tube boilers and may be attached as shown in figure 52.20–10 (E), provided the width of the waterleg does not exceed 4 inches, and the thickness of the mud ring plate is at least ½ inch. The welding shall be stress-relieved, but radiographic examination is not required.

SUBPART 52.15—DOMES AND STEAM CHIMNEYS

Sec.
52.15–1 Definitions.
52.15–5 Materials and workmanship.
52.15–10 Computations.
52.15–15 Detail requirements.

§ 52.15–1 *Definitions*—(a) *Domes.* Domes are superstructures of shells, attached by riveting or welding. They generally consist of a cylindrical shell with one end flanged for attachment to the main shell and the other end closed by a head which may be integral with, riveted, or welded to the shell.

(b) *Steam chimneys.* Steam chimneys are superstructures of steam boilers which are fitted with a lining inside of which the products of combustion pass to the smokestack. They may be constructed in the form of a dome integral with the boiler or as independent steam vessels connected by piping to the boiler.

§ 52.15–5 *Materials and workmanship.* (a) Steel plates used in the construction of domes shall conform to the specifications and requirements for the shell plates. For steam chimneys the steel plates used shall conform to the specifications and requirements of Subpart 51.04 or 51.22, and which are tested, inspected, and stamped in accordance with § 51.01–1 of this subchapter.

(b) Rivets shall conform to the requirements of Part 51 as follows:

Steel rivets	Subpart 51.07
Iron rivets	Subpart 51.13

§ 52.15–10 *Computations.* (a) The maximum allowable pressure and the minimum thickness of the shell of domes and steam chimneys shall be computed as specified for cylindrical shells in Subpart 52.05, employing the minimum efficiency of the joint.

(b) Flat surfaces of heads of domes and steam chimneys shall be stayed as specified for surfaces to be stayed or reinforced in Subparts 52.30 and 52.35.

(c) The maximum allowable pressure on unstayed steam chimney linings, or the minimum thickness of such linings, shall depend upon their type and shall be computed in accordance with the requirements for furnaces and flues specified in Subpart 52.50.

(d) A cylindrical surface exposed to external pressure and not entirely self-supporting shall be stayed in accordance with the requirements of Subparts 52.30 and 52.35, specifically § 52.30–10 (g).

(e) The strength of the rivets and of ligaments between rivets in the flange attaching a dome or steam chimney to a main shell shall be sufficient to give a factor of safety of not less than six against the full load acting on the head. This factor of safety may be reduced to not less than four when not less than 50 percent of the load on the head is carried by stays secured to the main shell.

(f) Domes attached to shells of boilers shall comply with the requirements for reinforced openings as specified in Subpart 52.25.

§ 52.15–15 *Detail requirements.* (a) All domes and steam chimneys shall be so arranged that any water can drain back into the boiler.

(b) The diameter of a dome shall not exceed one-half of the diameter of the boiler shell.

(c) Flanges of domes shall be formed with a corner radius of at least twice the thickness of the plate for plates 1 inch in thickness or less, and at least three times the thickness of the plate, for plates over 1 inch in thickness.

(d) The longitudinal joints of a dome or steam chimney may be butt-welded and the dome flange may be double full-fillet lap-welded to shell, in lieu of riveting, provided the welding fully complies with the requirements of Part 56 of this subchapter, except that radiographic examination of the fillet welds may be omitted.

SUBPART 52.20—DISHED HEADS

Sec.
52.20–1 Definitions.
52.20–5 Materials and workmanship.
52.20–10 Computations.
52.20–15 Detail requirements.
52.20–20 Openings in dished heads.

§ 52.20–1 *Definitions*—(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel shell. They may be either flat or dished. Heads may be integral with, riveted or welded, to the shell.

(b) *Dished heads.* Dished heads are heads formed to a segment of a sphere or to a hemispherical or elliptical section and may be attached to the shell so that the pressure will be either on the concave or on the convex side.

§ 52.20–5 *Materials and workmanship.* (a) Steel plate used in the fabrication of heads shall be either flange or firebox quality complying with Subpart 51.04 or 51.22. Flanged or dished heads if pressed or flanged cold shall be stress-relieved as required by § 56.01–70 of this subchapter after the cold-forming operations are completed. Heads that are flanged or dished hot need not be stress-relieved.

NOTE: It is not mandatory in fresh and salt water service systems that flanged or dished heads be stress-relieved for use on compression tanks with an air cushion containing liquids operating at temperatures not exceeding 212° F.

(b) The inside radius of the bend of the flange formed on an unstayed dished head shall be not less than three times the thickness of the head and shall in no case be less than 6 percent of the diameter of the shell.

(c) Dished heads having the pressure on the convex side shall be formed to a true surface without flats.

(d) The heads here considered are of steel plate. Cast-steel, bronze and cast-iron heads may be used for unfired pressure vessels, but only where specifically authorized by the Commandant.

(e) The edge of the flange formed on a head shall be machined to a true surface. Where the flange is to be calked inside, the edge shall be beveled as specified for the edges of plates and straps in § 52.10–5. Care shall be taken in calking to avoid damaging the surface of the plate.

(f) The holes for rivets to attach the head to the shell shall, as far as practicable, be drilled in position, and the shell and head shall be taken apart after the holes are drilled, and burrs removed. In cases where holes cannot be drilled in position, the holes shall be examined after assembly and faired by reaming where necessary. (The requirements to take apart shell and head for removing burrs shall not apply to heads where the contact surfaces have been machined and the heads shrunk in place.)

§ 52.20–10 *Computations.* (a) The maximum allowable pressure and the minimum thickness of blank unstayed spherically dished heads, hemispherical heads, or ellipsoidal heads having the pressure on the concave side shall be calculated by the following:

(1) *Spherically dished heads.*

$$P=\frac{STE}{0.833R} \quad (1)$$

$$T=\frac{0.833PR}{SE} \quad (2)$$

(2) *Hemispherical heads.*

$$P=\frac{2STE}{R} \quad (3)$$

$$T=\frac{PR}{2SE} \quad (4)$$

Where:
P = maximum allowable pressure, in pounds per square inch.
S = maximum allowable stress, in pounds per square inch, taken from tables 52.05–10 (a) and 54.03–10 (c), and subject to the limitations of § 52.05–12.
T = minimum thickness of the head, in inches.
E = efficiency of the weakest joint used in forming the head, including the head to shell joint for hemispherical heads only, for the following types:
Riveted joints = calculated riveted efficiency, § 52.10–10.
Welded joints = efficiency specified in table 52.05–10 (b).
Seamless shells with integral heads = 100 percent.
R = radius to which the head is dished or formed, measured on the concave side, in inches.

(3) *Ellipsoidal heads.* A blank head of a semi-ellipsoidal form in which half the minor axis (or the depth of the head not including the flange) is at least equal to one-fourth of the inside diameter of the head, shall be made at least as thick as the required thickness of a seamless shell of the same diameter, as specified in § 52.05–10.

(b) The radius to which a head is dished shall be not greater than the outside diameter of the flanged portion of the head. Where two radii are used, the longer shall be taken as the value of R in formulas (1) and (2) of this section.

(c) The maximum allowable pressure and minimum thickness of dished cast steel or bronze heads, where permitted, shall be calculated by the appropriate formulas in this section.

(d) The maximum allowable pressure and minimum thickness of cast-iron dished heads, where permitted, shall be calculated by the appropriate formulas in Part 54 of this subchapter for unfired pressure vessels.

§ 52.20–15 *Detail requirements.* (a) Where the radius R to which a dished head is formed is less than 80 percent of the inside diameter of the shell, the thickness of a head with a flanged-in manhole opening shall be not less than the value found by making R, in formulas (1) and (2) in § 52.20–10, equal to 80 percent of the outside diameter of the shell and with the added thickness for the manhole. The thickness calculated shall be the minimum thickness of a head with a flanged-in manhole opening for

any form of head and the maximum allowable stress shall not exceed the values given in table 52.05–10 (a) or 54.03–10 (c) in Part 54 of this subchapter.

(b) When dished heads are of a thickness less than called for by § 52.20–10 they shall be stayed as flat surfaces. Allowance may be made for the holding power of the spherical form provided the following conditions are met:

(1) The heads are at least two-thirds of the thickness required for unstayed dished heads;

(2) The heads are at least 7/8 inch in thickness;

(3) Through stays are used and attached to the dished head by outside and inside nuts; and,

(4) The maximum allowable pressure shall not exceed that calculated by the regulations for an unstayed dished head plus the pressure corresponding to the strength of the stays or braces obtained by Subpart 52.30, using 170 for the value of C.

(c) If a dished head concave to the pressure is formed with a flattened spot or surface, the diameter of the flat spot shall not exceed that allowed for flat heads as given by formulas (1) and (2) of § 52.22–10, and the minimum thickness shall be computed by these formulas, using C=0.25.

(d) When a spherically dished head has a flanged-in manhole or other access opening exceeding 6 inches in any dimension, the thickness of the head shall be increased by not less than 15 percent of the required thickness for a blank head computed by formula (2) of § 52.20–10, but in no case by less than 1/8 inch additional thickness over a blank head.

(e) If a flanged-in manhole which meets the requirement of § 52.20–20 is placed in a full-hemispherical head or ellipsoidal head, the thickness of the head shall be the same as for a head dished to a segment of a sphere, with the radius of dish equal to eight-tenths of the outside diameter of the shell and with the added thickness for the manhole as specified in paragraph (d) of this section.

(f) (1) Except as provided for in paragraphs (d) and (e) of this section, all openings which require reinforcement placed in an unstayed spherically dished head, or an ellipsoidal head, or in a full-hemispherical head, including all types of manholes except those of the integral flanged-in type, shall be reinforced in accordance with § 52.25–20, in the application of which the opening shall be treated as though it were in a shell:

(i) Of the same outside diameter as the outside diameter of the flange of the head;

(ii) Of the same material, thickness and allowable pressure; and,

(iii) One-half the required thickness of the shell used for computing the amount of reinforcement required may be used for T when the opening is in a full-hemispherical head.

(2) When so reinforced, the thickness of such a head may be the same as for a blank unstayed dished head.

(g) Where a spherically dished head has a flanged opening supported by an attached flue, an increase in the thickness over that computed by formula (2) of § 52.20–10 is not required.

(h) If more than one manhole is inserted in a dished head, the thickness of which is calculated by paragraphs (f) and (g) of this section, the minimum distance between the openings shall be not less than one-fourth of the outside diameter of the head.

(i) The maximum allowable pressure and the minimum thickness of an unstayed dished head of any form without manholes or handholes with the pressure on the convex side shall be calculated by formulas (1) and (2) of § 52.20–10, but only 60 percent of the maximum allowable pressure thus determined shall be allowed.

(j) No head, except a full-hemispherical head, shall be of a lesser thickness than that required for a seamless shell of the same diameter.

(k) When the flange of an unstayed dished head is machined to make a close fit into or onto the shell, the thickness shall be not reduced to less than 90 percent of that required for a blank head.

§ 52.20–20 *Openings in dished heads.* (a) Flanged-in manholes or other flanged openings in a dished head shall be flanged to a minimum radius measured on the inside of the plate of not less than 7/8 inch, for plates up to and including 1 1/8 inches in thickness, and for plates exceeding 1 1/8 inches thickness, the radius shall be increased proportionately. The minimum depth of the flange measured from the outside of the plate at the ends of the major axis shall be determined by the following formula:

$$d=\sqrt{Tw} \quad (1)$$

Where:
d = depth of flange, measured from the outer face, in inches.
T = thickness of the plate, in inches.
w = minor axis of the opening, in inches.

(b) A manhole opening may be reinforced by a riveted manhole frame or other attachment in lieu of flanging.

(c) Unreinforced openings in dished heads shall be governed by the following:

(1) The edge of any unreinforced opening, excluding rivet holes, shall come no closer to the line bounding the spherical or ellipsoidal portion of the head around a manhole than the distance equal to the thickness of the head, and in no case, except for water-column connections, shall it come within the part formed by the corner radius of a dished head.

(2) The maximum allowable diameter of any unreinforced opening in a head, except in a full-hemispherical head, shall not exceed that permitted by § 52.25–15 (a) for a shell of the same outside diameter as the outside diameter of the flange of the head, of the same thickness, allowable pressure and material as that in the head, nor shall it exceed 8 inches in any case.

(3) For unreinforced openings in full-hemispherical heads, the requirements of subparagraph (2) of this paragraph shall apply, except that the value of K shall be one-half the value given by the formula in § 52.25–15 (a).

(4) The minimum distance between the centers of any two unreinforced openings, rivet holes excepted, shall be determined by the following formula:

$$L=\frac{A+B}{2(1-K)} \quad (2)$$

Where:
L = distance between the centers of the two openings, measured on the surface of the head, in inches.
A and B = diameters of the two openings in inches.
K = same as defined in § 52.25–15 (a) for the equivalent shell described in subparagraph (2) of this paragraph.

SUBPART 52.22—FLAT HEADS

Sec.
52.22–1 Definitions.
52.22–5 Materials and workmanship.
52.22–10 Computations.
52.22–15 Openings in flat head.

§ 52.22–1 *Definitions*—(a) *Unstayed heads.* Unstayed heads are the ends of a pressure vessel. They may be either flat or dished. Heads may be integral with, riveted, or welded to the shell. Unstayed flat heads may be used to close shells as permitted by § 52.22–10.

(b) *Stayed heads.* Stayed heads are heads supported in whole or in part by stays, furnaces, flues, tubes, etc.

§ 52.22–5 *Materials and workmanship.* (a) Steel used in the fabrication of flat heads shall be either flange or firebox quality complying with Subpart 51.04 or 51.22.

(b) The heads here considered are of steel plate. Cast steel, cast iron or bronze heads may be used for pressure vessels other than boilers, but only where specifically authorized by the Commandant.

§ 52.22–10 *Computations.* (a) The maximum allowable pressure and minimum required thickness of unstayed flat heads, cover plates, blind flanges, etc., shall be determined by the following formulas:

$$P=\frac{ST^2}{CD^2} \quad (1)$$

$$T=D\sqrt{\frac{CP}{S}} \quad (2)$$

Where:
D = diameter, or shortest span, measured as indicated in figure 52.22–10, in inches.
P = maximum allowable pressure, in pounds per square inch.
T = minimum required thickness of plate, in inches.
S = maximum allowable stress, in pounds per square inch, taken from tables 52.05–10 (a) and 54.03–10 (c) and subject to the limitations of § 52.05–12.
C = 0.162 for plates rigidly riveted or bolted to shells, flanges, or side plates as shown in figure 52.22–10 (A); and for integral flat heads as shown in figure 52.22–10 (B) where dimension D does not exceed 24 inches and the ratio of thickness of the head to dimension D is at least equal to or greater than 0.05.

C=0.25 for heads forged integral with or butt-welded to shells, pipes, or headers as shown in figures 52.22–10 (C) and (D), where the corner radius on the inside is not less than three times the thickness of the flange immediately adjacent thereto, and where the welding meets all the requirements for circumferential joints given in Part 56, including stress relieving and radiographic examination.

C=0.50 for plates arc- or gas-welded to the inside of pressure vessels, pipes or headers and otherwise meeting the requirements for respective type of arc- or gas-welded vessels, including stress relieving but omitting radiographic examination. The plate shall be welded as shown in figure 52.22–10 (E), with a fillet weld having a throat equal to two times the required thickness of a seamless shell, but not greater than the head thickness nor in any case less than 1.25 times the actual shell thickness, and where the weld is deposited in a welding groove with the root of the weld at the inner face of the head. The remainder of the head plate may be beveled to an angle not exceeding 45°.

$C=0.30+1.40\frac{Wh_g}{HD}$ for plates bolted to shells, flanges, or side plates, in such a manner that the setting of the bolts tends to dish the plate, and where the pressure is on the same side of the plate as the bolting flange, as shown in figures 52.22–10 (F) and (G), where:

W=flange design bolt load, in pounds.
h_g=radial distance from the bolt-circle diameter to the diameter D, in inches.
H=total hydrostatic end force on area bounded by the mean diameter of the gasket or joint contact surface, in pounds.
D=diameter, or shortest span, measured as indicated in figure 52.22–10, in inches.

C=0.50 for plates having a dimension D not exceeding 18 inches inserted into pressure vessels and welded thereto as shown in figure 52.22–10 (H), and otherwise meeting the requirements for the respective type of class II welding including stress relieving but omitting radiographic examination. The end of the pressure vessel shall be crimped over to an angle not less than 30° nor more than 45°. The throat of the weld shall be not less than the thickness of the shell or head, whichever is the greater.

C=0.75 for plates screwed into the end of a pressure vessel having an inside diameter D not exceeding 12 inches, as shown on figure 52.22–10 (I), or for heads having an integral flange screwed over the end of a pressure vessel having an inside diameter D not exceeding 12 inches. The design of the threaded joint against failure by shear, tension, or compression resulting from the end force due to pressure shall be based on a factor of safety of at least 4 and the threaded parts are at least as strong as the threads for standard piping of the same diameter, and the head shall be welded to the pressure vessel by means of a seal weld.

C=0.30 for plates inserted into the ends of pressure vessels and held in place as shown in figure 52.22–10 (J) where all possible means of failure, either by shear, tension, or compression, due to the hydrostatic end force, are resisted with a factor of safety of 4. Seal welding may be used, if desired.

§ 52.22–15 *Openings in flat head.* (a) Unreinforced openings in unstayed flat heads shall be calculated in accordance with § 52.25–15 (a), where the value of D (outside diameter of shell or drum) shall be equal to the diameter D or shortest span of the flat head measured as indicated in figure 52.22–10, and K shall be the ratio of the thickness T required by formula (2) of § 52.22–10 (a) to the actual thickness of the flat head.

(b) Reinforced openings in unstayed flat heads, where the maximum diameter of the opening does not exceed 50 percent of the dimension D or shortest span of the flat head measured as indicated in figure 52.22–10, shall be designed in accordance with § 52.25–20, where T is the thickness required by formula (2) of § 52.22–10 (a), except that the required cross-section need only be 75 per cent of that specified in § 52.25–20.

(c) Where the maximum diameter of an opening exceeds 50 percent of the dimension D as indicated in figure 52.22–10, the flat plate shall be designed as a flange.

SUBPART 52.24—ACCESS AND INSPECTION OPENINGS

Sec.
52.24–1 Definitions.
52.24–5 Materials and workmanship.
52.24–10 Detail requirements.

§ 52.24–1 *Definitions*—(a) *Openings.* Access or inspection openings, as defined in this subpart, are holes cut in the shells or heads of boilers or other pressure vessels for the purpose of inspection and cleaning.

NOTE: Openings in the shells or heads of boilers or other pressure vessels, including domes and steam chimneys, for other purposes than above defined (such as pipe connections and mountings) are covered in Subpart 52.25.

(b) *Manhole.* A manhole is an access opening in a boiler or unfired pressure vessel of sufficient size to permit an inspector to enter the vessel. Manholes may be of elliptical or circular shape.

(c) *Handhole.* A handhole is an opening in a pressure part of a boiler or unfired pressure vessel for the purpose of access or inspection, usually not exceeding 6 inches in longest dimension.

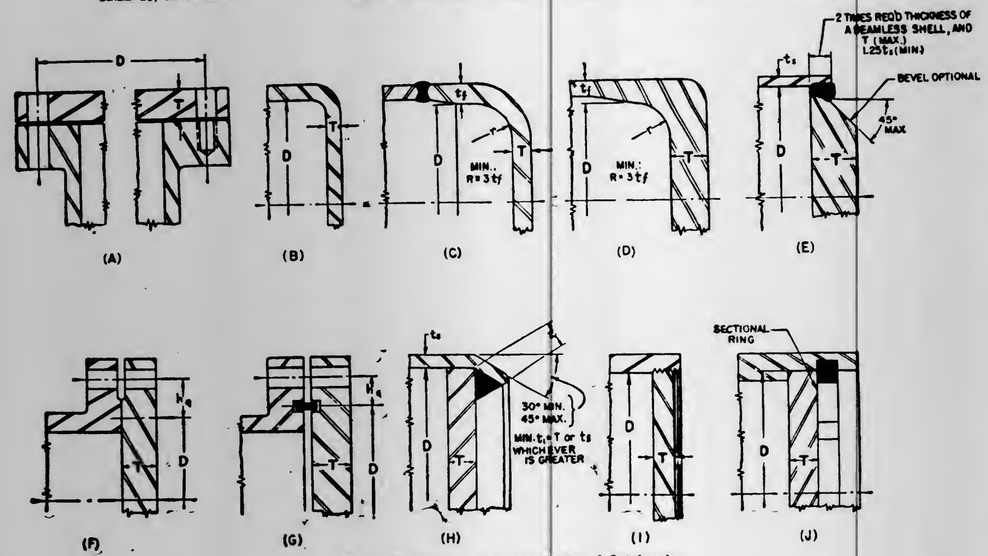

FIGURE 52.22–10—Acceptable types of flat heads.

The shapes of handholes may be circular, elliptical, or rectangular with rounded corners.

§ 52.24–5 *Materials and workmanship.* (a) The cover plates for manholes shall be of rolled or forged steel conforming to the requirements of Subpart 51.04 or 51.46 of this subchapter. Handhole covers may be made of rolled, forged or cast steel conforming to the requirements of Subpart 51.04, 51.22, 51.46 or 51.58 of this subchapter.

(b) Manhole covers shall be marked with the manufacturer's name or trademark together with the maximum allowable pressure.

(c) Manhole and handhole yokes or dogs shall be of forged steel, pressed steel, or cast steel conforming to the requirements of Subpart 51.04, 51.22, 51.46 or 51.58 of this subchapter. The material of bolts securing yokes or dogs and cover plates shall conform to the requirements of Subpart 51.07 of this subchapter.

(d) When handhole or other access openings are made, a margin of not less than ¼ inch shall be left when punching operations are used, and not less than ⅛ inch shall be left when machine burning methods are employed. Such margins shall be machined or ground away to relieve the metal of any stresses which may be set up due to burning or punching operations.

(e) The minimum width of bearing surface for a gasket on a manhole opening shall be 1 1/16 inch. No gasket for use on a manhole or handhole of any boiler shall have a thickness greater than ¼ inch, when compressed.

§ 52.24–10 *Detail requirements.* (a) All boilers or pressure parts thereof shall be provided with suitable manhole, handhole, or other inspection openings for examination and cleaning.

(b) Manhole openings shall be of elliptical form, the dimensions of which shall be not less than 10 by 16 inches or 11 by 15 inches. The size 12 by 16 inches should be used wherever practicable. Circular manholes having diameters of not less than 15 inches may be permitted.

(c) A handhole opening in a boiler shell or header shall be not less than 4 inches in any direction. This requirement does not apply to small access openings such as used in superheater headers.

(d) Inspection openings smaller than specified for handholes are permissible where a handhole is impracticable.

(e) Where elliptical openings are made in the shell of a boiler or other pressure vessel, the minor axis shall, as far as practicable, be placed longitudinally.

(f) All manholes, handholes, and inspection openings shall be closed by readily removable internal cover plates which shall be held by one or more girders or dogs and bolts. The cover plates shall be formed with a projection to fit within the opening with a radial clearance not exceeding 1/16 inch at any point. This projection may be in form of a raised face which shall protrude straight out from the joint face within the opening not less than ½ inch on manholes or ⅜ inch on smaller cover plates.

(g) When a threaded opening is to be used for inspection or washout purposes, it shall be not less than 1 inch pipe size. The closing plug or cap shall be of nonferrous material, except for pressures over 250 p. s. i. or temperatures over 406° F.

(h) A manhole shall be located in the front head below the tubes of a horizontal-return tubular boiler 48 inches or over in diameter. Smaller boilers shall have either a manhole or a handhole below the tubes. There shall be a manhole in the upper part of the shell or head of a fire-tube boiler over 40 inches in diameter, except on a vertical fire-tube boiler, or except on internally fired boilers not over 48 inches in diameter. Smaller boilers shall have either a manhole or a handhole above the tubes.

(i) Externally fired boilers shall be fitted with a manhole opening in the lower front head beneath the flues. The minimum dimensions of such opening shall be 10 inches on the minor axis and 16 inches on the major axis. When shells are less than 46 inches in diameter, handholes 4 by 5 inches in size may be used in place of manholes.

(j) A vertical fire-tube boiler shall have not less than four handhole openings in the shell located as follows:

(1) One at or about the water line or opposite the fusible plug.

(2) Three at or about the line of the crown sheet or lower tube sheet, and if internally fired, not less than three additional handholes at the lower part of the waterleg.

(k) If a vertical fire-tube boiler is equipped with manholes or other access openings through which adequate inspection may be made, the required handholes and/or inspection openings at the water line and for the tube sheets may be omitted.

SUBPART 52.25—NOZZLE OPENINGS AND REINFORCEMENTS

Sec.
52.25–1 Definitions.
52.25–5 Materials and workmanship.
52.25–10 Unreinforced openings.
52.25–15 Computations.
52.25–20 Reinforced openings.

§ 52.25–1 *Definitions*—(a) *Openings.* Openings, as defined in this subpart, are holes cut in shells or heads of boilers or other pressure vessels, including domes and steam chimneys, for the purpose of connecting nozzles or mountings to the shell or head of such boilers or pressure vessels.

§ 52.25–5 *Materials and workmanship.* (a) The material for reinforcing plates around openings shall conform to the requirements of the plate to be reinforced. When they are locally heated for flanging or forming, they shall be properly annealed.

(b) A forged nozzle or forged flange, riveted or welded to the plate, may be considered as reinforcement, provided such fittings are properly designed to compensate for the material removed.

(c) Rivets used in securing reinforcing plates to the shell or other structural part shall conform to the requirements of Subpart 51.07 or 51.13 of this subchapter.

(d) The inner radius of the bend of any flanged opening in heads, except manholes or other access openings as specified in § 52.20–20, shall be: for furnace attachments, not less than twice the thickness of the plate flanged; for flue attachments in externally fired boilers, not less than one and one-half times the thickness of the plate flanged.

(e) The riveted joint of a reinforcing plate fitted to an opening in the shell or other part of a boiler or other pressure vessel, shall be properly calked along the edge of the opening and the outer edge of the reinforcing plate as specified in Subpart 52.10 for riveted joints.

§ 52.25–10 *Unreinforced openings.* (a) The regulations in this subpart governing the maximum size of an unreinforced opening apply only to shells in which there are tube holes or other plain unreinforced openings, and are limited to shells 8 inches or more in outside diameter in which the shell thickness does not exceed one-fifth of this diameter and in which the largest opening does not exceed six-tenths of the shell diameter.

(b) Plain unreinforced openings shall not exceed the diameter determined by § 52.25–15, nor shall they exceed a diameter of 8 inches in any case.

§ 52.25–15 *Computations.* (a) (1) The maximum diameter of an unreinforced opening in a shell or drum shall be determined by the following formulas:

$$d=2.75\sqrt[3]{DT^2(1-K)} \quad (1)$$

$$K=\frac{1.1PD}{2ST} \quad (2)$$

$$K=\frac{PD}{2ST} \quad (3)$$

Where:
d=maximum allowable diameter of unreinforced openings, in inches.
T=actual full thickness of shell plate, in inches (including the 0.10 inch additional thickness).
D=outside diameter of the drum or shell, in inches.
S=maximum allowable stress as given in table 52.05–10 (a), in pounds per square inch.
K=ratio of the computed stress in the solid plate to the maximum allowable stress.

(2) In determining the maximum size of an unreinforced opening in a shell, head, or header designed under the provisions of § 52.05–10 (a), the value of K shall be computed by formula (2). Where the value of K equals or exceeds unity, the maximum size of an unreinforced opening shall be 2 inches.

(3) In determining the maximum size of an unreinforced opening in a shell, head, or header in which the value of S is taken as not more than 80 percent of that given in tables 52.05–10 (a) and 54.03–10 (c) in Part 54 of this subchapter, the value of K shall be computed by formula (3). When computing K by this formula, the pressure P shall be that for which the part is designed, S shall be 80 percent of the value from tables 52.05–10 (a) and 54.03–10 (c), and T shall be the actual thickness of the shell. Where K so computed equals or exceeds unity, a value of 0.99 shall be used.

(b) (1) The maximum diameter of unreinforced openings may be determined

by use of diagrams, figures 52.25–15 (b1) and 52.25–15 (b2).

(2) To use the diagrams compute the value of (*DT*) and also the value of *K* as shown in the preceding formula (2). Next find on a diagram the vertical line corresponding to the (*DT*) value and follow this line vertically to the point where the line representing the *K* value intersects. By projecting this point horizontally to the left-hand edge of the diagram, the maximum diameter of an unreinforced opening may be read from the scale.

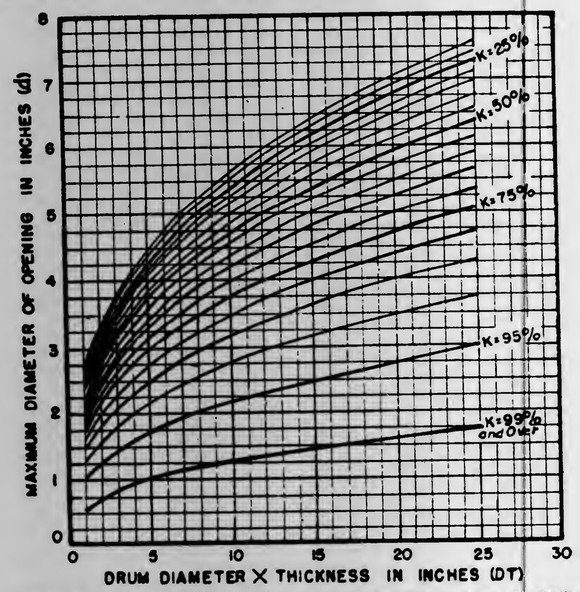

FIGURE 52.25–15 (b1)—Maximum diameter of unreinforced openings in shells.

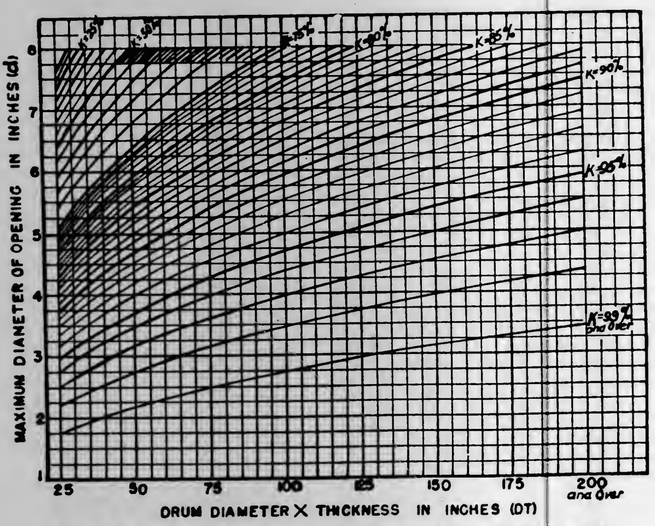

FIGURE 52.25–15 (b2)—Maximum diameter of unreinforced openings in shells.

§ 52.25–20 *Reinforced openings.* (a) An opening in a shell or drum with a diameter greater than the maximum unreinforced opening permitted by § 52.25–15 shall be provided with reinforcement. Openings of the reinforced type shall consist of one or more reinforcing rings or flanges riveted or welded to the shell and a nozzle or fitting welded to the shell and/or welded to or integral with the reinforcing flange. Openings requiring reinforcement shall have the reinforcement applied equally on the outside and inside of the shell. If placed in shells constructed under the requirements of § 52.05–12 (g) the reinforcement need not be so applied, provided however, the amount of reinforcement required shall be calculated for a required shell thickness using 80 percent of the allowable stress values given in table 52.05–10 (a). Openings in heads may have reinforcement on the outside only.

(b) (1) The thickness of a nozzle or fitting welded to the shell, reinforcing ring or flange shall be of a thickness not less than schedule 80 pipe for boilers and in no instance shall the nozzle wall thickness be less than that determined by § 55.07–5 of this subchapter.

(2) For nozzle fittings having a bolting flange and an integral flange for riveting, the thickness of the flange attached to the boiler shall also be not less than the thickness of the neck of the fitting.

(c) All circular or elliptical openings of the reinforced type shall comply with the following requirements:

(1) On a line parallel to the longitudinal axis of the shell and passing through the center of the opening, the total cross-sectional area in the complete reinforced opening including the shell and cross-sectional area of the welds and reinforcing rings, if any, within the limits defined by rectangle *ABCD* in figure 52.25–20 (c), shall be at least equal to the area of the cross section *EFGH* plus *JKLM*, obtained by multiplying the shell thickness *T* required by § 52.05–10, using *E*=0.90, by twice the diameter (*d*) of the opening less 2 inches. The limits of rectangle *ABCD* are:

(i) A distance on each side of the center line of the opening equal to the actual inside diameter *d* of the opening in the shell, defined by lines *AD* and *BC*.

(ii) A distance on each side of the middle line of the actual thickness *m* of the shell equal to three times such actual thickness, defined by lines *AB* and *DC*, except that in no case shall the limits extend along the tubular portion of the nozzle connection beyond the surface *NP* of the reinforcement more than two and one-half times the thickness *n* of the nozzle.

(2) On either side of the line parallel to the longitudinal axis of the shell, as determined in subparagraph (1) of this paragraph, the strength of the attachment to the vessel of each separate part entering into the construction of the reinforced opening shall be at least equal to the tensile strength of the cross section of the reinforcing part within rectangle *ABCD*, or to the tensile strength of a cross-sectional area equal to the sum of rectangles *QFGR* plus *JSTM*, determined by multiplying the shell thickness *T* required by § 52.05–10, using *E*=0.90, by diameter *d* of the shell opening less 2 inches, whichever tensile strength is smaller. For riveted construction, the strength of the attachment is the shearing strength of the rivets, and for welded construction, it is the strength of the weld in shear or in tension, whichever is smaller.

(3) When there are two or more adjacent openings, the limits for the openings, defined by *AD* and *BC*, shall not be considered to overlap, and in no case shall any portion of a cross section be considered to apply to more than one opening.

(d) Figure 52.25–20 (d) illustrates some types of arc or gas welded connections which are acceptable.

(e) The unit shear stress of a weld shall not exceed 0.8 times the allowable stress in tension.

(f) For arc or gas welded connections, in addition to complying with the regulations given in paragraph (c) of this section, the following additional requirements shall be met:

(1) Where the thickness *t* of the thinner of the two parts being joined is ¾ inch or less, the dimensions of the welds shall not be less than the requirements given in figure 52.25–20 (d).

(2) Where the thickness *t* is greater that ¾ inch, the dimensions of the welds shall not be less than the requirements given in figure 52.25–20 (d), using a value of ¾ inch for *t* in the formulas.

(3) When nozzles or couplings are attached to boilers and unfired pressure vessels as shown in figures 52.25–20 (d), (B) and (D), and are welded from one side only, backing strips shall be used unless the inside of the joint can be visually inspected in order that the inspector may satisfy himself that complete penetration is obtained. When attachments as shown in figures 52.25–20 (d), (K) and (L), are employed they shall be limited to 2-inch pipe size for pressures exceeding 150 p. s. i.

(g) When the end faces of nozzles or manhole necks are to remain unwelded in the completed vessel, these end faces shall not be cut by shearing unless at least ⅛ inch of the additional metal is removed by any method that will produce a smooth finish.

(h) The thickness of each independent riveted reinforcing flange or ring shall not be less than given in table 52.25–20 (h).

TABLE 52.25–20 (h)—MINIMUM THICKNESS OF INDEPENDENT RIVETED REINFORCING RINGS OR FLANGES

Thickness of shell plate	Thickness of reinforcing ring or flange	Thickness of shell plate	Thickness of reinforcing ring or flange
Inch	*Inch*	*Inches*	*Inch*
¼	¼	⅞–¾	½
5/16	5/16	⅞	9/16
11/32–13/32	⅜	1	11/16
7/16–15/32	7/16	1¼–2	¾
17/32–9/16	½	Over 2	1
19/32–11/16	9/16		

(i) The outside diameter of a riveted reinforcing ring or flange shall not be less than one and one-half times the diameter of the opening in the shell.

(j) The rivets attaching the nozzle shall be so placed as to avoid the possibility of the shell plate failing by tearing around the rivet holes.

(k) Manhole or other openings in a flat, stayed surface shall be deemed to be sufficiently reinforced if the plate is flanged inwards to a depth not less than that determined by § 52.20–15 (b).

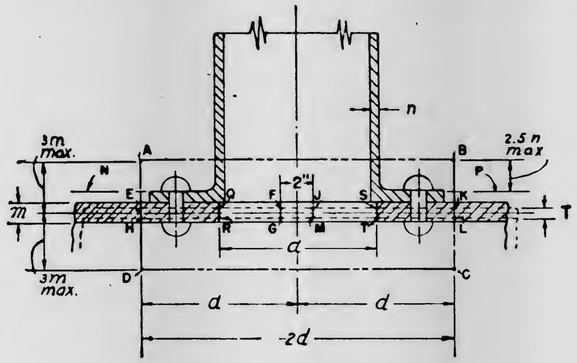

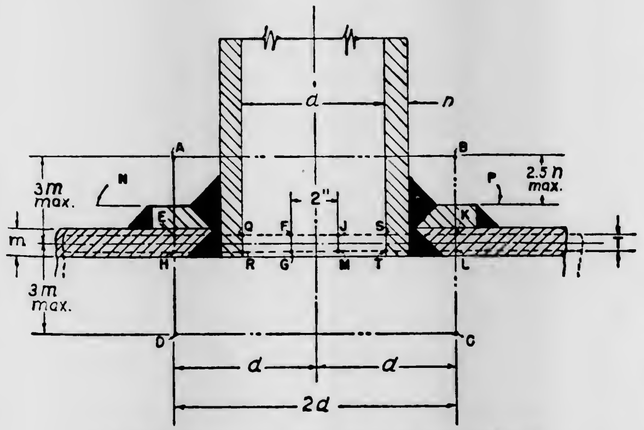

FIGURE 52.25–20 (c)—Computation of reinforced nozzle fittings.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 52.30—SURFACES REQUIRED TO BE STAYED OR REINFORCED

6. The cross references following § 52.30–1 are amended to read as follows:

§ 52.30–1 *Definitions.* • • •

CROSS REFERENCES: For unstayed flat heads, see Subpart 52.22. For flat tube sheets, see Subpart 52.45. For curved tube sheets, see Subpart 52.40.

SUBPART 52.35—STAYS AND REINFORCEMENTS

7. Section 52.35–1 is amended by changing paragraphs (b) and (c) to read as follows:

§ 52.35–1 *Definitions.* • • •

(b) *Solid screw staybolt.* Solid screw staybolt is a threaded bar screwed through the plates, the ends being riveted over or fitted with nuts or welded collars. (See figures 52.35–1 (b) and 52.35–1 (1).)

(c) *Hollow screw staybolt.* Hollow screw staybolt is a hollow threaded bar screwed through the plate, the ends being riveted over or fitted with nuts or

welded collars. (See figure 52.35–1 (c).)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

8. Sections 52.35–5 and 52.35–10 (b) are amended to read as follows:

§ 52.35–5 *Materials.* (a) Round bar stays which require no welding or forging other than upsetting at the ends for threading or to form eyes for use in conjunction with crowfeet, or similar fastenings, shall conform to the requirements of Subpart 51.07, 51.10, or 51.13 of this subchapter.

(b) Crowfeet, lugs, and similar connections for stays shall be forgings without welds conforming to the requirements of Subpart 51.46 of this subchapter.

(c) Forged-welded stays or parts thereof shall conform to the requirements of Subpart 51.13 of this subchapter. All welds in the body of the stay shall be made by the hammer-weld process.

(d) Stiffeners made of structural shapes shall conform to the requirements specified in Subpart 51.10 of this subchapter.

(e) Gusset and diagonal stays made of steel plate, also doubling plates and girders shall conform to the requirements specified in Subpart 51.04 of this subchapter.

(f) Stay tubes shall conform to the requirements of Subpart 51.25 of this subchapter.

(g) Rivets shall conform to the following requirements:

Steel rivets	Subpart 51.07
Iron rivets	Subpart 51.13

(h) Nuts for screw stays shall be made of steel, conforming to the requirements of Subpart 51.46 or 51.49, or, refined wrought iron, conforming to the requirements of Subpart 51.13 of this subchapter.

§ 52.35–10 *Workmanship.* • • •

(b) Holes for screw staybolts shall be drilled and tapped fair and true and shall have a full thread.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

9. Section 52.35–20 is amended to read as follows:

§ 52.35–20 *Detail requirements.* (a) All screw staybolts, except flexible staybolts, shall have a telltale hole in the center of each end not less than $\frac{3}{16}$ inch diameter extending not less than $\frac{1}{2}$ inch beyond the inside of the plate.

(b) Joining of steel stays in the body by any process of welding is not permissible.

(c) The length of screw staybolts shall not exceed 20 diameters.

(d) Where the length of a boiler exceeds 18 feet, the through stays shall be supported in the middle.

(e) Where the heads of screw staybolts are riveted over, the end of the staybolt before riveting shall extend not less than $\frac{1}{4}$ inch from the surface of the plate to provide sufficient material for a substantial head.

(f) Where welded collars are used instead of nuts, the depth of the collar, measured on the staybolt, and the width, measured on the plate, shall not be less than one-half the diameter of the staybolt.

(g) The minimum thickness of nuts used in connection with screw stays shall be one-half of the diameter of the stay, but in no case less than $\frac{3}{4}$ inch. The stays shall be so placed in relation to the joints that the plates can be calked without removing the nuts.

(h) Nuts shall not be fitted to staytubes at the combustion chamber end.

(i) The ends of stays fitted with nuts shall not be exposed to the direct radiant heat of the fire.

(j) The minimum thickness of staytubes measured at the root of the threads shall be $\frac{1}{4}$ inch for marginal staytubes and $\frac{3}{8}$ inch for other staytubes.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

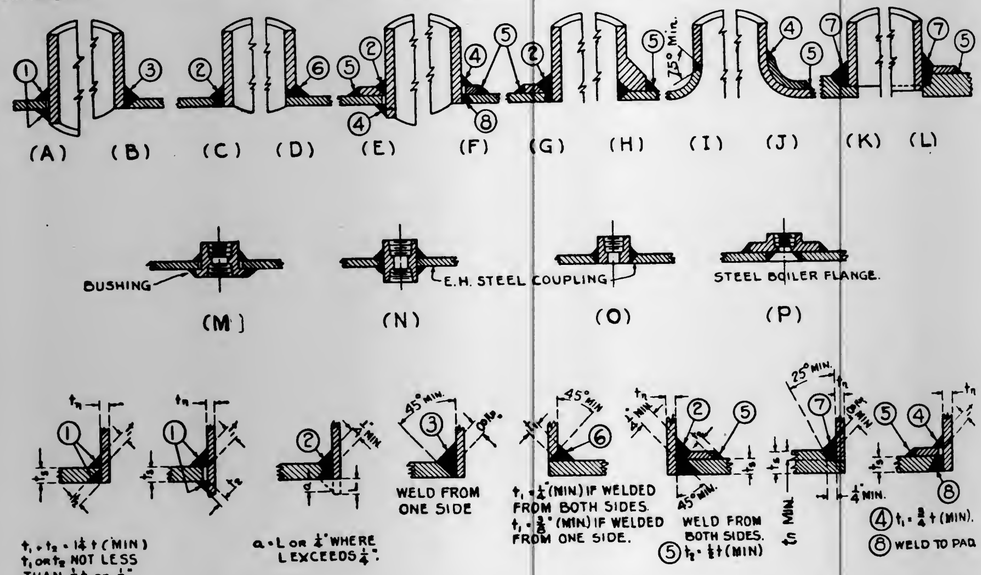

FIGURE 52.35–20 (d)—Acceptable types of welded nozzles and fittings.

SUBPART 52.40—TUBE SHEETS OF WATER-TUBE BOILERS

10. Sections 52.40–5, 52.40–10 and 52.40–15 are amended to read as follows:

§ 52.40–5 *Computations for curved tube sheet.* (a) The maximum allowable pressure and minimum thickness of a cylindrical shell pierced for tubes and of a curved tube sheet shall be calculated by formula (1), (2), or (3) of § 52.05–10, using the lowest value of E, determined in accordance with this section.

(b) (1) Where cylindrical shells are pierced by a single row of tubes or by two or more rows so placed in the cylindrical shell as not to be considered nests of tubes, as in a double-butt strap joint, or where reinforcing plates are fitted, the ligament efficiency between tube holes shall be computed by formula (1) of this section. For tube rows other than those placed on the longitudinal joint, the shell if necessary shall be either reinforced or increased in thickness.

(2) The relative strength of the ligaments between tube holes which come in a single line in a butt-strap joint or reinforced shell, shall be computed by the following formula:

$$E = \frac{(p-d)\,T_1}{pT} \qquad (1)$$

where:

E = relative strength of ligament.
p = pitch of tubes, in inches.
d = diameter[1] of tube holes, in inches.
T = thickness of shell, in inches.
T_1 = the aggregate thickness of the two butt straps, or the shell and reinforcing plate, in inches.

(c) When a shell is pierced for tubes in a series of rows parallel to its axis, the efficiency of the ligament between the tube holes in any row shall be determined as follows:

(1) When the pitch of the tube holes in any row is uniform. (See figure 52.40–5 (c1).)

$$E = \frac{p-d}{p} \qquad (2)$$

(2) When the pitch of the tube holes in any row is not uniform. (See figures 52.40–5 (c2) and 52.40–5 (c3).) The calculations shall be made for a section of the row not exceeding the diameter of the shell.

$$E = \frac{p_1 - nd}{p_1} \qquad (3)$$

(3) When the holes in one row are placed so as to form diagonal ligaments with the holes in an adjacent row. (See figure 52.40–5 (c4).) The efficiency of these ligaments shall be taken from the diagram figure 52.40–5(c5). To use this diagram compute the value of $\frac{pd}{p}$ and also the efficiency of the longitudinal ligament. Next find in the diagram, the vertical line corresponding to the longitudinal efficiency of the ligament and follow this line vertically to the point where the diagonal line representing the ratio of $\frac{pd}{p}$ intersects. By projecting

[1] Where the tube hole is not of the straight bore type, the equivalent diameter shall be calculated by dividing the cross-sectional area of the removed metal by the material thickness.

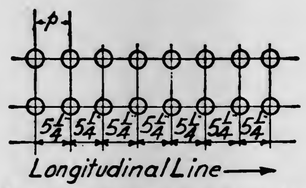

FIGURE 52.40–5 (c1)—Example of tube spacing with pitch of holes equal in every row.

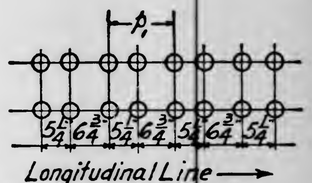

FIGURE 52.40–5 (c2)—Example of tube spacing with pitch of holes unequal in every second row.

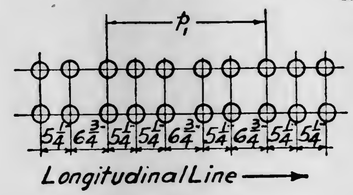

FIGURE 52.40–5 (c3)—Example of tube spacing with pitch of holes varying in every second and third row.

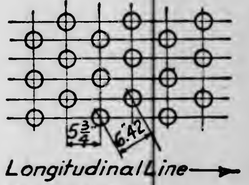

FIGURE 52.40–5 (c4)—Example of tube spacing with holes on diagonal lines.

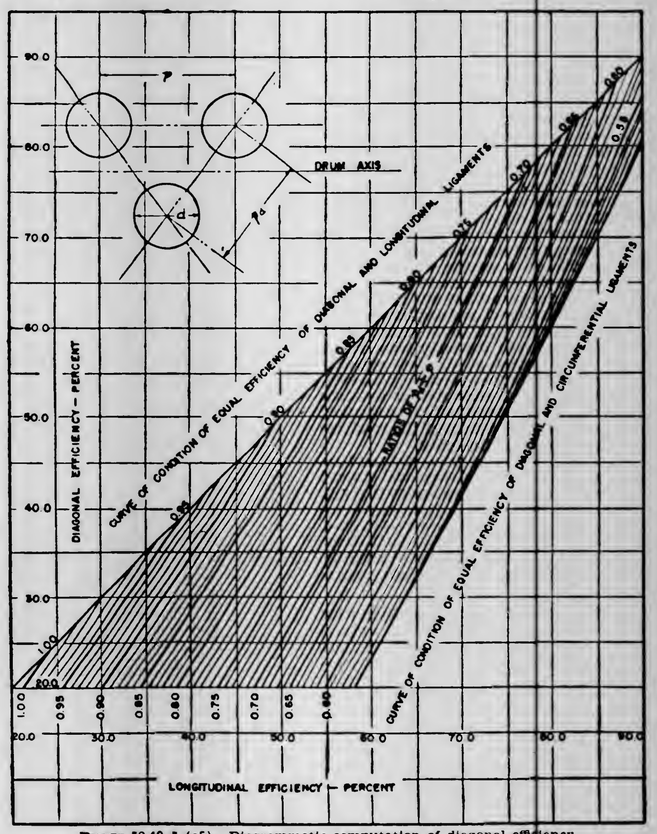

FIGURE 52.40–5 (c5)—Diagrammatic computation of diagonal efficiency.

this line horizontally to the left on the edge of the diagram, the diagonal efficiency of the ligament may be read from the scale. If this efficiency is less than that of the longitudinal ligament it shall be used in computing the allowable pressure.

(4) The symbols used in the formulas in this paragraph mean:

E = relative strength of the ligament.
p = longitudinal pitch of tube holes, in inches.
p_d = diagonal pitch of tube holes, in inches.
p_1 = unit length of section of the row considered, in inches.
d = diameter[3] of tube holes, in inches.
n = number of tube holes in section p_1.

(d) The pitch of the tube holes shall be measured either on the flat plate before rolling or on the middle line of the plate after rolling.

(e) The strength of the circumferential ligaments between tube holes shall be at least one-half the required strength of the longitudinal ligaments.

(f) When the tube holes are not normal to the plate, the plate thickness shall be sufficient to provide a parallel seating not less than ⅜ inch depth between planes at right angles with the axis of the tube for tubes 2½ inches in diameter and under; for tubes having diameters over 2½ inches, the depth of the parallel seating shall not be less than ½ inch.

§ 52.40–10 *Reinforcement of ligaments.* (a) Where reinforcing plates are applied to the drums of water-tube boilers to strengthen the shell at the point where the tubes enter, they shall be riveted to the shell, and where outside calking is used, the tubes shall be expanded into the inner and outer plates so that the rivets and tubes will hold the plates together in accordance with the regulations for stayed surfaces.

(b) The rivet spacing with respect to the tubes shall conform to the requirements of Subparts 52.30 and 52.35, using a value of 250 for C, and shall be based on a unit pressure equal to the pressure that can be carried by the inner plate with a factor of safety of 5. The shearing strength of the rivets securing the reinforcing plate on each side of the tube line shall be at least equal to the required strength of the ligament of the reinforcing plate between the tubes.

(c) The combined drum shell and reinforcing plate or plates, and riveted connections, shall have a factor of safety of not less than 5 in the ligaments when calculated in accordance with § 52.40–5. When reinforcing plates or butt-straps are exposed to the products of combustion, the joints shall be protected therefrom.

§ 52.40–15 *Unsymmetrical ligaments.* (a) When tubes or holes are unsymmetrically spaced, the average ligament efficiency shall be not less than that required by this section, which applies to ligaments between tube holes and not to single openings. When this procedure results in lower efficiencies than those for symmetrical groups which extend a distance greater than the inside diameter of the shell as covered by § 52.40–5, the efficiencies computed by § 52.40–5 may be used.

(b) For a length equal to the inside diameter of the shell for the position which gives the minimum efficiency, the efficiency shall be not less than that on which the maximum allowable pressure is based.

(c) For a length equal to the inside radius of the shell for the position which gives the minimum efficiency, the efficiency shall be not less than 80 percent of that on which the maximum allowable pressure is based.

(d) For holes placed longitudinally along a shell but which do not come in a straight line, the requirements of this section shall apply, except that the equivalent longitudinal width of a diagonal ligament shall be used. To obtain the equivalent width the longitudinal pitch of the two holes having a diagonal ligament shall be multiplied by the efficiency of the diagonal ligament. The efficiency to be used for the diagonal ligaments is given in figure 52.40–15 (d).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

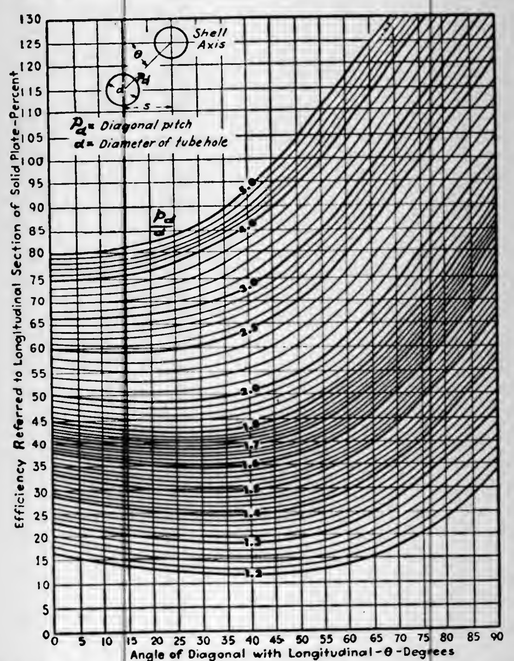

FIGURE 52.40–15 (d)—Diagram for determining efficiency of diagonal ligaments in order to obtain equivalent longitudinal efficiency.

[3] Where the tube hole is not of the straight bore type, the equivalent diameter shall be calculated by dividing the cross-sectional area of the removed metal by the material thickness.

SUBPART 52.45—COMBUSTION CHAMBERS AND TUBE SHEETS OF FIRE-TUBE BOILERS

11. Section 52.45–15 (c) is amended to read as follows:

§ 52.45–15 *Detail requirements.* • • •

(c) When plates are flanged to form the combustion chamber and back connections, the minimum inner radius shall be not less than one and one-half times the thickness of the plate flanged.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 389, 1333, 50 U. S. C. App. 1275)

SUBPART 52.50—FURNACES AND FLUES

12. Section 52.50–5 and 52.50–15 (g) are amended to read as follows:

§ 52.50–5 *Materials.* (a) Steel plate used in the fabrication of furnaces or flues shall be of firebox quality complying with Subpart 51.04 or 51.22 of this subchapter.

(b) Seamless, lap welded or electric resistance welded flues may be made of pipe complying with Subpart 51.34 of this subchapter.

§ 52.50–15 *Detailed requirements.* • • •

(g) Plain or corrugated furnaces may be constructed by arc welding. The longitudinal and circumferential joints shall be of the double-welded butt type, and the following modifications in the requirements for Class I welded pressure vessels will be acceptable:

(1) The customary test plates need not be furnished, provided each furnace has sufficient material left on one end to obtain two guided side bend specimens, which shall not be detached until all the work and heat treatment on the furnace has been completed. One retest will be permitted for each specimen failing to meet the specified requirements.

(2) Radiographic examination of the furnace seam is not required, but will be accepted in lieu of the guided side bend specimens. If radiographs are taken, they shall meet the requirements of § 56.05–5 of this subchapter except that the films will not be retained by the Coast Guard.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 389, 1333, 50 U. S. C. App. 1275)

SUBPART 52.55—BOILER AND SUPERHEATER TUBES

13. Sections 52.55–1, 52.55–5, and 52.55–10 (with tables) are amended to read as follows:

§ 52.55–1 *Definitions—(a) Tubes.* Tubes, within the meaning of this subpart, are cylindrical shells of comparatively small diameter constituting the main part of the heating surface of a boiler or superheater.

(b) *Safe end.* Safe end is a short piece of boiler tube which is usually thicker than the ordinary tube and is welded to a tube of lighter gauge for the purpose of lengthening it.

(c) *Seamless tube.* Seamless tube is a tube without any longitudinal joint.

(d) *Electric-resistance-welded tube.* Electric-resistance-welded tube is a tube the longitudinal joint of which is made by the electric-resistance butt welding process and the tube is required to be normalized after welding.

(e) *Stay tube.* Stay tube is a thick-walled tube, the end of which is usually thickened by upsetting to compensate for threading. Such tubes are used for staying tube sheets into which they are screwed and expanded.

(f) *Expanding.* Expanding is the process of enlarging the end of a tube to make it fit tightly in the tube sheet.

(g) *Beading.* Beading is the process of turning over the protruding end of a tube after expanding to form a supporting collar for the tube sheet.

(h) *Bell-mouthing.* Bell-mouthing is the process of flaring the end of a tube beyond where it is expanded in the tube sheet.

§ 52.55–5 *Materials and workmanship.* (a) Seamless steel boiler tubes shall comply with the requirements of Subpart 51.25 of this subchapter for such tubes.

(b) Electric-resistance-welded steel and iron boiler tubes shall comply with the requirements of this Subpart 51.25 of this subchapter for such tubes.

(c) The ends of tubes used in fire-tube boilers shall not extend more than ⅜ inch beyond the tube sheet. All such tubes shall be rolled tight in the sheet and the ends shall be beaded over, or the ends rolled, beaded, and welded around the edge of the bead. Where the tubes do not exceed 1½ inches in diameter, the tube sheet may be chamfered or recessed to a depth equal to the thickness of the tubes and the tubes rolled in place and welded.

(d) (1) The ends of all tubes and nipples shall be expanded and flared not less than ⅛ inch over the diameter of the tube hole on all water tube boilers and headers, or they may be flared not less than ⅛ inch, rolled and beaded, or flared, rolled and seal welded, or rolled and seal welded without flaring provided the throat of the weld is not less than 5/16 inch nor more than ⅜ inch.

(2) The ends of tubes or nipples of water tube boilers when not seal welded shall project through the tube plates or headers not less than ¼ inch nor more than ½ inch before flaring. When the tubes enter at an angle, the maximum limit of ½ inch shall apply only at the point of least projection.

(3) If tubes and nipples are seal welded, they shall be reexpanded. Stress relieving shall not be used after welding.

(4) Superheater, waterwall, or economizer tubes of a weldable quality may be arc or gas welded to tubular manifolds, headers, or drums, without being expanded, provided the welds are full-strength welds complying with figure 52.25–20 (d), (A) or (B), and are stress-relieved by means of controlled temperature. Radiographic examination is not required.

(e) Tube holes shall be drilled full size from the solid plate. Tube holes may be counterbored where the metal is thicker than that required to get a proper bearing by expanding, so as to form narrow seats into which the tube ends can be properly expanded, provided there is space available to permit a proper amount of flare of the tube end.

§ 52.55–10 *Computations.* (a) (1) The maximum allowable pressure and the minimum thickness of seamless and electric-resistance-welded carbon and seamless alloy steel tubes or nipples subject to internal pressure for water tube boilers, economizers and superheaters shall be computed by the following formulas:

$$P = S\left[\frac{2T - 0.027D - 2e}{D - 2T + 0.027D + 2e}\right] \quad (1)$$

$$T = \frac{D}{2}\left(\frac{P}{P+S}\right) + 0.0135D + e \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch. Where the calculated maximum allowable pressure exceeds an even unit of 10 by more than 1, the next higher unit of 10 may be used.
S = maximum allowable stress, in pounds per square inch, as given in table 52.05–10 (a), at not less than the maximum expected mean wall temperature, which in no case shall be taken as less than 700° F., for tubes absorbing heat. The mean wall temperature is defined as the sum of the outside and inside surface temperatures divided by 2. For tubes which do not absorb heat, the wall temperature may be taken as the temperature of the fluid within the tube but not less than the saturation temperature.
T = thickness of the tube wall, in inches.
D = outside diameter of the tube, in inches.
e = 0.04 inch over a length at least equal to the width of the seat plus 1 inch, for tubes expanded into the tube seats.
e = 0, for tubes strength-welded to headers and drums.

(2) Where tubes are expanded into drums or headers, table 52.55–10(a2) may be used in lieu of formula (1) or (2) for determining the maximum allowable pressure and minimum thickness of seamless or electric-resistance-welded low carbon steel tubes, provided the maximum mean wall temperature does not exceed 700° F.

(3) The thickness of the ends of tubes strength-welded to drums or headers need not be greater than the run of the tube as determined by formula (2), but the thickness of no tube, where expanded into headers or drums, shall be less than that given in table 52.55–10(a3).

TABLE 52.55–10 (a2)—MAXIMUM ALLOWABLE PRESSURE FOR SEAMLESS AND ELECTRIC-RESISTANCE WELDED LOW CARBON STEEL TUBES SUBJECT TO INTERNAL PRESSURE, WHERE EXPANDED INTO DRUMS OR HEADERS [1]

Outside diameter, in inches	Maximum allowable pressure, in pounds per square inch, nearest BWG number and the thickness of tube wall, in inches														
	17 0.055	16 0.065	15 0.075	14 0.085	13 0.095	12 0.105	11 0.120	10 0.135	9 0.150	8 0.165	7 0.180	6 0.200	5 0.220	4 0.240	3 0.260
¾	160	480	820	1,180	1,570	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1	.....	270	520	780	1,040	1,320	1,770	.....	.....	.....	.....	.....	.....	.....	.....
1⅛	.....	210	420	650	880	1,120	1,500	1,910	.....	.....	.....	.....	.....	.....	.....
1¼	.....	160	350	550	750	960	1,300	1,650	.....	.....	.....	.....	.....	.....	.....
1½	.....	.....	230	400	580	730	1,000	1,280	1,570	1,870	.....	.....	.....	.....	.....
1¾	.....	.....	.....	290	430	570	800	1,050	1,260	1,510	1,770	.....	.....	.....	.....
2	.....	.....	.....	210	340	460	650	840	1,040	1,250	1,470	1,770	.....	.....	.....
2¼	.....	.....	.....	.....	260	370	530	700	880	1,060	1,250	1,500	1,770	.....	.....
2½	.....	.....	.....	.....	200	300	450	600	750	910	1,070	1,300	1,530	1,770	.....
2¾	.....	.....	.....	.....	160	240	370	510	650	790	930	1,130	1,340	1,550	1,770
3	.....	.....	.....	.....	.....	190	320	440	560	680	820	1,000	1,180	1,370	1,570
3¼	.....	.....	.....	.....	.....	.....	270	380	490	610	730	890	1,060	1,230	1,400
3½	.....	.....	.....	.....	.....	.....	220	330	430	540	650	800	950	1,100	1,260
3¾	.....	.....	.....	.....	.....	.....	190	280	380	480	580	720	860	1,000	1,150
4	.....	.....	.....	.....	.....	.....	.....	240	340	430	520	650	780	910	1,040
4½	.....	.....	.....	.....	.....	.....	.....	.....	260	340	420	530	650	760	880

[1] These values have been calculated by formula (1) in § 52.55–10 (a) using allowable stress values at 700° F.
[2] Where calculated allowable pressures exceed an even unit of 10 by more than 1, the next higher unit of 10 is given in the table.

TABLE 52.55–10 (a3)—EXPANDED TUBES

Outside diameter, in inches:	Minimum thickness of expanded tubes, in inches
¾	0.055
1, 1⅛, 1¼	.065
1½	.075
1¾, 2	.085
2¼, 2½, 2¾	.095
3	.105
3¼, 3½, 3¾	.120
4	.135
4½	.150

(b) (1) The maximum allowable pressure and minimum thickness of seamless or welded boiler tubes less than 6 inches in diameter, and subject to external pressure, shall be computed by the following formulas:

$$P=\frac{14{,}000\,(T-0.065)}{D} \quad (4)$$

$$T=\frac{PD}{14{,}000}+0.065 \quad (5)$$

where:

P=maximum allowable pressure, in pounds per square inch.
T=thickness of tube, in inches.
D=external diameter of tube, in inches.

(2) As a matter of convenience, table 52.55–10 (b) has been computed from the preceding formulas.

TABLE 52.55–10 (b)—MAXIMUM ALLOWABLE PRESSURE AND MINIMUM THICKNESS FOR SEAMLESS OR WELDED BOILER TUBES LESS THAN 6" IN DIAMETER AND SUBJECT TO EXTERNAL PRESSURE

Outside diameter of tube in inches	Maximum allowable pressure, in pounds per square inch, nearest B. W. G. number and thickness of tube wall, in inches						
	13 0.095	12 0.105	11 0.120	10 0.135	9 0.150	8 0.165	7 0.180
1	420	560	770	980	------	------	------
1¼	280	380	520	660	800	940	------
1½	240	320	440	570	680	800	930
2	210	280	390	490	600	700	810
2¼	190	250	350	430	530	630	720
2½	170	230	310	400	480	560	650
3	------	190	260	330	400	470	540
3¼	------	180	240	310	370	430	500
3½	------	160	220	280	340	400	460
4	------	------	200	250	300	350	410
4½	------	------	180	220	270	320	360
5	------	------	------	200	240	280	330
5½	------	------	------	------	230	270	300
6	------	------	------	------	220	260	300

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 389, 1333, 50 U. S. C. App. 1275)

SUBPART 52.60—SUPERHEATERS, HEADERS, WATER WALLS, AND ECONOMIZERS

14. Subpart 52.60, consisting of §§ 52.60–1 to 52.60–20, inclusive, is amended to read as follows:

Sec.
52.60–1 Definitions.
52.60–10 Materials.
52.60–15 Computations.
52.60–20 Detail requirements.

§ 52.60–1 *Definitions*—(a) *Superheaters.* Superheaters, within the meaning of this subpart, are appliances for the purpose of increasing the temperature of steam.

(b) *Header.* Header is a hollow forging, pipe, or welded plate of cylindrical, square, or rectangular cross-section, serving as a manifold to which tubes are connected.

(c) *Water wall.* Water wall is a series of tubes or elements spaced along or integral with a wall of a furnace to protect the wall and provide additional heating surface.

(d) *Economizer.* Economizer is a feed-water heater usually located in the uptake or casing of a boiler to absorb heat from the waste gases.

§ 56.60–10 *Materials.* (a) Headers or fittings used in connection with these appurtenances, shall be constructed of steel plate conforming to the requirements of Subpart 51.04 of this subchapter; seamless steel pipe conforming to the requirements of Subpart 51.34 of this subchapter or of steel forgings conforming to the requirements of Subpart 51.46 of this subchapter.

(b) Ends of the headers may be closed by plug material conforming to the requirements of Subpart 51.04 or Subpart 51.22 of this subchapter.

(c) Alternate materials may be used in the construction of headers, provided such materials are approved by the Commandant for the particular application.

§ 52.60–15 *Computations.* (a) The maximum allowable pressure of cylindrical headers shall be determined by formula (1), (2), or (3) of § 52.05–10.

(b) The maximum allowable pressure and minimum thickness of tubes shall be in accordance with the tables and formulas provided in Subpart 52.55.

§ 52.60–20 *Detail requirements*—(a) *Superheater.* (1) The design pressure of a superheater integral with the boiler shall be not less than the highest setting of the drum safety valves, except that the superheater outlet connections may have a pressure rating conforming to § 52.70–10 (e).

(2) Superheaters fitted in conjunction with water-tube boilers may be considered as a part of the boiler, provided the pipe between the boiler and superheater and between superheaters is made of seamless steel material having a minimum thickness computed by the formula specified for piping in § 55.07–5 of this subchapter. Fittings used in making such connections shall be of forged or cast steel.

(3) Superheater headers in which it is possible for water to accumulate shall be fitted with adequate means for draining.

(4) Superheaters designed for normal operating temperatures in excess of 850° F., at the superheater outlet shall be fitted with controls to insure that the maximum temperature does not rise more than 15° above the design conditions. Visual or audible alarms shall be provided.

(b) *Economizer.* The design pressure of an economizer integral with the boiler and connected to the boiler drum without intervening stop valves shall be at least equal to 110 percent of the highest setting of the safety valves on the drum.

(c) *Headers.* Headers fabricated by means of arc or gas welding shall comply with the requirements of Part 56 of this subchapter for Class I welded pressure vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 52.70—BOILER MOUNTINGS AND ATTACHMENTS

15. Subpart 52.70, consisting of §§ 52.70–1 to 52.70–55, inclusive, is amended to read as follows:

Sec.
52.70–1 Definitions.
52.70–5 Materials and workmanship.
52.70–10 Detail requirements.
52.70–25 Feed connections.
52.70–30 Blow-off connections.
52.70–35 Dry pipes.
52.70–40 Fusible plugs.
52.70–45 Pressure gauges.
52.70–50 Water indicators.
52.70–55 Salinometer cocks.

§ 52.70–1 *Definitions*—(a) *Mountings.* Mountings, within the meaning of the regulations in this subchapter, are nozzle connections, distance pieces, valves, or fittings attached directly to the boiler.

(b) *Main stop valve.* Main stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the main steam line.

(c) *Auxiliary stop valve.* Auxiliary stop valve is a valve usually connected directly to the boiler for the purpose of shutting off the steam from the auxiliary lines (including the whistle lines).

(d) *Manifold.* Manifold is a fitting with two or more branches having valves either attached by bolting or integral with the fitting.

(e) *Feed valve.* Feed valve is a valve in the feed-water line which controls the boiler feed.

(f) *Blow-off valve.* Blow-off valve is a valve connected directly to the boiler for the purpose of blowing out water, scum, or sediment.

(g) *Dry pipe.* Dry pipe is a perforated or slotted pipe placed in the highest part of the steam space of a boiler to prevent priming.

(h) *Water column.* Water column is a fitting or tube equipped with a water glass attached to a boiler for the purpose of indicating the water level.

(i) *Test cocks.* Test cocks are small cocks on a boiler for indicating the water level.

(j) *Salinometer cocks.* Salinometer cocks are cocks attached to a boiler for the purpose of drawing off a sample of water for salinity tests.

(k) *Fusible plugs.* Fusible plugs are plugs made with a bronze casing and a tin filling which melts at a temperature of 450° to 500° F. They are intended to melt in the event of low water and thus warn the engineer on watch.

§ 52.70–5 *Materials and workmanship.* (a) Boiler mountings or attachments shall be made of steel forgings conforming to the requirements of Subpart 51.46 of this subchapter; steel castings conforming to the requirements of Subpart 51.58 of this subchapter; or, where the temperature does not exceed 450° F., they may be made of bronze castings conforming to the requirements of Subpart 51.76 of this subchapter.

(b) For temperatures exceeding 450° F., high strength or alloy steel bolting material complying with the requirements of Subpart 51.49 of this subchapter shall be employed. For temperatures not exceeding 450° F., commercial carbon-steel bolting conforming to the requirements of Subpart 51.49 of this subchapter may be used.

(c) The use of cast iron for mountings, fittings, valves, or cocks, attached directly to boilers operating at pressures exceeding 30 p. s. i. is prohibited.

§ 52.70–10 *Detail requirements.* (a) Boiler nozzles, mountings and attachments having diameters over 1¼ inches shall be fitted with flanged or welding ends. Slip-on flanges may be used for sizes not exceeding 2 inches in diameter and butt-welded flanges may be used without diameter limitations. Socket welded connections are prohibited for use in boiler mountings and attachments. Screwed ends shall be limited to ½-inch maximum pipe size for boilers of design pressures exceeding 600 p. s. i.

(b) Where bolt holes extend through the plating of a boiler or pressure vessel, the plate shall be threaded to receive the bolt. The bolt head, or, in the case of stud bolts, a nut with washer and grommet shall be fitted on the inside. Where stud bolts are used, with the holes not extending through the plate, the stud shall be screwed into the plate a distance at least equal to the diameter of the stud over the threads.

(c) Where pipes are screwed into the plating of the boiler, the minimum number of pipe threads permitted shall be in accordance with the following table:

TABLE 52.70–10 (c)—MINIMUM NUMBER OF PIPE THREADS FOR CONNECTIONS TO BOILER

Size of pipe connection, inches	1 and 1¼	1½
Number of threads per inch	11½	
Minimum number of threads required in opening	4	
Minimum thickness of material required to give above number of threads (inches)	0.348	

(d) The nearest steam stop valves and fittings attached to the boiler drum or superheater inlet shall have a pressure rating at least equal to the maximum set pressure of any safety valve on the boiler drum at the corresponding saturated steam temperature.

(e) The nearest steam stop valves and fittings attached to the superheater outlet shall have a pressure rating at least equal to the maximum set pressure of any safety valve on the superheater and at the normal operating superheated steam temperature. Where the superheater safety valve is of the drum pilot actuated type, the pressure rating shall be at least squal to 95 percent of the drum pilot safety valve setting at the normal operating steam temperature of the superheater outlet.

(f) All nozzles wherein steam or water enters or leaves a shell or head at a temperature differential of 100° F. or greater above or below the normal contents therein shall be fitted with a sleeve or other suitable means to reduce the effects of metal temperature differentials.

§ 52.70–25 *Feed connections.* (a) Feed water shall not be discharged into a boiler against surfaces exposed to hot gases, to the radiant heat of the fire or close to a riveted joint.

(b) Feed water nozzles shall be fitted with a sleeve or other suitable means to reduce the effects of metal temperature differentials in the shells or heads for design pressures of 400 pounds per square inch or over.

§ 52.70–30 *Blow-off connections.* (a) Boilers shall be fitted with a surface and a bottom blow-off valve or cock attached directly to the boiler or to a short distance piece. The surface blow-off valve shall be located within the permissible range of the water level, or fitted with a scum pan or pipe at this level. The bottom blow-off valve shall be attached to the lowest part of the boiler or fitted with an internal pipe leading to the lowest point inside the boiler. Water-tube boilers designed for pressures of 350 pounds per square inch or over are not required to be fitted with a surface blow-off valve. Boilers equipped with a continuous blow-down valve on the steam drum are not required to be fitted with an additional surface blow-off connection.

(b) Where blow-off pipes are exposed to radiant heat of the fire, they shall be protected by fire brick or other suitable heat-resisting material.

§ 52.70–35 *Dry pipes.* Internal dry pipes may be fitted to stop valves and safety valves, provided such dry pipes have a wall thickness at least equal to standard commercial pipe thickness for their diameter. The area of the opening in such dry pipes shall be at least twice the nominal area of the dry pipe. Openings in dry pipes shall be as near as practicable to the valve and shall be slotted or drilled, the width of the slots to be not less than ¼ inch, or the diameter of the holes to be not less than ⅜ inch. Where dry pipes are used, they shall be provided with drains at each end to prevent an accumulation of water.

§ 52.70–40 *Fusible plugs.* (a) All boilers, except water-tube boilers, and low-pressure heating boilers operating at pressures not in excess of 30 pounds per square inch, shall be fitted with fusible plugs manufactured from acceptable heats in accordance with Subpart 162.014 of Subchapter Q (Specifications) of this chapter.

(b) Vertical boilers shall be fitted with one fusible plug located in a tube not more than 2 inches below the lowest gauge cock.

(c) Externally fired, cylindrical boilers, with flues, shall have one plug fitted to the shell immediately below the fire line not less than 4 feet from the front end.

(d) Firebox, Scotch, and other types of shell boilers not specifically provided for, having a combustion chamber common to all furnaces, shall have one plug fitted at or near the center of the crown sheet of the combustion chamber.

(e) Double-ended boilers having individual combustion chambers for each end, which combustion chambers are common to all the furnaces in one end of the boiler, shall have one plug fitted at or near the center of the crown sheet of each combustion chamber.

(f) Boilers constructed with a separate combustion chamber for each individual furnace shall be fitted with a fusible plug in the center of the crown sheet of each combustion chamber.

(g) Boilers of types not herein provided for shall be fitted with at least one fusible plug of such dimensions and located in a part of the boiler as will, in the judgment of the inspector, best meet the purposes for which it is intended.

(h) Fusible plugs shall be so fitted that the smaller end of the filling is in direct contact with the radiant heat of the fire, and shall be at least 1 inch higher on the water side than the plate or flue in which they are fitted, and in no case more than 1 inch below the lowest permissible water level as defined in paragraph (i) of this section.

(i) The lowest permissible water level shall be determined as follows:

(1) Vertical fire-tube boilers, one-half of the length of the tubes above the lower tube sheets.

(2) Vertical submerged tube boiler, 1 inch above the upper tube sheet.

(3) Internally-fired fire-tube boilers with combustion chambers integral with the boiler, 2 inches above the highest part of the combustion chamber.

(4) Horizontal-return tubular and dry back Scotch boilers, 2 inches above the top row of tubes.

(5) The lowest permissible water level for all water-tube boilers shall be determined at the time drawings of the boilers are submitted for approval.

(j) Fusible plugs shall be cleaned and will be examined by the inspector at each annual inspection, and oftener if necessary, and if, in the inspector's opinion, the condition of the plugs is satisfactory, they may be continued in use.

(k) Fusible plugs shall not be permitted where the maximum steam temperature to which they are exposed exceeds 425° F.

§ 52.70–45 *Pressure gauges.* (a) Each boiler shall have a steam gauge connected to the steam space or to the water column or its steam connection. The steam gauge shall be connected to a syphon or equivalent device of sufficient capacity to keep the gauge tube filled with water. Stop valves shall be provided at the connections to the boiler and at the gauge. Gauges shall be located where they can be easily seen.

(b) The gauge connections to the boiler, except the syphon, shall be not less than ¼ inch pipe size, but where ferrous pipe or tubing is used, they shall be not less than ½ inch inside diameter.

(c) The dial of the steam gauge shall be graduated to approximately double the pressure at which the safety valve is set, but in no case less than 1½ times this pressure.

(d) Each double-ended boiler shall be fitted with two steam gauges, one on either end of the boiler.

(e) The error in reading at any point on the gauge shall not exceed 1½ percent of the maximum reading to which the scale is graduated; except that the error in reading at the graduation indicating the steam pressure shall not exceed one-

half of 1 percent of the maximum reading to which the scale is graduated.

§ 52.70–50 *Water indicators.* (a) Each boiler shall have two independent means of indicating the water level in the boiler, one of which shall be a gauge glass. The secondary indicator may consist of a gauge glass, or other device approved by the Commandant, or where the allowable steam pressure does not exceed 250 pounds per square inch, three test cocks attached directly to the head or shell of the boiler. Where the allowable pressure exceeds 250 pounds per square inch, the gauge glasses shall be of the flat type instead of the common tubular type.

(b) Glass water gauges shall be so located that the lowest visible part of the glass is not lower than the lowest permissible water level, as determined by § 52.70–40 (i). The lowest gauge cock shall be located 2 inches higher than the lowest visible part of the gauge glass, except that for horizontal boilers 48 inches or less in diameter they may be located at the lowest permissible water level.

(c) Double-ended fire-tube boilers shall be equipped as specified in paragraphs (a) and (b) of this section, except that a water-gauge glass, and three water-gauge cocks shall be installed on each end of the boiler.

(d) Externally fired flue boilers, such as are used on central western river vessels, shall be equipped as specified in paragraphs (a) and (b) of this section, except that float gauges may be substituted for gauge glasses.

(e) Gauge glass connections, and pipe connections shall be not less than ½ inch pipe size. Each water gauge glass shall be fitted with a globe or gate-valved drain piped to a safe discharge point. Water-gauge glasses shall be fitted with top and bottom shut-off valves of such through-flow construction as to prevent stoppage by deposits of sediments. Straight-run globe valves of the ordinary type so designed as to form pockets in which sediment may collect shall not be used on such connections.

(f) When water columns are provided they shall be fitted to the heads or shells of boilers or drums with shut-off valves attached directly to the boiler or drums, or if necessary, connected thereto by a distance piece both at the top and bottom of the water columns. Shut-off valves used in the pipe connections between the boiler and water column or between the boiler and the shut-off valves required by paragraph (e) of this section for gauge glasses, shall be locked or sealed open. Water column piping shall not be fitted inside the uptake, the smoke box, or the casing.

(g) No connections, except for regulators, drain, steam gauges, or appurtenances which do not permit the escape of an appreciable amount of steam or water therefrom, shall be placed on the pipes connecting a water column or gauge glass to a boiler.

§ 52.70–55 *Salinometer cocks.* In vessels operating in salt water, each boiler shall be equipped with a salinometer cock or valve which shall be fitted directly to the boiler in a convenient position. They shall not be attached to the water gauge or water column.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

PART 53—LOW PRESSURE HEATING BOILERS

SUBPART 53.03—STEEL PLATE HEATING BOILERS

1. Section 53.03–15 (b) is amended to read as follows:

§ 53.03–15 *Computations and design.* * * *

(b) The maximum allowable pressure and the minimum thickness of the cylindrical shell and dished heads of steel plate boilers shall be determined in accordance with the requirements of Subparts 52.05 and 52.20 of this subchapter except that the maximum allowable stress shall not exceed 80 percent of the values given in table 52.05–10 (a) in Part 52 of this subchapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

2. Section 53.03–25 (b) is amended to read as follows:

§ 53.03–25 *Areas to be stayed.* * * *

(b) The staying of unflanged heads of welded boilers is not required if the greatest distance measured along a radial line from the inner surface of the shell to a fully supported line or point does not exceed 1¼ times the maximum allowable pitch of the stays as determined by Subpart 52.30 of this subchapter. For boilers fabricated with the heads set inside of the shell plates so that the distance from the end of the shell to the outside face of the head is at least 3 times the shell thickness, staying is not required if the greatest distance measured as above does not exceed 1½ times the maximum allowable pitch of the stays. For the purposes of applying this paragraph, a fully supported point is a stay rod or tube extending through the head and welded, having sufficient area to meet the requirements of table 53.03–30, and having area of weld in shear at least 1¼ times the required area of the stay member. A fully supported line is the tangent to a row of rolled or welded tubes or welded stays complying with the requirements of Subpart 52.30 of this subchapter or a bent or welded corner joint.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 stat. 690, 41 stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

3. Section 53.03–45 is amended to read as follows:

§ 53.03–45 *Welded boilers.* (a) The design and construction of welded heating boilers shall conform to the applicable requirements prescribed in Part 56 of this subchapter for power boilers, except as specified in this subpart.

(b) Radiographic examination and stress relieving of welded joints are not required.

(c) Welded longitudinal shell joints shall be of the double welded butt type or of the single welded butt type fitted with a backing strip.

(d) The circumferential welded shell joints may be of the single or double welded butt type.

(e) Unstayed dished heads, either concave or convex to the pressure, with or without flanges, may be used, provided the diameter of the heads does not exceed 42 inches and the radius of the dish does not exceed 75 inches. For diameters exceeding 42 inches, dished heads shall have flanges not less than 1 inch in length, and shall meet the requirements for power boilers.

(f) Where stays or tubes are welded to plates which require staying, the attachment shall meet the following requirements:

(1) The stays shall be inserted into holes through the tube sheets and attached thereto by strength fillet welds. The size of the fillet weld attaching the stay to the plate shall be not less than the thickness of the plate being stayed, except for plates thicker than ⅜ inch, in which case the size of the fillet weld shall be ⅜ inch. The holes in the plate shall be countersunk or beveled by machining or pressing, or the stays may protrude through the plates or a combination of these methods may be used. The area of the weld, in shear, measured parallel to that portion of the stay in or extending through the plate shall be not less than 1¼ times the required cross-sectional area of the stay.

(2) The ends of stays inserted through plates shall not project more than ⅜ inch beyond surfaces exposed to the products of combustion.

(3) The welding shall be done in such manner that excessive weld deposits do not project beyond the surface of the plate at the root of the weld.

(g) Welded joints attaching unflanged heads, tube sheets, sides, or combustion chamber plates shall be of the single or double welded butt type where possible. Other acceptable types of attachments are the square tee double fillet welded joint and single or double bevel grooved joints.

(h) Unflanged plates of welded joints shall be beveled not less than 45° to permit complete penetration of the weld metal and shall have a fillet reinforcement whose throat dimension shall not be less than one and one-fourth times the thickness of the shell or head, whichever is the least.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

4. Part 53 is amended by adding a new § 53.03–63 reading as follows:

§ 53.03–63 *Installation of safety and relief valves.* (a) Safety and relief valves shall be installed with the spindle vertical, if possible, and may be connected directly to the boiler, or to a fitting connected to the boiler by a close nipple, or to a Y base or valveless steam or water pipe between adjacent boilers, or to a valveless header connecting steam or water outlets in the same boiler. Safety and relief valves shall not be connected to an internal pipe in the boiler.

(b) When a Y base is used the inlet area shall be not less than the combined outlet areas.

(c) When the size of the boiler requires a safety or relief valve larger than 4 inches in diameter, two or more valves having the required combined capacity shall be used. When two or more valves are used on a boiler, they may be single, directly attached, or mounted on a Y base.

(d) No shut-off of any description shall be placed between the safety or relief valve and the boiler, nor on discharge pipes between such valves and the atmosphere.

(e) The escape from safety or relief valves shall be fitted with discharge piping so arranged that there is no danger of scalding operating personnel.

(f) The area of the discharge pipe shall be not less than the area of the valve or aggregate area based on the nominal diameters of the valves with which it connects. The discharge pipe shall be fitted with an open drain to prevent water from lodging in the upper part of the valve or in the pipe. When an elbow is placed on a safety- or relief-valve discharge pipe, it shall be located close to the valve outlet.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

5. Sections 53.03–70 and 53.03–75 are amended to read as follows:

§ 53.03–70 *Fittings and appliances—*(a) *Steam gauges.* (1) Each steam boiler shall have a steam gauge connected to its steam space, or to its water column, or to its steam connection by means of a siphon or equivalent device exterior to the boiler and of sufficient capacity to keep the gauge tube filled with water and so arranged that the gauge cannot be shut off from the boiler except by a cock, with T or lever handle, placed in the pipe near the gauge. The handle of the cock shall be parallel to the pipe on which it is located when the cock is open.

(2) Connections to steam gauge siphon shall be of nonferrous metal when smaller than 1 inch pipe and longer than 5 feet between the siphon and point of connection of pipe to boiler, and also when smaller than ½ inch pipe size and shorter than 5 feet between the siphon and point of connection of pipe to boiler.

(3) The scale on the dial of the gauge shall be graduated to not less than 30 p. s. i. The gauge shall be provided with effective stops for indicating pointer at the zero point. The travel of the pointer from zero to 30 p. s. i. shall be at least 3 inches.

(b) *Water pressure gauges.* (1) Each hot water boiler shall have a pressure gauge connected to it or to its flow connection in such a manner, that it cannot be shut off from the boiler except by a cock, with T or lever handle, placed on the pipe near the gauge. The handle of the cock shall be parallel to the pipe on which it is located when the cock is open.

(2) Pressure gauge connections shall be of nonferrous material when smaller than 1 inch pipe size and longer than 5 feet between gauge and point of connection of pipe to boiler, and also when smaller than ½ inch pipe size and shorter than 5 feet between gauge and point of connection of pipe to boiler.

(c) *Thermometers.* (1) Each hot-water boiler shall have a thermometer so located and connected that the temperature may be read at the same time as the water pressure is being observed.

(2) The thermometer shall be so located that it shall at all times indicate the temperature in degrees Fahrenheit of the water in the boiler or near the outlet.

(d) *Temperature combustion regulator.* A temperature combustion regulator, which will control the rate of combustion to prevent the temperature of the water from rising above 250° F. at or near the outlet, or a thermostatic device which will relieve the pressure on the boiler when the temperature exceeds 250° F. shall be installed on each hot water heating boiler.

(e) *Pressure control regulator.* When a pressure control regulator is used, it shall operate and prevent the steam pressure from rising above 30 p. s. i.

(f) *Bottom blowoff.* Each boiler shall have a blowoff pipe connection fitted with a valve or cock of not less than ¾ inch pipe size connected to the lowest water space available.

(g) *Water gauge glasses.* Each steam boiler shall have one or more water gauge glasses attached to the water column or boiler by means of valved fittings with the lower fitting provided with a valve or pet cock.

(h) *Gauge cocks.* Each steam boiler shall have two or more gauge cocks located within the visible range of the water glass.

(i) *Water column pipes.* The minimum size of pipes connecting a water column to a steam boiler shall be 1 inch. No connections, except for regulator, drain or steam gauge, shall be attached to a water column or the piping connecting a water column to a boiler. If the water column or gauge glass is connected to the boiler by pipe and fittings, a T, or equivalent fitting, in which a drain valve and piping may be attached, shall be installed in the water piping connection at every right angle turn to facilitate cleaning.

(j) *Automatic low-water fuel cut-off.* (1) Each automatically-fired steam boiler shall be equipped with an automatic low-water fuel cut-off, so located as to automatically cut off the fuel supply when the surface of the water falls below the lowest safe water level. If a water-feeding device is installed in conjunction with the required low-water fuel cut off, it shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber and so located as to supply the required amount of feed-water when the surface of the water falls to the lowest safe water level. This point shall be not lower than the lowest visible part of the water glass.

(2) The fuel or feed-water control device may be attached direct to the boiler or to the tapped openings provided for attaching a water glass direct to a boiler, provided that such connections from the boiler are non-ferrous T's or Y's not less than ½-inch pipe size between the boiler and the water glass, so that the water glass is attached direct and as close as possible to the boiler. The straightway tapping of the Y or T shall take the water glass fitting, and the side outlet of the Y or T shall take the fuel cut-off of water-feeding device.

(3) Low water cut-off devices employing a float and float bowl shall have a vertical straight-a-way valved drain pipe at the lowest point in the water equalizing pipe connection by which the bowl and equalizing pipe can be flushed and the device tested.

§ 53.03–75 *Hydrostatic tests, inspection, and stamping.* (a) Each boiler shall be subject to a hydrostatic test pressure of not less than 60 pounds per square inch by the manufacturer.

(b) In the event of any defects developing, the defective material may be replaced and the boiler retested.

(c) Individual shop inspection of heating boilers by an inspector is not required. Such inspection shall be made by the manufacturer while the boiler is subjected to the required hydrostatic test pressure to insure that there are no defects in workmanship and materials.

(d) Steel plate heating boilers of the automatically controlled packaged type shall be subjected to such operating tests as may be prescribed by the Commandant.

(e) Upon completion of the hydrostatic test and inspection and after the boiler is found acceptable it shall be stamped in a suitable location so as to be readily visible, with the following data:

(Name of fabricator and serial number)

(Month and year fabricated)
---p. s. i.
(Maximum w. p.) (Steam or water)
------ B. t. u. per hour, or pounds per hour.
(Safety or relief valve capacity, minimum)

(Coast Guard Approval No.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 53.05—CAST-IRON HEATING BOILERS

6. Section 53.05–30 (c) is amended to read as follows:

§ 53.05–30 *Hydrostatic tests, inspection and stamping.* • • •

(c) The requirements of § 53.03–75 (c) and (d) apply to cast-iron heating boilers.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

7. Section 53.05–50 is amended to read as follows:

§ 53.05–50 *Fittings and appliances.* The provisions of § 53.03–70 shall apply to fittings and appliances for cast-iron boilers, except that the pressure control regulator shall operate to prevent the pressure from rising above 15 p. s. i.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

PART 54—UNFIRED PRESSURE VESSELS

Part 54 is amended to read as follows:

SUBPART 54.01—GENERAL REQUIREMENTS

Sec.

54.01–1 Scope.
54.01–5 Definitions.
54.01–10 Plan approval.

SUBPART 54.03—DESIGN AND CONSTRUCTION

54.03–1 Materials.
54.03–5 Workmanship and design.
54.03–10 Cylindrical shells and heads.
54.03–12 Cast iron heads.
54.03–15 Tube sheets.
54.03–20 Heat exchanger tubes.
54.03–25 Bolted flanged connections.
54.03–30 Evaporators.
54.03–35 Access and inspection openings.
54.03–40 Nozzle openings and reinforcements.

SUBPART 54.07—PRESSURE-RELIEF DEVICES

54.07–1 General requirements.
54.07–5 Relief valves.
54.07–10 Evaporator safety valves.
54.07–15 Heat exchanger relief valves.
54.07–20 Rupture disks.

AUTHORITY: §§ 54.01–1 to 54.07–20 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275.

§ 54.01–1 *Scope.* (a) The regulations in this part contain detail requirements for the design and construction of unfired pressure vessels subject to inspection by the Coast Guard.

(b) An unfired pressure vessel is subject to shop inspection when such a vessel may contain any of the following:

(1) Steam, gas, or vapors at pressures exceeding 15 pounds per square inch or temperatures exceeding 300° F. The shell, tubes, or coils of a heat exchanger shall be considered a pressure vessel if such parts may be subjected to steam, gas, or vapor pressures exceeding 15 pounds per square inch or temperatures exceeding 300° F.

(2) Fuel oil at pressures exceeding 100 pounds per square inch or temperatures exceeding 150° F.

(3) Lubricating oil at pressures exceeding 100 pounds per square inch or temperatures exceeding 200° F.

(4) Liquids, except fuel oil and lubricating oil, at pressures exceeding 100 pounds per square inch or temperatures exceeding 200° F.

(5) Liquids in compression tanks with air cushions of pressures exceeding 100 pounds per square inch.

(6) Stored or stowed dangerous articles, substances, or combustible liquids which are required by law or regulation to be carried in containers fabricated as a pressure vessel, irrespective of pressures, temperatures, or capacities, except such stored or stowed dangerous articles, substances, or combustible liquids which are permitted by Subchapter N (Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter to be carried in containers constructed in accordance with the requirements of the Interstate Commerce Commission.

(c) Unfired pressure vessels may be exempted from shop inspection when the internal volume does not exceed 5 cubic feet capacity and the design pressure does not exceed 100 pounds per square inch; however, such vessels shall otherwise comply with the requirements for materials, construction, welding and marking as specified in this subchapter.

§ 54.01–5 *Definitions*—(a) *Unfired pressure vessel.* An unfired pressure vessel is a tank containing gas, vapor, or liquid, or a combination thereof, under pressure, and not exposed to the products of combustion.

(b) *Heat exchanger.* A heat exchanger is a device usually consisting of a shell and tubes or coils by which heat is transferred from one substance to another.

§ 54.01–10 *Plan approval.* Manufacturers intending to fabricate unfired pressure vessels, heat exchangers, evaporators and similar appurtenances covered by the regulations in this part, to be installed on vessels subject to inspection by the Coast Guard, shall submit to the Officer in Charge, Marine Inspection, having jurisdiction over the vessel, detail plans in triplicate, which shall be fully descriptive of the pressure parts of such unfired pressure vessels. When due to location of the fabrication shop, such procedure would result in unnecessary delay in transmission, the plans may be forwarded directly to the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C.

SUBPART 54.03—DESIGN AND CONSTRUCTION

§ 54.03–1 *Materials.* (a) Unfired pressure vessels and appurtenances covered by this part may be fabricated of material conforming to the specifications given in Part 51 of this subchapter and limited to the grades of material listed in table 52.05–10 (a) in Part 52 of this subchapter and table 54.03–10 (c) except as otherwise provided for in this part.

(b) Steel plate used for pressure parts of unfired pressure vessels may be of Class B material complying with the requirements of Subpart 51.04 or 51.22, except that unfired pressure vessels designed for pressures exceeding 700 pounds per square inch or temperatures exceeding 650° F. shall be constructed of Class A steel plate meeting the requirements of Subpart 51.04.

(c) (1) Arc- or gas-welded pressure vessels over 1 inch in thickness constructed of steel plate complying with Subpart 51.04 of this subchapter for grades C, D, E, F and G shall conform to the requirements for Class I welded pressure vessels.

(2) Where vessels constructed of these grades of steel plate do not exceed 1 inch in thickness, the requirements for Class II welded pressure vessels shall apply and the vessels shall be stress-relieved as required by § 56.01–70 (h) of this subchapter.

(d) Carbon- and alloy-steel castings shall comply with the grades of material listed in table 52.05–10 (a) in Part 52 of this subchapter. The casting quality factor specified in § 52.05–13 of this subchapter shall be applied to the stresses given in table 52.05–10 (a).

(e) For electric resistance-welded pipe or tubing the stress values in table 52.05–10 (a) in Part 52 of this subchapter shall be substituted in the applicable design formulas for the factor SE.

(f) Unfired pressure vessels may be constructed of cast iron conforming to the applicable specifications of Part 51 of this subchapter under the following conditions:

(1) Cast iron shall not be used in the construction of shells and heads of pressure vessels where subject to steam pressures exceeding 30 pounds per square inch or where subject to gas or liquid pressures exceeding 125 pounds per square inch.

(2) The maximum allowable stress for cast iron as given in table 54.03–1 (f) shall be used in the application formula for unfired pressure vessels.

TABLE 54.03–1 (f)—MAXIMUM ALLOWABLE STRESS FOR CAST IRON

Minimum tensile strength, p. s. i.:	Maximum tensile stress, p. s. i.
20,000	2,000
25,000	2,500
30,000	3,000
35,000	3,500
40,000	4,000
50,000	5,000

(g) Nonferrous materials may be used in the construction of unfired pressure vessels subject to the following conditions:

(1) The grade of material shall be as specified in Part 51 of this subchapter, and as given in table 54.03–10 (c).

(2) The pressure and temperature limitations for nonferrous materials shall be as given in § 55.07–1 (d) of this subchapter.

§ 54.03–5 *Workmanship and design.* (a) Equipment covered by this part and constructed of plates with riveted or welded joints shall conform to all the requirements of Part 52 of this subchapter for such construction, except as provided otherwise in this part.

(b) Flanges cast integral with shells or heads shall have a fillet radius not less than the thickness of the necks to which they are attached.

(c) The corner radius of a cast unstayed dished head measured on the concave side of the head shall be not less than three times the thickness of the head, but in no case less than 6 percent of the outside diameter of the shell.

§ 54.03–10 *Cylindrical shells and heads.* (a) The maximum allowable pressure of cylindrical shells and heads of unfired pressure vessels shall be determined by the applicable formulas given in Part 52 of this subchapter, except as provided otherwise in this part.

(b) The minimum thickness of shell plates, heads or dome plates, after flanging, shall be ⅛ inch, except that for riveted construction, the minimum thickness shall be 3/16 inch.

(c) The maximum allowable stresses for nonferrous materials shall be as given in table 54.03–10 (c).

TABLE 54.03–10 (c)—MAXIMUM ALLOWABLE STRESSES[1] FOR NON-FERROUS MATERIALS USED IN UNFIRED PRESSURE VESSELS

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength (p. s. i.)	Minimum yield strength (p. s. i.)	Notes	For metal temperatures not exceeding °F.: Subzero to 150	250	300	350	400	450	500
Aluminum-alloy plates:													
51.79	B178	990A (2S)	990 A	11,000	3,500	(3)	2,350	2,100	1,850	1,600	1,300	-------	-------
51.79	B178	M1A (3S)	M1 A	14,000	5,000	(2 3)	3,150	2,700	2,400	2,100	1,800	-------	-------
51.79	B178	G1620A (52S)	G1620A	25,000	9,500	(3)	5,700	5,250	4,800	4,200	3,300	-------	-------
51.79	B178	GS11A (61S)	GS11A	16,000	6,000	(2 4 5)	3,800	3,300	3,100	2,700	2,300	-------	-------
51.79	B178	GS11A (61S) (T4)	GS11A	30,000	16,000	(2 6)	7,100	6,200	5,850	5,000	4,300	-------	-------
Copper and copper-alloy plates:													
51.67	B11	Copper	B 11	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.67	B171	Naval brass	B 171–A	50,000	20,000	-------	12,500	11,200	10,500	7,500	2,000	-------	-------
51.67	B171	Copper-nickel 70–30	B 171–B	50,000	20,000	-------	12,500	12,500	12,200	12,000	11,700	11,300	11,000
51.67	B171	Aluminum bronze	B 171–C	90,000	36,000	(5)	22,500	19,500	18,000	16,500	15,000	13,500	-------
Seamless pipe or tubes:													
51.73	B13	Copper boiler tubes	B 13	30,000	10,000	(2 3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.70	B42	Copper pipe	B 42	30,000	10,000	(2 3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.70	B42	Copper pipe	B 42	36,000	30,000	(2 3 7)	9,000	8,300	8,000	5,000	2,300	-------	-------
51.70	B43	Red brass pipe	B 43	40,000	12,000	(2 3)	8,000	8,000	8,000	6,000	3,000	-------	-------
51.73	B75	Copper tubes	B 75	30,000	10,000	(2 3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.73	B75	Copper tubes	B 75	36,000	30,000	(2 3 7)	9,000	8,300	8,000	5,000	2,300	-------	-------
51.73	B88	Copper tubes	B 88	30,000	10,000	(2 3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.73	B88	Copper tubes	B 88	36,000	30,000	(2 3 7)	9,000	8,300	8,000	5,000	2,300	-------	-------
51.73	B111	Copper tubes	B 111A or B	30,000	10,000	(2 3)	6,700	6,300	5,000	3,800	2,300	-------	-------
51.73	B111	Copper tubes	B 111 A or B	36,000	30,000	(2 3 7)	9,000	8,300	8,000	5,000	2,300	-------	-------
51.73	B111	Admiralty metal	B 111–C	45,000	15,000	(2 3 7)	10,000	10,000	10,000	8,000	5,000	-------	-------
51.73	B111	Aluminum brass tubes	B 111–D	50,000	20,000	(2 3)	12,500	12,200	12,000	7,500	3,000	2,000	-------
51.73	B111	Aluminum bronze tubes	B 111–F	50,000	20,000	(2 3)	12,500	12,200	12,000	10,000	6,000	4,000	-------
51.73	B111	Red brass tubes	B 111–F	40,000	12,000	(2 3)	[8] 8,000	8,000	8,000	6,000	3,000	-------	-------
51.73	B111	Copper nickel tubes 70–30	B 111–G	55,000	20,000	(2 3)	13,300	12,700	12,300	12,000	11,700	11,300	11,000
51.73	B111	Copper nickel tubes 80–20	B 111–H	50,000	18,000	(2 3)	12,000	11,300	11,000	10,700	10,300	10,000	9,500
51.73	B111	Copper nickel tubes 90–10	B 111–1	40,000	15,000	(2 3)	10,000	9,500	9,300	9,000	8,700	8,300	8,000
Brazed pipe	-------	Copper	-------	-------	-------	-------	3,000	3,000	[9] 2,600	-------	-------	-------	-------
Castings:													
51.76	B61	Steam bronze	2 A	34,000	-------	(3)	6,800	6,800	6,500	6,000	5,300	5,000	-------
51.76	B62	Ounce metal	4 A	30,000	-------	(3)	6,000	5,500	5,000	4,500	[10] 3,300	-------	-------
51.76	B143	Tin bronze, 1A	1 A	40,000	-------	(3)	8,000	8,000	7,000	6,000	5,300	5,000	-------
51.76	B143	Tin bronze, 1B	1 B	40,000	-------	(3)	8,000	8,000	7,000	6,000	5,300	5,000	-------

[1] All stresses refer to the annealed condition of the material, unless otherwise specified. For wrought material, the allowable S values are based upon one-fourth of the minimum tensile strength or two-thirds of the minimum yield strength for temperatures of 150° F. and below, whichever is lower; and upon creep stress or stress-rupture at the higher temperatures. For cast material, the allowable S values are based upon one-fifth of the minimum tensile strength for temperatures of 150° F. and below; and upon creep stress or stress-rupture at the higher temperatures.

[2] The same stress may be employed for a temperature of 406° F.

[3] The minimum yield strength employed not included in the specification.

[4] For temperatures of 100° F. and below, the following stress values may be used: B11A, 3,350; GS11A, 4,000; GS11A (T4), 7,500.

[5] The minimum tensile strength employed not included in the specification.

[6] This material approved for tube sheets only.

[7] These stresses refer to the light drawn condition.

[8] The same stress may be employed for 321° F.

[9] To these stresses a casting quality factor of 80 percent shall be used. This is not intended to apply to valves and fittings complying with A. S. A. standards.

[10] This stress is not permitted for temperatures exceeding 366° F.

§ 54.03–12 *Cast-iron heads.* (a) The maximum allowable pressure and minimum thickness of circular cast iron blank spherically dished heads concave to the pressure shall be calculated by the following formulas:

$$P = \frac{ST}{0.6R} \quad (1)$$

$$T = \frac{0.6PR}{S} \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.

T = thickness of dished portion of the head, in inches.

R = radius to which the head is dished measured on the concave side of the head, in inches (not to exceed the inside diameter of the shell to which the head is attached).

S = maximum allowable tensile stress, as given in table 54.03–1 (f), in pounds per square inch.

(b) Cast-iron heads of semi-ellipsoidal form in which the inside depth of the head (one-half of the minor axis of the ellipse) is not less than one-quarter of the inside diameter of the shell to which the head is to be attached, shall have a thickness of at least that required for a cast-iron shell of the same diameter.

(c) Heads flatter than the limits prescribed in this section for dished heads shall be designed as flat plates.

(d) Cast-iron dished heads integral with the cast shell shall have a corner radius equal to at least three times the thickness of the head.

§ 54.03–15 *Tube sheets.* (a) The maximum allowable pressure and the minimum thickness of fixed tube sheets to which the tubes are attached by expanding shall be calculated by the following formulas:

$$P = \frac{ST^2}{0.25D^2} \quad (1)$$

$$T = D\sqrt{\frac{0.25P}{S}} \quad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.

S = maximum allowable stress, 80 percent of the values as given in tables 52.05–(10) (a) and 54.03–10 (c), in pounds per square inch.

T = minimum thickness of the tube sheet, in inches.

D = means gasket diameter for flanged attachments, or inside diameter of shell when bolted attachment is not employed, in inches.

(b) The minimum thickness of a fixed tube sheet shall be not less than ¾ inch.

(c) Where tubes are welded or brazed to fixed tube sheets and no expansion joint is employed in the shell construction, consideration may be given by the Commandant to the use of a tube sheet of lesser thickness than required by formula (2) of this section.

(d) Floating tube sheets shall have a thickness not less than that required for a fixed tube sheet.

(e) U-tube tube sheets shall have a thickness of at least one and one-fourth times the thickness required for a fixed tube sheet.

(f) The pitch of tubes attached to tube sheets by expanding shall be not less than that given in table 54.03–15 (f).

TABLE 54.03–15 (f)—MINIMUM PITCH OF TUBES

Outside diameter of tube (in inches):	Pitch of tube (in inches)
½ and below	⅝
⅝	13/16
¾	15/16
1	1¼
1¼	1 3/16
1½	1⅞

(g) Some types of arc or gas welded tube sheet attachments which are acceptable are illustrated in figure 54.03–15 (g).

§ 54.03–20 *Heat exchanger tubes.* (a) The maximum allowable pressure and the minimum thickness of tubes for heat exchangers subject to internal pressure shall be calculated by the following formulas:

$$P=\frac{2.3\ ST}{D}-0.036\ S \qquad (1)$$

$$T=\frac{D}{2.3\ S}(P+0.036\ S) \qquad (2)$$

where:

P = maximum allowable pressure, in pounds per square inch.
S = maximum allowable stress, 80 percent of the values as given in table 52.05–10 (a), or 100 percent of the values as given in table 54.03–10 (c), in pounds per square inch.
T = minimum thickness of the tube wall, in inches.
D = external diameter of the tube, in inches.

(b) Additional wall thickness above the minimum required by formula (2) of this section shall be provided as follows:

(1) When tubes act as stays, additional wall thickness shall be provided to carry the external load imposed upon the tubes.

(2) When tubes are expanded into the tube seats, at least one additional B. W. G. thickness shall be provided over a length at least equal to the width of the seat plus 1 inch.

(3) Bent tubes shall have the thickness increased when the radius is less than 5 times the outside diameter of the tube, to compensate for the reduction in wall thickness due to fabrication.

§ 54.03–25 *Bolted flanged connections*—(a) *Scope.* (1) Bolted flanged connections conforming to the American Standard for Steel Pipe Flanges and Flanged Fittings as given in tables 55.07–15 (e1) to 55.07–15 (e11), inclusive, in Part 55 of this subchapter shall be used for connections to external piping and may be used for other flanged connections.

(2) Bolted flanged connections to pressure vessels and special flange designs other than those meeting the requirements of subparagraph (1) of this paragraph shall be designed in accordance with the requirements of this section.

(3) The regulations in this section may be applied to flanges having the gasket entirely within the inner edge of the bolt holes.

(4) This section shall not be construed to prohibit the use of other types of bolted flanged connections, such as flanges using full-face gaskets, or other means to provide effective restraint against flange deflection. Such designs may be used provided the design is acceptable to the Commandant.

(b) *Material.* (1) For temperatures not exceeding 450° F., commercial carbon-steel bolting material may be used for attaching heads, doors, covers, or flanges. Carbon-steel bolting and nut material shall comply with Subpart 51.49 of this subchapter. Bolting and nuts shall meet the minimum requirements of American Standard Heavy Dimensions as given in table 54.03–25 (b).

(2) For temperatures exceeding 450° F., high strength of alloy steel bolting and nut material complying with the requirements of Subpart 51.49 of this subchapter shall be employed. Nuts of the below classes shall not be used for temperatures exceeding the following: class 1, 750° F.; classes 2 and 2H, 800° F.; class 4, 900° F.; and class 3, 1,050° F. Bolting and nuts shall meet the minimum requirements of the American Standard Heavy Dimensions and the American Standard Threads for High Strength Bolting as given in table 54.03–25 (b). Washers are not required but when used shall be of forged rolled steel.

(3) Studs continuously threaded or bolts with the unthreaded portion reduced to the same diameter as that of the root of the thread, shall be employed when the temperature exceeds 450° F.

(4) Bolting shall have a length of thread engagement of not less than the normal thickness dimension of American Standard heavy nuts.

(5) In no case shall the size of a bolt be less than ½ inch in diameter.

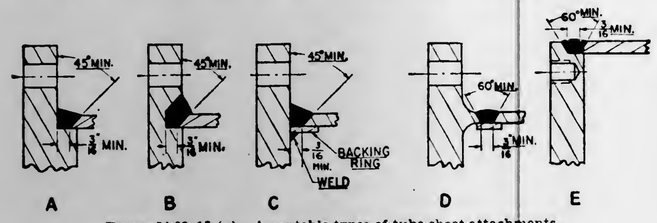

FIGURE 54.03–15 (g)—Acceptable types of tube sheet attachments.

(c) *Bolt loads*—(1) *Operating bolt load.* The minimum required operating bolt load W_{m_1} shall be determined by formula (1) under maximum operating conditions.

$$W_{m_1}=H+H_p=0.785\ G^2P+(2b\times 3.14\ GmP) \qquad (1)$$

NOTE 1: Under maximum operating conditions the minimum required operating bolt load W_{m_1} is the load required to resist the hydrostatic end force H exerted by the maximum internal pressure upon the area bounded by the mean diameter of the gasket, and, in addition, maintain a compression load H_p on the gasket or joint-contact surface which experience has shown to be sufficient to insure a tight joint.

(2) *Initial bolt load.* The minimum required initial bolt load W_{m_2} shall be determined by formula (2) under atmospheric temperature conditions without consideration of internal pressure.

$$W_{m2}=H_y=3.14\ bGy \qquad (2)$$

NOTE 2: Under atmospheric temperature conditions without consideration of internal pressure, the minimum required initial bolt load W_{m_2} is the load H_y required to seat the gasket or joint-contact surfaces sufficiently to insure a tight joint.

(3) *Bolt areas.* (i) The total required bolt area A_m shall be determined from the greater of the values obtained from formula (3) under operating conditions, or from formula (4) under atmospheric temperature conditions without consideration of internal pressure.

$$A_{m_1}=\frac{W_{m_1}}{S_b} \qquad (3)$$

$$A_{m_2}=\frac{W_{m_2}}{S_a} \qquad (4)$$

(ii) The actual total cross-sectional area of the bolts A_b shall be not less than A_m.

(4) *Flange design bolt load.* The bolt load W used in the design of the flange shall be not less than the greater of the values obtained from formula (1) under maximum operating conditions, or from formula (5) under atmospheric temperature conditions without consideration of internal pressure.

$$W=\frac{(A_m+A_b)}{2}S_a \qquad (5)$$

(5) *Nomenclature of bolt and flange design symbols.* The symbols used in this paragraph mean:

W_{m_1} = minimum required bolt load for maximum operating conditions, in pounds.
W_{m_2} = minimum required initial bolt load for atmospheric temperature conditions without consideration of internal pressure, in pounds.
W = flange design bolt load, in pounds.
H = total hydrostatic end force, in pounds.
H_p = total joint-contact-surface compression load, in pounds.
H_y = total joint-contact-surface-seating load, in pounds.
G = mean diameter of gasket or joint-contact-surface, in inches (except for lap joints with full face gasket, in which case it is midpoint of contact between flange and lap).
P = maximum allowable pressure, in pounds per square inch.
b = effective gasket or joint-contact-surface seating width, in inches (see table 54.03–25 (c)).
$2b$ = effective gasket or joint-contact-surface pressure width, in inches (see table 54.03–25 (c)).
N = possible contact width of gasket in inches (see table 54.03–25 (c)).
w = width of local concentration on gasket, in inches (see table 54.03–25 (c)).
m = limit contact compression factor (see table 54.03–25 (c)).
y = gasket or joint-contact-surface unit seating load, in pounds per square inch (see table 54.03–25 (c)).
S_b = maximum allowable bolt stress at operating temperature, in pounds per square inch, as given in table 52.05–10 (a).
S_a = maximum allowable bolt stress at atmospheric temperature, in pounds per square inch, as given in table 52.05–10 (a).
A_m = total required cross-sectional area of bolts at root of thread or section of least diameter under stress, in square inches.
A_b = total actual cross-sectional area of bolts at root of thread or section of least diameter under stress, in square inches.

TABLE 54.03–25 (b)—BOLTING AND NUTS

[All dimensions given are in inches]

Diameter	Commercial steel bolts: Number of threads [1]	Commercial steel bolts: Root area	High strength steel bolts: Number of threads [1]	High strength steel bolts: Root area	American Standard heavy nuts semifinished hexagonal: Width across flats (min.)	Width across corners (min.)	Nut thickness (min.)
½	13	0.126	13	0.126	0.850	0.969	0.464
9/16	12	.162	12	.162	.969	1.037	.526
⅝	11	.202	11	.202	1.031	1.175	.587
¾	10	.302	10	.302	1.212	1.382	.710
⅞	9	.419	9	.419	1.394	1.589	.833
1	8	.551	8	.551	1.575	1.796	.956
1⅛	7	.693	8	.728	1.756	2.002	1.097
1¼	7	.890	8	.929	1.938	2.209	1.187
1⅜	6	1.054	8	1.155	2.119	2.416	1.310
1½	6	1.294	8	1.405	2.500	2.822	1.433
1⅝	5½	1.515	8	1.680	2.481	2.828	1.556
1¾	5	1.744	8	1.980	2.662	3.035	1.679
1⅞	5	2.049	8	2.304	2.844	3.242	1.802
2	4½	2.300	8	2.652	3.025	3.449	1.925
2¼	4½	3.021	8	3.423	3.388	3.902	2.155
2½	4	3.716	8	4.292	3.750	4.275	2.401
2¾	4	4.619	8	5.259	4.112	4.688	2.647
3	4	5.621	8	6.324	4.475	5.102	2.893

[1] All bolting shall have threads at least as strong as American Standard screw threads.

TABLE 54.03–25 (c1)—GASKET MATERIALS AND CONTACT FACINGS

GASKET MATERIAL		GASKET FACTOR m	MIN. DESIGN SEATING STRESS y	SKETCHES	FACING LIMITATIONS	USE COL.
Rubber without fabric or a high percentage of asbestos fiber: Below 75 Shore Durometer		0.50	0		Use 1, 4, 6 only	
75 or higher Shore Durometer		1.00	200			
Asbestos with a suitable binder for the operating conditions	1/8" thick	2.00	1600			
	1/16" thick	2.75	3700			
	1/32" thick	3.50	6500			
Cloth inserted soft rubber		0.75	50		None	
Cloth inserted hard rubber		1.25	400			
Rubber with asbestos fabric insertion, with or without wire reinforcement	3-ply	2.25	2200			
	2-ply	2.50	2900			
	1-ply	2.75	3700			
Vegetable fiber		1.75	1100		1, 4, 6	
Spiral-wound metal, asbestos filled	Carbon	2.50	2900			II
	Stainless	3.00	4500			
Serrated steel	Asbestos filled	2.75	3700			
Corrugated metal Asbestos inserted or Corrugated metal, Jacketed asbestos filled	Soft aluminum	2.50	2900		Use 1a only	
	Soft copper or brass	2.75	3700			
	Iron or soft steel	3.00	4500			
	Monel or 4–6% chrome	3.25	5500			
	Stainless steels	3.50	6500			
Corrugated metal	Soft aluminum	2.75	3700			
	Soft copper or brass	3.00	4500			
	Iron or soft steel	3.25	5500			
	Monel or 4–6% chrome	3.50	6500			
	Stainless steels	3.75	7600			
Flat metal jacketed asbestos filled	Soft aluminum	3.25	5500			
	Soft copper or brass	3.50	6500			
	Iron or soft steel	3.75	7600			
	Monel	3.50	8000			
	4–6% chrome	3.75	8000			
	Stainless steels	3.75	8000			
Grooved iron or soft steel with or without metal jacketed	Soft aluminum	3.25	5500		Use 1, 2, 3 only	
	Soft copper or brass	3.50	6500			
	Iron or soft steel	3.75	7600			
	Monel or 4–6% chrome	4.00	8800			
	Stainless steels	4.25	10100			
Solid flat metal	Soft aluminum	4.00	8800		None	I
	Soft copper or brass	4.75	13000			
	Iron or soft steel	5.50	18000			
	Monel or 4–6% chrome	6.00	21800			
	Stainless steels	6.50	26000			
Ring joint	Iron or soft steel	5.50	18000		Use 8 only	
	Monel or 4–6% chrome	6.00	21800			
	Stainless steel	6.50	26000			

GASKET FACTORS (m) FOR OPERATING CONDITIONS AND MINIMUM DESIGN STRESS (y)

TABLE 54.03-25 (c1)—GASKET MATERIALS AND CONTACT FACINGS—Continued

EFFECTIVE GASKET WIDTH

FACING SKETCH Unsupported	BASIC GASKET SEATING WIDTH b_o COLUMN I	COLUMN II
1a	$\frac{N}{2}$	$\frac{N}{2}$
1b	$\frac{W+T}{2}\left(\frac{W+N}{4}\ max\right)$	$\frac{W+T}{2}\left(\frac{W+N}{4}\ max\right)$
2	$\frac{W+N}{4}$	$\frac{W+3N}{8}$
3	$\frac{W}{2};\left(\frac{N}{4}\ min\right)$	$\frac{W+N}{4};\left(\frac{3N}{8}\ min\right)$
4	$\frac{3N}{8}$	$\frac{7N}{16}$
5		
6	$\frac{N}{4}$	$\frac{3N}{8}$
7		
8	$\frac{W}{8}$	

EFFECTIVE GASKET SEATING WIDTH "b"

$b = b_o$ when $b_o \leq 1/4"$

$b = \frac{1}{2}\sqrt{b_o}$ when $b_o > 1/4"$

LOCATION OF GASKET LOAD REACTION

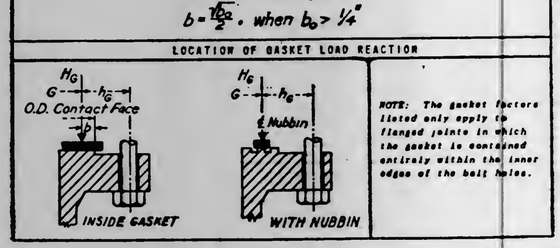

§ 54.03–30 *Evaporators.* (a) An evaporator in which steam is generated shall be fitted with an efficient water level indicator, a pressure gauge, and a blow-down valve.

(b) An approved safety valve shall be fitted on evaporators as required by § 54.07–10.

§ 54.03–35 *Access and inspection openings.* (a) All unfired pressure vessels for use with compressed air or where subject to internal corrosion shall be provided with suitable manhole, handhole, or other inspection openings for examination and cleaning.

(b) Unless otherwise specified in this subchapter, the access and inspection openings in the shell or head of an unfired pressure vessel shall comply with the requirements of Subpart 52.24 of this subchapter for power boilers.

(c) When a threaded inspection opening is to be used for inspection or cleaning purposes, it shall be not less than 1½ inches pipe size.

(d) All unfired pressure vessels which require access or inspection openings shall be equipped as follows:

(1) Vessels less than 18 inches in diameter shall have at least two handholes or two plugged threaded inspection openings of not less than 2-inch pipe size.

(2) Vessels 18 to 36 inches, inclusive, in diameter, shall have a manhole, or at least two handholes, or two plugged threaded inspection openings of not less than 2 inches pipe size.

(3) Vessels over 36 inches in diameter shall have a manhole, except those whose shape or use make it impracticable, in which case they shall have at least two 4 x 6 inch handholes or two handholes of equivalent area.

(4) When handholes or plugged openings are used for inspection openings in place of a manhole, where permitted, one handhole or one plugged opening shall be placed in each head or in the shell near each head.

(5) Removable heads or cover plates may be used in place of the required openings provided they are equal at least to the required size of the required inspection openings.

§ 54.03–40 *Nozzle openings and reinforcements.* (a) Unless otherwise specified in this subchapter, nozzle openings and reinforcement in the shell or heads of unfired pressure vessels shall comply with the requirements of Subpart 52.25 of this subchapter for power boilers.

(b) The thickness of a nozzle or fitting welded to the shell, reinforcing ring, or flange shall be not less than that for schedule 40 pipe of the same diameter, and in no instance shall the nozzle wall thickness be less than that determined by § 55.07–5 of this subchapter.

(c) Screwed and flanged piping connections to the outlets on a pressure vessel shall comply with the requirements of Part 55 of this subchapter. When subject to Class I piping, screwed nozzle connections shall be limited to a maximum diameter of 2 inches.

(d) Some types of acceptable arc- or gas-welded nozzle connections are illustrated in figure 52.25–20 (d) in Part 52 of this subchapter.

SUBPART 54.07—PRESSURE-RELIEF DEVICES

§ 54.07–1 *General requirements.* (a) Unfired pressure vessels, such as tanks, containing liquids, gases, or vapors, and in which steam is not generated, shall be protected by a relief valve set to relieve at a pressure not exceeding that for which the vessel is designed and of sufficient relieving capacity to prevent a pressure increase exceeding 10 percent above the maximum allowable pressure, except as provided for in paragraph (b) of this section.

(b) Where an additional hazard can be created by exposure of an unfired pressure vessel containing compressed gas to fire or other unexpected sources of external heat (for example, vessels used for the transportation of liquefied compressed gasses) relief valves shall be capable of preventing the pressure from rising more than 20 percent above the maximum allowable pressure of the vessel. The minimum required relief valve capacities for liquefied compressed gases are in Part 38 of Subchapter D (Tank Vessels) and in Part 146 of Subchapter N (Explosives or other Dangerous Articles or Substances and Combustible Liquids on Board Vessels) of this chapter.

(c) Pressure-relief devices shall be constructed so that they can not be readily rendered inoperative, and shall be so located, and installed as to be readily accessible for inspection and repair.

(d) For certain pressure vessels containing substances that may render a relief valve inoperative, or where the installation of a relief valve is considered impracticable, the Commandant may authorize the use of a rupture disk in lieu of a relief valve, provided such pressure vessels contain liquids or vapors that are not lethal or noxious and the temperature of the contents does not exceed 212° F. When the use of rupture disks is approved by the Commandant, the installation shall comply with the requirements of § 54.07–20.

(e) The opening through all pipes and fittings between a pressure vessel and its pressure-relieving device shall have at least the area of the pressure-relieving device inlet, and in all cases shall have sufficient area so as not to unduly restrict the flow to the pressure-relieving device. The opening in the vessel shall be designed to provide direct and unobstructed flow between the vessel and its pressure-relieving device.

§ 54.07–5 *Relief valves.* (a) All relief valves for use on unfired pressure vessels or on piping systems where approved safety valves are not required shall in general comply with the requirement of safety valve construction in Part 52 of this subchapter and shall be designed to suitably meet the protection and service requirements for which they are intended, except that relief valves are not required to have huddling chambers for service other than steam.

(b) In no case shall the diameter of a relief valve be less than ½ inch.

(c) Cast iron may be employed in the construction of relief valves for pressures not exceeding 125 pounds per square inch and temperatures not exceeding 450° F. Seats or disks of cast iron are prohibited.

(d) Relief valves for steam or air service shall be provided with a substantial lifting device so that the disk can be lifted from its seat when the pressure in the vessel is 75 percent or less of that at which the valve is set to blow.

(e) If the design of a relief valve is such that liquid can collect on the discharge side of the disk, the valve shall be equipped with a drain at the lowest point where liquid can collect.

(f) The spring in a relief valve in service for pressures up to and including 250 pounds per square inch shall not be re-set for any pressure more than 10 percent above or 10 percent below that for which the relief valve is marked. For higher pressures, the spring shall not be re-set for any pressure more than 5 percent above or 5 percent below that for which the relief valve is marked.

(g) The capacities of relief valves shall be rated at pressures of 3 percent for steam, 10 percent for gases or vapors, and at 10 or 25 percent for liquids above the pressure at which the valve is set to operate.

§ 54.07–10 *Evaporator safety valves.* (a) An approved safety valve set to relieve at a pressure not exceeding that for which the shell is designed shall be fitted to all evaporators except the following:

(1) Evaporators of the coil or tube type designed to operate with a steam inlet pressure not exceeding 15 pounds per square inch gauge.

(2) Evaporators of the atmospheric type designed for vapor discharge direct to a distiller with no shut-off valve in the discharge line. The distiller connected to atmospheric evaporators shall be fitted with a vent to obviate a build-up in pressure. In no case shall the vent be less than 1½ inches in diameter.

(b) Safety valves for use on unfired pressure vessels in which pressure is generated shall comply with the requirements specified in Part 52 of this subchapter for power boilers when subject to pressures exceeding 30 p. s. i., and Part 53 of this subchapter for low pressure heating boilers when subject to pressures of 30 p. s. i. or less.

(c) The relieving capacity of safety valves required by paragraph (a) of this section shall be at least equal to the capacity of the orifice fitted in the steam supply to the evaporator. The orifice capacity shall be determined in accordance with formula (1) or (2) as follows:

(1) Where the set pressure of the evaporator shell safety valve is 58 percent or less than the setting of the safety valve in the steam supply:

$$W = 51.45AP \qquad (1)$$

(2) Where the set pressure of the evaporator shell safety valve exceeds 58 percent of the setting of the safety valve on the steam supply:

$$W = 105.3A\sqrt{P_1(P-P_1)} \qquad (2)$$

where:

W = the required orifice capacity, in pounds per hour.
A = cross-sectional area of rounded entrance orifice, in square inches.[1]
P = set pressure of steam supply safety valve, in pounds per square inch, absolute.
P_1 = set pressure of evaporator shell safety valve, in pounds per square inch, absolute.

(d) On new installations and where the orifice size of an existing evaporator is increased, an accumulation test shall be made by closing all steam outlet connections except the safety valves for a period of five minutes. When conducting the accumulation test, the water shall be at the normal operating level and the steam pressure shall be at the normal operating pressure, and while under this test the pressure shall not rise more than 6 percent above the safety valve setting.

§ 54.07–15 *Heat exchanger relief valves.* (a) A heat exchanger with liquid in the shell and the heating medium in the tubes or coils, shall be fitted with a liquid relief valve meeting the requirement of § 54.07–1.

(b) (1) A heat exchanger with steam in the shell and liquid in the tubes or coils at a pressure exceeding that in the shell, shall have a liquid relief valve fitted to protect the shell against excess pressure.

(2) The discharge capacity of such relief valves shall be calculated on the basis of the discharge from one tube using the difference in pressures between that in the shell and that in the tubes, and shall be not less than that determined by the following formula:

$$Q = 29.81\ KD^2\sqrt{P_1 - P_2} \qquad (1)$$

where:

Q = required relief valve discharge capacity, in gallons per minute, based on relief valve set pressure.
P_1 = pressure in the tube or coils, in pounds per square inch.
P_2 = set pressure of the shell relief valve, in pounds per square inch.
D = internal diameter of the largest tube or coil, in inches.
K = coefficient of discharge = 0.62.

[1] The orifice shall be installed near the steam inlet of the coils or tubes and where no orifice is employed the area used in the formula shall be that of the inlet connection or manifold.

§ 54.07–20 *Rupture disks.* (a) Every rupture disk shall have a specified bursting pressure at a specified temperature, shall be marked with a lot number and shall be guaranteed by its manufacturer to burst at within 5 percent (plus or minus) of its specified bursting pressure.

(b) The specified bursting pressure at the coincident operating temperature shall be determined by bursting two or more specimens from a lot of the same material and of the same size as those to be used. The test shall be made in a holder of the same form and pressure area dimensions as that with which the disk is to be used.

(c) Where it is desired to minimize the loss by leakage through the safety or relief valve of liquids or vapors, the rupture disk may be installed between a safety or relief valve and the vessel, provided the following requirements are met:

(1) The bursting pressure of the disk does not exceed the maximum allowable pressure of the vessel.

(2) The connection between the rupture disk and the relief valve is provided with a pressure gauge, test cock, or free vent to atmosphere, to indicate when the rupture disk has leaked or burst.

(3) The opening provided through the rupture disk, after breakage, is sufficient to permit a flow equal to the capacity of the attached valve and there is no chance of interference with the proper functioning of the relief valve; but in no case shall this area be less than the inlet area of the relief valve.

PART 55—PIPING SYSTEMS, PUMPS, REFRIGERATION MACHINERY, AND FUEL TANKS

SUBPART 55.07—DETAIL REQUIREMENTS

1. Sections 55.07–1 to 55.07–25, inclusive, are amended to read as follows:

§ 55.07–1 *Material.* (a) Materials used in the manufacture of pipe, valves, flanges, fittings or bolting shall conform with the requirements of this part, and shall comply with the respective specifications of Part 51 of this subchapter unless alternate equivalent material is approved by the Commandant.

(b) Pipe and flange material are acceptable for the pressures and temperatures listed in table 55.07–1 (b).

(c) Forged steel or cast steel, conforming to the requirements of Subparts 51.46 and 51.58 of this subchapter, may be used for the construction of valves and fittings for any system without pressure limitation, subject to the maximum design temperatures as specified in table 52.05–10 (a) in Part 52 of this subchapter. Grades F181–I and II, Subpart 51.46, may be used in the construction of valves and fittings for pressures and temperatures not exceeding those allowed for 300-pound service pressure rating for steel pipe flanges and flanged fittings.

(d) Bronze castings conforming to the requirements of Subpart 51.76, of this subchapter, for Grade 4A (ounce metal) may be used in the construction of valves and fittings for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 366° F. Grade 2A (steam bronze) and Grades 1A and 1B (tin bronze) may be used for steam pressures not exceeding 300 pounds per square inch and temperatures not ex-

TABLE 55.07-1 (b)—PIPING MATERIALS[1]

Material specification subpart	A. S. T. M. specification	Grade	Maximum design: Pressure (p. s. i.)	Maximum design: Metal temperature °F.	Limitation
Steel pipe					
Seamless-carbon:					
51.34	A53	P53-A, B	None	750	
51.34	A106	P106-A, B	None	800	
Seamless-alloy:					
51.34	A335 (A206)	P1	None	875	
51.34	A335 (A286)	P2	None	900	
51-34	A335 (A158)	P3a, P3b	None	1,050	
51.34	A335 (A158)	P11	None	1,050	
51.34	A335 (A315)	P12	None	1,050	
51.34	A335	P21	None	1,050	
51.34	A335	P22	None	1,050	
51.34	A312	TP321, TP347	None	1,050	
Electric-resistance welded:					
51.34	A53	P53-RW-A, B	350	650	
51.34	A135	P135-A, B	350	650	
Lap-welded: 51.34	A53	P53-LW	350	450	
Butt-welded: 51.34	A53	P53-BW	150	450	
Wrought iron pipe					
Lap-welded: 51.34	A72	P72-LW	350	450	
Butt-welded: 51.34	A72	P72-BW	150	450	
Copper and copper-alloy pipe and tubing					
Seamless-copper:					
51.73	B13	B13-A, B	None	406	(2, 3)
51.70	B42	B42	None	406	(2, 3)
51.73	B75	B75-A, B, C	None	406	(2, 3)
51.73	B88	B88-K, L, M	None	406	(2, 3)
51.73	B111	B111-A, B	None	406	(2, 3)
Copper-alloy:					
51.70	B43	B43 (Red brass)	None	406	
51.73	B111	B111-C (Adm. metal)	None	406	
51.73	B111	B111-D (Al-brass)	None	450	
51.73	B111	B111-E (Al-bronze)	None	450	
51.73	B111	B111-F (Red brass)	None	406	
51.73	B111	B111-G (70-30 Cu-Ni)	None	500	
51.73	B111	B111-H (66-30 Cu-Ni)	None	500	
51.73	B111	B111-I (90-10 Cu-Ni)	None	500	
Brazed copper			75	320	(4)
Plates					
Carbon-steel:					
51.04	A201	A, B	150	650	(5 6)
51.04	A212	C, D	150	650	(5 6 7)
51.22	A285	C	150	650	(6 7)

[1] The carbon content of the material listed in table 55.07-1 (b) shall not exceed 0.35 percent if welded fabrication is to be employed.
[2] Copper pipe shall not be used for hot oil service other than short flexible connections at the burners.
[3] Copper pipe shall be annealed prior to installation for Class I piping systems.
[4] Copper pipe fabricated with brazed longitudinal joints shall be limited to water or saturated steam service for the maximum pressure and temperature as indicated.
[5] These limitations apply only when plates are used as flange material. See table 52.05-10 (a) for maximum design temperatures of plate material used in the construction of pressure vessels.
[6] Not permitted for hubbed flanges. Ring type flanges may be machined from plate.
[7] For temperatures exceeding 500° F., the pressure shall not exceed that permitted by table 55.07-15 (c12).

ceeding 450° F., and for hydraulic or compressed air service at higher pressures where the temperature does not exceed 150° F.

(e) (1) Malleable iron castings conforming to the requirements of Subpart 51.61 of this subchapter for Grade A1 or A2 material, may be used in the construction of valves and fittings for pressures not exceeding 300 pounds per square inch and temperatures not exceeding 450° F. Grade B malleable iron may be used for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F. Cast iron conforming to the requirements of Subpart 51.61 may be used in the construction of valves and fittings for pressures not exceeding 125 pounds per square inch and temperatures not exceeding 450° F.

(2) Malleable iron and cast-iron valves and fittings designed and marked for class 300 refrigeration service may be used for such service, provided the pressure limitation of 300 pounds per square inch is not exceeded. Malleable iron flanges of this class may also be used in sizes 4 inches and smaller (oval and square design).

(f) Ferrous pipe used for salt-water service should be protected against corrosion by hot-dipped galvanizing or other suitable means.

(g) Carbon-steel bolting material conforming to the requirements of Subpart 51.49 of this subchapter may be used for temperatures not exceeding 450° F. For temperatures exceeding 450° F. alloy-steel bolting material as specified in Subpart 51.49 shall be employed.

(h) If it is desired to use materials other than those specified in this section, a request furnishing chemical and physical properties of the material which it is desired to employ shall be submitted to the Commandant for special consideration.

§ 55.07-5 *Design pressures and thickness of pipes.* (a) (1) The maximum allowable pressure and minimum thickness of pipes shall be calculated by the following formulas:

$$P = \frac{2S}{D-M}\frac{(T-A)}{(T-A)} \quad (1)$$

$$T = \frac{PD}{2S+MP} + A \quad (2)$$

Where:

P = maximum allowable pressure, p. s. i.[1]
T = minimum wall thickness of pipe, inches.[2]
D = external diameter of pipe, inches.
S = allowable fiber stress, p. s. i. (for pipe stresses see table 55.07-5 (a). When steel tubing material is employed, the allowable fiber stresses shall be 80 percent of the stresses as given in table 52.05-10 (a).
M = multiplier as given in table 55.07-5 (a).
A = allowance for threading or grooving,
= 0.05 inch for threaded pipe ⅜ inch and below.
= depth of thread h for threaded pipe ½ inch and above.
= depth of groove for grooved pipe.

NOTE: The depth of thread h may be determined by the formula $h = 0.8/n$; where, n = the number of threads per inch, or from the following values: $h = 0.100$ inch, 0.0696 inch, and 0.0571 inch, for 8, 11½, and 14 threads per inch, respectively.

(2) The value of P in the formula shall not be taken at less than 150 p. s. i. for class I piping nor less than 50 p. s. i. for nonferrous class II piping; however, copper piping shall be of not less than 0.065 inch in thickness except for lines below 1 inch in diameter, nor shall ferrous material to be fabricated by welding be of a thickness less than 0.120 inch.

(b) (1) The design pressures of the steam piping connected to the boiler drum or to the superheater inlet header shall be not less than the highest pressure at which any drum safety valve is set to blow.

(2) The design pressure of the superheater outlet flange and the superheated steam piping beyond the superheater outlet shall be not less than the pressure at which the superheater safety valve is set to blow. Where the superheater safety valve is of the drum pilot actuated type, the design pressure shall be at least equal to 95 percent of the drum pilot safety valve setting. The S value for the material shall not exceed that permitted for the total steam temperature at the superheater outlet.

(c) Carbon steel or wrought iron pipe shall have a wall thickness of not less than standard weight pipe. Where the installation of light wall pipe is deemed satisfactory, the use of pipe having a wall thickness less than standard weight will be given special consideration by the Commandant.

(d) Where the Officer in Charge, Marine Inspection, is not otherwise satisfied, each length of piping having a diameter exceeding 4 inches shall be drilled, for the purpose of gauging, and fitted with a screw plug to extend beyond the pipe covering. Where bends are used, the test holes shall be drilled in the outer wall of the bend. The drilling of such pipes may be omitted where pipes which are intended for bending comply with paragraph (e) of this section.

(e) The radius of a pipe bend measured from the centerline of the pipe shall be not less than three times the nominal pipe diameter, except for copper which shall have a radius of not less than twice the nominal pipe diameter.

(f) (1) Where pipe is pierced with tube holes the ligament efficiency of the tube holes shall be employed in the formulas in § 52.05-10 of this subchapter to determine the maximum allowable pressure of the piping. The pressure thus calculated shall in no case be greater than that allowed for the unpierced pipe.

(2) Where branch connections are welded to Class I piping, or to piping conveying steam at pressures exceeding 50 p. s. i., reinforcement of the pierced pipe shall be provided unless the connection is adequate for the design pressure. The amount of reinforcement required shall be determined by § 52.25-20 of this subchapter.

(3) The longitudinal joint of a welded pipe shall not be pierced with holes.

§ 55.07-6 *Expansion and flexibility.* (a) Piping systems shall be designed to have sufficient flexibility to prevent thermal expansion or contraction from causing excessive stresses in the piping material, excessive bending moments at the joints, or excessive forces or moments at points of connection to equipment or at anchorage and guide points.

(b) Provision shall be made for expansion and contraction by changes in direction of pipe runs or by the use of expansion bends, loops, offsets, or slip joints.

(c) Piping shall be installed to avoid excessive strains and shall be adequately

[1] When computing the allowable pressure for a pipe, the pipe wall thickness used in formula (1) shall not be more than the minimum thickness resulting from the application of mill tolerances prescribed in the applicable pipe specifications for the material to be employed, including tubing material when used for piping. For bent sections of pipe, the reduction in wall thickness due to fabrication, in addition to the mill tolerance, shall be subtracted from the nominal pipe wall thickness to obtain the minimum pipe wall thickness.
[2] The wall thickness to which the pipe or tubing is ordered shall not be less than the sum of the minimum wall thickness determined by formula (2), plus the mill tolerance, and the reduction in wall thickness due to bending.

TABLE 55.07-5 (a)—MAXIMUM ALLOWABLE STRESSES FOR PIPING

FERROUS MATERIALS

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength (p. s. i.)	Notes	For metal temperatures not exceeding °F.: 650	700	750	800	850	900	950	1000	1050
						Multiplier "M"[1]								
						0.8	0.8	0.8	0.8	1.1	1.7	2.0	2.0	2.0
Seamless carbon-steel:														
51.34	A53	A	P53-A	48,000		9,600	9,300	8,550						
51.34	A53	B	P53-B	60,000		12,000	11,500	10,400						
51.34	A106	A	P106-A	48,000		9,600	9,300	8,550	7,200					
51.34	A106	B	P106-B	60,000		12,000	11,500	10,400	8,650					
Seamless alloy-steel:														
51.34	A335 (A206)	P1	P1	55,000	(3)	11,000	11,000	11,000	10,750	10,500	10,000			
51.34	A335 (A286)	P2	P2	55,000	(3)	11,000	11,000	11,000	10,750	10,500	10,000			
51.34	A335 (A158)	P3a	P3a	60,000	(3)	12,000	12,000	12,000	12,000	11,500	10,500	8,800	6,250	4,400
51.34	A335 (A158)	P3b	P3b	60,000	(3)	12,000	12,000	12,000	12,000	11,250	10,000	8,000	4,950	3,350
51.34	A335 (A158)	P11	P11	60,000	(3)	12,000	12,000	12,000	12,000	11,500	10,500	8,800	6,250	4,400
51.34	A335 (A315)	P12	P12	60,000	(3)	12,000	12,000	12,000	11,800	11,350	10,500	8,800	6,000	4,000
51.34	A335	P21	P21	60,000	(3)	12,000	11,850	11,600	11,100	10,550	9,600	7,200	5,000	4,400
51.34	A335	P22	P22	60,000	(3)	12,000	12,000	12,000	12,000	11,500	10,500	8,800	6,250	4,650
51.34	A312	TP8	TP8h	75,000	(3)	11,900	11,850	11,750	11,650	11,450	11,300	11,100	10,800	10,500
51.34	A312	TP8	TP8t	75,000	(3)	11,900	11,850	11,750	11,650	11,450	11,300	11,100	10,800	10,500
Electric-resistance-welded Carbon-steel														
51.34	A53	A	P53-RW-A	48,000	(4)	8,150								
51.34	A53	B	P53-RW-B	60,000	(3)	10,200								
51.34	A135	A	P135-A	48,000	(3)	8,150								
51.34	A135	B	P135-B	60,000	(3)	10,200								
Lap-welded:														
51.34	A53	Steel	P53-LW	45,000	(4 5)	7,200								
51.34	A72	W. I.	P72-LW	40,000	(4 5)	6,400								
Butt-welded:														
51.34	A53	Steel	P53-BW	45,000	(3 5)	5,400								
51.34	A72	W. I.	P72-BW	40,000	(3 5)	4,800								

NONFERROUS MATERIALS

Specification subpart	A. S. T. M. designation	Grade: A. S. T. M.	Grade: C. G.	Minimum tensile strength p. s. i.	Minimum yield strength	Notes	For metal temperatures not exceeding °F.: 150	250	300	350	400[7]	450	500
							Multiplier "M"[1]						
							0.8	0.8	0.8	0.8	0.8	0.8	0.8
Seamless copper:													
51.73	B13		B13-A, B	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,500		
51.70	B42		B42	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,500		
51.74	B75		B75	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,500		
51.73	B88		B88	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,500		
51.73	B111		B111	30,000	10,000	(3)	6,700	6,300	5,000	3,800	2,500		
Brazed copper							3,000	3,000	[8] 2,600				
Seamless copper-alloy:													
51.70	B43	Red brass	B43	40,000	12,000	(3)	8,000	8,000	8,000	6,000	3,000		
51.73	B111	Admiralty metal	B111-C	45,000	15,000	(3)	10,000	10,000	10,000	8,000	5,000		
51.73	B111	Aluminum brass	B111-D	50,000	20,000	(3)	12,500	12,200	12,000	7,500	3,000	2,000	
51.74	B111	Aluminum-bronze	B111-E	50,000	20,000	(3)	12,500	12,200	12,000	10,000	6,000	4,000	
51.73	B111	Red brass	B111-F	40,000	12,000	(3)	8,000	8,000	8,000	6,000	3,000		
51.73	B111	Cu-Ni 70-30	B111-G	55,000	20,000	(3)	13,300	12,700	12,300	12,000	11,700	11,300	11,000
51.73	B111	Cu-Ni 80-20	B111-H	50,000	18,000	(3)	12,000	11,300	11,000	10,700	10,300	10,000	9,500
51.73	B111	Cu-Ni 90-10	B111-I	40,000	15,000	(3)	10,000	9,500	9,300	9,000	8,700	8,300	8,000

[1] Intermediate values of "S" and "M" may be obtained by interpolation.
[2] This material shall be limited to a maximum temperature of 875° F.
[3] These stresses include a weld efficiency factor of 0.85.
[4] These stresses include a weld efficiency factor of 0.80.
[5] Stress permitted for temperatures not to exceed 450° F.
[6] These stresses include a weld efficiency factor of 0.60.
[7] The same stress may be employed for a temperature of 406° F.
[8] The minimum tensile and yield strengths employed not given in the specifications, tensile and yield strengths shown are assumed.
[9] The same stress may be employed for a temperature of 320° F.

supported by hangers or guides, so that the weight of the piping is not transmitted to valves and fittings, and the effects of vibrations, pitching and rolling of the vessel are minimized. Pipe supports shall be designed and arranged so as not to interfere with expansion and contraction of the piping. Anchors, pivots and restraints shall be fabricated and installed to secure the desired points of piping in relatively fixed positions and freely permit expansion and contraction in opposite directions. Main junction points of piping subject to temperatures exceeding 450° F., which are not balance points shall be fitted with fixed anchors. If considered as a balance point the junction point may be free to move in all directions, or may be guided to limit the movement in one or more directions if computations indicate excessive strain may occur in any of the branch pipes.

(d) The combined stresses due to bending and pressure for the normal operating conditions shall not exceed two-thirds of the sum of the "S" value given in table 55.07–5 (a) for the piping material at 650° F. and the "S" value at the design temperature.

(e) In order to modify the effect of expansion and contraction, runs of pipe should be cut short and sprung into place. Piping may be cold sprung any amount up to 100% of the total expansion. When it is desired to take credit for cold spring, the piping shall be cold sprung at least half of its computed expansion. In computing stress calculations for the hot condition, the total expansion movement may be reduced by one-third of the actual cold spring applied: *Provided*, That, in the opinion of the Commandant, satisfactory provision is made to obtain the design amount of cold spring. The full amount of cold spring shall be taken into account in considering the forces, moments, and stresses acting in the cold condition.

(f) A summary of the results of pipe stress calculations for the main and auxiliary steam piping where the design temperature exceeds 800° F., together with the arrangement piping drawings, shall be submitted for approval. Calculations shall be made in accordance with one of the recognized methods of stress analysis acceptable to the Commandant. Under no conditions shall the calculated value of the combined stress be taken as less than the total longitudinal stress (the sum of the longitudinal bending stress and the longitudinal pressure stress).

(g) The stress calculations and piping arrangement plans shall indicate all piping runs, connections, materials, sizes, design pressure and temperature, anchorages, guides or junction points, total thermal expansion between anchor points, and design cold spring. The moment of inertia of the pipe shall be based upon the minimum thickness of the pipe or tubing.

(h) Stress calculations shall be made to determine the magnitude and direction of the forces (reactions) and moments at all terminal connections, anchor, guide and junction points, as well as the longitudinal bending and pressure stress, hoop stress, shear stress, and combined stress at all such points. The location of the maximum combined stress shall be indicated in each run of pipe between anchor or junction points. Where deemed necessary by the Commandant, and conditions are such as to warrant it, calculations for the cold conditions shall be made.

(i) Where it is desired to employ alloy steel pipe materials of better heat resistant properties than those specified in Part 51 of this subchapter, special consideration may be given by the Commandant for an increase in the maximum combined stress, if satisfactory evidence is furnished to establish the suitability of the material for the design temperature.

§ 55.07–8 *Variations in pressures and temperatures.* (a) Superheater outlet flanges and superheated and desuperheated steam piping direct from the boiler shall be designed for not less than the maximum pressure and temperature to which they may be exposed in service under normal sustained operating conditions.

(b) Occasional increases in pressure and/or temperature are unavoidable and may be permitted without changing the normal design provided the corresponding stress in the pipe wall calculated by formulas (1) and (2) of § 55.07–5 does not exceed the maximum allowable stress (S) values as given in table 55.07–5 (a) for the actual expected temperature by more than the following allowances for the periods of duration indicated:

(1) Up to 15 percent increase above the S value during 10 percent of the operating period.

(2) Up to 20 percent increase above the S value during 1 percent of the operating period.

§ 55.07–10 *Valves and fittings.* (a) All valves shall close with a right hand (clockwise) motion of the handwheels when facing the end of the valve stem. Valves shall be of the rising stem type preferably with the stem threads external to the valve body. Where operating conditions will not permit of such installations, the use of a non-rising stem valve will be permitted, provided indicators are fitted to show clearly whether same is opened or closed. Valves installed in cargo tanks of tank vessels are not required to be fitted with indicators.

(b) Valves of class I piping having diameters exceeding 2 inches shall have bolted, pressure seal, or breech lock bonnets and flanged or welding ends, except that socket type welding ends shall not be used where the diameter exceeds 2 inches. For diameters not exceeding 2 inches, screwed union bonnet valves or a type which will positively prevent the stem from screwing out of the body may be employed. Cast-iron valves with screwed-in or screwed-over bonnets are prohibited. Union bonnet type cast-iron valves shall have the bonnet ring made of steel, bronze or malleable iron.

(c) Valves, flanges, fittings and appurtenances shall be designed for the maximum pressure to which they may be subjected, but in no case shall the design pressure be less than 50 p. s. i. for the medium to be conveyed, except large fabricated ballast manifolds connecting lines exceeding 8 inches nominal pipe size may be designed for a pressure of not less than 25 p. s. i.

(d) Disks or disk faces, seats, stems and other wearing parts of valves shall be made of material possessing corrosion and heat-resisting qualities suitable for the service conditions to which they may be subjected.

(e) Valves, flanges, and fittings shall be legibly marked with the manufacturer's name or registered trademark and if of alloy steel, the type and grade of alloy steel used, and the primary service pressure rating for which same are guaranteed in service, except as otherwise permitted below:

(1) Screwed malleable iron fittings of the 150-pound ASA standard need not carry a service pressure marking.

(2) Screwed bronze fittings of the 125-pound ASA standard which are identifiable as to pressure rating by the narrow bands at the inlet and outlet widely separated at the fitting crotches need not carry a service pressure rating.

(3) Screwed bronze fittings of the 250-pound ASA standard which are identifiable as to pressure rating by the heavy bands at the inlet and outlet and which meet and fill the crotches need not carry a pressure rating.

(4) Small finished or polished nonferrous products such as trycocks need not be marked.

(f) Plug cocks shall be constructed with satisfactory and positive means of preventing the plug from becoming loosened or removed from the body when the plug is operated. Cocks having plug locking arrangements depending on cotter pins are prohibited.

(g) Cocks shall be marked in a straight line with the body to indicate whether same are open or closed.

§ 55.07–15 *Joints and flange connections.* (a) Flanged or butt-welded joints are required for Class I piping for diameters exceeding 2 inches, except as otherwise specified in this subchapter.

(b) Slip-on flanges, complying with the requirements of tables 55.07–15 (c5) and (e6) for 150-pound and 300-pound standard may be used in Class I piping for temperatures not exceeding 450° F. Screwed joints for Class I piping are not permitted for pipe diameters exceeding 2 inches.

(c) Forged or cast steel valves, flanges, and pipe fittings of the socket welding type, wherein the pipe is inserted into the socket and is secured by means of a strength fillet weld may be employed for pipe diameters not exceeding 2 inches for Class I piping and without diameter limitation for Class II piping.

(d) Valves, flanges and fittings may be attached to nonferrous pipe by means of soldering where the pressures do not exceed 10 pounds per square inch at 240° F. and 100 pounds per square inch at 150° F. For temperatures between 150° F. and 240° F. the pressure shall be proportionate. Silver brazing alloy shall be employed for temperatures and pressures exceeding the foregoing.

(e) (1) Flanges shall conform in strength at least to the dimensional standards in the following tables:

TABLE 55.07-15 (c5)—STEEL FLANGED FITTINGS AND COMPANION FLANGES—Continued

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	300 pounds								
	Outside diameter of flange (inches)	Thickness of flange; minimum [1] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Hub diameter at base (inches)		
5	11	1¼	9¼	8	¾	¾	7		
6	12½	1⅜	10⅝	12	¾	¾	10¼		
10	17½	1⅝	15¼	16	1	1	12⅝		
12	20½	2	17⅝	16	1⅛	1	14¾		
14 O. D	23¼	2⅛	20¼	20	1⅛	1	16¾		
16 O. D	25½	2⅜	22½	20	1¼	1⅛	19		
18 O. D	28	2½	24¾	20	1¼	1⅛	21		
20 O. D	30½	2⅝	27	24	1⅜	1⅛	23¼		
24 O. D	36	2¾	32	24	1½	1⅜	27¾		

[1] The raised face of 1/16 inch is included in "thickness of flange, minimum."

TABLE 55.07-15 (c7)—STEEL FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	400 pounds								
	Outside diameter of flange (inches)	Thickness of flange; minimum [1] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Hub diameter at base (inches)		
½	3¾	⅝	2⅝	4	½	⅝	1¾		
¾	4⅝	¾	3⅛	4	½	⅝	2⅛		
1	4⅞	⅞	3½	4	½	⅝	2⅝		
1¼	5¼	1	4¼	4	½	⅝	3⅛		
1½	6⅛	1⅛	5	4	¾	¾	3⅝		
2	6½	1⅛	5⅜	8	½	¾	4⅛		
2½	7⅜	1⅜	6⅛	8	¾	¾	4⅝		
3	8¼	1⅜	7⅛	8	¾	¾	5⅜		
3½	9	1½	7½	8	¾	¾	5⅞		
4	10	1⅝	8½	8	¾	¾	6⅜		
5	11	1¾	9½	8	¾	¾	7⅜		
6	12½	1⅞	10⅝	12	¾	¾	8⅜		
8	15	2⅛	12¾	12	¾	¾	10⅜		
10	17½	2⅜	15	16	1	1	12½		
12	20½	2½	17⅝	16	1⅛	1	14¾		
14 O. D	23¼	2⅝	20¼	20	1⅛	1	16¾		
16 O. D	25½	2¾	22½	20	1¼	1⅛	19		
18 O. D	28	2⅞	24¾	20	1¼	1⅛	21		
20 O. D	30½	3	27	24	1⅜	1⅛	23¼		
24 O. D	36	3⅜	32	24	1½	1⅜	27¾		

[1] The raised face of 1/16 inch is not included in the minimum thickness of flanges.

TABLE 55.07-15 (c6)—STEEL FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	150 pounds								
	Outside diameter of flange (inches)	Thickness of flange; minimum [1] (inches)	Flanged fittings; minimum [2] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Hub diameter at base (inches)	
½	3½	7/16	----	2⅜	4	½	----	1⅝	
¾	3⅞	7/16	----	2¾	4	½	----	1⅞	
1	4¼	7/16	----	3⅛	4	½	----	2⅛	
1¼	4⅝	7/16	----	3½	4	½	----	2½	
1½	5	7/16	----	3⅞	4	½	----	2⅞	
2	6	7/16	----	4¾	4	¾	----	3⅜	
2½	7	7/16	----	5½	4	¾	----	3⅞	
3	7½	7/16	----	6	4	¾	----	4⅜	
3½	8½	7/16	----	7	4	¾	----	4⅞	
4	9	7/16	----	7½	8	¾	----	5⅜	
5	10	7/16	----	8½	8	¾	----	6⅜	
6	11	7/16	----	9½	8	¾	----	7⅜	
8	13½	7/16	----	11¾	8	¾	----	9⅜	
10	16	7/16	----	14¼	12	¾	----	11½	
12	19	7/16	----	17	12	¾	----	12	
14 O. D	21	7/16	----	18¾	12	¾	----	13¼	
16 O. D	23½	7/16	----	21	16	¾	----	15⅜	
18 O. D	25	7/16	----	22½	16	¾	----	16⅞	
20 O. D	27½	7/16	----	25	20	¾	----	18⅜	
24 O. D	32	7/16	----	29½	20	¾	----	22	

[1] The raised face of 1/16 inch is included in "thickness of flange, minimum."

[2] A raised face of 1/16 inch is provided on the flange of each opening of these fittings and is included in "thickness of flange, minimum."

TABLE 55.07-15 (c6)—STEEL FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	300 pounds								
	Outside diameter of flange (inches)	Thickness of flange; minimum [1] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Hub diameter at base (inches)		
½	3¾	¾	2⅝	4	½	¾	1¾		
¾	4⅝	¾	3⅛	4	½	¾	2⅛		
1	4⅞	⅞	3½	4	½	¾	2⅝		
1¼	5¼	1	4¼	4	½	¾	3⅛		
1½	6⅛	1⅛	5	4	¾	⅞	3⅝		
2	6½	1⅛	5⅜	8	½	⅞	4⅛		
2½	7⅜	1⅜	6⅛	8	¾	⅞	4⅝		
3	8¼	1⅜	7⅛	8	¾	⅞	5⅜		
3½	9	1½	7½	8	¾	⅞	5⅞		
4	10	1⅝	8½	8	¾	⅞	6⅜		
5	11	1¾	9½	8	¾	⅞	7⅜		
6	12½	1⅞	10⅝	12	¾	⅞	8⅜		
8	15	2⅛	12¾	12	¾	⅞	10⅜		
10	17½	2⅜	15	16	1	1	12½		
12	20½	2½	17⅝	16	1⅛	1	14¾		
14 O. D	23¼	2⅝	20¼	20	1⅛	1	16¾		
16 O. D	25½	2¾	22½	20	1¼	1⅛	19		
18 O. D	28	2⅞	24¾	20	1¼	1⅛	21		
20 O. D	30½	3	27	24	1⅜	1⅛	23¼		
24 O. D	36	3⅜	32	24	1½	1⅜	27¾		

[1] The raised face of 1/16 inch is included in "thickness of flange, minimum."

TABLE 55.07-15 (c1)—CAST-IRON FLANGED FITTINGS AND COMPANION FLANGES, CLASS 125

[125-pound cast-iron flanged fittings. All dimensions given in inches]

Nominal pipe size [2]	Diameter of flange	Thickness of flange [1] (minimum)	Diameter of bolt circle	Number of bolts	Size of bolts	Metal thickness of fittings (minimum)	Diameter of hub (minimum)	Length of hub and threads (minimum)	Length through hub (minimum)	Depth through hub (inches)
1	4¼	9/16	3⅛	4	½	7/16	2⅜	0.64	0.76	1⅜
1¼	4⅝	9/16	3½	4	½	7/16	2⅝	0.67	0.76	1⅜
1½	5	9/16	3⅞	4	½	7/16	2⅞	0.70	0.76	1⅜
2	6	5/8	4¾	4	¾	7/16	3⅜	1.14	0.87	1⅝
2½	7	11/16	5½	4	¾	7/16	3⅞	1.20	1.00	1⅞
3	7½	11/16	6	4	¾	7/16	4⅜	1.20	1.00	1⅞
3½	8½	11/16	7	4	¾	7/16	4⅞	1.20	1.00	1⅞
4	9	11/16	7½	8	¾	7/16	5⅜	1.61	1.00	1⅞
5	10	11/16	8½	8	¾	7/16	6⅜	1.71	1.01	1⅞
6	11	11/16	9½	8	¾	9/16	7⅜	1.81	1.01	1⅞
8	13½	11/16	11¾	8	¾	9/16	9⅜	2.13	1.02	1⅞
10	16	13/16	14¼	12	¾	9/16	11½	2.25	1.02	1⅞
12	19	15/16	17	12	¾	9/16	12	2.45	1.02	1⅞
14 O. D	21	15/16	18¾	12	¾	9/16	13¼	2.65	1.02	1⅞
16 O. D	23½	15/16	21	16	¾	9/16	15⅜	2.85	1.02	1⅞
18 O. D	25	15/16	22½	16	¾	9/16	16⅞	3.25	1.02	1⅞
20 O. D	27½	15/16	25	20	¾	9/16	18⅜	----	1.02	1⅞
24 O. D	32	15/16	29½	20	¾	9/16	22	----	1.02	1⅞

[1] All 125-pound standard flanges have a plain face.

[2] Sizes 14 inches and larger are to be used with O. D. pipe.

[3] All blind flanges for size 12 inches and larger must be dished, with inside radius equal to the port diameter.

TABLE 55.07-15 (e2)—CAST-IRON FLANGED FITTINGS AND COMPANION FLANGES, CLASS 250

[250-pound cast-iron flanges. All dimensions given in inches]

Nominal pipe size [2]	Diameter of flange	Thickness of flange [1] (minimum)	Diameter of bolt circle	Number of bolts	Size of bolts	Metal thickness (minimum)	Diameter of hub (minimum)	Length through hub (minimum)	Length of threads (minimum)
1	4¾	15/16	3⅛	4	¾	----	2⅜	----	0.64
1¼	5¼	1	3½	4	¾	----	2⅝	----	0.67
1½	6⅛	1⅛	4⅛	4	¾	----	2⅞	----	0.70
2	6½	1⅛	4¾	8	¾	----	3⅜	----	1.14
2½	7⅜	1⅜	5½	8	¾	----	3⅞	----	1.20
3	8¼	1⅜	6	8	¾	----	4⅜	----	1.20
3½	9	1½	6½	8	¾	----	4⅞	----	1.20
4	10	1⅝	7½	8	¾	----	5⅜	----	1.61
5	11	1¾	8½	8	¾	----	6⅜	----	1.71
6	12½	1⅞	9½	12	¾	----	7⅜	----	1.81
8	15	2⅛	11¾	12	¾	----	9⅜	----	2.13
10	17½	2⅜	14¼	16	1	----	11½	----	2.25
12	20½	2½	16¾	16	1⅛	----	12¾	----	2.45
14 O. D	23¼	2⅝	19¼	16	1⅛	----	13¼	----	2.65
16 O. D	25½	2¾	21¼	20	1¼	----	15⅜	----	2.85
18 O. D	28	2⅞	23¼	20	1¼	----	16⅞	----	3.25
20 O. D	30½	3	25½	20	1⅜	----	18⅜	----	----
24 O. D	36	3⅜	30	24	1½	----	22	----	----

[1] All 250-pound cast-iron standard flanges have a 1/16-inch raised face. This raised face is included in the minimum thickness of flange dimensions.

[2] Sizes 14 inches and larger are to be used with O. D. pipe of the same nominal size.

[3] All blind flanges for sizes 10 inches and larger must be dished, with inside radius equal to the port diameter.

TABLE 55.07-15 (c3)—BRONZE FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 450° F.]

Nominal pipe size (inches)	125 pounds								
	Outside diameter of flange (inches)	Flange thickness; minimum [1] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Hub diameter at base (inches)	Depth through hub (inches)	
½	3½	⅝	2⅜	4	½	⅝	1⅝	1⅜	
¾	3⅞	⅝	2¾	4	½	⅝	1⅞	1⅜	
1	4¼	⅝	3⅛	4	½	⅝	2⅛	1⅜	
1¼	4⅝	⅝	3½	4	½	⅝	2½	1⅜	
1½	5	⅝	3⅞	4	½	⅝	2⅞	1⅜	
2	6	¾	4¾	4	¾	¾	3⅜	1⅝	
2½	7	¾	5½	4	¾	¾	3⅞	1⅞	
3	7½	¾	6	4	¾	¾	4⅜	1⅞	
3½	8½	¾	7	4	¾	¾	4⅞	1⅞	
4	9	¾	7½	8	¾	¾	5⅜	1⅞	
5	10	¾	8½	8	¾	¾	6⅜	1⅞	
6	11	¾	9½	8	¾	¾	7⅜	1⅞	
8	13½	¾	11¾	8	¾	¾	9⅜	1⅞	
10	16	15/16	14¼	12	¾	¾	11½	1⅞	
12	19	15/16	17	12	¾	¾	12	1⅞	

[1] The "flange thickness; minimum" as shown in the table is the dimension from back of flange to gasket contact face. Blind flanges may be recessed 1/16 inch with a diameter equal to the inside diameter of the flange fitting.

TABLE 55.07-15 (e4)—BRONZE FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 450° F.]

Nominal pipe size (inches)	300 pounds								
	Outside diameter of flange (inches)	Flange thickness; minimum [1] (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fitting; minimum (inches)	Diameter of hub; minimum (inches)	Depth through hub (inches)	
½	3¾	¾	2⅝	4	½	¾	1¾	1⅜	
¾	4⅝	¾	3⅛	4	½	¾	2⅛	1⅜	
1	4⅞	⅞	3½	4	½	¾	2⅝	1⅜	
1¼	5¼	1	4¼	4	½	¾	3⅛	1⅜	
1½	6⅛	1⅛	5	4	¾	⅞	3⅝	1⅝	
2	6½	1⅛	5⅜	8	½	⅞	4⅛	1⅝	
2½	7⅜	1⅜	6⅛	8	¾	⅞	4⅝	1⅞	
3	8¼	1⅜	7⅛	8	¾	⅞	5⅜	1⅞	
3½	9	1½	7½	8	¾	⅞	5⅞	1⅞	
4	10	1⅝	8½	8	¾	⅞	6⅜	1⅞	
5	11	1¾	9½	8	¾	⅞	7⅜	1⅞	
6	12½	1⅞	10⅝	12	¾	⅞	8⅜	1⅞	
8	15	2⅛	12¾	12	¾	⅞	10⅜	1⅞	
10	17½	2⅜	15	16	1	1	12½	1⅞	
12	20½	2½	17⅝	16	1⅛	1	14¾	1⅞	

[1] The "flange thickness; minimum" as shown in the table is the dimension from back of flange to gasket contact face. Blind flanges may be recessed 1/16 inch with a diameter equal to the inside diameter of the flange fitting.

(2) The service pressure ratings for carbon steel pipe, flanges and flanged fittings at design temperatures of 800° F. and below shall conform to Table 55.07-15 (e12). Service pressure ratings for carbon-molybdenum steel for temperatures of 875° F. and below, and low chrome-molybdenum alloy ferritic steel pipe flanges and flanged fittings for temperatures of 1,000° F. and below shall conform to Table 55.07-15 (e13). Service pressure ratings for higher chromemolybdenum alloy ferritic and austenitic steel pipe flanges and flanged fittings for use in connection with design temperatures exceeding 1,000° F. will be given special consideration by the Commandant.

TABLE 55.07-15 (e12)—SERVICE PRESSURE RATINGS FOR CARBON STEEL PIPE FLANGES AND FLANGED FITTINGS[1]

	Carbon steel flanges and flanged fittings at temperatures 800° F. and below with standard facings (other than ring joint facings)						Carbon steel flanges and flanged fittings at temperatures 800° F. and below with ring-joint facings					
Primary service pressure ratings	150	300	400	600	900	1,500	150	300	400	600	900	1,500
Maximum hydrostatic shell test pressures[2]	350	900	1,200	1,800	2,700	4,500	425	1,100	1,450	2,175	3,250	5,400
Service temperatures (°F.)	Maximum, nonshock, service pressure ratings at temperatures from 100° to 800° F.						Maximum, nonshock, service pressure ratings at temperatures from 100° to 800° F.					
100	220	600	800	1,200	1,800	3,000	275	720	960	1,440	2,160	3,600
150	220	590	785	1,180	1,770	2,950	275	710	945	1,420	2,130	3,550
200	211	580	770	1,160	1,740	2,900	240	700	930	1,400	2,100	3,500
250	205	560	750	1,120	1,680	2,800	215	675	900	1,350	2,025	3,375
300	190	550	740	1,100	1,650	2,750	195	660	880	1,320	1,980	3,300
350	180	550	725	1,085	1,625	2,710	195	650	870	1,305	1,955	3,255
400	170	540	710	1,075	1,615	2,690	180	655	850	1,280	1,925	3,210
450	160	525	700	1,050	1,580	2,630	165	640	855	1,285	1,875	3,125
500	150	515	685	1,030	1,540	2,570	150	630	840	1,260	1,890	3,150
550	140	475	630	950	1,420	2,370	140	620	790	1,180	1,775	2,955
600	130	445	590	890	1,330	2,220	130	555	740	1,110	1,660	2,770
650	120	415	550	830	1,240	2,070	120	515	690	1,030	1,550	2,580
700	110	380	510	760	1,140	1,900	110	475	635	950	1,425	2,375
750	100	340	450	680	1,020	1,700	100	425	565	850	1,275	2,125
800	90	310	410	620	930	1,550	90	385	515	770	1,160	1,930

[1] All pressures are in pounds per square inch, gauge.
[2] All tests shall be made with water at a temperature not to exceed 125° F.
[3] Primary service pressure rating.

TABLE 55.07-15 (e13)—SERVICE PRESSURE RATINGS FOR ALLOY STEEL PIPE FLANGES AND FLANGED FITTINGS[1]

	Alloy steels of suitable heat resistant properties at temperatures 1,000° F. and below with standard facings (other than ring joints)[2]						Alloy steels of suitable heat resistant properties at temperatures 1,000° F. and below with ring joint facings[2]					
Primary service pressure ratings	300	400	600	900	1,500	2,500	300	400	600	900	1,500	2,500
Maximum hydrostatic shell test pressures[3]	900	1,200	1,800	2,700	4,500	7,500	1,100	1,450	2,175	3,250	5,400	9,000
Service temperatures (° F.)	Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.						Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.					
100	600	800	1,200	1,800	3,000	5,000	720	960	1,440	2,160	3,600	6,000
150	590	785	1,180	1,770	2,950	4,915	710	945	1,420	2,130	3,550	5,915
200	580	770	1,160	1,740	2,900	4,830	700	930	1,400	2,100	3,500	5,830
250	560	750	1,120	1,680	2,800	4,660	675	900	1,350	2,025	3,375	5,625
300	550	740	1,100	1,650	2,750	4,585	660	880	1,320	1,980	3,300	5,525
350	550	725	1,085	1,625	2,710	4,525	650	870	1,305	1,955	3,255	5,425
400	540	710	1,075	1,615	2,690	4,475	645	850	1,280	1,925	3,210	5,350
450	525	700	1,050	1,580	2,630	4,385	625	855	1,285	1,875	3,125	5,210
500	515	685	1,030	1,540	2,570	4,285	590	840	1,260	1,890	3,150	5,250
550	475	630	950	1,420	2,370	3,950	555	790	1,180	1,775	2,955	4,925
600	445	590	890	1,330	2,220	3,700	520	740	1,110	1,660	2,770	4,620
650	415	550	830	1,240	2,070	3,450	515	690	1,030	1,550	2,580	4,300
700	380	510	760	1,140	1,900	3,170	475	635	950	1,425	2,375	3,960
750	340	450	680	1,020	1,700	2,835	425	565	850	1,275	2,125	3,540
800	310	410	620	930	1,550	2,580	385	515	770	1,160	1,930	3,215
850	280	370	560	840	1,400	2,335	350	465	700	1,050	1,745	2,910
900	250	330	500	750	1,250	2,085	315	415	625	940	1,560	2,600
950	220	290	440	660	1,100	1,830	275	365	550	825	1,375	2,290
1,000	190	250	380	570	950	1,580	240	315	475	710	1,190	1,975

[1] All pressures are in pounds per square inch, gauge.
[2] Carbon-molybdenum steel flanges and flanged fittings are not permitted for temperatures exceeding 875° F.
[3] All tests shall be made with water at a temperature not to exceed 125° F.
[4] Primary service pressure ratings.

TABLE 55.07-15 (e6)—STEEL FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	600 pounds							900 pounds						
	Outside diameter of flange (inches)	Thickness of flange; minimum (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fittings; minimum (inches)	Hub diameter at base (inches)	Outside diameter of flange (inches)	Thickness of flange; minimum (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fittings; minimum (inches)	Hub diameter at base (inches)
¼	3¾	9/16	2⅝	4	½	⅜	1⅛	4¾	11/16	3⅛	4	½	⅜	1⅛
½	3¾	9/16	2⅝	4	½	⅜	1⅛	4¾	11/16	3⅛	4	½	⅜	1⅛
¾	4⅝	11/16	3⅛	4	½	⅜	1⅜	5⅛	13/16	3½	4	½	⅜	1⅜
1	4⅞	11/16	3½	4	½	⅜	1⅝	5½	15/16	3¾	4	½	⅜	1⅝
1¼	5¼	¾	3⅞	4	½	⅜	1⅞	6¼	1	4⅛	4	⅝	⅜	1⅞
1½	6⅛	¾	4½	4	⅝	⅜	2⅛	6½	1 1/16	4⅝	4	⅝	⅜	2⅛
2	6½	¾	5	8	⅝	⅜	2⅜	7	1⅛	5	8	⅝	⅜	2⅜
2½	7⅜	⅞	5½	8	⅝	⅜	2⅝	7¾	1 3/16	5½	8	¾	⅜	2⅝
3	7½	⅞	6	8	¾	⅜	2⅞	8¼	1 5/16	6	8	¾	⅜	2⅞
3½	8½	15/16	7	8	¾	⅜	3⅛	9	1 7/16	6½	8	¾	⅜	3⅛
4	9	15/16	7½	8	¾	⅜	3⅜	9½	1 7/16	7	8	¾	⅜	3⅜
5	10½	1 1/16	8½	8	¾	⅜	3⅞	11	1 9/16	8	8	¾	⅜	3⅞
6	12	1⅛	9½	12	¾	⅜	4⅜	12½	1 11/16	9	12	¾	⅜	4⅜
8	13½	1⅛	11¾	12	¾	⅜	5⅜	13½	1 13/16	11	12	¾	⅜	5⅜
10	16½	1 5/16	14¼	16	⅞	⅜	6⅜	16½	2 1/16	13½	16	⅞	⅜	6⅜
12	19	1 7/16	16½	20	⅞	⅜	7⅜	19	2 3/16	15½	20	⅞	⅜	7⅜
14 O. D.	21	1 7/16	18¾	20	1	⅜	8	21	2 5/16	17	20	1	⅜	8
16 O. D.	23½	1 9/16	21	20	1	⅜	8⅝	23½	2 7/16	19¼	20	1	⅜	8⅝
18 O. D.	25½	1 11/16	23	24	1	⅜	9⅜	25½	2 9/16	21	24	1	⅜	9⅜
20 O. D.	28	1 13/16	25¼	24	1⅛	⅜	10	28	2 11/16	23	24	1⅛	⅜	10
24 O. D.	33	2	29½	24	1¼	⅜	11	33	2 15/16	27¼	24	1¼	⅜	11

[1] A raised face of ¼ inch is not included in the minimum thickness of flanges.

TABLE 55.07-15 (e9)—STEEL FLANGED FITTINGS AND COMPANION FLANGES

[For maximum steam service pressure at a temperature of 750° F.]

Nominal pipe size (inches)	1,500 pounds							2,500 pounds						
	Outside diameter of flange (inches)	Thickness of flange; minimum (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fittings; minimum (inches)	Hub diameter at base (inches)	Outside diameter of flange (inches)	Thickness of flange; minimum (inches)	Diameter of bolt circle (inches)	Number of bolts	Size of bolts (inches)	Metal thickness of fittings; minimum (inches)	Hub diameter at base (inches)
¼	3¾	9/16	2⅝	4	½	⅜	1⅛	4¾	11/16	3⅛	4	½	⅜	1⅛
½	3¾	9/16	2⅝	4	½	⅜	1⅛	4¾	11/16	3⅛	4	½	⅜	1⅛
¾	4⅝	11/16	3⅛	4	½	⅜	1⅜	5⅛	13/16	3½	4	½	⅜	1⅜
1	4⅞	11/16	3½	4	½	⅜	1⅝	5½	15/16	3¾	4	½	⅜	1⅝
1¼	5¼	¾	3⅞	4	½	⅜	1⅞	6¼	1	4⅛	4	⅝	⅜	1⅞
1½	6⅛	¾	4½	4	⅝	⅜	2⅛	6½	1 1/16	4⅝	4	⅝	⅜	2⅛
2	6½	¾	5	8	⅝	⅜	2⅜	7	1⅛	5	8	⅝	⅜	2⅜
2½	7⅜	⅞	5½	8	⅝	⅜	2⅝	7¾	1 3/16	5½	8	¾	⅜	2⅝
3	8¼	1	6⅛	8	¾	⅜	3⅛	8¼	1 5/16	6	8	¾	⅜	3⅛
3½	8¾	1 1/16	6½	8	¾	⅜	3⅜	9	1 7/16	6½	8	¾	⅜	3⅜
4	9⅜	1⅛	7	8	⅞	⅜	3⅝	9½	1 7/16	7	8	¾	⅜	3⅝
5	11	1 5/16	8½	8	1	⅜	4⅜	11	1 9/16	8	8	¾	⅜	4⅜
6	12½	1 7/16	9½	12	1	⅜	5	12½	1 11/16	9	12	¾	⅜	5
8	15	1 11/16	11¾	12	1⅛	⅜	6⅛	13½	1 13/16	11	12	¾	⅜	6⅛
10	18½	2 1/16	14¼	16	1¼	⅜	7⅛	16½	2 1/16	13½	16	⅞	⅜	7⅛
12	21½	2 3/16	16½	20	1¼	⅜	8⅛	19	2 3/16	15½	20	⅞	⅜	8⅛
14 O. D.	24	2 5/16	18¾	20	1⅜	⅜	8⅝	21	2 5/16	17	20	1	⅜	8⅝
16 O. D.	27¼	2 7/16	21	20	1⅜	⅜	9⅜	23½	2 7/16	19¼	20	1	⅜	9⅜
18 O. D.	30	2 9/16	23	24	1⅜	⅜	10	25½	2 9/16	21	24	1	⅜	10
20 O. D.	32½	2 11/16	25¼	24	1½	⅜	10⅝	28	2 11/16	23	24	1⅛	⅜	10⅝
24 O. D.	37	3	29½	24	1¾	⅜	11⅝	33	2 15/16	27¼	24	1¼	⅜	11⅝

[1] A raised face of ¼ inch is not included in the minimum thickness of flanges.

TABLE 55.07-15 (e13)—SERVICE PRESSURE RATINGS FOR ALLOY STEEL PIPE FLANGES AND FLANGED FITTINGS[1]—Con.

	Alloy steels of suitable heat resistant properties at temperatures 1,000° F. and below with standard facings (other than ring joints)[2]						Alloy steels of suitable heat resistant properties at temperatures 1,000° F. and below with ring joint facings[2]					
Primary service pressure ratings	300	400	600	900	1,500	2,500	300	400	600	900	1,500	2,500
Maximum hydrostatic shell test pressures[3]	900	1,200	1,800	2,700	4,500	7,500	1,100	1,450	2,175	3,250	5,400	9,000
Service temperatures (° F.)	Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.						Maximum, nonshock, service pressure ratings at temperatures from 100° to 1,000° F.					
850	320	425	640	960	1,600	2,665	350	475	705	1,050	1,750	2,925
900	[4]300	[4]400	[4]600	[4]900	[4]1,500	[4]2,500	325	425	650	975	1,625	2,700
950	265	350	530	795	1,325	2,205	[4]300	[4]400	[4]600	[4]900	[4]1,500	[4]2,500
1,000	190	250	380	570	950	1,580	230	310	470	700	1,170	1,950

[1] All pressures are in pounds per square inch, gauge.
[2] Carbon-molybdenum steel flanges and flanged fittings are not permitted for temperatures exceeding 875° F.
[3] All tests shall be made with water at a temperature not to exceed 125° F.
[4] Primary service pressure ratings.

(f) **Flanges** shall be attached to the pipe by any method shown by figures 55.07-15 (f1) to 55.07-15 (f15), inclusive, or by any additional means that may be approved by the Commandant.

(1) *Figure 55.07-15 (f1).* Flanges with screwed threads may be used for class I piping not exceeding 2 inches nominal pipe size. For class II piping, flanges with screwed threads may be used without diameter limitation.

(2) *Figure 55.07-15 (f2).* 150-pound and 300-pound low-hubbed flanges with screwed threads plus the addition of a strength fillet weld of the size as shown may be used for class I piping without diameter limitation for temperatures not exceeding 750° F., subject to the pressures and temperatures as given in Table 55.07-15 (e12).

(3) *Figure 55.07-15 (f3).* 150-pound and 300-pound slip-flanges may be used for class I piping for temperatures not exceeding 450° F. For Class II piping slip-on flanges may be used for pressures and temperatures not exceeding the limitations as given in table 55.04-5.

(4) *Figure 55.07-15 (f4).* Socket welding flanges may be used for class I piping of nominal pipe size not exceeding 2 inches. For class II piping, socket welding flanges may be used without diameter limitation.

(5) *Figure 55.07-15 (f5).* Flanges machined from steel plate meeting the requirements of subpart 51.22 may be used for class II piping for pressures not exceeding 125 pounds per square inch and temperatures not exceeding 450° F. The machined flanges shall comply with table 55.07-15 (e5).

(6) *Figure 55.07-15 (f6).* Steel plate flanges meeting the material and construction requirements listed in figure 55.07-15 (f5) may be used for class II piping for pressures not exceeding 150 pounds per square inch or temperatures not exceeding 650° F. The flange shall be attached to the pipe as shown by figure 55.07-15 (f6). For temperatures exceeding 500° F. the pressure shall not exceed that permitted by table 55.07-15 (e12).

(7) *Figure 55.07-15 (f7).* Lap joint flanges (Van Stone) may be used for class I and class II piping. The Van Stone equipment shall be operated by qualified personnel and the ends of the pipe shall be heated from 1,650° F. to 1,900° F. dependent upon the size of the pipe prior to the flanging operation. The foregoing temperatures shall be carefully adhered to in order to prevent excess scaling of the pipe. The extra thickness of metal built up in the end of the pipe during the forming operation shall be machined to restore the pipe to its original diameter. The machined surface shall be free from surface defects and the back of the Van Stone lap shall be machined to a fine tool finish to furnish a line contact with the mating surface on the flange for the full circumference as close as possible to the fillet of the flange. The number of heats to be used in forming a flange shall be determined by the size of the pipe and not more than two push-ups per heat are permitted. The width of the lap flange shall be at least three times the thickness of the pipe wall and the end of the pipe shall be properly stress-relieved after the flanging operation is completed. Manufacturers desiring to employ this type of joint shall demonstrate to an inspector that they have the proper equipment and personnel to produce acceptable lap joints.

(8) *Figure 55.07-15 (f8).* Welding neck flanges may be used on any piping provided the flanges are butt-welded to the pipe. The joint shall be welded as indicated by figure 55.07-15 (f8) and a backing ring employed which will permit complete penetration of the weld metal.

(9) *Figure 55.07-15 (f9).* Welding neck flanges may also be attached to pipe by a double-welded butt joint as shown by figure 55.07-15 (f9).

(10) *Figure 55.07-15 (f10).* Flanges may be attached by shrinking the flange on to the end of the pipe and flaring the end of the pipe to an angle or not less than 20°. A fillet weld of the size shown by figure 55.07-15 (f10) shall be used to attach the hub to the pipe. This type of flange is limited to a maximum pressure of 300 pounds per square inch at temperatures not exceeding 500° F.

(11) *Figure 55.07-15 (f11).* The flange of the type described and illustrated by figure 55.07-15 (f10), except with the fillet weld omitted, may be used for class II piping for pressures not exceeding 150 pounds per square inch and temperatures not exceeding 450° F.

(12) *Figure 55.07-15 (f12).* High-hub bronze flanges may be used for temperatures not exceeding 406° F. The hub of the flange shall be bored to a depth of not less than that required for a threaded connection of the same diameter leaving a shoulder for the pipe to butt against. A preinserted ring of silver brazing alloy having a melting point of not less than 1,000° F. and of sufficient quantity to fill the annular clearance between the flange and the pipe shall be inserted in the groove. The pipe shall then be inserted in the flange and sufficient heat applied externally to melt the brazing alloy until it completely fills the clearance between the hub and the flange of the pipe. A suitable flux shall be applied to the surfaces to be joined to produce a satisfactory joint. (For clearances of silver soldered joints, see § 56.10–30 (e) of this chapter.)

(13) *Figure 55.07–15 (f13).* The type of flange as described for figure 55.07–15 (f12) may be employed and in lieu of an annular groove being machined in the hub of the flange for the preinserted ring of silver brazing alloy, a bevel may be machined on the end of the hub and the silver brazing alloy introduced from the end of the hub to attach the pipe to the flange. (For clearances of silver soldered joints, see § 56.10–30 (e) of this chapter.)

(14) *Figure 55.07–15 (f14).* Flanges may be attached to nonferrous pipe by inserting the pipe in the flange and flanging the end of the pipe into the recess machined in the face of the flange to receive same. The width of the flange shall be not less than three times the pipe wall thickness. In addition thereto, the pipe shall be securely brazed to the wall of the flange. This flange is limited to a maximum temperature of 406° F.

(15) *Figure 55.07–15 (f15).* The flange of the type described and illustrated by figure 55.07–15 (f14), except with the brazing omitted, may be used for class II piping and where the temperature does not exceed 250° F.

§ 55.07-20 *Bolting.* (a) Valves, fittings and flanges for piping systems shall have bolting complying with the standards for the various pressure ratings as given in tables 55.07–15 (e1) to 55.07–15 (e11), inclusive. For the design requirements of bolted flanged connections on pressure vessels, see § 54.03-25 of this subchapter.

(b) Bolting material shall comply with the requirements of § 54.03–25 of this subchapter.

§ 55.07-25 *Installation.* (a) Slip joints shall not be used in cargo holds, deep tanks, and in other places that are not always accessible, except that they may be used in cargo lines of tank vessels. Where used, slip joints shall be provided with positive means for preventing the end of the pipe from pulling out of the joint.

(b) Pumps used to transfer oil shall have no discharge connections to firemains, boiler feed systems, or condensers unless approved positive means are provided to prevent oil from being accidentally discharged into any of the aforementioned systems.

(c) Piping may be run through deep tanks or fuel tanks, provided a pipe tunnel is installed. Where a pipe tunnel is installed, the watertight integrity of the bulkheads shall be maintained, and if the tunnel is not of sufficient size to afford easy access, no valve or fitting shall be located therein. Bilge and ballast piping may be run through such tanks without a pipe tunnel, where the thickness of the piping is not less than Schedule 80, expansion bends are fitted, and all joints within the tanks are welded.

(d) Where pipes are carried through watertight or oiltight bulkheads, decks or tank tops, the watertight integrity of the structure shall be maintained. Where plate insert pads are used, bolted connections shall have threads tapped into the plate to a depth of not less than the diameter of the bolt. If welded, the pipe or flange shall be welded to both sides of the plating. Openings in structure through which pipes pass shall be reinforced where necessary. Flanges shall not be bolted to bulkheads so that the plate forms a part of the joint.

(e) Piping shall not be run over or in the vicinity of switchboards or other electrical equipment if avoidable. When such leads are necessary, welded joints only shall be used and provision shall be made to prevent leakage from damaging the equipment.

(f) Fresh water piping shall not run through oil tanks nor oil piping through fresh water tanks. Care should be taken to prevent the accidental contamination of fresh water from salt water lines.

(g) Stuffing boxes shall not be used on deep tank bulkheads, double bottoms or in any position where they cannot be easily examined. This requirement does not apply to ore carriers operating on the Great Lakes or cargo lines of oil tankers.

(h) Piping systems shall be installed so that under no condition will the operation of safety or relief valves be impaired.

(i) (1) Remote valve controls which are not readily identifiable as to service shall be fitted with name plates. Remote valve controls shall always be accessible under service conditions and an indicator shall be fitted to show whether the valve is open or closed. Valve control rods shall be adequately protected and only solid reach rods shall be used in tanks containing liquids, except that tank barges having plug cocks inside cargo tanks may have reach rods of extra heavy pipe with annular space between the lubricant tube and the pipe wall sealed with a non-soluble material to prevent penetration of the cargo.

(2) Where air operated remote control valves are installed, a self-indicating air cock and a pressure gauge or other acceptable means shall be provided in the actuating line to the remote valve as close as possible to the control board to indicate whether the remote control valve is open or closed.

(j) Suitable drains shall be provided at low points of piping systems.

(k) Valves and cocks shall be located so as to be easily accessible and valves or cocks attached to the shell of the vessel or to sea chests located below the floor plating shall be operable from above the floor plates.

(l) When welded fabrication is employed, a sufficient number of detachable joints shall be provided to facilitate overhauling and maintenance of machinery and appurtenances. The joints shall be located so that adequate space is provided for welding, and the location of the welds shall be indicated on the plans.

(m) Pipes piercing the collision bulkhead shall be fitted with screw-down valves operable from above the bulkhead deck and the valve shall be secured to the bulkhead fitting inside the forepeak tank. Passenger vessels shall not have the collision bulkhead pierced below the margin line by more than one pipe conveying liquids in the forepeak tank.

(n) Valves and cocks not forming part of a piping system are not permitted in watertight subdivision bulkheads.

(o) (1) Piping systems which may be subjected to pressures exceeding that for which same are designed shall be provided with a pressure reducing valve, and on the low pressure side of the reducing station a relief valve and pressure gauge shall also be installed.

(2) The relief valves installed on reduced pressure lines shall have a relieving capacity at least equal to the capacity of the pressure reducing valve at a pressure of not more than the design pressure of the reduced pressure piping or any appurtenance thereof, whichever is the lesser.

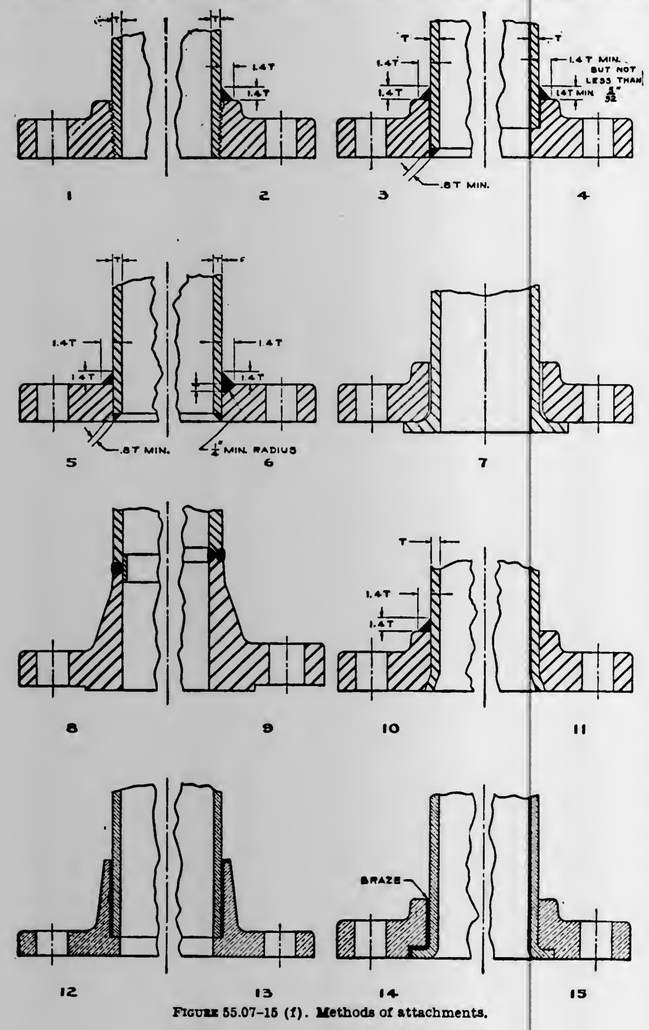

FIGURE 55.07-15 (f). Methods of attachments.

(p) Fuel oil service, cargo and fuel oil transfer and boiler feed pumps shall be provided with a pressure gauge. Relief valve shall also be installed in the discharge line provided the piping system or appurtenances are not designed for the pressure which such pumps are capable of developing when operating under shut-off head.

(q) Valves for fuel oil equalizing lines in machinery spaces shall comply with § 55.10–35 (d). Where flooding equalizing cross-connections are required for stability considerations, the arrangement shall be approved by the Commandant.

(r) Where pipes are run through cargo spaces and coal bunkers, they shall be substantially encased to protect them from mechanical injury. In coal bunkers such casings shall be made of steel.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333; 50 U. S. C. App. 1275)

SUBPART 55.10—PUMPING ARRANGEMENTS AND PIPING SYSTEMS

2. Section 55.10–10 is amended to read as follows:

§ 55.10–10 *Boiler feed piping.*—(a) *General requirements.* (1) Steam vessels shall have at least two entirely separate means of supplying feed water for power boilers, except donkey boilers and installations where the unit feed system is employed. All feed pumps shall be fitted with the necessary connections for this purpose.

(2) Feed pump supply to power boilers may utilize the group feed system or the unit feed system.

(3) Feed discharge piping shall be designed for not less than either (i) 125 percent of the maximum allowable pressure of the boiler; or (ii) the feed pump relief valve setting, or shut-off head when a pump relief valve is not fitted; whichever is the greater.

(4) Feed pumps for water tube boilers shall have fresh water connections only.

(b) *Feed valves.* (1) Stop and stop-check valves shall be fitted in the main feed line and shall be attached as close as possible to the drum feed inlet nozzles or to the economizer feed inlet nozzles on boilers fitted with integral economizers.

(2) Where the installation will not permit the feed stop valve to be attached directly to the drum inlet nozzle on boilers not fitted with economizers, a distance piece may be installed between the stop valve and the inlet nozzle.

(3) Consideration will be given by the Commandant to the location of the feed stop or stop-check valves near the operating platform on boilers fitted with economizers, provided the piping between the valves and the economizer is installed without intervening flanged connections and all butt-welded joints 4 inches and above in diameter are radiographed the full circumference of the welds are required by § 56.05–5 of this subchapter.

(4) Auxiliary feed lines shall be fitted with stop valves and stop-check valves. Boilers not having auxiliary feed water nozzles, or where independent auxiliary feed lines are not installed, shall have the auxiliary feed line to the drum or economizer connected to the main feed line as close as possible to the main feed stop valves; and the valves in the auxiliary feed line shall be fitted as close as possible to the junction point.

(5) Boilers fitted with economizers shall have a check valve fitted in the economizer discharge and located as close as possible to the drum feed inlet nozzle. When economizer by-passes are fitted, a stop-check valve shall be installed in lieu of the aforementioned check valve.

(6) A sentinel valve shall be fitted to an economizer when a by-pass is installed.

(c) *Feed-water regulators, feed-water heaters and grease extractors.* (1) Feed-water regulators, feed-water heaters, and grease extractors, where installed, shall be fitted with by-passes.

(2) Feed-water regulators designed with a built-in by-pass for emergency use need not be fitted with an external by-pass when installed in a feed system provided with an auxiliary feed line. All feed-water regulators installed in a unit feed system shall be fitted with an external by-pass. Feed-water regulator by-passes shall be so arranged that the regular feed valves are in operation while the by-pass is in use.

(3) A feed-water regulator may be interposed between the stop and stop-check valves in the feed lines.

(d) *Group feed system.* Group feed systems shall be provided with pumps and piping as follows:

(1) Ocean-going and Great Lakes steam vessels, having a feed pump attached to the main propelling unit, shall be provided with at least one independently driven feed pump. Each of these pumps shall be used exclusively for feed purposes and shall be capable of supplying the operating boilers at their normal capacity. In addition, a second independently driven pump, capable of supplying such boilers at 75 percent of their normal capacity, shall be provided for emergency use. This second pump may be used for other purposes.

(2) If two independently driven pumps are provided, each capable of supplying the operating boilers at their normal capacity, and neither of which is used for other purposes, the third or emergency feed pump is not required.

(3) River or harbor steam vessels shall have at least two means for feeding the boilers; one of which shall be an independently driven pump, the other may be an attached pump, an additional independently driven pump, or an injector.

(e) *Unit feed system.* Unit feed systems shall be provided with pumps and piping as follows:

(1) The unit feed system may be used on vessels having two or more boilers. When the unit feed system is employed each boiler shall have its own independently driven main feed pump capable of supplying the boiler at its normal operating capacity. In addition there shall be an auxiliary independently driven feed pump of the same capacity which can be operated in place of and in conjunction with the main feed pump. In vessels with two boilers there shall be provided one auxiliary pump for each boiler. In vessels with three or more boilers, not more than two boilers may be served by any one auxiliary pump. The auxiliary pump may be so interconnected that any pump can feed any boiler.

(2) In the unit feed system, a separate feed line shall be provided for each boiler from its pumps. A separate auxiliary feed line is not required. The discharge from each pump and the feed supply to each boiler shall be automatically controlled by the level of the water in that boiler. In addition to the automatic control, manual control shall be provided.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

3. Section 55.10–15 (b) is amended to read as follows:

§ 55.10–15 *Blow-off piping.* • • •

(b) Blow-off piping external to the boiler shall be designed for not less than 125 percent of the maximum allowable pressure of the boiler.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

4. Sections 55.10–25 and 55.10–30 are amended to read as follows:

§ 55.10–25 *Bilge and ballast piping.*

(a) All vessels shall be provided with a satisfactory pumping plant capable of pumping from and draining any watertight compartment under all practical conditions after a casualty when the vessel is upright or listed. For this purpose wing suctions will generally be necessary except in narrow compartments at the ends of the vessel. Arrangements shall be made whereby water in the compartments will drain to the suction pipes. Efficient means shall be provided for draining water from all tank tops, other watertight flats and holds. Peak tanks, chain lockers and decks over peak tanks may be drained by eductors, ejectors or hand pumps. Where piping is led through the forepeak bulkhead, see § 55.07–25 (m).

(b) Passenger vessels shall have provision made to prevent the compartment served by any bilge suction piping from being flooded in the event the pipe is severed or otherwise damaged by collision or grounding in any other compartment. Where the piping is located within one-fifth of the beam of the side

of the vessel[1] or in a ductkeel, a nonreturn valve shall be fitted to the end of the pipe in the compartment which it serves.

(c) (1) Bilge suctions shall be led from manifolds, which shall be controlled above the floor plating in the compartment in which they are located, and shall be easily accessible at all times. Valves in the machinery space controlling bilge suctions from various compartments shall be of the stop-check type.

(2) Passenger vessels shall have the bilge manifolds arranged so that in the event of flooding, one of the bilge pumps can take suction from any compartment. If a bilge system common to all pumps is installed, the necessary valves for controlling the bilge suctions shall be operable from above the bulkhead deck. If, in addition to the main bilge pumping system, an emergency bilge pumping system is installed, it shall be so arranged that the emergency bilge pump may take suction from any flooded compartment.

(d) The internal diameter of bilge suction pipes shall be determined by the following formulas, except that the nearest commercial size not more than one-fourth inch under the required diameter may be used.

(1) For suctions to each main bilge pump:

$$d=1+\sqrt{\frac{L\ (B+D)}{2,500}} \qquad (1)$$

(2) For branch suctions to cargo and machinery spaces:

$$d=1+\sqrt{\frac{c\ (B+D)}{1,500}} \qquad (2)$$

where:

L = length of vessel, in feet on load water line.
B = breadth of vessel, in feet.
D = molded depth to bulkhead deck, in feet.
c = length of compartment, in feet.
d = required internal diameter of suction pipe, in inches.

NOTE: For tankers L may be reduced by the combined length of the cargo oil tanks.

(3) No main suction piping shall be less than 2½ inches internal diameter. No branch piping need be more than 4 inches nor less than 2 inches in diameter except for drainage of small pockets or spaces in which case 1½ inches diameter may be used.

(4) For vessels of 65 feet in length or less and not engaged on an international voyage, the bilge pipe sizes computed by formulas (1) and (2) of this paragraph are not mandatory, but in no case shall the size be less than 1 inch nominal pipe size.

(5) The number, location and size of bilge suctions in the boiler and machinery compartments shall be determined when the piping plans are submitted for approval and shall be based upon the size of the compartments and the drainage arrangements.

(e) One of the independent bilge pumps shall have a suction of a diameter not less than that given by formula (2) led directly from the engine room bilge entirely independent of the bilge main, and on passenger vessels each independent bilge pump located in the machinery spaces shall have such direct suctions from these spaces, except that not more than two pumps are required to have direct suctions from any one space. Where two direct suctions are required in any one compartment on passenger vessels, one suction shall be located on each side of the compartment. If watertight bulkheads separate the engine and boiler rooms, a direct suction or suctions shall be fitted to each compartment unless the pumps available for bilge service are distributed throughout these compartments, in which case at least one pump in each such compartment shall be fitted with direct suctions in its compartment.

(f) Main circulating pumps shall be fitted with direct suction connections provided with nonreturn valves in the machinery space. Great Lakes cargo vessels may have the emergency bilge suction connected to the largest available pump in the machinery space, provided it has a capacity not less than that of the main circulating pump. The diameter of such suction pipes shall be not less than two-thirds of the diameter of the main sea inlet. Where coal is used as fuel and no watertight bulkhead is provided between the engine and boiler rooms, a direct discharge overboard shall be fitted from at least one circulating pump, or a by-pass may be fitted to the circulating discharge.

(g) For internal-combustion engine installations, the emergency bilge suction shall be connected to the largest available pump in the engine room and shall have an area equal to the full suction inlet of the pump. This requirement is in addition to the independent bilge suction stipulated in paragraph (e) of this section.

(h) Each individual bilge suction shall be fitted with a suitable bilge strainer having an open area of not less than three times that of the suction pipe. In addition a mud box or basket strainer shall be fitted in an accessible position between the bilge suction manifold and the pump.

(i) Pipes for draining cargo or machinery spaces shall be separate from pipes which are used for filling or emptying spaces where water or oil is carried and shall be controlled by separate valves at the pumps so arranged as to preclude the entrance of water or oil into cargo or machinery spaces. The requirements of this paragraph do not apply to bilge and ballast systems on Great Lakes cargo vessels which may employ a common line for the bilge and ballast system for the cargo spaces.

(j) Bilge and ballast pumping systems shall be so arranged as to prevent water from the sea or from ballast spaces from entering cargo or machinery spaces, or from passing from one compartment to another. Blind flanges or reversible pipe fittings may be employed for blanking-off oil and ballast lines when cargo is carried in deep tanks, or for blanking-off the bilge suctions when oil is carried.

§ 55.10–30 *Bilge pumps*—(a) *Self-propelled vessels.* (1) All self-propelled vessels shall be provided with power pumps connected to the bilge main as required in table 55.10–30 (a).

TABLE 55.10-30 (a)—POWER BILGE PUMPS REQUIRED FOR SELF-PROPELLED VESSELS

Vessel length	Passenger vessels			Dry cargo vessels		Tank vessels
	International voyage [2]	Ocean, coastwise, and Great Lakes	All other	Ocean, coastwise, and Great Lakes	All other	All
180 feet or more	[3] 3	[3] 3	2	[4] 3	[4] 2	2
Below 180 feet and exceeding 65 feet	[3] 3	[3] 2	[3] 2	[4] 2	[4] 2	2
65 feet or less	[3] 3	[3] 1	[3] 1	[4] 1	[4] 1	[5] 1

[1] Not applicable to passenger vessels which do not proceed more than 20 miles from the nearest land, or which are employed in the carriage of large numbers of unberthed passengers in special trades.
[2] When the criterion numeral exceeds 30 on passenger vessels, an additional independent power driven bilge pump is required. (See Part 46 of Subchapter E (Load Lines) of this chapter for determination of criterion numeral.)
[3] Vessels operating on lakes (including Great Lakes), bays, sounds, or rivers where steam is always available, or where suitable water supply is available from a power pump of adequate pressure and capacity, syphons or eductors may be substituted for one of the required power pumps, provided a syphon or eductor is permanently installed in each hold or compartment.
[4] Two acceptable hand pumps may be substituted for one of the independent power pumps.

(2) On passenger vessels 300 feet or more in length engaged in international voyages, or passenger vessels 180 feet or more in length and operating more than 200 miles offshore, or on all passenger vessels having a criterion numeral of 30 or more, one of the power bilge pumps shall be available at all times for use under emergency conditions in which a vessel may be flooded at sea. One of the following installations will be considered as complying with the requirements of this paragraph.

(i) One of the required bilge pumps is an emergency pump of a reliable submersible type, the source of power for which shall be located above the bulkhead deck; or,

(ii) The bilge pumps and their sources of power are located throughout the ship so that under any condition of flooding which the vessel is required to withstand, at least one pump will be available in an undamaged compartment.

(3) One of the required power bilge pumps may be attached to the propelling engine.

(4) The bilges forward of the cargo tanks on tank ships may be drained by a power or hand pump, syphons, or eductors. If syphons or eductors are employed, the same shall be permanently installed in each compartment.

(5) On Great Lakes cargo vessels which do not employ a common bilge main, the pumps used for bilge suction are not required to be connected to a bilge main.

(b) *Non-self-propelled vessels.* (1) Oceangoing sailing vessels and barges shall be provided with pumps connected to the bilge main as required in table 55.10–30 (b).

TABLE 55.10-30 (b)—BILGE PUMPS REQUIRED FOR NON-SELF-PROPELLED VESSELS

Type of vessel	Waters navigated	Power [1] pumps	Hand pumps
Sailing	Ocean and coastwise	2	[2]
Manned barges	do	2	[2]
Unmanned barges	All	[2]	[2]

[1] Where power is always available, independent power bilge pumps shall be installed as required and shall be connected to the bilge main.
[2] Efficient hand pumps connected to the bilge main may be substituted for the power pumps. Where there is no common bilge main, one hand pump will be required for each compartment.
[3] Suitable hand or power pumps or syphons, portable or fixed, carried either on board the barge or on the towing vessel shall be provided.

(2) The pumps and source of power for operation on oceangoing sailing vessels and barges shall be located above the bulkhead deck or at the highest convenient level which is always accessible.

(c) *Capacity of independent power pumps.* Each independent power pump shall have a capacity developing a suction velocity of not less than 400 ft. per minute through the size of pipe required by § 55.10–25 under ordinary conditions, except that for vessels of less than 65 feet in length not engaged on international voyages the pump shall have a minimum capacity of 50 gallons per minute and need not meet the velocity requirement of this paragraph.

(d) *Priming.* Suitable means shall be provided for priming centrifugal pumps which are not of the self-priming type.

(e) *Location.* The power bilge pumps on passenger vessels shall be located in separate watertight compartments and so arranged that these compartments will not readily be flooded by the same damage. If the engines and boilers are in two or more watertight compartments, the bilge pumps shall be distributed throughout these compartments. When the location of bilge pumps in separate watertight compartments is not possible, the Commandant will consider alternate arrangements of the bilge pumps.

(f) *Other pumps.* Sanitary, ballast, and general service pumps having the required capacity may be accepted as independent power bilge pumps if fitted with the necessary connections to the bilge pumping system.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

5. Section 55.10–40 (b) is amended to read as follows:

§ 55.10–40 *Fuel oil service systems.* • • •

(b) (1) All vessels having oil fired power boilers shall have at least two fuel oil service pumps each of sufficient capacity to supply all the boilers at full power, and arranged so that one may be overhauled while the other is in service. At least two fuel oil heaters of approximately equal capacity shall be installed and so arranged that any heater may be overhauled while the other(s) are in service. Suction and discharge strainers shall be of the duplex or other type capable of being cleaned without interrupting the oil supply.

(2) Vessels having auxiliary package boilers not exceeding 3000 pounds per hour generating capacity may be equipped with a single fuel oil service pump and single fuel oil heater, and in addition such pumps need not be fitted with discharge strainers.

(3) Boilers burning fuel oils of low viscosity need not be equipped with fuel oil heaters, provided acceptable evidence is furnished to indicate that satisfactory combustion will be obtained without the use of heaters.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

6. Section 55.10–55 is amended to read as follows:

§ 55.10–55 *Lubricating oil system.* (a) The lubricating oil system shall be designed to function satisfactorily when the vessel is permanently inclined to an angle of 15 degrees athwartship and 5 degrees fore or aft.

(b) When pressure or gravity forced lubrication is employed for the main propelling machinery an independent lubricating pump shall be provided except on internal combustion engine installations where each engine is fitted with a separate oil pump and the Commandant deems an auxiliary oil pump is unnecessary.

(c) The lubricating oil piping shall be independent of other piping systems and shall be provided with necessary coolers, heaters, filters, etc., for proper operation. Main propulsion engines fitted with full-flow type filters shall be arranged so that the filters may be cleaned without interrupting the oil supply.

(d) Oil coolers shall be provided with two separate means of circulating water through the coolers and oil heaters shall be fitted with by-passes.

(e) Diesel engine lubrication systems shall be so arranged that vapors from the sump tank may not be discharged back into the engine crank case of engines of the dry sump type.

(f) Steam turbine driven propulsion and auxiliary generating machinery depending on forced lubrication shall be arranged to shut down automatically upon failure of the lubricating system.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

7. Section 55.10–65 (a) is amended to read as follows:

§ 55.10–65 *Sounding pipes.* (a) Oil tanks and water tanks shall be provided with manual means of sounding. All other tanks and hold compartments with or without bilge drain wells which are not at all times accessible under service conditions shall be fitted with sounding pipes of not less than 1½-inch pipe size which shall be led as straight as possible to within 2 inches of the lowest part of the tank or compartment to a position which is always accessible. In addition, tank liquid level indicators may be fitted as an auxiliary means of indicating the liquid level.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 55.13—REFRIGERATION SYSTEMS

8. Sections 55.13–1 and 55.13–5 are amended to read as follows:

§ 55.13–1 *Scope.* The regulations in this subpart apply to fixed refrigeration systems. The requirements shall not apply to small, portable self-contained units.

§ 55.13–5 *Design pressure.* The pressure vessels, compressors, piping, and controls shall be designed for the minimum pressures given in table 55.13–5.

TABLE 55.13–5—REFRIGERANT DESIGN PRESSURES

Refrigerant	Design pressure	
	High side (p. s. i.)	Low side (p. s. i.)
Ammonia (NH_3)	300	150
Carbon dioxide (CO_2)	1,500	1,000
Freon-11 (CCl_3F)	30	30
Freon-12 (CCl_2F_2)	225	150
Freon-21 ($CHCl_2F$)	50	40
Freon-22 ($CHClF_2$)	[1] 300	[1] 150
Freon-113 ($C_2Cl_3F_3$)	30	30
Freon-114 ($C_2Cl_2F_4$)	50	50

[1] Permitted for watercooled installations only.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

9. Section 55.13–20 *Small portable, self-contained units* is canceled.

PART 56—ARC WELDING, GAS WELDING, AND BRAZING

SUBPART 56.01—ARC WELDING AND GAS WELDING

1. Sections 56.01–1 and 56.01–5 are amended and Part 56 is amended by adding a new § 56.01–3, which reads as follows:

[1] Measured at right angles to the center line at the level of the deepest subdivision load line or deep load line, where subdivision load line is not assigned.

§ 56.01–1 *Scope.* This part contains detail requirements covering the welded fabrication of machinery appurtenances and pressure-containing parts such as boilers, boiler furnaces, unfired pressure vessels, piping, valves, pipe fittings, etc., subject to inspection by the Coast Guard.

§ 56.01–5 *Definitions*—(a) *Welding terms.* All references in this part or on plans, specifications, etc., to welding or allied processes shall be understood to be those of the American Welding Society's A3.0–49 "Welding Terms and Their Definitions." [1]

(b) *Fabrication.* The term "fabrication" as used in this part refers to the assembly of machinery and appurtenances by welding, cutting and other processes allied to welding.

(c) *Welding procedure.* The term "welding procedure" refers to the detailed methods and practices including joint welding procedures involved in the production of a weldment.

(d) *Welding process.* Welding process is a metal-joining process wherein coalescence is produced by heating to suitable temperatures with or without the application of pressure, and with or without the use of filler metal.

§ 56.01–8 *Plan approval.* Plans shall clearly show all essential fabrication details. Welded or brazed joints shall be clearly and completely detailed on the plans, or standard welding symbols as specified in the American Welding Society's Standard A2.0–47, "Standard Welding Symbols" [1] shall be used to designate the type and size of welds.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

2. Sections 56.01–15 and 56.01–20 are amended to read as follows:

§ 56.01–15 *Submerged arc welding procedure qualification.* (a) Fabricators desiring to use the submerged arc welding process or a combination of submerged arc and manual welding processes shall conduct a procedure qualification test to insure that they have proper equipment, trained personnel, and are using correct procedure to produce acceptable welds.

(b) The deposited weld metal may be laid in single or multiple passes. The joint design, amperage, voltage, speed of welding, size of welding wire and grade of melt or flux shall be in accordance with the recommendations of the welding equipment manufacturer.

(c) Manufacturers desiring to secure process approval to fabricate pressure vessels, pipe and pressure-containing appurtenances by the use of the submerged arc welding process shall prepare test plates in the presence of an inspector who will stamp the plates with the official stamp of the Coast Guard. Specimens as required by table 56.01–15 (c) shall be machined from the test plate.

[1] These standards included in American Welding Society Handbook.

TABLE 56.01–15 (c)—REQUIRED TESTS FOR PLATE GROOVE WELDS

Test plate thickness T	Maximum production plate thickness	Number and type of tests required				
		Reduced section tensile	Root bend	Face bend	Side bend	Macro-etch
3/16 inch to and including 3/4 inch.	2T	2	2	2		1
Over 3/4 inch	2T for multiple pass welding	2			4	1
	2T but not over 2 inches for welding 1 pass from each side.	2			4	1
	T for welding from 1 side only against a copper or melt back-up.	2			4	1

(d) The test plate material shall be of the type to be welded in production and of a thickness as shown in table 56.01–15 (c). The requirements specified in this section are applicable to materials having equivalent physical properties. If preheat is not used in production welding, it shall not be used in the preparation of the test plate. If it is desired to conduct a procedure qualification to weld metals of dissimilar physical properties, the fabricator shall so inform the Commandant who will designate the types and methods of tests.

(e) Specimens may be tested by the fabricator or at a recognized testing laboratory. Specimens shall meet the requirements of § 56.05–1 and shall be tested in the presence of an inspector. One retest will be permitted for each specimen failing to meet the requirements. Should the retest fail, the fabricator shall take suitable remedial action to insure that the procedure is correct prior to the preparation of an additional set of test plates.

(f) The macro-etch specimen with the weld reinforcement in place shall be etched with a reagent which will clearly define the weld grain structure. After the specimen is etched it shall be given a protective coating to prevent oxidation.

(g) Results of the physical tests, the etch specimen and a sketch showing joint preparation, together with the information required in paragraph (b) of this section shall be forwarded to the Commandant for consideration prior to the fabricator using the equipment in production.

(h) The fabricator shall prepare a specification covering the procedure qualification as used in preparing the test plate and shall furnish a copy to the inspector. The procedure used in qualifying shall be employed in a fabrication except that speed of welding, amperage and voltage may vary to suit different material thicknesses. If the joint design is changed or alloy steel is to be fabricated and carbon steel used in the preparation of the test plate, a new procedure qualification shall be conducted.

(i) The fabricator shall weld a test plate of the actual thickness to be used in production to demonstrate to an inspector that he is using the proper welding procedure to obtain complete penetration.

§ 56.01–20 *Arc welding electrodes.* (a) Acceptable brand names of arc welding electrodes, as published in the Equipment List for Merchant Vessels, CG–190, shall be used in the welded fabrication of machinery appurtenances and pressure-containing parts as given in § 56.01–1.

(b) Type E6012 or E6013 electrodes shall not be used in the fabrication of any item listed in paragraph (a) of this section.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

3. Section 56.01–50 (d) is amended by revising figure 56.01–50 (d) as follows:

§ 56.01–50 *Detail requirements.* • • •

(d) • • •

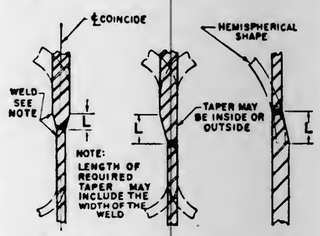

FIGURE 56.01–50 (d)—Types of joints for material of unequal thicknesses.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

4. Section 56.01–55 (b) is amended to read as follows:

§ 56.01–55 *Joints.* • • •

(b) The longitudinal joints of Class III welded pressure vessels shall be as given in § 56.01–30. The weld reinforcement shall be as required in paragraph (a) of this section. Fillet welds of lap type joints shall have a throat dimension of not less than $\frac{5}{8}$ T, where T is the thickness of the shell plate. The surface of the overlap shall be not less than $4T$.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as

amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

5. Section 56.01–60 *Welded nozzle connections* is canceled.

6. Sections 56.01–65 and 56.01–70 are amended to read as follows:

§ 56.01–65 *Seal welding and tack welding.* (a) Seal welding may be used for the purpose of securing tightness of connections where the structure is such that no strain is placed upon the weld. Seal welding consists of depositing not more than two beads of weld metal. The throat of the weld shall not exceed ¼ inch and the size of the electrode employed shall not exceed 3/16 inch diameter. Seal welds are not required to be stress-relieved.

(b) Intermittent welding may be used for attaching internal baffles, strainers, external lugs, securing lagging, etc., provided the welds are of at least two passes, do not have a throat exceeding ¼ inch, are not more than 3 inches in length and have a center to center distance of at least twice their length.

(c) Intermittent welding and seal welding shall be done by qualified welders using acceptable electrodes (see § 56.01–20). Intermittent or seal welding shall not be done when the temperature of the metal of a pressure vessel is below 50° F. unless the base metal is preheated and held at a temperature of at least 200° F.

§ 56.01–70 *Preheating and stress relieving.* (a) All Class I welded pressure vessels unless specifically exempted in other sections of this subchapter, shall be stress-relieved to dissipate the major portion of the residual stresses.

(b) Stress relieving shall be done by heating the weldment slowly and uniformly to a temperature of from 1,100° F. to 1,200° F. for carbon-steel and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of thickness and allowed to remain in the furnace until 500° F. is reached at which time the weldment may be withdrawn and allowed to cool in a still atmosphere. When a weldment of various thicknesses of material is stress-relieved, the thickest section of the parts welded shall govern the length of time required for soaking. Pressure vessels fabricated of carbon-steel exceeding ½-inch in thickness shall be preheated locally to 125° F., prior to welding, when the ambient temperature is below 50° F. Alloy materials usually require different stress-relieving temperatures due to different chemical properties of the material. The heat treatment covering preheating and stress relieving to be employed on the latter types of materials shall be in accordance with the recommendations of the manufacturer of the material and as specifically approved by the Commandant.

(c) When the vessel is required to be stress-relieved, all connections attached by arc or gas welding unless specifically exempted shall also be stress-relieved as required by this part.

(d) Local stress relieving of welds shall be performed by means of electrical inductance, electrical resistance, or other acceptable means whereby the temperature is accurately controlled. When a type of stress relief is used that produces direct radiation, the thermocouple shall be insulated so that the hot junction of the thermocouple will not be subject to the heat of radiation. Pyrometric equipment shall be provided to indicate the hottest and coolest points of the weldment. If the weldment is of appreciable size, the number of thermocouples provided shall be sufficient to insure complete coverage. The temperature of the weldment shall be considered as being the average of the observed temperature.

(e) The stress relieving operations shall be indicated by pyrometric equipment. When an autographic record of local stress-relieving operations is made, this record shall be maintained by the fabricator.

(f) The weldment shall be stress-relieved by one of the methods as follows:

(1) Heating the complete structure as a unit.

(2) Heating a section containing the part or parts to be stress-relieved. In employing this method of stress relief direct flame impingement shall be avoided.

(3) Circumferential joints may be stress-relieved by uniformly heating a circumferential band having a minimum width of six times the material thickness on each side of the welded joint in such a manner that the entire band is brought up to the required temperature and held for the period specified in paragraph (b) of this section.

(4) Pipe shall be stress-relieved by heating a circumferential band having a width of at least 3 times the width of the widest part of the welding groove but not less than 6 times the maximum wall thickness at the weld with the weld at the center of the band. Where pipe is welded to a valve the heated zone may be decreased on the valve side of the joint to a minimum of one times the width of the weld reinforcement measured from the edge of the reinforcement toward the valve.

(5) Nozzles or other welded attachments which are required to be stress-relieved may be locally stress-relieved by heating a circumferential band around the entire vessel with the connection at the middle of the band to the required temperature and length of time specified for stress relieving. The band width shall be a minimum of six times the shell thickness on each side of the attachment.

(g) Except where specifically allowed in other sections in this subchapter, all nozzle connections after being attached by welding on Class I welded pressure vessels shall be stress-relieved.

(h) (1) Class II welded pressure vessels shall be stress-relieved if so required by figure 56.01–70 (h) or if fabricated of grade C or D marine steel boiler plate of a thickness exceeding 1 inch, or of

FIGURE 56.01–70 (h)—Stress relief diagram for class II pressure vessels.

grade E, F, or G marine steel boiler plate of a thickness of 0.58 inch and over.

(2) When class II welded pressure vessels are required to be stress-relieved, all nozzles or other welded attachments when joined by arc- or gas-welding shall be stress-relieved. When class II welded pressure vessels are not required to be stress-relieved, unreinforced nozzle connections and other attachments when joined by arc- or gas-welding are not required to be stress-relieved.

(3) When nozzles are reinforced with pads having a thickness greater than that of the shell or head to which they are attached, the nozzles shall be stress-relieved.

(i) Arc- or gas-welded connections may be added to class I and class II welded pressure vessels after they have been stress-relieved, without requiring stress-relief, provided:

(1) The diameter of the attachment opening in the vessel walls does not exceed that allowed for an unreinforced opening or does not exceed 2 inches, whichever is smaller; and,

(2) The inside and outside attachment welds do not exceed $\frac{3}{8}$ inch throat dimension.

(3) This paragraph does not apply to those connections so placed as to form ligaments in the shell, the efficiency of which will affect the shell thickness. Such added connections shall be stress-relieved.

(j) All connections attached by arc or gas welding to vessels fabricated by other means shall be stress-relieved in accordance with the requirements for connections on class II pressure vessels. If any such vessels are to be used for service equivalent to class I pressure vessels, arc- or gas-welded connections shall be stress-relieved.

(k) Arc- or gas-welded connections which require stress relieving and which are attached to vessels whose seams are of riveted construction shall be fabricated and stress-relieved prior to the making up or attachment of the courses by riveting. If they do not require stress relieving and are attached after riveting, the welds shall be located at a distance from the riveted seam at least equal to the diameter of the opening plus four times the plate thickness of the shell.

(l) All vessels containing lethal liquids or gases shall be stress-relieved. Any vessels containing liquids, gases or other substances which Part 38 (Subchapter D—Tank Vessels) or Part 146 or 147 (Subchapter N—Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels) of this subchapter require to be fabricated in accordance with a class of pressure vessel requiring stress relief shall be stress-relieved.

(m) Cold weldments shall not be placed in the furnace when the temperature therein exceeds 500° F. Upon cooling, the weldment may be removed from the furnace when the temperature of same has reached 500° F. and allowed to cool in still air to assure a gradual decrease in temperature.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

6. Section 56.01–80 is amended to read as follows:

§ 56.01–80 *Welded piping.* (a) Piping materials complying with Part 51 of this subchapter may be joined by means of arc or gas welding provided the fabrication complies with the requirements of this section.

(b) The requirements of this section are applicable to class I piping (see Part 55 of this subchapter) and class II piping unless specifically exempted.

(c) Sections of pipe shall be welded insofar as possible in the fabricating shop. Prior to welding class I piping, the fabricator shall request an inspector to visit his plant to examine his fabricating equipment and to witness the qualification tests required by § 56.01–10. One test specimen shall be prepared for each process and welding position to be employed in the fabrication.

(d) (1) For class I piping, double-welded butt joints or single-welded butt joints fitted with a backing ring or its equivalent on the inside of the pipe shall be employed when the pipe diameter exceeds 2 inches, except as permitted in this paragraph. Piping of diameters not exceeding 2 inches may be joined by single-welded butt joints, with the backing ring omitted in sizes below 1 inch, or by sleeves fitted over the ends of pipes, or by socket joints attaching the ends of the pipes by strength fillet welds. Slip-on welded flanges complying with figure 55.07–15 (f3) and tables 55.07–15 (e5) and (e6) for 150-pound and 300-pound standards may be used in class I piping for temperatures not exceeding 450° F.

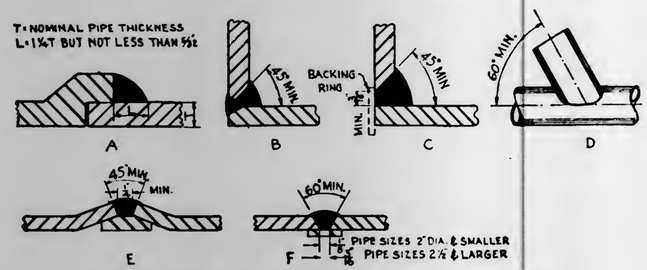

FIGURE 56.01–80 (d)—Acceptable types of welded pipe connections.

(2) Some acceptable types of weld pipe connections are shown in figure 56.01–80 (d).

(3) For carbon-steel material the backing ring for class I piping shall be of low-carbon steel and shall be of the plain type or a type with projections spaced intermittently around the outside of the periphery to establish a minimum root gap as shown in figure 56.01–80 (d), detail F. For alloy steel material the backing ring shall have heat resisting properties equivalent to that of the material being welded except carbon steel backing rings may be used when welding carbon-molybdenum material.

(e) For class II piping, the type of joints shall be similar to class I piping, with the following exceptions:

(1) Single-welded butt joints may be employed without the use of backing rings in all sizes provided that the weld is chipped or ground flush on the root side of the weld.

(2) For services such as vents, overflows, and gravity drains, the backing ring may be eliminated and the root of the weld need not be ground.

(3) Square-groove welds without edge preparation may be employed for butt joints in vents, overflows, and gravity drains where the pipe wall thickness does not exceed $\frac{3}{16}$ inch.

(4) The crimped or forged backing ring with continuous projection around the outside of the ring is acceptable only for class II piping.

(f) All butt welds shall be reinforced at the center of the weld by not less than 10 percent of the wall thickness for pipe or tubes for thicknesses not exceeding $\frac{5}{8}$ inch; pipes and tubes having a wall thickness exceeding $\frac{5}{8}$ inch shall be reinforced by at least $\frac{1}{16}$ inch. The reinforcement shall be free of grooves, valleys, or other changes in contour along the edge or upon the surface of the weld if the inspector deems such to be objectionable.

(g) Each butt-welded joint shall be stamped with the welder's identification symbol.

(h) All butt-welded joints on Class I piping exceeding 2½ inches in diameter with the exception of high pressure salt water piping systems used in tank cleaning operations shall be stress-relieved as required by § 56.01–70.

(i) All complicated connections including manifolds, shall be stress-relieved in a furnace as a whole as required by § 56.01–70 before being taken aboard ship for installation.

(j) Class I carbon-steel and alloy-steel piping exceeding 2½ inches in diameter shall be preheated as required by § 56.01–70.

(k) (1) All butt-welded joints on Class I piping exceeding 2½ inches in diameter, with the exception of high pressure salt water piping systems used in tank cleaning operations, shall be nondestructively tested as required by § 56.05–5.

(2) All welds shall be free of grooves and depressions. Surfaces of welded joints which are to be magnetic powder tested shall be made smooth of all surface irregularities so that the powder may properly indicate any fracture or defect.

(l) The base material and joint preparation for welding shall comply with the manufacturer's process record.

(m) A complete record of the manufacturer's process shall be maintained on the form shown by figure 56.01–80 (m) to establish definite limits of all essential variables involved. The manufacturer shall, after his welding process has been approved, conduct all welding in accordance with the requirements of his process record.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491 as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

SUBPART 56.05—TESTS AND INSPECTION

7. Part 56 is amended by adding a new § 56.05–6 reading as follows:

§ 56.05–6 *Spot examination of welded joints*—(a) *Scope.* (1) All class II welded unfired pressure vessels which are not given a complete radiographic examination as specified by § 56.05–5 of this subchapter shall have portions of the finished welded joints examined by spot radiography, except vessels meeting the requirements of subparagraph (2) of this paragraph need not be so examined.

(2) Spot examination specified by subparagraph (1) of this paragraph is not required when an allowable stress of 80 percent of the values given in table 52.05–10 (a) in Part 52 of this subchapter is used in the design of the vessel.

(b) *Number required.* At least one spot shall be examined on each vessel welded having 50 feet or less of combined longitudinal and circumferential welds. For vessels having more than 50 feet of combined longitudinal and circumferential joints at least one spot shall be examined for each 50 feet or less of welded joints. If more than one welding procedure is employed or if more than one welder does the welding on a vessel, at least one spot shall be examined for each procedure and each welder. The spot(s) examined may be considered representative of the procedure, the welder and one interval of 50 feet of welded joint. The spot(s) to be examined shall be designated by an inspector.

(c) *Spot radiographing.* Each spot required by paragraph (b) shall be examined by radiography as prescribed in § 56.05–5. The spot radiographs shall meet the standards given in § 56.05–5 (k). Retest radiographs permitted by paragraph (d) of this section shall comply with the standards given therein. Films of spot radiographs which have been examined by the inspector may be destroyed.

(d) *Retests*—(1) *Spot examination.* When a spot has been examined and the welding does not comply with the minimum quality requirements prescribed in paragraph (c) of this section, two additional spots shall be examined in the same joint at locations to be designated by the inspector, one on each side of and not far from the initial spot to determine the limits of defective welding, and if the welding at either of these spots fails to meet the minimum requirements of subparagraph (2) of this paragraph, additional nearby spots shall be examined until the limits of unacceptable welding are determined. In addition, the inspector shall require that an additional spot be examined at one location to be selected by him in each joint not previously examined on which the same welder has welded and if any additional spot fails to comply with the minimum quality requirements of paragraph (c) of this section, the limits of unacceptable welding shall be determined as described in this section. All rewelded areas shall be re-examined as required by the inspector and shall comply with the prescribed requirements in this section.

(2) *Radiographic standard for retest.* Welds in which the radiographs show any type of cracks or zones of incomplete penetration shall be unacceptable. Welds in which radiographs show elongated slag inclusions, cavities, or lack of fusion shall be unacceptable if the length of such imperfection is greater than 2/3T, where T is the thickness of the thinner plate. If several imperfections within the above limitations exist in line, the welds shall be judged acceptable if the sum of the longest dimension of all such imperfections is not more than T in length of 6T, and if the defects are separated by at least 6L of acceptable welding, when L is the length of the longest imperfection. The maximum permissible porosity shall not exceed that permitted by § 56.05–5, except that not more than twice as many cavities or slag inclusions, but of no greater size, shall be permitted within any single square inch of film area, or for the whole film area.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491 as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275)

CONTRACTOR'S NAME _____

ADDRESS _____

PROCESS _____ DATE _____

MATERIAL (BASE METAL _____
(FILLER METAL _____

For Gas Welding
Type of Flame _____

For Arc Welding
Type of Current _____

If D. C., state polarity. _____

IDENTIFICATION SYMBOLS OF THIS WELD

	PASS NUMBER	HEAT	INPUT	DATA	DIAM. OF FILLER METAL	TEMP. DES. F°	REMARKS
In above space indicate edge preparation and relative position of each pass as deposited.							

*Give degree of preheat, if any. Indicate temperature of weld metal just prior to the deposition of each succeeding pass.

Cleaning of Passes _____

Treatment of Defects _____

Peening _____

Heat Treatment (Temp. _____ Name of welder _____
(Time _____ Name of Recorder _____
(Cooling _____

FIGURE 56.01–80 (m)—Manufacturer's record of welding process.

PART 57—INSTALLATIONS, TESTS, INSPECTIONS, REPAIRS, AND MISCELLANEOUS REQUIREMENTS

1. Part 57 is amended by adding a new Subpart 57.25, consisting of §§ 57.25–1 to 57.25–60, reading as follows:

SUBPART 57.25—STEERING APPARATUS

Sec.
57.25–1 Steering apparatus; existing installations.
57.25–5 Steering apparatus; new installations.
57.25–10 Rudder movement.
57.25–15 Plan approval.
57.25–20 Power driven steering gear.
57.25–25 Auxiliary means of steering.
57.25–30 Steadying the rudder.
57.25–35 Controlling rudder movement.
57.25–40 Buffers.
57.25–45 Emergency steering wheel.
57.25–50 Arrangement of steering wheels.
57.25–55 Special steering apparatus.
57.25–60 Steering gear piping.

AUTHORITY: §§ 57.25–1 to 57.25–60 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275.

§ 57.25–1 *Steering apparatus; existing installations.* (a) All existing vessels subject to inspection by the Coast Guard shall be provided with suitable steering apparatus. Extra steering apparatus, consisting of relieving tackle, or of auxiliary power- or hand-steering gear attached to the rudder stock independent of the regular steering gear, shall be provided.

(b) Where reasonable and practicable, the emergency steering wheel shall be located on the after weather deck.

(c) Replacements of steering apparatus on existing vessels shall be in accordance with this subpart for new installations.

§ 57.25–5 *Steering apparatus; new installations.* All new vessels subject to inspection by the Coast Guard, except certain towed barges, shall be provided with main and auxiliary steering apparatus in accordance with §§ 57.25–10 to 57.25–60, inclusive.

§ 57.25–10 *Rudder movement.* The steering gear shall be provided with effective means for putting the rudder from 35 degrees over to 35 degrees over with the vessel running ahead at the maximum continuous rated shaft RPM. The timing may be conducted from 35 degrees on one side through 30 degrees on the other side, and the average rate of the rudder shall be not less than 2⅓ degrees per second. In addition, they shall be provided with effective auxiliary means for actuating the rudder which shall be capable of putting the rudder from 15 degrees over to 15 degrees over in 60 seconds with the vessel running ahead at half speed, or seven knots, whichever is greater.

§ 57.25–15 *Plan approval.* General arrangement plans of the main and auxiliary steering arrangements and piping systems shall be submitted to the Commandant (MMT) U. S. Coast Guard, Washington 25, D. C., for approval.

§ 57.25–20 *Power driven steering gear.* The main steering gear shall be power driven for vessels over 250 feet in length or when the required upper rudder stock diameter is over 9 inches. The auxiliary means for steering shall be power driven when the required upper rudder stock diameter is over 14 inches.

§ 57.25–25 *Auxiliary means of steering.* (a) An auxiliary means of steering will not be required where the main gear is of the dual-power hydraulic type, having two independent pumps and separate leads to the pump prime movers from the source of power. In such cases the attachment to the rudder stock shall be designed for strength in excess of that of the rudder stock.

(b) A suitable arrangement of block and tackle will be acceptable as an auxiliary steering means, and when arranged for operation by means of power driven winches or similar machinery, will be considered an auxiliary power steering gear.

(c) An auxiliary means of steering will not be required on double-ended ferryboats where independent steering gears are fitted at each end of the vessel, and two sources of power are provided where the gear is power driven.

§ 57.25–30 *Steadying the rudder.* All ocean-going vessels requiring power gears shall be provided with arrangements for steadying the rudder in the event of an emergency and when a change of gear is required. On hydraulic type steering gears a suitable arrangement of stop valves in the main piping may be considered as a means of steadying the rudder.

§ 57.25–35 *Controlling rudder movement.* Main power gears shall be provided with positive arrangements for stopping the gear before the rudder stops are reached. These arrangements shall be synchronized with the rudder stock or the position of the gear itself, rather than with the steering gear control system. The steering gear shall have a follow-up device to control rudder movements when operated from the main steering station.

§ 57.25–40 *Buffers.* On vessels in ocean, coastwise, and Great Lakes service, steering gears other than the hydraulic type shall be designed with suitable buffer arrangements to relieve the gear from shocks to the rudder.

§ 57.25–45 *Emergency steering wheel.* An emergency steering station from which the control of the steering gear can be affected by mechanical means, shall be located on the after weather deck or other suitable location acceptable to the Commandant.

§ 57.25–50 *Arrangement of steering wheels.* Steering wheels, including "trick wheels" located in the steering gear room, shall turn in a clockwise direction for "right rudder" and counterclockwise for "left rudder." The ship's heading shall be to the right, following clockwise movement of the wheel. The arrangement of steering stations shall be such that the helmsman is abaft the wheel. However, if a wheel is fitted in the steering gear room, and is intended solely for warming up and testing the gear, the helmsman need not stand abaft the wheel. The rims of the wheels shall be plainly marked with arrows and lettering for right and for left rudder, or a suitable notice indicating these directions shall be posted directly in the helmsman's line of vision.

§ 57.25–55 *Special steering apparatus.* (a) Where no regular rudder is fitted and steering action is obtained by a change of setting of the propelling unit, emergency steering is not required, nor will the requirements of this subpart be generally applicable. Special consideration will be given by the Commandant for such installations.

(b) When tiller bars instead of wheels are installed in the pilothouse, they shall be fore and aft when the rudders are amidships. A pointer shall be fitted to the forward end of the bar which shall point directly ahead when the rudders are amidships, and shall point to the right when the bow of the ship moves to the right, and shall point to the left when the bow of the ship moves to the left.

§ 57.25–60 *Steering gear piping.* The arrangement of piping for hydraulic steering gears shall be such that a change from the main to the auxiliary gear can be readily effected. A relief valve shall be provided for the protection of the hydraulic system. Pressure piping shall meet the requirements of Part 55 of this subchapter.

Subchapter G—Ocean and Coastwise; General Rules and Regulations

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (OCEAN)

1. Section 59.62 *Steering apparatus; existing installations* is canceled.

2. Section 59.62a *Steering apparatus; new installations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES (COASTWISE)

1. Section 60.55 *Steering apparatus; existing installations* is canceled.

2. Section 60.55a *Steering apparatus; new installations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter H—Great Lakes; General Rules and Regulations

PART 76—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 76.55 *Steering apparatus; existing installations* is canceled.

2. Section 76.56 *Steering apparatus; new installations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter I—Bays, Sounds, and Lakes Other Than the Great Lakes; General Rules and Regulations

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 94.54 *Steering apparatus; existing installations* is canceled.

2. Section 94.55 *Steering apparatus; new installations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter J—Rivers; General Rules and Regulations

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

1. Section 113.46a *Steering apparatus; existing installations* is canceled.

2. Section 113.47 *Steering apparatus; new installations* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

Subchapter Q—Specifications

PART 162—ENGINEERING EQUIPMENT

Part 162 is amended by adding a new Subpart 162.026, consisting of §§ 162.026–1 to 162.026–17, reading as follows:

SUBPART 162.026—BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

Sec.
162.026–1 Applicable regulations and specifications.
162.026–2 Scope.
162.026–3 Construction.
162.026–4 Controls.
162.026–5 Water level controls.
162.026–6 Safety combustion control.
162.026–7 Pressure controls.
162.026–8 Program control.
162.026–9 Fuel supply shut-off controls.
162.026–10 Heavy fuel oil.
162.026–11 Boiler alarms.
162.026–12 Wiring of electrical components.
162.026–13 Tests and inspection.
162.026–14 Types of approval.
162.026–15 Procedure for initial approval.
162.026–16 Procedure after initial approval.
162.026–17 Instruction booklets.

AUTHORITY: §§ 162.026–1 to 162.026–17 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4400, 4417, 4417a, 4418, 4426–4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 362, 363, 366, 367, 391, 391a, 392, 404–412, 435, 489, 1333, 50 U. S. C. App. 1275.

§ 162.026–1 *Applicable regulations and specifications.* (a) The following regulations and specifications, of the issue in effect on the date the contract is awarded, forms a part of this subpart:

(1) Marine Engineering Regulations and Material Specifications (Subchapter F (Marine Engineering) of this chapter).

(2) National Electrical Code, published by National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass.

§ 162.026–2 *Scope.* (a) This specification covers requirements for the design, construction, and testing of automatically controlled packaged auxiliary boilers, intended for installation on merchant vessels subject to inspection by the Coast Guard.

(b) The term "automatically controlled packaged auxiliary boiler" means a steam boiler operating at pressures exceeding 30 p. s. i. used for all purposes on shipboard for which steam may be required other than propulsion; equipped with all necessary controls for automatic operation; and furnished complete with fuel burning equipment, mechanical draft equipment and necessary mechanical feed water equipment, thus requiring only to be connected to fuel, water, and electric supplies to be ready for use.

§ 162.026–3 *Construction.* (a) All automatic packaged boilers shall meet the applicable requirements of Subchapter F (Marine Engineering) of this chapter, for the design, construction and testing of the bare boiler, except as otherwise specified in this subpart.

(b) All electrical and mechanical control devices shall be of a type tested and approved by Underwriters' Laboratories, Inc., Factory Mutual Laboratory, or a recognized inspection board or test laboratory acceptable to the Commandant.

(c) Safety control devices shall be designed to perform satisfactorily in marine service. The boiler and control equipment shall be designed to permit normal operation with a momentary roll of 30 degrees or a permanent list of 15 degrees to either side and a permanent inclination of 5 degrees fore and aft with the boiler installed with its longitudinal axis in the fore and aft position.

(d) All electrical devices shall be of drip-proof construction, as simple and rugged as practicable and suitable for marine service.

§ 162.026–4 *Controls.* (a) Each automatic packaged boiler shall be fitted with the following controls:

(1) Operating water level control.
(2) Low-water cut-offs.
(3) Safety combustion control.
(4) Pressure controls.
(5) Program control.

(b) Wherever possible safety control devices shall be designed to "fail safe" and thus immediately prevent continued operation of the boiler in the event of mechanical failure which may cause unsafe operation of the boiler.

(c) Electrical controls shall be provided to shut down the boiler from a position outside the compartment in which it is located, so that fuel will not be supplied to the fuel burning equipment. The entire boiler shall be disconnected from all sources of potential by means of one disconnect switch located adjacent to boiler.

(d) Mercury tube actuated controls are prohibited.

§ 162.026–5 *Water level controls.*—(a) *Operating water level control.* (1) Each boiler shall be equipped with an operating level control device to automatically supply the required amount of feedwater when the surface of the water falls to a predetermined level, and to automatically shut-off the feed-water supply when the water level exceeds a predetermined level.

(b) *Low-water cut-offs.* (1) Each boiler shall be equipped with two (2) low-water cut-offs, so arranged and located as to automatically cut off the fuel supply to the burners when the surface of the water falls to a point no lower than that visible in the gauge glass.

(2) The upper low-water cut-off may be arranged to operate in conjunction with operating water level control.

(3) The lower or auxiliary low-water cut-off shall have a separate and independent connection to the boiler and shall be arranged so that the lowest point of cut-off shall be not less than 1 inch above the top boiler tubes of boilers of the fire tube type, or the lowest permissible water level of boilers of the water tube type. When low-water cut-offs are inserted in the boiler shell, separate and independent connections to the boiler are not required.

(4) The auxiliary low-water cut-off shall control a separate fuel oil valve and shall be fitted with manual reset devices which will necessitate recycling or resetting of the controls after the low-water cut-off has functioned.

(c) *Detail requirements.* (1) Operating level controls and low-water cut-offs may be of the float type, electrode probe type, thermostatic expansion tube, or thermo-hydraulic type, or such other type acceptable to the Commandant. Float chamber type low-water cut-offs using stuffing boxes to transmit the motion of the float from the chamber to the external switches are prohibited.

(2) Water level controls shall be so located as to minimize the effect of vessel roll and pitch.

(3) Water level devices shall be so constructed that the water inlet valve cannot feed water into the boiler through the float chamber.

(4) The minimum size of pipes connecting a float chamber to a boiler shall be 1 inch. Shut-off valves fitted in connecting piping shall be either outside-screw-and-yoke or lever lifting type gate valves, or stopcocks having levers permanently fastened thereto and marked in line with the passageway, or of such other through construction as to prevent stoppage by deposits of sediment and also constructed to indicate by the position of the operating mechanism whether open or closed. Where stopcocks are used they shall be of a type having the plug held in place by a guard or gland.

(5) No outlet connection except for damper regulation, pressure controls, water columns, drains or steam gauges shall be placed on the float chamber or on the pipes connecting the float chamber to the boiler on which it is mounted.

(6) Float or electrode chambers shall be equipped with suitable drain connection not less than ¾-inch pipe size.

(7) Float operated water control or cut-off devices shall be equipped with "fixed stops" of a design to prevent over-travel of control floats and rods, which would unduly stress the control mechanisms, or the control mechanism shall be designed to permit such over-travel after operation of the mechanism.

(8) Boilers designed to operate with forced circulation feed, or boilers with no fixed steam and water line, will be

given special consideration by the Commandant.

(9) The requirements in this section apply to boilers having a definite water line.

§ 162.026–6 *Safety combustion control.* (a) Each boiler shall be equipped with a safety combustion control designed to automatically shut off the fuel oil supply to the burners in the event of flame extinguishment and power failure. The safety combustion device shall be so designed that any vacuum tube or other component will cause a safety shut down, or by the employment of a safety interlock circuit, prevent recycling of the control.

(b) The safety combustion controls shall be of the electronic type, or such other type as may be approved by the Commandant. Safety combustion controls of the thermostatic type, such as stack switches and pyrostats operated by means of an open bi-metal helix, are prohibited.

(c) The safety combustion control shall be capable of shutting off the fuel oil supply to the burners within 2 to 4 seconds following flame extinguishment.

§ 162.026–7 *Pressure controls.* (a) Each boiler shall be equipped with steam operated controls designed to regulate or cut-off the fuel oil to the burners in the event the steam pressure exceeds a predetermined amount (the maximum shall not exceed the boiler safety valve setting).

(b) Operating steam pressure controls shall be designed to operate at cut-out and cut-in pressures, when arranged for automatic operation.

§ 162.026–8 *Program control.* (a) Automatically controlled boilers shall be equipped with a program control to assure a safe cycle of operation upon initial starting, and upon cycling between temperature or pressure limits.

(b) The programming control shall be designed to cycle the boiler in accordance with a predetermined sequence. The sequence of events shall include the following:

(1) A pre-purge period for a sufficient length of time to assure a minimum of 3 changes of air in the combustion chamber, passes and stack.

(2) Ignition (spark coming on) shall precede the opening of the fuel valve by not less than 5 seconds.

(3) A post-purge period of at least 30 seconds after the closing of the fuel valve.

(4) When controls are provided to modulate the air-fuel ratio, the pre-purge period shall start with the modulating control in the high-fire position, and ignition shall not be turned on until the modulating control has returned to low-fire position.

§ 162.026–9 *Fuel supply shut-off controls.* (a) Fuel supply to the burners shall be shut off automatically in the event of low water, flame extinguishment, forced draft fan failure, low voltage, or other abnormal conditions.

(b) Oil solenoid valves shall be approved as required by § 162.026–3 (b), and shall be acceptable to the Commandant.

(c) The fuel oil supply to the burners shall shut off automatically in the event of the malfunctioning of any component as a result of reduced voltage or open circuit of circuit components.

§ 162.026–10 *Heavy fuel oil.* (a) If heavy fuel oil is used, a light oil pilot shall be employed to ignite the heavy oil and a thermostatically controlled electric oil heater shall be furnished and equipped with a limit switch so that the boiler cannot be started if the oil temperature is too low for proper combustion. The aforementioned device shall automatically shut off the fuel oil to the burners if the temperature of the oil falls below the proper combustion temperature during operation of the boiler.

§ 162.026–11 *Boiler alarms.* (a) The lower or auxiliary low-water cut-off shall be fitted with audible alarm.

(b) Safety combustion control circuit shall be fitted with an audio alarm to provide audible warning in the event of safety shutdown of the device.

(c) Means shall be provided to silence the audible alarms by transferring signal to visible indicator. The alarm circuits shall be reset manually on return to normal operating conditions.

§ 162.026–12 *Wiring of electrical components.* (a) All insulated wire shall be of a moisture resistant type and rated for the maximum temperature that will be encountered in the location installed.

(b) Wiring between equipment enclosures shall be protected by rigid metal conduit, except that short runs of wire may be protected by flexible conduit where the use of rigid conduit would be impracticable.

(c) All conduit shall be securely supported and shall enter enclosures from the bottom where practicable.

(d) All conduit runs shall be adequately drained at low points.

(e) Wire sizes and overcurrent protection shall be in accordance with the applicable requirements of National Electrical Code.

§ 162.026–13 *Tests and inspections—*(a) *Performance test.* (1) A performance test shall be conducted for a continuous period of not less than 48 hours, at the following rated loads:

16 hours at full rated capacity;
16 hours at 50 percent rated capacity;
8 hours at variable loads between full capacity and 50 percent of full capacity; and,
8 hours at variable loads between 50 percent and 25 percent of full capacity.

(2) Capacity changes shall be made abruptly requiring controls to respond automatically with safe performance. The controls and safety devices shall be tested as prescribed in this subpart for each load test.

(3) All wiring, junction boxes, connections and control components shall be examined to determine compliance with good marine practice.

(4) The boiler shall be started cold and the functioning of all controls shall be observed.

(5) After the unit is delivering steam at the rated output, the water level controls shall be tested by slowly lowering the water level in the boiler. This test shall simulate actual operating conditions as closely as possible. A low water condition may be obtained by either (i) opening the electrical circuit to the boiler feed pump with the boiler carrying full steam load, or (ii) cracking the main blow-off valves. The water level controls shall not be tested by blowing down water column. The operating water level controls and the upper and lower auxiliary low-water cut-offs shall be tested individually. Test audible alarm in the lower auxiliary low-water cut-off circuit. The manual reset device shall be tested after operation of the auxiliary low-water cut-off.

(6) The safety combustion control shall be tested to determine that the device will shut off the fuel oil supply to the burners under conditions of flame extinguishment and power failure, or open or short circuit of circuit components. The audible alarm shall be tested in the safety combustion control circuit.

(7) A low voltage test shall be conducted to satisfactorily demonstrate that the fuel supply to the burners will be automatically shut off before any control component malfunctions as a result of the reduced voltage.

(8) The operating steam pressure controls shall be tested by regulating the steam pressure to determine that the device will automatically cut off the fuel supply to the burners at the high pressure limit and restart the burners when the boiler pressure drops to the low limit.

(9) The program control shall be tested through a sufficient number of cycles of operation to determine that the controls are satisfactorily arranged for automatic operation of the boiler.

(10) Interrupt the power supply and the ignition transformer supply and observe operating function of the safety controls.

(11) Measure all temperatures of generators, motors, relays and solenoid coils to determine if units are operating at safe temperatures.

(12) Test all emergency disconnect switches to observe proper functioning.

(b) *Installation tests—*(1) *Operating test.* An operating test after installation shall be conducted for a period of at least two (2) hours to insure that all the control components have been properly installed and that all parts of the boiler, including controls and safety devices, are in satisfactory operating condition.

(2) *Hydrostatic tests and inspection.* The hydrostatic test and inspection of the boiler after installation shall conform to the requirements for new boilers as prescribed in Subchapter F (Marine Engineering), of this chapter.

(c) All tests shall be witnessed by an inspector.

§ 162.026–14 *Types of approval.* (a) Type approval may be granted by the Commandant for a prototype design of stock units which are completely packaged and assembled in the boiler manufacturer's shop. Wherever possible the boiler shall be designed and shipped as a packaged unit.

(b) If the component parts of the boiler are received from one or more sources and are initially assembled aboard the vessel without being subjected to a satisfactory performance test, approval shall be limited to the specific installation only.

§ 162.026–15 *Procedure for initial approval—*(a) *Plan submittal.* (1) Before approval action is taken on any new design of automatic packaged boilers, the manufacturer shall submit for approval the following plans and descriptive data, in quadruplicate, to the Commandant (MMT), U. S. Coast Guard, Washington 25, D. C.:

(i) Plans showing the pressure parts and piping components.

(ii) Equipment wiring and elementary schematic wiring diagram.

(iii) Master plans for electrical equipment.

(iv) Drawings of electrical control components and safety devices.

(v) Manufacturer's descriptive literature or assembly drawings of all individual control components, such as oil solenoid valves, pressure switches, air solenoid switches, program controls, water level controls, and combustion safety equipment, etc.

(2) If such drawings and descriptive data are satisfactory, the manufacturer will be advised to proceed with the fabrication of the boiler.

(b) *Pre-approval tests.* (1) Upon completion of the packaged unit, the manufacturer shall notify the Officer in Charge, Marine Inspection, in the district in which the boiler is fabricated or assembled, when the boiler is ready for the required performance test.

(2) When the boilers are completely packaged and assembled in the boiler manufacturer's shop, one complete unit of a prototype design shall be subjected to the performance test prescribed in § 162.026–13 (a). Upon satisfactory completion of this test, type approval may be granted by the Commandant.

(3) If the component parts of the boiler are received from one or more sources and are initially assembled aboard the vessel without being subjected to a satisfactory performance test, individual performance tests prescribed in § 162.026–13 (a) will be required for each installation. Upon satisfactory completion of the performance test, specific approval of each packaged boiler may be granted by the Commandant, and such approval shall be limited to the specific installation.

§ 162.026–16 *Procedure after initial approval.* (a) Packaged units manufactured from an approved prototype design without change need not be subjected to the performance test, but shall be tested after each installation as prescribed in § 162.026–13 (b).

(b) All boilers approved for a specific installation only are required to be subjected to the performance and hydrostatic tests after each installation as prescribed in § 162.026–13.

(c) When the performance test is conducted after installation aboard the vessel, the boilers need not be subjected to the operating test.

§ 162.026–17 *Instruction booklets.* (a) The boiler manufacturer shall furnish with each boiler, instruction booklets providing a full description of the boiler and all auxiliaries, and complete instructions for installation and operation of the packaged unit.

Dated: August 15, 1952.

[SEAL] MERLIN O'NEILL,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 52–9233; Filed, Aug. 20, 1952; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 9]

PART 43—GENERAL OPERATION RULES

ANNUAL AND PERIODIC INSPECTIONS

This supplement alters the existing provisions of §§ 43.22–1 and 43.22–2 by providing that annual inspections of aircraft may be conducted not only by representatives of the Administrator but also by appropriately rated certificated repair stations, as authorized in recently revised Part 52 of this subchapter. The supplement further provides that periodic inspections of aircraft, and inspections required prior to annual inspections, may continue to be recorded on Form ACA–319, or may be recorded on forms prepared by the aircraft manufacturer or the operator which reflect in detail the items inspected. Inasmuch as the use of Form ACA–319 will not be mandatory, the scope of the periodic inspection which has been a part of such form is included in this supplement.

The supplement does not impose additional burdens upon interested persons. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be unnecessary, and therefore is not required. Sections 43.22–1 and 43.22–2, published on December 28, 1951, in 16 F. R. 13035, are revised to read:

§ 43.22 *Inspections—*(a) *Annual inspection.* An aircraft shall not be flown, except for airworthiness flight tests, unless within the preceding 12 calendar months it has been given an annual inspection as prescribed by the Administrator and has been found to be airworthy by a person designated by the Administrator.

(b) *Periodic inspection.* An aircraft shall not be flown for hire, unless within the preceding 100 hours of flight time it has been given a periodic inspection by an appropriately rated mechanic in accordance with the periodic inspection report form prescribed by the Administrator, has been found to be airworthy, and a notation to that effect has been entered by such mechanic in the aircraft log. The annual inspection required by paragraph (a) of this section will be accepted as one such periodic inspection.

(c) *Air carrier exemption.* Air carrier aircraft are exempted from paragraphs (a) and (b) of this section when such aircraft are maintained and inspected in accordance with a continuous maintenance and inspection system as provided for by Part 41, 42, or 61 of this subchapter.

§ 43.22–1 *Annual inspections (CAA rules which apply to § 43.22 (a)).* The purpose of this section is to prescribe the scope of the annual inspection required by § 43.22 (a) and to set forth the procedure to be followed by an aircraft owner when making application for an annual inspection.

(a) *Inspection requirement prior to presenting application.* Immediately prior to submitting an application for annual inspection, the aircraft shall be inspected and found airworthy by a certificated aircraft and engine mechanic(s) or by an appropriately rated and certificated repair station. The mechanic(s) or the appropriately rated certificated repair station shall conduct and record the airworthiness inspection in accordance with § 43.22–2 (a) and (b). All items found unairworthy, as a result of the inspection, shall be corrected prior to presenting the aircraft for annual inspection.

(b) *Application procedure.* (1) After the aircraft has been found airworthy in accordance with paragraph (a) of this section, the aircraft owner (or his agent) shall make application for annual inspection by completing Form ACA–305 entitled, "Application for Airworthiness Certificate and/or Annual Inspection of Aircraft,"[1] and present it and the aircraft to a CAA representative for consideration. The aircraft shall be presented in condition for inspection, i. e., all inspection plates, access doors, fairing and cowling shall be open or removed and the aircraft and engine thoroughly cleaned to properly reflect the actual condition of all the parts and components being inspected.

(2) The following official documents shall be available in the aircraft at the time it is presented for inspection:

(i) Current registration certificate as required by § 43.10 (a).

(ii) If the aircraft is flown to the point where the annual inspection is to be conducted, the aircraft shall display a current Certificate of Airworthiness, Form ACA–1362, issued in accordance with § 1.67 of this subchapter, or carry a special flight authorization (Form ACA–1779) entitled, "Application and Authorization for Ferry Permit," issued in accordance with § 43.10 (a).

(iii) The aircraft and engine records required by § 43.23.

(iv) A visual reference form of the operations limitations, as required by § 43.10–1.

(v) The Inspection Report, required by paragraph (a) of this section.

(c) *Renewal of airworthiness certificate.* Section 1.64 (a) (3) of this subchapter provides for renewing an airworthiness certificate upon satisfactory completion of the annual inspection described in paragraphs (a) and (b) of this section. The CAA will issue a new Certificate of Airworthiness, Form ACA–1362, each time the aircraft passes the annual inspection requirements. The CAA representative conducting the an-

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

nual inspection will, upon completion of the inspection, issue the new Certificate of Airworthiness to expire one year from the date the annual inspection was completed. This procedure will be applied without reference to whether the former Certificate of Airworthiness has expired or is still current.

(d) *Application and inspection forms.* The inspection and application forms mentioned in paragraphs (b) and (c) of this section are available at all CAA regional and Aviation Safety district offices, all Designated Aircraft Maintenance Inspectors, and those Certificated Repair Stations holding a class type airframe rating.

§ 43.22–2 *Periodic inspection (CAA rules which apply to § 43.22 (b)).* The purpose of this section is to prescribe the scope of the periodic inspection required by § 43.22 (b) and to identify the form and method of recording the findings of this inspection.

(a) *Scope of periodic aircraft inspection.* The inspection required by § 43.22–1 (a) shall be conducted as follows:

(1) Prior to inspection, all inspection plates, access doors, fairing and cowling shall be opened or removed and the aircraft and engine thoroughly cleaned to properly reflect the actual condition of the parts being inspected. Airworthiness of the aircraft shall be determined by thoroughly inspecting the pertinent items in subdivisions (i) through (ix) of this subparagraph in accordance with instructions contained in the aforementioned subdivisions, manufacturer's inspection procedures, supplemental service information, and standard inspection practices. Each item shall conform with CAA Aircraft Specifications and Airworthiness Directives before being checked as airworthy.

(i) *Fuselage and hull group.* Carefully inspect the fuselage and/or hull for general condition; fabric or skin for deterioration, distortion, pulled rivets, fabric attachment, other evidence of failure, and security of attachment fittings. The various systems and components installed in this group should be checked to assure that they are properly installed with no apparent defects and are operating satisfactorily. When applicable, the same general inspection procedures will apply to lighter-than-air craft and a determination made of the condition of the envelope, gas bags, ballast tanks, etc. Rotary-wing-type aircraft or other craft utilizing rotor or other propellant drive shafts should have the shafts inspected in accordance with the manufacturer's maintenance manual. Lubricate items as required.

(ii) *Cabin and cockpit group.* Check the cabin and cockpit for cleanliness and loose equipment which might foul the controls; seats and safety belts for condition and apparent defects; windows and windshields for deterioration or breakage; instruments for proper operation, mounting, and marking; flight and engine controls for installation and operation; batteries for installation and proper charge; the various systems for installation, general condition, apparent and obvious defects and security of attachment. The above inspection procedure will also apply to the control car of lighter-than-air craft. Lubricate items as required.

(iii) *Engine and nacelle group.* Remove all engine cowling and make a visual inspection of the entire engine section for evidence of excessive oil, fuel, or hydraulic leaks. Trace any and all leaks to their origin so that they may be corrected. Check all studs and nuts for tightness or obvious defects. Inspect the engine mount for cracks, tightness of mounting, and security of engine attachment to mount. Insure that flexible vibration dampeners are in good condition. Examine the engine controls for defects, proper travel, and safetying; lines for leaks and hoses and clamps for condition and tightness. Check exhaust stacks for cracks or other defects and satisfactory attachment. Examine accessories for apparent defects and security of mounting. Inspect the various systems for proper installation, general condition, defects, and attachment. Inspect cowling for cracks or other defects. On rotary-wing-type aircraft inspect the main rotor transmission gear box for obvious defects as outlined in the manufacturer's maintenance manual. Properly lubricate items so requiring.

(iv) *Landing gear group.* Examine the landing gear for general condition and security of attachment of all units. Make certain the oleo fluid level is at proper height or other shock-absorbing devices are in good condition. Inspect all linkage, trusses, and members for evidence of undue or excessive wear, fatigue, distortion, and security of attachment. Assure that the retracting and locking mechanisms, when installed, are operating satisfactorily. Check hydraulic lines for leakage and electrical system for chafing and proper operation of switches. Remove the wheels and examine for cracks or other defects, tires for wear or cuts, brakes for proper adjustment. Lubricate entire landing gear assembly. If floats or skis are installed, inspect for security of attachment, general condition, and any obvious or apparent defects.

(v) *Wing and center-section group.* Determine the airworthiness of the wing and center-section group by thoroughly inspecting the complete assemblies for general condition, fabric or skin for deterioration, distortion, pulled rivets, fabric attachment, other evidences of failure, and for security of attachment. This inspection is to include the various systems installed which make up a complete wing assembly. Rotary-wing-type aircraft are to be inspected in accordance with the manufacturer's maintenance manual. Lubricate items as required.

(vi) *Empennage group.* Inspect the complete empennage assembly for general condition; fabric or skin for deterioration, distortion, fabric or skin attachment, other evidences of failure, and for security of attachment. Components and systems which make up the complete assembly should receive the same attention and it should be determined that they are installed properly and operating satisfactorily. Lighter-than-air craft should be inspected in the same manner. Helicopters should have the tail rotors inspected in accordance with the manufacturer's maintenance manual. Lubricate items as required.

(vii) *Propeller group.* Carefully examine all parts of the propeller for cracks, nicks, bends, or oil leakage, if hydraulically controlled. Assure that all bolts are tight and properly safetied. Check the propeller anti-icing devices for proper operation or obvious defects. Assure that control mechanism operates satisfactorily, is securely mounted, and controls operate through full range of travel. Lubricate as required.

(viii) *Radio group.* Inspect radio and electronic equipment for installation and security of mounting. Assure that wiring and conduits are properly routed to prevent short-circuiting and that there are no obvious defects. Determine that bonding and shielding is properly installed and in good condition. If installed, inspect trailing antenna mechanism for security and proper functioning.

(ix) *Miscellaneous group.* When installed, inspect the miscellaneous items of equipment to determine that the component or assembly is installed in accordance with accepted standard practices, and that the items are operating satisfactorily.

(b) *Periodic inspection report form.* (1) The results of the inspection called for in § 43.22–1 (a) shall be recorded on any of the following forms, and a signed copy given to the aircraft owner upon completion of the inspection:

(i) The Periodic Aircraft Inspection Report, Form ACA–319,[1] furnished by the CAA, or

(ii) An aircraft manufacturer's form, which reflects in detail the condition of the items of inspection set forth in paragraph (a) of this section, as appropriate to the particular model aircraft;

(iii) Any other form similar to the example given in Fig. 1.[2]

(2) On all forms, excepting the Form ACA–319, the following statement must be imprinted:

> This form is authorized by the CAA. The inspection recorded herein was conducted in accordance with the Civil Air Regulations.

(3) In addition, the forms must contain instructions for their use.

(c) *Entries in aircraft and engine records.* The aircraft owner shall make available to the mechanic(s) the aircraft and engine records in order that the mechanic(s) may record the inspection as required by this part and Part 18 of this subchapter. After conducting the inspection of an aircraft and upon finding it airworthy, the mechanic(s) will enter in the logbook over his name, certificate number and rating(s), the following statement:

> It is certified that this aircraft has been thoroughly inspected, as required by Civil Air Regulations, and found to be airworthy.

(d) *Annual inspection acceptable in lieu of periodic inspection.* When an aircraft has satisfactorily passed the annual inspection required by § 43.22 (a), it is also considered to have passed the periodic inspection required by § 43.22 (b). In such cases, accumulation of flight time toward the next periodic inspection will start immediately after the inspecion specified in § 43.22–1 (a).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 605, 608, 52 Stat. 1007, 1009, 1010, 1011; 49 U. S. C. 551, 553, 555, 558)

This supplement shall become effective August 25, 1952.

[SEAL] F. B. LEE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52–9206; Filed, Aug. 20, 1952; 8:45 a. m.]

[1] The reporting requirements of this form have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[2] Not submitted for publication in the FEDERAL REGISTER.

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter A—Aid of Civil Authorities and Public Relations

PART 514—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE

REVOCATION

Part 514 is revoked.

(R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 52–9225; Filed, Aug. 20, 1952; 8:48 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1830]

PART 295—WITHDRAWALS AND RESTORATIONS

EDITORIAL NOTE: Federal Register Document 52–8900, appearing at page 7368 of the issue for Wednesday, August 13, 1952, has been corrected as follows:

In the second sentence of § 295.11 (a), "(Form 4–1493)" has been changed to read "(Form 4–1193)".

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Entomology and Plant Quarantine

[7 CFR Parts 319, 321]

FOREIGN QUARANTINE NOTICES; RESTRICTED ENTRY ORDERS

PINK BOLLWORM OF COTTON, FOREIGN COTTON LINT, COTTONSEED PRODUCTS FROM ALL FOREIGN COUNTRIES; EXTENSION OF TIME

Notice is hereby given of an extension, until September 16, 1952, of the period of time within which any interested person may submit written data, views, or arguments concerning the proposal to revoke the order restricting the entry of cottonseed oil from Mexico into the United States (7 CFR 321.202), and to revise and combine into one quarantine, with supplementary regulations, under a new subpart heading "Foreign Cotton," the foreign pink bollworm of cotton quarantine and regulations (7 CFR 319.8, 319.8–1 et seq.), the order regulating the admission into the United States of foreign cotton lint (7 CFR 321.101), the regulations governing the importation of cotton and cotton wrappings into the United States (7 CFR 321.102 et seq.), the order restricting the admission into the United States of cottonseed cake, cottonseed meal, and all other cottonseed products except cottonseed oil (7 CFR 321.201), and the regulations governing the importation into the United States of cottonseed cake, cottonseed meal, and other cottonseed products (7 CFR 321.203 et seq.).

Notice of rule making concerning the proposed revocation, revision, and combination was published in the FEDERAL REGISTER on July 16, 1952 (17 F. R. 6434).

Done at Washington, D. C., this 15th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9220; Filed, Aug. 20, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Navy

ORGANIZATION STATEMENT

BUREAU OF SUPPLIES AND ACCOUNTS

In Organization Statement of the Department of the Navy, published at 16 F. R. 12573–12590, delete Subsection F, *Bureau of Supplies and Accounts*, appearing at 16 F. R. 12583–12584, as amended, 17 F. R. 2093–2094, and insert the following subsection in lieu thereof:

F. *Bureau of Supplies and Accounts.* 1. The duties of the Bureau of Supplies and Accounts are performed under the authority of the Secretary of the Navy, and its orders are considered as emanating from him and have full force and effect as such. The bureau is directed by a Chief who has the additional title of Paymaster General. The Chief of the Bureau is appointed by the President by and with the advice and consent of the Senate for a term of four years. The Deputy and Assistant Chief of Bureau performs the duties of the Chief of Bureau in the latter's absence.

2. The bureau develops plans, conducts research, formulates policies, and specifies procedures to be followed in the performance of supply and specified fiscal functions afloat and ashore.

3. Except as otherwise prescribed by the Secretary of the Navy, the bureau exercises management control over the following types of organizations and/or activities of the Shore Establishment: naval supply centers; naval supply depots; supply demand control points (offices); Navy purchasing offices; supply annexes; naval storehouses; naval fuel supply depots; Navy central freight control offices; Navy market offices; Navy overseas air cargo terminals; naval clothing factory; Navy exchanges; Navy commissary stores; the Navy Ship's Store Office, New York; the Naval Supply Research and Development Facility, Bayonne, New Jersey; Navy Material Catalog Office, New York; cost inspection offices; Navy regional accounts offices; Navy accounts disbursing offices; and naval supply facilities.

4. The functions of the bureau and its field activities are as follows:

a. Supervises the procurement, receipt, custody, warehousing, and issuance of Navy supplies and materials, exclusive of ammunition, projectiles, mines, and explosives.

b. Supervises and directs the operation of the supply phases of the Navy Supply System, and administers the redistribution program of excess personal property within the Department of Defense and the sale of Navy surplus property.

c. Administers a centralized storage program for the control of all storage facilities of the Naval Shore Establishment.

d. Administers the Navy's participation in the storage phase of the National Stockpile Program; provides storage space at Navy activities for the storage of strategic and critical materials of the program, and establishes operating procedures.

e. Authorizes and supervises the transportation of Navy property and the household goods of naval personnel, both military and civilian, and administers the functions relating to the disposition of private personal property and effects.

f. Loads and unloads cargo ships; and procures, operates, and administers cargo terminal facilities, including the

procurement and assignment of stevedores.

g. Controls and administers the Navy Stock Fund, the Naval Working Fund, designated parts of the Navy Management Fund and the Navy Industrial Fund, and the stocks of material and supplies procured with these funds.

h. Establishes operating procedures and furnishes technical direction to naval activities on matters concerning handling, warehousing, shipping, and stevedoring to the end that naval materials may be expeditiously handled into and through naval activities at a minimum cost and with the least expenditure of manpower, storage, and shipping space.

i. Recommends to the Bureau of Yards and Docks action relative to the location, design, construction, and equipment of storehouses and other facilities or parts thereof, whose principal purpose is a function over which the Bureau of Supplies and Accounts has technical and management control.

j. Recommends to the Bureau of Ships action relative to the space and equipment requirements of disbursing, clothing, resale, messing, and supply activities afloat.

k. Coordinates the assembly of the materials required for the initial establishment of supply components of advance bases, and determines storage and space requirements in connection with the movement of such materials.

l. Develops and implements the industrial mobilization planning program with respect to the material under the bureau's control.

m. Prepares budget estimates and administers funds for the Supply Distribution System, the Accounting and Disbursing System, Transportation, Fuel, and Subsistence of Navy Personnel.

n. Exercises material control over all food products, including the processing of coffee, their development and use in the Navy, and exercises technical control over general messes of the Navy (except naval hospital messes).

o. Determines accounting accuracy of contractors' cost representations where such costs are the basis for contract price negotiations and/or reimbursement, including Army and Air Force Contracts where assigned. Directs naval cost inspection; and renders the essential periodic and special reports as required by law.

p. Supervises disbursement for all articles and services procured for the Navy and for payrolls, military and civilian; pays allotments including those in substantiation of Basic Allowance for Quarters for all Navy military personnel and for civilians employed at naval activities outside Continental United States; pays retired and fleet reserve personnel of the Navy; pays repatriated military and civilian personnel of the Navy; pays death gratuities; arranges for funds required by Navy disbursing officers and administratively examines their accounts.

q. Prepares information and instructions regarding federal income tax, and disseminates throughout the Naval Establishment.

r. Supervises the issuance of United States Savings Bonds purchased by Naval personnel through payroll deductions and allotments.

s. Maintains the official Fidelity Accounts for public funds and property entrusted to the custody of accountable officers, and certifies to the Comptroller General of the United States all charges against an officer or agent of the Navy entrusted with public property arising from loss occurring through fault or negligence.

t. Develops fiscal procedures and practices in consonance with policies established by higher authority and maintains and issues instructions on the operational detail of specified fiscal procedures.

u. Performs audits of property accounts and the administrative examination of the money accounts of the Naval Establishment; and keeps inventory records relating to the plant properties, facilities and capital equipment owned in whole or in part by the Navy and Marine Corps.

v. Renders an annual report to the Congress of money value of supplies on hand at the various stations at the beginning of each fiscal year; disposition thereof; purchases and expenditures of supplies for the year, and balance on hand.

w. Performs research and development in the supply, fiscal, and logistics fields, both to fulfill bureau obligations under directives from the Chief of Naval Operations and to improve the peacetime efficiency and wartime potential of bureau and related Navy-wide operations.

x. Recommends to the Bureau of Naval Personnel action relative to the entire personnel program for officers of the Supply Corps and pay clerks, and for the development of programs for training of related enlisted rates.

y. Coordinates the compilation and arranges for the printing of the Catalog of Navy Material. Coordinates and prepares the supply requirements of all federal and military coordinated specifications used by the Department of the Navy; budgets for and establishes the stocks of, and supervises the distribution of the specifications.

z. Prepares and revises Navy Travel Instructions jointly with the Bureau of Naval Personnel and the Headquarters, U. S. Marine Corps.

Dated: August 11, 1952.

DAN A. KIMBALL,
Secretary of the Navy.

[F. R. Doc. 52-9211; Filed, Aug. 20, 1952; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 486 AND SMALL TRACT CLASSIFICATION NO. 63

AUGUST 13, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to sections 2.21 and 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the 80-rod shorespace reserve which may now or hereafter be created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the public lands hereinafter described in the Anchorage, Alaska Land District, which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KETCHIKAN AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2603—Lot 12.
U. S. Survey 2604—Lots 13, 19A, 29A, 31, and 37.
U. S. Survey 2802—Lots 1-7 inclusive and Lot 9; Lots 19-23 inclusive; Lots 25-29 inclusive; Lots 32-44 inclusive.
U. S. Survey 2803—Lots 10, 11, 14, 15, 16, 17, 18.
U. S. Survey 2804—Lots 3, 4, 5, 8, 9, 10.
U. S. Survey 2805—Lots 1, 4, 11, 12, 13, 14.
U. S. Survey 2806—Lots 6, 9.
U. S. Survey 2807—Lot 20.

For Cabin Sites

U. S. Survey 2678—Tract 2, Lot 3.
U. S. Survey 2802—Lot 30.
U. S. Survey 2804—Lots 1, 2.
U. S. Survey 2807—Lots 17, 19, 21.

For Home or Business

U. S. Survey 2802—Lot 8.
U. S. Survey 2803—Lot 13.

For Cabin or Business

U. S. Survey 2802—Lots 24 and 31.

For Business Only

U. S. Survey 2803—Lot 12.

The above-described area comprises 72 tracts aggregating approximately 179.67 acres.

JUNEAU AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2386—Lots A, F, G.
U. S. Survey 2388—Tract A, Lot B.
U. S. Survey 2389—Lots B, C, F, G, H.
U. S. Survey 2390—Tract A, Lots C and F.
U. S. Survey 2391—Lots X, Y, Z, AA.
U. S. Survey 2392—Tract A, Lots J, CC, DD, EE; Tract B, Lots O, P, Q, R, S, T, U, W, X, Y, Z, AA, BB.
U. S. Survey 2492—Lot C.
U. S. Survey 2517—Lot D.
U. S. Survey 2901—Lots 1-14, inclusive.
U. S. Survey 2902—Lots 15-26, inclusive.
U. S. Survey 2903—Lots 27-32, inclusive.
U. S. Survey 3054—Lot 26.

For Cabin Sites

U. S. Survey 2387—Tract A, Lots A and B; Tract B, Lot F.
U. S. Survey 2392—Tract A, Lot M; Tract B, Lot V.
U. S. Survey 2515—Lot 17.
U. S. Survey 2517—Lots E, F.
U. S. Survey 2560—Lots A and B.
U. S. Survey 2664—Group 2, Lots 3, 5.
U. S. Survey 2669—Lot 2.
U. S. Survey 2670—Lot 3C.
U. S. Survey 2671—Lots 7C, 8.
U. S. Survey 2672—Lots 12, 13, 14A, 15, 16.
U. S. Survey 2741—Block 1, Lot 2.
U. S. Survey 2909—Lots 1 and 4.
U. S. Survey 3050—Lots 1-11, inclusive.
U. S. Survey 3051—Lots 1-9, inclusive, and Lot 10B.

U. S. Survey 3052—Lots 15-22, inclusive.
U. S. Survey 3053—Lots A-H, inclusive, and 1-13, inclusive, and Lots 3A and 8A.
U. S. Survey 3054—Lots 16-25, inclusive, and Lots 27-32, inclusive.

The above-described area comprises 159 tracts aggregating approximately 290.42 acres.

CRAIG AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2327—Lots A, C, Q, R.
U. S. Survey 2611—Lots 1-21, inclusive, and HS600, 602, and 790.
U. S. Survey 2612—Lot S.

The above-described area comprises 29 tracts aggregating approximately 76.47 acres.

PETERSBURG AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2461—Lots A and C.
U. S. Survey 2462—Lots E-H, inclusive.
U. S. Survey 2463—Lot I.
U. S. Survey 2464—Lots M, N, O.
U. S. Survey 2465—Lots S-X, inclusive.
U. S. Survey 2466—Lots Y, Z, 1.
U. S. Survey 2467—Lots 2-8, inclusive.
U. S. Survey 2468—Lots 9, 9A, 10, 11, 12.
U. S. Survey 2470—Lot 14.
U. S. Survey 2471—Lots 18-21, inclusive.
U. S. Survey 2472—Lots 22-27, inclusive, and Lots 24A, 25A, and 27A.
U. S. Survey 2473—Lots 28-32, inclusive.
U. S. Survey 2474—Lots 33A and 34-37, inclusive.

For Cabin or Business Sites

Copper River Meridian
T. 58 S., R. 79 E.,
Sec. 33: Lots 30-36, inclusive.

The above-described area comprises 62 tracts aggregating approximately 259.04 acres.

WRANGELL AREA

FOR LEASE AND SALE

For Home Sites

U. S. Survey 2321—Lots D, K, M, V, W, Y, 3, 4.
U. S. Survey 2589—Lots 1-10, inclusive and Lots 12, 13, 14, and 16.

For Cabin Sites

U. S. Survey 2321—Lot G.

The above-described area comprises 23 tracts aggregating approximately 78.34 acres.

2. The lands lie within an elimination from the Tongass National Forest effected by Public Land Order 842 of June 19, 1952, and are located near the cities indicated above. The lands are accessible for the most part from the above mentioned cities by primary and secondary roads, or in some instances only by boat. The terrain is generally rocky, covered in most places with a thin mantle of soil. The vegetative cover consists mainly of a dense growth of hemlock, Sitka spruce, and cedar. The climate is typical of the southeastern Alaska coastal type, characterized by cool summers and mild winters, with heavy precipitation experienced throughout most of the year. A large part of the lands are presently served by public utilities. Adequate water supply for domestic uses may be obtained from water systems supplied by nearby streams, and sewage disposal may be made through use of cesspools and septic tanks. Commercial, school, and church facilities are available in the nearby cities, and in some places within immediate access of the lands.

3. This classification order shall not become effective to change the status of the land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on September 3, 1952. At that time the land shall, subject to valid existing rights and the provisions of existing withdrawals and section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, as to the lands lying within 50 feet of the center line of the transmission line right-of-way of Federal Power Project No. 201, of the Town of Petersburg, Alaska, become subject to application as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10 a. m. on September 3, 1952, to close of business December 2, 1952, inclusive, to (1) application under the Small Tract Act of June 1, 1938, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Secs. 279, 282), as amended, and by other qualified persons entitled to credit for service under the said act, subject to the requirements of applicable law, and (2) applications under any applicable public land laws, based on prior existing valid settlement and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans and by other persons entitled to credit for service shall be subject to claims of the classes described in subdivision (2).

(b) *Advance period for simultaneous preference right filings.* All applications by such veterans and persons claiming preference rights superior to those of such veterans and filed on August 13, 1952, or thereafter, up to and including 10 a. m. on September 3, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10 a. m. on December 3, 1952, any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on November 13, 1952, or thereafter, up to and including 10 a. m. on December 3, 1952, shall be treated as simultaneously filed.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claim, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications referred to in paragraphs 3 and 4, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, in the circumstances, are presentable, substantial, and appropriate for the use for which the lease is issued. Leases will be for a period of not more than three years, at an annual rental of $5 for cabin sites and homesites, payable in advance for the entire lease period. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease will contain an option to purchase clause and every lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.07 to 7.17 acres, in accordance with the plats of survey on file in the Land Office, Anchorage, Alaska.

8. Lessees must locate any well, water supply system, or sewage disposal facility according to the regulations and laws of the Territory of Alaska.

9. As to the lands lying within the rectangular system of survey, leases will be made subject to rights-of-way for road purposes and public utilities, of 50 feet in width, along section and/or quarter section lines and 33 feet in width along other tract boundaries, as shown on the classification maps on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, county, or municipality, or any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

10. All inquiries relating to these lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

FRED J. WEILER, *Chief,*
Division of Land Planning.

[F. R. Doc. 52-9209; Filed, Aug. 20, 1952; 8:45 a. m.]

WYOMING

CLASSIFICATION ORDER NO. 12

AUGUST 12, 1952.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427, dated August 16, 1950, 15 F. R. 5639, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Cheyenne, Wyoming land district, embracing approximately 51.67 acres.

WYOMING SMALL TRACT CLASSIFICATION NO. 12

For lease and sale for home and business sites:

T. 52 N., R. 93 W., 6th P. M. Wyoming
Section 17, Lots 11 through 23 and Lot 25, as indicated on legal plat of survey by the Bureau of Land Management approved March 26, 1952, copies of which are on file and may be viewed at the office of the Manager, Land and Survey Office, Cheyenne, Wyoming, and also at the office of the Area Manager, Bureau of Land Management, Worland, Wyoming.

Lot 24, Section 17 is not available for lease or sale for the reason that this lot has already been classified for lease and sale under the provisions of the small tract act.

These lots lie adjacent to the city of Greybull, Wyoming. Year around access is provided to all of the tracts by U. S. Highway No. 20 and a county road. The Chicago, Burlington & Quincy Railroad passes through Lot 11 in a north-south direction. All of the lots, with the exception of Lot 11 have frontage on the county road or U. S. Highway No. 20. Electricity is available or can be obtained. Lot 24 which has already been classified for lease and sale for business purposes under the small tract act has been developed for business purposes and contains improvements necessary for the operation of a small oil refinery and a filling station. The land is level to rough but all of the lots contain a sufficient area of level ground for home or business sites.

2. As to applications regularly filed prior to 10 a. m., August 1, 1952, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. This order shall not otherwise become effective to change the status of such lands until 10 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the land will be leased in individual tracts as shown on the approved plat of survey dated March 26, 1952, on file in the Land & Survey Office at Cheyenne, Wyoming.

6. Leases for homesites will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases for business purposes will be for a period of five years at a minimum annual rental of $20.00, payable for the entire lease period in advance of the issuance of the lease. Rentals on business sites will be in accordance with the schedule of rentals for business sites where such rental is in excess of the minimum rental of $20.00 per year.

(a) Leases for business sites shall contain a provision requiring an annual report from each lessee who has taken a tract for such purposes as to whether or not he has conducted a business thereon and if so, an accounting of the gross income derived therefrom. Such lease will also contain a clause reserving to the duly appointed, qualified and acting representative of the Department of the Interior the right to enter upon and inspect the premises and to examine the books and accounts pertaining to any business conducted thereon at any time during regular business hours.

Leases will contain an option to purchase clause at the appraised value of the tracts as follows:

T. 52 N., R. 93 W. Sec. 17	Per tract
Lot 11	$75.00
Lot 12	235.00
Lot 13	210.00
Lot 14	175.00
Lot 15	190.00
Lot 16	225.00
Lot 17	225.00
Lot 18	195.00
Lot 19	165.00
Lot 20	190.00
Lot 21	150.00
Lot 22	115.00
Lot 23	255.00
Lot 25	300.00

Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

7. Lessees under the Small Tract Act of June 1, 1938, will be required within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which in the circumstances are presentable, substantial and appropriate for the use for which the lease is issued.

8. Leases will be subject to existing rights-of-way for road and railroad purposes as follows:

100 ft. right-of-way along the south boundary of Lots 13, 14, 15, 16, 17, 18, 21, and 22.

150 ft. right-of-way along the west boundary of Lots 12 and 25.

100 ft. right-of-way on each side of the center line of the Chicago, Burlington & Quincy Railroad through Lot 11.

9. Lessees will be required to comply with the Wyoming State Highway Commission concerning road approaches, borrow pits and other requirements.

10. Lessees and/or their successors in interest shall comply with all Federal, State, county, and municipal laws and ordinances, especially those governing health and sanitation, and failure or refusal to do so may be cause for cancellation of the lease in the discretion of the authorized official of the Bureau of Land Management.

11. All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

PAUL W. HOWARD,
Acting Regional Administrator.

[F. R. Doc. 52-9210; Filed, Aug. 20, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Serial No. E-6619; Docket No. 1705 et al., Consolidated]

AIR FREIGHT RATE INVESTIGATION; DIRECTIONAL RATES

CERTIFICATED AND NON-CERTIFICATED AIR CARRIERS

Eighth supplemental order modifying minimum rates (Serial No. E-6698). In the matter of rates and charges for the transportation of freight by air established, demanded, and charged by certificated and non-certificated air carriers, known as air freight rate investigation (directional rates); Docket No. 1705 et al., Consolidated.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of August 1952.

The Board on July 21, 1952, adopted an Order (Order Serial No. E-6619), incorporating a Statement of Tentative Findings and Conclusions (Statement), directing all interested parties to show cause why the Board should not adopt the findings and conclusions specified in the statement and indefinitely extend the directional rates authorized by Orders Serial Nos. E-4048, E-4890, and E-5648.

The time designated for filing notice of objection has elapsed and no notice of objection to the show cause order has been filed by any person.

All parties have therefore waived all other procedural steps short of the final decision of the Board.

The Board, hereby reaffirming and making final all the findings and conclusions in the order and statement: *It is ordered*, That:

1. The directional rates authorized by Orders Serial Nos. E-4048, E-4890, and E-5948 are extended indefinitely.

2. The record in this proceeding will be held open and any party in interest may petition for reconsideration and modification of the directional rates authorized by this order as to any commodity or groups of commodities between any points, such petition to be filed and further proceedings in connection therewith to be conducted as follows:

a. Each petition shall conform to §§ 302.3 and 302.200 (b) of the rules of practice in Economic Proceedings and in addition two copies of such petition shall be served by the petitioner upon all parties or their attorneys of record;

b. Within 10 days after service of any such petition any party may file an answer thereto, such answer to be executed and copies thereof to be filed and served in the same manner as provided herein for petitions;

c. Further proceedings in connection with any such petition shall be conducted in such manner as the Board may deem appropriate.

3. The Board may on its own motion modify the directional rates established herein in any such manner as it may deem proper.

4. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9237; Filed, Aug. 20, 1952; 8:50 a. m.]

[Docket No. 4603, et al.]

NORTH CENTRAL ROUTE INVESTIGATION CASE; REOPENED

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the Reopened North Central Route Investigation Case.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, now assigned for September 3, 1952, is postponed indefinitely and that announcement of the new hearing date will be made at a later time.

Dated at Washington, D. C., this 18th day of August 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-9236; Filed, Aug. 20, 1952; 8:50 a. m.]

[Docket No. 5647]

PROVINCE OF SASKATCHEWAN, DOMINION OF CANADA; DEPARTMENT OF PUBLIC HEALTH AIR AMBULANCE SERVICE

NOTICE OF HEARING

In the matter of the application of the Department of Public Health, Province of Saskatchewan, Dominion of Canada for a foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of the said act, that hearing in the above-entitled proceeding is assigned to be held on August 26, 1952 at 10:00 a. m., e. d. t., in Room 5040 Commerce Building, Fourteenth and E Streets, NW., Washington, D. C., before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the questions whether it will be in the public interest to authorize the Province of Saskatchewan to operate air ambulance service in foreign air transportation between points in the Province and points in the United States, and whether the requested authorization will be consistent with the obligations assumed by the United States in any treaty, convention or agreement that may be in force between the United States and the Dominion of Canada or any other foreign country.

For further details as to the requested authorization and the issues in connection therewith, reference is made to the application and the report of the prehearing conference on file in the Board's Docket Section.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before August 26, 1952, a statement setting forth the pertinent issues of fact or law that he desires to controvert or support, and such person then may appear and participate at the hearing in accordance with the Board's rules of practice.

Dated at Washington, D. C., August 18, 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-9238; Filed, Aug. 20, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Delegation of Authority 6, Supplement 8, Revision 1]

CHIEFS OF BRANCHES, CONSUMER GOODS DIVISION

REDELEGATION OF AUTHORITY TO REQUEST FURTHER INFORMATION CONCERNING PROPOSED CEILING PRICES

By virtue of the authority vested in me as Director of the Consumer Goods Division of the Office of Price Operations, Office of Price Stabilization, by Delegation of Authority No. 6, Supplement 1, Revised (16 F. R. 3672; 17 F. R. 2105), this delegation of authority is hereby issued.

Delegation of Authority No. 6, Supplement 3, effective May 4, 1951 (16 F. R. 4153) is revised to read as follows:

1. Authority is hereby redelegated to the Chiefs of the Branches of the Consumer Goods Division of the Office of Price Operations, Office of Price Stabilization to request further information from a seller who has submitted a proposed ceiling price for approval.

2. This redelegation of authority supersedes Delegation of Authority 6, Supplement 7 (16 F. R. 4628).

This redelegation of authority shall take effect on August 20, 1952.

THOMAS L. KARSTEN,
Director, Consumer Goods Division, Office of Price Operations.

AUGUST 19, 1952.

[F. R. Doc. 52-9271; Filed, Aug. 19, 1952; 12:01 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6442]

MOUNTAIN STATES POWER CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

AUGUST 15, 1952.

Notice is hereby given that on August 12, 1952, the Federal Power Commission issued its order entered August 11, 1952, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9212; Filed, Aug. 20, 1952; 8:46 a. m.]

[Docket Nos. G-1968, G-1976]

CITIES SERVICE GAS CO. AND PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 15, 1952.

In the matters of Cities Service Gas Company, Docket No. G-1968; Panhandle Eastern Pipe Line Company, Docket No. G-1976.

Notice is hereby given that on August 13, 1952, the Federal Power Commission issued its orders entered August 12, 1952, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 52-9213; Filed, Aug. 20, 1952; 8:46 a. m.]

[Docket Nos. G-1810, G-1938, G-1939]

TEXAS-OHIO GAS CO.

ORDER RECONVENING HEARING

AUGUST 14, 1952.

On October 10, 1951, Texas-Ohio Gas Company (Applicant) filed, in Docket No. G-1810, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a natural-gas pipeline system from a point in Hidalgo County, Texas, to a point in the State of West Virginia.

On November 6, 1951, the Commission notified Applicant that the data and exhibits in support of the application were lacking and directed that such data be filed by December 1, 1951. At the request of Applicant, this period was extended 60 days to February 1, 1952. On January 31, 1952, Applicant filed a request that it be granted an additional 90 days to file such data, although Applicant stated in its request that it would be prepared to proceed on April 1, 1952, or in 60 days from February 1, 1952. In response to such request the Commission, by order of February 20, 1952, found that it would be in the public interest to grant Applicant an extension of not more than 60 days within which to file the necessary supporting data and exhibits, and set the application for hearing to commence on April 15, 1952. Paragraph (B) of the Commission's February 20, 1952, order provided as follows:

> Failure on the part of Applicant to be fully prepared on said hearing date to prosecute its application with all supporting data, exhibits and evidence shall be ground for dismissal.

Hearings on the application in Docket No. G-1810 commenced on April 15 and continued until April 17, 1952, on which date the Commission, by order, recessed the hearings to permit its consideration of a motion made by Commission Staff Counsel for the dismissal of the application without prejudice. Thereafter, on May 13, 1952, the Commission, by order, provided for oral argument before the Commission on June 6, 1952, concerning the matters involved and the issues presented by said motion to dismiss and the answer which had been filed by the Applicant opposing such motion.

Upon consideration of the matters presented at the oral argument on June 6, 1952, the Commission on June 17, 1952, entered an order reserving decision on the Staff's motion to dismiss the proceeding in Docket No. G-1810 pending Applicant's presentation of the supporting evidence that it was then prepared to offer, and setting the G-1810 application for further hearings to commence on July 7, 1952. By that order the Commission consolidated the proceedings in Docket Nos. G-1938 and G-1939 with the proceeding in Docket No. G-1810. This order, by providing for further hearings, afforded the Applicant a further opportunity to discharge its obligation to show in Docket No. G-1810 that it is entitled to a certificate. Paragraph (D) of that order provided as follows:

> After Applicant has presented all of its evidence in support of the applications at Docket Nos. G-1810, G-1938, and G-1939, other parties, including Staff counsel, may conduct so much of their cross-examination as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing pending further order of the Commission.

The hearings resumed on July 7, 1952, and continued until July 14, 1952, when the same were recessed at the request of the Applicant to reconvene on August 4, 1952. The hearing reconvened on August 4, 1952, and near the close of the proceedings on that date, Applicant moved for a 30-day continuance of the hearings in the above-entitled dockets. This motion was made orally on the record and reads as follows:

> Now, if the Court please, I move that this case stand in recess for 30 days, during which time it shall be the privilege of the Texas-Ohio Gas Company to present to the staff of the Commission geological data and further contracts in support of this petition, that when the case be reconvened we be ready for cross-examination and at the same time that we be permitted to introduce such contracts and data as may already at that time have been presented to the staff for its study and examination.

Commission Staff Counsel and counsel for interveners, National Coal Association, et al., opposed the motion. After argument thereon the Presiding Examiner recessed the hearing subject to further order of the Commission.

The Commission finds: Applicant has been afforded abundant opportunity to complete the presentation of evidence in support of its applications in the above-entitled proceedings, but has failed to do so. However, it may be appropriate and in the public interest to afford applicant a further and final opportunity to complete its case, and, accordingly, the hearing should be reconvened as hereinafter ordered.

The Commission orders:

(A) The public hearing in the above-entitled proceedings shall reconvene on September 2, 1952, at 10 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(B) At such public hearing Applicant shall present all of its evidence in support of its applications in Docket Nos. G-1810, G-1938 and G-1939 and complete its entire direct case without further continuance. Upon conclusion of such presentation by Applicant, other parties, including Staff counsel, may conduct so much of their cross-examination as they are then prepared to undertake. Thereupon, the Presiding Examiner shall recess the hearing pending further order of the Commission.

Date of issuance: August 15, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 52-9214; Filed, Aug. 20, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2903]

SOUTHWESTERN DEVELOPMENT CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF TWO YEAR NOTES

AUGUST 15, 1952.

In the matter of Southwestern Development Company, Amarillo Gas Company, West Texas Gas Company; File No. 70-2903.

Southwestern Development Company ("Southwestern"), a registered holding company, and two of its wholly-owned subsidiaries, Amarillo Gas Company ("Amarillo Gas") and West Texas Gas Company ("West Texas"), having filed a joint application-declaration and amendments thereto, pursuant to sections 7, 10 and 12 (b) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 (a) (2) and (3) promulgated under the act, with respect to the following proposed transactions:

Pursuant to a supplemental loan agreement dated July 15, 1952, Southwestern proposes to borrow from Guaranty Trust Company of New York ("Bank") $2,700,000, and to issue and sell to the Bank, as evidence of said loan, a two year 3¼ percent unsecured note, in the same principal amount.

Southwestern proposes to advance the total proceeds of said loan ($2,700,000) to Amarillo Gas and West Texas in the principal amounts of $300,000 and $2,400,000, respectively. Amarillo Gas and West Texas propose to issue and sell, and Southwestern proposes to acquire, the separate two-year 3¼ percent unsecured notes of such subsidiaries in the foregoing respective amounts. It is stated that Amarillo Gas and West Texas will use the proceeds of said loans to pay the cost of necessary additional facilities, to provide working capital, and for other proper corporate purposes.

It is represented that no State Commission approval of the proposed transactions is required, and that no other Federal Commission has jurisdiction over such transactions. Applicants-declarants request that the Commission's order herein become effective upon its issuance.

Notice of the filing of the application-declaration having been given in the form and manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, that no adverse findings are necessary, observing no basis for imposing terms and conditions other than those specified by Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and the rules and regulations promulgated under the act, that said application-declaration, as amended, be, and it hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F R. Doc. 52-9216; Filed, Aug. 20, 1952; 8:47 a. m.]

[File No. 70-2907]

UNITED GAS CORP. ET AL.

ORDER REGARDING PURCHASE OF DEBT SECURITIES OF SUBSIDIARY COMPANIES

AUGUST 14, 1952.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company; File No. 70-2907.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's two wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line") and Union Producing Company ("Union"), having filed a joint application-declaration, and amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 thereof with respect to the following transactions:

United proposes to purchase from Pipe Line and Pipe Line proposes to issue and sell to United for cash at the face amount of $12,000,000 principal amount of Pipe Line's 4½ percent Sinking Fund Debentures due 1971. The proceeds from said sale will be used by Pipe Line for its general corporate purposes, including the financing of its construction program.

United proposes to lend to Union and the latter proposes to borrow from United the sum of $1,000,000. The proposed loan will be evidenced by an unsecured promissory note issued by Union to United or order, payable on or before six years from the date of issuance, and bearing interest at the rate of 4 percent per annum. The proceeds from the loan will be used by Union to increase its working capital.

Under the terms of United's Mortgage and Deed of Trust, as supplemented, securing United's outstanding First Mortgage and Collateral Trust Bonds, the note evidencing the proposed loan to Union is required to be pledged with the Corporate Trustee, and the Debentures which Pipe Line proposes to sell to United must include a statement that they are non-negotiable and cannot be transferred, assigned or pledged except to a successor of United.

United will obtain the funds necessary to acquire the above-mentioned debt securities of Pipe Line and Union from aggregate borrowings of $15,000,000 from commercial banks, such borrowings to be evidenced by United's 3 percent Promissory Notes payable on or before December 31, 1952.

The application-declaration states that the proposed transactions have been adopted by the companies for the purpose of securing needed capital funds on an interim basis. The borrowings which will be made by United in the aggregate amount of $15,000,000 from commercial banks will be refinanced on a permanent basis by the later issuance and sale of securities. The nature and amounts of such securities will be the subject of an application to be filed at a later date with this Commission.

The application-declaration also states that the proposed transactions are initial steps in an over-all financing program designed to provide the companies with funds to finance on a permanent basis their estimated construction requirements for the years 1952 and 1953, including the repayment by United of the bank borrowings described above and the presently outstanding bank loans of United maturing on July 1, 1953 in the aggregate amount of $35,000,000. United's management anticipates that, in order to finance the 1952 and 1953 construction requirements and to repay the above-described bank loans, United will be required to raise, on a permanent basis, approximately $100,000,000.

The joint application-declaration having been filed on July 28, 1952, an amendment thereto having been filed on August 11, 1952, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, the Commission not having received a request for a hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in accordance with the applicable standards of the act and that no adverse findings are necessary thereunder, and the Commission deeming it appropriate that said joint application-declaration, as amended, should be granted and permitted to become effective without the imposition of terms or conditions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24, that said joint application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9215; Filed, Aug. 20, 1952; 8:47 a. m.]

[File No. 812-788]

FIDUCIARY MANAGEMENT, INC., AND R. PAUL WEESNER

NOTICE OF APPLICATION

AUGUST 15, 1952.

Notice is hereby given that Fiduciary Management, Inc. (hereinafter called Fiduciary), 55 Green Village Road, Madison, New Jersey, an investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 17 (b) of the act on behalf of R. Paul Weesner, 9632 Northeast Fifth Avenue Road, Miami Shores, Florida (hereinafter called Weesner), for an order of the Commission exempting from the provisions of section 17 (a) of the act the proposed sale by Weesner to Fiduciary of all of the outstanding shares of the capital stock of Nationwide Air Transport Service, Inc. (hereinafter called Nationwide), in consideration of 104,412 shares of the authorized but unissued common stock of Fiduciary.

The agreement of sale, dated June 2, 1952, provides that on the closing date the assets of Nationwide will consist solely of 1,953,000 shares of the common stock of Resort Airlines, Inc. (hereinafter called Resort), and not less than $147,461.89 in cash plus any and all dividends and distributions paid to Nationwide on the common stock of Resort between the date of the agreement and the closing date, and that the total liabilities of Nationwide will not exceed $12,323.34. As security against any further liabilities of Nationwide, and any expenses in connection therewith, the agreement provided for the deposit with Fiduciary by Weesner for a period of three years of 20,000 of the shares of Fiduciary to be received by Weesner. The contract is expressly subject to a favorable order under section 17 (b) of the act.

Fiduciary presently owns 5,553,866, or 62 percent, of the outstanding 8,956,240 common shares of Resort. Following the consummation of the proposed sale, Fiduciary intends to liquidate Nationwide.

Nationwide was organized by Weesner for the purpose of running a non-schedule airline. On January 15, 1951, it sold substantially all of its assets to Resort for 2,000,000 shares of Resort stock. It was made a condition of the agreement of sale that prior to the closing date Resort and Weesner should have entered into an agreement for the employment of Weesner as an officer of Resort.

There is no active market in the stock of either company and Resort has had an insufficient earnings record upon which to base a valuation. It is urged in the application that the exchange is justified by management's appraisal of the net asset value of $4.10 per share for Fiduciary's stock as of May 26, 1952 (using 15 cents a share for the Resort stock owned by Fiduciary) and the book value of 15 cents a share for the Resort stock as shown by its balance sheet as at December 31, 1951. Fiduciary acquired all of its shares of Resort at 10 cents per share.

By reason of his employment as president of Resort and his indirect owner-

ship of approximately 22 percent of the stock of Resort, Weesner is an affiliate of an affiliate of Fiduciary. The proposed transaction therefore appears to be prohibited by section 17 (a) of the act. Accordingly, the application requests an order pursuant to section 17 (b) exempting the transaction from the prohibitions of section 17 (a).

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 4, 1952, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N–5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 2, 1952, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–9217; Filed, Aug. 20, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[Fourth Sec. Application 27315]

SAND AND GRAVEL FROM DICKASON PIT, IND., TO WELLINGTON, ILL.

APPLICATION FOR RELIEF

AUGUST 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. S. Mercer, Alternate Agent, for the Chicago & Eastern Illinois Railroad Company.

Commodities involved: Sand and gravel, carloads.

From: Dickason Pit, Ind.

To: Wellington, Ill.

Grounds for relief: Market competition and wayside pit competition.

Schedules filed containing proposed rates: C&EI RR. tariff I. C. C. No. 144, Supp. 18.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–9221; Filed, Aug. 20, 1952; 8:47 a. m.]

[Fourth Sec. Application 27316]

FERTILIZER FROM POINTS IN ARKANSAS, LOUISIANA, AND TEXAS TO VIRGINIA

APPLICATION FOR RELIEF

AUGUST 18, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3746.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Points in Arkansas, Louisiana, and Texas.

To: Points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, Supp. 91.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52–9222; Filed, Aug. 20, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLARA RAFFLOER DROESSE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clara Raffloer Droesse, also known as Clara G. Droesse, Schonau, Berchtesgaden, Bavaria, Germany, Claim No. 42780; $39,331.00 in the Treasury of the United States. All right, title, interest and claim of any kind or character whatsoever of Clara G. Droesse in and to the estate of Millie Raffloer, deceased.

Executed at Washington, D. C., on August 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52–9226; Filed, Aug. 20, 1952; 8:48 a. m.]

KAROLINE FRITZ-SCHOULA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Karoline Fritz-Schoula (Karoline Schoula geb Fritz), Vienna, Austria. Claim No. 37802; Karl Woseczek, Vienna, Austria, Claim No. 37803; Paula Woseczek, Vienna, Austria, Claim No. 37805; Adolf Werner, also known as Adolf Woseczek, Vienna, Austria, Claim No. 37807. The following cash amounts in the Treasury of the United States: $220.65 to Karoline Fritz-Schoula; $220.65 to Karl Woseczek; $110.32 to Paula Woseczek; $441.27 to Adolf Werner, also known as Adolf Woseczek.

Executed at Washington, D. C., on August 15, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Acting Director, Office of Alien Property.*

[F. R. Doc. 52–9227; Filed, Aug. 20, 1952; 8:48 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 17 1934 NUMBER 165

Washington, Friday, August 22, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10386

INSPECTION OF FILES COVERING COMPROMISE SETTLEMENTS OF TAX LIABILITY

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), it is hereby ordered that income, excess profits, declared value excess profits, capital stock, estate or gift tax returns for any taxable year shall be open to inspection to the extent necessary to permit the inspection of any accepted offer in compromise under section 3761 of such code relative to liability for any such tax and of any schedules or other papers relevant thereto. Such inspection shall be subject to the conditions stated in the related Treasury decision approved by me this date.[1]

HARRY S. TRUMAN

THE WHITE HOUSE,
August 20, 1952.

[F. R. Doc. 52–9311; Filed, Aug. 20, 1952; 3:29 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

REAPPOINTMENT PRIORITY; STATUS AFTER REAPPOINTMENT

A new paragraph (d) is added to § 20.11 as set out below. This amendment, which is effective August 15, 1952, affords a permanent employee who is separated by reduction in force the same retention preference upon reemployment that he would have if furloughed instead of separated. Section 20.11 (d) reads as follows:

§ 20.11 *Reappointment priority.*

* * *

(d) *Status after reappointment.* Any employee whose name has been entered on a reappointment reserve list and who is reemployed in a competitive position, in the same or a different agency within the one-year period following the date of the notice under which he was separated, shall have retention preference as a permanent employee to the same extent as though he had been furloughed instead of separated by reduction in force: *Provided*, That any such employee in the competitive service on the effective date of this paragraph who was reemployed after September 1, 1950, under the same conditions as prescribed in this paragraph, shall be placed in the appropriate retention group as a permanent employee.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK, *Chairman.*

[F. R. Doc. 52–9277; Filed, Aug. 21, 1952; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 973.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as

(Continued on p. 7687)

[1] See Title 26, Chapter I, Part 458, *infra.*

CONTENTS

THE PRESIDENT

Executive Order — Page
Inspection of files covering compromise settlements of tax liability — 7685

EXECUTIVE AGENCIES

Agriculture Department
See Animal Industry Bureau; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Arima, Sumisato — 7712
de Visser, Anna — 7711
Deutsche Roehrenwerke A. G. — 7712

Animal Industry Bureau
Proposed rule making:
Inspection and handling of livestock for exportation — 7700

Army Department
See Engineers Corps.

Civil Aeronautics Board
Notices:
Indiana-Ohio local service case, and Michigan - Wisconsin service case, reopened; notice of oral argument — 7708

Civil Service Commission
Rules and regulations:
Retention preference regulations for use in reductions in force; reappointment priority; status after reappointment — 7685

Commerce Department
See National Production Authority.

Customs Bureau
Notices:
Chinese chopping blocks; tariff classification — 7706

Economic Stabilization Agency
See Price Stabilization, Office of.

Engineers Corps
Rules and regulations:
Anchorage regulations; Newark Bay, New Jersey — 7695

FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)
Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission Page
Notices:
Hearings, etc.:
Hope Natural Gas Co. 7708
Lone Star Gas Co. 7709
Mountain Fuel Supply Co. 7709
New York State Natural Gas Corp. and Texas Eastern Transmission Corp. 7708
Philadelphia Electric Co. 7709
United Gas Pipe Line Co. 7708
West Texas Gas Co. 7710

Internal Revenue Bureau Page
Rules and regulations:
Inspection of returns; inspection of returns and other relevant papers in compromise cases 7688
Tax with respect to the transportation of property; changes in procedure for establishing exemption from tax in case of export shipments 7688

Interstate Commerce Commission
Notices:
Applications for relief:
Coal from Danville, Ill., group to Fort Wayne, Ind. 7711
Denatured alcohol from Kansas City to North Atlantic ports 7711
Mixed carloads merchandise from and to the South 7710
Potash from Carlsbad and Loving, N. Mex., to Oklahoma 7711
Sulfur from Montgomery, Ala., to Waco (East Waco), Tex. 7710
Rules and regulations:
Issuance of securities, assumption of obligations, and filing of certificates and reports; special applications for exemption from requirement that certain railroad securities be offered for sale at competitive bidding 7699

Justice Department
See Alien Property, Office of.

Labor Department
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Distribution of brass mill products to distributors; placement of orders by distributors for additional brass mill products prior to October 1, 1952 (M–82, Dir. 1) 7693
Operations of the priorities and allocations systems between Canada and the United States (NPA Reg. 3) 7693
Preference status of delivery orders under the controlled materials plan (CMP Reg. 3, Dir. 4) 7692
Steel distributors; earmarked stocks (M–6A):
Aircraft quality alloy steel products (Sched. 1) 7692
Oil country casing, oil country tubing, and oil country drill pipe; additional restrictions of delivery of oil country casing and tubing; revocation (Sched. 2, Dir. 1) 7693

Post Office Department
Rules and regulations:
International postal service: Postage rates, service available, and instructions for mailing; miscellaneous amendments 7698

Price Stabilization, Office of Page
Notices:
Region V and Region VIII; list of community ceiling prices 7708
Rules and regulations:
Beef sold at wholesale, ceiling prices of; beef imported from New Zealand (CPR 24) 7689
Imports; removal of tin from Appendix A (3) (CPR 31) 7690
Machinery and related manufactured goods (CPR 30):
Definition of manufacturer 7689
Option to disregard corporate identity 7690
Petroleum products sold in Virgin Islands; ceiling prices for kerosene 7691
Reseller's ceiling prices for machinery and related manufactured goods; definition of manufacturer (CPR 67) 7691
Southern California used wooden agricultural containers; inclusion of Army and Navy installations in definition of retailer (CPR 142) 7692
Territorial restaurants and eating and drinking establishments; correction of definition (CPR 120) 7691

Production and Marketing Administration
Proposed rule making:
Milk handling in San Antonio, Tex., marketing area 7701
Rules and regulations:
Milk handling in Minneapolis-St. Paul, Minn., marketing area 7685

Securities and Exchange Commission
Notices:
Dow Chemical Co.; notice of application for unlisted trading privileges, and of opportunity for hearing 7710
Proposed rule making:
General rules and regulations, Securities Act of 1933; Regulation D; exemption for Canadian securities 7701

State Department
Rules and regulations:
Shipping and seamen: Vessels of the United States in foreign ports; discharge of seamen; medium for payment of wages 7687

Treasury Department
See Customs Bureau; Internal Revenue Bureau.

Veterans' Administration
Rules and regulations:
Vocational rehabilitation and education:
Education and training 7695
Training facilities 7697

Wage and Hour Division
Notices:
Employment of handicapped clients by sheltered workshops; issuance of special certificates 7706

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
Title 3	
Chapter II (Executive orders):	
10386	7685
Title 5	
Chapter I:	
Part 20	7685
Title 7	
Chapter IX:	
Part 949 (proposed)	7701
Part 973	7685
Title 9	
Chapter I:	
Part 91 (proposed)	7700
Part 93 (proposed)	7700
Title 17	
Chapter II:	
Part 230 (proposed)	7701
Title 22	
Chapter I:	
Part 127	7687
Title 26	
Chapter I:	
Part 143	7688
Part 458	7688
Title 32A	
Chapter III (OPS):	
CPR 24	7689
CPR 30 (2 documents)	7689, 7690
CPR 31	7690
CPR 50	7691
CPR 67	7691
CPR 120	7691
CPR 142	7692
Chapter VI (NPA):	
CMP Reg. 3, Dir. 4	7692
M–6A, Sched. 1	7692
M–6A, Sched. 2, Dir. 1	7693
M–82, Dir. 1	7693
Reg. 3	7693
Title 33	
Chapter II:	
Part 202	7695
Title 38	
Chapter I:	
Part 21 (2 documents)	7695, 7697
Title 39	
Chapter I:	
Part 127	7698
Title 49	
Chapter I:	
Part 56	7699

amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR, supps., 900.1 et seq.), a public hearing was held at Minneapolis, Minnesota, on July 16, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as hereby amended, and all of the terms and conditions of said order as hereby amended, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1952. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Minneapolis-St. Paul, Minnesota, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective September 1, 1952 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order, which is marketed within the Minneapolis-St. Paul, Minnesota, marketing area) refused or failed to sign the proposed marketing agreement regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, and it is hereby further determined that: (1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Minneapolis-St. Paul, Minnesota, marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (May 1952) were engaged in the production of milk for the Minneapolis-St. Paul, Minnesota, marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

Delete § 973.50 (a) and substitute therefor the following:

(a) *For Class I milk.* The price shall be the basic price determined pursuant to § 973.51 plus 70 cents during the delivery periods of January to April, inclusive; plus 60 cents during May and June; plus $1.10 during the delivery periods of July to November, inclusive; and plus 80 cents during December.

(Sec. 5, 40 Stat. 753, as amended; 7 U. S. C. and sup. 608c)

Issued at Washington, D. C., this 19th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9259; Filed, Aug. 21, 1952; 8:49 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.161]

PART 127—SHIPPING AND SEAMEN: VESSELS OF THE UNITED STATES IN FOREIGN PORTS

DISCHARGE OF SEAMEN; MEDIUM FOR PAYMENT OF WAGES

Part 127 is amended as follows:

1. Section 127.16 (a) is amended to read as follows:

§ 127.16 *Discharge of seamen.* (a) The master of a vessel of the United States cannot lawfully discharge a seaman in a foreign port without the intervention of the United States consular officer if the seaman signed the shipping agreement before a United States Shipping Commissioner or consular officer; and it is not material in such case that the discharge is made with the seaman's consent or that he has been guilty of misconduct, or is not a citizen of the United States. [7 Op. Att. Gen. 349.]

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2. Section 127.18 (b) is amended to read as follows:

§ 127.18 *Medium for payment of wages.* • • •

(b) *Voucher.* A seaman discharged at a foreign port shall be given, if he so elects, instead of full or partial payment of his wages at the time of discharge, a wage voucher signed by the master, evidencing the amount owed the seaman to be paid in future settlement.

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(Sec. 302, 60 Stat. 1001; 22 U. S. C. 842)

Date issued: August 14, 1952.

This amendment shall be effective on September 1, 1952.

SAMUEL D. BOYKIN,
Director, Office of Security and Consular Affairs.

[F. R. Doc. 52-9253; Filed, Aug. 21, 1952; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 113, T. D. 5926]

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

CHANGES IN PROCEDURE FOR ESTABLISHING EXEMPTION FROM TAX IN CASE OF EXPORT SHIPMENTS

In order to conform Regulations 113 (26 CFR Part 143), relating to the tax on the amount paid for the transportation of property, to a change in procedure for establishing exemption from the tax in the case of property shipped for export and actually exported, such regulations are amended as follows:

PARAGRAPH 1. Section 143.31 is amended by changing the last sentence of paragraph (c) to read as follows: "The amount paid for transportation from the point of diversion or reconsignment to the foreign destination will be considered as exempt from tax provided an export exemption certificate is filed. (See §§ 143.33 and 143.34.)"

PAR. 2. Section 143.32 is amended to read as follows:

§ 143.32 *Export shipments not requiring exemption certificate.* An amount paid for the transportation of property shipped direct from a point within the United States to a point outside the United States under a through bill of lading, a through export bill of lading, or a domestic bill of lading showing the name of the foreign consignee and the ultimate foreign destination will be treated as exempt from the transportation tax, without further evidence of actual exportation. In case a through bill of lading is not issued at the point of origin, but the shipper intends to obtain a through bill of lading, there should be stamped across the original shipping papers the words: "To be exchanged for through bill of lading." The original shipping papers in such case must show a consignee and destination outside the United States.

PAR. 3. Section 143.33 is amended to read as follows:

§ 143.33 *Export shipments requiring exemption certificate.* (a) An amount paid for an export shipment not made on a through bill of lading, a through export bill of lading, or a domestic bill of lading showing the name of the foreign consignee and the ultimate foreign destination, will be exempt from the transportation tax, provided (1) the shipment is covered by an Export Exemption Certificate, Form 1363, and (2) proof of exportation is obtained as required by § 143.34. The certificate shall be executed, in triplicate, by the shipper or other person who pays the transportation charge. Such person shall retain the triplicate with the shipping papers and file the original and duplicate with the agent of the carrier at the time of payment of the transportation charge. The carrier receiving an Export Exemption Certificate shall retain the duplicate with the paid transportation document, and forward the original with its monthly return, Form 727, Revised, to the collector of internal revenue for the district in which the carrier's principal place of business is located.

(b) If a break for a business purpose occurs in the transportation movement covered by an Export Exemption Certificate, the amount paid for the transportation from the point of origin to the point where the break occurs is taxable and the shipper or other person who paid the transportation charge shall furnish information to the Commissioner similar to that set forth in § 143.34 in order that the tax due may be assessed and collected.

PAR. 4. Section 143.34 *Proof of exportation* is amended as follows:

(A) By substituting for paragraph (a) thereof the following:

(a) The Export Exemption Certificate, Form 1363, suspends liability for the payment of the tax for a period of 6 months from the date of shipment from the point of origin. If within such period the shipper or other person who paid the transportation charge has not received evidence of the actual exportation of a shipment, covering which an Export Exemption Certificate, Form 1363, has been filed, then the temporary suspension of the liability for the payment of the tax ceases. Within 30 days after termination of the temporary suspension period the shipper or other person who paid the transportation charge shall forward to the Commissioner of Internal Revenue, Washington 25, D. C., attention: Ext: M, a statement setting forth with respect to each certificate involved (1) the date the shipment covered thereby was made from the point of origin, (2) the amount paid for the transportation, and (3) the date such payment was made, in order that the tax due may be assessed and collected. If proof of exportation is subsequently received, the person who paid the tax may file a claim for refund on Form 843, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

(B) By substituting for paragraph (c) thereof the following:

(c) If the shipper or other person who paid the transportation charge is not the actual exporter and is unable to obtain the documentary evidence of exportation specified in paragraph (b) of this section, such person shall obtain from the person having custody of the documentary evidence a statement (1) certifying that the property covered by the Export Exemption Certificate, Form 1363, was in fact exported, (2) identifying the evidence of exportation, (3) specifying the foreign destination or the possession of the United States to which the property was shipped, or in lieu thereof, certifying that the property was not shipped to the Territories of Alaska or Hawaii, and (4) showing where the evidence of exportation will be available for inspection by internal revenue officers for a period of 4 years.

PAR. 5. Section 143.35 is amended as follows:

(A) By striking from paragraph (b) the words "a Temporary Exemption Certificate, Form 798," and inserting in lieu thereof the words "an Export Exemption Certificate, Form 1363,".

(B) By substituting the following new paragraph (c) for paragraph (c) and (d) thereof:

(c) Where a person has been designated to direct the exporting operations of a pool with authority to control its accounting practice, an additional copy of the Export Exemption Certificate, Form 1363, filed with the carrier covering each shipment entering the pool, shall be furnished to such person by the person who pays the transportation charge. The director of the pool may, in behalf of the shipper or other person who paid the transportation charge, make the statement to the Commissioner prescribed in the first paragraph of § 143.34 with respect to any transportation of property entering the pool in excess of the quantity of the same grade and kind actually exported therefrom.

Because this Treasury decision makes only a procedural change in net effect reducing the burden on persons subject to the regulations, it is found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

The amendments made by this Treasury decision shall be effective on the first day of the first month which begins more than thirty days after the date such Treasury decision is published in the FEDERAL REGISTER.

(53 Stat. 423 as amended, 467; 26 U. S. C. 3472, 3791)

[SEAL] NORMAN A. SUGARMAN,
Acting Commissioner of Internal Revenue.

Approved: August 19, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9281; Filed, Aug. 21, 1952; 8:55 a. m.]

Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 5927]

PART 458—INSPECTION OF RETURNS

INSPECTION OF RETURNS AND OTHER RELEVANT PAPERS IN COMPROMISE CASES

AUGUST 19, 1952.

§ 458.313 *Inspection of returns and other relevant papers in compromise cases.* (a) Pursuant to the provisions of section 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and of the Executive order issued thereunder,[1] income, excess-profits, declared valve excess-profits, capital stock, estate, or gift tax returns for any taxable year shall be open to inspection to the extent necessary to permit the inspection of any accepted offer in compromise under section 3761 of such code relative to the liability for any such tax and of any schedules or other papers relevant thereto.

(b) The inspection authorized by paragraph (a) of this section shall be subject to such rules, and shall be made only under such circumstances, as the Secretary of the Treasury, or such official as he may designate, shall determine to be in the public interest.

(c) Because this Treasury decision constitutes a general statement of policy and establishes a rule of Department practice, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

JOHN W. SNYDER,
Secretary of the Treasury.

Approved: August 20, 1952.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 52-9312; Filed, Aug. 20, 1952; 3:29 p. m.]

[1] See Title 3, Executive Order 10386, *supra.*

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 24, Amdt. 17]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

BEEF IMPORTED FROM NEW ZEALAND

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, Economic Stabilization Agency General Order 2, Delegation of Authority by the Secretary of Agriculture with respect to meat, as amended, and Economic Stabilization Agency General Order 5, Revision, this Amendment 17 to Ceiling Price Regulation 24 is hereby issued.

STATEMENT OF CONSIDERATIONS

Amendment 16 to CPR–24 permitted the sale of beef imported from New Zealand which was cut with three ribs on the hindquarter and ten ribs on the forequarter. In discussions with the Canadian Embassy concerning the New Zealand beef, it was indicated that the beef would be shipped to this country either in quarters or in the form of boneless processing beef. The Embassy agreed that it would be possible to dispose of the beef by limiting the sales to whole quarters of beef.

However, when the meat arrived in this country it was found that some of the meat was shipped in quarters but that some of it was shipped in the form of wholesale cuts. Furthermore, some of the agents who were handling this meat for the Canadian Embassy indicated that they were unable to market the meat in whole quarters but found it necessary to sell wholesale cuts in order to dispose of this meat.

Accordingly, this amendment authorizes the sale of New Zealand beef in the form of wholesale cuts. It provides a list of discounts for each of the various wholesale cuts which will be miscut as a result of the New Zealand style of cutting. All wholesale cuts priced in Schedule I of CPR–24 may be sold at the regular price contained in that schedule except those covered by Special Adjustment 5 which was added in Amendment 16 and which is revised in this amendment.

It was originally represented that the boneless beef would be shipped in containers which will, after passing through Customs, bear a custom's seal. However, it appears that a custom's seal is not being affixed to the containers of boneless beef but, in lieu thereof, a seal of the Bureau of Animal Inspection is being affixed to each container of boneless beef. Consequently, the regulation is being amended to permit the sale of New Zealand boneless beef where the meat has been inspected and approved by the B. A. I.

In formulating this amendment, the Director of Price Stabilization has consulted so far as practicable with industry representatives, including trade association representatives, and has given full consideration to their recommendations. In his judgment the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Titles I and IV of the Defense Production Act of 1950, as amended, are necessary and appropriate to promote the national defense, and comply with all the applicable standards of the act.

All standards prescribed in this amendment were, prior to the issuance of Ceiling Price Regulation 24, in general use in the meat industry. Such standards as are prescribed are indispensable to price control of beef, since no practicable alternative to such standardization exists for securing effective price control of this commodity. It is not believed that this amendment will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of Ceiling Price Regulation 24, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 24 is amended in the following respects:

1. The last sentence of section 11 (b) (1), which was added by Amendment 16, is amended to read as follows: "You are not prohibited from selling a beef hindquarter, forequarter or cuts therefrom which are derived from beef imported from New Zealand and which have been cut in a manner other than that specified in Appendix 2."

2. Special Adjustment (5) to Schedule I, section 20, which was added by Amendment 16, is amended to read as follows:

(5) Your ceiling price for beef imported from New Zealand shall be the ceiling prices specified above except the following cuts which shall be discounted as follows:

	Per hundredweight
Forequarters	$0.50
Hindquarters	.50
Back	.50
Trimmed Loin	1.50
Untrimmed Short Loin	2.00
Trimmed Short Loin	2.50
Rib	3.50

3. The last sentence of section 29 (b), which was added by Amendment 16, is amended to read as follows: "However, notwithstanding any provisions of this regulation or of Distribution Regulation 2, you may sell imported boneless New Zealand beef provided such boneless beef is sold in its original shipping container which bears the inspection stamp of the B. A. I. and which is sold at prices not exceeding those prescribed in section 23 of this regulation."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment shall become effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9340; Filed, Aug. 21, 1952; 11:03 a. m.]

[Ceiling Price Regulation 30, Amdt. 36]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

DEFINITION OF MANUFACTURER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 36 to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of the term "manufacturer", in two respects. The first of these changes, which is made for the purpose of clarification, modifies the subparagraph of the definition which deals with persons who sell a commodity under their own brand or trade name where they produce the same or a similar commodity to make it clear that the word "similar" means alike with respect to both physical properties and functions performed.

The second change, which is more substantive in nature, modifies the subparagraph of the definition which deals with persons who sell a commodity under their own brand or trade name where they own the tools or dies used to produce the commodity. The subparagraph is rephrased to make it clear that such persons must not only own special purpose tools, special purpose dies, moulds or patterns used to produce the commodity, but also must own the patents for the commodity or participate in the engineering of the commodity. However,

an exception to the entire subparagraph is included which explicitly states that no person is to be considered a manufacturer thereunder if he does not take physical possession of the commodity. It is to be noted that this exception is limited to this single subparagraph and has no effect on the other parts of the definition. The reason for this change is that it has been found that certain sellers who have historically been classified as "resellers" rather than "manufacturers" have been brought within the coverage of the definition of the term manufacturer merely because, for example, they owned a single die which was used by the actual producer to stamp their name upon a commodity purchased for resale and for which they owned no patents and in whose engineering they had no part. This result was not intended by this subparagraph. Accordingly, the purpose of this change is to remove such sellers from the coverage of the definition of the term "manufacturer".

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 30 is amended in the following respects:

Section 45 (k) subparagraphs (3) and (4), is amended to read as follows:

(3) Any person who sells a commodity under his own brand or trade name where he produces the same commodity or a commodity which is similar with respect to both physical properties and functions performed.

(4) Any person who sells a commodity under his own brand or trade name, where he owns any of the special purpose tools, special purpose dies, moulds or patterns used to produce the commodity; and in addition he owns, or is a licensee under, any of the patents for the commodity, or he has participated in the engineering with respect to design or production of the commodity. In no event, however, shall any person be considered a manufacturer under this subparagraph if he does not take physical possession of the commodity after its manufacture.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9346; Filed, Aug. 21, 1952; 4:00 p. m.]

[Ceiling Price Regulation 30, Amdt. 37]

CPR 30—MACHINERY AND RELATED MANUFACTURED GOODS

OPTION TO DISREGARD CORPORATE IDENTITY

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 30 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment permits manufacturing corporations who own 95 percent of the outstanding stock of subsidiary corporations to elect to disregard, for the purposes of determining ceiling prices under Ceiling Price Regulation 30 and its supplementary regulations, the separate legal identity of their subsidiaries upon approval of the Director of Price Stabilization.

Section 26 of Ceiling Price Regulation 30 establishes procedures whereby multi-unit organizations may calculate the change in net cost of a manufacturing material which is produced in one unit of the business and transferred to another. Several manufacturers have been unable to avail themselves of these procedures, however, because of the separate corporate existence of the several subdivisions of their organization. It has been found by the Director that it is often inequitable not to allow such multi-unit organizations to use these provisions because their internal organization is such that a corporate subsidiary has been established instead of a divisional organization.

This amendment permits a single report or set of reports to be filed, pursuant to Ceiling Price Regulation 30 or its supplementary regulations, by a parent corporation on behalf of itself and all its corporate components even though the parent or some of the subsidiaries are not manufacturing corporations. The commodity for which reports are being filed, however, must be manufactured within some unit of the organization. This action will permit multi-corporate organizations whose customary accounting practice is to treat the entire organization as a single unit to continue such practice. It is believed that a disruption of such accounting practices would be unnecessarily burdensome to the companies and would create undue administrative problems for the Office of Price Stabilization.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

A new section 41 is added to read as follows:

SEC. 41. *Disregarding separate corporate identity upon written approval of the Director of Price Stabilization.* (a) You may upon filing the application required by paragraph (c) of this section obtain permission to disregard for the purposes of determining ceiling prices under this regulation and the supplementary regulations thereto, the separate legal identity of any corporation which is a subsidiary of your own and file a single report or set of reports pursuant to this regulation for the entire organization. If you use this section, you must apply it to all subsidiary corporations owned by you.

(b) A corporation is considered to be a subsidiary where 95 percent or more of its outstanding stock is owned by another corporation. The subsidiary must either manufacture commodities all of which are the same or similar to those manufactured by the parent, be a manufacturing subsidiary corporation of a non-manufacturing parent, act as sales agent or distributor for the product of the parent, or perform some operation related to the promotion, distribution, or sale except at retail of the parent's finished product, or the finished product of any other subsidiary of the parent.

(c) Your application must contain the following information:

(1) The names and addresses of all the corporations to be included in a single report, or set of reports, made pursuant to this regulation or any supplementary regulation thereto.

(2) A description of the business activities of each corporation, the relationship of each subsidiary to the parent and a statement that 95 percent of all the stock of each subsidiary corporation is owned by the parent corporation.

You may not act under this section until you receive written approval of your application by the Director of Price Stabilization. Upon receipt of your application, the Director may approve, disapprove, or request further information concerning your application. Upon receipt of approval of your application you may file a single report or set of reports pursuant to section 41 of this regulation and the reporting section of any supplementary regulation thereto for all the corporations covered by your application.

(Sec. 704, 64 Stat. 816, as amended, 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 26, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9347; Filed, Aug. 21, 1952; 4:00 p. m.]

[Ceiling Price Regulation 31, Amdt. 13]

CPR 31—IMPORTS

REMOVAL OF TIN FROM APPENDIX A (3)

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 13 to Ceiling Price Regulation 31 is hereby issued.

STATEMENT OF CONSIDERATIONS

At the time that Ceiling Price Regulation (CPR) 31 was issued, imports of tin were covered by a United States Government purchase program under which the Government could be the only importer of tin. For this reason, tin (including the metal, ore, concentrates, powder, scrap, and alloys) was excluded

by Appendix A (3) from the coverage of CPR 31. As is apparent from the language of the exclusion, it was intended that tin would automatically become covered by CPR 31 at such time that it was no longer under a Government purchase program.

Effective August 1, 1952, the United States Government has permitted private importation of tin. Therefore, ceiling prices for tin must now be established under CPR 31. This action is being taken simply to delete tin from the list of commodities excluded from the coverage of CPR 31.

In view of the nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives impracticable.

AMENDATORY PROVISIONS

Appendix A (3) is amended by deleting the following entry:

Tin-metal, ore, concentrates, powder, scrap alloys	88, 383, 392, 1785, 1786

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 13 to Ceiling Price Regulation 31 shall become effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9341; Filed, Aug. 21, 1952; 11:03 a. m.]

[Ceiling Price Regulation 50, Amdt. 3]

CPR 50—CEILING PRICES FOR PETROLEUM PRODUCTS SOLD IN THE VIRGIN ISLANDS

CEILING PRICES FOR KEROSENE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 3 to Ceiling Price Regulation 50 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 50 provides for an increase in the retail ceiling prices established for kerosene sold in the Virgin Islands of the United States in order to compensate for an increase at the wholesale level.

By Amendment 6 to Ceiling Price Regulation 17, the sale of petroleum products at wholesale in the territories and possessions was removed from that regulation and reverted to Ceiling Price Regulation 9. Since CPR 9 provides for maintenance of customary markups, this action resulted in immediate increases in the prices at wholesale charged by suppliers to the Virgin Islands due to fluctuating costs and expenses incurred since the base period of the General Ceiling Price Regulation. Most of the kerosene used in this area is imported from foreign countries by means of foreign-owned transportation facilities. Rates charged by these carriers have increased appreciably over the past year, and constitute the principal element in rising costs. In the case of kerosene, the increase at wholesale amounts to eight-tenths of one cent per gallon, and has resulted in impairment of the customary pre-Korea margin enjoyed by retailers. This amendment, therefore, increases ceiling prices of kerosene by one cent per gallon over the previously established ceiling prices, thus permitting retailers the same margin they received in the period May 24 to June 24, 1950.

In view of the nature of this action, consultation with the industry, including trade association representatives, was neither necessary nor practicable. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 50 is amended as follows:

1. Section 11 of Ceiling Price Regulation 50 is amended to read as follows:

SEC. 11. *Ceiling prices for kerosene imported in steel drums.* Ceiling prices for kerosene sold at retail in the Virgin Islands of the United States shall be as follows:

Commodity and quantity	St. Croix	St. Thomas	St. John
Kerosene:			
Gallon	$0.30	$0.31	$0.35
Quart	.08	.08	.09
⅘ quart	.07	.07	.08
2 ⅘ quart	.14	.14	.15

2. A new section 15 is added as follows:

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1, Revision 2.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 3 to Ceiling Price Regulation 50 is effective August 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9342; Filed, Aug. 21, 1952; 11:04 a. m.]

[Ceiling Price Regulation 67, Amdt. 12]

CPR 67—RESELLER'S CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

DEFINITION OF MANUFACTURER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 12 to Ceiling Price Regulation 67 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment is issued for the same reasons and accomplishes the same results as Amendment 36 to Ceiling Price Regulation 30 (Machinery and Related Manufactured Goods). Accordingly, the statement of considerations involved in the issuance of that amendment is equally applicable to this amendment.

In the formulation of this amendment there has been consultation with industry representatives to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 67 is amended in the following respects:

Section 17 (i), subparagraphs (3) and (4), is amended to read as follows:

(3) Any person who sells a commodity under his own brand or trade name where he produces the same commodity or a commodity which is similar with respect to both physical properties and functions performed.

(4) Any person who sells a commodity under his own brand or trade name, where he owns any of the special purpose tools, special purpose dies, moulds or patterns used to produce the commodity; and in addition he owns, or is a licensee under, any of the patents for the commodity, or he has participated in the engineering with respect to design or production of the commodity. In no event, however, shall any person be considered a manufacturer under this subparagraph if he does not take physical possession of the commodity after its manufacture.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 26, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9348; Filed, Aug. 21, 1952; 4:00 p. m.]

[Ceiling Price Regulation 120, Admt. 4]

CPR 120—CEILING PRICES FOR TERRITORIAL RESTAURANTS AND EATING AND DRINKING ESTABLISHMENTS

CORRECTION OF DEFINITION

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to Ceiling Price Regulation 120 is hereby issued.

STATEMENT OF CONSIDERATIONS

Due to a clerical error, "adjustment base period" contained in section 20 (n) of Ceiling Price Regulation 120 was erroneously defined. This base period was intended to have been the same as the base period for Ceiling Price Regulation 11. This amendment, therefore, provides that the term "adjustment base period" as used in the regulation means the same base period as that established under CPR 11. In addition, a minor clerical error is corrected in section 13 (a).

Because of the nature of this amendment, consultation with industry repre-

sentatives, including trade association representatives, has been impracticable.

AMENDATORY PROVISIONS

Ceiling Price Regulation 120, as amended, is amended as follows:

1. Reference to "section 20 (a)" contained in the parentheses in the first sentence of section 13 (a) is changed to read "section 20 (n)."

2. Section 20 (n) of Ceiling Price Regulation 120 is amended to read as follows:

(n) "Adjustment base period" means your base period established under Ceiling Price Regulation 11.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to Ceiling Price Regulation 120 is effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9344; Filed, Aug. 21, 1952; 11:04 a. m.]

[Ceiling Price Regulation 142, Amdt. 1]

CPR 142—SOUTHERN CALIFORNIA USED WOODEN AGRICULTURAL CONTAINERS

INCLUSION OF ARMY AND NAVY INSTALLATIONS IN DEFINITION OF RETAILER

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 142 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment changes the definition of "retailer" set forth in CPR 142 by specifically deleting a sentence which excluded Army and Navy installations from the enumeration of sellers covered by the term "retailer". As issued the regulation exempted Army and Navy establishments located in the affected area from the regulation's coverage. Such exemption created a situation where some sellers had dollars and cents ceiling prices established by CPR 142, and other sellers were left with their GCPR ceiling prices. This amendment, accordingly, is issued so that all resellers in the affected area can sell the covered commodities on the same basis.

In view of the nature of this amendment, it was deemed unnecessary and impracticable to consult with members of the industry in its formulation.

AMENDATORY PROVISIONS

Ceiling Price Regulation 142 is hereby amended as follows:

1. Paragraph (g) of section 12 is amended by deleting the last sentence thereof so that section 12 (g) reads as follows:

(g) *Retailer.* This term means a person who purchases fresh, canned or dried fruits, vegetables, or other farm products in agricultural containers, empties the contents, and thereafter sells the containers. It includes, but is not limited to, grocery stores, canneries, restaurants, hotels, markets, and institutions.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. The effective date of this amendment is August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9345; Filed, Aug. 21, 1952; 11:04 a. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation 3, Direction 4 as Amended Aug. 20, 1952]

CMP REG. 3—PREFERENCE STATUS OF DELIVERY ORDERS UNDER THE CONTROLLED MATERIALS PLAN

DIR. 4—SPECIAL PREFERENCE STATUS OF CERTAIN DO RATED ORDERS

This amended direction under CMP Regulation No. 3 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction as amended, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

EXPLANATORY

Direction 4 to CMP Regulation No. 3, as amended July 29, 1952, is further amended by adding a new sentence at the end of section 3. As so amended, Direction 4 to CMP Regulation No. 3 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Status of certain DO rated orders.
3. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to channel into defense programs, so far as practicable, Class A and B products containing steel. This will be accomplished by according special preference status to DO rated orders for such products, calling for delivery on or before December 31, 1952, placed in support of military, atomic energy, and machine tool programs.

SEC. 2. *Status of certain DO rated orders.* Any DO rated order for a Class A product containing steel or a Class B product containing steel, bearing a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, calling for delivery on or before December 31, 1952, must be accepted and filled in preference to all other DO rated orders for Class A products containing steel or Class B products containing steel, previously or subsequently received, but which do not bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2: *Provided, however,* That such a DO rated order need not be accepted if filling it would stop or interrupt the supplier's operations during the next 15 days in a way which would cause a substantial loss of total production or a substantial delay in operations. All DO rated orders (including those previously placed) for Class A products containing steel or Class B products containing steel, which bear a program identification A, B, C, or E, and a digit (including the suffix B-5), or Z-2, shall have equal preferential status.

SEC. 3. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 3, NPA Reg. 2, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. This direction shall not be construed, however, to apply to any product subject to NPA Order M-41, M-43, M-44, or M-95, or to electron tubes subject to NPA Order M-17.

This direction, as amended, shall take effect August 20, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9306; Filed, Aug. 20, 1952; 3:04 p. m.]

[NPA Order M-6A, Schedule 1 as Amended Aug. 21, 1952]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 1—EARMARKED STOCKS—AIRCRAFT QUALITY ALLOY STEEL PRODUCTS

This schedule as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this schedule as amended, consultation with industry representatives has been rendered impracticable because of the need for immediate action and because the schedule affects a large number of different trades and industries.

EXPLANATORY

Schedule 1 as amended July 30, 1952, to NPA Order M-6A, is further amended by revising paragraphs (b) and (c) of section 4 for purposes of clarification.

REGULATORY PROVISIONS

Sec.
1. What this schedule does.
2. Definitions.
3. Allotments of aircraft quality alloy steel products by producers to distributors.
4. Distributor sales.
5. Certification of orders.
6. Canadian distributor sales.
7. Communications.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this schedule does.* This schedule requires steel producers to make monthly shipments of aircraft quality alloy steel products to steel distributors on the basis set out herein. It restricts sales of aircraft quality alloy steel products by steel distributors.

SEC. 2. *Definitions.* All definitions contained in NPA Order M-6A, except the definition of "base period," are applicable to this schedule. For the purposes of this schedule, "base period" means the period commencing April 1, 1951, and ending June 30, 1951.

SEC. 3. *Allotments of aircraft quality alloy steel products by producers to distributors.* Each steel producer is hereby required to accept purchase orders from his steel distributor customers for shipments of aircraft quality alloy steel products in January 1952, and in each succeeding month up to a minimum of not less than 100 percent of the base tonnage of each aircraft quality alloy steel product shipped to each steel distributor customer during the base period.

SEC. 4. *Distributor sales.* No steel distributor (except steel distributors located in the Dominion of Canada) shall deliver, nor shall any person accept delivery of, any aircraft quality alloy steel products unless:

(a) Such aircraft quality alloy steel product is required by specification and will be incorporated into aircraft, military catapults, aircraft arresting gear, guided missiles, or airborne equipment, in connection with the development, production, repair, or maintenance thereof; or

(b) Such aircraft quality alloy steel product is required by specification and will be incorporated into orders placed pursuant to a military program bearing the allotment symbol A-4, A-5, or A-7; or

(c) Such aircraft quality alloy steel product is required under a program bearing the allotment symbol E-2 or required for use in gas turbine and aircraft-type internal combustion engines for use in naval vessels.

SEC. 5. *Certification of orders.* Any person placing an order for an aircraft quality alloy steel product with a steel distributor located in the United States shall endorse on his purchase order, or deliver with such purchase order, the following certification which shall be signed as provided in section 8 of NPA Reg. 2:

Certified under Schedule 1 to NPA Order M-6A

This certification constitutes a representation by the purchaser to the steel distributor and to NPA that the purchase order so certified calls for delivery of an aircraft quality alloy steel product to be used only as permitted in section 4 of this schedule.

SEC. 6. *Canadian distributor sales.* Sales of aircraft quality alloy steel products will be made by Canadian steel distributors pursuant to instructions issued by the Canadian Government through its Department of Defence Production.

SEC. 7. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M-6A, Schedule 1.

This schedule as amended shall take effect August 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9349; Filed, Aug. 21, 1952; 11:13 a. m.]

[NPA Order M-6A, Schedule 2, Direction 1—Revocation]

M-6A—STEEL DISTRIBUTORS

SCHEDULE 2—EARMARKED STOCKS—OIL COUNTRY CASING, OIL COUNTRY TUBING, AND OIL COUNTRY DRILL PIPE

DIR. 1—ADDITIONAL RESTRICTIONS OF DELIVERY OF OIL COUNTRY CASING AND TUBING

REVOCATION

Direction 1 (17 F. R. 6558) to Schedule 2 to NPA Order M-6A is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to Schedule 2 to NPA Order M-6A, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective August 21, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9350; Filed, Aug. 21, 1952; 11:13 a. m.]

[NPA Order M-82, Direction 1 of Aug. 20, 1952]

M-82—DISTRIBUTION OF BRASS MILL PRODUCTS TO DISTRIBUTORS

DIR. 1—PLACEMENT OF ORDERS BY DISTRIBUTORS FOR ADDITIONAL BRASS MILL PRODUCTS PRIOR TO OCTOBER 1, 1952

This direction to NPA Order M-82 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Temporary increase in quotas of X-6 orders placed by distributors of brass mill products.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* In order to make certain that distributors of brass mill products will be able to acquire increased quantities of such products to meet increased demands, this direction permits distributors of brass mill products, prior to October 1, 1952, to place authorized controlled material orders for a quantity of material in addition to the quantity they are permitted to order pursuant to section 4 of NPA Order M-82.

SEC. 2. *Temporary increase in quotas of X-6 orders placed by distributors of brass mill products.* (a) In addition to the total quantity of brass mill products for which a distributor may place orders pursuant to section 4 of NPA Order M-82 during the months of August and September 1952, a distributor whose inventory (by weight) of brass mill products on July 31, 1952, was less than his average monthly inventory (by weight) during the base period, may at any time after the effective date of this direction and prior to October 1, 1952, place orders with a brass mill or another distributor for a quantity of brass mill products by weight the total of which does not exceed the difference between the weight of his average monthly inventory of such products during the base period and the weight of his inventory of brass mill products on July 31, 1952.

(b) The allotment symbol X-6 may be applied to any order placed pursuant to paragraph (a) of this section. All such orders are designated authorized controlled material orders and shall be certified in accordance with section 8 of NPA Order M-82.

(c) The receipt by a distributor of any material ordered pursuant to paragraph (a) of this section is excepted from the limitations on the acceptance of delivery of brass mill products imposed by sections 4 and 7 of NPA Order M-82.

This direction shall take effect August 20, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9307; Filed, Aug. 20, 1952; 3:04 p. m.]

[NPA Reg. 3, as amended August 20, 1952]

NPA REG. 3—OPERATIONS OF THE PRIORITIES AND ALLOCATIONS SYSTEMS BETWEEN CANADA AND THE UNITED STATES

This regulation as amended is found necessary and appropriate to promote

the national defense and to implement the provisions of The Statement of Principles for Economic Cooperation issued by the Governments of the United States and Canada, dated October 26, 1950, and is issued pursuant to the authority granted by the Defense Production Act of 1950 as amended. Consultation with industry representatives, including trade association representatives, in advance of the issuance of this regulation as amended has been rendered impracticable by the fact that this regulation as amended applies to all trades and industries.

EXPLANATORY

The amendment is necessary in order to delete references to obsolete NPA regulations, deadline dates, and past quarters; to eliminate procedures which are inoperative; to recognize procedures established by operational experience; and to provide sufficient elasticity so that Canadian procedures may conform to possible future changes in the U. S. priorities and allocation system.

NPA Reg. 3, as amended June 29, 1951, is hereby revised to read as follows:

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. Orders from the United States placed with Canadian suppliers.
4. Canadian orders for materials placed with United States suppliers.
5. Certifications by Canadian purchasers to suppliers in the United States.
6. Maintenance, repair, and operating supplies, and minor capital additions and installation assistance to persons located in Canada.
7. Relation to other regulations and orders of NPA.
8. Communications.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* In order that the control, priorities, and allocations systems of the two countries may be comparable in effect, and in order to coordinate the defense economies of the two countries, this regulation describes how and to what extent persons located in Canada may have the benefits of the priorities and allocations systems of the United States, and how persons located in the United States may receive assistance in obtaining Canadian materials and services.

SEC. 2. *Definitions.* For the purposes of this regulation:

(a) "Person" means any individual, partnership, corporation, association, or any other organized group of persons, and includes specifically Canadian distributors and importers as well as any agency of the United States Government or the Canadian Government.

(b) "MRO" means "Maintenance, repair, and operating supplies" as defined in CMP Regulation No. 5.

(c) "Minor capital additions" means minor capital additions as defined in CMP Regulation No. 5.

(d) "Installation" means installation as defined in CMP Regulation No. 5.

(e) "Controlled materials" means steel, copper, and aluminum in the forms and shapes specified in Schedule I of CMP Regulation No. 1.

(f) "Materials" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, or product of any kind.

(g) "NPA" means the National Production Authority.

SEC. 3. *Orders from the United States placed with Canadian suppliers.* Any person located in the United States who places an order with a Canadian supplier for Canadian materials, and who requires assistance to obtain delivery of such materials, may apply through the Canadian Division of NPA to the Canadian Department of Defence Production, Ottawa, Canada, for the required assistance. Such requests shall be made by letter in triplicate and shall set forth all pertinent facts, the nature of the assistance required, and the justification therefor, and these requests shall be processed in accordance with procedures agreed upon by NPA and the Canadian Department of Defence Production.

SEC. 4. *Canadian orders for materials placed with United States suppliers.* (a) Any person located in Canada who needs priority or allocation assistance to obtain materials in the United States may make application through the Canadian Department of Defence Production, Ottawa, Canada, to the National Production Authority for the required assistance. Such applications shall be made in accordance with the procedures agreed upon by NPA and the Canadian Department of Defence Production and implemented by forms, instructions, and regulations issued by the Canadian Department of Defence Production. All delivery orders to which allotment symbols or DO ratings are applied under the provisions of this regulation shall have equal standing with delivery orders placed by persons in the United States to which comparable allotment symbols or ratings have been applied under NPA Reg. 2 or any CMP regulation.

(b) Any person authorized pursuant to section 4 (a) of this regulation to apply allotment symbols or DO ratings to delivery orders shall use the allotment symbols or the ratings which are specified by the authorization. Such delivery orders shall also contain a certification in the following form:

Certified under NPA Reg. 3

Such certification shall be signed in the manner prescribed in section 8 of NPA Reg. 2.

SEC. 5. *Certifications by Canadian purchasers to suppliers in the United States.* Certifications under sections 4 (b) and 6 of this regulation constitute a representation to the supplier in the United States, to NPA, and to the Canadian Department of Defence Production, that the person signing such certification has been authorized by NPA to use the allotment symbol or the DO rating under this regulation, and that such allotment symbol or DO rating is being used for the purpose authorized.

SEC. 6. *Maintenance, repair, and operating supplies, and minor capital additions and installation assistance to persons located in Canada.* Any person located in Canada who needs priority or allocation assistance to obtain MRO and minor capital additions and installation material from United States sources may make application through the Canadian Department of Defence Production, Ottawa, Canada, to the National Production Authority for quarterly quotas and the right to apply an allotment symbol or rating to such requirements. Any person who has been authorized pursuant to this section to apply allotment symbols or DO ratings to delivery orders shall use the allotment symbols or the ratings which are specified by the authorization. In either case the delivery order shall also contain the certification specified in section 4 (b) of this regulation.

SEC. 7. *Relation to other regulations and orders of NPA.* All of the provisions of NPA Reg. 2 (including all directions and amendments thereto) apply to all persons affected by the provisions of this regulation except to the extent that such provisions are inconsistent, in which event the provisions of this regulation prevail. All of the provisions of CMP Regulation No. 3 as to status of delivery orders shall apply to orders bearing an allotment number or DO rating pursuant to this regulation.

SEC. 8. *Communications.* All communciations from persons located in the United States concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Reg. 3. All communications from persons located in Canada concerning this regulation shall be addressed to the Canadian Department of Defence Production, Ottawa, Canada (and, where necessary, forwarded by that Department to the National Production Authority).

SEC. 9. *Violations.* Violation of this regulation is punishable under the Defense Production Act of 1950, as amended, and under the Canadian Defence Production Act and the Canadian Emergency Powers Act, as they may be applicable.

This regulation as amended shall take effect August 20, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9308; Filed, Aug. 20, 1952, 3:05 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

PORT OF NEW YORK AND VICINITY; NEWARK BAY

Pursuant to section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), and the provisions of the act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.155 (h) (4) is amended by the insertion of a cross-reference note and § 202.60 (q) is hereby prescribed designating a special anchorage area within General Anchorage No. 37, on the southeasterly side of Newark Bay, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(q) *Newark Bay.* That portion of the waters on the southeasterly side of Newark Bay, north of a line ranging from the offshore end of the breakwater north of the former Elco Boat Works through Newark Bay Channel Buoy 6; east of a line ranging from a point 200 yards east of the east pier of the lift span of the Central Railroad Company of New Jersey bridge to a point 200 yards east of the east end of the lift span of the Pennsylvania-Lehigh Valley Railroad bridge; and south of a line ranging from the southwest corner of the bulkhead at Bayonne City Park through Newark Bay Channel Buoy 11.

NOTE: This special anchorage is within the limits of General Anchorage No. 37, described in § 202.155 (h) (4).

• • • • • •

§ 202.155 *Port of New York.* • • •
(h) *Newark Bay.* • • •
(4) *Anchorage No. 37.* • • •

NOTE: A portion of this general anchorage is described as a special anchorage in § 202.60 (q).

• • • • • •

[Regs., July 30, 1952, 800.212-ENGWO] (38 Stat. 1053, 54 Stat. 150; 33 U. S. C. 180, 471)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-9208; Filed, Aug. 21, 1952; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. In § 21.206, paragraphs (b) (2), (c) (2), and (d) (2) are amended to read as follows:

§ 21.206 *Limitations on training in excess of 4 years.* • • •

(b) *Training on the job in excess of 4 years.* • • •

(2) That where the veteran has not acquired knowledge, skills, or experience which may be credited toward completion of the course or where the knowledge, skills, or experience acquired by a veteran are insufficient for the veteran to be allowed enough credit to enable him to complete the course in 4 years or less, there is clear indication that he will be employable after completing a period of training not exceeding 4 years under Part VII or under Part VII and Part VIII: *Provided,* That the veteran shall have signed a statement on certificate B to that effect and also indicated that he has a definite understanding of the statement. Any veteran inducted into training under this paragraph will be declared rehabilitated after the veteran shall have completed the prescribed period of training (not exceeding 4 years).

(c) *Medical internship.* • • •

(2) If the 1-year medical internship can be completed without exceeding the 4-year statutory limitation, it will be authorized for the objectives physician 0–26.10 and physician, osteopathic, 0–39.96.

• • • • • •

(d) *Authority for approval of courses in excess of 4 years.* • • •

(2) Subject to other applicable provisions of the law, any training which is afforded in excess of 4 years as provided in this paragraph will be at the expense of the Government, and subsistence allowance is payable.

2. In § 21.212, a new paragraph (d) is added as follows:

§ 21.212 *Preparation and content.* • • •

(d) For professional objectives other than physician 0–26.10 and physician, osteopathic, 0–39.96, successful completion of the professional curriculum at an approved professional school ordinarily qualifies an individual to practice the profession for which the school has trained him subject, in some instances, to State licensure requirements. Accordingly, the professions physician and physician, osteopathic, are the only ones where, as authorized in § 21.206 (c) (2), internship may be included in the training program. In those instances where the graduate of a professional school is required to have had a period of experience in the practice of the profession as a prerequisite to licensure in certain of the professions, as for example pharmacy, which period is sometimes referred to as an internship or apprenticeship, actually the situation is one of employment, not training on the job, and may not be included in the veteran's training program.

3. A new § 21.237b is added as follows:

§ 21.237b *Furnishing supplies to veterans pursuing training on the job for combination objectives.* Where a veteran's course consists of training on the job for a combination objective which requires the attainment of skills in more than one recognized occupation, subject to the limitations in §§ 21.230 through 21.242, supplies may be furnished under one of the following alternatives:

(a) Where there is an approved list in vocational rehabilitation procedures for each of the component objectives of the combination objective, an assortment of supplies required by the employer-trainer may be selected from each of the approved lists for those objectives: *Provided,* That the total cost of the supplies shall not exceed the cost of the list having the higher cost on the current market or does not exceed $100, whichever is greater.

(b) Where there is an approved list in vocational rehabilitation procedures for one but not all of the component objectives of the combination objective, an assortment of supplies required by the employer-trainer may be selected from any approved list for the component objectives, adding such other items as are required by the employer-trainer for training in the component objective or objectives for which there is no approved list: *Provided,* That the total cost of the supplies shall not exceed the cost of the approved list having the higher cost on the current market or does not exceed $100, whichever is greater.

(c) When there is no approved list for any component objective of the combination objective, § 21.236 (a) (2) will apply—i. e. the aggregate cost of supplies furnished may not exceed $100.

4. Section 21.263 is revised to read as follows:

§ 21.263 *Maximum leave allowable.* Leave in excess of that authorized under §§ 21.261, 21.261a, and 21.262 will not be approved. Whenever, in an individual case, it becomes evident to the manager that the veteran will not be able to resume his training course upon the expiration of the period of leave he is authorized to approve under this section, the veteran will be removed from training status.

5. Section 21.265 is revised to read as follows:

§ 21.265 *Unauthorized absences.* Trainees should be instructed that they will be expected to apply for and obtain approval for leave of absence in advance. However, when a veteran has absented himself from his place of training under conditions which would make his obtaining advance approval from the Veterans' Administration impracticable and when the responsible officials of the training establishment and the manager agree that the absence has not materially interfered with the course of training, the manager is authorized to excuse the absence and to make charges against the veteran's leave in accordance with the policy stated in §§ 21.261, 21.261a, and 21.262. When such absence from training is not satisfactorily explained, the manager will take such action as is deemed necessary, including forfeiture of subsistence allowance for the period of absence.

6. In § 21.266, paragraphs (a), (b), and (c) are amended and a new paragraph (f) is added as follows:

§ 21.266 *Intraregional travel of trainees.* • • •

(a) To report to the chosen training facility for the purpose of starting training, or to report to a prospective employer-trainer for an interview prior to induction into training where, and only

aunt, niece or nephew, by blood or mar-

Engineers Council for Professional Develop-

training of Part VII veterans. If such

where there is definite assurance in advance of approving the travel that, upon interview, the veteran will be started in training if he is found by the employer-trainer to be acceptable.

(b) To return to his bona fide home from the place of training when training cannot be provided for a period of 30 calendar days or more, provided transportation from his home to the place of training was at Government expense (see paragraph (f) of this section); this will include summer vacation periods when training is not available but will not include periods when suitable training is available but the veteran elects to interrupt training to return to his home (see § 21.282). Where a trainee is authorized to travel at Veterans' Administration expense under the authority of this paragraph, return transportation from the trainee's home to the place of training for the purpose of continuing training also may be authorized.

(c) To return from the place of training, upon being placed in status "discontinued" for any reason except fraud on the part of the veteran, to the point from which the veteran was transported at Veterans' Administration expense (see paragraph (f) of this section): *Provided*, That where a veteran is placed in status "discontinued" because he abandoned training, travel at Veterans' Administration expense to return from the place of training to the point from which the veteran was transported may not be authorized except where it is determined that the veteran abandoned training for reasons beyond his control.

• • • • •

(f) To return from the place of training to the place and under the conditions indicated in paragraph (b) or (c) of this section where:

(1) Travel to the place of training at Government expense was approvable but the necessary travel authorization was not issued, or

(2) The veteran is continuing pursuit of training under Part VII which he commenced under Part VIII (as an approved combination of courses), and the veteran would have been entitled to transportation at Government expense to the place of training had he commenced the training under Part VII rather than under Part VIII.

7. In § 21.267, paragraph (a) is amended to read as follows:

§ 21.267 *Interregional transfers for training—*(a) *Induction into a facility outside the regional area.* Managers are authorized to effect the transfer of veterans for training under Part VII Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12), to the jurisdiction of other regional offices within the limits of the continental United States at Government expense when any such transfer is necessary for the purposes of the Veterans' Administration in accomplishing vocational rehabilitation in the chosen employment objective. Such transfer at Government expense will be limited to the nearest satisfactory training facility, except that where regional territorial lines do not coincide with State border lines, transfers may be effected at Government expense to induct the veteran into training in any satisfactory training facility located within the State of the veteran's residence, despite the existence of satisfactory training facilities within the regional territory. Interregional transfers which involve travel at Government expense between points within the continental limits of the United States and points within the insular possessions and territories will be effected only upon the prior approval of central office. Interregional transfers to or from the Republic of the Philippines at Government expense will be effected only upon the prior approval of central office.

• • • • •

8. In § 21.268, paragraph (a) is amended to read as follows:

§ 21.268 *Interregional transfers when training cannot be provided for 30 calendar days or more.* (a) When training cannot be provided for a period of 30 calendar days or more, managers are authorized to effect the transfer, at Government expense, of a trainee from the place of training to the trainee's bona fide home within the regional office territory from which he was transported at Government expense for the purpose of pursuing training; this will include summer vacation periods when training is not available but will not include periods when suitable training is available but the veteran elects to interrupt training to return to his home. (See § 21.282.)

• • • • •

9. Section 21.269 is revised to read as follows:

§ 21.269 *Interregional transfers of veterans to return to points from which transported.* Managers are authorized to effect the transfer of veterans from the place of training, upon placing the veteran in status "discontinued" for any reason except fraud on the part of the veteran, to the point from which the veteran was transported at Veterans' Administration expense to pursue training (see § 21.272a): *Provided*, That where a veteran is placed in status "discontinued" because he abandoned training, travel at Veterans' Administration expense to return from the place of training to the point from which the veteran was transported may not be authorized except where it is determined that the veteran abandoned training for reasons beyond his control.

10. Section 21.272 is revised to read as follows:

§ 21.272 *Travel for a qualifying examination.* Managers are authorized to effect the transportation at Government expense of a veteran from the place of training to, and return from, a place at which an examination is administered in the trade or profession for which he has been trained, when the passing of such an examination is necessary to practice the trade or profession for which he has been trained: *Provided*, That the transportation shall be limited to points within the State in which the veteran has pursued his training or, if the veteran returns to the State from which he was sent to pursue training, he may be sent at Government expense to a place within that State to take the examination, and, if there is more than one place at which the examination may be taken, the transportation shall be limited to the nearest place.

11. A new § 21.272a is added as follows:

§ 21.272a *Travel to return the veteran from place of training where travel to place of training was not authorized.* Managers are authorized to approve the necessary travel of a veteran at Government expense for the purpose of returning the veteran from the place of training to the place and under the conditions indicated in §§ 21.268 (a) and 21.269 where:

(a) Travel to the place of training at Government expense was approvable but the necessary travel authorization was not issued, or

(b) The veteran is continuing pursuit of training under Part VII which he commenced under Part VIII (as approved combination of courses) and the veteran would have been entitled to transportation at Government expense to the place of training had he commenced the training under Part VII rather than under Part VIII.

12. Section 21.273 is revised to read as follows:

§ 21.273 *Authority to approve travel.* Managers are authorized to approve necessary travel at Government expense and to issue transportation, meal, and lodging requests in accordance with the provisions of Veterans' Administration Regulations for the purpose of carrying out the provisions of §§ 21.266, 21.267 (a), and 21.268 through 21.273, inclusive. The chief, vocational rehabilitation and education division, is authorized to act for the manager in exercising any authorities stated in this section.

13. In § 21.274, paragraphs (a) and (c) are amended and paragraph (e) is deleted.

§ 21.274 *Authorization for travel of attendants for claimants and beneficiaries under Part VII, Veterans' Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Regional managers are authorized to provide the services of an attendant to accompany a claimant or beneficiary while such claimant or beneficiary is traveling for the purposes set forth in §§ 21.266, 21.267 (a), and 21.268 through 21.273, when, and only when, in the judgment of the chief, vocational rehabilitation and education division such services are necessitated by the severity of the disability of the claimant or beneficiary.

• • • • •

(c) Persons not in regular civilian employment of the Federal Government may be authorized to act as such attendants and will be furnished common-carrier transportation, meal, and lodging requests, or, in lieu thereof, will be granted a mileage allowance. Such persons will be paid a fee, except when they are relatives of the claimant or beneficiary. (A relative, for this purpose, will comprehend a spouse, parent, son or daughter, brother or sister, uncle or aunt, niece or nephew, by blood or marriage.) Persons in the regular civilian employment of the Federal Government may be authorized to act as such attendants and, when so assigned, will be entitled to transportation and expenses incident thereto. They may be allowed per diem in lieu of subsistence in accordance with the provisions of Standardized Government Travel Regulations, upon issuance of authorization therefor, and will not be supplied meal and lodging requests. No fee will be paid to civilian employees of the Federal Government who act as attendants under authority of this paragraph.

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14. In § 21.279, paragraph (a) is amended to read as follows:

§ 21.279 *Reader service under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), for veterans with visual impairment.* (a) When reader service is necessary for the successful pursuit of a course of vocational rehabilitation by a veteran with visual impairment, such service may be furnished in accordance with the policy and procedure set forth in this section.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation effective August 22, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9231; Filed, Aug. 21, 1952; 8:45 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART C—TRAINING FACILITIES

MISCELLANEOUS AMENDMENTS

1. In § 21.400 (a), subparagraph (2) is amended to read as follows:

§ 21.400 *Manager, regional office, authorized to approve institutions.* • • •

(a) *Inspection and accreditation.* • • •

(2) If an educational institution is accredited by one of the following recognized national or regional educational accrediting associations, such accreditation may be accepted, if desired, in lieu of a personal inspection:

Accrediting Association of Bible Institutes and Bible Colleges (Collegiate Division).
American Association of Teachers' Colleges.
American Association of Theological Schools.
American Bar Association.
American Council on Pharmaceutical Education.
American Osteopathic Association.
Association of American Universities.
Council on Dental Education, American Dental Association.
Council on Education and Professional Guidance of the American Optometric Association, Inc.
Council on Medical Education and Hospitals, American Medical Association.
Engineers Council for Professional Development.
Middle States Association of Colleges and Secondary Schools.
National Association of Chiropodists.
National Association of Schools of Music.
National League of Nursing Education.
New England Association of Colleges and Secondary Schools.
North Central Association of Colleges and Secondary Schools.
Northwest Association of Secondary and Higher Schools.
Southern Association of Colleges and Secondary Schools.
Western College Association.

• • • • • •

2. In § 21.418 (d), the introduction and subparagraph (3) are amended and a new subparagraph (4) is added as follows:

§ 21.418 *Approval and disapproval of educational institutions and business or industrial establishments by State approving agency or Administrator.* • • •

(d) *Disapproval by State approving agency.* Where the State approving agency determines that an educational institution, or a course of instruction in an educational institution or an establishment, in which veterans are enrolled under Part VIII is disapproved, and therefore, is removed from the approved list by the State approving agency, appropriate notice, in duplicate, will be provided to the manager of the regional office concerned. Upon receiving such a notice, the training facilities section of the regional office will request a statement from the State approving agency, through the Veterans' Administration liaison representative, as to the reason or reasons for such action, if not already provided.

• • • • • •

(3) Where the State approving agency disapproves an educational institution, the chief, training facilities section, will provide copies of the notice and the reasons for disapproval received from the State approving agency as follows: One copy to the director, training facilities service, central office, and one copy to the special assistant to director, training facilities service, for the area concerned. (Where the approval of the institution is canceled and the institution is later reapproved, a copy of each such reapproval notice will be provided to the director, training facilities service, and the special assistant concerned.)

(4) In the event that an institution or establishment which has been disapproved for Part VIII by the State approving agency is also approved for training under Part VII and, despite the action of the State approving agency, the manager is of the opinion that it would be advisable to continue the approval of the institution or establishment for Part VII training, he will request authority of the assistant administrator for vocational rehabilitation and education for such approval. Such request for approval should be accompanied by a complete statement as to why the institution or establishment was withdrawn from the list of approved Part VIII facilities and the circumstances which in the opinion of the manager warrant continued approval of the institution or establishment for training of Part VII veterans. If such authority is not granted by the assistant administrator for vocational rehabilitation and education, each Part VII veteran in training in such facility will be notified promptly of the withdrawal of Part VII approval, and every effort will be made by the regional office to effect a prompt transfer of each such veteran to another institution or establishment offering the same course of training, so that each such Part VII veteran may be continued in a training status without interruption.

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3. In § 21.520, the headnote, paragraphs (c) (1) (i) and (iii) and the introduction of paragraph (d) are amended to read as follows:

§ 21.520 *Payment of tuition to profit educational or training institutions operating on a clock-hour basis for Part VII and Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), trainees where the trainee is absent from scheduled instructional periods.* • • •

(c) *Profit schools which are required to meet the criteria set forth in section 5, Public Law 610, 81st Congress.* The following policy with respect to payment for absences shall apply for veteran training:

(1) • • •

(i) Not to exceed a total of 30 days, or the equivalent expressed in clock-hours of absence (i. e., the number of daily instructional hours times 30) in a full-time course in a 12-month period of required attendance or a pro rata part of 30 days, or of the appropriate number of clock-hours, for periods of required attendance of less than 12 months. (For part-time courses, see subdivision (iv) of this subparagraph.)

• • • • • •

(iii) Emergency absence not in excess of 10 days during a period of required attendance of 12 calendar months, but the total of absences, under this subdivision and subdivision (ii) of this subparagraph, will not be in excess of the limitations as prescribed in subdivision (i) of this subparagraph.

• • • • • •

(d) *Profit schools which are not required to meet the criteria set forth in section 5, Public Law 610, 81st Congress.* Where the enrollment in an educational institution operating on a clock-hour basis consists of more than 25 students or one-fourth of the students enrolled, whichever is greater, paying their own tuition and the institution publishes a catalog, bulletin, circular, or otherwise makes a certification to the Veterans' Administration, setting forth the tuition charges, the length of the course will be expressed in the usual terms used by the educational institution in such publications or certifications. The Veterans' Administration will accept the policies of such educational institutions regarding absences: *Provided*, That the Veterans' Administration regional office manager in his judgment considers such policies as reasonable and they are approved by the appropriate State approving agency. The basis of payment by the Veterans' Administration for holidays in such edu-

cational institutions will be either as stated in subparagraph (1) or (2) of this paragraph.

* * * * *

4. In § 21.530 (a) (5) (iii), paragraph (2) of article 1 (f) Revision of Rates is amended to read as follows:

§ 21.530 *Determination of fair and reasonable compensation.* (a) * * *

(5) *Establishment of customary cost of tuition under section 2, Public Law 610, 81st Congress, and adjustment for surplus or deficit.*

* * * * *

(iii) *Where surplus or deficit exists, school may elect to continue regulatory formula.* If a surplus or deficit still exists at the end of the contract period which occurs on or after the end of the 24 months period, the rates in all succeeding contracts may be adjusted to absorb the surplus or return the deficit by continued application of the formula set forth in this paragraph. Where the school elects to continue the regulatory formula, the contract will contain a clause for adjusting the tuition rates from time to time as desired by either party as follows:

Article 1 (f) *Revision of Rates.* * * *

(2) Within 30 days after the expiration of four or more calendar months, the contractor will advise the Veterans' Administration, in writing, if the contractor desires any revision of the existing rates of compensation. If the Veterans' Administration desires any revision of the existing rates, written notice to that effect will be given to the contractor within 30 days after the expiration of four or more months. At such time as the contractor or the Veterans' Administration desires a revision of rates, the contractor will furnish to the Veterans' Administration statements of the actual cost of operation on VA Form 7–1969 for the period beginning with the effective date of the current contract rate and ending with the last day of the most recent month immediately preceding the date of the request for revision. The contractor will permit such inspections of its books and records as the Veterans' Administration may request.

* * * * *

5. A new § 21.580 is added as follows:

§ 21.580 *Contract provision where appeal to Veterans' Education Appeals Board is pending.* Where, at the time of execution of a contract for a current period which will include a tuition rate deemed a customary cost of tuition by reason of section 2, Public Law 610, 81st Congress, there is pending before the Veterans' Education Appeals Board or before a court of proper jurisdiction an appeal of the prior contract establishing such rate which is deemed to be the customary rate, the contract being executed will contain the following provision:

It is mutually understood and agreed that the tuition rate(s) set forth above is (are) based upon the tuition rate(s) stipulated in contract numbered ----------, effective for the period ---------- to ----------, in respect to which an appeal has been filed with the Veterans' Education Appeals Board and is pending before that Board. It is further understood and agreed that this contract shall be without prejudice to adjustment of payments, prospectively and retrospectively, pursuant to a valid final order of the Veterans' Education Appeals Board or subsequent judgment of a court of competent jurisdiction.

It is further mutually understood and agreed that no new right of appeal is created under this provision and that this provision is not a reservation of the right to appeal the amended contract rate(s) or any other determination set forth in contract ---------.

6. A new centerhead immediately following § 21.672 is added as follows: "Authorization for Payment or Recovery of Payment Based Upon Decisions of the Veterans' Education Appeals Board or a Court Order".

7. A new § 21.680 is added as follows:

§ 21.680 *Authorization for payment or recovery of payment based upon decisions of the Veterans' Education Appeals Board or a court order.* (a) Upon issuance of a final decision of the Veterans' Education Appeals Board with respect to an appeal made by an educational institution to the Board, the director, training facilities service for vocational rehabilitation and education, will issue instructions by letter to the regional office concerned as to the actions to be taken. Accordingly, payment or recovery of payment based upon any such decision will be withheld, pending receipt of instructions from the director, training facilities service. Present or past contracts will not be amended or supplemented to accord with such decisions. Authority for greater or lesser payments will be the decision itself. In any case wherein the central office directs that action be taken based upon a Board decision, two copies of such decision will be provided by memorandum from the chief, vocational rehabilitation and education division, to the finance officer. If because of such decision money is due the institution, payments will be made in accordance with Veterans' Administration Regulations upon the submission of appropriate vouchers by the educational institution. If by virtue of such decision money is due the Government, appropriate action to effect recovery will be taken by the regional office.

(b) In the event of a court order concerning a decision of the Veterans' Education Appeals Board, appropriate instructions will be issued by letter from central office in each individual case.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation effective August 22, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52–9230; Filed, Aug. 21, 1952; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

a. In § 127.101 *Special provisions applicable to international registry service* make the following changes:

1. Redesignate paragraphs (k) and (l) as (l) and (m), respectively.

2. Add new paragraph (k) to read as follows:

(k) *Restricted delivery by senders.* (1) Senders in this country may restrict the delivery of registered Postal Union (regular) mail articles addressed to the following countries on condition that the articles are accompanied with a return receipt and are endorsed by the sender in the manner indicated:

Country	Endorsement required
Afghanistan	"A remettre en main propre."
Albania	"A remettre en main propre," or "Per T'u dorezvar ne doren e vet."
Austria	"A remettre en main propre," or "Zu eigenen Handen."
Belgium	"A remettre en main propre." or the equivalent in the Flemish language.
Bulgaria	"Lieno."
China (Taiwan only)	"A remettre en main propre."
Czechoslovakia	"A remettre en main propre."
Denmark	"Personlig."
Dominica	"To be delivered to the addressee in person."
Falkland Islands	"To be delivered to the addressee in person."
Finland	"A remettre en main propre."
French Somaliland	"A remettre en main propre."
Germany (all zones)	"A remettre en main propre," or "Eigenhandig."
Greece	"A remettre en main propre."
Hungary	"A remettre en main propre."
Iceland	"A remettre en main propre," or Afhendist vidtakanda sjalfum."
Italy	"A remettre en main propre."
Lebanon	"A remettre en main propre."
Luxemburg	"A remettre en main propre."
Montserrat	"To be delivered to the addressee in person."
Morocco (French Zone)	"A remettre en main propre."
Poland	"A remettre en main propre."
Portugal	"A remettre en main propre."
Rumania	"A remettre en main propre."
Sweden	"A remettre en main propre," or "Far utlamnas endast till adressaten personligen."
Switzerland	"A remettre en main propre."
Turkey	"Alicinin kendine verilecek."
Union of Soviet Socialist Republics	"A remettre en main propre."
Uruguay	"A livrer en main propre."

(2) The endorsements shown in the second column shall be placed above and near the address and must be underlined in red. The country of destination will make two attempts to effect delivery and if unsuccessful the article will be returned as undeliverable.

(3) Only the usual registry fee of 25 cents, plus the registry return receipt fee of 5 cents, is chargeable in connection with registered regular mail articles of which the delivery has been restricted in accordance with the foregoing provisions.

(4) Registered regular mail articles from foreign countries which are accompanied with a return receipt and bear the notation (underlined in red) "Deliver to addressee only," or a similar notation, shall be delivered only to the addressee. Two attempts must be made to deliver such articles. If delivery cannot be effected by the second attempt, the articles shall be returned to the sender as undeliverable.

b. In § 127.264 *Germany*, make the following changes in paragraph (b):

1. Amend subdivision (i) of subparagraph (1) to read as follows:

(i) The surface parcel rate for the American, British, and French Zones of Western Germany, the Soviet Zone, and all of Berlin, is $0.14 per pound.

2. Amend subdivision (ii) of subparagraph (1) to read as follows:

(ii) Air parcels for all of Germany.

Rates: $0.95 first 4 oz.; $0.45 each additional 4 oz.

3. In the tabulated information appearing under subdivision (ii) of subparagraph (1), change "Weight limit: 22 pounds." to read "Weight limit: 22,[1] 44 pounds."

4. The footnote relating to the item "Insurance" in the tabulated information shown under subdivision (ii) of subparagraph (1) is amended to read as follows:

[1] Parcels weighing in excess of 22 pounds, and insured parcels, may be accepted only for the American, British and French Zones (Western Zone) of Germany, including the corresponding sectors of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels not exceeding 22 pounds in weight.

5. Amend subparagraph (3) to read as follows:

(3) *Dimensions.* Greatest length 42 inches. Greatest length and girth combined 72 inches.

(R. S. 161, 396, 398; secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9248; Filed, Aug. 21, 1952; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 56—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS, AND FILING OF CERTIFICATES AND REPORTS

SPECIAL APPLICATIONS FOR EXEMPTION FROM REQUIREMENT THAT CERTAIN RAILROAD SECURITIES BE OFFERED FOR SALE AT COMPETITIVE BIDDING

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 23d day of July A. D. 1952.

The conclusions and requirement of the Commission stated in its report of May 8, 1944, in Ex Parte 158, "In the Matter of Competitive Bidding in the Sale of Securities under section 20a of the Interstate Commerce Act", being under consideration, and the matter of special applications for exemption from the requirement there stated that certain securities issued under authority granted pursuant to said section be offered for sale at competitive bidding being also under consideration, and good cause appearing therefor:

It is ordered, That the following special instructions be, and they are hereby, approved, and that from and after September 1, 1952, said instructions shall be observed by carriers by railroad, corporations organized for the purpose of engaging in transportation by railroad, and persons considered carriers by railroad subject to section 20a of the Interstate Commerce Act under the provisions of any order of the Commission under paragraphs (2) and (3) of section 5 of said act:

§ 56.25 *Applications for authority to sell securities without competitive bidding*—(a) *Circumstances requiring special application.* Special application for exemption from the requirement that securities issued under authority granted pursuant to the provisions of section 20a of the Interstate Commerce Act be offered for sale at competitive bidding should be filed only when for any reason it is not practicable to include the request for such exemption in an application filed pursuant to the instructions promulgated by order of the Commission, by Division 4, under date of August 9, 1946, (§§ 56.1 to 56.6) respecting applications filed under that section.

(b) *Information required.* Special application for exemption from the competitive bidding requirement shall set forth, in the order indicated, the following information:

(1) Exact corporate name of applicant.

(2) Government, State, or Territory under laws of which the applicant was organized and received its present charter.

(3) The name of each State in which applicant operates or proposes to operate.

(4) General description and amount of securities in respect of which exemption is sought.

(5) Purpose and uses of the proposed issue and the proceeds thereof.

(6) The facts and circumstances relied upon by applicant to show that competitive bidding should not be required in the sale or other disposition of the proposed securities, including a statement that applicant has not entered into any discussions or any negotiations with respect to the terms of sale with any prospective purchaser of its securities. (If request for exemption from the competitive bidding requirement is made in an application filed under section 20a pursuant to the instructions promulgated by the order of August 9, 1946, the information required by this paragraph should be furnished in such application.)

(7) Why the special application is necessary.

(8) The name, title, and post office address of the officer or officers to whom correspondence in respect of the application should be addressed.

(c) *Form and style.* The application shall conform with Rule 15 of the Commission's general rules of practice.

(d) *Execution.* The original application and supporting statements or exhibits shall be signed on behalf of the applicant by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the applicant, shall be made under oath, and shall show, among other things, that the affiant is duly authorized to verify and file the application.

(e) *Filing.* The original application and supporting papers, and six copies thereof for the use of the Commission, shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed and the notarial seal may be omitted.

(f) *Notice.* Upon receipt of notice from the Commission that the application has been received and assigned a stated docket number, the applicant shall by regular mail serve notice of the filing of such application upon, and file a copy of such application with, the Governor of each State in which it operates or is authorized to do business, or in the case of holding companies, the Governor of each State in which the applicant is incorporated or authorized to do business. A copy of such notice of filing shall also be served upon the Public Service Commission or other appropriate authority of such State. Such notice shall include a request that the Governor, or other appropriate authority of the State, notify the Commission within 15 days after the date upon which the application was filed with the Commission, if it is desired to make any representation or to be heard in the matter.

[1] See Appendix to this document.

A certificate of such notice and filing shall be filed promptly with the Commission.

(g) *Procedure upon application.* Public hearing will not be held in connection with the application unless good cause therefor is shown or unless the Commission deems a hearing desirable. In case a hearing is not held, the proceeding will be disposed of on the basis of representations made in the application and in any supplement thereto. Any interested person desiring to make representation to the Commission as to the granting or denying of the application may submit such representation in writing within 10 days from the date of such notice. Such representation shall set forth clearly the interest of such person in the application and all facts relied upon, shall be made under oath, and shall show that a copy has been served upon the applicant. An original and six copies thereof shall be filed with the Interstate Commerce Commission, Washington, D. C. (Sec. 439, 41 Stat. 495; 49 U. S. C. 20a).

And it is further ordered, That this order shall and it does hereby, supersede the order of June 1, 1944, (49 CFR 56.25); that a copy of these special instructions be served upon each carrier by railroad, each corporation organized for the purpose of engaging in transportation by railroad, and each person considered a carrier by railroad subject to the provisions of section 20a of the Interstate Commerce Act; and that notice of this order be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies 41 Stat. 494, as amended; 49 U. S. C. 20a)

By the Commission, Division 4.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX TO § 56.25

Pertinent conclusions and the requirement of the Commission in its report of May 8, 1944, in Ex Parte 158, "In the Matter of Competitive Bidding in the Sale of Securities under section 20a of the Interstate Commerce Act," are as follows:

We find that for the proper administration, execution, and enforcement of section 20a of the Interstate Commerce Act we should require as a condition to our approval of the sale of railroad securities issued under the provisions of that section that such securities be offered for sale at competitive bidding or at what we have heretofore considered tantamount thereto, viz, upon invitation of bids for the purchase thereof. Proposals received in response to such invitation should be opened only at such time and place as is specified in the invitation, and the duly authorized representative of any person making any such proposal should be permitted to be present at the opening of such proposals, and to examine each proposal submitted. If the right be reserved in the advertisement or invitation for bids, the railroad proposing the issue may properly reject all bids and call for new bids or seek such relief as the facts and circumstances may warrant.

We further find that such requirement should apply to all classes of railroad securities other than equipment, as to which no change in the present practice is contemplated, except the following:

(1) Common and preferred stocks;

(2) Securities sold or otherwise issued pro rata to existing holders of securities of the issuing company pursuant to any preemptive right or privilege or in exchange for or extension of outstanding securities, or in connection with any liquidation, reorganization, or financial adjustment;

(3) Any note or other security maturing in not more than 3 years;

(4) Securities sold or otherwise issued when the total issue does not exceed $1,000,000, principal amount;

(5) Securities of any railroad company issued in exchange for the securities or properties of any other railroad company acquired pursuant to authority granted under the provisions of section 5 (2) of the act, and any securities of such other company to be acquired by any other person pursuant to such authority.

(6) Securities sold or otherwise issued to a railroad company by any of its subsidiary companies pursuant to authority granted under section 20a of the Act where such securities are not to be sold by the parent company, but are to be held subject to our further order; and

(7) Any securities as to which we shall find, upon due showing by a railroad company, either upon application under the provisions of section 20a or upon special application preliminary to the filing of such application under section 20a, that sale at competitive bidding should not be required.

Applications under section 20a to sell securities without competitive bidding on the ground that such securities come within one of the foregoing specific exemptions should include a statement of facts relied upon to show that the exemption applies. Special applications for exemption from the competitive bidding requirement may be made pursuant to such special instructions as may hereafter be issued.

We further find that for the present no formal rule or regulations requiring the sale of railroad securities at competitive bidding should be promulgated. Railroads applying after June 30, 1944, for authority to issue securities under the provisions of section 20a will be expected to observe these findings.

The foregoing requirement was modified by the Commission's report of June 18, 1952, in Finance Docket No. 17748, Atlantic Coast Line R. Co. Competitive Bidding Exemption, 282 I. C. C. 265, as follows:

It will hereafter be our policy to deny any application for exemption from our competitive bidding requirement where competitive bidding is prima facie required and the applicant has, before obtaining the required exemption from us, entered into any discussions or any negotiations with respect to the terms of sale with any prospective purchaser of its securities. Our competitive bidding requirement is modified to this extent.[1]

[F. R. Doc. 52-9274; Filed, Aug. 21, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Parts 91, 93]

INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture, pursuant to the authority vested in him by sections 4 and 5 of the act of Congress approved May 29, 1884, as amended (secs. 4, 5, 23 Stat. 32, as amended; 21 U. S. C. 112, 113), section 10 of the act of Congress approved August 30, 1890 (sec. 10, 26 Stat. 417; 21 U. S. C. 105), section 1 of the act of Congress approved May 3, 1891, as amended (sec. 1, 26 Stat. 833, as amended; 46 U. S. C. 466a), section 1 of the act of Congress approved February 2, 1903, as amended (sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 112, 113, 120, 121), the act of Congress approved March 4, 1907 (34 Stat. 1263; 21 U. S. C. 80, 81, 82, 86), and the act of Congress approved July 24, 1919 (41 Stat. 241; 21 U. S. C. 96), proposes to revoke the special regulations governing the exportation of livestock to Mexico now contained in §§ 93.13 to 93.17, Part 93, Subchapter D, Chapter I, Title 9, Code of Federal Regulations, and to amend Part 91 of said Title 9 in the following respects:

1. The headnote of Part 91 would be amended to read: "Part 91—Inspection and Handling of Livestock for Exportation."

2. Section 91.1 would be amended to read:

§ 91.1 *Definitions.* Whenever in the regulations in this part the following words, names, or terms are used they shall be construed as follows:

(a) *Department.* The United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry of the Department.

(c) *Chief of Bureau.* Chief of the Bureau.

(d) *Inspector.* An inspector of the Bureau.

(e) *Animals.* Horses, cattle, sheep, swine, and goats.

[1] This is not to be construed as prohibiting preliminary discussion of an exploratory nature with prospective purchasers dealing with the availability of money, the general condition of the market for railroad securities and similar matters, or the making of such inquiries or investigation as may be required to determine the probability that two or more bids will be received if a proposed issue is offered at competitive bidding.

(f) *Horses.* Horses, mules, and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Stanchion.* Post or other fixed upright support.

3. Section 91.3 would be amended to read:

§ 91.3 *Ports of export.* The following are designated ports of export for animals at which inspection will be maintained: Portland, Maine; Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Baltimore, Maryland; Newport News and Norfolk, Virginia; Jacksonville, Port Everglades, and Miami Florida; Mobile, Alabama; New Orleans, Louisiana; Galveston and Houston, Texas; San Diego, Los Angeles, and San Francisco, California; Portland, Oregon; Seattle and Tacoma, Washington; Brownsville, Hidalgo, Rio Grande, Roma, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas, Naco, and Nogales, Arizona; and Calexico and San Ysidro, California. Other ports may be designated in special cases by the Chief of Bureau.

4. Section 91.5 would be amended to read:

§ 91.5 *Diagnostic tests for dairy and breeding cattle.* No dairy or breeding cattle shall be exported to a foreign country unless they are shown by proper certificate to have passed a negative test for tuberculosis and, if they are more than 6 months old, a negative blood test for brucellosis (Bang's disease) within 30 days of the date of shipment: *Provided, however,* That the test for brucellosis may be waived in respect to animals that have been officially vaccinated as calves within the previous 12 months: *And provided further,* That either or both of these tests may be waived upon presentation by the exporter to the inspector at the port of embarkation of a written permit by an authorized representative of the foreign government to ship a specified lot of cattle to that particular country without said tests.

The tuberculin test may be applied by a Bureau inspector or by a veterinarian accredited by the Bureau, in which case the certificate shall be endorsed by the inspector in charge of disease-eradication work in the State of origin. Blood tests for brucellosis shall be made in laboratories recognized by the Bureau and State authorities for that purpose, and the certificate shall be issued or endorsed by the inspector in charge of disease-eradication work in the State of origin. Test charts and certificates shall include descriptions of the cattle with ages and markings.

The primary purposes of the foregoing proposed action are to revoke the special regulations governing the exportation of livestock to Mexico (9 CFR 93.13 to 93.17), to make the provisions of 9 CFR Part 91 applicable to such exportation to Mexico, and to require that the test charts and certificates required by 9 CFR 91.5 include descriptions of the cattle with ages and markings.

Any person who wishes to submit written data, views, or arguments concerning the foregoing proposed action may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., on or before August 29, 1952.

Done at Washington, D. C., this 19th day of August 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9258; Filed, Aug. 21, 1952; 8:49 a. m.]

Production and Marketing Administration

[7 CFR Part 949]

[Docket No. AO 232-A1]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Grand Jury Room, U. S. Court House and Post Office, San Antonio, Texas, beginning at 10:00 a. m., c. s. t., August 26, 1952, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the San Antonio, Texas, marketing area, and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order regulating the handling of milk in the San Antonio, Texas, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order for the San Antonio, Texas, marketing area have been proposed as follows:

By the Producers Association of San Antonio, Inc.:

1. That for the months of September 1952 through March 1953, the Class I price shall not be less than $7.38 per hundredweight.

By the Dairy Branch, Production and Marketing Administration:

2. Make such other changes as may be required to make the entire marketing agreement and the order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 1204 North Main Street, San Antonio, Texas, or from the Hearing Clerk, United States Department of Agriculture, Room 1353 South Building, Washington 25, D. C., or may be there inspected.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

AUGUST 19, 1952.

[F. R. Doc. 52-9260; Filed, Aug. 21, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION D; EXEMPTION FOR CANADIAN SECURITIES

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt a conditional exemption from the registration requirements of the Securities Act of 1933 for offerings, not exceeding $300,000 in any one year, made by Canadian issuers or by domestic issuers with their principal place of business in Canada.

Section 3 (b) of the Securities Act authorizes the Commission to exempt from registration, on appropriate terms and conditions, issues of securities not in excess of $300,000. Although the Commission has adopted several exemptive rules under this authority so as to permit the sale of various types of small issues without registration, in the past it has not felt that there was warrant for extending the exemptive grant to Canadian issues in view of the lack of suitable sanctions for enforcement of the civil and criminal provisions of the act in such cases. However, the recently ratified amendments to the extradition treaty between the United States and Canada, which are designed to cover fraud offenses of the type indictable in this country under section 17 (a) of the Securities Act of 1933 or the Mail Fraud Statute, has made possible consideration of the promulgation, under the section 3 (b) authority, of an exemptive regulation adapted to the circumstances of small exploratory Canadian enterprises.

The proposed regulation contains certain specified conditions designed to safeguard the investing public. These conditions, which must be complied with in order that the exemption may be applicable, include a requirement that an offering circular containing certain basic information to be used in offering securities under the regulation. The proposed exemption will be available only where all non-residents responsible for the offering furnish consents to service of process in civil suits or actions brought in this country in connection with the purchase or sale of the securities to be offered under the regulation. Provision also is made for denying or suspending the exemption where the terms and conditions of the regulation have not been met or where fraud or deceit is practiced in connection with the offering or sale of securities.

The principal features of the proposed regulation are as follows:

Filing requirements; use of offering circular. To avail itself of the exemption, the issuer (or other person on whose behalf the offering is to be made) would file, at least 15 days (exclusive of Saturdays, Sundays, and United States holidays) before any offering is made under the regulation, copies of a letter of notification on Form S-3b-2 and of the offering circular required by Rule 504 with the Commission's principal office at Washington, D. C. If the offering circular is revised or amended after

commencement of the offering, copies thereof will have to be filed with the Commission 15 days prior to its use; however, the Commission may shorten such period upon a showing of good cause. This requirement would also apply to copies of any other sales literature to be used in the offering.

Moreover, no offering could be made, orally or otherwise, in reliance on the exemption until the prospective investor had been furnished with the offering circular. The only exception to this requirement is made in the case of the limited advertisements provided for in Rule 505, which could be used only for the purpose of locating persons who are interested in receiving a copy of the offering circular.

Prescribed in an effort to balance the interests of investors on the one hand and of small business on the other, the information required to be included in the proposed Regulation B offering circular is minimal information, designed only to highlight certain basic aspects of the offering. The circular here required is in no wise considered to be a substitute for the disclosures which would be obtained by virtue of registration under the act. While a major purpose of the new regulation is to obtain salient information for investors, the administrative emphasis of the regulation of necessity will be based largely on the fraud prevention provisions of the law. Of course, the civil and criminal penalties for fraud provided for in the Act will be applicable in all cases where securities are offered under the proposed regulation.

As a mechanical convenience, the regulation provides that the information required to be furnished investors under Rule 504 may be included in or combined with any prospectus required by applicable Canadian law. Thus, in many cases, it would be possible to meet the offering circular requirements by filing with the Commission, and furnishing to investors, copies of the Canadian prospectus together with a rider sheet setting forth such additional data or legends as are necessary under the rule. This would be permitted, however, only where the provisions of Rule 504 (c) relating to the type used in printing such documents are met in all respects.

Any statement or implication in sales literature or otherwise that the Commission has approved the offering, passed on its merits or found the statements made to be accurate would be prohibited and in violation of the conditions of the exemption. It will be required that every offering circular contain a prescribed statement in this respect.

Exclusions from the exemption. Rule 501 (b) of the proposed regulation would exclude from the exemption certain securities not deemed to be of a type that could feasibly be offered thereunder. Also, in order to guard against use of the exemption for offerings with which persons are connected who in the past have been held to have engaged in fradulent activities or otherwise have had a history of securities law violation, the regulation would not be available for any offerings where persons suffering from the broad disqualifications prescribed therein are affiliated with the issuer or underwriter. The exemption also would be inapplicable unless all persons whose activities in connection with the offering render them subject to section 15 (a) of the Securities Exchange Act of 1934 have registered as broker-dealers in accordance with section 15 (b) of that act. Provision is made for the automatic termination or suspension of the exemption in certain cases by Rules 501 (c) and (d) respectively.

Maximum offering price. The exemption could be availed of by an issuer only to the extent of $300,000 during any single year. In the case of a secondary distribution by an affiliate, the maximum permissible amount is $100,000. The maximum which could be offered under the regulation by the issuer and its affiliates in the aggregate could not exceed $300,000.

In computing the amount for which the exemption is available, the regulation provides that the maximum must be reduced by the total offering price of any securities of the issuer, its predecessors or affiliates offered in violation of the registration requirements of the Securities Act during the period. A similar deduction would have to be made for securities offered for cash outside of the United States concurrently with the offering made or proposed to be made under the regulation. The latter deduction would not have to be made, however, in the case of offerings which relate to warrants or rights granted to security holders on a pro rata basis.

The requirement that deduction be made for securities offered concurrently outside of the United States is based on the fact that section 3 (b) of the act, the authorizing section, is meant to facilitate only small offerings. While the Securities and Exchange Commission has no jurisdiction over offerings made entirely outside this country, it is not deemed appropriate to adopt a section 3 (b) exemption which would exempt the domestic portion of a single offering which, in total, exceeds the maximum amount permitted by the statute. Moreover, cases involving offerings made partly in the United States and partly outside the country at or about the same time would create serious administrative difficulties which would impede the proper enforcement of the regulation.

The provision noted above is not intended to prevent a company which had raised $300,000 for exploratory purposes under the regulation from thereafter raising additional funds in Canada on the basis of new discoveries. The limitation would be applicable only in the case of offerings made at or about the same time. And, of course, a company would in no event be prevented from raising such additional funds in the United States through the registration procedure prescribed in the Securities Act of 1933.

Consent to service of process. The Securities Act authorizes the Commission to institute injunctive actions in cases involving violations of the act, and provision is made in section 12 thereof for civil suits for damages by purchasers of securities in such cases. In order to give full effect to these provisions the proposed regulation would require that all nonresidents connected with any offering made thereunder file a written irrevocable consent and power of attorney which would authorize the commencement of any civil actions or suits, in connection with the purchase or sale of securities under the exemption, by the service of process upon the Secretary of the Commission, who would be authorized to receive service of all papers in such litigation. The Secretary in turn would be obliged to forward copies of any such process or pleadings to the appropriate persons by registered mail.

The required consents and powers of attorney would be filed with the letter of notification on a form to be prescribed by the Commission.

Denial and suspension of the exemption. The exemption provided for in this regulation would in no case be available or, where originally available, would not continue to apply unless all of the specified terms and conditions of the regulation are met. In order that investors may be provided with notice of such facts in appropriate cases, Rule 509 establishes a procedure for the temporary or permanent suspension or denial of the exemption for a particular offering, where the Commission finds that the terms and conditions of the regulation have not been met, or that the offering circular or sales literature is fraudulent, or that fraud or deceit is otherwise being perpetrated in connection with the offering or sale of the securities. Of course, the failure of the Commission to institute any such proceeding to formalize and record the facts would in no way affect the right of investors to institute appropriate actions for damages; nor would such failure be the basis for any inference that the terms and conditions of the regulation have been complied with or that the offering is free from fraud or deceit.

Under the prescribed procedure, the Commission could enter a temporary denial or suspension order and thereupon notify the persons on whose behalf the letter of notification was filed of their right to request a hearing. If no hearing is requested and none is ordered by the Commission, the order would remain in effect until modified or vacated by the Commission. Where a hearing is requested, it will be held in compliance with the Administrative Procedure Act and thereafter the Commission will either vacate the order or enter an order permanently denying or suspending the exemption. All notices required under the rule will be published in the FEDERAL REGISTER and, in addition, will be served upon the interested persons by personal service, registered mail or confirmed telegraphic notice.

It will be noted further that by virtue of Rule 501 (b) (7) persons who are connected with any offering subject to a suspension or denial order would be disqualified from thereafter participating in any other offering under the regulation, whether of the same or of a different issuer. Provision is made in such cases, however, for showing cause to the Commission for relaxing this proscription in cases where the circumstances do not require denial of the exemption in t.

public interest or for the protection of investors.

The regulation also would provide for the filing with the Commission of reports showing the progress and results of offerings made thereunder.

Copies of all materials filed with the Commission under this regulation by Canadian offerors will be furnished to the appropriate Canadian provincial securities authorities and it is expected that the Commission will have their full cooperation in administering the regulation.

It is believed that the conditional exemption here proposed will provide American investors with basic information regarding small Canadian exploratory ventures, generally not available in the past. The proposal is designed as a realistic and constructive step toward meeting the problems that have existed in this area in years past and as a measure which should contribute toward the healthy flow of capital between the two countries into legitimate developmental enterprises.

The Commission invites comments and suggestions on the proposed regulation from all interested persons. Comments and suggestions should be submitted in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before September 15, 1952.

A copy of the proposed regulation is set forth below.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

AUGUST 15, 1952.

REGULATION D: EXEMPTION FOR CANADIAN SECURITIES

§ 230.500 *Definitions of terms used in §§ 230.500 to 230.510.* As used in §§ 230.500 to 230.510, the following terms shall have the meanings indicated:

(a) An "affiliate" of an issuer is a person controlling, controlled by or under common control with such issuer. An individual who controls an issuer is an affiliate of such issuer.

(b) A "predecessor" of an issuer is a person from which such issuer has acquired, directly or indirectly, a substantial portion of its assets.

(c) A "promoter" of an issuer is a person who took an important part in the organization of such issuer, the acquisition of its assets or the distribution of its securities.

(d) A "resident" of a specified country is an individual resident of such country, or a corporation or other organization which is incorporated or organized under the laws of such country or any of its political subdivisions.

(e) The term "underwriter" shall have the meaning given in section 2 (11) of the act.

§ 230.501 *Securities exempted.* (a) Except as hereinafter provided in this section, securities offered in accordance with the terms and conditions of §§ 230.500 to 230.510 shall be exempt from registration under the Securities Act of 1933: *Provided:*

(1) Such securities are issued by a resident of Canada, or of the United States, having his or its principal place of business in Canada;

(2) The offering is made for the benefit of one or more residents of Canada or of the United States;

(3) The securities are offered for cash; and

(4) Each underwriter of the securities is registered as a broker or dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, unless such registration is not required.

(b) No exemption under §§ 230.500 to 230.510 shall be available for any of the following securities:

(1) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights.

(2) Certificates of interest as defined in § 230.360.

(3) Assessable securities.

(4) Securities of any investment company.

(5) Securities of any issuer if such issuer or any of its predecessors or affiliates:

(i) Has filed a registration statement which is the subject of pending proceedings under section 8 (b), 8 (d) or 8 (e) of the act or is subject to an order entered under any such section; or

(ii) Is subject to pending proceedings under § 230.509 or to an order entered thereunder.

(6) Securities of any issuer if such issuer or any of its directors, officers, affiliates or predecessors, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered hereunder:

(i) Has been convicted within five years preceding the filing of the letter of notification required by § 230.503 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer;

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or

(iii) Is subject to a United States Post Office fraud order.

(7) Securities of any issuer, if any of its directors, officers or affiliates, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered hereunder, participated in or was connected with any offering of securities of any other issuer which has at any time been subject to:

(i) An order under section 8 (b) or 8 (d) of the act;

(ii) An order under § 230.509; or

(iii) A United States Post Office fraud order,

unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied in the particular case.

(c) The exemption provided by §§ 230.500 to 230.510 shall terminate, as to any securities remaining unsold, if the issuer or any of its directors, officers or affiliates, any promoter presently connected with it in any capacity, any security holder on whose behalf any of the securities are being offered hereunder, or any underwriter of the securities (1) shall be convicted of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, or (2) shall be enjoined by any court from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

(d) The exemption provided by §§ 230.500 to 230.510 shall be suspended, and no securities may be offered hereunder, during the pendency of (1) any indictment of any person specified in paragraph (c) of this section for any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, (2) any proceeding initiated by the Commission, or by any Canadian authority for the purpose of enjoining any such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, or (3) any proceeding under section 8 (b), 8 (d) or 8 (e) of the act.

§ 230.502 *Amount of securities exempted.* (a) The aggregate offering price of all securities of the issuer which may be offered under §§ 230.500 to 230.510 shall not exceed $300,000 during any period of one year: *Provided,* That the aggregate offering price of all such securities offered on behalf of persons other than the issuer shall not exceed $100,000 during any such period. However, the foregoing amounts shall be reduced by the aggregate offering price of the following securities offered or sold during such period:

(1) All securities of the issuer's predecessors and affiliates offered under §§ 230.500 to 230.510;

(2) All securities of the issuer, its predecessors and affiliates sold in violation of section 5 (a) of the act; and

(3) All securities of the issuer, its predecessors and affiliates offered for cash outside the United States concurrently with an offering under this regulation, except that in case of an offering by the issuer to existing security holders on a pro rata basis pursuant to warrants or rights that portion of the offering made outside the United States need not be deducted.

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the letter of notification, or the offering price to the public, whichever is higher: *Provided,* That the aggregate gross proceeds actually received from the public shall not exceed the maximum aggregate offering price permitted, in the particular case, by paragraph (a) of this section.

(c) Unsold securities the offering of which has been withdrawn, by amending the letter of notification required by § 230.503 to reduce the amount stated therein as proposed to be offered, need not be included in computing the amount of securities which may be offered under

§§ 230.500 to 230.510 subsequent to such withdrawal.

§ 230.503 *Letter of notification.* At least 15 days (Saturdays, Sundays and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.500 to 230.510, there shall be filed with the principal office of the Commission in Washington, D. C., four copies of a letter of notification on Form S–3B–2. The letter of notification shall be signed by the issuer, each underwriter of the securities to be offered hereunder and by each person, other than the issuer, on whose behalf any of the securities are to be offered. If the letter of notification is signed by any person on behalf of any other person except the issuer, evidence of authority to sign on behalf of such other person shall be filed with the letter.

§ 230.504 *Filing and use of offering circular.* (a) No securities shall be offered orally or otherwise under §§ 230.500 to 230.510 unless an offering circular containing the information specified in paragraph (b) of this section is concurrently given or has previously been given to the person to whom the offer is made, or has been sent to such person under such circumstances that it would normally have been received by him at or prior to the time of the offering: *Provided*, That in the case of transactions effected on a national securities exchange, a copy of such circular shall be delivered to the purchaser not later than the time of delivery of confirmation of the sale to such purchaser.

(b) The offering circular required by paragraph (a) of this section shall be dated and shall contain the following information, which may be included in or combined with any prospectus required by applicable Canadian law:

(1) The following statement on the outside front cover page of the offering circular in capital letters in type as large as that used generally in the body of the circular:

These securities are offered pursuant to an exemption from registration with the Securities and Exchange Commission. The Commission does not pass upon the merits of any securities nor does it pass upon the accuracy or completeness of any selling literature.

(2) The name and address of the issuer, the name of the Province or other jurisdiction in which it was incorporated or organized and the date of its incorporation or organization.

(3) The type and amount of securities to be offered pursuant to §§ 230.500 to 230.510 and if any of such securities are to be offered for the account of security holders, the name and address of each such security holder, the total amount owned and the amount to be offered.

NOTE: See Supplemental Instructions to Regulation D, attached to Form S–3B–2, which indicate more specifically the information required.

(4) A brief description of the method by which the securities are to be offered and if the offering is to be made through underwriters, the name and address of each underwriter and the amount of the participation of each such underwriter, indicating the nature of any material relationship between the issuer and any such underwriter.

(5) The price at which the securities are to be offered to the public, the underwriting discounts or commissions and the proceeds to the issuer or other person on whose behalf the securities are offered. This information shall be furnished both on a per-share basis and in the aggregate and shall also be given with respect to any concurrent offering of the same securities or securities of the same class in Canada. This information shall be set forth on the outside cover page of the offering circular in tabular form.

(6) The purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating how the actual proceeds will be used if they are insufficient for all of the purposes stated.

(7) A brief description of the business and property of the issuer.

NOTE: See Supplemental Instructions to Regulation D, attached to Form S–3B–2, which indicate more specifically the information required.

(8) The full names and addresses of all directors, officers and promoters of the issuer, their remuneration from and their direct or indirect interests in the issuer and its affiliates and in any material transactions within the past two years or any material proposed transactions to which the issuer or any of its affiliates was or is to be a party.

(9) A brief description of all options or warrants presently outstanding or proposed to be granted to purchase securities of the issuer, including the names of the principal holders of such options, or warrants, the terms and conditions upon which the options may be exercised and the price at which the securities may be acquired pursuant to such options or warrants.

(10) Appropriate financial statements showing the issuer's financial condition as of a date within ninety days prior to filing the letter of notification, and its income and expenses, or receipts and disbursements as appropriate, for a period of at least two years prior to the statement of financial condition, or for the period of the issuer's existence if less than two years.

NOTE: See Supplemental Instructions to Regulation D, attached to Form S–3B–2, which indicate more specifically the financial statements required.

(c) All printed offering circulars shall be set in roman type at least as large as ten-point modern type. All type shall be leaded at least two points.

(d) Four copies of the offering circular required by this section, which is to be used at the commencement of the offering, shall be filed with, and shall be deemed a part of, the letter of notification required by § 230.503 at the time such letter is filed. If the offering circular is revised or amended subsequent to the commencement of the offering, four copies of such revised or amended circular shall be filed with the Commission at least 15 days prior to its use, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

§ 230.505 *Use of limited written communications.* Notwithstanding § 230.504, any written advertisement or other written communication which contains only the information specified in this section may be published or distributed to any person prior to the sending or giving to such person of an offering circular containing the information required by § 230.504.

(a) The name of the issuer;

(b) The title of the securities; and

(c) The name and address of the person or persons from whom an offering circular meeting the requirements of § 230.504 may be obtained.

(d) A detachable form, substantially as follows, for use in requesting a copy of the offering circular:

Please send me a copy of the offering circular relating to ----------
Name ----------
Address ----------

§ 230.506 *Other material to be filed.* Four copies of every written or other communication prepared or authorized by the issuer or any of its affiliates or any underwriter of the securities to be offered hereunder which is proposed to be used, in addition to the offering circular, at the commencement of the public offering of such securities or intended to be sent or given thereafter to more than ten persons shall be filed with the principal office of the Commission at least 15 days prior to any use thereof, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

§ 230.507 *Consent to service of process.* (a) The issuer, each of its officers and directors, each person on whose behalf any of the securities are to be offered, and each underwriter of the securities to be offered, who is not a resident of the United States, shall, at the time of filing the letter of notification required by § 230.503, furnish to the Commission, in a form acceptable to it, a written irrevocable consent and power of attorney which (1) designates the Secretary of the Securities and Exchange Commission as his or its agent upon whom may be served any process, pleadings or other papers in any civil suit or action brought after the effective date of this section in connection with the purchase or sale of any security offered under §§ 230.500 to 230.510 against the person executing the power of attorney, and (2) stipulates and agrees that any such civil suit or action may be commenced against the person executing the power of attorney in the appropriate courts of the United States, Federal or State, by the service of process upon the Secretary of the Commission, and that the service of any such process, pleadings and other papers upon the Secretary of the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made upon the person executing such power of attorney.

(b) Whenever any process, pleading or paper as aforesaid is served upon the Secretary of the Commission, he shall at once forward a copy of the same by registered mail to the appropriate defendants at their last address of record filed with the Commission. The Secretary shall be furnished a sufficient number of copies for such purpose and one copy for his file.

§ 230.508 *Prohibition of certain statements.* No written or oral communication used in connection with any offering under §§ 230.500 to 230.510 shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such communication are accurate or complete.

§ 230.509 *Denial and suspension of exemption.* (a) The Commission may, at any time after the filing of a letter of notification, enter an order temporarily denying the exemption, or if the public offering has commenced, it may enter an order temporarily suspending the exemption, if it has reason to believe that:

(1) No exemption is available under §§ 230.500 to 230.510 for the securities purported to be offered hereunder;

(2) The letter of notification, the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) Any device, scheme or artifice to defraud is being or would be employed in connection with the offering or sale of the securities, or the offering is being or would be made in such manner as to operate as a fraud or deceit upon the purchaser; or

(4) The person on whose behalf the letter of notification was filed has otherwise failed to comply with any of the terms and conditions of §§ 230.500 to 230.510.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the persons on whose behalf the letter of notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission will, upon receipt of a written request, set the matter down for hearing within 20 days after the receipt of such a request at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently denying or suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the person or persons on whose behalf the letter of notification was filed by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the letter of notification. In addition, all such notices will be published in the FEDERAL REGISTER.

§ 230.510 *Reports of sales under §§ 230.500 to 230.510.* Within 30 days after the end of each six-month period following the commencement of the offering of the securities under §§ 230.500 to 230.510, the issuer or other person on whose behalf the securities are offered shall file with the Commission four copies of a report on Form S–3B–2A containing the information called for by such form. A final report may be made upon completion or termination of the offering prior to the end of the period in which the last sale is made.

FORM S–3B–2

The following information is given with respect to an offering of securities proposed to be made pursuant to §§ 230.500 to 230.510 (Regulation D) of the general rules and regulations under the Securities Act of 1933.[1] The offering circular required by § 230.504 (Rule 504) is filed with, and is to be deemed a part of, this letter of notification.

Item 1. Province from which offering is to be made. State the name of the Province from which the offering is to be made in the United States and attach four copies of any official prospectus filed with such Province covering the securities proposed to be offered hereunder.

Item 2. Jurisdictions in which securities are to be offered. State the names of the jurisdictions (State, Territories, District of Columbia and foreign countries) in which it is proposed to offer the securities covered by this letter of notification. If all or any part of the offering is to be made by use of the facilities of a national securities exchange, it will be sufficient as to the securities to be so offered to name the exchange. No securities shall be offered or sold in any jurisdiction not mentioned until an amendment to the letter of notification has been filed stating the name of the additional jurisdiction or jurisdictions.

Item 3. Unregistered securities sold in the United States within one year. As to all unregistered securities of the issuer or any of its predecessors or affiliates sold in the United States within one year prior to the date of filing this letter of notification, state the following:

(a) Name and complete address of the issuer of such securities.

(b) Name and complete address of each person on whose behalf any of such securities were sold.

(c) Title and amount of securities sold on behalf of each such person, the aggregate offering price thereof, and the method of computing such price.

(d) Indicate the section of the act or the rule of the Commission under which exemption from registration was claimed and state briefly the facts relied upon to make the exemption available.

Item 4. Present or proposed offerings in Canada. State whether or not the issuer or any of its affiliates is presently offering or presently contemplates the offering of any securities in Canada in addition to those covered by this letter of notification. If so, describe fully the present or proposed offering.

Item 5. Predecessors and affiliates of issuer. List the full name and complete address of each predecessor and each affiliate of the issuer. As to any predecessor which is no longer in existence, give its full name and last address prior to its dissolution.

Item 6. Judicial action within five years. State whether the issuer or any of its predecessors or affiliates or any of its promoters, directors or officers presently connected with it in any capacity, or any underwriter of the securities proposed to be offered under Regulation D:

(a) Has been convicted within five years preceding the filing of the letter of notification of any crime or offense involving the purchase or sale of any security; or

(b) Is subject to any order, judgment or decree of any court entered within five years preceding the date of such filing enjoining or restraining it or him from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or

(c) Is subject to any United States Post Office Fraud Order.

SIGNATURES[2]

This letter of notification has been signed in the city of ---------, Province of --------- on the ---- day of ----------, 19-----.

(Issuer)

By ---
(Name and title)

(Underwriter)

(Selling security holder)

SUPPLEMENTAL INSTRUCTIONS AS TO THE PREPARATION OF THE OFFERING CIRCULAR REQUIRED BY § 230.504 (RULE 504)

Instructions to paragraph (b) (3). In stating the type of the securities to be offered, there shall be given such information as will indicate the general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or non-cumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(b) In the case of debt securities, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities such as "maturing serially from 1955 to 1965;" if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of securities, appropriate information of a comparable character.

Instructions to paragraph (b) (7). In furnishing the information called for by paragraph (b) (7), the following instructions shall be observed:

A. For issuers engaged in mining or exploratory mining operations:

1. The location and means of access to the mining properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held.

2. State the mineral produced or the nature of the deposit to be explored, indicating whether surface or ground operations are to be involved.

3. No claim shall be made as to the existence of a body of commercial ore which has not been sufficiently tested to be classified

[1] The letter of notification shall contain the item numbers and captions of all items, but the text of the items may be omitted if all of the information required by each item is clearly set forth under the respective item number and caption.

[2] The letter of notification shall be signed in accordance with § 230.503 (Rule 503).

properly as proven ore or probable ore. For the purpose of this rule, the term "proven ore" means a body of ore so extensively surrounded by sampled faces that the risk of failure in continuity is reduced to a minimum, and the term "probable ore" means ore as to which the risk of failure in continuity is greater than for proven ore, but as to which there is sufficient warrant for assuming continuity of the ore.

4. If statements are made as to the existence of proven or probable ore, furnish for the information of the Commission copies of the pertinent reports and other supporting data with respect to such ore.

B. For issuers engaged in the oil and gas industry:

1. State the area, location of and means of access to the various properties proposed to be developed or exploited by the issuer and the nature of the issuer's interest therein.

2. State the development which has occurred to date on or near the properties held.

3. State (in tabular form) for such properties which are productive, net production of oil and gas to issuer's interest from each of the properties by years prior to the latest year, and by months for the latest year, as well as the number of net producing wells owned by the issuer which contributed to the production during each of the time periods involved.

4. State the estimated future reserves net to issuer's interest in such properties which are proved.

5. If statements concerning geology or engineering are made, furnish for the information of the Commission copies of the pertinent reports and other supporting data.

C. For issuers engaged or intending to engage in general commercial, financial or industrial businesses.

1. Nature of issuer's present or proposed products or services.

2. Length of time issuer has been in commercial production.

3. Methods of production and distribution and nature of market for products or services.

4. Location and general character of the plants or other physical properties now held or presently intended to be acquired and the nature of the title under which such properties are held or proposed to be held.

5. If the issuer intends to exploit or develop any new invention or process, set forth how such invention or process is to be applied commercially and whether or not it is covered by any patent, issued or pending. Identify by serial number and date any applicable patents or patent applications.

Instructions to paragraph (b) (10). 1. The financial statements required shall be prepared in accordance with generally accepted accounting principles and practices but need not be certified by independent public or certified public accountants.

2. If the issuer is a commercial, industrial or mining company in the promotional, exploratory or development state the financial statements shall include separate statements of assets and unrecovered promotional exploratory and development costs; liabilities; and capital shares and a statement of cash receipts and disbursements itemized as appropriate to the nature of the enterprise. In these statements dollar amounts shall be extended only for cash transactions. Amounts due to or from, or paid to or received from, underwriters, promoters, directors, officers, employees, and principal holders of equity securities other than affiliates shall be stated separately for each such class of persons, if significant in amount.

Instructions as to exhibits. Four copies of each of the following documents shall be filed as exhibits to the letter of notification:

1. The issuer's charter.
2. The issuer's by-laws.
3. Any indenture or other constituent instrument defining the rights of holders of the securities to be offered hereunder.
4. All underwriting contracts relating to the securities to be offered hereunder.

FORM S-3B-2A

FOR REPORTS PURSUANT TO § 230.510 (RULE 510 OF REGULATION D)

1. Name of issuer _____
2. Date on which offering was commenced _____
3. (a) Number of shares or other units offered _____
   (b) Price per share or other unit at which offered _____
4. (a) Number of shares or other units sold during period covered by this report _____
   (b) Total proceeds received by issuer therefrom $_____
   (c) Purposes for which such proceeds have been used and amount used for each such purpose: _____
5. (a) Number of shares or other units still being offered hereunder _____
   (b) Price per share or other unit at which such securities are being offered _____

_____
(Issuer)

By _____
(Name and title)

Date _____

_____
(Selling security holder)

Date _____

[F. R. Doc. 52-9249; Filed, Aug. 21, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[481.39]

CHINESE CHOPPING BLOCKS

TARIFF CLASSIFICATION

AUGUST 19, 1952.

It appears probable that a correct interpretation of paragraph 412, Tariff Act of 1930, requires that Chinese chopping blocks be classified thereunder as manufactures of wood, not specially provided for. Under an established and uniform practice such articles now are classified under the provision in paragraph 406 for last blocks, wagon blocks, oar blocks, heading blocks, and all like blocks, rough-hewn, or rough-shaped, sawed or bored.

The merchandise in question consists of boards or blocks in various sizes ranging from 12½ by 12½ by 2 inches to 23½ by 23½ by 6 inches. They are surfaced on all four sides, the edges are beveled, and they are completely ready for use in their condition as imported, without further manufacturing operations.

Pursuant to § 16.10 a (d), Customs Regulations of 1943 (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise under paragraph 406 is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of Chinese chopping blocks which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice.

No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9282; Filed, Aug. 21, 1952; 8:55 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

The Merrimack Valley Goodwill Industries, Inc., 99 Willie Street, Lowell, Massachusetts; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for a training period of 40 hours, and 40 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Morgan Memorial Co-operative Industries & Stores, Inc., 89 Shawmut Avenue, Boston 16, Massachusetts; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour for a training period of 40 hours, and 45 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires August 31, 1953.

The New Haven Goodwill Industries, Inc., 238 State Street, New Haven 10, Connecticut; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for a training period of 40 hours and 40 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires August 31, 1953.

Springfield Goodwill Industries, Inc., 139 Lyman Street, Springfield, Massachusetts; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 25 cents per hour for a training period of 40 hours, and 50 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires August 31, 1953.

Community Workshops operated by Co-operative Workrooms, Inc., 36 Washington Street, Boston, Massachusetts; at a wage rate of not less than the piece rate paid nonhandicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 17 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Buffalo Goodwill Industries, Inc., 153 North Division Street, Buffalo 3, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour for an evaluation period of 120 hours for the entire shop, 30 cents thereafter in the Contract Department, and 50 cents thereafter in the Waste Material Division, Sorting Department, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

The National Society of Volunteers of America, 59–61 Eldredge Street, Binghamton, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour, whichever is higher. Certificate is effective July 21, 1952, and expires June 30, 1953.

The National Society of Volunteers of America, 297 Clinton Street, Binghamton, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 45 cents per hour, whichever is higher. Certificate is effective July 21, 1952, and expires June 30, 1953.

The Volunteers of America, 37–11 Twenty-second Street, Long Island City, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

The Volunteers of America, 36–30 Thirteenth Street, Long Island City, New York; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Phila. Society for Crippled Children and Adults, 2000 South College Avenue, Philadelphia, Pennsylvania; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than the applicable hourly rates during the periods hereinafter specified, whichever is higher: 15 cents per hour for an evaluation period of 40 hours for the entire shop with the following rates and periods applicable for the various departments listed: Clerical Division, 15 cents for a training period of 40 hours and 45 cents thereafter; Machine Division, 15 cents for a training period of 80 hours and 60 cents thereafter; Inserting Division, 15 cents for a training period of 40 hours and 35 cents thereafter. Certificate is effective August 1, 1952, and expires July 31, 1953.

The Goodwill Industries, Inc., of Muskegon County, 794 Pine Street, Muskegon, Michigan; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour for a training period of 40 hours, and 40 cents thereafter, whichever is higher. Certificate is effective July 31, 1952, and expires June 30, 1953.

Columbus Post Volunteers of America, 377–379 West Broad Street, Columbus 8, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour for a training period of 40 hours, and 30 cents thereafter, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Goodwill Union Mission and Industries, Inc., 713 East Tuscarawas Street, Canton, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 43 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

The Columbus Goodwill Industries, 94 North Sixth Street, Columbus 15, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 20 cents per hour, whichever is higher. Certificate is effective July 29, 1952, and expires June 30, 1953.

Workshop for the Blind, 509 Sibley Street, St. Paul 1, Minnesota; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 65 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

Goodwill Industries of Denver, Inc., 1130 Thirty-first Street, Denver 5, Colorado; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour in the Salvage and Building Maintenance Divisions, and 55 cents per hour in the Office Division; whichever is higher. Certificate is effective July 14, 1952, and expires January 31, 1953.

Goodwill Industries, Inc., 210 Chartres, New Orleans 16, Louisiana; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective July 28, 1952, and expires June 30, 1953.

Goodwill Industries of Central California, 707 Q Street, Sacramento, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 65 cents per hour for an evaluation period of 160 hours, and 75 cents thereafter, whichever is higher. Certificate is effective July 24, 1952, and expires July 23, 1953.

Lutheran Welfare Council of Northern California (The Good Shepherd Society), 1159 Valencia Street, San Francisco 10, California; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective July 21, 1952, and expires July 20, 1953.

Goodwill Industries of Kentucky, 214 South Eighth Street, Louisville, Kentucky; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 50 cents per hour, whichever is higher. Certificate is effective August 1, 1952, and expires July 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provi-

sions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representation that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 8th day of August 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-9242; Filed, Aug. 21, 1952; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 4034 et al. and 2832 et al.]

LAKE CENTRAL AIRLINES, INC., AND NATIONWIDE AIRLINES, INC.; REOPENED INDIANA-OHIO LOCAL SERVICE CASE AND REOPENED MICHIGAN-WISCONSIN SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications for certificates, or amendment of certificates of public convenience and necessity, reopened with respect to the fitness, willingness, and ability of Lake Central Airlines, Inc., and Nationwide Airlines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on September 18, 1952, at 10:00 a. m., daylight saving time, in Room 5042, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., this 19th day of August 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-9272; Filed, Aug. 21, 1952; 8:51 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGION V AND REGION VIII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on August 15, 1952.

REGION V

Jacksonville Order G1-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:44 p. m.

Jacksonville Order G2-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:44 p. m.

Jacksonville Order G3-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:45 p. m.

Jacksonville Order G3A-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:45 p. m.

Jacksonville Order G4-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:45 p. m.

Jacksonville Order G4A-14, Amendment 2, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 2:46 p. m.

REGION VIII

Fargo Order G1-15, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:43 p. m.

Fargo Order G2-15, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:43 p. m.

Fargo Order G4-15, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 2:43 p. m.

Copies of any of these orders may be obtained from the OPS office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-9276; Filed, Aug. 19, 1952; 4:23 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1391]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 18, 1952.

Take notice that on June 20, 1952, New York State Natural Gas Corporation (New York State Natural), a New York corporation, address, New York, New York, and Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation, address, Shreveport, Louisiana, hereinafter sometimes referred to as "Applicants", filed a joint Supplement to application and Petition for Modification of the Commission's Order of November 1, 1952, issuing a certificate of public convenience and necessity to said Applicants.

Applicants request modification of the Commission's order to permit drilling, plugging, and reconditioning of gas wells, not heretofore authorized, in order to insure the safe and efficient operation of the Oakford Storage Pool in Westmoreland County, Pennsylvania.

Applicants state that they are in the process of completion of constructing the facilities outlined in their Plan of Development of said Oakford Storage Pool, and that experience in such development indicates that storage capacity of said pool is larger than had been anticipated, and that the possibility of gas migration between the two pools in the storage area requires the drilling of one less well than originally planned, the addition of 32 wells to be reworked, and the abandonment of 20 additional wells and reconditioning of 111 abandoned wells over and above the 76 originally planned.

Applicants estimate that upon the completion of the proposed additional well work the size of the storage area will have increased over original estimates, and the potential deliverability for said area will have increased from 25 to 35 percent over original estimates.

The estimated cost of the proposed project is $2,600,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before the 5th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9246; Filed, Aug. 21, 1952; 8:47 a. m.]

[Docket No. G-1946]

HOPE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 19, 1952.

Notice is hereby given of a typographical error appearing in the Comission's order of July 31, 1952, in the above-entitled matter.

The date of the hearing is August 26, 1952, instead of August 22, 1952, as originally published (17 F. R. 7373).

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9273; Filed, Aug. 21, 1952; 8:51 a. m.]

[Docket No. G-1951]

UNITED GAS PIPE LINE CO.

ORDER DENYING REQUEST THAT APPLICATION BE HEARD UNDER SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 14, 1952.

On May 1, 1952, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application, as supplemented on June 30, 1952, for a certificate of public convenience and necessity authorizing the construction and operation of approximately 31.1 miles of 20-inch pipeline extending from a point in the Gulf of Mexico designated as Block 28, Ship Shoal area, northerly to the State of Louisiana and a point of connection with Applicant's 20-inch line presently being constructed to connect Kent and Turtle Bayou gas fields with its existing system. Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on May 21, 1952 (17 F. R. 4627).

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

The Commission finds: Good cause has not been shown for granting Applicant's request that its application herein be heard under the shortened procedure as provided by the Commission's rules of practice and procedure and said request should be denied as hereinafter ordered.

The Commission orders:

(A) The request by Applicant that its application herein be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on September 8, 1952, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by said application, as supplemented.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9243; Filed, Aug. 21, 1952; 8:46 a. m.]

[Docket No. G-2001]

PHILADELPHIA ELECTRIC CO.

ORDER GRANTING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

AUGUST 14, 1952.

On July 14, 1952, Philadelphia Electric Company (Applicant), a Pennsylvania corporation having its principal place of business at Philadelphia, Pennsylvania, filed an application and an amendment thereto on August 11, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipeline facilities, all as more fully described in its application on file with the Commission and open to public inspection.

Applicant in its application filed July 14, 1952, requested that certain of the facilities which were the subject matter therein be determined as not within "the scope of Commission jurisdiction under the Natural Gas Act" * * *. The amendment of August 11, 1952 above referred to abondoned such request.

Due notice of filing of such application has been given, including publication in the FEDERAL REGISTER on August 9, 1952 (17 F. R. 7317-7318).

The Commission finds: Applicant has requested this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for noncontested proceedings (18 CFR 1.32 (b)). This proceeding is a proper one for disposition under the aforesaid rule: *Provided*, That no request to be heard, protest or petition raising an issue of substance, is filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held on September 2, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as amended: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9244; Filed, Aug. 21, 1952; 8:46 a. m.]

[Docket No. G-2003]

MOUNTAIN FUEL SUPPLY CO.

ORDER FIXING DATE OF HEARING

AUGUST 14, 1952.

On July 14, 1952, Mountain Fuel Supply Company (Applicant), a Utah corporation having its principal place of business at 36 South State Street, Salt Lake City, Utah, filed an application, as supplemented on July 18, 1952, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a compressor station of 2,640 horsepower on Applicant's main transmission line in Wyoming, as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 30, 1952 (17 F. R. 6993).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing be held on September 11, 1952, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such applications, as supplemented: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 18, 1952.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-9245; Filed, Aug. 21, 1952; 8:47 a. m.]

[Docket No. G-2020]

LONE STAR GAS CO.

NOTICE OF APPLICATION

AUGUST 18, 1952.

Take notice that on August 1, 1952, Lone Star Gas Company (Applicant), a Texas corporation having its principal place of business at Dallas, Texas, filed an application pursuant to section 7 (b) of the Natural Gas Act, for authority to abandon and reclaim for use elsewhere on its system approximately 14.67 miles of 16-inch pipeline and 20.74 miles of 12-inch pipeline constituting segments of pipeline acquired by Applicant from Martin Wunderlich and Lee Aiken by virtue of authorization granted in Docket Nos. G-1878 and G-1889.

Applicant states that because of the decline in the available supply of gas from East Panhandle gas field in Wheeler County, Texas, it can no longer effectively use the segments of pipeline proposed to be abandoned to maintain service to the communities supplied by it in the Wichita Falls area. Applicant states that it will continue to provide unimpaired service to such communities through its existing system.

Estimated cost of removal is $129,272.15. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the applicable rules and regulations of the Commission, on or before the 5th day of September 1952. The application is on file with the Commission and open to public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9247; Filed, Aug. 21, 1952; 8:47 a. m.]

[Docket No. G-2026]

WEST TEXAS GAS CO.

NOTICE OF APPLICATION

AUGUST 18, 1952.

Take notice that West Texas Gas Company (Applicant), a Delaware corporation, having its principal place of business at Tenth and Texas Avenue, Lubbock, Texas, filed on August 7, 1952, an application for authority pursuant to section 7 (b) of the Natural Gas Act to abandon by sale to El Paso Natural Gas Company certain transmission pipeline facilities, and to abandon service of natural gas to Southern Union Gas Company rendered by means of such facilities, such service to be assumed by El Paso Natural Gas Company.

The facilities Applicant proposes to sell to El Paso Natural Gas Company consist of (1) 361,233 feet of 8⅝" pipeline between Umbarger, Texas, and the Texas-New Mexico State Line and appurtenances thereto; (2) 22,055 feet of 8⅝" pipeline, 213,018 feet of 6⅝" pipeline, and 1,053 feet of 4½" pipeline between Amherst and Farwell, Texas and appurtenances thereto; and the Hereford (Texas) Compressor Station consisting of two 300 horsepower compressor units together with auxiliary equipment and one residence. The calculated delivery capacity of these facilities is approximately 22,700 Mcf per day.

Applicant states that the gas now being served from the facilities proposed to be sold is being furnished by El Paso Natural Gas Company and the sale of facilities will eliminate Applicant as a "middle man" in the operation.

The price to be paid for the facilities is their net book cost of approximately $293,400.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9264; Filed, Aug. 21, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1458]

DOW CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of August A. D. 1952.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Dow Chemical Company, Common Stock, $15 Par Value, File No. 7-1458.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $15 Par Value, of Dow Chemical Company, a security listed and registered on the New York Stock Exchange, on the Midwest Stock Exchange, and on the San Francisco Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 9, 1952, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9250; Filed, Aug. 21, 1952; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27317]

MIXED CARLOADS MERCHANDISE FROM AND TO THE SOUTH

APPLICATION FOR RELIEF

AUGUST 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1305.

Commodities involved: Merchandise, in mixed carloads.

Territory: (a) From Memphis and Millington, Tenn., to St. Louis, Mo., and East St. Louis, Ill., (b) from Memphis, Tenn., to Brooklyn, N. Y., (c) from Norfolk and Richmond, Va., to Jacksonville, Fla., and Albany, Ga., (d) from Cincinnati, Ohio, to Jacksonville, Fla., and (e) from Washington, D. C., to Albany, Ga.

Grounds for relief: Competition with rail and motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, Supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9266; Filed, Aug. 21, 1952; 8:51 a. m.]

[4th Sec. Application 27318]

SULPHUR FROM MONTGOMERY, ALA., TO WACO (EAST WACO), TEX.

APPLICATION FOR RELIEF

AUGUST 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3912.

Commodities involved: Sulphur (brimstone), ground or refined, and dusting sulphur, carloads.

From: Montgomery, Ala.

To: Waco (East Waco), Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, Supp. 134.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9265; Filed, Aug. 21, 1952; 8:50 a. m.]

[4th Sec. Application 27319]

COAL FROM DANVILLE, ILL., GROUP TO FORT WAYNE, IND.

APPLICATION FOR RELIEF

AUGUST 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Wabash Railroad Company.

Commodities involved: Bituminous coal, carloads.

From: Danville, Catlin, and Ryan, Ill., (Danville group).

To: Fort Wayne, Ind.

Grounds for relief: Competition with rail carriers, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Wabash RR. tariff I. C. C. No. 7649, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9267; Filed, Aug. 21, 1952; 8:15 a. m.]

[4th Sec. Application 27320]

DENATURED ALCOHOL FROM KANSAS CITY TO NORTH ATLANTIC PORTS

APPLICATION FOR RELIEF

AUGUST 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3589.

Commodities involved: Denatured alcohol, carloads.

From: Kansas City, Mo.,-Kans.

To: Portland, Me., Berlin, N. H., Boston, Mass., New York, N. Y., Philadelphia, Pa., Baltimore, Md., Norfolk and Richmond, Va.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3589, Supp. 147.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9268; Filed, Aug. 21, 1952; 8:51 a. m.]

[4th Sec. Application 27321]

POTASH FROM CARLSBAD AND LOVING, N. MEX., TO OKLAHOMA

APPLICATION FOR RELIEF

AUGUST 19, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for itself and on behalf of carriers parties to its tariff I. C. C. No. 14478.

Commodities involved: Potash, carloads.

From: Carlsbad and Loving, N. Mex.

To: Points in Oklahoma.

Grounds for relief: Competition with rail carriers, circuitous routes, grouping, and to apply rates constructed on basis of the short line distance formula.

Schedules filed containing proposed rates: AT&SF Ry. tariff I. C. C. No. 14478, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9269; Filed, Aug. 21, 1952; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 16987]

ANNA DE VISSER

In re: Debts owing to Anna de Visser. F-28-31081.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Anna de Visser, who on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Joseph Walker & Sons, 120 Broadway, New York 5, New York, arising out of accumulations and income on three (3) shares of preferred stock of the Illinois Central Railroad Company, 135 E. 11th Place, Chicago 5, Illinois, said certificates numbered B9763/5 of one share each and heretofore vested by Vesting Order 17126, dated January 17, 1951, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Joseph Walker & Sons, 120 Broadway, New York 5, New York, arising out of accumulations and income on ten (10) shares of common stock of the Illinois Central Railroad Company, 135 East 11th Place, Chicago 5, Illinois, said certificate numbered T195827 and heretofore vested by Vesting Order 17126, dated January 17, 1951, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Anna de Visser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise

The terms "national" and "designated

dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9279; Filed, Aug. 21, 1952; 8:54 a. m.]

[Vesting Order 18986]

DEUTSCHE ROEHRENWERKE A. G.

In re: Debt owing to Deutsche Roehrenwerke A. G. F-28-5743 C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Deutsche Roehrenwerke A. G., the last known address of which is Muelheim Ruhr, Germany, is a corporation, partnership, association, or other business organization which on or since December 11, 1941, and prior to January 1, 1947, was organized under the laws of and had its principal place of business in Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Foreign Tankship Corporation, 225 Bush Street, San Francisco, California, arising out of claims of the Deutsche Roehrenwerke A. G. for rent and maintenance of property of said Foreign Tankship Corporation in Germany pursuant to agreement of July 21, 1938, between said Foreign Tankship Corporation and Deutsche Roehrenwerke A. G. together with any and all accruals to the aforesaid debt or other obligation, and any and all right to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Deutsche Roehrenwerke A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9278; Filed, Aug. 21, 1952; 8:53 a. m.]

SUMISATO ARIMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sumisato Arima, Number 80, Iwamoto, Imaizumi-mura, Ibusuki-gun, Kagoshima-ken, Tokyo, Japan; Claim No. 45608; $11,523.53 in the Treasury of the United States.

Executed at Washington, D. C., on August 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9280; Filed, Aug. 21, 1952; 8:55 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 17 NUMBER 166

Washington, Saturday, August 23, 1952

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) is added to § 6.108 (a) as set out below:

§ 6.108 *Department of Justice*—(a) *General.* • • •

(4) NC/PD. United States Marshal in the Virgin Islands.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] ROBERT RAMSPECK,
Chairman.

[F. R. Doc. 52-9288; Filed, Aug. 22, 1952; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

SUBPART—LEMON ADMINISTRATIVE COMMITTEE RULES AND REGULATIONS

Notice was published in the FEDERAL REGISTER issue (17 F. R. 6747) of July 23, 1952, that the Department was giving consideration to the proposed revision of the rules and regulations (7 CFR 953.110 et seq.; Subpart—Lemon Administrative Committee rules and regulations) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR 953), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Lemon Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that the revision, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and it is hereby approved:

SUBPART—LEMON ADMINISTRATIVE COMMITTEE RULES AND REGULATIONS

DEFINITIONS

Sec.
953.100 General.
953.101 Marketing agreement.
953.102 Order.
953.103 Central points.
953.104 Storage facilities.

COMMUNICATIONS

953.110 Communications.

NOMINATION PROCEDURE

953.115 Time of nomination.
953.116 Manner of nomination.

PRORATE BASE AND ALLOTMENTS

953.120 Application.
953.121 Advance credit count.
953.122 Computation of available lemons.
953.123 Allotment loans.
953.124 Overshipment tolerances.
953.125 Agreement with by-products manufacturers.

REPORTS

953.130 Reports.

AUTHORITY: §§ 953.100 to 953.130 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 953.100 *General.* Terms used in this subpart shall have the same meaning as prescribed for such terms in the marketing agreement and order.

§ 953.101 *Marketing agreement.* "Marketing agreement" means Marketing Agreement No. 94, as amended, regulating the handling of lemons grown in the States of California and Arizona.

(Continued on p. 7715)

CONTENTS

Agriculture Department — Page
See Animal Industry Bureau; Production and Marketing Administration.

Alien Property, Office of
Notices:
Pittermann, Barbara; vesting order ---------- 7763

Animal Industry Bureau
Proposed rule making:
Existence of rinderpest or foot-and-mouth disease; importations prohibited; determination of non-existence in Mexico ---------- 7742

Army Department
Rules and regulations:
Gratuity upon death; miscellaneous amendments ---------- 7724

Civil Aeronautics Board
Notices:
Air freight rate investigation; directional rates; certificated air carriers ---------- 7755
Reopened North Central Route investigation case; notice of hearing ---------- 7755

Civil Service Commission
Rules and regulations:
Exceptions from the competitive service; Department of Justice ---------- 7713

Commerce Department
See Federal Maritime Board; International Trade, Office of.

Customs Bureau
Notices:
Tariff classifications:
Chlorophyll and chlorophyll derivatives ---------- 7754
Cork parts of artificial bait; notice of prospective classification ---------- 7754

Defense Department
See Army Department.

Economic Stabilization Agency
See also National Enforcement Commmission; Price Stabilization, Office of; Rent Stabilization, Office of.

FEDERAL REGISTER

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CONTENTS—Continued

Economic Stabilization Agency—Continued — Page
Notices:
Battle Creek, Mich., critical defense housing area; approval of extent of relaxation of credit controls — 7755
Deputy Assistant Administrator; internal redelegation of authority — 7755

Federal Communications Commission
Notices:
Hearings, etc.:
Chesapeake and Potomac Telephone Co. of Virginia — 7758
Statements of organization, delegations of authority and public information; certified copies; requests for; costs — 7757

Federal Maritime Board — Page
Notices:
Compagnia Naviera Independencia, S. A., et al.; notice of agreements filed with the Board for approval — 7755

Federal Power Commission
Notices:
Hearings, etc.:
Columbus and Southern Ohio Electric Co — 7758
Idaho Power Co — 7758
Indiana Gas & Water Co., Inc — 7758
Northeastern Gas Transmission Co — 7758
South Carolina Public Service Authority — 7759
Texas Eastern Transmission Corp — 7759

Federal Trade Commission
Rules and regulations:
Knox Co.; cease and desist order — 7723

International Trade, Office of
Rules and regulations:
Miscellaneous amendments:
General licenses — 7718
Licensing policies and related special provisions — 7718
Positive list of commodities and related matters — 7720
Project licenses — 7718
Provisions for individual and other validated licenses — 7718
Scope of export control by Department of Commerce — 7718

Interstate Commerce Commission
Notices:
Applications for relief:
Cancellation minimum rates in class rate adjustment to and from South — 7762
Cement:
Birmingham, Ala., district to Daugherty, Ga — 7762
Giant, S. C., to:
Fayetteville, N. C — 7762
New Bern, N. C — 7762
Limestone from Inwood, W. Va., to Pittsburgh, Pa., district — 7763
Pig iron from Texas to Sidney, Ohio — 7761
Soybean cake and meal from Arkansas to Southwest — 7761
Tobacco stems from points in Virginia and North Carolina to Louisville and Lexington, Ky — 7761
Transit feed from Florida to Surgoinsville, Tenn — 7762

Justice Department
See Alien Property, Office of.

National Enforcement Commission:
Rules and regulations:
General procedural regulation, revised — 7737

Price Stabilization, Office of
Notices:
Delegations of authority:
Director of regional office No. II, New York, N. Y.; act under CPR 34 — 7757

Price Stabilization, Office of—Continued — Page
Notices—Continued
Delegations of authority—Con.
Regional Directors; act under CPR 83 — 7757
Directors of District Offices; redelegation of authority to act:
Region I, Boston, Mass; under GCPR, SR 39 — 7756
Region V, Atlanta, Ga.; under:
CPR 24; revocation — 7757
CPR 26 — 7757
GCPR, SR 65 — 7757
International Latex Corp.; ceiling prices at retail — 7756
Rules and regulations:
Imports of lumber, logs, and allied wood products (CPR 165) — 7725
Manufacturers of new wooden potato barrels produced in Maine and sold for delivery to potato growers and potato distributors in Aroostock County, Maine (GCPR, SR 115) — 7736
Pacific Northwest Douglas fir and Ponderosa pine poles and piling (CPR 126, SR 87, Int. 1) — 7732
Resellers of iron and steel products; reusable boiler and pressure tubes (CPR 98) — 7724
Services; linen suppliers located in New York City area: Sales of certain linen supply services to small commercial users (CPR 34, SR 24) — 7729
Territorial exemptions; exemption of meals served by American Plan hotels and boarding houses (GOR 23) — 7737
Textile products sold in Puerto Rico (CPR 166) — 7732
Where manufacturers sell a deskidded tire the deskidded tire is a new commodity and does not represent the sale of a separate service (general) (GCPR, Int. 59) — 7736

Production and Marketing Administration
Proposed rule making:
Milk handling in marketing areas:
Louisville, Ky — 7746
Neosho Valley — 7745
Rockford-Freeport, Ill — 7748
St. Louis, Mo — 7742
Springfield, Mo — 7743
Rules and regulation:
Lemons grown in California and Arizona:
Lemon Administrative Committee rules and regulations — 7713
Limitation of shipments — 7717

Rent Stabilization, Office of
Rules and regulations:
Defense rental areas, Connecticut:
Hotels — 7741
Housing — 7741

CONTENTS—Continued

Rent Stabilization, Office of—Continued — Page
Rules and regulations—Con.
Defense rental areas, Connecticut—Continued
Motor courts — 7741
Rooms — 7741

Securities and Exchange Commission
Notices:
Hearings, etc.:
American Research and Development Corp. and Snyder Chemical Corp — 7759
E. I. du Pont de Nemours and Co. and Henry B. du Pont — 7761
National Securities and Research Corp — 7760

Treasury Department
See Customs Bureau.

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 — Page
Chapter I:
Part 6 — 7713

Title 7
Chapter IX:
Part 903 (proposed) — 7742
Part 921 (proposed) — 7743
Part 928 (proposed) — 7745
Part 946 (proposed) — 7746
Part 953 (2 documents) — 7713, 7717
Part 991 (proposed) — 7748

Title 9
Chapter I:
Part 94 (proposed) — 7742

Title 15
Chapter III:
Part 370 — 7718
Part 371 — 7718
Part 372 — 7718
Part 373 — 7718
Part 374 — 7718
Part 399 — 7720

Title 16
Chapter I:
Part 3 — 7723

Title 32
Chapter V:
Part 533 — 7724

Title 32A
Chapter III (OPS):
CPR 34, SR 24 — 7729
CPR 98 — 7724
CPR 126, Int. 1 — 7732
CPR 165 — 7725
CPR 166 — 7732
GCPR, Int. 59 — 7736
GCPR, SR 115 — 7736
GOR 23 — 7737
Chapter IV:
Subchapter D (NEC):
GPR 1 — 7737
Interim Proc. Reg. (see GPR 1) — 7737
Chapter XXI (ORS):
RR 1 — 7741
RR 2 — 7741
RR 3 — 7741
RR 4 — 7741

§ 953.102 *Order.* "Order" means Order No. 53, as amended (7 CFR Part 953; 16 F. R. 5525), regulating the handling of lemons grown in the States of California and Arizona.

§ 953.103 *Central points.* "Central points" shall mean the handler's packing house and such other facilities for the assembly of lemons as may be approved by the Manager of the Lemon Administrative Committee.

§ 953.104 *Storage facilities.* "Storage facilities" shall mean those facilities available to a handler for the purpose of curing and storing lemons, as outlined and defined on blueprints prepared under the direction of the Lemon Administrative Committee for each handler on the Prorate base having such facilities.

COMMUNICATIONS

§ 953.110 *Communications.* Unless otherwise prescribed in this subpart, or in the marketing agreement and order, or required by the Lemon Administrative Committee, all reports, applications, requests, and communications in connection with the marketing agreement and order shall be submitted to:

Lemon Administrative Committee, 111 West Seventh Street, Los Angeles, Calif.

NOMINATION PROCEDURE

§ 953.115 *Time of nomination.* The time of nominating members and alternate members of the Lemon Administrative Committee shall be not later than 20 days preceding the date of expiration of the terms of the members and alternate members of the said committee.

§ 953.116 *Manner of nomination.* The manner of nominating members and alternate members of said committee shall be as follows:

(a) Sunkist Growers, Inc., a California nonprofit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate not less than 6 growers for 3 members and 6 growers for 3 alternate members of the committee.

(b) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than Sunkist Growers, Inc. (which includes its affiliated district exchanges and local associations), shall nominate not less than 2 growers for a member and 2 growers for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which is marketed in fresh form during the fiscal year (as defined in the marketing agreement and order), the end of which is nearest the date on which the meeting is held. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such an organization.

(c) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon-producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included in paragraphs (a) and (b) of this section may vote. At each such meeting, the growers present shall nominate 1 grower. The number of ballots to be cast in selecting the nominee for each meeting shall be determined at the respective meeting. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary.

(d) The name and address of the grower who has been selected at each of the grower meetings to be held pursuant to paragraph (c) of this section shall be placed on a ballot which shall be mailed to all growers of record, and otherwise made available to growers, who are not members of, or affiliated with, a cooperative marketing organization which markets lemons, with instruction to vote for only 1 grower whose name appears on the ballot, and to sign the ballot and return it within such reasonable time as may be determined by the agent of the Secretary.

(e) The agent of the Secretary shall give adequate notice of any meeting to be held pursuant to this section and of the voting for nominees by growers who are not members of, or affiliated with, a cooperative marketing organization, as provided in paragraph (d) of this section.

PRORATE BASE AND ALLOTMENTS

§ 953.120 *Application.* Each handler shall submit an application for a prorate base and allotment to the Lemon Administrative Committee at the beginning of each season. Each such application shall contain the following information on LAC Form 101, "Application for a prorate base and allotments":

(a) Name and address of applicant handler.

(b) The net cubical content of each box or container used by the applicant for the assembling or storage of lemons.

(c) Total acreage of lemons, bearing and nonbearing, which the applicant owns or has authority to market under written contract and estimated production of lemons therefrom for the current season.

(d) Location of the applicant's packing and storage facilities for lemons.

(e) Signature of the applicant.

§ 953.121 *Advance credit count.* Advance credit count computed under § 953.53 (d) on lemons to be exported other than to Canada shall be issued subject to the following conditions:

(a) Except on shipments to Mexico, advance credit count on export shipments may be computed but shall not be credited to the handler until after each box of lemons is packed in a container which is marked for export.

(b) With respect to each export shipment of lemons to Mexico, the handler shall obtain from the purchaser, at time of delivery of such lemons, a certification on LAC Form 11, to the United States Department of Agriculture and the Lemon Administrative Committee that such lemons are to be exported to Mexico and will not re-enter the United States or be re-shipped to Canada.

Such certificate shall state the date of shipment, the quantity of lemons included in such shipment, the truck license number or other identification of the carrier of such lemons, and the signature and address of the purchaser. The certificate shall also be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(c) With respect to each sale of lemons to the Armed Forces for export, the handler shall complete LAC Form 12 "Certificate of Sale of Lemons for Export to the Armed Forces" showing the date of shipment, the quantity of lemons included in such shipment, their destination or port of departure, and the purchase order number. Such certificate shall be signed by the handler or his authorized representative and shall be submitted to the committee with the handler's next weekly report (§ 953.130 (c)).

(d) Except as provided in paragraphs (b) and (c) of this section, each handler shall submit to the committee, as soon as possible following each export shipment of lemons by such handler, a copy of the "on-board" bill of lading, or other shipping document acceptable to the committee, covering such shipment.

§ 953.122 *Computation of available lemons.* (a) Any handler requesting a computation of available lemons in accordance with § 953.53 (e) shall submit a written application to the Lemon Administrative Committee. This application shall be submitted not less than 5 days prior to the date as of which the computation of available lemons is to be made and shall include the following information on LAC Form 102:

(1) The lemon acreage and number of trees under control of the applicant during the current season, and for the two preceding seasons.

(2) An estimate of the current crop of lemons on the trees which are under control of the applicant.

(3) Description of facilities owned or controlled by the applicant for the assembling of lemons.

(4) Description of facilities suitable for the purpose of assembling lemons, which are available to the handler within the area of production.

(5) Record of the quantity of lemons picked, by weeks, during the current season and during the two preceding seasons.

(6) Record of the quantity of lemons disposed of, by weeks, in the following channels during the current season and during the two preceding seasons:

(i) Interstate commerce or Canada.

(ii) Intrastate commerce.

(iii) Exported.

(iv) Diverted to by-products uses.

(v) Disposed of otherwise.

(7) Description of marketing methods and policy followed by the applicant in the handling of lemons.

(8) Record of the quantity of lemons the applicant has in storage.

(9) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the application, there are no facilities for the assembling and storage of lemons available to the handler.

(b) Each applicant shall submit to the Lemon Administrative Committee, upon request, such additional data and information as the committee may require in order to determine whether the applicant is entitled to a computation of available lemons under § 953.53 (e).

(c) The committee shall consider the evidence submitted by a handler pursuant to paragraphs (a) and (b) of this section to determine whether such evidence establishes unavailability of facilities.

(d) In the event such handler has no storage facilities, the unavailability of facilities is established.

(e) In the event such handler has storage facilities, the committee in making its determination shall consider such evidence to establish unavailability of facilities only if:

(1) The proportion of such handler's total tree crop which can be stored in his storage facilities is at least 33⅓ percent less than the proportion of the total tree crops of all handlers within his district that can be stored in the total storage facilities within such district;

(2) Such handler has diverted to by-products channels at least as large a percentage of his total volume marketed during the then current season to date as the average of such volume so diverted by all handlers within his district;

(3) Storage boxes of lemons are well filled;

(4) Storage boxes of lemons are stacked as high as is consistent with good industry practice (i. e., eleven boxes high or within one storage box of the ceiling);

(5) Aisles and all other temporary space are fully utilized; and

(6) The handler has certified to the United States Department of Agriculture and the Lemon Administrative Committee that, except as stated in his application, there are no facilities for the assembling and storage of lemons available to him.

(f) If the committee from the available information determines that the handler is entitled to a computation of his available lemons under § 953.53 (e), it shall compute for such handler the quantity of lemons available for current shipment during the applicable 2-week period which such handler would have picked and assembled if facilities were available to him; for handlers referred to in paragraph (e) of this section, the quantity of unharvested lemons included in said computation shall not exceed the total number of field boxes picked during the two weeks prior to the available lemon count date.

(g) In the event a handler previously has submitted an application for a computation of available lemons in accordance with paragraph (a) of this section, and desires to re-apply for such a computation, he may make such reapplication by submitting the following information with respect to the current season on LAC Form 103:

(1) The lemon acreage and number of trees controlled by the applicant.

(2) Estimated crop of lemons so controlled.

(3) Lemon picks, by weeks, since the last week shown on previous application.

(4) Disposition of lemons, by weeks, since the last week shown on previous application.

(5) Quantity of lemons which the applicant has assembled.

(6) Certification to the United States Department of Agriculture and the Lemon Administrative Committee that, except as set forth in the previous application, there are no facilities for the assembling and storage of lemons available to him.

§ 953.123 *Allotment loans.* Allotment loans shall be deemed repaid if such loans fall due in a week during which there is no limitation on shipments of lemons.

§ 953.124 *Overshipment tolerances.* The overshipment tolerance provided in § 953.57 is not available to a handler during any week or weeks in which such handler is required to reduce the quantity of lemons which he may handle by reason of prior shipments of lemons in excess of his allotments therefor: *Provided*, That repayments of borrowed allotments shall not preclude a handler from claiming and using overshipment tolerances in cases where otherwise appropriate.

§ 953.125 *Agreement with by-products manufacturers.* By-products manufacturers may apply to the Lemon Administrative Committee on LAC Form 104, to be placed upon the committee's list of approved by-products manufacturers. Such application shall include:

(a) Name and address of applicant.

(b) An agreement that all lemons purchased by the applicant, on which the committee has issued advance credit count, will be used solely for manufacturing purposes.

(c) A statement indicating that it is understood that failure of the applicant to comply with the agreement prescribed in paragraph (b) of this section will cause removal of the manufacturer's name from the list of approved by-products manufacturers.

(d) Signature of the applicant.

REPORTS

§ 953.130 *Reports.* Handlers shall submit to the Lemon Administrative Committee the reports prescribed in this section. Unless otherwise prescribed on the report form, all lemons shall be reported in terms of packed "boxes" as defined in § 953.9. Where shipment is made in any manner other than in packed boxes, the lemons shall be converted to packed boxes on the basis of 79 pounds per packed box: *Provided*, That the following conversion factors may be used:

One box of fresh loose lemons (market pack) equals 81 percent of one packed box.
One box of by-products lemons equals 63.3 percent of one packed box.

Copies of report forms may be obtained from the committee.

(a) *Lemon diversion report (LAC Form 5).* Name and address of approved by-products plant or charitable organizations, or other diversion of lemons from fresh fruit channels; number of loose gross boxes and the advance credit count number of juice grade or non-juice grade lemons; net weights of juice grade and non-juice grade lemons, respectively, and total net weight of such lemons; and certification of handler and of receiver of such lemons. This report shall be submitted within 5 days following such diversion of lemons.

(b) *Certificate of assignment of allotment (LAC Form 6).* Certificates of assignment of allotment as provided for in § 953.63 shall be issued by the first handler at the time of each sale or transfer of any lemons which move by truck and which require prorate allotment. Each such certificate shall cover the total quantity of lemons so shipped and shall contain the following information: Date lemons are shipped; handler's invoice number when and if available; name of consignee (purchaser or receiver); destination (address of consignee); truck driver's name; truck driver's address; number of packed boxes of lemons covered by the assignment. Each such certificate shall be signed by the handler or his authorized agent and shall show the address of the handler issuing it. This report shall be submitted daily.

(c) *Weekly report (LAC Form 8).* The weekly report required by § 953.70 shall be submitted to the Lemon Administrative Committee on or before 12:01 p. m., P. s. t., Monday of each week, and shall contain the following information with respect to shipments of lemons during the preceding week:

(1) The total movement of fresh lemons subject to prorate in interstate commerce and intrastate commerce; quantities exported other than to Canada; quantities sold or disposed of to canners or by-products manufacturers; quantities shipped for distribution to persons on relief or donated for charitable institutions; and

(2) Detailed information concerning each shipment of lemons showing the number of packed boxes; whether shipped in interstate commerce or intrastate commerce or exported to destinations other than to Canada; and identification of the carrier (railroad car number or, if shipment is made by truck, the date and number of the certificate of assignment of allotment or, if exported to destinations other than Canada, the name of the steamship if known). This report shall be signed by the handler submitting it or his authorized agent.

Done at Washington, D. C., this 20th day of August 1952, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9290; Filed, Aug. 22, 1952; 8:47 a. m.]

[Lemon Reg. 449]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.556 *Lemon Regulation 449*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 20, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1952, and ending at 12:01 a. m., P. s. t., August 31, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 250 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Aug. 17, 1952]

[12:01 a. m. Aug. 24, 1952, to 12:01 a. m. Sept. 7, 1952]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.197
American Fruit Growers, Inc., Fullerton	.305
American Fruit Growers, Inc., Upland	.219
Badington Fruit Company	.204
Ventura Coastal Lemon Co	3.167
Ventura Pacific Co	3.215
Glendora Lemon Growers Association	1.276
La Verne Lemon Association	.527
La Habra Citrus Association	.979
Yorba Linda Citrus Association, The	.601
Escondido Lemon Association	1.386
Alta Loma Heights Citrus Association	.608
Etiwanda Citrus Fruit Association	.214
Mountain View Fruit Association	.140
Old Baldy Citrus Association	.649
San Dimas Lemon Association	.676
Upland Lemon Growers Association	5.403
Central Lemon Association	.582
Irvine Citrus Association	.556
Placentia Mutual Orange Association	.163
Corona Citrus Association	.102
Corona Foothill Lemon Co	2.541
Jameson Company	.578
Arlington Heights Citrus Co	.341
College Heights Orange & Lemon Association	2.576
Chula Vista Citrus Association, The	.761
Escondido Cooperative Citrus Association	.117
Fallbrook Citrus Association	1.612
Lemon Grove Citrus Association	.253
Carpinteria Lemon Association	3.750
Carpinteria Mutual Citrus Association	3.836
Goleta Lemon Association	5.466
Johnston Fruit Co	6.670
Hazeltine Packing Co	.267
North Whittier Heights Citrus Co	.593
San Fernando Heights Lemon Association	.339
Sierra Madre-Lamanda Citrus Association	.422
Briggs Lemon Association	2.669
Culbertson Lemon Association	1.531
Fillmore Lemon Association	.774
Oxnard Citrus Association	6.605
Rancho Sespe	.940
Santa Clara Lemon Association	4.414
Santa Paula Citrus Fruit Association	3.576
Satiecy Lemon Association	5.169
Seaboard Lemon Association	5.527
Somis Lemon Association	4.124
Ventura Citrus Association	1.367

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Ventura County Citrus Association	0.583
Limoneira Co	2.782
Teague-McKevett Association	.635
East Whittier Citrus Association	.406
Leffingwell Rancho Lemon Association	.607
Murphy Ranch Co	1.476
Chula Vista Mutual Lemon Association	.662
Index Mutual Association	.250
La Verne Cooperative Citrus Association	1.387
Orange Belt Fruit Distributors	.377
Ventura County Orange & Lemon Association	2.685
Whittier Mutual Orange & Lemon Association	.044
Latimer, Harold	.023
Paramount Citrus Association, Inc.	.056
Torn Ranch	.000

[F. R. Doc. 52-9369; Filed, Aug. 22, 1952; 9:02 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. 10 [1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 374—PROJECT LICENSES

MISCELLANEOUS AMENDMENTS

1. Section 370.10 *Shipments entering foreign trade zones* is amended by adding thereto a new paragraph (c) to read as follows:

(c) *Shipments originating in Canada.* Shipments of commodities originating in Canada and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce provided such exportation meets the conditions set forth in § 371.9 (b) (1) of this subchapter, General In-Transit License GIT; or when exported to an ultimate destination to which the same commodity could be exported under General License GO.

2. Section 371.9 *General in-transit license GIT* is amended in the following particulars:

a. A note is added at the end of paragraph (a) *General provisions* to read as follows:

NOTE: 1. Commodities are not considered as "moving in transit" within the meaning of General License GIT if they are covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if their transit is broken by a warehousing or processing operation under another type of customs entry.

2. General License GIT cannot be used to export commodities originating in any foreign country (except Canada) and moving in transit through the United States to Subgroup A destinations, Hong Kong, and Macao, as provided in Part 384 of this subchapter. The use of General License GIT for shipments of commodities moving in transit from Canada and Japan are subject to the additional conditions and limitations set forth in paragraph (b) of this section.

3. Regardless of origin of the in-transit shipment—whether Canada, Japan, or any other foreign country—General License GIT cannot be used to export any commodity if it is on the Excepted Commodity List as provided in paragraph (c) of this section.

4. As used in paragraph (b) of this section, commodities or shipments of commodities which originate in any foreign country means commodities exported from that country whether or not grown, produced, or manufactured there.

5. This General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Department of Commerce.

6. See § 370.9 of this subchapter, and note following that section, regarding shipments moving in transit via the United States without unloading from the carrier.

b. Subparagraph (1) *Shipments originating in Canada,* of paragraph (b) *Special provisions,* is amended to read as follows:

(1) *Shipments originating in Canada.* (i) The provisions of General License GIT are applicable, as modified herein, to all shipments (except as provided in paragraph (c) of this section) originating in Canada and moving in transit through the United States to any foreign ultimate destination, including Hong Kong, Macao and Subgroup A countries. The United States collector of customs at the United States port of entry shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under this general license only to the ultimate destination named in the certified or stamped Canadian Customs Entry, Form B13. Where the ultimate destination of such shipment is not the same as that shown on the Canadian Customs Entry, Form B13, a validated United States export license is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Postive List commodities authorized by the Canadian Customs Entry, Form B-13, for export to Hong Kong, Macao, or a Subgroup A country may proceed in transit through the United States under General License GIT according to that authorization. Other shipments of non-Positive List commodities to Hong Kong, Macao, or a Subgroup A country require a validated United States export license.

(ii) The U. S. collector of customs at the United States port of entry shall notify the U. S. collector of customs at the U. S. port of exit by appropriate notation on the U. S. customs entry (Transportation Entry and Manifest, Customs Form 7512), if the information on the certified or stamped Canadian Customs Entry, Form B13, is in full accord with the information set forth in the U. S. customs entry form. The Canadian Form B13 and the United States customs entry form must agree with respect to country of ultimate destination, description of the shipment, and in all other pertinent details. Where the shipment does not comply with United States regulations the U. S. collector of customs will notify the Canadian exporter or his agent in the United States of that fact.

(iii) Any parties to the exportation shall submit any further proof which the collector of customs at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. Exportations shall not be cleared for shipment by the collector of customs at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

c. The note at the end of paragraph (b) *Special provisions* is amended to read as follows:

NOTE: Shipments of Positive List commodities which originate in Japan require a validated license for export from the United States unless exportable under the provisions of this General License GIT or of General License GO. (See § 373.14 of this subchapter). For exportations of such commodities from foreign trade zones, see § 370.10 of this subchapter.

3. Part 371—General Licenses is amended by adding thereto a new § 371.23 to read as follows:

§ 371.28 *General license GHS, goods exported as trade samples*—(a) *Scope.* A general license, GHS, is hereby established authorizing the exportation of trade samples of non-Positive List commodities to Hong Kong: *Provided,* That such exportations are made in accordance with the following provisions of this section:

(1) *Commodity limitations.* Commodities which may be included under this general license are restricted to those normally sent as samples, such as swatches of fabric, canned food, raw cotton and tobacco, to ultimate consignees known by the exporter to be bona fide prospective buyers. Exportation of commodities under this general license, however, is not to be interpreted as a commitment on the part of the Office of International Trade to permit shipments of similar commodities on a validated license at any subsequent date.

(2) *Dollar-value limitations.* The value of all commodities included in a shipment of trade samples shall not exceed twenty-five dollars ($25).

(3) *Other limitations.* This general license may be used only once by the same exporter with respect to shipment of the same kind of sample to the same consignee.

[1] This amendment was published in Current Export Bulletin No. 676, dated August 14, 1952.

(b) *General license designation.* Shipments under this general license must have the notation "Sample—Export License Not Required" written on the addressee side of the package, and the word "Sample" written on the required shipper's export declaration.

4. Section 372.3 *How to file an application for export license,* paragraph (c) *Information required* is amended in the following particulars:

Item 11 of Note 2 *Preparation of Form IT-419 (Revised August 1949 and August 1950)* and Item 11 of Note 3 *Preparation of Form IT-419 (Revised September 10, 1951)* following paragraph (c) are both amended to read as follows:

Item 11. Availability of material to be exported. All applicable parts of item must be answered, showing the exact status of the applicant's procurement of the commodities to be exported. In the case of a producer, the approximate delivery date is the date on which the commodities will be available for export. If more than one delivery date is required for the commodities covered by the application, each date should be given, using a supplementary sheet, if necessary.

Applications for licenses to export certain commodities will be considered only when answers to item 11 indicate that the commodities will be available to the applicant within the normal validity period of licenses for such commodities, as set forth in § 372.11 (e), and other provisions shown in § 373.16 of this subchapter.

5. Section 373.1 *Export licensing general policy* is amended in the following particulars:

Subparagraph (2) of paragraph (h) *Commodities subject to this export licensing policy,* is amended by deleting therefrom the following Positive List commodities:

Commodity:	Schedule B No.
Cattle hides, dry	020102
Calf skins, dry	020602
Kip skins, dry	020702

6. Section 373.7 *Special provisions for machinery and parts* is amended in the following particulars:

Subparagraph (3) *Additional application requirements,* of paragraph (d) *Automotive replacement parts,* is amended to read as follows:

(3) *Additional application requirements.* (i) In addition to the provisions of paragraph (a) of this section and other applicable requirements, applications for licenses to export automotive replacement parts listed in subparagraph (1) of this paragraph to the destinations set forth in subparagraph (2) of this paragraph must be accompanied by a statement containing the following information:

(*a*) The total dollar value of all the commodities (in the aggregate) listed in subparagraph (1) of this paragraph exported by the applicant to the named ultimate consignee (or purchaser, if different) during the years 1950 and 1951; if none, so state.

(*b*) Whether a letter of credit has been established for the proposed shipment; if so, give the number, dollar value, expiration date, and name and address of person by whom established. If no letter of credit has been established, state what method of financing will be used for the proposed shipment.

(ii) Whenever an order or inquiry relating to an order for commodities listed in subparagraph (1) of this paragraph for export to a destination listed in subparagraph (2) of this paragraph is received from a consignee with whom the exporter has not done business and who has not been approved as an ultimate consignee on export licenses, the exporter, prior to filing a license application, shall request the ultimate consignee to communicate with the nearest United States embassy or consulate in his area and provide information for a World Trade Directory report, if he has not done so within the last 12 months.

(*a*) When an application is submitted involving such a consignee described in this subdivision, the exporter shall attach thereto a letter stating whether he has requested the ultimate consignee to provide the information specified in this subdivision.

(*b*) The filing of World Trade Directory report information with a United States embassy or consulate is essential in order to facilitate final action on the application for a validated license. Licenses will not be issued in such cases until the related reports are received from the embassies or consulates, or unless such reports are on file in the Department of Commerce. Applications will be returned without action in any instance where the World Trade Directory report is not received by the Department of Commerce within 90 days from the date of filing the application.

7. Section 373.16. *Special provisions for certain commodities: evidence of availability* is amended to read as follows:

§ 373.16 *Special provisions for certain commodities: Evidence of availability*—(a) *General provisions.* Applications for licenses to export the commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the letter "D" in the column headed "Commodity Lists" will be considered for approval only when such applications contain, or are accompanied by, evidence that the commodities will be available to the applicant for export within the normal validity period applicable to licenses covering such commodities, as set forth in § 372.11 (e) of this subchapter. The nature of the evidence required of applicants who are producers and applicants who are not producers of the commodities subject to the provisions of this section is set forth in paragraphs (b) and (c) of this section.

NOTE: As set forth in § 372.11 (e) of this subchapter, the normal validity period for export licenses is 6 months unless otherwise stated on the license. A longer period may be granted for licenses covering commodities requiring long-term production periods (e. g., certain heavy machinery and fabricated steel items) if a validity period exceeding 6 months is requested and justified at the time the application is filed. (See § 373.7 with respect to applications covering heavy machinery.)

(b) *Nature of evidence of availability required from producers.* An applicant who indicates in item 11 of Form IT-419 that he is a producer of the commodities for which an export license is requested should also enter in item 11 (as the approximate delivery date) the date on which the commodities will be available for export. The evidence of availability requirements of this section will be met if the date shown is within the validity period of licenses covering such commodities, as set forth in § 372.11 (e) of this subchapter. If more than one delivery date is required, each date must be within the validity period. (See Notes 2 and 3 following § 372.3 (c) of this subchapter with respect to item 11 of Form IT-419.)

(c) *Nature of evidence of availability required from non-producers*—(1) *Commodities with processing code other than STEE.* An applicant for exportation of those commodities subject to these provisions whose processing code (as shown in § 399.1 of this subchapter) is other than STEE, who indicates in item 11 of Form IT-419 that he is not a producer of the commodities for which an export license is requested, may meet the evidence of availability requirements of this section by supplying additional evidence of availability in one of the following documentary forms:

(i) *Evidence of ownership.* Evidence of ownership may consist of a bill of sale or invoice, or other documentary proof that the commodities covered by the application, in the amounts stated, are in fact in the applicant's possession or are available to him.

(ii) *Letter of commitment.* A letter of commitment from a producer of the commodity which must be dated, and must show (*a*) the quantity accepted or committed, and (*b*) the approximate delivery dates. All delivery dates must be within the validity period of licenses covering the particular commodities. Letters of commitment which are more than 90 days old when the application is received by the Department of Commerce (or, where applicable, letters for commodities subject to time-table licensing which will be more than 90 days old on the last day for filing applications for the calendar quarter) will not be accepted.

NOTE: Where a document described in subdivision (i) or (ii) of this subparagraph is used in support of more than one application, a true copy (as set forth in § 372.9 of this subchapter), must be attached to each application to which the document applies. Each application shall contain a reference to the case number (or applicant's reference number, if the case number is unknown) and date of all other applications submitted at any time against the same document.

(2) *Commodities with processing code STEE (other than Controlled Materials).* An applicant for exportation of those commodities subject to these provisions whose processing code, as shown in § 399.1 of this subchapter, is STEE, who indicates in item 11 of Form IT-419 that he is not a producer of the commodities for which an export license is requested, may meet the evidence of availability requirements of this section by showing certain information, pertaining to a supplier acceptable to the Office of International Trade, in item 11 of Form IT-419:

(i) That the commodities covered by the application have been purchased from the named supplier; or that an order for such commodities has been

placed with and accepted by the named supplier; and

(ii) That the approximate delivery date for such commodities is within the validity period of licenses covering these commodities, as set forth in § 372.11 (e) of this subchapter. In order to be acceptable to the Office of International Trade, the applicant's supplier must be a producer, or, if the applicant's supplier is other than a producer, he must meet the requirements indicated in subdivisions (*a*), (*b*), and (*c*) of this subparagraph with respect to the commodities listed in the application for export license:

(*a*) He must be a warehouseman, jobber, dealer, or retailer engaged in the business of stocking the commodities at one or more locations regularly maintained by him for such purpose, for sale or resale, in the form or shape as received, or after performing minor nonmanufacturing operations thereon, and who, in connection with any purchase of the product or products for resale, takes physical delivery of them into his own stock at a location regularly maintained by him for such purpose.

(*b*) He must maintain a minimum inventory at least equal to the quantity covered by the application.

(*c*) He must make monthly sales at least equal to the quantity covered by the application.

NOTE: Applicants whose non-producer suppliers have not heretofore been accepted by the Office of International Trade shall accompany their applications for export license with a letter from their supplier stating their qualifications in the above respects.

8. Section 373.51 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding thereto the following entry and related submission date for the Fourth Quarter, 1952:

Dept. of Commerce Schedule B No.	Commodity	Submission dates (fourth quarter 1952)
618857	Copper-base alloy (including brass and bronze) plumbing fixtures and fittings (~~including pipe valves with working pressure not exceeding 125 P.S.I. W. O. G.~~ ratings), and specially fabricated parts, n. e. c. (specify by name).	Sept. 8–Sept. 22, 1952.

9. Section 374.3 *SP (Special) Project licenses*, is amended in the following particulars:

a. Subdivision (ii) of subparagraph (2) *Firm requirements by calendar quarters*, of paragraph (d) *Commodity requirements for other than petroleum projects or programs, Form IT–375*, is amended to read as follows:

(ii) The estimated date on which the commodities listed on each Form IT–375 will become available to the applicant. Where required, the applicant must attach a signed statement to the Form IT–375 setting forth the evidence of availability information, provided by § 373.16 of this subchapter.

b. The second unnumbered paragraph of subdivision (iii) *Firm requirements by calendar quarters* of subparagraph (2) *All other foreign petroleum projects and programs*, of paragraph (e) *Commodity requirements for petroleum projects and programs*, is amended to read as follows:

In addition to furnishing all the other information requested, Form IT–824 must include the estimated date on which the commodities listed on each Form IT–824 will become available to the applicant. Further, for commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) with a "D" in the column headed "Commodity Lists," the applicant must attach a signed statement to the Form IT–824 setting forth the applicable required evidence of availability information provided by § 373.16 of this subchapter.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR 1948 Supp.)

This amendment shall become effective as of August 14, 1952, with the exception of Part 6 which shall become effective as of October 13, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52–9331; Filed, Aug. 22, 1952; 8:58 a. m.]

[6th Gen. Rev. of Export Regs, Amdt. P. L. 6 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. Under center heading *General Notes to Appendix A*, paragraph (g) *Definitions* is amended in the following particular:

The fourth unnumbered paragraph of the note following paragraph (g) is amended to read as follows:

The column headed "Commodity Lists" is used to identify, by code letters, commodities for which license applications are subject to special requirements. The letter "A" in this column, for example, indicates that applications covering commodities in the entry so identified must conform with the requirements of § 373.34 of this subchapter regarding import certificate and delivery verification. The letter "B" in the column indicates that the commodities so identified are restricted for shipment under a Dollar-Limit (DL) license without prior approval (see § 374.2 (e) of this subchapter). The letter "C" indicates that the commodities so identified are controlled materials (see § 398.5 of this subchapter). The letter "D" indicates that the commodities so identified are subject to the evidence of availability requirements set forth in § 373.16 of this subchapter.

2. The following commodities are deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
020102	Cattle hides, dry.
020502	Calf skins, dry.
020702	Kip skins, dry.
460200	Wood pulp (air-dry weight): Sulfite wood pulp, bleached and semibleached, n.e.c. (report special alpha and dissolving grades in 460110).
460400	Sulfite wood pulp, unbleached.
460800	Sulfate wood pulp, unbleached.
461000	Sulfate wood pulp, bleached and semibleached, n.e.c. (formerly 461000 and 461100), (report special alpha and dissolving grades in 460110).
461900	Wood pulp and screenings, n.e.c. (specify by name) (formerly 460600, 461800 and 461900).
484550	Copper-armored sisalkraft (formerly 643998).
619920	Tools (all metals) n. e. c.: Diestocks, brass and bronze; and bushings, brass and bronze, specially fabricated for hand-operated tools (formerly 647901). (Report brass or bronze bushings not specially fabricated for particular machines or equipment under Schedule B No. 619950.)

3. The following revisions are made in commodity descriptions to reflect the current CMP controls applicable to stainless steel:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601708	Alloy steel including stainless: Billets, blooms, slabs, and sheet bars, nickel-bearing stainless steel.[1 2]	S. ton	STEE	100	RO
601708	Billets, blooms, slabs, and sheet bars, non-nickel-bearing stainless steel.[1 2]	S. ton	STEE	100	RO
602050	Steel bars, including bar size shapes: Bars, cold finished (all cold drawn or cold rolled flats, rounds, or special sections in coils or cut lengths): Nickel-bearing stainless steel.[3 3]	Lb.	STEE 10	100	RO
602050	Non-nickel-bearing stainless steel.[3 3]	Lb.	STEE 10	100	RO
602500	Bars, hot-rolled, except tool and hollow drill steel bars (all regular bars and special sections and bar shapes under 3 inches) (report tool steel bars in 602650 and hollow drill steel bars in 602670): Nickel-bearing stainless steel.[3 4]	Lb.	STEE	100	RO
602500	Non-nickel-bearing stainless steel.[3 4]	Lb.	STEE	100	RO

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 676, dated August 14, 1952.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
603135	Steel plates, including boiler plate (hot or cold-rolled), not fabricated: Nickel-bearing stainless steel (include stainless-clad plates).[2 3]	Lb.	STEE 9	100	RO
603135	Non-nickel-bearing stainless steel (include stainless-clad plates).[2 3]	Lb.	STEE 9	100	RO
603540	Steel sheets, black, ungalvanized (including painted): Stainless steel: Hot-rolled, nickel-bearing.[2 6]	Lb.	STEE 3	100	RO
603540	Hot-rolled, non-nickel-bearing.[2 6]	Lb.	STEE 3	100	RO
603540	Cold-rolled, nickel-bearing.[2 7]	Lb.	STEE 3	100	RO
603540	Cold-rolled, non-nickle-bearing.[2 7]	Lb.	STEE 3	100	RO
603750	Steel strip, coated or uncoated, except electrical (report electrical in 603505): Cold-rolled nickel-bearing stainless steel.[2 8]	Lb.	STEE	100	RO
603750	Cold-rolled non-nickel-bearing stainless steel.[2 8]	Lb.	STEE	100	RO
603850	Hot-rolled nickel-bearing stainless steel.[2 9]	Lb.	STEE	100	RO
603850	Hot-rolled non-nickel-bearing stainless steel.[2 9]	Lb.	STEE	100	RO
607500	Pipe and tubing, nickel-bearing stainless steel.[2 10]	Lb.	STEE 17	100	RO
607500	Pipe and tubing, non-nickel-bearing stainless steel.[2 10]	Lb.	STEE 17	100	RO
608150	Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810–709885): Uncoated wire, nickel-bearing stainless steel.[2 11]	Lb.	STEE	100	RO
608150	Uncoated wire, non-nickel-bearing stainless steel.[2 11]	Lb.	STEE	100	RO
608210	Coated wire, except galvanized (all steel grades): Nickel-bearing stainless steel.[2 12]	Lb.	STEE	100	RO
608210	Non-nickel-bearing stainless steel.[2 12]	Lb.	STEE	100	RO
610492	Castings, iron and steel, rough and semi-finished: Other castings, nickel-bearing stainless steel.[2 13]	Lb.	STEE	100	RO
610492	Other castings, non-nickel-bearing stainless steel.[2 13]	Lb.	STEE	100	RO
619910	Metal manufactures, n. e. c., not specially fabricated for particular machines or equipment: Iron and steel (specify by name): Packing, nickel-bearing stainless steel.[2 14]	----------	STEE	100	RO
619910	Packing, non-nickel-bearing stainless steel.[2 14]	----------	STEE	100	RO

[1] The above two revised entries are substituted for the second entry presently on the Positive List under Schedule B No. 601708.

[2] The commodities included in the first revised entry only are controlled materials (see § 398.4 of this subchapter). The commodities included in both entries are subject to IC/DV procedure (see § 374.31 of this subchapter) and dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter).

[3] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 602050.

[4] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 602500.

[5] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 603135.

[6] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 603540.

[7] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 603590.

[8] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 603750.

[9] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 603850.

[10] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 607500.

[11] The above two revised entries are substituted for the entry presently on the Positive List under Schedule B No. 608150.

[12] The above two revised entries are substituted for the third entry presently on the Positive List under Schedule B No. 608210.

[13] The above two revised entries are substituted for the second entry presently on the Positive List under Schedule B No. 610492.

[14] The above two revised entries are substituted for the fourth entry presently on the Positive List under Schedule B No. 619910.

[15] The commodities included in the first revised entry only are controlled materials (see § 398.4 of this subchapter). The commodities included in both entries are subject to dollar-limit (DL) restrictions (see § 374.2 (e) of this subchapter).

4. The following revisions are made in commodity descriptions to identify by separate listings the commodities subject to evidence of availability requirements (see § 373.16 of this subchapter).

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601110	Tin mill products: Hot dipped (production plate)	Lb.	TNPL	1,000	RO
601110	Other hot dipped	Lb.	TNPL	1,000	RO
601150	Electrolytic coated (production plate)	Lb.	TNPL	1,000	RO
601150	Other electrolytic coated	Lb.	TNPL	1,000	RO
601170	Lithographic misprints	Lb.	TNPL	1,000	RO
601170	Other tinplate, decorated, embossed, lithographed, lacquered, or otherwise advanced.	Lb.	TNPL	1,000	RO
664561 ★	Tantalum metals and alloys in crude form and scrap	Lb.	MINL	None	RO
664561 ★	Tantalum ores and concentrates	Lb.	MINL	None	RO
722027	Rear dump trucks, off-the-road, rubber-tired, 10 cubic yards struck load capacity and over (report tractors separately under appropriate Schedule B number).	No.	CONS	100	RO
722027	Other off-the-road haulage vehicles (report tractors separately under appropriate Schedule B number).	No.	CONS	100	RO
722030	Attachments, n. e. c., for track-laying or wheel type tractors, or trucks (specify by name): Angle dozers, bulldozers and tree dozers for tracklaying tractors of 50 drawbar horsepower and over.[1]	No.	CONS 1	None	R
722030	Other angle dozers, bulldozers and treedozers; brush cutters; brushrakes; ripper attachments; rooter attachments; snowplow attachments; and trail builders.[1]	No.	CONS 1	None	R
722030	Hydraulic and cable controls for tracklaying tractors of 50 drawbar horsepower and over.[1]	No.	CONS 1	None	R
722030	Other hydraulic and cable controls for track-laying tractors; clamshell attachments; conveying attachments; excavating attachments; loading attachments; pipe layers; trenching attachments; and winches for tracklaying tractors.[1]	No.	CONS 1	None	R
740607	Power-driven metalworking machine tools (non-portable), and parts: Pipe and/or nipple-threading machines capable of threading 4 in. diameter pipe and under.[2]	No.	TOOL	None	RO
740607	Other pipe and/or nipple-threading machines [2]	No.	TOOL	None	RO
744410	Metalworking presses, except hand-powered presses	----------	TOOL	None	RO
744410	Specially fabricated parts, n.e.c., for metal-working presses except hand-powered presses.	----------	TOOL	None	RO
744450	Sheet and plate metalworking machines (except presses).	----------	TOOL	100	RO
744450	Specially fabricated parts, n.e.c., for sheet and plate metal-working machines (except presses).	----------	TOOL	100	RO

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The two entries above are substituted for the first entry presently on the Positive List under Schedule B No. 722030.

[2] These two entries are substituted for the second entry presently appearing on the Positive List under Schedule B No. 722030.

[3] These two entries are substituted for the first entry presently on the Positive List under Schedule B No. 740607.

5. The title of the column entitled "Commodity Lists A=Import Certif. B=DL Restrictions. C=Controlled Matl." is amended to read as follows:

COMMODITY LISTS

[For explanation of symbols in this column see "General Notes to Appendix A," Part 399]

In this column a letter "D" is added opposite the commodity entries listed below for the purpose of indicating that the commodities so identified are those for which evidence of availability is required (see § 373.16 of this subchapter). Where only certain entries on the Positive List under a single Schedule B number are thus identified, these entries are specifically listed below; when all entries on the Positive List under a single Schedule B number are thus identified, the entries are not specifically listed be-

This amendment shall become effective anticipate any comfort therefrom, in to prevent said initial decision becoming

low, but only the Schedule B number related thereto.

Dept. of Commerce Schedule B No.	
540905	
540940	
541110	
541120	
541140	
542010	
545110	
545130	
545150	
547210	
547220	
547290	
549050	
551000	
571410	
571500	
573600	
573700	
596098	Crude sulfur, of less than 85 percent sulfur content; and sulfur ores.
600700	
601010	
601040	
601050	
601070	
601090	
601211	
601708	Billets, blooms, slabs, and sheet bars, non-nickel-bearing stainless steel.
602050	Non-nickel-bearing stainless steel.
602500	Non-nickel-bearing stainless steel.
603135	Non-nickel-bearing stainless steel (include stainless-clad plates).
603540	Hot-rolled, non-nickel-bearing.
603560	Cold-rolled, non-nickel-bearing.
603710	Cold-rolled carbon steel strapping.
603750	Cold-rolled non-nickel-bearing stainless steel.
603810	Hot-rolled carbon steel strapping.
603850	Hot-rolled non-nickel-bearing stainless steel.
604010	
604020	
604110	Other hot dipped.
604150	Other electrolytic coated.
604170	Lithographic misprints.
605510	
605530	
605900	
605950	
607500	Pipe and tubing, non-nickel-bearing stainless steel.
608150	Uncoated wire, non-nickel-bearing stainless steel.
608210	Non-nickel-bearing stainless steel.
610410	Cast carbon steel grinding balls.
610491	Cast alloy steel grinding balls, except stainless.
610492	Stainless steel grinding balls.
610492	Other castings, non-nickel-bearing stainless steel.
610493	Carbon steel grinding balls, rough or polished.
610495	Alloy steel grinding balls, rough or polished, including stainless.
610516	Railway car wheels, including trolley, iron.
613810	
613830	
617903	
617905	Molybdenum tool bit blanks.
618261	
618271	Other iron and carbon steel.
618271	Other steel.
618910	
618930	
618940	
618951	
618957	
618959	Aluminum pipe fittings.
618959	Copper pipe fittings.
618959	Lead pipe fittings.
618959	Zinc pipe fittings.
618961	Towers and poles, fabricated (specify by name).
618964	
618967	Storage tanks, unlined (all steel grades) (specify type), welded or bolted, completely fabricated, shipped as such, or bolted tanks, field erected for petroleum.
618971	
618973	
618976	
618979	
618984	
618985	
618987	
618988	
618992	
618993	
619011	
619012	
619021	
619021	
619022	
619031	
619033	
619034	Brazing solder (spelter type).
619034	Brass and bronze welding electrodes and welding rods (including phosphor bronze).
619037	
619039	
619047	Chain link fence.
619052	
619069	
619110	
619151	
619152	
619155	
619159	
619250	Beryllium foil.
619250	Tin foil.
619250	Other foil and leaf, except gold and silver (specify type of metal).
619850	
619910	Punchings (including stampings), except electrical steel (report electrical steel punchings, including stampings, in 709920).
619910	Steel shot.
619910	Flexible tubing, except electrical.
619910	Packing, non-nickel-bearing stainless steel
619910	Tubular steel scaffolding equipment.
619950	Aluminum and aluminum-base alloy manufactures.
619950	Beryllium copper manufactures.
619950	Other beryllium and beryllium alloy manufactures.
619950	Copper manufactures.
619950	Lead manufactures.
619950	Nickel manufactures.
619950	Selenium metal and metal composition manufactures, n. e. c. (specify selenium content and grade).
619950	Tin collapsible tubes.
619950	Tin manufactures, n. e. c.
619950	Zinc manufactures.
619950	Other manufactures, n. e. c., of metals other than iron, steel, or precious metals.
621303	
622050	
622087	
622090	
622092	
622095	
622098	
630010	
630050	
630301	Aluminum sheets, corrugated.
630650	
640100	
641200	
642900	Other copper primary forms, n. e. c. (specify by name).
644100	
647950	
647950	
654501	
654503	
654507	
654508	
654509	
656501	
656507	
656519	
661505	
664506	
664509	
664517	
664520	
664522	
664523	
664529	
664540	
664541	
664543	
664547	
664549	
664551	
664557	
664561	Metals and alloys in crude form, and scrap.
664562	
664570	
664571	
664573	
664581	
664584	
664585	
664589	
664595	
664596	
664597	
664598	Strontium.
664598	Europium rare earth.
664598	Gadolinium rare earth.
664598	Lanthanum rare earth.
664598	Praesodymium rare earth.
664598	Samarium rare earth.
664598	Other rare earths, n. e. c.
664598	Other ores and concentrates, n. e. c.
664998	Calcium metal.
664998	Gallium metal.
664998	Germanium metal.
664998	Hafnium metal.
664998	Lanthanum metal.
664998	Indium metal.
664998	Polonium metal.
664998	Strontium metal.
664998	Other rare metals, n. e. c.
664998	Other metals and alloys in primary forms, n. e. c.
692000	
692205	
692300	
692900	
706590	
707550	Tungsten X-ray targets (see § 373.1 of this subchapter).
709909	Tantalum rings, for radio transmitter and radio receiver tubes (see § 373.1 of this subchapter).
720117	
722027	Rear dump trucks, off-the-road, rubber-tired, 10 cubic yards struck load capacity and over.
722030	Angle dozers, bulldozers, and treedozers for track-laying tractors of 50 draw-bar horsepower and over (formerly 722700).
722050	Hydraulic and cable controls for track-laying tractors of 50 drawbar horsepower and over.
740005	D [1]
740205	D [1]
740212	D [1]
740305	D [1]
740308	D [1]
740315	D [1]
740325	D [1]
740390	D [1]
740409	D [1]—Jig boring machines; special boring machines for aircraft bomb nose and tail and all precision boring machines.
740604	D [1]
740907	D [1]—Other pipe and/or nipple threading machines.
740907	D [1]—Tapping machines, vertical multiple spindle, adjustable joint.
740700	D [1]
741800	D [1]
741100	D [1]
742000	D [1]
742100	D [1]
742300	D [1]
742400	D [1]
742700	D [1]
743500	D [1]
743900	D [1]
744000	D [1]
744100	D [1]
744205	D [1]
744303	D [1]
744305	D [1]
744306	D [1]
744308	D [1]
744313	D [1]
744315	D [1]
744316	D [1]
744317	D [1]
744319	D [1]—Contour band-sawing and/or filing machines.
744319	D [1]—Other power-driven metalworking machine tools, n. e. c.
744410	D [1]—Metalworking presses, except hand-powered presses (formerly 744405).
744450	D [1]—Sheet and plate metalworking machines (except presses), n. e. c.
744700	D [1]—Forging presses, heavy-duty.
744700	D [1]—Forging rolls; and swaging machines.
744700	D [1]—Drop hammers, and forging hammers, air, steam, or mechanical.
744700	D [1]—Headers and forging machines (upsetters).
744700	D [1]—Nut-forging machinery.
744700	D [1]—Special forging machines, bomb nose and tail.
745569	D [1]—Machinery for drawing wire and tubing.
747000	D [1]
787480	
787540	
787560	
787593	50 under 95 drawbar horsepower.
787597	
794960	Landing mats, aircraft (see § 373.2 of this subchapter).
915590	
947450	
947550	
948769	
948250	

[1] Subject to evidence of availability requirements (§ 373.16 of this subchapter) under the conditions set forth in § 373.7 of this subchapter.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245; 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; 3 CFR, 1948 Supp.)

This amendment shall become effective as of 12:01 a. m., August 14, 1952.

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9332; Filed, Aug. 22, 1952; 8:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5881]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

KNOX CO.

Subpart—*Advertising falsely or misleadingly:* § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale, sale or distribution in commerce of the drug preparations designated as "Chinaroid" and "Romind", or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, disseminating, etc., by means of the United States mails, or by radio broadcasts, or by any means in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, of said preparations, any advertisements which represent, directly or by implication, (a) that "Chinaroid" constitutes a competent or adequate treatment for piles or hemorrhoids or would be of any benefit to the underlying causes thereof; (b) that said preparation could exert any influence upon the severity or duration of piles or hemorrhoids, beyond that of an astringent and local anesthetic in affording temporary relief to such symptoms as pain, itching, burning and irritation which accompany simple, uncomplicated cases of piles or hemorrhoids; (c) that said preparation, however used, will result in any shrinkage of sore, swollen tissues, or will assist nature in healing irritated membranes, or will have any effect upon nervousness, irrespective of the cause; (d) that "Romind" constitutes an adequate or competent treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica or lumbago, or will permanently relieve pain accompanying said conditions and ailments; (e) that "Romind" is a pain killer, or possesses any therapeutic value in treating the nerve-racking, stabbing, throbbing pains of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints or lumbago, regardless of their duration, or is of any therapeutic value in these conditions, in excess of such temporary and partial relief of minor pains and fever accompanying said ailments and conditions as may be afforded by its analgesic and antipyretic action; (f) that "Romind" possesses any therapeutic properties which could hold out hope of cure or happiness to persons afflicted with arthritis, rheumatism, neuritis, sciatica, lumbago or kindred ailments; (g) that "Romind" is fast acting in its effects, or that one taking said preparation could anticipate any comfort therefrom, in excess of such temporary relief of minor aches, pains and fever accompanying the diseases above mentioned as its analgesic and antipyretic properties may afford; (h) that said preparation constitutes an effective remedy or treatment for soreness in excess of the temporary symptomatic relief due to its analgesic action; (i) that said preparation constitutes an effective remedy or competent treatment for stiff muscles, or will help in any manner to remove uric acid from the system; (j) that taking said preparation will be of any value or benefit in enabling a person to work or sleep more comfortably aside from its temporary analgesic effects; (k) that "Romind" will serve to cleanse the body or blood of waste, poisons or acids, or otherwise stimulate the cleansing action of the kidneys, or exercise any beneficial effect upon the kidneys or their activities, or will exert any beneficial influence upon the underlying causes of arthritis or kindred ailments; or, (l) that the ingredients compounded in "Romind" constitute a new formula or a new kind of treatment; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Warren W. Burgess et al. d. b. a. The Knox Company, Los Angeles, Calif., Docket 5881, April 18, 1952]

In the Matter of Warren W. Burgess, Linn D. Johnson, and Richard T. Aldworth, Co-partners Doing Business as the Knox Company

This proceeding was heard by Everett F. Haycraft, hearing examiner, upon the complaint of the Commission, respondents' answer, a hearing at which evidence in support of the allegations of said complaint was introduced before said examiner, theretofore duly designated by the Commission, and a subsequent partial stipulation of the facts, whereby it was stipulated and agreed that said partial stipulation, signed and executed by counsel for respondents and the attorney supporting the complaint, was to supply the scientific facts in the proceeding, and was supplemental to and to be considered in connection with the evidence incorporated in the record at the aforesaid hearing.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, and the evidence, including said partial stipulation of facts, which was duly recorded and filed in the office of the Commission (counsel having waived the filing of proposed findings as to the facts, and conclusions and oral argument not having been requested), and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,[1] conclusion[1] drawn therefrom, and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on April 18, 1952.

[1] Filed as part of original document.

The said order to cease and desist is as follows:

It is ordered, That respondents Warren W. Burgess, Linn D. Johnson and Richard T. Aldworth, individually and as copartners doing business in the name of The Knox Company or in any other name, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce of the drug preparations designated as "Chinaroid" and "Romind," or any preparations of substantially similar compositions or possessing substantially similar properties, whether sold under the said names or any other names, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated, by means of the United States mails, by radio broadcasts or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That "Chinaroid" constitutes a competent or adequate treatment for piles or hemorrhoids or would be of any benefit to the underlying causes thereof.

(b) That said preparation could exert any influence upon the severity or duration of piles or hemorrhoids, beyond that of an astringent and local anesthetic in affording temporary relief to such symptoms as pain, itching, burning, and irritation which accompany simple, uncomplicated cases of piles or hemorrhoids.

(c) That said preparation, however used, will result in any shrinkage of sore, swollen tissues, or will assist nature in healing irritated membranes, or will have any effect upon nervousness, irrespective of the cause.

(d) That "Romind" constitutes an adequate or competent treatment for arthritis, rheumatism, swollen joints, neuritis, neuralgia, sciatica or lumbago, or will permanently relieve pain accompanying said conditions and ailments.

(e) That "Romind" is a pain killer, or possesses any therapeutic value in treating the nerve-racking, stabbing, throbbing pains of arthritis, rheumatism, neuritis, sciatica, neuralgia, swollen joints or lumbago, regardless of their duration, or is of any therapeutic value in these conditions, in excess of such temporary and partial relief of minor pains and fever accompanying said ailments and conditions as may be afforded by its analgesic and antipyretic action.

(f) That "Romind" possesses any therapeutic properties which could hold out hope of cure or happiness to persons afflicted with arthritis, rheumatism, neuritis, sciatica, lumbago or kindred ailments.

(g) That "Romind" is fast acting in its effects, or that one taking said preparation could anticipate any comfort

therefrom, in excess of such temporary relief of minor aches, pains and fever accompanying the diseases above mentioned as its analgesic and antipyretic properties may afford.

(h) That said preparation constitutes an effective remedy or treatment for soreness in excess of the temporary symptomatic relief due to its analgesic action.

(i) That said preparation constitutes an effective remedy or competent treatment for stiff muscles, or will help in any manner to remove uric acid from the system.

(j) That taking said preparation will be of any value or benefit in enabling a person to work or sleep more comfortably aside from its temporary analgesic effects.

(k) That "Romind" will serve to cleanse the body or blood of waste, poisons or acids, or otherwise stimulate the cleansing action of the kidneys, or exercise any beneficial effect upon the kidneys or their activities, or will exert any beneficial influence upon the underlying causes of arthritis or kindred ailments.

(l) That the ingredients compounded in "Romind" constitute a new formula or a new kind of treatment.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the drug preparations "Chinaroid" and "Romind," any advertisement which contains any of the representations prohibited in Paragraph 1 of this order.

By "Decision of the Commission and order to file report of compliance," Docket 5881, April 18, 1952, which announced and decreed fruition of said initial decision, report of compliance with the said order was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 18, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-9327; Filed, Aug. 22, 1952; 8:54 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

MISCELLANEOUS AMENDMENTS

Section 533.4 is revoked, and in § 533.8 (a), subparagraph (2) is changed and subparagraph (3) is added as follows:

§ 533.8 *Special determination*—(a) *Absent without leave.* • • •

(2) In each case where an individual dies after having been dropped from the rolls as a deserter, an administrative determination as to whether the service member was in a desertion or absent without leave status at date of death will be obtained from The Adjutant General by the Commanding General, Finance Center, U. S. Army. Payment of the 6 months' death gratuity will be dependent upon the determination as to status of such service member. See MS Comp. Gen. B 109305, June 4, 1952.

(3) Six months' death gratuity is not payable if death occurred when the deceased was in an absent without leave status and the date of death was subsequent to date of the expiration of the deceased's normal period of enlistment.

• • • • •

[C3, AR 35-1370, Aug. 7, 1952] (R. S. 161; 5 U. S. C. 22. Interpret or apply 41 Stat. 267, as amended; 10 U. S. C. Sup. 903)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-9309; Filed, Aug. 22, 1952; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 98, Amdt. 5]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

RE-USABLE BOILER AND PRESSURE TUBES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to Ceiling Price Regulation 98, is hereby issued.

STATEMENT OF CONSIDERATIONS

This fifth Amendment to Ceiling Price Regulation 98 expands the scope of section 34 by the addition of a new paragraph (b), which provides a pricing method for reconditioned quality reusable boiler and pressure tubes (including locomotive flues) which have undergone certain additional special tests and reconditioning services. The cost of furnishing those services, namely, hydrostatic testing to a minimum pressure resistance of 1000 pounds per square inch, crop ending as described in section 34 (b) (1) (iii), and turbinizing is not provided for in section 34 (a) (2). Section 34 (a) (2) now permits the reseller of reconditioned quality boiler and pressure tubes meeting certain requirements to charge as his ceiling price 80 percent of the jobber warehouse price per 100 feet that would apply for new seamless line pipe of the most comparable size and wall thickness. He may charge this ceiling price without furnishing the services covered by this amendment.

At least one reseller of reconditioned quality reusable boiler and presure tubes furnishes and did furnish prior to June 24, 1950 the services of hydrostatic testing to a minimum pressure resistance of 1000 pounds per square inch, crop ending as described in section 34 (b) (1) (iii), and turbinizing in connection with the sale of reconditioned quality reusable boiler and pressure tubes for purposes such as high pressure gas, oil and water lines.

This amendment provides a pricing method whereby the reconditioner who provides these special services may add the same differential which he realized during the period April 1 to June 24, 1950.

The other item dealt with in this amendment is that relating to the basis to be used in calculating the ceiling jobber price of new prime quality plain end seamless line pipe under section 34 (a) (2). This basis is corrected to accord with historical industry practice.

In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of the Defense Production Act of 1950, as amended.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

Every effort has been made to conform these amendments to existing business practices or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended in the following respects:

1. The second sentence of section 34 (a) (2) is amended to read as follows: "Whether or not you are a jobber or distributor of the new price quality product you must determine the ceiling jobber price, to which the 80 percent figure is to be applied, in the manner set forth in section 21, using as the basis of your calculations a list price computed in the customary way at 10 cents (10¢) per pound on the nominal weight per foot of the tubes involved in the transaction, subject to the current mill discounts for new prime quality plain end seamless line pipe published by the National Tube Division of the United States Steel Company, and the current minimum rail carload freight rate (including transportation taxes) from their nearest producing point to the rail station or siding nearest your point of shipment."

2. Paragraph (b) of section 34 is redesignated paragraph (c) and a new paragraph (b) is added to read as follows:

(b) *Reconditioned quality reusable boiler and pressure tubes which have been subjected to certain special services.* (1) If you perform the following special services with respect to reconditioned quality reusable boiler and pressure tubes so that such tubes possess qualities in addition to those described in paragraph (a) (2) of this section, you may add your customary differential, if any, determined in accordance with subparagraph (2) of this paragraph to the ceiling price set forth in paragraph (a) (2) of this section:

(i) Hydrostatic testing of each pipe joint by machine which indicates that the reusable boiler and pressure tubes being tested are capable of conducting, without leakage, liquids and gases at a pressure of at least 1000 pounds per square inch and you warrant the capacity of each pipe joint to withstand such pressure;

(ii) Turbinizing so that all scale and metal residue are removed from the interior of the wall of the reusable boiler and pressure tubes, resulting in an interior wall of bare metal;

(iii) Crop ending, so that each piece of tubing is capable of use as high pressure (1000 pounds per square inch minimum) line pipe and contains no welds known as "safe end" welds. Crop ending includes beveling of each end for purposes of welding; and

(iv) Each joint stamped with a steel die or otherwise indelibly marked with the reconditioner's identification mark.

(2) Your customary differential which you may add in determining your ceiling price for any size and wall thickness or reconditioned quality reusable boiler and pressure tube meeting the specifications of this paragraph is determined in the following manner:

(i) First, you determine the percentage figure by which your average shipping point price which you charged for each size and wall thickness of reconditioned quality reusable boiler and pressure tube meeting the specifications of this paragraph during the period April 1 through June 24, 1950, or the last preceding calendar month for which your written records show sales having been made, exceeded 80 percent of the jobber warehouse price per 100 feet for new prime seamless line pipe of the most comparable size and wall thickness determined in the same manner as set forth in paragraph (a) (2) of this section using in lieu of the current mill net prices and freight rates the mill net prices of the specified mills and the freight rates which were in effect on June 1, 1950. In determining your average shipping point price for each size and wall thickness during this base period, you must use a weighted average;

(ii) Secondly, you determine the weighted average of the differentials determined for each size and wall thickness under subdivision (i) of this subparagraph and this figure is the uniform differential which you may add in accordance with subparagraph (1) of this paragraph irrespective of size or wall thickness.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 98 shall become effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9359; Filed, Aug. 21, 1952; 4:37 p. m.]

[Ceiling Price Regulation 165]

CPR 165—IMPORTS OF LUMBER, LOGS AND ALLIED WOOD PRODUCTS.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Order No. 2, this Ceiling Price Regulation 165 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation provides a method to be used by importers of logs, lumber and allied wood products in the computation of ceiling prices at which they may sell the items of import listed in Appendix A of this regulation.

According to reports of the Bureau of the Census, United States lumber imports during 1950 reached an unprecedented volume of almost 3¼ billion board feet, with a total value of approximately 264 million dollars. For the same period, our imports of logs were at the rate of 268 million board feet. Although part of this volume is made up of exotic woods which are not indigenous to the forests of this country—for example, mahogany, teak, lignum vitae, and balsa—about 90 percent of our lumber imports and 65 percent of the imported logs came from Canada to supplement domestic production. Moreover, in addition to lumber and logs, the United States imports a substantial quantity of veneer, plywood, millwork and other wood products.

Since January 26, 1951, United States importers of lumber and logs have determined their ceilings under the provisions of the General Ceiling Price Regulation, under which selling prices can be no higher than the highest price in effect during the base period established by that regulation. However, prices charged by foreign sellers as well as other costs of importation are not covered by OPS regulations.

Consequently, importers have been faced with increased acquisition costs with no corresponding increase in selling prices.

Importers of wood products other than logs and lumber have enjoyed some relief from the "squeeze" of rising costs under the provisions of Ceiling Price Regulation No. 31, which permits them to take a base period dollar-and-cents markup on the landed costs of the imported commodity.

The nature of this regulation. This regulation brings sales of imported logs, lumber, and allied wood products under a single regulation. It adopts the period from January 1 through June 30, 1950, as a base period. It provides that importers must compute a weighted average percentage markup on the basis of at least 25 percent of the dollar value of their base period sales and deliveries before August 26, 1952, made under base period contracts to sell. That markup is then applied to current landed costs in order to determine ceiling prices. The base period percentage markup may be calculated on the basis of a product line or on an item basis, whichever was the importer's base period practice. If, however, an importer cannot ascertain a markup on the basis of his base period sales and his deliveries under base period contracts to sell, the regulation permits the use of his 1949 sales and his deliveries under 1949 base period contracts to sell. The regulation further provides for the establishment, upon application, of a maximum markup which may be used when an importer is unable to compute a markup in the foregoing manner.

The regulation specifies that ceiling prices must be recalculated to reflect decreases in current landed costs. However, in accordance with customary industry practice, it also permits importers maintaining an inventory to average their landed costs.

January 1, 1950, to June 30, 1950, inclusive, was selected as a period which is generally representative as reflecting "the customary percentage margins over costs of goods sold", a requirement of section 402 (k) of the Act, the so-called Herlong Amendment. A six-month period was selected in order to provide a base period long enough to provide adequate data with respect to sales by the majority of importers. The calendar year 1949 was provided, however, as a limited alternative period for the computation of percentage markups because imports of some species are irregular in shipment and variable in quantity, making it difficult for some importers to compute their customary markup for every item of import during a six-month base period. The calendar year 1949 is also a representative period within the meaning of the Herlong Amendment.

In computing selling prices, the application of a percentage markup to the landed cost of imported logs, lumber, and allied wood products is a customary industry practice.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; and to prices prevailing just before the issuance of this regulation; and to relevant factors of general applicability.

In the formulation of this regulation there has been consultation with industry representatives, including trade association representatives, and considera-

tion has been given to their recommendations.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.

1. What this regulation does.
2. Geographical applicability.
3. Base period.
4. Method for ascertaining ceiling prices.
5. Calculation of base period percentage markup.
6. Percentage markups calculated on pre-base period sales.
7. Kiln-drying and milling-in-transit charges.
8. Recalculation of ceiling prices.
9. Application for approval of a maximum markup.
10. Adjustable pricing.
11. Records.
12. Invoices.
13. Petitions for amendment.
14. Excise, sales and similar taxes.
15. Transfer of business or stock in trade.
16. Interpretations.
17. Prohibitions and violations.
18. Evasions.
19. Definitions.

AUTHORITY. Sections 1 to 19 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation provides a method to be used by importers in the computation of ceiling prices for the imported logs, lumber, and allied wood products listed in Appendix "A" of this regulation.

(b) The General Ceiling Price Regulation and Ceiling Price Regulation 31 are superseded with respect to transactions covered by this regulation.

(c) This regulation does not apply to the sale of products subject to this regulation transported to the continental United States for transshipment abroad, which do not enter into the domestic commerce of the United States, and which are either:

(1) Entered at Customs in transit on a "Transportation and Exportation (TE) entry" or on an "Exportation (Exp.) entry", or

(2) Stored in transit in a bonded warehouse or stored in a foreign trade zone.

SEC. 2. *Geographical applicability.* The provisions of this regulation are applicable in the 48 States of the United States and in the District of Columbia.

SEC. 3. *Base period.* The base period of this regulation is the period from January 1, 1950, to June 30, 1950, inclusive.

SEC. 4. *Method for ascertaining ceiling prices*—(a) *General explanation.* Your ceiling price for the sale of an item covered by this regulation to each class of buyer shall be determined by applying a percentage markup to the current landed cost (as defined in section 19) of the item. The percentage mark-up to be used in determining your ceiling prices shall be calculated as provided in sections 5 and 6 of this regulation. If you cannot calculate a percentage mark-up under section 5 or 6, you must apply under section 9 for a mark-up to be used in determining your ceiling prices.

(b) *Estimated landed cost.* Where an item for which you are determining a ceiling price has not arrived in the United States, you may estimate your current landed cost of the item. In the event such estimated current landed cost exceeds your actual landed cost, as finally determined, and as a consequence your selling price has exceeded your ceiling price as computed under the provisions of this regulation, you shall, at the option of the buyer, either remit or credit the difference to your buyer within 60 days after ascertaining your actual landed cost.

SEC. 5. *Calculation of base period percentage markup*—(a) *General explanation.* Your base period percentage markup shall be calculated under this regulation in accordance with your base period practice. If during the base period you used different percentage markups in determining your selling prices to different classes of buyers, you must now continue that practice. You may use either a product line basis (for example, lumber, logs, millwork, or plywood), or an item basis (for example, boards, dimension, planks, or timbers; a species of logs; or items of millwork, such as doors, or window-sash) in calculating percentage markups. If during the base period you used a particular product line as the basis for calculating a uniform percentage markup with respect to items in that product line, you must now use that particular product line as the basis for calculating your percentage markup with respect to all items within that product line, and you must apply the same percentage markup to all such items. If, however, during the base period you calculated your percentage markup on an item basis, you must now continue to calculate your percentage markup on an item by item basis with respect to all such items.

(b) *Item basis.* To calculate your base period percentage markup on an item basis, you:

(1) Determine the total dollar value of all sales of an item made during the base period to the same class of buyer, and of all deliveries made before August 26, 1952, under contracts to sell the item made during the base period to the same class of buyer.

(2) Beginning with the most recent of the sales or deliveries involved in your subparagraph (1) calculation, total the dollar value of such sale or delivery and each preceding sale and delivery until you have reached a total which is not less than, but is not limited to, 25 percent of the total dollar sales value as determined in subparagraph (1).

(3) Determine the total landed costs of the sales and deliveries involved in your subparagraph (2) calculation.

(4) Subtract the total determined in subparagraph (3) from the total determined in subparagraph (2).

(5) Divide the remainder obtained in subparagraph (4) by the total determined in subparagraph (3). The result is your base period percentage markup for the item.

For example:

Assume that you are computing your percentage markup for an item that you sold to retailers, a separate class of your buyers. Assume further that during the base period you made the five sales of the item to retailers on the dates shown below:

Date	Landed cost	Selling price
Jan. 5, 1950	$70,000	$77,000
Feb. 20, 1950	80,000	86,400
Mar. 2, 1950	50,000	54,500
May 15, 1950	10,000	11,100
June 27, 1950	20,000	22,000

The total selling prices of the last three listed sales amount to $67,600, which is 35.13 percent of $249,000, the total dollar value of all your sales. 35.13 percent is "not less than 25 percent" of the total dollar value of all your sales, and you may therefore use these three sales as the basis for your computation. You then:

1. Add the landed cost of these three sales = $80,000.
2. Subtract $80,000 from $87,600 = $7,600.
3. Divide $7,600 by $80,000 = 9.50 percent.

9.50 percent is therefore the percentage markup which you may use under this regulation in determining your ceiling price for sales of the item to retailers.

(c) *Product line basis.* To calculate your base period percentage markup on a product line basis, you:

(1) Determine the total dollar value of all sales of all items within a product line made during the base period to the same class of buyer, and of all deliveries made before August 26, 1952, under contracts to sell the items within the product line made during the base period to the class of buyer.

(2) Calculate your percentage markup for your product line in the same manner as is provided for calculating percentage markups on an item basis in paragraph (b) above.

For example:

Assume that you have a product line in which there are three items to which you applied a uniform percentage markup in your base period sales to wholesalers, a separate class of your buyers. Assume further that during the base period you made the following sales of these items:

Item	Date of sale	Landed cost	Selling price	Percent markup
A	Feb. 17, 1950	$28,000	$30,800	10
B	do	32,650	35,915	10
C	do	25,750	28,325	10
A	May 5, 1950	12,000	13,020	13
B	do	11,000	13,166	19
C	do	10,200	11,577	13
A	June 21, 1950	7,250	8,120	12
B	do	10,400	11,648	12
C	do	5,858	6,552	12

The selling prices of the last six listed sales amount to $64,683, which is 40.5 percent of $159,723, the total dollar value of all sales made. 40.5 percent is "not less than 25 percent" of the total dollar value of all your sales, and you may therefore use these six sales as the basis for your computation. You then:

1. Add the landed costs of these six sales = $57,300.

2. Subtract $57,300 from $64,683 = $7,383.
3. Divide $7,383 by $57,300 = 12.88 percent.

12.88 percent is therefore the percentage markup which you may use under this regulation in determining your ceiling price for sales of items in this product line to wholesalers.

SEC. 6. *Percentage markups calculated on pre-base period sales*—(a) *Base.* If you are determining your ceiling prices on an item by item basis, and you wish to ascertain a percentage markup to apply in computing the ceiling price of an item which you did not sell to a buyer of the same class during the base period, or which you did not deliver before August 26, 1952, to a buyer of the same class under a contract to sell made during the base period, you shall use the calendar year 1949, instead of the base period, as the period for computing your percentage markup, and you shall compute your percentage markup in the same manner as is set forth in section 5 (b) of this regulation. If you use the calendar year 1949 instead of the base period, you shall use, as the basis of your calculations, sales of the item made during the calendar year 1949 to the same class of buyer and deliveries of the item before August 26, 1952, to the same class of buyer under contracts to sell the item made during the calendar year 1949.

SEC. 7. *Kiln-drying and milling-in-transit charges.* Where a buyer requests kiln-drying or milling-in-transit, or both, and such special service is performed by another person within one of the 48 states of the United States or the District of Columbia, you may add the actual cost of such special service as a net extra to your ceiling price otherwise established under this regulation. If the kiln-drying or milling-in-transit is performed by you, you may not charge more than your applicable OPS ceiling price for such service. In either case, a percentage markup may not be applied to the cost or charge for the kiln-drying or milling-in-transit.

SEC. 8. *Recalculation of ceiling prices.* (a) Except as provided in paragraph (b) of this section:

(1) You must recalculate your ceiling price on an item to reflect a decrease in your current landed cost of each new import of that item. Your ceiling price as thus recalculated shall be applicable only on sales of such new import of the item.

(2) You may whenever you wish recalculate your ceiling prices on an item to reflect an increase in your current landed cost of a new import of that item. Your ceiling price as recalculated shall be applicable only on sales of such new import of the item.

(b) When you have an inventory of an item, and you make a new import of that item at a landed cost different from the landed cost or costs at which you previously imported the item in your inventory, you may use an average landed cost in computing a single ceiling price for the item. As used in this paragraph, the term "average landed cost" means the total landed costs of your inventory of the imported item, together with the total landed costs of a new import of that item, divided by the sum of the quantity of the item in inventory and of the import.

SEC. 9. *Application for approval of a maximum markup.*—(a) *Contents of application.* If you are unable to compute a markup under the provisions of sections 5 and 6 of this regulation, you must apply in writing, by registered mail, return receipt requested, to the Office of Price Stabilization, Forest Products Division, Washington 25, D. C., for the establishment of a markup to be used in determining your ceiling price. Your application shall be signed and shall contain:

(1) An explanation of why you are unable to compute your ceiling markup under other provisions of this regulation.

(2) A description of the product line or the item involved. This should include the species, grade, condition, measurements, and quantity, together with a description of the workings, specifications, services, or other extras involved.

(3) Your proposed markup for the product line or item, together with a statement indicating why you believe it is in line with the level of markups otherwise established under this regulation.

(b) *Quotation of proposed prices.* After an application has been filed under this section, and before action by the Director of Price Stabilization, you may use your proposed markup in calculating a ceiling price for the product line or the item that is the subject of your application: *Provided*, That you agree to, and later refund to the buyer the amount, if any, by which your selling price exceeds your ceiling price as the result of the application of the maximum markup established by the Director of Price Stabilization.

(c) *Action by the Director of Price Stabilization.* (1) After receipt of an application made under this section, the Director of Price Stabilization will approve or disapprove your proposed markup, will request additional information about it, or will establish a different maximum markup for the product line or item that is the subject of your application.

(2) If the Director does not notify you to the contrary or request additional information from you within 20 days after the receipt of the application, or within 15 days after the receipt of requested additional information, your proposed markup shall be deemed to have been approved, subject to nonretroactive disapproval or adjustment at a later date.

SEC. 10. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver, or agree to deliver, at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 11. *Records*—(a) *Existing records.* On and after the effective date of this regulation, for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, you shall keep and preserve for examination by the Director of Price Stabilization, all your existing records relating to: (1) Your base period sales and contracts to sell products subject to this regulation; (2) deliveries made under base period contracts; (3) the landed costs of items involved in base period sales or deliveries under base period contracts to sell; and (4) if used to compute percentage markups, records pertaining to your sales and contracts to sell products subject to this regulation made during the calendar year 1949, together with records pertaining to deliveries under such contracts and the landed costs of items involved in such sales and deliveries. You shall also keep and preserve, for the period indicated above, all your existing records which you were required to make, keep, and preserve under the provisions of the General Ceiling Price Regulation and Ceiling Price Regulation 31.

(b) *Current records.* You shall make and keep for inspection by representatives of the Office of Price Stabilization, for a period of two years after each sale, accurate records pertaining to your sales of products subject to this regulation. These records must show the date of each sale, the name and address of the buyer, the item sold and the prices charged by you. You shall also prepare and keep available for the same period records showing the landed costs of these products. You shall further keep available for so long as the Defense Production Act of 1950, as amended, shall remain in effect, and for two years thereafter, whatever calculations you may have made in determining your percentage markups under sections 5 and 6 of this regulation.

SEC. 12. *Invoices.* If you are a seller who has customarily given a buyer an invoice, sales slip, receipt, or similar evidence of purchase, you shall continue to do so; however, at the request of a buyer, regardless of your previous custom, you shall furnish the buyer with an invoice. An invoice, receipt, or other such document shall show the date of sale, the name and address of the buyer, the items sold and the prices received. Any charge for a special service, such as a charge for kiln-drying or milling-in-transit as allowed in section 7, must be shown separately.

SEC. 13. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revision 2.

SEC. 14. *Excise, sales or similar taxes*—(a) *Where the tax is included in your selling price.* (1) If the selling price of an item used by you in computing your percentage markup under this regulation includes any excise, sales or similar tax which is not separately stated, you must ascertain the amount of such tax and exclude it from the selling price used by you in that computation. Your selling price, with such tax so excluded, may then be used in making any appropriate computations for determining your percentage markup. After completing the

computations, and after applying your percentage markup to your current landed cost, you may then add on, for inclusion as part of your ceiling price, the amount of such tax, if any, which you are paying at the time of your computation.

(2) If subsequent to the establishment of any ceiling price which includes any excise, sales or similar tax, the amount of such tax is reduced or eliminated, you must recompute and reduce your ceiling price to reflect the appropriate amount of the reduction in or elimination of such tax.

(3) If subsequent to the establishment of any ceiling price any excise, sales or similar tax is first imposed, or any such tax which had been included in your ceiling price, is increased, you may recompute and increase your ceiling price to reflect the appropriate amount of such new tax or of the increase in such tax.

(b) *Where the tax is separately stated and collected.* If the selling price of an item used by you in computing your percentage markup under this regulation includes any excise, sales or similar tax which is separately stated, you may not include the amount of such tax in the selling price used by you in that computation. If it has been your practice to state and collect any excise, sales or similar tax separately from your selling price, you may, in addition to your ceiling price determined under this regulation, collect the amount of any such tax paid as such by you. In the case of an increase in any excise, sales or similar tax or any new such tax which is not effective until after this regulation becomes effective as to you, you may, in addition to your ceiling price, if not prohibited by the tax law, state separately and collect the amount of such increases or new tax actually paid as such by you. A tax once stated separately from your ceiling price may not thereafter be included in your ceiling price under this regulation.

SEC. 15. *Transfer of business or stock in trade.* If the business, assets, or stock in trade of any business are sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in the same products, in an establishment separate from any other establishment previously owned or operated by him, the maximum markups and ceiling prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices and markups shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the provisions of this regulation.

SEC. 16. *Interpretations.* If you wish an official interpretation of this regulation, you should write to the District Counsel of your local OPS District Office. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1.

SEC. 17. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), except as expressly provided in section 1 (d), you shall not regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling price established by this regulation, and you shall keep, make and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may, of course, be charged and paid.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or, if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling markup, if he is required to do so, the Director of Price Stabilization may issue an order fixing his ceiling markup and ceiling prices. Any ceiling markup or ceiling price fixed in this manner will be in line with the ceiling markup and ceiling prices generally established by this regulation. The order fixing the ceiling markup or ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 18. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, means or devices making use of commissions, services, cross sales, tranportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 19. *Definitions.* This regulation and the terms which appear in it shall be construed in the following manner:

Class of buyer. The meaning of this term is determined by reference to your own practice of setting different prices for sales to different buyers or groups of buyers. The practice may, but need not be, based on the characteristics of distributive level of the buyer, for example, railroads, retailers, contractors, industrials, utilities, municipalities, or government agencies. It may, but need not, be based on the location of the buyer or the quantity of the item purchased by him. It may, but need not, be based on differing terms or conditions of sale or delivery. If you have followed the practice of giving an individual customer a price differing from that charged others, that customer is a separate class of buyer.

Costs of importation. This term means those costs actually incurred or to be incurred by an importer in moving a commodity from the place of foreign origin to the place of destination, and include, but are not necessarily limited to, foreign export and other taxes directly related to the transaction, foreign ocean and incoming domestic transportation costs, custom duties, dock charges, clearance, insurance costs, letter of credit, or other importation finance charges, and any customary buying commission paid to a purchasing agent outside the continental limits of the United States.

Foreign invoice cost. This term means the amount stated on your foreign invoice less any discount or allowances.

Imported. A product is imported which is transported from a foreign country into any of the 48 States of the United States or the District of Columbia for sale within such area. However, a product shipped into this area from outside thereof and entered in a foreign trade zone or under general order or in a bonded warehouse for transshipment and actually transshipped to a destination outside the continental limits of the United States shall not be deemed to be "imported".

Importer. An importer is a person who imports from a foreign country a product subject to this regulation and first sells the product after importation without materially altering its form. An agent of a foreign seller who does not take title to a product that is imported and who is paid for his services on a commission basis is not an importer within the meaning of this regulation.

Inventory. This term means the sum total of stocks or goods owned by the importer, which are in the 48 States of the United States and the District of Columbia, or which are in transit and destined for the United States.

Item. This term as used in this regulation means an individual unit of a "product line".

Landed cost. This term includes the foreign invoice cost plus the costs of importation. It may also include, but is not necessarily limited to, the costs of kiln-drying and milling-in-transit in a foreign country, yard storage, sticking, stacking, inspecting, tallying, unloading and loading onto carrier.

Person. This term includes any individual, corporation, partnership, association, or any other organized group of persons, or the legal successor or representative of any of the foregoing, and the United States or any other government or their political subdivisions or agencies.

Product line. This term means and shall include all items of the same general character and use which are normally classed together in your business for purposes of accounting or sales.

Records. This term includes but is not limited to books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

Sell. This term includes sell, supply, deliver, barter, and contracts and offers to do any of the foregoing. The terms "sale" and "purchase" shall be construed accordingly.

You. The pronoun "you" as used in this regulation indicates an importer who imports products subject to this regulation. The term "your" shall be construed accordingly.

Effective date. This Ceiling Price Regulation 165 is effective August 26, 1952.

NOTE: The reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

APPENDIX A TO CEILING PRICE REGULATION No. 165

The products subject to this regulation are as follows:

Commodity	*Schedule A[1] Nos.*
Wood, unmanufactured.	4007 100 to 4029 500, inclusive; 4032 000 to 4080 500, inclusive.
Sawmill Products	4103 100 to 4202 000, inclusive; 4202 200 to 4202 890, inclusive; 4204 300 to 4207 555, inclusive.
Wood Manufactures	4208 000 to 4223 000, inclusive; 4280 010 to 4280 360, inclusive; 4280 460, 4280 500 and 4280 950.
Cork and Manufactures.	4300 000, 4301 000, 4303 000, 4321 100, 4321 300, and 4321 700.

[1] Statistical classification of Commodities Imported into the United States, Department of Commerce, Bureau of the Census, August 1, 1950.

[F. R. Doc. 52-9357; Filed, Aug. 21, 1952; 4:37 p. m.]

[Ceiling Price Regulation 34, Supplementary Regulation 24]

CPR 34—SERVICES

SR 24—LINEN SUPPLIERS LOCATED IN NEW YORK CITY AREA: SALES OF CERTAIN LINEN SUPPLY SERVICES TO SMALL COMMERCIAL USERS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 24 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation 24 to Ceiling Price Regulation 34 (CPR 34) applies to sellers of linen supply services located in the New York City metropolitan area. It establishes dollars and cents ceiling prices for sales to small commercial purchasers of the linen supply services as specified in Appendix A.

Previously, ceiling prices for sales of these services had been established by CPR 34, as amended.

While CPR 34 remains the regulation applicable to most service industries and to certain sales by sellers subject to this supplementary regulation, this action is taken in line with OPS policy of providing price controls better adapted to the specific nature and needs of particular service industries and to requirements for more effective administration and enforcement.

Generally, CPR 34 fixes a seller's ceiling price for sale of a service to a purchaser at the highest price at which he delivered the service or offered it for delivery to a purchaser of the same class during the base period (December 19, 1950, to January 25, 1951, inclusive). A purchaser of the same class is defined in the regulation as a purchaser belonging to a price class, i. e. group of purchasers to whom it was the seller's established practice in the base period to supply the service at a particular price different from that customarily charged other groups of purchasers. This definition further provides that a single purchaser constitutes a price class if that purchaser was customarily treated differently price-wise by the seller from all other purchasers. Section 12 (c) generally provides that a seller who customarily charged different purchasers different prices without regard to standards but on an individually negotiated basis must treat each purchaser as a separate class of purchaser. Such a seller was required to establish almost as many ceiling prices as he had customers in the base period. Section 12 (d) generally required this type of seller to compute the ceiling price for sale of a service to a new purchaser at the arithmetic average of his ceiling prices to purchasers in the same category as derived from his base period experience. It also imposed upon this seller the requirement that if he discontinued supplying a service to an old purchaser within one month before or after beginning to supply that service to a new purchaser, he was required to sell to the new purchaser at a price no higher than the ceiling price to the old purchaser he discontinued if the purchaser had been supplied the service during the base period at a price below the seller's average price to purchasers in the same category. Sections 12 (c) and (d) were designed to meet exceptional cases and as applied to the service trades generally have not constituted a burden upon sellers in computing ceiling prices.

Two central facts make departure from the freeze technique of CPR 34 appropriate and desirable in the case of sales by linen suppliers located in the New York City metropolitan area to small commercial purchasers of linen supply services. In the first place, the dollars and cents pricing technique is appropriate and desirable where a service industry furnishes a service which is generally uniform in nature from seller to seller. This technique is desirable also from the standpoint of simplicity and certainty of administration both for sellers subject to the regulation and for the OPS. The services covered by this supplementary regulation are generally uniform in their nature irrespective of which linen supplier furnishes it. In the second place, the peculiar nature of the linen supply industry in the New York City metropolitan area makes the application of CPR 34 to their pricing problems a difficult and burdensome task.

There are approximately 80 linen supply firms in the New York City metropolitan area. It has been estimated that they furnish linen supply services to approximately one hundred seventy-five thousand purchasers with a dollar sales volume of nearly $500,000 per week. Most of the contracts for sale of these services to smaller accounts have customarily been negotiated in this industry on an individual basis without regard to objective standards such as quantity of purchases or nature of the business or location of the purchaser. The basic reason for this type of sales pattern is the highly competitive nature of the industry. A consequence of this industry characteristic is the frequent movement from seller to seller of individual small purchasers. Another characteristic of this industry is the frequent purchase by one linen supplier from his competitor of existing customer routes. The result of this practice is to cause a movement from seller to seller of whole groups of purchasers. Generally the linen supply trade considers as a small account the restaurant which currently buys less than $75 a week of linen supply services or other buyers that currently buy less than $20 per week of the linen supply services. These smaller accounts include roughly 150,000 buyers whose purchases in dollars represent 50 percent of total dollar volume of the New York City linen suppliers. There are roughly 25,000 of larger accounts which represent the other 50 percent of dollar volume.

CPR 34, although well adapted for the bulk of the services industries, does not solve adequately the ceiling price problems of the linen supply industry in the New York City metropolitan area. Each seller in this industry must compute almost as many ceiling prices as the seller had customers in the base period, which often runs into the thousands. In addition, each seller is faced with the problem of determining ceiling prices for new purchasers acquired either through competitively lower prices offered them or through purchase of existing routes of competitors. To compute these ceiling prices the seller who customarily negotiates individual prices must find the arithmetic average of his ceiling prices derived from his base period sales experience. If, at the time of beginning to sell a new purchaser, the seller has within one month discontinued selling an old purchaser, he must make an individual analysis of his prices to the discontinued purchaser in the base period and may be required to use the latter's ceiling price instead of the arithmetic average of all ceiling prices derived from base period sales experience as the ceiling price to the new purchaser. Due to the multiplicity of customers which each seller has the amount of computations required becomes not only

a difficult operation but a time-consuming one as well.

The dollars and cents technique adopted by this supplementary regulation will not only simplify greatly the determination of ceiling prices by sellers subject to this regulation but will eliminate many of the difficulties of enforcement previously encountered in the administration of CPR 34.

This supplementary regulation applies only to sales of linen supply services to small commercial purchasers. Section 4 sets forth the technique for determining which commercial purchasers are large accounts and provides that all others are small accounts. Generally, a commercial purchaser is a large account if it purchased for use in other than restaurant facilities a volume of twenty or more dollars in the base calendar week or if it purchased for use in restaurant facilities a volume of seventy-five or more dollars in that week. This line of demarcation is supported generally by the practices of the New York City linen supply trade. On the basis of ceiling price adjustments previously granted under section 20 (a) of CPR 34 to sellers subject to this supplementary regulation it appears that the ceiling prices established by this regulation represent the present ceiling prices under CPR 34 for approximately half of the sales to small commercial purchasers. Sales of these services to large commercial purchasers remain subject to CPR 34 due to the relatively smaller number of purchasers involved and to differences in treatment of larger purchasers as recognized generally by the New York City linen supply industry. The establishment of uniform dollars and cents ceiling prices for large commercial purchasers of linen supply services from suppliers located in New York City is not feasible at this time because of very wide variations in the prices charged them.

In determining the level of ceiling prices established in this supplementary regulation, as well as the need for this regulation, the Director has considered the availability of price relief to individual members of this industry under the provisions of section 20 (a) of CPR 34. This section permits a seller of services to apply for an upward adjustment of his ceiling prices for sales of his services when his present ceiling prices impair his normal earnings, for a representative pre-Korean period, to such an extent that the effective operation of his service business is threatened. Among the factors which the Director considers in acting on an application under this section are the seller's post-Korean increases and decreases in cost, the earnings of the seller's services' business as well as the earnings of his entire business operation, change in sales volume, and the nature and size of the seller's business. Based upon data submitted by nine linen supply houses in the New York City metropolitan area, the Director found that each company was entitled to upward adjustment of their ceiling prices. The amount of the adjustment of ceiling prices granted varied from three to six percent. Study of other data indicates that many of the other sellers in this area would be entitled to price relief under the provisions of section 20 (a) of CPR 34. The issuance of this supplementary regulation on an area basis should substantially ease the administrative burden and avoid the otherwise necessary time lag involved in processing many individual applications under this section by sellers subject to this regulation and will generally give these sellers the price relief which, on the average, they would be entitled under section 20 (a) of CPR 34. Accordingly, section 2 (b) of this supplementary regulation provides that no seller subject to this regulation can obtain an adjustment of ceiling prices under section 20 (a) after its effective date; and it also revokes any adjustment orders previously issued by OPS under this section with respect to sales covered by this supplementary regulation.

The dollars and cents ceiling prices set forth for linen supply services listed in Appendix A have been determined basically upon the customary past prices for different sellers in the New York City metropolitan area for the same services rendered. In preference to weighted average prices of the different sellers, the modal price has been used as the basis for determination of the ceiling prices established by this supplementary regulation. The modal price is that price charged by these sellers to the greatest number of purchasers for each particular service item supplied. Although this supplementary regulation is not issued as an adjustment action, the dollars and cents ceiling prices established by it are on the average slightly above the modal prices so as to take into account fairly recent wage and other cost increases of the New York City linen supply industry and the impairment of normal pre-Korean earnings resulting from such cost increases. The ceiling prices established will result in some rollbacks of some service items for some suppliers. At any uniform ceiling price level established certain rollbacks are necessary unless the criterion of the highest price for a service item of a single supplier were followed which, of course, is not feasible for purposes of sound price control by a dollars and cents technique. Excluded from the scope of this linen supply services regulation are certain related services supplied to professional purchasers, linen supply services furnished to seasonal purchasers, related services purchased for home use, office towel services and commercial flat work services. These exclusions are designed to limit the scope of linen supply services covered by this regulation to a well defined segment of linen supply services in accordance with the industry pattern of the linen supply trade in New York City.

FINDINGS OF THE DIRECTOR OF PRICE STABILIZATION

In the judgment of the Director of Price Stabilization the ceiling prices established by this regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

As far as practical, in the formulation of this regulation, the Director of Price Stabilization has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to the prices prevailing during the period January 25 through February 24, 1951, as well as to the level of prices prevailing just before the issuance of this regulation; and to all relevant factors of general applicability.

In formulating this regulation, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Every effort has been made to conform this regulation to business practices existing with respect to the linen supply services covered in the regulation. Insofar as any provisions of this regulation may operate to compel changes in those business practices, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Relationship of this supplementary regulation to Ceiling Price Regulation 34.
3. Ceiling prices.
4. How to determine whether a commercial purchaser is a small or a large account.
5. Application for redesignation of account.
6. Invoices.
7. Interpretations.
8. Definitions.

AUTHORITY: Section 1 to 8 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, 3 CFR 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation applies to you if you are a seller of linen supply services located in the New York City area. It establishes dollars and cents ceiling prices for your sales of linen supply services listed in Appendix A to all commercial purchasers which are small accounts. Ceiling prices for these sales were previously established by Ceiling Price Regulation 34 (CPR 34). The terms "linen supply services", "New York City Area", and "commercial purchasers" are defined in section 8 of this regulation. Section 4 of this regulation tells you how to determine whether a commercial purchaser is a small or a large account. This regulation does not apply to sales of linen supply services to commercial purchasers which are large accounts, to professional or seasonal purchasers, or to purchasers for home use, as the foregoing terms are defined in section 8 of this regulation. This regulation also does not apply to sales of office towel or commercial flatwork services as these terms are defined in section 8 of this regulation.

SEC. 2. *Relationship of this supplementary regulation to Ceiling Price Regulation 34.* (a) Except to the extent they are modified by or are inconsistent with the provisions of this supplementary regulation, all provisions of CPR 34, as amended, shall continue to apply to you.

(b) You may not, after the effective date of this supplementary regulation, obtain an adjustment of ceiling prices under paragraphs (a) (1) and (2), (b), or (c) of section 20 of CPR 34 for your sales of linen supply services listed in Appendix A to commercial purchasers which are small accounts. Any order previously issued by the Office of Price Stabilization under these paragraphs and applicable to you is hereby revoked, upon the effective date of this regulation, as to your sales of linen supply services listed in Appendix A to commercial purchasers which are small accounts.

(c) The requirement contained in section 18 (c) of CPR 34, as amended, with respect to filing of supplemental statements of ceiling prices does not apply, as of the effective date of this supplementary regulation, to your sales of linen supply services listed in Appendix A to commercial purchasers which are small accounts.

SEC. 3. *Ceiling prices.* If you sell a linen supply service listed in Appendix A from an establishment located in the New York City Area, your ceiling price for a sale of that service to any commercial purchaser which is a small account as determined under section 4 of this regulation, shall be the price specified for that service in Appendix A. If you sell that service to a commercial purchaser which is a large account, your ceiling price for a sale of that service is the one previously established under the provisions of CPR 34, as amended.

SEC. 4. *How to determine whether a commercial purchaser is a small or a large account.* (a) (1) A commercial purchaser of linen supply services listed in Appendix A is a large account if it purchased for use in other than restaurant facilities a volume of twenty or more dollars of these services during the period specified in paragraph (b) of this section, or if it purchased for use in restaurant facilities, as defined in section 8 of this regulation, a volume of seventy-five or more dollars of these services during the period specified in paragraph (b) of this section, or if it is redesignated as a large account by order of the Director of the New York Regional Office of the Office of Price Stabilization in accordance with the provisions of section 5 of this regulation. All other commercial purchasers of these services are deemed to be small accounts.

(2) If a commercial purchaser purchased linen supply services for use in both restaurant facilities and other facilities during the period specified in paragraph (b) of this section, that buyer is a large account for all of those purchases if it would constitute a large account based upon its purchases for either type of facilities as described in subparagraph (1) of this paragraph.

(3) If a commercial purchaser operates more than one establishment, all of these establishments for which linen supply services listed in Appendix A were purchased during the period specified in paragraph (b) of this section shall, for the purposes of this supplementary regulation, be considered a single purchaser for the purpose of determining whether the commercial purchaser is a large account.

(b) For the purpose of making the status determination required in paragraph (a) of this section, you must select whichever of the following periods is applicable to you: the base week from Monday, July 28, 1952, to Sunday, August 3, 1952, inclusive, or of any seven consecutive days the first of which falls within that week if you customarily maintain your weekly records on the latter basis. If, however, a commercial purchaser did not purchase linen supply services listed in Appendix A from any seller during the base week applicable to you, the determination of whether that purchaser is a large account must be based upon its volume of these purchases during the first comparable full week, following the base week, in which you did supply these services to that purchaser. Until you have so determined the status of such a purchaser but in no event for more than 14 days after you first furnish linen supply services to such purchaser, your ceiling prices to such purchaser shall be those established by this supplementary regulation. After such time, your ceiling prices to that purchaser must be determined under either this supplementary regulation or CPR 34, whichever is applicable.

(c) If a commercial purchaser did not purchase linen supply services listed in Appendix A from you during the base week specified under paragraph (b) of this section but did purchase these services during that period from another seller subject to this supplementary regulation, you must determine from these purchases whether that purchaser is a large account. You may rely upon the statements of the purchaser concerning the dollar volume of his purchases of linen supply services from others during the base week.

SEC. 5. *Application for redesignation of nature of account.* (a) A seller subject to this supplementary regulation must, or a purchaser of linen supply services listed in Appendix A from that seller may apply in writing to the Director of the New York Regional Office of the Office of Price Stabilization for an order redesignating that purchaser as a large account or as a small account, whichever is applicable, if the applicant knows and can demonstrate that the purchaser has changed, as described in paragraph (b) of this section, the volume of his purchases of the linen supply services listed in Appendix A. The applicant must give in his application the information specified in paragraph (c) of this section. If the Director finds that the facts warrant a redesignation of the purchaser, either as a large account or as a small account, whichever is applicable, he will issue an order in writing establishing the new designation for the purchaser. Until the Director notifies an applicant in writing of the redesignation of a purchaser as a large account or as a small account, whichever is applicable, a seller subject to this regulation may not charge that purchaser prices higher than the ceiling prices previously applicable for sales of the linen supply services listed in Appendix A to that purchaser.

(b) Either of the persons referred to in paragraph (a) of this section should apply for an order redesignating the status of a purchaser from a seller subject to this regulation under the following circumstances:

(1) When that purchaser is presently classified as a small account under section 4 of this regulation and his purchases of linen supply services listed in Appendix A during any four consecutive weeks would for each of these weeks constitute that purchaser a large account according to the standards set forth in section 4 of this regulation; or

(2) When that purchaser is presently classified as a large account under section 4 of this regulation and his purchases of linen supply services listed in Appendix A during any four consecutive weeks would not for each of those weeks constitute that purchaser a large account according to the standards set forth in section 4 of this regulation.

(c) An application under this section must include the following information:

(1) Name and address of the seller and the purchaser;

(2) The period which constitutes the seller's base week, the dollar amount of the purchaser's purchases of linen supply services during that week, and the type of facilities for which the purchases were made, together with the present status of that purchaser (i. e. whether it is a large or a small account) if the status has changed since the base week;

(3) The four consecutive weeks upon which the applicant relies as the basis for seeking a redetermination of status of that purchaser;

(4) The dollar volume of purchases of linen supply services listed in Appendix A by that purchaser from the seller for each week referred to in subparagraph 3 of this paragraph.

SEC. 6. *Invoices.* In complying with the provisions of section 17 of CPR 34, as amended, you must supply sales slips, receipts, or invoices to purchasers which describe linen supply services furnished to such purchasers in the terms as used to describe those services in Appendix A of this supplementary regulation.

SEC. 7. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Regional Counsel of the New York Regional Office of the Office of Price Stabilization. Any action taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this supplementary regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, revised.

SEC. 8. *Definitions.* When used in this supplementary regulation, the term:

(a) "Linen supply services" means the supplying to others on a rental basis of clean laundered linens or garments listed in Appendix A by the owner of these items. The term "linen" as used in this definition, is not confined to articles made of linen textiles, but includes articles consisting of any fabric which are commonly laundered as distinguished from being dry cleaned.

(b) "Commercial purchaser" means a person who buys linen supply services in connection with the operation of his business, such as a restaurant, hotel, hospital, barber shop, or other similar businesses.

(c) "New York City Area" means the following counties of the State of New York: New York, Kings, Queens, Bronx, Richmond, Nassau, Suffolk and Westchester.

(d) "Small account" means a commercial purchaser of linen supply services listed in Appendix A which is not a large account as described in section 4 of this regulation.

(e) "Large account". Section 4 of this regulation tells you how to determine whether a commercial purchaser of linen supply services listed in Appendix A is a large account.

(f) "Professional purchaser" means a member of the medical or dental profession who purchases linen supply services for use in his professional office.

(g) "Seasonal purchaser" means a commercial purchaser who normally and in the regular course of business purchases linen supply services listed in Appendix A during less than six consecutive months of each year.

(h) "Purchaser for home use" means a person who purchases linen supply services for a use in his home unconnected with the operation of a business.

(i) "Office towel service" means the supplying to others for use in offices on a rental basis of clean laundered towels, owned by the supplier, which are delivered at regular intervals and normally at a specified price per month based upon the quantity of towels used.

(j) "Commercial flatwork service" means laundry services supplied by a seller on linens, flatwork or garments owned by the purchaser of the services.

(k) "Restaurant facilities" means the facilities normally provided by a public or private eating place serving food or beverages operated either as a separate business or as a department of a business, such as a hotel or department store.

Effective date. This supplementary regulation is effective August 27, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

APPENDIX A—CEILING PRICES FOR LINEN SUPPLY SERVICE ITEMS

The terms used below to describe linen supply service items shall have the meaning customary to the linen supply service trade in the New York City Area. You must follow the customary practice of the trade in replacing at normal intervals and under customary conditions the items of linen supply service furnished to purchasers. The term "special", as used in this Appendix, means an item which has a special trim or embroidery or an item which is not plain white.

Item	Per piece	Per hundred pieces
1. Aprons, plain	$0.105	
2. Aprons, bib	.11	
3. Aprons, industrial	.20	
4. Coats, plain	.42	
5. Coats, special	.47	
6. Dresses, smocks, and Hoover	.55	
7. Dresses, bungalows	.40	
8. Dresses, special	.60	
9. Gowns, regular	.55	
10. Gowns, special	.60	
11. Hair cloths furnished to barber shops	.16	
12. Hair cloths furnished to beauty shops	.16	
13. Mops	.06	
14. Napkins, 16-inch		$1.50
15. Napkins, 18-inch		1.65
16. Napkins, 22-inch mercerized		2.10
17. Pants, regular	.41	
18. Pants, special	.45	
19. Pillow cases	.09	
20. Shave cloths	.10	
21. Sheets	.19	
22. Shirts, regular	.35	
23. Shirts, special	.40	
24. Suits (special pants and special shirts)	.80	
25. Tablecloth, regular, white up to 64-inch	.18	
26. Table tops, white cotton	.10	
27. Towels, bath, small 18 by 26 or smaller	.085	
28. Towels, bath, large over 18 by 36	.10	
29. Towels, glass, side, kitchen, grade 1	.06	
30. Towels, hand	.05	
31. Towels, kitchen, grade 2	.04	
32. Towels, rag	.02	
33. Towels, 16 by 32, furnished to barber shops		2.15
34. Towels, 16 by 32, furnished to beauty shops		2.55
35. Towels, 18 by 36, furnished to barber shops		2.50
36. Towels, 18 by 36, furnished to beauty shops		2.75
37. Towels, massage, furnished to barber shops	.055	
38. Towels, massage, furnished to beauty shops	.06	

[F. R. Doc. 52-9395; Filed, Aug. 22, 1952; 11:45 a. m.]

[Ceiling Price Regulation 126, Interpretation 1]

CPR 126—CEILING PRICES FOR PACIFIC NORTHWEST DOUGLAS FIR AND PONDEROSA PINE POLES AND PILING

INT. 1—SR 87 (GCPR) MARKUPS MAY NOT BE ADDED TO CPR 126 CEILINGS (SEC. 1)

Ceiling Price Regulation 126 establishes ceiling prices for Pacific Northwest Douglas Fir and Ponderosa Pine Poles and Piling. The question has arisen whether a reseller may add to the ceiling prices of an item within the coverage of CPR 126 the markup provided for in Supplementary Regulation 87 to the General Ceiling Price Regulation.

Such an addition to the ceiling price is not permissible.

Section 3 (b) (1) of SR 87 to the GCPR excludes from the coverage of SR 87 "resellers to whom a specific regulation has been or shall be made to apply". CPR 126 is such a specific regulation. Section 1 of CPR 126 states that the ceiling prices established by CPR 126 are for "all sales" or "the sales" of the items covered therein. The words "all sales" or "the sales" include sales by resellers. Therefore, SR 87 to the GCPR does not apply to resellers selling items subject to CPR 126.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

WILLIAM C. BURT,
Acting Chief Counsel,
Office of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9399; Filed, Aug. 22, 1952; 4:00 p. m.]

[Ceiling Price Regulation 166]

CPR 166—CEILING PRICES FOR TEXTILE PRODUCTS SOLD IN PUERTO RICO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Ceiling Price Regulation 166 is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for textile products sold in Puerto Rico at various levels of distribution. This regulation supersedes the General Ceiling Price Regulation for sales of textile products manufactured in Puerto Rico and Ceiling Price Regulation 9 for sales of textile products imported from the United States and other countries.

Sales of textile products by religious or charitable institutions, by manufacturers of textile products manufactured in their own factories, and by custom tailors and dressmakers, are excluded from this regulation. Those sales continue to be covered by the General Ceiling Price Regulation.

The General Ceiling Price Regulation froze prices of textile products in Puerto Rico on the basis of the highest prices charged during the base period, December 19, 1950, to January 25, 1951. Ceiling Price Regulation 9 issued subsequently and applying only to commodities not manufactured or processed in Puerto Rico, established ceiling prices based on cost plus either the dollar and cent or the percentage markup received during the same base period as the General Ceiling Price Regulation, December 19, 1950, to January 25, 1951.

Imports of textile products into Puerto Rico increased materially soon after the outbreak in Korea. Due to anticipated shortages, merchants in their desire to increase their inventories bought large quantities of textile products thus creating a situation where the quantity of textile products available for consumption surpassed the demand. These large inventories caused the index of import prices to fall while the index of retail prices rose. These speculative markups prevailed during the base period of Ceiling Price Regulation 9, and thus became the basis for inflated ceiling prices not properly related to customary pre-Korea cost-price relationships.

In addition, although Ceiling Price Regulation 9 has proved a satisfactory interim regulation for distributors of textile products, many problems have been encountered in administering it due to the absence of written records of base period sales by a large number of sellers on which to base their markups. This condition, of course, made compliance and enforcement difficult. The issuance of a tailored regulation for sales of textile products in Puerto Rico is necessary to meet the problems of an unbalanced price structure resulting from speculative markups and the complexity of administration of Ceiling Price Regulation 9.

For the purpose of this regulation, textile products are divided into two groups, Group I comprising all textiles not listed in Group II, and Group II comprising certain textile products listed in section 1 of the regulation. Ceiling prices based on a percentage markup over cost are established for both groups. These markups were determined upon the basis of an island-wide survey and represents the prevailing markups over cost realized by Puerto Rican distributors of textile products immediately prior to Korea.

Provision is made for sales of textile products in job lots, consisting of merchandise generally classified as seconds, imperfects, substandards, remnants, and bad dies, for which Puerto Rico has always been a good market. Such special provisions are necessary as textile products in job lots are not customarily priced in the usual price pattern of regular textile products. Uniform markups are provided for sales of job lots, intact, as received, as well as when they are sold in pieces or when the job lots contain articles included in both Group I and II of textile products.

This regulation requires that sellers of textile products shall prepare and keep a textile reference book, in which they must enter, prior to the offer for sale or sale of textile products, the information required by section 5 of the regulation. The suggested form of reference book is substantially the same as that suggested for use during World War II by the Office of Price Administration. OPA's experience demonstrated the value of the reference book in securing compliance. At the same time, textile merchants in Puerto Rico acquired a system of keeping records of purchases and sales which many of them are still using.

The regulation also permits the pricing of fair trade commodities as now provided for in Supplementary Regulation 1 to Ceiling Price Regulation 9, and of commodities with uniform prices authorized to the manufacturer as now provided for in Supplementary Regulation 3 to Ceiling Price Regulation 9.

In the formulation of this regulation, there has been consultation with industry representatives, including trade associations, and consideration has been given to their recommendations. This consultation included meetings with the Industry Advisory Committee for Textiles. In the judgment of the Director, the provisions of this regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

Every effort has been made to conform this regulation to existing business practices, cost practices, or methods or means or aids to distribution. Insofar as any provision of this regulation may operate to compel changes in the business practices, cost practices, or methods or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent certain circumventions or evasions of this regulation.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Geographical application.
3. Ceiling prices for textile products.
4. Identification of textile products.
5. Textile reference book.
6. Modification of ceiling prices by Director of Price Stabilization.
7. Petitions for amendment.
8. Taxes.
9. Transfer of business.
10. Methods of delivery and terms of sale.
11. Calculations of ceiling prices involving fractions.
12. Fair trade commodities.
13. Branded commodities.
14. Ceiling prices for different cost inventories.
15. Notification and posting.
16. Sales slips and receipts.
17. Records.
18. Interpretations.
19. Prohibitions and violations.
20. Evasions.
21. Definitions and explanations.

AUTHORITY: Sections 1 to 21 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Sup.

SECTION 1. *What this regulation does.* (a) This regulation establishes ceiling prices for textile products at various levels of distribution. These new ceiling prices, after the effective date of this regulation, will supersede the ceiling prices established under any other price regulations or orders heretofore issued by the Office of Price Stabilization. This regulation is not applicable to sales of textile products by religious or charitable institutions, by manufacturers of textile products manufactured in their own factory, and by custom tailors and dressmakers.

(b) The term "textile products" when used in this regulation means a manufactured material or article consisting in chief part of wool or other animal fiber, cotton, rayon, silk, linen, or synthetic fiber by whatever process manufactured. For the purpose of this regulation, articles included within the definition of the term "textile products" are divided into two groups as follows:

GROUP I:
All textile products except headwear, footwear, and articles included in Group II.

GROUP II:
Lace, ribbon, crochet thread, hand knitting yarn, frogs, fringes, braids and edgings.
Sewing thread.
Slips, panties and brassieres.
Girdles.
Undershirts and drawers.
Children dresses and suits (sizes 12 or under in dresses and 16 or under in suits).
Nightgowns and pajamas.
Neckties.
Handkerchiefs.
Tablecloth and napkins.
Umbrellas.
Women's dresses with a delivered cost over $7.50 each.
Men's suits with a delivered cost over $20 each.
Trousers with a delivered cost over $7.50 each.

SEC. 2. *Geographical application.* This regulation is applicable only in Puerto Rico.

SEC. 3. *Ceiling prices for textile products*—(a) *Not part of job lot.* Your ceiling price for the sale of any textile product which is not part of a job lot is the delivered cost (as defined in section 21 of this regulation) multiplied by the applicable factor below:

Group	Sale at wholesale	Sale at retail
I	1.20	1.50
II	1.22	1.60

(b) *Job lots*—(1) *Sold intact, as received.* Your ceiling price for the sale of a job lot of textile products sold intact, as received, is the delivered cost of the job lot multiplied by the applicable factor set forth in paragraph (a) of this section.

(2) *Different products in a job lot.* Your ceiling price for the sale of individual articles included in a job lot of textile products are those prices which when added together will not exceed the ceiling price of the job lot when sold intact.

(3) *Job lot consisting of articles in Group I and Group II.* Your ceiling price for the sale of a job lot of textile products consisting of articles in both Group I and Group II (as defined in section 1 of this regulation) is the delivered cost multiplied by the lowest applicable factor (set forth in paragraph (a) of this section) to any article in the lot.

SEC. 4. *Identification of textile products.* You must assign a separate reference stock number to each shipment of a commodity, all the items of which have the same delivered cost, and must clearly identify the physical merchandise with the reference stock number by use of a label, tag, slip, sticker, mark or other similar appropriate marking.

SEC. 5. *Textile Reference Book.* (a) If your net sales for the last completed fiscal year which ended no later than December 31, 1951, were $6,000 or more, you must prepare a reference book (suggested form of which is contained in Appendix A to this regulation), which shall be kept by you and made available to the Office of Price Stabilization for examination on request, and in which you must enter, prior to the time any textile product included in this regulation is sold or offered for sale, the following information for each lot of an article, including job lots, contained in a shipment of textile products:

(1) Your own and your supplier's reference stock number.

(2) The unit in which you received delivery.

(3) The name of the commodity.

(4) The name and address of the supplier from whom the commodity was purchased.

(5) The date of delivery to you.
(6) The delivered cost per unit.
(7) The factor used in computing the ceiling price.
(8) The selling price per unit.

(b) If the commodity listed is a job lot, you must, in the column headed "Description of the Commodity", list all of the commodities in the job lot; in the column headed "Selling Price per Unit", list the selling price of each of the commodities in the job lot. The total of the individual selling prices must not exceed the ceiling price for the total job lot.

(c) All entries in the Textile Reference Book must be made in numerical sequence. Textile products received by you which are identical to products previously entered in the reference book must be re-entered under a new reference stock number.

SEC. 6. *Modification of ceiling prices by the Director of Price Stabilization.* The Director of Price Stabilization may at any time disapprove or reduce ceiling prices established under this regulation so as to bring them into line with the level of ceiling prices otherwise established by this regulation.

SEC. 7. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation 1, Revised.

SEC. 8. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a retail sale of any item or items covered by this regulation if you state the tax separately and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 9. *Transfer of business.* If the business, assets or stock-in trade of any business dealing in the commodities covered by this regulation is sold or otherwise transferred after the effective date of this regulation, the ceiling prices of the transferee shall be the same as those which his transferor would have been subject to if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor must turn over to the transferee prior to the transfer all records of transactions, including the textile reference book, which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 10. *Methods of delivery and terms of sale.* You are prohibited from changing your customary methods of delivery, terms, discounts, allowances, price differential or services supplied on sales of the commodities covered by this regulation, if the change would result in a higher price.

SEC. 11. *Calculations of ceiling prices involving fractions.* Fractions of a cent remaining after calculation of prices shall be dropped if the fraction is less than one-half cent and may be increased to the nearest higher cent if the fraction is one-half cent or more.

SEC. 12. *Fair trade commodities.* The ceiling prices established by this regulation may be adjusted in certain situations to minimum prices established under the Territorial Fair Trade Act of Puerto Rico, as follows:

(a) *Minimum prices established under Supplementary Regulation 1 to Ceiling Price Regulation 9.* Sellers of textile products covered by this regulation who have applied for and established minimum prices under the Territorial Fair Trade Act of Puerto Rico, in accordance with Supplementary Regulation 1 to Ceiling Price Regulation 9, may file an application with the Territorial Director of the Office of Price Stabilization for permission to continue to use such minimum prices. The application must state:

(1) The name and address of the applicant.

(2) The date on which the application required by Supplementary Regulation 1 to Ceiling Price Regulation 9 was filed with the Territorial Director of the Office of Price Stabilization, and the number of the order issued pursuant to that application.

(b) *Adjustment of ceiling prices established by this regulation to minimum prices established under the Territorial Fair Trade Act of Puerto Rico*—(1) *Who may apply.* Any seller seeking an adjustment under this regulation must file an application in accordance with Price Procedural Regulation 1, Revised, with the Territorial Director of the Office of Price Stabilization in Puerto Rico. The application shall state the following facts: Either (i) that his ceiling price for any commodity established by this regulation is less than the minimum price at which he was lawfully required to sell the commodity during the base period provided for in SR 1 to CPR 9, December 19, 1950, to January 25, 1951, under the provisions of a Territorial Fair Trade Act, and that he himself actually signed a fair trade minimum price contract or that the basic fair trade agreement was entered into in intraterritorial rather than interstate commerce and that the Territorial Fair Trade Act required non-signers who had notice, to comply; or (ii) that he has been permanently enjoined by a court from selling the commodity at less than such minimum price.

(2) *Amount of adjustment.* If the Office of Price Stabilization finds that the requirements of subparagraph (1) of this paragraph are met, the Director of the Office of Price Stabilization or his delegatee will issue an order permitting the ceiling price of the seller to be increased to the fair trade minimum price.

(c) Any person selling an article, the ceiling price for which is established under an order issued under this section of this regulation, need not prepare or maintain records showing how the ceiling price was determined for that article, as required by section 5 and section 17 of this regulation.

SEC. 13. *Branded commodities*—(a) *Uniform ceiling prices established under Supplementary Regulation 3 to Ceiling Price Regulation 9.* Sellers of branded textile products covered by this regulation, for which uniform dollar and cent ceiling prices have been established in Puerto Rico under Supplementary Regulation 3 to Ceiling Price Regulation 9, may continue to sell those commodities at the ceiling prices so established.

(b) *Establishment of uniform ceiling prices for branded textile products sold in Puerto Rico*—(1) *How retail ceiling prices are established.* The Director of Price Stabilization may, by order, upon application by the manufacturer who qualifies under section 12 (b) (1), of this regulation, establish uniform dollar and cents retail ceiling prices for branded textile products covered by this regulation sold in Puerto Rico whenever it appears, upon investigation by the Territorial Director of Price Stabilization, that:

(i) The article (or an article of the same type) was sold at retail in Puerto Rico at substantially uniform prices for a period immediately prior to January 26, 1951, and

(ii) The Director of Price Stabilization has previously, by order, established a uniform retail ceiling price for the article in the continental United States, and

(iii) The ceiling price requested for the article is no higher than the existing level of ceiling prices under this regulation.

(2) *How wholesale ceiling prices are established.* The Director of Price Stabilization may, by order, upon application by the manufacturer for a retail ceiling price, also establish a uniform wholesale ceiling price for branded textile products covered by this regulation whenever it appears, upon investigation by the Territorial Director of Price Stabilization, that:

(i) The applicant had a policy of uniform prices for sales in Puerto Rico at wholesale, for his branded merchandise for a period immediately prior to January 26, 1951, and can establish that the merchandise when sold at wholesale in Puerto Rico was sold at substantially uniform prices.

(3) *What the order may contain.* (i) An order may be issued under this section establishing uniform ceiling prices for all retail sales, or sales at wholesale, of an article covered by this regulation, although such sales may not otherwise be subject to this regulation.

(ii) Orders issued under this paragraph will generally include a provision requiring the applicant to tag or ticket the article or its container with the retail ceiling price as established under this regulation, and other specified information.

(iii) An order issued under this paragraph will require the applicant to send copies of the order and any subsequent amendments thereto to those purchasers for sale, of the articles covered by the order.

(iv) An order issued under this paragraph will ordinarily be in the form of applicant's selling price and retail ceiling price relationships. Such an order will ordinarily require the applicant to submit, from time to time as specified in the order, an identification of the articles which he is pricing pursuant to the terms of the order, and changes in his customers. Such an order in appropriate instances may also establish wholesale ceiling prices.

(4) *Who may apply.* (i) A manufacturer of a wholesaler of a branded textile product covered by this regulation selling at wholesale in Puerto Rico may apply under this paragraph if he can submit the information required by subparagraph (5) of this paragraph.

(ii) A group of manufacturers selling the same article in Puerto Rico under the same brand name may apply as a group under this paragraph if they can submit the information required by subparagraph (5) of this paragraph.

(5) *What the application must contain.* Two copies of each application must be filed with the Regional Director, Region 14, Office of Price Stabilization, Washington 25, D. C. The application must contain the following:

(i) Business name and address of the applicant.

(ii) An identification of the article for which the ceiling price is sought, including:

(a) The brand name identifying the article, and its style or lot number.

(b) An identification of the order issued by the Office of Price Stabilization under which his uniform ceiling price was established in the continental United States.

(c) His most recent invoice price and terms to various classes of retailers and wholesalers in Puerto Rico and in the continental United States.

(d) His suggested retail price, if any, for Puerto Rico immediately prior to January 26, 1951. (If he had a suggested retail price prior to January 26, 1951, he should submit evidence to show his method of retail price maintenance, such as national advertising, catalogues sent to retailers, advertising mats furnished retailers, etc. If he has no suggested retail price prior to January 26, 1951, or did not attempt to enforce his suggested retail price, but can show that the article sold at substantially uniform prices, he should submit a list of the names and addresses of all of his retailer-customers in Puerto Rico giving their retail selling price of the article immediately prior to January 26, 1951.)

(e) His suggested price for sales at wholesale, if any, in Puerto Rico, immediately prior to January 26, 1951 (including evidence to show his method of price maintenance), or if he has no such suggested price prior to January 26, 1951, or did not attempt to enforce such suggested price but can show that the merchandise was sold at substantially uniform prices, he should submit evidence similar to that specified for retail prices in subdivision (d) of this subparagraph.

(iii) The uniform retail and wholesale ceiling prices requested for the article in Puerto Rico.

(iv) In the case of wholesalers applying under this paragraph, the name and address of the manufacturer of the article and the manufacturer's style or lot numbers.

(v) In the case of a group of manufacturers applying for a single order covering the articles manufactured in common by the group, the application must contain, in addition to the requirements of subdivision (ii) of subparagraph (4) of this paragraph, a statement that each manufacturer of the group, who sold the article, maintained the same retail prices on the same article with the same brand.

(6) Any person selling an article, the ceiling price for which is established under an order issued under this section of the regulation, need not prepare or maintain records showing how the ceiling price was determined for that article, as required by section 5 and section 17 of this regulation.

SEC. 14. *Ceiling Prices for different cost inventories.* When you have purchased a commodity under separate invoices at different prices and you have in inventory identical items at different cost, your ceiling price for your entire inventory of identical items must be determined by one of the following methods. You must elect which of the three methods you will follow, and once having made that election you may not change to another method until you are authorized in writing to do so by the Territorial Director of the Office of Price Stabilization.

(a) *Last delivered cost.* Your ceiling price must be computed on the basis of the last delivered cost, provided the units of the commodity included in the last delivered cost are not less than 33 percent of inventory on hand (including units last received) of identical commodities at date of invoice corresponding to the last delivered cost.

(b) *First in-first out method.* You must compute the ceiling price for the number of identical items in your inventory listed in the first invoice received on the basis of that invoice cost and then compute the ceiling price for the number of identical items corresponding to the number of identical items received under the next succeeding invoice, and so on in chronological order.

(c) *Weighted average.* You must compute your ceiling prices on the basis of your weighted average delivered cost calculated as follows:

(1) Multiply each different delivered cost by the number of identical units in your inventory having such delivered cost. Add the products of the multiplication and divide this sum by the total number of identical items in the inventory. The quotient of this division is the weighted average delivered cost.

(2) Whenever you receive a new shipment of identical items at a cost which is different from the weighted average direct cost as determined in the next preceding calculation, and such shipment constitutes a quantity not less than 33 percent of inventory on hand (including units last received) you must recompute your ceiling price. The weighted average direct cost as determined in the next preceding calculation must be used as the direct cost of items on inventory before the new shipment was received. "Identical items" as used in this section means items of a commodity which normally sell at the same price and are generally regarded in the trade as identical.

SEC. 15. *Notification and posting*—(a) *Notification to purchasers, other than retail.* On and after the effective date of this regulation every seller of the commodities covered by this regulation, except at retail, shall, with each delivery, supply the purchaser with a statement of the ceiling prices of the commodities at time of delivery as follows: "The Office of Price Stabilization has established ceiling prices for this commodity at $____ on sales at wholesale and at $____ on sales at retail." The statement shall also indicate the seller's reference stock number, a notation of the section of this regulation under which the ceiling price has been determined, and the number and description of units sold.

(b) *Posting.* At all times, every seller offering to sell at retail the commodities covered by this regulation shall mark the selling prices of such commodity in a manner plainly visible to and understandable by the purchasing public. The selling price displayed must never exceed the ceiling price. The selling price may be marked on the commodity itself or may be posted at the place in the establishment where the commodity is offered for sale.

SEC. 16. *Sales slips and receipts.* Every seller of the commodities covered by this regulation who has customarily given purchasers sales slips or receipts, shall continue to do so. Upon request from a purchaser every seller of such commodity, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity and description of the commodity and the price received for it.

SEC. 17. *Records.* If you are a seller of textile products of which you are the first purchaser in Puerto Rico, you must, in addition to the textile reference book provided in section 4 of this regulation, keep for examination by the Director of Price Stabilization for a period of two years, records, including purchase invoices, showing the basis upon which delivered cost (as defined in section 21 of this regulation) was computed.

SEC. 18. *Interpretations.* If you want an official interpretation of this regulation, you should write to the Territorial Counsel of the Office of Price Stabilization in Puerto Rico. Any section taken by you in reliance upon and in conformity with a written official interpretation will constitute action in good faith pursuant to this regulation. Further information on obtaining official interpretations is contained in Price Procedural Regulation 1, Revised.

SEC. 19. *Prohibitions and violations.* (a) You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically, but not in limitation of the above, you shall not, regardless of any contract or other obligation, sell and no person in the regular course of trade or business shall buy from you at a price higher than the ceiling prices established by this regulation, and you shall keep, make, and preserve true and accurate records and reports required by this regulation. Prices lower than the ceiling prices may be charged, paid, or offered.

(b) If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and actions for damages.

(c) If any person subject to this regulation fails to prepare or keep any record or file any report required by this regulation in connection with the establishment of his ceiling price, or if any person subject to this regulation fails to establish a ceiling price or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so the Director of Price Stabilization may issue an order fixing his ceiling prices. Any ceiling price fixed in this manner will be in line with ceiling prices generally established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 20. *Evasions.* Any means or device which results in obtaining indirectly a higher price than is permitted by this regulation, or in concealing or falsely representing information as to which this regulation requires records to be kept, is a violation of this regulation. This prohibition includes, but is not limited to means or devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, upgrading, tie-in-agreements, and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 21. *Definitions and explanations.* (a) "Custom tailor and dressmaker" means manufacturers who sell to ultimate consumers in their own establishment, garments manufactured by them to individual specifications and at the special order of such ultimate consumers.

(b) "Delivered cost." This term means the sum of the following amounts, if separately stated, but includes only the amounts actually incurred by you:

(i) Net invoice cost (as defined in paragraph (d) of this section) to the first purchaser in Puerto Rico.

(ii) Transportation costs from point of manufacture to point of delivery. If during the period December 19, 1950 to January 25, 1951, you had in effect a method of averaging transportation costs, you must continue to use that method of averaging transportation cost.

(iii) Taxes.

(iv) Insurance.

(c) "Job lot" means a single purchase of a group of units of textile products, all of which in trade terms are "remnants," "shorts," "seconds," "pound goods," "imperfects," "close cuts," or "substandards."

(d) "Net invoice cost." This term refers to your invoice cost, less any discount you took, or could have taken, except the discount for prompt payment.

(e) "Person." This term includes any individual, corporation, partnership, association, or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or its political subdivisions or agencies.

(f) "Records." This term means books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other papers and documents.

(g) "Reference stock number" means the number employed by the manufacturer or supplier and the seller to identify a textile product.

(h) "Sales at retail" and "retailer." Sale at retail means a sale to a person who buys the particular commodity for his own consumption or that of his household, or a sale to commercial, industrial, institutional, or governmental users when such users buy the commodities covered by this regulation from retailers who have always sold such commodities at retail prices without regard to the class of purchaser. A seller who in the regular course of trade or business makes sales at retail is a retailer.

(i) "Sale at wholesale" and "wholesaler." Sale at wholesale means sales to retailers or to commercial, industrial, institutional, or governmental users. A person, who in the regular course of trade or business makes sales at wholesale is a wholesaler.

(j) "Textile reference book" means a book containing the seller's descriptive entries of the stock which he has on hand and which he is offering for sale.

(k) "Textile products" as used in this regulation is defined in section 1.

(l) "You." The pronoun "you" as used in this regulation indicates the person subject to the regulation.

Effective date. This regulation shall become effective August 27, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9400; Filed, Aug. 22, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Interpretation 59]

GCPR, INT. 59—WHERE MANUFACTURERS SELL A DESKIDDED TIRE THE DESKIDDED TIRE IS A NEW COMMODITY AND DOES NOT REPRESENT THE SALE OF A SEPARATE SERVICE (GENERAL)

A seller of automobile tires offered certain tires for sale during the GCPR base period. Subsequently, the seller introduced a new process whereby he places narrow sharp incisions in the tread of a tire. The purpose of the operation, described as "deskidding," is to make the tire more resistant to skidding. The seller now proposes to sell the tires in the same form in which he sold them during the GCPR base period or, at the option of the purchaser, in the deskidded form. The question is thus presented whether in selling a deskidded tire, the seller is selling a new commodity, the ceiling price for which is to be determined under the GCPR, or whether he is selling a tire together with the separate service of deskidding, in which latter case his ceiling price under CPR 34 for the service of deskidding may be added to the ceiling price applicable to the undeskidded tire.

When a seller supplies a purchaser with a tire which has been deskidded by the seller at the request of the purchaser, the seller is selling a new commodity, a deskidded tire, rather than a tire plus the service of deskidding. The ceiling price for the deskidded tire is to be determined under the GCPR, which regulation governs ceiling prices applicable to sales of tires by manufacturers and resellers.

The sale of deskidded tires is distinguishable from the type of case where a vehicle owner drives into the place of business of a tire dealer and arranges for the removal of tires from his vehicle for the purpose of having them deskidded, in which case the ceiling price for the service rendered would be determinable under CPR 34, the services regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9401; Filed, Aug. 22, 1952; 4:00 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 115]

GCPR, SR 115—CEILING PRICES FOR MANUFACTURERS OF NEW WOODEN POTATO BARRELS PRODUCED IN MAINE AND SOLD FOR DELIVERY TO POTATO GROWERS AND POTATO DISTRIBUTORS IN AROOSTOOK COUNTY, MAINE

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 and Economic Stabilization Agency General Order No. 2, this Supplementary Regulation No. 115 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This supplementary regulation to the General Ceiling Price Regulation establishes new ceiling prices at the manufacturing level for wooden potato barrels produced in Maine and sold for delivery to potato growers and distributors in Aroostook County, Maine.

Aroostook County, the northernmost county of the state, is the dominant potato growing area in Maine. Most of the potato barrels manufactured in Maine are produced in Aroostook County.

Potato barrels are used in the field in harvesting the potato crop, in transporting it to storage bins, and as temporary containers in the sorting, grading, and preparation of the potatoes for shipment. They are not generally used as shipping containers.

Because of the small time interval between the growing season and the onset of freezing weather, speed is essential in harvesting the Aroostook County potato crop. Consequently, an adequate supply of barrels is essential to assure the quick removal of the crop from the ground.

Fifteen potato barrel producers in Aroostook County manufacture about fifty thousand wooden potato barrels annually, with a total sales volume of approximately one hundred thousand dollars. Each manufacturer has, on the average, three employees.

Under this supplementary regulation each manufacturer may recalculate his ceiling prices by adding thirty percent to the ceiling prices which he established under the General Ceiling Price Regulation for sales of wooden potato barrels of the same quality and specifications.

This supplementary regulation is issued as an emergency measure to provide relief needed by the manufacturers, and thereby to encourage sufficient production for harvesting the 1952 potato crop in Aroostook County. Because December 19, 1950 to January 25, 1951, the base period of the GCPR, was a period of mid-winter inactivity for this industry, barrel manufacturers established their ceiling prices at the pre-Korean level that existed in the preceding summer of 1950. The prices prevailing in June 1950 were based on material costs that prevailed six to nine months previously, and do not reflect post-Korean increases in raw material and labor costs. Moreover, market prices for potato barrels were depressed in the summer of 1950, as the result of an influx of inferior barrels, which have since disappeared from the market.

A producer who cannot determine his ceiling price for a barrel under this supplementary regulation may apply to the OPS for the establishment of a ceiling price, under section 7 of the General Ceiling Price Regulation.

Although potato barrels are essential in harvesting the potato crop in Aroostook County, they constitute an insignificant part of the total cost of the crop. Consequently, this action should have little, if any, effect on the market price of potatoes.

In the judgment of the Director of Price Stabilization, the provisions of this supplementary regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

So far as practicable, the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objective of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24 to June 24, 1950, inclusive; to prices prevailing January 25 to February 24, 1951, inclusive; to prices prevailing just before the issuance of this supplementary regulation, and to relevant factors of general applicability.

In the formulation of this supplementary regulation, there has been consultation with industry representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. What this supplementary regulation does.
2. Ceiling prices for wooden potato barrels.
3. Definition.
4. Incorporation of GCPR provisions.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation supersedes sections 3, 4 and 6 of the General Ceiling Price Regulation with respect to manufacturers' sales of new wooden potato barrels produced in Maine, and sold for delivery to potato growers and potato distributors in Aroostook County, Maine, and establishes new ceiling prices for such sales.

SEC. 2. *Ceiling prices for wooden potato barrels.* The ceiling prices established under the General Ceiling Price Regulation for manufacturers' sales of new wooden potato barrels produced in Maine, and sold for delivery to potato growers and potato distributors in Aroostook County, Maine, are hereby increased thirty percent.

SEC. 3. *Definition.* When used in this supplementary regulation, the term "wooden potato barrels" shall mean barrels made from cedar staves sawed from cedar blocks, having cleated cedar bottoms, and ash or elm hoops, with a capacity of at least 2¾ bushels, or approximately 165 pounds of potatoes.

SEC. 4. *Incorporation of GCPR Provisions.* Except as herein specifically modified, all of the provisions of the General Ceiling Price Regulation remain in effect.

Effective date. This supplementary regulation shall become effective August 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9398; Filed, Aug. 22, 1952; 11:45 a. m.]

[General Overriding Regulation 23, Amdt. 4]

GOR 23—TERRITORIAL EXEMPTIONS

EXEMPTION OF MEALS SERVED BY AMERICAN PLAN HOTELS AND BOARDING HOUSES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 4 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

Several American plan hotels and company owned boarding houses in the territories and possessions of the United States have pointed out to the Office of Price Stabilization the difficulties of operating their establishments because of the difficulties in separating costs attributable to their American plan operation under CPR 11, and costs attributable to their regular restaurant operations under CPR 120. Such administrative difficulties have been especially highlighted in areas where the Office of Rent Stabilization does not function. Several hotels and boarding houses in such areas have increased their flat charges for meals and lodging, and attributed such increase to increased rates for rent. In such cases it has proven extremely difficult to properly administer the applicable regulation.

In the opinion of the Director, the difficulties of continuing ceiling price restrictions imposed on meals served by American plan hotels and boarding houses, in areas not subject to rent control, would involve an administrative and enforcement burden out of all proportion to the importance of keeping them under price control. This amendment therefore, exempts from all Office of Price Stabilization regulation, American plan hotels and boarding houses, in the territories, which are not subject to rent control.

In the formulation of this amendment there has been consultation with representatives of the industry in the Territories, and consideration has been given to their recommendations. In the opinion of the Director this amendment is fair and equitable and is consistent with the purposes of the Defense Production Act of 1950 as amended.

AMENDATORY PROVISIONS

1. Section 2.2 of General Overriding Regulation 23 is amended by adding a new paragraph (f) following the present paragraph (e), as follows:

(f) *American plan hotels and boarding houses.* American plan hotels and boarding houses which make a flat charge for meals and lodging, and which are not subject to the rent control program of the Office of Rent Stabilization. This exemption applies only to sales of meals made by such institutions in connection with the rental of sleeping quarters, and for which a flat charge covering meals and lodging is made.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 4 to General Overriding Regulation 23 is effective August 22, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9402; Filed, Aug. 22, 1952; 4:00 p. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter D—National Enforcement Commission

[General Procedural Reg. 1, Revised]

GPR 1—GENERAL PROCEDURAL REGULATION, REVISED

Pursuant to the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; Pub. Laws 96 and 429, 82d

Cong.); Executive Order 10161, as amended (16 F. R. 3503), and General Orders Nos. 15 and 18, Economic Stabilization Administrator, this Enforcement Procedural Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This regulation establishes the procedural requirements to govern proceedings for the imposition of disallowances resulting from contraventions of the Defense Producton Act of 1950, as amended, by contraventions of regulations and orders relating to the stabilization of wages, salaries, and other compensation of employees within the respective jurisdictions of the Wage Stabilization Board, the Salary Stabilization Board and the Railroad and Airline Wage Board promulgated or approved by the Economic Stabilization Administrator, the Wage Stabilization Board, the Salary Stabilization Board, or the Railroad and Airline Wage Board.

In the formulation of this regulation, due consideration has been given to the standards and procedures set forth in Titles IV and VII of the Defense Production Act of 1950, as amended, hereinafter referred to as the act.

GENERAL

Sec.
1.1 Enforcement proceedings.
1.2 Institution of enforcement proceedings.
1.3 Parties.

PLEADINGS; APPEARANCES; MOTIONS; HEARINGS; MISCELLANEOUS

2.1 Complaint.
2.2 Answer.
2.3 Hearings.
2.4 Appearances.
2.5 Motions.
2.6 Transcript.
2.7 Stipulation of fact.
2.8 Conduct of hearings.
2.9 Exclusion from hearings.

INTERVENTION AND SUBPOENAS

3.1 Request to intervene.
3.2 Subpoenas.

FINDINGS AND DETERMINATION; RECORD

4.1 Findings and determination of Enforcement Commissioners.
4.2 Record.

APPEALS

5.1 Appeals to the National Enforcement Commission.
5.2 Decision on appeal.

CERTIFICATES

6.1 Certificate of disallowance.

NATIONAL CASES

7.1 National cases.

STIPULATIONS FOR CERTIFICATES

8.1 Stipulations for Certificate of Disallowance.

CONSOLIDATION

9.1 Consolidation.

INTERPRETATIONS

10.1 Interpretations.

SERVICE

11.1 Service.

EFFECT ON OTHER ORDERS AND EFFECTIVE DATE

12.1 Effect of this regulation on other orders.
12.2 Effective date.

AUTHORITY: Sections 1.1 to 12.2 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, sec. 703, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2153; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp; E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

GENERAL

SECTION 1.1 *Enforcement proceedings.* Whenever it has been determined that any wage, salary, or other compensation has been paid in contravention of the regulations and orders issued or promulgated under the act, the extent to which any such wage, salary, or other compensation payment shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation shall be prescribed in accordance with the provisions of section 405 (b) of the act. Any wage, salary, or other compensation paid in contravention of the regulations and orders issued or promulgated under the act may be disallowed in whole or in part for one or more of the following purposes:

(a) Calculating deductions or the basis for determining gain under the Revenue Laws of the United States;

(b) Determining costs and expenses under any contract made by or on behalf of the United States, either directly or indirectly;

(c) Establishing any maximum price pursuant to the act; and

(d) Determining the costs or expenses of any person for the purpose of any other law or regulation.

SEC. 1.2 *Institution of enforcement proceedings.* Whenever the Office of Salary Stabilization, the Wage Stabilization Board, or the Railroad and Airline Wage Board has reason to believe that any person has paid wages, salaries, or other compensation in contravention of the act or regulations and orders issued or promulgated pursuant thereto or determinations made thereunder, such Board or office may institute an enforcement proceeding to ascertain whether a contravention has occurred and to determine the amount to be certified to and disregarded by the executive departments and other government agencies.

SEC. 1.3. *Parties.* The term "party" or "parties," within the meaning of this regulation, shall mean the respective representative of the Office of Salary Stabilization, the Wage Stabilization Board, or the Railroad and Airline Wage Board, the respondent, any person executing a Stipulation for Certificate of Disallowance under section 8.1 of this regulation, and, to the extent permitted by section 3.1 of this regulation, any person intervening in any enforcement proceeding.

PLEADINGS; APPEARANCES; MOTIONS; HEARINGS; MISCELLANEOUS

SEC. 2.1 *Complaint.* (a) Whenever it appears to the Office of Salary Stabilization, the Wage Stabilization Board, or the Railroad and Airline Wage Board that any person has contravened the Act or any regulation or order issued or promulgated pursuant thereto by the Economic Stabilization Administrator or by any such Board or office and that an enforcement proceeding in respect thereto should be instituted before the National Enforcement Commission or the Commission's designee, it shall issue a complaint and cause the original thereof and one copy to be filed with the National Enforcement Commission, in Washington, D. C., and copies to be served upon all the parties. Where the respondent is a partnership, service must be made upon each individual partner against whose interest in such partnership it is intended to request the imposition of a sanction.

(b) The complaint shall set forth (1) a concise statement of the facts alleged to constitute the contravention; (2), in general, the sanctions which may be imposed therefor; (3) that the respondent has the right to submit a written answer; (4) that where no answer to the complaint is filed the allegations of the complaint shall be deemed to have been admitted; and (5) that the respondent has a right to a hearing at which he may present evidence and testimony and examine and cross-examine witnesses.

SEC. 2.2 *Answer.* (a) Within fifteen days after the receipt of the complaint, the respondent shall file a written answer with the National Enforcement Commission in Washington, and shall serve a copy on the Board or Office which issued the complaint, by registered mail. The answer shall be signed by a responsible officer if the respondent is a corporation; if the respondent is a partnership, by one of the partners; and if the respondent is the sole proprietor, by the proprietor. If the answer is signed by a partner for a partnership respondent, or by an officer for a corporation respondent, there must be attached thereto a certificate showing his authority to act on behalf of the partnership or corporation.

(b) The answer shall specifically and separately admit or deny each allegation of the complaint. It shall also contain a concise statement of the facts which constitute the grounds of defense, if any, and shall state whether or not the wages, salaries, or other compensation alleged in the complaint to have been paid in contravention of the Act, or any regulation, order or determination issued or promulgated thereunder, have in fact been paid. If the answer admits that the wages, salaries, or other compensation were paid as alleged in the complaint, but alleges that such wages, salaries, or other compensation were not paid in contravention of the Act, or any regulation or order issued or promulgated thereunder, the answer shall specify the provision or provisions of the Act, regulation, order or determination pursuant to which such wages, salaries, or other compensation are alleged to have been authorized.

(c) If no answer is filed, all allegations of the complaint shall be deemed admitted to be true. If an answer is filed, any allegation in the complaint not specifically denied in the answer shall be deemed admitted to be true.

SEC. 2.3 *Hearings.* (a) The hearing for the purpose of taking evidence upon the issues raised by the parties' pleadings shall be conducted by an Enforcement Commissioner. Enforcement Commissioners shall be appointed by the Economic Stabilization Administrator and shall be designated by the Chairman of the National Enforcement Commission for hearing assignments. For cause, an Enforcement Commissioner may be designated to take the place of the Enforcement Commissioner previously designated to conduct the hearing. Such hearings shall be public unless otherwise ordered by the National Enforcement Commission or by the Enforcement Commissioner presiding at the hearing.

(b) Upon the expiration of the time within which the respondent must answer, the National Enforcement Commission shall, as soon as possible, designate an Enforcement Commissioner for the hearing, fix the time and place of hearing and shall give not less than 15 days' written notice thereof to the parties. The notice shall set forth (1) the time and place of the hearing; (2) that the respondent has the right to a hearing before an Enforcement Commissioner, as provided in paragraph (a) of this section; (3) that at such hearing the respondent may be represented by counsel or other representative and will be given reasonable opportunity to present testimony and evidence and to examine and cross-examine witnesses on all matters relating to the allegations of the complaint; and (4) the name and post office address of the designated Enforcement Commissioner.

(c) In the event the Enforcement Commissioner designated to conduct the hearing becomes unavailable after the hearing has been concluded and before the filing of his findings and determination the National Enforcement Commission may transfer the case to itself for purposes of further hearing or issuance of findings and determination on the record, or may designate another Enforcement Commissioner for such purpose.

(d) Hearings shall be held in Washington, D. C., in the cities in which the respective regional offices of the Wage Stabilization Board or the Office of Salary Stabilization are located, or in such other places as may be specified by the Chairman of the National Enforcement Commission or the Enforcement Commissioner. Any party may request a change of the place of hearing on the ground of hardship. Such request shall be in writing and shall be sent to the designated Enforcement Commissioner at his office and post office address within 5 days after the receipt of the order designating an Enforcement Commissioner. The granting of any request for change in the place of hearing shall be in the discretion of the designated Enforcement Commissioner, who shall inform the parties of his decision.

SEC. 2.4 *Appearances.* The respondent or any person authorized to intervene in the proceeding may appear in his own behalf or by a duly authorized representative.

SEC. 2.5 *Motions.* Motions made prior to the commencement of the hearing, including motions for continuance, shall be made upon notice to the other parties and shall be filed with the designated Enforcement Commissioner at his office and post office address at least 5 days prior to the date of hearing. The granting of motions for continuance shall be at the discretion of the Enforcement Commissioner, who shall have discretion to continue the hearing from day to day, or adjourn to a later date or to a different place by announcement thereof at the hearing, or by other appropriate notice.

SEC. 2.6 *Transcript.* An official reporter shall make a stenographic report of every hearing and the transcript of the hearing shall become part of the record of each case. Stenographic transcripts of the proceeding shall be paid for by the parties requesting them, at the regular cost per copy.

SEC. 2.7 *Stipulation of fact.* The parties are authorized to enter into stipulations with respect to any relevant facts. Such stipulations may be filed at the hearing by any party to the stipulation.

SEC. 2.8 *Conduct of hearings.* The hearing shall be conducted by the Enforcement Commissioner in a fair and impartial manner. The rules of evidence prevailing in courts of law or equity shall not be controlling. The Enforcement Commissioner shall administer oaths and affirmations. Reasonable opportunity shall be afforded to all parties for the submission and consideration of evidence and arguments and the examination and cross-examination of witnesses.

SEC. 2.9 *Exclusion from hearings.* Contemptuous conduct at any hearing shall be ground for exclusion from the hearing. The refusal of a witness at any hearing to answer any question which has been ruled to be proper shall, in the discretion of the Enforcement Commissioner, be ground for disregarding in whole or in part the testimony previously given by such witness.

INTERVENTION AND SUBPOENAS

SEC. 3.1 *Request to intervene.* Any person desiring to intervene in a hearing shall make a motion for intervention. Such motion may be made either in writing or orally on the record, and shall state the ground upon which intervention is sought. The Enforcement Commissioner shall afford the other parties an opportunity to oppose the motion for intervention. The Enforcement Commissioner shall have discretion to determine the extent and terms of intervention, and shall inform all parties of his decision.

SEC. 3.2 *Subpoenas.* (a) The Enforcement Commissioner may issue subpoenas and subpoenas duces tecum requiring the attendance and testimony of any witness and the production of any books, papers, records, or other documents material to any enforcement case. Applications for subpoenas made prior to the hearing shall be filed with or sent to the designated Enforcement Commissioner at his post office address. Applications for subpoenas may be ex parte. In issuing subpoenas the Enforcement Commissioner shall comply with section 705 (a) of the Defense Production Act of 1950, as amended.

(b) Subpoenas duces tecum shall clearly describe so far as practicable the records, books, documents, or other material sought and shall specify the person to be served by name or official title.

(c) Such subpoenas and subpoenas duces tecum shall be issued only after the scope and purpose thereof have been ascertained by the Enforcement Commissioner and it has been established by the party making the application that no adequate and authoritative data are available from any Federal or other responsible agency.

FINDINGS AND DETERMINATION; RECORD

SEC. 4.1 *Findings and determination of Enforcement Commissioners.* (a) Proposed findings of fact and a recommended determination, as well as briefs in support thereof, may be submitted to the Enforcement Commissioner by any party within 15 days after the conclusion of the hearing or such additional time as the Enforcement Commissioner may prescribe at the conclusion of the hearing.

(b) As soon as feasible after the conclusion of the hearing, the Enforcement Commissioner shall make his findings and determination.

(c) The findings and determination of the Enforcement Commissioner shall be in writing. If, upon the entire record of the case, the Enforcement Commissioner finds that any wage, salary, or other compensation payment has been made in contravention of the act and the regulations or orders issued thereunder, he shall determine the amount to be disregarded or disallowed, the purpose or purposes for which such amount shall be disregarded or disallowed, and by what departments or government agencies such amount shall be disregarded or disallowed.

(d) In determining costs or expenses to be disregarded or disallowed, the Enforcement Commissioner shall comply with the provisions of General Order 15, Economic Stabilization Administrator.

(e) The Enforcement Commissioner shall file the original and two copies of his findings and determination with the National Enforcement Commission and cause a copy thereof to be served upon each of the parties. Upon the filing of the findings and determinatioh, the case will be transferred to the National Enforcement Commission. Service of the findings and determination shall be complete upon mailing.

(f) If no appeal is filed as hereinafter provided, the findings and determination of the Enforcement Commissioner shall, in the absence of clear and prejudicial error, be adopted by the National Enforcement Commission and a certificate of disallowance based thereon issue to the appropriate departments or agencies of the government.

SEC. 4.2 *Record.* The complaint and any amendments thereto, notice of hearing, order designating Enforcement Commissioner, answer and any amendments thereto, motions, rulings, orders, and stenographic report of the hearing, stipulations and exhibits, and such

other documents as the Enforcement Commissioner may deem proper, together with the findings and determination of the Enforcement Commissioner, shall constitute the record in the case.

APPEALS

SEC. 5.1 *Appeals to the National Enforcement Commission*—(a) *Right of appeal.* Any party may appeal to the National Enforcement Commission from the findings and determination of the Enforcement Commissioner.

(b) *Form and contents of appeal.* The appeal shall be in writing and shall state specifically the objections to the findings and determination from which the appeal is taken. No new evidence shall be considered on appeal.

(c) *Time and place of filing appeals.* An appeal may be taken within 30 days after service on the parties of the findings and determination. The appeal and the original and two copies of any memorandum or brief in support thereof shall be filed with the National Enforcement Commission, Washington 25, D. C., and a copy thereof shall be served upon each of the other parties. If timely request is made to the National Enforcement Commission, the time for filing an appeal and such memorandum or brief may be extended. The extension of time for filing such an appeal and such memorandum or brief is solely within the discretion of the National Enforcement Commission.

(d) *Submission of briefs on appeal.* Within 10 days after the filing of an appeal any other party may file a memorandum or brief with respect to any issues raised by the appeal. The original and two copies of any such memorandum or brief shall be filed with the National Enforcement Commission and a copy thereof shall be served upon each of the other parties.

(e) *Oral argument on appeal.* The appellant may request oral argument on appeal at the time of the filing of the appeal. Any other party may request oral argument within 10 days after the filing of the appeal. Such requests shall be in writing and shall be addressed to the National Enforcement Commission. The National Enforcement Commission shall give timely notice in writing of its action on the request for oral argument to all parties.

SEC. 5.2 *Decision on appeal.* (a) The National Enforcement Commission shall render its decision upon the entire record of the case including the record presented to the Enforcement Commissioner at the hearing, the findings and determination of the Enforcement Commissioner, and any memoranda or briefs submitted in connection with the appeal by any of the parties. The National Enforcement Commission may affirm, modify, or reverse the findings and determination of the Enforcement Commissioner in whole or in part, may remand the case for further hearing, or may dismiss the complaint.

(b) Copies of the findings and determination shall be sent to the respondent by registered mail, and copies shall be mailed to each other party. Within 10 days after such mailing, upon notice to the other parties, any party may petition the National Enforcement Commission for reconsideration of its findings and determination. The National Enforcement Commission shall give notice in writing to all parties of its action on such petition.

(c) The findings and determination of the National Enforcement Commission shall be final.

CERTIFICATES

SEC. 6.1 *Certificate of disallowance.* Whenever there has been a final decision in an enforcement proceeding imposing a disallowance sanction, as defined in section 1.1 of this regulation, the National Enforcement Commission shall issue a Certificate of Disallowance setting forth the name and address of the respondent or respondents and the amount which shall be disallowed and disregarded by any Executive Department or other agency or departments or agencies of the government in determining the costs and expense of the respondent. The certificate of disallowance shall be transmitted by the National Enforcement Commission to the appropriate Executive Departments or other agencies of the government and a copy served upon the appropriate board or office and the respondent. The certificate of disallowance shall be conclusive for the purposes stated therein.

NATIONAL CASES

SEC. 7.1 *National cases.* Whenever the National Enforcement Commission deems it necessary to effectuate the policies of the Act or to avoid unnecessary costs or delay it may, at any time after a complaint has issued, order that such complaint and any proceeding which may have been instituted with respect thereto, be transferred to and continued before it or any of its members. The provisions of sections 2, 3, 4, and 5 hereof shall, insofar as applicable, govern proceedings pursuant to this section before the National Enforcement Commission or any member thereof.

STIPULATIONS FOR CERTIFICATES

SEC. 8.1 *Stipulations for Certificates of Disallowance.* (a) The parties to an enforcement proceeding may enter into stipulations providing for the entry by the National Enforcement Commission of a Certificate of Disallowance upon consent of the parties; such a stipulation may be entered into prior to the issuance of the complaint, or at any stage of an enforcement proceeding.

(b) Stipulations shall set forth sufficient facts to establish: (1) That the wage, salary or other compensation which is the subject of the enforcement proceeding relates to employees within the jurisdiction of the Wage Stabilization Board, the Salary Stabilization Board or the Railroad and Airline Wage Board; (2) that the respondent has engaged in conduct in violation of section 405 (b) of the Defense Production Act of 1950, as amended, by contravening a regulation or order issued or promulgated pursuant to the act; (3) whether and by what means the respondent has come into compliance with the appropriate regulations; (4) the amount which the parties have agreed shall be disregarded or disallowed by a department or agency of the government, which departments or agencies of the government shall disregard or disallow such amount, and the purpose for which such departments or agencies shall disregard such amount; (5) in a proper case, the extenuating or mitigating circumstances, if any, which, in the opinion of the parties, justify a disallowance of less than the full amount of the illegal payment, on the basis of the standards set forth in General Order 15 of the Economic Stabilization Administrator; and (6) a waiver by each respondent of his or its right to all other and further proceedings under this regulation.

(c) Stipulations for Certificates of Disallowance upon consent of the parties shall be signed by the parties and transmitted to the National Enforcement Commission. The National Enforcement Commission shall issue and transmit a certificate of disallowance based upon such stipulation in accordance with the procedure set forth in section 6.1 of this regulation, except that the National Enforcement Commission may, in the exercise of its discretion, disapprove such a stipulation, and refuse to issue a certificate of disallowance based thereon under the following circumstances only:

(1) The employees to whom the contravening payments were made were not within the jurisdiction of the Board or Office that is a party to the stipulation; or

(2) The stipulation has not been executed by all respondents on whom service of a copy of the complaint would have been required in a plenary proceeding, pursuant to section 2.1 (a) of this regulation, or has not been executed by their duly authorized representatives, or, in the case of a corporate respondent, the authority of the person to execute the stipulation on its behalf has not been made a part of the stipulation; or

(3) The sanction consented to by the respondent in the stipulation is not in conformity with the disallowance policies set forth in Economic Stabilization Administrator's General Order 15 or with the policies of the National Enforcement Commission as set forth in its decisions. The amount of the stipulated disallowance shall not be subject to review unless it is apparent that the amount of the disallowance consented to is unwarranted by the facts of the case as stipulated; or

(4) Assuming the facts of the stipulation to be true, it appears therefrom that the respondent has not contravened an order or regulation issued or promulgated under the act.

(d) If the National Enforcement Commission refuses to issue a certificate of disallowance based on such stipulation, it shall issue a decision setting forth the reasons for such refusal and serve it upon the parties. Stipulations for entry of certificates of disallowance upon consent of the parties shall be without prejudice. The refusal of the National Enforcement Commission to issue a certificate based upon such a stipulation shall not preclude either the appropriate agency from issuing a complaint involving the same alleged contravention or the parties from entering into another, different stipulation, also subject to the provisions of this regulation.

CONSOLIDATION

SEC. 9.1 *Consolidation.* Whenever the National Enforcement Commission deems it necessary, in order to effectuate the policies of the act or to avoid unnecessary, cost or delay, it may order that one or more complaints issued by the Wage Stabilization Board, the Office of Salary Stabilization or the Railroad and Airline Wage Board or any proceeding or proceedings which have been instituted and are beyond the complaint stage be consolidated with any other proceeding which may have been instituted and be heard as one consolidated proceeding before a Regional Commissioner or before the National Enforcement Commission.

INTERPRETATIONS

SEC. 10.1 *Interpretations.* The Enforcement Commissioner, in making his findings and determinations, and the National Enforcement Commission in making its decisions, shall, to the extent applicable, be governed by the established regulations, interpretations, and policies formulated by the Board or Office involved in the enforcement proceeding.

SERVICE

SEC. 11.1 *Service.* (a) Complaints of the appropriate agencies and orders, decisions, certificates, and other process of the National Enforcement Commission or its agent may be served personally or by registered mail or by leaving a copy thereof at the principal office or place of business or last known residence of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return of the post office receipt therefor when registered and mailed, as aforesaid, shall be proof of service of the same.

(b) Except as otherwise provided in this regulation, service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending.

(c) When service is made by registered mail, the post office receipt shall be proof of service. When service is made in any manner provided by State law, proof of service shall be made in accordance with such law.

EFFECT ON OTHER ORDERS; EFFECTIVE DATE

SEC. 12.1 *Effect of this regulation on other orders.* Any orders or regulations or parts of orders or regulations the provisions of which are inconsistent with the provisions of this regulation are hereby superseded, except that, with respect to cases pending on or before July 29, 1952 (as such cases are defined in section 3 of the National Enforcement Commission Interim Procedural Order, adopted July 30, 1952), the National Enforcement Commission General Procedural Regulation No. 1, promulgated July 30, 1952 (17 F. R. 7087), and Interim Procedural Order, adopted July 30, 1952 (17 F. R. 7086), shall continue in effect, for the limited purposes described in said Interim Procedural Order, until final disposition of such pending cases, after which said regulation and said order shall be deemed to have been superseded, without further order.

SEC. 12.2 *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9352; Filed, Aug. 21, 1952; 12:27 p. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 71 to Schedule A]

[Rent Regulation 2, Amdt. 69 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CONNECTICUT

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(47) Bridgeport	Connecticut	In the county of Fairfield, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull.	July 1, 1951	Jan. 24, 1952
		In the county of Fairfield, the town of Shelton	do	Aug. 25, 1952

[F. R. Doc. 52-9317; Filed, Aug. 22, 1952; 8:52 a. m.]

Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 23, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Connecticut				
(47) Bridgeport	B	In the county of Fairfield, the towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	Apr. 1, 1941	June 1, 1942
	B	In the county of Fairfield, other than the towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.	do	July 1, 1942
	C	In the county of Fairfield, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull.	July 1, 1951	Jan. 24, 1952
	C	In the county of Fairfield, the town of Shelton	do	Aug. 25, 1952

[F. R. Doc. 52-9316; Filed, Aug. 22, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 78 to Schedule A]

[Rent Regulation 4, Amdt. 22 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CONNECTICUT

These amendments are issued as a result of joint certification(s) pertaining to critical defense housing areas by the Secretary of Defense and the Director of Defense Mobilization under section 204 (l) of the Housing and Rent Act of 1947, as amended, and a determination as to the relaxation of real estate construction credit controls under section 204 (m) of said act.

Effective August 23, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the item(s) of Schedule A read(s) as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 20th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(47) Bridgeport	Connecticut	In the county of Fairfield, the towns of Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull.	July 1, 1951	Jan. 24, 1952
		In the county of Fairfield, the town of Shelton	do	Aug. 25, 1952

[F. R. Doc. 52-9317; Filed, Aug. 22, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR Part 94]

EXISTENCE OF RINDERPEST OR FOOT-AND-MOUTH DISEASE; IMPORTATIONS PROHIBITED

DETERMINATION OF NON-EXISTENCE IN MEXICO

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003(a)), that the Secretary of Agriculture pursuant to the authority conferred upon him by section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) proposes to determine, and to give notice of such determination, that neither rinderpest nor foot-and-mouth disease now exists in Mexico, and to amend § 94.1, Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (§ 94.1 of B. A. I. Order No. 373) by striking therefrom the word "Mexico".

The proposed determination, notification, and amendment, would remove the present prohibition under section 306 of the Tariff Act upon importation into the United States of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled or frozen beef, veal, mutton, lamb, or pork from Mexico and render the commodities specified in Part 94, Subchapter D, Chapter I, Title 9 of the Code of Federal Regulations (B. A. I. Order 373), and originating in said country, no longer subject to the provisions of that part.

Any person who wishes to submit written data, views, or arguments concerning the proposed determination and amendment may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, United States Department of Agriculture, Washington 25, D. C., on or before August 27, 1952.

Done at Washington, D. C., this 22d day of August, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9390; Filed, Aug. 22, 1952; 11:22 a. m.]

Production and Marketing Administration

[7 CFR Part 903]

[Docket No. AO-10, A-16]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at St. Louis, Missouri, on August 11 and 12, 1952, pursuant to notice thereof which was issued on August 4, 1952 (17 F. R. 7254).

The material issues of the record related to (1) Prices for Class I the remainder of 1952 and for the months of January, February, and March 1953.

(2) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The differential to be added to the basic formula price in determining the Class I price should be $2.21 for the months of September, October, and November 1952, $2.04 for December 1952, and not less than $1.79 for the months of January and February 1953. The order now provides for a differential of $1.81 for the delivery periods of September through December 1952; and, if the supply-demand adjustment ratio remains unchanged from that now prevailing, the differential for January and February 1953 would be $1.39.

The Secretary of Agriculture has designated 47 counties in Missouri as disaster areas because of the serious damage to crops and pastures resulting from extremely high temperatures and deficiency in rainfall which have prevailed since April. In these 47 counties are located a large number of the farms supplying milk to the St. Louis market. In other areas of the milkshed, not designated disaster areas, many dairy farmers have suffered significant damage from extreme heat and lack of rainfall.

That portion of the State of Missouri south of the Missouri River received 7.53 inches of rainfall in May, June and July 1952 compared to a normal for that area of 14 inches. June was the driest month in the history of the local weather bureau whose records go back to 1836. Extreme heat likewise prevailed, the average temperature for June having been 8 to 10 degrees above normal for the month. During the first 10 days of August there was rain in various parts of the milkshed. Testimony at the hearing indicated that while this might give some relief, its arrival was too late to repair the damage done. Hay and grain production lost by the drought prior to August cannot be regained at this late date. Limited value will be obtained from pastures if normal rainfall is obtained throughout the remainder of the pasture season.

The pasture feed conditions in the St. Louis milkshed as indicated in the "Crop Report" of the Bureau of Agricultural Economics of the United States Department of Agriculture showed pasture conditions in a major portion of the milkshed ranging from "very poor" (50 to 65 percent of normal) to "extreme drought" (under 35 percent of normal) as of August 1.

With burned out pastures farmers have been forced to purchase hay and concentrates for summer feeding. In addition, they will have to continue such purchases throughout this winter to replace those feedstuffs which normally they have stored at the end of a growing season. The record shows that farmers who have rarely purchased hay even during the winter months are currently feeding hay purchased at 30 to 50 dollars per ton. In addition to paying high prices for hay, farmers in the St. Louis milkshed have been required to go long distances to obtain hay. Some price relief may be obtained from these high prices by the emergency hay supply program of the United States Department of Agriculture. However, the amount paid by the farmers who had heretofore purchased no hay will be a considerable added expense.

It was contended at the hearing that the drought conditions were not general throughout the milkshed. It appears that all farmers supplying milk to the St. Louis market were not affected in the same manner and to the same degree by the drought. In different geographic areas in the milkshed pasture feed conditions varied from excellent to extreme drought. Moreover, in some instances pasture feed conditions in the same geographic area might be abnormally different on several individual farms from that generally prevailing in a small area. It is not possible nor practicable to attempt to provide for such differences within the framework of the order, but to provide for such relief to those conditions as are generally representative of that prevailing on the farms in the area as a whole.

The average production per farm supplying the St. Louis market was 332 pounds in July 1952, a drop of 14 pounds, or 4 percent, from the same month a year ago. Although this drop is not currently affecting the supply in a critical manner, failure to give adequate consideration to the plight of the farmer supplying the St. Louis market could adversely affect the supply of milk for the St. Louis market in the coming short season. The producer needs to have some assurance pricewise at the present time in order to make plans for the months ahead, and to encourage him to maintain his production for the St. Louis market. St. Louis handlers obtain such milk for fluid use outside the St. Louis milkshed during the months of low production. A principal source of such purchases is from plants in the Chicago milkshed. The cost of this milk to St. Louis handlers will generally be greater than that which they are required to pay for producer milk at the prices proposed herein. Since prices for this supplemental milk are likely to be less in December than in November some decrease in Class I differentials is provided in December. No increase is provided for March, since production normally increases seasonally in that

month, and supplies from St. Louis milkshed and elsewhere are more adequate.

The price increase herein provided is found necessary because of the drought conditions in the milkshed, and the consequent threat to milk supplies. The St. Louis market has been short of producer milk during the fall and winter for several years. Without an emergency price increase shortages during the coming low production season might well reach critical proportions.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Farmers might be forced to adopt measures which would seriously impair production rates and threaten the milk supply for the marketing area. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issues here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the last proviso in § 903.51 (a) and substitute therefor the following: "*And provided further,* That the plus amount to be added to the basic formula price shall be $2.21 for the months of September, October, and November 1952, $2.04 for December 1952, and not less than $1.79 for January and February 1953."

[F. R. Doc. 52-9330; Filed, Aug. 22, 1952; 8:57 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 921]

HANDLING OF MILK IN SPRINGFIELD, MISSOURI, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Missouri, on August 7–8, 1952, pursuant to notice thereof which was published in the FEDERAL REGISTER August 2, 1952 (17 F. R. 7094).

Proposed amendments were submitted by the Greene County Milk Producers Association and by the Patton Creamery Company. The material issues of record related to the level of Class I prices, the classification and pricing of milk sold outside the marketing area, location differentials to handlers and producers, administrative assessments on other source milk, and the emergency character of production and marketing conditions.

This decision will consider only the issues with respect to:

(1) Price for Class I during the delivery periods for the remainder of the year 1952; the months of January, February, and March, 1953.

(2) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Decision with respect to all other issues is reserved for later consideration.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) For the months of September, October, and November, 1952, the differential to be added to the basic formula price in determining the price for Class I milk shall be $2.00. For the months of December 1952, and January and February 1953, this differential shall not be less than $1.58.

Production conditions in the Springfield milkshed have been very unfavorable since last winter. Unseasonably cold weather early in November froze the ground so that melting snows did not moisten the ground as usual. Precipitation in the spring and early summer not only failed to make up the moisture shortage which accumulated during the winter, but contributed further to the shortage in that rainfall was well below normal in most months. June, which is a critical month in the production of grain and forage brought the lowest rate of precipitation for the month in the nearly 100 year history of the Springfield weather bureau. The cumulative deficit of precipitation for the growing season, of April through July amounted to 8.4 inches or nearly 50 percent.

Plant growth suffered not only as a result of the deficit of precipitation, but also by the occurrence of high temperatures. In Springfield the months of June and July brought 47 days of temperature is excess of 90 degrees. A number of these days saw temperatures over 100. Conditions throughout the Springfield milkshed approximated those recorded for the city of Springfield.

As a result of unfavorable weather conditions, crops and pastures in the Springfield milkshed are far below normal.

The Crop Reporting service of the U. S. Department of Agriculture reports that pasture conditions throughout the area have shown extreme drouth (under 35 percent of normal) for much of the pasture season. Testimony in the record indicates that hay production was about 25 percent of normal, and that most producers will be required to import at least half of the hay they feed this winter. Much of this hay will have to be imported from states as far away as Iowa, Nebraska and Illinois, at prices which run as much as 50 percent or more above hay prices of a year ago. This purchase of hay is particularly burdensome to Springfield producers since they ordinarily produce their own forage. As a result, much of the expense associated with the production of hay has been met in connection with regular farm operation, to which must now be added the cost of purchase of imported hay.

Feed grain and silage crops likewise have suffered substantial damage. These losses will necessitate considerable further outlay for farmers in feeding their herds, even, though an unusually large rate of culling prevails as is now indicated.

Milk production rates have already declined much more than seasonally. Average deliveries per producer fell 50 pounds from June to July in 1952 compared to a 13 pound decrease in the same period last year.

Somewhat milder weather in the first few days of August appear to have interrupted this trend, but it appears doubtful whether farmers could maintain anywhere near their last year's rates of production without substantial price increases over those likely to be provided under the order as it now stands.

While the outlook for production indicates that adequate milk will be produced by Springfield producers to supply consumer needs within the marketing area still many consumers outside this area depend on Springfield handlers for their year round supply of milk. It is necessary that Springfield order prices be set at levels which will insure supplies of milk for those outside consumers as well, in order not to jeopardize milk supplies for those in the marketing area. Furthermore prices to Springfield producers should reflect as far as possible the value of bulk milk in that general area. Conditions in many of the larger Southern markets indicate that local milk supplies will be short of needs this fall and winter in those markets and supplemental milk will be required. Springfield milk should be in good demand for this reason and outside sales of Class I milk should be large. Springfield producers will not be able to supply all the milk needed however, and much of the supplemental milk may come from the Chicago milkshed.

Since the sale of Springfield milk for Class I depends in large measure on demands from other markets it is important that the Springfield order Class I price be fixed at levels which will permit this milk to be sold as Class I milk. To price this milk so high that it would be forced to remain in the area, and be manufactured into Class II products would defeat the purpose of the emergency price increase herein provided.

It is important also that prices be held closely enough in line with the St. Louis order prices so that milk producers in any substantial number, will not be attracted away from that market. It is considered possible and desirable to provide that the minimum Class I differential be $2.00 over the basic formula for the delivery periods September through November. Thereafter when supplies of milk from other areas are more readily available a minimum differential of $1.58 is provided. No increase is provided for March, since production normally is more than adequate in that month.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Farmers might be forced to adopt measures which would seriously impair production rate and result in great expense and difficulty in restoring herds and production. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issues here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs concerning emergency price changes were filed by or on behalf of certain interested parties in this proceeding. Such briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which effect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Springfield, Missouri, marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Springfield, Missouri, Marketing Area*

§ 921.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agrement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Change the period at the end of § 921.51 (a) to a colon and add the following: "*Provided further*, That the Class I price shall be the basic formula price for the preceding delivery period plus $2.00 in the months of September 1952 through November 1952 and not less than the basic formula price for the preceding delivery period plus $1.58 in the months of December 1952 through February 1953."

[F. R. Doc. 52-9328; Filed, Aug. 22, 1952; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 928]

[Docket No. AO-227-A1]

HANDLING OF MILK IN NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Pittsburg, Kansas, on Auugst 4–6, 1952, pursuant to notice thereof which was issued on July 16, 1952 (17 F. R. 6671, 6827).

The material issues of record related to the level and means of determining prices for Class I and Class II milk, the classification of milk in inventory, provisions appropriate with respect to plants having significant sales of bulk milk outside the area, changes in the marketing area, the obligations of handlers subject to other orders, administrative features of the order, and the necessity for action with respect to certain issues or aspects thereof which would require the omission of a recommended decision. This decision is concerned with the issues with respect to the price for Class I milk for the months of September 1952 through January 1953 and the necessity for action with respect to such price which would require the omission of a recommended decision.

Findings and conclusions. 1. The price for Class I milk for the months of September 1952 through January 1953 should be the basic formula price of the order plus $1.85.

The order for the Neosho Valley marketing area first became partially effective November 1, 1951, and fully effective December 1, 1951. Consequently market wide data developed through operation of the order which were available at the hearing covered only the 8 month period November 1951–June 1952, and did not permit comparisons with similar data for other years.

Evidence in the record makes it clear however that drought conditions and excessive temperatures during the months of May, June and July 1952 have created a critical situation with respect to production of milk in the coming fall and early winter months. The Neosho Valley market draws its milk supplies from 23 counties, 7 of which are in Missouri, 11 in Kansas and 5 in Oklahoma. Severe drought conditions have prevailed over much of this area during the past few months. The drought condition has been accompanied by excessive temperatures for sustained periods. These conditions have resulted in loss of pasture and feed crops upon which milk producers rely. They have been required to feed their milk cows hay and forage during the normal pasture season in a season when production of such roughage is only a fraction of normal. As a result they face the prospect of importing substantial amounts of hay from more favored areas at high prices, thus experiencing direct out-of-pocket costs which are not normal for producers in this area.

Milk supplies were less than Class I sales in November and December 1951. Production conditions at that time were more favorable than those in prospect for the coming fall and winter.

Increased milk prices are needed during the coming months as a means of providing some incentive for dairymen to incur the costs necessary to continue milk production and avoid dispersal of producing herds. An increase of 40 cents in the Class I price per hundredweight is the minimum which would appear to provide incentive to this end. Such increase should be effective for the months of September through January. The record indicates that this is approximately the period for which this additional incentive will be most urgently needed. The record contained evidence on proposals for longer time pricing proposals, including a supply-demand adjustment of the the Class I price. Time for adequate consideration of such proposals will be provided by making this emergency action effective through January 1953.

An increase of 40 cents can be accomplished by providing that the Class I differential added to the basic formula price of the order be increased from $1.45 to $1.85 for the months of September 1952 through January 1953. It is concluded that such a provision should be adopted.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to all proposals considered was indicated on the record by all interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as hereby proposed to be amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Neosho Valley marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Neosho Valley Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Neosho Valley Marketing Area

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 928.51 (a) change the period at the end of the sentence to a colon and add "*And provided further,* That for the months of September, 1952, through January, 1953, the amount to be added to the basic formula price shall be $1.85 in lieu of $1.45."

[F. R. Doc. 52-9289; Filed, Aug. 22, 1952; 8:47 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 946]

[Docket No. AO-123 A-15]

HANDLING OF MILK IN LOUISVILLE, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.),

and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Louisville, Kentucky, on August 13 and 14, 1952, pursuant to notice thereof which was issued on July 30, 1952 (17 F. R. 7127).

The material issues of record related to

(1) Prices for Class I the remainder of 1952 and for the months of January, February, and March 1953.

(2) The emergency character of marketing conditions and the need for immediate change in the order provisions.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues to be considered in this decision, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The price for Class I milk should be increased 44 cents per hundredweight for the remainder of 1952 and for the first two months of 1953.

An immediate increase in the Class I milk price has been made necessary because of adverse production conditions in the Louisville milkshed.

Rainfall has been far below normal since early in June. Temperatures during this period have been unusually high. These conditions have combined to seriously reduce production of feed in pastures and fields. On July 1 the Crop Reporting Service of the United States Department of Agriculture reported that pastures in part of the milkshed had been reduced to "poor to fair" condition. By August 1 almost the entire milkshed was indicated to be in "severe" or "extreme drought" condition.

Hay production in most of the milkshed was at little more than half the normal rate. While most farmers got approximately normal first cuttings of hay subsequent cuttings ranged from poor to total failure. Grain and silage crops were also seriously affected. Some corn intended for grain has been cut for silage. Rates of supplemental feeding of forage to animals on pasture are abnormally high, resulting in increased needs for roughage, which is already in short supply.

Hay prices are well above normal and although little supplemental hay has as yet been purchased a large majority of the Louisville producers will have to obtain hay from outside the area before the feeding season is over. Competition from other drought stricken areas in Kentucky and states to the south and southwest for supplemental hay will undoubtedly be great. Even though the Production and Marketing Administration may assist farmers in obtaining hay at reasonable prices, costs to Louisville producers will be materially increased since hay requirements would normally be filled largely from own farm production. Unusually large amounts of concentrates will have to be purchased, and prices of these are well above what they were a year ago.

The entire Kentucky portion of the milkshed has been designated by the Farmers Home Administration as a disaster area, and the Indiana portion of the milkshed appears to be in little, if any, better condition.

Milk production rates fell rapidly in June, and early July, but appeared to recover somewhat as temperatures moderated early in August. Generally speaking dairy cow numbers appear to be fairly well maintained at the present time, but feed and price conditions on farms are such that further serious declines in production are almost sure to occur unless price increases are provided at once.

Several producer representatives testified at the hearing that drought conditions in the Louisville milkshed are worse this year than last, and that farm costs are higher. The proponent cooperative requested that its proposal be amended to request an 88 cent increase because of steadily worsening conditions.

Offsetting these conditions to some extent however are the higher prices for milk than prevailed last year. Basic formula prices normally advance somewhat during the fall and winter months and some increase in price may be forthcoming in this manner. It is concluded that a 44 cent increase, coupled with the increased producer returns now expected to prevail under the order should be sufficient to permit dairy farms to maintain their herds substantially intact during the fall and winter months.

No increase is provided in March, since the rate of milk production normally begins to advance during that month in building up to the next season's flush production.

(2) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment.

Farmers might be forced to adopt measures which would seriously impair production rates and threaten the milk supply for the marketing area. Accordingly, the time necessarily involved in the preparation, filing and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity of filing exceptions thereto with respect to the issues here considered was indicated on the record.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of June 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Determination of representative period. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order

which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Louisville, Kentucky, Marketing Area

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Louisville, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Change the period at the end of § 946.51 (a) to a colon and add the following: "*Provided*, That for each of the months of September 1952 through February 1953 the Class I price shall be the basic formula price plus $1.69 per hundredweight."

[F. R. Doc. 52-9329; Filed, Aug. 22, 1952; 8:56 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[7 CFR Part 991]

[Docket No. AO-194-A5]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Rockford, Illinois, on December 4, 5, and 6, 1951, and on March 17 and 18, 1952, pursuant to notice thereof which was issued on November 27, 1951 (16 F. R. 12101) and March 10, 1952 (17 F. R. 2233), upon proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on June 13, 1952 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 18, 1952 (17 F. R. 5471) and as corrected on June 28, 1952 (17 F. R. 5831).

Within the period reserved for exceptions the Midwest Dairymen's Company, the Stephenson County Pure Milk Association, Central Dairy Company et al. and Union Dairy Farms et al. filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues and the findings and conclusions of the recommended decision (F. R. Doc. 52-6684, 17 F. R. 5471, 5831) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, subject to the following modifications:

1. Delete the first two lines beginning in column 3, 17 F. R. 5475 (F. R. Doc. 52-6684) and substitute therefor the following: "Town View Dairy, Dakota, Illinois, the Midwest Dairymen's".

Determination of representative period. The month of February 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

Marketing agreement and order. Annexed hereto and made a part of this decision are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which is published with this decision.

This decision filed at Washington, D. C., this 19th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] as Amended, Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 991.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 991.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 991.3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 991.50, 991.54 and 991.81.

§ 991.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 991.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determined after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 991.6 *Rockford-Freeport marketing area.* "Rockford-Freeport marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Rockford, Loves Park and Freeport, together with the territory lying within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, and Florence, Harlem, Lancaster and Silver Creek, in Stephenson County, all in the State of Illinois. "Rockford district" of the marketing area shall include the territory lying within the corporate limits of the cities of Rockford and Loves Park, and within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, Illinois. "Freeport district" of the marketing area shall include that portion of the marketing area not included in the Rockford district.

§ 991.7 *Route.* "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 991.8 *Approved plant.* "Approved plant" means a milk processing or distributing plant approved by the appropriate authorities for the distribution of Grade "A" milk under the milk ordinance of any municipality in the marketing area or under the Grade "A" milk and Grade "A" milk products law of the State of Illinois, and from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or milk products to be labeled Grade "A".

§ 991.9 *Rockford plant.* "Rockford plant" means a plant (a) located within the Rockford district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Rockford district.

§ 991.10 *Freeport plant.* "Freeport plant" means a plant (a) located within the Freeport district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Freeport district.

§ 991.11 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 991.12 *Handler.* "Handler" means any of the following:

(a) The operator of an approved plant in his capacity as such;

(b) The operator of an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(c) Any cooperative association with respect to milk of producers caused to be diverted for its account from an approved plant to an unapproved plant from which no route is operated wholly or partially within the marketing area, which milk of producers shall be deemed as having been received by such cooperative association.

§ 991.13 *Producer.* "Producer" means either of the following:

(a) "Grade A producer" means any person, except a producer-handler, who under inspection of the appropriate health authorities of any of the municipalities of the marketing area, or of the State of Illinois, produces milk approved by such authority for distribution as Grade "A" milk within the marketing area, which milk is received at an approved plant, or is diverted by a cooperative association for its account from an approved plant to an unapproved plant; or

(b) "Non-Grade A producer" means any person, except a producer-handler, who produces milk which is received at an unapproved plant from which a route is operated wholly or partially within the marketing area.

§ 991.14 *Producer milk.* "Producer milk" means either of the following:

(a) "Grade A producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in § 991.13 (a); or

(b) "Non-Grade A producer milk" means milk of one or more producers produced and received under the conditions set forth in § 991.13 (b).

§ 991.15 *Other source milk.* "Other source milk" means skim milk or butterfat received at an approved plant, or at an unapproved plant from which a route is operated wholly or partially within the marketing area, except that contained in (a) producer milk, (b) receipts from other handlers, (c) receipts from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area of items listed herein as Class I milk in packaged or bottled form ready for delivery to consumers, which are disposed of in the original package in which received, and (d) any non-fluid milk product received from a non-handler and disposed of in the form in which received.

§ 991.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a route wholly or partially within the marketing area, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 991.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 991.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 991.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 991.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 991.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not (1) made reports pursuant to §§ 991.30, 991.31 or 991.32, (2) maintained adequate records and facilities pursuant to § 991.33, or (3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in such class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices pursuant to §§ 991.50, 991.51 and 991.53 and the butterfat differentials for each class pursuant to § 991.52, and

(2) On or before the 11th day after the end of such month, the uniform prices computed pursuant to § 991.71 and the butterfat differential computed pursuant to § 991.81 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 991.30 *Monthly reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such month of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk, and the sources thereof;

(b) The product pounds of Class I and Class II milk received in packaged or bottled form ready for delivery to consumers from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, and disposed of in the form in which received;

(c) The product pounds of non-fluid milk products received from any nonhandler and disposed of in the same form;

(d) The utilization of all receipts required to be reported under paragraphs (a) and (b) and (c) of this section; and

(e) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 991.31 *Producer payroll reports.* On or before the 25th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association and (c) the nature and amount of all deductions and charges involved in the payments referred to in paragraph (b) of this section.

§ 991.32 *Reports by producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 991.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 991.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 991.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk, or from another handler shall be classified by the market administrator pursuant to the provisions of §§ 991.41 through 991.46.

§ 991.41 *Classes of utilization.* Subject to the conditions set forth in §§ 991.43 and 991.44 the skim milk and butterfat described in § 991.40 shall be classified separately by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(1) Disposed of (except as provided in paragraph (b) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture which contains cream and milk or skim milk (not including ice cream mix) and not less than 6 percent butterfat, and eggnog, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; and

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

(2) In actual plant shrinkage of producer milk computed pursuant to § 991.42, but not in excess of 2 percent thereof;

(3) In inventory variation of milk, skim milk, cream or of any Class I milk product;

(4) In skim milk, flavored milk, flavored milk drink or buttermilk dumped or disposed of for livestock feed; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 991.42.

§ 991.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk after deducting receipts from other handlers.

§ 991.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 991.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to an approved plant or to an unapproved plant from which a route is operated wholly or partially within the marketing area (except the plant of a producer-handler) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 991.46 (a) (2), and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk: *And provided further*, That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any higher class in the plant of the transferring handler than the lowest class to which producer milk (other than allowable shrinkage) is assigned in the plant of the transferee-handler, after application of the allocation provisions of § 991.46.

(b) As Class I milk if moved in the form of milk, skim milk, or cream to (1) a producer-handler, or (2) any unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(c) According to his reported utilization, if moved in the form of milk, skim milk or cream to any unapproved plant from which no route is operated wholly or partially within the marketing area and which is not a plant covered by paragraph (b) of this section: *Provided*, That (1) the receiver (operator of the unapproved plant) maintains books and records showing the utilization of all skim milk and butterfat received at such plant from all sources, (2) if the reported utilization is Class II milk, the quantity of skim milk or butterfat transferred or diverted which may be allowed in such class shall not exceed the total amount of skim milk or butterfat, respectively, which the market administrator can establish definitely on the basis of such books and records as having been used by the receiver in Class II milk (as defined in § 991.41) in the month in which the milk, skim milk or cream so moved was received in the unapproved plant, and (3) any quantity in excess of such established Class II use shall be Class I milk: *And provided further*, That if such books and records are not made available to the market administrator at his request, the total quantity of skim milk and butterfat contained in the milk, skim milk or cream transferred or diverted by the handler shall be Class I milk.

§ 991.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 991.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(1) Subtract plant shrinkage of skim milk in producer milk pursuant to § 991.41 (b) (2) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk, skim milk or cream, in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 991.44; and

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 991.50 *Class I milk prices.* (a) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk, shall be the price as determined for the month for the 70–85 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(b) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the price determined for the month for the 100–115 mile zone pursuant to § 941.52 (a) (1) of this subchapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(c) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (a) of this section, less 10 cents.

(d) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (b) of this section, less 10 cents.

§ 991.51 *Class II milk price.* The minimum price per hundredweight, on a 3.5 percent butterfat basis, for producer milk classified as Class II milk shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator for the month pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for such month to farmers for milk containing 3.5 percent butterfat content delivered during such month at each of the following listed manufacturing plants or places for which prices are reported to the Department or to the market administrator:

Companies and Location
Borden Co., Black Creek, Wis.
Borden, Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during such month, by 6;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the month, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide such sum by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during such month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of such month by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

§ 991.52 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 1.31 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter in the Chicago market as reported by the Department for the month preceding that in which the producer milk to be priced was received and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, and divide the result by 10.

§ 991.53 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 991.50 and 991.51) less the result of multiplying the applicable class butterfat differential for the month (§ 991.52) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

APPLICATION OF PROVISIONS

§ 991.60 *Producer-handlers.* Sections 991.40 through 991.46, 991.50 through 991.55, 991.70 through 991.72, and 991.80 through 991.84, shall not apply to a producer-handler.

§ 991.61 *Milk subject to pricing under other Federal orders.* Except as follows, milk priced under any other Federal milk marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall not be subject to the provisions of this subpart:

(a) If such milk is disposed of on a route wholly or partially in the marketing area operated by or for a person subject to regulation as a handler under another order, such person shall report as requested by the market administrator, but shall not otherwise be considered a handler under this subpart;

(b) If such milk is received at the plant of a handler which is subject to the provisions of this subpart in any form other than those stated in § 991.15 (c) and (d), it shall be considered as other source milk; or

(c) If the provisions of the order for the other milk marketing area provide for determination as to the order under which milk shall be priced, the Secretary shall so determine.

§ 991.62 *Uniform price and producer payment provisions.* Sections 991.70, 991.71, 991.72, and 991.80 through 991.84 shall be applied to non-Grade A producer milk separately from Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each month by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and the pounds of butterfat in each class for such handler pursuant to § 991.46, by the applicable skim milk and butterfat prices computed pursuant to § 991.53, adding together the resulting amounts, and adding to this sum the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to §§ 991.46 (a) (5) and 991.46 (b) by the applicable skim milk and butterfat prices.

§ 991.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of producer milk (3.5 percent butterfat content) for Rockford handlers and for Freeport handlers, as follows:

(a) Combine into one total the values computed pursuant to § 991.70 (and subject to the provisions of § 991.62) for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk is greater than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the difference of such weighted average butterfat content from 3.5 percent by the producer butterfat differential computed pursuant to § 991.81, and multiplying the resulting figure by the total hundredweight of such producer milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of such producer milk;

(e) Subtract not less than 4 cents but less than 5 cents:

Provided, That for any month for which the percentage of Class I milk to producer milk receipts for Rockford handlers does not exceed the percentage of Class I milk to producer milk receipts for Freeport handlers, the adjustments provided by paragraphs (f) and (g) of this section shall not apply.

(f) In the case of Rockford handlers an adjusted uniform price shall be computed as follows:

(1) Adjust the values for Freeport handlers, computed pursuant to § 991.70, to a 3.5 percent butterfat basis by the butterfat differential in § 991.81, combine the adjusted values into one total, and divide such total by the hundredweight of producer milk received by such handlers;

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (e) of this section;

(3) Subtract such net amount from the per hundredweight figure resulting from paragraph (e) of this section;

(4) Determine the percentage which the total hundredweight of producer milk received by Freeport handlers bears to the total hundredweight of producer milk received by Rockford handlers, and multiply such percentage by the net amount per hundredweight resulting from subparagraph (2) of this paragraph;

(5) Add the amount computed under subparagraph (4) of this paragraph to the per hundredweight amount computed under paragraph (e) of this section;

(6) Adjust each sum to the nearest full cent.

(g) In the case of Freeport handlers an adjusted uniform price shall be computed as follows:

(1) Multiply the hundredweight of producer milk for Rockford handlers by the uniform price for such handlers adjusted as provided in paragraph (f) of this section;

(2) Subtract such amount from the amount computed in paragraph (c) of this section;

(3) Divide such net amount by the hundredweight of producer milk for Freeport handlers;

(4) Subtract an amount per hundredweight equal to that subtracted prior to the proviso in paragraph (e) of this section; and

(5) Adjust such net amount to the nearest full cent.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

PAYMENTS

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the applicable uniform price for such month pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month not less than the value of such milk computed at the applicable uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or subtracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of producer milk (§ 991.70) received by such handler during such month is greater than the total of amounts to be paid pursuant to § 991.80

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk (§ 991.70) received by such handler during such month is less than the sum of amounts due pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense assessment under another Federal milk marketing agreement or order issued pursuant to the act) received during such month.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each month shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records or accounts disclose errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 991.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 991.90 *Effective time.* The provisions of this subpart or any amendments to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 991.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any of its provisions whenever he finds that this subpart or any provision obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 991.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 991.93 *Liquidation.* Upon the suspension or termination of this subpart, except this section, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 991.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 991.95 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk in the Rockford-Freeport, Illinois, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area) who, during the month of February 1952 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

Jesse L. Cook is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177).

[F. R. Doc. 52-9291; Filed, Aug. 22, 1952; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[466.23]

CHLOROPHYLL AND CHLOROPHYLL DERIVATIVES

TARIFF CLASSIFICATION

AUGUST 19, 1952.

The Bureau, by letter to the collector of customs, New York, New York, dated August 19, 1952, ruled that chlorophyll and chlorophyll derivatives, in water-soluble forms, are classifiable under the provision in paragraph 5, Tariff Act of 1930, for chemical compounds, medicinal preparations, and combinations and mixtures of any of the foregoing, and dutiable at the modified rate of 12½ percent ad valorem.

This ruling will be effective as to such or similar merchandise entered for consumption or withdrawn from warehouse for consumption after 30 days after the date of publication of the abstract of this decision in a forthcoming issue of the weekly Treasury Decisions.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9314; Filed, Aug. 22, 1952; 8:52 a. m.]

[482.2]

CORK PARTS OF ARTIFICIAL BAIT

TARIFF CLASSIFICATION

AUGUST 18, 1952.

It appears probable that parts of artificial bait made of artificial, composition, or compressed cork are properly classifiable as parts of artificial bait under paragraph 1535, Tariff Act of 1930, at a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations of 1943, as amended, (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying such merchandise as manufactures, wholly or in chief value of artificial, composition, or compressed cork, finished or unfinished, not specially provided for, under paragraph 1511, Tariff Act of 1930, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] FRANK DOW,
Commissioner of Customs.

[F. R. Doc. 52-9315; Filed, Aug. 22, 1952; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

COMPANIA NAVIERA INDEPENDENCIA, S. A., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 7662–C between Compania Naviera Independencia, S. A., Compania Naviera Pacifico, S. A., and Compania Naviera TransAtlantico, S. A. provides for the cancellation of Agreement No. 7662 which covers the establishment and maintenance of a joint service (with limited passenger accommodations) under the trade name Independence Line, in the trade between Pacific, Atlantic and Gulf Coast ports of the United States, Pacific and Atlantic Coast ports of Canada, and Pacific, Gulf and Atlantic Coast ports of Mexico, Canal Zone, Central and South America, but not including transportation within the purview of the coastwise laws of the United States.

2. Agreement No. 7862 between United Fruit Company and Osaka Shosen Kaisha, Ltd., covers the transportation of cargo under through bills of lading from Japan and the Philippine Islands to New York and New Orleans, with transhipment at Cristobal, Canal Zone.

3. Agreement No. 7863 between Carriers Comprising the Norton Line Joint Service and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Argentina, Uruguay, and Brazil to Puerto Rico, with transshipment at New York, Philadelphia and Baltimore.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 19, 1952.

By order of the Federal Maritime Board.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

[F. R. Doc. 52-9310; Filed, Aug. 22, 1952; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Serial No. E-6706; Docket No. 1705 et al.]

AIR FREIGHT RATE INVESTIGATION; DIRECTIONAL RATES

CERTIFICATED AIR CARRIERS

Ninth supplemental order modifying prescribed minimum rates (Serial No. E-6706). In the matter of rates and charges for the transportation of freight by air established, demanded, and charged by certificated air carriers known as air freight case; Docket No. 1705 et al.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 19th day of August 1952.

The Board, on June 2, 1948, having entered an order prescribing lawful minimum rates for the transportation of property by air;

American Airlines, Inc., having filed a petition as amended, requesting modification of aforesaid minimum rate order so that a carrier serving a point at which carriers are authorized to serve through more than one airport may apply the prescribed minimum rates to and from any such airport notwithstanding that surface transportation would be involved between the airport served by the carrier's aircraft and any other airport in the same city;

And it appearing to the Board that a modification of the aforesaid minimum rate order to permit application as described hereinbefore would be just and reasonable and lawful under the various provisions of the Civil Aeronautics Act of 1938, as amended;

The Board acting pursuant to the powers vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 403, 404 and 1002 thereof and finding that its action is necessary and appropriate to carry out the provisions and objectives of the act and to exercise and perform its powers and duties thereunder: *It is ordered,* That:

1. Order Serial Number E-1639 of June 2, 1948, as subsequently amended is hereby further amended to include the following:

That in complying with the provisions and requirements of the orders amended hereby an air carrier certificated to serve a point may apply airport-to-airport rates and charges, to or from any airport used by another air carrier or foreign air carrier authorized to serve the point in providing freight service at such point; and that when such rates and charges are applied to or from an airport not used by the air carrier in providing freight service to the point, the transfer of freight to and from such airport and the airport used by the carrier may be made by the carrier at no charge to consignor or consignee.

2. This order be published in the FEDERAL REGISTER, and

3. A copy of this order be served upon all air carriers parties to this proceeding.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9325; Filed, Aug. 22, 1952; 8:53 a. m.]

[Docket No. 4603, et al.]

NORTH CENTRAL ROUTE INVESTIGATION CASE; REOPENED

NOTICE OF HEARING

In the matter of the proceeding known as the Reopened North Central Route Investigation Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, heretofore indefinitely postponed, is reassigned for September 8, 1952, at 10:00 a. m., d. s. t. in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., this 20th day of August 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-9326; Filed, Aug. 22, 1952; 8:54 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

DEPUTY ASSISTANT ADMINISTRATOR

INTERNAL REDELEGATION OF AUTHORITY

By virtue of the authority vested in the Economic Stabilization Administrator by E. O. 10161 of September 9, 1950 (15 F. R. 6105), as amended; E. O. 10182 of November 21, 1950 (15 F. R. 8013), as amended; E. O. 10200 of January 16, 1951 (16 F. R. 419); E. O. 10233 of April 21, 1951 (16 F. R. 3503); E. O. 10276 of July 31, 1951 (16 F. R. 7535), as amended; E. O. 10281 of August 28, 1951 (16 F. R. 8789); E. O. 10290 of September 24, 1951 (16 F. R. 9795); E. O. 10293 of September 27, 1951 (16 F. R. 9927), and E. O. 10377 of July 25, 1952 (17 F. R. 6891), this amendment of the Internal Redelegation of Authority (16 F. R. 10009; 16 F. R. 12411) is hereby issued.

1. Whenever the Economic Stabilization Administrator, the Deputy Economic Stabilization Administrator, the Assistant Economic Stabilization Administrator (Operations), and the General Counsel of the Economic Stabilization Agency are absent from the City of Washington, D. C., the functions delegated to the Administrator by the aforesaid Executive Orders are hereby further redelegated to the Deputy Assistant Economic Stabilization Administrator and shall be exercised by him as Acting Economic Stabilization Administrator.

2. This internal redelegation of authority shall take effect immediately upon filing with the Federal Register Division.

ROGER L. PUTNAM,
Administrator.

[F. R. Doc. 52-9351; Filed, Aug. 21, 1952; 12:26 p. m.]

[Determination No. 118]

BATTLE CREEK, MICHIGAN; CRITICAL DEFENSE HOUSING AREA

APPROVAL OF EXTENT OF RELAXATION OF CREDIT CONTROLS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Pub. Law 129, 80th

This amended redelegation of authority shall

information concerning such a price de-

Cong., as amended by Pub. Laws 422 and 464, 80th Cong., Pub. Laws 31, 574 and 880, 81st Cong.; and Pub. Laws 8, 69 and 96, 82d Cong.); and more particularly section 204 (m) of Public Law 96; and the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong.; as amended by Pub. Law 96, 82d Cong.); and Executive Order 10161 of September 9, 1950, and Executive Order 10276 of July 31, 1951; and as implemented by Economic Stabilization Agency Order No. 9 of July 31, 1951.

SEC. 2. *Determination.* In view of the joint determination and certification by the Secretary of Defense and the Acting Director of Defense Mobilization, dated August 1, 1952, that the Battle Creek, Michigan, area (this area consists of the City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County, all in Michigan) is a critical defense housing area, and in view of the defense housing program announced for the said area on August 21, 1952, by the Administrator of the Housing and the Home Finance Agency, with the concurrence of the Board of Governors of the Federal Reserve System, it is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the Battle Creek, Michigan, critical defense housing area to the extent necessary to encourage construction of housing for defense workers and military personnel.

CHARLES E. MILLS,
Acting Administrator.

AUGUST 22, 1952.

[F. R. Doc. 52-9403; Filed, Aug. 22, 1952; 12:12 p. m.]

Office of Price Stabilization

[Ceiling Price Regulation 9, Supplementary Regulation 3, Special Order 14]

INTERNATIONAL LATEX CORP.

CEILING PRICES AT RETAIL

Statement of considerations. This order establishes uniform retail ceiling prices for the sale of garments and other articles manufactured by the International Latex Corporation, under the trade name "Playtex", in the Territories of Alaska, Hawaii, and Puerto Rico on the basis of an application filed by the International Latex Corporation under SR 3 to CPR 9. This supplementary regulation gives a manufacturer the right to apply for uniform retail ceiling prices for the sale in a territory or possession of an article or articles manufactured by him whenever it appears that the article or articles were sold at retail in that territory or possession at a substantially uniform price for the period immediately prior to January 26, 1951, and the Director of Price Stabilization has established a uniform retail ceiling price for sales of the article in the continental United States, and the ceiling prices proposed are no higher than the level of ceiling prices otherwise established under CPR 9. All of these criteria have been met by the International Latex Corporation.

By Delegation of Authority 7, Revised, the authority to establish uniform ceiling prices under this supplementary regulation has been vested in the Director of Region XIV.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to SR 3 to CPR 9, this special order is hereby issued.

1. The ceiling prices for the sale by any retailer in the Territories of Alaska and Hawaii, and in the Commonwealth of Puerto Rico, of garments and other articles manufactured by the International Latex Corporation, Dover, Delaware, bearing the brand name "Playtex" are the retail prices listed in the application of the International Latex Corporation dated February 22, 1952 as amended by a supplementary application dated March 12, 1952, filed with Region XIV of the Office of Price Stabilization. A list of such ceiling prices will be filed by the Region XIV office of the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than September 15, 1952, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling prices established by this special order. Sales may, of course, be made at less than ceiling prices.

2. The applicant must annex a copy of the price list to a copy of this order and, within 15 days of the effective date of this order, supply one copy to each retailer to whom the applicant has delivered an article covered by this special order within the two-month period immediately preceding the issuing of this regulation. A copy of this special order and that attached list shall be sent to all other purchasers for sale at retail on or before the first delivery date after the effective date of this special order of any article covered by this regulation. In addition, the applicant must furnish the Director of Region XIV of the Office of Price Stabilization, Washington 25, D. C., two copies of this notice and the attached list within fifteen days of the effective date of this order and a list of all retailers to whom this order and price list are sent within five days of mailing the orders. The list attached to this order, which must be furnished to sellers of the articles covered by this order, must be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per _____ {unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

3. The applicant for this order must, within 60 days from the effective date of this order, either pre-ticket all articles covered by it, or provide to retailers, sufficient tags with each shipment for retailers to ticket the articles, with the retail ceiling price in the following form:

OPS-CPR 9—SR 3
Ceiling Price $_____

4. No retailer may sell or offer to sell any article covered by this order until a ticket as provided in section 3 has been attached to the article either by him, by the wholesaler, or by the manufacturer.

5. The applicant must file, within 45 days of the expiration of the first six-month period following the effective date of this order and within 45 days of the expiration of each successive six-month period, with the Director of Region XIV of the Office of Price Stabilization, Washington, D. C., a report setting forth the number of units of each article covered by this regulation which he has delivered in that six-month period.

6. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Region XIV of the Office of Price Stabilization at any time.

Effective date. This special order shall become effective on August 21, 1952.

EDWARD J. FRIEDLANDER,
Acting Regional Director.

AUGUST 20, 1952.

[F. R. Doc. 52-9318; Filed, Aug. 20, 1952; 3:49 p. m.]

[Region I. Redelegation of Authority No. 15, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 25, Amendment 1 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority No. 15 is hereby issued.

Section 1 of Redelegation of Authority No. 15 (16 F. R. 12411) is amended to read as follows:

SECTION 1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amended redelegation of authority shall take effect as of August 6, 1952.

JOSEPH M. McDONOUGH,
Regional Director, Region I.

AUGUST 20, 1952.

[F. R. Doc. 52-9319; Filed, Aug. 20, 1952; 3:49 p. m.]

[Region V. Revocation of Redelegation of Authority No. 39]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REVOCATION OF REDELEGATION OF AUTHORITY NO. 39 TO ACT UNDER CPR 24, AS AMENDED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 68 (17 F. R. 4961), this Revocation of Redelegation of Authority No. 39 is hereby issued.

Preamble. Redelegation of Authority No. 37, is effective June 9, 1952, redelegates all of the authority delegated to the Regional Director by Delegation of Authority 68, whereas, Redelegation of Authority No. 39 omits authority to act under section 21 (b). Since this omission was inadvertent, and there is also an unnecessary reduplication of redelegation, it seems best, to avoid further confusion, to revoke the least complete of the two redelegations. For this reason, this Revocation of Redelegation of Authority No. 39 is being issued.

Revocatory provisions. Redelegation of Authority No. 39 is hereby revoked.

This revocation shall take effect as of August 11, 1952.

GEORGE D. PATTERSON, JR.,
Director, Regional Office V.

AUGUST 20, 1952.

[F. R. Doc. 52-9321; Filed, Aug. 20, 1952; 3:49 p. m.]

[Region V. Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 26, REVISED

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 70 (17 F. R. 5917), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Montgomery in the State of Alabama, Jacksonville in the State of Florida, Jackson in the State of Mississippi, Columbia in the State of South Carolina, and Nashville in the State of Tennessee, to act under sections 5 (c) (3), 7, 21 (c), and 22 of CPR 26, Revised. All actions in respect to the foregoing sections of CPR 26, Revised, taken by any District Office of the Office of Price Stabilization in Region V, previous to this redelegation of authority are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 11, 1952.

GEORGE D. PATTERSON, JR.,
Director, Regional Office V.

AUGUST 20, 1952.

[F. R. Doc. 52-9320; Filed, Aug. 20, 1952; 3:49 p. m.]

[Region V. Redelegation of Authority No. 42]

DIRECTORS OF DISTRICT OFFICES, REGION V, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region V, Atlanta, Georgia, pursuant to Delegation of Authority 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region V, located in Montgomery in the State of Alabama, Jacksonville in the State of Florida, Jackson in the State of Mississippi, Columbia in the State of South Carolina, and Nashville in the State of Tennessee, to act under section 3 (f) of Supplementary Regulation 65 to the General Ceiling Price Regulation. All actions in respect to section 3 (f) of Supplementary Regulation 65 to the General Ceiling Price Regulation taken by district offices in Region V previous to this redelegation of authority are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 11, 1952.

GEORGE D. PATTERSON, JR.,
Director, Regional Office V.

AUGUST 20, 1952.

[F. R. Doc. 52-9322; Filed, Aug. 20, 1952; 3:49 p. m.]

[Delegation of Authority No. 73]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO PROCESS REPORTS OF PROPOSED PRICE DETERMINING METHODS UNDER SECTIONS 6 AND 8 OF CPR 83, REVISION 1

By virtue of the authority vested in me as Director of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act under sections 6 and 8 of CPR 83, Revision 1.* Authority is hereby delegated to the Directors of the Regional Offices of the Office of Price Stabilization to approve, pursuant to sections 6 and 8 of CPR 83, Revision 1, a price determining method for sales by a seller under CPR 83, Revision 1, disapprove such a proposed price determining method, modify such a proposed price determining method, or request further information concerning such a price determining method.

2. *Redelegation of authority.* The authority herein delegated may be redelegated to the Directors of the District Offices of the Office of Price Stabilization.

This delegation of authority is effective August 23, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9396; Filed, Aug. 22, 1952; 11:45 a. m.]

[Delegation of Authority No. 74]

DIRECTOR OF REGIONAL OFFICE No. II, NEW YORK CITY, N. Y.

DELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR REDESIGNATION OF NATURE OF ACCOUNTS UNDER SECTION 5 OF SR 24 TO CPR 34, AS AMENDED

By virtue of the authority vested in me as Director of the Office of Price Stabilization, pursuant to the Defense Production Act of 1950, as amended (64 Stat. 798, 803; 65 Stat. 131; 66 Stat. 296), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2, as amended (16 F. R. 738, 11626), this delegation of authority is hereby issued.

1. *Authority to act on applications under section 5 of SR 24 to CPR 34, as amended.* Authority is hereby delegated to the Director of the Regional Office, Region II, New York City, New York, of the Office of Price Stabilization, to accept applications filed under section 5 of SR 24 to CPR 34 for redesignation of status of purchasers subject to that supplementary regulation as either large accounts or small accounts whichever is applicable; to request further information; to issue orders in writing establishing the new designation for the applicants; or to reject such applications.

2. *Redelegation of authority.* The authority herein delegated may be redelegated to the Director of the New York District Office of the Office of Price Stabilization.

This delegation of authority will take effect August 27, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 22, 1952.

[F. R. Doc. 52-9397; Filed, Aug. 22, 1952; 11:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

CERTIFIED COPIES; REQUESTS FOR; COSTS

In the matter of amendment of section 0.207 of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August, 1952.

The Commission having before it the matter of amending section 0.207 of its rules and regulations to conform with the national policy for the control of non-classified technical data; and

It appearing, that in the interest of national security the public interest requires an amendment to that Section of the Rules to provide that in making certified copies of Commission records available to representatives of foreign governments or persons residing in foreign countries the criteria established by the Department of Commerce for the control of export of technical data will be considered; and

It further appearing, that authority for the proposed amendment is contained in section 4 (i) of the Communications Act of 1934, as amended;

It is ordered, effective immediately, that section 0.207 be amended to read as follows:

SEC. 0.207 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of section 0.206 will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required. Such request must be made so as to permit a reasonable time for the preparation of such copies and any cost incurred in the preparation of such copies must be prepaid by the person making application therefor. *Provided, however*, That, if requests are received from representatives of foreign governments or from persons residing in foreign countries, the criteria established by the Department of Commerce for the control of export of technical data will be taken into account before such certified copies will be made available.

Released: August 19, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9323; Filed, Aug. 22, 1952; 8:53 a. m.]

[Docket No. 10311]

CHESAPEAKE AND POTOMAC TELEPHONE CO. OF VIRGINIA

ORDER SCHEDULING HEARING

In the matter of the application of the Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and property of The Fauquier Telephone Company, Incorporated; Docket No. 10311, File No. P-C-2942.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 13th day of August 1952;

The Commission having under consideration an application filed by The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by The Chesapeake and Potomac Telephone Company of Virginia of certain telephone plant and property of The Fauquier Telephone Company, Incorporated, located in Remington and Bealeton, Fauquier County, Virginia, will be of advantage to persons to whom service is to be rendered and in the public interest;

It is ordered, That pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to persons to whom service is to be rendered and in the public interest;

It is further ordered, That the hearing upon the said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 4th day of September 1952, and that a copy of this Order shall be served on The Chesapeake and Potomac Telephone Company of Virginia, The Fauquier Telephone Company, Incorporated, the Governor of Virginia, the State Corporation Commission of Virginia, and the Postmasters of Remington and Bealeton, Virginia;

It is further ordered, That within five days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Remington and Bealeton, Fauquier County, Virginia, and shall furnish proof of such publication at the hearing herein.

Released: August 18, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9324; Filed, Aug. 22, 1952; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6427]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

AUGUST 19, 1952.

Notice is hereby given that on August 15, 1952, the Federal Power Commission issued its order entered August 14, 1952, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9305; Filed, Aug. 22, 1952; 8:51 a. m.]

[Docket No. E-6452]

IDAHO POWER CO.

NOTICE OF APPLICATION

AUGUST 19, 1952.

Take notice that on August 18, 1952, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Idaho Power Company, a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Idaho and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of up to 225,000 additional shares of Common Stock, $20 par value to be issued in October 1952. Applicant requests exemption from the competitive bidding requirements of the Commission's rules and regulations; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 8th day of September 1952, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9283; Filed, Aug. 22, 1952; 8:45 a. m.]

[Docket Nos. G-1267, G-1954]

NORTHEASTERN GAS TRANSMISSION CO. AND CONNECTICUT GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 19, 1952.

In the matters of Northeastern Gas Transmission Company, Docket No. G-1267; The Connecticut Gas Company, Docket No. G-1954.

Notice is hereby given that on August 18, 1952, the Federal Power Commission issued its order entered August 14, 1952, amending order of November 4, 1950 (15 F. R. 7775) issuing a certificate of public convenience and necessity to Northeastern Gas Transmission Company, Docket No. G-1267, and issuing a certificate of public convenience and necessity to The Connecticut Gas Company, Docket No. G-1954.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9303; Filed, Aug. 22, 1952; 8:50 a. m.]

[Docket Nos. G-1551, G-1552]

INDIANA GAS & WATER CO., INC., AND TEXAS GAS TRANSMISSION CORP.

NOTICE OF ORDER MODIFYING AND AFFIRMING, AS MODIFIED, THE INITIAL DECISION OF PRESIDING EXAMINER

AUGUST 19, 1952.

In the matters of Indiana Gas & Water Company, Inc., Docket No. G-1951; Texas Gas Transmission Corporation, Docket No. G-1552.

Notice is hereby given that on August 18, 1952, the Federal Power Commission issued its order entered August 14, 1952, modifying and affirming, as modified, the initial decision of the Presiding Examiner in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9302; Filed, Aug. 22, 1952; 8:50 a. m.]

[Docket No. G-2027]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

AUGUST 19, 1952.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed on August 8, 1952, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 24-inch pipeline river crossing as hereinafter described.

Applicant proposes to construct and operate a 24-inch pipeline, approximately 2,200 feet in length, across the bottom of the Arkansas River near Little Rock, Arkansas, at a point near the site of another pipeline proposed by the Applicant across this river. Applicant states that the additional river crossing herein proposed is necessary "to assure continuous and adequate service to its customers," and does not thereby propose to render any new service. Applicant estimates the cost of the project at $84,200, and proposes to accomplish the financing out of funds on hand.

Take notice that Applicant also filed on August 8, 1952, an application for a temporary certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act and § 157.9 of the Commission's rules and regulations, authorizing the construction of the facilities hereinbefore described pending determination of its application hereinbefore referred to and described.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9284; Filed, Aug. 22, 1952; 8:45 a. m.]

[Project No. 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

NOTICE OF ORDER DENYING EXEMPTION FROM PAYMENT OF ANNUAL CHARGES

AUGUST 19, 1952.

Notice is hereby given that on August 15, 1952, the Federal Power Commission issued its order entered August 12, 1952, denying exemption from payment of annual charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9304; Filed, Aug. 22, 1952; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-791]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND SNYDER CHEMICAL CORP.

NOTICE OF APPLICATION

AUGUST 19, 1952.

Notice is hereby given that American Research and Development Corporation ("Research"), 200 Berkeley Street, Boston, Massachusetts, and Snyder Chemical Corporation ("Snyder"), Bethel, Connecticut, have filed an application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the requirements of section 17 (a) of that act the transaction hereinafter described.

Research, a registered, closed-end investment company, owns 10,800 shares (25.3 percent) of the outstanding Common Stock and $50,000 in par value (32.4 percent) of the outstanding $154,290 of the 5 percent Cumulative Preferred Stock of Snyder.. In addition, Research holds options expiring August 26, 1954, to purchase 2,000 shares of common stock from Snyder and 2,000 shares of common stock from other stockholders at $6 per share, and Research holds a $50,000 5 percent note of Snyder, or 50 percent of the latter's outstanding note indebtedness. Due to dividend arrearages, the preferred stock is presently entitled to elect a majority of the board of directors. On the basis of these facts, Snyder and Research are affiliated persons of each other and Snyder is presumed to be controlled by Research within the meaning of the definitions contained in sections 2 (a) (3) and 2 (a) (9), respectively, of the act.

Snyder has been successful in developing resin products of a high degree of technical acceptance but high costs, material shortages and development expenditures have caused Snyder to be in a continually precarious financial position. As the result of a deficit at March 31, 1950, of $184,702.20, Snyder decided to add to its management persons experienced in the production and marketing of resin products. William L. Abramowitz and his associates (hereinafter collectively called "Abramowitz") have offered to assume management, subject to the supervision of Snyder's board of directors and under an agreement whereby:

(1) Abramowitz will receive Snyder common stock equal in amount to one-third of such stock outstanding after such issue as partial compensation for services rendered from February 28, to October 1, 1951;

(2) Snyder will grant to Abramowitz options to purchase additional common stock at 1¢ per share (par value) to bring his aggregate holdings up to 50 percent of the outstanding common stock on February 28, 1951;

(3) Snyder will eliminate certain voting rights of its outstanding preferred stock and will create a Preferred Stock Sinking Fund into which Snyder will pay semi-annually $6,300 and annually 10 percent of its net profits after taxes; and

(4) Holders of at least 95 percent of preferred stock will waive arrearages of accrued and unpaid dividends through March 31, 1951, and agree to a redemption price of $1.05 rather than $1.10 per share.

The aforesaid options, expiring March 31, 1961, are subject to Snyder paying off its presently outstanding note indebtedness and having aggregate earnings after all taxes during the five-year period ending March 31, 1956, of $225,000. However, if such earnings are not reached until after that date, the options are exercisable at $1.50 per share for the one year period ending March 31, 1957, and at an increase of $1.50 per share in each yearly period thereafter to a maximum of $7.50 per share on or before March 31, 1961. Snyder would have the right for sixty days after March 31, 1954, to repurchase shares already issued to Abramowitz, if its earnings after taxes for the three years preceding that date are less than $75,000, at a price per share equal to one-third of the total earnings per share after taxes during said three-year period.

In order to meet the requirements of the Abramowitz offer, Snyder will submit to stockholders an amendment of its certificate of incorporation, providing for the elimination of certain voting rights of the outstanding preferred and for the creation of the proposed sinking fund therefor. The holders of all but 700 shares (less than ½ of 1 percent) of the preferred stock have indicated their willingness to vote for said amendment and concurrently to waive dividend arrearages on their preferred stock and to reduce its redemption price. Said waiver of dividend arrearages and reduction of redemption price cannot be accomplished by corporate amendment since such changes require 100 percent approval of stockholders. Upon completion of the corporate action and in connection with the waiver of arrearages and reduction of redemption price, the preferred stock certificates will be called in by Snyder and appropriately marked to indicate the amendments and, in the case of all but 700 shares, the forgiveness of arrearages and reduction of redemption price.

At December 31, 1951, Snyder had a deficit of $141,686.27 and it is unlikely that preferred dividends could be paid in the near future. Research has appraised its Snyder common stock (cost: $2,600) at $1 since December 31, 1948, and its Snyder preferred stock (cost: $50,000) at $1 since September 30, 1950. Arrearages on preferred stock held by Research amount to $11,250. Snyder's directors believe that participation by Abramowitz in the management is necessary and desirable for the success of the business, and that the creation of a Preferred Stock Sinking Fund and elimina-

tion of certain voting rights of the preferred stock are necessary and reasonable inducements to secure that participation in return for the issuance to Abramowitz of common stock. Research desires to aid in securing said participation and proposes to waive its claim to preferred dividend arrearages through March 31, 1951, and to reduce the redemption price.

The proposed transaction in which Snyder will exchange a new preferred stock, with sinking fund provisions, for its present preferred stock, the holders of which agree to waive the dividend arrearage thereon and accept a reduction in the redemption price, involves on the part of Snyder a purchase of the present preferred stock and a sale of the new preferred stock. It is Snyder's purchase of the present preferred stock owned by Research which is prohibited by section 17 (a) and for which exemption is sought in this application.

The application states that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; and that the transaction is consistent with the policies of Research as recited in its registration statement and reports filed under the act and with the general purposes of the act.

Since the proposed transaction involves the purchase of securities from a registered investment company (Research) by an affiliated person (Snyder), such transaction is prohibited by section 17 (a) of the act unless an exemption therefrom is granted by the Commission under section 17 (b) of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission at Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 10, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 8, 1952, at 5:30 p. m., e. d. s. t., submit in writing to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request in writing that the Commission order a hearing to be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submiting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9285; Filed, Aug. 22, 1952; 8:46 a. m.]

[File No. 812-794]

NATIONAL SECURITIES AND RESEARCH CORP.

NOTICE OF APPLICATIONS AND OPPORTUNITY FOR HEARING

AUGUST 19, 1952.

In the matter of Independence Fund Trust Certificates, First Mutual Trust Fund, and National Securities Series—Balanced Series—all sponsored by National Securities & Research Corporation, File No. 812-793; and First Mutual Trust Fund and National Securities Series—Balanced Series—both sponsored by National Securities and Research Corporation, File No. 812-794.

National Securities & Research Corporation has filed applications for itself and as sponsor of Independence Fund Trust Certificates, First Mutual Trust Fund, and National Securities Series—Balanced Series pursuant to section 11 (c) of the Investment Company Act of 1940 for an order approving pursuant to section 11 (a) of the act certain offers of securities. The applications assert the following:

Independence Fund Trust Certificates is a registered unit investment trust of the periodic payment type. The certificates are issued under a trust agreement dated as of July 1, 1931, between the Applicant, the Empire Trust Company, successor trustee, and the beneficiaries of Independence Fund Trust Certificates. These securities were first sponsored by the Applicant on July 1, 1931. They have not been offered since December 1937. Payments on all of the presently outstanding Independence Fund Trust Certificates are invested in shares of First Mutual Trust Fund.

First Mutual Trust Fund is an open-end diversified management investment company sponsored by the applicant. Shares of First Mutual Trust Fund are issued under a trust agreement dated as of March 1, 1937, between National Securities & Research Corporation, Empire Trust Company, Trustee, and the holders from time to time of shares of First Mutual Trust Fund. Shares of First Mutual Trust Fund are not at present generally offered to the public.

National Securities Series is an open-end diversified management company sponsored by the Applicant. There are ten series, each with its own separate portfolio objective. The holder of the shares of one Series participates only in the portfolio of that Series. National Securities Series—Balanced Series is one of the National Securities Series.

According to the applications, it is proposed to offer to the holders of shares of First Mutual Trust Fund such number of shares of National Securities Series—Balanced Series at net asset value as can be purchased with the proceeds from the liquidation of shares of First Mutual Trust Fund held. There will be no sales load involved. The liquidation value of shares of First Mutual Trust Fund is the net asset value after deducting the expense on sale of the portfolio securities, being brokerage, stamp taxes and S. E. C. fees. This is not the net asset value in effect for the purpose of determining the offering price, in which case brokerage would be added.

It is proposed to offer to the holders of Independence Fund Trust Certificates such number of shares of National Securities Series—Balanced Series at net asset value as can be purchased with the proceeds from the liquidation of Independence Fund Trust Certificates. Independence Fund Trust Certificates can be liquidated by the holders thereof who will receive the entire liquidating value of the shares of First Mutual Trust Fund held for them, less any trustee maintenance due.

Application to and authority from the Commission would not be required by section 11 (a) of the Investment Company Act of 1940 if it were possible to make the exchange on a strictly net asset value basis. This is impossible, however, the Applicant states, because according to advice of counsel, the First Mutual Trust Agreement cannot be effectively amended to eliminate the requirement that brokerage, stamp taxes and S. E. C. fees be deducted from net asset value to determine the liquidating value. This deduction does not go directly or indirectly to the Applicant.

The applications state that liquidations of shares of First Mutual have exceeded by over $2,000,000 the sales in the past five years and that last year liquidations were more than twelve times sales. The public offering of shares of First Mutual was withdrawn on June 30, 1952.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said applications which are on file in the offices of the Commission in Washington, D. C.

In appearing to the Commission that said applications present questions of law and fact common to each of said applications,

It is ordered, That the proceedings on the two applications be and the same are hereby consolidated; and

Notice is further given that an order granting the applications, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time on or after September 1, 1952, unless prior thereto a hearing upon the applications is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than August 29, 1952 at 5:30 p. m., submit to the Commission in writing his views on any additional facts bearing upon these applications or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the applications which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9286; Filed, Aug. 22, 1952; 8:46 a. m.]

[File No. 812-798]

E. I. DU PONT DE NEMOURS AND CO. AND HENRY B. DU PONT

NOTICE OF APPLICATION

AUGUST 18, 1952.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Applicant") of Wilmington, Delaware, an affiliated person of and presumptively controlled by Christiana Securities Company ("Christiana"), a registered closed-end non-diversified management company, which is an affiliated person of and presumptively controlled by Delaware Realty and Investment Company ("Realty"), a registered closed-end non-diversified management investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940, for an order exempting from the provisions of section 17 (a) of the act the acquisition by Applicant of certain real estate from Henry B. du Pont ("Vendor"). In addition to being a director and minority stockholder of Realty, Christiana and Applicant, Vendor is also President of Realty and Vice President of Christiana and Applicant. Vendor, therefore, is an affiliated person of such corporations within the meaning of the act.

It appears from the application that Applicant is to acquire from Vendor a certain tract of land now owned by Vendor of approximately one hundred sixty (160) acres in size which is located in the vicinity of Wilmington, Delaware. The purchase price is to be two thousand dollars ($2,000.00) per acre, a total of approximately three hundred twenty thousand dollars ($320,000.00) in cash. Applicant desires to acquire such land for a site on which to construct laboratory facilities and for other company purposes.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the offices of the Commission in Washingtn, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after September 3, 1952, unless prior thereto a hearing upon the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 2, 1952, at 5:30 p. m., submit to this Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issue of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9287; Filed, Aug. 22, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27322]

SOYBEAN CAKE AND MEAL FROM ARKANSAS TO THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3972.

Commodities involved: Soybean cake and meal, carloads.

From: Points in northeastern Arkansas.

To: Southwestern territory (on traffic accorded transit privileges at St. Louis, Mo., and Decatur, Ill.).

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3972, Supp. 12 St. L.-S. F. Ry. tariff I. C. C. No. A-331, Supp. 24 and certain other transit tariffs.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9293; Filed, Aug. 22, 1952; 8:48 a. m.]

[4th Sec. Application 27323]

PIG IRON FROM TEXAS TO SIDNEY, OHIO

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3960.

Commodities involved: Pig iron, carloads.

From: Daingerfield, Lone Star, and McCrossin, Tex.

To: Sidney, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3960, Supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9292; Filed, Aug. 22, 1952; 8:48 a. m.]

[4th Sec. Application 27324]

TOBACCO STEMS FROM POINTS IN VIRGINIA AND NORTH CAROLINA TO LOUISVILLE AND LEXINGTON, KY.

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1184.

Commodities involved: Tobacco stems, carloads.

From: Points in Virginia and North Carolina.

To: Louisville and Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1184, Supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed

within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9295; Filed, Aug. 22, 1952; 8:48 a. m.]

[4th Sec. Application 27325]

CANCELLATION MINIMUM RATES IN CLASS RATE ADJUSTMENT TO AND FROM THE SOUTH

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3571.

Commodities involved: Class rates subject to ratings in exceptions to classification.

Between: Points in Kansas and Southern Missouri, on the one hand, and points in southern territory, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3571, Supp. 244.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9296; Filed, Aug. 22, 1952; 8:48 a. m.]

[4th Sec. Application 27326]

TRANSIT FEED FROM FLORIDA TO SURGOINSVILLE, TENN.

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1308.

Commodities involved: Feed, animal or poultry, carloads.

From: Points in Florida.

To: Surgoinsville, Tenn. (applicable on traffic accorded transit privileges at Nashville, Tenn.).

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, Supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9297; Filed, Aug. 22, 1952; 8:49 a. m.]

[4th Sec. Application 27327]

CEMENT FROM GIANT, S. C., TO FAYETTEVILLE, N. C.

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for the Norfolk Southern Railway Company and the Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Giant, S. C.

To: Fayetteville, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9298; Filed, Aug. 22, 1952; 8:49 a. m.]

[4th Sec. Application 27328]

CEMENT FROM GIANT, S. C., TO NEW BERN, N. C.

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for the Atlantic and East Carolina Railway Company and the Southern Railway Company.

Commodities involved: Cement and related articles, carloads.

From: Giant, S. C.

To: New Bern, N. C.

Grounds for relief: Circuity, rail competition, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9299; Filed, Aug. 22, 1952; 8:49 a. m.]

[4th Sec. Application 27329]

CEMENT FROM BIRMINGHAM, ALA., DISTRICT TO DOUGHERTY, GA.

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: J. G. Kerr, Agent, for Atlantic Coast Line Railroad Company, Georgia Northern Railway Company, and Louisville and Nashville Railroad Company.

Commodities involved: Cement and related articles, carloads.

From: Birmingham, Boyles, North Birmingham, and Phoenixville, Ala.

To: Dougherty, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9300; Filed, Aug. 22, 1952; 8:49 a. m.]

[4th Sec. Application 27330]

LIMESTONE FROM INWOOD, W. VA., TO PITTSBURGH, PA., DISTRICT

APPLICATION FOR RELIEF

AUGUST 20, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for The Baltimore and Ohio Railroad Company, The Pennsylvania Railroad Company, and The Pittsburgh and Lake Erie Railroad Company.

Commodities involved: Limestone, crude, fluxing, foundry, and furnace, carloads.

From: Inwood, W. Va.

To: Pittsburgh, Pa., district.

Grounds for relief: Rail competition and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9301; Filed, Aug. 22, 1952; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18989]

BARBARA PITTERMANN

In re: Bank accounts owned by Barbara Pittermann. F-28-2436; C-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Barbara Pittermann, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany, is and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of the Central Savings Bank of the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, account number 841,070, entitled Barbara Pittermann, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of the Central Savings Bank of the City of New York, 2100 Broadway, New York, New York, arising out of a savings account, account number 1,214,584, entitled Barbara Pittermann in trust for Maria Möhwald, maintained at the branch office of the aforesaid bank located at Fourth Avenue at Fourteenth Street, New York, New York, and any and all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Barbara Pittermann, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 19, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 52-9313; Filed, Aug. 22, 1952; 8:51 a. m.]

FEDERAL REGISTER

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Washington, Tuesday, August 26, 1952

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Rural Electrification Administration, Department of Agriculture

PART 200—PROCEDURES

Effective July 1, 1952, Part 200 of Title 6, issued September 11, 1946 (11 F. R. 177A—294–296, inclusive) (redesignated at 13 F. R. 8248) as amended April 23, 1949 (14 F. R. 2006) is hereby amended as follows:

1. By deleting all of Part 200, and substituting therefor a new Part 200 reading as follows:

Sec.
200.1 Loans pursuant to section 4 of Rural Electrification Act.
200.2 Loans pursuant to section 5 of Rural Electrification Act.
200.3 Loans pursuant to section 201 of Rural Electrification Act.
200.4 Studies, investigations, and reports.
200.5 Assistance to borrowers.

AUTHORITY: §§ 200.1 to 200.5 issued under 49 Stat. 1363, as amended, 63 Stat. 948; 7 U. S. C. and Sup. 901–915, 921–924.

§ 200.1 *Loans Pursuant to Section 4 of Rural Electrification Act*—(a) *General.* These loans are made to finance the construction and operation of generating plants, electric transmission and distribution lines or systems. They must be amortized within a maximum of thirty-five years, must be found to be self-liquidating within the period of the loan, and must be reasonably secured in the judgment of the Administrator. They bear interest at two per centum per annum. They may be made to persons, corporations, public bodies, and to cooperative, nonprofit, or limited dividend associations.

(b) *Applications.* There is no prescribed or standard form of application for such loans. Interested persons making inquiry are given specific advice as to their eligibility, the terms and conditions of the loans, the information that they should furnish, and the further steps they should take to perfect application. If the Administrator approves a loan proposal, the applicant is immediately notified and loan papers are forwarded for the signature of the borrower.

(c) *Construction.* Under the loan agreements, certain controls over construction by the borrower are exercised by the agency. These include approval of the consulting engineer selected and hired by the borrower, approval of the plans and specifications for the construction, approval of materials and equipment used, and approval of contracts with third parties for engineering services, for construction, and for purchase of materials, equipment and wholesale power. There is also provision for progress reports to the agency on construction, for inspection of construction by the agency and for audit of the borrower's records relating to construction.

(d) *Advance of loan funds.* Loan funds are advanced on the basis of requisitions submitted by borrowers in accordance with established requirements.

§ 200.2 *Loans pursuant to section 5 of Rural Electrification Act*—(a) *General.* These loans are made to finance the wiring of the premises of persons in rural areas and the acquisition and installation of electrical and plumbing appliances and equipment. They bear interest at two per centum per annum. They may be made to any of the borrowers of funds under section 4 of the act or to any person, firm or corporation supplying or installing the wiring, plumbing, or appliances.

(b) *Applications.* There is no standard or prescribed form of application for this type of loan. The information submitted in support of an application should set forth the purposes for which the loan is requested and the amount required for each purpose. If the Administrator approves a loan proposal, the applicant is immediately notified and loan papers are forwarded for the signature of the borrower.

(c) *Advances of loan funds.* Loan funds are advanced on the basis of requisitions submitted by the borrower. Before any funds are advanced the borrower must satisfy the agency that the installations financed comply with min-

(Continued on next page)

CONTENTS

Agriculture Department Page
See Production and Marketing Administration; Rural Electrification Administration.

Civil Aeronautics Board
Notices:
U. S. Airlines, Inc.; enforcement proceedings; notice of hearing ---------- 7794
Proposed rule making:
Special civil air regulation; flight time limitations for pilots not regularly assigned to one type of crew ---------- 7790

Commerce Department
See National Production Authority.

Defense Department
See Navy Department.

Defense Mobilization, Office of
Notices:
Finding and determination of a critical defense housing area:
Kinross Air Force Base, Michigan, area ---------- 7795
Opheim, Mont., area ---------- 7795

Economic Stabilization Agency
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Hearings, etc.:
Michigan-Wisconsin Pipeline Co ---------- 7795
Texas Illinois Natural Gas Pipeline Co ---------- 7794

Federal Trade Commission
Notices:
Athletic Goods Industry; notice of holding of trade practice conference ---------- 7795

Housing and Home Finance Agency
Rules and regulations:
Relaxation of residential credit controls:
Regulation governing processing and approval of exceptions and terms for critical defense housing areas: miscellaneous amendments (CR 3) ------ 7788

Interior Department
See Petroleum Administration for Defense; Reclamation Bureau.

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from
Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Internal Revenue Bureau — Page
Proposed rule making:
Excess profits tax; taxable years ending after June 30, 1950; mineral properties; determining nontaxable income from exempt excess output ... 7789

Labor Department
See Wage and Hour Division.

National Production Authority
Rules and regulations:
Basic rules of the Controlled Materials Plan; acquisition and use of foreign and used steel without allotment (CMP Reg. 1, Dir. 4) ... 7784

National Production Authority—Continued
Rules and regulations—Con.
Iron and steel—alloying materials and alloy products (M–80):
Columbium and tantalum (Sched. 5) ... 7785
Increase of Zirconium allowance ... 7785

Navy Department
Notices:
Chief, Bureau of Supplies and Accounts; delegation of authority to eliminate excessive profits under the Renegotiation Act of 1948 ... 7791

Petroleum Administration for Defense
Rules and regulations:
Limitation on the use of natural gas ... 7786

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegations of authority to act:
Region II, New York, N. Y.; under CPR 17 ... 7797
Region III, Philadelphia, Pa.; under CPR 134 ... 7797
Region VIII, Minneapolis, Minn., under:
CPR 17 ... 7797
DR 1 ... 7797
Region XI, Denver, Colo.:
Directors of Salt Lake City, Utah, and Cheyenne, Wyo., District Offices; under DR 1 ... 7797
Under GCPR, SR 65 ... 7798
Region XII, San Francisco, Calif.; under:
DR 1 ... 7798
GCPR, SR 39 ... 7798
Region XIII, Seattle, Wash.; under GOR 24 ... 7798
Rules and regulations:
Ceiling prices for producers and distributors of cottonseed feed products (CPR 167) ... 7778

Production and Marketing Administration
Rules and regulations:
Grain warehouses; miscellaneous amendments ... 7767
Milk handling in marketing areas; Massachusetts:
Fall River ... 7773
Greater Boston ... 7768
Lowell-Lawrence ... 7771
Springfield ... 7775
Worcester ... 7777
Tokay grapes grown in San Joaquin and Sacramento Counties in California; regulation by grades and sizes ... 7774

Reclamation Bureau
Notices:
Shoshone Project, Wyo.; order of revocation ... 7791

Rural Electrification Administration
Notices:
Organization ... 7792

Rural Electrification Administration—Continued — Page
Notices—Continued
Various officials; delegations of authority ... 7792
Rules and regulations:
Procedures ... 7765

Securities and Exchange Commission
Notices:
Hearings, etc.:
American & Foreign Power Co., Inc., et al ... 7795
Blackstone Valley Gas and Electric Co. et al ... 7796
Niagara Mohawk Power Corp. ... 7796

Treasury Department
See Internal Revenue Bureau.

Wage and Hour Division
Notices:
Learner employment certificates; issuance to various industries ... 7793

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 6 — Page
Chapter II:
Part 200 ... 7765
Title 7
Chapter I:
Part 102 ... 7767
Chapter IX:
Part 904 ... 7768
Part 934 ... 7771
Part 947 ... 7773
Part 951 ... 7774
Part 996 ... 7775
Part 999 ... 7777
Title 14
Chapter I:
Part 41 (proposed) ... 7790
Title 26
Chapter I:
Part 40 (proposed) ... 7789
Title 32A
Chapter III (OPS):
CPR 167 ... 7778
Chapter VI (NPA):
CMP Reg. 1, Dir. 4 ... 7784
M–80 ... 7785
M–80, Sched. 5 ... 7785
Chapter IX (PAD):
PAD 2 ... 7786
Chapter XVII (HHFA):
CR 3 ... 7788

imum standards established by the agency.

§ 200.3 *Loans pursuant to section 201 of Rural Electrification Act*—(a) *General.* These loans are made for the purpose of financing the improvement, expansion, construction, acquisition, and operation of telephone lines, facilities, or systems to furnish or improve telephone service in rural areas. They must be self-liquidating within a period of not to exceed thirty-five years and bear interest at the rate of two per centum per annum. They may be made to persons now providing or who may hereafter provide telephone service in rural areas and to cooperative, nonprofit, limited dividend, or mutual associations.

(b) *Applications.* Applications for these loans should be made on Standard Form T–1, copies of which are made available by REA on request. After the information provided by the application form is examined, the applicant will be notified of any further steps to be taken. If the Administrator approves a loan proposal, the applicant is immediately notified and loan papers are forwarded for the signature of the borrower.

(c) *Advances of loan funds.* Loan funds are advanced on the basis of requisitions submitted by the borrower. Loan funds will be advanced to borrowers only as needed to meet approved obligations.

§ 200.4 *Studies, investigations, and reports.* Pursuant to section 2 of the act, the agency may make or cause to be made studies, investigations, and reports concerning the condition and progress of electrification and telephony in rural areas in the several States and territories and may publish and disseminate information with respect thereto.

§ 200.5 *Assistance to borrowers.* In carrying out the program of rural electrification and rural telephony provided by the act, the agency provides specialized and technical assistance to borrowers in respect of their organization, the construction of their facilities, and the technical and managerial operation of their completed systems. Persons or associations seeking an initial loan from the Rural Electrification Administration for the construction of a rural power or telephone system are assisted in perfecting their organization, in the conduct of their surveys and in the preparation of loan applications. Similar services are rendered when necessary to existing borrowers.

Issued this 14th day of August 1952.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52–9378; Filed, Aug. 25, 1952; 8:58 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Warehouse Regulations

PART 102—GRAIN WAREHOUSES

MISCELLANEOUS AMENDMENTS

On July 2, 1952, there was published in the FEDERAL REGISTER a notice of proposed amendments of the grain warehouse regulations (7 CFR Part 102) under the United States Warehouse Act, as amended (7 U. S. C. 241–273). No objection, data, views, or arguments having been filed pursuant to the notice, under the authority of section 28 of the act, said regulations are hereby amended as follows:

1. A new § 102.3a is added to read:

§ 102.3a *All facilities to be licensed or exempted.* All facilities within the same city or town used for the storage of grain by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a grain warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of the nonfederally licensed facilities, there would be no likelihood of interchange, substitution, or commingling of grain stored in such facilities with grain stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this section, the applicant shall not be licensed under the act as a grain warehouseman in the city or town in which the facilities in question are located. Each applicant for a grain warehouse license must apply for a license covering all facilities operated by him for the storage of grain within the same city or town or for exemption as provided in this paragraph. If a licensed grain warehouseman acquires any additional grain storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No grain storage facility acquired by a licensed grain warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of grain until it qualifies for license and is licensed or is exempted as provided in this section. If any one of the licensed grain storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of grain until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of grain by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of grain.

2. Section 102.6 is amended to read:

§ 102.6 *Net assets.* (a) Each warehouseman shall have and maintain above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the operation of the warehouse equal to at least 4 percent of the total value of the maximum number of bushels of wheat that the warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for wheat announced annually by the Administrator: *Provided, however,* That if the commodity normally stored or to be stored in the warehouse in greatest quantity over the period of a year has a unit price, as announced annually by the Administrator, higher than wheat, the maximum number of bushels and the unit price of such commodity shall be used in calculating the amount of net assets required: *And provided further,* That a warehouseman who does not meet the net assets requirement specified in this paragraph may be licensed under the act and the regulations in this part if he furnishes the bond required under § 102.14 for such a warehouseman. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman is licensed or is applying for a license to operate two or more warehouses in the same State, the maximum number of bushels which all such warehouses will accommodate when stored in the manner customary to the warehouses, shall be considered in determining whether the warehouseman meets the net worth requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a State agency licensed or applying for a license as provided in section 9 of the act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the net asset requirements of this section.

3. Section 102.7 is amended by adding thereto the following sentence: "If all the facilities operated for the storage of grain by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a grain warehouseman with respect to any of such facilities unless an exemption of the facilities which are not to be licensed is granted as provided in § 102.3a."

4. The third and fourth sentences in § 102.9 are amended to read, respectively: "The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has for any reason ceased to operate such licensed warehouse; (e) has in any other manner become incompetent or incapacitated to conduct the business of the warehouse; (f) has made unreasonable or exorbitant charges for services rendered; (g) is using in the same city or town in which his licensed warehouse facilities are located, any facility for storage of grain which is not covered by a license or an exemption as provided in § 102.3a; or (h) has in any

other manner violated or failed to comply with any provision of the act or the regulations in this part."

5. Section 102.14 is amended to read:

§ 102.14 *Amount of bond; additional amounts.* (a) The amount of bond to be furnished by a warehouseman who has met the net assets requirement of § 102.6 (a) shall be at least 6 percent of the total value of the maximum number of bushels of wheat that his warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for wheat announced annually by the Administrator: *Provided, however,* That if the commodity normally stored or to be stored in the warehouse in greatest quantity over the period of a year has a unit price, as announced annually by the Administrator, higher than wheat, the maximum number of bushels and the unit price of such commodity shall be used in calculating the amount of bond required: *And provided further,* That in any case the amount of bond shall not be less than $5,000 or more than $200,000, except as provided in paragraph (c) of this section. The amount of bond to be furnished by a warehouseman who has not met the net assets requirement of § 102.6 (a) shall be calculated in the manner prescribed in this paragraph except that it shall be at least 12 percent of the total value as specified in this paragraph and in any case shall not be less than $10,000 nor more than $400,000 except as provided in paragraph (c) of this section.

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same State and his total assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the State. In such case all of his warehouses in the State shall be deemed to be one warehouse and the maximum number of bushels that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purposes of determining the amount of bond required under §§ 102.13 through 102.17.

(c) In case the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount fixed in accordance with paragraph (a) of this section a further amount to meet such conditions.

6. Section 102.57 is amended to read:

§ 102.57 *License fees.* There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to an inspector and/or weigher.

7. Section 102.58 is amended to read:

§ 102.58 *Warehouse inspection fee.* There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $5 for each 10,000 bushels of the grain storage capacity of the warehouse, or fraction thereof, determined in accordance with § 102.6 (a), but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

8. Section 102.80 is amended to read:

§ 102.80 *Appeal procedure.* In case a question arises as to the true grade of grain stored or to be stored in a licensed warehouse, for which official grain standards of the United States are in effect and for which a grain inspection certificate has been issued in accordance with § 102.64, any interested party may take an appeal for the determination of the grade of such grain as provided in this section. If the grain inspection certificate involved was issued under the Grain Standards Act, the appeal shall be governed by the regulations issued under that act: *Provided,* That a copy of the Federal appeal grade certificate issued in the appeal, together with any receipt covering the grain filed in the appeal, shall be sent to the licensed warehouseman concerned, and a copy of the Federal appeal grade certificate shall be sent to the licensed inspector and to each other person shown by the record of the appeal to be interested therein. When the grain inspection certificate with respect to which the appeal is taken was not issued under the Grain Standards Act, the appeal shall be governed by §§ 102.81 through 102.95.

9. Section 102.82 is amended by deleting the last sentence thereof reading as follows: "An appeal taken in conformity with the Grain Standards Act and regulations thereunder shall be deemed to be an appeal for the purposes of §§ 102.80–102.95."

10. Section 102.91 is amended to read:

§ 102.91 *Grain grade appeal fees.* The fees and charges in appeals from grain inspection certificates not issued under the Grain Standards Act shall be the same as those prescribed in the regulations under the Grain Standards Act for appeals from grain inspection certificates issued under that act. Such fees and charges shall be assessed against the appellant.

11. Section 102.96 is amended by deleting the phrase "except § 102.6" from the first sentence of the section.

12. Wherever in §§ 102.18, 102.44, 102.83, 102.86, 102.88, 102.90, 102.93, 102.94, 102.95, and 102.99, the phrase "§§ 102.80–102.95" appears, it is deleted and the phrase "§§ 102.81 through 102.95" is substituted therefor.

The amendments require all grain warehouse facilities in the same city or town operated by a warehouseman holding a grain warehouse license under the United States Warehouse Act to be covered by such license, except under specified conditions. The amendments increase the amount of net assets and bond required of licensed grain warehousemen and the fees for inspection of grain warehouses, for licenses of grain warehousemen, inspectors, and weighers, and for grain grading appeals. The grain grading appeal procedure is modified by the amendments. The amendments also modify the provisions of the regulations relating to suspension and revocation of grain warehouse licenses.

The changes made in the present regulations by the amendments are deemed necessary for the better protection of depositors and other persons interested in grain stored in warehouses licensed under the act. Since the grain storage season has commenced in some areas and is imminent in other areas, in order to be of most benefit to such persons the amendments must be made effective as soon as possible. Accordingly under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective August 25, 1952.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

Done at Washington, D. C. this 21st day of August, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9370; Filed, Aug. 25, 1952; 8:48 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 904.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will

tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this order, as amended, and as hereby further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe with respect to all of his receipts of milk from producers (including such handler's own production) and his receipts of outside milk.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952 in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Greater Boston, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, and reopened on May 12 through May 15, 1952, the recommended decisions having been published in the FEDERAL REGISTER (17 F. R. 3496) April 19, 1952 and (17 F. R. 6271) July 12, 1952 and the final decision having been executed by the Acting Secretary on August 5, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (March 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Boston, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 904.1 (b) by adding the town of Bedford to the list of Massachusetts cities and towns included in the marketing area.

2. Amend § 904.2 by renumbering paragraphs (f) through (k) as paragraphs (g) through (l) respectively and by adding a new paragraph (f) as follows:

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

3. Delete § 904.4 (h) and substitute therefor the following:

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

4. Delete § 904.15 and substitute therefor the following:

§ 904.15 *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to §§ 904.16, 904.17, and 904.18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

5. Delete § 904.16 and substitute therefor the following:

§ 904.16 *Classification of milk and milk products utilized at regulated plants of pool handlers and buyer-handlers.* Subject to §§ 904.17 and 904.29 (a), milk and milk products received at a regulated plant of any pool handler or buyer-handler shall be classified in accordance with their utilization at such plant.

6. Delete § 904.17 and substitute therefor the following:

§ 904.17 *Classification of fluid milk products, other than cream, moved to other plants.* Any fluid milk product, except cream, which is moved from a regulated plant of a pool handler or a buyer handler to any other plant shall be classified as follows:

(a) If moved to a producer-handler's plant or an unregulated plant, it shall be classified as Class I milk up to the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at that plant.

(b) If moved to a producer-handler's plant or to an unregulated plant and thence to another plant, it shall be classified by applying § 904.16 or paragraph (a) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, it shall be classified as Class I milk.

7. Revise § 904.29 (c) by inserting after the words "Skim milk" the words "in bulk."

8. Delete § 904.40 and substitute therefor the following:

§ 904.40 *Class I price.* The Class I price per hundredweight at plants located in the 201–210 mile zone shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 904.48.

9. Add a new § 904.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the

latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 price computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $3.056		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $3.056 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

10. Amend § 904.51 (a) by deleting the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

11. Revise § 904.75 of the Boston order by deleting the present language and substituting therefor the following:

§ 904.75 *Deductions from payments to members.* (a) Each association of producers may file with a handler who is not an association of producers, a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer listed authorizing the claimed deduction.

(b) In making payments to his producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association with an accompanying statement showing the pounds of milk delivered by each producer from whom the deduction was made, within 25 days after the end of the month.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 21st day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9371; Filed, Aug. 25, 1952; 8:49 a. m.]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 934.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Lowell-Lawrence, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, and reopened on May 12 through May 15, 1952, the recommended decisions having been published in the FEDERAL REGISTER (17 F. R. 3496) April 19, 1952 and (17 F. R. 6271) July 12, 1952, and the final decision having been executed by the Acting Secretary on August 5, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (June 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 934.2 (e) by deleting the phrase "a dairy farmer who ordinarily delivers to a handler's pool plant" and substituting therefor "a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant."

2. Delete § 934.4 (g) and substitute therefor the following:

(g) "Exempt milk" means milk which is received at a regulated plant:

(1) In bulk from an unregulated plant or from the dairy farmer who produced it, for processing and bottling and for which an equivalent quantity of packaged milk is returned to the dairy farmer or to the operator of the unregulated plant during the same month; or

(2) In packaged form from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and bottling during the same month.

3. Delete § 934.4 (h) and substitute therefor the following:

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

4. Amend § 934.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necesary to enable him to exercise his powers and perform his duties.

5. Delete paragraphs (a) and (b) of § 934.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk.

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

6. In § 934.16 (e), delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

7. Delete § 934.22 (a) and substitute:

(a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, after deducting Class I sales direct to consumers outside the marketing area, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk: *Provided*, That the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products other than cream.

8. Amend § 934.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (c), (g), and (j).

9. Delete § 934.40 and substitute therefor the following:

§ 934.40 *Class I price at city plants.* The Class I price per hundredweight at

city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 934.48 plus 52 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

10. Add a new § 934.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell - Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	0.96
106–107	0.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0361		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0361 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

11. In § 934.51 (a) delete the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefore the phrase "for the preceding month."

12. Revise § 934.51 by deleting paragraph (b) and renumbering paragraphs (c) through (f) as paragraphs (b) through (e), respectively.

13. In § 934.70, delete the period at the end of the section and substitute therefor the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 21st day of August 1952, effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9372; Filed, Aug. 25, 1952; 8:49 a. m.]

PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER

§ 947.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Fall River, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, and reopened on May 12 through May 15, 1952, the recommended decisions having been published in the FEDERAL REGISTER (17 F. R. 3496) April 19, 1952 and (17 F. R. 6271) July 12, 1952, and the final decision having been executed by the Acting Secretary on August 5, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (June 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 947.12 and substitute therefor the following:

§ 947.12 *Concentrated milk.* "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. In § 947.41 delete paragraph (a) and subparagraph (1) of paragraph (b) and substitute therefor the following:

(a) Class I milk shall be all milk and milk products sold, distributed, or disposed of as milk which contains one half of 1 percent or more but less than 16 percent butterfat; chocolate or flavored whole milk or skim milk, skim milk, buttermilk, or cultured skim milk for human consumption; 98 percent, by weight, of the fluid milk products used to produce concentrated milk, and all fluid milk products the utilization of which is not established as Class II.

(b) • • •

(1) Sold, distributed, or disposed of as other than the items specified in paragraph (a) of this section; and

3. Add a new § 947.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 947.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than 0.98 prior to the January 1953 price computation or less than 0.96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0361		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0361 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

4. Delete § 947.50 and substitute:

§ 947.50 *Class I prices.* Each handler shall pay producers or cooperative associations for Class I milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the New England basic Class I price per hundredweight determined for the month pursuant to § 947.48 plus 81 cents: *Provided*, That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

5. Amend § 947.72 by adding a sentence at the end of the section as follows: "Such payment shall be accompanied by a statement showing the pounds of milk delivered by each producer for whom such deduction was made."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 21st day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9375; Filed, Aug. 25, 1952; 8:50 a. m.]

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.313 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR Part 951; 17 F. R. 7417), regulating the handling of Tokay grapes grown in San Joaquin and Sacramento Counties in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 26, 1952. A reasonable determination as to the supply of, and the demand for, Tokay grapes must await the development of the crop and adequate information thereon was not available to the Industry Committee until August 19, 1952; recommendation as to the need for, and the extent of, grade and size regulation was made at the meeting of said committee on August 19, 1952, after consideration of all available information relative to the supply and demand conditions for such grapes, at which time the recommendations and information were transmitted to the Department; shipments of the current crop of such grapes are now being made and this section should be applicable, insofar as practicable, to all shipments of such grapes in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., August 26, 1952, and ending at 12:01 a. m., P. s. t., January 1, 1953, no shipper shall ship any Tokay grapes which do not meet the grade and size specifications of U. S. No. 1 Table Grapes and the following additional requirements:

(i) Each bunch of such grapes shall have at least 55 percent, by count, of fairly well colored berries;

(ii) Such grapes shall test, in accordance with the applicable provisions of section 802 of the Agricultural Code of California, not less than seventeen (17) percent soluble solids in juice: *Provided*, That such grapes, which otherwise meet the maturity requirements of U. S. No. 1 Table Grapes, may be shipped if the juice thereof contains soluble solids, determined as aforesaid, equal to or in excess of twenty-four (24) parts to one (1) part of acid; and,

(iii) In lieu of the tolerance of ten (10) percent for variations incident to proper grading and handling provided for U. S. No. 1 Table Grapes, not more than a total of eight (8) percent, by weight, of the Tokay grapes contained in any container may fail to meet the requirements of U. S. No. 1 Table Grapes: *Provided*, That with respect to Tokay grapes produced in the Florin District, there shall be allowed, in addition to the tolerances provided for U. S. No. 1 Table Grapes, for each container of such grapes an aggregate tolerance of six (6) percent, by weight, for defects not considered serious damage, for bunches smaller than the minimum size specified for U. S. No. 1 Table Grapes, and for bunches which are not fairly well colored: *Provided further*, That none of the aforesaid tolerances shall apply to the maturity requirements specified in subdivision (ii) of this subparagraph.

(2) *Definitions.* As used herein, "handler," "shipper," "ship," "Florin District," "bunches," and "size" shall have the same meaning as when used in the amended marketing agreement and order; and "U. S. No. 1 Table Grapes," "fairly well colored berries," "defects," and "serious damage" shall have the same meaning as when used in the United States Standards for Table Grapes (7 CFR 51.232).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of August 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9424; Filed, Aug. 25, 1952; 9:01 a. m.]

PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 996.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Springfield, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended will seriously threaten the orderly marketing of milk in the Springfield, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, and reopened May 12 through May 15, 1952, the recommended decisions having been published in the FEDERAL REGISTER (17 F. R. 3496) April 19, 1952 and (17 F. R. 6271) July 12, 1952, and the final decision having been executed by the Acting Secretary on August 5, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c), Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (June 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Springfield, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 996.4 (g) and substitute therefor the following:

(g) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. Amend § 996.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

3. Delete paragraphs (a) and (b) of § 996.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk.

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

4. In § 996.16 (e) delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

5. Amend § 996.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (c), (g), and (j).

6. Delete § 996.40 and substitute therefor the following:

§ 996.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 996.48 plus 52 cents: *Provided,* That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

7. Add a new § 996.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate or per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell - Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than 0.98 prior to the January 1953 computation or less than 0.96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0361		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0361 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

8. In § 996.51 (a) delete the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

9. Amend § 996.64 (b) by inserting before the words "and Suffield" the word "Stafford."

10. In § 996.71 delete the period at the end of the section and substitute therefore the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 21st day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 52-9373; Filed, Aug. 25, 1952; 8:50 a. m.]

PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 999.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Worcester, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Worcester, Massachusetts, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on January 28 through February 1, 1952, and reopened on May 12 through May 15, 1952, the recommended decisions having been published in the FEDERAL REGISTER (17 F. R. 3496) April 19, 1952, and (17 F. R. 6271) July 12, 1952, and the final decision having been executed by the Acting Secretary on August 5, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (See section 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period (June 1952) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Worcester, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 999.4 (g) and substitute therefor the following:

(g) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

2. Amend § 999.12 by adding a new paragraph (g) as follows:

(g) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties.

3. Delete paragraphs (a) and (b) of § 999.15 and substitute therefor the following:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

4. In § 999.16 (e) delete the words following the comma after the word "orders" and substitute therefor the following: "and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (d) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk."

5. Amend § 999.25 by inserting the word "bulk" before the words "skim milk" as they appear in paragraphs (c), (g), and (j).

6. Delete § 999.40 and substitute therefore the following:

"§ 999.40 *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to § 999.48 plus 52 cents: *Provided,* That the price shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles, inclusive, as published in the New England Joint Tariff M No. 6 and supplements thereto or revisions thereof. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete month in which such increase or decrease in the rail tariff applies.

7. Add a new § 999.48 as follows:

NEW ENGLAND BASIC PRICE FORMULA

§ 999.48 *Computation of New England basic Class I price.* The New

President. Divide the result by 15.27 to

for the previous month was determined

amendment of this subpart and

England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on national and regional per capita income payments as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita income to the national per capita income. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.27 to determine an index of per capita disposable income in New England.

(3) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed as reported by the United States Department of Agriculture and divide the average by .884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Lowell-Lawrence, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

	Normal Class I percentage
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval. In determining the price for the first month in which this section is effective, the nearer bracket shall apply. The supply-demand adjustment factor shall not be less than .98 prior to the January 1953 computation or less than .96 prior to the March 1953 price computation.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November, and December	1.08

(d) Compute a New England basic Class I price index by multplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index times $0.0561		Class I price
At least—	But less than—	
$4.88	$5.10	$4.99
5.10	5.32	5.21
5.32	5.54	5.43
5.54	5.76	5.65
5.76	5.98	5.87
5.98	6.20	6.09
6.20	6.42	6.31

If the New England basic Class I price index times $0.0561 is less than $4.88 or more than $6.42, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

8. Amend § 999.50 by adding a new paragraph (g) as follows:

(g) Subtract any amount which the handler is required to pay on such milk pursuant to § 904.66 (b) of the Boston order.

9. Amend § 999.51 (a) by deleting the phrase "for milk received during each month since the effective date of the most recent amendment of this subpart" and substitute therefor the phrase "for the preceding month."

10. In § 999.71 delete the period at the end of the section and substitute therefor the following: ", accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C. this 21st day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9374; Filed, Aug. 25, 1952; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 167]

CPR 167—CEILING PRICES FOR PRODUCERS AND DISTRIBUTORS OF COTTONSEED FEED PRODUCTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabllization Agency General Order No. 2, this Ceiling Price Regulation 167 is hereby issued.

and is applicable only to persons in the

therefor the following:

§ 999.48 *Computation of New England basic Class I price.* The New

STATEMENT OF CONSIDERATIONS

This regulation establishes ceiling prices for producers and distributors of cottonseed feed products.

Cottonseed feed products include cottonseed cake, flakes, meal, sized cake, pellets, cubes, hulls, hull bran and cottonseed feed. Cottonseed cake and flakes are the products resulting after the extraction of the oil from cottonseed. The cake and flakes are finely ground to produce cottonseed meal. The meal is one of the most widely used protein supplements for dairy cattle and is used extensively for feeding beef cattle. It is also used to feed sheep, hogs and work-stock, and, to a limited extent, as a fertilizer. The cake, cracked into small pieces known as sized cake, and the meal, formed into pellets or cubes, are used for range feeding. Cottonseed hulls, a by-product in the processing of the cottonseed, are widely used as a roughage in feeding livestock, or, when ground into hull bran, are fed in conjunction with cottonseed meal. Cottonseed meal and hulls or hull bran may also be mixed in varying proportions to produce a cottonseed feed of a lower protein content than cottonseed meal.

Cottonseed feed products are a highly important part of the total feed supply. Cottonseed cake and meal rank second only to soybean cake and meal in volume of production of the various oilseed meals. Annual production has averaged 2,012,000 tons from the 1946–47 season through the 1950–51 season. This represents more than one-fourth of the total average production of oilseed meals over the same period.

Ceiling prices for all sellers of cottonseed meal were originally established under the General Ceiling Price Regulation (GCPR). Variations in individual ceilings under the freeze have resulted in inequities among various sellers and have placed some sellers at a disadvantage in a highly competitive market. Moreover, owing to supply and demand conditions prevailing during the freeze period, some areas of production—notably California—were caught with a level of ceiling prices considerably below their normal price relationships with other areas.

This regulation accomplishes three main purposes. First, it establishes a level of ceiling prices for cottonseed feed products which is in line with the normal price relationships of these products with competing feeds. Second, it sets dollar-and-cent ceiling prices for processors at all points of production and thus eliminates variations in individual ceiling prices existing under the GCPR. Third, it fixes dollar-and-cent markups for the various classes of distributors and limits the number of markups which may be taken.

This regulation is being issued at this time as part of a general policy to provide dollar-and-cent ceilings for the oilseed meals at the beginning of the new crop year. The ceiling prices set by this regulation reflect the results of a general survey of oilseed meal relationships.

The ceiling prices for cottonseed cake and meal reflect the relationship between the prices of these products and corn prices. Corn composes about 60 percent of the feed concentrates fed to livestock in this country. Another 30 percent of the feed concentrates are feed grains and low protein feeds whose prices are closely related to corn prices. The remaining 10 percent are high protein feed supplements, including cottonseed meal, the prices of which vary to a greater extent in relation to corn prices than do prices of other feeds because they have different properties, are used for different feeding purposes and are produced in different areas. However, the prices of the high protein feeds are determined competitively, over a period of time, by their feeding value in relation to other feeds and a readjustment takes place whenever the price becomes out of line with normal price relationships and relative feeding values. The ceiling prices for cottonseed meal established by this regulation are therefore based upon the relationship between cottonseed meal and corn prices. They are set in relation to the parity price of corn, the legal minimum price at which ceiling prices for corn can be established. These ceiling prices are also in line with the ceiling prices of competing high protein feeds.

Under this regulation, a processor's ceiling price of $80.00 per ton, bulk, is set for cottonseed meal, 41 percent protein, f. o. b. mill, for Tennessee, Mississippi, and East Arkansas. Variations in prices for other points of production reflect normal area differentials. Owing to the diversity in GCPR ceilings, individual sellers are affected in varying degrees by the industry-wide ceilings set by this regulation. Available data indicate that small increases over present ceilings will result in Tennessee, Mississippi, Georgia, North and South Carolina. Prices in California and Arizona, which were frozen under the GCPR far below their normal relationship to other areas, are increased more substantially to bring them in line with the level of ceiling prices established for other producing points. On the other hand, prices in Texas and Oklahoma rose abnormally prior to the GCPR "freeze" because of decreased production and increased demand by feeders resulting from drought conditions. Available information indicates that this regulation, in restoring a more normal relationship with ceiling prices in other areas, may involve moderate reductions of the ceiling prices of some processors in these states.

This regulation lists dollar-and-cent ceiling prices for processors, on an f. o. b. mill basis, at all major points of production. Ceiling prices for deliveries at other points are determined by adding transportation charges actually incurred to the f. o. b. mill ceiling. Ceiling prices for most of the cottonseed feed products covered by this regulation are based upon deliveries of products of a guaranteed standard protein content. Methods are provided for computing ceilings for guarantees of less than standard protein content and for deliveries of less than the protein content guaranteed. Uniform ceiling prices for all processors are set for cottonseed hulls and hull bran. A method is prescribed for determining ceiling prices for cottonseed feed, a mixture of meal and hulls or hull bran.

This regulation also provides f. o. b. mill ceiling prices for grinders, persons who produce meal, cake or pellets from purchased slab cake. "Grinder" includes both the crusher who buys slab cake to supplement his own production of cake from seed processed in his plant and the producer who makes meal, cake, and pellets exclusively from purchased cake. The grinder who is also a crusher is permitted the same distributive markups on meal, sized cake, and pellets, whether he purchases the slab cake or produces it in his plant from seed. A specific dollar-and-cent "dealer" markup is provided for the grinder who is not also a crusher. This conforms with customary industry pricing practices.

Under this regulation distributors other than trucker-merchants determine their ceiling prices by adding a specified markup to their suppliers' ceiling price. These markups are based upon data submitted by distributors and other members of the industry. On the basis of these data the markups provided approximate those currently received by distributors.

Trucker-merchants determine their ceiling prices by adding a hauling allowance at a specified schedule to the supplier's ceiling price. From information presently available, the schedule used provides a reasonable return to the trucker-merchant. However, should additional data indicate that changes are needed, the schedule will be revised accordingly.

Available information as to pre-Korean margins of distributors indicate that the markups for distributors established by this regulation meet the requirements of the Defense Production Act of 1950, as amended.

It is not believed that this regulation will cause any substantial changes in business practices, cost practices or methods, or means or aids to distribution; however, to the extent that such changes may be compelled, they are necessary to prevent circumvention or evasion of this regulation.

The specifications and standards for cottonseed feed products used in this regulation, including those used in distinguishing different kinds, classes, and types of products, were, prior to the issuance of the regulation, in general use in the industry. No practicable alternative to the use of these standards exists in securing effective price control of these products.

In the formulation of this regulation there has been extensive consultation with industry representatives, including the Cottonseed Feed Products Industry Advisory Committee and trade association representatives; and consideration has been given to their recommendations.

In the judgment of the Director of Price Stabilization, the provisions of this regulation are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all applicable standards of that act.

Class I producer milk by the four-market ply-demand adjustment factor determining Price Regulation 167 is hereby issued.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Sales not covered.
3. Processors' ceiling prices for sales in bulk, in carload lots or pool carlots, f. o. b. mill.
4. Processors' ceiling prices for a sale in a less-than-carload lot.
5. Processors' ceiling prices for a delivery at a point other than producing point.
6. Processors' maximum markup.
7. Ceiling prices for sales by grinders.
8. Ceiling prices for sales by trucker-merchants.
9. Ceiling prices for sales by jobbers and car-door sellers.
10. Ceiling prices for sales by wholesalers and retailers.
11. Allowance for sacks and sacking.
12. Ceiling prices for cottonseed meal futures contracts.
13. Petitions for amendment.
14. Adjustable pricing.
15. Excise or similar taxes.
16. Transfer of business.
17. Current records.
18. Prohibitions.
19. Evasions.
20. Definitions.

AUTHORITY: Sections 1 to 20 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this regulation does*—(a) *Coverage.* This regulation establishes ceiling prices for producers and distributors of cottonseed feed products. For the sellers and products covered, this regulation supersedes the General Ceiling Price Regulation (GCPR) and Supplementary Regulation (SR) 31, Revision 2, to the GCPR. For sales by the Commodity Credit Corporation, it supersedes SR 14 to the GCPR.

(b) *Geographical applicability.* This regulation applies in the 48 states of the United States and the District of Columbia.

SEC. 2. *Sales not covered.* This regulation does not apply to:

(a) Export sales and sales for export. These sales are covered by Ceiling Price Regulation 61.

(b) Sales of imported cottonseed feed products. These sales are covered by Ceiling Price Regulation 31.

SEC. 3. *Processors' ceiling prices for sales in bulk, in carload lots, or pool carlots, f. o. b. mill.* If you are a processor your ceiling prices for sales of cottonseed feed products, per ton, bulk, f. o. b. mill, in carload lots or pool carlots, are as follows:

(a) *Cottonseed feed products, except hulls, hull bran and cottonseed feed—(1) Sales with guarantee of standard protein content.* If at the time of sale you guarantee that the lot of cottonseed feed products (except hulls, hull bran, and cottonseed feed) will contain, at a minimum, the standard protein content for the commodity, and you fulfill such guarantee by delivering a lot with at least such standard protein content, your ceiling price is as follows:

(i) If you produce the lot at a point listed in Table I, your ceiling price is the price listed in Table I for that point of production.

(ii) Other production points: If you produce the lot at a point not listed in Table I, your ceiling price is the price listed in Table I for the same product for the point nearest to the actual point of production.

(iii) "Standard protein content" is 41 percent for cottonseed meal, cake, sized cake, flakes, cubes, and pellets, and 28 percent for whole pressed cottonseed meal, cake, sized cake, cubes, and pellets.

TABLE I

Point of production	Cake or flakes		Meal		Sized cake		Pellets or cubes	
	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed	Cottonseed	Whole pressed cottonseed
Mississippi	$78.00	$66.00	$80.00	$68.00	$81.00	$69.00	$82.25	$70.25
Tennessee	78.00	66.00	80.00	68.00	81.00	69.00	82.25	70.25
East Arkansas [1]	78.00	66.00	80.00	68.00	81.00	69.00	82.25	70.25
West Arkansas [2]	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Missouri	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Illinois	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Louisiana	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Oklahoma	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Texas	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Alabama	79.00	67.00	81.00	69.00	82.00	70.00	83.25	71.25
Georgia	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Florida	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
South Carolina	81.00	69.00	83.00	71.00	84.00	72.00	85.25	73.25
North Carolina	81.00	69.00	83.00	71.00	84.00	72.00	85.25	73.25
New Mexico	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
Arizona	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25
California	80.00	68.00	82.00	70.00	83.00	71.00	84.25	72.25

[1] East Arkansas consists of the following counties in Arkansas: Arkansas, Clay, Craighead, Crittenden, Jackson, Lawrence, Lee, Mississippi, Monroe, Phillips, Poinsett, Randolph, St. Francis, and Woodruff.
[2] West Arkansas consists of all points not included in East Arkansas.

(2) *Sales with guarantee of less than standard protein content.* If, at the time of sale you guarantee that the lot of cottonseed feed products (except hulls, hull bran and cottonseed feed) will contain any specified protein content less than the standard for the commodity and you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, you determine your ceiling price by deducting from your ceiling price of the same commodity of standard protein content, as determined under subparagraph (1) of this paragraph, $1.00 per ton for each unit of protein or fraction thereof by which the guaranteed protein content of the lot is under the standard for the commodity.

(3) *Sales with guaranteed minimum of 43 percent protein content.* If at the time of sale you guarantee that a lot of cottonseed meal, cake, sized cake, flakes, cubes, or pellets will contain, at a minimum, 43 percent protein and you fulfill such guarantee by delivering a lot with at least 43 percent protein, you determine your ceiling price by adding $4.00 per ton to your ceiling price of that product of standard protein content, as determined under subparagraph (1) of this paragraph.

(4) *Deliveries of less than guaranteed protein content.* If at the time of sale you guarantee that a lot of cottonseed feed products (except hulls, hull bran, and cottonseed feed) will contain any minimum protein content and you do not fulfill such guarantee on delivery, your ceiling price, as determined under subparagraphs (1), (2) or (3) of this paragraph is reduced in such proportion as the deficiency bears to the guarantee.

Example: You produce a particular lot of cottonseed meal at Memphis and deliver it to your customer in bulk, in a carload lot, at your mill. At the time of sale you guarantee that the lot will contain, at a minimum, 41 percent protein. Under subparagraph (1) of this paragraph, if you delivered a lot with a protein content of 41 percent or more, your ceiling price for that lot would be $80.00. However, upon analysis, the lot you deliver is found to contain 40.1 percent protein. Your ceiling price for that lot is $78.20 $\left(\frac{\$80.00}{41}=\$1.95.\quad \$1.95\times 40.1=\$78.20\right)$.

(5) *Sales with no guaranteed minimum protein content.* If at the time of sale you do not guarantee that a lot of a cottonseed feed product (except hulls, hull bran, and cottonseed feed) will contain any minimum protein content, you determine your ceiling price per ton by multiplying the actual number of full units of protein in the lot by $2.40, if the lot is produced from whole pressed cottonseed, or $1.90 if produced from cottonseed. However, your ceiling price determined under this subparagraph must not exceed the ceiling price for the same commodity of standard protein content as determined under subparagraph (1) of this paragraph.

(b) *Cottonseed hulls.* Your ceiling price for cottonseed hulls is $25.00 per ton.

(c) *Cottonseed hull bran.* Your ceiling price for cottonseed hull bran is $29.00 per ton, plus your transportation cost, if any, from the point of production of the cottonseed hulls to the point of production of the cottonseed hull bran.

(d) *Cottonseed feed.* Your ceiling price for cottonseed feed is determined as follows:

(1) *Guarantee of minimum protein content.* If, at the time of sale, you guarantee that a lot of cottonseed feed will contain any specified minimum protein content and you fulfill such guarantee by delivering a lot with at least the minimum protein content guaranteed, you determine your ceiling price by deducting from your ceiling price for cottonseed meal of standard protein content, as fixed by paragraph (a) (1) of this section, $1.00 per ton for each unit of protein, or fraction thereof, by which the guaranteed protein content of the lot of cottonseed feed is below 41 percent.

(2) *Delivery of less than guaranteed protein content.* If you deliver a lot of cottonseed feed containing less than the guaranteed minimum protein content your ceiling price, as determined under subparagraph (1) of this paragraph, is reduced in such proportion as the deficiency bears to the guarantee.

SEC. 4. *Processors' ceiling prices for a sale in a less-than-carload lot.* If you are a processor and you deliver a lot of cottonseed feed products (except hulls and hull bran) in bulk in a less-than-carload lot, you may add $1.00 per ton to your ceiling price for a sale in a carload lot or pool carlot as otherwise determined under this regulation. The l. c. l. markup provided in this section is in addition to the distributive markups provided for processors in section 6.

SEC. 5. *Processors' ceiling prices for a delivery at a point other than the producing points.* If you are a processor your ceiling price for a delivery of a lot of cottonseed feed product at a point other than the point at which the lot was produced is determined by adding to your ceiling price for that product, f. o. b. mill, as otherwise determined under this regulation, your "transportation cost" from the point at which the lot was produced to the point at which your customer takes delivery.

SEC. 6. *Processors' maximum markup.* As a processor, you are not permitted to add a markup in determining your ceiling price for a sale of any lot which you produce, except as provided in this section. In the cases specified below you may add a markup not to exceed the corresponding amount listed.

	Cottonseed hulls or hull bran (per ton)	All other cottonseed feed products (per ton)
If you sell such a lot to a feeder after having unloaded it into a store operated by you as a separate place of business not located at the production plant where the lot was produced	$4.00	$4.50
In all other cases, if you sell such lot after having unloaded it into a separate place of business, operated by you, not located at the production plant where the lot was produced:		
To feeders	1.00	2.00
To anyone else, except a grinder	1.00	1.50
If you sell to a feeder in quantities of 20,000 pounds or less from the production plant where the lot was produced	1.00	2.00

SEC. 7. *Ceiling prices for sales by grinders*—(a) *Sales of cottonseed or whole-pressed cottonseed meal, sized cake, cubes or pellets produced from domestic slab cake, f. o. b. mill.* If you are a grinder of domestic slab cake, your ceiling price for a sale of cottonseed or whole-pressed cottonseed meal, sized cake, cubes, or pellets, in bulk, f. o. b. your mill, is determined by adding to your supplier's ceiling price for the slab cake from which the lot is produced, f. o. b. your supplier's place of business, the following:

(1) Your "transportation cost", if any, from point of production of the slab cake to point of production of the meal, sized cake, cubes, or pellets, and

(2) (i) $2.50 per ton if you produce and sell meal; or

(ii) $3.50 per ton if you produce and sell sized cake; or

(iii) $4.75 per ton if you produce and sell cubes or pellets; and

(3) A markup as provided in paragraph (d) of this section.

(b) *Sales of cottonseed, or whole-pressed cottonseed meal, sized cake, cubes or pellets produced from imported slab cake, f. o. b. mill.* If you are a grinder of imported slab cake, your ceiling price, per ton, for a sale of cottonseed or whole-pressed cottonseed meal, sized cake, cubes or pellets, bulk, f. o. b. your mill, is determined by adding to the cost to you at United States point of entry of the imported slab cake from which the lot is produced, if you are the importer, or to your supplier's ceiling price for the slab cake from which the lot is produced, if you are not the importer, the following:

(1) Your "transportation cost," if any, from the U. S. point of entry or from such other point at which you take delivery from your supplier, to the point of production of the meal, sized cake, cubes or pellets; and

(2) (i) $2.50 per ton if you produce and sell meal, or

(ii) $3.50 per ton if you produce and sell sized cake, or

(iii) $4.75 per ton if you produce and sell cubes or pellets, and

(3) A markup as provided in paragraph (d) of this section.

(c) *Deliveries at a point other than producing point.* If you are a grinder, your ceiling price for a delivery of a lot at any point other than the point at which it is produced is determined by adding to your ceiling price for that lot, f. o. b. mill, as otherwise determined under this regulation, your "transportation cost" from the point at which the lot was produced to the point at which your customer takes delivery.

(d) *Grinder's maximum markup.* As a grinder, you may add to your ceiling price, as otherwise determined under this regulation, a markup not to exceed the amount provided below:

	Markup
If you are a grinder but are not also a crusher (i. e., you do not also crush cottonseed in your plant).	$2.00 per ton.
If you are a grinder and are also a crusher (i. e., you also crush cottonseed in your plant).	You may add the applicable processor's markup specified in section 6 of this regulation.

SEC. 8. *Ceiling prices for sales by trucker-merchant.* (a) If you are a trucker-merchant, you determine your ceiling price for a lot of cottonseed feed products by adding to your supplier's ceiling price on the sale of the lot to you, the hauling allowance from the point at which you take delivery of the lot from your supplier to the point at which you deliver it to your customer. "Hauling allowance" means the following scale of charges:

(1) If the total haul does not exceed 100 miles: 3 cents per 100 pounds for the first 5 miles, or fraction thereof, plus 1 cent per 100 pounds for each additional 5 miles or fraction thereof.

(2) If the total haul exceeds 100 miles:

(i) The lower of the following:

(*a*) The lowest carload rail rate from the rail point nearest the point of origin to the rail point nearest the point of destination, plus eight cents per 100 pounds; or

(*b*) 22 cents per 100 pounds.

(ii) You may add to the allowance computed under subdivision (i) ¼ cent per 100 pounds for each five miles or fraction thereof by which the total haul exceeds 100 miles.

In calculating the mileage for any haul, you must use the distance via the shortest route, reasonably suitable for truck movement, between the point where you receive delivery from your supplier and the point where your customer takes delivery.

(b) Statement of information. As a trucker-merchant, you must, with respect to every lot of cottonseed feed products transported by you, procure or prepare a statement setting forth the following:

(1) Your name and address and the state vehicle license number(s) of your truck or other vehicle in which you transport the lot.

(2) The name and address of your supplier.

(3) The date of purchase.

(4) The guaranteed protein content, if any.

(5) Your supplier's ceiling price.

After you deliver the lot, you must add your hauling charge as determined under this section and sign the statement. Except for a sale which you make to a feeder, you must give a copy of this statement of information to your customer. If your customer is a feeder, you must give him a copy upon demand. Both the trucker-merchant and each customer other than a feeder must retain such copies in their files for a period of two years for inspection by the Office of Price Stabilization.

The statement of information required by this section is in addition to the sales record required by section 17, unless the trucker-merchant includes on the statement the additional information required by section 17.

SEC. 9. *Ceiling prices for sales by jobbers and car door sellers.* If you are a jobber or a car door seller, you determine your ceiling price for a lot of cottonseed feed products by adding to your supplier's ceiling price on the sale of the lot to you, your transportation cost, if any, and the applicable markup listed below:

(a) *Jobbers.* If you are a jobber, you may add one of the following markups if no other jobber has already handled the same lot and taken a jobber's markup:

	Cottonseed hulls and hull bran (markup per ton)	All other cottonseed feed products (markup per ton)
For deliveries of pool car lots	$2.00	$2.25
For all other deliveries	1.75	2.00

(b) *Car door sellers.* If you are a car door seller, you may add a markup of $3.00 per ton for sales or deliveries of hulls and hull bran and $5.50 for sales or deliveries of all other cottonseed feed products.

SEC. 10. *Ceiling prices for sales by wholesalers and retailers.* If you are a wholesaler or retailer, you determine your ceiling price by adding to your "cost at ceiling", as determined under paragraph (b) of this section, your transportation cost, if any, from your warehouse or store, and the applicable markup set forth in paragraph (a).

(a) Wholesalers and retailers markups: If no other seller of the same class has already handled the same lot and taken a markup, you may add the applicable one of the following markups:

	Cottonseed hulls and hull bran (per ton)	All other cottonseed feed products (per ton)
Wholesalers:		
Sales and deliveries of 20,000 pounds or less	$3.25	$5.00
All other sales and deliveries	3.25	4.50
Retailers	5.00	8.00

(b) Determine your "cost at ceiling" by one of the following methods:

(1) *Method 1.* If you maintain the identity of any receipt, on the sale of such receipt you may use as your "cost at ceiling" your supplier's ceiling price on the sale and delivery of the lot to you, plus your transportation cost, if any, to your warehouse or store. You may use this method of determining your "cost at ceiling" even though you are simultaneously determining your "cost at ceiling" for resale of other receipts under Method 2.

(2) *Method 2.* This method may be used both by wholesalers and retailers in connection with the resale of two or more receipts. In using it, you may not include in your calculations any receipt whose identity is maintained and for which you figure a "cost of ceiling" under Method 1 above.

For receipts of a cottonseed feed product in sacks, use as your "cost at ceiling" the weighted average of your suppliers' ceiling prices for deliveries to you in sacks plus your transportation cost, if any, to your warehouse or store. For receipts of a cottonseed feed product in bulk, use as your "cost at ceiling" the weighted average of your suppliers' ceiling prices for deliveries to you in bulk, plus your transportation cost, if any, to your warehouse or store. Calculate each weighted average of ceiling prices as follows:

(i) Select a day for calculation and recalculate on that day each week thereafter (or, in case that day falls on a legal holiday, recalculate on the next business day).

(ii) Make your first calculation under this Method 2 as follows:

Step 1. Take your latest receipt prior to the day of calculation delivered to you on the basis (sacked or bulk) for which you are calculating a weighted average of ceiling prices, and all receipts delivered to you on the same basis for the 28 days preceding that last receipt.

Step 2. Multiply the number of tons of each receipt by your supplier's ceiling price per ton on the sale and delivery to you of that receipt, and add to this amount your transportation cost for the receipt, if any, to your warehouse or store.

Step 3. Add the results obtained under Step 2 and divide by the total number of tons involved in your calculations. The result is your "cost at ceiling" for the first week for all your sales of that cottonseed feed product (except, of course, for the sales for which you elect to determine your ceiling price under Method 1).

(iii) Follow the directions of subdivision (ii) above for all succeeding calculations except that you use your last receipt and all receipts during the 14 day period preceding such last receipt in arriving at your "cost of ceiling."

(iv) If you wish to discontinue using this Method 2, you may do so, if, on the next calculation day, you take an inventory of the commodity. You may then treat the amount in inventory (excluding any receipts priced under Method 1) as a receipt on which your "cost at ceiling" is the weighted average price you would compute under this Method 2 for the succeeding week. If some of your receipts are bulk and some sacked, calculate separate weighted averages for these two types of receipts.

SEC. 11. *Allowance for sacks and sacking.* If you are a processor or grinder and you sell and deliver a cottonseed feed product in sacks, or if you are a wholesaler or retailer and you sack a cottonseed feed product which you buy in bulk, you may add to your ceiling price, per ton, in bulk, as otherwise determined under this regulation, the following:

(a) $1.00 per ton; plus

(b) The lower of the following:

(1) An amount consisting of the cost per sack of your most recent customary purchase of sacks of the kind, size, and condition (new or used) used for the lot, multiplied by the number of sacks furnished per ton of the cottonseed feed product you deliver; or

(2) The applicable allowance from the following table:

Type of sack used	New sacks (per ton)	Used sacks (per ton)
Cotton	$5.25	$4.25
Burlap	4.25	3.50
Paper	3.25	----------

SEC. 12. *Ceiling prices for cottonseed meal futures contracts.* The ceiling price for cottonseed meal futures contracts traded on the Memphis Merchants Exchange is $80.00 per ton.

SEC. 13. *Petitions for amendment.* If you wish to have this regulation amended, you may file a petition for amendment in accordance with the provisions of Price Procedural Regulation No. 1.

SEC. 14. *Adjustable pricing.* Nothing in this regulation prohibits you from making a contract or offer to sell at (a) the ceiling price in effect at the time of delivery, or (b) the lower of a fixed price or the ceiling price in effect at the time of delivery. You may not, however, deliver or agree to deliver at a price to be adjusted upward in accordance with any increase in ceiling prices after delivery.

SEC. 15. *Excise or similiar taxes.* You may collect in addition to your ceiling price, the amount of any excise, sales, or similar tax actually paid by you if the statute or ordinance imposing the tax does not prohibit you from stating and collecting the tax separately from your selling price.

SEC. 16. *Transfer of business.* If, after the effective date of this regulation, you acquire the business, assets or stock-in-trade of any cottonseed feed product business, and you carry on the business, or continue to deal in cottonseed feed products separately from any other establishment previously owned or operated by you, you shall have the same ceiling prices and be under the same obligation to keep records as the person from whom you acquired the business, assets or stock. If, after the effective date of this regulation, you transfer your business, assets or stock, you must either preserve and make available, or turn over to the transferee, all your records which are necessary for him to comply with the ceiling price or record-keeping provisions of this regulation.

SEC. 17. *Current records.* Except as otherwise provided in this section, every person who sells shall make and keep and every person who in the regular course of trade or business buys a cottonseed feed product shall keep for inspection by the Office of Price Stabilization for a period of two years accurate records of each sale or purchase made after the effective date of this regulation.

(a) *Sales.* (1) Every person making a sale under this regulation to a buyer other than a feeder shall record each such sale on an invoice or bill of sale, a copy of which must be given to the buyer. Every person making a sale to a feeder in a lot of more than 1000 pounds must keep a record thereof, although it does not have to be in the form of an invoice or bill of sale, and, upon demand, must give a copy of such record to the feeder. Every such sales record must state the name and address of the seller and buyer; the date of sale and delivery; the kind of cottonseed feed product and the quantity sold; the selling price; the guaranteed protein content, if any; the seller's ceiling price for the lot. Except for sales of 5,000 pounds or less to a feeder, every sales record must also indicate the point at which the lot was produced (if the seller knows it), the buyer's receiving point; any charge made for sacks or sacking; any transportation charge included in the ceiling price which is incurred by the seller in making delivery to his purchaser, and any markup specified in this regulation which is added by the seller.

(2) *Grinder.* In addition to the sales record which he is required to give to his customer under subparagraph (1) above, every grinder making a sale of a cottonseed feed product must keep a record showing his supplier's ceiling price (or the cost at United States point of entry if the grinder is the importer) for the slab cake from which the lot was produced; the date of purchase of the slab cake; the name and address of his supplier; his transportation cost from point of production of the slab cake (or from United States point of entry or other point of delivery to him if he buys imported slab cake) to the point of production of the lot of meal, sized cake or pellets.

(b) *Purchases.* Every person other than a feeder making a purchase of cottonseed feed products in the course of trade or business must keep the sales record which his seller is required to give him under this section.

SEC. 18. *Prohibitions.* You shall not do any act prohibited or omit to do any act required by this regulation, nor shall you offer, solicit, attempt, or agree to do or omit to do any such acts. Specifically (but not in limitation of the above), you shall not, regardless of any contract or other obligation, sell, and no person shall buy from you at a price higher than the ceiling price established by this regulation, and you shall make and preserve true and accurate records required by this regulation. If you violate any provisions of this regulation, you are subject to criminal penalties, enforcement action, and action for damages.

SEC. 19. *Evasions.* Any device which results in obtaining indirectly a higher price than is permitted by this regulation or in concealing or falsely representing information as to which this regulation requires records to be kept is a violation of this regulation. This prohibition includes, but is not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, up-grading, tie-in agreements and trade understandings, as well as the omission from records of true data and the inclusion in records of false data.

SEC. 20. *Definitions*—(a) *Sellers covered by this regulation.*

(1) "Car door seller" means a person, other than the processor or grinder, who, with respect to any lot he has received as a carload shipment, resells the same to feeders in l. c. l. lots from the rail car door.

(2) "Crusher" means a person engaged in the business of converting cottonseed, by the hydraulic, expeller, or solvent extraction process, into cottonseed feed products, cottonseed oil, and cotton linters.

(3) "Grinder" means, with respect to any lot, a person who processes or procures the processing of meal, sized cake, pellets or cubes from cottonseed cake or whole pressed cottonseed cake which he buys. It includes a crusher who buys cottonseed cake or whole-pressed cottonseed cake and processes the same into meal, sized cake, pellets, or cubes.

(4) "Jobber" means, with respect to any lot, any person other than the processor, grinder, car door seller, or trucker-merchant, who sells such lot without previously having unloaded it into a warehouse or store.

(5) "Processor" means, with respect to any lot, the person who manufactures such lot. It does not include a grinder, as defined in subparagraph (3) of this paragraph. When any lot of cottonseed feed products is processed by a person who does not own it, the owner who caused it to be processed shall be deemed to be the processor when he sells the commodity, or commodities, which result.

(6) "Retailer" means a person, other than the processor or grinder, who maintains a store, and who, with respect to any lot he has purchased and unloaded into that store, resells such lot to a feeder. "Store" means a building where a regular business of selling and delivering feeds and/or grain is carried on, and where the owner or one or more of his employees works on substantially a full-time, year-round basis, in such business or in a general retail business of which such feed and grain business is a part. "Feeder" means, with respect to any lot, a person who uses such lot for feeding animals or poultry, or as a fertilizer.

(7) "Trucker-merchant" means, with respect to any lot, a person other than the processor or grinder, who, without having previously unloaded the lot into a warehouse or store for his own account and use, transports and delivers the lot to his customer in a truck or wagon owned or leased and operated by him.

(8) "Wholesaler" means with respect to any lot:

(i) A person, other than the processor or grinder, who, after having unloaded it into a warehouse or store, sells such lot to any one other than a feeder; or

(ii) A person, other than the processor or grinder, who, after having unloaded it into a place of business other than a store, sells such lot to a feeder.

(b) *Products covered by this regulation.* (1) "Cottonseed feed" is a mixture of cottonseed meal and cottonseed hulls or cottonseed hull bran which mixture shall contain less than 36 percent protein.

(2) "Cottonseed feed products" means cottonseed meal, cake (or slab cake), sized cake, flakes, cubes, pellets; whole pressed cottonseed meal, cake (or slab cake), sized cake, cubes, pellets; cottonseed hulls and hull bran; cottonseed feed.

(3) "Cottonseed flakes" is the product obtained after solvent extraction of the oil from cottonseed kernels and such portions of the hull as is necessary in the manufacturing process.

(4) "Cottonseed hulls" are the by-product produced by the processor in the production of cottonseed cake.

(5) "Cottonseed hull bran" means cottonseed hulls which have been processed to remove excess fiber.

(6) "Cottonseed cake" is the product remaining after the commercial extraction of the oil from cottonseed by either the hydraulic or screw-press process. It is composed principally of the cottonseed kernel, with such portion of the hull as is necessary in the manufacture of oil.

(7) "Cottonseed meal" is ground cottonseed cake (other than sized cake) including such cottonseed hull bran as is necessary to control the protein content. It does not contain less than 36 percent protein.

(8) "Cottonseed meal cubes" and "whole pressed cottonseed meal cubes" are the products resulting from processing cottonseed meal or whole pressed cottonseed meal through a cubing machine.

(9) "Cottonseed meal pellets" and "whole pressed cottonseed meal pellets" are the products resulting from the processing of cottonseed meal or whole pressed cottonseed meal through a pelleting machine.

(10) "Domestic slab cake" means slab cake produced at any point in the United States.

(11) "Imported slab cake" means slab cake produced at any point outside the United States.

(12) "Sized cake" is cracked cottonseed cake or cracked whole pressed cottonseed cake which will not pass through a 1/2-inch screen. It may, however, include limited quantities of cottonseed or whole-pressed cottonseed meal, not in excess of 10 percent.

(13) "Whole pressed cottonseed cake" is the product resulting from subjecting the whole, clean, undecorticated cottonseed to pressure for the extraction of oil, and includes the entire cottonseed less the oil extracted and the lint removed.

(14) "Whole pressed cottonseed meal" is ground whole pressed cottonseed cake, other than sized cake.

(c) *Miscellaneous definitions.* (1) "Carload lot" means any quantity which takes the carload rail freight rate under the applicable railroad tariff requirements.

(2) "Less-than-carload lot" means any lot containing a quantity less than a carload lot other than a pool car lot. It includes any delivery by or into a truck.

(3) "Person" includes any individual, corporation, partnership, association, or other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(4) "Pool car lot" means a lot being shipped to the purchaser as part of a rail carload lot sold by one seller to two or more persons.

(5) "Supplier's ceiling price" means the ceiling price, per ton, your supplier could have charged on the sale and delivery to you if he had given you, and fulfilled on delivery, the same protein guarantee, if any, you are giving your customer.

(6) "Transportation cost" means:

(i) When a common carrier, contract carrier, or other carrier for hire or compensation is employed, the charges (exclusive of loading charges not customarily included in such transportation charges) which are actually incurred by the seller or purchaser, as the case may be. This amount may include, if applicable, the 3 percent transportation tax.

(ii) Where the seller or purchaser, as the case may be, does his own hauling, the reasonable value of the transportation service (exclusive of loading), not exceeding the common or contract carrier rate for the same service, or any ceiling price established by the Office of Price Stabilization for such service.

(iii) When any movement involves a combination of the types of transportation included in (i) and (ii), the sum of the amounts computed separately for each portion of the movement.

(7) "Unit of protein" equals one percent of protein and "each unit of protein or fraction thereof" means the number of full units, if any, plus an additional unit for any fractional unit.

Effective date. This regulation is effective August 25, 1952.

NOTE: The record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 25, 1952.

[F. R. Doc. 52-9460; Filed, Aug. 25, 1952; 12:00 m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 4 as amended August 22, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 4—ACQUISITION AND USE OF FOREIGN AND USED STEEL WITHOUT ALLOTMENT

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the authority of section 101 of the Defense Production Act of 1950, as amended. In the formulation of this amended direction, there has been consultation with industry representatives, including representatives of trade associations, and consideration has been given to their recommendations. Consultation with representatives of all industries affected has been rendered impracticable because the amendment affects many different industries.

EXPLANATORY

This amendment affects Direction 4 to CMP Regulation No. 1 as follows: The title and sections 1, 2, and 3 are deleted; a new title and new sections 1 to 8 are substituted therefor. As so amended, Direction 4 to CMP Regulation No. 1 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Acquisition and use of foreign and used steel.
4. Relation of this direction to the self-authorization procedure.
5. Acceptance of orders by suppliers.
6. Importation of Class A products.
7. Effect on inventory limitations.
8. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction authorizes the acquisition and use of foreign steel and used steel without an allotment. It also permits persons to import Class A products without charging the steel content of such products against their allotments. The direction authorizes acceptance of delivery of used steel without regard to inventory restrictions by persons who maintain separate inventory records for such types of steel.

SEC. 2. *Definitions.* As used in this direction:

(a) "Foreign steel" means steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, produced in foreign countries other than Canada, which can be positively identified as of such foreign origin through physical characteristics or markings or through adequate documentation.

(b) "Used steel" means steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been utilized in production or construction, including but not limited to offal and steel salvaged from scrap.

SEC. 3. *Acquisition and use of foreign and used steel.* (a) Notwithstanding the provisions of CMP Regulation No. 1, as amended, any person may acquire foreign steel and used steel without placing an authorized controlled material order therefor and without charging any allotment. He may use the steel so acquired to produce Class A and Class B products, even though he thereby exceeds his authorized production schedule: *Provided, however,* That he shall not, for such production, acquire copper or aluminum controlled material in excess of the quantities which he is authorized to acquire therefor pursuant to allotments he has received or under Direction 1, 17, or 18 to CMP Regulation No. 1, whichever is applicable: *And provided further,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation.

(b) A person who may exceed his authorized production schedule pursuant to this section may use the DO rating assigned to his authorized production schedule, in accordance with the provisions of CMP Regulation No. 3, to purchase products or materials other than controlled materials required for such additional production.

SEC. 4. *Relation of this direction to the self-authorization procedure.* (a) A person who wishes to operate under the self-authorization provisions of Direction 1 or 17 to CMP Regulation No. 1, whichever is applicable, and who acquires or plans to acquire foreign steel or used steel without placing authorized controlled material orders therefor need not consider the quantity of such steel in determining whether or not his total requirements for delivery of controlled material exceed the quantities for which he may self-authorize, nor need he charge the foreign or used steel so acquired against such quantities. He may, if he operates under the said Direction 1 or 17, use the rating DO–SU, in accordance with the provisions of CMP Regulation No. 3, to acquire products and materials other than controlled materials required for the additional production made possible by the use of the foreign or used steel acquired pursuant to the provisions of section 3 of this direction.

(b) A person who requires no controlled material other than foreign steel and used steel which he acquires without use of an authorized controlled material order may use the rating DO–SU, in accordance with the provisions of CMP Regulation No. 3, to acquire products and materials other than controlled materials required for the production of Class A or Class B products made possible by the use of the foreign or used steel so acquired.

SEC. 5. *Acceptance of orders by suppliers.* A person who wishes to sell or otherwise transfer title to foreign steel or used steel may accept and make delivery on orders for such steel, placed pursuant to the provisions of this direction, without requesting authorization from NPA or a claimant agency.

SEC. 6. *Importation of Class A products.* Not withstanding the provisions of CMP Regulation No. 1, any person who has received an allotment for an authorized production schedule pursuant to an application or under Direction 18 to CMP Regulation No. 1, or who operates within the self-authorization quantities prescribed in Direction 1 or 17 to CMP Regulation No. 1, whichever is applicable, shall not be required to charge against such allotments or self-authorization quantities the steel content of any Class A product he acquires which can be positively identified through physical characteristics or markings or through adequate documentation as having been produced in a foreign country other than Canada. Any such person shall, nevertheless, charge against such allotments or self-authorization quantities the content of copper and aluminum controlled material of any such imported Class A product.

SEC. 7. *Effect on inventory limitations.* If a user of controlled material maintains separate inventory records for used steel, he may accept delivery of such used steel without regard to the provisions of CMP Regulation No. 2 or of any other regulation or order of NPA. Attention is directed to the provisions of section 4 (f) of CMP Regulation No. 2 (Inventories of Controlled Materials) regarding acceptance of delivery of imported controlled material acquired prior to landing, and restrictions on acceptance of further deliveries from domestic sources.

SEC. 8. *Applicability of other regulations and orders.* Except as specifically provided, nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

This direction as amended shall take effect August 22, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9388; Filed, Aug. 22, 1952; 10:03 a. m.]

[NPA Order M-80, Amdt. 2 of Aug. 25, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

INCREASE OF ZIRCONIUM ALLOWANCE

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

This amendment affects NPA Order M-80 as amended March 12, 1952, and as further amended by Amendment 1 of May 7, 1952, by increasing the quantity of zirconium appearing in item 13 of List II, so that such item as amended will now read as follows:

13. Zirconium—15 tons.
(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This amendment shall take effect August 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9458; Filed, Aug. 25, 1952; 11:31 a. m.]

[NPA Order M-80, Schedule 5 as Amended Aug. 25, 1952]

M-80—IRON AND STEEL—ALLOYING MATERIALS AND ALLOY PRODUCTS

SCHEDULE 5—COLUMBIUM AND TANTALUM

This schedule as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended schedule, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations. This amended schedule is issued under NPA Order M-80 and is made a part of that order.

EXPLANATORY

This amended schedule revises Schedule 5 dated May 2, 1952, to NPA Order M-80 by adding a paragraph to section 8 relaxing restrictions on Type 347 stainless steel which has been in the inventory of a steel distributor or steel producer for 6 months or more.

REGULATORY PROVISIONS

Sec.
1. Definitions.
2. Columbium and tantalum subject to allocation.
3. Applications for allocation.
4. Exceptions to allocation requirements.
5. Use of substitutes.
6. Authorized controlled material orders required.
7. Restrictions.
8. Exceptions.
9. Conservation of scrap.
10. Communications.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Definitions.* All definitions contained in NPA Order M-80, including the definition of columbium and tantalum contained in List I of that order, are applicable to this schedule. "Columbium and tantalum" means ferro-columbium and ferro-columbium tantalum.

SEC. 2. *Columbium and tantalum subject to allocation.* Columbium and tantalum are subject to complete allocation.

SEC. 3. *Applications for allocation.* Section 10 of NPA Order M-80 forbids deliveries or use of an alloying material made subject to complete allocation, except in accordance with an allocation authorization. Applications for an allocation authorization for deliveries may be made on or before the seventh day of any month for delivery in the succeeding month on Form NPAF-114.

SEC. 4. *Exceptions to allocation requirements.* The provisions of sections 2 and 3 of this schedule shall not apply to:

(a) Deliveries to any person whose total receipts from all sources during any calendar month are not thereby made to exceed 10 pounds of columbium and tantalum, and who delivers a signed certification to his supplier as follows:

The undersigned, subject to statutory penalties, certifies that acceptance of deliveries and use by the undersigned of the columbium and tantalum herein ordered will not be in violation of NPA Order M-80 or of Schedule 5 of that order.

This certification constitutes a representation by the purchaser to the seller and to NPA that delivery of the columbium and tantalum ordered may be accepted by the purchaser under NPA Order M-80 and this schedule, and that such columbium and tantalum will not be used by the purchaser in violation of that order or this schedule.

(b) Deliveries of pure metal columbium and tantalum in any amount.

(c) Deliveries of columbium- and tantalum-bearing scrap or columbium- and tantalum-bearing ores and concentrates: *Provided,* That the use of such columbium and tantalum ores and concentrates shall be subject to sections 2 and 3 of this schedule when used as a source of columbium and tantalum in commercial melting, manufacture, or processing.

SEC. 5. *Use of substitutes.* No columbium- or columbium-tantalum-bearing steel shall be used or incorporated in any product or material where a noncolumbium- or noncolumbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material. No columbium-bearing steel shall be used or incorporated in any product or material if columbium-tantalum-bearing steel will meet the requirements for the use to be made of the product or material.

SEC. 6. *Authorized controlled material orders required.* (a) Except as may be otherwise directed by NPA, columbium- or columbium-tantalum-bearing steels shall be produced, sold, delivered, or purchased only pursuant to authorized controlled material orders placed by the Department of Defense, the Atomic Energy Commission, or manufacturers of Class A and/or Class B products which are to be made, in whole or in part, of columbium- or columbium-tantalum-bearing steels, and required by Department of Defense or Atomic Energy Commission programs.

(b) Authorized controlled material orders for columbium- or columbium-tantalum-bearing steels in support of the Aircraft Program of the Department of Defense shall be valid for deliveries only when supported by a certification that delivery of the quantity specified as and when ordered has been approved and authorized by the Aircraft Production Resources Agency. Such certification shall be as follows:

Certified as approved by APRA

Such certification shall constitute a representation by the purchaser to the supplier and to NPA that the purchaser has been duly authorized by the Aircraft Production Resources Agency to accept delivery of such steel, and is entitled to accept such delivery as permitted in this schedule. The certification required by this section shall be in addition to the certification required by CMP Regulation No. 1. This limitation shall not apply to those items of finished steel mill products which cannot be converted into other steel mill products and which were physically held in inventory prior to September 30, 1951.

SEC. 7. *Restrictions.* Subject to the exceptions of section 8 of this schedule, no person, in the production of any columbium- or columbium-tantalum-bearing steels, shall use more columbium or columbium-tantalum than is reasonably required to assure a ratio between columbium or columbium-tantalum and carbon in such steels greater than 8 to 1 as a minimum: *Provided, however,* That in cases where the material specifications require corrosion testing of sensitised specimens, no person shall use more columbium or columbium-tantalum in such steel products than is reasonably required to assure that such steels meet the specific requirements with respect to corrosion testing: *And provided further,* That when practical melting schedules appropriate to achieve maximum production necessitate the inclusion in single heat lots of steels requiring corrosion testing with steels not requiring such testing, such amount of columbium or columbium-tantalum may be used as will assure steels which will meet the highest corrosion testing requirements of any such steels included in any such single heat lot.

SEC. 8. *Exceptions.* (a) This schedule shall not prohibit the completion of the production and the delivery of materials or products containing columbium or tantalum in any form ordered and accepted prior to April 6, 1951, which, by reason of the condition or nature of the materials or products, cannot, without excessive loss of yield, be used in con-

without an allotment. It also permits persons to import Class A products with-

and materials other than controlled materials required for the additional pro-

[F. R. Doc. 52-9388; Filed, Aug. 22, 1952; 10:03 a. m.]

orders required. (a) Except as may be

excessive loss of yield, be used in con-

nection with authorized controlled material orders; nor shall it prohibit the use, in filling authorized controlled material orders, of columbium- or columbium-tantalum-bearing steel held on or before April 6, 1951, in the inventory of a producer or fabricator of steel products.

(b) The restrictions of sections 5, 6, and 7 of this schedule shall not apply to the production and use of (1) welding rods for welding extra low carbon (0.03 maximum) austenitic stainless steels, or austenitic stainless steels stabilized with columbium, tantalum, titanium, or nonferrous nickel-base alloys, or (2) columbium-bearing steels in the power-generating and chemical-process industries which operate continuously in the temperature range of 800–1,600 degrees Fahrenheit where other stabilized compositions are not suitable.

(c) Any authorized controlled material order for columbium- or columbium-tantalum-bearing steels, authorized by the Aircraft Production Resources Agency pursuant to section 6 of this schedule, is exempt from the restrictions of section 7 of this schedule to the extent required by the specifications contained in such APRA authorization.

(d) Commencing August 25, 1952, the restrictions of sections 5 and 6 of this schedule shall not apply to the sale and the use of Type 347 stainless steel in the finished forms of structural shapes, plate, sheet, tube, strip, wire, or bar, if the particular item of such Type 347 steel to be sold or used, has, on the date of the sale or use, been in the inventory of a steel producer or a steel distributor for a period of 6 months or more: *Provided*, That such item of Type 347 stainless steel may be sold only pursuant to an authorized controlled material order: *And provided further*, That the use of any such item of steel shall be subject to the restrictions of Schedule A to NPA Order M–80.

SEC. 9. *Conservation of scrap.* No person shall dispose of or accept any scrap containing commercially recoverable columbium and tantalum which is fit for remelting, except for use in the melting or processing of products in which columbium and tantalum is required.

SEC. 10. *Communications.* All communications concerning this schedule shall be addressed to the National Production Authority, Washington 25, D. C., Ref: M–80, Schedule 5.

This schedule as amended shall take effect August 25, 1952.

NATIONAL PRODUCTION AUTHORITY,
By GEORGE W. AUXIER,
Executive Secretary.

[F. R. Doc. 52-9459; Filed, Aug. 25, 1952; 11:31 a. m.]

Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order No. 2 as Amended August 22, 1952]

LIMITATION ON THE USE OF NATURAL GAS

This order is found necessary and appropriate to promote the national defense in that increased gas requirements for national defense and other purposes and scarcity of materials for the construction of pipelines and other gas facilities have impaired and threaten to impair the adequacy of gas deliveries to defense industries and for essential civilian uses. In the formulation of this order as amended, there has been consultation with industry representatives, including trade association representatives and representatives of public utility regulatory bodies, and consideration has been given to their recommendations.

This amendment affects PAD Order No. 2 by amending sections 3 (b) (1) and (9), 5 (a), 5 (a) (1), (2), and (3), 6 (d), and by omitting section 5 (c) and deleting part of the State of Michigan from Schedule A. As amended, PAD Order No. 2 reads as follows:

Sec.
1. What this order does.
2. Definitions.
3. Limitations on deliveries of natural gas.
4. Changes in areas to which limitations are applicable.
5. Applications.
6. Records and reports.
7. Communications.
8. Defense against claims for damages.
9. Violations.

AUTHORITY: Sections 1 to 9 issued under section 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, September 9, 1950, 15 F. R. 6105, Apr. 21, 1951, 16 F. R. 3503, Feb. 6, 1952, 17 F. R. 1171, and June 9, 1952, 17 F. R. 5269; 3 CFR 1950, 1951 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61, July 16, 1952, 17 F. R. 6425; 3 CFR 1951 Supp.

SECTION 1. *What this order does.* In order to prevent shortages of gas needed for defense production and essential civilian uses, this order restricts expansion of natural gas markets by imposing limitations on the delivery of natural gas for space heating and large volume use.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of any of the foregoing.

(b) "Natural gas" means either natural gas unmixed, or an mixture of natural and any other gas which mixture has a heat value in excess of 600 b. t. u. per cubic foot measured in accordance with the usual standards used by the natural gas seller.

(c) "Natural gas seller" means any person (including a pipeline company) selling natural gas in any of the forty-eight States or the District of Columbia for consumption by the purchaser.

(d) "Affiliate"—Two persons shall be considered "affiliates" if one owns, controls or holds with power to vote in excess of 50 percent of the voting stock of the other, or if more than 50 percent of the voting stock of each is owned, controlled, or held with power to vote by the same person.

(e) "Standby facilities" means equipment in serviceable operating condition designed to use oil, electricity, coal or other fuel to replace natural gas.

(f) "Central space heating equipment" means one or more pieces of equipment used for the purpose of raising atmospheric temperature in any structure and intended, because of its or their size, type, or location or number to heat more than one room, or to heat a room having more than 400 square feet of floor space.

(g) "Large volume consumer" means a person whose consumption of natural gas purchased from a natural gas seller is expected to equal or exceed 500 therms on any day.

(h) "State commission" means the regulatory body of the State, or the District of Columbia, having jurisdiction over gas public utility operations in the State, or the District of Columbia, respectively, or, in the absence of such a body, any public regulatory body of a political subdivision of the State having regulatory jurisdiction over gas public utility operations within such political subdivision.

(i) "Community" means one or more contiguous and adjoining urban areas served by a single natural gas seller by means of a single local distribution system.

SEC. 3. *Limitation on deliveries of natural gas.* The limitations provided in this section are subject to the provisions of section 704 of the Defense Production Act of 1950, as amended. Certifications pursuant to that section shall be filed with the Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C. Upon receipt of such certification, the Petroleum Administration for Defense will notify each natural gas seller in the jurisdiction to which the certification applies, and will publish notice of such certification in the FEDERAL REGISTER. The limitations of this section shall cease to apply to deliveries by any natural gas seller in a jurisdiction for which a certification has been filed upon receipt by such seller of notification by the Petroleum Administration for Defense of the filing or on the date of the first publication of the certification in the FEDERAL REGISTER, whichever is the earlier.

(a) No natural gas seller shall deliver natural gas to a large volume consumer for the operation of any gas-fired equipment in an area listed in Schedule A, and no large volume consumer shall accept such delivery, unless:

(1) Such equipment was installed prior to August 22, 1951, or

(2) The natural gas seller had agreed in writing prior to August 22, 1951, to make the delivery of natural gas, if to a new customer, or to increase its deliv-

ery of natural gas, if to an existing customer, for the operation of such equipment, or

(3) The equipment replaces other gas-fired equipment, using within 5 percent of the same volume of gas, or

(4) Such delivery of natural gas is fully interruptible at the request of the natural gas seller and neither the natural gas seller nor any interconnected affiliate thereof nor any natural gas supplier of such seller operates underground storage, or

(5) Such delivery of natural gas is to be used for lease operations or well drilling, or

(6) The natural gas seller has facilities for manufacturing gas in sufficient volume and of a heat content adequate to meet, on a sustained basis, all of its requirements for gas, and certifies in writing to the Petroleum Administration for Defense that such facilities are in operating condition and that such seller has adequate supplies to operate, and will operate, such facilities continuously if so requested by the Petroleum Administration for Defense, or

(7) Such delivery has been approved by the Petroleum Administration for Defense.

(b) No natural gas seller shall deliver natural gas in an area listed in Schedule A for the operation of central space heating equipment installed subsequent to August 22, 1951, and no person shall accept such delivery, unless

(1) The total number of such deliveries commenced by the natural gas seller in any community during each twelve-month period following August 22, 1951, does not exceed 1 percent of the natural gas seller's gas customers on August 22, 1951, in that community and such deliveries are commenced in such order as may be approved by the appropriate State commission, (any exemption or modification of the limitations imposed by this order heretofore or hereafter granted under section 5 (a) authorizing deliveries to addtional customers, unless otherwise stated, shall be in lieu of the 1 percent permitted herein), or

(2) The equipment replaces other central space heating equipment, using within 5 percent of the same volume of gas, or

(3) The central space heating equipment, if in a new structure, was specified in a written construction contract for the structure and work on the foundation under the new structure was commenced prior to August 22, 1951, or

(4) In the case of a conversion from another fuel to gas, work on such conversion was commenced prior to August 22, 1951, or

(5) The natural gas seller had entered into a written agreement prior to August 22, 1951, to deliver natural gas for the operation of the central space heating equipment during the 1951-52 heating season, or

(6) Such delivery of natural gas is part of the consideration for the granting of a right-of-way, or

(7) The natural gas seller has facilities for manufacturing gas in sufficient volume and of heat content adequate to meet, on a sustained basis, all of its requirements for gas, and certifies in writing to the Petroleum Administration for Defense that such facilities, are in operating condition and that such seller has adequate supplies to operate, and will operate, such facilities continuously if so requested by the Petroleum Administration for Defense, or

(8) The central space heating equipment was completely installed or converted to the use of gas during the twenty-four month period following the date of commencement of natural gas service in any community which previously had not had any gas distribution service or which had had distribution service of other than natural gas to fewer than 5,000 customers at the time of the commencement of natural gas service in that community, or

(9) The central space heating equipment was completely installed or converted to the use of gas following the date of commencement of natural gas service in a community which had previously had distribution service of other than natural gas to 5,000 or more customers and which date of commencement of natural gas service shall not have been earlier than July 1, 1950, provided that central space heating customers shall not be added at an annual rate in excess of 5 percent or in a total number in excess of 10 percent of the number of gas customers served in such community by the natural gas seller, or its predecessor, at the time of commencement of natural gas service.

(Each separate apartment or other similar residential unit and each separately operated commercial or industrial enterprise, in a multiple-unit building or development which building or development is served through a single meter, shall be considered as a separate "delivery" or "customer" in applying subparagraphs (1) and (9) of this paragraph.)

(c) No natural gas seller shall deliver natural gas, in an area listed in Schedule A, for the operation of central space heating equipment or to a large volume consumer for the operation of any gas-fired equipment, and no person shall accept such delivery, if the delivery or acceptance is prohibited by a State or local limitation on the delivery or the use of gas.

SEC. 4. *Changes in areas to which limitations are applicable.* From time to time as conditions warrant, Schedule A will be revised by the addition of new areas or the elimination of already listed areas. Any natural gas seller, any person from whom a natural gas seller purchases its natural gas supplies and any State commission may request the Petroleum Administration for Defense to add new areas to Schedule A.

SEC. 5. *Applications.* (a) Application may be made by a natural gas seller, operating in an area to which section 3 of this order is applicable, in writing to the Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref: PAD Order No. 2, for an exemption from or for a modification of all or a part of the limitations imposed by this order for a specified period. Such applications shall include:

(1) A statement of the precise exemption or modification desired, including the period of time for which it is desired;

(2) A statement of the gas sales during the twelve months, ending not more than 60 days preceding the date of the application, made from the applicant's system or that portion thereof for which exemption or modification is requested;

(3) A statement of estimated gas requirements for the period of twenty-four months following the date of the application;

(The data furnished under subparagraphs (2) and (3) of this paragraph should show peak day, monthly and annual figures, broken down between firm and interruptible service and by classes of customers, and also should show the number of new space heating customers proposed to be served.)

(4) A statement of the supply of gas, by sources, available to meet such requirements;

(5) A statement from applicant's natural gas supplier, if such supplier is a pipe line company, showing the natural gas available from the supplier to meet applicant's requirements;

(6) Any other information which in applicant's opinion will support the application;

(7) A recommendation or recommendations, in respect to the application, by the State commission or State commissions in whose geographic jurisdiction the exemption or modification will apply, together with a statement of the facts supporting such recommendation or recommendations.

(The recommendation and statement of supporting facts must be subscribed by an appropriate officer of the State commission. If the recommendation and statement of supporting facts of a State commission cannot be obtained, such fact shall be stated, together with the reasons therefor.)

(b) Application, pursuant to section 3 (a) (7), may be made by a natural gas seller, operating in an area to which section 3 of this order is applicable, in writing to the Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref: PAD Order No. 2, for approval of delivery of natural gas to a large volume consumer. Such application shall state:

(1) The name, address and business of the large volume consumer;

(2) Whether it is feasible to use another fuel, and, if not, the reasons therefor;

(3) The daily, monthly and annual volume of gas proposed to be delivered;

(4) The facts showing applicant's ability to deliver such volumes, the effect thereof upon applicant's other customers and applicant's underground storage operations;

(5) The manufacturing or other process or operation in which the gas will be used, including the product or products of such process or operation;

(6) The type of equipment in which the gas will be used;

(7) Why standby facilities cannot be used to an extent which will permit the service to be fully interruptible;

(8) Whether the proposed delivery of natural gas requires authorization by a State commission or by the Federal Power Commission. If such authorization is required, a copy of the order or orders, by which it is granted, should be attached;

(9) All other information which in applicant's opinion justifies the delivery in the interest of national defense.

SEC. 6. *Records and reports.* (a) Each natural gas seller covered by this order shall retain in his possession for at least two years records in sufficient detail to permit an audit to determine that the provisions of this order have been met. This does not specify any particular accounting method and does not require alteration of the system of records customarily maintained, provided such records supply an adequate basis for audit. Records may be maintained in the form of microfilm or other photographic copies instead of the originals.

(b) All records required by this order shall be made available, at the usual place of business where maintained, for inspection and audit by duly authorized representatives of the Petroleum Administration for Defense.

(c) Natural gas sellers subject to this order shall keep such records and submit such reports to the Petroleum Administration for Defense as it shall require in addition to those required herein, subject to the terms of the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C. 139–139f).

(d) Each natural gas seller operating in an area listed in Schedule B, who is hereafter specifically notified to file a report, shall make a comprehensive report to the Petroleum Administration for Defense on such date or dates as may be specified by the Petroleum Administration for Defense, in such form and in such detail as may be prescribed, showing its peak day and annual market requirements by classes of customers for the twelve months following the date of the report, and its ability to supply such requirements.

SEC. 7. *Communications.* All communications concerning this order shall be addressed to the Petroleum Administration for Defense, Department of the Interior, Washington 25, D. C., Ref: PAD Order No. 2.

SEC. 8. *Defense against claims for damages.* No person shall be held liable for damages or penalties for any default under contract or order which shall result directly or indirectly from compliance with this order of the Petroleum Administration for Defense, or any direction, directive, or other instruction issued pursuant thereto, notwithstanding that such order, direction, directive or instruction shall thereafter be declared by judicial or other competent authority invalid.

SEC. 9. *Violations.* Any person who wilfully violates any provision of this order, or who wilfully conceals a material fact or furnishes false information in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

This amended order shall take effect on August 22, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior and
Petroleum Administrator for Defense.

SCHEDULE A

Areas subject to limitations contained in PAD Order No. 2:
Connecticut.
Delaware.
District of Columbia.
Kentucky[1] (only those portions served with gas supplied by a subsidiary of The Columbia Gas System, Inc., or by Louisville Gas & Electric Co.).
Maryland.[1]
Massachusetts.
Michigan (only those portions served with gas supplied in whole or in part by Michigan-Wisconsin Pipe Line Company).
New Hampshire.[1]
New Jersey.
New York.
Ohio.[1]
Pennsylvania.[1]
Rhode Island.
Virginia.[1]
West Virginia[1] (only those portions served with gas supplied by a subsidiary of The Columbia Gas System, Inc.).
Wisconsin.[1]

SCHEDULE B

Alabama.	Nebraska.
Connecticut.	New Hampshire.
Delaware.	New Jersey.
District of Columbia.	New York.
Florida.	North Carolina.
Georgia.	Ohio.
Illinois.	Pennsylvania.
Indiana.	Rhode Island.
Iowa.	South Carolina.
Kentucky.	South Dakota.
Maryland	Tennessee.
Massachusetts.	Virginia.
Michigan.	West Virginia.
Minnesota.	Wisconsin.
Missouri.	

[F. R. Doc. 52-9404; Filed, Aug. 22, 1952; 12:45 p. m.]

Chapter XVII—Housing and Home Finance Agency

[Appendix to CR 3, Amdt. 2]

CR 3—RELAXATION OF RESIDENTIAL CREDIT CONTROLS: REGULATION GOVERNING PROCESSING AND APPROVAL OF EXCEPTIONS AND TERMS FOR CRITICAL DEFENSE HOUSING AREAS

MISCELLANEOUS AMENDMENTS

1. This Amendment 2 amends the Appendix to CR 3 published in the FEDERAL REGISTER July 18, 1952 (17 F. R. 6585), and last amended by Amendment 1 published July 26, 1952 (17 F. R. 6856), by adding the following additional critical defense housing areas to the areas already designated under CR 3:

Area, Including Geographical Description and Date Designated

190. Battle Creek, Michigan, Area. (The City of Battle Creek and the Townships of Bedford, Battle Creek, Emmett and Pennfield in Calhoun County, the Fort Custer Military Reservation, also the City of Galesburg and the Townships of Charleston and Ross in Kalamazoo County; all in Michigan), August 26, 1952.

191. Colville, Washington, Area. (Census Division 3 and the portions of Census Divisions 1 and 2 lying east of the Columbia River, including the City of Colville, all in Stevens County, Washington), August 26, 1952.

192. Klamath, California, Area. (Klamath Judicial Township including Klamath and Klamath Glen, in Del Norte County, California), August 26, 1952.

193. Elizabeth City, North Carolina, Area. (Pasquotank County, including Elizabeth City town, North Carolina), August 26, 1952.

194. Great Lakes-North Chicago-Waukegan, Illinois, Area. (All of Lake County, Illinois), August 26, 1952.

2. The Appendix to CR 3 is further amended by changing the description of critical defense housing areas previously published and numbered 11, 90, 117, 178, 182, and 186, respectively, to read as follows:

11. Norfolk-Portsmouth, Virginia, Area. (Norfolk and Princess Anne Counties; the independent cities of Norfolk, South Norfolk, and Portsmouth; and that portion of Nansemond County lying north of U. S. Highway Number 17 and east of the Nansemond River; all in Virginia.)

90. Bridgeport, Connecticut, Area. (The Towns of Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford and Trumbull in Fairfield County; and the Town of Milford in New Haven County, all in Connecticut.)

117. Kinston, North Carolina, Area. (All of Lenoir County and the town of Grifton in Pitt County, North Carolina.)

178. Portsmouth, New Hampshire-Kittery, Maine, Area. (All of Strafford County, except the towns of Middleton and New Durham; the City of Portsmouth and the Towns of Atkinson, Brentwood, Danville, Deerfield, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Northwood, Nottingham, Plaistow, Raymond, Rye, Sandown, Seabrook, South Hampton and Stratham in Rockingham County, in the State of New Hampshire; and the Towns of Berwick, Eliot, Kittery, North Berwick, South Berwick and York, in York County, Maine.)

182. Roseburg, Oregon, Area. (The Precincts of Brown, Civil Bend, Edenbower East 1 and 2, Edenbower West 1 and 2, Garden Valley, Green, Mill, Parrott and Wilbur, including the City of Roseburg, all in Douglas County, Oregon.)

186. Corning-Painted Post, New York, Area. (The Towns of Thurston, Campbell, Hornby, Rathbone, Addison, Erwin, Corning, Woodhull, Tuscarora, Lindley and Caton, the city of Corning and the villages of Painted Post, Woodhull, Addison, Riverside and South Corning, all in Steuben County, New York and the town of Catlin in Chemung County, New York.)

RAYMOND M. FOLEY,
Housing and Home Finance Administrator.

[F. R. Doc. 52-9354; Filed, Aug. 25, 1952; 8:47 a. m.]

[1] This state has certified as permitted by Section 704 of the Defense Production Act of 1950, as amended, and therefore is not subject to the limitations provided in section 3 of this order.

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 40]

EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MINERAL PROPERTIES; DETERMINING NONTAXABLE INCOME FROM EXEMPT EXCESS OUTPUT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to clarify the extent to which separate mineral properties may be aggregated pursuant to the election provided in section 453 (a) (10) of the Internal Revenue Code for the purpose of determining nontaxable income from exempt excess output, in order to clarify regulations relating to section 453 (b) (2) and (4) of the Code, and in order to reflect the addition of certain minerals to those listed in section 453 (a) (13), (b) (2), and (b) (4) of the Code by the Revenue Act of 1951, approved October 20, 1951, Regulations 130 [26 CFR Part 40] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 40.453–1, the following:

SEC. 515. NONTAXABLE INCOME FROM CERTAIN MINING PROPERTIES (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 453 (relating to nontaxable income from exempt excess output) is hereby amended as follows:

(a) By amending the first sentence of subsection (a) (13) thereof to read as follows: "The term 'unit net income' means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal, ore, sulphur, potash, metallurgical grade limestone, chemical grade limestone, or timber recovered from the mineral property, or timber block, as the case may be, during the taxable year by the number of units of such mineral or timber recovered from such property in such year."

(b) By inserting immediately after the words "coal mining property" in subsection (b) (2) thereof the following: ", or of a sulphur, potash, metallurgical grade limestone, or chemical grade limestone mineral property,".

(c) By striking out so much of subsection (b) (4) as precedes the second sentence and inserting in lieu thereof the following:

(4) *Certain properties not in operation during normal period.* For any taxable year, the nontaxable income from exempt excess output of a metal or coal mining property, of a sulphur, potash, metallurgical grade limestone, or chemical grade limestone mineral property, of a timber block, or of a natural gas property, which was not in operation during the normal period, shall be an amount equal to one-third of the net income for such taxable year (computed with the allowance for depletion) from such property or timber block, as the case may be.

SEC. 523. EFFECTIVE DATE OF TITLE V (TITLE V, REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

* * * the amendments made by this title (including section 515) shall be applicable only with respect to taxable years ending after June 30, 1950.

PAR. 2. Section 40.453–2 (g) is amended to read as follows:

(g) *Alternative computation of exempt excess output for more than one mineral property.* (1) Section 453 (a) (10) provides that where more than one mineral property (as defined in paragraph (f) of this section) is owned or operated by a producer or lessor (as defined in paragraph (a) (1) and (2) of this section), such producer or lessor may elect to treat the mineral properties as one property for the purpose of applying section 453 (b) (1). If the taxpayer elects under section 453 (a) (10), such properties shall be aggregated and treated as one property to the extent provided under the rules set forth in paragraph (m) (2) and (3) of this section. In the case of a taxpayer making the election under section 453 (a) (10), a coal or mineral property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with such properties which were in operation during the normal period to the extent such property which was not in operation during the normal period may be so included under the rules set forth in paragraph (m) (2) and (3) of this section.

(2) In the case of a taxpayer making the election under section 453 (a) (10), the net income from the coal or mineral property shall be computed in a manner similar to that described in paragraph (j) of this section with respect to a mineral property as if the properties aggregated under subparagraph (1) of this paragraph were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be the sum of the amounts computed according to sections 23 (m) and 114, and the regulations thereunder.

(3) The election pursuant to section 453 (a) (10) shall be made in a statement attached to Schedule EP (Form 1120) accompanying the income tax return, filed on or before the last day required by law for the filing of such return, for the taxable year for which the election is being made. The last day required by law for filing of such return includes the last day of the period of any extension of time granted for such filing. Such election must be made for each taxable year for which the benefits of section 453 (a) (10) are claimed and such an election does not preclude the taxpayer from electing for a subsequent year to compute nontaxable income from exempt excess output by treating the mineral properties as separate properties under the rules set forth in paragraph (f) of this section. If the taxpayer has failed so to elect or desires to change its election, such election or change in election may, subject to the approval of the Commissioner, be made by the taxpayer filing with the Commissioner of Internal Revenue, Washington 25, D. C., within the period of limitations for the filing of claims for credit or refund with respect to the year or years involved, a notice of its election or change in election accompanied by a recomputation of its income and excess profits taxes for such years. If the recomputation results in an overpayment for any of such years, the taxpayer should file a claim for refund on Form 843 in accordance with the provisions of section 322.

PAR. 3. Section 40.453–2 (m) is amended as follows:

(A) By striking the word "ore" wherever appearing in subparagraph (1) of such section and by inserting in lieu thereof the following: "mineral".

(B) By adding the following new sentence at the end of subparagraph (2) of such section: "A coal property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with properties which were in operation during the normal period to the extent such properties which were not in operation during the normal period may be so included under the rules set forth in this section.

(C) By amending subparagraph (3) of such section to read as follows:

(3) For the purpose of section 453 (a) (13) and section 453 (b) (2), a mineral property shall include the aggregate of all tracts or parcels of land containing mineral deposits in which economic interests were owned, and from which minerals were extracted, by the taxpayer at any time after the beginning of the normal period (excluding, however, any tract or parcel of land in which an economic interest was acquired, and from which minerals were extracted, by any other person subsequent to the last date of ownership and operation by the taxpayer) to the extent that such tracts or parcels of land were operated by the taxpayer as an operation unit, regardless of whether the economic interest in one tract or parcel of land differed from that in another. The mineral property of a lessor is the tract or parcel of land containing mineral deposits in which an economic interest is owned by the lessor. It need not necessarily be coextensive with the mineral property in the case of the producer. A mineral

property not in operation during the normal period (see section 453 (a) (4) and paragraph (d) of this section) shall be included with properties which were in operation during the normal period to the extent such properties which were not in operation during the normal period may be so included under the rules set forth in this section.

(D) By amending subparagraph (4) of such section to read as follows:

(4) The net income (computed with the allowance for depletion) from the coal or the mineral recovered from the mining property during a taxable year for which the benefits of section 453 (b) (2) are claimed shall be the net income from the mining property from which such coal or mineral is recovered, computed in a manner similar to that described in paragraph (j) of this section with respect to a mineral property as if such mining property were a mineral property, except that the amount of depletion allowed in the computation of such net income shall be the sum of the amounts computed according to sections 23 (m) and 114, and the regulations thereunder.

(E) By striking the word "ore" wherever appearing in subparagraph (13) of such section and by inserting in lieu thereof the following: "mineral."

PAR. 4. Section 40.453–3 (b) is amended as follows:

(A) By striking the headnote of such paragraph which reads *Metal and coal mines* and inserting in lieu thereof *Mines in operation during normal period.*

(B) By inserting immediately after subparagraph (4) of such section the following new subparagraph (5):

(5) The computation of nontaxable income from exempt excess output in the case of those mineral properties, in addition to metal or coal mining properties, which are referred to in section 453 (b) (2) shall be made in a manner consistent with that set forth in subparagraph (1) through (4) of this paragraph.

PAR. 5. Section 40.453–4 is amended as follows:

(A) By striking the headnote of such section which reads *Mines, timber properties, and natural gas properties not in operation during normal period* and by inserting in lieu thereof the following: *Certain properties not in operation during normal period.*

(B) By inserting immediately after "coal mining property," wherever appearing in such section the following: "certain other mineral properties referred to in section 453 (b) (4),".

[F. R. Doc. 52-9355; Filed, Aug. 25, 1952; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 41]

SPECIAL CIVIL AIR REGULATION; FLIGHT TIME LIMITATIONS FOR PILOTS NOT REGULARLY ASSIGNED TO ONE TYPE OF CREW

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board an extension of the authority granted by Special Civil Air Regulation SR–381 as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 8, 1952. Copies of such communications will be available after September 10, 1952, for examination by interested persons at the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

Special Civil Air Regulation SR–381 which terminates September 30, 1952, provides authority whereby a pilot may serve in more than one type of flight crew without incurring any penalty in terms of maximum permissive flight duty. This authority has heretofore been provided for an experimental period with a view to the establishment of permanent rules for such crew assignments.

The Civil Aeronautics Administration has informed the Bureau that the regulation is a desirable one and not subject to abuse. It therefore recommends that the authority granted by SR–381 be continued and that it be incorporated in Part 41. Certain scheduled air carriers have also asked that the authority be incorporated in Part 41. However, the Bureau considers, since a proposed major revision of Part 41 is expected to be published shortly, that it would be more advisable to extend the authority granted by SR–381 and incorporate the changes in the proposed revision of Part 41 when published.

This regulation will not allow evasion of the stricter limitations applicable to smaller crew combinations, but will allow assignment of a pilot in any given month to another type of crew combination without additional flight time limitation if he flies not more than 20 hours in the type of crew to which the more restrictive flight time limitations apply and if such assignment is not interrupted more than once during such month.

Accordingly it is proposed to extend for 1 year the authority granted by Special Civil Air Regulation SR–381 to read as follows:

1. Contrary provisions of § 41.57 of the Civil Air Regulations notwithstanding, the following rules shall apply to the monthly and quarterly flight time limitations of pilots assigned in combinations of two-pilot crews, two-pilot and additional flight crew member crews, or three-pilot and additional flight crew member crews.

2. A pilot who is assigned to duty aloft for more than 20 hours in two-pilot crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of two or more pilots and an additional flight crew member, shall be governed by the provisions of § 41.54.

3. Except for a pilot coming within the provisions of paragraph 2, a pilot who is assigned to duty aloft for more than 20 hours in two-pilot and additional flight crew member crews in a given month, or whose assignment in such crews is interrupted more than once in the month by assignment to a crew consisting of three pilots and an additional flight crew member, shall be governed by the provisions of § 41.55.

4. A pilot to whom the provisions of paragraphs 2 and 3 are not applicable, assigned to duty aloft for a total of 20 hours or less within a given month in two-pilot crews with or without additional flight crew members, shall be governed by the provisions of § 41.56.

5. A pilot assigned to each of two-pilot, two-pilot and additional flight crew member, and three-pilot and additional flight crew member crews in a given month, who is not governed by the provisions of paragraphs 2, 3, or 4, shall be governed by the provisions of § 41.55.

This regulation shall terminate one year from its effective date unless sooner superseded or rescinded by the Board.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated: August 8, 1952, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 52-9353; Filed, Aug. 25, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SHOSHONE PROJECT, WYOMING

ORDER OF REVOCATION

JULY 15, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of August 2 and October 21, 1913, and May 2, 1919, in so far as said orders affect the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W.,
Sec. 2—Lots 6 and 7.
Sec. 10—All.
Sec. 11—All.
Lots 5, 10, 11, 12, 13, 14, 15, 16 of Lot 73.
Lots 43–A, B, C, D, E, F, G, and H.
Lots 39–A, B, C, D, E, F, G, and H.
T. 53 N., R. 94 W.,
Sec. 6—All.
Sec. 7—Lots 1, 2, E½NW¼, NE¼, and SE¼.
Sec. 8—All.
Sec. 22—W½.
Sec. 24—W½.
Sec. 25—Lots 1, 2, N½SE¼, and NE¼.
Sec. 27—W½.
Sec. 28—S½S½.
Sec. 31—All.
Sec. 32—All.
Sec. 33—All.
T. 53 N., R. 95 W.,
Sec. 1—Lots 1, 2, 3, 4, S½N½, and SE¼.
Sec. 16—Lots 1, 2, and 3.
Sec. 25—E½.
Sec. 26—SW¼.
Sec. 27—S½.
Sec. 28—S½.
Sec. 29—All.
Sec. 31—Lots 1, 2, 3, 4, 5, N½NE¼ and NE¼NW¼.
Sec. 32—Lots 1, 2, 3, 4, 5, N½N½, and SE¼NE¼.
Sec. 33—All.
Sec. 34—All.
Sec. 35—Lots 1, 2, W½E½, and W½.
Sec. 36—Lots 1, 2, and 3.
Lots 37, 38, 39, and 40.
T. 52 N., R. 102 W.,
Sec. 3—Lots 7 and 8.
Sec. 4—Lots 14 and 22, NE¼NW¼SW¼, S½NW¼SW¼ and S½SW¼.
Sec. 5—Lot 19.
Sec. 12—Lots 1, 2, and 3.
Lots 42–F, 42–L, 42–M, 55–A, 55–B, 64, 65, 66, 67, 76–A, 76–B and 76–C.
T. 51 N., R. 103 W.,
Lots 60–B and 61–D.

The above area aggregates 15,826.03 acres.

ALFRED R. GOLZE,
Acting Assistant Commissioner.

I concur. The records of the Bureau of Land Management will be noted.

Lot 40, T. 53 N., R. 95 W., and lots 60 and 61, T. 51 N., R. 103 W., are patented lands.

The lands are chiefly valuable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Cheyenne, Wyoming.

WILLIAM ZIMMERMAN, Jr.,
Associate Director,
Bureau of Land Management.

AUGUST 20, 1952.

[F. R. Doc. 52-9333; Filed, Aug. 25, 1952; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF, BUREAU OF SUPPLIES AND ACCOUNTS

DELEGATION OF AUTHORITY TO ELIMINATE EXCESSIVE PROFITS UNDER RENEGOTIATION ACT OF 1948

Pursuant to and in accordance with the "Delegation of Authority to Eliminate Profits under the Renegotiation Act of 1948", dated January 20, 1952, from the Secretary of Defense to the Secretaries of the Army, the Navy and the Air Force, 17 F. R. 1065, there is hereby delegated to the Chief of the Bureau of Supplies and Accounts the responsibility for the elimination of any excessive profits determined by agreement or order pursuant to the Renegotiation Act of 1948. Without limiting the generality of the foregoing, the Chief of the Bureau of Supplies and Accounts is particularly directed to take the following action:

(a) Receive and collect all payments, reports, financial data and other items, as provided in any such agreement or order, and transmit all payments received by him to the Treasurer of the United States to be covered into the Treasury as miscellaneous receipts;

(b) When necessary in order to eliminate any such excessive profits, either (i) effect the withholding from amounts otherwise due to a contractor of any amount of such excessive profits of such contractor, or (ii) direct a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor;

(c) Keep appropriate records with respect to the performance of the terms and provisions of all renegotiation agree-

ments and with respect to the discharge of liability of contractors and subcontractors under orders determining excessive profits made or entered pursuant hereto; and

(d) Advise the Secretary of the Navy as to any unremedied defaults under any such renegotiation agreements or orders, and recommend appropriate action with respect thereto.

The Chief of the Bureau of Supplies and Accounts is hereby authorized to redelegate in whole or in part the authority delegated in the first paragraph hereof.

This notice is effective as of the 20th day of January 1952.

H. R. ASKINS,
Assistant Secretary of the Navy.

AUGUST 14, 1952.

[F. R. Doc. 52-9334; Filed, Aug. 25, 1952; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ORGANIZATION

Effective July 1, 1952, the organization of the Rural Electrification Administration shall be as follows:

Central organization. The principal office of the Rural Electrification Administration is at Washington, D. C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U. S. C. 901–915).

The Administrator. The Administrator is appointed by the President with the advice and consent of the Senate, for a term of ten years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Secretary of Agriculture. He is aided directly by a Deputy Administrator and an Assistant Administrator. The work is carried on through the Area Offices, Divisions, and the Staff described in succeeding paragraphs.

Electric Distribution Area Offices. Executes all REA programs for electric distribution borrowers and refrigeration locker plant borrowers. Five area offices have been established as follows: Northeast, Southeast, North Central, Western and Southwest. Each of the Area Offices advises and assists loan applicants in system development and in the preparation of applications; receives, evaluates and processes all loan applications; makes recommendations to the Administrator on loans; advises and assists borrowers in the design and construction of their systems; reviews proposed or completed construction for approval on behalf of the Administrator; advises and assists borrowers in the operation of their systems including activities such as accounting, organization and operating procedures, financial performance, technical operations and maintenance, taxes, insurance, and the effective use of electric power.

Telephone Loans Division. Executes all REA programs for telephone borrowers in connection with: Loan applications; organization and system development; business and operating management, including general management, organization, operating procedures, accounting, financial performance, taxes, and insurance. Receives, processes, and evaluates loan applications and prepares recommendations regarding allocations and loans to the Administrator.

Telephone Engineering Division. Executes all REA programs for telephone borrowers in connection with: The design; construction; and technical operations and maintenance of rural telephone systems and related facilities. Reviews proposed and completed construction for approval on behalf of the Administrator.

Power Division. Executes REA programs for power-type borrowers. Advises and assists such loan applicants in system development and in the preparation of applications; receives, evaluates, and processes all loan applications; makes recommendations to the Administrator on loans; advises and assists borrowers in the operation of their systems including activities such as accounting, organization, operating procedures, financial performance, technical operations and maintenance, taxes, insurance, and the effective use of electric power. Provides staff service to the Administrator and the Electric Distribution Area Offices on matters of wholesale power supply, wholesale power rates, and the design, construction, and operation of generating facilities of electric distribution-type borrowers.

Operations Division. Provides staff service to the REA organization relating to: System operations (other than technical) of electric distribution and telephone borrowers; electric and telephone loans, including area coverage and acquisitions; telephone rates; electric retail rates; performance standards and methods; insurance; locker plants; power use; cooperative organization and member education; and labor relations.

Engineering Division. Provides staff services to the REA organization relating to: Design, construction, technical operation and maintenance of physical plant (excluding transmission facilities of power-type borrowers and all generating facilities) of electric borrowers and of telephone borrowers; system engineering studies; consulting engineering services; controlled materials; architectural engineering services; safety and job training; and radio and communication facilities.

Technical Standards Division. Provides staff services relating to development, improvement, and standardization of materials, equipment, and facilities for the electric and telephone programs; and the solution of complex technical problems, such as sectionalizing, brush control, voltage regulations, etc., affecting groups of borrowers.

Division of Controller. Conducts REA accounting activities; the design and installation of accounting systems for borrowers; technical advice and assistance to line and staff divisions on accounting matters; and the examination of borrowers' records and REA activities.

Information Services Division. Prepares and disseminates information designed to acquaint borrowers and the public with the status and progress of the rural electrification and rural telephone programs; and provides technical assistance to other staff divisions and to line divisions in the preparation of written and audio-visual materials as required in the execution of their programs.

Personnel Division. Conducts the personnel program of REA including classification and organization matters; employment, employee relations and counseling; training; health and general welfare.

Administrative Services Division. Provides an administrative services program for REA including procurement; property accountability; space management; communications and records management; mapping services; and the maintenance of records required for the administration of the Agency's production control system.

Issued this 14th day of August 1952.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-9377; Filed, Aug. 25, 1952; 8:51 a. m.]

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

Effective July 1, 1952, the following delegations of authority have been authorized:

A. Authority has been delegated to the Deputy Administrator to exercise, in the absence of the Administrator, as Acting Administrator, any of the powers of the Administrator.

B. Authority has been delegated to the Assistant Administrator to exercise, in the absence of the Administrator and Deputy Administrator, as Acting Administrator, any of the powers of the Administrator.

C. Authority has been delegated to the Deputy Administrator and Assistant Administrator:

(1) To approve, "for Claude R. Wickard, Administrator," contracts, agreements, and amendments thereto between REA borrowers and parties other than REA.

(2) To authorize transfers of funds in loan budgets where purpose of loan or allocation is changed.

(3) To place or release "stop orders."

(4) To approve transfers and sales of property, material, and equipment between borrowers and parties other than the United States.

(5) To authorize the purchase of supplies, equipment and services for REA.

(6) To approve the selection of managers for borrowers' systems.

(7) To approve depositories for borrowers funds.

(8) To approve the selection of engineers by borrowers.

(9) To approve the selection of architects by borrowers.

(10) To approve the selection by borrowers of their attorneys.

(11) To approve the selection of certified public accountants by borrowers.

(12) To approve borrowers' proposals for radio and carrier current facilities.

(13) To release liens on borrowers' motor vehicles.

(14) To approve force account construction by borrowers.

(15) To approve final documents submitted by borrowers in connection with contract construction.

(16) To approve final payments by borrowers to contractors and engineers.

(17) To approve the use of general or equity funds by borrowers.

(18) To execute endorsements and assignments of collateral and cancellations or endorsements of fact of payment of borrowers indebtedness to the United States.

(19) To certify requisitions for loan funds and administrative vouchers.

(20) To approve removal and sale of portion of borrowers' system from land acquired by Federal, state or territorial government agencies.

D. Authority has been delegated to the Associate Solicitor for Rural Electrification or the Chief, Electrification Operations Division, Office of the Solicitor, or, in their respective absences, the persons officially acting for them:

(1) To execute certificates concerning a borrower's status.

(2) To execute certificates regarding a borrower's incorporation.

E. Authority has been delegated to the Associate Solicitor for Rural Electrification or the Chief, Electrification Loans Division, Office of the Solicitor, or in their respective absences, the persons officially acting for them:

(1) To make affidavits with respect to the recording and filing of mortgages and deeds of trust and renewals of the liens thereof.

F. Authority has been delegated to the Chief, Assistant Chief, and Section Heads, Telephone Loans Division (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve depositories for the funds of telephone borrowers.

(2) To approve sales of material or equipment by telephone borrowers.

(3) To approve the use of equity funds by telephone borrowers.

G. Authority has been delegated to the Chief, Telephone Engineering Division, or, in his absence, the person officially acting for him (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve, "for Claude R. Wickard, Administrator," the following contracts and amendments thereto between telephone borrowers and parties other than the United States:

(a) Engineering service contracts;

(b) Architectural service contracts;

(c) Central office equipment contracts;

(d) Construction contracts.

H. Authority has been delegated to the Chief and Assistant Chief, Telephone Engineering Division, or in their absence, the persons officially acting for them (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve, "for Claude R. Wickard, Administrator," the following contracts, agreements, and amendments thereto between telephone borrowers and parties other than the United States:

(a) Construction contract amendments involving less than $50,000.

(b) Materials contract amendments.

(c) Central office equipment contract amendments involving not more than $5,000.

(d) Highway and railroad crossing agreements.

(2) To approve final construction documents submitted by telephone borrowers.

(3) To approve final payments to contractors and engineers by telephone borrowers.

(4) To approve selection of engineers by telephone borrowers.

(5) To release liens on motor vehicles purchased by telephone borrowers.

(6) To approve force account construction by telephone borrowers.

I. Authority has been delegated to the Chief and Assistant Chiefs, Power Division, or in their absence, those persons officially acting for them (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve, "for Claude R. Wickard, Administrator," the following contracts and agreements and amendments thereto between power-type borrowers and parties other than the United States:

(a) Construction contracts;

(b) Engineering contracts;

(c) Architectural contracts;

(d) Material and equipment contracts;

(e) Agreements in respect of physical or electrical interference with power or communication facilities;

(f) Highway and railroad crossing agreements.

J. Authority has been delegated to the Chief, Assistant Chiefs, and Section Heads, Power Division (in addition to the Deputy Administrator and Assistant Administrator); to perform the following acts with respect to power-type borrowers:

(1) To approve borrowers sales and transfers of materials and equipment.

(2) To release liens on motor vehicles.

(3) To approve requisitions, work orders, expenditure reports, final documents, and final payments to contractors in connection with construction.

(4) To approve proposals for radio and carrier current facilities.

(5) To approve the use of general funds.

(6) To approve depositories for borrowers funds.

(7) To approve force account engineering and construction.

K. Authority has been delegated to the Controller and Assistant Controllers, Division of Controller, or in their absence to the persons officially acting for them (in addition to the Deputy Administrator and Assistant Administrator):

(1) To execute endorsements and assignments of collateral, and to cancel or endorse fact of payment on evidences of borrowers indebtedness to United States.

(2) To approve borrowers' selection of certified public accountants.

L. Authority has been delegated to the Controller, Assistant Controller in charge of accounts, Assistant to the Assistant Controller in charge of accounts, Head and Assistant Head, Voucher and Employee Accounts Section, and Supervisor, Audit Unit, Voucher and Employee Accounts Section, Division of Controller (in addition to the Deputy Administrator and Assistant Administrator):

(1) To certify requisitions for loan funds.

(2) To certify administrative vouchers.

M. Authority has been delegated to the Area Directors, Acting Area Directors and Assistant Area Directors, Electric Distribution Area Offices or in their absence to the persons officially acting for them (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve, "for Claude R. Wickard, Administrator," the following contracts, agreements, and amendments thereto between electric distribution borrowers and parties other than the United States:

(a) Engineering service contracts;

(b) Architectural service contracts;

(c) Construction contracts;

(d) Equipment and material contracts;

(e) Meter loop material and installation contracts;

(f) Agreements with respect to physical and electrical interference with power and communication lines;

(g) Highway and railroad crossing agreements;

(h) Retail rate contracts relating to large power installations.

(2) To approve force account construction.

(3) To approve final construction documents.

(4) To approve final payments to engineers and contractors.

(5) To approve depositories for borrowers funds.

(6) To approve the use of general funds by borrowers.

(7) To execute release of lien on borrowers motor vehicles.

(8) To approve borrowers' selection of engineer and architect.

(9) To approve borrowers' proposals for radio and carrier current facilities.

N. Authority has been delegated to the Chief, Administrative Services Division, or in his absence to the person officially acting for him (in addition to the Deputy Administrator and Assistant Administrator):

(1) To approve the procurement of equipment, materials, and services for REA.

These delegations supersede all prior delegations with reference to these matters.

Issued this 14th day of August 1952.

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 52-9376; Filed, Aug. 25, 1952; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068,

as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951; 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818).

Adelphi Shirt Co., 943 Hamilton Street, Allentown, Pa., effective 8-18-52 to 8-17-53; 10 learners (sport shirts and undershirts).

David W. Brown Co., 3915 Powelton Avenue, Philadelphia 4, Pa., effective 8-14-52 to 8-13-53; five learners (children's cotton outerwear).

Ely & Walker Factory, Salem, Mo., effective 8-14-52 to 8-13-53; 10 percent of the productive factory workers engaged solely in the production of sport shirts and pajamas; learners at subminimum wage rates to be used in the manufacture of these items only (sport shirts and pajamas).

Harrisville Garment Corp., Harrisville, W. Va., effective 8-14-52 to 8-13-53; 10 percent of the productive factory force or 10 learners, whichever is greater (blouses).

Kaynee Co., Williamsburg, Ky., effective 8-14-52 to 2-13-53; 25 learners for expansion purposes (shirts, pajamas, trousers).

Kutztown Sportswear Co., 361 East Main Street, Kutztown, Pa., effective 8-11-52 to 2-10-53; 45 learners for expansion purposes (ladies' blouses).

Charles F. May Co., 53-55 North Third Street, Philadelphia, Pa., effective 8-18-52 to 8-17-53; five learners (work jackets and coveralls).

Meyer Weiss, Fourteenth and Market Streets, Pottsville, Pa., effective 8-18-52 to 8-17-53; 10 percent of the productive factory force (ladies' blouses).

Oswego Manufacturing Co., 355 West First Street, Oswego, N. Y., effective 8-15-52 to 8-14-53; 10 learners; learners to be employed at subminimum wage rates in the manufacture of brassieres and cotton slips only (slips and brassieres).

Palmetto Garment Co., Inc., Goldsmith Street, Greenville, S. C., effective 8-12-52 to 8-11-53; five learners (children's underwear and boxer shorts).

Wright Manufacturing Co., P. O. Box 509, Toccoa, Ga., effective 8-20-52 to 8-19-53; 10 percent of the productive factory force (work clothing).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended January 25, 1950; 15 F. R. 400).

The Antonio Co., 1316 Spring Street, Tampa, Fla., effective 8-19-52 to 8-18-53; six learners; cigar machine operators; 320 hours at not less than 60 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended October 26, 1950; 15 F. R. 6888).

Livermore Falls Glove Co., Livermore, Maine, effective 8-22-52 to 8-21-53; five learners (work gloves).

Picardy Mills, Inc., Sherwood and Reeve Street, Dunmore, Pa., effective 8-19-52 to 8-18-53; 10 percent of the productive factory workers engaged in the learner occupations (knit fabric gloves).

Portage Hosiery Co., Portage, Wis., effective 8-19-52 to 8-18-53; five learners (mittens).

Richmond Glove Corp., 601 North D Street, Richmond, Ind., effective 8-18-52 to 8-17-53; 10 learners (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951; 16 F. R. 10733).

Ardmore Hosiery Co., Inc., 320 Isley Street, Greensboro, N. C., effective 8-19-52 to 8-18-53; five learners.

Portage Hosiery Co., Portage, Wis., effective 8-19-52 to 8-18-53; 5 percent of the productive factory force.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Ely & Walker Factory, Salem, Mo., effective 8-14-52 to 8-13-53; five learners; learners to be engaged at subminimum wage rates in the manufacture of men's woven underwear only (men's shorts).

Morse & Morse, Inc., 240 South Broadway, Los Angeles 12, Calif., effective 8-19-52 to 8-18-53; 5 percent of the productive factory force (polo shirts).

Oswego Manufacturing Co., 355 West First Street Oswego, N. Y., effective 8-15-52 to 8-14-53; five learners to be employed at subminimum wage rates in the manufacture of night gowns only (tricot nylon gowns).

Winston Manufacturing Co., Hafeyville, Ala., effective 8-25-52 to 2-24-53; 50 learners for expansion purposes (undergarments and sleeping wear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

J. Capps & Sons, Ltd., 500 West Lafayette Avenue, Jacksonville, Ill., effective 8-19-52 to 8-18-53; 7 percent of the productive factory force; machine operators (except cutting), pressers, handsewers; each 480 hours; 60 cents per hour for the first 240 hours and 65 cents per hour for the remaining 240 hours (men's suits and topcoats).

Gala-Mo-Arts, Inc., Sikeston, Mo., effective 8-18-52 to 2-17-53; 10 learners: pottery finishers (including spongers), pottery decorators (including spray painters); each 240 hours at 65 cents per hour (lamp bases).

The following special learner certificate was issued to the school-operated industries listed below.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, T. H., effective 9-1-52 to 8-31-53; print shop—compositor, pressman, and related skilled and semiskilled occupations, six learners, 350 hours at 55 cents per hour, 325 hours at 60 cents per hour, 325 hours at 70 per hour; laundry—laundry worker (semiskilled occupations only), four learners, 100 hours at 55 cents per hour, 100 hours at 60 cents per hour, 100 hours at 70 cents per hour; clerical—typist, bookkeeper, related skilled and semiskilled occupations, four learners, 200 hours at 55 cents per hour, 200 hours at 60 cents per hour, 200 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of August 1952.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 52-9339; Filed, Aug. 25, 1952; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5658]

U. S. AIRLINES, INC., ENFORCEMENT PROCEEDING

NOTICE OF HEARING

In the matter of the U. S. Airlines, Inc., Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on September 5, 1952, at 10:00 a. m., d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., this 20th day of August 1952.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 52-9356; Filed, Aug. 25, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2004]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER FIXING DATE OF HEARING

AUGUST 19, 1952.

On July 16, 1952, Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware Corporation having its principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the transportation and sale from authorized but unallocated capacity of not more than 501 Mcf of natural gas a day to Allied Gas Company for resale to the Air Force at its Chanute Air Force Base at Rantoul, Illinois, as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request

to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 30, 1952 (17 F. R. 6993).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 11, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 20, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9335; Filed, Aug. 25, 1952; 8:46 a. m.]

[Docket No. G-1953]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Correction

In F. R. Doc. 52-9097, appearing at page 7561 of the issue for Tuesday, August 19, 1952, the following change should be made:

In the fourth paragraph, the date "August 20, 1952" should read "August 29, 1952."

FEDERAL TRADE COMMISSION

[File No. 21-440]

ATHLETIC GOODS INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference under the auspices of the Federal Trade Commission will be held for the Athletic Goods Industry in the Mural Room of the Hotel Morrison, Chicago, Illinois, September 18, 1952, commencing at 10 a. m., d. s. t.

All persons, firms, corporations, and organizations engaged in the business of manufacturing, distributing, or marketing athletic goods are cordially invited to attend or be represented at this conference and to take part in the proceedings.

The proceedings in this matter were instituted by the Commission pursuant to an application therefor by the Southern California Sporting Goods Association for the purpose of revising and extending the trade practice rules for the Golf, Baseball, and Athletic Goods Industry promulgated by the Commission on October 29, 1931. A regional conference was held at Los Angeles on May 19, 1952, for the purpose of facilitating participation on the part of industry members located in the West Coast and Rocky Mountain States. The conference to be held on September 18, constitutes a further step in the proceedings.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

Issued: August 21, 1952.

By direction of the Commission.

[SEAL] WM. P. GLENDENING JR.,
Acting Secretary.

[F. R. Doc. 52-9368; Filed, Aug. 25, 1952; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[CDHA 75]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 21, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Opheim, Montana, Area. (The area consists of School District 9, including Opheim Town, in Valley County, Montana.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9406; Filed, Aug. 22, 1952; 1:52 a. m.]

[CDHA 76]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER THE DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 21, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Kinross Air Force Base, Michigan, Area. (The area consists of Kinross and Pickford Townships in Chippewa County, Michigan.)

JOHN R. STEELMAN,
Acting Director of Defense Mobilization.

[F. R. Doc. 52-9407; Filed, Aug. 22, 1952; 1:52 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-1435—7-1455]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

AUGUST 20, 1952.

In the matter of applications by the Los Angeles Stock Exchange for Unlisted Trading Privileges in American & Foreign Power Company, Inc., Common Stock, No Par Value, 7-1435; The American Tobacco Company, Common Stock, $25 Par Value, 7-1436; Ashland Oil & Refining Company, Common Stock, $1 Par Value, 7-1437; Celanese Corporation of America, Common Stock, No Par Value, 7-1438; Chicago, Milwaukee, St. Paul & Pacific Railroad Company, Common Stock, No Par Value, 7-1439; Chicago, Milwaukee, St. Paul & Pacific Railroad Company, 5% Series "A" Noncumulative Preferred Stock, $100 Par Value, 7-1440; Clinton Foods, Inc., Common Stock, $1 Par Value, 7-1441; Dome Mines, Limited, Capital Stock, No Par Value, 7-1442; El Paso Natural Gas Company, Common Stock, $3 Par Value, 7-1443; Eureka Corporation Limited, Capital Stock, 25¢ Par Value, 7-1444; Fedders-Quigan Corporation, Common Stock, $1 Par Value, 7-1445; Food Machinery and Chemical Corporation, Com-

mon Stock, $10 Par Value, 7–1446; Robert Gair Company, Inc., Common Stock, $1 Par Value, 7–1447; Gulf, Mobile and Ohio Railroad Company, Common Stock, No Par Value, 7–1448; Lion Oil Company, Common Stock, No Par Value, 7–1449; P. Lorillard Company, Common Stock, $10 Par Value, 7–1450; Merck & Co., Inc., Common Stock, 16⅔¢ Par Value, 7–1451; Montana-Dakota Utilities Company, Common Stock, $5 Par Value, 7–1452; Raytheon Manufacturing Company, Common Stock, $5 Par Value, 7–1453; R. J. Reynolds Tobacco Company, Class "B" Common Stock, $10 Par Value, 7–1454; St. Louis-San Francisco Railway Company, Common Stock, No Par Value, 7–1455.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 thereunder, has made application to extend unlisted trading privileges to each of the above-mentioned securities, each of which is registered and listed on a national securities exchange.

Rule X-12F–1 provides that the applicant shall furnish a copy of each application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. Each application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to September 2, 1952, the Commission will set the matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on these applications by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing, these applications will be determined by order of the Commission on the basis of the facts stated in the applications, and other information contained in the official files of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–9336; Filed, Aug. 25, 1952; 8:46 a. m.]

[File No. 70–2908]

BLACKSTONE VALLEY GAS AND ELECTRIC CO. ET AL

NOTICE OF FILING REGARDING SALE OF COMMON STOCK TO AFFILIATES

AUGUST 20, 1952.

In the matter of Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, Eastern Utilities Associates; File No. 70–2908.

Notice is hereby given that an application-declaration has been filed with this Commission by Eastern Utilities Associates ("EUA"), a registered holding company, and its three direct public-utility subsidiary companies, namely, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton") and Fall River Electric Light Company ("Fall River"). Applicants-declarants have designated sections 9, 10, 12 (d), 12 (f), and 12 (g) of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-43 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Blackstone, Brockton and Fall River own all of the outstanding stock of Montaup Electric Company ("Montaup"), the system's generating company, such stock ownership being 48.63, 23.42 and 32.95 percent, respectively, of the investment in Montaup. The power contract under which Montaup sells electric energy to its owner companies requires periodic changes in the investment of such owner companies in Montaup so that their investment ratios will be approximately the same as the ratios based on their actual use of Montaup's facilities. To accomplish this purpose Blackstone proposes to sell 3,066 shares of common stock of Montaup, of which 1,544 will be sold to Fall River and 1,522 will be sold to Brockton. Such stock will be sold at a price of $103.72815 per share or for a total consideration of $318,030.51. The price per share represents the par value plus the pro rata portion of the earned surplus attributable to each common share of Montaup outstanding at the close of business on September 30, 1951.

All of the Montaup stock held by Blackstone is pledged as mortgaged property under that company's indenture of mortgage securing its outstanding bonds. The cash consideration of $318,030.51 will be deposited by Blackstone with its indenture trustee in order to secure the release of said 3,066 common shares and, subsequently, the cash deposited with the trustee will be released by the substitution by Blackstone of bondable property additions in accordance with the provisions of the mortgage indenture.

The application-declaration states that no State commission, other than the Massachusetts Department of Public Utilities, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The application-declaration further states that the expenses in connection with the proposed transactions are estimated not to exceed $700 of which $600 represents counsel fees.

It is requested that the transactions be authorized pursuant to the procedure of Rule U-23, without a hearing, and that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than September 8, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time thereafter said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–9338; Filed, Aug. 25, 1952; 8:46 a. m.]

[File No. 70–2915]

NIAGARA MOHAWK POWER CORP.

NOTICE REGARDING PROPOSED ACQUISITION OF SECURITIES AND UTILITY ASSETS FROM NON-AFFILIATE

AUGUST 20, 1952.

Notice is hereby given that an application has been filed with this Commission, pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") by Niagara Mohawk Power Corporation ("Niagara Mohawk"), a public utility company and an exempt holding company. As of June 30, 1952, The United Corporation, a registered holding company, owned 9.57 percent of Niagara Mohawk's voting securities.

Notice is further given that any interested person may, not later than September 2, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C. At any time after September 2, 1952, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Niagara Mohawk proposes to acquire from J. B. Wise, Inc., a hydroelectric power plant and related facilities located on the Black River in the City of Watertown, New York. Niagara Mohawk renders electric service in the territory in which said plant is located and purchases most of the electric output of such plant. Niagara Mohawk also proposes to acquire from J. B. Wise, Inc., 238 shares of the common stock and 14½ shares of the preferred stock of Beebee Island Corporation ("Beebee"), a New York corporation owning and operating a hydroelectric power plant on the Black River in said City of Watertown. Niagara Mohawk now owns approximately 83 percent of the outstanding voting securities of such company which was organized by the owners of water power sites on Beebee Island to develop the water power which is made available to the Beebee stockholders in direct proportion to their stock holdings.

Niagara Mohawk proposes to purchase the hydroelectric power plant and the stock of Beebee for an aggregate consideration of $199,000.

By the Comission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–9337; Filed, Aug. 25, 1952; 8:46 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region II, Redelegation of Authority No. 42]

DIRECTORS OF DISTRICT OFFICES, REGION II, NEW YORK, N. Y.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. II, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization of Region II:

a. To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

b. To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

c. To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect on August 22, 1952.

JAMES G. LYONS, *Regional Director, Region II.*

AUGUST 21, 1952.

[F. R. Doc. 52–9360; Filed, Aug. 21, 1952; 4:38 p. m.]

[Region III, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b) AND 21 OF CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, at Philadelphia, Pennsylvania, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this Revision 1 to Redelegation of Authority No. 31 is hereby issued.

Redelegation of Authority No. 31 is revised to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to take appropriate action under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of CPR 134. All actions taken by field offices under sections 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b) and 21 of CPR 134, previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 13, 1952.

JOSEPH J. MCBRYAN, *Director of Regional Office No. III.*

AUGUST 21, 1952.

[F. R. Doc. 52–9361; Filed, Aug. 21, 1952; 4:38 p. m.]

[Region VIII, Redelegation of Authority No. 28, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Amendment 1 to Delegation of Authority 11, Revision 1, dated August 5, 1952 (17 F. R. 7195), this Amendment 1 to Redelegation of Authority No. 28 (17 F. R. 2585) is hereby issued.

Redelegation of Authority No. 28 is amended by adding a new section 1 (g) to read as follows:

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 1 to Redelegation of Authority No. 28 shall take effect as of August 11, 1952.

JOSEPH ROBBIE, JR., *Regional Director, Region VIII.*

AUGUST 21, 1952.

[F. R. Doc. 52–9363; Filed, Aug. 21, 1952; 4:38 p. m.]

[Region VIII, Redelegation of Authority No. 41]

DIRECTORS OF DISTRICT OFFICES, REGION VIII, MINNEAPOLIS, MINN.

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region VIII, pursuant to Delegation of Authority No. 72, dated August 8, 1952 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the District Directors, Office of Price Stabilization, Region VIII:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 15, 1952.

JOSEPH ROBBIE, JR., *Regional Director, Region VIII.*

AUGUST 21, 1952.

[F. R. Doc. 52–9362; Filed, Aug. 21, 1952; 4:38 p. m.]

[Region XI, Redelegation of Authority No. 34, Amdt. 1]

DIRECTORS OF SALT LAKE CITY, UTAH, AND CHEYENNE, WYO., DISTRICT OFFICES; REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1, DISTRIBUTION OF LIVESTOCK AND MEAT

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 11, Revision 1, Amendment 1 (17 F. R. 7195), this Amendment 1 to Redelegation of Authority No. 34 is hereby issued.

Redelegation of Authority No. 34 is amended by adding a new section 2 (a) to read as follows:

2. Authority is hereby redelegated to the Directors of the Salt Lake City, Utah, District Office and the Cheyenne, Wyoming, District Office of the Office of Price Stabilization in Region XI.

(a) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 1 to Redelegation of Authority No. 34 shall take effect as of August 5, 1952.

DELBERT M. DRAPER, *Regional Director, Region XI.*

AUGUST 21, 1952.

[F. R. Doc. 52–9364; Filed, Aug. 21, 1952; 4:39 p. m.]

[Region XI, Redelegation of Authority No. 46]

DIRECTORS OF DISTRICT OFFICES, REGION XI, DENVER, COLO.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR, ADJUSTMENTS OF CEILING PRICES FOR RETAIL SALES OF PORK PRODUCTS

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region XI, pursuant to Delegation of Authority 71 (17 F. R. 7063), this Redelegation of Authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to each of the Directors of the District Offices of the Office of Price Stabilization in Region XI to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by district offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 18, 1952.

DELBERT M. DRAPER,
Regional Director, Region XI.

AUGUST 21, 1952.

[F. R. Doc. 52-9365; Filed, Aug. 21, 1952; 4:39 p. m.]

[Region XII, Redelegation of Authority No. 15, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION XII, SAN FRANCISCO, CALIF.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 25, as amended (16 F. R. 11406, 17 F. R. 7098), this Amendment No. 1 to Redelegation of Authority No. 15 is hereby issued.

Section 1 of Redelegation of Authority No. 15 (17 F. R. 172) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region XII:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This Amendment No. 1 to Redelegation of Authority No. 15 shall be effective as of August 6, 1952.

JOHN B. HARMAN,
Acting Regional Director of Regional Office No. XII.

AUGUST 21, 1952.

[F. R. Doc. 52-9367; Filed, Aug. 21, 1952; 4:39 p. m.]

[Region XII, Redelegation of Authority No. 38, Amdt. 3]

DIRECTORS OF REGION XII, SAN FRANCISCO, CALIF., DISTRICT OFFICES

REDELEGATION OF AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR. 1, REVISION 1

By virtue of the authority vested in the Director of the Regional Office of Price Stabilization No. XII, pursuant to Delegation of Authority 11, Revision 1, as amended (17 F. R. 2145, 17 F. R. 7195), this Amendment No. 3 to Redelegation of Authority No. 38 is hereby issued.

Redelegation of Authority No. 38 is amended by adding thereto a new section (g) reading as follows:

(g) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 3 to Redelegation of Authority No. 38 shall be effective August 25, 1952.

JOHN B. HARMAN,
Acting Director of Regional Office No. XII.

AUGUST 21, 1952.

[F. R. Doc. 52-9366; Filed, Aug. 21, 1952; 4:39 p. m.]

[Region XIII, Redelegation of Authority No. 33]

DIRECTORS OF DISTRICT OFFICES, REGION XIII, SEATTLE, WASH.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. XIII, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the Boise, Portland, Seattle and Spokane District Offices of Price Stabilization, respectively, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

This redelegation of authority shall become effective August 25, 1952.

HAROLD WALSH,
Regional Director, Office of Price Stabilization, Region XIII.

AUGUST 21, 1952.

[F. R. Doc. 52-9358; Filed, Aug. 21, 1952; 4:37 p. m.]

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VOLUME 17 NUMBER 168

Washington, Wednesday, August 27, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10387

SPECIFICATION OF LAWS FROM WHICH CERTAIN FUNCTIONS AUTHORIZED BY THE MUTUAL SECURITY ACT OF 1951, AS AMENDED, SHALL BE EXEMPT

By virtue of the authority vested in me by section 532 of the Mutual Security Act of 1951, as added by section 7 (m) of the Mutual Security Act of 1952 (Public Law 400, approved June 20, 1952, 66 Stat. 146), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by the said Mutual Security Act of 1951, as amended (including the performance of functions authorized by the Act for International Development, as amended, the Institute of Inter-American Affairs Act, as amended, and the Mutual Defense Assistance Act of 1949, as amended), without regard to the laws specified in the lettered subdivisions of sections 1, 2, and 3 of this order will further the purposes of the said Mutual Security Act of 1951, as amended.

SECTION 1. With respect to functions authorized by section 503 (b) of the Mutual Security Act of 1951, as amended (22 U. S. C. 1654 (b)), the Act for International Development, as amended (22 U. S. C. 1557 *et seq.*), and the Institute of Inter-American Affairs Act, as amended (22 U. S. C. 281 *et seq.*):

(a) The act of March 26, 1934, c. 90, 48 Stat. 500, as amended (15 U. S. C. 616a).

(b) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U. S. C. 529).

(c) Section 305 of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 396 (41 U. S. C. 255).

(d) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5).

(e) Section 3710 of the Revised Statutes (41 U. S. C. 8).

(f) Section 2 of the act of March 3, 1933, c. 212, 47 Stat. 1520 (41 U. S. C. 10a).

(g) Section 3735 of the Revised Statutes (41 U. S. C. 13).

(h) Section 901 of the act of June 29, 1936, c. 858, 49 Stat. 2015 (46 U. S. C. 1241).

SEC. 2. With respect to purchases authorized to be made outside the continental limits of the United States under the Mutual Defense Assistance Act of 1949, as amended (22 U. S. C. 1571 *et seq.*), sections 503 (b) and 506 of the Mutual Security Act of 1951, as amended, the Act for International Development, as amended, and the Institute of Inter-American Affairs Act, as amended:

(a) Section 10 (1) of the act of July 2, 1926, c. 721, 44 Stat. 787, as amended (10 U. S. C. 310 (l)).

(b) Section 4 (c) of the act of February 19, 1948 (the Armed Services Procurement Act of 1947), c. 65, 62 Stat. 23, as amended, 65 Stat. 700 (41 U. S. C. 153 (c)).

(c) Section 304 (c) of the act of June 30, 1949 (the Federal Property and Administrative Services Act of 1949), c. 288, 63 Stat. 395, as amended, 65 Stat. 700 (41 U. S. C. 254 (c)).

(d) Section 1301 of the act of March 27, 1942 (the Second War Powers Act, 1942), c. 199, 56 Stat. 185 (50 U. S. C. App. 643).

SEC. 3. With respect to functions performed in Burma and Indonesia under the Act for International Development, as amended:

(a) Section 5 (c) (2) of the act of July 16, 1914, c. 141, 38 Stat. 508, as amended, 60 Stat. 810 (5 U. S. C. 78 (c) (2)).

This order supersedes Executive Order No. 9943 of April 9, 1948, 13 F. R. 1975, entitled "Providing for Carrying out the Foreign Assistance Act of 1948".

HARRY S. TRUMAN

THE WHITE HOUSE,
August 25, 1952.

[F. R. Doc. 52-9464; Filed, Aug. 25, 1952; 8:59 p. m.]

CONTENTS

THE PRESIDENT

Executive Order — Page
Specification of laws from which certain functions authorized by the Mutual Security Act of 1951, as amended, shall be exempt ... 7799

EXECUTIVE AGENCIES

Agriculture Department
See Farmers Home Administration; Production and Marketing Administration.

Civil Aeronautics Administration
Rules and regulations:
Designation of control areas, control zones, and reporting points; alterations ... 7815

Civil Aeronautics Board
Notices:
Central and field organization; Bureau of Safety Regulation ... 7825
Rules and regulations:
Business name of air carrier: Classification and exemption of:
Air freight forwarders ... 7812
Air taxi operators ... 7814
Alaskan air carriers ... 7811
Large irregular air carriers ... 7811
International air freight forwarders ... 7813
Terms, conditions and limitations of certificates of public convenience and necessity:
Foreign air transportation ... 7810
Interstate and overseas air transportation ... 7809

Commerce Department
See Civil Aeronautics Administration; Patent Office; Public Roads Bureau.

Economic Stabilization Agency
See Price Stabilization, Office of; Salary Stabilization Board.

CODIFICATION GUIDE—Con.

Subsistence loans to eligible applicants:
(4) Loans involving repayment sched-

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CONTENTS—Continued

Farmers Home Administration — Page
Rules and regulations:
- Production and subsistence loans:
  - Approval authority — 7801
  - Policies — 7801
  - Processing — 7805
- Water facilities loans; approval authority — 7807

Federal Communications Commission
Notices:
- Hearings, etc.:
  - Canadian broadcast stations — 7826
  - Heart of the Black Hills Station — 7826

Rules and regulations:
- Amateur radio service; miscellaneous amendments — 7819

Federal Power Commission
Notices:
- Hearings, etc.:
  - South Jersey Gas Co — 7827
  - Town of Monticello, Utah — 7827

Federal Security Agency
See Food and Drug Administration.

Food and Drug Administration
Rules and regulations:
- Regulations for the enforcement of the Federal Food, Drug, and Cosmetic Act; new drugs — 7815

Interstate Commerce Commission
Notices:
- Applications for relief:
  - Ocean-rail class rates between East and Southwest — 7827
  - Pulpboard from Florida origins to Panama City, Fla — 7828
  - Rubber tires from:
    - Easthampton, Mass., to southern territory — 7828
    - New Haven and West Haven, Conn., to points in the South — 7828

Justice Department
Notices:
- Disclosure or use of confidential records and information — 7825

Patent Office
Proposed rule making:
- Patents and trade-mark cases — 7822

Post Office Department
Rules and regulations:
- Miscellaneous amendments:
  - Air mail service — 7818
  - Field service — 7819
  - General provisions relating to post offices — 7818
  - Mail messenger service — 7818
  - Miscellaneous — 7819
  - Orders, contracts, and bonds — 7818
  - Provisions applicable to the several classes of mail matter — 7818
  - Star, steamship, and steamboat routes, and vehicle service in cities — 7819
  - Transportation of mails by railroads — 7818

Price Stabilization, Office of
Rules and regulations:
- General Ceiling Price Regulation:
  - "Most nearly like" commodity in relation to tires (Int. 57) — 7816
  - Proper category for tires (Int. 56) — 7815

Production and Marketing Administration
Proposed rule making:
- Milk handling in Tulsa, Okla., marketing area — 7820

Rules and regulations:
- Milk handling in Neosho Valley marketing area — 7807
- Peaches grown in:
  - County of Mesa in Colorado; regulation by grades and sizes — 7808

Production and Marketing Administration—Continued
Rules and regulations—Continued
- Peaches grown in—Continued
  - Utah; determination relative to expenses and fixing of rate of assessment for 1951–53 fiscal year — 7808

Public Roads Bureau
Rules and regulations:
- Regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented; highway planning and research projects — 7815

Salary Stabilization Board
Rules and regulations:
- Compensation of sales employees; adjustments in commission earnings and commission rates (GSSR 5) — 7817
- New plants (Article VIII of GSSR 1, amended) (Int. 11) — 7816

Securities and Exchange Commission
Notices:
- General Public Utilities Corp.; notice of proposed capital contribution by holding company to subsidiary — 7827

Tariff Commission
Notices:
- Cotton carding machinery and parts; investigation instituted — 7827

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 — Page
Chapter II (Executive orders):
- 9943 (superseded by EO 10387) — 7799
- 10387 — 7799

Title 6
Chapter III:
- Part 341 — 7801
- Part 342 — 7801
- Part 343 — 7805
- Part 351 — 7807

Title 7
Chapter IX:
- Part 906 (proposed) — 7820
- Part 928 — 7807
- Part 940 — 7808
- Part 950 — 7808

Title 14
Chapter I:
- Part 202 — 7809
- Part 203 — 7810
- Part 291 — 7811
- Part 292 — 7811
- Part 296 — 7812
- Part 297 — 7813
- Part 298 — 7814

Chapter II:
- Part 601 — 7815

Title 21
Chapter I:
- Part 1 — 7815

CODIFICATION GUIDE—Con.

Title 23 — Page
Chapter I:
- Part 1 — 7815

Title 32A
Chapter III (OPS):
- GCPR, Int. 56 — 7815
- GCPR, Int. 57 — 7816

Chapter IV:
- Subchapter A (SSB):
  - GSSR 5 — 7817
  - Int. 11 — 7816

Title 37
Chapter I:
- Part 1 (proposed) — 7822
- Part 100 (proposed) — 7822

Title 39
Chapter I:
- Part 4 — 7818
- Part 25 — 7818
- Part 35 — 7818
- Part 92 — 7818
- Part 94 — 7818
- Part 96 — 7818
- Part 97 — 7819
- Part 125 — 7819
- Part 137 — 7819

Title 47
Chapter I:
- Part 12 — 7819

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.1]

PART 341—APPROVAL AUTHORITY

Part 341, Title 6, Code of Federal Regulations (13 F. R. 9419), is revised to read as follows:

Sec.
- 341.1 General policy.
- 341.2 Authorization to State Directors.
- 341.3 Authorization to redelegate loan approval authority.
- 341.4 Limitations relative to redelegation of authority.

AUTHORITY: §§ 341.1 to 341.4 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 21, 60 Stat. 1072, 65 Stat. 197; 7 U. S. C. 1007.

§ 341.1 *General policy.* In so far as feasible, consistent with sound program administration, Production and Subsistence loans will be approved in the field by State Field Representatives and County Supervisors, provided the exercise of such authority conforms to prescribed loan making policies. Therefore, subject to the limitations contained herein, State Directors will redelegate loan approval authority to State Field Representatives and County Supervisors and will provide the necessary instructions with respect to the exercise thereof. Loans which for policy reasons cannot be approved by the State Director will be submitted to the Administrator for approval.

§ 341.2 *Authority to State Directors.* Subject to the applicable policies and provisions contained in Parts 341–345 of this chapter, State Directors are hereby authorized to approve Production and Subsistence loans to eligible applicants: *Provided:*

(a) No Production and Subsistence loan may be made in excess of $7,000.

(b) Production and Subsistence loans totaling more than $7,000 may not be approved within any 120-day period.

(c) No Production and Subsistence loan may be made that will result in a borrower becoming indebted in excess of $10,000 for Production and Subsistence loans. This maximum limit will include principal and interest and other charges paid by the Government in connection with any such loan and charged to the account of the borrower.

(d) No Production and Subsistence loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all of his indebtedness under such loans has been paid in full. The seven year period will begin to run from the date of the check representing the oldest loan received during the period for which the borrower has been continuously indebted even though that loan may have been paid in full.

(e) Production and Subsistence loans to applicants whose debts have been settled pursuant to Part 364 of this chapter as reflected by the County Office records, or where such a settlement is contemplated, may not be approved without concurrence of the National Office.

(f) The aggregate amount of Production and Subsistence loans made in connection with any one joint owner group service will not exceed $10,000.

(g) No Production and Subsistence loan may be made to an applicant who is still indebted on November 1, 1953, for Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration, or Wartime Civilian Control Administration loans for production type purposes, made prior to November 1, 1946, until all indebtedness under such loans has been paid in full. In such cases any Production and Subsistence loan must also be paid in full before further loans may be approved. Rural Rehabilitation loan as used herein includes advances from State Rural Rehabilitation Corporation funds before November 1, 1946, but does not include farm development loans made from Rural Rehabilitation or State Rural Rehabilitation Corporation Trust funds.

§ 341.3 *Authorization to redelegate loan approval authority.* State Directors are hereby authorized to redelegate to State Field Representatives and County Supervisors in charge of County Offices, all or any part of their authority to approve Production and Subsistence loans subject to their review, Provided that:

(a) County Supervisors may not be authorized to approve:

(1) Loans which will result in a total principal indebtedness for Production and Subsistence loans in excess of $5,000.

(2) Annual loans as authorized under § 342.7 of this chapter in excess of $1,000.

(3) Production and Subsistence loans (initial or subsequent) made in connection with the making of a Farm Ownership or Farm Housing loan.

(4) Loans involving repayment schedules in excess of five years, except that County Supervisors may be authorized to approve loans involving schedules not in excess of five years and six months when the principal income from the fifth year's operations will not be received in time to make the final payment within five years from the date of the loan check.

(5) Loans involving the deferment of payments pursuant to authority contained in § 342.4 (d) of this chapter.

(6) Loans to borrowers who are indebted for Rural Rehabilitation, Emergency Crop and Feed, 1934–35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration, or Wartime Civilian Control Administration loans for production type purposes, made prior to November 1, 1946, or who have been indebted continuously for Production and Subsistence loans for five years or longer.

(b) State Field Representatives may not be authorized to approve:

(1) Loans involving the deferment of payments pursuant to authority contained in § 342.4 (d) of this chapter.

(2) Loans to borrowers who have been continuously indebted for Production and Subsistence loans for five years or longer.

(c) State Directors will reserve the right to revoke any of the authority redelegated under this § 341.3.

§ 341.4 *Limitations relative to redelegation of authority.* Each State Director will determine the loan approval authority to be redelegated to State Field Representatives and County Supervisors with respect to the amounts and any other limitations applicable to the State as a whole, and will issue State Instructions redelegating such authority on a position basis.

(a) State Directors may restrict or revoke the exercise of redelegated loan approval authority to individual State Field Representatives and County Supervisors by means of individual "policy letters." Restrictions and limitations on redelegated loan approval authority are permitted to assist in the development and maintenance of a sound Farmers Home Administration program.

[SEAL] DILLARD B. LASSETER,
Administrator.

AUGUST 5, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9394; Filed, Aug. 26, 1952; 8:48 a. m.]

[FHA Instruction 441.2]

PART 342—POLICIES

Part 342, Title 6, Code of Federal Regulations (13 F. R. 9419, 14 F. R. 4507, 15 F. R. 1583), is revised to read as follows:

Sec.
- 342.1 General.
- 342.2 Selection of applicants.
- 342.3 Use of loan funds.
- 342.4 Terms of loans.
- 342.5 Security policies.
- 342.6 Loan limitations and requirements.
- 342.7 Making annual loans.

§§ 342.1 to 342.8 issued under ... spend the major portion of his time in ... ments prescribed in § 342.2 (a) and other

AUTHORITY: §§ 342.1 to 342.7 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 21, 60 Stat. 1072, 65 Stat. 197; 7 U. S. C. 1007. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 342.1 *General.* (a) Title II of the Bankhead-Jones Farm Tenant Act, as amended, authorizes the making of Production and Subsistence loans to eligible farmers and stockmen for financing farm and home needs. The objective of this loan program through the extension of credit and supervision is to enable such farmers and stockmen to become established successfully in a sound, well balanced system of farming in order to make full and efficient use of their land and labor resources.

(b) Production and Subsistence loans authorized under this program are for the purpose of assisting eligible applicants (1) whose primary needs are credit and guidance in making the adjustments and improvements necessary for successful farm and home operations on family type farms, (2) who have or can acquire with the assistance provided by the Farmers Home Administration the necessary land and labor resources for making such adjustments and improvements, (3) who have or through proper guidance can develop the abilities needed to carry out successful family type farm and home operations, and (4) who have reasonable prospects of repaying their loans within the scheduled period and of operating within a reasonable period without further assistance from the Farmers Home Administration.

(c) Except as provided in § 342.7, each Production and Subsistence loan will be based on a long-time and annual farm and home plan developed jointly by the applicant and the County Supervisor.

(d) Preference will be given to eligible veteran applicants in making Production and Subsistence loans. However, there is no difference in the eligibility and loan requirements for veterans and non-veterans.

§ 342.2 *Selection of applicants—(a) Qualifications.* Before a Production and Subsistence loan is made, the applicant must meet the following qualifications:

(1) He must be a citizen of the United States.

(2) He must possess legal capacity to contract for the loan.

(3) He must have had farm experience or training sufficient to indicate reasonable prospects of conducting successful family type farming operations. He may be an individual who for special reasons may not have farmed during the past few years but whose background and normal means of livelihood in the past have been farming.

(4) He is operating a family type farm or, with the assistance available under this program, will operate such a farm after the loan is made.

(5) He is unable to obtain sufficient credit to finance his actual needs at rates (but not exceeding the rate of five percentum per annum) and terms prevailing in or near his community for loans of similar size and character.

(6) After his loan is made, he will derive the major portion of his income from farming or stock raising and will spend the major portion of his time in carrying on his farming or stock raising operations. Under this policy, applicants who will be seasonally employed off the farm during the early years of their loans may qualify for assistance. However, loans will not be made to those who will carry on types of farming which will require substantial income from other employment during the term of the loan or to those who will be regularly employed off the farm. Payments to veterans for pensionable disabilities and other veterans' benefits will not be considered as off-farm income under this requirement.

(7) He owns, or will have available under satisfactory tenure arrangements, a farm suitable for carrying on successful family type farming operations.

(8) There is evidence to indicate that he will endeavor honestly to carry out the undertakings and obligations required of him under his loan.

(b) *Certification by applicant.* Before an application for a Production and Subsistence loan is considered, the applicant must certify in writing on Form FHA–49, "Certifications—Production and Subsistence Loans," that he is a citizen of the United States and that sufficient credit to meet his actual needs for the designated crop year is not available to him at the rates (but not exceeding the rate of five percentum per annum) and terms for loans of similar size and character prevailing in or near the community where he resides. It will not be necessary for the applicant to submit written rejections from other credit sources except when required by the County Committee or loan approval official.

(c) *Certification by County Committee.* Before a Production and Subsistence loan is approved the County Committee must certify in writing on Form FHA–49 that the applicant is eligible to receive a loan or loans under the provisions of Title II of the Bankhead-Jones Farm Tenant Act, as amended; that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of five percentum per annum) and terms prevailing in or near the community in which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that, in the opinion of the Committee, the applicant will honestly endeavor to carry out the undertakings and obligations required of him. The certification will specify the maximum amount which may be loaned to the applicant within a designated crop year. However, if it is found, after the certification has been made, that additional credit will be needed or that another farm will be operated, it will be necessary for the County Committee again to certify the applicant as eligible.

(d) *Administrative determinations.* When an applicant has been certified as eligible for a Production and Subsistence loan by the County Committee in accordance with § 342.2 (c), the loan approval official will determine administratively whether the applicant meets the requirements prescribed in § 342.2 (a) and other requirements for a loan. It is the responsibility of the loan approval official to determine whether a sound loan has been developed in keeping with the objectives of title II of the Bankhead-Jones Farm Tenant Act, as amended, and, if it appears that such objectives cannot be accomplished, a loan will not be made.

(Sec. 44 (a) (2) and (3), 60 Stat. 1068; 7 U. S. C. 1018 (a) (2) and (3))

§ 342.3 *Use of loan funds.* (a) Production and Subsistence loans may be made for:

(1) Purchasing necessary livestock, farm equipment, farm equipment repairs, seed, fertilizer, feed, lime, insecticides, farm supplies, and other farm needs. These purposes do not include the purchase of passenger automobiles.

(2) Paying for necessary hired farm labor during peak seasons or periods of emergency and for necessary custom work or services.

(3) Paying cash rent where no other satisfactory rental arrangements can be effected, for not more than one year in advance, provided:

(i) The applicant is obligated under a written lease to pay in advance the amount to be loaned for such purpose.

(ii) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(4) Paying debts secured by liens on livestock or farm equipment, but not including household furnishings and equipment, when such action is necessary to enable the applicant to retain the property, or when a split line of credit is undersirable because of the difficulties in identifying security property and accounting for income, provided:

(i) The property involved is essential to the applicant's farming operations and is of the type and quality needed.

(ii) The amount refinanced does not exceed the County Supervisor's fair market value appraisal of the livestock and farming equipment serving as security for the debt being refinanced.

(iii) The loan is not made primarily for the purpose of exchanging creditors, extending the time for repayment, or obtaining a lower interest rate.

(5) Paying delinquent taxes on real and personal property essential to the applicant's farming operations when such action is necessary to preserve the property involved. However, Production and Subsistence loan funds will not be used to pay taxes, either current or delinquent, on Farm Ownership or Farm Housing farms.

(6) Paying premiums on insurance policies covering property serving as security for Farmers Home Administration loans, except that Production and Subsistence loan funds may not be used to pay the initial premium on insurance policies covering buildings on Farm Ownership or Farm Housing farms; however, such funds may be used to pay subsequent premiums on such policies if the applicant is unable to pay the premiums out of his own funds, and if a Production and Subsistence loan is being made at the time primarily for some other purpose.

(7) Purchasing essential home equipment and furnishings and home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(8) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources they must plan and carry on adequate food production and conservation programs. After the first year on the program, loans will not be made for the purchase of food that could have been produced feasibly on the farm.

(9) Erecting necessary farm buildings, making essential repairs and improvements to existing farm buildings, and purchasing equipment and paying other costs for establishing or improving a farm water supply, provided not more than $1,000 may be advanced to a borrower for any or all such purposes during any fiscal year.

(10) Purchasing fencing material.

(11) Establishing and improving pastures and hay crops, constructing terraces and waterways, land clearing and leveling, drainage, and paying for other approved soil conservation and improvement measures.

(12) The acquisition of memberships in farm purchasing and marketing and farm service type cooperative associations. However, loan funds will not be used to purchase memberships in production cooperatives or memberships for the purpose of establishing control by the Farmers Home Administration in any type of cooperative.

(b) The use of Production and Subsistence loan funds for the purposes authorized in § 342.3 (a), (9), (10), and (11) is subject to the following limitations:

(1) The authority to make Production and Subsistence loans for real estate improvements shall be exercised in such manner as to assure no duplication of the policies applicable to the making of farm development, farm housing and water facilities loans for a similar purpose. Before a Production and Subsistence loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and a determination made that such real estate improvements cannot be provided practicably through Farm Development, Farm Housing or Water Facilities loans; that the farm can be developed to the extent that a sound farm and home program can be established on the farm within the prescribed loan limitations, taking into consideration the applicant's need for additional operating credit during the period of development; and that the applicant will be able to repay his Production and Subsistence loans within the prescribed repayment period. If the analysis of the borrower's resources and the proposed farm and home operations discloses that this objective cannot be reached under this authority, Production and Subsistence loan funds will not be advanced.

(2) Generally, additional real estate improvements needed on the farm of a Farm Ownership or Farm Housing borrower should be obtained through a subsequent Farm Ownership or Farm Housing loan. However, where the development costs are small in relation to the real estate investment and can be provided under the policies set forth above, Production and Subsistence loan funds may be used for this purpose subject to the following:

(i) For a direct Farm Ownership borrower the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed the fair and reasonable value of the farm as certified by the County Committee.

(ii) For an insured Farm Ownership borrower the unpaid balance on the borrower's Farm Ownership loan plus the Production and Subsistence loan funds to be advanced for real estate purposes must not exceed 90 percent of the fair and reasonable value of the farm as certified by the County Committee.

(iii) With respect to either a direct or insured Farm Ownership borrower, the loan approval official must determine from his knowledge of the farm or from information available in the County Office records that the fair and reasonable value of the farm with the contemplated improvements will not exceed the average value of efficient family type farm management units in the County in which the farm is located, as determined by the Secretary in connection with Farm Ownership farms.

(iv) For a Farm Housing borrower the unpaid balance on the Farm Housing loan and other loans secured by liens on the real estate, plus the Production and Subsistence loan funds advanced for real estate purposes, must not exceed the reasonable value of the farm as recommended by the County Committee.

(3) Production and Subsistence loan funds may not be used to finance real estate improvements which are included in the original farm development plan.

(4) Production and Subsistence loans may not be used in lieu of the authority to make Water Facilities loans in the seventeen western states, except that when Production and Subsistence loans are being made for other purposes, funds not in excess of $500 may be included for water facilities purposes.

(5) Production and Subsistence loans may not be made for these purposes to a tenant unless he has a written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on his investment. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease. In the case of an owner, it must be determined, before funds are advanced for these purposes, that he will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment. In cases involving tenant applications, the loan docket must contain positive evidence that the landlord, applicant and County Supervisor have thoroughly discussed and agreed to the proposed improvements.

§ 342.4 *Terms of loans.* (a) Interest will be charged at the rate of 5 percent per annum on all Production and Subsistence loans. Interest will accrue on outstanding principal only and will not be compounded.

(b) Repayments of principal on adjustment Production and Subsistence loans will be scheduled in accordance with the borrower's reasonable repayment ability, determined by an analysis of his farm and home operations as reflected in his long-time and annual farm and home plan. Except as provided in paragraph (d) of this section, principal repayments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12 months period thereafter. In no event will payments be scheduled later than 7 years from the date of the loan check.

(1) Advances for annual recurring expenses will be scheduled for repayment when the principal income from the year's operations normally would be received. Advances for such purposes as seeding permanent type legumes and grasses and for basic soil treatment are not considered annual recurring expenses and may be scheduled for repayment over a period consistent with the applicant's repayment ability but in no event longer than the expected life of the seeding or treatment.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for repayment when the principal income from the sale of such livestock or livestock products normally can be expected.

(3) Advances for purposes other than those enumerated in § 342.4 (b) (1) and (2) will be scheduled for repayment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the repayment schedule extend beyond the useful life of the security offered for the advance.

(c) Generally, an adjustment Production and Subsistence loan will be scheduled for repayment over a period not exceeding five years; however, repayments may be scheduled over a longer period, but not exceeding seven years, when it is evident that the applicant will not realize sufficient income from his proposed operations to retire the loan in an orderly manner within a shorter period. A repayment schedule up to seven years may be justified in situations such as the following:

(1) Dairy or beef cattle herds are being built up or improved and maximum production cannot be anticipated soon enough to permit full repayment of the loan within a five-year period.

(2) Substantial amounts are being advanced for pasture development, fencing and other land improvements and a longer repayment period is need for repaying advances for these purposes along with the advances for capital purchases.

(3) A major farm reorganization is planned and a relatively large investment is required in working capital.

(4) The investment in livestock or equipment required to maintain or expand the enterprise as an efficient family type operation exceptionally heavy and a repayment schedule longer than five years is necessary.

(d) The initial principal and interest payment on an adjustment Production and Subsistence loan may be deferred until the end of the second full crop year following the date of the loan when income sufficient to make the initial payment is not expected at an earlier date. Since repayments on such a loan may be extended, in justifiable cases, over a period not in excess of seven years and the amount scheduled for repayment each year may vary according to the repayment ability of the borrower, it is expected that the privilege of complete deferment of the initial payment will be used only rarely. A deferred payment may be justified in some cases when the loan is being scheduled over a period in excess of five years in situations referred to in paragraph (c) (2) and (3) of this section and there will not be sufficient farm income realized from the operations to make a payment at the end of the first full crop year.

(e) Annual Production and Subsistence loans authorized in § 342.7 will be scheduled for repayment when the principal income normally will be received. In no case may such a loan be scheduled for repayment over a period in excess of twelve months from the date of the loan check, except that a loan made to purchase or produce feed for livestock being fed for market, or to purchase or produce feed for productive livestock, may be scheduled for repayment over a period not exceeding eighteen months.

(Sec. 44 (b), 60 Stat. 1069, sec. 48, 60 Stat. 1070, sec. 4, 65 Stat. 198; 7 U. S. C. 1022)

§ 342.5 *Security policies.* (a) Each Production and Subsistence loan will be secured for the full amount of the loan by a first lien on all livestock and farm equipment purchased or refinanced with proceeds of the loan and by a lien on the crops growing or to be grown by the applicant, subject only to the landlord's interest in the crops for rent, except as follows:

(1) If a particular crop of the applicant is under lien as security for advances made by another creditor to produce the crop, or is to be financed wholly by another creditor, a lien will be taken on such crop subject to the lien of the other creditor, provided no advance will be made by the Farmers Home Administration in connection with such crop.

(2) Small farm tools and equipment purchased with loan funds that will have very little resale value after normal use for two or three years, will not be included in mortgages securing Production and Subsistence loans.

(b) Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock, other than those used for subsistence purposes, must be secured by first liens on such livestock.

(c) Loans will be further secured by the best lien obtainable on as much of the livestock and farm equipment of security value owned by the applicant at the time the loan is made as is necessary to protect the interest of the Government. Generally, the livestock and farm equipment owned by the applicant will not be used as security for loans made only for the production of cash crops, as authorized in § 342.7. Normally, loans for this purpose will be secured by crop liens only.

(d) Borrowers having insurance on cash crops from which repayments are expected, will be required to give written assignments of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained.

(e) When loans are made to finance dairy enterprises from which repayments are expected, assignments will be taken on the milk income to assist in obtaining regular repayments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. Assignments of proceeds from the sale of other agricultural products will be taken when necessary to protect the interests of the Government.

(f) In states in which the landlord acquires by statute a lien on crops or personal property for advances made for supplies, or supplies furnished, or for past-due rent, or if the landlord has acquired such interest by lease, mortgage lien, or contract, the landlord will be required to subordinate in favor of the Government any interest he now has or may acquire in the livestock, farm equipment, and crops of the applicant resulting from advances made for supplies, or for supplies furnished, or for past-due rent.

(g) Lien searches to determine that the Government will receive the required security will be made in all cases at the time or immediately before the security instrument is obtained.

(Sec. 44 (b), 60 Stat. 1069; 7 U. S. C. 1018 (b))

§ 342.6 *Loan limitations and requirements.* The following loan requirements and limitations will be observed in making Production and Subsistence loans:

(a) The amount of each loan will be limited to the needs of the applicant and his ability to repay, provided:

(1) No Production and Subsistence loan may be made in excess of $7,000.

(2) No Production and Subsistence loans may be approved in excess of $7,000 within any 120-day period.

(3) No loan may be made that will result in a borrower becoming indebted in excess of $10,000 for Production and Subsistence loans. This maximum limit will include principal and interest and other charges paid by the Government in connection with any such loans and charged to the account of the borrower.

(b) No loan may be made to an applicant who has been indebted continuously for Production and Subsistence loans for seven consecutive years until all of his indebtedness under such loans has been paid in full. When it is determined that a sound well-balanced system of farming cannot be worked out with an applicant so that he can attain the objective set forth in § 342.1 within a 7-year period, such application for assistance should be rejected.

(c) An applicant who is still indebted on November 1, 1953, for Rural Rehabilitation, Emergency Crop and Feed, 1934-35 Drought Feed, Regional Agricultural Credit Corporation, Flood and Windstorm Restoration or Wartime Civilian Control Administration loans for production type purposes made prior to November 1, 1946, will not be eligible to receive Production and Subsistence loans until all indebtedness under such old loans has been paid in full. In such cases, any Production and Subsistence loan also must be paid in full before the applicant is eligible for further loans. Rural Rehabilitation loan as used herein includes advances from State Rural Rehabilitation Corporation Trust funds before November 1, 1946, but does not include Farm Development loans made from Rural Rehabilitation and State Rural Rehabilitation Corporation Trust funds. This limitation is based upon a provision in the act. Present borrowers who have already been indebted for five consecutive years on these old loans will only be eligible to receive further loans for one additional crop year. Therefore, additional loans may be made to those present borrowers who are indebted for these old loans only when it can be reasonably determined that their farm and home operations can be placed on a sound basis and that further loans will not be needed under this program after November 1, 1953.

(d) Indebtedness on old production type loans described in paragraph (c) of this section made prior to November 1, 1946, is not taken into consideration when determining loan limits; however, plans for the orderly liquidation of such indebtedness must be included in the debt payment plans developed with each applicant. In addition, it must be determined that satisfactory plans have been developed with the applicant family for correcting the deficiencies in their operations which have resulted in their being indebted continuously over a period of more than five years.

(e) Production and Subsistence loans may not be made for the purchase of real estate or for making payments on real estate already purchased. Among other things, this precludes the making of Production and Subsistence loans for the purpose of making down payments on insured Farm Ownership loans or for replacing livestock and equipment sold primarily for the purpose of obtaining funds with which to make such down payments, and for refinancing debts incurred for that purpose.

(f) A joint loan may be made to husband and wife, mother and son, or father and son, living together as a family and operating jointly the same farm unit. No other joint loans may be made. However, separate loans may be made to eligible individuals who are engaged jointly in farming, provided that not more than two individuals are interested

in the operation; the security requirements contained in § 342.5 are met; the operations provide the equivalent of a family type operation for each applicant family; and the total of the loans to both individuals does not exceed the loan limitations for an individual. If a loan is made to only one such individual, it will be secured by a first lien on his interest in the crops and chattels and the other individual will be required to execute the mortgage with him so as to disclaim any interest in the security property offered by the applicant. If a loan is made to each of the two individuals, the security instruments for each will be executed by both, or a joint mortgage may be taken.

(g) Before Production and Subsistence loans are made, applicants will be required to make satisfactory arrangements for the use of sufficient land of the quality and condition necessary for carrying on the type of farming intended on a sound and practical basis. When loans are made to tenants the landlord must have knowledge of and agree to the long-time farm and home plan.

(h) Before a loan can be made to an applicant for whom debts have been settled pursuant to Part 364 of this chapter as reflected by the County Office records, or where a settlement under such part is contemplated, it must appear conclusively that the applicant's failure to repay his loan indebtedness was the result of circumstances beyond his control; the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed; and the borrower's operations are now sound and afford him a better than reasonable prospect of repaying the loan and meeting his other obligations. Loans in such cases must be submitted to the National Office for review prior to approval.

§ 342.7 *Making annual loans.* In areas where farmers have suffered property damage or production losses because of natural calamities, and a need exists for emergency credit, generally such need will be met through the authority to make disaster loans under Part 381 of this chapter. However, if it is found that an applicant does not qualify for a disaster loan, but due to circumstances beyond his control, such as losses of property by fire or natural causes and severe illnesses resulting in the temporary loss of earning power or excessive demands on income, is in need of emergency credit and meets the requirements set forth in § 342.2 (a), an annual Production and Subsistence loan may be made provided the applicant is conducting sound farming operations of a satisfactory nature and does not need to make major adjustments in such operations, and it is not anticipated that similar loans will be needed in subsequent years.

(a) Before an annual loan is made, the loan approval official will determine that the loan can be repaid within a period not to exceed twelve months, except that loans to purchase or produce feed for livestock being fed for market or to purchase or produce feed for productive livestock, may be repaid as provided in § 342.4 (e), without jeopardizing the applicant's future operations; the amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs for the year; the applicant has made adequate provision for meeting all necessary farm and home expenses, either through the loan or other sources; and, the estimated income from which the loan will be paid is sufficient for that purpose and to provide a reasonably safe margin, taking into consideration production hazards and price fluctuations.

(b) The foregoing determinations will be based upon an analysis of the applicant's resources, farming experience and ability, debt repayment history, and proposed operations. Current and reliable information regarding the past record of the applicant, the quality of farming operations carried on by him and the productivity of the farm to be operated must be available as a basis for making this analysis. A visit to the farm before the loan is approved is required in order to obtain this information unless the County Supervisor can obtain it without going to the farm.

[SEAL] DILLARD B. LASSETER,
Administrator.

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CHARLES F. BRANNAN,
Secretary of Agriculture.

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[FHA Instruction 441.3]

PART 343—PROCESSING

Part 343, Title 6, Code of Federal Regulations (14 F. R. 4971, 15 F. R. 1479, 7418, 17 F. R. 5416), is revised to read as follows:

Sec.
343.1 General.
343.2 Definitions.
343.3 Loan forms and routines.
343.4 Approval or rejection of loans.
343.5 Loan closing.
343.6 Revision in the use of loan funds.

AUTHORITY: §§ 343.1 to 343.6 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Statutory provisions interpreted or applied are cited to text in parentheses.

DERIVATION: §§ 343.1 to 343.6 contained in FHA Instruction 441.3.

§ 343.1 *General.* Sections 343.2 to 343.6 set forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Production and Subsistence loans.

§ 343.2 *Definitions.* (a) "Applicant" is any individual who applies for a Production and Subsistence loan, regardless of whether he has previously obtained or is presently indebted for a loan.

(b) "Initial adjustment loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is not indebted for a Production and Subsistence loan based upon such a plan or is not indebted for a Rural Rehabilitation loan.

(c) "Subsequent adjustment loan" is a Production and Subsistence loan based upon a farm and home plan and made to an applicant who is indebted for a Production and Subsistence loan based upon such a plan or is indebted for a Rural Rehabilitation loan.

(d) "Annual loan" is a Production and Subsistence loan not based on a farm and home plan. The terms "initial" and "subsequent" are not used in connection with annual loans.

(Sec. 21 (a), 65 Stat. 197; 7 U. S. C. 1007)

§ 343.3 *Loan forms and routines—*(a) *Applications for loans.* Applications for Production and Subsistence loans will be made at the County Office and will be acted upon promptly.

(1) Applicants for initial adjustment loans will execute Form FHA–197, "Application for FHA Services," in an original only.

(2) Applicants for subsequent adjustment loans will not be required to execute Form FHA–197, but will be required to execute Form FHA–49, "Certifications-Production and Subsistence Loans," in accordance with paragraph (b) (1) of this section. Also, if current financial information is not available in the County Office records, table A of Form FHA–14, "Farm and Home Plan," will be completed in an original only for the use of the County Committee in determining the eligibility of the applicant.

(3) Applicants for annual loans will execute Form FHA–197 and Form FHA–197A, "Report on Application for Loan," in the originals only.

(b) *Form FHA–49, "Certifications—Production and Subsistence Loans."* (1) Part I, "Applicant Certification," on Form FHA–49 will be executed by each applicant at the time the application for assistance for the crop year is made. However, if the County Committee has previously certified the applicant as eligible for loan assistance for a designated crop year, it will not be necessary for the applicant to execute another certification on Form FHA–49 in connection with loan assistance to be extended within the maximum amount established and the period covered by the Committee certification.

(2) When the applicant is determined to be eligible, the County Committee will execute Part II, "County Committee Certification," on Form FHA–49 before the loan is approved. This certification will cover any loan(s) to be made to the applicant during the crop year specified, within the maximum amount of credit established by the County Committee.

(3) When the applicant is determined to be ineligible by the County Committee, the County Supervisor will notify the applicant of the County Committee action and the reasons therefor.

(4) County Committee actions regarding the eligibility of applicants will be taken in committee meetings attended by at least two members.

(c) *Form FHA–14A, "Long-time Farm and Home Plan."* Form FHA–14A will be prepared in connection with adjustment type loans and the original thereof will be retained by the applicant.

(d) *Form FHA–14, "Farm and Home Plan."* In making adjustment loans, a Farm and Home Plan encompassing the applicant's operations and credit needs upon a farm and home plan and made to an applicant who is indebted for a Production and Subsistence loan based upon such a plan or is indebted for a Rural Rehabilitation loan.

account, the intial mortgage to secure

(Sec. 21 (a), 65 Stat. 197, sec. 44 (a), (b),

(3) Loans to establish a water facili-

for the planned crop year will be developed. The applicant will be provided a copy of the Farm and Home Plan either in the record book or on Form FHA–14.

(e) *Tenure agreement.* A copy of the lease agreement between tenant applicants and their landlords or a statement containing the terms and conditions of the agreement, whether written or oral, will be obtained. When applicants are acquiring their farms under purchase contracts or subject to mortgages, a copy of such contract or mortgage, or a statement containing the terms and conditions thereof, will likewise be obtained.

(f) *Form FHA–31, "Promissory Note."* Form FHA–31 will be prepared to show the full amount of each loan and the scheduled repayments thereon which will be in multiples of $5. Not more than four repayments on a single note will be scheduled for any year. The time limitations for repayment schedules prescribed in § 342.4 of this chapter run from the date of the loan check instead of the date of the note. Form FHA–31 will be dated as of the date of execution by the applicant, and the original only will be executed. The applicant's spouse will be required to execute Form FHA–31 when legally required by State law, or the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director on a state basis that the spouse's signature will be required. A copy of Form FHA–31 will be given to the applicant.

(1) The following requirements will be met in establishing repayment schedules:

(i) Payments will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12-month period thereafter. In no event will payments be scheduled later than 7 years from the date of the loan check.

(ii) When the initial payment is to be deferred pursuant to the authority contained in § 342.4 (d) of this chapter, the first payment will be scheduled to fall due when the principal income from the second full crop year normally would be expected and payments will be scheduled at least annually thereafter except that the date of the last installment may not extend beyond 7 years from the date of the loan check. If a loan is made during a crop year and sufficient time remains in that year for the applicant to realize substantial benefits from the year's operations, the crop year during which the loan was made will be considered as the first full crop year. Otherwise, the crop year immediately following that during which the loan was made will be considered as the first full crop year. The amount of the initial installment will be based upon the applicant's anticipated ability to pay by the end of the second full crop year following the date of the loan check, taking into consideration the fact that the interest which has accrued during the period of deferment will fall due concurrently with the initial installment.

(iii) The amount of each installment must be based upon the repayment ability of the borrower and in every case must be more than a mere nominal or token payment.

(g) *Form FHA–5, "Loan Voucher."* The applicant will be required to execute Form FHA–5 for the amount of each loan.

(h) *Immediate and future loans.* All of an applicant's anticipated credit needs for the crop year will be planned for when Form FHA–14 or Form FHA–197A is developed. The loan documents may provide for the loan funds to be disbursed in an immediate loan, or an immediate loan and one or more future loans, or one or more future loans without an immediate loan. However, all of such loans must be disbursed at least 30 days apart and not later than the end of the fiscal year in which they were approved. If it is not practical for all the loans to be disbursed by the end of the fiscal year, additional loans may be approved after the beginning of the succeeding fiscal year to meet the remainder of the applicant's credit needs for the designated crop year.

(i) *Form FHA–87, "Report of Lien Search."* Form FHA–87 or other form providing substantially the same information will be obtained. Generally, the applicant will be required to obtain the lien search report from the sources selected by him and to pay the cost thereof out of his own funds or out of loan funds. However, in a given county if the cost of lien searcher is exorbitant, or if such service is not available, the State Director may authorize the employees of the County Office to perform this service without cost to applicants.

(j) *Form FHA–30, "Crop and Chattel Mortgage."* The original (and one copy if it is to be filed rather than recorded) will be executed by the applicant, and will be acknowledged or witnessed as required by State law. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA–31 in paragraph (f) of this section.

(k) *Form FHA–32, "Subordination Agreement."* When required by paragraph (f) of § 342.5 of this chapter, the applicant will obtain from the landlord a subordination agreement on Form FHA–32. Such form will be prepared in a sufficient number of copies to provide one to each party executing the agreement. Form FHA–32 is not required when Form FHA–81, "Standard Farm Lease," containing a subordination agreement, is used.

(l) *Form FHA–80, "Assignment of Proceeds From the Sale of Agricultural Products."* Form FHA–80, or other form approved by the State Director and the representative of the Office of the Solicitor, will be used to obtain an assignment of proceeds from the sale of farm, dairy, or other agricultural products. Form FHA–80, or other form, will be prepared in an original and two copies and signed by the applicant and the purchaser. One copy will be given to the purchaser, and one copy will be given to the applicant.

(Sec. 21 (a), (c), 65 Stat. 197, sec. 42 (c), 60 Stat. 1067, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198, sec. 1, 63 Stat. 407; 7 U. S. C. 1007, 1015, 1018, 1022; 31 U. S. C. 712a)

§ 343.4 *Approval or rejection of loans.* (a) If the loan is approved, the loan approval official will sign Form FHA–5 and will prescribe any special conditions of approval or special security requirements.

(b) If a loan is rejected, the loan approval official will notify the applicant of the rejection with the return of the original of Form FHA–31 and any executed security instruments.

(Sec. 21, 65 Stat. 197, sec. 44, 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 198; 7 U. S. C. 1007, 1018, 1022)

§ 343.5 *Loan closing—*(a) *Check delivery.* Only properly bonded employees of the Farmers Home Administration will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly, indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Lien search reports.* At the time or immediately before the security instrument is obtained in accordance with paragraph (d) of this section, a report of lien search must be obtained showing that the security requirements can be met.

(c) *Security documents.* Properly bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans, including mortgages and similar lien instruments (when the holder of a mortgage or other lien is required to execute the instrument), affidavits, acknowledgments, and other certifications (when the mortgagee must execute such certification under State law).

(d) *Obtaining security for Production and Subsistence loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to arrange for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank account, the intial mortgage to secure the loan will be taken at the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken under the requirements of subparagraph (1) or (2) of this paragraph, a part of the property which is to serve as security for the loan is yet to be purchased, a first lien will be taken on such property at the time it is purchased unless such a lien is acquired under "Future Advance" or "After Acquired Property" clauses in the mortgage.

(e) *Executing and recording or filing.* Crop and chattel mortgages must be delivered to the recording office for recordation or filing, whichever is appropriate, as soon as such instruments are executed and delivered to the Farmers Home Administration, provided, however, that in those cases in which lien instruments are taken before delivery of the loan checks, they will be delivered to the recording official for filing or recording at the time of the delivery of the loan checks.

(f) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan. Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed and given to the borrower. Farmers Home Administration personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as a credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(Sec. 21 (a), 65 Stat. 197, sec. 44 (b), (c), 60 Stat. 1069; 7 U. S. C. 1007, 1018)

§ 343.6 *Revision in the use of loan funds.* (a) In all instances, the use made of loan funds must be in accord with the purposes for which Production and Subsistence loans may be made. However, changes may be made in the use of loan funds within such authorized purposes, provided the borrower and the County Supervisor agree to the changes.

(b) When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA–31. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 342.4 of this chapter. Appropriate changes with respect to the repayments will be made in table K of Form FHA–14 or table H of Form FHA–197A and initialed by the borrower.

(Sec. 21 (a), 65 Stat. 197, sec. 44 (a), (b), 60 Stat. 1068, 1069, sec. 48, 60 Stat. 1070, 65 Stat. 196; 7 U. S. C. 1007, 1018, 1022)

[SEAL] DILLARD B. LASSETER,
Administrator.

AUGUST 5, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9392; Filed, Aug. 26, 1952; 8:47 a. m.]

[FHA Instruction 442.1]

PART 351—APPROVAL AUTHORITY

Part 351, Title 6, Code of Federal Regulations, (13 F. R. 9425, 16 F. R. 5861), is revised to read as follows:

Sec.
351.1 Authorization to State Directors.
351.2 Authorization to State Directors to redelegate loan approval authority.

AUTHORITY: §§ 351.1 and 351.2 issued under sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3). Interpret or apply secs. 2 (3), 5, 50 Stat. 869, 870; 16 U. S. C. 590s (3), 590v.

§ 351.1 *Authorization to State Directors.* (a) State Directors are authorized to close Water Facilities loans requiring the approval of the Administrator, subject to all of the conditions contained in loan approval letters and documents issued by the Administrator.

(b) Loans in excess of the amounts and authority specified in this section will be submitted to the Administrator for approval.

(c) State Directors are authorized to approve Water Facilities loans subject to applicable loan making policies and to the following limitations:

(1) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one individual in excess of $12,000.

(2) No Water Facilities loan, initial or subsequent, will be approved which will result in a total outstanding Water Facilities indebtedness of any one incorporated borrower in excess of $50,000.

(3) The aggregate of loans made to all individuals in connection with any one water facilities group service will not exceed $20,000.

(d) Water Facilities loan applications of former borrowers for whom a debt settlement action has been approved, or of present borrowers for whom a debt settlement action is pending or is contemplated, will be referred to the National Office for approval.

§ 351.2 *Authorization to State Directors to redelegate loan approval authority.* (a) State Directors are authorized to redelegate to State Field Representatives all or any part of their authority to approve Water Facilities loans, except that State Field Representatives may not be authorized to approve:

(1) Loans to incorporated applicants.

(2) Loans made for the purpose of, or loans including funds for, acquiring memberships or water stock in, or paying assessments to, a water association.

(3) Loans to establish a water facilities group service.

(b) State Directors are authorized to redelegate to County Supervisors, in charge of County Offices, all or any part of their authority to approve Water Facilities loans to individuals, except that County Supervisors may not be authorized to approve:

(1) Loans for irrigation purposes.

(2) Any loan, initial or subsequent, which will result in a total outstanding Water Facilities indebtedness in excess of $1,500.

(3) Loans to establish a water facilities group service.

[SEAL] DILLARD B. LASSETER,
Administrator.

AUGUST 14, 1952.

Approved: August 22, 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52–9391; Filed, Aug. 26, 1952; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 928—MILK IN THE NEOSHO VALLEY MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

§ 928.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Neosho Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum

Parts 203, 291, 292, 296, 297, and 298 of

prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than September 1, 1952. Any delay beyond September 1, 1952 in the effective date of this order amending the order will seriously disrupt the orderly marketing of milk for the Neosho Valley marketing area. The changes effected by this order amending the order do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective September 1, 1952 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Neosho Valley marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Neosho Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. In § 928.51 (a) change the period at the end of the sentence to a colon and add *"And provided further,* That for the months of September 1952, through January 1953, the amount to be added to the basic formula price shall be $1.85 in lieu of $1.45."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9426; Filed, Aug. 26, 1952; 8:53 a. m.]

[Peach Order 1, Amdt. 1]

PART 940—PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the amended marketing agreement and Order No. 40, as amended (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than August 25, 1952.

Shipments of peaches grown in Mesa County, Colorado, are currently subject to regulation by grades and sizes in accordance with the provisions of Peach Order 1 (§ 940.304; 17 F. R. 7383) and will continue to be so regulated, unless such order is amended, until 12:01 a. m., m. s. t., October 16, 1952; information showing that such order should be amended, in order to effectuate the declared policy of the act, prior to the shipping season of Elberta peaches grown in Mesa County, Colorado, was received by the Department on August 22, 1952; shipments of such peaches are expected to begin on or about August 25, 1952; the aforesaid information was submitted by the Administrative Committee following its meeting on August 21, 1952, with growers and handlers of peaches; such meeting was called to discuss necessary changes in the current regulation and was held pursuant to notice, mailed on August 19, 1952, to all peach growers and handlers of record; the provisions of this amendment are identical to those recommended at the aforesaid meeting; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed prior to the effective time hereof.

b. It is therefore ordered as follows: The provisions of paragraph (b) (1) (ii) of § 940.304 (Peach Order 1; 17 F. R. 7383) are hereby amended to read as follows:

(ii) Any peaches which are of a size smaller than 2⅛ inches in diameter: *Provided,* That any lot of peaches shall be deemed to be of a size not smaller 2⅛ inches in diameter (*a*) if not more than 10 percent, by count, of the peaches in such lot are smaller than 2⅛ inches in diameter and if not more than 15 percent, by count, of the peaches contained in any individual container in such lot are smaller than 2⅛ inches in diameter; or (*b*) if the peaches in such lot are shipped in peach boxes and the peaches are of a size not smaller than a size that will pack, in accordance with the specifications of a standard pack, a count of 70 peaches in a peach box, except that the tolerance for variations incident to proper packing, provided in such pack specifications, shall not permit a variation of more than 4 peaches in any such box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of August 1952 to become effective at 12:01 a. m., m. s. t., August 25, 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9423; Filed, Aug. 26, 1952; 8:52 a. m.]

PART 950—PEACHES GROWN IN UTAH

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1952–53 FISCAL YEAR

Notice was published in the August 2, 1952, daily issue of the FEDERAL REGISTER (17 F. R. 7095) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1952–53 fiscal year under the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.202 *Expenses and rate of assessment for the 1952–53 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1952, will amount to $6,000.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at one and one-half cents ($0.015) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all peaches shipped during the 1952–53 fiscal year; (2) such shipments are subject to the regulatory provisions of Peach Order 1 (7 CFR 950.302; 17 F. R. 6809); (3) the provisions hereof do not impose any obligation on a handler until such handler ships peaches; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

Notwithstanding the approval of the aforesaid expenses, none of such funds may be used to pay any wage or salary that is inconsistent with the Defense Production Act of 1950, as amended, Executive Order No. 10161, or any supplementary order, directive, or regulation pursuant thereto.

As used herein, the terms "handler," "ships," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9422; Filed, Aug. 26, 1952; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Regs., Serial No. ER-176]

PART 202—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; INTERSTATE AND OVERSEAS AIR TRANSPORTATION

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its certificate is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their certificated name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 203, 291, 292, 296, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that the carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 202 of the Economic Regulations (14 CFR Part 202) effective September 23, 1952, by adding thereto a new § 202.8 to read as follows:

§ 202.8 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by each certificate issued pursuant to section 401 of the act authorizing an air carrier to engage in interstate or overseas air transportation, that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate of public convenience and necessity is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily indentifiable therewith.

(b) An air carrier may do business in no identifiable relation to the name in

[Regs., Serial No. ER-178]

The possibility of such abuse exists

(b) An air carrier may do business in

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the certificated name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9412; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-177]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its certificate is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their certificated name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 291, 292, 296, 297 and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of the two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that the carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 203 of the Economic Regulations (14 CFR Part 203) effective September 23, 1952, by adding thereto a new § 203.9 to read as follows:

§ 203.9 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by each certificate issued pursuant to section 401 of the act authorizing an air carrier to engage in foreign air transportation, that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate of public convenience and necessity is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the certificated name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9413; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-178]

PART 291—CLASSIFICATION AND CONTINUED EXEMPTION OF LARGE IRREGULAR AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 292, 296, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its certificated name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 291 of the Economic Regulations (14 CFR Part 291) effective September 23, 1952, by adding thereto a new § 291.28 to read as follows:

§ 291.28 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by this part and the letters of registration issued hereunder that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as provided under paragraph (b) of this section, an air carrier may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9414; Filed, Aug. 26, 1952; 8:49 a. m.]

[Regs., Serial No. ER-179]

PART 292—CLASSIFICATION AND EXEMPTION OF ALASKAN AIR CARRIERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase

in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This had had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 296, 297 and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. It should be noted that a certificated carrier may make application for authority to use a substitute name without the necessity for going through a full public hearing as required by section 401 (h). Permission granted to that end will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 292 of the Economic Regulations (14 CFR Part 292) effective September 23, 1952, by adding thereto a new § 292.9 to read as follows:

§ 292.9 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority of all air carriers governed by this part that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its certificate or letter of registration is then issued and outstanding (Alaskan carriers holding neither certificates of public convenience and necessity nor letters of registration shall use the name set forth in their air carrier operating certificates), including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of its official name in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9415; Filed, Aug. 26, 1952; 8:50 a. m.]

[Reg., Serial No. ER-180]

PART 296—CLASSIFICATION AND EXEMPTION OF AIR FREIGHT FORWARDERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective, of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 292, 297, and 298 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Part 296) effective September 23, 1952, by renumbering §§ 296.16, 296.17 and 296.18 of Part 296 to be §§ 296.17, 296.18 and 296.19, respectively, and by adding to Part 296 a new section designated as § 296.16, reading as follows:

§ 296.16 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder, that the air freight forwarder concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air freight forwarder may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air freight forwarder may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names it not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the air freight forwarder concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9416; Filed, Aug. 26, 1952; 8:50 a. m.]

[Regs., Serial No. ER-181]

PART 297—INTERNATIONAL AIR FREIGHT FORWARDERS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act, to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which

[Regs., Serial No. ER-182]

The possibility of such abuse exists for

(b) An air carrier may do business in

radio range station to the Martha's Vin-

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different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 297 of the Economic Regulations (14 CFR Part 297) effective September 23, 1952, by adding thereto a new § 297.14 to read as follows:

§ 297.14 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon exercise of the privileges granted by this part and the letters of registration issued hereunder that the international air freight forwarder concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an international air freight forwarder may do business in the name in which its letter of registration is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An international air freight forwarder may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its letter of registration is issued and outstanding, in air transportation service by the international air freight forwarder concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9417; Filed, Aug. 26, 1952; 8:50 a. m.]

[Regs., Serial No. ER-182]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

BUSINESS NAME OF AIR CARRIER

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of August 1952.

At the present time the Economic Regulations of the Board do not attempt to regulate the names under which air carriers do business. While a change in name by the holder of a certificate of public convenience and necessity has always been regarded by the Board as requiring an amendment to such certificate, there is no express requirement that the carrier do business under the exact name in which its economic operating authority is issued. The Board possesses the power, pursuant to section 411 of the Civil Aeronautics Act to require a carrier, after notice and hearing, to cease and desist from the use of a given name in cases where it finds that such use by the carrier concerned amounts to an unfair or deceptive practice or an unfair method of competition.

Until the relatively recent past there has been no need to make specific provision relating to the use of business names by air carriers since most carriers were in fact doing business under their official name without any compulsion to do so. However, there has been an increasing tendency, particularly among some of the large irregular carriers, to use names different from those in which operating authority is granted by the Board, in some cases the name being used having no identifiable relation to the name in which the authority is held. This has resulted in confusion in the minds of the public, an increase in the administrative burden of the Board, and greater difficulty in achieving adequate enforcement of the act and the regulations. The Board has received an increasingly large number of complaints from the public indicating that the complainant did not know the true identity of the carrier against which the complaint was being made. In several instances, it has been necessary to undertake considerable correspondence and even field investigations in order to identify the carrier responsible. Aircraft accidents have been reported in the press as having involved air carriers bearing names not registered with or even known to the Board. In at least one instance, a trade name of a carrier whose operating authority had been revoked for willful violation of the act was assumed by another carrier operated by the same management personnel as that of the carrier whose authority had been revoked.

Most important, the foregoing practices, combined with equally unstable identities among ticket agencies, have made it difficult, and in many instances impossible, for members of the traveling public to know the identity with whom they are doing business. This has had serious consequences both with respect to the business relationships involved and with respect to liability for injury or death of a passenger or other members of the public, or the loss of or damage to property.

The possibility of such abuse exists for every type of air carrier, irrespective of how its operations are authorized; and, even though the number of abuses has been relatively small, the Board believes that it should now take action to enable it to deal effectively with such abuses and to prevent their occurrence. For this reason it is adopting this regulation together with companion amendments to Parts 202, 203, 291, 292, 296, and 297 of the Economic Regulations. In so doing it is the intention of the Board to permit the greatest managerial discretion possible in the use of business names consistent with the objective of the regulation. Accordingly, the regulation permits use of abbreviations, initials, nicknames and other variations of the name on file with the Board without obtaining permission therefor and places no restrictions on the use of slogans. Moreover, in cases where the circumstances warrant such action, the Board may permit the use of two or more different names by one carrier upon a showing that such multiple use will not be contrary to the public interest. Permission granted under this part will not effect a formal change in name, but will merely constitute authority to use a different name.

It should also be noted that the restriction on the use of names does not become effective until 60 days after the effective date of the regulation. This 60-day period is designed to enable carriers which have developed goodwill in a name different from that in which their operating authority is held, to apply for and obtain permission to use such other name either exclusively or in conjunction with its official name. In cases where goodwill has been established in a name by use thereof, the Board will deny permission to continue such name only in cases where it believes that a violation of section 411 may be involved and such fact has been established after notice and opportunity for a hearing.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298) effective September 23, 1952, by adding thereto a new § 298.10 to read as follows:

§ 298.10 *Business name of air carrier.* On and after November 15, 1952, it shall be an express condition upon the operating authority granted by this part that the air carrier concerned, in holding out to the public and in performing air transportation services shall do so only in a name the use of which is authorized under the provisions of this section.

(a) Except as otherwise provided under paragraph (b) of this section, an air carrier may do business in the name in which its air carrier operating certificate is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name which are readily identifiable therewith.

(b) An air carrier may do business in such other and different name or names as the Board may by order permit, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its air carrier operating certificate is issued and outstanding in air transportation service by the air carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted hereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, rules, or regulations issued thereunder.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 411, 416; 52 Stat. 1004, as amended; 49 U. S. C. 491, 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 52-9418; Filed, Aug. 26, 1952; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 80]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1295 is added to read:

§ 601.1295 *Control area extension (Falmouth, Mass.).* All that area within 5 miles either side of a direct line extending from the Otis Air Force Base, Falmouth, Mass., to the Martha's Vinyard Airport and the area within 5 miles either side of a line bearing 180° True from the Martha's Vinyard Airport extending from the airport to New York control area extension No. 1146, excluding the portion which overlaps danger areas.

2. Section 601.1296 is added to read:

§ 601.1296 *Control area extension (Nantucket, Mass.).* All that area within 5 miles either side of a direct line extending from the Nantucket VHF VAR radio range station to the Martha's Vinyard Airport.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. August 23, 1952.

[SEAL] C. F. HORNE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 52-9432; Filed, Aug. 26, 1952; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NEW DRUGS

Section 1.108 *New drugs; definition* is renumbered as § 1.109.

Section 1.109 *New drugs; exemption from section 505 of the act* is renumbered § 1.109a.

Dated: August 21, 1952.

[SEAL] JOHN L. THURSTON, *Acting Administrator.*

[F. R. Doc. 52-9419; Filed, Aug. 26, 1952; 8:51 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

HIGHWAY PLANNING AND RESEARCH PROJECTS

Section 1.13 of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, published and effective January 16, 1951, is hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item thereof. Subject to the approval and project agreement procedure provided for construction projects, not to exceed 1½ percent of the amount apportioned for any year to each State for expenditure on the Federal-aid primary highway system, the Federal-aid secondary highway system, and the Federal-aid primary highway system in urban areas, respectively, shall be used for highway planning and research projects, and the funds programed for such purposes may be pooled and administered as a single fund for the financing of the various items of work. Pending the submission and approval of the final detailed program, 1½ percent of the amount apportioned for any year to each State for expenditure on each of said Federal-aid systems shall be programed for highway planning and research projects.

(Sec. 18, 42 Stat. 216; 23 U. S. C. 19. Reorg. Plan 7 of 1949; 14 F. R. 5228, 63 Stat. 1070; 3 CFR, 1949 Supp., p. 140, 5 U. S. C. Sup., 133a-15 note. Interpret or apply sec. 8, 58 Stat. 842; 23 U. S. C. 61)

Recommended:

THOMAS H. MACDONALD, *Commissioner of Public Roads.*

Issued:

[SEAL] CHARLES SAWYER, *Secretary of Commerce.*

[F. R. Doc. 52-9405; Filed, Aug. 26, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Interpretation 56]

GENERAL CEILING PRICE REGULATION

INT. 56—PROPER CATEGORY FOR TIRES (SECTIONS 4 AND 5)

The question has arisen as to how tire manufacturers determine their ceiling prices under section 4 of the GCPR for new second line, low pressure passenger tires. Specifically, the question involves the determination of the category within which second line, low-pressure tires fall.

Section 4 defines "category" as a "group of commodities which are normally classed together in your industry for purposes of production, accounting or sales." The preponderance of available factual material, coupled with the recommendation of the Tire and Tube Manufacturers' Industry Advisory Committee, impels the conclusion that the proper category for such tires is "all replacement passenger car tires."

Consideration was given to the propriety of a category of broader scope, such as "all passenger tires and tubes", as well as to categories of narrower scope, based upon pressures, or price lines, or sizes. Industry practices, however, as shown by production records, accounting groupings, and sales policies, clearly do not justify breaking down the category of all replacement passenger car tires into several categories based on pressures or sizes alone.

Wholesalers and retailers establishing ceiling prices for these new, second line, low pressure tires under section 5 of the GCPR must use "all replacement passenger car tires" as the proper category in accordance with the above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ, *Chief Counsel, Office of Price Stabilization.*

AUGUST 26, 1952.

[F. R. Doc. 52-9503; Filed, Aug. 26, 1952; 11:55 a. m.]

[General Ceiling Price Regulation, Interpretation 57]

GENERAL CEILING PRICE REGULATION

INT. 57—"MOST NEARLY LIKE" COMMODITY IN RELATION TO TIRES (SECTIONS 4 AND 5)

Interpretation 56 to the GCPR specifies that new, second-line, low pressure, passenger car tires fall within the category of "all replacement passenger car tires."

Having so determined the proper category, a manufacturer, in computing his ceiling prices for such new tire must eliminate from consideration as the proper comparison commodity all base period replacement passenger car tires which have the same or higher current unit direct costs than the particular new tire. Then from among the remaining base period replacement passenger car tires with lower current unit direct costs than the new tire, he must choose the one "most nearly like" the new tire.

To determine the "most nearly like" tire, a further process of elimination must be followed. Consideration should first be given to industry subgroupings, such as ply number, and price lines. Thus if the tire being priced is a 4 ply tire, the manufacturer should limit his consideration to 4 ply tires. Furthermore, if in addition to being 4 ply, the new tire is a second line tire, then to select the "most nearly like" tire, consideration should be confined to second line, 4 ply tires. Where there is more than one tire with lower current unit direct costs within the same subgroupings of plies and price lines as the new tire, but none is the same size tire as the new tire, then the "most nearly like" tire is that tire within both subgroupings which the new tire most nearly "replaces." For example, the second-line, 4 ply, low pressure 6.70–15 tire replaces the second line, 4 ply, standard pressure 6.00–16 tire in the sense that cars such as Ford, Chevrolet, and Plymouth which formerly used the 6.00–16 size now use the 6.70–15 size. Therefore where the second line, 4 ply, standard pressure 6.00–16 tire has a current unit direct cost which is lower than the current unit direct cost of the new 6.70–15 tire, it (the 6.00–16 tire) is the proper comparison commodity for the new, second line, 4 ply, low pressure 6.70–15 tire.

Wholesalers and retailers in establishing their ceiling prices for new second line low pressure tires must follow the same steps as outlined in the two paragraphs above for manufacturers.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 26, 1952.

[F. R. Doc. 52-9504; Filed, Aug. 26, 1952; 11:55 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 11, Revised]

INT. 11—NEW PLANTS (ARTICLE VIII OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED)

The purpose of this revision of Interpretation 11 is to provide for the substitution of appropriate section references in General Salary Stabilization Regulation 1, Amended, for the superseded provisions of previous general salary stabilization regulations and orders. The revision has been restricted to such substitutions and no changes in substance have been made in either the questions or answers of the interpretation.

1. Q. A corporation during 1951 was engaged in the manufacture of passenger cars and automotive parts. In the last part of 1951 it obtained contracts for the manufacture of automotive and aviation military equipment, and early in 1952 began using a substantial part of its plant and equipment for the manufacture of such military equipment. With very few exceptions, the same personnel was retained and very little new machinery was necessary in order to accomplish the partial shift to the manufacture of the new product. Has a new plant been established within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended?

A. No. The shift in the product manufactured does not constitute the establishment of a new plant or the conversion of an existing plant into a new plant within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended. There has been no substantial change in personnel or in the equipment or machinery of the plant. Any new positions which are necessary because of a partial shift in products would be established pursuant to section 63 of General Salary Stabilization Regulation 1, Amended.

2. Q. A corporation on February 15, 1951, began to manufacture a product not previously manufactured by it. For this purpose it converted one of its existing plants and installed a large quantity of new machinery. The manufacture of the new product required the hiring of new personnel for a considerable number of key positions. Does the converted plant constitute a new plant within the meaning of section 81 of General Salary Stabilization Regulation 1, Amended?

A. Yes. On January 25, 1951, the converted plant had not commenced the manufacture of the new product and there was a substantial shift to new kinds of machinery and production processes which had not been employed previously. Therefore, the operation of the converted plant required employment of a different type of personnel and the establishment of a different salary structure from that previously in effect in the plant.

For example, if a manufacturer of glass bottles were to convert some of his plant facilities to the manufacture of metal containers, the portion of the plant which is engaged in the manufacture of such metal containers would constitute a new plant.

3. Q. How are the salaries of persons employed in a plant converted to a new product, which constitutes a new plant, determined?

A. The salaries of such employees must be determined in accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended.

4. Q. X, the president of a corporation, forms a general partnership with Y, one of his employees, on April 1, 1951, as a separate business to distribute a line of merchandise not heretofore handled by the corporation. Certain of the employees of the corporation became employees of the partnership. How are their salaries to be determined?

A. In accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended. Since the new partnership was not on January 25, 1951, engaged in the business for which it was formed, it is a new plant.

5. Q. A, B, and C formed a partnership in December 1950 for the purpose of rendering services as engineering consultants. They did not have any clients until March 1951 and did not hire any employees until that time. Under which salary stabilization regulation must the salaries of their employees be determined?

A. Section 82 of General Salary Stabilization Regulation 1, Amended. Although the partnership was formed prior to January 25, 1951, it had not commenced to render services until after that date and, therefore, constitutes a new plant under section 81.

6. Q. Assume that, prior to January 25, 1951, the partnership referred to in question 5 had hired several employees subject to the jurisdiction of the Wage Stabilization Board and rendered services to clients before January 25, 1951. Subsequent to January 25, 1951, employees subject to the jurisdiction of the Salary Stabilization Board are hired. How are the salaries of these employees determined?

A. In accordance with section 63 of General Salary Stabilization Regulation 1, Amended. In this case the partnership had commenced operations before January 25, 1951, and is not a new plant under section 81 of General Salary Stabilization Regulation 1, Amended. To the extent that in this situation the setting of salaries for employees requires the establishment of a salary plan, an application may be required to be filed under section 71 (a) of General Salary Stabilization Regulation 1, Amended.

7. Q. A, B, and C form a corporation for the manufacture of a particular product. The corporation establishes salaries for A, B, and C as officers and for all other employees in accordance with the criteria for the determination of such salaries contained in section 82 of General Salary Stabilization Regulation 1, Amended. The corporation wishes to include a profit sharing bonus plan as part of the compensation to be paid to its employees. May this be done under section 82 of General Salary Stabilization Regulation 1, Amended?

A. Not without prior approval. Section 82 of General Salary Stabilization Regulation 1, Amended, permits the employer to establish schedules of salary rates for employees in a new plant which may be put into effect, in accordance with the provisions of section 83, 20 days after filing with the Office of Salary Stabilization unless disapproved within that period. Other compensation for employees in a new plant may be paid only upon actual prior approval of the Office of Salary Stabilization in accordance with the provisions of section 84 of General Salary Stabilization Regulation 1, Amended, and may not be put into effect under the provisions of section 83. However, for purposes of section 83, schedules of salary rates may include commission rates for sales employees covered by General Salary Stabilization Regulation 5.

8. Q. A new corporation was formed in October 1951 and the salaries of its employees were determined in accordance with the provisions of section 82 of General Salary Stabilization Regulation 1, Amended. May such employees receive any of the ten percent increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended?

A. No. "New plants" are always plants which have come into existence since January 25, 1951. Therefore, it is presumed that the salary Schedule of a new plant, being based on current rates in the local labor market, always takes into account the ten percent increase authorized under section 22 of General Salary Stabilization Regulation 1, Amended.

9. Q. On June 1, 1951, an employer filed with the Office of Salary Stabilization a schedule of salary rates for a new plant, which he put into effect after three weeks in accordance with the provisions of section 83 (b) of General Salary Stabilization Regulation 1, Amended. May the employer thereafter disregard the schedule filed by him and file a substitute schedule of salary rates which he may put into effect, in accordance with the conditions of section 83 (b), three weeks after the date of filing with the Office of Salary Stabilization, if the Office has failed to act in the interim?

A. No. Since the employer filed a schedule of salary rates which has gone into effect under section 83, he is bound by such schedule and may not modify it except in accordance with applicable salary stabilization regulations or orders or with the prior approval of the Office of Salary Stabilization.

10. Q. A survey made by an employer who commenced operations in March 1951, indicates that the salaries currently paid by him in accordance with salary schedules originally established and approved under sections 82 and 83 of General Salary Stabilization Regulation 1, Amended, are below the salary levels of other employers in the same industry or area. What kind of relief is available to the employer?

A. The employer may apply for relief under section 42 of General Salary Stabilization Regulation 1, Amended, if he can show that an interplant inequity has been created since he established his salary schedules in March 1951.

11. Q. An employer opened a new plant on January 1, 1952, and three weeks after the date of filing his schedule of salary rates under section 83 of General Salary Stabilization Regulation 1, Amended, put the schedule into effect. Upon review by the Office of Salary Stabilization the schedule of salary rates was disapproved in part. Is the employer required to reduce his salary rates to the approved level?

A. Yes. Salary rates put into effect pursuant to sections 82 and 83 of General Salary Stabilization Regulation 1, Amended, are subject to disapproval and any employer putting into effect salary rates under sections 82 and 83 without the specific approval of the Office of Salary Stabilization must advise his employees that such salary rates are interim rates which are subject to approval and adjustment by the Office of Salary Stabilization for all payroll periods subsequent to the date of the employer's receipt of the ruling of partial disapproval.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization August 21, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9493; Filed, Aug. 26, 1952; 10:29 a. m.]

[General Salary Stabilization Regulation 5, Amdt. 1]

GSSR 5—COMPENSATION OF SALES EMPLOYEES

ADJUSTMENTS IN COMMISSION EARNINGS AND COMMISSION RATES

STATEMENT OF CONSIDERATIONS

The experience of the Office of Salary Stabilization in administering General Salary Stabilization Regulation 5 has shown that adjustments authorized for sales employees compensated in whole or in part on a commission basis do not take adequately into account the special problems of such employees who have received no increase in their earnings since January 25, 1951. The Salary Stabilization Board has determined that such employees should be permitted to receive the benefit of general increases authorized for employees compensated on a straight salary basis, in a manner adapted to the commission form of compensation. This amendment permits appropriate adjustments for employees compensated through commissions on a basis paralleling that for adjustments authorized for employees compensated by salaries.

Under certain circumstances it may be necessary to adjust commission rates and this amendment also makes provision for applications to adjust commission rates.

In addition, the amendment provides that adjustments in the compensation paid driver salesmen shall be made pursuant to General Wage Regulation 20, thereby continuing in effect the regulatory provisions applicable prior to July 1, 1952. These employees who have been transferred to the jurisdiction of the Wage Stabilization Board (16 F. R. 12916), were again placed under the jurisdiction of the Salary Stabilization Board by section 403 (c) of the Defense Production Act of 1950, as amended by the Defense Production Act Amendments of 1952.

In the formulation of this regulation due consideration has been given to the standards and procedures set forth in Titles IV and VII of the Defense Production Act, as amended; there has been consultation with industry and sales representatives, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

1. Section 1 of General Salary Stabilization Regulation 5 is amended to read as follows:

SECTION 1. *Scope of this regulation.* This regulation applies to employees subject to the jurisdiction of the Salary Stabilization Board (a) who are employed in the capacity of "outside salesmen" as that term is defined in regulations under section 13 (a) of the Fair Labor Standards Act, as amended, or (b) who receive compensation in the form of commissions on sales or business transactions as distinguished from bonuses within the scope of General Salary Stabilization Regulation 2. All such employees are referred to in this regulation as "sales employees."

2. Section 5 (a) of General Salary Stabilization Regulation 5 is amended to read as follows:

SEC. 5. *Sales employees compensated on a straight commission basis.* (a) Variations in earnings of individual sales employees resulting from the normal operation of a plan or practice in effect on January 25, 1951, for the payment of commissions on sales or other business transactions are permissible, provided that such earnings shall not be increased as the result of a change, subsequent to January 25, 1951, in the commission rate or in the method or formula for the computation of such commissions not previously approved by the Office of Salary Stabilization.

3. General Salary Stabilization Regulation 5 is amended by deleting section 9 thereof and adding the following sections:

SEC. 9. *Adjustments of commission earnings.* (a) Notwithstanding any other provision of this regulation, an employer may, during the calendar year 1952, make adjustments in the compensation paid to employees compensated in whole or in part on a commission basis in an amount up to, but not exceeding, fifteen (15) percent of the aggregate commission payments made to all such employees during the calendar year 1950. Proportionate adjustments may be made for increases and shall be made for decreases in the number of employees compensated in whole or in part on a commission basis.

Adopted by the Salary Stabilization

are comprised, in whole or in part, of the

§ 96.12 *Evidence of performance to be submitted by air carriers.* Air car-

by law when no longer needed in conducting current business. (R. S. 3948,

At a session of the Federal Communications Commission held in its offices in

(b) The employer may distribute the adjustments in compensation authorized under paragraph (a) of this section in his discretion among such of his employees as are compensated in whole or in part on a commission basis. Such distribution may be based on sales or other measures of performance.

(c) Such adjustments shall be made as supplemental payments at such times as the employer may determine.

(d) In no event shall the adjustment authorized in this section be made through an increase in any commission rate.

SEC. 10. *Adjustments in the salaries and other compensation of driver salesmen.* (a) Notwithstanding any other provision of this regulation, adjustments in the salaries and other compensation of driver salesmen, as such term is used in section 541.505 of the Explanatory Bulletin, issued by the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, to Regulations Part 541, shall be made in accordance with the provisions of General Wage Regulation 20 as presently in effect.

(b) Any application for approval of adjustments in salaries and other compensation of such driver salesmen required to be filed pursuant to General Wage Regulation 20 shall be filed with the Office of Salary Stabilization.

(c) Any employer granting adjustments in salaries or other compensation to such employees pursuant to this section shall comply with the applicable record keeping requirements of section 101 of General Salary Stabilization Regulation 1, Amended.

SEC. 11. *Applications for adjustments in certain commission rates and other compensation.* The Office of Salary Stabilization is authorized to approve applications for:

(a) Changes in commission rates of employees, compensated in whole or in part on a commission basis, *Provided*, That such changes conform to industry or area practice and are otherwise found by the Office of Salary Stabilization not to be unstabilizing;

(b) Adjustments in expense allowances or compensation to reflect an actual increase in the cost of the expense items required to be paid by sales employees;

(c) Adjustments to correct hardships or inequities in accordance with the purposes of this regulation.

SEC. 12. *Increases in commission rates not to justify price increases.* Adjustments in commission rates approved by the Office of Salary Stabilization shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase, or to resist otherwise justifiable reductions in, price ceilings.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Adopted by the Salary Stabilization Board on July 22, 1952.

JUSTIN MILLER,
Chairman.

Approved: August 19, 1952.

ROGER L. PUTNAM,
Economic Stabilization Administrator.

[F. R. Doc. 52-9492; Filed, Aug. 26, 1952; 10:29 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS

The following parts are amended as follows:

PART 4—ORDERS, CONTRACTS, AND BONDS

In § 4.5 *Employees interested in mail contracts* strike out paragraph (b), and add a Note to paragraph (a) to read as follows:

NOTE: See § 94.6 of this chapter as to authority of certain postmasters and employees to enter into contracts for mail messenger service.

(R. S. 131, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 39 Stat. 418; 43 Stat. 356; 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

PART 25—GENERAL PROVISIONS RELATING TO POST OFFICES

Amend § 25.7 *Holidays* to read as follows:

§ 25.7 *Holidays*—(a) *Days designated as.* See Executive Order No. 10358, dated June 9, 1952 (17 F. R. 5269) for holidays designated by the President, and see 5 U. S. C. 87, 87a, 87b, and 39 U. S. C. 119 for statutory provisions with respect to holidays.

(b) *Service on.* On the holidays specified in Executive Order No. 10358 dated June 9, 1952, post offices shall render window service such length of time as may be necessary to meet the reasonable postal requirements of the public. Mails shall be made up and dispatched on such holidays as on other week days.

(R. S. 131, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

In § 35.13 *Nonmailable articles and compositions* make the following changes:

Amend paragraph (a) by inserting before the undesignated paragraph reading "All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.", a new undesignated paragraph to read:

The transmission in the mails of poisons for scientific use, and which are not outwardly dangerous or of their own force dangerous or injurious to life, health, or property, may be limited by the Postmaster General to shipments of such articles between the manufacturers thereof, dealers therein, bona fide research or experimental scientific laboratories, and such other persons who are employees of the Federal, a State, or local government, whose official duties are comprised, in whole or in part, of the use of such poisons, and who are designated by the head of the agency in which they are employed to receive or send such articles, under such rules and regulations as the Postmaster General shall prescribe.

PART 92—TRANSPORTATION OF MAILS BY RAILROADS

Amend § 92.13 *Proof of performance of service* to read as follows:

§ 92.13 *Proof of performance of service.* Railroad companies carrying the mails shall submit, under the signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence as to the performance of service. (Sec. 5, 39 Stat. 428, as amended; 39 U. S. C. 556)

PART 94—MAIL-MESSENGER SERVICE

In § 94.6 *Contracting for mail messenger service at third- and fourth-class offices* make the following changes:

1. Amend the headnote to § 94.6 to read: *Authority of certain postmasters and employees to contract for mail messenger service.*

2. Amend paragraph (a) to read as follows:

(a) *Limitation of pay.* In the discretion of the Postmaster General, postmasters, assistant postmasters, clerks, and rural carriers at post offices of the third and fourth class may enter into contracts for the performance of mail-messenger service, and allowance may be made therefor from the appropriations for mail-messenger service: *Provided*, That the Postmaster General shall determine that the performance of such contracts will not interfere with the regular duties of such employees or with the operations of the postal service. The total amount payable under such contract to any postmaster, assistant postmaster, clerk, or rural carrier shall not exceed $900 in any one year. Special-delivery messengers at post offices of all classes may enter into contracts for mail-messenger service. (Sec. 1, 39 Stat. 418, as amended; 39 U. S. C. 579)

3. Amend that part of paragraph (b) preceding the Note to read as follows:

(b) *Members of immediate families may contract.* Members of the immediate families of postmasters, assistant postmasters, clerks, and rural carriers at third- and fourth-class post offices may, in the discretion of the Postmaster General, enter into contracts for the performance of mail-messenger service provided the total amount paid under such contract shall not exceed $900 in any one fiscal year.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; sec. 1, 39 Stat. 418; 43 Stat. 356; 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

PART 96—AIR MAIL SERVICE

Amend § 96.12 *Evidence of performance to be submitted by air carriers* to read as follows:

§ 96.12 *Evidence of performance to be submitted by air carriers.* Air carriers transporting or handling United States Mail shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the performance of mail service; and air carriers transporting or handling mails of foreign countries shall submit, under signature of a duly authorized official, when and in such form as may be required by the Postmaster General, evidence of the amount of such mails transported or handled, and the compensation payable and received therefor. (Sec. 405, 52 Stat. 994, as amended; 49 U. S. C. 485)

PART 97—STAR, STEAMSHIP, AND STEAMBOAT ROUTES, AND VEHICLE SERVICE IN CITIES

a. Amend § 97.15 *Proposals to be accompanied with bond* by striking out in the last sentence the words "oath of the bidder, taken before an officer qualified to administer oaths," and by inserting in lieu thereof the words "signed statement of the bidder".

b. Amend § 97.16 *Sureties on bonds of bidders* to read as follows:

§97.16 *Sureties on bonds of bidders.* Before the bond of a bidder (for carrying the mail) is approved, there shall be indorsed thereon the signed statements of the sureties therein that they are owners of real estate worth in the aggregate a sum double the amount of said bond, over and above all debts due and owing by them, and all judgements, mortgages, and executions against them, after allowing all exemptions of every character whatever. Accompanying said bond and as a part thereof, there shall be a series of interrogatories, in print or writing, to be prescribed by the Postmaster General, and answered by the sureties showing the amount of real estate owned by them, a brief description thereof, and its probable value, where it is situated, and in what county and State the record evidence of their title exists. If any surety shall knowingly and willfully submit a false statement under the provisions of this section he shall on conviction thereof, be punished as is provided by section 1001 of title 18, United States Code. (R. S. 3946, as amended; 39 U. S. C. 427)

c. Amend § 97.21 *Record of proposals* to read as follows:

§ 97.21 *Record of proposals.* The Postmaster General shall have recorded in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals until disposed of as provided by law. The reports of the arrivals and departures of the mails on mail routes made and sent by postmasters to the Post Office Department, on which no fines or deductions from the pay of contractors for carrying the mails have been based, and the certificates taken by carriers on mail routes may be disposed of as provided by law when no longer needed in conducting current business. (R. S. 3948, as amended; 39 U. S. C. 428)

PART 125—MISCELLANEOUS

Amend § 125.4 *Vessels to deliver letters at post offices before entry* to read as follows:

§ 125.4 *Vessels to deliver letters at post offices before entry.* No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, except where waybilled for discharge at other ports in the United States at which the vessel is scheduled to call and the Postmaster General does not determine that unreasonable delay in the mails will occur, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ----------, of the ----------, arriving from ----------, and now lying in the port of ----------, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at ---------- every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control, except where waybilled for discharge at other ports in the United States at which the said vessel is scheduled to call and which the Postmaster General has not determined will be unreasonably delayed by remaining on board the said vessel for delivery at such ports.

And any master or other person having charge or control of such vessel who shall break bulk before he has arranged for such delivery or onward carriage shall be fined not more than $100. (62 Stat. 777, as amended; 18 U. S. C. 1699)

PART 137—FIELD SERVICE

In § 137.28 *Interest of employees in postal contracts prohibited*, strike out paragraph (b) and add a note to paragraph (a) to read as follows:

NOTE: See § 94.6 of this chapter as to authority of certain postmasters and employees to enter into contracts for mail messenger service.

(R. S. 161, 396; sec. 1, 39 Stat. 418, 43 Stat. 356, secs. 304, 309, 42 Stat. 24, 25, 66 Stat. 324, 325; 5 U. S. C. 22, 369, 39 U. S. C. 579)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 52-9386; Filed, Aug. 26, 1952; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 12, Amateur Radio Service, by changing the wording of § 12.91 (b) and adding a new section to the Appendix.

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 20th day of August 1952;

The Commission having under consideration the matter of amendment of Part 12, Amateur Radio Service, to conform with the terms of a treaty concluded between the United States and the Dominion of Canada, which became effective May 15, 1952, and which permits the operation by citizens of either country of certain radio equipment or stations (including amateur radio stations) in the other country;

It appearing, that existing provisions of § 12.91 (b) require all amateur radio stations, when operated outside the continental limits of the United States, its territories or possessions, to be operated only in the amateur frequency band 28.0 to 29.7 Mc; whereas, under the terms of the afore-mentioned treaty operation of United States amateurs, while in the Dominion of Canada, will not be restricted to that frequency band;

It further appearing, that it is desirable to set forth in the appendix of Part 12 so much of the text of the aforementioned treaty as relates to the operation of amateur radio stations;

It further appearing, that this amendment is necessary to conform with the provisions of a treaty to which the United States is a party and notice and public procedure thereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that the amendment would relieve a restriction and, hence, under the provisions of section 4 (c) of the same act it may be made effective immediately;

It is ordered, Under authority contained in sections 4 (i) and 303 (c) and (r) of the Communications Act of 1934, as amended, that Part 12 be and it hereby is amended, effective immediately, as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082; 47 U. S. C. 303)

Released: August 21, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 12.91 (b) to read as follows:

§ 12.91 *Requirements for portable and mobile operation.* • • •

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc except that within areas under the jurisdiction of a foreign government, operation is controlled by the laws of that government and the terms of any applicable treaty. (See Appendix 4 for such treaties or agreements as are in force and the pertinent terms thereof.) Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer-in-Charge of the radio inspec-

tion district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

2. Amend the Appendix to Part 12 by adding the following:

APPENDIX 4

Convention Between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country (Effective May 15, 1952)

ARTICLE III

It is agreed that persons holding appropriate amateur licenses issued by either country may operate their amateur stations in the territory of the other country under the following conditions:

(a) Each visiting amateur may be required to register and receive a permit before operating any amateur station licensed by his government.

(b) The visiting amateur will identify his station by:

(1) *Radiotelegraph operation.* The amateur call sign issued to him by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

(2) *Radiotelephone operation.* The amateur call sign in English issued to him by the licensing country followed by the words, "fixed," "portable" or "mobile", as appropriate, and the amateur call sign prefix and call area number of the country he is visiting.

(c) Each amateur station shall indicate at least once during each contact with another station its geographical location as nearly as possible by city and state or city and province.

(d) In other respects the amateur station shall be operated in accordance with the laws and regulations of the country in which the station is temporarily located.

[F. R. Doc. 52-9408; Filed, Aug. 26, 1952; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 906]

[Docket No. AO-210-A2]

HANDLING OF MILK IN TULSA, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Tulsa, Oklahoma, on July 29-31, 1952, pursuant to notice thereof which was issued on July 9, 1952 (17 F. R. 6275).

The material issues of record related to proposals with respect to:

1. The amounts of the differentials to be added to the basic formula price of the order in determining prices for Class I milk, and a "supply-demand" adjustment of Class I milk prices;
2. Enlargement of the marketing area;
3. The allocation of certain receipts of other source milk in periods of short supply;
4. Location adjustments to handlers;
5. Classification of aerated products containing milk or cream;
6. The period to be used in determining bases for producers; and
7. The existence of an emergency.

The notice of hearing contained proposals that milk be priced on the basis of 3.5 per cent butterfat rather than 4.0 per cent, and that the maximum rate of assessment for administrative purposes be reduced. No testimony was offered at the hearing in support of such proposals.

Following the hearing both the producers and handlers represented at the hearing requested that immediate consideration be given and a decision arrived at with respect that portion of issue No. 1 related to the amount of the Class I differential for the months of September through December 1952, and with respect to issue No. 6. In their requests they waived the right to file written exceptions to a decision on these issues. This decision is concerned with these issues only. The remaining issues, including those related to the pricing of Class I milk for months after December 1952, will be decided in a further decision.

Findings and conclusions. 1. For the months of September through December 1952, the differential to be added to the basic formula price of the order in determining the price for Class I milk should be increased by 40 cents.

There is in prospect an acute shortage of milk supply for the Tulsa market during the coming months of September through December 1952. Milk sales in this market are expanding at a rapid rate at a time when severe drought conditions during recent months have brought about a critical situation for milk producers.

Sales of Class I milk in the months of May and June 1952 were approximately 11 per cent more than for the corresponding months of 1951. For July Class I sales were more than 20 per cent greater than for the corresponding month a year earlier.

The area in which milk is produced for the Tulsa market has been seriously affected by the drought conditions prevailing this summer. The drought, accompanied by sustained periods of excessive temperatures, has brought about a failure of pastures and has seriously reduced hay and forage crops upon which milk producers rely for feeding their herds. The Tulsa production area normally produces more hay and silage crops than is needed for feed in the area. Many milk producers, however, do not produce enough of such feeds for their own use and depend upon purchases from neighboring farmers. While there was a fairly good yield of hay from the first cutting of alfalfa in the area, demands from other areas also affected by drought caused this supply of hay to disappear rapidly at high prices. Yields from latter cuttings of alfalfa will be very low. Lespedeza, which is used by many milk producers for both hay and pasture, is reported to be a complete failure. Milk producers are now paying $4 to $5 per ton for corn silage standing in the field for which they normally pay $1 to $2, and there is little available. Hay prices have risen to $40 to $50 per ton for alfalfa hay and $25.00 per ton for prairie hay, and supplies are not available at these prices.

The Tulsa market required considerable amounts of supplemental milk during the past fall and winter season. While total milk production for the market in May was slightly over 6 percent and that for June almost 3 percent higher than a year earlier, these increases were considerably less than the corresponding increases in sales. For July milk receipts were 3 percent less than a year earlier in contrast to the 20 percent increase in sales noted above. Under normal production conditions the seasonal decreases in production and increases in sales that occur in the coming fall months would result in a shortage of milk under present supply conditions. With present prospects for milk production this shortage will be critical unless some price incentive is provided for dairymen to incur the costs necessary to continue milk production and avoid dispersal of producing herds. An increase of 40 cents per hundredweight in the price for Class I milk is the minimum which would appear to provide incentive to this end. This increase should be accomplished by providing that the Class I differential added to the basic formula price of the order be increased from $1.85 to $2.25 for the months of September through December 1952.

The record contained evidence on proposals for permanent changes in the provisions for pricing Class I milk without respect to present emergency conditions. Time for adequate consideration of such proposals will be afforded by making this action effective through December 1952.

2. The month of January should be added to the period for which the average deliveries by each producer establishes his base upon which payments are computed for milk delivered in the following months of April, May, and June; the minimum number of days used for such computation should continue to be ninety.

Under the present provisions of the order the total pounds of milk received from each producer during the months of September through December are divided by the total number of days, not to be less than ninety, of such producer's delivery in these months. The resulting figures is the daily average base of the producer and is used in computing payments for milk he delivers in the following April, May, and June.

It was proposed that this period be extended from four to five months by the inclusion of the month of January. January is normally a month of relatively short production, so that its inclusion in the base-forming period would be appropriate. Proponents of the proposal claimed that there would be greater incentive for new producers to enter the market in the short production season if the deliveries of such producers in January could count toward the present 90 day minimum period required for a producer to receive a base equal to his average daily deliveries. Under the proposal a new producer could enter the market by approximately November 1 and get full credit for his average daily deliveries.

It is concluded that the proposal should be adopted as a means of additional encouragement for new producers to enter the market during the months of short production. There was no opposition to this proposal except the suggestion that its effective data be postponed for a year. Current supply conditions on the market lead to the conclusion that it should be made effective at once.

4. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exception thereto, on the above issues.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat the purpose of such amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereto, would make such relief ineffective. The propriety of omitting the recommended decision and opportunity for filing exceptions thereto with respect to the proposals here considered was indicated in statements filed by the interested parties.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of producers and handlers who would be subject to the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which effect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of July 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 22d day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tulsa, Oklahoma, Marketing Area

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 906.51 (a) change the period at the end of the sentence to a colon and add *"And provided further,* That for the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

specification and claim to which it ap-

15. Section 1.66 (Patent Rule 66) is

21. Section 1.141 (Patent Rule 141) is

months of September through December, 1952, the amount to be added to the basic formula price shall be $2.25 in lieu of $1.85."

2. Delete § 906.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

[F. R. Doc. 52-9425; Filed, Aug. 26, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Parts 1, 100]

PATENT AND TRADE-MARK CASES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Patent Office proposes to amend certain rules and regulations relating to patents and trade-marks. The amendments are proposed to be issued pursuant to the authority contained in title 35, U. S. C., sections 6, 116, 119, 121, 141, 145, 146, as enacted July 19, 1952, Public Law 593, chapter 950, 66 Stat. 792, and other authority.

All persons who desire to submit written data, views, arguments or suggestions, for consideration in connection with the proposed amendments, are invited to forward the same to the Commissioner of Patents, Washington 25, D. C., on or before October 15, 1952. An oral hearing is not scheduled.

The text of the proposed amendments follows:

1. Section 1.6 (Patent Rule 6) is proposed to be amended by cancelling paragraph (d) and by changing paragraph (c) to read as follows:

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the 14th and E Street entrance of the Patent Office on weekdays except Saturdays and holidays, and all papers deposited therein are considered as received in the Patent Office on the day of deposit.

2. Section 1.7 (Patent Rule 7) is proposed to be amended by changing the second sentence to read: "When the day, or the last day, fixed by statute or by or under these rules for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday."

3. Section 1.21 (Patent Rule 21) is proposed to be amended by:

a. Adding the following line to Item 4:

For each claim in excess of twenty and also in excess of the number of claims in the original patent------	1.00

b. Changing "15" to "25" in Item 7.

c. Changing ".50" to "1.00" in Item 9.

d. Changing ".50" to "1.00", both occurrances, in Item 14.

e. Adding new Item 31 reading as follows:

31. For certificate of correction of applicant's mistake----------	10.00

4. Section 1.41 (Patent Rule 41) is proposed to be amended to read as follows:

§ 1.41 *Applicant for patent.* (a) A patent must be applied for and the application papers must be signed and the necessary oath executed by the actual inventor in all cases, except as provided by §§ 1.42, 1.43, and 1.47. See § 1.147.

(b) Unless the contrary is indicated, the word "applicant" when used in this part refers to the inventor, joint inventors who have applied for a patent, or to the person mentioned in §§ 1.42, 1.43 or 1.47 who has applied for a patent in place of the inventor.

5. Section 1.43 (Patent Rule 43) is proposed to be amended to read as follows:

§ 1.43 *When the inventor is insane or legally incapacitated.* In case an inventor is insane or otherwise legally incapacitated, the legal representative of such inventor may sign the application papers and make the necessary oath, and apply for and obtain the patent.

6. Section 1.44 (Patent Rule 44) is proposed to be amended to read as follows:

§ 1.44 *Proof of authority.* In the cases mentioned in §§ 1.42 and 1.43, proof of the power or authority of the legal representative must be recorded in the Patent Office before the grant of a patent.

7. Section 1.45 (Patent Rule 45) is proposed to be amended by adding the following paragraph:

(c) If an application for patent has been made through error and without any deceptive intention by less than all the actual joint inventors, the application may be amended to include all the joint inventors upon filing a statement of the facts verified by, and an oath as required by § 1.65 executed by, all the actual joint inventors, provided the amendment is diligently made.

8. Section 1.46 (Patent Rule 46) is proposed to be amended to read as follows:

§ 1.46 *Assigned inventions and patents.* In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made by the inventor or one of the persons mentioned in §§ 1.42, 1.43 or 1.47.

9. Section 1.47 (Patent Rule 47) is proposed to be amended to read as follows:

§ 1.47 *Filing by other than inventor.* (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself and the omitted inventor. Such application must be accompanied by proof of the pertinent facts and must state the last known address of the omitted inventor. The Patent Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The omitted inventor may subsequently join in the application. If the omitted inventor is available but refuses to join in the application after notice has been given, the Office may refuse a patent on said application. A patent may be granted to the inventor making the application, subject to the same rights which the omitted inventor would have had if he had been joined.

(b) Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for the inventor. Such application must be accompanied by proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest must be recorded in the Patent Office at the time of filing the application. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application. Should such notice be returned to the Office undelivered, or should the address of the inventor be unknown, notice of the filing of the application shall be published in the Official Gazette. The inventor may subsequently join in the application. If the inventor is available but refuses to join in the application after notice has been given, the Office may refuse a patent on said application; otherwise a patent may be granted to the inventor.

10. Section 1.55 (Patent Rule 55) is proposed to be amended by adding the following paragraph:

The benefit of the filing date of a prior application filed in a foreign country may be obtained under the conditions specified in 35 U. S. C. 119. The certified copy of the original foreign application specified in the second paragraph of 35 U. S. C. 119 must be filed within six months from the date of the first Office action or within the time specified in § 1.224. If there is no first Office action other than a notice of allowance the copy must be filed at the time or before the final fee is paid. If the papers filed are not in the English language they must be accompanied in all cases by a sworn translation or a translation certified as accurate by a sworn or official translator. In any case allowed prior to January 1, 1953, the required papers may be filed at any time prior to the issuance of the patent and the translation is not required.

11. Section 1.57 (Patent Rule 57) is proposed to be amended by substituting the following for the first sentence: "The application must be signed by the applicant in person. The signature to the oath will be accepted as the signature to the application provided the oath is attached to and refers to the petition, specification and claim to which it applies."

12. Section 1.58 (Patent Rule 58) is proposed to be cancelled.

13. Section 1.61 (Patent Rule 61) is proposed to be amended by cancelling paragraph (c) and amending paragraph (a) to read as follows:

(a) The petition must be addressed to the Commissioner of Patents and request the grant of a patent. The residence, and post office address of the petitioner must appear in the petition if not stated elsewhere in the application. The petition need not be separately signed when part of and attached to the complete application papers, otherwise it must be signed by the petitioner.

14. Section 1.65 (Patent Rule 65) is proposed to be amended by cancelling paragraph (d) and amending paragraphs (a) and (b) to read as follows:

(a) The applicant, if the inventor, must make oath or affirmation that he does verily believe himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides, and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state under oath that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States for more than one year prior to his application, or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. If any application for patent has been filed in any foreign country by the applicant in this country, or by his legal representatives or assigns, prior to his application in this country, he shall state the country or countries in which such application has been filed, giving the date of such application, and shall also state that no application has been filed in any other country or countries than those mentioned. In the case of the first filed foreign application and each foreign application filed more than twelve months prior to the application in this country the day, month and year of filing must be given. If no application for patent has been filed in any foreign country, he shall so state. This oath must be subscribed to by the affiant.

(b) If the application is made as provided in §§ 1.42, 1.43 or 1.47, the oath shall state the relationship of the affiant to the inventor and, upon information and belief, the facts which the inventor is required by this rule to make oath to.

15. Section 1.66 (Patent Rule 66) is proposed to be amended by changing the first sentence to read as follows: "The oath or affirmation may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States authorized to administer oaths, or before any officer having an official seal and authorized to administer oaths in the foreign country in which the applicant may be, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, the oath being attested in all cases in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. Such oath or affirmation shall be valid as to execution if it complies with the laws of the state or country where made."

16. Section 1.76 (Patent Rule 76) is proposed to be amended to read as follows:

§ 1.76 *Signature to the specification.* The specification and claim need not be signed when part of and attached to the complete application papers, otherwise they must be signed by the inventor in person. See § 1.57.

17. Section 1.78 (Patent Rule 78) is proposed to be amended by substituting for the first sentence: "When an applicant files an application claiming an invention disclosed in a prior filed copending application of the same applicant, the second application must contain a reference to the prior application, identifying it by serial number and filing date and indicating the relationship of the applications if the benefit of the filing date of the prior application is claimed. Prior applications of the same applicant disclosing an invention claimed must be referred to in a separate paper if there is no reference in the application itself."

18. Section 1.82 (Patent Rule 82) is proposed to be amended to read as follows:

§ 1.82 *Signatures to drawing.* Signatures are not required on the drawing if it accompanies and is referred to in the other papers of the application, otherwise the drawing must be signed by the applicant in person.

19. Section 1.84 (Patent Rule 84) is proposed to be amended by cancelling the words "in pencil" in paragraph (l) and by changing paragraph (h) to read:

(h) The signature of the applicant, if the drawing is signed, must be placed completely below the lower marginal line on each sheet; in any event the name of the inventor must be legibly written or printed below the lower marginal line on each sheet.

20. Section 1.93 (Patent Rule 93) is proposed to be amended to read as follows:

§ 1.93 *Specimens.* When the invention relates to a composition of matter, the applicant may be required to furnish specimens of the composition, or of its ingredients or intermediates, for the purpose of inspection or experiment.

21. Section 1.141 (Patent Rule 141) is proposed to be amended by cancelling from the beginning of the section up to the word "more" and substituting: "Two or more independent and distinct inventions may not be claimed in one application, except that."

22. Section 1.142 (Patent Rule 142) is proposed to be amended by changing paragraph (a) to read as follows:

(a) If two or more independent and distinct inventions are claimed in a single application, the examiner in his action shall require the applicant in his response to that action to elect that invention to which his claims shall be restricted, this official action being called a requirement for division. If the divisibility of the inventions be clear, such requirement will be made before any action on the merits; however, it may be made at any time before final action in the case, at the discretion of the examiner.

23. Section 1.143 (Patent Rule 143) is proposed to be amended by cancelling paragraph (b) and adding the following sentence to the first paragraph: "The requirement for division will be reconsidered on such a request."

24. Section 1.144 (Patent Rule 144) is proposed to be amended to read as follows:

§ 1.144 *Petition from requirement for division.* After a final requirement for division the applicant, in addition to making any response due on the remainder of the action, pay petition to the Commissioner from the requirement. Petition may be deferred until after final action on or allowance of the claims to the invention elected. Petition may not be taken if reconsideration of the requirement was not requested. See § 1.181.

25. Section 1.145 (Patent Rule 145) is proposed to be amended by cancelling the last sentence.

26. Section 1.172 (Patent Rule 172) is proposed to be amended by changing the first paragraph to read as follows: "Reissue applications must be signed and sworn to by the inventors except as otherwise provided (see §§ 1.142, 1.143, and 1.147), and must be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent: *Provided, however,* That a reissue application may be made and sworn to by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.

27. Section 1.175 (Patent Rule 175) is proposed to be amended by changing paragraphs (b), (c), (d) and (e) to read as follows:

(b) When it is claimed that such patent is so inoperative or invalid "by reason of a defective specification or drawing," particularly specifying such defects.

(c) When it is claimed that such patent is inoperative or invalid "by reason of the patentee claiming more or less than he had a right to claim in the patent," distinctly specifying the excess or insufficiency in the claims.

(d) Particularly specifying the errors relied upon, and how they arose or occurred.

(e) That said errors arose without any deceptive intention" on the part of the applicant.

28. Section 1.191 (Patent Rule 191) is proposed to be amended by cancelling "and every applicant who has been twice required to divide his application (§ 1.143)," in paragraph (a) and deleting "§§ 1.144 and" in paragraph (c).

29. Section 1.197 (Patent Rule 197) is proposed to be amended by cancelling paragraph (b) and adding the following two paragraphs as paragraphs (b) and (c).

(b) Any request or petition for rehearing or reconsideration must be filed within twenty days from the date of the decision.

(c) When an appeal is or stands dismissed, or when the time for appeal to the court or review by civil action (§ 1.303) has expired and no such appeal or civil action has been filed, proceedings in the application are considered terminated except in those applications in which claims stand allowed or in which the nature of the decision requires further action by the examiner. If an appeal to the court or a civil action has been filed, proceedings in the application are similarly considered terminated when the appeal or civil action is terminated.

30. Section 1.223 (Patent Rule 223) is proposed to be amended by changing the second sentence of paragraph (a) to read: "This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors, nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222."

31. Section 1.224 (Patent Rule 224) is proposed to be amended by changing the second sentence to read: "If an earlier filed application in the United States is set forth in the preliminary statement, said earlier filed application cannot be relied upon unless the case in interference contains or is amended to contain a specific reference to the earlier filed application: *Provided*, That such a specific reference is not essential in patents granted prior to January 1, 1953. If a prior foreign application is set forth in the preliminary statement, said foreign application cannot be relied upon unless the necessary papers to prove a date of priority under 35 U. S. C. 119, as specified in § 1.55, are filed within three months, or within such extension of time as may be granted, from the filing of the preliminary statement, if they have not previously been filed."

32. Section 1.226 (Patent Rule 226) is proposed to be amended by changing the second undesignated paragraph to read:

The notices will ordinarily specify the motion period (§ 1.231) and may also include an order to show cause (§ 1.225).

33. Section 1.233 (Patent Rule 233) is proposed to be amended by changing paragraph (b) to read:

(b) Such motions must, if possible, be made within the time set, but if a motion to dissolve the interference has been brought by another party, such motions may be made within thirty days from the filing of the motion to dissolve. In case of action by the primary examiner under § 1.237 (a), such motions may be made within thirty days from the date of the primary examiner's decision on motion wherein an action under § 1.237 (a) was incorporated or the date of the communication giving notice to the parties of the proposed dissolution of the interference.

34. Section 1.251 (Patent Rule 251) is proposed to be amended by changing paragraph (b) to read:

(b) The time for taking testimony will ordinarily be assigned in notices sent to the parties after motions under §§ 1.232 to 1.235 have been determined or, if no such motions have been filed, after the close of the motion period (§ 1.231). The date for final hearing will ordinarily be set in the same notices.

35. Section 1.256 (Patent Rule 256) is proposed to be amended by changing paragraph (c) to read:

(c) Petitions for rehearings or modification of the decision must be filed within twenty days from the date of the decision.

36. Section 1.263 (Patent Rule 263) is proposed to be amended to read as follows:

§ 1.263 *Statutory disclaimer by patentee.* The disclaimer referred to in §1.262, when made by a patentee in interference is not a disclaimer under 35 U. S. C. 253. If a disclaimer under the statute, see § 1.321, cancelling claims involved in the interference from the patent, is made by the patentee, including all assignees as shown by the records of the Patent Office, the interference will be dissolved pro forma as to such claims.

37. Section 1.302 (Patent Rule 302) is proposed to be amended by changing paragraph (a) to read as follows:

§ 1.302 *Notice and reasons of appeal.* (a) When an appeal is taken to the U. S. Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and file in the Patent Office, within the time specified in § 1.304, his reasons of appeal specifically set forth in writing.

38. A new § 1.304 (Patent Rule 304) is proposed, reading as follows:

§ 1.304 *Time for appeal or civil action.* (a) The time for filing the notice and reasons of appeal to the U. S. Court of Customs and Patent Appeals (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a petition for rehearing or reconsideration is filed within twenty days after the date of the decision of the Board of Appeals or Board of Patent Interferences, the time is extended to thirty days after action on the petition. No petition for rehearing or reconsideration filed more than twenty days after such decision, nor any proceedings on such petition shall operate to extend the period of sixty days provided in this section. If a defeated party to an interference has taken an appeal to the U. S. Court of Customs and Patent Appeals and an adverse party has filed notice that he elects to have all further proceedings conducted under 35 U. S. C. 146 (§ 1.303 (c)), the time for filing a civil action thereafter is specified in 35 U. S. C. 141.

(b) In the case of decisions of the Board of Appeals and Board of Patent Interferences, and decisions on appeal to the Commissioner in trade-mark cases, rendered prior to January 1, 1953, the time for appeal or for filing a civil action is the time specified in the statute and rules in effect immediately prior to January 1, 1953.

39. Section 1.305 (Patent Rule 305) is proposed to be amended by changing the section number to § 1.303 and the text to read:

§ 1.303 *Civil action under 35 U. S. C. 145, 146.* (a) Any applicant dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U. S. Court of Customs and Patent Appeals (§ 1.301), have remedy by civil action under 35 U. S. C. 145 and 146 respectively. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case has taken an appeal to the U. S. Court of Customs and Patent Appeals, he thereby waives his right to proceed under 35 U. S. C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U. S. Court of Customs and Patent Appeals, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he elects to have all further proceedings conducted as provided in 35 U. S. C. 146, certified copies of such notices will be transmitted to the U. S. Court of Customs and Patent Appeals for such action as may be necessary. The notice of election must be served as provided in § 1.248.

40. Section 1.314 (Patent Rule 314) is proposed to be amended by changing "one month" in the second sentence to "five weeks" and by changing "fourth" in the last sentence to "fifth".

41. Section 1.321 (Patent Rule 321) is proposed to be amended to read as follows:

§ 1.321 *Statutory disclaimer in patent.* (a) A disclaimer under 35 U. S. C. 253 must comply with the requirements of the statute and must also identify the patent and the claim or claims subject to the disclaimer, and be signed by the person making the disclaimer, who shall state therein the extent of his interest in the patent. Such disclaimers are not examined except as to formal matters, but a disclaimer observed not to be a disclaimer in fact may be refused, and the recording of a disclaimer does not indicate that it is considered by the Patent Office to be proper or valid or that the patent after disclaimer, or any claim thereof, is considered valid. A notice of the disclaimer is published in the Official Gazette and attached to the printed copies of the specification.

(b) In like manner any patentee or applicant may disclaim or dedicate to the public the entire term, or any terminal part of the term, of the patent granted or to be granted. (See § 1.21 for fee for disclaimer.)

42. Section 1.322 (Patent Rule 322) is proposed to be amended by cancelling ", with the consent of the patentee (or assignee of record, if any)", in paragraph (b).

43. Section 1.323 (Patent Rule 323) is proposed to be amended to read as follows:

§ 1.323 *Certificate of correction of applicant's mistake.* Whenever a mistake of a clerical or typographical nature or of minor character which was not the fault of the Office, appears in a patent and a showing is made that such mistakes occurred in good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, which shall be endorsed on the patent itself, if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination.

44. A new § 1.324 (Patent Rule 324) is proposed, reading as follows:

§ 1.324 *Correction of error in joining inventor.* Whenever a patent is issued and it appears that there was a misjoinder or non-joinder of inventors and that such joinder or omission occurred by error and without deceptive intention, the Commissioner may, on application of all the parties and the assignees and proof of the facts, or on order of a court before which such matter is called in question, issue a certificate deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent.

45. A new § 1.325 (Patent Rule 325) is proposed, reading as follows:

§ 1.325 *Other mistakes not corrected.* Mistakes other than those provided for in §§ 1.322, 1.323, and 1.324, and not affording legal grounds for reissue will not be corrected after the date of the patent.

46. Section 100.16 (Trade-Mark Rule 1.6) is proposed to be amended to read as follows:

§ 100.16 *Times for taking action; expiration on Saturday, Sunday or holiday.* Whenever periods of time are specified in this part in days, calendar days are intended unless otherwise indicated. When the day, or the last day, fixed by statute or by or under this part for taking any action or paying any fee falls on Saturday, Sunday, or on a holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a holiday.

47. Sections 100.262 and 100.263 (Trade-Mark Rules 26.2 and 26.3) are proposed to be amended by adding the following paragraph to each:

Petition for rehearing or reconsideration must be filed within twenty days from the date of the decision.

48. Sections 1.13, 1.21, 1.42, 1.45, 1.67, 1.71, 1.75, 1.77, 1.84, 1.147, 1.154, 1.162, 1.164, 1.206, 1.207, 1.209, 1.216, 1.217, 1.226, 1.232, 1.233, 1.236, 1.241, 1.243, 1.247, 1.253, 1.254, 1.255, 1.256, 1.258, 1.259, 1.277, 1.282, 1.301, 1.311, 1.322, 1.331, 100.46, 100.264 (Patent Rules 13, 21, 42, 45, 67, 71, 75, 77, 84, 147, 154, 162, 164, 206, 207, 209, 216, 217, 226, 232, 233, 236, 241, 243, 247, 253, 254, 255, 256, 258, 259, 277, 282, 301, 311, 322, 331, Trade-Mark Rules 4.6, 26.4) are also proposed to be amended by changing citations of statutes to agree with the new patent act (Public Law 593, approved July 19, 1952, chapter 950, 66 Stat. 792), by changing references to other rules to agree with revisions in the rules, by changing words or phrases to agree with corresponding words or phrases as used in the new patent act, or by clarifying language in some instances.

[SEAL] JOHN A. MARZALL,
Commissioner of Patents.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9389; Filed, Aug. 26, 1952; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 3229, Amdt.]

DISCLOSURE OR USE OF CONFIDENTIAL RECORDS AND INFORMATION

By virtue of the authority vested in me by section 161 of the Revised Statutes of the United States (5 U. S. C. 22) Order No. 3229 of the Attorney General dated May 2, 1939 (11 F. R. 4920), is hereby amended by adding at the end thereof the following paragraph:

This order shall extend to prohibit testimony except in the discretion of the Attorney General, or the Deputy Attorney General or an Assistant Attorney General acting for the Attorney General, by any former officer or employee of the Federal Bureau of Investigation in any court of law, divulging information obtained or received by such person solely by reason of his office or official position in such Bureau.

JAMES P. MCGRANERY,
The Attorney General.

AUGUST 20, 1952.

[F. R. Doc. 52-9421; Filed, Aug. 26, 1952; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Public Notice PN 5, Amdt. 1]

CENTRAL AND FIELD ORGANIZATION

BUREAU OF SAFETY REGULATION

The Civil Aeronautics Board amends Public Notice PN 5, dated April 15, 1952, in order to conform with the current organizational structure, as follows:

By amending the entire section 5, "Bureau of Safety Regulation," to read as follows:

BUREAU OF SAFETY REGULATION

SEC. 5.1 *Director.* The office of the Director is responsible for directing and co-ordinating the three divisions which are engaged in the following primary activities: developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Co-ordinating Committee and requiring Board action. The Bureau of Safety Regulation is composed of the following organizational units:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.

SEC. 5.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research of transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 5.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amend-

FEDERAL POWER COMMISSION

construction program; that GPU's con-

The application is available for public

ments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research of the airworthiness aspects of aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 5.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: the certification of pilots (students, private, and commercial) mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, air traffic rules, airmen schools and repair stations, and the transportation of explosives and other dangerous articles; conducts technical research of nontransport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 5.5 *Activities common to all divisions.* Each division, within its own area of specialization, participates in the development of related international standards as prescribed by the International Civil Aviation Organization and modifies United States standards and practices as may be necessary to conform to the international standards; represents the United States at meetings of the Technical Division of the International Civil Aviation Organization, Air Navigation Commission and at other meetings concerned with matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety Regulation and analyzes the results of these meetings and co-ordinates standards and recommends practices adopted by the International Civil Aviation Organization within the Civil Air Regulations; prepares the United States position on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other divisions of the Air Coordinating Committee in preparation of the United States position on matters in which the Board has a secondary or indirect interest; and continually examines manuals and other related materials implementing the Civil Air Regulations to ensure their proper interpretation and application.

Effective date: June 27, 1952.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9427; Filed, Aug. 26, 1952; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10193]

HEART OF THE BLACK HILLS STATION

ORDER CONTINUING HEARING

In re application of John Daniels, Eli Daniels and Harry Daniels d/b as the Heart of the Black Hills Station, Rapid City, South Dakota; for modification of construction permit; Docket No. 10193, File No. BMP-5661.

The Commission having under consideration a motion filed August 15, 1952, by John Daniels, Eli Daniels and Harry Daniels, doing business as the Heart of the Black Hills Station, Rapid City, South Dakota, for an indefinite continuance of the hearing on the above-entitled application now scheduled for September 22, 1952, in Washington, D. C.; and

It appearing that one of the issues in this proceeding relates to the coverage of the City of Rapid City, South Dakota; that applicant has now received permission from the Commission to take measurements from its present site to determine whether or not the city may be covered therefrom in accordance with the Standards or, if not, what portion of the city may be covered from that location; that these tests will be run in the next 60 days; that, if said tests establish that the conductivity is such that the city would be covered if the applicant operates as proposed at that location, the applicant will then file an application for reconsideration and grant; that, if the measurements which establish conductivity indicate that the city cannot be covered as required by the Standards, applicant will then seek another site and present an appropriate amendment therefor; that, in either event, a hearing on the application as presently scheduled would not conduce to the dispatch of the Commission's business or to the ends of justice and that additional time will be necesary to afford the applicant the opportunity to take said measurements and other steps as aforesaid and the applicant is unable to state specifically how much time would be required and has, therefore, requested an indefinite continuance; and

It appearing further that there are no other parties to this proceeding and that the Chief of the Broadcast Bureau of the Commission has no objection to a 90-day continuance of the hearing in this proceeding but objects to an indefinite continuance thereof; that, in view of the objections of the Broadcast Bureau to an indefinite continuance, movant has advised the Examiner that a 90-day continuance would be acceptable to applicant; that such a continuance of the hearing in this proceeding would conduce to the dispatch of the Commission's business and to the ends of justice;

It is ordered, This 15th day of August, 1952, that the motion for continuance is granted in part; and the hearing on the above-entitled application now scheduled for September 22, 1952, is continued to Monday, December 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 52-9410; Filed, Aug. 26, 1952; 8:48 a. m.]

[Change List No. 71]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

AUGUST 1, 1952.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

Call letters	Location	Power (kw)	Radiation	Time designation	Class	Probable date to commence operation
			570 kilocycles			
CHGB	Ste. Anne de la Pocatiere, Quebec (delete, vide 1350 kc.)	1	DA-N	U	III	
New	Edmundston, New Brunswick	1	DA-N	U	III	Aug. 1, 1953.
			690 kilocycles			
New	Jonquiere, Quebec	1	DA-1	U	III	Do.
			1170 kilocycles			
CFNS	Saskatoon, Saskatchewan (change in call from CHBD).	1	DA-1	U	II	
			1230 kilocycles			
CFRG	Gravelbourg, Saskatchewan	0.25	ND	U	IV	Now in operation.
CFYT	Dawson, Yukon Territory	0.25	ND	U	IV	Immediate.
			1400 kilocycles			
CFYT	Dawson, Yukon Territory (delete, vide 1230 kc.).	0.25	ND	U	IV	

[1] FCC NOTE: See Annex 3 to NARBA, Washington, 1950, for particulars of assignment on 1350 kc.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9411; Filed, Aug. 26, 1952; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1856]

SOUTH JERSEY GAS CO.

NOTICE OF ORDER DISALLOWING PROPOSED INCREASED RATES AND DISMISSING PROCEEDING

AUGUST 21, 1952.

Notice is hereby given that on August 20, 1952, the Federal Power Commission issued its order entered August 19, 1952, disallowing proposed increased rates and dismissing proceeding in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9379; Filed, Aug. 26, 1952; 8:45 a. m.]

[Project No. 236]

TOWN OF MONTICELLO, UTAH

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR); DISMISSING APPLICATIONS FOR AMENDMENT OF LICENSE; RESCINDING PRIOR ORDER

AUGUST 21, 1952.

Notice is hereby given that on August 20, 1952, the Federal Power Commission issued its order entered August 19, 1952, accepting surrender of license (Minor); dismissing applications filed January 27, 1947; January 31, 1949; March 14, 1949, and June 2, 1949, for amendment of license; and rescinding order of January 24, 1950 (15 F. R. 607) authorizing amendment of license in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9380; Filed, Aug. 26, 1952; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2918]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF PROPOSED CAPITAL CONTRIBUTION BY HOLDING COMPANY TO SUBSIDIARY

AUGUST 21, 1952.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating section 12 (b) of the act and Rules U-23 and U-45 thereunder as applicable to the proposed transaction, which is summarized as follows:

GPU proposes to make a $200,000 cash capital contribution to its subsidiary Northern Pennsylvania Power Company ("North Penn"), which contribution will be credited by North Penn to the stated capital applicable to its common stock.

It is stated that this contribution will assist North Penn with its construction program; that in 1951 GPU made a similar cash contribution of $300,000; that later in 1952 or early in 1953 North Penn expects to issue approximately $500,000 principal amount of additional First Mortgage Bonds in furtherance of said construction program; that GPU's contributions aforesaid will supply the common capital component of the projected senior security financing.

Declarant states that no Commission other than this Commission has jurisdiction over the proposed transaction.

It is requested that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than September 8, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9387; Filed, Aug. 26, 1952; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 18]

COTTON CARDING MACHINERY AND PARTS

NOTICE OF INVESTIGATION

The United States Tariff Commission, on the 21st day of August 1952 under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted on such products under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 372	Textile machinery, finished or unfinished, not specially provided for: Cotton carding machinery.
	Parts, not specially provided for, wholly or in chief value of metal or porcelain, of cotton carding machinery.

Inspection of application. An application for an investigation under section 7 with respect to cotton carding machinery classifiable under paragraph 372 of the Tariff Act of 1930, as modified, was filed August 12, 1952, in behalf of the American Textile Machinery Association, Whitinsville, Massachusetts.

The application is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C. and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 21st day of August 1952.

Issued: August 22, 1952.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 52-9420; Filed, Aug. 26, 1952; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27331]

OCEAN-RAIL CLASS RATES BETWEEN THE EAST AND THE SOUTHWEST

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedules listed below.

Involving: Class rates over ocean-rail routes on basis prescribed or approved in fourth supplemental report in docket 28300, decided May 19, 1952.

Between: North Atlantic ports and interior points in eastern seaboard territory, on the one hand, and New Orleans and Baton Rouge, La., Texas Gulf ports, and interior points in the Southwest, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-963; W. S. Jermain, Agent, I. C. C. Nos. 16 and 23; F. C. Kratzmeir, Agent, I. C. C. No. 4023; Newtex S. S. Corp., I. C. C. No. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9385; Filed, Aug. 26, 1952; 8:46 a. m.]

[4th Sec. Application 27332]

[4th Sec. Application 27333]

[4th Sec. Application 27334]

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[4th Sec. Application 27332]

RUBBER TIRES FROM EASTHAMPTON, MASS., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff I. C. C. No. 610.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic and parts, carloads.

From: Easthampton, Mass.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: I. N. Doe, Agent, I. C. C. No. 610, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9382; Filed, Aug. 26, 1952; 8:45 a. m.]

[4th Sec. Application 27333]

RUBBER TIRES FROM NEW HAVEN AND WEST HAVEN, CONN., TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff I. C. C. No. 610.

Commodities involved: Tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic and parts, carloads.

From: New Haven and West Haven, Conn.

To: Columbus and Macon, Ga., Dillon, S. C., Spray, N. C., and West Palm Beach, Fla.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; I. N. Doe, Agent, I. C. C. No. 610, Supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9383; Filed, Aug. 26, 1952; 8:46 a. m.]

[4th Sec. Application 27334]

PULPBOARD FROM FLORIDA ORIGINS TO PANAMA CITY, FLA.

APPLICATION FOR RELIEF

AUGUST 22, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atlantic Coast Line Railroad Company for itself and on behalf of Fort Myers Southern Railroad Company, Tampa Southern Railroad Company, and Atlanta & Saint Andrews Bay Railway Company.

Commodities involved: Pulpboard, carloads.

From: Points in Florida.

To: Panama City, Fla.

Grounds for relief: Competition with rail carriers and to meet intrastate rates.

Schedules filed containing proposed rates: ACL RR. tariff I. C. C. No. B-3281, Supp. 36.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9384; Filed, Aug. 26, 1952; 8:46 a. m.]

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FEDERAL REGISTER

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OF THE UNITED STATES

VOLUME 17 NUMBER 169

Washington, Thursday, August 28, 1952

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 702—AGRICULTURAL CONSERVATION PROGRAM; PUERTO RICO

SUBPART—1953

The United States Department of Agriculture is engaged in various activities to improve the soil and water resources of the farm lands in Puerto Rico. These include research, educational efforts, and technical and financial assistance as effective means of bringing about increased use of soil and water resources.

Conservation farming is the only effective method of using the farm land for achieving crop improvement and, at the same time, maintaining the productive capacity of the soil so as to assure the needed increased production for the future. The purpose of the 1953 Agricultural Conservation Program is to assist farmers in planning and carrying out conservation activities which will bring about increased agricultural production and development and better use of Puerto Rico's water resources.

INTRODUCTION

Sec.
702.300 Introduction.

CONTROL OF FUNDS

702.301 Maximum farm payment.
702.302 Adjustments.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

702.306 Development of the Agricultural Conservation Program.
702.307 Selection of practices.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

702.310 Conservation practices and rates of assistance.
702.311 Practice 1: Applying ground limestone, or its equivalent, to farm land, except to coffee groves and any land within sugarcane farms.
702.312 Practice 2: Applying superphosphate as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except pastures within sugarcane farms.
702.313 Practice 3: Applying potash as such, or contained in mixed fertilizer, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except to pastures within sugarcane farms.
702.314 Practice 4: Applying to coffee trees fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available P_2O_5.
702.315 Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.
702.316 Practice 6: Planting sweetpotatoes as a cover crop immediately after tobacco is harvested.
702.317 Practice 7: Establishing permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses, or other adapted forage plants.
702.318 Practice 8: Establishing a cover of tropical kudzu for soil building or erosion control.
702.319 Practice 9: Brushing pasture.
702.320 Practice 10: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.
702.321 Practice 11: Planting fruit trees for erosion control.
702.322 Practice 12: Planting adapted trees or shrubs for windbreaks, gully control, and/or forest purposes.
702.323 Practice 13: Establishing stripcropping.
702.324 Practice 14: Establishing water disposal areas by constructing protected outlet channels or establishing permanent grasses or legumes in either natural waterways or in other predetermined locations for carrying runoff water from ditches or terrace systems.
702.325 Practice 15: Constructing continuous terraces for protection against erosion.
702.326 Practice 16: Establishing field diversion ditches to carry surface runoff water on land of 10 percent or more slope in coffee groves or planted to intertilled crops, except sugarcane, or for the protection of cultivated fields against the inflow of runoff water from other areas.
702.327 Practice 17: Constructing permanent open farm drainage ditches.
702.328 Practice 18: Establishing an adequate system of hillside ditches to carry surface runoff water from land of 10 percent up to 45 percent slope planted in intertilled crops, except sugarcane, and in orchards.

(Continued on p. 7831)

CONTENTS

Agriculture Department — Page
See Commodity Credit Corporation; Production and Marketing Administration.

Alien Property, Office of
Notices:
Vesting orders, etc.:
Beyer, William T. — 7870
Boedecker, Elisabeth, et al. — 7871
Donath, Friedrich Otto — 7871
Langer, Luise — 7874

Commodity Credit Corporation
Notices:
Chairmen and Acting Chairmen of PMA county committees; delegation of authority to act as contracting officers with respect to purchase of hay under the Drought Emergency Program, 1952 — 7866

Commerce Department
See Federal Maritime Board; National Production Authority.

Defense Department
Placement of procurement with the Shipbuilding Industry; notification to Department and General Services Administration (*see* Defense Mobilization, Office of).

Defense Mobilization, Office of
Notices:
Placement of procurement with the Shipbuilding Industry; notification to Department of Defense and General Services Administration — 7868

Economic Stabilization Agency
See Price Stabilization, Office of; Rent Stabilization, Office of; Salary Stabilization Board.

Education, Office of
Rules and regulations:
Financial assistance for current expenditures for public schools in areas affected by Federal activities; fiscal year appropriations; deadline for applications and payments — 7857

Federal Maritime Board
Rules and regulations:
Entrance standards; uniforms, textbooks and subsistence — 7860

FEDERAL REGISTER

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Parts 1–699 ($5.00)

Part 700 to end ($5.25)

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Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Power Commission — Page
Notices:
Hearings, etc.:
Atlantic Seaboard Corp. and Virginia Gas Transmission Corp. — 7867
Mississippi Valley Gas Co. and Mississippi Gas Co. — 7867
Natural Gas Pipeline Co. of America — 7867
Panhandle Eastern Pipe Line Co. et al. — 7866
Tennessee Gas Transmission Co. — 7867

Federal Security Agency
See Education, Office of.

General Services Administration — Page
Placement of procurement with the Shipbuilding Industry; notification to Department of Defense and Administration (*see* Defense Mobilization, Office of).

Interior Department
See also International Whaling Commission; Land Management, Bureau of.
Notices:
Assistant Director, Geological Survey et al.; delegation of authority to act as Director — 7866

Internal Revenue Bureau
Rules and regulations:
Taxes relating to machine guns and certain other firearms — 7842

International Whaling Commission
Rules and regulations:
Whaling — 7861

Interstate Commerce Commission
Notices:
Applications for relief:
Alumina from Bauxite, Ark., to Michigan City, Ind. — 7874
Coal from Lake Superior docks in Wisconsin to Minnesota — 7875
Crude rubber from Port Neches, Tex., to Natchez, Miss. — 7876
Furfural from Memphis, Tenn., to points in official territory — 7874
Iron or steel pipe from Galveston, Houston, and Orange, Tex., to Havana and Quincy, Ill. — 7875
Logs from Bowling Green and Scottsville, Ky., to Altavista, Va. — 7874
Magnesium metal or alloy from Velasco, Tex., to Bay City and Midland, Mich. — 7875
Prefabricated houses from Tulsa, Okla., to Wyoming — 7875
Sulphuric acid from Norco, La., to Moultrie, Ga. — 7876

Justice Department
See Alien Property, Office of.

Labor Department
See Public Contracts Division.

Land Management, Bureau of
Notices:
Alaska; shorespace restoration orders (3 documents) — 7864, 7865
Arizona; notice of filing of plats of survey — 7865

National Production Authority
Rules and regulations:
Third quarter authorized controlled materials orders for oil country tubular goods; priority assistance for:
Foreign petroleum operations (M-46A, Dir. 2) — 7854
Petroleum and gas industries in the United States and Canada (M-46, Dir. 4) — 7854

Price Stabilization, Office of — Page
Notices:
Regions V, VIII, and XII; list of community ceiling price orders — 7868
Rules and regulations:
Adjustments for wholesalers and retailers under section 402 (k) of the act (GOR 33) — 7852

Production and Marketing Administration
Rules and regulations:
Agricultural conservation program; 1953:
Puerto Rico — 7829
Virgin Islands — 7836
Hops grown in Oregon, California, Washington, and Idaho and hop products produced therefrom in these States, handling of; salable quantity of 1952 crop hops — 7841
Milk handling in Chicago, Ill., marketing area — 7840

Public Contracts Division
Proposed rule making:
Prevailing minimum wage for Aviation Textile Products Industry; notice of postponement of hearing date — 7864

Rent Stabilization, Office of
Rules and regulations:
Defense rental areas; California and Oklahoma:
Hotels — 7854
Housing — 7854
Motor courts — 7854
Rooms — 7854

Salary Stabilization Board
Rules and regulations:
Stabilization and general adjustments of salaries and other compensation (GSSR 1) — 7853

Securities and Exchange Commission
Notices:
Hearings, etc.:
Chemical Fund, Inc. — 7868
Duquesne Light Co. — 7869
Southern Natural Gas Co. — 7869
Utah Power & Light Co. — 7869

Tariff Commission
Notices:
Screen-printed silk scarves; notice of investigation — 7870

Treasury Department
See also Internal Revenue Bureau.
Notices:
Director, Bureau of Engraving and Printing; delegation of authority to negotiate certain contracts — 7864

Veterans' Administration
Rules and regulations:
Veterans claims:
Application for benefits; adjustment of award of veteran upon termination of institutionalization — 7854
Conditions which determine dependency — 7855
Miscellaneous amendments — 7856

CONTENTS—Continued

Veterans' Administration—Con. — Page
Rules and regulations—Con.
Vocational rehabilitation and education; education and training; miscellaneous amendments — 7857

War Claims Commission
Rules and regulations:
Receipt, adjudication and payment of claims:
Entitlement to award; prisoners of war compensation; miscellaneous amendments — 7859
Filing of claims and procedures therefor; time within which claims may be filed; official forms — 7858
Payment; payment under the War Claims Act — 7860
Provisions of general application; persons under legal disability — 7858

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 7	Page
Chapter VII:	
Part 702	7829
Part 703	7836
Chapter IX:	
Part 941	7840
Part 986	7841
Title 26	
Chapter I:	
Part 319	7842
Title 32A	
Chapter III (OPS):	
GOR 33	7852
Chapter IV:	
Subchapter A (SSB):	
GSSR 1	7853
Chapter VI (NPA):	
M-46, Dir. 4	7854
M-46A, Dir. 2	7854
Chapter XXI (ORS):	
RR 1	7854
RR 2	7854
RR 3	7854
RR 4	7854
Title 38	
Chapter I:	
Part 3 (3 documents)	7854–7856
Part 21	7857
Title 41	
Chapter II:	
Part 202 (proposed)	7864
Title 45	
Chapter I:	
Part 105	7857
Chapter V:	
Part 505	7858
Part 506	7858
Part 507	7859
Part 508	7860
Title 46	
Chapter II:	
Part 310	7860
Title 50	
Chapter III:	
Part 351	7861

Sec.
702.329 Practice 19: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.
702.330 Practice 20: Planting vegetative barriers on land of 10 percent or more slope.
702.331 Practice 21: Constructing wells for supplying water for livestock.
702.332 Practice 22: Constructing and maintaining throughout 1953 individual terraces around coffee trees.
702.333 Practice 23: Constructing and maintaining throughout 1953 individual catch pits on the upper side of the coffee trees.

PAYMENTS

702.341 Division of payments.
702.342 Increase in small payments.
702.343 Payments limited to $2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

702.346 Maintenance of practices.
702.347 Practices defeating purposes of programs.
702.348 Depriving others of payment.
702.349 Filing of false claims.
702.350 Misuse of purchase orders.
702.351 Payment computed and made without regard to claims.
702.352 Assignments.
702.353 Practices carried out with State or Federal aid.
702.354 Compliance with regulatory measures.

APPLICATION FOR PAYMENT

702.361 Persons eligible to file application.
702.362 Time and manner of filing application and information required.

APPEALS

702.366 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

702.371 Bulletins, instructions, and forms.

DEFINITIONS

702.376 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

702.381 Authority.
702.382 Availability of funds.
702.383 Applicability.

AUTHORITY: §§ 702.300 to 702.383 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 702.300 *Introduction.* Assistance will be given to farmers carrying out conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

§ 702.301 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 702.302 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably, except that payment will be made in full for fertilizer furnished by the ACP Branch under a purchase order for carrying out the practice contained in § 702.314.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

§ 702.306 *Development of the Agricultural Conservation Program.* The 1953 program was developed by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Puerto Rico. The State Director of the Farmers Home Administration, the Director of the Agricultural Extension Service, and representatives of the Insular Department of Agriculture participated in the deliberations on the program. The program was recommended by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Puerto Rico, and was approved by the ACP Branch.

§ 702.307 *Selection of practices.* Practices included in the 1953 program are only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in the desired volume on the basis of conservation needs unless assistance is given therefor.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 702.310 *Conservation practices and rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the rates of assistance for the practices. Prior approval of the PMA State Office is required for the practices contained in §§ 702.319 to 702.331, and the approval must be given before the practice is carried out. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices.

(b) Of the permanent-type conservation practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 702.320, 702.321, 702.323 to 702.330. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). The practices listed in this paragraph are not considered to be the only permanent-type practices under the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for technical phases under Secretary's Memorandum 1276.

(c) The Forest Service is responsible for the technical phases of the practice contained in § 702.322. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the PMA State Office, determining compliance in meeting these specifications.

(d) Where the farmer expresses a need for, or the PMA State Office believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service or the Forest Service, the PMA State Office shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance.

(e) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the calendar year 1953 any of the conservation practices in this subpart.

§ 702.311 *Practice 1: Applying ground limestone, or its equivalent, to farm land, except to coffee groves and any land within sugarcane farms.* (a) Payment for the tonnage of ground limestone applied per acre is conditioned on a pH determination of the soil as follows:

(1) If the determination shows a pH of 5.2 or less, payment will be made for the application of up to 2 tons per acre.

(2) If the determination shows a pH of more than 5.2, but not more than 5.8, payment will be made for the application of up to 1 ton per acre.

(3) If the determination shows a pH of more than 5.8, no payment will be made.

(b) Receipts or invoices showing the purchase and calcium carbonate content of the limestone applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection, together with a copy of the pH determination issued by the Extension Service or any other agency deemed qualified for this purpose by the PMA State Office.

Maximum assistance. $3.50 per ton of ground limestone containing at least 80 percent calcium carbonate equivalent.

§ 702.312 *Practice 2: Applying superphosphate as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except pastures within sugarcane farms.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of the inspection.

Maximum assistance. $0.05 per pound of available phosphate (P_2O_5).

§ 702.313 *Practice 3: Applying potash as such, or contained in mixed fertilizer, to the kinds of permanent pastures specified in § 702.317 (Practice 7), except to pastures within sugarcane farms.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of the inspection.

Maximum assistance. $0.025 per pound of available potash (K_2O).

§ 702.314 *Practice 4: Applying to coffee trees fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available P_2O_5.* (a) Where the fertilizer applied on any farm does not meet such minimum requirements, the lower grades may be accepted if recommended and approved by the Advisory Committee for the respective community after proper investigation and if approved by the PMA State Office.

(1) The maximum quantity of fertilizer applied on a farm for which payment will be made shall be 600 pounds multiplied by the acreage terraced or to be terraced (or covered or to be covered with catch pits) within the 1953 designated parcel, plus the acreage terraced (or covered with catch pits) before 1953: *Provided*, That such sum is not more than twice the acreage terraced or to be terraced (or covered or to be covered with catch pits) within the 1953 designated parcel: *And provided further*, That such sum is not in excess of the total coffee acreage on the farm. To qualify for such payment, the coffee trees on the 1953 designated parcel must have been properly pruned and thinned, the forest litter properly maintained, and old or nonproductive coffee trees removed, all in accordance with specifications approved by the PMA State Office.

(2) No payment will be made under this practice for the application of fertilizer for which the Insular Government makes payment under any other program.

(3) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished by the ACP Branch as provided in paragraph (b) of this section), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) In order to facilitate the financing of the purchase of fertilizers for this practice only (not for §§ 701.312 and 701.313 (Practices 2 and 3)), the fertilizer may be furnished on purchase orders by the ACP Branch to producers for carrying out this practice. Fertilizer may not be furnished to producers whose names are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its right to set-off in order to permit the furnishing of fertilizer. Purchase orders may be obtained by filing an application for such orders. Applications are available at the district offices of the Production and Marketing Administration, Extension Service, local offices of the Insular Department of Agriculture and Commerce, and district offices of the Farmers Home Administration.

(c) Title to any materials distributed by the ACP Branch shall vest in the ACP Branch until the material is applied, or all charges for the material are satisfied.

(d) The producer shall pay that part of the cost of the material, as established by the ACP Branch, which is in excess of the credit for the use of the material in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials may be advanced as a credit against that part of the cost required to be paid by the producer.

(e) A deduction shall be made for materials furnished by the ACP Branch from the payment of the producer to whom materials are furnished. The deduction shall be the sum of the credit value of the conservation materials furnished and any amount of small payment increase advanced to the producer.

(f) If the producer misuses any material furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of small payment increase advanced to the producer, for the material misused shall be made. Materials will be considered as misused in the following instances:

(1) Where the PMA State Office determines that any conservation material has been applied to a crop other than coffee, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the PMA State Office determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(3) Where the PMA State Office determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(4) Where the PMA State Office is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(g) If the deduction for the materials exceeds the payment for the producer to whom the materials are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(h) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the PMA State Office, be transferred to another producer or otherwise disposed of by the PMA State Office at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

Maximum assistance. 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the PMA State Office.

§ 702.315 *Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.* (a) The filter cake must be evenly spread over the area to which it is applied, preferably by plowing it into the land. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the quantity of filter cake to be applied to the land must be inspected by a PMA inspector before the filter cake is plowed into the land or otherwise spread over the land. Farms from which more than 100 acres of sugarcane are harvested in 1953, and any sugarcane farm operated by a producer-processor, as such term is defined under the Sugar Program, regardless of the sugarcane acreage harvested in 1953, are not eligible for payment under this practice.

(b) No payment will be made for the application of more than 20 tons of filter cake per acre.

Maximum assistance. (1) $0.50 per ton for application on sugarcane land.

(2) $1 per ton for application on other lands.

§ 702.316 *Practice 6: Planting sweetpotatoes as a cover crop immediately after tobacco is harvested.* The plants must be spaced close enough to secure a complete cover of the whole area planted, and the planting must be on the contour.

Maximum assistance. (1) $4 per acre if the variety U. P. R. No. 3 is planted.

(2) $3 per acre if other varieties are planted.

§ 702.317 *Practice 7: Establishing permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses, or other adapted forage plants.* (a) The land must be suitably prepared and sufficient slips, cuttings, or seed used to assure a good ground cover at maturity. The variety of grasses must be well adapted to conditions of the particular area to be planted. Any of the following varieties, and other similar plants approved by the PMA State Office, may be used for this purpose: Malojillo (Para grass), Malojilla, Molasses grass, Elephant grass, Merker grass, Guatemala grass, millet, Pangola, Guinea grass, tropical kudzu, Roselawn St. Augustine.

(b) Where pasture is established by using seed, the rates of seeding should be not less than 12 pounds per acre, except for tropical kudzu, where the rate of seeding should be not less than 5 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings per acre should be used.

Maximum assistance. (1) $6 per acre when tropical kudzu is planted in pure stands.

(2) $5 per acre when any of the varieties listed above, other than tropical kudzu, or similar plants approved by the PMA State Office are planted.

§ 702.318 *Practice 8: Establishing a cover of tropical kudzu for soil building or erosion control.* The land must be suitably prepared and seeded at the rate of not less than 5 pounds per acre.

Maximum assistance. $6 per acre.

§ 702.319 *Practice 9: Brushing pasture.* Elimination by uprooting of all competitive shrubs and plants. In order to qualify for payment all competitive shrubs or plants such as the following must be eliminated: Santa Maria, Zarcas, Tunas, Margarita, Albabaca, Cadillo, Jaraguazo, Guayaba. No assistance will be given for carrying out this practice on any acreage for which assistance for controlling or eliminating the same competitive plants was given under a previous program. No assistance will be given if it is determined that the area is overgrazed.

Maximum assistance. $2 per acre.

§ 702.320 *Practice 10: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.* No assistance will be given for cleaning or maintaining an existing structure or for repairs or maintenance of a dam or reservoir. Ponds or reservoirs for livestock water may be approved only where needed to obtain proper distribution of livestock and prevent overgrazing.

Maximum assistance. (1) $0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) $10 per cubic yard of concrete used in the construction of a dam.

(3) $0.12 per cubic yard of earth moved in the excavation of a reservoir.

§ 702.321 *Practice 11: Planting fruit trees for erosion control.* Trees must be planted on the contour and protected from fire and grazing. Payment will be made for not more than 200 fruit trees planted on a farm. A permanent cover of grass, legumes, or mulch must be maintained under the trees.

Maximum assistance. $0.10 per tree.

§ 702.322 *Practice 12: Planting adapted trees or shrubs for windbreaks, gully control, and/or forest purposes.* When trees are planted for forest purposes, they must be planted on the contour. All plantings must be protected from fire and grazing.

Maximum assistance. $2 per 100 trees or shrubs.

§ 702.323 *Practice 13: Establishing stripcropping.* Planting of alternate strips of clean-tilled crops and nonculti-vated grasses or legumes which will prevent soil washing. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. No assistance will be given under this practice on the same area for which assistance was given for stripcropping under previous programs.

Maximum assistance. $3 per acre.

§ 702.324 *Practice 14: Establishing water disposal areas by constructing protected outlet channels or establishing permanent grasses or legumes in either natural waterways or in other predetermined locations for carrying runoff water from ditches or terrace systems.* Either type of outlet must be vegetated with the sod-forming grasses listed in § 702.329 (Practice 19) prior to use with companion practices, such as terraces, hillside and/or diversion ditches. When natural waterways are not used, the measurements of constructed channels shall not average less than 24, 18, and 22 inches, respectively. The cross section of the constructed channel shall not average less than 3.5 square feet.

Maximum assistance. (1) $0.75 per 1,000 square feet when established by shaping and seeding.

(2) $3.25 per 1,000 square feet when established by shaping and sodding.

(3) $1.50 per 100 linear feet when a channel is constructed and vegetation established.

§ 702.325 *Practice 15: Constructing continuous terraces for protection against erosion.* In order to qualify for payment, a channel or Nichols type terrace shall be constructed on land having a slope of from 2 to 15 percent. The water-carrying cross-sectional area of the channel, depending upon the slope of the land, may vary from 5½ square feet on land of 15 percent slope to 8 square feet on land of 2 percent slope. Necessary outlets and waterways in accordance with specifications for § 702.327 (Practice 17) must be provided before the terraces are constructed. The vertical distances between terraces on the various slopes shall be as follows:

Slope of land (percent):	Vertical distances between terraces
2	2 feet 9 inches
3	3 feet 0 inches
4	3 feet 3 inches
5	3 feet 6 inches
6	3 feet 9 inches
7	4 feet 0 inches
8	4 feet 3 inches
9	4 feet 6 inches
10	4 feet 9 inches
11	5 feet 0 inches
12	5 feet 3 inches
13	5 feet 6 inches
14	5 feet 9 inches
15	6 feet 0 inches

Maximum assistance. $1.25 per 100 linear feet.

§ 702.326 *Practice 16: Establishing field diversion ditches to carry surface runoff water on land of 10 percent or more slope in coffee groves or planted to intertilled crops, except sugarcane, or for the protection of cultivated fields against the inflow of runoff water from other areas.* In order to qualify for payment, field diversion ditches must be constructed in those locations adjacent to lands having a slope of 10 percent or more to prevent the overflow of runoff water from higher areas into the land to be protected. The cross section of the field diversion ditch shall average not less than 3.5 square feet and shall measure not less than 24, 18, and 22 inches, respectively, of width, depth, and side slope. No payment will be made for this practice unless water disposal areas, constructed in accordance with the specifications of § 702.324 (Practice 14), have been provided.

Maximum assistance. $1.25 per 100 linear feet.

§ 702.327 *Practice 17: Constructing permanent open farm drainage ditches.* Payment will be made for the construction or enlargement of farm drainage ditches. Ditches must be provided with adequate outlets and so constructed as to provide an effective drainage for the area to be drained. No payment will be made for permanent open farm drainage ditches constructed on sugarcane land.

Maximum assistance. $0.12 per cubic yard of earth moved.

§ 702.328 *Practice 18: Establishing an adequate system of hillside ditches to carry surface runoff water from land of 10 percent up to 45 percent slope planted in intertilled crops, except sugarcane, and in orchards.* Payment will be made when ditch systems have been constructed and necessary outlets and waterways provided in accordance with the recommendations of the Soil Conservation Service. The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep with a side slope of 1:1 on the lower side of the ditch.

Maximum assistance. $0.12 per cubic yard of earth moved.

§ 702.329 *Practice 19: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.* (a) Credit will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity.

(3) The barrier must be placed at least 6 inches above the upper edge of the ditch.

(4) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant grass, Merker grass, Guatemala grass, Guinea grass.

(ii) Sod-forming grasses: Bermuda grass, St. Augustine grass, Sour Paspalum grass, Carpet grass.

(iii) Any other adapted grasses or legumes approved by the PMA State Office which when planted singly or in combination will act as a barrier.

(b) The average width and depth of ditches cannot be less than 15 and 12 inches, respectively. The cross section of the channel shall average not less than 1.25 square feet. No assistance will be given for cleaning or maintaining a ditch.

Maximum assistance. $0.70 per 100 linear feet.

§ 702.330 *Practice 20: Planting vegetative barriers on land of 10 percent or more slope.* (a) Credit will be allowed when the grasses forming the barrier are planted in accordance with the following specifications:

(1) Any of the grasses listed under § 702.329 (Practice 19) may be used and must be planted along contour lines.

(2) The vertical distance between the barriers must not exceed 9 feet.

(3) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(4) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(b) No credit will be given under this practice if the barriers are constructed in connection with ditches under § 702.329 (Practice 19).

Maximum assistance. $0.30 per 100 linear feet.

§ 702.331 *Practice 21: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, or unless water is obtained.

Maximum assistance. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 702.332 *Practice 22: Constructing and maintaining throughout 1953 individual terraces around coffee trees.* Individual terraces around coffee trees should be constructed as nearly level as possible. Using the tree as an axis, the excavated area should have a radius of at least 3 feet on land having a slope of not more than 45 percent and of at least 2 feet on steeper slopes. The excavated soil should be used to fill in the slope below the tree. No payment will be made for construction of terraces on land having a slope of 2 percent or less. Payment will not be made for more than 450 terraces per acre, nor will payment be made if less than 300 terraces have been constructed per acre. Payment will not be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $2 per 100 terraces.

§ 702.333 *Practice 23: Constructing and maintaining throughout 1953 individual catch pits on the upper side of the coffee trees.* Catch pits must be from 30 to 42 inches long, 12 to 15 inches wide, and not less than 8 inches deep. No payment will be made for construction of catch pits on land having a slope of 2 percent or less. Catch pits must be constructed outside the maximum limit of the area covered by the branches of the coffee trees, but always at the upper side of the tree and on the contour. Where the nature of the soil and other local conditions make adherence to the foregoing specifications neither practicable nor desirable, such changes may be made as are recommended by the Advisory Committee for the community and approved by the PMA State Office. In such case the applicable payment per 100 catch pits shall be that recommended by the said Advisory Committee and approved by the PMA State Office, but in no event more than $1.75 per 100 catch pits. No payment will be made for more than 450 catch pits per acre nor will payment be made if less than 300 catch pits have been constructed per acre. No payment will be made for this practice if payment has been made by the Insular Government or under any other program.

Maximum assistance. $1.75 per 100 catch pits.

PAYMENTS

§ 702.341 *Division of payments*—(a) *Conservation practice payments.* The payment earned in carrying out the practice contained in § 702.314 with fertilizer furnished by the ACP Branch shall be credited to the producer to whom the fertilizer is furnished, and it shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the PMA State Office determines the producers contributed to the carrying out of the practices. In making this determination, the PMA State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the PMA State Office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 702.342 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$32 to $32.99	$10.40
$2 to $2.99	.80	$33 to $33.99	10.60
$3 to $3.99	1.20	$34 to $34.99	10.80
$4 to $4.99	1.60	$35 to $35.99	11.00
$5 to $5.99	2.00	$36 to $36.99	11.20
$6 to $6.99	2.40	$37 to $37.99	11.40
$7 to $7.99	2.80	$38 to $38.99	11.60
$8 to $8.99	3.20	$39 to $39.99	11.80
$9 to $9.99	3.60	$40 to $40.99	12.00
$10 to $10.99	4.00	$41 to $41.99	12.10
$11 to $11.99	4.40	$42 to $42.99	12.20
$12 to $12.99	4.80	$43 to $43.99	12.30
$13 to $13.99	5.20	$44 to $44.99	12.40
$14 to $14.99	5.60	$45 to $45.99	12.50
$15 to $15.99	6.00	$46 to $46.99	12.60
$16 to $16.99	6.40	$47 to $47.99	12.70
$17 to $17.99	6.80	$48 to $48.99	12.80
$18 to $18.99	7.20	$49 to $49.99	12.90
$19 to $19.99	7.60	$50 to $50.99	13.00
$20 to $20.99	8.00	$51 to $51.99	13.10
$21 to $21.99	8.20	$52 to $52.99	13.20
$22 to $22.99	8.40	$53 to $53.99	13.30
$23 to $23.99	8.60	$54 to $54.99	13.40
$24 to $24.99	8.80	$55 to $55.99	13.50
$25 to $25.99	9.00	$56 to $56.99	13.60
$26 to $26.99	9.20	$57 to $57.99	13.70
$27 to $27.99	9.40	$58 to $58.99	13.80
$28 to $28.99	9.60	$59 to $59.99	13.90
$29 to $29.99	9.80	$60 to $185.99	[1]
$30 to $30.99	10.00	$186 to $199.99	[2]
$31 to $31.99	10.20	$200 and over	[2]

[1] Increase to $200.
[2] No increase.

§ 702.343 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 702.346 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the PMA State Office determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 702.342.

§ 702.347 *Practices defeating purposes of programs.* If the PMA State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 702.348 *Depriving others of payment.* If the PMA State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program.

§ 702.349 *Filing of false claims.* If the PMA State Office finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.350 *Misuse of purchase orders.* If the PMA State Office finds that any producer has knowingly used a purchase order issued to him for conservation materials for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.351 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 702.352, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 702.352 *Assignments.* Any person who may be entitled to any payment under the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 702.353 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced, for purposes of payment, by the value of the aid, as determined by the PMA State Office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 702.354 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 702.361 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 702.362 *Time and manner of filing application and information required.* Notwithstanding any other provision of this subpart, cash payments amounting to less than $1 will not be made. Cash payments will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1954, except that the PMA State Office may accept an application filed after February 28, 1954, but not later than December 31, 1954, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1954. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the Production and Marketing Administration district offices and making copies available to the press.

APPEALS

§ 702.366 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the PMA State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The PMA State Office shall notify him of its decision in writing with 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the PMA State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the PMA State Office. Written notice of any decision rendered under this section by the PMA State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 702.371 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to Puerto Rico, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 702.376 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Puerto Rico.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Advisory Committee" means the persons, technicians, or others, designated by the PMA State Office and the Insular Department of Agriculture to form a committee for the community.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(h) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(i) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(j) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(k) "Sugarcane farm" means any farm that has sugarcane growing in 1953.

(l) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(m) "Designated parcel" means the acreage designated by the PMA State Office within the coffee-bearing area of a farm on which prescribed practices are to be carried out.

(n) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(o) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(p) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(q) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 702.381 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 702.382 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in Puerto Rico after December 31, 1954.

§ 702.383 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Puerto Rico or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9479; Filed, Aug. 27, 1952; 8:56 a. m.]

PART 703—AGRICULTURAL CONSERVATION PROGRAM; VIRGIN ISLANDS

SUBPART—1953

The United States Department of Agriculture is engaged in various activities to improve the soil and water resources of the farm lands in the Virgin Islands. These include research, educational efforts, and technical and financial assistance as effective means of bringing about increased use of soil and water resources.

Conservation farming is the only effective method of using the farm land for achieving crop improvement and, at the same time, maintaining the productive capacity of the soil so as to assure the needed increased production for the future. The purpose of the 1953 Agricultural Conservation Program is to assist farmers in planning and carrying out conservation activities which will bring about increased agricultural production and development and better use of the Islands' water resources.

INTRODUCTION

Sec.
703.200 Introduction.

CONTROL OF FUNDS

703.201 Maximum farm payment.
703.202 Adjustments.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

703.206 Development of the Agricultural Conservation Program.
703.207 Selection of practices.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

703.210 Conservation practices and rates of assistance.
703.211 Practice 1: Planting grasses on properly prepared land for permanent pastures.
703.212 Practice 2: Eradicating hurricane grass on range or pasture land.
703.213 Practice 3: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.
703.214 Practice 4: Constructing rock barriers to form bench terraces.

Sec.
703.215 Practice 5: Constructing wells for supplying water for livestock.

PAYMENTS

703.220 Division of payments.
703.221 Increase in small payments.
703.222 Payments limited to $2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

703.225 Maintenance of practices.
703.226 Practices defeating purposes of programs.
703.227 Depriving others of payment.
703.228 Filing of false claims.
703.229 Payment computed and made without regard to claims.
703.230 Assignments.
703.231 Practices carried out with State or Federal aid.
703.232 Compliance with regulatory measures.

APPLICATION FOR PAYMENT

703.240 Persons eligible to file application.
703.241 Time and manner of filing application and information required.

APPEALS

703.245 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

703.250 Bulletins, instructions, and forms.

DEFINITIONS

703.255 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

703.260 Authority.
703.261 Availability of funds.
703.262 Applicability.

AUTHORITY: §§ 703.200 to 703.262 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 703.200 *Introduction.* Assistance will be given to farmers carrying out conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

§ 703.201 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 703.202 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

§ 703.206 *Development of the Agricultural Conservation Program.* The 1953 program was developed by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the Virgin Islands. The State Director of the Farmers Home Administration and the Director of the Agricultural Extension Service participated in the deliberations on the program. The program was recommended by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in the Virgin Islands, and was approved by the ACP Branch.

§ 703.207 *Selection of practices.* Practices included in the 1953 program are only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in the desired volume on the basis of conservation needs unless assistance is given therefor.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 703.210 *Conservation practices and rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the rates of assistance for the practices. Prior approval of the PMA State Office is required for all practices contained in this subpart, and the approval must be given before the practice is carried out. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices.

(b) Of the permanent-type practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 703.213 and 703.214. This responsibility shall include (1) a finding that the the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278. Where the farmer expresses a need for, or the PMA State Office believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service, the PMA State Office shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance.

(c) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the calendar year 1953 any of the conservation practices in this subpart.

§ 703.211 *Practice 1: Planting grasses on properly prepared land for permanent pastures.* Any of the following grasses, or other similar grasses approved by the PMA State Office, may be used: Guinea grass, molasses grass, Para grass, Barbados sour grass, Pangola, Bermuda grass, Roselawn St. Augustine grass, sour paspalum grass, or carpet grass. The land must be suitably prepared and sufficient quantities of slips, cuttings, or seeds used to assure a good stand at maturity. The varieties of grasses must be well adapted to conditions of the particular area to be planted. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings should be used per acre.

Maximum assistance. $4.50 per acre.

§ 703.212 *Practice 2: Eradicating hurricane grass on range or pasture land.* The eradication must be carried out by plowing or disking the whole area to a depth of at least 6 inches and double cuttings with heavy disk harrow at least twice at 30-day intervals. No payment will be made unless § 703.211 (Practice 1) is carried out on the same area. No assistance will be given for this practice if the PMA State Office determines that the area is overgrazed. No assistance will be given for carrying out this practice on any acreage for which assistance for eradicating hurricane grass was given under a previous program.

Maximum assistance. $3 per acre.

§ 703.213 *Practice 3: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.* No assistance will be given for maintaining an existing structure. This practice is applicable only to St. Thomas and St. John Islands.

Maximum assistance. (1) $12 per cubic yard of concrete structure.

(2) $7 per cubic yard of rubble masonry structure.

§ 703.214 *Practice 4: Constructing rock barriers to form bench terraces.* The barriers must be constructed in accordance with the recommendations of the Soil Conservation Service.

Maximum assistance. $1.50 per cubic yard of rock used.

§ 703.215 *Practice 5: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The practice will not be approved if the PMA State Office determines that the area to be served by the development is overgrazed. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, nor unless water is obtained.

Maximum assistance. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches or more in diameter.

Limitations. (1) Payment will be made only for wells which are 50 feet or more in depth.

(2) Payment will be made only for wells which are constructed by a contractor who has been approved by the PMA State Office.

(3) Payment will be made only for wells which are constructed in accordance with specifications approved by the PMA State Office.

(4) Payment will be made only for wells which are constructed in accordance with the recommendations of the Soil Conservation Service.

(5) Payment will be made only for wells which are constructed in accordance with the recommendations of the Geological Survey, United States Department of the Interior.

PAYMENTS

§ 703.220 *Division of payments.* Payments will be made to the person who bears the cost of the practice.

§ 703.221 *Increase in small payments.* Payments of $10 or less will be increased to $10.

§ 703.222 *Payments limited to $2,500.* The total payments to any person for the 1953 program shall not exceed $2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 703.225 *Maintenance of practices.* Practices carried out under the 1953 program must be maintained for a reasonable period of time as determined by the PMA State Office.

§ 703.226 *Practices defeating purposes of programs.* No payment will be made for any practice carried out on any farm if the PMA State Office determines that the practice defeats the purposes of the program.

§ 703.227 *Depriving others of payment.* The PMA State Office may withhold or withdraw approval of any practice if it determines that the person who carried out the practice adopted any scheme or device which deprived, or tended to deprive, any other person of payment.

§ 703.228 *Filing of false claims.* The PMA State Office may withhold or withdraw approval of any practice if it determines that the person who carried out the practice has filed a false claim.

§ 703.229 *Payment computed and made without regard to claims.* In computing and making payments, no consideration will be given to claims against the person entitled to payment.

§ 703.230 *Assignments.* Any person who may be entitled to any payment may assign his right thereto, but assignments will not be recognized unless they are made in accordance with regulations prescribed by the Secretary.

§ 703.231 *Practices carried out with State or Federal aid.* Payment will be made for practices carried out with State or Federal aid only if the PMA State Office determines that the person who carried out the practice has borne the cost of the practice.

§ 703.232 *Compliance with regulatory measures.* Payment will be made only for practices carried out in accordance with regulatory measures.

APPLICATION FOR PAYMENT

§ 703.240 *Persons eligible to file application.* Any person who bears the cost of a practice carried out in accordance with the 1953 program may file an application for payment.

§ 703.241 *Time and manner of filing application and information required.* Applications for payment must be filed in the PMA State Office on or before December 31, 1953. Applications shall be filed in such manner and shall contain such information as may be required by the PMA State Office.

APPEALS

§ 703.245 *Appeals.* Any person may request reconsideration or appeal from any determination made under the 1953 program in accordance with the appeal regulations of the Production and Marketing Administration.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 703.250 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to Puerto Rico, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 703.255 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Puerto Rico.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Advisory Committee" means the persons, technicians, or others, designated by the PMA State Office and the Insular Department of Agriculture to form a committee for the community.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(h) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(i) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(j) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(k) "Sugarcane farm" means any farm that has sugarcane growing in 1953.

(l) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(m) "Designated parcel" means the acreage designated by the PMA State Office within the coffee-bearing area of a farm on which prescribed practices are to be carried out.

(n) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(o) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(p) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(q) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 703.261 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 703.262 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in Puerto Rico after December 31, 1954.

§ 703.263 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Puerto Rico or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9480; Filed, Aug. 27, 1952; 8:56 a. m.]

PART 705—AGRICULTURAL CONSERVATION PROGRAM; GUAM

SUBPART—1953

The United States Department of Agriculture is engaged in various activities to improve the soil and water resources of the farm lands in Guam. These include research, educational efforts, and technical and financial assistance as effective means of bringing about increased use of soil and water resources.

Conservation farming is the only effective method of using the farm land for achieving crop improvement and, at the same time, maintaining the productive capacity of the soil so as to assure the needed increased production for the future. The purpose of the 1953 Agricultural Conservation Program is to assist farmers in planning and carrying out conservation activities which will bring about increased agricultural production and development and better use of Guam's water resources.

INTRODUCTION

Sec.
705.200 Introduction.

CONTROL OF FUNDS

705.201 Maximum farm payment.
705.202 Adjustments.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

705.206 Development of the Agricultural Conservation Program.
705.207 Selection of practices.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

705.210 Conservation practices and rates of assistance.
705.211 Practice 1: Planting grasses on properly prepared land for permanent pastures.
705.212 Practice 2: Eradicating hurricane grass on range or pasture land.
705.213 Practice 3: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.
705.214 Practice 4: Constructing rock barriers to form bench terraces.
705.215 Practice 5: Constructing wells for supplying water for livestock.

PAYMENTS

705.220 Division of payments.
705.221 Increase in small payments.
705.222 Payments limited to $2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

705.225 Maintenance of practices.
705.226 Practices defeating purposes of programs.
705.227 Depriving others of payment.
705.228 Filing of false claims.
705.229 Payment computed and made without regard to claims.
705.230 Assignments.
705.231 Practices carried out with State or Federal aid.
705.232 Compliance with regulatory measures.

APPLICATION FOR PAYMENT

705.240 Persons eligible to file application.
705.241 Time and manner of filing application and information required.

APPEALS

705.245 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

705.250 Bulletins, instructions, and forms.

DEFINITIONS

705.255 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

705.260 Authority.
705.261 Availability of funds.
705.262 Applicability.

AUTHORITY: §§ 705.200 to 705.262 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 705.200 *Introduction.* Assistance will be given to farmers carrying out conservation practices under the 1953 Agricultural Conservation Program (referred to in this subpart as the 1953 program) in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

§ 705.201 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 705.202 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably.

DEVELOPMENT OF THE AGRICULTURAL CONSERVATION PROGRAM AND SELECTION OF PRACTICES

§ 705.206 *Development of the Agricultural Conservation Program.* The 1953 program was developed by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Guam. The State Director of the Farmers Home Administration and the Director of the Agricultural Extension Service participated in the deliberations on the program. The program was recommended by the PMA State Office, the State Director of the Soil Conservation Service, and the Forest Service official having jurisdiction of farm forestry in Guam, and was approved by the ACP Branch.

§ 705.207 *Selection of practices.* Practices included in the 1953 program are only those which, by maintaining or increasing soil fertility, controlling and preventing soil erosion caused by wind or water, encouraging conservation and better agricultural use of water, conserving and increasing range and pasture forage, or conserving and improving farm woodland, contribute to increased or sustained production of needed agricultural commodities. The practices included are those which will not be carried out in the desired volume on the basis of conservation needs unless assistance is given therefor.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 705.210 *Conservation practices and rates of assistance.* (a) This subpart contains a general description of the conservation practices of the 1953 program and the rates of assistance for the practices. Prior approval of the PMA State Office is required for all practices contained in this subpart, and the approval must be given before the practice is carried out. Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices.

(b) Of the permanent-type practices authorized under this subpart, the Soil Conservation Service is responsible for the technical phases of the permanent-type practices contained in §§ 705.213 and 705.214. This responsibility shall include (1) a finding that the the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and lay-out work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land). The practices listed in this paragraph are not considered to be the only permanent-type practices in the program. However, it is hereby determined that they are the only practices in the 1953 program for which the Soil Conservation Service has been delegated responsibility for the technical phases under Secretary's Memorandum 1278. Where the farmer expresses a need for, or the PMA State Office believes that the farmer will need, technical assistance in connection with the carrying out of any practice other than those for which the responsibility for technical phases is delegated to the Soil Conservation Service, the PMA State Office shall encourage the farmer to avail himself of the technical assistance available from the Soil Conservation Service, the Forest Service, the Extension Service, or any other Federal agency or State agency in position to supply such assistance.

(c) Payment will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the calendar year 1953 any of the conservation practices in this subpart.

§ 705.211 *Practice 1: Planting grasses on properly prepared land for permanent pastures.* Any of the following grasses, or other similar grasses approved by the PMA State Office, may be used: Guinea grass, molasses grass, Para grass, Barbados sour grass, Pangola, Bermuda grass, Roselawn St. Augustine grass, sour paspalum grass, or carpet grass. The land must be suitably prepared and sufficient quantities of slips, cuttings, or seeds used to assure a good stand at maturity. The varieties of grasses must be well adapted to conditions of the particular area to be planted. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings should be used per acre.

Maximum assistance. $4.50 per acre.

§ 705.212 *Practice 2: Eradicating hurricane grass on range or pasture land.* The eradication must be carried out by plowing or disking the whole area to a depth of at least 6 inches and double cuttings with heavy disk harrow at least twice at 30-day intervals. No payment will be made unless § 705.211 (Practice 1) is carried out on the same area. No assistance will be given for this practice if the PMA State Office determines that the area is overgrazed. No assistance will be given for carrying out this practice on any acreage for which assistance for eradicating hurricane grass was given under a previous program.

Maximum assistance. $3 per acre.

§ 705.213 *Practice 3: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.* No assistance will be given for maintaining an existing structure. This practice is applicable only to St. Thomas and St. John Islands.

Maximum assistance. (1) $12 per cubic yard of concrete structure.

(2) $7 per cubic yard of rubble masonry structure.

§ 705.214 *Practice 4: Constructing rock barriers to form bench terraces.* The barriers must be constructed in accordance with the recommendations of the Soil Conservation Service.

Maximum assistance. $1.50 per cubic yard of rock used.

§ 705.215 *Practice 5: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The practice will not be approved if the PMA State Office determines that the area to be served by the development is overgrazed. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, nor unless water is obtained.

Maximum assistance. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches or more in diameter.

Limitations. (1) Payment will be made only for wells which are 50 feet or more in depth.

(2) Payment will be made only for wells which are constructed by a contractor who has been approved by the PMA State Office.

(3) Payment will be made only for wells which are constructed in accordance with specifications approved by the PMA State Office.

(4) Payment will be made only for wells which are constructed in accordance with the recommendations of the Soil Conservation Service.

(5) Payment will be made only for wells which are constructed in accordance with the recommendations of the Geological Survey, United States Department of the Interior.

PAYMENTS

§ 705.220 *Division of payments.* Payments will be made to the person who bears the cost of the practice.

§ 705.221 *Increase in small payments.* Payments of $10 or less will be increased to $10.

§ 705.222 *Payments limited to $2,500.* The total payments to any person for the 1953 program shall not exceed $2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 705.225 *Maintenance of practices.* Practices carried out under the 1953 program must be maintained for a reasonable period of time as determined by the PMA State Office.

§ 705.226 *Practices defeating purposes of programs.* No payment will be made for any practice carried out on any farm if the PMA State Office determines that the practice defeats the purposes of the program.

§ 705.227 *Depriving others of payment.* The PMA State Office may withhold or withdraw approval of any practice if it determines that the person who carried out the practice adopted any scheme or device which deprived, or tended to deprive, any other person of payment.

§ 705.228 *Filing of false claims.* The PMA State Office may withhold or withdraw approval of any practice if it determines that the person who carried out the practice has filed a false claim.

§ 705.229 *Payment computed and made without regard to claims.* In computing and making payments, no consideration will be given to claims against the person entitled to payment.

§ 705.230 *Assignments.* Any person who may be entitled to any payment may assign his right thereto, but assignments will not be recognized unless they are made in accordance with regulations prescribed by the Secretary.

§ 705.231 *Practices carried out with State or Federal aid.* Payment will be made for practices carried out with State or Federal aid only if the PMA State Office determines that the person who carried out the practice has borne the cost of the practice.

§ 705.232 *Compliance with regulatory measures.* Payment will be made only for practices carried out in accordance with regulatory measures.

APPLICATION FOR PAYMENT

§ 705.240 *Persons eligible to file application.* Any person who bears the cost of a practice carried out in accordance with the 1953 program may file an application for payment.

§ 705.241 *Time and manner of filing application and information required.* Applications for payment must be filed in the PMA State Office on or before December 31, 1953. Applications shall be filed in such manner and shall contain such information as may be required by the PMA State Office.

APPEALS

§ 705.245 *Appeals.* Any person may request reconsideration or appeal from any determination made under the 1953 program in accordance with the appeal regulations of the Production and Marketing Administration.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 705.250 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to Guam, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 705.255 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Guam.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Advisory Committee" means the persons, technicians, or others, designated by the PMA State Office and the Insular Department of Agriculture to form a committee for the community.

(g) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(h) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(i) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(j) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(k) "Sugarcane farm" means any farm that has sugarcane growing in 1953.

(l) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(m) "Designated parcel" means the acreage designated by the PMA State Office within the coffee-bearing area of a farm on which prescribed practices are to be carried out.

(n) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(o) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(p) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(q) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 705.261 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 705.262 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in Guam after December 31, 1954.

§ 705.263 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Guam or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9481; Filed, Aug. 27, 1952; 8:56 a. m.]

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

PAYMENTS

§ 703.220 *Division of payments*—(a) *Conservation practice payments.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the PMA State Office determines the producers contributed to the carrying out of the practices. In making this determination, the PMA State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of such practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the PMA State Office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP–122).

§ 703.221 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to $0.71 or less shall be increased to $1.

(b) Any payment amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any payment amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
$1 to $1.99	$0.40	$32 to $32.99	$10.40
$2 to $2.99	.80	$33 to $33.99	10.60
$3 to $3.99	1.20	$34 to $34.99	10.80
$4 to $4.99	1.60	$35 to $35.99	11.00
$5 to $5.99	2.00	$36 to $36.99	11.20
$6 to $6.99	2.40	$37 to $37.99	11.40
$7 to $7.99	2.80	$38 to $38.99	11.60
$8 to $8.99	3.20	$39 to $39.99	11.80
$9 to $9.99	3.60	$40 to $40.99	12.00
$10 to $10.99	4.00	$41 to $41.99	12.10
$11 to $11.99	4.40	$42 to $42.99	12.30
$12 to $12.99	4.80	$43 to $43.99	12.50
$13 to $13.99	5.20	$44 to $44.99	12.40
$14 to $14.99	5.60	$45 to $45.99	12.50
$15 to $15.99	6.00	$46 to $46.99	12.60
$16 to $16.99	6.40	$47 to $47.99	12.70
$17 to $17.99	6.80	$48 to $48.99	12.80
$18 to $18.99	7.20	$49 to $49.99	12.90
$19 to $19.99	7.60	$50 to $50.99	13.00
$20 to $20.99	8.00	$51 to $51.99	13.10
$21 to $21.99	8.20	$52 to $52.99	13.20
$22 to $22.99	8.40	$53 to $53.99	13.30
$23 to $23.99	8.60	$54 to $54.99	13.40
$24 to $24.99	8.80	$55 to $55.99	13.50
$25 to $25.99	9.00	$56 to $56.99	13.60
$26 to $26.99	9.20	$57 to $57.99	13.70
$27 to $27.99	9.40	$58 to $58.99	13.80
$28 to $28.99	9.60	$59 to $59.99	13.90
$29 to $29.99	9.80	$60 to $185.99	14.00
$30 to $30.99	10.00	$186 to $199.99	(1)
$31 to $31.99	10.20	$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 703.222 *Payments limited to $2,500.* (a) The total of all payments made in connection with the 1953 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $2,500.

(b) All or any part of any payment which has been or otherwise would be made to any person under the 1953 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 703.225 *Maintenance of practices.* Any payment for the performance of approved conservation practices under the 1953 program will be subject to the condition that the person to whom the payment is made will maintain such practices in accordance with good farming practices. If the PMA State Office determines that any conservation practice carried out under the 1953 or any previous program is not maintained in accordance with good farming practices throughout the 1953 program year or the effectiveness of any such practice is destroyed during the 1953 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1953 practice rate or, if the practice is not offered in 1953, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 703.221.

§ 703.226 *Practices defeating purposes of programs.* If the PMA State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1953 or any previous program, it may withhold, or require to be refunded, all or any part of any payment which has been or would otherwise be made to such person under the 1953 program.

§ 703.227 *Depriving others of payment.* If the PMA State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him under the 1953 program.

§ 703.228 *Filing of false claims.* If the PMA State Office finds that any person has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 703.229 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 703.230, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 703.230 *Assignments.* Any person who may be entitled to any payment under the 1953 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1953. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 703.231 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced, for purposes of payment, by the value of the aid, as determined by the PMA State Office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 703.232 *Compliance with regulatory measures.* Producers who carry out conservation practices for assistance under the 1953 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The producer who receives assistance for the practice shall be responsible to the Federal Government for any losses it may sustain because the producer infringes on the rights of others or fails to comply with applicable laws.

APPLICATION FOR PAYMENT

§ 703.240 *Persons eligible to file application.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 703.241 *Time and manner of filing application and information required.* Notwithstanding any other provision of this subpart, cash payments amounting to less than $1 will not be made. Cash payments will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1954, except that the PMA State Office may accept an application filed after February 28, 1954, but not later than December 31, 1954, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1954. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting or another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1954. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the Production and Marketing Administration district offices and making copies available to the press.

APPEALS

§ 703.245. *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the PMA State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The PMA State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the PMA State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the PMA State Office. Written notice of any decision rendered under this section by the PMA State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 703.250 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1953 program as it applies to the Virgin Islands, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned in this subpart.

DEFINITIONS

§ 703.255 *Definitions.* For the purposes of the 1953 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means the Virgin Islands.

(e) "PMA State Office" means the Caribbean Area Office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(g) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the PMA State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(i) "Cropland" means farm land which in 1952 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(j) "Orchards" means the acreage in planted fruit trees, nut trees, vanilla plants, and banana plants.

(k) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(l) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(m) "Program year" means the period from January 1, 1953, through December 31, 1953.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 703.260 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q).

§ 703.261 *Availability of funds.* (a) The provisions of the 1953 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1953 program will not be available for the payment of applications filed in the Production and Marketing Administration district office in the Virgin Islands after December 31, 1954.

§ 703.262 *Applicability.* (a) The provisions of the 1953 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Virgin Islands or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9460; Filed, Aug. 27, 1952; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Chicago, Illinois, on April 14–17, 1952, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the said order, as amended, effective not later than September 1, 1952. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the market of an adequate supply of milk. Accordingly, any further delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Chicago, Illinois, marketing area. The provisions of the said amendatory order are well known to handlers—the public hearing having been held April 14–17, 1952, and the decision having been executed by the Secretary on August 13, 1952. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order amending the order, as amended,) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the said order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance and who, during the determined representative period (February 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Add the following as § 941.17:

§ 941.17 *Commercial food processor.* "Commercial food processor" means any person engaged in processing food other than milk or cream in fluid form or ice cream.

2. Delete in the introductory language of § 941.40 the phrase "paragraph (b) of this section" and substitute therefor the reference "§ 941.41".

3. Delete § 941.40 (b) and substitute therefor the following:

(b) Any milk moved as milk or skim milk in fluid form, or as bulk condensed or concentrated milk containing not less than 2 percent nor more than 12 percent butterfat, from a regulated plant to any plant located outside the following area, referred to in this subpart as the "surplus milk manufacturing area", shall be classified as Class I milk, any milk so moved as cream in fluid form, frozen cream, other cream frozen, plastic cream, powdered cream, or any cream product in fluid form, including any bulk condensed, concentrated or evaporated milk product containing more than 12 percent butterfat, shall be classified as Class II milk, and any milk so moved as any other milk product containing butterfat shall be classified according to the form in which it leaves the plant of shipment: The State of Wisconsin; the counties of Stark, Marshall, Woodford, Livingston, Ford, Iroquois, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Lake, Carroll, Ogle, De Kalb, Kane, Cook, Du Page, Whiteside, Lee, Rock Island, Henry, Bureau, Putnam, La Salle, Kendall, Grundy, Will, Kankakee, Peoria, McLean, Champaign, Shelby, and Knox, in the State of Illinois; the Counties of Benton, White, Cass, Miami, Howard, Carroll, Tippecanoe, Tipton, Clinton, Fountain, Warren, Parke, Vermillion, Vigo, Sullivan, Lake, Newton, Porter, Jasper, La Porte, Starke, Pulaski, St. Joseph, Marshall, Fulton, Kosciusko, Wabash, and Elkhart, in the State of Indiana; the Counties of Ottawa, Kent, Allegan, Barry, Calhoun, St. Joseph, Van Buren, Kalamazoo, Cass, and Berrien, in the State of Michigan; and the County of Van Wert in the State of Ohio: *Provided*, That any handler who causes producer milk to be delivered to a plant located outside the surplus milk manufacturing area during the period of a work stoppage at regulated plants due to a labor dispute between employer and employee, may request the market administrator in writing to classify such milk according to its utilization at the unregulated plant and the milk so delivered shall be classified under § 941.41 according to its utilization at the latter plant if (1) the market administrator determines that the volume of the Class I milk packaged by all pool plants as described in § 941.66 (a) has been reduced not less than 50 percent by such work stoppage, and (2) the unregulated plant makes its books and records of milk utilization available to the market administrator for audit verification purposes and the market administrator determines to his satisfaction that utilization of the milk so delivered can be established on the basis of adequate daily records. If the conditions described under subparagraphs (1) and (2) of this paragraph do not prevail the milk so delivered shall be classified as Class I milk.

4. Delete § 941.40 (d) and substitute therefor the following:

(d) Any milk moved as milk or skim milk in fluid form from a regulated plant to any unregulated plant located within the surplus milk manufacturing area which did not manufacture any of the products named in paragraph (c) of this section during the delivery period shall be classified as Class I milk, and any milk so moved as cream in fluid form shall be classified as Class II milk: *Provided*, That if such unregulated plant receives no milk, skim milk or cream from sources other than a regulated plant(s) and if satisfactory proof is furnished to the market administrator that any such milk, skim milk, or cream was in excess of the total amount used in Class I milk or Class II milk items, respectively (as defined in § 941.41) at the latter plant, such excess shall be classified according to its utilization.

5. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk solids, and condensed skim milk (the products specified in this subparagraph are referred to in this subpart as Class III (a) milk);

6. a. Delete from the introductory language of § 941.52 (c) the phrase "the highest of the prices resulting from the respective formulas set forth in subparagraphs (1) and (2) of this paragraph" and substitute therefor the following: "the higher of the prices resulting from the formulas set forth in subparagraph (1) of this paragraph".

b. Delete § 941.52 (c) (2).

7. Delete in § 941.61 the reference "§ 971.70" and substitute therefor the reference "§ 941.70".

8. Replace the period at the end of § 941.61 with a colon and add the following proviso: "*Provided*, That if no source is indicated by the handler which may be verified by the market administrator, the milk or milk products shall be deemed to be 'overrun' and subject to the provisions of § 941.62 rather than to the conditions of this section."

9. Delete the third proviso of § 941.66 (c).

10. Delete § 941.67 and substitute therefor the following:

§ 941.67 *Suspension of pool plants.* (a) Any plant described in § 941.66 (b) shall be suspended automatically as a pool plant, such suspension to be effective during each of the delivery periods of March through July inclusive of the next succeeding year, unless:

(1) At least 50 percent of the butterfat in milk or at least 50 percent of the pounds of milk received from producers at such plant during each of the delivery periods of September, October, and November is (i) shipped as milk, skim milk, or cream in fluid form to a regulated plant(s), or (ii) disposed of from such plant as Class I milk or Class II milk within the surplus milk manufacturing area other than to a regulated plant; or

(2) Such plant gives notice to the market administrator in writing that during each of the delivery periods of September, October, and November, it is willing to ship an amount of milk in fluid form to any regulated plant(s) which together with such amount of milk, skim milk, and cream as it disposes of as Class I milk or Class II milk within the surplus milk manufacturing area (including shipments to any such plant(s)) in said delivery period shall include not less than 50 percent of the butterfat or not less than 50 percent of the pounds of milk received from producers during the delivery period to which said offer applies: *Provided*, That

(i) Said notice shall contain at least the following information: The specific days on which the milk will be available; the amount of milk available on each of such days with the butterfat content thereof, and if such plant intends to offer its entire supply of milk for a particular day, the offer shall so state; and the price to be charged for the milk offered and the terms of sale;

(ii) Only those amounts of milk offered for sale on days that are at least 9 full days after the date on which said notice is postmarked shall be included in computing the total amount offered for the delivery period;

(iii) Only such amount of butterfat or product pounds which is sold on any day within the surplus milk manufacturing area as Class I milk or Class II milk as is in excess of the amount offered for sale on said day by said notice shall be considered in computing the amount actually sold on such day, but the entire amount of butterfat or product pounds so sold shall be considered if such sale occurs on a day on which no offer is made;

(iv) Only such amount of milk offered by said notice on any day shall be credited to the offer as is not in excess of the amount of milk received from producers on said day.

(3) Upon receipt of said notice the market administrator shall make the offer and terms thereof public by transmitting the same to all handlers not later than one business day after receiving the notice.

(4) Any handler who desires to accept an offer shall notify the offering plant, or the person whom the offering handler has designated as his agent to receive acceptance, of his willingness to accept such offer at least 4 days prior to the date on which the milk is available for purchase. If the offering plant or its agent refuses to sell and deliver the milk to the handler accepting the offer and such handler so notifies the market administrator, he shall verify the refusal to sell by communicating with the offering plant or its agent. If upon subsequent audit and investigation the market administrator determines that such milk had not actually been shipped to a regulated plant serving the marketing area, the offer for said day shall be considered null and void, and in determining the plant's compliance with this section consideration shall be given only to sales occurring on such day.

(5) In computing required percentages of milk, skim milk, and cream on a product pound basis any sales of concentrated milk or condensed skim milk to a regulated plant shall be based upon the quantity of the milk or skim milk used in its production rather than upon the quantity of concentrated milk or condensed skim milk sold.

(b) The market administrator shall maintain at his office a list of plants (including plant location and name of operator) suspended pursuant to this section which shall be made available to any interested person upon request and which he may from time to time transmit to all handlers in the market.

(c) Any milk or milk product received at a regulated plant from a plant during any period of suspension pursuant to this section shall be other source milk.

(d) Suspension of any pool plant shall not be terminated or affected by transfer of ownership through sale or otherwise.

11. Delete § 941.68 (a) and substitute therefor the following:

(a) Milk or any milk product disposed of within the Chicago, Illinois, marketing area (other than to a regulated plant) as any item of Class I milk or Class II milk from a plant receiving milk subject to the class price provisions of a marketing agreement or order issued pursuant to the act for another marketing area shall not be subject to the class price provisions of this subpart or to §§ 941.80 through 941.88.

12. Delete that portion of § 941.70 prior to paragraph (a) and substitute the following:

§ 941.70 *Net pool obligation(s) of handlers.* On or before the 14th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the report of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. A separate net pool obligation for Grade A milk and Grade B milk shall be computed for each handler (based upon his reports as corrected), as follows:

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 25th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9483; Filed, Aug. 27, 1952; 8:57 a. m.]

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

SALABLE QUANTITY OF 1952 CROP HOPS

Notice of proposed rule making with respect to the salable quantity of 1952 crop hops was published in the FEDERAL REGISTER of August 7, 1952 (17 F. R. 7187), pursuant to the provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986).

In said notice, in which it was proposed to fix the salable quantity of 1952 crop hops at 39,200,000 pounds, opportunity was afforded interested parties to submit to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C., written data, views, or arguments for consideration prior to final issuance of the administrative rule fixing the salable quantity. Four such documents were

submitted to the Department during the specified period. It was argued therein that the Hop Control Board estimate of 93 million barrels of beer as the production for the 12 months beginning September 1, 1952, is too high, and that consequently the estimate of domestic hop usage for brewing of 35,805,000 pounds for that period is too large. Views were also presented that the Board's estimate of exports of 9,500,000 pounds of hops during the aforesaid period was high, and that the normal use of hops in the United States for purposes other than brewing, estimated by the Board as 600,000 pounds for the period, was probably in excess of such usage. The information available to the Department does not substantiate these views. Therefore, the arguments submitted to the Department are not considered sufficient to justify changing the Board's estimates as set forth in connection with the proposed rule.

Views were also submitted to the effect that the contemplated reduction in brewers' stocks during the 12-month period, beginning September 1, 1952, of about 3 million pounds would not be sufficient to bring inventories down to a reasonable quantity. The Department recognizes that a further downward adjustment of inventory stocks of hops may be desirable, but a greater reduction than that contemplated by the Board during 1952–53 is not considered advisable. In reaching this conclusion, the Department has considered the fact that the salable quantity of 39,200,000 pounds for 1952 crop hops is 7,300,000 pounds less than the 1951 crop salable quantity; that a further reduction at this time of inventory stocks, and a corresponding reduction in the salable quantity, would result in cancellation of a substantial volume of sales of hops by growers under existing contracts. The present inventory of hop stocks includes approximately 1,900,000 pounds of 1950 crop hops and older, many of which are not considered suitable for use by brewers under present conditions. The stocks of hops suitable for use in brewing is therefore somewhat less than the total stocks reported.

Therefore, after consideration of all relevant matters, it is hereby ordered that:

§ 986.205 *Salable quantity of 1952 crop hops.* The maximum quantity of hops produced during 1952 which may be handled in the form of hops and in the form of any hop product shall be 39,200,000 pounds (net dry weight).

It is necessary to make this order effective upon publication in the FEDERAL REGISTER for the reason that the 1952 crop of hops is now being harvested. Shipments to market are about to begin and it is necessary to have the salable quantity fixed so that the handling of the crop may be properly regulated. No preparation for this regulation is required which cannot be completed prior to such effective date. Therefore, it is found and determined that good cause exists for not delaying the effective date of this regulation after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act; 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 22d day of August 1952 to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 52-9482; Filed, Aug. 27, 1952; 8:57 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 88]

PART 319—TAXES RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS

SUBPART A—SCOPE OF REGULATIONS

Sec.
319.1 Persons subject to taxes.
319.2 Other laws applicable.

SUBPART B—DEFINITIONS

319.5 Meaning of terms.
319.6 Commissioner.
319.7 Corporation.
319.8 Dealer.
319.9 Director.
319.10 Exportation.
319.11 Exporter.
319.12 Firearm.
319.13 Importation.
319.14 Importer.
319.15 Includes and including.
319.16 Insular possessions.
319.17 I. R. C.
319.18 Interstate commerce.
319.19 Machine gun.
319.20 Making of a firearm.
319.21 Manufacturer.
319.22 Muffler or silencer.
319.23 Partnership.
319.24 Partner.
319.25 Person.
319.26 Pistol.
319.27 Revolver.
319.28 Secretary.
319.29 Taxpayer.
319.30 To transfer or transferred.
319.31 United States.
319.32 U. S. C.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

PAYMENT OF TAX

319.35 Geographical scope of tax.
319.36 Rates of tax.
319.37 Registry, return, and payment of tax.
319.38 Tax payment evidenced by special tax stamp.
319.39 Superscription on stamp; transmittal to taxpayer.
319.40 Reort to Commissioner by Director issuing stamp.
319.41 Receipt in lieu of stamp forbidden.
319.42 Special tax stamp to be posted.
319.43 Certificates in lieu of stamps lost or destroyed.
319.44 Several places of business.
319.45 Dual occupations incur dual liability.
319.46 Partnership liability.

CHANGE OF OWNERSHIP

319.47 Changes through death of owner.
319.48 Changes through bankruptcy of owner.
319.49 Change in firm.
319.50 Change in corporation.

CHANGE OF BUSINESS LOCATION

Sec.
319.51 Notice by taxpayer.
319.52 Procedure by Director; removal within collection district.
319.53 Procedure by Director; removal to another collection district.

PENALTIES

319.54 Failure to pay special tax.
319.55 Failure to register change or removal.
319.56 Delinquency.
319.57 Fraudulent return.

APPLICATION OF STATE LAWS

319.58 State regulations.

RECORD OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION

319.59 Record 10.

SUBPART D—TAX ON MAKING FIREARMS

Sec.
319.65 Scope of tax.
319.66 Rate of tax.

DECLARATION OF INTENT TO MAKE A FIREARM

319.67 Written declaration.
319.68 Identification and character certification.
319.69 Requirements for approval of declaration.
319.70 Subsequent transfer of firearm.
319.71 Cancellation of stamp.

EXCEPTIONS TO TAX ON MAKING FIREARMS

319.72 Registered manufacturers.
319.73 Altering a firearm which has previously been taxed.
319.74 Making a firearm for use of Government agencies, peace officers, and Federal officers.

SUBPART E—TRANSFER TAX

319.80 Scope of tax.
319.81 Rate of tax.
319.82 Transfer tax in addition to import duty.

ORDER FORM FOR TRANSFER OF FIREARMS

319.83 Written order required for transfer of firearms.
319.84 Identification of applicant.
319.85 Identification of firearm.
319.86 Requirements for approval of application.
319.87 Subsequent transfer of firearm.
319.88 Cancellation.

EXEMPTION FROM USE OF ORDER FORMS

319.89 Special-tax payers.
319.90 Peace officers and Federal officers.
319.91 Application for exemption.
319.92 Responsibility of transferor for exempt status of transferee.

SUBPART F—REGISTRATION AND IDENTIFICATION OF FIREARMS

319.100 Registration of firearm.
319.101 Identification of firearms.

SUBPART G—IMPORTATION AND EXPORTATION

IMPORTATION

319.105 Procedure.
319.106 Importation into territory or possession.
319.107 Tax on transfer of imported firearm.

EXPORTATION

319.108 Application for exemption from tax.
319.109 Requirements for exemption from tax.
319.110 Refunds.
319.111 Insular possessions.

SUBPART H—RECORDS AND RETURNS

319.115 Records.
319.116 Returns.

SUBPART I—STOLEN OR LOST FIREARMS OR DOCUMENTS

Sec.
319.120 Stolen or lost firearms.
319.121 Stolen or lost documents.

SUBPART J—EXAMINATION OF BOOKS AND RECORDS

319.125 Failure to make returns; substitute returns.
319.126 Inspection of records.
319.127 Penalties (records and returns).

SUBPART K—DISTRIBUTION AND SALE OF STAMPS

319.130 Orders for stamps.
319.131 Stamps authorized.
319.132 Reuse of stamps prohibited.

SUBPART L—ASSESSMENT AND COLLECTION OF TAX

319.135 Assessment of taxes not paid by stamp.

SUBPART M—REDEMPTION OF OR ALLOWANCE FOR STAMPS OR REFUNDS

319.140 Procedure for redemption of or allowance for stamps.
319.141 Refunds.

AUTHORITY: §§ 319.1 to 319.141 issued under 53 Stat. 294, 467; 26 U. S. C. 2732, 3791. Statutory provisions interpreted or applied are cited to text in parentheses.

LAWS DEALING WITH THE TAXES RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS[1]

NATIONAL FIREARMS ACT

26 U. S. C. 2720 *Tax.* (a) *Rate.* There shall be levied, collected, and paid upon firearms transferred in the United States a tax at the rate of $200 for each firearm: *Provided,* That the transfer tax on any gun with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, shall be at the rate of $1. The tax imposed by this section shall be in addition to any import duty imposed on such firearm.

(b) *By whom paid.* Such tax shall be paid by the transferor.

(c) *How paid*—(1) *Stamps.* Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary.

(2) *Cross reference.* For assessment in case of omitted taxes payable by stamp, see sections 3311 and 3640.

(d) *Registration and special tax.* For requirements as to registration and special tax, see Part VIII of subchapter A of chapter 27.

26 U. S. C. 2721 *Exemptions.*—(a) *Transfers exempt.* This subchapter and Part VIII of subchapter A of chapter 27 shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity or ornament.

(b) *Notice of exemption.* If the transfer of a firearm is exempted as provided in subsection (a), the person transferring such firearm shall notify the Commissioner of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Commissioner such documents in proof thereof as the Commissioner may by regulations prescribe.

(c) *Other taxes.* For exemption from the tax on pistols and revolvers, see section 2700 (b) (2), and for exemption from the manufacturer's sales tax on firearms, see section 3407 of chapter 29.

26 U. S. C. 2722 *Stamps*—(a) *Affixing.* The stamps provided for in section 2720 (c) (1) shall be affixed to the order for such firearm, hereinafter provided for.

(b) *Other laws applicable.* For provisions relating to the engraving, issuance, sale, accountability, cancellation, and distribution of tax-paid stamps, see section 2731.

26 U. S. C. 2723 *Order forms*—(a) *General requirements.* It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27: *Provided,* That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

(b) *Contents of order form.* Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.

(c) *Documents to accompany transfers.* No person shall transfer a firearm unless such person, in addition to complying with subsection (b), transfers therewith (in compliance with such regulations as may be prescribed under this subchapter for proof of payment of all taxes on such firearm):

(1) For each prior transfer of such firearm which was subject to the tax imposed by section 2720 (a), the stamp-affixed order provided in this section, and

(2) For any making of such firearm which was subject to the tax imposed by section 2734 (a), the stamp-affixed declaration provided in section 2734.

(d) *Exemption in case of registered importers, manufacturers, and dealers.* Importers, manufacturers, and dealers who have registered and paid the tax as provided for in Part VIII of subchapter A of chapter 27 shall not be required to conform to the provisions of this section with respect to transactions in firearms with dealers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27.

(e) *Supply.* The Commissioner, with the approval of the Secretary, shall cause suitable forms to be prepared for the purposes of subsection (a), and shall cause the same to be distributed to collectors of internal revenue.

26 U. S. C. 2724 *Books, records, and returns.* Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this subchapter and Part VIII of subchapter A of chapter 27 as the Commissioner, with the approval of the Secretary, may by regulations require.

26 U. S. C. 2725 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

26 U. S. C. 2726 *Unlawful acts*—(a) *Possessing firearms unlawfully transferred or made.* It shall be unlawful for any person to receive or possess any firearm which has at any time been transferred in violation of section 2720, 2721 (b), 2722, 2723, 2727, or 2731 of this subchapter, or which has at any time been made in violation of section 2734 of this subchapter.

(b) *Removing or changing identification marks.* It shall be unlawful for anyone to obliterate, remove, change, or alter the number or other identification mark required by section 2725. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed, or altered, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such possession to the satisfaction of the jury.

(c) *Importing firearms illegally.* It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction * * *,[2] in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such firearm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such firearm, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains such possession to the satisfaction of the jury.

26 U. S. C. 2727 *Exportation.* Under such rules and regulations as the Commissioner with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under section 2720 has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter.

26 U. S. C. 2728 *Importation.* No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction * * *,[2] except that, under regulations prescribed by the Secretary, any firearm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

26 U. S. C. 2729 *Penalties.* Any person who violates or fails to comply with any of the requirements of this subchapter and Part VIII of subchapter A of chapter 27 shall, upon conviction, be fined not more than $2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

26 U. S. C. 2730 *Forfeitures*—(a) *Laws applicable.* Any firearm which has at any time been transferred or made in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27 shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this subchapter, and the persons to whom this subchapter and Part VIII of subchapter A of chapter 27 applies.

[1] The sections of the United States Code are numbered identically with corresponding sections of the Internal Revenue Code.

[2] Omitted matter, relating to the Philippine Islands, no longer applicable.

(b) *Disposal.* In the case of the forfeiture of any firearm by reason of a violation of this subchapter and Part VIII of subchapter A of chapter 27: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession • • •[1] or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

26 U. S. C. 2731 *Other laws applicable.* All provisions of law (including those relating to special taxes, to the assessment, collection, remission, and refund of internal revenue taxes, to the engraving, issuance, sale, accountability, cancellation, and distribution of tax-paid stamps provided for in the internal-revenue laws, and to penalties) applicable with respect to the taxes imposed by sections 2550 of subchapter A of chapter 23 and 3220 of subchapter A of chapter 27, and all other provisions of the internal-revenue laws shall, insofar as not inconsistent with the provisions of this subchapter and Part VIII of subchapter A of chapter 27, be applicable with respect to the taxes imposed by section 2720 (a) and 2734 (a) of subchapter B of this chapter and section 3260 of subchapter A of chapter 27.

26 U. S. C. 2732 *Regulations.* The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this subchapter and Part VIII of subchapter A of chapter 27 into effect.

26 U. S. C. 2733 *Definitions.* That for the purposes of this subchapter and Part VIII of subchapter A of chapter 27:

(a) *Firearm.* The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

(b) *Machine gun.* The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

(c) Repealed by section 2 (b), Public Law 353, 82nd Congress, effective September 1, 1952.

(d) *Importer.* The term "importer" means any person who imports or brings firearms into the United States for sale.

(e) *Manufacturer.* The term "manufacturer" means any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

(f) *Dealer.* The term "dealer" means any person not a manufacturer or importer engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

(g) *Interstate commerce.* The term "interstate commerce" means transportation from any State or Territory or District, or any insular possession of the United States • • •[1] to any other State or to the District of Columbia.

(h) *To transfer or transferred.* The term "to transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

(i) *Person.* The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

26 U. S. C. 2734 *Tax on making firearms*—(a) *Rate.* There shall be levied, collected, and paid upon the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) a tax at that rate provided in section 2720 (a) which would apply to any transfer of the firearm so made.

(b) *Exceptions.* The tax imposed by subsection (a) shall not apply to the making of a firearm:

(1) By any person who is engaged within the United States in the business of manufacturing firearms;

(2) From another firearm with respect to which a tax has been paid, prior to such making, under either section 2720 (a) or under subsection (a) of this section; or

(3) For the use of (A) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (B) any peace officer or any Federal officer designated by regulations of the Secretary.

Any person who makes a firearm in respect of which the tax imposed by subsection (a) does not apply by reason of the preceding sentence shall make such report in respect thereof as the Secretary may by regulations prescribe.

(c) *By whom paid; when paid.* The tax imposed by subsection (a) shall be paid by the person making the firearm. Such tax shall be paid in advance of the making of the firearm.

(d) *How paid.* Payment of the tax imposed by subsection (a) shall be represented by appropriate stamps to be provided by the Secretary .

(e) *Declaration.* It shall be unlawful for any person subject to the tax imposed by subsection (a) to make a firearm unless, prior to such making, he has declared in writing his intention to make a firearm, has affixed the stamp described in subsection (d) to the original of such declaration, and has filed such original and a copy thereof. The declaration required by the preceding sentence shall be filed at such place, and shall be in such form and contain such information, as the Secretary may by regulations prescribe. The original of the declaration, with the stamp affixed, shall be returned to the person making the declaration. If the person making the declaration is an individual, there shall be included as part of the declaration the fingerprints and a photograph of such individual.

26 U. S. C. 3260 *Tax*—(a) *Rate.* Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special tax at the following rates:

(1) *Importers or manufacturers.* Importers or manufacturers, $500 a year;

(2) *Dealers other than pawnbrokers.* Dealers, other than pawnbrokers, $200 a year;

(3) *Pawnbrokers.* Pawnbrokers, $300 a year;

Provided, That manufacturers and dealers in guns with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, guns designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, or guns of both types, shall pay the following taxes: Manufacturers, $25 per year; dealers, $1 per year.

(b) *Computation of tax.* Where the tax is payable on the 1st day of July in any year it shall be computed for one year; where the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the tax accrued to the 1st day of July following.[2]

26 U. S. C. 3261 *Registration*—(a) *Importers, manufacturers, and dealers.* Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall register with the collector of internal revenue for each district in which such business is to be carried on, his name or style, principal place of business, and places of business in such district.

(b) *Persons in general.* Every person possessing a firearm shall register, with the collector of the district in which he resides, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof. No person shall be required to register under this subsection with respect to a firearm which such person acquired by transfer or importation or which such person made, if provisions of subchapter B of chapter 25 applied to such transfer, importation, or making, as the case may be, and if the provisions which applied thereto were complied with.

26 U. S. C. 3262 *Exemptions.* For provisions exempting certain transfers, see section 2721.

26 U. S. C. 3263 *Unlawful acts in case of failure to register and pay special tax*—(a) *Importation, manufacture or dealing in firearms.* It shall be unlawful for any person required to register under the provisions of section 3261 to import, manufacture, or deal in firearms without having registered and paid the tax imposed by section 3260.

(b) *Transportation in interstate commerce.* It shall be unlawful for any person who is required to register as provided in section 3261 (b) and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 2723 or a stamp-affixed declaration as provided in section 2734, to ship, carry, or deliver any firearm in interstate commerce.

26 U. S. C. 3264 *Other laws applicable.* For provisions relating to special taxes, and other provisions relating to the tax on narcotics made applicable to the taxes imposed by this part, see section 2731.

26 U. S. C. 3265 *Definitions.* For definitions of firearm, machine gun, importer, manufacturer, dealer, and other terms used in this part, see section 2733.

26 U. S. C. 3266 *Transactions between registered persons.* For provisions exempting dealings between registered persons in certain respects, see section 2723 (d).

[1] Omitted matter, relating to the Philippine Islands, no longer applicable.

[2] Sec. 4 (d) of Public Law 353, 82d Cong., provides as follows:

(d) In the case of any person who is liable for a tax under any provision of sec. 3260 (a) of the Internal Revenue Code solely by reason of the amendments made by this act and who (prior to the effective date of these amendments) commenced the activity which makes him subject to tax under such provision, such tax shall be reckoned proportionately from the beginning of the effective date of these amendments to and including the thirtieth day of June following; and such tax shall be due on, and payable on or before, the last day of the fourth month after the month in which this act is enacted.

RELATED LAWS

26 U. S. C. 1816 *Cancellation*—(a) *General rule.* Whenever an adhesive stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient.

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26 U. S. C. 1823 *Frauds relating to stamps.* Whoever—

• • • • •

(c) *Reuse of stamps*—(1) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp with intent to use, or causes the same to be used, after it has already been used;

(2) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(3) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

26 U. S. C. 3304 *Redemption of stamps*—(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactory trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

• • • • •

26 U. S. C. 3612 *Returns executed by Commissioner or collector*—(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

(d) *Additions to tax*—(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

(3) *Cross reference.* For additions to tax in the case of income tax, see sections 291 and 293, and in the case of a deficiency in gift tax, see section 1019.

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26 U. S. C. 3614 *Examination of books and witnesses*—(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

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26 U. S. C. 3615 *Summons from collector to produce books and give testimony*—(a) *General authority.* It shall be lawful for the collector, subject to the provisions of this section to summon any person to appear before him and produce books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

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26 U. S. C. 3770 *Authority to make abatements, credits, and refunds*—(a) *To taxpayers*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

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26 U. S. C. 3793 *Penalties and forfeitures.*

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(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

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18 U. S. C. 1001 *Statements or entries generally.* Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. June 25, 1948, c. 645, 62 Stat. 749.

Preamble. 1. These regulations, Regulations 88, "Taxes Relating to Machine Guns and Certain Other Firearms" shall, on and after September 1, 1952, supersede Regulations 88, 1941 edition (26 CFR Part 319, 6 F. R. 4935) and Treasury Decisions 5481 (10 F. R. 12549), 5501 (11 F. R. 2770), and 5632 (13 F. R. 3734).

2. These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability or forfeiture incurred prior to such date.

3. It is found that compliance with the notice and public rule-making procedure and effective date limitations of the Administrative Procedure Act (5 U. S. C.

1001, et seq.), in connection with the issuance of the regulations in this part, (a) is impracticable because the taxes imposed by Public Law 353, 82d Congress, the collection of which is provided for in this part, become effective September 1, 1952, and there is not sufficient time in which to comply with such notice and public rule-making procedure, and (b) is unnecessary for the reason that the provisions of this part are of a technical and clarifying nature and do not adversely affect the legitimate industry.

SUBPART A—SCOPE OF REGULATIONS

§ 319.1 *Persons subject to taxes.* This part, "Regulations 88, Taxes Relating to Machine Guns and Certain Other Firearms", contains the procedural and substantive requirements relative to

(a) The special taxes imposed by Chapter 27, Subchapter A, Part VIII, of the Internal Revenue Code, as amended, on manufacturers and importers of, and dealers (including pawnbrokers) in, certain firearms, including machine guns and silencers or mufflers;

(b) The stamp tax imposed by Chapter 25, Subchapter B, of the Internal Revenue Code, as amended, on transfers of such firearms; and

(c) The stamp tax imposed by Chapter 25, Subchapter B, of the Internal Revenue Code, as amended, on the making of such firearms (other than by qualified manufacturers).

§ 319.2 *Other laws applicable.* Other provisions of the internal revenue laws are made applicable by section 2731 of the Internal Revenue Code to the taxes referred to in § 319.1.

SUBPART B—DEFINITIONS

§ 319.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 319.6 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 319.7 *Corporation.* "Corporation" shall include associations, joint-stock companies, and insurance companies.

§ 319.8 *Dealer.* "Dealer" shall mean any person not a manufacturer or importer engaged within the United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

§ 319.9 *Director.* "Director" shall mean the Director of Internal Revenue.[1]

[1] In every district reorganized pursuant to Reorganization Plan No. 1 of 1952 (17 F. R. 2243) the office of Collector of Internal Revenue has been abolished and the office of Director of Internal Revenue created in place thereof. Since all offices of the Collector of Internal Revenue are to be abolished and all offices of Director of Internal Revenue created not later than December 1, 1952, the term "Director" is used in this part to denote the officer in charge of a collection district. Where a district has not been reorganized the term "Director" shall be deemed to mean "Collector of Internal Revenue."

§ 319.10 *Exportation.* "Exportation" shall mean the severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country.

§ 319.11 *Exporter.* "Exporter" shall mean any person who exports firearms from the United States.

§ 319.12 *Firearm.* "Firearm" shall mean a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

§ 319.13 *Importation.* "Importation" shall mean the bringing of a firearm within the limits of the United States or any territory under its control or jurisdiction, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade.

§ 319.14 *Importer.* "Importer" shall mean any person who imports or brings firearms into the United States for sale.

§ 319.15 *Includes and including.* The terms "includes" and "including" when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 319.16 *Insular possessions.* "Insular possessions" shall mean the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, the Midway Islands, and Palmyra.

§ 319.17 *I.R.C.* "I.R.C." shall mean the Internal Revenue Code.

§ 319.18 *Interstate commerce.* "Interstate commerce" shall mean transportation from any State or Territory or District, or any insular possession of the United States, to any other State or to the District of Columbia.

§ 319.19 *Machine gun.* "Machine gun" shall mean any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

§ 319.20 *Making of a firearm.* The "making of a firearm" as defined in section 2733, Internal Revenue Code (26 U. S. C. 2733) shall mean the production or creation of a firearm by any means, including manufacture, putting together of parts, alteration, any combinations thereof, and any process of manipulation or transformation of any other weapon. Examples: (1) The sawing off of a barrel or barrels of a shotgun to a length of less than 18 inches, or (2) the altering of a semiautomatic pistol by the change or addition of parts so as to produce a fully automatic or machine gun type of firearm.

§ 319.21 *Manufacturer.* "Manufacturer" shall mean any person who is engaged within the United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

§ 319.22 *Muffler or silencer.* "Muffler" or "silencer" shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

§ 319.23 *Partnership.* "Partnership" shall include a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not a trust or estate or a corporation.

§ 319.24 *Partner.* "Partner" shall include a member of a partnership, syndicate, group, pool, joint venture, or unincorporated organization.

§ 319.25 *Person.* "Person" shall mean and includes natural persons, associations, partnerships, corporations and companies.

§ 319.26 *Pistol.* "Pistol" shall mean a small projectile weapon having a short one-hand stock or butt at an angle to the line of the bore and a short barrel or barrels, designed, made and intended to be aimed and fired from one hand.

§ 319.27 *Revolver.* "Revolver" shall mean a small projectile weapon, of the pistol type, having a breechloading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing.

§ 319.28 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 319.29 *Taxpayer.* "Taxpayer" shall mean any person subject to a tax.

§ 319.30 *To transfer or transferred.* "To transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

§ 319.31 *United States.* "United States" shall mean the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 319.32 *U.S.C.* "U. S. C." shall mean the United States Code.

SUBPART C—SPECIAL (OCCUPATIONAL) TAXES

PAYMENT OF TAX

§ 319.35 *Geographical scope of tax.* Every person who engages in the business of importing, manufacturing, or dealing in firearms within the States of the United States, the Territories of Alaska and Hawaii and the District of Columbia, is required to pay a special tax on such business.

§ 319.36 *Rates of tax.* (a) The special taxes are as follows:

	Per year
Class 1: Importers or manufacturers of firearms, except manufacturers in class 2	$500
Class 2: Manufacturers of firearms whose production is limited to guns with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading, or guns of both types	25
Class 3: Pawnbrokers, except those in class 5	300
Class 4: Dealers, other than pawnbrokers, except those in class 5	200
Class 5: Dealers, including pawnbrokers, whose dealing in firearms is limited to guns with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or guns designed to be held in one hand when fired, and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading, or guns of both types	1

(b) The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) of any tax year must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable to tax for the entire month. For example, a person commencing business October 21 must pay tax for nine months, or three-fourths of the yearly rate.

§ 319.37 *Registry, return, and payment of tax.* Every person first engaging in any business mentioned herein must, prior to commencing business, separately for each place of business, register and file return on Form 11A (Firearms) with, and pay the tax to, the Director for the collection district in which such place is located. Thereafter, such person must register, file return, and pay the tax on or before the 1st day of July of each year. The Director will furnish the proper form, which must be filled out and verified under penalty of perjury. Each return must show an individual's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown. The exact type of business, whether manufacturer, importer, pawnbroker, or dealer other than pawnbroker, and the period for which special tax is due, must be stated.

§ 319.38 *Tax payment evidenced by special tax stamp.* Upon receipt of a return on Form 11A (Firearms), accompanied by remittance of the full amount due, the Director will issue a special tax stamp as evidence of payment of the special tax. Such payment may be made in the form of cash; United States postal money orders; bank, express, and telegraphic money orders; cashier's and treasurer's checks drawn on National and State banks and trust companies; or certified checks.

§ 319.39 *Superscription on stamp; transmittal to taxpayer.* Directors will distinctly write or print the taxpayer's registered name (see §§ 319.37 and 319.46), and the address of the particular place of business designated by street and number, on the stamp before it is delivered or mailed to the taxpayer. Special tax stamps will be transmitted by ordinary mail, unless it is desired by the taxpayer that they be transmitted by registered mail, in which case the current registry fee will be remitted with the return.

§ 319.40 *Report to Commissioner by Director issuing stamp.* Immediately upon issuance of a special tax stamp the Director will forward to the Commissioner a 3 x 5 card showing the name and address of the taxpayer, the kind and serial number of the special tax stamp issued, the taxable period covered thereby, and the amount of tax paid.

§ 319.41 *Receipt in lieu of stamp forbidden.* Directors and their agents are forbidden to issue receipts in lieu of stamps representing the payment of special taxes.

§ 319.42 *Special tax stamp to be posted.* Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal and in addition to the tax, plus the costs of prosecution; but in no case will the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.

§ 319.43 *Certificates in lieu of stamps lost or destroyed.* When a special tax stamp has been lost or destroyed, such fact should be reported to the Director at once for the purpose of obtaining from him a certificate of payment in lieu of the lost or destroyed special tax stamp. Such certificate must be posted in place of the stamp; otherwise liability will be incurred, as above indicated, for failure to post the stamp. (See § 319.42.)

§ 319.44 *Several places of business.* Generally a taxpayer must pay as many special taxes as he has places of business. However, a person paying special tax at his principal place of business may store goods, wares or merchandise at other places than the place of business without incurring special tax at such place of storage. A manufacturer upon a single payment of special tax may sell products of his own manufacture at the place of manufacture and at his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Removal of a business to a new location creates a new liability unless the change of location is registered with the Director, as provided in § 319.51.

§ 319.45 *Dual occupations incur dual liability.* In any case where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.

§ 319.46 *Partnership liability.* Any number of persons doing business in copartnership at any one location shall be required to pay but one special tax. In issuing a special tax stamp to a partnership, the Director will show thereon the name of each person disclosed on the partnership's Form 11A (Firearms) followed by the firm or trade name, if any. The issuance by the Director of a special tax stamp in a firm or trade name only is not authorized.

CHANGE OF OWNERSHIP

§ 319.47 *Changes through death of owner.* Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executor or administrator, or other legal representative of the deceased taxpayer continue the business, such person must within 30 days after the date on which the successor begins to carry on the business, file with the Director a new Form 11A (Firearms). The return thus executed must show the name of the original taxpayer, together with the basis of the succession. (As to liability in case of failure to register, see § 319.55.)

§ 319.48 *Changes through bankruptcy of owner.* A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases, the change must be registered with the Director in a manner similar to that required by § 319.47.

§ 319.49 *Change in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in § 319.47. Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the 1st day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a

corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

§ 319.50 *Change in corporation.* Additional special tax is not required by reason of a mere change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such change or increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.

CHANGE OF BUSINESS LOCATION

§ 319.51 *Notice by taxpayer.* Whenever a special-tax payer removes his business to a location other than specified in his last special tax return (see § 319.37), he shall, within 30 days after the date of removal, register the change of location with the Director of the collection district within which the old place of business is located, by filing another return, Form 11A (Firearms), and designated "removal registry", setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the Director of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 319.55.

§ 319.52 *Procedure by Director; removal within collection district.* When registration is made by a special-tax payer in the manner specified in § 319.51, of the removal of his business to a new location in the same collection district, the Director will enter on his Record 10 (see § 319.59) the place to which such removal was made and the date of the removal. The same information shall also be entered plainly on the face of the special tax stamp, which will be returned to the taxpayer, by the Director, for posting.

§ 319.53 *Procedure by Director; removal to another collection district.* In case of removal to another collection district, the Director will note the transfer on his Record 10, stating the location to which the business was removed, and shall then transmit the special tax stamp to the Director for the collection district to which said business was removed. The latter will make an entry on his Record 10 as in the case of an original registration in his district, correct the location shown on the stamp, and note also thereon his name, title, date, and collection district, and then forward the stamp to the taxpayer.

PENALTIES

§ 319.54 *Failure to pay special tax.* Persons carrying on a business within the scope of section 3260, I. R. C. (26 U. S. C. 3260) without payment of special tax within the time prescribed (see § 319.37) are liable, in addition to the amount of the tax and other penalties, to fine and imprisonment as provided in section 2729, I. R. C. (26 U. S. C. 2729).

§ 319.55 *Failure to register change or removal.* Any person succeeding to and carrying on a business for which special tax has been paid, and any taxpayer removing his business with respect to which special tax has been paid to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will be liable to the additional tax and penalty prescribed in section 3612 (d), I. R. C. (26 U. S. C. 3612 (d)) for failure to make return (see § 319.56), as well as to fine and imprisonment for carrying on business without payment of special tax, (See § 319.54.)

§ 319.56 *Delinquency.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

(53 Stat. 437; 26 U. S. C. 3612)

§ 319.57 *Fraudulent return.* If a false or fraudulent return is filed, the taxpayer is liable to an additional amount equal to 50 percent of the total tax. If a person liable to tax for an entire year falsely states in his return that he is liable for a portion only of the year, the return is false not only as to the portion of the year not covered but as to the portion falsely represented as the actual period of liability.

(53 Stat. 437; 26 U. S. C. 3612)

APPLICATION OF STATE LAWS

§319.58 *State regulations.* Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the manufacture, or transfer, of firearms, in violation of the law of a State, are nevertheless required to pay special tax as imposed under the internal revenue laws of the United States.

RECORD OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION

§ 319.59 *Record 10.* Each Director shall prepare and keep for public inspection, on Record 10, an alphabetical list of the names of all persons who have paid special taxes within his district. Record 10 will show the time, place, and business for which such special taxes have been paid. Upon application of any prosecuting officer of any State, county, or municipality, the Director will furnish a certified copy of Record 10, for which a fee of $1 for each one hundred words or fraction thereof in such certified copy or copies may be charged.

SUBPART D—TAX ON MAKING FIREARMS

§ 319.65 *Scope of tax.* Except as otherwise provided (see §§ 319.72, 319.73, and 319.74) the making in the United States of any firearm (whether by manufacture, putting together, alteration, any combination thereof, or otherwise) is subject to tax to be represented by an adhesive stamp bearing the words "Firearms Act." In every case the tax shall be paid by the person making the firearm and such tax shall be paid in advance of the making of the firearm. (See §§ 319.67, 319.130 and 319.131.)

§ 319.66 *Rate of tax.* The tax on the making of firearms is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the making of any gun with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading.

DECLARATION OF INTENT TO MAKE A FIREARM

§ 319.67 *Written declaration.* Except as provided in §§ 319.72, 319.73 and 319.74 every person intending to make a firearm must declare his intention in writing on Form 1A (Firearms) to make such firearm. The declaration shall show (a) the name and address of the maker, and, if the maker is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the serial number, model, length of barrel, trade name, and other marks identifying the firearm; (3) the place where the firearm will usually be kept; and (4) such additional information as may be required on Form 1A (Firearms). A "Firearms Act" stamp of the proper denomination (see § 319.66) must be affixed to the original declaration, in the space provided therefor, and properly canceled (see § 319.71).

§ 319.68 *Identification and character certification.* If the declarant is an individual, he shall attach to each copy of the declaration an individual photograph of himself, taken within 90 days prior to the date of such declaration, and shall affix his fingerprints to such declaration. The fingerprints must be clear for accurate classification and should be taken by some one properly equipped to take them. The declaration must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Commissioner, certifying that he is satisfied that the fingerprints and photograph appearing on the declaration are those of the declarant and that the firearm is intended by such person for lawful purposes.

§ 319.69 *Requirements for approval of declaration.* The declaration of intent to make a firearm, Form 1A (Firearms), must be forwarded, in duplicate, by the maker of the firearm direct to the Commissioner of Internal Revenue, Washington, D. C. The Commissioner, if satisfied that the forms have been correctly prepared, that the original bears the required stamp, properly canceled, and that the fingerprints are clear enough for accurate classification, will approve it as to form, return the original to the maker of the firearm and retain the duplicate. Upon receipt of the approved declaration of intent to make a firearm, the maker is authorized to make the firearm, described therein. The maker of the firearm shall not, under any circumstances, make the firearm until the declaration, satisfactorily executed, with the "Firearms Act" stamp attached, has been forwarded to the Commissioner and returned by him.

§ 319.70 *Subsequent transfer of firearm.* Where a firearm which has been made in compliance with section 2734, I. R. C. (26 U. S. C. 2734), is to be subsequently transferred, the transfer provisions of the firearm laws and regulations must be complied with. The order form, Form 4 (Firearms), covering such proposed transfer must, when filed with the Commissioner, be accompanied by the previously approved declaration of intent to make such firearm. Such order form and approved declaration of intent to make the firearm will be returned by the Commissioner to the transferor for delivery to the transferee at the time the firearm is transferred.

§ 319.71 *Cancellation of stamp.* The person affixing to a declaration a "Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

(53 Stat. 201; 26 U. S. C. 1816)

EXCEPTIONS TO TAX ON MAKING FIREARMS

§ 319.72 *Registered manufacturers.* The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to manufacturers who have paid special tax and registered as required by section 3260 (a) (1), I. R. C. (26 U. S. C. 3260 (a) (1)), and section 3261 (a), I. R. C. (26 U. S. C. 3261 (a)). However, such manufacturers must keep the records required by § 319.115 and make the returns required by § 319.116.

§ 319.73 *Altering a firearm which has previously been taxed.* No tax will be imposed on the making of a firearm if such making involves the alteration or conversion of a firearm with respect to which a tax has been paid, prior to such making, under either section 2720 (a), I. R. C. (26 U. S. C. 2720 (a)), or under section 2734 (a), I. R. C. (26 U. S. C. 2734 (a)). However, the person so altering or converting such firearm shall notify the Commissioner in writing immediately thereafter, giving a complete description of the firearm so altered or converted and indicating the changes made.

§ 319.74 *Making a firearm for use of Government agencies, peace officers and Federal officers.* The tax on the making of a firearm and the requirements as to use of a form declaring the intention to make a firearm are not applicable to any person making a firearm for the use of (a) the United States Government, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, or (b) any peace officer or any Federal officer designated in § 319.90. However, the person making such firearm shall notify the Commissioner in writing immediately thereafter giving a complete description of the firearm so made.

SUBPART E—TRANSFER TAX

§ 319.80 *Scope of tax.* Except as otherwise provided (see §§ 319.89 and 319.90), each transfer of a firearm in the United States is subject to tax to be represented by an adhesive stamp bearing the words "Firearms Act" to be affixed to the order for the firearm. (See §§ 319.83, 319.130, and 319.131.)

§ 319.81 *Rate of tax.* The transfer tax to be levied, collected, and paid with respect to all articles within the term "firearm" transferred in the United States is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the transfer of any gun with two attached barrels, 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel 12 inches or more but less than 18 inches in length (16 in the case of rifles of .22 caliber or less), from which only a single discharge can be made without manual reloading. In every case the tax shall be paid by the transferor.

§ 319.82 *Transfer tax in addition to import duty.* The transfer tax imposed by section 2720 (a), I. R. C. (26 U. S. C. 2720 (a)), is in addition to any import duty. (See § 319.107.)

ORDER FORM FOR TRANSFER OF FIREARMS

§ 319.83 *Written order required for transfer of firearm.* Except as otherwise provided, every person seeking to obtain a firearm must make an application in duplicate to the transferor on order Form 4 (Firearms). The application shall show (a) the name and address of the applicant, and, if the applicant is other than a natural person, the name and address of the principal officer or authorized representative thereof; (b) the place where the firearm will usually be kept; and (c) such additional information as may be required on Form 4 (Firearms). A "Firearms Act" stamp of the proper denomination (see § 319.81) must be affixed to the original order form, in the space provided therefor, and properly canceled (see § 319.88).

§ 319.84 *Identification of applicant.* If the applicant is an individual, he shall attach to each copy of the application an individual photograph of himself, taken within 90 days prior to the date of such application, and shall affix his fingerprints to such application. The fingerprints must be clear for accurate classification and should be taken by some one properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Commissioner, certifying that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that the firearm is intended by the applicant for lawful purposes.

§ 319.85 *Identification of firearm.* The transferor must furnish the information called for on the form relating to the serial number, model, trade name, and other marks identifying the firearm.

§ 319.86 *Requirements for approval of application.* The application for transfer, order Form 4 (Firearms), must be forwarded, in duplicate, by the transferor direct to the Commissioner of Internal Revenue, Washington, D. C. The Commissioner, if satisfied that the form has been correctly prepared, and that the original bears the required stamp, properly canceled, will approve it as to form, return the original to the transferor for delivery to the applicant, and will retain the duplicate. Upon receipt of the approved order form, the transferor may deliver the firearm to the applicant, together with the original order form with the "Firearms Act" stamp attached thereto.

§ 319.87 *Subsequent transfer of firearm.* Where a firearm transferred on or after July 26, 1934, is to be subsequently transferred, the new order form covering such proposed transfer must, when filed with the Commissioner, be accompanied by the previously approved order form for each prior transfer and by any declaration of intent to make a firearm, Form 1A (Firearms), previously filed with respect to the firearm transferred. Such order forms and any declaration of intent will be returned by the Commissioner with the latest order form to the transferor for delivery to the applicant.

§ 319.88 *Cancellation.* The person affixing a "Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month, and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.

(53 Stat. 201; 26 U. S. C. 1816)

EXEMPTION FROM USE OF ORDER FORMS

§ 319.89 *Special-tax payers.* The transfer tax and the requirements as to use of order forms (see § 319.83) are not applicable where importers, manufacturers, and dealers who have registered and paid special tax transfer to other manufacturers or dealers who have registered and paid special tax. However, such importers, manufacturers, and dealers must keep the records required by § 319.115, and make returns required by § 319.116. Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special-tax payer. If not fully satisfied,

he should communicate with the Director of the collection district in which the transferee is located. Where tax-free transfers to unauthorized persons are made, tax and penal liability will be incurred.

§ 319.90 *Peace officers and Federal officers.* The following are hereby designated as officers entitled to receive firearms without order forms: Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, and directors of public safety. Additional officers may be designated by the Commissioner from time to time as in his judgment seems proper. Order forms are not required for procurement of firearms by Federal law enforcement agencies.

§ 319.91 *Application for exemption.* Where a transfer is claimed to be exempt from tax under section 2721 (a), I. R. C. (26 U. S. C. 2721 (a)), an application for exemption must be immediately executed by the transferor in triplicate on Form 5 (Firearms), and the original forwarded to the Commissioner of Internal Revenue, Washington, D. C., the duplicate retained by the transferor, and the triplicate furnished to the transferee. The application must show the name and address of the transferor and transferee, a description of the firearm, the date of the transfer, the basis of the exemption claimed and any other evidence which the Commissioner may require.

§ 319.92 *Responsibility of transferor for exempt status of transferee.* Transfers under section 2721 (a), I. R. C. (26 U. S. C. 2721 (a)) may be made prior to forwarding Form 5 (Firearms) to the Commissioner. However, before a tax-free transfer is made, the transferor should satisfy himself of the exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, he should communicate with the Commissioner and report all the circumstances and await the Commissioner's advice before making the transfer. If transfers to unauthorized persons, or transfers otherwise unwarranted, are made, tax and penal liability will be incurred.

SUBPART F—REGISTRATION AND IDENTIFICATION OF FIREARMS

§ 319.100 *Registration of firearm.* Every person in the United States possessing a firearm (a) not already registered, or (b) acquired by transfer, importation or making without conforming with the provisions of Subchapter B, Chapter 25 and Part VIII, Subchapter A, Chapter 27, of the Internal Revenue Code, as amended, (sections 2720–2734 and 3260–3266 I. R. C.; 26 U. S. C. 2720–2734; 3260–3266) if such provisions were applicable at the time of such transfer, importation or making, must register such firearm on Form 1 (Firearms), in duplicate, with the Director for the collection district in which such person resides. The duplicate form, after proper endorsement, will be returned to the registrant by the Director and the original forwarded to the Commissioner. The filing of Form 1A (Firearms) in respect to the making of a firearm, Form 2 (Firearms) in respect of newly manufactured firearms and Form 6 (Firearms) in respect of imported firearms shall be deemed to constitute registration of the firearms described in such forms. Where the transfer of a registered firearm is reported on Forms 3, 4 and 5 (Firearms) it will not be necessary for the transferee to register the firearm on Form 1 (Firearms).

§ 319.101 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it by stamping, or otherwise conspicuously placing or causing to be stamped or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer, and the serial number, caliber, and model of the firearm. None of the data indicated may be omitted except with the approval of the Commissioner.

SUBPART G—IMPORTATION AND EXPORTATION[3]

IMPORTATION

§ 319.105 *Procedure.* The burden of proof is affirmatively on any person importing or bringing a firearm into the United States, Puerto Rico, or the Virgin Islands, to show to the satisfaction of the Secretary, prior to importation (see § 319.13), that the firearm is to be lawfully used and is unique or of a type unobtainable within the United States or such territory or possession. One desiring to import or bring a firearm into the United States, Puerto Rico, or the Virgin Islands shall file application in duplicate on Form 6 (Firearms) with the Commissioner of Internal Revenue. The application shall show the intended port or place of importation and describe the firearm intended for importation accurately and in detail, including, as far as practicable, the data indicated by § 319.101. The reasons for the proposed importation and the purposes for which the firearm is intended must be clearly shown. If uniqueness is claimed, it must be specifically indicated in what particulars the firearm is unique. If the application is based on alleged unobtainability, the differences between the desired firearm and other firearms of the same general character obtainable without importation must be clearly shown. The applicant will be notified of the approval or disapproval of the application. If it is approved, the certificate will be returned to the applicant to be filed with the collector of customs at the port of importation. Collectors of customs will not permit release of the firearm from customs custody, except for exportation, unless covered by an approved application.

§ 319.106 *Importation into territory or possession.* The importation of firearms into a territory or possession of the United States other than United States (as defined in § 319.31), Puerto Rico, or the Virgin Islands will be under the control of the governing authorities of such territory or possession. (See § 319.111.)

§ 319.107 *Tax on transfer of imported firearm.* Any person importing or bringing a firearm into the United States is subject to tax upon the subsequent transfer of such firearm, which tax is additional to any duty upon the importation of the firearm: Provided, however, an importer who has registered and paid special tax and has otherwise complied with the requirements of Chapter 25, Subchapter B, and Chapter 27, Subchapter A, Part VIII, I. R. C., as amended, (sections 2720–2734 and 3260–3266 I. R. C.; 26 U. S. C. 2720–2734; 3260–3266) and who transfers a firearm to a registered special-tax payer will not be required to pay transfer tax on such transfer.

EXPORTATION

§ 319.108 *Application for exemption from tax.* Any person desiring to export a firearm free of transfer tax must file with the Commissioner an application on Form 5 (Firearms), in duplicate, for exemption certificate. The application shall be supported by a certified copy of a written order or contract of sale or other evidence showing that the firearm is to be shipped to a foreign destination. Where it is desired that a transfer to the exporter shall be tax free, the transferor shall likewise file an application for a certificate of exemption supported by evidence that the transfer will start the firearm in course of exportation, (see § 319.10) except, however, that where such transferor and exporter are registered special-tax payers the transferor will not be required to file an application on Form 5 (Firearms).

§ 319.109 *Requirements for exemption from tax.* If the application is approved, the Commissioner will execute the exemption certificate and return the duplicate to the applicant. Shipment shall not be made without payment of transfer tax until the approved certificate is received. Issuance of the certificate will suspend assertion of tax liability for a period of six months from the date of issuance. Within this 6-month period the exporter shall furnish to the Commissioner satisfactory evidence of exportation consisting of (a) a copy of the export bill of lading, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the article, or (c) a certificate of mailing issued by the Post Office; and (d) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (e) a sworn statement of the foreign consignee covering the receipt of the article, or (f) the return receipt, or a photostat copy thereof, signed by the addressee or his agent where the shipment was made by insured or registered parcel post. Issuance of exemption certificates and furnishing of the required evidence will relieve from liability the actual exporter (see § 319.11) and one selling to the exporter for export. Where satisfactory evidence of actual exportation is not

[3] Persons engaged in the business of importing or exporting firearms caliber .22 or larger are subject to the requirement of a license issued by the Secretary of State. Application for such license should be made to the Munitions Division, Department of State, Washinton 25, D. C., prior to importing or exporting firearms.

furnished within the stated period the tax will be assessed.

§ 319.110 *Refunds.* Where, after payment of tax by the manufacturer, a firearm is exported, a claim for refund may be submitted on Form 843. (See § 319.141.) If a manufacturer waives all claim for refund of tax paid on a firearm which is exported, refund may be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.

§ 319.111 *Insular possessions.* Transfers of fire arms to persons in the insular possessions (other than Hawaii) of the United States are exempt from transfer tax, provided title in cases involving change of title (and cutody or control, in cases not involving change of title), does not pass to the transferee or his agent in the United States. However, such exempt transactions must be covered by approved exemption certificates and supporting documents corresponding to those required in the case of firearms exported to foreign countries, except that the Commissioner may vary the requirements herein set forth in accordance with the requirements of the governing authority of the insular possession. Exemption certificates covering shipments to the insular possessions will not be approved without compliance with the requirements of the governing authorities thereof. In the case of a nontaxable transfer to a person in such insular possession, the exemption extends only to such transfer and not to prior transfers.

SUBPART H—RECORDS AND RETURNS

§ 319.115 *Records.* Every manufacturer, importer, and dealer (including pawnbroker) shall make and keep at his place of business a record showing (a) the manufacture, receipt, transfer, or other disposition of all firearms taxable under the Code, (b) the date of such manufacture, receipt, transfer, or disposition, (c) the number, model, and trade name or other mark identifying each firearm, and (d) the name and address of the person to whom any firearm is transferred, or otherwise conveyed. This record must be preserved for a period of at least four years from the date of disposition of the firearm, and be at all times readily accessible for inspection.

§ 319.116 *Returns.* Immediately upon the manufacture, receipt, transfer, or other disposition of any firearm every manufacturer, importer, dealer other than pawnbroker, and pawnbroker shall execute an accurate return on either Form 2 (Firearms) or Form 3 (Firearms), in duplicate, setting forth the information called for in § 319.115. All transactions occurring during a single day may be included in one return filed at the close of that business day. The original will be forwarded to the Commissioner, and the duplicate will be retained by the person making the return for a period of four years and be at all times readily accessible for inspection. Return forms will be supplied by Directors upon application.

SUBPART I—STOLEN OR LOST FIREARMS OR DOCUMENTS

§ 319.120 *Stolen or lost firearms.* Whenever any firearm is stolen or lost, the person losing possession thereof will, immediately upon discovery of such theft or loss, make a report to the Commissioner of Internal Revenue, Washington, D. C., showing the following: (a) Name and address of the person in whose name the firearm is registered, (b) kind of firearm, (c) serial number, (d) model, (e) caliber, (f) manufacturer of firearm, (g) date and place of theft or loss, and (h) complete statement of facts and circumstances surrounding such theft or loss.

§ 319.121 *Stolen or lost documents.* When any order form, declaration of intent to make a firearm, certificate of registry, exemption certificate, or other document evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession will immediately upon discovery of the theft, loss, or destruction report the matter to the Commissioner of Internal Revenue, Washington, D. C. The report will show in detail the circumstances of the theft, loss, or destruction and will include all known facts which may serve to identify the document. Upon receipt of the report, the Commissioner will make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.

SUBPART J—EXAMINATION OF BOOKS AND RECORDS

§ 319.125 *Failure to make returns; substitute returns.* If any person required by this part to make returns shall fail or refuse to make any such return within the time prescribed by this part or designated by the Commissioner, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(53 Stat. 437; 26 U. S. C. 3612)

§ 319.126 *Inspection of records.* Any officer designated by the Commissioner shall have authority to examine the books, papers, and records kept pursuant to these regulations, and may require the production of any books, records, papers or statements of account necessary to determine any liability to the tax or the observance of the provisions of this part.

(53 Stat. 438, 439; 26 U. S. C. 3614 and 3615)

§ 319.127 *Penalties (records and returns).* Any person failing to keep records or make returns is liable to fine and imprisonment as provided in section 2729, I. R. C. (26 U. S. C. 2729). Any person assisting in the preparation of fraudulent returns is liable to fine and imprisonment as provided in section 3793 (b) (1), I. R. C. (26 U. S. C. 3793).

SUBPART K—DISTRIBUTION AND SALE OF STAMPS

§ 319.130 *Orders for stamps.* Each order for stamps to be used under this part shall be made in writing to the Director or his duly authorized agent in the internal revenue collection district in which the stamps are to be used, showing the date of the order, the number of Firearms stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser. The Director shall preserve the orders for stamps sold by him for at least four years.

§ 319.131 *Stamps authorized.*—One dollar and $200 adhesive stamps bearing the words "Firearms Act" have been prepared and distributed to Directors, and only such stamps shall be used for the payment of the transfer tax and for the tax on the making of a firearm.

§ 319.132 *Reuse of stamps prohibited.* A stamp once affixed to one instrument can not lawfully be removed and affixed to another.

(53 Stat. 203; 26 U. S. C. 1823)

SUBPART L—ASSESSMENT AND COLLECTION OF TAX

§ 319.135 *Assessment of taxes not paid by stamp.* In cases where the transfer tax has not been paid and the taxpayer refuses to execute Form 4 (Firearms) and affix the stamp, the transfer tax shall be reported for assessment. When an assessment is paid, a receipt on Form 1 will be issued. In those instances where stamps are purchased and affixed to the order, a receipt on Form 1 will not be issued. Special tax and the tax on the making of a firearm which the taxpayer refuses or fails to pay may likewise be reported for assessment.

SUBPART M—REDEMPTION OF OR ALLOWANCE FOR STAMPS OR REFUNDS

§ 319.140 *Procedure for redemption of or allowance for stamps.* Where a firearms stamp is destroyed, mutilated or rendered useless after purchase, and before liability has been incurred, such stamp may be redeemed by giving another stamp in lieu thereof or by refunding the amount or value thereof. In the event a declaration of intent to make a firearm, Form 1A (Firearms), or an order form for transfer of a firearm, Form 4 (Firearms), is executed and the appropriate stamp affixed, and thereafter the intent to make a firearm or the proposed transfer is abandoned and the firearm is not made or transferred, the taxpayer may redeem such stamp (section 3304, I. R. C.; 26 U. S. C. 3304). Claim for redemption of the stamp should be filed on Form 843 with the Director of internal revenue for his district. Such claim must be accompanied by the declaration of intent or the order form for transfer to which the stamp is affixed, or by a satisfactory explanation of the reason why the stamp cannot be returned, and must be filed within four years after the purchase of the stamp.

§ 319.141 *Refunds.* As indicated in this part, the transfer tax or tax on the making of a firearm is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special taxes. However, in exceptional cases, such taxes may be paid pursuant to assessment. (See

§ 319.135.) Claims for refund of amounts so paid must be presented to the Director on Form 843 within four years next after payment of the taxes.

(53 Stat. 464; 26 U. S. C. 3770)

Effective date. The regulations in this part shall be effective as of September 1, 1952.

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

Approved: August 22, 1952.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9471; Filed, Aug. 27, 1952; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 33]

GOR 33—ADJUSTMENTS FOR WHOLESALERS AND RETAILERS UNDER SECTION 402 (k) OF THE ACT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this General Overriding Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

Section 402 (k) of the Defense Production Act, the so-called Herlong Amendment, provides in part:

> No rule, regulation, order or amendment thereto shall be issued or remain in effect under this title, which shall deny sellers of materials at retail or wholesale their customary percentage margins over costs of the materials or their customary charges during the period May 24, 1950, to June 24, 1950, or on such other nearest representative date determined under section 402 (c), as shown by their records during such period. • • •

Previously this section was applicable only to regulations issued after July 31, 1951. That limitation has now been removed.

It is thus apparent that the intention of section 402 (k) as amended is that all sellers at wholesale and retail be given their customary margins or charges as soon as practicable. The words, "or other customary charges" formerly absent from this section, were added to make clear that where wholesalers and retailers of commodities have not customarily operated during the pre-Korean period on the basis of a percentage margin, OPS regulations must conform to the customary pricing practices of such sellers. See House Reports No. 2177 (Report from the Committee on Banking and Currency) and No. 2352 (Conference Report), 82d Cong., 2d Sess. The hearings before the Senate Committee on Banking and Currency on the 1952 amendments disclosed that the margins under most ceiling price regulations, even those issued prior to the passage of section 402 (k), already conform with the margin requirements of that section (see Senate Report No. 1599, 82d Cong., 2d Sess.).

It is recognized that the number of trade groups and products covered by the section is so large, and the facts with respect to them so diverse and complex, that it is possible that the Director may not be in possession of all relevant data in each industry affected by the amendment. Sellers who believe that a regulation does not comply with the amendment are required to show from their records that the appropriate margins or charges have not actually been allowed. This general overriding regulation is being issued to provide a procedure by which any retailer or wholesaler may apply for an adjustment of the ceiling prices for his industry to bring them into conformity with the amendment.

Consistent with the intention of Congress in adopting the Herlong Amendment, this regulation does not provide for adjustments for individual sellers or products but rather for groups of sellers comprising an industry or for groups of products sold by an industry. It sets forth general standards for use in determining industry or trade groupings, and explanations of allowable "customary margins or charges" and of the "cost of commodities" upon which those margins or charges may be taken.

In addition it sets forth in general terms what information must be submitted in an application under the regulation. In some cases it may be necessary to obtain information in addition to that specified in the regulation in order to apply properly the standards established by the act to a particular industry. The nature of this additional information will vary with the special problems of the industry involved. In view of this fact, the regulation specifically provides that the Director may request additional information. If it is shown that the industry for which the application is filed realized a customary margin or charge in a representative pre-Korean period, and the ceiling prices established for that industry do not permit it to realize this customary margin or charge, ceiling prices will be established for that industry which reflect that customary margin or charge. A customary margin or charge must be evidenced by a pattern of cost-price relationships over a period of time.

The wide coverage of this regulation and special circumstances attending its formulation have made it impracticable to consult with industry representatives, including trade association representatives.

So far as practicable the Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Eligibility to apply.
3. Industry; customary margin or charge; cost of commodities.
4. Information to be submitted.
5. What action may be taken on your application.
6. Geographical applicability.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816 as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this regulation does.* (a) This regulation provides a procedure under which retailers and wholesalers may apply for an adjustment of the ceiling prices of their industry established under any regulation which they believe fails to comply with section 402 (k) of the act. In addition, this regulation sets out the general basis on which applications will be granted or denied.

(b) This regulation does not provide for adjustments for individual retailers or wholesalers. An adjustment will be granted under this regulation only if it appears that the industry of which the applicant is a member is denied the margins or charges provided in section 402 (k) of the act. Moreover, this regulation does not apply to any specific commodity which is in short supply as evidenced by specific government action to encourage production of the commodity and as to which the customary margins of retailers or wholesalers have been reduced to the extent found by OPS in writing to be generally equitable and proportionate in relation to the general reductions in the customary margins of all other classes of persons concerned in the production and distribution of the commodity.

SEC. 2. *Eligibility to apply.* (a) If you are a retailer or wholesaler, you may apply for an adjustment of the ceiling prices of your industry if you believe that those prices do not reflect the industry's customary margins or charges during the period May 24, 1950 to June 24, 1950, or other representative period determined in accordance with section 4 (d). If more than one retailer or wholesaler in the same industry files an application under this regulation, the Director may, if he deems it appropriate, consolidate the applications.

(b) For the purposes of this regulation a person is a retailer or a wholesaler to the extent that he purchases and resells a commodity without substantially altering its form or to the extent that he sells commodities to ultimate consumers other than (1) government and institutional consumers and (2) consumers who purchase for consumption in the course of trade or business.

(c) General standards for determining industry or trade groupings and an explanation of the term "customary margin or charge" are set forth in section 3.

SEC. 3. *Industry; customary margin or charge; cost of commodities.*—(a) *Industry.* This regulation is intended to permit the filing of an application to maintain a customary margin or charge for groups of sellers constituting an industry or for groups of products sold by an industry rather than for any individual seller or any individual product.

Example 1. An individual seller of a particular commodity used a percentage margin of 40 percent during May–June, 1950. Practically all other sellers of this commodity customarily used a 30 percent markup during this period. The individual seller is not entitled to relief under this regulation if his ceiling prices of the commodity show a markup of 30 percent.

For purposes of this regulation, the Director will use the following as a guide to determining industry or trade groupings:

An industry is a group of wholesalers or retailers with certain common characteristics which set them off from the rest of the distributive trades. These common characteristics relate to the commodities—and the assortment of commodities—which they sell. Sellers of the same commodity may be subdivided into several groups, each of which is an industry, depending, for example, on the marketing methods which each group uses. When an adjustment is determined to be required under this regulation the definition of the industry will have to be developed in terms of commodities as well as firms. It is recognized that the typical industry includes both single line and multiple line resellers, and that multi-product resellers may differ among themselves as to the variety of their commodities and the manner in which their operations overlap with different groups of single-line resellers. It will be necessary in many cases to regard a multi-product reseller as being part of two or more industries, e. g., a grocery market selling household appliances or nylon hose may be both in the retail grocery industry and in the retail consumer goods industry.

The preceding statement is intended only as a basic guide and it is recognized it may not be suitable for all cases. You may, therefore, in your application suggest another basis for grouping. If you do so, you must state the reasons why that basis should be used.

(b) *Customary margin or charge.* The customary margin or charge is one which was actually used by resellers generally in determining selling prices and is not a nominal or fictitious margin or charge used to establish prices which few buyers actually paid.

Example 1. During the base period distributors customarily listed a price representing a 40-percent markup over the costs of certain goods. However, they made all sales at a so-called "discount" from the listed price, the actual sales price at which the goods were first offered representing a 30-percent markup over cost. The customary margin is 30 percent.

Example 2. In July, 1947, the net invoice cost of Commodity A to retailers was 40 cents; in October, 1948, it was 42 cents; in January, 1949, it was 44 cents; and in May–June 1950 it was 42 cents. Retailers' prices for Commodity A generally were, in July, 1947, 80 cents; in October, 1948, 84 cents; in January, 1949, 88 cents; and in May–June 1950, 84 cents. There appears to have been a customary percentage margin of 100 percent.

Example 3. In July, 1947, the net invoice cost of Commodity B to retailers was 50 cents; in October, 1948, it was 53 cents; in January, 1949, it was 52 cents; and in May–June 1950 it was 55 cents. Retailers' prices for Commodity B were in July, 1947, $1.00; in October, 1948, $1.03; in January, 1949, $1.02; and in May–June, 1950, $1.05. There appears to have been a customary margin of 50 cents.

(c) *Cost of commodities.* (1) Ordinarily the cost of commodities over which a customary margin will be allowed is the net invoice cost of the commodities to the reseller. If, however, it has been customary in the applicant's industry to treat other costs of acquisition as costs of the commodities on which the customary margin was taken, those additional acquisition costs may be regarded by the applicant as part of the costs of the commodities.

(2) Net invoice cost refers to invoice cost less all discounts which could have been taken.

SEC. 4. *Information to be submitted.* If you wish to apply for an adjustment for your industry under this regulation you must file an application with the Office of Price Stabilization, Washington 25, D. C. The application must be signed by you and include the following:

(a) The name and address of the principal office of the applicant.

(b) An identification of the ceiling price regulations fixing the ceiling prices involved in your application; a description of the commodities and types of operations of the sellers of the industry for which adjustment is sought; and a statement that the applicant is a retailer or wholesaler of the industry in question subject to the regulations.

(c) (1) A statement that sellers in your industry had a customary margin or charge over costs of the commodities covered by the application, during the period May 24, 1950, to June 24, 1950 or other representative period determined in accordance with paragraph (d) of this section, and what that margin or charge was. Your application must be supported by records of costs and prices of the commodities involved. These records may include invoices, sales slips, price lists, catalogues, or other records in your possession. You may also submit available published data, reports, etc., from any sources relating to your industry for consideration by OPS. You must further submit evidence showing that the margins actually in effect during the representative period were customary and not peculiar to that period. This must include costs and prices for your industry for the period May 24–June 24, 1950 and for at least two representative months prior to May 1950.

(2) For the meaning of the term "cost of commodities" see section 3 (c). If you count as part of the cost of the commodity anything other than net invoice cost as defined in section 3 (c), you must give evidence that this is in accordance with the established practice of your industry.

(d) (1) A statement as to whether the period May 24–June 24, 1950 is representative of normal operations of the sellers affected by the ceiling prices involved in the application. If you do not consider that period representative, include facts to support such belief, and you must name an earlier period of not less than one month which you consider to be more representative with supporting facts.

(2) In case there are several periods which you consider more representative than the period May 24–June 24, 1950, you must name the one nearest to the latter period.

(e) A statement of the current margins or charges permitted your industry by the regulation in question for the commodities covered by the application.

SEC. 5. *What action may be taken on your application.* (a) In some cases you may be able to present sufficient evidence to enable the Director to make a final determination whether the ceiling prices of your industry need to be adjusted to bring them into conformity with the provisions of section 402 (k). If you have not furnished the kind of information needed with respect to your industry grouping, but the evidence you present is sufficient to indicate that there is a reasonable doubt whether the ceiling prices which you seek to have adjusted meet the requirements of section 402 (k), OPS will undertake to obtain evidence which will be adequate to provide a factual basis for the Director to decide on the disposition of your application. The Director may request further information or evidence from the applicant.

(b) In any event, when the Director has determined whether or not the ceiling prices of your industry should be adjusted, he will issue an order granting or denying your application, in whole or in part.

SEC. 6. *Geographical applicability.* The provisions of this General Overriding Regulation are applicable in the United States, its Territories and possessions and the District of Columbia.

Effective date. This regulation is effective August 27, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 27, 1952.

[F. R. Doc. 52-9531; Filed, Aug. 27, 1952; 10:55 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 1, Amended]

GSSR 1—STABILIZATION AND GENERAL ADJUSTMENTS OF SALARIES AND OTHER COMPENSATION

EDITORIAL NOTE: Federal Register Document 52-9223, appearing at page 7539 of the issue for Tuesday, August 19, 1952, has been corrected in the following respect:

In the ninth line of section 52 (e), the word "on" now reads "no."

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-46, Direction 4 of August 27, 1952]

M-46—PRIORITIES ASSISTANCE FOR THE PETROLEUM AND GAS INDUSTRIES IN THE UNITED STATES AND CANADA

DIR. 4—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 authorized controlled material orders for oil country tubular goods, even though they call for delivery after the end of the quarter.

SEC. 2. *The direction.* Notwithstanding the provisions of any other NPA order or regulation, an authorized controlled material order for oil country tubular goods placed pursuant to an allotment for the third calendar quarter of 1952 may call for delivery at any time up to December 31, 1952: *Provided, however,* That such order is placed pursuant to lead time requirements.

This direction shall take effect August 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9545; Filed, Aug. 27, 1952; 11:40 a. m.]

[NPA Order M-46A, Direction 2 of August 27, 1952]

M-46A—PRIORITY ASSISTANCE FOR FOREIGN PETROLEUM OPERATIONS

DIR. 2—THIRD QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS FOR OIL COUNTRY TUBULAR GOODS

This direction is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. The direction.

AUTHORITY: Sections 1 and 2 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 authorized controlled material orders for oil country tubular goods, even though they call for delivery after the end of the quarter.

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This direction shall take effect August 27, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9546; Filed, Aug. 27, 1952; 11:40 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 72 to Schedule A]

[Rent Regulation 2, Amdt. 70 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND OKLAHOMA

Effective August 28, 1952, Rent Regulation 1 and Rent Regulation 2 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to read as follows:

(33a) [Revoked and decontrolled.]

This decontrols the Monterey Bay, California, Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 246, is amended to read as follows:

(246) [Revoked and decontrolled.]

This decontrols: (a) The City of Lawton in Comanche County, Oklahoma, a portion of the Lawton, Oklahoma, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorporated localities in said defense-rental area, said City of Lawton being the major portion of the defense-rental area, under section 204 (j) (3) of the act, and (c) all incorporated localities, other than said City of Lawton, in the defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-9465; Filed, Aug. 27, 1952; 8:52 a. m.]

[Rent Regulation 3, Amdt. 79 to Schedule A]

[Rent Regulation 4, Amdt. 23 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CALIFORNIA AND OKLAHOMA

Effective August 28, 1952, Rent Regulation 3 and Rent Regulation 4 are amended as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of August 1952.

TIGHE E. WOODS,
Director of Rent Stabilization.

1. Schedule A, Item 33a, is amended to read as follows:

(33a) [Revoked and decontrolled.]

This decontrols the Monterey Bay, California, Defense-Rental Area on the initiative of the Director of Rent Stabilization under section 204 (c) of the Housing and Rent Act of 1947, as amended.

2. Schedule A, Item 246, is amended to read as follows:

(246) [Revoked and decontrolled.]

This decontrols: (a) The City of Lawton in Comanche County, Oklahoma, a portion of the Lawton, Oklahoma, Defense-Rental Area, based on a resolution submitted under section 204 (j) (3) of the Housing and Rent Act of 1947, as amended; (b) all unincorporated localities in said defense-rental area, said City of Lawton being the major portion of the defense-rental area, under section 204 (j) (3) of the act, and (c) all incorporated localities, other than said City of Lawton, in the defense-rental area, on the initiative of the Director of Rent Stabilization under section 204 (c) of the act.

[F. R. Doc. 52-9466; Filed, Aug. 27, 1952; 8:52 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—VETERANS CLAIMS

APPLICATION FOR BENEFITS; ADJUSTMENT OF AWARD OF VETERAN UPON TERMINATION OF INSTITUTIONALIZATION

1. In § 3.26, paragraph (a) is amended to read as follows:

§ 3.26 *Application for benefits.* (a) A properly completed and executed VA Form 8-526 or VA Form 8-526a, upon

receipt by the Veterans' Administration, constitutes an application for benefits indicated below and will be adjudicated under the applicable laws:

VA Form 8-526, Veteran's Application for Compensation or Pension: VA Form 8-526 is designed as an application for either compensation or pension, or both. It constitutes a formal claim for both benefits, and it is not necessary that the veteran subsequently file a separate claim for either. It is not required that the claim be processed or adjudicated for compensation and pension routinely and in all instances. Depending upon the manner of execution, that is, the items of information recorded on the form, it should be readily apparent whether the veteran is claiming either compensation or pension, or both benefits. If items 23, 24, and 25 are used, item 36 checked "No," and items 37 through 49 not used, the claim is for compensation and will be so adjudicated. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 45 are used, the claim is also only for compensation but with an allegation of total disability. However, all disabilities, both service connected and non-service connected will be evaluated and the greater benefit awarded. If items 23, 24, and 25 are used, item 36 checked "Yes," and items 37 through 49 used, the claim is for both compensation and pension. If items 23, 24, and 25 are not used, item 36 is checked "Yes," and items 37 through 49 used, the claim is for pension.

VA Form 8-526a, Application for Compensation Under section 31, Public No. 141, 73d Congress, section 12, Public No. 866, 76th Congress, and section 2, paragraph 4, Public Law 16, 78th Congress.

Under Executive Order 6017, February 7, 1933, and section 1500, Public Law 346, 78th Congress, as amended, diplomatic and consular officers of the Department of State are authorized to act as agents of the Veterans' Administration, and therefore a formal claim filed in a foreign country will be considered as filed in the Veterans' Administration as of the date of receipt by the State Department representative.

• • • • •

2. In § 3.256, paragraph (b) is amended to read as follows:

§ 3.256 *Adjustment of award of veteran upon termination of institutionalization by the Veterans' Administration.* • • •

(b) While a veteran is on trial visit or other temporary absence from an institution where he is being maintained at Veterans' Administration expense, no adjustment of his award by reason thereof will be made for any period of less than 30 days, inclusive of the day on which he left the institution. A veteran, if otherwise entitled thereto, should be paid additional compensation or increased compensation or pension for aid and attendance except for such periods as he received aid and attendance in kind at the expense of the Veterans' Administration, even though the trial visit or other temporary absence is less than 30 days. However, such adjustments will not be accomplished until after the veteran's discharge from institutionalization or until he is granted furlough, trial visit, or temporary absence of 30 days or more. If such temporary absence is for a period of 30 days or more, the award to or on behalf of the veteran will be adjusted in accordance with the last valid rating, if otherwise in order, effective as of the day the veteran departs. However, a furlough, trial visit, or other temporary absence for a period of 30 days or more is not tantamount to a discharge within the purview of paragraph (a) (1) of this section, and the veteran may not be awarded the moneys withheld under § 3.255 (a) in a lump sum when he leaves the institution on such a temporary absence. Upon return from such a temporary absence the veteran's award shall be immediately reduced to the institutional rate, if otherwise in order. If the veteran is discharged without returning to the institution, the award will be adjusted in accordance with paragraph (a) of this section. The report of such absence will be made to the office having custody of the claims folder, in accordance with effective procedure.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9475; Filed, Aug. 27, 1952; 8:55 a. m.]

PART 3—VETERANS CLAIMS

CONDITIONS WHICH DETERMINE DEPENDENCY

Section 3.57 is revised to read as follows:

§ 3.57 *Conditions which determine dependency—(a) Definitions.* Dependency will be held to exist if the father or mother of the veteran does not have an income sufficient to provide reasonable maintenance for such father or mother and members of his or her family under legal age and for dependent adult members of the family if the dependency of such adult member results from mental or physical incapacity. "Reasonable maintenance" includes not only housing, food, clothing, and medical care sufficient to sustain life, but such items beyond the bare necessities, and as well as other requirements reasonably necessary to provide those conveniences and comforts of living suitable to and consistent with the parents' reasonable mode of life. "Members of the family" will be considered to mean those persons, including relatives in the ascending as well as descending class, whom the father or mother is under moral or legal obligation to support.

(b) *Sources of income.* (1) In determining the amount of income, consideration will be given to (i) net income from property owned, or business operated, by the mother or father; (ii) earnings of the mother or father and other members of their family under legal age; (iii) actual contributions of any character to the family expenses by the adult members; (iv) so-called social security benefits, i. e., old age assistance and old age and survivors' insurance; (v) family allowances received pursuant to Public Law 351, 81st Congress, as amended.

(2) In determining whether other members of the family under legal age are factors in necessary expenses of the mother or father, consideration will be given to any income from business or property (including trusts) actually available, directly or indirectly, to the mother or father for the support of the minor but not to the corpus of the estate or the income of the minor which is not so available.

(3) In determining dependency, amounts received from the following named sources, by the father or mother or other member of the family, will be disregarded, viz, (i) as designated beneficiary or otherwise of any insurance under the War Risk Insurance Act, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act, or any amendments to either; (ii) any pension or compensation under laws administered by the Veterans' Administration; (iii) benefits under the World War Adjusted Compensation Act or the Adjusted Compensation Payment Act, or any amendments to either; (iv) the 6-month pay made to the designated beneficiary thereof pursuant to 10 U. S. C. 903, 903 (a), and 456; 34 U. S. C. 943, 944, and 855c-2; (v) payments pursuant to Mustering-Out Payment Act, 1944, Public Law 225, 78th Congress; (vi) donations or assistance from charitable sources; (vii) payments of Servicemen's Indemnity under Public Law 23, 82d Congress.

(4) In addition to considering income of a father or mother, consideration will be given to the corpus of such claimant's estate if under all the circumstances it is reasonable that the same or some part thereof be sold and the proceeds consumed for the claimant's maintenance.

(c) *Contributions by veteran.* The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed but shall be considered in connection with all other evidence.

(d) *Remarriage of parent.* The remarriage of a mother or father does not, per se, bar entitlement but is prima facie evidence that dependency has ceased. See § 4.62 of this chapter.

(e) *Prima facie dependency.* (1) In the absence of evidence indicating the contrary, dependency will be held to exist when the monthly income from sources proper to consider does not exceed:

(i) $105 for a mother or father (not living together).

(ii) $175 for a mother and father (living together).

(iii) The amounts stated in subdivision (i) or (ii) of this subparagraph plus $45 for each additional member of the family whose support is to be considered under the criteria indicated in paragraphs (a) and (b) of this section.

It must be definitely understood that the amounts stated are not controlling in any case but are to be used only as prima facie evidence. Each claim is subject to adjudication upon the facts thereof in the light of the governing legal principles

Item	Act of May 1, 1920, 90 days' service (1)	Act of May 1, 1920, 90 days' service or disability discharge (2)	Act of June 2, 1930, 60 days' service or disability discharge (3)	Act of June 2, 1930, 60 days' service	Act of May 24, 1938, 90 days' service or disability discharge (4)	Act of Mar. 1, 1941, 90 days' service or disability discharge[a]	Act of Aug. 4, 1951, effective from Oct. 1, 1951, to June 30, 1952; service of—		Act of May 23, 1952, effective from July 1, 1952; service of—	
							70 days	90 days	70 days	90 days
Disability—Con.										
54—a	$24.00	$40.00	$60.00	$24.00						
b	28.80	48.00	72.00	28.80						
c	34.56	57.60	72.00	34.56						
Total—a	30.00	50.00	(3) 60.00	30.00			(3) $75.00	$60.00	$90.00	$64.50 $96.75
b	60.00	60.00		60.00						
c	72.00	72.00		64.00			(3) 90.00			
Regular aid and attendance, helplessness, or blindness:										
a		72.00	(4) 72.00	50.00	(4)$100.00			78.00	120.00	83.85 129.00
b		86.40	(4) 86.40	63.00						
c		103.68	(4) 103.68	78.00	(4) 120.00					
Age:										
62—a	12.00	20.00	30.00	12.00						
b	14.40	24.00	36.00	14.40						
c	17.28	28.80	43.20	17.28						
65—a				60.00						
b				72.00						
c				86.40						
68—a	18.00	30.00	(4) 45.00	50.00	(4) 90.00					
b	21.60	36.00	(4) 54.00	60.00						
c	25.92	43.20	(4) 64.80	72.00						
72—a	24.00	40.00	(4) 60.00	24.00						
b	28.80	48.00	(4) 72.00	30.00						
c	34.56	57.60	(4) 86.40	36.00						
75—a	30.00	50.00	(3) 60.00	30.00			(3) 75.00			
b	60.00	60.00		60.00						
c	72.00	72.00		72.00			(3) 90.00			

a=Rates prior to Sept. 1, 1946, Pub. Law 611, 79th Cong.
b=Rates from Sept. 1, 1946, Pub. Law 611, 79th Cong. to Sept. 30, 1951.
c=Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong. to Sept. 30, 1951.

NOTE: The foregoing rates are subject to the provisions of § 3.255. Where a veteran is furnished hospital treatment or institutional domiciliary care by the Veterans' Administration and is furnished nursing or attendant's service, the additions for regular aid and attendance will be discontinued effective the first day of the second calendar month following the month in which such service was furnished. Where a veteran is receiving additional amount on account of need of regular aid and attendance, such additional amount will be effective as of the date of commencement of the need for regular aid and attendance if proof of such need is received within one year from such date; otherwise effective date will be the date of receipt of such proof. This note does not apply to additional amounts payable under the 10 percent rule. Where the rate of pension is reduced or discontinued because of the attainment of beneficial age, or rate applicable under Pub. Law 356, 82d Cong., or because of change from one rate of pension to another or the rate applicable under Pub. Law 356, 82d Cong., from July 1, 1952, such increase will be effective as of the date of commencement of the need of regular aid and attendance if proof of such need is received within one year from such date; otherwise effective date will be the date of receipt of such proof. Where the rate of pension in such instances will be effective as of the beginning of the period for which the disabled veteran was hospitalized by the Veterans' Administration. The full rate for regular aid and attendance will be paid during periods of temporary absence from the hospital for a period not to exceed 30 days. Where the rate of pension is reduced or discontinued because of the veteran's hospitalization for more than 90 days, such reduction or discontinuance will be effective as of the first day of the second calendar month following the month in which such hospitalization ceased. Pension at the full rate will be restored if otherwise in order upon the termination of the veteran's hospitalization. The award will include the additional amount for regular aid and attendance for the period of hospitalization for which pension at the full rate was not paid. Where a veteran is receiving domiciliary care or his furlough, trial visit, or temporary leave of absence exceeds 30 days, pension at the full rate for those days when service in kind for the regular aid and attendance was not furnished due to the veteran's absence from the institution.

* * * * *

(Sec. 1, 41 Stat. 982, sec. 1, 44 Stat. 382, as amended, secs. 1, 3, 4, 46 Stat. 492, as amended, 493 as amended, sec. 1, 52 Stat. 440, sec. 1, 60 Stat. 863, sec. 1, 61 Stat. 610, Pub. Laws 108 and 356, 82d Cong.; 38 U. S. C. 351, 352, 364, 365, 365b, 365c, 370, 370e, 370f)

4. Section 3.1110 is revised to read as follows:

§ 3.1110 *Rates of pension: Indian Wars.* Pension is payable at rates as follows:

Item	Rates on and after Sept. 1, 1937		Rates from date of claim filed on or after Mar. 3, 1941		Act of May 23, 1952
	To Feb. 29, 1948	From Mar. 1, 1948	To Feb. 29, 1948	From Mar. 1, 1948	From July 1, 1952
Degree of disability:					
10	$20.00	$24.00	$20.00	$24.00	$24.00
15	25.00	30.00	25.00	30.00	30.00
20	35.00	42.00	35.00	42.00	42.00
25	45.00	54.00	45.00	54.00	60.00
Total	55.00	66.00	55.00	66.00	72.00

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1062, paragraph (b) is amended to read as follows:

§ 3.1062 *General Law rates.* * * *

(b) *Disability not specified or fixed by or pursuant to law.* Disability resulting from disease or injury not covered by the foregoing table will be evaluated on the basis of the average impairment of earning capacity, in accordance with the following table of rates:

Rates under the "General Law" as amended and reenacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 460, 78th Cong.	Rates under Pub. Law 346, 82d Cong. effective from July 1, 1952	Adjusted rates under the "General Law" as amended and reenacted by Pub. No. 141, 79th Cong. and amended by Act, Aug. 12, 1953
0			0
$6	$6.20	$7.24	$6.00
8	9.30	9.66	7.50
10	11.50	12.07	9.00
12	13.80	14.49	10.50
14	16.10	16.90	12.75
17	19.55	22.48	18.00
24	27.60	31.74	22.50
30	34.50	39.07	
No percent			
10 percent			
15 percent			
20 percent or more, but less than 25 percent			
25 percent or more, but less than 35 percent			
35 percent or more, but less than 50 percent			
50 percent or more, but less than 75 percent			
75 percent or more, but less than total			
Total (100 percent)			

The General Law rates are not increased by Public Law 659, 79th Congress.

(R. S. 4692, 4693, as amended, 4695, as amended, 4696, sec. 30, 48 Stat. 525, sec. 1, 49 Stat. 614, 58 Stat. 707, Pub. Law 356, 82d Cong.; 38 U. S. C. 151-154, 367, 398, 471a-2)

2. In § 3.1063, a new paragraph (c) is added as follows:

§ 3.1063 *Combination.* * * *

(c) When a combination of rates produces a result of under 50 per centum, payment shall be increased by 5 per centum. When the combination results in a rate of 50 per centum or over, the payment shall be increased by 15 per centum.

3. In § 3.1108, paragraph (a) is amended to read as follows:

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

Item	Act of June 5, 1920, 90 days' service (1)	Act of May 1, 1920, 90 days' service or disability discharge (2)	Act of June 2, 1930, 60 days' service or disability discharge (3)	Act of June 2, 1930, 70 days' service	Act of May 24, 1938, 90 days' service or disability discharge (4)	Act of Mar. 1, 1941, 90 days' service or disability discharge[a]	Act of Aug. 4, 1951, effective from Oct. 1, 1951, to June 30, 1952, service of—		Act of May 23, 1952, effective from July 1, 1952, service of—	
							70 days	90 days	70 days	90 days
Disability:										
10—a	$12.00	$20.00	$20.00	$12.00						
b	14.40	24.00	24.00	14.40						
c	17.28	28.80	28.80	17.28						
14—a	15.00	25.00	25.00	15.00						
b	18.00	30.00	30.00	18.00						
c	21.60	36.00	36.00	21.60						
18—a	18.00	30.00	35.00	18.00						
b	21.60	36.00	42.00	21.60						
c	25.92	43.20	50.40	25.92						

a=Rates prior to Sept. 1, 1947.
b=Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong.
c=Rates from July 1, 1952, Pub. Law 356, 82d Cong.

NOTE: The foregoing rates are subject to the provisions of § 3.255.

(b) The rate for Army nurses, under the act of August 5, 1892, as amended by the act of July 3, 1926, is $50 monthly to September 1, 1947, $60 monthly from September 1, 1947, and $64.50 from July 1, 1952.

(Secs. 1, 2, 46 Stat. 529, sec. 2, 61 Stat. 610, sec. 1, 27 Stat. 348, Pub. Law 356, 82d Cong.; 38 U. S. C. 274, 275, 276, 311)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9476; Filed, Aug. 27, 1952; 8:55 a. m.]

PART 3—VETERANS CLAIMS

MISCELLANEOUS AMENDMENTS

1. In § 3.1062, paragraph (b) is amended to read as follows:

§ 3.1062 *General Law rates.* * * *

(b) *Disability not specified or fixed by or pursuant to law.* Disability resulting from disease or injury not covered by the foregoing table will be evaluated on the basis of the average impairment of earning capacity, in accordance with the following table of rates:

Rates under the "General Law" as amended and reenacted by Pub. No. 269, 74th Cong.	Rates under Pub. Law 460, 78th Cong.	Rates under Pub. Law 346, 82d Cong. effective from July 1, 1952	Adjusted rates under the "General Law" as amended and reenacted by Pub. No. 141, 79th Cong. and amended by Act, Aug. 12, 1953
0			0
$6	$6.20	$7.24	$6.00
8	9.30	9.66	7.50
10	11.50	12.07	9.00
12	13.80	14.49	10.50
14	16.10	16.90	12.75
17	19.55	22.48	18.00
24	27.60	31.74	22.50
30	34.50	39.07	
No percent			
10 percent			
15 percent			
20 percent or more, but less than 25 percent			
25 percent or more, but less than 35 percent			
35 percent or more, but less than 50 percent			
50 percent or more, but less than 75 percent			
75 percent or more, but less than total			
Total (100 percent)			

The General Law rates are not increased by Public Law 659, 79th Congress.

(R. S. 4692, 4693, as amended, 4695, as amended, 4696, sec. 30, 48 Stat. 525, sec. 1, 49 Stat. 614, 58 Stat. 707, Pub. Law 356, 82d Cong.; 38 U. S. C. 151-154, 367, 398, 471a-2)

2. In § 3.1063, a new paragraph (c) is added as follows:

§ 3.1063 *Combination.* * * *

(c) When a combination of rates produces a result of under 50 per centum, payment shall be increased by 5 per centum. When the combination results in a rate of 50 per centum or over, the payment shall be increased by 15 per centum.

3. In § 3.1108, paragraph (a) is amended to read as follows:

§ 3.1108 *Rates of pension: Spanish-American War, Philippine Insurrection and/or Boxer Rebellion.* (a) Service pension is payable at rates as follows:

Item	Act of June 5, 1920, 90 days' service (1)	Act of May 1, 1920, 90 days' service or disability discharge (2)	Act of June 2, 1930, 60 days' service or disability discharge (3)	Act of June 2, 1930, 70 days' service	Act of May 24, 1938, 90 days' service or disability discharge (4)	Act of Mar. 1, 1941, 90 days' service or disability discharge[a]	Act of Aug. 4, 1951, effective from Oct. 1, 1951, to June 30, 1952, service of—		Act of May 23, 1952, effective from July 1, 1952, service of—	
							70 days	90 days	70 days	90 days
Disability:										
10—a	$12.00	$20.00	$20.00	$12.00						
b	14.40	24.00	24.00	14.40						
c	17.28	28.80	28.80	17.28						
14—a	15.00	25.00	25.00	15.00						
b	18.00	30.00	30.00	18.00						
c	21.60	36.00	36.00	21.60						
18—a	18.00	30.00	35.00	18.00						
b	21.60	36.00	42.00	21.60						
c	25.92	43.20	50.40	25.92						

Regular aid and attendance, helplessness, or blindness	$72.00	$86.40	$100.00	$120.00	$129.00
Age:					
62	$25.00	$30.00	$30.00	$36.00	
65	35.00	42.00	60.00	72.00	
68	45.00	54.00			
72	55.00	66.00			
75					

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(62 Stat. 4, sec. 1, 44 Stat. 1361, as amended, 50 Stat. 786, as amended, Public Law 356, 82d Cong.; 38 U. S. C. 374a, 381, 381-1)

5. Section 3.1112 is revised to read as follows:

§ 3.1112 *Rates of pension: Civil War.* (a) Pension is payable at rates as follows:

Minimum rate	Helplessness or blindness, or so nearly helpless or blind as to require the regular aid and attendance of another person
$75.00 a	$100.00
90.00 b	120.00
96.75 c	129.00

a=Rates prior to Sept. 1, 1947.
b=Rates from Sept. 1, 1947, Pub. Law 270, 80th Cong.
c=Rates from July 1, 1952, Pub. Law 356, 82d Cong.

NOTE: The foregoing rates are subject to the provision that the rate for blindness may be allowed, but that the rate for regular aid and attendance may not be allowed while the veteran is being maintained by the Veterans' Administration and to the provisions of § 3.255.

(b) The rate for Army nurses, under the act of August 5, 1892, as amended by the act of July 3, 1926, is $50 monthly to September 1, 1947, $60 monthly from September 1, 1947, and $64.50 from July 1, 1952.

(Secs. 1, 2, 46 Stat. 529, sec. 2, 61 Stat. 610, sec. 1, 27 Stat. 348, Pub. Law 356, 82d Cong.; 38 U. S. C. 274, 275, 276, 311)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9477; Filed, Aug. 27, 1952; 8:56 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

MISCELLANEOUS AMENDMENTS

1. Section 21.236b is revised to read as follows:

§ 21.236b *Furnishing supplies to trainees in institutional on-farm training.* Before a veteran may be inducted into institutional on-farm training under Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), the farm on which he is to pursue the on-farm part of his course must be equipped with the kinds and amounts of supplies and equipment which are necessary to enable the trainee to pursue successfully that portion of the course. Accordingly, under no circumstances will the Veterans' Administration furnish any equipment or supplies which may be required to operate the farm. The Veterans' Administration will furnish only those books and incidental consumable supplies required by the school to be personally owned by all students in the school portion of the course: *Provided,* That such special equipment as may be authorized under § 21.241 (b) incident to the character of the veteran's disability may be furnished.

2. In § 21.243, paragraphs (b), (d), and (g) are amended to read as follows:

§ 21.243 *Release of and repayment for training supplies.* * * *

(b) Pursuant to the authority given to the Administrator in the first proviso of section 4, Public Law 16, 78th Congress, as amended, a veteran will not be required to repay for consumable supplies where he fails to complete his course of vocational rehabilitation. Nor will the veteran be required to repay for nonconsumable supplies unless it be determined that his failure was because of fault on his part. In making such determination, the veteran will be given the benefit of any reasonable doubt.

* * * * *

(d) In cases which are found to be meritorious as defined in paragraph (f) of this section, even though the veteran is found to be at fault, the veteran will not be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense. Nor will a veteran be required to repay the Veterans' Administration for supplies furnished him at Veterans' Administration expense where the veteran was pursuing his course at a school which recovers nonconsumable supplies from veterans through contractual arrangement with the Veterans' Administration and the veteran returned to the school all the nonconsumable supplies furnished him at Veterans' Administration expense.

* * * * *

(g) Where it is determined that the veteran is at fault and repayment for supplies is not excused under paragraphs (d) and (f) of this section, the veteran will be required to repay the Veterans' Administration for the nonconsumable supplies furnished him at Veterans' Administration expense. The amount to be repaid will be the value at which the supplies were issued to the veteran less a percentage equivalent to the percentage of the prescribed course (or term, where applicable in the case of school training) completed. For example, a veteran who has completed one-third of the prescribed course or term for which supplies were furnished will be required to repay two-thirds of the value at which the supplies were issued to the veteran. Under no circumstances will supplies be accepted in lieu of repayment, except as provided in §§ 21.241 (g), 21.252 (d), and paragraph (d) of this section.

* * * * *

3. Section 21.247 is revised to read as follows:

§ 21.247 *Records of supervision.* The recorded facts concerning the training situation as determined through supervision of the trainee by the training officer are the chief basis upon which the Veterans' Administration judges the progress of the trainee and determines that the training situation of each trainee is satisfactory or that adjustment of the training situation is necessary to meet the needs of the individual veteran. The recorded facts are also the basis upon which the chief of the section can evaluate the performance of the individual training officer and thus be enabled to determine the efficiency of the Veterans' Administration service in administering the affairs of the individual trainee. Records of supervision must be used to improve the program in each individual case and also the vocational rehabilitation program as a whole. They must be studied and acted upon with a view to making the work of the training officer and the entire education and training section more effective.

4. In § 21.252, paragraph (d) is amended to read as follows:

§ 21.252 *Change of employment objective.* * * *

(d) Where a change of employment objective is authorized in accord with paragraph (a) of this section the veteran will be required to return or repay for nonconsumable supplies furnished at Veterans' Administration expense for the previous employment objective which are not required for pursuit of training for the new objective.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interprets or applies secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500-1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697-697d, 697f, g, ch. 12 note)

This regulation effective August 29, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9478; Filed, Aug. 27, 1952; 8:56 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Federal Security Agency

PART 105—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES FOR PUBLIC SCHOOLS IN AREAS AFFECTED BY FEDERAL ACTIVITIES

FISCAL YEAR APPROPRIATIONS; DEADLINE FOR APPLICATIONS AND PAYMENTS

Part 105 (16 F. R. 5901, amended in 17 F. R. 347 and 1943) is further amended by the addition of §§ 105.9, 105.10 and 105.25, as follows:

summarized in this section. The monetary guides in this paragraph are not for application in a foreign country.

(Sec. 5, Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation effective August 28, 1952.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 52-9476; Filed, Aug. 27, 1952; 8:55 a. m.]

treatment and payment of wages of pris-

§ 105.9 *Deadline for applications for payments from funds appropriated for the fiscal year 1953 and thereafter.* March 31 of each fiscal year is hereby fixed as the date on or before which all applications for payments out of funds appropriated for such fiscal year shall be received by the Commissioner.

§ 105.10 *Applications received after deadline not considered for payment.* Applications received by the Commissioner after March 31 of a fiscal year will not be considered for payment from funds appropriated for such fiscal year.

§ 105.25 *Payments from fiscal year appropriations.* As prescribed by section 5 (c), 64 Stat. 1106, 20 U. S. C. 240 (c), if the funds appropriated for a fiscal year for such purposes are not sufficient to pay in full the total amounts which all local educational agencies whose applications have been considered for payment pursuant to § 105.9 are entitled to receive for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5 (b), 64 Stat. 1106, 20 U. S. C. 240 (b), for such fiscal year for payment to each such agency by the percentage by which the funds so appropriated are less than the total necessary to pay such agencies the full amount which they are entitled to receive under the act and the showings under and pursuant to their respective applications.

(Sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interpret or apply sec. 5, 64 Stat. 1106; 20 U. S. C. 240)

Dated: August 21, 1952.

[SEAL] EARL J. MCGRATH,
U. S. Commissioner of Education.

Approved: August 22, 1952.

JOHN E. THURSTON,
Acting Federal Security Administrator.

[F. R. Doc. 52-9461; Filed, Aug. 27, 1952; 8:52 a. m.]

Chapter V—War Claims Commission

Subchapter B—Receipt, Adjudication and Payment of Claims

PART 505—FILING OF CLAIMS AND PROCEDURES THEREFOR

TIME WITHIN WHICH CLAIMS MAY BE FILED; OFFICIAL FORMS

1. Section 505.2 is hereby amended to to read as follows:

§ 505.2 *Time within which claims may be filed.* (a) Claims made under sections 5 (a) through (e) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(b) Claims made under sections 6 (a) through (c) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(c) Claims made under section 6 (d) of the act will be received by the Commission during the period from April 9, 1952, to midnight April 9, 1953, in accordance with the notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 3 of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight April 9, 1953, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight April 9, 1953.

(d) Claims made under section 7 (a) of the act will be received by the Commission during the period from January 3, 1950, to March 31, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended. Claims to be accepted must be postmarked before midnight March 31, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight March 31, 1952.

(e) Claims made under section 7 (b) and (c) of the act will be received by the Commission during the period, from April 9, 1952 to October 1, 1952, inclusive, in accordance with notice given pursuant to the provisions of section 2 (d) of the act, as amended, and section 2 (f) of Pub. Law 303, 82d Cong., approved April 9, 1952. Claims to be accepted must be postmarked before midnight October 1, 1952, or delivered to the Office of the War Claims Commission at Washington, D. C., to any field office thereof, or to any person or agency authorized by the Commission to receive claims on its behalf, before midnight October 1, 1952.

2. Section 505.3 is hereby amended to read as follows:

§ 505.3 *Official forms.* Official forms are provided for use in the preparation of claims for submission to the Commission for adjudication and such forms are available as prescribed in section 7 of the description of organization (14 F. R. 7819). An official form is provided for each type of claim that may be made under the provisions of sections 5 (a) through (e), 6 (a) through (c), 6 (d), as added by Pub. Law 303, 82d Cong., 7 (a), or 7 (b), or (c) of the act, as amended, and each such official form is accompanied by printed instructions which explain its proper use, preparation, and execution. The official forms provided for use with respect to each type of claim adjudicable under said sections 5 (a) through (e), 6 (a) through (c), 6 (d) as added by Pub. Law 303, 82d Cong., 7 (a), or 7 (b) or (c) of the act, are designated and identified as follows:

(a) For compensation by living prisoners of war, WCC Form 601—Application for Living Ex-Prisoner of War Benefits.

(b) For compensation by living Philippine prisoners of war, or their survivors, WCC Form 602—Application for Ex-Prisoner of War Allowance.

(c) For compensation by living prisoners of war, arising out of inhumane treatment or forced labor, WCC Form 611—Application for Living Ex-Prisoner of War Compensation for Compulsory Labor and/or Inhumane Treatment.

(d) For compensation by survivors of deceased prisoners of war, WCC Form 650—Application for Prisoner of War Benefits by Survivors of Deceased Prisoners of War.

(e) For compensation by survivors of deceased prisoners of war, for inhumane treatment and forced labor, WCC Form 660—Application for Survivors of Deceased Ex-Prisoners of War for Compensation for Compulsory Labor and/or Inhumane Treatment.

(f) For detention benefits by living civilian American citizens, WCC Form 501—Application for Living Civilian Detention Benefits.

(g) For detention benefits by survivors of deceased civilian American citizens, WCC Form 550—Application for Detention Benefits by Survivors of Deceased Civilian Prisoners, Internees, Etc.

(h) For reimbursement by a religious organization or the personnel of a religious organization, WCC Form 701—Application for Reimbursement by Religious Organizations or Religious Personnel.

(i) For compensation to any religious organizations or personnel of a religious organization for loss or damage sustained to facilities as a consequence of the war, WCC Form 711—Application by Religious Organization for Compensation for Loss and Damage to Property as a Consequence of World War II.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9429; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 506—PROVISIONS OF GENERAL APPLICATION

PERSONS UNDER LEGAL DISABILITY

Section 506.2 (14 F. R. 7844, 16 F. R. 644, 16 F. R. 2239) is hereby amended to read as follows:

§ 506.2 *Persons under legal disability.* (a) Claims may be submitted for adjudication on behalf of persons who, being otherwise eligible to make claims under the provisions of sections 5 (a) through (e), and 6 of the act, are incompetent or otherwise under any legal disability, by the natural or legal guardian, committee, conservator, curator, or any other person including the spouse of such claimant, whom the Commission may determine is vested with the care of the claimant or his estate.

(b) In the event the Commission has before it satisfactory evidence that a member of the armed forces of the United States on active duty in Korea or captured by the forces of aggression fighting in Korea or elsewhere or reported missing in action, interned or beleaguered may be eligible to file a claim for compensation under Pub. Law 303, 82d Cong., and is unable to file a claim because of inaccessibility to forms and mailing facilities, the Commission may file an informal claim in behalf of such person.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9430; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 507—ENTITLEMENT TO AWARD

SUBPART A—PRISONERS OF WAR COMPENSATION

MISCELLANEOUS AMENDMENTS

1. Section 507.1 is hereby amended to read as follows:

§ 507.1 *Persons entitled to award of compensation.* Any regularly appointed, enrolled, enlisted, or inducted member of the military or naval forces of the United States who was held as a prisoner of war for any period of time subsequent to December 7, 1941, by a government of any nation with which the United States has been at war subsequent to December 7, 1941, and, with respect to whom the enemy government by which he was held as a prisoner of war (a) violated its obligation to furnish him the quantity and quality of food to which he was entitled as a prisoner of war under the terms of the Geneva Convention of July 27, 1929; or (4) violated its obligation relating to the treatment to be accorded a prisoner of war and the rules governing labor of prisoners of war, who makes claim is a person entitled to an award of compensation as a prisoner of war.

2. Section 507.2 is hereby amended to read as follows:

§ 507.2 *Rate of and basis for award of compensation.* (a) Compensation allowed a prisoner of war under sections 6 (a) through (c) of the act will be paid at the rate of $1 per each day that he was held as a prisoner of war on which the enemy government failed to furnish him such quantity or quality of food required to be furnished prisoners of war under the terms of the Geneva Convention of July 27, 1929.

(b) Compensation allowed a prisoner of war under the terms of section 6 (d) of the act, as added by Pub. Law 303, 82d Cong., will be paid at the rate of not to exceed $1.50 for each day that he was held as a prisoner of war on which the enemy government subjected him to inhumane treatment and/or compelled him to engage in labor contrary to the provisions of the Geneva Convention of July 27, 1929.

3. Section 507.8 is hereby amended to read as follows:

§ 507.8 *Obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention is the responsibility assumed by the contracting parties thereto, with respect to prisoners of war within the meaning of the Convention, to comply with and to fully observe the provisions of the Convention, and particularly those articles relating to food ration of prisoners of war, humane treatment, protection, and labor of prisoners of war.

4. Section 507.10 is hereby amended to read as follows:

§ 507.10 *Base camp.* "Base camp" means a permanent military establishment used by the detaining power to provide quarters for components of its own regularly established military or naval forces, and for the purposes of this part, shall be deemed to include only camps at which a standard ration or standard quarters were prescribed by the detaining power for issue or allotment to its own regularly established military or naval forces.

5. Section 507.11 is hereby amended to read as follows:

§ 507.11 *Violation of the obligation of the Geneva Convention.* For the purposes of this part, the obligation of the Geneva Convention shall be deemed to have been violated by the enemy government each day:

(a) That it did not furnish prisoners of war within the meaning of this act and the Geneva Convention with food of like quantity or quality as that prescribed by the detaining power as a standard ration for issue to its own regularly established military or naval forces at its own base camps.

(b) That it compelled prisoners of war to perform labor and failed to comply with the standards prescribed in the labor provisions of the Geneva Convention of July 27, 1929, including those listed below but not excluding any provision which may be appropriately applied.

(1) The labor of able prisoners of war, if utilized, should have been utilized by the detaining power only in accordance with their rank and aptitude, officers and persons of equivalent status excepted.

(2) Non-commissioned officers should have been required to do only supervisory work, unless they expressly requested remunerative work.

(3) Prisoners of war who were victims of accidents in connection with their work were entitled to the provisions applicable to laborers of the same class according to the legislation of the detaining power, and if no such legislation existed, all proper measures to equitably indemnify the victims should have been taken.

(4) The detaining power had full responsibility for the maintenance, care, treatment and payment of wages of prisoners of war working for private persons.

(5) No prisoner of war should have been employed at labor for which he was physically unfit.

(6) The length of a day's work of prisoners of war, including the trip going and returning, should not have been excessive and should not, in any case, have exceeded that customary for civilian workers in the region employed at the same work.

(7) Every prisoner of war should have been allowed a rest period of 24 consecutive hours every week.

(8) Labor furnished by prisoners of war should not have had any direct relation with war operations, especially in manufacturing or transporting arms or munitions of any kind, or in transporting material intended for combat units.

(9) Prisoners of war should not have been employed at unhealthful or dangerous work; the conditions of labor should not have been aggravated by disciplinary measures.

(10) Labor detachments should have worked only under conditions similar to the standards fixed for prisoner of war camps, particularly with respect to sanitary conditions, food, attention in case of accident or sickness, correspondence and the receipt of packages.

(11) Prisoners of war were not entitled to receive wages for work connected with the administration, management and maintenance of prisoners of war camps.

(12) Prisoners of war utilized for other work were entitled to wages in amounts prescribed through agreement between belligerents.

(i) Such agreements should have specified the portion which was to be retained by the camp administration, the amount which was to be paid to the prisoner of war, and the manner in which that amount was to be put at his disposal during the period of his captivity.

(ii) In the absence of such agreement, work done for the detaining power should have been paid for in accordance with the rates in force for soldiers of the national army doing the same work, or if none existed, according to a rate in harmony with the work performed.

(iii) Work performed for the account of other public administrations or for private persons, should have been paid for as regulated by agreement with the military authority.

(13) The proceeds of wages remaining to the credit of a prisoner of war should have been delivered to him at the end of his captivity, and in the event of his death, should have been forwarded through diplomatic channels to his heirs.

(c) That it failed to accord to prisoners of war humane treatment as required by the standards prescribed in the provisions of the Geneva Convention of July 27, 1929, including those listed below but not excluding any provisions relating to humane treatment which may be appropriately applied.

(1) Prisoners of war should at all times have been humanely treated and protected, particularly against acts of violence, insults and public curiosity. Measures of reprisal against them should have been prohibited.

(2) Prisoners of war should have had their person and their honor respected. Women should have been treated with all the regard due to their sex. Prisoners were entitled to retain their full civil status.

(3) Prisoners of war should have been evacuated within the shortest possible period after their capture, to depots located in regions far enough from the zone of combat for them to be out of danger.

(i) Only those prisoners who, because of wounds or sickness, would have been exposed to greater risks by such evacuation than by remaining may have been temporarily kept in a dangerous zone.

(ii) Prisoners of war should not have been needlessly exposed to danger while awaiting their evacuation from a combat zone.

(iii) Evacuation of prisoners on foot should normally have been effected only in stages of 20 kilometers per day, unless the necessity for reaching water and food depots required longer stages.

(4) Prisoners of war should have been lodged in buildings or in barracks affording all possible guarantees of hygiene and healthfulness.

(i) The quarters of prisoners of war should have been fully protected from dampness, sufficiently heated and lighted. All precautions should have been taken against fire hazards.

(ii) If dormitories were used, the total surface minimum cubic amount of air, arrangement, material of bedding, and other conditions, should have met the standards established for troops at base camps of the detaining power.

(5) Clothing, linens and footwear should have been furnished to prisoners of war by the detaining power. Replacement and repair of such effects should have been accomplished regularly. In addition, laborers should have received work clothes wherever required by the nature of the work.

(6) Canteens should have been installed in all camps where prisoners of war could obtain, at the local market price, food products and ordinary objects. Profits made by such canteens for camp administrations should have been used for the benefit of prisoners.

(7) The detaining powers should have taken all sanitary measures necessary to insure the cleanliness and healthfulness of the camps and to prevent epidemics.

(i) Prisoners of war were entitled to have at their disposal, day and night, installations conforming to sanitary rules and constantly maintained in a state of cleanliness.

(ii) Without prejudice to baths and showers, with which the camp should have been as well provided as possible, prisoners should have been furnished sufficient quantity of water for the care of their own bodily cleanliness.

(iii) Provisions should have been made for prisoners of war to take physical exercise and to enjoy the open air.

(8) Officers and persons of equivalent status as prisoners of war should have been treated with due regard to their rank and age.

(9) In order to insure service in officers camps, soldiers of the same army who were prisoners of war and, wherever possible, who spoke the same language, should have been assigned thereto, in sufficient numbers, considering the rank of the officers and persons equivalent in status.

(10) With respect to arrest of a prisoner of war for disciplinary punishment the duration of a single punishment should not have exceeded 30 days.

(i) The maximum of 30 days should not have been exceeded in the case of several acts for which the prisoner was required to undergo discipline at the time when it was ordered for him whether or not such acts were connected.

(ii) When, during, or after the end of the period of arrest, the prisoner had a new disciplinary punishment imposed on him, a space of at least 3 days should have separated each of the periods of arrest, if any one of them was for a period of 10 days or more.

(11) In no case should prisoners of war have been transferred to penitentiary establishments for the purpose of disciplinary punishment.

(12) The quarters in which prisoners of war were subjected to disciplinary punishment should have conformed to sanitary requirements set out in the Convention.

(13) Prisoners subjected to disciplinary punishment should have been afforded the opportunity to keep themselves clean and should have been allowed to exercise or stay in the open air for a period of at least two hours during each day under such punishment.

(14) Prisoners of war subjected to disciplinary punishment should have been allowed to read and write as well as to send and receive letters. Packages and money for prisoners of war subjected to disciplinary punishment may have been withheld until the expiration of such punishment.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9431; Filed, Aug. 27, 1952; 8:45 a. m.]

PART 508—PAYMENT

PAYMENT UNDER THE WAR CLAIMS ACT

Section 508.2 (14 F. R. 7846) is hereby amended to read as follows:

§ 508.2 *Payment under the War Claims Act*—(a) *Living prisoners of war or living civilian American citizens.* Any award made to a living prisoner of war for compensation, or to a living civilian American citizen for detention benefits, will be certified to the Treasurer of the United States for payment to the person entitled thereto, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(b) *Survivors of deceased prisoners of war or deceased civilian American citizens.* Awards made to the survivors of deceased prisoners of war, or to the survivors of deceased civilian American citizens, will be certified to the Secretary of the Treasury for payment to the individual members of the class or classes of survivors entitled thereto in the full amount of the share to which each survivor is entitled, except that as to persons under any legal disability payment will be made as specified in paragraph (c) of this section.

(c) *Payments to persons under legal disability.* Any award or any part of an award payable pursuant to sections 5 (a) through (e), or 6 of the act to any person under legal disability may, in the discretion of the Commission, be paid for the use of the claimant to the natural or legal guardian, committee, conservator, or curator, or if there is no such natural or legal guardian, committee, conservator or curator then, in the discretion of the Commission, to any person, including the spouse of such person, or the Chief Officer of the hospital in which the claimant may be a patient, whom the Commission may determine is vested with the care of the claimant or of his estate. In the case of a minor, any part of the amount payable may, in the discretion of the Commission, be paid to such minor.

(d) *Religious organizations.* (1) Any award made to a religious organization under the provisions of section 7 (a) of the act will be certified to the Secretary of the Treasury for payment in the full amount to such organization in its corporate name, or to such officer or officers thereof as are properly and lawfully designated by the organization.

(2) Any award made to a religious organization under the provision of section 7 (b) or (c) of the act will be certified to the Secretary of the Treasury in accordance with subparagraph (1) of this paragraph, or upon request of such religious organization will be authorized to be paid to its properly designated affiliate in the United States: *Provided*, That such affiliate certifies to the War Claims Commission that all money paid on said claim and received by the named affiliate will be used for the purpose of restoring the educational, medical and welfare facilities described in the claim and located in the Philippines.

(Sec. 2, 62 Stat. 1240, as amended; 50 U. S. C. App. Sup. 2001)

GEORGIA L. LUSK,
Vice Chairman,
War Claims Commission.

[F. R. Doc. 52-9428; Filed, Aug. 27, 1952; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 22, 3d Rev., Amdt. 1, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

ENTRANCE STANDARDS; UNIFORMS, TEXTBOOKS AND SUBSISTENCE

Paragraph (a) of § 310.6 *Entrance standards*, and paragraph (a) of § 310.8 *Scholarship subsidy, subsistence, and charges*, contained in General Order 22, Third Revision, WSA Function Series published in the FEDERAL REGISTER issue of October 20, 1949 (14 F. R. 6401) are amended as follows:

1. Effective upon publication in the FEDERAL REGISTER, § 310.6 (a) is deleted in its entirety and the following is inserted in lieu thereof:

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy must be a male citizen of the United States and must qualify in all respects for appointment as a Midshipman, Merchant Marine Reserve, United States Naval Reserve, and be appointed as such. Such candidate shall also agree in writing to apply for a commission as Ensign, United States Naval Reserve, immediately after graduation and shall be required to accept such commission provided he is qualified: *Provided, however*, A waiver of physical qualifications under this requirement will be made by the Chief of the Office of Maritime Training provided that the physical examination for appointment in the Merchant Marine Reserve, United States Naval Reserve, has been taken before admission and that any defects noted are not such as to disqualify him physically for a license in the Merchant Marine in accordance with the regulations prescribed by the U. S. Coast Guard: *And provided further*, That annual physical examinations by a Navy examiner are made thereafter, when in the opinion of the Navy examiner such defects are remedial to endeavor to qualify the cadet for appointment in the Naval Reserve and that such cadet shall accept appointment in the Naval Reserve as soon as and if he can qualify. He must be of robust constitution, physically sound and of good moral character, not less than seventeen years of age and not yet twenty-three years of age: *Provided*, That within this range each state may fix its upper age limit for cadets appointed by the State: *Provided further*, That in any case if the candidate is a veteran honorably discharged or if he served in the Merchant Marine for not less than one year during World War II, the upper age limit is extended four years so that such candidate shall be not yet twenty-seven years of age.

2. Effective July 1, 1951, the headnote and paragraph (a) of § 310.8 are amended to read as follows:

§ 310.8 *Uniforms, textbooks, and subsistence.* (a) Each Cadet, on and after his appointment in the Merchant Marine Reserve, United States Naval Reserve, and assignment to a State Maritime Academy will be granted a uniform, textbook, and subsistence allowance at the rate as provided in the applicable appropriation act for each fiscal year, payable monthly. The subsistence allowance will be paid either directly to the Cadet concerned, or, upon approval of the supervisor, to the State Maritime Academy upon presentation of a statement which shall be prepared and submitted at the end of each month and shall contain the names of the Cadets for whom subsistence has been furnished during that month, and such other information as may be required by the supervisor. The uniform and textbook allowances will be paid either directly to the Cadet concerned or, with the approval of the supervisor, to the State Maritime Academy upon certification by the Superintendent that such allowances will be credited to the account of each Cadet. No Cadet will be granted a uniform and textbook allowance or subsistence allowance for any time during which he is absent without leave for a condition not in line of duty.

(Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d. Interpret or apply 52 Stat. 965, as amended; 46 U. S. C. 1126)

Dated: August 14, 1952.

[SEAL] E. L. COCHRANE,
Maritime Administrator.

[F. R. Doc. 52-9448; Filed, Aug. 27, 1952; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

Basis and purpose. The Whaling Convention Act of 1949 (64 Stat. 421–425; 16 U. S. C., 1946 ed., Supp. IV, 916–916l), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other governments, provides that regulations of the Commission (defined to mean the whaling regulations in the Schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission) shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. The provisions of the Schedule have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register, but no changes have been made in the substantive provisions. As so edited, the Schedule of the Convention as last amended by the Commission in July 1951, pursuant to Article V of the Convention appears below. The provisions of the Schedule are applicable to nationals and whaling enterprises of the United States.

Sec.
351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operations of factory ships limited.
351.5 Closed areas for factory ships.
351.6 Limitation on the taking of humpback whales.
351.7 Closed season for baleen whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
351.10 Open seasons for land stations.
351.11 Use of factory ship in waters other than south of 40° South Latitude.
351.12 Complete processing required.
351.13 Prompt processing required.
351.14 Remuneration of employees.
351.15 Submission of laws and regulations.
351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 are issued under 64 Stat. 421–425; 16 U. S. C., 916–916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operations of factory ships limited.* It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) In waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed areas for factory ships.* It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

§ 351.6 *Limitation on the taking of humpback whales.* It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude: *Provided*, That in the pelagic whaling season for baleen whales, 1952, a maximum of 1,250 humpback whales may be taken in these waters commencing on February 1st.

§ 351.7 *Closed season for baleen whales.* (a) It is forbidden to use a

factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from the second day of January to the seventh day of April following, both days inclusive.

(b) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or treating of sperm whales by factory ships may be permitted: *Provided*, That a separate open season may be declared for each factory ship.

(c) Notwithstanding the prohibition of treatment in paragraphs (a) and (b) of this section during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales; or

(2) Two and a half humpback whales; or

(3) Six sei whales.

(c) Notification shall be given in accordance with Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; and in addition notification of data on the number of humpback whales taken in pursuance of § 351.6, including nil returns on days when no humpback whales are taken, shall be given at the end of each day.

(d) If it should appear that the maximum catch of whales permitted by paragraph (a) of this section may be reached before the seventh day of April, of any year, the Commission, or such other body as the Commission may designate, shall determine on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) On the basis of data on number of humpback whales taken in accordance with the provisions of § 351.6 and reported in accordance with paragraph (c) of this section, the Commission, or such other body as the Commission may designate, shall determine the date on which the maximum catch of humpback whales shall be deemed to have been reached and shall notify each factory ship and each contracting Government three days in advance thereof. The taking of humpback whales in all waters south of 40° South Latitude shall be illegal after midnight of the date so determined.

(f) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei, or humpback whales below the following lengths:

(1) Blue whales 70 feet (21.3 metres);

(2) Sei whales 40 feet (12.2 metres);

(3) Humpback whales 35 feet (10.7 metres).

Except that blue whales of not less than 65 feet (19.8 metres), and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations: *Provided*, That the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 60 feet (18.3 metres) in length for delivery to factory ships or land stations in the southern hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships and land stations in the northern hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the southern hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the northern hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: That is to say, any whale between 75' 6'' and 76' 6'' shall be logged as 76', and any whale between 76' 6'' and 77' 6'' shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76' 6'' precisely, shall be logged as 77'.

§ 351.10 *Open seasons for land stations.* (a) It is forbidden to use a land station under the jurisdiction of a contracting Government, and whale catchers attached to such land station, for the taking or treating of baleen and sperm whales, except as permitted by the contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or treating of baleen (excluding minke) whales shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of a contracting Government, provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same contracting Government.

(c) Each contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or treating of sperm whales shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales as provided for in paragraph (b) of this section: *Provided*, That a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same contracting Government.

(d) Each contracting Government shall declare for all land stations under its jurisdiction and for all whale catchers one open season not to exceed six continuous months in any period of twelve months during which the taking or treating of minke whales shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section): *Provided*, That a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same contracting Government.

(e) Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) of this section, the treatment of whales which have been taken during an open season may be completed after the end of such open season.

(f) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ship in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

§ 351.12 *Complete processing required.* (a) All whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whalebone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken;

(2) Its species; and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available. (1) Time of hauling up for treatment, (2) length, measured pursuant to § 351.9 (d), (3) sex, (4) if female, whether milk-filled or lactating, (5) length and sex of foetus, if present, and (6) a full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* (a) Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (1) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (2) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (3) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in subparagraphs (1) and (3) of this paragraph shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

(b) In communicating this information there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number and aggregate gross tonnage of the whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbalus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale, or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale, or sharp headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot, or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

Dated: August 21, 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-9446; Filed, Aug. 27, 1952; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PREVAILING MINIMUM WAGE FOR AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF POSTPONEMENT OF HEARING DATE

Pursuant to notice published in the FEDERAL REGISTER June 28, 1952 (17 F. R. 5831) a public hearing was held on July 31, 1952, at 10:00 a. m. in Room 5406, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before a representative of the Administrator of the Wage and Hour and Public Contracts Divisions, for the purpose of determining the prevailing minimum wages in the Aviation Textile Products Manufacturing Industry pursuant to the provisions of the Walsh-Healey Public Contracts Act (Act of June 30, 1936, 49 Stat. 2036, 41 U. S. C. secs. 35–45). On motion of interested parties the hearing was adjourned by the presiding officer on July 31, 1952 until September 16, 1952.

Notice is hereby given: That the hearing is further postponed until further notice in order to provide additional time for preparation of pertinent data.

Signed at Washington, D. C., this 22d day of August 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator, Wage and Hour and Public Contracts Divisions.

[F. R. Doc. 52-9462; Filed, Aug. 27, 1952; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 155]

DIRECTOR, BUREAU OF ENGRAVING AND PRINTING

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

1. Pursuant to a delegation of authority, August 12, 1952, from the Administrator of General Services to the Secretary of the Treasury under section 302 (a) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377; pursuant to authority of section 307 (a) thereof; but subject to certain limitations of section 307 (b) (such limitations being set out in paragraph 3 hereof) authority is hereby delegated to the Director of the Bureau of Engraving and Printing to negotiate, without advertising, contracts and purchases pursuant to section 302 (c) (2), (4), (9), (10), and (12) of the act in connection with the current program for modernization of the equipment and operations of the Bureau of Engraving and Printing.

2. The authority thus delegated to the Director of the Bureau of Engraving and Printing shall be exercised by him personally or through such responsible subordinates as he may designate, and shall be exercised in accordance with all applicable limitations in the act, including section 307, and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration.

3. In accordance with section 307 (b) of the act, (1) authority to make the determinations specified in section 302 (c) (12) (relating to standardization and interchangeability of technical equipment) and, (2) with respect to contracts which will require the expenditure of more than $25,000, authority to make the determinations specified in section 302 (c) (10) (relating to experimental and developmental work and supplies) is not delegated, and remains in the Secretary.

Dated: AUGUST 22, 1952.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 52-9473; Filed, Aug. 27, 1952; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 487

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

A tract of land located on Whiskey Cove, Pennock Island, Alaska, which when surveyed will be identified as Lot 36D, U. S. Survey No. 2992, containing approximately 3.40 acres (homesite application of Harry Koetz, Anchorage, 012872).

A tract of land located on Zimovia Strait, Alaska, identified as Lot 2, U. S. Survey No. 2321 and Lot 2A, U. S. Survey No. 2904, containing approximately 1.37 acres (homesite application of Bruce Johnston, Anchorage, 017327).

A tract of land located on Zimovia Strait, Alaska, identified as Lot 1, U. S. Survey No. 2321 and Lot 1A, U. S. Survey No. 2904, containing approximately 1.47 acres (homesite application of Fred S. Johnston, Anchorage, 017328).

A tract of land located on Zimovia Strait, Alaska, identified as Lots 6 and 7, U. S. Survey No. 2321 and Lots 6A, U. S. Survey No. 2906, containing approximately 2.78 acres (homesite application and petition for shorespace restoration of James Ray Kennedy, Anchorage, 018108).

A tract of land located on Orca Inlet, Alaska, identified as Lot 3, U. S. Survey No. 2762, containing approximately 4.33 acres (homesite application of Harold Roy Conrad, Anchorage, 018205).

A tract of land located on Auke Bay, Alaska, identified as Lot H, Tract B, U. S. Survey No. 2390, containing approximately 3.31 acres (homesite application of Chester A. Strohmeyer, Anchorage, 018088).

A tract of land located on Herring Bay, Alaska, identified as Lot 75, U. S. Survey No. 2404, containing approximately 0.96 acre (homesite application of John P. Bussanich, Anchorage, 019862).

A tract of land located on Clover Passage, Alaska, identified as Lot 16, U. S. Survey No. 2807, containing approximately 4.09 acres (homesite application of Fritz Jensen, Anchorage, 018081).

The above described lands aggregate approximately 21.71 acres.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9434; Filed, Aug. 27, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 488

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior, August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference-right filing period for veterans, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, the 80-rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32

Stat. 1028; 48 U. S. C. 371), is hereby revoked as to the following described lands, effective at 10:00 a. m. on the 21st day after the date of this order.

ANCHORAGE LAND DISTRICT

A tract of land located on Gastineau Channel, Alaska, more particularly described as follows:

"Beginning at the southwest corner on line of mean high tide of Gastineau Channel, whence U. S. L. M. number 5 bears south 00 deg. 43 mins. 30 sec. west 3,560.20 feet and running thence by meanders along the line of mean high tide of Gastineau Channel north 41° 13" west 104.55 feet to the northwest corner; thence north 49° 54" east 83.10 feet to the northeast corner, on the West Right-of-Way line of Glacier highway; thence south 49° 52" east along the West Right-of-Way line of Glacier Highway for 108.60 feet to the southeast corner; thence south 51° 20" west 99.50 feet to the southwest corner, the place of beginning. Containing 9,643.40 square feet, or 0.221 acres in latitude 58°18'25" N., Longitude 134°26'01" W."

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9435; Filed, Aug. 27, 1952; 8:46 a. m.]

ALASKA

SHORESPACE RESTORATION ORDER NO. 489

AUGUST 21, 1952.

By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059, 48 U. S. C. 372), and pursuant to section 2.22 (a) (3), of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the 80 rod shorespace reserve created under the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028, 48 U. S. C. 371), is hereby revoked as to the following described lands:

FAIRBANKS LAND DISTRICT

Fairbanks Meridian
T. 2 S., R. 2 W.,
Section 5: Lots 1 and 2
Section 6: Lot 1 and SE¼NE¼

Containing approximately 145.97 acres.

No application for these lands may be allowed under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At 10:00 a. m., on September 11, 1952, the lands shall, subject to valid existing rights and the provisions of existing withdrawals become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from September 11, 1952, to December 10, 1952, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or homesite laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from August 21, 1952, to September 10, 1952, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on September 11, 1952, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on December 11, 1952, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from November 21, 1952, to December 10, 1952, inclusive, and all such applications, together with those presented at 10:00 a. m. on December 11, 1952, shall be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), to the extent that such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 66 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, as amended, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Land Office at Fairbanks, Alaska.

FRED J. WEILER,
Chief,
Division of Land Planning.

[F. R. Doc. 52-9436; Filed, Aug. 27, 1952; 8:47 a. m.]

[E:59268, Grp. 269]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

AUGUST 21, 1952.

Notice is given that the plat of survey accepted June 9, 1952, of T. 5 N., R. 19 W., and plat of survey accepted June 9, 1952, of T. 5 N., R. 20 W., G. & S. R. M., Arizona, including lands hereinafter described, will be officially filed in the Land and Survey Office at Phoenix, Arizona, effective at 10:30 a. m. on the 35th day after the date of this notice.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 19 W.,
All Secs. 1 to 36 inclusive
T. 5 N., R. 20 W.,
All Secs. 1 to 3, 10 to 16, 21 to 28, and 33 to 36 inclusive, Lots 6, 7, 8, 9 and 10, SE¼NE¼, SE¼, Sec. 4, E½, SE¼NW¼, E½SW¼, Lots 4, 5, 6 and 7, Sec. 9, Lot 2, Sec. 8, Lots 5, 6, 7 and 8, Sec. 17, Lots 5, 6 7 and 8, Sec. 20, Lots 5, 6, 7 and 8, and E½SE¼, Sec. 29, Lots 5, 6, 7, 8, E½E½, Sec. 32.

The area described, including both public and non-public lands, aggregate 36,979.69 acres.

Mineral Entry, Phoenix 061467, Mineral Survey No. 4019, embracing the Uncle Sam No. 1, Copper Chief No. 1, Copper Chief No. 2, Copper Chief No. 3, and Copper Chief No. 4 lode mining claims, located in Sections 28, 33 and 34, T. 5 N., R. 20 W., is patented.

No application for the remainder of the lands involved may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

Available data indicates that the land in T. 5 N., R. 19 W. is nearly level and rolling desert land, cut up by numerous, dry washes; and the land in T. 5 N., R. 20 W. is mountainous and rolling desert, cut up by numerous, dry washes.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application

[Docket No. G-1992]

under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

ELLEN W. KIRSCH,
Acting Manager.

[F. R. Doc. 52-9433; Filed, Aug. 27, 1952; 8:46 a. m.]

Office of the Secretary

[Order 2701]

ASSISTANT DIRECTOR, GEOLOGICAL SURVEY, ET AL.

DELEGATION OF AUTHORITY TO ACT AS DIRECTOR

SECTION 1. *Acting Director.* (a) The Assistant Director of the Geological Survey, if present, shall perform the duties of the Director of the Geological Survey in case of the death, resignation, or absence of the Director: *Provided, however,* That temporary succession under this paragraph shall not continue longer than 30 days in case of the death or resignation of the Director.

(b) The Staff Geologist of the Geological Survey, if present, shall perform the duties of the Director of the Geological Survey in case of the absence of the Director and the death, resignation, or absence of the Assistant Director.

(c) The Chief Geologist of the Geological Survey shall perform the duties of the Director of the Geological Survey in case of the absence of the Director and the death, resignation, or absence of the Assistant Director and the Staff Geologist.

(d) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Acting Assistant Director.* (a) The Staff Geologist of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director.

(b) The Chief Geologist of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director and the Staff Geologist.

(c) The Chief Topographic Engineer of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, and the Chief Geologist.

(d) The Chief Hydraulic Engineer of the Geological Survey, if present, shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, the Chief Geologist, and the Chief Topographic Engineer.

(e) The Chief, Conservation Division, of the Geological Survey shall perform the duties of the Assistant Director of the Geological Survey in case of the death, resignation, or absence of the Assistant Director, the Staff Geologist, the Chief Geologist, the Chief Topographic Engineer, and the Chief Hydraulic Engineer.

(f) An officer acting under authority of this section shall sign documents under the title "Acting Assistant Director."

(5 U. S. C. 1946 ed., secs. 5, 7, 22; 43 U. S. C. 1946 ed., sec. 32)

OSCAR L. CHAPMAN,
Secretary of the Interior.

AUGUST 21, 1952.

[F. R. Doc. 52-9447; Filed, Aug. 27, 1952; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

CHAIRMEN AND ACTING CHAIRMEN OF PMA COUNTY COMMITTEES

DELEGATION OF AUTHORITY TO ACT AS CONTRACTING OFFICERS WITH RESPECT TO PURCHASE OF HAY UNDER THE DROUGHT EMERGENCY PROGRAM–1952

Pursuant to authority vested in the President, Commodity Credit Corporation, by the by-laws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of the PMA county committees of counties instructed to purchase or sell hay under the Drought Emergency Program–1952, are hereby appointed contracting officers of the Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents, relative to the purchase, transportation, handling and sale of hay to an eligible person under the Drought Emergency Program–1952 formulated by Commodity Credit Corporation and Production and Marketing Administration.

The foregoing authority as contracting officers shall be exercised in accordance with the instruction "Drought Emergency Program–1952" issued by Harold K. Hill, Deputy Administrator, Production and Marketing Administration, August 11, 1952 and in accordance with any amendments, or supplements thereto, which shall be available for public inspection in the files of the PMA county offices in the counties instructed to sell or purchase hay under the program.

Issued this 22d day of August 1952.

[SEAL] G. F. GEISSLER,
President,
Commodity Credit Corporation.

[F. R. Doc. 52-9481; Filed, Aug. 27, 1952; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1116, G–1152, G–1240, G–1317, G–1344, G–1379, G–1415, G–1417, G–1457, G–1509, G–1618, G–1625, G–1659]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING HEARING

AUGUST 21, 1952.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G–1116, G–1240, G–1317, G–1344 and G–1417; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, Docket No. G–1152; Southeastern Michigan Gas Company, Docket No. G–1415; Michigan Consolidated Gas Company, complainant, v. Panhandle Eastern Pipe Line Company, Docket No. G–1379; Northern Indiana Fuel and Light Company, Docket No. G–1457; Missouri Central Natural Gas Company, Docket No. G–1509; The Central West Utility Company, Docket No. G–1616; Michigan Gas Utilities Company, Docket No. G–1625; City of Auburn, Illinois, Docket No. G–1659.

On July 23, 1952, the Presiding Examiner recessed the hearing of the above-docketed matters until September 9, 1952.

The Commission finds: Good cause exists and it would be in the public interest to postpone the resumption of the hearing of the proceedings to the date and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings now scheduled to be resumed September 9, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence on September 24, 1952, at 10:00 a. m., at the same place.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9441; Filed, Aug. 27, 1952; 8:49 a. m.]

[Docket No. G–1697]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER RECONVENING HEARING

AUGUST 21, 1952.

On January 30, 1952, the hearing in the above-entitled proceeding was recessed by the Presiding Examiner subject to further order of the Commission.

The Commission orders: The hearing in the above-entitled proceeding be reconvened on October 7, 1952, at 10:00 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9438; Filed, Aug. 27, 1952; 8:48 a. m.]

[Docket No. G–1906]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 21, 1952.

On March 3, 1952, Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia corporation, sometimes referred to herein as "Applicants", both of which have their principal place of business at Charleston, West Virginia, filed a joint application, which was supplemented on May 28, 1952, pursuant to section 7 of the Natural Gas Act, seeking authorizations for Atlantic Seaboard to acquire and operate all the facilities of Virginia Gas, and for Virginia Gas to discontinue all natural-gas transmission services and to abandon its facilities, subject to the jurisdiction of the Commission, all as more fully described in said joint application, as supplemented, on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 19, 1952 (17 F. R. 2373–2374).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing be held on September 10, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application, as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9439; Filed, Aug. 27, 1952; 8:48 a. m.]

[Docket No. G–1930]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF CONTINUANCE OF HEARING

AUGUST 22, 1952.

Upon consideration of the request, filed August 19, 1952, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled to commence September 2, 1952, in the above-designated matter;

Notice is hereby given that the hearing in the above-designated matter be and it is hereby continued to September 3, 1952, at 9:30 a. m., in the Commission Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9437; Filed, Aug. 27, 1952; 8:47 a. m.]

[Docket No. G–1992]

MISSISSIPPI VALLEY GAS CO. AND MISSISSIPPI GAS CO.

ORDER FIXING DATE OF HEARING

AUGUST 21, 1952.

On July 2, 1952, Mississippi Valley Gas Company (Mississippi Valley), a Mississippi corporation having its principal place of business at Jackson, Mississippi and Mississippi Gas Company (Mississippi Gas), a Delaware corporation, having its principal place of business at Meridian, Mississippi, sometimes referred to herein, as Applicants, filed a joint application (1) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Mississippi Valley to acquire by purchase by lease and to operate certain transmission pipeline facilities presently owned or leased and operated by Mississippi Gas, and (2) for authorization pursuant to section 7 (b) of the Natural Gas Act for Mississippi Gas to abandon by sale or assignment of lease said transmission pipeline facilities and to abandon the service rendered therefrom. The joint application was supplemented by material filed by Applicants on August 11, 1952. The natural gas transmission facilities involved, which are subject to the jurisdiction of the Commission, are described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 18, 1952 (17 F. R. 6598).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on September 9, 1952, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. concerning the matters involved and the issues presented by such application as supplemented: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 22, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9440; Filed, Aug. 27, 1952; 8:48 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

REGIONS V, VIII, AND XII

LIST OF COMMUNITY CEILING PRICE ORDERS

The following Orders under General Overriding Regulation 24, were filed with the Division of the Federal Register on August 25, 1952.

REGION V

Jacksonville Order G3–14, Amendment 3, establishing dollars-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:09 p. m.

Jacksonville Order G4–14, Amendment 3, establishing dollar-and-cents ceiling prices for certain grocery items in the Jacksonville Area, filed 3:10 p. m.

REGION VIII

Fargo Order G1–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:14 p. m.

Fargo Order G2–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:14 p. m.

Fargo Order G4–15, Amendment 1, covering retail prices for certain dry grocery items sold by retailers in the Fargo Area, filed 3:15 p. m.

REGION XII

Fresno Order G1–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:10 p. m.

Fresno Order G2–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:11 p. m.

Fresno Order G4–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:12 p. m.

Fresno Order G4A–13, covering retail prices for certain dry grocery items sold by retailers in the Fresno Area, filed 3:13 p. m.

Copies of any of these orders may be obtained from the OPS Office in the designated city.

JOSEPH L. DWYER,
Recording Secretary.

[F. R. Doc. 52-9505; Filed, Aug. 26, 1952; 11:56 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 57]

PLACEMENT OF PROCUREMENT WITH THE SHIPBUILDING INDUSTRY

NOTIFICATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Surplus Manpower Committee, appointed under Defense Manpower Policy No. 4, has reported to the Director of Defense Mobilization its recommendations in the matter of placement of procurement with the shipbuilding industry. These recommendations have been reviewed within the Office of Defense Mobilization to determine their relationship to other policies affecting procurement for which this Office has responsibility, and no conflicts exist.

The Department of Defense and the General Services Administration are hereby notified that upon full consideration, the Director of Defense Mobilization has concluded that it is in the public interest to place Government contracts with the shipbuilding industry in accordance with the attached recommendations of the Committee and the provisions of Defense Manpower Policy No. 4.

The Department of Defense and the General Services Administration are requested to submit, within 30 days, copies of the instructions they have issued implementing this notification. They are further requested to submit monthly reports of the actions taken under this notification.

OFFICE OF DEFENSE
MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

RECOMMENDATIONS OF THE SURPLUS MANPOWER COMMITTEE CONCERNING THE SHIPBUILDING INDUSTRY UNDER DEFENSE MANPOWER POLICY NO. 4

In accordance with Section III, Paragraph 8 of Defense Manpower Policy No. 4, a panel of the Surplus Manpower Committee held public hearings, beginning August 6, 1952, on the shipbuilding industry. After consideration of the report of that panel, the Committee makes the following recommendations in the interest of preserving the skills and maintaining the productive facilities of the shipbuilding industry. They are conceived in terms of the possibilities of the use of government procurement, to whatever extent practicable, for purposes of maintaining the effective functioning of the shipbuilding industry as a whole.

Accordingly, it is recommended:

1. The entire shipbuilding industry should be excluded from the operation of the surplus labor area preference procedures of Defense Manpower Policy No. 4 and should be certified as an industry to be dealt with under Section 8 of that Policy.

2. The Defense Department should vigorously apply procedures, including negotiated contract procedures, designed to secure the maximum possible utilization of surplus shipbuilding labor skills and facilities in all shipbuilding areas of the United States. To this end, the Defense Department should take all practicable steps, consistent with sound nationwide distribution of shipbuilding contracts and with other procurement and military objectives, to place contracts with firms located in areas that have a surplus of shipbuilding labor skills and shipbuilding facilities.

3. Such part of the total Government shipbuilding program as is to be carried on in private yards should be spread as widely as practicable, both as to the number of private yards to be brought into the program and as to the geographical dispersal of Government shipbuilding work throughout the country. To this end:

a. In the placement of shipbuilding contracts, preference should be given, whenever practicable, to firms which can meet their contract obligations without any substantial use of overtime labor and without the construction of new facilities.

b. Whenever practicable, proposals should be invited and contracts awarded on a small-lot basis rather than on a large-lot basis. Small-lot procurements, which permit small yards to bid and spread the work among a larger number of private yards, should be employed to the maximum practicable extent.

c. It is the present policy of the Bureau of Ships of the Navy Department to divide shipbuilding work between the private yards and the Navy yards in a manner that preserves the vigor of both private yards and Navy Yards and holds Navy Yard overtime to the practicable minimum. This policy is sound and should be vigorously maintained and enforced by the Bureau of Ships.

OFFICE OF DEFENSE
MOBILIZATION,
ARTHUR S. FLEMMING,
Chairman,
Surplus Manpower Committee.

Approved:

JOHN R. STEELMAN,
Acting Director,
Office of Defense Mobilization.

[F. R. Doc. 52-9519; Filed, Aug. 27, 1952; 9:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3046]

CHEMICAL FUND, INC.

NOTICE OF APPLICATION TO WITHDRAW FROM REGISTRATION AND LISTING AND OF OPPORTUNITY FOR HEARING

AUGUST 22, 1952.

Chemical Fund, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw its $1 Par Value Capital Stock from registration and listing on the Board of Trade of the City of Chicago.

The application for withdrawal alleges the following:

(1) Applicant is registered as a diversified open-end management investment company under section 8 (a) of the Investment Company Act of 1940.

(2) Continuance of the registration and listing of the above security on the Board of Trade of the City of Chicago is deemed to be inadvisable because of the lack of trading thereon, due to existing restrictive provisions of the Investment Company Act of 1940 and the rules of the National Association of Securities Dealers.

(3) Said provisions and rules make improbable the possibility of any future increase in exchange trading in this security.

(4) Applicant has been advised by the Board of Trade of the City of Chicago by letter dated August 31, 1951, that said exchange has no objections to the withdrawal of the above security from registration and listing on said exchange.

Upon receipt of a request, prior to September 12, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9445; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2912]

DUQUESNE LIGHT CO.

NOTICE OF FILING REGARDING SALE OF PREFERRED STOCK AND BONDS AT COMPETITIVE BIDDING

AUGUST 22, 1952.

Notice is hereby given that an application has been filed with this Commission by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company, a registered holding company. Applicant has designated sections 6 (a) and 6 (b) of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Duquesne proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 140,000 shares of -- percent Preferred Stock, $50 par value. The dividend rate and the price per share to be paid the company will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than $50 nor more than $51.375 per share.

Shortly thereafter, Duquesne also proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $14,000,000 principal amount of First Mortgage -- percent Bonds, Series due September 1, 1982. The interest rate and the price to the company for the bonds will be determined by competitive bidding, except that the invitation for bids will specify that the price to the company shall not be less than 100 percent nor more than 102.75 percent of the principal amount. The bonds will be issued under the provisions of the company's existing Indenture, dated August 1, 1947, to the Mellon National Bank and Trust Company, as Trustee, as last supplemented on September 24, 1951, and to be further supplemented by a Supplemental Indenture to be dated September 1, 1952.

The applicant requests that the ten-day period required by Rule U-50 to elapse between the time of inviting bids and the entering into of an agreement with respect to both the issuance and sale of the preferred stock and the bonds be shortened to six days. The proceeds of the sale of the preferred stock and the bonds will be used to retire $15,810,000 of short-term bank loans, which were incurred for construction purposes, and the balance will be used to finance additional construction expenditures.

The filing states that the issue and sale of the preferred stock and the bonds are subject to the authorization of the Public Utility Commission of Pennsylvania. Applicant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than September 5, 1952, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application, as amended, which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9442; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2913]

UTAH POWER & LIGHT CO.

NOTICE OF FILING CONCERNING SALE OF COMMON STOCK AND BONDS

AUGUST 22, 1952.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company and a utility operating company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof, and Rule U-50 thereunder, as applicable to the proposed transactions which are summarized as follows:

Utah proposes to issue and sell 167,500 additional shares of its no par value common stock by offering such stock on a rights basis to the stockholders of record of Utah at the close of business on September 5, 1952, on the basis of one share of additional stock for each ten shares of common stock held on the record date. The right to subscribe for the stock together with an over-subscription privilege will be evidenced by fully transferable warrants. The price at which the stock will be offered will be designated by Utah by amendment hereto prior to the offering. The rights offering will expire on September 25, 1952. The offering will not be underwritten but Utah proposes to pay any dealer who is a member of the National Association of Securities Dealers, Inc., who renders assistance to those exercising warrants, forty cents per share of additional common stock with respect to which such dealer renders assistance, subject to a maximum fee of $250 with respect to any one person exercising warrants. Utah will not issue any fractional shares but will, through its subscription agent, provide facilities enabling the holders of warrants to purchase such additional rights as are necessary for subscription to one additional share, or to sell such subscription rights as are in excess of those necessary for subscription for one full share of stock, or all subscription rights covered by any warrants, such services to be without charge to the holders of warrants.

Any shares unsubscribed for may be sold by Utah, subject to the filing of an appropriate amendment herein.

After the expiration of the rights offering period, Utah proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 aggregate principal amount of First Mortgage Bonds ____ Percent Series due 1982. Such bonds are to be issued under the Mortgage and Deed of Trust dated as of December 1, 1943, with Guaranty Trust Company of New York and Arthur E. Burke as Trustees, as supplemented by eight supplemental indentures.

Notice is further given that any interested person may, not later than September 3, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 5:30 p. m., e. d. s. t., on September 3, 1952, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to the declaration which is on file in the offices of the Commission for a full statement of the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9443; Filed, Aug. 27, 1952; 8:49 a. m.]

[File No. 70-2916]

SOUTHERN NATURAL GAS CO.

NOTICE OF PROPOSED ISSUANCE OF REVOLVING CREDIT NOTES

AUGUST 22, 1952.

Notice is hereby given that Southern Natural Gas Company ("Southern"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Southern proposes to issue and sell promissory notes (herein called the "Revolving Credit Notes") pursuant to a revolving credit agreement to be executed between Southern and The Chase National Bank of the City of New York, and certain other banks. The agreement provides that the Participating Banks will severally make loans to Southern at any time and from time to time from the date of the agreement within a period of two years in an aggregate principal

amount at any one time outstanding not exceeding $25,000,000, and that during said period Southern may borrow, prepay (as provided in the agreement) and re-borrow thereunder. The Revolving Credit Notes will bear interest from their respective dates until September 15, 1953, at the rate of 3 percent per annum, and thereafter until their maturity on September 15, 1954, at the rate of 3¼ percent per annum. Southern agrees to pay a commitment fee computed from the date of the order of the Commission permitting this declaration to become effective, or September 15, 1952, whichever is earlier, at the rate of ¼ percent per annum on the daily average unused amount of the commitments. Southern has the right to prepay all, or from time to time any, of the Revolving Credit Notes, in whole or in part, upon payment of accrued interest and, if prepayment is made directly or indirectly from the proceeds, or in anticipation, of any bank borrowing otherwise then under the agreement, Southern will pay a premium at the rate of ¼ percent per annum. Southern has the right at any time or from time to time to reduce or terminate the commitments.

The proceeds of the Revolving Credit Notes will be applied to the cost of construction of additions to Southern's system proposed to be completed during 1952 and 1953. Southern expects to provide subsequent permanent financing of its 1952 and 1953 construction program by the issue of first mortgage bonds and by the issue of additional common stock or other securities of Southern, or by the sale of the stocks of Southern's subsidiaries, Alabama Gas Corporation and Mississippi Gas Company. Southern would expect to sell additional first mortgage bonds sometime during the first six months of 1953 in the amount permissible at the time under Southern's first mortgage, and would expect to provide for other permanent financing by the sale of additional first mortgage bonds or other securities in such amounts as may be appropriate at the time.

Notice is further given that any interested person may, not later than September 10, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9444; Filed, Aug. 27, 1952; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation No. 19]

SCREEN-PRINTED SILK SCARVES

NOTICE OF INVESTIGATION

Upon application made by the Association of Textile Screen Makers, Printers & Processors, Inc., the United States Tariff Commission, on the 25th day of August 1952, under the authority of section 7 of the Trade Agreements Extension Act of 1951, approved June 16, 1951, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether the products described below are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Tariff Act of 1930:	*Description of products*
Par. 1210..	Clothing and articles of wearing apparel of every description, manufactured wholly or in part, wholly or in chief value of silk, and not specially provided for: Screen-printed scarves.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 25th day of August 1952.

Issued: August 25, 1952.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 52-9463; Filed, Aug. 27, 1952; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18990]

WILLIAM T. BEYER

In re: Interests in real property, property insurance policies and a claim owned by the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased. F-28-31961-B-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-fourth (¼) interest in real property situated in the City of Ocean City, County of Cape May, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of the persons referred to in subparagraph 1 hereof, in and to all insurance policies covering the premises described in subparagraph 2-a hereof and any and all extensions or renewals thereof, and

c. Those certain debts or other obligations of Charles Frederick Brown, Bishop Avenue, West Berlin, Camden County, New Jersey, arising out of the net income by reason of the collections of rent on the undivided one-fourth (¼) interest in the real property described in subparagraph 2-a hereof, and any all rights to demand, enforce and collect the same,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of William T. Beyer, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the persons referred to in subparagraph 1 hereof be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof.

All such property so vested to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

All that certain lot or piece of ground situate, lying and being in the City of Ocean City, County of Cape May and State of New Jersey, numbered 567, Section "D", on the plan of lots of the Ocean City Association, more particularly described as follows:

Beginning in the Southeasterly line of Asbury Avenue at the distance of 310' Southwestwardly from the Southwesterly line of Fifteenth Street; Containing Southwestwardly along said line of Asbury Avenue, thirty (30) feet in front or breadth; and of that width extending, Southeastwardly, in length or depth between lines parallel with Fifteenth Street, 100 feet to a fifteen feet wide street.

Under and subject, nevertheless to the reservations and restrictions of the Ocean City Association.

[F. R. Doc. 52-9467; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18991]

FRIEDRICH OTTO DONATH

In re: Real property and property insurance policies owned by Friedrich Otto Donath. F-28-31943.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Friedrich Otto Donath, whose last known address is Bad Salzungen, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. All right, title and interest of the person named in subparagraph 1 hereof, in and to all insurance policies covering the premises described in the aforesaid Exhibit A, and any and all extensions or renewals thereof,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Friedrich Otto Donath, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person referred to in subparagraph 1 hereof be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS, *Assistant Attorney General, Director, Office of Alien Property.*

EXHIBIT A

All that certain lot or piece of ground in the City and County of Philadelphia, State of Pennsylvania, with the messuage or tenement thereon erected, particularly described as follows:

Situate on the North side of Locust Street at the distance of one hundred and sixty-one feet three inches Westward from the West side of Fifty-third Street in the Forty-sixth Ward of the City of Philadelphia.

Containing in the front or breadth on said Locust Street Nineteen feet five inches and extending of that width in length or depth Northward between lines at right angles to said Locust Street Eighty-seven feet four and three fourths inches to a certain three feet wide alley extending from Locust Street to Chancellor Street and known as Number 5315 Locust Street.

[F. R. Doc. 52-9468; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18992]

ELISABETH BOEDECKER ET AL.

In re: Debts owing to Elisabeth Boedecker and others.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That the individuals whose names and last known addresses are set forth as owners in Exhibit A, attached hereto and by reference made a part hereof, on or since December 11, 1941, and prior to January 1, 1947, were, residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

2. That the enterprises, whose names are set forth as owners in the aforesaid Exhibit A, are corporations, partnerships, associations or other business organizations which on or since December 11, 1941, and prior to January 1, 1947, were, organized under the laws of and had their principal places of business in Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

3. That the personal representatives, heirs, next of kin, legatees and distributees of Freda Kauffmann, deceased, of Mathild Kousnetzoff, deceased, of Carmelita Meyerhoff, deceased, and of Gesine Penshorn, deceased, who there is reasonable cause to believe on or since December 11, 1941 and prior to January 1, 1947, were, residents of Germany, are and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

4. That Gunther Wagner, Theda Grassau and Meta Montien, whose last known addresses are Hannover, Germany, Oldenburg, Germany and Hameln, Germany, respectively, on or since December 11, 1941, and prior to January 1, 1947, were, residents of Germany and are, and prior to January 1, 1947, were, nationals of a designated enemy country (Germany);

5. That Otto Euling, who there is reasonable cause to believe on or since December 11, 1941, and prior to January 1, 1947, was, a resident of Germany is, and prior to January 1, 1947, was, a national of a designated enemy country (Germany);

6. That the property described as follows:

a. Those certain debts or other obligations evidenced by the checks and drafts described in Exhibits A and B, attached hereto and by reference made a part hereof, owned by the persons referred to therein as owners, and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all rights in, to and under said checks and drafts,

b. That certain debt or other obligation, matured or unmatured, evidenced by a Sola of Exchange numbered 67/1822, drawn on The Agency of the Chartered Bank of India, Australia & China, 65 Broadway, New York, New York, in an amount of $56.60, dated December 18, 1939, owned by Gunther Wagner and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation and any and all rights in, to and under said Sola of Exchange,

c. Those certain debts or other obligations evidenced by ten (10) American Express Company United States Traveller's Cheques, numbered G3,249,370 through G3,249,379, each in the amount

EXHIBIT A—Continued

of $10.00, said traveller's cheques owned by Theda Grassau and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said cheques,

d. That certain debt or other obligation evidenced by one (1) American Express Company United States Traveller's Cheque numbered F9,279,378, in the amount of $10.00, said traveller's cheque owned by Meta Montlen and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debt or other obligation, and any and all rights in, to and under said cheque, and

e. Those certain debts or other obligations evidenced by nine (9) The National City Bank of New York Traveller's Checks, numbered A6-324-781 through A6-324-789, each in the amount of $10.00, said traveller's checks owned by Otto Euling and presently in the custody of the Attorney General of the United States, together with any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under said checks,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

7. That the national interest of the United States requires that the persons referred to in subparagraphs 1, 2 and 3, and named in subparagraphs 4 and 5 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "nationals" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Elisabeth Boedecker, Noerten-Hardenberg.	19095	$31.19	Jan. 10, 1940	National City Bank	First National Bank, Baltimore	Elisabeth Boedeker.
Adele Grothe, Heeslingen, Pr. Hannover.	355546	84.04	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Adele Grote.
Hinrich Schroeder, Sandbostel, Pr. Hannover.	355542	84.04	....do	....do	....do	Hinrich Schroeder.
Jacob Pape, Sandbostel, Pr. Hannover.	355540	86.82	....do	....do	....do	Jacob Pape.
Katharina Pape, Sandbostel, Pr. Hannover.	355537	86.83	....do	....do	....do	Kathrina Pape.
Emma Hacke, Braunschweig	112376	5.84	Mar. 24, 1941		Anaconda Copper Mining Co.	Fritz Hacke.
	01528	6.30	Dec. 21, 1939		....do	Do.
	108608	3.15	Mar. 25, 1940		....do	Do.
	111921	8.77	Dec. 23, 1940		....do	Do.
Alfred Eggeling, Lehre bei Braunschweig.	662724	18.90	Mar. 1, 1940	American National Bank & Trust Co.	American National Bank & Trust Co.	Clara Eggeling.
	814810	17.53	Mar. 1, 1941	....do	....do	Do.
	207	4.17	Aug. 15, 1940	First Camden National Bank & Trust Co.	First Camden National Bank & Trust Co.	Do.
	206	2.09	....do	....do	....do	Alfred Eggeling.
	844	1.12	Mar. 1, 1940	The Continental Bank & Trust Co.	The Continental Bank & Trust Co.	Do.
	36661	4.50	Jan. 15, 1940	The Chase National Bank	Prudence Realization Corp.	Do.
	18808	9.07	....do	....do	....do	Do.
	36962	9.12	....do	....do	....do	Clara Eggeling.
Walter Meyer	635-738	14.17	Apr. 15, 1940	National Shawmut Bank of Boston	American Telephone & Telegraph Co.	Walter Meyer.
	639-669	14.17	Jan. 15, 1940	....do	....do	Do.
	632-634	13.15	Jan. 15, 1941	The First National Bank, New York.	....do	Do.
Adelheid Bosch, Minstedt, Hannover.	355539	86.82	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Adelheid Bosch.
Peter Schroeder, Handstedt Hannover.	355544	84.04	....do	....do	....do	Peter Schroeder.
Margaret Nolte, Lueneburg	27165	30.44	Mar. 11, 1940	Hudson Trust Co., New Jersey	Hudson Trust Co., New Jersey	Margaret B. Nolte.
	8648	25.02	Feb. 10, 1940	....do	....do	Do.
	27014	37.72	....do	....do	....do	Do.
	8702	25.02	Mar. 11, 1940	....do	....do	Do.
	8586	22.93	Jan. 10, 1940	....do	....do	Do.
	26828	18.09	....do	....do	....do	Do.
	26623	25.17	Dec. 11, 1939	....do	....do	Do.
	8520	8.34	....do	....do	....do	Do.
	26450	37.01	Nov. 10, 1939	....do	....do	Do.
	8439	41.69	....do	....do	....do	Do.
Maria Jacels, Tarmstedt, Pr. Hannover.	355547	84.04	....do	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Maria Jacels.
Anna Bosch, Malstedt, Pr. Hannover.	355536	86.83	....do	....do	....do	Mrs. Anna Bosch.
Lene Stehr, Stade, Pr. Hannover.	355545	84.04	....do	....do	....do	Mrs. Lane Stehr.
Anna Heins, Seisingen, Hannover.	355543	84.04	....do	....do	....do	Mrs. Anna Heins.
Kali Chemie A. G., Schude, Prov. Hannover.	808	26.32	Nov. 17, 1939	First National Bank, Chicago	Glogau & Co., Chicago	Kali-Chemie A. G.
Margarete Epping, Hannover	D 3985	200.00	Jan. 2, 1940		Bankers Trust Co.	Miss Margerete Epping.
Hermann Janssen, Ramsloh (Oldb.).	6	805.00	July 30, 1941	Clark County State Bank	Herman Janssen	German Reichsbank.
Adolf Bingel, Braunschweig	158	75.15	Dec. 31, 1940	The New York Trust Co.	The Provident Loan Society, New York.	Adolf Bingel.
Franke & Heidecke, Braunschweig.	96801	49.25	Aug. 23, 1939	The Chase National Bank	The Chase National Bank	Franke & Heidecke.
Alte Leipsiger Versicherungsges. auf Gegenseitigkeit, Leipzig.	30810	20.72	Feb. 1, 1941		Office of Treasurer, City of Detroit	Alte Leipsiger Lebensversicherungsgesellschaft auf Gegenseitigkeit.
	24685	20.72	....do		....do	Do.
	(dup.) 21348	13.81	Aug. 1, 1939		....do	Alte Leipziger Lebensversicherungsgesellschaft A. G.
Adelfine Schlichting, Otternhorf.	2206	8.75	Mar. 1, 1940	Federal Trust Co.	Van Buren Building & Loan Association.	Paulina Wedemeyer.
	2830	3.75	Mar. 5, 1941	....do	....do	Do.
	4363	25.00	Mar. 12, 1940	....do	Southern Newark Building & Loan Association.	Do.

EXHIBIT A—Continued

Name and address of owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Tina Mollenhauer, Ebersdorf, Pr. Hannover.	355541	$54.04	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Tine Mollenhauer.
Volgt & Hochgesang, Gottingen.	730	24.55	Dec. 13, 1939	Central Hanover Bank & Trust Co.	First National Bank, Springfield, Vt.	Volgt & Hochgesang.
Stadtberwaltung, Hannover	27572	5.00	Jan. 20, 1941	The National City Bank	The National City Bank	Stadtfriedhof Stocken.
Margarita Steffens, Larenstedt, Pr. Hannover.	355538	86.82	Nov. 10, 1939	Citizens National Trust & Savings Bank of Los Angeles.	Citizens National Trust & Savings Bank of Los Angeles.	Mrs. Margarita Steffens
Martha Gadski, Hameln, Weser.	302	35.00	Jan. 1, 1940	Fidelity Trust Co., Pittsburgh	Estate of Gertrude Wood Lylse, deceased.	Martha Gadski.
Gustav Bergmann, Stadthagen.	21807	91.38	Jan. 13, 1940	The Chase National Bank	American Trust Co., S. F.	Sparkasse der Stadt, Stadthagen.
	24088	75.20	Jan. 14, 1941	....do	....do	Do.
Hannoverscher Anzeiger, Madsack & Co. Hannover.	299	15.00	Dec. 26, 1939	Manufacturers Trust Co.	Martin Berger	Hannoverscher Anzeiger.
Wolff-Limper, Steinau, Kr. Schluchtern.	26597	1,533.12	Feb. 16, 1940	The National City Bank of New York.	Continental Illinois National Bank & Trust Co.	Dresdner Bank Filiale Braunschweig.
	25847	1,628.12	Nov. 16, 1939	....do	....do	Do.
Gunther Wagner, Hannover	87208	37.15	Jan. 10, 1940	....do	The National City Bank, San Juan.	Deutsche Bank Filiale.
	399072	24.50	Oct. 24, 1939	....do	The National City Bank, Havana.	Deutsche Bank.
Hans Dehnicke, Lueneburg, Soltauerstr. 113.	771E-27149	8.77	Dec. 15, 1939	Guaranty Trust Co. of New York	Guaranty Trust Co. of New York	Hans Dehnicke.
	39641	.21	Dec. 20, 1940	First National Bank, Jersey City	Mission Corp., New Jersey	Do.
	39821	.36	Dec. 15, 1939	....do	....do	Do.
Norddeutsche Tapetenfabrik, Boelscher & Breimer, Langenhagen (Han.).	J39961	131.54	Apr. 4, 1940	Messrs. Laidlaw & Co., N. Y.	The Bank of California National Association.	Reichsbankhaupstelle.
Continental Gummiwerke A. G., Hannover.	26696	41.44	Jan. 19, 1940	Manufacturers Trust Co.	Binney & Smith Co., New York	Continental Gummi Werke, A. G.
Margarete Westermann, Carolienstel.	58	5,000.00	Nov. 39, 1939	Florida National Bank, St. Petersburg, Fla.	Estate of Clara J. Rhodes, deceased.	Margarete Riemann Westermann.
Hertha Hebestreit, Hameln	A 66913	20.00	Feb. 11, 1941	National Bank of Detroit, Michigan.	Equitable Trust Co.	Walter Heberstreit.
	A 68572	15.00	Mar. 3, 1941	....do	....do	Walter F. Hebestreit.
	A 41219	15.00	Feb. 28, 1940	....do	....do	Walter Heberstreit.
	643-422	11.25	Jan. 15, 1940	The First National Bank, New York.	American Telephone & Telegraph Co.	Walter J. Hebestreit.
	640-043	11.25	Apr. 15, 1940	....do	....do	Do.
	9-069	8.75	Nov. 1, 1939	Bankers Trust Co., New York	General Motors Corp.	Do.
	8-820	8.75	Feb. 1, 1940	....do	....do	Do.
	8-779	8.75	May 1, 1940	....do	....do	Do.
	8-654	8.75	Nov. 1, 1940	....do	....do	Do.
Charlotte Queist, Altenmedingen, Krs. Uelzen Rose No. 1.	355272	169.59	Aug. 30, 1939	National City Bank, New York	Bank of America N. T. & S. A.	C. Gneist.
Max Eule, Diepholz	116373	100.00	Aug. 28, 1939		....do	Mr. C. Gneist.
Johann Riechers Lilienthal-Moorhausen.	65791	$16.36	Nov. 13, 1939		Chase National Bank	Dr. Max Eule.
	137437	5.00	Jan. 12, 1940		National Bank of Detroit	Herrn Gaertner Riechers.
Else v. Fabrice also known as Else Broichsitter v. Fabrice, 34 Bleckeder Landstrasse, Lunceburg	318539	18.55			Fidelity Union Trust Co., Newark	Wilhelmina Broichsitter.
Helene Heinemann, Oldenburg	173859	2,000.00	Sept. 18, 1939	Guaranty Trust Co. of New York	First National Bank, St. Louis	Helene Heinemann.
Berghard Meiners, Oldenburg	173861	2,000.00	....do	....do	....do	Berghard Meiners.
Frank Ahrling, Muehlen, Amt Vechts, Oldenburg.	254	295.16	Dec. 21, 1939	Continental Illinois National Bank & Trust Co., Chicago.	Massachusetts Bonding & Insurance Co.	Anton Ahrling.
Marie Lillental, Buetzefleth	629	25.00	Sept. 23, 1940	The Chase National Bank	Bay View State Bank, Milwaukee	Marie Lillental.
Franz von Thun, Frelburg, Elbe.	3049	25.20	Oct. 16, 1939	Bank of California Nat. Assn., S. F.	Fireman's Fund Insurance Co., S. F.	Frank W. Von Thun.
	3771	23.38	Oct. 15, 1940	....do	....do	Do.
	3065	25.20	Apr. 15, 1940	....do	....do	Do.
	3645	25.20	Jan. 15, 1940	....do	....do	Do.
	3804	23.38	Jan. 15, 1941	....do	....do	Do.
	932428	33.75	Nov. 15, 1939	American Trust Co., S. F.	Pacific Gas & Electric Co., S. F.	Franz W. Von Thun.
	985452	33.75	Feb. 15, 1939	....do	....do	Do.
	265878	31.31	Aug. 15, 1940	....do	....do	Do.
	258884	31.31	Nov. 15, 1940	....do	....do	Do.
	312910	31.31	Feb. 15, 1941	....do	....do	Do.
Bischoflieches General-Vikariat, Osnabruck.	5007	100.00	Apr. 30, 1946	Second National Bank, Cincinnati	Fred Tuke	Hochw. Wm. Berning Bishof.
Gertrude Heye	53124	3.84	Dec. 14, 1940	Wilmington Trust Co., Delaware	The Pennroad Corp.	Gertrude Heye.
Lienen b/Elsfleth	190596	2.07	Dec. 26, 1939	....do	....do	Do.
Rudolf Greiser, Hannover	1280	150.00	Sept. 5, 1931	The Chase National Bank	Magdalena Syndicate	Frau Emmy Greiser.

EXHIBIT B

Owner	Check No.	Amount	Date	Drawee	Drawer	Payee
Personal representatives, heirs, next of kin, legatees, and distributees of Freda Kauffmanns, deceased.	360962	$783.46	Mar. 31, 1941	The Chase National Bank, N. Y.	First National Bank, Galveston	Mrs. Freda Kauffmann.
	361652	500.00	Oct. 17, 1941	....do	....do	Do.
	359271	400.24	Dec. 30, 1939	....do	....do	Do.
Personal representatives, heirs, next of kin, legatees, and distributees of Mathild Kousnetzoff, deceased.	22340	65.00	Dec. 5, 1939	Bank of America N. T. & S. A.	Title Insurance & Trust Co., L. A.	Mathild M. Kousnetzoff.
Personal representatives, heirs, next of kin, legatees, and distributees of Gesime Penshoru, deceased.	173860	2,000.00	Sept. 18, 1939	Guaranty Trust Company of New York.	First National Bank, St. Louis	Gesine Penshorn.
Personal representatives, heirs, next of kin, legatees, and distributees of Carmelita Meyerhoff, deceased.	84564	134.10	Feb. 15, 1940	Bank of California National Association.	Alexander & Baldwin, Ltd.	Carmelita M. Meyerhoff.

[F. R. Doc. 52-9469; Filed, Aug. 27, 1952; 8:53 a. m.]

[Vesting Order 18993]

LUISE LANGER

In re: Interest in bank account owned by Luise Langer. F-28-31862-E-1.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Public Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Luise Langer, whose last known address is 129 Gorkistrasse, Leipzig N 24, Germany, on or since December 11, 1941, and prior to January 1, 1947, was a resident of Germany and is, and prior to January 1, 1947, was a national of a designated enemy country (Germany);

2. That the property described as follows:

A one-half interest in that certain debt or other obligation of the San Angelo National Bank, San Angelo, Texas, arising out of an account held in the name of Georg Langer maintained with the aforesaid bank, and any and all rights to demand, enforce and collect the aforesaid one-half interest,

is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Luise Langer, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the person identified in subparagraph 1 hereof, be treated as a person who is and prior to January 1, 1947, was a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 22, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 52—9470; Filed, Aug. 27, 1952; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27335]

ALUMINA FROM BAUXITE, ARK., TO MICHIGAN CITY, IND.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3908.

Commodities involved: Alumina, calcined or hydrated, carloads.

From: Bauxite, Ark.

To: Michigan City, Ind.

Grounds for relief: Rail competition and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3908, Supp. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9449; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27336]

LOGS FROM BOWLING GREEN AND SCOTTSVILLE, KY., TO ALTAVISTA, VA.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and the Southern Railway Company.

Commodities involved: Logs, native wood, carloads.

From: Bowling Green and Scottsville, Ky.

To: Altavista, Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 890, Supp. 206.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9450; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27337]

FURFURAL FROM MEMPHIS, TENN., TO POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariffs I. C. C. Nos. 1172 and 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Furfural, in tank-car loads.

From: Memphis, Tenn.

To: Specified points in official territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9451; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27338]

MAGNESIUM METAL OR ALLOY FROM VELASCO, TEX., TO BAY CITY AND MIDLAND, MICH.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Magnesium metal or magnesium metal alloy, shipped as ingots, in the rough, carloads.

From: Velasco, Tex.

To: Bay City and Midland, Mich.

Grounds for relief: Competition with rail carriers and water-motor competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 151.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9452; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27339]

COAL FROM LAKE SUPERIOR DOCKS IN WISCONSIN TO MINNESOTA

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to the tariffs listed on attached sheet.

Commodities involved: Coal, anthracite or bituminuous (including bituminous fine coal, also anthracite dust), carloads.

From: Lake Superior docks in Wisconsin.

To: Points in Minnesota.

Grounds for relief: Market competition and port competition.

Schedules filed containing proposed rates:

	Tariff I. C. C. No.	Supp. No.
CMStP&P RR	B-7186	63
CMStP&P RR	B-7287	135
CMStP&P RR	B-7711	3
CStPM&O Ry	4849	70
G. N. Ry	A-7889	77
G. N. Ry	A-7891	70
MStP&SSM RR	7035	62
MStP&SSM RR	7394	8
N. P. Ry	9540	67

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9453; Filed, Aug. 27, 1952; 8:50 a. m.]

[4th Sec. Application 27340]

PREFABRICATED HOUSES FROM TULSA, OKLA. TO WYOMING

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3886.

Commodities involved: Prefabricated or portable wooden houses, carloads.

From: Tulsa, Okla.

To: Points in Wyoming.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9454; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27341]

IRON OR STEEL PIPE FROM GALVESTON, HOUSTON, AND ORANGE, TEX. TO HAVANA AND QUINCY, ILL.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3967.

Commodities involved: Pipe, steel or wrought iron, welded or seamless, carloads.

From: Galveston, Houston, and Orange, Tex.

To: Havana and Quincy, Ill.

Grounds for relief: Rail competition, motor-water competition, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 149.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the

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expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9455; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27342]

CRUDE RUBBER FROM PORT NECHES, TEX. TO NATCHEZ, MISS.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for The Kansas City Southern Railway Company and other carriers.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Port Neches, Tex.

To: Natchez, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 150.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9456; Filed, Aug. 27, 1952; 8:51 a. m.]

[4th Sec. Application 27343]

SULPHURIC ACID FROM NORCO, LA. TO MOULTRIE, GA.

APPLICATION FOR RELIEF

AUGUST 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, in tankcar loads.

From: Norco, La.

To: Moultrie, Ga.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9457; Filed, Aug. 27, 1952; 8:51 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 17 1934 NUMBER 170

Washington, Friday, August 29, 1952

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10388

REVOCATION OF EXECUTIVE ORDER NO. 8616[1] OF DECEMBER 19, 1940, PLACING PALMYRA ISLAND UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

By virtue of the authority vested in me as President of the United States, Executive Order No. 8616 of December 19, 1940, placing Palmyra Island under the control and jurisdiction of the Secretary of the Navy and reserving it for naval purposes, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,
August 27, 1952.

[F. R. Doc. 52-9589; Filed, Aug. 28, 1952; 10:15 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Miscellaneous Regulations

PART 381—DISASTER LOAN PROGRAM

CHANGE IN CERTIFICATION AND APPLICATION FORMS FOR DISASTER LOANS

1. Paragraphs (c) and (d) of § 381.4, Title 6, Code of Federal Regulations (16 F. R. 3970), are revised to require the use of Form FHA-910 in obtaining certifications from applicants and the County Committee. Paragraphs (c) and (d) are revised to read as follows:

§ 381.4 *Eligibility and certifications.*

* * *

(c) *Certification by applicant.* Except as provided in § 381.9 (a), an applicant for a disaster loan, either initial or subsequent, must certify on Form FHA-910, "Statement of Loss and Certifications," before a disaster loan may be made, that he has suffered substantial damages as a result of a production disaster, and that he is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations.

[1] 3 CFR, 1943 Cum. Supp.; 5 F. R. 5215.

(d) *Certification by County Committee.* Except as provided in § 381.9 (a), the County Committee must certify on Form FHA-910, before a disaster loan may be made, that to the best of its knowledge and belief:

(1) The applicant has suffered substantial damage as a result of a production disaster,

(2) The applicant is unable to obtain from commercial banks, cooperative lending agencies, or other responsible sources the credit necessary for continuing his farming operations, and

(3) The applicant has the necessary experience and ability and will honestly endeavor to carry out the undertakings and obligations required of him under the loan.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 stat. 44; 12 U. S. C. 1148a-2)

2. Paragraph (a) of § 381.9, Title 6, Code of Federal Regulations (16 F. R. 3971) is amended to change the references to loan forms and to read as follows:

§ 381.9 *Loan forms and routines.* (a) *Application and certifications.* An applicant for an initial disaster loan will execute:

(1) Form FHA-197, "Application for FHA Services," except when he is a Farm Ownership borrower, a section 503 Farm Housing borrower, an active adjustment loan borrower or a paid-up disaster loan borrower who has not changed farms since he received his last disaster loan;

(2) Form FHA-197A, "Report on Application for Loan," except when he is a Farm Ownership borrower, a section 503 Farm Housing borrower or an active adjustment loan borrower; and

(3) Form FHA-910, "Statement of Loss and Certifications." In cases where applicants are Farm Ownership borrowers, section 503 Farm Housing borrowers or active adjustment loan borrowers, Form FHA-14, "Farm and Home Plan," will replace Forms FHA-197 and FHA-197A. In the case of applications for subsequent disaster loans, Form FHA-197 will be required only when the borrower has changed farms since his last disaster loan was received, and Form FHA-910 will not be required if the purpose of the loan is to supplement a dis-

(Continued on p. 7879)

CONTENTS

THE PRESIDENT

Executive Order — Page
Revocation of Executive Order No. 8616 of December 19, 1940, placing Palmyra Island under the control and jurisdiction of the Secretary of the Navy 7877

EXECUTIVE AGENCIES

Agriculture Department
See Commodity Exchange Authority; Farmers Home Administration; Production and Marketing Administration.

Civil Aeronautics Administration
Notices:
Organization and functions; principal officers 7909

Commerce Department
See also Civil Aeronautics Administration; Federal Maritime Board.
Notices:
Organization and functions; substitution of term: General Counsel for Solicitor 7910

Commodity Exchange Authority
Proposed rule making:
General regulations under Commodity Exchange Act; execution of transactions 7905

Customs Bureau
Rules and regulations:
Liability for duties, entry of imported merchandise:
Evidence of right to make entry; release of merchandise 7885
Requirements on entry 7885

Defense Mobilization, Office of
Notices:
Determination and certification of a critical defense housing area:
Barstow, California, area 7912
Hartford, Connecticut, area 7912
Waverly-Camden, Tennessee, area 7912
Finding and determination of critical defense housing areas:
Barstow, California, area 7912
Hartford, Connecticut, area 7912

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CONTENTS—Continued

Economic Stabilization Agency — Page
See Price Stabilization, Office of; Salary Stabilization Board.

Farmers Home Administration
Rules and regulations:
Disaster loan program; change in certification and application forms for disaster loans — 7877

Federal Communications Commission
Notices:
Hearings, etc.:
Arctic Telephone & Telegraph Co — 7911
Fort Meade Taxi Service — 7910
Proposed rule making:
Stations on shipboard in maritime services — 7906

Federal Maritime Board — Page
Notices:
Mitsui Steamship Co., Ltd., et al.; notice of agreements filed with Board for approval — 7909
Organization and functions; organizational components; Office of Ship Requirements and Allocations — 7910

Federal Power Commission
Notices:
Hearings, etc.:
Cincinnati Gas & Electric Co. — 7911
New York State Natural Gas Corp., and Texas Eastern Transmission Corp — 7911

Federal Security Agency
See Food and Drug Administration.

Federal Trade Commission
Notices:
Proper use of word "mahogany" in designations of wood and wood products; notice of further hearing and of opportunity for presentation of oral and written views, data, and suggestions — 7912

Fish and Wildlife Service
Rules and regulations:
Hunting and possession of wildlife; migratory birds and certain game animals; miscellaneous amendments — 7903
Management of wildlife conservation areas; Pacific Region:
Hart Mountain National Antelope Refuge, Oregon; hunting — 7905
Red Rock Lakes National Wildlife Refuge, Montana; hunting of moose — 7905

Food and Drug Administration
Rules and regulations:
Antibiotic and antibiotic-containing drugs:
Certification of batches — 7885
Tests and methods of assay — 7885

Interior Department
See Fish and Wildlife Service; National Park Service; Reclamation Bureau.

Interstate Commerce Commission
Notices:
Applications for relief:
Class rates in Missouri — 7914
Class and commodity rates between Augusta, Ga., and Pacific coast — 7913
Ground phosphate rock from New Orleans, La., to Charlotte, N. C — 7913
Limestone from Pembroke, Va., to points in trunk-line and central territories — 7913
Rubber tires and parts from Memphis, Tenn., to Fair Lawn, N. J — 7913

Interstate Commerce Commission—Continued — Page
Rules and regulations:
Recordation of documents; eligibility of documents — 7903

National Park Service
Rules and regulations:
Special regulations; Colonial National Historical Park, and Everglades National Park; speed — 7902

Navy Department
Revocation of Executive Order No. 8616 of December 19, 1940, placing Palmyra Island under the control and jurisdiction of the Secretary (*see* Executive order).

Price Stabilization, Office of
Rules and regulations:
Eating and drinking establishments, ceiling prices for; elimination of cut-off date in section 10 (CPR 134) — 7902
Milk marketing areas; area milk price adjustments (GCPR, SR 63):
Fall River, Mass., milk products for fluid consumption in (AMPR 31) — 7893
North Texas, State of Texas (AMPR 30) — 7896

Production and Marketing Administration
Notices:
Director, Cotton Branch; delegation of authority with respect to sampling, analysis, and certification of samples and grades of cottonseed (crushing purposes) — 7909
Proposed rule making:
Milk handling in Rockford-Freeport, Ill., marketing area — 7906
Rules and regulations:
Milk handling in marketing areas:
Louisville, Ky — 7884
Milwaukee, Wis — 7884
St. Louis, Mo — 7883
Oranges, Florida; U. S. Standards — 7879

Reclamation Bureau
Notices:
San Luis Valley Project, Colorado; order of revocation — 7909

Salary Stabilization Board
Rules and regulations:
Salaries for new or changed positions under section 63 of GSSR 1, amended; miscellaneous amendments (Int. 10) — 7902

Treasury Department
See also Customs Bureau.
Rules and regulations:
Executive orders relating to the hoarding, export, and earmarking of gold coin, gold bullion, and gold certificates; revocation of regulations of September 12, 1933 — 7888
Gold regulations — 7888

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title	Page
Title 3	
Chapter II (Executive orders):	
8616 (revoked by EO 10388)	7877
10388	7877
Title 6	
Chapter III:	
Part 381	7877
Title 7	
Chapter I:	
Part 51	7879
Chapter IX:	
Part 903	7883
Part 907	7884
Part 946	7884
Part 991 (proposed)	7906
Title 17	
Chapter I:	
Part 1 (proposed)	7905
Title 19	
Chapter I:	
Part 8 (2 documents)	7885
Title 21	
Chapter I:	
Part 141	7885
Part 146	7885
Title 31	
Chapter I:	
Part 50	7888
Part 54	7888
Title 32A	
Chapter III (OPS):	
CPR 134	7902
GCPR, SR 63, AMPR 30	7896
GCPR, SR 63, AMPR 31	7898
Chapter IV:	
Subchapter A (SSB):	
Int. 10	7902
Title 36	
Chapter I:	
Part 20	7902
Title 47	
Chapter I:	
Part 8 (proposed)	7906
Title 49	
Chapter I:	
Part 57	7903
Title 50	
Chapter I:	
Part 6	7903
Part 31 (2 documents)	7905

aster loan previously made to cover the year's farming operations, and the borrower does not contemplate any major change in his farming operations during the period of the loan.

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 63 Stat. 43; 12 U. S. C. 1148a-2)

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

AUGUST 8, 1952.

Approved: August 26, 1952.

C. J. MCCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9499; Filed, Aug. 28, 1952; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART B—UNITED STATES STANDARDS FOR FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS

U. S. STANDARDS FOR FLORIDA ORANGES

On July 22, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 6713) regarding proposed United States Standards for Florida Oranges. A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice of rule making, the following United States Standards for Florida Oranges are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1953 (Pub. Law 451, 82d Cong., approved July 5, 1952).

§ 51.302 *Standards for Florida oranges*—(a) *General.* (1) The standards in this section apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. The standards in this section do not apply to tangerines for which separate U. S. Standards are issued.

(b) *Grades*—(1) *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(ii) If any lot of U. S. Fancy Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(2) *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Oranges of the early and mid-season varieties shall be fairly well colored.

(ii) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(iii) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(iv) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(3) *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(4) *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(5) *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(6) *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with

discoloration. (See Tolerances for Defects).

(i) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges).

(7) *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each orange of this grade shall be reasonably well colored.

(ii) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See Tolerances for Defects.)

(iii) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(8) *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(9) *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See Tolerances for Defects.)

(i) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(10) *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(i) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See Tolerances for Defects.)

(ii) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See Standards for Internal Quality of Common Sweet Oranges.)

(c) *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) *U. S. Fancy Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(2) *U. S. No. 1 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

(3) *U. S. No. 1 Bright and U. S. No. 2 Bright Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(4) *U. S. No. 1 Golden and U. S. No. 1 Bronze Grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(5) *U. S. No. 1 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(6) *U. S. No. 2 Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

(7) *U. S. No. 2 Russet Grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided,* That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

(8) *U. S. No. 3 Grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided,* That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination. None of the foregoing tolerances shall apply to wormy fruit.

(e) *Application of tolerances to individual packages.* (1) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

(i) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(ii) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided,* That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

(f) *Standard pack for oranges except Temple variety.* (1) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(2) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(3) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(4) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container are outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

Pack	Minimum	Maximum
96's	3⅝	3 13/16
120's or 126's	3 3/16	3 9/16
150's	3	3⅜
176's or 176's	2 11/16	3 1/16
200's	2 9/16	2 13/16
216's	2 9/16	3
252's	2⅜	2 11/16
288's or 294's	2¼	2 9/16
324's	2 1/16	2 5/16

(5) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 1/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(6) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

(g) *Definitions.* (1) "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

(2) "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

(3) "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

(4) "Well formed" means that the fruit has the shape characteristic of the variety.

(5) "Mature" means the same as that term is set forth for oranges other than Temple oranges in sections 19 and 20, chapter 25149 and for Temple oranges, in sections 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

(6) "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

(7) "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(i) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit;

(ii) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(iii) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(iv) Scars which are depressed, not smooth, or which detract from the appearance of the friut to a greater extent than the maximum amount of discoloration allowed in the grade; and.

(v) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

(8) "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

(9) "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

(10) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Ammoniation, when not occurring as light speck type similar to melanose;

(ii) Creasing, when causing the skin to be materially weakened;

(iii) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(iv) Green spots or oil spots, when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange of 200-size. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided,* That the appearance of the orange is not affected to a greater extent than the number or area permitted on a 200-size orange;

(v) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture;

(vi) Scale, when occurring as a blotch and its size exceeds the area of a circle five-eights inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided,* That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on a 200-size orange;

(vii) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(viii) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at

the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(ix) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(x) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(xi) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(11) "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

(12) "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

(13) "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

(14) "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

(15) "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

(16) "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(ii) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(iii) Creasing, when so deep or extensive that the skin is seriously weakened;

(iv) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(v) Green spots or oil spots, when seriously affecting the appearance of the individual fruit;

(vi) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(vii) Scale, when it seriously affects the appearance of the individual fruit;

(viii) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(ix) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(x) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xi) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(xii) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(xiii) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(17) "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

(18) "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

(19) "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Growth cracks that are seriously weakened, gummy or not healed;

(ii) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(iii) Bird pecks, when not healed;

(iv) Caked melanose, when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(v) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(vi) Creasing, when so deep or extensive that the skin is very seriously weakened;

(vii) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(viii) Scab, when aggregating more than 25 percent of the surface of the fruit;

(ix) Scale, when covering more than 20 percent of the surface of the fruit;

(x) Split navels, when not healed or the fruit is seriously weakened;

(xi) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(xii) Sunburn, when seriously affecting more than one-third of the fruit surface;

(xiii) Thorn punctures, when not healed or the fruit is seriously weakened; and,

(xiv) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

(20) "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

(h) *Standards for internal quality of common sweet oranges (Citrus Sinensis (L) Osbeck)*—(1) *U. S. Grade AA Juice (Double A)*. Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(i) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(2) *U. S. Grade A Juice*. Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(i) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(ii) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of this section.

(i) *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* (1) For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table II together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE II

Total soluble solids average percent	Maximum anhydrous citric acid average percent	Minimum ratio of total soluble solids to anhydrous citric acid
9.0	0.947	9.50–1
9.1	.963	9.45–1
9.2	.979	9.40–1
9.3	.995	9.35–1
9.4	1.011	9.30–1
9.5	1.027	9.25–1
9.6	1.043	9.20–1
9.7	1.060	9.15–1
9.8	1.077	9.10–1
9.9	1.094	9.05–1
10.0	1.111	9.00–1
10.1	1.128	8.95–1
10.2	1.146	8.90–1
10.3	1.164	8.85–1
10.4	1.182	8.80–1
10.5	1.200	8.75–1
10.6	1.218	8.70–1
10.7	1.237	8.65–1
10.8	1.256	8.60–1
10.9	1.275	8.55–1
11.0	1.294	8.50–1
11.1	1.306	8.50–1
11.2	1.318	8.50–1
11.3	1.329	8.50–1
11.4	1.341	8.50–1
11.5	1.353	8.50–1
11.6	1.365	8.50–1
11.7	1.376	8.50–1
11.8	1.388	8.50–1
11.9	1.400	8.50–1
12.0	1.412	8.50–1
12.1	1.424	8.50–1
12.2	1.435	8.50–1
12.3	1.447	8.50–1
12.4	1.459	8.50–1
12.5	1.471	8.50–1
12.6	1.482	8.50–1
12.7	1.494	8.50–1
12.8	1.506	8.50–1
12.9	1.517	8.50–1
13.0	1.529	8.50–1
13.1	1.541	8.50–1
13.2	1.553	8.50–1
13.3	1.565	8.50–1
13.4	1.576	8.50–1
13.5	1.588	8.50–1
13.6	1.600	8.50–1
13.7	1.612	8.50–1
13.8	1.624	8.50–1
13.9	1.635	8.50–1
14.0	1.647	8.50–1
14.1	1.659	8.50–1
14.2	1.671	8.50–1
14.3	1.682	8.50–1
14.4	1.694	8.50–1
14.5	1.705	8.50–1
14.6	1.718	8.50–1
14.7	1.729	8.50–1
14.8	1.741	8.50–1
14.9	1.753	8.50–1
15.0	1.765	8.50–1
15.1	1.776	8.50–1
15.2	1.788	8.50–1
15.3	1.800	8.50–1
15.4	1.812	8.50–1
15.5	1.824	8.50–1
15.6 or more		8.50–1

(j) *Method of juice extraction.* (1) The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze having 44x40 threads per square inch, and shall not be extracted or strained in any other manner.

(k) *Effective time.* The United States Standards for Florida oranges contained in this section shall become effective thirty (30) days after the date of publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 451, 82d Cong.; 7 U. S. C. 1624)

Done at Washington, D. C., this 25th day of August 1952.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 52-9516; Filed, Aug. 28, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7742).

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the St. Louis, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Delete the last proviso in § 903.51 (a) and substitute therefor the following: "*And provided further*, That the plus amount to be added to the basic

formula price shall be $2.21 for the months of September, October, and November 1952, $2.04 for December 1952, and not less than $1.79 for January and February 1953."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after September 1, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9502; Filed, Aug. 28, 1952; 8:50 a. m.]

PART 907—MILK IN THE MILWAUKEE, WISCONSIN, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 907.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of the milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (March 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Milwaukee, Wisconsin, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Add to the introductory language of § 907.33 (preceding paragraph (a)) following the word "handler" the phrase, "including any producer-handler."

2. Delete from § 907.45 (a) the phrase "except a producer-handler" and substitute therefor the phrase "including a producer-handler."

3. Delete § 907.45 (c).

4. Delete § 907.50 (b).

5. Delete at the end of § 907.90 the phrase "except as provided in § 907.10" and add the following: "except where the text of such section(s) of the order indicate that such section(s) should apply and except as provided in § 907.10."

6. Delete the semicolon and the word "or" at the end of § 907.91 (a) (1) and substitute in lieu thereof a period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after the 1st day of October 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9501; Filed, Aug. 28, 1952; 8:50 a. m.]

PART 946—MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 946.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7746).

The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Louisville, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Louisville, Kentucky, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and as amended, and as hereby further amended as follows:

1. Change the period at the end of § 946.51 (a) to a colon and add the following: "*Provided*, That for each of the months of September 1952 through February 1953 the Class I price shall be the basic formula price plus $1.69 per hundredweight."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of August 1952, to be effective on and after September 1, 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9500; Filed, Aug. 28, 1952; 8:50 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53085]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

REQUIREMENTS ON ENTRY

In order to bring the customs regulations into conformity with the practice under which a consumption or warehouse entry may be accepted for each importation arriving under a consolidated immediate transportation without appraisement entry (see § 18.11 (h) of the Customs Regulations of 1943; 19 CFR 18.11 (h)), § 8.8 (f), Customs Regulations of 1943 (19 CFR 8.8 (f)), as amended, is hereby further amended by deleting "or" at the end of subparagraph (6), by redesignating subparagraph (7) as subparagraph (8), and by inserting a new subparagraph (7) to read as follows:

§ 8.8 *Requirements on entry.* • • • (f) • • •

(7) The merchandise for which a separate entry is tendered comprises one or more importations which arrived under a consolidated immediate transportation without appraisement entry (see § 18.11 (h) of this chapter); or

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 25, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9517; Filed, Aug. 28, 1952; 8:53 a. m.]

[T. D. 53086]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

EVIDENCE OF RIGHT TO MAKE ENTRY; RELEASE OF MERCHANDISE

It has been held that a blanket carrier's certificate, customs Form 7529, appropriately modified, may be accepted from a carrier for shipments which will arrive on its conveyances at any port during a given period and that the release order at the bottom of the form may also be modified and executed to make it a blanket release order.

Accordingly, §§ 8.6 and 8.23, Customs Regulations of 1943 (19 CFR 8.6 and 8.23), as amended, are hereby amended as follows:

1. Section 8.6 is amended by redesignating paragraphs (f) to (l), inclusive, as paragraphs (g) through (m), respectively, and by inserting a new paragraph (f) to read:

§ 8.6 *Evidence of right to make entry; legal representative of consignee; nonresident consignee; foreign corporation; underwriters and salvors.* • • •

(f) A collector may accept a blanket carrier's certificate, customs Form 7529, appropriately modified, from a carrier for any or all shipments which will arrive in its conveyances at the port during a period specified in the certificate.

2. Section 8.23 is amended by deleting the parenthetical matter at the end of paragraph (c) and adding the following new paragraph (d):

§ 8.23 *Release of merchandise.* • • •

(d) The release order at the bottom of customs Form 7529 may be modified and executed to make it a blanket release order for the shipments covered by a blanket carrier's certificate as provided for by § 8.6 (f).

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

[SEAL] FRANK DOW,
Commissioner of Customs.

Approved: August 25, 1952.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9518; Filed, Aug. 28, 1952; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463, 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1951 Supp., 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR 1951 Supp., 146; 17 F. R. 150, 1178) are amended as indicated below:

1. Section 141.47 (b) is amended to read as follows:

§ 141.47 *Dibenzylethylenediamine dipenicillin G.* • • •

(b) *Sterility.* Proceed as directed in § 141.2, except prior to sterilization add 0.5 milliliter of polysorbate 80 to each tube of thioglycolate and Sabouraud's medium, and after sterilization add sufficient penicillinase to each tube of Sabouraud's medium to completely inactivate the penicillin used in the test. During the period of incubation, shake the tubes at least once daily.

2. Part 141 is amended by adding the following new sections:

§ 141.56 *Chloroprocaine penicillin O—(a) Potency, sterility, pyrogens, toxicity, moisture, pH, and crystallinity.* Proceed as directed in § 141.26.

(b) *Chloroprocaine penicillin O content.* Determine the penicillin O content of the sodium or potassium penicillin O used to make the chloroprocaine penicillin O as directed in § 141.5 (h). The penicillin O content of the chloroprocaine penicillin O is assumed to be identical to the percent of penicillin O found in the sodium or potassium penicillin O used in its manufacture.

(c) *Chloroprocaine penicillin G content.* Determine the penicillin G content of the sodium or potassium penicillin O used to make the chloroprocaine penicillin O as directed in § 141.5 (g). The penicillin G content of the chloroprocaine penicillin O is assumed to be iden-

tical to the percent of penicillin G found in the sodium or potassium penicillin O used in its manufacture.

§ 141.57 *Chloroprocaine penicillin O for aqueous injection.* For the determination of potency, sterility, moisture, pyrogens, toxicity, and pH, proceed as directed in § 141.29.

3a. In § 146.26 *Penicillin ointment* • • •, paragraph (a) *Standards of identity, etc.* is amended by inserting between the first and second sentences the following new sentence: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone."

b. Section 146.26 (c) (1) is amended by changing the period at the end of subdivision (iv) to a semicolon and adding the following new subdivision:

(c) *Labeling.* • • •
(1) • • •
(v) If the batch contains in addition to penicillin one or more other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient per gram of the batch.

4a. In § 146.45 *Procaine penicillin G in oil,* paragraph (a) *Standards of identity etc.* is amended by inserting between the first and second sentences the following new sentence: "If it is intended solely for veterinary use and is conspicuously so labeled, it may contain nitrofurazone."

b. Section 146.5 (c) (1) (v) is amended to read as follows:

(c) *Labeling.* • • •
(1) • • •
(v) The name of each oil used in making the batch and, if aluminum monostearate is used as the dispersing agent or if nitrofurazone is used, the quantity used.

c. In § 146.45, paragraph (d) *Request for certification; samples,* subparagraph (3) (iii) is amended by inserting the words "or other ingredient" between the words "agent" and "used".

5a. In § 146.58 *Penicillin and streptomycin* • • •, paragraph (a) *Standards of identity etc.*, the first and second sentences are amended by inserting the words "or *l*-ephenamine penicillin G" between the words "potassium penicillin" and the word "or".

b. Section 146.58 (a) is further amended by inserting the sentence, "The *l*-ephenamine penicillin G used conforms to the requirements prescribed for *l*-ephenamine penicillin G by § 146.64 (a)." between the sentence, "The crystalline penicillin used conforms to the requirements prescribed for crystalline penicillin by § 146.24 (a)." and the sentence, "The streptomycin sulfate used conforms to the requirements prescribed by § 146.101 (a)."

c. In § 146.58, paragraph (b) *Packaging,* the second sentence is amended by inserting the words "or *l*-ephenamine penicillin G" between the words "potassium penicillin" and the word "and".

d. In § 146.58, paragraph (d) *Request for certification; samples,* subparagraph (2) is amended by renumbering subdivision (iv) as (v) and inserting between subdivision (iii) and renumbered subdivision (v) the following new subdivision:

(iv) The *l*-ephenamine penicillin G used in making the batch; potency, crystallinity, heat stability, penicillin G content, and specific rotation.

e. In § 146.58 (d), subparagraph (3) is amended by renumbering subdivisions (iv) and (v) as (v) and (vi), respectively, and inserting between subdivision (iii) and renumbered subdivision (v) the following new subdivision:

(iv) The *l*-ephenamine penicillin G used in making the batch; 3 packages containing approximately equal portions of not less than 0.5 gram each packaged in accordance with the requirements of § 146.64 (b).

f. In § 146.58, subparagraph (1) of paragraph (e) *Fees,* insert "(vi)," between "(v)," and the word "and".

6. Part 146 is amended by adding the following new sections:

§ 146.79 *Chloroprocaine penicillin O (penicillin O chloroprocaine salt)*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O is the crystalline 2-chloroprocaine salt of penicillin O prepared from 2-chloroprocaine hydrochloride (95 percent purity and a melting point of 171°–176° C.) and crystalline penicillin O. It contains not less than 85 percent of the 2-chloroprocaine salt of penicillin O and not more than 0.5 percent of the 2-chloroprocaine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 850 units per milligram.
(2) It is sterile.
(3) It is nonpyrogenic.
(4) It is nontoxic.
(5) Its moisture content is not more than 4.2 percent.
(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of chloroprocaine penicillin O shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.
(2) The weight of the drug and the number of units in the immediate container.
(3) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified.
(4) The statement "For manufacturing use only."
(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloroprocaine penicillin O shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising the batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, sterility, toxicity, pyrogens, moisture, *pH*, crystallinity, chloroprocaine penicillin O content, and chloroprocaine penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of:

(i) The batch:
(*a*) For all tests except sterility; 10 packages.
(*b*) For sterility testing; 10 packages.

Each such package shall contain approximately 300 milligrams taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(ii) The penicillin O used in making the batch; 3 packages containing approximately 300 milligrams each.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which chloroprocaine penicillin O is to be used, the manufacturer of a batch which is so used may request the Commissioner to make check tests and assays on a sample of such batch taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) (*a*), (ii), and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.80 *Chloroprocaine penicillin O for aqueous injection*—(a) *Standards of identity, strength, quality, and purity.* Chloroprocaine penicillin O for aqueous injection is a dry mixture of chloroprocaine penicillin O and one or more suitable and harmless suspending or dispersing agents, with or without one or more suitable and harmless buffer substances. It is so purified and dried that:

(1) It is sterile.
(2) Its moisture content is not more than 4.2 percent.
(3) It is nonpyrogenic.
(4) It is nontoxic.
(5) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

The chloroprocaine penicillin O used conforms to the requirements of § 146.79 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying such seal, and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded. In case it is packaged for dispensing, it shall be in immediate containers of colorless, transparent glass, closed by a substance through which a hypodermic needle may be introduced and withdrawn without removing the closure or destroying its effectiveness. Each such container shall contain 300,000 units, 600,000 units, 900,000 units, 1,200,000 units, 1,500,000 units, or 3,000,000 units, unless it is intended solely for veterinary use and is conspicuously so labeled. Each such container may be packaged in combination with a container of a suitable aqueous diluent.

(c) *Labeling.* Each package shall bear, on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:
(i) The batch mark.
(ii) The number of units in the immediate container.
(iii) The statement "Expiration date _____," the blank being filled in with the date which is 36 months after the month during which the batch was certified.
(iv) The statement "For intramuscular use only."

(2) On the outside wrapper or container, the statement "Caution: Federal law prohibits dispensing without prescription," unless it is intended solely for veterinary use and is conspicuously so labeled.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing, adequate directions for use and warnings as required by section 502 (f) of the act, including:
(i) Clinical indications.
(ii) Dosage and administration, including method of preparing the drug for injection.

(iii) The conditions under which suspensions made from such drug should be stored, and the statement "Sterile suspension may be kept at room temperature for 1 week, or in refrigerator for 3 weeks, without significant loss of potency."
(iv) Contraindications.
(v) Untoward effects that may accompany administration, including sensitization.

If two or more immediate containers are in such package, the number of such circulars or other labeling shall not be less than the number of such containers.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of chloroprocaine penicillin O for aqueous injection shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the chloroprocaine penicillin O used in making such batch was completed, the number of units in each of such packages, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section. If such batch, or any part thereof, is to be packaged with a solvent, such request shall also be accompanied by a statement that such solvent conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided by subparagraph (5) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency, sterility, moisture, pyrogens, toxicity, *pH*.
(ii) The chloroprocaine penicillin O used in making the batch; potency and crystallinity.
(iii) The penicillin O used in making the chloroprocaine penicillin O; penicillin O content and penicillin G content.

(3) Except as otherwise provided by subparagraph (5) of this paragraph, if such batch is packaged for dispensing, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch:
(*a*) For all tests except sterility; one immediate container for each 5,000 immediate containers in such batch, but in no case less than 10 or more than 17 immediate containers.
(*b*) For sterility testing; 10 immediate containers.

Such samples shall be collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloroprocaine penicillin O used in making the batch; three packages containing approximately equal portions of not less than 300 milligrams each.

(iii) The penicillin O used in making the chloroprocaine penicillin O; three packages containing approximately equal portions of not less than 300 milligrams each.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: one package of each containing approximately 5.0 grams.

(v) In case of an initial request for the certification of a batch of chloroprocaine penicillin O for aqueous injection which is to be packaged in combination with an aqueous diluent which is not recognized by the U. S. P., or when any change is made in the composition of such diluent, five packages of the diluent included in the combination.

(4) If such batch is packaged for repacking, such person shall submit with his request a sample consisting of the following:

(i) For all tests except sterility; 10 packages.
(ii) For sterility testing; 10 packages.

Each such package shall contain not less than approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(5) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) (*a*), (ii), (iii), (iv), (v), and (4) (i) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

7. In § 146.211 *Aureomycin surgical powder* • • •, paragraph (a) *Standards of identity, etc.*, second sentence, change the figure "200" in the second sentence to read "50".

8. In § 146.212 *Aureomycin vaginal suppositories* • • •, paragraph (a) *Standards of identity, etc.*, second sentence, change the figure "250" to read "100".

This order, which provides for modification of the sterility tests for dibenzylethylenediamine dipenicillin G; for the use of nitrofurazone as an ingredient of penicillin ointment, if it is intended for veterinary use and so labeled; for the use of nitrofurazone as an ingredient of

penicillin in oil if it is intended for veterinary use and so labeled; for the use of *l*-ephenamine penicillin G in combination with streptomycin or dihydrostreptomycin; for tests and methods of assay and certification of choloroprocaine penicillin O; for tests and methods of assay and certification of choloroprocaine penicillin O for aqueous injection; for reducing the minimum amount of aureomycin required to be present in each gram of aureomycin surgical powder to 50 milligrams; and for reducing the minimum amount of aureomycin required to be present in each aureomycin vaginal suppository to 100 milligrams, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Dated: August 25, 1952.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 52-9496; Filed, Aug. 28, 1952; 8:49 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 50—EXECUTIVE ORDERS RELATING TO THE HOARDING, EXPORT, AND EARMARKING OF GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES

REVOCATION OF REGULATIONS OF SEPTEMBER 12, 1933

The regulations of September 12, 1933, issued under the authority of Executive Order 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), are hereby revoked. The revocation of such regulations shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil or criminal cause prior to said revocation but all liabilities under said regulations shall continue and may be enforced in the same manner as if said revocation had not been made.

(Sec. 5 (b), 40 Stat. 415, as amended; 12 U. S. C. 95a, E. O. 6260, Aug. 28, 1933)

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9474; Filed, Aug. 28, 1952; 8:45 a. m.]

PART 54—GOLD REGULATIONS

The Gold Regulations, 13 F. R. 2742; 31 CFR Part 54, are hereby amended and revised for the purpose of modifying certain requirements for dealing in gold, incorporating in the regulations certain administrative interpretations and rulings, and setting forth in greater detail existing law applicable to the acquisition, possession, holding and use of gold.

The amendments to §§ 54.1, 54.4, 54.6 (c), 54.20, and 54.26 are issued after due consideration of all relevant views and material submitted pursuant to a notice of proposed rule making published in the FEDERAL REGISTER on April 30, 1952 (17 F. R. 3831) setting forth the substance of the proposed rules and affording interested persons 30 days within which to submit their views in writing.

The amendments to §§ 54.2, 54.4 (a) (1) to (a) (10) (ii) inclusive and 54.4 (a) (12) to (c) inclusive, 54.6 (a) (b) and (d), 54.7, 54.9, 54.10, 54.11, 54.12, 54.15, 54.16, 54.17, 54.18, 54.19, 54.21, 54.22, 54.23, 54.25, 54.26 (d), 54.28, 54.29, 54.31, 54.33, 54.34, 54.35, 54.36, 54.37, 54.38, 54.39, 54.40, 54.41, 54.42, 54.43, and 54.44 are made without notice and public procedure thereon because such amendments either make no substantive change in existing regulations or constitute statements of organization and procedure, or because notice and public procedure thereon are deemed to be impracticable, unnecessary or contrary to the public interest.

Accordingly, effective September 29, 1952, 31 CFR Part 54, Gold Regulations, is amended to read as follows:

SUBPART A—GENERAL PROVISIONS

Sec.
54.1 Authority for regulations.
54.2 General provisions.
54.3 Titles and subtitles.
54.4 Definitions.
54.5 General provisions affecting applications, statements, and reports.
54.6 General provisions affecting licenses and authorizations.
54.7 General provisions affecting export licenses.
54.8 General provisions affecting import licenses.
54.9 Forms available.
54.10 Representations by licensees.
54.11 Civil and criminal penalties.

SUBPART B—CONDITIONS UNDER WHICH GOLD MAY BE ACQUIRED AND HELD, TRANSPORTED, MELTED OR TREATED, IMPORTED, EXPORTED, OR EARMARKED

54.12 Conditions under which gold may be acquired, held, melted, etc.
54.13 Transportation of gold.
54.14 Gold situated outside of the United States.
54.15 Gold situated in the possessions of the United States.
54.16 Fabricated gold.
54.17 Metals containing gold.
54.18 Unmelted scrap gold.
54.19 Gold in its natural state.
54.20 Rare coin.

SUBPART C—GOLD FOR INDUSTRIAL, PROFESSIONAL, AND ARTISTIC USE

54.21 Thirty-five ounce exemption for processors.
54.22 Licenses required.
54.23 Issuance of licenses or general authorizations.
54.24 Applications.
54.25 Licenses.
54.26 Investigations; records; subpoenas.
54.27 Reports.

SUBPART D—GOLD FOR THE PURPOSE OF SETTLING INTERNATIONAL BALANCES, AND FOR OTHER PURPOSES

Sec.
54.28 Acquisitions by Federal Reserve banks for purposes of settling international balances, etc.
54.29 Dispositions by Federal Reserve banks.
54.30 Provisions limited to Federal Reserve banks.

SUBPART E—GOLD FOR OTHER PURPOSES NOT INCONSISTENT WITH THE PURPOSES OF THE GOLD RESERVE ACT OF 1934 AND THE ACT OF OCTOBER 6, 1917, AS AMENDED

54.31 Licenses required.
54.32 Gold imported in gold-bearing materials for re-export.
54.33 Gold imported for re-export.
54.34 Licenses for other purposes.

SUBPART F—PURCHASE OF GOLD BY MINTS

54.35 Purchase by mints.
54.36 Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof.
54.37 Gold contained in deposits of silver, other than newly mined domestic silver.
54.38 Scrap gold.
54.39 Gold refined from sweeps purchased from a United States mint.
54.40 Imported gold.
54.41 Gold refined from imported gold-bearing material.
54.42 Deposits.
54.43 Rejection of gold by mint.
54.44 Purchase price.

SUBPART G—SALE OF GOLD BY MINTS

54.51 Authorization to sell gold.
54.52 Sale price.

SUBPART H—INSTRUCTIONS ISSUED PURSUANT TO THE REGULATIONS IN THIS PART

54.60 Gold exported from Mexico.

SUBPART I—TRANSITORY PROVISIONS

54.70 Legal effect of amendment of regulations.

AUTHORITY: §§ 54.1 to 54.70 issued under sec. 5 (b), 40 Stat. 415, as amended, secs. 3, 8, 9, 11, 48 Stat. 340, 341, 342; 12 U. S. C. 95a, 31 U. S. C. 442, 733, 734, 822b, E. O. 6260, Aug. 28, 1933, E. O. 6359, Oct. 25, 1933; E. O. 9193, July 6, 1942, as amended, 7 F. R. 5205; 3 CFR 1943 Cum. Supp.; E. O. 10289, Sept. 17, 1951, 16 F. R. 9499; 3 CFR 1951 Supp.

SUBPART A—GENERAL PROVISIONS

§ 54.1 *Authority for regulations.* By virtue of and pursuant to:

(a) The authority vested in the Secretary of the Treasury by the Gold Reserve Act of 1934, approved January 30, 1934 (48 Stat. 337; 31 U. S. C. 440), and the authority with respect to the approval of regulations issued thereunder which the President of the United States has delegated to the Secretary of the Treasury in paragraph 2 (d) of Executive Order No. 10289 of September 17, 1951 (16 F. R. 9501) and

(b) The authority which the President of the United States has delegated to the Secretary of the Treasury by Executive Orders Nos. 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), 6359 of October 25, 1933 and 9193 of July 6, 1942, as amended (7 F. R. 5205, 3 CFR 1943 Cum. Supp.), which delegations were made by the President of the United States by virtue of and pursuant to the authority vested in him by section 5 (b) of the act of October 6, 1917 (40 Stat. 415), as amended by section 2 of the act of March 9, 1933 (48 Stat. 1), and title III, section 301 of the "First War Powers Act, 1941" (55 Stat. 839; 12 U. S. C. 95a), and all other authority vested in him, the following regulations, entitled "Gold Regulations," deemed in the public interest and necessary and proper to carry out the purposes of said acts and Executive orders, are issued by the Secretary of the Treasury.

§ 54.2 *General provisions*—(a) *Scope.* Sections 54.12 to 54.34 refer particularly to section 3 of the Gold Reserve Act of 1934, as amended, and to Executive Order No. 6260 of August 28, 1933, sections 4, 5 and 6 of the Executive Order No. 6359 of October 25, 1933, and Executive Order No. 9193 of July 6, 1942, as amended; and §§ 54.35 to 54.44 refer particularly to sections 8 and 9 of the Gold Reserve Act of 1934, as amended.

(b) *Delivery requirements of 1933 Gold Orders.* Executive Order 6102 of April 5, 1933, Executive Order 6260 of August 28, 1933 (31 CFR 1938 ed. Part 50), and the Order of the Secretary of the Treasury of December 28, 1933, as amended and supplemented required that, with certain exceptions, all persons subject to the jurisdiction of the United States deliver to the United States gold coins, gold bullion, and gold certificates situated in the United States and held or owned by such persons on the dates of such orders. The regulations in this part do not alter or affect in any way the obligations with respect to the delivery of such gold coins, bullion, and certificates existing under said orders, and gold coins, bullion, and certificates required to be delivered pursuant to such orders are still required to be delivered, and may be received in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934 (§ 53.1 of this chapter), subject to the rights reserved in such instructions.

(c) *Effect of authorizations and licenses.* (1) A general authorization contained in, or a license issued pursuant to the regulations in this part, permitting the acquisition, holding, transporting, melting or treating, importing, exporting or earmarking of gold, constitutes within the limits and subject to the terms and conditions thereof a license issued under and pursuant to Executive Order No. 6260 of August 28, 1933, for such acquisition, holding, transporting, etc.

(2) Any authorization in the regulations in this part, or in any license issued hereunder to acquire, hold, transport, melt or treat, import or export gold in any form shall not be deemed to authorize, unless it specifically so provides, the acquisition, holding, transporting, melting or treating, importing, or exporting of the following:

(i) Any gold coin (except rare gold coin as defined in § 54.20) or any gold melted by any person from gold coin subsequent to April 5, 1933.

(ii) Any gold which has been held at any time in noncompliance with the acts, the orders, or any regulations, rulings, instructions or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder.

(d) *Revocation or modification.* The provisions of this part may be revoked or modified at any time and any license outstanding at the time of such revocation or modification shall be modified thereby to the extent provided in such revocation or modification.

§ 54.3 *Titles and subtitles.* The titles in this part are inserted for purposes of ready reference and are not to be construed as constituting a part of the regulations in this part.

§ 54.4 *Definitions.* (a) As used in this part, the terms:

(1) "The acts" means the Gold Reserve Act of 1934, as amended, and section 5 (b) of the act of October 6, 1917, as amended by section 2 of the act of March 9, 1933 and Title III, section 301 of the "First War Powers Act, 1941" approved December 18, 1941.

(2) "The orders" means Executive Orders Nos. 6260 of August 28, 1933; 6359 of October 25, 1933; and 9193 of July 6, 1942, as amended.

(3) "United States" means the Government of the United States, or where used to denote a geographical area, means the continental United States and all other places subject to the jurisdiction of the United States.

(4) "Continental United States" means the States of the United States, the District of Columbia, and the Territory of Alaska.

(5) "Person" means any individual, partnership, association, or corporation, including the Board of Governors of the Federal Reserve System, Federal Reserve banks, and Federal Reserve agents.

(6) "Mint" means a United States mint or assay office, and wherever authority is conferred upon a "mint" such authority is conferred upon the person locally in charge of the respective United States mint or assay office acting in accordance with the instructions of the Director of the Mint or the Secretary of the Treasury.

(7) "Mint district" means one of the following areas:

(i) The mint district of Philadelphia, which for the purposes of this part consists of the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and the District of Columbia.

(ii) The mint district of New York, which for the purposes of this part consists of the States of Connecticut, Delaware, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin, and Puerto Rico, the Virgin Islands of the United States, and the Panama Canal Zone.

(iii) The mint district of Denver, which for the purposes of this part consists of the States of Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

(iv) The mint district of San Francisco, which for the purposes of this part consists of the States of Arizona, California, and Nevada, and the Territories and possessions of the United States not specifically included in other mint districts.

(v) The mint district of Seattle, which for the purposes of this part consists of the States of Idaho, Montana, Oregon, and Washington, and the Territory of Alaska.

(8) "Gold coin" means any coin containing gold as a major element, including gold coin of a foreign country.

(9) "Gold bullion" means any gold which has been put through a process of smelting or refining, and which is in such state or condition that its value depends primarily upon the gold content and not upon its form; the term "gold bullion" includes, but not by way of limitation, semi-processed gold and scrap gold, but it does not include fabricated gold as defined in this section, metals containing less than 5 troy ounces of fine gold per short ton, or unmelted gold coin.

(10) Fabricated and semi-processed gold:

(i) "Fabricated gold" means processed or manufactured gold in any form (other than gold coin or scrap gold) which:

(*a*) Has a gold content the value of which does not exceed 80 percent of the total domestic value of such processed or manufactured gold; and

(*b*) Has, in good faith, and not for the purpose of evading or enabling others to evade the provisions of the acts, the orders, or the regulations in this part, been processed or manufactured for some one or more specific and customary industrial, professional or artistic uses.

(ii) "Semi-processed gold" means processed or manufactured gold in any form (other than gold coin or scrap gold) which:

(*a*) Has a gold content the value of which exceeds 80 percent of the total domestic value of such processed or manufactured gold; and

(*b*) Has, in good faith, and not for the purpose of evading or enabling others to evade the provisions of the acts, the orders, or the regulations in this part, been processed or manufactured for some one or more specific and customary industrial, professional or artistic uses.

(iii) The value of the gold content of an article shall be computed for the purposes of this subparagraph at $35 per troy ounce of fine gold content.

(iv) For the purpose of this subparagraph, the total domestic value of processed or manufactured gold shall be based on the cost to the owner and not the selling price. The allowable elements of such value are:

(*a*) In the case of a manufacturer or processor, only the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article; and

(*b*) In the case of a dealer or other person who holds or disposes of gold without further processing, only the net purchase price paid by such person, including transportation costs, if any, incurred in obtaining delivery of such article to his usual place of business.

(11) "Scrap gold" means gold filings, clippings, polishings, sweepings and the like and any other melted or unmelted

scrap gold, semi-processed gold or fabricated gold, the value of which depends primarily upon its gold content and not upon its form, which is no longer held for the use for which it was processed or manufactured.

(12) "Gold in its natural state" means gold recovered from natural sources which has not been melted, smelted, or refined, or otherwise treated by heating or by a chemical or electrical process.

(13) "Hold", when used with reference to gold includes actual or constructive possession of or the retention of any interest, legal or equitable, in such gold, and includes, but not by way of limitation, acts of agency with respect thereto although the principal be unknown.

(b) Wherever reference is made in this part to equivalents as between dollars or currency of the United States and gold, $1 or $1 face amount of any currency of the United States equals fifteen and five twenty-firsts ($15\frac{5}{21}$) grains of gold, nine-tenths fine.

(c) Wherever reference is made in this part to "sections", the reference is, unless otherwise indicated, to the designated sections of this part.

§ 54.5 *General provisions affecting applications, statements, and reports.* Every application, statement, and report required to be made under this part shall be made upon the appropriate form prescribed by the Secretary of the Treasury. Action upon any application or statement may be withheld pending the furnishing of any or all of the information required in such forms or of such additional information as may be deemed necessary by the Secretary of the Treasury, or the agency authorized or directed to act under this part. There shall be attached to the applications, statements, or reports such instruments as may be required by the terms thereof and such further instruments as may be required by the Secretary of the Treasury, or by such agency.

§ 54.6 *General provisions affecting licenses and authorizations.* (a) Licenses issued pursuant to the regulations in this part shall be upon the appropriate form prescribed by the Secretary of the Treasury. Licenses shall be nontransferable and shall entitle the licensee to acquire, hold, transport, melt or treat, import, export, or earmark gold only in such form and to the extent permitted by, and subject to the conditions prescribed in, the regulations in this part and such licenses.

(b) *Revocation or modification of licenses.* Licenses may be modified or revoked at any time in the discretion of the Director of the Mint. In the event that a license is modified or revoked (other than by a modification or revocation of the regulations in this part), the Director of the Mint shall advise the licensee by letter, mailed to the last address of the licensee on file in the Bureau of the Mint. The licensee, upon receipt of such advice, shall forthwith surrender his license as directed in such advice. If the license has been modified but not revoked, the Director of the Mint shall thereupon issue or cause to be issued a modified license.

(c) *Exclusions.* The Director of the Mint may exclude particular persons or classes thereof from the operation of any section of the regulations in this part (except §§ 54.28 to 54.30, inclusive) or licenses issued thereunder or from the privileges therein conferred. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof. Any violation of the provisions of the regulations in this part or any license issued hereunder, shall constitute, but not by way of limitation, grounds for such exclusion.

(d) *Requests for reconsideration.* A written request for reconsideration of a denial of an application for a license, of a revocation, suspension, or modification of an existing license, or of an exclusion from the authorizations or privileges conferred in any section of the regulations in this part setting forth in detail the reasons for such request, may be addressed to the Director of the Mint, Treasury Department, Washington 25, D. C. In addition, upon written request, the Director will schedule a hearing in the matter at which time there may be brought to the attention of the Bureau of the Mint any information bearing thereon.

(e) No license issued hereunder shall exempt the licensee from the duty of complying with the legal requirements of any State or Territory or local authority.

(f) No license shall be issued to any person doing business under a name which in the opinion of the Secretary of the Treasury or the designated agency issuing the license, is designed or is likely to induce the belief that gold is purchased, treated, or sold on behalf of the United States or for the purpose of carrying out any policy of the United States.

§ 54.7 *General provisions affecting export licenses.*[1] At the time any license to export gold is issued, the mint issuing the same shall transmit a copy thereof to the collector of customs at the port of export designated in the license. No collector of customs shall permit the export or transportation from the continental United States of gold in any form except upon surrender of a license to export, a copy of which has been received by him from the mint issuing such license: *Provided, however,* That the export, or transportation from the continental United States of fabricated gold may be permitted pursuant to § 54.25 and the export or transportation from the continental United States of gold imported for re-export may be permitted pursuant to § 54.33: *And provided further,* That gold held by the Federal Reserve banks under §§ 54.28 to 54.30, inclusive, may be exported for the purposes of such sections without a license. The collector of customs to whom a license to export is surrendered shall cancel such license and return it to the Federal Reserve bank or mint which issued the same. In the event that the shipment is to be made by mail, a copy of the export license shall be sent to the postmaster of the post office designated in the application, who will act under the instructions of the Postmaster General in regard thereto.

§ 54.8 *General provisions affecting import licenses.* No gold in any form imported into the United States shall be permitted to enter until the person importing such gold shall have satisfied the collector of customs at the port of entry that he holds a license authorizing him to import such gold or that such gold may be imported without a license under the provisions of §§ 54.12 to 54.21, inclusive, or §§ 54.28 to 54.30, inclusive. Postmasters receiving packages containing gold will deliver such gold subject to the instructions of the Postmaster General.

(a) *Certificates with respect to imported gold.* Collectors of customs shall, upon receipt of instructions[2] issued from time to time by the Secretary of the Treasury with the approval of the President, refuse entry into the continental United States of gold in the form and condition described in such instructions, which is exported from the country or countries specified in such instructions, unless there is filed with the collector of customs at the port of entry a certificate duly certified by an officer of the country from which the gold is exported to the effect that such gold was or may be lawfully exported from such country.

§ 54.9 *Forms available.* Any form, the use of which is prescribed in this part, may be obtained at, or on written request to, any United States Mint or assay office, or the Director of the Mint, Treasury Department, Washington 25, D. C.

§ 54.10 *Representations by licensees.* Licensees may include in public and private representations or statements the clause "licensed on form TGL ------ (here inserting the number of the form of license held by the licensee) pursuant to the regulations issued by the Secretary of the Treasury," but any representation or statement which might induce the belief that the licensee is acting or is especially privileged to act on behalf of or for the United States, or is purchasing, treating, or selling gold for the United States, or in any way dealing in gold for the purpose of carrying out any policy of the United States, shall be a violation of the conditions of the license.

(a) *Business names and representations generally.* No person doing business under a name which is designed or is likely to induce the belief that gold is being purchased, treated, or sold on behalf of the United States, or any agency thereof, or for the purpose of carrying out any policy of the United States, or making representations or statements which might induce the belief that such person is acting or is especially privileged to act on behalf of or for the United States, or is purchasing, treating, or selling gold for the United States, or in any way dealing in gold for the purpose of carrying out any policy of the United States, may acquire, hold, transport, melt, or treat, import, export or earmark any gold under authority of §§ 54.12 to 54.20 inclusive, or §§ 54.21 to 54.27, inclusive.

[1] The regulations in this part shall not be construed as relieving any person from the obligation of compliance with the regulations of the Office of International Trade, (15 CFR Parts 360 to 399), the Bureau of Customs (19 CFR Chapter I), or other laws or regulations relating to the importation or exportation of merchandise, where applicable to imports or exports of gold, or articles containing gold.

[2] See Subpart H of this part for instructions issued pursuant to § 54.8 (b).

§ 54.11 *Civil and criminal penalties.* (a) *Civil penalties.* Attention is directed to section 4 of the Gold Reserve Act of 1934, which provides:

> Any gold withheld, acquired, transported, melted or treated, imported, exported, or earmarked or held in custody, in violation of this act or of any regulations issued hereunder, or licenses issued pursuant thereto, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and in addition any person failing to comply with the provisions of this Act or of any such regulations or licenses, shall be subject to a penalty equal to twice the value of the gold in respect of which such failure occurred. (31 U. S. C. 443)

(b) *Criminal punishment.* Attention is also directed to (1) section 5 (b) of the act of October 6, 1917, as amended, which provides in part:

> Whoever wilfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (12 U. S. C. 95a (3))

This section of the act of October 6, 1917, as amended, is applicable to violations of any provisions of this part and to violations of the provisions of any license, ruling, regulation, order, direction, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to the regulations in this part or otherwise under section 5 (b) of the act of October 6, 1917, as amended.

(2) Section 1001 of the United States Criminal Code, which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and wilfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious of fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. (18 U. S. C. 1001.)

SUBPART B—CONDITIONS UNDER WHICH GOLD MAY BE ACQUIRED AND HELD, TRANSPORTED, MELTED OR TREATED, IMPORTED, EXPORTED, OR EARMARKED

§ 54.12 *Conditions under which gold may be acquired, held, melted, etc.* Gold in any form may be acquired, held, transported, melted or treated, imported, exported, or earmarked only to the extent permitted by and subject to the conditions prescribed in, the regulations in this part or licenses issued thereunder.

§ 54.13 *Transportation of gold.* Gold may be transported by carriers for persons who are licensed to hold and transport such gold or who are permitted by the regulations in this part to hold and transport gold without a license.

§ 54.14 *Gold situated outside of the United States.* Gold in any form situated outside of the United States may be acquired, transported, melted or treated, or earmarked or held in custody for foreign or domestic account without the necessity of holding a license.

§ 54.15 *Gold situated in the possessions of the United States.* Gold in any form (other than United States gold coin) situated in places subject to the jurisdiction of the United States beyond the limits of the continental United States may be acquired, transported, melted or treated, imported, exported, or earmarked or held in custody for the account of persons other than residents of the continental United States, by persons not domiciled in the continental United States: *Provided, however,* That gold may be transported from the continental United States to the possessions of the United States only as authorized by §§ 54.25, 54.32, 54.33 or 54.34, or licenses issued pursuant thereto.

§ 54.16 *Fabricated gold.* Fabricated gold as defined in § 54.4 may be acquired, held, transported within the United States or imported without the necessity of holding a license therefor. Fabricated gold may be exported only as authorized in § 54.25 or in a license issued pursuant to that section.

§ 54.17 *Metals containing gold.* Metals containing not more than 5 troy ounces of fine gold per short ton may be acquired, held, transported within the United States, or imported without the necessity of holding a license therefor. Such metals may be melted or treated, and exported only to the extent permitted by and subject to the conditions prescribed in or pursuant to §§ 54.21 to 54.27, inclusive.

§ 54.18 *Unmelted scrap gold.* Unmelted scrap gold may be acquired, held, transported within the United States, or imported, in amounts not exceeding at any one time 35 fine troy ounces of gold content without the necessity of holding a license therefor. Persons holding licenses issued pursuant to paragraph (a) of § 54.25, or acquiring, transporting, importing or holding gold pursuant to § 54.21, may not acquire, transport, import or hold any gold under authority of this section.

§ 54.19 *Gold in its natural state.* (a) Gold in its natural state as defined in § 54.4 may be acquired, transported within the United States, imported, or held in custody for domestic account only, without the necessity of holding a license therefor.

(b) Gold amalgam which results from the addition of mercury to gold in its natural state recovered from natural deposits in the United States or a place subject to the jurisdiction thereof, may be heated to a temperature sufficient to separate the mercury from the gold (but not to the melting temperature of gold) without a license by the person who recovered the gold from such deposits, or his duly authorized agent or employee. The retort sponge resulting from such heating of such gold amalgam may be held and transported by such person without a license: *Provided, however,* That no such person may hold at any one time an amount of such retort sponge which exceeds in fine gold content 200 troy ounces. Such retort sponge may be acquired from such persons:

(1) By the United States;

(2) By persons holding licenses issued pursuant to paragraph (a) of § 54.25;

(3) By other persons provided that the aggregate amount of such retort sponge acquired and held by such other persons does not exceed at any one time 35 fine troy ounces of gold content.

(c) Persons acquiring retort sponge under paragraph (b) (3) of this section are authorized to dispose of such retort sponge only to the United States and to persons holding licenses issued pursuant to paragraph (a) of § 54.25.

(d) Except as provided in §§ 54.12 to 54.20 inclusive, and in § 54.33, gold in its natural state may be melted or treated or exported only to the extent permitted by, and subject to the conditions prescribed in, or pursuant to, §§ 54.21 to 54.27, inclusive.

§ 54.20 *Rare coin.* (a) Gold coin of recognized special value to collectors of rare and unusual coin may be acquired and held, transported within the United States, or imported without the necessity of holding a license therefor.

(b) Such coin may be exported only in accordance with the provisions of § 54.25.

(c) Gold coin of foreign issue made subsequent to April 5, 1933, is presumed not to be of recognized special value to collectors of rare and unusual coin.

SUBPART C—GOLD FOR INDUSTRIAL, PROFESSIONAL, AND ARTISTIC USE

§ 54.21 *Thirty-five-ounce exemption for processors.* (a) Subject to the conditions in paragraph (b) of this section, any person regularly engaged in an industry, profession or art, who requires gold for legitimate, customary, and ordinary use therein, may, without the necessity of obtaining a Treasury gold license:

(1) Import unmelted scrap gold or acquire gold in any form from any person authorized to hold and dispose of gold in such form and amount under the regulations in this part or a license issued pursuant hereto;

(2) Hold, transport, melt, and treat such gold; and

(3) Furnish unmelted scrap gold to the United States, to persons operating pursuant to §§ 54.18 or 54.21, or to the holder of a license issued pursuant to paragraph (a) of § 54.25;

(4) Furnish melted scrap gold to the United States, to other persons operating pursuant to § 54.21, or to the holder of a license issued pursuant to paragraph (a) of § 54.25, which authorizes the acquisition of such melted scrap gold.

(b) The privileges of paragraph (a) of this section are granted subject to the following conditions:

(1) That the aggregate amount of such gold acquired, held, transported, melted and treated, and imported, does not exceed at any one time 35 fine troy ounces of gold content (not including gold which may be acquired, held, etc., without a license under any other section of this part, except § 54.18);

(2) That such gold is acquired and held only for processing into fabricated gold, as defined in § 54.4, by such person in the industry, profession, or art in which he is engaged; and

(3) That full and exact records are kept and furnished in compliance with § 54.26.

(c) Persons acquiring, holding, transporting, melting and treating, and importing, gold under authority of this section are not authorized:

(1) To consign gold bullion, including semi-processed gold, to other persons for processing;

(2) To furnish melted scrap gold to persons operating pursuant to the provisions of § 54.18; or

(3) To dispose of gold held under authority of this section otherwise than in the form of fabricated gold or scrap gold.

(d) Persons holding licenses issued pursuant to paragraph (a) of § 54.25 or acquiring, holding, transporting, or importing, gold pursuant to § 54.18 may not acquire, hold, transport, melt or treat, or import, any gold under authority of this section.

§ 54.22 *Licenses required.* Except as permitted in §§ 54.12 to 54.20, inclusive, and § 54.21, gold may be acquired and held, transported, melted or treated, imported, exported or earmarked for industrial, professional, or artistic use only to the extent permitted by licenses issued under § 54.25.

§ 54.23 *Issuance of licenses or general authorizations.* The Director of the Mint may issue or cause to be issued licenses or other authorizations permitting the acquisition and holding, transportation, melting and treating, importing and exporting of gold which the Director is satisfied is required for legitimate and customary use in industry, profession, or art, by persons regularly engaged in the business of furnishing or processing gold for industry, profession, or art, or for sale to the United States.

§ 54.24 *Applications.* Every application for a license under paragraph (a) of § 54.25 shall be made on form TG–12 (except that applications for export shall be made on form TG–15) and shall be filed in duplicate with the United States mint for the mint district in which is located the applicant's principal place of business. No person shall make application to more than one mint; and in the event any one person is through misrepresentation issued a license under this subpart by more than one mint, all licenses issued to such person shall be void from the date of the issuance to such person of a license by a second mint. Every applicant for a license under paragraph (a) of § 54.25 shall state in his application whether or not any applications have been filed by or licenses issued to any partnership, association, or corporation in which the applicant has a substantial interest or if the applicant is a partnership, association, or corporation, by or to a person having a substantial interest in such partnership, association, or corporation. No mint shall issue any license to any person if in its judgment more than one license for the same purpose will be held for the principal use or benefit of the same persons or interests. Any person licensed under this subpart acquiring a principal interest in any partnership, association, or corporation, holding a license under this subpart for this purpose shall immediately so inform the mints which issued the licenses.

§ 54.25 *Licenses.*—(a) *Licenses for the acquisition and holding, transportation, melting and treating, importing and disposition of gold.* (1) Upon receipt of the application and after obtaining such additional information as may be deemed advisable, the Director of the Mint, shall, if satisfied that gold is necessary for the legitimate and customary requirements of the applicant's industry, profession, art, or business, and that the applicant is qualified in all respects to conduct gold operations in full compliance with the provisions of this part and the provisions of a Treasury gold license, issue or cause to be issued to the applicant a Treasury gold license on the approved form for the kind of industry, profession, art, or business, in which the applicant is engaged.

(2) Licenses issued under this section may authorize the licensee to acquire and hold not to exceed a maximum amount specified therein, which amount shall not, except in justified cases, be greater than the estimated requirements of the licensee for a period of 3 months; to transport such gold, melt or treat it to the extent necessary to meet the requirements of the industry, profession, art or business for which it was acquired and held or otherwise to carry out the purposes for which it is held under license; and to import gold so long as the aggregate amount of all gold held after such importation does not exceed the maximum amount authorized by the license to be held.

(3) Licenses issued under this paragraph do not permit the exportation or transportation from the continental United States of gold in any form. Such exportation or transportation is permitted only to the extent authorized in paragraph (b) of this section or in a separate license issued pursuant to such paragraph.

(b) *Licenses and authorizations for the exporting of gold.*—(1) *Semi-processed gold.* Semi-processed gold as defined in § 54.4 may be exported or transported from the continental United States only pursuant to a separate export license issued by the mint in the district in which the applicant has its principal place of business. Such licenses shall be issued only with the approval of the Director of the Mint and upon application made on Form TG–15 establishing to the satisfaction of the Director that the gold to be exported is semi-processed gold and that the export or transport from the continental United States is for a specific and customary industrial, professional, or artistic use and not for the purpose of using or holding or disposing of such semi-processed gold beyond the limits of the continental United States as, or in lieu of money, or for the value of its gold content.

(2) *Fabricated gold.* Fabricated gold as defined in § 54.4 may be exported or transported from the continental United States without the necessity of obtaining a Treasury gold license: *Provided, however,* That the words "Fabricated Gold" shall be plainly marked on the outside of the package or container, the shipper's export declaration shall contain a statement that such gold is fabricated gold as defined in § 54.4 and is being exported pursuant to the authorization contained in this subparagraph, and such additional documentation shall be furnished as may be required by the Bureau of Customs or any other government agency charged with the enforcement of laws relating to the exportation of merchandise from the United States.

(3) *Rare coin.* Rare gold coin as defined in § 54.20 may be exported or transported from the continental United States only under license on form TCL–11 issued by the Director of the Mint. Application for such a license shall be executed on form TC–11 and filed with the Director of the Mint, Treasury Department, Washington 25, D. C.

(4) *Other exports of gold.* Export licenses may also be issued upon application made on Form TC–15 in the same manner as prescribed in subparagraph (1) of this paragraph, authorizing the exportation of gold in any form for refining or processing subject to the condition that the refined or processed gold (or the equivalent in refined or processed gold) be returned to the United States, or subject to such other conditions as the Director may prescribe.

§ 54.26 *Investigations; records; subpoenas.* (a) The Director of the Mint is authorized to make or cause to be made such studies and investigations, to conduct such hearings, and to obtain such information as the Director deems necessary or proper to assist in the consideration of any applications for licenses, or in the administration and enforcement of the acts, the orders, and the regulations in this part.

(b) Every person holding a license issued under paragraph (a) of § 54.25, or acquiring, holding or disposing of gold pursuant to the authorizations in §§ 54.18 and 54.21, shall keep full and accurate records of all his operations and transactions with respect to gold, and such records shall be available for examination by a representative of the Treasury Department until the end of the third calendar year (or if such person's accounts are kept on a fiscal year basis, until the end of the third fiscal year) following such operations or transactions. The records required to be kept by this section shall include the name, address, and Treasury gold license number of each person from whom gold is acquired or to whom gold is delivered, and the amount, date, description and purchase or sales price of each such acquisition and delivery, and any other records or papers required to be kept by the terms of a Treasury Department gold license. If the person from whom gold is acquired, or to whom gold is delivered, does not have a Treasury gold license such records shall show, in lieu of the license number of such person, the section of the regulations in this part pursuant to which such gold was held or acquired by such person. Such records shall also show all costs and expenses entering into the computation of the total domestic value of articles of fabricated or semi-processed gold as defined in § 54.4.

(c) The Director of the Mint (or the officers and employees of the Bureau of the Mint specifically designated by the Director) or any department or agency charged with the enforcement of the acts, the orders, or the regulations in this part, may require any person to permit the inspection and copying of records and other documents and the inspection of inventories of gold and to furnish, under oath or affirmation or otherwise, complete information relative to any transaction referred to in the acts, the orders, or the regulations in this part involving gold or articles manufactured from gold. The records which may be required to be furnished shall include any records required to be kept by this section and, to the extent that the production of such information is necessary and appropriate to the enforcement of the provisions of the acts, the orders, and the regulations in this part, or licenses issued thereunder, any other records, documents, reports, books, accounts, invoices, sales lists, sales slips, orders, vouchers, contracts, receipts, bills of lading, correspondence, memoranda, papers and drafts, and copies thereof, either before or after the completion of the transaction to which such records refer.

(d) The Director of the Mint may administer oaths and affirmations and may, whenever necessary, require any person holding a license under § 54.25 or acquiring, holding or disposing of gold pursuant to the authorizations of §§ 54.18 or 54.21, or any officer, director, or employee of such person, to appear and testify or to appear and produce any of the records specified in paragraph (c) of this section or both, at any designated place.

§ 54.27 *Reports.* Every person holding a license issued pursuant to paragraph (a) of § 54.25 shall make quarterly reports on the appropriate report form specified in such license for the quarterly periods ending on the last days of March, June, September, and December, respectively, and shall file such reports with the Director of the Mint, Treasury Department, Washington 25, D. C. Reports shall be filed within a certain number of days after the termination of the quarterly period for which such reports are made, as specified in the report form.

SUBPART D—GOLD FOR THE PURPOSE OF SETTLING INTERNATIONAL BALANCES AND FOR OTHER PURPOSES

§ 54.28 *Acquisitions by Federal Reserve banks for purposes of settling international balances, etc.* The Federal Reserve banks may from time to time acquire from the United States by redemption of gold certificates in accordance with section 6 of the Gold Reserve Act of 1934, such amounts of gold bullion as, in the judgment of the Secretary of the Treasury, are necessary to settle international balances or to maintain the equal purchasing power of every kind of currency of the United States. Such banks may also acquire gold (other than United States gold coin) abroad or from private sources within the United States.

§ 54.29 *Dispositions by Federal Reserve banks.* The gold acquired under § 54.28 may be held, transported, imported, exported, or earmarked for the purposes of settling international balances or maintaining the equal purchasing power of every kind of currency of the United States: *Provided,* That if the gold is not used for such purposes within 6 months from the date of acquisition, it shall (unless the Secretary of the Treasury shall have extended the period within which such gold may be so held) be paid and delivered to the Treasurer of the United States against payment therefor by credits in equivalent amounts in dollars in the accounts authorized under the sixteenth paragraph of section 16 of the Federal Reserve Act, as amended (48 Stat. 339; 12 U. S. C. 467).

§ 54.30 *Provisions limited to Federal Reserve banks.* The provisions of this subpart shall not be construed to permit any person subject to the jurisdiction of the United States, other than a Federal Reserve bank, to acquire gold for the purposes specified in this subpart or to permit any person to acquire gold from a Federal Reserve bank except to the extent that his license issued under this part specifically so provides.

SUBPART E—GOLD FOR OTHER PURPOSES NOT INCONSISTENT WITH THE PURPOSES OF THE GOLD RESERVE ACT OF 1934 AND THE ACT OF OCTOBER 6, 1917, AS AMENDED

§ 54.31 *Licenses required.* Gold may be acquired and held, transported, melted or treated, imported, exported, or earmarked for purposes other than those specified in §§ 54.21 to 54.30, inclusive, not inconsistent with the purposes of the Acts only to the extent permitted in §§ 54.12 to 54.20 inclusive, or under a license issued under §§ 54.32, 54.33 or 54.34.

§ 54.32 *Gold imported in gold-bearing materials for re-export.* The United States assay office at New York or the United States mint at San Francisco, with the approval of the Director of the Mint, shall issue licenses on Form TGL–16 authorizing the exportation of gold refined (or the equivalent to gold refined) from gold-bearing materials imported into the United States for refining and re-export to the foreign exporter, or pursuant to his order, subject to the following provisions:

(a) The Director and such assay office or mint are satisfied that:

(1) The imported gold-bearing material either (i) was imported into the United States from a foreign resident or a foreign organization, or (ii) was mined by a branch or other office of a United States organization and imported into the United States from such branch or office;

(2) The importer has no right, title, or interest in the gold refined from the imported gold-bearing material other than through its branch or office which is the foreign exporter as provided in subparagraph (1) (ii) of this paragraph, and the importer will not participate in the sale of such refined gold or receive any commission in connection with the sale of such refined gold;

(3) The refined gold is to be reexported to the foreign exporter or, pursuant to his order, to a foreign resident or foreign organization; and

(4) The exportation of the gold-bearing material from the country of origin and the importation of the refined gold into the country or countries of importation are authorized under the applicable laws and regulations of such countries;

(b) Such gold is imported, acquired, and held, transported, melted and treated as permitted in §§ 54.12 to 54.20, inclusive, or in accordance with a license issued under § 54.32 and subject to the following provisions:

(1) *Notation upon entry.* Upon the formal entry into the United States of any gold-bearing materials, the importer shall declare to the collector of customs at the port where the material is formally entered that the importation is made with the intention of exporting the gold refined therefrom to the foreign exporter, or pursuant to his order. The collector shall make on the entry a notation to this effect and forward a copy of the entry to the United States assay office at New York or to the United States mint at San Francisco, whichever is designated by the importer.

(2) *Sampling and assaying.* Promptly upon the receipt of each importation of gold-bearing material at the plant where it is first to be treated, it shall be weighed, sampled, and assayed for the gold content. A reserve commercial sample shall be retained by such plant for at least 1 year from the date of importation, unless the assay is sooner verified by the Bureau of the Mint.

(3) *Plant records.* The importer shall cause an exact record, covering each importation, to be kept at the plant of first treatment. The records shall show the gross wet weight of the importation, the weight of containers, if any, the net wet weight, the percentage and weight of moisture, the net dry weight, and the gold content shown by the settlement assay. An attested copy of such record shall be filed promptly with the assay office at New York or the mint at San Francisco, whichever has been designated to receive a copy of the entry. The plant records herein required to be kept shall be available for examination by a representative of the Treasury Department for at least 1 year

after the date of the disposition of such gold.

(4) *Application for export license.* Not later than 3 months from the date of entry the importer shall file with the New York assay office or the mint at San Francisco, whichever has been designated to receive a copy of the entry, an application on form TG–16 for a permit to export refined gold not in excess of the amount shown by the settlement sheet covering the importation. The application shall be accompanied by two duly attested copies of the settlement sheet.

(5) *Issuance of export license.* If the application indicates that the refined gold is to be exported forthwith upon issuance of a license, the assay office or mint, if satisfied that the data shown on such application is accurate and that the provisions of this section have been otherwise complied with, shall, with the approval of the Director of the Mint, issue to the importer an export license or licenses on form TGL–16 to export refined gold in a total amount not exceeding the amount specified in the settlement sheet.

(6) *Issuance of serial numbered certificates.* Upon request of the applicant, or in any case where the application indicates that the refined gold is not to be exported forthwith, the assay office or mint shall issue to the importer a dated serial numbered certificate which shall show the amount of gold specified in the application and the amount specified in the settlement sheet. Upon delivery of the dated serial numbered certificate to the assay office at New York or to the mint at San Francisco, whichever issued the certificate, not later than 120 days from the date of issuance, the assay office or mint shall issue to the importer an export license or licenses in the same manner as prescribed in subparagraph (5) of this paragraph.

(7) *Exportation prior to receipt of settlement sheet.* Upon a showing in the application that an exportation with respect to any gold-bearing materials imported into the United States for refining is necessary prior to the time the settlement sheet can be procured, the assay office at New York or the mint at San Francisco, whichever was designated by the importer, may receive the application with duplicate certified copies of the report of the applicant's actual test assay. If prior reports of such applicant have been approximately substantiated by the settlement sheets, a license or licenses may be granted to export up to 90 per cent of the amount of gold which such report estimates will be realized from such gold-bearing materials.

(8) *Number of licenses to be issued.* No more than three licenses will be issued in connection with each importation of gold-bearing material.

§ 54.33 *Gold imported for re-export*[1]—(a) *Exportation promptly without license.* Gold may be imported and transported for prompt export, and exported without the necessity of holding a license, provided the gold is, in fact exported promptly and remains under customs custody throughout the period during which it is within the customs limits of the United States. Upon the arrival in the United States of gold imported for re-export pursuant to the provisions of this section, the importer shall declare to the collector of customs at the port of entry that it will be re-exported promptly. The collector of customs shall make a notation of this declaration upon the entry and forward a copy of the entry to the Director of the Mint.

(b) *Exportation pursuant to license.* In the event that the export of any gold imported pursuant to this section is delayed due to the unavailability of facilities for the onward transportation of such gold, the Director of the Mint may, subject to the following provisions, issue licenses on form TGL–17 authorizing the importation, holding, transportation, and exportation of gold which the Director is satisfied is, in fact, imported for re-export promptly upon the completion of necessary arrangements for the transportation of such gold.

(1) Every application for a license under this section shall be made on form TG–17 and shall be filed with the Director of the Mint.

(2) Upon receipt of the application and after making such investigation of the case as may be deemed advisable, the Director of the Mint, if satisfied that the gold was, in fact, imported for re-export promptly upon the completion of necessary arrangements for the transportation of such gold, shall issue to the applicant a license on form TGL–17.

§ 54.34 *Licenses for other purposes.* The Secretary of the Treasury, with the approval of the President, shall issue licenses authorizing the acquisition, transportation, melting or treating, importing, exporting, or earmarking of gold, for purposes other than those specified in §§ 54.21 to 54.30, inclusive, 54.32 and 54.33, which, in the judgment of the Secretary of the Treasury, are not inconsistent with the purposes of the acts, subject to the following provisions:

(a) *Applications.* Every application for a license under this section shall be made on form TG–18 and shall be filed in duplicate with the Federal Reserve bank for the district in which the applicant resides or has his principal place of business. Upon receipt of the application and after making such investigation of the case as it may deem advisable, the Federal Reserve bank shall transmit to the Secretary of the Treasury the original of the application, together with any supplemental information it may deem appropriate. The Federal Reserve bank shall retain the duplicate of the application for its records.

(b) *Licenses.* If the issuance of a license is approved, the Federal Reserve bank which received and transmitted the application will be advised by the Secretary of the Treasury and directed to issue a license on form TGL–18. If a license is denied, the Federal Reserve bank will be so advised and shall immediately notify the applicant. The decision of the Secretary of the Treasury with respect to the granting or denying of a license shall be final. If a license is granted, the Federal Reserve bank shall thereupon note upon the duplicate of the application therefor, the date of approval and issuance and the amount of gold specified in such license.

(c) *Reports.* Within 7 business days of the date of disposition of the gold acquired or held under a license issued under this section, or within 7 business days of the date of export, if such exportation is authorized, the licensee shall file a report in duplicate on form TGR–18 with the Federal Reserve bank through which the license was issued. Upon receipt of such report, the Federal Reserve bank shall transmit the original thereof to the Secretary of the Treasury, and retain the duplicate for its records.

SUBPART F—PURCHASE OF GOLD BY MINTS

§ 54.35 *Purchase by mints.* The mints, subject to the conditions specified in the regulations in this part, particularly § 54.36 to § 54.43, and the general regulations governing the mints, are authorized to purchase:

(a) Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof, which shall not have entered into monetary or industrial, professional, or artistic use, including gold contained in deposits of newly mined domestic silver;

(b) Gold contained in deposits of silver eligible for deposit at a mint for return in bar form;

(c) Scrap gold as defined in § 54.4;

(d) Gold refined from sweeps purchased from a United States mint;

(e) Gold (other than United States gold coin) imported into the United States after January 30, 1934;

(f) Gold refined (or the equivalent to gold refined) from imported gold-bearing material; and

(g) Such other gold (other than United States gold coin or gold derived therefrom) as may be authorized from time to time by rulings of the Secretary of the Treasury.

Provided, however, That no gold shall be purchased by any mint under the provisions of this subpart which, in the opinion of the mint, has been held at any time in noncompliance with the acts, the orders, or any regulations, rulings, instructions, or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder.[2]

§ 54.36 *Gold recovered from natural deposits in the United States or any place subject to the jurisdiction thereof, including gold contained in deposits of newly mined domestic silver.* (a) The mints may purchase gold under § 54.35

[1] Attention is directed to Order No. 4 of the Foreign Trade Zones Board (4 F. R. 541; 15 CFR 400.823a) which is applicable to gold.

[2] Gold which has been so held in noncompliance with section 3 of the act of March 9, 1933 or the order of the Secretary of the Treasury of December 28, 1933 may, however, be purchased in accordance with the Instructions of the Secretary of the Treasury of January 17, 1934 (31 CFR 53.1) subject to the rights reserved in such Instructions and at the price stated therein.

(a) only if the deposit of such gold is accompanied by a properly executed statement as follows:

(1) A statement on form TG–19 shall be filed with each delivery of gold by persons who have recovered such gold by mining or panning in the United States or any place subject to the jurisdiction thereof.

(2) A statement on form TG–20 shall be filed with each delivery of gold by persons who have recovered such gold from gold-bearing materials in the regular course of their business of operating a custom mill, smelter, or refinery.

(3) A statement on form TG–21 together with a statement giving the names of the persons from whom gold was purchased, the amount and description of each lot of gold purchased, the location of the mine or placer deposit from which each lot was taken, and the period within which such gold was taken from the mine or placer deposit, shall be filed with each such delivery of gold by persons who have purchased such gold directly from the persons who have mined or panned such gold.

(b) In addition, the depositors shall show that the gold was acquired, held, melted and treated, and transported by them in accordance with a license issued pursuant to § 54.25 or that such acquisition, holding, melting and treating, and transportation is permitted under §§ 54.12 to 54.20, inclusive, without the necessity of holding a license.

§ 54.37 *Gold contained in deposits of silver.* Gold contained in deposits of silver, eligible at a mint for return in bar form, may be purchased by the mints: *Provided,* That such silver contains not less than 600 parts of silver in 1,000 and not more than 10 parts of gold in 1,000: *Provided, further,* That the gold was not mixed with such silver for the purposes of selling gold to the United States which was not eligible for purchase by the United States under paragraphs (a), (c), (d), (e), or (f) of § 54.35.

§ 54.38 *Scrap gold.* Deposits of scrap gold must be accompanied by a statement executed on form TG–22. In addition the depositors of such gold shall establish to the satisfaction of the mint that the gold was acquired, held, and transported by them in accordance with the regulations in this part or a license issued pursuant thereto.

§ 54.39 *Gold refined from sweeps purchased from a United States mint.* Gold refined from sweeps purchased from a United States mint shall be purchased only if the deposit of such gold is accompanied by a statement executed on form TG–28.

§ 54.40 *Imported gold.* Except for gold which may be purchased in accordance with the provisions of § 54.41, the mints are authorized to purchase only such gold imported into the United States as has been in customs custody throughout the period in which is shall have been situated within the customs limits of the continental United States, and then only subject to the following provisions:

(a) *Notation upon entry.* Upon formal entry into the United States of any gold intended for sale to a mint under this subpart, the importer shall declare to the collector of customs at the port of entry where the gold is formally entered that the gold is entered for such sale. The collector shall make a notation of this declaration upon the entry and forward a copy to the mint designated by the importer.

(b) *Statement by importer.* Upon the deposit of the gold with the mint designated by the importer, the importer shall file a statement executed in duplicate on form TG–23.

§ 54.41 *Gold refined from imported gold-bearing material.* The mints are authorized to purchase gold refined (or the equivalent to gold refined) from gold-bearing material which has been either imported into the United States pursuant to a license issued under paragraph (a) of § 54.25 for sale of the gold derived therefrom to a designated mint, or imported into the United States under § 54.32 (notwithstanding the declaration made by the importer upon the entry into the United States of such gold-bearing material as required by § 54.32 (b)), whether or not such gold or gold-bearing material has been in customs custody throughout the period it has been in the customs limits of the continental United States, subject to the following provisions:

(a) In the case of gold-bearing material imported pursuant to license issued under paragraph (a) of § 54.25, the importer shall declare to the collector of customs at the port of entry that the gold-bearing material is being imported for sale of the gold refined therefrom to a designated mint; the collector shall make on the entry a notation to this effect and forward a copy thereof to the mint designated by the importer.

(b) In the case of gold-bearing material imported under § 54.32, if the gold refined therefrom is offered to a mint other than the mint at San Francisco or the assay office at New York, the importer shall have caused the copy of the entry described in § 54.32 (b) to be forwarded to the mint to which he is offering the gold for sale.

(c) Before any gold may be purchased under this section, the requirements of § 54.32 (b) (2) and (3) must be shown to have been complied with: *Provided, however,* That any person importing gold-bearing materials for sale of the gold refined therefrom to a mint other than the mint at San Francisco or the assay office at New York shall have caused the attested copy of the record described in § 54.32 (b) (3) to be forwarded to the mint to which he is offering the gold for sale.

(d) Upon presentation of the gold to a mint or assay office for purchase, the importer shall file a statement executed in duplicate on form TG–26, together with two duly attested copies of the settlement sheet covering the gold-bearing material imported.

(e) No gold shall be accepted for purchase under authority of this paragraph unless it is delivered to the mint and all of the terms hereof complied with within seven months from the date of the formal entry into the United States of the gold-bearing material from which it was extracted.

§ 54.42 *Deposits.* Deposits of gold described in § 54.35 and rulings issued thereunder will be received in amounts of not less than 1 troy ounce of fine gold when deposited in the following forms: Nuggets, grains, and dust which are in their native state free from earth and stone, or nearly so, retort sponge, lumps, coins, bars, kings, buttons, and scrap gold as defined in § 54.4. Deposits of gold shall not contain less than 200 parts of gold in 1,000 by assay. In the case of gold forwarded to a mint by mail or express, a letter of transmittal shall be sent with each package. When there is a material discrepancy between the actual and invoice weights of a deposit, further action in regard to it will be deferred pending communication with the depositor.

§ 54.43 *Rejection of gold by mint.* Deposits of gold which do not conform to the requirements of §§ 54.35 to 54.42, inclusive, or which otherwise are unsuitable for mint treatment shall be rejected and returned to the person delivering the same at his risk and expense. The mints shall not purchase gold under the provisions of this subpart from any person who has failed to comply with the regulations in this part or the terms of a Treasury gold license. Any deposit of gold which has been held in noncompliance with the acts, the orders, or any regulations, rulings, instructions or licenses issued thereunder, including the regulations in this part, or in noncompliance with section 3 of the act of March 9, 1933, or any orders, regulations, rulings, or instructions issued thereunder, may be held subject to the penalties provided in § 54.11 or section 3 of the act of March 9, 1933.

§ 54.44 *Purchase price.* The mints shall pay for all gold purchased by them in accordance with this subpart $35.00 (less one fourth of 1 percent) per troy ounce of fine gold, but shall retain from such purchase price an amount equal to all mint charges. This price may be changed by the Secretary of the Treasury without notice other than by notice of such change mailed or telegraphed to the mints.

SUBPART G—SALE OF GOLD BY MINTS

§ 54.51 *Authorization to sell gold.* Each mint is authorized to sell gold to persons holding licenses issued pursuant to § 54.25, or to persons authorized under § 54.21 to acquire such gold for use in industry, profession, or art: *Provided, however,* That except in justified cases, no mint may sell gold to any person in an amount which, in the opinion of such mint, exceeds the amount actually required by such person for a period of 3 months. Prior to the sale of any gold under this subpart, the mint shall require the purchaser to execute and file in duplicate a statement on form TG–24, or, if such purchaser is in the business of furnishing gold for use in industries, professions, and arts, on form TG–25. The mints are authorized to refuse to sell gold in amounts less than 25 ounces, and shall not sell gold under the provi-

sions of this subpart to any person who has failed to comply with the regulations in this part or the terms of his license.

§ 54.52 *Sale price.* The mints shall charge for all gold sold under this article $35.00 (plus one fourth of 1 percent) per troy ounce of fine gold plus the regular mint charges. This price may be changed by the Secretary of the Treasury without notice other than by notice of such change mailed or telegraphed to the mints.

SUBPART H—INSTRUCTIONS ISSUED PURSUANT TO § 54.8 (b) OF THE REGULATIONS IN THIS PART

§ 54.60 *Gold exported from Mexico.*

To Collectors of Customs in the Continental United States:

Pursuant to the provisions of § 54.8 (a) [now § 54.8 (b)] of the regulations issued under the Gold Reserve Act of 1934, you are hereby instructed, effective immediately, and regardless of whether said regulations are otherwise complied with, to refuse entry into the continental United States of gold in any form (including gold in its natural state) exported from Mexico, unless there is filed with you a certificate, duly certified by an officer of the Mexican Government, to the effect that such gold was or may be lawfully exported from Mexico. However, these instructions do not apply to

(1) "Fabricated gold" as defined in said regulations.

(2) Any substance, including gold in its natural state, which you are satisfied, after the filing of an appropriate affidavit by the importer, does not contain more than 5 troy ounces of fine gold per short ton.

HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT,
The White House, March 11, 1937.

SUBPART I—TRANSITORY PROVISIONS

§ 54.70 *Legal effect of amendment of regulations.* This amendment of the Gold Regulations shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil or criminal cause prior to the effective date of this amendment but all such liabilities shall continue and may be enforced as if said amendment had not been made.

[SEAL] JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 52-9472; Filed, Aug. 28, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 30]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 30—NORTH TEXAS MILK MARKETING AREA, STATE OF TEXAS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Area Milk Price Regulation pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective permitting adjustments of ceiling prices for fluid milk products in individual marketing areas upon petition or upon the initiative of the appropriate District or Regional Director. Pursuant to this authority, this area milk price regulation is being issued adjusting ceiling prices for the North Texas Milk Marketing Area on sales of fluid milk products within that area by processors, distributors, and operators of receiving plants. Sales of milk products not covered by this regulation remain subject to the provisions of the General Ceiling Price Regulation.

The marketing area was determined after considering all relevant factors such as places where milk is processed and utilized, the places where milk in the area originates, and local ordinances or state statutes dealing with health standards in the localities involved.

This regulation provides uniform dollar and cent ceiling prices. They have been determined by taking prices in effect during the period January through June 1950, and adding increases and deducting decreases in cost per sales point of (1) raw milk and other agricultural commodities or products processed therefrom which are ingredients of milk products, (2) direct labor (including distribution labor and commissions), and (3) containers, cans and cases. Changes in marketing practices which have occurred since the base period were also considered. The regulation was issued on the basis of data found to be representative of the operations in the marketing area.

This regulation indicates the price for raw milk upon which the adjustments in ceiling prices are based. This producer price is to be the basis for computing future parity adjustments.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Regional Director of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sellers and sales covered by this area milk price regulation.
4. Ceiling prices of listed items for processors and distributors.
5. Ceiling prices of unlisted items for processors and distributors.
6. Use of competitor's ceiling prices to establish your ceiling prices.
7. Sellers who cannot price under other sections of this regulation.
8. Producer prices.
9. Rounding of fractions.
10. Transfer of business or stock in trade.
11. Prohibitions.
12. Violation.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101-2110; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; SR 63 to GCPR, Sept. 19, 1951, 16 F. R. 9559.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation, issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation, establishes ceiling prices for fluid milk products when sold in the North Texas Milk Marketing Area on a home-delivered and store-delivered basis. It provides adjusted uniform ceiling prices for the listed milk products in designated types and sizes of containers. It also provides a method for determining ceiling prices for the listed products sold in containers of other types and sizes and to other classes of purchasers, as well as ceiling prices of unlisted products.

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to the North Texas Milk Marketing Area. The North Texas Milk Marketing Area is identical with the North Texas Marketing Area established by Federal Order No. 48 (16 F. R. 8420) of the Production and Marketing Administration of the United States Department of Agriculture. The North Texas Milk Marketing Area is composed of the following Texas counties:

Cooke	Hopkins
Collin	Hunt
Dallas	Johnson
Delta	Kaufman
Denton	Lamar
Ellis	Parker
Fannin	Rockwall
Grayson	Tarrant.

SEC. 3. *Sellers and sales covered by this area milk price regulation.* This area milk price regulation covers sales in this marketing area of milk products for fluid consumption by processors, distributors, and operators of receiving plants. This regulation is not applicable to sales by retail stores which remain subject to the General Ceiling Price Regulation. Definitions of these terms may be found in sections 3 and 11 (e) of Supplementary Regulation 63 to the General Ceiling Price Regulation. This area milk price regulation also covers sales of milk products to be delivered to a purchaser located in this area, although the seller is located outside of this area, but it does not cover sales of milk products to be delivered from a plant located in this area to a purchaser located outside of the area.

SEC. 4. *Ceiling prices of listed items for processors and distributors.* Your ceiling prices for the listed milk products for fluid consumption in the designated types and sizes of containers are set forth below:

Products and container type	Home-delivered, cents per—				Delivered to the store, cents per—			
	½ gallon	Quart	Pint	½ pint	½ gallon	Quart	Pint	½ pint
Homogenized milk, glass and paper	53	27	.....	.....	47	24	12.5	6.25
Regular milk, glass and paper	53	27	.....	.....	47	24	12.5	6.25
Buttermilk, glass and paper	43	22	.....	.....	39	20	10	5.25
Skim milk, glass and paper	38	19	.....	.....	33	17	.....	.....
Whipping cream, glass and paper (butterfat content 32 percent or more)	.....	131	68	35	.....	114	60	31
Light cream, glass and paper (butterfat content 18 to 31 percent)	.....	85	45	23	.....	77	39	20
Half and half, glass and paper	.....	59	32	17	.....	54	28	14
Chocolate drink, glass and paper	.....	25	14	.....	.....	22	12	6.25
Chocolate milk, glass and paper (butterfat content over 3.25 percent)	53	27	.....	.....	47	24	12.5	6.25
Premium test milk, glass and paper (butterfat content over 4 percent)	59	30	.....	.....	53	27	14	.....

Product:	*Wholesale, cents per gallon in bulk*
Homogenized milk	93
Regular milk	93
Buttermilk	77
Heavy cream (butterfat content 32 percent or more)	450
Coffee cream (butterfat content 18 to 31 percent)	300
Half and half	210
Skim milk	65

SEC. 5. *Ceiling Prices of unlisted items for processors and distributors.*—(a) *Listed products in unlisted types of sizes, or unlisted types and sizes of containers.* Your ceiling price for a product listed in section 4 which is packed in a container of an unlisted type or size, or an unlisted type and size, shall be the ceiling price listed in section 4 of this regulation for a comparison item, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product packed in the container most similar; first, as to size; and, second, as to type, and delivered to the same class of purchaser as the item for which you are determining a ceiling price.

(b) *Listed products sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation to an unlisted class of purchaser is the ceiling price listed in section 4 of this regulation for the same product in the same container type and size delivered to the store, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of this product delivered to the store and this product delivered to the unlisted class of purchaser, the container being of the same type and size.

(c) *Listed products in unlisted types and sizes of containers and sold to unlisted classes of purchasers.* Your ceiling price for a product listed in section 4 of this regulation which is packed in a container of an unlisted type and size (or either type or size) and is sold to an unlisted class of purchaser, shall be the ceiling price for a comparison item listed in section 4 of this regulation, adjusted by the dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of the comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the same product as the item for which you are determining a ceiling price packed in the container most similar; first, as to size; and, second, as to type and delivered to the same class of purchaser; or, if the sale is to an unlisted class of purchaser, then delivered to the store.

(d) *Unlisted products.* Your ceiling price for a product which is not listed in section 4 of this regulation, shall be the ceiling price for a comparison item listed in section 4 of this regulation, adjusted by dollars-and-cents differential which existed between your ceiling prices, established under section 3 of the GCPR, of your comparison item and the unlisted item for which you are seeking a ceiling price. The comparison item which you must use is the product listed in section 4 of this regulation, most similar in composition as to butterfat and other ingredients, packed in the container most similar; first, as to size; and, second, as to type, and delivered to the same class of purchaser as the item for which you are determining a ceiling price, or if the sale is to an unlisted class of purchaser, then delivered to the store.

(e) *Price differentials.* Ceiling prices established pursuant to sections 4 and 5 of this regulation, must be modified by price differentials which existed between your ceiling prices determined under section 3 of GCPR and which resulted from discounts, allowances, premiums, extras, location of purchasers, and terms and conditions of sale or delivery.

(f) *Reporting of differentials and prices resulting therefrom.* You shall report the ceiling prices computed pursuant to paragraphs (a) through (e) of this section and the differentials used in determining these ceiling prices to the Regional Director of the Office of Price Stabilization, 3306 Main Street, Dallas, Texas, by registered mail, return receipt requested, within five days after the effective date of this regulation. This report shall be filed on OPS Public Form 123 which may be obtained from the aforementioned office. Your price lists in effect during any part or all of the GCPR base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to this section until the Office of Price Stabilization has received the report required by this paragraph (f) as shown by your return postal receipt.

(g) *Modification of proposed ceiling prices by Regional Director of Price Stabilization.* The Regional Director of the Office of Price Stabilization may at any time disapprove or revise downward ceiling prices established under this section 5 so as to bring them into line with the level of ceiling prices otherwise established under this regulation.

SEC. 6. *Use of competitor's ceiling prices to establish your ceiling prices.*—(a) *How you determine your ceiling price.* If you cannot determine a ceiling price under either sections 4 or 5 of this regulation your ceiling price for the sale of any milk product for fluid consumption to any class of purchaser is the ceiling price determined under this regulation for the sale of the same milk product in the same size and type of container by your most closely competitive seller of the same class (as defined in section 22 of GCPR) to the same class of purchaser.

(b) *When you may sell at your competitor's ceiling price.* You shall not sell any such milk product until you have sent the report required by paragraph (c) of this section by registered mail, return receipt requested, to the Regional Director of the Office of Price Stabilization who issued this regulation. After OPS has received your reports, as shown by your return postal receipt, you may sell the product at your proposed ceiling price unless you are notified by the Regional Director that your proposed ceiling price has been disapproved or that more information is required.

(c) *Report required when you use your competitor's ceiling prices.* Your report shall state the name and address of your company; the name, address, and type of business of your most closely competitive seller of the same class; your reasons for selecting him as your most closely competitive seller; and if you are starting a new business, a statement indicating whether you or the principal owner of your business has been engaged in any part of the past 12 months in any capacity in the same or similar business at any other establishment and, if so, the trade name and address of each such establishment. Your report should also include the following:

(1) If you are a processor: A description of the product you are pricing; the

processing involved in the production of that product; the classes of purchasers to whom you will be selling; the ceiling price of your nearest competitor, and your proposed ceiling price to each class of purchaser.

(2) If you are a distributor: A description of the product you are pricing; your net invoice cost of the commodity being priced; the names and addresses of your sources of supply; the function performed by them (e. g., processing, distributing, etc.), and the class of purchasers to whom they customarily sell; the classes of purchasers to whom you plan to sell; the ceiling price of your most closely competitive seller; your proposed ceiling price to each class of purchaser; and a statement that your proposed ceiling prices will not exceed the ceiling price your customers paid to their customary sources of supply. A report under this section may be filed on OPS Public Form 122 which may be obtained from the Regional Office of the Office of Price Stabilization which issued this regulation.

SEC. 7. *Sellers who cannot price under other sections of this regulation*—(a) *How you obtain your ceiling price.* If you cannot determine a ceiling price under sections 4, 5, and 6 of this regulation you must apply to the Regional Director of the Office of Price Stabilization who issued this regulation for the establishment of a ceiling price for sales by you of that milk product for fluid consumption. The Director will, as soon as possible after the receipt of the application or the receipt of such additional information as he may request, issue a letter order establishing a ceiling price for the sale by you of that product at the various levels of distribution, and specifying a producer price for milk from which parity adjustments will be computed. You may not sell the milk product until the Director has issued a letter order establishing your ceiling price for the sale of the product.

(b) *What your application must contain.* An application under the provisions of this section must contain the following information: An explanation of why you are unable to determine your ceiling price under any other provision of this regulation; all pertinent information describing the product and the nature of your business such as indicated in section 6 (c), (1) or 6 (c) (2); a description of the product, its butterfat content, the type and size of container in which it will be sold and the class of purchaser to whom you intend to sell; your proposed ceiling price and the method used by you to determine it, including the producer price upon which it is based; and the reason you believe the proposed ceiling price is in line with the level of ceiling prices otherwise established by this regulation.

SEC. 8. *Producer prices.* (a) The adjusted ceiling prices used in this regulation are based on a Class I price of $7.04 per hundredweight for 4 percent raw milk f. o. b. the plant.

(b) Producer prices specified in section 8 (a) must be used as the basis for computing parity adjustments of ceiling prices in accordance with section 8 of Supplementary Regulation 63 to the GCPR.

(c) After the determination of your ceiling price under either section 6 or 7 you may increase, and you must decrease, the ceiling prices so established by parity adjustments in conformity with section 8 (a) of Supplementary Regulation 63. If your ceiling price was determined under section 6 of this regulation, you shall compute your parity adjustments from the highest price you paid or incurred for your customary purchase of milk or products processed therefrom during the most recent paying period prior to the date you mailed your report. If you made no customary purchase prior to the date you mailed your report, the price you paid or incurred for your first customary purchase between the date you mailed your report and the date you first offered your product for immediate delivery shall be your base for computing parity adjustments. If your ceiling price was determined under section 7 of this regulation, you shall compute your parity adjustments from the producer price specified in the letter order.

SEC. 9. *Rounding of fractions.* Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product (and after giving effect to section 8 (b) of Supplementary Regulation 63) shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more. If, however, you have customarily billed any particular purchaser or any class of purchasers for milk products for fluid consumption purchased during a month or other billing period, any fraction remaining after the computation of the ceiling price for the total number of units of all milk products for fluid consumption so sold during the preceding month or other billing period shall be dropped if less than one-half cent and may be increased to the next higher cent if one-half cent or more.

SEC. 10. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after this regulation becomes effective, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transfer shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

SEC. 11. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell, and you shall not buy in the regular course of business or trade, any milk product at a price in excess of the ceiling price established by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 12. *Violation*—(a) *Civil and criminal action.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person subject to this regulation fails to establish a ceiling price, or apply to the Office of Price Stabilization for the establishment of a ceiling price, if he is required to do so, the Director may issue an order fixing ceiling prices for the milk products such person sells. Any ceiling price fixed in this manner will be in line with ceiling prices established by this regulation. The order fixing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the order. The issuance of such an order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

Effective date. This area milk price regulation is effective as of August 21, 1952.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

ALFRED L. SEELYE,
Regional Director, Region X,
Office of Price Stabilization.

AUGUST 27, 1952.

[F. R. Doc. 52-9529; Filed, Aug. 27, 1952, 10:55 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 31]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 31—MILK PRODUCTS FOR FLUID CONSUMPTION IN THE FALL RIVER, MASSACHUSETTS, MILK MARKETING AREA

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at various levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. On September 24, 1951, Supplementary Regulation 63 became effective authorizing adjustments of ceiling prices for milk products for fluid consumption for individual marketing areas by issuance of area milk price regulations.

Pursuant to this authority, as delegated, this area milk price regulation establishes ceiling prices for certain sales by processors and distributors of milk and cream items in the Fall River Milk Marketing Area. This area includes portions of the county of Bristol.

The regulation covers retail and wholesale sales of milk and cream by processors and distributors. Such sales are covered when made to a purchaser whose establishment is located in the area, unless the products are to be resold outside the area.

Sales of such products to a purchaser whose establishment is located outside the area are not covered, unless those products are resold by the purchaser inside the area. The only milk products for fluid consumption covered by this regulation are "milk" and "cream" items as these terms are defined in Section 17 of the regulation. In general these terms include most milk products for fluid consumption except cheese. Sales by receiving plants and by retail stores are not covered by this regulation because they present different problems. Milk products and sales not covered by this regulation remain under the General Ceiling Price Regulation.

The important factors determining the boundaries of the area are:

(1) The area is a homogenous industrial and agricultural area, all within a radius of about 10 miles.

(2) All of this area is substantially on the same producer price basis. The producer prices are determined either by the Federal Milk Market Administrator or by the Massachusetts Milk Control Board. Historically, producer prices have been adjusted by the same amount at the same time; and differentials between producers in these areas have remained constant.

(3) Some milk is derived from farmers in these areas; some from processors who operate their own farms from which milk is produced; and some of the milk is procured from out-of-state sources.

(4) The milk is processed at local plants in the area under similar conditions and the distribution and marketing pattern is quite similar throughout this area.

(5) It does not appear that this area conflicts with the boundaries of other marketing areas for which area milk price regulations have been or may be issued under SR 63 to the GCPR.

(6) Individual processors and distributors covered by this regulation have proposed this marketing area in their petitions and in their discussions with this office.

The uniform adjustment method is used in this regulation instead of the method of establishing uniform dollars-and-cents ceiling prices because selling prices in the area historically have not been completely uniform. It was thought best to maintain these individual price differences in establishing ceilings.

In general, a seller determines his ceiling price to a class of purchaser under this regulation by applying a uniform adjustment to the highest price he charged that class of purchaser for a milk or cream item in the period December 19, 1950, through January 25, 1951. For sales of each such product in the basic container size, a uniform adjustment is specifically listed. For sales of each such product in other sizes, a uniform adjustment is provided which is in the same relationship to the uniform adjustment listed for the applicable basic container size as the other size is to such basic container size.

The uniform adjustments were based on an examination of the differences between the pre-Korean period and a current period of the following costs: direct labor, container and raw materials. There was also an examination of any price increases between the pre-Korean period and the GCPR base period that may have compensated for any such cost increases.

The producer price specified for Class I, 3.7 percent butterfat milk, is that announced for the month of July 1952, by the Federal Milk Market Administrator for Area 19A, $6.46 per hundredweight, and by the Massachusetts Milk Control Board for Area 19B, $6.27 per hundredweight.

The weighted average price of 40 percent bottling quality cream f. o. b. Boston is that announced for the month of July 1952 by the Federal Milk Market Administrator, $32.326 per 40-quart can. These specified prices will be used as the basis for computing future raw material cost changes in determining ceiling prices upward and downward. If the most recently officially announced price for milk or cream exceeds the price specified therefor in this regulation, upward adjustments of ceiling prices are permitted; if that price is less than the price so specified, downward adjustments must be made.

Petitions submitted by processors and distributors operating in the area and accounting for a substantial majority of the total volume of milk sold in that area were received from a representative sample of large, medium, and small sellers. Of a total volume of about 10,800,000 sales points of milk products sold in the area in the base period January 1–June 30, 1950, these petitioners handled about 7,250,000, or about 67 percent of that volume.

Calculations were based on information presented by the petitioners; and accounting audits and spot checks were carefully made to determine the accuracy of costs, sales and volume figures contained in the petition.

Every effort has been made to conform this regulation to existing business practices, cost practices or methods, or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, such provisions are found by the Director of the Region I Office of the Office of Price Stabilization to be necessary to prevent circumvention or evasion of this regulation.

In the judgment of the Director of the Region I Office of the Office of Price Stabilization, the provisions of this area milk price regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The Director of the Region I Office of the Office of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Description of the Fall River Milk Marketing Area.
3. Sellers and sales covered by this regulation.
4. Ceiling price adjustments.
5. Adjustments for raw material cost changes.
6. Rounding of fractions.
7. Sellers who cannot price under other sections.
8. Reports.
9. Transfers of business or stock in trade.
10. Records.
11. Evasion.
12. Charges lower than ceiling prices.
13. Sales slips and receipts.
14. Power of Director.
15. Prohibitions.
16. Penalties.
17. Definitions.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation establishes ceiling prices for certain sales of certain milk products for fluid consumption in the Fall River milk marketing area by establishing uniform adjustments to be applied by each seller to the highest price he charged a particular class of purchaser for each such product during the period December 19, 1950 through January 25, 1951.

SEC. 2. *Description of the Fall River Milk Marketing Area.* When used in this regulation, the word "area" means the Fall River Milk Marketing Area. This area consists of the following localities in the Commonwealth of Massachusetts, namely: the city of Fall River, the towns of Somerset and Swansea, and that portion of the town of Westport lying west of the line running midway between Drift and Pine Hill Roads, all in the County of Bristol.

SEC. 3. *Sellers and sales covered by this regulation.* This regulation covers retail and wholesale sales of milk and cream by processors and distributors.

This regulation covers all such sales to a purchaser whose establishment is located inside the area, except as to sales where such purchaser has certified in writing to the seller that the products will be resold outside the area. It does not cover any such sales to a purchaser whose establishment is located outside the area, unless he resells those products inside the area.

SEC. 4. *Ceiling price adjustments.* Your ceiling price for the sale of a milk or cream item to a particular class of purchaser shall be the highest price you charged that purchaser for the item during the period December 19, 1950, through January 25, 1951, adjusted by a uniform adjustment in accordance with the applicable provisions of this section.

(a) *Basic container sizes.* The uniform adjustments for all milk and cream items in basic container sizes shall be as shown in the following table:

Product	Basic container size	Uniform adjustment (in cents) retail and wholesale sales
Milk	Quart	0.5
Heavy cream (above 34 percent butterfat).	½ pint	1.5
Light cream (10-34 percent butterfat).	do	1.0

(b) *Other sizes.* The uniform adjustment for each milk or cream item packaged in a container of a size other than the basic container size applicable to the particular product shall be an amount which is in the same relationship to the uniform adjustment applicable to the basic container size as the other size is to the basic size. Examples of an adjustment for other container sizes are included under section 5 of this regulation.

SEC. 5. *Adjustments for raw material cost changes.* Your ceiling prices as established by section 4 of this regulation, or pursuant to a letter order issued under section 7 of this regulation, shall be adjusted to reflect future changes in raw material costs of milk and cream. Such adjustments are also subject to the "rounding" provisions of section 6 of this regulation.

(a) *Specified prices.* Ceiling prices determined pursuant to section 4 of this regulation are predicated upon the following specified prices for July 1952: Class I milk price per hundredweight containing 3.7 percent butterfat, payable to producers, as announced (1) by the Federal Milk Market Administrator for Area 19A $6.46 and (2) by the Massachusetts Milk Control Board for Area 19B $6.27.

Weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as announced by the Federal Milk Market Administrator $32.326.

(b) *Changes from specified prices; basic sizes.* If the most recently officially announced price of a product specified in paragraph (a) of this section is higher than the specified price, you may increase your ceiling price for each applicable milk or cream item by an equivalent rate per unit. If the most recently officially announced price is lower than the specified price you must decrease your ceiling price for each such item by the equivalent rate per unit.

(A price announced by the Federal Milk Market Administrator or by the Massachusetts Milk Control Board is an officially announced price).

Example No. 1. You are a processor or distributor of milk in quart containers. The price of $6.46 per hundredweight specified for Class I milk in paragraph (a) of this section is later increased to $6.90 per hundredweight. Subtract $6.46 from $6.90 and divide the difference of $0.44 by 46.5 (the number of quarts in 100 pounds of milk). The equivalent rate of increase per quart of milk is therefore $0.946 cent per quart.

Example No. 2. You are a processor or distributor of heavy and light cream in half-pint containers. The price of $32.326 for a 40-quart can of 40 percent cream specified in paragrah (a) of this section is later increased to $35.326. Subtract $32.326 from $35.326 and divide the result of $3.00 by the particular divisor shown below for each of these items, to obtain the indicated adjustment. In each case, the divisor represents the number of ½ pints which would contain the same quantity of butterfat as a 40-quart can of 40 percent cream. It is to be assumed that the respective grades of cream contain the indicated percentages of butterfat.

Item	Divisor	Adjustment (in cents)
½ pint heavy cream (16 percent)	160	1.875
½ pint light cream (20 percent)	320	.9375

(c) *Changes from specified prices; other sizes.* Adjustments of ceiling prices of milk and cream items packaged in container sizes other than the basic container sizes, and due to changes from specified prices, shall be calculated as follows: First, calculate the adjustment for the basic container size, in accordance with paragraph (b) of this section. Then, apply the "rounding" provisions of section 6 (a) of this regulation for the basic container size. The adjustment for each item packaged in a size other than the basic container size shall be in the same relationship to the "rounded" adjustment as the other size is to the basic container size.

Example: You are a processor or distributor of milk in ½ pint and 8-quart containers and of light cream in quarts. The price changes referred to in Examples No. 1 and No. 2 in paragraph (b) of this section take place. The further calculations are:

Product	Rounded adjustment for basic container size (in cents)	Adjustment for other size (in cents)
Milk	1.0 per quart	0.25 per ½ pint; 8.0 per 8-quart can.
Light cream	1.0 per ½ pint	4.0 per quart.

SEC. 6. *Rounding of fractions.* If, in computing an adjusted ceiling price pursuant to section 5 of this regulation, you arrive at a unit price which includes a fraction of a cent, you may increase and you must decrease it to the nearest ½ cent per quart of milk and per ½ pint of cream in accordance with the following table:

Increase or decrease from specified price (in cents):	*Increase or decrease in ceiling price (in cents)*
Up to 0.250	0
0.251 to 0.750	½
0.751 and over	1

(b) Fractions of a cent remaining after you have computed your ceiling price for the total number of units of any milk product sold in a particular transaction or during a customary billing period, after rounding of fractions in unit prices as provided in paragraph (a) of this section, shall be dropped if less than ½ cent and may be increased to the next higher cent if ½ cent or more.

SEC. 7. *Sellers who cannot price under other sections.* This section applies to you, if you are unable to establish a ceiling price for the sale of a milk or cream item either because you did not sell that item during the period December 19, 1950 through January 25, 1951, or for any other reason. In such case you may, in writing, apply to the Region I Office of the Office of Price Stabilization for a determination of the ceiling price for the sale of that item. The application shall be sent by registered mail, return receipt requested, directed to the Region I Office of the Office of Price Stabilization, Boston 9, Massachusetts, and shall contain (1) an explanation of why you are unable to determine the ceiling price for that item, (2) your proposed price therefor, and the reason you believe that price is in line with the level of ceiling prices otherwise established by this regulation; and shall contain the following further information applicable to you:

(a) If you are a processor or a processor-distributor: (1) A description of the raw and other materials of which the item is composed, and the current direct unit cost of such materials; (2) the size and type of container and the current cost thereof; and (3) the total direct labor cost for that item. If you have a ceiling price under this regulation for a "comparison item", as that term is defined in section 17 (c) of this regulation, your application shall include also the following information: (1) A description of that comparison item; (2) the raw and other materials of which it is composed, and the current unit direct costs of the material in that item; (3) the type of container in which the item is contained, and the current cost of that container; and (4) the total unit direct labor cost for that item.

If you do not have such a comparison item, and your proposed price for the item being priced is based on the ceiling price of your most close by competitive seller of the same class selling the same item, or lacking the same item, a substantially similar item, to the same class of purchaser, your application shall state the name of that seller.

(b) If you are a distributor and have a ceiling price under this regulation for a "comparison item", your application shall also contain the following information: (1) A description of that comparison item, including the size and type of container; (2) your current net invoice cost of that comparison item; and (3) the percentage markup of the compari-

son item determined with reference to your most recent net invoice cost for that item.

You may not sell the item being priced until the Director of the Region I Office of the Office of Price Stabilization notifies you, in writing, by letter order of your ceiling price. After such determination of your ceiling price, that price shall be subject to the other provisions of this regulation applicable to you.

SEC. 8. *Reports.* (a) Within five days after the effective date of this regulation, you shall deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston 9, Massachusetts, notifying the Director of your ceiling prices, as determined by you under section 4 of this regulation, for each milk and cream item. This report shall be on OPS Public Form 124 which may be obtained from that office. In column f of that form, enter the highest price you charged for that item in the period December 19, 1950, through January 25, 1951.

(b) Within five days after the date of an official announcement indicating that the price of a product specified in section 5 (a) of this regulation, or in a Letter Order issued pursuant to section 7 of this regulation, is less than the specified price, you shall deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston, Massachusetts, giving the following information:

(1) Your ceiling price as determined under sections 4 and 7 of this regulation for each milk and cream item;

(2) The adjusted ceiling price for each milk and cream item determined under section 5 of this regulation.

(c) Upward adjustments in your ceiling prices pursuant to section 5 of this regulation may not be made before you deposit in the mail a registered letter to the Director of the Region I Office of the Office of Price Stabilization, Boston, Massachusetts, giving the information listed in paragraph (b) of this section.

SEC. 9. *Transfers of business or stock in trade.* If the business, assets or stock in trade of a processor or distributor is sold or otherwise transferred after the effective date of this regulation, and the transferee carries on the business, or continues to deal in milk and/or cream items, in an establishment separate from any other establishment previously owned or operated by him, the ceiling prices of the transferee shall be the same as those to which his transferor would have been subject under this regulation if no such sale or transfer had taken place, and the transferee's obligation to keep records sufficient to verify such prices shall be the same as the transferor's. The transferor shall either preserve and make available, or turn over, to the transferee, all records of transactions prior to the sale or transfer which are necessary to enable the transferee to comply with the record keeping provisions of this regulation.

SEC. 10. *Records.* With respect to transactions in milk and cream items covered by this regulation, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required thereby to be made with reference to sales of milk and/or cream items between January 26, 1951, and the effective date of this regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter, and keep available for examination by the Office of Price Stabilization all records showing, with respect to milk and/or cream items covered by this regulation, prices, material and labor costs in the period January 1, 1950 to June 30, 1950, inclusive; records, showing cost, prices, and sales for the other applicable periods and dates referred to in Supplementary Regulation 63 to the General Ceiling Price Regulation, and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations necessary to determine your ceiling prices.

(c) You must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charged for milk and/or cream items covered by this regulation.

SEC. 11. *Evasion.* Any practice which results in obtaining directly or indirectly a higher price than is permitted by this regulation is a violation of this regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 12. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid or offered.

SEC. 13. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt, or similar evidence of purchase, you shall continue to do so. Upon request from a purchaser, regardless of previous custom, you shall give the purchaser a receipt showing the date, your name and address, the name of each item sold, and the price received for it.

SEC. 14. *Power of Director.* The Director of the Region I Office of the Office of Price Stabilization may at any time disapprove and revise downward ceiling prices established under this regulation, so as to bring prices so established into line with the level of ceiling prices for such items otherwise prevailing in the area. He may also revoke or suspend for any specified period of time and reinstate or postpone the effective date of this regulation.

SEC. 15. *Prohibitions.* After the effective date of this regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any milk and/or cream item at a price in excess of the ceiling price established for it by this regulation. The term "sell" includes sell, supply, dispose, barter, exchange, transfer, deliver, and contracts and offers to do any of the foregoing. The term "buy" shall be construed accordingly.

SEC. 16. *Penalties.* (a) Any person violating any provision of this regulation is subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

(b) *Violations of reporting requirements.* If any person subject to this regulation fails to file the reports required by this regulation, or if any person required to do so by this regulation fails to establish a ceiling price, or to apply to the Director of the Region I Office of the Office of Price Stabilization for the establishment of a ceiling price, then the Director may issue a Letter Order establishing ceiling prices for the milk and/or cream items such person sells. Any ceiling price established in this manner will be in line with ceiling prices otherwise established pursuant to this regulation. The Letter Order establishing the ceiling price may apply to all deliveries or transfers for which a ceiling price was not established in accordance with the provisions of this regulation, including deliveries or transfers completed prior to the date of issuance of the Letter Order. The issuance of such a Letter Order will not relieve the seller of his obligation to comply with the requirements of this regulation or of the various penalties for failure to do so.

SEC. 17. *Definitions*—(a) *Milk.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate milk; and any other milk or skim milk variations; regardless of whether such products are sold in glass, paper or other type of container, or in bulk.

(b) *Cream.* This term means cream of various percentages of butterfat, including soured cream; butter cream; cream mixed with other ingredients or gases used as whipping cream; other specialized fluid cream products and any other cream variation; regardless of whether such products are sold in glass, paper, or other type of container, or in bulk. Cottage, pot and bakers cheese remain under the General Ceiling Price Regulation.

(c) *Comparison item.* This term means, with reference to a milk item being priced, an item which falls within the definition of the term "milk" and with reference to a cream item being priced, an item which falls within the definition of the term "cream". In addition the comparison item must be an item the ceiling price of which was established pursuant to this regulation; must be the item most nearly like the one being priced, and must be one with lower

current unit direct costs (with respect to processed items sold by a processor or processor-distributor) or with lower costs (with respect to items sold by a distributor). If there is no such item with lower current unit direct costs or lower costs, the comparison item is the one with the same or higher current unit direct costs or higher costs, most nearly like the item being priced.

(d) *Retail and wholesale sales.* This term means sales by a processor or distributor to a purchaser other than a distributor. Examples are sales to homes, stores, restaurants, and institutions.

(e) *Basic container size.* This term means a one quart size container for milk items, and a one-half pint size container for cream items.

(f) *Terms defined elsewhere.* Terms not defined in this regulation but defined in Supplementary Regulation 63 to the General Ceiling Price Regulation or in the General Ceiling Price Regulation shall be construed as therein defined unless otherwise clearly required by the context of this regulation.

Effective date. This area milk price regulation issued pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation is effective September 1, 1952.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

JOSEPH M. MCDONOUGH,
Director of the Region I Office,
Boston 9, Massachusetts.

AUGUST 27, 1952.

[F. R. Doc. 52-9530; Filed, Aug. 27, 1952; 10:55 a. m.]

[Ceiling Price Regulation 134, Amdt. 6]

CPR 134—CEILING PRICES FOR EATING AND DRINKING ESTABLISHMENTS

ELIMINATION OF CUT-OFF DATE IN SECTION 10

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 6 to Ceiling Price Regulation 134 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment deletes the cut-off date for redetermination of ceiling prices under section 10 of this regulation.

The present cut-off date for redetermination of ceiling prices under section 10 is August 1, 1952. It has come to the attention of the Office of Price Stabilization that many operators have not taken advantage of the authorized redetermination permitted by section 10 prior to the present cut-off date. In the main, most of these operators are those who operate smaller eating and drinking establishments and in many cases were unaware of the purpose of the adjustment permitted by this section. Since the section 10 adjustment permits operators to increase their freeze week ceiling prices only in those cases where their selling prices were frozen at levels below those permitted under CPR 11 and then only in an amount necessary to permit them to recover the amount of the increased cost of food they absorbed under CPR 11, the Director of Price Stabilization has on reconsideration determined that a cut-off date for this type of adjustment is not necessary at this time.

Because of the beneficial nature of this amendment and the necessity for speedy action, the Director of Price Stabilization has found it neither necessary nor practical to consult with industry representatives, including trade association representatives. In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Paragraph (a) of section 10 of Ceiling Price Regulation 134 is amended by deleting the words "August 1, 1952" wherever they appear in that paragraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154).

Effective date. This Amendment 6 to Ceiling Price Regulation 134 is effective August 28, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 28, 1952.

[F. R. Doc. 52-9590; Filed, Aug. 28, 1952; 10:35 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[Interpretation 10, Amdt. 1]

INT. 10—SALARIES FOR NEW OR CHANGED POSITIONS UNDER SECTION 63 OF GENERAL SALARY STABILIZATION REGULATION 1, AMENDED

MISCELLANEOUS AMENDMENTS

The purpose of this amendment to Interpretation 10 is to substitute appropriate section references in General Salary Stabilization Regulation 1, Amended, for references in the superseded provisions of General Salary Stabilization Regulation 3.

1. (a) The second introductory paragraph (unnumbered) is amended by substituting the words, "General Salary Stabilization Regulation 1, Amended, section 63" for the words, "General Salary Stabilization Regulation 3, section 8".

(b) The third introductory paragraph (unnumbered) is amended by substituting the text, "section 63" for the text, "section 8".

2. The answer contained in paragraph 1.1 is amended to read as follows:

A. No. Salaries for new employees who will occupy positions identical with those held by present employees may be established at a level comparable to that of the employee having the most nearly comparable duties and responsibilities. See section 62 of General Salary Stabilization Regulation 1, Amended.

3. The answer contained in paragraph 2.14 is amended to read as follows:

A. No. The company's salary plan provides for merit increases and this increase in efficiency may be recognized by such increase in salary on the basis of an amount normally granted under the provisions of the plan. Since he is at grade 5, $790 per month, he may be considered for advancement to step 2, $875 per month, subject to the provisions of the plan and to the over-all limitations of section 52 (e) of General Salary Stabilization Regulation 1, Amended.

4. The answer contained in paragraph 3.2 is amended to read as follows:

A. No. The regulation relating to this problem is defined in section 62 of General Salary Stabilization Regulation 1, Amended, relative to salaries for new employees. Since this regulation does not offer a direct solution to this problem, the company may petition the Office of Salary Stabilization for an increase in the salary range if it can clearly establish the inadequacy of the existing salary range.

5. The answer contained in paragraph 3.4 is amended to read as follows:

A. Yes. The regulation which defines the method of setting these salaries is section 62 of General Salary Stabilization Regulation 1, Amended. Such salary is consistent in amount with the salaries paid employees having the most nearly comparable duties and responsibilities.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Issued by the Office of Salary Stabilization on August 22, 1952.

JOSEPH D. COOPER,
Executive Director.

[F. R. Doc. 52-9576; Filed, Aug. 28, 1952; 9:12 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

COLONIAL NATIONAL HISTORICAL PARK AND EVERGLADES NATIONAL PARK; SPEED

1. Paragraph (c), *Speed*, of § 20.1, *Colonial National Historical Park*, is amended to read as follows:

(c) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.

2. Section 20.45, *Everglades National Park*, is amended by the addition of paragraph (h), reading as follows:

(h) *Speed.* Except where different speed limits are indicated by posted signs or markers, speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 45 miles per hour on park roadways.

(39 Stat. 535; 16 U. S. C., sec. 3)

Issued this 25th day of August 1952.

OSCAR L. CHAPMAN,
Secretary of the Interior.

[F. R. Doc. 52-9485; Filed, Aug. 28, 1952; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 57—RECORDATION OF DOCUMENTS

ELIGIBILITY OF DOCUMENTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of August A. D. 1952.

There being under further consideration the provisions of section 20c of the Interstate Commerce Act, as amended, providing for the recordation of any mortgage, lease, equipment trust agreement, conditional sale agreement, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of railroad rolling stock, as described in said section, and the rules and regulations prescribed in order of July 28, 1952:

It is ordered, That paragraph (d) of § 57.3 *Eligibility of documents*, be hereby amended to read as follows:

(d) The document is accompanied by the required recordation fee, which fee, (1) for each document of the type named in § 57.1 (a), shall be $50, and (2) for each document of the type named in § 57.1 (b) shall be $10, except that assignments which are executed prior to the filing of the original instrument and which are submitted concurrently for recordation as one document, shall be counted as one document. A lease and agreement (Philadelphia Plan) shall be counted as one document.

And it is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

(65 Stat. 290, 66 Stat. 724; 5 U. S. C. 140, 49 U. S. C. 20c)

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9191; Filed, Aug. 28, 1952; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

MISCELLANEOUS AMENDMENTS

Basis and purposes. Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755, 16 U. S. C. 704) authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory birds to determine when, to what extent, and by what means, such birds, or any part, nest or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

On April 8, 1952, the public was invited to participate in the preparation of these regulations by submitting their views, data, or arguments, in writing to Albert M. Day, Director, Fish and Wildlife Service, Washington 25, D. C., on or before July 7, 1952 (17 F. R. 3355). After due consideration of all relevant material submitted pursuant to the notice, and under authority of said statutory provision, the regulations under the Migratory Bird Treaty Act are amended as follows:

1. Section 6.3 (a) and (b) are amended to read as follows:

(a) Migratory game birds on which open seasons are specified in § 6.4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by §§ 6.5, 6.8, and 6.9, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal without disassembling the gun so as to reduce the capacity of the said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open season with the aid of a dog and from land or water (including a blind, or a boat or other craft not under tow, but not including any boat or other craft having a motor attached or any sailboat unless such boat, craft or sailboat is fastened within or tied immediately alongside of any type of stationary hunting blind): *Provided*, That nothing in this section shall permit the taking of migratory game birds from or by means, aid, or use of any sinkbox (battery), motor-driven conveyance, motor vehicle, or aircraft of any kind, the taking of waterfowl by means, aid, or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying, or stirring up of waterfowl and coots by means or aid of any motor-driven land, water, or air conveyance or sailboat: *Provided further*, That nothing in this section shall prohibit the picking up of injured or dead waterfowl, coot, rails, or gallinules by means of a motorboat, sailboat, or other craft.

(b) Waterfowl, coot, gallinules, doves, and pigeons may not be taken under any circumstances by the aid of salt, or shelled, shucked or unshucked corn, wheat or other grains, or other feed similarly used to lure, attract or entice such birds to, on, or over the area where hunters are attempting to take them. In addition, such birds may not be taken within one-half mile of any place where salt, or shelled, shucked or unshucked corn, wheat, or other grains, or other feed of similar use in attracting such birds is placed, exposed, deposited, distributed, scattered or present at any time during or within two weeks prior to the open season on such birds.

As used in this section the terms "salt, or shelled, shucked or unshucked corn, wheat or other grains", "other feed of similar use", or "other feed similarly used", shall not be construed as including properly shocked corn, standing crops (including aquatics), or grains found scattered solely as a result of normal agricultural harvesting. Nothing in this section shall be construed to apply to propagating, scientific, or other operations in accordance with the terms of permits issued pursuant to this part.

2. The schedules designated as subparagraphs (1), (2), (3), and (4) in § 6.4 (e) are amended as follows:

a. Subparagraph (1) *Atlantic Flyway States* is amended to prescribe seasons for rails and gallinules in Maine from October 1 to October 22 and from November 19 to December 10, and in New York from October 25 to December 18, and further by transferring footnote 4 relating to scoter, eider and old-squaw ducks to subparagraph (5) Atlantic Flyway States as footnote 4.

b. Subparagraph (2) *Mississippi Flyway States* is amended to prescribe seasons for rails and gallinules in Alabama from November 17 to January 10, in Michigan from October 1 to November 24, and in Wisconsin from October 4 to November 27 and also that on the first day of the season hunting of these birds in Wisconsin may not start before 1 p. m.

c. Subparagraph (3) *Central Flyway States* is amended to prescribe a season for rails and gallinules in New Mexico from October 14 to November 6 and from December 18 to January 10.

d. Subparagraph (4) *Pacific Flyway States* is amended by changing the mourning dove season in Arizona to read "September 1–October 12".

3. The schedules designated as subparagraphs (5), (6), (7), and (8) of § 6.4 (e) are amended to read as follows:

(5) *Atlantic Flyway States:*

	Migratory waterfowl and coot: Ducks	Geese (except snow geese)	Coot	Woodcock
Daily bag limits	[1] 4	[2] 3	10	4
Possession limits	[1] 8	[2] 3	10	8
Seasons in: [3]				
Connecticut [4]	Nov. 7–Dec. 31			Oct. 18–Nov. 17.
Delaware	Oct. 31–Dec. 21			Nov. 15–Dec. 14.
Florida	Nov. 17–Jan. 10			
Georgia	Nov. 17–Jan. 10			Dec. 23–Jan. 21.
Maine [4]	Oct. 1–Oct. 22 and Nov. 19–Dec. 10.			Oct. 1–Oct. 31.
Maryland	Nov. 17–Jan. 10			Nov. 15–Dec. 11.
Massachusetts [4, 5]	Nov. 7–Dec. 31			Oct. 20–Nov. 20.
New Hampshire [4]	Oct. 10–Dec. 3			Oct. 1–Oct. 31.
New Jersey	Nov. 7–Dec. 31			Oct. 18–Nov. 17.
New York [4, 6]	Oct. 25–Dec. 18			See footnote 6.
North Carolina	Nov. 17–Jan. 10			Dec. 12–Jan. 11.
Pennsylvania	Oct. 20–Dec. 13			Oct. 15–Nov. 14.
Rhode Island [4]	Nov. 12–Jan. 5			Nov. 1–Dec. 1.
South Carolina	Nov. 17–Jan. 10			Dec. 12–Jan. 11.
Vermont	Oct. 7–Nov. 30			Oct. 1–Oct. 31.
Virginia	Nov. 17–Jan. 10			Nov. 20–Dec. 19.
West Virginia	Nov. 3–Dec. 27			Oct. 18–Nov. 17.
Puerto Rico	Dec. 15–Feb. 12			
District of Columbia [7]	----------			

[1] Wood duck: No open season in West Virginia. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Not more than 3 Canada geese or its subspecies, or 3 white-fronted geese, or a mixed bag to include not more than 3 in the aggregate of these species, and in addition 3 blue geese a day or in possession.

[3] Brant: In Connecticut, Massachusetts and New Jersey Nov. 7–Nov. 21; Delaware Oct. 31–Nov. 14; Georgia, Maryland, North Carolina, South Carolina, Virginia Nov. 17–Dec. 1; Maine Oct. 1–Oct. 15; New Hampshire Oct. 10–Oct. 24; New York Oct. 25–Nov. 8, Pennsylvania Oct. 20–Nov. 3; Rhode Island Nov. 12–Nov. 26; Vermont Oct. 7–Oct. 21; and West Virginia Nov. 3–Nov. 17, all dates inclusive. Daily bag and possession limit 3. No open season in Florida.

[4] Scoter, eider and old-squaw ducks may be taken in open coastal waters only, beyond outer harbor lines, in Maine, Massachusetts, New Hampshire and New York from Sept. 28–Dec. 31, inclusive, in Connecticut from Oct. 17–Dec. 31, inclusive, and in Rhode Island from Sept. 28–Jan. 5, inclusive. In areas other than those beyond outer harbor lines such birds may be taken during the open seasons for other ducks. In these States only, the daily bag limit is 7 scoter, eider or old-squaw ducks singly or in the aggregate, and not exceeding 14 in possession singly or in the aggregate.

[5] Only Canada geese or its subspecies may be taken in Massachusetts.

[6] New York: East and north of Oswego River from Lake Ontario to its junction with the Oneida River, Oneida River to Oneida Lake, north shore of Oneida Lake to Barge Canal, Barge Canal to Rome, the main line of New York Central R. R. from Rome to Albany, and main line of Boston & Albany R. R. from Albany to Massachusetts State line, Oct. 10–Nov. 4, inclusive; west and south of the above described boundary (except Long Island) Oct. 20–Nov. 14, inclusive; that part of New York known as Long Island, Oct. 23–Nov. 17, inclusive, from 9 a. m. until 5 p. m. on the opening day, and thereafter from 7 a. m. until 5 p. m. in each of these zones.

[7] No open season in District of Columbia but migratory game birds may be possessed therein in accordance with § 6.6 (c).

(6) *Mississippi Flyway States:*

	Migratory waterfowl and coot: Ducks	Geese	Coot	Woodcock
Daily bag limits	[1] 4	[2] 5	10	4
Possession limits	[1] 8	[3] 5	10	8
Seasons in:				
Alabama	Nov. 17–Jan. 10			Dec. 1–Dec. 30.
Arkansas	Nov. 17–Jan. 10			Dec. 1–Dec. 30.
Illinois	Oct. 20–Dec. 14 [3]			
Indiana	Oct. 20–Dec. 13			Oct. 20–Nov. 18.
Iowa	Oct. 8–Dec. 1			
Kentucky	Nov. 17–Jan. 10			
Louisiana	See footnote 4			Dec. 22–Jan. 20.
Michigan	Oct. 1–Nov. 21			See footnote 5.
Minnesota	Oct. 1–Nov. 21			Oct. 1–Oct. 30.
Mississippi	See footnote 6			Dec. 10–Jan. 8.
Missouri	Oct. 20–Dec. 13			Nov. 10–Dec. 9.
Ohio	Oct. 13–Dec. 6 [7]			Oct. 8–Nov. 6.
Tennessee	Nov. 17–Jan. 10			Oct. 1–Nov. 2.
Wisconsin [8]	Oct. 4–Nov. 27			

[1] Bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season for geese in that part of Alexander County, Ill., established as closed area by proclamation 2748 of Oct. 1, 1947 (12 F. R. 6521).

[4] Louisiana: Excluding lands and waters of the State of Louisiana lying easterly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Mississippi lying westerly of the aforesaid center line, Nov. 5–Dec. 29.

[5] Michigan. Woodcock in Zones 1 and 2 as defined by State law or orders or regulations of the Michigan Department of Conservation, Oct. 1–Oct. 31, and in Zone 3, Oct. 20–Nov. 7.

[6] Mississippi: Excluding lands and waters of the State of Mississippi lying westerly of the center line of the main navigable channel of the Mississippi River between the northerly boundary of Louisiana and latitude 31° North, but including any lands and waters of the State of Louisiana lying easterly of the aforesaid center line, Nov. 17–Jan. 10.

[7] Ducks, geese, coot on Pymatuning Reservoir in Ashtabula County, Ohio, and one-quarter mile distant in any direction from said reservoir, Oct. 20–Dec. 13.

[8] Wisconsin: On the first day of the season waterfowl coot and woodcock hunting may not start before 1 p. m.

(7) *Central Flyway States:*

	Migratory waterfowl and coot: Ducks	Geese	Coot
Daily bag limits	[1] 5	[2, 3] 5	10
Possession limits	[1] 10	[2, 3] 5	10
Seasons in:			
Colorado	Oct. 20–Dec. 18.[1]		
Kansas	Oct. 12–Dec. 10.		
Montana	Oct. 10–Dec. 8.[3]		
Nebraska	Oct. 11–Dec. 9.		
New Mexico [4]	Oct. 14–Nov. 6 and Dec. 18–Jan. 10.		
North Dakota	Oct. 1–Nov. 29.		
Oklahoma [5]	Oct. 18–Dec. 16.		
South Dakota	Oct. 3–Dec. 1.		
Texas [5, 6]	Oct. 31–Dec. 29.		
Wyoming	Oct. 17–Dec. 15.[1]		

[1] Wood duck: No open season in Colorado, Kansas, North Dakota, South Dakota, and Wyoming. In other States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than (a) 2 Canada geese or its subspecies, or (b) 2 white-fronted geese, or (c) 1 Canada goose or its subspecies and 1 white-fronted goose.

[3] No open season on snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, or in Colorado and Wyoming. No open season in Colorado on blue geese.

[4] The bag and possession limit on geese in New Mexico is 3 which may include not more than 2 Canada geese or its subspecies, or 2 white-fronted geese, or 1 snow goose.

[5] Woodcock: Oklahoma, Dec. 1–Dec. 30; Texas, in the counties of Shelby, Nacogdoches, Angelina, Trinity, San Jacinto, Liberty, Chambers, and all counties south and east thereof, Dec. 22–Jan. 21; no open season in rest of Texas. Daily limit 4, possession limit 8.

[6] Texas: Black-bellied tree duck, no open season.

(8) *Pacific Flyway States:*

	Migratory waterfowl and coot: Ducks	Geese (except Ross's goose)	Brant	Coot
Daily bag limits	[1] 6	[2] 6	[3] 3	15
Possession limits	[1] 6	[2] 6	[3] 3	15
Seasons in:				
Arizona	Oct. 21–Jan. 1.			
California	Oct. 21–Jan. 1.			
Idaho	Oct. 11–Dec. 19.[4]			
Nevada	Oct. 17–Dec. 25.			
Oregon	Oct. 24–Jan. 1.			
Utah	Oct. 17–Dec. 25.			
Washington	Oct. 17–Dec. 25.			
Alaska [5]				

[1] In addition 2 widgeons or 2 pintails or 1 of each a day or in possession. Wood duck: No open season in Arizona, Nevada, and Utah. In other Pacific Flyway States, bag or possession limit may include 1 wood duck only. Daily bag for American and red-breasted mergansers, 25 singly or in the aggregate of both kinds; no possession limit after opening day of the season.

[2] Including in such limit not more than 2 birds of the dark species, as follows: the common Canada and subspecies, white-fronted, Tule, blue, and Emperor geese.

[3] Brant, daily bag and possession limit 3.

[4] Idaho: Snow geese, no open season. No open season on geese of any species in the following described area in Canyon County: Beginning at the junction of U. S. Highway 30 and State Highway 45, in the city of Nampa, thence westerly along U. S. Highway 30 to its junction with State Highway 20, thence westerly along State Highway 20 to its junction with the Lake Lowell-Marsing road, thence southerly along the Lake Lowell-Marsing road to the south end of the west embankment of Lake Lowell, thence along the oil surfaced road bearing easterly to its junction with State Highway 45, thence northerly along State Highway 45 to its junction with U. S. Highway 30, the point of beginning.

[5] See footnote 5 under schedule (4) Pacific Flyway States.

4. Section 6.6 (c) is amended to read as follows:

(c) *Possession.* (1) Within the maximum possession limits prescribed by § 6.4 migratory game birds lawfully taken within a State or transported or imported in accordance with the provisions of paragraphs (a) or (b) of this section, may be possessed in any State, District of Columbia, Alaska, or Puerto Rico during the open season where taken and for an additional 90 days next succeeding the said open season.

(2) Any migratory game birds held for picking, cleaning, storage, processing or shipment by any person, other than the person who killed such birds, shall have a tag attached indicating the total number and kinds, the date killed, and the name and address of the owner.

(3) For the purpose of the regulations in this part the ownership and possession of birds legally taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to (i) a post office, (ii) a common carrier, or (iii) a locker, storage plant, or similar facility for transportation to some person other than the hunter or a member of the hunter's immediate houshold. As used in this section, "locker, storage plant, or similar facility" includes only those facilities as are engaged in the business of receiving and handling birds and keep and make available for inspection by any officer authorized to enforce these regulations at any reasonable time records showing the names and

addresses of both the consignors and the consignees of such birds.

(Sec. 3, 40 Stat. 755; 16 U. S. C. 704)

These amendments shall become effective on October 1, 1952.

Dated: August 26, 1952.

R. D. SEARLES,
Acting Secretary.

[F. R. Doc. 52-9506; Filed, Aug. 28, 1952; 8:51 a. m.]

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

SUBPART—HART MOUNTAIN NATIONAL ANTELOPE REFUGE, OREGON

HUNTING

Basis and purpose. On the basis of observations and reports of field investigations conducted by representatives of the Oregon State Game Commission and the Fish and Wildlife Service, it has been determined that the controlled public hunting of deer, by use of bow and arrow only, can be permitted on a portion of the Hart Mountain National Antelope Refuge, Oregon, without interfering with the primary purpose of the refuge.

Since the following regulation is a modification of existing restrictions, publication in the FEDERAL REGISTER prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 31.136 is revised to read as follows:

§ 31.136 *Limitation on hunting methods.* Deer hunting is permitted with bow and arrow only, in accordance with State regulations. The possession or use of firearms of any description on the refuge is prohibited.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9511; Filed, Aug. 28, 1952; 8:52 a. m.]

PART 31—PACIFIC REGION

SUBPART—RED ROCK LAKES NATIONAL WILDLIFE REFUGE, MONTANA

HUNTING OF MOOSE

Basis and purpose. On the basis of observations and reports of field representatives of the Fish and Wildlife Service and of the Montana Fish and Game Commission, it has been determined that there is a surplus of moose on and in the vicinity of the Red Rock Lakes National Wildlife Refuge, Montana, the removal of which, in keeping with wildlife management objectives, can best be accomplished by public hunting on a portion of the refuge.

Since the following regulations are relaxations of the existing regulations applicable to the Red Rock Lakes National Wildlife Refuge, publication prior to the effective date is not required (60 Stat. 237; 5 U. S. C. 1001, et seq.).

Effective on the date of publication of this document in the FEDERAL REGISTER, the following subpart is added:

Sec.
31.291 Moose hunting permitted.
31.292 Entry.
31.293 State hunting laws.
31.294 State cooperation.

AUTHORITY: §§ 31.291 to 31.294, are issued under sec. 10, 45 Stat. 1224; 16 U. S. C. 715i.

§ 31.291 *Moose hunting permitted.* Moose may be taken with firearms during the 1952 State season for the hunting of moose on the refuge lands lying south and east of Elk Springs Creek, Shambow Creek, and Shambow Pond in the following subdivisions:

Sections 5, 6, 7, 8, 17, 18, and 19, T. 14 S., R. 1 E., section 31, T. 13 S., R. 1 E., and sections 13, 14, 15, and 20 to 30, inclusive, T. 14 S., R. 1 W., M. P. M.,

subject to the provisions, conditions, and requirements of § 31.292 and § 31.293.

§ 31.292 *Entry.* Entry on and use of the refuge are governed by the regulations in Parts 18 and 21 of this chapter, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting by the officer in charge. When entering or leaving the public hunting area, hunters must report at such checking stations as may be established for the purpose of regulating the hunt.

§ 31.293 *State hunting laws.* Strict compliance with all State laws and regulations is required, and any person who hunts on the refuge must have in his possession and exhibit at the request of any authorized Federal or State officer a valid State hunting license for the taking of moose, if such is required by the State laws and regulations, which license shall serve as a Federal permit for the hunting of moose on the refuge.

§ 31.294 *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of the public hunting area, and the State may promulgate such special regulations as may be necessary for such regulation, management, and operation. In the event that such State regulations are issued, compliance therewith shall be a requisite to the lawful entry for the purpose of hunting. The officer in charge of the refuge may suspend hunting privileges upon the taking of the maximum number of moose determined to be surplus by mutual agreement with the Montana Fish and Game Commission.

Dated: August 25, 1952.

O. H. JOHNSON,
Acting Director.

[F. R. Doc. 52-9510; Filed, Aug. 28, 1952; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Part 1]

GENERAL REGULATIONS UNDER COMMODITY EXCHANGE ACT

EXECUTION OF TRANSACTIONS

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given that the Secretary of Agriculture, under authority contained in section 8a (5) of the Commodity Exchange Act (7 U. S. C. 12a (5)), is considering the amendment of § 1.38 of the regulations under the Commodity Exchange Act (17 CFR 1.38), to read as follows:

§ 1.38 *Execution of transactions*—(a) *Competitive execution required; exceptions.* All purchases and sales of any commodity for future delivery on or subject to the rules of a contract market shall be executed openly and competitively as to price, by open outcry or posting of bids and offers or by other equally open and competitive methods, in the trading pit or ring or similar place provided by the contract market, during the regular hours prescribed by the contract market for trading in such commodity: *Provided, however,* That this requirement shall not apply to such transactions as are executed in accordance with written rules of the contract market which have been submitted to and not disapproved by the Secretary of Agriculture, specifically providing for the noncompetitive execution of such transactions.

(b) *"Transfer" or "office trades"; exchange of futures; requirements.* Every person handling, executing, clearing, or carrying trades or contracts which are not competitively executed, including transfer trades or office trades, or trades involving the exchange of futures for cash commodities or the exchange of futures in connection with cash commodity transactions, shall identify and mark by appropriate symbol or designation all such transactions or contracts and all orders, records, and memoranda pertaining thereto.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same with the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington 25, D. C., not later than the 30th day after

the publication of this notice in the FEDERAL REGISTER.

Issued this 26th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9498; Filed, Aug. 28, 1952; 8:49 a. m.]

Production and Marketing Administration

[7 CFR Part 991]

[Docket No. AO-194-A5]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

NOTICE OF CORRECTION OF DECISION

Notice is hereby given that the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area annexed to the decision of the Secretary with respect to a proposed marketing agreement and a proposed order amending the order, as amended, issued August 19, 1952, and filed with the FEDERAL REGISTER August 22, 1952, (F. R. Doc. 52-9291) is hereby corrected as follows:

1. Delete § 991.71 (f) (2) and substitute therefor the following:

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (e) of this section and add an amount computed as follows: Divide the amount of the cash balance as set forth in paragraph (c) of this section by the total quantity of producer milk.

2. In § 991.71 (f) (4) delete the figure "(2)" and substitute therefor the figure "(3)".

3. In § 991.71 (f) (5) delete the cross reference "paragraph (e) of this section" and substitute therefor the cross reference "paragraph (d) of this section".

4. Delete § 991.71 (f) (6) and substitute therefor the following:

(6) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

5. Delete § 991.71 (g) (1) and substitute therefor the following:

(1) Multiply the hundredweight of producer milk for Rockford handlers by the per hundredweight figure computed for such handlers as provided in paragraph (f) (5) of this section.

6. Delete § 991.71 (g) (2) and substitute therefor the following:

(2) Subtract such amount from the sum computed in paragraph (c) of this section.

7. Delete § 991.71 (g) (3), (4), (5) and substitute therefor the following:

(3) Divide such net amount by the hundredweight of producer milk for Freeport handlers; and

(4) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

Done at Washington, D. C., this 26th day of August 1952.

[SEAL] C. J. McCORMICK,
Acting Secretary of Agriculture.

[F. R. Doc. 52-9515; Filed, Aug. 28, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 10209]

STATIONS ON SHIPBOARD IN MARITIME SERVICES

FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding the assignment of calling frequencies to ship stations using telegraphy in the bands between 4,000 and 23,000 kc and amendment of Part 8 of the Commission's rules to provide a plan of assignment of all assignable ship telegraph frequencies between 2,000 and 23,000 kc and ship telephone frequencies between 4,000 and 23,000 kc.; Docket No. 10209.

1. The proposal set forth under Docket Number 10209 sought to implement one phase of the Atlantic City Radio Regulations (1947) and Extraordinary Administrative Radio Conference (Geneva, 1951) by an assignment scheme for ship high frequency calling frequencies based upon call sign blocks. This further notice of proposed rule making proposes an alternative scheme of assignment and covers not only ship telegraph calling frequencies between 4,000 and 23,000 kc but all assignable ship telegraph frequencies between 2,000 and 23,000 kc as well as assignable ship telephone frequencies between 4,000 and 23,000 kc.

2. The frequency table in the Appendix set forth below presents a comprehensive and detailed listing of all assignable ship telegraph frequencies between 2,000 kc and 23,000 kc in the form of frequency columns identified by symbol number. The table also presents the same information with respect to ship telephone between 4,000 kc and 23,000 kc, the entire set of assignable frequencies being identified by the symbol R1.

3. As an alternative to the call sign block assignment scheme for ships using telegraphy, as proposed in Docket 10209, the Commission is considering the feasibility of allocating particular columns of frequencies to specific licensees, the number of columns allocated to any given licensee to be proportional to the number of ships served by that licensee. Under this plan, frequency columns would be assigned in rotation (as required by the Atlantic City Radio Regulations) but only as to those frequency columns set aside for the particular licensee. The result is expected to be the same as if direct rotation of frequency asignments had been made.

4. It is believed that a company-by-company assignment plan of the type herein proposed would possess a decided advantage, from the licensee's viewpoint, over any other plan, for the reason that each licensee would be able to predict with a reasonable degree of certainty which column or columns were to be next assigned, thus limiting the number of crystals to be stocked by any particular licensee, with the added advantage that equipment could be installed and tested on dummy antennas prior to receipt of the license.

5. Table 1 in the attached Appendix, which is based in part upon Appendix 10 of the Atlantic City Radio Regulations, indicates the calling and working frequencies in each band available to passenger and cargo ships. With the exception of the 22 mc band frequencies and one-half of the 2 mc band, frequencies are columnized in harmonic relationship, and each column is identified by a symbol to be used in applying for and licensing those series of frequencies. Each vessel must be assigned one series of calling frequencies; passenger ships must be assigned two or more series of working frequencies, the total number of series depending upon the anticipated traffic volume. If equipment is authorized for use on a passenger ship or aircraft which does not comply with the 0.02 percent frequency tolerance requirement, the only series of working frequencies which may be assigned are those headed P14 and P15. The same series would also be used for passenger ships if emission is proposed which cannot be contained within the channels indicated in other frequency columns. Cargo ships are assigned one series of working frequencies containing two frequencies in each band except the 2 mc band, where only one frequency is provided.

6. Table 2 in the attached Appendix shows the number of radio-telegraph equipped vessels licensed to the several steamship and communications companies, and contains an allocation of frequency column symbols to the companies proportional to the number of cargo or passenger vessels licensed. The Commission will from time to time review the number of ships served by the several licensees to determine whether more or less column symbols should be assigned to particular licensees.

7. Table 3 in the attached Appendix is a list of radiotelephone frequencies between 4,000 and 23,000 kc available for assignment to ships for communication with United States coast stations. The frequencies to be used for communication with foreign coastal telephone stations may be determined through consultation with the International Telecommunication Union "List of Coast and Ship Stations" (see also § 8.357). The entire family of frequencies is identified by a single symbol to be used in applying for and licensing ship radiotelephone transmitters. It does not include the radiotelephone frequencies below 4,000 kc or above 30 mc.

8. The proposals herein contained are issued under authority of sections 305 (c), (f), and (r) of the Communications Act of 1934, as amended.

9. Any interested person may file with the Commission, on or before September 30, 1952, a written statement or brief in support of, or in opposition to, the proposed amendment. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing the described original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

10. In accordance with § 1.784 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments must be furnished to the Commission.

Adopted: August 13, 1952.

Released: August 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

Amend Part 8, rules governing Stations on Shipboard in the Maritime Services, to add Appendix III:

APPENDIX III—TABLES OF SHIP RADIOTELEGRAPH FREQUENCIES FROM 2,000 KC TO 23,000 KC AND SHIP RADIOTELEPHONE FREQUENCIES FROM 4,000 KC TO 23,000 KC

The following procedures and tables may be used in applying for license for the frequencies listed in tables 1 and 3 only insofar as the frequencies listed therein are consistent with the implementation and the effective dates of the Geneva Agreement (1951) and the other provisions of the Commission's rules which make frequencies available for assignment to Ship stations. Frequencies licensed by specific frequency column symbols may only be used in the manner and to the extent authorized by other provisions of this part.

Radiotelegraph, 2,000 kc to 23,000 kc. The applicant must consult table 2, below to find out which frequency column symbols have been allocated for ships licensed to him. The frequencies designated by the symbols shown in table 2 may be determined from table 1, which lists all of the frequencies in each series, designated by a frequency column symbol.

Calling frequencies. Application may be made for one calling frequency column symbol from the "C" series, which represents one frequency in each of the 2, 4, 6, 8, 12, 16, and 22 mc bands, for each ship. If more than one symbol of the "C" series is allocated for a particular licensee, application for the first vessel must be for the first sym-

TABLE 1-a—PASSENGER SHIP RADIOTELEGRAPH WORKING FREQUENCIES

P1	P2	P3	P4	P5	P6	P7	P8	P9	P10	P11	P12	P13	P14	P15
2067.5			2071.25			2075			2078.75			2082.5	2085	2087.5
	2068.75			2072.5			2076.25			2080				
		2070			2073.75			2077.5			2081.75			
4135			4142.5			4150			4157.5			4165	4170	4175
	4137			4145			4152.5			4160				
		4140			4147.5			4155			4162.5			
6202.5			6213.75			6225			6236.25			6247.5	6255	6262.5
	6206.25			6217.5			6228.75			6240				
		6210			6221.25			6232.5			6243.75			
8270			8285			8300			8315			8330	8340	8350
	8275			8290			8305			8320				
		8280			8295			8310			8325			
12405			12427.5			12450			12472.5			12495	12510	12525
	12412.5			12435			12457.5			12480				
		12420			12442.5			12465			12487.5			
16540			16570			16600			16630			16660	16680	16700
	16550			16580			16610			16640				
		16560			16590			16620			16650			
22075			22105			22125			22145			22175	22195	22215
	22085			22105			22135			22155				
		22095			22115			22145			22165			

TABLE 1-b—SHIP RADIOTELEGRAPH CALLING FREQUENCIES

C1	C2	C3	C4	C5 [1]	C6	C7	C8	C9
2089		2090.5		2091 [1]	2091.5		2093	
	2089.5					2092		
		2090					2092.5	
4178			4181	4182 [2]	4183			4186
	4179					4184		
		4180					4185	
6267			6271.5	6273 [2]	6274.5			6279
	6268.5					6276		
		6270					6277.5	
8356		8362		8364 [2,3,4]	8366			8372
	8358					8368		
		8360					8370	
12534			12543	12546 [2]	12549			12558
	12537					12552		
		12540					12555	
16712			16724	16728 [2]	16732			16744
	16716					16736		
		16720					16740	
22225		22240		22245 [2]	22250			22265
	22230					22255		
		22235					22260	

[1] 2091 kc. is available to ships operating in ITU Region II only.

[2] These frequencies are available only to public service aircraft lifeboats and other survival craft. The frequency 8364 kc. is additionally available to all aircraft desiring to establish communication with stations in the maritime mobile service.

[3] Lifeboats and survival craft equipped for high frequency operation must be capable of operating on this frequency.

TABLE 1-c—CARGO SHIP WORKING FREQUENCIES

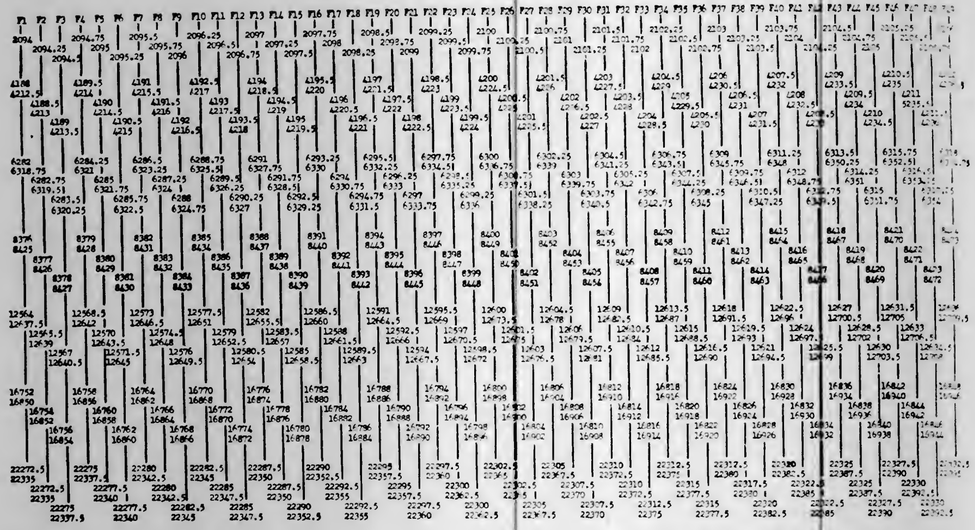

bol, the second symbol for the second vessel, etc., until the allocated symbols are exhausted. The procedure is then repeated, beginning again with the first symbol.

Cargo ship working frequencies. Application may be made for one cargo working frequency column symbol, from the "F" series, for each cargo ship, which will include one frequency from the 2 mc and two frequencies each from the 4, 6, 8, 12, 16, and 22 mc bands. If more than one symbol of the "F" series is allocated for a particular licensee, the frequency symbols must be applied for in rotation for successive vessels as for calling frequencies.

Passenger ship working frequencies. Application may be made for the number of passenger ship working frequencies which, in the best judgment of the applicant, will be essential for the traffic volume of the particular vessel. The frequency column symbols shall be taken from the "P" series, with a minimum of two symbols. If more than two symbols of the "P" series are allocated for a particular licensee, the frequency symbols must be applied for in rotation for successive vessels as for calling frequencies, except that the first symbol for each vessel must be the one after the last of the series of two or more symbols of the previous vessel.

Wide band transmissions. When authorization for passenger ship radiotelegraph station using emissions broader than 0.16A1 on these frequencies is desired, application may only be made for working frequency column symbols P14 and/or P15, without regard to Table 2, for such wide band transmissions. This shall be in addition to application for normal band width emissions, which are applied for as provided above. Insofar as is possible, application for successive vessels of the same applicant must alternate in the selection of the two symbols.

High frequency (long distance) radiotelephone. Application for all frequencies contained in Table 3 may be made for vessels capable of radiotelephone transmissions on any of these frequencies by designating the frequency column symbol "R1" in the application.

TABLE 2—HIGH RADIOTELEGRAPH FREQUENCIES FOR SHIP STATION APPLICANTS

[For columns of frequencies designated by these symbols, see table 1, above]

	Number passenger ships	Number cargo ships	Calling frequency column symbols	Passenger ship working frequency column symbols	Cargo ship working frequency column symbols
Radiomarine Corp. of America	32	919	C1, C3, C5,[1] C7, C9.	P1, P3, P7, P11, P13.	F1, F4, F5, F7, F9, F11, F14, F15, F17, F19, F21, F23, F25, F27, F29, F31, F33, F35, F37, F39, F41, F43, F45, F47, F49.
Mackay Radio & Telegraph Co., Inc.	21	618	C2, C4, C5,[1] C6.	P2, P4, P8, P10.	F2, F6, F8, F10, F14, F18, F22, F24, F28, F32, F34, F36, F40, F42, F48.
Tropical Radio Telegraph Co.	10	24	C5,[1] C8	P6, P12	F4.
Matson Navigation Co.	3	23	C5,[1] C8	P6, P12	F12.
Globe Wireless Co.		13	C5,[1] C8		F16.
Other applicants [2]	4	215			
A–C			C5,[1] C8	P5, P9	F22.
D–L			C5,[1] C8	P5, P9	F26.
M			C5,[1] C8	P5, P9	F30.
N–R			C5,[1] C8	P5, P9	F38.
S			C5,[1] C8	P5, P9	F44.
T–Z			C5,[1] C8	P5, P9	F46.

[1] See footnotes 1, 2, and 3 in Table 1b, "Ship Radiotelegraph Calling Frequencies", above.

[2] Applicants other than the above listed companies must apply for the frequency column symbols shown, on alphabetic groups according to the first letter of their name. As an example, if the applicant's name begins with A, B, or C, he may apply only for frequency column symbols C5, P5, and P9, for a passenger ship, or C8 and F22 for a cargo ship. (Frequency symbol C5 may also be requested if lifeboats or other survival craft are radio equipped.) For this purpose, the alphabetic group of first letters of the name will be selected by using the first word of a trade name omitting "The"; the last name of a personal name; or the last name of the first person appearing in a series of personal names. As examples, the following names would all apply for the third, or "M" group: C5, P5 and P9, or F30: Marine Communications, Inc.; A. B. Miller & Co.; C. D. Munsey; E. F. Murphy, Alfred Abrams, et al.

TABLE 3—RADIOTELEPHONE SHIP HIGH (LONG-DISTANCE) FREQUENCIES BETWEEN 4 MC AND 22 MC

[Frequency column symbol: R1]

4 mc		8 mc		12 mc		16 mc		22 mc	
Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship	Coast [1]	Ship
4372.4	4067.0	8747.8	8188.4	.....	.....	.....	.....	.....	.....
4383.1	4087.7	8761.8	8212.6	13145.7	12267.3	17517.5	16483.8	26277.5	24677.3
4409.9	4101.5	8768.9	8219.7	13172.9	12272.7	.....	.....	26292.9	24692.7
.....	.....	.....	.....	13180.6	12280.4	17540.6	16510.4	.....	.....
4420.7	4115.3	8797.8	8248.1	.....	.....	.....	.....	.....	.....
4427.6	4122.2	.....	.....	13190.0	12305.8	17580.0	16525.8	27546.0	.....
4434.5	4129.1	8811.6	8262.3	.....	.....	.....	.....	.....	.....

[1] Ship stations may not transmit on coast station frequencies.

[F. R. Doc. 52-9409; Filed, Aug. 28, 1952; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

SAN LUIS VALLEY PROJECT, COLORADO

ORDER OF REVOCATION

MAY 22, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of June 18, 1941 and July 24, 1945, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 35 N., R. 3 E.,
Sec. 1, W½NE¼, W½, SE¼;
Sec. 12, All.
T. 35 N., R. 4 E.,
Sec. 6, E½NE¼, SW¼NE¼, S½.
T. 36 N., R. 4 E.,
Sec. 14, All;
Sec. 15, All;
Sec. 20, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 21, N½NE¼, SW¼NE¼, NW¼, N½SW¼;
Sec. 22, N½NE¼, N½NW¼, SE¼NW¼, E½SW¼, S½SE¼;
Sec. 23, N½, S½SW¼, NE¼SE¼, S½SE¼;
Sec. 24, All (exclusive of Patented Mineral Entry No. 18859);
Sec. 26, All;
Sec. 27, All;
Sec. 28, SE¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 31, NW¼NW¼;
Sec. 32, E½, E½NW¼, E½SW¼, SW¼SW¼.
T. 32 N., R. 7 E.,
Sec. 3, S½S½SW¼;
Sec. 4, All;
Sec. 10, W½NE¼, W½, SE¼;
Sec. 11, W½.
T. 33 N., R. 7 E.,
Sec. 29, SW¼, W½SE¼;
Sec. 30, Lot 3, which is the NW¼SW¼, and contains 40.85 acres, NE¼SW¼, N½SE¼;
Sec. 31, Lot 1, which is the NW¼NW¼, and contains 40.56 acres, S½NE¼;
Sec. 32, S½NE¼, N½SW¼;
Sec. 33, S½N½, S½.

The above aggregates approximately 10,920 acres.

G. W. LINEWEAVER,
Assistant Commissioner.

AUGUST 25, 1952.

I concur. The records of the Bureau of Land Management will be noted accordingly.

There are some patented mineral entries in secs. 22, 23, 24, 26, and 27, and a townsite in sec. 22, T. 36 N., R. 4 E., New Mexico Principal Meridian. The remaining lands are in the Rio Grande National Forest, and will become subject to the public land laws relating to national forest lands at 10:00 a. m. on the 35th day from the date of this concurrence.

WILLIAM ZIMMERMAN, JR.,
Acting Director,
Bureau of Land Management.

[F. R. Doc. 52-9484; Filed, Aug. 28, 1952; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

DIRECTOR, COTTON BRANCH

DELEGATION OF AUTHORITY WITH RESPECT TO SAMPLING, ANALYSIS, AND CERTIFICATION OF SAMPLES AND GRADES OF COTTONSEED (CRUSHING PURPOSES)

Pursuant to the authority vested in me by the regulations (7 CFR Part 28) applicable to the standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States and by the regulations (7 CFR Part 61) applicable to the inspection, sampling, and certification of such cottonseed, authority is hereby delegated to the Director, Cotton Branch, Production and Marketing Administration, to exercise the powers and functions vested in the Administrator of the Production and Marketing Administration by § 28.404 *Sampling, analysis, and certification of samples and grades* and by §§ 61.1 through 61.46 of the foregoing regulations.

The Director of the Cotton Branch is further authorized to redelegate any or all of the aforesaid authority to any other officer or employee of the Production and Marketing Administration under his supervision.

Done at Washington, D. C., this 26th day of August 1952, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] G. F. GEISSLER,
Administrator.

[F. R. Doc. 52-9514; Filed, Aug. 28, 1952; 8:53 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 8]

ORGANIZATION AND FUNCTIONS

PRINCIPAL OFFICERS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration (16 F. R. 2975) is hereby amended.

1. Section 12 is amended to read:

SEC. 12. *Principal officers.* The duties and responsibilities of the principal officers in the Office of the Administrator are as follows:

(a) *The Administrator.* (1) Determines the policies of the Civil Aeronautics Administration.

(2) Directs the development and execution of its programs.

(b) *Deputy Administrator.* (1) Acts for the Administrator, as authorized, in planning, directing, coordinating, and controlling the programs, policies, and operations of the Civil Aeronautics Administration and in supervising all Washington Offices and field organizations.

(2) Acts as Administrator during the absence of the Administrator from duty at his official headquarters.

(c) *Assistant Administrator for Administration.* (1) Acts as principal assistant to the Administrator and Deputy Administrator in the planning, coordination, and evaluation of the budgetary and personnel management, organization planning, general administrative services, and defense production activities of the Civil Aeronautics Administration.

(2) Acts as the Administrator during the simultaneous absence of the Administrator and Deputy Administrator from duty at their official headquarters.

(d) *Assistant Administrator for Program Coordination.* (1) Acts as the principal assistant to the Administrator and the Deputy Administrator in the planning, coordination, and evaluation of Civil Aeronautics Administration program operations.

(2) Plans, directs, and coordinates the program planning and evaluation activities of the Office of the Administrator.

(3) Acts as Administrator during the simultaneous absence of the Administrator, Deputy Administrator, and Assistant Administrator for Administration from duty at their official headquarters.

This amendment shall become effective August 22, 1952.

[SEAL] C. F. HORNE,
Administrator of Civil Aeronautics.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9508; Filed, Aug. 28, 1952; 8:51 a. m.]

Federal Maritime Board

MITSUI STEAMSHIP CO., LTD. ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended.

1. Agreement No. 7837 between Mitsui Steamship Co., Ltd. and United Fruit Company, covers the transportation of cargo under through bills of lading from designated areas in the Far East to New York or New Orleans, with transshipment at Cristobal, Canal Zone.

2. Agreement No. 7845 between the Port of New York Authority and Pittston

Stevedoring Corp., provides for the leasing of certain land at the Port Authority Grain Terminal, Gowanus Bay, Brooklyn, N. Y. to Pittston Stevedoring Corp., for the purpose of making available at the terminal a public open-storage area for the storage, handling and ancillary services in connection with lumber and general cargo transported by water, including New York State Barge Canal. The lessee agrees to observe the present and future rates and charges of the lessor which may be amended without the consent of the lessee. The agreement does not prevent the lessor from licensing others to perform similar services at the grain terminal.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: August 25, 1952.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 52-9497; Filed, Aug. 28, 1952; 8:49 a. m.]

Federal Maritime Board and Maritime Administration

ORGANIZATION AND FUNCTIONS

ORGANIZATIONAL COMPONENTS; OFFICE OF SHIP REQUIREMENTS AND ALLOCATIONS

The material appearing at 16 F. R. 3667 is hereby amended by deleting paragraph 5 (b) (12) (i) and substituting therefor the following:

(i) The Office of Ship Requirements and Allocations, responsible for determining requirements for and allocation of available shipping; calculating freight rates; issuing and administering priorities for transportation of ship cargo; and administering freight forwarding and other traffic activities. The Office of Ship Requirements and Allocations has the following divisions: Division of Allocations and Requirements, Division of Traffic, and Division of Ship Warrants;

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9509; Filed, Aug. 28, 1952; 8:51 a. m.]

Office of the Secretary

ORGANIZATION AND FUNCTIONS

SUBSTITUTION OF TERM: GENERAL COUNSEL FOR SOLICITOR

1. Public Law 584, 82d Congress, designates the Solicitor of the Department as the General Counsel. Accordingly, the material appearing at 16 F. R. 8189 is amended by substituting "General Counsel" for "Solicitor" wherever that term appears. Moreover, any other departmental orders and other official internal documents and papers of the Department of Commerce relating or referring to the Solicitor of the Department of Commerce shall be deemed to relate or refer to the General Counsel of the Department of Commerce. This paragraph is effective July 17, 1952.

2. In accordance with the provisions of Public Law 553, 82d Congress, any departmental orders and other official documents and papers of the Department of Commerce relating or referring to the Chief Clerk or the Chief Clerk and Superintendent of the Department of Commerce shall be deemed to relate or refer to the Administrative Officer of the Department of Commerce. The Director of the Office of Administrative Services is hereby authorized, pursuant to the authority contained in Reorganization Plan No. 5 of 1950, to sign as Administrative Officer of the Department those official documents and papers heretofore signed by the Chief Clerk and Superintendent under the authority contained in the act of June 28, 1944 and listed below:

Certifications to the Public Printer of the necessity for illustrations.

Certifications that persons signing official documents were at such time employees of the Department of Commerce and that full faith and credit should be given their certificates as such.

Endorsements of checks received in payment of services and publications of the Department when drawn other than to the Treasurer of the United States.

Certifications as to the official nature of copies of correspondence and records from files, publications and other documents requiring affixation of the official seal of the Department.

This paragraph is effective July 16, 1952.

[SEAL] CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 52-9507; Filed, Aug. 28, 1952; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10206]

FORT MEADE TAXI SERVICE

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of revocation of license of Taxicab, Radio Station KGA-444; W. W. Robinson, d/b as Fort Meade Taxi Service, Fort Meade, Maryland; Docket No. 10206.

1. The Commission has had under consideration a letter from W. W. Robinson, licensee of the above-designated station, requesting us to reconsider the revocation order which was issued in this proceeding on June 2, 1952, revoking the license of Station KGA-444. This order was adopted because of certain violations of the Commission's rules, including repeated failures to reply to official correspondence and a violation of the Communications Act which consisted in the operation of three (3) unlicensed mobile transmitters.

2. In his letter, Robinson attributes these violations and failures to respond to official correspondence to the fact that at the time they had taken place he was pre-occupied with business affairs which then demanded his full time and attention. He assures the Commission that the incidents which gave rise to the issuance of the revocation order would not recur in the future and states that he has discontinued the use of the three (3) unlicensed mobile transmitters and would not resume their operation until they are properly authorized. To this end, he filed an application (File No. 171-G4-P/ML-H) for modification of his license.

3. An investigation made subsequent to the receipt of the above-mentioned letter revealed that, in fact, the operation of the three (3) unlicensed transmitters has not been discontinued. These transmitters were observed to be in use in Cabs 2, 5 and 8 on July 22, 1952. Also, the Commission's inspector discovered that the dispatcher on duty at the base station did not have an operator license which would authorize him to operate the station, and that certain transmitters in cabs had no identification cards.

4. In the light of the foregoing, we are compelled to conclude that the licensee of Station KGA-444 appears to have deliberately chosen to disregard the law and to ignore his obligations as a licensee of a radio station and that, therefore, his request for reconsideration must be denied.

5. *Accordingly, it is ordered,* That the request of W. W. Robinson for consideration of the revocation order is denied; and

6. *It is further ordered,* That this matter is designated for hearing [1] to be held in Washington, D. C., at 10:00 a. m., on the 20th day of October, 1952, upon the following issues:

(a) To determine whether the licensee committed the violations of the Commission's rules and the Communications Act alleged in the Commission's order of revocation, dated June 2, 1952, as well as those set forth in paragraph 3 hereof; and

(b) If the licensee committed all or a portion of such violations, to determine whether on the basis of the facts or circumstances in connection therewith the Commission's order of revocation should be affirmed.

7. *It is further ordered,* That no action shall be taken on the application, which the licensee filed for modification of his license, File No. 171-G4-P/ML-H, pending the conclusion of the revocation proceeding; and

8. *It is further ordered,* That the licensee shall within fifteen (15) days from the date of his receipt of this opinion and order file written appearance indicating his intention to appear and participate in the hearing herein ordered,

Adopted: August 20, 1952.

Released: August 22, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9513; Filed, Aug. 28, 1952; 8:52 a. m.]

[1] For this purpose, we consider the licensee's letter to be a request for hearing as an alternative to the reconsideration request.

[Docket No. 10230]

ARCTIC TELEPHONE & TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of Arctic Telephone & Telegraph Company, application for modification of construction permit to change location of a fixed public point-to-point telephone station from Fourth of July Creek, Alaska, to Anchorage, Alaska, to add frequencies and to increase the maximum power; Docket No. 10230, File No. 11330-F4-MP-D.

It appearing, that the Commission's order of July 10, 1952, designating this matter for hearing set the time and place thereof as the 26th day of August 1952 in Washington, D. C.; and

It further appearing, that the Commission thereafter, by letter of July 23, 1952, afforded the applicant an extension of time within which to file an appearance herein and an opportunity to request a change of the place of hearing to Seattle, Washington or Portland, Oregon; and

It further appearing, that such appearance and request have not yet been filed and the time within which to make such filing may not expire prior to August 26;

It is ordered, This 19th day of August 1952, that the date of hearing is adjourned from August 26, 1952, to September 30, 1952, subject to such further order herein as may be appropriate if, and when, the applicant files the appearance and request referred to above.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-9512; Filed, Aug. 28, 1952; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1391]

NEW YORK STATE NATURAL GAS CORP., AND TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

AUGUST 19, 1952.

On June 20, New York State Natural Gas Corporation (New York State Natural), a New York corporation having its principal place of business at New York, New York, and Texas Eastern Transmission Corporation (Texas Eastern), a Delaware corporation having its principal place of business at Shreveport, Louisiana (hereinafter sometimes referred to as "Applicants", filed a joint application supplementing the original application herein and Petition for Modification of the Commission's order of October 31, 1950, issuing a certificate of pubic convenience and necessity to said Applicants. Applicant's request modification of the Commission's order to permit drilling, plugging, and reconditioning of gas wells, not heretofore authorized, in order to insure the safe and efficient operation of the Oakford Storage Pool in Westmoreland County, Pennsylvania, all as more fully described in said supplement and petition on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicants having requested that their joint supplement and petition be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the supplement and petition, including publication in the FEDERAL REGISTER on August 22, 1952 (17 F. R. 7708).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, a hearing be held on September 12, 1952, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such supplement and petition: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 25, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9495; Filed, Aug. 28, 1952; 8:48 a. m.]

[Docket No. G-2033]

CINCINNATI GAS & ELECTRIC CO.

ORDER SUSPENDING PROPOSED TARIFF SHEETS

AUGUST 21, 1952.

On July 28, 1952, Cincinnati Gas & Electric Company (Cincinnati), filed with the Commission Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1.

By the rate filing, Cincinnati proposes to increase the rates and charges to its only wholesale customer, the City of Hamilton, Ohio, by an amount of about $89,000 for the sales estimated for the year ending May 31, 1953. Cincinnati avers that the rate increase application is necessitated principally by the impact upon its purchased gas cost of increased rates filed by Cincinnati's suppliers, Ohio Fuel Gas Company and Central Kentucky Natural Gas Company. Such higher rates of Ohio Fuel Gas Company are, in part, not yet effective, having been suspended by the Commission and in part in effect under bond, subject to refund; and the rates of Central Kentucky Gas Company are presently in effect under bond, subject to refund.

The increased rates and charges provided in said sheets have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. The City of Hamilton has requested that the Commission determine the reasonableness of Cincinnati's rates.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Cincinnati's proposed Second Revised Sheet No.4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1, and that said sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in Cincinnati's Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Cincinnati's Second Revised Sheet No. 4, Original Sheet No. 4A, First Revised Sheet No. 10, Second Revised Sheets Nos. 11 and 12, and Original Sheet No. 12A to its FPC Gas Tariff, Original Volume No. 1 be and the same are hereby suspended and the use thereof deferred until January 27, 1953, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 25, 1952.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9494; Filed, Aug. 28, 1952; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 173]

PROPER USE OF WORD MAHOGANY IN DESIGNATIONS OF WOOD AND WOOD PRODUCTS

NOTICE OF FURTHER HEARING AND OF OPPORTUNITY FOR PRESENTATION OF ORAL AND WRITTEN VIEWS, DATA, AND SUGGESTIONS

Notice is hereby given and opportunity extended by the Federal Trade Commission to all persons, partnerships, corporations, associations, including consumers, manufacturers, distributors, importers, dealers, officials of State and Federal agencies, foresters, botanists, and all other persons and organizations in any way interested in the subject of the proper use of the word "mahogany," with or without qualifications, as descriptive of wood or wood products marketed in the United States, to appear and take part in further public hearing on this subject and to present orally or in writing such pertinent views, data, information and suggestions as they may desire. Such further hearing will be held on September 16, 1952, beginning at 10 a. m., d. s. t., in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C.

The written presentation of views, data, information and suggestions may be made by letter, memorandum or other written communication addressed to and filed with the Federal Trade Commission, Washington 25, D. C., on or before September 16, 1952.

Issued: August 26, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9524; Filed, Aug. 28, 1952; 8:54 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[RC 55]

HARTFORD, CONNECTICUT AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Hartford, Connecticut, area. (The area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut.)

This supersedes certification under Docket No. 205 dated October 19, 1951.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9547; Filed, Aug. 27, 1952; 2:43 p. m.]

[RC 57]

WAVERLY-CAMDEN, TENNESSEE, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Waverly-Camden, Tennessee, Area. (The area consists of Benton and Humphreys Counties, Tennessee.)

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F R. Doc. 52-9551; Filed, Aug. 27, 1952; 2:44 p. m.]

[RC 58]

BARSTOW, CALIFORNIA, AREA

DETERMINATION AND CERTIFICATION OF CRITICAL DEFENSE HOUSING AREA

AUGUST 27, 1952.

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947, as amended, exist in the area designated as

Barstow, California, Area. (The area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California.)

This supersedes certification under Docket No. 94 dated March 4, 1952.

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

ROBERT A. LOVETT, *Secretary of Defense.*
JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9549; Filed, Aug. 27, 1952; 2:43 p. m.]

[CDHA 70]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 27, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Barstow, California, Area. (The area consists of Barstow and Yermo Townships, and that part of Belleville Township bounded on the east by the eastern limit of Range 5 East; on the south by the southern limit of Township 8 North; and on the west and north by the Belleville Township line; all in California.)

This supersedes certification under Docket No. 94 dated March 4, 1952.

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F. R. Doc. 52-9550; Filed, Aug. 27, 1952; 2:44 p. m.]

[CDHA 73]

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

AUGUST 27, 1952.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of existing defense plants and installations and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st Sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Hartford, Connecticut, Area. (The area consists of the towns of Avon, Bloomfield, Canton, East Granby, East Hartford, Farmington, Glastonbury, Granby, Hartford, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, West Hartford, Wethersfield, Windsor and Windsor Locks in Hartford County; and the town of Bolton in Tolland County; all in Connecticut.)

This supersedes certification under Docket No. 205 dated October 8, 1951.

JOHN R. STEELMAN, *Acting Director of Defense Mobilization.*

[F R. Doc. 52-9453; Filed, Aug. 27, 1952; 2:43 p. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27344]

GROUND PHOSPHATE ROCK FROM NEW ORLEANS, LA., TO CHARLOTTE, N. C.

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167.

Commodities involved: Phosphate rock, ground, slush and floats, and soft phosphate, not acidulated nor ammoniated, carloads.

From: New Orleans, La.

To: Charlotte, N. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1167, Supp. 65.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9486; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27345]

CLASS AND COMMODITY RATES BETWEEN AUGUSTA, GA., AND THE PACIFIC COAST

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Southern Railway Company, the Georgia & Florida Railroad, and other carriers.

Commodities involved: Class and commodity rates.

Between: Augusta, Ga., on the one hand, and Pacific Coast territory, on the other.

Grounds for relief: Rail competition, circuity, and grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9487; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27346]

RUBBER TIRES AND PARTS FROM MEMPHIS, TENN., TO FAIR LAWN, N. J.

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1193, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber tires and parts, carloads.

From: Memphis, Tenn.

To: Fair Lawn, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9488; Filed, Aug. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27347]

LIMESTONE FROM PEMBROKE, VA., TO POINTS IN CENTRAL AND TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to Agent R. B. Le Grande's tariff I. C. C. No. 241.

Commodities involved: Limestone, ground or pulverized, and stone dust, carloads.

From: Pembroke, Va.

To: Points in trunk-line and central territories.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. B. Le Grande, Agent, I. C. C. No. 241, Supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the

matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9489; Filed, Aug. 28, 1952; 8:47 a. m.]

[4th Sec. Application 27348]

CLASS RATES IN MISSOURI

APPLICATION FOR RELIEF

AUGUST 26, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Involving: Class rates governed by exceptions to the classification.

Between: St. Louis, Mo., on the one hand, and Kansas City, Mo., and other points in Missouri, on the other.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3698, Supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9490; Filed, Aug. 28, 1952; 8:47 a. m.]

ce Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 17 NUMBER 171

Washington, Saturday, August 30, 1952

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Warehouse Regulations

PART 101—COTTON WAREHOUSES

MISCELLANEOUS AMENDMENTS

On August 8, 1952, there was published in the FEDERAL REGISTER a notice of proposed amendments of the cotton warehouse regulations (7 CFR Part 101) under the United States Warehouse Act, as amended (7 U. S. C. 241-273). No objection, data, views, or arguments having been filed pursuant to the notice, under the authority of section 28 of the act, said regulations are hereby amended as follows:

1. A new section 101.3a is added to read:

§ 101.3a *All facilities to be licensed or exempted.* All facilities within the same city or town used for the storage of cotton by an applicant for a warehouse license must qualify for a license and be licensed under the act if the applicant is to be licensed to operate as a cotton warehouseman in such city or town, unless the facilities which are not to be covered by a license are exempted by the Secretary or his designated representative upon a finding that, due to the exercise of adequate controls by some independent agency over the operation of nonfederally licensed facilities, there would be no likelihood of interchange or substitution of cotton stored in such facilities with cotton stored in the federally licensed facilities. If all such facilities do not qualify for a license or for an exemption under this paragraph, the applicant shall not be licensed under the act as a cotton warehouseman in the city or town in which the facilities in question are located. Each applicant for a warehouse license must apply for a license covering all facilities operated by him for the storage of cotton within the same city or town or for exemption as provided in this paragraph. If a licensed cotton warehouseman acquires any additional cotton storage facilities within the same city or town in which his licensed warehouse is located, he shall file promptly an application for a license or an exemption of the additional facilities. No cotton storage facility acquired by a licensed cotton warehouseman, subsequent to the issuance of his license, in the same city or town as his licensed facilities, shall be used for the storage of cotton until it qualifies for license and is licensed or is exempted as provided in this paragraph. If any one of the licensed cotton storage facilities operated by a warehouseman in the same city or town becomes ineligible for a license at any time for any reason, it shall not thereafter be used for the storage of cotton until the condition making it ineligible is removed or an exemption is granted as provided in this section. The use for the storage of cotton by a licensed warehouseman of a facility which is in the same city or town as his licensed facilities and is neither licensed nor exempted, or other violation of the provisions of this section, shall be cause for suspension or revocation of any license issued to the warehouseman for the storage of cotton.

2. Section 101.4 is amended to read:

§ 101.4 *Grounds for not issuing a license.* A license for the conduct of a warehouse, or any amendment to a license, shall not be issued if it be found by the Secretary, or his designated representative, that the warehouse is not suitable for the storage of cotton, that the warehouseman does not possess a good reputation or is insolvent or incompetent to conduct such warehouse in accordance with the act and the regulations in this part, or that there is any other sufficient reason within the intent of the act for not issuing such license. If all the facilities operated for the storage of cotton by the applicant within the same city or town are not to be licensed under the act, the applicant shall not be licensed as a cotton warehouseman with respect to any of such facilities, unless an exemption of the facilities which are not to be licensed is granted as provided in § 101.3a.

(Continued on p. 7917)

CONTENTS

	Page
Agriculture Department	
See Animal Industry Bureau; Production and Marketing Administration.	
Alien Property, Office of	
Notices:	
Vesting orders, etc.:	
Huber, Gerda	7956
Nicklas, Elisabeth	7956
Pernerstorfer, Marie, and Leopold Pernerstorfer, Jr.	7957
Societe d'Exploitation des Procedes Dabeg	7956
Animal Industry Bureau	
Rules and regulations:	
Interstate transportation of animals and poultry; hog cholera, swine plague, and other communicable swine diseases; notice of quarantine	7927
Canal Zone	
Rules and regulations:	
Fort Kobbe Army Reservation, and Howard Air Force Base:	
Public lands; military and naval reservations	7942
Setting apart of reservations; boundaries; conditions and limitations	7942
Civil Aeronautics Board	
Proposed rule making:	
Flight time limitations for long-distance scheduled interstate operations	7949
Commerce Department	
See International Trade, Office of; National Production Authority.	
Defense Department	
Placement of procurement in Portsmouth, Ohio, area; notification of revocation to Department and General Services Administration (*see* Defense Mobilization, Office of).	
Defense Mobilization, Office of	
Notices:	
Placement of procurement in Portsmouth, Ohio, area; notification of revocation to Department of Defense and General Services Administration	7952

FEDERAL REGISTER

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Code of Federal Regulations

REVISED BOOKS

Title 32, containing the regulations of the Department of Defense and other related agencies has been completely revised and reissued as two books as follows:

Parts 1–699 ($5.00)

Part 700 to end ($5.25)

Title 32A, containing NPA, OPS, and other regulations under the Defense Production Act together with the amended text of the act and related Executive orders:

Chapter I to end ($6.50)

These books contain the full text of regulations in effect on December 31, 1951

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

CONTENTS—Continued

Economic Stabilization Agency Page
See Price Stabilization, Office of.

Federal Power Commission
Notices:
Manufacturers Light and Heat Co. and Cumberland and Allegheny Gas Co.; notice of application 7952

Federal Trade Commission
Rules and regulations:
Cease and desist orders:
Philip Kremer et al 7928
United States Navy Weekly, Inc., et al 7928

General Services Administration Page
Placement of procurement in Portsmouth, Ohio, area; notification of revocation to Department of Defense and Administration (see Defense Mobilization, Office of).

International Trade, Office of
Rules and regulations:
Positive list of commodities and related matters; removal of controlled materials designation from certain comodities 7927

Interstate Commerce Commission
Notices:
Ann Arbor Railroad Co. et al; rerouting or diversion of traffic 7955
Applications for relief:
Cement from points in Kansas and Dewey, Okla., to Port Orange, Fla 7956
Crude petroleum from New Orleans, La., group to points in New York, Ohio, Pennsylvania, and West Virginia 7955
Foreign woods from Hallsboro, N. C., to points in southern territory 7955
Grain from certain Midwestern points to Cairo and East St. Louis, Ill 7956
Rules and regulations:
Car service:
Free time on:
Freight cars loaded at ports 7945
Unloading box cars at ports 7946
Restrictions on trap and ferry cars 7945
Routing of traffic; rerouting of traffic 7946

Justice Department
See Alien Property, Office of.

Labor Department
See Public Contracts Division; Wage and Hour Division.

National Production Authority
Rules and regulations:
Artificial graphite and carbon electrodes; allocation authorizations of artificial graphite and carbon electrodes for the fourth quarter 1952 (M–66, Dir. 1) 7942
Basic rules of the Controlled Materials Plan (CMP Reg. 1):
Automatic allotment procedure for producers of Class B products (Dir. 18) 7937
Ex-allotment acquisition and use of carbon conversion steel (Dir. 19) 7933
Third and fourth quarter authorized controlled material orders (Dir. 16) 7936
Construction; ex-allotment acquisition and use of carbon conversion steel (CMP Reg. 6, Dir. 7) 7935

National Production Authority—Continued Page
Rules and regulations—Con.
Electric utilities; temporary suspension of inventory limitations on copper and aluminum (M–50, Dir. 1) 7941
Inventories of controlled materials (CMP Reg. 2) 7938
Temporary suspension of inventory limitations on copper and aluminum (Dir. 1) 7940
Rubber (M–2) 7940

Price Stabilization, Office of
Notices:
Directors of District Offices; redelegations of authority to act:
Region I, Boston, Mass.; under GOR 24 7949
Region III, Philadelphia, Pa., under:
CPR 31 7950
CPR 117 7950
GCPR, SR 39 7950
GCPR, SR 65 7950
GOR 24 7950
Region VI, Cleveland, Ohio, under:
CPR 17 7951
CPR 134 7951
DR 1, Rev. 1 7951
GCPR, SR 39 7950
GCPR, SR 65 7951
GOR 24 7951
Region X, Dallas, Tex., under:
CPR 17 7952
GOR 24 7951
Kaiser-Frazer Corp.; basic prices and charges for new passenger automobiles 7952
Rules and regulations:
Beef sold at wholesale, ceiling prices for; beef cuts not prepared in accordance with definitions of CPR 24 (CPR 24, Int. 2) 7931
Branded articles, uniform ceiling prices for; exception for expiration of order dates (CPR 7, SR 4) 7930
Territorial exemptions; suspension of price controls in Guam (GOR 23) 7933
Waukegan milk marketing area, Ill.; area milk price adjustments (GCPR, SR 63) 7931

Production and Marketing Administration
Rules and regulations:
Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau pears grown in Oregon, Washington, and California; regulation by grades and sizes 7919
Lemons grown in California and Arizona; limitation of shipments 7920
Milk handling in marketing areas:
Rockford-Freeport, Ill 7920
Springfield, Mo 7919
Tulsa, Okla 7918

CONTENTS—Continued

Production and Marketing Administration—Continued Page
Rules and regulations—Con.
Potatoes, Irish, grown in certain designated counties in Idaho and Malheur County, Oregon; approval of budget of expenses and fixing rate of assessment 7920
Warehouse regulations; cotton warehouses; miscellaneous amendments 7915

Public Contracts Division
Rules and regulations:
Rules of practice 7944

Securities and Exchange Commission
Notices:
Hearings, etc.:
Arkansas Power & Light Co. 7955
Investment Bond and Share Corp. et al 7954
Normandie Gold Consolidated, Inc 7953
Philadelphia Co. and Standard Gas and Electric Co. 7953

Wage and Hour Division
Proposed rule making:
Puerto Rico; Special Industry Committee No. 12; notice of hearing on minimum wage recommendations for certain industries 7946
Rules and regulations:
Statements of general policy or interpretations not directly related to regulations; general and processing agricultural commodities 7929

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 3 Page
Chapter II (Executive orders):
8354 (superseded by CZO 28) 7942

Title 7
Chapter I:
Part 101 7915
Chapter IX:
Part 906 7918
Part 921 7919
Part 939 7919
Part 953 7920
Part 957 7920
Part 991 7920

Title 9
Chapter I:
Part 76 7927

Title 14
Chapter I:
Part 40 (proposed) 7949
Part 61 (proposed) 7949

Title 15
Chapter III:
Part 399 7927

Title 16
Chapter I:
Part 3 (2 documents) 7928

CODIFICATION GUIDE—Con.

Title 29 Page
Chapter V:
Part 678 (proposed) 7946
Part 689 (proposed) 7946
Part 692 (proposed) 7946
Part 697 (proposed) 7946
Part 706 (proposed) 7946
Part 780 7929

Title 32A
Chapter III (OPS):
CPR 7, SR 4 7930
CPR 24, Int. 2 7931
GCPR, SR 63, AMPR 32 7931
GOR 23 7933
Chapter VI (NPA):
CMP Reg. 1, Dir. 16 7936
CMP Reg. 1, Dir. 18 7937
CMP Reg. 1, Dir. 19 7933
CMP Reg. 2 7938
CMP Reg. 2, Dir. 1 7940
CMP Reg. 6, Dir. 7 7935
M–2 7940
M–50, Dir. 1 7941
M–66, Dir. 1 7942

Title 35
Chapter I:
Part 21 7942
Appendix (Canal Zone Orders):
28 7942

Title 41
Chapter II:
Part 203 7944

Title 49
Chapter I:
Part 95 (3 documents) 7945, 7946
Part 97 7946

3. Section 101.5 is amended to read:

§ 101.5 *Net assets.* (a) The warehouseman operating a warehouse for which application for license has been made, shall have and maintain, above all exemptions and liabilities, total net assets liable for the payment of any indebtedness arising from the operation of the warehouse equal to at least 4 percent of the total value of the maximum number of bales of cotton that the warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided*, That a warehouseman who does not meet the net assets requirement specified in this paragraph may be licensed under the act and the regulations in this part if he furnishes the bond required under § 101.12 for such warehouseman. In determining total net assets, credit may be given for insurable property such as buildings, machinery, equipment, and merchandise inventory, only to the extent that such property is protected by insurance against loss or damage by fire. Such insurance shall be in the form of lawful policies issued by one or more insurance companies authorized to do such business and subject to service of process in suits brought in the State in which the warehouse is located.

(b) In case a warehouseman has applied for a license to operate two or more warehouses in the same state, the maximum number of bales which all the warehouses to be licensed will accommodate when stored in the manner customary to the warehouses, shall be considered in determining whether the warehouseman meets the net worth requirements specified in paragraph (a) of this section.

(c) For the purposes of paragraphs (a) and (b) of this section only, capital stock as such shall not be considered a liability.

(d) In case a state agency licensed or applying for a license as provided in section 9 of the act has funds of not less than $500,000 guaranteeing the performance of obligations of the agency as a warehouseman, such funds shall be considered sufficient to meet the maximum net asset requirements of this section.

4. The third and fourth sentences in § 101.7 are amended to read: "The Secretary, or his designated representative, may, after opportunity for hearing has been afforded in the manner prescribed in this section, suspend or revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has ceased to conduct such licensed warehouse; (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse; (f) has made unreasonable or exorbitant charges for services rendered; (g) is operating in the same city or town in which his licensed warehouse facilities are located, any facility for storage of cotton which is not covered by a license or an exemption as provided in § 101.3a; or (h) has in any other manner violated or failed to comply with any provision of the act or the regulations in this part. Whenever any of the conditions mentioned in paragraphs (a) to (h) of this section shall come into existence, it shall be the duty of the warehouseman to notify immediately the Administrator of the existing condition."

5. Section 101.12 is amended to read:

§ 101.12 *Amount of bond; additional amounts.* (a) Exclusive of any amount which may be added in accordance with paragraph (c) of this section, the amount of bond to be furnished by a warehouseman who has met the net assets requirement of § 101.5 (a) shall be at least 6 percent of the total value of the maximum number of bales of cotton that his warehouse could accommodate when stored in the manner customary to the warehouse, calculated upon the basis of the unit price for cotton announced annually by the Administrator: *Provided*, That in any case the amount of bond shall not be less than $5,000 nor more than $200,000. The amount of bond, exclusive of any amount which may be added in accordance with paragraph (c) of this section, to be furnished by a warehouseman who has not met the net assets requirement of § 101.5 (a) shall be calculated in the manner prescribed above in this section except that it shall be at least 12 percent of the

total value above specified and in any case shall not be less than $10,000 nor more than $400,000.

(b) In case a warehouseman has applied for licenses to operate two or more warehouses in the same State and his total assets are subject to the liabilities of each warehouse, he may if he desires give a single bond meeting the requirements of the act and the regulations in this part to cover all his warehouses within the State. In such case all of his warehouses in the State shall be deemed to be one warehouse and the maximum number of bales that all of said warehouses will accommodate when stored in the manner customary to each of such warehouses shall be considered for the purpose of determining the amount of bond required under §§ 101.12 through 101.15.

(c) In case the Secretary, or his designated representative, finds that conditions exist which warrant requiring additional bond, there shall be added to the amount fixed in accordance with paragraph (a) of this section a further amount to meet such conditions.

6. Section 101.16 (f) is amended to read:

§ 101.16 *Forms.* • • •

(f) Licensed receipts issued to cover linters shall be clearly and conspicuously marked "Linters".

7. Section 101.50 is amended to read:

§ 101.50 *License fees.* There shall be charged and collected a fee of $20 for each original warehouseman's license, and a fee of $10 for each amended or reinstated warehouseman's license applied for by a warehouseman, and a fee of $6 for each license, or amendment thereto, issued to a sampler, classifier, and/or weigher.

8. Section 101.51 is amended to read:

§ 101.51 *Warehouse inspection fee.* There shall be charged and collected for each original inspection of a warehouse under the act, when such inspection is made upon application of a warehouseman, a fee at the rate of $20 for each 1,000 bales of the cotton storage capacity of the warehouse, or fraction thereof, determined in accordance with § 101.5 but in no case less than $20 nor more than $500, and for each reinspection, applied for by the warehouseman, a fee based on the extent of the reinspection, proportioned to, but not greater than, that prescribed for the original inspection.

9. The first sentence in § 101.86 is amended to read:

§ 101.86 *Bonds required.* Every person applying for a license, or licensed, under section 9 of the act, shall, as such, be subject to all portions of these regulations so far as they may relate to warehousemen. • • •

The amendments require all cotton warehouse facilities in the same city or town operated by a warehouseman holding a cotton warehouse license under the United States Warehouse Act, to be covered by such license, except under specified conditions. The amendments increase the amount of net assets and bond required of licensed warehousemen and the fees for inspection of warehouses, and for licenses of warehousemen, samplers, classifiers and weighers. The amendments also modify the provisions of the regulations relating to suspension and revocation of warehouse licenses.

The changes made in the present regulations by the amendments are deemed necessary for the better protection of depositors and other persons interested in cotton stored in warehouses licensed under the act. Since the cotton storage season has commenced in some areas and is about to commence in the balance of the cotton-producing area, in order to be of most benefit to such persons the amendments should be made effective as soon as possible. Accordingly under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall be effective September 5, 1952.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 263)

Done at Washington, D. C., this 27th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9544; Filed, Aug. 29, 1952; 8:49 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 906—MILK IN TULSA, OKLAHOMA, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 906.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tulsa, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than September 1, 1952. Any delay beyond September 1, 1952, in the effective date of this order amending the order, as amended, will seriously disrupt the orderly marketing of milk for the Tulsa, Oklahoma, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing it is hereby found that good cause exists for making this order effective September 1, 1952 (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Tulsa, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Tulsa, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 906.51 (a) change the period at the end of the sentence to a colon and add the following proviso: *"And provided further,* That for the months of September through December, 1952, the amount to be added to the basic formula price shall be $2.25 in lieu of $1.85."

2. Delete § 906.65 (a) and substitute therefor the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through January immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9574; Filed, Aug. 29, 1952; 8:52 a. m.]

PART 921—MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 921.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than September 1, 1952. Any delay beyond that date in the effective date of this order would result in hardship to producers whose pastures and fields have been seriously affected by drought and extreme heat. Rates of milk production might suffer serious damage which could not be fully overcome before next spring.

The provisions of the said order are known to handlers, having been published in a decision which appeared in the FEDERAL REGISTER August 23, 1952 (17 F. R. 7743). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found therefore that good cause exists for making this order effective September 1, 1952. (Sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Springfield, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Springfield, Missouri, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Change the period at the end of § 921.51 (a) to a colon and add the following proviso: *"Provided further,* That the Class I price shall be the basic formula price for the preceding delivery period plus $2.00 in the months of September 1952 through November 1952 and not less than the basic formula price for the preceding delivery period plus $1.58 in the months of December 1952 through February 1953."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of August 1952, to be effective on and after September 1, 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9573; Filed, Aug. 29, 1952; 8:52 a. m.]

[Pear Order 5, Amdt. 1]

PART 939—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

REGULATION BY GRADES AND SIZES

a. *Findings.* 1. Pursuant to the amended marketing agreement and order No. 39, as amended (7 CFR Part 939), regulating the handling of Beurre d'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Control Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of such pears grown in Oregon, Washington, and California.

b. It is therefore ordered as follows: The provisions of paragraph (b) (2) and (3) of § 939.305 (Pear Order 5; 17 F. R. 7274) are hereby amended to read as follows:

(2) Pears grown in the Hood River-White Salmon-Underwood District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury may be shipped to destinations other than export markets: *Provided*, That such pears are not very seriously misshapen.

(3) Pears grown in the Wenatchee District, in the Yakima District, or in the Medford District which fail to meet the requirements with respect to shape specified in the U. S. No. 2 grade only because of frost injury or healed hail marks may be shipped to destinations other than export markets: *Provided*, That such pears are not very seriously misshapen.

c. Nothing contained herein shall be construed (1) as affecting or waiving any right or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Pear Order 5, or (2) as releasing or extinguishing any violation of said Pear Order 5, which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of August 1952, to become effective at 12:01 a. m., P. s. t., August 27, 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9542; Filed, Aug. 29, 1952; 8:49 a. m.]

[Lemon Reg. 450]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.557 *Lemon Regulation 450*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 28, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period specified in paragraph (b) of this section; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 31, 1952, and ending at 12:01 a. m., P. s. t., September 7, 1952, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 300 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 449 (17 F. R. 7717) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 28th day of August 1952.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-9611; Filed, Aug. 29, 1952; 9:05 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget of expenses and rate of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER (17 F. R. 7019). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 957.205 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1953, will amount to $22,500.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload, or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of August 1952, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9543; Filed, Aug. 29, 1952; 8:49 a. m.]

PART 991—MILK IN THE ROCKFORD-FREEPORT, ILLINOIS, MARKETING AREA

ORDER, AS AMENDED, REGULATING HANDLING

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary that the amendments hereinafter set forth be made effective not later than September 1, 1952, so as to reflect current marketing conditions. Any delay beyond September 1, 1952, in the effective date of this order, as amended, will seriously threaten the orderly marketing of milk in the Rockford-Freeport, Illinois, marketing area. The provisions of the said order are well known to handlers, the public hearing having been held on December 4, 5, and 6, 1951, and reopened on March 17 and 18, 1952, the recommended decision having been published in the FEDERAL REGISTER on June 18, 1952, (17 F. R. 5471; 5831), and the final decision having been executed by the Secretary o nAugust 19, 1952 (17 F. R. 7748) and corrected on August 26, 1952. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date, and it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended) of more than 50 percent of the volume of the milk covered by this order, as amended, which is marketed within the said marketing area, refused or failed to sign the tentative marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handler to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (February 1952), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

Sec.
991.0 Findings and determinations.

DEFINITIONS

991.1 Act.
991.2 Secretary.
991.3 Department.
991.4 Person.
991.5 Cooperative Association.
991.6 Rockford-Freeport marketing area.
991.7 Route.
991.8 Approved plant.
991.9 Rockford plant.
991.10 Freeport plant.
991.11 Unapproved plant.
991.12 Handler.
991.13 Producer.
991.14 Producer milk.
991.15 Other source milk.
991.16 Producer-handler.

MARKET ADMINISTRATOR

991.20 Designation.
991.21 Powers.
991.22 Duties.

REPORTS, RECORDS AND FACILITIES

991.30 Monthly reports of receipts and utilization.
991.31 Producer payroll reports.
991.32 Reports by producer-handlers.
991.33 Records and facilities.
991.34 Retention of records.

CLASSIFICATION

991.40 Skim milk and butterfat to be classified.
991.41 Classes of utilization.
991.42 Shrinkage.
991.43 Responsibility of handlers and reclassification of milk.
991.44 Transfers.
991.45 Computation of skim milk and butterfat in each class.
991.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

991.50 Class I milk prices.
991.51 Class II milk prices.
991.52 Class butterfat differentials.
991.53 Computation of prices of skim milk and butterfat.

APPLICATION OF PROVISIONS

991.60 Producer handlers.
991.61 Milk subject to pricing under other Federal orders.
991.62 Uniform price and payments for non-Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

991.70 Computation of value of producer milk.
991.71 Computation of uniform price.
991.72 Notification to handlers.

PAYMENTS

991.80 Time and method of payment.
991.81 Producer butterfat differential.
991.82 Producer settlement fund.
991.83 Payments to the producer-settlement fund.
991.84 Payments out of the producer-settlement fund.
991.85 Expense of administration.
991.86 Marketing services.
991.87 Adjustment of accounts.
991.88 Termination of obligations.

MISCELLANEOUS PROVISIONS

991.90 Effective time.
991.91 Suspension or termination.
991.92 Continuing obligations.
991.93 Liquidation.
991.94 Agents.
991.95 Separability of provisions.

AUTHORITY: §§ 991.1 to 991.95 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

DEFINITIONS

§ 991.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 991.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 991.3. *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 991.50, 991.54 and 991.81.

§ 991.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 991.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determined after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 991.6 *Rockford-Freeport marketing area.* "Rockford-Freeport marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Rockford, Loves Park and Freeport, together with the territory lying within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, and Florence, Harlem, Lancaster and Silver Creek, in Stephenson County, all in the State of Illinois. "Rockford district" of the marketing area shall include the territory lying within the corporate limits of the cities of Rockford and Loves Park, and within the townships of Burritt, Cherry Valley, Harlem, Owen, Rockford and Winnebago, in Winnebago County, Illinois. "Freeport district" of the marketing area shall include that portion of the marketing area not included in the Rockford district.

§ 991.7 *Route.* "Route" means a delivery (including at a plant store) of milk, skim milk, buttermilk, flavored milk, or flavored milk drink in fluid form to a wholesale or retail stop(s) other than to a milk processing or distributing plant(s).

§ 991.8 *Approved plant.* "Approved plant" means a milk processing or distributing plant approved by the appropriate authorities for the distribution of Grade "A" milk under the milk ordinance of any municipality in the marketing area or under the Grade "A" milk and Grade "A" milk products law of the State of Illinois, and from which a route is operated wholly or partially within the marketing area. The term "approved plant" does not include any portions of the plant or facilities used for processing milk or any milk product required by the appropriate health authorities to be kept physically separate from that portion of the plant facilities used for receiving, processing, or packaging milk or milk products to be labeled Grade "A".

§ 991.9 *Rockford plant.* "Rockford plant" means a plant (a) located within the Rockford district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Rockford district.

§ 991.10 *Freeport plant.* "Freeport plant" means a plant (a) located within the Freeport district, or (b) located outside the marketing area from which more than 50 percent of the Class I milk disposed of from such plant within the marketing area during the month is disposed of within the Freeport district.

§ 991.11 *Unapproved plant.* "Unapproved plant" means any milk processing or distributing plant which is not an approved plant.

§ 991.12 *Handler.* "Handler" means any of the following:

(a) The operator of an approved plant in his capacity as such;

(b) The operator of an unapproved plant from which a route is operated wholly or partially within the marketing area; or

(c) Any cooperative association with respect to milk of producers caused to be diverted for its account from an approved plant to an unapproved plant from which no route is operated wholly or partially within the marketing area, which milk of producers shall be deemed as having been received by such cooperative association at the location of the plant from which the diversion was made.

§ 991.13 *Producer.* "Producer" means either of the following:

(a) "Grade A producer" means any person, except a producer-handler, who under inspection of the appropriate health authorities of any of the municipalities of the marketing area, or of the State of Illinois, produces milk approved by such authority for distribution as Grade "A" milk within the marketing area, which milk is received at an approved plant, or is diverted by a cooperative association for its account from an approved plant to an unapproved plant; or

(b) "Non-Grade A producer" means any person, except a producer-handler, who produces milk which is received at an unapproved plant from which a route is operated wholly or partially within the marketing area.

§ 991.14 *Producer milk.* "Producer milk" means either of the following:

(a) "Grade A producer milk" means milk of one or more producers produced and received or diverted under the conditions set forth in § 991.13 (a); or

(b) "Non-Grade A producer milk" means milk of one or more producers produced and received under the conditions set forth in § 991.13 (b).

§ 991.15 *Other source milk.* "Other source milk" means skim milk or butterfat received at an approved plant, or at an unapproved plant from which a route is operated wholly or partially within the marketing area, except that contained in (a) producer milk, (b) receipts from other handlers, (c) receipts from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area of items listed herein as Class I milk in packaged or bottled form ready for delivery to consumers, which are disposed of in the original package in which received, and (d) any non-fluid milk product received from a non-handler and disposed of in the form in which received.

§ 991.16 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a route wholly or partially within the marketing area, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 991.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

§ 991.21 *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 991.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 991.85:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 991.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such act, has not (1) made reports pursuant to §§ 991.30, 991.31 or 991.32, (2) maintained adequate records and facilities pursuant to § 991.33, or (3) made the payments required under §§ 991.80, 991.81, 991.83, 991.85, or 991.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 10th day after the end of each month report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association, either directly or from producers who have authorized such cooperative association to receive payments for them, to each handler to whom the cooperative association sells milk. For the purpose of this report the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of milk received from producers by such handler were used in such class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices pursuant to §§ 991.50, 991.51 and 991.53 and the butterfat differentials for each class pursuant to § 991.52, and

(2) On or before the 11th day after the end of such month, the uniform prices computed pursuant to § 991.71 and the butterfat differential computed pursuant to § 991.81 and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 991.30 *Monthly reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) all receipts within such month of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, and (3) other source milk, and the sources thereof;

(b) The product pounds of Class I and Class II milk received in packaged or bottled form ready for delivery to consumers from handlers under any marketing agreement or order issued pursuant to the act for any other fluid milk marketing area, and disposed of in the form in which received;

(c) The product pounds of non-fluid milk products received from any nonhandler and disposed of in the same form;

(d) The utilization of all receipts required to be reported under paragraphs (a) and (b) and (c) of this section; and

(e) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

§ 991.31 *Producer payroll reports.* On or before the 25th day after the end of each month each handler shall submit to the market administrator such handler's producer payroll for the preceding month which shall show (a) the total pounds of milk received from each producer and cooperative association and the total pounds of butterfat contained in such milk, (b) the amount of payment to each producer and cooperative association and (c) the nature and amount of all deductions and charges involved in the payments referred to in paragraph (b) of this section.

§ 991.32 *Reports by producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 991.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received, including milk products received and disposed of in the same form;

(b) The weights, samples and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each month.

§ 991.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 991.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the month by a handler, in producer milk, in other source milk, or from another handler shall be classified by the market administrator pursuant to the provisions of §§ 991.41 through 991.46.

§ 991.41 *Classes of utilization.* Subject to the conditions set forth in §§ 991.43 and 991.44 the skim milk and butterfat described in § 991.40 shall be classified separately by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat;

(1) Disposed of (except as provided in paragraph (b) (4) of this section) (i) in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture which contains cream and milk or skim milk (not including ice cream mix) and not less than 6 percent butterfat, and eggnog, and (ii) in fluid or frozen form as concentrated milk, flavored milk, and flavored milk drink not sterilized; and

(2) Not specifically accounted for as any item included under subparagraph (1) of this paragraph or as Class II milk.

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraph (a) (1) of this section;

(2) In actual plant shrinkage of producer milk computed pursuant to § 991.42, but not in excess of 2 percent thereof;

(3) In inventory variation of milk, skim milk, cream or of any Class I milk product;

(4) In skim milk, flavored milk, flavored milk drink or buttermilk dumped or disposed of for livestock feed; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 991.42.

§ 991.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, between producer milk and other source milk after deducting receipts from other handlers.

§ 991.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat (except that transferred to a producer-handler) classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 991.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to an approved plant or to an unapproved plant from which a route is operated wholly or partially within the marketing area (except the plant of a producer-handler) unless utilization as Class II milk is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the month within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 991.46 (a) (2), and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk: *And provided further*, That in no event shall skim milk or butterfat so transferred or diverted be so classified that other source milk is assigned to any

higher class in the plant of the transferring handler than the lowest class to which producer milk (other than allowable shrinkage) is assigned in the plant of the transferee-handler, after application of the allocation provisions of § 991.46.

(b) As Class I milk if moved in the form of milk, skim milk, or cream to (1) a producer-handler, or (2) any unapproved plant located 100 miles or more from the marketing area, by shortest highway distance as determined by the market administrator.

(c) According to his reported utilization, if moved in the form of milk, skim milk or cream to any unapproved plant from which no route is operated wholly or partially within the marketing area and which is not a plant covered by paragraph (b) of this section: *Provided*, That (1) the receiver (operator of the unapproved plant) maintains books and records showing the utilization of all skim milk and butterfat received at such plant from all sources, (2) if the reported utilization is Class II milk, the quantity of skim milk or butterfat transferred or diverted which may be allowed in such class shall not exceed the total amount of skim milk or butterfat, respectively, which the market administrator can establish definitely on the basis of such books and records as having been used by the receiver in Class II milk (as defined in § 991.41) in the month in which the milk, skim milk or cream so moved was received in the unapproved plant, and (3) any quantity in excess of such established Class II use shall be Class I milk: *And provided further*, That if such books and records are not made available to the market administrator at his request, the total quantity of skim milk and butterfat contained in the milk, skim milk or cream transferred or diverted by the handler shall be Class I milk.

§ 991.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 991.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk;

(1) Subtract plant shrinkage of skim milk in producer milk pursuant to § 991.41 (b) (2) from the total pounds of skim milk in Class II milk;

(2) Subtract from the pounds of skim milk in Class I milk (to the extent available), the pounds of skim milk in other source milk received during September through December, inclusive, in bulk as milk, skim milk or cream, in fluid form from a plant where milk is priced under the class price provisions of a marketing agreement or order issued pursuant to the act for another fluid milk marketing area;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with available Class II milk, the pounds of skim milk in other source milk not otherwise subtracted pursuant to subparagrah (2) of this paragraph;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers and assigned pursuant to § 991.44; and

(5) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

MINIMUM PRICES

§ 991.50 *Class I milk prices.* (a) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk, shall be the price as determined for the month for the 70–85 mile zone pursuant to § 941.52 (a) (1) of this chapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(b) The minimum price per hundredweight, on a 3.5 percent butterfat content basis, for Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the price determined for the month for the 100–115 mile zone pursuant to § 941.52 (a) (1) of this subchapter, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area issued pursuant to the act, plus 4 cents.

(c) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Rockford plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (a) of this section, less 10 cents.

(d) The minimum price per hundredweight for non-Grade A producer milk received at, or diverted by a cooperative association from, Freeport plants and classified as Class I milk shall be the Class I price computed pursuant to paragraph (b) of this section, less 10 cents.

§ 991.51 *Class II milk price.* The minimum price per hundredweight, on a 3.5 percent butterfat basis, for producer milk classified as Class II milk shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator for the month pursuant to paragraphs (a), (b) and (c) of this section, computed to the nearest tenth of a cent.

(a) The average of the prices per hundredweight reported to have been paid, or to be paid, for such month to farmers for milk containing 3.5 percent butterfat content delivered during such month at each of the following listed manufacturing plants or places for which prices are reported to the Department or to the market administrator:

Companies and Location

Borden Co., Black Creek, Wis.
Borden, Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during such month, by 6;

(2) Add an amount computed as follows: From the simple average of the daily prices paid per pound, using the midpoint of any price range as one price, for Wisconsin State Brand Cheddars in cars or truckloads, f. o. b. Wisconsin assembling points, as reported by the Department for the trading days during the month, subtract 1.3 cents, and multiply by 2.4; and

(3) Divide such sum by 7, add 30 percent thereof, and multiply by 3.5;

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during such month: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of such month by the Department;

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 75.2 cents.

§ 991.52 *Class butterfat differentials*—(a) *Class I milk.* Multiply by 1.31 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter in the Chicago market as reported by the Department for the month preceding that in which the producer milk to be priced was received and divide the result by 10.

(b) *Class II milk.* Multiply by 1.20 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, and divide the result by 10.

§ 991.53 *Computation of prices of skim milk and butterfat.* The prices per hundredweight of skim milk and butterfat to be paid by each handler for producer milk in each class shall be computed as follows: For each class, respectively, the price per hundredweight of skim milk shall be the applicable class price for the month (§§ 991.50 and 991.51) less the result of multiplying the applicable class butterfat differential for the month (§ 991.52) by 35. For each class, respectively, the price per hundredweight of butterfat shall be the applicable class price for the month plus the result of multiplying the applicable class butterfat differential for the month by 965.

APPLICATION OF PROVISIONS

§ 991.60 *Producer-handlers.* Sections 991.40 through 991.46, 991.50 through 991.55, 991.70 through 991.72, and 991.80 through 991.84, shall not apply to a producer-handler.

§ 991.61 *Milk subject to pricing under other Federal orders.* Except as follows, milk priced under any other Federal milk marketing agreement or order issued pursuant to the act for any other fluid milk marketing area shall not be subject to the provisions of this subpart:

(a) If such milk is disposed of on a route wholly or partially in the marketing area operated by or for a person subject to regulation as a handler under another order, such person shall report as requested by the market administrator, but shall not otherwise be considered a handler under this subpart;

(b) If such milk is received at the plant of a handler which is subject to the provisions of this subpart in any form other than those stated in § 991.15 (c) and (d), it shall be considered as other source milk; or

(c) If the provisions of the order for the other milk marketing area provide for determination as to the order under which milk shall be priced, the Secretary shall so determine.

§ 991.62 *Uniform price and payments for non-Grade A producer milk.* Sections 991.70, 991.71, 991.72, and 991.80 through 991.84 shall be applied to non-Grade A producer milk separately from Grade A producer milk.

DETERMINATION OF UNIFORM PRICES

§ 991.70 *Computation of value of producer milk.* The value of producer milk received during each month by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and the pounds of butterfat in each class for such handler pursuant to § 991.46, by the applicable skim milk and butterfat prices computed pursuant to § 991.53, adding together the resulting amounts, and adding to this sum the amounts computed as follows: Multiply the pounds subtracted from the various classes pursuant to §§ 991.46 (a) (5) and 991.46 (b) by the applicable skim milk and butterfat prices.

§ 991.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of producer milk (3.5 percent butterfat content) for Rockford handlers and for Freeport handlers, as follows:

(a) Combine into one total the values computed pursuant to § 991.70 (and subject to the provisions of § 991.62) for all handlers who made the reports pursuant to § 991.30 except those in default of payments required pursuant to § 991.83 for the preceding month;

(b) Subtract, if the weighted average butterfat content of producer milk is greater than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the difference of such weighted average butterfat content from 3.5 percent by the producer butterfat differential computed pursuant to § 991.81, and multiplying the resulting figure by the total hundredweight of such producer milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to §§ 991.84 and 991.87;

(d) Divide by the hundredweight of such producer milk;

(e) Subtract not less than 4 cents but less than 5 cents:

Provided, That for any month for which the percentage of Class I milk to producer milk receipts for Rockford handlers does not exceed the percentage of Class I milk to producer milk receipts for Freeport handlers, the adjustments provided by paragraphs (f) and (g) of this section shall not apply.

(f) In the case of Rockford handlers an adjusted uniform price shall be computed as follows:

(1) Adjust the values for Freeport handlers, computed pursuant to § 991.70, to a 3.5 percent butterfat basis by the butterfat differential in § 991.81, combine the adjusted values into one total, and divide such total by the hundredweight of producer milk received by such handlers;

(2) Subtract from such result the amount per hundredweight (subtrahend) subtracted pursuant to paragraph (e) of this section and add an amount computed as follows: Divide the amount of the cash balance as set forth in paragraph (c) of this section by the total quantity of producer milk.

(3) Subtract such net amount from the per hundredweight figure resulting from paragraph (e) of this section;

(4) Determine the percentage which the total hundredweight of producer milk received by Freeport handlers bears to the total hundredweight of producer milk received by Rockford handlers, and multiply such percentage by the net amount per hundredweight resulting from subparagraph (3) of this paragraph;

(5) Add the amount computed under subparagraph (4) of this paragraph to the per hundredweight amount computed under paragraph (d) of this section;

(6) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

(g) In the case of Freeport handlers an adjusted uniform price shall be computed as follows:

(1) Multiply the hundredweight of producer milk for Rockford handlers by the per hundredweight figure computed for such handlers as provided in paragraph (f) (5) of this section;

(2) Subtract such amount from the sum computed in paragraph (c) of this section;

(3) Divide such net amount by the hundredweight of producer milk for Freeport handlers; and

(4) Adjust such sum to the full cent by subtracting not less than 4 cents but less than 5 cents.

§ 991.72 *Notification to handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and value of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to, or the amount due him from, the producer-settlement fund, pursuant to § 991.83 or § 991.84; and (d) the amounts to be paid by him pursuant to §§ 991.80, 991.85, 991.86 and 991.87.

PAYMENTS

§ 991.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each month, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the applicable uniform price for such month pursuant to § 991.71 adjusted by the producer butterfat differential pursuant to § 991.81, for all milk received from such producer during such month: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 991.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each month, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such month not less than the value of such milk computed at the applicable uniform price, adjusted by the producer butterfat differential pursuant to § 991.81.

§ 991.81 *Producer butterfat differential.* In making payments pursuant to § 991.80 there shall be added to, or sub-

tracted from, the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month in which the producer milk to be priced was received, by 0.12 and rounding to the nearest tenth of a cent.

§ 991.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to § 991.83 and payments related thereto pursuant to § 991.87 and out of which he shall make all payments to handlers pursuant to § 991.84 and payments related thereto pursuant to § 991.87.

§ 991.83 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of producer milk (§ 991.70) received by such handler during such month is greater than the total of amounts to be paid pursuant to § 991.80.

§ 991.84 *Payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler the amount by which the value of producer milk (§ 991.70) received by such handler during such month is less than the sum of amounts due pursuant to §§ 991.83, 991.85, 991.86 and 991.87: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce such payments uniformly per hundredweight and shall complete such payments as soon as the necessary funds are available.

§ 991.85 *Expense of administration.* As his prorata share of the expenses incurred pursuant to § 991.22 (d) each handler shall pay the market administrator on or before the 15th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary from time to time may prescribe, with respect to producer milk (including such handler's own production) and other source milk (excluding that subject to administrative expense assessment under another Federal milk marketing agreement or order issued pursuant to the act) received during such month.

§ 991.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler for each month shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, from the payments made to each producer pursuant to § 991.80, and shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be used by the market administrator to check weights, samples and tests of producer milk received by handlers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, but for whom such cooperative association does not receive payment for milk, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payment to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of such month pay every such deduction to the cooperative association rendering such services.

§ 991.87 *Adjustment of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records or accounts disclose errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

§ 991.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 991.90 *Effective time.* The provisions of this subpart or any amendments to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 991.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any of its provisions whenever he finds that this subpart or any provision obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 991.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 991.93 *Liquidation.* Upon the suspension or termination of this subpart, except this section, the market administrator, or such other liquidating agent, as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 991.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 991.95 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 28th day of August 1952, to be effective on and after the 1st day of September 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9591; Filed, Aug. 29, 1952; 8:54 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 11]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

CHANGES IN AREAS QUARANTINED BECAUSE OF VESICULAR EXANTHEMA

Pursuant to the authority conferred by sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123 and 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111 and 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.10 in Part 76 of Title 9, Code of Federal Regulations, containing a notice of the existence in certain areas of the swine disease known as vesicular exanthema and establishing a quarantine because of such disease, is hereby amended to read as follows:

§ 76.10 *Notice and quarantine.* (a) Notice is hereby given that the contagious, infectious, and communicable disease of swine known as vesicular exanthema exists in the following areas:

The State of California;
Cook County in Illinois;
The area within the corporate limits of Kansas City in Wyandotte County in Kansas;
City of Baltimore, in Maryland;
Kaw Township in Jackson County in Missouri;
Ashland, Benson, Florence, Loveland, May, McHugh, Moorhead, Omaha, Ralston, and Union Townships in Douglas County; Platte Township in Dodge County; Alda Township in Hall County; and Richland Township in Sarpy County, in Nebraska;
Burlington, Gloucester, Hudson, Morris, and Ocean Counties in New Jersey;
New York County and Clarkstown Township in Rockland County, in New York;
Townships 1 and 2 North, Range 1 East of Willamette Meridian, in Multnomah County in Oregon;
Lancaster County in Pennsylvania;
That part of Sioux Falls Township in Minnehaha County in South Dakota lying east of U. S. Highway 77 (Cliff Avenue in City of Sioux Falls) and north of U. S. Highway 16 (10th Street in City of Sioux Falls); and
Township 25 North, Range 5 West in King County in Washington.

(b) The Secretary of Agriculture, having determined that swine in the States named in paragraph (a) of this section are affected with the contagious, infectious and communicable disease known as vesicular exanthema and that it is necessary to quarantine the areas specified in paragraph (a) of this section and the following additional areas in such States, in order to prevent the spread of said disease from such States, hereby quarantines the areas specified in paragraph (a) of this section and in addition Bergen, Essex, Hunterdon, and Union Counties in New Jersey.

Effective date. This amendment shall become effective upon issuance.

This amendment includes within the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Morris County in New Jersey, City of Baltimore in Maryland, and Lancaster County in Pennsylvania. Hereafter, all of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070, 7570) apply with respect to shipments of swine and carcasses, parts and offal of swine from these localities.

The amendment excludes from the areas in which vesicular exanthema has been found to exist and in which a quarantine has been established, Woodbury County in Iowa, Geary County in Kansas, and Sioux Falls Township in Minnehaha County, in South Dakota, except that part of said Township lying east of U. S. Highway 77 (Cliff Avenue in City of Sioux Falls) and north of U. S. Highway 16 (10th Street in City of Sioux Falls). Hereafter, none of the restrictions of the quarantine and regulations in 9 CFR Part 76, Subpart B, as amended (17 F. R. 7070,7570) apply with respect to shipments of swine, and carcasses, parts and offal of swine from these localities.

The foregoing amendment in part relieves restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to such restrictions. In part the amendment imposes further restrictions necessary to prevent the spread of vesicular exanthema, a communicable disease of swine, and to this extent it must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 111, 120, 125. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 33 Stat. 1264, as amended; 21 U. S. C. 117, 123)

Done at Washington, D. C., this 26th day of August 1952.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 52-9541; Filed, Aug. 29, 1952; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[6th Gen. Rev. of Export Regs., Amdt. P. L. 7]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

REMOVAL OF CONTROLLED MATERIALS DESIGNATION FROM CERTAIN COMMODITIES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The letter "C" set forth in the column headed "Commodity Lists" opposite the commodity entries listed below is hereby deleted to indicate that these commodities are no longer "Controlled Materials" as defined in § 398.5. These entries otherwise remain unchanged on the Positive List.

Dept. of Commerce Schedule B No.	Commodity
	Metal powders:
619130	Aluminum or aluminum-bronze powders and pastes (aluminum content)
619230	Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 15600): Aluminum.

This amendment shall became effective as of August 29, 1952.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12235, 3 CFR 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Office of International Trade.

[F. R. Doc. 52-9585; Filed, Aug. 29, 1952; 9:04 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5841]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED STATES NAVY WEEKLY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Government connection: Government indorsement: Government goods: Size and extent:* § 3.45 *Content;* § 3.85 *Government approval, connections or standards.* Subpart—*Using misleading name—Goods:* § 3.2290 *Government indorsement or connection.* In connection with the solicitation for the sale of advertising space in, or the offering for sale, sale or distribution of respondents' magazine or any other publication in commerce, (1) using the name "United States Navy Magazine" as the title of any publication not officially connected with or sponsored by the United States Navy, or using any other title which falsely represents, directly or by implication, that the publication so entitled is officially connected with or sponsored by the United States Navy; or, (2) representing, directly or by implication, (a) that said publication is officially connected with or sponsored by the United States Navy or the United States Navy Department or any of their branches or divisions; (b) that said publication is owned, edited or published by naval personnel or by anyone acting in other than a civilian capacity; (c) that said publication contains a complete coverage of Navy news from the ships, stations, bases or yards of the United States Navy or from Washington, D. C.; or, (d) that said publication has a national office or an editorial office at any location contrary to the fact; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United States Navy Weekly, Inc., et al., Philadelphia, Pa., Docket 5841, May 15, 1952]

In the Matter of United States Navy Weekly, Inc., a Corporation, and George L. Carlin and Ray E. Fenstemaker, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission, on January 18, 1951, issued and subsequently served its complaint in this proceeding upon respondents, United States Navy Weekly, Inc., a corporation, and George L. Carlin and Ray E. Fenstemaker, individually and as officers of said respondent corporation, charging them with the use of unfair and deceptive acts and practices in commerce and unfair methods of competition in commerce in violation of the provisions of said act. After the issuance of said complaint and the filing of respondents' answer thereto, hearings were held at which testimony and other evidence in support of and in opposition to the allegations of said complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and said testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, the proceeding regularly came on for final consideration by said hearing examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel, and said hearing examiner, on May 31, 1951, filed his initial decision.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision, and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal and oral argument of counsel; and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion[1] drawn therefrom and order, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That the respondent, United States Navy Weekly, Inc., a corporation, and its officers, representatives, agents and employees and the individual respondents, George L. Carlin and Ray Fenstemaker, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation for the sale of advertising space in, or the offering for sale, sale or distribution of respondents' magazine or any other publication in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "United States Navy Magazine" as the title of any publication not officially connected with or sponsored by the United States Navy, or using any other title which falsely represents, directly or by implication, that the publication so entitled is officially connected with or sponsored by the United States Navy;

2. Representing, directly or by implication:

(a) That said publication is officially connected with or sponsored by the United States Navy or the United States Navy Department or any of their branches or divisions.

(b) That said publication is owned, edited or published by naval personnel or by anyone acting in other than a civilian capacity.

(c) That said publication contains a complete coverage of Navy news from the ships, stations, bases or yards of the United States Navy or from Washington, D. C.

(d) That said publication has a national office or an editorial office at any location contrary to the fact.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 15, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9523; Filed, Aug. 29, 1952; 8:45 a. m.]

[1] Filed as part of the original document.

[Docket 5968]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PHILIP KREMER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.170 *Qualities or properties of product or service:* § 3.195 *Safety:* § 3.205 *Scientific or other relevant facts.* In connection with the offering for sale, sale or distribution in commerce of a rodenticide preparation designated "Zurd" or any other rodenticide preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, representing, directly or by implication, (1) that said rodenticide preparation is 100 percent efficient, that it will kill all rats or all mice on the premises, or that it will achieve complete control of any rat or mouse problem or will prevent reinfestation by such rodents; (2) that according to the U. S. Department of the Interior reports the ingredient Warfarin has been proven to eliminate all rats or all mice on the premises; or, (3) that respondents' said preparation is safe and will not be harmful to humans, pets or domestic animals; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Philip Kremer et al. t. a. The Murd Company, Philadelphia, Pa., Docket 5968, May 8, 1952]

In the Matter of Philip Kremer and Harry Monoker, Co-partners, Trading as The Murd Company

This proceeding was instituted by complaint, which charged respondent with unfair and deceptive acts and practices in commerce and unfair methods of competition therein, within the intent and meaning of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated May 15, 1952, through the consent settlement procedure provided in Rule V of the Commission's rules of practice, as follows:

"The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on May 8, 1952, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

"The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof."

The order thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

It is ordered, That respondents Philip Kremer and Harry Monoker, individually and as co-partners trading as The Murd Company, or under any other name or names, their agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a rodenticide preparation designated "Zurd" or any other rodenticide preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from representing directly or by implication:

1. That said rodenticide preparation is 100 percent efficient, that it will kill all rats or all mice on the premises, or that it will achieve complete control of any rat or mouse problem or will prevent reinfestation by such rodents.

2. That according to the U. S. Department of the Interior reports the ingredient Warfarin has been proven to eliminate all rats or all mice on the premises.

3. That respondents' said preparation is safe and will not be harmful to humans, pets or domestic animals.

Issued: May 15, 1952.

By direction of the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-9522; Filed, Aug. 29, 1952; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES, AND RELATED SUBJECTS

SUBPART A—GENERAL, AND PROCESSING AGRICULTURAL COMMODITIES

Pursuant to authority under the Fair Labor Standards Act of 1938, as amended, the present § 780.50 is hereby revoked and the following new sections, designated §§ 780.50, 780.51, and 780.52 are issued:

SUBPART A—GENERAL, AND PROCESSING AGRICULTURAL COMMODITIES

Sec.
780.50 Meaning of term "canning."
780.51 First processing under section 7 (c).
780.52 Shelling corn.

AUTHORITY: §§ 780.50 to 780.52 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 780.50 *Meaning of term "canning."* (a) As used in sections 7 (c) and 13 (a) (10) of the Fair Labor Standards Act (as in sections 13 (a) (5) and 13 (b) (4)), the term "canning" means hermetically sealing and sterilizing or pasteurizing and has reference to a process involving the performance of such operations. Other operations performed in connection therewith as integral parts of a single uninterrupted canning process are included, such as necessary preparatory operations performed on the products before they are placed in bottles, cans, or other containers to be hermetically sealed, as well as the actual placing of the commodities in such containers. Also included are subsequent operations such as the labeling of the cans or other containers and the placing of the sealed containers in cases or boxes whether such subsequent operations are performed as a part of an uninterrupted or interrupted process. The term "canning" does not include the placing of commodities or products in cans or other containers that are not hermetically sealed, nor hermetically sealing where no sterilization or pasteurization is performed, as such operations are "processing" as distinguished from "canning."

(b) This section replaces and supersedes the statement published in the FEDERAL REGISTER November 27, 1947, as § 780.50 of this part and as Release D-162, which is hereby rescinded and withdrawn. All prior interpretations of the meaning of the term "canning" as used in the Fair Labor Standards Act of 1938, as amended, contained in Interpretative Bulletin No. 14, in Release R-1892 dated January 25, 1943, and in any other releases, statements, rulings, or opinion letters issued by the Department of Labor are, to the extent that they are inconsistent or in conflict with paragraph (a) of this section, hereby rescinded and withdrawn.

§ 780.51 *First processing under section 7 (c)—(a) Introductory statement.* In the light of administrative experience and of certain relevant court decisions, the Secretary of Labor and the Administrator of the Wage and Hour and Public Contracts Divisions hereby set forth in this section a modification and clarification of certain interpretations published in Interpretative Bulletin No. 14, in Release R-1892, or in any other statements relating to the "first processing" exemptions provided in section 7 (c) of the Fair Labor Standards Act.

(b) *Perishable commodities—(1) Processing performed in a single place of employment.* An employer who commences processing operations on a perishable commodity to which the exemption in section 7 (c) for first processing applies, is considered engaged in the first processing of the named commodity throughout each series of operations, including byproduct operations, which commence with such initial processing of the named commodity and are performed in the same place of employment as a continuous series of operations during which the commodities remain perishable.[1] Thus, where an employer "first processes" perishable or seasonal fresh fruits or vegetables and after a certain point in the operations the processing line divides so that different portions of the material being worked on may be processed into different products or byproducts, his employees who continue to process such different portions into the respective products or byproducts will be considered engaged in the first processing of the perishable or seasonal fresh fruits or vegetables: *Provided*, That all the operations take place in the same place of employment and are part of a continuous series of operations throughout which the commodities being worked on remain perishable. For example, where an apple processor starts with whole apples which he peels and cores, and continues to process the main portions on one production line and the peelings and cores on another to produce pomace, first processing includes not only the primary operations on the whole apples and the main portions but also the byproduct operations, provided each series of processing operations is performed in the same place of employment as a continuous series of operations commencing with the peeling and coring of the whole apples. Similarly, where a citrus fruit canner or processor makes cattle feed and molasses from citrus waste as a part of a continuous series of operations beginning with the fresh fruit, the section 7 (c) exemption applies where both the primary operations on the edible fruit and the cattle feed and molasses operations take place in the same place of employment. The applicability of the section 7 (c) exemption to such byproduct operations of a canner of perishable or seasonal fresh fruits or vegetables does not mean that operations performed on the "waste" portions after removal of the main portions of the fruit are exempt as part of "canning"; the basis of the exemption is that the byproduct operations, performed as a continuous series of operations commencing with separation of the portions of the whole fruit, constitute "first processing" of the fresh fruit within the meaning of section 7 (c). The fact that the initial processing operation on the whole fruit is also a part of the canning" process performed on the main portions does not affect this result.

(2) *Processing performed in more than one place of employment.* Where first processing operations are performed at one place of employment on a commodity named in section 7 (c), and further processing operations on the processed commodity are then performed at another place of employment, such further processing operations are not part of the "first processing" of the named commodity which commenced at the first place of employment, but comprise a separate process.[2] Thus, where a processor makes pomace from apple peels and cores in a place of employment other than the place where the processor starts with whole apples, or where the processor purchases apple peels and cores from others, the section 7 (c) exemption will not be applicable to his employees en-

[1] McComb v. C. H. Musselman & Co., 74 F. Supp. 185, affirmed 167 F. 2d 918; Sugar Creek Creamery Co. v. Walker, 187 S. W. 2d 178 (Sup. Ct. Ark.); Shain v. Armour & Co., 50 F. Supp. 907 (W. D. Ky.); Walling v. Bridgeman-Russell Co., 2 W. H. Cases 785 (D. Minn.).

[2] Walling v. Bridgeman-Russell Co., 2 W. H. Cases 785; Shain v. Armour & Co., 50 F. Supp. 207; Abram v. San Joaquin Cotton Oil Co., 46 F. Supp. 969. See also Sugar Creek Creamery Co. v. Walker, 187 S. W. 2d 178 (Ark. Sup. Ct.). Contra, McComb v. Hunt Foods, 167 F. 2d 905 (this opinion does not appear to be in accord with the general principles applicable to construction of exemptions under the Fair Labor Standards Act).

gaged in the operations on these peels and cores. Similarly, where citrus waste is processed in a place of employment other than the one where the fresh fruit is processed, or where citrus waste is purchased, the processing of the waste is not within the section 7 (c) exemption. However, such separate processing performed in a second place of employment, viewed separately, can be exempt "first processing" but only if the operations in the second place of employment are themselves "first processing" of a commodity named in section 7 (c). Illustrative of this principle is the situation where a processor is engaged in separating milk, a named commodity, into skimmed milk and cream in one place of employment and is engaged in making powdered milk from such skimmed milk, also a named commodity, in another place of employment. (See also subparagraph (3) of this paragraph.)

(3) *Edible portions of fresh fruits or vegetables.* The edible portions of fresh fruits or vegetables are considered to be fresh fruits or vegetables for purposes of section 7 (c), even though they have been subjected to an operation such as peeling, shelling, coring, or slicing so long as the whole fruit or vegetable or any severed parts thereof remain raw, perishable and recognizable in the common understanding as fresh fruits or vegetables. If a whole fresh fruit or vegetable has been thus processed in one establishment, the peeling, shelling, coring or slicing will be considered a "first processing" operation. If the peeled, shelled, cored or sliced portions of the fresh fruit or vegetable, which are raw, perishable and recognizable in the common understanding as fresh fruits or vegetables, are then shipped to another establishment, these edible portions will be considered to be "fresh fruits or vegetables" and may themselves be "first processed" in the second establishment. On the other hand, if peels, shells, or cores produced by the processing operations in the first establishment are shipped to another establishment, processing operations performed in the second establishment on these peels, shells and cores will not be considered first processing operations on "fresh fruits or vegetables" and will not be exempt under section 7 (c). (See subparagraph (2) of this paragraph.) Such byproduct operations, which are performed at a place of employment other than the one where the "first processing" of the fresh fruit or vegetable takes place, are not considered within the scope of the exemption.

For example, where peas are shelled (vined) or green beans are trimmed and cut into pieces in one establishment, and the raw peas or beans sent to another establishment for freezing, the exemption can apply to the freezing operations in the second establishment as well as to the operations in the first establishment.

(c) *Nonperishable commodities.* The principles stated in subparagraphs (1) and (2) of paragraph (b) will apply, with appropriate adaptation, to the first processing of other agricultural or horticultural commodities referred to in section 7 (c), regardless of whether they are perishable. This means that the "first processing" of such a commodity will include operations on either a main or a branch processing line, with respect to either a primary product or a by-product (up to the end point for exempt first processing of such commodity), provided such operations are part of a continuous series of operations starting with the initial processing operation on the named commodity and are all performed in the same place of employment.

(d) *Earlier interpretations superseded.* To the extent that prior general or specific interpretations contained in Interpretative Bulletin No. 14, in releases, in opinion letters, or in other statements issued with respect to the meaning and application of "first processing" under section 7 (c) of the Fair Labor Standards Act of 1938, as amended, are inconsistent with the principles above stated, they are rescinded and withdrawn.

§ 780.52 *Shelling corn.* (a) The shelling of corn constitutes "preparing in their raw or natural state" within the meaning of section 13 (a) (10) and not "first processing" within the meaning of section 7 (c).

(b) Shelled corn is an agricultural commodity for the purpose of section 13 (a) (10) and section 7 (c), no matter where it is shelled.

(c) The "corn" referred to in this section is corn such as is used for feed, seed, or industrial uses, the kernels of which are in the hard or dry state, as distinguished from corn harvested as a perishable fresh vegetable while the kernels are soft, to be prepared for human consumption as "corn on the cob" or as canned or frozen corn.

(d) All prior interpretations concerning the shelling of corn under the Fair Labor Standards Act of 1938, as amended, contained in Interpretative Bulletin No. 14, dated December 1940, and in any other releases, statements, rulings or opinion letters issued by the Department of Labor are, to the extent that they are inconsistent or in conflict with paragraphs (a), (b), and (c) of this section, hereby rescinded and withdrawn.

Signed at Washington, D. C., this 26th day of August, 1952.

F. GRANVILLE GRIMES, Jr.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52-9520; Filed, Aug. 29, 1952; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Amdt. 3 to Supplementary Regulation 4]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 4—UNIFORM CEILING PRICES FOR BRANDED ARTICLES

EXCEPTION FOR EXPIRATION OF ORDER DATES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this amendment to Supplementary Regulation 4 to Ceiling Price Regulation 7 is issued.

STATEMENT OF CONSIDERATIONS

This amendment creates an exception to the provisions of section 10 of Supplementary Regulation 4 to Ceiling Price Regulation 7 under which special orders which were issued to manufacturers under section 43 of Ceiling Price Regulation 7 expire on certain specified dates, if they do not terminate earlier by authorizations becoming effective under SR 4 to CPR 7.

In the case of a manufacturer who distributed his product exclusively through wholesalers at the time his section 43 order was issued, but who now distributes directly to the retailer, the regulation in most cases does not presently permit continuation of uniform pricing at retail. Therefore, while the Office of Price Stabilization develops an appropriate method to remedy this situation, this amendment is necessary in order to leave in effect such manufacturers' orders which might otherwise lapse before their customary method of uniform retail pricing could be continued.

In view of the remedial nature of this amendment, special circumstances have rendered consultation with industry representatives, including trade association representatives, impracticable.

AMENDATORY PROVISIONS

Section 10 of Supplementary Regulation 4 to Ceiling Price Regulation 7 is amended to read as follows:

SEC. 10. *Orders under section 43 of Ceiling Price Regulation 7—(a) Expiration of orders.* (1) Except as provided in subparagraph (2), each special order issued to a manufacturer or wholesaler and in effect under section 43 of Ceiling Price Regulation 7 (including orders amended as provided in paragraph (c) of this section) shall continue in effect but shall expire and be deemed revoked on the date uniform ceiling prices for any of his articles covered by that order are authorized under this supplementary regulation or on the following applicable date, whichever is earlier:

For orders numbered—	*Expiration date is—*
1 through 205	Sept. 1, 1952
206 through 599	Oct. 15, 1952
600 and following	Nov. 15, 1952

(2) No special order issued under section 43 to CPR 7 to a manufacturer who at the time of its issuance distributed his branded articles exclusively through wholesalers, but who at the time of his application for an authorization under SR 4 to CPR 7 distributed them directly to retailers, shall expire or be deemed revoked until 60 days after the applicable termination date provided above (unless terminated by the manufacturer's authorization becoming effective under SR 4 to CPR 7): *Provided, however,* That such manufacturer has applied for uniform retail ceiling prices for his branded articles under SR 4 to CPR 7 before his special order under section 43 to CPR 7 expires.

Within 10 days after September 1, 1952, or the date of the acknowledgment by the OPS of the manufacturer's application under SR 4 to CPR 7, whichever is later, a manufacturer covered by this subparagraph must:

(i) Send to each of his retailers who received a copy of his special order under section 43 of CPR 7, a notice of the date until which his special order remains in effect (unless terminated by an authorization becoming effective under SR 4 to CPR 7);

(ii) Send a notice to the Distribution Branch of the OPS, Washington 25, D. C., stating that he falls within the exception of this subparagraph.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective August 29, 1952.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

JOSEPH H. FREEHILL,
Acting Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9635; Filed, Aug. 29, 1952; 12:00 m.]

[Ceiling Price Regulation 24, Interpretation 2]

CPR 24—CEILING PRICES OF BEEF SOLD AT WHOLESALE

INT. 2—BEEF CUTS NOT PREPARED IN ACCORDANCE WITH THE DEFINITIONS OF CPR 24 (SEC. 11 (b))

A meat processor inquires whether under Ceiling Price Regulation 24 cuts specifically defined in that regulation may be further fabricated by him, if the wholesaler or retailer so requests, provided that no additional charge is made for this service, that all parts of the meat originally cut are delivered to the wholesaler or retailer, and that the product is billed on the basis of the original weight and the original cut.

In preparing Ceiling Price Regulation 24, it was necessary to prescribe standards for cutting and fabricating. These uniform standards were deemed necessary for effective administration of the regulation. Permission for further fabrication without additional charge to the buyer would open the door to evasion of the regulation, and create practical difficulties of enforcement. The uniform standards of fabrication established in CPR 24 conform to those generally in use in the beef packing business, and there is no practical alternative to such standardization.

For these reasons, the provisions of section 11 (b) were included in CPR 24 specifically to provide that no beef cut may be sold under that regulation except where prepared in accordance with the definitions in that regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9636; Filed, Aug. 29, 1952; 12:01 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63, Area Milk Price Regulation 32]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

AMPR 32—WAUKEGAN MILK MARKETING AREA, STATE OF ILLINOIS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), and Delegation of Authority No. 41 (16 F. R. 12679), this Area Milk Price Regulation, pursuant to Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 9559), is hereby issued.

STATEMENT OF CONSIDERATIONS

Supplementary Regulation 63 to the General Ceiling Price Regulation authorizes the issuance of an area milk price regulation. In such a regulation, ceiling prices are to be determined by adding to the January 1–June 30, 1950, selling prices the cost increases incurred between that period and a current period for plant wages, delivery wages, cans, cases and containers and raw milk.

Two large dairies representing about 60 percent of the Waukegan dairy volume have filed petitions with this office requesting the issuance of such a regulation for the Waukegan marketing area. In addition, the Accounting Division of this office has procured data from two small dairies which also serve this territory. March 1952 was selected as the current period for all firms. The information obtained from these firms indicates that the Waukegan dairies are entitled to an increase of one-half cent per sales point over the ceiling prices now in effect. The regulation does not provide, however, for a processor to take this increase on sales to distributors (i. e., vendors). Data was not submitted to support such an increase. The half-cent increase may be taken on sales by distributors.

The ceiling prices of processors are geared to the fluctuations in the producer prices. If the producer prices rise, processors may increase their ceiling prices; if producer prices fall, they must reduce their ceiling prices. The producer prices for March 1952 are adopted as the basis for such ceiling price changes. Distributors and operators of retail stores are permitted to increase, and are required to decrease, their ceiling prices where a change in cost to them is due to the above provisions.

In the judgment of the Regional Director of the Office of Price Stabilization, the provisions of this Area Milk Price Regulation No. 32 in Region VII are generally fair and equitable and are necessary to effectuate the purpose of Title IV of the Defense Production Act of 1950, as amended.

The Regional Director of the Office of Price Stabilization gave due consideration to the National effort to achieve the maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability. The Director has consulted the industry involved to the fullest extent practicable and has given due consideration to its recommendation.

REGULATORY PROVISIONS

Sec.
1. What this area milk price regulation does.
2. Where this area milk price regulation applies.
3. Sales and sellers covered.
4. Ceiling prices for milk products for fluid consumption.
5. Initial reporting requirements.
6. Ceiling prices for milk products for which ceiling prices cannot be determined under section 4.
7. Specified producer prices; parity; adjustments for processors; reporting requirements.
8. Rounding of fractions.
9. Modification of proposed ceiling prices.
10. Reference to the General Ceiling Price Regulation.
11. Prohibitions.
12. Parity adjustments for distributor and retail stores.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110. E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.

SECTION 1. *What this area milk price regulation does.* This area milk price regulation issued under the authority of Supplementary Regulation 63 to the General Ceiling Price Regulation establishes ceiling prices for sales of delivery of "milk products for fluid consumption" (as that term is defined in section 11 of Supplementary Regulation 63) in the Waukegan Milk Marketing Area.

SEC. 2. *Where this area milk price regulation applies.* This area milk price regulation applies to sales or deliveries of milk products for fluid consumption in Lake County (except for the townships of Libertyville, Shields, Vernon, West Deerfield, and Deerfield); Dundee Township in Kane County; and Richmond, Burton, Greenwood, McHenry, Dorr, Nunda, Grafton and Algonquin Townships in McHenry County, all in the State of Illinois.

SEC. 3. *Sales and sellers covered.* This area milk price regulation covers all sales of milk products for fluid consumption by processors, distributors (i. e. vendors) and operators of retail stores, except that it does not cover sales by operators of retail stores of packaged cottage, pot and baker's cheese, and sales by operators of receiving plants. Ceiling prices for sales of packaged cottage, pot and baker's cheese by operators of retail stores shall continue to be subject to Ceiling Price Regulations 15 and 16. Definitions of many of these terms are contained in Supplementary Regulation 63.

SEC. 4. *Ceiling prices for milk products for fluid consumption.* Your ceiling prices for any milk product for fluid consumption shall be your ceiling price determined under the provisions of the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation, plus (except for sales to distributors) one-half cent per sales point. Your ceiling price for any milk product for fluid consumption sold to distributors shall be your ceiling price determined under the provisions of the

General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation.

The following categories shall be considered one sales point for the specified container size. To determine the sales point value for a container of another size in any category, divide the contents of that container size by the contents of the container size in the same category specified in this section:

(a) One quart of each milk product for fluid consumption except as specified in the remaining paragraphs of this section.

(b) One-half pint of cream containing over 15 percent butterfat.

(c) One pint of cream containing between 10 percent and 15 percent of butterfat.

(d) Sixteen ounces of cottage cheese.

(e) Sixteen ounces or one pint of specialty products such as yogurt.

SEC. 5. *Initial reporting requirements.* (a) You shall report the ceiling prices resulting from the application of section 4 to the Regional Office of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, by registered mail, return receipt requested, within 5 days after the effective date of this regulation. The report shall be filed on OPS Public Form 124.

(b) Your price lists in effect during any part or all of the General Ceiling Price Regulation base period, including the time during which they were in effect, must accompany the report, unless you have previously mailed such price lists by registered mail to the Director who is issuing this regulation. You shall not sell at the ceiling prices computed pursuant to section 4 until the Office of Price Stabilization has received the report required by this paragraph as shown by your return postal receipt.

(c) In column (a) of OPS Public Form 124 the description of the product must include the butterfat content. In column (f) the ceiling price shown shall be your ceiling price determined under the General Ceiling Price Regulation and in effect on the day preceding the effective date of this regulation. In column (g) the uniform adjustment shall be the amount of the increases specified in section 4 for those products the ceiling prices of which are increased. All the other portions of OPS Public Form 124 shall be filled in as indicated by the form.

SEC. 6. *Ceiling prices for milk products for which ceiling prices cannot be determined under section 4.* If you cannot determine a ceiling price for a product being sold by you under the provisions of section 4 of this regulation, you may apply to the Regional Director of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, for the establishment of a ceiling price for that product in line with the other ceiling prices established by this regulation. Your application should contain:

(a) The name and address of your company;

(b) A complete description of the item being priced including the butterfat content;

(c) A description and the ceiling price of the most comparable commodity dealt in by you during the period between December 19, 1950, and the effective date of this area milk price regulation;

(d) An explanation as to why you are unable to determine a ceiling price under section 4 of this regulation;

(e) The types of customers to whom you will be selling;

(f) Your proposed ceiling price and the method used by you to determine it and the reason you believe the proposed price is in line with the level of ceiling prices otherwise established by this regulation.

If the Regional Director is satisfied that he has sufficient information upon which to base a ceiling price, he will, within a reasonable time, issue a letter order establishing your ceiling prices for all proposed sales of the milk products for fluid consumption being priced.

SEC. 7. *Specified producer prices; parity adjustments for processors; reporting requirements.* (a) The prices set forth in this regulation are predicated upon a producer paying price (exclusive of premiums and handling charges) of $4.984 per hundredweight for 3.5 percent Grade A Class I milk in the 55–70 mile zone, and of $4.684 per hundredweight for 3.5 percent Grade A Class II milk in the 55–70 mile zone, as these terms are defined in the order relating to the Chicago, Illinois, Milk Marketing Area (Order 41) (16 F. R. 6348), as amended. These producer prices are the specified producer prices to be used as a basis for computing the parity adjustment in ceiling prices under section 8 of Supplementary Regulation 63. In determining the ceiling prices under this area milk price regulation, consideration has been given to all available information as to increases and decreases from the January 1 through June 30, 1950 base period to the current period of March 1952, relating to premiums, hauling charges, Milk Administrator's charges and handling charges. No increases or decreases in premiums or in handling charges shall be taken into account in computing increases or decreases permitted or required under section 8 of Supplementary Regulation 63. Increases to and decreases from the specified producer price shall be governed solely by the monthly official price announcement made by the Market Administrator under §§ 941.51 and 941.52 of the order relating to the Chicago, Illinois, Milk Marketing Area (16 F. R. 6348) as amended.

(b) (1) In any month in which the official producer price announcement requires a decrease in your ceiling prices, you must put such decreases into effect no later than the 7th day of the month. In any month in which the official price announcement permits an increase in your ceiling prices, you may not put such increases into effect prior to the 7th day of the month.

(2) In making price increases or decreases on products which contain more or less than 3.5 percent butterfat, you must make appropriate allowance for the value of the butterfat and skim milk in the product.

(c) Prior to charging any increased prices permitted under section 8 of Supplementary Regulation 63, you must file with the Regional Director of the Office of Price Stabilization, 9 West Washington Street, Chicago 2, Illinois, a report including the following information:

(1) The name and description of the product being priced;

(2) The container size of the product;

(3) The butterfat content of the product;

(4) Your proposed ceiling price for the product.

If you are required to decrease your ceiling prices as a result of the operation of section 8 of Supplementary Regulation 63, you must file a report containing the information requested in the preceding paragraph within five days after you are required to make the decreases.

SEC. 8. *Rounding of fractions.* (a) If in computing an adjusted ceiling price under section 7 you arrive at a unit price involving a fraction of a cent, you must round the price in accordance with section 8 (b) of Supplementary Regulation 63 to the General Ceiling Price Regulation.

(b) If you sell at one time a single unit of a product covered by this regulation, a fraction of a cent shall be dropped if less than one-half cent and may be increased to the nearest higher cent if one-half cent or more. If you sell at one time more than one unit of a product covered by this regulation, the maximum sum due shall be figured by adding the ceiling prices including fractions of a cent of each unit sold. If the maximum sum contains a fraction of a cent, it shall be dropped if less than one-half cent and may be increased to the nearest higher cent if one-half cent or more.

(c) If you have customarily billed any purchaser or any class of purchasers for items covered by this regulation on a monthly (or other billing period) basis, you must continue to do so, and the maximum amount due must be figured under paragraph (b) of this section as though all sales for the month (or other billing period) had been made at one time.

SEC. 9. *Modification of proposed ceiling prices.* The Regional Director may at any time revoke, disapprove or revise ceiling prices reported under section 5 or established by him under section 6 of this regulation.

SEC. 10. *Reference to the General Ceiling Price Regulation.* Except insofar as inconsistent with the provisions of this area milk price regulation all sections of the General Ceiling Price Regulation as amended and supplemented including, but not restricted to, sections 15, 16, 17 and 19 are incorporated in and made a part of this area milk price regulation as though fully recited herein.

SEC. 11. *Prohibitions.* After the effective date of this area milk price regulation, regardless of any contract or other obligation, you shall not sell and you shall not buy in the regular course of business or trade, any milk product for fluid consumption at a price exceeding the ceiling price established by this regulation.

SEC. 12. *Parity adjustments for distributors and retail stores.* (a) This section applies to you only if (1) you are a distributor of an item of a milk product or an operator of a retail store who sells an item of a milk product; (2) the cost to you of a current customary purchase of the item differs from the highest ceiling price applicable to sales of that item to you from a customary source of supply on the day preceding the effective date of this regulation; and (3) the change in the cost to you is due to the operation of the provisions of section 7 of this area milk price regulation relating to parity adjustments for processors.

(b) In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices in effect on the day preceding the effective date of the regulation, by the dollars-and-cents difference per item in these costs.

Effective date. This area milk price regulation under Supplementary Regulation 63 to the General Ceiling Price Regulation shall become effective August 29, 1952.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

LELAND J. ANDERECK,
Acting Regional Director,
Office of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9637; Filed, Aug. 29, 1952; 12:01 p. m.]

[General Overriding Regulation 23, Amdt. 5]

GOR 23—TERRITORIAL EXEMPTIONS

SUSPENSION OF PRICE CONTROLS IN GUAM

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 5 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to General Overriding Regulation 23 suspends price control in Guam.

Recent reports from the Territorial Staff in Guam indicate the economy of that island is now reasonably stable. Since a preponderance of sales to civilians in Guam are from Armed Forces Canteens, Commissaries, and post exchanges this stability may be expected to continue.

The recent congressional action in drastically reducing the Office of Price Stabilization appropriation makes it impossible to maintain a staff in Guam sufficiently large to provide adequate enforcement of OPS regulations or to assure the continuing administration of generally fair and equitable regulations as applied to this area. Continuation of controls in the face of this reduction in staff would result in hardship to consumers and businessmen alike.

Suspension rather than decontrol is recommended since it is believed that the latter action, in the climate of rising costs, might upset the stabilizing influence which has been exercised by the territorial operation on the island, and, in the event of any sharp price upturn over the period of the next few months, could lead to inflationary markups and prices charged by civilian distributors, service establishments and restaurants. Should it appear, following suspension, that inflationary forces are again disturbing the stability of the economy, thought will be given to the restoration of controls.

To assist in the maintenance of a stabilized economy on Guam a small territorial staff operating as an arm of the Director of Region 14 will be retained. It will continue to meet with the industry advisory committees and consumer groups to report regularly to the Regional Office on price pressures and fluctuations and to operate, within the framework of the act, a moderate program of voluntary controls.

Because of the nature of this action consultation with industries affected, including trade association representatives, has been impractical. The OPS, however, has consulted with the Office of Territories in the Department of the Interior concerning this matter and has given full consideration to the recommendations of that office.

AMENDATORY PROVISIONS

1. A new article, Article 4—Suspensions, is added to General Overriding Regulation 23, as follows:

ARTICLE 4—SUSPENSIONS

SEC. 4.1. *Guam.* The application to Guam, of any ceiling price regulation heretofore or hereafter issued, is suspended until further notice by the Director of Price Stabilization. Persons in Guam who were required by any regulation heretofore issued to keep, prepare, or preserve any records shall continue to preserve and make available for examination by the Office of Price Stabilization, in the manner and for the period set forth in the regulation all such records which they were required to have on August 31, 1952.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 5 to General Overriding Regulation 23 is effective September 2, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 29, 1952.

[F. R. Doc. 52-9638; Filed, Aug. 29, 1952; 12:01 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[CMP Regulation No. 1, Direction 19, as amended August 28, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 19—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This amended direction under CMP Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This amendment affects Direction 19 to CMP Regulation No. 1 by amending sections 2, 3, 4, and 6 thereof. As so amended, Direction 19 to CMP Regulation No. 1 reads as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Transfer of carbon conversion steel.
7. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with authorized production schedules for the manufacture of Class A and B products containing steel may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definitions.* As used in this direction:

(a) "Finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Schedule I of CMP Regulation No. 1, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Schedule I of CMP Regulation No. 1.

(b) "Product class" means a product class code as shown in the Official CMP Class B Product List.

SEC. 3. *Acquisition and use without submitting application.* Any producer of Class B products may, by self-authorization and without charging any allotment, order up to 500 tons of finished carbon conversion steel per calendar quarter for delivery during the third and fourth calendar quarters of 1952 and the first calendar quarter of 1953 with re-

spect to each product class for which he has received or hereafter receives one or more authorized production schedules and related allotments of carbon steel. He may use any finished carbon conversion steel so acquired to increase such authorized production schedule or schedules: *Provided, however,* That if any such authorized production schedule contains a specific limitation on the number of units which may be produced, he may not exceed that unit limitation. A producer of Class B products shall submit an application in accordance with the provisions of section 4 of this direction for any calendar quarter and product class in which his requirements for delivery of finished carbon conversion steel exceed 500 tons.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Any producer of Class A products who desires to order finished carbon conversion steel for delivery during the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in acordance with the provisions of paragraph (c) of this section: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his related allotment of carbon steel for such schedule: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first calendar quarter of 1953 with respect to any authorized production schedule, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his related allotment of carbon steel for such schedule.

(b) Any producer of Class B products who desires to order more than 500 tons of finished carbon conversion steel with respect to any product class for delivery during the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953, without charging an allotment, shall submit an application to NPA in accordance with the provisions of paragraph (c) of this section for authorization to order finished carbon conversion steel with respect to such product class for delivery during such calendar quarter: *Provided, however,* That no such producer shall request authorization to order for delivery during the third calendar quarter of 1952 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952: *And provided further,* That no such producer shall request authorization to order for delivery during the fourth calendar quarter of 1952 or the first calendar quarter of 1953 with respect to any product class, without charging an allotment, a quantity of finished carbon conversion steel which exceeds 40 percent of his total net allotment of carbon steel for such product class for the third calendar quarter of 1952.

(c) Each application filed pursuant to paragraphs (a) or (b) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 19 to CMP Regulation No. 1. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Schedule I of CMP Regulation No. 1.

(6) For each such carbon steel product, the tonnage by months of shipment.

(d) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized production schedule: *Provided, however,* That no person who has received an authorized production schedule for a Class B product or products which contains a specific limitation on the number of units which may be produced, shall exceed such unit limitation. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semifinished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 19 to CMP Regulation No. 1

which shall be signed as provided in section 8 of NPA Reg. 2. The certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however,* That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized production schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Transfer of carbon conversion steel.* (a) In addition to increasing his own authorized production schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 7. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction as amended shall take effect August 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9608; Filed, Aug. 28, 1952; 4:41 p. m.]

[Revised CMP Regulation 6, Direction 7, as Amended August 28, 1952]

CMP REG. 6—CONSTRUCTION

DIR. 7—EX-ALLOTMENT ACQUISITION AND USE OF CARBON CONVERSION STEEL

This amended direction under Revised CMP Regulation 6 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

This direction as amended changes sections 3 and 4, by providing for the placing of orders for delivery in the third calendar quarter of 1952 of finished carbon conversion steel. Further, section 7 is amended to clarify the use to which finished carbon conversion steel may be put.

Direction 7 to Revised CMP Regulation 6 of August 18, 1952, is amended to read as follows:

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definition.
3. Acquisition and use without submitting application.
4. Acquisition and use pursuant to application submitted and approved.
5. Orders for carbon conversion steel.
6. Exemptions.
7. Disposal of carbon conversion steel.
8. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 8 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure by which persons with construction schedules authorized pursuant to Revised CMP Regulation 6, or NPA Order M-100, may obtain quantities of carbon conversion steel without charging allotment authority received under the Controlled Materials Plan. This procedure is designed to limit the use of the additional authority granted herein to situations where such carbon conversion steel will be produced in excess of the supply of carbon steel available for delivery against other orders.

SEC. 2. *Definition.* As used in this direction, "finished carbon conversion steel" means carbon steel in the forms and shapes indicated in Table II of Revised CMP Regulation 6, which has been obtained by a person in consequence of such person or some other person having furnished, directly or indirectly, to one or more steel producers or converters, semifinished carbon conversion steel (which is carbon steel in a less-finished form such as, but not limited to, ingots, blooms, billets, slabs, rods, skelp, and hot-rolled sheets in coils) for the express purpose of having such semifinished carbon conversion steel processed into another form indicated in Table II of Revised CMP Regulation 6.

SEC. 3. *Acquisition and use without submitting application.* Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarters of 1952 or the first calendar quarter of 1953 may, by self-authorization, order for delivery in each of such calendar quarters, with respect to each such authorized construction schedule, up to 500 tons of finished carbon conversion steel without charging the related allotment; and use such steel to increase such authorized construction schedule: *Provided, however,* That if his requirements for delivery with respect to any such schedule in any such calendar quarter exceed 500 tons of finished carbon conversion steel, he shall submit an application in accordance with the provisions of section 4 of this direction.

SEC. 4. *Acquisition and use pursuant to application submitted and approved.* (a) Except as provided in section 6 of this direction, any person who has received an authorized construction schedule and a related allotment of carbon steel for the third or fourth calendar quarters of 1952, or the first calendar quarter of 1953, and who desire to acquire and use, without charging the related allotment, more than 500 tons of finished carbon conversion steel in either of such quarters with respect to any such authorized schedule, shall submit an application to NPA in accordance with the provisions of paragraph (b) of this section: *Provided, however,* That no such person shall request authorization to order for delivery with respect to any such schedule in any such calendar quarter, without charging the related allotment, a quantity of finished carbon conversion steel which exceeds 20 percent of the tonnage of his allotment of carbon steel for such schedule in the third calendar quarter of 1952, or 40 percent of the tonnage of his allotment of carbon steel for such schedule in the fourth calendar quarter of 1952 or the first calendar quarter of 1953.

(b) Each application filed pursuant to paragraph (a) of this section shall be submitted by letter in triplicate to the Iron and Steel Division, National Production Authority, Washington 25, D. C., Ref: Direction 7 to Revised CMP Regulation 6. Each application shall set forth the following facts:

(1) The name and address of the plant of the supplier of semifinished carbon conversion steel.

(2) For each such plant, a description of the semifinished carbon conversion steel product (ingot, billet, bloom, slab, etc.).

(3) For each such product, the tonnage by months of shipment.

(4) For each such product, the name and address of each plant providing a finishing facility in the conversion process.

(5) For each such plant (finishing facility) a description of the carbon steel product to be produced in the forms and shapes indicated in Table II of Revised CMP Regulation 6.

(6) For each such carbon steel product, the tonnage by months of shipment.

(c) NPA will issue authorizations to acquire and use carbon conversion steel pursuant to applications submitted in accordance with the provisions of this section. Any person who receives such an authorization may, subject to the terms and conditions of such authorization, acquire finished carbon conversion steel in the quantities indicated without charging his allotment authority and use such steel to increase his authorized construction schedule. In appropriate cases NPA may, in such authorization, specify restrictions upon the use of the related allotment authority to prevent increases in demand for certain forms and shapes of carbon steel which are in short supply.

SEC. 5. *Orders for carbon conversion steel.* (a) Any person who is authorized to acquire and use finished carbon conversion steel pursuant to section 3 or section 4 of this direction, may place authorized controlled material orders, without charging his allotment, for such finished carbon conversion steel with the finished conversion steel producer, and such producer may accept and fill such orders if they will not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with the acceptance and filling of orders which such steel producer is required to accept pursuant to any regulation or order of NPA. The person ordering such steel shall make his own arrangements for obtaining the semi-

finished carbon conversion steel with the original ingot producer, or the finished conversion steel producer. In arranging to purchase the semifinished carbon conversion steel from an original ingot producer or an intermediate producer, such person shall furnish to such original ingot producer or intermediate producer a certification in the following form:

Certified under Direction 7 to Revised CMP Regulation 6

which shall be signed as provided in section 12 of Revised CMP Regulation 6. This certification shall constitute a representation to the original ingot producer or intermediate producer and to NPA that such person is authorized to place such order under the provisions of this direction to obtain the quantity of semifinished conversion steel covered by the delivery order, for conversion into finished conversion steel, and that he will furnish an authorized controlled material order to the finished conversion steel producer. Notwithstanding the provisions of any NPA regulation or order, a producer of semifinished carbon conversion steel may deliver semifinished carbon conversion steel pursuant to such a certification: *Provided, however*, That such delivery shall not interfere with production and other directives which may be issued from time to time to such steel producer by NPA, or with delivery on orders which such steel producer is required to accept pursuant to any regulation or order of NPA.

(b) An authorized controlled material order placed pursuant to the provisions of paragraph (a) of this section shall contain the same allotment symbol which identifies the allotment that accompanies the authorized construction schedule in which the finished carbon conversion steel will be used.

SEC. 6. *Exemptions.* This direction is not applicable to any person engaged in the construction of a recreational, entertainment or amusement construction project (see Table I of Revised CMP Regulation 6).

SEC. 7. *Disposal of carbon conversion steel.* (a) In addition to increasing his own authorized construction schedule, a person who is entitled to order, who has ordered, or who has received delivery of, finished carbon conversion steel pursuant to the provisions of this direction, may direct the delivery of all or part of such steel to a producer of Class A products to whom he has given an authorized production schedule. A person who so directs delivery of a quantity of finished carbon conversion steel to a producer of Class A products must charge such quantity against the total quantity of such steel which he is entitled to order. A producer of Class A products who receives such steel from his customer may use it to fulfill the authorized production schedule which he has received from that customer or to replace in inventory material used to fulfill such schedule. If such a producer has received authorization from NPA pursuant to section 4 of this direction to order finished carbon conversion steel with respect to such schedule, he must charge the quantity of such steel which he receives from his customer against the quantity which he was authorized to order with respect to such schedule.

(b) If it develops after a person has received delivery of finished carbon conversion steel pursuant to the provisions of this direction that he cannot use such steel for a purpose permitted by this direction, he shall not use or dispose of it except as provided in paragraph (a) of this section or in section 17 (d) of CMP Regulation No. 1.

SEC. 8. *Applicability of other regulations and orders.* The provisions of CMP Regulation No. 1, Revised CMP Regulation 6, and NPA Order M–100, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. A user of controlled material may accept delivery of finished carbon conversion steel acquired pursuant to the provisions of this direction without regard to the inventory provisions of CMP Regulation No. 2, and need not include such steel in computing his inventory for purposes of that regulation. Further, no person shall obtain or use any form or shape of finished carbon conversion steel pursuant to this direction if the acquisition or use of such type of form or shape is prohibited by Revised CMP Regulation 6 or NPA Order M–100. In all other respects, the provisions of all NPA regulations and orders heretofore issued shall remain in full force and effect.

NOTE: All reporting and record-keeping requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect August 28, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9609; Filed, Aug. 28, 1952; 4:42 p. m.]

[CMP Regulation No. 1, Direction 16 as Amended August 29, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 16—THIRD AND FOURTH QUARTER AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amended direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the amendment affects many different industries.

EXPLANATORY

Direction 16 to CMP Regulation No. 1 is amended by revising section 4 to clarify the relationship between NPA Order M–1 and this direction.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Third quarter authorized controlled material orders.
3. Fourth quarter authorized controlled material orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR 1951 Supp.

SECTION 1. *What this direction does.* The purpose of this direction is to permit the placement and acceptance of certain third quarter 1952 and fourth quarter 1952 authorized controlled material orders even though they call for delivery after the end of such quarters.

SEC. 2. *Third quarter authorized controlled material orders.* (a) The provisions of this section apply to all authorized controlled material orders for the third calendar quarter of 1952 which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the third calendar quarter of 1952 which contains the quarterly identification 3Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the third calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time up to November 30, 1952: *Provided, however*, That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 3Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, shall accept and fill such order in preference to an authorized controlled material order which bears the quarterly identification 4Q52 and which calls for delivery between October 1, 1952, and November 30, 1952, notwithstanding the sequence of order placement.

SEC. 3. *Fourth quarter authorized controlled material orders.* (a) The provisions of this section apply only to authorized controlled material orders for the fourth calendar quarter of 1952 which do not bear a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, and which are placed on and after the effective date of this direction.

(b) An authorized controlled material order for steel placed pursuant to an allotment for the fourth calendar quarter of 1952 which contains the quarterly identification 4Q52, or an authorized controlled material order for steel placed pursuant to self-authorization (for example, Direction 1 to CMP Regulation No. 1) or quota (for example, CMP Regulation No. 5) for the fourth calendar quarter of 1952 which does not contain a quarterly identification, may call for delivery at any time from October 1, 1952, to February 28, 1953: *Provided, however*, That such order is placed pursuant to lead time requirements. A steel controlled materials producer or a steel controlled materials distributor who receives an authorized controlled material order for steel which bears the quarterly identification 4Q52 and which calls for delivery between January 1, 1953, and February 28, 1953, shall accept and fill such order in preference to an order which bears the quarterly identification 1Q53 and which calls for delivery between January 1, 1953, and February 28, 1953, notwithstanding the sequence of order placement.

SEC. 4. *Applicability of other regulations and orders.* The provisions of CMP Regulations Nos. 1 and 4, Revised CMP Regulation No. 6, NPA Orders M–1 and M–6a, including the directions and amendments thereto, and of any other NPA regulation and order heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction, but in all other respects the provisions of such regulations and orders shall remain in full force and effect. This direction shall not be construed to interfere with the option given steel controlled material producers by section 8 of NPA Order M–1 to determine which authorized controlled material orders not bearing a program identification A, B, C, or E, and a digit (including the suffix B–5), or Z–2, they will accept and schedule prior to the 15-day period immediately preceding the commencement of the lead time. However, with regard to the acceptance and filling of such orders during the said 15-day period, the provisions of this direction shall govern, and in appropriate instances shall require the rescheduling of orders accepted prior to such 15-day period. This direction does not supersede the provisions of section 8 (a) (2) of NPA Order M–1, which limits the quantity of orders which steel controlled material producers may accept for shipment during any one month.

This direction as amended shall take effect August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9628; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 1, Direction 18 as Amended August 29, 1952]

CMP REG. 1—BASIC RULES OF THE CONTROLLED MATERIALS PLAN

DIR. 18—AUTOMATIC ALLOTMENT PROCEDURE FOR PRODUCERS OF CLASS B PRODUCTS

This direction as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need of this amended direction, consultation with industry representatives has been for immediate action and because the direction affects many different industries.

EXPLANATORY

Direction 18 to CMP Regulation No. 1 is amended by the addition of two sentences at the end of paragraph (b) of section 2.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Definitions.
3. Persons affected by automatic allotment procedure.
4. Use of allotment symbol to obtain controlled materials.
5. Use of rating to obtain production materials other than controlled materials.
6. Certification.

AUTHORITY: Sections 1 to 6 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction relates only to producers of Class B products who received allotments pursuant to applications submitted on Form CMP–4B for the third calendar quarter of 1952. Such producers may calculate their own allotments and place purchase orders for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, only if their allotments for the third quarter of 1952 did not exceed certain maximum amounts. A producer of a Class B product who received an allotment for such product pursuant to Form CMP–4B for the third quarter of 1952 which did not exceed such maximum amounts, but who desires quantities of controlled materials commencing with the first quarter of 1953 which exceed the automatic allotment quantities as calculated under this direction, must submit an application on Form CMP–4B. The provisions of Direction 1 to CMP Regulation No. 1 may be used only through the fourth quarter of 1952.

SEC. 2. *Definitions.* As used in this direction:

(a) "Product class" means a Product Class Code as shown in the Official CMP Class B Product List.

(b) "Total third-quarter allotment" means the total net allotments of a particular kind of controlled material (carbon steel, alloy steel, nickel-bearing stainless steel, all copper or aluminum) received by a producer of a Class B product for a particular product class for the third calendar quarter of 1952 pursuant to an allotment on Form CMP–4B or Form CMP–10, plus any quantity of such kind of controlled material for which such producer was entitled to self-authorize pursuant to Direction 1 to CMP Regulation No. 1 for the third calendar quarter of 1952 in such product class. Total net allotments shall be computed as of the close of business on August 29, 1952. In making such computation, the producer shall deduct any allotment decrease which he has received on Form CMP–11 and any portion of his third-quarter allotments which he has returned on Form CMP–12.

SEC. 3. *Persons affected by automatic allotment procedure.* (a) Subject to the limitations of paragraph (b) of this section, a producer of any Class B product which is listed in the Official CMP Class B Product List may, without submitting an application on Form CMP–4B, calculate his own allotments and place purchase orders calling for delivery in any calendar quarter, beginning with the first calendar quarter of 1953, if his total third-quarter allotment of each kind of controlled material (including controlled material for Class A product components) for the production of that product and all other products in the same product class did not exceed the amounts specified below:

Carbon steel (including wrought iron).	500 tons.
Alloy steel (except nickel-bearing stainless steel).	90 tons.
Nickel-bearing stainless steel.	10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	40,000 pounds.
Aluminum	60,000 pounds.

Provided, however, That no such producer, unless specifically authorized by NPA, shall avail himself of the automatic allotment procedure provided by this direction if he has not received an allotment pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952, or if his total third quarter allotment of any kind of controlled material exceeded the above amounts, for the manufacture of the same product and all other products in the same product class. Instead, a producer who has not received such third quarter allotment, or whose total third quarter allotment of any kind of controlled material exceeded the above amounts, shall obtain his controlled material requirements beginning with the first calendar quarter of 1953 either pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, whichever is appropriate.

(b) Subject to the limitations of paragraph (a) of this section, a producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, shall calculate as his allotment authority for any calendar quarter a quantity of each of the following kinds of controlled material equal to the specified percentage or percentages of his total third quarter allotment of such material for the manufacture of the same product and all other products in the same product class:

Kinds of controlled material	Calculation of allotments on basis of total third quarter 1952 allotments
Carbon steel (including wrought iron).	100 percent of first 60 tons of total third quarter 1952 allotment, plus 60 percent of any excess between 60 tons and 500 tons.
Alloy steel (except nickel-bearing stainless steel).	100 percent of first 16 tons of total third quarter 1952 allotment, plus 80 percent of any excess between 16 tons and 90 tons.
Nickel-bearing stainless steel.	100 percent of first 500 pounds of total third quarter 1952 allotment, plus 80 percent of any excess between 500 pounds and 10,000 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	100 percent of total third quarter 1952 allotment if it did not exceed 40,000 pounds.
Aluminum	100 percent of total third quarter 1952 allotment if it did not exceed 60,000 pounds.

Provided, however, That such a producer need not during any calendar quarter, regardless of the foregoing calculation, reduce his allotment authority below the specified quantity of each of the following kinds of controlled material for the manufacture of the same product and all other products in the same product class:

Carbon steel (including wrought iron).	25 tons.
Alloy steel (except nickel-bearing stainless steel).	1 ton.
Nickel-bearing stainless steel.	500 pounds.
Copper and copper-base alloy brass mill products, copper wire mill products, copper and copper-base alloy foundry products and powder.	10,000 pounds.
Aluminum	20,000 pounds.

(c) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section, but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, and has placed orders for controlled materials pursuant to such allotments, must deduct the quantity of orders so placed from the quantity of his calculated allotment under this section for such quarter.

(d) A producer of any Class B product who may and desires to avail himself of the automatic allotment procedure under this section but who has already received allotments for the first or a succeeding calendar quarter of 1953 pursuant to application or applications previously submitted on Form CMP–4B for such Class B product and others in the same product class, which exceed his automatic allotment authority as calculated under this section with respect to any kind of controlled material, need not return such excess allotments, but his allotment authority shall be limited to the amounts calculated under this section for such quarter.

(e) A producer of any Class B product who need not submit an application on Form CMP–4B pursuant to this direction shall be subject to all applicable regulations and orders of NPA. For example, he shall make allotments of controlled material to a person producing Class A product components for him in the manner prescribed by CMP Regulation No. 1.

(f) Class A products which a producer has been authorized by NPA to treat as Class B products in accordance with section 24 (b) of CMP Regulation No. 1, and Class A products which are sold to a distributor or for use as maintenance, repair, or operating supplies in accordance with paragraph (b) or (c) of section 15 of CMP Regulation No. 1, shall be deemed Class B products for purposes of this direction. A producer may calculate his own allotments and place purchase orders without filing a Form CMP–4B for any calendar quarter, beginning with the first calendar quarter of 1953, in which his total requirements for delivery from suppliers of each kind of controlled material (including controlled material for Class A product components) for the production of all Class A products which are deemed Class B products for purposes of this direction do not exceed the quantities indicated in this section.

(g) Except as otherwise provided by NPA, a producer of a Class B product must obtain his requirements of all kinds of controlled materials in a particular calendar quarter for a particular product class pursuant to this direction or pursuant to Direction 17 to CMP Regulation No. 1 or pursuant to application submitted on Form CMP–4B, and may not use the automatic allotment procedure of this direction or the self-authorization procedure of Direction 17 for one or more kinds of controlled materials and submit a Form CMP–4B for one or more other kinds of controlled materials.

SEC. 4. *Use of allotment symbol to obtain controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the allotment symbol which identifies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the allotment symbol SU), or such other allotment symbol as NPA may expressly authorize, on delivery orders for controlled materials within the limits set forth in section 3 of this direction. He may also append the suffix program identification B–5 to such allotment symbol in accordance with the provisions of section 11 (d) of CMP Regulation No. 1. An order so designated, when certified as provided in section 6 of this direction, shall constitute an authorized controlled material order. The quantity of such Class B products which may be produced with controlled materials obtained with the use of such allotment symbol, or with such other allotment symbol as NPA may expressly authorize, plus controlled materials properly contained in inventory, shall constitute an authorized production schedule for the purpose of all CMP regulations.

SEC. 5. *Use of rating to obtain production materials other than controlled materials.* Any producer of Class B products who, pursuant to this direction, may calculate his own allotments and place purchase orders without filing a Form CMP–4B, is authorized to use the DO rating which accompanies the allotment he has received for the same products pursuant to application submitted on Form CMP–4B for the third calendar quarter of 1952 (and not the rating DO-SU), or such other rating as NPA may expressly authorize, on delivery orders for production materials as defined in CMP Regulation No. 3 in accordance with the provisions of that regulation. He may also append the suffix program identification B–5 to such rating in accordance with the provisions of section 6 (f) of CMP Regulation No. 3.

SEC. 6. *Certification.* Every delivery order placed under the provisions hereof shall contain, in the case of an order for controlled materials, the certification required by section 19 of CMP Regulation No. 1, or, in the case of an order for production materials other than controlled materials, the certification required by section 6 of CMP Regulation No. 3.

This amended direction shall take effect August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9629; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 2 as Amended August 29, 1952]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

This regulation as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of the amendment of this regulation, consultation with industry representatives was found to be impracticable due to the necessity for immediate action. However, there was consultation with industry representatives prior to the original issuance of this regulation on May 10, 1951.

EXPLANATORY

This amendment affects CMP Regulation No. 2 by amending sections 3, 6 (a), and 10, and by adding a footnote to section 3 (a). Concurrently with this amendment, Direction 1 to CMP Regulation No. 2, exempting copper and aluminum from inventory control, will be revoked, effective October 1, 1952.

REGULATORY PROVISIONS

Sec.
1. What this regulation does.
2. Definitions.
3. General maximum inventory limitations.
4. Exceptions.
5. Adjustment of receipts and orders.
6. Separate inventories.
7. Prohibited deliveries.
8. Excess inventories.

Sec.
9. Applicability of other regulations and orders.
10. Records and reports.
11. Applications for adjustment or exception.
12. Communications.
13. Violations.

AUTHORITY: Sections 1 to 13 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this regulation does.* The purpose of this regulation is to prevent the accumulation of excessive inventories of controlled materials. It does this by limiting the quantities of such materials that may be ordered, received, or delivered.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Item of controlled material" means any item in any class of controlled material listed in Schedule I of CMP Regulation No. 1, which is different from all other items in that class by reason of one or more of its specifications, such as length, width, thickness, temper, alloy, or finish.

(b) "User of controlled material" means any person who uses any item of controlled material for production, construction, or maintenance, repair, or operating supplies.

SEC. 3. *General maximum inventory limitations.* (a) No user of controlled material shall accept delivery of any item of steel listed in Schedule I of CMP Regulation No. 1,[1] if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 45-calendar-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less: *Provided, however,* That from September 1, 1952, to December 31, 1952, the above specified 45-calendar-day period shall be a 30-calendar-day period.

(b) Commencing October 1, 1952, no user of controlled material shall accept delivery of any item of copper or aluminum listed in Schedule I of CMP Regulation No. 1, if his inventory of such item is, or by such receipt would become, in excess of the quantity of such item necessary to meet his deliveries, supply his services, or perform his operations, on the basis of his currently scheduled method and rate of operation during the succeeding 60-calendar-day period, or in excess of a "practicable minimum working inventory" (as defined in NPA Reg. 1), whichever is less.

[1] Non-nickel-bearing stainless steel (containing less than one percent nickel) is not a controlled material (see Direction 9 to CMP Regulation No. 1) and therefore is not subject to this regulation but is subject to NPA Reg. 1.

(c) For the purpose of this regulation, any item of controlled material which is to be further processed is considered to be in inventory until actually put into process or actually installed or assembled. For the purpose of this regulation, processing does not include minor initial operations, such as painting, and does not include any shearing, cutting, trimming, or other operation, unless such initial operation is a part of a continuous fabricating or assembling operation; nor does it include operations such as inspection, testing, segregation or earmarking for a specific job.

SEC. 4. *Exceptions.* Notwithstanding the provisions of section 3 of this regulation, any person may accept delivery of any item of controlled material in excess of the prescribed inventory limits under the following circumstances:

(a) If any producer of controlled material exercises his privilege under section 20 of CMP Regulation No. 1 of making delivery prior to the delivery date specified by the user of controlled material, such delivery may be accepted and the prescribed limits exceeded to the extent that such excess results from such prior delivery.

(b) If a user of controlled material has instructed a producer or other supplier to reduce, postpone, or cancel a delivery, and the material has been shipped or loaded for shipment before receipt of such instruction, delivery of such material may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery.

(c) If a user of controlled material has instructed a producer to reduce, postpone, or cancel a delivery of a special item of controlled material which the producer has already produced or has in production, or for the production of which he has acquired special materials, delivery of such special item may be accepted and the prescribed limits exceeded to the extent that such excess results from such delivery. For the purposes of this section, a special item of controlled material is one which the producer does not usually make, stock, or sell, and which he cannot readily dispose of to others.

(d) If a user of controlled material would be authorized under section 3 of this regulation to accept delivery of a quantity of an item of controlled material less than the minimum shown for such item in Schedule IV of CMP Regulation No. 1, he may accept delivery of the full minimum shown in such schedule, provided that the controlled material involved is not procurable from a distributor.

(e) If any producer of controlled material, under a directive of NPA, makes delivery of controlled material to a person who will convert such controlled material into another form of controlled material, the person to whom such delivery was made may accept the delivery and exceed the prescribed limits to the extent that such excess results from such delivery.

(f) If a user of controlled material imports any controlled material that he acquired prior to landing, he may accept delivery of such material and exceed the prescribed limits to the extent that such excess results from such delivery. However, if by such acceptance his inventory exceeds the prescribed limits, he may not accept further deliveries of such controlled material from domestic sources until his inventory thereof is reduced to permitted levels.

SEC. 5. *Adjustment of receipts and orders.* Every user of controlled material must place orders and schedule receipts in such manner that deliveries of controlled material to him may be made without violating the provisions of this regulation. If, by reason of change in his operations, slowing or stoppage of production, delayed delivery by a controlled materials producer or other supplier, or other cause, a person who has ordered material for future delivery would, if he accepted delivery on the dates specified, exceed the limits prescribed by this regulation, he shall promptly revise and adjust his outstanding orders and scheduled receipts and, if necessary, reduce, postpone, or cancel the same, so that his acceptance of deliveries will conform to this regulation.

SEC. 6. *Separate inventories.* (a) A person who has more than one operating unit may elect to maintain separate inventory records for each such unit and, if he does, the provisions of this regulation shall apply to each such unit independently. After such an election has been made, it may not at any time thereafter be changed without the prior written approval of NPA.

(b) In determining his inventory, a person shall include all items of controlled material in his possession and all such items held for his account by another person, but not items of controlled material held by him for the account of another person.

SEC. 7. *Prohibited deliveries.* No person shall deliver any item of controlled material if he knows or has reason to believe that acceptance of such delivery would be in violation of this regulation.

SEC. 8. *Excess inventories.* This regulation does not provide for disposal of excess inventories which may be on hand. However, excess inventories of items of controlled material, including inventories of such items which are not in form usable by the holder, are subject to requisition, under appropriate circumstances, as provided in Title II of the Defense Production Act of 1950, as amended.

SEC. 9. *Applicability of other regulations and orders.* Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of NPA.

SEC. 10. *Records and reports.* (a) Each person participating in any transaction covered by this regulation shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this regulation. This

regulation does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this regulation shall make such records and submit such reports to NPA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

SEC. 11. *Applications for adjustment or exception.* Any person subject to any provision of this regulation may file a request for adjustment, exception, or other relief upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests claiming that the public interest is prejudiced, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing submitted in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 12. *Communications.* All communications concerning this regulation shall be addressed to the National Production Authority, Washington 25, D. C., Ref: CMP Regulation No. 2.

SEC. 13. *Violations.* Any person who wilfully violates any provision of this regulation or any other regulation or order of the National Production Authority, or who wilfully conceals a material fact or furnishes false information in the course of operation under this regulation, is guilty of a crime and, upon conviction, may be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation as amended shall take effect August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9630; Filed, Aug. 29, 1952; 11:24 a. m.]

[CMP Regulation No. 2, Direction 1—Revocation]

CMP REG. 2—INVENTORIES OF CONTROLLED MATERIALS

DIR. 1—TEMPORARY SUSPENSION OF INVENTORY LIMITATIONS ON COPPER AND ALUMINUM

Direction 1 (17 F. R. 5894) to CMP Regulation No. 2 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to CMP Regulation No. 2, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 1, 1952.

Issued August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9631; Filed, Aug. 29, 1952; 11:24 a. m.]

[NPA Order M-2 as Amended August 29, 1952]

M-2—RUBBER

This order as amended is found necessary and appropriate to promote the national defense. It is issued pursuant to both the Defense Production Act of 1950 as amended, and the Rubber Act of 1948 as amended. In the formulation of this amended order, consultation with industry representatives has been impossible because of the need for immediate action.

EXPLANATORY

This amended order revises NPA Order M-2 of July 22, 1952, by deleting section 5, *Limitation on Purchase of Cold GR-S.*

REGULATORY PROVISIONS

Sec.

1. Explanation.
2. Applicability of other regulations and orders.
3. Definitions.
4. Limitation on inventory of dry natural rubber.
5. [Deleted August 29, 1952.]
6. Limitation on use of pale crepe or sole crepe.
7. Reports of rubber consumption and stocks.
8. Reports by tire, tube, and camelback manufacturers.
9. Records and reports.
10. Request for adjustment or exception.
11. Communications.
12. Violations.

AUTHORITY: Sections 1 to 12 issued under sec. 704, 64 Stat. 816, Pub Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *Explanation.* This amended order continues in effect certain restrictions applicable to natural crepe rubber. The order contains no other controls on acquisition, inventories, and consumption of either natural or synthetic rubber. In the interest of national security, however, it has been jointly determined by the appropriate Government agencies that production by the Government-owned synthetic rubber plants should be maintained at levels substantially in excess of the minimum quantities required by the Rubber Act of 1948, as amended; viz, 200,000 long tons per annum for GR-S and 15,000 long tons per annum for butyl. In order to support the higher production levels desirable for national security, GR-S consumption cannot be permitted to fall below the rate of 450,000 long tons per annum, and butyl consumption cannot be permitted to fall below the rate of 60,000 long tons per annum. Since voluntary industry usage appears unlikely to drop below such levels, mandatory consumption of synthetic rubber has not been imposed, but if consumption falls below these levels the order will be amended by establishing industry-wide manufacturing specifications requiring the use of stated percentages of synthetic rubber in all rubber products. This action is in accord with the legislative policy of section 2 of the Rubber Act of 1948, as amended, which states that "In order to strengthen national security through a sound industry it is essential that * * * regulations requiring mandatory use of synthetic rubber * * * be ended and terminated whenever consistent with national security * * *."

SEC. 2. *Applicability of other regulations and orders.* Nothing contained in this order as amended shall be construed to relieve any person from complying with such limitations as may be contained in any other applicable NPA regulation or order, or any order or regulation of any other competent authority. Moreover, nothing contained in this order as amended shall be construed as relieving any person of any obligation or liability incurred under this order as originally issued or as amended from time to time.

SEC. 3. *Definitions.* As used in this order:

(a) "Natural rubber" means all forms and types of tree, vine, or shrub rubber, both dry and latex, including all grades of wild rubber, but excluding balata, gutta percha, and reclaimed natural rubber.

(b) "Dry natural rubber" means all natural rubber in solid form.

(c) "Natural rubber latex" means the dry latex solids contained in natural rubber liquid latex.

(d) "Synthetic rubber" means all new RHC products of chemical synthesis in solid or latex form, prepared from a diolefin or derivative therefrom as an essential component, similar in general properties and applications to natural rubber and specifically capable of vulcanization, but excluding reclaimed synthetic rubber.

(e) "GR-S" means a general-purpose synthetic rubber of the butadiene or butadiene-styrene type produced in the United States, generally suitable for use in the manufacture of transportation items such as tires or camelback, as well as any other type of synthetic rubber equally or better suited for use in the manufacture of transportation items such as tires or camelback, as determined from time to time by NPA, but excluding reclaimed general-purpose synthetic rubber.

(f) "Cold rubber" means GR-S polymers produced at low temperatures as classified by the Reconstruction Finance Corporation.

(g) "Butyl" or "GR-I" means special-purpose synthetic rubber produced in the United States, suitable for use in the manufacture of transportation items such as pneumatic inner tubes, but excluding reclaimed special-purpose synthetic rubber.

(h) "Reclaimed rubber" means any rubber derived from the processing or treatment of vulcanized rubber or cured scrap rubber.

(i) "New RHC" means total new rubber hydrocarbon. This is the total content of dry natural rubber, natural rubber latex, synthetic rubber (including the oil in oil-extended GR-S), uncured scrap rubber, and uncured in-process materials.

(j) "Pale crepe" means dry natural rubber produced from the fresh coagula of natural liquid latex meeting the specifications of the Rubber Manufacturers Association for pale latex crepes, thick or thin, number IX, 1, or 2.

(k) "Sole crepe" means dry natural rubber produced from pale crepe which has not been compounded, vulcanized, or physically attached to any manufactured product.

(l) "Consume" means (in the case of dry natural rubber, natural rubber latex, or synthetic rubber) to compound, expend, formulate, or in any manner make any substantial change in the form, shape, or chemical composition thereof.

(m) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States or any other government.

(n) "NPA" means the National Production Authority.

SEC. 4. *Limitation on inventory of dry natural rubber.* Inventories of dry natural rubber are subject to the provisions of NPA Reg. 1.

SEC. 5. [Deleted August 29, 1952.]

SEC. 6. *Limitation on use of pale crepe or sole crepe.* No person shall use or consume any pale crepe or sole crepe in the manufacture of pneumatic tires, shoes, shoe soles, heels, welting, or wrappers.

SEC. 7. *Reports of rubber consumption and stocks.* Every person who consumes or owns, at any time during any month, any type of rubber listed in this section shall file a monthly report on Form NPAF-3 with NPA in accordance with the instructions accompanying the form. This report form covers consumption, stocks, receipts, production, and shipments. Those persons who consume rubber for the production of both transportation and nontransportation products shall also file a monthly report on Form NPAF-3A, showing, separately, consumption by type of rubber for each of the two product groups. Also, any person who does not file a Form NPAF-3 for any type of rubber listed in this section for each month of any calendar year shall file an annual report for such year on Form NPAF-4. Any person who consumes rubber as part of a scientific laboratory experimental program only, shall file his report annually on Form NPAF-4. Each person who is hereby required to file Form NPAF-4 shall do so by the twentieth of January of each year.

TYPES TO BE REPORTED

Dry natural rubber.
Natural rubber latex.
Reclaimed rubber.
GR-S types, excluding latex.[1]
GR-S type latex.[1]
Butyl types.[1]
Neoprene, excluding latex.
Neoprene latex.
Butadiene-acrylonitrile types (N-type) excluding latex.
Butadiene-acrylonitrile types (N-type) latex.

SEC. 8. *Reports by tire, tube, and camelback manufacturers.*—(a) *Monthly reports.* Each manufacturer of tires, tubes, and camelback shall file with NPA a report of his production, shipments, and inventory for each calendar month on Form NPAF-5 in accordance with the instructions accompanying the form.

(b) *Weekly reports of cured tires.* Each manufacturer of tires shall file with NPA a report of his production of cured tires for each week on Form NPAF-6 in accordance with the instructions accompanying the form.

SEC. 9. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make and preserve, for at least 3 years thereafter, accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic records are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of the National Production Authority, at the usual place of business where maintained.

(c) Persons subject to this order shall make such records and submit such reports to the National Production Authority as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139F).

[1] Includes all types; whether obtained from Government or other sources, including imports.

SEC. 10. *Request for adjustment or exception.* Any person affected by any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of the public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor.

SEC. 11. *Communications.* All communications concerning this order shall be addressed to the National Production Authority, Washington 25, D. C., Ref: NPA Order M-2.

SEC. 12. *Violations.* Any person who wilfully violates any provision of this order, or any other order or regulation of NPA, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both. In addition, administrative action may be taken against any such person to suspend his privilege of making or receiving further deliveries of materials or using facilities under priority or allocation control and to deprive him of further priorities assistance.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order as amended shall take effect August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9632; Filed, Aug. 29, 1952; 11:25 a. m.]

[NPA Order M-50, Direction 1—Revocation]

M-50—ELECTRIC UTILITIES

DIR. 1—TEMPORARY SUSPENSION OF INVENTORY LIMITATIONS ON COPPER AND ALUMINUM

Direction 1 (17 F. R. 6741) to M-50 is hereby revoked. This revocation does not relieve any person of any obligation or liability incurred under Direction 1 to M-50, nor deprive any person of any rights received or accrued under said direction prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective October 1, 1952.

Issued August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9633; Filed, Aug. 29, 1952; 11:25 a. m.]

[NPA Order M-66, Direction 1 of Aug. 29, 1952]

M-66—ARTIFICIAL GRAPHITE AND CARBON ELECTRODES

DIR. 1—ALLOCATION AUTHORIZATIONS OF ARTIFICIAL GRAPHITE AND CARBON ELECTRODES FOR THE FOURTH QUARTER 1952

This direction to NPA Order M-66 as last amended on September 11, 1951, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable by reason of the need for immediate action and because of the number of different industries affected.

REGULATORY PROVISIONS

Sec.
1. What this direction does.
2. Allocations for fourth quarter 1952.
3. Quarterly report by users (revised Form NPAF-97).

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2154. Interpret or apply sec. 101, 64 Stat. 799, Pub. Law 429, 82d Cong.; 50 U. S. C. App. Sup. 2071; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.; sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61; 3 CFR, 1951 Supp.; secs. 402, 405, E. O. 10281, Aug. 28, 1951, 16 F. R. 8789; 3 CFR, 1951 Supp.

SECTION 1. *What this direction does.* This direction grants allocation authorizations for delivery of artificial graphite and carbon electrodes, during the fourth calendar quarter of 1952, to the same persons and in the same quantities, sizes, and shapes as were authorized for the third calendar quarter of 1952 without requiring specific individual applications for such allocation authorizations. This direction also makes provision for supplemental allocations, as well as for applications for fourth quarter 1952 allocation authorizations, by persons to whom allocation authorizations were not issued for the third quarter 1952. In addition, this direction provides for quarterly reporting by users of artificial graphite and carbon electrodes on revised Form NPAF-97.

SEC. 2. *Allocations for fourth quarter 1952.* All those allocation authorizations which were issued by NPA for the delivery of artificial graphite or carbon electrodes during the third calendar quarter of 1952, pursuant to section 5 of NPA Order M-66 as amended, are hereby made effective to authorize delivery of artificial graphite or carbon electrodes in the same quantities, sizes, and shapes during the fourth calendar quarter of 1952 without individual application for such allocation authorization on Form NPAF-97, as provided in paragraph (b) of section 5 of such order. Persons desiring supplemental allocations may make application therefor by letter in duplicate, Ref: M-66. Except as provided in section 6 of NPA Order M-66, any person, to whom no allocation authorization for the third quarter of 1952 was issued, may apply for an allocation authorization for delivery of artificial graphite or carbon electrodes during the fourth calendar quarter of 1952 by letter application in duplicate, Ref: M-66, filed no later than September 15, 1952.

SEC. 3. *Quarterly report by users (revised Form NPAF-97).* Any person, who during any calendar quarter uses 500 pounds or more of artificial graphite or carbon electrodes or both (excluding graphite electrodes of less than ¾-inch cross section), shall file revised Form NPAF-97 on or before the 15th day of the month following the close of the calendar quarter for which the report is required to be made. The first such quarterly report shall be filed on or before October 15, 1952 with respect to such person's use of artificial graphite and carbon electrodes during the third calendar quarter of 1952.

NOTE: All record-keeping and reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This direction shall take effect August 29, 1952.

NATIONAL PRODUCTION AUTHORITY,
By JOHN B. OLVERSON,
Recording Secretary.

[F. R. Doc. 52-9634; Filed, Aug. 29, 1952; 11:25 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 21—PUBLIC LANDS; MILITARY AND NAVAL RESERVATIONS

FORT KOBBE ARMY RESERVATION AND HOWARD AIR FORCE BASE

CROSS REFERENCE: For regulations affecting Fort Kobbe Military Reservation in the tabulation of § 21.3, see Canal Zone Order 28, which supersedes Executive Order 8354 of February 25, 1940 (5 F. R. 820), in the Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders

[Canal Zone Order 28]

FORT KOBBE ARMY RESERVATION, AND HOWARD AIR FORCE BASE, CANAL ZONE

SETTING APART OF RESERVATIONS; BOUNDARIES; CONDITIONS AND LIMITATIONS

By virtue of the authority vested in the President of the United States by section 5 of title 2 of the Canal Zone Code, as amended by section 1 of Act September 26, 1950, 64 Stat. 1038, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of the Air Force in the case of Howard Air Force Base, it is ordered as follows:

SECTION 1. *Setting apart of reservations; boundaries.* The following-described area of land in the Canal Zone is hereby set apart as, and assigned to the uses and purposes of (a) an Army reservation which shall be known as "Fort Kobbe Army Reservation" and shall be under the control and jurisdiction of the Secretary of the Army, subject to the provisions of section 2 of this order, and (b) an Air Force reservation which shall be known as "Howard Air Force Base" and shall be under the control and jurisdiction of the Secretary of the Air Force, subject to the provisions of section 2 of this order, the allocation of such area as between the two reservations to be accomplished by agreement between the Department of the Army and the Department of the Air Force:

Beginning at monument A. T. F. 2, which is a 2½-inch iron pipe set in concrete, located on the eastern boundary of the Arraijan Tank Farm Naval Reservation and on the right bank of the Rio Velasquez, the geodetic position of which, referred to the Canal Zone triangulation system, is in latitude 8°57′ N. plus 2,611.6 feet and longitude 79°36′ W. plus 2,100.1 feet from Greenwich.

Thence by said initial point by metes and bounds:

N. 65° 27′ 30″ E., 123.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 15° 10′ 10″ E., 150.2 feet, to monument No. 34, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the pavement of Thatcher Highway;

Easterly along a line parallel to, and 50 feet southerly from the centerline of Thatcher Highway pavement, to monument No. 35, which is a 3-inch iron pipe, the geodetic position of which is in latitude 8°57′ N. plus 2,651.5 feet and longitude 79°36′ W. plus 1,504.0 feet;

S. 00° 04′ 50″ E., 152.3 feet, to monument No. 36, which is a 10-inch square concrete monument;

S. 82° 23′ 20″ E., 493.2 feet, to monument No. 36–1, which is a 2-inch iron pipe;

S. 82° 20′ 10″ E., 238.9 feet, to monument No. 36–2, which is a 2-inch iron pipe set in concrete;

S. 82° 20′ 00″ E., 119.4 feet, to monument No. 36–3, which is a 2-inch iron pipe set in concrete;

S. 82° 22′ 30″ E., 662.0 feet, to monument No. 37, which is a 10-inch square concrete monument;

S. 00° 02′ 20″ E., 198.7 feet, to monument No. 37–1, which is a 10-inch square concrete monument;

S. 00° 55′ 40″ E., 22.5 feet, to monument No. 37–2, which is an iron rod in concrete;

S. 00° 02′ 00″ E., 213.2 feet, to monument No. 37–3, which is an iron rod in concrete;

S. 00° 01′ 10″ E., 335.7 feet, to monument No. 37–4, which is an iron rod in concrete;

S. 00° 01′ 00″ E., 511.2 feet, to monument No. 37–5, which is an iron rod in concrete;

S. 00° 01′ 00″ W., 530.9 feet, to monument No. 37–6, which is an iron rod in concrete;

S. 00° 00′ 30″ E., 200.0 feet, to monument No. 37–7, which is an iron rod in concrete;

S. 00° 05′ 20″ E., 289.1 feet, to monument No. 38, which is a 10-inch square concrete monument;

N. 89° 57′ 50″ E., 1,842.2 feet, through monuments Nos. 38–1 and 38–2, which are 10-inch square concrete monuments, to monument No. 38–3, which is a 10-inch square concrete monument, the distances being 536.2 feet, 768.1 feet and 537.9 feet, successively, from beginning of the course;

N. 89° 58′ 00″ E., 574.1 feet, to monument No. 38–4, which is a 10-inch square concrete monument;

N. 89° 58′ 10″ E., 53.1 feet, to monument No. 39, which is a 10-inch square concrete monument, located 50 feet northwesterly from the centerline of Bruja Road pavement;

Northeasterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 40, which is a 2½-inch iron pipe, located 50 feet southwesterly from the centerline of Thatcher Highway pavement, the geodetic position of which is in latitude 8°57′ N. plus 1,269.6 feet and longitude 79°35′ W. plus 2,871.9 feet;

S. 49° 42′ 40″ E., 103.3 feet, crossing Bruja Road, to monument No. 41, which is a 2-inch iron pipe, located 50 feet southeasterly from the centerline of Bruja Road pavement and 50 feet southwesterly from the centerline of Thatcher Highway pavement;

Southwesterly, along a line parallel to, and 50 feet from the centerline of Bruja Road pavement, to monument No. 42, which is a 2-inch iron pipe, located 50 feet southwesterly from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, the geodetic position of which is in latitude 8°56′ N. plus 5,594.6 feet and longitude 79°35′ W. plus 3,646.9 feet;

Southeasterly and northeasterly, along a line parallel to and 50 feet from the centerline of the road to Panama Canal West Bank Tank Farm Area No. 1, to monument No. 43, which is a 2-inch iron pipe, the geodetic position of which is in latitude 8°56′ N. plus 4,729.0 feet and longitude 79°35′ W. plus 2,179.5 feet;

S. 87° 22′ 40″ E., 641.4 feet, to monument No. 44, which is a 10-inch square concrete monument;

N. 89° 59′ 00″ E., 1,318.6 feet, to monument No. 45, which is a 10-inch square concrete monument;

N. 78° 23′ 00″ E., 224.0 feet, to monument No. 46, which is a 10-inch square concrete monument, located 56.8 feet southwesterly from the centerline of Thatcher Highway pavement, and 20.7 feet northwesterly from the centerline of K–2D road pavement;

Due South, 822.9 feet, to monument No. 47, which is a 10-inch square concrete monument;

S. 00° 03′ 00″ W., 721.3 feet, to monument N. B. which is an 8-inch square concrete post, located on the northerly boundary of the Farfan Naval Radio Station;

Due West, 2,190.6 feet, along the above-mentioned Naval boundary, through monuments N–10A, N–10, N–9, N–8 and N–7, which are 2½-inch iron pipes, to monument N–6, which is a 2½-inch iron pipe, the distances being 634.3 feet, 213.0 feet, 324.9 feet, 231.7 feet, 507.7 feet and 279.0 feet, successively, from beginning of the course;

S. 87° 46′ 20″ W., 30.9 feet, along the above-mentioned Naval boundary, to monument H–1, which is a 10-inch square concrete monument;

S. 77° 59′ 30″ W., 965.5 feet, along the above-mentioned Naval boundary, through monuments H–2B and H–2A, which are 2½-inch iron pipes, to monument H–2, which is a 10-inch square concrete monument, the distances being 295.0 feet, 474.5 feet and 196.0 feet, successively, from beginning of the course;

S. 89° 58′ 00″ W., 470.6 feet, along the above-mentioned Naval boundary, to monument H–3, which is a corner post of a cyclone fence, located at the northwest corner of the Farfan Naval Radio Station;

Due South, 5,389.3 feet, along the westerly boundary of the above-mentioned Naval Station, through monument N–3, which is a brass plug in the side of a concrete ditch, monuments N–2 and N–1, which are 2½-inch iron pipes, monument "J", which is an 8-inch square concrete post, monuments Nos. 51, 52, 53, 54 and 55, which are 2½-inch iron pipes, to monument N–26N, which is an 8-inch square concrete post, the distances being 272.7 feet, 1,069.7 feet, 767.7 feet, 687.7 feet, 500.0 feet, 580.0 feet, 530.0 feet, 303.0 feet, 600.0 feet and 78.5 feet, successively, from beginning of the course;

S. 52° 07′ 00″ E., 2,452.1 feet, along the southwesterly boundary of the above mentioned Naval Station, through monuments N–25A and N–25N, which are 2½-inch iron pipes, to monument N–24N, which is an 8-inch square concrete post, the distances being 500.0 feet, 463.0 feet and 1,489.1 feet, successively, from beginning of the course;

Due East, 3,464.0 feet, along the southerly boundary of the above mentioned Naval Station, to an unmarked point called N. D., located in the swamp on the southerly side of the Rio Farfan;

S. 71° 29′ 20″ E., 1,413.2 feet, to monument "A", which is a 12-inch by 10-inch concrete post, located at the northwest corner of the Palo Seco Leper Colony;

S. 13° 27′ 50″ W., 408.3 feet, along the westerly boundary of the Palo Seco Leper Colony, to monument B–2, which is a 2-inch iron pipe;

S. 13° 28′ 50″ W., 1,342.3 feet, along the above mentioned boundary, through monument B–1, which is a 2-inch iron pipe, to monument "B", which is a 12-inch square concrete post, the distances being 510.2 feet and 832.1 feet, successively, from beginning of the course;

S. 44° 59′ 50″ E., 1,398.2 feet, along the above mentioned boundary, through monument E–12, which is a 2-inch iron pipe, to monument E–11, which is a 2-inch iron pipe, the distances being 759.7 feet and 638.5 feet, successively, from beginning of the course;

S. 44° 59′ 40″ E., 164.0 feet, along the above mentioned boundary, to monument E–10, which is a 2-inch iron pipe;

S. 44° 59′ 30″ E., 300.0 feet, along the above mentioned boundary, to monument E–9, which is a 12-inch square concrete monument;

Due East, 373.3 feet, along the above mentioned boundary to monument E–8, which is a 12-inch square concrete monument;

S. 40° 58′ 30″ E., 249.9 feet, along the above mentioned boundary, to monument E–7, which is a 12-inch square concrete monument;

S. 28° 23′ 40″ E., 628.7 feet, along the above mentioned boundary, to monument E–6, which is a 2-inch iron pipe;

S. 28° 20′ 40″ E., 156.7 feet, along the above mentioned boundary, to monument E–5, which is a 12-inch square concrete monument;

S. 29° 33′ 50″ E., 337.4 feet, along the above mentioned boundary, through monument E–4, which is a 2-inch iron pipe, to monument E–3, which is a 2-inch iron pipe, the distances being 92.9 feet and 244.5 feet, successively, from beginning of the course;

S. 29° 33′ 10″ E., 724.0 feet, along the above mentioned boundary, to monument E–2, which is a 2-inch iron pipe;

S. 29° 34′ 00″ E., 525.6 feet, along the above mentioned boundary, to monument E–1, which is a 2-inch iron pipe, located above high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°54′ N. plus 2,468.2 feet and longitude 79°34′ W. plus 308.9 feet;

S. 29° 34′ 00″ E., 540 feet, more or less, to an unmarked point called "E", located on the mean low water line, on the shore of Panama Bay;

In a general southwesterly direction, along the mean low water line on the shore of Panama Bay, to an unmarked point called "F", located due South, 3,600 feet, more or less, from monument F–1;

Due North, 3,600 feet, more or less, to monument F–1, which is a 10-inch square concrete monument located above the high water mark on the shore of Panama Bay, the geodetic position of which is in latitude 8°53′ N. plus 4,038.1 feet and longitude 79°35′ W. plus 6,014.3 feet;

Due North, 2,009.3 feet, through monuments F–2, F–3, F–4, which are 3-inch iron pipes, to monument "G", which is a 2½-inch iron pipe, beneath the surface of the ground in a rock crushing plant, the distances being 162.5 feet, 851.8 feet, 905.0 feet and 90.0 feet, successively, from beginning of the course;

N. 89° 59′ 30″ W., 1,514.0 feet, through monument No. 1–A, which is a 2-inch iron pipe, to monument No. 1, which is a 2-inch iron pipe, the distances being 159.1 feet and 1,354.9 feet, successively, from beginning of the course;

S. 89° 59′ 20″ W., 700.0 feet, through monument No. 2, which is a 1½-inch iron pipe, to monument No. 3, which is a 1½-inch iron pipe, the distances being 570.0 feet and 130.0 feet, successively, from beginning of the course;

S. 89° 59′ 50″ W., 95.0 feet, to monument No. 4, which is a 1½-inch iron pipe;

N. 89° 59′ 10″ W., 435.0 feet, to monument No. 5, which is a 2-inch iron pipe;

N. 89° 59′ 40″ W., 3,270.2 feet, through monuments Nos. 6, which is a 2-inch iron pipe, 7, which is a 1½-inch iron pipe, and 8, which is a 2½-inch iron pipe, to monument "H", which is an 8-inch square concrete monument, the geodetic position of which is in latitude 8°54′ N. plus 0.0 feet and 79° 36′ W. plus 6,014.3 feet, the distances being 1,020.0 feet, 1,000.0 feet, 750.0 feet and 500.2 feet, successively, from beginning of the course;

N. 00° 00′ 10″ W., 650.0 feet, to monument No. 9, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ E., 647.0 feet, to monument No. 10, which is a 2½-inch iron pipe;

N. 00° 00′ 10″ W., 1,205.0 feet, through monument No. 11, which is a 2½-inch iron pipe, to monument No. 12, which is a 2½-inch iron pipe, the distances being 750.0 feet and 455.0 feet, successively, from beginning of the course;

N. 00° 00′ 40″ W., 189.1 feet, to monument No. 13, which is a 2½-inch iron pipe;

N. 00° 00′ 10″ W., 540.0 feet, through monument No. 14, which is a 2½-inch iron pipe, to monument No. 15, which is a 2½-inch iron pipe, the distances being 360.0 feet and 180.0 feet, successively, from beginning of the course;

N. 00° 02′ 40″ W., 406.0 feet, to monument No. 16, which is a 2½-inch iron pipe;

N. 00° 00′ 40″ E., 683.0 feet, through monument No. 17, which is a 2½-inch iron pipe, to monument No. 18, which is a 2½-inch iron pipe, the distances being 400.0 feet and 283.0 feet, successively, from beginning of the course;

N. 00° 00′ 50″ E., 185.0 feet, to monument No. 19, which is a 2½-inch iron pipe;

N. 00° 01′ 20″ W., 705.0 feet, to monument No. 20, which is a 2½-inch iron pipe;

N. 00° 00′ 40″ W., 1,052.0 feet, through monument No. 21, which is a 2½-inch iron pipe, to monument No. 22, which is a 2½-inch iron pipe, the distances being 520.0 feet and 532.0 feet, successively, from beginning of the course;

N. 00° 01′ 00″ W., 100.0 feet, to monument No. 23, which is a 2½-inch iron pipe;

N. 00° 01′ 10″ W., 157.0 feet, to monument No. 24, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ W., 966.1 feet, through monument No. 25, which is a 2½-inch iron pipe, to monument No. 26, which is a 2½-inch iron pipe, the distances being 480.1 feet and 486.0 feet, successively, from beginning of the course;

N. 00° 00′ 40″ W., 600.0 feet, to monument No. 27, which is a 2½-inch iron pipe;

N. 00° 00′ 30″ W., 978.0 feet, to monument No. 28, which is a 2½-inch iron pipe;

N. 00° 00′ 20″ W., 2,126.1 feet, through monuments Nos. 29, 30 and 31, which are 2½-inch iron pipes, to monument No. 32, which is a 2½-inch iron pipe, the distances being 484.0 feet, 640.0 feet, 580.0 feet and

422.1 feet, successively, from beginning of the course;

N. 00° 00' 50" W., 755.1 feet, to monument No. 33, which is a 2½-inch iron pipe;

N. 00° 00' 40" E., 270.0 feet, to monument No. 34, which is a 2½-inch iron pipe;

N. 00° 04' 10" E., 1,073.9 feet, through monument "I", which is an 8-inch square concrete post, monument No. 60, which is a 2-inch iron pipe, and monument No. 61, which is a 1½-inch iron pipe, to monument No. 62, which is a 1½-inch iron pipe, the distances being 60.4 feet, 590.9 feet, 160.7 feet and 261.9 feet, successively, from beginning of the course;

N. 00° 04' 20" E., 947.5 feet, through monuments Nos. 63, 64 and 65, which are 1½-inch iron pipes, to monument No. 66, which is a 1½-inch iron pipe, the distances being 119.8 feet, 207.5 feet, 273.7 feet and 346.5 feet, successively, from beginning of the course;

N. 00° 04' 30" E., 1,111.1 feet, through monument No. 67, which is a 1½-inch iron pipe, monuments Nos. 68 and 69, which are 2-inch iron pipes, to monument No. 70, which is a 2-inch iron pipe, the distances being 456.1 feet, 305.4 feet, 272.3 feet and 77.3 feet, successively, from beginning of the course;

N. 00° 04' 40" E., 1,125.9 feet, through monuments Nos. 71 and 72, which are 2-inch iron pipes, to monument No. A. T. F. 27–1, which is a 2-inch iron pipe, located on the southern boundary of the Arraijan Tank Farm Naval Reservation, the distances being 189.7 feet, 527.8 feet and 408.4 feet, successively, from beginning of the course;

S. 89° 59' 30" E., 3,908.5 feet, along the southern boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A. T. F. 27 to A. T. F. 15 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A. T. F. 14, which is an 8-inch square concrete post, the distances being 322.5 feet, 297.5 feet, 194.9 feet, 160.2 feet, 123.4 feet, 310.2 feet, 498.7 feet, 248.1 feet, 160.0 feet, 534.9 feet, 261.0 feet, 233.2 feet, 346.0 feet and 217.9 feet, successively, from beginning of the course;

Due North, 4,259.0 feet, along the easterly boundary of the Arraijan Tank Farm Naval Reservation, through monuments Nos. A. T. F. 13 to A. T. F. 3 inclusive, which are 2½-inch iron pipes set in concrete, to monument No. A. T. F. 2, the point of beginning, the distances being 390.1 feet, 574.0 feet, 530.5 feet, 537.7 feet, 120.7 feet, 268.3 feet, 280.4 feet, 433.1 feet, 312.4 feet, 274.0 feet, 202.4 feet and 335.4 feet, successively, from beginning of the course;

The directions of the lines refer to the true meridian.

The area of the above described tract is 5,709 acres, more or less (the area above high water line is 5,502 acres, more or less), and is as shown on Canal Zone Government Drawing No. 6116–46, entitled "Map Showing United States Army and Air Force Reservations, Fort Kobbe and Howard Air Force Base, Canal Zone,"[1] scale 1:10,000, dated April 25, 1952, on file in the Office of the Governor of the Canal Zone, Balboa Heights, C. Z.

The surveys over the above described boundary were made by the Surveys Branch, Engineering and Construction Bureau, The Panama Canal Company, in May and June 1939, December 1940, January 1941, November and December 1946, October, November and December 1951, and January and April 1952, and are recorded in Field Books numbered M–202, M–225, M–240, M–417 and M–486. The geodetic positions of all points, referred to the Panama-Colon datum of the Canal Zone triangulation system, are on file in the office of the above mentioned Surveys Branch.

SEC. 2. *Conditions and limitations.* The reservations established by section 1 of this order shall be subject to the following conditions and limitations:

[1] Filed as part of the original document.

(a) The area comprising these reservations shall continue to be subject to the civil jurisdiction of the Government of the Canal Zone in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) Personnel and equipment of the Canal Zone Government and of the Panama Canal Company shall be permitted free access to these reservations to carry out necessary operations of such agencies in, or in the vicinity of, these reservations, in connection with public health and sanitation, operation of a public school, drainage, surveys, etc.; to inspect, maintain, repair, modify, or replace facilities or installations of such agencies within or adjacent to these reservations; and to install any additional services or utilities that are necessary to be installed through or upon, or in the vicinity of, these reservations.

(c) The Panama Canal Company shall have the right to continue to use that portion of the area set aside hereby which comprises the lowlands adjacent to the Rio Farfan and lies generally below the 20-foot contour, as a hydraulic dump, and personnel and equipment of the Panama Canal Company shall be permitted free access to such fill area for all purposes related to the use and maintenance of the area as a hydraulic dump.

(d) In the event of the activation of the Venado Beach area by the Canal agencies as a recreational area and bathing beach, persons eligible to utilize such area shall be permitted access thereto through these reservations, and suitable provision shall be made to enable the Canal agencies to construct an access road connecting Venado Beach with roads heretofore or hereafter constructed within these reservations.

(e) Access to Camp Harriett Morrow over that portion of Bruja Road which lies between monument 42 and monuments 40 and 41 shall be permitted to all persons authorized to enter such camp.

SEC. 3. *Executive order superseded.* This order supersedes Executive Order 8354 of February 25, 1940, which reserved and set apart Fort Kobbe Military Reservation.

KARL R. BENDETSEN,
Acting Secretary of the Army.

AUGUST 11, 1952.

[F. R. Doc. 52-9552; Filed, Aug. 29, 1952; 8:50 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

PART 203—RULES OF PRACTICE

SUBPART C—MINIMUM WAGE DETERMINATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Pursuant to authority vested in me by sections 1, 4 and 10 of the Walsh-Healey Public Contracts Act, as amended (49 Stat. 2036, as amended; 41 U. S. C. 35) this part is amended by adding a new Subpart C as set forth below. The purpose of this new subpart is to prescribe rules of practice applicable to the procedure for making prevailing minimum wage determinations under the act. These rules of practice shall be effective upon publication in the FEDERAL REGISTER.

SUBPART C—MINIMUM WAGE DETERMINATIONS UNDER THE WALSH-HEALEY PUBLIC CONTRACTS ACT

Sec.
203.15 Initiation of proceeding.
203.16 Industry panel meetings.
203.17 Hearings.
203.18 Evidence.
203.19 Subpoenas and witness fees.
203.20 Examination of witnesses.
203.21 Decisions.
203.22 Effective date of determinations.

AUTHORITY: §§ 203.15 to 203.22 issued under 49 Stat. 2036, as amended; 41 U. S. C. 35.

§ 203.15 *Initiation of proceeding.* Wage determination proceedings may be initiated by the Secretary of Labor with respect to any industry. The proceedings may be initiated by the Secretary of Labor upon his own motion or upon the request of any party showing a proper interest in the industry.

§ 203.16 *Industry panel meetings.* The Secretary of Labor may, within his discretion, invite representatives of employers and employees in an industry to meet as an informal panel group to discuss with representatives of the Department of Labor the various questions relating to the issuance of a wage determination for the industry.

§ 203.17 *Hearings.* (a) Hearings held for the purpose of receiving evidence with regard to prevailing minimum wages in the various industries shall be conducted by the Secretary of Labor or by a duly assigned Hearing Examiner.

(b) Due notice of hearing shall be published in the FEDERAL REGISTER.

(c) The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Secretary, United States Department of Labor, Fourteenth Street and Constitution Avenue, Northwest, Washington 25, D. C.

(d) At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

§ 203.18 *Evidence.* (a) Witnesses appearing at the hearing need not be sworn. The Presiding Officer may, however, within his discretion, require that witnesses take an oath or affirmation as to testimony submitted.

(b) Written statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

(c) Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, within the discretion of the Presiding Officer, such a document will not be received but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions

of the document intended to be put in evidence.

(d) At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Secretary, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have appeared at the hearing or filed a notice of intention to appear at the hearing.

(e) The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

§ 203.19 *Subpoenas and witness fees.* (a) Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Secretary or the Hearing Examiner upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance of a subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

(b) Witnesses summoned by the Secretary shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Secretary before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

§ 203.20 *Examination of witnesses.* The Presiding Officer shall, consistent with orderly procedure, permit any person appearing at the hearing to conduct such examination or cross-examination of any witness as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer.

§ 203.21 *Decisions.* (a) Where the hearing is held before the Secretary, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Secretary an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a Hearing Examiner, a complete record of the proceedings shall be certified to the Secretary upon the close of the hearing. The Secretary shall thereupon issue a proposed decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons and basis therefor and the appropriate wage determination. Notice of the Secretary's proposed decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Secretary's proposed decision is published in the FEDERAL REGISTER, any interested person may file with the Secretary a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs (a) and (c) of this section, and after consideration of all relevant matter presented as provided in such paragraphs, the Secretary shall make his final decision in the matter, and shall issue a minimum wage determination in accordance with such decision. Such minimum wage determination shall be published in the FEDERAL REGISTER.

§ 203.22 *Effective date of determinations.* Any minimum wage determination issued as a result of hearings held under this subpart shall take effect not less than 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 28th day of August 1952.

MICHAEL J. GALVIN,
Acting Secretary of Labor.

[F. R. Doc. 52-9616; Filed, Aug. 29, 1952; 9:13 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Rev. S. O. 867, Amdt. 7]

PART 95—CAR SERVICE

RESTRICTIONS ON TRAP AND FERRY CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Revised Service Order No. 867 (15 F. R. 6199, 6313, 6573; 16 F. R. 2895, 6184, 12096; 17 F. R. 1857, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.867 *Restrictions on trap and ferry cars*, of Revised Service Order No. 867 be, and it is hereby further amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9535; Filed, Aug. 29, 1952; 8:47 a. m.]

[Corr. S. O. 870, Amdt. 6]

PART 95—CAR SERVICE

FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Service Order No. 870 (15 F. R. 8994, 9065; 16 F. R. 2895, 6843, 10995; 17 F. R. 1857, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.870 *Free time on freight cars loaded at ports*, of Service Order No. 870, be, and it is hereby further amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9535; Filed, Aug. 29, 1952; 8:47 a. m.]

[Corr. S. O. 871, Amdt. 7]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING BOX CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of Service Order No. 871 (15 F. R. 8995, 9066; 16 F. R. 2895; 6843, 10750, 10995; 17 F. R. 1858, 4949), and good cause appearing therefor: It is ordered, that:

Section 95.871 *Free time on unloading box cars at ports*, of Service Order No. 871 be, and it is hereby further amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., August 31, 1952.

It is further ordered, that a copy of this amendment and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9533; Filed, Aug. 29, 1952; 8:47 a. m.]

[S. O. 877, Amdt. 5]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 26th day of August A. D. 1952.

Upon further consideration of the provisions of Service Order No. 877 (16 F. R. 4940, 8583, 8681, 12097; 17 F. R. 1726, 4576), and good cause appearing therefor: It is ordered, that:

Section 97.877 *Rerouting of traffic*, of Service Order No. 877, be and it is hereby, amended by substituting the following paragraph (g) hereof for paragraph (g) thereof:

(g) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1952, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., August 31, 1952, that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9534; Filed, Aug. 29, 1952; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 678, 689, 692, 697, 706]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 12

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS FOR CERTAIN INDUSTRIES

The Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) on May 8, 1952, by Administrative Order No. 421, appointed Special Industry Committee No. 12 for Puerto Rico, composed of residents of Puerto Rico and of the United States outside of Puerto Rico, to investigate conditions respecting, and to recommend minimum wage rates for, employees engaged in commerce or in the production of goods for commerce in a number of industries in Puerto Rico specified in the order, including the Button, Buckle, and Jewelry Industry; Beer Division of the Alcoholic Beverage and Industrial Alcohol Industry; Railroad, Railway Express, and Property Motor Transport Industry; Stone, Glass, and Related Products Industry; and Sugar Manufacturing Industry.

The Committee included disinterested persons representing the public, a like number of persons representing employees in these industries, and a like number representing employers in these industries.

Special Industry Committee No. 12 for Puerto Rico has made separate minimum wage recommendations and has duly filed with the Administrator reports containing such recommendations, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act, for each of the aforementioned industries.

The Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving opportunity to be heard, to approve and carry into effect by order each of the recommendations of Special Industry Committee No. 12 for Puerto Rico, if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of section 8 of the act; and if he finds otherwise, to disapprove such recommendations.

Now, therefore, notice is hereby given that:

A. The separate minimum wage recommendations of Special Industry Committee No. 12 for employees engaged in commerce or in the production of goods for commerce in the above named industries in Puerto Rico are as follows:

Industry	Recommended minimum cents an hour
1. Button, buckle, and jewelry industry:	
(a) Pearl button and buckle division	54
(b) Leather and fabric button and buckle division	53
(c) Button and buckle (other than pearl, leather, or fabric) and bead division	48
(d) Rosary and native jewelry division	33
(e) Necklace, bracelet, and similar jewelry division	36
(f) Precious jewelry division	55
(g) Metal expansion watch band division	60
(h) Metal and plastic jewelry and miscellaneous products division	50
2. Beer division of the alcoholic beverage and industrial alcohol industry	
3. Railroad, railway express, and property motor transport industry:	
(a) Railroad division	33
(b) Railway express and property motor transport division	60
4. Stone, glass, and related products industry:	
(a) Glass and glass products division	60
(b) Glass decorating division	42
(c) Mica division	42
(d) Concrete pipe division	60
(e) Hot asphaltic plant mix division	75
(f) General division	50
5. Sugar manufacturing industry	75

B. The definitions of the above named industries in Puerto Rico (as set forth in Administrative Order No. 421) and of the separate divisions thereof, for which Special Industry Committee No. 12 for Puerto Rico has made the foregoing separate minimum wage recommendations are as follows:

1. *Button, buckle, and jewelry industry.* The manufacture from any material of buttons, buckles, jewelry (including rosaries), and jewelry findings, including beads): *Provided, however,* That the definition shall not include any activities covered by the definition of the Jewel Cutting and Polishing Industry in Puerto Rico.

The Committee recommended that the Button, Buckle, and Jewelry Industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates and that these separable divisions be defined as follows:

(a) *Pearl button and buckle division.* The manufacture of buttons and buckles from ocean pearl or other natural shell.

(b) *Leather and fabric button and buckle division.* The manufacture of buttons and buckles from leather, cotton tape, or other fabric.

(c) *Button and buckle (other than pearl, leather, or fabric) and bead division.* The manufacture of buttons and buckles from any material except ocean pearl or other natural shell, leather, cotton tape or other fabric; and the manufacture of metal, glass, plastic and wooden beads, but not including the pearlizing or further processing and assembling of beads into necklaces, bracelets, and similar jewelry items.

(d) *Rosary and native jewelry division.* The assembling of rosaries and the manufacture of novelty jewelry from materials of local origin such as seeds, shells, natural fibers and similar materials.

(e) *Necklace, bracelet, and similar jewelry division.* The stringing of artificial pearl and other necklaces, bracelets, and similar jewelry items made of beads, including pearlizing and other processing operations.

(f) *Precious jewelry division.* The manufacture of jewelry or jewelry findings made of precious metals whether or not embellished with natural or synthetic stones.

(g) *Metal expansion watch band division.* The manufacture or partial manufacture from metal of expansion bands or expansion bracelets for watches.

(h) *Metal and plastic jewelry and miscellaneous products division.* The manufacture from plastics, non-precious metals, or other materials of jewelry, jewelry findings and all other products included in the button, buckle, and jewelry industry, as defined herein, except those included in the pearl button and buckle division, the leather and fabric button and buckle division, the button and buckle (other than pearl, leather, or fabric) and bead division, the rosary and native jewelry division, the necklace, bracelet, and similar jewelry division, the precious jewelry division, and the metal watch band division.

2. *Beer division of the alcoholic beverage and industrial alcohol industry.* This division consists of the manufacture of beer, ale, and similar malt beverages containing alcohol.

3. *Railroad, railway express, and property motor transport industry.* (a) The industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation of passengers or property for compensation.

(b) The industry carried on in Puerto Rico by any railway express or other express company which holds itself out to the general public to engage in the transportation of property for compensation.

(c) The industry carried on in Puerto Rico consisting of the transportation of property by motor vehicle for compensation: *Provided, however,* That this definition shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses or refined sugar, and incidental by-products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products.

The Committee recommended that the railroad, railway express, and property motor transport industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Railroad division.* This division consists of the industry carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation of passengers or property for compensation.

(b) *Railway express and property motor transport division.* This division consists of (1) the industry carried on in Puerto Rico by any railway express or other express company which holds itself out to the general public to engage in the transportation of property for compensation, and (2) the industry carried on in Puerto Rico consisting of the transportation of property by motor vehicle for compensation.

4. *Stone, glass, and related products industry.* The mining, quarrying, or other extraction and the further processing of all minerals (other than clay, metal ores, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and other similar natural materials: *Provided, however,* That the definition shall not include the manufacture of chemicals, or the extraction of minerals used for such manufacture, or any product or activity included in the button, buckle, and jewelry industry; the cement industry; the clay and clay products industry; the construction, business service, motion picture, and miscellaneous industries; the jewel cutting and polishing industry; or the metal, plastics, machinery, instrument, transportation equipment and allied industries (as defined in the wage orders for these industries in Puerto Rico).

The Committee recommended that the stone, glass, and related products industry in Puerto Rico, as defined in Administrative Order No. 421, be divided into separable divisions for the purpose of fixing minimum wage rates, and that these separable divisions be entitled and defined as follows:

(a) *Glass and glass products division.* The manufacture of glass and glass products except the decorating of glass or glass products when performed in a non-glass making establishment.

(b) *Glass decorating division.* The decorating of glass or glass products when performed in a non-glass making establishment.

(c) *Mica division.* The processing of mica and the manufacture of mica parts for radio, television, or other electronic tubes or for other electrical products.

(d) *Concrete pipe division.* The manufacture of concrete pipe or conduit.

(e) *Hot asphaltic plant mix division.* The manufacture of hot asphaltic plant mix for paving.

(f) *General division.* All products and activities included in the stone, glass, and related products industry, as defined herein, except those included in the glass and glass products division, the glass decorating division, the mica division, the concrete pipe division, and the hot asphaltic plant mix division.

5. *Sugar manufacturing industry.* The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by, or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any activity covered by the wage orders for the shipping industry or the railroad, railway express and property motor transport industry.

C. The full texts of the reports and recommendations of Special Industry Committee No. 12 for Puerto Rico for each of the above industries will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

18 Oliver Street, Boston 10, Mass.
808 Lafayette Building, Fifth and Chestnut Streets, Philadelphia 6, Pa.
248 Engineers Building, 1365 Ontario Avenue, Cleveland 14, Ohio.
3000 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

144 Federal Office Building, Fulton and Leavenworth Streets, San Francisco 2, Calif.
Fourteenth Street and Constitution Avenue NW., Washington 25, D. C.
900 U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
1908 Comer Building, 2026 Second Avenue North, Birmingham 3, Ala.
1200 Merchandise Mart Building, 222 West North Bank Drive, Chicago 54, Ill.
222 Fidelity Building, 1000 Main Street, Dallas 2, Tex.
United States Courthouse, 801 Broad Street, Nashville 3, Tenn.
412 New York Department Store Building, Post Office Box 9061, Santurce 29, P. R.

Copies of the Committee's reports and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., or the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½ Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico.

D. Public hearings will be held at 10:00 a. m., on the dates and at the places set forth below before the Administrator of the Wage and Hour Division or a representative designated to preside in his place, for the purpose of taking evidence on the question of whether the separate recommendations of Special Industry Committee No. 12 for Puerto Rico set forth above shall be approved or disapproved.

Sugar manufacturing industry: October 21, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.
Button, buckle, and jewelry industry: October 7, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.
Beer division of the alcoholic beverage and industrial alcohol industry: October 7, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.
Railroad, railway express, and property motor transport industry: October 14, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.
Stone, glass, and related products industry: October 14, 1952, in Room 5406, Department of Labor Building, Washington 25, D. C.

E. Any interested person supporting or opposing any of the recommendations of Special Industry Committee No. 12 for Puerto Rico which are set forth above may appear at any of the aforesaid hearings to offer evidence, either on his own behalf or on behalf of any other person; provided that not later than seven days preceding any hearing at which he intends to appear, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. or at the office of the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing;

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

3. The recommendation or recommendations of Special Industry Committee No. 12 for Puerto Rico in which he is interested and whether he proposes to appear for or against such recommendation or recommendations;

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, and shall be deemed filed upon receipt.

F. Any person interested in supporting or opposing any of the above recommendations of Special Industry Committee No. 12 for Puerto Rico may secure further information concerning the aforesaid hearings by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, or to the Territorial Representative, Wage and Hour Division, United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, San Juan, Puerto Rico, or by consulting with attorneys representing the Administrator who will be available at the Office of the Solicitor, United States Department of Labor in Washington, D. C.

G. The records made at the public hearing on conditions in the above-named industries in Puerto Rico held before Special Industry Committee No. 12 in San Juan, Puerto Rico in June and July, 1952, may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, at 14th and Constitution Avenue, Washington 25, D. C., and Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico. The records of the public hearing before the industry committee with respect to each of the above-named industries in Puerto Rico will be available for examination on and after 30 days prior to the date fixed herein for the hearing on the Committee's recommendation for such industry. Such records will be offered in evidence at the appropriate public hearing before the Administrator or his representative on such industry.

H. The hearings will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Presiding Officer (the Administrator or his authorized representative, as the case may be) as are deemed appropriate.

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, United States Department of Labor, Fourteenth and Constitution Avenue, NW., Washington 25, D. C.

2. At the discretion of the Presiding Officer, the hearing may be continued from day to day or adjourned to a later date, or to a different place by announcement thereof at the hearing or by other appropriate notice.

3. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the hearing has been closed, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

4. All evidence must be presented under oath or affirmation.

5. Except as otherwise permitted by the Presiding Officer, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof. Written, sworn statements may be filed any time prior to the date of the hearing by persons who cannot appear personally.

6. Written documents and exhibits shall be tendered in quadruplicate. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence.

7. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing shall be issued by the Administrator upon request and upon a timely showing, in writing, of the general relevance and reasonable scope of the evidence sought. Any person appearing in the proceeding may apply for the issuance by the Administrator of the subpoena. Such application shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

8. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing a subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The Presiding Officer shall, upon request, permit any person appearing in the proceeding to conduct such cross-examination of any witness offered by another person as may be required for a full and true disclosure of the facts, and to object to the admission or exclusion of evidence. Objections to the admission or inclusion of evidence shall be stated briefly with the reasons relied on. Such objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the Presiding Officer.

11. Before the close of the hearing, written requests shall be received from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matters in issue. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

12. Briefs (4 copies) or particular questions may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

13. (a) Where the hearing is held before the Administrator, within fifteen (15) days after the close of the hearing, any interested person appearing at the hearing may submit for the consideration of the Administrator an original and four copies of a statement in writing containing proposed findings and conclusions, together with supporting reasons therefor.

(b) Where the hearing is held before a representative of the Administrator designated to preside in his place, a complete record of the proceedings shall be certified to the Administrator upon the close of the hearing. The Administrator shall thereupon issue a tentative decision in the matter, which shall become a part of the record and include a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and the appropriate order. Notice of the Administrator's tentative decision shall be published in the FEDERAL REGISTER.

(c) Within fifteen (15) days after such notice of the Administrator's tentative decision is published in the FEDERAL REGISTER, any interested person appearing at the hearing may file with the Administrator a statement in writing (original and four copies) setting forth any exceptions he may have to such decision, together with supporting reasons for such exceptions.

(d) After the expiration of the fifteen day periods referred to in paragraphs 13 (a) and (c) above, and after consideration of all relevant matter presented as provided in such paragraphs, the Administrator shall make his final decision in the matter, and shall issue an order approving or disapproving the recommendations of the industry committee. Such order shall be published in the FEDERAL REGISTER.

14. Any wage order issued as a result of hearings held hereunder shall take effect 30 days after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER, or at such time prior thereto as may be provided therein upon good cause found and published therewith.

Signed at Washington, D. C., this 27th day of August 1952.

F. GRANVILLE GRIMES, JR.,
Acting Administrator,
Wage and Hour Division.

[F. R. Doc. 52-9553; Filed, Aug. 29, 1952; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

FLIGHT TIME LIMITATIONS FOR LONG-DISTANCE SCHEDULED INTERSTATE OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of an amendment to the proposed revised Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by September 25, 1952.

Copies of such communications will be available after September 29, 1952 for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

The Bureau of Safety Regulation formerly proposed in 15 F. R. 6700 (proposed revision of Part 40) that maximum daily flight time limitations applicable to flight crews in scheduled domestic air carrier operations be extended from 8 hours to 12 hours for nonstop flights. After consideration of this proposal the Board decided that such a major departure from flight time limitations so long in use for domestic operations did not appear to be warranted at that time. Subsequent republication of the proposed revised Part 40 (16 F. R. 8923 and 17 F. R. 6971) did not, therefore, contain a similar proposal.

The Board has recently been advised that certain air carriers contemplate placing in operation aircraft which may be employed in nonstop transcontinental operations. It appears that all of the major problems which have prevented the establishment of such service in the past are approaching solution except that of flight time limitations. Since westbound flights in such nonstop transcontinental operations may still be expected to exceed 8 hours, the presently effective daily flight time limitations will of themselves prevent such operations irrespective of how desirable such transcontinental operations may be. Accordingly, it appears advisable for the Board to examine further the question of flight time limitations with respect to long-distance nonstop operations.

The Board, therefore, has under consideration an amendment to the regulations which will permit such long-distance flights, provided adequate safeguards to prevent excessive flight time are assured. Although the Board proposes that the daily flight time limitation for an airman engaged in long-distance scheduled nonstop operations be 12 hours, it also desires comment on the advisability of a limitation somewhere between 8 and 12 hours. Comment is further desired with respect to any related matters which would require concurrent amendment, such as whether the proposal would require the establishment of flight deck duty time limitations, and if so whether such flight deck duty time limitations should be equally applicable to pilots and other flight crew members, and similarly what the magnitude of such flight deck duty time limitations should be.

This amendment is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated August 26, 1952, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 52-9575; Filed, Aug. 29, 1952; 8:53 a. m.]

NOTICES

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority No. 47]

DIRECTORS OF THE DISTRICT OFFICES REGION I, BOSTON, MASS.

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. I, and pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization in Region I, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one regional or district office of the Office of Price Stabilization, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing com-

munity dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 19, 1952.

JOSEPH M. McDONOUGH,
Regional Director, Region I.

AUGUST 27, 1952.

[F. R. Doc. 52-9555; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 27, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1, TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 25, Amendment 1 (17 F. R. 7098), this amendment to Redelegation of Authority No. 27 is hereby issued.

Paragraph 1 of Authority No. 27 is amended to read as follows:

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III:

(a) To deny applications for adjustments of ceiling rates or charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) To make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amendment shall take effect as of August 22, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9556; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 34, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 5 AND 6 OF CPR 31

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 66, Revision 1, (17 F. R. 5437), this revision to Redelegation of Authority No. 34, is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to receive and examine reports filed under the provisions of sections 5 and 6 of CPR 31; to ascertain whether such reports conform to requirements of CPR 31; and to take all steps necessary to assure that such reports are corrected in accordance with the provisions of sections 5 and 6 of CPR 31.

This Revision 1 to Redelegation of Authority No. 34 shall take effect as of August 22, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9557; Filed, Aug. 27, 1952; 3:43 p. m.]

[Region III, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PENNSYLVANIA

REDELEGATION OF AUTHORITY TO ACT UNDER SECTIONS 36 AND 53 OF CPR 117, REVISION 1, AND TO PRESCRIBE UNIFORM MAXIMUM CASE AND CONTAINER CHARGES PURSUANT TO SECTION 71 OF CPR 117, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 52 (17 F. R. 5618), Revision 1, this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act, by order, on all applications under the provisions of sections 36 and 53 of CPR 117, Revision 1.

2. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue orders, pursuant to section 71 of CPR 117, Revision 1, establishing uniform maximum case and container charges for any seller or group of sellers located in their respective jurisdictions.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9558; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region III, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER COR-24

By vitrue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to issue adopting orders as authorized by GOR-24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR-24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Stabilization located in Region III, the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9559; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region III, Redelegation of Authority No. 42]

DIRECTORS OF THE DISTRICT OFFICES REGION III, PHILADELPHIA, PA.

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. III, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to each of the District Directors of the Office of Price Stabilization in Region III to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by such district offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 22, 1952.

JOSEPH J. McBRYAN,
Director of Regional Office No. III.

AUGUST 27, 1952.

[F. R. Doc. 52-9560; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 18, Amdt. 1]

DIRECTORS OF THE DISTRICT OFFICES REGION VI, CLEVELAND, OHIO

DELEGATION OF AUTHORITY TO MAKE ADJUSTMENTS UNDER SR 39, REVISION 1 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 25 (16 F. R. 11406) and pursuant to Delegation of Authority 25, Amendment 1 (17 F. R. 7098), this Amendment 1 to Redelegation of Authority 18 is hereby issued.

Section 1 of Redelegation of Authority 18 (17 F. R. 261) is amended to read as follows:

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to:

(a) Deny applications for adjustments of ceiling rates of charges made in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations;

(b) Make adjustments of ceiling rates or charges in accordance with the provisions of Supplementary Regulation 39, Revision 1 to the General Ceiling Price Regulation relating to interstate and intrastate operations.

This amendment shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9561; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 27, Amdt. 2]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO AUTHORITY TO ACT DURING EPIDEMIC CONDITIONS UNDER DR 1, REVISION 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 11, Revision 1 (17 F. R. 2145) and pursuant to Delegation of Authority No. 11, Revision 1, Amendment 1 (17 F. R. 7195), this Amendment 2 to Redelegation of Authority No. 27 (17 F. R. 3067) is hereby issued.

Redelegation of Authority No. 27, is amended by adding a new section 1 (f) to read as follows:

(f) To grant relief, pursuant to section 19 (c) of Distribution Regulation 1, Revision 1, in the form of permission to a registered Class 2 or Class 2A slaughterer to have swine slaughtered for him temporarily by a Class 1 slaughterer, where and for so long as epidemic conditions make such relief necessary. This paragraph is effective for the duration of the epidemic of vesicular exanthema in existence on August 1, 1952.

This Amendment 2 to Redelegation of Authority 27, shall be effective as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9562; Filed, Aug. 27, 1952; 3:44 p. m.]

[Region VI, Redelegation of Authority No. 31, Revision 1]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 134

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 61, Revision 1 (17 F. R. 6424), this revised redelegation of authority is hereby issued.

1. *Authority to act under CPR 134.* Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to act under section 4 (a) (6), 6 (c), 6 (d), 7, 9 (b) (3), 10, 14 (f), 16 (b), and 21 of Ceiling Price Regulation 134.

This revised redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9563; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 39]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER SR 65 TO THE GCPR

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization No. VI, pursuant to Delegation of Authority No. 71 (17 F. R. 7063), this redelegation of authority is hereby issued.

1. *Authority to act under section 3 (f) of SR 65 to the GCPR.* Authority is hereby redelegated to the Directors of the District offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to act under section 3 (f) of SR 65 to the GCPR. All actions in respect to section 3 (f) of SR 65 to the GCPR, taken by the said field offices previous to this authority, are hereby confirmed and validated.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9564; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one Regional or District Office of the Office of Price Stabilization the office for the area in which the majority of the sellers to be covered by the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9565; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region VI, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION VI, CLEVELAND, OHIO

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. VI, pursuant to Delegation of Authority No. 72 (17 F. R. 7357), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices of Price Stabilization located at Detroit, Michigan, and Louisville, Kentucky, to:

(a) Request information in accordance with OPS Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) Issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) Disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect as of August 25, 1952.

SYDNEY A. HESSE,
Regional Director, Region VI.

AUGUST 27, 1952.

[F. R. Doc. 52-9566; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region X, Redelegation of Authority No. 40]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO ACT UNDER GOR 24

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority No. 50 (17 F. R. 675), this redelegation of authority is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X, to issue adopting orders as authorized by GOR 24 and to grant, deny, or revoke the reclassification provided for under section 7 of GOR 24.

2. If the area for which it is deemed appropriate to fix community dollars-and-cents ceiling prices lies within the jurisdiction of more than one district office of the Office of Price Stabilization, the office for the district in which the majority of the sellers to be covered by

the order is located shall be the office to issue an order fixing community dollars-and-cents ceiling prices for all sellers in that area.

This redelegation of authority shall take effect as of August 26, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 27, 1952.

[F. R. Doc. 52-9567; Filed, Aug. 27, 1952; 3:45 p. m.]

[Region X, Redelegation of Authority No. 41]

DIRECTORS OF THE DISTRICT OFFICES, REGION X, DALLAS, TEXAS

REDELEGATION OF AUTHORITY TO MAKE AREA ADJUSTMENTS UNDER SECTION 11 (d) OF CPR 17

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, No. X, Dallas, Texas, pursuant to Delegation of Authority 72 (17 F. R. 7357), this Region X Redelegation of Authority No. 41 is hereby issued.

1. Authority is hereby redelegated to the Directors of the District Offices, Office of Price Stabilization, Region X:

(a) To request information in accordance with OPS Public Form 151 of tank wagon sellers of fuel oil for the purpose of adjusting ceiling prices under section 11 (d) of Ceiling Price Regulation 17;

(b) To issue area adjustments by special order under the provisions of section 11 (d) of Ceiling Price Regulation 17;

(c) To disapprove area adjustments requested under section 11 (d) of Ceiling Price Regulation 17.

This redelegation of authority shall take effect on August 28, 1952.

ALFRED L. SEELYE,
Director of Regional Office No. X.

AUGUST 27, 1952.

[F. R. Doc. 52-9568; Filed, Aug. 27, 1952; 3:46 p. m.]

[Ceiling Price Regulation 83, Section 2, Special Order 16, Amdt. 8]

KAISER-FRAZER CORP.

BASIC PRICES AND CHARGES FOR NEW PASSENGER AUTOMOBILES

Statement of considerations. Special Order 16 established a schedule of prices and charges pursuant to section 2 of Ceiling Price Regulation 83 for sellers of new passenger automobiles and factory installed extra equipment manufactured by the Kaiser-Frazer Corporation. The Director by letter order has recently established new wholesale ceiling prices pursuant to existing regulations on Kaiser Deluxe and Kaiser Manhattan automobiles, and the Kaiser-Frazer Corporation has increased its prices on such automobiles to its dealers pursuant thereto. This order is accordingly issued to establish sellers' prices and charges which will reflect increased costs to dealers and mark-ups thereon, and is applicable to all automobiles which have been sold by Kaiser-Frazer Corporation at the increased prices.

Amendatory provisions. For the reasons set forth in the Statement of Considerations and pursuant to section 2 of Ceiling Price Regulation 83, this amendment to Special Order 16 is hereby issued.

1. The list of basic prices for Kaiser Deluxe and Kaiser Manhattan automobiles manufactured by Kaiser-Frazer Corporation in paragraph one is amended to read as follows:

KAISER AUTOMOBILES

Kaiser "Deluxe" series (sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

2-door Traveler	$2,308.65
4-door Sedan	2,259.91
Business Coupe	2,036.88
2-door Sedan	2,210.31
4-door Traveler	2,357.40
Club Coupe	2,188.63

Kaiser "Deluxe" series (sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

2-door Traveler	$2,371.61
4-door Sedan	2,322.87
Business Coupe	2,099.84
2-door Sedan	2,273.27
4-door Traveler	2,420.36
Club Coupe	2,251.59

Kaiser "Manhattan" series (sold by Kaiser-Frazer at prices in effect prior to July 18, 1952)

2-door Traveler	$2,415.87
4-door Sedan	2,367.14
Business Coupe	2,210.31
2-door Sedan	2,318.41
4-door Traveler	2,464.61
Club Coupe	2,337.89

Kaiser "Manhattan" series (sold by Kaiser-Frazer at prices in effect subsequent to July 18, 1952)

2-door Traveler	$2,478.83
4-door Sedan	2,430.10
Business Coupe	2,273.27
2-door Sedan	2,381.37
4-door Traveler	2,527.57
Club Coupe	2,400.85

Effective date. This amendment to Special Order 16 shall become effective August 21, 1952.

ELLIS ARNALL,
Director of Price Stabilization.

AUGUST 21, 1952.

[F. R. Doc. 52-9343; Filed, Aug. 21, 1952; 11:04 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2028]

MANUFACTURERS LIGHT AND HEAT CO. AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE OF APPLICATION

AUGUST 26, 1952.

Take notice that Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Cumberland and Allegheny Gas Company (Cumberland), a West Virginia corporation, both having their principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on August 14, 1952, an application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas pipelines for the transportation and sale of natural gas, and an application for permission and approval pursuant to section 7 of the Natural Gas Act for abandonment, retirement and removal of certain natural-gas pipelines, all as hereinafter described.

Manufacturers proposes the following: (a) To construct and operate 9,240 feet of 12-inch and 1,200 feet of 4-inch pipeline in and near the City of Weirton, West Virginia, and to abandon in place 6,820 feet of 6-inch, 3,160 feet of 8-inch and 3,600 feet of 4-inch pipeline in the same locality; (b) to construct and operate 4.4 miles of 16-inch pipeline between Peters Run Reducing Station and the Town of Warwood, near Wheeling, West Virginia, and to abandon and remove 4.4 miles of 10-inch pipeline in the same locality; (c) to abandon, retire and remove one 80-horsepower compressor unit from its Sedalia Compressor Station, West Virginia; and (d) to construct and operate 2.04 miles of 8-inch loop line between a point in East Pike Run Township and the Borough of Allenport, Pennsylvania. Cumberland proposes to construct and operate 3 miles of 4-inch pipeline between Albright and Kingwood, West Virginia, and to abandon and remove the existing 2- and 3-inch line between these communities.

Applicants state that no new services are hereby proposed and that, through the means of the additional facilities described above, they proposed to improve and increase service and capacity for the benefit of the customers involved. Applicants estimate the net cost of the proposed facilities at $473,992 and state that the financing will be with money obtained from their parent company, The Columbia Gas System, Inc., under arrangements not yet formulated.

Manufacturers' project (a), above, is in substitution for and to serve the same purpose as Job No. 16 for which a certificate was granted in Docket No. G-1732. Manufacturers desires to abandon the authorization for this job under Docket No. G-1732, Manufacturers' project (d), above, is in substitution for the construction proposed in Job No. 8 in Docket No. G-1898. Manufacturers states that it has now abandoned such request.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of September 1952. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 52-9521; Filed, Aug. 29, 1952; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Defense Manpower Policy No. 4, Notification 34, Revocation]

PLACEMENT OF PROCUREMENT IN THE PORTSMOUTH, OHIO, AREA

NOTIFICATION OF REVOCATION TO DEPARTMENT OF DEFENSE AND GENERAL SERVICES ADMINISTRATION

The Department of Labor has notified the Surplus Manpower Committee that Portsmouth is no longer classified as a Group IV, surplus labor area, and is now classified as a Group II area. Therefore, in accordance with the standards established by the Secretary of Labor under Section III, paragraph 2 of Defense Manpower Policy No. 4, the certification of this area has been withdrawn.

The Department of Defense and the General Services Administration are hereby notified that preference in the placement of Government contracts, in accordance with Defense Manpower Policy No. 4, should no longer be given to the above named area. Effective immediately Notification 34 is revoked.

OFFICE OF DEFENSE MOBILIZATION,
JOHN R. STEELMAN,
Acting Director.

[F. R. Doc. 52-9613; Filed, Aug. 28, 1952; 4:57 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3347]

NORMANDIE GOLD CONSOLIDATED, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

AUGUST 26, 1952.

The San Francisco Mining Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from listing and registration the Capital Assessable Stock, $1 Par Value, of Normandie Gold Consolidated, Inc.

The application alleges that the reasons for striking this security from listing and registration on this exchange are as follows:

(1) Two individuals own virtually all of the outstanding shares of the above security.

(2) The above security has been suspended from trading on the applicant exchange for more than three years without any successful effort having been made to obtain sufficient public distribution to warrant the continued listing and registration of this security on applicant exchange.

Upon receipt of a request, prior to September 25, 1952, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9526; Filed, Aug. 29, 1952; 8:46 a. m.]

[File No. 54-173]

PHILADELPHIA CO., AND STANDARD GAS AND ELECTRIC CO.

ORDER APPROVING PLAN

AUGUST 22, 1952.

Standard Gas and Electric Company ("Standard"), a subsidiary of Standard Power and Light Corporation ("Standard Power"), having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("the act") for approval of a plan and amendments thereto providing for the simplification of the corporate structure of the system of Philadelphia Company ("Philadelphia"), its subsidiary, the three aforenamed companies being registered holding companies;

Steps 1 through 3 of the aforementioned plan having been consummated and Step 4 thereof providing for the retirement of the 5 and 6 percent Preferred Stocks of Philadelphia and the Preferred Stock of The Consolidated Gas Company of the City of Pittsburgh ("Consolidated Preferred Stock");

Public hearings having been duly held after appropriate notice, at which hearings all interested persons were afforded an opportunity to be heard;

Standard having requested that the Commission's order approving Step 4 contain recitals in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof;

Standard having further requested the Commission, pursuant to section 11 (e) of the act, to apply to a United States District Court to enforce and carry out the terms and provisions of the plan;

The Commission having considered the record in the matter and having filed its Findings and Opinion herein on April 7, 1952, finding therein that Step 4 is necessary to effectuate the provisions of section 11 (b) of the act and, if amended in certain respects as set forth in said Findings and Opinion, fair and equitable to all persons affected thereby;

Standard having, on July 11, 1952, filed an amendment to Step 4 modifying it in accordance with the aforesaid Findings and Opinion of the Commission;

The Commission having considered the aforesaid amendment filed on July 11, 1952, in the light of its Findings and Opinion of April 7, 1952, and finding that the plan, as thus amended, is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to persons affected by it;

It is ordered, On the basis of the record herein and the said Findings and Opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said Step 4, as amended, be and it hereby is approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

1. That the order entered herein shall not be operative to authorize the consummation of the transactions proposed in Step 4, as amended, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said Step 4, as amended;

2. That Standard, Philadelphia and Standard Power shall pay only such fees and expenses in connection with Step 4, as amended, and the proceedings relating thereto as the Commission may approve on appropriate application made to it, and jurisdiction be and hereby is specifically reserved to determine the reasonableness and appropriate allocation of all such fees and expenses and other renumeration incurred or to be incurred in connection with the said Step 4, as amended, and the transactions incident thereto;

3. That jurisdiction be and it hereby is further specifically reserved with respect to the following matters:

a. The supervision of efforts to locate holders of securities to be exchanged under the provisions of Step 4, as amended.

b. The appropriateness of the accounting entries to be made by Philadelphia in recording the transactions incident to the consummation of Step 4, as amended.

c. The selection of the Exchange Agent provided for in Step 4, Standard not to appoint an Exchange Agent until it has notified the Commission of the Agent proposed to be employed and the manner by which such proposed Agent was selected and the Commission has entered a further order herein releasing jurisdiction with respect to the Agent proposed to be employed.

d. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be necessary or appropriate in connection with Step 4, as amended, the transactions incident thereto and the consummation thereof.

It is further ordered and recited, That all steps and transactions involved in the consummation of Step 4, as amended, including particularly, the transfers, conveyances, exchanges, expenditures and investments, receipts and distributions hereinafter described and recited in subparagraphs 1 through 7 below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and the orders of the Commission previously entered thereunder, all in accordance with the meaning and requirements of Supplement R of the Internal Revenue Code, as amended, and section 1808 (f) thereof, the stock and securities and other property to be transferred, conveyed, exchanged, received or distributed upon such transactions and expenditures and investments to be made, being specified and itemized as follows:

1. The retirement by Philadelphia of the 230 outstanding shares of its 5 percent Preferred Stock by payment in exchange therefor of $12 per share in cash, plus cash in an amount equal to divi-

mission, 425 Second Street NW., Washington, D. C., a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and Rule U-70 thereunder with respect to the issuance and sale by Kentucky Utilities Company ("Kentucky"), a subsidiary of The Commonwealth Edison Company, a registered holding company, of 100,000 shares of its Common Stock, $10 par value, at competitive bidding;

Notice of said filing having been duly given in the form and manner required by Rule U-23 and the Commission not having received a request for a hearing with respect to said declaration within the time set forth in said notice or otherwise, and the Commission not having ordered a hearing thereon;

The Commission finding that the applicable standards of the act and the rules thereunder are satisfied and that no adverse findings are necessary;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration be and it hereby is granted, effective forthwith, and that the proposed transaction may be consummated forthwith upon the following terms and conditions:

1. That the issuance and sale of said shares of Common Stock shall be made at competitive bidding in accordance with Rule U-50 and that Kentucky shall file with the Commission a report of the results of such competitive bidding;

2. That the fees and expenses to be paid or incurred in connection with the proposed transaction shall not exceed $15,000 plus $1,000 for each 10,000 shares of Common Stock sold in excess of 100,000 shares, and that Kentucky shall file with the Commission a certificate of notification setting forth the fees and expenses paid or incurred in connection with the proposed transaction;

3. That Kentucky shall file with the Commission a certificate of notification setting forth the number of shares of Common Stock sold, the price per share and the net proceeds received therefrom.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 52-9527; Filed, Aug. 29, 1952; 8:46 a. m.]

[4th Sec. Application 27350]

SOUTHERN RAILWAY CO. ET AL.

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for authority to establish rates for the transportation of iron and steel articles, as described in the application, from Ensley, Alabama, to Memphis, Tennessee, and Birmingham, Alabama, to Memphis, Tennessee.

Any interested person desiring the Commission to hold a hearing upon such application shall request it in writing within 30 days from the date of this notice, and shall specify with particularity the facts which support his interest and the reasons why such relief should not be granted without hearing.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9528; Filed, Aug. 29, 1952; 8:46 a. m.]

dends accrued and unpaid upon such stock to the effective date of Step 4, as amended; such cash to be paid out of the proceeds of sale of the Equitable Gas Company Debentures, to the extent available and required, in accordance with subparagraph 7 below.

2. The transfer and payment by Philadelphia to the holders of its 491,140 shares of outstanding 6 percent Preferred Stock, in exchange for and retirement of each share presently outstanding, of one share of the 4 percent Preferred Stock of Duquesne Light Company ("Duquesne") plus $13 in cash, such cash to be decreased or increased by the amount that dividends accrued to the effective date of Step 4, as amended, on the Duquesne 4 percent Preferred Stock to be received exceed or are less than the dividends accrued to said effective date on the Philadelphia 6 percent Preferred Stock to be exchanged therefor, as the case may be, and the transfer and delivery by the holders of said 6 percent Preferred Stock of Philadelphia to Philadelphia of said shares in exchange for said shares of 4 percent Preferred Stock of Duquesne and said cash; any cash so payable in retirement of said Philadelphia 6 percent Preferred Stock to be paid out of the proceeds of sale of the Equitable Gas Company Debentures, to the extent available and required, in accordance with subparagraph 7 below.

3. The transfer by Philadelphia to the holders of the 34,596 shares of outstanding Consolidated Preferred Stock in exchange for and retirement of each share presently outstanding, of one share of the 4 percent Preferred Stock of Duquesne, with cash adjustment of dividends as provided in Step 4, as amended, and the transfer and delivery by the holders of said Consolidated Preferred Stock of said shares in exchange for said shares of 4 percent Preferred Stock of Duquesne, with said cash adjustment of dividends as provided in Step 4, as amended.

4. The transfer and delivery by Philadelphia to the Exchange Agent provided for by Step 4, as amended, of the cash and 525,736 shares of 4 percent Preferred Stock of Duquesne (represented by Certificate No. 3 registered in the name of Philadelphia) specified in subparagraphs 1, 2 and 3 above, the transfer of said certificate for said 4 percent Preferred Stock of Duquesne to, and the registration of said stock in the name of, said Exchange Agent or its nominees, the transfer and delivery to Philadelphia or to said Exchange Agent (or to any subagent appointed by said Exchange Agent with the approval of Philadelphia) by the holders thereof of the aforesaid 5 percent and 6 percent Preferred Stocks of Philadelphia and Consolidated Preferred Stock in exchange for said 4 percent Preferred Stock of Duquesne and/or cash, the transfer and delivery by said Exchange Agent or any such subagent to said holders of Preferred Stocks of Philadelphia and Consolidated Preferred Stock of said 4 percent Preferred Stock of Duquesne (by certificates issued against, and upon transfer by said Agent of part of the shares represented by, such certificate or certificates so to be registered in the name of said Exchange Agent or its nominees) and/or cash upon such exchanges, the transfer and delivery by said Exchange Agent to Philadelphia of the Philadelphia 5 percent and 6 percent Preferred Stocks and the Consolidated Preferred Stock received by the Exchange Agent or any such subagent upon such exchanges and the transfer and delivery by Philadelphia to The Consolidated Gas Company of the City of Pittsburgh for cancellation of said Consolidated Preferred Stock, all as provided in Step 4, as amended.

5. The transfer and delivery by said Exchange Agent to Duquesne, upon the expiration of five years from the date of deposit with said Exchange Agent by Philadelphia, as stated in subparagraph 4 above, of the 4 Percent Preferred Stock of Duquesne and cash, of all certificates for shares of said 4 Percent Preferred Stock of Duquesne, together with all cash received by said Exchange Agent as dividends or otherwise thereon, which are then held by said Exchange Agent in respect of 6 Percent Preferred Stock of Philadelphia or Consolidated Preferred Stock not theretofore surrendered for exchange, and the payment by said Exchange Agent to Philadelphia or its successor or assignee, upon the expiration of said five year period, of all cash deposited with it by Philadelphia and then held by it in respect of said stocks not theretofore surrendered for exchange.

6. The sale by Philadelphia to Equitable Gas Company for cash, upon the redemptions thereof which have heretofore taken place, of $146,000 principal amount of Twenty-Year 3⅜ Percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company, the transfer and delivery by Philadelphia of said Debentures and the receipt by Philadelphia of the redemption price therefor.

7. The application and expenditure by Philadelphia, to the extent required therefor, of the balance of the proceeds from the sale by Philadelphia of $11,000,000 principal amount of Twenty-Year 3⅜ percent Sinking Fund Debentures, due March 1, 1970, of Equitable Gas Company (pursuant to the Commission's order dated June 21, 1950) in excess of the amount previously expended for retirement of Philadelphia's $6 Cumulative Preference Stock, as well as the sum of $151,694 heretofore received by Philadelphia upon redemption by Equitable Gas Company of $146,000 principal amount of said Debentures, together with, subject to the further order of this Commission approving such sale, the entire proceeds which may be derived by Philadelphia from any sale which Philadelphia may make, pursuant to such further order, of $6,354,000 principal amount of said Debentures now held by Philadelphia, in and for the retirement and cancellation of Philadelphia's 5 and 6 percent Preferred Stocks presently outstanding, to the extent that cash is payable in exchange for said Preferred Stocks pursuant to Step 4, as amended, as approved by this Order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9525; Filed, Aug. 29, 1952; 8:46 a. m.]

[File Nos. 54-198, 59-98]

INVESTMENT BOND AND SHARE CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR APPROVAL OF FEES AND EXPENSES, FOR DISMISSAL OF PROCEEDING AND FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE A HOLDING COMPANY

AUGUST 26, 1952.

In the matter of Investment Bond and Share Corporation and Its Subsidiaries and William J. Walsh, Edwin Joseph Smail, John F. Baker, George M. Baker, Catherine E. Baker, Katherine M. Baker, John T. Walsh, William F. Walsh, Janice G. Walsh, Anne W. Smail, Edwin W. Smail, Barbara S. Johnson, Wallace D. Johnson, and Baker, Walsh & Co., Respondents, File No. 59-98; and Investment Bond and Share Corporation and Its Subsidiaries, File No. 54-198.

The Commission by Order dated July 11, 1952, having, among other things, approved a plan of liquidation of Investment Bond and Share Corporation ("IBS") pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and having reserved jurisdiction with respect to the payment of all fees and expenses incurred and having continued jurisdiction with respect to the proceedings instituted by the Commission pursuant to section 11 (b) and other sections of the act:

IBS and the other respondents having filed (1) a notification pursuant to Rule U-24 certifying that said plan of liquidation and other proposals have been consummated in accordance with the provisions of said plan and related proposals, (2) an application requesting approval of fees and expenses aggregating $38,006, including counsel fees of $30,000 payable to Dallstream, Schiff, Stern & Hardin, counsel to IBS, and $1,180 payable to Arthur Young & Company for accounting services, (3) requesting a dismissal of the proceeding instituted by the Commission pursuant to section 11 (b) of the act, among others, as to all respondents named therein and listed above, and (4) requesting an order declaring that IBS has ceased to be a holding company under the act:

Notice is hereby given that any interested person may, not later than September 10, 1952, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9528; Filed, Aug. 29, 1952; 8:46 a. m.]

[File No. 70-2910]

ARKANSAS POWER & LIGHT CO.

ORDER REGARDING ISSUANCE AND SALE OF FIRST MORTGAGE BONDS SUBJECT TO RESERVATION

AUGUST 26, 1952.

Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder regarding the following proposed transactions, which are more fully set forth in the application, as amended:

Arkansas proposes to issue and sell pursuant to the competitive bidding requirements of Rule U-50, $15,000,000 principal amount of First Mortgage Bonds, -- percent series, due 1982, to be issued under and secured by the company's Mortgage and Deed of Trust dated as of October 1, 1944, as heretofore supplemented, and as to be further supplemented by a Sixth Supplemental Indenture to be dated as of September 1, 1952. The proceeds of the proposed sale of bonds will be used to finance, in part, Arkansas' construction program for the years 1952 and 1953 which is estimated to require the expenditure of approximately $60,000,000 of which approximately $8,800,000 had been expended by June 30, 1952;

Said application having been filed on August 5, 1952, an amendment thereto having been filed on August 22, 1952, notice of said filing having been given in the form and manner required by Rule U-23, promulgated pursuant to said act, the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed issuance and sale of securities are for the purpose of financing the business of Arkansas as a public utility company, and that the proposed transactions have been specifically approved by Arkansas Public Service Commission, the State Commission of the State in which Arkansas was organized and is doing business; and the Commission deeming it appropriate to grant said application, as amended, without the imposition of terms or conditions other than those set forth below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions contained in Rule U-24 that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the following conditions and reservations:

1. That the proposed issuance and sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record as so completed, and

2. That jurisdiction be, and the same hereby is, reserved with respect to the payment of fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52-9527; Filed, Aug. 29, 1952; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27349]

FOREIGN WOODS FROM HALLSBORO, N. C. TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1226.

Commodities involved: Lumber, logs, flitches or piling of foreign woods, also built-up woods, dimension stock, and carpenters moulding, carloads.

From: Hallsboro, N. C.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1226, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9526; Filed, Aug. 29, 1952; 8:47 a. m.]

[4th Sec. Application 27350]

CRUDE PETROLATUM FROM NEW ORLEANS, LA., GROUP TO POINTS IN NEW YORK, OHIO, PENNSYLVANIA AND WEST VIRGINIA

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1253.

Commodities involved: Crude petrolatum, in tank-car loads.

From: New Orleans, La., and points grouped therewith.

To: Points in New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1253, Supp. 55.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 52-9537; Filed, Aug. 29, 1952; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 3, Amdt. 2]

ANN ARBOR RAILROAD CO., ET AL.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 3 and good cause appearing therefor: It is ordered, That:

Taylor's I. C. C. Order No. 3 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 30, 1952, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., August 31, 1952; and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads sub-

scribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., August 26, 1952.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 52-9540; Filed, Aug. 29, 1952; 8:48 a. m.]

[4th Sec. Application 27351]

CEMENT FROM POINTS IN KANSAS AND DEWEY, OKLA., TO PORT ORANGE, FLA.

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 3844.

Commodities involved: Cement and related articles, carloads.

From: Chanute and other producing points in Kansas and Dewey, Okla.

To: Port Orange, Fla.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3844, Supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission. Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9538; Filed, Aug. 29, 1952; 8:46 a. m.]

[4th Sec. Application 27352]

GRAIN FROM CERTAIN MIDWESTERN POINTS TO CAIRO AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

AUGUST 27, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. E. Kipp, Agent, for carriers parties to his tariff I. C. C. No. A-3866.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Missouri River crossings, also Albright Nebr., Minneapolis, Minnesota Transfer, St. Paul, and South St. Paul, Minn.

To: Cairo and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: L. E. Kipp, Agent, I. C. C. No. A-3866, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 52-9539; Filed, Aug. 29, 1952; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

GERDA HUBER, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gerda Huber, Ulm, Germany; Willi Hoefner, Erlangen, Germany; Hans Hoefner, Ulm, Germany; Claims Nos. 37499, 37500, 37501; $10,755.20 in the Treasury of the United States, and of this amount: $3,585.07 to Gerda Huber; $3,585.06 to Willi Hoefner; $3,585.07 to Hans Hoefner. Vesting Order No. 1272.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9569; Filed, Aug. 29, 1952; 8:50 a. m.]

ELISABETH NICKLAS

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisabeth Nicklas, Bad Homburg v. d. Hoehe, Germany; Claim No. 58358; $8,508.89 in the Treasury of the United States; 2½ percent United States Treasury Bonds of 1966-71, due 3-15-1971, Nos. 167240-44, in the amount of $1,000 each, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.; 2½ percent United States Treasury Bonds of 1964-69, due 6-15-1969, Nos. 87353 and 95145, in the amount of $500 each, and Nos. 202900-01 and 194087-90, in the face amount of $1,000 each, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.; German Central Bank for Agriculture 7 percent 1st Lien Gold Farm Loan Sinking Fund Bond, due September 15, 1950, No. 19380, in the face amount of $1,000, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York, N. Y.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9570; Filed, Aug. 29, 1952; 8:51 a. m.]

SOCIETE D'EXPLOITATION DES PROCEDES DABEG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Societe d'Exploitation des Procedes Dabeg, Paris, France; Claim No. 36637; property described in Vesting Order No. 2625 (8 F. R. 17245, December 22, 1943) and 293 (7 F. R. 9836, November 26, 1942), relating to United States Letters Patent and Patent Application and contract interests identified in Schedule A, attached hereto and made a part hereof.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

SCHEDULE A—PROPERTY VESTED FROM SOCIETE D'EXPLOITATION DES PROCEDES DABEG

I. PATENTS

Patent No.	Date issued	Inventor	Title	Date assigned	Vesting order No.
1,638,736	8- 9-27	Johann Kupka	Cylinder Casting for Steam Engines	4- 1-31	2625
1,665,999	4-10-28	do	Locomotive Valve Gear	4- 1-31	2625
1,697,097	1- 1-29	Nicholas Vanderhorst et al.	do	4- 1-31	2625
1,738,435	12- 3-29	Johann Kupka	Cam Operated Balanced Valve Gear for Steam Locomotives and Like Engines.	4- 1-31	2625
1,748,844	2-25-30	do	Valve Gear	4- 1-31	2625
1,884,044	4-12-32	do	Valve Box for Steam or Like Engines	1-17-41	2625
1,935,363	11-14-33	do	High Powered Steam Engines Such as Locomotive Engines.	11-17-31	2625
2,035,648	12-29-36	Paul Rime-Bruneau	Controlling Device for Rotating Shafts	10-25-34	666
2,075,169	3-30-37	Albert Reblinger et al	Valve Gear for Steam and other Engines	5-21-37	2625
2,155,195	4-18-39	Julius Kirchhof	Adjustable Thrust Bearing for Valve Springs.	10-14-36	2625
2,178,236	10-31-39	Herman Lindars	Valve Control Mechanism for Steam Engines.	10-15-36	2625
2,218,821	10-22-40	John J. Kupka et al (one-half interest).	Valve Mechanism	1-17-41	2625
2,223,161	12- 3-40	Paul Rime-Bruneau	Actuating Mechanism for Poppet Valves	5-27-37	2625
2,232,330	2-18-41	Pierre Lavarde	Valve Gear for Steam Engines	10-29-37	2625
2,243,055	5-20-41	Julius Kirchhof	Locomotive Valve Actuating Mechanism	7- 1-38	2625
12,320,613	6- 1-43	do	do	11- 3-39	293

[1] Vested as Patent Application Serial No. 282,338, filed July 1, 1939.

II. CONTRACT INTERESTS

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societe d'Exploitation des Procedes Dabeg by virtue of an agreement dated April 27, 1937 (including all modifications thereof and supplements thereto, if any), by and between Societe d'Exploitation des Procedes Dabeg, the Associated Locomotive Equipment, Limited and the Franklin Railway Supply Company, which agreement relates, among other things, to Patent No. 2,243,055 to the extent owned by Societe d'Exploitation des Procedes Dabeg immediately prior to the vesting thereof by Vesting Order No. 2625.

[F. R. Doc. 52-9572; Filed, Aug. 29, 1952; 8:51 a. m.]

MARIE PERNERSTORFER AND LEOPOLD PERNERSTORFER, JR.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Marie Pernerstorfer, Vienna, Austria; Leopold Pernerstorfer, Jr., Vienna, Austria; Claim No. 39563; $497.76 in the Treasury of the United States. One-half thereof to each claimant.

Executed at Washington, D. C., on August 26, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-9571; Filed, Aug. 29, 1952; 8:51 a. m.]